

Rezoning of land at Reeves Street and Goldsmith Road (Northern Precinct) and Debenham Road North, Tallara Road and Debenham Road South (Southern Precinct), Somersby

Proposal Title : Rezoning of land at Reeves Street and Goldsmith Road (Northern Precinct) and Debenham Road North, Tallara Road and Debenham Road South (Southern Precinct), Somersby

Proposal Summary : The planning proposal seeks to rezone land in two precincts under Gosford Local Environmental Plan 2014:

- In the northern precinct the planning proposal seeks to rezone land from RU1 Primary Production and RU2 Rural Landscape to E2 Environmental Conservation and E3 Environmental Management and apply minimum lot sizes (MLS) incorporating lot averaging provisions.
- In the southern precinct the planning proposal seeks to rezone land from RU2 Rural Landscape to E2 Environmental Conservation and apply a MLS incorporating lot averaging provisions.

The precincts are located at Reeves Street and Goldsmith Road (northern precinct) and at Debenham Road North, Tallara Road and Debenham Road South (southern precinct), Somersby.

PP Number : PP_2014_GOSFO_001_00 **Dop File No :** 13/20792

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions :**
- 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions

Additional Information : It is considered the planning proposal should proceed subject to the following:

1. Council is to be satisfied that the currency of supporting studies and sufficient information and has been provided to demonstrate that the planning proposal adequately addresses the following issues:

- a. Bushfire and access;
- b. Water, sewer and services;
- c. Ecological investigations and impacts on threatened species;
- d. Preliminary Contaminated Land Study;
- e. Aboriginal archaeological assessment;
- f. A draft development control plan;
- g. Council should confirm whether further information is required for potential land use conflicts (eg. dust) between existing agricultural uses, extractive industries and future development.

2. Council update the 'statement of objectives' to include

- the purpose of the planning proposal is to enable a rural residential subdivision and environmental protection purposes.
- the unformed road reserve in the southern precinct will be included in the proposal and provide justification for its inclusion.

3. Council update the 'explanation of provisions' and the planning proposal to

- include references to Gosford Local Environmental Plan 2014;

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- delete references to Gosford IDO No 122;
- confirm whether lot averaging provision on the E2/10ha MLS part of the northern precinct is necessary.

4. The maps will require updated lot size maps, once further studies and investigation are completed. Council should also update the planning proposal mapping as follows:

- references to Gosford LEP 2014 be included;
- text boxes are legible;
- maps include a legend identifying the land attributes and use the full zone names.
- Council should ensure the amending LEP maps meet the specific requirements for public exhibition in latest version of Planning & Infrastructure's 'Standard Technical Requirements for LEP Maps'.

5. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate the site is suitable for rezoning once information on contamination has been obtained.

6. Council is required to demonstrate consistency with the following S117 Directions after supporting information has been obtained and/or following agency consultation:

1.2 Rural Zones (Trade & Investment - Agriculture)

1.3 Mining, Petroleum Production and Extractive Industries - Trade & Investment - Minerals and Petroleum;

2.3 Heritage Conservation - Office of Environment and Heritage, Darkinjung Local Aboriginal Land Council, Guringai Tribal Link

4.4 Planning for Bushfire Protection - NSW Rural Fire Service

5.1 Implementation of Regional Strategies

7. Consultation is required with the following public authorities:

- Office of Environment and Heritage
- Department of Primary Industries - Agriculture
- NSW Trade & Investment - Resources and Energy - Minerals and Petroleum
- NSW Rural Fire Service
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link
- Environment Protection Authority

8. The planning proposal must be made publicly available for 28 days.

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

10. Council be granted delegation to make the plan.

Supporting Reasons : *

Panel Recommendation

Recommendation Date : 13-Mar-2014

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:

- clearly advise that lot averaging provisions for land within the northern part of Somersby, which is proposed to be zoned E2 Environmental Conservation, with a minimum lot size of 10ha, is not necessary;
- include a concise statement setting out the intended outcomes of the proposal within Part 1 'Objectives or Intended Outcomes' of the planning proposal;
- advise that the unformed road reserve in the southern precinct is included in the planning proposal and provide justification for its inclusion;
- reference the correct environmental planning instrument applying to the land throughout the planning proposal documentation, being the Gosford LEP 2014; and

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- include existing and proposed lot size and land zoning maps which are at an appropriate scale, clearly identify the subject land, and include a legend with zone names and legible text boxes.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
- Bushfire hazards and access
 - Water, sewer and services
 - Ecological investigations and impacts on threatened species
 - Aboriginal archaeological assessment
 - Draft Development Control Plan
 - Potential land use conflict (e.g. dust) between existing agricultural uses, extractive industries and future development
3. Once the above information has been obtained and consultation with public authorities has been undertaken, consistency with the following S117 Directions is to be considered:
- 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.3 Heritage Conservation
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning and Infrastructure 2013).
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:
- Environment Protection Authority
 - Office of Environment and Heritage (S117 Direction 2.3 Heritage Conservation)
 - NSW Department of Primary Industries – Agriculture (S117 Direction 1.2 Rural Zones)
 - NSW Trade and Investment – Mineral and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection);
 - Darkinjung Local Aboriginal Land Council (S117 Direction 2.3 Heritage Conservation)
 - Guringai Tribal Link (S117 Direction 2.3 Heritage Conservation)
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation

The Minister delegated his plan making powers to councils in October 2012. Council has now accepted this delegation. Council should be issued with plan making delegation.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

21/3/14.