

LISAROW, Awaba Street

Proposal Title : **LISAROW, Awaba Street**

Proposal Summary : **Rezoning part of Lot 19 DP 241243 Awaba Street, Lisarow from IN1 General Industrial to R1 General Residential to enable development for residential purposes. The proposal also seeks to apply the following development standards:**
 - minimum lot size of 650m²;
 - maximum floor space ratio of 0.7:1; and
 - maximum building height of 8.5m.

PP Number : **PP_2015_GOSFO_011_00**

Dop File No : **15/17012**

Proposal Details

Date Planning
Proposal Received : **24-Nov-2015**

LGA covered : **Gosford**

Region : **Hunter**

RPA : **Gosford City Council**

State Electorate : **THE ENTRANCE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **5 Awaba Street**

Suburb : **Lisarow**

City :

Postcode : **2250**

Land Parcel : **Lot 19 DP241243**

DoP Planning Officer Contact Details

Contact Name : **Glenn Hornal**

Contact Number : **0243485009**

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RPA Contact Details

Contact Name : **Bruce Ronan**

Contact Number : **0243258176**

Contact Email : **bruce.ronan@gosford.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)
:Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

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

If Yes, comment :

Supporting notesInternal Supporting
Notes :

Council's planning proposal identifies a number of inconsistencies with the strategic planning framework including the Central Coast Regional Strategy (CCRS) and Council's Employment Land Investigation (ELI - funded under the Planning Reform Fund).

While the proposal would directly lead to the loss of 1.1 ha of IN1 zoned land on the site, it also has the potential to create pressure on the adjoining industrial land through land use conflicts and to provide a precedent for other 'constrained' IN1 zoned land, both in Lisarow and elsewhere, to be rezoned.

Notwithstanding, the land is well sited for a range of development, including residential, being opposite Lisarow rail station.

Lisarow has undergone significant change in recent years. In September 2014, when responding to a planning proposal to permit bulky goods premises in industrial zoned land on the other side of the railway line, the Department's Gateway letter encouraged Council to undertake a strategic review of lands in the vicinity of the Lisarow centre to ensure land zonings and development controls remain appropriate. If undertaken, this could provide a strategic basis for a rezoning proposal on this site.

This report recommends the planning proposal not be supported.

External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**Is a statement of the objectives provided? **Yes**Comment : **The proposal seeks to rezone part of the lot to IN1 General Industrial. The remainder of the**

lot, currently zoned SP2 Local Road Widening and mapped for acquisition, will remain unchanged.

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

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

Comment : The proposal seeks to amend the relevant maps in Gosford LEP 2014 to:

- rezone part of the lot from IN1 General Industrial to R1 General Residential;
- apply a minimum lot size of 650m²;
- apply a maximum floor space ratio of 0.7:1; and
- apply a maximum building height of 8.5m.

Were the proposal to proceed, consideration should be given to the appropriateness of these development standards given the location of the site opposite Lisarow rail station.

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
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
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? **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 : **SEPP No 55—Remediation of Land**
Council needs to confirm the land is suitable for the residential purposes under the requirements of the SEPP should the proposal progress.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

S117 Directions

1.1 Business and Industrial Zones

The proposal is inconsistent with the direction as it does not protect employment land or retain areas and locations of existing industrial zones. Council considers further justification is required and it would require further assessment against the requirements of the direction and the Secretary's agreement for any inconsistency should the proposal progress.

4.4 Planning for Bushfire Protection

The site is located on Bushfire Prone land. Council should address the terms of the Direction once additional information regarding bushfire protection has been obtained and consultation with the NSW Rural Fire Service has occurred should the proposal progress.

5.1 Implementation of Regional Strategies

The proposal is inconsistent with the direction as Action 5.6 in the CCRS seeks to ensure LEPs do not rezone employment lands to residential zonings or other uses. Council will need to address the terms of the Direction and seek the Secretary's agreement for the inconsistency should the proposal progress.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided is sufficient for assessment.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has identified an exhibition period of 14 or 28 days. A 28 day exhibition period is recommended should the proposal progress.**

Additional Director General's requirements

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

If Yes, reasons :

TIMELINE

Council anticipate completion within 11 months. A time-frame of 12 months is recommended should the proposal progress.

DELEGATIONS

Council has not advised whether it seeks delegation for this planning proposal. Given this is a spot rezoning of local significance Council should be granted delegation to make the plan if the proposal progresses.

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.**

Assessment Criteria

Need for planning proposal :

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

Employment Lands Investigation 2010

Council provides comment on its Employment Lands Investigation (ELI) and identifies a number of inconsistencies:

- given the limited amount of industrial land in Gosford LGA conversion to non employment generating activities should be discouraged (p91);**
- loss of employment lands for residential or business development will worsen the population to jobs ratio (p91-92);**
- there has been land use conflict between industrial activities and residential development in the vicinity of Awaba Street. This highlights the need for adequate buffers between employment lands and other uses (p42).**

Council notes in the planning proposal that moving the residential interface onto the same side of Awaba Street as the industrial uses would reduce the buffer between residential uses and increase potential for land use conflicts. The proposal has not proposed incorporating any onsite buffers or attenuation of the potential impacts of industry on residential uses.

Council resolved to support the preparation of a planning proposal but listed specific requirements to progress:

- **justification of the inconsistency with S117 Direction 1.1 Business and Industrial Zones and 5.1 Implementation of Regional Strategies;**
- **justification of inconsistency with the CCRS;**
- **justification of the reduction in employment land stocks in Lisarow including evidence of the non viability of industrial development of the land;**
- **provision of a concept residential development plan which would protect the adjoining industrial development and enhance local public amenity;**
- **consultation with the NSW Rural Fire Service; and**
- **flora and fauna assessment, drainage assessment and traffic assessment.**

The above requirements are generally accepted however the strategic matters and means of avoiding land use conflicts would preferably have been resolved prior to Council seeking a Gateway determination.

ELI Constraint Mapping

Council's ELI includes a Land Suitability Analysis which ranks constraint criteria on a number of environmental factors (i.e acid sulfate soils, bushfire, land slip, topography, flooding, EECs and significant vegetation etc) and maps the industrial land with weighted constraints. The Awaba Street site is identified in the Lisarow/Niagara Park Precinct Constraints Map as 'medium constraint' and there are a number of other industrial zoned landholdings throughout the LGA which are also identified as a 'medium constraint'. The spot rezoning of industrial land for residential purposes has the potential to create a precedent for other industrial landholdings with constraints to seek a rezoning for residential purposes.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY

Council has advised the proposal could assist in a minor way in meeting targets for the provision of housing a broad goal of the strategy. However there are inconsistencies with the following actions:

- Action 5.6 - Ensure LEPs do not rezone employment lands to residential zonings unless supported by a planning strategy agreed to by the Department.
- Action 10.9 ensure there is sufficiently zoned employment land near major transport nodes.

Lisarow is also identified in Table 4 (p30) in the CCRS as land to be retained for industrial purposes.

Council resolved to require further justification regarding inconsistencies with the CCRS.

DRAFT CENTRAL COAST REGIONAL PLAN

The CCRP 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. The action specifically identifies Lisarow as an area expected to develop specialised industry clusters. The reduction of 1.15ha of employment lands accounts for 14% of the available supply of industrial land in Lisarow and is inconsistent with the action.

REGIONAL ECONOMIC DEVELOPMENT AND EMPLOYMENT STRATEGY (REDES)

Council has identified the proposal is inconsistent with some of the objectives as it seeks to reduce employment land.

COMMUNITY STRATEGIC PLAN - GOSFORD 2025

Council has identified the proposal may reduce the potential range of local jobs in the future by decreasing the supply of employment lands.

PREVIOUS PLANNING PROPOSAL ON INDUSTRIAL LAND AT LISAROW

Planning Proposal PP_2014_GOSFO_016_00 received a Gateway determination to include an additional permitted use for Bulky Goods Premises and Office Premises on industrial zoned land at the Pacific Highway, Lisarow and has now been gazetted.

In recognition of the change that has occurred around Lisarow, the Department's Gateway determination letter encouraged Council to undertake a strategic review of land use zonings and planning controls in and around Lisarow Village Centre, including Lisarow train station, and to explore opportunities for better connectivity between the existing and future land uses in the vicinity.

This work could assist in providing the strategic justification for the current proposal which is inconsistent with Council's ELI which supports the retention of industrial zoned land.

PRECEDENT

The site proposed to be rezoned adjoins a vacant industrial site and there are other sites in the vicinity that are zoned industrial but have not been developed for industrial purposes. Given the argument to support the rezoning is based on slope constraints and the lack of economic return on developing an industrial unit complex, the rezoning would potentially create a precedent for other industrial landowners in the vicinity of the site and elsewhere in the LGA to seek a rezoning of their land for similar reasons.

Environmental social economic impacts :

ENVIRONMENTAL

Council has identified the site is isolated and provides no important connectivity to other vegetation remnants and has previously been disturbed. Council resolved to require a detailed flora and fauna assessment should the proposal progress.

SOCIAL

Council's ELI identified there had been instances of land use conflict between industrial activities and residential development in the vicinity of Awaba Street and highlighted the need for adequate buffers between employment lands and other uses. The proposed rezoning does not propose buffers and will result in residential zoned land directly

adjoining the industrial zoned land to the north and west of the site increasing the potential for land use conflict.

ECONOMIC

Council identifies the proponent's reasoning to rezone the land is due to the land being physically and economically unsuitable for industrial development due to slope on the site of between 14 and 17%. Council has advised the economic analysis was undertaken for a nominal industrial unit configuration with cut and fill and noted a conventional unit complex is not the only type of development permitted in the zone. Council identifies there may be other industrial uses more suited to this site such as small scale high technology industries. The proposal has not considered the potential for other uses permitted under the IN1 zone.

The IN1 zone in Gosford LEP 2014 is an 'open zone' permitting all uses that are not prohibited. Alternative uses could include car park, child care centre, educational establishment, high technology industry, place of public worship, recreation facility (indoor) in addition to those uses specifically identified as permissible in the land use table. The reliance on a residential development outcome as an alternative to any other viable permitted use in the IN1 zone would potentially inhibit any new industrial development adjoining the site as it would need to be consistent with the IN1 zone objective 'to minimise any adverse effect of industry on other land uses'. This could impose an additional burden on future industrial development adjoining the proposed residential zone.

It is noted that there are other examples of industrial land with similar slopes within Gosford LGA that have been developed for industrial purposes and slope appears to not be a critical determining factor in industrial zoning or development. Other undeveloped industrial land has slopes in excess of the current proposal and supporting this proposal on the basis of its slope could create a precedent for other rezonings. Where constraints affect development options under existing planning controls, it is preferable to review such situations strategically rather than proceed with ad hoc spot rezoning requests.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 months	Delegation :	RPA
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Public Authority Consultation - s56(2)(d) :	Office of Environment and Heritage NSW Rural Fire Service Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

LISAROW, Awaba Street

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
Council Letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions: **1.1 Business and Industrial Zones**
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 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 proposal is not supported for the following reasons:**

- The planning proposal is inconsistent with the Central Coast Regional Strategy, Council's Employment Lands Investigation and S117 Direction 1.1 Business and Industrial Zones which seeks to protect employment land or retain areas and locations of existing industrial zones.

- The proposal will mean the direct loss of industrial land, increase the likelihood of conflicts with adjoining industrial zoned land and potentially create a precedent for other industrial land to be considered for spot rezoning based on slope.

Supporting Reasons : *

Signature:



Printed Name:

G P HOPKINS

Date:

10.12.2015