



**Item No:** 2.3  
**Title:** Request to prepare a Planning Proposal for 18 Macleay Avenue, Woy Woy  
**Department:** Environment and Planning

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15 June 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14582058  
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Executive: Scott Cox, Director Environment and Planning

### **Recommendation**

- 1 That Council prepare a Planning Proposal to rezone the western part of Lot 16 DP 255220 and the adjoining pathways to R1 General Residential under Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time).**
- 2 That Council, as part of the Planning Proposal, apply the following mapping layers to the land proposed to be zoned R1 General Residential:**
  - a) Minimum Lot Size of 550m<sup>2</sup>;**
  - b) Maximum Building Height of 8.5m; and**
  - c) Floor Space Ratio of 0.7:1 with blue line (under Gosford Local Environmental Plan 2014, or 0.5:1 in Area 1 (under Central Coast Local Environmental Plan).**
- 3 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 a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 4 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.**
- 5 That Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement with the owner of Lot 16 DP 255220 to require:**
  - a) Dedication of the eastern part of the land to Council for a drainage reserve;**
  - b) Inclusion of the two adjoining pathways into the subject land in accordance with Council's procedures.**

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### **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.**

#### **Report purpose**

The purpose of this report is for Council to consider a request to prepare a Planning Proposal to enable medium density residential development to occur on the western part of Lot 16 DP 255220, 18 Macleay Avenue, Woy Woy.

#### **Executive Summary**

The Planning Proposal seeks to rezone the western part of the subject land from RE1 Public Recreation to R1 General Residential under Gosford Local Environmental Plan 2014 (GLEP 2014) or Central Coast Local Environmental Plan (CCLEP), whichever is in effect at the time.

Whilst the land is zoned RE1 Public Recreation, it is a vacant lot that is privately owned and is not used for recreation purposes.

The Planning Proposal has strategic merit for the following reasons:

- The site is within an established residential area. The western 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; and
- The eastern part of the site is vegetated and accommodates a watercourse which forms a continuation of the local drainage system. There will be a public benefit in this land coming into public ownership.

Negotiation of a Planning Agreement with the landowner will be required to address the dedication of land to Council for a drainage reserve and inclusion of obsolete public pathways into the subject land to be rezoned R1 General Residential.

The Planning Proposal was referred to the Local Planning Panel on 13 May 2021 which advised:

*The Panel supported the recommendations in the draft report and noted the importance of ensuring no impact on threatened species, both flora and fauna.*

#### **Background**

The land subject to the rezoning was originally zoned 6(a) Open Space (Recreation) and 5(a) Special Purposes (Drainage) under the Gosford Planning Scheme Ordinance. The zoning of the land in its entirety was converted to RE1 Public Recreation under GLEP 2014.

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Despite the zoning of the land, it is in private ownership. The transfer of the land occurred in 2019 whereby the proponent purchased the land from the NSW Land & Housing Corporation.

The current owner of the land is a local provider of affordable rental housing. It is proposed that the rezoning of the land will enable the site to be developed to meet the needs of people on very low to moderate incomes.

### **Report**

The Planning Proposal request is to:

- Rezone the western part of the subject lot to R1 General Residential;
- Rezone the adjoining pathways to the north and to the south to R1 General Residential; and
- Dedicate the eastern part of the site to Council as a drainage reserve.

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.

That part of the site proposed to be dedicated to Council will be at no cost to Council, however, there will be ongoing maintenance costs associated with the drainage reserve. Any

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future Planning Agreement must ensure the drainage reserve is dedicated to Council with an appropriate fully funded Vegetation Management Plan, as approved by Council.

### **Link to Community Strategic Plan**

Theme 1: Belonging

#### **Goal A: Our community spirit is our strength**

B-A4: Enhance community safety within neighbourhoods, public spaces and places.

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.

Theme 4: Responsible

#### **Goal I: Balanced and sustainable development**

R-I2: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

R-I3: 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.

R-I4: Provide a range of housing options to meet the diverse and changing needs of the community and there is adequate affordable housing.

### **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.

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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 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; and
  - There will be a public benefit in the land required for drainage purposes coming into public ownership;
- 2 Refuse to support the Request for a Planning Proposal (This is not a recommended option).
  - Should the Planning Proposal not be supported, an opportunity will be missed for rezoning suitable land for residential purposes and the provision of affordable housing in the locality.

### Conclusion

The request to rezone part of the subject land is considered to have strategic merit 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

1	Proposal Planning Assessment	Provided Under Separate Cover	D14595864
2	Strategic Assessment	Provided Under Separate Cover	D14598143
3	Local Planning Panel Advice	Provided Under Separate Cover	D14642601