

TITLE **PLANNING PROPOSAL L1 DP1030621, 75-83 KARALTA RD, ERINA
ENABLING CLAUSE TO PERMIT CARAVAN PARKS, RELOCATABLE
& MANUFACTURED HOME PARKS ON SITE TO ALLOW
EXTENSIONS PINE NEEDLES LIFESTYLE VILLAGE APP: E J
KNIGHT & CO, C/WALES ASSOC P/L (IR10008682)**

Directorate: Environment and Planning
Business Unit: Integrated Planning

Disclosure of political donations and gifts - s147 Environmental Planning and Assessment Act (EP&A Act).

"A relevant planning application means: (a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site". The following item is an *initial report* to consider a request to Council to prepare a *Planning Proposal*; hence it falls under the definition of a '*relevant planning application*'".

No disclosure was made by the applicant pursuant to s147 EP&A Act.

INTRODUCTION

Reason for Referral to Council: This report discusses merits for Council's consideration and decision of whether or not to prepare a Planning Proposal (PP) (*which, if supported would result in an LEP*), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

Application Received: 30 June 2011

Environmental Planning Instrument – Current Zone: Gosford Planning Scheme Ordinance 2(c) - Residential

Area: 3.908 hectares

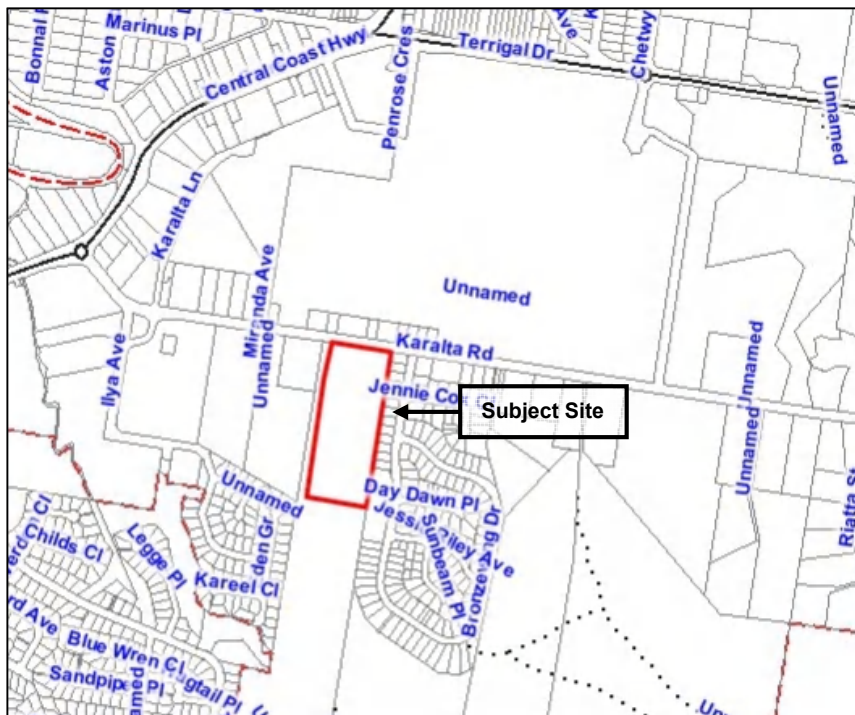
Background / Landuse History: The subject site is owned by E.J. Knight & Co and is located on the southern side of Karalta Road, Erina close to the intersection of Bronzewing Close to the east. It is a regular shaped parcel of land comprising of one (1) allotment with a total area of approximately 3.908 hectares. The site currently operates as a single dwelling residential property.

The land is gently sloping and fronts onto the busy Karalta Road arterial road corridor which connects Erina Fair to the Erina commercial centre. To the south of the site lies the existing Pineneedles Lifestyle Village (caravan park/relocatable home park) and to the west is Karalta Court and Erina Gardens both of which are well established relocatable home parks.

The land has been owned by the applicant since the early 1980's when the site formed part of a larger original land holding (Lot 2 DP 25580). On the 30th April 1982, Gosford City Council granted consent to a twenty (20) unit motel and 245 caravan sites on Lot 2 whereby the proposed motel was located on the front portion of the land (now Lot 1 DP 1030621 the subject of this planning proposal). The development consent was physically commenced and the "caravan park" portion constructed.

In 1994, a draft plan of subdivision was prepared which excised that portion of the property containing the proposed motel from the balance of the site containing the existing Pineneedles development. The plan was registered with the Land Titles Office on the 3rd July 2001.

A development application was lodged in 2005 (DA 29389) for a Residential Flat Building consisting of seven (7) residential apartment buildings with basement carparks containing 130 units and twenty three (23) townhouses and villas. The application was refused by Gosford City Council and subsequently appealed by the applicant in the Land & Environment Court of New South Wales. Deferred commencement development consent was issued by the New South Wales Land and Environment Court on the 20th August 2008 under Appeal No. 10638 of 2007 subject to a number of conditions that were required to be met to the satisfaction of Council.



Applicant's Submission:

The Applicant proposes that an enabling clause be inserted into the Gosford Planning Scheme Ordinance to allow caravan parks, relocatable home parks and manufactured home parks as a permitted use on the subject land whilst retaining the underlying 2(c) Residential zone. It is anticipated that the enabling clause would be incorporated into Schedule 1 – Additional Permitted Uses of the Draft Gosford LEP 2009 when the new LEP is gazetted.

The insertion of the enabling clause would permit the approval (with the consent of Council) and construction of extensions to the existing Pineneedles Lifestyle Village which may include:-

- (i) demolition of the existing single and two storey brick residential cottage and swimming pool;
- (ii) demolition of the existing hardiplank cottage at the Karalta Road ingress/egress to the Pineneedles battle-axe entry;
- (iii) construction of caravan/relocatable home sites in accordance with the [Local Government \(Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation 2005](#);
- (iv) construction of internal service roads and stormwater drainage;
- (v) construction of utilities including water, sewer, electricity, MATV and telecommunications;
- (vi) provision of communal facilities;
- (vii) provision of communal open space areas; and
- (viii) construction of internal and perimeter landscaping

The Applicant has provided a draft site layout plan that shows the proposed extensions to Pineneedles, prepared by Armitage Architects and states that it fully complies with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The Applicant states that the *“planning proposal provides the capability to facilitate the development of the site ahead of the Draft Gosford Local Environmental Plan 2009 which is unlikely to be gazetted before the end of 2011”*. It is also stated that at its meeting on the 7th December 2010 (viz: ENV.78), Gosford City Council resolved:-

“A notice be placed in the local newspaper and on Council’s website stating that from 24 November 2010 no Planning Proposals will be accepted and processed by Council which generally seek to bring forward provisions contained in the exhibited Draft Gosford LEP 2009”.

Whilst the proposal does not seek to bring forward any provisions contained in the exhibited Draft Gosford LEP, the subject site is proposed to be zoned R1 – *General Residential* which is the equivalent zone under the current Gosford Planning Scheme Ordinance. Caravan parks, relocatable home parks and manufactured home parks are prohibited in both the 2(c) – *Residential* zone and the R1 – *General Residential* zone.

It is suggested that it is considered reasonable for the project to be advanced based on the local significance and economic importance of the development to the local economy (ie: provision of affordable housing, job generation and contribution of wages to the local economy). Therefore, in accordance with Clause 54 – Relevant Planning Authority, the concurrence of the Minister for Gosford City Council to act as the relevant planning authority in this matter is sought on the basis that the development has local environmental and economic significance.

The Applicant states that the proposal provides for important affordable housing options (in line with Gosford City Council’s *Gosford Affordable Housing Strategy 2005*), regional employment and economic benefits for the residents of the City both in the short and long term.

The Applicant concludes that the development has the capacity to:-

- (i) provide for affordable housing in the form of 112 caravan/relocatable home sites; and
- (ii) create over fifty (50) short term construction jobs (ie: site development) and manufacturing jobs (ie: housing construction) together with five (5) part time and full time jobs when the development is completed

There is a high need for affordable housing opportunities in the Gosford LGA particularly with the current high rate rental occupancy rate and limited affordable housing stock.

The subject site has the following advantages:-

- (i) is immediately adjacent to existing residential parks including Pineneedles, Karalta Court and Erina Gardens all of which provide for a range of housing options;
- (ii) is consistent with the pattern of similar established uses in the immediate precinct;
- (iii) is easy walking distance to Erina Fair;
- (iv) is level and easily accessed;
- (v) has good access off Karalta Road with well established public transport links; and
- (vi) can be easily serviced by a range of public utilities

The issues raised in the applicant's submission have been considered in the assessment of the proposal.

'Gateway' planning process

A Local Environmental Plan (LEP) is a legal instrument that imposes standards to control development and it may reserve land for public purposes and protect trees and vegetation. The purpose of a LEP is to achieve the objects of the EP&A Act and they are a means to implement strategies.

The first step in council developing a *local environmental plan* (i.e. zones, landuses, building heights, etc) under the *gateway* process is preparing a *Planning Proposal (PP)*. The PP *explains the proposed LEP* via objectives / intended outcomes, provisions, justification of outcomes.

The 'gateway' process allows a Planning Proposal to be reviewed at an early stage by State Government Department of Planning and Infrastructure (DoP&I) to make a decision whether to proceed further, i.e. does the PP have merit to proceed to community consultation stage. The 'gateway' determination will ensure there is sufficient justification early in the process to proceed. It is a checkpoint before significant resources are committed to carrying out technical studies.

The key stages in a PP are as follows:

- Assessed by Council, and if supported is prepared & forwarded to DoP&I.
- DoP&I will consider then forward a recommendation to the *LEP Review Panel*.
- LEP Review Panel will consider then forward a recommendation for 'gateway' determination to the *Minister for Planning and Infrastructure* (or delegate), together with DoP&I's advice.
- Minister will determine if it will proceed (with/without variation), be re-submitted to Council (for studies/revision), community consultation required, Government authorities consultation, need for a public hearing & timeframes for each step.
- Attachment A is a flowchart of the process extracted from DoP&I documents.

PLANNING PROPOSAL GOSFORD CITY COUNCIL LOT 1 DP 1030621, 75-83 KARALTA ROAD, ERINA FOR AN ENABLING CLAUSE TO PERMIT CARAVAN PARKS, RELOCATABLE HOME PARKS AND MANUFACTURED HOME PARKS ON THE SITE TO ALLOW EXTENSIONS TO PINENEEDLES LIFESTYLE VILLAGE

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*.

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 of the Planning Proposal is to allow Lot 1, DP 1030621, 75-83 Karalta Road at Erina to be used as a caravan park/relocatable home park. The proposal will provide for an extension to the existing Pineneedles Lifestyle Village and create 112 affordable housing sites (with subsequent affordable housing options) and over fifty (50) short term jobs.

Part 2 Explanation of Provisions

s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objective of the Planning Proposal shall be achieved through the creation of an enabling clause in the Gosford Planning Scheme Ordinance which will permit the proposed use (with the consent of Council). The same could also be achieved by the equivalent Schedule 1 provision in Draft LEP 2009 (with DoP&I to be gazetted).

The likely wording of the site specific rezoning local environmental plan (ie: enabling clause) is set out below.

1 Aims of Plan

This plan aims to insert an enabling clause into the Gosford Planning Scheme Ordinance so as to enable the establishment of a caravan park/relocatable home park to provide affordable housing and service the local community, thus catering for the future potential needs of a growing population.

2 Subject Land

This plan applies to Lot 1, DP 1030621, 75-83 Karalta Road at Erina

3 Amendment to the Gosford Planning Scheme Ordinance

City of Gosford – Gosford Planning Scheme Ordinance is amended by:-

- (a) inserting at the end of the Table in Clause 49E in Columns 1 and 2 respectively:

The objective of the Planning Proposal shall be achieved through the creation of an enabling clause in the Gosford Planning Scheme Ordinance which will permit the proposed use (with the consent of Council).	Camping ground or caravan park
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Explanation: This provision allows for caravan parks, relocatable home parks and manufactured home parks to be a permissible use on the subject land and be defined

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. Attachment B to this report contains all relevant mapping to the Planning Proposal

See Attachment B for relevant maps.

Part 3 Justification

s.55(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?

The Planning Proposal did not arise as result of any strategic study or report but as a result of the pressure of demand for lower cost “affordable” housing as identified by the owner/operators of Pineneedles Lifestyle Village. The existing residential park (approved as a caravan park in 1982) is near capacity and is the subject of constant inquiries from predominantly older people seeking more affordable lifestyle residential accommodation in the Erina precinct that is close to shops, public transport and services.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the Planning Proposal is the best means of achieving the objective of extending the existing Pineneedles Lifestyle Village and providing affordable housing on the subject site such that the proposed activity is in keeping with the existing character of the area and consistent with the established adjoining uses.

3 Is there a net community benefit?

The net community benefit of the Planning Proposal is to be assessed based on answers to the following questions which show that the Planning Proposal will produce a net community benefit.

Will the LEP be compatible with agreed State and Regional strategic directions for development in the area? Yes, the proposal is not inconsistent with any SEPPs or the Central Coast Regional Strategy (CCRS). It is located within an existing urban area, and proposes the creation of an enabling clause to permit extensions to the existing Pineneedles Lifestyle Village this will enable the construction of lower cost residential housing meeting the needs of the community. It is also consistent with Council’s Affordable Housing Strategy 2005.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy? The subject land is located adjacent to the Erina Town Centre which is identified by the Central Coast Regional Strategy 2006 -2031’s centres hierarchy as a “town” centre.

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners? The LEP is for a site specific rezoning (enabling clause) which will not change the existing underlying 2(c) – *Residential* zone, nor create a precedent nor change expectations of nearby landowners as the proposed use is consistent with long established residential park uses in the immediate vicinity, all three of which have been fully occupied, well maintained and continue to provide affordable housing choices to local residents.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? The Planning Proposal is not a “spot rezoning proposal” as the zoning of the land as 2(c) Residential remains unchanged.

Will the LEP generate permanent employment generating activity or result in a loss of employment lands? The development proposed to occur as a result of the LEP has the potential to create over fifty (50) short term construction jobs (ie: site development) and manufacturing jobs (ie: housing construction) together with five (5) part time and full time jobs when the development is completed.

Will the LEP impact on the supply of residential land and therefore housing supply and affordability? The subject site is already zoned Residential 2(c), as such the proposal will not impact on the supply of residential land, however the proposal is for an enabling clause to permit “caravan parks, relocatable home parks and manufactured home parks” which will allow a development similar to the surrounding manufactured home parks, this will increase the availability of affordable or low cost housing in the area.

Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport? The site is located on Karalta Road adjacent to the existing Erina Town Centre and is well located in terms of pedestrian and cycling access, and public transport is available to the land. Standard urban utilities are available to the site.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of green house gas emissions, operating costs and road safety? No, the site is located within an existing urban area and is adjacent to and within walking distance of Erina Fair and other retail outlets located within the Erina Town Centre it is therefore unlikely to result in changes to car distances travelled or increases in green house gas emissions.

Are there significant Government investments in infrastructure, or services in the area whose patronage will be affected by the proposal? If so what is the expected impact? There are no significant government infrastructure investments that would be affected by the proposal.

Will the proposal impact on land that the Government has identified as needed to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding? Yes, Council's mapping indicates that part of the site affected by the 100 year flood extent. However in terms of flooding and drainage, there is no issue with the type of development allowed within the zoning for the subject site. It should be noted that the planning proposal does not discuss the overland flooding that affects the site. If a DA is submitted in the future, the proponents will need to detail the flood extents and design the development in accordance with the relevant DCP.

Council's mapping also indicates that the site contains Regionally Significant Vegetation E22c Narrabeen Coastal Peppermint Forest, and the vegetation mapped by Bell as E37a Alluvial Paperbark Sedge Forest which is also known as Swamp Sclerophyll Forest on Coastal Floodplains and is an Endangered Ecological Community. This matter is discussed in Section C 8 below.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve? Yes, the subject site is located on the busy sub-arterial Karalta Road corridor and seeks to minimise potential impacts on adjoining residents. The

site is located within an area currently used predominantly for low density residential purposes (albeit zoned 2(c) – *Residential* for high density development). Traditional low density single dwelling residential properties lie immediately to the east in Bronzewing Crescent on lands that are also zoned 2(c) – *Residential* and were developed by Landcom. Approved caravan parks (licenced for long term occupancy) also lie to the south (ie: Pineneedles) and west (Karalta Court and Erina Gardens).

A previous development application for the site proposed residential flat buildings which was approved by the Land and Environment Court raised significant community concerns regarding the potential impacts on surrounding development on the basis of density, height, bulk, scale etc. A lower density development with less height and similar to the adjoining Pineneedles Lifestyle village would be more compatible with the surrounding land uses.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? The LEP does not involve the carrying out of additional retail and commercial activities traditionally undertaken in a commercial/business centre. It relates to residential development, the increased population resulting from the development has the potential to increase customers in the area which in turn could have a slight impact on choice and competition.

If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future? The LEP does not provide the potential for the site to develop into a centre in the future.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time. The LEP is in the public interest as it provides suitably zoned land for affordable housing which is consistent with Gosford City Council's Gosford Affordable Housing Strategy 2005 and meets the needs of the community and growing demand for lower cost residential housing.

If the LEP was not to proceed potential opportunities associated with the provision of lower cost residential housing would be lost.

Section B Relationship to strategic planning framework

4 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

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 and is consistent with objectives in the CCRS that require the provision of affordable housing in proximity to centres.

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

The Planning Proposal is consistent with the *Community Strategic Plan – Gosford 2025*. The Planning Proposal will concentrate affordable housing adjacent to the Erina Town Centre near public transport and services, and will be compatible with

surrounding development thus aligning with the Community Strategic Plan objectives and strategies, ie:

- A3 Everyone has fair access and opportunity to participate in community life
- A3.4 Increase the availability of appropriate housing
- C4 Our built environment is a desirable place to be
- C5 There are good links between our homes, places of work, services and facilities, and
- C2 - Gosford attracts and supports new and existing businesses and investment

The planning proposal will create up to 50 jobs during construction and 5 full and part time jobs when the development is completed.

It is considered that the Planning Proposal will also be consistent with Council's Affordable Housing Strategy through provision of low cost housing.

6 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: SEPPs are only discussed where applicable. The Planning Proposal is consistent with all other SEPPs or they are not applicable.

(i) SEPP 21 – Caravan Parks

The Caravan Park SEPP was gazetted on the 24th April 1992 and ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted.

The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

In this instance, caravan parks/relocatable home parks are prohibited in the 2(c) – Residential zone. The amendment to the Gosford Planning Scheme Ordinance by way of the enabling clause will permit caravan parks/relocatable home parks with the consent of Council and would therefore be subject to the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

(ii) SEPP 36 – Manufactured Home Estates

SEPP36 was gazetted on the 16th July 1993 and assists in the establishment of well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years.

In this instance, manufactured home parks are prohibited in the 2(c) – Residential zone. The amendment to the Gosford Planning Scheme Ordinance by way of the enabling clause will permit manufactured home parks together with caravan parks/relocatable home parks with the consent of Council and would therefore be subject to the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

(iii) SEPP 55 – Remediation of Land

SEPP55 was gazetted on the 28th August 1998 and introduced state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

In this regard, it was determined at the time of the issuing of the NSW Land & Environment Court consent for the approved medium density development on the site (DA 29389/2005 dated 20th August 2008) that the site was partially affected by nickel contamination from activities associated with the construction of manufactured homes on the land during the development of the existing Pineneedles development.

It was deemed by the Court that an additional Stage 1 Preliminary Site Investigation was required under the Managing Land Contamination Planning Guidelines, to characterise the extent of the nickel contamination within the site.

This requirement was incorporated into the deferred commencement conditions in the Court Orders. The required work has been commissioned and is being carried out by Douglas Partners (Geotechnical Engineers) in order to satisfy the Court Orders.

The Planning Proposal was referred to Council's Environment Officer who advised:

"Significant filling was encountered at two locations on the site. The levelled platform to the south of the residential dwelling and the area located within the southern third of the site. The results of the preliminary assessment indicate that the site would be suitable for the proposed residential use from a site contaminations standpoint. A preliminary Site Investigation is required with any future development applications with a particular focus on the extent of nickel contamination."

(iv) SEPP 71 – Coastal Protection

The site has been mapped as being within the coastal zone (generally 1 kilometre landward of any coastal water, bay, estuary, coastal lake or lagoon). Clause 8 lists a series of Matters for Consideration in the preparation of draft local environmental plans. Relevant matters for consideration are;

- d) the suitability of development given its type, location and design and its relationship with the surrounding area
- e) 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
- o) 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 site is physically separated from any coastal foreshore and the Planning Proposal is considered in conformity with the relevant matters of consideration in clause 8 of SEPP 71.

(v) Other SEPPs: No other SEPP has application to this planning proposal, although any future development application on the land will be required to consider any relevant SEPPs.

7 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.

(i) Direction 2.2 Coastal Protection

The planning proposal will apply to Lot 1 DP 1030621 which is located within the Coastal Zone. It must therefore include provisions that give effect to and are consistent with:-

- (i) The NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997,
- (ii) The Coastal Design Guidelines 2003, and
- (iii) 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 Planning Proposal gives effect to the Direction, being consistent with the strategic actions contained in the NSW Coastal Policy relevant to the preparation of LEPs (Table 1) and consistent with the principles of coastal settlement structure contained within the Coastal Design Guidelines. The NSW Coastline Management Manual has no practical application to this Planning Proposal as the subject land is not located within a coastal environment to which the manual principally relates.

(ii) Direction 2.3 – Heritage Conservation:

This direction applies when a relevant planning authority prepares a planning proposal. A planning proposal must contain provisions that facilitate the conservation of:-

- (i) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area;
- (ii) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and

- (iii) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Having regard to the disturbed nature of the site due to its long term usage for residential purposes, it is unlikely that there are any remaining aboriginal relics if they originally existed. There are no Section 149 Planning Certificate messages on the land identifying Aboriginal relics.

(iii) Direction 3.1 Residential Zones

This direction applies to all relevant planning authorities and to when that relevant planning authority prepares a planning proposal that will affect land within:-

- (iv) an existing proposed residential zone (including the alteration of any existing residential zone boundary);
- (v) any other zone in which significant residential development is permitted or proposed to be permitted.

The planning proposal intends to allow additional uses in the existing residential zone, it does not intend to alter the boundary of the residential zone, it is therefore considered to be consistent with this direction.

(iv) Direction 3.2 – Caravan Parks and Manufactured Home Estates:
Direction 3.2 was issued on the 1st July 2009 and applies when a relevant planning authority prepares a planning proposal in relation to caravan parks and manufactured home estates.

The objectives of the Direction are:-

- to provide for a variety of housing types, and;
- to provide opportunities for caravan parks and manufactured home estates.

The creation and insertion of the proposed enabling clause within the Gosford Planning Scheme Ordinance is consistent with the Direction and will meet the objectives in the following ways:-

- provides for a variety of housing types that are affordable;
- provide for a variety of housing types that are consistent with the existing land uses abutting the site Pineneedles Lifestyle Village to the south and Karalta Court and Erina Gardens to the west Karalta Court and Erina Gardens;

In this instance, the adjoining caravan parks are subject to the provisions of Clause 49DL of the Gosford Planning Scheme Ordinance such that whilst the existing parks are non-conforming uses in the existing zones, they are protected so as to meet the following objectives:-

- ensure the social and economic wellbeing of residents of the caravan parks and manufactured home estates at risk of displacement due to redevelopment of caravan parks and manufactured home estates;
- encourage the retention of caravan parks and other forms of low-cost accommodation on certain land in the Gosford local government area, and
- prevent development which would result in a loss of low cost accommodation on that land unless sufficient comparable accommodation is available elsewhere in the Gosford local government area.

The proposal is designed to meet the above objectives of Clause 49DL and provide additional suitable low cost housing by way of the proposed extensions to Pineneedles Lifestyle Village.

It should be noted that the Draft Gosford Local Environmental Plan 2009 seeks to retain the zonings of existing caravan parks and it is envisaged, in this instance, that the subject lands would be included in the Schedule 1 – Additional Permitted Uses of the Draft Gosford LEP 2009 when the new LEP is gazetted.

(v) Direction 4.3 - Flood Prone Land

The Direction requires the following to be addressed.

- (4) *A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*
- (5) *A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*
- (6) *A planning proposal must not contain provisions that apply to the flood planning areas which:*
 - (a) *permit development in floodway areas,*
 - (b) *permit development that will result in significant flood impacts to other properties,*
 - (c) *permit a significant increase in the development of that land,*
 - (d) *are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
 - (e) *permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*
- (8) *For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

Council's mapping indicates that part of the site affected by the 100 year flood extent. However, there is no issue with the type of development allowed

within the zoning for the subject site as any matters should be dealt with at the DA stage.(refer to comments in Section A 3 Net Community Benefit above).

(vi) Direction 4.4 – Planning for Bushfire Protection:

This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under Section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act. 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 under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made. A Planning Proposal must:-

- have regard to Planning for Bushfire Protection 2006;
- introduce controls that avoid placing inappropriate developments in hazardous areas, and
- ensure that bushfire hazard reduction is not prohibited within the APZ.

Under the Council's Bushfire Prone Land Map, the subject property is shown as containing Category 1 Vegetation and its associated 100m Buffer Zone.

In this regard, a Bushfire Safety Authority was previously obtained for the proposed high density residential development by Building Code & Bushfire Hazard Solutions Pty Limited under DA29389/2005. The residential development was approved by the NSW Land & Environment Court on the 20th August 2008. The Bushfire Safety Authority under PBP 2001 from the NSW Rural Fire Service was issued on the 28th February 2006.

Should the Planning Proposal be supported, a new Bushfire Safety Authority would be sought based on the proposed site layout plan for the extensions to Pineneedles and in accordance with the Planning for Bushfire Safety guidelines and the [Local Government \(Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation 2005](#).

(vii) Direction 5.1 – Implementation of Regional Strategies:

This direction applies when a relevant planning authority prepares a planning proposal. Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.

The Central Coast Regional Strategy applies to the subject site. The Planning Proposal is consistent with the actions of the regional strategy under Chapter 4 – Centres and Housing which, in part, states under "Outcomes" on Page 15:-

"New development will include well designed housing within close proximity to services and facilities, preferably within walking distance. Well located new development will assist in creating better, attractive, adaptable and self-reliant settlements that foster a stronger sense of community identity and place. The provision of more adaptable housing will allow the ageing population to 'age in place'".

The Planning Proposal will facilitate development that will contribute to the provision of well designed affordable housing within walking distance to Erina commercial precinct and Erina Fair. The proposal will provide an extension to the existing Pineneedles Lifestyle Village that will be adaptable and self-reliant. The existing residential park has a proven track record as being a self-reliant residential precinct that fosters a strong sense of community identity and place.

Under Appendix 2 – Central Coast Centres and Employment Hierarchy of the Central Coast Regional Strategy, Erina is classified as a “town centre” with the built form based on planning strategies that will be required to determine appropriate low to midrise living opportunities (up to six storeys, where appropriate) in and around the core of the centre (up to 800 metres from centre). Lower-rise development will be provided surrounding the core. Some clusters of commercial use within the core with higher density residential around and on top as part of overall mixed-use development should also be considered. Gosford City Council will commence the required Planning Strategy later in 2012. It is considered appropriate for the planning proposal to proceed in advance of the Strategy as the subject site is a single site surrounded by predominantly low density residential the proposed development is compatible with the existing single dwelling housing.

The Planning Proposal will facilitate the provision of low rise “living opportunities” in and around the core of the Erina town centre through the creation of the caravan park/relocatable home park sites that is consistent with the adjoining residential park facilities at Pineneedles, Karalta Court and Erina Gardens.

Whilst the land is zoned 2(c) – Residential and thus could sustain higher density development, the proposed enabling clause does not seek to change the underlying zone or the long term objectives of the land. Higher density development can still be achieved at a later time should demand, market conditions and “return on investment” conditions improve. Further and also considering Council’s Draft Residential Strategy, the proposed development (which would be permissible under the enabling clause), is considered to be more appropriate in terms of its character and integration with the existing residential parks to the south and west and the traditional low density residential development to the east in Bronzewing Close.

(viii) 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 B4 above.

(ix) 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.

(x) Direction 6.3 – Site Specific Provisions:

The Direction requires the following to be addressed.

- (4) *A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*
 - (a) *allow that land use to be carried out in the zone the land is situated on, or*
 - (b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
 - (c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*
- (5) *A planning proposal must not contain or refer to drawings that show details of the development proposal.*

The proposal is consistent with the Direction as it does not seek to remove the underlying 2(c) Residential zone nor compromise the objectives of the zone. It seeks to permit caravan parks, relocatable home parks or manufactured home parks which are consistent with the established long term pattern of land use on adjoining properties to the south and west. No additional development standards or requirements in addition to those already contained in the GPSO for the 2(c) Residential zone will be imposed.

The Planning Proposal does not contain or refer to drawings/plans that show details of the proposed development.

Section C Environmental, social and economic impact**8 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?**

An inspection of the site confirmed that the vegetation is consistent with Bells mapping adopted by Council see Appendix 7. The Planning Proposal was referred to Council's Environment Officer who provided the following comments in this regard:

"The site contains a two storey dwelling house and open grassed areas. The perimeter of the site is dominated by cypress pine plantings. The central portion of the site contains vegetation that has been mapped by Bell (2009) as E37a Alluvial Paperbark Sedge Forest. This vegetation is also known as Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community (refer to Figure Two). In addition to this vegetation community the site has also been mapped by Bell as containing regionally significant vegetation E22c Narrabeen Coastal Peppermint Forest.

In the absence of an updated Flora and Fauna Assessment an earlier report prepared for the site has been relied upon in this instance. A site inspection revealed that the central portion of the site contains indigenous vegetation of both mature and regrowth age class with similarities to the Narrabeen Coastal Forest due

to the presence of Sydney Peppermint (Eucalyptus piperita). It is noted that the understorey has experienced periods of disturbance over time and non-indigenous tree species also occur. As such the site vegetation characteristics are more similar to the descriptors of regionally significant vegetation as opposed to the endangered ecological community.

Gahnia sedgeland was considered in the Flora and Fauna Assessment to be a highly modified form of the endangered ecological community. The conservation significance of this vegetation on the subject site was considered to be low due to the small area and isolations from significant areas of other bushland.

The vegetation is isolated and does not provide direct connectivity to other patches of bushland. This isolation is a result of the surrounding development on all property boundaries. As a result fauna species recorded low diversity. No threatened fauna species were recorded on the site during any of the surveys undertaken for the 2005 Assessment Report. It was noted however that a number of threatened bat species may occasionally forage and potentially roost on the subject site.

It is highly likely that any future proposal on this site could be designed in such a manner so as to minimise impact upon the vegetation community and threatened species habitat. Consequently a Species Impact Statement can be avoided.

This land has been identified by the Natural Resource Sensitivity Biodiversity maps and Council has considered in the assessment of this application the matters contained in clause 7.10.3 and 7.10.4 of Draft Gosford Local Environmental Plan 2009.

Conclusion

The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Environmental Assessment Officer has no objection to the proposal."

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

Council's Environment Officer provided the following comments in this regard:

"Significant filling was encountered at two locations on the site. The levelled platform to the south of the residential dwelling and the area located within the southern third of the site. The results of the preliminary assessment indicate that the site would be suitable for the proposed residential land use from a site contaminations standpoint. A preliminary Site Investigation is required with any future development applications with particular focus on the extent of nickel contamination."

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

The Planning Proposal will not have any adverse social and economic effects. From a social planning perspective there is a demand for affordable housing within the community and this proposal is well located in close proximity to the shopping centre, transport links and other services.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

As indicated in Section 7 (ie s117 Direction 3.1), existing infrastructure in the form of reticulated water, sewerage, gas, telephone and electricity are available in the locality.

The proposed rezoning of land was referred to Council Water and Sewer section who advised;

“A section 307 certificate would be required as a condition of the DA consent, Water and Sewer contributions would apply. If this development was approved under the current zoning, then no additional contributions are required. When approved Water & Sewer Asset Planning should be notified for any upgrade of the water and sewer mains as a result of this development if required.”

Council's Waste Services section raised no objection to the proposal, however advised that a new Waste Strategy would be required for any new DA applying to the site.

From a transport planning perspective the Planning Proposal is supported as future residents would have access to frequent major bus services along Karalta Road and there are good pedestrian facilities in the area. It is recommended that a pedestrian refuge be developed at Bronzewing Drive at the Karalta Road intersection (to facilitate pedestrian access along Karalta Road. Matters such as this and vehicular access to and from the site should be dealt with at the DA stage.

12 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.

Part 4 Community Consultation that is to be undertaken

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 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.

Other Matters for Consideration

No other matters need to be considered for the Planning Proposal.

Conclusion

The Planning Proposal proposes that an enabling clause be inserted into the Gosford Planning Scheme Ordinance to allow caravan parks, relocatable home parks and manufactured home parks as a permitted use on the subject land (Lot 1 DP 1030621). The same could also be achieved by the equivalent Schedule 1 provision in Draft LEP 2009.

It is agreed with the Applicant that the Planning Proposal will meet a demand in the community for low cost residential housing in a central accessible location to town services and infrastructure. Furthermore, that this form of housing will be more consistent with the surrounding residential development than if the site was developed under the current court approved consent for Residential Flat Buildings. It is also agreed with the Applicant that development resulting from the Planning Proposal will result in the creation of jobs during and post construction.

Should Council wish to reconsider the matter after public exhibition where no submissions have been received, the following resolution should be adopted. "After public exhibition of the Planning Proposal a report is referred to Council on the matter."

FINANCIAL IMPACT STATEMENT

The recommendation does not impact on Council's financial position.

ATTACHEMENTS: A – Planning Proposal Flow Chart (DoP&I)

B – Various Planning Proposal Maps

TABLED ITEMS: Nil

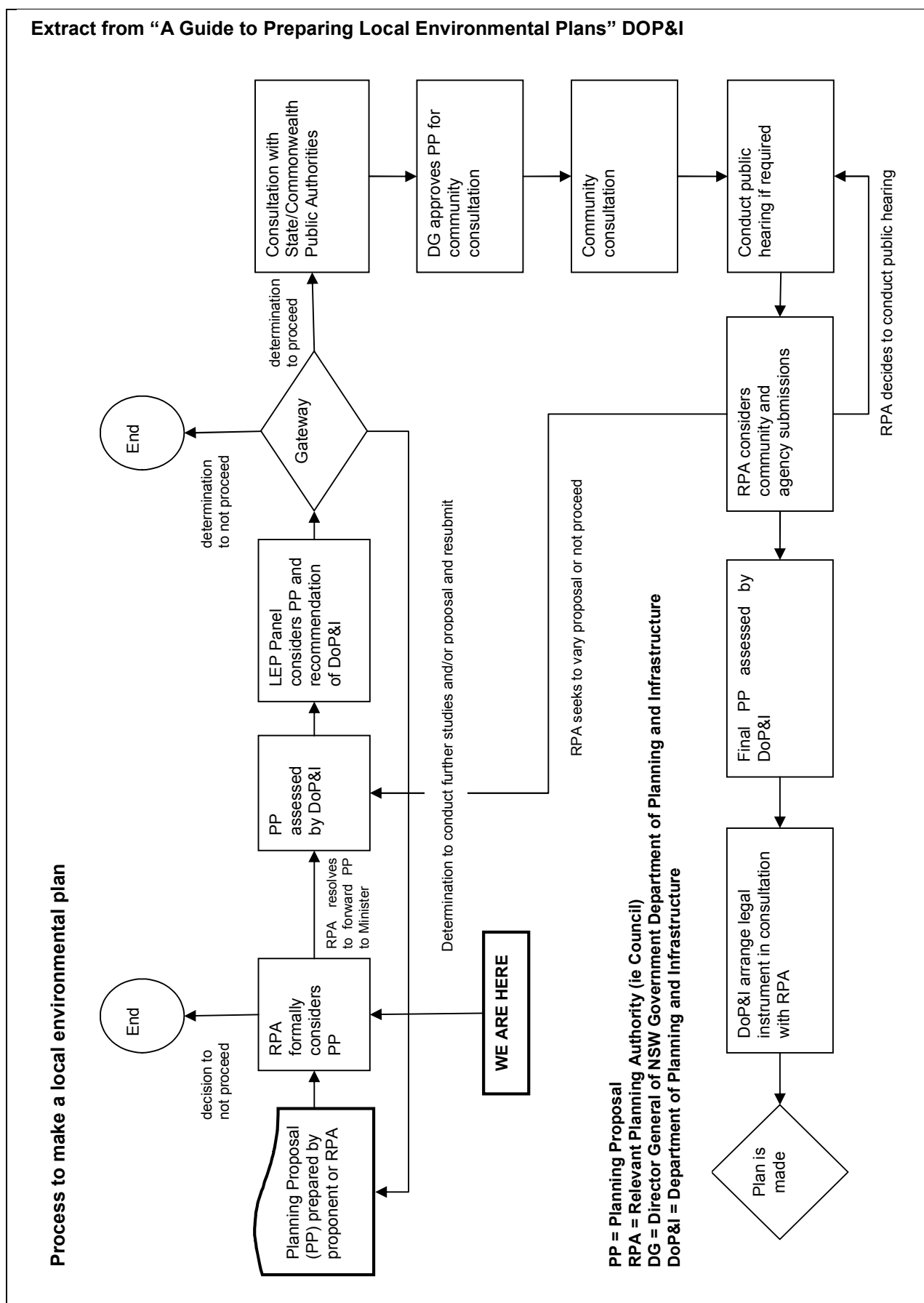
RECOMMENDATION

- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal for Lot 1 DP 1030621, 75-83 Karalta Road Erina to permit caravan parks, relocatable home parks and manufactured home parks on the site and forwarding it to the Department of Planning and Infrastructure requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and that Council staff prepare all necessary documentation and process the matter according to the Department of Planning and Infrastructure's directives and this report.
- B After public exhibition of the Planning Proposal, should the Minister for Planning and Infrastructure support it, if no submissions are received, the Planning Proposal is to be

sent to the Department of Planning and Infrastructure in order to make the plan.

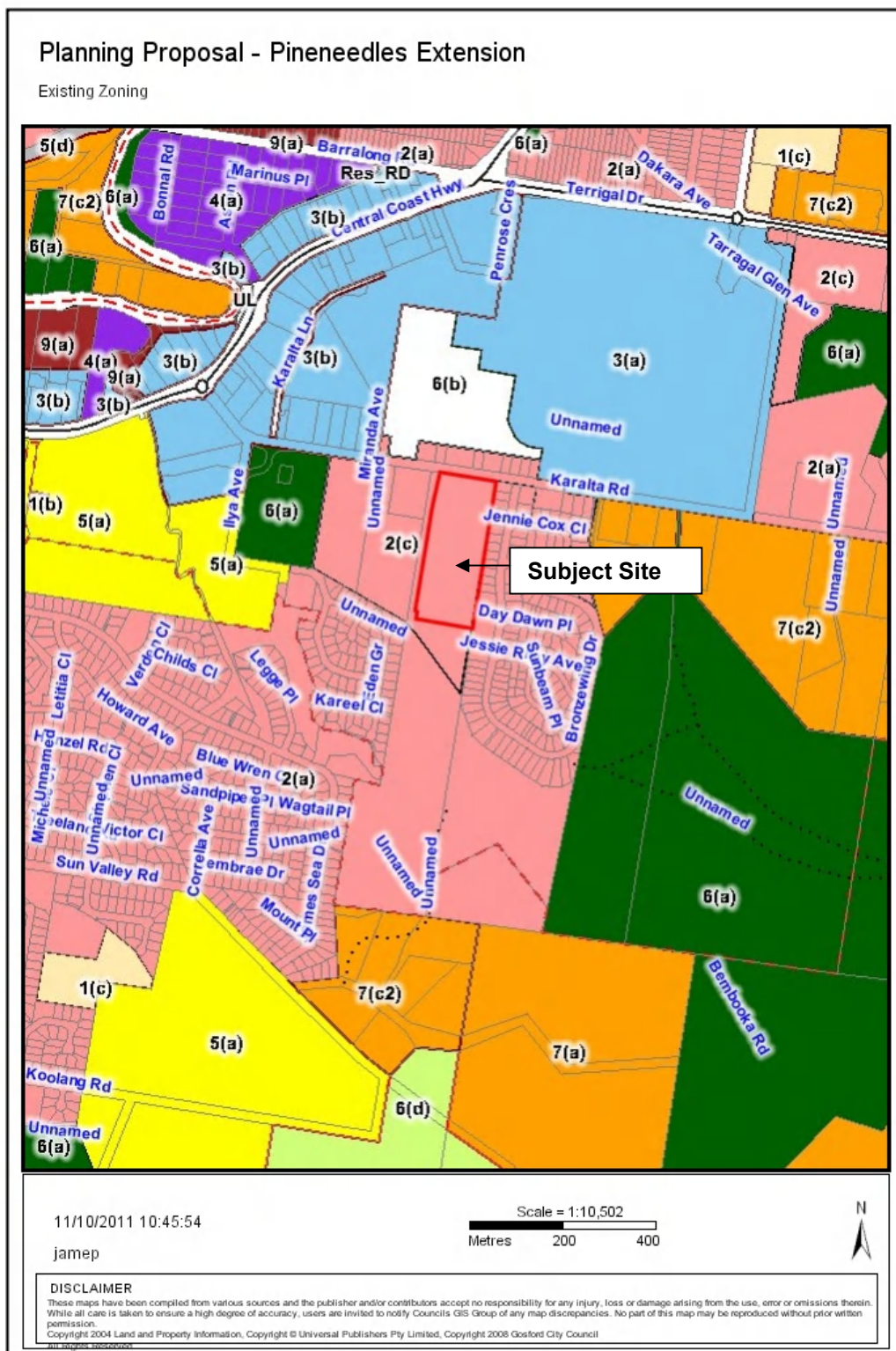
C The applicant be advised of Council's resolution.

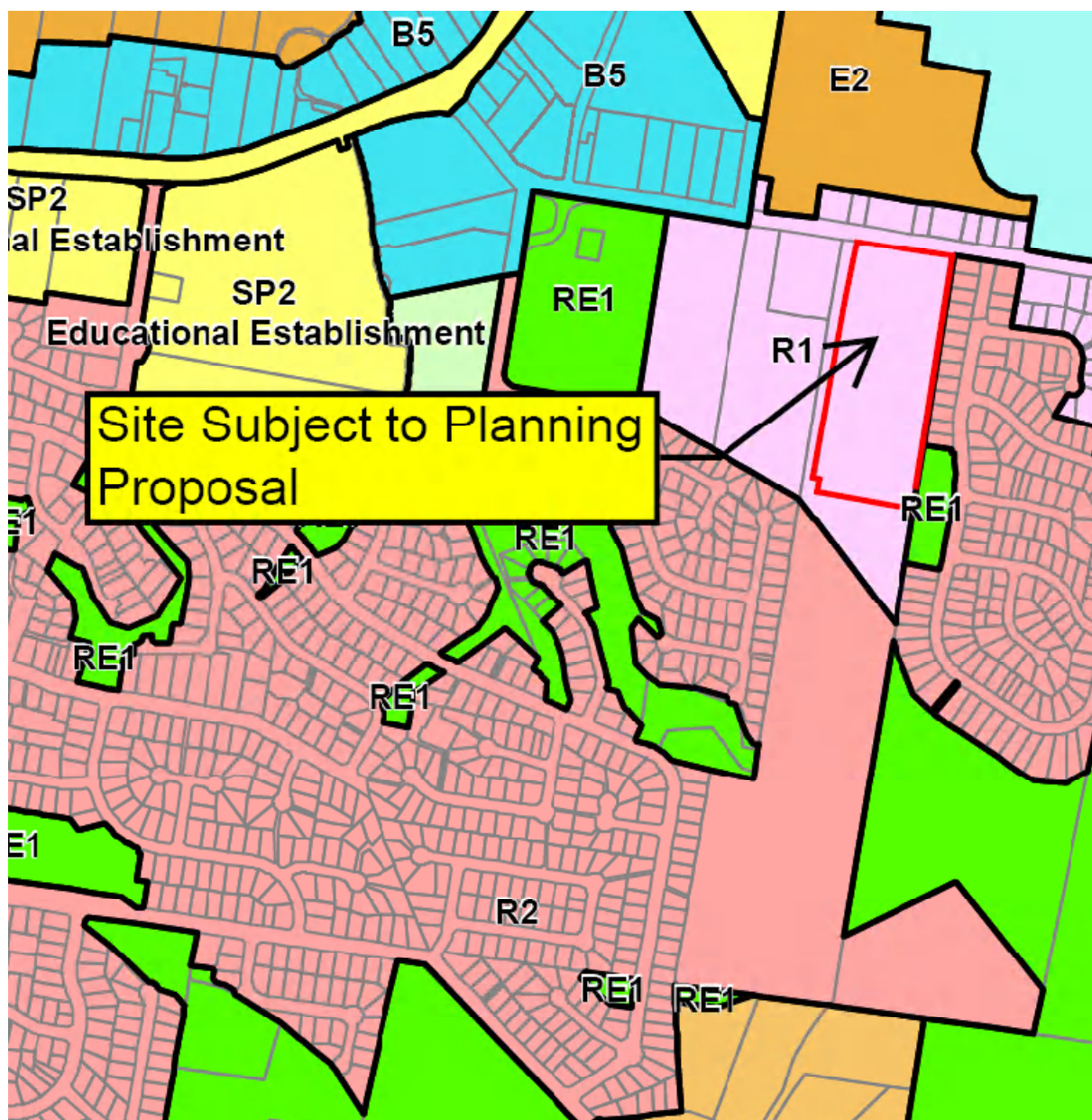
ATTACHMENT A – Planning Proposal process flowchart (DOP&I extract)



ATTACHMENT B – Planning Proposal Mapping

APPENDIX 1 - Existing Zoning Map

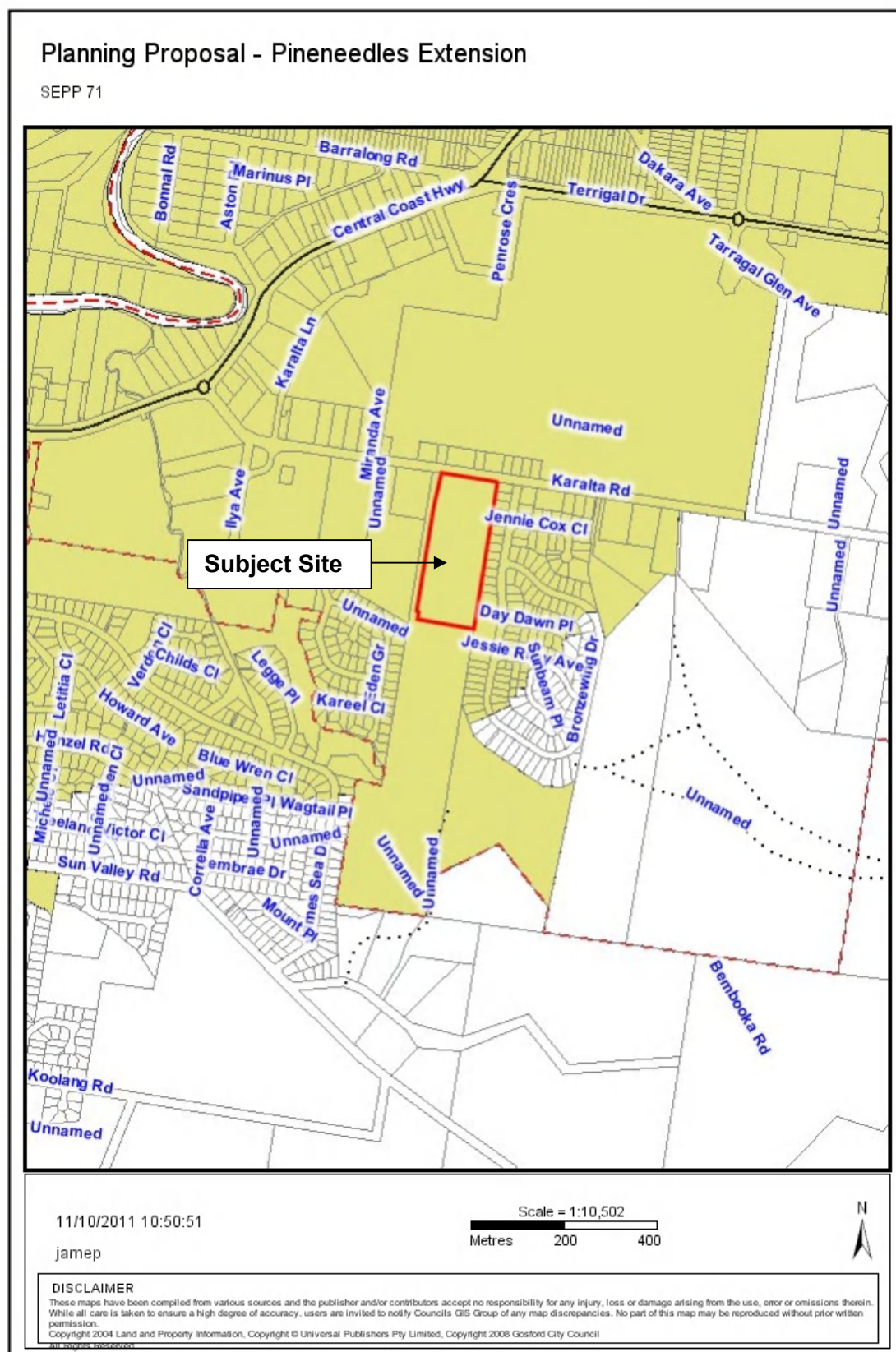


APPENDIX 2 - Proposed Zoning under Draft Gosford LEP

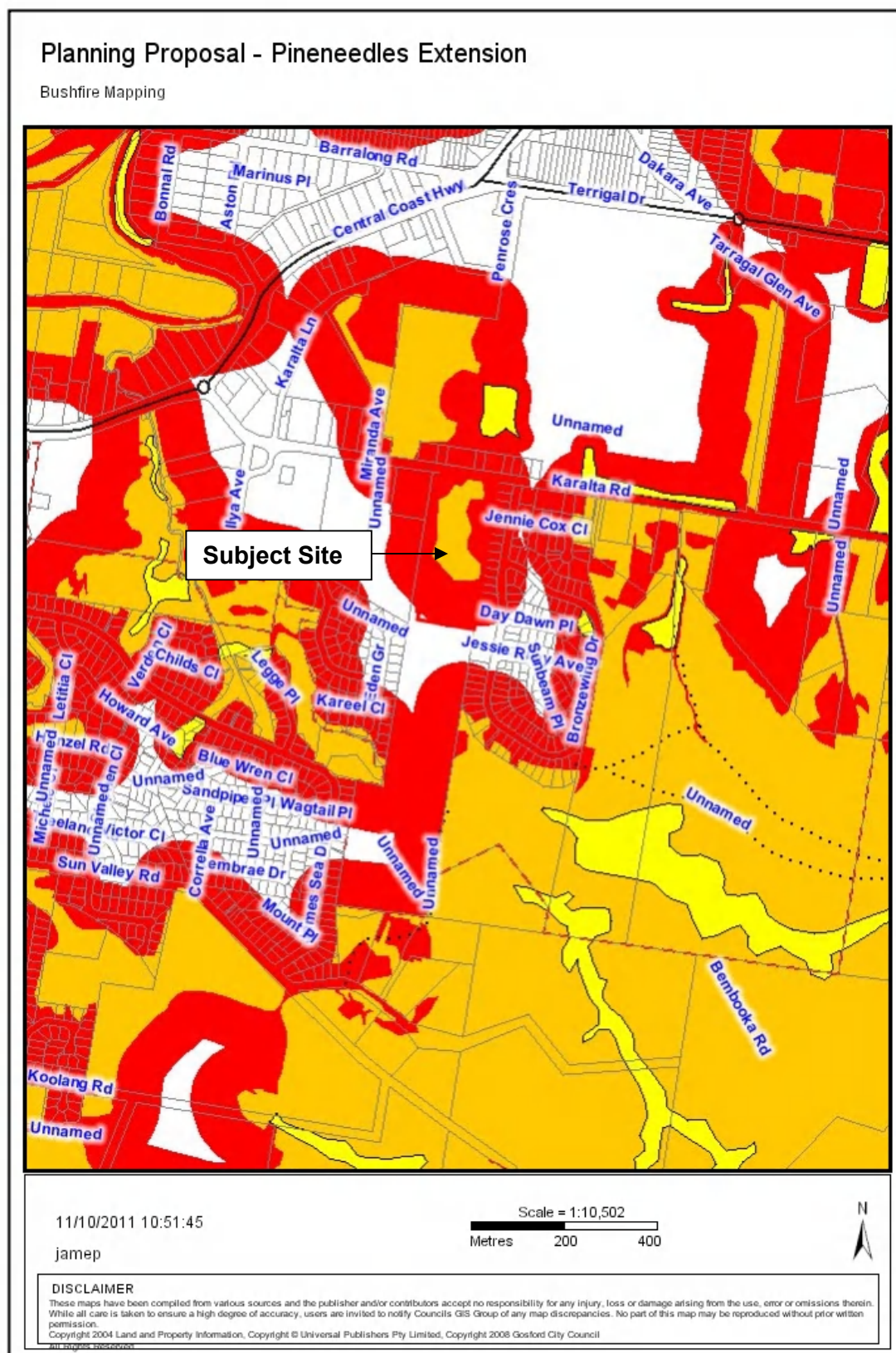
APPENDIX 3 - Aerial Photograph

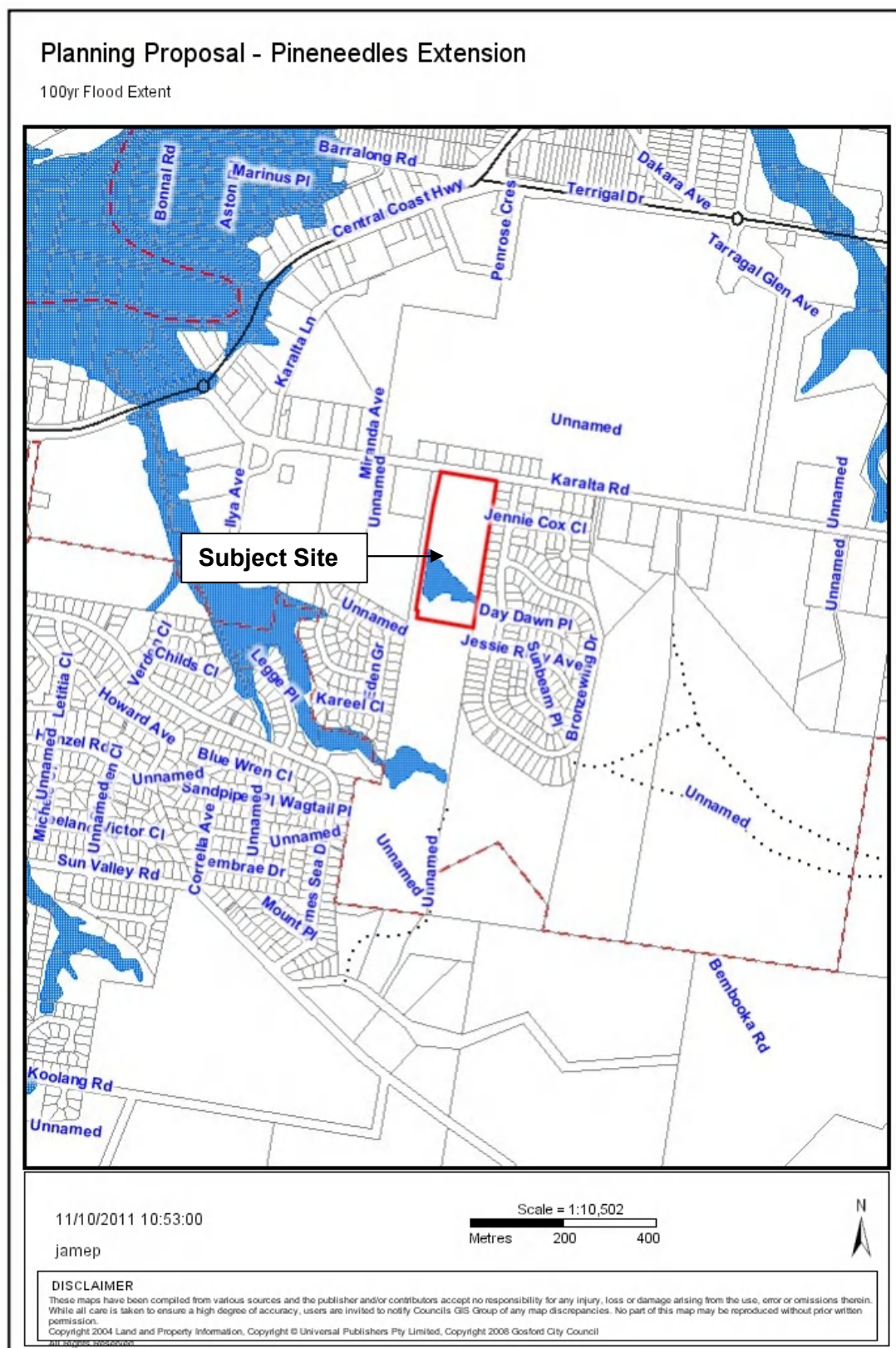


APPENDIX 4 – SEPP 71

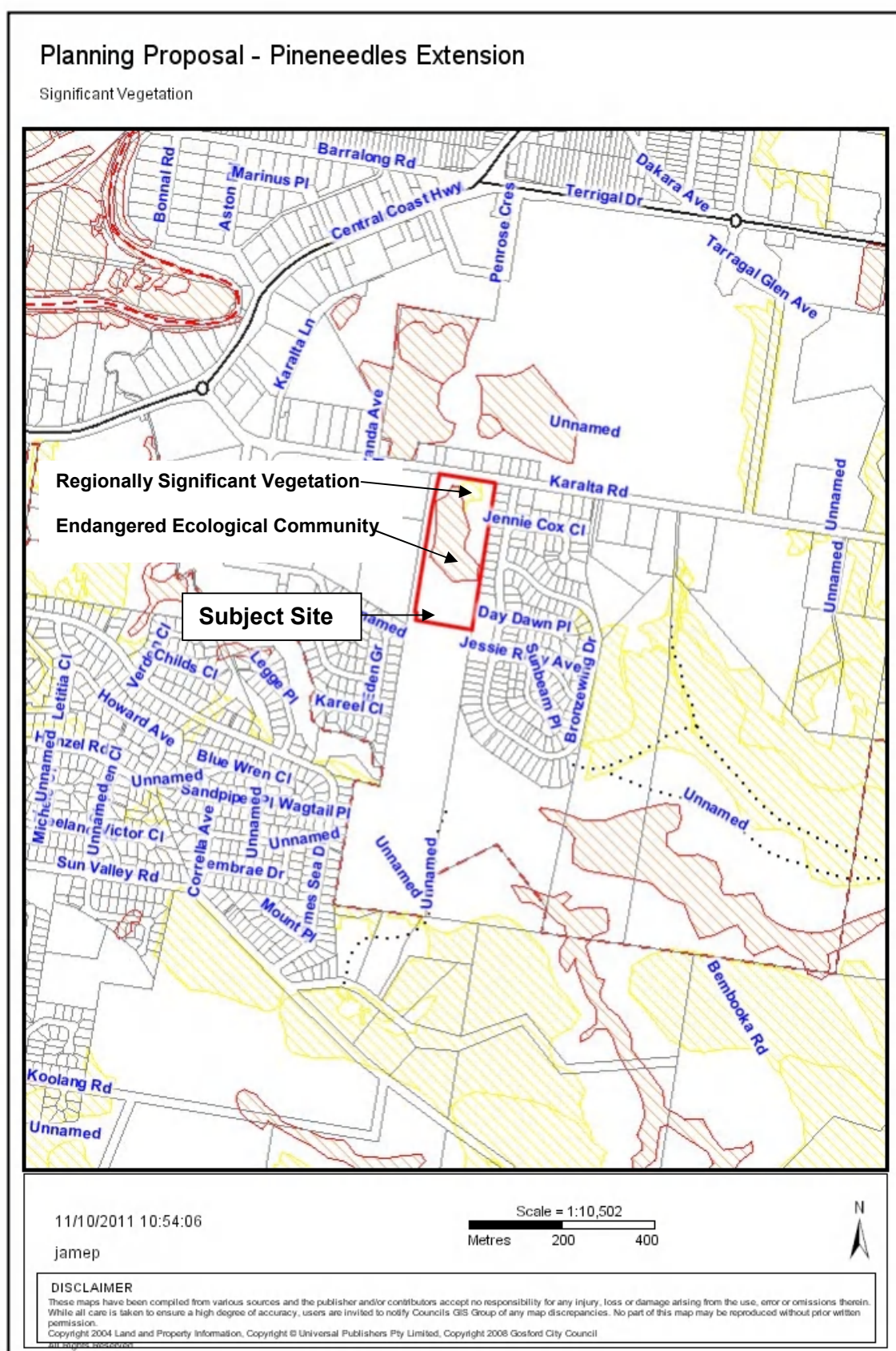


APPENDIX 5 - Bushfire Mapping



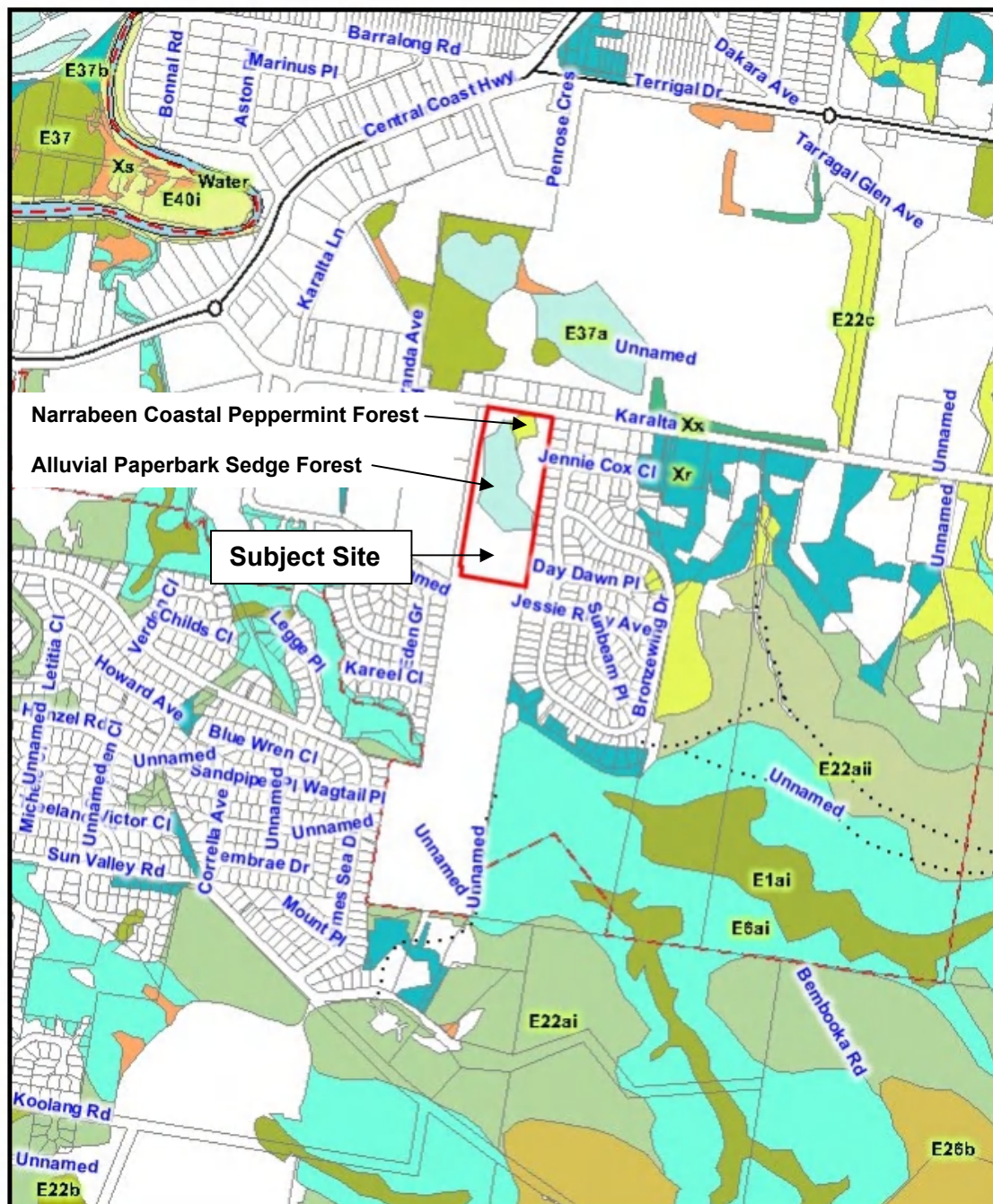
APPENDIX 6 - 100yr Flood Extent

APPENDIX 7 - Vegetation



Planning Proposal - Pineneedles Extension

Vegetation 2009



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