



Item No: 5.5
Title: Request to Prepare a Planning Proposal for land at Bakali Road and Central Coast Highway, Forresters Beach
Department: Environment and Planning

27 April 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14487570
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Executive: Scott Cox, Director Environment and Planning

Report purpose

To consider a request to prepare a Planning proposal to enable residential subdivision of land fronting Bakali Road and Central Coast Highway, Forresters Beach.

Executive Summary

This Planning Proposal seeks to rezone a triangular area of land between Bakali Road and the Central Coast Highway, Forresters Beach, from 7(a) Conservation and Scenic Protection (Conservation) and 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under Interim Development Order No 122 (IDO 122) to E2 Environmental Conservation, R2 Low Density Residential and RE1 Public Recreation.

This Planning Proposal is similar to a proposal that was originally considered by the former Gosford City Council (fGCC) in 2013 and amended by Central Coast Council in 2019, before being withdrawn by the applicant in November 2020.

The main issues to be resolved for the Planning Proposal are:

- the upgrading of the Central Coast Highway to 4 lanes by Transport for NSW and whether direct access to the site from the Highway is feasible. Formal advice will be sought from Transport for NSW post Gateway. If this direct access is not feasible, access to the Highway is able to be provided via Bakali Road.
- preparation of a Planning Agreement to address dedication of land for a local park and protection of the wetland via the implementation of a Vegetation Management Plan.

The Planning Proposal was considered by the Local Planning Panel on the 8 April 2021 and was supported in principle.

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This report recommends that the Council proceed with the preparation of a Planning Proposal.

Environment and Planning Recommendation

- 1 That Council prepare a Planning Proposal to:
 - a) Rezone the following lots to R2 Low Density Residential under Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time):
Lot 1 DP 405510,
Lot 51 DP 1028301,
Lot 62 DP 838562,
Lots 155 & 156 DP 531710,
Lots 1-14, 18 & 19 DP 23283,
Lots 1-8 DP 24187,
Lots 1-3 DP 101649,
part of Lot 522 DP 1077907,
Lots 1, 2 & 4 DP 1000694, and
part of Lot 3 DP 1000694.
 - b) Rezone part of Lot 522 DP 1077907 and part of Lot 3 DP 1000694 to E2 Environmental Conservation under Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time);
 - c) Rezone part of Lot 522 DP 1077907 (or part of Lot 522 DP 1077907 and part of Lot 3 DP 101649) Central Coast Highway, Forrester's Beach to RE1 Public Recreation under the Gosford Local Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time);
 - d) Apply a Minimum Lot Size of:
 - 1850 m² to land proposed to be zoned R2 Low Density Residential and fronting Bakali Road on Lot 3 DP 1000694 and parts of Lots 1 & 2 DP 1000694, and
 - 550 m² to all other land proposed to be rezoned R2 Low Density Residential,
 - 40 Ha for the land proposed to be rezoned E2 Environmental Conservation.
 - e) Apply a maximum building height of 8.5 m to all land proposed to be rezoned R2 Low Density Residential and E2 Environmental Conservation.
- 2 That Council submit the Planning Proposal to the Minister for Planning in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting

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a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.

- 3 *That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.*
- 4 *That Council prepare appropriate Development Control Plan provisions to support the development of the land subject to this Planning Proposal.*
- 5 *That Council authorize the Chief Executive Officer (or delegate) to enter into a Planning Agreement with the owner of Lot 522 DP 1077907, Lot 4 DP 1000694 and Lot 3 DP 101649 to require:*
 - *Dedication of 4000m² of land to Council for a park;*
 - *Undertake roadworks to satisfy the requirements of Transport for NSW and Council;*
 - *Preparation and Implementation of a Vegetation Management Plan for the area proposed to be zoned E2 Environmental Management.*
- 6 *That Council undertakes community and public authority consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Planning Agreement and draft Development Control Plan.*

Background

The Planning Proposal and accompanying Planning Agreement were being progressed in accordance with Council's resolution of 25 March 2019, when on 1 October 2020, the Department of Planning, Industry and Environment (DPIE) directed Council to determine all Planning Proposals over four years old, which would not be able to be finalised by 31 December 2020. Despite the strategic merit of the proposal, it could not be finalised by the 31 December 2020. The only option available to meet this deadline was refusal of the Planning Proposal. The applicant was advised and elected to withdraw the application.

This report relates to a new proposal, which has similar objectives to that previously considered by Council. The only difference between the former proposal and this current proposal is the location of the proposed park. It is likely that the park will be located within the site, not fronting the Central Coast Highway. However, this alternative location is reliant on the road widening and intersection options proposed by Transport for NSW (TfNSW) which are to be confirmed during consultation following the Gateway.

Report

The Planning Proposal request is to:

- rezone a cleared area of the subject land to R2 Low Density Residential,

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- rezone 4000m² within this area to RE1 Public Recreation for public recreation purposes,
- rezone the vegetated wetland area of the site to E2 Environmental Conservation.

An assessment of the proposal has been undertaken to inform this determination, as detailed in Attachments 1 and 2. As the Proposal has strategic merit it is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Consultation

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

Adoption of the staff recommendation has no budget implications for Council. The direct cost to Council is the preparation of the planning proposal which will be charged as per Council's fees and charges on a cost recovery basis.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

Theme 4: Responsible

Goal I: Balanced and sustainable development

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R-12: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

R-13: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management

Central Coast Interim Local Strategic Planning Statement

The Central Coast Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020, after adoption by Council on 29 June 2020.

The Interim Local Strategic Planning Statement is a framework for a growing Central Coast Region. It sets a clear vision for the future and a proactive framework for delivering a growing and sustainable Region with a strong network of centres and thriving and connected communities. The Interim Local Strategic Planning Statement (LSPS) is our guide to how the Central Coast will respond to future population growth challenges in a manner that benefits our existing residents.

Various strategies and planning priorities outlined in the LSPS are applicable to this Planning Proposal. The proposal is generally consistent with these priorities.

Risk Management

There have been no risks identified to the natural and built environment associated with the proposed amendment to GLEP 2014 or the draft CCLEP, about seeking a Gateway Determination.

Options

- 1 Support the Recommendation as the Planning Proposal has strategic merit. **This is the Recommended Option.** The basis for this recommendation is:
 - the Planning Proposal represents a rationalisation of the urban footprint in this locality;
 - the land is serviced and the services can be augmented to accommodate the future development;
 - there will be a public benefit in the provision of a local park;
 - the wetland vegetation on the land will be protected.
- 2 Refuse to support the Request for a Planning Proposal (Not Recommended). Should the Planning Proposal not be supported, an opportunity will be missed for rezoning suitable land for residential purposes on the fringe of the existing built-up area.

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Conclusion

The request to rezone part of the subject land to R2 Low Density Residential, RE1 Public Recreation and E2 Environmental Conservation is considered to have strategic merit, subject to confirmation by appropriate additional studies (post Gateway Determination) and consultation. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Attachments

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| 1 | Planning Assessment Report | Provided Under Separate Cover | D14510808 |
| 2 | Strategic Assessment | Provided Under Separate Cover | D14510804 |
| 3 | Local Planning Panel Advice | Provided Under Separate Cover | D14582537 |