

TITLE Planning Proposal Report s55 in regards to Additional Permitted Uses on Lot 1 DP862725 Pacific Highway Lisarow Applicant: Matthew Gibbens (IR 15822243)

Department: Governance & Planning
Service Unit: Development & Compliance

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

Disclosure of political donations and gifts - s147 Environmental Planning and Assessment Act (EP&A Act).

“A relevant planning application means: (a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site”, i.e. a Planning Proposal. The object of Section 147 is to require the disclosure by a person of relevant political donations or gifts when a relevant planning application is made to Council per s147(4).

No disclosure was made by the applicant.

EXECUTIVE SUMMARY

A Planning Proposal has been received seeking to allow "bulky goods premises" and "office premises" with a total floor area of 5,500m², to be permitted uses on Lot 1 DP 862725 Pacific Highway, Lisarow through the provisions in Schedule 1 Additional Permitted Uses of Gosford LEP 2014.

The subject land is a large industrial site on which it is proposed to put bulky goods premises and office premises. The Central Coast Regional Strategy requires bulky goods premises not be located on industrial land. The reasoning behind this is that industrially zoned lots in Gosford LEP 2014 should be retained for industrial development. However, it should be noted that only 24% of the existing floor area is proposed to be used for non-industrial uses. This is considered satisfactory in this case because there are approximately 9.6 hectares of vacant industrial land in the Lisarow area which indicates that there is not a shortage of industrial land locally. The existing building is suitable for large floor plate uses and the site can accommodate the required parking which would not be the case for smaller industrial lots. Further, the site is located on a main road and close to public transport making it easily accessible. These site and location specific factors support the proposal and ensure a precedent will not be set for the whole of the IN1 General Industrial zone..

Bulky goods premises and office premises are forms of commercial premises, which are permitted uses in the Business zones of Gosford Regional Centre or Lisarow Village Centre. It is noted that bulky good premises are not readily located in the Gosford Regional Centre due to the large building floor areas required and the need for onsite vehicle accessibility. However, office uses could contribute to the revitalisation of the City Centre. Also there is vacant land zoned B2 Local Centre south of the existing Lisarow Village Centre (separate to the approved supermarket) that permits bulky goods premises and office premises. It is therefore recommended that an economic study be undertaken to justify the need for these uses on Lot 1 DP 862725 Pacific Highway, Lisarow.

By permitting the additional uses of bulky goods premises and office premises but limiting the amount of floor space that can be developed for these uses to 5,500m², the integrity of the Industrial zone will be retained subject to the submission of a robust assessment of economic

need. Amending Schedule 1 Additional Permitted Uses of the Gosford LEP 2014 to permit bulky goods premises and office premises can be supported in principle in this instance.

BACKGROUND

Reason for Referral to Council: This report discusses merits for Council's consideration and decision of whether or not to prepare a Planning Proposal (PP) (*which, if supported by Department of Planning & Environment would result in an amending LEP*), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

A meeting was held on 25 March 2014 with the applicant prior to lodgement of the Planning Proposal. Discussion regarded the potential for a minority of the site to be used for such uses as bulky goods and office space.

Application Received: 14 May 2014

Environmental Planning Instrument – Current Zone: IN1 General Industrial under Gosford Local Environmental Plan 2014

Area: 7.675 ha

Recommendation: For Support

Landuse History:

In 1968 the subject land was zoned part 1(b) Non-Urban and part 1(c) Non-Urban under the Gosford Planning Scheme Ordinance (GPSO).

In 1980 the subject land was zoned 4(a) General Industrial under Amendment 6 to the GPSO. Council's aerial photos show that by 1983 the first industrial building had been erected on the site. Additions to this building were constructed over the ensuing years.

In 2014 the subject land was zoned IN1 General Industrial under Gosford Local Environmental Plan 2014.

Map:



Overview of Applicant's Submission:

The subject land is being marketed as “Lisarow Heights Business Park” and it is intended to upgrade the front facade of the existing building fronting the Pacific Highway to present a higher quality street address.

Gosford City Council is requested to prepare a draft local environmental plan in relation to Lot 1 DP 862725, No. 900 Pacific Highway, Lisarow:

- (i) to permit, with Council consent, up to 5,500m² of the existing premises erected on the subject land to be used for the purpose of large floor plate bulky goods premises and office premises by listing the subject land; the additional permitted uses of bulky goods premises and office premises; and the limitation on maximum permissible floor space for these purposes (5,500m²), in Schedule 1 of Gosford Local Environmental Plan 2014; and*
- (ii) to permit the additional use of storage premises on the subject land by listing the subject land and the additional use of Storage premises in Schedule 1 of Gosford Local Environmental Plan 2014.*

The issues raised in the applicant's submission have been considered in the assessment of the proposal.

It should be noted that Council considered a report relating to miscellaneous amendments to Gosford LEP on 21 January 2014 and, in part, resolved:

A(xi) amend Zone IN1 General Industrial Landuse Table as set out in Attachment E;

Attachment E stated: "*Storage premises are currently permitted in the equivalent zone, therefore the use should be made permissible in IN1 zone within LEP 2013*".

The Planning Proposal for miscellaneous amendments was sent to the Department of Planning and Environment and a Gateway Determination has been issued, hence storage units will not be addressed in this Planning Proposal

'Gateway' planning process

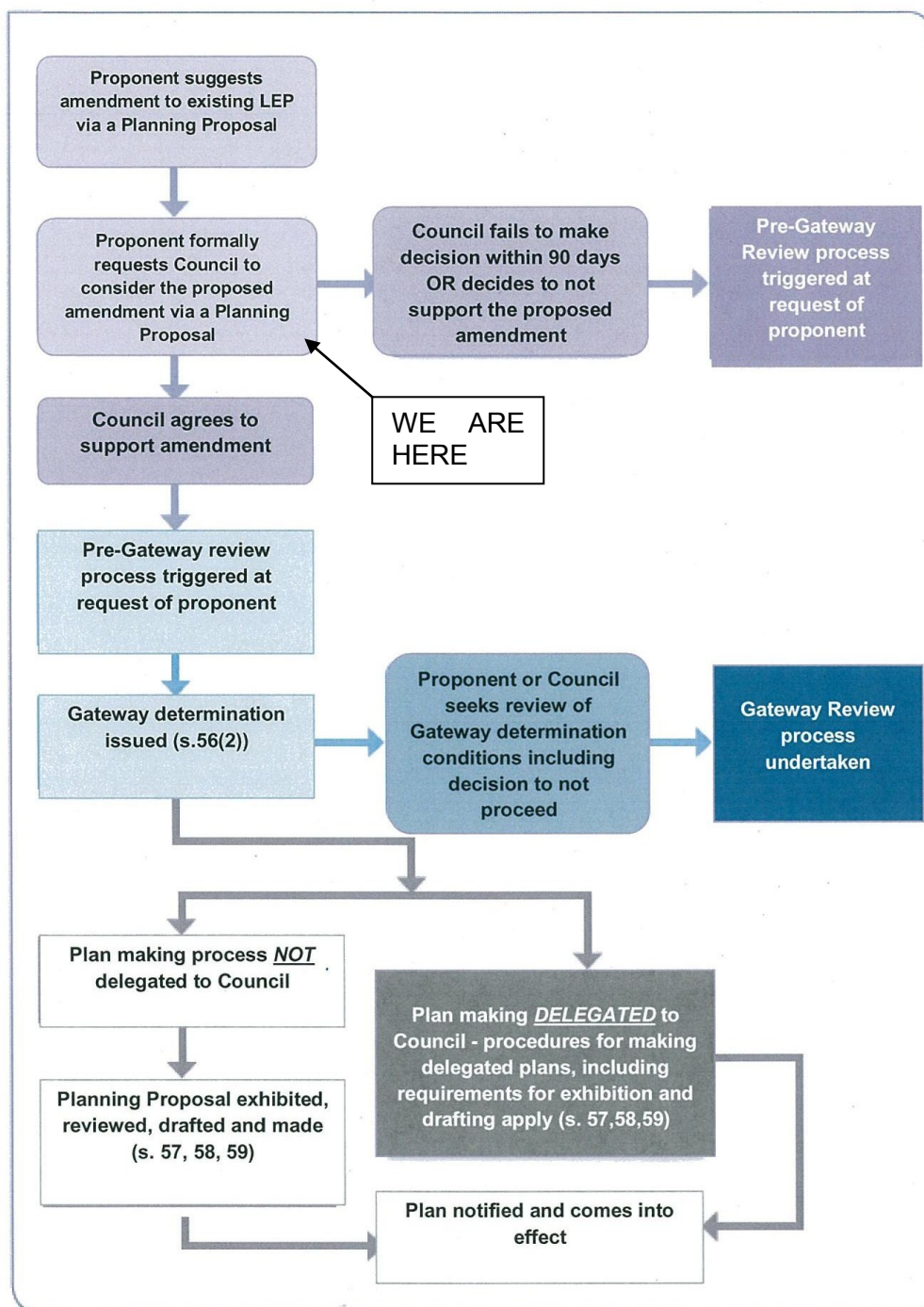
A Local Environmental Plan (LEP) is a legal instrument that imposes zoning of land, standards to control development and other planning controls.

A Planning Proposal application is the mechanism by which a LEP is amended.

The aim of the Gateway planning process is to enable early consideration by the Department of Planning & Environment (DP&E) and if supported then early public consultation. The Gateway process ensures that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. The Gateway therefore acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

Certain plan making functions may be delegated by Department of Planning & Environment to Council (see Planning Circular PS12-006).

LEP plan making process



PLANNING PROPOSAL ASSESSMENT

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

Section 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" and "office premises" (total floor area of 5,500m²) to be permitted uses on Lot 1 DP 862725 Pacific Highway, Lisarow through the provisions in Schedule 1 Additional Permitted Uses of Gosford LEP 2014.

The subject site has an existing floor area of 22,517m² and it is proposed that 5,500m² (24%) be available for bulky goods and office premises. As the land is zoned industrial, the primary uses will remain those permitted in the General Industrial zone. This approach is 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. Consequently one way to ensure future development is compatible with overall planning objectives for the IN1 zone would be to allow the combined bulky goods premises and office premises as a minor component of the overall development, as proposed. The proposal offers local employment opportunities in an accessible location and bulky goods retail and office 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 and office premises as a component of the overall development.

Part 2 Explanation of Provisions

Section 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 uses is:

Use of land at Pacific Highway, Lisarow

- (1) This clause applies to land being Lot 1 DP 862725, Pacific Highway, Lisarow identified as "Lisarow Heights Business Park" on the Additional Permitted Uses Map.
- (2) Development for the purpose of bulky goods premises and office premises with a maximum floor area of 5,500 square metres is permitted with development consent.

As a consequence the subject land will be shown on Additional Permitted Uses map APU_014C.

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

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.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Section 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 A to this report contains all relevant mapping to the Planning Proposal.

Part 3 Justification for objectives & outcomes

Section 55(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 amendment of Schedule 1 Additional Permitted Uses is not the result of a strategic study or report. Even though it is not a strategic document, the *Employment Lands Investigation*, is generally not supportive of the loss of industrial land, particularly on large sites. It also recommends that bulky goods be discouraged within industrial areas, which is consistent with the prohibition of bulky goods premises in the IN1 zone under Gosford LEP 2014.

The current prohibition of bulky goods premises in the IN1 zone also has a practical basis because such a use is not conducive to being located on small lots as the floor space and parking required is not able to be accommodated on-site. The only industrial land on which bulky goods could be located is on large lots. Therefore if a bulky goods use is proposed for a large industrial site then a Planning Proposal has to be submitted and a strategic assessment undertaken.

In the Lisarow industrial area, which includes IN1 zoned land on the northern side of the railway line, there are approximately 9.6 ha of vacant industrially zone land (which

includes that part of a large lot that is currently undeveloped). Furthermore the *Employment Lands Investigation* recognises; "the building coverage within the precinct is (also) relatively lower than other precincts in the Gosford LGA creating opportunities for businesses to expand operations onsite in the future."

Therefore the use of 5,500sqm of existing floor space for bulky goods and office premises represents 6% of the available IN1 zoned land in Lisarow. The loss of 5,500sqm from potential industrial use is considered to be minimal and will not lead to a shortage in available industrial land in the area. Furthermore the subject land has good access due to it fronting a main road and is able to accommodate the required parking on site (see Question 3b).

The Planning Proposal is also consistent with recent Council decisions regarding other large industrial lots, albeit in West Gosford. On 18 January 2013 an enabling clause was included in the Gosford Planning Scheme Ordinance via LEP No 477 for land known as Riverside. This enabling clause specified the maximum floor area for "bulky goods premises". As a consequence of this a similar provision was included in Schedule 1 of Gosford LEP 2014 to include the additional permitted use on the Riverside site. This scenario is similar to the subject Planning Proposal.

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 for the subject site 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)?

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 Planning Proposal. 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 the following Actions:

5.1 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.

5.7 Investigate, through the preparation of LEPs, options to expand existing employment land nodes and ensure future development occurring on employment land does not result in inappropriate fragmentation of that land.

The Planning Proposal will result in the creation of more local jobs and investigates an option to expand uses on employment land. As the additional permitted uses are located within the existing building on the site, fragmentation of employment land will not occur.

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 Planning Proposal does not fully comply with this Action. However, the subject site is located adjacent to the Lisarow Village Centre and the location of bulky goods premises and office premises in close proximity to the Centre will create a node and potentially enhance the Centre via the provision of large floorplate uses that would enjoy synergies with land uses in the locality.

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 Section 117 Directions?

The Planning Proposal is consistent with some and inconsistent with other Actions in 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.

The Planning Proposal has site specific merit and is compatible with surrounding uses as the subject site is proximate to the existing B2 Local Centre zone which has the predominate use of retail premises. As the site is zoned IN1 General Industrial and an industrial building is in existence, the inclusion of two additional permitted uses applying to the site will not affect matters relating to the natural environment or required infrastructure.

By their very nature, bulky goods premises must be located on large lots. The Planning Proposal is unlikely to create a precedent or change expectations of landowners in the area because: the subject land is the only large lot (7.6 ha) remaining in the vicinity, there is a relative abundance of vacant industrial land in the area and there is a relative lack of vacant commercial land in the locality.

Due to its large area it is able to accommodate the parking required for the more intensive land uses proposed. The site currently has 273 parking spaces on the site. A recent development consent for the extension of the circulation road indicated an additional 80 spaces located between the building and the front property boundary. This provides a total of 353 parking spaces on site.

Should all the 5,500sqm be used for office space it would generate 138 parking spaces.
Should all the 5,500sqm be used for bulky goods it would generate 122 parking spaces.
Should the remaining 17,017sqm be used for industrial purposes, 171 spaces would be required. Some of this area may be used for storage which generates less parking and some of it could be used for ancillary offices which generates more parking so it is reasonable to assume an industrial rate for the whole floor area.
Therefore the maximum number of spaces required would be 309, which is less than the number of existing spaces available on the site.

The fact that the site is large enough to provide the car parking spaces required for the industrial uses as well as the proposed office premises and bulky goods premises means that this site is unusual. Consequently the permission of such additional uses cannot be

used to justify non-industrial uses on all IN1 zoned lots because amongst other things, most lots have an insufficient area to accommodate the additional parking spaces required.

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

Community Strategic Plan - Gosford 2025

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

A4.1 Enhance the character of the area through good design.

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.

Should the Planning Proposal be successful it is reasonable to assume that the front facade of the existing building will be renovated resulting in an enhancement of the character of the area. The additional permitted uses will increase and broaden the range of jobs in the locality.

Biodiversity Strategy

The Planning Proposal intends to utilise part of the existing building and therefore will not impact on the existing vegetation along the rear boundary. Hence it is not inconsistent with the Biodiversity Strategy.

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 Planning Proposal to enable bulky goods premises with a limitation of floor area of 5,500m² 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 an environmental planning instrument is being prepared (i.e. Planning Proposal), a planning authority (e.g. 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 Albany International do 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. However, Council's aerial photos indicate that in 1954 the subject site was used as an orchard which is an activity listed in Table 1. Even though the proposal does not propose to rezone the land to allow residential, educational, recreational, childcare purposes or a hospital and the proposal involves the inclusion of

additional permitted uses (bulky goods premises and office premises) within the existing industrial building. It is considered that a Preliminary Contamination Report be prepared in order to be consistent with SEPP 55.

SEPP (Infrastructure) 2007

The SEPP requires consultation with the rail authority about any development application in a rail corridor. As the subject site adjoins the Great Northern Railway it would be reasonable to consult with the State Rail Authority at the Planning Proposal stage.

SEPP (Exempt and Complying Development Codes) 2008

The aim of the SEPP is to identify exempt and complying development that has minimal environmental impact and can be carried out without development consent or may be carried out in accordance with certain development standards.

Should the additional permitted uses of office premises and bulky goods premises become permitted on the site, future changes of use to listed uses permitted as exempt development or complying development under this SEPP can only occur if the new use is permissible with consent in the land use zone in which it is carried out; in this case the IN1 zone. Hence, office premises cannot be changed to the uses listed as exempt development (i.e. business premises, shop, kiosk) as these uses are prohibited in the IN1 zone.

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, the 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 (Section 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.

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.

There is vacant land, Lot 12 DP 1002210, south of the Lisarow Village Centre which is zoned B2 Local Centre and approximately half has approval for a Woolworths Supermarket. The remainder of the site (approx 1.4 ha) with access off Newling Street is available for other uses permitted in the Business zone. This site does not have good exposure to the Pacific Highway so may not be suitable for the uses proposed in this Planning Proposal. The Planning Proposal does not affect this Business zone and does not reduce the potential floor space within this zone.

In the Lisarow industrial area, which includes IN1 zoned land on the northern side of the railway line, there is approximately 9.6 ha of vacant industrially zone land (which includes that part of a large lot that is currently undeveloped). Furthermore the *Employment Lands Investigation* recognises; “the building coverage within the precinct is also relatively lower than other precincts in the Gosford LGA creating opportunities for businesses to expand operations onsite in the future.”

The inclusion of bulky goods premises and office premises as additional permitted uses on the subject land will reduce the total potential floor space for industrial uses within the broader Lisarow industrial area. However, 5,500sqm represents 6% of the available IN1 zoned land in Lisarow. Therefore the loss of 5,500sqm from potential industrial use is considered to be minimal and will not lead to a shortage in available industrial land in the area.

Also the limitation placed on the floor space, will to some extent overcome the inconsistency with this direction. It means that the residue of the land can still be used for uses compliant with the IN1 zone and that the floor space for compliant industrial component will not be reduced on this site.

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).

These documents have objectives to:

- locate trip-generating development which provides important services in places that:
 - help reduce reliance on cars and moderate the demand for car travel

- encourage multi-purpose trips
 - encourage people to travel on public transport, walk or cycle
 - provide people with equitable and efficient access
- minimise dispersed trip-generating development that can only be accessed by cars

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 well serviced by public transport. The subject site is located 560m from Lisarow Railway Station and 156m from a bus stop on the Gosford to Tuggerah bus route. Furthermore the provision of trip generating development at this location will reduce length of travel time and travel distance for the residents of Lisarow and surrounds. The Planning Proposal is considered to be 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 objectives of this direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. This application is considered to be the alteration of a provision within an Industrial zone.

The following comments are made with regard to flooding constraints only as it affects the proposed change of use of the land.

The subject land is affected by local overland flooding as identified under the Review of Narara Creek Flood Study 2013. The flow path of flooding passes through the property across various corridors is minor in depth and velocity and is identified as low to medium hazard. The current use of the site is totally industrial however the planning proposal intends to change the use for part of the site to permit bulky goods and office uses. The flood damages and risk to life can be higher from an industrial to a commercial land use as there is potential for more people to use a commercial site and for stock to be damaged. Any future proposed works or site use should comply with Council's DCP 2013 Section 6.7 Water Cycle Management.

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 on the northern boundary is identified as Category 1 Vegetation and land identified as buffer affecting the northern 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 additional permitted uses and confined area of floor space to be used for bulky goods premises and office 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 the bulky goods premises and office premises components of the overall development on the land and it intends to restrict the floor area component to 5,500m². This inconsistency is considered to be minor and justified as it will ensure the overall integrity of the industrial zone is not compromised and the limitation on floor area is essential to achieve a sound planning outcome given the circumstances of the case (i.e. situation of the land and relationship to surrounding zones, availability of vacant industrial land in Lisarow and continuance of the dominant industrial activities and approved uses compliant with an industrial zoning on the site).

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. 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?

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?

The subject site is fully developed and the Planning Proposal is for the inclusion of additional permitted uses on the land within the existing building envelope. The subject land is included in Lisarow Character Precinct 11 – Main Road Employment as identified in Chapter 2.1 of Gosford DCP 2013. The inclusion of bulky goods premises and office

premises as additional permitted uses on the site will not alter this classification as the general character of the site will not change.

Even though the general character will not alter, the appearance of the building from the Pacific Highway will change. For example, the future development of the eastern part of the existing building will result in the front building facade being renovated to reflect the new uses. Part of this change to the facade will be signage. The size and type of signage is a specific operational matter that will be addressed as part of the development application. Likewise, operating hours could impact on the amenity of the area. Again, this is not a strategic matter and will be addressed at the development application stage.

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

There is vacant land, Lot 12 DP 1002210, south of the Lisarow Village Centre which is zoned B2 Local Centre and part of which has approval for a Woolworths Supermarket. The remainder of the site (approx 1.4 ha) with access off Newling Street is available for other commercial uses such as bulky goods premises and office premises.

Also Council is committed to the revitalisation of the Gosford Regional Centre and locating uses that could be located there, such as office premises, away from Gosford could be seen as being contrary to this purpose. It is noted that bulky goods are not readily located in Gosford Regional Centre due to the large building floor areas required and need for on-site vehicle accessibility.

It is realised that the Planning Proposal will have beneficial economic impacts on the local economy as it will result in an increase in jobs. However the broader economic effects are unknown. An economic study should be undertaken to ascertain the need for such uses in the Lisarow locality.

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 the Pacific Highway which has the capacity to accommodate the additional traffic. The existing access from the Pacific Highway to the site is via a right turn lane and egress from the site is left turn only. Retaining this arrangement will continue to aid traffic flow on the Pacific Highway. As the land fronts a Classified Road and there are plans to widen the Pacific Highway, the Roads and Maritime Service should be consulted subject to a Gateway Determination.

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.

The public agencies that should be consulted as part of the consultation process are:

- Rural Fire Service
- Roads and Maritime Service
- State Rail Authority

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.

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

Part 5 Community Consultation

Section 55(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. A letter will also be sent to the adjoining landowners (see Attachment B).

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.

Conclusion

The Planning Proposal relates to Lot 1 DP 862725 Pacific Highway, Lisarow which has an area of 7.6ha. It is proposed to use 5,500sqm of the existing building for bulky goods premises and office premises. As a general rule, large industrially zoned lots are scarce and should be retained to encourage large-scale industrial development however, there are a number of circumstances that are peculiar to this site and this vicinity which support the proposal: this site is able to accommodate industrial uses as well as the proposed additional uses, there is no shortage of IN1 zoned land in Lisarow, there is a relative lack of commercial land, the subject site is suitable for large floor plate uses, the site can accommodate the required parking and the site is located on a main road and close to public transport for easy access. However the broader economic effects of such uses are unknown so it is recommended that an economic study be undertaken to ascertain the need for such uses in the Lisarow locality and on Lot 1 DP 862725, in particular.

By permitting the additional uses of bulky goods premises and office premises but limiting the amount of floor space that can be developed for these uses to 5,500m², the integrity of the

Industrial zone will be retained subject to the favourable recommendations of the economic study. Hence amending Schedule 1 Additional Permitted Uses of the Gosford LEP 2014 to permit bulky goods premises and office premises can be supported in this instance.

Should Council wish to reconsider the matter after public exhibition where no submissions objecting to the matter have been received, Part C of the recommendation should be amended to include the words: "After public exhibition of the Planning Proposal a report is referred to Council on the matter."

FINANCIAL IMPACT STATEMENT

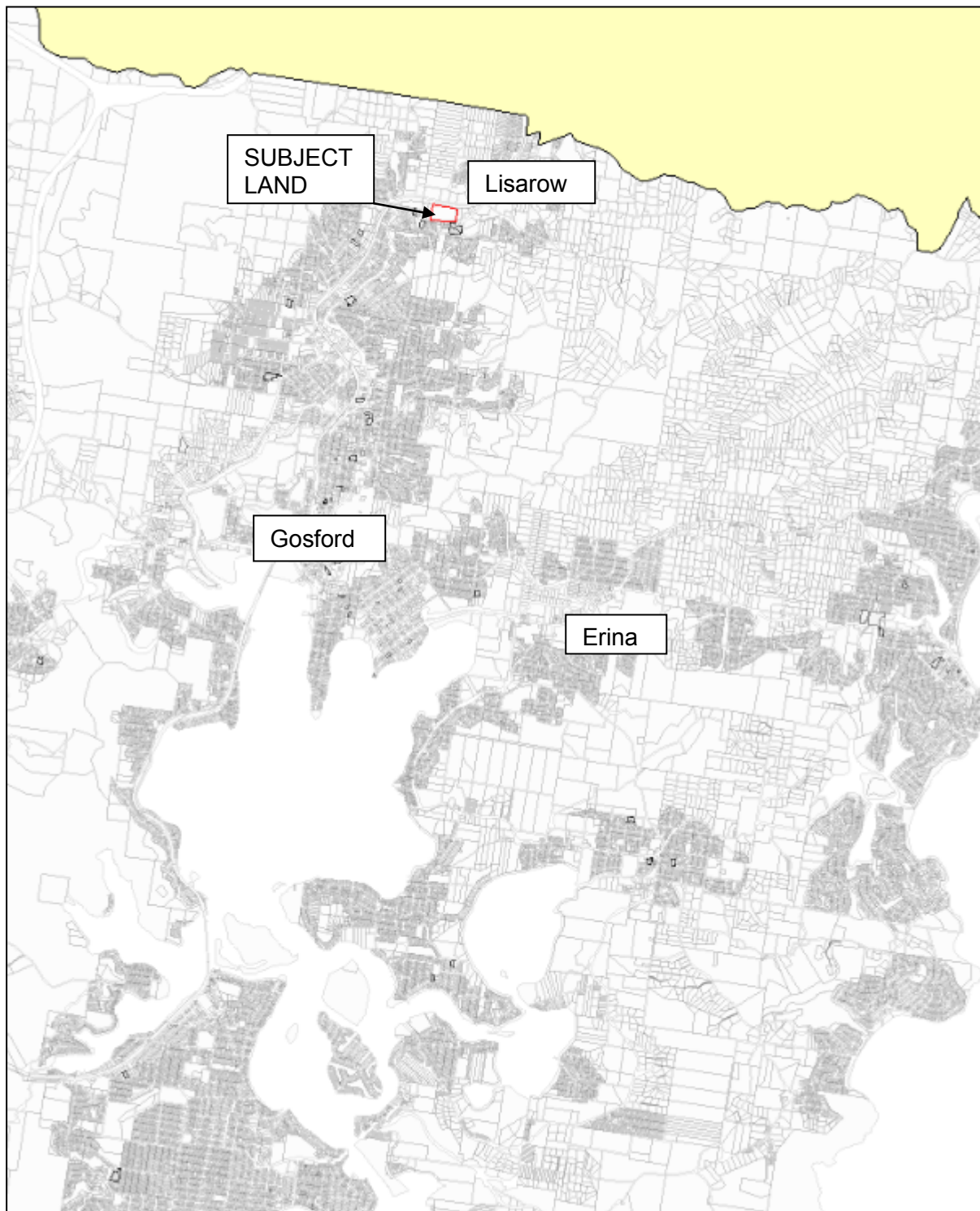
The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service

Attachments: A Planning Proposal Mapping
 B Adjoining Owners to be Notified

Tabled Items: Nil

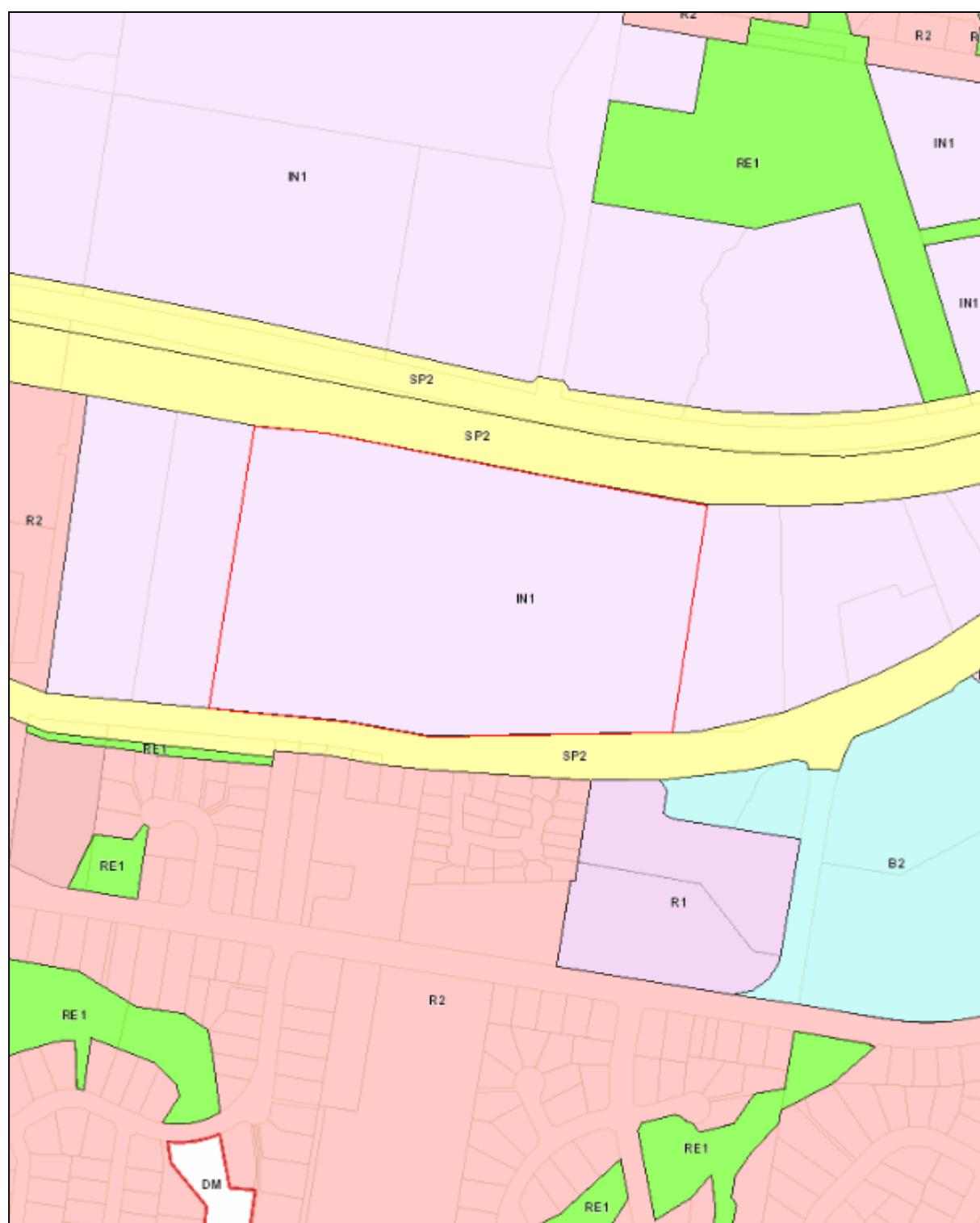
RECOMMENDATION

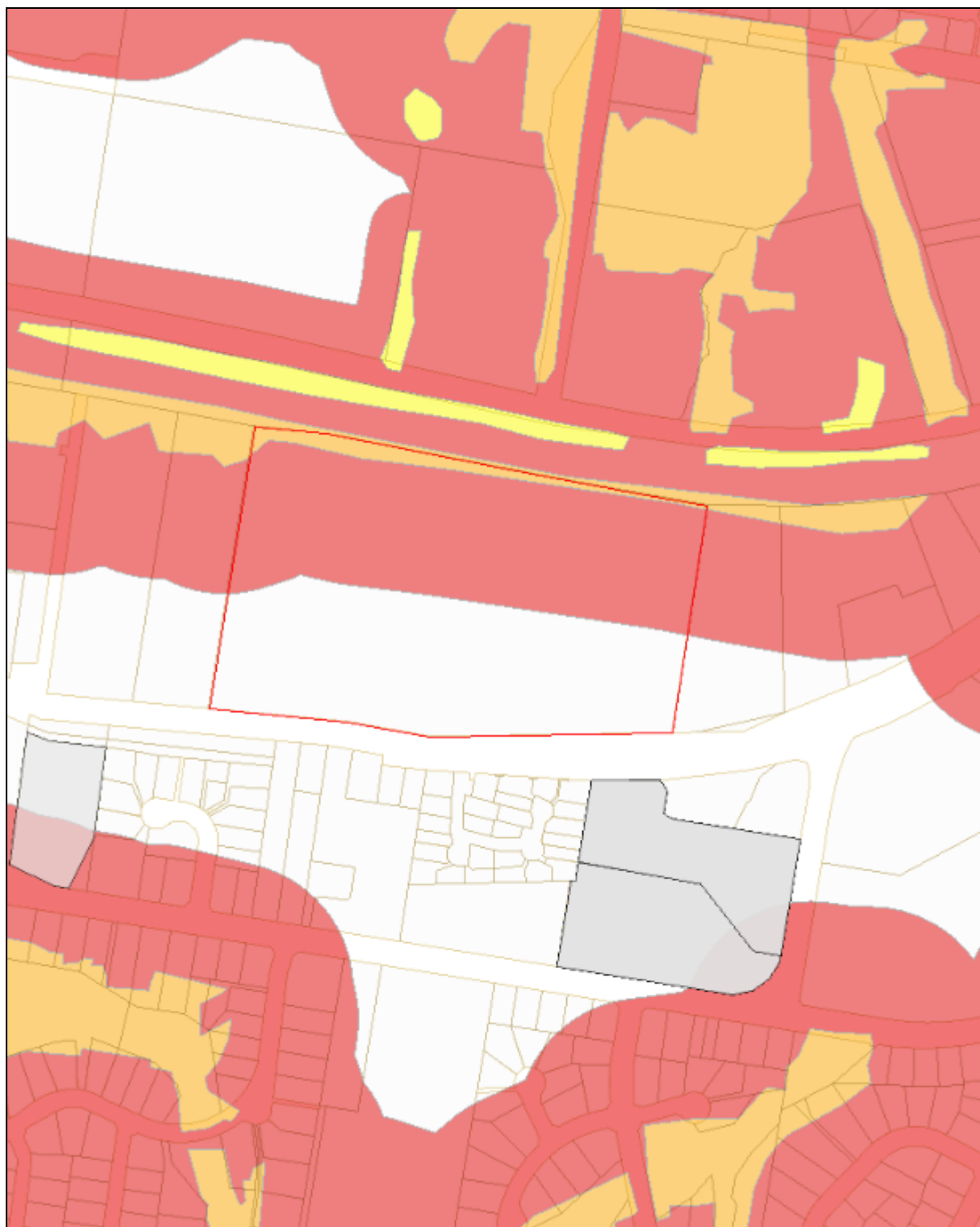
- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal as outlined in this report to enable Lot 1 DP 862725 Pacific Highway, Lisarow to be used for bulky goods premises and office premises with a total restriction on the combined bulky goods and office components of 5,500m² floor space.
- B Council notify the Department of Planning & Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report.
- C Council request that the Gateway determination include a requirement to undertake:
 - a preliminary contamination assessment,
 - an economic study.
- D After public exhibition of the Planning Proposal, should the Minister for Planning support it, if no submissions objecting to the planning proposal are received, the Planning Proposal is to be sent to the Department of Planning & Environment in order to make the plan.
- E The applicant be advised of Council's resolution.
- F Council seeks delegations from the Department of Planning & Environment for this Planning Proposal.
 - Upon Council receipt of the Department of Planning & Environment's intention to issue delegation, Council will submit to the Department of Planning & Environment a "Written Authorisation to Exercise Delegation" for the same.
 - Any delegation to Council is to be delegated to the Chief Executive Officer - Paul Anderson, per s381 of the *Local Government Act 1993*, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Environment.

ATTACHMENT A – Planning Proposal Mapping**Appendix 1 – Locality Map**

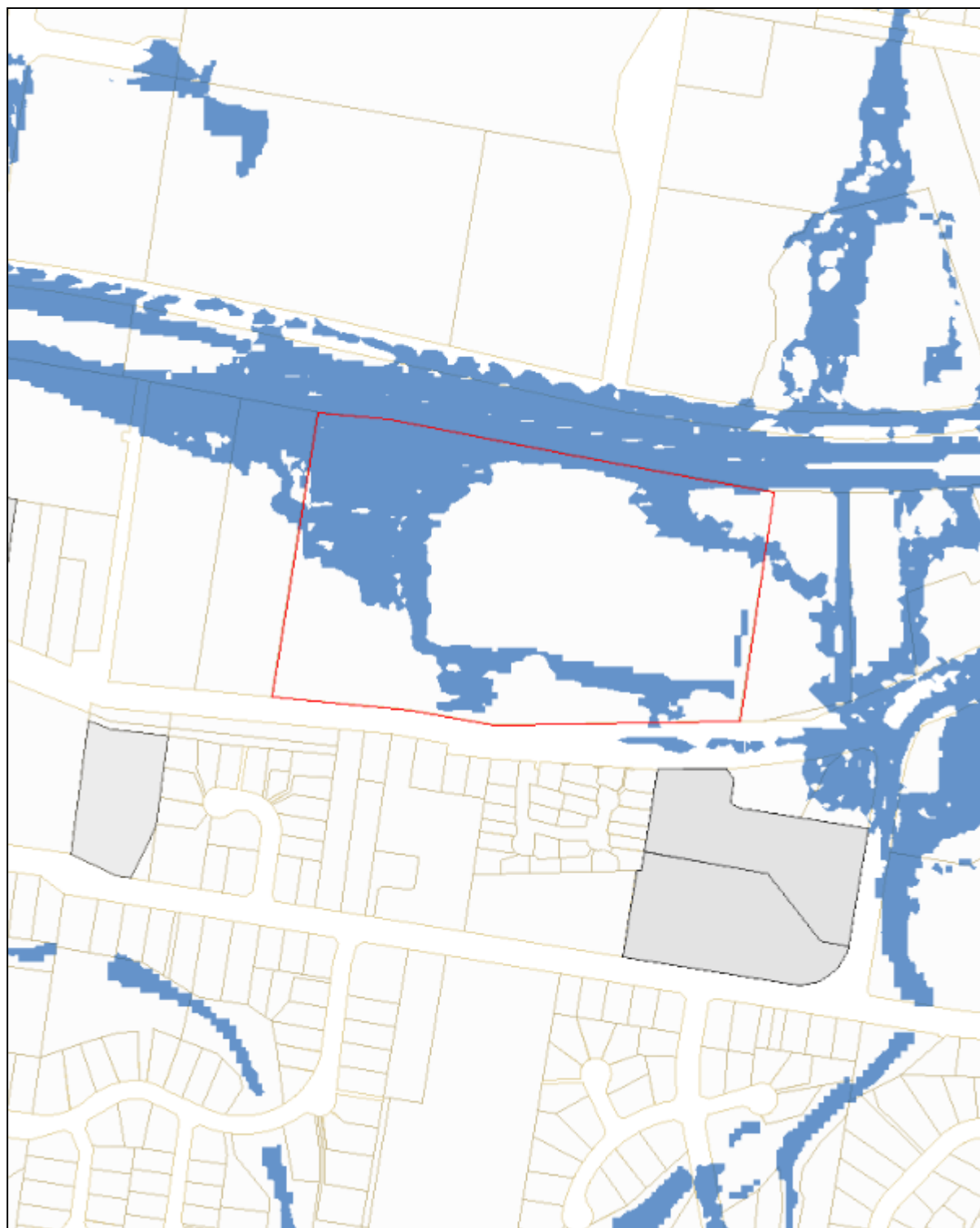
APPENDIX 2 - Aerial Photograph



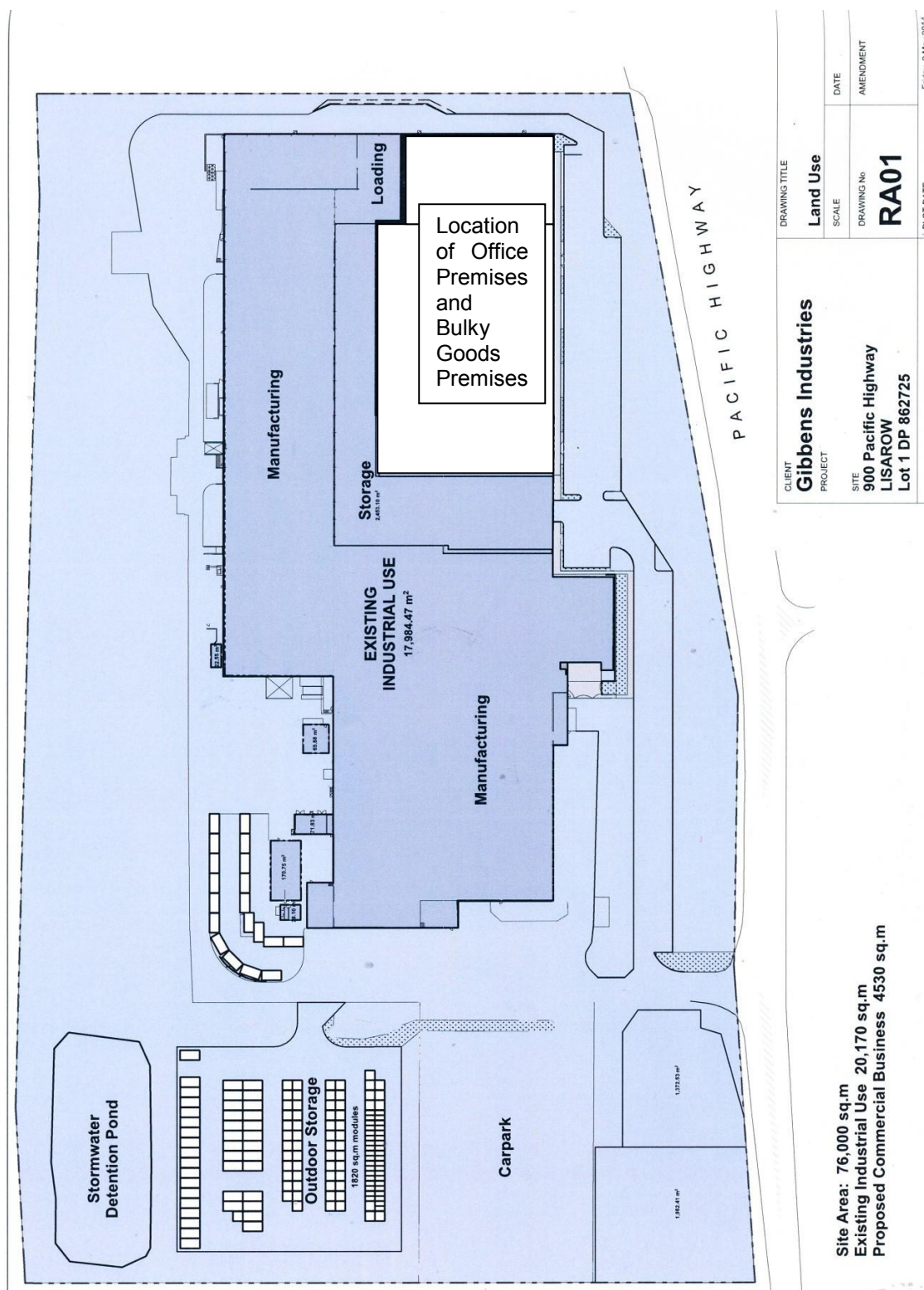
APPENDIX 3 - Existing Zoning Map

APPENDIX 4 – Bushfire Hazard

Light Colour – Vegetation Categories
Dark Colour – Buffer

APPENDIX 5 – 1% AEP Flood

APPENDIX 6 – Applicant's Proposal



ATTACHMENT B – Adjoining Owners to be Notified

