

WEST GOSFORD, 39 Dell Road - Rezoning for industrial, environmental protection and public recreation purposes

Proposal Title :	WEST GOSFORD, 39 Dell Road - Rezoning for industrial, environmental protection and public recreation purposes		
Proposal Summary :	The planning proposal seeks to rezone land for industrial, environmental protection and public recreation purposes.		
PP Number :	PP_2016_GOSFO_002_00	Dop File No :	15/18324

Proposal Details

Date Planning Proposal Received :	17-Dec-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 :	39 Dell Road		
Suburb :	West Gosford	City :	
Land Parcel :	Lot 6 DP3944	Postcode :	

DoP Planning Officer Contact Details

Contact Name :	Glenn Hornal
Contact Number :	0243485009
Contact Email :	glenn.hornal@planning.nsw.gov.au

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 :	Yes

WEST GOSFORD, 39 Dell Road - Rezoning for industrial, environmental protection and public recreation purposes

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

Employment Land

No. of Lots : **0**

No. of Dwellings
(where relevant) : **0**

Gross Floor Area : **0**

No of Jobs Created : **0**

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **Council's stated objective is to rezone part of the lot that is cleared and level for industrial purposes and protect the remaining part of the lot containing rainforest and a riparian corridor for environmental conservation, and subject to agreement with the proponent, public recreation purposes.**

Council should also include the property description and address of the site.

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

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

Comment : **Council seeks to achieve the objective by:**

- including land currently identified as a deferred matter in Gosford LEP 2014 by rezoning the land from 7(a)Conservation and Scenic Protection (Conservation) under IDO No 122 to part IN1 General Industrial, part E2 Environmental Conservation and part RE1 Public Recreation;
- apply a minimum lot size of 40 hectares for the E2 zoned land;
- apply an 8.5m maximum building height for the E2 zoned land.

WEST GOSFORD, 39 Dell Road - Rezoning for industrial, environmental protection and public recreation purposes

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

2.1 Environment Protection Zones

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 55—Remediation of Land

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

SEPP No 19—Bushland in Urban Area

The proposal is consistent with the SEPP.

SEPP No 55—Remediation of Land

Council has advised a remediation development application DA45990/2014 applies to the land. Council should confirm the land is suitable for the proposed zone as required by the SEPP.

SEPP - 71 Coastal Protection

The land is located within the coastal zone and Council should update its consideration of SEPP 71 in the planning proposal prior to exhibition.

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

If No, explain :

2.1 Environment Protection Zones

The land is currently zoned 7(a) Conservation and Scenic Protection (Conservation) under Gosford IDO No 122. Part of the land is proposed be be zoned for industrial purposes thereby reducing the environmental protection standards that apply to the land and is inconsistent with the direction. Council will need to seek the Secretary's agreement for the inconsistency following the provision of supporting information on biodiversity and following consultation with OEH.

2.2 Coastal Protection

The planning proposal applies to land located in the coastal zone. Council should update the planning proposal to address the terms of the direction.

2.3 Heritage Conservation

This direction applies when a RPA prepares a planning proposal. Council should update the planning proposal to address the terms of the direction.

3.4 Integrating Land Use and Transport

This direction applies because the proposal would create urban zoned land (i.e. industrial land). Council should include consideration of the direction in the planning proposal.

4.3 Flood Prone Land

Part of the site is affected by the floodplain of a creek. Council has identified properties in the downstream industrial area are subject to extensive flooding even in minor flood events and any new industrial development would need to ensure the impacts on downstream properties are not increased. Consistency with the direction will need to be addressed following provision of additional information on flooding and drainage and consultation with OEH.

4.4 Planning for Bushfire Protection

WEST GOSFORD, 39 Dell Road - Rezoning for industrial, environmental protection and public recreation purposes

The planning proposal affects land that is bushfire prone and, as required by the direction, the RPA must consult with the NSW Rural Fire Service.

5.1 Implementation of Regional Strategies

The proposal is consistent with the Central Coast Regional Strategy.

6.2 Reserving Land for Public Purposes

Council has resolved to rezone the land subject to the agreement of the proponent to dedicate land identified on the site for Council's Coastal Open Space System. Given there is currently no agreement for this to occur between Council and the proponent and therefore no certainty the land would be zoned RE1, Council will still need to seek the Secretary's agreement to create land for public purposes.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps provided are adequate for assessment. The land is currently a deferred matter in Gosford LEP 2014 and the Land Application Map will need to be updated to include the subject land.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes a 28 day exhibition period. This is supported.

Additional Director General's requirements

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

If Yes, reasons : **TIMEFRAME**
Council anticipates notification of the plan in December 2016. A 12 month time frame is considered sufficient time to make the plan.

DELEGATIONS
Council has resolved to seek delegation for this planning proposal. Given the proposal is a minor spot rezoning of local significance Council should be granted delegation to make the plan.

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 seeks to amend Gosford LEP 2014 by including land identified as a deferred matter.

Assessment Criteria

Need for planning proposal : Council has advised the planning proposal is not the result of any strategic study or report. Council has advised the land identified for inclusion in the COSS has been identified in Council's strategic studies since the 1990's.

ZONES

WEST GOSFORD, 39 Dell Road - Rezoning for industrial, environmental protection and public recreation purposes

The boundary between the IN1, E2 and possibly an RE1 zone is subject to further studies and negotiation with the owner. If agreement is not reached between Council and the land owner over the land dedication with an RE1 zone then an E2 zone would apply to the remainder of the non-industrial land on the site.

WEST GOSFORD, 39 Dell Road - Rezoning for industrial, environmental protection and public recreation purposes

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has identified actions in the CCRS which are relevant to the planning proposal:

- Action 5.1 increase the level of employment self-containment;
- Action 6.4 appropriately zone land with high landscape value;
- Action 6.5 incorporate appropriate land use buffers around environmentally sensitive, rural and resource lands.

The proposal to rezone the less constrained parts of the site for industrial purposes and protect the environmentally constrained parts of the site through environmental conservation zoning is consistent with actions in the CCRS.

DRAFT CENTRAL COAST REGIONAL PLAN (dCCRP)

The dCCRP was released in November 2015 and includes actions which are relevant to the proposal:

- Action 2.1.1 Facilitate a local planning framework that supports business.
- Action 4.1.1 Protect areas of high environmental value.

The dCCRP identifies West Gosford as an area expected to develop specialised industry clusters and rezoning the less constrained parts of the land for industrial purposes and applying an environmental protection zone to land with high environmental values is considered consistent with the actions in the dCCRP.

COMMUNITY STRATEGIC PLAN - GOSFORD 2025 (CSP)

Council has identified the proposal is consistent with specific strategies in its CSP.

COUNCIL POLICY 'REZONING OF LAND ZONED CONSERVATION AND SCENIC PROTECTION(CONSERVATION)7(a)/ENVIRONMENTAL CONSERVATION E2

Council has identified this policy applies as conservation land is being rezoned and part of the land is identified for inclusion in Council's Coastal Open Space System (COSS). The policy allows for land dedication (of identified COSS land) to Council at no or minimal cost in exchange for additional development rights. Council has advised the applicant has not indicated whether the owner is prepared to enter into any agreement to dedicate this land as part of the planning proposal. This is a separate matter between Council and the proponent to resolve during the progress of the planning proposal.

RAINFOREST POLICY

Council's policy requires:

- a 50m development exclusion zone (i.e. fringe buffer area) surrounding any rainforest area;
- a prohibition on any industrial development and/or extractive industry operations within rainforest catchments.

Council considers a 40m buffer area is appropriate given Council has consented to the rehabilitation of the cleared portion of the land under DA45990/2014. Council has identified the rezoning for industrial purposes adjacent to the rainforest is contrary to its Rainforest Policy. Council considers the impact of runoff from industrial uses on the rainforest can be managed at the DA stage through conditions of consent by directing runoff to Nells Rd rather than the creek the rainforest fringes.

EMPLOYMENT LANDS INVESTIGATION 2010 (ELI)

The ELI has identified the West Gosford Precinct as one of the major employment precincts in the LGA and it is strategically important due its proximity to Gosford City Centre. The ELI recommended the precinct be consolidated as an employment lands precinct through industrial zoning(p 79). Given the location of the site on the fringe of industrial zoned land in a strategically important industrial precinct and subject to the

WEST GOSFORD, 39 Dell Road - Rezoning for industrial, environmental protection and public recreation purposes

Environmental social
economic impacts :

resolution of a number of the site constraints the land may be suitable for an industrial zoning.

Environmental Impacts:

Most of the site appears to be vegetated apart from a cleared portion of the site proposed to be zoned for industrial purposes. The site contains an Endangered Ecological Community and riparian corridor which Council proposes to exclude from the industrial zoning. Further information on biodiversity and consultation with OEH will be required to confirm the zone boundary.

Water and Sewer Services

Council has indicated a water and sewer systems capacity analysis is required to ensure Council's existing system has sufficient capacity to accommodate the future development.

Flooding and Drainage

Part of the site is floodprone and Council considers further work on flooding impacts and solutions is required to mitigate downstream impacts from new development. Consultation with OEH on flood matters will be required.

Roads

Nells Road is an unformed local road that provides primary access to the site and Council considers a formal road should be completed through conditions of consent at the DA stage. Given access to the site is from Manns Rd it is appropriate Council consult with the Roads and Maritime Services.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Rural Fire Service 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 :

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 :

WEST GOSFORD, 39 Dell Road - Rezoning for industrial, environmental protection and public recreation purposes

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal.docx	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Council Report .pdf	Proposal	Yes
Timeline.docx	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
- 2.1 Environment Protection Zones
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

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

1. Update the objectives to include the property description and address.
2. Council should satisfy itself that sufficient information has been provided to address the following matters:
 - impacts on biodiversity
 - flooding and drainage analysis
 - water and sewer systems capacity analysis
 - bushfire
3. Council is to update the planning proposal's consideration of SEPPs
 - SEPP 55 - Remediation of Land
 - SEPP 71 - Coastal Protection
4. Council is to update the planning proposal's consideration of S117 Directions:
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes
5. Consultation with:
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services
 - Office of Environment and Heritage
6. 12 months timeframe.
7. 28 day exhibition period.
8. Council be granted delegation to make the plan.

Supporting Reasons : *

WEST GOSFORD, 39 Dell Road - Rezoning for industrial, environmental protection and public recreation purposes

Signature:



Printed Name:

G. P. HOPKINS

Date:

21 January 2016

