

PLANNING PROPOSAL GOSFORD CITY COUNCIL – Lot 4 DP 603395 No. 893 The Entrance Road Wamberal.

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

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

Part 1 Objectives or Intended Outcomes

Section 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 allow for the potential development of the land to accommodate a 'residential care facility' use in a location that is served by major roads/public transport with uses adjoining and in the immediate vicinity that are of a similar 'urban support' character.

Rezoning of the subject land will occur to reflect the equivalent zonings under the Gosford LEP 2014, these being E2 – Environmental Conservation and R2 – Low Density Residential. The zone boundary is to reflect the western boundary of the EEC that is located on the land.

The R2 zoning will allow for accommodation for seniors or people with a disability on the land. Associated lot size and building height provisions will need to be applied to the land.

Part 2 Explanation of Provisions

Section 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 Gosford LEP 2014 by ;

- Including the land in the E2 – Environmental Conservation and R2 – Low Density Residential on the relevant Land Zoning Map.
- Including the land in the Height of Buildings Map with a building height of 8.5m in both the E2 and R2 zone.
- Including the land in the Lot Size Map with a lot size of 40,hectares. for the E2 portion of the land and 550 sq.m. on the R2 portion of the land.

Section 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.

The attachment to this report contains all relevant mapping to the Planning Proposal.

Part 3 Justification for objectives & outcomes

Section 55(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

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

The Planning Proposal is not the result of any specific strategic study. Council's Draft Residential Strategy (2008) identified the general need for 'residential care facilities' and similar uses. These uses though were identified as being preferably provided as 'vertical villages' in the Gosford City Centre and the Town Centre at Woy Woy.

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

The Planning Proposal is the best means of achieving the objectives/intended outcomes as the use is not permitted in the zone that applies to the land.

The land is identified for inclusion in Council's Urban Edge investigation relating to the 'E' zones. This investigation will take a number of years to complete and the applicant has requested expedition of the Planning Proposal.

Section B Relationship to strategic planning framework

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

Regional strategies include outcomes and specific actions for a range of different matters relevant to the region. In all cases the strategies include specific housing and employment targets also. The Central Coast Regional Strategy 2006 – 2031 is applicable to the subject land and the proposed rezoning. The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for provision of housing and/or jobs. This Planning Proposal is consistent with the following objectives/actions contained within the Regional Strategy for the reasons specified:

Action 4.2 Councils are to provide for a mix of housing types, including housing will accommodate an ageing population and smaller household sizes through the preparation of LEPs and strategies.

The proposed R2 zoning will allow for the 'residential care facility' use that will provide accommodation for an aging population.

Action 5.1 Promote economic and employment growth in the Region to increase the level of employment self containment and achieve capacity for more than 45,000 new jobs on the Central Coast over the next 25 years.

The proposed enabling clause will result in a net increase in jobs to be created from the land.

Action 6.5 Councils through preparation of LEPs are to incorporate appropriate landuse buffers around environmentally sensitive, rural and resource lands.

The applicant has submitted a concept plan for a residential care facility on the land that indicates a 60 m bush fire buffer to the EEC. This bushfire buffer can act as a landuse buffer to the EEC.

Action 6.16 Councils are to ensure LEPs have regard for State Environmental Planning Policy No.71 – Coastal Protection.

The land is classed as a 'Sensitive Coastal Location' under SEPP 71. This will be considered as part of the assessment of the Planning Proposal.

The Planning Proposal is inconsistent with the following objectives/actions contained within the Regional Strategy for the reasons specified:

Action 4.6 Land to be rezoned for housing during the life of the strategy is to be located within existing urban areas, existing MDP areas, areas identified through preparation of LEPs and Greenfield areas nominated in the North Wyong Structure Plan.

The subject land is located outside an existing urban area. In this instance surrounding development is of an urban nature being activities that could be classified as 'urban support' consisting of child care centre, church, school and motel.

Action 6.3 LEPs are to appropriately zone land with high state or regional environmental, agricultural, resource, vegetation, habitat, waterways, wetland or coastline values.

For the Planning Proposal to proceed it will be necessary for the EEC component of the land to be zoned for only Conservation purposes (E2) and the residential use not be applied to the EEC.

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of Section 117 Directions?

The provision of residential care facilities in the City is considered to have strategic merit as the use provides for the type of facility that will be required to meet the needs of an aging population.

3b Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The preferred location for residential care facilities has been identified in strategic studies as being within existing urban areas such as Gosford City Centre and Woy Woy Town Centre. Residential care facilities are generally not appropriate for location in Environmental Management or Environmental Conservation areas due to their large building and carpark footprints dominating the natural elements of a site and the immediate vicinity.

The land is located within a broader area of land zoned Environmental Management E3 located on the corner of The Entrance Road and Tumbi Road. The uses in this area such as the motel/associated restaurant, child care centre, church, school and the existing landscape supply operation have been developed over many years.

The 'agglomeration' of these uses around a major intersection has created a precinct of 'urban support' activities which supply important services to urban areas. These urban support uses require a land size that is generally not available within the urban areas. The addition of the residential care facility to this precinct would not be out of place given the type of uses located on adjoining or nearby land.

The land itself consists of a number of divergent components. The north east end of the land is identified to be included in COSS, contains EEC and is zoned Conservation 7(a). Land in the mid portions of the site is zoned both Scenic Protection and Conservation 7(a). This land contains EEC. The remaining south western portion of the land is largely denuded through the operation of the landscape supply yard. Remnant examples of the vegetation type contained in EEC are found on the property boundaries of this part of the land but are not viable communities due to disturbance from edge effects.

Retention of all the most ecologically sensitive portions in the north east of the site is contained in the Planning Proposal.

The applicant at this stage is not proposing any agreements with Council regarding the portion of the land identified for inclusion in COSS.

The determination of the zone boundary between the 7(a) and 7(c2) portions of the land was made under IDO 100 in 1978 and IDO 122 in 1979. This boundary needs to be modified to reflect the EEC (identified after the zone boundary was determined) and the denuded land that contains the landscape supply operation.

The remaining land consisting of the landscape supply operation appears to have previously contained EEC vegetation but this has largely been cleared prior to the EEC being identified. This land is considered to be the most appropriate location from a site suitability viewpoint for the location of a residential care facility.

The land falls within the area covered by Council's Urban Edge Study. The determination of this Planning Proposal will pre-empt the findings of this study that was commenced this year.

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

The land covered by the Planning Proposal contains a portion which has been identified for inclusion in the COSS. The boundary of this land corresponds with the proposed E2/R2 zone boundary. The portion of the land is proposed to be zoned E2 and is located at the north – eastern end of the site and is not to be affected by the proposed residential care facility. The applicant has not proposed any agreements with Council in relation to the land identified for inclusion in COSS.

The Planning Proposal conforms with the following strategies of the Gosford Community Strategic Plan;

A3.4 Increase the availability of appropriate housing

The Planning Proposal will result in the provision of a form of housing necessary for an aging population.

B1.1 -Identify and manage threats to native flora and fauna

B1. 2 Identify and conserve areas of conservation value

Confining development to existing cleared areas and altering the zone boundary to reflect the ecological characteristics of the land will ensure compliance with this objective.

C1. 3 Increase and broaden the range of local jobs across existing and emerging employment sector

The Planning Proposal will result in a net increase in jobs on the land in a growth sector in the local economy.

The Character component of Council 's DCP 2013 identifies the land as part of ;

Wamberal 8: Mixed-use Corridor (Scenic Buffer) - Existing

Existing Character

Mixed development on medium to large allotments flanking a long-established regional thoroughfare. expanding business activities are associated with a proliferation of signage and goods stored for sale, intensifying the commercial atmosphere and also diminishing the semi-rural qualities.

Desired Character

This should remain a ribbon of low-impact retail, business and residential activities, where the distinctive semi-rural and natural qualities of prominent backdrops to Gosford City's major

tourist routes are preserved by future road works and by developments that maintain leafy settings, as well as by limiting the proliferation of business signs.

The Planning Proposal to enable a residential care facility use on the land will not significantly alter the character of this precinct and may assist in improving character through an improved development frontage to The Entrance Road.

The Scenic Quality component of Council's DCP 2013 identifies the following character issues and objectives that relate to the land and surrounding precinct;

Scenic Conservation Issues

For the Forresters Beach section of the Forresters – Wamberal Landscape Unit the generally low absorption capacity of the unit make most forms of development visually prominent. Particular areas of concern are those located along and viewed from main roads, on higher parts of the unit and within commercial areas. For the Wamberal section of this landscape unit, the character of the unit derives from the mix of uses with a natural backdrop. Recognition of the need for retention of this mix and the quality of development along The Entrance Road are issues in this unit. In general, Environmental/Conservation zoned lands in this area fall into three distinct categories – coastal headlands, lowland heath, draining into Wamberal Lagoon and Matcham ridge to the west that provides clear distinction between the urban areas on the Coast and rural-residential areas to the west. The Environmental Conservation/7(a) zone is complimentary to Regional Open Space at Wyrabalong trig, and much of the land in this section is within public ownership. Vegetation is highly significant when viewed from The Entrance Road. Those non-elevated Environmental Conservation/7(a) lands within Wamberal Lagoon catchment are ecologically significant being coastal heath, even though from a visual perspective, the vegetation is “scrubby” it provides an important habitat between Forresters Beach and Tumby Road and provides variety in the landscape. Having regard to the proximity of urban areas, including tourist facilities, residential land and rural small holdings, there is considerable pressure on this land in the short term.

Development Objectives

- 1. Continue to attempt to secure lands identified for inclusion in the Coastal Open Space System as part of the visual landscape.*
- 2. Opportunities for increases in densities and scale are available in areas not subject to visibility constraints or other physical constraints. Visually constrained areas include land along beach front, sand spit at Terrigal, headlands and lagoon frontages as well as along main roads within Environmental Conservation and Environmental Management/scenic protection and conservation zoned areas and within Environmental Conservation and Environmental Management/scenic protection zoned areas and conservation zoned areas.*
- 3. Proposals for residential and retail/commercial rezonings be preferred where the result will be the consolidation of existing residential and retail/commercial zoned areas rather than the extension of these zones as either ribbon development or as incremental extensions into adjoining areas.*
- 4. Retain current subdivision standards in Environmental/scenic protection zoned areas to ensure continuing dominance of landscape features over built environment.*
- 5. Uses of a retail and commercial nature and associated signage permitted in Environmental Management/scenic protection zoned areas to be, where achievable, of a style and scale which reflects the rural nature of the area in which it is located.*
- 6. Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental zoned areas.*
- 7. Restrict zoning density of development to current levels on higher visible slopes in urban areas.*
- 8. Any redevelopment of Central Park area within Forresters/Wamberal landscape unit be of a low scale and which is able to be screened by natural vegetation types evident in the area.*

9. *Recognise importance of privately owned Environmental Conservation/7(a) zoned land in providing a complimentary land system to and a buffer area for COSS lands and National Parks.*

The Planning Proposal to enable a residential care facility on the land would not be in conflict with the scenic quality provisions of Council's DCP 2013. Particular attention will need to be given at development application to landscaping treatment on road frontages to the site.

Key scenic quality development objectives that promote consolidation of residential/retail areas, maintain broad patterns of land use and keep height and density similar with existing will be met in the Planning Proposal. The portion of the land identified for inclusion in COSS is not proposed by the applicant/owner to be subject to discussion as part of the Planning Proposal. The land's scenic quality will be retained as no development would be permitted due to it containing an EEC.

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

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies.

(i) SEPPs applicable

SEPP19 - Urban Bushland

Clause 10 of State Environmental Planning Policy No. 19 states:

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 of the Policy, 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.*

The aims and objectives of the SEPP are:

- (1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:*
 - (a) its value to the community as part of the natural heritage,*
 - (b) its aesthetic value, and*
 - (c) its value as a recreational, educational and scientific resource.*
- (2) The specific aims of this policy are:*
 - (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,*
 - (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,*
 - (c) to protect rare and endangered flora and fauna species,*
 - (d) to protect habitats for native flora and fauna,*
 - (e) to protect wildlife corridors and vegetation links with other nearby bushland,*
 - (f) to protect bushland as a natural stabiliser of the soil surface,*
 - (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,*
 - (h) to protect significant geological features,*
 - (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,*
 - (j) to protect archaeological relics,*
 - (k) to protect the recreational potential of bushland,*

- (l) *to protect the educational potential of bushland,*
- (m) *to maintain bushland in locations which are readily accessible to the community, and*
- (n) *to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.*

An EEC has been identified as being located on the land. Subject to the component of the Planning Proposal relating to the residential use of the land being applicable to only the portion of the land that is not affected by the EEC the Planning Proposal is considered to be consistent with this SEPP.

SEPP 55 – Contaminated Land

Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land requires the consent authority to consider whether land is contaminated during the development application process.

As stated above, the site has in part been used for a landscape supply outlet. It is therefore considered that the potential for hazardous contamination would be minimal.

Council records do not indicate any evidence of contamination of the land.

SEPP No. 71 – Coastal Protection

SEPP 71 affects the site because the site is located within the “coastal zone” and “sensitive coastal location” as defined in the Coastal Protection Act 1979.

The aims of SEPP 71 are:

- (a) *to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (b) *to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (c) *to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (d) *to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) *to ensure that the visual amenity of the coast is protected, and*
- (f) *to protect and preserve beach environments and beach amenity, and*
- (g) *to protect and preserve native coastal vegetation, and*
- (h) *to protect and preserve the marine environment of New South Wales, and*
- (i) *to protect and preserve rock platforms, and*
- (j) *to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the [Protection of the Environment Administration Act 1991](#)), and*
- (k) *to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
- (l) *to encourage a strategic approach to coastal management.*

The land is subject to SEPP 71 and has been identified as being in a ‘sensitive coastal location’ under the SEPP due to it being within 100 meters of the Wamberal Lagoon Nature Reserve controlled by NPWS. The Planning Proposal will not impact upon the

values and ecological characteristics of the coastal environment and is therefore in accordance with SEPP 71.

6 Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 directions)?

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to Planning Proposals lodged after 1 September 2009. Section 117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other Section 117s Directions or they are not applicable.

2.1 Environmental Protection Zones

Objective:

The objective of this direction is to protect and conserve environmentally sensitive areas.

The land has located in its northern – eastern section an EEC. Subject to a change in the location of the Conservation zone boundary to cover the land containing the EEC, the Planning Proposal is consistent with this Direction.

2.2 Coastal Protection

Objective:

The objective of this direction is to implement the principles in the NSW Coastal Policy.

The Planning Proposal has been considered against the following documents;

- (a) the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, and
- (b) the *Coastal Design Guidelines 2003*, and
- (c) the manual relating to the management of the coastline for the purposes of section 733 of the *Local Government Act 1993* (the *NSW Coastline Management Manual 1990*).

The Planning Proposal is considered to be consistent with this Direction as no conflicts exist between these documents and the objectives of the Planning Proposal.

3.4 Integrating Landuse and Transport

Objective:

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, and subdivision and street layouts achieve the following planning objectives:

-improving access to housing, jobs and services by walking, cycling and public transport, and increasing the choice of available transport and reducing dependence on cars, and reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight.

The Planning Proposal is located on The Entrance Road and near Tumby Road. Both roads support regular bus services to major nodes such as Gosford Station, Erina Fair and The Entrance. Due to availability of these services the Planning Proposal is considered to be consistent with this Direction.

3.1 Residential Zones

Objectives

The objectives of this direction are:

- a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*

- c) *to minimise the impact of residential development on the environment and resource lands.*

What a relevant planning authority must do if this direction applies

A planning proposal must 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.*

A planning proposal must, in relation to land to which this direction applies: contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it),

The Planning Proposal involves allowing additional residential development on the land and therefore this direction needs to be considered. The Planning Proposal will result in the increased availability of land for the provision of housing for an aging population in a location that has good vehicle access and is served by public transport.

Although located on the urban fringe the use of this land for residential purposes is appropriate given its denuded nature as a result of its use for a landscape supply business and the 'urban support' nature of surrounding development, including motel, restaurant, school and child care centre.

Council's Water and Sewer section have indicated that subject to satisfactory results from a sewer systems capacity analysis on Councils reticulation system the land can be serviced with water and sewer infrastructure.

4.3 Flood Prone Land

Objectives

The objectives of this direction are:

to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and

to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

What a relevant planning authority must do if this direction applies

A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).

A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

A planning proposal must not contain provisions that apply to the flood planning areas which:

- a) permit development in floodway areas,
- b) permit development that will result in significant flood impacts to other properties,
- c) permit a significant increase in the development of that land,
- d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
- e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway's or high hazard areas), roads or exempt development.

A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

Council's flood maps do not show that the site is greatly affected by the 1% flood event. However as this application is for a 'residential care facility' it needs to be assessed with respect to the Probable Maximum Flood (PMF) event. The flood studies undertaken by Council for Wamberal Lagoon, which extended up into waterways adjacent to this proposed facility, were performed in 2001 and prior to the knowledge of determining the PMF. To properly assess the impact of all flood flows through and adjacent to this site the applicant should be requested to prepare a flood study which will review the flood impacts on the site to current flood modelling and industry standards, taking into consideration impacts from climate change.

The flood study should determine the mainstream flood flows that would pass along the watercourse located along the northern boundary in Carbeen Rd and also the overland flows that may pass through the property. The flood study should be undertaken in accordance with Councils requirements and calculate and portray all floods up to the PMF. The flood study should extend down to and connect with the tail water levels for various flood events for Wamberal Lagoon and also extend into the upstream areas of the floodplain that enters from the north into Wamberal Lagoon. Once the PMF extent across this site is determined it will define what remaining area is available for a residential care facility and also portray where access to and from the site is potentially available in the 1% and also the PMF flood events.

Since the proposed use will result in increased impermeable areas it will create additional run-off and therefore impacts to existing flood flows and properties. There are currently many houses which are affected by flooding from Wamberal Lagoon. These properties are mainly located south of Crystal St and also adjacent to Remembrance Drive. It is therefore important that any new major development in the catchment, such as this proposed use, does not worsen the current flood situation for properties adjoining the site and elsewhere in the Wamberal Lagoon catchment. To ensure that this proposed rezoning does not worsen flooding it will be a requirement at the time of development approval to provide supporting calculations to meet the requirements of Council's DCP, specifically Water Cycle Management. In particular there are to be no increases in flows from the site in all flood

events as a result of development. The flood assessment would need to analyse the discharge from the site and ensure that it does not coincide with any other peaks in discharge throughout the Wamberal Lagoon catchment that would have the effect of adversely increasing the flood affection to properties.

The information required can be supplied as part of the requirements of a Gateway Determination.

4.4 Planning for Bushfire Protection

Objectives

The objectives of this direction are:

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

Where this direction applies

This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

What a relevant planning authority must do if this direction applies

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.

As the land is subject to bushfire hazard the Planning Proposal will be referred to RFS as part of any Gateway Determination that maybe forthcoming if Council chooses to support continued preparation of the Planning Proposal.

- (i) **Direction 5.1 Implementation of Regional Strategies:** Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning.

The Planning Proposal is considered to be generally consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to Section B3 above.

- (ii) **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.

- (iii) **Direction 6.3 – Site Specific Provisions:** The Planning Proposal is consistent with this Direction as the Planning Proposal is proposing the zoning of the land.

Section C Environmental, social and economic impact

- 7 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?**

As indicated previously the land has located upon it an EEC. The means by which the EEC can be protected are contained within this report.

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

The Planning Proposal has a number of environmental issues that will need to be addressed prior to it being able move beyond a Gateway Determination. These issues include the delineation of the EEC (E2 zone boundary), the extent of flooding in a PMF event and requirements in relation bushfire protection for a residential care facility.

Such information should be requested to be provided as part of the additional information requirements associated with a Gateway Determination. This information will determine what management measures can be initiated on the site to protect both the development and the sensitive environment that is part of and surrounds the land.

- 9 How has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal for the residential care facility provides the type of facility that is required to meet the needs of an aging population. The location of the proposal is acceptable in terms of access to services and public transport.

Employment and other economic benefits will be achieved through the construction and operation of the development.

Section D State and Commonwealth interests

- 10 Is there adequate public infrastructure for the Planning Proposal?**

Water and Sewer

Water is available to the land. The property is located within Council's defined water service area and water supply mains are located adjacent to the property in both The Entrance Road and Carbeen Road Wamberal.

Sewer is not available to the land. Lot 4 DP603395 is located outside Council's defined sewer service area. Council's sewer reticulation system is located within existing developed residentially zoned land located approximately 600 metres to both the south and north east of Lot 4 DP603395.

Should a condition of the Planning Proposal require connection to Council's water and sewer reticulation systems then the following conditions shall apply:

- The developer shall be responsible for the design and construction of water supply and sewerage works required to connect the proposed development to Council's existing water

supply and sewerage systems. The water and sewer designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards.

- Connection of the proposed development to Council's sewer reticulation system shall be subject to the existing system having sufficient capacity to accommodate the proposed rezoned land. The applicant shall be responsible for undertaking a sewer systems capacity analysis on Council's reticulation system. The analysis shall extend to a point within the sewerage reticulation system where proposed demands / loadings from the rezoned area represent 5% or less of total capacity of the system. The analysis shall assess the impact of the proposed development on Council's existing sewerage reticulation system. The capacity analysis shall be carried out in accordance with the WSAA method for determining system capacity and shall be based upon full development of the area currently serviced by the existing sewer system utilising current land zonings without the proposed development, and a second analysis with the inclusion of additional loads created by the proposed development.
- The developer shall be responsible for the full cost of augmentation of Council's existing sewer infrastructure identified through the systems analysis as a consequence of extra loadings from the proposed development.
- The developer shall be responsible for obtaining written consent from the owners of any properties required to be entered upon to construct proposed sewer mains. A copy of relevant consents shall be provided to Council in conjunction with submission of design plans.
- Payment of the current water and sewer headworks / augmentation contributions, in accordance with Council's Services Charges policy. The current rate of \$3258 per equivalent tenement (ET) is valid to 30 June 2015 after which time it shall be reviewed.

Traffic

Sight distances on Central Coast Highway and Tumby Rd are satisfactory. The site has good dual network accessibility where left turn movements on Central Coast Hwy and Tumby Rd can occur without relying on a right turn facility in the Central Coast Hwy (or in Tumby Rd) which would be more costly and less safe arrangement overall.

As stated in the traffic study the transport system has the capacity to cater for the PP and the "additional delays on the highway resulting from the proposed development would be negligible" and "will not adversely impact road safety."

11 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 Mapping

S55(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.

Attached is all relevant mapping to the Planning Proposal.

Part 5 Community Consultation

Section 55(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 Gateway support community consultation will involve an exhibition period of 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council. A letter will also be sent to the adjoining landowners.

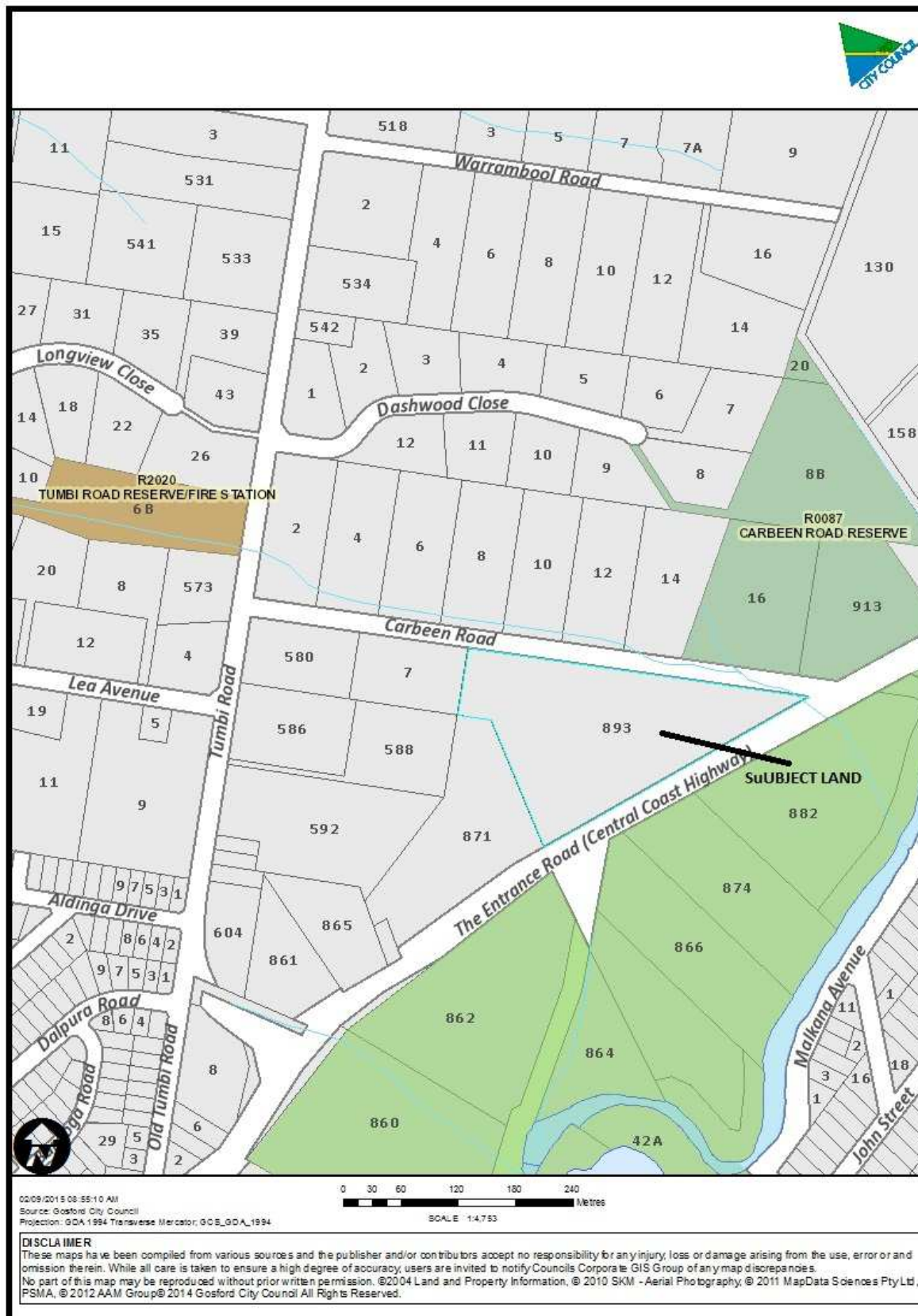
The written notice will:

- 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.

MAPPING





02/09/2015 09:00:26 AM
 Source: Gosford City Council
 Projection: GDA 1994 Transverse Mercator; GCS_GDA_1994

0 12.5 25 50 75 100 Metres
 SCALE 1:2,062

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EXISTING ZONING



PROPOSED ZONES



FOOD PRONE LAND



EXTENT OF EEC



COSS ACQUISITION



BUSHFIRE PRONE LAND



SEPP 71



02/09/2015 09:17:49 AM
Source: Gostford City Council
Projection: GDA 1994 Transverse Mercator; GCS_GDA_1994

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