

Planning Proposal Assessment

Proposal Summary

Applicant	Barker Ryan Stewart		
Owner	Pacific Link Housing Ltd		
Application Number	PP 107/2020		
Description of Land subject of planning proposal	<i>Property Description:</i> No. 18 Macleay Ave Woy Woy <i>Legal Description:</i> Lot 16 DP 255220		
Site Area	5,273 sqm (proposed rezoning area 3,167 sqm)		
Existing Use	Vacant		
Proposed Amendments – Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan			
Provisions	Existing Provision	Proposed Amendment	Outcome (Supported/Not Supported)
Zoning	RE1 Public Recreation	Part to R1 General Residential (residue to remain as RE1)	Supported
Minimum Lot Size	Not applicable	550m ²	Supported
Height of Building	Not applicable	8.5m	Supported
Floor Space Ratio	Not applicable	<u>GLEP</u> 0.7:1 (H) subject to clause 4.4 <u>CCLEP</u> 0.5:1 (D) & Area 1 subject to clause 4.4A	Supported

Proposal Report

Executive Summary

The subject land, Lot 16 DP 255220 (18 Macleay Avenue, Woy Woy), is zoned RE1 Public Recreation under Gosford Local Environmental Plan 2014 (GLEP 2014).

This Planning Proposal (PP 107/2020) seeks to rezone the western part of Lot 16 DP 255220 from RE1 Public Recreation to R1 General Residential under GLEP 2014 or the Central Coast Local Environmental Plan (CCLEP), whichever is in effect at the time.

The Site

The subject site (Figure 1) is an "L" shaped lot with frontages to Macleay Avenue and Nambucca Drive, Woy Woy. It has an area of 5,273m² and is currently vacant.

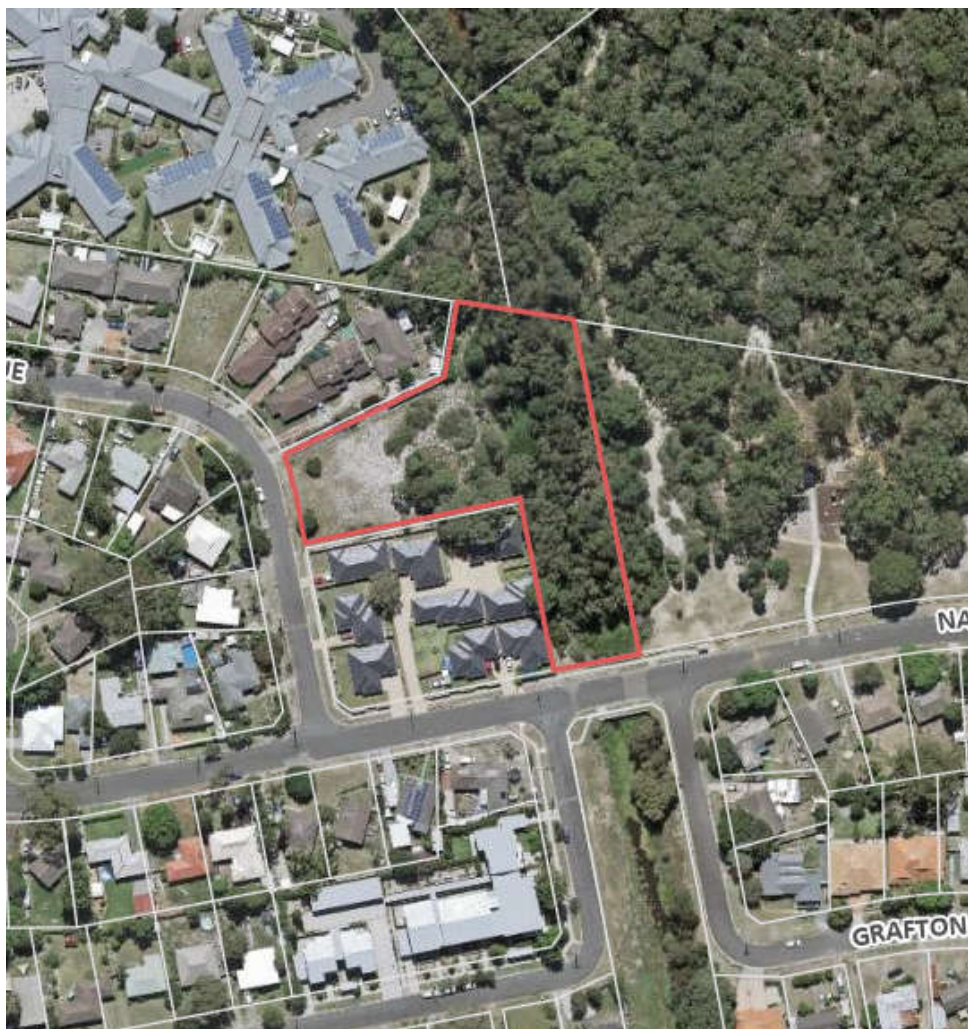


Figure 1 - Aerial Photograph of site

The eastern part of the subject site is vegetated and accommodates a watercourse which drains northwards to Correa Bay. This watercourse is an extension to Council's drainage reserve system to

the south. The site contains Umina Coastal Sandplain Woodland, which is defined as an Endangered Ecological Community (EEC) under the *Biodiversity Conservation Act 2016*.

The western part of the site is generally flat with scattered vegetation and adjoins existing lots developed for medium density housing.

Background

The subject land was zoned 6(a) Open Space (Recreation) and 5(a) Special Purposes (Drainage) under the Gosford Planning Scheme Ordinance.

Under the GLEP 2014 the zoning of the land was given the equivalent zone of RE1 Public Recreation (Figure 2).

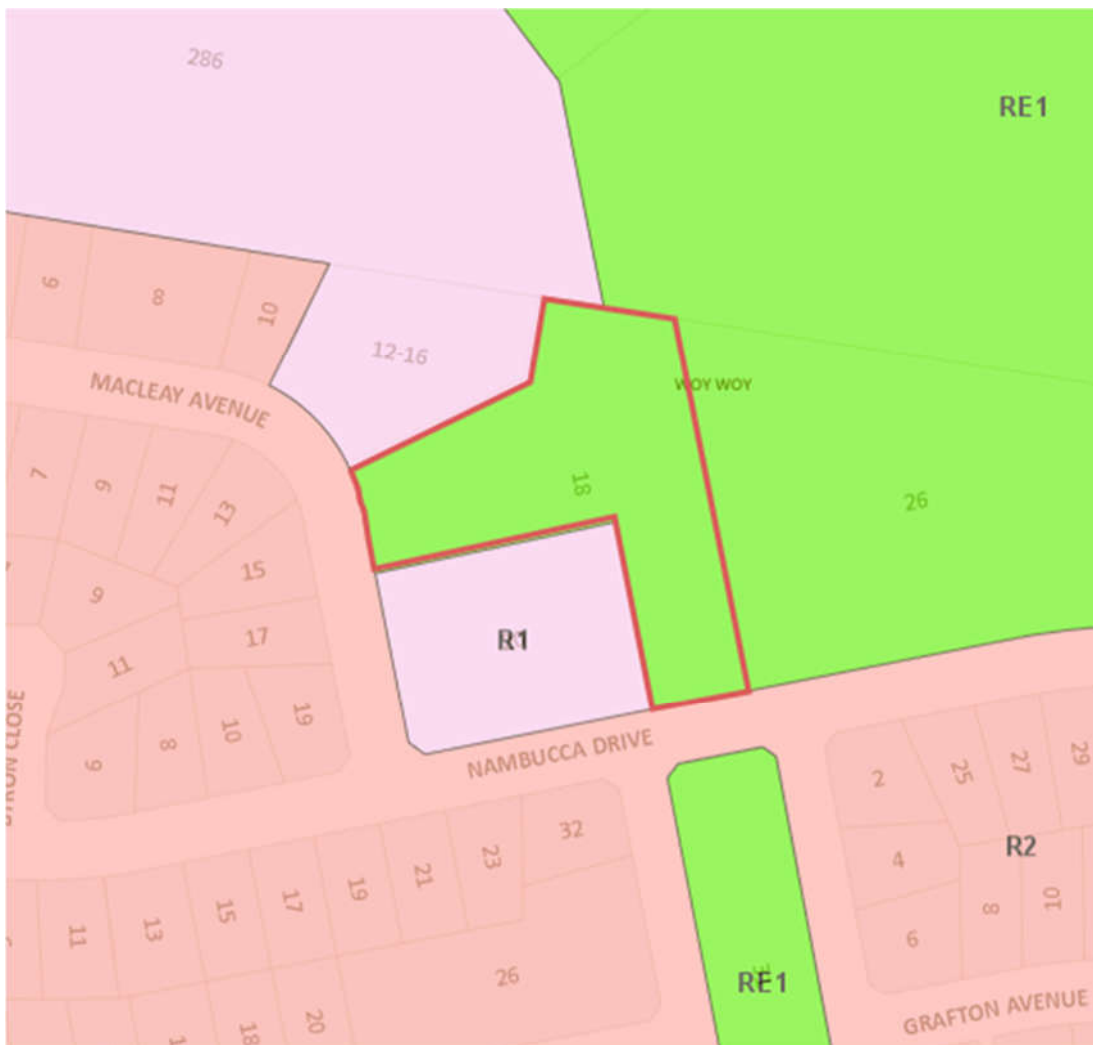


Figure 2 – Existing Zoning under GLEP 2014

The Proposal

The existing RE1 Public Recreation zone is inappropriate for land that is privately owned. It is proposed to rezone the generally cleared western part of the site to R1 General Residential, consistent to that of adjoining land. The eastern part of the site accommodating the vegetated watercourse will remain zoned RE1 Public Recreation.

If the Planning Proposal is successful, the owner proposes to develop the site for medium density housing with the purpose of providing affordable housing for the community. A conceptual development design incorporating 21 one and two storey units is shown in Figure 3.



Figure 3 – Proposed Conceptual Development

Should the land be zoned R1 General Residential under GLEP 2014 or the CCLEP, the other mapping layers applicable to the R1 zone, will require amendment to be consistent with the adjoining residential sites. These amendments include

Map Layer	GLEP 2014	CCLEP	Proposal
Lot Size	550m ²	550m ²	3,167m ²
Height of Building	8.5m	8.5m	8.5m
Floor Space Ratio (FSR)	0.7:1 (bounded by a blue line) This blue line refers to clause 4.4(2A) which specifies that notwithstanding the mapped FSR; an FSR of 0.5:1 applies if: - the building is used for the purpose of a residential flat building or multi dwelling housing, and - includes on-site car parking that is not located in the basement, and	0.5:1 (mapped in Area 1) Area 1 refers to clause 4.4A(5) which specifies that a FSR of 0.7:1 applies if: - the building is used for the purpose of residential flat building or multi-dwelling housing, and - all on-site car parking is located in the basement, and	0.5:1 (as car parking is proposed to be on-ground)

	- the site area is 1,000m ² or more.	- the site area is 1,000m ² or more.	
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In addition to the rezoning, the owner has put forward a proposition to acquire the land currently included within pedestrian pathways (1.37m wide) located adjacent to the northern and southern boundaries of the subject site (Figure 4). The pathways each accommodate a concrete footpath, however they do not provide formal connection to any public land or facilities. A more orderly use of the land would be to incorporate them into the developable area of the subject site.

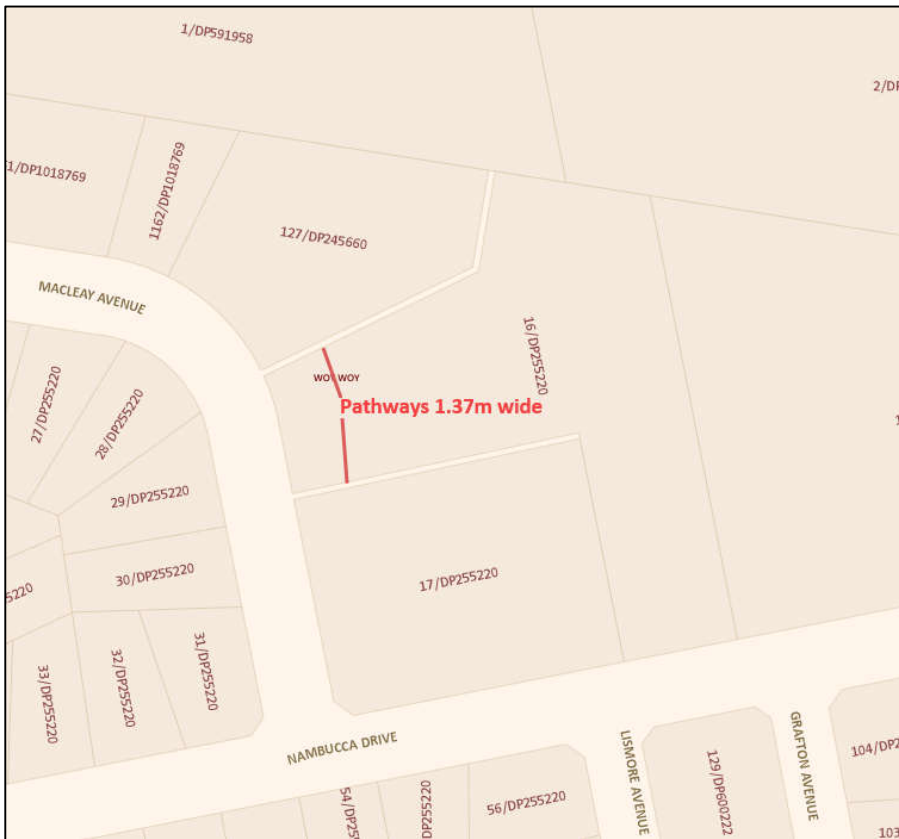


Figure 4 - Location of Pathways

Acquisition of these pathways is supported in accordance with Council's procedures. Acquisition of the land will be addressed under the Planning Agreement (PA) accompanying the Planning Proposal. It should be noted that they will have to be zoned to R1 General Residential as well.

For the remainder of the subject lot to be retained in the RE1 Public Recreation zone, it is proposed that it should be excised from private ownership and dedicated to Council. This will enable the efficient management of the land consistent with that of the land in the adjoining public reserve further to the east (Figure 2) and as a continuation of the existing Council-owned drainage reserve to the south (Figure 5).

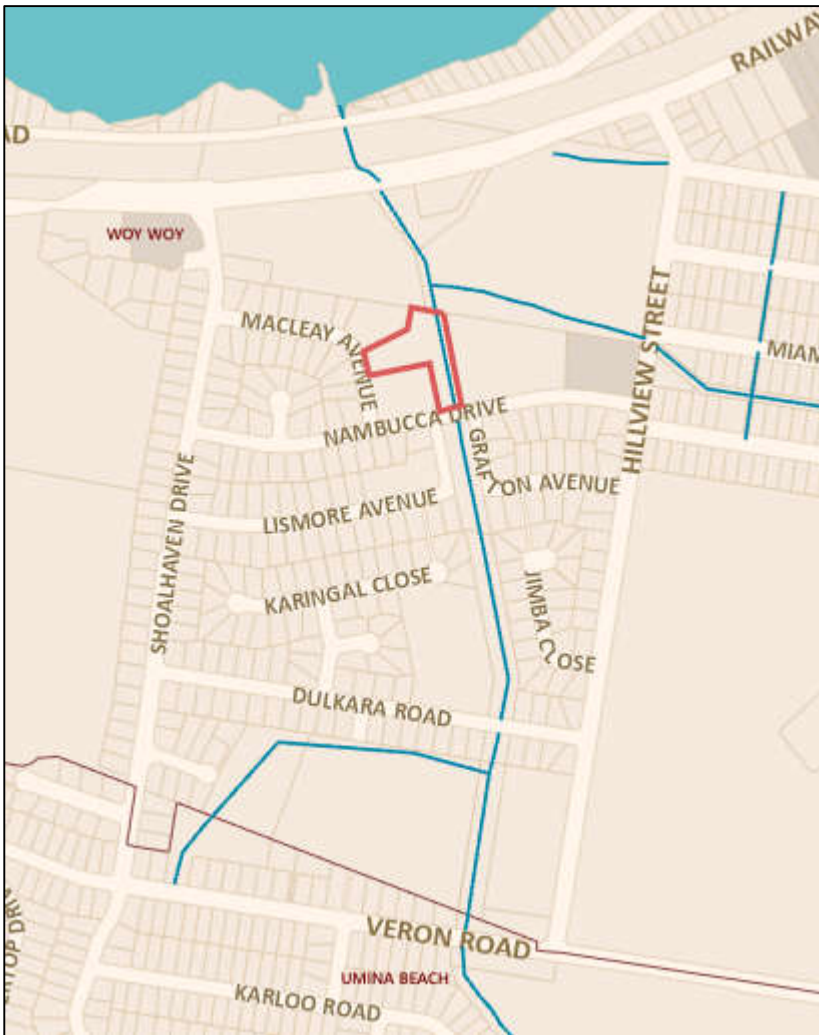


Figure 5 – Drainage Channels in the Locality

In order to transfer the drainage land into Council ownership the PA will set out the requirements to be undertaken to bring about the land transfer and ensure the vegetation is in a condition for Council to accept the future maintenance of the area.

Assessment

The rezoning of the western part of the lot to R1 General Residential, the zoning of the pathways to R1 General Residential, inclusion of the pathways in the developable land and the dedication of the eastern part of the lot to Council has strategic merit on the following basis:

- Even though the land is zoned RE1 Public Recreation, it is privately owned and not required by Council for future open space purposes.
- The site is within an established residential area. That part of the land proposed to be zoned R1 General Residential adjoins other R1 zoned land which has been developed for medium density housing.

- The Proposal will enable the provision of affordable rental housing to meet the needs of people on very low to moderate incomes.
- The site is close to an existing bus stop which provides regular services to Woy Woy Town Centre and Woy Woy Railway Station.
- The two pathways to the north and south of the lot do not currently serve a public purpose that benefits Council or the community. The inclusion of this additional land into the subject lot will increase safety of future residents by preventing public access along both sides of the future development.
- The dedication to Council of the RE1 Public Recreation zoned land along the watercourse in the eastern part of the site serves a public purpose as it provides a continuation of the existing Council-owned drainage reserve system.

The subject land is within the area covered by Contributions Plans 31A - Drainage, 31B - Roadworks, 31C - Open Space and Recreation, and 31D – Community Facilities and Services. Contributions applicable to the future development will be levied at the DA stage.

Current Status

The Planning Proposal is with Council for consideration of the strategic merits of zoning part of the subject land to R1 General Residential and the preparation of an accompanying Planning Agreement.

Internal Consultation

Internal consultation for the Planning Proposal has been undertaken as summarised below.

Environmental Strategies

Council's Ecologist supports the Planning Proposal given that significant impacts on Umina Coastal Sandplain Woodland (UCSW) EEC can likely be avoided by the proposal. This can be achieved during detailed design of the proposal for development assessment. Impacts on UCSW may also be able to be further reduced by ensuring required Asset Protection Zones (APZs) do not extend onto the portion of land (drainage reserve) proposed for dedication to Council. Any future Planning Agreement must ensure the drainage reserve is dedicated to Council with an appropriate fully funded Vegetation Management Plan, as approved by Council's Ecologist.

Water and Sewer

There are no significant constraints with respect to water and sewerage. The following items will be assessed as part of any subsequent *Water Management Act* Section 305 Application(s):

- Developer charges will apply in accordance with the 2019 Southern Region Water Supply and Sewerage Development Servicing Plan.
- The hydraulic designer will be required to obtain a flow and pressure enquiry from Council's Water Services and Design Section. The applicant may benefit from upsizing the existing Council 100mm water main to a 150mm water main dependant on the outcomes of their fire design.

- Build over sewer provisions will apply in line with Council's Building in Proximity to Pipelines Policy. This may trigger the applicant to contribute to the relining of the existing gravity sewer main traversing the site.
- The site is outside the Woy Woy Sewage Treatment Plant buffer zone.

Traffic and Transport

The site is within an established residential area. The existing residential area is well connected to the public transport network in this location, as well as integrated with nearby cycleways and pedestrian pathways. The site is well located for amenity and transport links that are suitable for affordable housing residents (a bus stop is within 165 m).

A traffic analysis indicates that the development will have no impact on the performance of the local road network and that adequate on-site parking has been provided as shown in the concept plan.

The site is located immediately adjacent to a local bus stop in Nambucca Drive and approximately 2.8km from the Woy Woy railway station. The proposal is consistent with local and regional strategies, in that it is providing opportunities for infill housing in close proximity to important services and facilities. The availability of public transport links immediately adjacent to the site supports the desired reduction in private vehicle use identified in Ministerial Direction 3.4 Integrating Land Use and Transport and the Central Coast Regional Plan.

Floodplain Management

The full extent of the site is flood prone. It is noted that the vegetated segment along the watercourse, is all identified as Floodway, and hence not developable (Figure 6). The heavily treed area should therefore be left in its current condition, as it is upon this that the flood analysis is based.

The developable limit is that within the Flood Fringe area only. Based on the available data, the site is only developable within the area defined by Flood Fringe. It appears that flooding up to the 1% is not an issue of concern for the site of the proposed parking area. On that basis it can be supported.

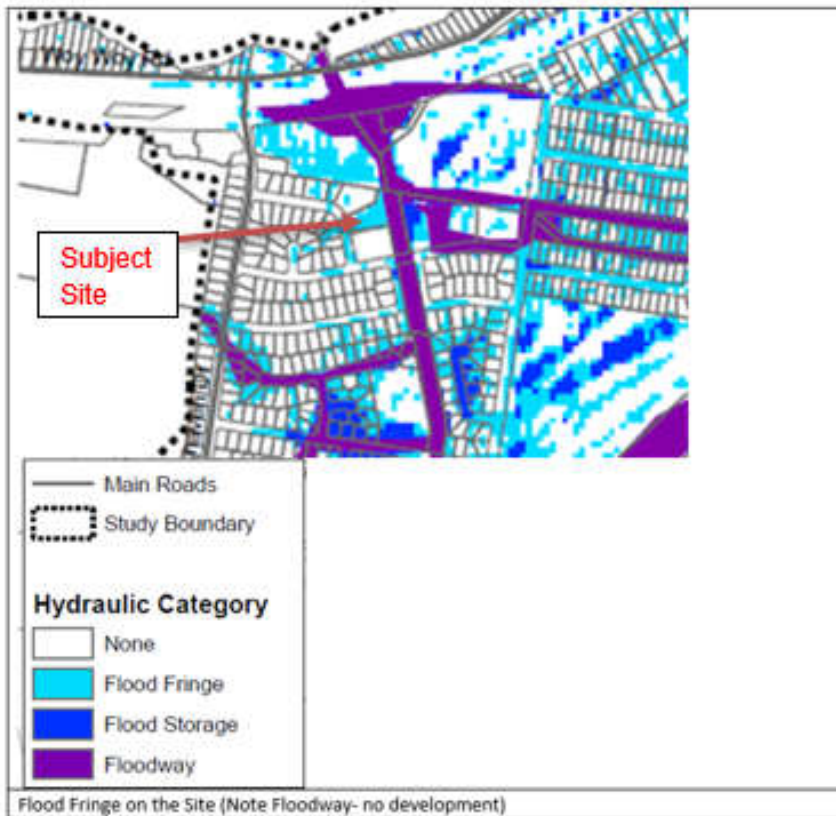


Figure 6 – Flood Categories applying to the Land

Roads Assets Planning and Design

Council is willing to enter into an agreement to provide the two pathway corridors (1.37m wide) running adjacent to 18 Macleay Ave, Woy Woy as shown in red on the attached plan. Provided it is at nil-cost to Council (Figure 7).

Council is willing to accept ownership of the land at the rear of the property, as shown on the attached plan in blue, as a drainage reserve provided it is at nil-cost to Council (Figure 7).



Figure 7 – Location of Pathways and Proposed Drainage Reserve

The Applicant, on behalf of the owner, has advised that the land acquisition by Council of the rear area of the site east of the creek is accepted.

Drainage Assets

An alignment change for the drainage system through the subject site, so it is located under the future internal driveway, could be considered at the DA stage subject to the proposal meeting the following objectives:

1. Any proposal to relocate Council's stormwater infrastructure must be in accordance with Council's Civil Works Specification (CWS).
2. It must also take into account section 6.7.10 of Council's Development Control Plan – 'Building adjacent to drainage easement / stormwater pipes' (former Gosford Council's DCP) which outlines what is permissible within a property burdened by public stormwater.
3. All structures are to be clear of Council's drainage infrastructure and easement
4. Should it be proposed to relocate Council's pipeline within the subject site, an easement is to be created in accordance with the CWS.
5. All relevant studies are to be carried out to determine the flows, required pipe sizes and overland flow management requirements
6. Provisions for overland flows are to be made through the site and these are to be contained within the easement.
7. Unrestricted access is required through the easement at all times
8. All costs associated with any modifications to Council's drainage system and / or easement are to be borne by the applicant

Careful consideration will need to be given to Hazard Category of the overland flows as ideally they would need to meet the H1 hazard category to reduce risks to pedestrians / cars etc.

The Terms of the new easement may reflect that any costs incurred by Council for excavating through the driveway pavement to Council's drainage infrastructure for maintenance or renewal activities, will be borne by the property owner(s).

Open Space and Recreation

There is sufficient open space within 400m walk of the subject land to accommodate future population needs. There are local-scale RE1 parcels to the east, north and south within 400m walk of the subject land and there are district and regional RE1 parcels on the Woy Woy Peninsula within a 10 minute drive by car.

Environmental Management

The land is not identified for acquisition under the Coastal Open Space System (COSS) or other program for acquisition by Council to add to the Bushland Reserve at Hillview Street, Woy Woy.

The two pathways to the north and south of Lot 16 DP255220 do not currently appear to have a purpose that benefits Council or the community. No objection to the pathways being disposed of by Council under the standard process.

Environmental Health

An Acid Sulfate Soil Management Plan is imperative at the DA stage to ensure no degradation of the watercourse which traverses the site and flows into Brisbane Water.

The site is suitable for the proposed Residential use from a contamination perspective.

The Environmental Health Team supports the planning proposal and no additional information is required at this stage.

Social Planning

The Planning Proposal:

- is for infill residential development within an established residential area comprising both low and medium density housing;
- will provide affordable rental housing, 21 units comprising 1 and 2 bedrooms, which provides for a diversity of housing options to meet the needs of people on very low to moderate incomes;
- is well located in relation to services, facilities and social support in Woy Woy Town Centre and public transport (165m to bus stop and Woy Woy Train Station) providing access to a wide range of areas, employment opportunities, facilities and services;
- is to be developed and managed by a recognised community housing provider with wrap around support services and programs for tenants;
- is aligned with the objectives in Council's Affordable and Alternative Housing Strategy.

The planning proposal is supported, and it is recommended that a Social Impact Assessment (SIA) be provided as part of the DA documentation.

External Consultation

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly. It is anticipated that due to the existing development surrounding, and the location, that a number of government agencies may be required to be consulted, such as the following:

- NSW Rural Fire Service regarding bushfire matters;
- Transport for NSW, regarding transportation and road networking matters;
- NSW Biodiversity Conservation Division (BCD) on vegetation and biodiversity matters;
- Department of Family and Community and Justice, regarding social housing matters; and
- Darkinjung Local Aboriginal Land Council and Guringai Tribal Link (also known as Wannangini), regarding Aboriginal heritage values.

Statutory compliance and strategic justification

The proposal has been assessed having regard for all State Environmental Planning Policies (SEPPs), Section 9.1 Ministerial Directions and relevant guidelines set out within the Central Coast Regional Plan 2036 as detailed in Attachment 2.

The proposal is considered to be consistent with these considerations, therefore is suitable for forwarding to the Minister of Planning requesting a Gateway Determination.

Social Impacts

The proposal will provide additional social housing in a locality with good access to services and facilities.

Environmental Considerations

The dedication of the eastern part of the site to Council will ensure protection of vegetation along the existing watercourse.