

Amendment to allow a bulky goods premises at Manns Rd/ Central Coast Hwy, West Gosford

Proposal Title : **Amendment to allow a bulky goods premises at Manns Rd/ Central Coast Hwy, West Gosford**

Proposal Summary : **The proposal seeks to allow a bulky goods premise to occur on land currently zoned 4(a) Industrial (General) in the Gosford Planning Scheme Ordinance. Council proposes that this would occur by way of an enabling clause which would include a limit on potential floor space of 12,500 m2.**

PP Number : **PP_2012_GOSFO_005_00**

Dop File No :

12/03486

Proposal Details

Date Planning : **21-Feb-2012**

LGA covered :

Gosford

Proposal Received :

Region : **Hunter**

RPA :

Gosford City Council

State Electorate : **GOSFORD**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **Manns Rd and Central Coast Hwy**

Suburb :

City : **West Gosford**

Postcode : **2250**

Land Parcel : **Lots 5-8 DP 270678; part lots 1, 4 DP 270678; part SP 84324**

DoP Planning Officer Contact Details

Contact Name : **Ben Holmes**

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RPA Contact Details

Contact Name : **Annie Medicott**

Contact Number : **0243258244**

Contact Email : **Annie.Medicott@gosford.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name :

N/A

Regional / Sub : **Central Coast Regional**

Consistent with Strategy :

No

Regional Strategy : **Strategy**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	7	No. of Dwellings (where relevant) :	0
Gross Floor Area :	12,500.00	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :

Lot and DP description:

Since submitting the PP, Council has confirmed that some errors exist in the lot and DP descriptions in the PP. The correct descriptions are Lots 5-8 DP 270678, Part Lot 1 DP 270678, Part Lot 4 DP 270678, Part of SP 84324. The correct descriptions are used throughout this report.

Existing development application (DA) and jobs:

Council has indicated that this proposal for a bulky goods premises forms part of a broader development of the site, consisting of hardware and building supplies, cafe and a self storage facility. A DA was approved by the Joint Regional Planning Panel on 15 December 2011 for these latter items, all being permissible within the existing 4(a) zone.

The DA applicant, Council advises, has indicated that 550 jobs would be created from the broader development. Presumably this includes the existing 130 jobs already on the site. It is not known however how many jobs could be directly attributed to this specific proposal.

Major Intersection Upgrade - Central Coast Highway/ Manns Road:

The RMS intend to upgrade this intersection which is situated in close proximity to the site (<150m). While the construction date is not known, DA approval has been granted for the works (Dec 2010). It is likely that this intersection may notably change the business/ industrial profile of land in this locality.

West Gosford Planning Review:

Council has indicated that it intends to undertake a planning review of the West Gosford centre in 2012/2013 focusing on the retail centre and adjoining residential lands. It is acknowledged by Council however that this review may need to be expanded to include the adjoining business/ industrial land in light of the RMS intersection upgrade. DP&I would support this given proposals like this PP and the changing nature of land use in this area.

Gosford Employment Lands Investigation 2010:

This study was undertaken by consultants on behalf of Council using Planning Reform Fund Round 6 funding. While LGA wide, it recommended that industrial zoned land be protected at West Gosford. In particular, it noted that bulky goods retailing should be prohibited from the industrial land, and that it should be limited to the existing B5 zoned land in the area. The study noted the intersection upgrade, recommending that Council

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maintain the existing industrial nature of the area. The study is used for information purposes by Council and DG endorsement of the study has not been sought.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives is considered generally consistent with the Department's "A guide to Preparing Local Environmental Plans". While a large part of the statement possibly relates to the justification for the approach taken, this added discussion may help the community better understand why an enabling clause is proposed.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is generally in accordance with the Department's "A guide to Preparing Local Environmental Plans".**

The explanation considers the possibility of amending either the existing GPSO or the Gosford comprehensive LEP.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands

SEPP No 19—Bushland in Urban Areas

SEPP No 22—Shops and Commercial Premises

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

SEPP (Major Projects) 2005

e) List any other
matters that need to
be considered :

N/A

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Council states the PP is inconsistent with s117 direction 1.1 Business and Industrial Zones, 4.4 Planning for Bushfire Protection and 6.3 Site Specific Provisions.

This is discussed further in the 'Consistency with Strategic Framework' section.

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided maps for information purposes for the proposal. They are generally considered adequate although they could be enlarged (to A4 size) so that they would be clearer for community consultation.

A locality map has been provided but it is specific to the immediate area of the site. A new locality map could be prepared so that community members could better identify the site within the context of the broader area (ie show the site within the context of the neighbouring Gosford and West Gosford centres). An aerial photo would also be helpful.

Given that the proposed comprehensive LEP zones are mentioned throughout the report, the relevant proposed zoning map for the site would also help the community to better understand the proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Consultation with the community is proposed but a time period has not been specified by Council. As the proposal could be considered routine, a 14 day community consultation period is recommended.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The proposal is adequate for progression to a Gateway Determination.

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation to Principal LEP :

Currently the site is proposed to be zoned IN1 General Industrial (ie the equivalent to Council's existing 4(a) Industrial (General) zone) which would not permit bulky goods premises. Land proposed to be zoned IN1 in the area does not have a SI control that limits floor space.

To address the permissibility of bulky goods premises, Council could either change the zone of the site to a zone that permits bulky goods premises; add bulky goods premises to the permitted uses of the IN1 zone; or use Schedule 1 additional permitted uses (or equivalent amendments to the GPSO). Council proposes the Schedule 1 option. Presumably Council intends to limit the floor space through Schedule 1 also, as no local clause or mapped FSR value is proposed. Possible zoning options are discussed below.

1. Change the zone to an alternative zone that permits bulky goods premises:
Of the SI zones available, B5 could be considered to be the most appropriate alternative zone for the site because it is oriented towards bulky goods premises. However, Council has expanded the permitted uses of the B5 zone to include commercial premises generally, possibly a result of translating its existing 3(b) Business (Special) zone to B5. Notwithstanding this, Council asserts that for business zones, SEPP 22 - Shops & Commercial Premises allows the conversion of one type of commercial premises (eg bulky

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goods) to another (eg shops). Given the above, Council's concern that potential offices/ retail etc could occur and undermine the centres of West Gosford (<500m) and the Gosford Regional City (<2km) could be considered reasonable.

In addition, Council notes the potential for precedent, highlighting that other industrial land owners may seek similar B5 rezonings. This could also be made more relevant by the intersection upgrade. Notwithstanding this, Council recognises that this site is relatively unique, being situated between business/ bulky goods premises to the south and north (note: the northern site retains an industrial zoning and has been developed through an enabling clause).

In light of the above, Council's assertion in the PP that further strategic planning in this locality may be needed is supported (refer to 'Internal Notes - West Gosford Planning Review' section for further discussion). On balance, rezoning the site to B5 (or 3(b) under the GPSO) could be supported were Council to expand its West Gosford Planning Review to consider whether the current zones (B5 and IN1) and permitted uses (eg offices/retail in B5) in this locality should be amended. While this approach would not address concerns regarding the site potentially being used for office/ retail development in the short term, it would allow the proposal to proceed while ensuring that the broader issue of suitable zones/ uses for the locality could be addressed.

2. Add bulky goods to the IN1 zone:

Council states that it does not support this option because it would undermine industrial lands within the LGA by allowing a non-industrial use. Council's Employment Land Investigation 2010 recommended that non-industrial uses be prohibited in the IN1 zone (refer 'Internal Notes - Employment Land Investigation' section for further discussion). While it is noted that the enabling clause approach would also allow a non-industrial use on industrial land, the enabling clause limits this to one site rather than many industrial sites across the LGA.

Council also asserts that the IN1 approach would be inconsistent with the Central Coast Regional Strategy action ie to ensure that bulky goods retailing is not located on industrial land but rather in nodes or centres. This is agreed, although it is noted that this area partly forms a bulky goods node already (given the adjoining bulky goods uses, and uses like the approved Masters Home Improvement Centre for this site and the nearby Bunnings).

3. Schedule 1 Additional permitted uses:

Using Schedule 1 (enabling clause under the GPSO) is Council's preferred approach. Like option 1, this approach could also be supported. The main benefit of this approach over the B5 approach would be that the site would not be able to potentially be used for office/ retail. Again, this suggests a need for the West Gosford Planning Review to be expanded to consider suitable land uses/zones in this locality. Overall, use of Schedule 1 is considered to be the best approach.

Floor space limit:

It is not clear why a building floor space limit in m2 is proposed rather than the SI's FSR limit approach. The Department's practice note 'PN 11-001 Preparing LEPs using the SI - standard clauses' allows development standards to be entered into Schedule 1 for specific sites. If this was to occur, a 'gross floor area' limit may be suitable for Council's purposes. If a FSR approach was to be taken then under the draft comprehensive LEP, B5 in the locality has an FSR of 1:1, while IN1 in the locality has no FSR limit. It is unclear however whether Council would support a FSR limit or either of these FSR values.

Assessment Criteria

Need for planning proposal :

As discussed earlier, Council has indicated that this proposal for a bulky goods premises forms part of a broader development proposed for the site, consisting of hardware and building supplies, cafe and a self storage facility. Council states that a DA for these latter components has been approved. This planning proposal now seeks to permit bulky goods premises so that the final component of the broader site proposal can potentially be

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developed.

The proposal would generate employment however this would potentially occur at the expense of industrial land. Having said this, given the uses already approved for the site combined with the bulky goods/ business premises on adjoining land to the north and south, it is considered that bulky goods may be a more appropriate (if not likely) use of this site. The site could also be considered to be well located for bulky goods, forming part of a cluster and being situated in close proximity to the Gosford Regional City which has limited opportunities for this type of use.

In light of the above, the need for the planning proposal is considered justified.

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Consistency with strategic planning framework :

Central Coast Regional Strategy:

While the proposal would help achieve employment targets, it is considered inconsistent because it would allow bulky goods premises on industrial land. This is further discussed in the s117 direction discussion below.

Gosford 2025 - Community Strategic Plan (Local Strategy):

Council asserts that the proposal is consistent with several of this high level plan's objectives relating to jobs and business growth. This is supported.

SEPPs:

SEPP 14 Coastal Wetlands - If the proposal was at the DA stage it may trigger SEPP 14 designated development/ DP&I concurrence requirements as part of the site is identified as SEPP 14 wetland. This said, DP&I and Council are aware of inconsistencies between the mapped wetlands and actual site conditions, which suggest that SEPP14 boundaries for this site need to be reviewed. However, given that the proposal is at the PP stage and not the DA stage, the PP is considered consistent with this SEPP at this time.

SEPP 19 Bushland in Urban Areas - Requires Council to give priority to retaining urban bushland. A nature reserve adjoins the site. Council highlights that this proposal would not result in any additional disturbance beyond that already possible under the existing industrial zoning. Further, based on Council's 'Significant Vegetation' map in the PP, the majority of the bushland sits outside the site. The PP is not considered inconsistent with this SEPP.

SEPP 22 Shops and Commercial Premises - As mentioned under the 'Comments in relation to principal LEP', for business zones this SEPP allows the conversion of one type of commercial premises (eg bulky goods) to another (eg shops). If the zoning of the site was to change to a business zone then this SEPP could apply at the DA stage.

SEPP 44 Koala Habitat Protection - Council mentions this SEPP in the 'Environmental Impacts' section of the PP, concluding that the PP is consistent with the SEPP. This is supported.

SEPP 55 Remediation of Land - Council states that its records do not identify the site to be or potentially be contaminated, highlighting also that the PP would only permit an additional use on a site that already permits industrial. Council concludes that the PP is not inconsistent with the SEPP. This is supported.

SEPP 71 Coastal Protection - Requires Council to consider a range of matters for development in the coastal zone. The PP is consistent with this SEPP at this time but it would be further addressed as part of a DA.

Council has also considered the SEPP (Major Development) 2005 and the draft SEPP (Competition) 2010. The Major Development SEPP may be relevant at DA stage, it is not relevant at the PP stage. The draft Competition SEPP has not been gazetted and so does not require consideration at this time.

s.117 Directions:

The PP is considered consistent with the relevant s117 directions, except the following directions.

1.1 Business and Industrial Zones - Irrespective of the zoning option, the proposal would permit a bulky goods premises to be developed on land that is currently industrial. This is considered inconsistent with the intent of this direction. As proposed by Council, the loss of land would equate to around 12,500 m². However, based on Council's Employment Land Investigation, this amount would be relatively minor, with near 128 ha of zoned industrial land yet to be developed and demand predicted at near 5-8 ha a year (2010-2036). In view of this, the DG could agree that inconsistency with this direction is of minor significance.

4.4 Planning for Bushfire Protection - As the PP will affect land that is bushfire prone,

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consultation with the RFS would need to occur before consistency with this direction can be determined.

5.1 Implementation of Regional Strategies - Council asserts that by using an enabling clause the PP is consistent with this direction. Ultimately however the PP would allow bulky goods on industrial land and this would be contrary to a specific Strategy action (to ensure that bulky goods retailing is not located on industrial land but rather in nodes or centres). However, the DG could agree that the inconsistency is of minor significance given that 1. this locality could be considered to partly be a node already (noting - adjoining bulky goods uses, uses like the approved Masters Home Improvement and nearby Bunnings); 2. it is in a good location relative to the Gosford Regional City which has limited bulky goods opportunities; and 3. that it relates to a specific site only.

6.3 Site Specific Provisions - The PP would impose a site specific floor space limit and so would be inconsistent with this direction. Council suggests that the limit is of minor significance and justified on the basis that it would help ensure that the industrial uses on the site are retained. Given that Council intends to retain the existing industrial zone (which under the draft comprehensive LEP has no floor space limit) but permit a commercial use (which would be subject to a FSR limit under a draft comprehensive LEP business zone), the inclusion of the limit proposed by Council is considered justified and of minor significance. As such, the DG could agree to the PP's inconsistency with this direction.

Environmental social
economic impacts :

As the land has been used for industrial purposes and consists of large areas of hard stand, it is unlikely that permitting a bulky goods premises would result in any additional adverse environmental impacts beyond what is already permitted on the site.

As discussed earlier, the proposal would potentially create additional jobs which would have positive economic and social impacts.

Given the major intersection upgrade of the Central Coast Highway and Manns Road nearby, the RMS should be consulted.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**
Transport for NSW - Roads and Maritime Services

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

N/A

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council_Cover_Letter.pdf	Proposal Covering Letter	Yes
Council_Report.pdf	Proposal	Yes
Council_Resolution.pdf	Proposal	Yes
Planning_Proposal.pdf	Proposal	Yes
Correct_Property_Description_Map.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information :

It is suggested that the following conditions could be applied to correct for errors and to make the PP easier to understand:

- amend the lot and DP descriptions in the PP (and supporting map references) so that the correct property descriptions are used: Lots 5-8 DP 270678, Part Lot 1 DP 270678, Part Lot 4 DP 270678, Part of SP 84324;
- supporting maps provided with the PP be enlarged to A4 size;
- a new locality map and aerial photo be prepared which shows the site within the context of the neighbouring Gosford and West Gosford centres; and
- a zone map of the draft comprehensive LEP which shows the proposed zones for the site.

It is suggested that the following conditions could be applied in order to progress the PP:

- consult with the RFS per s117 Direction 4.4;
- consult with the RMS (regarding traffic impacts in the context of the proposed Central Coast Highway/ Manns Road intersection upgrade);
- 14 days community consultation;
- 6 month timeframe.

It is recommended that the DG agree that inconsistencies with s117 directions 5.1 and 6.3 are of minor significance.

It is recommended that the Gateway letter encourage Council to broaden its West Gosford Review so that it considers appropriate zones/ uses for the West Gosford locality, with the view to a LEP amendment resulting from the review, if warranted.

Supporting Reasons :

- Lot and DP errors need to be amended.

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- Changes to the maps would help the community to understand the PP.
- New definition is to remove a similar definition in the GPSO which would become redundant anyway with the comprehensive LEP
- the PP is inconsistent with 117 direction 4.4 at this time
- RMS consultation should occur due to major RMS works adjoining site
- 14 day consultation and 6 month timeframe because the PP could be considered routine/ low impact
- the PP is inconsistent with s117 directions 5.1 and 6.3
- discussion on the West Gosford Planning Review is discussed under the 'Internal Notes - West Gosford Planning Review' and 'Comments in relation to Principal LEP' sections of this report.

Signature:



Printed Name:

GARRY HOPKINS Date: 2 MARCH 2012