Property & Asset Management – Briefing Note

Name: Larry Melican Date: 6 November 2017 TRIM / ECM Folder: IR/D: 21575779

Title:	**Dedication of land at Dell Road, West Gosford for inclusion in the Coastal Open Space System (COSS).**
Description (Including Address, Name, Lot, DP) Please insert map on following page	The subject land, Lot 6 DP 3944 at 39 Dell Road, West Gosford, is owned by Industrial Discounts Pty Ltd and is zoned 7(a) Conservation and Scenic Protection (Conservation) under Interim Development Order No 122 – Gosford (IDO 122) - see Figure 1. A planning proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979.* A gateway determination under Section 56 of the Environmental Planning and Assessment Act has been issued by the Department of Planning & Environment. The objective/intended outcome of the Planning Proposal is to zone part of the land to allow an intensity of land use which is commensurate with its physical characteristics and surrounding land uses. In this regard the cleared and relatively level areas are proposed to be zoned IN1 General Industrial under Gosford Local Environmental Plan 2014 (GLEP 2014). The steep, vegetated slopes on the western part of the parcel and the Endangered Ecological Community along the northern boundary are to be zoned E2 Environmental Conservation (see figure 2) . The former Gosford City Council considered the planning proposal for Lot 6 DP 3944 on 8 December 2015 (IR 21760176). Part E of the Council resolution (2015/618) of 8 December 2015 reads: *That Council request the CEO, or his representative, to meet with the proponent of the Planning Proposal to discuss the dedication of the remaining part of the lot to Council as part of the Coastal Open Space System as a public benefit associated with the proposed rezoning of the land.* Under the COSS Strategy approximately 4.2 hectares of the land parcel 39 Dell Road is identified for inclusion in the Coastal Open Space System (COSS) – see Figure 3. The part of the land parcel proposed to be dedicated to Council consists predominately of the elevated land that is part of the escarpment on the western side of the Narara Valley and Brisbane Water. One of the identified values of the COSS is described as "Scenic Quality: backdrop to the city and the contribution to the sense of place of Gosford". The land also supports a rainforest community, and the native vegetation is part of the almost continuous vegetated link along the escarpment and adjacent plateau. As part of the Planning Proposal it is proposed to dedicate all of the E2 zoned land (approx. 7.4 ha) to Council at no cost for inclusion in the COSS The part of Lot 6 DP 3944 to be dedicated to Council is larger than that originally identified and mapped in the COSS Strategy (Figure 3). This difference occurs since the COSS mapping is indicative only, with the exact definition of the boundary occurring as part of the process to acquire a particular parcel for the COSS. In order to bring the land into Council's ownership a Voluntary Planning Agreement (VPA) will be prepared at the same time as the Planning Proposal. The representative of the owners of the property has advised "that the owners are prepared to enter into a Voluntary Planning Agreement for the dedication of the residue portion of the subject lands". This residue portion comprises the land proposed to be zoned E2 Environmental Conservation.

	It is proposed that the VPA will include a requirement to prepare and implement a bushland management plan to control weeds on the land prior to its dedication to Council. It is recommended that acceptance of part of Lot 6 DP 3944 be conditional upon all instability issues on the land being identified and resolved by a qualified and experienced geotechnical company, and that measures be put in place to eliminate the risk of future rock fall or slope instability impacting on future downslope development. The measures identified to eliminate the risk of future rock fall or slope instability impacting on future downslope development are to be located on the part of the land to be retained in private ownership and are to be installed and managed at no cost to Council.
Key Elements (How are you going to convince me that this should be supported)	Part of Lot 6 DP 3944 at 39 Dells Road West Gosford is identified for future voluntary acquisition. This part of the land parcel continues to have the biodiversity and scenic quality attributes that were important in its identification for inclusion in the COSS. Acceptance of part of Lot 6 DP 3944 should be conditional on all instability issues on the land being identified and resolved by a qualified and experienced geotechnical company, and that measures be put in place to eliminate the risk of future rock fall or slope instability impacting on any future downslope development. These measures are to be located on the part of the land to be retained in private ownership and are to be installed and managed at no cost to Council. Also the VPA will include a requirement to undertake a bushland management plan and weed control prior to the land coming into Council's ownership. The VPA will in addition identify a requirement for vehicular access between the public road and the land to be included in the COSS. This access is to be available for Council management vehicles, emergency vehicles and recreational users of the reserve such as bush walkers. The land proposed to be dedicated to Council is one of the parcels that supports native vegetation on the escarpment on the western side of the Narara Valley, thereby providing a green backdrop to the urban landscape. The land that makes up the escarpment is identified for COSS acquisition, with some parcels already being part of the COSS (see figure 4). The escarpment and the adjacent plateau are part of a largely continuous vegetated link that runs the length of the Local Government Area from the Hawkesbury River at Patonga in the south to Olney State Forest in the north. The rainforest vegetation in the northern part of the site is considered to be an endangered ecological community (see figure 5), and is proposed to be included in the land to be dedicated to Council for the COSS. The endangered paperbark *Melaleuca biconvexa* is located on the land that is proposed to be dedicated to Council.
Recommendation (What do you need me to do?)	Endorse Council's acceptance of the dedication of part of Lot 6 DP 3944 at no cost to Council subject to the conditions of the Voluntary Planning Agreement that relate to instability, access and bushland restoration.
Has this Item been budgeted for?	☐Yes ☐No ☑N/A
Council Stakeholders Consulted	Bruce Ronan, Town Planner, Strategic Planning. Mairin Ireland, Environment Officer, Strategic Planning Kellie Langford, Bushfire Officer, Emergency Management and Natural Assets
Comment (What do I need to know to make a decision?)	The dedication of part of Lot 6 DP 3944 is the subject of Part E of the former Gosford City Council resolution of 8 December 2015. The area of Lot 6 DP 3944 proposed to be zoned E2 can be included in the COSS at no cost to Council.

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	The Voluntary Planning Agreement stipulates conditions for addressing slope stability, bushland restoration and access to the land proposed to be dedicated to Council.
Background / Strategic Issues / Comments	The boundary of the western extension of the COSS was adopted by the former Gosford City Council on 1 July 2008. The indicative COSS mapping identified that part of Lot 6 DP 3944 was among the properties to be voluntarily acquired for inclusion in the COSS, and is included in the COSS Strategy 2010.
Is this land part of any strategic plan?	☑ Yes ☐ No Coastal Open Space System (COSS) Strategy 2010.
Any relevant links or issues If yes please explain	
Land Classification	☐ Operational Land ☑ **Community Land** (proposed) **Zoning:** 7(a) Conservation

Attachments **Confidential Council Report?** ☐Yes √No ☐N/A						
	☐	Lease Template	☐	Documentation (Contract/ Lease)	☐	Term Sheet
	☐	Transfer	☐	Grant Application	☐	Sale Of Land
	☐	Road Closure	√	**Council Report / Resolution**	☐	Valuation
	☐	DA & CC forms	☐	Roadmap/CAPEX	☐	Map of area
	☐	Other :				

Approvals Required & When	Date: Legal (if required)	Date: Unit Manager	Date: Senior Manager	Date: Group Leader

Approvals

Legal	**Unit Manager**	**Senior Manager PAM**	**Group Leader AIB**
Name: _____	Name: _____	Name: _____	Name: _____
Date: _____	Date: _____	Date: _____	Date _____
Sign: _____	Sign: _____	Sign: _____	Sign: _____

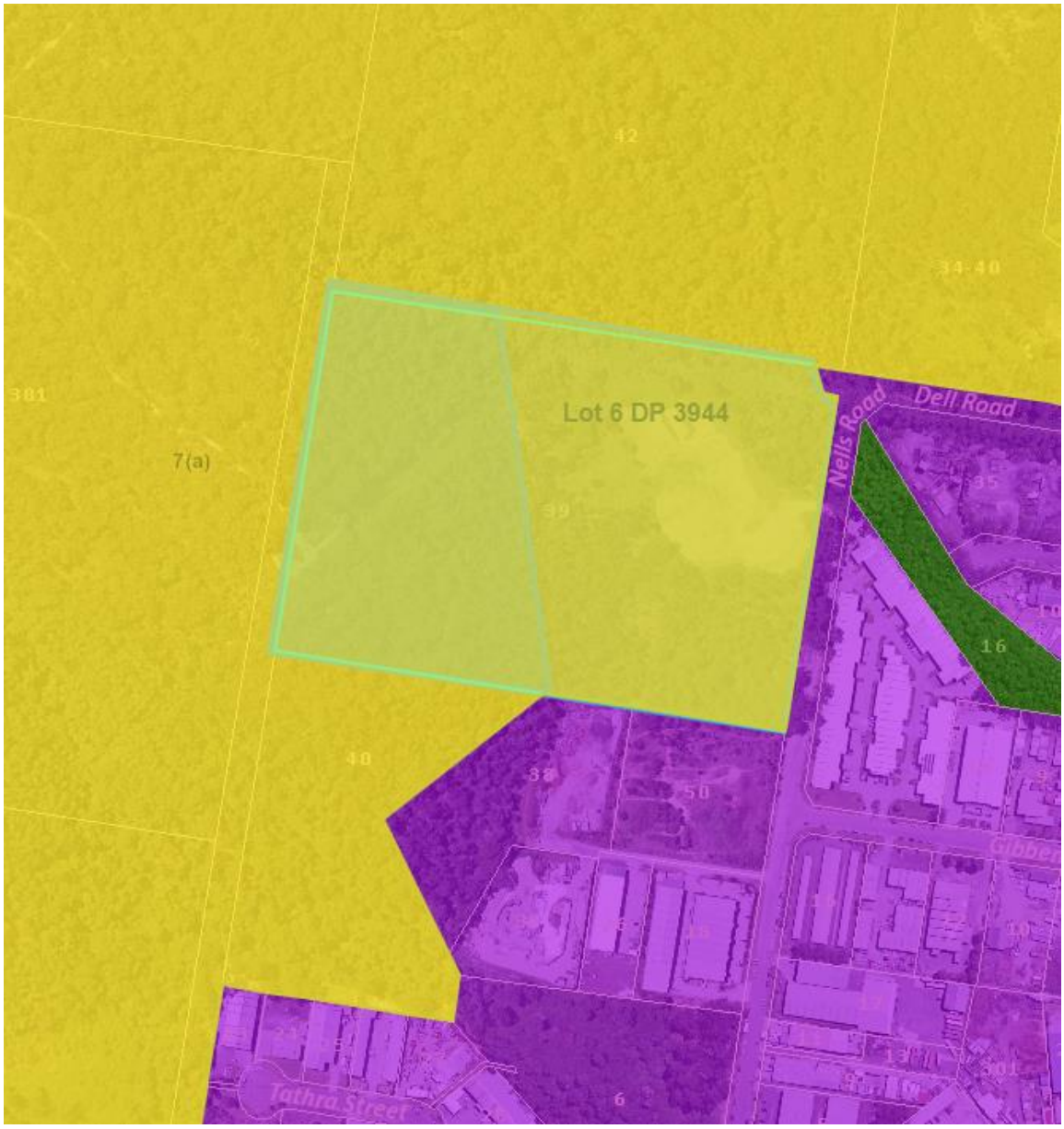

Figure 1 - Pre 2014 LEP zoning and topographic contours for Lot 6 DP 3944 at 39 Dell Road, West Gosford. The orange colour represents the 7(a) Conservation and Scenic Protection (Conservation) zoning with the purple colour representing the 4(a) Industrial (General).

Figure 2 - Proposed E2 and IN1 zones. The land proposed to be zoned E2 is also proposed to be dedicated to Council for inclusion in the COSS.

Figure 3 - Lot 6 DP 3944 at 39 Dell Road, West Gosford indicating the area identified for inclusion in the Coastal Open Space System (COSS). The exact boundary of the land to be acquired is subject to review prior to acquisitions for the COSS proceeding. In the instance of 39 Dell Road more land than originally identified for the COSS is to be dedicated as part of the subdivision.

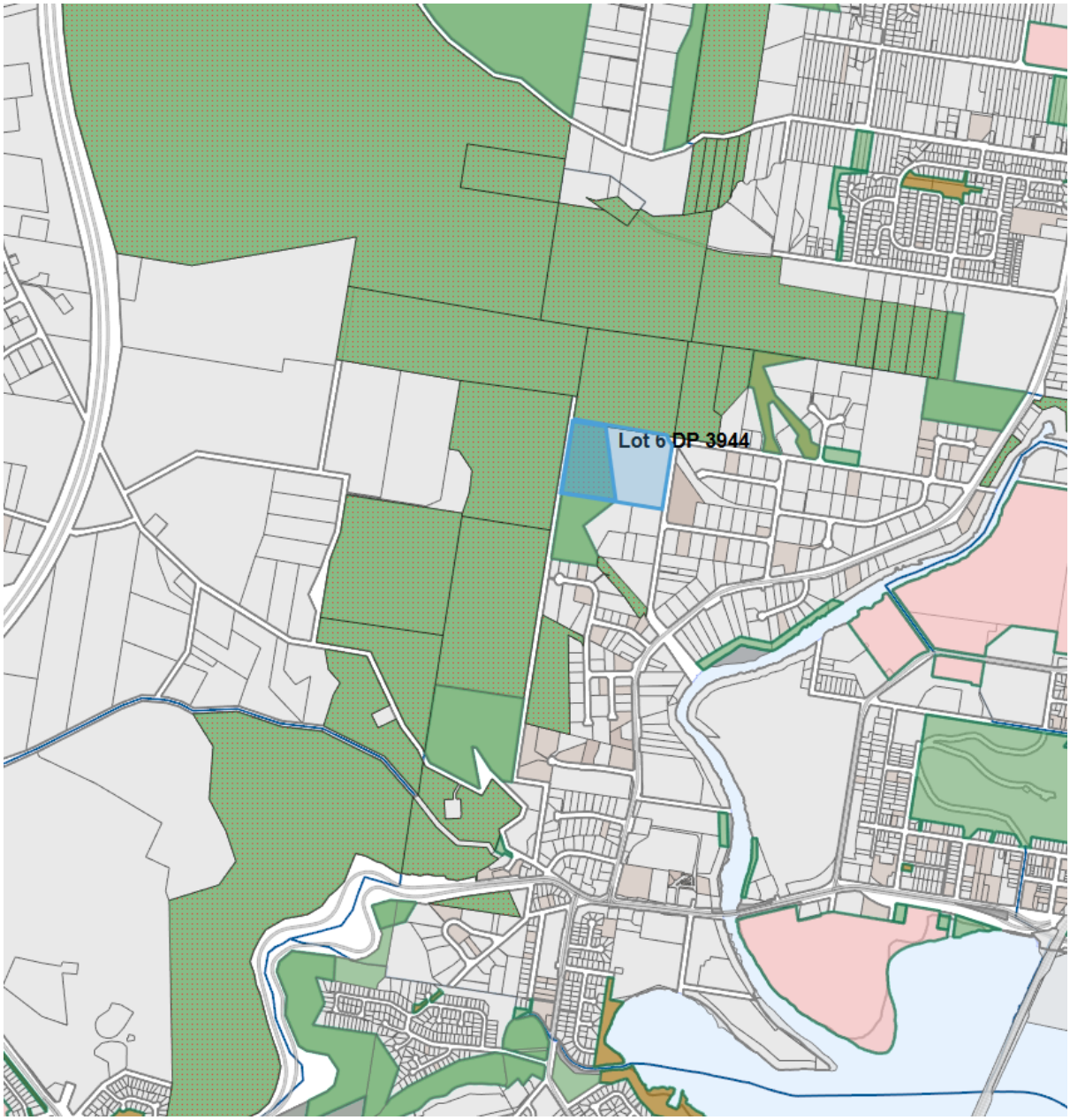

Figure 4: Location of Lot 6 DP 3944 in relation to land identified for COSS acquisition, which is identified by red dots on a green background. Land managed by Council as a natural reserve is coloured green.

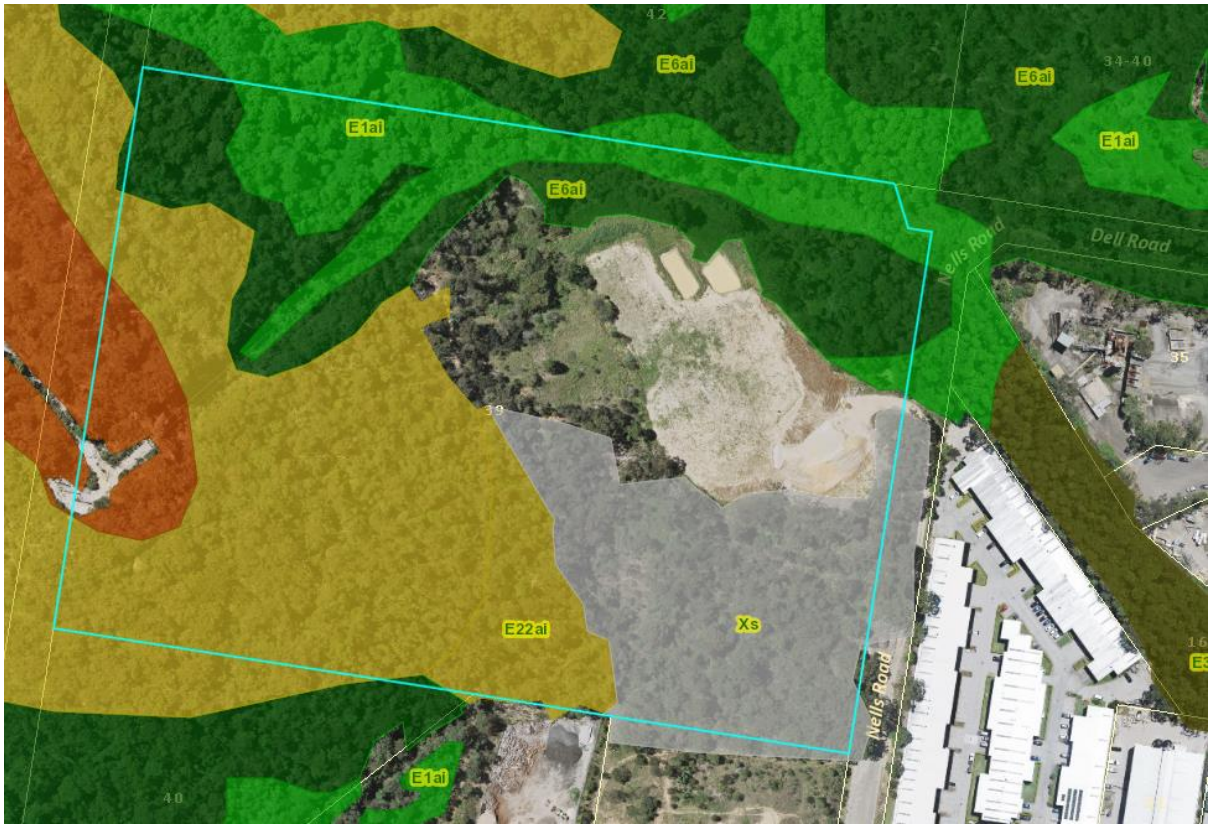

Figure 5 - Vegetation communities at 39 Dells Road, West Gosford as mapped on Geocortex including the rainforest community (E1ai) identified as an endangered ecological community.

Comments (Please initial and date)