

PLANNING PROPOSAL

GOSFORD CITY COUNCIL

RESIDENTIAL ZONING OF LOTS 13-20 SEC 15 DP 2240 EVE STREET AND LOTS 21 & 22 SEC 15 DP 2240 BELLBOWRIE AVENUE NARARA

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 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 objective/intended outcome of the Planning Proposal is to align the zoning of the land with the surrounding residential zone which is consistent with the intent of the Draft Gosford LEP 2009.

Under the Standard Instrument LEP, there is no zone that is exactly like the current Special Use zone which can relate to private land uses such as Aged Persons Housing. The nearest equivalent zones are the Special Purposes Zones. The SP1 Special Activities zone relates to unique development such as the Festival Development Site at Mt Penang. The SP2 Infrastructure zone relates to public infrastructure. As both SP1 and SP2 are not applicable to the subject site, it was proposed to be zoned to the surrounding R2 Low Density Residential zone under the Draft Gosford LEP. Seniors Housing is a permitted use in the R2 zone.

Part 2 Explanation of Provisions

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

The objectives/intended outcomes are to be achieved by amending the GPSO via a site specific Planning Proposal. The likely wording of the site specific rezoning provision is set out below.

1 Subject Land

This clause applies to Lots 13 to 20 Sec 15 DP 2240 Eve Street and Lots 21 and 22 Sec 15 DP 2240 Bellbowrie Avenue, Narara, as shown coloured pink on the map marked "Gosford Local Environmental Plan No XXX" deposited in the office of Gosford City Council.

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

2 Objective

The objective of the plan is to zone the subject land to 2(a) Residential under the Gosford Planning Scheme Ordinance.

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

3 Amendment to Planning Instrument

The likely wording of the provision to be inserted into the Gosford Planning Scheme Ordinance is set out below.

Amendment to Gosford Planning Scheme Ordinance

Insert in appropriate order in the definition of ***Scheme map*** in clause 3(1):

Gosford Local Environmental Plan No XXX

Explanation: This provision adds to the list of local environmental plans that have amended the Gosford Planning Scheme Ordinance.

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.

Appendices 1 to 4 contain all relevant mapping to the Planning Proposal.

Part 3 Justification

s.55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

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

The Planning Proposal is not the result of a specific strategic study or report. However, the site was considered in a strategic context during the preparation of the Draft Gosford LEP where it was exhibited as being in proposed zone R2.

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

The Planning Proposal is the best means of achieving the objectives/intended outcomes as it is the only way to amend the zoning of land.

3 Is there a net community benefit?

The assessment provided in Appendix 5 demonstrates that the Planning Proposal will produce a net community benefit.

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 2006 – 2031 is applicable to the subject land and the proposed rezoning. The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for the provision of housing.

This Planning Proposal is consistent with the following actions contained within the Regional Strategy:

- 4.6 Land to be rezoned for housing during the life of this Strategy is to be located within existing urban areas.
- 4.10 Provide around 70 per cent of new housing in existing urban areas by focusing new development in key centres to take advantage of services, shops and public transport as well as identifying and preserving the character of the Central Coast's smaller neighbourhoods and suburbs.

The subject site is located within an existing urban area and is being rezoned from a specific residential zone to a general residential zone which will preserve the character of the surrounding suburb.

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

The Planning Proposal is consistent with the following objectives of the Community Strategic Plan:

- A3.4 Increase the availability of appropriate housing
- B6.3 Plan for population growth within existing urban footprint

The subject site represents an opportunity to increase low density housing within an existing urban footprint which has a similar housing character.

Biodiversity Strategy

The Planning Proposal is located within the existing urban footprint thus being consistent with the following relevant action of the Biodiversity Strategy:

- 3.3.1(7) Focus development around existing urban centres to maintain the urban development in the existing urban footprint to protect agricultural and environmental sensitive lands.

Draft Residential Strategy

The Planning Proposal is consistent with the following relevant goal in the Draft Residential Strategy:

- locating housing supply to minimise impact on physical characteristics and infrastructure capabilities.

As the subject site is located within a residential precinct there will be no impact on the physical character of the area and infrastructure is already in place to service the site.

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

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.

Given that the current 5(a) zone and the proposed 2(a) zone are both urban zones, the aims and objectives of SEPP 19 are not further eroded.

(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 site is not known as core koala habitat and as such the proposal is consistent with SEPP 44.

(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 shows that the site was vegetated in 1954 and had several dwellings on it by 1964. The aerial photographs do not show any use being carried out that is listed in Table 1 Contaminated Land Planning Guidelines. 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,
- 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.

The existing zone is an urban zone to specifically allow seniors housing whilst the proposed zone is a low density residential zone which allows a range of residential uses, one of which is seniors housing. As such the impact on the nearest waterbody, Narara Creek, will be no greater than that resulting from the land use permissible under the current zone. The proposed 2(a) zone is the same as that of adjacent land thus ensuring future development will be compliant with the character of the surrounding urban area.

(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. Therefore such housing is not restricted to a Special Use - Aged Persons Homes but is generally permitted in the 2(a) zone as is proposed.

(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. S117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other S117s Directions or they are not applicable.

(i) 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.

The subject land is proposed to be zoned from one urban zone to another, with the proposed 2(a) zone able to permit the land use specified under the existing 5(a) zone. Therefore no adverse effect will be caused to the natural environment of the coastal 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.

The subject site is within an existing residential suburb so will be integrated with the surrounding land uses and will not contribute to urban sprawl.

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.

(ii) 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.

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 and 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.

(iii) 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 200m from a regular and frequent bus service route to Gosford CBD. Whilst future residents can use their private vehicle, the option is available should they wish to use public transport.

(iv) 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.

This planning proposal is located adjacent to the Narara Creek floodplain, the topography of study area is elevated (RL 10.0m AHD to 23.0m AHD) which is above the 1% AEP Level (4.3m AHD approx.) flood contour as determined in the Lower Narara Creek Floodplain Risk Management Study & Plan (1991). No implementation works were identified in the Plan that would affect the site.

It should also be noted that the recently completed Draft Flood Study Review (Golder 2012) is in general agreement with the previous study (1991) and also indicates that the subject land is above the PMF level.

The current zoning of 5(a) and the proposed change to Residential 2(a) both have the potential to increase impervious surfaces thereby increasing stormwater runoff, however the overall effect on the Narara Creek Floodplain would be minimal given the similarity of use permitted in both zones.

(v) 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 is not shown as being bushfire prone on the maps produced by the Rural Fire Service. However the Planning Proposal must still be referred to the Rural Fire Service for comment should a Gateway Determination be received.

(vi) 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.

The Planning Proposal is considered to be generally consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to Question 4 above.

(vii) 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.

(viii) Direction 6.3 – Site Specific Provisions:

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

The site does not contain any Endangered Ecological Communities. The proposed rezoning will not lead to a significant impact on threatened species, populations, ecological communities or their habitats.

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

No significant issues in respect to the natural environment are raised. The issue of tree removal/retention can be assessed on a merit basis as part of any future development application. No objection is raised to this planning proposal in respect to impacts on the natural environment.

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

The Planning Proposal will provide social benefits to the community in the form of additional low density housing in an established residential area and in an accessible location.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

Water and Sewer

The existing development was constructed over various lot boundaries, with a majority of lots not having a sewer connection. Investigations confirmed that development on a number of un-serviced lots was connected via internal house service connections. Water is available to the land. Future subdivision of the land or development of existing lots will require the applicant to extend the Council's sewer reticulation system to un-serviced lots.

Drainage

If the re-zoning proceeds and the existing lots are subsequently sold on an individual basis, there is potential for unintended consequences on adjoining properties as any change to the existing nature of the landscape will influence the overland flow behaviour of surface stormwater. Therefore careful consideration should be given to any cumulative impacts resulting from overland flows and this should be done on a catchment basis and not in isolation.

Inter-allotment drainage is not something that can be addressed at the Planning Proposal stage. As the lots are already in existence all drainage issues would have to be assessed as part of any future development applications. Should the owner choose to subdivide the land the matter of inter-allotment drainage would be addressed at this time.

Transport

As the Planning Proposal will permit development consistent with current residential volumes, the capacity limitations on Bellbowrie and Eve Street will not be exceeded.

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

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

Part 4 Community Consultation that is to be undertaken

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

Subject to Gateway support, community consultation will involve an exhibition period of 14 or 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council. A letter will also be sent to the adjoining landowners.

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal;

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

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

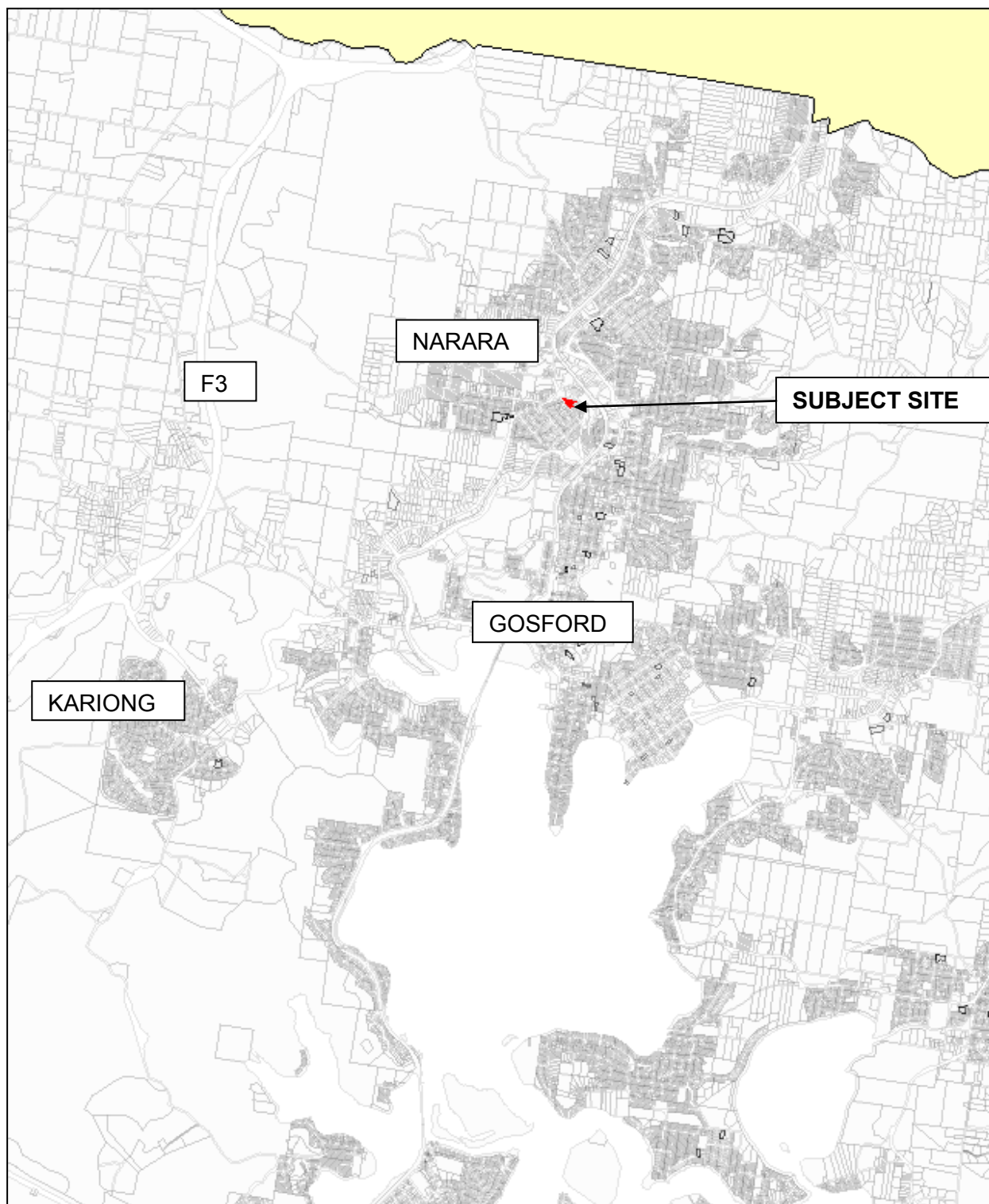
- the planning proposal, in the form approved for community consultation by the Director-General of Planning;
- the gateway determination; and
- any studies relied upon by the planning proposal.

Conclusion

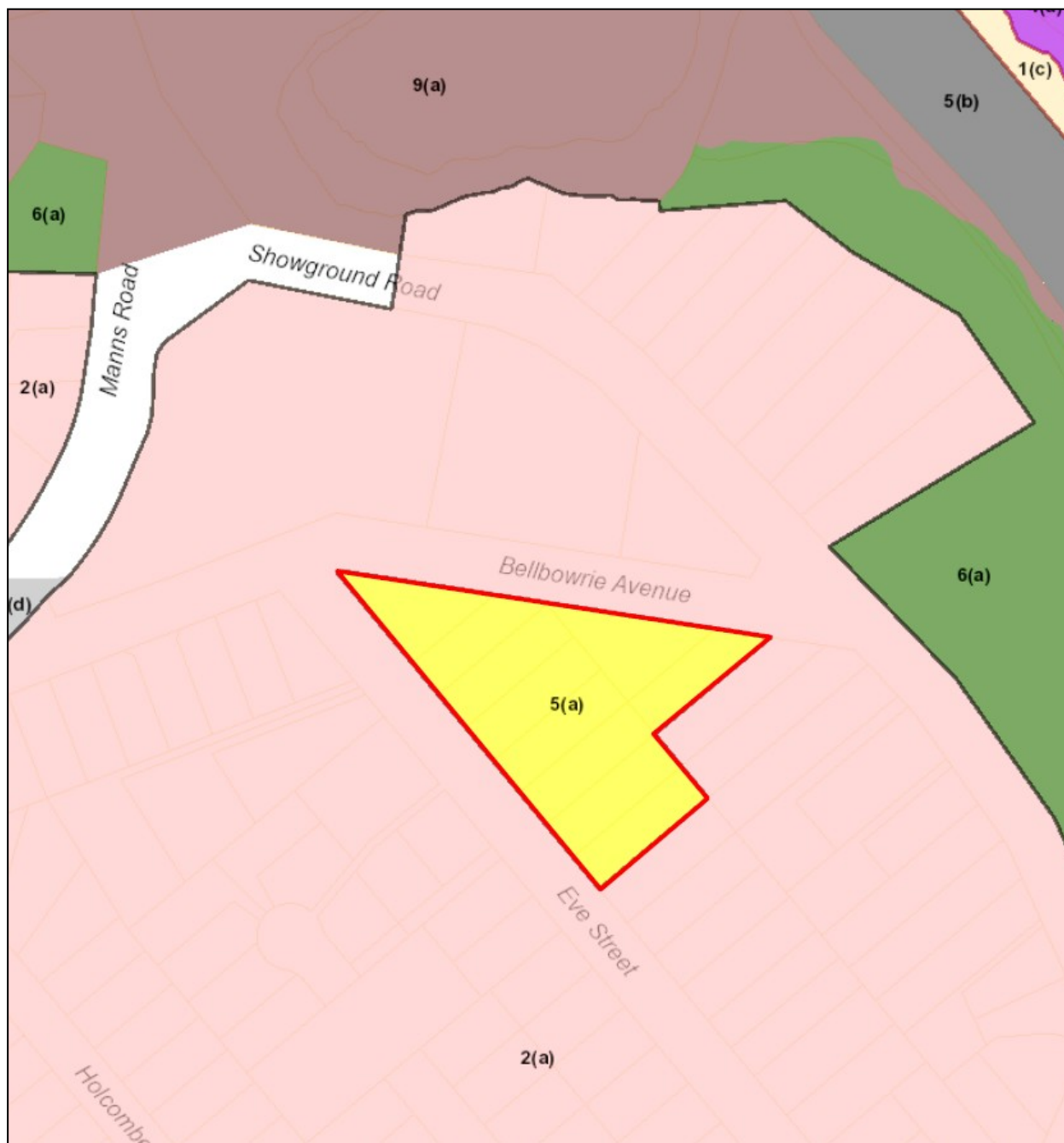
The Draft Gosford LEP proposes to zone the subject land to R2 Low Density Residential, the same as the surrounding residential precinct. The applicant seeks to bring the rezoning of the land forward from that proposed and supported by Council within DLEP 2009, due to the unknown timing regarding gazettal of LEP 2009. Hence the Planning Proposal seeks to rezone the subject land from 5(a) Special Use - Aged Persons Homes to 2(a) Residential under the GPSO.

As this proposal is altering the zone from one that permits a form of residential use to a broad residential zone, and is consistent with the Draft Gosford LEP, there is no impediment to the progression of this Planning Proposal.

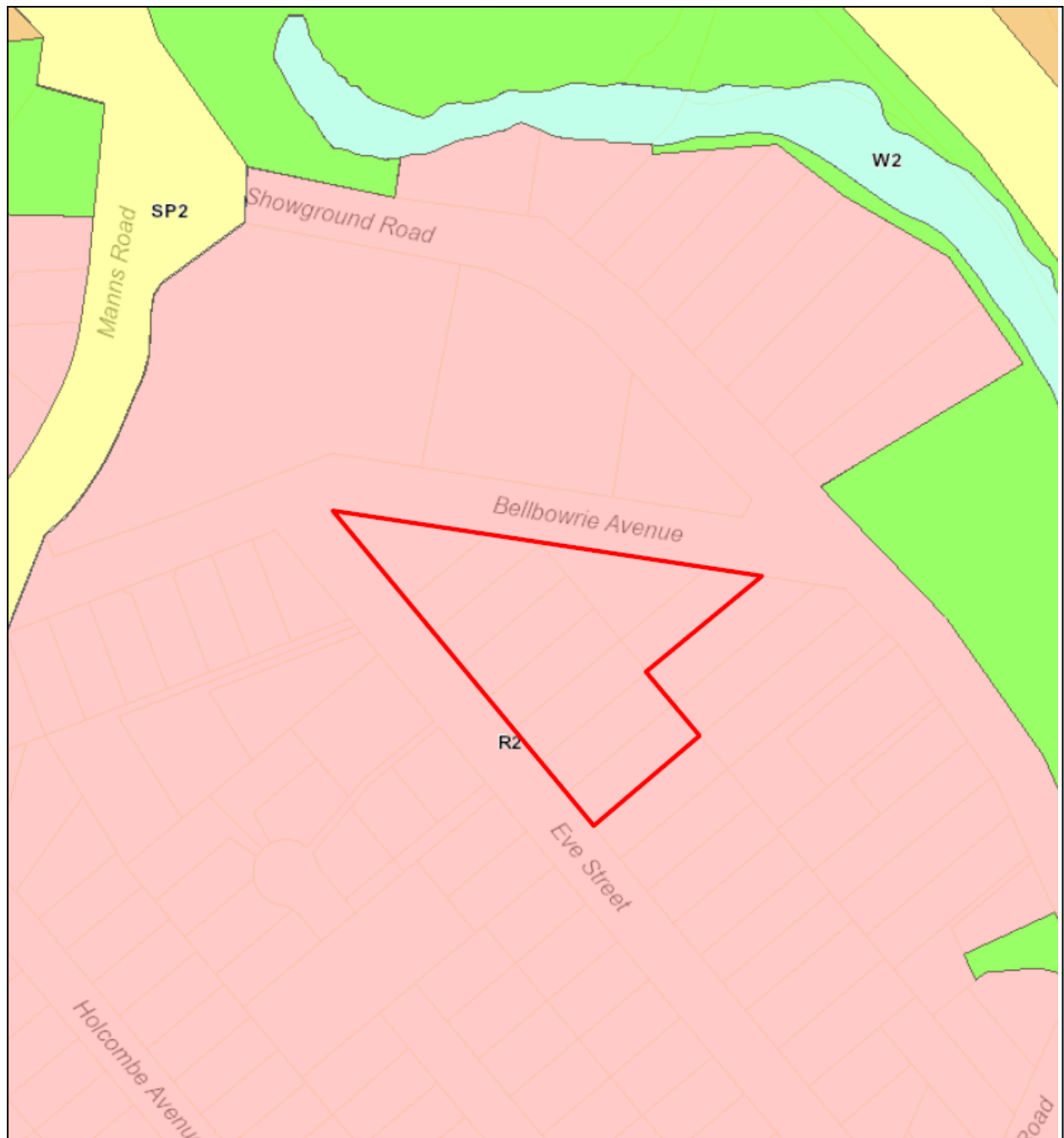
APPENDIX 1 - Locality Map



APPENDIX 2 - Existing Zoning Map



APPENDIX 3 - Proposed Zoning under Draft Gosford LEP



APPENDIX 4 - Aerial Photograph



APPENDIX 5 - Net Community Benefit

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 rationalise the residential zone within an established urban area.

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 within an established residential area.

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

No. The Planning Proposal will not create a precedent and alter the expectations of other landholders in the area as the subject site will be zoned the same as the surrounding residential land.

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

Yes. As the surrounding area is already zoned 2(a) Residential there is no opportunity for additional similar zonings to occur, nor has there been spot R2 zoning changes in the area..

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

No. Although the Planning Proposal will 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.

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 site. The site is accessible for pedestrian and cyclists. Regular public bus transport is available within 200m of 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 within the existing urban footprint. Therefore car distances travelled will be

no farther from places of employment and services than from the surrounding residential area. Hence, 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. The land is not constrained by flooding, bushfire hazard or the presence of EECs.

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 residential land uses. Consequently there will be no impact on the amenity of the locality or public domain. The proposal does not involve retail or commercial premises.

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 residential development 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 within an existing urban area. The implication of not proceeding with this Planning Proposal now is that it will be delayed until the Draft Gosford LEP comes into effect.