
**TITLE PLANNING PROPOSAL DRIVER SKILLS TRAINING FACILITY LOT
422 DP 40341 REEVES RD SOMERSBY (IR6802864)**

Directorate: Environment and Planning
Business Unit: Integrated Planning

BACKGROUND

Consideration of a Planning Proposal (previously a Proposed Draft Local Environmental Plan) pursuant to Section 55 of the *Environmental Planning & Assessment Act, 1979* (State), of whether to proceed with the process by forwarding the Planning Proposal to the Department of Planning for a gateway determination under Section 56 of the EP&A Act.

Note: Amendments to the plan-making process contained in the EP&A Act came into force on 1 July 2009 and were outlined to Councillors in the Mayor's Monthly Overview for July 2009. This report and associated recommendation as well as the required Planning Proposal (see Attachment A), have been prepared in accordance with these changes.

REPORT

The subject site, being Lot 422 DP 40341, Reeves Road, Somersby, is zoned Zone No 7(b) Conservation and Scenic Protection (Scenic Protection) under Interim Development Order No 122 - Gosford.

The Planning Proposal is for the establishment of a driver skills training facility on Lot 422 DP 40341 Reeves Road, Somersby. The training facility is proposed to provide for straight line driving skills, a skid pad for more advanced training, a motorcycle training area and a NSW Fire Brigade hot training area. Also provided are an administration building, classrooms, workshop and amenities. A mix of practical and theoretical lessons is expected to deliver the type of actual on-road safety skills that underpin pro-active, responsible driving. The types of training programs offered are anticipated to be:

- defensive driving (beginner and advanced)
- learner driving
- P-plate driving
- young driver development
- driver assessment and coaching

It is anticipated that apart from normal training provided by the proposed Somersby Driver Skills Training Facility, it can be leased/hired by other organisations (eg NSW Fire Brigade) to carry out demonstrations and training with their specialised vehicles.

The driver skills training facility is considered to be a use that does not fit into a landuse definition that is permissible in the 7(b) zone, nor does it fit neatly under any definition in IDO No 122. Hence the Planning Proposal is for an enabling clause to be inserted into IDO No 122 to allow the use on the subject site only.

Land Description and Relationship to Surrounding Landuses

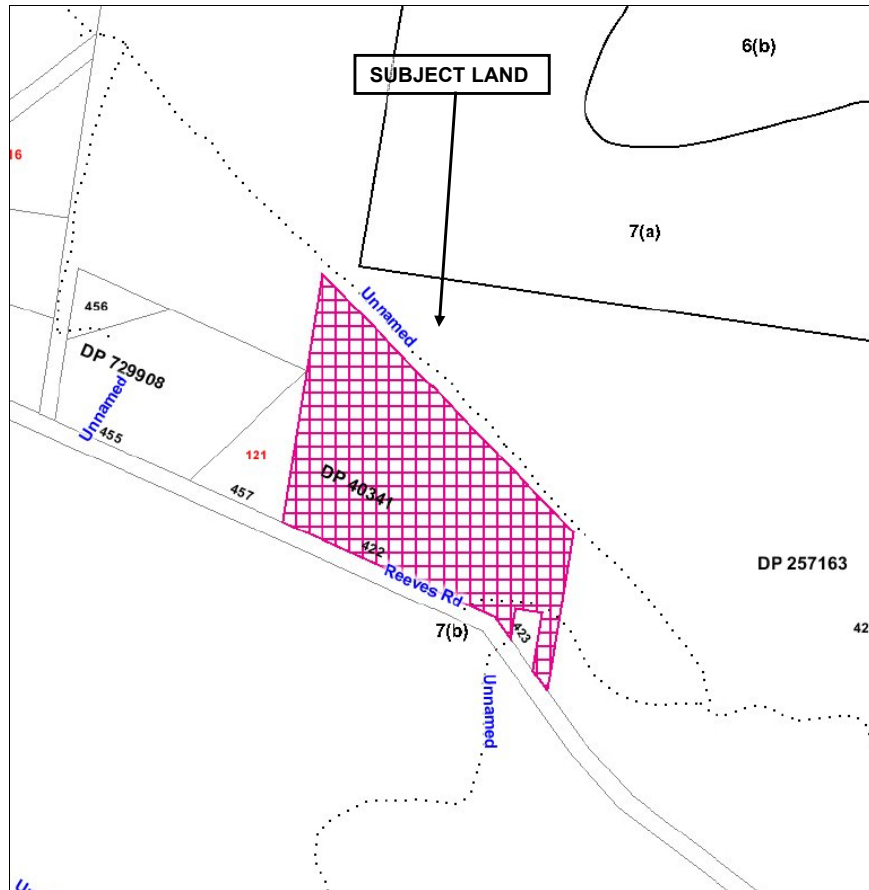
The subject site is located on the northern side of Reeves Road, Somersby. The lot has a 295m frontage to Reeves Road and is between 292m and 166m wide. The lot area is 7.016 hectares.

The land falls to the north at an approximate gradient of 9%. The interior of the site is generally cleared with original vegetation remaining around the perimeter of the site.

The land is owned by the Land and Property Management Authority (previously the Department of Lands) and is identified as being the subject of a Crown Lease. All land abutting the subject lot, as well as the land directly across Reeves Road, is either Crown Reserve or other Crown Land.

LOCALITY: SOMERSBY

**PLANNING PROPOSAL IN RESPECT OF LOT 422 DP 40341 REEVES ROAD SOMERSBY
LAND IS ZONED 7(B) CONSERVATION AND SCENIC PROTECTION (SCENIC
PROTECTION) UNDER INTERIM DEVELOPMENT ORDER NO. 122 - GOSFORD**



Historical Overview

The establishment of a Driver Skills Training Facility on the Central Coast has been an item on different group's agendas since the early 2000s. As a result of this interest and its inclusion on

economic development strategies some meetings were held with various Government Departments and other stakeholders to consider its possible development and actions necessary to investigate its feasibility.

In 2002 a discussion paper was prepared by the Department of State and Regional Development following which it was agreed to investigate possible sites on the Central Coast for the establishment of a driver training facility.

Council's records indicate that by September 2005, Lot 422 DP 43041 Reeves Road was identified as the site on which the Driver Skills Training Facility should be established. A concept plan was then developed in conjunction with the NRMA and Transport Industries Skills Centre.

Council was advised of this and the actions required to be undertaken in a report dated 4 April 2006. Council resolved in part:

A *The information be noted and Council express its support for such a facility.*

In order to assist in the future assessment of the project the following studies were completed in 2007:

Aboriginal Archaeological and Cultural Heritage Assessment
Threatened Species Assessment
Traffic Impact Assessment
Noise Impact Assessment

Council considered leasing and funding options in a report dated 6 November 2007. At this meeting it was determined that, Council, as the head lessee of this Crown Land, undertake development of the project and seek, through expressions of interest, a private partner under a Build, Own, Operate, Transfer (BOOT) arrangement under the *Local Government Act, 1993*.

In July 2008 the then Department of Lands advised Council that "...the Department would take the lead role in managing the call for expressions of interest, call for detailed proposal and subsequent contractual arrangements for the proposed driver training facility...". The change in the approach of the Department reflected a new strategic direction within the Department whilst allowing it to proceed more effectively through the process under the *Crown Lands Act*. This arrangement was seen as delivering development on the property in a more expeditious manner than were Council to proceed through the BOOT arrangement as previously intended. Council was advised of this situation at the Council meeting of 2 September 2008.

ASSESSMENT

Zoning Issues

It was considered whether the Driver Skills Training Facility could fit into the definitions of landuses permitted in the 7(b) zone. Two possibilities were a "recreation and sporting facility" and an "education establishment". The definitions in IDO No 122 are set out below.

"Recreation and sporting facility means as a building or place used for sport or recreation, but does not include anything elsewhere defined in this Order."

"Educational establishment means a building or place used for teaching and learning comprising:

- (a) a kindergarten, preschool, primary school or high school, or

- (b) a tertiary institution which is constituted by or under an Act, being a university, teachers college, technical college or other tertiary college providing formal education; or
- (c) an art gallery or museum that is not used to see the items it displays."

Once the site was selected by the Land and Property Management Authority, the permissibility of the use within the 7(b) zone was raised as an issue by Council. At a meeting on 2 September 2005 Council staff advised that the land parcel would have to be rezoned to allow the driver skills training facility due to the commercial nature of the activity.

The Land and Property Management Authority was advised on 17 April 2009 that the proposed use would not fall under the definition of "educational establishment".

On 6 May 2009 the Land and Property Management Authority was advised that provided the use complied with the definition of a "recreation and sporting facility" then it may be permitted in the 7(b) zone. This matter was further discussed at a meeting between the Land and Property Management Authority and Council on 12 May 2009. There was general agreement that this definition would most likely not accurately describe the principal use of the facility as the predominant use would not be for recreational driving.

It was agreed at this meeting that the most suitable way of advancing the project may be for it to be identified as a project of State Significance, and for the Land and Property Management Authority to approach the Department of Premier and Cabinet in relation to furthering this. Projects of State Significance can occur regardless of the zoning restrictions or landuse permissibility and the Minister is the consent authority. However this approach turned out to be unsuccessful.

Given that the proposed use is a unique use and therefore difficult to define, it appears that it falls into neither "recreation and sporting facility" nor "educational establishment" and therefore cannot be considered for approval under the 7(b) zone as the use is not included in the zoning table and is therefore not permissible.

Enabling clauses in planning instruments provide for such unusual and unique uses. It is important that such an enabling clause establishes an appropriate balance between being sufficiently specific to only cover the Driver Skills Training Facility whilst being sufficiently flexible to accommodate all elements of its design. Such an enabling clause would have to be inserted into the current planning instrument applying to the subject land which is IDO No 122.

Under the new planning procedures all Planning Proposals are sent to the Department of Planning where, through a gateway process the Minister (or delegate) determines whether or not to proceed with the proposal. The Regional Office has advised that as part of this process the gateway will be able to advise Council as to the correct procedure, given the status of the Draft Gosford LEP 2009, if it is to be supported for further processing.

Under the proposed Draft Gosford LEP 2009, for which Council is awaiting certification to allow public exhibition, the subject land is proposed to be zoned RU2 - Rural Landscape. "Educational establishments" are not permitted in the proposed RU2 zone. It is proposed to permit "recreation facility (outdoor)" in this zone, which is defined as:

"a building or place (other than a recreation area) used predominately for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation

(including ancillary buildings) but does not include an entertainment facility or a recreation facility (major)".

Even after gazettal of this LEP the Driver Skills Training Facility is unlikely fit within this definition as it is not a use that is predominately for outdoor recreation of a like character to the uses listed.

Schedule 1 (equivalent to the current enabling clause provisions) of the proposed Draft Gosford LEP 2009 provides for unusual and unique uses and therefore it may be possible, should the Department of Planning choose, for this lot to be added that Schedule.

State Environmental Planning Policy (Infrastructure) 2007

Educational Establishment

Each development outlined and permissible in the SEPP is restricted to certain or "prescribed" zones. In this instance, the RU2 zone is a prescribed zone under the SEPP and the 7(b) zone is an equivalent zone to the RU2 zone.

The provisions of SEPP (Infrastructure) 2007 need to be considered as to their applicability. The SEPP defines "educational establishment" as:

"Educational establishment means a building or place used for education (including teaching), being:

- (a) a school; or
- (b) a tertiary institution, including a university, or a TAFE establishment that provides formal education and is constituted by or under an Act"

A "school" is defined in the Standard Instrument LEP (template) as:

"school means a government school or non-government school within the meaning of the Education Act 1990".

The Education Act 1990 defines government school or non-government schools as:

"government school means a school established under this Act by the Minister", and
"non-government school means a registered non-government school".

In light of the above definitions the proposed Driver Skills Training Facility could not be considered to be an "educational establishment" under the SEPP.

Road Infrastructure Facilities

Road infrastructure facilities include "RTA road safety training facilities". Road infrastructure facilities may be carried out by or on behalf of a public authority without consent on any land (refer clauses 93 and 49 of the SEPP). Although the facility is being carried out on behalf of the Land and Property Management Authority, it is will be operated by a commercial operator and is not an RTA facility. As such, the proposal could not be undertaken under the provisions of this part of the SEPP.

Environmental Impacts

Four studies have been undertaken to assess the impact of the proposed development on aboriginal heritage, flora and fauna, traffic in the locality and noise levels. The conclusions and recommendations of these reports are set out below.

Aboriginal Archaeological and Cultural Heritage Assessment

The following recommendations are made in relation to the proposed construction of the Driving Skills Training Facility. Impacts to Aboriginal heritage should be minimised and/or mitigated whenever possible and the following recommendations have been prepared with this in mind.

Recommendation 1:

Aboriginal site on adjoining Lot 423 DP 40341 will be registered on the Aboriginal Heritage Information Management System (AHIMS) database. A Site Card will be submitted to the Department of Environment Climate Change and Water (DECCW) with information and site descriptions so they can be entered onto the AHIMS database.

Recommendation 2: Conservation Area

The landscape values, spatial relationships and interconnectedness of surrounding archaeological sites to the study area should be retained. To this end, a conservation area running along the northern perimeter of the site and the vegetated sections of the eastern portion of the site, which includes Lot 423 DP 40341, has been delineated as a 'no go' zone. By retaining a natural corridor from the northern end of the site to the southern end a visual and spatial connection between surrounding sites and Lot 423 is retained. The conservation area should be fenced off with safety fence (para web) prior to construction and all contractors made aware of this area as a 'no-go' zone.

Recommendation 3: Community Consultation

Prior to any development taking place Council should meet with the registered Aboriginal stakeholders in order to prepare a Cultural Heritage Management Plan and/or Memorandum of Understanding for the study area to ensure the long term preservation and protection of the identified cultural heritage values.

Recommendation 4: Aboriginal Stop Work Provision

The *NSW National Parks and Wildlife Act 1974* requires that in the event of Aboriginal cultural fabric or deposits being encountered, works must cease immediately to allow an archaeologist to make an assessment of the find. The archaeologist will then need to consult with DECCW and Aboriginal stakeholders who have registered an interest in this project to determine whether mitigating measures are required.

Threatened Species Assessment

A flora and fauna survey was undertaken over Lot 422 in DP 40341 Reeves Road Somersby. Three 'threatened' microbat species, the Greater Broad-nosed Bat, the Common Bent-wing Bat and the Little Bent-wing Bat were recorded foraging over the subject site and one 'threatened' plant species *Hibbertia procumbens* was found near the detention pond. The habitat of this plant species and the microbat foraging habitat will be lost permanently on this site should the development occur. *Hibbertia procumbens* can be recovered by growing cuttings in a landscape theme. Weeds will be ever present given the nature of the site and will need to be addressed at the post construction stage.

It is recommended that:-

- *Hibbertia procumbens* be propagated by a local nursery and re-introduced to the Subject Site along the road reserve.
- The road reserve vegetation be protected and liaison take place with Energy Australia and Council staff to consider bundling of overhead cables and avoid major pruning of vegetation.

- Weed management become part of the program at the post construction stage and a Weed Management Plan be prepared to address weed species, exotic vines and scramblers and perennial grasses.

Traffic Impact Assessment

This report investigates the traffic and transport impacts of the proposal to build a Driver Training Facility on Lot 422 DP 40341, Reeves Street. The work is required to support the application to Gosford City Council for the proposal.

The following conclusions are drawn from the investigations:

1. The site proposed for the Driver Training Facility on Reeves Street in Somersby currently generates no traffic, is in an extremely low traffic area. Access to the site will be via two new access points on Reeves Street with parking provided on site for the future users and staff.
2. The local road network in the immediate vicinity of the site comprises all local rural roads, with very low traffic volumes noted during the traffic surveys. The main access route to the site is via Wisemans Ferry Road to the south and the F3 Sydney to Newcastle Freeway.
3. The intersections of Wisemans Ferry Road and Gindurra Road, and Debenham Road North/ Bimbil Rd/Reeves Street were surveyed and observed as operating well within capacity limits. Both intersections perform well with minimal delays for road users.
4. Traffic flows associated with the development have been determined based on an assumed turnover of the parking provision on site, as the RTA Guide does not provide any details for this type of development. It has been assumed that the peak hour flows associated with the proposed development would be in the order of 120 vehicles per hour as a worst case scenario, split equally between inbound and outbound numbers. Additional data provided by the proponent indicates the flows could be much lower. Observations of generation at a comparable facility have been reported at levels of 30 vehicles per hour access the site, or half of the assumed flows above.
5. The proposed Driver Training Facility could be expected to generate in the order of 600 vehicle trips per day as a worst case scenario. 90% or more of these can be expected to travel south on Debenham Road North or Bimbil Road to Wisemans Ferry Road. This level of generated traffic can be accommodated on the existing road network with minor road improvements at the junction of Debenham Road North and Reeves Street the only immediate works required.
6. An alternate route is available via Bimbil Road from Wisemans Ferry Road, but the current width is below standard (approximately 4.0 metres) and therefore widening to an acceptable standard (6.0 metres) would be required to use this route for access to the subject site to accommodate the additional traffic flows.
7. It is considered that the five-way intersection of Reeves Street, Debenham Road North, Bimbil Street and Wirrinda Road will require upgrading, to improve the existing road safety concerns. It is recommended that the tree on the south-eastern corner of the intersection is removed to improve visibility, whilst the vegetation on all approaches is regularly maintained to improve sight lines for drivers approaching the intersection. Work should also include improved road markings, upgraded signs and possibly street lighting.
8. Directional Signage should also be installed from the Kariong intersection on the F3 Sydney to Newcastle Freeway, and at the roundabout controlled intersection with Gindurra Road.

The adopted access route should then be sign posted from this point at any intermediate intersection points. Signage will also be required for traffic approaching the subject site from the north on Wisemans Ferry Road.

9. The western access to the site should be restricted to exit movements only with entry movements via the eastern access. Adequate advance warning and on-site signage should reinforce this restricted access and egress choice. The length of Reeves Street adjacent to the entry should be upgrade with kerb and gutter as well as localised widening. Vegetation on Reeves Street should also be regularly maintained adjacent to the access points to ensure visibility splays are maintained.

The overall conclusion is that, with the upgrades outlined above, the adjacent local road network will continue to operate safely and within capacity when the proposed Somersby Driver Training Facility is operational.

Noise Impact Assessment

A noise impact assessment (NIA) for the proposed Driver Training Facility at Lot 422, Reeves Street, Somersby, NSW was carried out. The objective of the NIA was to identify potential noise impacts due to operation of the proposed development on the surrounding residential receivers.

Without noise mitigation measures in place, residents on Goldsmith Road, approximately 414m west of the proposed Driver Training Facility at Somersby will experience noise levels which exceed the relevant noise criteria. Therefore, the following noise mitigation measures were incorporated into the computerised noise model for the subject site:

A 1.8m high solid fence along the western boundary of the Driver Training Facility.

Noise emission levels for Scenario 1 'Cars and Motorcycles' and Scenario 2 'Heavy Vehicles' at the proposed Driver Training Facility are predicted to meet the project specific noise criteria during all proposed periods of operation with the recommended noise mitigation in place.

The road traffic noise assessment results in Table 12 show that predicted overall road traffic noise levels at the nearest residential receiver, Lot 8 Goldsmith Road will be 45 dBA LAeq(1hour) when the Driver Training Facility is operational. This is well below the acceptable road traffic noise criteria of 55 dBA LAeq(1hour).

Planning Proposal and Gateway Determination

Should Council support the Planning Proposal it will be forwarded to the Department of Planning for assessment. The Department will then forward the Planning Proposal and its recommendation to the LEP Panel. The LEP Panel will consider the Planning Proposal and the Department's recommendation before making its own recommendation to the Minister for a gateway determination. Should the Minister (or delegate) support the Planning Proposal proceeding directions would be given to Council regarding any changes to the Planning Proposal, studies to be carried out, state and federal authorities to be consulted, community consultation required and timing.

State Support for the Proposed Use

Letters have been sent to the Land and Property Management Authority and the Department of Premier and Cabinet seeking written confirmation of their support for the proposed planning process being undertaken (ie enabling clause). Such letters may be of benefit to the progress of the Planning Proposal through the Department of Planning. When these letters of support have been received the Planning Proposal will be forwarded to the Department of Planning.

CONCLUSION

The proposed driver skills training facility does not fit into the definitions of landuses permitted in the 7(b) zone applicable to the subject site nor into any definitions within IDO No 122. Due to the uniqueness of the proposed landuse it is considered that the most appropriate solution to allow this use to be considered is to insert an enabling clause into IDO No 122.

The proposed Driver Skills Training Facility is considered suitable for the site provided the issues raised in the completed Impact Assessment reports are addressed. As the land is bushfire prone it is noted that a Bushfire Hazard Assessment will have to be undertaken in future, should the gateway process determine that the proposal can proceed.

Attachments: A Planning Proposal

Tabled Items: Nil

FINANCIAL IMPACT STATEMENT

The direct cost to Council is the preparation of the Planning Proposal. As the Land and Property Management Authority is now to co-ordinate the development of the site under the Crown Lands Act there will be no impact on Council's financial position.

RECOMMENDATION

- A That Council resolve to forward the attached Planning Proposal to the Minister for Planning in order to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

ATTACHMENT A

PLANNING PROPOSAL**GOSFORD CITY COUNCIL**

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department of Planning's *A Guide to Preparing Planning Proposals*.

A gateway determination under Section 56 of the EP&A Act is requested.

Part 1 Objectives or Intended Outcomes

The objective of the Planning Proposal is to allow Lot 422 DP 40341 Reeves Road, Somersby to be used for a Driver Skills Training Facility. This facility will be used to enhance drivers' skills whether they be learners, P-platers or experienced drivers wishing to undertake advanced training. The outcome should be drivers better able to handle dangerous situations that occur on the roads, thus reducing the unnecessary road toll and injury.

Part 2 Explanation of Provisions

The objective of the Planning Proposal shall be achieved through the provision of a site specific provision (ie enabling clause) in Interim Development Order No 122 - Gosford. The site specific provision will permit the subject site to be used for a Driver Skills Training Facility. The likely wording of the site specific provisions is set out below.

1 Subject Land

This clause applies to Lot 422 DP 40341, Reeves Road, Somersby.

Explanation: The provision states the legal description of the land and ensures that the site to which the provisions apply can be identified.

2 Objective

The objective of the proposed planning instrument is to permit a driver skills training facility and ancillary buildings on the subject land.

Explanation: This provision states the objective of the planning instrument as it applies to the use of the subject land.

3 Permissible Development

Despite any other provision of this Order a person may with the consent of Council use the land for the purposes of a driver skills training facility and associated buildings, including but not restricted to, classrooms, administration, workshop and amenities.

Explanation: This provision allows for the driver skills training centre to be a permissible use on the subject land. This use is additional to those uses already listed as permissible on the land.

Part 3 Justification**Section A Need for the Planning Proposal**

1 Is the Planning Proposal a result of any strategic study or report?

No. The Planning Proposal is for a unique development that is unable to be planned for in any strategy or planning instrument. It represents the one-off development that enabling clauses were devised to satisfy.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the Planning Proposal is the best means of achieving the objective of establishing a driver skills training centre on the subject site. The use is such that it would rarely occur in the State, and certainly would occur only once in a local government area, hence it is not a use that could be planned for in a zone applying across a large area, nor as a special use zone.

3 Is there a net community benefit?

It is considered that allowing the proposed driver skills training centre on the subject site will benefit the community by providing a facility that enhances driver skills. Given the number of injuries and deaths caused by driver error or inexperience the provision of a facility which teaches drivers the correct way to react in emergencies will be of great benefit to the community as a whole. Such a service on the Central Coast will satisfy both local and regional needs.

The Planning Proposal is compatible with surrounding land uses. Crown Land adjoins all boundaries of the subject lot. One of these Crown lots to the west accommodates the RSPCA pound with the nearest structure being 120m from the subject property boundary. It is not known whether the RSPCA compound incorporates workers' accommodation on-site.

The nearest private dwellings to the subject site are located 400 to 490m to the west in Goldsmiths Road. The findings of the Noise Impact Assessment found that a 1.8m high solid fence along the western boundary of the driver skills training centre would be required to mitigate the noise generated from the site. There are dwellings in Dawson Street to the east of the subject land but they are between 610 m and 705 m distant. The Noise Impact Assessment considered this to be sufficient distance from the facility to not require any noise amelioration measures.

The existing road network is able to service the additional traffic generated by the proposed development subject to some improvement works. The Traffic Impact Assessment identified that Bimbil Road is required to be widened and the 5-way intersection of Reeves Road / Debenham Road North / Bimbil Road / Wirrinda Road is required to be upgraded to improve safety.

The proposal will not have any major environmental impacts. The Flora and Fauna Impact Assessment identified a 'threatened' plant species *Hibbertia procumbens* near the existing detention pond on the site. The habitat of this plant species will be lost however it can be recovered by growing cuttings in a landscape theme elsewhere on the site.

This site specific planning provision will not create a precedent or change expectations of nearby landowners as the proposed use is not common to a locality but is unique to a whole region. There will not be another facility such as this on the Central Coast.

Section B Relationship to Strategic Planning Framework

4 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The Central Coast Regional Strategy applies to the subject site. The Planning Proposal is not explicitly inconsistent with the outcomes or actions of the regional strategy. The driver skills training facility is a unique development which is unable to be specifically planned for in any regional strategy. The impetus for the development of such a facility does not originate in strategic landuse planning but in traffic safety and social welfare.

5 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The draft Gosford Community Strategic Plan 2031 does not specifically address the establishment of a driver skills training centre in the local government area. Such a facility is a unique development which is unable to be specifically planned for in any broad strategic plan. It represents a one-off development that enabling clauses in planning instruments were devised to satisfy.

6 Is the Planning Proposal consistent with applicable state environmental planning policies?

There are no SEPPs applicable to this Planning Proposal.

7 Is the Planning Proposal consistent with applicable Ministerial Directions (S.117 Directions)?

The Planning Proposal is consistent with the applicable Section 117 Directions. The applicable Directions are discussed below.

Direction 1.2 Rural Zones

This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone.

The subject site is currently zoned 7(b) Conservation and Scenic Protection (Scenic Protection) under Interim Development Order No 122 - Gosford, however under the proposed Draft Gosford LEP 2009 it is proposed to be zoned RU2 - Rural Landscape.

The Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

The Planning Proposal seeks to retain the parent zone and add an enabling clause applying to the subject land which permits a driver skills training facility and ancillary buildings.

A Planning Proposal must not contain provisions that will increase the permissible density of land within a rural zone.

The Planning Proposal seeks to retain the parent zone and add an enabling clause applying to the subject land which permits a driver skills training centre and ancillary buildings. It will not contain provisions that alter the density of development permissible under the planning instrument.

Direction 2.1 Environment Protection Zones

A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

The subject land is not within an identified environmentally sensitive area.

A Planning Proposal that applies to land within an environmental protection zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

The Planning Proposal seeks to retain the parent zone and add an enabling clause applying to the subject land which permits a driver skills training centre and ancillary buildings. As the zone is not being altered it will not reduce environmental protection standards applicable to the zone.

Direction 2.3 Heritage Conservation

A Planning Proposal must contain provisions that facilitate the conservation of:

- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

The Aboriginal Archaeological and Cultural Heritage Assessment report identified that landscape values, spatial relationships and interconnectedness of surrounding archaeological sites to the study area should be maintained. To this end, a conservation area running along the northern perimeter of the site and the vegetated sections of the eastern portion of the site has been identified as an area of no disturbance. By retaining a natural corridor along the full length of the eastern boundary a visual and spatial connection between surrounding sites and the aboriginal site on adjoining Lot 423 DP 40341 will be retained.

Direction 4.4 Planning for Bushfire Protection

In the preparation of a Planning Proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.

A Planning Proposal must:

- (a) have regard to Planning for Bushfire Protection 2006,*
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.*

A Planning Proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (a) *provide an Asset Protection Zone (APZ) incorporating at a minimum:*
 - (i) *an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*
 - (ii) *an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*
- (b) *for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the Planning Proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*
- (c) *contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*
- (d) *contain provisions for adequate water supply for firefighting purposes,*
- (e) *minimise the perimeter of the area of land interfacing the hazard which may be developed,*
- (f) *introduce controls on the placement of combustible materials in the Inner Protection Area.*

The subject site is identified as bushfire prone land. A Bushfire Hazard Assessment will need to be undertaken upon receipt of the gateway determination in order for it to be sent to the Rural Fire Service for comment.

Direction 5.1 Implementation of Regional Strategies

Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.

The Central Coast Regional Strategy applies to the subject site. The Planning Proposal is not explicitly inconsistent with the outcomes or actions of the regional strategy. The driver skills training centre is a unique development which is unable to be specifically planned for in any regional strategy.

Direction 6.2 Reserving Land for Public Purposes

A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

The subject land is owned by the Crown and it is the Land and Property Management Authority that has initiated the process of identifying the most satisfactory site for the proposed driver skills training centre and therefore supports the Planning Proposal. Even so, a formal approval from the Land and Property Management Authority will have to be sought as part of the Planning Proposal process.

Direction 6.3 Site Specific Provisions

A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- (a) *allow that land use to be carried out in the zone the land is situated on, or*

- (b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- (c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The Planning Proposal seeks to amend IDO No 122 by inserting a site specific provision to permit the subject site to be used for a driver skills training facility. No development standards or requirements in addition to those already contained in the IDO will be imposed.

A Planning Proposal must not contain or refer to drawings that show details of the development proposal.

The Planning Proposal does not contain or refer to drawings/concept plans that show details of the proposed development.

Section C Environmental, Social and Economic Impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Flora and Fauna Impact Assessment identified a 'threatened' plant species *Hibbertia procumbens* near the existing detention pond on the site. The habitat of this plant species will be lost on this site if developed however the report recommended that it can be recovered by growing cuttings in a landscape theme elsewhere on the site.

9 How has the Planning Proposal adequately addressed any social and economic effects?

It is considered that allowing the proposed driver skills training facility will have a social benefit. The intention of the facility is to provide a venue that will enhance driver skills by teaching drivers the correct way to react in emergencies. The effect envisaged is to reduce road accidents and resultant injuries which will reduce costs to the NSW health system and reduce the incidence of emotional and physical trauma to community members.

Section D State and Commonwealth Interests

11 Is there adequate public infrastructure for the Planning Proposal?

The existing road network is able to service the additional traffic generated by the proposed development subject some improvement works. The Traffic Impact Assessment identified that Bimbil Road is required to be widened and the 5-way intersection of Reeves Road / Debenham Road North / Bimbil Road / Wirrinda Road is required to be upgraded to improve safety.

12 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

A gateway determination has not yet been issued.

Part 4 Community Consultation

Community consultation will involve an exhibition period of 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council. A letter will also be sent to all adjoining and nearby landowners.

The written notice will:

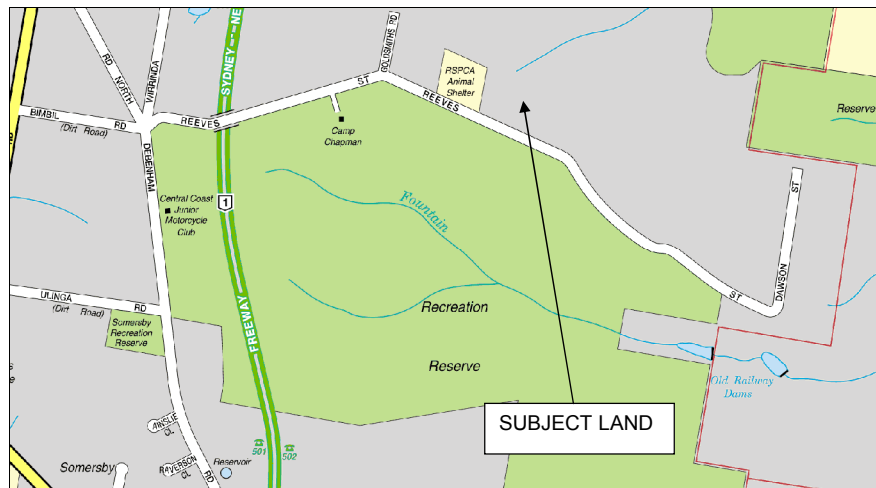
- give a brief description of the objectives or intended outcomes of the Planning Proposal;
- indicate the land affected by the Planning Proposal;
- state where and when the Planning Proposal can be inspected;
- give the name and address of Gosford City Council for receipt of submissions; and
- indicate the last date for submissions.

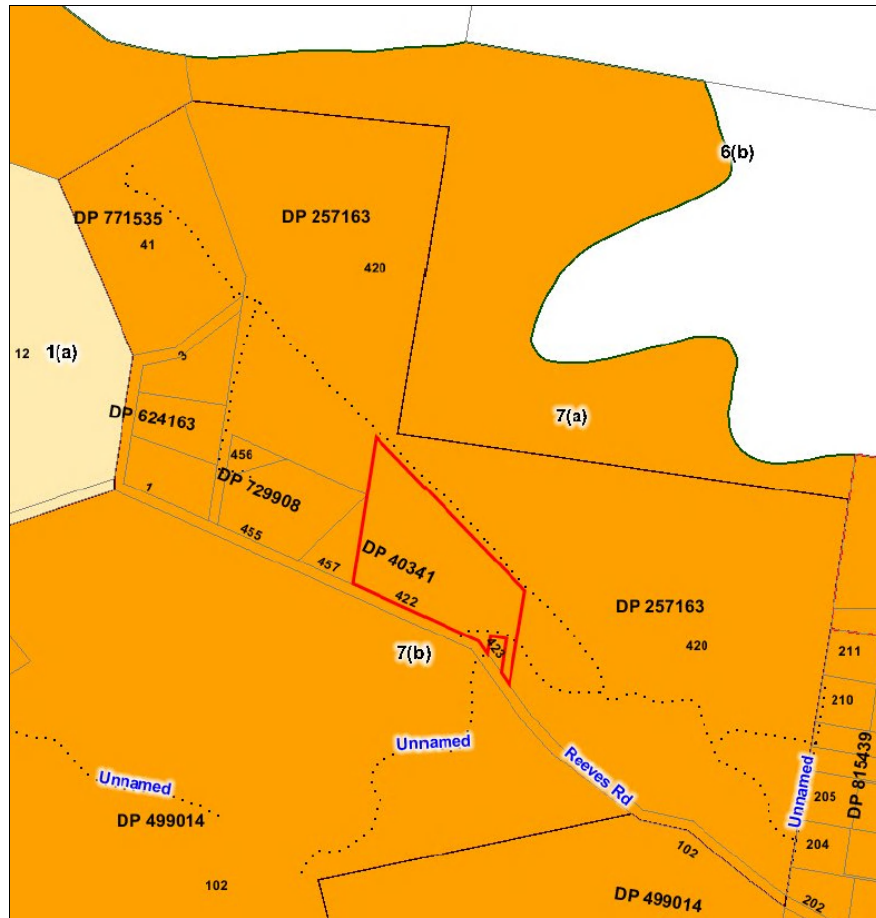
During the exhibition period, the following material will be made available for inspection:

- the Planning Proposal, in the form approved for community consultation by the Director-General of planning;
- the gateway determination; and
- any studies relied upon by the Planning Proposal.

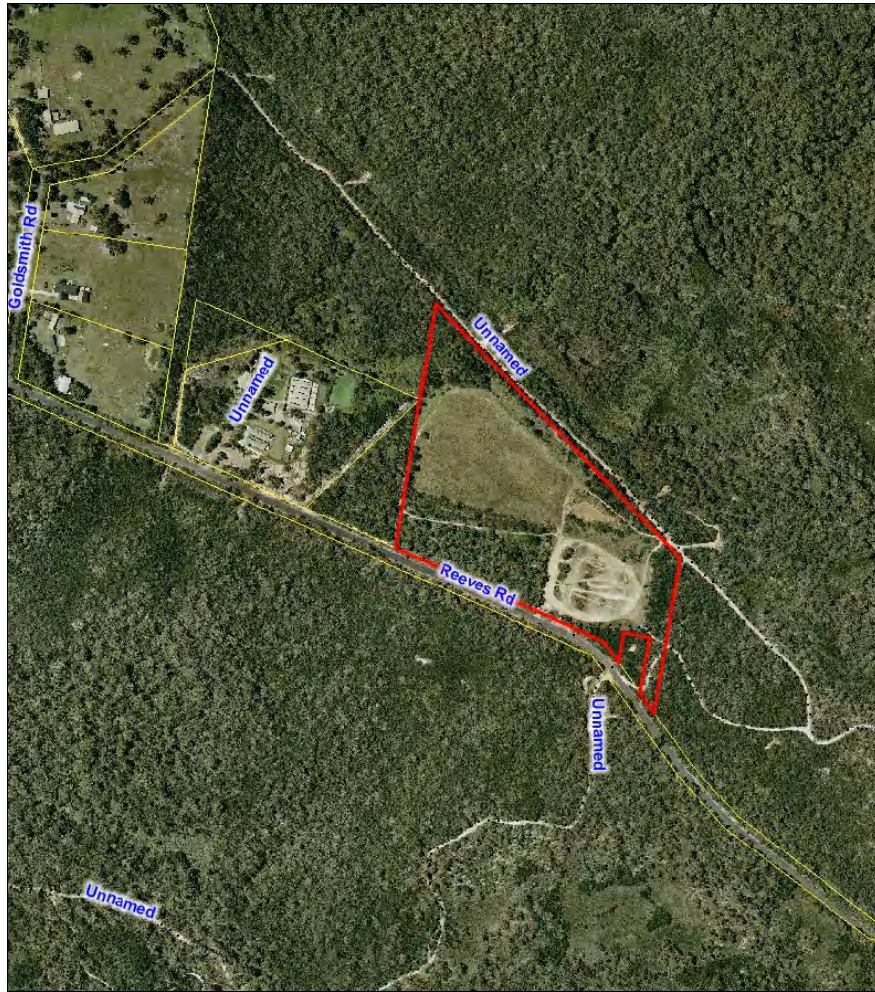
APPENDIX 1

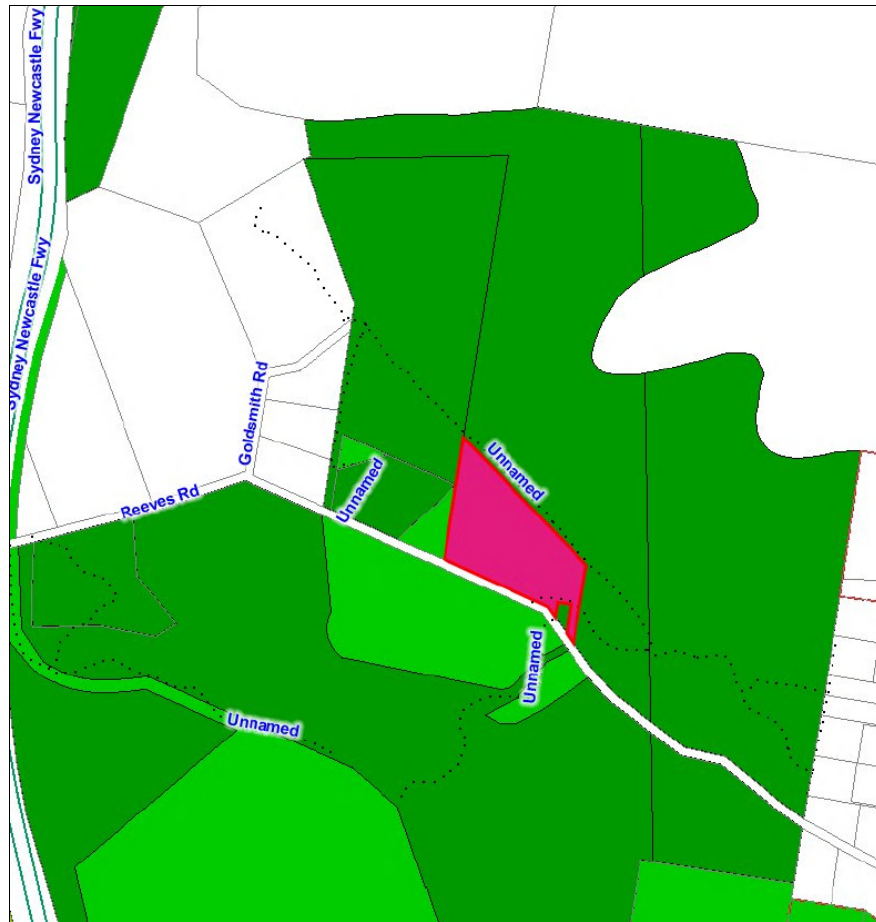
Locality Maps



APPENDIX 2**Zoning Map****Legend**

- 1(a) Rural (Agriculture)
- 6(b) Open Space (Special Purposes)
- 7(a) Conservation and Scenic Protection (Conservation)
- 7(b) Conservation and Scenic Protection (Scenic Protection)

APPENDIX 3**Aerial Photograph**

APPENDIX 4**Crown Land****Legend**

Dark Green	Crown Reserve
Light Green	Crown Land (other)
Crimson	Crown Lease