

TITLE PLANNING PROPOSAL S55: APPLICANT - Doug Sneddon Planning in respect of Zoning L600 DP1099102, L2 DP706892, L5 DP1082979, L522 DP1077907, L51 DP1028301 Central Coast Hwy and L4 DP1000694 Bakali Rd, Forresters Beach to 2(A) Residential (11128712)

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 (PP) (*which, if supported by Department of Planning and Infrastructure would result in an LEP*), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

Application Received: 1 February 2012

Environmental Planning Instrument – Current Zone: Various zones under Interim Development Order (IDO) No 122 - Gosford as set out below (see map in Attachment B, Appendix 3):

- 1(c) Rural (Rural Purposes)
- 7(a) Conservation and Scenic Protection (Conservation)
- 7(c2) Conservation and Scenic Protection (Rural Small Holdings)

Area: 37.55 ha

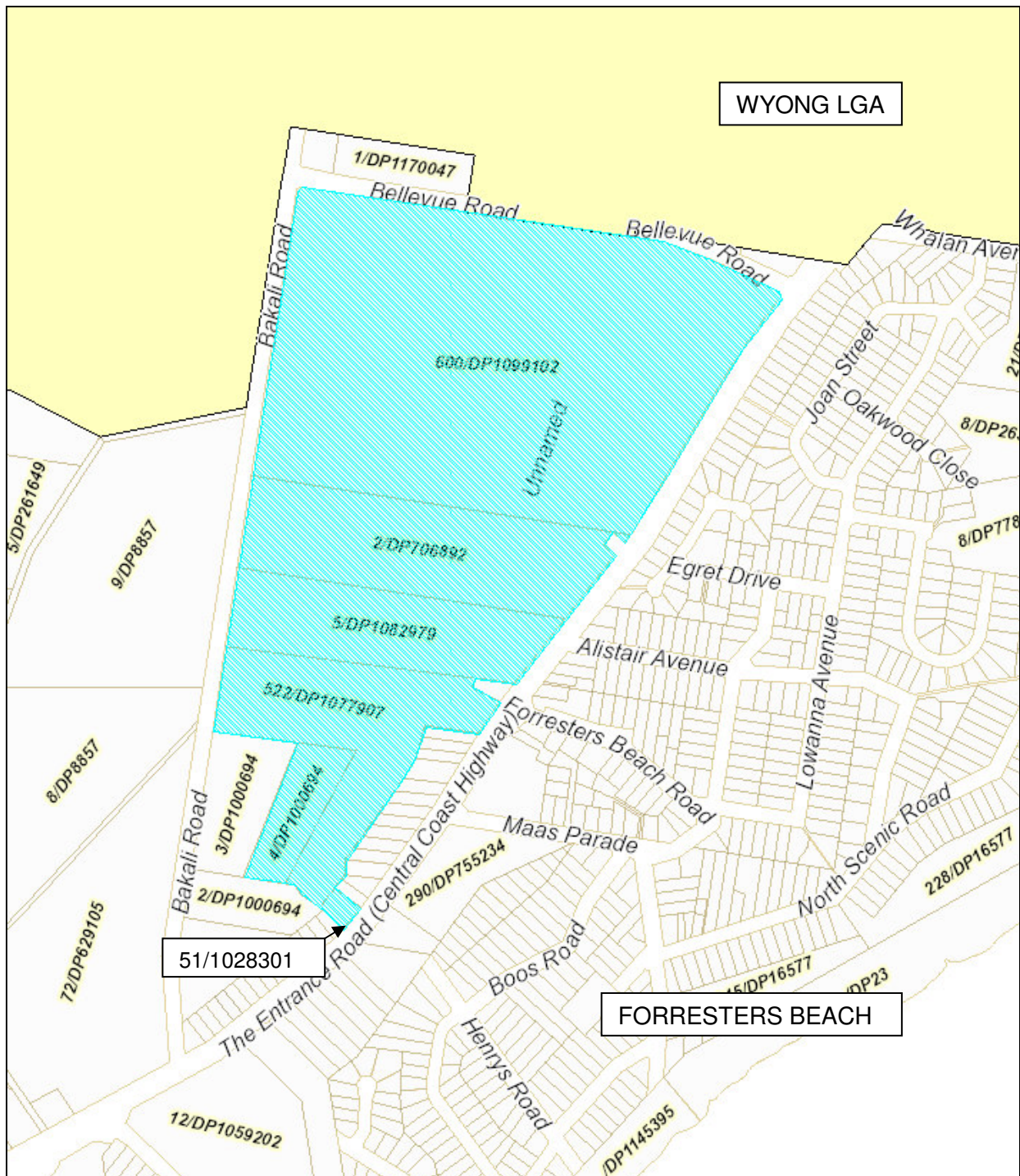
Proposal

The Planning Proposal application has been submitted by the owners of six (6) lots shown in light shading on the following map. These lots are; Lot 600 DP 1099102, Lot 2 DP 706892, Lot 5 DP 1082979, Lot 522 DP 1077907 and Lot 51 DP 1028301, Central Coast Highway and Lot 4 DP 1000694, Bakali Road, Forresters Beach. Council support is sought for zoning these lots to 2(a) Residential (or the equivalent zone: R2 Low Density Residential under the draft Gosford LEP 2009, depending upon timing).

The applicant suggests that the triangle of "fringe lands" bounded by the Central Coast Highway, Bellevue Road and Bakali Road (43.4 ha), are in transition from rural to a low density urban character. The applicant considers that this change is a consequence of existing and approved retirement villages within the precinct and therefore proposes that the entire precinct should more appropriately be zoned to allow low density residential uses.

However, the applicant has not submitted owners' consent for the other lots (5.93 ha) within the area bounded by the Central Coast Highway, Bellevue Road and Bakali Road. Consequently these lots, generally located in the southern area, cannot form part of this Planning Proposal. The applicant has confirmed that consideration of the Planning Proposal should be for the six (6) lots for which there is owners' consent.

Locality Map



Background / Landuse History:

In 1979, IDO No 122 zoned all of the area, the subject of the Planning Proposal, to 1(c) Rural, except for a section of 7(a) Conservation on the western side of what is now Lot 5 DP 1082979, Lot 522 DP 1077907 and Lot 3 DP 1000694.

Later that year an enabling clause was gazetted which allowed numerous tourist related uses on what is now Lot 2 DP 706892, Lot 5 DP 1082979 and Lot 600 DP 1099102. Such tourist uses included ten pin bowling alley, waterslide, putt putt golf, nine hole golf course and ancillary shops. In 1982, LEP No 74 permitted a mini-car track on the site.

In 1997, LEP No 331 zoned the land south of Lot 5 DP 1082979 to 7(c2) Rural Small Holdings, enlarged the 7(a) zoned area on what is now Lot 522 DP 1077907 and removed the 7(a) zone on what is now Lot 3 DP 1000694. DCP No 90 applied to this area and set out controls for the development of the land.

In 1999 a five (5) lot subdivision was registered in the 7(c2) zoned land at the southern end of the precinct. The lots were between 1 ha and 1.6 ha in area.

In 2002 Council issued the first development consent for a retirement village on what is now Lot 600 DP 1099102 (21.73 ha) located on the corner the Central Coast Highway and Bellevue Road. Further development consents for subsequent stages have been issued since that time. The development is not yet complete.

In 2007 the Land and Environment Court granted consent for the development of housing for older people or people with a disability on Lot 2 DP 706892 and Lot 5 DP 1082979 (9.6 ha). These are the next lots to the south of the retirement village site. The development comprised 40 single storey villas, 34 two storey townhouses and 104 self care apartments, 125 hostel care rooms, 166 residential care rooms and facilities for the residents. Whilst it has not been determined whether substantial commencement has occurred, it is reasonable to assume that another similar development would likely be approved on these lots.

In 2010 the draft Gosford LEP 2009 was placed on exhibition. The 7(c2) and 7(a) zoned land was placed in the equivalent zones; i.e. E3 Environmental Management and E2 Environmental Conservation respectively. As there is no equivalent zone under the draft LEP template for the 1(c) zone the affected land was placed in the zone of the adjoining land which was E3. The residential sized lots fronting the Central Coast Highway were placed in the R2 Low Residential zone with a minimum lot size of 1850 sqm.

In 2011 Council resolved to defer all privately owned 7(a) and 7(c2) land east of the F3 Freeway from the draft Gosford LEP 2009 for a period of five (5) years in order to retain the provisions in IDO No 122 relating to the acquisition of COSS lands. Should the Department of Planning and Infrastructure agree to this, the existing 7(a) and 7(c2) land will remain under IDO No 122 for another five (5) years and the existing 1(c) land will be zoned E3 under the draft Gosford LEP 2009.

Applicant's Submission:

Application is made to prepare a Gateway Planning Proposal to rezone the following adjoining land to R2 Low Density Residential under Gosford Local Environmental Plan 2009:

Area 1 (9.611 ha) - Lot 2 DP 706892 and Lot 5 DP 1082979 Nos 995-997 Central Coast Highway, Forresters Beach.

Area 2 (6.212 ha) - Lot 522 DP 1077907 and Lot 51 DP 1028301, No 957 and 987-991 Central Coast Highway and Lot 4 DP 1000694, No 139 Bakali Road, Forresters Beach.

Area 3 (21.73 ha) - Lot 600 DP 1099102, No. 1001 Central Coast Highway, Forresters Beach

Area 1 is subject to Development Consent 28472/2005 granted by the NSW Land and Environment Court on the 30 March 2007 (Proceedings No 10586/2006 Braedan Riley investments Pty Ltd v Gosford City Council). This consent permits the development of housing for older people or people with a disability comprising 40 single storey villas, 34 two storey townhouses, 104 self care apartments, 125 hostel care rooms, 166 residential care rooms and on-site resident facilities/amenities.

Area 2 was the subject of Submission No 683 in response to the public exhibition of the Draft Gosford Local Environmental plan 2009. This submission sought the rezoning of all land bounded by Bakali Road, Bellevue Road and the Central Coast Highway, Forresters Beach to R2 Low Density Residential. Whilst Council did not generally support such rezoning requests occurring under Draft LEP 2009, which was principally considered to be a "conversion LEP", it did consider that the rezoning of the subject land could be further considered in a future "review of fringe lands".

Area 3 was the subject of Submission No 1083 made in response to the public exhibition of Draft Gosford Local Environmental plan 2009 by the owners of Lot 600 DP 1099102, No 1001 Central Coast Highway, Forresters Beach, which also sought the rezoning of this land to R2 Low Density Residential to reflect its approved use as a retirement village, the first stages of which have been constructed. Similarly to its decision in relation to Area 2 above, Council has indicated that this land can be included in a future "review of fringe lands".

Whilst this application for Council to prepare a Gateway Planning Proposal to rezone Areas 1, 2 and 3 to R2 Low Density Residential, the accompanying town planning analysis indicates that it would be prudent for Gosford City Council to acknowledge the triangle of "fringe lands" bounded by Bakali Road, Bellevue Road and the Central Coast Highway, Forresters Beach, are in transition from rural to low density urban character as a consequence of existing residential development and approved retirement villages within the precinct, providing a substantive well located opportunity for the development of a range of low density housing forms.

The existing zoning of this precinct under Interim Development order No 122 is redundant as a consequence of approved residential development occurring within the precinct and whilst the proposed E3 Environmental Management zoning under the exhibited Draft Gosford Local Environmental plan 2009 is inappropriate having regard to the character of development occurring in the precinct. The entire precinct bounded by Bakali Road, Bellevue Road and the Central Coast Highway should more appropriately be zoned R2 Low Density Residential.

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

'Gateway' planning process

A Local Environmental Plan (LEP) is a legal instrument that imposes zoning of land, standards to control development and other planning controls.

Its aim is to enable early consideration by the Department of Planning and Infrastructure (DoP&I) and if supported by DoP&I then early public consultation. It ensures that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. It therefore acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

Attachment A – Department of Planning and Infrastructure Planning Proposal 'Flow Chart' of processing shows the stage which this Planning Proposal has reached.

**PLANNING PROPOSAL GOSFORD CITY COUNCIL
RESIDENTIAL ZONING OF LOT 600 DP 1099102, LOT 2 DP 706892, LOT 5 DP 1082979, LOT 522 DP 1077907 & LOT 51 DP 1028301 CENTRAL COAST HIGHWAY
AND LOT 4 DP 1000694 BAKALI ROAD, FORRESTERS BEACH**

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department of Planning and Infrastructure'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 and Infrastructure (DoP&I).

Part 1 Objectives or Intended Outcomes

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

The Planning Proposal application has been submitted for six (6) lots with a total area of 37.5 ha. These lots (see Attachment B, Appendix 2) are:

Area 1 (9.611 ha) - Central - Lot 2 DP 706892 and Lot 5 DP 1082979 Central Coast Highway, Forresters Beach.

Area 2 (6.212 ha) - Southern - Lot 522 DP 1077907 and Lot 51 DP 1028301, Central Coast Highway and Lot 4 DP 1000694, Bakali Road, Forresters Beach.

Area 3 (21.73 ha) - Northern - Lot 600 DP 1099102, Central Coast Highway, Forresters Beach

Council support is sought for zoning these lots to 2(a) Residential (or the equivalent zone R2 Low Density Residential under the draft Gosford LEP 2009, depending upon timing).

The applicant suggests that the triangle of "fringe lands" bounded by the Central Coast Highway, Bellevue Road and Bakali Road (43.4 ha), are in transition from rural to a low density urban character. The applicant considers that this change is a consequence of existing and approved retirement villages within the precinct and therefore proposes that the entire precinct should more appropriately be zoned to allow low density residential uses.

However, the applicant has not submitted owners' consent for any of the other lots within the area bounded by the Central Coast Highway, Bellevue Road and Bakali Road. Consequently these lots should not form part of this Planning Proposal. The applicant has confirmed that consideration of the Planning Proposal should be for the six (6) lots for which there is owners' consent.

The Planning Proposal applies to six (6) lots in the northern and central part of the land bounded by the Central Coast Highway, Bellevue Road and Bakali Road. There is some strategic planning justification for zoning the land, currently zoned Rural 1(c), with retirement villages, either under construction or with development approval, to Residential (Areas 1 and 3). However, only proposing to zone some of the land currently zoned 7(c2) to the south (Area 2) in isolation to the remainder of the rural residential lots would result in an uncoordinated outcome as it would fragment future development in the southern part of the precinct.

Part 2 Explanation of Provisions

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

Area 3 (northern section)

Lot 600 DP 1099102 is currently zoned 1(c) Rural. As there is no equivalent zone under the draft LEP template for the 1(c) zone the lot was placed in the zone of the adjoining land which was E3 Environmental Management. This was considered appropriate as the land had development consent for seniors housing which would not be affected by the zone change. The Planning Proposal seeks to zone this lot to 2(a) Residential to reflect the approved residential development.

An Endangered Ecological Community (EEC) i.e. Estuarine Paperbark Scrub Forest also known as the Swamp Sclerophyll Forest on Coastal Floodplains is located in the south-western corner of Lot 600 DP 1099102. The approved development plans show this vegetation community being retained. Also, a stand of *Eucalyptus campfieldii* threatened species is located on the northern portion of Lot 600 DP 1099102. The approved development plans for seniors housing have protected this vegetation by including it in a Conservation Area. This is also reflected as a Restriction-as-to-User on the Deposited Plan. The significance of these vegetation stands should be reflected in the zoning. The most appropriate zone would be 7(a) Conservation.

Area 1 (central section)

Lot 2 DP 706892 and Lot 5 DP 1082979 are predominately zoned 1(c) with a small area of 7(a) land in the south-west corner. The Land and Environment Court has issued development consent for aged care housing on these lots. This development consent effectively identifies that the lots have characteristics suitable for a certain type of low to medium density residential development. Changing the zone of these two lots to 2(a) would reflect the Court approved use of the land as a retirement village. Should this approved development not proceed, it would be expected that a low density residential subdivision would create more opportunity for a reduced floor space ratio and an increased open space component compared with the more built-up and impervious nature of a retirement village.

A remnant of the EEC also occurs on the southern boundary of Lot 5 DP 1082979 which was shown on the approved plans as being incorporated into an open space area. The zoning of this vegetated area should reflect the significance of the vegetation, i.e. 7(a). As this site is traversed by a channel and adjoins wetland vegetation to the rear; it may be flood liable. Therefore, prior to consultation with public authorities or the community a flood study should be considered to ascertain the suitability of the site for a residential zone. This study should involve the whole catchment as this lot is generally downstream of Lot 600 DP 1099102 and affected by runoff from the eastern side of the Central Coast Highway.

Area 2 (southern section)

The draft Gosford LEP 2009 that was placed on exhibition showed Lot 51 DP 1028301 and the other 30 residential sized lots fronting the Central Coast Highway (currently zoned 7(c2)) proposed to be zoned R2 Low Density Residential. This was on the basis that the lot sizes are comparable to other residential zoned land in the locality, they are already developed for low density housing and the land is serviced. However, when Council considered the Draft Gosford LEP submissions it resolved to defer all privately owned 7(a) and 7(c2) land east of the F3 Freeway from the draft Gosford LEP 2009 for a period of five (5) years. Should the Department of Planning and Infrastructure agree to this, these 31 lots will remain zoned 7(c2) under IDO No 122 for another five (5) years. Even though Council's intentions regarding zoning have been made in the Draft Gosford LEP, it is not intended to include these lots within this private Planning Proposal. The lots can be addressed in the urban fringe review required by the DoP&I to be undertaken after gazettal of the Draft Gosford LEP.

Part of Lot 522 DP 1077907 is zoned existing 7(a) and accommodates an Endangered Ecological Community (EEC) i.e. Estuarine Paperbark Scrub Forest also known as the Swamp Sclerophyll Forest on Coastal Floodplains. This area was proposed to be zoned E2 Environmental Conservation under the Draft Gosford LEP as exhibited, however, in accordance with Council's resolution this land is proposed to be deferred from the Gosford LEP for a period of 5 years. The applicant proposes to zone this area 2(a) Residential and address the EEC at a later date. However it is considered that the 7(a) zone reflects the environmental significance of the site and therefore should remain.

Remnants of the Swamp Sclerophyll Forest on Coastal Floodplains EEC, found in the 7(a) zoned land, also exist as isolated stands on other parts of Lot 522 DP 1077907, which is zoned 7(c2). The current DCP applying to the 7(a) and 7(c2) zoned land (DCP No 90 - The Entrance Road, Forresters Beach) requires this vegetation to be retained.

Lot 522 DP 1077907, Lot 4 DP 1000694 and the other rural residential lots may be subject to flooding and overland flow of stormwater which would have a significant effect on whether or not all the land is suitable to be zoned Residential. A strategic assessment of these physical constraints is unable to be completed at this stage as not all the landowners are involved in this Planning Proposal.

In summary, the land that is zoned 1(c) with retirement villages, either under construction or with development consent, has already been considered suitable for residential development. The proposed 2(a) zone is a reflection of these previous development assessments and therefore a rationalisation of the residential zone boundary provided the site is not adversely affected by flooding. The land to the south that is zoned 7(c2) was zoned as such under LEP 331 in 1997. At this time the 7(c2) zone was considered satisfactory for that land given its physical constraints and proximity to wetlands. As the Planning Proposal application does not include all the 7(c2) land, there can be no strategic assessment of the whole southern area; hence there should be no alteration to this zone at this time. These lands will be included in the urban fringe review previously mentioned in this report.

Proposed Planning Provisions

The likely wording of the planning provisions is set out below.

1 Subject Land

This clause applies to Lot 600 DP 1099102, Lot 2 DP 706892 and Lot 5 DP 1082979 Central Coast Highway, Forresters Beach.

Explanation: The provision states the legal description of the land and ensures that the site to which the planning instrument applies can be identified.

2 Objective

The plan aims to zone the land to a zone that appropriately reflects the land's existing residential character and physical attributes.

Explanation: This provision states the objectives of the planning instrument as it applies to the use of the subject land.

3 Relationship to other Environmental Planning Instruments

(1) Interim Development Order No 122 - Gosford is amended:

- (a) by inserting at the end of clause 2(2A):

Land at Forresters Beach being part of Lot 600 DP 1099102, part of Lot 2 DP 706892 and part of Lot 5 DP 1082979 Central Coast Highway, Forresters Beach as shown edged heavy black and lettered 2(a) on the map marked "Gosford Local Environmental Plan No XXX" deposited in the office of Gosford City Council.

- (b) inserting under **I.D.C. Map** in clause 3(1):

Gosford Local Environmental plan No XXX

- (2) Gosford Planning Scheme Ordinance is amended by inserting under **Scheme map** in clause 3(1):

Gosford Local Environmental Plan No XXX

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.

Attachment B to this report contains all relevant mapping to the Planning Proposal

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 Planning Proposal is not the subject of 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 is the best means of achieving the objectives and intended outcomes.

3 Is there a net community benefit?

From a strategic planning viewpoint only Areas 1 and 3 of the Planning Proposal have a net community benefit (See Attachment C).

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 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 (CCRS) 2006 – 2031 is applicable to the subject land and the proposed rezoning. The applicant suggests that the subject Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy.

The Central Coast Regional Strategy (CCRS) estimates that an additional 16,500 dwellings need to be provided in the City of Gosford by 2031 to accommodate an additional 33,000 people. The Strategy further indicates that 6,000 of these required dwellings should be provided in the Gosford City Centre, 8,500 dwellings within town, village and neighbourhood centres and 2,000 dwellings as "infill" development throughout the local government area. "Infill Development" is defined as:

Development that occurs generally within the existing urban footprint and outside of centres, such as dual occupancy development, subdivision of existing allotments and redevelopment of previously non-residential land within urban areas for residential purposes. This category can also include minor infill development on the edge of the urban footprint (p16).

The subject land shares its eastern property boundary with the existing low density residential area of Forresters Beach and its northern boundary with a swimming centre and service station in Gosford LGA and an open space zone in Wyong LGA. As most (82.2%) of the subject land has retirement villages, either under construction or approved on the land, it is argued that this is urban land and the proposed Residential zoning would satisfy the definition of being "minor infill development on the edge of the urban footprint".

The following Actions of the CCRS are relevant to the Planning Proposal:

- 4.5 Councils are to review their current residential development strategies, including a review of the adequacy and accuracy of existing urban boundaries and zonings in fringe areas, through the preparation of principle LEPs.
- 6.3 LEPs are to appropriately zone land with high state or regional environmental, agricultural, resource, vegetation, habitat, waterways, wetland or coastline values.
- 6.5 Councils, through preparation of LEPs, are to incorporate appropriate buffers around environmentally sensitive, rural and resource lands.

Areas 1 and 3

The proposed residential zoning for Council support of Lot 600 DP 1099102, Lot 2 DP 706892 and Lot 5 DP 1082979 is a correction to the urban boundary and therefore satisfies Action 4.5. The significant vegetation located on these lots has been preserved in the existing development consents and is able to be further protected by inclusion in the 7(a) Conservation zone, thus satisfying Action 6.3.

The CCRS provides that other release sites not currently identified in the Strategy may be considered if it can be demonstrated that a proposal satisfies the "Sustainability Criteria for New Land Release - Central Coast" set out in Appendix 3 of the CCRS. This part of the Planning Proposal is consistent with the "Sustainability Criteria for New Land Release - Central Coast" (see Attachment D). However, the physical suitability of the land for residential development cannot be finally ascertained until the appropriate studies have been completed, as recommended in the Planning Proposal report.

Area 2

That part of the Planning Proposal relating to Lot 522 DP 1077907, Lot 51 DP 1028301 and Lot 4 DP 1000694 is inconsistent with the above Actions of the CCRS.

The proposal seeks to zone land accommodating an EEC from 7(a) Conservation to 2(a) Residential. This EEC is identified under the *Threatened Species Conservation Act* so is considered of having high environmental value and therefore should be appropriately zoned. The 7(a) zone is the most appropriate zone and should therefore remain. An appropriate buffer around this environmentally sensitive land should be incorporated in the LEP. In the Gosford LGA, the 7(c2) zone serves as such a buffer. Therefore, retention of the 7(c2) zone in this area is justifiable especially as the whole zone cannot be assessed in a strategic manner due to not having the consent of all the affected owners.

In the Section 65 advice received in relation to the Draft Gosford LEP 2009, the DoP&I required Council to undertake a future "review of urban fringe zonings in accordance with CCRS." This review will be undertaken on a City-wide scale after gazettal of the Gosford LEP.

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

Community Strategic Plan

The following strategies set out in the *Community Strategic Plan – Gosford 2025* are applicable to the Planning Proposal:

- A3.4 Increase the availability of appropriate housing
- B1.2 Identify and preserve areas of conservation value
- B6.3 Plan for population growth within existing developed footprint

Strategy A3.4 recognises that everyone is entitled to fair access and opportunity to participate in community life however this is a broad strategy and needs to be balanced with the other two relevant strategies.

Areas 1 and 3

The development consents applying to these lots have identified the environmentally significant vegetation being retained. The change of zone will not alter the development consents should they proceed as per the approval. However, to ensure the vegetation is preserved in any future development, it should be included in the 7(a) Conservation zone.

That part of the Planning Proposal that proposes to zone existing and approved retirement village land to Residential is considered infill development under the CCRS.

Area 2

The basis for strategy B1.2 is to protect areas zoned 7(a) Conservation. The applicant's proposal to rezone the vegetated 7(a) area to 2(a) is inconsistent with this strategy, especially as the vegetation comprises an Endangered Ecological Community (EEC) under the *Threatened Species Conservation Act*.

The basis for strategy B6.3 is to locate additional population in urban areas where they are close to required facilities and are able to be serviced by existing utility systems. That part of the subject land zoned 7(a) and 7(c2) has previously been identified as having characteristics of an environmental zone and therefore not within the existing developed footprint. Also there is no strategic basis to propose the rezoning of some of the 7(c2) land without consideration of the remainder of the land similarly zoned and not subject to the Planning Proposal.

Biodiversity Strategy

The Biodiversity Strategy contains the following Action applicable to the Planning Proposal:

- 7 Focus development around existing urban centres to maintain the urban development in the existing urban footprint to protect agricultural and environmentally sensitive lands.

Areas 1 and 3

This part of the Planning Proposal is consistent with this Strategy in that it proposes to rationalise the residential zone to reflect previous development approvals and substantial existing development. The isolated stands of EECs are already protected under existing development consents and can be further protected under a 7(a) zone.

Area 2

This part of the Planning Proposal seeks to locate new residential land outside of the existing urban footprint and, by proposing to zone all the site to 2(a), it does not protect the existing environmentally sensitive land containing an EEC.

COSS Strategy

The COSS Strategy does not identify any part of the subject site as being required for the Coastal Open Space System.

Draft Residential Strategy

The Draft Residential Strategy identifies the following Objectives relevant to the Planning Proposal:

- Ensure adequate supply of land and sites for residential development.
Goal - locating housing supply to minimise impact on physical characteristics and infrastructure capabilities.
- Plan for a mix of housing near jobs, transport and services.
Goal - concentrating new housing near major transport and service hubs.

Areas 1 and 3

This part of the Planning Proposal satisfies the first objective as it proposes to provide additional residential land, hence housing supply, to the market. However some of the land may not be environmentally appropriate should it be found to have physical limitations such as flooding.

The mix of housing type proposed is that which is permissible in the 2(a), or future R2, zone such as dwelling houses, seniors housing (under SEPP Housing for Seniors or People with a Disability) and secondary dwellings (under SEPP Affordable Rental Housing). A medium density housing zone is not considered suitable on this site as it is not located close to a centre as specified in the CCRS. The subject land fronts the Central Coast Highway and is thus able to be serviced by existing transport and utilities infrastructure.

Area 2

This part of the proposal does not satisfy the first objective goal as it proposes to provide additional residential land on a site constrained by physical characteristics such as an endangered ecological community and flooding. There is no strategic basis to rezone some of the 7(c2) zone without consideration of the remainder of the land similarly zoned and not subject to the Planning Proposal.

Draft Report on Demand for Low and High Care Residential Aged Care 2009

The *Draft Report on Demand for Low and High Care Residential Aged Care 2009* was submitted to Council on 26 May 2009 for Council's information. It was a report identifying the current and projected future demand for aged care residences; it was not a strategic study.

The projected demand for high residential care places is greatest in Gosford, Woy Woy Peninsula and the Eastern Coastal areas. Of the Eastern Coastal areas, Forresters Beach and Wamberal were identified as localities of high future need.

The existing development consents for aged care housing on Lot 600 DP 1099102, Lot 2 DP 706892 and Lot 5 DP 1082979 serve to address this present and future housing need. The alteration of the 1(c) zone to 2(a) will still permit seniors housing, but could also result in the landowners opting for more conventional residential housing. The outcome would be loss of large lots on which seniors housing could be developed when required in the years to come.

However, the 2(a) zone permits seniors housing whereas the proposed E3 zone under the Draft Gosford LEP does not permit seniors housing. So if the Planning Proposal does not proceed and the development consent on Lot 2 DP 706892 and Lot 5 DP 1082979 lapses, then the opportunity to provide future aged care housing will not exist.

It should be remembered that the Report was not a strategic document, it simply made a statement of facts; it did not identify courses of action that Council will take. Hence Council cannot decline to proceed with this Planning Proposal purely on the basis of this Draft Report on Demand for Low and High Care Residential Aged Care.

Furthermore, the actual Council report 26 May 2009, noted that "It is accepted that older people wish to 'age in place' with access to existing networks and familiar surroundings", not be located in areas remote from these securities.

6 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) SEPP No 19 - Bushland in Urban Areas

Clause 10 of State Environment Planning Policy 19 applies to the 7(a) and 7(c2) zoned land of the Planning Proposal. 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 relevant aims of the SEPP are:

- to protect the remnants of plant communities which were once characteristic of land now within an urban area,
- 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,
- to protect rare and endangered flora and fauna species,
- to protect habitats for native flora and fauna,
- to protect wildlife corridors and vegetation links with other nearby bushland.

Area 2

The subject site has been mapped as containing E43ai Estuarine Paperbark Scrub Forest on the western portion of Lot 522 DP 1077907. This vegetation community is listed under the *Threatened Species Conservation Act 1995* as the Swamp Sclerophyll Forest on Coastal Floodplain which is an Endangered Ecological Community (EEC). The majority of this EEC is within the existing 7(a) zone which has an area of 1.65 hectares. The applicant proposes to zone this land 2(a), which is contrary to the aims of SEPP 19.

Areas 1 and 3

As discussed earlier in the report, some of the EEC is located in isolated pockets outside the 7(a) zone. The EEC and threatened species located on Lot 600 DP 1099102 have been identified as being retained and protected under the development consent for this property. To ensure its protection in the future, these vegetation stands are able to be protected under the 7(a) zone.

(ii) SEPP No 44 - Koala Habitat Protection

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The land is considered not to be a potential koala habitat.

(iii) SEPP No 55 - Remediation of Land

The SEPP requires council to consider whether the land is contaminated, if it is suitable in its contaminated state or whether remediation is required from previous land uses as identified in Table 1 of the Contaminated Land Planning Guidelines. Consideration has to be given as to whether or not the land is contaminated and if so that Council is satisfied that the land is suitable in its contaminated state for the future use or requires remediation.

Council's aerial photographic record does not show any use being carried out that is listed in Table 1 Contaminated Land Planning Guidelines. The land has since been developed for tourist uses and rural residential housing and has approval for aged care housing. Therefore the site does not require further investigation regarding land contamination.

(iv) SEPP No 71 – Coastal Protection

The "coastal zone" is generally 1km landward of any coastal water, bay, estuary, coastal lake or lagoon and the boundary is to be shown to the nearest cadastral boundary. All of the subject land is identified as being in the coastal zone.

Under SEPP 71 most of the "matters for consideration" relate to land that directly front water bodies, thus are not applicable to the subject site. However, applicable matters for consideration are:

- the suitability of development given its type, location and design and its relationship with the surrounding area,
- measures to conserve animals (within the meaning of the Threatened Species Conservation Act, 1995) and plants (within the meaning of that Act), and their habitats,
- existing wildlife corridors and the impact of development on these corridors,
- likely impacts of development on the water quality of coastal waterbodies,
- only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.

Areas 1 and 3

These lots are generally cleared and have approval for retirement villages with the isolated stands of significant vegetation being retained. These areas contain two intermittent waterways that ultimately drain into Wamberal Lagoon. Catchment-wide flood studies are required to indicate whether any future increased development will have any direct and indirect impacts upon this catchment.

Area 2

Biodiversity values are dependent on vegetation condition, structure coverage, habitat values edge effects and connectivity between habitats. It is likely that the site has the potential to accommodate a range of native species due to its corridor linkages from the Ridgeway escarpment to Wamberal Lagoon. Wildlife corridors provide essential linkages for foraging resources, seasonal migration, genetic exchange and competition for native fauna. If the EEC on the site is zoned 2(a) it is considered likely that future development would have significant impact upon threatened species, endangered ecological communities or compromise their habitat, resources and wildlife corridors. There is no strategic basis to rezone some of the 7(c2) zone without consideration of the remainder of the land similarly zoned and not subject to the Planning Proposal.

(v) SEPP (Housing for Seniors and People with a Disability) 2004

This Policy applies to land that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, where dwelling houses are a permitted use. It does not apply to environmentally sensitive land. Adjoining land also means land on the opposite side of a public road. This is the reason why seniors housing has been approved and/or constructed on land zoned 1(c). Consequently, the SEPP has made the 1(c) zoned land in this locality, essentially residential land, which comprises 82.2% of the subject land. Therefore the 2(a) zone would reflect its current status. However to ensure the land is suitable to be zoned 2(a) a flood study would be required to be carried out to support the residential zone.

(vi) Other SEPPs: No other SEPP has application to this planning proposal.

7 Is the Planning Proposal consistent with applicable Ministerial Directions (s.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 117 Directions or they are not applicable.

(i) Direction 1.2 - Rural Zones

This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

A Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. However a planning proposal may be inconsistent with the terms of this direction if the council can satisfy the Department of Planning and Infrastructure that the provisions of the planning proposal that are inconsistent are justified by a study or strategy (prepared in support of the planning proposal) which gives consideration to the objectives of this direction.

The objective of this Direction is to protect the agricultural production value of rural land. The land that is zoned 1(c) Rural (Rural Purposes) comprises Lot 2 DP 706892, Lot 5 DP 1082979 and Lot 600 DP 1099102. These lots are used for a golf driving range, putt putt golf, 9 hole golf course and a retirement village which are not uses associated with agricultural production. Hence the Planning Proposal is consistent with this Direction.

(ii) Direction 2.1 - Environmental Protection Zones

This Direction requires a Planning Proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce the environmental protection standards that apply to the land.

Most of the southern part of the subject land (Area 2) is zoned 7(c2) with the western part of Lot 522 DP 1077907 zoned 7(a). The objective of this Direction is to protect and conserve environmentally sensitive areas. The 7(a) zoned area contains an Estuarine Paperbark Scrub Forest community which is identified as an EEC. To be consistent with this Direction this environmentally sensitive area would have to be protected, not zoned to a Residential zone as proposed.

As discussed earlier in the report, the proposed rezoning of some of the 7(c2) land without consideration of the whole 7(c2) zoned area has no strategic basis and is unable to be supported.

(iii) Direction 2.2 - Coastal Protection

This Direction requires a planning proposal to include provisions that give effect to and are consistent with:

- (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 *NSW Coastal Policy* sets out the following goals relevant to the Planning Proposal:

- Protecting, rehabilitating and improving the natural environment of the coastal zone.
- Protecting and enhancing the aesthetic qualities of the coastal zone.
- Providing for ecologically sustainable human settlement in the coastal zone.

Area 2

The zoning of the 7(a) land containing an EEC to 2(a), as proposed, would not satisfy the abovementioned goals relating to the protection of the natural environment, the

enhancement of the aesthetic qualities and provision of ecologically sustainable settlement of the coastal zone. The rezoning of some of the 7(c2) zone without consideration of the remainder of the land similarly zoned, and not subject to the Planning Proposal, would not result in ecologically sustainable settlement.

Areas 1 and 3

The EEC and threatened species located on Lot 600 DP 1099102 have been identified as being retained and protected under the development consent for this property. It is considered that the zoning of such land to 2(a) would be consistent with the goals of the NSW Coastal Policy providing other concerns such as flooding are satisfactorily addressed. As discussed earlier in the report, these stands of significant vegetation are able to be further protected by inclusion in the 7(a) zone.

The *Coastal Design Guidelines* relate to design of dwellings and location of new settlements and is relevant to this Planning Proposal. The following objectives are relevant to this Planning Proposal:

- To protect and enhance the cultural, ecological and visual characteristics of a locality.
- To limit coastal sprawl by establishing separation and greenbelts between settlements.
- To integrate new development with surrounding land uses.
- To encourage new coastal settlements to be appropriately located.
- To create neighbourhoods centred around services and facilities.

Area 2

The zoning of the 7(a) land containing an EEC to 2(a), as proposed, would not ensure the protection of ecological and visual characteristics of the locality. The consideration of the subject 7(c2) zoned lots in isolation to adjoining 7(c2) land will not result in the integration of the proposed development with surrounding land uses, but result in an example of incremental urban sprawl. Hence the inclusion of Area 2 in the Planning Proposal is contrary to this Direction.

Areas 1 and 3

Some of the subject land is already being developed for aged care housing and the limit of development is Bakali Road to the west. Adjoining land uses to the east are predominantly residential thus the planning proposal is appropriately located and integrated with existing urban land uses. The subject site is also close to a neighbourhood shopping centre. As such the Planning Proposal is consistent with the Coastal Design Guidelines.

The *NSW Coastline Management Manual* provides "information to assist present and potential users and occupiers of the coastline to understand the nature of coastline hazards and the options available for their management." "Hazards peculiar to the coastline must be recognised in the design of new developments, in the planning of changed land use patterns and in the protection of present developments at risk." As the site is not subject to immediate coastal processes it is not relevant to the Planning Proposal.

(iv) Direction 3.1 - Residential Zones

This Direction applies when a planning proposal affects land within an existing or proposed residential zone. The draft LEP shall include provisions that will broaden the choice of building types, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing on the urban fringe and be of good design.

Area 2

The rezoning of the three 7(c2) lots in isolation to the remainder of the 7(c2) land is ad hoc in nature and will not result in the efficient use of existing infrastructure and services in the locality.

Areas 1 and 3

The Planning Proposal will permit the range of housing permitted in the 2(a) zone such as dwelling houses, seniors housing (under SEPP Housing for Seniors or People with a Disability) and secondary dwellings (under SEPP Affordable Rental Housing). The low density residential zone will not permit a broad range of housing types as is permitted in the medium density residential zones. However, such housing is not considered suitable for this site as the site is not located close to centres as specified in the CCRS. The 2(a) zone is consistent with the zoning of residential land in the locality and will make efficient use of existing infrastructure and services in the locality. Although the subject site is located on the fringe of the existing urban zones, it is currently being developed for residential purposes. Under the Regional Strategy such land immediately adjoining urban land is defined as infill development. Hence the Planning Proposal is consistent with this Direction provided further studies identify that the physical characteristics of the site are able to support residential development of the land.

(v) Direction 3.4 - Integrating Land Use and Transport

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
- (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

These documents have objectives to:

- locate trip-generating development which provides important services in places that:
 - help reduce reliance on cars and moderate the demand for car travel
 - encourage multi-purpose trips
 - encourage people to travel on public transport, walk or cycle
 - provide people with equitable and efficient access
- minimise dispersed trip-generating development that can only be accessed by cars

The subject site is located on the Central Coast Highway which is the major arterial road connecting the coastal communities with regular and frequent bus services to Erina Fair and Gosford CBD. Whilst future residents could use their private vehicles, the option to use public transport would be available.

(vi) Direction 4.3 - Flood Prone Land

This Direction applies when a Planning Proposal is prepared that creates, removes or alters a zone or provision that affects flood prone land. A draft LEP shall not rezone land

within a flood planning area from Rural or Environmental Protection zone to a Residential zone.

The Floodplain Development Manual, 2005 defines the Flood Planning Area as the area of land below the Flood Planning Level (i.e. combination of flood events and freeboards as determined in management studies and incorporated in management plans) and thus subject to flood related development controls.

Areas 1 and 3

A flood study has not been submitted for these lots so it is not possible to ascertain whether or not the subject land is within a flood planning area. It is noted that there are intermittent watercourses and a drainage channel conveying stormwater across the site from east to west. The applicant should submit further hydrologic and hydraulic information prior to public consultation. Until a catchment study looking at all overland flow directed toward and through these lots has been undertaken, a full impact assessment by Council of any future development potential on the site is not possible.

Area 2

A drainage easement consisting of an overgrown, open channel commences at the rear of one of the small lots fronting the Central Coast Highway and ends at the unformed section of Bakali Road to the west. The open channel passes through three 7(c2) zoned lots before spilling out onto the unformed section of the Bakali Road. Even though there is a drainage reserve on the western side of Bakali Road, there is no system within the drainage reserve to convey stormwater flows. The owners of the land on the western side of Bakali Road have previously complained to Council regarding the surrounding properties and the open channel drainage easement concentrating flows onto their property which does not drain away and causes the property to become swampy.

The drainage channel on the subject site conveys stormwater from a substantial catchment on the eastern side on the Central Coast Highway. Consideration would need to be given to all overland flows affecting the subject site and ultimately being captured by the existing open channel drainage easement. The area of land available for residential development on this site may be restricted due to the extent of overland flow generated from the upper catchment. Any filling of the subject site is likely to have a major impact on the rest of the site and/or adjacent properties. Council does not permit the diversion or concentration of overland flow paths onto other properties or an increase in discharge from a site.

The seriousness of the flooding situation is exacerbated if the three 7(c2) lots are considered separately to the total area of land zoned 7(c2) as it is not possible to assess the flooding situation in a strategic manner, nor any possible remedies.

(vii) Direction 4.4 - Planning for Bushfire Protection

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. 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.

The subject land accommodates vegetation that is classified as Rural Fire Service Bushfire Categories 1 and 2 as well as associated Buffer. As the subject site is bushfire prone a Bushfire Hazard Assessment will have to be prepared and the Planning Proposal referred to the Rural Fire Service for comment should a Gateway Determination be received.

(i) Direction 5.1 - Implementation of Regional Strategies:

This Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning and Infrastructure.

Areas 1 and 3 of the Planning Proposal are considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 and Area 2 is considered to be inconsistent as indicated in the response to Question 4 above.

(ii) Direction 6.1 – Approval and Referral Requirements:

This 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:

This Direction applies to the Planning Proposal as the Planning Proposal seeks to rezone the land.

The proposal is consistent with this Direction as it proposes to use existing zones and proposes the imposition of no development standards or requirements in addition to those already contained in the principal planning instrument. The proposal does not contain or refer to drawings/concept plans that show details of the proposed development.

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?

Area 2

Zoning of the 7(a) land on Lot 522 DP 107709 for residential purposes would have a significant impact upon the local occurrence and habitat of the EEC listed as Swamp Sclerophyll Forest on Coastal Floodplains on Lot 522 DP 107709. Therefore the wholesale rezoning of the entire lot to 2(a) Residential is not supported.

Remnants of the EEC also exist as isolated stands on other parts of Lot 522 DP 1077907, which is zoned 7(c2). The current DCP applying to the 7(a) and 7(c2) zoned land (DCP No 90 - The Entrance Road, Forresters Beach) requires this vegetation to be retained.

Areas 1 and 3

The EEC also occurs on land zoned 1(c) and approved for retirement villages. The EEC is located on the southern boundary of Lot 5 DP 1082979 and is shown on the approved plans to be incorporated into an open space area. It is proposed to zone this vegetation 7(a) thus indicating that it is to be retained.

Furthermore, the EEC also occurs in the southwest corner of Lot 600 DP 1099102 which is currently being developed for seniors housing. The approved development plans show this vegetation community being retained. Also, a stand of *Eucalyptus campfieldii* threatened species is located on the northern portion of Lot 600 DP 1099102. The approved development plans for seniors housing have protected this vegetation by

including it in a Conservation Area. Any change to the zoning of the land to Residential would not negate compliance with the Development Consent. However, to ensure the vegetation is preserved in any future development, it should be included in the 7(a) zone.

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

Wamberal Lagoon Catchment

The whole of the subject site is within the Wamberal Lagoon Catchment. Land on the eastern side of the Central Coast Highway is zoned 2(a) Residential and drains westward through the subject site, to the adjoining land to the west that is zoned 7(a) Conservation and is identified as Proposed COSS.

The Coastal Lagoons Management Plan has the following relevant strategy:

"Restrict any rezoning of land within the lagoon catchments that increases density of development."

Area 1 and 3

The previous development consents for increased density of development (ie retirement villages) within the lagoon catchment, satisfactorily addressed runoff by incorporating on-site stormwater control measures as part of the development.

A retirement village on Lot 2 DP 706892 and Lot 5 DP 1082979 was approved in the Land and Environment Court in 2007. A comprehensive joint expert report was prepared for the court case. The report provided background information, collated technical reports and described Wamberal Lagoon and the available water quality data. It was concluded that the proposed seniors living development was unlikely to result in an adverse impact on Wamberal Lagoon and associated ecosystems as a result of hydrological changes. The Court approved the retirement village development on the site.

Changing the zone of these two lots to 2(a) would reflect the Court approved use of the land as a retirement village. It would be expected that a low density residential subdivision would create more opportunity for a reduced floor space ratio and an increased open space component compared with the more impervious nature of a retirement village.

The site directly abuts the EEC to the south and west, and without a buffer around this significant vegetation, the EEC may suffer from edge effects resulting from the close proximity of urban development. Any future development would be required to comply with bushfire Asset Protection Zones (APZs) due to its interface with the adjoining vegetation. Such APZs could also be used for stormwater and nutrient control measures.

Area 2

The southern portion of the subject site contains land zoned 7(c2) which was considered the most appropriate zone when it was zoned in 1997. Any increase in intensity of development in this area may increase pressure on the EEC and Wamberal Lagoon without detailed investigations. As the Planning Proposal only applies to some of the 7(c2) zoned land a comprehensive assessment is not possible.

The Coastal Lagoons Management Plan is currently under review. A study is being prepared in draft form for Council's consideration with a view to go on public exhibition.

Scenic Quality

Under DCP No 89 - Scenic Quality, the subject site is located in the North Coastal Geographic Unit, and more specifically in the Forresters Beach-Wamberal Landscape Unit. The most northerly section of the unit forming the Forresters Beach landscape has characteristics more typical of the Tuggerah landscapes of Wyong LGA. The flat rear dune hinterland comprises a mixture of residential, rural-residential and recreational land uses. The flat landform, low vegetation and stunted characteristics result in a generally low visual quality. Residential development adjacent to the Central Coast Highway is visually dominant. Visual sensitivity is high for areas on higher slopes and along main roads. The Forresters Beach-Wamberal Landscape Unit is of regional significance as it is a unique landscape within the Gosford area.

The development objectives of the North Coastal Geographic Unit relevant to this Planning Proposal are:

- Opportunities for increases in densities and scale are available in areas not subject to visibility or physical constraints. Visually constrained areas include land along beach front, sand spit, headlands and lagoon frontages, as well as along main roads within scenic protection and conservation zoned areas and within scenic protection and conservation zoned areas.
- 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.
- Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular scenic protection and conservation zoned areas.

Area 2

The southern part of the subject land is zoned scenic protection and conservation which, according to the DCP, is visually constrained and not conducive with increased densities of development. Consequently, the broad pattern of land use in these areas should be retained. The proposal represents an incremental extension of the residential zone into the conservation zoned areas with no strategic basis.

Areas 1 and 3

Lot 600 DP 1099102 is being developed for a retirement village and has a privacy wall constructed along the full length of its frontage with the Central Coast Highway so any additional residential buildings will not be visible from the main road. The zoning to 2(a) will have no effect on the built form on this site. A Residential use is already evident on the subject site so the Planning Proposal is not an incremental expansion of the urban zones but a rationalisation of a development decision several years ago.

Likewise, the two lots immediately to the south have development consent for a retirement village complex of a scale comparable to medium density residential development. The proposed 2(a) zone, whilst continuing to permit such scale of seniors housing also permits low density residential development which is comparable with the scale of development on Lot 600 and on the eastern side of the Central Coast Highway.

Character

Area 1

Under DCP No 159 - Character, the two lots accommodating the golf driving range, 9 hole course and putt putt golf are identified in Precinct 7 - Recreational Centre. The desired character of this precinct is:

These properties should continue to provide community and recreation services according to the needs of their surrounding residential population. The scenic and civic qualities of prominent backdrops to Gosford City's major roads and residential areas should be enhanced by future development, infrastructure or landscape improvements, and by open space management.

Protect the habitat and scenic values of remnant bushland and wetland by retaining natural slopes and by avoiding further fragmentation of the tree canopy.

Ensure that new developments do not dominate their natural or landscaped settings, or their predominantly low-rise residential surroundings.

Minimise the scale and bulk of new buildings and avoid the appearance of uniform building heights along any street by well-articulated forms.

Under the 1(c) zone development consent has been issued for a retirement village which is not consistent with the desired character statement. Given this precedent it is unreasonable to expect that the precinct will remain a recreational centre forever. The proposed 2(a) zone will permit low density housing form which will minimise bulk and scale of any new buildings.

Area 3

Lot 600 DP 1099102 is identified in Precinct 5 - Medium Density Estate. The desired character of this precinct is:

These areas should remain medium-density residential estates that accommodate older people or people with a disability, where improved standards of amenity and urban design quality are achieved by new low-rise multi-unit buildings that are surrounded by leafy gardens to provide distinctive backdrops for Gosford city's town centres and major roads.

Maintain the existing informal scenic qualities of hillside properties and road verges by appropriate site planning that conserves visually-prominent trees, particularly near hill crests, close to ridgelines or along street frontages.

Ensure that new developments complement the siting, form and scale of nearby detached dwelling neighbourhoods, as well as maintaining reasonable levels of sunlight, privacy and amenity that are enjoyed by neighbouring dwellings and their private open spaces.

The zoning of the land to 2(a) will reflect the urban character of this precinct. The vegetation has been conserved as part of the development consent and will continue to be conserved by its inclusion in the 7(a) zone.

Area 2

The three lots zoned 7(a) and/or 7(c2) are identified in Precinct 8 - Scenic Buffer. The desired character for this precinct is:

These should remain rural-residential buffers where the scenically-distinctive semi-rural and natural qualities of prominent backdrops to Gosford City's major roads and tourist routes are preserved by appropriate very-low density residential

developments associated with low impact rural activities, and by small-scale businesses or community and educational facilities that have a modest impact on semi-rural or natural scenic qualities plus the amenity enjoyed by surrounding properties.

Retain natural slopes and prevent further fragmentation of the tree canopy in order to maintain habitat values and informal scenic characters of hillside or valley properties, plus meandering roads with unformed verges. Along creeks, ridges, slopes or road frontages, conserve all mature bushland remnants that provide scenically-prominent backdrops visible from any road or nearby property. Limit intrusion of structures upon their landscape setting by concentrating new buildings and pavements in existing clearings.

In areas that are defined as bushfire prone, hazard must not be increased by inappropriate new plantings or structures. Minimise the extent of cleared asset protection zones by fire resistant siting, design and construction for all new structures plus effective management of gardens.

The zoning of the 7(a) and 7(c2) zoned land to 2(a) would eliminate the rural-residential buffer adjoining scenically distinctive natural backdrops and would likely lead to further fragmentation of the tree canopy. Such zoning would be contrary to DCP 159.

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

Areas 1 and 3

The Planning Proposal will provide social benefits to the community in the form of additional low density housing in an accessible location. It will enable a significant contribution to be made to residential land supply in the Gosford LGA. Employment will be provided during the construction phase which will benefit the local economy.

Area 2

As the proposal does not treat the 7(c2) zoned area on the western side of the Central Coast Highway in a strategic manner there will be minimal social benefit to the community, especially adjoining residents. Rather there will be an incremental extension to the urban footprint with no strategic relationship to surrounding land uses and character.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

Water and Sewer

Water and sewer is available to the land however there is insufficient capacity to accommodate additional loads or demands from future development should the land be rezoned. Water and sewerage reticulation systems will be required to be augmented prior to future development of the land.

Transport

Traffic Volume Data, for the Annual Average Daily Traffic (AADT) volumes along the Central Coast Hwy (Roads and Maritime Services) have been referenced at a counter station located close to the subject site, at the intersection of Central Coast Highway and Bateau Bay Road. The 2004 AADT of 21,263 was a 25% increase on the 1995 traffic

count. Applying a 25% increase over the 2004 data, it can be estimated that an AADT for 2012 would be approximately 26,500. The data indicates that the Central Coast Highway currently operates well within its capacity in the area around the subject site.

The potential traffic generation resulting from the Planning Proposal will not impact on the traffic efficiency of the Central Coast Highway adjacent to the subject site. However the effect of the additional traffic flow generated by any future residential development on the operating performance and capacity of the existing and potential intersections accessing the subject site is relatively unknown.

Areas 1 and 3

Information is required to be submitted to enable a proper interpretation of traffic impacts on traffic efficiency, amenity and safety on the surrounding road network.

Area 2

If land in the vicinity of the drainage channel is flood liable, access from the southern parts of Lot 522 DP 1077907 and Lot 4 DP 1000694 to the Central Coast Highway may be cut off. Hence access would have to be either via the private access to Bakali Road currently used by the adjoining rural residential lots, or over Lot 51 DP 1028301 to the service road parallel to the Central Coast Highway. In either case the additional traffic would adversely affect the amenity of the residents living in vicinity of these accessways and not included in the Planning Proposal application.

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 been undertaken with State and Commonwealth agencies as no gateway determination has been issued.

It is envisaged that the following agencies will be consulted:

- Office of Environment and Heritage
- Roads and Maritime Service
- Rural Fire Service
- Wyong Shire Council

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 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 (see Attachment E).

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 Consideration

DCP 90 - The Entrance Road, Forresters Beach

The purpose of this DCP was to provide more details for the development and possible subdivision of the land zoned 7(a) and 7(c2) in 1997 (see Attachment B, Appendix 12). This rural-residential subdivision has now been completed.

The objectives are:

- To enable development to proceed in a manner which is sensitive to the environmental characteristics of the site and its environs;
- To protect the environment of Wamberal Lagoon from the adverse effects of development;
- To ensure development does not have an adverse impact on flooding and to ensure development is designed to ameliorate any potential flooding;
- To facilitate vehicular access to the site and to ensure development does not have an adverse impact on the existing road network;
- To ensure development design is sensitive to the visual and scenic character of the surrounding rural area and compatible with nearby urban development so as not to compromise residential amenity.

The DCP identifies specific requirements to satisfy these objectives. The requirements relevant to the current proposal are discussed below.

Objective (a)

- (a)(i) All woodland vegetation identified on the Development Control Plan map (see Attachment B, Appendix 12 of this report) must be retained, including understorey vegetation. No building works are to be undertaken in this area. Clearing or underscrubbing is only to be undertaken for bushfire hazard control and only when required by Council's Bushfire Control Officer or for the removal of weeds. Council's Environmental Officer must also be consulted prior to any clearing or underscrubbing.

Comment

The DCP plan shows the vegetation located in the 7(a) zone (i.e. EEC) as being retained as well as the vegetation in the 7(c2) zone. This is inconsistent with the planning proposal application which requests the rezoning the EEC to 2(a) and all the uses that that zone allows. The applicant states that the EEC can be addressed at a later date; however, it is inappropriate to rezone environmentally significant vegetation to a zone that permits its destruction, notwithstanding the requirements of the *Threatened Species Conservation Act*.

Objective (b)

- (b)(ii) In order to prevent further nutrification and sedimentation of Wamberal Lagoon caused by development and runoff from the subject land, nutrient filter measures must be implemented to filter nutrients so as to prevent them from entering Wamberal Lagoon. Details must be provided at the development or building application stage to the satisfaction of Council's Environmental Control and Planning, and Flooding and Drainage Activities.
- (b)(ii) Development proposals must ensure they do not contribute to the degradation of Wamberal Lagoon environs through water and sediment pollution. In order to protect the environs of Wamberal Lagoon high intensity development is discouraged. Should a development application for high intensity uses be submitted (i.e.: places of public worship, stock homes), then detailed supporting information must be submitted with the development application to demonstrate that adequate on site detention and nutrient control measures will be implemented.
- (b)(iii) The placement of fill on the site is to be minimised to maintain groundwater characteristics to ensure the long term survival of vegetation to the west of the site.

Comment

This DCP applies to land that was zoned 7(c2) in 1997 as it is considered to be the most suitable zone for the characteristics of the land. Any increase in development intensity is likely to have an impact on Wamberal Lagoon and groundwater and on the adjoining owners of 7(c2) lots.

Objective (c)

- (c)(i) Engineering and hydraulic calculations and survey information are to be submitted with any development applications for subdivision of the site or proposed development in order to determine whether the land is affected by the 1% Annual Exceedance Probability flood event line for post development flows. No dwellings, other buildings or the placement of fill is to be undertaken below the 1% AEP flood event line.

Comment

This requirement suggests that some of the land, at least, is flood liable and unsuitable for residential buildings.

Objective (d)

- (d)(i) All development applications shall be referred to Council's Traffic Section for their comments. Vehicular access to the land shall be to the satisfaction of Council's Development Traffic Committee. It is noted that any major traffic generating developments are considered inappropriate on this land.
- (d)(ii) Direct vehicular access to The Entrance Road is denied except for the existing residential sized allotments and [current Lot 522 DP 1077907].
- (d)(iii) Access to [current Lots 1-4 DP 1000694] is to be by way of the southern section of Bakali Road. This road is to be upgraded to the satisfaction of Council.

Intersection improvements, to be determined at the Development Application stage, may also be required at this intersection.

Comment

Access to the Central Coast Highway to service any future residential development will require intersection works with the most likely place being Lot 522 DP 1077907. Any other access via Bakali Road and or the service road parallel to the Central Coast Highway is considered unsatisfactory due to the impact on adjoining owners.

Policy D2.02 - Rezoning of Land Zoned Rural Conservation 7(a)

The subject site comprises an area of 7(a) land with a total area of 2.12 ha. Of this, 1.65 ha is on Lot 522 DP 1077907 and accommodates the EEC. An area (0.47 ha) of 7(a) land exists on Lot 5 DP 1082979 and Lot 2 DP 706892 which is cleared and does not accommodate any of the EEC evident on adjoining Lot 522 DP 1077907.

The proposal seeks to rezone this area of 7(a) land to 2(a), thus Policy D2.02 applies.

The objectives of the 7(a) zone are:

- a The conservation and rehabilitation of areas of high environmental value.
- b The preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape.
- c The provision and retention of suitable habitats for native flora and fauna.
- d The prohibition, of development on or within proximity to significant ecosystems, including rainforests, estuarine wetlands, etc.
- e The provision and retention of areas of visual contrast within the City, particularly the "backdrop" created by retention of the ridgelines in their natural state.
- f The provision of opportunities for informal recreational pursuits, such as bushwalking, picnic areas, environmental education, etc. in appropriate locations.
- g The minimisation or prohibition of development so that the environmental and visual qualities of natural areas are not emasculated by the cumulative impact of incremental, individually minor developments.
- h The minimisation or prohibition of development in areas that are unsuitable for development by virtue of soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.

Area 2

By its very nature the EEC on Lot 522 DP 1077907 comprises an important habitat for native flora and has high environmental value. The proposal to rezone of this 7(a) land to 2(a) is contrary to Policy D2.02 as the proposal does not seek to preserve this stand of environmentally significant vegetation.

Area 1

The 7(a) zone on adjoining Lot 5 DP 1082979 and Lot 2 DP 706892 is cleared and currently used as a fairway and green for the 9 hole golf course on the land. It is proximate to the adjacent EEC and is low-lying so should remain as 7(a) unless an alternative zoning can be justified as part of the further studies.

Besides being assessed on environmental, statutory and strategic grounds the Draft LEP must include the following:

- Land capability assessment
- Vegetation analysis

- Faunal analysis
- Visual assessment
- Bushfire hazard analysis
- SEPP 19 - Bushland in Urban Areas
- Preparation of a DCP
- Dedication of land to COSS
- Strategic basis

Since the preparation of this Policy, the matters relating to land capability, vegetation, fauna and bushfire have become statutory matters which have to be addressed in any Planning Proposal assessment, and have been addressed separately to this Policy earlier in the report. SEPP 19 is a statutory matter and has been addressed earlier in the report. The matter relating to visual quality is the subject of a Council DCP (No 89) which has also been addressed separately in the report. The land is not part of the COSS but adjoins Council-owned COSS land.

Additional Land

Limiting the Planning Proposal to Lot 600 DP 1099102, Lot 2 DP 706802 and Lot 5 DP 1082979 may, if successful, result in the isolation of three (3) small lots located north of Bellevue Road and south of the Wyong Shire Council boundary. These lots are fully developed with a total area is 1.36 ha. In order to complete the strategic assessment of this area these three (3) lots should be included in the Planning Proposal. However, as these additional lots are privately owned, the owners' consent would be required prior to inclusion in the Planning Proposal. This consent should be sought prior to referral of the Planning Proposal to the Gateway for determination. If the owners are unwilling for the lots to be included in this Planning Proposal they can be considered in the urban fringe land review that is to be carried out after gazettal of the Draft Gosford LEP.

Lot 61 DP 747931 Bellevue Road accommodates a service station. The zone is currently 1(c) and is proposed to be zoned E3 under the Gosford LEP as that is the adjoining zone and the service station could operate under existing use rights. However if the adjoining land to the south ends up being zoned 2(a)/R2, retaining an isolated parcel of 1(c)/E3 land containing a service station is incongruous. Therefore if the adjoining land to the south is zoned 2(a) then it is considered reasonable to zone this small site the same 2(a) zone and for the use to rely on existing use rights.

Lots 1 and 2 DP 1170047, Bellevue Road accommodate a swimming school, child care centre, dwelling house and dual occupancy. The zone is currently 1(c) and is proposed to be zoned E3 under the Gosford LEP as that is the adjoining zone and the uses could operate under existing use rights. However if the adjoining land to the south ends up being zoned 2(a)/R2, retaining two isolated parcels of 1(c)/E3 land containing these urban uses is incongruous. In this case the most appropriate zone for these lots would also be 2(a) where all the uses are permissible except the swimming centre which could continue to operate under existing use rights. The adjoining land to the north, in Wyong Shire Council, is zoned Residential.

Conclusion

An application to prepare a Planning Proposal has been submitted for Lot 600 DP 1099102, Lot 2 DP 706892, Lot 5 DP 1082979, Lot 522 DP 1077907 and Lot 51 DP 1028301, Central Coast Highway and Lot 4 DP 1000694, Bakali Road, Forresters Beach. It requests that the subject land be zoned to low density residential.

The northernmost lot of the subject land (Lot 600 DP 1099102) is zoned 1(c) Rural Purposes and accommodates a seniors housing development currently under construction. The two lots immediately to the south (Lot 2 DP 706892 and Lot 5 DP 1082979) are also zoned 1(c) and

currently accommodate a golf driving range, a nine hole golf course and a putt-putt golf complex. These two lots have a development consent issued by the Land and Environment Court for another seniors housing development.

These three lots, even though zoned 1(c), no longer exhibit a rural character. The Draft Gosford LEP 2009 proposed to zone these lots to E3 Environmental Management as that was the adjacent zone and the Draft LEP in this location was primarily a conversion plan. Now that a Planning Proposal has been submitted the zoning of the land is able to be assessed in a strategic manner. The settlement of Forresters Beach, to the east of the subject land, is zoned 2(a) Residential and land to the north in Wyong LGA is generally zoned Residential and Open Space. As the retirement village and current development consent for another retirement village on the three northernmost lots are urban in nature there is broad strategic justification for zoning this part of the subject land to zones that more closely reflect what is occurring on the ground.

These three lots, although adjoining urban uses, and therefore geographically consistent with being considered infill development under the Central Coast Regional Strategy (CCRS), should be confirmed to be physically compatible with development permitted under a residential zone. The area of land available for rezoning on this site may be restricted due to the extent of flooding and overland flow generated from the upper catchment. Until a catchment study looking at all flows directed toward and through this site has been undertaken, a full impact assessment by Council of any future development on the site is not possible. The applicant is to submit further hydrologic and hydraulic information to enable a full assessment of the proposal to be made. Such information should also include the effect of any residential development on Wamberal Lagoon and groundwater.

The subject site is adjacent to the Central Coast Highway which provides good access to centres and services by either private or public transport. The potential traffic generation resulting from the Planning Proposal may impact on the traffic efficiency of the Central Coast Highway adjacent to the subject site, hence information is required to be submitted which would enable the proper interpretation of traffic impacts on traffic efficiency, amenity and safety on the surrounding road network.

Upon receipt of the studies, Council would be in a position to prepare a draft Development Control Plan for the land identifying flood liable land, transport planning requirement and setbacks to the adjoining significant vegetation.

Land in Area 2 on the southern part of the subject land (Lot 522 DP 1077907, Lot 51 DP 1028301 and Lot 4 DP 1000694) is zoned 7(c2) Rural Small Holdings with an area of 7(a) Conservation on the western boundary of Lot 522 which is heavily vegetated with an Endangered Ecological Community (EEC).

However, these three lots only comprise 43% of the land zoned 7(c2), thus not allowing this whole area to be assessed on a strategic basis. The applicant has suggested that should Council wish to consider the whole of the precinct bounded by these roads on a strategic basis then it may do so. However, this Planning Proposal application is a private proposal and Council should not be participating in the justification of such a proposal for the benefit of the proponents, where significant obligations and implications for Council would ensue from the subsequent process.

Consequently, Council should constrain itself to an assessment of the application it has before it. The proposal seeks to rezone the whole of Lot 522 DP 1077907 to 2(a) with little reference to the importance of retaining the existing Endangered Ecological Communities on the site. This is contrary to SEPP 19, SEPP 71, several Section 117 Directions and DCP 89. No zone

other than 7(a) reflects the physical character of the land nor the conservation status required for such a significant vegetation community and existing zones should be maintained.

It is therefore recommended to restrict this Planning Proposal to the land identified in Areas 2 and 3 and to complete the review of the 1(c) zoned land in this locality.

Should the 'gateway' consider that the planning proposal has strategic merit the following studies are to be completed prior to progression to consultation with public agencies and the community:

- Bushfire Hazard Assessment
- Flood Study including overland flow study
- Impact assessment on groundwater and Wamberal Lagoon (sedimentation and nutrification)
- Traffic Impact Study

Future work will be required should the 'gateway' determination be granted. The required studies will need to be carried out for the Planning Proposal to progress, and based on the information contained in the studies, Council will have to investigate the need for a Development Control Plan and a Contributions Plan.

FINANCIAL IMPACT STATEMENT

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

Attachments:	A	Planning Proposal Process
	B	Planning Proposal Mapping
	C	Net Community Benefit
	D	Criteria for New Land Release
	E	Adjoining Owners

Tabled Items: Nil

RECOMMENDATION

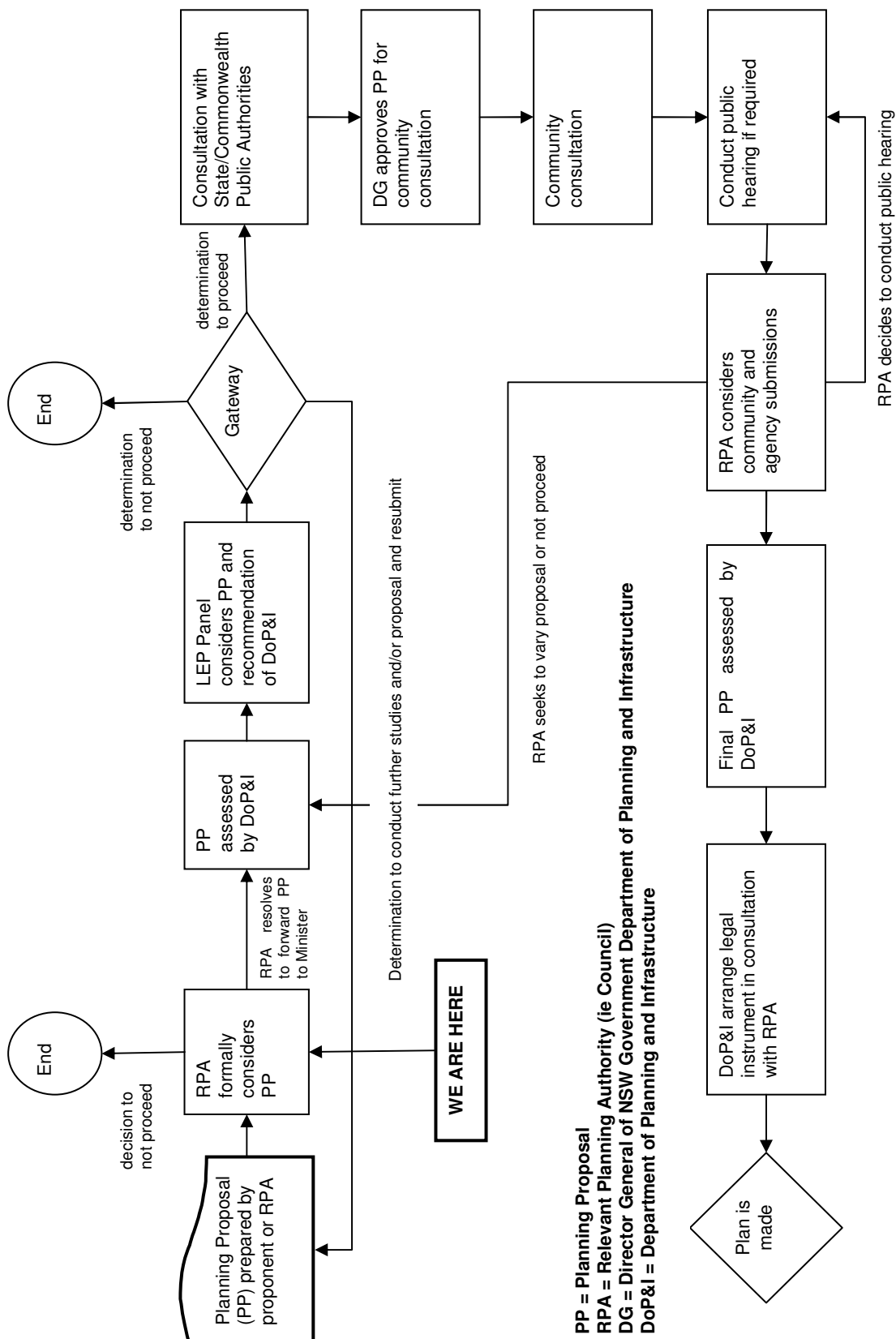
- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal to zone Lot 600 DP 1099102, Lot 2 DP 706892 and Lot 5 DP 1082979, Central Coast Highway, Forresters Beach to 2(a) Residential and 7(a) Conservation and Scenic Protection (Conservation).
- B Prior to referral of the Planning Proposal to the Department of Planning and Infrastructure, Council write to the owners of Lots 1 and 2 DP 1170047 and Lot 61 DP 747931, Bellevue Road, Forresters Beach inviting them to advise Council whether they wish to be included in this Planning Proposal. If so, the Planning Proposal is to be amended accordingly.
- C Council notify the Department of Planning and Infrastructure of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report.
- D Should the Gateway determination support the Planning Proposal the following studies are to be carried out prior to exhibition of the Planning Proposal:

- Bushfire Hazard Assessment;
 - Flood Study including overland flow study;
 - Impact assessment on groundwater and Wamberal Lagoon (sedimentation and nutrification);
 - Traffic Impact Study.
- E Upon receipt of the studies, Council investigate the need for a Development Control Plan and Contributions Plan prior to consultation with public authorities and the community.
- F Council decline to support the preparation of a Planning Proposal to rezone Lot 522 DP 1077907 and Lot 51 DP 1028301, Central Coast Highway and Lot 4 DP 1000694, Bakali Road, Forresters Beach to 2(a) Residential, for the following reasons:
1. The Planning Proposal application only proposes to zone some of the land currently zoned 7(c2) in isolation to the remainder of the zone which would not allow a strategic assessment of the physical site constraints to be undertaken.
 2. The Planning Proposal application, by only applying to some of the 7(c2) zoned land, will adversely impact on the adjoining owners of 7(c2) land and the character of the area.
 3. The proposed rezoning of three 7(c2) lots in isolation to the remainder of the 7(c2) land is ad hoc in nature and would result in an uncoordinated and fragmented development outcome.
 4. The proposed rezoning of the existing 7(a) zoned land to 2(a) is inappropriate given the 7(a) zoned area accommodates vegetation identified as an Endangered Ecological Community.
- G The applicant be advised of Council's resolution.

ATTACHMENT A – Planning Proposal process - extract from, DoP&I documents (RPA = Relevant Planning Authority, i.e. Council)

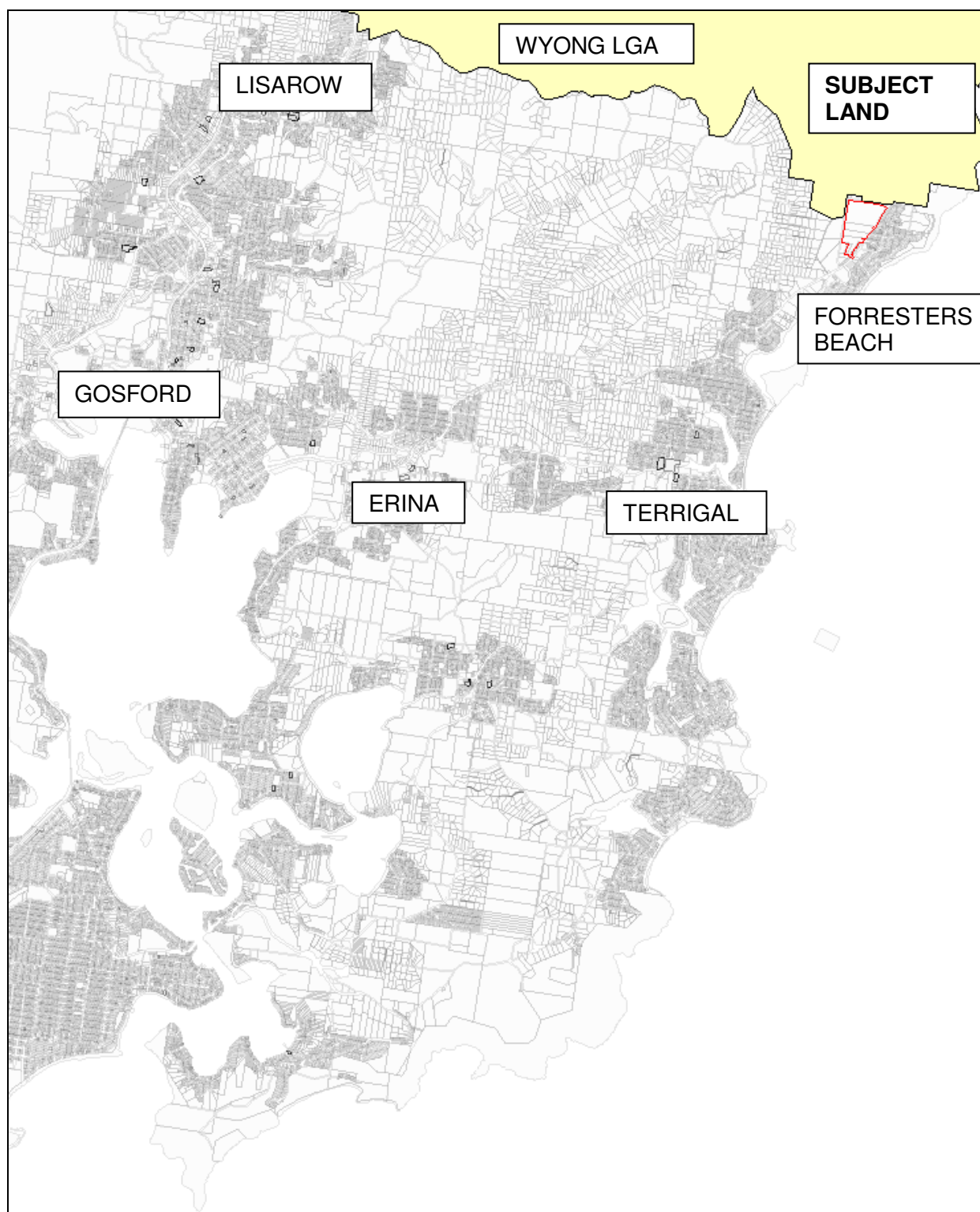
**Extract from “A Guide to Preparing Local Environmental Plans”,
Department of Planning and Infrastructure**

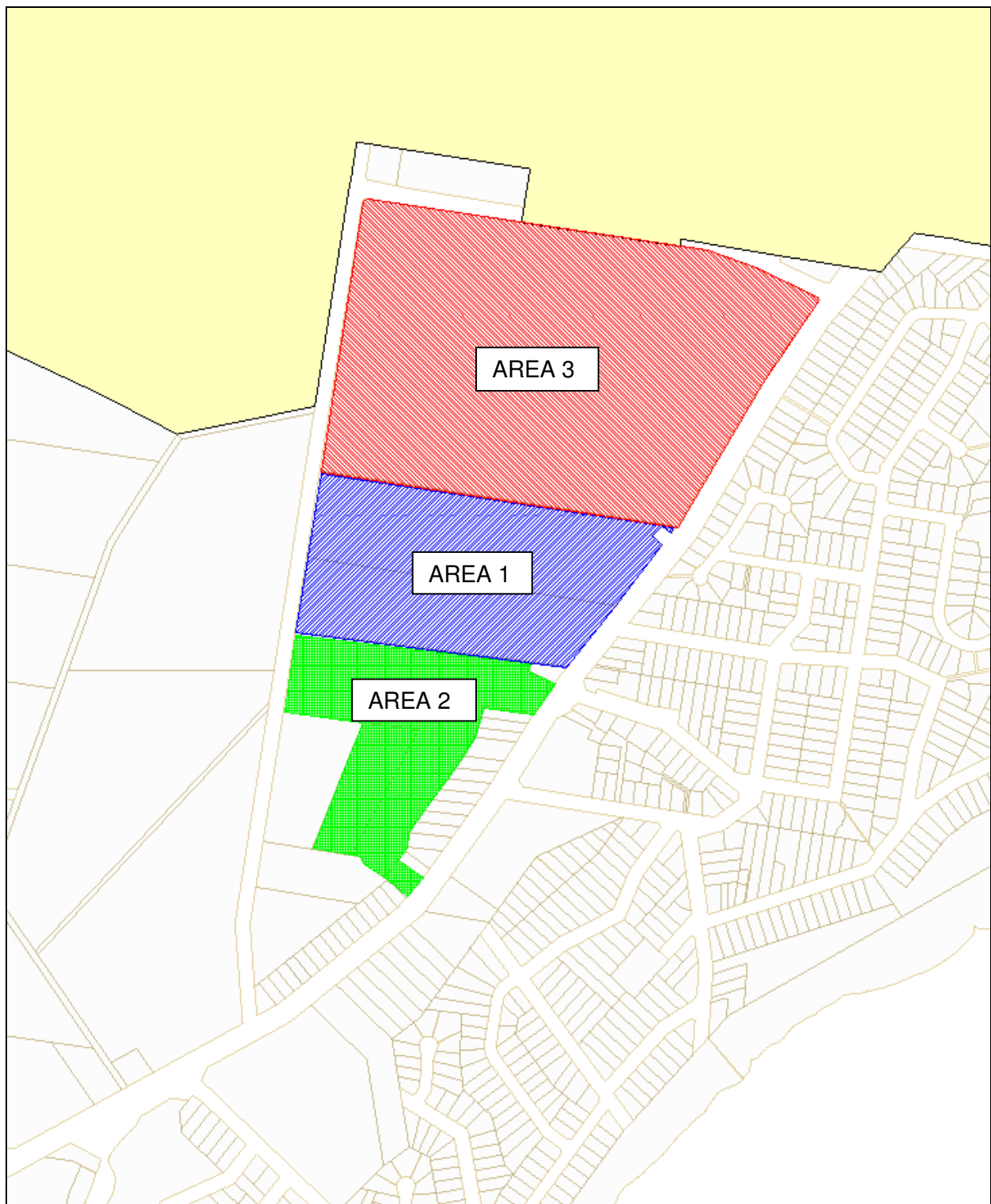
Process to make a local environmental plan

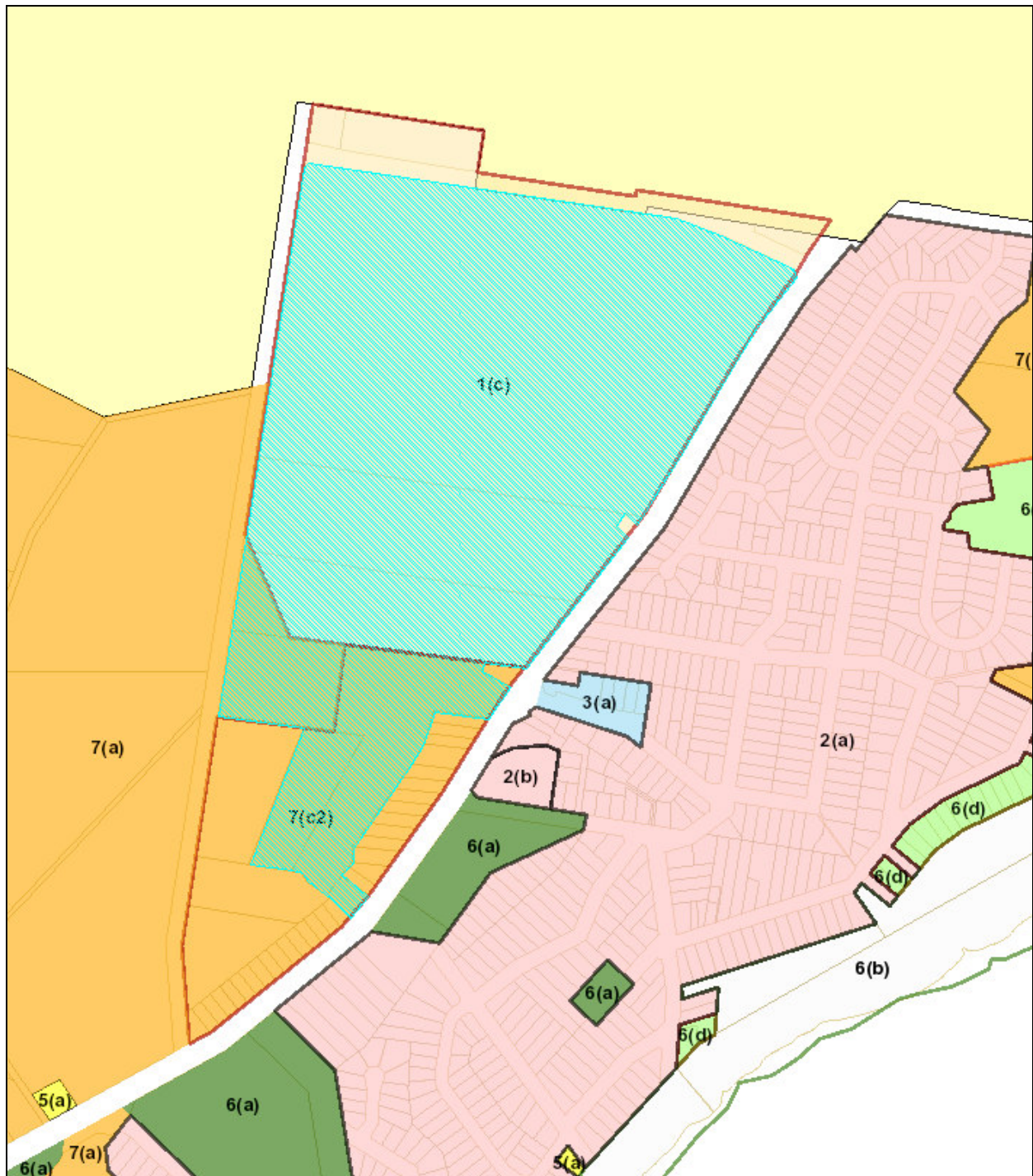


ATTACHMENT B – Planning Proposal Mapping

APPENDIX 1 - Locality Map



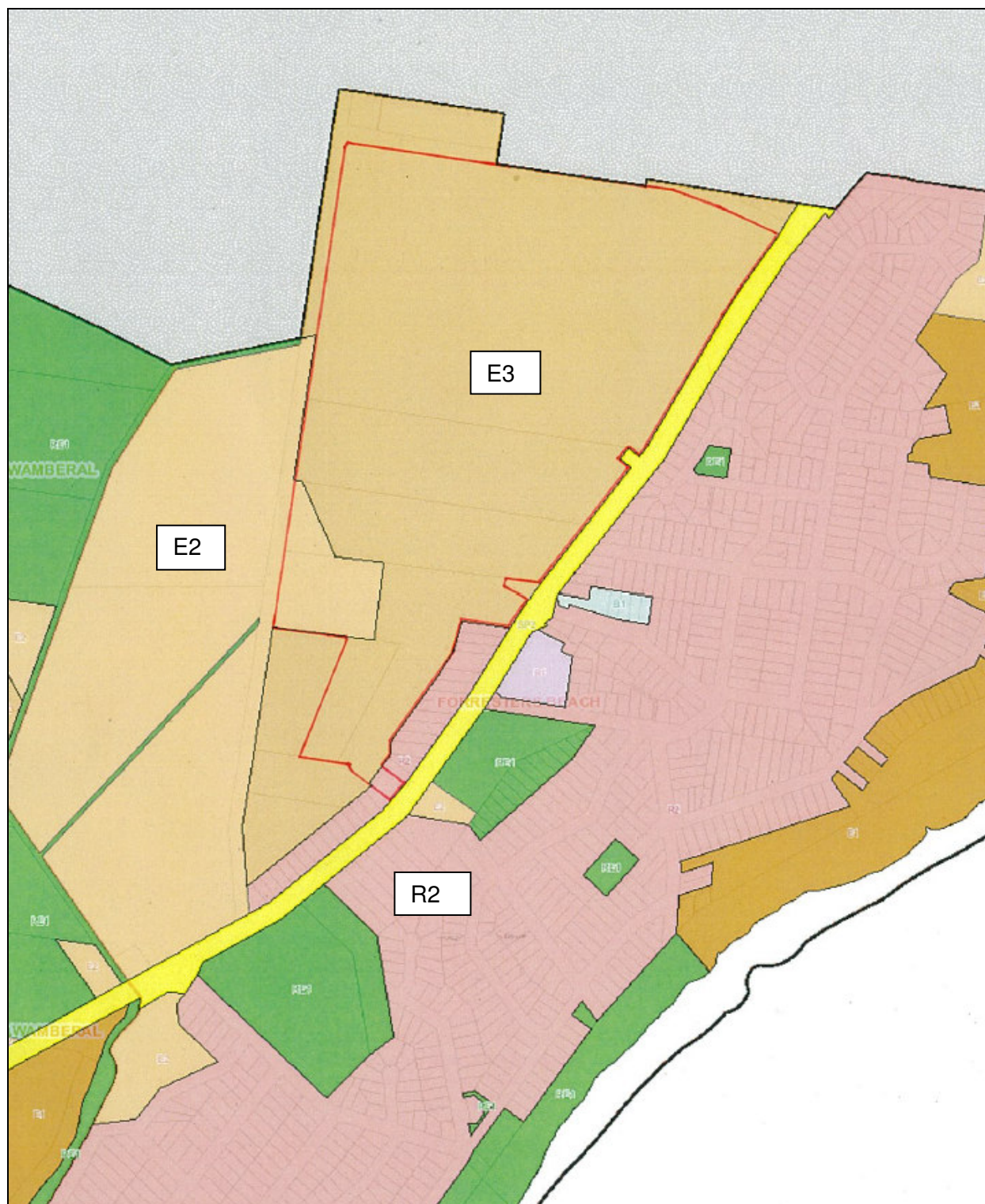
APPENDIX 2 - Locality of Areas 1, 2 and 3

APPENDIX 3 - Existing Zoning Map

1(c) Rural (Rural Purposes)

7(a) Conservation and Scenic Protection (Conservation)

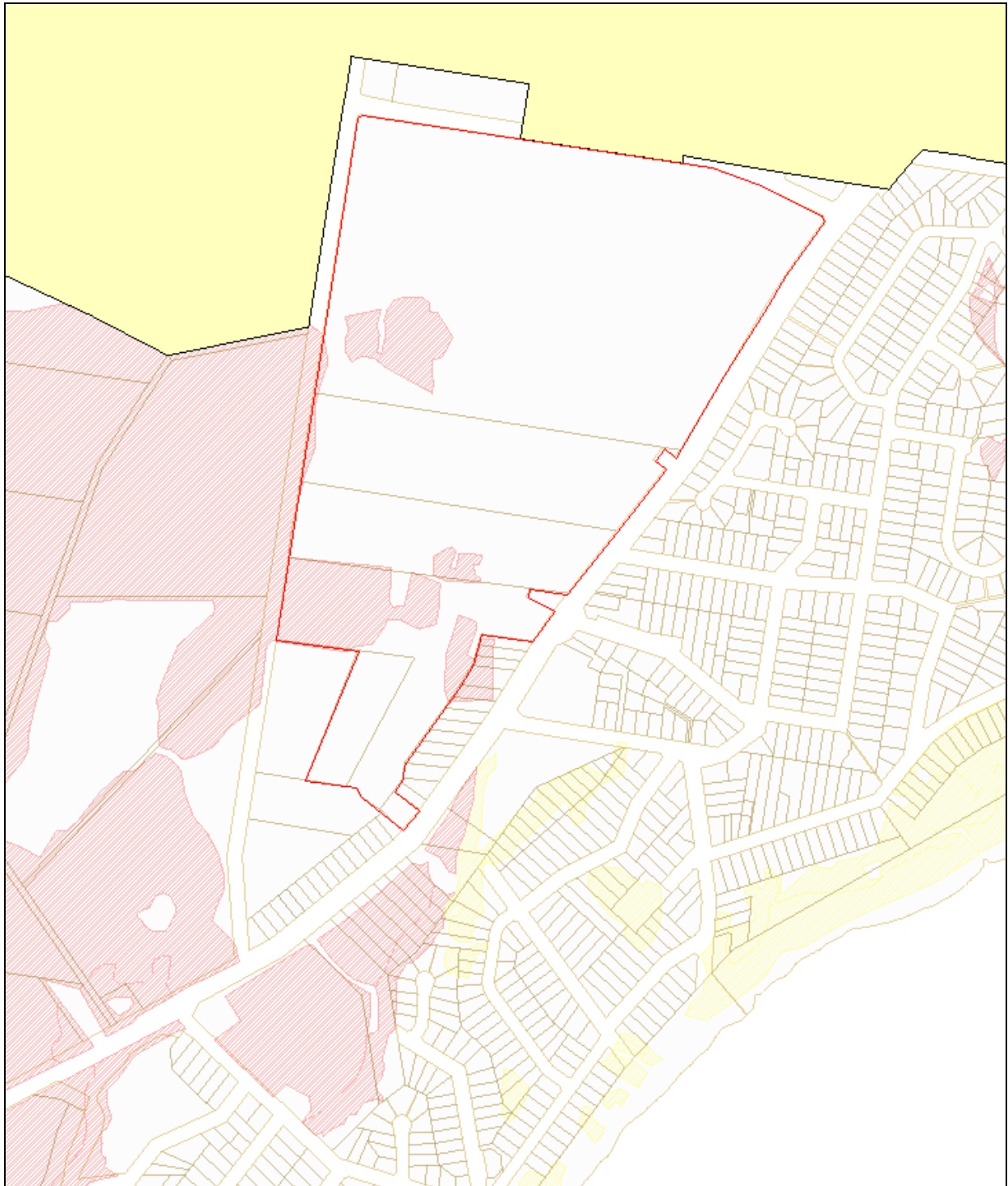
7(c2) Conservation and Scenic Protection (Rural Small Holdings)

APPENDIX 4 - Proposed Zoning under Draft Gosford LEP 2009 (as exhibited)

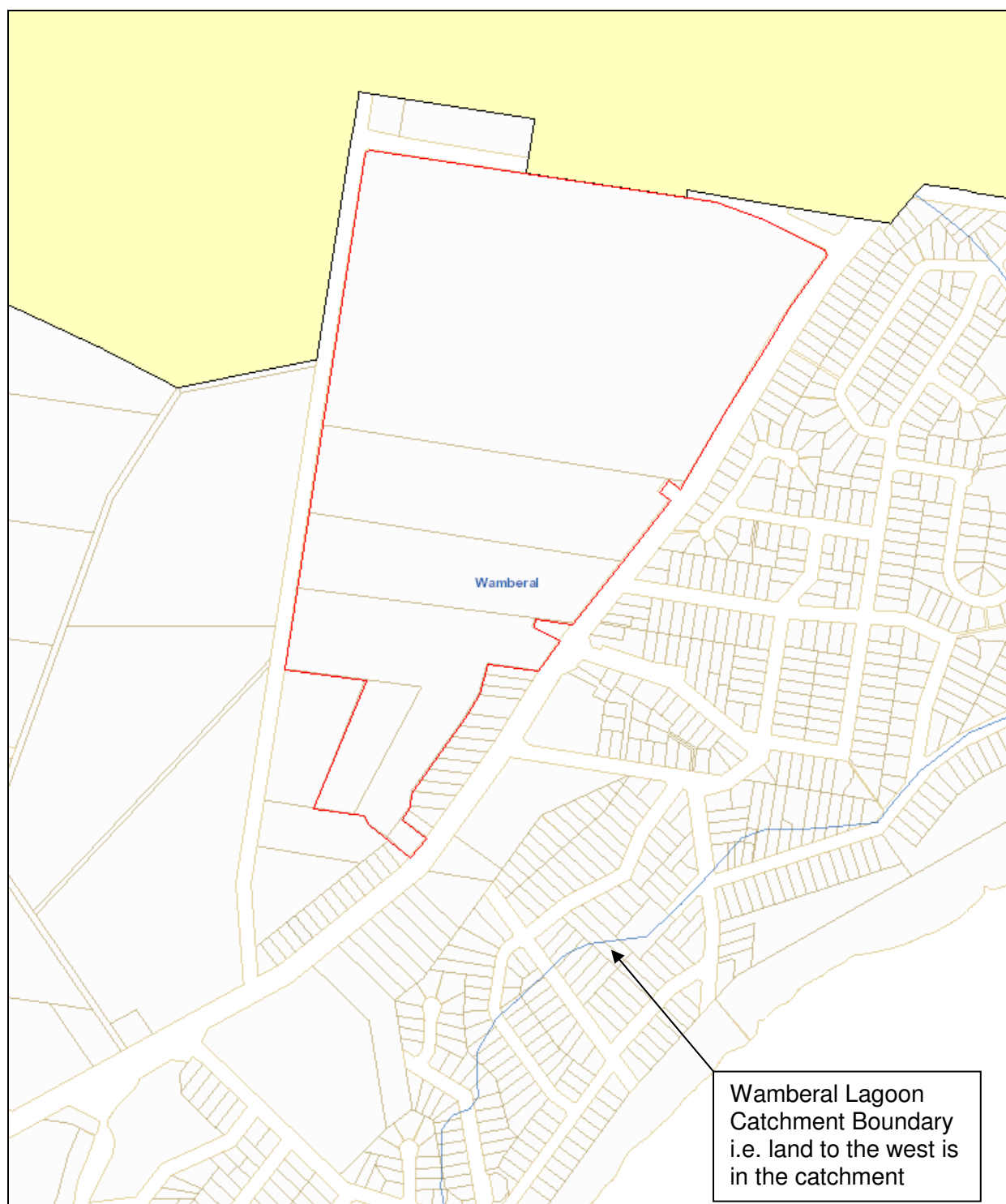
R2 - Low Density Residential
E2 - Environmental Conservation
E3 - Environmental Management

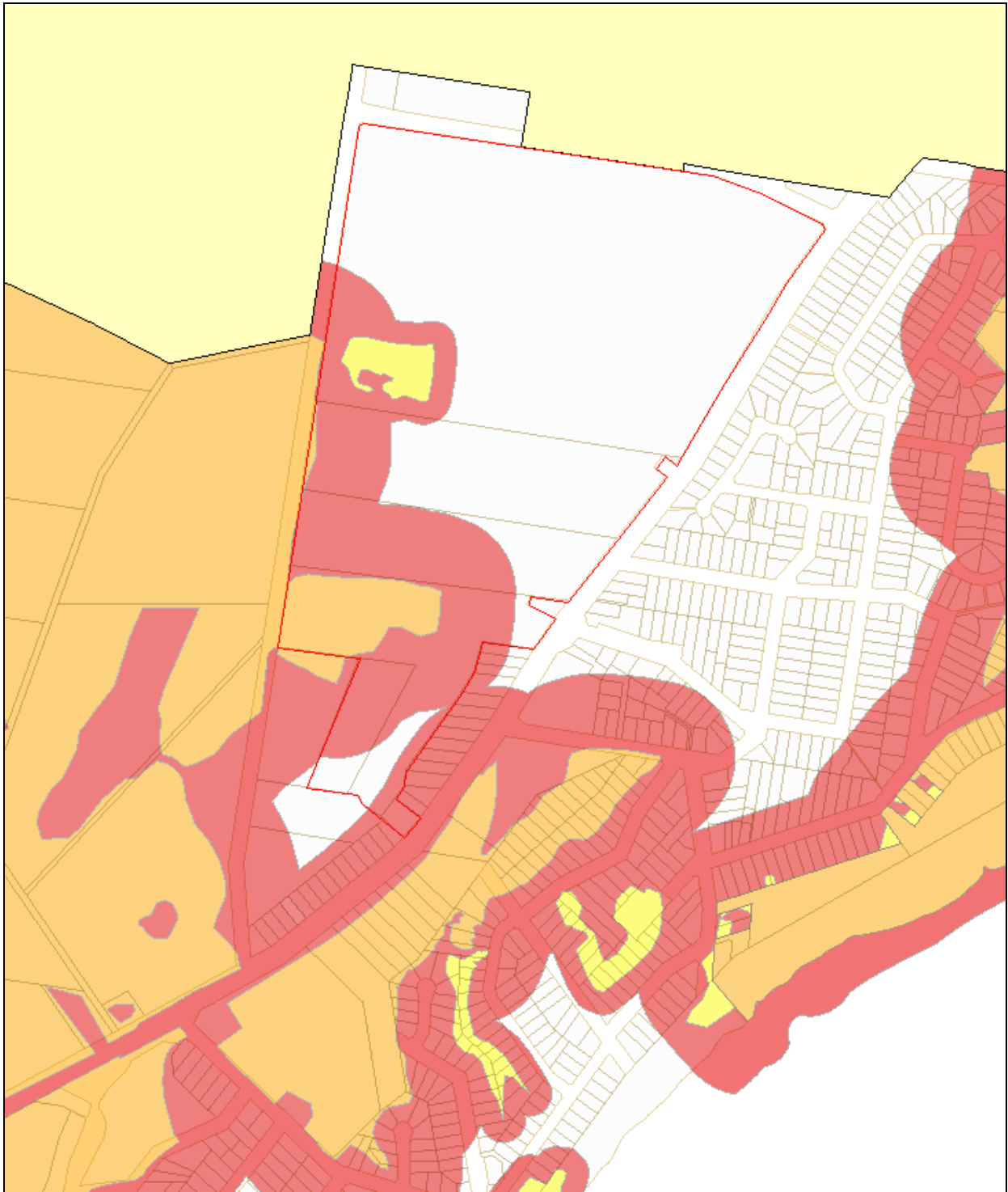
APPENDIX 5 - Aerial Photograph (1:7000)



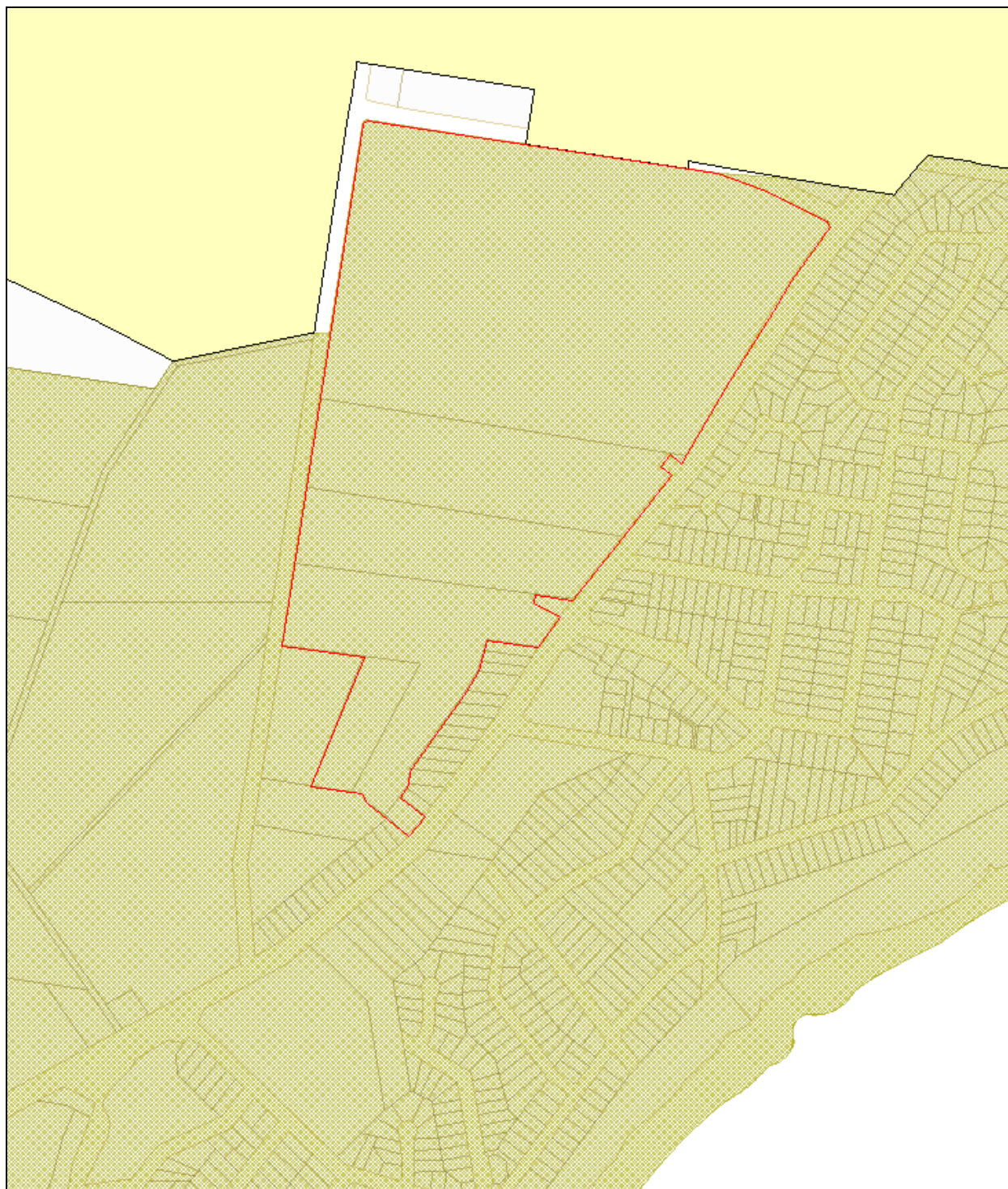
APPENDIX 6 - Significant Vegetation

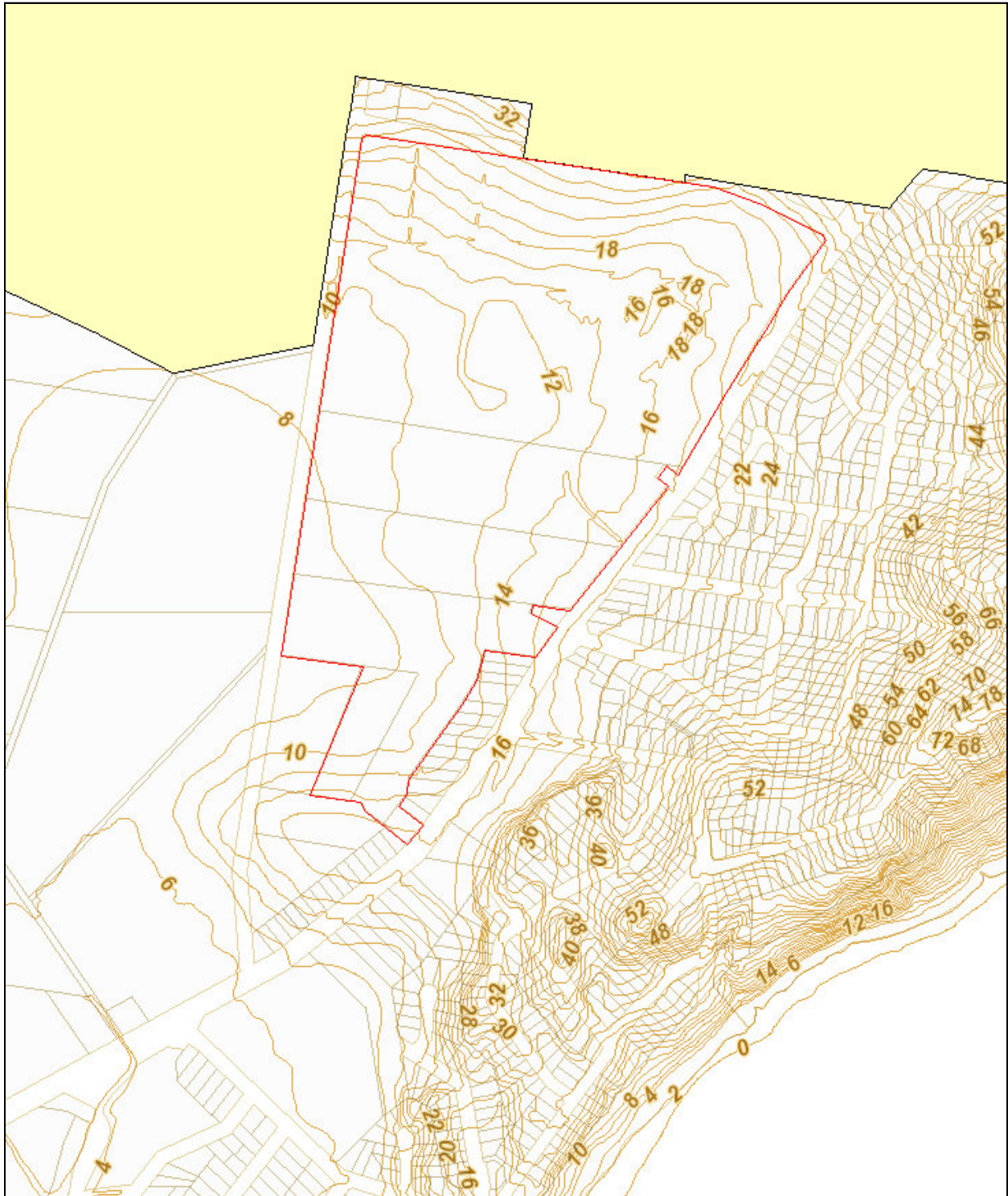
Dark Hatching - Endangered Ecological Communities

APPENDIX 7 - Wamberal Lagoon Catchment

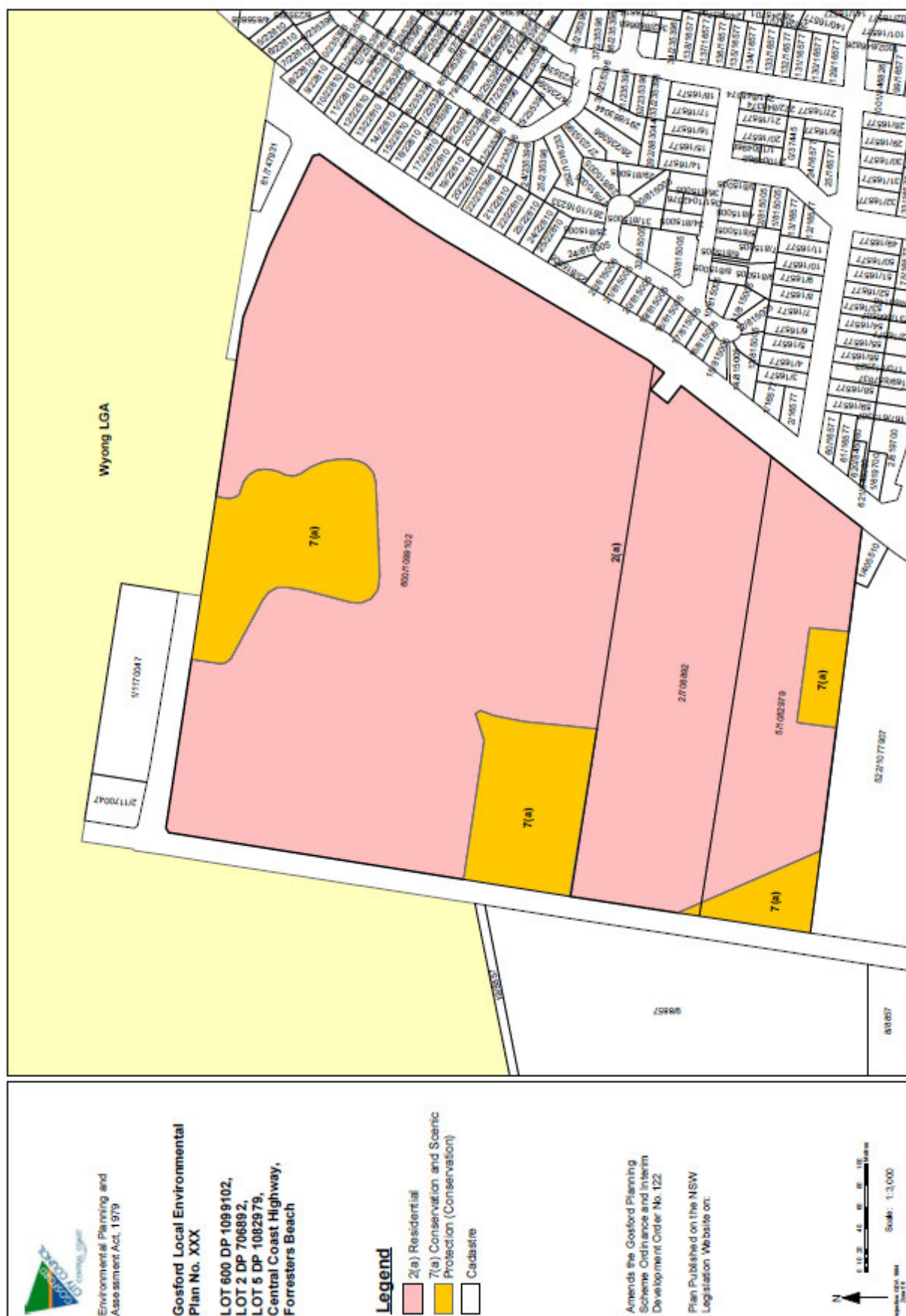
APPENDIX 8 - Bushfire Hazard

Light Shading - Vegetation
Dark Shading - Buffer Area

APPENDIX 9 - SEPP 71

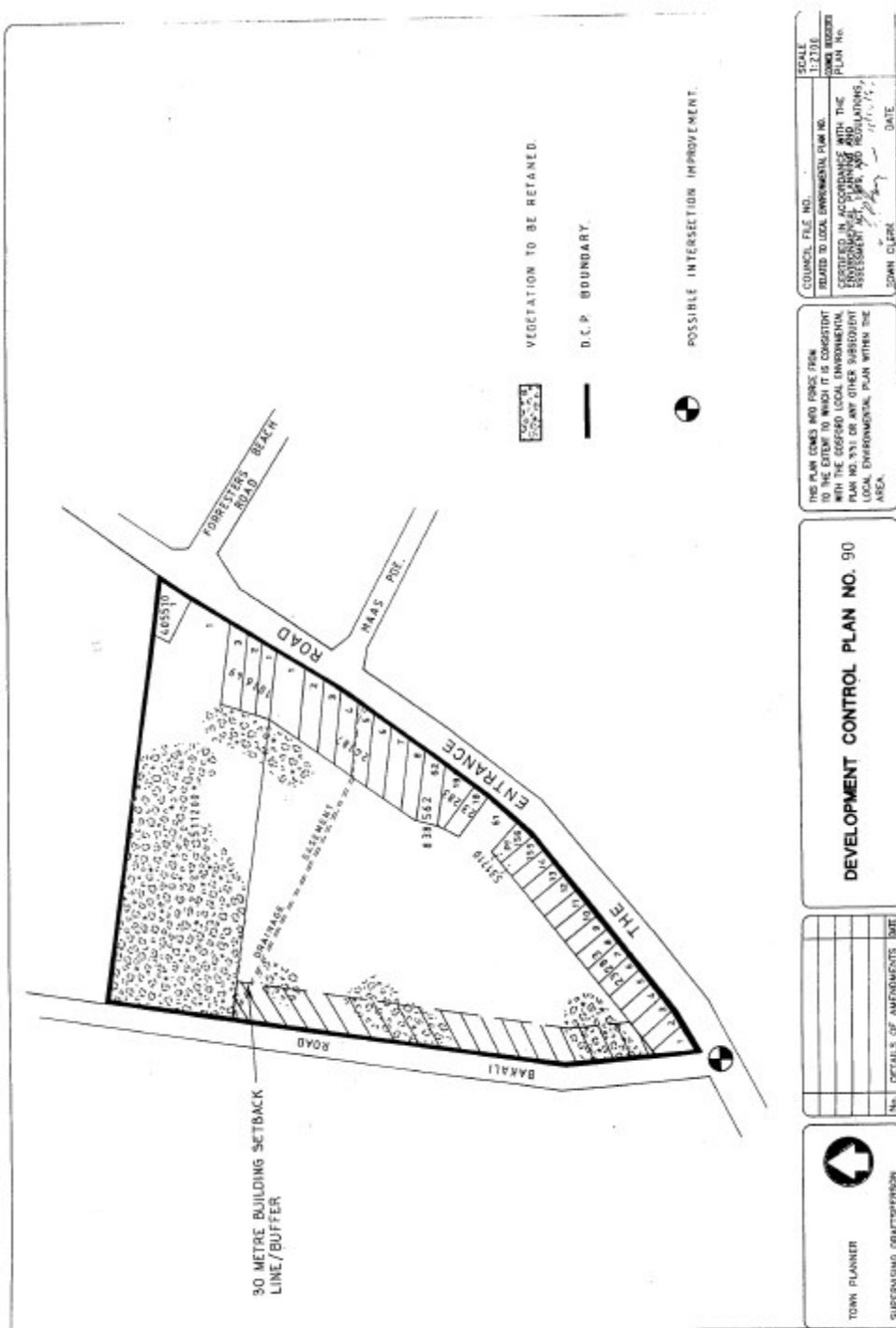
APPENDIX 10 - Topography

APPENDIX 11 - Draft LEP Map



APPENDIX 12

DCP No 90 - The Entrance Road, Forresters Beach



ATTACHMENT C

Net Community Benefit

Lot 600 DP 1099102, Lot 2 DP 706892 and Lot 5 DP 1082979 Central Coast Highway, Forresters Beach

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?

Yes. The Planning Proposal is generally compatible with the Central Coast Regional Strategy in that it represents an opportunity to review zones on the urban fringe at Forresters Beach in accordance with the Central Coast Regional Strategy (CCRS). It is adjacent to a strategic bus corridor identified in the CCRS.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

Yes. Although not located within a regional city or strategic centre, the subject site is adjacent to a strategic bus corridor identified within the Central Coast Regional Strategy.

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

Yes. The Planning Proposal if it proceeded may create a precedent and alter the expectations of other landholders in the area, especially those owners of the 7(c2) zoned land on the southern part of the area bounded by the Central Coast Highway, Bakali Road and Bellevue Road.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Yes. Should this Planning Proposal proceed as submitted other landowners in the vicinity would likely submit Planning Proposals for their lots as they are within the same precinct and would have similar issues to address.

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

No. Although the Planning Proposal would facilitate employment during construction, it will neither result in a loss of employment lands nor create employment generating activities.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

Yes. The Planning Proposal will increase the supply of residential land in an established urban area and is close to a main access route to employment and services.

Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?

Yes. The existing road and utility infrastructure is capable of servicing the proposed residential site provided intersections with the Central Coast Highway are designed for, and the utilities are augmented to cater for, the additional population. The site is accessible for pedestrian and cyclists. Frequent public bus transport is available to the subject site.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

No. The Planning Proposal is not a "greenfield" subdivision located remote from existing urban areas. It is located directly adjacent to the existing urban footprint. Therefore car distances travelled will be no farther from places of employment and services than from the existing residential areas of Forresters Beach. Due to the location of the subject site adjacent to a main road, no adverse impact will occur on greenhouse gas emissions, operating costs and road safety.

Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?

No. The proposal will not impact on Government infrastructure or services. Should the development proceed, the proponent will have to upgrade any infrastructure as required.

Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

No. The Government has not identified the subject land as being in need of protection. However, the land accommodates an Endangered Ecological Community under the *Threatened Species Conservation Act*. Such a vegetative community has been protected under the development consent and is further preserved by being zoned 7(a).

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve? Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes. The Planning Proposal will be compatible with surrounding land uses to the east and north as this land is already zoned for urban land uses. It is also compatible with existing uses or approved uses on the site. Hence there will be no adverse impact on the amenity of the locality. The public domain will increase as public open space areas are required to be provided as part of any residential subdivision. The additional housing provided as a result of the Planning Proposal may benefit the businesses in the local shopping centre on the corner of Central Coast Highway and Forresters Beach Road.

If a stand-alone proposal and not a centre; does the proposal have the potential to develop into a centre in the future?

No. The Planning Proposal is for a residential zone and does not have the potential to develop into a centre.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The Planning Proposal will provide additional land to be used for low density housing proximate to an existing urban area. The implication of not proceeding with this Planning Proposal now is that it will be delayed until the broader, previously identified urban fringe study is undertaken in accordance with directions from the Department of Planning and Infrastructure.

ATTACHMENT D

Sustainability Criteria for New Land Release - Central Coast

Lot 600 DP 1099102, Lot 2 DP 706892, Lot 5 DP 1082979 Central Coast Highway, Forresters Beach

1 Infrastructure Provision

Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.

The subject site is capable of being connected to reticulated water supply, sewerage services, and electricity and telecommunication infrastructure. The site adjoins a main road which provides regular and frequent public bus transport and allows efficient private vehicular access to centres and facilities. Development Control Plan (DCP) No. 112 - Residential Subdivision requires public open space to be provided at the rate of 2.83ha per 1000 people.

Should the Gateway process indicate that the Planning Proposal can proceed and the required studies support residential development, investigations should be carried out to determine whether a DCP should be prepared for the site.

2 Access

Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.

The subject site is located adjacent to an existing main road which provides efficient and sustainable transport options from the site to places of employment, to services and to recreational facilities.

Whilst potential traffic generation resulting from future development would not impact on the traffic efficiency of the Central Coast Highway, the effect of the additional traffic generated on the existing and potential intersections on the Central Coast Highway is relatively unknown. Hence information is required to be submitted which would enable the proper interpretation of traffic impacts on traffic efficiency, amenity and safety on the surrounding road network.

3 Housing Delivery

Provide a range of housing choices to ensure a broad population can be housed.

The proposed low density residential zone permits a range of housing ranging from dwelling houses, secondary dwellings (under SEPP Affordable Rental Housing) to seniors housing (under SEPP Housing for Seniors or People with a Disability). Hence a broad population can be accommodated under this zone.

4 Employment Lands

Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.

The Planning Proposal does not relate to the provision of employment lands.

5 Avoidance of Risk

Land use conflicts and risk to human health and life is avoided.

The Planning Proposal does not present a land use conflict with adjoining land to the east as this land is already developed for low density residential uses. There is the possibility of land use conflict with wetlands to the west and Wamberal Lagoon if the site is developed without knowing the parameters relating to flooding, overland flow and groundwater characteristics. These issues need to be addressed prior to progression of the Planning Proposal. Risk to human health and life will be avoided by developing the site in accordance with Planning for Bushfire Protection 2006 and in accordance with flood management requirements.

6 Natural Resources

Natural resource limits not exceeded / environmental footprint minimised

The existing natural resource on the subject site is an endangered ecological community and a threatened species on Lot 600 DP 1099102 which have been protected within the development consent applying to the land and within the proposed 7(a) zone.

The environmental footprint will only be minimised if the parameters relating to flooding, overland flow and groundwater characteristics are known. These issues need to be addressed prior to progression of the Planning Proposal.

7 Environmental Protection

Protect and enhance biodiversity, air quality, heritage and waterway health.

The retention of the endangered ecological community and threatened species on Lot 600 DP 1099102 will protect biodiversity and waterway health. The retention of this vegetation will enable nutrients to be taken out of site runoff via a natural filtration system prior to release into the Wamberal Lagoon Catchment. Maintaining this existing vegetation will also serve to protect air quality. There are no items of environmental heritage on the subject land.

8 Quality and Equity in Services

Quality health, education, legal, recreational, cultural and community development and other government services are accessible.

The subject site is on a main road, which provides access to a number of centres (eg Terrigal, Erina and Gosford) where an extensive range of health, education, legal, government, recreational, cultural and community services are available.

ATTACHMENT E

Adjoining Owners

