

PLANNING PROPOSAL GOSFORD CITY COUNCIL REZONE PART OF LOT 19 DP 241243 AWABA STREET, LISAROW FROM IN1 GENERAL INDUSTRIAL TO R1 GENERAL RESIDENTIAL

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 and Environment.

Part 1 Objectives or Intended Outcomes

The objective/intended outcome of the Planning Proposal is to rezone to R1 General Residential that part of Lot 19 DP 241243 Awaba Street, Lisarow which is currently zoned IN1 General Industrial.

That part of the lot fronting Railway Crescent which is zoned SP2 Infrastructure (Road) will remain unchanged.

Part 2 Explanation of Provisions

The objectives/intended outcomes are to be achieved by amending the maps under Gosford Local Environmental Plan 2014 as they relate to Lot 19 DP 241243.

Land Zoning Map (LZN_014C)

- include subject site in R1 General Residential zone

Lot Size Map (LSZ_014C)

- include subject site in area O (i.e. lot size of 650 sqm)

Floor Space Ratio Map (FSR_014C)

- include subject site in area H (i.e. FSR of 0.7:1)

Height of Building Map (HOB_014C)

- include subject site in area I (i.e. height of 8.5m)

The classification of O (650sqm) in the minimum lot size layer required because most of the subject site has a slope of 15% to 20% which, under Chapter 3.5 Residential Subdivision of Gosford DCP 2013, is required to have a minimum lot size of 650sqm. Hence to ensure consistency between the LEP and DCP it is reasonable to map the minimum lot size as 650sqm.

The Building Height of 8.5m and Floor Space Ratio of 0.7:1 will enable scope for the building to be designed and located so as to provide for the visual and acoustic amenity of the future residents. They are preliminary only and will ultimately be determined during the Planning Proposal process after a concept residential development plan has been prepared, in accordance with Council's resolution, which shows how the adjoining industrial development will be protected and the local public amenity enhanced.

Part 3 Justification for objectives & outcomes

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 Employment Lands Investigation (2010) concluded that “Industrial zoned lands are a finite resource in the Gosford LGA. Wise use of existing zoned areas as well as the potential areas identified in this investigation is important and critical to growing the local economy.” (p 106)

The rationale for this conclusion is found on pages 91-92 which states:

Given the limited amount of industrial land available for development and redevelopment in Gosford, conversion to non-employment generating activities should be discouraged, despite the intensifying market pressure. The market pressure arises from the fact that developer capital returns are greater for residential or commercial development than industrial development and therefore more appealing. (p 91)

The risk of continuing to lose employment lands in favour of residential and/or business development is that Gosford’s population to jobs ratio will grow worse, not better, over time. The result will be a less complete community, with more Gosford residents having to commute to Sydney to work, creating greater traffic congestion and the environmental, social and economic consequences associated with it. As the population ages the economic base narrows until it is predominantly a service and retail economy. (p 91-92)

The Department of Planning and Environment has published employment lands supply in the Employment Lands Development Program 2010 and 2015 with updates in the intervening years. The information for Lisarow is set out below.

LISAROW

Hectares	2010	2011	2012	2013	2014	2015
Undeveloped	6.0	6.0	6.5	6.5	6.5	8.0***
Developed	56.3	56.3	55.9	55.9	55.9	58.8**
Total	62.4	62.4	62.4	62.3	62.3	66.9*

* The addition of 4.5 hectares at Lisarow was the result of zoning changes within the Gosford Comprehensive Local Environmental Plan which was gazetted in 2014 (i.e. land in Cutrock Road).

** The addition of 3 hectares of developed land was the result of zoning all of Lot 1 DP 702204 Cutrock Road to IN1 under Gosford LEP 2014.

*** The addition of 1.5 hectares of undeveloped land was the result of zoning Lot 1 DP 313346 Cutrock Road to IN1 under Gosford LEP 2014.

The supply and development of industrial land has not changed in the last 5 years. However given the small amount of undeveloped industrial land in Lisarow the removal of 1.152 ha (the subject site) represents 14% of the available supply in Lisarow.

The Employment Lands Investigation also raises the issue of land use conflict in relation to this locality and is a major consideration in this Planning Proposal.

It is noted that there have been instances of 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)

Moving the residential interface onto the same side of Awaba Street as the industrial uses has the potential to reduce the buffer between residences and industrial uses and potentially increase the likelihood of incidences of land use conflict.

Subject to a Gateway Determination, the loss of employment land is to be justified and a concept residential development plan is to be prepared which indicates how the adjoining industrial development will be protected.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only means of rezoning the subject land from IN1 General Industrial to R1 General Residential.

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 Planning Proposal could assist Council, in a minor way, in meeting the targets set by the State Government in the Central Coast Regional Strategy for provision of housing.

However, the Planning Proposal appears to be inconsistent with the following Actions:

- 5.6 Ensure LEPs do not rezone employment lands to residential zonings or other uses across the Central Coast, unless supported by a planning strategy agreed to by the Department of Planning.
- 10.9 Councils and the Department of Planning are to ensure there is sufficiently zoned employment land near major transport nodes to meet the targets set by the Regional Strategy, through the preparation of LEPs.

Any Gateway Determination should be subject to a justification of the inconsistency with the Central Coast Regional Strategy.

Regional Economic Development and Employment Strategy

The Regional Economic Development and Employment Strategy (REDES) is the long-term strategy for sustainable economic development and jobs growth for the Central Coast Region. The objectives relevant to the Planning Proposal are:

- *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.*

The Planning Proposal appears to be inconsistent with the objectives as it seeks to marginally reduce the area of employment land.

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 application has not been supported by a strategic case.

The Section 117 Directions are addressed in Question 6 below.

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 topography of the site ranges from 14% to 17% which may limit the type of industrial development that can be constructed on the site. While a building with a large floorplate or an industrial unit complex requiring vehicular access throughout may require extensive earthworks there are other types of small scale uses permitted in the IN1 zone which may be developed without the need for large building areas or extensive cut and fill. It is noted that other industrial land in Lisarow had a similar gradient but was seen as developable for industrial uses under earlier market conditions. Market conditions may again result in such land being economically viable.

Subject to a Gateway Determination justification is required regarding the non-viability of industrial development on the subject land.

The subject land, if rezoned for medium density housing will have a common boundary with adjoining industrial zoned land. This is likely to affect the visual and acoustic amenity of the residents and also has the potential to limit industrial operations on adjoining land by way of complaints.

Subject to a Gateway Determination a concept residential development plan is required which demonstrates how the ongoing viability of the adjoining industrial land would be protected.

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 is relevant to the Planning Proposal and the following strategies are applicable.

- A3.4 Increase the availability of appropriate housing
- B6.3 Plan for population growth within existing developed footprint
- 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
- C2.1 Provide tools and framework for business growth
- D1.2 Consider social, environmental and economic sustainability in all planning and decision making

Whilst the end result of the Planning Proposal would be to increase the availability of housing within the urban footprint, it may reduce the potential range of local jobs in the future by decreasing the supply of employment land.

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). No other SEPP has application to this planning proposal.

SEPP 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 certain previous land uses. 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.

SEPP 55 lists some activities that may cause contamination, one of which is agricultural or horticultural activities. Council's 1954 aerial photograph shows that the south-western part of, what is now, Lot 19 DP 241243 was used as an orchard. The rest of the land was generally cleared except for vegetation along Railway Crescent. By 1964 the orchard had been cleared and vegetation regrowth had occurred. In 1983 the land was vacant with more vegetation regrowth evident and industrial buildings had been erected on all adjoining lots.

As the land has been used for agricultural and horticultural activities in the past and is now proposed to be zoned for residential use, a preliminary contamination assessment would be required to be undertaken if a Planning Proposal was to proceed.

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.

Direction 1.1 - Business and Industrial Zones

This direction applies when a 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 must:

- a give effect of the objectives of this direction (i.e. encourage employment growth in suitable locations, protect employment land in business and industrial zones, support the viability of identified strategic centres),*
- b retain the areas and location of existing business and industrial zones,*
- c not reduce the total potential floor space area for employment uses and related public services in business zones,*
- d not reduce the total potential floor space area for industrial uses in industrial zones, and*
- e ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:*
 - (i) gives consideration to the objective of this direction, and*
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*

- (iii) *is approved by the Director-General of the Department of Planning, or*
- (b) *justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or*
- (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) *of minor significance.*

The Planning Proposal appears to be contrary to this Direction because it does not protect employment land and does not retain the area of the existing Industrial zone. This inconsistency has not been justified in a strategy approved by the Director-General or a study. Also the inconsistency is not in accordance with the Central Coast Regional Strategy which specifies that employment lands are not to be rezoned to residential unless supported by a strategy agreed to by the Department of Planning and Environment.

Any Gateway Determination should be subject to a justification of the inconsistency with Section 117 Direction No 1.1 Business and Industrial Zones.

Direction 2.3 - Heritage Conservation

This direction applies when a relevant planning authority (Council) prepares a Planning Proposal and requires that the Planning Proposal must contain provisions that facilitate the conservation of heritage items, aboriginal objects, places and landscapes either protected by the National Parks and Wildlife Act or identified through an aboriginal survey.

No survey was undertaken for aboriginal items however, given that the land has previously been disturbed for agricultural use and is already zoned industrial, it is considered unlikely that any aboriginal relics exist on the land. As such the Planning Proposal is consistent with this direction.

Direction 3.1 - Residential Zones

This Direction applies when a planning proposal affects land within an existing or proposed residential zone. The planning proposal must include provisions that encourage the provision of housing that will broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing on the urban fringe and be of good design. The Direction also requires that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

The Planning Proposal seeks to zone the subject land to R1 which will enable the provision of medium density housing, thus broadening the building types in this location. It will make efficient use of existing infrastructure and services, such as utilities and transport.

Direction 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).*

The site is located 35m from Lisarow Train Station which is located directly across Railway Crescent. A bus service also operates regularly along Railway Crescent between Gosford and Tuggerah. Therefore the site is well serviced by public transport and is consistent with this direction.

Depending on the residential concept which might be contemplated, linkages between existing residential development to the north of Awaba Street and Lisarow Rail Station could be upgraded.

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.

The subject land is classified as Rural Fire Service Bushfire Category 1 and Vegetation Buffer. Should the Gateway support the Planning Proposal, then the Gateway Determination would require consultation with the Rural Fire Service.

Direction 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 and Infrastructure.

The Planning Proposal is considered to be inconsistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to 3 above.

Any Gateway Determination should be subject to a justification of the inconsistency with Section 117 Direction No 5.1 Implementation of Regional Strategies.

Direction 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 are proposed.

Direction 6.3 – Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal must use an existing zone already applying in an environmental planning instrument and not impose any development standards in addition to those already contained in the environmental planning instrument. The proposal shall not contain or refer to drawings/concept plans that show details of the proposed development.

If supported the Planning Proposal would use an existing zone, floor space ratio, building height and lot size requirement set out in the Standard Instrument LEP.

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?

The site has previously been disturbed, is isolated and provides no important connectivity to other vegetation remnants. It is noted that the Lisarow wetlands are within close proximity to the site however the two are separated by the rail corridor and the Pacific Highway.

A detailed Flora and Fauna Assessment would be required if a Gateway is issued.

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

Character

The subject land is included in Lisarow Character Precinct 16 – Scenic Buffer (Future Employment) as identified in Chapter 2.1 of Gosford Development Control Plan 2013.

The desired character of the precinct is:

These properties should accommodate predominantly a variety of employment-related activities, where the existing scenic qualities of open wooded hillside that provide prominent backdrops to Gosford City's arterial roads and the coastal railway are protected, and civic potential is enhanced by future development that achieves very high standards of urban design quality.

Although not an employment related activity, the future residential development has the potential to achieve a high standard of urban design quality.

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

The applicant has stated that "*The principle reason for seeking the rezoning of the land from industrial to residential in the manner proposed is that the land is physically and economically unsuitable for industrial development due to its prevailing slope of 14% - 17%.*"

The applicant has reiterated the economic reasons used for the rezoning application in 2008 regarding the land's unviability for industrial development. No additional information has been provided other than to say "*the situation has worsened as development costs have substantially increased at a far greater rate than any marginal improvement in industrial land values and likely rate of return.*"

The economic analysis was undertaken for a nominal industrial unit configuration with cut and fill. As noted in the economic analysis, gradient of the site is not the sole constraining factor in determining viability. A conventional industrial unit complex is not the only type of development permitted in the zone. There are uses permitted in the IN1 zone which may be more suited to this site, such as small scale high technology industries.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

Adequate public infrastructure is available to service development undertaken as a result of the Planning Proposal, if it proceeded.

Water and Sewer

Water and sewer is available to the property and any future development would be subject to relevant development conditions.

Drainage

Awaba Street is not considered to be flood prone however it is situated near the top of two catchments – Narara and Cut Rock Creeks. Both of these catchments experience severe flooding and it is therefore critical that any upstream development not increase the rate or volume of stormwater discharged from the site.

Any future development would be subject to detailed drainage investigations and conclusions.

Traffic

Any future development would be subject to detailed traffic investigations and conclusions.

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 been undertaken with State and Commonwealth agencies prior to Council's initial consideration of the matter.

Subject to a Gateway Determination consultation is required to occur with the Rural Fire Service.

Part 4 Mapping

Attachment B to this report contains all relevant mapping to the Planning Proposal at this stage.

Part 5 Community Consultation

Subject to Gateway support community consultation will involve an exhibition period of 14 or 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.

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal,
- indicate the land affected by the planning proposal,
- state where and when the planning proposal can be inspected,
- give the name and address of Gosford City Council for receipt of submissions, and
- indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

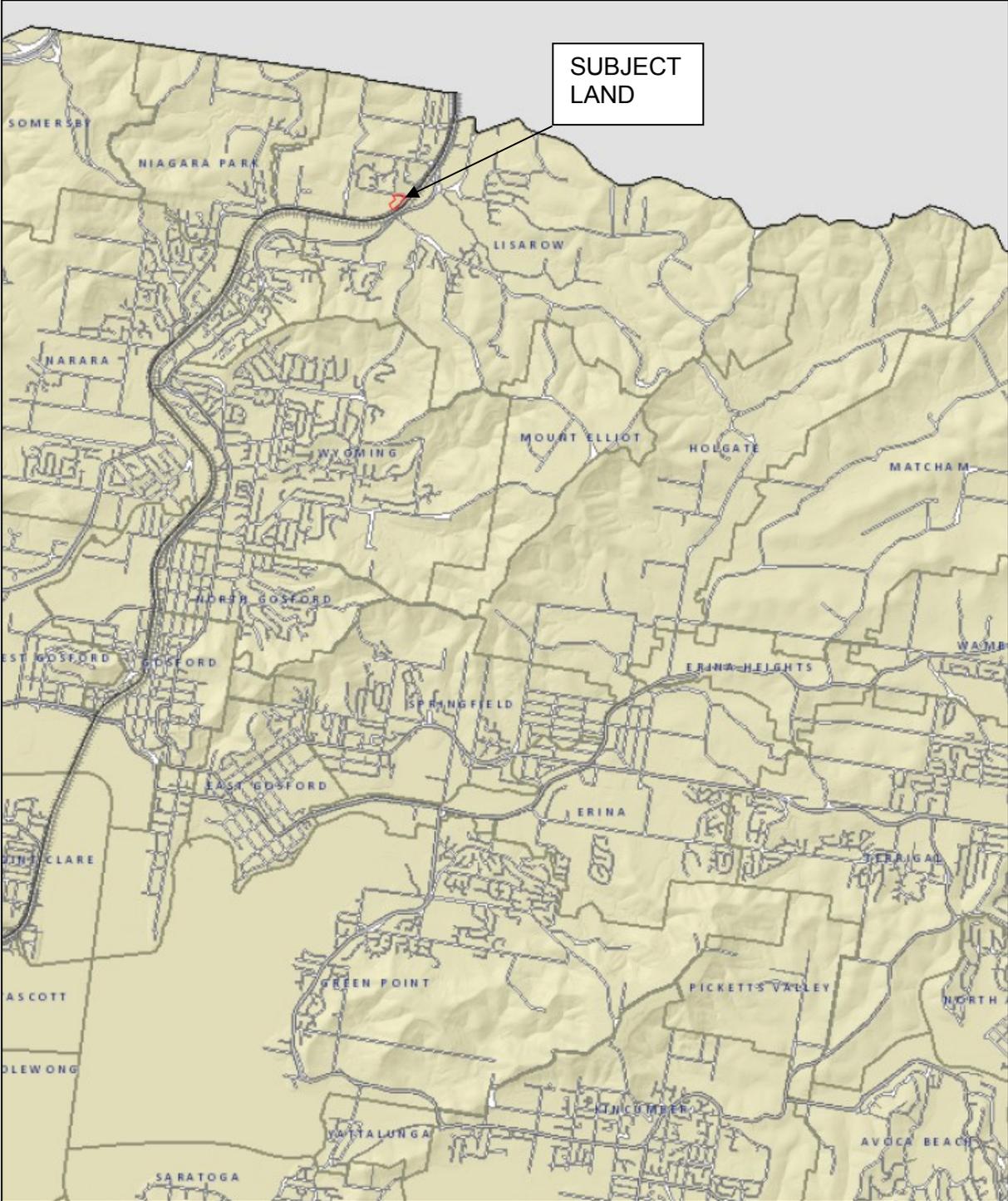
- the planning proposal, in the form approved for community consultation by the Director-General of Planning,
- the gateway determination, and
- any studies relied upon by the planning proposal.

Part 6 Project Timeline

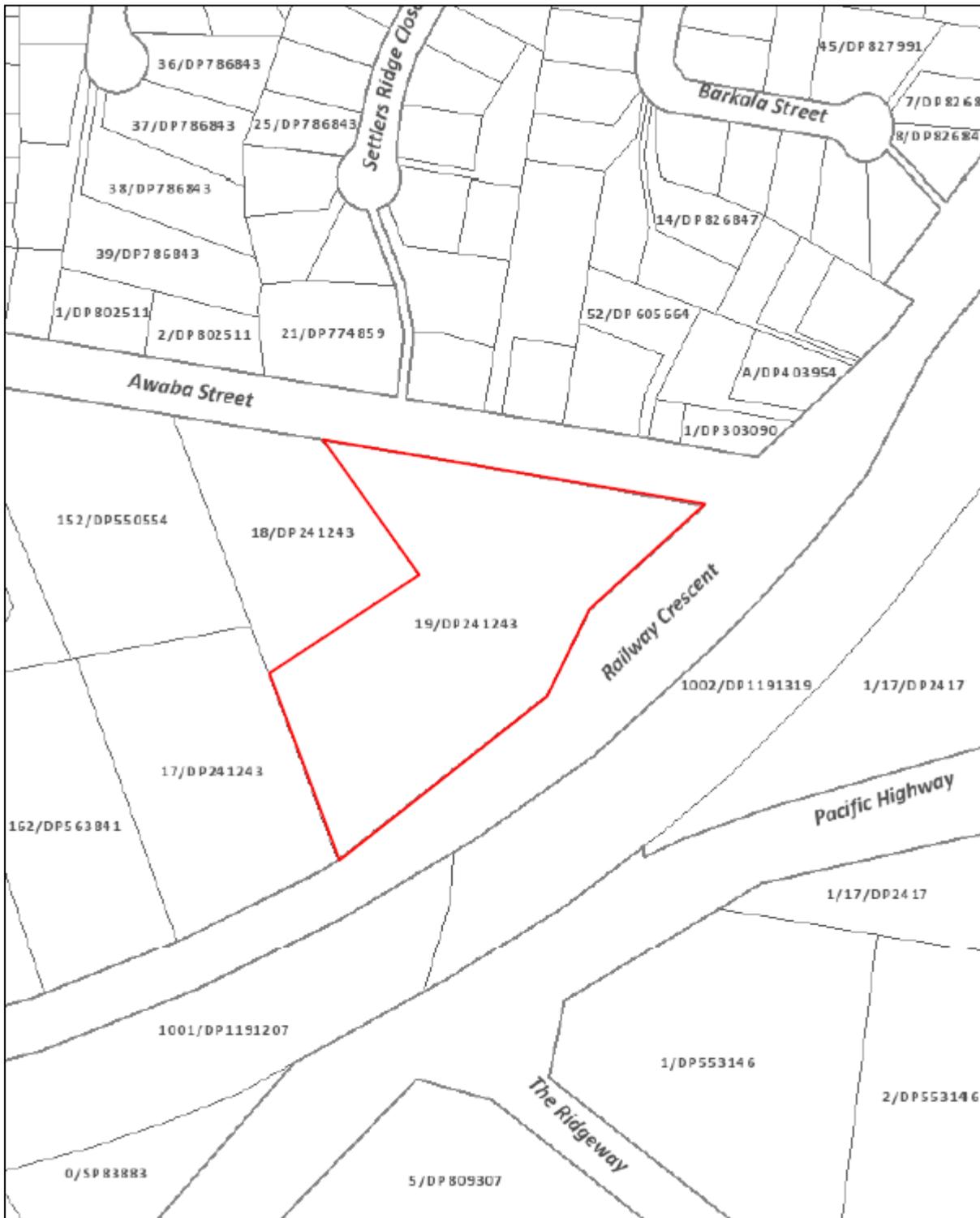
The anticipated timeline for this Planning Proposal is set out below.

Gateway Determination	December 2015
Completion of required technical information	March 2016
Government Agency consultation	April 2016
Public Exhibition	June 2016
Consideration of submissions by Council	August 2016
Date Council will make plan (delegated)	September 2016
Liaise with PC	September 2016
Forward Plan to Department for notification	October 2016

Appendix 1 - Locality Map



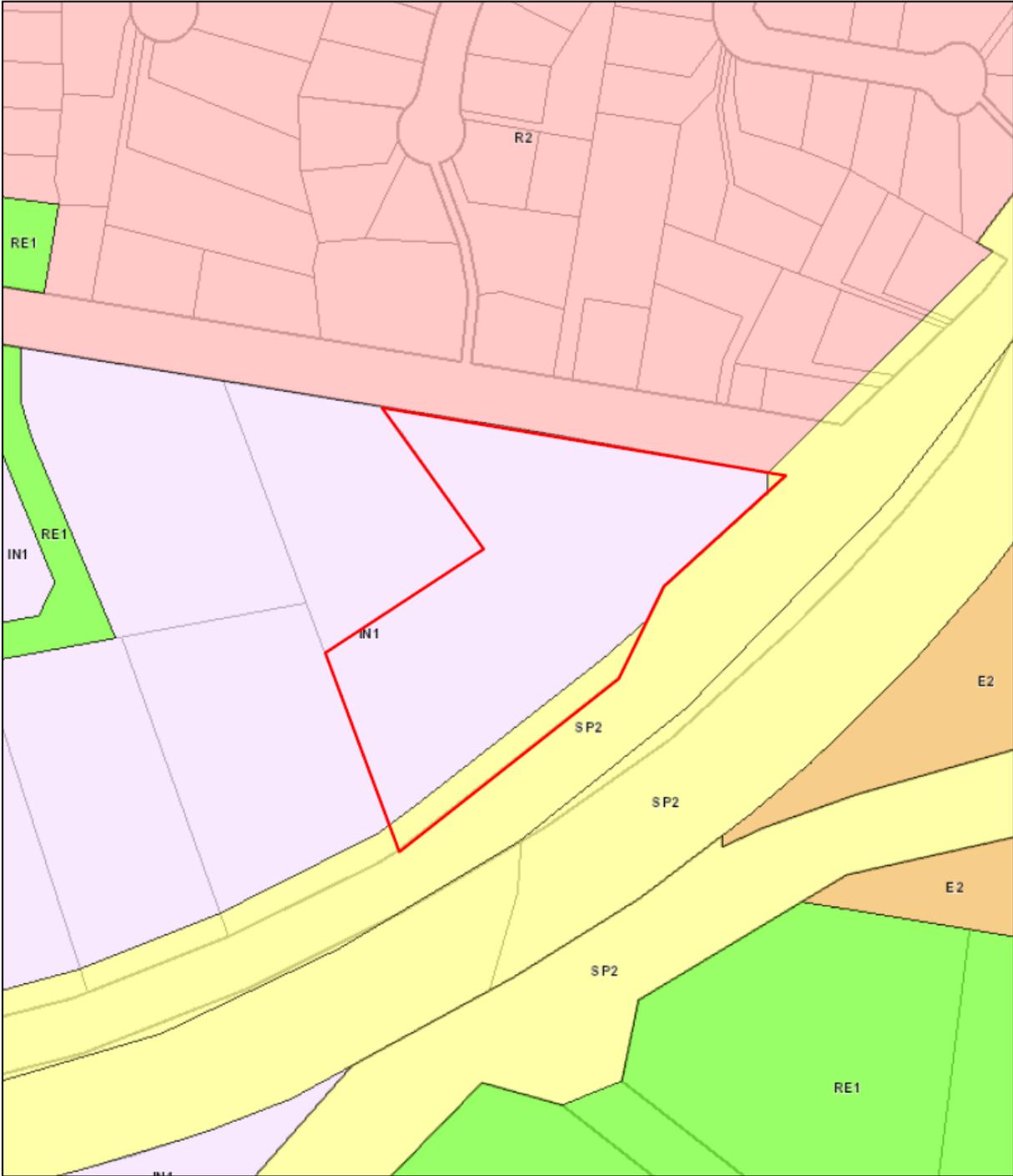
Appendix 2 - Lot Description



Appendix 3 - Aerial Photograph



Appendix 4 - Existing Zoning Map

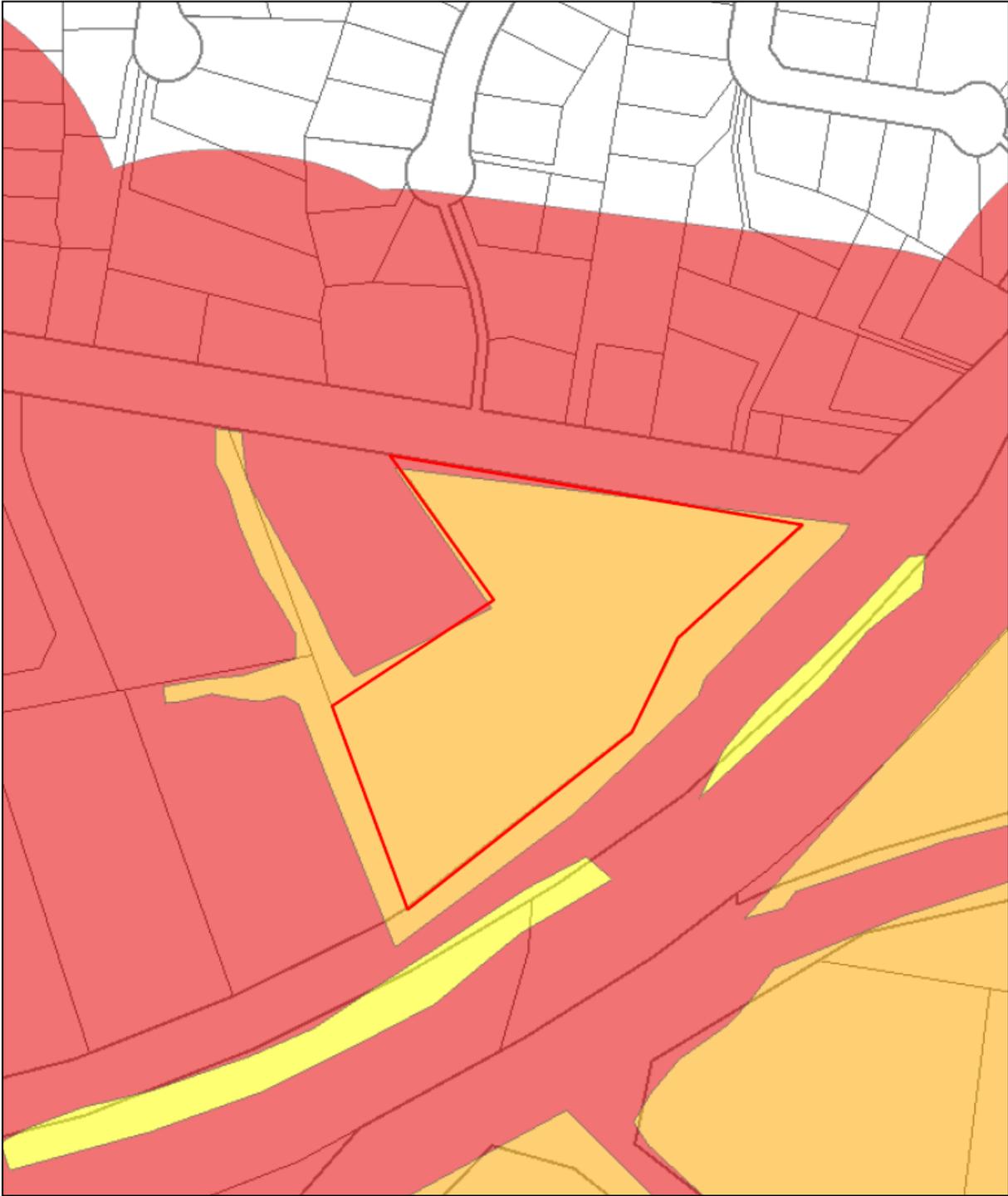


R2 Low Density Residential
IN1 General Industrial
SP2 Infrastructure

Appendix 5 - Relationship of Land to Lisarow Village Centre



Appendix 6 - Bushfire Hazard



Appendix 7 - Flooding

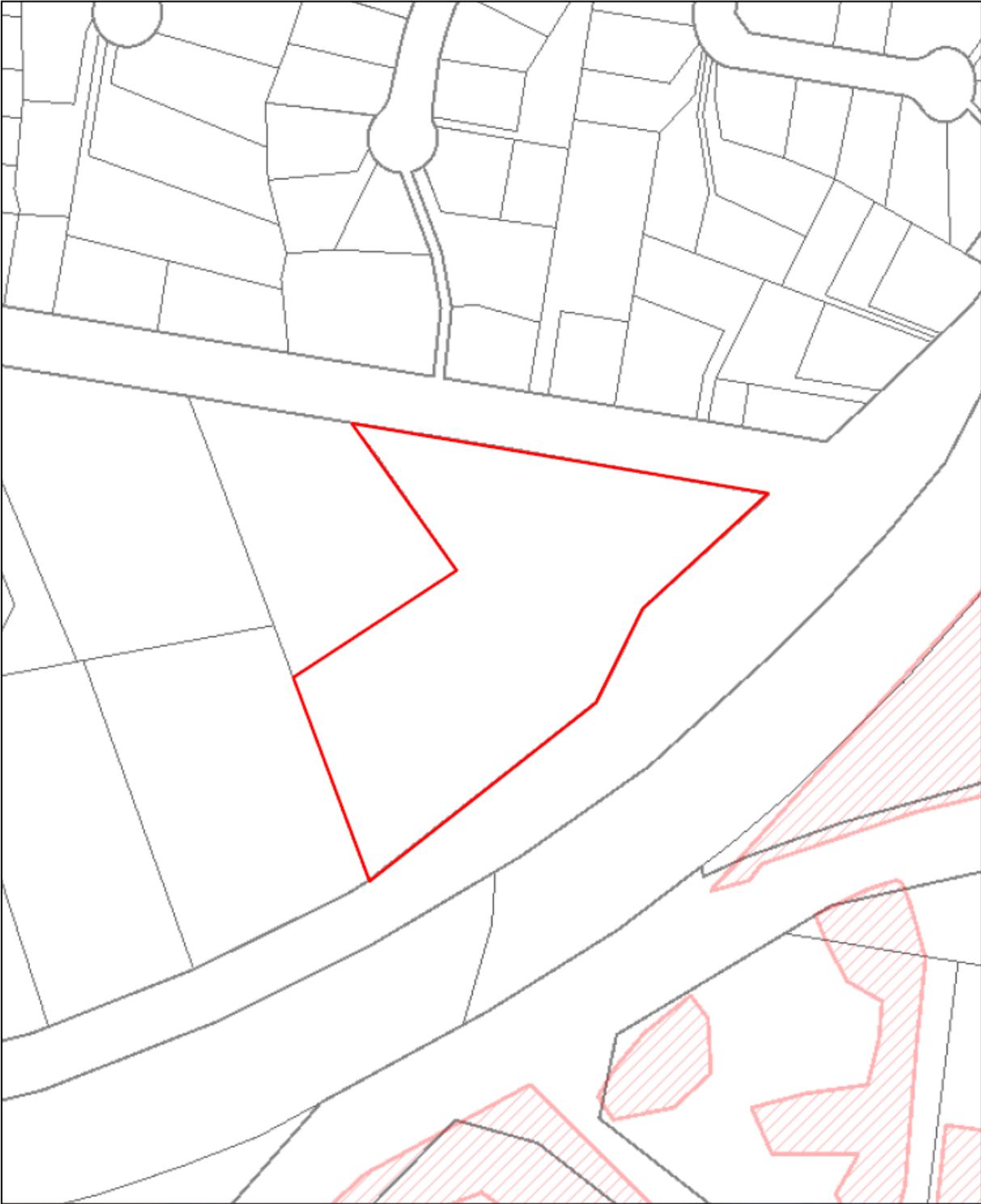


Appendix 8 - Vegetation

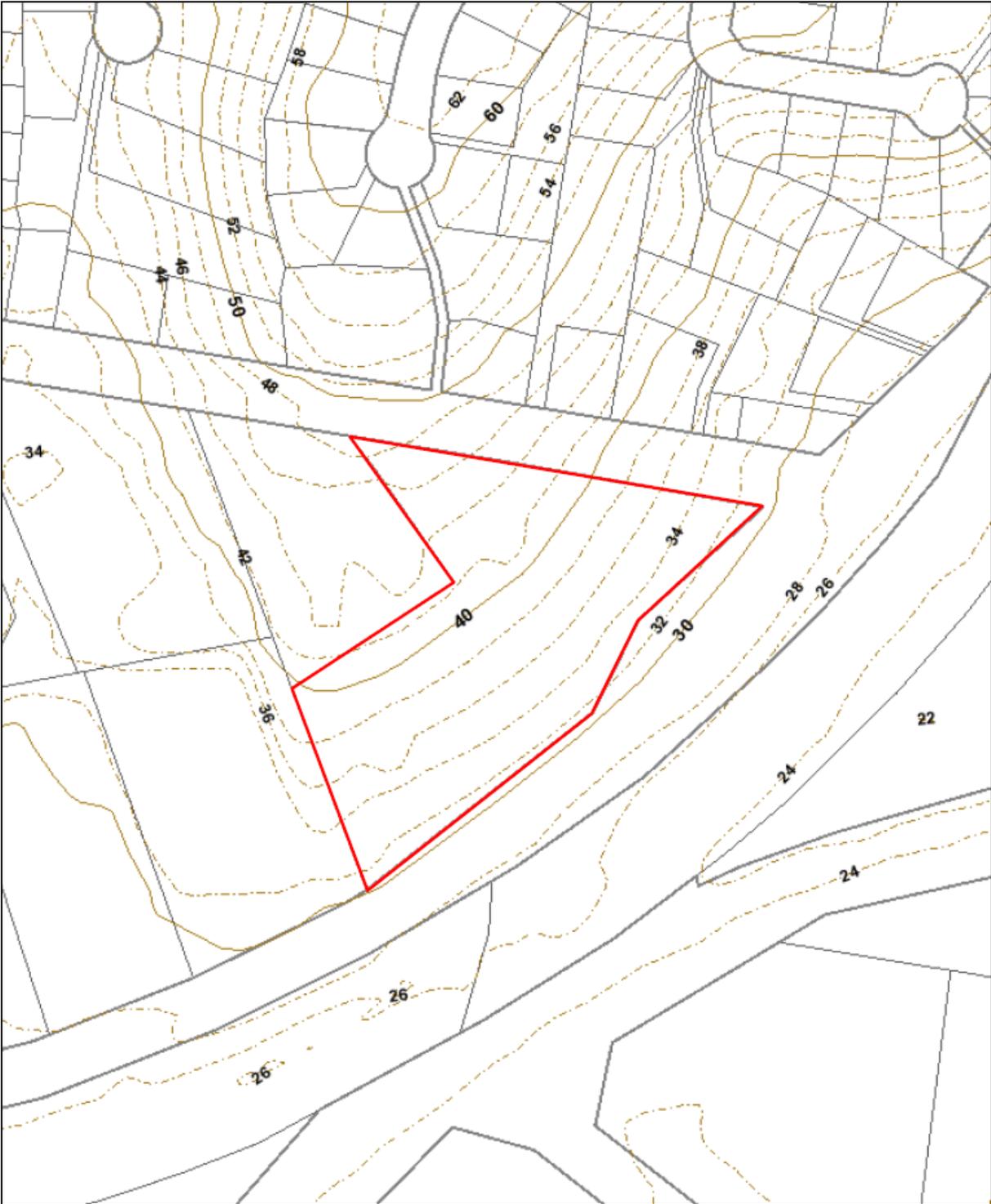


E6ai = Coastal Narrabeen Moist Forest
Xs = Disturbed Regrowth

Appendix 9 - Endangered Ecological Communities

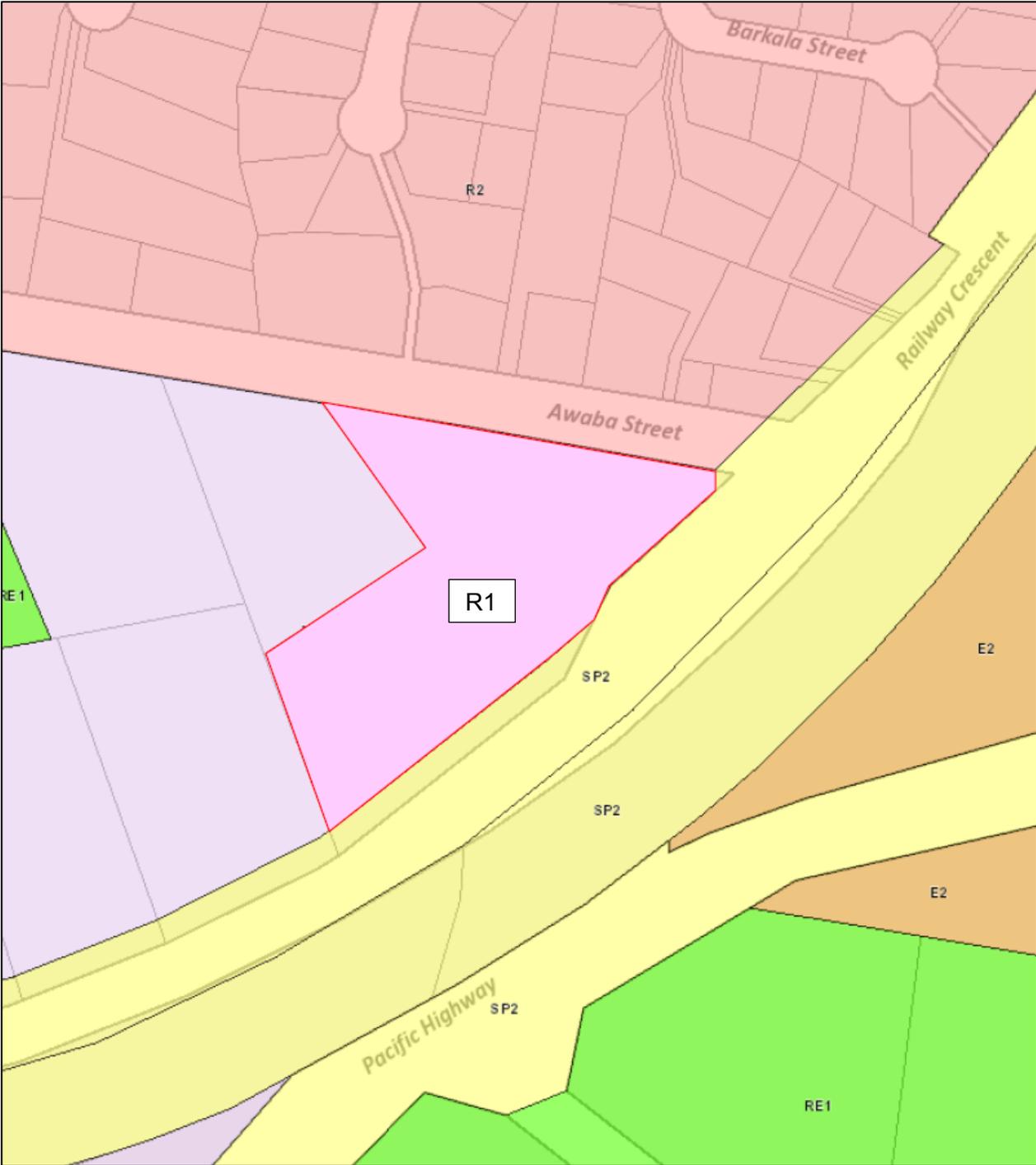


Appendix 10 - Topography



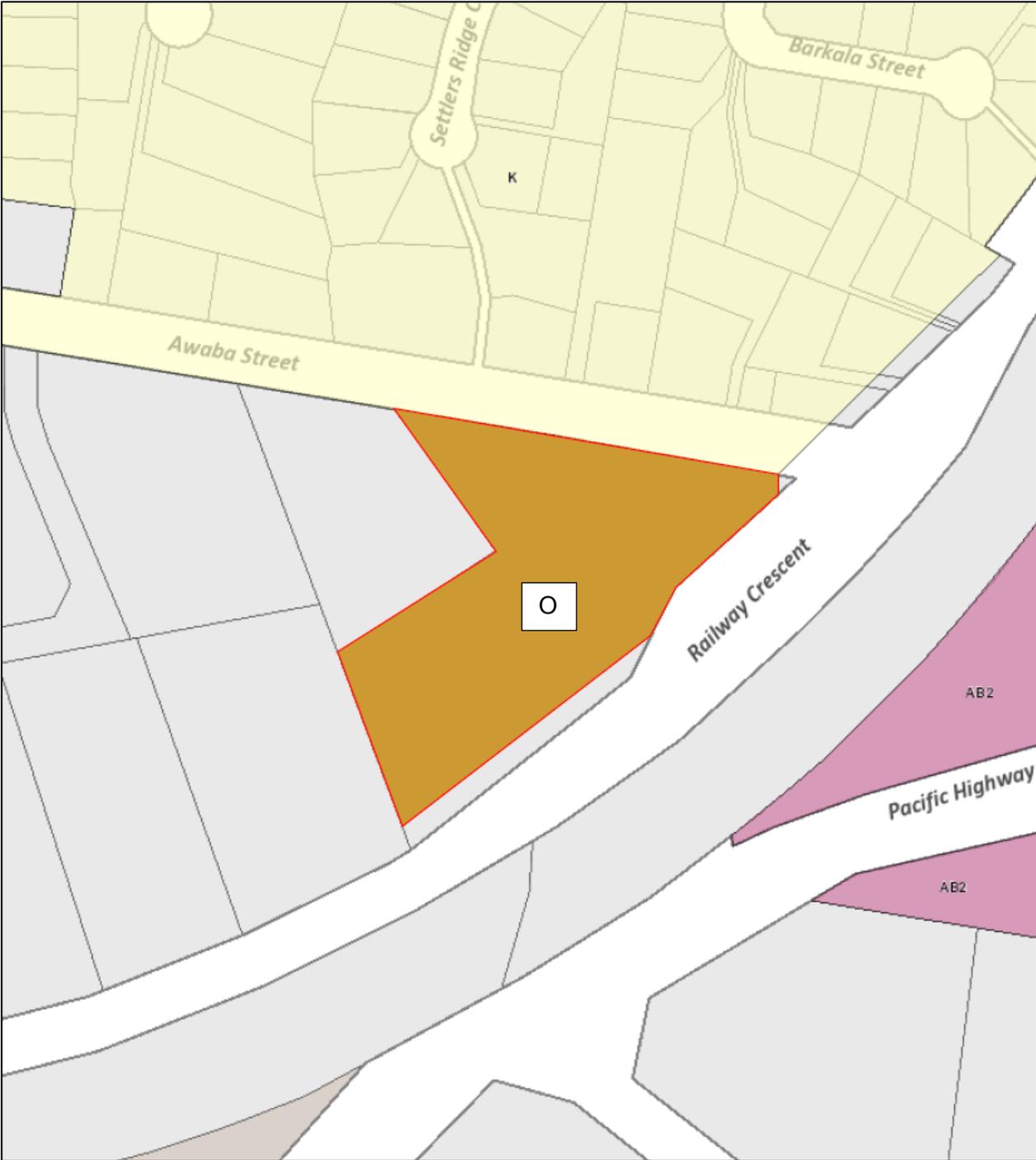
Contour Interval = 2m

Appendix 12 – Proposed R1 Zone



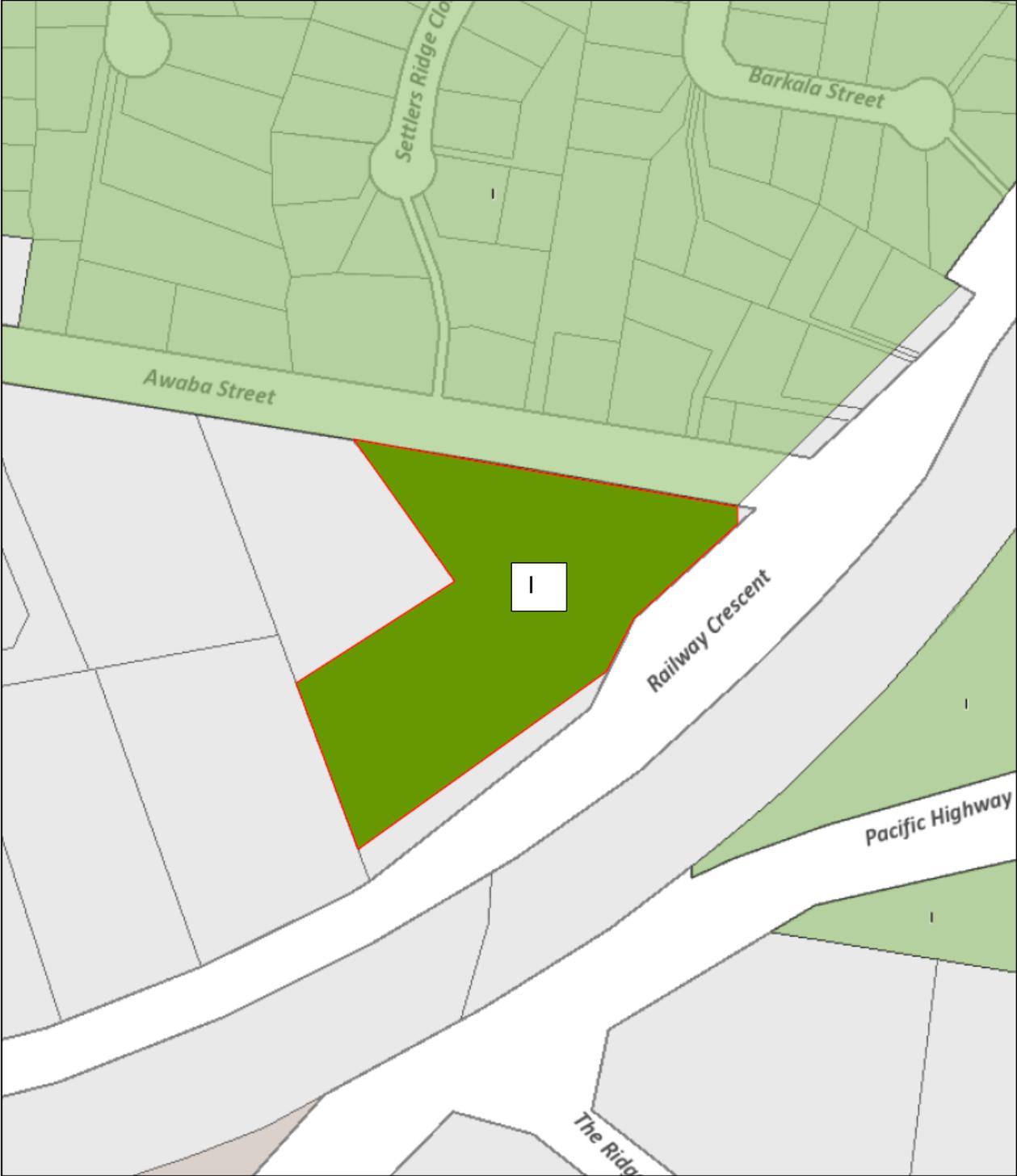
R1 General Residential

Appendix 13 – Proposed Lot Size



O = 650 sqm

Appendix 14 – Proposed Building Height



I = 8.5 m

Appendix 15 – Proposed Floor Space Ratio



H = 0.7:1