

Item No: 2.9
Title: 126 Somersby Falls Road, Somersby - Planning Proposal for Endorsement
Department: Environment and Planning



23 July 2024 Ordinary Council Meeting

Reference: F2020/00039 - D16159671
Author: Bruce Ronan, Strategic Planner Local Planning and Policy
Manager: Sharon McLaren, Section Manager Corporate Planning and Reporting
Executive: Shannon Turkington, Unit Manager Strategic Planning

Recommendation

That Council:

- 1 *Endorses the Planning Proposal provided in Attachment 1 in relation to Lot 1 DP 712505, 126 Somersby Falls Road, Somersby which seeks to amend the Central Coast Local Environmental Plan 2022 to:***
 - a) Rezone land from RU1 Primary Production to E4 General Industrial.***
 - b) Apply a minimum lot size of 4,000m² to the subject lot.***
- 2 *Forwards the Planning Proposal to the Minister for Planning and Public Spaces in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.***
- 3 *Requests delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.***
- 4 *Undertakes community and public authority consultation in accordance with the Gateway Determination requirements.***

Report purpose

To consider a request to prepare a Planning Proposal to rezone Lot 1 DP 712505, 126 Somersby Falls Road, Somersby, from RU1 Primary Production to E4 General Industrial.

Executive Summary

The planning proposal seeks to rezone Lot 1 DP 712505, 126 Somersby Falls Road, Somersby, from RU1 Primary Production to E4 General Industrial under the *Central Coast Local Environmental Plan 2022* (CCLEP).

The Planning Proposal has strategic planning merit for the following reasons:

- The subject land is surrounded by E4 General Industrial zoned land, which is now being developed for industrial uses, and is incompatible with the rural residential use of the isolated RU1 Primary Production zoned lot. Therefore, the site no longer has the character associated with a rural setting.
- Rezoning of this infill site for industrial purposes will add to the employment opportunities available on the Central Coast.

Background

In 1981, the land to the north and east of the subject lot was zoned to 4(a1) General Industrial under *Gosford Local Environmental Plan No 22*. Under this LEP subdivision of land fronting Wisemans Ferry Road was required to have a minimum lot size of 2 Ha and all other land a minimum lot size of 4,000m².

In 2014, the land on the opposite side of Somersby Falls Road to the subject site was zoned IN1 General Industrial under *Gosford Local Environmental Plan 2014* (Amendment No 2) with a minimum lot size of 4,000m².

In 2016, the former Gosford City Council initiated a Planning Proposal to zone the subject lot and other miscellaneous land on the periphery of Somersby Business Park to IN1 General Industrial. In 2018, Central Coast Council discontinued this Planning Proposal, in part, because not all the landowners wanted to fund the additional studies required. The justification for zoning the subject lot has only intensified since the time the 2016 Planning Proposal was initiated as industrial development has been, and is being, undertaken on adjoining land.

The existing RU1 Primary Production zone is now incompatible with the surrounding E4 General Industrial zone and resultant industrial activities. The intended outcome of the proposal is to rezone the site to E4 General Industrial to be consistent with the adjoining land therefore permitting similar industrial development.

The Planning Proposal was referred to the Local Planning Panel (LPP) on 20 June 2024. The LPP considered the Planning Proposal to have strategic planning merit and advised the following:

The Central Coast Local Planning Panel considered the report on the matter and the material presented in the briefing meeting. The Panel's role in this matter is to provide advice, which is as follows:

1. *The Panel considers the planning proposal to have strategic and site specific merit.*
2. *The site is located within an existing employment lands precinct and the Panel supports the contextual relationship of the proposal.*
3. *The Panel notes the planning proposal is supported by an initial bushfire risk assessment given the land is mapped as bushfire prone, and that the site immediately adjoins vegetated land to its north and east which the proposal identifies has some ecological and scenic quality value, including some vegetation that overhangs the boundary with the subject site. The Panel recommends that further clarity and certainty in regard to the relationship between any future APZs and the protection of ecology as outlined in the planning proposal be considered as part of the gateway determination to determine whether site specific DCP provisions are required.*

Accordingly, the Panel supports the staff recommendation and considers the Planning Proposal to have merit.

A copy of the LPP minutes is included in (Attachment 2).

Proposal

The subject land is triangular and has an area of 1.064 Ha. It is generally cleared and accommodates a dwelling-house and miscellaneous outbuildings.

The Planning Proposal request is to:

- Rezone the subject site to E4 General Industrial; and
- Apply the minimum lot size of 4,000m² to the land.

The site is an isolated remnant of RU1 Primary Production zoned land surrounded by E4 General Industrial zoned land which is now being developed for industrial uses. The Planning Proposal will result in a logical expansion of the E4 zone within the existing boundary of the Somersby Business Park (Figure 1).

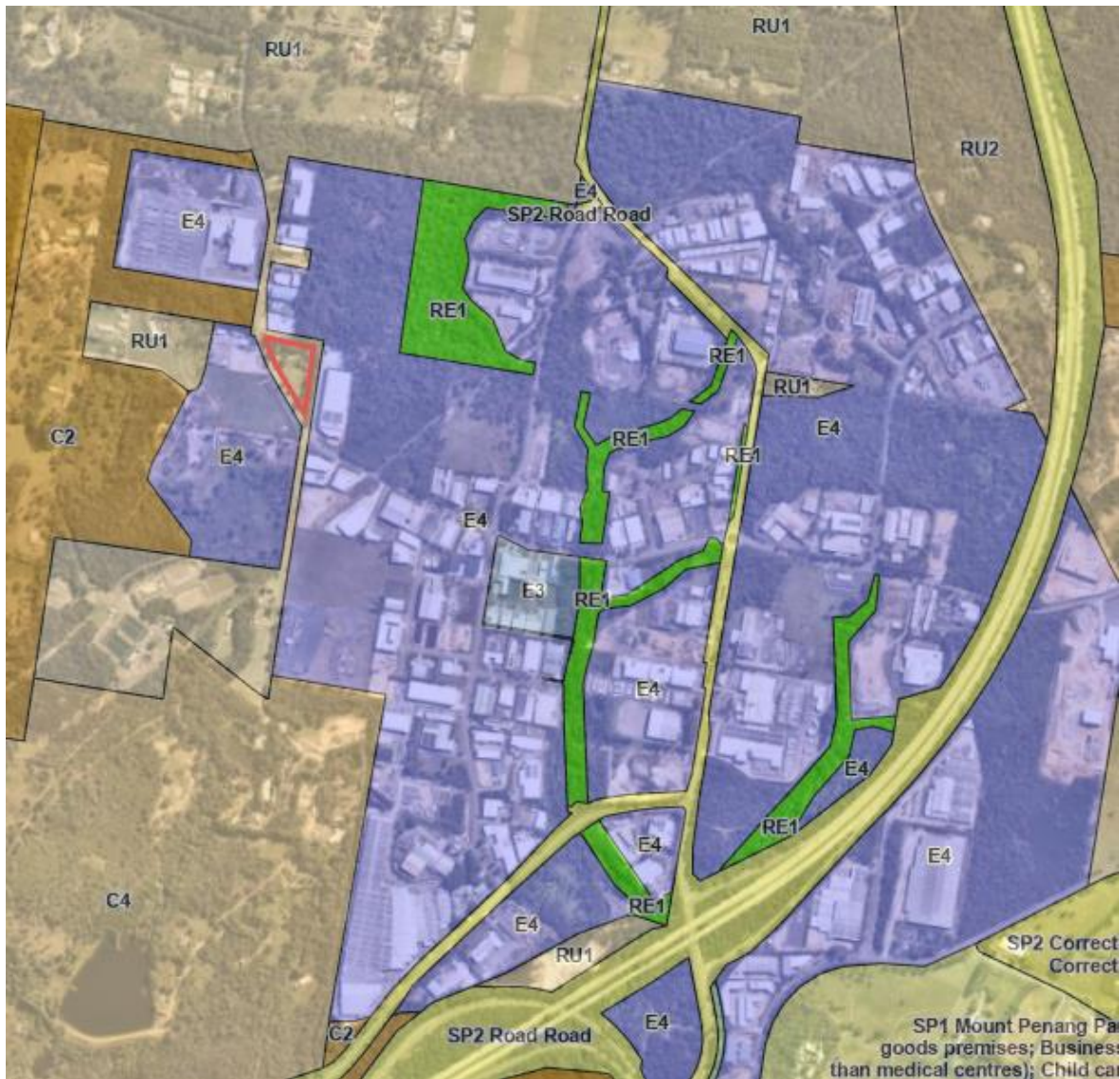


Figure 1 – Contextual Locality Plan- Subject site shown in red bold line.

Most of the existing land zoned General Industrial in the Somersby Business Park is subject to a Service Contribution Agreement between the State Government, Council, and the landowners. The Agreement came into effect when the industrial area was zoned under *Gosford Local Environmental Plan No 22* and outlines responsibilities of each party regarding the provision of the following infrastructure:

- Water supply;
- Sewerage service;
- Drainage; and
- Roads.

There is no provision in the Agreement that prevents the making of a subsequent LEP to zone other land for industrial purposes. Water and sewer charges can be levied and paid under the *Water Management Act 2000* and matters directly relevant to future development such as

roads and drainage will be addressed at the Development Application stage. This is the same process that occurred with the development resulting from the 2014 General Industrial rezoning of land on the western side of Somersby Falls Road.

In addition, the proposal is consistent with the Interim Local Strategic Planning Statement (LSPS), which is Council's guide to how the Central Coast will respond to future population growth. Various strategies and planning priorities outlined in the LSPS are applicable to this Planning Proposal.

As the proposal has strategic merit it is recommended that the Planning Proposal as generally shown in Attachment 1, be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Current Status

The proposal is currently at an early stage in the Local Environmental Plan amendment process (Figure 2).

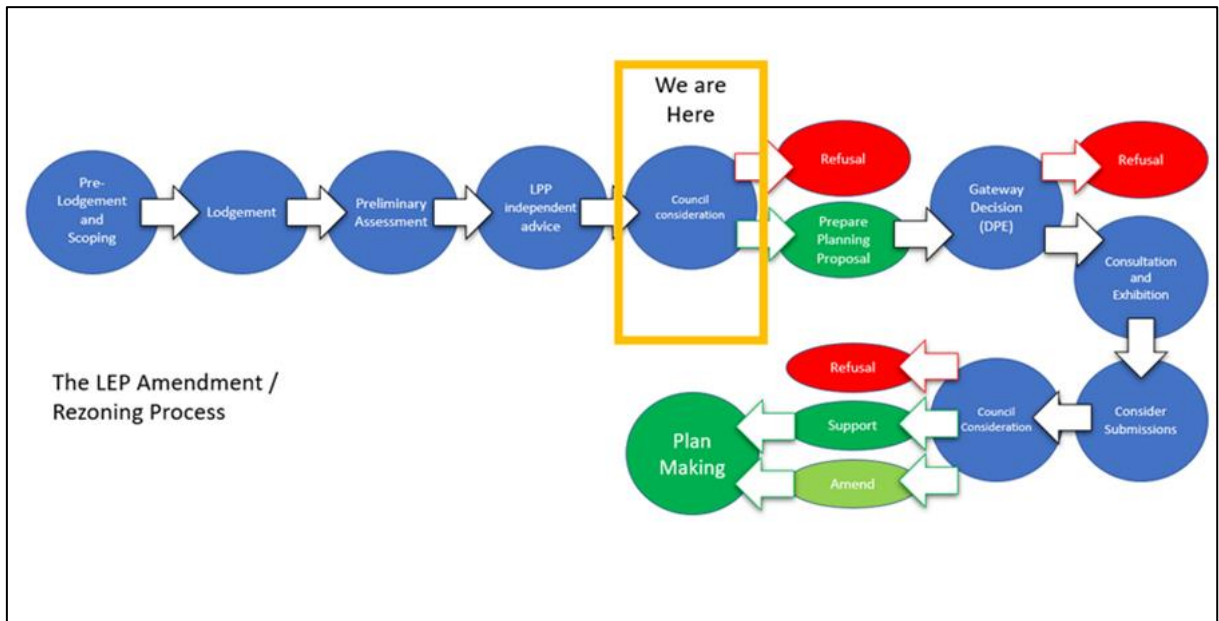


Figure 2 – Local Environmental Plan Amendment Process

Stakeholder Engagement

Internal Consultation

Environmental Planning

The property has minimal constraints due to historic clearing and ongoing maintenance of exotic lawns and garden beds.

The dam and surrounding land may provide habitat for threatened amphibians and foraging for bats. It would need to be surveyed according to appropriate Central Coast Flora and Fauna Guidelines at the Development Assessment stage.

The land surrounding the subject lot contains a vegetated road reserve along the northern and eastern boundaries. This native vegetation provides connectivity and a habitat corridor. Hollow-bearing trees in the northern road reserve overhang the property. They may provide nesting opportunities for fauna. These native trees that overhang the northern boundary of the property need to be retained.

Environmental Health

The Preliminary Site Investigation ('PSI') has been reviewed and it has been generally prepared in accordance with the NSW EPAs Guidelines. The PSI concludes that the site is suitable for residential land use therefore it is considered suitable for industrial land use. Recommendations include the preparation of an Unexpected Finds Protocol, Hazardous Buildings Materials Survey, Asbestos Clearance Certificate and Waste Classification which can all be addressed at the DA stage.

The land is mapped as Acid Sulfate Soils Class 5 with no known occurrence of acid sulfate soils, therefore further consideration of acid sulfate soils is not required.

Water and Sewer

Water and sewer are available to the land. Future development will be required to lodge a S305 application under *Water Management Act 2000* and obtain a S307 Compliance Certificate prior to issue of Occupation/Subdivision Certificate.

Floodplain Management

No issues from Floodplain Management.

External Consultation

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

Adoption of the staff recommendation has no budget implications for Council. The direct cost to Council is the preparation of the planning proposal which will be charged as per Council's fees and charges on a cost recovery basis.

Community Strategic Plan**Theme 2: Smart****Goal C: A growing and competitive region**

S-C1: Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast.

S-C3: Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents.

Theme 3: Green**Goal F: Cherished and protected natural beauty**

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

Theme 4: Responsible**Goal I: Balanced and sustainable development**

R-I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres and east of the M1.

R-I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

Risk Management

There have been no risks identified to the natural and built environment associated with the proposed amendment to CCLEP.

Options

- 1 Support the recommendation as the Planning Proposal has strategic planning merit **(This is the recommended option)**.
 - The site is an isolated remnant of RU1 Primary Production zoned land surrounded by E4 General Industrial zoned land which is now being developed for industrial uses.
 - The zoning of the land will contribute to the development of employment generating development on the Central Coast.
 - The site is serviced with water and sewer and road infrastructure.
- 2 Refuse to support the request for a Planning Proposal (This is not recommended).
 - Should the Planning Proposal not be supported, an opportunity will be missed for rezoning an infill site for industrial purposes and add to the employment opportunities for the Central Coast.

Attachments

- | | | | |
|----------|---|-------------------------------|-----------|
| 1 | Draft Planning Proposal for 126 Somersby Falls Road | Provided Under Separate Cover | D16211565 |
| 2 | Local Planning Panel Minutes | Provided Under Separate Cover | D16276900 |