

Planning Proposal Assessment

Proposal Summary

Applicant	Matthew Wales & Associates
Owner	Industrial Discounts Pty Ltd
Application Number	PP/113/2020
Description of Land subject of planning proposal	<i>Property Description:</i> 39 Dell Road, West Gosford. <i>Legal Description:</i> Lot 6 DP 3944
Site Area	9.7 Ha
Existing Use	Part vacant industrial land and part Deferred Matter, under Interim Development Order 122.

Proposed Amendments – Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan

Provisions	Existing Provision	Proposed Amendment	Outcome (Supported/Not Supported)
Zoning	Lot 6 DP 3944 - Part Lot 7(a) Conservation under IDO 122 Part Lot IN1 - General Industrial	Split zoned part - Lot 6 DP 3944 - E2 & IN1	Supported
Minimum Lot Size	7(a) - 40Ha IN1 – No Minimum.	E2 - 40Ha IN1 - N/A	Supported
Height of Building	7(a) - 8m IN1 – No Minimum.	E2 - 8.5m IN1 – N/A	Supported
Floor Space Ratio	NA	IN1 – N/A E2 – N/A	Supported

Proposal Report

Executive Summary

This Request to Amend a Local Environmental Plan (LEP) or Planning Proposal seeks to rezone a regular shaped 9.7hectare (ha) parcel of land, at 39 Dell Road, West Gosford, from 7(a) Conservation and Scenic Protection (Conservation) under Interim Development Order No 122 (IDO 122) to E2 Environmental Conservation, IN1 General Industrial.

This Planning Proposal is essentially identical to what was originally considered by the former Gosford City Council (fGCC) in 2015 (PP 77/2015), before being withdrawn by the applicant in December 2020.

This withdrawal was in response to a direction from the Department of Planning, Industry and Environment (DPIE) requiring all Planning Proposals over four years old to be determined by 31 December 2020. As Council could not determine the proposal by this date, the applicant withdrew PP 77/2015 and submitted this current proposal PP 113/2020.

The current proposal is considered to have strategic merit and is recommended to be forwarded to the Minister for Planning and Public Spaces requesting a Gateway Determination.

The Site

The subject site (Figure 1) is located to the west of Nells Road, West Gosford. It is generally regular shape with an area of 9.7 ha.

The site comprises a single parcel (Lot 6 DP 3944) and is currently vacant.

The site is located at the western extremity of the West Gosford Industrial Area.

The most western portion of the land is part of the north – south escarpment, located to the west of Gosford City Centre. The escarpment is visually and environmentally significant, with large tracks of the area incorporated into the Coastal Open Space Systems (COSS). The developable portion of the site is located close to the eastern boundary of the parcel, which is gently sloping and has street frontage to Nells Road.



Figure 1 - Aerial Photograph of site

The site comprises a split zoning of IN1 General Industrial, under the Gosford Local Environmental Plan 2014 (GLEP 2014) and 7(a) Conservation, under the Interim Development Order 122 (IDO 122). (figure 2).

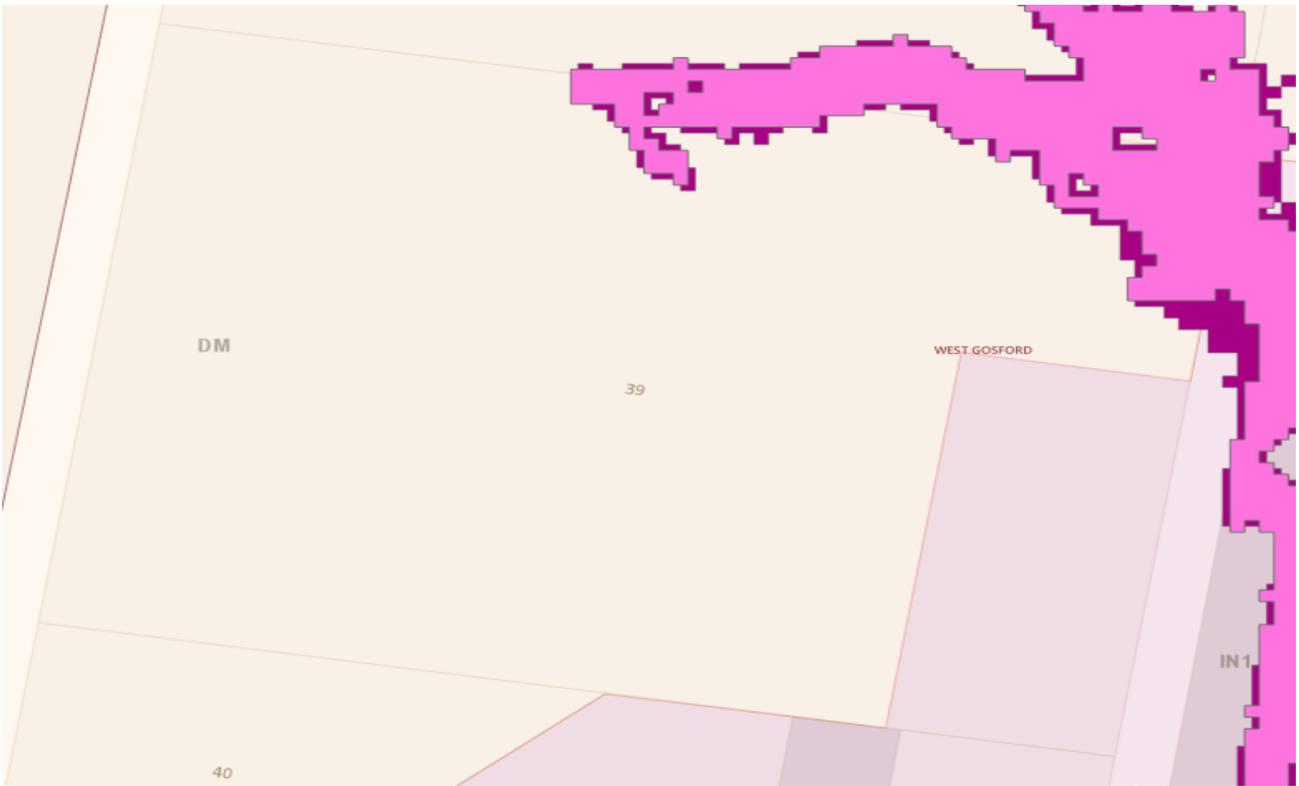


Figure 2: Existing zoning of site, Deferred Matter or 7(a) Under IDO 122 and pink highlight identifies flood risk area as shown in Central Coast Flood Studies

The north-eastern portion of the site is identified as flood affected; however, the area is small and outside of any developable area (figure 2).

Background

The genesis of the planning proposal is directly linked to the gazettal of the Gosford LEP 2014, on the 11 February 2014. Council had resolved to defer the rezoning of the conservation lands (including the subject lands), which left the zoning unchanged.

Council further resolved on 21 January 2014 to undertake various miscellaneous mapping amendments that in part would include zoning of approximately one hectare of the land to IN1-General Industrial to allow industrial subdivision and development of the land (as per that zoned IN1 in figure 1). The support for the changes as per the miscellaneous mapping amendments were supported by Council at its meeting of 24 November 2015.

The applicant requested a larger area of land be rezoned for industrial purposes than what Council proposed through the miscellaneous mapping amendments. To facilitate this, a stand-alone LEP Amendment (Planning Proposal) was required.

An LEP Amendment Request for the same purpose as the current request was originally considered by the former Gosford City Council (fGCC) in 2015 (PP 77/2015), before being withdrawn by the applicant in December 2020.

This withdrawal was in response to a direction from the Department of Planning, Industry and Environment (DPIE) requiring all Planning Proposals over four years old to be determined by 31 December 2020. As Council could not determine the proposal by this date, the applicant withdrew PP 77/2015.

The site is subject to a number of significant physical constraints, including:

- the land forming part of an escarpment,
- flood prone land associated with a local creek line, and
- vegetation comprising rainforest along riparian areas.

The physical constraints of the site are limiting factors in the amount of land that can be considered for industrial zoning. However, through the course of assessing the 2015 LEP Amendment Request, considerable effort (through the preparation of studies and reports) defined an appropriate extent for proposed extent of land to be rezoned to IN1 General Industrial.

Through such investigations and negotiations with Council, it was also agreed that the remainder of the land, exclusive of the proposed IN1 General Industrial, be rezoned to E2 Environmental Conservation and transferred to Council for integration into the COSS network through a Planning Agreement (PA).

Whilst the arrangements for the PA were being undertaken, the proposal was withdrawn for the reasons identified previously.

The finer details of the PA remain outstanding, which in addition to the land transfer, include the construction of a fire and maintenance trail, a Bushland Management Plan and payment of monies for the funding of ongoing weed eradication and regeneration to be undertaken by Council.

There is currently no provision for sewer services to the land, however the applicant has undertaken water/sewer capacity analysis, which determined the servicing requirements to connect to existing infrastructure. Additional constraints extended to the identified flooding problems to properties downstream of the Proposal. To ensure no impact to downstream properties the proponent has assessed the potential flooding impacts and provided suitable solutions to mitigated against any potential impacts.

All studies and reports were commissioned by the applicant and assessed by relevant Council staff and external specialists as required by the Gateway determination assessment, as part of the previous planning proposal. The assessment of studies and reports have deemed the site suitable for limited development and acceptable for the balance of the site to be absorbed into COSS lands, via a Planning Agreement (PA).

The Proposal

The proposal seeks to rezone the subject land from 7(a) Conservation under IDO 122 to IN1 General Industrial and E2 Environmental Conservation under Gosford Local Environmental Plan 2014 (GLEP 2014) or the Central Coast Local Environmental Plan (CCLEP) whichever is in effect at the time (Figure 3).

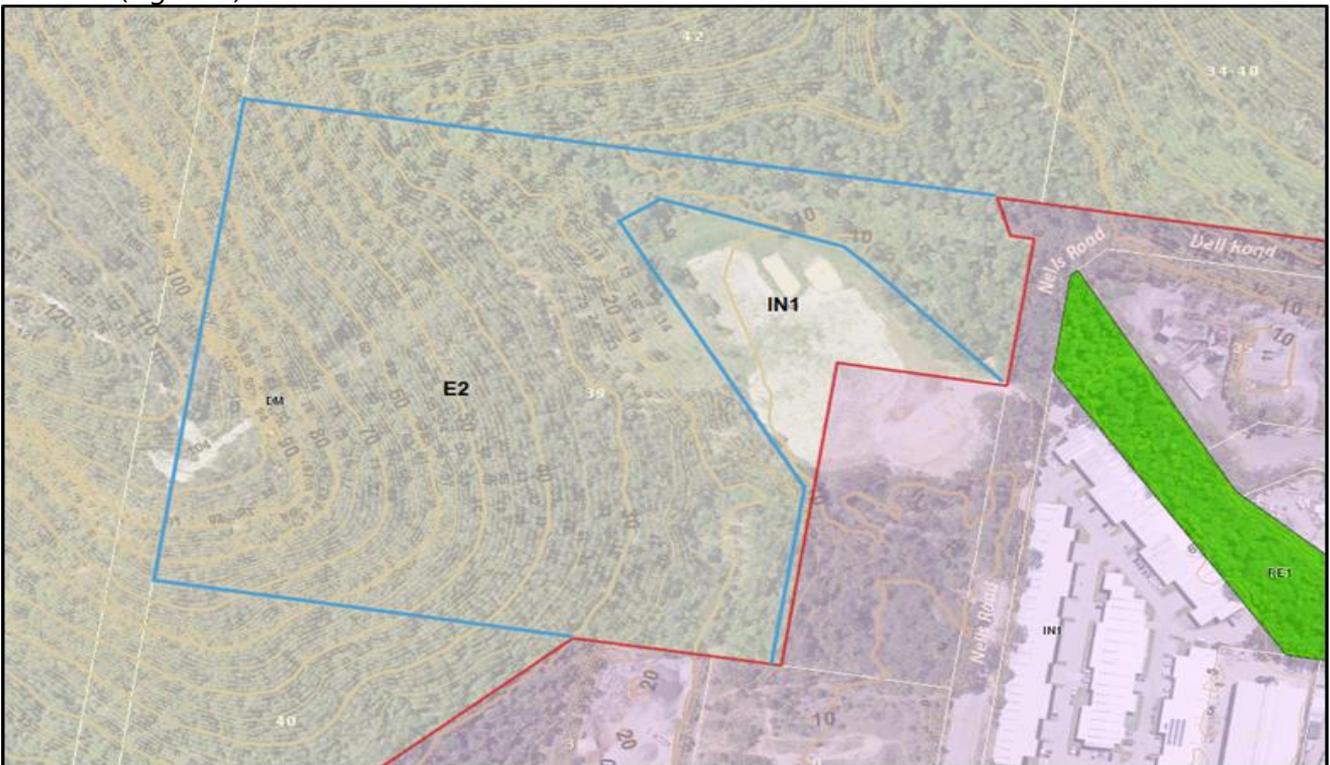


Figure 3 - Proposed Zoning of the land with access to Nells Road

Specifically, the proposal includes:

- 1 The rezoning of Lot 6 DP 3944 (39 Dell Road), West Gosford to IN1 General Industrial and E2 Environmental Conservation;
- 2 Application of a Minimum Lot Size of 40 hectares to land proposed to be zoned E2 Environmental Conservation (no minimum lot size for Industrial zoned land); and

3 Entering into a PA including:

- The dedication of land zoned E2 Environmental Conservation to Council for inclusion into the COSS (at no cost to Council)
- The rehabilitation and maintenance of site prior to Council taking control of the land.
- The construction of an access road for maintenance and firefighting purposes roadworks and intersection works as required.
- The construction of a gate at and entry to firetail to restrict access to approved persons.

Assessment

The rezoning of the subject land to part IN1 General Industrial and E2 Environmental Conservation has strategic merit on the basis that:

- There is an existing portion of the site already zone IN1, with the proposed extension adding a practical and useful parcel for future industrial activities. Furthermore, to the east of Nell Road comprises the existing West Gosford industrial precincts, with the proposed site making use of existing infrastructure and services to extend industrial precinct in an orderly manner.
- The rezoning of the north-western part of the site from 7(a) Conservation and Scenic Protection (Conservation) to E2 Environmental Conservation is considered to reflect the constraints of the land, with the escarpment, vegetation and steep topography making development impractical and unsafe. The transfer of the E2 lands to Council, via a PA, better serves the long-term environmental philosophy that underpins the COSS framework.
- The PA will ensure the Planning Proposal will result in a benefit for the public via the dedication of land to Council for inclusion into COSS and will also ensure the cost of managing the additional lands and firetail access are met by the proponent.

Current Status

The proposal is essentially the same as that supported by the fGCC in 2015. The only difference is the updating of studies and reports to reflect change in legislation and reporting guidelines, which may have changed since its initial submission. However, as the legislation and proposal remain largely unchanged the proposal is suitable for exhibition, with addendums more procedural than being an obstacle to the finalisation of the rezoning request.

Internal Consultation

Internal consultation has been undertaken as part of the former PP (77/2015) as summarised below.

Environmental Strategies

In respect to ecological matters the proposal will result in the expansion of COSS lands, with no additional costs to Council. The accompanying PA would ensure the land zoned E2 Environmental Conservation will be protected, the fire trail and access gate constructed at no cost to Council.

Water and Sewer

Water and sewer are available to the land, made clear by the water and sewer upgrade assessment undertaken by the applicant. The report makes clear that any upgrading to the system, to bring services to the site, will be undertaken and paid for by the proponent.

Flooding and Drainage

A Flood Study has been submitted and reviewed.

Traffic

The potential traffic generation resulting from the Planning Proposal will not impact the traffic efficiency of the Central Coast Highway adjacent to the subject site.

The existing road infrastructure have been deemed capable of servicing the proposed Industrial site.

The proposed Industrial lands make good use of existing roads infrastructure, which currently service the west Gosford Industrial estate in accordance with Council traffic engineers and Transport for NSW (TfNSW) criteria.

The Planning Proposal and supporting studies will again be referred to TfNSW for formal comment when the Planning Proposal is referred to relevant public Agencies.

External Consultation

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly. It is anticipated that as the application is fundamentally unchanged, as previously submitted, the Gateway requirement for referral to government agencies will be the following:

- New South Wales Rural Fire Service, regarding bushfire matters;
- Transport for NSW, regarding transportation and road networking matters;
- NSW Biodiversity Conservation Division (BCD) on vegetation and biodiversity matters;
- Darkinjung Local Aboriginal Land Council and Guringai Tribal Link (also known as Wannangini), regarding Aboriginal heritage values.

Statutory compliance and strategic justification

The proposal has been assessed having regard for all State Environmental Planning Policies (SEPPs), Section 9.1 Ministerial Directions and relevant guidelines set out within the Central Coast Regional Plan 2036 as detailed in the attachment to the Council report.

The proposal is consistent with these considerations, therefore is suitable for forwarding to the Minister of Planning and Public Spaces requesting a Gateway Determination.

Social Impacts

The proposal will expand the available Industrial land, within West Gosford, increasing opportunities for economic development and employment in place for local population. The additional industrial lands make efficient use of existing road networks and utilises infrastructure.

Environmental Considerations

The protection of vegetation will be achieved by zoning the land to E2 Environmental Conservation. To protect Council from any financial burden a Bushland Management Plan will form part of the Planning Agreement, by outlining measures for rehabilitation of the land, prior to its dedication to Council for inclusion into COSS.