

SOMERSBY, 244 Debenham Road North

Proposal Title : **SOMERSBY, 244 Debenham Road North**

Proposal Summary : **The proposal seeks to rezone land from RU2 Rural Landscape to IN1 General Industrial to permit a truck depot at Lot 31 DP811669 Debenham Road North, Somersby.**

The planning proposal seeks to amend Gosford LEP 2014 by:
- rezoning the land from RU2 Rural Landscape to IN1 General Industrial;
- altering the minimum lot size from 200,000m2 to 4000m2; and
- identify the site on the Urban Release Area Maps.

PP Number : **PP_2015_GOSFO_004_00**

Dop File No : **15/04556**

Proposal Details

Date Planning
Proposal Received : **08-Apr-2015**

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 : **244 Debenham Road North**

Suburb : **Somersby**

City :

Postcode :

Land Parcel : **Lot 31 DP811669**

DoP Planning Officer Contact Details

Contact Name : **Glenn Horal**

Contact Number : **0243485009**

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RPA Contact Details

Contact Name : **Michael Bowman**

Contact Number : **0243258176**

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

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

SOMERSBY, 244 Debenham Road North

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	1.80	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	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 notes

Internal Supporting Notes : PP submitted 10 March 2015. Additional information was requested in relation to Council's Key Sites provision and threatened species on site. Council provided the additional information on 08 April 2015.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : Council's stated objective is to facilitate the supply of employment lands by expanding Somersby Business Park by rezoning the land for industrial purposes to permit a truck depot.

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

Is an explanation of provisions provided? Yes

Comment : To achieve Council's objective the planning proposal seeks to:
-zone the land IN1 General Industrial;
-apply a minimum lot size of 4000m2; and
-include the land as an Urban Release Area.

Council has not identified the existing zone and development standards (i.e. RU2 Rural Landscape and 200,000m2 minimum lot size) that currently apply to the land and these should be included in the 'explanation of provisions' for exhibition.

Council was asked to clarify whether the site would be included in Council's Key Sites Map which applies to Somersby Business Park and requires future development to consider

clause 7.4 Development in Somersby Business Park in Gosford LEP 2014. This clause requires development to be consistent with a plan of management and protects land identified as "Ecologically Significant and Aboriginal Heritage Lands". Council has advised the land is to be excluded from the application of clause 7.4.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
1.2 Rural Zones
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
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? **Unknown**

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. 20 - Hawkesbury—Nepean River (No. 2 - 1997)
SREP No. 8 - Central Coast Plateau Areas

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

S117 DIRECTIONS

1.1 Business and Industrial Zones

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

The site adjoins an existing employment area identified in the Central Coast Regional Strategy (CCRS) as Somersby Industrial Park. The CCRS identifies the possibility of expanding existing employment nodes and Council's Employment Lands Investigation (ELI) identified the need to provide more industrial land and the site as suitable for this purpose. The Secretary could agree that the inconsistency with the direction is of minor significance.

1.2 Rural Zones

The proposal is inconsistent with this direction as rural land is proposed to be zoned industrial. Council states that the inconsistency is justified by the ELI study. Given the CCRS identifies the possibility of expanding existing employment nodes like Somersby and the ELI identifies the land as being suitable for industrial purposes the inconsistency with the direction is considered to be of minor significance. However SREP 8 applies to the land and although the land is not identified as prime agricultural land consultation with the Department of Primary Industries - Agriculture should occur before the Secretary can agree to the inconsistency.

2.1 Environment Protection Zones

Council's maps identify an endangered ecological community on the southern boundary and the land surrounding the site has been identified on Council SI Maps as containing ecologically significant lands. Consultation should occur with OEH before the Secretary can agree to any inconsistency with the direction.

3.4 Integrating Land Use and Transport

The proposal seeks to create urban zoned land (i.e. industrial land) on existing rural land on the Central Coast plateau in Somersby. The site is separated by the M1 Freeway from the majority of the residential population on the coast to the east and is

inconsistent with the direction. However, the ELI identifies the need for future employment land and identifies this site is suitable for employment land. The site adjoins an existing industrial estate which is serviced by bus to Gosford train station and is well connected to the existing road network. Given the proposal is an expansion of an existing employment node which aligns with actions in the CCRS the Secretary could agree that the inconsistency is of minor significance.

4.1 Acid Sulfate Soils

The site is located on land classified as Class 5 Acid Sulfate Soils. Council's Acid Sulfate Soils Maps show the site to be located on land approximately 2.3KM from Class 2 land with potential acid sulfate soils. Therefore any inconsistency with the direction is considered to be of minor significance.

4.4 Planning for Bushfire Protection

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

5.1 Implementation of Regional Strategies

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

SEPPs

SEPP No 19—Bushland in Urban Areas

Council states there are no threatened species or significant vegetation present however has provided a map showing an endangered ecological community on the southern boundary of the site. Council should reassess the SEPP prior to exhibition.

SEPP No 55—Remediation of Land

Clause 6 of the SEPP requires contamination and remediation to be considered in zoning or rezoning proposals. Council has advised a Contaminated Lands Assessment will be required to address the requirements of the SEPP.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps provided are adequate for assessment however existing and proposed zoning and development standards maps should be included in the planning proposal for public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes a 28 day exhibition period. Given this proposal is a minor spot rezoning a minimum 14 day exhibition period is recommended.

Additional Director General's requirements

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

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

TIMELINE

Council anticipates completion of the LEP in April 2016. A 12 month timeframe is recommended.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The planning proposal seeks to amend the Gosford LEP 2014.

Assessment Criteria

Need for planning
proposal :

Council has identified the subject land was included in Council's Employment Lands Investigation (ELI) as a site that may be suitable as future employment lands.

The ELI identified future employment lands opportunities adjoining Somersby Industrial Park now known as Somersby Business Park. A number of areas were identified including the subject site due to its proximity to surrounding industrial land uses (p.77). Council has advised it is seeking to expand capable and suitable areas within and adjoining Somersby Business Park for industrial purposes and has prepared a report for Council's consideration in the near future. The subject site represents a logical infill of Somersby Business Park and appears to have been brought forward by the landowner to resolve issues associated with the permissible use of an existing truck depot operation on the site.

Consistency with
strategic planning
framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

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

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

REGIONAL ECONOMIC DEVELOPMENT AND EMPLOYMENT STRATEGY(REDES):

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

GOSFORD 2025 - COMMUNITY STRATEGIC PLAN

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

BIODIVERSITY STRATEGY

Council identifies one of the objectives of its biodiversity strategy as relevant to the proposal however states there are no threatened species or significant vegetation on the site. The maps provided by Council identify an endangered ecological community on the southern boundary. Council should reassess consistency with its strategy prior to exhibition.

Environmental social
economic impacts :

ENVIRONMENTAL

The site appears to be largely cleared of vegetation however Council has advised there are threatened species on the southern boundary. Council should review the planning proposal before exhibition and remove references that state there are no threatened

species on the site, if appropriate.

SOCIAL/ECONOMIC

Council considers the increase in the supply of industrial land will increase local employment opportunities and ensure sufficient employment lands are appropriately located to accommodate growth.

INFRASTRUCTURE

Council has included extensive discussion on water and sewer infrastructure as the site is not located within Council's service areas. Given Council intend to include the site as an Urban Release Area it will be subject to public utility infrastructure provisions before development consent can be granted for any proposed development.

FLOODING AND DRAINAGE

Council makes reference to potential for overland flows on the site however Council Mapping does not show the site being affected by the 1 in 100 year flood event. The land is not identified as flood prone land and it is considered future development matters affecting overland or surface flow can be addressed at the development application stage.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage NSW Rural Fire Service Other		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons : **The site is proposed to be mapped as a Urban Release Area and will be subject to satisfactory arrangement provisions contained in Gosford LEP 2014.**

Documents

Document File Name	DocumentType Name	Is Public
Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes

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Timeline.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Additional Information.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 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 :

1. Prior to undertaking public exhibition Council is to update the Planning Proposal to:
 - update the 'explanation of provisions' to identify the existing zone and development standards that apply; and
 - include existing and proposed zone and development standards maps.
 - clarify the presence of threatened species on site and update the planning proposal accordingly.
 - update its consideration of SEPP 19 Bushland in Urban Areas and Council's Biodiversity Strategy.
2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
3. The Secretary agrees that the provisions of the planning proposal that are inconsistent with S117 Directions 1.1 Business and Industrial Zones, 3.4 Integrating Land Use and Transport and 4.1 Acid Sulfate Soils are of minor significance.
4. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - Department of Primary Industries - Agriculture
5. 12 months timeframe.
6. 14 day exhibition period.
7. Council be granted delegation to make the plan.

Supporting Reasons :

Signature:



Printed Name:

G P HOPKINS

Date:

15.4.2015

