PLANNING PROPOSAL
GOSFORD CITY COUNCIL TO REZONE PART OF LOT 23 DP 1157397, 16 WASHINGTON AVE, NIAGARA PARK FROM 5(a) MULTI PURPOSE RECREATION FACILITY TO 3(a) BUSINESS (GENERAL) TO ENABLE USE OF THE LAND FOR "SHOPPING CENTRE" PURPOSES.

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

A gateway determination under Section 56 of the Environmental Planning and Assessment Act is requested from the DoP&I.

Part 1 Objectives or Intended Outcomes

s.55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective/intended outcome of the Planning Proposal is to enable an existing building located on part of Lot 23 DP 1157397 and forming part of Niagara Park Shopping Centre to be used for retail, commercial and business purposes.

The current zoning of the land 5(a) Special Uses (Multi Purpose Recreation Facility) is redundant and its use for community purpose under the auspices of Council has ceased with the Council's sale of the shopping centre.

Part 2 Explanation of Provisions

s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objectives/intended outcomes are to be achieved by:

- Amending the planning provisions to zone the land to 3(a) Business (General) under the Gosford Planning Scheme Ordinance. Note: rezoning of the land to zone B2 Local Centre is supported under draft Local Environmental Plan 2009 (DLEP 2009). If gazettal of the DLEP 2009 occurs prior to finalisation of this PP, then this PP will become redundant.

s.55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

Attachment B to this report contains all relevant mapping to the Planning Proposal.

Part 3 Justification

s55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

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

The Planning Proposal is not the result of any strategic study or report. The proposal is to provide an appropriate zone for the subject land in view of the "community use" of the land having ceased upon its sale to the present owners by Gosford City Council and in recognition that the subject land and the building erected upon it, are an integral part of the Niagara Park Shopping Centre and suitable for use for purposes permissible in the adjoining 3(a) Business (General) zone.

The proposal is consistent with Council's resolution of 31 May 2011 which supports rezoning the land to B2 Local Centre under the DLEP 2009.

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

The Planning Proposal is the best means of achieving the objectives/intended outcomes as the land needs to be appropriately zoned to permit its use for purposes consistent with its location within a local shopping centre. The zone proposed by the Planning Proposal is consistent with the zone proposed by the Draft Gosford LEP 2009.

3 Is there a net community benefit?

The net community benefit of the Planning Proposal is to be assessed based on answers to the following questions which show that the Planning Proposal will produce a net community benefit.

Will the LEP be compatible with agreed State and Regional strategic directions for development in the area?

The subject land is located within an existing "village centre" identified within the Central Coast Centres Hierarchy outlined in the Central Coast Regional Strategy (2006-2031).

Additionally the Council's resolution for the DLEP 2009 of the 31 May 2011 confirms that incorporating this land to a business zone is consistent with the Council's desired outcomes for this land, and consistent with the broader development options for the established Business Precinct.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

The subject land is located within the Niagara Park Village Centre which is identified by the Central Coast Regional Strategy 2006 -2031's centres hierarchy as a "village" centre.

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners?

No, the purpose of the LEP is to replace a redundant 5(a) Special Uses zoning with an appropriate 3(a) Business (General) zoning to reflect the existing development character of land recently sold by Gosford City Council and no longer used for community purposes. The planning proposal will not create a precedent or change

the expectations of other landowners, it seeks to "bring forward" intentions of Council to zone the subject land for commercial purposes under the provisions of the DLEP 2009.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

There have not been any spot rezonings in the locality in recent years.

Will the LEP generate permanent employment generating activity or result in a loss of employment lands?

The subject site is proposed to be rezoned 3(a) Business and as such will facilitate employment generating activity within the centre.

Will the LEP impact on the supply of residential land and therefore housing supply and affordability?

No, the LEP is not proposing to rezone residentially zoned land. The proposed 3(a) Business (General) zone does however permit development for residential purposes (eg: residential flat buildings) however the applicant has stated it is intended to retain the existing retail/commercial use.

Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?

The site is located in the existing Niagara Park Village Centre and is well located in terms of pedestrian and cycling access, and public transport (bus and rail) is available to the land. Standard urban utilities are available to the site.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of green house gas emissions, operating costs and road safety?

The proposal will consolidate further business development within the Niagara Park Village Centre, with consequential reduction in car distances travelled by the local community**.**

Are there significant Government investments in infrastructure, or services in the area whose patronage will be affected by the proposal? If so what is the expected impact?

There are no significant government infrastructure investments that would be affected by the proposal.

Will the proposal impact on land that the Government has identified as needed to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

The land is not identified by the Government for environmental protection. It is not constrained by environmental factors.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

Yes, the LEP will facilitate business development which is compatible and complementary to other business premises located within the centre and the community/school uses on adjoining land.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes, the LEP will facilitate business development on the land in a manner which will increase the range of services and facilities provided within the Niagara Park Village Centre.

If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposal is not a "stand alone" proposal as it is located within the existing village centre.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time.

The LEP will benefit the public interest by replacing a redundant 5(a) Special Uses (Multi Purpose Recreation Facility) zone with a 3(a) Business (General) zone so as to permit additional business services and facilities for the local community and increase local employment opportunities.

In summary the proposal to rezone the subject site to enable its use for business purposes would produce a net community benefit.

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 (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Regional strategies include outcomes and specific actions for a range of different matters relevant to the region. In all cases the strategies include specific housing and employment targets also. The Central Coast Regional Strategy 2006 – 2031 is applicable to the subject land and the proposed rezoning.

This Planning Proposal to rezone the subject site from 5(a) Special Uses (Multi Purpose Recreation Facility) to 3(a) Business (General) is consistent with the following objectives/actions contained within the Regional Strategy for the reasons specified:

(i) Strategy Action 5.2: LEP's are to be consistent with the Central Coast Regional Strategy, the related employment capacity targets and provide a distribution that reflects the centres hierarchy.
(ii) Strategy Action 5.11: Ensure new retail and commercial development is located in centres.

The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for provision of employment.

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

The Planning Proposal is consistent with the *Community Strategic Plan – Continuing our journey.* The Planning Proposal will concentrate business development in the centre near public transport and increase employment opportunities, thus aligning with the Community Strategic Plan objectives and strategies, ie:

C1 Gosford is a place that attracts people to work, live and visit.

Attracting investment and strengthening the economy responds to a high level of commuting, variability of employment, underemployment, youth unemployment, and the need for secure local jobs and senior job opportunities.

C1.1 Broaden range of business and industry sectors
C1.3 Increase and broaden the range of local jobs across existing and emerging employment sectors.

C2 Gosford attracts and supports new and existing businesses and investment

The planning proposal will facilitate economic activity and employment growth within an established "village centre" which is well served by regional roads and public transport.

The proposal is also **consistent** with the Draft Gosford Centres Strategy 2008 which recommends rezoning the subject area of land to B2 Local Centre.

6 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies.

(i) SEPP 19 – Bushland in Urban Areas

The general aims of SEPP 19 are to protect and preserve bushland within urban areas and when preparing draft local environmental plans, Council is required to have regard to the aims of the policy and give propriety to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which will outweigh the value of the bushland.

The Draft Gosford Local Environmental Plan 2009 proposes to zone the subject land B2, and the subject land partly adjoins an area which contains bushland and is proposed to be zoned RE1 Public Recreation under the DLEP. This planning proposal intends to bring forward the provisions of the DLEP. The subject land is already modified and developed as part of Niagara Park Village Centre and the planning proposal will have no adverse impacts on the adjacent bushland.

Consequently, the Planning Proposal is **consistent** with the general aims of SEPP 19.

(ii) SEPP 55 – Remediation of Land

Clause 6 of this instrument requires contamination and remediation to be considered in a proposal. In this case, the issues raised in Clause 6 of SEPP 55 do not arise as the subject land has not previously been used for a purpose referred to in "Table 1 Some Activities that may Cause Contamination".

(iii) Other SEPPs: No other SEPP has application to this planning proposal, although any future development application on the land will be required to consider a number of relevant SEPPs.

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

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to planning proposals lodged after 1st September 2009. S117 Directions are only discussed where applicable. The Planning Proposal is consistent with all other S117s Directions or they are not applicable.

(i) Direction 1.1 – Business and Industrial Zones

The direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone. The objectives of the Direction are to :-

(i) encourage employment growth in suitable locations;
(ii) protect employment land in business and industrial zones; and
(iii) support the viability of identified strategic centres.

The planning proposal is **consistent** with the objectives of this Direction to encourage employment growth in suitable locations and support the viability of identified centres.

(ii) Direction 2.3 – Heritage Conservation

This direction applies when a relevant planning authority prepares a planning proposal. A planning proposal must contain provisions that facilitate the conservation of:-

(i) 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;

(ii) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and

(iii) 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 Gosford Heritage Reviews Stage 1 (by Graham Brooks and Associates Pty Ltd) and Stage 2 (by Suters Architects) have been undertaken by Gosford City Council to identify the environmental heritage of the City of Gosford. Neither the subject land, nor the existing building erected upon it, have been identified as items of heritage significance within these reviews and are not listed as items of heritage significance under the Gosford Planning Scheme Ordinance.

Similarly the land is not identified in any Aboriginal heritage survey as having Aboriginal cultural significance. The site has been modified by the development of the existing shopping centre and is highly unlikely to have any items of Aboriginal heritage significance.

(iii) Direction 3.4 – Integrating Land Use and Transport

The objectives of this direction are to ensure that land use locations improve access to jobs; increase the choice of available transport, reduce travel demand, support the viability of public transport, and provide for efficient movement of freight.

Clause 4 of the Direction requires a planning proposal to locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for Planning and Development 2001 and The Right Place for Business and Services – Planning Policy 2001.*

The proposal is consistent with the objective to locate businesses which generate transport demand in locations that offer choices of transport and increase opportunities for people to make fewer and shorter trips.

This planning proposal is **consistent** with objectives to integrate land use and transport as the subject land is located within the existing Niagara Park "village centre", which is identified within the Central Coast Centre and Employment Hierarchy (*Central Coast Regional Strategy 2006 – 2031)* and is well served by the regional road network and public (bus and rail) transport.

(iv) Direction 4.4 – Planning for Bushfire Protection

The objectives of this direction are to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage the sound management of bush fire prone areas.

Clause (4) for the Direction requires that with 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 and prior to undertaking community consultation and to take into account any comments so made.

As the subject land is classified as bush fire prone land on the Council's Bushfire Prone Land Map, the Planning Proposal will be referred to the Rural Fire Service for comment after the Gateway Determination by the Minister.

The subject site contains an existing building and its proposed use as part of the existing shopping centre is considered an appropriate use of the land. The

requirements of *Planning for Bushfire Protection* can be addressed in the preparation and assessment of any future development application for this purpose.

(v) Direction 5.1 Implementation of Regional Strategies:

Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning and Infrastructure.

The Planning Proposal is considered to be **consistent** with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to Section B above.

(vi) Direction 6.1 – Approval and Referral Requirements:

Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

(vii) Direction 6.3 – Site Specific Provisions:

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The planning proposal is consistent with this Direction as it will apply the provisions of the Gosford Planning Scheme Ordinance applicable to all other similarly zoned 3(a) Business (General) land throughout the city and not introduce any site specific land use restrictions, development standards or special provisions additional to those already applicable to that zone.

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?

Bell's Mapping indicates that the south-eastern corner of the site contains a small area of "Coastal Narrabeen Moist Forest", this is not listed on Council's mapping as an Ecologically Endangered Vegetation community. An inspection of the site confirmed that the although some vegetation exists on a small area of the site the understorey has experienced periods of significant disturbance over time and non-indigenous tree and weed species also occur.

The site has been developed for the existing shopping centre for a number of years, and any further development on the site would require assessment of the vegetation on site as part of a development application. It is therefore not considered that there would be any adverse effects on critical habitat, threatened species or ecological communities or their habitat as a result of the proposal.

9 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The planning proposal will unlikely result in any other environmental effects as the land is already developed as part of the Niagara Park Shopping Centre and future proposals would be subject to consideration in the development process.

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

The planning proposal will provide social and economic benefits to the community by enabling the land and existing buildings to be put to an economic use in a manner consistent with local planning strategies and providing local facilities and services to the local community.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

As indicated in Section 7 (ie s117 Direction 3.1), existing infrastructure in the form of reticulated water, sewerage, gas, telephone and electricity are available in the locality.

The proposed rezoning of land was referred to Council's Water and Sewer section who advised;

*"Water and Sewer has **no objections** to this planning proposal. Water and sewer is available and no additional augmentation is required".*

Council's Waste Services section raised **no objection** to the proposal.

From a flooding perspective there is no identified main watercourse through the property however there is an identified overland flow path that runs from the north-west (ie carpark area) down to the south-east corner through the site. *"It is unlikely that the rezoning would affect the flood parameter for this parcel of land, the land is practically fully impervious. Any future development should consider outcomes and management strategies identified in the Narara Creek Floodplain Risk Management Study and Plan."*

No traffic issues have been raised with regard to the planning proposal.

12 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

Part 4 Community Consultation that is to be undertaken

S55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Subject to Gateway support community consultation would involve an exhibition period between 14 and 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 the adjoining landowners (see map below).

Adjoining Owners to be Notified at Exhibition

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.

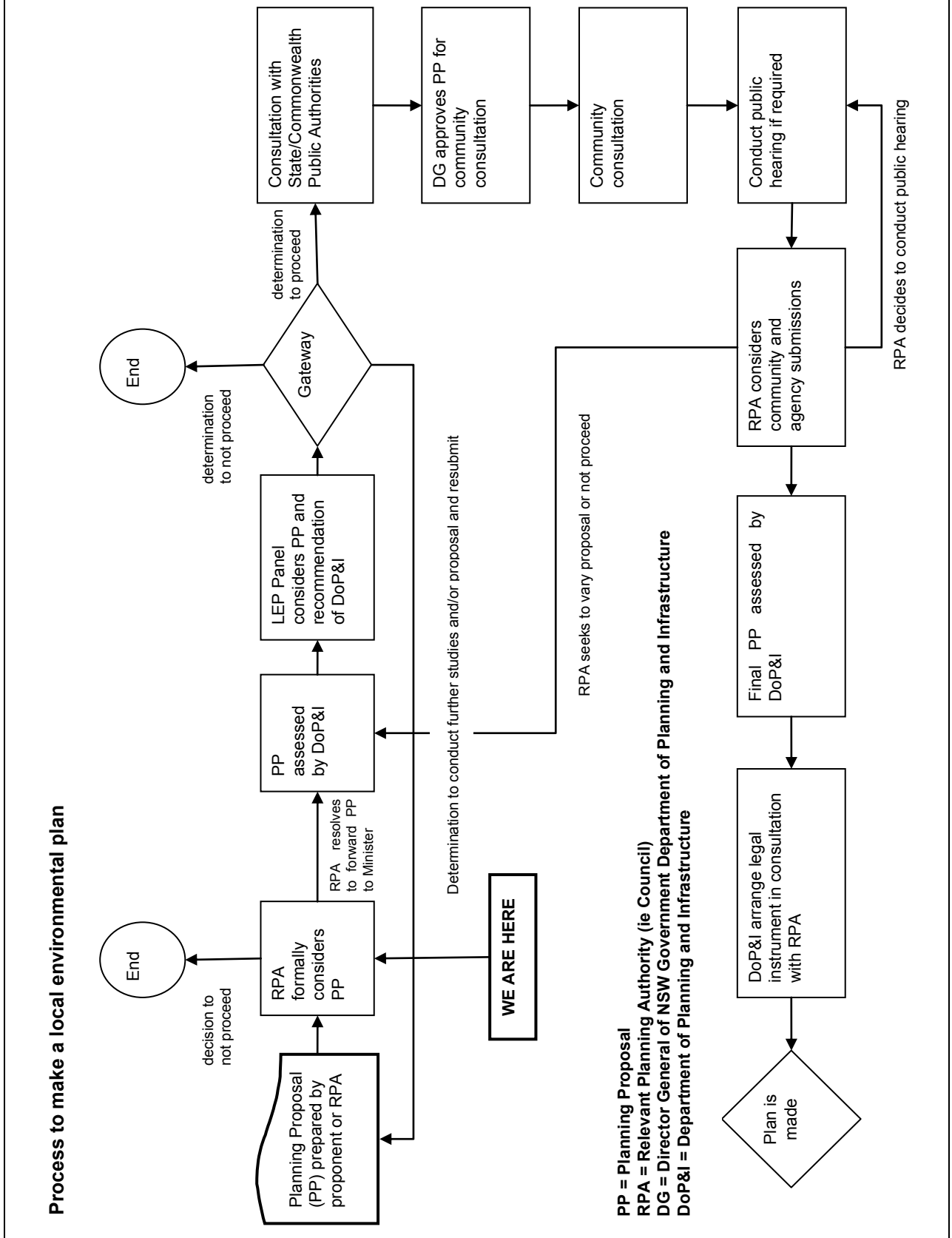
During the exhibition period, the following material will be made available for inspection:

- 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.

Attachment A outlines the planning proposal process. All mapping associated with the planning proposal is located in Attachment B.

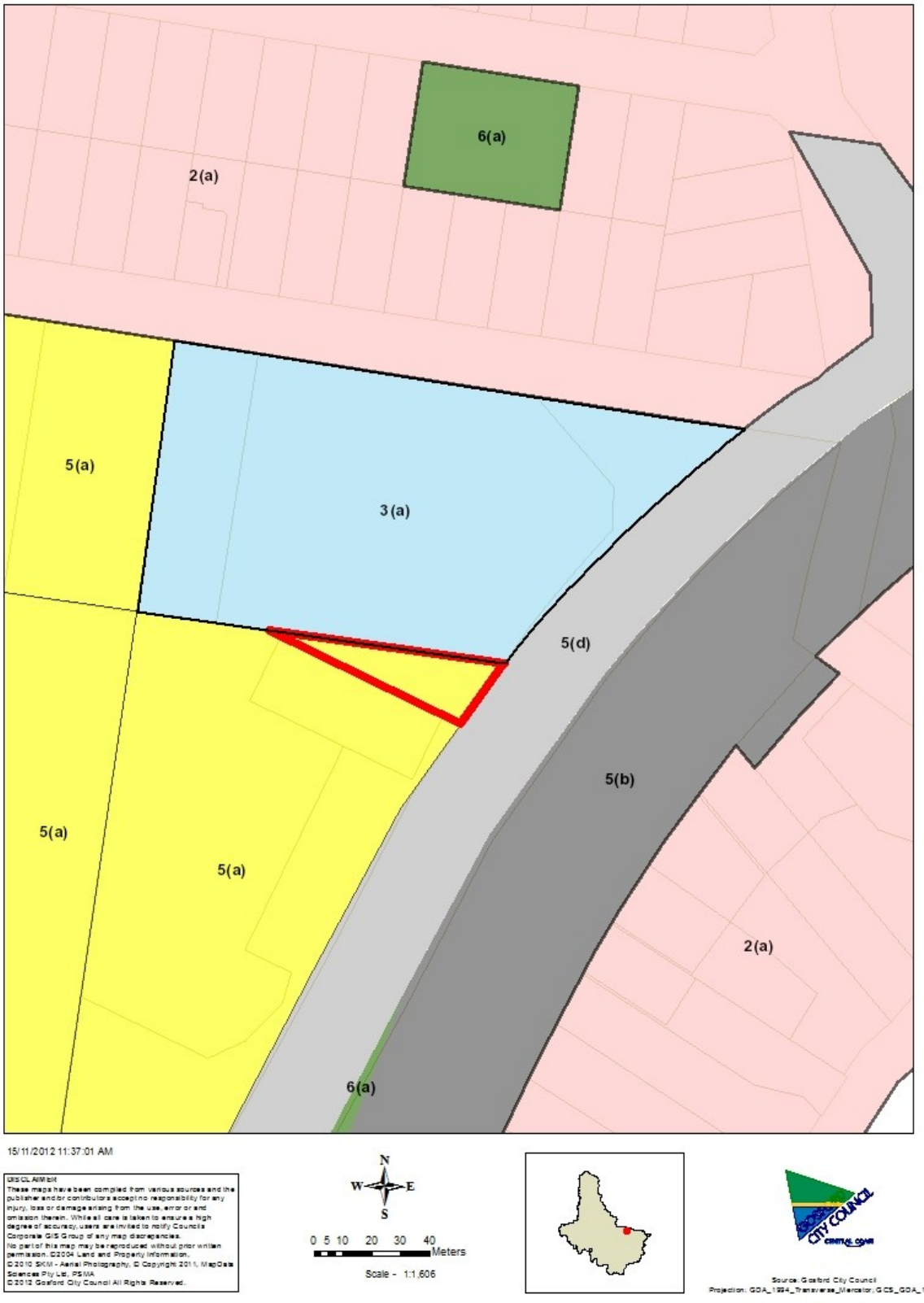
ATTACHMENT A – Planning Proposal process - extract from, DoP&I documents (RPA = Relevant Planning Authority, i.e. Council

Extract from "A Guide to Preparing Local Environmental Plans", Department of Planning and Infrastructure

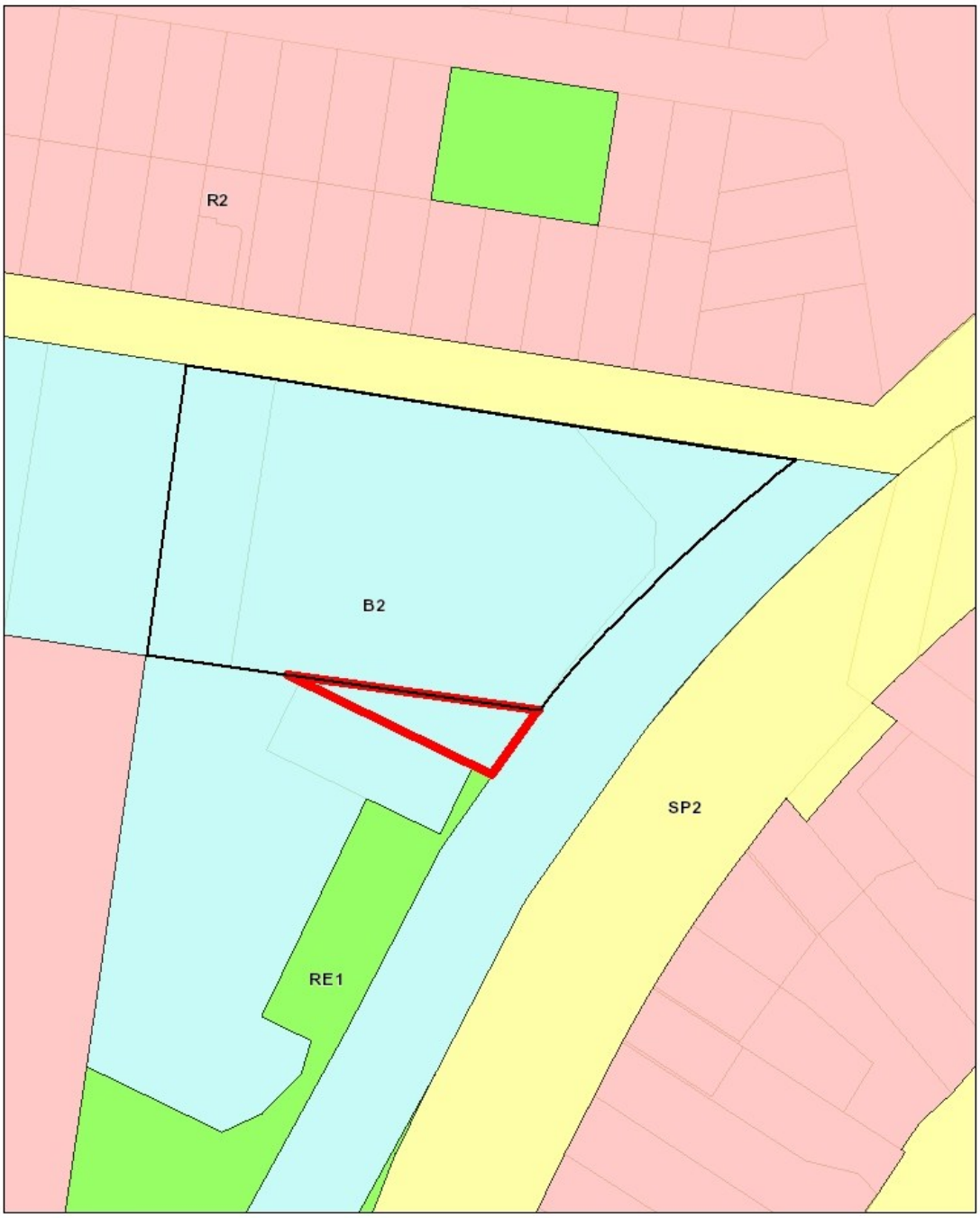


ATTACHMENT B – Planning Proposal Mapping

APPENDIX 1 Existing Zoning Map



APPENDIX 2 Proposed Zoning under Draft Gosford LEP 2009



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APPENDIX 3 Aerial Photograph

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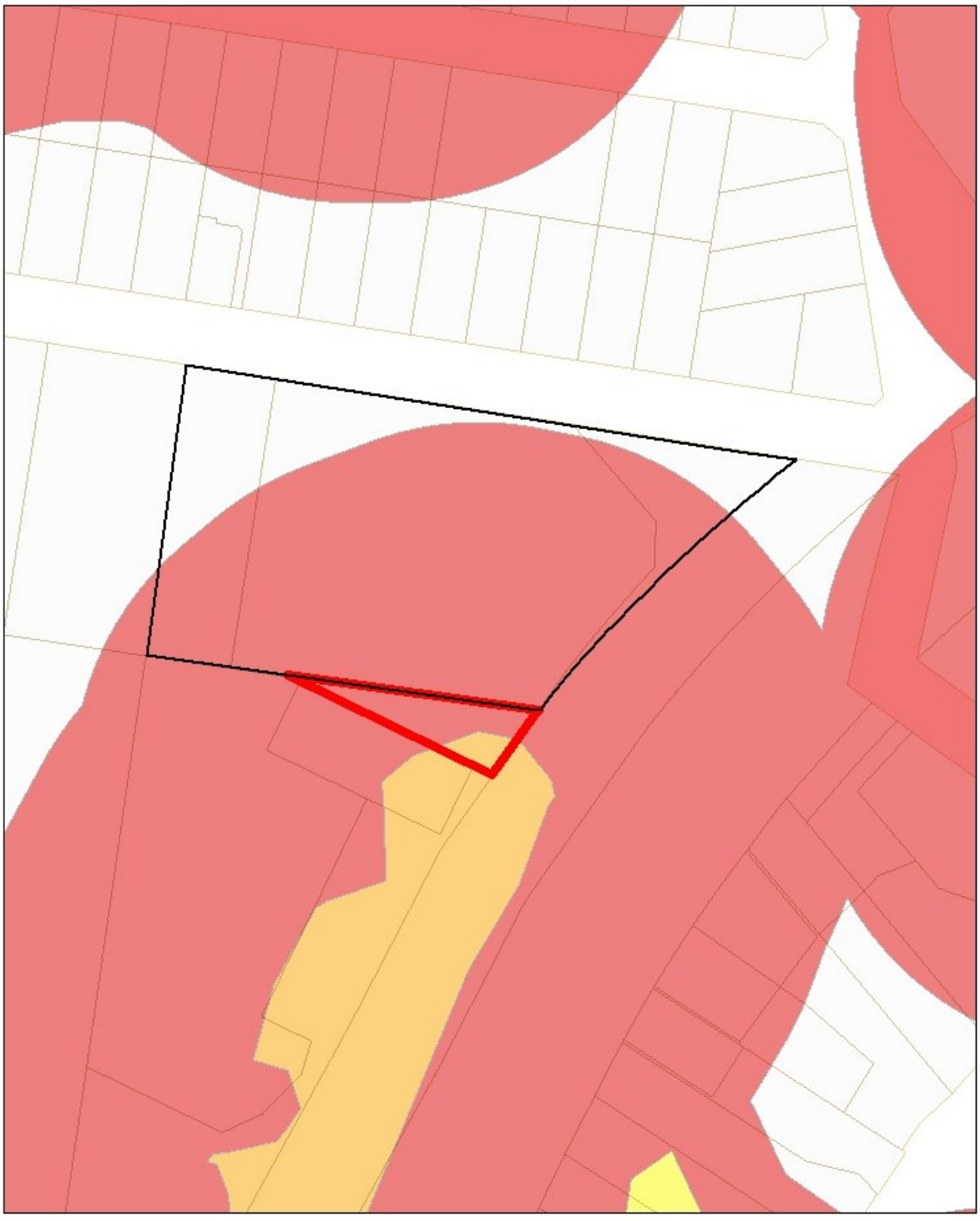
APPENDIX 4 - Bushfire



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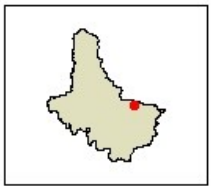

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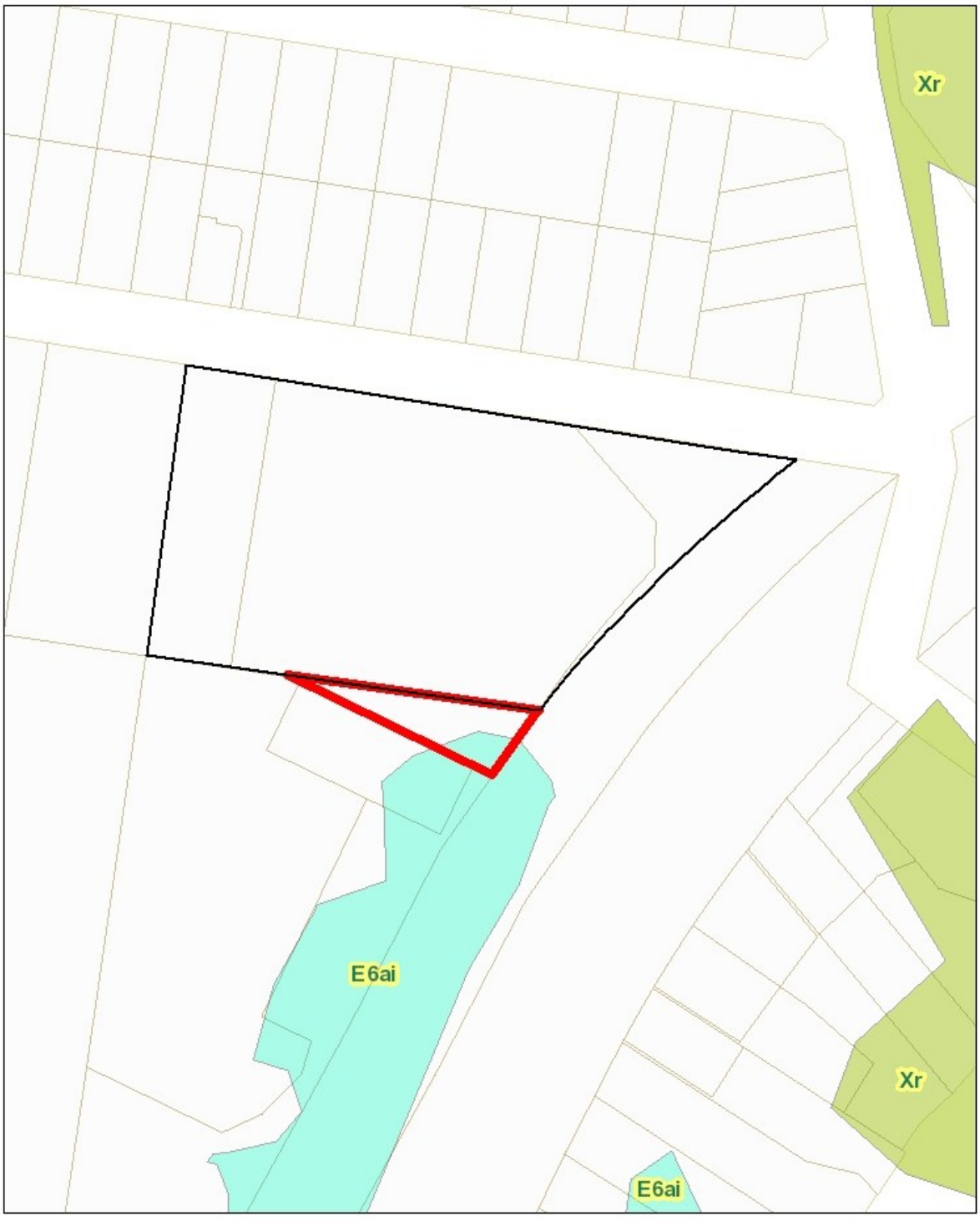
APPENDIX 5 - Vegetation



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Source: Gosford City Council
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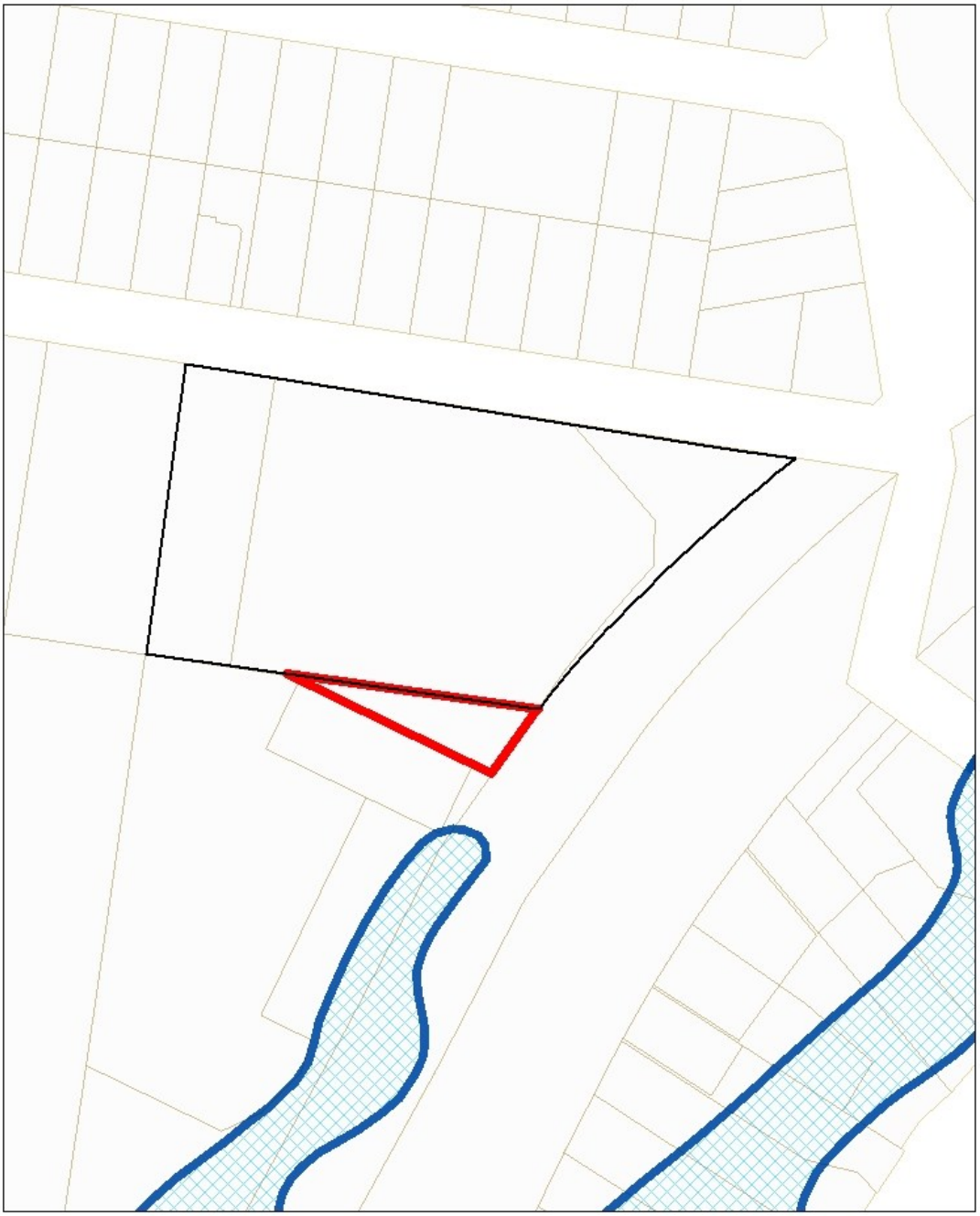
APPENDIX 6 - 100yr Flood Extent



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