

Rezone rural land to residential at Central Coast Hwy, Bakali Rd, Bellevue Rd, Forresters Beach

Proposal Title :	Rezone rural land to residential at Central Coast Hwy, Bakali Rd, Bellevue Rd, Forresters Beach		
Proposal Summary :	The PP would rezone land currently zoned 1(c) Rural (Rural Purposes) in the Gosford Interim Development Order 122 to 2(a) Residential under the Gosford Planning Scheme Ordinance and 7(a) Conservation under the Interim Development Order 122. An existing 7(a) zoned portion within the site would remain zoned 7(a). Should the draft Gosford Standard Instrument LEP be finalised prior to completion of the PP then the PP would rezone the land to R2 Low Density Residential and E2 Conservation. The existing 7(a) zoned portion would be rezoned to E2.		
PP Number :	PP_2012_GOSFO_015_00	Dop File No :	12/17315

Proposal Details

Date Planning Proposal Received :	24-Oct-2012	LGA covered :	Gosford
Region :	Hunter	RPA :	Gosford City Council
State Electorate :	TERRIGAL	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Central Coast Highway, Bakali Road & Bellevue Rd		
Suburb :	Forresters Beach	City :	Postcode : 2260
Land Parcel :	Lot 600 DP 1099102, Lot 2 DP 706892, Lot 5 DP 1082979 and Lots 1 & 2 DP 1170047		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :	32.40	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	5	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Site description:**

The site is situated to the west of the Central Coast Highway (The Entrance Road) at Forresters Beach, approximately 8 km south of The Entrance and approximately 10 km north-east of Erina. Within the Forresters Beach locality, the site is adjacent to the coastal residential strip generally bound by the beach/ Wamberal Lagoon and the Central Coast Highway. The Central Coast Highway is serviced regularly by bus.

To the north of the site is a small residential precinct, a service station and land zoned for residential/ recreation, to the east is low density residential, to the west is rural-residential and to the south is rural-residential and a ribbon of land with frontage to the highway that has been developed for residential. Further to the south-west lies Wamberal Lagoon (nature reserve under the NPW Act).

Uses of the site currently are as follows

- lots 1 and 2 DP 1170047 have been developed for a swimming school, child care centre, dual occupancy and dwelling house (1.2 ha approximately);
- lot 600 DP 1099102 is being developed for the purposes of seniors housing (21.7 ha approximately); and
- lot 2 DP 706892 and lot 5 DP 1082979 is currently used for a golf course, golf driving range and putt-putt golf. Council states that it also has an approval for seniors housing but it is not known whether this consent has lapsed (9.6 ha approximately).

Urban fringe review:

Council proposes a review of planning controls relating to land on its urban fringe. Part of this review would include examining whether the existing zones applying to urban fringe sites remain relevant, in light of development that may have occurred on or around those sites. This locality includes sites of that nature and they adjoin the subject site.

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Dwelling yield and lots:

Council has not identified how many dwellings may result from the PP.

The yield would depend on whether the land is developed for the approved uses (seniors housing) or alternative residential uses. Council advise that 12 lots/ ha is generally the rate achieved for low density residential within the LGA.

Gateway Determination delegation:

The Minister has generally delegated Gateway Determinations to Departmental executive staff (ie DG/ DDG). Delegation does not however extend to proposals which 'would release rural land that is not identified for that purpose in a regional strategy'. While this site is no longer being used for rural purposes, it is however rural zoned and not identified for residential in the Regional Strategy. On this basis, determination by the Minister is recommended.

Documentation provided by Council:

This PP was first considered by the LEP Panel on 29 November 2012. The LEP Panel requested that the Planning Proposal be resubmitted to the Panel following revisions to the Planning Team Report to make it clear what land is affected by the Planning Proposal.

For this reason, it should be noted that the Council Report contains a draft Planning Proposal which is different to the Planning Proposal formally submitted by Council for consideration by the Gateway.

The LEP Panel Secretariat suggested that other documents provided by Council not be provided to the LEP Panel on resubmission. This includes a proponent-prepared 'planning proposal' and associated ecology study which refers to different land.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives is generally consistent with the Department's "A guide to preparing planning proposals".**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **While there is substantial detail on lot specific constraints and the current uses occurring on the site, the explanation of provisions is generally consistent with the Department's "A guide to preparing planning proposals".**

This section should however be updated to also make reference to the zones that would be proposed if the PP amends the finalised Gosford SI LEP.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

2.2 Coastal Protection

3.1 Residential Zones

3.4 Integrating Land Use and Transport

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4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection
SEPP (Housing for Seniors or People with a Disability) 2004

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Further discussion on consistency with SEPPs and s117 directions is provided later in this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

A map showing the proposed standard instrument zones for the site should be included. The site could also be better identified on each of the maps. The maps are otherwise adequate for community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

28 days has been proposed. This is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP :

The draft SI LEP is currently with the Department to be finalised (at s.68). Once Council is provided with a PC endorsed version of the draft SI LEP, Council will then consider the need to re-exhibit the SI LEP in light of several post-exhibition changes such as introducing a biodiversity overlay, a new E zone (SI Order amendment required) and deferring certain lands.

Under the draft SI LEP, the existing 1(c) Rural zoned land would be rezoned to E3 Environmental Management and the existing 7(a) Conservation zoned portion was to be zoned E2. However Council resolved to defer all 7(a) zoned land east of the F3 Freeway,

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including this site, from the draft SI LEP. Therefore, if the Gosford SI LEP is finalised as currently proposed, the site would be zoned part E3 under the Gosford SI LEP and part 7(a) under the Interim Development Order 122.

This PP seeks to rezone the 1(c) zoned land to low density residential ie R2 Low Density Residential under the SI LEP. This zone is suitable given that adjacent residential areas would also be zoned R2. Council's other residential zone is R1 General Residential and this is less appropriate because it is oriented towards promoting increased densities around established centres, not urban fringe sites such as this one.

The PP also seeks to rezone some 1(c) land and a 7(a) portion for conservation ie E2 Conservation under the SI LEP. The use of this zone is supported given the ecological value that Council attributes to it, and that Council states that previous LEC issued consents for seniors development sought to prohibit development in those areas.

The PP does not specify height, floor space ratio or minimum lot sizes for the land. Under the draft SI LEP R2 generally has limits of 8.5 m height, 0.5:1 FSR and 550 m2 minimum lot size. The E2 has a 40 ha minimum lot size (no height or FSR limit). Council should consider the need to introduce these controls for this site, and update the PP (Objectives, Explanation of Provisions, maps) accordingly.

Assessment Criteria

Need for planning proposal :

This PP applies to the following land (outlined bold black on TAG A):

- lots 1 and 2 DP 1170047 (developed for a swimming school, child care centre, dual occupancy and dwelling house);
- lot 600 DP 1099102 (being developed for the purposes of seniors housing); and
- lot 2 DP 706892 and lot 5 DP 1082979 (currently used for a golf course, golf driving range and putt-putt golf; Council states that it also has an approval for seniors housing but it is not known whether this LEC consent has lapsed).

The need for rezoning this land appears to have originated at the request of the landowner(s). It does not result from a strategic study or report. Rezoning the land would effectively remove what appears to be anomalous zoning.

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Consistency with strategic planning framework :

Central Coast Regional Strategy (CCRS):

The PP is consistent with the CCRS because it would potentially provide additional dwellings and would protect land attributed as having conservation values, both broad goals of the Strategy.

However, as this site is on the urban fringe, it could be considered to be greenfield residential development and so an assessment against the CCRS sustainability criteria would be needed before consistency can be fully determined. Council's assessment concludes that the proposal has merit, subject to the findings of certain studies (traffic, bushfire, flooding, groundwater).

Council's approach is supported. While it is less relevant to lots 1 & 2 DP 1170047 and lot 600 DP 1099102 (as they have largely been developed or are being developed for urban/residential purposes currently), lot 2 DP 706892 and Lot 5 DP 1082979 are yet to be developed. Consistency with the CCRS can be determined following Council's investigations.

Local strategies:

Council states that the PP is consistent with its Community Strategic Plan, Biodiversity Strategy and the draft Residential Strategy.

State Environmental Planning Policies:

SEPP 19 Bushland in Urban Areas - requires Council to give priority to retaining bushland in urban areas. Council has sought to implement the SEPP by rezoning certain 1(c) zoned areas and the existing 7(a) zoned area to 7(a)/ E2 based on their ecological value. Council should update the SEPP 19 assessment to also refer to those areas situated on lot 2 DP 706892 and lot 5 DP 1082979 that it is seeking to conserve.

SEPP 55 Remediation of Land - Council is satisfied that a contaminated land study is not necessary given the uses already occurring on the site and the approved uses (seniors housing). This conclusion is supported.

SEPP 71 Coastal Protection - applies to the site as it is located within the coastal zone. Council has identified applicable matters that need to be considered in particular and would be informed by proposed flooding and groundwater studies as well as an understanding of water quality/ hydrology. Council should update its SEPP 71 assessment against the matters for consideration set out in the SEPP following these investigations.

The PP is otherwise consistent with the relevant SEPPs.

s117 directions:

The PP is consistent with the relevant s117 directions except the following which require further discussion. Should the further work or consultation identified below identify an inconsistency, Council should seek the DG's agreement to the inconsistency per the terms of that direction.

1.2 Rural Zones - as the PP would rezone land from rural to residential, the PP is inconsistent with this direction. Given the uses already occurring on the land (child care centre, swimming school, seniors housing, golf driving range, putt putt golf, etc), the loss of rural land in this instance could not be considered significant.

Notwithstanding this, given that the Minister will determine this PP because it rezones land from rural to residential, consultation with DPI (Agriculture) should occur.

1.3 Mining, Petroleum Production and Extractive Industries - the 1(c) rural zone permits agriculture which in turn permits extractive industry and open-cut mining by way of the

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Mining SEPP. Rezoning the land to residential would prohibit agriculture and therefore make extractive industry and open-cut mining prohibited. Consultation with DPI should occur before consistency with this direction is determined. The PP should be updated accordingly.

2.1 Environment Protection Zones: this direction is not discussed by Council despite the PP potentially affecting environmentally sensitive areas such as the EECs (on site) and the Wamberal Lagoon Nature Reserve (off-site).

Council reports that the LEC considered a 'comprehensive joint expert report' regarding impacts on Wamberal Lagoon due to a proposed seniors housing development on part of this site (refer PP page 13). Council should confirm that the proposed development that would be made permissible by this PP would also be unlikely to result in an adverse impact on Wamberal Lagoon and associated ecosystems, as was reportedly found by the 'comprehensive joint expert report'. Consultation with OEH, NPWS and the CMA may inform this assessment.

Consultation with OEH may also be necessary to satisfy s.34A of the EP&A Act (Special consultation procedures regarding ecological communities). As with SEPP 19, clarifying the relevance/ function of the ecology report would assist.

2.2 Coastal Protection: given the studies that Council intends to undertake to determine the impact on the Wamberal Lagoon, consistency with this direction cannot be determined at this time. Council should update its consistency assessment with this direction following these studies.

3.1 Residential Zones: as the site would increase development on the urban fringe, the PP could be considered to be inconsistent with this direction. However, it is noted that parts of the site have already been developed or are currently being developed for urban/ residential purposes. As with consistency with the CCRS sustainability criteria, Council should reassess consistency with this direction once it has completed the relevant studies.

4.3 Flood Prone Land: Council proposes to undertake a flood assessment as part of the site is flood prone. Consistency with this direction can be determined following the investigation and the PP updated.

4.4 Planning for Bushfire Protection: the site is bushfire prone. Consultation with RFS needs to occur before consistency with this direction can be determined. The PP should be updated once this advice is received.

5.1 Implementation of Regional Strategies: as discussed, the PP is inconsistent with the CCRS at this stage. Council should reassess consistency with the sustainability criteria and this direction following completion of the relevant studies.

Environmental social
economic impacts :

Council has identified the need for traffic, bushfire, flooding, groundwater studies to be undertaken. As discussed regarding s117 direction 2.1, further information may also be needed regarding hydrology/ water quality in order to determine impacts on Wamberal Lagoon.

These studies, combined with consultation with the relevant agencies (RFS, OEH, NPWS, CMA, RMS, Wyong Council - its LGA borders part of the site) will inform Council's support for the PP or identify the need for it to be modified.

Social and economic benefits may result in the form of additional housing choice/ supply and an increase in construction related employment resulting from future DAs for the land.

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Assessment Process

Proposal type : **Inconsistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **Minister**

Public Authority : **Hunter - Central Rivers Catchment Management Authority**
 Consultation - 56(2)(d) : **Office of Environment and Heritage**
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Minerals and Petroleum
Office of Environment and Heritage - NSW National Parks and Wildlife Service
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Adjoining LGAs

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Assessment to demonstrate no adverse impact on downstream Wamberal Lagoon Nature Reserve.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **Advice from the Department's Infrastructure team has been provided regarding the need for State Infrastructure Contributions.**

Documents

Document File Name	DocumentType Name	Is Public
Council_Covering_Letter.pdf	Proposal Covering Letter	Yes
Council_Resolution.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
Infrastructure_Team_Advice.pdf	Study	No
Council Report.pdf	Proposal Covering Letter	Yes
TAG A.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
2.2 Coastal Protection
3.1 Residential Zones
3.4 Integrating Land Use and Transport

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Additional Information :

The following conditions are recommended in order to progress the PP:

- detail the standard instruments zones that are proposed for the site should the PP amend the finalised Gosford SI LEP;
- include a map showing the standard instrument zones proposed for the site;
- clearly identify the subject site on each of the maps provided;
- include height (8.5 m), FSR (0.5:1) and minimum lot size (550 m2) limits for the proposed R2 land in the PP and prepare relevant maps;
- include minimum lot size (40 ha) limit for the proposed E2 land and prepare relevant maps;
- update the SEPP 19 assessment to refer to those areas situated on lot 2 DP 706892 and lot 5 DP 1082979;
- update the SEPP 71 assessment against the matters for consideration set out in the SEPP following the groundwater/ flooding/ hydrology/ water quality investigations;
- consult with DPI (Agriculture) to inform inconsistency justification for s117 direction 1.2;
- consult with DPI (Minerals) to satisfy s117 direction 1.3 and update consistency with this direction;
- consider consistency with s117 direction 2.1, confirming that the proposed development that would be made permissible by this PP would be unlikely to result in an adverse impact on Wamberal Lagoon and associated ecosystems, as was reportedly found by the 'comprehensive joint expert report' (PP, page 13). Consultation with OEH (to satisfy s.34A of the EP&A Act also), NPWS and the CMA may inform this assessment.
- update consistency with s117 direction 2.2 following flooding/ groundwater/ hydrology/ water quality studies to determine the impact on the Wamberal Lagoon;
- reassess consistency with direction 3.2 once Council has completed the identified studies to determine whether the increased development of this urban fringe location is suitable;
- determine consistency with s117 direction 4.3 following the flooding investigation;
- reassess consistency with s117 direction 4.4 following consultation with RFS;
- the PP is inconsistent with s117 direction 5.1. Council should reassess consistency with the sustainability criteria and this direction following completion of the relevant studies;
- in addition to the agencies already listed above, consultation should also occur with the RMS and Wyong Council;
- 28 day community consultation period; and
- 12 month completion timeframe.

Supporting Reasons :

*

Signature:

G. HOPKINS

Printed Name:

GARRY HOPKINS

Date:

4.12.2012