

TITLE PLANNING PROPOSAL NO. 66/2014 Lot 31 H244 Debenham Rd Somersby. Applicant - Coastal Link Report s55 (IR 1350409)

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

Disclosure of political donations and gifts - s147 Environmental Planning and Assessment Act (EP&A Act).

“A relevant planning application means: (a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site”, i.e. a Planning Proposal. The object of Section 147 is to require the disclosure by a person of relevant political donations or gifts when a relevant planning application is made to Council per s147(4).

No disclosure was made by the applicant.

EXECUTIVE SUMMARY

The Central Coast Regional Strategy (CCRS) 2008 is the lead document to guide strategic planning for future growth and development in the region. Its primary aim in relation to employment generation is the creation of 18,000 new jobs in the Gosford LGA, 6000 of which are to be located in Gosford Regional Centre, 9000 in other centres, and 3000 in employment lands.

Council in recent years has been investigating the capability and suitability of lands within and adjacent to Somersby Business Park (SBP) for rezoning to an industrial zone. As a result of investigations a report will be coming to Council shortly to seek a resolution to prepare a Planning Proposal to expand capable and suitable areas within and adjoining to the SBP for industrial purposes. The subject land is within the area of Council's industrial / employment lands expansion investigations. The owner of the subject land has lodged a Planning Proposal application seeking to rezone the land to industrial to permit heavy vehicle haulage depot. At this stage no constraints to the subject land being rezoned and used for industrial purposes have been identified. The land would logically sit within the SBP. Given that a report on the Council's investigations into industrial lands expansion in this area will come before Council shortly for preparation of a Planning Proposal, the subject Planning Proposal is recommended for support.

RECOMMENDATION

For Council support.

BACKGROUND

Purpose of report: This report discusses merits for Council's consideration and decision of whether or not to prepare a Planning Proposal (PP) *(which, if supported by Department of Planning & Environment would result in an amending LEP)*, pursuant to Section 55 Environmental Planning & Assessment Act, 1979.

Aim of proposal: The applicant has applied to rezone the land to a zone which permits the use of the site by Troy Heavy Haulage as a 'heavy vehicle depot'.

Application Received: 25 September 2014

Environmental Planning Instrument – Current Zone: Gosford LEP 2014 (GLEP) - Zone RU2 Rural Landscape

Area: 1.807 hectares

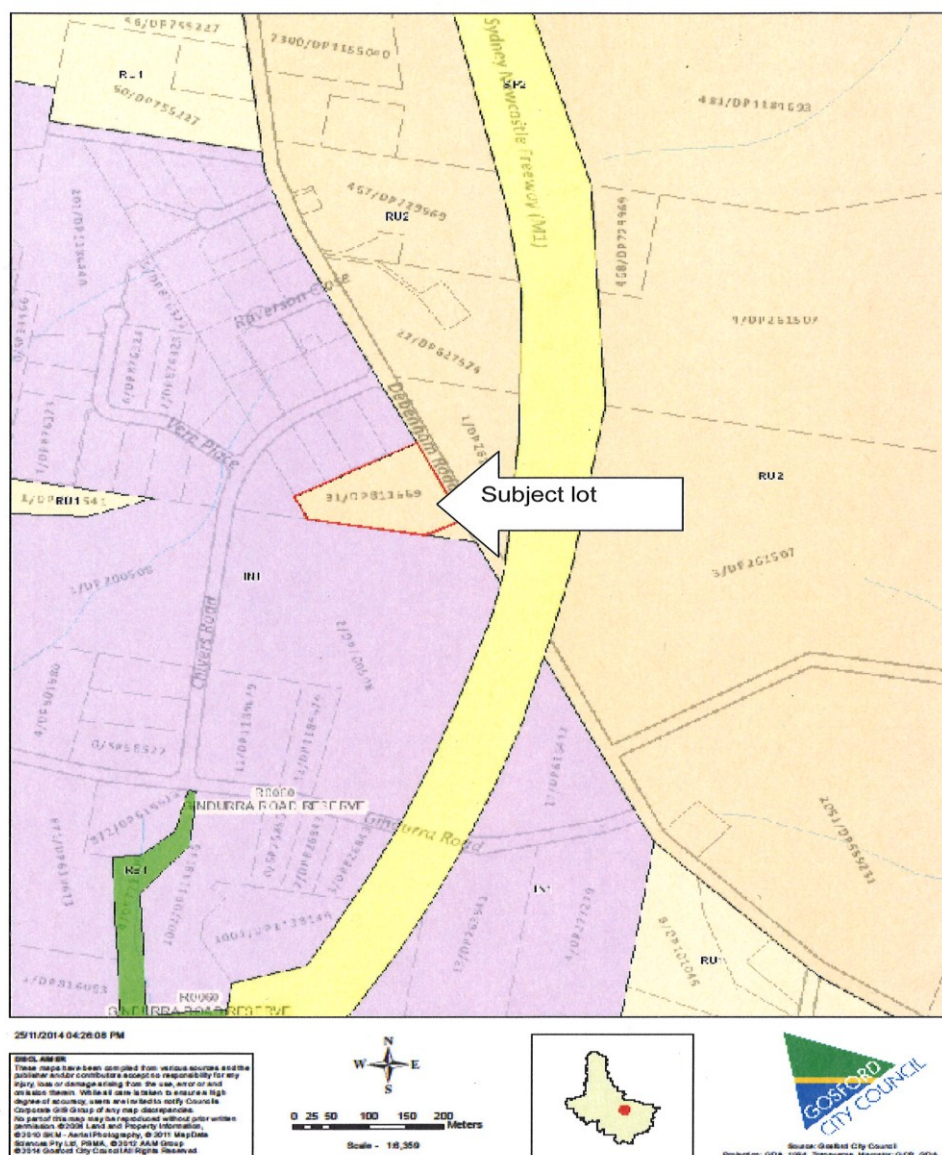
Site: Lot 31 DP DP811669 Debenham Rd Somersby contains a residential structure utilised as a site administration office for Troy Heavy Haulage. The site is predominantly cleared, covered with asphalt with parking areas for b-double trucks, trailers and employee cars.

Landuse History:

The 1985 aerial photo shows the lot with a dwelling-house situated in the centre and native vegetation is partially cleared.

EPA & Act order number 1 was issued by Council to the owner for the unauthorised use of the property as a heavy vehicle storage facility contrary to the current land zoning. The decision to take further action for non compliance with the order has been suspended at this time until the Planning Proposal is determined. Once the Planning Proposal is determined, Council's Compliance Unit will consider what further action, if any, is appropriate.

Locality Map:



ASSESSMENT

Overview of Applicant's Submission

The applicant states the aim of the planning proposal is to rezone the land to zone IN1 General Industrial to permit the use of the site by Troy Heavy Haulage for a heavy vehicle depot. The proposed use recognises the suitability of the site for this use, being surrounded by the Somersby industrial park with land zoned IN1 General – Industrial. The current zone is an anomaly in the Somersby Industrial Park, as the owners at the time of the initial rezoning chose not to be included in the original rezoning.

The applicant states that site is predominantly rocky with sparse vegetation and existing development on the site is limited to a residential structure utilised as a site administration office. It is noted that there is no strategic study / report identifying the land for rezoning. The current rural landscape zoning makes little sense given its lack of rural capability.

The subject rezoning was also requested as a submission to the Gosford LEP 2014. This request was recommended to the Council by the Director Environment & Planning not to be supported. The Director's recommendation was adopted by Council on 31/5/11.

It is pointed out by the applicant that the rezoning would align with various objectives in the regional strategy relating to economy and the community strategic plan regarding equitable, inclusive, useful, informed, ethical & enduring development. The rezoning will result in local employment and economic effects will be positive. Services required are considered to be reasonably available in the locality.

It is also pointed out that the proposal is consistent with SEPPs such as 44 – Koala Habitat Protection, Exempt & Complying Development and SREP 8 Central Coast Plateau Areas, plus various Section 117 Directions, e.g. 1.1 Business & Industrial zones, 1.2 Rural zones, 3.4 Integrating Land Use & Transport, amongst others.

The applicant believes that there will be no likely effects on the environment and the site is not considered to be at risk from natural hazards.

The issues raised in the applicant's submission have been considered in the assessment of the proposal.

Strategic Landuse / Economic

Council's strategic planning aims to ensure there is a supply of employment lands which exceeds demands in the market over the medium to long term, which has been the case historically and is expected to be the case in the future.

The existing Somersby Business Park is Council's premier business / industrial / employment lands park. The SBP accommodates a range of manufacturing and processing developments, industrial uses dependent upon large site areas, and some smaller scaled industrial and service uses in smaller more conventional industrial buildings. It is located on both sides of the M1.

Local Environmental Plan No 22 (LEP 22) was gazetted on 3 July 1981 and covered an area of approximately 300 hectares located primarily on the western side of the M1 Freeway at the Gosford interchange.

Some surplus crown land generally having frontage to Kangoo Road was included in the industrial zoning upon completion of major road works associated with the then F3 construction and interchange arrangements.

Parts of the existing SBP 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 and the CCRS.

A Plan of Management (POM) was prepared to inform landuse planning outcomes, with its controls implemented through Local Environmental Plan 457 as an amendment to LEP 22. Development of SBP experienced difficulties, particularly due to the *Threatened Species Conservation Act (NSW) 1995* and the presence of threatened species (e.g. Somersby Mint Bush) and also aboriginal heritage sites.

Council in recent years has been investigating the capability and suitability of lands within and adjacent to SBP for rezoning to an industrial zone. It should be noted that lands to the north of the existing SBP are identified as rural and resources lands under the CCRS, are zoned for rural / agriculture and were not part of the investigation area for the purpose of this investigation. Agricultural land is affected by Sydney Regional Environmental Plan No 8 - Central Coast Plateau Areas, (now a deemed SEPP) and the provisions of Sydney Regional Environmental Plan No 9 Extractive Resources No 2(also a deemed SEPP) may apply to land both within and in proximity to the wider study area.

As a result of investigations by Council, including several technical expert studies, a report will be coming to Council shortly to seek a resolution to prepare a Planning Proposal to expand capable and suitable areas within and adjoining to the SBP for industrial purposes. The subject land is within this investigation area. As a result of a private Planning Proposal, SBP was expanded to the west along Somersby Falls Rd, when these lands were rezoned to IN1 General Industrial on 9 May 2014, as the owners did not wish to wait for Council's investigations.

Central Coast Regional Strategy

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

Some key objectives of CCRS in relation to employment include:

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

- Somersby Business Park is identified as an employment precinct and investigations into possible expansion align with specific actions of the CCRS.

Employment Lands Investigation - GHD Consultants

Gosford City Council's Employment Lands Study (ELS) was prepared in December 2010 by consultants GHD. It was undertaken in close collaboration between Council and the then Department of Planning and Infrastructure with funding under the Planning Reform Funds and in accordance with an agreed Memorandum of Understanding.

It provided an analysis of existing zoned employment (industrial zoned) lands and identified major sectors, together with the competitive strengths and weaknesses of industrial lands. The ELS focused on constraints mapping of areas to identify suitable areas for further investigations. For Somersby, the ELS confirmed the three possible expansion areas for detailed investigation, being to the west of the existing Park, some infill sites and lands to the east of the existing zoned area.

The lands on the other side of Debenham Rd (opposite) and small lot located adjacent to the south, will remain under the current RU2 Rural Landscape zone, hence in this regard there will be no change to their land use situation pertaining to the subject Planning Proposal.

It is envisaged that only positive land use and economic effects will result from the rezoning.

Environment & Heritage (Aboriginal / European)

It is acknowledged that the previous owner requested an exemption for the site to be excluded from the Somersby Industrial Estate and hence the rural zoning. Consequently the subject site is surrounded by industrial zoned land. The proposal now seeks to change the zone from rural to industrial.

Council's adopted Bell's vegetation mapping

Council's mapping identifies the subject site as containing minimal remnant disturbed canopy / regrowth exposed Hawkesbury woodland and Hawkesbury Banksia scrub – woodland along the perimeter and a very small area of 'hanging swamp' on the southern boundary which is an 'Endangered Ecological Community' under the Threatened Species Conservation Act, 1995

Somersby Industrial Park Plan of Management (POM)

Various investigations for Somersby Industrial Estate by Australian Museum Business Services (April 1997) and Connell Wagner (2003) have been incorporated into the Somersby Industrial Estate Plan of Management. The Management Plan indicates that the subject site does not contain any management zones for the protection of Aboriginal heritage, threatened species habitat or riparian areas. The Somersby Industrial Park Plan of Management (2005) was adopted by Council in March 2006. The POM was prepared to assist the development of land within the SBP. The POM detailed areas of constraint which culminated in designation of various management zone techniques for addressing development. The subject area has not been identified as having any items of Aboriginal heritage or ecological significance and therefore is not mapped as constrained land within the POM.

Ecological and Aboriginal Heritage Report – Geolink Consultants

As part of Council's strategic investigations for SBP, Council identified areas for potential expansion to the west, east and for infill areas.

Given the multiple constraints that have been experienced in the existing zoned area through development applications (DAs), it was considered critical to undertake environmental and ecological investigations, including threatened species and aboriginal archaeological investigations. These issues can be key constraints to development and would act as determinants for future landuse planning in the area. These investigations were undertaken by Geolink Consultants for the western, infill and eastern expansion areas to SBP. The Geolink Study identified a range of environmental (including threatened species) issues that inform any future planning proposal.

The Geolink Study supports the rezoning of the subject parcel of land consistent with its surrounding industrial land uses. While the study concluded that there are no archaeological or cultural constraints for the site, there is still very low potential for sites to occur in the areas currently obscured by vegetation. It was also recommended that the persons responsible for future on site works must ensure that all staff, contractors, and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites of significance.

The subject lot was identified as having suitability for industrial use provided standard site planning and management procedures are implemented to address relevant environmental issues.

The proposal will not result in a significant impact on threatened species, populations, ecological communities or their habitats. Notwithstanding this, any proposed DA for the site would require an environmental assessment of the Coastal Upland Swamp Endangered Ecological Community.

The Aboriginal Heritage investigations carried out as part of the Geolink Study identified a sandstone outcrop present to the eastern portion of the study area. No raw materials usually transported into the area and utilised for stone tool manufacture were present or visible and the closest reliable water is located approximately 1 kilometre to the east (Piles Creek).

The investigation concluded that given the disturbed nature of the study area and as no sites or Potential Archaeological Deposits (PADs) were identified, further investigations are not justified.

There are no environmental, archaeological or cultural constraints to the rezoning.

Waterways / Flooding

The proposed change of zoning for the site from rural to industrial use has been assessed in accordance with s117 Ministerial Direction – 4.3 Flood Prone Land. The following comments are made with regard to flooding constraints only as it affects the proposed change of zoning of the land.

The site is located at the top of a tributary of Piles Creek and as such is not expected to flood. However it may convey overland flows during times of heavy rainfall and this would need to be examined to determine the extent of overland flow. The flows that would occur are considered minor in nature, however impeding overland flows and / or diverting the flows around structures and / or channelizing the discharge flows may adversely impact on downstream properties and the natural watercourse. Therefore a flood study to define

development limitations should be undertaken at the time of submission of a development application for this site.

The proposed rezoning of the site from rural to industrial development of the land will result in additional impervious areas that normally would not have occurred under the current zoning. Any increase in impervious area of the subject site will make flooding from overland flows to downstream properties worse, if not addressed adequately. There should be no increase in stormwater runoff from pre to post development flows for all storm events up to and including the 1% AEP (1 in 100 year) flood. This could be achieved through the use of Water Sensitive Urban Design structures such as on-site detention and stormwater reuse etc.

Mitigation works should also consist of water quality management due to the intended nature of the development and adequately discharging stormwater flows to a suitable outlet. This could involve construction of a stormwater drainage line within an easement through the downstream property discharging into the existing natural watercourse west of Chivers Road.

The proposed change of zoning of the site is considered in compliance with s117 Ministerial Direction – item 4.3 Flood Prone Land and is recommended for approval subject to all development being undertaken in accordance with Council's DCP 2013, particularly with Section 6.7 Water Cycle Management, and Council's design standards, at the Development Application stage.

There are no flooding / drainage constraints to the rezoning.

Traffic / Transport

Currently the land is zoned RU2 – Rural Landscape and the proposed new zoning for the property is IN1 – General Industrial. The applicant states this rezoning is requested in order to facilitate use of the land as a Heavy Vehicle Depot.

Section 117 Direction (EP&A Act) - 3.4 Integrating Land Use & Transport is relevant to assessment of the proposal. The applicant states that: *"Public transport is essentially not an issue for the subject site as the area is not effectively serviced by public transport and this particular usage of the land, being a transport business, has adequate parking facilities for employees who invariably provide their own transport"*. Council's has a contrary view based upon research on the 131500 Transport Info line which states there is actually a nearby bus service traversing Gindurra Rd with several two-directional services each week day to places like Gosford Rail Station. To get to the bus stop a walk of 720 metres down Chivers St to Gindurra Rd is required.

There are no objections to the rezoning from a transport perspective.

Social / Community

The rezoning of the site to General Industrial within the SBP will assist in providing additional business and employment opportunities to residents of the LGA. This in itself will aid in potentially reducing some commuting out of the area for employment, hence providing social benefits to individuals and families through reduced time travelled to work, thus increasing their overall wellbeing.

There are no envisaged negative social / community impacts to the rezoning.

Water / Sewer

Background

The subject lot is not located within Council's defined water or sewer service areas and is not identified to be connected to these systems.

The property is located adjacent to industrial zoned properties contained within the Somersby Industrial Estate (SIE). During initial negotiations for creation of the SIE the owner of Lot 31 requested it to be removed from the Somersby Industrial Estate service area. As a consequence water and sewer infrastructure within the SIE was not designed to service Lot 31. Infrastructure servicing the SIE (water, sewer, roads and drainage) was designed, constructed and funded by SIE land owners under the Somersby Industrial Estate (SIE) Service Contribution Agreement dated 29th August 1980, specifically for land contained within the SIE.

Council recently completed investigations into future servicing requirements within the Gosford LGA (Water & Sewer Master Plans 2013 and Somersby Industrial Park W&S Strategy Review 2012). Investigations included the potential servicing of land surrounding the SIE if rezoned for industrial purposes. Lot 31 DP 811669 Debenham Road was included within the investigation area. Investigations determined connection of potential rezoned industrial land to Council's water and sewer reticulation systems could be accommodated subject to augmentation of specific downstream water and sewer infrastructure, extension of existing services and payment of associated water and sewer charges.

W&S Conditions – Proposed Industrial Zoned Land

Should the land be rezoned industrial and require connection to Council's water and sewer systems the following conditions shall apply:

- Connection of the proposed rezoned land to Council's water and sewer reticulation systems shall be subject to existing water and sewer systems having sufficient capacity to accommodate proposed development. Such capacity shall be in addition to capacity previously provided for development within the Somersby Industrial Estate (SIE).
- The applicant shall be responsible for the full cost of specific downstream augmentation works to Council's existing water and sewerage reticulation systems required as a consequence of additional loads / demands on these systems. The applicant shall be responsible for undertaking a water and sewer systems capacity analysis on both water supply and downstream sewerage reticulation systems. The analysis shall assess the impact both proposed rezoned land and future development has on Council's existing SIE water and sewerage infrastructure. The analysis shall extend to a point within the reticulated water supply and sewerage systems where proposed demands / loadings from the proposed rezoned area represent 5% or less of system capacity.
- The capacity analysis shall be in accordance with the WSAA Method for determining system capacity, and shall be based upon full development of the area serviced by the water and sewer systems without the proposed rezoned area; and a second analysis with the inclusion of additional demands / loads created by the proposed rezoning and subsequent development.

- Alternatively, the applicant may rely upon investigation reports recently undertaken by Council for future servicing requirements within the Gosford LGA which included land proposed to be rezoned on the fringe of the Somersby Industrial Park (SIP) (Water & Sewer Master Plans 2013 and Somersby Industrial Park W&S Strategy Review 2012). The study determined it feasible to provide water and sewer to various lands adjoining the SIP, subject to augmentation of existing and provision of additional water and sewer infrastructure.
- The current estimated cost for Council to carry out the specific water and sewer downstream augmentation works to accommodate the proposed industrial zoned land is \$52,929 per Hectare (being \$11,319 water and \$41,610 sewer). This amount is subject to annual review. {Note: This amount (previously \$51,438 per HA), was the subject of a 2.9% CPI increase from 1/7/2104}.
- Payment of water and sewer headworks / augmentation contributions of one (1) equivalent tenement for each lot proposed to be connected to Councils water and sewer reticulation systems. The current water and sewer headworks / augmentation charge is \$3258 per equivalent tenement. {Note: Future development within the rezoned land shall be subject to payment of Redevelopment Development Servicing Plan (DSP) water and sewer headworks / augmentation contributions based upon equivalent tenements and relevant fees at the time}.
- The applicant shall be responsible for the design and construction of water supply works required to connect the proposed rezoned land to Councils existing water supply system. {Note: Under the SIE infrastructure plan a water supply main is proposed to be constructed in Debenham Road (between Chivers Road to Kangoo Road) and will be capable of servicing H244 Debenham Road. This main is scheduled for construction in 2016 / 2017, although the actual construction date will be dependent on funds, resources and other priorities}
- The applicant shall be responsible for obtaining written consent from the owners of any properties required to be entered upon to construct any proposed works required to service the land. A copy of relevant consents shall be provided to Council in conjunction with submission of design plans.

There are no water / sewer constraints to the rezoning.

Statutory Planning

The applicant states the aim of the planning proposal is to rezone the land to zone IN1 General Industrial to permit the use of the site by Troy Heavy Haulage for a *heavy vehicle depot*. A *heavy vehicle depot* is not defined in the Standard Instrument LEP dictionary, hence does not exist in GLEP 2014. Only LEP defined land uses can be included within the LEP.

The IN1 zone does permit uses such as: depot, transport depot and truck depot. A *'truck depot'* is defined as *'truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like'*.

Provisions are available within the Standard Instrument LEP to cater for the applicant's needs, which will be addressed and refined through the Planning Proposal process.

There are no statutory planning objections to the rezoning.

CONCLUSION

The Central Coast Regional Strategy (CCRS) 2008 is the lead document to guide strategic planning for future growth and development in the region. Its primary aim in relation to employment generation is the creation of 18,000 new jobs in the Gosford LGA, 6000 of which are to be located in Gosford Regional Centre, 9000 in other centres, and 3000 in employment lands.

Council in recent years has been investigating the capability and suitability of lands within and adjacent to Somersby Business Park (SBP) for rezoning to an industrial zone. As a result of investigations a report will be coming to Council shortly to seek a resolution to prepare a Planning Proposal to expand SBP. The subject land is within the area subject to Council's industrial / employment lands expansion investigations.

At this stage of the Planning Proposal no constraints to the land being rezoned and used for industrial purposes have been identified. The land would logically sit within the SBP.

Given that a report on the larger investigation into industrial lands expansion in this area will come before Council shortly for preparation of a Planning Proposal, it is considered that the subject Planning Proposal may proceed to Gateway for a determination.

Should Council wish to reconsider the matter after public exhibition where no submissions objecting to the matter have been received, Part C of the recommendation should be amended to include the words: *"After public exhibition of the Planning Proposal a report is referred to Council on the matter."*

FINANCIAL IMPACT STATEMENT

The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service

Connection to Council's services is feasible and will be required, together with associated fees and requirements outlined in the report.

Attachments: A - Planning Proposal - process flowchart
B - Overview of Planning Proposal process & draft Planning Proposal
C - Planning Proposal - mapping

Tabled Items: Nil

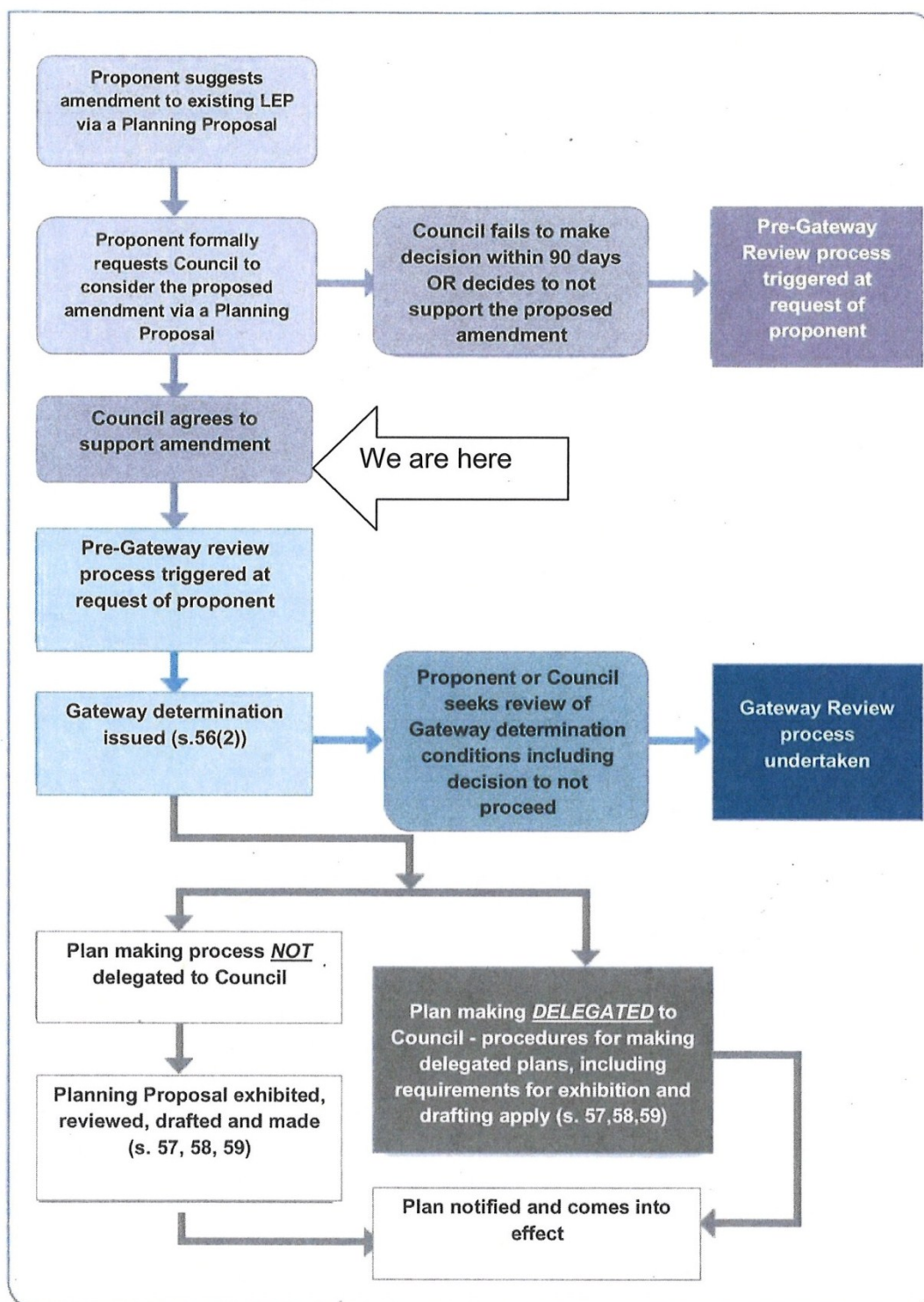
RECOMMENDATION

- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal as outlined in this report for Lot 31 DP DP811669 Debenham Rd Somersby to be rezoned to IN1 General Industrial.
- B Council notify the Department of Planning & Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report.

- C Council requests that the Gateway determination include a requirement to undertake the following studies, which will be required to be carried out by the applicant:
- Bushfire Threat Assessment, and
 - Preliminary site Contamination Assessment (per SEPP 55)
- D After public exhibition of the Planning Proposal, should the Minister for Planning support it, if no submissions objecting to the Planning Proposal are received, the Planning Proposal is to be processed in order to make the plan.
- E The applicant be advised of Council's resolution.
- F Council seeks delegations from the Department of Planning & Environment for this Planning Proposal and any such delegation is to be delegated to the Chief Executive Officer - Paul Anderson, per s381 of the *Local Government Act 1993*, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Environment.

ATTACHMENT A – Planning Proposal Flowchart

LEP plan making process



ATTACHMENT B – Overview of Planning Proposal process & Draft Planning Proposal

'Gateway' planning process

A local Environmental Plan (LEP) is a legal instrument that imposes zoning of land, standards to control development and other planning controls.

A Planning Proposal application is the mechanism by which a LEP is amended.

The aims of the Gateway planning process are to enable early consideration by the Department of Planning and Environment (DoP&E) (former Department of Planning and Infrastructure) and, if supported, allow early public consultation to begin. The Gateway process ensures that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. The Gateway therefore acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

Attachment A contains the former Department of Planning and Infrastructure Planning Proposal 'Flow Chart' and shows the stage which this request for a Planning Proposal has reached, plus the draft Planning Proposal and an overview of the Gateway process.

Certain plan-making functions may be delegated by the Department of Planning and Environment to Council (see Planning Circular PO12-006).

DRAFT PLANNING PROPOSAL GOSFORD CITY COUNCIL

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

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

Part 1 Objectives or Intended Outcomes

Section 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 continued supply of employment lands within the Gosford City local government area (LGA) through the expansion of the Somersby Business Park (SBP) as generally identified in the Gosford Employment Lands Investigation (ELI) 2010.

This will be achieved by rezoning the subject land to IN1 General Industrial in order to permit the proposed use as a '*truck depot*' or any other permissible land use. A truck depot defined under the Standard Instrument (SI) LEP as '*truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like*'.

Part 2 Explanation of Provisions

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

Subject Land

This Planning Proposal applies to Lot 31 DP DP811669 Debenham Rd, 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.

Objective

The plan aims:

- (a) to facilitate the continued supply of employment lands within the Somersby Business Park so as to provide employment opportunities in the Gosford local government area
- (b) to ensure the nearby residents are not adversely affected by industrial development.

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

Relationship to other Environmental Planning Instruments

Gosford LEP 2014 is to be amended by altering maps as follows:

- Land Zoning Map Sheet LZN_015A and 014B
 - change land to zone IN1 General Industrial
- Lot Size Map Sheet LSZ_015A and 014B
 - change land to W i.e. 4,000 sqm
- Urban Release Area Sheet CL2_015A and 014B
 - identify land

Section 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.

Attachment C to this report contains all relevant mapping to the Planning Proposal.

Part 3 Justification for objectives & outcomes

Section 55(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, which included the subject land.

Draft Planning Principles for Industrial Lands (DoPI 2011)

Although this publication is not Government policy, it contains the following principles to guide future planning and development of industrial lands:

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

The subject Planning Proposal satisfies these principles as it seeks to expand the SBP 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 objectives / intended outcomes of supplying additional employment / industrial lands in the Somersby Business Park.

Section B Relationship to strategic planning framework

3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and 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 subject site adjoins the SBP and provides an opportunity to expand the employment node in a way that will not lead to fragmentation.

Within the CCRS, there are also environmental and heritage matters that need to be considered. The actions relevant to this Planning Proposal are:

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

In the existing SBP there are Aboriginal sites, however on this site investigations have ascertained there are no heritage sites.

The land is currently zoned for rural purposes which will require the agreement of the DoP&E 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) are 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.*

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of Section 117 Directions?

As outlined in the responses in Section B - 3, the Planning Proposal will align with and will implement the CCRS. Council in recent years has been in investigating the capability and suitability of lands within and adjacent to Somersby Business Park (SBP) for rezoning to an industrial zone. As a result of investigations a report will be coming to Council shortly to seek a resolution to prepare a Planning Proposal to expand capable and suitable areas within and adjoining to the SBP for industrial purposes.

The subject land is within the area subject to Council's industrial / employment lands expansion investigations. At this stage no constraints to the land being rezoned and used for industrial purposes have been identified. The land would logically sit within the SBP. Given that a report on the larger investigation into industrial lands expansion in this area will come before Council shortly for preparation of a Planning Proposal, it is considered that the subject Planning Proposal may proceed to Gateway for a determination (see point 6 below for details regarding Section 117 Directions and consistency).

3b Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of

the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Due to the land's suitability and capability for industrial uses, as outlined in this report, the proposed use will be compatible with the SBP industrial zoned lands on three sides of this lot.

The lands on the other side of Debenham Rd (opposite) and small lot located adjacent to the south, will remain under the current RU2 Rural Landscape zone, hence in this regard there will be no change to their land use situation pertaining to the subject Planning Proposal.

4 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, however in this case there are no threatened species or significant vegetation on site.

5 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.

Given the predominantly cleared nature of the site, and that there are no threatened species or significant vegetation present, there is not expected to be a significant environmental impact resulting from the rezoning.

(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 (DoP&E document on their website). 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.

The 1985 aerial photo shows the lot with a dwelling-house situated in the centre and native vegetation is partially cleared. Earlier aerial photos are unclear as to what the state of the land was or what it was being used for; hence it is considered that a preliminary investigation of the land should be carried out in accordance with Contaminated Land Planning Guidelines in case the land was used for agricultural/horticultural activities, which was common in the area.

(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 (NB: the subject land is not mapped on the classes of prime agriculture land map).

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 Planning Proposal will have no effect on prime agricultural land. It will have a positive economic effect on the area resulting in more local employment generation.

(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. Some of the relevant strategies are listed below:

- The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.
- Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.
- Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.
- The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.
- Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.
- Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.

These matters have either been addressed elsewhere in this report or it is considered that the Planning Proposal is satisfactory in relation to these issues, primarily due to its location in the very upper reaches of the catchment and the surrounding SBP.

6 Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 directions)?

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions (EPA Act) applying to Planning Proposals lodged after 1 September 2009. Section 117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other Section 117s Directions or they are not applicable.

(i) 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 DoP&E 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. The ELS identified lands that may be suitable for future employment lands subject to subsequent studies. The DoP&E 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 carried out several technical expert studies in the strategic investigation and a report will come to Council shortly for a resolution to prepare a Planning Proposal for the expansion of Somersby Business Park, including the subject site. Hence, Council considers that the ELI is a study that justifies the inconsistencies.

(ii) 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 DoP&E 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.

With regard to ongoing employment lands investigations, see comments above in (i) Direction 1.1- Business and Industrial Zones.

(iii) 2.1 - Environmental Protection Zones

This direction applies when a Planning Proposal is prepared. A planning proposal must contain provisions that facilitate the protection and conservation of environmentally sensitive areas.

It is acknowledged that the previous owner requested an exemption for the site to be excluded from the Somersby Industrial Estate and hence the rural zoning. Consequently the subject site is surrounded by industrial zoned land. The proposal now seeks to change the zone from rural to industrial.

Council's adopted Bell's vegetation mapping

Council's mapping identifies the subject site as containing minimal remnant disturbed canopy / regrowth exposed Hawkesbury woodland and Hawkesbury Banksia scrub – woodland along the perimeter and a small area of 'hanging swamp' on the southern boundary which is an 'Endangered Ecological Community' under the Threatened Species Conservation Act, 1995.

Somersby Industrial Park Plan of Management (POM)

Various investigations for Somersby Industrial Estate by Australian Museum Business Services (April 1997) and Connell Wagner (2003) have been incorporated into the Somersby Industrial Estate Plan of Management. The Management Plan indicates that the subject site does not contain any management zones for the protection of Aboriginal heritage, threatened species habitat or riparian areas. The Somersby

Industrial Park Plan of Management (2005) was adopted by Council in March 2006. The POM was prepared to assist the development of land within the SBP. The POM detailed areas of constraint which culminated in designation of various management zone techniques for addressing development. The subject area has not been identified as having any items of Aboriginal heritage or ecological significance and therefore is not mapped as constrained land within the POM.

Ecological and Aboriginal Heritage Report – Geolink Consultants

As part of strategic investigations for SBP, Council identified areas for potential expansion to the west, east and for infill areas of the Somersby Business Park.

Given the multiple constraints that have been experienced in the existing zoned area through development applications (DAs), it was considered critical to undertake environmental and ecological investigations, including threatened species and aboriginal archaeological investigations. These issues can be key constraints to development and would act as determinants for future landuse planning in the area. These investigations were undertaken by Geolink Consultants for the western, infill and eastern expansion areas to SBP. The Geolink Study identified a range of environmental (including threatened species) issues that inform any future planning proposal.

The Geolink Study supports the rezoning of this parcel of land consistent with its surrounding land uses. While the report concluded that there are no archaeological or cultural constraints for the site there is still very low potential for sites to occur in the areas currently obscured by vegetation. It was also recommended that the persons responsible for future on site works must ensure that all staff, contractors, and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites of significance.

The subject lot was identified as having suitability for industrial use provided standard site planning and management procedures are implemented to address relevant environmental issues.

The proposal will not result in a significant impact on threatened species, populations, ecological communities or their habitats. Notwithstanding this, any proposed DA for the site would require an environmental assessment of the Coastal Upland Swamp Endangered Ecological Community.

(iv) 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 Business Park and surrounding area is known to contain many significant Aboriginal cultural heritage sites. The occurrence of such sites within the SBP 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 have been carried out to determine if the subject site is suitable for industrial land use.

The Aboriginal Heritage investigations carried out as part of the Geolink Study identified a sandstone outcrop present in the eastern portion of the study area. No raw materials usually transported into the area and utilised for stone tool manufacture were present or visible and the closest reliable water is located approximately 1 kilometre to the east (Piles Creek).

The investigation concluded that given the disturbed nature of the study area and as no sites or Potential Archaeological Deposits (PADs) were identified, further investigations are not justified.

There are no archaeological or cultural constraints to the rezoning.

(v) 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 SBP 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 *131500 Transport Info line* which states there is actually a nearby bus service traversing Gindurra Rd with several two-directional services each week day to places like Gosford Rail Station. To get to the bus stop a walk of 720 metres down Chivers St to Gindurra Rd is required.

(vi) 4.3 Flood Prone Land

The objectives of this direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land

The proposed change of zoning of the site is considered in compliance with this direction and is recommended for approval. All development should be undertaken in accordance with Council's DCP 2013, particularly with Section 6.7 Water Cycle Management, and Council's design standards, at the Development Application stage.

(vii) 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. In this case, the soils on the land and in the area are class 5, which are suitable to urban development.

(viii) 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.

Most of the land is classified by the Rural Fire Service as Bushfire Category 2, with small areas of Category 1 and Buffer.

As the subject site is bushfire prone a Bushfire Threat Assessment will be required to be prepared and referred with the Planning Proposal to the Rural Fire Service for comment post receipt of a Gateway determination.

(ix) Direction 5.1 - Implementation of Regional Strategies:

This Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister 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 SBP and provides an opportunity to expand the employment node in a way that will not lead to fragmentation.

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

(x) 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.

(xi) 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

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

With regard to environmental issues see S117 Direction 2.1 - Environmental Protection Zones above. It is not expected that development of the site would result in a significant effect on the environment (see comments S117 Direction 2.1 - Environmental Protection Zones above).

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

The land is not subject to landslip according to Council's mapping. Drainage issues will be able to be managed at the DA stage, as will remnant vegetation.

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

Parts of the existing SBP 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 and the CCRS. The rezoning will assist to ensure sufficient employment lands are provided in appropriate locations to accommodate growth in existing and emerging industries and businesses.

It will also increase and diversify job opportunities and increase the level of employment self containment. Rezoning the site will help support and strengthen existing employment base to help key industries achieve critical mass. It will capitalise on existing transport corridors within the Region and to surrounding regions.

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

10 Is there adequate public infrastructure for the Planning Proposal?

Urban services are available within the surrounding SBP.

Water or sewer

Background

The subject lot is not located within Council's defined water or sewer service areas and is not identified to be connected to these systems.

The property is located adjacent to industrial zoned properties contained within the Somersby Industrial Estate (SIE). During initial negotiations for creation of the SIE the owner of Lot 31 requested it to be removed from the Somersby Industrial Estate service area. As a consequence water and sewer infrastructure within the SIE was not designed to service Lot 31. Infrastructure servicing the SIE (water, sewer, roads and drainage) was designed, constructed and funded by SIE land owners under the Somersby Industrial Estate (SIE) Service Contribution Agreement dated 29th August 1980, specifically for land contained within the SIE.

Council recently completed investigations into future servicing requirements within the Gosford LGA (Water & Sewer Master Plans 2013 and Somersby Industrial Park W&S Strategy Review 2012). Investigations included the potential servicing of land surrounding the SIE if rezoned for industrial purposes. Lot 31 DP 811669 Debenham Road was included within the investigation area. Investigations determined connection of potential rezoned industrial land to Council's water and sewer reticulation systems could be accommodated subject to augmentation of specific downstream water and sewer infrastructure, extension of existing services and payment of associated water and sewer charges.

W&S Conditions – Proposed Industrial Zoned Land

Should the land be rezoned industrial and require connection to Council's water and sewer systems the following conditions shall apply:

- Connection of the proposed rezoned land to Council's water and sewer reticulation systems shall be subject to existing water and sewer systems having sufficient capacity to accommodate proposed development. Such capacity shall be in addition to capacity previously provided for development within the Somersby Industrial Estate (SIE).
- The applicant shall be responsible for the full cost of specific downstream augmentation works to Council's existing water and sewerage reticulation systems required as a consequence of additional loads / demands on these systems. The applicant shall be responsible for undertaking a water and sewer systems capacity analysis on both water supply and downstream sewerage reticulation systems. The analysis shall assess the impact both proposed rezoned land and future development has on Council's existing SIE water and

sewerage infrastructure. The analysis shall extend to a point within the reticulated water supply and sewerage systems where proposed demands / loadings from the proposed rezoned area represent 5% or less of system capacity.

- The capacity analysis shall be in accordance with the WSAA Method for determining system capacity, and shall be based upon full development of the area serviced by the water and sewer systems without the proposed rezoned area; and a second analysis with the inclusion of additional demands / loads created by the proposed rezoning and subsequent development.
- Alternatively, the applicant may rely upon investigation reports recently undertaken by Council for future servicing requirements within the Gosford LGA which included land proposed to be rezoned on the fringe of the Somersby Industrial Park (SIP) (Water & Sewer Master Plans 2013 and Somersby Industrial Park W&S Strategy Review 2012). The study determined it feasible to provide water and sewer to various lands adjoining the SIP, subject to augmentation of existing and provision of additional water and sewer infrastructure.
- The current estimated cost for Council to carry out the specific water and sewer downstream augmentation works to accommodate the proposed industrial zoned land is \$52,929 per Hectare (being \$11,319 water and \$41,610 sewer). This amount is subject to annual review. {Note: This amount (previously \$51,438 per HA), was the subject of a 2.9% CPI increase from 1/7/2104}.
- Payment of water and sewer headworks / augmentation contributions of one (1) equivalent tenement for each lot proposed to be connected to Councils water and sewer reticulation systems. The current water and sewer headworks / augmentation charge is \$3258 per equivalent tenement. {Note: Future development within the rezoned land shall be subject to payment of Redevelopment Development Servicing Plan (DSP) water and sewer headworks / augmentation contributions based upon equivalent tenements and relevant fees at the time}.
- The applicant shall be responsible for the design and construction of water supply works required to connect the proposed rezoned land to Councils existing water supply system. {Note: Under the SIE infrastructure plan a water supply main is proposed to be constructed in Debenham Road (between Chivers Road to Kangoo Road) and will be capable of servicing H244 Debenham Road. This main is scheduled for construction in 2016 / 2017, although the actual construction date will be dependent on funds, resources and other priorities}
- The applicant shall be responsible for obtaining written consent from the owners of any properties required to be entered upon to construct any proposed works required to service the land. A copy of relevant consents shall be provided to Council in conjunction with submission of design plans.

There are no water / sewer constraints to the rezoning.

Flooding & Drainage

The proposed change of zoning for the site from rural to industrial use has been assessed in accordance with s117 Ministerial Direction – 4.3 Flood Prone Land. The

following comments are made with regard to flooding constraints only as it affects the proposed change of zoning of the land.

The site is located at the top of a tributary of Piles Creek and as such is not expected to flood. However it may convey overland flows during times of heavy rainfall and this would need to be examined to determine the extent of overland flow. The flows that would occur are considered minor in nature, however impeding overland flows and / or diverting the flows around structures and / or channelizing the discharge flows may adversely impact on downstream properties and the natural watercourse. Therefore a flood study to define development limitations should be undertaken at the time of submission of a development application for this site.

The proposed rezoning of the site from rural to industrial development of the land will result in additional impervious areas that normally would not have occurred under the current zoning. Any increase in impervious area of the subject site will make flooding from overland flows to downstream properties worse, if not addressed adequately. There should be no increase in stormwater runoff from pre to post development flows for all storm events up to and including the 1% AEP (1 in 100 year) flood. This could be achieved through the use of Water Sensitive Urban Design structures such as on-site detention and stormwater reuse etc.

Mitigation works should also consist of water quality management due to the intended nature of the development and adequately discharging stormwater flows to a suitable outlet. This could involve construction of a stormwater drainage line within an easement through the downstream property discharging into the existing natural watercourse west of Chivers Road.

The proposed change of use of the site is considered in compliance with s117 Ministerial Direction – item 4.3 Flood Prone Land and is recommended for approval subject to all development being undertaken in accordance with Council's DCP 2013, particularly with Section 6.7 Water Cycle Management, and Council's design standards, at the Development Application stage.

There are no flooding / drainage constraints to the rezoning.

Transport & Traffic

Currently the land is zoned RU2 – Rural Landscape and the proposed new zoning for the property is IN1 – General Industrial. The applicant states this rezoning is requested in order to facilitate use of the land as a Heavy Vehicle Depot.

Section 117 Direction (EP&A Act) - 3.4 Integrating Land Use & Transport is relevant to assessment of the proposal. The applicant states that: *"Public transport is essentially not an issue for the subject site as the area is not effectively serviced by public transport and this particular usage of the land, being a transport business, has adequate parking facilities for employees who invariably provide their own transport."*

Council's has a contrary view based upon research on the 131500 Transport Info line which states there is actually a nearby bus service traversing Gindurra Rd with several two-directional services each week day to places like Gosford Rail Station. To get to the bus stop a walk of 720 metres down Chivers St to Gindurra Rd is required.

There are no objections to the rezoning from a transport perspective.

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

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

Part 4 Mapping

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

Attachment C to this report contains all relevant mapping to the Planning Proposal.

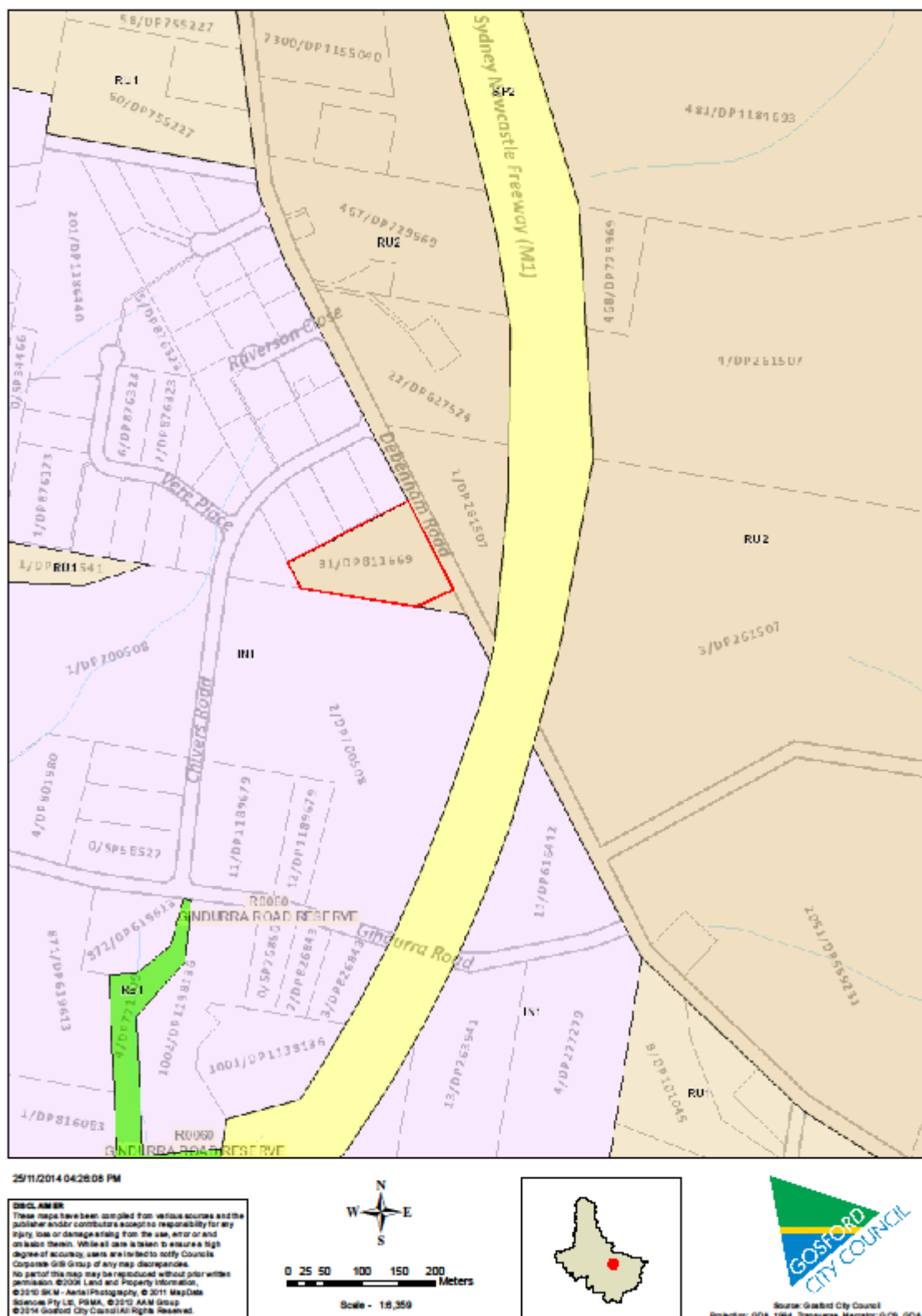
Part 5 Community Consultation

Section 55(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

ATTACHMENT C - Planning Proposal - Mapping

APPENDIX 1 Existing Zoning Map (lot is proposed to zone IN1)



APPENDIX 2

Contours (2m intervals) & Endangered Ecological Community (hatched)

