
PLANNING PROPOSAL

Gosford City Council

SOMERSBY BUSINESS PARK EXPANSION

This Planning Proposal has been assessed in accordance with Section 55 of the *Environmental Planning and Assessment Act* and the former Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environmental Plans*.

The major area for expansion of employment lands in and around the SBP is the Eastern Precinct (approx. 19.95ha of proposed IN1 zone) located either side of Acacia Road. Other recommended land for the IN1 zoning are three small infill sites (approx. 1.58ha) excluded from the original LEP 22 at the owners' request.

Plans and maps associated with the request for a Planning Proposal are contained in various appendices within the Appendices.

- Appendix 1 - Locality Aerial Photo with SBP boundary
- Appendix 2 - Location plan with current zones
- Appendix 3 – Bushfire hazards
- Appendix 4 – Ecologically Endangered Vegetation
- Appendix 5 – Landslip
- Appendix 6 – Contaminated land
- Appendix 7 – Mineral Resources
- Appendix 8 – SBP boundary and GLEP ecologically significant & Aboriginal heritage lands
- Appendix 9 – Current zone map with subject land
- Appendix 10 – Minimum lot size map with subject land
- Appendix 11– Height of building map with subject land
- Appendix 12 – Urban release Area map with subject land
- Appendix 13 – Somersby Business Park map with subject land

Landuse History

In 1968 the land where the Somersby Business Park (SBP) is now located was zoned 1(a) Non-Urban "A" under the Gosford Planning Scheme Ordinance.

In 1979 the land was zoned 1(a) Rural (Agriculture) under Interim Development Order (IDO) No. 122 - Gosford.

The SBP was previously known as Somersby Industrial Park and prior to that as Somersby Industrial Estate. It was created in 1980 to promote development and employment within the Central Coast and Gosford area.

Local Environmental Plan No. 22 (LEP 22) was gazetted on 3 July 1981 and covered land located primarily on the western side of the Gosford interchange on the now Sydney to Newcastle M1. The majority of the land is currently zoned for IN1 General Industrial.

Prior to gazettal of LEP 22 legal agreements were reached with existing owners relating to the payment of contributions for provision of water, sewerage, storm water drainage and roads. The area's establishment pre-dated Section 94 contributions under the EP&A Act.

All subsequent lands rezoned for industrial uses and added to the SBP lie outside these legal agreements and pay necessary contributions under the Water Management Act and construct relevant infrastructure under development consents.

In 2005 the Somersby Plan of Management (POM) was adopted after lengthy environmental investigations and liaison between land owners and various government agencies. The POM identified areas within the SBP that contained archaeological sites and ecologically endangered communities (per Threatened Species Conservation Act) that should be preserved. The LEP was amended to reflect these constraints, and affected lands were designated and mapped as 'ecologically significant and Aboriginal heritage lands', however they remain zoned industrial. This designation affords protection to these sensitive lands and development is unlikely to occur in these areas in the future. For the lands zoned industrial and covered by the POM which are not designated as being affected by 'ecologically significant and Aboriginal heritage lands' under the LEP, this amended LEP mechanism provides a simpler and quicker development assessment process by obviating the need for a 'species impact statement' and OEH concurrence for every DA. In 2005 approximately thirty one (31) hectares of land was considered to be severely impacted by environmental constraints and unlikely ever to be developed.

PART 1 OBJECTIVES OR INTENDED OUTCOMES

S55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument

The Planning Proposal is seeking to zone the majority of the subject sites to IN1 General Industrial based upon its established preliminary capability for industrial uses. The proposal will allow the expansion of the Somersby Business Park and provide additional employment opportunities. The proposal will result in approximately 21.53 ha of new IN1 zoned land.

The south eastern area of the Eastern Precinct (within Gosford quarry) will be zoned to E2 Environmental Conservation and Lot 1 DP 331541 Wisemans Ferry Rd will be zoned to E3 Environmental Management under the Gosford LEP 2014 having regard to their environmental values.

The planning proposal will facilitate:

- The creation of employment lands and investment opportunities by providing the Somersby Business Park with additional land to expand.
- Larger industrial land holdings within the employment lands market to attract big developments.
- Further subdivision of the landholdings to allow a range of different industrial land uses.
- Retention of land with high ecological values / Aboriginal values, which will also provide a physical and visual buffer.

The proposal is consistent with the existing character of the surrounding land including the Somersby Business Park adjoining the subject sites.

Sensitive vegetation will be zoned to an environmental zone in the south-eastern corner of the Eastern Precinct and Lot 1 DP 331541 Wisemans Ferry Rd.

PART 2 EXPLANATION OF PROVISIONS

S55(2)(b) An explanation of the provisions that are to be included in the proposed instrument

The planning proposal aims to rezone from RU1 Primary Production to:

- Zone IN1 General Industrial the following land (and amend the associated maps):
 - Lots B & C DP 101045, Lot 1 DP 366614, Lot 2 DP 364929, Lots 11 DP 618324, Lot 3 DP 550062, Lot 1 DP 522099 and Lot A DP 420575 Acacia Rd, Lot 1 DP 712505 and Lot 91 DP 546768 (Council owned) Somersby Falls Rd, and all but the vegetated south-eastern part of Lots 12 & 13 DP 618324 Acacia Rd (see map in appendix 9)
- zone E2 Environmental Conservation the vegetated south-eastern part of Lots 12 & 13 DP 618324 to (see map in appendix 9)
- zone E3 Environmental Management Lot 1 DP 331541 Wisemans Ferry Rd

The Planning Proposal also aims to rezone Lot 32 DP 811669, Debenham Rd (North) from RU2 to IN1.

The Planning Proposal outcome will be achieved by the following mapping amendments:

- minimum lots size map: IN1 4000sqm (W), E2 40ha (AB2) and E3 2ha (Z1) (see map in appendix 10)
- height of buildings map: E2 & E3 8.5m (I) (see map in appendix 11)
- urban release area map: to include the IN1 zoned sites (see map in appendix 12)
- Somersby Business Park map: to include the IN1 zoned sites (see map in appendix 13)

The above amendments will make consistent the subject lands with either adjoining lands in the case of the IN1 zone within Somersby Business Park and their development standards, or, with the zones' development standards in the case of the new land zoned E2 and E3 zones.

Lot 32 Debenham Road (north), though only small (1,091 sqm approx.), should be zoned to IN1 to make it consistent with the adjoining lands' zone and in line with the DoP&E's philosophy in preparation of Standard Instrument LEPs, to regularise zoning where possible, i.e. if the use is permissible in a suitable zone, then zone it that way rather to a special use type zone.

PART 3 JUSTIFICATION FOR OBJECTIVES & OUTCOMES

S55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

1 Is the Planning Proposal a result of any strategic study or report?

Draft Planning Principles for Industrial Lands

Draft Planning Principles for Industrial Lands (Dept. of Planning & Infrastructure 2011), although not Government policy contains the following principles which guide future planning and development of industrial lands:

- 1 Maintain an adequate supply of appropriately located and serviced Industrial Lands for current and future demand and to maintain competitive pressures in the market;
- 2 Ensure planning for new Industrial Lands meets the long-term needs of industry growth and growth management directions of the city;
- 3 Retain strategically important Industrial Lands and support renewal of existing Industrial Lands to meet the changing needs of industry;
- 4 Provide capacity to enable the development of specialised industry clusters;
- 5 Plan for and maximise use of infrastructure to encourage sustainable development of Industrial Lands.

The subject Planning Proposal satisfies these principles as it seeks to expand the SBP with suitable lands to meet future demands for industrial land on the Central Coast.

Somersby Business Park is identified as Council's premiere employment lands area. It accommodates a range of manufacturing and processing developments, industrial uses dependent upon large site areas, and some smaller scaled industrial and service uses in smaller more conventional industrial buildings.

Employment Lands Study 2010

The Gosford City Council 'Employment Lands Study' 2010 (ELS) was prepared by consultants GHD/AECgroup. It was undertaken in close collaboration between Council and the then Department of Planning and Infrastructure, with funding under the Planning Reform Funds. It is an important document in guiding the identification of future employment lands development in Gosford over the short, medium and long term that a set of principles be adopted that acknowledge Gosford's potential competitive strengths.

The principles as elucidated within the ELS are as follows:

- Preference is given to development resulting in urban growth and consolidation on land that adjoins other land which is already being used for employment lands purposes and is the most economic to service.
- The Gosford economy is fundamentally linked to the economy of Sydney, Wyong and Newcastle and this employment investigation needs to reflect this.
- Gosford Council needs an adequate supply of ready to build on employment lands to facilitate short-term, medium-term and long-term economic growth.
- Employment land needs to be available in a range of locations in order to create choice in the market.

- High quality and environmentally responsible development of employment lands is supported by Gosford Council, as are the benefits associated with such developments.
- Protect general industrial employment clusters from encroachment of incompatible land uses to minimise any adverse effect of industry on land uses in other zones.
- Ensure that subdivision is controlled to make certain land is not fragmented into parcels unsuitable for identified long term employment use. This is important so as to avoid fragmented ownership and increases in land value to the extent that it becomes economically unviable to consolidate in the future.
- Make provision for local service industries and employment areas in suitable locations relevant to existing and future population areas.
- Not include for development, land which has high conservation value or which has heritage or cultural significance.
- Promote development at a rate and in locations that can be provided with infrastructure services without placing undue burden upon existing community resources.
- Recognise that industrial land is a limited resource.

The primary aim of the ELS was to identify lands that upon a preliminary investigation may be suitable for future employment lands (industrial development) subject to future studies. It provided an analysis of existing zoned employment (industrial zoned) lands and identified major sectors, together with the competitive strengths and weaknesses of industrial lands. The ELS identified a number of areas for investigation as possible future expansion of the SBP. Such expansion requires detailed investigations of the land's capability.

The study found that there is a lack of large lots (greater than 1 ha) for industrial development, with industrial estates of Gosford (north), Wyoming, Woy Woy and Erina characterised by smaller lots that are conducive to the service industrial sector, with each area having at least 50% of lots less than 2,000m².

For Somersby the ELS confirmed three possible expansion areas, being;

- west of SBP
 - a private Planning Proposal resulted in 22.9 ha (approx.) of IN1 General Industrial zoned land fronting Somersby Falls Rd in 2014)
- east of the SBP
- small infill sites excluded from the original LEP No: 22 (that rezoned the SBP to industrial) at the owner's request
 - Eastern Precinct
 - *(NB: all the above areas are subject of this proposed planning proposal)*

The ELS stated that:

“Proposed Future Employment Lands - Acacia Road / Debenham Road (Area 2) Area 2 is located immediately opposite the Juvenile Justice centre, and adjacent to existing 4(a1) Industrial zoned area under the LEP22. This area provides a logical extension to the existing industrial development and has excellent

proximity to services and access off the Central Coast Highway and the F3 Freeway. Due to its previous and current uses this area contains very little vegetation. The existing uses on the site include rural dwellings, primary production and a quarry, which has been identified as coming towards the end of its operation. The site is relatively free of constraints with only a small steep slope on the quarry site however, this is likely to be re-contoured once the quarry has ceased its operations. Area 2 is a natural progression from the industrial uses to the west and Acacia Road and Debenham Road provide a physical boundary and easy access for further industrial development. This total size of this site is 23.6 ha. Concentrating additional opportunities in this location will have benefits in terms of synergies between businesses.”

“There is currently 128.08 ha supply of land zoned for employment lands and yet to be developed. The anticipated demand is expected to be between 138 ha to 213 ha (low scenario workforce method and land take up rate scenario) between 2010 and 2036. Therefore there is need to identify between a minimum of 10.5 ha to 85 ha of additional employment lands in Gosford to meet demand. A conservative approach would be to take the higher figure of 85 ha of employment lands to ensure that a shortage does not occur. This equates to about 3.3 ha per year on average (26 year period)”

With regard to the outstanding theoretical need to rezone a further 85ha of industrial land by 2036, Council rezoned 8.5 ha of land in the south of SBP and 22.9 ha on Somersby Falls Road in 2014, thus leaving a remaining theoretical demand for new industrial land to 2036 of 53.8ha. The subject planning proposal will rezone to the IN1 zone a further 21.53ha of land, leaving a remaining theoretical demand for new industrial land to 2036 of 32.27ha.

The DoP&E 2015 Report ‘Employment Lands Development Program’ states that Gosford LGA has an average density of 66 jobs per developed hectare of employment lands.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only means of achieving the desired outcomes.

Section B Relationship to Strategic Planning Framework

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of s117 Directions.

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) is the lead document to guide future growth and development in the region. It was prepared by the then Department of Planning and released in June 2008. Its primary aim in relation to employment generation is the creation of 18,000 new jobs in the Gosford LGA, 6000 of which are to be located in Gosford Regional Centre, 9000 in other centres, and 3000 in employment

lands. The CCRS is also underpinned by Regional Economic Development and Employment Strategy (REDES).

Some key objectives of CCRS in relation to employment include:

- Ensuring that sufficient employment lands and commercial office space is provided in appropriate locations to accommodate growth in existing and emerging industries and businesses
- Increasing and diversifying job opportunities and increasing the level of employment self containment
- Promoting innovation and skills development within the region
- Supporting and strengthening the existing employment base to help key industries achieve critical mass
- Encouraging and investigating opportunities to diversify the region's economy
- Protecting existing and proposed transport corridors within the region and to surrounding regions
- Capitalising on the region's position between Sydney and Newcastle
- Action 5.1 - Promote economic and employment growth in the Region to increase the level of employment self containment and achieve capacity for more than 45,000 new jobs on the Central Coast over the next 25 years;
- Action 5.2 - LEPs are to be consistent with the Central Coast Regional Strategy, the related employment capacity targets and provide a distribution that reflects the centres hierarchy;]
- Action 5.7 - Investigate, through the preparation of LEPs, options to expand existing employment land nodes and ensure future development occurring on employment land does not result in inappropriate fragmentation of that land
- Action 5.13 - The NSW Government and councils are to engage with industry regarding employment land stock to ensure a sufficient supply of employment generating land in the correct locations
- Somersby Business Park is identified as an employment precinct and investigations into possible expansion align with specific actions of the CCRS.

Regional strategies include outcomes and specific actions for a range of different matters relevant to the region, including specific housing and employment targets. Planning proposals should be consistent with the strategic planning directions contained within CCRS to ensure appropriate landuse planning outcomes are achieved across the region. E. P & A. Act Ministerial Section 117 Direction 5.1 Implementing Regional Strategies gives legal effect to the need for land rezoning to be consistent with the CCRS.

Actions identified in the CCRS that relate to employment lands include:

- 5.1 - Promote economic and employment growth in the Region to increase the level of employment self-containment and achieve capacity for more than 45,000 new jobs on the Central Coast over the next 25 years.
- 5.2 - LEPs are to be consistent with the Central Coast Regional Strategy, the related employment capacity targets and provide a distribution that reflects the centres hierarchy.
- 5.7 - Investigate, through the preparation of LEPs, options to expand existing employment land nodes and ensure future development occurring on employment land does not result in inappropriate fragmentation of that land.

- 5.13 - The NSW Government and councils are to engage with industry regarding employment land stock to ensure a sufficient supply of employment generating land in the correct locations.

Somersby Business Park is identified as an employment precinct in the CCRS and investigations into possible expansion align with specific actions of the CCRS. In particular, the planning proposal is to expand the SBP which will not result in inappropriate fragmentation of land and will assist in providing employment lands in an appropriate location.

Environmental and heritage actions in the CCRS that need to be considered include:

- 6.8 - Ensure LEPs facilitate conservation of Aboriginal and non-Aboriginal heritage.
- 6.9 - Ensure LEPs do not rezone rural and resource lands for urban purposes or rural residential uses unless agreement from the Department of Planning is first reached regarding the value of these resources.

The proposal incorporates the protection of a possible Aboriginal site in the south eastern section of the Eastern Precinct by rezoning this area E2 Environmental Conservation. It will also rezone to E3 Environmental Management a small site on Wisemans Ferry Road with an existing dwelling-house and areas of endangered ecological community, threatened fauna habitat and threatened flora habitat.

The subject sites are currently zoned for rural purposes. Therefore, agreement will be required from the Department of Planning & Environment to rezone it for employment lands.

With regard to the above directions, the planning proposal is consistent with CCRS.

Regional Economic Development and Employment Strategy

The Regional Economic Development and Employment Strategy (REDES) is the long-term strategy for sustainable economic development and jobs growth for the Central Coast Region. The Planning Proposal provides additional employment land, which is consistent with the following objectives of the REDES:

- *To deliver more than 45,000 new jobs by 2031, increasing the region's level of employment self-containment and providing jobs for a growing population.*
- *To encourage employment growth in key employment nodes, including strategic centres, employment lands and smaller centres.*

Draft Central Coast Regional Plan

A new Draft Regional Growth and Infrastructure Plan was placed on public exhibition in late 2015 by DP&E. The Draft Central Coast Regional Plan endorses the strategic directions of the CCRS with regard to employment lands and identifies Somersby as the beginning of a regional economic corridor through to Erina in the east of the LGA. Below are a number of actions relevant to the Planning Proposal.

- Action 2.1.5 - Support other employment development areas and opportunities. Planning for employment activity outside of centres should facilitate economic and business connections with the regional economic corridors, complement centres' growth and function, and be compatible with nearby land uses.
- Action 2.4.1 - Expand the southern economic gateway. The Somersby area and its surrounds, including Mt Penang, operates as the region's southern economic gateway. This area has a broad range of land uses including manufacturing, warehousing, logistics and tourism (Somersby), commercial, education and justice (Mount Penang) and residential and centres development (Kariong). Gosford City Council is currently planning an expansion of the Somersby Business Park as part of a \$28.7 million program of works to upgrade roads, stormwater, sewer and water main infrastructure to service the Somersby area. This work is being part-funded through a \$10 million grant from the Australian Government as part of the National Stronger Regions Fund. The NSW Government, via the Central Coast Regional Development Corporation, is also considering future development options for undeveloped parts of the Mount Penang site. The NSW Government will work with Gosford City Council to identify opportunities to expand the employment role of the Somersby economic gateway.

The Planning Proposal would assist in implementing the above strategic directions of the draft plan.

- 3b Does the proposal have site specific merit and is it compatible with the surrounding landuses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

Land Use

Overview

All subject lands are currently zoned RU1 – Primary Production under the Gosford Local Environmental Plan 2014 (Gosford LEP 2014). The investigations have identified preliminary industrial capability of about 19.95ha of land within the Eastern Precinct (i.e. Acacia Road). Additionally, there are three infill sites with preliminary industrial capability of about 1.58ha of land (i.e. a total of 21.53ha). Due to their locations, these proposed new industrial lands will complement adjacent industrial uses and will not raise new land use conflicts.

The majority of the proposed industrial land lies in the Eastern Precinct around Acacia Road which runs north-south through the subject site; Debenham Road adjoins the site to the north and Kangoo Road to the south-west. Land to the west of Acacia Road is largely cleared and relatively flat. It is primarily used for rural residential development. Land to the east of Acacia Road is largely occupied by the Gosford Quarry site, which has been altered from its natural landform. Land in the south eastern corner is densely vegetated. The site generally falls to the south-east. The highpoint of the site is in the

north-western corner. Another highpoint adjoins the subject site to the east. The south eastern corner is the lowest point of the site.

In the Eastern Precinct, due to the topography, there are distant views to the south-east towards Brisbane Water and the suburbs of Point Clare, Point Frederick, East Gosford and Green Point. The site also has partial and intermittent distant views to the north-east and south-east. There is existing vegetation in the south-eastern area and the periphery of the subject sites. Existing vegetation on adjacent properties and adjoining high points to the east provides screening and filtering of any views. Steeper slopes on the subject sites are generally associated with the quarry site and along the Debenham Road frontage.

Some parts of the Eastern Precinct have been mapped by Gosford Council as having a risk of landslip, however the cadastral accuracy is in question, hence this is used as a guide only. The subject sites are generally enclosed due to topography, land use and vegetation on the site and adjoining the site from the immediate surrounding areas. Therefore it is fairly well screened from the rural residential areas to the north due to topography, vegetation and stockpiling on the quarry site.

The area surrounding the Eastern Precinct consists of the following land uses.

- Land zoned RU2 - Rural Landscape to the north and east comprising lots ranging in size from approximately 2ha to 30 ha with some dwellings.
- Land zoned SP1 - Special Activities and SP2 - Infrastructure to the south, which incorporates the Mount Penang Gardens and the Mount Penang Detention Centre.
- Land zoned IN1 - General Industrial to the west, which forms part of the Somersby Business Park.

With regard to the three small infill proposed IN1 zoned sites, Lot 91 Somersby Falls Rd is vacant land and owned by Council. It is predominantly cleared of vegetation. Lot 1 Somersby Falls Rd has a dwelling-house and various outbuildings and is also predominantly cleared of vegetation. These lots have industrial land either side and behind them. Lot 32 Debenham Rd (north) has a radio tower erected upon it and industrial land adjacent, and proposed industrial land to the north.

Eastern

The lands either side of Acacia Road are zoned RU1 - Primary Production. They are comprised of the quarried lands of Gosford Quarry and rural-residential uses with an area of approximately 23.7 ha. Gosford Quarry lies between Debenham and Kangaroo Roads and east of Acacia Road and has been quarried for about 40 years. Part of the quarry is identified under deemed State Environmental Planning Policy - State Regional Environmental Plan No 9 – Extractive Industry (No2 – 1995), which aims to facilitate the extraction of resources. Acacia Road runs north-south linking Kangaroo and Debenham Roads in this precinct.

Lands lying east of Debenham Rd are rural—residential in land use and zoned RU2 Rural Landscape. To the east of this rural—residential area lies the escarpment between the Somersby Plateau and West Gosford / Narara Valley.

The quarry's benched profile may lend it to being converted to urban development, post quarrying activity being completed sometime in the future. The high density residential towers on the hill in John Whiteway Drive Gosford are situated within an old quarry, with the first of these established in the 1980's.

The remaining land in this precinct is rural-residential in nature with an array of capital improvements such as dwelling-houses, sheds, out-buildings (some orchards and crops) and dams, together with small areas of vegetation.

The investigations have identified that the rural-residential lands and most of Gosford Quarry site to be generally suitable and capable for industrial development, with some areas requiring more detailed study to investigate capability, and with the exclusion of the south-eastern corner containing high environmental values. The south-eastern corner contains a possible Aboriginal site and high ecological values due to existing Hawkesbury Banksia Scrub Woodland and Hawkesbury Peppermint Forest vegetation; hence the E2 Environmental Conservation zone would be most appropriate given consideration of DP&E's Practice Note for Environmental Zones application. Potential new industrially zoned land in this precinct will form the new eastern extent and boundary of industrial zoned land in the SBP.

The lands adjacent to this area to the east and across Debenham Road (i.e. north of the Acacia Rd) are generally located on the top of the escarpment and will remain under the non-urban zones. A large part of this area is however subject to an ongoing Planning Proposal (East Somersby PP 2011/23), which aims to zone the lands to appropriate environment zones with a relevant suitable intensity of development commensurate with the environmental attributes of the land. The current zone of this area is RU2 Rural Landscape. The RU2 zone's objectives include maintaining rural landscape character and allowing sustainable development and compatible land uses. Existing rural-residential uses in the Eastern Precinct will, if rezoned to industrial, over time have the option to sell, thus allowing industrial development to occur.

Section 585 of the Local Government Act identifies '*Who may apply for postponement of rates?*'. The rateable person for land described may apply to the council for a postponement of rates payable for the land, where a parcel of land on which there is a single dwelling-house used or occupied as such, and which is zoned for the purposes of industry.

Industrial development will result in an overall enhanced amenity and upgrade in local roads, as the area transitions to urban, as opposed to the noise and dust that may periodically result from quarrying activity. The increased value of land as a result of such a rezoning can potentially assist to fund site rehabilitation and redevelopment of the site post-quarrying activity. Given SBP's status and location, and the quarry's physical attributes, industrial development is the most logical and suitable use for the land post-quarrying activity, whenever this may occur.

The lots within this precinct which are subject to the Planning Proposal are; Lots B & C DP 101045, Lot 1 DP 366614, Lot 2 DP 364929, Lots 11-13 DP 618324, Lot 3 DP 550062, Lot 1 DP 522099 and Lot A DP 420575

Southern

The southern boundary to the SBP will remain as it is now with Kangoo Rd and the Central Coast Highway forming the boundary south of the M1. South of Kangoo Rd lie the Juvenile Justice Centre (zoned SP2) and Mount Penang Parklands (zoned SP1). To the south of SBP and west of the M1 there is quarrying activity on land zoned RU1 -

Primary Production. This land is mostly an 'Identified Resource' with some 'Transitional Area' on the 2014 State Government's *'Mineral Resources Audit'*. To assist in preserving this valuable resource the current rural zone and SBP boundary are recommended to remain unaltered.

Western

South-west of SBP are lands zoned E2 lying generally between the M1 and the old Pacific Highway, with a small area of E2 zoned land (6,000 sqm approx.) lying between the old Pacific Highway, OST and existing industrial development. The E2 zone reflects these lands' remnant vegetation and associated environmental attributes. Quarrying is carried out on large parts of the land in the south-west. The land is mostly an 'Identified Resource' with some 'Transitional Area' on the 2014 State Government's *'Mineral Resources Audit'*. To reduce future pressure on the land for alternate land uses and to preserve this valuable resource the zone is recommended to remain unaltered.

Immediately to the north are two lots zoned E2 lying south-west of OST and located approximately 1.1kms from the SBP (lying north of the old Pacific Highway). They lie adjacent to Brisbane Water National Park and are vegetated. The current E2 zone reflects the land's attributes and is recommended to remain unaltered.

The next site moving in a northerly direction is the 'unused' Old Sydney Town (OST) site and adjacent Australian Reptile Park which are zoned Environmental Living - E4. The E4 zone is Council's current zone permitting tourist, recreation and associated uses in environmental areas. The E4 zone is proposed to remain to cater for potential future tourist uses on the unused OST site; hence this SBP boundary and the zone will remain unaltered. Should the land in the future not be required for tourist uses, its proximity to the Somersby Business Park may lend it to suitability for employment lands uses. Adjacent to the south-eastern corner & fronting the Pacific Highway is a small area (approx. 6,000sqm) of Crown land (Lot 7011 DP 1023228) zoned E2 which is vegetated with predominantly Hawkesbury Banksia according to Bells vegetation mapping. The current E2 zone reflects the land's attributes and is recommended to remain unaltered.

Immediately north of the unused' Old Sydney Town site and Australian Reptile Park are three lots which are Council owned and zoned RU1 Primary Production. These lots are used for the Water Treatment Plant (WTP) which treats water for the whole central coast region. The WTP land is required for the long term to service the region. The three WTP lots owned by Council are not suitable for industrial uses due to their long-term intended use for water treatment for the Central Coast region, hence the zone is recommended to remain unaltered.

Lying east of the WTP and having frontage to Myoora Rd is one small (about 2.6 ha) privately owned lot 102. Lot 102 is zoned RU1 and has a dwelling-house and outbuildings situated upon it. Across the road to the east of Lot 102 is land within SBP which is zoned General Industrial IN1. With regard to Lot 102 Myoora Rd, the development of the land for industrial purposes in close proximity to the region's water treatment plant is not considered compatible with the long term operational safety needs of the treatment plant and has potential to pose a risk to water quality through airborne contaminants. The Geolink Ecological and Aboriginal Heritage Report Study identified connectivity and environmental values of the riparian vegetation around the drainage line through the middle (about 40-50% of the area) of the lot and identified the lot as unsuitable for industrial use, hence the zone is recommended to remain unaltered.

Immediately north-west of the unused OST and Australian Reptile Park sites are six (6) lots lying between Brisbane Water National Park and the SBP. In 2014 Council successfully rezoned a large tract of land in this area to IN1 General Industrial, with some land also zoned to E2 Environmental Conservation zone. The western part of Lot 2 DP 712505 located on the corner of Ghilkes and Somersby Falls Roads, was deferred by Council from the Planning Proposal in 2014 that rezoned surrounding land IN1 General Industrial and E2 Environmental Conservation, hence remains zoned RU1 Primary Production. The western part of Lot 2 lies within a different water catchment to the Somersby Business Park lands and drains into the Brisbane Water National Park catchment. At the same time Council supported the industrial rezoning in the area; it resolved that the two lots adjacent to the west of Lot 2 in Ghilkes be investigated for industrial uses potential. A report on the investigation into Lots 501 and 502 DP 712506 Ghilkes Rd will be coming to Council shortly. If Council resolves to rezone any part of Lots 501 and 502 Ghilkes Rd to general industrial, then the deferred part of Lot 2 Ghilkes Rd zoned RU1 could also be included in any planning proposal. Therefore these zones are recommended to remain unaltered.

Two lots fronting Somersby Falls Road (on the eastern side) were excluded from the original rezoning under LEP No: 22 in 1981 and are still zoned for rural (RU1) purposes (exclusions were by owners' request). These lots are Lot 1 DP 712505 (10,640 sqm) and Lot 91 DP 546768 (4,047 sqm approx. Council owned with resolutions to sell) Somersby Falls Rd with a combined area of 1.464 ha (approx.). These lots are suitable for industrial zoning, with no sensitive vegetation or other known physical impairments to urbanisation, hence would form logical infills of IN1 zoned land in SBP and are subject of this Planning Proposal.

Northern

The northern boundary to SBP was set in LEP No: 22 in 1981 as the natural physical water catchment boundary of Dodds Saddle, with land to the south was zoned to industrial. The lands to the north of SBP are zoned RU1 and generally used for rural purposes and are subject to SEPP previously known as Sydney Regional Environmental Plan No: 8 - Central Coast Plateau Areas, which identifies the lands predominantly as being prime agriculture and having important mineral resource potential (extractive industries, primarily sand).

Dodds Saddle forms a natural elevated visual and water catchment boundary to the north of SBP. The saddle rises in an easterly direction to its highest point adjacent to the M1 Motorway. The saddle contains the highest point around SBP (266m), hence the water reservoir is situated here and surrounding land has slopes around 12% adjacent to the road and up to 35% in the upper slopes over a small area, thus making it unsuitable for industrial development. The saddle descends in a south-westerly direction through the north-western edge of the SBP.

The land north of SBP generally drains to the north into a large catchment and also contains several Endangered Ecological Communities (EECs) areas.

This northern boundary to SBP is proposed to be maintained due to the lands' attributes and priorities for agriculture and mineral resource as set out under the deemed SEPP, hence the zone is recommended to remain unaltered.

North-eastern

Lot 1 DP 331541 (9,250 sqm approx.) Wisemans Ferry Rd was excluded from the original LEP No: 22 (at owner's request) rezoning and is still zoned for rural purposes (RU1). The lot has scattered vegetation and a dwelling-house. The Geolink Study found this lot to be unsuitable for industrial uses for environmental reasons, as it has vegetation which contains Endangered Ecological Community and threatened flora and fauna habitat; hence it should be zoned to E3 Environment Management and is therefore subject to this Planning Proposal.

On Debenham Rd (North) two adjacent lots which were excluded from the original LEP No: 22 rezoning, are still zoned for RU1. Planning Proposal 2014-66 is underway for Lot 31 DP 811669 (1.807 ha) to rezone to IN1, with the applicant currently working on the Gateway required studies. The adjacent Lot 32 DP 811669 (1,091 sqm) is suitable for industrial zoning, with no sensitive vegetation or other known physical impairments to urbanisation, hence would form a logical infill of IN1 zoned land in SBP and is subject of this Planning Proposal.

Topography

Somersby Industrial Park (SBP) is located on the Somersby Plateau. SBP's maximum elevation is 250m AHD in the north-east falling to 165m AHD in the south. Most of SBP lies within the Piles Creek water catchment. The subject lands are situated on erosional Sydney Town landscape soils that is characterised by undulating rolling low hills and moderately inclined slopes on quartz sandstone of the Hawkesbury Sandstone and Terrigal formation Narrabeen Group. Council's landslip mapping has not identified any hazard for the three infill potential industrial sites.

The highpoint of the Eastern Precinct is to the north-west and slopes towards the south-east, the steeper slopes are generally associated with the quarry site. Council's mapping has identified parts of the site as having a landslip hazard; however this is only a guide as the data has been found to be inaccurate due to cadastral issues.

The future development of the quarry site for industrial uses will be subject to the life of the quarry and its final land form. Gosford Development Control Plan 2013 outlines the management strategies for development in areas that are identified as having a landslip potential. This includes the preparation of geotechnical investigations / reports as part of any development application for land identified as a landslip hazard. Lot 1 DP 522099, Lots 11 - 13 DP 618324 (i.e. Gosford quarry) and Lot A DP 420575 Acacia Rd are noted on Council's mapping as being subject to slip hazard, however the cadastral accuracy is in question, hence this is used as a guide only. Given that Council is carrying out strategic investigations of the land capability, relevant more detailed investigations to determine this lands' capability for industrial zoning and uses should be undertaken within the Planning Proposal process. Should a Gateway determination be given to the PP, Council will request that the owners of Lot 1 DP 522099, Lots 11 - 13 DP 618324 (i.e. Gosford quarry) and Lot A DP 420575 Acacia Rd, who will receive the benefit of the increase in the value of the land as a result of the rezoning, arrange and pay the cost of geotechnical investigations to ascertain the capability for industrial zoning and uses of the land, in order that the land may be incorporated into the Planning Proposal. Should any land owner decline to pay for the required study, the rezoning of that land should not proceed in Council's Planning Proposal as it will not satisfy assessment of industrial zone capability under the legislation, hence it will be

left under the current rural zone and future land owners may pursue their own Planning Proposal.

Ecological and Aboriginal Heritage Report – Geolink Consultants 2013

The Employment Lands Study (ELS) identified areas for potential for investigation for expansion to the west, east and for infill areas of the Somersby Business Park.

The Geolink report investigated the sites within this Planning Proposal (plus some additional sites found to be unsuitable for industrial use), except for Lot 32 Debenham Rd which has an area of just 1,091 sqm and a radio tower erected upon it.

Given the multiple constraints that have been experienced in the existing zoned industrial area, it was considered critical to undertake environmental and ecological investigations, including threatened species and aboriginal archaeological investigations. These issues are key constraints to development and would act as determinants for future land use planning in the area. These investigations have been undertaken for the western, infill and eastern expansion areas.

The report identified a range of environmental (including threatened species) and aboriginal heritage issues that need to be considered in informing any future planning proposal. The findings of the Geolink Report informed the Peter Andrews & Associates Study of the largest area (in excess of 20ha) subject of the Planning Proposal, i.e. Eastern Precinct, carried out on behalf of Council to investigate in more detail land suitability for industrial uses. The bulk of western precinct sites have now been dealt with in a private Planning Proposal resulting in rezoning of 22.9 ha of new general industrial zoned land in 2014.

The remaining three sites small sites are all zoned RU1, being Lot 91 DP 546768 (Council owned) and Lot 1 DP 712505 fronting Somersby Falls Rd and Lot 102 DP 825163 Myoora Rd. Lot 91 DP 546768 (owned by Council) and Lot 1 DP 712505 (privately owned) lie within SBP, as they were excluded from LEP No: 22 upon request of the then owners. No ecological constraints were found for Lot 91. Lot 1 only has a very small ecological affectation along the northern lot boundary to a depth of about 5m, which would not preclude rezoning to IN1 and can be addressed in detail at the development application stage.

Lot 102 DP 825163 Myoora Rd lies adjacent to the Water Treatment Works (WTW) which is required in the long term for the region's water provision. The report found that approximately half of Lot 102 to be unsuitable for industrial uses, being the existing vegetation and drainage line in the middle of the lot. The report, coupled with the long term operational needs of the Water Treatment Works, makes the whole site unsuitable for industrial uses.

A small infill site lying within the north-eastern portion of SBP is Lot 1 DP 331541 Wisemans Ferry Rd with an area of 9,250 sqm. It is surrounded by industrial zoned land as it was excluded from LEP No: 22 upon request of the then owners. The lot has areas of endangered ecological community, threatened fauna habitat and threatened flora habitat. For these reasons the report identifies the lot as being unsuitable for industrial development. Due to these ecological affectations the land should be rezoned to E3 Environment Management.

The main findings from the Geolink report for the Eastern Precinct are:

- The majority of the site being the quarry and rural residential areas has no ecological constraints. The vegetated south-east corner of the site is highly ecologically constrained due to threatened fauna habitat. The site also contains medium constraints (mainly associated with regrowth vegetation in road reserves) including general fauna habitat and fauna connectivity.
- Six Netted Bottlebrush (*Callistemon linearifolius*) individuals were recorded below the escarpment south of the quarry.
- There is a high probability that the Somersby Mintbush (*Prostanthera junonis*) is present in the seed bank as the site is surrounded by records of this species.
- There are no threatened ecological communities listed on the Threatened Species Conservation Act 1995 (TSC Act) or Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) that occur at the site.
- There is potential habitat and a high probability that the Giant Burrowing Frog (*Heleioporus australiacus*), Red-crowned Toadlet (*Pseudophryne australis*), Eastern Pygmy Possum (*Cercartetus nanus*) and Squirrel Glider (*Petaurus norfolkensis*) occur at the site.
- Grey-headed Flying-fox (*Pteropus poliocephalus*), Eastern Freetail-bat (*Mormopterus norfolkensis*), Greater Broadnosed Bat (*Scoteanax rueppellii*) and Eastern Bent-wing Bat (*Miniopterus schreibersii oceanensis*) were recorded at the site and there is potential habitat and a high probability that a further four microchiropteran bats would occur at the site.
- The site contains important habitat features such as forage for threatened amphibians and bats, and hollow-bearing trees.

The Eastern Precinct is dominated by existing cleared areas associated with the quarry and agricultural lands, planted or exotic vegetation and native vegetation. Vegetation is described in the below table.

Vegetation type	Office Environment & Heritage Vegetation type	Area ha
Hawkesbury Peppermint Forest	Smooth-barked Apple, Sydney Peppermint, Turpentine healthy open forest on plateaux areas of the southern Central Coast, Sydney Basin	3.0
Exposed Hawkesbury Woodland	Scribbly Gum – Hairpin Banksia – Dwarf Apple heathy woodland on hinterland sandstone plateaux of the Central Coast, Sydney Basin	1.2
Hawkesbury Banksia Scrub Woodland	Scribbly Gum – Hairpin Banksia – Dwarf Apple heathy woodland on hinterland sandstone plateaux of the Central Coast, Sydney Basin	0.2
Planted or exotic vegetation	n/a	2.9
Disturbed land	n/a	17.0

A likelihood of occurrence assessment was prepared for the broad habitats within the subject site. Six Netted Bottlebrush (*Callistemon linearifolius*) individuals were recorded below the escarpment south of the quarry (Geolink 2013). The presence of these plants was confirmed during the site inspection. Based on habitat available at the site there is a high probability that the Somersby Mintbush (*Prostanthera junonis*) is present

in the seed bank at the site within native vegetation as there are several recent local records of the species surrounding the site. There is also a moderate potential for Leafless Tongue Orchid (*Cryptostylis hunteriana*) and Spreading Guinea Flower (*Hibbertia procumbens*) to occur based on the habitats available at the site.

No threatened ecological communities or protected marine vegetation were recorded or have the potential to occur in the Eastern Precinct.

The Eastern Precinct contains a variety of fauna habitat features including the Woodland and the planted or exotic vegetation as follows:

- The woodland occurs in the south-east corner of the site and along the edges of the quarry.
- These areas contain a flowering canopy and diverse shrub layer that provide foraging habitat for nectivorous species such as birds, arboreal mammals and the threatened Grey-headed Flying-fox (*Pteropus poliocephalus*), and foraging habitat for insectivores species including microchiropteran bats and insectivorous birds. Hollow-bearing trees are located within this part of the site. The groundcover is also generally intact and unaffected by weeds providing a potential foraging and shelter habitat for ground-dwelling mammals and reptiles. This area also contains foraging habitat for owls and other birds of prey, and potential habitat for the Red-crowned Toadlet (*Pseudophryne australis*) and Giant Burrowing Frog (*Heleioporus australiacus*) within the rocky outcrops and associated seeps and drainage lines.
- The planted or exotic vegetation provides potential foraging habitat for a range of mobile fauna. These areas also provide movement corridors for fauna accessing patches of remnant and regrowth native vegetation.

Four threatened fauna (Grey-headed Flying-fox (*Pteropus poliocephalus*), Eastern Freetail-bat (*Mormopterus norfolkensis*), Greater Broad-nosed Bat (*Scoteanax rueppellii*) and Eastern Bentwing Bat (*Miniopterus schreibersii*)) have been previously recorded in the Eastern Precinct, and there is potential habitat and a high probability that the Giant Burrowing Frog (*Heleioporus australiacus*), Red-crowned Toadlet (*Pseudophryne australis*), Eastern Pygmy Possum (*Cercarttus nanus*) and Squirrel Glider (*Petaurus norfolcensis*) may occur.

There is a moderate potential for the Glossy Black Cockatoo (*Calyptorhynchus lathami*), Powerful Owl (*Ninox strenua*), Masked Owl (*Tyto novaehollandiae*), Sooty Owl (*Tyto tenebricosa*) and four microchiropteran bats (Large-eared Pied Bat (*Chalinolobus dwyeri*), Eastern False Pipistrelle (*Falsistrellus tasmaniensis*), Little Bentwing-bat (*Miniopterus australis*) and Southern Myotis (*Myotis macropus*) would occur at the site.

No migratory species have been previously recorded in Eastern Precinct. There is potential foraging habitat and a moderate potential for four migratory species (Rainbow Bee-eater (*Merops ornatus*), Black-faced Monarch (*Monarcha melanopsis*), Satin Flycatcher (*Myiagra cyanoleuca*) and Rufous Fantail (*Rhipidura rufifrons*) to occur. The precinct also provides potential habitat for aerial migratory species (such as White-throated Needletail (*Hirundapus caudacutus*), which have a low potential of occurring.

There is one farm dam located in the Eastern Precinct and several settlement/sediment retention ponds at the quarry site. The farm dam is characterised by in-stream reeds surrounded with native and exotic reeds and grasses. The farm dam is likely to provide habitat for common amphibians, reptiles, birds and microbats.

Ecological constraints are defined as conditions within a vegetation community, habitat type or location that are considered to represent significant or important contributions towards habitat for one or more threatened species. The majority of the Eastern Precinct, including the Disturbed Lands and Planted or Exotic Vegetation, contains 'low ecological constraints' and is suitable for future development with minimal ecological impacts likely. The report identified that areas considered to have 'high ecological constraints' generally includes the areas of Hawkesbury Banksia Scrub Woodland and Hawkesbury Peppermint Forest and should be excluded from any future development footprints

An Aboriginal Heritage Assessment was carried out by McCardle Cultural Heritage as part of the Ecological and Aboriginal Heritage Report for Somersby prepared by Geolink in 2013. It has been predicted that within the specific subject area included in this report the potential for evidence of former Aboriginal occupation is low. This is due mainly to the lack of natural watercourses on the subject site. However, a possible rock engraving site was identified within Lot 12 DP 618324 Acacia Road adjacent the boundary with Lot A DP 420575 Acacia Road. The site lies approximately half way along the eastern boundary of Lot A DP 420575 Acacia Road and the western boundary of this Lot 12 DP 618324 Acacia Road. The rock platform shows indications of a possible Aboriginal rock engraving. This potential rock engraving site is located within the area identified as a high ecological constraint and will be zoned to E2 Environmental Conservation.

The three small infill lots proposed for IN1 zoning lie adjacent to land zoned IN1 fronting existing industrial roads. Council's vegetation mapping identifies no significant vegetation on the two infill sites in Somersby Falls Rd. The mapping identifies for Lot 32 (1092 sqm) in Debenham (north) Road, that there may be about 100sqm of EEC in the rear corner of the site, however given the scale of mapping this may / may actually still exist. In any case, such a small potential area is best addressed at the DA stage.

There are no known items of European Heritage identified on the subject sites.

Gosford LEP 2014 identifies various heritage items on the adjoining site to the south on The Mount Penang parklands site. For areas recommended to be rezoned for general industrial uses, ecological and Aboriginal heritage matters will again be addressed at the Development Application stage.

Visual Impact Assessment

A Visual Impact Assessment by Peter Andrews & Associates (PAA) identified for the Eastern Precinct that long distance views are available to and from part of the site from the east. However, the impacts are minimal as the field of vision is reduced due to the distance. Further, the land to the south-east is to be conserved within zone E2 which will further reduce the visual impact.

The precinct could incorporate a landscaped buffer on the northern and eastern boundaries to minimise impacts on views from the adjoining rural residential land uses and minimise impacts from long distant views. The quarry is the most visually exposed site. The precinct should incorporate street tree planting along Acacia Road, which is prominent to the east. Other mitigations measures are also proposed if the subject site is rezoned for employment lands. Landscaping and the other mitigation measures for visual impact are addressed in GDCP 2013; e.g. building / complex design to be integrated with landscaping (including trees), landscaping of frontage mandatory & also setbacks, retention of existing trees (except where approved by Council as part of the development), 5 metre setback to adjoining rural land, low reflectivity roofs and buildings' textures to reflect the natural environment.

Any potential amenity issues and impacts on rural-residential lands on the north-eastern side of Debenham Road from future industrial land uses can be mitigated by not permitting any vehicular / other access either to / from Debenham Road. An amendment to the GDCP can address this matter. Gosford DCP amendments are recommended requiring street tree planting along Acacia Road, together with onsite landscaping to Acacia and Debenham Roads.

Given that the quarry site is in one ownership and the substantial increase in land value which the quarry will receive as a result of the rezoning to industrial, it is considered that DCP requirements for street tree landscaping and onsite landscaping to Acacia and Debenham Roads would be reasonable. The three sites north-east of the quarry, proposed to be rezoned to IN1, have frontage to both Acacia and Debenham Roads, but are much smaller (2,000 sqm, 4,000 sqm & 2.7ha approx. respectively) and of irregular shapes. The two smallest lots are limited in design options by area and shape, this leaves just the most northerly lot of 2.7 ha, consequently the same requirement will not be applied to these three lots. This is notwithstanding that GDCP 2013 still requires a certain amount of landscaping upon development.

The three small infill lots proposed for IN1 zoning lie adjacent to land zoned IN1 and do not raise any strategic visual or amenity issues

Land Contamination

A Phase 1 Contamination Site Assessment was prepared by PAA Consultants for the Eastern Precinct. The overall likelihood for significant chemical contamination to be present within the study area is considered to be low. However, the likelihood for chemical contamination on the Gosford Quarries site is considered to be moderate due to the long term historical use and storage of oils, fuels and greases, completion of maintenance activities including refuelling and operation of heavy and light vehicles. The likelihood for chemical contamination within the small area to the north-west of the Gosford Quarries site, which was noted to contain oil drums and discarded oil filters, is considered to be high due to the presence of visibly stained surface soils. It is noted however, that the lateral extent of chemical contamination within this area is considered to be minimal.

The Phase 1 Contamination Site Assessment carried out recommends for some sites within the Eastern Precinct that additional soil sampling be carried out and that the Gosford Quarry site, due to its higher likelihood for contamination due to practices

associated with the quarry, carry out additional work. This work may be carried out after a Gateway is issued by DoP&E.

No Phase 1 Contamination Site Assessment was carried out for Lot 2 DP 364929 and Lot C DP 101045 within the Eastern Precinct, as inspections by Council's consultants could not be carried out upon consultation with owners at the time. A Phase 1 Contamination Site Assessment is required to be carried out for these lots satisfy SEPP 55 – Remediation of land, and may be carried out post a Gateway determination. Should a Gateway determination be given to the PP, Council will request that the owners of the Lot 2 DP 364929 and Lot C DP 101045 Acacia Road, who will receive the benefit of the increase in the value of the land as a result of the rezoning, arrange and pay the cost of Phase 1 Contamination Site Assessment in order that the land may be incorporated into the ongoing Planning Proposal. Should any land owner decline to pay for the required study, the rezoning of that land cannot proceed in Council's Planning Proposal for that lot as it will not satisfy SEPP 55 requirements, hence it will be left under the current rural zone and future land owners may pursue their own Planning Proposal.

The three infill lots proposed for IN1 zoning {i.e. Lot 32 DP 811669 Debenham Rd Nth, Lot 91 DP 546768 (Council owned) & Lot 1 DP 712505 Somersby Falls Rd} each require a Preliminary Soil Contamination Assessment - Phase 1 Contamination Site Assessment to meet SEPP 55 – Remediation requirements of a Planning Proposal.

Bushfire Protection Assessment

PAA had a Bushfire Protection Assessment prepared by ABPP for the Eastern Precinct which identifies that asset protection zones will be required and can be accommodated on the site. Larger APZs are required adjoining the area identified as a high ecological constraint in the south-east and along the south western boundary adjoining the vegetation to the west. APZs are also required from vegetated land to the north. A 10m APZ is also required adjoining the paper road to the south. However, this would not be required if the road reserve is to be cleared in the future. These matters will be addressed at the DA stage.

The three small infill lots proposed for IN1 zoning lie adjacent to land zoned IN1 fronting existing industrial roads and bushfire issues can be addressed at the DA stage.

Traffic

PAA had a Traffic and Parking Assessment prepared by Varga Traffic Planning for the Eastern Precinct. This concludes that the proposed industrial development in the Eastern Precinct would not have any unacceptable traffic implications in terms of road network capacity, and that no road improvements or intersection upgrades would be required as a consequence of the development proposal.

The three small infill lots proposed for IN1 zoning lie adjacent to land zoned IN1 fronting existing industrial roads and road issues can be addressed at the DA stage.

Flooding & Drainage (hydrology assessment)

A preliminary hydrology assessment was prepared for the Eastern Precinct. It estimates the catchment area of the site to be a total of 28 hectares. The catchment area is not anticipated to change for post development conditions. The majority of the site drains south-west with approximately 2 hectares in the north eastern corner draining to the north-east.

The soil landscape mapping for the Eastern Precinct indicates the area to be relatively impervious with only a shallow soil profile over the underlying rock. The soils in the natural catchment condition would have had a modest water holding capacity. The runoff coefficient for existing conditions was determined by calculating the impervious percentage of the catchment. To calculate the impervious area, the quarry was examined separately from the remainder of the catchment. By examining aerial images the impervious percentage of the catchment area outside the quarry was determined to be approximately 5%.

For the quarry under existing conditions, it was assumed that the quarry has a high percentage of impervious land due to the extent of exposed sandstone. Based on observations of aerial images, the sandstone quarry had two basins with a total area of approximately 3,380m². Following an observation of topographic data, it was determined that approximately 90% of the quarry surface area drained into the basins. Based on this calculation, it was determined that 10% of the quarry area drained to the catchment outlet and that this portion of the quarry was fully impervious. Therefore, it was calculated that the impervious percentage of the catchment under existing conditions was 7%. Under post-development conditions, it is assumed that the catchment would be fully developed and would have a final impervious percentage of near 100%.

Taking into consideration the catchment response time, rainfall and the rate of runoff, one or more detention basins will be required at the downstream end of the catchment or alternatively on-site detention could be utilised to ensure that water leaving the site is at its pre-development rate in accordance with Gosford City Council's Development Control Plan 2013.

On-site water detention of 230m³ per hectare is recommended to return flows to its pre-development rate. Pollutant traps should be utilised and would be designed to capture oil and grease. On-site detention should have a minimum retention time of 5 minutes for flows less than pipe full. At the catchment outlet level spreading arrangements should also be utilised to ensure downstream of the site channelised flows do not occur. These requirements can be added into Gosford DCP 2013.

Council's mapping indicates that the three small infill sites proposed for IN1 zoning are outside the mapped 1% AEP flood extent. These lots lie adjacent to land zoned IN1 fronting existing industrial roads and any drainage issues can be addressed at the DA stage.

Water and Sewer Servicing

Council engaged Hunter Water to investigate the servicing potential of additional industrial lands around SBP.

In 2012, Council completed also investigations into future servicing requirements within the Gosford LGA (Water & Sewer Master Plans 2013 and Somersby Industrial Park W&S Strategy Review 2012).

Land rezoned for industrial purposes in the Eastern Precinct requiring connection to both water and sewer services will attract the following conditions and preliminary costs (2014). (*NB: the three small infill proposed industrial sites can be provided with water and sewer services, as found in the above studies, and costs would commence at about \$55,000/ha plus other redevelopment costs in accordance with the Water Management Act 2000 to be determined later in the development process*):

- Connection of the proposed rezoned land to Councils water and sewer reticulation systems shall be subject to the existing water and sewer systems having sufficient capacity to accommodate proposed development and additional loads / demands from the proposed rezoned land. Such capacity shall be in addition to capacity previously provided for development within the Somersby Industrial Park (SIP). Landholders within the rezoned area shall be responsible for the full cost of specific downstream augmentation of existing infrastructure, as well as the cost of additional water and sewerage distribution infrastructure.

Specific Downstream W&S Costs

The current (2014) estimated cost for augmentation of specific downstream infrastructure is \$51,438 per HA (\$11,000 water and \$40,438 sewer). Note: This amount is based upon 80 HA of developable land (*including lands recently rezoned to IN1 in the western precinct*). Should the development area decrease the specific downstream charge may increase. The charge is subject to a review.

- Landholders of rezoned land shall be responsible for the full cost of distribution mains required to service each parcel of land which existed at the time of rezoning. Note: the cost of distribution mains will be apportioned to each landholder based on their percentage of rezoned land area to the total cost of the works.

Sewer

There are two options by which the land can be serviced with sewer.

Option 1 - involves construction of a sewer pump station at the south eastern side of the proposed area to be rezoned, construction of distribution mains to service each existing lot, and construction of a rising main to discharge into the SIP sewer system. The 2012 report identified an estimated cost of \$1.45 million to service via an SPS, gravity and rising mains. A 20% contingency should be added due to geological constraints and project management costs. Approximate estimate = \$1.74 million (2014).

Option 2 - involves construction of a gravity sewer main approximately 960 metres in length from the existing SIP sewer system to the northern section of Acacia Road. A number of properties will gravitate to this main while the remaining properties would need to utilise private sewer pump units to service individual lots. The estimated cost to construct a sewer gravity distribution main along Kangoo and Acacia Roads is \$960,000 (2014). A 20% contingency should be added due to geological constraints and project management costs. Approximate estimate =

\$1.15 million (2014). The cost of individual private sewer pump stations would be the responsibility of the individual property owners.

Water

Water is available in both Kangoo and Acacia Roads and along the north western section of Debenham Road. Depending on the extent of rezoning, it may be necessary to extend the water main approximately 200 metres east along Debenham Road. The estimated cost to construct this water main is approximately \$150,000 (2014).

- The landholder shall be responsible for the full cost of design and construction of water supply and sewerage works required to connect the proposed rezoned land to Councils water supply and sewerage systems.
- Upon development of the land, each individual landholder shall be responsible for the design and construction of water supply and sewerage works within each rezoned parcel of land. The water and sewer designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards. Where serviced by a private sewer pump unit, the applicant shall submit a separate application for connection to the sewer reticulation system.
- Payment of water and sewer headworks / augmentation contributions of one (1) equivalent tenement per existing lot currently not connected to Councils water and / or sewer reticulation systems. The current water and sewer headworks / augmentation charge is \$3587 per equivalent tenement (2014). Note: This amount is subject to annual review.
- All future development within the rezoned land shall be subject to payment of water and sewer headworks / augmentation contributions based upon equivalent tenements (ETs). The current water and sewer headworks / augmentation contribution charge is \$3587 per equivalent tenement (2014). Note: This amount is subject to annual review.

Any technical investigations are not required at this stage, as the capability of the land for industrial uses and its serviceability for water and sewer has been established, hence they will occur at a later development stage in accordance with requirements emanating from the Water Management Act, 2000.

4 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Community Strategic Plan Gosford 2025

Gosford Council's Community Strategic Plan Gosford 2025 identifies the Gosford community's main priorities and aspirations for the future. The following outlines how the proposal will assist in meeting the objectives of the Community Strategic Plan.

Environment

B1 Diversity of the natural environment is protected and supported

B1.1 Identify and manage threats to native flora and fauna

B1.2 Identify and preserve areas of conservation value

Land in the south eastern area of the Eastern Precinct has been identified as having a high ecological constraint. Ecological constraints are defined as conditions within a vegetation community, habitat type or located that are considered to represent significant or important contributions towards habitat for one or more threatened species. This area has been mapped to include Hawkesbury Banksia Scrub Woodland and Hawkesbury Peppermint Forest and should be excluded from any future development footprint. It is therefore proposed that this area be zoned to E2 Environmental Conservation, which will assist in meeting the community strategic objectives of managing threats to native flora and fauna and preserving areas for conservation.

Economy

C1 Gosford is a place that attracts people to work, live and visit

C1.1 Broaden range of business and industry sectors

C1.3 Increase and broaden the range of local jobs across existing and emerging employment sectors

C2 Gosford attracts and supports new and existing businesses and investment

C2.1 Provide tools and framework for business growth

C2.3 Grow businesses to export outside the region

The creation of jobs is an important focus for the future. A diversity of industries in the area would provide a broader foundation. Additional employment lands as proposed in the Planning Proposal would also provide new jobs and cut the number of people required to commute to Sydney each day. An area of about 21.53 ha of land is proposed to be rezoned to IN1 General Industrial, which will provide additional employment lands to assist in meeting these objectives.

The State of the City Report 2012 states that a future direction is to facilitate the development of more diversity in the economy requiring a range of actions that support the manufacturing, logistics, creative tourism, and education sectors, such as the zoning of sufficient employment lands. The proposal will rezone additional land for employment land uses increasing opportunities for the Gosford LGA in accordance with Council's strategic plan.

Gosford Biodiversity Strategy 2008

The key principle of the Biodiversity Strategy relating to the Planning Proposal is section 3.3.1 *Protect and Conserve Biodiversity and maintain ecological processes*. This includes identifying areas of high biodiversity significance and determining appropriate conservation measures. Part of the south eastern area of the Eastern Precinct has been identified as a high ecological constraint. Therefore, it is proposed as part of this Planning Proposal to rezone this area to E2 Environmental

Conservation. Further, a minimum lot size of 40 hectares is proposed and therefore the land will not be subject to any further subdivision.

Lot 1 DP 331541 Wisemans Ferry Rd with an area of 9,250 sqm which is zoned RU1. It is surrounded by industrial zoned land and was also excluded from LEP No: 22 upon request of the then owners. The lot has areas of endangered ecological community, threatened fauna habitat and threatened flora habitat, plus an existing dwelling-house. For these reasons the report identifies the lot as being unsuitable for industrial development, hence it would be most suitable for zone E3 Environmental Management, given consideration of DP&E's Practice Note for Environmental Zones application.

Draft Gosford Landuse Strategy

The Draft Gosford Landuse Strategy was prepared by Council to inform preparation of the Draft Gosford LEP 2009 resulting in GLEP 2013 and states:

As industrially zoned lands become more fully developed, Council's Industrial Lands Strategy is to identify future additional lands with an emphasis on proximity to major transport nodes, commencing with investigations around Somersby Industrial Park.

Industrially zoned lands are a finite resource in the city and critical to growing the local economy, hence, the use of them for any other purpose will not be supported.

The Planning Proposal is consistent with this draft Strategy.

5 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with the relevant SEPPs or inconsistencies are outlined and justified in the following.

State Environmental Planning Policy No 19 - Bushland in Urban Areas

When preparing draft local environmental plans for land, other than rural land, the Council shall have regard to the aims of the SEPP, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise, which outweigh the value of the bushland.

The proposal is to rezone the majority of subject sites from rural to an industrial zone incorporating employment lands.

The general aim of the SEPP is to protect and preserve bushland within the urban area because of its value to the community as part of the natural heritage, its aesthetic value and its value as a recreational, education and scientific resource.

The Planning Proposal seeks to address these issues by retaining the vegetated areas with high ecological values within an E2 Environmental Conservation or E3 Environmental Management zone.

The proposal will be consistent with the SEPP.

State Environmental Planning Policy No 44 – Koala Habitat Protection

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. This is to be achieved by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat,

encouraging the identification of areas of core koala habitat, and encouraging the inclusion of areas of core koala habitat in environment protection zones.

Geolink undertook investigations of the subject site for the potential for koala habitat. However no evidence of Koalas (scats, scratches or individuals) were found within the site, despite the use of a range of targeted survey methods during the Koala breeding season. Overall the Geolink survey results indicate the subject sites do not comprise 'core' Koala habitat as defined in SEPP 44, therefore the proposal will be consistent with the SEPP.

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 – Remediation of land

Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal

- (1) *In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*
- (a) *the planning authority has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
 - (c) *if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

- (2) *Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. (Table 1 includes uses of*

agricultural/horticultural activities & mining/extractive industries, therefore all subject lands must address SEPP 55 requirements as a minimum, in order to be further considered any PP).

Comment - SEPP 55 does not apply where the rezoning would not result in change of use. Lot 1 DP 331541 Wisemans Ferry Rd is not suitable for industrial use for environmental reasons hence should be zoned to Environmental Management E3 zone, where dwellings are permissible and one already exists onsite, hence this action will be consistent with SEPP 55.

Council's site contamination data does not identify any matters within any of the subject lands.

A Phase 1 Contamination Site Assessment has been prepared for most of the subject sites. The overall likelihood for significant chemical contamination to be present within the Study Area is considered to be low. However, the likelihood for chemical contamination on the Gosford Quarries site is considered to be moderate due to the long term historical use and storage of oils, fuels and greases, completion of maintenance activities including refuelling and operation of heavy and light vehicles.

The likelihood for chemical contamination within the small area to the north-west of the Gosford Quarries site, which was noted to contain oil drums and discarded oil filters, is considered to be high due to the presence of visibly stained surface soils. It is noted however, that the lateral extent of chemical contamination within this area is considered to be minimal. Therefore, it is considered that these sites could be made suitable for industrial land uses.

The Phase 1 Contamination Site Assessment carried out recommends for some sites within the Eastern Precinct that additional soil sampling be carried out and that the Gosford Quarry site, due to its higher likelihood for contamination due to practices associated with the quarry, carry out additional work. This work may be carried out after a Gateway is issued by DoP&E.

No Phase 1 Contamination Site Assessment was carried out for Lot 2 DP 364929 and Lot C DP 101045 within the Eastern Precinct, as inspections by Council's consultants could not be carried out upon consultation with owners at the time. A Phase 1 Contamination Site Assessment is required to be carried out for these lots satisfy SEPP 55 – Remediation of land, and may be carried out post a Gateway determination. Should a Gateway determination be given to the PP, Council will request that the owners of the Lot 2 DP 364929 and Lot C DP 101045 Acacia Road, who will receive the benefit of the increase in the value of the land as a result of the rezoning, arrange and pay the cost of Phase 1 Contamination Site Assessment in order that the land may be incorporated into the ongoing Planning Proposal. Should any land owner decline to pay for the required study, the rezoning of that land cannot proceed in Council's Planning Proposal for that lot as it will not satisfy SEPP 55 requirements, hence it will be left under the current rural zone and future land owners may pursue their own Planning Proposal.

The three (i.e. Lot 32 DP 811669 Debenham Rd Nth, Lot 91 DP 546768 (Council owned) & Lot 1 DP 712505 Somersby Falls Rd) infill lots proposed for IN1 zoning, each

require a Preliminary Soil Contamination Assessment - Phase 1 Contamination Site Assessment to meet SEPP 55 – Remediation requirements of the Planning Proposal.

Deemed State Environmental Planning Policy - SREP No 8 - Central Coast Plateau Areas

The SEPP applies to the Eastern Precinct and the three infill sites on Somersby Falls and Debenham (north) Roads, however none of the land is designated for prime agriculture.

The relevant aims of the deemed SEPP are to provide a basis for evaluating competing land uses, to direct development for non-agricultural purposes to land of lesser agricultural capability and to encourage the preparation of draft LEPs based on merits. The following address the aims, objectives and special provisions of SEPP 8 in relation to the Planning Proposal:

2 - Aims, objectives etc	Comments
(a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,	The proposal is for employment lands, which is consistent to the adjoining Somersby Business Park to the west of the subject site. A buffer zone of adjoining rural residential landholdings exists to the Eastern Precinct the other sites are infill within Somersby Business Park.
(b) to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability,	The subject land is not identified as "prime agricultural land".
(d) to protect regionally significant mining resources and extractive materials from sterilization,	Gosford Quarry is located on part of the Eastern Precinct. It has a limited life and a future industrial land use would be a suitable land use after the exhaustion of the quarry resource. Rezoning the adjoining land for employment land uses would be complementary with the quarry site.
(e) to enable development for the purposes of extractive industries in specified locations,	The rezoning of land to industrial land uses will not impact on the quarry.
(g) to protect the natural ecosystems of the region, and	The areas identified as a high ecological constraint is to be conserved under environmental zonings.
(h) to maintain opportunities for wildlife movement across the region, and	No wildlife movement corridors have been identified on the site.
(i) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and	na
(j) to encourage the preparation of draft local environmental plans based on merits.	Strategic studies and environmental investigations show that the subject sites are a logical extension to the Somersby Business Park.
11 Special provisions—draft local	

environmental plan applications	
(a) not impact upon the current or future use of adjoining land for existing or future agricultural uses, and	Surrounding land is in rural-residential use
(b) not result in an increased settlement pattern (by way of urban development, rural residential development, residential accommodation of a permanent or semi-permanent nature, community titles subdivisions or any other features that would facilitate increased settlement), and	Proposal does not incorporate any residential development.
(c) have a significant positive economic contribution to the area and result in employment generation, and	The proposal will result in employment generation with about 21.53ha of additional IN1 zoned land
(d) not result in any adverse environmental effect on or off the site, and	Land identified as having a high ecological constraint on the subject site will be conserved under environmental zonings.
(e) be consistent with the strategic direction for water quality standards and river flow objectives developed through the State Government's water reform process, and	The proposal will be consistent with the strategic direction for water quality standards. Development is not proposed within riparian areas.
(f) be consistent with rural amenity (including rural industries) and not detract significantly from scenic quality, and	A Visual Impact Assessment has been carried out for the Eastern Precinct (21.53ha of proposed IN1 zoned land). The subject site is generally enclosed from view from the north, west, south west and north east generally due to topography and vegetation. The other sites are infill or very small. The 3 infill sites are surrounded by IN1 zoned land & and front industrial roads, hence do not raise visual or amenity issues
(g) not encourage urban (residential, commercial or industrial) land uses, and	The proposal is a logical extension of the Somersby Business Park and will not impact on rural lands.
(h) not require augmentation of the existing public infrastructure (except public infrastructure that is satisfactory to the council concerned and is provided without cost to public authorities), and	Investigations have indicated that appropriate infrastructure can be provided.
(i) result in building works being directed to lesser class soils.	Building works will be directed to lesser class soils.
<i>Note: Clauses 2(c) and (f) are repealed.</i>	

Deemed State Environmental Planning Policy - State Regional Environmental Plan No 9 – Extractive Industry (No2 – 1995)

The following discussion addresses the aims, objectives and special provisions of SREP No 9 in regards to the subject site and this Planning Proposal.

Aims Objectives and Special Provisions of SREP 9

2 Aims, objectives

(a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance.

Comment - Gosford Quarry is located on part of the subject site and is in operation; however it is understood that its economic life may be approaching, in which case the IN1 zone would be most appropriate zone as a natural transition once the quarry reaches the end of its economic life.

(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.

Comment - As noted above, Gosford Quarry is located on part of the subject site to be rezoned industrial for employment lands. It is understood to have a limited life and a future industrial land use would be a suitable land use after the exhaustion of the quarry resource. Currently, the adjoining land uses include rural residential land. Rezoning of the land to the west of the quarry and the quarry site for employment lands will be more compatible with the existing quarry land use.

13 Future development controls for extraction from Schedule 1 or 2 land

(a) 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.

Comment – The Gosford Quarries Acacia Rd site includes in the north-eastern corner a lot previously known as Lot 1 DP 522099, which is identified under Schedule 1 Division 9 item 5 as the ‘Melocco Quarries’.

It is proposed that the south-eastern area of the Eastern Precinct (i.e. within the quarry) be zoned E2 Environmental Conservation due to the identified high ecological constraint and the potential Aboriginal site. This area is generally not being quarried due to the extent of vegetation and the quarry operations are located further to the north.

The rest of the quarry is to be zoned to the IN1 zone, which under GLEP 2014 prohibits ‘extractive industries’. However, as outlined below State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 overrides the GLEP prohibition to permit extractive industries on land zoned IN1.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The aim of this Policy is to recognise the importance to New South Wales of mining, petroleum production and extractive industries, and to provide proper management of the extraction, facilitate economic extraction and promote appropriate development controls, amongst others objectives.

7 Development permissible with consent

(3) Extractive industry

Development for any of the following purposes may be carried out with development consent:

(a) extractive industry on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent)

Comment - GLEP IN1 zone permits industry with consent under item 3 *Permitted with consent* as 'any other development not specified in item 2 (i.e. permitted without consent) or item 4 (i.e. prohibited)'. The SEPP therefore overrides the GLEP's prohibition in zone IN1 of extractive industries and permits the use with consent.

Deemed State Environmental Planning Policy - State Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No2 – 1997)

SREP No 20 applies to part of the subject site to the west of Acacia Road and the following addresses this SREP.

Aims Objectives and Special Provisions of SREP 20

3 Aim of this plan

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Comment - Various investigations have been undertaken to determine appropriate areas for additional employment lands within the Gosford LGA, which will not unduly affect the Hawkesbury-Nepean River system.

6 Specific planning policies and recommended strategies

(1) Total catchment management - Total catchment management is to be integrated with environmental planning for the catchment.

Comment - The proposal will not have a significant impact on the catchment as future development will be able to meet the development controls outlined in Gosford Council's Development Control Plan 2013 as identified in the preliminary investigations.

(2) Environmentally sensitive areas - The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses. Note. Environmentally sensitive areas in the Hawkesbury- Nepean catchment are: the river, riparian land, escarpments and other scenic areas, conservation area sub-catchments, national parks and nature reserves, wetlands, other significant floral and faunal habitats and corridors, and known and potential acid sulphate soils.

Comment - As identified above, any future development will be required to meet the environmental controls and will not have an impact on the environmentally sensitive areas which will be zoned under environmental zones.

(3) Water quality - Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.

Comment - As previously noted, with the implementation of onsite detention basins, pre-development rates can be obtained in accordance with Gosford City Council's Development Control Plan 2013 this can be achieved.

(4) Water quantity - Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.

Comment - As noted above, the stormwater run-off will not increase with the development of the site with the recommended appropriate measures.

(5) Cultural heritage - The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.

Comment - Aboriginal sites have not been located on the lands to be rezoned for employment lands uses.

(6) Flora and fauna - Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

Comment - As noted above, the lands proposed for employment lands are generally clear of vegetation.

(10) Urban development - All potential adverse environmental impacts of urban development must be assessed and controlled.

Comment - The subject land has been identified as being suitable for employment lands and are a logical extension of the Somersby Business Park, which will therefore reduce the potential environmental impacts elsewhere, together with mitigation measures of GDCP 2013 guidelines.

(11) Recreation and tourism - The value of the riverine corridor as a significant recreational and tourist asset must be protected.

Comment - The visual impact of the proposed development has been considered as part of the Planning Proposal. It is considered that the visual impact of future development of the land will be reduced due to the extent of the vegetation surrounding the subject site and DCP requirements. No subject lands are near riverine areas.

(12) Metropolitan strategy - Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy.

Comment - The proposal does meet the requirements of the Central Coast Regional Strategy by creating additional employment lands with minimal environmental impacts.

6. Is the planning proposal consistent with applicable Ministerial Direction (s.117 directions)?

The Planning Proposal is considered to be consistent with the relevant s.117 Directions for Planning Proposals as outlined in the following.

s.117 Directions

1. Employment and Resources

1.1 Business and Industrial Zones

Objectives:

- (a) Encourage employment growth in suitable locations,*
- (b) Protect employment land in business and industrial zones, and*
- (c) Support the viability of identified strategic centres.*

Comment - The investigations show that the proposal for an additional 21.53ha of IN1 zoned land is a logical extension of the Somersby Business Park. The need to provide additional employment lands has been determined due partly to the presence of constrained land identified within the existing Somersby Business Park, which has reduced the amount of developable area for employment opportunities due to ecological reasons, and also to cater for future growth needs. The proposal is in accordance with the various strategies for the Central Coast including the Central Coast Regional Strategy.

1.2 Rural Zones

Objective

- (1) Protect the agricultural production value of rural land.*

Comment - The land is isolated and is small in area and does not have any prime agriculture land under SREP 8 identified within it.

1.3 Mining, Petroleum Production and Extractive Industries

Objective

(1) Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Comment - Gosford Quarries is located on the subject land. Zoning the adjoining land and the quarry site for employment lands is a preferred compatible land use than the existing rural residential development and SEPP (Mining, Petroleum Production and Extractive Industries) 2007 overrides the GLEP to permit extractive industries on land zoned IN1. Industrial use is most suitable future to a quarry, once it has reached the end of its economic life.

2. Environment and Heritage

2.1 Environment Protection Zones

Objective:

(1) Protect and conserve environmentally sensitive areas.

Comment - The areas identified as having a high ecological constraint are to be conserved under zones E2 Environmental Conservation and E3 Environmental Management.

2.3 Heritage Conservation

Objective

(1) To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Comment - The possible Aboriginal site is located within the constrained area and is to be conserved by rezoning this area to E2 Environmental Conservation.

3. Housing, Infrastructure and Urban Development

3.4 Integrating Land Use and Transport

Objectives:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and

(b) increasing the choice of available transport and reducing dependence on cars, and

(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and

(d) supporting the efficient and viable operation of public transport services, and

(e) providing for the efficient movement of freight.

Comment - This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
- (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

These documents have objectives to:

- locate trip-generating development which provides important services in places that:
 - help reduce reliance on cars and moderate the demand for car travel
 - encourage multi-purpose trips
 - encourage people to travel on public transport, walk or cycle
 - provide people with equitable and efficient access
- minimise dispersed trip-generating development that can only be accessed by cars

The expansion of the Somersby Industrial Park will provide more local job opportunities, thus reducing the number of workers potentially commuting outside of the Central Coast region for work. Hence the overall distance travelled to work will be reduced. The Planning Proposal is consistent with the CCRS action of investigating options to expand existing employment lands and the REDES objective of encouraging employment growth in key employment nodes.

On a more local scale, the SBP is serviced by a bus route from Gosford Railway Station via West Gosford Industrial Area on weekdays. There are seven (7) bus services during weekday mornings and five (5) services during weekday afternoons. For those working in the SBP, the bus system provides an alternative mode of transport to the private vehicle. However, the nearest bus route to the subject land is the intersection of Somersby Falls Road and Piles Road.

4. Hazard and Risk

4.4 Planning for Bushfire Protection

Objectives:

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

Comment - A Bushfire Protection Assessment was prepared by ABPP for the Eastern Precinct (19.95ha of planning proposal) which identifies that asset protection zones will be required and can be accommodated on the site. Larger APZs are required adjoining the area identified as a high ecological constraint in the south-east and along the south western boundary adjoining the vegetation to the west. APZs are also required from vegetated land to the north. A 10m APZ is also required adjoining the paper road to the south. However, this would not be required if the road reserve is to be cleared in the future. These matters will be addressed at the DA stage.

The three small (1.58ha) infill lots proposed for IN1 zoning lie adjacent to land zoned IN1 fronting existing industrial roads and bushfire issues can be addressed at the DA stage

5. Regional Planning

5.1 Implementation of Regional Strategies

Objective:

(1) to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Comment - This Direction requires Planning Proposals to be consistent with a Regional Strategy. The CCRS map identifies areas for investigation for the expansion of employment lands, including SBP. This Planning Proposal is consistent with the following action contained within the Central Coast Regional Strategy.

5.7 Investigate, through the preparation of LEPs, options to expand existing employment land nodes and ensure future development occurring on employment land does not result in inappropriate fragmentation of that land.

The Planning Proposal applies to lands within and adjoining the SBP and provides an opportunity to expand the employment node in a way that will not lead to fragmentation. Within the CCRS, there are also environmental and heritage matters that need to be considered. The actions relevant to this Planning Proposal are:

6.8 Ensure LEPs facilitate conservation of Aboriginal and non-Aboriginal heritage.

6.9 Ensure LEPs do not rezone rural and resource lands for urban purposes or rural residential uses unless agreement from the Department of Planning is first reached regarding the value of these resources.

In the existing SBP there are Aboriginal sites which have been protected under GLEP 2014. Geolink study investigated nearly all of the proposed land {except Lot 32 (1092 sqm) in Debenham (north) Road} to be zoned to IN1 (see previous discussion). Geolink found that the Eastern Precinct is dominated by existing cleared areas associated with the quarry and agricultural lands, planted or exotic vegetation and native vegetation. No threatened ecological communities or protected marine vegetation were recorded or have the potential to occur in the Eastern Precinct. The majority of the Eastern Precinct, including the Disturbed Lands and Planted or Exotic Vegetation contains 'low ecological constraints' and is suitable for future development with minimal ecological impacts likely. The report identified that areas considered to have 'high ecological constraints' generally includes the areas of Hawkesbury Banksia Scrub Woodland and Hawkesbury Peppermint Forest and should be excluded from any future development footprints (to be zoned under an environmental zone).

An Aboriginal Heritage Assessment was carried out by McCardle Cultural Heritage as part of the Ecological and Aboriginal Heritage Report for Somersby prepared by Geolink. It has been predicted that within the specific subject area included in this report the potential for evidence of former Aboriginal occupation is low. This potential rock engraving site is located within the area identified as a high ecological constraint and will be zoned to E2 Environmental Conservation.

The three small infill lots proposed for IN1 zoning lie adjacent to land zoned IN1 fronting existing industrial roads. Council's vegetation mapping identifies no significant vegetation on the two infill sites in Somersby Falls Rd. The mapping identifies for Lot 32 (1092 sqm) in Debenham (north) Road, that there may be about 100sqm of EEC in the rear corner of the site, however given the scale of mapping this may / may actually still exist, and if it does it can be addressed at DA stage.

The land is currently zoned for Rural purposes which will require the agreement of the DoPI to rezone Industrial. The issuance of a Gateway Determination will be considered to be the Department's agreement.

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy provided any heritage items on the site are protected.

6. Local Plan Making

6.1 Approval and Referral Requirements

Objective:

(1) to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Comment - Various environmental investigations have been undertaken and has determined the development is appropriate.

6.3 Site Specific Provisions

Objective:

(1) to discourage unnecessarily restrictive site specific planning controls.

Comment - Restrictive site specific controls are not proposed. It is envisaged that the general LEP development standards for the existing Somersby Business Park would be applied to the subject site as part of this Planning Proposal, plus some additional DCP provisions (see previous discussion).

Section C Environmental, social and economic impact

7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

As previously referred to in Section 3b, Geolink Consultants have undertaken environmental investigations in 2013 which identified that the majority of the Eastern Precinct (19.95ha of proposed IN1 zoned land) as containing low ecological constraints and is suitable for future development with minimal ecological impacts likely. Part of the south eastern portion of the Eastern Precinct is identified as a high ecological constraint and this area is proposed to be conserved by rezoning this area to E2 Environmental Conservation.

The three small infill lots proposed for IN1 zoning lie adjacent to land zoned IN1 fronting existing industrial roads. Council's vegetation mapping identifies no significant vegetation on the two infill sites in Somersby Falls Rd. The mapping identifies for Lot 32 (1092 sqm) in Debenham (north) Road, that there may be about 100sqm of EEC in the rear corner of the site, however given the scale of mapping this may / may actually still exist, and if it does it can be addressed at DA stage.

8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The high ecological constraint located in the south eastern section of the Eastern Precinct will be conserved through the E2 Environmental Conservation zone and associated height of building and minimum lot mapping under the Gosford LEP 2014.

Similarly, Lot 1 Wisemans Ferry Rd is a small infill site lying within the north-eastern precinct of SBP and has an area of 9,250 sqm with an existing dwelling-house. It is surrounded by industrial zoned land and was also excluded from LEP No: 22 upon request of the then owners. The lot has areas of endangered ecological community, threatened fauna habitat and threatened flora habitat. For these reasons the report identifies the lot as being unsuitable for industrial development. Due to these ecological affectations the land should be rezoned to E3 Environment Management.

There is no other high ecological constraint on any other lands subject to this proposal.

9 How has the Planning Proposal adequately addressed any social and economic effects?

The rezoning of the site to General Industrial within the SBP will assist in providing additional business and employment opportunities within the LGA's premiere employment lands area to residents of the LGA. The Central Coast Regional Strategy has identified a need for over 18,000 new jobs within the Gosford LGA.

This rezoning will in itself will aid in potentially reducing some commuting out of the area for employment, hence providing social benefits to individuals and families through reduced time travelled to work, thus increasing their overall wellbeing.

As previously noted, there has been a loss of developable land within the existing Somersby Business Park due to Ecologically Significant and Aboriginal Heritage Lands. Therefore, the proposal will create positive social and economic impacts for the Gosford LGA by providing the opportunity for additional jobs. There are no envisaged negative social / community impacts to the rezoning.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

The proposed sites to be zoned IN1 are accessible from the existing roads. Public transportation is also available to the SBP. The traffic investigations show that the road network is adequate to support the proposed rezoning to employment lands. Appropriate infrastructure can be provided for the proposal including sewer, water and electricity.

11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

Consultation with the relevant State and Commonwealth Public Authorities will be undertaken as per the Gateway Determination. It is proposed to undertake consultation with the following authorities:

Rural Fire Service
Office of Environment and Heritage
Dept of Trade and Investment (Resources and Energy)
Darkinjung Local Aboriginal Land Council

Part 4 Mapping

S55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument

Draft maps have been prepared for the proposal to indicate the nature of required LEP changes (see Appendices).

Part 5 Community Consultation

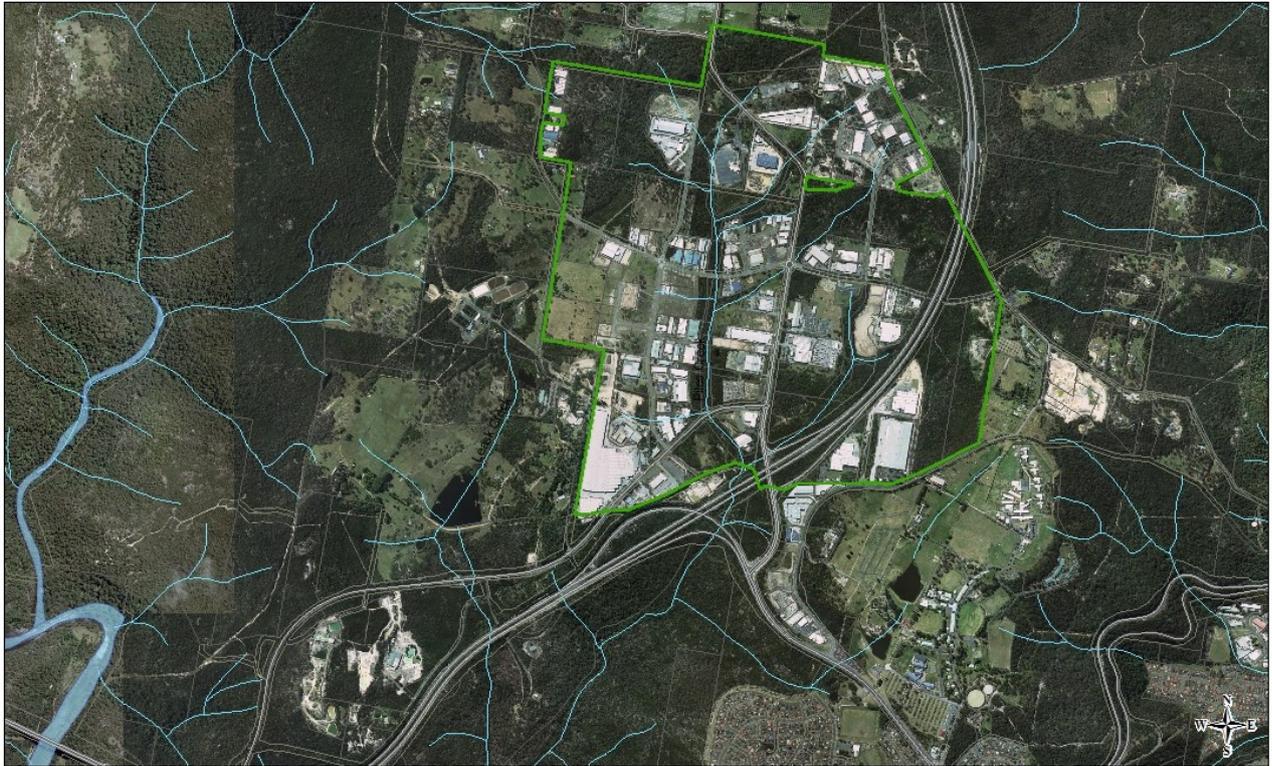
S55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Due to the specialist investigations carried out by consultants Peter Andrews & Associates on behalf of Council in 2014 within the Eastern Precinct (19.95ha), land owners in that area are aware of the Council investigations. Three infill sites will be included in the planning proposal (one of which is Council owned). Subject to Gateway support, community consultation would be undertaken in accordance with Council's standard practice. The public exhibition period is likely to be 28 days, although the period will be specified in the Gateway Determination.

Part 6 Project Timeline

Stage	Timing
anticipated commencement date (i.e. date of Gateway determination from DP&E)	within 6 weeks of submission to DP&E of a request for a Gateway determination
anticipated timeframe for the completion of required technical information	For some sites, it is envisaged that geotechnical and soils contamination investigations will be required to be carried out by individual owners, which will take some time to carry out – await Gateway
timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	to be received within 6 weeks of Council receipt of DP&E's Gateway, then 3 weeks for Council to review comments & make any PP amendments required
commencement and completion dates for public exhibition period	arrange all documentation and reports, including mapping, arrange advertisement for exhibition, send correspondence to land owners, carry out public exhibition – 7 weeks
dates for public hearing (if required)	na
timeframe for consideration of submissions	Council staff reviews of submissions by various technical staff – 4 weeks
timeframe for the consideration of a proposal post exhibition	prepare and refer report to Council for resolution to adopt plan – 6 weeks
date of submission to the department to finalise the LEP	prepare all PP S58(2) EPA Act documentation & mapping and send to state government – 4 weeks
anticipated date RPA will make the plan (if delegated)	4 weeks
anticipated date RPA will forward to the department for notification	2 weeks

Appendix 1 - Locality Aerial Photo with SBP boundary (bold line)



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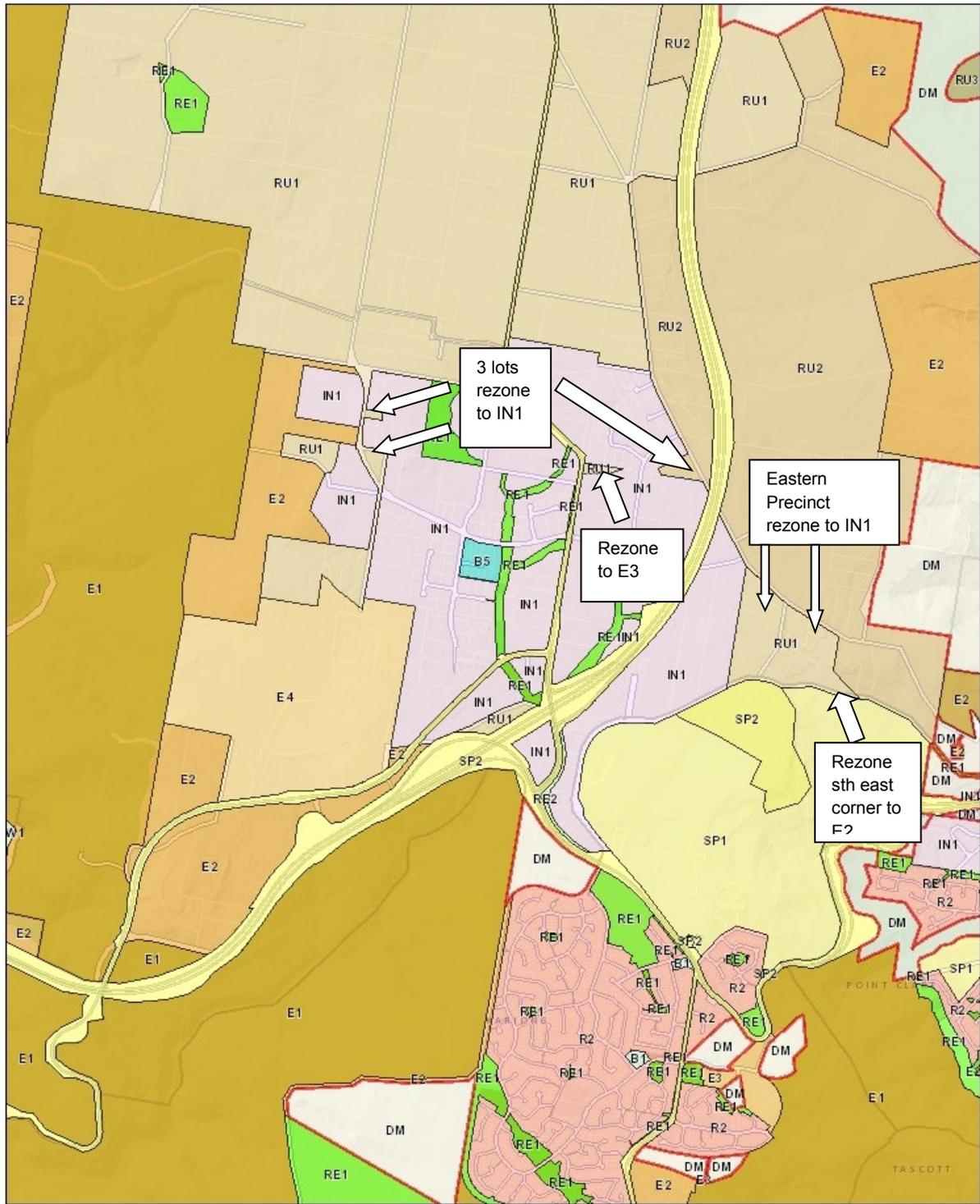
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Source: Gosford City Council
Projection: GDA 1994 Transverse Mercator: GCS_GDA_1994

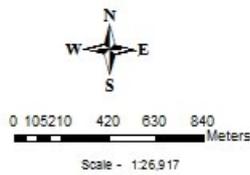


Appendix 2 – Zone location plan of lands with potential industrial land

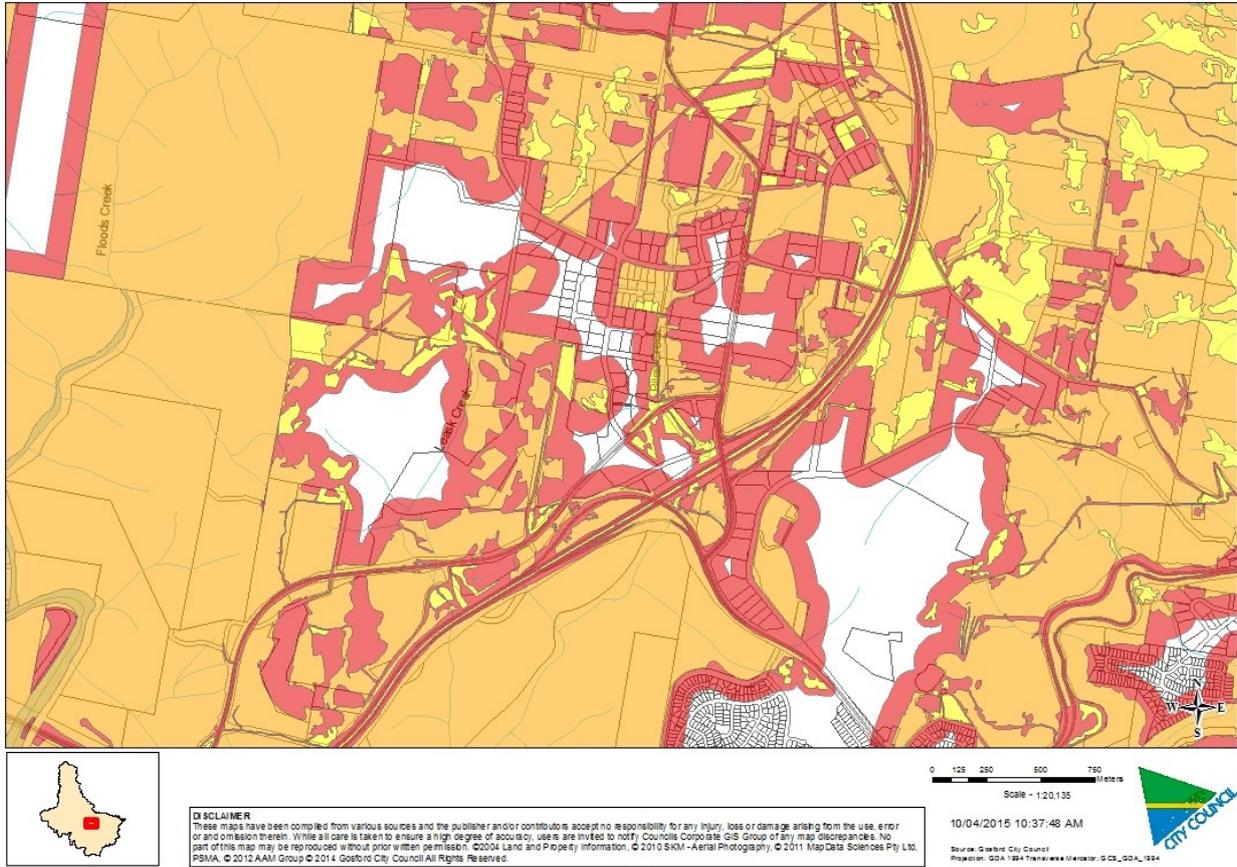


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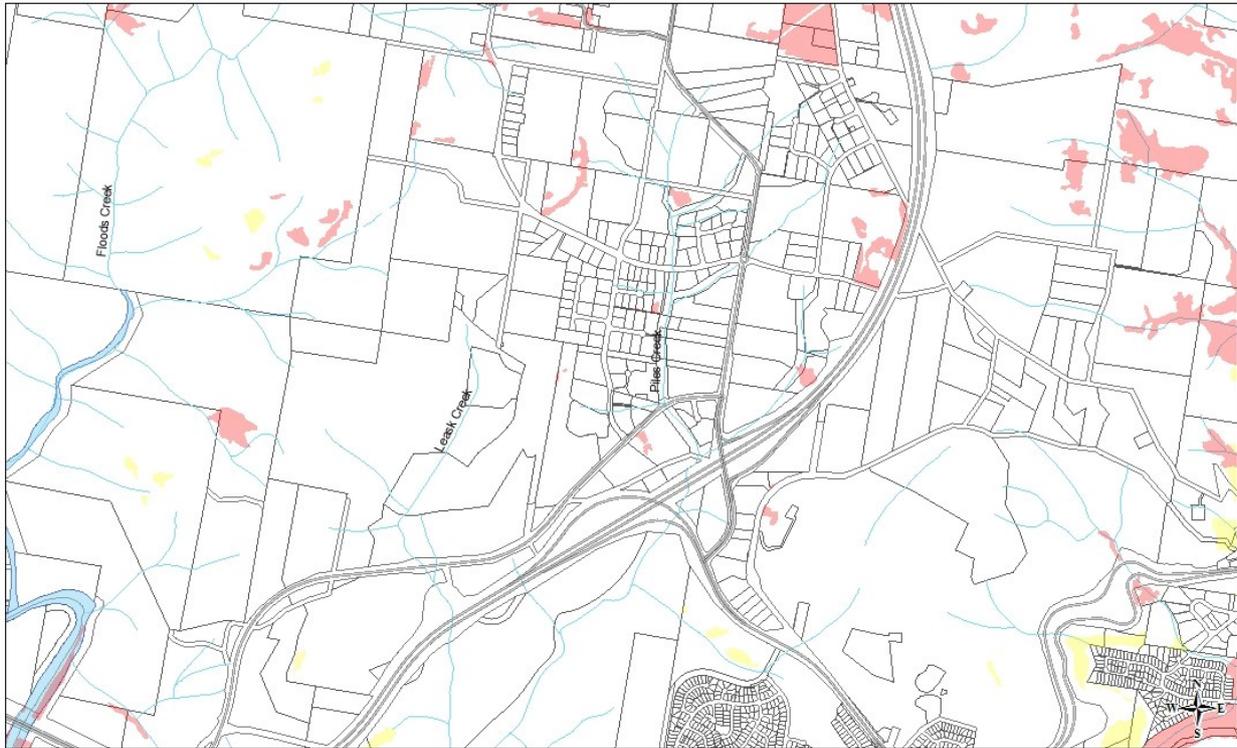
MISC. AMB
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Appendix 3 – Bushfire hazards (blocked areas = Category 1, 2 or buffer)



Appendix 4 – Ecologically Endangered Vegetation (blocked areas = EECs, Critical EECs or regionally significant vegetation)



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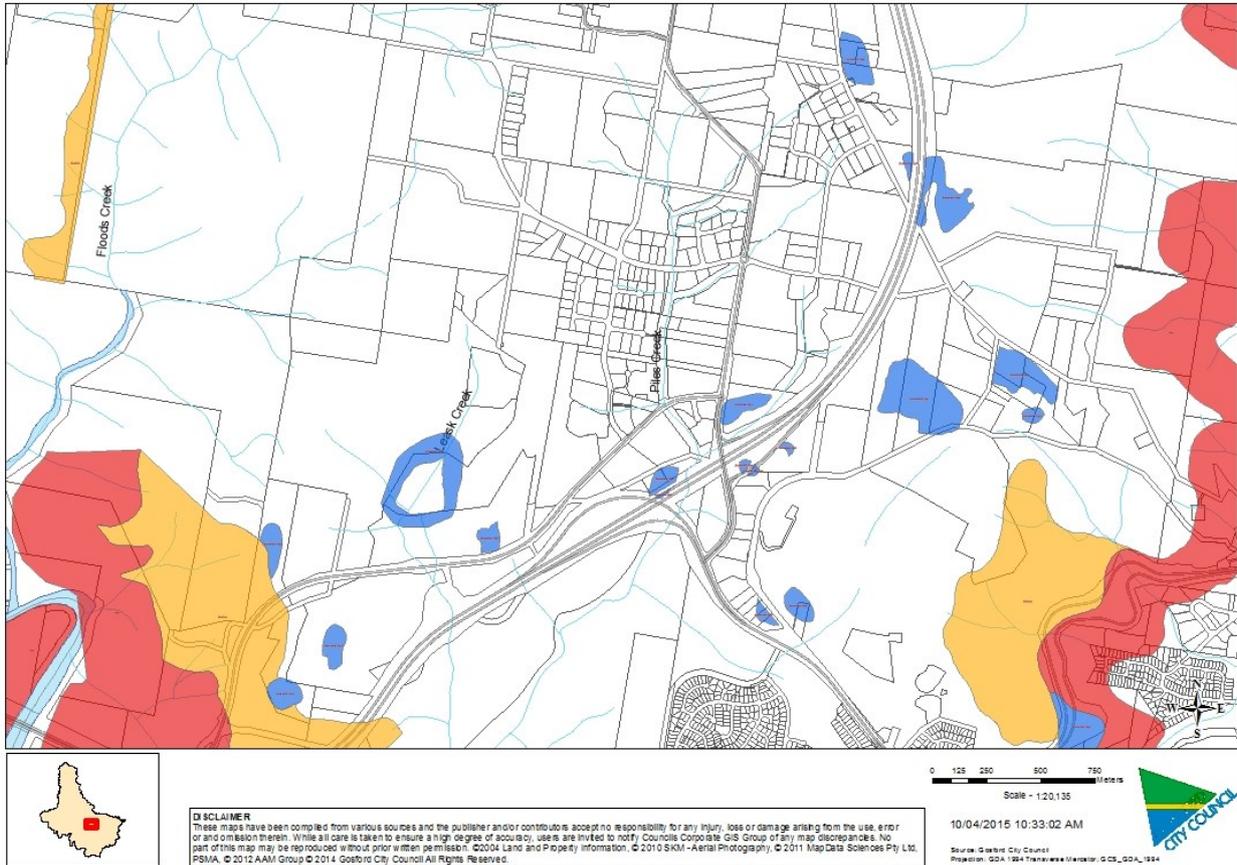


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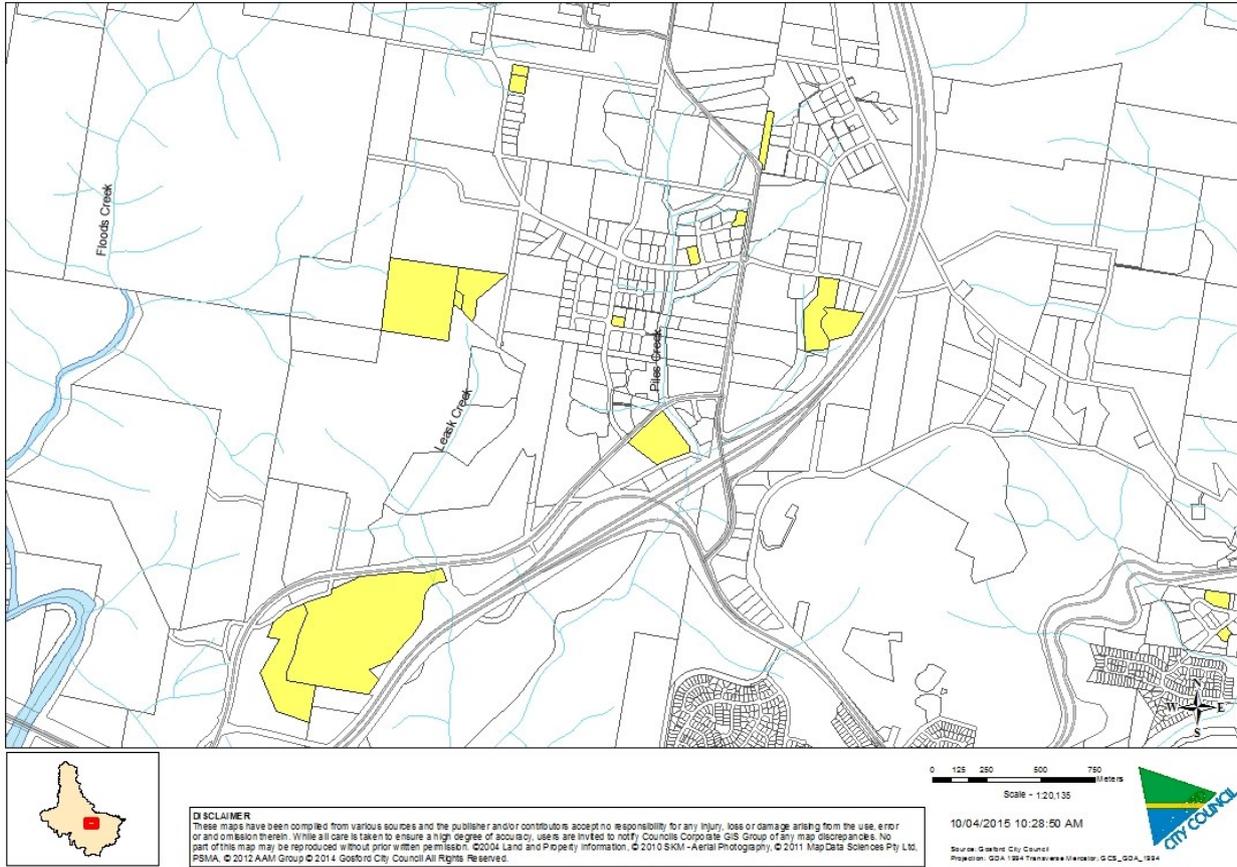
Source: Gosford City Council
Projection: GDA 1984 Transverse Mercator: GCS_GDA_1984



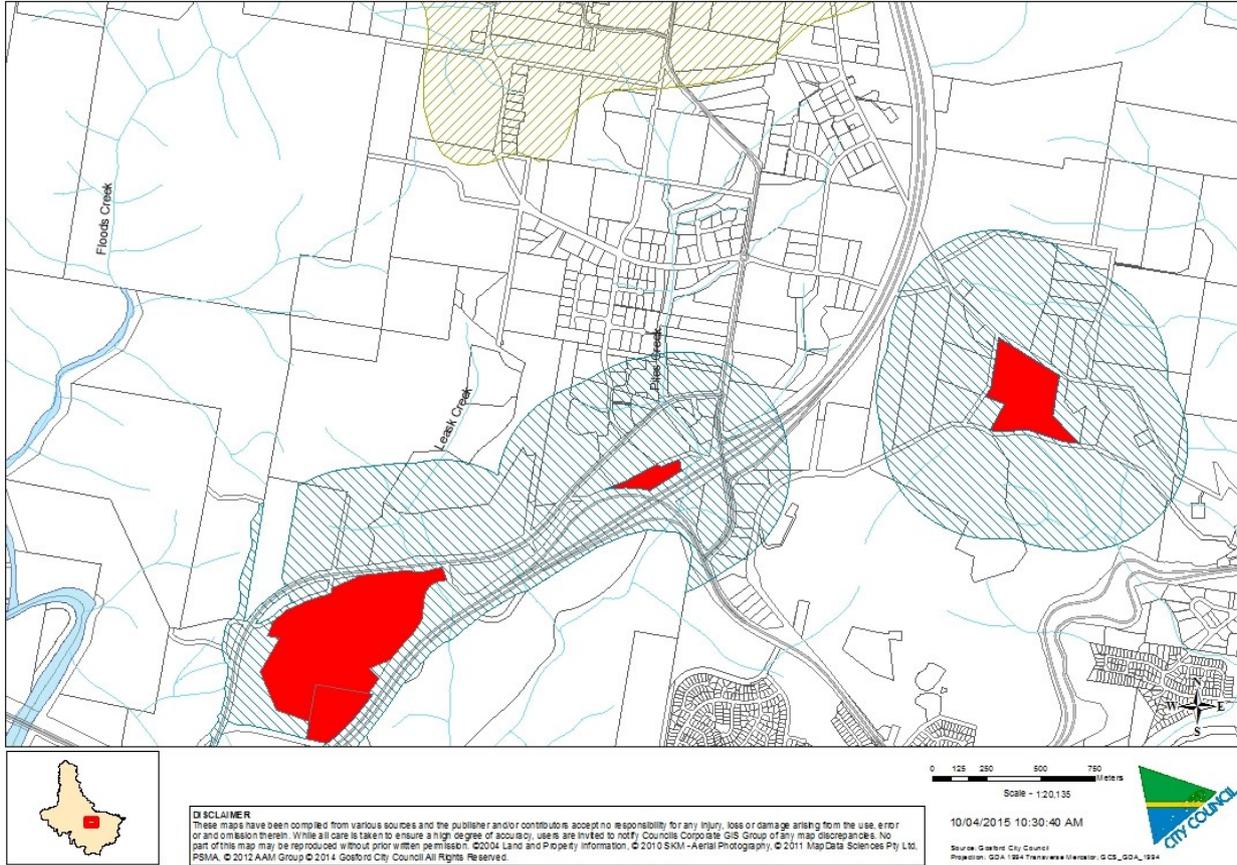
Appendix 5 – Landslip (blocked areas = medium / high hazard) GUIDE ONLY DUE TO CADASTRAL INACCURACIES



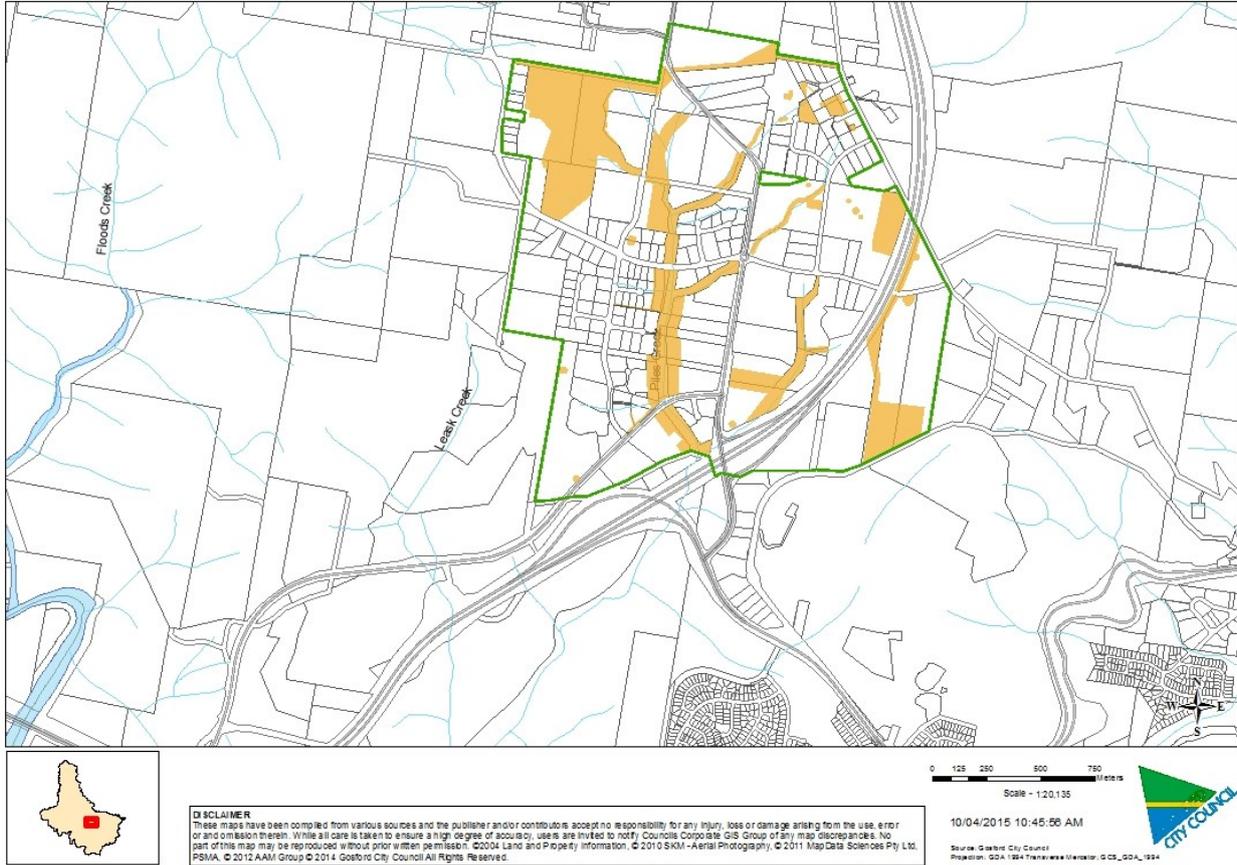
Appendix 6 – Contaminated land (blocked areas = potential)



Appendix 7 – Mineral Resources (blocked areas = identified, hatched = potential or transitional)

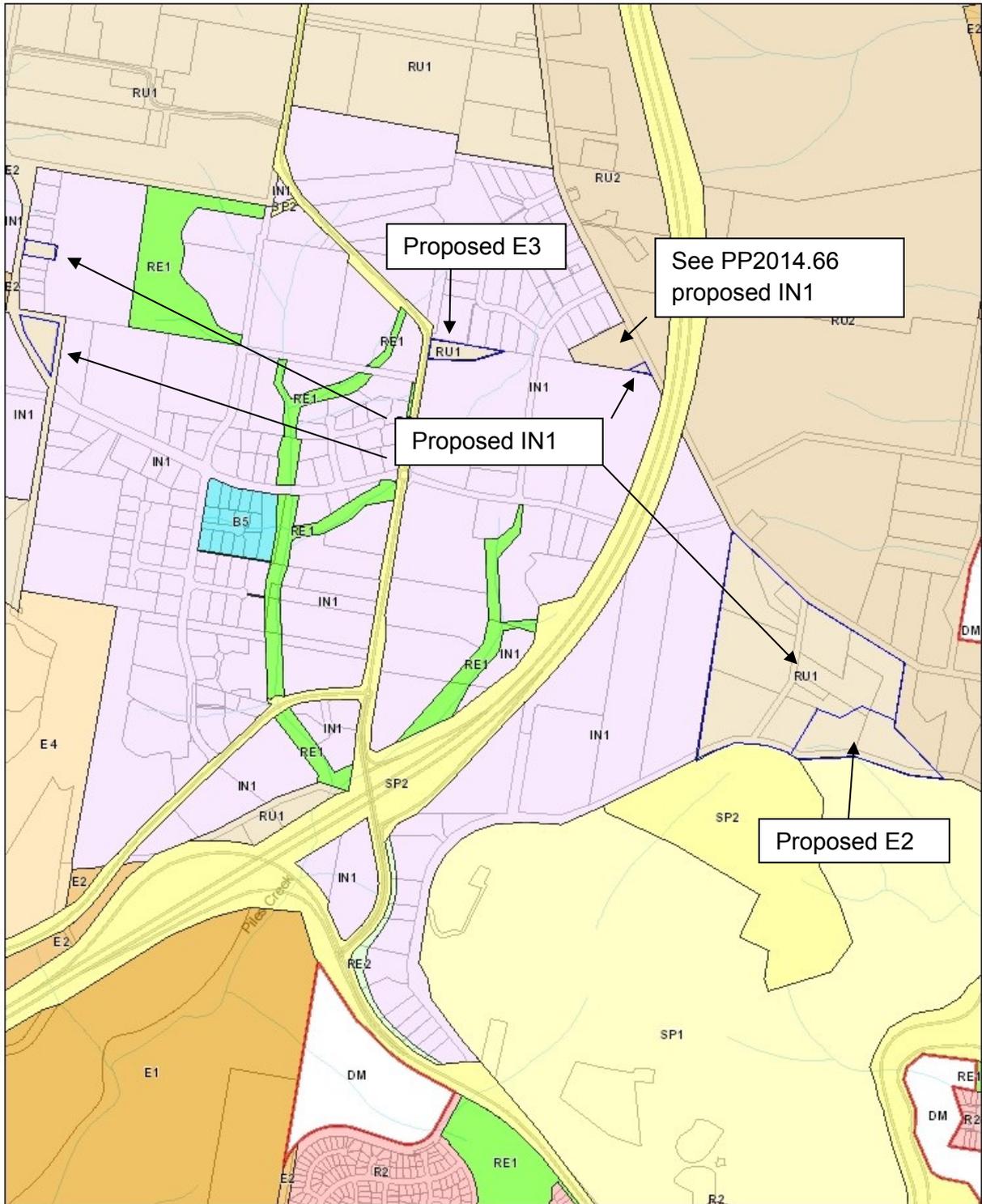


Appendix 8 – GLEP 2014 – Somersby Business Park boundary (bold line) & ecologically significant & Aboriginal heritage lands (blocked areas)



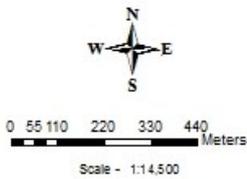
Appendix 9 – GLEP 2014 – Zones

Zoning



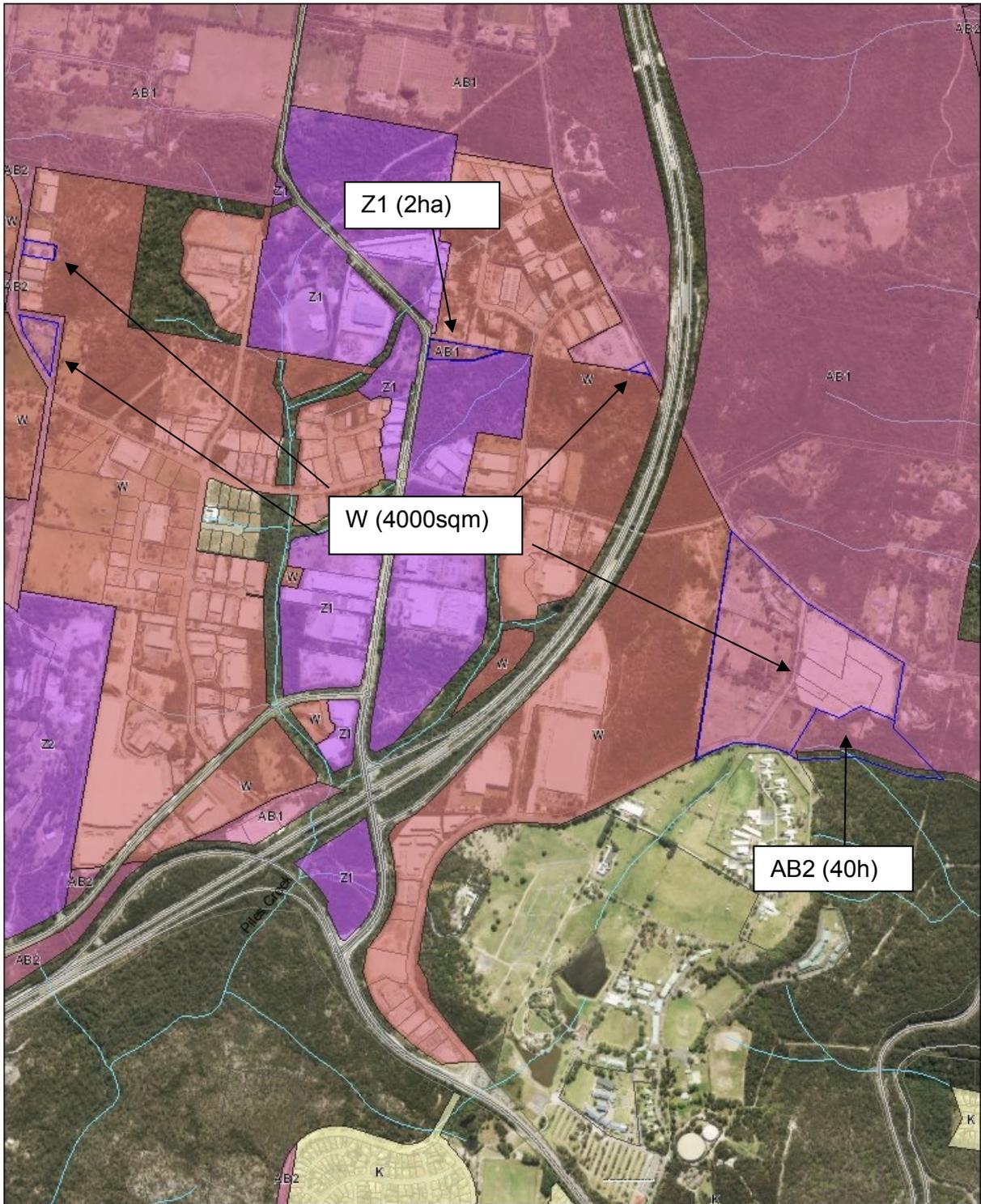
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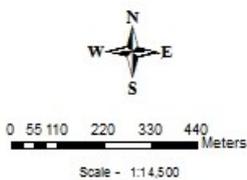
Appendix 10 – GLEP 2014 – Minimum lot size

Minimum lot size



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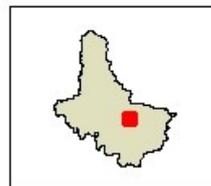
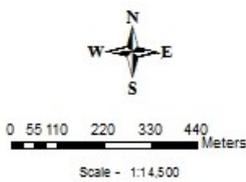
Appendix 11 – GLEP 2014 – Maximum building height

Maximum building height



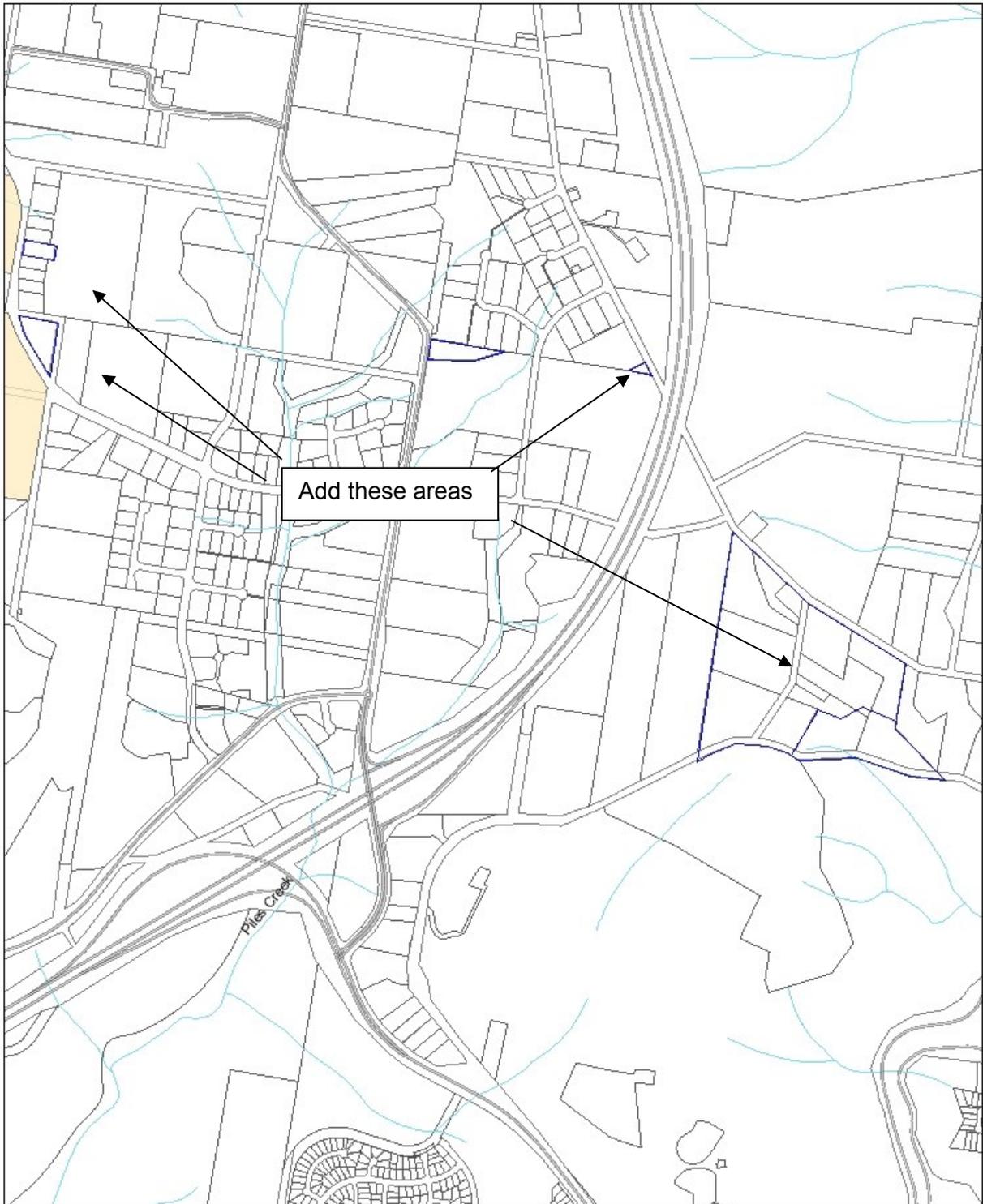
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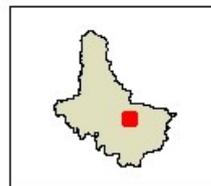
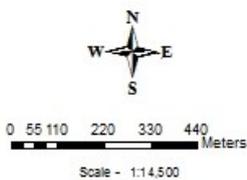
Appendix 12 – GLEP 2014 – Urban release area (blocked)

Urban release area



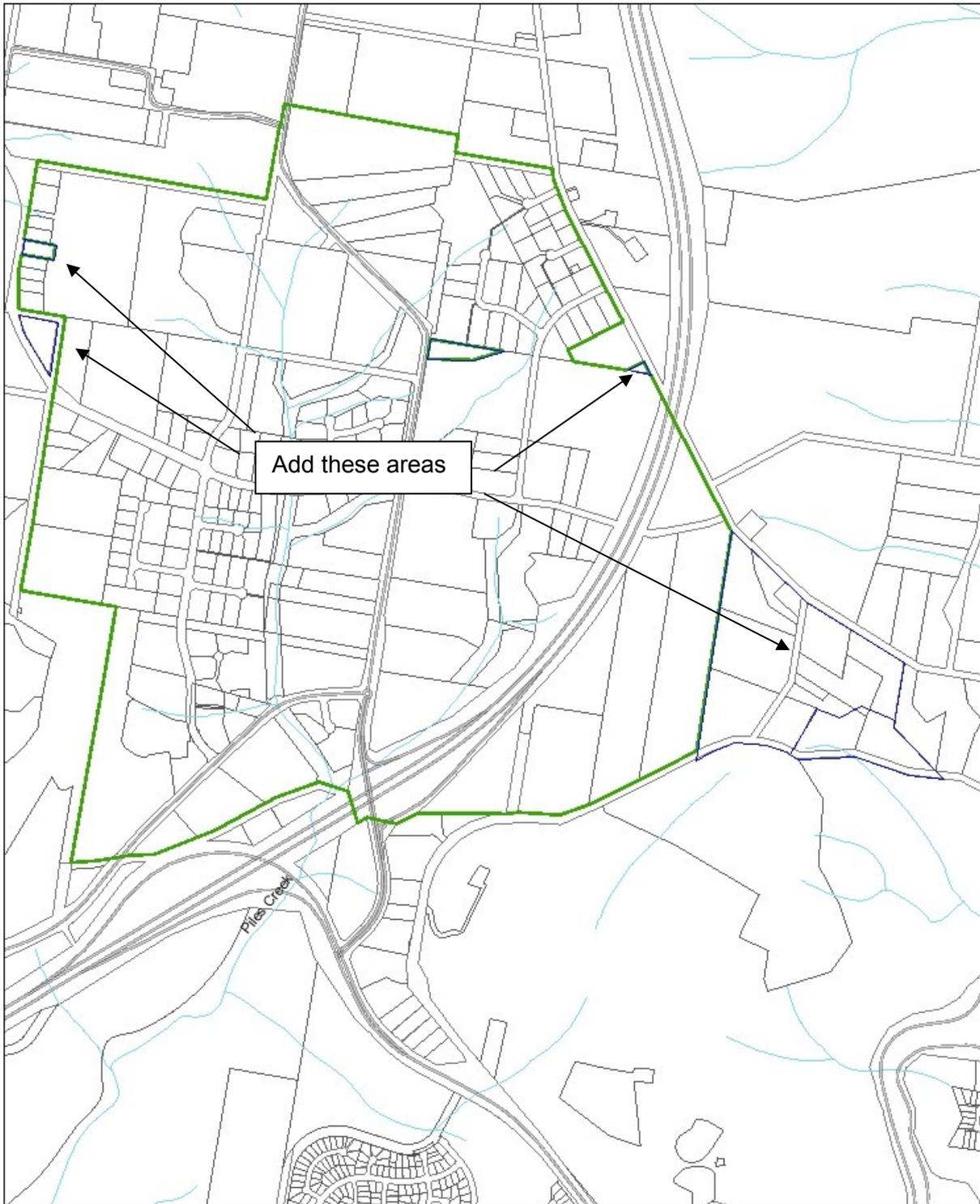
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Appendix 13 – GLEP 2014 – Somersby Business Park boundary (bold)

Somersby Business Park



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