

PLANNING PROPOSAL

GOSFORD CITY COUNCIL

INDUSTRIAL ZONING OF LOT 4 DP 654894 AND LOT 2 DP 712505 SOMERSBY FALLS ROAD AND LOT 3 DP 712505 GHILKES ROAD, SOMERSBY

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals*.

A gateway determination under Section 56 of the Environmental Planning and Assessment Act is requested from the Department of Planning and Infrastructure (DoP&I).

Part 1 Objectives or Intended Outcomes

55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective/intended outcome of the Planning Proposal is to facilitate the supply of employment lands within the Gosford City local government area through the expansion of the Somersby Industrial Park (SIP) as identified in the Gosford Employment Lands Investigation (ELI).

Part 2 Explanation of Provisions

s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objectives/intended outcomes are to be achieved by amending the boundaries of Gosford LEP No 22 to include the subject land. The likely wording of the planning provisions is set out below.

1 Subject Land

This clause applies to Lot 4 DP 654894 and Lot 2 DP 712505 Somersby Falls Road and Lot 3 DP 712505 Ghilkes Road, Somersby.

Explanation: The provision states the legal description of the land and ensures that the site to which the planning instrument applies can be identified.

2 Objective

The plan aims:

- (a) to facilitate the continued supply of employment lands within the Somersby Industrial Park so as to provide employment opportunities in the Gosford local government area; and

- (b) to protect ecologically significant land and land with Aboriginal heritage characteristics.

Explanation: This provision states the objectives of the planning instrument as it applies to the use of the subject land.

3 Relationship to other Environmental Planning Instruments

- (1) Interim Development Order No 122 - Gosford is amended by inserting at the end of clause 2(2A):

Land at Somersby being Lot 4 DP 654894 and Lot 2 DP 712505 Somersby Falls Road and Lot 3 DP 712505 Ghilkes Road, Somersby as shown edged heavy black and lettered 4(a1) on the map marked "Gosford Local Environmental Plan No XXX" deposited in the office of Gosford City Council.

- (2) Gosford Local Environmental Plan No 22 is amended by inserting in appropriate order in clause 2:

Gosford Local Environmental Plan No XXX

Explanation: This provision allows for the removal of the subject land from IDO No 122 and its inclusion in LEP No 22.

s.55(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.

Appendices A - J contain mapping relevant to the Planning Proposal. The following maps are included:

- A Locality Map
- B Lot Descriptions
- C Aerial Photograph
- D Existing Land Use Zoning
- E Proposed Zoning Under DLEP 2009
- F Significant Vegetation
- G Bushfire Hazard
- H Topography
- I Potential Employment Land Capability
- J DCP No 137

Part 3 Justification

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?

Employment Lands Investigation

In 2010 Council appointed a consultant, GHD in conjunction with AEC Group, to undertake an Employment Lands Investigation (ELI) for the Gosford LGA. The ELI provided a broad overview of employment lands in the City and was considered by Council on 1 March 2011 with the information being noted. The primary aim of the ELI was to identify lands that may be suitable for future employment lands (i.e. industrial development) subject to subsequent studies.

One of the findings of the ELI related to the subject land and is set out below. A copy of the accompanying land capability map is reproduced in Appendix I.

Proposed Future Employment Lands - West Somersby (Area 3)

Area 3 is located to the west of Myoora and Somersby Falls Road on the western edge of the existing Somersby Industrial Park. This area provides a logical extension to the existing industrial development and has excellent proximity to services.

This area is proposed to be zoned RU1 Primary Production under the draft Gosford LEP 2009. It is bounded to the west by land zoned E2 Environmental Conservation which is approximately 150 to 200 metres wide. Beyond this is the Brisbane Water National Park. Bounding the area to the south is Council land and to the north is rural land and a heritage site.

The site is relatively free of constraints with only a small ridge on the north western edge of the site. A buffer area from the National Park and Environmental Conservation area will need to be considered as part of its redevelopment. The total size of these areas is 45.9 ha.

The ELI is not a basis for rezoning any individual site; rather its findings identify areas for future investigations which could lead to rezoning for employment generating land uses. The Planning Proposal sets out what additional studies will be required.

A water and sewer capability study is under review and a brief is currently being prepared for further investigation of the lands at Somersby identified in the ELI for future industrial land. The brief relates to the subject land on the western side of SIP, land on the eastern side (Acacia Road) and infill sites. It is intended that the studies undertaken would be consistent in methodology and the outcomes strategic in nature. The outcome would be a single LEP zoning the appropriate land to IN1 General Industrial.

However, it is not imperative that all the expansion lands be included in the one study. The subject land is separated from the other substantial expansion area on the eastern side of the SIP so it is satisfactory for the areas to be considered separately within the investigation.

In addition to the subject land there are six (6) adjoining lots that could be included in this Planning Proposal to complete the investigation of all land on the western side of the SIP. Two (2) of these additional lots are privately owned and four (4) lots are publicly owned.

These six (6) lots comprise:

- Two (2) lots on the eastern side of Somersby Falls Road that are currently zoned 1(a) and identified in the ELI:

- * Lot 1 DP 712505 (1.064 ha) privately owned, and
 - * Lot 91 DP 546768 (4047 sqm) Council owned Open Space & Leisure Services asset with the potential to be used as a passive park.
- Four (4) lots to the south of the subject land with access off Myoora Road, not specifically identified in the ELI:
- * Lot 102 DP 825163 (2.663 ha) privately owned, and
 - * Lot 2 DP 555439, Lot 11 DP 586038 and Lot 101 DP 825163 (total area 15.072 ha) Council owned and accommodates the Somersby Water Treatment Plant.

Should this Planning Proposal proceed it would result in Lot 1 DP 712505 and Lot 91 DP 546768 Somersby Falls Road being 1(a) zoned lots surrounded by Industrial zoned land. It therefore makes strategic planning sense to include the privately owned Lot 1 in the Planning Proposal should the owners agree. The owners have advised that they do not wish to be included in the planning proposal and would prefer to wait until the broader Somersby Industrial Park study is commenced in the future. There is no necessity for the Council owned Lot 91 to be included at this stage as it can be incorporated into the broader Somersby studies.

The other privately owned land is Lot 102 DP 825163 Myoora Road. It is zoned 1(a) and adjoins Industrial zoned land to the east and the Somersby Water Treatment Plant to the west. It therefore makes a good strategic planning outcome to include this last remaining privately owned rural lot in the Planning Proposal should the owners agree. The owners did not respond to Council's letter within the specified timeframe to advise whether or not they wished to be included in the Planning Proposal. Consequently Lot 102 can be considered in the wider Somersby studies planned to be undertaken in the near future.

Lot 2 DP 555439 is currently zoned 5 Special Use (Water Supply) and Lot 11 DP 586038 and 101 DP 825163 are zoned 1(a). As public infrastructure uses are permitted in the RU1 Primary Production zone under the SEPP (Infrastructure) all these lots are proposed to be zoned RU1 under Draft Gosford LEP 2009. Should the subject Planning Proposal proceed these lots will be isolated RU1 lots which do not accommodate a rural use. In a future amendment to Council's relevant planning instrument it would be reasonable to zone these lots to SP2 Infrastructure zone.

Should this Planning Proposal proceed, there will be two lots to the west of the subject land left adjoining Industrial zoned land. These lots, Lots 501 and 502 DP 712506, are currently zoned 7(a) Conservation and Scenic Protection (Conservation). These lots should not be included in any future investigations for industrial land as they adjoin the Brisbane Water National Park and should be retained as a buffer between the National Park and the SIP extension. Furthermore, these lots will be included in the E zone review which DoP&I requires Council to undertake after completion of the Gosford LEP.

Draft Planning Principles for Industrial Lands (DoP&I 2011)

Although this publication is not Government policy, it contains the following principles to 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 SIP to meet future demands for industrial land on the Central Coast.

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

The Planning Proposal is the best means of achieving the objective/intended outcome of supplying additional employment lands in the Somersby Industrial Park.

3 Is there a net community benefit?

The assessment provided in Appendix K demonstrates that the Planning Proposal will produce a net community benefit.

Section B Relationship to strategic planning framework

4 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) 2006 - 2031 is applicable to the subject land and the proposed rezoning. The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for provision of jobs.

Perhaps the greatest challenge is to create local job opportunities to match labour force growth, whilst protecting the Region's natural environment. The proportion of the adult workforce commuting out of the Region for work has increased to over 25 per cent, resulting in a range of specific infrastructure and social challenges. The Region needs to take advantage of its location between the global city of Sydney and regional city of Newcastle, and increase employment self containment, to reduce the need for out-commuting. Providing capacity for over 45 000 new jobs over the next 25 years will help ensure a robust and adaptable economy.

This Planning Proposal is consistent with the following action contained within the 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 adjoins the SIP 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 SIP, there are Aboriginal sites which have been protected under LEP No. 22 through the preparation of LEP No 457. There is a possibility that similar sites exist on the subject land and an archaeological study will have to be undertaken as part of the Planning Proposal process to identify if this is the case.

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

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.*

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

Community Strategic Plan – Gosford 2025

The Community Strategic Plan – Gosford 2025 states:

There is agreement that the creation of new jobs is the most important focus for the future.

The provision of additional employment lands via this Planning Proposal is consistent with this direction. Furthermore, the Planning Proposal provides an opportunity for the following economic strategies to be satisfied:

- 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*
- C2.3 Grow business to export outside the region*

These economic strategies need to be balanced with the environmental strategies also set out in the Community Strategic Plan. The relevant environmental strategies are:

- B1.1 Identify and manage threats to native flora and fauna*
- B1.2 Identify and preserve areas of conservation value*

The land capability studies required to be carried out to determine what areas of the site are suitable for industrial development will take into account the conservation value of the native flora and fauna on the site.

Biodiversity Strategy

One of the objectives of the Biodiversity Strategy, relevant to this Planning Proposal, is:

Ensure Council's decision-making processes and operations have an outcome whereby biodiversity is appropriately protected and managed in consideration of the existing social and economic environment.

The Planning Proposal for additional employment lands has to be weighed up against the protection of significant biodiversity elements that may be located on the subject site.

Draft Gosford Landuse Strategy

The Draft Gosford Landuse Strategy was prepared during the preparation of the Draft Gosford LEP 2009 and points towards the study that was carried out in 2010 and known as the Employment Lands Investigation.

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.

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

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs (previously Sydney Regional Environmental Plans (SREPs)). Such SEPPs are only discussed where they are applicable to the Planning Proposal and all other SEPPs are not applicable.

(i) SEPP 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.

Even though the subject land is zoned Rural, it is being zoned to an urban zone, thus this clause is applicable. Some of the specific aims of the SEPP are relevant to this Planning Proposal and are listed below:

- to protect the remnants of plant communities which were once characteristic of land now within an urban area,
- to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,
- to protect rare and endangered flora and fauna species,
- to protect habitats for native flora and fauna,
- to protect wildlife corridors and vegetation links with other nearby bushland,
- to protect significant geological features,
- to protect archaeological relics.

The Planning Proposal does not address these issues yet, however they would need to be addressed prior to public exhibition should the proposal be considered to have merit.

(ii) SEPP No 55 - Remediation of Land

The SEPP requires council to consider whether the land is contaminated, if it is suitable in its contaminated state or whether remediation is required from previous land uses as identified in Table 1 of the Contaminated Land Planning Guidelines. One of those land uses is agricultural/horticultural activities.

Consideration has to be given as to whether or not the land is contaminated and if so that Council is satisfied that the land is suitable in its contaminated state for the future use or requires remediation. Council's aerial photographic record shows that part of Lot 4 (the northernmost lot), part of Lot 102 DP 825163 Myoora Rd and part of Lot 1 DP 712505 Somersby Falls Rd were being used for orchards in the 1950s and 1960s. The cleared land has reverted to grassed fields since that time. Even though 40 years has passed since the orchards ceased operating and the proposed uses are intended to be industrial in nature, it is considered that a preliminary investigation of the land should be carried out in accordance with Contaminated Land Planning Guidelines.

(iii) SEPP No 44 - Koala Habitat Protection

This Policy 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. The feed tree species listed in Schedule 2 of the SEPP are not present on the subject land, thus the land is considered not to be a potential koala habitat.

(iv) Deemed SEPP - SREP No 8 - Central Coast Plateau Areas

The subject land is located within the area covered by this deemed SEPP. 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 subject land is not identified as "prime agricultural land", thereby satisfying the objective of locating non-agricultural development on poorer quality land. In preparing any draft local environmental plan applying to land to which the deemed SEPP applies, any development allowed by the plan should:

- not impact upon the use of adjoining land for agricultural uses;
- not result in an increased settlement pattern (by way of urban development);
- not encourage urban (e.g. industrial) land uses;
- not result in any adverse environmental effect on or off the site;
- not detract significantly from scenic quality;
- not require augmentation of the existing public infrastructure (except public infrastructure that is satisfactory to Council and is provided without cost to public authorities);
- have a significant positive economic contribution to the area and result in employment generation;
- be consistent with rural amenity;
- result in building works being directed to lesser class soils.

The requirements to discourage urban land uses or an increased settlement pattern apply to Planning Proposals that seek to intensify land use in areas that have agricultural significance and are isolated from the urban areas. The subject site is located on lesser class soils and adjoins the existing SIP, which is not included in the boundary of SREP 8. The Planning Proposal will have a significant positive economic contribution to the area and result in employment generation.

The other requirements regarding the proposed impact on adjoining land, the environment, and scenic quality will be addressed in the future studies to be undertaken for the site.

(v) Deemed SEPP - SREP No 9 - Extractive Industry (No 2)

The subject land is not in the vicinity of an existing extractive industry as identified in the deemed SEPP. Consequently the Planning Proposal will be unaffected by existing quarry operations.

(vi) Deemed SEPP - SREP No 20 - Hawkesbury Nepean River (No 2)

The subject land is located within the area covered by this deemed SEPP. The aim of this planning instrument 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. As the subject land is in the upper reaches of the River catchment area and not along the riverfront, most of the strategies listed in the deemed SEPP are not applicable. However those that are applicable such as those relating to the protection of water quality, cultural heritage and flora and fauna should be addressed in detail by the applicant prior to exhibition.

7 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following assessment is provided concerning the consistency of the Planning Proposal with relevant Section 117 Directions. Such Section 117 Directions are only discussed where they are applicable to the Planning Proposal and all other Section 117 Directions are not applicable.

(i) Direction 1.1- Business and Industrial Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

A Planning Proposal, such as this one, that proposes to increase the area of Industrial land must ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning and Infrastructure. There is no approved strategy applying to this site. However a planning proposal may be inconsistent with the terms of this direction if the council can satisfy the Department of Planning and Infrastructure that the provisions of the planning proposal that are inconsistent are justified by a study (prepared in support of the planning proposal) which gives consideration to the objectives of this direction.

The CCRS identified areas for investigation for potential employment lands which guided the Employment Lands Investigation (ELI) completed in 2010. This identified lands that may be suitable for future employment lands subject to subsequent studies. Additionally, the DoP&I required Council, as part of the certification of the Draft LEP 2009, to commit to a timetable of preparation of a review of supply and expansion of existing employment nodes. Council has commenced the detailed studies. Hence, Council considers that the ELI is a study that justifies the inconsistencies.

(ii) Direction 1.2 - Rural Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

A Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. However a planning proposal may be inconsistent with the terms of this direction if the council can satisfy the Department of Planning and Infrastructure that the provisions of the planning proposal that are inconsistent are justified by a study (prepared in support of the planning proposal) which gives consideration to the objectives of this direction.

At this time the Employment Lands Investigation has been completed which identified lands that may be suitable for future employment lands subject to subsequent studies, hence is a study justifying inconsistencies with this Direction. These detailed studies have commenced and will be completed over subsequent years by Council or may be carried out by proponents to expedite the matter.

(iii) Direction 2.3 - Heritage Conservation

This Direction applies when a Planning Proposal is prepared. A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the

environmental heritage of the area. This includes items, areas, objects and places of indigenous heritage significance.

The existing Somersby Industrial Park and surrounding area is known to contain many significant Aboriginal cultural heritage sites. The occurrence of such sites within the Somersby Industrial Park has led to many land parcels being constrained and unsuitable for industrial land use. Extensive investigation, assessment, reporting and consultation on Aboriginal archaeological and cultural heritage would be needed to determine if the subject land would be suitable for industrial land use.

The relevant heritage studies have not been undertaken as yet but should be completed if the Gateway Determination is received.

(iv) Direction 3.4 - Integrating Land Use and Transport

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 SIP 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 SIP, the bus system provides an alternative mode of transport to the private vehicle. However, the nearest

that the bus route gets to the subject land is the intersection of Somersby Falls Road and Piles Road. This is a distance of 530m from the closest parts of Lots 2 and 3 and 780m from Lot 4 Somersby Falls Rd. Given that the SIP is remote from the other urban areas of the Central Coast it is likely that most future employees on the subject site will use private vehicles to travel to and from work.

(v) Direction 4.4 - Planning for Bushfire Protection

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination.

The land is classified as Rural Fire Service Bushfire Categories 1, 2 and Buffer. As the subject site is bushfire prone a Bushfire Hazard Assessment will have to be prepared and the Planning Proposal referred to the Rural Fire Service for comment should a Gateway Determination be received.

(vi) Direction 5.1 - Implementation of Regional Strategies:

This Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning and Infrastructure in that the CCRS map identifies areas for investigation for the expansion of employment lands.

This Planning Proposal is, therefore, 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 adjoins the SIP 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 SIP, there are Aboriginal sites which have been protected under LEP No. 22 through the preparation of LEP No 457. There is a possibility that similar sites exist on the subject land and an archaeological study will have to be undertaken as part of the Planning Proposal process to identify if this is the case.

The land is currently zoned for Rural purposes which will require the agreement of the DoP&I 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.

(vii) Direction 6.1 - Approval and Referral Requirements:

This Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

(viii) Direction 6.3 - Site Specific Provisions:

This Direction applies to the Planning Proposal as the Planning Proposal seeks to rezone the land. The Planning Proposal is consistent with this Direction as it proposes to use an existing zone and proposes the imposition of no development standards or requirements in addition to those already contained in the principal planning instrument. The Planning Proposal does not contain or refer to drawings/concept plans that show details of the proposed development.

Section C Environmental, social and economic impact

8 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?

An inspection of the site subject of the Planning Proposal confirmed that the vegetation is generally consistent with Bells mapping adopted by Council.

Large areas of the subject site are covered by native vegetation. This vegetation would provide suitable habitat for a range of threatened and non threatened flora and fauna species. Any proposed rezoning to industrial land use would result in direct and indirect impacts on this habitat. Given this and the multiple threatened species constraints that affected the existing Somersby Industrial Park the rezoning of this land may not be suitable. It is recommended that if the proposal is considered supportable on other grounds then Biodiversity Certification under Part 7AA of the Threatened Species Conservation Act 1995 should be sought.

Biodiversity certification offers planning authorities a streamlined biodiversity assessment process for areas marked for development at the strategic planning stage, along with a range of secure options for offsetting impacts on biodiversity. It identifies areas of high conservation value at a landscape scale, and protects them, as well as identifying areas suitable for development.

After biodiversity certification is conferred on an area, development may proceed without the usual requirement under the Environmental Planning and Assessment Act 1979 for 'site-by-site' threatened species assessment. By addressing the biodiversity issues at the rezoning stage, future landowners are not encumbered

with land that requires further studies to be done i.e. biodiversity certification creates certainty.

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

Drainage

The land subject of the Planning Proposal is affected by a couple of minor watercourses. Any additional run-off created by industrial development is able to be accommodated on-site and would necessarily be addressed in accordance with Council's relevant development control plans at the development application stage.

Visual Quality

Two lots to the west of the subject land are zoned 7(a) Conservation and Scenic Protection (Conservation) and each accommodates a dwelling house which is accessed via Ghilkes Road. Currently these dwellings do not have a view of the SIP due to the topography of the land. A ridgeline traverses the land, the subject of this Planning Proposal, which screens the adjoining dwellings from the SIP. If all the subject land is rezoned, future Industrial development is likely to occur on and below the ridgeline, thus visually impacting on the existing residents of Ghilkes Road. A visual quality impact assessment should be undertaken prior to exhibition.

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

Parts of the existing SIP cannot be developed because the land is affected by threatened flora species and/or matters of Aboriginal heritage. The addition of the industrial land proposed under this Planning Proposal may compensate for the loss of such developable industrial land and even add to the overall supply of such land.

This increase in the supply of industrial land will increase local employment opportunities which are consistent with the objectives of REDES. Those employed locally will also benefit socially in that by not commuting to jobs outside the region, they can spend more time at home with family and friends, thus increasing their overall wellbeing.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

Water and Sewer

The land was recently included in a water and sewer service feasibility study (including cost analysis). The study determined it feasible to provide water and sewer to land identified both within this rezoning application, as well as other land adjoining the SIP. Proposed works required to service loads / demands from future development within the rezoned area (if successful) would involve construction of new water and sewer distribution infrastructure as well as augmentation of existing infrastructure within the SIP. Hence there is no objection to the proposed rezoning subject to the applicant complying with the following conditions:

- Payment of water and sewer headworks/augmentation contributions. (Note: the contribution rate per hectare is yet to be determined.)

- The developer shall be responsible for the design and construction of water supply and sewerage works required to connect the proposed rezoned land to Council's existing water supply and sewerage systems. 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.
- The developer shall be responsible for the full cost of augmentation works required to Councils existing water and sewerage reticulation systems required as a result of additional loads/demands on these systems. Augmentation works will need to be completed before Council could allow connection of any development within the rezoned land to Council's water and sewerage systems.
- The developer shall be responsible for the design and construction of water supply and sewerage works within the rezoned area.

Traffic

The Planning Proposal is an opportunity to support development in a location that supports the containment of local jobs on the Central Coast rather than workers having to commute greater distances to the Sydney metropolitan area.

The existing road network is able to accommodate the additional traffic generated by all land identified in the ELI as having potential for employment lands worthy of more detailed investigation.

The only roadworks required for the subject land would relate to servicing the proposed development and include additional road width and footpath extension. These matters would necessarily be addressed at the development application stage.

12 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?

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

Part 4 Community Consultation that is to be undertaken

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

Subject to Gateway support community consultation will involve an exhibition period of 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council. A letter will also be sent to the adjoining landowners.

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal;
- indicate the land affected by the planning proposal;
- state where and when the planning proposal can be inspected;

-
- give the name and address of Gosford City Council for receipt of submissions; and
 - indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Director-General of Planning;
- the gateway determination; and
- any studies relied upon by the planning proposal.

Other Matters for Consideration

SIP Service Contribution Agreement

Most of the existing land zoned 4(a1) General Industrial in the SIP is subject to a Service Contribution Agreement between the State Government, Council and the landowners. The Agreement outlines responsibilities of each party regarding the provision of the following infrastructure:

- water supply
- sewerage service
- drainage
- roads.

There is no provision in the Agreement that prevents the making of a LEP to zone other land for industrial purposes. For example, land zoned 4(a1) and fronting Kangoo Road is outside the Agreement area. This land was zoned for industrial purposes in 1986 under LEP No 169 and the owners were not required to enter the Agreement. The land, the subject of this Planning Proposal, is similar to the Kangoo Road industrial zone extension in that any agreement with the landowners can be separate to the original Service Contribution Agreement.

The water and sewer infrastructure can be dealt with separately under the Water Management Act.

As has been stated previously in this report roads and drainage infrastructure can be dealt with site specifically within the development application process.

Somersby Industrial Park Plan of Management

Over time, items of ecological and indigenous heritage value had been identified within the Park, including threatened flora and fauna species, and Aboriginal sites and artefacts. These items caused a high level of uncertainty as to the intensity and location of development that could take place within the area, as well as generating concern over potential delays in assessment of development applications. Consequently, in 2005 Gosford City Council and the NSW Premiers Department commissioned Connell Wagner to prepare a Plan of Management (PoM) for the SIP. The PoM was a result of a range of investigations culminating in a workable management framework for future development. LEP No 457, gazetted in 2008, provides the statutory basis for the use of the PoM in the development assessment process.

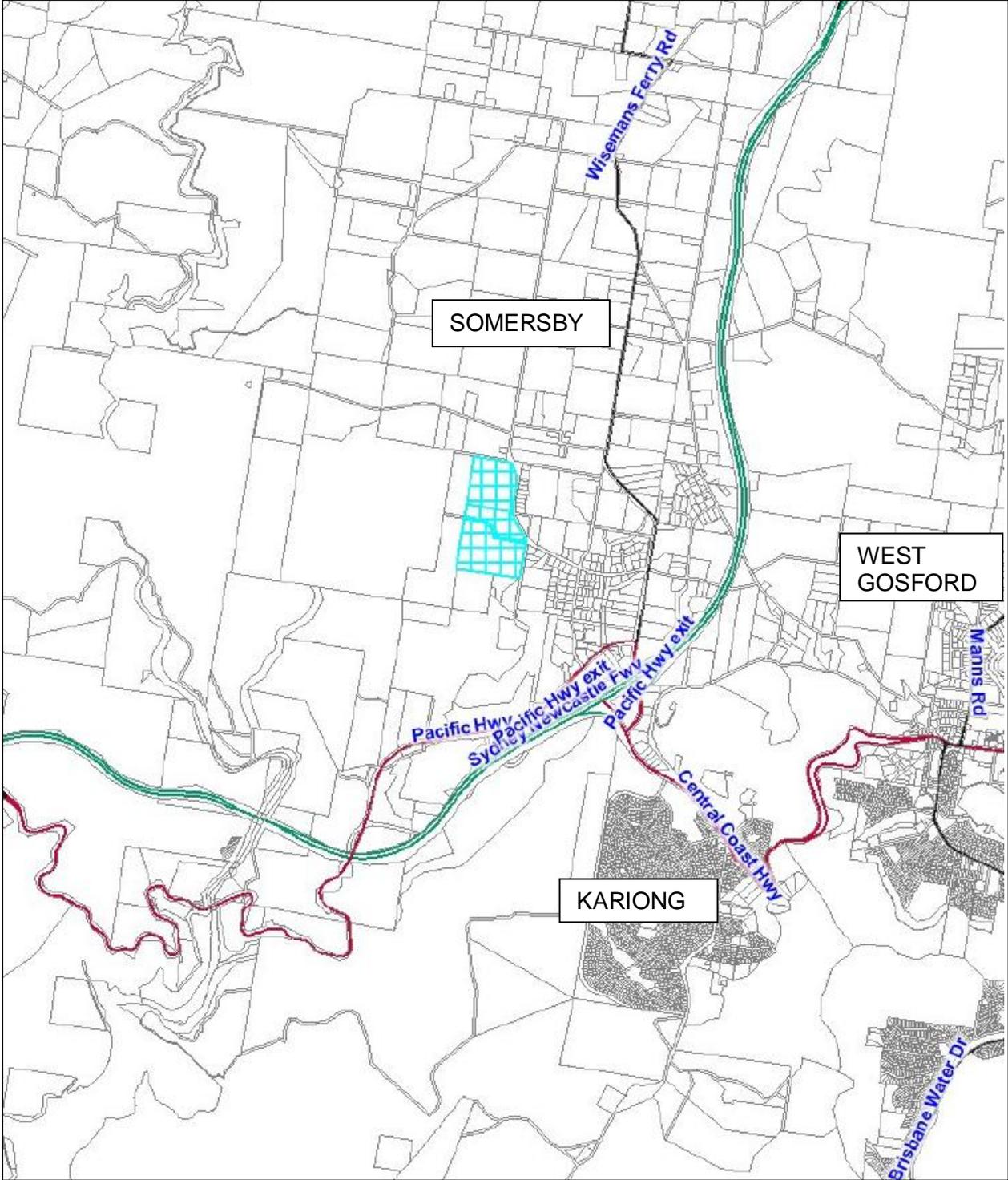
The PoM and LEP No 22 (via LEP No 457) applied to the land zoned 4(a1) and subject to the original Service Contribution Agreement. As such the PoM does not apply to the Industrial zoned land in Kangoo Road which is outside the Service Contribution Agreement. Likewise, the land, the subject of this Planning Proposal, will not be grafted into the PoM. As the appropriate studies will be undertaken prior to the rezoning of the land the relevant constraints can be identified at that stage and accounted for in the biodiversity certification process.

DCP No 137 - Lot 3 DP 712505 Ghilkes Road, Somersby, Tourist Accommodation and Conference Training Facilities

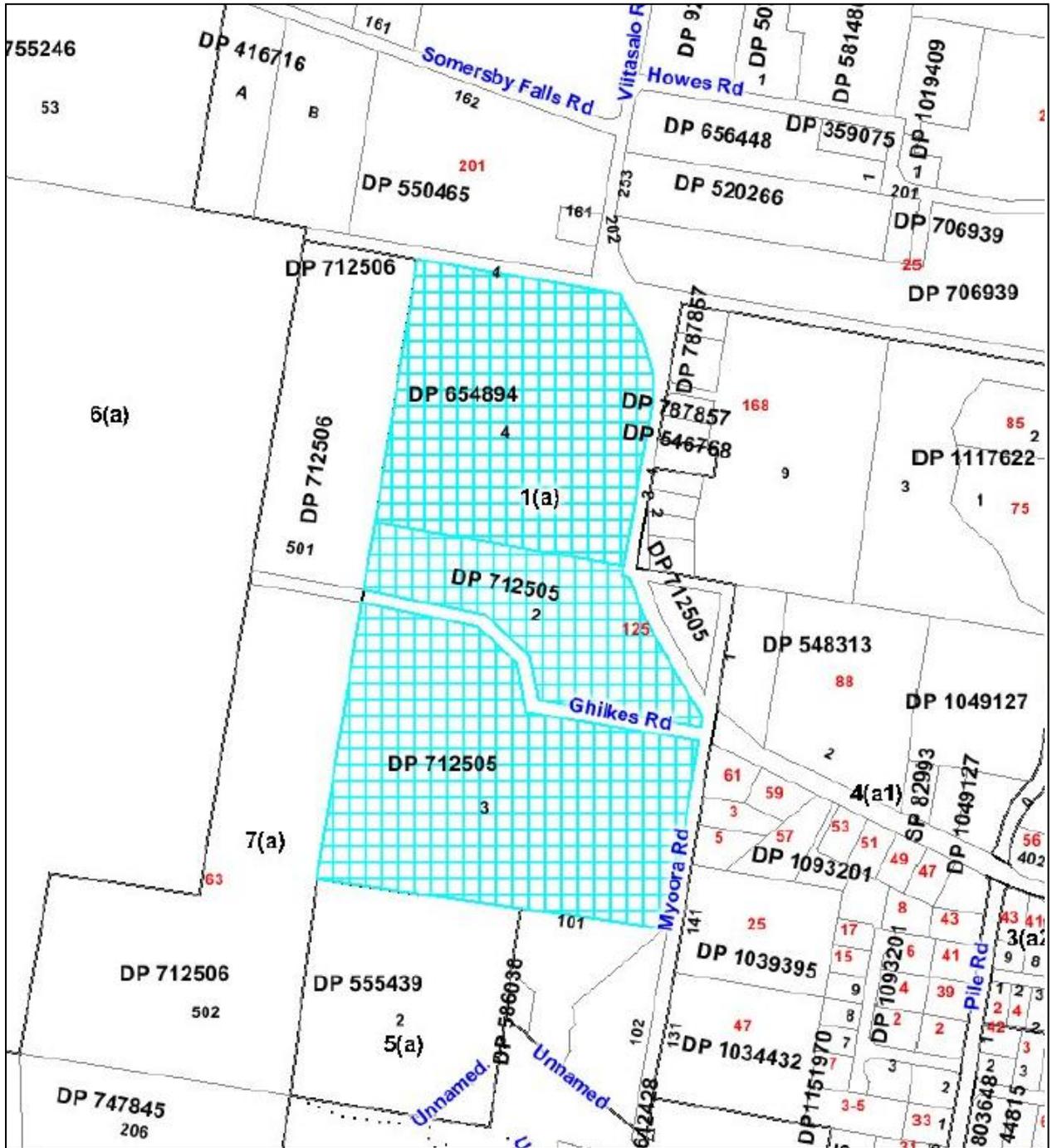
DCP No 137 (adopted in 2000) provides more detailed guidelines for the development of Lot 3 DP 712505 for tourist accommodation and conference/training facilities as permitted under LEP No 389.

To ensure that any identified areas of significant ecological value are adequately taken into consideration, the DCP required that no building works, or other disturbance, is to be undertaken on the western part of the site (see Appendix J). This requirement generally aligns with the level of constraint identified in the Potential Employment Land Capability map in Appendix I.

APPENDIX A – Locality Map



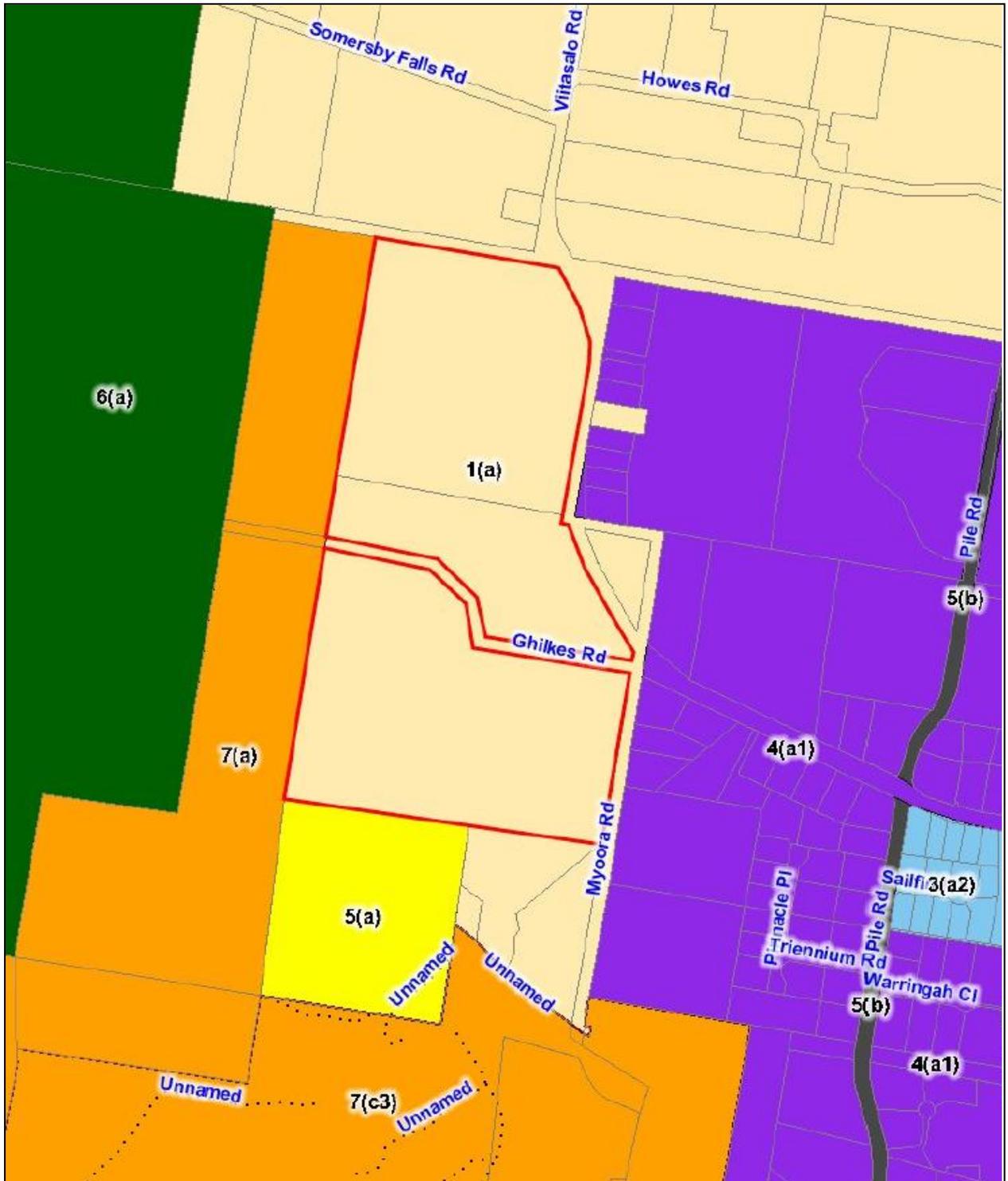
APPENDIX B - Lot Descriptions



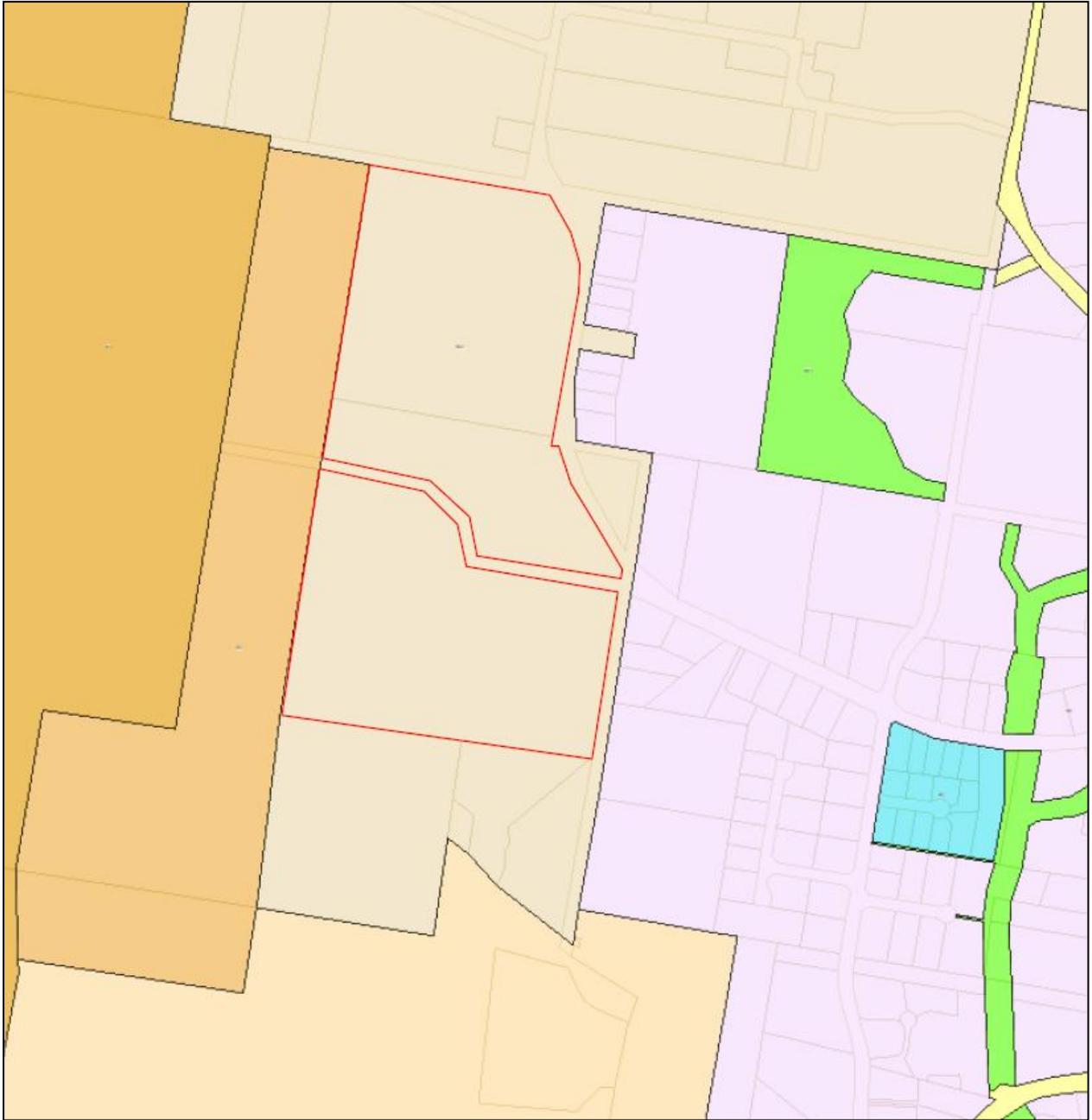
APPENDIX C - Aerial Photograph



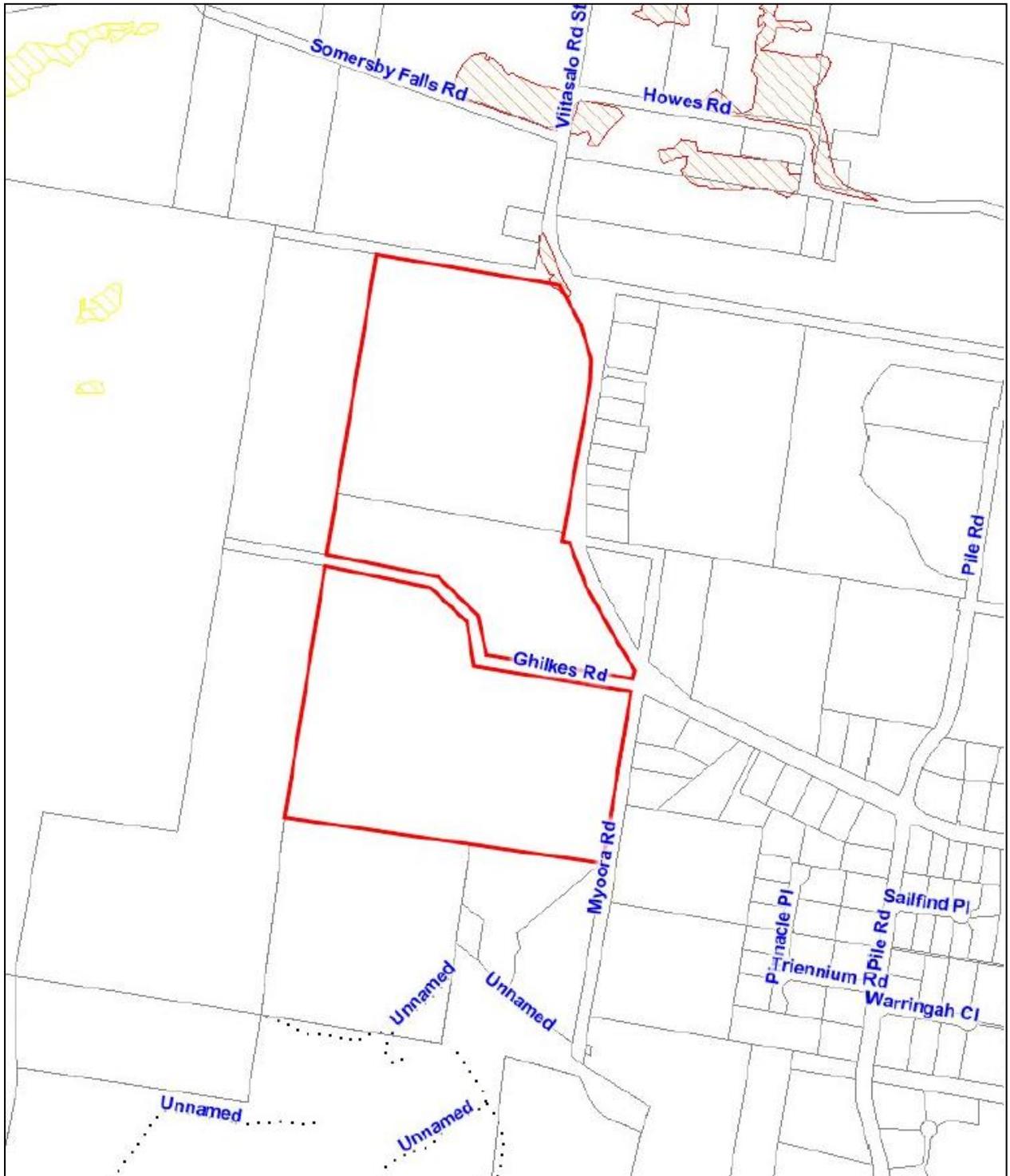
APPENDIX D - Existing Zoning



APPENDIX E - Proposed Zoning under DLEP 2009

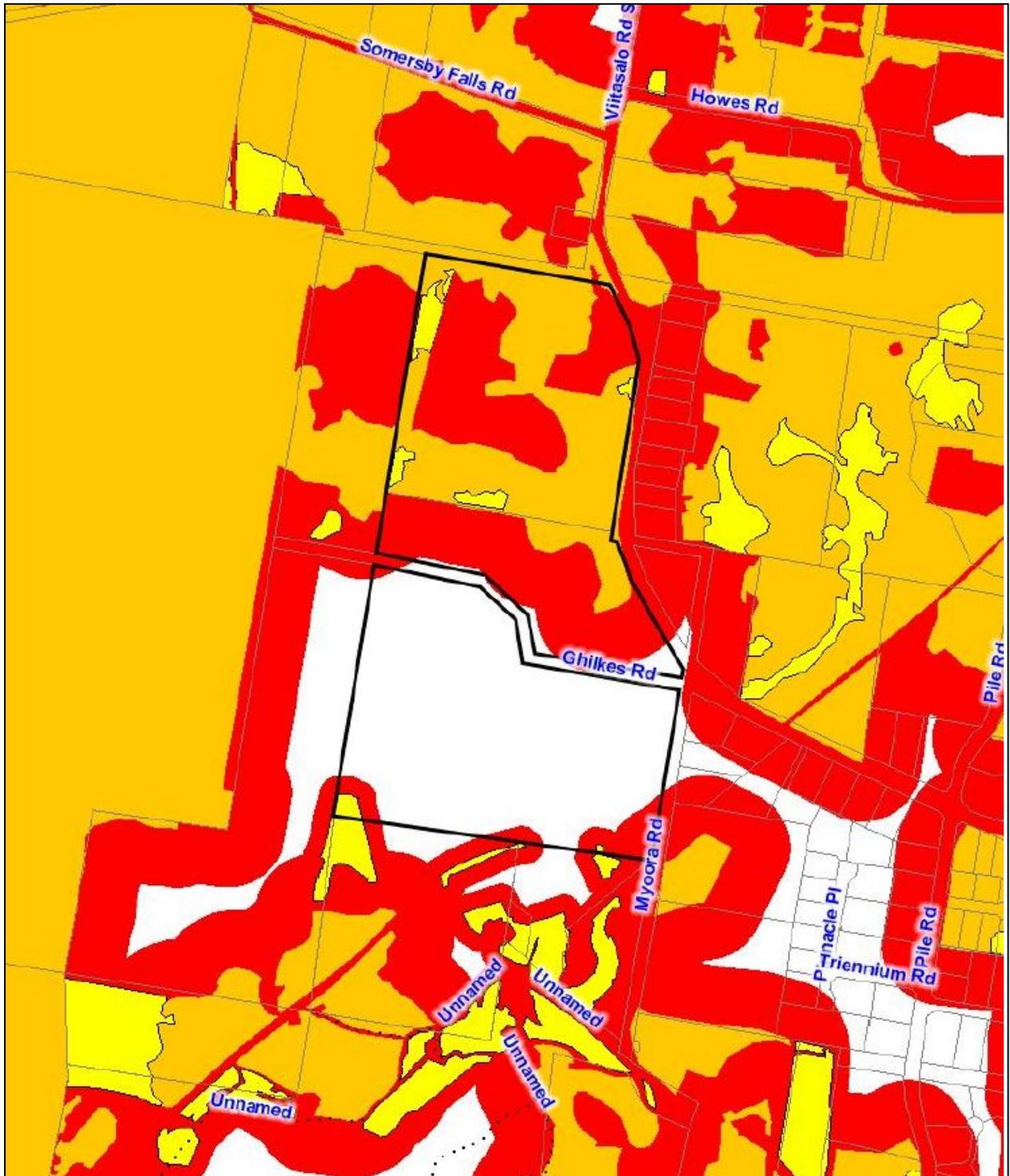


APPENDIX F- Significant Vegetation



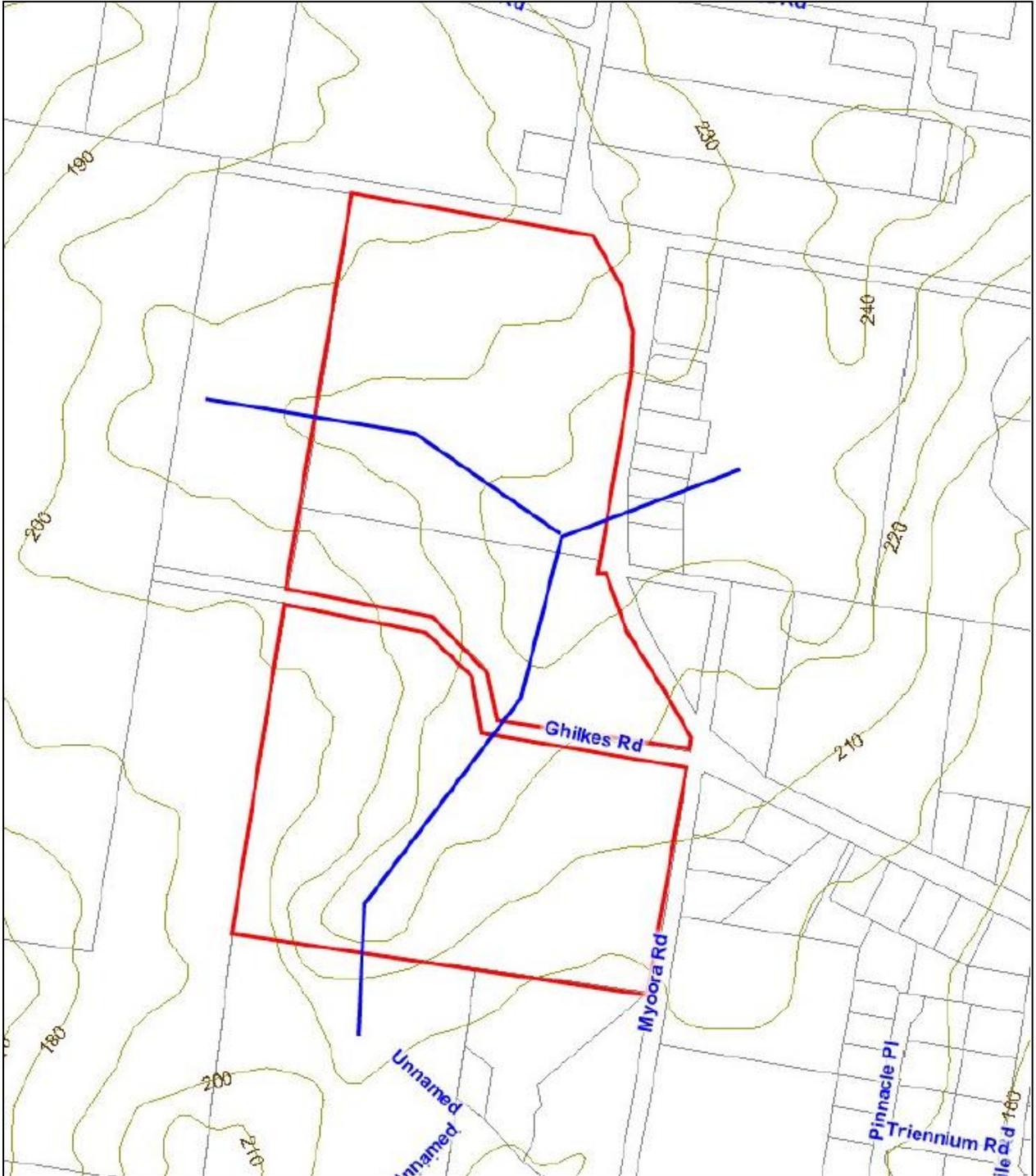
Red Hatching - Ecologically Endangered Communities
Yellow Hatching - Regionally Significant Vegetation

APPENDIX G - Bushfire Hazard



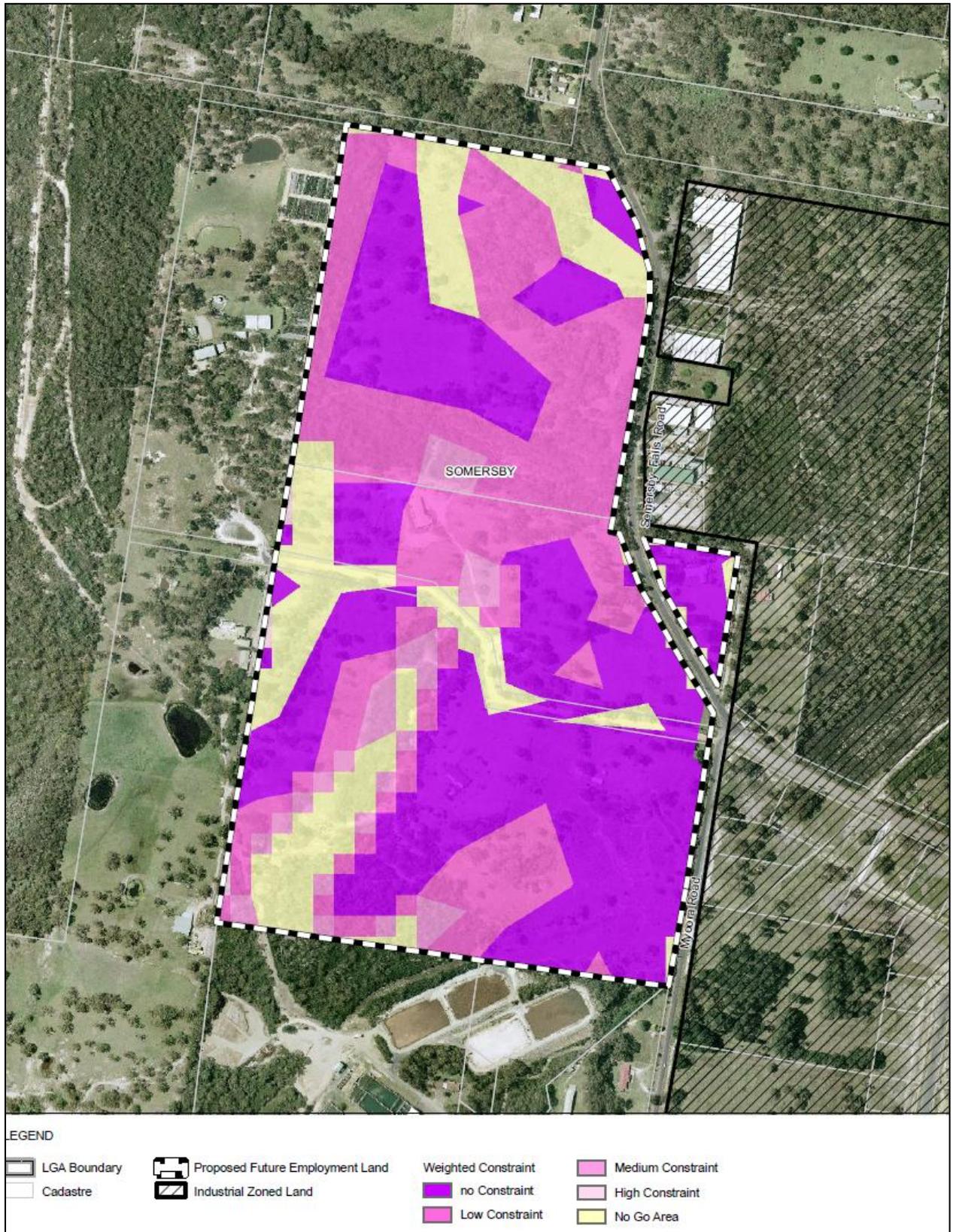
Orange Shading - Bushfire Category 1
Yellow Shading - Bushfire Category 2
Red Shading - Buffer Area

APPENDIX H - Topography

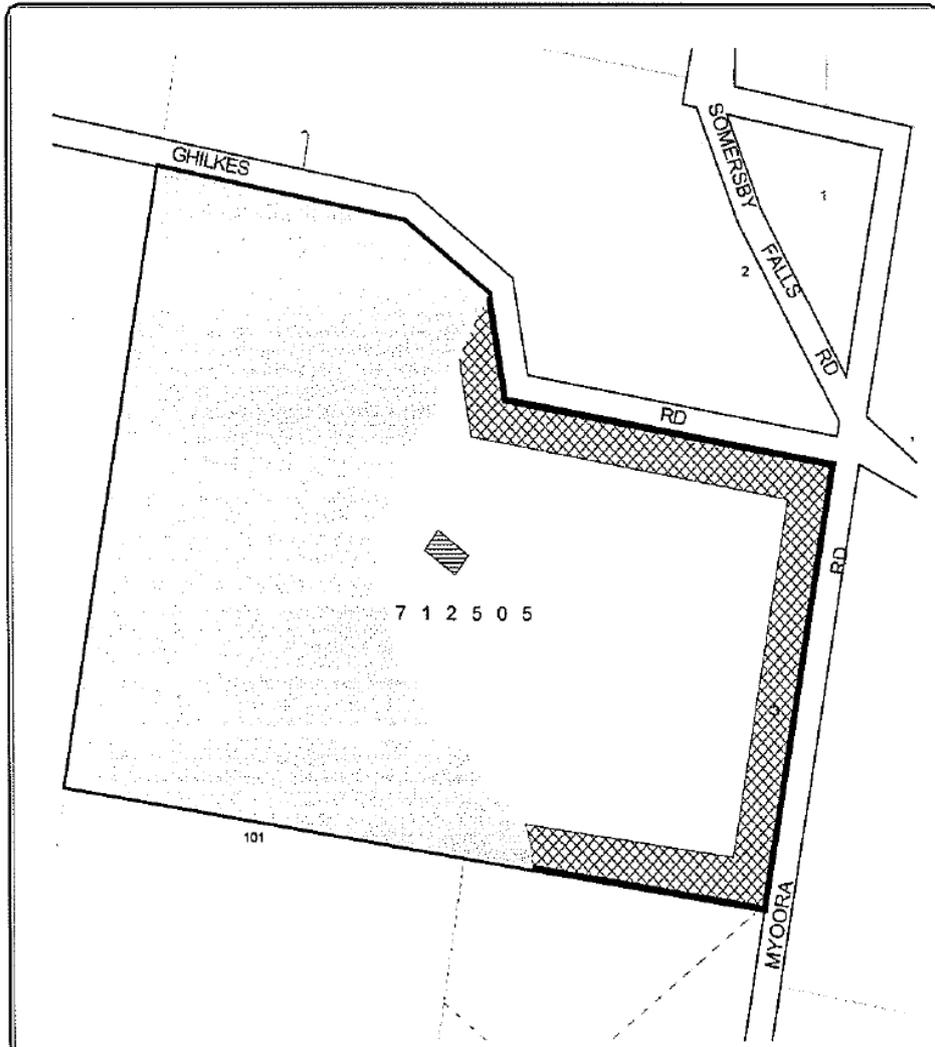


Blue Lines - Ridgeline

APPENDIX I - Potential Employment Land Capability (GHD, Sep 2010)



APPENDIX J - DCP No 137 Map (applies to Lot 3 DP712505)



LEGEND	
	30 METRE BUILDING SETBACK & BUFFER TO ADJOINING LAND
	EXISTING DWELLING
	ENVIRONMENTALLY SENSITIVE AREA - NO DISTURBANCE



**GOSFORD
DEVELOPMENT CONTROL PLAN No.137**

COUNCIL FILE No.: RA1999-58
 RELATED TO LOCAL ENVIRONMENTAL PLAN No.389
 THIS PLAN COMES INTO EFFECT FROM --- TO THE EXTENT TO WHICH IT IS CONSISTENT WITH ALL OTHER LOCAL ENVIRONMENTAL PLANS.
 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AND REGULATIONS.

	SCALE 1:4000
	LOCALITY: SOMERSBY
REVISION DETAILS	
	DATE
FOR COUNCIL	
	DATE

PLAN REFERENCE: NEN/IRON/URBAN/DRAWING/DCP/RA1999-58.DWG

APPENDIX K - Net Community Benefit

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?

Yes. The Planning Proposal is generally compatible with the Central Coast Regional Strategy in that it represents an opportunity to investigate options to expand an existing employment land node, such as Somersby Industrial Park (SIP).

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No. The site is not located in a regional city or strategic centre or corridor identified within the Central Coast Regional Strategy.

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

No. The Planning Proposal will not create a precedent and alter the expectations of other landholders in the areas as it is consistent with the Employment Lands Investigation (ELI). This will not lead to a range of ad hoc Planning Proposals for the area because a strategic study of the whole of Somersby is to be carried out in accordance with the ELI. This wider study will incorporate the two (2) privately owned lots should the owners not wish to be included in this Planning Proposal.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Yes. Should this Planning Proposal be successful and the owners of the two (2) adjoining lots choose not to be included, it will result in two 1(a) zoned lots being surrounded by Industrial zoned land or being isolated from the remainder of the Rural land in Somersby. It is likely that when the broader SIP study is undertaken that these lots will be considered for inclusion in the Industrial zone.

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands.

Yes. The LEP will facilitate employment generating activities by increasing the area of employment lands.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

No. The LEP will not affect the supply of residential land.

Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?

Yes. The existing road and utility infrastructure is capable of servicing the proposed Industrial site provided the road is widened and the utilities augmented to accommodate the increased usage. The site is accessible for pedestrian and cyclists, however due to the site's distance from the major residential areas of Gosford, it is unlikely that this form of transport will be used

to access the subject land as evidenced by traffic patterns in the existing SIP. Public bus transport is available to the SIP during weekdays although the bus route is 530m from this site.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

Yes. Even though the proposal is located remote from urban areas on the Central Coast it is far closer than Sydney. The zoning of this site to a zone that permits employment generating uses may result in a reduction of workers having to commute to Sydney by private vehicle. The result of such a scenario will be a reduction in overall greenhouse emissions and, with less vehicles on the F3, an increase in road safety.

Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?

No. The proposal will not impact on Government infrastructure or services. Should the development proceed, the proponent will have to upgrade any infrastructure as required.

Will the proposal impact on the land that the Government had identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

No. The Government has not identified the subject land as being in need of protection. However, as the land may accommodate threatened flora and fauna species future studies will have to be undertaken to ascertain the situation. The land is also constrained by bushfire hazard which will require an assessment to be undertaken.

Will the LEP be compatible/complementary with surrounding lands uses? What is the impact on amenity in the location and wider community? Will the public domain improve? Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes. The Planning Proposal will be compatible with surrounding land uses to the ease as this land is already zoning Industrial. The two lots to the west are zoned 7(a) Conservation which are likely to be visually impacted by future industrial development. The Planning Proposal does not affect the public domain. Retail and commercial premises are not permitted uses in the Industrial zone.

If a stand-alone proposal and not a centre; does the proposal have the potential to develop into a centre in the future?

No. The Planning Proposal is not a centre and as it will form part of the SIP, does not have the potential to develop into a centre.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The Planning Proposal will provide additional land to be used for industrial uses which has the potential to generate local job opportunities. Such employment generating uses will reduce the need for some people to commute out of the Central Coast region for work. More local jobs will benefit the local economy. The implications of not proceeding with this Planning Proposal now is that it will be delayed until the broader SIP study is undertaken.