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# PLANNING PROPOSAL

## Lot 22 DP 1190427 The Esplanade Umina and adjoining road reserve

### GOSFORD CITY COUNCIL

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* and *Guide to Preparing Local Environmental Plans*.

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 rezone Lot 22 DP 1194027 The Esplanade, Umina Beach to zone R1 General Residential as it appropriately reflects the land's residential locality and physical attributes. That part of the original lot that is now included as road reserve is to be zoned RE1 Public Recreation like the rest of the road reserve in this locality.

#### 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 following maps under Gosford LEP 2014 as they relate to Lot 22 DP 1194027 and the road reserve:

Land Zoning Map (LZN\_016A)

- include Lot 22 DP 1190427 in R1 General Residential zone
- include the road reserve in RE1 Public Recreation

Floor Space Ratio Map (FSR\_016A)

- include Lot 22 DP 1190427 in area H (i.e. FSR of 0.7:1)

Height of Building Map (HOB\_016A)

- include Lot 22 DP 1190427 in area I (i.e. height of 8.5m)

Lot Size Map (LSZ\_016A)

- include 22 DP 1190427 in area K (i.e. lot size of 550 sqm)

Acid Sulfate Soils Map (ASS\_016A)

- include 22 DP 1190427 in Class 4
- include road reserve in Class 4

These controls are consistent with those of the adjoining land.

***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.***

The Appendices contain all relevant mapping to the Planning Proposal.

### **Part 3 Justification for objectives & outcomes**

***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?**

No. However, the Planning Proposal seeks to zone Lot 22 DP 1190427 to the surrounding R1 General Residential zone.

##### **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 only means of achieving the objectives/intended outcomes of rezoning the land.

#### **Section B Relationship to strategic planning framework**

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

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

Action 4.6 Land to be rezoned for housing during the life of this Strategy is to be located within existing urban areas

##### **3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of s117 Directions?**

The Planning Proposal has strategic merit in that it will ensure the zoning of the land is consistent with that of adjoining properties. The proposal is consistent with the Central Coast Regional Strategy (see Question 3 above) and Section 117 Directions (as addressed below).

##### **3b Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal**

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**and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

The Planning Proposal has site specific merit as the proposed R1 zone is compatible with the surrounding zone and therefore potential land uses. The services and infrastructure necessary for residential development are already in existence and available to meet future demand.

The rezoning of the land will not adversely impact on the amenity of the locality as the proposed residential zone will permit uses compatible with those on surrounding land.

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

##### **Community Strategic Plan – Gosford 2025**

The *Community Strategic Plan – Gosford 2025* applies to the subject land. The following strategies outlined in the Community Strategic Plan are applicable to this Planning Proposal:

A3.4 Increase the availability of appropriate housing

B6.3 Plan for population growth within existing developed footprint

The Planning Proposal is consistent with these strategies because the proposed R1 zone allows a range of housing types and the subject lot is located within the existing developed footprint.

##### **Biodiversity Strategy**

The subject site is devoid of significant vegetation however the following Action is 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.

The Planning Proposal is consistent with this Action in that it proposes to zone land for residential purposes within the existing urban footprint.

##### **Residential Strategy**

The subject site is proposed to be zoned R1 General Residential which allows medium density housing. The Residential Strategy has the following Action applicable to this Planning Proposal:

- Support the concept of urban consolidation in the form of medium density housing as part of a suite of measures of measures to satisfy varied housing demands in Gosford so as to relieve pressure upon rural lands and to acknowledge the community's changing housing needs.

The Planning Proposal is an example of urban consolidation as it seeks to rezone a vacant site to the residential zone applying to adjoining lots.

## **Draft Residential Strategy**

Under the draft Residential Strategy, the applicable Objectives, Goals and Actions are:

- Objective – ensure adequate supply of land and sites for residential development
- Goal – locating housing supply to minimise impact on physical characteristics and infrastructure
- Action - Council ensure all rezoning applications involving a residential component maintain the existing urban footprint.
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- Objective – plan for a mix of housing near jobs, transport and services
- Goal – concentrating new housing near major transport and service hubs

The Planning Proposal provides additional residential land, hence housing supply, to the market. The future use of the site will not change the physical characteristics of the locality and is able to be serviced by existing utilities and infrastructure. The Planning Proposal applies to a single site within the existing urban footprint.

The subject site is located 200m from Umina Town Centre which is a major transport and service hub.

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

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies. No other SEPP has application to this planning proposal.

### **SEPP 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.

The land has been zoned for car parking since 1968 when the GPSO came into effect. Hence the land has not been used for anything listed in Table 1 of the Contaminated Land Planning Guidelines. Therefore the site does not require a preliminary investigation regarding land contamination.

### **SEPP 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 across the road from the frontal dunes of Ocean Beach and is identified as being in the coastal zone. Under SEPP 71 the relevant "matters for consideration" are:

- the suitability of development given its type, location and design and its relationship with the surrounding area,
- any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal

- foreshore and any significant loss of views from a public place to the coastal foreshore,
- the scenic qualities of the New South Wales coast, and means to protect and improve these qualities
  - the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
  - 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 subject land is on the corner of Norman Street and The Esplanade. It adjoins residential lots on two sides so the proposed residential zone and future development of the site will be compatible with that of surrounding land. The land is not likely to be affected by coastal processes as the 2097 Erosion Line, as identified in the Broken Bay Beaches Management Plan, is located on the seaward side of The Esplanade.

## **6 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 1st September 2009. S117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other S117s Directions or they are not applicable.

### **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 and enhancing the aesthetic qualities of the coastal zone.
- Providing for ecologically sustainable human settlement in 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:

- protecting the qualities that attract people to coastal cities and set them apart from other locations along the coast
- economic growth without compromising the city's amenity
- optimising the efficient use of land and improving lifestyle choices
- improving public access and diversity of uses along the coastal edge

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."

Although the site is across the road from the dune and beach it is not subject to immediate coastal processes. However, like all other dwellings fronting The Esplanade future development will have to address such processes.

### **Direction 3.1 - Residential Zones**

This Direction applies when a planning proposal affects land within an existing or proposed residential zone. The Direction requires that 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 proposed R1 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. Such a zone will permit a broad range of housing which is appropriate given that the site is located close to Umina Town Centre.

### **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 Umina Town Centre which has a regular and frequent bus service route to Woy Woy and Gosford. Whilst future residents can use their private vehicle, the option is available should they wish to use public transport.

### **Direction 4.1 – Acid Sulfate Soils**

This direction applies when planning proposal is prepared that will apply to land having a probability of containing acid sulfate soils. Where Council is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Maps, the Planning Proposal must contain such provisions consistent with the model clause.

All of the subject land is shown as being affected by Class 4 Acid Sulfate Soils. This means that development consent is required for all works more than 2m below natural ground surface or works by which the watertable is likely to be lowered by more than 2m below the natural ground surface.

The site is currently deferred from Gosford LEP 2014 but by zoning the land R1 it will be included in LEP 2014. As this instrument contains a clause relating to development in acid sulfate soils the provisions of this Direction are satisfied.

#### **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 hence the Planning Proposal is not required to be referred to the Rural Fire Service for comment.

#### **Direction 5.1 Implementation of Regional Strategies**

Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning and Infrastructure.

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to Question 3 above.

#### **Direction 6.1 – Approval and Referral Requirements**

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

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

#### **Direction 6.2 - Reserving Land for Public Purposes**

A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

Even though the subject land is zoned 5(a) Parking, it is not reserved for such a use. The land is classified as “operational land” under the *Local Government Act*.

#### **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.

The Planning Proposal is consistent with this Direction as no site specific provisions are included.

## **Section C Environmental, social and economic impact**

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

The site is cleared of native vegetation and is wholly bitumen paved for use as a car park. Therefore the rezoning of the land to enable it to be used for residential uses will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

#### **Beach Erosion Hazard**

The entire land parcel sits landward of the 2097 Erosion Hazard Line and has been identified as part of the Open Coast and Broken Bay Beaches Coastal Processes and Hazard Definition Study (Worley Parsons, 18 October 2013) as not subject to long term recession due to sea level rise and wholly positioned landward of any defined coastal hazard. Therefore no objection is raised to the planning proposal on the grounds of coastal processes.

#### **DCP Chapter 2.1 - Character**

Under Gosford DCP 2013, Chapter 2.1 the subject land is situated in Umina Character Precinct 2 – Medium Density Foreshores. The existing character of the area is described below:

*An established medium density residential foreshore with panoramic views, situated on the crest of a dune that is protected from storm surge by a wide foreshore reserve, and forming a prominent backdrop to Brisbane Water as well as nearby suburbs.*

*Facing panoramic water views, a mix of two and three storey apartments, townhouses and large new houses have substantially altered the original foreshore character that was defined by modestly-scaled single storey timber-frame bungalows capped by gently pitched roofs and surrounded by leafy private gardens. New developments form a near-continuous wall of foreshore buildings set behind narrow front gardens, interspersed by a few surviving coastal bungalows.*

The strategic matters mentioned in the desired character of Precinct 2 are:

*These areas should remain medium-density residential foreshores where the scenic quality of prominent backdrops to Gosford City's coastal waterways is enhanced by new developments that are surrounded by leafy gardens, and where improved standards of amenity and urban design quality are achieved.*

*Ensure that new structures do not dominate their foreshore setting or disrupt development patterns that are established upon surrounding properties.*

As the adjoining land to the north and east of the subject site is zoned R1 any future development of the site for residential development is able to be designed to be consistent with the desired future character of the precinct.

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

The Planning Proposal is considered to have economic benefit in that it will provide employment opportunities during construction of any future development and will provide social benefits by providing an opportunity for additional housing in the locality. The provision of this one additional lot will not impact on the supply of residential land and hence housing in the area.

The implications of not proceeding with the Planning Proposal is that the land remains zoned for a carpark.

**Section D State and Commonwealth interests**

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

The subject site is located on the corner of Norman Street and The Esplanade which are both sealed roads. There is good pedestrian and cycle access to Umina Town Centre and the along the beachfront. Public transport in the form of bus services is available at regular intervals in the Umina Town Centre.

The site is well serviced with recreation facilities in the form of a playground on the western side of Norman Street and Ocean Beach on the southern side of The Esplanade.

The site is serviced by water and sewer.

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

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued. It is considered that no government agencies are required to be consulted in this instance.

**Part 4 Mapping**

***S55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land - a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.***

The Appendices contain all relevant mapping to the Planning Proposal.

**Part 5 Community Consultation**

***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:

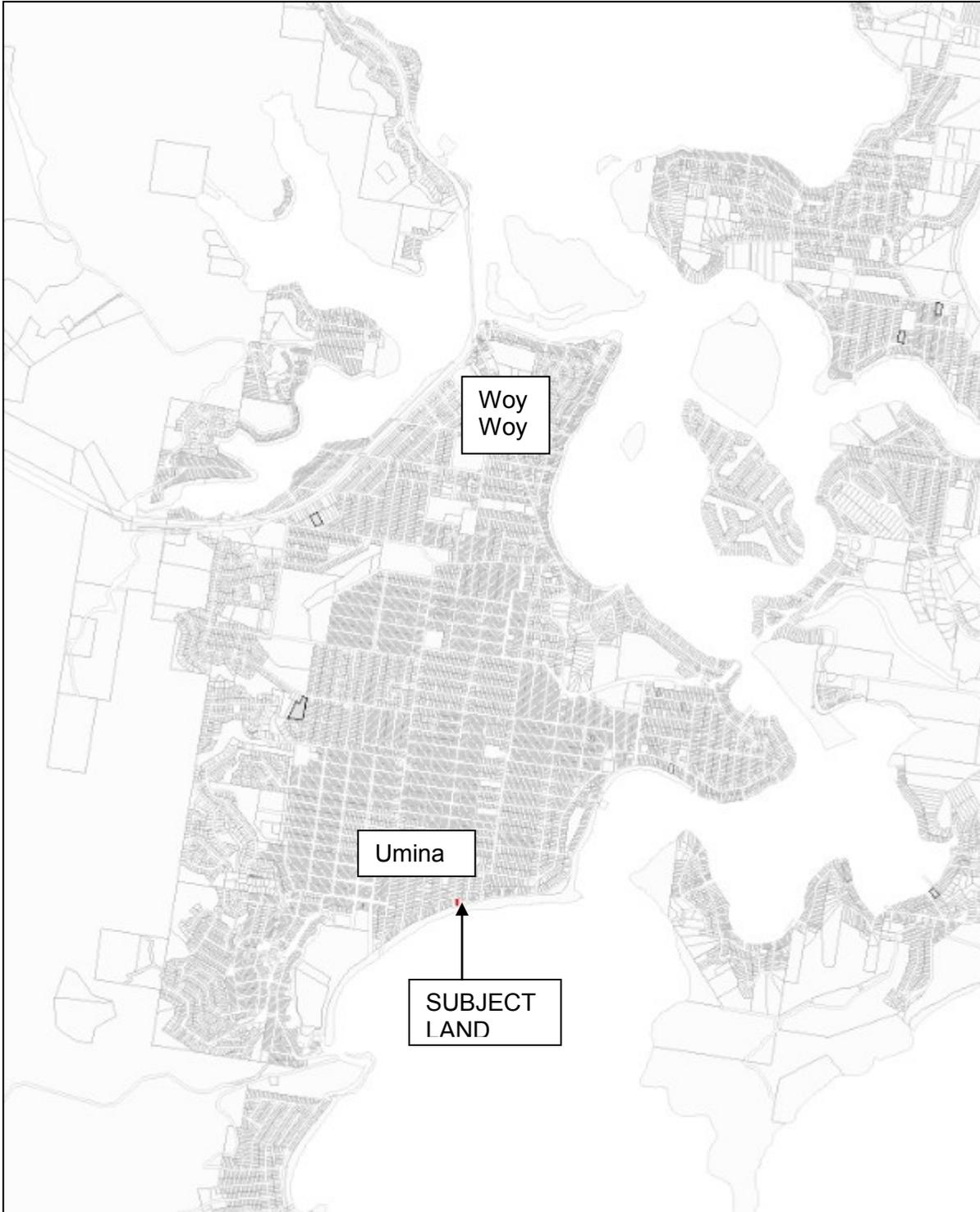
- the planning proposal, in the form approved for community consultation by the Director-General of Planning;
- the gateway determination; and
- any studies relied upon by the planning proposal.

## **Part 6 Project Timeline**

The anticipated timeline for this Planning Proposal is set out below.

|  |                       |
|--|-----------------------|
| Gateway Determination                        | July 2014             |
| Completion of required technical information | n/a                   |
| Government Agency consultation               | n/a                   |
| Public Exhibition                            | September 2014        |
| Consideration of submissions by Council      | November 2014         |
| Date Council will make plan (delegated)      | November 2014         |
| Liaise with PC                               | January/February 2015 |
| Forward Plan to Department for notification  | March 2015            |

**APPENDIX 1 – Locality Map**



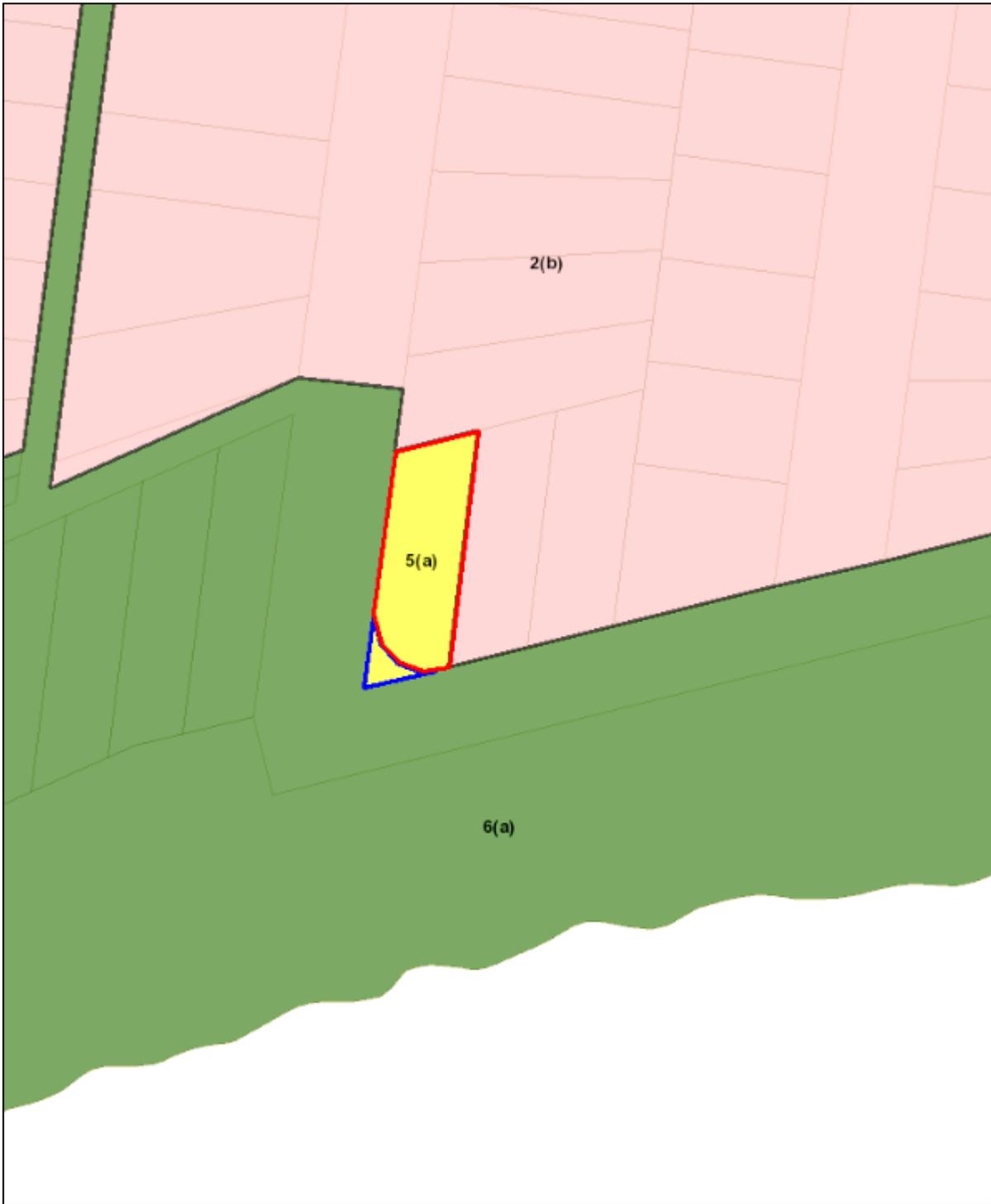
APPENDIX 2 – Land Description



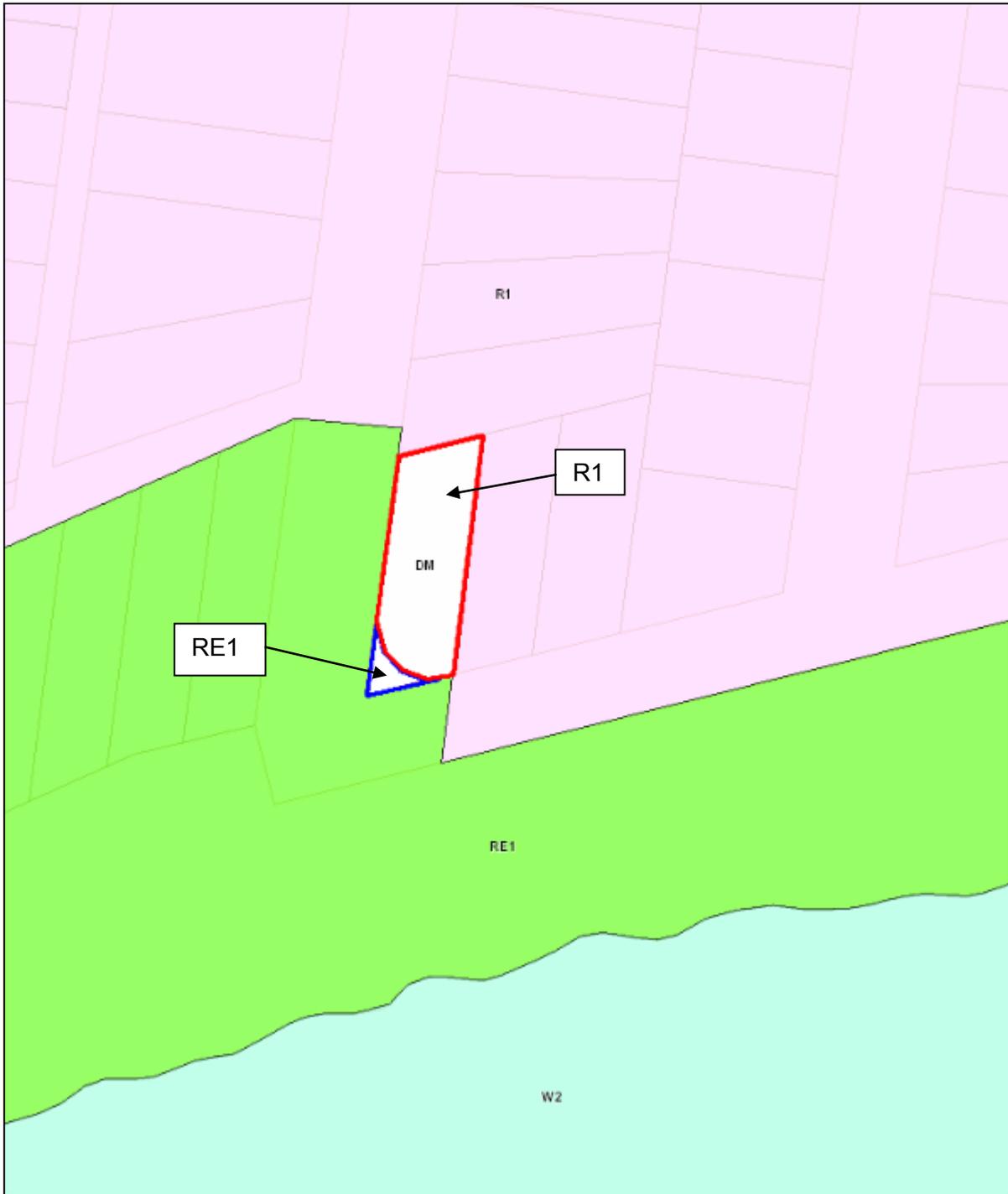
**APPENDIX 3 - Aerial Photograph**



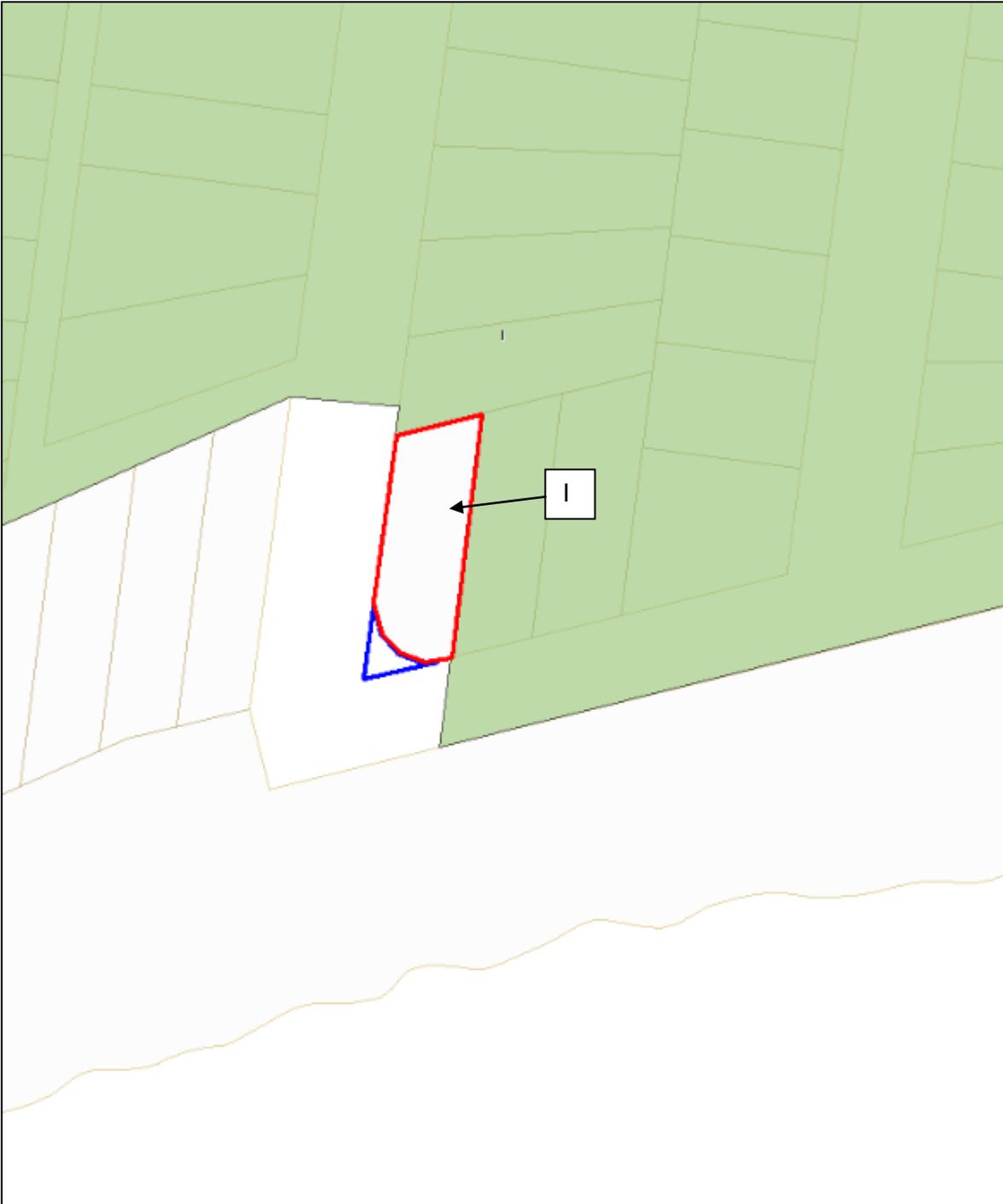
APPENDIX 4 - Existing Zoning Map for Lot 22 DP 1190427



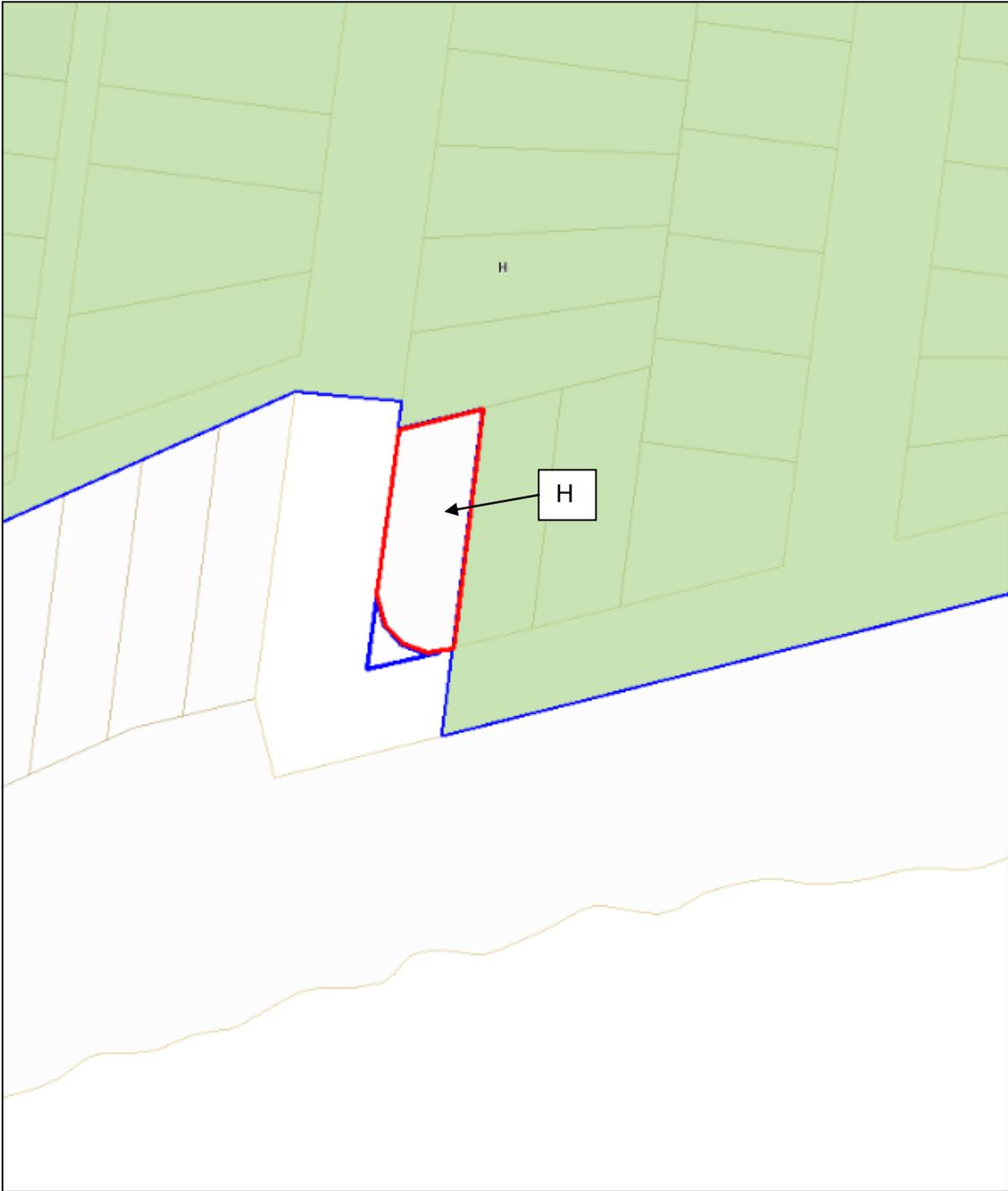
**APPENDIX 5 - Existing Zoning Map for adjoining land under Gosford LEP 2014**



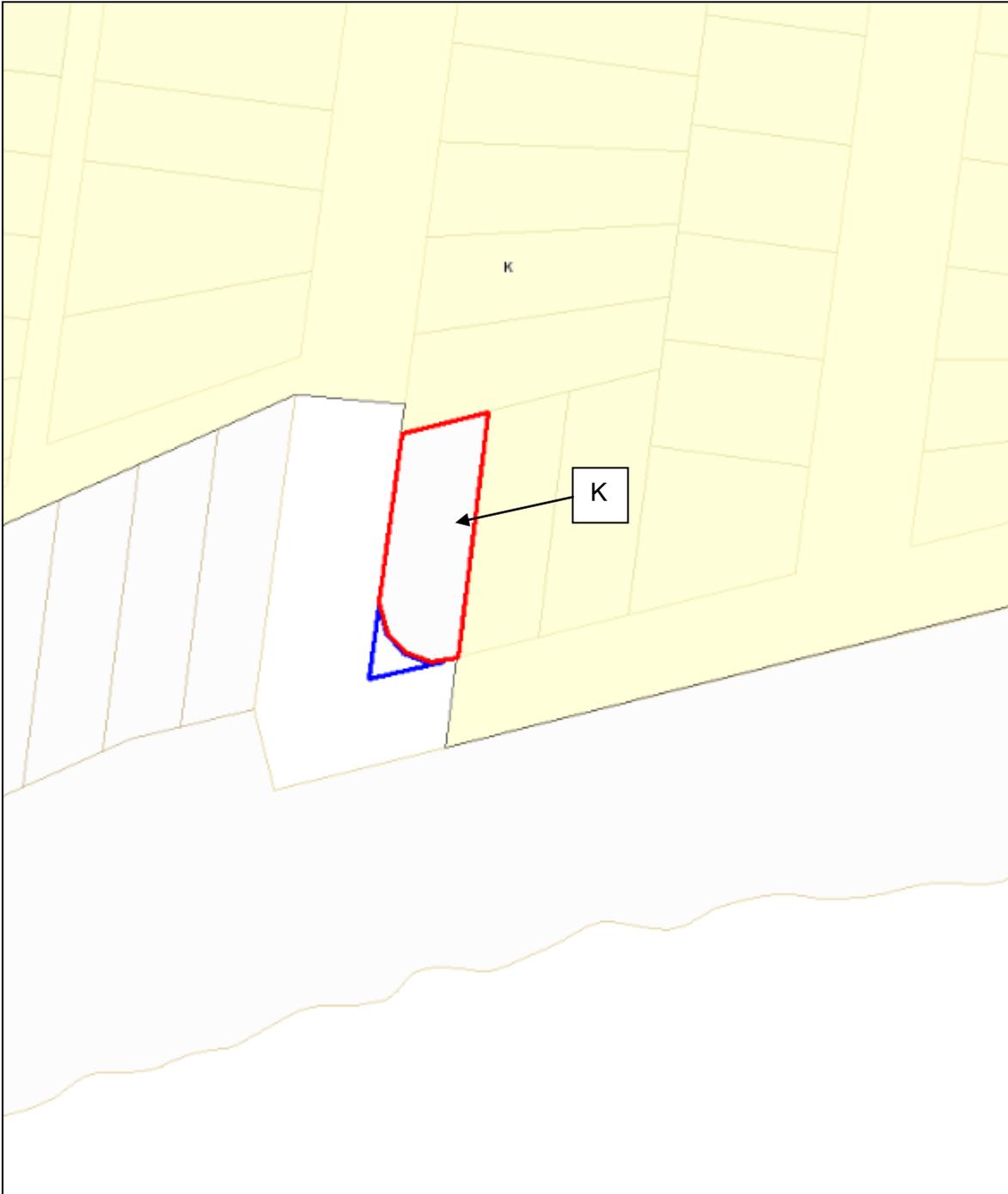
**APPENDIX 6 - Existing Building Height Map for adjoining land under Gosford LEP 2014**



**APPENDIX 7 - Existing FSR Map for adjoining land under Gosford LEP 2014**



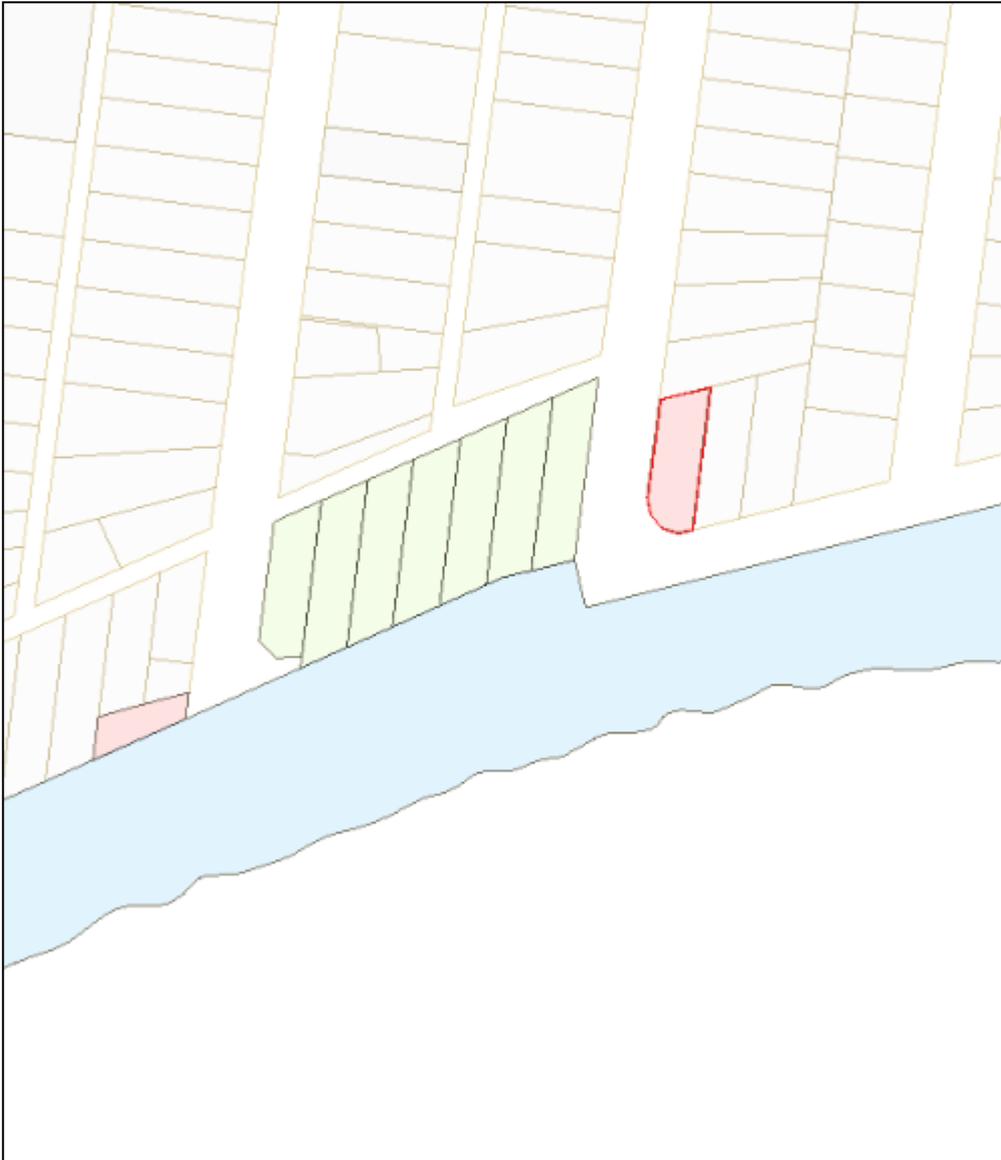
**APPENDIX 8 - Existing Lot Size Map for adjoining land under Gosford LEP 2014**



**APPENDIX 9 - Existing ASS Map for adjoining land under Gosford LEP 2014**



**APPENDIX 10 – Land Classification**



Red – Operational Land  
Green – Community Land

APPENDIX 11 – Coastal Hazard

