

SOMERSBY - Business Park Expansion

Proposal Title : **SOMERSBY - Business Park Expansion**

Proposal Summary : **The proposal seeks to rezone land from RU1 and RU2 to IN1, E2 and E3 in the Gosford Local Environmental Plan 2014 to expand industrial land and provide environmental protection and management of constrained lands adjoining Somersby Business Park.**

PP Number : **PP_2016_GOSFO_004_00**

Dop File No : **16/05430**

Proposal Details

Date Planning : **23-May-2016**

LGA covered : **Gosford**

Proposal Received :

Region : **Hunter**

RPA : **Gosford City Council**

State Electorate : **GOSFORD**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Acacia Road, Debenham Road and Wisemans Ferry Rd**

Suburb : **Somersby**

City :

Postcode :

Land Parcel : **Various Lots**

DoP Planning Officer Contact Details

Contact Name : **Glenn Horal**

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RPA Contact Details

Contact Name : **Michael Bowman**

Contact Number : **0243258382**

Contact Email : **michael.bowman@gosford.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub : **Central Coast Regional**

Consistent with Strategy : **Yes**

Regional Strategy : **Strategy**

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MDP Number :

Date of Release :

Area of Release (Ha) **21.50**

Type of Release (eg
Residential /
Employment land) :

Employment Land

No. of Lots : **0**

No. of Dwellings
(where relevant) : **0**

Gross Floor Area : **0**

No of Jobs Created : **1,135**

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The proposal submitted contained a number of errors and omissions and a revised planning proposal was submitted by Council on 10 May 2016 and clarification on a number of the proposed amendments was provided on 23 May 2016.

POTENTIAL JOB CREATION

Gosford LGA is identified in the Employment Lands Development Program Report 2015 as having an average job density of 66 jobs per developed hectare. Given 21.5ha is proposed to be rezoned industrial and assuming 80% of the land is developed (i.e. 17.2ha) as identified in Council's Employment Lands Investigation the proposal has the potential to provide for 1135 jobs.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

Council's stated objective is to:

- facilitate the expansion of Somersby Business Park by rezoning land to IN1 to enable industrial land uses and rezone land to E2 and E3 to conserve and manage land with ecological and indigenous heritage values.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

The planning proposal seeks to amend Gosford LEP 2014 as follows:

- **Rezone a number of lots and part lots from RU1 and RU2 to IN1, E2 and E3;**
- **apply a minimum lot size to the following zones:**
 - **IN1 - 4000m²**
 - **E2 - 40ha**
 - **E3 - 2ha**
- **apply a maximum building height to the following zones:**
 - **E2 - 8.5m**

- E3 - 8.5m
- identify land proposed to be zoned IN1 as an Urban Release Area.
- identify land proposed to be zoned IN1 on the Somersby Business Park Map.

INDUSTRIAL LOT SIZES

Council's Employment Lands Investigation (ELI) identified (p67) the provision of a variety of lot sizes is a vital characteristic to the long term sustainability of industrial land and a lack of large development ready industrial lots can have a major potential loss of inbound investment to Gosford. It is noted some of the existing industrial land in Somersby Business Park has a 2ha minimum lot size.

Council's proposed 4000m² lot size does not consider any other alternative lot sizes that may be appropriate for SBP. Council should give consideration to alternative lots sizes (as identified in its ELI) and provide justification for any proposed lot sizes for the IN1 land.

SOMERSBY BUSINESS PARK MAP

The inclusion of additional industrial land on the Somersby Business Park Map will result in the application of clause 7.4 Development in Somersby Business Park. The objective of the clause is to maximise industrial development and employment opportunities in Somersby Business Park while protecting ecologically significant land and land with Aboriginal heritage characteristics. Including the IN1 land will require additional considerations if it is mapped as ecologically significant and Aboriginal heritage lands prior to any development consent being granted.

A previous rezoning to expand Somersby Business Park (PP_2012_GOSFO_009_00) did not require the IN1 land to be included on the Somersby Business Park Map and therefore it would not be subject to clause 7.4. Council's approach to rezoning IN1 land in the vicinity of SBP appears to be inconsistent and Council should update the planning proposal to clarify and provide justification on whether it is appropriate to include the proposed IN1 land on the Somersby Business Park Map.

SOMERSBY INDUSTRIAL PARK PLAN OF MANAGEMENT (POM)

Council and agencies established a management framework which set out mechanisms for dealing with ecology and heritage issues in SBP. The planning proposal did not identify whether the POM would be updated to include the proposed lands. Council has confirmed the POM will not be updated to include the proposed lands and Council should include discussion to clarify this in the planning proposal.

DEEDS OF AGREEMENT

The Somersby Business Park was subject to a number of deeds of agreement with landowners (circa 1980s) to provide infrastructure but excluded some of the isolated lots now proposed to be rezoned. It is unclear in the planning proposal whether any of the lots in this planning proposal are subject to this previous funding arrangement. Council has advised the deeds of agreement would not apply to the proposed lands and Council should update the planning proposal accordingly to include discussion on the previous funding agreements for infrastructure and the relationship to lots proposed to be rezoned.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SREP No 9—Extractive Industry (No 2—1995)

SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

SREP No. 8 - Central Coast Plateau Areas

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

S117 DIRECTIONS

1.1 Business and Industrial Zones

The proposal is inconsistent with the direction as it seeks to create a new employment area that is not in accordance with a strategy approved by the Secretary.

The land proposed to be rezoned adjoins an existing employment area identified in the Central Coast Regional Strategy (CCRS) and draft Central Coast Regional Plan as Somersby Industrial Park (now known as Somersby Business Park). The CCRS identifies the possibility of expanding existing employment nodes and Council's Employment Lands Investigation (ELI) identified the need to provide more industrial land and identified the lots subject to this planning proposal as suitable for this purpose. Although the proposal is not in accordance with a strategy approved by the Secretary (i.e. Council's ELI) the inconsistency is considered to be of minor significance.

1.2 Rural Zones

The proposal seeks to rezone rural land for industrial purposes and is inconsistent with this direction. Council states no prime agricultural land under SREP 8 will be rezoned and it is acknowledged the land is not identified as prime agricultural land. SREP 8 still applies to most of the subject sites and consultation with the Department of Primary Industries - Agriculture on the value of the rural land should occur before the Secretary can agree to the inconsistency.

1.3 Mining, Petroleum Production and Extractive Industries

The IN1 zone prohibits 'extractive industry' in Gosford LEP 2014. It is noted the Mining SEPP permits 'extractive industry' where industry is permitted and would therefore still permit the land use to occur. Council will need to consult with the Department of Industry - Resources and Energy given the part of the land being rezoned is Debenham Road Quarry which extracts regionally significant sandstone. Consistency with the direction can be determined following consultation.

2.1 Environment Protection Zones

Council has identified an endangered ecological community that may be affected by some land being rezoned IN1 (Lot 32 DP811669) and seeks to protect other areas having high ecological value with an appropriate E2 zone in the south east corner of the Eastern Precinct and apply an E3 zone due to areas of EECs and threatened flora and fauna habitat on Lot 1 DP 331541. Consultation with OEH should occur before the consistency with the direction can be determined.

2.3 Heritage Conservation

Council has identified a possible Aboriginal site in the Eastern Precinct and has also identified the land as having a high ecological constraint and proposes an E2 zone. Council makes reference to an Aboriginal Heritage Assessment from 2013 however it has not been provided. Information on heritage matters should be provided for exhibition and consultation with OEH - Heritage should be undertaken before consistency with the direction can be determined.

4.2 Mine Subsidence and Unstable Land

Council has not identified the direction as applicable however has provided a map showing landslip areas that affect some of the land being rezoned. It is noted Council's map is included as a guide only. Council should confirm whether the land is unstable as required by the terms of the direction before consistency can be determined.

4.4 Planning for Bushfire Protection

The land is bushfire prone and consultation with the NSW Rural Fire Service is required before consistency can be determined.

5.1 Implementation of Regional Strategies

Council has identified the proposal is consistent with the CCRS in regard to investigating options to expand existing employment nodes (action 5.7). The land is currently zoned for rural purposes and action 6.9 seeks to ensure LEPs do not rezone rural and resource lands for urban purposes unless agreement from the Department is reached regarding the value of these resources. It is considered the inconsistency is of minor significance however consultation with the Department of Primary Industries - Agriculture and Department of Industry – Resources and Energy should occur before consistency can be determined.

SEPPs**SREP 9-Extractive Industries**

SREP 9 applies to the land proposed to be rezoned. The SREP requires Council to consult with the Department of Industry - Resources and Energy and NSW Environment Protection Authority when preparing a local environmental plan if the land is in the vicinity of certain sites identified in the SREP. The Eastern Precinct contains land identified in SREP No 9 as a dimensional sandstone quarry of regional significance (Debenham Road Quarry). Therefore consultation with Department of Industry - Resources and Energy and NSW Environment Protection Authority is required.

It is noted that clause 13 of the SREP identifies council should not prepare a draft local environmental plan to prohibit development for the purpose of an extractive industry on land described in Schedule 1 or 2 (The Debenham Road Quarry is identified in Schedule 1). Gosford LEP 2014 prohibits 'extractive industries' as a land use in IN1 zone however, the Mining SEPP permits extractive industry where industry is permitted therefore the Mining SEPP would override the local land use prohibition in Gosford LEP 2014.

SEPP No 55—Remediation of Land

Council has advised a Contaminated Lands Assessment on some lots will be required to address the requirements of the SEPP. Consistency with the SEPP will need to be determined following provision of additional information on land contamination.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided is adequate for assessment.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A 28 day community consultation period is recommended.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **DELEGATIONS**
Council has requested delegations to make the plan. This is supported.

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TIMELINE

Council's project timeline anticipates a timeframe of approximately 9 months. The timeframe appears tight and a 12 month timeframe is recommended to make the plan.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The planning proposal seeks to amend the Gosford LEP 2014.**

Assessment Criteria

Need for planning proposal : **Council has identified the land proposed to be rezoned is included in Council's Employment Lands Investigation (ELI) as a site that may be suitable as future employment lands.**

EMPLOYMENT LANDS INVESTIGATION (ELI)

The ELI identified future employment lands opportunities adjoining the Somersby Industrial Park (now known as Somersby Business Park). The ELI identified lands adjoining Somersby Industrial Park represented the major opportunity for the expansion of employment lands in Gosford LGA given its proximity to transport infrastructure and available land for expansion (p75).

A number of areas were identified in the ELI and included:

- the Acacia Road / Debenham Road Precinct,
- West Somersby - Lot 1 DP 712505 and
- Isolated Lots in Somersby - Lot 91 DP546768, Lot 1 DP331541 and Lot 32 DP811669.

This land is included in the planning proposal.

The ELI identified the land in the Acacia Road/Debenham Road Precinct and West Somersby as a logical extension to the existing industrial development. This land had excellent proximity to services, access off the Central Coast Highway and the F3 and was relatively free of constraints. The Isolated Lots in Somersby were also identified as potential employment lands despite their exclusion when the Somersby Industrial Park was rezoned (ELI p88).

The planning proposal includes the potential future employment lands identified in the ELI and is consistent with the Council's ELI.

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Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

The proposal would increase employment lands, help achieve CCRS employment targets, increases employment self-containment and aligns with the CCRS action to expand existing employment land nodes and is consistent with the CCRS in this regard.

The CCRS contains an action to ensure LEPs do not rezone rural and resource lands for urban purposes unless agreement is reached regarding the value of these resources. Consistency with the CCRS will need to be determined following consultation with the DPI - Agriculture.

DRAFT CENTRAL COAST REGIONAL PLAN (dCCRP)

Council has reviewed the dCCRP and considers the proposal is consistent with the following actions:

- Action 2.1.5 Support other employment development areas and opportunities.
- Action 2.4.1 Expand the southern economic gateway.

REGIONAL ECONOMIC DEVELOPMENT AND EMPLOYMENT STRATEGY (REDES):

Council has identified the proposal is consistent with REDES objectives to deliver 45,000 jobs by 2031, increase employment self-containment and encourage employment growth in key employment nodes.

GOSFORD 2025 - COMMUNITY STRATEGIC PLAN

Council has identified the proposal is consistent with strategies in its CSP that relate to the economy and the environment.

GOSFORD BIODIVERSITY STRATEGY 2008

Council identifies one of the objectives of its strategy is to protect and conserve biodiversity and maintain ecological processes. Council proposes to apply E2 and E3 zones to areas with ecological constraints and is generally consistent with its strategy.

DRAFT GOSFORD LANDUSE STRATEGY

Council considers the proposal is consistent with its draft strategy which was prepared to inform Gosford LEP 2014 and identified that future additional (industrial) lands be investigated around Somersby Industrial Park.

Environmental social economic impacts :

Council has included a number of supporting studies prepared in support of the planning proposal and include:

- Appendix 1 - Flora & Fauna Assessment
- Appendix 2 - Bushfire Protection Assessment
- Appendix 3 - Traffic and Parking Assessment Report
- Appendix 4 - Visual Impact Assessment
- Appendix 5 - Phase 1 Contamination Site Assessment
- Appendix 6 - Hydrology Report - GHD Pty Ltd
- Appendix 7 - Preliminary Water and Sewer Servicing Advice

Council has advised it requires additional studies including additional Soil Contamination Assessment on a number of the lots and geo-technical investigations to ascertain the capability of land for industrial zoning and uses on lots in the Eastern Precinct. The information requirements are broadly supported.

ENVIRONMENTAL

Council has advised environmental investigations have been undertaken and identified the majority of the Eastern Precinct as containing low ecological constraints. There is a portion of the Precinct with high ecological constraints and Council proposes to zone this to E2. Lot 1 DP 331541 is identified as being unsuitable for industrial development and proposes an E3 zone due to the presence of an EEC and threatened fauna and flora habitat. Council has also identified Lot 32 DP811669 may contain an EEC however this may need to be confirmed. Consultation with OEH on biodiversity matters will be required.

SOCIAL/ECONOMIC

Council considers the rezoning to industrial will assist in providing business and employment opportunities in the LGA.

INFRASTRUCTURE

Council intends to include the site as an Urban Release Area and it will be subject to 'satisfactory arrangements' and public utility infrastructure provisions before development consent can be granted for any proposed development. Council should also consult with Transport for NSW and the RMS on any infrastructure contributions requirements. Council considers water and sewer services are capable of being provided.

FLOODING AND DRAINAGE

Council makes reference to a preliminary hydrology assessment and concludes flooding and drainage matters are capable of being managed or requirements added to its DCP. It is noted the land is not identified as flood prone.

TRAFFIC

Council considers the study provided indicates the proposed industrial development will not have any unacceptable traffic impacts on the road network capacity and no improvement or upgrades to the road network are required. Consultation with Transport for NSW and the RMS should be undertaken given the proposal will result in approximately 21.5ha of new industrial land.

ADJOINING LAND USES**Kariong Correctional Centre**

The land in the Eastern Precinct is adjacent to land zoned SP2 and contains a Correctional Centre. Given the proximity of the correction centre consultation should occur with the Department of Justice.

Mt Penang Parklands

The Eastern Precinct is located adjacent to land zoned SP1 and contains Mt Penang Parklands. A variety of uses are permitted on the land including business and retail premises and it is managed by the Central Coast Regional Development Corporation (CCRDC). A number of development proposals are under consideration by the CCRDC and given the proposed IN1 lands proximity to Mt Penang Parklands consultation should occur with the CCRDC.

Rural and Environmental Land Uses

The expansion of the industrial land uses will result in IN1 land adjoining land zoned RU2 and land proposed to be zoned E2 and E3. The RU2 land is located on the northern side of Debenham Road and contains rural residential dwellings. Council should include consideration of the potential amenity impacts from the proposed industrial zoned land in the vicinity of these existing dwellings. The interface between industrial and proposed environmental lands and potential impacts from edge effects should be considered in consultation with OEH for the E2 and E3 zones.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Department of Primary Industries - Minerals and Petroleum Transport for NSW NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Other		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The proposed IN1 lots will be mapped as an urban release area and be subject to the 'satisfactory arrangements' provisions in Gosford LEP 2014.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - 10 May 2015.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Study - Employment Lands Investigation GHD.pdf	Study	Yes
Study - Flora & Fauna - Part 1 Appendix 1.pdf	Study	Yes
Study -Bushfire, Traffic, Visual Impact - Part 1 Appendices 2 to 4.pdf	Study	Yes
Study - Contamination, Hydrology, Water and Sewer - Part 2 Appendices 5 to 7.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 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 : **The planning proposal should proceed subject to the following conditions:**

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

- include information on heritage matters;
- include information on soil contamination and geotechnical investigations;
- include consideration and justification for the proposed IN1 lot sizes;
- include consideration of the amenity impacts on existing dwellings in the vicinity of the proposed industrial zones and edge effects on the proposed E zones;

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- clarify and justify whether it is appropriate to include the proposed IN1 land in the Somersby Business Park Map;
- clarify whether the Plan of Management that applies to Somersby Business Park will be amended to include the lots for the proposed expansion;
- include discussion of any funding agreements for infrastructure that applied to Somersby Business Park and the relationship of such agreements to the lots proposed to be rezoned.

2. The Secretary agrees that the provisions of the planning proposal that are inconsistent with S117 Directions 1.1 Business and Industrial Zones are of minor significance.

3. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the following S117 Directions and other policies:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- SREP No 9—Extractive Industry (No 2—1995)

4. Council is to ensure 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 sites are suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

5. Consultation is required with the following public authorities:

- Office of Environment and Heritage - Heritage and Biodiversity
- NSW Rural Fire Service
- Department of Industry - Resources and Energy
- Department of Primary Industries - Agriculture
- Transport for NSW - Roads and Maritime Services
- Transport for NSW
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link
- Environment Protection Authority
- Central Coast Regional Development Corporation
- Department of Justice - Juvenile Justice - Kariiong Correctional Centre

6. 12 months timeframe.

7. 28 day exhibition period.

8. Council be granted delegation to make the plan.

Supporting Reasons : *

Signature:



Printed Name:

G P HOPKINS

Date:

26 May 2016