

Planning Proposal to amend Gosford LEP 2014 to rezone land at 65, 77 & 111 Beaufort Road, Terrigal from a deferred matter to R2 Low Density Residential and amend development standards (approx. 20 dwellings).

Proposal Title :	Planning Proposal to amend Gosford LEP 2014 to rezone land at 65, 77 & 111 Beaufort Road, Terrigal from a deferred matter to R2 Low Density Residential and amend development standards (approx. 20 dwellings).		
Proposal Summary :	<p>The proposal seeks to zone Lot 5 DP 207799, Lot 1022 and Lot 1023 DP 1054632 to R2 Low Density Residential under Gosford Local Environmental Plan (LEP) 2014 and apply the following development standards to the lot:</p> <ul style="list-style-type: none"> - floor space ratio of 0.5:1, - maximum building height of 8.5m, - minimum lot size of 550m², and - include the site on Council's Acid Sulfate Soils Maps (Class 5) <p>The lot is identified as a deferred matter in Gosford LEP 2014 and is currently zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings) under Interim Development Order (IDO) No 122.</p>		
PP Number :	PP_2017_CCOAS_004_00	Dop File No :	17/012345

Proposal Details

Date Planning Proposal Received :	10-May-2017	LGA covered :	Central Coast
Region :	Hunter	RPA :	Central Coast Council
State Electorate :	TERRIGAL	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	65 Beaufort Road		
Suburb :	Terrigal	City :	Gosford
Land Parcel :	Lot 5 DP 207799	Postcode :	2260
Street :	77 Beaufort Road		
Suburb :	Terrigal	City :	Gosford
Land Parcel :	Lot 1023 DP 1054632	Postcode :	2260
Street :	111 Beaufort Road		
Suburb :	Terrigal	City :	Gosford
Land Parcel :	Lot 1022 DP 1054632	Postcode :	2260

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DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Ben Rankmore**
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Central Coast Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	2.77	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	20
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 : **The total area of the subject land is 2.77 hectares. It is comprised of 3 allotments. Each allotment contains one dwelling house and associated structures.**

Similar proposal for Terrigal has been made 21 December 2015 (PP_2014_GOSFO_007_00).

External Supporting Notes :

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Adequacy Assessment

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

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

Comment : The objective of the PP is to rezone the site to R2 Low Density Residential to permit future dwellings. The site is surrounded on 3 sides by existing residential land and has appropriate infrastructure.

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

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

Comment : The PP involves rezoning the subject land to R2 Low Density Residential.

The PP will also:

- amend the floor space ratio map to permit a floor space ratio of 0.5:1,
- amend the building height map to permit a height of 8.5m,
- amend the minimum lot size map to permit a minimum subdivision size of 550m²,
- include the site on the Acid Sulfate Soils Maps

The 'explanation of provisions' should identify the land is a deferred matter under Gosford LEP 2014 and an amendment to the Gosford LEP 2014 Land Application Map is required.

Council also needs to identify in this section the land is zoned 7(c2) under Interim Development Order No 122 with a 2 hectares minimum lot size so the community is aware of the proposed changes.

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
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 5.10 Implementation of Regional Plans

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

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 : **Consultation required**

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping adequate**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The PP 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? **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 : **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 : **The site adjoins land zoned R2 Low Density Residential under Gosford LEP 2014.**
Council is currently preparing an Environmental and Urban Edge Zone Review which aims to consider deferred areas, such as this, for infill development opportunities. The subject site has been identified within this review as warranting further investigation for a residential land use.

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Consistency with strategic planning framework :

CENTRAL COAST REGIONAL PLAN 2036

The PP has been assessed under the Regional Plan and the former Central Coast Regional Strategy 2006. It is considered that the PP is consistent with the Central Coast Regional Plan, as it:

- will supply new dwellings to assist in achieving projected housing demand, and
- will support greater housing choice in close proximity to existing centres,

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP No 19 — Bushland in Urban Areas

Council has not addressed this SEPP. The information submitted by the applicant identifies that the majority of the site has been cleared of native vegetation for agricultural and rural purposes. A Flora and Fauna Assessment Report is proposed by Council to be required prior to exhibition.

SEPP No 44 — Koala Habitat Protection

Council has advised confirmation on the consistency with SEPP 44 is yet to be determined.

SEPP No 55 — Remediation of Land

Council has identified the land was used as an orchard which is an agricultural or horticultural activity that may cause contamination. Council has advised a preliminary contamination report would be undertaken should a Gateway be issued.

SEPP No 71 — Coastal Protection

The subject land is located approximately 700metres from Terrigal Lagoon. Council has advised the development of the site will not have an adverse effect on the water quality of the lagoon as stormwater runoff is able to be directed to an existing stormwater detention pond where pollutants and excess nutrients are able to be removed prior to release into the natural water system. Further work will be undertaken after Gateway to ensure the system is appropriate.

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 7(c2)(an environmental zone) and Council proposes a R2 Low Density Residential 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.

Council has proposed a Flora and Fauna Assessment Report be prepared in support of the proposal. Council's Environmental Officer has reviewed the PP and advises that although there is mapped Endangered Ecological Communities (EEC) on the site, it is disturbed and in poor condition. However, Council considers further work is required to survey potential impacts on threatened fauna species and determine if hollow bearing trees occur on site.

It is considered premature to determine if the inconsistencies with this direction are of minor significance. If the flora and fauna assessment determines the environmental impact to be minor, Council should then request sign off of this 117 Direction.

4.4 Planning for Bushfire Protection

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

5.10 Implementation of Regional Plans

The PP is considered to be consistent with the Direction.

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Council's strategies

Council consider the proposal consistent with The Gosford Community Strategic Plan (CSP), Biodiversity Strategy and Residential Strategy.

Development Control Plan

Council is yet to consider the impact on character and scenic quality requirements. It is expected that the Gosford DCP 2013 will require to be amended to identify the site within the neighbouring precinct to reflect the land use change and change of intent for the site overall.

Environmental social economic impacts :

Council advises that several studies are required to be undertaken post gateway to further refine the planning proposal:

1. Flora and fauna,
2. Bushfire hazard assessment,
3. Preliminary land contamination assessment,
4. Water and sewer systems analysis,
5. Drainage, flooding and stormwater management investigation

1.Flora and Fauna Assessment

The majority of the site is cleared with little native vegetation. There are some large mature Eucalypt trees with the potential to be hollow bearing. The remnant vegetation is also mapped as an Endangered Ecological Community.

2.Bushfire hazard assessment

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 need to be referred to the Rural Fire Service.

3. Preliminary land contamination assessment

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.

4. Water and sewer systems analysis

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. The applicant is required to undertake a sewer systems capacity analysis, to the satisfaction of Council.

Council aims to determine the cost of expanding the water and sewer systems prior to the PP being finalised.

5.Drainage, flooding and stormwater management investigation

The land is located in the upper catchment of Terrigal Lagoon. Contributing runoff from

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future urban land uses will require additional stormwater management infrastructure to be provided.

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.

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. The site is well located, in close proximity to existing services and infrastructure.

Assessment Process

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

Timeframe to make LEP : **6 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
Beaufort Rd PP (Autosaved).pdf	Proposal	Yes
Council Report#2.pdf	Determination Document	Yes

Planning Team Recommendation

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

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S.117 directions:

- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
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Additional Information : The planning proposal should proceed subject to the following conditions:

1. Council update the planning proposal prior to public exhibition as follows:

a. identify in the 'explanation of provisions':

- the land is a deferred matter under Gosford LEP 2014 and requires an amendment to the Land Application Map;
- the land is zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under Interim Development Order No 122;
- the minimum lot size of the site under IDO No 122;

2. Additional information regarding the following matters is to be placed on public exhibition with the planning proposal:

- Flora and Fauna;
- Bushfire hazard assessment;
- Preliminary land contamination assessment;
- Water and sewer system analysis;
- Drainage, flooding and stormwater investigation.

3. Council is to update the planning proposal to include sufficient information to adequately demonstrate consistency with S117 Directions 2.1 Environmental Protection Zones and 4.4 Planning for Bushfire Protection.

4. 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.

5. The planning proposal be made publicly available for a minimum of 14 days.

6. Consultation is required with the NSW Rural Fire Service.

7. A public hearing is not required.

8. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

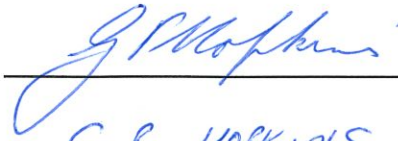
9. Plan-making delegation to Council for this planning proposal.

Supporting Reasons :

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Signature:



Printed Name:

G P HOPKINS

Date:

2/6/2017

