

SOMERSBY, Lot 41 DP 1046841, Wisemans Ferry & Peats Ridge Roads

Proposal Title : **SOMERSBY, Lot 41 DP 1046841, Wisemans Ferry & Peats Ridge Roads**

Proposal Summary : **Rezone Lot 1 DP 1046841, Wisemans Ferry & Peats Ridge Roads, Somersby from RU1 to SP2, E2 and E3, include lot averaging provisions for the E3 area and appropriate development standards for whole site as required.**

PP Number : **PP_2014_GOSFO_014_00**

Dop File No : **13/12082**

Proposal Details

Date Planning : **01-Aug-2014**

Proposal Received :

LGA covered :

Gosford

Region :

Hunter

RPA :

Gosford City Council

State Electorate :

GOSFORD

Section of the Act :

55 - Planning Proposal

LEP Type :

Spot Rezoning

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot 41 DP 1046841 Wisemans Ferry and Peats Ridge Roads, SOMERSBY**

DoP Planning Officer Contact Details

Contact Name : **G Hopkins**

Contact Number : **0243485002**

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RPA Contact Details

Contact Name : **Annie Medicott**

Contact Number : **0243258244**

Contact Email : **annie.medicott@gosford.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :

N/A

Release Area Name :

N/A

Regional / Sub

Central Coast Regional

Consistent with Strategy :

No

Regional Strategy :

Strategy

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MDP Number :

Date of Release :

Area of Release
(Ha) :Type of Release (eg
Residential /
Employment land) :

N/A

No. of Lots : 0

No. of Dwellings
(where relevant) : 7

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

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

If Yes, comment :

Supporting notesInternal Supporting
Notes :**SITE HISTORY**

The site is identified in SREP 9 Schedule 1 Division 3 under 'Other potential clay/shale extraction areas of regional significance'.

The site is identified in SREP 8 as a preferred location for extractive industry.

In August 2009 the Minister for Planning refused a proposed quarry (Somersby Fields) due to potential land use conflicts.

In May 2010 the Mining SEPP was amended to prohibit extractive industry on the Somersby Fields site. No amendment was made to SREP 8 or SREP 9 or to the local planning controls.

Since 2009 the owners have explored alternative uses for the site. This proposal seeks to respond to the prohibition on extractive industry to identify uses consistent with the site's attributes.

OTHER

The PP was submitted on 17 July 2014 and further information was provided on 1 August 2014.

External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : The statement of objectives is adequate.

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

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

Comment : **The explanation of provisions should be updated to refer to any changed development standards (eg. height of buildings on E2).**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.5 Development Near Licensed Aerodromes

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **N/A**

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

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

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

SREP No. 8 - Central Coast Plateau Areas

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

s.117 direction 4.2 may also apply. SREP 20 and the Mining SEPP also apply. Discussion later.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **Agency consultation required before s. 117 direction consistency can be confirmed.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Only proposed zoning mapping has been supplied at present. Other layers (lot size and height of building if required) should be prepared for exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes 28 days. Given site history this is supported.**

Additional Director General's requirements

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

If Yes, reasons :

PROJECT TIMELINE

Council has suggested approximately 6 months. 9 months is considered appropriate.

DELEGATION

Council has requested delegation to make the plan and this is supported.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning
proposal :

This proposal seeks to respond to the prohibition on extractive industry to identify uses consistent with the site's attributes (location, biodiversity).

Alternative uses under the current RU1 zone were considered to not be viable. Alternative zones were considered (eg. RU5 village in western area) but there is currently no strategic planning to support the growth of Somersby village to this extent.

The planning proposal states the proposed SP2 zone will house an existing transmission tower and room for another potential tower and the planning proposal assumes this would allow this land to be sold separately. While it is not necessary to zone such land SP2, it is not inappropriate in this case.

The proposed use of lot averaging provisions to allow 6 dwellings on appropriate parts of the E3 zoned land is supported.

Council states the applicant supports the planning proposal.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY

The proposal is Inconsistent with the CCRS which limits future rural residential rezonings.

The CCRS also requires agreement of the value of rural and resource lands prior to them being rezoned for rural residential uses. Extraction cannot currently occur and the value in terms of agricultural potential is considered limited in the planning proposal due to location, soils and biodiversity.

The view of Primary Industries and Resources and Energy should be sought. Subject to satisfactory agency consultation any inconsistencies could be justified.

SEPP 55 - The land was used for quarrying several decades ago and has since been vacant. A preliminary contamination assessment should be carried out.

SREP 8 - While mapped as a preferred site for extractive industry in SREP 8, this use is now prohibited. The site is also identified in SREP 8 for rural tourist facilities however the corresponding provisions in Gosford IDO 122 permitting tourist facilities no longer apply. SREP 8 contains provisions to discourage LEPs that permit rural residential development. Subject to satisfactory agency consultation any inconsistencies with SREP 8 could be justified.

SREP 9 - While mapped as containing a regionally significant extractive resource, extraction is prohibited by the Mining SEPP. Any inconsistencies with SREP 9 are considered justified.

SREP 20 - SREP 20 applies to the south western part of the site and should be considered in the planning proposal.

117 directions - the planning proposal is consistent with the relevant directions except the following which require further discussion. Following agency consultation Council should reconsider consistency and seek agreement to any inconsistencies if required.

1.2 Rural Zones - inconsistent. Consult with Primary Industries

1.3 Extractive Industries - inconsistent although use is currently prohibited. Consult with Resources and Energy

2.3 Heritage - Aboriginal items previously identified in eastern section of site. Consult with OEHL re Aboriginal heritage

4.2 Unstable land - confirm land is not unstable considering former use as quarry

4.4 Bushfire Protection - Consult with RFS

5.1 Regional strategies - undertake consultations with Primary Industries and Resources and Energy and then reconsider

Environmental social economic impacts :

The zoning, lot sizes and proposed averaging provisions seek to respond to the site's environmental attributes.

Potential loss of 7.4 million tonnes of sand however extraction is currently prohibited.

Loss of RU1 zoned land. Assessment states unlikely it would be developed for agriculture given soils, biodiversity and proximity to residences/school. This has not considered all potential uses eg. intensive horticulture. Consult with Primary Industries.

Threatened species on site - consult with OEHL (s.34A of EP&A Act).

Consult with Darkinjung LALC and Guringai Tribal Link given previous identification of Aboriginal heritage.

Consult with Wyong Shire Council - near LG boundary and partly drains to water supply

catchment.

Lot averaging provisions are proposed in the E3 area to allow protection of site values. Council proposes preparation of a DCP to protect site values and support future development.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Aboriginal Land Council
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Minerals and Petroleum
NSW Rural Fire Service
Adjoining LGAs**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council covering letter.pdf	Proposal Covering Letter	Yes
Council report.pdf	Proposal	Yes
Council resolution.pdf	Proposal	Yes
Planning proposal.pdf	Proposal	Yes
Request for further information.pdf	Proposal	No
Further information.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands**

2.1 Environment Protection Zones
 2.3 Heritage Conservation
 3.5 Development Near Licensed Aerodromes
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions

Additional Information :

The Planning Proposal should proceed subject to the following conditions:

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

- the explanation of provisions should be updated to refer to any development standards being amended (eg. height standard is mapped for other E2 land)
- prepare indicative development standard maps (lot size and others if required)
- address SREP 20 which applies to the south west of the site.

2. Once consultation with public authorities has been undertaken, consistency with the following S117 Directions is to be considered:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.3 Heritage Conservation
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation to demonstrate that the site is suitable for rezoning to the proposed zones. This investigation is to be included as part of the public exhibition material.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning and Infrastructure 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:

- Office of Environment and Heritage (S117 Direction 2.3 Heritage Conservation & s.34A)
- NSW Department of Primary Industries – Agriculture (S117 Directions 1.2 Rural Zones and 5.1 Regional Strategies)
- NSW Trade and Investment – Mineral and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries and 5.1 Regional Strategies)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection);
- Darkinjung Local Aboriginal Land Council (S117 Direction 2.3 Heritage Conservation)
- Guringai Tribal Link (S117 Direction 2.3 Heritage Conservation)
- Wyong Shire Council (near boundary and in drinking water catchment)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

8. Council should be given delegation to make the plan.

Supporting Reasons : *

Signature:



Printed Name:

G HOPKINS

Date:

1 August 2017