

Item No: 2.5
Title: Planning Proposal 90/2016 - Nos 65, 77 and 111
 Beaufort Road, Terrigal
Department: Environment and Planning

22 March 2017 Ordinary Council Meeting

D12607141

Report Purpose:

The purpose of this report is for Council to consider a planning proposal which seeks to rezone lands identified as a "deferred matter" under *Gosford Local Environmental Plan 2014*. The Planning Proposal seeks to convert land zoned 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) to R2 Low Density Residential.

This report recommends that Council prepare a Planning Proposal to amend *Gosford Local Environment Plan 2014*.

Recommendation:

- 1 That Council prepare a planning proposal to amend the Gosford Local Environment Plan 2014, to rezone the land listed below from 7(c2) Conservation and Scenic Protection to R2 Low Density Residential, pursuant to s.55 of the Environmental Planning and Assessment Act 1979.**
 - a) Lot 5, DP 207799, No 65 Beaufort Road, Terrigal;**
 - b) Lot 1022, DP 1054632, No 77 Beaufort Road, Terrigal ;**
 - c) Lot 1023, DP 1054632, No 111 Beaufort Road, Terrigal.**
- 2 That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to s.56(1) of the Environmental Planning and Assessment Act 1979;**
- 3 That Council undertake community and public authority consultation in accordance with the gateway determination requirements.**
- 4 That Council consider a further report on the results of community and public authority consultation.**

- 5 ***That Council authorise staff to negotiate and prepare a Voluntary Planning Agreement which establishes a monetary contribution for the provision of services, facilities and infrastructure required as a result of the rezoning of the land.***
- 6 ***That Council request from the Department of Planning and Environment delegations for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environment Plan***

The Site

The subject land comprises three lots as highlighted (red) in Figure 1. The properties are described as Lot 5 DP 207799 (65 Beaufort Road), Lot 1022 DP 1054632 (77 Beaufort Road) and, Lot 1023 DP 1054632 (111 Beaufort Road), Terrigal. The land is zoned as a deferred matter under *Gosford Local Environmental Plan 2014 (GLEP 2014)* which means the subject land is zoned 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under *Interim Development Order No 122-Gosford (IDO 122)*.

The total area of the land subject to the planning proposal is calculated at 2.77 Ha. Each of the allotments contains one dwelling house and associated ancillary structures. The site adjoins land zoned R2 Low Density Residential under *GLEP 2014*. Properties in the locality are generally developed for low density residential purposes (see Figure 2).

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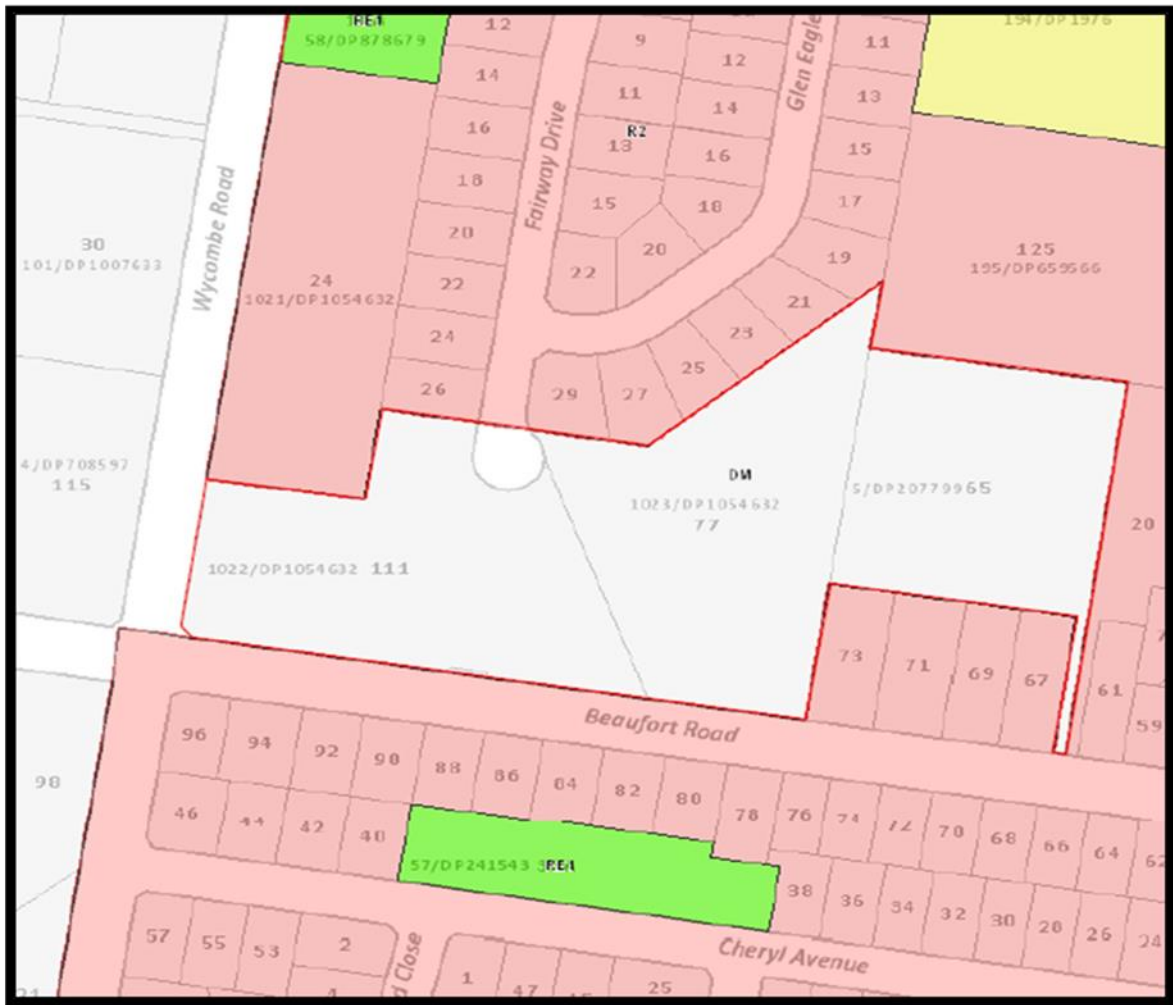


Figure 1: Zoning Context (Sites subject of the Planning Proposal are shown edged red)

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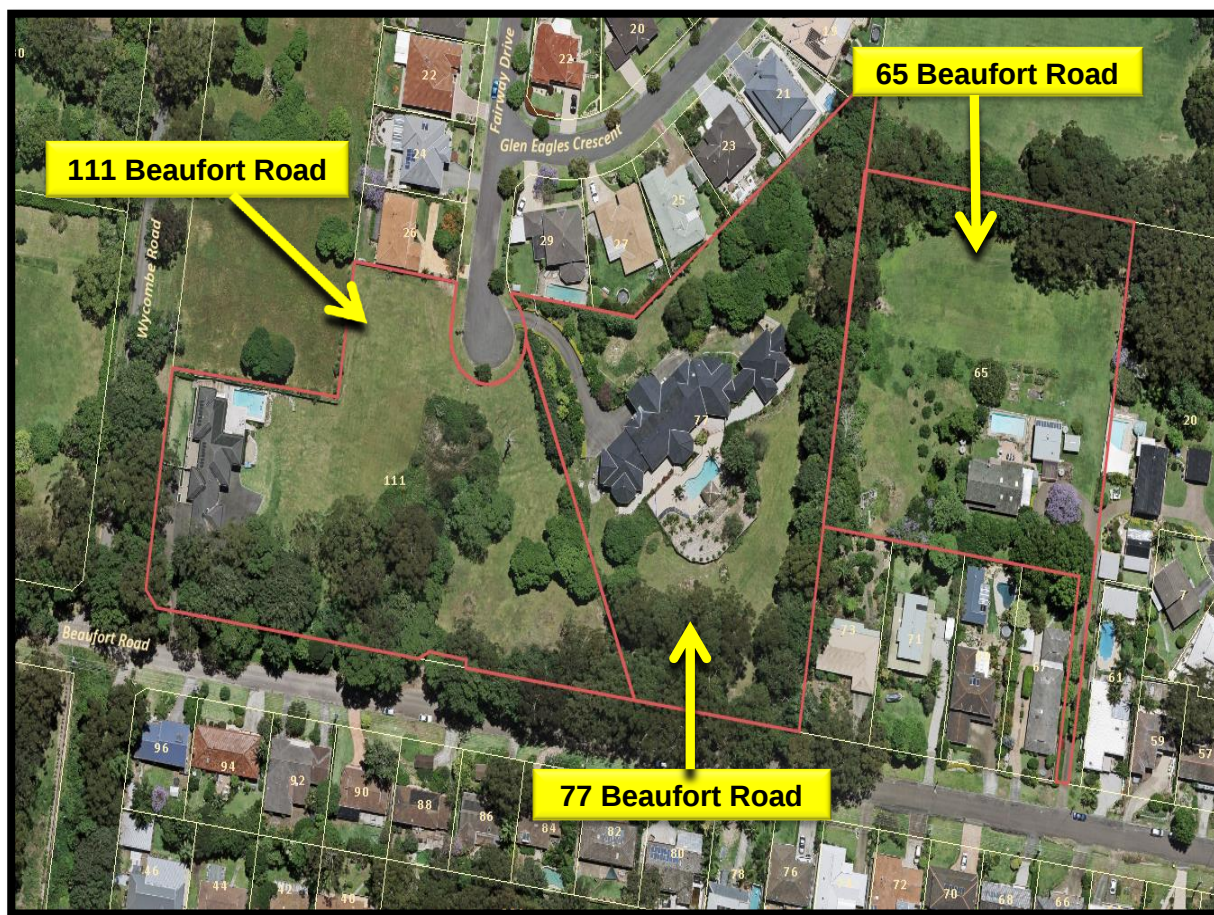


Figure 2: Locality Context Aerial (Sites subject of the application are shown edged in red)

The Proposal

The applicant seeks to rezone three parcels of land from 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under *IDO 122* to R2 Low Density Residential under *GLEP 2014*. The request also seeks to apply relevant development standards including, floor space ratio, minimum lot size and height to the site.

The minimum subdivision size for land zoned 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) is 2 Ha. The minimum subdivision size may be reduced to 1 Ha if conservation incentive clause 18 (4)(b) under the *IDO 122* is used. The proposed R2 Low Density Residential zoning will permit additional land uses as well as the ability of each lot to be subdivided into allotments of at least 550m².

A preliminary subdivision concept plan has been prepared by the applicant to support the initial planning proposal (see Figure 3). This preliminary subdivision concept plan shows 23 residential lots being created as a result of the rezoning. This plan can be further refined once additional studies have been completed in the post gateway phase of the project.

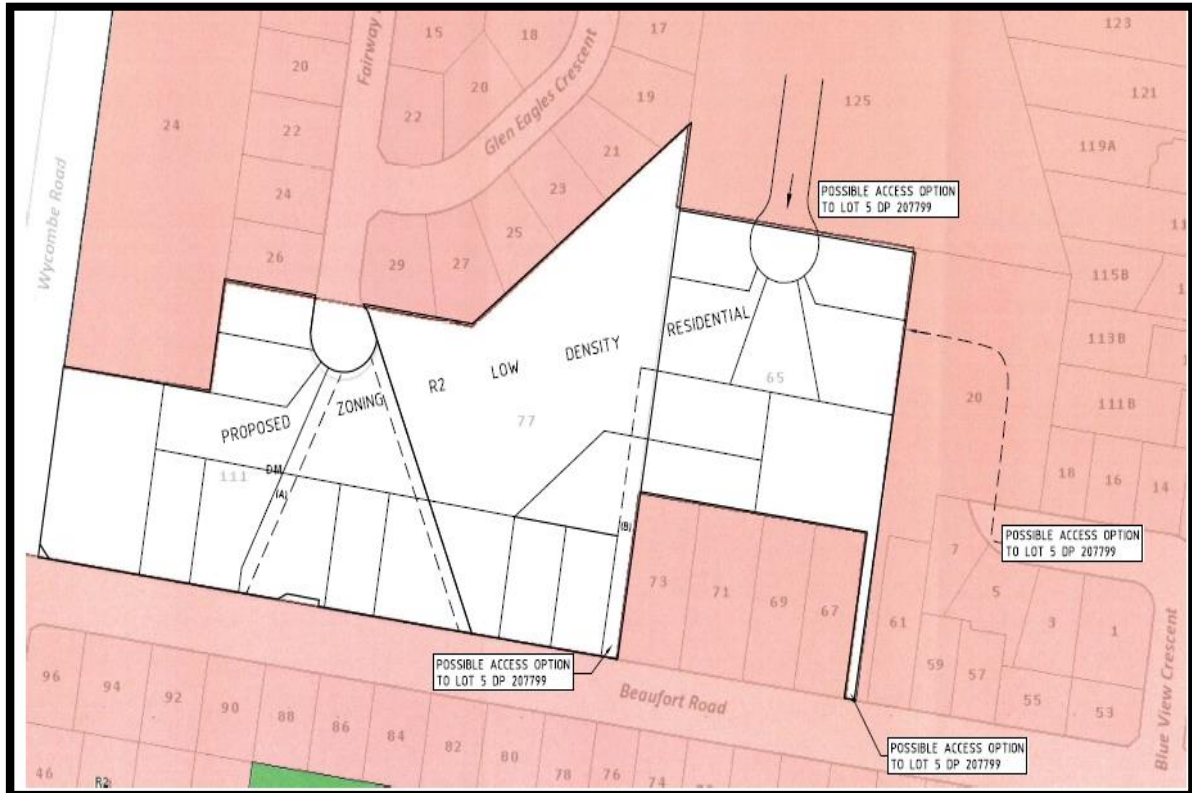


Figure 3: Preliminary Subdivision Plan (Sites subject of the Planning Proposal in white)

Assessment

The assessment of the rezoning request indicates that the proposal has merit to proceed to a gateway determination request in advance of the Environmental and Urban Edge Zone Review. The environmental criteria applied as part of Environmental and Urban Edge Zone Review indicates that the subject site would not satisfy the requirements for an environment zoning and it would be more appropriately zoned for residential purposes. This is consistent with the zoning of adjoining residential land.

As the application seeks the rezoning to enable land subdivision, several studies will be required to be undertaken post gateway determination to further refine the planning proposal prior to the document being publicly exhibited:

- Flora and fauna assessment.
- Bushfire hazard assessment;
- Preliminary land contamination assessment;
- Water and sewer systems analysis;
- Drainage, flooding and stormwater management investigation

The rezoning will provide an opportunity for residential infill development to occur, along with the land uses associated with the R2 Low Density Residential Zone. This outcome is considered to be an appropriate response to the site and the surrounding urban context.

Ecology

The majority of the site has been cleared and has no native vegetation present. There are some large stands of Eucalypt trees present which have hollow bearing potential for fauna. The understorey vegetation is sparse and shows signs of disturbance by way of weeds and regrowth. The remnant vegetation present is mapped as an Endangered Ecological Community which is in a disturbed condition. An ecological assessment will be required to be conducted prior to placing the rezoning proposal on public exhibition. This will also need to examine which of the large trees on the site contain hollows and require a hollow bearing tree assessment. The impacts of tree removal and opportunities for tree retention can be assessed in greater detail at the development assessment stage when subdivision design issues can be examined in greater detail.

Bushfire

The subject land is classified as bushfire prone land and will require a bushfire assessment to be prepared as a post gateway consideration. The planning proposal will therefore need to be referred to the Rural Fire Service as a post gateway determination matter.

Land contamination

The subject land has evidence to suggest previous use for agricultural purposes (crops and orchards). A preliminary land contamination assessment will be required to be undertaken to satisfy the requirements of *State Environmental Planning Policy No 55 – Contaminated Lands*.

Water and Sewer

Water is available to service the land. The properties are located within Council's defined water service area and a water supply main is located adjacent to the properties in Beaufort Road, Wycombe Road and Fairway Drive.

Sewer is not currently available and would need to be extended to service future development. The lots are located outside Council's defined sewer service area. Council's sewer reticulation system is located within existing developed residential zoned land located north and south of the land. This current proposal would require further augmentation of C19 sewer pump station and potentially C19 sewer rising main.

The applicant would be responsible for undertaking a sewer systems capacity analysis on Council's C19 sewer pump station, rising main and downstream reticulation system. The analysis shall assess the impact of the proposed development on Council's existing sewerage reticulation system. This analysis will need to be undertaken to Council's satisfaction.

Practical options exist to provide sewer to service the land, however the cost of extending water and sewer services will need to be examined in more detail by the proponent before the planning proposal is finalised. Council's Water Assessment Section advise that no objection to the proposal exists, providing the cost of augmenting water and sewer services is funded by land owners as part of any future subdivision.

Traffic

The subject site is accessed from Beaufort Road and Fairway Drive, with the main feeder road to the site being Willoughby Road.

A traffic study will be required to be undertaken by the proponent to ensure that adequate sight lines are able to be provided along Beaufort Road, particular attention will need to be given to driveway placement.

No objection received by Council's Transport Engineer.

Flooding, Drainage and Stormwater Management

The land is located in the upper catchment of Terrigal Lagoon. Contributing runoff from future urban land uses will require additional stormwater management infrastructure to be provided. Council's records indicate that a 600 mm diameter pipe discharges on the subject land.

Whilst Council's records do not show the land as being flood affected, there may be localised overland flood flow paths which need to be considered in developing a subdivision concept plan. A flood and drainage study will be required to be undertaken should a gateway determination be issued by the NSW Department of Planning and Environment (DP&E) to further investigate this issue. This report will be required to identify overland flood flow paths, delineate or map whether there is any increase in flood risk due to the change of land use or identify any stormwater measures to ameliorate any risks.

No objection received by Council's Flooding and Drainage Engineer.

Impact on services

There is currently no Contribution Plan applicable to the site. In the interim it is recommended that the applicant enter into a Voluntary Planning Agreement (VPA) for the provision of services, facilities and infrastructure improvements required as a result of this planning proposal and the future development of the land.

Land use compatibility

The subject land is currently surrounded by R2 Low Density Residential zoning and a previously approved residential subdivision on 24 Wycombe Road, Terrigal. A preliminary subdivision plan has been developed which indicates that 23 residential allotments could potentially be created. The rezoning request is considered to be consistent with the existing locality and character of development to the north and south of the site.

Statutory Compliance and Strategic Justification:

In May 2016 DP&E issued Guidance for merged Councils on planning functions. In accordance with these guidelines, merged Councils are to continue to progress planning proposals with strategic merit. This planning proposal is consistent with the guidelines and is appropriate to be progressed.

The proposal has been assessed having regard for all State Environmental Planning Policies, Ministerial s.117 Directions and the relevant guidelines set out within the regional plans including the CCRP 2036.

The request is considered to be consistent with these considerations and suitable for forwarding to the DP&E for a gateway determination.

Internal Consultation

The planning proposal was referred to the following staff within Council.

- Ecology Assessment Officer;
- Ecology Strategic Officer;
- Flood Engineer;
- Traffic Strategic Transport Planning;
- Water Assessment Section;
- Section 94 Contribution Planning;

No objections were raised to the planning proposal proceeding and issues raised are reflected in the issues assessment section of this report.

External consultation

Government agency and public consultation requirements will be detailed in the gateway determination and conducted accordingly. It is anticipated that the following agencies will need to be consulted:

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- NSW Rural Fire Service
- NSW Office of Environment and Heritage;

Budget Impact

There are no immediate budget impacts as the assessment of the planning proposal could be funded by the proponent in accordance with Council's adopted fees and charges.

Conclusion

The request to rezone the subject site for residential development is considered to have merit. Preliminary assessment of the proposal indicates that the site is suitable for such development subject to further studies.

An assessment of the request has not identified any issues that would prevent Council seeking a gateway determination for this proposal.

It is therefore considered that a planning proposal should be prepared and forwarded to the DP&E for a gateway determination.

Attachments

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| 1 | Summary of Planning Proposal | D12619899 |
| 2 | Strategic Assessment | D12597552 |

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