

Item No: 2.2
Title: Planning Proposal RZ/58/2016 - Peat Island
Department: Environment and Planning



22 March 2017 Ordinary Council Meeting

D12614550

Summary

The purpose of this report is to consider a planning proposal which seeks to rezone land at Peat Island and Mooney Mooney to permit a mix of residential, community, environmental recreation and employment land uses.

This report recommends that Council prepare a planning proposal and request a gateway determination.

Recommendation

- 1 That Council prepare a planning proposal to amend Gosford Local Environmental Plan 2014, to rezone the land known as Lot 2 DP239249, Lot 10 DP1157280, Lot 11 DP1157280, Lot 4 DP239249, Lot 11 DP863305, Lot 9 DP863305, Lot 7011 DP1057994, Lot 2 DP431999, Lot 12 DP863305, Lot 1 DP 597504, Lot 2 DP945014, Lot 1 DP431780, Lot 21 DP836628, Lot 1 DP945014, Lot 1 DP107391, Lot 12 DP1158746, Lot 13 DP1158746, Lot 14 DP1158746 Mooney Mooney (including Peat Is.) from SP2 - Infrastructure to a mix of residential, community, environmental, recreation and employment land uses pursuant to section 55 of the Environmental Planning and Assessment Act 1979;**
- 2 That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to s.56(1) of the EP&A Act, 1979;**
- 3 That Council, subject to the gateway determination, prepare and exhibit an amendment to Gosford Development Control Plan 2013 to include appropriate Development Control Plan provisions;**
- 4 That if required, Council authorise staff to negotiate and prepare a Voluntary Planning Agreement with respect to any aspect of the proposal;**
- 5 That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination including the concurrent exhibition of the draft Development Control Plan and draft Voluntary Planning Agreement with respect to any aspect of the proposal;**

- 6 ***That Council undertake community and public authority consultation, in accordance with the gateway determination requirements, including the concurrent exhibition of the draft Development Control Plan and draft Voluntary Planning Agreement (if required).***
- 7 ***That Council consider a further report on results of the agency and community consultation.***

ORDINARY MEETING 22 MARCH 2017

Mr John Andrews, local resident, addressed Council at 5.05pm and retired at 5.11pm.

Ms Di Bowles, on behalf of Brooklyn Community Association and Lower Hawkesbury Consolidation of Communities Association, addressed Council at 5.11pm and retired at 5.17pm.

RESOLVED on the motion of Mr REYNOLDS:

- 1/17 ***That Council prepare a planning proposal to amend Gosford Local Environmental Plan 2014, to rezone the land known as Lot 2 DP239249, Lot 10 DP1157280, Lot 11 DP1157280, Lot 4 DP239249, Lot 11 DP863305, Lot 9 DP863305, Lot 7011 DP1057994, Lot 2 DP431999, Lot 12 DP863305, Lot 1 DP597504, Lot 2 DP945014, Lot 1 DP431780, Lot 21 DP836628, Lot 1 DP945014, Lot 1 DP107391, Lot 12 DP1158746, Lot 13 DP1158746, Lot 14 DP1158746 Mooney Mooney (including Peat Is.) from SP2 - Infrastructure to a mix of residential, community, environmental, recreation and employment land uses pursuant to section 55 of the Environmental Planning and Assessment Act 1979;***
- 2/17 ***That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to s.56(1) of the EP&A Act, 1979;***
- 3/17 ***That Council, subject to the gateway determination, prepare and exhibit an amendment to Gosford Development Control Plan 2013 to include appropriate Development Control Plan provisions;***
- 4/17 ***That if required, Council authorise staff to negotiate and prepare a Voluntary Planning Agreement with respect to any aspect of the proposal;***
- 5/17 ***That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination including the concurrent exhibition of the draft Development Control Plan and draft Voluntary Planning Agreement with respect to any aspect of the proposal; it***

being noted that it is considered that any exhibition of the draft planning proposal and related draft Development Control Plan and/or draft Voluntary Planning Agreement should extend for at least 3 months to facilitate community input, and that Council should also hold community information sessions in the local area during the exhibition period.

6/17 That Council undertake community and public authority consultation, in accordance with the gateway determination requirements, including the concurrent exhibition of the draft Development Control Plan and draft Voluntary Planning Agreement (if required).

7/17 That Council consider a further report on results of the agency and community consultation. It being noted that any final Council decision on the draft Planning Proposal, Draft Development Control Plan and Draft Voluntary Planning Agreement, following exhibition and the receipt of community and agency input, should be made by the future elected Council.

Background

The initial planning proposal for the site was lodged with the former Gosford City Council on 11/08/2014. This planning proposal sought to rezone the land from SP2 Infrastructure to a mix of residential, community, environmental, recreational and employment uses to enable revitalisation of the site and provide ongoing future uses for the land. The planning proposal outlined the following changes for the site:

- Community facilities: The existing informal community library will be relocated from its current position within the former Mooney Mooney public school to an alternative location within the site. The chapel will be retained in its current location.
- Residential: A mix of dwellings (total 450 dwellings) including detached houses, attached housing and residential flat buildings to be zoned R1- General Residential or R2 - Low Density Residential.
- Neighbourhood Centre: A service station complemented by neighbourhood retail uses which may include a small supermarket and restaurant / café uses to be zoned B2 - Local Centre.
- Marina: 250 wet berths, associated land based marina uses and parking located on the waterfront with land based component to be zoned W2 - Recreational Waterways.
- Emergency services facilities: Existing facilities for ambulance, RMS highway services and the Rural Fire Service will be relocated within the land and be zoned SP2 – Infrastructure.

- Foreshore Park: Provision of a large public open space located adjacent to the foreshore opposite Peat Island. This open space will provide opportunities for informal recreational activity. Public car parking will also be made available in this location. Land to be zoned RE1- Public Recreation.
- Peat Island Park: Public open space will be located at the southern end of Peat Island. This open space will provide opportunities for public access and in formal recreational activity, which is not currently available. Land to be zoned RE1- Public Recreation.
- Foreshore Access: Provision of more than 2.75km of public foreshore access around Peat Island and along the river foreshore. Land to be zoned RE1- Public Recreation.
- Public wharf and boating facilities: Existing public car and trailer parking and public wharf facilities will be retained at Mooney Mooney Point Reserve. Land to be zoned RE1- Public Recreation.

On 9 December 2014, the former Gosford City Council supported that initial Planning Proposal and resolved to initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 of the Environmental Planning and Assessment Act, by endorsing that initial Planning Proposal.

On 22 September 2015 the former Gosford City Council and Government Property NSW were advised by the Department of Planning and Environment (DP&E) that additional information was required before the initial proposal could be further considered for Gateway determination.

On 18 October 2016 a modified planning proposal was lodged with Central Coast Council which responded to issues outlined in correspondence received from the DP&E.

The Site

The site as shown in Figure 1 comprises land east and west of the M1 Motorway at Mooney Mooney and the entirety of Peat Island. The site is located approximately 29 kilometres to the south-west of Gosford City Centre, approximately 55km to the north of Sydney CBD and approximately 24km from the start of the M1 Motorway at Hornsby / Wahroonga. The closest railway station is situated at Brooklyn, approximately 5km to the south east. Bus services connect the Hawkesbury River Station to Mooney Mooney and to Hornsby in the south.

The M1 Motorway is a dominant feature of the surrounding area and divides the site. The existing residential neighbourhood of Mooney Mooney is located to the east of the M1 Motorway. To the north of the site is bushland forming part of the Popran National Park, which extends up the western side of the M1 Motorway. To the south of the site is the Hawkesbury River, which forms a significant scenic element of the surrounding area. Further beyond the immediate surrounds are other residential communities along the Hawkesbury River including Brooklyn, Cogra Bay, Milson Island and Dangar Island.

The majority of the site east and west of the M1 Motorway is undeveloped or disused. Peat Island contains various buildings which reflect the island's use since the early twentieth century for institutional purposes. Adjoining developments comprise low-density residential, industrial wharves and the Mooney Mooney Club.

The site was originally developed for institutional purposes, with boat launching and vehicular parking being located the southern extent of the foreshore. The former Mooney Mooney Public Primary school is also located on the eastern side of the subject site.

Peat Island, formerly known as Rabbit Island, has historically been Crown Land since European settlement.

The island was dedicated for use as an asylum for inebriates (alcoholics). Construction of the buildings associated with the asylum commenced in 1902 and involved the clearing and levelling of the island. Since that time the site has been used for various uses including as a psychiatric facility, home for boys and disability institution until its permanent closure in 2010. This land is now redundant and surplus to the needs of the NSW State Government and is proposed to be sold. The Mooney Mooney Public Primary school opened in 1939. A decline in enrolments and an increase in the availability of alternative schools within the locality resulted in the closure of the school in 2007.

A Site Compatibility Certificate (SCC) No. I08_018 was issued by the State Government in respect of the school site in November 2008. The SCC deemed the site to be suitable for low density residential use consistent with adjoining lands. While the SCC has now expired (28 November 2013) the land use context within which the former school site sits, remains unchanged.

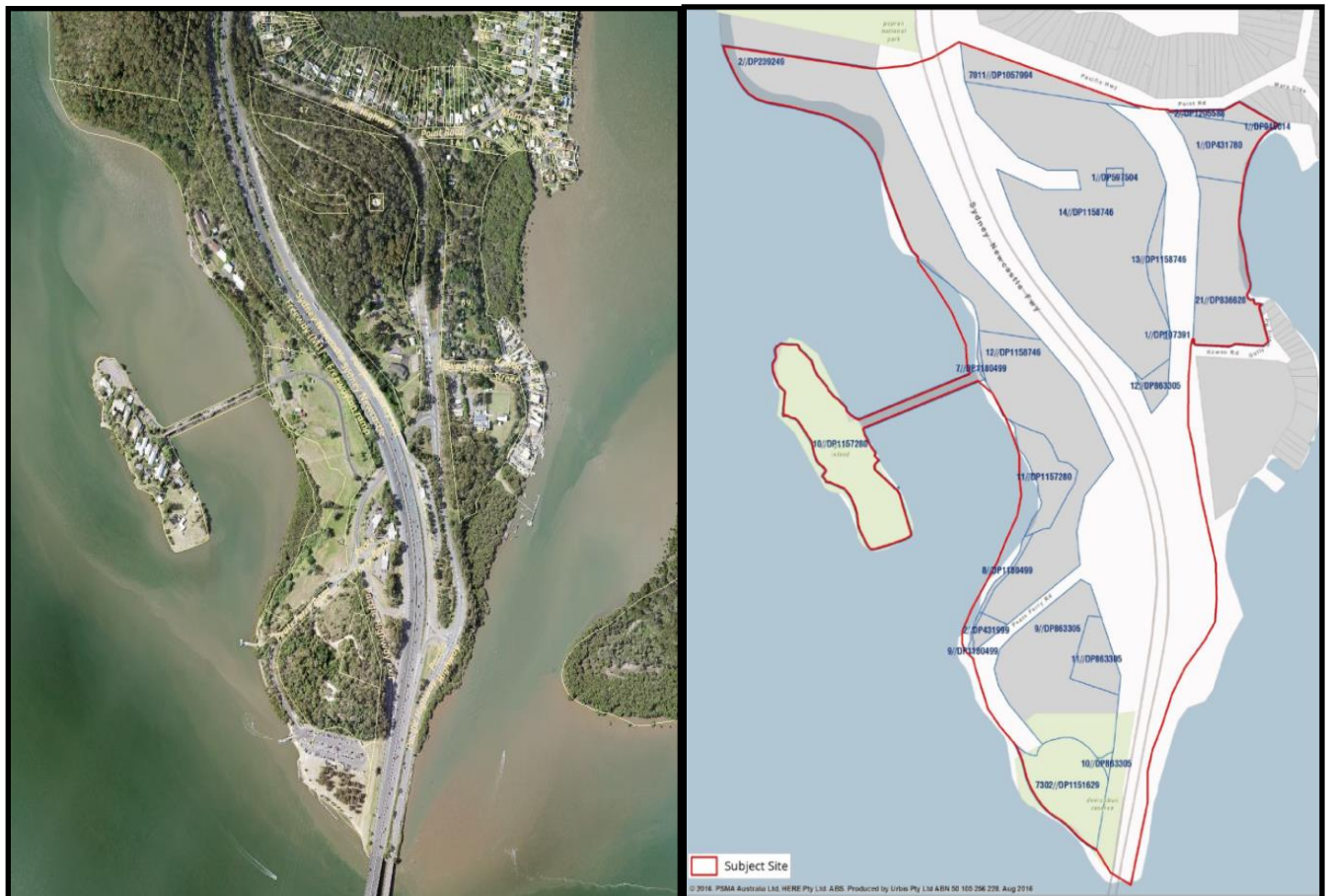


Figure 1: Locality Context Aerial (left) and subject site indicated by red outline (right).

The Proposal

The modified planning proposal seeks to amend the *Gosford Local Environmental Plan 2014* (GLEP 2014) by rezoning the site from the current SP2 zone to the following zones:

- B2 – Local Centre
- R1 – General Residential
- R2 – Low Density Residential
- RE1 – Public Recreation
- RE2 – Private Recreation
- SP3 – Tourist
- E1 – National Parks and Nature Reserve

The proposed zoning of the original planning proposal (left side), and land use zones in the amended planning proposal (right hand side) are shown in Figure 2.

It is also proposed to amend the *Gosford LEP 2014 Schedule 1 Additional Permitted Uses* to allow development for the purposes of boat building and repair facilities, boat launching ramps, boat sheds, car parks, charter and tourism boating facilities, marinas and water recreation structures within the proposed Private Recreation RE2 zone.

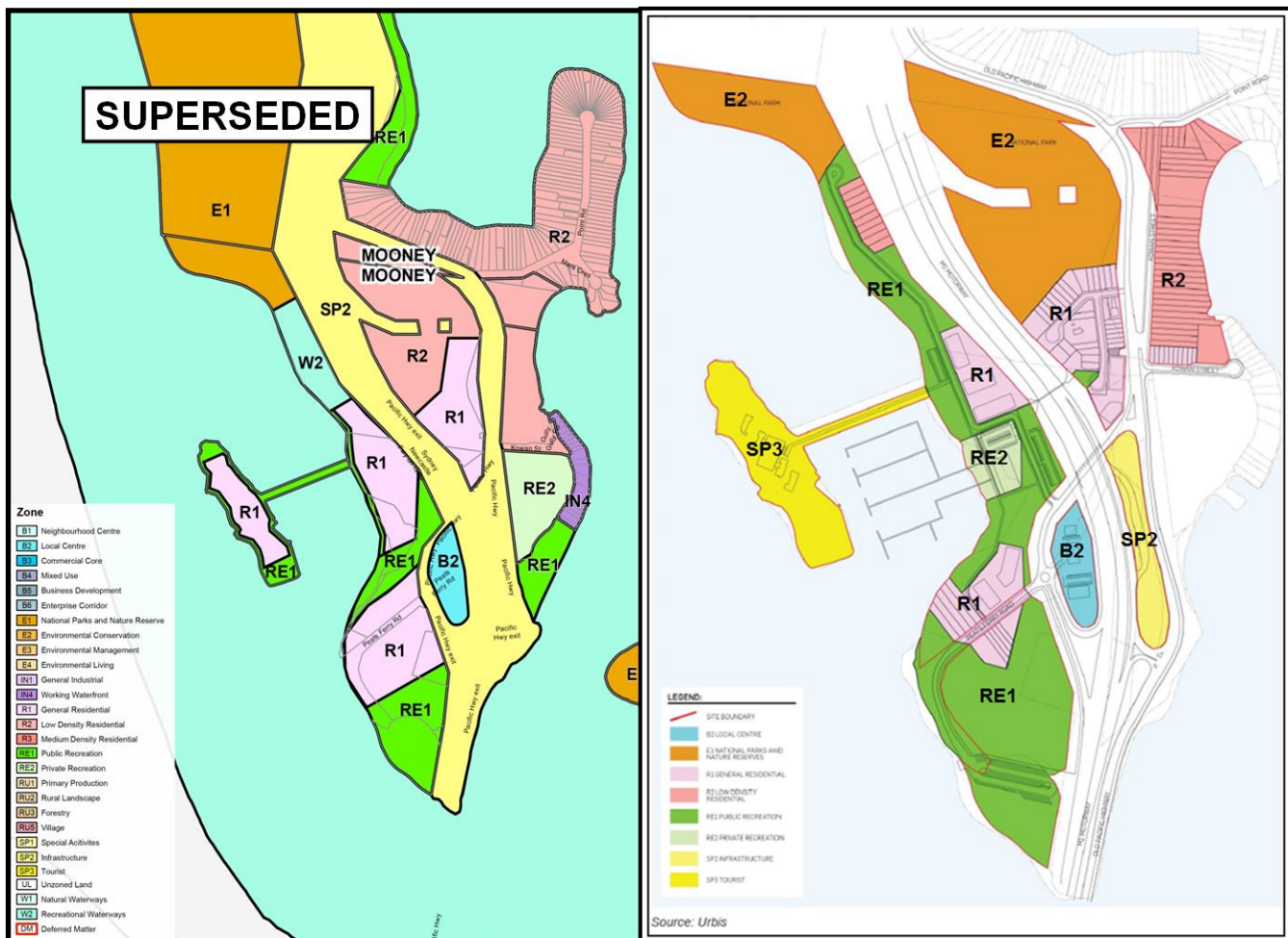


Figure 2: Initially proposed zonings (left); and, modified proposed zonings (right)

The amended planning proposal, whilst maintaining flexibility for a mix of land uses and future development options, has incorporated the following key changes:

- Introduction of SP3 – Tourism as a land use for Peat Island. This change provides opportunity for the future development of the site with a view towards tourism that will enable the preservation of the historical significance of the Island;
- Introduction of private recreation zone to enable the development of a marina. This use supports a recreational and tourism approach to the long term use of the site.
- Reduced density (previous 400-500 dwellings, proposed 268)
- Reduced building height (previous 17metres, proposed 12metres)

- Increased dedication of land towards National Park (previous 2.6ha, proposed 11.3Ha)

The following table provides a summary of changes between the initial planning proposal and the amended planning proposal.

Table 1: Comparison of initial and amended proposal

Consideration	Initial Planning Proposal	Current Planning Proposal
LEP Controls		
Land Zoning	<ul style="list-style-type: none"> • B2 – Local Centre • E1 – National Parks and Nature Reserves • R1 – General Residential • R2 – Low Density Residential • RE1 – Public Recreation • W2 – Recreational Waterways 	<ul style="list-style-type: none"> • B2 – Local Centre • E1 – National Parks and Nature Reserves • R1 – General Residential • R2 – Low Density Residential • RE1 – Public Recreation • RE2 – Private Recreation • SP3 - Tourist
Permissible Uses with Consent	Consistent with permissible uses listed in the Gosford Local Environmental Plan Land Use Table for each zone.	Consistent with the permissible uses listed in the Gosford Local Environmental Plan 2014 Land Use Table for each zone; and, List of permissible uses for proposed new zone SP3 – Tourist.
Additional Permitted Uses with Consent	Nil additional uses proposed	Additional permitted use proposed to zone RE2 to permit dry berth storage.
Maximum Height of Buildings	<ul style="list-style-type: none"> • 17 metres – Area west of M1 Motorway and Peat Island • 8.5 metres – Area east of M1 Motorway 	<ul style="list-style-type: none"> • 12 metres – Non-residential uses adjacent M1 Motorway, Peat Island and residential uses adjacent Motorway and residential uses on Peats Ferry Road • 9 metres – Residential west of M1 Motorway opposite Peat Island causeway • 8.5 metres – Majority of residential uses
Minimum Allotment Size	<ul style="list-style-type: none"> • 450m² • 1,500m² for large lot housing 	<ul style="list-style-type: none"> • 400m² - General Residential near M1 Motorway • 550m² - All other residential

Number of Dwellings	<ul style="list-style-type: none"> • 400 – 500 dwellings 	<ul style="list-style-type: none"> • Approximately 268 dwellings proposed comprising: <ul style="list-style-type: none"> i. 82 low density ii. 22 town houses iii. 164 apartments
Community Facilities	<ul style="list-style-type: none"> • 2,800m² of land 	<ul style="list-style-type: none"> • 3,000m² of land
Land Proposed to be Dedicated as National Park	<ul style="list-style-type: none"> • 2ha 	<ul style="list-style-type: none"> • 11.3ha (per proposed E1 zoned land in <i>Figure 4</i>)
Land for Publically Accessible Open Space	<ul style="list-style-type: none"> • 2.6ha 	<ul style="list-style-type: none"> • 10ha (per proposed RE1 zoned land in <i>Figure 4</i>)
Marina Berths	<ul style="list-style-type: none"> • 250 wet berths • 0 dry stack 	<ul style="list-style-type: none"> • 110-130 wet berths • 60 dry stack
Tourism Zoned Land	<ul style="list-style-type: none"> • None proposed 	<ul style="list-style-type: none"> • 37,172m²
Residential Uses on Peat Island	<ul style="list-style-type: none"> • Yes 	<ul style="list-style-type: none"> • No
Development on Escarpment	<ul style="list-style-type: none"> • Yes 	<ul style="list-style-type: none"> • No

Assessment

A preliminary assessment of the planning proposal indicates that the concept has strategic merit.

The Mooney Mooney locality is typical of many isolated communities where the current level of development and hence population is insufficient to support a basic level of service provision. Mooney Mooney is heavily reliant on the services that are available in Brooklyn in the Hornsby Shire. The rezoning of the redundant Hospital zoned land provides an opportunity to generate a population level that can support an increased range of services. The provision of the business zoned land is an important component of the provision of services to the local community. The support for the viability of this business zoned area will be through the passing trade from the M1 - Motorway. It is necessary though that this land in addition to providing services to motorway users also contain the services required by local residents. The planning and design provisions for this land will need to be carefully crafted to ensure the needs of all potential users are satisfied.

The residential development is dependent on its accessibility to the M1 - Motorway. New residents in the area will be primarily reliant on vehicle use for access to employment, recreational, social and shopping activities. Most trips will be to locations to the south in the Hornsby Shire and beyond. The Planning Proposal provides the opportunity to improve transport and pedestrian links within the local Mooney Mooney area. The Planning Proposal will result in improved cycling and pedestrian access through the provision of better facilities associated with development.

The planning proposal requests a portion of the site adjacent to the M1-Motorway (west side) to be zoned B2 - Local Business zone. The land is currently used by RMS and Ambulance services. It is proposed that the site would be developed for a local convenience store/service station available for use by local residents and passing motorists. The proposal will not affect any existing centres as there are no similar centres within Mooney Mooney. The centre will provide local job opportunities and therefore is in accordance with this Direction.

The zoning of land for business purposes is primarily designed to take advantage of existing passing trade on the M1 Motorway with a relatively small amount of use by local residents. The centre will not generate a transport demand in itself. The location of the centre will not influence the movement of traffic in the area but take advantage of existing traffic flows.

The business zone will provide the opportunity for much needed access to daily services that can easily be accommodated in a local business zone.

The planning proposal provides opportunities for the provision of additional community open spaces and places that are provided through zoned public recreation, private recreation, national park and tourism zones. Currently, public access on the site is restricted with the exception of the Mooney Mooney Point Reserve. Redevelopment of the site provides an opportunity to improve the quality and provide genuine publicly accessible open space within the site, primarily on the foreshores. Of particular note it will provide public access to the foreshore and Peat Island (which is not currently available).

The following matters require further studies post Gateway Determination

- A detailed Community Needs Assessment to determine if any additional facilities and social infrastructure are required to support the development.
- A Master Plan for Sensitive Coastal Location land in accordance *with State Environmental Planning Policy No. 71 – Coastal Protection*.
- A Conservation Management Plan that consider the significance of European heritage items (e.g. some items that have been identified as 'significant' by the applicant) that are proposed to be protected.
- Further investigations regarding potential Aboriginal sites in the Mooney Mooney west precinct and on the former Mooney Mooney School site where unrecorded engravings have been identified.
- Even though there is adequate water and sewer infrastructure to service the land, additional studies will be required to determine the exact water and sewer infrastructure requirement prior to any development taking place.

Statutory Compliance and Strategic Justification

In May 2016 DP&E issued guidance for merged councils on planning functions. In accordance with these guidelines, merged Councils are to continue to progress planning proposals with strategic merit. The proposal is considered to be of local significance, and provides opportunity for housing, business, recreation and tourism purposes.

The proposal is considered consistent with the Central Coast Regional Plan 2016 in that it delivers additional housing opportunities and choice, and has the potential to increase job containment in the region.

Internal Consultation

Internal consultation for the planning proposal has included staff from the following units, with no objections raised to this stage of assessment:

- Environment Officer - Ecology
- Flooding & Drainage Officer –Flooding
- Water Assessment Officer – Water & Sewer
- Heritage Programmes & Projects Officer – Heritage
- Strategic Transport Planner – Traffic
- Environmental Planning Officer – Coastal
- Natural Open Spaces – Passive open space
- Sport and Recreation – Active open space
- Economic Development and Business Enterprise – B2 zone component

External Consultation

Government agency and public consultation requirements for the planning proposal will be detailed in the gateway determination and conducted accordingly. It is anticipated that the following agencies will need to be consulted:

- Darkinjung Local Aboriginal Land Council;
- Guringai Tribal Link;
- NSW Office of Environment and Heritage;
- NSW Office of Water;
- Roads & Maritime Service;
- Rural Fire Service;

Preliminary comments were received from the Office of Environment and Heritage (OEH) on the amended proposal. OEH raises no objection to the proposal being considered for Gateway determination.

It is noted that comments are yet to be received from Roads and Maritime Services.

Budget Impact

There are no immediate budget impacts as the assessment of the Planning Proposal is being funded by payment of a Phase 1 Rezoning Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the proponent.

All infrastructure and services required to support the development will be required to be provided by the developer.

Conclusion

The proposal will provide for orderly and economic development of land that is currently disused by the State government.

It is therefore considered that a planning proposal should be prepared and forwarded to DP&E for a gateway determination.

Attachments

- 1 Summary of Planning Proposal D12619072