

Amendment to Gosford IDO No 122 to enable an additional use as an "Educational Training Centre"

Proposal Title : **Amendment to Gosford IDO No 122 to enable an additional use as an "Educational Training Centre"**

Proposal Summary : **Amendment to Gosford IDO No 122 to enable an additional permissible use as an "Educational Training Centre" on Lot 9 DP 594281 Tumbi Road, Wamberal.**

PP Number : **PP_2012_GOSFO_003_00** Dop File No : **11/22546**

Proposal Details

Date Planning Proposal Received : **20-Dec-2011** LGA covered : **Gosford**

Region : **Hunter** RPA : **Gosford City Council**

State Electorate : **TERRIGAL** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **449 Tumbi Road**

Suburb : **Wamberal** City : Postcode : **2260**

Land Parcel : **Lot 9 DP 594281**

DoP Planning Officer Contact Details

Contact Name : **Ben Holmes**

Contact Number : **0243485009**

Contact Email : **garry.hopkins@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Bruce Ronan**

Contact Number : **0243258176**

Contact Email : **bruce.ronan@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 Regional Strategy : **Central Coast Regional Strategy** Consistent with Strategy : **Yes**

Amendment to Gosford IDO No 122 to enable an additional use as an "Educational Training Centre"

MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	4

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

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

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 in the first paragraph sets out objective and is a sufficient and concise description of the proposal however the following paragraphs contain discussion of standard instrument definitions, staff occupancy rates and premises use and objectives of the 7(c2) zone. These paragraphs relate more to the 'need for the planning proposal' and should be moved to that section of the planning proposal prior to exhibition.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions sets out Council's recommended means by which the outcomes could be achieved and is generally consistent with the Department's 'A Guide to Preparing Planning Proposals'. However the planning proposal seeks to define the use whereas the existing IDO 122 has many 'enabling clauses' where uses are not defined and this is the usual way that such amendments have been made to the IDO (see for example table between cl. 93 and 94 of IDO 122). This section of the Planning Proposal could be refined to focus on achieving the objective (permitting the use on the land) and leave the legal drafting until that stage of the Planning Proposal process.

Amendment to Gosford IDO No 122 to enable an additional use as an "Educational Training Centre"

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

2.1 Environment Protection Zones

3.4 Integrating Land Use and Transport

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?

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

Council has not identified SEPP 55 - Remediation of Land (see further discussion in the assessment tab).

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

If No, explain :

The PP is inconsistent with 4.4 Planning for Bushfire Protection.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The three maps provided are all missing a north point and scale and should be updated prior to exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council propose a 28 days community consultation period. Given the PP is a routine low impact proposal it is considered 14 days is a sufficient community consultation period.

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 PP is considered to meet the adequacy criteria and is of sufficient merit to proceed.

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation to Principal LEP :

Council resolved in May 2011 to forward the draft Principal LEP to the Department for the Minister to make the plan. The draft Principal LEP was received in September 2011 and is currently being reviewed by the Department.

The site was exhibited in the draft Principal LEP with zone E3 Environmental Management. Gosford City Council resolved on 31 May 2011 to send the draft plan to the Department however they also resolved to defer all privately owned 7(a) and 7(c2) lands east of the F3

Amendment to Gosford IDO No 122 to enable an additional use as an "Educational Training Centre"

(which includes the site) from the draft Principal LEP and retain the operative provisions of the Interim Development Order No 122 for up to five years from the gazettal of the draft Principal Plan.

Assessment Criteria

Need for planning proposal :

The Planning Proposal (PP) is not the result of any adopted strategic study or report. The land is currently zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Small Rural Holdings) and an 'educational training centre' is not listed as development that needs consent in the development control table and is prohibited.

Council has advised that the best way to achieve the objectives and intended outcomes is by way of an enabling clause that will permit the use. There are no other alternatives proposed or discussion in this section. However the PP contains discussion on this matter in the objectives and intended outcomes. It is recommended this discussion be moved to the 'need for the planning proposal' section for clarity.

Council proposes to include a new definition "Educational Training Centre" in the IDO No 122 with criteria that specifies the client base and the number of employees. It may be difficult to enforce or regulate employee numbers or clients as these are likely to be demand orientated however these matters could be considered at the development application stage. As discussed earlier, the usual way that site-specific uses are enabled in IDO 122 does not include creation of new definitions.

Council's net community benefit test concluded that the PP will provide a public benefit by providing an educational counselling and training service to address behavioural and learning difficulties in children and to not proceed would be a lost opportunity to provide a rural residential setting that benefits children.

Amendment to Gosford IDO No 122 to enable an additional use as an "Educational Training Centre"

Consistency with strategic planning framework :

Central Coast Regional Strategy

Council has advised the PP is inconsistent with the action to locate retail and commercial development in centres. The site is identified in the CCRS as rural and resource lands however the site contains dual occupancy development and the adjoining land is primarily used for large lot residential purposes. The CCRS identifies that centres will have concentrations of retail, health and other services and this will be an out of centre development. Council has acknowledged the inconsistency with the CCRS but the inconsistency is considered minor (below).

Council's Strategic Policies

Council has identified the following local strategies as being applicable; The Community Strategic Plan 2025, the Biodiversity Strategy, and the Draft Centres Strategy. These are general strategies that do not take account of the specific need to have a rural setting for a use that is normally located in business centres. Council advise that the PP is consistent with the Community Strategic Plan in that the PP promotes community wellness. The Biodiversity Strategy contains actions to focus development around urban centres and to protect agricultural and environmentally sensitive lands. Council advise the PP will not impact on the environmental character of the locality as it will be located within the existing dual occupancy on the site. Although environmental impacts are likely to be limited, the PP is inconsistent with this strategy as the development will be located outside an urban centre. The Draft Centres Strategy is in accordance with the CCRS however the PP is inconsistent with the strategy as it proposes to locate a business in an out of centre area.

SEPP's

Council has advised that the PP is consistent with all SEPPs or they are not applicable.

SEPP 55 requires council to consider whether land is contaminated. Given the location of the site and the use for residential purposes it is unlikely that the site has been subject to contamination. However Council should be required to address clause 6 of SEPP 55 - Remediation of Land and include it in the PP prior to exhibition.

s117 Directions

The following s117 Directions are applicable and relevant to the proposal, 2.1 Environment Protection Zones, 3.4 Integrating Land Use and Transport, 4.4 Planning for Bushfire Protection, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions.

The PP is consistent with all the above s117 Direction apart from the matters discussed below:

3.4 Integrating Land Use and Transport

Council considers this direction is applicable and notes that the documents referred to in this direction include objectives to locate trip-generating development in places that encourage use of public transport, encourage multi-purpose trips and minimise dispersed trip-generating development. Council concludes that inconsistency with this direction is minor given it is for a single site, will cause minimal additional traffic and is in any case a reasonably accessible site. The Director General should agree that any inconsistency with this direction is of minor significance.

4.4 Planning for Bushfire Protection

Consistency with this direction cannot be determined until consultation has occurred with the NSW Rural Fire Service. It is recommended that Council consult with the RFS should a Gateway Determination be issued.

5.1 Implementation of Regional Strategies

Council advise the PP is inconsistent with 5.1 Implementation of Regional Strategies as the PP will locate a commercial use outside of a business centre. Council has attempted to justify the inconsistency by advising the enabling clause will enable a use on a single lot and does not undermine the broad intent of the CCRS and is of minor significance. The

Amendment to Gosford IDO No 122 to enable an additional use as an "Educational Training Centre"

scale of the development is low impact and the DG should agree that the inconsistency is of minor significance as it will permit the use on a site specific basis of only one lot that will assist the health and wellbeing of school age children and their families.

Council has also identified direction 6.1 Approval and referral requirements as applicable. There is no inconsistency with this direction.

Environmental social
economic impacts :

Environmental

Council advised there are no endangered ecological communities or regionally significant vegetation on the subject site and the PP will not impact on threatened species, populations, ecological communities or their habitats. Council identified the existing on site waste management system is likely to have reached its life expectancy and would need replacing. It is considered this could be assessed as part of a development application.

Social and Economic

Council have advised that the traffic generated and vehicle trips are capable of being accommodated on Tumby Road without any adverse effect. It is recommended the RTA be consulted in relation to traffic generation and access to the site.

The increased vehicle activity and clients on the site may pose noise issues for adjoining residential properties however these matters would be considered as part of any future development application.

The use is likely to generate positive economic effects given the additional employment created on the site although the effect is not likely to be significant.

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 Authority

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. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Amendment to Gosford IDO No 122 to enable an additional use as an "Educational Training Centre"

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 Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
3.4 Integrating Land Use and Transport
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 : - The first paragraph be retained in the Objectives and Intended Outcomes and the rest of the paragraphs be placed in the Need for the Planning Proposal section. Text should also be amended under Explanation of Provisions to remove the definition as is usual for 'enabling clauses' in IDO 122.

- The maps provided are required to be amended to include a north point and scale prior to exhibition.

- Council is required to address clause 6 of SEPP 55 - Remediation of Land and include it in the PP prior to exhibition.

- The PP is consistent with s117 Directions 2.1 Environment Protection Zones, 6.1 Approval and Referral Requirements and 6.3 Site Specific Provisions.

- The PP is inconsistent with 4.4 Planning for Bushfire Protection.

- The DG agrees that the provisions of the PP that are inconsistent with s117 Directions 3.4 Integrating Land Use and transport and 5.1 Implementation of Regional Strategies are of minor significance.

- Agency consultation with NSW Rural Fire Service, Roads and Maritime Services

- Community consultation for 14 days

- 6 month timeframe

Supporting Reasons : -The removal of the discussion from this section is better located in the Need for the Planning Proposal section for clarity during exhibition. Definitions are usually not included in 'enabling clauses' in IDO 122.

-The mapping does not include a north point and scale.

-Council have not addressed SEPP 55 - Remediation of Land in the PP.

-The PP is considered to be consistent with the s117 Directions as above.

-Consistency with 4.4 Planning for Bushfire Protection cannot be determined until

Amendment to Gosford IDO No 122 to enable an additional use as an "Educational Training Centre"

consultation occurs with NSW Rural Fire Service.

-The inconsistency with 3.4 Integrating Land Use and transport and 5.1 Implementation of Regional Strategies is of minor significance (see assessment tab for discussion).

-Agency consultation is required as the site is identified as bushfire prone land and the site adjoins and is accessed from a regional road.

-The PP is considered to be a routine low impact proposal and a 14 community consultation period is considered sufficient.

Signature:



Printed Name:

GARRY HOPKINS

Date:

3.2.2012