

Amendment to expand Somersby Industrial Park, Somersby

Proposal Title :	Amendment to expand Somersby Industrial Park, Somersby		
Proposal Summary :	The proposal is to rezone land currently zoned 1(a) Rural (Agriculture) in the Gosford Interim Development Order 122 to 4(a1) General Industrial in the Gosford Local Environmental Plan No. 22. The land is located on the western edge of the existing Somersby Industrial Park.		
PP Number :	PP_2012_GOSFO_009_00	Dop File No :	12/08961

Planning Team Recommendation

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

- S.117 directions :
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 2.3 Heritage Conservation
 - 3.4 Integrating Land Use and Transport
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions

Additional Information : It is suggested that the following conditions could be applied in order to progress the PP.

Prior to community consultation:

- Council amend the 'Explanation of Provisions' to make clear that the Planning Proposal may amend the finalised comprehensive LEP and would require satisfactory arrangements for State infrastructure;
- Council provide maps which show the proposed zoning of the site in terms of the existing Gosford LEP 22 and future Gosford comprehensive LEP zones;
- Council include relevant development standard maps for the site in terms of the future Gosford comprehensive LEP development standards and URA maps for State infrastructure;
- Council update the 'Existing zoning' map to provide a legend and the 'Proposed zoning under DLEP 2009' map to label zones on the map and provide a legend;
- Council undertake an ecology study, heritage study, contaminated land preliminary assessment, bushfire assessment, visual scoping assessment, noise scoping assessment;
- following the studies above, Council consult with DPI, RFS, OEH, RMS, Transport for NSW and the CMA;
- Council consider the proposal against the matters in cl. 11 of SREP 8 and cl.4 to cl. 6 of SREP 20 and update the proposal accordingly;
- Council update Council's SEPP 19, SEPP 44 and SEPP 55 considerations in the planning proposal once the studies have been completed;
- Council re-assess consistency with s117 directions 1.2, 2.1 and 4.4 following consultation with DPI, OEH and RFS respectively;
- Council confirm how the conditions relating to sewer and water are to be implemented by the planning proposal (eg URA map) or other mechanism (eg consent); and
- Council confirm how DCP 137 would be affected by the planning proposal.

Other conditions:

- 28 day consultation period; and
- 12 month completion date.

The Gateway letter could also discuss the following matters:

- recommend that Council consult with OEH regarding Council's intention to biocertify (or otherwise gain OEH concurrence). The Department's regional team can be involved in

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those discussions.

- recommend that Council include an explanatory note in the exhibition material which explains the purpose/ relationship between the relevant maps.
- consult with the Department when confirming how the conditions relating to sewer and water are to be implemented by the planning proposal .

The DG could agree that inconsistencies with the following directions are of minor significance:

- 1.1 Business and Industrial zones
- 2.3 Heritage conservation
- 3.4 Integrating land use and transport

Supporting Reasons :

- Amend the explanation of provisions to refer to possibility of amending the finalised comprehensive LEP
- Mapping changes/ new maps to assist with consultation and reflect point above
- Consultation with OEH for heritage/ noise/ ecology/ s117 direction 2.1, DPI for direction 1.2, RFS for direction 4.4, Transport for NSW for bus provision, RMS (for SIC), CMA for SREP 20
- SEPPs and SREPs reconsideration is to update with information from studies or to address omissions
- 28 day consultation and 12 month completion is due to proposal being a 44 ha employment land release area.

Panel Recommendation

Recommendation Date : 07-Jun-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council needs to ensure that it has addressed matters in relation to ecology, heritage, contaminated land, bushfire, visual scoping and noise scoping for the purposes of community consultation. Council needs to consult the relevant public authorities identified under Condition 11 on these matters and amend the planning proposal, if necessary.
2. Council is to identify the land as an Urban Release Area under Part 6 of the draft Gosford LEP 2009 to ensure that satisfactory arrangements for the provision of state public infrastructure are met prior to the development of the site. The planning proposal is to be amended to reflect state infrastructure provision and appropriate Urban Release Area mapping also included, prior to the commencement of public exhibition
3. The planning proposal is to proceed as an amendment to the current Gosford IDO 122, the Gosford LEP 22 and the draft Gosford LEP 2009, to ensure the planning proposal can proceed despite the timing of Council's Standard Instrument LEP. Council is to amend the planning proposal accordingly prior to the commencement of public exhibition.
4. Council is to ensure that appropriate mapping is included with the exhibition material, including relevant zoning and minimum lot size maps under the draft Gosford LEP 2009, and existing and proposed zoning under the Gosford IDO 122 and the Gosford LEP 22.
5. The Somersby Industrial Park area is known to contain significant Aboriginal heritage value. As the planning proposal is inconsistent with S117 Direction 2.3 Heritage Conservation, Council needs to undertake a heritage assessment to determine the extent of heritage significance on the subject site and appropriate measures to mitigate potential impacts of future development. Council must consult the NSW Office of Environment and Heritage and the relevant Local Aboriginal Land Council and amend the planning proposal accordingly, if necessary.
6. In regards to the requirements of Sydney Regional Environmental Plan 20-Hawkesbury Nepean River, Council needs to address matters in relation to water quality, cultural heritage and flora and fauna and consult the Hunter – Central Rivers Catchment Management Authority. Council is to revise the planning proposal, if necessary, following consideration of the above matters.

7. Council needs to ensure that the matters set out by Sydney Regional Environmental Plan 8 (Central Coast Plateau Areas) are addressed given the necessity to ensure a balance between environmental protection and industrial land uses.

8. It is noted that DCP No 137 identifies the use of the site for the purposes of tourist accommodation and conference training facilities. Council should clarify the relationship of the DCP to the proposed rezoning of the subject land to Industrial prior to the commencement of community consultation.

9. The planning proposal contains a list of conditions requiring the landowner to undertake certain actions regarding sewer and water infrastructure provision. Council is to clarify how these conditions relate to the planning proposal and outline the process to achieve the necessary infrastructure services. This information is to be exhibited with the planning proposal.

10. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

11. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Hunter – Central Rivers Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries – Agriculture
- NSW Rural Fire Service
- Transport for NSW
- Transport for NSW – Roads and Maritime Service
- Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

12. Further to Condition 11 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

13. 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).

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

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Signature: _____

Printed Name: _____

Date: _____