

UMINA BEACH, 303-305 Ocean Beach Road

Proposal Title : **UMINA BEACH, 303-305 Ocean Beach Road**

Proposal Summary : **The planning proposal seeks to enable development for the purposes of a service station including a convenience store, food and drink premises and car wash on land at Lot 1 & 2 DP 8861, 303-305 Ocean Beach Road, Umina Beach to facilitate the redevelopment of an adjoining service station site. Council proposes to amend Gosford LEP 2014 by:**

- rezoning the land from R2 Low Density Residential to B5 Business Development;
- apply a floor space ratio of 1:1 to the land; and
- remove the 550m2 minimum lot size applying to the land.

PP Number : **PP_2015_GOSFO_002_00** Dop File No : **15/03788**

Proposal Details

Date Planning Proposal Received :	20-Feb-2015	LGA covered :	Gosford
Region :	Hunter	RPA :	Gosford City Council
State Electorate :	GOSFORD	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	303-305 Ocean Beach Road		
Suburb :	Umina Beach	City :	
Land Parcel :	Lot 1 DP 8861 and Lot 2 DP 8861		
		Postcode :	

DoP Planning Officer Contact Details

Contact Name : **Glenn Hornal**
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RPA Contact Details

Contact Name : **Brian McCourt**
 Contact Number : **0243258260**
 Contact Email : **brian.mccourt@gosford.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	5

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **Council's objective is to rezone land adjoining an existing service station to enable its redevelopment.**

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

Is an explanation of provisions provided? **Yes**

Comment : **Council has advised it seeks to amend Gosford LEP 2014 to:**
- rezone the land from R2 to B5 (the same zone as the adjoining service station);
- amend the floor space ratio from 0.5 to 1:1;
- remove the minimum lot size (550m2) applying to the land.
- retain the existing 8.5m maximum building height.

Council should identify the property description of the lots in the explanation of provisions (i.e Lot 1 DP 8861 and Lot 2 DP 8861).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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

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

If No, explain :

1.1 Business and Industrial Zones

The proposal seeks to expand an 'out of centre' business zone and does not support the viability of an identified strategic centre and is therefore inconsistent with the direction. The expansion of the B5 zone is a modest increase to enable the development. The B5 zone was applied by Council to the service station site in order to recognise the existing business use. Adopting a B1 or B2 zoning, which is used in Council's centres hierarchy, would create the potential for a new centre at the site and could undermine the identified strategic village centre at Umina Beach. It is considered the B5 zone is appropriate for the expansion and the inconsistency with the direction is of minor significance.

3.1 Residential Zones

The planning proposal must not contain provisions that will reduce the permissible residential density of the land. The proposal will rezone 2 residential lots for business purposes and is therefore inconsistent with this direction. It is considered the loss of 2 residential lots would not adversely affect future residential supply in Gosford LGA and the the Secretary could agree the inconsistency is of minor significance.

3.4 Integrating Land Use and Transport

Council has advised the proposal is consistent with the Direction however the business use is not located in an existing centre. The service station is located on a major transport route (Ocean Beach Road) and currently services passing vehicular traffic and Council considers it will not influence the movement of vehicles from its 'out of centre' location. The inconsistency with the Direction is considered minor given the business uses proposed would be unlikely to compete or undermine existing neighborhood and village centres in the vicinity.

4.1 Acid Sulfate Soils

Council has advised the an acid sulfate soils study is required. Council should address the terms of the direction following provision of the information on acid sulfate soils.

4.3 Flood Prone Land

The two lots to be rezoned are affected by catchment flooding on a small portion of the lots in the front setback. Given the minor encroachment of catchment flooding on the site and the additional local provisions in Gosford LEP 2014 7.2 Flood Planning and 7.3 Flood Risk Management which require future development to consider flood impacts it is considered the Secretary could agree the inconsistency is of minor significance.

5.1 Implementation of Regional Strategies

The CCRS contains a number of actions in relation to the economy and employment and Action 5.11 sought to ensure new retail and commercial development is located in centres but recognised some convenience retailing may be required out of centre. The expansion of the the B5 zone to accommodate the proposed development would deliver 5 additional jobs and assist in meeting regional employment targets. Council considers the uses proposed (i.e service station, food and drink premises, convenience store and car wash) would not undermine existing neighborhood and village centres in the vicinity given they are zoned B1 and B2 and the expansion of the B5 zone is required to accommodate the service station redevelopment. It is considered the inconsistency is of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council maps are adequate for assessment however existing and proposed zoning and development standards maps should be included the public exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes an exhibition period of 28 days. Given this is a minor spot rezoning the planning proposal should be exhibited for a minimum period of 14 days.**

Additional Director General's requirements

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

If Yes, reasons : **TIMELINE**
Council anticipates completion of the LEP in January 2016 approximately 10 months. A 12 month timeframe is recommended and would allow some flexibility in the timeframe if there are any delays over the end of year holiday period.

DELEGATIONS
Council has requested delegations to make the plan. This is supported.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The proposal will amend Gosford LEP 2014.**

Assessment Criteria

Need for planning proposal : **Council has advised the planning proposal is not the result of any strategic study or report.**

The draft Gosford Centres Strategy 2008 informed centres zoning in Gosford LEP 2014 and the existing service station site was identified in the strategy (page 62). The site was zoned to B5 to recognize the existing business use but was not within Council's centre typologies and B5 was considered the most appropriate zone given the site's location on an arterial road, (i.e Ocean Beach Road). The expansion of the B5 zone to accommodate the redevelopment of the service station site is still consistent with Council approach to

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recognise the business use by using a zone that won't undermine the B1 Neighborhood Centre zoning at Lone Pine Avenue or the B2 Local Centre zoning at Umina Beach.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has advised the planning proposal will assist Council in meeting regional job targets in the CCRS and the proposal is consistent with this broad goal. However the CCRS also encourages new retail and commercial development to locate in centres. The existing and proposed B5 zoned land is not located in an identified strategic centre and is inconsistent with the CCRS in this regard.

The expansion of the B5 zone equates to an additional 1013m2 of business zoned land to enable the development. The uses proposed i.e service station, convenience store, food and drink premises and car wash are not likely to adversely affect the viability of the B1 or B2 zoned land at Lone Pine Avenue and Umina Beach given these centres service the needs of local residents within the broader catchment and include a wide range of other retail, business and commercial uses. The inconsistency with the CCRS is considered minor.

GOSFORD 2025 COMMUNITY STRATEGIC PLAN (CSP)

Council has identified a number of objectives and strategies in its CSP and provided an assessment which indicates the proposal is generally consistent with these objectives.

Environmental social economic impacts :

ENVIRONMENTAL

Umina Sands Coastal Woodland, an endangered ecological community, is located on a public reserve to the west of the site however is not identified on the subject site. Given the site is located within an existing urban area and is bounded by roads, Council reserve and the existing service station and used for residential development it is considered the proposal would result in minimal environmental impacts.

SOCIAL & ECONOMIC

The benefits are considered to be generally positive in terms of employment generation and economic activity that will be created as a result of the planning proposal.

TRANSPORT

Council has advised it seeks to consult with the Roads and Maritime Service (RMS) as the site is located on Ocean Beach Road and consultation with the RMS is supported given it will result in the expansion of an out of centre business use.

Assessment Process

Proposal type : **Inconsistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Transport for NSW - Roads and Maritime Services**

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

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

If no, provide reasons :

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

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal.pdf	Proposal	Yes
Timeline.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions

Additional Information : **The planning proposal should proceed subject to the following conditions:**

- 1. Prior to undertaking public exhibition Council is to update the Planning Proposal to:**
 - update the 'explanation of provisions' to identify the property descriptions Lot 1 DP 8861 and Lot 2 DP 8861; and
 - include existing and proposed zone and development standards maps.
- 2. Council is required to demonstrate consistency with the S117 Directions 4.1 Acid Sulfate Soils after supporting information has been obtained.**
- 3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.**
- 4. The Secretary agrees that the provisions of the planning proposal that are inconsistent with S117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies are of minor significance.**
- 5. Consultation is required with the following public authorities:**
 - Transport for NSW - Roads and Maritime Services.
- 6. 12 months timeframe.**
- 7. 14 day exhibition period.**

8. Council be granted delegation to make the plan.

Supporting Reasons : *

Signature: Ben Holmes

Printed Name: BEN HOLMES Date: 19/3/15

