



Copacabana Community Association Inc.

Copacabana Community Association - Submission – December 20, 2021
Planning Proposal - Peat Island & Mooney Mooney, August 2021

Copacabana Community Association (CCA) welcomes the opportunity to make a submission on the Planning Proposal for Peat Island and Mooney Mooney, prepared for Property & Development NSW, August 2021. We make this submission on behalf of our members and the community generally, as we believe that proposals contained within this Planning document would create precedent that could have broader negative implications for neighbourhoods and suburbs across the Central Coast LGA and consequences for ratepayers in that LGA.

Note: Extracts quoted here are from Mooney Mooney and Peat Island Planning Proposal 2021 (MM&PIPP21).

Extract Page 1 – MM&PIPP21 – Executive Summary

This revised Planning Proposal Report has been prepared by Urbis on behalf of Property & Development NSW and seeks amendments to the Gosford Local Environmental Plan 2014 (GLEP 2014) for surplus Government owned land at Peat Island and Mooney Mooney (the site).

1 THE PROPOSAL GENERALLY

This land ‘...has historically been Crown Land since European Settlement.’¹ That is, it is land that is owned by NSW taxpayers, that has been used for public recreation and/or important health or social services. The purpose of this proposal – to change Zoning Regulations in the Central Coast LGA - is to facilitate sale, privatisation and commercialisation of the land, with profits only benefiting private interests and Developers. It is our view that as a general principle, this land should be maintained as

¹ MM&PIPP21 - Executive Summary, Page 2

public property and used for a public purpose, that is for the benefit of taxpayers – and not be subject to a ‘user-pays’ principle.

Additionally, the heritage values of the site should be formally acknowledged and these aspects of the site should be conserved and improved, with respect accorded to Peat Island as the site of a former institution, and in memory of the people who lived (and in some cases, died) here.

2 PROPOSED ZONING REGULATION CHANGES WOULD CREATE UNACCEPTABLE HOUSING DENSITIES AND SHOULD NOT APPLY UNIVERSALLY TO THE CENTRAL COAST LGA

Extract – Page 4 – PI&MMPP – Executive Summary

- *Amend the GLEP 2014 Lot Size Map to allow minimum lots size of 150sqm, 220sqm, 300sqm and 450sqm across selected areas of the site as indicated on the proposed Minimum Lot Size Map.*

COMMENT:

The proposed ‘amendment’ to the GLEP 2014 Lot Size Map would set an alarming precedent for unsustainable residential densities across the Central Coast and must not be allowed. The former Gosford Council minimum lot size in R2 zones was 550sqm and this has been reduced to 450sqm in the Consolidated LEP.

In such a constrained space, these very small permissible lot sizes can be justified only on the basis that it will return the most ‘bang for buck’ to the developers. As such, this proposal – for reduced lot sizes - is not in the public interest and should be rejected.

Furthermore, there is no easily accessible reference in the documents to building heights or FSR regulations that would attach to the smaller lot sizes (150sqm, 220sqm, 300sqm) to allow for a proper examination of the likely visual impacts. 3-storey building heights have been mentioned elsewhere in the document. Refer to this extract from Council’s own fact sheets²

‘Building height in the R2 Low Density Residential zone is proposed to be controlled under the CCDCP, unless specifically mapped under the CCLEP. Building height for dwellings in areas not specifically mapped by the draft CCLEP will be 10m with the building height generally not exceeding two storeys. This will ensure the two-storey character of these areas will not change. Three storey

² Final_fact_sheet_8_-_residential_zones-30.11.18pdf

dwelling will generally only be supported on steeply sloping sites, where the three-storey component extends for only a small section of the dwelling or where the lowest storey is contained predominantly within a basement level below natural ground and the maximum building heights are not exceeded.'

Proposed changes to Zoning regulations appear to be suggested as blanket changes, rather than applying to this particular site and Planning Proposal. If so, these changes allowing for higher population densities would have deleterious implications across the Central Coast LGA, (particularly in small seaside suburbs such as Copacabana and MacMasters Beach).

The CCA has made this point in past submissions: this is an extract from the CCA's Submission to the Central Coast Council's Consolidated LEP-DCP, March 2, 2020: The comments pertained specifically to perceived impacts on Copacabana, but could also be applied to this Planning Proposal for Peat Island and Mooney Mooney, especially considering the heritage considerations, space and access constraints, local environmental character and infrastructure deficits that apply to the area.

Extract CCA submission March 2, 2020:

There is no need for CCC to adopt a 'one size fits' all approach to Zoning regulations

Precedent exists across the State in Greater Sydney and Regional NSW for Councils to adopt different controls for different areas in the same Zoning precincts across their LGAs as defined in their LEP/DCP documents.

Different rules within an LEP can allow for accommodation of dwellings with sufficient area available for the dwelling house and ancillary facilities; outdoor recreation and service space; vehicular and pedestrian access; landscaping; drainage; parking - while complementing the established scale and character of the existing local area and being sited to protect natural and cultural features including heritage items, remnant vegetation, habitat and waterways. (AND)

There are many examples of Councils having had an LEP gazetted with different development controls for a single land use zone, including Hornsby Shire Council; Eurobodalla Shire Council; Penrith City Council and Liverpool City Council. (AND)

Although LEPs have a standard format requiring maps to be produced to govern development in the LGA, with separate maps for Land Use Zoning; Floor Space Ratio; Minimum Lot Sizes; Building Heights; among many others, these do not need to align with each other. (ENDS)

3 ANY REVENUES DERIVED FROM THE SALE SHOULD PROVIDE BENEFITS TO THE RATEPAYERS OF THE CENTRAL COAST

Extract Page 2 MM&PIPP21 – Executive Summary

The former institutional uses on the site are redundant and the subject site is surplus to the needs of NSW State Government and is proposed to be sold. The current zoning and limited range of permissible uses are inappropriate for any future commercially viable alternate use of the site. There is therefore a genuine need to review the zoning of the site, as well as examine the site constraints and opportunities to assist in the determination of the highest and best land use for the site.

COMMENT:

It is not clear who will determine ‘the highest and best land use for the site’. Should this re-zoning proposal be ratified, the ultimate beneficiaries will be the private developers who purchase this land. They will be motivated by profit, not by the creation of social good or any ‘higher purpose’.

There appears to be no guarantee that any funds that accrue to the NSW government from this land sale will be quarantined and returned to the Central Coast Council for the benefits of its’ residents and ratepayers. This is especially important when it is Council (and ultimately, ratepayers) who will have the considerable expense of oversight of multiple, complex DAs with a Heritage overlay should the sale proceed. There seems to be only vague promises that revenues raised ‘may’ be used to provide ‘Community Facilities’ but this is not made explicit in the rationale for the sale of the lands. (See further comments on this below). We note the consultation input from Hornsby Council and assume that Council will have similar concerns regarding compensation and funding for infrastructure requirement dictated by the Planning Proposal.

Central Coast ratepayers have already been severely impacted by the hugely negative financial impacts of Amalgamation (and suggestions of financial mismanagement) on the Council’s budgets and have ‘suffered enough’ with sharply increased rates (proposed to continue for years) and proposed hikes to water and sewerage charges. **Ratepayers and residents will not tolerate further negative impacts to Council’s bottom line** should appropriate operational revenues not flow to Council from this proposed sale of land (if it proceeds).

Extracts Pages 2 and 3 - MM&PIPP21 – Executive Summary

The Concept Plan for the site envisages the following land uses:

▪ *(Extract) **Community facilities:** A new community facility precinct is proposed to be located within the Chapel Precinct. The existing Chapel and the identified heritage curtilage will be retained in its current location, and adaptively reused for community purposes. A strategy is to be developed for the community facility's long-term use with the potential development of a new community centre.*

COMMENT:

This is a vague and arbitrary 'concept' which gives no certainty to the community that they will benefit – at all – from the sale and redevelopment. 'Potential development of a new community centre' is open-ended, assigns no responsibility for the administration of the project and no financial responsibility to government, Council or Developers.

4 IMPACTS TO HERITAGE ASSETS ARE NOT CLEAR IN THE PLAN

Extract Page 4 – PI&MMPP – Executive Summary

Proposed Planning Control Amendments

- *Amend Clause 2.1 Land Use Zones of the GLEP 2014 to include SP3 Tourist zone listed under Special Purpose Zones. The proposed SP3 Tourist Zone objectives and proposed permissible uses are consistent with the draft SP3 Tourist zone within the draft Consolidated Central Coast Consolidated Local Environmental Plan (CCLEP). Therefore, this Planning Proposal will be consistent with draft CCLEP, subject to gazettal.*

COMMENT:

Given the acknowledged heritage values of Peat Island; the intent to apply for formal Heritage listing with Heritage NSW and the constrained nature of the site in terms of access and egress, the proposal for a 'tourism attraction' at Peat Island seems ill-advised. High traffic to and from Peat Island will be likely to compromise the heritage buildings and values on the site. Government should instead consider a program of restoration and renovation of buildings and curtilage and a suitable and sustainable use for this important heritage asset.

There is no indication as to how the design of the 'new purpose-built buildings sympathetic to the unique history and character of the island' will be overseen. Will Heritage NSW have oversight and the right to refuse any individual DAs relating to the new buildings if they are not 'sympathetic' (for example)?

5 THE PROPOSAL ALLOWS FOR GREATER DENSITY WITHOUT A COMMITMENT TO SUPPORTING INFRASTRUCTURE

Extract Page 3 – PI&MMPP – Executive Summary

Residential: A mix of dwellings including detached, attached housing and low rise residential flat buildings. In total approximately 267 new dwellings are proposed with 51 low density dwellings, 54 townhouses and 162 apartments. The medium density residential development will range in height from between 1-3 storeys.

COMMENT:

3-storey buildings will be detrimental to the local character. 2 storeys is the maximum height allowed within the current R2 zoning regulations (except on steeply sloping blocks) and should have been adhered to in the proposal. It is not clear how this physically constrained area will accommodate the proposed 267 new dwellings, plus ancillary facilities such as space for garbage collection and recycling; outdoor recreation and service space; vehicular and pedestrian access; landscaping and parking, not to mention the basic infrastructure that will be required – water, drainage, sewerage, power, roads. And the businesses proposed to support these residents will require space for vehicle movement (deliveries and customer parking) and facilities for workers.

It is also not clear what impact this increased population will have on the marine environment.

▪ *(Extract) Emergency services facilities: Indicative locations for a Marine Rescue NSW Facility and NSW Rural Fire Service (RFS) are shown on the Concept Plan, which are subject to further stakeholder consultation and a separate planning approval process. These facilities will provide emergency support for existing and future population of the site and the wider Gosford area.*

COMMENT:

These essential community facilities should have formed part of this Planning Proposal. The limited access to arterial roads could prevent evacuation of residents, workers, tourists and business owners in the event of an emergency and it is particularly important that an RFS facility be established ahead of any construction and certainly prior to residents and businesses ‘moving in’ to the proposed 267 new dwellings and associated retail and service premises.

We refer to a letter regarding the Planning Proposal from Hornsby Shire Council Mayor to David Farmer, CEO, Central Coast Council dated 10.11.2021, (appended) which raises specific concerns about the bushfire risks.

Extract - Hornsby Shire Council to Central Coast Council, 10.11.21

12. Bushfire Prone Land ...concerns remain regarding the suitability of the subject site for more intensive development with regard to bushfire risk and potential issues for bushfire emergency evacuation. The Planning Proposal does not adequately assess the impacts of traffic on the Pacific Motorway (M1) and the Pacific Highway in the event of a bushfire emergency, as Evacuation Risk Modelling has not been prepared as part of the proposal.(Ends)

6 THE PROPOSAL DOES NOT ADDRESS SERIOUS TRAFFIC AND PARKING ISSUES THAT WOULD ARISE FROM DEVELOPMENT

Extract Page 3 – PI&MMPP – Executive Summary

***Transport and access:** New vehicle and pedestrian access routes will be provided across the site, including an improved foreshore walk and improved pedestrian connections between the east and west precincts and to Peat Island. New public and private car parking will also be provided across the site.*

COMMENT:

Since there is no public transport infrastructure detailed in this proposal, we assume that access for residents, workers and tourists will be largely by private cars and delivery vehicles. This is not a sustainable or climate-sensitive approach, creating higher traffic volumes on the M1, pollution and the need for areas that are currently 'green' to be built over with carparks. Consideration should be given to resident and delivery-only car access, with commuter loop bus services introduced to transport visitors from carparks adjacent to the M1 and from the train stations at Hawkesbury River and Berowra. Consideration should also be given to extending the ferry route to Peat Island from Brooklyn.

We refer again to the letter regarding this proposal from Hornsby Shire Council to David Farmer, CEO, Central Coast Council dated 10.11.2021 which also refers to the problematic traffic and parking impacts of the proposal in the context of how it will affect residents of that LGA (including Brooklyn, and residents with river-only access eg Dangar Island).

Extract: Hornsby Shire Council to Central Coast Council, 10.11.21

The proposal does not provide assessment of the additional pressure residents or visitors to the development would have on the car parking within Brooklyn, Berowra and Hornsby Shire more broadly. Further, the suggestion for local Councils to provide additional commuter carparking requirements through Section 7.11 contributions at Development Application stage is inadequate. Certainty should be provided at the planning proposal stage concerning where additional parking will be provided with an associated funding strategy and implementation plan.

COMMENT:

Central Coast Council will presumably have similar objections as there will be equal pressure on parking requirements from Southbound visitors to the area.

7 THE NEW ADDITIONAL CONSERVATION SPACE WILL POTENTIALLY BE IMPACTED BY THE STATE GOVERNMENT'S PROPOSED CYCLING STRATEGY

Extract Page 3 – PI&MMPP – Executive Summary

Public open space, conservation area and waterfront accessibility: Landscaping and public open space will be integrated as a defining element of the visual character of the development. This includes new public open space areas across the site and the proposed extension of the Popran National Park. The key features of the conservation and open space strategy include:

- *Creation of 10.5ha of environmental conservation area, including the extension of Popran National Park and Tank Hill.*

COMMENTS:

- a) We welcome the addition of the 10.5ha of environmental conservation area to partly mitigate the effects of this proposed development on biodiversity corridors and habitat.
- b) DPIE'S Draft Cycling Strategy & Policy currently on exhibition proposes to allow for mountain bike and cycling trails to be built in National Parks under some circumstances. It is important that the community receives a guarantee that such development activity, destructive to the natural environment and occurring illegally with increasing frequency across the Central Coast, will not be allowed in this new 'environmental conservation area'.

There is likely to be pressure from lobbyists for the mountain biking and cycling groups to demand access, particularly as new shared pedestrian and cycleways are recommended as part of the planning proposal (both Northern and Southern foreshore areas) and cycle access to the nearest train station is also available. It is not sufficient to suggest, as in the proposal, that 'A pedestrian and cycling strategy can be developed at DA stage.'³

8 A PRIVATE MARINA (IN A YET TO BE TABLED PROPOSAL) WILL SHUT OUT COMMUNITY USE AND POTENTIALLY IMPACT THE MARINE ENVIRONMENT.

Extract - Page 3 - MM&PIPP21 – Executive Summary

A land-based marina is shown on the Indicative Concept Plan located on the foreshore of the Hawkesbury River adjacent to Peat Island. It does not form part of the planning proposal or the LEP amendments and would be subject to a separate future planning proposal if it is to proceed. This would include a detailed environmental assessment of the impacts. This part of the site is currently zoned partly RE1 Public Recreation and partly SP2 Infrastructure (for the purpose of hospital) under GLEP 2014, and is proposed to be rezoned to RE2 Private Recreational Zone.

COMMENT:

Although this Marina would be subject to a future planning proposal, its mention here in these documents invites comment. There may be justification for removing the SP2 (Infrastructure/Hospital) Zoning as this is a redundant use. However, it is our view that this entire area should simply be Rezoned RE1 for Public Recreation. Rezoning to RE2 – Private Recreational Zone - would allow for private developers of the Marina to profit from what is currently a publicly accessible area without benefit to (most) ratepayers. The public should have the right to use this space, no matter how it is developed.

Extract - Page 3 - MM&PIPP21 – Executive Summary

The only uses permitted with development consent on the part of the site zoned RE1 Public Recreation are: Camping grounds; Car parks; Caravan parks; Child care centres; Community facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation

³ Page 49, MM&PIPP, 7.1 Objectives and Intended Outcomes

facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures.”

COMMENT:

These permitted uses are perfectly adequate for the provision of services and facilities that will benefit the community and visitors. It appears that the only purpose for Rezoning this area as RE2 is to allow a private company to purchase and operate a commercial marina facility. It would also preclude any future development to accommodate ferry services to and from Peat Island, which is extremely short-sighted. Such rezoning should not be allowed.

9 LISTING ON THE NSW STATE HERITAGE REGISTER SHOULD BE MANDATED TO ENSURE THE SITE'S HERITAGE ASPECTS ARE PROTECTED, SHOULD DEVELOPMENT PROCEED

Extracts Page 5 – PI&MMPP – Executive Summary

This Planning Proposal includes the proposed LEP amendment to include Peat Island as an Item of Environmental Heritage (Item - General) under Part 1 - Heritage Items, Schedule 5 of the Gosford LEP. (And) The curtilage for the heritage listing includes the entirety of the Peat Island landform and the causeway to the mainland... (And) A separate nomination process for listing the place on the NSW State Heritage Register can be undertaken with the Heritage Council of NSW and Heritage NSW of the NSW Department of Premier and Cabinet (as delegate).

COMMENT:

Considering the history of Peat Island (formerly Rabbit Island) this nomination process for the NSW State Heritage Register is long overdue and this wording should be changed from 'can be undertaken' to 'will be undertaken'. Other important sites which were formerly designed as asylums or other psychiatric institutions, such as Callan Park & Broughton Hall in Rozelle and the Parramatta Female Factory have been formally recognised and listed for their heritage and cultural significance in this manner. The former residents of Peat Island – and this historical use – should be honoured and remembered by all who visit the Island.

We also acknowledge the significance of this land to First Nations people and recognise the Proposal's intent to conserve aboriginal artefacts and objects identified in the Aboriginal Cultural Assessment Report (appended to the DCP documentation). We leave it to others to comment on those recommendations.

CONCLUSION:

Copacabana Community Association rejects specific aspects of the Peat Island and Mooney Mooney Planning Proposal as detailed above.

In particular, we object to the proposal to allow for smaller lot sizes: 150sqm, 220sqm, 300sqm. We also seek a guarantee that Central Coast Council (and ratepayers of the Central Coast LGA) will not be financially disadvantaged should this proposal be implemented.

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On behalf of the Management Committee
December 20, 2021



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