

TITLE PLANNING PROPOSAL - DAVID KETTLE CONSULTING / ADW JOHNSON IN RESPECT OF NO'S 85 - 93 (LOTS 1 - 4 DP 259824/LOT 13 DP 550325) AND NO'S 95 - 97 (LOT 1 DP 255797/LOT 101 DP 1102271) KARALTA ROAD ERINA (IR 7885346)

Directorate: Environment and Planning
Business Unit: Integrated Planning

Disclosure of political donations and gifts - s147 Environmental Planning and Assessment Act (EP&A Act).

"A relevant planning application means: (a) a formal request to the Minister, a Council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site". The following item is an *initial report* to consider a request to Council to prepare a *Planning Proposal*; hence it falls under the definition of a '*relevant planning application*'.

No disclosure was made by the applicant pursuant to s147 EP&A Act.

INTRODUCTION

Reason for Referral to Council: This report discusses merits for Council's consideration and decision of whether or not to prepare a Planning Proposal (Planning Proposal) (*which, if supported would result in a Local Environment Plan (LEP)*), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State). Appendices 1, 2 and 3 outline locality map, existing zoning map and proposed zoning map (respectively).

Application Received: April 2010

Environmental Planning Instrument – Current Zone: For house numbers 85 - 93 Karalta Road Erina, 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under Interim Development Order No.122 and for house numbers 95 - 97 Karalta Road Erina, 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under Interim Development Order No.122 as amended by LEP 403 (Housing for Older People and People with a Disability).

Area: 3.9 ha (85 - 93 Karalta Road Erina) and 7.5 ha (95 - 97 Karalta Road Erina).

Background / Landuse History:

The Department of Planning (DoP), in correspondence that accompanied the Section 65 Certificate for the draft Gosford LEP 2009, required that Council initiate a Planning Proposal (PP) for the rezoning of land to the 'south side of Karalta Road' to an appropriate urban zone. The Department's correspondence also required that consultation occur with the local office of the Department to determine the extent of land to be covered by the PP.

It was determined after consultation with the DoP that the land to be covered by the PP consist of the Woodglen Retirement Village (95 -97 Karalta Road) which is currently zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) with an accompanying enabling clause to permit Housing for Older People and People with a Disability, (subsequently developed for a retirement village) and 85 - 93 Karalta Road Erina consisting of 5 parcels of land with a total area of 3.9 ha with this land also zoned 7(c2).

The land at 85 - 93 Karalta Road Erina had been subject to a rezoning application under the EPA Act prior to changes that introduced the Gateway Process incorporating PPs.

Council, at its meeting held on 6 May 2008, considered a report in relation to a range of matters to further progress the Comprehensive LEP. As part of this process, Council formally considered the rezoning application for 85 - 93 Karalta Road to determine whether it could be supported for inclusion in the Comprehensive LEP. Council resolved to take no further action to rezone the land for the following reasons:

- 1 The proposal is an ad hoc and incremental extension of the Medium Density Residential zone boundary on the urban fringe.
- 2 The proposal creates an undesirable precedent for rezoning other lots in the E3 zone along Karalta Road and throughout the City, without a strategic basis.
- 3 There is no capacity in the existing water and sewerage systems to accommodate the additional lots.

As identified above, the PP is to cover the Woodglen Retirement Village at 95 - 97 Karalta Road. No vacant land remains that relates to the Village that has not been developed or does not according to the applicant have substantial commencement for development related to the retirement village. The purpose of the Department's request in relation to the preparation of a Planning Proposal as it relates to Woodglen Retirement Village is not to propose a change in the development on the land but have the the zoning of the land more fully reflect the development on the land.

Applicant's Submission:

No's 85 - 93 Karalta Road Erina

The subject site covers 5 properties with a total area of 3.9 ha. Each property contains a dwelling house and ancillary structures. Landscaped gardens, disturbed open forest and some grasslands surround the dwellings. The properties have frontage to either Karalta Road or Bronzewing Drive, Erina. Medium Density residential development is located to the west and southwest, Erina Fair is located to the north while Woodglen Retirement Village is located to the east and Kincumba Mountain Reserve adjoins the southern and south - eastern boundary.

The principal objective, or intended outcome of the proposed LEP, is to provide for the rezoning of the subject lands to a medium density residential zone to enable them to be developed as residential flat buildings due to:

- The location of the land adjoining Erina Town Centre
- The goals and objectives of the adopted Central Coast Regional Strategy to encourage higher density residential development up to six storeys in height within 800 metres of Erina Town Centre
- The character of surrounding lands that have mainly been developed for higher density residential flat buildings, seniors living projects and a regional shopping centre

The planning controls proposed by the applicant are;

- Minimum Lot Size - 1000 sq.m.
- Building Height - 12 metres
- Floor Space Ratio - 1.5:1

A Flora and Fauna Assessment Report has concluded that;

- No threatened flora species were observed within the subject site during surveys
- The threatened fauna species, the Grey-headed Flying-Fox, Little Bent-Wing Bat, Eastern Bent Wing Bat and Southern Myotis were observed during the surveys
- No endangered populations or ecological communities were observed within the subject site
- The proposed development is not likely to have a significant effect on threatened species, populations or ecological communities or their habitats
- The proposed development is not likely to have a significant effect on the local population of the Yellow Bellied Glider

A Bushfire Assessment has concluded that;

- The subject site has a bushfire threat adjoining the south-east of the site, adjoining Kincumba Mountain Reserve
- A minimum separation (Asset Protection Zone) and Construction Standard was determined for various aspects of the proposed dwellings
- Any proposed dwellings will require a minimum of 20 metres separation distance from the bushfire threat and will require construction to either Level 3, 2 or 1 Construction Standards in accordance with Australian Standard AS3959.
- With the implementation of the measures recommended in the Bushfire report the overall aims and objectives of Planning for Bushfire Protection can be achieved for any future development following rezoning

A sewerage system analysis has concluded that;

- Some parts of the existing sewerage system will require augmentation as well as the installation of new pumps at sewerage pumping system station (ER1)

The applicant has provided a draft of a Development Control Plan relating to the future development of the land for residential purposes.

The issues raised in the applicant's submission have been considered in the assessment of the proposal.

No's 95 - 97 Karalta Road Erina (Woodglen Retirement Village)

The applicant has provided correspondence to support the Planning Proposal;

- A Residential zoning is more reflective of the current landuse of the site. In this regard the site is essentially already developed for residential purposes ie a retirement village currently comprising 72 self care units, with commencement confirmed by Council for the remaining 42 units approved under existing consents
- The existing zone does not reflect the existing use of the site, nor the majority of surrounding landuses, which comprise retirement villages, assisted care units and nursing homes and commercial land uses within the Erina Fair site
- The existing zone is not appropriate as the site no longer exhibits any conservation / environmental qualities or attributes
- A residential zone is consistent with the zoning proposed for the land immediately to the west (85 - 93 Karalta Road)
- The R1 zone is appropriate given the location of the site in close proximity to Erina Fair, bus services and a range of support retail, commercial, health and community facilities.

The issues raised in the applicant's submission have been considered in the assessment of the proposal.

'Gateway' planning process

An LEP is a legal instrument that imposes standards to control development and it may reserve land for public purposes and protect trees and vegetation. The purpose of an LEP is to achieve the objects of the EP&A Act and they are a means to implement strategies.

The first step in Council developing a *local environmental plan* (ie zones, landuses, building heights, etc) under the *gateway* process is preparing a *Planning Proposal*. The Planning Proposal *explains the proposed LEP* via objectives / intended outcomes, provisions, justification of outcomes.

The 'gateway' process allows a PP to be reviewed at an early stage by the DoP to make a decision whether to proceed further, ie. does the PP have merit to proceed to community consultation stage. The 'gateway' determination will ensure there is sufficient justification early in the process to proceed. It is a checkpoint before significant resources are committed to carrying out technical studies.

The key stages in a PP are as follows:

- Assessed by Council, and if supported is prepared and forwarded to DoP
- DoP will consider then forward a recommendation to the *LEP Review Panel*
- LEP Review Panel will consider then forward a recommendation for 'gateway' determination to the *Minister for Planning* (or delegate), together with DoP's advice
- Minister will determine if it will proceed (with/without variation), be re-submitted to Council (for studies/revision), community consultation required, Government authorities consultation, need for a public hearing and timeframes for each step.

Following completion of all the above processes by Council, the Minister may make, vary, not proceed, defer certain matters or delegate making of the plan to the Director General of DoP.

Tabled Items: Nil

FINANCIAL IMPACT STATEMENT

The direct cost to Council is the preparation of the PP and Council's initial fee has been paid for this service.

It is recommended to Council that a component of affordable housing be provided by the owners and developers of the land (85 -93 Karalta Road) to be rezoned to a higher economic use. The legal agreement to secure the future affordable housing dedicated in perpetuity to Council, should also require that such housing be managed by a Community Housing provider and in a manner that ensures that all costs of the housing's maintenance, strata fees, and the like, together with the Community Housing provider's administration costs are covered by the subsidised rental (see discussion in Section 10 Social Impact under Assessment for details). This being the case, the recommendation does not impact on Council's financial position.

Planning Proposal Gosford City Council 85 - 93 (Lots 1 - 4 DP 259824 / Lot 13 DP 550325) and 95 - 97 (Lot 1 DP 255797 / Lot 101 DP 1102271) Karalta Road Erina

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department of Planning's *A Guide to Preparing Planning Proposals*.

A gateway determination under Section 56 of the Environmental Planning and Assessment Act is requested from the Department of Planning.

The two components of the subject area are the western 5 lots (No.s 85 - 93) developed primarily with dwelling-houses and the eastern 2 lots (No.s 95 - 97) developed as a retirement village.

Part 1 Objectives or Intended Outcomes

s.55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective/intended outcome of the Planning Proposal is to implement objectives and actions of the Central Coast Regional Strategy (CCRS). In this regard, Erina has been designated as a Town Centre under the CCRS. The CCRS has stated in relation to designated Town Centres that;

'planning strategies will be required to determine low to mid - rise living opportunities (up to six storeys, where appropriate) in and around the core of the centre (up to 800 metres from the centre).'

The subject land is located within 800 metres of the core (ie Erina Fair), therefore the land is locationally suitable for more intense residential development. The Woodglen Retirement Village (95 - 97 Karalta Road) has been developed or has consent to be developed for medium density residential development in the form of a retirement village in accordance with the enabling clause for the land.

Discussion relating to the Planning Strategy referred to in the CCRS for the Erina Town Centre is provided in subsequent sections of this report.

Part 2 Explanation of Provisions

s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objectives/intended outcomes are to be achieved by amending the current planning controls for the land. A meeting was held with the owners and the applicant for properties 85 - 93 Karalta Road prior to the lodgement of the Planning Proposal. At this meeting the applicant and owners were advised that Council would wish to see development similar to surrounding medium density development.

This would consist (under draft LEP 2009) of an R1 Residential zone, maximum height of 11 metres (3 storeys), floor space ratio of 0.85:1 and a minimum lot size of 1000 sq.m. Heights and floor space ratios are generally consistent with medium density in the Erina locality. The minimum lot size is larger than what is evident in Erina and Gosford generally. The applicant though has proposed an R1 Residential zone with a height of 12 metres, a floor space ratio of 1.5:1 and a minimum lot size of 1000 sq.m.

The density (floor space ratio) proposed by the applicant will result in the loss of significant amounts of existing established vegetation. This vegetation should be a key component for retention and integration with any medium density development on the land. The proposed floor space ratio of 1.5:1 would leave little land for open space/landscaping. In this regard, the 1.5:1 floor space ratio proposed by the applicant is the same as development in the John Whiteway

Drive precinct in Gosford, although the permitted heights in that precinct are significantly greater.

In addition to an inconsistency with surrounding development, it is considered that the heights and floor space ratios proposed by the applicant do not represent the type of development that would be attractive to developers as the height proposed would involve the inclusion of lifts in a location where the market price of units may not justify the cost of lifts within a development. A 11m height provides for a maximum 3 storeys, assuming 2.8m per storey (floor to ceiling plus floor thickness), whereas a 12m height allows for 4 storeys which will have a reduced viability outcome.

Based on Council's proposed height and density provisions (11 metre height, 0.85:1 FSR and 1,000 sq.m minimum lot size) up to 200 units could be constructed over the existing 5 lots or a population of 350 - 370 people.

For 95 - 97 Karalta Road, the existing zone and enabling clause will be replaced by a zone and relevant height and floor space ratio, no minimum lot size is proposed as the land is not subject to Torrens Title. For the purposes of consistency, it is proposed that the zones, height and floor space ratio proposed be the same as Council has proposed for 85 - 93 Karalta Road, these being zoned Residential R1, a height of 11 metres and a floor space ratio of 0.85:1.

s.55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

Maps are provided in the Appendix to this report.

Part 3 Justification

s55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

1 Is the Planning Proposal a result of any strategic study or report?

The CCRS has identified the need for a planning strategy for the Erina Town Centre (Action 4.10). The preparation of this strategy has not been commenced by Council due to priority work on draft Gosford LEP 2009. Funding has been allocated by Council to commence investigations for the 2010/2011 financial year. Initial discussion has taken place with DoP regarding the extent of land to be covered by the study and the scope of the issues that need to be addressed.

The determination of the Planning Proposal prior to the preparation of a planning strategy for Erina is a direct result of the DoP direction that a Planning Proposal be initiated by Council for the land. The lack of a strategic direction for the Erina Town Centre has led to a situation where there are no guidelines for the appropriate level / density of development on 85 - 93 Karalta Road, hence Council's request of the applicant that the development controls be generally consistent with existing surrounding development in order to proceed now ahead of the strategy.

The applicant for this land has proposed height and floor space controls that are greater than those in the surrounding area and Council does not have an adequate

strategic basis to provide alternate controls other than those that already exist in the surrounding area.

For 95 - 97 Karalta Road, the Planning Proposal reflects the nature of development in recent times on the land and has not been based on any strategic study or report.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal will achieve the outcome of providing higher density living in close proximity to Erina Town Centre which contains a wide variety of retail / commercial outlets and an important transport hub for regional bus services. The Planning Proposal, as it relates to 85 - 93 Karalta Road, is considered to be premature and should be included for consideration in the wider Erina Town Centre Strategic Plan where the Planning Proposal can be considered in the context of planning for all the Erina Town Centre. DoP has directed the initiation of the Planning Proposal and therefore would expect its determination by Council in a timely manner.

For 95 - 97 Karalta Road, the Planning Proposal is one means of ensuring that the zoning of the land more closely reflects the development on the land. Another option is that Council alters the zone when considering submissions or the Department of Planning alter the zone as part of its consideration at S68 stage of the draft Gosford LEP 2009.

3 Is there a net community benefit?

The community will gain a net benefit as a result of the development of higher density living in close proximity to a Town Centre. The net benefits of higher density living in such locations have been described in the Regional Strategy and other strategic policy documents and they include:

- Greater use of public transport services for access to employment, retail / commercial, community facilities and consequentially reduced use of private cars for access to places of employment, facilities and services
- Reduced cost of utility services through lower cost augmentation of existing utility services
- Reduced need for urban expansion into green-fields locations
- Provision of a variety of housing choices, particularly for younger people and seniors

Council's Senior Social Planner has provided, in part, the following comments;

'Given the growing affordability issues facing the LGA, consideration needs to be given to opportunities to increase the level of affordable housing and create a net community benefit to any rezoning or change of use of land.'

The issue raised by the Senior Social Planner relating to affordable housing is discussed in more detail in Section 10 of this report.

For 95- 97 Karalta Road no issue arises as the land has been mostly developed for a retirement village.

Section B Relationship to strategic planning framework

4 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

The Planning Proposal is considered to be consistent with the CCRS in that it provides for higher density living in close proximity to Erina Town Centre. The completion of the Erina Town Centre Strategic Plan that incorporates this land would finalise the strategic planning process envisaged under the CCRS and as stated earlier it is considered that the Planning Proposal should be included in the strategy. It is noted though that this is not the current view of the Department of Planning.

5 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with Gosford Council's Vision 2025 which has identified a strategy to *"promote development around compact urban areas to reduce urban sprawl to retain bushland and rural landscapes, whilst maintaining Gosford City's diverse character"*.

It is considered that a rezoning for 85 - 93 Karalta Road will also be consistent with Council's Affordable Housing Strategy through the process outlined in the Section 10 of this report .

For 95 - 97 Karalta Road no issues arise as the proposed rezoning reflects the current use of the land.

6 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPP). Additional information on specific SEPPs is proved below.

State Environmental Planning Policy No. 19 - Bushland in Urban Areas applies to land adjoining bushland zoned for public open space purposes. The subject land adjoins the Kincumba Mountain Reserve which is zoned 6(a) Open Space (See Appendix).

In accordance with Clause 10 of SEPP 19 - Bushland in Urban Areas, the aims and objectives of this SEPP need to be considered and addressed.

'When preparing draft local environmental plans for any land to which this Policy applies, other than rural land. The council shall:

- (a) have regard to the general and specific aims, and*
- (b) give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.'*

For 85 - 93 Karalta Road, the land adjoins Council owned Open Space zoned land to its south (Kincumba Mountain). Properties 85 - 93 Karalta Road provide a vegetated buffer consisting of native bushland to the Open Space zoned land. Bushfire protection provisions, if the land was zoned residential, will limit the amount of bushland that can be retained along the boundary between the land and the Open Space zoned land.

If 85 -93 Karalta Road was zoned for residential purposes, a public reserve should be created along the lands' frontage to Karalta Road with a width of 10m to protect existing vegetation consisting of visually significant trees. This will amount to a total area of approximately 2,000 sqm (This land could form part of the Karalta Road building setback in the development of the land and be included in a DCP for the land).

The proposed minimum lot size of 1000 sq.m. for the resubdivision of the land is larger than average for medium density development in the City in order to encourage retention of bushland, thus satisfying SEPP 19. Further, non- structured open space areas (public reserves) with a total area of approximately 4,000 sqm. are proposed to be incorporated on the land as part of a Development Control Plan (DCP) for the land, with these areas retaining as much existing vegetation as possible.

It is noted that the vegetation onsite does not provide habitat for endangered or threatened species. The bushland itself is not of a variety that is endangered, threatened or significant to the region.

Council's Senior Environmental Officer has provided the following comment, which is relevant in the assessment of the proposal against SEPP 19;

'The current proposal is another example of incremental non strategic rezoning of conservation lands to residential. To avoid the tyranny of small decisions it is recommended that this rezoning proposal be placed on hold until an overall strategic Erina Local Environmental Study (LES) is completed. As part of any strategic Erina LES, a comprehensive study of the Kincumba Mountain Reserve focusing on what importance adjoining conservation zoned rural residential lands play in the long term viability of threatened species population within the reserve'.

The Senior Environmental Officer's comments indicate that the Planning Proposal should be deferred and considered in the context of a wider Erina Town Centre Strategic Plan. As indicated previously, DoP expects a timely consideration of the Planning Proposal and therefore if Council chose to support a residential zoning for the land, the Senior Environmental Officer's recommendation will need to be considered as part of the Erina Town Centre Strategic Plan process. For the subject land, if it was zoned residential, the most appropriate action will be to attempt to retain as much vegetation on the land through the LEP / DCP provisions by the means discussed above.

For 95 - 97 Karalta Road, SEPP 19 is not applicable as development on the land in accordance with the proposed zone has occurred.

7 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with applicable Ministerial Directions (s.117 directions). Additional information on specific Ministerial Directions is provided below.

Direction 2.1 - Environmental Protection Zones

The Planning Proposal would rezone an area of land that is currently zoned 7(c2) Scenic Protection: (Rural Small Holdings) in Interim Development Order No. 122. In this instance it is considered that the inconsistency of the planning proposal with the S.117 Direction for Environmental Protection Zones is justified due to the provisions of the CCRS that encourages the development of lands close to the Erina Town Centre for higher density residential living.

A *Threatened Species Assessment Report* (January 2004) prepared by Andrews Neil Environmental on behalf of the applicant to accompany the previous rezoning application identified two threatened species on 85 - 93 Karalta Road listed under Schedule 2 of the NSW Threatened Species Conservation Act 1995. A Grey-headed Flying Fox was observed foraging on a flowering *Eucalyptus pilularis* and a Large-footed Myotis *Myotis adversus* was recorded by Anabat detector.

The flora and fauna assessment studies that have been undertaken for the land on behalf of the applicant indicate that the proposed development is not likely to have a significant effect on threatened species, populations or ecological communities or their habitats.

For 95 - 97 Karalta Road, no environmental issues apply as the land has been mostly developed for a retirement village.

See Section 8 of this report for further discussion on environmental issues.

Direction 3.1 Residential Zones

This Direction applies where a Council prepares a draft LEP that affects land within an existing or proposed residential zone.

A draft LEP shall include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) be of good design.*

In addition a draft LEP shall, in relation to land to which this direction applies:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to Council, or other appropriate authority, have been made to service it), and*
- (b) not contain provisions which will reduce the permissible residential density of land.*

The Planning Proposal is intended to broaden the choice of housing in the Erina locality at a location that has been identified in the CCRS as being suitable for higher density living, together with a broad variety of services that a Town Centre would provide.

In relation to servicing of 85 - 93 Karalta Road, Council's Water and Sewer Engineering Officer has provided the following comments;

With reference to the proposed Draft Local Environmental Plan that aims to rezone lots 1 - 4 DP259824 and lot 13 DP550325 Karalta Road Erina, you are advised the

Water and Sewer directorate would have no objection to the proposed rezoning / development subject to the following conditions:

Prior to any rezoning being adopted, the applicant shall be responsible for undertaking a water supply and sewer systems capacity analysis on both the 100mm water reticulation main within Karalta Road and the downstream sewerage reticulation system into which the development / rezoned land discharges. The analysis shall extend to a point within the reticulated water supply and sewerage systems where proposed demands / loadings from the rezoned area represent 5% or less than the total capacity of each system. The analysis shall assess the impact the proposed rezoning / development has on Council's existing water and sewerage reticulation systems. The capacity analysis shall be in accordance with WSAA Method for determining system capacity and shall be based upon full development of the area serviced by the water and sewer systems utilising the current land zonings without the rezoned area and a second analysis with the inclusion of additional demands / loads created by the proposed rezoning and subsequent development. Analysis, augmentation and costs would need to meet with Water & Sewer Asset Management approval.

A capacity analysis had been prepared for the rezoning application. This capacity analysis was prepared on a lower development yield. An updated analysis will be required.

The Water / Sewer Engineer provides in principle support of the residential rezoning of the land, though has stated that before the Planning Proposal proceeds to gazettal an updated capacity analysis is required.

The capacity analysis will identify the upgrades in water / sewer infrastructure required to service the land. It is therefore unknown whether these upgrades are economically sustainable for development on 85 - 93 Karalta Road to take place. The result could be that the land will not be developed until either, Council undertakes the upgrades or as a result of other rezonings associated with the implementation of the Erina Town Centre Strategic Plan and therefore the costs can be spread across a number of properties. This situation is not a consideration for the applicant who acts for the existing landowners, however Council must consider the broader situation where all future developers will bare the costs and difficulties associated with this potential situation. If the land was zoned residential, a requirement will need to be included in the DCP that identifies the issue of provision of water / sewer infrastructure.

Further information would be required from providers concerning any necessary augmentation of electricity, gas and telephone services following receipt of the Gateway determination.

For 95 - 97 Karalta Road, the land is serviced within the existing infrastructure for the area.

Direction 3.4 Integrating Land Use and Transport

This direction applies when a Council prepares a draft LEP that creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential purposes.

The Planning Proposal aims to create higher density residential development close to the existing Erina Town Centre as a means to encourage a greater use of public transport and to reduce dependence on cars. This would be achieved by the close proximity of the proposed development to a Town Centre which includes an important public transport hub providing public transport access to major areas of employment and other services within the Central Coast. The planning proposal is therefore considered to be consistent with the objectives of the direction.

Direction 4.4 - Planning for Bushfire Protection

This direction applies when a Council prepares a draft LEP that affects, or is in proximity to land mapped as bushfire prone land.

A *Bushfire Protection Assessment Report* has been prepared by Conacher Environmental (April 2010) for 85 - 93 Karalta Road in order to be consistent with *Planning for Bushfire Protection 2006*. The report concludes that a bushfire threat adjoins the site to the south / southeast from Kincumba Mountain. A minimum separation distance (Asset Protection Zone) of 20 metres is required from the bushfire threat and will require construction to Level 3, 2 or 1 Construction Standards in accordance with Australian Standard AS3959. With the implementation of the measures recommended and outlined in the report, the overall aims and objectives of *Planning for Bushfire Protection* (RFS, 2006) can be achieved for any future development following rezoning.

The s117 Direction requires '*in the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made*'.

This consultation will take place if Council support the Planning Proposal and the Proposal gains a Gateway determination.

Recommendations from the Commissioner of the NSW Rural Fire Service would be incorporated into a DCP for 85 - 93 Karalta Road if it was zoned for residential purposes.

For 95- 97 Karalta Road bushfire protection measures have been incorporated into the development of the land for a retirement village.

Direction 5.1 Implementation of Regional Strategies:

This direction applies to land to which the CCRS applies. The Planning Proposal is generally consistent with the CCRS as it will contribute to the projected increase in population required to be accommodated in the region by 2031 at a location identified for higher density living due to its proximity to the Erina Town Centre.

Direction 6.1 – Approval and Referral Requirements:

Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence / consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

Direction 6.3 – Site Specific Provisions:

The Planning Proposal is consistent with this Direction as the Planning Proposal does not include additional development standards to those that are contained in Council's planning instruments.

Section C Environmental, social and economic impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A *Threatened Species Assessment Report* (January 2004) prepared by Andrews Neil Environmental and submitted by the applicant to accompany the previous rezoning application for 85 -93 Karalta Road identified two threatened species on the subject land listed under Schedule 2 of the NSW Threatened Species Conservation Act 1995.

A Grey-headed Flying Fox was observed foraging on a flowering *Eucalyptus pilularis* and a Large-footed Myotis *Myotis adversus* was recorded by Anabat detector.

Assessment of the proposal by the applicant under the eight part test did not identify any potentially significant impacts on any threatened species, populations or ecological communities. The report concluded that the rezoning is likely to lead to the cumulative loss of native vegetation in the local landscape. However, the applicant concluded, it is unlikely that it would disrupt connectivity within the local landscape. The relatively small size and disturbed condition of the site in addition to the proximity of Kincumba Mountain Reserve were factors leading to the conclusion that the threatened species that were assessed would not be significantly affected by the proposal.

In the assessment of the Planning Proposal, Council's environmental staff raised an issue whether part of the subject land would be used as a corridor for the Yellow-bellied Glider (*Petaurus australis*) and other threatened species from Kincumba Mountain reserve to winter food sources contained in an area of 6(b) zoned *Sydney Coastal Estuary Swamp Forest* to the west of Erina Fair in Lot 2 DP 790925.

A further *Flora and Fauna Assessment Report* (April 2010) has been undertaken (for 85 -93 Karalta Road) by Conacher Environmental on behalf of the applicant. The report includes a Yellow-bellied Glider Corridor Potential Assessment. Due to the construction of a chain-link fence around the land zoned 6(b) to the northwest (ie adjacent to Erina Fair) and the separation of the land from the subject site by a 5-lane wide access road to Erina Fair and Karalta Road, the report concludes that it is not likely that the area provides a suitable movement corridor for the Yellow-bellied Glider.

The conclusions of the report are:

- 1 No threatened flora species were observed within the subject site during surveys;*

- ii *The threatened fauna species, the Grey-headed Flying-fox, Little Bentwing Bat, Eastern Bent-wing Bat and Southern Myotis were observed during surveys;*
- iii *No endangered populations or ecological communities were observed within the subject site;*
- iv *The proposed development is not likely to have a significant effect on threatened species, populations or ecological communities or their habitats;*
- v *The proposed development is not likely to have a significant effect on the local population of the Yellow-bellied Glider;*
- vi *A Species Impact Statement is not required for the proposed development;*
- vii *A referral to the Department of the Environment, Water, Heritage and the Arts (DEWHA) is considered unnecessary.*

Based on the two flora and fauna assessment reports undertaken in 2004 and 2010 the applicant concluded that the proposed development would be unlikely to adversely affect critical habitat or threatened species populations or ecological communities, or their habitats.

The Planning Proposal (as it relates to 85 - 93 Karalta Road) was referred to Council's Senior Environmental Officer who provided the following comments;

The current proposal is another example of incremental non strategic rezoning of conservation lands to residential. To avoid the tyranny of small decisions it is recommended that this rezoning proposal be placed on hold until an overall strategic Erina Local Environmental Study (LES) is completed. As part of any strategic Erina LES, a comprehensive study of the Kincumba Mountain Reserve focusing on what importance adjoining conservation zoned rural residential lands play in the long term viability of threatened species population within the reserve.

Notwithstanding this, if Council wish to proceed with this proposed spot rezoning the following recommendations should be considered;

- *In accordance with Clause 10 of SEPP 19 - Bushland in Urban Areas, the aims and objectives of this SEPP need to be considered and addressed;*
- *Ensure ecological surveys have been undertaken in accordance with Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft, DEC November 2004;*
- *Address the Gosford City Biodiversity Strategy 2008;*
- *Address the approved Recovery Plan for the Yellow-bellied Glider;*
- *Address the approved Recovery Plan for Large Forest Owls;*
- *Any rezoning application will need to explore biobanking offsets to ensure that the proposed rezoning is consistent with, maintain or improve outcomes for biodiversity offsetting.*
- *Any rezoning master plan will need to consider and be designed to ensure 'stepping stone' or 'thoroughfare' habitat is maintained. Such habitat shall be incorporated into the final design layout to provide movement vectors for threatened and non-threatened avian and bat species from Kincumber*

Mountain Reserve to lowland swamp forest vegetation to the north west of the site.

The Senior Environmental Officer's comments indicate that the Planning Proposal should be deferred and considered in the context of a wider Erina Town Centre Strategic Plan. Specific comments from the Senior Environmental Officers relating to 85 - 93 Karalta Road have application to the wider Erina area and should be considered as part of the Erina Town Centre Strategic Plan.

If the Planning Proposal is to be determined prior to the completion of the Erina Town Centre Strategic Plan, as per the expectation of the Department of Planning, then certain site specific provisions are necessary to address the intent of the Senior Environment Officer's comments. If 85 -93 Karalta Road was zoned for residential purposes, a public reserve should be created along the lands' frontage to Karalta Road with a width of 10m to protect existing vegetation. This will amount to a total area of approximately 2,000 sq.m. This land could act as a wildlife - visual - scenic corridor connecting with the Kincumba Mountain reserve via an existing link located along the eastern boundary of the land. (The public reserve land would form part of the Karalta Road building setback in the development of the land and be included in a DCP for the land).

In addition, the minimum lot size of 1,000 sq.m. for the resubdivision of the land is larger than average for medium density development in the City in order to encourage retention of bushland and therefore habitats. Further, non- structured open space areas with a total area of approximately 4,000 sq.m. is proposed to be incorporated on the land as part of a DCP, with these areas retaining as much existing vegetation as possible.

For 95 - 97 Karalta Road no environmental issues apply in relation to the Planning Proposal as the land has mostly been developed for a retirement village.

9 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Urban development will increase run-off from the land. The treatment of stormwater on-site will be necessary. A requirement to be provided under the DCP will ensure that stormwater runoff is not an issue arising from any development of the land. Council's Flooding and Drainage Engineer has provided in comments outlined in Section 11 of this report in relation to the treatment of stormwater.

For 95 -97 Karalta Road, environmental safeguards have been incorporated into the development of the land for a retirement village.

10 How has the Planning Proposal adequately addressed any social and economic effects?

Social Impact

The Planning Proposal was referred to Council's Senior Social Planner who provided the following comments;

'I have reviewed the proposal and due to the location of the development, access to community infrastructure and services are available and located in close proximity.'

Access to public transport is also ideally located. The size of the development will not adversely affect access to services for the broader community.'

'One opportunity that is not considered in the proposal when it considers net community benefit is affordable housing. The proposal talks about including greater choice of housing but does not address the affordability of this housing so the benefit would only be to those who could afford to live in the development.'

'Given the growing affordability issues facing the LGA, consideration needs to be given to opportunities to increase the level of affordable housing and create a net community benefit to any rezoning or change of use of land.'

In accordance with Council's Affordable Housing Strategy, it is proposed that provision be made within the development of the land (85 - 93 Karalta Road) for affordable housing. Council has had discussions with the applicant concerning the provision of affordable housing in the subsequent development of the land. The applicant has objected to Council's proposal for the reason that he considers that Council's proposal is not provided for in Council's Affordable Housing Strategy. For 95 - 97 Karalta Road, this proposal does not have application as the land has been fully developed or has consent for development.

Support for action on affordable housing in a Planning Proposal is provided in a response to a letter to Council concerning the status of the Government's Affordable Housing Strategy (SEPP), from the then Minister for Planning Hon Kristina Keneally dated 27 March 2009. The correspondence states that *'It is proposed that the SEPP will set baseline provisions for encouraging affordable housing but will not prevent local Council's introducing provisions which make more expansive provision for affordable housing. It is intended to develop standard provisions for this purpose which can be included in LEPs'*.

Since this correspondence was received by Council, the SEPP was gazetted but no standard provisions have been developed at this stage.

The Gosford Affordable Housing Strategy was adopted by Council in April 2005, and more recently amended by Council in July 2009. The strategy has not been applied to rezoning applications / planning proposals in the time since it was adopted, as Council has not received rezoning applications / planning proposals for residential development that would be appropriate for consideration under the strategy.

It is considered that the proposal for the provision of affordable housing through the rezoning process on the subject land is in accordance with Council's Affordable Housing Strategy. The relevant section of the strategy is outlined below.

GOAL 3: To provide development opportunities for additional and appropriate affordable housing.

BACKGROUND:

- Redevelopment across Gosford LGA has resulted in the loss of affordable housing with replacement stock coming on to the market at more expensive levels.
- The development industry does not provide a sufficient range of housing tenure required to meet the changing demographic needs of the community.

COUNCIL'S ROLE:

- *Council has a planning role to ensure that a range of housing choices are available for all residents, by identifying appropriate planning tools that create affordable housing stock.*

INDICATORS:

- Proportion of affordable housing achieved through the implementation of new development opportunities.
- Development costs.

STRATEGIES / ACTIONS

- 3.1** *To develop planning mechanisms that provide opportunities for additional and affordable housing*
- 3.1.1** Prepare an affordable housing LEP / DCP that requires the provision of affordable housing that creates inclusive communities as part of future development in the main centres of the city and other appropriate areas.
- 3.1.2** Review and identify appropriate planning policies that allow staged development across the Gosford LGA.
- 3.1.3** Review and identify appropriate planning policies that encourage and support the development of housing cooperatives.

Specifically, Council sees that the subject proposal is in accordance with the *Council's Role* and *Strategy 3.1*. In particular, it is seen that the rezoning of the land with a significant increase in residential development potential arising from the proposed rezoning is an appropriate *planning mechanism* that provides opportunity to provide affordable housing and therefore is in accordance with *Strategy 3.1*.

Outlined below is a summary of how the provision of affordable housing, in accordance with Council's Affordable Housing Strategy, could be provided on 85 -93 Karalta Road ;

- The minimum lot size for the land subject to the planning proposal is proposed to be 1,000 sqm.
- A total of approximately 17 developable blocks of land could be created from the existing land and lot configuration (net of roads and potential lots removed for the purposes of open space & drainage).
- Each of the 17 lots with a minimum area of 1,000 sq m (some lots will be larger than the minimum) has the potential for approximately 10 units (average 90 sq.m per unit / 2 bedroom)
- Council is proposing that 1 unit in each development would be dedicated to Council and then made available for affordable housing and managed by a 'not for profit' Community Housing provider in perpetuity at no cost to Council.
- The mechanism to enable this to occur would **not** be through Section 94 voluntary planning agreement, but as an encumbrance on the title of the land and subsequent resubdivisions.
- The completion of the encumbrance would need to occur prior to the gazettal of the subject planning proposal.

- A developer in purchasing the land from the current owners would be aware that a reduced development yield would apply and the land price would reflect that yield.

(Note; the above mentioned development potentials are indicative only and would be subject to a development application).

How this affordable housing mechanism would work is further explained below;

- On a 10 unit development lot (1,000 sq.m.) the developer would pay the existing owner the equivalent of *9 units in land value*.
- The existing landowner is then providing at no cost (ie from the significantly increased land value resulting from the rezoning) the land component of the affordable housing unit, in this case approximately \$65,000.
- The developer will then provide 10 units in the development but only receive revenue for 9 units. The developer is then constructing at no cost the 10th unit, in this case a value of approximately \$153,000 (2 bedroom unit).
- This unit would be dedicated to Council for affordable housing in perpetuity.

To ensure that the affordable housing proposal does not prevent development of the land by making the development uneconomic, Council's Advisor - Economic Development Officer has completed an economic viability analysis on a ten (10) unit development. It has been determined that with the proposed dedication of one (1) unit in such a development would give a return on investment commensurate with what a developer would require.

Opportunities of this nature will occur with the consideration of possible rezonings as a result of the preparation of the Erina Town Centre Strategic Plan. If Council wishes to pursue this opportunity it may consider the preparation of guidelines for the consideration of planning proposals as a result of the Erina Town Centre Strategic Plan that offer the opportunity for the provision of affordable housing. Such guidelines would ensure that the process continues to occur in a consistent, open and transparent manner.

For 95 - 97 Karalta Road no social issues arise as the land has been mostly developed for a retirement village.

Economic Impact

Future residential development on the land would provide economic and benefits resulting from the use of the retail / commercial and community / recreational facilities at Erina Fair and elsewhere in the Erina Centre and locality, together with increased patronage of public transport.

As indicated above an economic viability analysis has been completed on the effect of the proposal for the provision of affordable housing on 85 - 93 Karalta Road with this analysis determining that development of the land would still be viable.

The proposed development of higher density living in close proximity to the Erina Town Centre is one of the key goals of the CCRS in order to achieve a range of economic benefits as set out in the Strategy.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

As indicated in Section 7 (i.e. S117 Direction 3.1), existing infrastructure in the form of reticulated water, sewerage, gas, telephone and electricity are available in the locality with water / sewer in particular being subject to further investigation to determine if augmentation is needed to accommodate future residential development on the land. Additional information would be sought subject to approval in principle of the Gateway determination.

The Planning Proposal was referred to Council's Traffic Engineer who has commented that the proposal can be supported subject to only one access being provided from development on 85-93 Karalta Road to Karalta Road and the provision of an internal road system. These issues can be addressed through the DCP proposed to be prepared for the land if Council was to support the ongoing preparation of the Planning Proposal. Council's Traffic Engineer supports the provision of an internal road layout for the land, this also can be provided within the DCP. The location of a public reserve along the Karalta Road frontage to be used for the purposes of a wildlife corridor and visual / scenic buffer will also act to prevent access to Karalta Road as no access will be permitted across the public reserve.

The Planning Proposal was referred to Council's Waste Services Section who have identified that 85 - 93 Karalta Road can be serviced for waste services subject to an internal road system, as requested by Council's Traffic Engineer to enable the collection of waste in the most efficient manner.

The Planning Proposal was referred to Council's Flooding and Drainage Engineers who do not object to the proposal but have made the following comments relating to 85 - 93 Karalta Road;

'Stormwater management could be a combination of individual site management (such as stormwater retention for car washing and irrigation) and communal site run-off / overland flows directed through a basin in community open space at the lower end of the site. The water may potentially be suitably polished for reuse. Flooding and Drainage require a concept stormwater management plan in accordance with DCP 165 to undertake a preliminary assessment of the proposal'. This information could be provided as part of the requirements contained in the DCP, if Council were to support the proposal, in the submission of a development application as part of the initial subdivision of the land.

The Planning Proposal was referred to Council's Open Space and Leisure Services section who commented that as the Planning Proposal relates to 85 - 93 Karalta Road they have no objection to the change of zoning subject to;

* *'Suitable access is provided to Kincumba Mountain for emergency vehicles, cyclists and pedestrians.'* And

* *'Provision is made for a percentage of the overall development (approx.10%) to be dedicated as open space for the purposes of passive recreation areas.'*

The comments from Council's Water and Sewer Engineer have been previously provided in Section 7 of this report.

12 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

Part 4 Community Consultation that is to be undertaken

S55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Subject to the determination of the gateway process community consultation would normally be by way of notification of the planning proposal to the owners of neighbouring properties and to the broader community by way of an advertisement in a local newspaper

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal;
- indicate the land affected by the planning proposal;
- state where and when the planning proposal can be inspected;
- give the name and address of Gosford City Council for receipt of submissions; and
- indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Director-General of Planning;
- the gateway determination; and
- any studies relied upon by the planning proposal.

Other Matters for Considerations

The proposed zoning of 85 - 93 Karalta Road to R1- General Residential does provide the opportunity for development other than residential flat buildings. This issue does not arise for 95 -97 Karalta Road, as recent development has occurred for a retirement village and the applicant has indicated that substantial commencement has occurred on the remaining vacant land.

The other uses that could take place on 85 - 93 Karalta Road include for example, retirement villages, child care centres, education establishments, hotel or motel accommodation, hospitals medical centres or places of public worship. The DCP that would be prepared for the land, if the Planning Proposal was supported, will need to accommodate the possibility of uses other than residential flat buildings being constructed on the land.

The applicant for 85 - 93 Karalta Road has prepared a DCP for the land. The applicant's DCP is considered unsatisfactory as it does not include provision for infrastructure elements that are necessary to create a satisfactory residential

precinct i.e. internal roads and community open space provision. The applicant's DCP has been designed to present to developers an appearance that no land has to be removed as development potential to provide important infrastructure, thus has no benefit to Council or the community in guiding the future development of this land.

To ensure that land covered by the Planning Proposal that is to be developed for residential purposes in the area is covered by Contributions Plan (CP) No. 42, an amendment to that CP is required. Contributions would be paid for open space embellishment etc.

Independent Development and Environment Panel (IDEP)

The Planning Proposal is premature and should be considered as part of the Erina Strategic Planning Study. Until such time as the Erina Study is complete decisions on appropriate zones, development densities and future controls are unknown. A decision in the short term may undermine the full potential of the subject land and its utility as a resource compromised.

IDEP object to the Planning Proposal being referred to the DoP and recommend the subject lands be included in the Erina Strategic Planning Study for investigation.

Department of Planning

It has been clarified with DoP that their intentions stated in the Section 65 Certificate letter for Draft LEP 2009 remain unaltered, that is the subject Planning Proposal should proceed now and not be held awaiting the Erina Centre strategic investigations which are to be commenced later in this financial year.

CONCLUSION

The Planning Proposal process is based on whether 'in principle' support can be given for a change of zoning initially, which is then re-visited in more detail later in the process if gateway support is given. In this instance, for properties 85 - 93 Karalta Road and 95 - 97 Karalta Road Erina, it is considered that such support can be given for a change of zoning to Zone R1- General Residential. No issues arise with the proposed change in zoning of 95 - 97 Karalta Road as the R1 zone is reflective of the current and consented development.

The floor space and height proposals presented by the applicant for 85 - 93 Karalta Road will result in development which is out of keeping with existing medium density development in Erina and will result in the loss of existing native vegetation which is needed for wildlife corridors and for visual and scenic protection purposes. The appropriate height and FSR is considered to be 11 metres and 0.85:1 respectively, which will yield approx. 200 units providing accommodation for 350 - 370 people.

The Planning Proposal identifies that there may need to be upgrades to the existing water / sewer system to accommodate residential development on 85 - 93 Karalta Road. Council's Water / Sewer Engineering officer has indicated that an updated water / sewer capacity analysis is required before any change of zoning is gazetted.

S117 Direction 4.4 - Planning for Bushfire Protection requires consultation with the Commissioner- NSW Rural Fire Service after gateway support and prior to the undertaking of community consultation associated with the Planning Proposal.

Support for the lands' rezoning to permit more intense residential use comes from the CCRS. DoP directed Council to initiate a Planning Proposal and would have the expectation that the Planning Proposal be determined in a reasonable time frame. The determination of the Planning Proposal will then take place prior to the preparation of the Erina Town Centre Strategic Plan. The Erina Town Centre Strategic Plan has also been directed by DoP to be prepared and this will commence in the 2010/11 financial year. It would be preferred that the Planning Proposal be considered as part of the Erina Town Centre Strategic Plan to place the land in its strategic context.

The Planning Proposal, as it relates to 85 - 93 Karalta Road, offers the opportunity to implement Council's Affordable Housing Strategy through the requirement for the dedication to Council in perpetuity, in a subsequent development, of one (1) unit. This unit would be managed by a Community Housing provider at no cost to Council. The provision of this unit would occur through the placement of an encumbrance on the title of the land with costs of provision being borne by the existing landowner and the developer of the units on the land. This Planning Proposal represents a catalyst for providing an ongoing means to achieve affordable housing outcomes. An opportunity now exists to ensure consistent and appropriate future implementation of this aspect of the Affordable Housing Strategy. The framework proposed in this report, if supported, may be formalised through the development of a Council policy.

The preparation of a DCP by Council, for 85 - 93 Karalta Road, will ensure that the land is developed in a manner that ensures that all infrastructure can be provided in a cost effective and efficient manner and takes into account the possibility of other uses under the R1 zone being undertaken on 85 - 93 Karalta Road. The DCP will also address matters relating to open space, run-off treatments, vehicle access etc. Further, this DCP will highlight to developers the full range of matters that will need to be incorporated into a development of the land.

The proposed rezoning of 85 - 93 Karalta Road will necessitate its inclusion within Contributions Plan No.42 which applies to residentially zoned land in Erina. For 95 - 97 Karalta Road this requirement will also apply but no contributions will be payable as the land is mostly developed and the remaining vacant land, according to the applicant, has substantial commencement, hence no further development applications will likely ensue.

The zones and development standards used in this report are drawn from the draft Gosford LEP 2009. The timing of the final stages of the draft Gosford LEP 2009 will determine the final zones used if the Planning Proposal is supported by Council and DoP. If this Planning Proposal is completed before the draft Gosford LEP 2009 is forwarded to the Minister for Planning for its making it may be necessary for the proposed zones to be altered to reflect the existing Gosford Planning Scheme Ordinance (GPSO) provisions. The equivalent zone in the GPSO is Residential 2(c) with a height of 3 storeys.

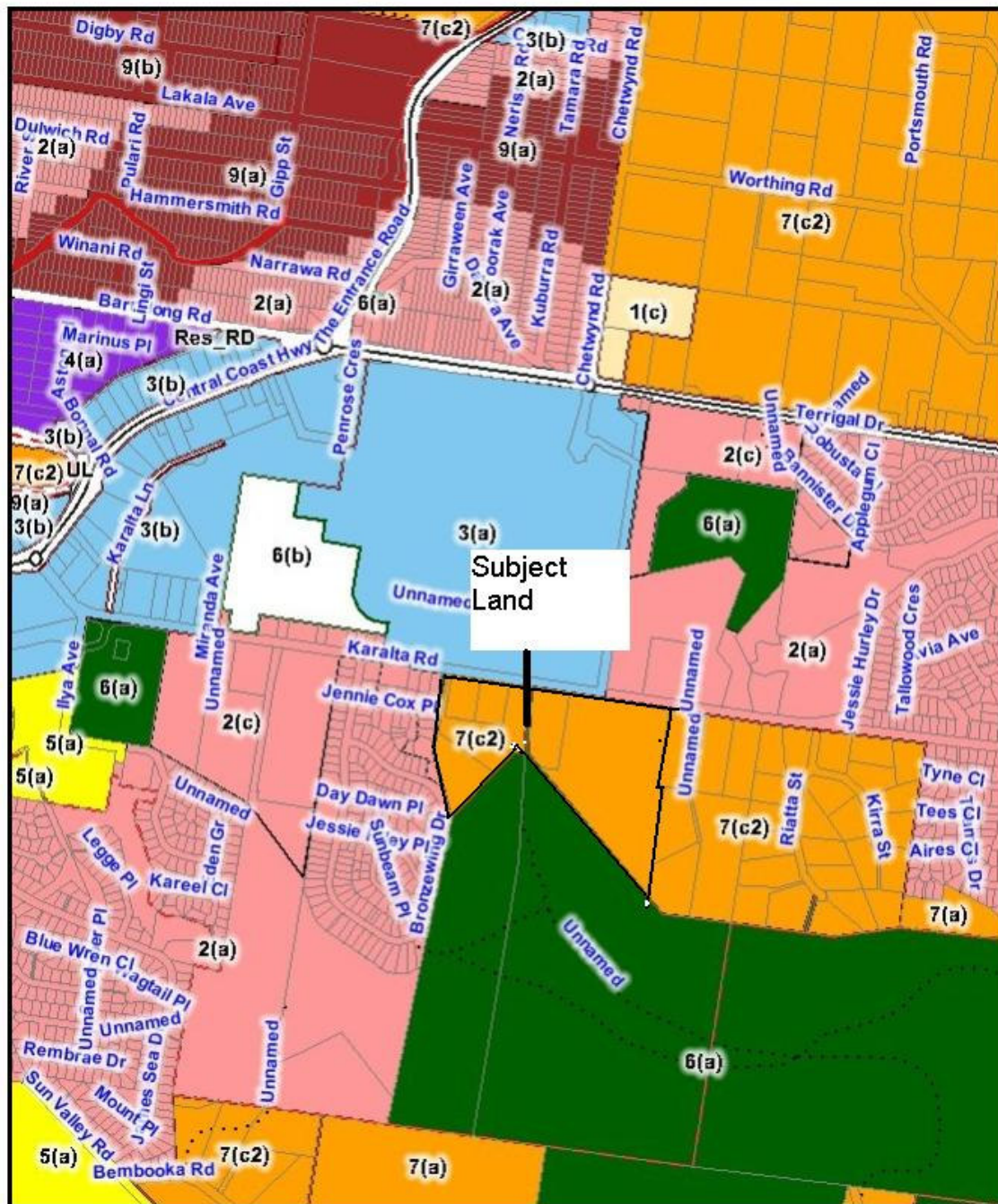
RECOMMENDATION

- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal for 85 -93 / Lots 1 - 4 DP 259824 and Lot 13 DP 550325 and 95 - 97 / Lot 1 DP 255797 and Lot 101 DP 1102271 Karalta Road Erina and forwarding it to the Department

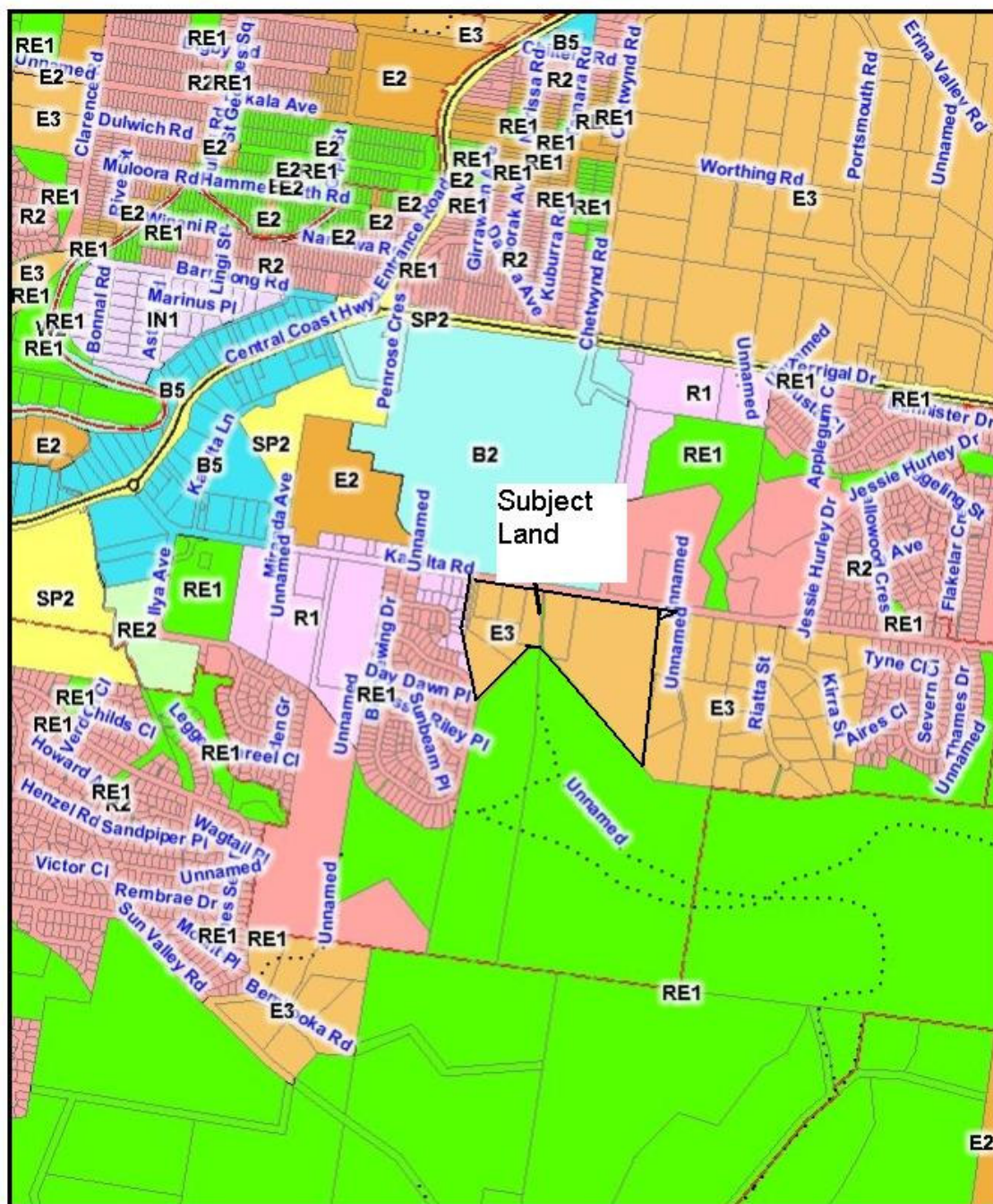
of Planning requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act.

- B The applicant be advised of Council's resolution.
- C Council inform the Department of Planning that as part of the Gateway considerations a requirement be made that a Water / Sewer capacity analysis as recommended by the Engineering Officer (see Section B - 7) be prepared for 85 - 93 / Lots 1 - 4 DP 259824 and Lot 13 DP 550325 Karalta Road Erina before the Planning Proposal proceeds to public exhibition.
- D Council inform the Department of Planning that as part of the Gateway considerations a requirement be made for the environmental investigations recommended by the Senior Environmental Officer (see Section C - 8) be prepared for 85 - 93 / Lots 1 - 4 DP 259824 and Lot 13 DP 550325 Karalta Road Erina before the Planning Proposal proceeds to public exhibition.
- E Council inform the Department of Planning that as part of the Gateway considerations the following development standards should apply for:
 - 1. 85 - 93 / Lots 1 - 4 DP 259824 & Lot 13 DP 550325 Karalta Road Erina, F.S.R. 0.85:1, height limit 11 metres and minimum lot size 1,000sq.m, and
 - 2. 95 - 97 / Lot 1 DP 255797 & Lot 101 DP 1102271 Karalta Road Erina, F.S.R 0.85:1, height limit 11 metres with no minimum lot size to apply
- F Council resolve to prepare a Development Control Plan for 85 - 93 / Lots 1 - 4 DP 259824 and Lot 13 DP 550325 Karalta Road Erina and this plan be placed on exhibition with any draft LEP prepared for this land.
- G Council resolve to amend Contributions Plan No. 42 to include 85 - 93 / Lots 1 - 4 DP 259824 and Lot 13 DP 550325 Karalta Road and 95 - 97 / Lot 1 DP 255797 and Lot 101 DP 1102271 Karalta Road Erina and this plan be placed on exhibition with any draft LEP prepared for this land.
- H A draft Policy is prepared for consideration at a subsequent Council meeting detailing the implementation of Council's Affordable Housing Strategy through requests for the provision of affordable housing as part of the rezoning (i.e. Planning Proposals) of land to permit residential development.
- I Council take no further action in relation to the Planning Proposal after its public exhibition until such time as legal agreements have been prepared and agreed to the satisfaction of Council with the existing owners of 85 - 93 / Lots 1 - 4 DP 259824 and Lot 13 DP 550325 Karalta Road Erina relating to the provision of affordable housing.

APPENDIX 2 Existing Zoning Map



APPENDIX 3 Proposed R1 Zoning area under Draft Gosford LEP



APPENDIX 4 Aerial Photograph

APPENDIX 5 Proposed LEP Map

