

Gosford City Council PLANNING PROPOSAL

Lot 32 DP 1171389 Stockyard Place, West Gosford

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

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

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 allow "bulky goods premises" to be a permitted use on Lot 32 DP 1171389 Stockyard Place, West Gosford, through the enabling provisions in Schedule 1 Additional Permitted Uses of Gosford LEP 2014.

It is noted that bulky goods premises, although a form of retail premises, are not readily located in Gosford regional centre due to the large building floor areas required and need for on-site vehicle accessibility. However the Employment Lands Investigation highlights the importance of retaining industrial land, in particular large lots, to make provision for future industrial developments. Given the location of the subject land and its relationship to existing bulky goods development immediately to the east of the site, it is unlikely that the land would be developed for "conventional" industrial land uses but higher order uses that are permissible in IN1. The proposal offers significant local employment opportunities in an accessible location and bulky goods retail activities would enjoy synergies with other land uses in the immediate area.

The best way to ensure future development is compatible with overall planning objectives for the IN1 zone would be to insert in Schedule 1 Additional Permitted Uses the uses of bulky goods premises as a component of the overall development, similar to what has been done on other land in the vicinity. Gosford LEP 2014 indicates that two (2) large properties in the vicinity of the subject land are included in Schedule 1 as having "bulky goods premises" as an additional permitted use on the land. These lots are located on the eastern side of Manns Road, opposite the subject site.

A summary of these developments are shown in the table below.

Property	LEP No.	Year	Total Floor Area (m ²)	Bulky Goods Floor Area (m ²)	Bulky Goods Floor Area (% of Total Floor Area)
Hometown	387	2000	15,941	12,000	75
Riverside	477	2013	37,613	12,500	33

The subject site has a floor area of 10,798m² and the applicant has proposed that all this should be available as a bulky goods premises. The land is primarily industrial land and thus the primary uses should remain those permitted in the General Industrial zone. By permitting the whole site to be used for an additional permitted use such as bulky goods premises would effectively be rezoning the site to a Business zone. This approach is not supported by the

Employment Lands Investigation which emphasises the importance of retaining industrial land, in particular large lots, to make provision for future industrial developments.

However, the total floor area of the subject premises (10,798m²) is less than the area permitted for bulky goods premises on both the Hometown and Riverside sites. Therefore it is considered reasonable to permit all of the existing floor area to be used for bulky goods premises.

To ensure any future development is compatible with overall planning objectives for the IN1 zone it would be reasonable from a strategic planning viewpoint to limit the bulky goods premises to the existing floor area. In this way any future additions to the building would be used for those activities permitted in the broader IN1 zone.

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 Schedule 1 of Gosford LEP 2014. The likely wording of Schedule 1 for the additional permitted use is:

Use of land at Stockyard Place, West Gosford

- (1) This clause applies to land being Lot 32 DP 1171389, Stockyard Place, West Gosford identified on the Additional Permitted Uses Map.
- (2) Development for the purpose of bulky goods premises with a maximum floor area of 10,800 square metres is permitted with development consent.

The Additional Permitted Uses Map, APU_015A, will be updated to show this property.

Reliance will be made on the definition of "bulky goods premises" under the Standard Instrument and in Gosford LEP 2014 which is:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

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.

The Appendices contain all relevant mapping to the Planning Proposal.

Part 3 Justification for objectives & outcomes

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?

No. The enabling clause is not the result of a strategic study or report. It is noted that the *Employment Lands Investigation* generally is not supportive of the loss of industrial land, particularly on large sites. It also recommends that bulky goods be discouraged within industrial areas, and supports the prohibition of bulky goods premises in the IN1 zone under Gosford LEP 2014.

This site, however, is somewhat unique and has bulky goods development (Hometown and Riverside) located to the immediate east and made permissible by Schedule 1 Additional Permitted Uses. In this section of Manns Road, traditional "industrial" use is somewhat compromised by a number of more commercially orientated activities such as home and building supply outlets, large "retail" type uses associated with the bulky goods development and the like. Although these uses are permissible in the IN1 zone, they are not "conventional" industrial uses. Support of additional permitted use could relieve pressure on other less compromised industrial areas to accommodate this form of development.

The Planning Proposal is consistent with a recent Council decision regarding another land holding in the vicinity of the subject site (i.e. Riverside). On 18 January 2013 an enabling clause was included in the Gosford Planning Scheme Ordinance via LEP No 477 for land to the south-east, known as Riverside. This enabling clause specified the maximum floor area for "bulky goods premises". As a consequence of this new enabling clause was included in Schedule 1 of Gosford LEP 2014 to include the additional permitted use on the Riverside site.

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 only means of achieving the objectives/intended outcomes as the Gosford LEP 2014 is required to be amended.

Section B Relationship to strategic planning framework

3 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)?

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

This Planning Proposal is consistent with Action 5.1 which states:

Promote economic and employment growth in the Region to increase the level of employment self containment and achieve capacity for more than 45,000 new jobs on the Central Coast over the next 25 years.

The Planning Proposal is inconsistent with Action 5.9 which states:

Ensure that bulky goods retailing is not located on industrial land and is located in centres and nominated nodes.

The enabling clause will however enhance the clustering of bulky goods premises in this location at West Gosford to form a node, and as such, this inconsistency is considered justifiable.

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of s117 Directions?

The Planning Proposal is consistent with the Central Coast Regional Strategy as set out in Question 3. Section 117 Directions are addressed in Question 6.

3b Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Yes. The Planning Proposal has site specific merit and is compatible with surrounding uses as the subject site is proximate to existing bulky goods premises which have been included under Schedule 1 of Gosford LEP 2014. As the site is already zoned IN1 and an industrial building is in existence, the inclusion of an additional permitted use applying to the site will not affect matters relating to the natural environment or required infrastructure.

By their very nature bulky goods premises require large lots on which to be located. Hence the Planning Proposal is unlikely to create a precedent or change expectations of landowners because the subject land is the only large lot (2.51 ha) remaining in the vicinity of those large holdings where bulky goods premises are currently permissible.

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

Yes. The Planning Proposal is consistent with the Community Strategic Plan - Gosford 2025. The inclusion of bulky goods premises as an additional permitted use on the subject site with a limitation on its floor space will be consistent with the following strategies outlined in the Community Strategic Plan:

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

C2.1 Provide tools and framework for business growth.

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

The following assessment is provided of the relationship of the amended Planning Proposal to relevant State Environmental Planning Policies. SEPPs are only discussed where applicable. The amended Planning Proposal to enable bulky goods premises whilst retaining the primary industrial zone is consistent with all other SEPPs or they are not applicable.

SEPP 55 - Remediation of Land

This SEPP requires that when a planning instrument is being prepared, a planning authority (eg council) is required to consider whether land is contaminated, and if so, is suitable in its contaminated state for the proposed use, or that remediation can be undertaken to make it suitable for its proposed use. The previous operations of Bunnings does not appear to give rise to concerns that the land may be contaminated. The use does not fall within activities listed in "Table 1: Some Activities that may Cause Contamination" of Managing Land Contamination Planning Guidelines. The proposal does not propose to rezone the land to allow residential, educational, recreational, childcare purposes or a hospital. The site is not identified in Council's records as a known contamination site, a known remediation site or a potentially contaminated site. As the proposal involves the inclusion of an additional use (bulky goods premises) within the existing industrial zone it is not inconsistent with SEPP 55.

SEPP 71 - Coastal Protection

The land is within the boundary of SEPP 71. The broad aim of the SEPP is to ensure the effective management and protection of coastal areas and encourage a strategic, comprehensive approach to coastal management and development. It also sets out a range of matters for consideration, including public access, suitability of development, detrimental effects, scenic qualities, measures to conserve animals and fish and wildlife corridors, effects on coastal processes, cultural values, and water quality and for rezonings, the means to encourage compact cities and towns. The land is already within an existing urban (industrial) zone, and the addition of bulky goods premises as a permissible use on this land would not raise any significant issues having regard to the provisions of the SEPP.

Draft SEPP (Competition) 2010

The aims of this draft SEPP are to promote economic growth and competition, and to remove anti-competitive barriers in environmental planning and assessment. Its requirements mean the commercial viability of proposed commercial development is not a matter to be taken into consideration for the purposes of determining a Development Application. It also requires that a restriction in an Environmental Planning Instrument (EPI) or DCP on the number of a particular type of retail premises in a development or in an area does not have effect, nor does a restriction on proximity to other developments. However, it does not apply to any restriction that relates to the scale of development and as such, any limitation on floor space of the bulky goods component is not inconsistent with the provisions of the SEPP.

Other SEPPs: No other SEPP has application to this Planning Proposal, although any future development application on the land may be required to consider other SEPPs as may be relevant at the time.

6 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. The Planning Proposal as amended to allow bulky goods premises with a limitation of floor space whilst retaining the primary industrial zone is consistent, with all other S117 Directions or they are not applicable.

Direction 1.1 - Business and Industrial Zones

This direction applies when a planning authority prepares a Planning Proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any boundary between the two). A Planning Proposal must: give effect of the objectives of this direction, retain the areas and location of business and industrial land, not reduce total floor space for employment generation within business zones, not reduce the total potential floor space for industrial uses in industrial zones and ensure any new employment areas are in accordance with a strategy.

The inclusion of bulky goods premises as an additional permitted use on the subject land, with a limitation on the floor space of bulky goods, to some extent overcomes the inconsistency with this direction. It means that any future additions can still be used for uses compliant with the IN1 zone and that the floor space for compliant industrial component will not be reduced.

Direction 2.2 - Coastal Protection –

This direction applies with the objective of implementing the principles of the NSW Coastal Policy. The land is within SEPP 71 and as such this direction applies. Given that the amended Planning Proposal involves allowing the use of part of the site for bulky goods premises, whilst retaining the IN1 zone there are considered to be no inconsistencies with this direction.

Direction 2.3 - Heritage Conservation

This direction applies when a relevant planning authority (Council) prepares a Planning Proposal and requires that the Planning Proposal must contain provisions that facilitate the conservation of heritage items, aboriginal objects, places and landscapes either protected by the National Parks and Wildlife Act or identified through an aboriginal survey. No survey was undertaken for aboriginal items and given that the land is already zoned industrial and developed for such uses, it is considered unlikely that any aboriginal relics exist on the land and the Planning Proposal is consistent with this direction.

Direction 3.4 - Integrating Landuse and Transport

This direction requires a Planning Proposal to locate zones for urban purposes and include provisions that give effect to and are consistent with aims, objectives and principles of *Improving Transport Choice - Guidelines for planning and development* (DUAP 201) and *the Right Place for Business and Services - Planning Policy* (DUAP 2001). The land is located within an existing urban area and enjoys a high level of accessibility in terms of the arterial/regional road network, and is considered consistent with this direction.

Direction 4.3 - Flood Prone Land

This direction requires that a Planning Proposal must be consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

The subject land is located adjacent to an overland flow path, however it is above the 1% AEP Level (4.3 m AHD approx.) flood contour as determined in the Lower Narara Creek Floodplain Risk Management Study & Plan (1991). No implementation works were identified in the Plan that would affect the site.

While the current study (Narara Creek Flood Study Golder 2012) does not examine in detail, the affects of overland flooding it does provide reasonable information that would suggest that any significant increase in the footprint of the building would require careful consideration with regards to flood behaviour.

The current zoning IN1 and the proposed change to include bulky goods would not change impervious surfaces and therefore not significantly increase stormwater runoff. The proposed change of use is compatible for the area with respect to floodplain risk management. However any future change to the existing nature of the topography may influence the overland flow behaviour of surface stormwater.

Direction 4.4 - Planning for Bushfire Protection

This direction applies when a planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land and gives effect to *Planning for Bushfire Protection 2010*. A very small section of the site in the south west corner is identified as Category 1 Vegetation and land identified as buffer affecting the western part of the site. Council is required to consult with the Rural Fire Service (RFS) following receipt of a gateway determination. .

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.

Gosford Regional Centre is identified as the capital of the Central Coast. Hence, any Planning Proposal that would detract from growing Gosford Regional Centre is not supported. However, the enabling clause for bulky goods premises (in conjunction with the other IN1 compliant activities on the site) is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as discussed in Question 3.

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.

Direction 6.3 - Site Specific Provisions

The Planning Proposal is inconsistent with this Direction as it will allow bulky goods premises on the land and limit the floor area component of the bulky goods to that of the existing building; i.e. 10,800m². This inconsistency is considered to be minor and justified as it will ensure the overall integrity of the industrial zone is not compromised by any

additional development in the future. This limitation on floor area is essential to achieve a sound planning outcome given the unique circumstances of the case (i.e. situation of the land and relationship to surrounding zones, continuing the dominant industrial activities and approved uses compliant with an industrial zoning).

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The site specific planning controls proposed are not "unnecessarily restrictive" as they exist in the current planning instrument and the bulky goods premises has been constructed in accordance with the site specific planning controls. Furthermore, permitting the use throughout the IN1 zone is not justifiable because such an approach would effectively make the Industrial zone a Business zone and erode the character of that zone.

Section C Environmental, social and economic impact

7 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?

No. The subject site is fully developed and the Planning Proposal is purely for the inclusion of an additional permitted use on the land within the Gosford LEP 2014.

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

No. The subject site is fully developed and the Planning Proposal is purely for the inclusion of an additional permitted use on the land within the Gosford LEP 2014.

The subject land is included in West Gosford Character Precinct 8 – Main Road Employment as identified in Chapter 2.1 of Gosford DCP 2013. The inclusion of bulky goods premises as an additional permitted use on the site will not alter this classification as the other nearby sites where bulky goods premises are permitted are also in Character Precinct 8.

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

The Planning Proposal should not detract from the economic viability of Gosford Regional Centre or other retail centres and will encourage a greater diversity of bulky goods premises in this area. The Planning Proposal raises no significant issues from a social perspective.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

Yes. Public infrastructure already exists to service the subject site. Water and sewer is available to the site. Vehicular access is via a signalised intersection at the corner of Manns Road and Stockyard Place.

11 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.

It is expected that the only public agency to be consulted is the Rural Fire Service.

Part 4 Mapping

S55(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.

The Appendices contains all relevant mapping to the Planning Proposal.

Part 5 Community Consultation

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 will involve an exhibition period of 14 or 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.

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:

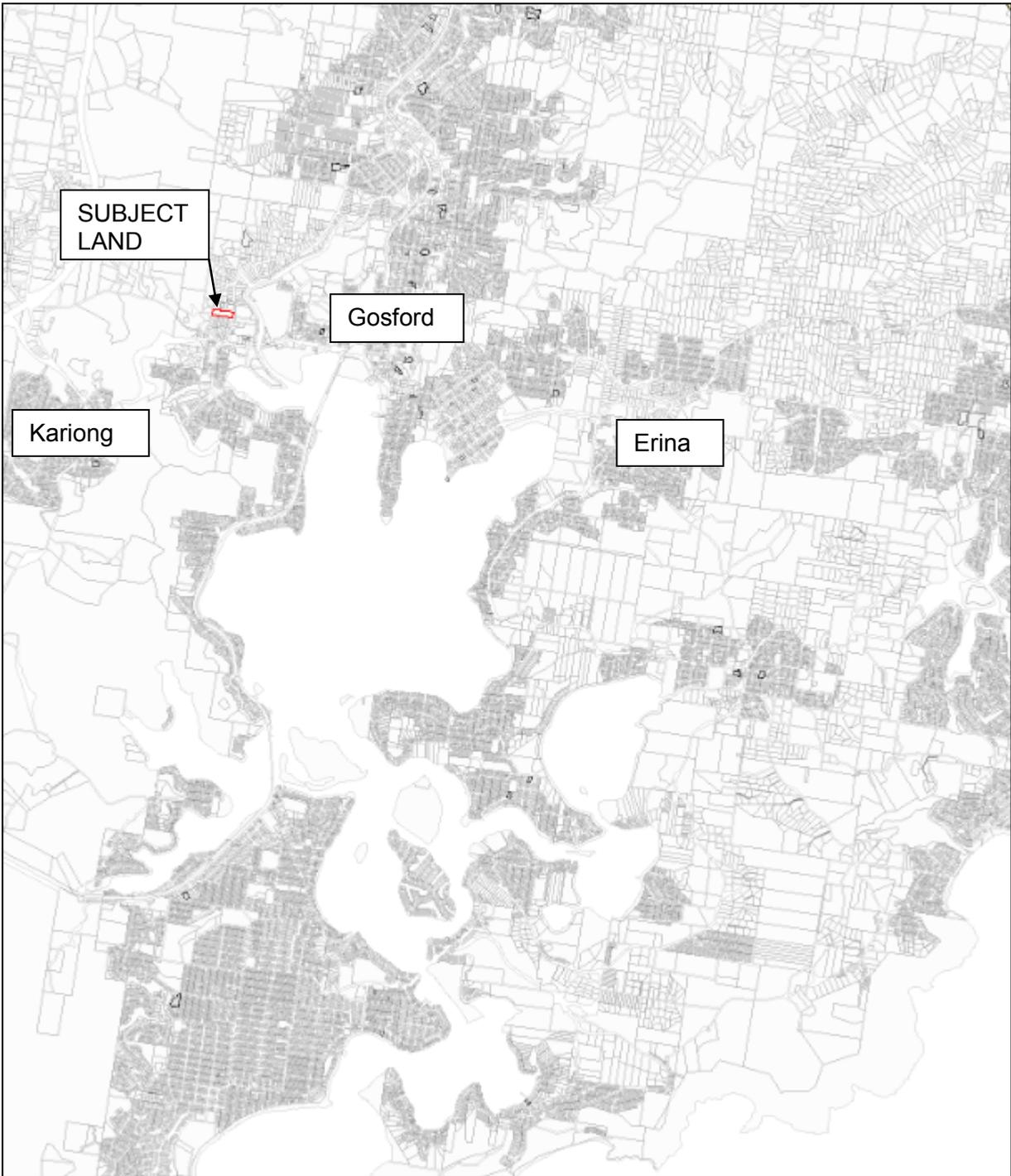
- the planning proposal, in the form approved for community consultation by the Director-General of Planning;
- the gateway determination; and
- any studies relied upon by the planning proposal.

Part 6 Project Timeline

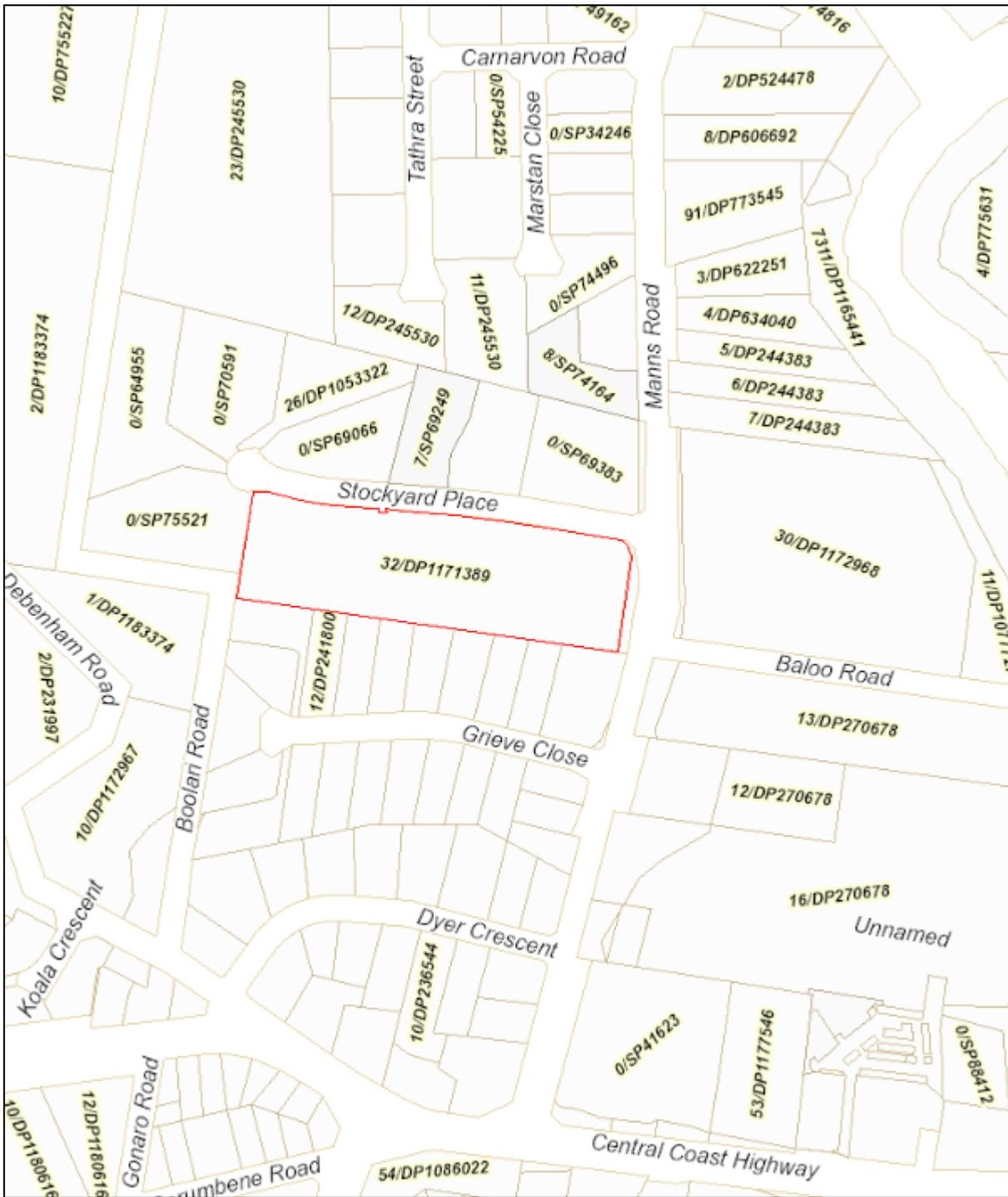
The anticipated timeline for this Planning Proposal is set out below.

Gateway Determination	July 2014
Completion of required technical information	n/a
Government Agency consultation	August 2014
Public Exhibition	October 2014
Consideration of submissions by Council	December 2014
Date Council will make plan (delegated)	December 2014
Liaise with PC	February 2015
Forward Plan to Department for notification	April 2015

APPENDIX 1 – Locality Map



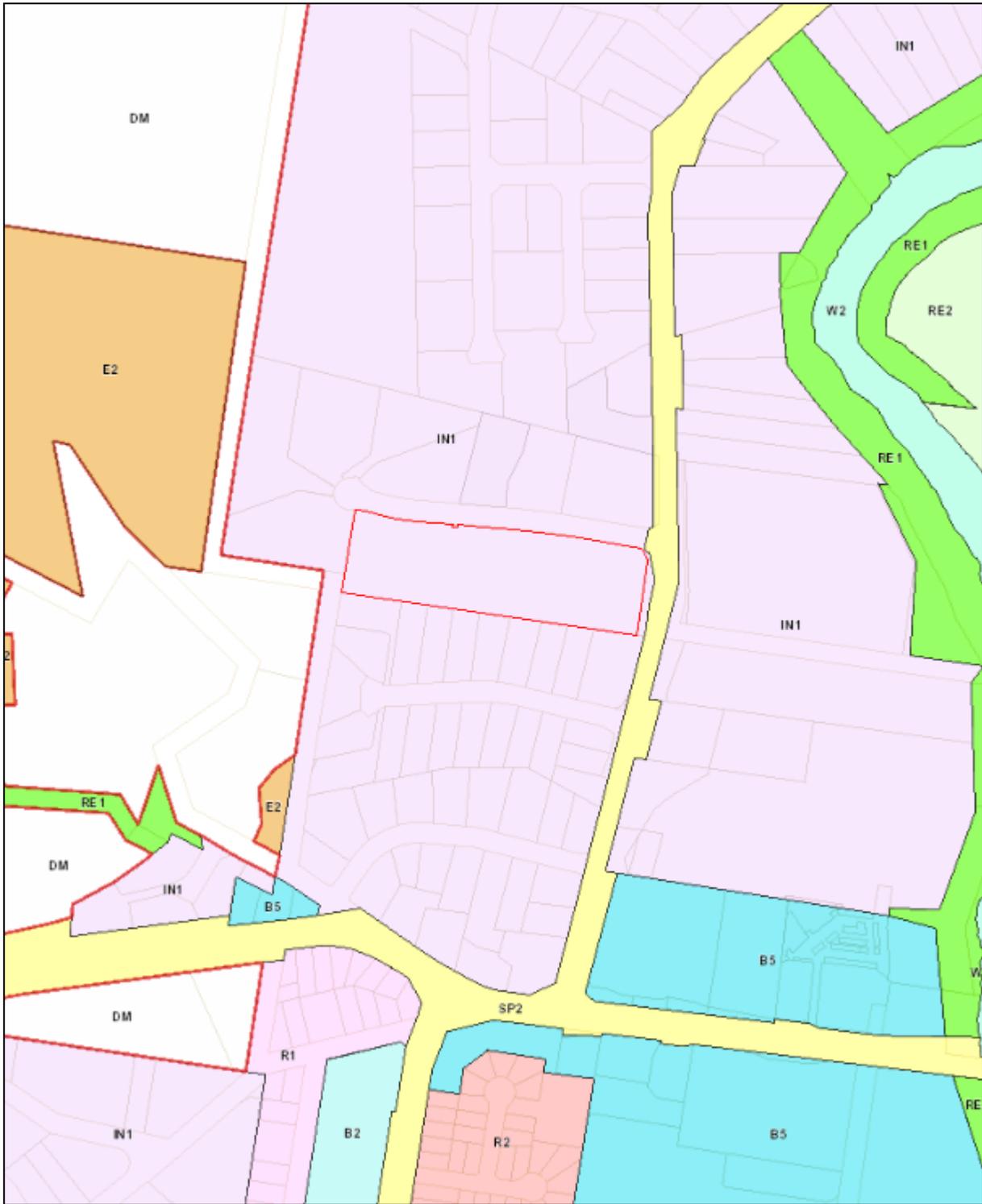
APPENDIX 2 – Land Description



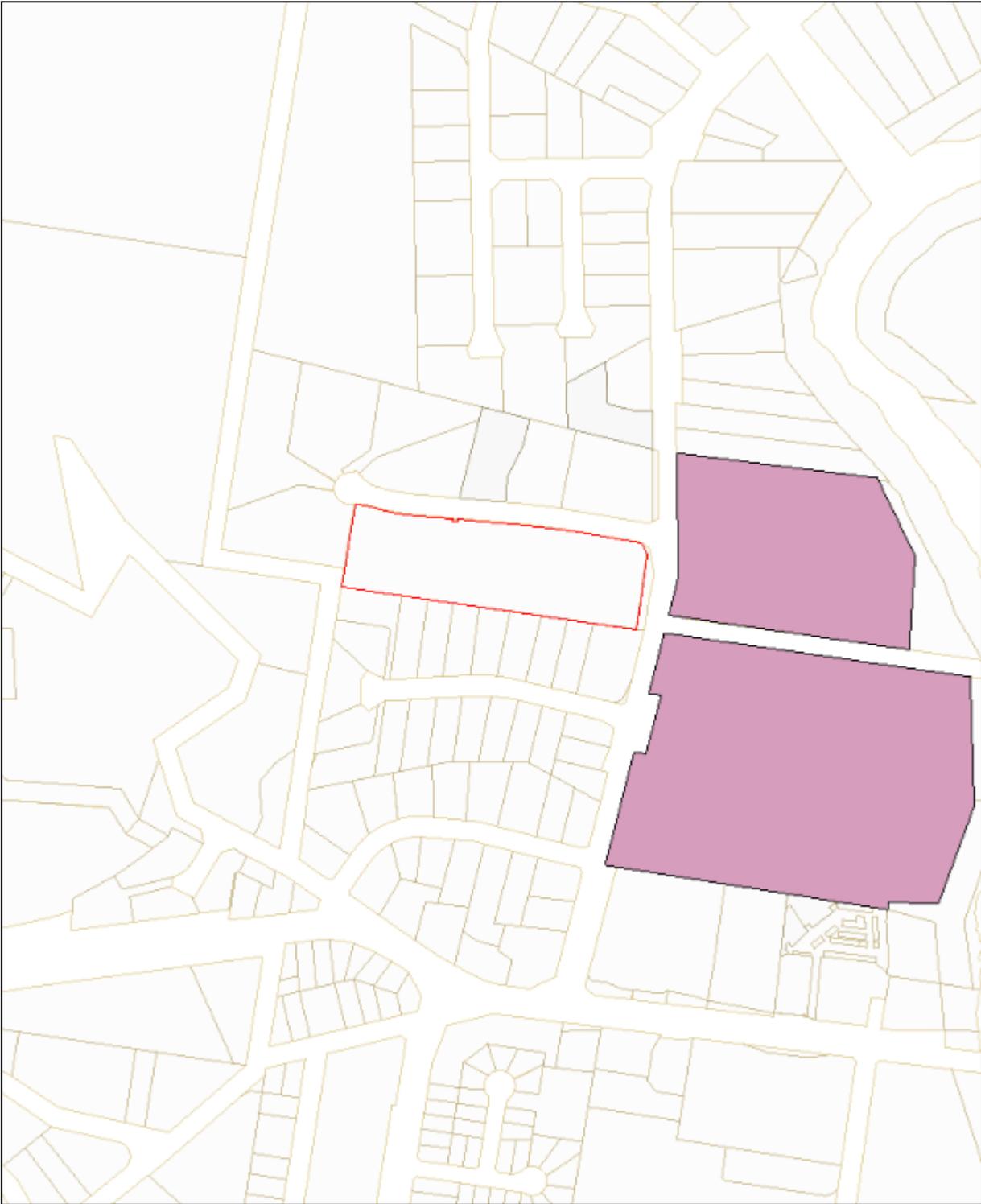
APPENDIX 3 - Aerial Photograph



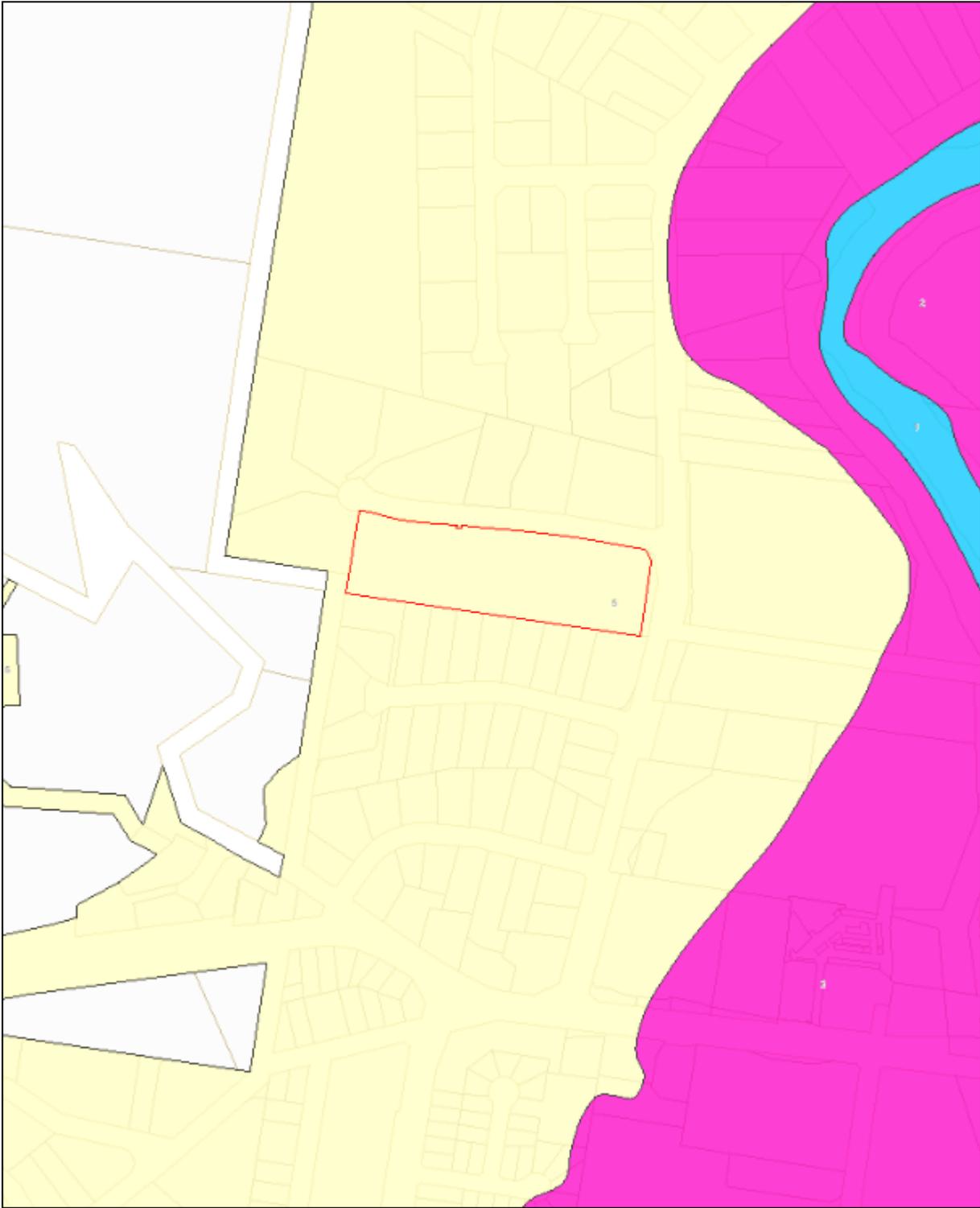
APPENDIX 4 - Existing Zoning Map



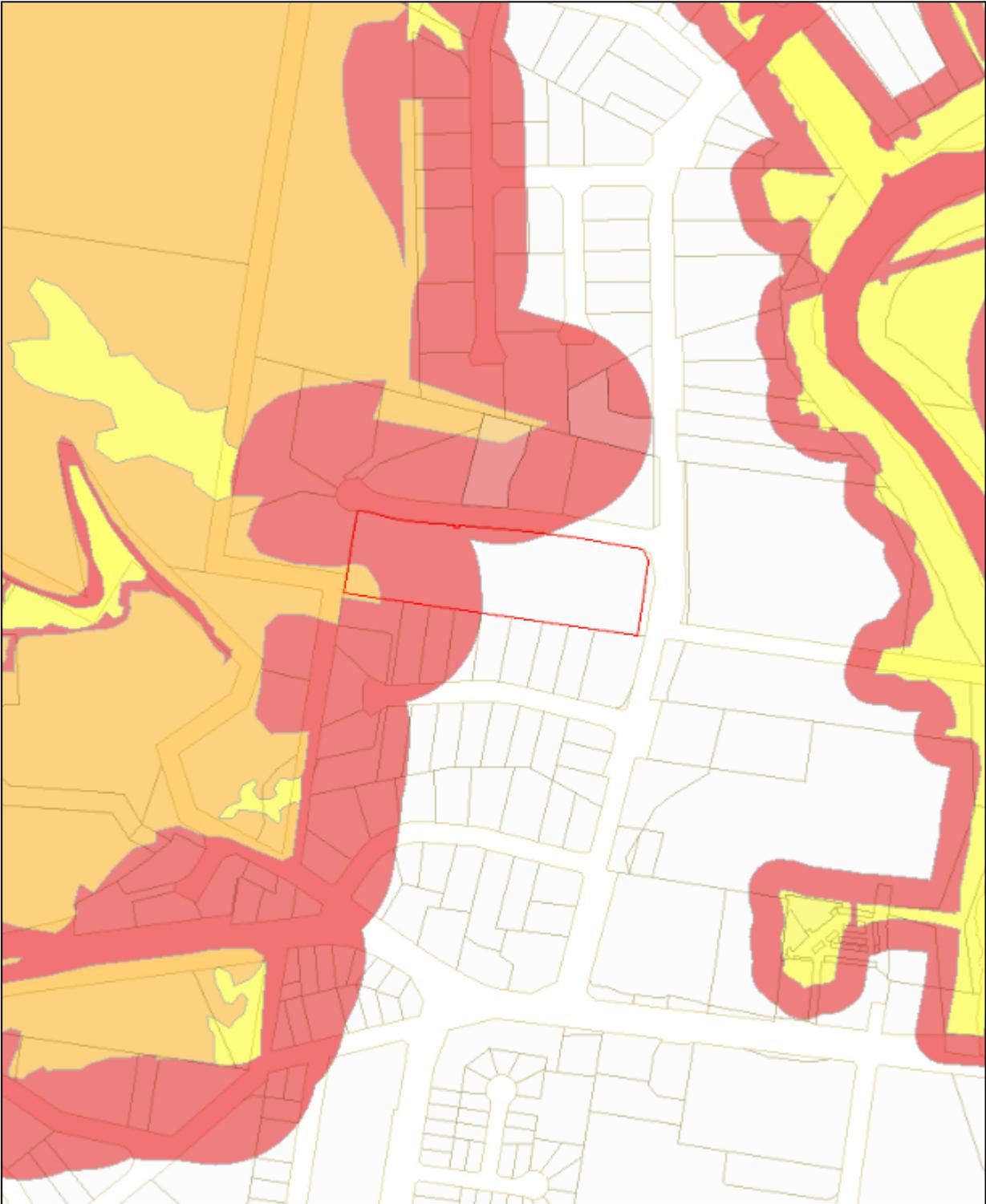
APPENDIX 5 – Additional Permitted Uses



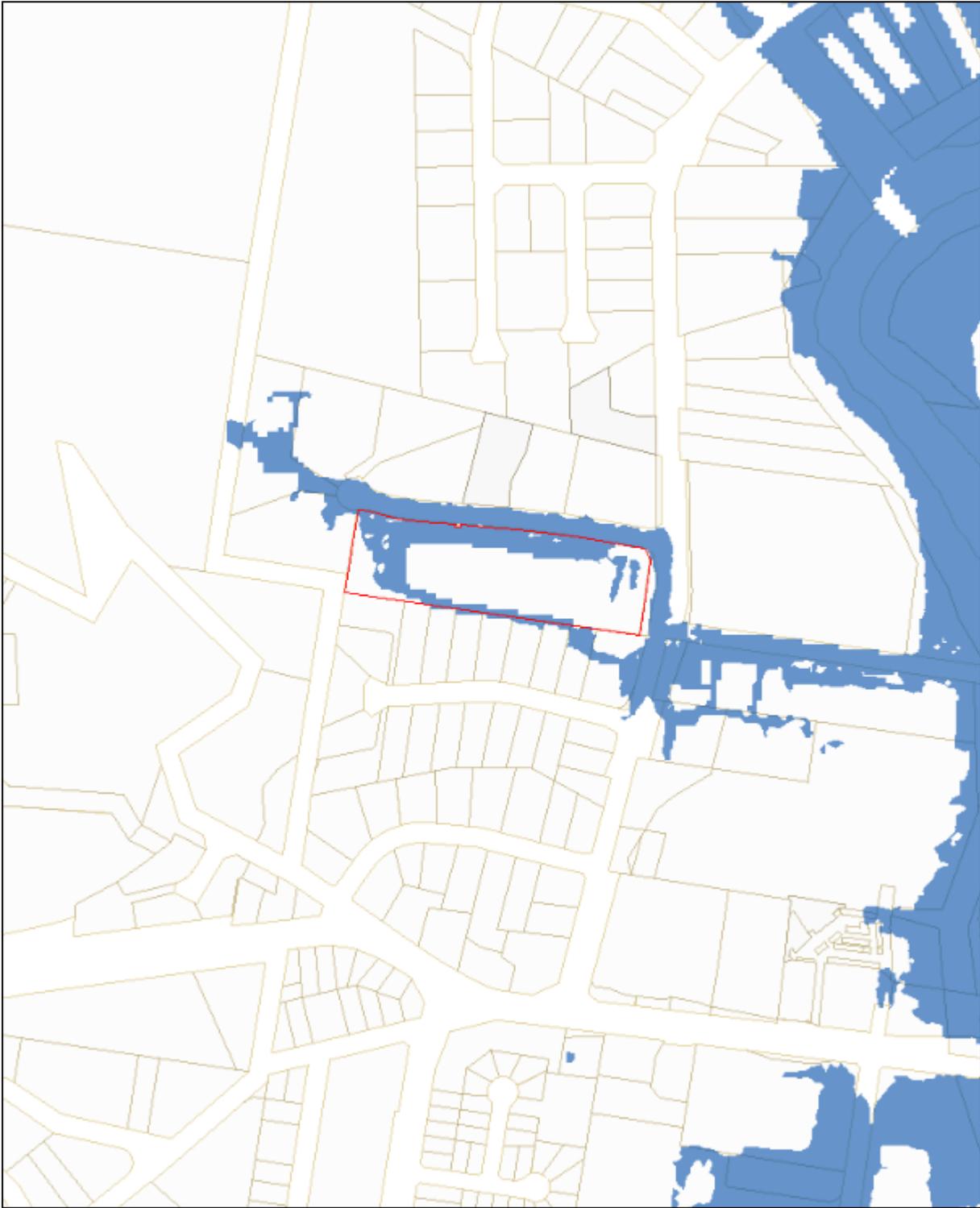
APPENDIX 6 – Acid Sulfate Soils



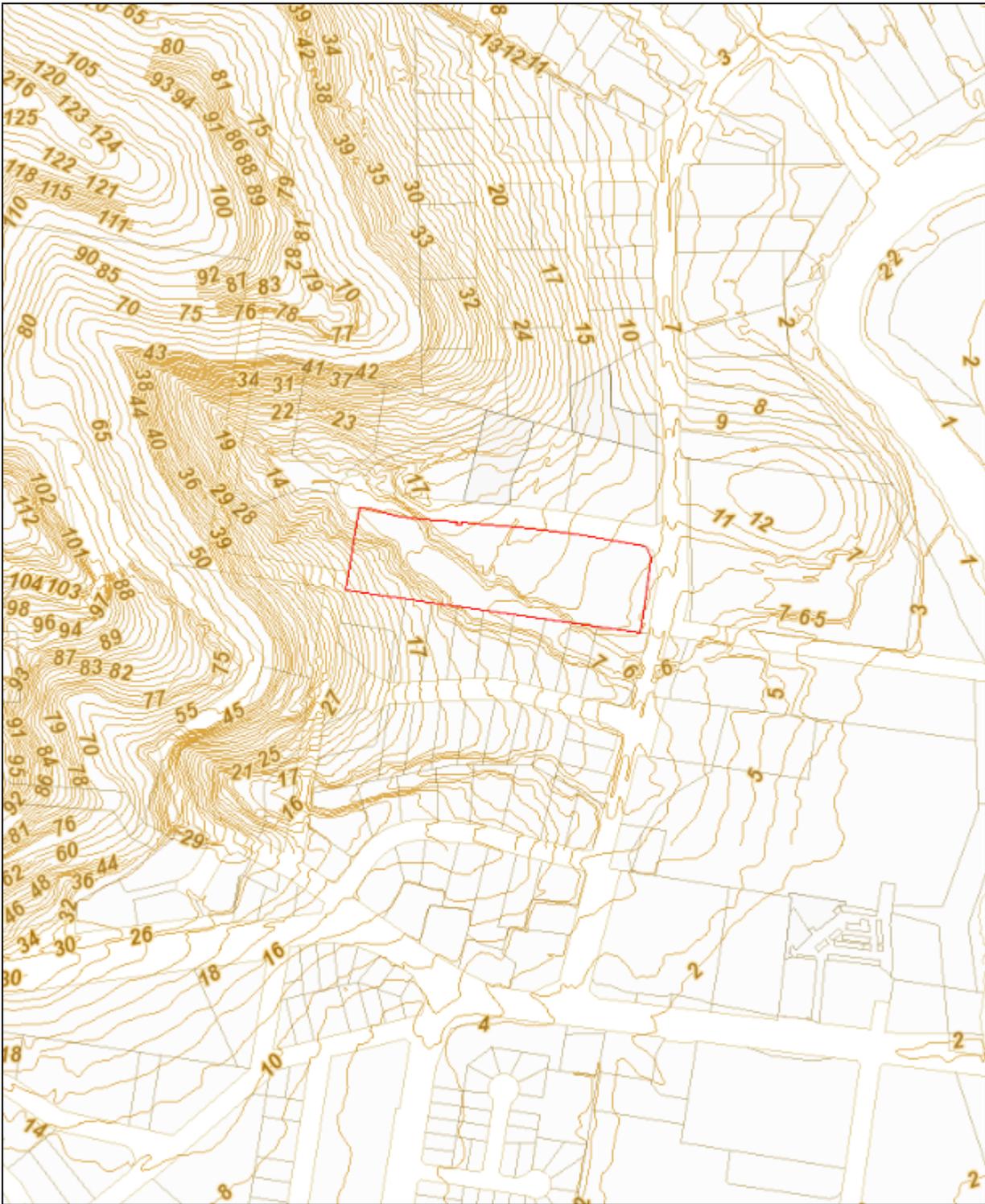
APPENDIX 7 – Bushfire Hazard



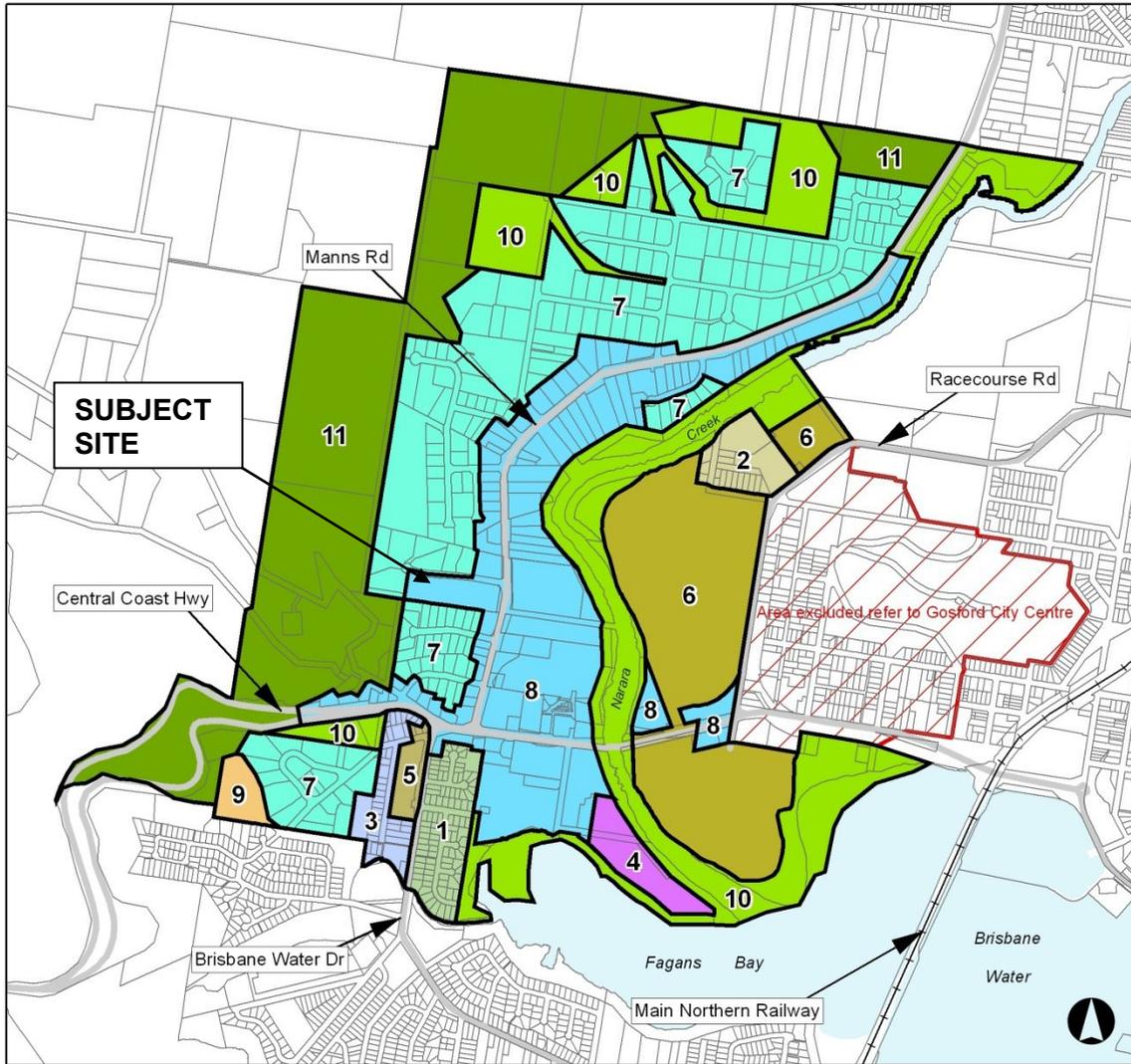
APPENDIX 8 - Flooding



APPENDIX 9 - Topography



APPENDIX 10 – Character



- | | |
|---|---|
|  1: Open Parkland |  7: Employment Centre |
|  2: Bungalow Businesses |  8: Main Road Employment |
|  3: Mixed Density Hillside |  9: Landfills & Quarries |
|  4: Medium Density Estate |  10: Scenic Buffer |
|  5: Main Road Centre |  11: Scenic Conservation |
|  6: Regional Recreation | |