

GOV.6 PLANNING PROPOSAL 2014 - 67. LOT 1 AND 2 DP 8861 (303 AND 305) OCEAN BEACH ROAD UMINA BEACH. REZONE FROM R2 - LOW DENSITY RESIDENTIAL TO B5 - BUSINESS DEVELOPMENT. APPLICANT:PROGRESSIVE PROPERTY SOLUTIONS (IR19943814)

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 Planning Proposal involves a request to rezone 303 and 305 Ocean Beach Road Umina Beach with a combined area of 1013 sq.m from R2 - Low Density Residential to B5 - Business Development. The Planning Proposal aims to zone the land so as to allow its incorporation into the redevelopment of the existing service station on adjoining land zoned B5 - Business Development at 307 to 313 Ocean Beach Road Umina Beach. It is noted that the land subject of the Planning Proposal is owned by the company that owns the land occupied by the existing service station.

The major issues in relation to the Planning Proposal are compatibility with surrounding landuses, traffic impacts and desirability of the creation of additional business zoned land.

The land has no physical connection with other properties except the existing service station. A laneway adjoins the western boundary of the land with Ryans Road Reserve being located on other side of the laneway while Ryans Road adjoins the northern boundary. The southern boundary adjoins the current service station. With buffers provided by existing roads and a public reserve the zoning of the land for business purposes should not directly affect the amenity of private properties in the local area. Conditions of consent for any subsequent development consent could be applied for matters relating to hours of operation, lighting and location of structures on the land to further protect the amenity of the neighbourhood.

There are no identified major traffic engineering issues that would prevent the Planning Proposal moving towards a Gateway Determination. Ocean Beach Road is a Regional Road managed by the RMS. It is expected that the Gateway Determination will require consultation with this authority.

The provision of additional business zoned land in an 'out - of - centre' location will not impact upon the viability of the nearby Umina Village centre. A 'neighbourhood centre' is located on the corner of Ocean Beach Road and Lone Pine Avenue, approx. 500 metres from the subject land. Shops within this centre provide more specialized shopping facilities ie chemist, liquor shop than what would be provided by the convenience store to be provided as part of the service station. The rezoning will allow for the redevelopment of an existing service station which will benefit the local community.

The Planning Proposal is recommended to be supported by Council and forwarded to the Department of Planning and Environment (DP&E) for a Gateway Determination.

BACKGROUND

Reason for Referral to Council: 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 (State).

Application Received: October 2014

Environmental Planning Instrument – Current Zone: R2 - Low Density Residential - Gosford LEP 2014.

Area: 1013m²



Recommendation: For Council's support.

Landuse History: The two (2) lots have areas of 506 sq.m. and 507 sq.m respectively. The lots are occupied by two small fibro cottages of 50 years in age. The land has been zoned for residential use since the Gosford Planning Scheme was gazetted in 1968. The land is currently zoned R2 - Low Density Residential.

Overview of Applicant's Submission: No's 303 and 305 Ocean Beach Rd are currently zoned R2- Low Density Residential and the purpose of this Planning Proposal is to seek to rezone these properties to B5 – Business Development to match the zoning on the adjoining land and ultimately facilitate the redevelopment of the land.

The subject properties are owned by Midcoast Petroleum Pty Ltd and immediately adjoin an existing service station to the south on 307-313 Ocean Beach Rd Umina Beach. It is United Petroleum's intention to demolish the existing residential dwellings on the subject land and also the existing service station and redevelop the entire site. The properties are serviced by a rear access laneway and a Council reserve also exists at the rear of the property. The desired future development of the entire holding may comprise a new service station, convenience store, food and drink tenancy and a car wash. This will result in greater activation of the area, improved security and an overall improvement to the amenity of the area.

Given the surrounding land uses, existing zones and ownership pattern, the extension of the existing B5 – Business Development zone is considered to be a logical and good strategic planning outcome.

Midcoast Petroleum purchased the subject properties in January 2014. A service station has existed on the adjoining land for a long period of time and is currently still in operation, although the overall appearance of the development is poor and it is in need of redevelopment.



The issues raised in the applicant's submission have been considered in the assessment of the 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 (DP&E) 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 Department's of 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 DP&E to Council (see Planning Circular PO12-006).

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 DP&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 rezone land adjoining an existing service station to permit the redevelopment of the service station to meet current standards for this type of development.

Part 2 Explanation of Provisions

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

The objectives/intended outcomes are to be achieved by amending the Gosford LEP 2014 to rezone the land from R2 - Low Density Residential to B5 - Business Development being the same zone as the adjoining service station.

The floor space map that relates to the land will need to be amended to reflect the 1:1 floor space standard associated with the B5 zone.

The lot size map that relates to the land will need to be amended to reflect that no lot size would apply to the B5 zoned land.

The height map that relates to the land will not need to be amended as the current 8.5m height will be retained.

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 B 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).

The rationale for rezoning the site to B5 Business Development with a floor space ratio of 1:1 is to enable the redevelopment and expansion of the existing service station development on the adjoining land.

Section A Need for the Planning Proposal

1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The draft Centres Strategy (prepared and exhibited to inform preparation of Gosford LEP 2014) has the most immediate applicability to the Planning Proposal given that the land is proposed to be zoned for business purposes.

The zoning of the land for business purposes will not affect the existing hierarchy of centres as the zoning will allow for the redevelopment of a service station and does not impact upon the viability of the nearby Umina Village centre. A 'neighbourhood centre' is located on the corner of Ocean Beach Road and Lone Pine Avenue, Umina Beach. This centre contains specialised shopping such as a bakery, small supermarket, real estate agency, liquor shop and chemist. The proposed convenience store provided as part of the service station will provide more general goods and services.

The rezoning will result in the loss of housing in the area which is contrary to Council's draft Residential Strategy (also prepared and exhibited to inform preparation of Gosford LEP 2014). The loss of two dwellings is not significant and the rezoning does not create any precedent.

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 as the addition of further land to the existing service station site will allow for its redevelopment to meet current standards for this type of facility.

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)?

Regional strategies include outcomes and specific actions for a range of different matters relevant to the region. In all cases the strategies include specific housing and employment targets also. The Central Coast Regional Strategy 2006 – 2031 (CCRS) 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.

The Planning Proposal is also consistent with Priority 1 of the **Central Coast Regional Action Plan**, developed by the NSW Government in December 2012:

Grow the economy of the Central Coast and provide sustainable employment;

1. Partner with local stakeholders to encourage regional economic growth and employment;
2. Support key regional industries and local businesses to grow;
3. Revitalise Gosford City to drive economic growth and provide more job opportunities

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?

The Planning Proposal is seen as having strategic merit due to the opportunity it provides for an improvement in the development outcomes for the existing service station and the increased employment creation in the area.

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.

The existing service station operates on as a self service business with only refuelling services being provided. The extension of the service station over the additional two properties along with the redevelopment of the existing service station will allow for an increased range of services to be provided.

The extension of the business zone over these two (2) lots is considered unlikely to create any landuse incompatibility issues for the surrounding residential areas. The land has no physical connection with other properties except the existing service station. A laneway adjoins the western boundary of the land with Ryans Road Reserve being located on other side of the laneway while Ryans Road adjoins the northern boundary. The southern boundary adjoins the current service station. With buffers provided by existing roads and a public reserve the zoning of the land for business purposes should not directly affect the amenity of private properties in the local area.

Although sufficient buffers currently exist to provide protection for nearby properties from the operation of an extended service station it is considered that conditions of consent for development consent could be applied relating to the appropriate location of structures on the land, hours of operation and lighting.

4 Is the Planning Proposal consistent with the local Council's Community Strategic Plan (CSP), or other local strategic plan?

The CSP identifies several objectives and strategies that are relevant to the desired outcome of this Planning Proposal.

Objective

Objective	Strategy	Response
A1 - Our community is a safe place	A1.1 - Promote all opportunities to increase safety in public spaces	At present, the service station on 307-313 Ocean Beach Rd is a self-serve facility that is generally un-manned. As a result, there is very little activation of the area. The proposed redevelopment and expansion of the service station that will be facilitated by the Planning Proposal will greatly increase the activation of the area which will improve public safety.
A4 – Our built environment is a desirable place to be	A4.1 - Enhance the character of our local area through good design	The Planning Proposal will facilitate the redevelopment of the subject properties and adjoining service station. The existing developments on this land are considered to be poor in quality and the new development will enhance the local area through an improved design outcome.
C1 – Gosford is a place that attracts people to work, live and visit	C1.3 - Increase and broaden the range of local jobs across existing	The proposed development is expected to generate up to 5 full time jobs.
C2 – Gosford attracts and supports new and existing businesses and investment	C2.1 - Provide tools and framework for business growth	The new businesses and investment associated with the proposed development will broaden the current narrow based economy and in turn this will respond to a variety of local employment issues.

D4 – Our infrastructure is well managed and maintained

D4.2 - Maintain assets for their current purpose and for future generations

The redevelopment of the service station will provide an upgrade to existing Council assets in the area such as footpaths and kerb and gutter. This will assist in the on-going management and maintenance of its infrastructure

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.

(i) SEPPs applicable

SEPP No. 55 – Remediation of Land

The history of the site (being residential properties) indicates that there have been no previous uses likely to contribute to the contamination of the site.

(ii) **Other SEPPs:** No other SEPP has application to this planning proposal.

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 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.

1.1 Business and Industrial Zones

Objectives

- (1) *The objectives of this direction are to:*
- (a) encourage employment growth in suitable locations,*
 - (b) protect employment land in business and industrial zones, and*
 - (c) support the viability of identified strategic centres.*

The primary issue in relation to this S117 Direction is whether the addition of new business zoned land will impact upon the viability of existing centres. The addition of a further 1013 sq.m. of additional business zoned land to be used specifically for the redevelopment of the service station will not impact upon the viability of the nearby Umina Village Centre. This centre provides a different range of services than that proposed to be provided in the service station redevelopment. The neighbourhood centre on the corner of Ocean Beach Road and Lone Pine Avenue provides more specialised shopping services than the convenience store will provide which is proposed to form part of the service station. The Planning Proposal is considered to be consistent with this S117 Direction.

3.1 Residential Zones

Objectives

(1) *The objectives of this direction are:*

- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) *to minimise the impact of residential development on the environment and resource lands.*

The Planning Proposal needs to address this S117 Direction as it involves a rezoning from a residential zone to another zone, in this case a business zone. The subject land is zoned R2 - Low Density and has limited scope for an increase in density of development. The loss of this residentially zoned land will not unduly affect the supply of residential land in this area. The proposed rezoning is therefore considered to be of minor significance.

3.4 Integrating Land Use and Transport

Objective

- (1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*
- (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
 - (b) *increasing the choice of available transport and reducing dependence on cars, and*
 - (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
 - (d) *supporting the efficient and viable operation of public transport services, and*
 - (e) *providing for the efficient movement of freight.*

The S117 Direction applies to the Planning Proposal. The Planning Proposal will service vehicular traffic using an existing major transport route and not influence the movement of vehicles through its 'out of centre location'. The Planning Proposal is therefore considered to be consistent with this direction.

4.1 Acid Sulfate Soils

Objective

- (1) *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. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

The land is affected by Acid Sulfate Soils to a level greater than 2m. As indicated above an acid sulphate soils study will need to be provided after a Gateway Determination has been made.

5.1 Implementation of Regional Strategies:

Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning.

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to the Planning Proposal's compliance with the strategy above.

6.1 – Approval and Referral Requirements:

Clause (4) of the 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.

6.3 – Site Specific Provisions:

The Planning Proposal is consistent with this Direction as the Planning Proposal involves the zoning of land to a zone contained within the Gosford LEP 2014.

Section C Environmental, social and economic**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?**

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

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

The zoning of the land for Business purposes does not raise any environmental issues. Other environmental effects will be addressed as part of the consideration of a development application for the service station.

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

The Planning Proposal will have a positive impact on the social amenity of the area. At present, the service station site at 307-313 Ocean Beach Rd is in a very poor condition and in need of re-investment and re-development. If the Planning Proposal is successful, it will facilitate the redevelopment of the service station and re-activate the area for people and social interaction.

The Planning Proposal seeks to facilitate the redevelopment of the service station including provision of a convenience store, food and drink tenancy and car wash. The Umina Beach Village and a small neighbourhood centre on the corner of Ocean Beach Road and Lone Pine Avenue are the nearest existing commercial/retail centres to the subject land. These centres provide specialised services which are unlikely to be impacted by the more general range of goods to be provided by the convenience store to be provided with the service station.

The Planning Proposal is also consistent with a number of the key objectives of the Central Coast Regional Economic Development and Employment Strategy (REDES) being:

- To develop a more robust and sustainable regional economy;
- 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;

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

It has been determined that from a Traffic Engineering perspective the Planning Proposal has not raised any significant issues. Ocean Beach Road is classed as a Regional Road and is therefore controlled by the RMS. It is anticipated that as part of a favourable Gateway Determination the Planning Proposal will be required to be forwarded to the RMS for comment. Further consultation will be required as part of a Development Application for the service station.

All other public infrastructure is adequate to service the additional business zoned land.

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 B 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 nearby landowners.

Other Matters for Consideration

No other matters apply to the Planning Proposal.

Conclusion

The Planning Proposal involves a request to rezone 303 and 305 Ocean Beach Road Umina Beach with a combined area of 1013 sq.m from R2 - Low Density Residential to B5 - Business Development. The Planning Proposal aims to zone the land so as to allow its incorporation into the redevelopment of the existing service station on adjoining land zoned B5 - Business Development at 307 to 313 Ocean Beach Road Umina Beach. Further, No.303 Ocean Beach Road is located on the intersection of Ocean Beach Road and Ryans Road.

The major issues in relation to the Planning Proposal are compatibility with surrounding landuses, traffic impacts and desirability of the creation of additional business zoned land.

With regard to surrounding land uses the properties subject to the Planning Proposal do not adjoin any privately owned properties not owned by the service station owner. A laneway adjoins the western boundary with Ryans Road reserve being located on other side of the laneway. Ryans Road adjoins the northern boundary. The southern boundary adjoins the current service station. Conditions of consent for any subsequent development consent could be applied for matters relating to hours of operation, lighting and location of structures on the land to further protect the amenity of the neighbourhood.

There are no identified major traffic engineering issues that would prevent the Planning Proposal moving towards a Gateway Determination. Ocean Beach Road is a Regional Road managed by the RMS. It is expected that the Gateway Determination will require consultation with this authority.

The provision of additional business zoned land in a 'out - of - centre' location will not impact upon the viability of the nearby Umina Village centre. A 'neighbourhood centre' is located on the corner of Ocean Beach Road and Lone Pine Avenue, approx. 500 metres from the subject land. Shops within this centre provide more specialized shopping facilities ie chemist, liquor shop than what would be provided by the convenience store to be provided as part of the service station. The rezoning will allow for the redevelopment of an existing service station which will benefit the local community.

The Planning Proposal enables the redevelopment of the service station to meet current day requirements for this type of facility.

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

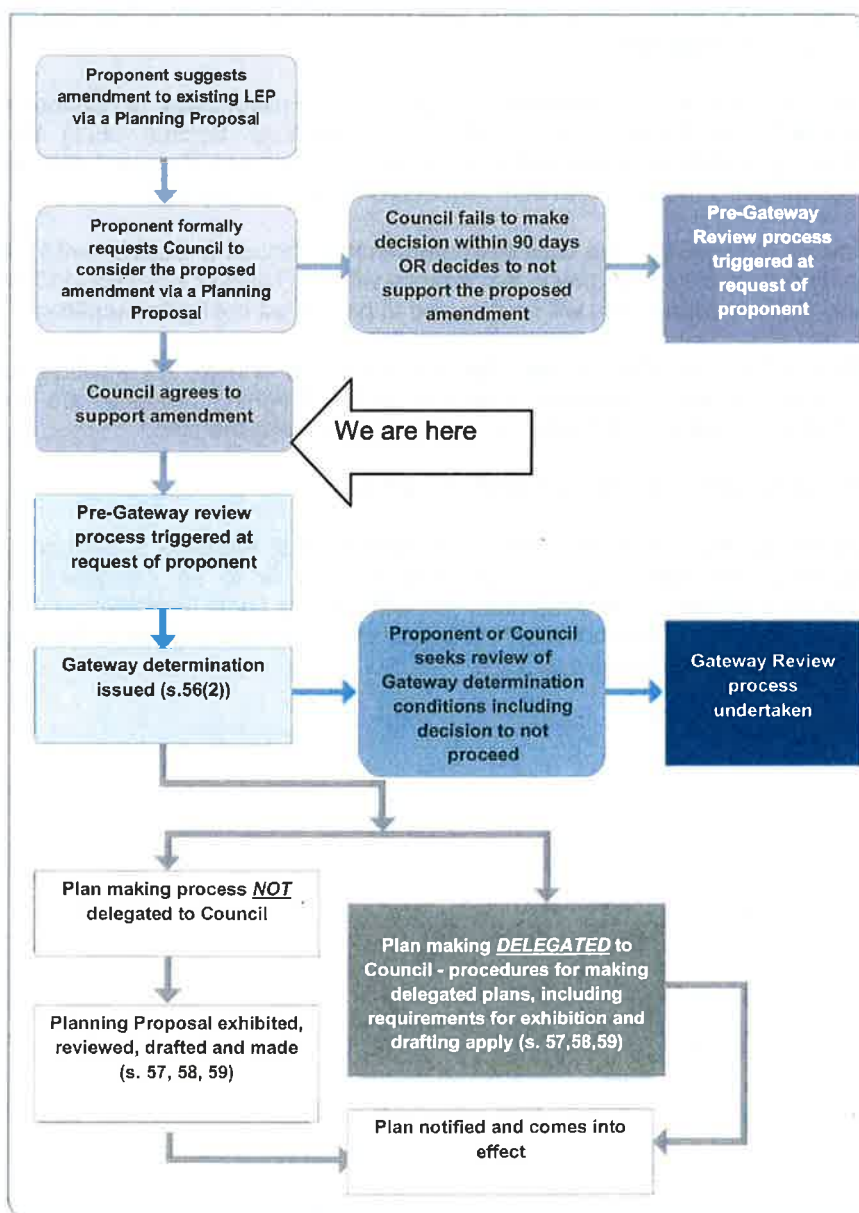
The recommendation does not impact on Council's financial position.

Attachments: A - Planning Proposal Flowchart
B – Planning Proposal Mapping

Tabled Items: Nil

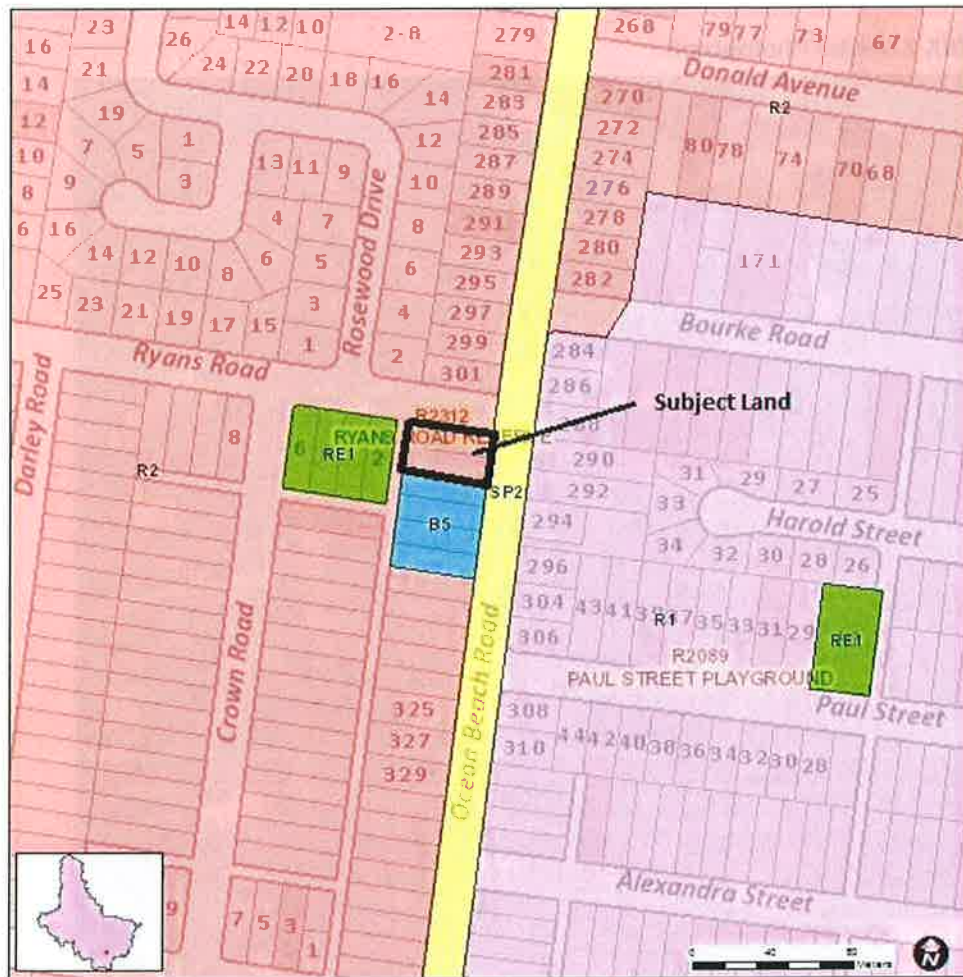
RECOMMENDATION

- 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 1 and 2 DP 8861 (303 and 305) Ocean Beach Road Umina Beach to rezone from R2 - Low Density Residential to B5 - Business Development.
- 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 an acid sulphate soils study in accordance with the Minister's Section 117 Direction 4.1 Acid Sulfate Soils, which will be required to be carried out by the applicant.
- 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. Any delegation to Council 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 – Planning Proposal Mapping

APPENDIX 1 Existing Zoning Map



APPENDIX 2 Aerial Photograph

