



Item No: 0.0
Title: Request to Prepare a Planning Proposal for Land at 39 Dell Road, West Gosford
Department: Environment and Planning

27 April 2021 Ordinary Council Meeting

Reference: 083.2020.00000113.001 - D14534454
Author: Dean Fisher, Senior Strategic Planner
Jenny Mewing, Principal Strategic Planner
Manager: Karen Tucker, Unit Manager, Project Management Environment and Planning
Executive: Scott Cox, Director Environment and Planning

Report purpose

The purpose of this report is for Council to consider a request to prepare a Planning Proposal for Lot 6 DP 3944 (39 Dell Road), West Gosford to enable industrial development and environmental conservation outcomes.

Executive Summary

The request to prepare seeks Council's endorsement to prepare a Planning Proposal for Lot 6 DP 3944 (39 Dell Road), West Gosford. The request seeks to expand the existing IN1 General Industrial zoned portion of the land (as currently zoned under *Gosford Local Environmental Plan 2014* (GLEP 2014) and zone the remainder of the land to E2 Environmental Conservation (currently zoned Deferred Matter under Gosford Local Environmental Plan 2014). The rezoning would amend GLEP 2014 or the Central Coast Local Environmental Plan (CCLEP), whichever is in effect at the time.

The objective of the request is to enable additional opportunities for industrial development of the land, and the dedication of the E2 Environmental Conservation to Council for inclusion in the Coastal Open Space System (COSS) reserves.

The site was subject to a previous Planning Proposal for the same purpose (lodged in 2015), however, was withdrawn by the applicant in 2020. This withdrawal was undertaken on the basis of advice from the Department of Planning, Industry and Environment (DPIE) that all planning proposals unresolved after four years would be discontinued, if not finalised before 31 December 2020.

The current request to prepare a Planning Proposal remains unchanged from the original proposal, as Council and the applicant have invested considerable resources in the preparation, submission and review of technical studies and reports.

The Planning Proposal was referred to the Local Planning Panel (LPP) on the 22nd April 2021 which resolved:

The Executive Summary should explain in a couple of paragraphs the content of the report and align with the recommendation to Council.

1. The Panel agrees with the conclusion of the report and that the Planning Proposal has strategic merit.

Environment and Planning Recommendation

1. *That Council prepare a Planning Proposal to amend the Gosford Local Environmental Plan 2014 (GLEP 2014), or the Central Coast Council Local Environmental Plan (CCLEP) (if in effect), to rezone Lot 6 DP 3944, 39 Dell Road to IN1 General Industrial and E2 Environmental Conservation.*
2. *That Council forward the Planning Proposal to the Minister requesting a Gateway Determination.*
3. *That Council request delegation for Council to finalise and make the draft Local Environmental Plan.*
4. *That Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement (PA), and to negotiate and execute all documentation in relation to the finalisation of the PA (if required).*
5. *That Council prepare and exhibit a site-specific Development Control Plan Chapter (if required) to support the development of the land subject to this planning proposal.*
6. *That Council undertake public authority and community consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Planning Agreement and draft site-specific Development Control Plan Chapter (if required).*

Background

The background should include relevant previous resolutions or legislation that is relevant.

Current Status

A request for the preparation of a Planning Proposal was originally supported by the former Gosford City Council (fGCC) on 8 December 2015. This proposal was withdrawn by the applicant in 2020 based on advice from the Department of Planning, Industry And Environment (DPIE) that all planning proposals unresolved after four years would be discontinued, if not finalised before 31 December 2020.

The current request was lodged with Council on 9 December 2020. Considerable work had been undertaken on the original proposal, which is considered suitable for assessment of the current request, as detailed in the attachments to this report.

The matter was reviewed by the LPP at its meeting of 22 April 2021.

Report

The request to rezone part of the subject land to IN1 General Industrial and the remainder of the land to E2 Environmental Conservation is considered to have strategic merit, subject to the review and amending of studies (post-Gateway Determination). The negotiation of a Planning Agreement (PA) for the conditions for the transfer of the E2 zoned lands into Council ownership will also occur post-Gateway Determination.

It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Consultation

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted in accordance with relevant guidelines issued by the DPIE.

Financial Considerations

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

1036/20 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.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

R-13: 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.

Central Coast Interim Local Strategic Planning Statement

The Central Coast Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020, after adoption by Council on 29 June 2020. The LSPS aims to identify sites for industrial lands close to infrastructure and services, to promote land for employment and economic development.

The subject land is currently partly zoned IN1 General Industrial and abuts the existing industrial estate of West Gosford and has a history of past industrial uses. The extension of the IN1 zone is considered appropriate as is the rezoning of a portion of the site to E2 Environmental Conservation, for inclusion in Council's COSS reserves.

Risk Management

There have been no risks identified at this stage to Council, or the natural and built environment, associated with seeking a Gateway Determination for the proposed amendment to GLEP 2014 or the draft CCLEP.

Options

- 1 Support the Recommendation – recommended.

The proposal is considered to have strategic merit and will contribute to the supply of employment lands and contribute to the COSS reserve network.

- 2 Refuse to support the Request for a Planning Proposal – not recommended.

The proposal represents a logical expansion for industrial development, and suitable for the purposes considering existing land constraints.

Critical Dates or Timeframes

Nil.

Conclusion

The request to rezone part of the subject land to IN1 General Industrial and the remainder of the land to E2 Environmental Conservation for dedication to Council for inclusion in the COSS reserves has strategic merit, subject to confirmation by updating of existing studies (post-Gateway Determination). It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Attachments

- 1 Planning Assessment Report Provided Under Separate Cover D14535498

Subject:	Request to Prepare a Planning Proposal for Land at 39 Dell Road, West Gosford
Author:	<AUTHORNAME>
Target Date:	25/05/2021

Moved: [Mr Dick Persson AM](#)

151/21 *Resolved*

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- 2 ***That Council forward the Planning Proposal to the Minister requesting a Gateway Determination.***
- 3 ***That Council request delegation from the Minister to finalise and make the draft Local Environmental Plan.***
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- 5 ***That Council prepare and exhibit a site-specific Development Control Plan Chapter (if required) to support the development of the land subject to this planning proposal.***
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