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17 April 2012

Gosford City Council

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The Regional Director
Hunter and Central Coast Region
Department of Planning and Infrastructure
PO Box 1148
GOSFORD NSW 2250

Dear Mr Leavey

Planning Proposal Lots 5/8 DP 270678, part Lots 1 and 4 DP 270678 and part SP 84324 Manns Road and Central Coast Highway West Gosford to allow bulky goods on part of the land
Your reference: PP_2012_GOFFOR_005_00 (12/03486)

I refer to the above matter and note that a Gateway Determination has been forwarded by the Department of Planning and Infrastructure (DoP&I) to Council dated 15 March 2012. The DoP&I's support for bulky goods premises on part of the land is noted, however the Determination requires that "Council is to zone the land appropriately to reflect the proposed commercial landuse and proceed with the planning proposal as a site rezoning". To achieve this, the land (or part thereof) would need to be rezoned to Business Special 3(b) under the Gosford Planning Scheme Ordinance. This would translate to a B5 Business Development zone under draft Local Environmental Plan 2009 (dLEP 2009).

It is noted that the overall Riverside development comprises of an area of approximately 18,000m² fronting the Central Coast Highway land zoned Business Special 3(b) and a further area of approximately 75,000m² fronting Manns Road zoned Industrial General 4(a). Under dLEP 2009 the 3(b) component is proposed to be zoned B5 and the 4(a) component proposed to be zoned IN1. The map attached shows current zonings, together with an area outlined in red upon which the bulky goods component is proposed (with industrial uses below part of this area), and the overall Riverside development site shown in blue grid hatching.

Council's support for the planning proposal was on the basis of the listing of bulky goods premises as an additional permitted use with a limitation on building floor area of 2,500m² (ie enabling provisions/Schedule 1 of dLEP 2009) whilst retaining the Industrial zoning over that part of the site. Development Application 40353 was approved by the Joint Regional Planning Panel on 15 December 2011 to facilitate the redevelopment of the 4(a) component of the site for demolition, relocation of services, hardware and building supplies (Woolworths Masters Home Improvement Centre), café, self storage facility and subdivision. These uses are compliant with the 4(a) zone and the value of the development is \$15,020,000, not including the bulky goods component.

Council's primary concern is to ensure that landuse planning outcomes support the revitalisation of Gosford Regional City Centre and, importantly, do not allow for uses that

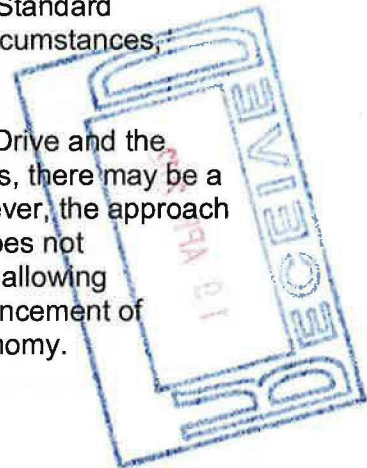


otherwise should be located in the City Centre. The Department's Determination that will result in a commercial zoning raises the following concerns:

- it is not possible to separately identify and zone an area to a business zone for the bulky goods component due to the location of overlapping building floor plates associated with proposed industrial uses (Gibbens Industries) and the bulky goods component. Gibbens Industries is proposed to be located on the lower ground floor area, below the bulky goods component;
- if it were possible to separate building floor plates/levels, the rezoning would result in approximately 30,000m² of land to be rezoned, when associated car parking and landscaping for the bulky goods component are included in the zoning. The rezoning to a business zone may have the effect of prohibiting the proposed industrial component of the development. The industrial component is fully supported by Council, as providing enhanced manufacturing and marketing opportunities of a key local industry (Gibbens Industries);
- The enabling provisions proposed by Council, whilst covering the whole of the 4(a) land, limit floor space for the bulky goods component to 12,500m² (consistent with an adjoining bulky goods development to north). Hence, the Determination would result in a significant increase in business zoned land (i.e. total of 30,000m²) than that envisaged by Council for specific use for bulky goods. This would have the effect of a substantial zoning of land for business development and also result in an irregular distribution of zoned business land. Once zoned for business purposes, Council would not be able to restrict uses to bulky goods alone, and there is significant potential for uses that would compromise the revitalisation efforts for Gosford Regional Centre.
- If industrial and bulky goods premises could be split through redesign of the development, once the land were rezoned, under the provisions of SEPP 22 (Shops and Commercial Premises), commercial uses could be changed to conventional retail uses that would further detract from opportunities within Gosford Regional Centre. The provisions of this SEPP have previously and will continue to undermine existing retail and commercial hierarchies established through zoning provisions and diminish the effectiveness of business zonings.
- Zoning as required by the Determination would further exacerbate issues associated with split zoned parcels of land, which is not supported by Council in this instance.

DoP&I's position in relation to the non use of enabling provisions/Schedule 1 of dLEP 2009 in this instance is of concern. This is particularly so, given that the Standard Instrument makes provision for this mechanism to be used in suitable circumstances, where a Council considers it appropriate.

It is noted that with significant intersection upgrading at Brisbane Water Drive and the Central Coast Highway at West Gosford by Roads and Maritime Services, there may be a need to review landuse zonings in this general area. In the interim, however, the approach proposed by Council is considered reasonable to ensure the proposal does not compromise revitalisation efforts in Gosford Regional City Centre, whilst allowing development that will contribute to local employment opportunities, enhancement of existing industrial activities and with substantial benefits to the local economy.



Given the issues raised with options proposed by the Gateway Determination as outlined above, it is considered reasonable that the bulky goods premises component of the Riverside proposal be progressed through enabling provisions and ultimately be listed in Schedule 1 of dLEP 2009

Thank you for the opportunity to raise these issues for further consideration by DoP&I.

Council thus requests that the matter be reconsidered by the Gateway and a new Determination made that appropriately reflects Council's intended outcomes for the planning proposal.

Yours faithfully



Colleen Worthy-Jennings
Director Environment & Planning

Map of overall Riverside Site and Zones

(red outline shows bulky goods component with industrial use located beneath, blue grid hatching shows the overall Riverside site)

