

Rezoning of land at Willoughby Road, Terrigal for Residential and Electricity Supply purposes

Proposal Title : **Rezoning of land at Willoughby Road, Terrigal for Residential and Electricity Supply purposes**

Proposal Summary : **The planning proposal seeks to rezone land from E3 Environmental Management to SP2 Infrastructure (Electricity Supply) and R2 Low Density Residential under Gosford Local Environmental Plan (LEP) 2014 and apply the following development standards to the residential zoned land:**
- floor space ratio of 0.5:1,
- maximum building height of 8.5m,
- minimum lot size of 550m2.

PP Number : **PP_2014_GOSFO_012_00** Dop File No : **14/09960**

Proposal Details

Date Planning Proposal Received :	13-Jun-2014	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 :	125 Willoughby Road		
Suburb :	Terrigal	City :	Postcode :
Land Parcel :	Lot 195 DP 629556 and Lot 194 DP1976		

DoP Planning Officer Contact Details

Contact Name : **Glenn Horal**
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Rezoning of land at Willoughby Road, Terrigal for Residential and Electricity Supply purposes

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	1.08	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	19
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 :

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : Council stated objective is to enable development on Lot 195 DP659566 for low density residential purposes and to zone the land on Lot 194 DP 1976 to reflect the current substation development.

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

Is an explanation of provisions provided? Yes

Comment : Council has identified the outcome will be achieved by amending the following maps under Gosford LEP 2014.

Apply the following zoning and development standards to Lot195 DP659566 by as follows:

- Land Zoning Map (include the lot in the R2 Low Density Residential)
- Floor Space Ratio Map (include the lot in area D - FSR 0.5:1)
- Height of Buildings Map (include the lot in area I - Height of 8.5m)
- Lot Size Map (include the subject site in area K - Lot Size 550m2)

Apply the following zoning and delete the current development standards to Lot 194 DP1976 as follows:

Rezoning of land at Willoughby Road, Terrigal for Residential and Electricity Supply purposes

- Land Zoning Map (include the lot in the SP2 Infrastructure zone)
- Height of Buildings Map (delete the lot in area I - Height of 8.5m)
- Lot Size Map (delete the lot in area K - Lot Size 550m2)

The zoning of the northern lot from E3 to SP2 is not required to permit development for purposes of electricity transmission or distribution networks as the SEPP (Infrastructure) 2007 states it may be carried out without consent on any land.

Both lots are owned by Ausgrid which has recently constructed the substation on the northern lot with the southern lot being identified as surplus to requirements. Although it is unnecessary to rezone the northern lot it is considered there is no impediment to the rezoning to reflect the existing use as a substation and identify the land use to the community.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

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 : **Yes**

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

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

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The mapping provided is considered sufficient for assessment.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposed a 28 day community consultation period. Given this is a matter of local planning significance it is recommended consultation be for a minimum period of 14 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

PROJECT TIMELINE

Council anticipates the plan to be finalised in June 2015 (approximately 11 months).

Rezoning of land at Willoughby Road, Terrigal for Residential and Electricity Supply purposes

The proposal is a minor spot rezoning for infill low density residential development. It is considered Council could achieve finalisation of the proposal within 9 months.

DELEGATIONS

Council resolved to seek delegations for this planning proposal. Given the planning proposal is of local planning significance it is recommended Council be granted delegation to make the plan.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2014**

Comments in
relation to Principal
LEP :

Gosford Local Environmental Plan 2014 (Gosford LEP) was notified on 11 February 2014.

Assessment Criteria

Need for planning
proposal :

Council has advised the planning proposal is not the result of a strategic study or report and appears to be initiated by the proponents request for a rezoning.

Rezoning of land at Willoughby Road, Terrigal for Residential and Electricity Supply purposes

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has identified a number of actions in the CCRS that are relevant to the proposal:

- Provide for a mix of housing types
- review the adequacy and accuracy of existing urban boundaries and zonings in fringe areas.
- land to be rezoned for housing is to be located within existing urban areas, MDP areas, areas identified through the preparation of LEPs and Greenfield areas nominated in the North Wyong Shire Structure Plan.
- identify suitably located and appropriately zoned land for new energy infrastructure.

The proposal will provide for low density residential housing and will require a minor amendment to the urban boundary due to its location adjacent to existing urban areas. Council has advised the proposed SP2 zoning will reflect the recent development of an electricity substation to improve supply and reliability for the Lower Central Coast in order to meet current and future demand. Although the rezoning is not required to permit the current substation development (it is permitted under the SEPP (Infrastructure)), the proposal is still considered to be consistent with the actions Council identified in the CCRS.

COUNCIL STRATEGIES

Council has identified local strategies that are applicable to the proposal and Council's assessment of consistency with each strategy is provided in brackets.

- Community Strategic Plan - Gosford 2025 (consistent)
- Biodiversity Strategy (consistent)
- Residential Strategy (consistent)
- Draft Residential Strategy (consistent)

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP No 19 — Bushland in Urban Areas

Council has advised the western portion of the substation lot is subject to a development consent condition to retain vegetation due to the presence of a threatened flora species and is therefore consistent with the aims and objectives of the SEPP.

SEPP No 44 — Koala Habitat Protection

Council has advised one feed tree species was identified on the substation lot however this occurred in low numbers. The southern lot is predominantly cleared with a narrow band of vegetation around the edges. Council considers the site is not potential Koala Habitat.

SEPP No 55 — Remediation of Land

Council has identified the land may have been used for agricultural purposes (crops and orchards), an activity that may cause contamination. Council has advised a preliminary contamination assessment should be undertaken prior to public exhibition should a Gateway be issued.

SEPP No 71 — Coastal Protection

Council has advised the rezoning to low density residential does not raise any concerns in relation to clause 8 matters.

SEPP (Infrastructure) 2007

Council has not identified this SEPP as applicable. However an outcome of the proposal is to reflect the existence of Ausgrid's Wamberal Zone Substation on Lot 194 DP1976 and zone the lot from E3 to SP2. The zoning to reflect the existing built form is unnecessary as the Infrastructure SEPP contains a provision (Clause 41) which specifies development from the purposes of an electricity transmission or distribution network (which includes electricity substations) may be carried out without consent on any land.

Council should update the planning proposal and include discussion to clarify the SP2 zoning is not required to permit the use as it is already permitted under SEPP (Infrastructure) 2007 in the current zone and is required only to signal Council's intention

Rezoning of land at Willoughby Road, Terrigal for Residential and Electricity Supply purposes

with regard to the current and future use for a substation on the site.

S117 DIRECTIONS

The planning proposal is considered to be consistent with all S117 Directions or they are not relevant except where discussed below:

2.1 Environment Protection Zones

The land is zoned E3 and Council proposes a SP2 and R2 zone. This will result in a reduction of environmental protection standards that apply to the land including the minimum lot size and is inconsistent with the Direction. The Secretary could agree the inconsistency with the direction is of minor significance given the northern lot is subject to vegetation protection under an existing development consent and the southern lot is largely cleared and retention or tree removal can be dealt with at the development application stage.

4.4 Planning for Bushfire Protection

The land is identified as bushfire prone. As required by the Direction consultation is required with the NSW Rural Fire Service before consistency can be determined.

Environmental social
economic impacts :

Environmental

Council has stated its vegetation mapping identifies an endangered ecological community around the boundary of the proposed residential lot and considers the retention of vegetation or tree removal can be dealt with at the DA stage. The substation lot has been subject to ecological studies which identified a number of threatened flora species on the western portion of the site and proposes access to the residential lot via the eastern portion of the site. It is noted that any future DAs would still be subject to assessment under the EP&A Act.

Council has considered the impact on character and scenic quality requirements and found the proposal would not significantly impact on the character or be inconsistent with scenic quality requirements of the relevant chapters in its DCP 2013.

In a recent planning proposal for a nearby site in Wycombe Road, Council proposed the introduction of a new 650 square metre minimum lot size based on slope. Council should refer to the slope of this site, confirm the appropriate minimum lot size and amend the planning proposal if required.

Social and Economic

Council has identified the proposal will assist in meeting dwelling targets and contribute to the supply of residential land within the LGA as well as providing increased economic activity in the form of construction employment and additional demand for services and amenities provided in local and regional centres from additional residents.

Infrastructure

Council has identified the existing infrastructure in the form of water, sewerage, gas, electricity and telephone services are available to service the development however require the proponent to conduct a water and sewer system capacity analysis to be undertaken for the additional load from future development.

Council included a resolution for the applicant to review electric and magnetic fields and confirm the development will meet Health Guidelines. Given the proximity of other existing residential dwellings to the substation it is considered this is a matter that can be addressed under a future development application rather than at the rezoning stage.

Traffic and Transport

The residential lot does not have direct access to Willoughby Road and will rely on access across the substation lot. Council has advised a traffic study should be undertaken to determine if sight lines would be able to meet guidelines for safe intersection sight distances for exiting traffic.

Rezoning of land at Willoughby Road, Terrigal for Residential and Electricity Supply purposes

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

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. :

If Other, provide reasons :

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 :

Documents

Document File Name	DocumentType Name	Is Public
Covering Letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

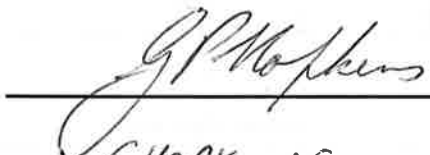
Additional Information : **The planning proposal should proceed subject to the following conditions:**

Rezoning of land at Willoughby Road, Terrigal for Residential and Electricity Supply purposes

1. Given the recent planning proposal for a nearby site in Wycombe Road where Council proposed the introduction of a new 650 square metre minimum lot size based on slope, Council should consider the slope of this site, confirm the appropriate minimum lot size and amend the planning proposal, if required.
2. Additional information regarding the following matters is to be placed on public exhibition with the planning proposal:
 - Traffic and access study
 - Water and sewer system capacity analysis;
3. Council is to update the planning proposal to include sufficient information to adequately demonstrate consistency with S117 Directions 4.4 Planning for Bushfire Protection.
4. Council is to update the planning proposal to include consideration of Clause 41 in SEPP (Infrastructure) 2007.
5. Council is to satisfy the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate the site is suitable for rezoning once information on contamination has been obtained.
6. The planning proposal be made publicly available for a minimum of 14 days.
7. Consultation is required with the NSW Rural Fire Service.
8. A public hearing is not required.
9. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.
10. Plan-making delegation should be delegated to Council for this planning proposal.

Supporting Reasons : *

Signature:



Printed Name:

G. HOPKINS

Date:

17 JULY 2014