

Rezoning of land at Central Coast Highway and Bakali Road, Forresters Beach

Proposal Title :	Rezoning of land at Central Coast Highway and Bakali Road, Forresters Beach		
Proposal Summary :	The planning proposal seeks to rezone land zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) to 2(a) Residential and 7(a) Conservation and Scenic Protection (Conservation) by amending the Gosford Interim Development Order 122 and Gosford Planning Scheme Ordinance. Depending on timing of the draft Gosford LEP 2009 the planning proposal would rezone the land to R2 Low Density Residential and E2 Environmental Conservation.		
PP Number :	PP_2013_GOSFO_004_00	Dop File No :	13/12043

Proposal Details

Date Planning Proposal Received :	16-Jul-2013	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 :	Central Coast Highway & Bakali Road		
Suburb :	Forresters Beach	City :	Postcode : 2260
Land Parcel :	part of Lot 522 DP 1077907, Lot 51 DP 1028301, Lot 1 DP 405510, Lot 62 DP 838562, Lots 155 and 156 DP 531710, Lots 1-14, 18 & 19 DP 23283, Lots 1-8 DP 24187, Lots 1-3 DP 101649 Central Coast Highway and Lots 1-4 DP 1000694, Bakali Road.		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	15	No. of Dwellings (where relevant) :	0
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 :

POTENTIAL DEVELOPMENT

The number of lots/dwellings is to be determined following studies on the land capability of the site.

COUNCIL RESOLUTION

Council resolved to defer all 7(a) and 7(c2) lands east of the F3 Freeway, including this site, from the Draft Gosford LEP 2009. The draft LEP is with Council to review the latest Parliamentary Counsel version of the instrument before the Department can proceed with finalising the plan.

SITE CONTEXT

The land fronting the Central Coast Highway comprising of Lot 1 DP 405510 and the southern part of the site (referred to as "the knoll") which accommodates 4 existing rural residential dwelling houses (Lots 1-4 DP1000694), appear to be free of known physical constraints.

These lots provide the potential for additional residential development however would be subject to further detailed investigation to determine urban capability.

The 31 existing lots fronting the Central Coast Highway are already developed for residential purposes and have been included in the planning proposal to better reflect the existing urban development on these lots.

The remaining land (part of Lot 522 DP 1077907) may also have some development potential fronting the Central Coast Highway and Council proposes a 2(a)/R2 zone. However, much of the lot is flood liable or contains EECs and Council proposes a 7(a)/E2 zone to reflect these constraints.

Subject to the satisfactory investigation of the site's capability for additional residential development it is considered the proposal has merit to proceed.

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External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The planning proposal seeks to rezone land currently zoned 7(c2) in Gosford Interim Development Order No 122 (IDO No 122) for residential and environmental purposes.

Council has included in the statement of objectives an extended discussion on the history of past rezoning and development applications, reasoning for zones and lot sizes and justification for bringing forward the planning proposal in advance of the draft Gosford LEP 2009. These matters are relevant but should be relocated to the 'justification' section of the planning proposal.

Council should update the planning proposal to provide a concise plain English statement of what is planned to be achieved in order to aid community understanding of the planning proposal.

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

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

Comment : Council proposes to rezone most of the current 7(c2) land to a 2(a)/R2 zone for residential purposes. The remainder is constrained land and Council states it contains an endangered ecological community (Estuarine Paperbark Scrub Forest also known as Swamp Sclerophyll Forest on Coastal Floodplains) as well as portions of flood liable land, and proposes an environmental protection zone of 7(a)/E2.

Council has included the 31 residential sized lots fronting the Central Coast Highway in this planning proposal which were to be zoned R2 in the draft Gosford LEP 2009. These lots are currently zoned 7(c2) and Council resolved to defer all 7(c2) lands east of the F3 from the draft Gosford LEP 2009 which unintentionally prevented these lots from being rezoned. Including these lots in the planning proposal is supported as they have already been developed for residential purposes however Council could have considered the alternative of correcting the unintended consequences of its resolution thus allowing the rezoning of these lots to be included in the comprehensive LEP.

Should the planning proposal be finalised in advance of the draft Gosford LEP 2009, Council will remove the proposed residential zoned lots from IDO No 122 and include them in the Gosford Planning Scheme Ordinance. The environmentally zoned land will remain in the IDO No 122.

Should the planning proposal be finalised after the draft Gosford LEP 2009 has been made the proposal will require the land to be excluded from the IDO No 122. The subject lots would be included in the draft Gosford LEP 2009 as an R2 zone with the associated zoning, minimum lot size, maximum building height and floor space ratio maps and the environmentally constrained land would be zoned E2 in the draft Gosford LEP 2009 with a 40Ha minimum lot size.

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

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

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5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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 :

Further discussion on consistency with SEPPs and s117 directions is provided later in this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps provided are adequate for assessment however should be updated once land capability studies have been obtained and before community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has identified a 28 day exhibition period. This is supported.

Additional Director General's requirements

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

If Yes, reasons :

PROJECT TIMELINE

Council's timeline anticipates submission of the planning proposal to the Department for finalisation in August 2014 (approx 12 months) however does not account for the 6 week period for drafting of the instrument. It is recommended that 12 month timeframe should be sufficient to complete the plan and this does not prevent Council from finalising a plan in a shorter timeframe.

DELEGATION AUTHORISATION

Council has accepted plan-making delegation for planning proposals generally however Council resolved to not seek delegations for this planning proposal. No discussion is contained in the planning proposal on why Council has decided not to seek delegations.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP :

The 31 lots fronting the Central Coast Highway were proposed to be zoned R2 under the draft Gosford LEP 2009 but a Council resolution to defer 7(c2) land had the unintended consequences of affecting this rezoning.

Assessment Criteria

Need for planning
proposal :

The planning proposal is not the result of a strategic study or report. Council states the planning proposal is contrary to a previous environmental study in 1995 which identified the land capability as being consistent with rural residential development and resulted in the current zoning to 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings).

Council considers the urban capability findings of land unaffected by physical constraints should be re-evaluated given advancements in managing the impacts of urbanisation of constrained lands.

Council states a planning proposal is the only method of zoning suitable and capable land for residential purposes and physically constrained lands for environmental conservation. However, Council could continue to zone the 31 lots fronting the Central Coast Highway to residential in its comprehensive LEP if it resolved to correct the unintended consequences of a resolution to defer 7(c2) land.

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Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has reviewed actions in the CCRS that relate to the location of dwellings within and around centres, the adequacy of existing urban boundaries, fringe area zoning and the zoning of land for housing within existing urban areas. Council has also reviewed actions that relate to zoning land with environmental values (EECs) and land with high hazards (flood liable).

The land is within walking distance of a neighbourhood centre at Forresters Beach and fronts a strategic bus corridor on the Central Coast Highway. Although the land is zoned 7(c2) and located on the urban fringe, part of the site has already been developed for standard residential lots with dwellings fronting the Central Coast Highway. The southern portion of the site has been developed for rural residential purposes.

Council has assessed the planning proposal against the CCRS sustainability criteria for new release areas and has found it to be consistent, subject to further studies relating to flooding, overland flow and groundwater characteristics which support the physical suitability of the site for additional residential development.

The planning proposal's consistency with the CCRS can be confirmed following completion of supporting studies to identify appropriate urban and environmental zones and development standards within the site.

LOCAL STRATEGIES

Council identifies the following local strategies as applicable to the planning proposal: Community Strategic Plan, Biodiversity Strategy, COSS Strategy, Residential Strategy, Draft Residential Strategy and Coastal Lagoons Management Plan.

Council considers the planning proposal is consistent with most of its strategies however a goal of the draft Residential Strategy is to focus development within the existing urban footprint. Council considers the zoning of the rural residential land may have minimal effect on the physical characteristics on the locality, subject to urban capability studies being undertaken.

The Coastal Lagoons Management Plan restricts rezoning of any land within the lagoon catchment that increases the density of the development. The proposal has the potential to increase development within the catchment and increase runoff into Wamberal Lagoon. Council has advised a land capability study will assess the impact of the development on Wamberal Lagoon.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP 19 Bushland in Urban Areas

The SEPP requires Council to give priority to retaining bushland in urban areas. Council advises there are EECs on site and proposes to protect them with a 7(a)/E2 zone. Council advises the planning proposal is consistent with the SEPP.

SEPP 44 - Koala Habitat Protection

Council advises that although the land contains tree species listed in the SEPP, a previous Council environmental study did not consider it to be core koala habitat.

SEPP 55 Remediation of Land

Council states the site does not require any further investigation regarding contamination. The land has been developed for residential purposes including rural residential housing and Council has advised their aerial photographic record does not show any use being carried out that is listed in the contaminated land planning guidelines and the planning proposal is consistent with the SEPP.

SEPP 71 Coastal Protection

Council considers the proposal is consistent with the SEPP provided that future development west of the dwellings fronting the Central Coast Highway detain stormwater

onsite so runoff is at pre-development flows to ensure there is no adverse effect on Wamberal Lagoon. Council advises a land capability study is required to address this matter and Council should reassess consistency with the SEPP once information on land capability has been obtained.

S117 DIRECTIONS

The planning proposal is considered to be consistent with all S117 Directions except where discussed below:

2.1 Environment Protection Zones

The land is zoned 7(c2) and Council proposes 2(a)/R2 and 7(a)/E2 zones. This will result in a reduction of environmental protection standards that apply to the land and is inconsistent with the Direction.

Council is required to satisfy the Director General that the provisions that are inconsistent are justified by a strategy or study or is of minor significance. Although the land fronting the Central Coast Highway has been developed for residential purposes the rezoning of a further portion for additional residential development would need to be supported as will the zoning of the portion of the site for environmental conservation. Council should address consistency with this direction following consultation with the OEH and once information on land capability has been obtained.

2.2 Coastal Protection

Council has identified that zoning the land already developed for residential purposes fronting the Central Coast Highway to 2(a)/R2 and the areas containing EECs to 7(a)/E2 is consistent with the existing visual characteristics and will protect the ecological characteristics of the area. Council has further stated zoning the land on the knoll to residential will require a land capability study to determine whether the zone is appropriately located in terms of the physical character of the land. The planning proposal is inconsistent with the direction and should be reassessed once information on land capability has been obtained.

4.3 Flood Prone Land

Council has identified the site is affected by flooding due to an open stormwater channel which runs across the site and conveys stormwater from the urban catchment on the eastern side of the Central Coast Highway. Council has identified the area of land for residential development may be restricted due to the extent of overland flow from the upper catchment and requires a catchment study to determine the future development potential of the site. The planning proposal is inconsistent with the direction and should be reassessed once information regarding flooding has been obtained.

4.4 Planning for Bushfire Protection

The land is bushfire prone and the direction will need to be addressed following agency consultation with the NSW Rural Fire Service.

5.1 Implementation of Regional Strategies

Council should reassess consistency with the CCRS and this direction following completion of the relevant urban capability studies.

Environmental social
economic impacts :

Environmental

Council has identified there will be no net loss of an endangered ecological community (EEC) Estuarine Paperbark Scrub Forest also known as Swamp Sclerophyll Forest on Coastal Floodplains as Council proposes to zone this area 7(a)/E2. It should be noted that Council's significant vegetation map (Appendix 9) shows EECs on land proposed to be zoned 2(a)/R2 and this should be clarified.

The larger rural residential lands act as a buffer between conservation areas to the west of Bakali Road and a strip of residential development fronting the Central Coast Highway. Council advises these lands provide a filtering role for stormwater overland flows to Wamberal Lagoon due to the low density development and large areas of permeable ground surfaces. Council has identified that the increase in development has the potential

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to increase runoff and impact the Wamberal Lagoon hydrological cycle.

The planning proposal discusses a preference for larger lot sizes of 1850m2 however has stated the lot sizes would be determined following the completion of land capability studies.

Given the site is located within the Wamberal Lagoon Catchment upstream of the Wamberal Lagoon Nature Reserve it is considered that consultation with the National Parks and Wildlife Service should also be undertaken to consider the potential impacts of future development.

Social & Economic

Council has identified the proposal to rezone unconstrained lands to residential will provide a small number of low density residential allotments in an accessible location. Council has not identified how many lots would be created as lot sizes would be determined once further studies in relation to land capability are obtained. Council proposes a traffic study will be undertaken.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Hunter - Central Rivers Catchment Management Authority Office of Environment and Heritage Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		
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
Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes

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Council Report.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 3.1 Residential Zones 3.4 Integrating Land Use and Transport 4.3 Flood Prone Land 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 :	Council consider whether it could review its resolution to defer 7(c2) land from the draft Gosford LEP 2009 as applicable to the 31 residential lots fronting the Central Coast Highway and remove them from the planning proposal. This will enable the rezoning of these exhibited residential lots to progress under the draft Gosford LEP 2009. The planning proposal would need to be updated accordingly. The planning proposal be updated to: -provide a short concise plain english statement setting out the objectives of what is planned to be achieved in order to aid community understanding of the proposal. -remove from the 'Statement of the objectives' the extended discussion of the history of past rezoning and development applications, reasoning for zones and lot sizes and justification for bringing forward the planning proposal in advance of its SI Principal LEP. These matters are relevant however should be included in the 'justification' of the planning proposal. -update the zoning and development standards maps once information regarding the land capability has been obtained and prior to community consultation. -update the planning proposal's consideration of S117 Direction 5.1 Implementation of Regional Strategies and the CCRS, once information on bushfire, environmental, flooding, water quality and traffic impacts have been obtained. -update the planning proposal's consideration of SEPP 71 Coastal Protection once information on land capability has been obtained. -Council is to reassess the following S117 Directions once it has undertaken consultation with public authorities and/or information on land capability has been obtained: -2.1 Environment Protection Zones -2.2 Coastal Protection -4.3 Flood Prone Land -4.4 Planning for Bushfire Protection -5.1 Implementation of Regional Strategies -Agency Consultation with: Hunter - Central Rivers Catchment Management Authority Office of Environment and Heritage including Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service Transport for NSW - Roads and Maritime Services -28 days community consultation period. -12 month timeframe to complete the plan. -Council has not requested delegation to make the plan.	

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Supporting Reasons : *

Signature:



Printed Name:

GARRY HOPKIN

Date:

8.8.2013