

# **Application for Planning Proposal**

in accordance with the

## **Environmental Planning & Assessment Act 1979**

### **Planning Proposal Report**

for

### **Proposed Zoning Change**

**Lot 6 in DP3944 #39 Dell Road**

**West Gosford**

Industrial Discounts Pty Limited

November 2020

Job No: 062 – 20200

03 – 062/2020 (FINAL)



**WALES & ASSOCIATES PTY. LTD.**

Urban Design & Development Services

ACN No: 075 903 669 ABN No: 80 075 903 669

---

## Document Control Sheet

Document and Project Details					
Document Title:	Planning Proposal Proposed Zoning Change Lot 6 in DP3944 #39 Dell Road West Gosford				
Author:	Matthew Wales				
Project Manager:	Matthew Wales				
Date of Issue:	18 <sup>th</sup> November 2020				
Job Reference:	#062/2020				
Summary:	Planning Proposal for Zoning Change Deferred Matter to Part Deferred Matter and Part IN1 – General Industrial				
Client Details					
Client:	Industrial Discounts Pty Limited P.O. Box 757 <b>Gosford</b> 2250				
Contacts:	Matthew Wales Wales & Associates Pty Limited P.O. Box 150 ETTALONG BEACH 2257 <a href="mailto:matthew@walesassociates.com.au">matthew@walesassociates.com.au</a>				
Document Distribution					
Version Number	Date	Status	Distribution – Number of Copies (p = print copy; e = electronic copy)		
			Client	Council	Other
01-062/2020	15.10.20	Draft	1e		
02-062/2020	1.11.20	Draft Final	1e		
03-062/2020	18.11.20	Final	1e	1e	1e
Document Verification					
Checked by:			Issued by		
 D. Wales			 Matthew Wales		

+

#### **Disclaimer**

This report has been prepared based on the information supplied by the client and investigation undertaken by Wales & Associates Pty Limited (Australia). Recommendations are based on the professional judgement of Wales & Associates Pty Limited only and whilst every effort has been taken to provide accurate advice, Central Coast Council and any other regulatory authority may not concur with the recommendations expressed within this report. This document and the information are solely for the use of the authorised recipient and this document may not be used, copied or reproduced in whole or part for any purpose other than that for which it was supplied by Wales & Associates Pty Limited makes no representation, undertakes no duty and accepts no responsibility to any third party who may use or rely upon this document or the information.

#### **Confidentiality Statement**

All information, concepts, ideas, strategies, commercial data and all other information whatsoever contained within this document as well as any and all ideas and concepts described during the presentation are provided on a commercial in confidence basis and remain the intellectual property and Copyright of Wales & Associates Pty Ltd and affiliated entities.

#### **Copyright**

The information, including the intellectual property contained in this document, is confidential and propriety to Wales & Associates Pty Limited (Australia). It may only be used by the person, company or organisation to whom it is provided for the stated purpose for which it is provided. It must not be given to any other person, company or organisation without the prior written approval of a Director of Wales & Associates Pty Limited (Australia). Wales & Associates Pty Limited (Australia) reserves all legal rights and remedies in relation to any infringement of its rights in respect of the confidential information.

© Wales & Associates Pty Limited (Australia)

## TABLE OF CONTENTS

**Development Report for  
Application for Planning Proposal  
Proposed Zoning Change  
Lot 6 in DP3944 #39 Dell Road  
West Gosford**

Clause	Description	Page
-	<b>COVER PAGE</b>	1
-	<b>DOCUMENT CONTROL</b>	2
-	<b>DISCLAIMER</b>	3
-	<b>TABLE OF CONTENTS</b>	4
-	<b>FIGURE INDEX</b>	5
-	<b>APPENDIX INDEX</b>	5
-	<b>LIST OF ABBREVIATIONS AND GLOSSARY</b>	6
-	<b>PROJECT DETAILS</b>	7
1.0	<b>INTRODUCTION</b>	8
1.1	Current Zone	8
1.2	Proposed Zone	8
1.3	Planning Instruments	9
1.3.1	<i>Gosford Local Environmental Plan 2014</i>	9
1.3.2	<i>Interim Development Order No. 122</i>	9
1.4	Land Area	9
1.5	Land Description and Relationship to Surrounding Landuses	9 – 11
2.0	<b>BACKGROUND/LANDUSE HISTORY</b>	12
3.0	<b>THE PROPOSAL</b>	12
4.0	<b>ZONING ISSUES</b>	13 – 15
5.0	<b>ASSESSMENT</b>	16
5.1	Objectives or Intended Outcomes	16
5.2	Explanation of Provisions	16
5.3	Justification	17
5.3.1	<i>Need for the Planning Proposal</i>	17 – 18
5.3.2	<i>Relationship to Strategic Planning Framework</i>	18 – 33
5.3.3	<i>Environmental, Social and Economic Impact</i>	34 – 38
5.3.4	<i>State and Commonwealth Interests</i>	38 – 42
6.0	<b>COMMUNITY CONSULTATION</b>	42
7.0	<b>PLANNING PROPOSAL AND GATEWAY DETERMINATION</b>	42
8.0	<b>CONCLUSION</b>	43
9.0	<b>RECOMMENDATION</b>	43
10.0	<b>LIMITATIONS</b>	43 – 44
	<b>REFERENCES</b>	45

+

<b>FIGURE INDEX</b>		
<b>Figure</b>	<b>Description</b>	<b>Page</b>
Figure 1	Extract from the Gosford City Council Zoning Plans – Gosford Local Environmental Plan 2014 LZN_015A	8
Figure 2	Aerial view of subject site and immediate precinct	9
Figure 3	Site plan showing quarried area	11
Figure 4	Recent rehabilitation works	11
Figure 5	Extract from Draft Mapping	13
Figure 6	Proposed Zoning in 2010	15
Figure 7	Central Coast Regional Plan Map	19
Figure 8	Southern Growth Corridor	20
Figure 9	Proposed Biodiversity Corridors	23
Figure 10	Extract from Chapter 2.1 – Character Places “West Gosford”	35
Figure 11	Extract from Gosford City Council’s Infrastructure Plans	39
Figure 12	Extract from Ausgrid’s Reticulation Plans	40
Figure 13	Photograph of existing overhead services on the corner of Nells Road and Gibbens Road	40
Figure 14	Street view looking north along Nells Road to the subject property	41

<b>APPENDICES</b>		
	Appendix 1 – Proposed Zone Boundary Change	
	Appendix 2 – Planning Proposal process in diagrammatic form	

+

<b>LIST OF ABBREVIATIONS AND GLOSSARY</b>	
<b>Abbreviation</b>	<b>Meaning</b>
AS	Australian Standard
CC	Construction Certificate
CCC	Central Coast Council
CCRP	Central Coast Regional Plan 2036
CCRS	Central Coast Regional Strategy
CCTV	Closed Circuit Television
CPTED	Crime Prevention Through Environmental Design
Council	Central Coast Council
dB	Decibel, which is 10 times the logarithm (base 10) of the ratio of a given sound pressure to a reference pressure; used as a unit of sound
dB(A)	Frequency weighting filter used to measure 'A-weighted' sound pressure levels, which conforms approximately to the human ear response, as our hearing is less sensitive at very low and very high frequencies
DCP	Development Control Plan
EP&A Act	Environmental Planning & Assessment Act
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
DoPIE	Department of Planning, Industry & Environment
Emission	The release of material into the surroundings (for example, gas, noise and water)
EP&A Act	Environmental Planning and Assessment Act 1979
GFA	Gross Floor Area
GLEP	Gosford Local Environmental Plan 2014
GPSO	Gosford Planning Scheme Ordinance
IDO	Interim Development Order No. 122
INP	Industrial Noise Policy
LEP	Local Environmental Plan
m <sup>2</sup>	Square metre
m <sup>3</sup>	Cubic metre
PP	Planning Proposal
REF	Review of Environmental Factors
REP	Regional Environment Plan
ROI	Return on Investment
ROW	Right-of-way
RPA	Relevant Planning Authority
RMS	Roads and Maritime Service (now TfNSW)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SIA	Social Impact Assessment
Strategy	Central Coast Regional Strategy
VPA	Voluntary Planning Agreement
WA	Wales & Associates Pty Limited
WMP	Waste Management Plan

**Application for Planning Proposal**  
pursuant to  
**Division 3.4 Environmental planning instruments—LEPs**  
**of the Environmental Planning & Assessment Act, 1979**

Date of Report: 18<sup>th</sup> November 2020

Applicant: Industrial Discounts Pty Limited  
C/- Wales & Associates Pty Limited  
P.O. Box 150  
Ettalong Beach 2257

Client: Industrial Discounts Pty Limited  
P.O. Box 757  
GOSFORD 2250

Location: Lot 6 in DP3944  
#39 Dell Road  
West Gosford

Area: 9.7 hectares

Subject of Report: Application for Planning Proposal to Change Zone Boundary to  
Extend IN1 – General Industrial zone

Current Zoning: 7(a) – Conservation and Scenic Protection (Conservation) under the  
Gosford Interim Development Order No. 122  
Part Deferred Matter (DM) and part IN1 – *General Industrial* under  
the Gosford Local Environmental Plan 2014  
(see **Figure 1** on following page)

Proposed Zoning: Part DM – *Deferred Matter* and Part IN1 – *General Industrial*

Planning Guidelines and Instruments:

- (i) New South Wales Government (1979) Environmental Planning & Assessment Act (as amended);
- (ii) New South Wales Government (1979) Environmental Planning & Assessment Regulations (as amended);
- (iii) New South Wales Government Section 117(2) Directions;
- (iv) Department of Planning & Infrastructure LEP Practice Note PN 11-001;
- (v) Gosford Local Environmental Plan 2014; and
- (vi) Interim Development Order No. 122

## 1.0 INTRODUCTION

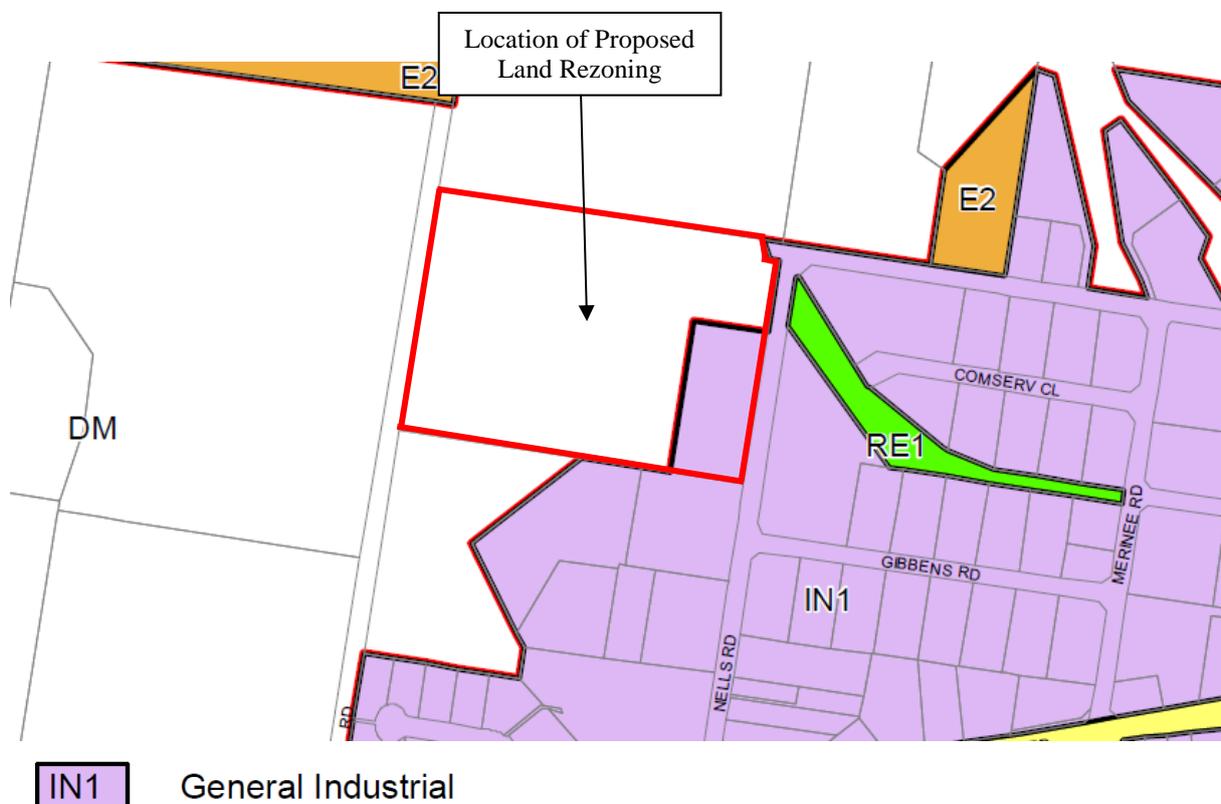
This report relates to the proposed change in DM – *Deferred Matter*/ IN1 – *General Industrial* zone boundary on Lot 6 in DP3944 with the consent of Council.

The land is currently zoned part DM – *Deferred Matter* and part IN1 – *General Industrial* under the Gosford Local Environmental Plan 2014. Gosford Interim Development Order No. 122 is still in force under which the DM – *Deferred Matter* land is zoned 7(a) – Conservation and Scenic Protection (Conservation).

Following is an assessment which discusses the merits of the application for the Minister’s consideration and its decision as to whether or not to prepare a Planning Proposal (PP) (which, if supported would result in an LEP), pursuant to Section 3.31 – Making of environmental planning instruments for local areas (LEPs) of Environmental Planning & Assessment Act, 1979 (State).

### 1.1 Current Zone

The land is currently zoned part DM – *Deferred Matter* and part IN1 – *General Industrial* under the provisions of the Gosford Local Environmental Plan 2014 (see **Figure 1**) as amended on the 3<sup>rd</sup> August 2017.



**Figure 1**

Extract from the Gosford City Council Zoning Plans – Gosford Local Environmental Plan 2014 LZN\_015A

(courtesy of Central Coast Council via the NSW Legislation website)

## 1.2 Proposed Zone Change

It is proposed to change the zone boundary so as to extend that portion zoned IN1 – *General Industrial* so as to permit additional industrial development and subdivision on that part of the subject lands fronting Dell Road and Nells Road and retain the rear portion of Lot 6 as DM – *Deferred Matter* (in force 7(a) – *Conservation and Scenic Protection (Conservation)* under the Interim Development Order No. 122) as shown in **Appendix 1**.

## 1.3 Planning Instruments

### 1.3.1 Gosford Local Environmental Plan 2014

Under the Gosford Local Environmental Plan 2014, the land is zoned part DM – *Deferred Matter* and part IN1 – *General Industrial* (see **Figure 1**). The Gosford LEP 2014 was gazetted on the 11<sup>th</sup> February 2014. However, at that time, Council had resolved to defer the rezoning of the conservation lands (including the subject lands) which left a number of zoning anomalies unchanged including the part zoning of the property to IN1 – *General Industrial*. The LEP was amended on the 4<sup>th</sup> August 2017 to include the current industrial portion as shown in **Figure 1**.

### 1.3.2 Interim Development Order No. 122

The land is part zoned 7(a) – *Conservation and Scenic Protection (Conservation)* under the Interim Development Order No. 122.

## 1.4 Land Area

The subject allotment has a total area of 9.70 hectares.

## 1.5 Land Description and Relationship to Surrounding Land Uses

The subject site is known as Lot 6 in DP3944 #39 Dell Road at West Gosford. It has frontage to both Dell Road to the north and Nells Road to the east. The site lies adjacent to the highly developed West Gosford light industrial precinct on the north western fringe of the industrial area. To the north and west of the site are heavily vegetated slopes leading up to the Somersby Plateau (see **Figure 2**). These lands are zoned 7(a) – *Conservation and Scenic Protection (Conservation)* under Interim Development Order No. 122.

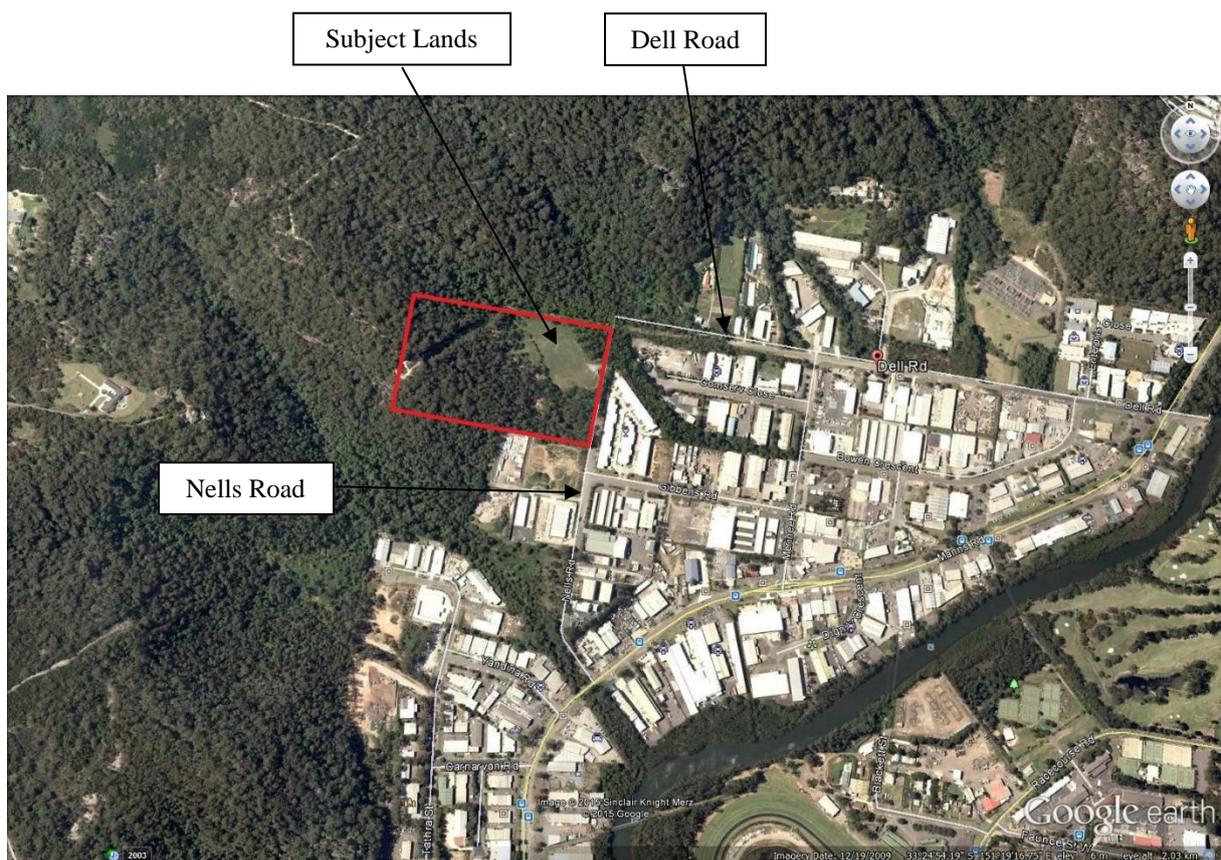
Level and gently sloping lands lie to the south and east which have been developed for a range of light industrial uses. These lands are zoned IN1 – *General Industrial* under the Gosford Local Environmental Plan 2014.

The industrial precinct accommodates a wide range of land uses and industrial lot sizes including light industry, manufacturing, wholesaling, storage, warehousing, commercial outlets and industrial support businesses.

The subject site has been significantly modified over the last 50 years. It has operated in the past as an authorized quarry for supply fill material to Council for the construction of Adcock Park, numerous industrial lots and public roads within the Gosford LGA from the mid 1960's through to the mid 1970's.

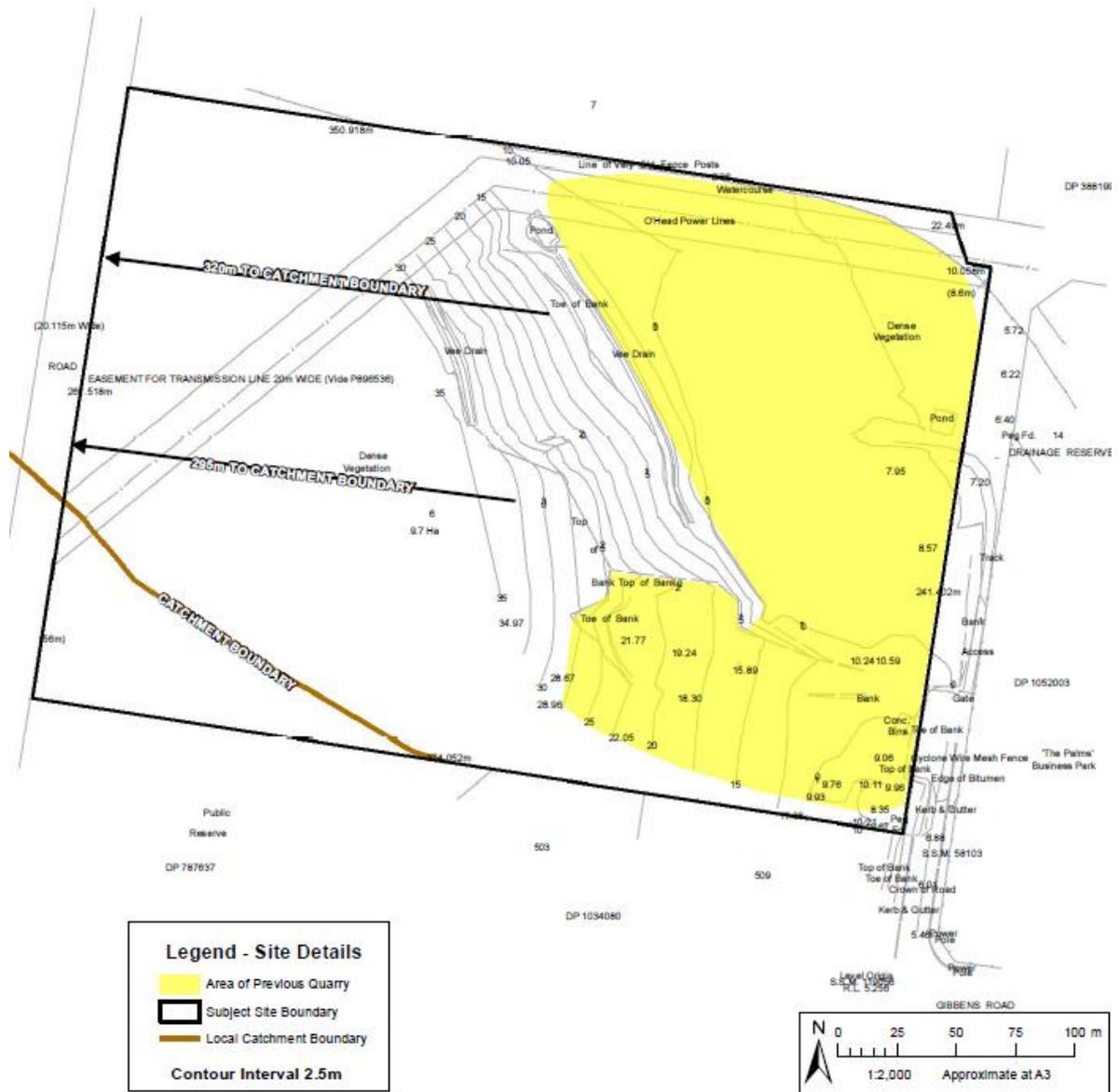
It continued to operate as a storage area for fill, gravel ballast and recycled materials through to 2004. Over the past 12 to 18 years, the site has been partially backfilled with soil and some concrete material from construction sites.

The subject site generally falls from west to east with surface runoff at the base of the upward slope collected via an existing diversion drain and directed to the north of the disturbed lands to an existing sediment basin. Overflow is then directed to the existing watercourse along the northern boundary. Surface runoff from the disturbed areas on the eastern portion of the site falls generally to the watercourse and is filtered through existing riparian vegetation along the eastern boundary. An additional sedimentation basin exists adjacent to the eastern boundary.



**Figure 2**  
**Aerial view of subject site and immediate precinct**  
(image courtesy of Google Earth Pro)

The land has been largely left vacant until recently but has been regularly slashed and maintained by the owner. On the 21<sup>st</sup> October 2014, Gosford City Council granted consent to the rehabilitation of the old quarry site as shown in **Figure 3**. The rehabilitation works have now been completed.



**Figure 3**  
 Site plan showing previously quarried area  
 (plan courtesy of Robsons Civil Works)

Controlled fill has been progressively transported to the site, graded and compacted as shown in *Figure 4*.



**Figure 4**  
 Recent rehabilitation works

## 2.0 BACKGROUND/LANDUSE HISTORY

The subject site has operated as an authorized quarry for supply fill material for the construction of Adcock Park, numerous industrial lots and public roads within the Gosford LGA from the mid 1960's through to the mid 1970's. It continued to operate as a storage area for fill, gravel ballast and recycled materials through to 2004. Over the past 12 to 18 years, the site has been partially backfilled with soil and some concrete material from construction sites. The land has been largely left vacant but has been regularly slashed and maintained by the owner.

The subject land is zoned part DM – *Deferred Matter* and part IN1 – *General Industrial* (see **Figure 1**) under the Gosford Local Environmental Plan 2014 which was gazetted on the 11<sup>th</sup> February 2014 and subsequently amended on the 4<sup>th</sup> August 2017 to include the current industrial portion fronting Nells Road. The Gosford Interim Development Order No. 122 is still in force under which the land is part zoned 7(a) – *Conservation and Scenic Protection (Conservation)*.

## 3.0 THE PROPOSAL

It is proposed amend the zone boundary and extend that portion that is zoned IN1 – *General Industrial* so as to permit further industrial development and subdivision on that part of the subject land fronting Dell Road and Nells Road and retain the rear portion as DM – *Deferred Matter* as shown in **Appendix 1**. The rear portion is to be dedicated to Central Coast Council by way of a Voluntary Planning Agreement (see attached).

The zone change would permit the approval (with the consent of Council) for the industrial development and subdivision of that portion of Lot 6 fronting Nells Road which would be consistent with industrial lands immediately to the south and east. The extended portion nominated for rezoning coincides with that disturbed and rehabilitated area previously used for quarrying.

The development has the capacity to provide additional industrial zoned land that:-

- (i) has been rehabilitated;
- (ii) is gently sloping and easily accessible;
- (iii) is consistent with adjoining industrial zoned lands; and
- (iv) can be readily serviced through the extension of Nells Road and existing water and sewer services in Nells Road

There is an increasing demand for good quality, accessible and fully serviced industrial land in the Gosford LGA particularly in established West Gosford industrial area that has existing services and infrastructure. The subject site has the following advantages:-

- (i) is consistent with the pattern of similar industrial uses in the immediate precinct to the south and east;
- (ii) is substantially cleared of native vegetation and has been regularly maintained (see **Figure 2**);
- (iii) is gently sloping and easily accessed;
- (iv) has good access off the Nells Road; and
- (v) can be easily serviced by a range of public utilities by extending existing utilities in Nells Road

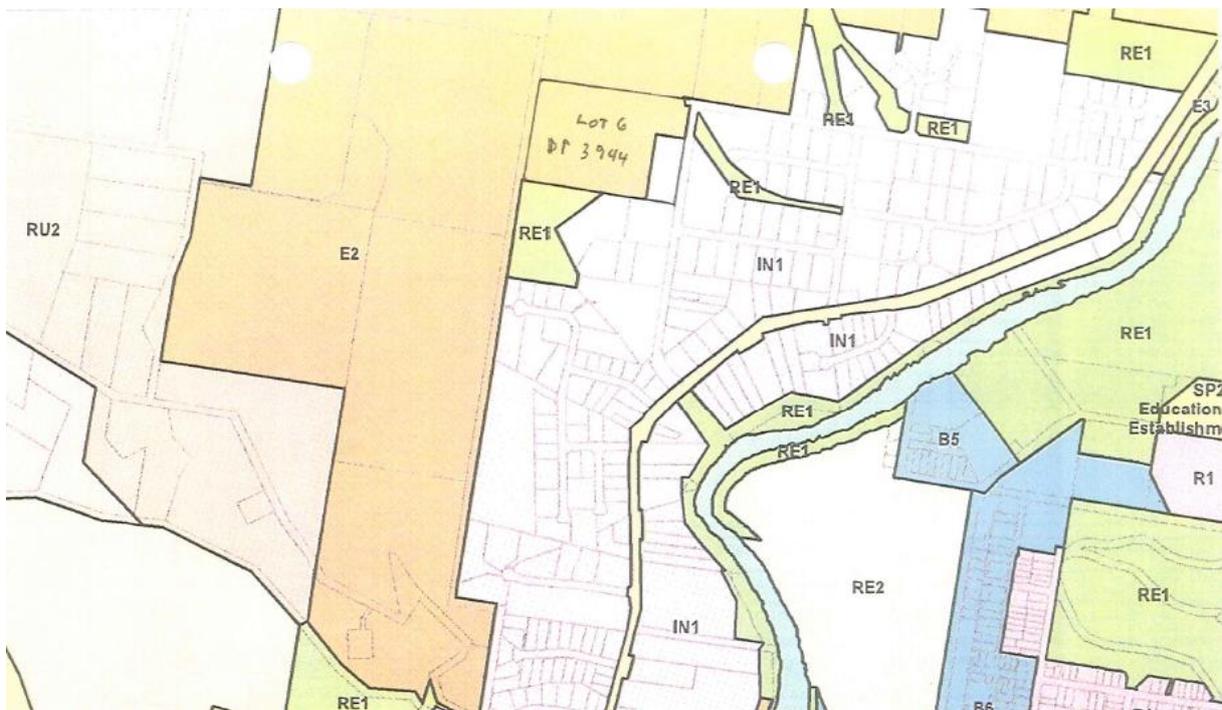
#### 4.0 ZONING ISSUES

The land is currently zoned part DM – *Deferred Matter* and part IN1 – *General Industrial* under the Gosford Local Environmental Plan 2014. Gosford Interim Development Order No. 122 is still in force under which the land is zoned 7(a) – Conservation and Scenic Protection (Conservation).

On the 31<sup>st</sup> May 2011, a report was prepared to Council in relation to the Draft Gosford Local Environmental Plan 2009. The subject lands were dealt within the report under Item 23 which indicated that part of the land was to be included in the new IN1 – *General Industrial* zone. The mapping at the time provided for the rezoning of approximately one (1) hectare of land immediately fronting Nells Road as show in **Figure 5** with the balance proposed to be included in the E2 – *Environmental Conservation Zone*.

On the 3<sup>rd</sup> March 2010 (during the public exhibition phase of the Draft LEP), the consultant for the owners at the time, Kettle Consulting, made submissions to the Council for the rezoning of the area that was previously quarried and largely cleared of vegetation. This area, which was significantly disturbed as a result of those quarry operations, was considered to be suitable for industrial development.

The plan appended to those submissions is shown in **Figure 6**. The area suggested for rezoning by Kettle Consulting differed in shape and size to the area proposed by Council’s staff in the report.



**Figure 5**  
**Extract from Draft Mapping**

It is prudent to note that Council recognised that the land fronting Nells Road that was “cleared and level” should be rezoned as early as the 6<sup>th</sup> May 2008 when the issue of the rezoning of the land was reported to Council as part of a range of matters relating to the Gosford Draft LEP 2009.

Council resolved at that time that:-

*“the land fronting Nells Road in the south-east corner is generally cleared and level hence zone this land to IN1 General Industrial. Retain the steep, vegetated land and rainforest buffer as E2 Environmental Conservation”.*

However, the mapping at the time did not fully reflect the “cleared and level” lands that existed then and still exist today as rehabilitated lands. No explanation was given at the time as to why the area designated by Council differed from the area suggested by David Kettle from Kettle Consulting during the consultation period leading up to the adoption of the Draft LEP 2009.

The Gosford LEP 2014 was not eventually gazetted until the 11<sup>th</sup> February 2014. However, at the time, Council had resolved to defer the rezoning of the conservation lands (including the subject lands) which left the zoning anomaly unchanged. Council further resolved on the 21<sup>st</sup> January 2014 to undertake various miscellaneous mapping amendments that would see the IN1 zone boundary “squared off” for an area of approximately one (1) hectare to allow subsequent industrial subdivision and development.

The details of the miscellaneous mapping amendments can be found on the Business Paper dated 21<sup>st</sup> January 2014 ENV.3 – PLANNING PROPOSAL S55 EP&A ACT IN RESPECT OF NEW CLAUSES AND OTHER MISCELLANEOUS AMENDMENTS TO DRAFT GOSFORD LEP 2013 (IR 14431515) under Attachment B. The anomaly was eventually corrected by way of the amendment to the LEP on the 4<sup>th</sup> August 2017 and forms the current zone plan in *Figure 1*.

+



## 5.0 ASSESSMENT:

### 5.1 Objectives or Intended Outcomes

The objective of the Planning Proposal is to allow Lot 6 in DP3944 Dell Road at West Gosford to be used for part industrial and part conservation purposes as shown in **Appendix 1**. The proposal will provide for additional high quality, accessible and fully serviced industrial development on the disturbed and rehabilitated sections of the property adjoining existing area zoned industrial and the fully serviced industrial lands to the south and east. The balance of the lands (ie: the upper western slopes and northern creek line) will be dedicated to Central Coast Council.

### 5.2 Explanation of Provisions

The objective of the Planning Proposal shall be achieved through the change in zone boundary between the DM – *Deferred Matter* lands and the IN1 – *General Industrial* under the Gosford Local Environmental Plan 2014 which will extend the industrial lands westerly and permit subdivision and light industrial uses (with the consent of Council).

The likely wording of the site specific rezoning local environmental plan is set out below.

#### 1 Aims of Plan

This plan aims to change the zoning under the Gosford Local Environmental Plan 2014 so as to make provision for additional industrial zoned land adjacent to the Nells Road frontage with the balance to remain conservation with the view to making provision for additional suitably zoned land for industrial development in the West Gosford precinct that will service the local community, thus catering for the future potential needs of a growing population.

*Explanation: This provision states the objective of the planning instrument (zoning change) as it applies to the use of the subject land.*

#### 2 Subject Land

This plan applies to Lot 6 in DP3944 Dell Road at West Gosford as shown coloured **XXXXXX with heavy XXXX edging** on the map marked Gosford Local Environmental Plan No **XXX**.

*Explanation: The provision states the legal description of the land and ensures that the site to which the proposed zone (zoning change) applies can be identified.*

#### 3 Amendment to the Gosford Local Environmental Plan 2014

City of Gosford – Gosford Local Environmental Plan 2014 is amended by:-

- (a) changing the zone boundary

*Explanation: This provision allows for additional industrial development to be a permissible use on the subject land fronting Nells Road with the balance remaining as conservation.*

### 5.3 Justification

#### 5.3.1 Need for the Planning Proposal

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

The Planning Proposal is not the result of a specific strategic study or report. It merely seeks to address numerous matters that have arisen since the exhibition of the Draft Gosford LEP 2009 in early 2010 and to make the necessary amendments that Council has previously supported albeit with differing boundaries and area.

The Planning Proposal is also as a result of the pressure of demand for a high quality, accessible and fully serviced industrial lands based on market research conducted by the owner.

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

It is considered that the Planning Proposal is the only means of achieving the objective of establishing additional high quality, accessible and fully serviced industrial land such that the proposed activity is in keeping with the existing character of the area and consistent with the established adjoining industrial uses.

*Is there a net community benefit?*

It is considered that the change in zoning on the subject site will benefit the community by:-

- (i) providing suitably zoned additional industrial land (via the zoning change) for industrial development and subdivision which is consistent with other similar industrial uses in the immediate precinct to the south and east;
- (ii) providing good quality, accessible and fully serviced industrial land that meets the requirements of the local community; and
- (iii) dedicating high value conservation lands on the upper slopes of the site to the west and along the northern creek line by way of a Voluntary Planning Agreement (VPA) as detailed in the appended draft document

The Planning Proposal is in a strategic location adjacent to other industrially zoned land on Dell Road and Nells Road and seeks to minimise potential impacts on adjoining industrial lands.

A mix of new and older light industrial buildings lie immediately to east along Nells Road and along Gibbens Road on lands that are also zoned IN1 – *General Industrial*. Large industrial lots (some of which is vacant) lie immediately to the south. The existing industrial activities will not be significantly impacted by the proposal. Rather, the proposed development will complement the existing land uses by providing additional fully serviced industrial land that will meet local demand.

The existing road network is able to service the projected traffic generated by the proposal and future development. The site is accessed from Nells Road which connects with Manns Road to the south. It is capable of accommodating additional vehicle and truck movements. The projected traffic will not need to use other streets.

The site is located within an area currently used predominantly for industrial uses and abuts industrial areas to the south and east so the use of the land for light industrial purposes will not create any additional significant impacts on the scenic quality of the locality and is consistent with the established uses in the immediate precinct.

The site specific rezoning (change of zone boundary) will not significantly change the existing underlying conservation/industrial character, nor create neither a precedent nor change expectations of nearby landowners as the proposed use is consistent with long established industrial uses in the immediate vicinity. The land was previously subject to quarry activities which have now ceased and the land rehabilitated.

### **5.3.2 Relationship to Strategic Planning Framework**

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

#### Central Coast Regional Plan 2036

The Central Coast Regional Plan 2036 (CCRP) applies to the subject lands (see **Figure 7**).

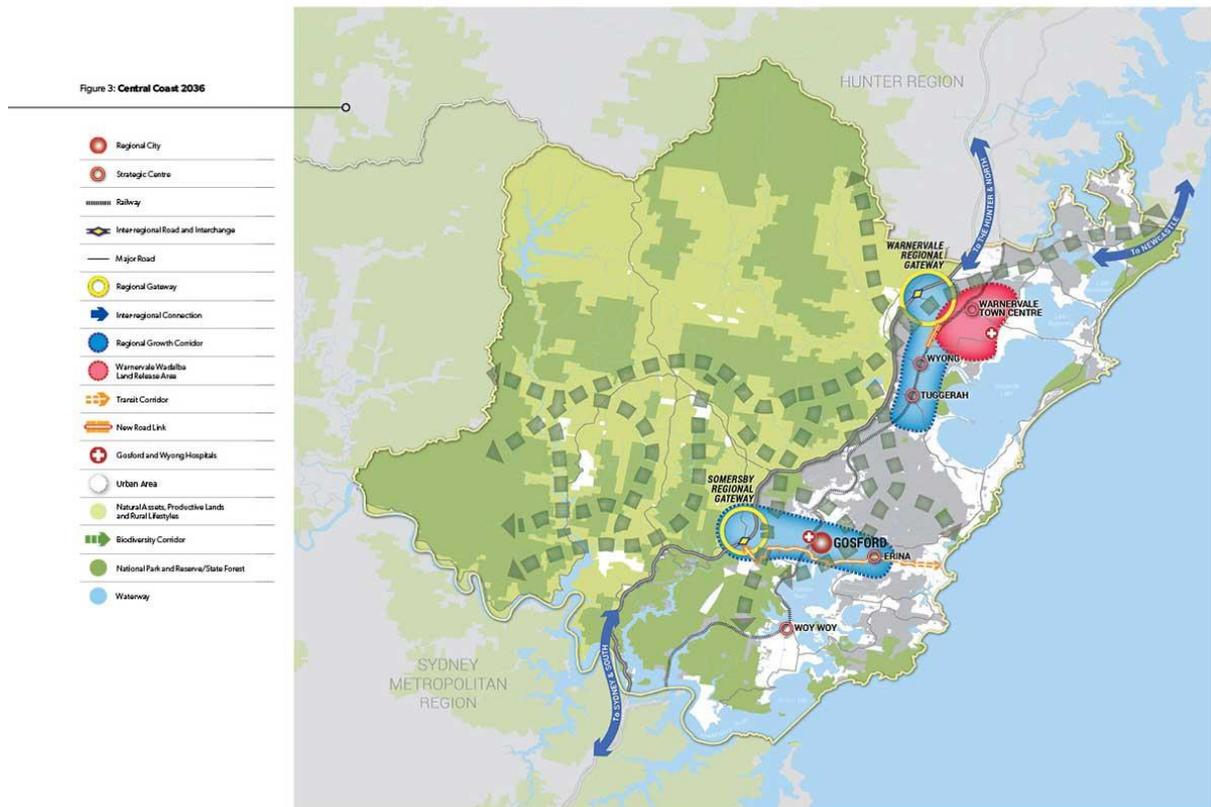
To achieve the vision set out in the Central Coast Regional Plan, the NSW Government has set four goals for the region:-

- (i) to create a prosperous Central Coast with more jobs close to home;
- (ii) to protect the natural environment and manage the use of agricultural and resource lands;
- (iii) to provide well-connected communities and attractive lifestyles; and
- (iv) to create a variety of housing choice to suit needs and lifestyles.

The Plan is intended to guide the NSW Government's land use planning priorities and decisions over the next 20 years. Importantly, it identifies:-

- (i) economic, social and environmental opportunities to build a more prosperous region; and
- (ii) actions to guide development and land use.

The Plan provides an overarching framework that is intended to guide the preparation of detailed land use plans, the determination of development proposals and inform infrastructure funding decisions. While a series of priority actions is included in the Plan, medium and longer term actions will be determined according to rates of growth and economic change. The *Central Coast Regional Plan 2036* was the product of extensive consultation with Central Coast Council and the wider community, firstly through a discussion paper released in 2014 and then a draft plan in 2015–16. The feedback from these consultations was integral to finalising the Plan.



**Figure 7**  
**Central Coast Regional Plan Map**  
(image courtesy of Department of Planning, Industry & Environment)

Under Goal 1 – *A prosperous Central Coast with more jobs close to home*, the CCRP states

*“The region has an estimated 116,730 local jobs and this number is projected to increase by 24,674 jobs to 141,404 by 2036. Employment is concentrated in areas with infrastructure that has the capacity to support future growth, potentially above current projections.*

*In 2011, almost one-quarter (23.3 per cent) or more than 30,400 people travelled out of the region for work each day. The Plan aims to increase the number of local jobs to reduce the necessity for workers to commute out of the region”*

It also states that:-

*“The region’s Southern Growth Corridor, which extends from Somersby to Erina, and the Northern Growth Corridor, which extends from Tuggerah to Warnervale, have significant capacity for growth. Employment and infrastructure in these corridors and their access to local and international markets will support growth and investment”.*

The subject lands fall within the Southern Growth Corridor (see **Figure 8**). The Planning Proposal seeks to increase the amount of light industrial land that, in a modest way, will support the capacity for growth and investment and therefore, provide jobs that will go some way towards meeting the CCRP jobs target.

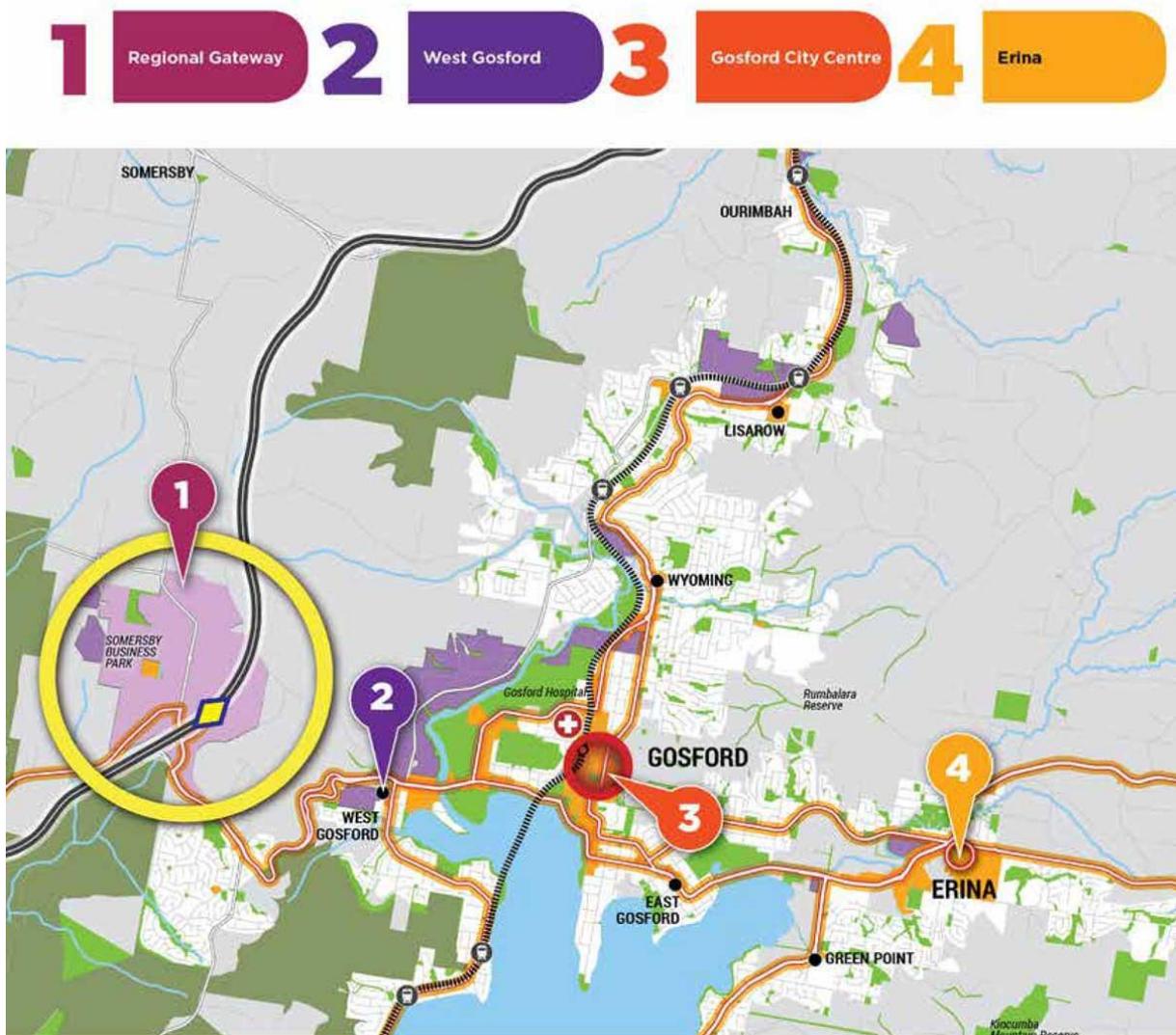


Figure 5: Southern Growth Corridor

**Figure 8**  
**Southern Growth Corridor**  
 (image courtesy of Department of Planning, Industry & Environment)

Under Goal 1 Direction 2 – *Focus economic development in the Southern and Northern Growth Corridors*, the CCRP states:-

*“The Southern and Northern Growth Corridors provide major infrastructure and services and contain 48 per cent of the region’s jobs. These areas will remain priority locations for future jobs, services and business growth”.*

In this instance, the proposal lies within the Southern Growth Corridor and creates additional light industrial land that provides opportunities for employment and business growth.

Under “Actions”, the CCRP states under Clause 2.2 that:-

*“Capitalise on improved access from the \$170 million upgrade of the Central Coast Highway, Brisbane Water Drive and Manns Road intersection to increase employment diversity and integrate land uses at West Gosford”.*

In this instance, the improved access off the Central Coast Highway intersection with Manns Road will increase the attractiveness of the subject lands for light industrial development and potentially increasing employment diversity and land integration.

Under Goal 1 Direction 5 – *Support new and expanded industrial activity*, the CCRP states:-

*“Maintaining an ongoing supply of land for employment in strategic locations will support the regional economy and create more jobs closer to home. Employment land close to inter-regional links including Somersby, the Wyong Employment Zone, Tuggerah and Bushells Ridge will remain popular for manufacturing (engineering and food manufacturing), logistics and warehousing”.*

In this instance, the proposal creates additional light industrial land in the strategic West Gosford precinct that has the potential to provide for jobs close to existing population centres.

Under “Actions”, the CCRP states under Clause 5.1 that:-

*“Maintain an adequate supply of employment land that is appropriately serviced to respond to changing land use, location and the floor space demands of industry”.*

In this instance, the proposal adds additional light industrial land to the existing supply which can be adequately serviced to meet the changing demands in the West Gosford industrial precinct.

Under Goal 1 Direction 7 – *Increase job containment in the region*, the NSW Government aims to reduce the percentage of employed persons who travel outside the region each day for work. The planning system cannot create jobs, but it can facilitate economic development that leads to job creation.

The *Regional Economic Development and Employment Strategy (2009)* for the Central Coast aimed to improve local employment in the region and was developed through collaboration with all levels of government and industry.

It outlined strategies to:-

- (i) secure new jobs and support existing jobs by facilitating growth associated with the region's growing population;
- (ii) build on the region's advantages in food production, logistics, manufacturing and tourism;
- (iii) create new advantages through clusters in health, green industries and the ageing sectors;
- (iv) attract new businesses and associated services such as food production, logistics, manufacturing, tourism, government agencies, and call and service centres; and
- (v) strengthen employment lands, centres, and area-specific priorities for Gosford City Centre, Tuggerah, Wyong and Ourimbah.

To remain effective, CCRP states that the Strategy needs to be updated to respond to the needs of local businesses.

Under "Actions", the CCRP states under Clause 7.1 that:-

*"Facilitate economic development that will lead to more local employment opportunities on the Central Coast".*

In this instance, the proposal for the modest addition of light industrial lands has the potential to increase employment opportunities through the subdivision and development of the subject site for light industrial purposes.

Under Goal 2 – Protect the natural environment and manage the use of agricultural and resource lands, the CCRP states:-

*"Biodiversity corridors, including the North Wyong Shire Structure Plan Green Corridor and the Coastal Open Space System, provide habitat for plants and animals. These areas are part of a broader biodiversity corridor network that links to the Great Dividing Range, Hawkesbury River, Ku-ring-gai Chase National Park and Watagans National Park. They are also a part of a national wildlife corridor that extends from Victoria to Far North Queensland.*

*Ongoing protection of the natural environment will allow more people to connect with and enjoy it. Extending the network of wildlife corridors will help safeguard the region's environmental and scenic values".*

Under Goal 2 Direction 12 – Protect and manage environmental values, the CCRP states:-

*"Across the region, natural areas provide a diversity of recreation opportunities. If sensitively managed, these areas will continue to provide important quality of life through environmental protection and tourism benefits for the region".*

In this instance, the proposal ensures that the western portion of the land is protected through the dedication of the upper western slopes and northern creek line to Central Coast Council by way of a Voluntary Planning Agreement (see attached VPA) such that the lands can be added to Council's adjoining conservation lands to the north and west.

Under “Actions”, the CCRP states under Clause 12.1 that:-

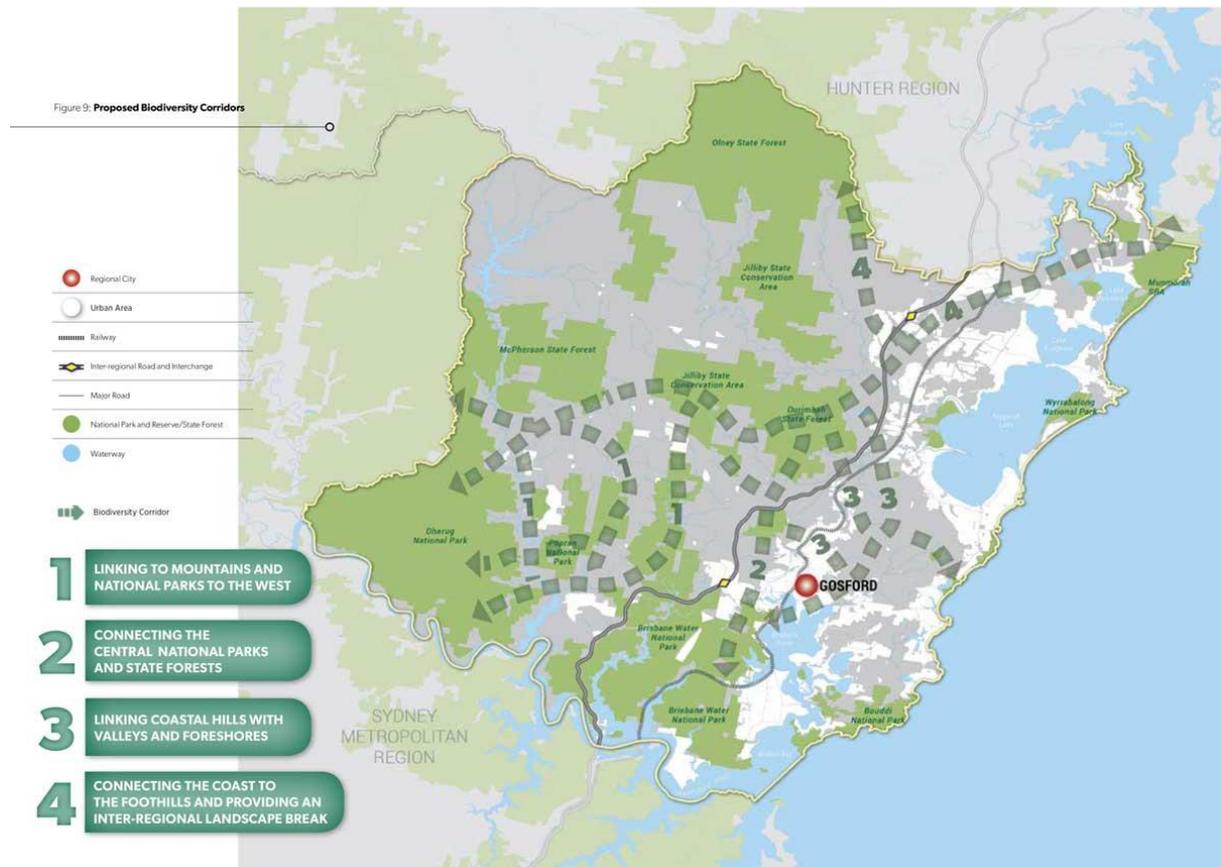
*“Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region”.*

In this instance, the proposal identifies the western portion of the lands as having environmental values that need to be protected. These lands are to be dedicated to Central Coast Council by way of the attached Voluntary Planning Agreement (VPA).

Under “Actions”, the CCRP states under Clause 12.2 that:-

*“Identify and strengthen biodiversity corridors as places for priority biodiversity offsets”.*

As above, in this instance, the proposal identifies the western portion of the lands as having environmental values that need to be protected. These lands are to be dedicated to Central Coast Council by way of the attached Voluntary Planning Agreement (VPA) which will strengthen Council’s existing biodiversity corridor between the West Gosford industrial area and the Somersby industrial precinct (see *Figure 9*).



**Figure 9**  
**Proposed Biodiversity Corridors**  
(image courtesy of Department of Planning, Industry & Environment)

Under “Actions”, the CCRP states under Clause 12.4 that:-

*“Strengthen the Coastal Open Space System by expanding its links and extending new corridors to balance growth in the north of the region and protect the network of natural areas across the region”.*

In this instance, the proposal ensures that those environmentally sensitive portions of the land are dedicated to Council and added to Council’s existing conservation lands to the north and west of the subject site. The dedication will strengthen the Coastal Open Space System and enhance the network of natural areas in the region.

### Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) applies to the subject lands. The Planning Proposal consists of a relatively minor operational and mapping issue which is not explicitly inconsistent with the outcomes or actions of the regional strategy. The zone boundary adjustment is essentially supported by Council in principal as reported in Council’s Business Paper dated 21<sup>st</sup> January 2014. An individual land use or mapping layer is unable to be specifically planned for in a document such as a regional strategy.

Under “Economy and Employment” (Page 25), the CCRS states that the Central Coast’s economy has evolved from primary industries, specifically agriculture, forestry and mining industries to a diverse economy with a strong presence in manufacturing and service industries. Apart from external factors such as national economic growth rates, employment growth on the Central Coast is largely driven by (in part):-

*“competitively priced employment lands and the position of the Region between Sydney and the Hunter for industrial and logistics businesses and good interregional transport infrastructure, i.e. the F3 Freeway and rail”.*

Based on the demands for fully serviced industrial land, it is important to encourage light industrial development that minimises the pressure on existing services and enhances lifestyle. Industrial development is largely driven by competitively priced land, a strong local labour force and a growing local domestic demand for goods and services. The growing population and strategic location of the region have resulted in growing demand for industrial land that is close to existing centres and services. Hence, the current application is a response to the market demand especially in and around the established Gosford city centre precinct.

Under “Outcomes” (Page 27), the CCRS states that:-

*“A strong policy framework is required to provide capacity for over 45 000 new jobs between 2006 and 2031, particularly for key employment areas such as professional services. Careful attention and priority must be given to planning, economic development initiatives and infrastructure planning to maximise results for the Region.*

*A coordinated plan for economic development and employment growth on the Central Coast is needed to capitalise on its position between the global city of Sydney and the regional city of Newcastle, while strengthening its own sense as a Region.*

*The gap between forecast labour force growth and job growth will be managed via: local planning – which needs to respond to the dynamics of economic change ensuring there are sufficient strategic sites and employment lands to meet industry demand and to attract new investment”*

The current proposal contributes to employment growth, in small way, by amending local planning laws to allow additional industrial land that is within an established industrial precinct in close proximity to services and facilities and that services a wider growing residential catchment.

Under “Actions” (Page 29), the CCRS states under Clause 5.1 that:-

*“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”*

In this instance, the proposed zoning change seeks a modest increase in the provision of additional industrial land on the fringe of the existing West Gosford light industrial precinct and is consistent with the above “Action” in providing opportunities for development that will increase the level of employment.

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

#### Community Strategic Plan – Gosford 2025

The Community Strategic Plan – Gosford 2025 applies to the subject land. The Planning Proposal is not explicitly inconsistent with the strategies outlined in the Community Strategic Plan. An individual planning provision or mapping amendment is unable to be specifically accounted for in a document such as this; nor in any of Council's other strategic documents.

#### Gosford Vision 2025

*Gosford Vision 2025 – A Strategic Direction for the Future* states on Page 15 and 16 that:-

*“There is a wide variety of industry providing employment across the Local Government Area. In the period 2003-04, Gosford unemployment rate was 6.1% compared with the State Average of 5.2% and the Central Coast region of 8.6% (Source: Australian Bureau of Statistics). Youth unemployment is high at 16.1% compared with the State average of 13.3%”*

One of the areas competitive advantages is its proximity to both Newcastle and Sydney and its competitively low cost structures. The reasonable land and housing prices combined with high amenity has led to increased investment in housing which in turn has contributed to the employment drift out of the area. Clearly, unemployment rates have increased (particularly youth unemployment) and employment drift has continued. This has placed pressure on job creation and the availability of suitable land for industrial development.

The Planning Proposal, in a small way, seeks to provide additional, easily accessible, fully serviced industrial land in a well-established industrial precinct that meets the growing demand and thus provides for development and business opportunities and employment.

### Gosford Biodiversity Strategy 2008

The *Biodiversity Strategy* reiterates the long term goals in *Gosford Vision 2025* that relate to biodiversity. This strategy is also a component of Council's highest level planning document titled *Gosford Community Strategic Plan 2031*.

Clause 1.7 – Objectives of the Biodiversity Strategy details the relevant objectives. The Planning Proposal meets the relevant objectives in the following ways:-

- (i) *Ensure biodiversity management is a critical consideration in Council's Strategic Planning process that informs the City Wide Local Environmental Plan.*

The proposal recognises that biodiversity management is a critical consideration in Council's Strategic Planning process that informs the City Wide Local Environmental Plan. The proposal is consistent with that process based on the fact that the eastern (lower) part of the site has been substantially cleared of its original vegetation as a result of previous quarrying operations and recent site rehabilitation works (see **Figure 2**). The upper vegetated slopes will be protected and dedicated to Council as part of a Voluntary Planning Agreement (see attached).

- (ii) *Maintain or improve Gosford's Biodiversity for present and future generations.*

The proposal maintains the Central Coasts biodiversity as the industrial land component is already cleared for previous quarrying activities and use. The proposal will not have any significant impact on biodiversity as the upper vegetated slopes will be protected and dedicated to Council as part of a Voluntary Planning Agreement (see attached).

- (iii) *Ensure all Council's development controls identify biodiversity conservation issues and provide protection for biodiversity.*

The proposal is consistent with Council's current development controls.

- (iv) *Conserve the diversity of locally occurring native flora and fauna in the Gosford City Council area at the genetic, species and ecosystem level and ensure actions support recovery of species which have become threatened.*

The proposal meets the objective as the industrial component of the lands are already substantially cleared for the previous quarry activities and have been recently approved for rehabilitation works. The proposal will not have any significant impact on biodiversity nor affect threatened species as the upper vegetated slopes will be protected and dedicated to Council as part of a Voluntary Planning Agreement (see attached).

In addition, the lands will be managed in accordance with the attached **Bushland Management Plan** prepared by *Conacher Consulting*.

The Planning Proposal does not conflict with the principles and actions set out in the in the *Biodiversity Strategy*.

### Draft Gosford Landuse Strategy Plan 2031

The primary aim of *Gosford Landuse Strategy 2031* is to implement strategic land use directions from the community's Gosford Vision 2025 and statutory obligations such as the Central Coast Regional Strategy 2031.

Under Clause 2.6 – *Economy*, the Strategy states:-

*“A strong local economy is vital in providing the means for the Gosford community to achieve its social, environmental and lifestyle aims. The economy needs to expand to provide jobs for its growing population and to develop a broader and more secure foundation”*

The Planning Proposal is consistent with the Strategy in that it provides for a modest increase in industrial land stock in an established light industrial precinct that is close to services and support facilities thus providing an opportunity to grow the local economy and provide job opportunities.

Further Clause 2.6 states:-

*The targeted growth in population of 30,000 forecast by 2031 (Central Coast Regional Strategy) will of itself generate some jobs. These will be in the sectors that serve these extra people, such as health, education, retail and community services. Council and other local service providers need to ensure employment policies attract high quality staff. However, more than just these jobs will be needed to offer wider employment opportunities to residents, and to reduce the number of people who commute to Sydney for work. This requires that local businesses expand, new local businesses are started, and some new business is attracted into the region.*

The Planning Proposal is consistent with the strategy in that the modest increase in industrial land stock in the established West Gosford light industrial precinct will give local businesses the opportunity to expand and allow for new startup businesses.

Under Clause 3.3, the Central Coast Regional Strategy provides for the strategic directions of the former Gosford City and Wyong Shire Council’s to guide future planning until 2031 and is overviewed by a number of “directions”. These directions include:-

*The region will have sufficient employment land, retail and commercial space, with a target by 2031 of 18,000 new jobs in Gosford LGA, of which 6,000 are expected in Gosford Regional City Centre, 9,000 in other centres and 3,000 in industrially zoned (employment) lands*

and

*Industrially zoned and located at Lisarow, North Gosford, Wyoming, Erina, Somersby and West Gosford is to be retained for industrial purposes.*

The Planning Proposal is consistent with these “Directions” in that the proposal aims to provide additional industrial land in an established light industrial precinct that will contribute towards the required employment targets. The proposal not only retains existing industrial lands but expands on these adjoining lands in a modest and sustainable way.

Under Clause 4 – Trends and Drivers it states:-

*“Understanding the context in which Gosford City exists is critical to strategic planning. Some of the key trends and drivers are”*

These **drivers** include (in part):-

*“The competitive price of commercial and employment land is a drive of demand, thus attracting business; however there is some competition from Wyong and Newcastle”*

The Planning Proposal is consistent with this “Driver” in that the proposal aims to provide additional industrial land that will generate economic benefits and business opportunities from the approval and building phases through to goods and services for established residents, which in turn will attract business and create business growth.

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

The proposed mapping changes do not unreasonably increase the development potential of the land above that which was exhibited in the original Gosford Draft LEP 2009. Consequently no SEPP has application to these parts of the Planning Proposal.

Notwithstanding, the Planning Proposal is consistent with all applicable state environmental planning policies (SEPPs). Those directly applicable are discussed below.

SEPP No. 55 – Remediation of Land

SEPP55 was gazetted on the 28<sup>th</sup> August 1998 and introduced state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: *Planning Guidelines*.

The land has been fully remediated under DA#45990/2014 for industrial purposes and for activities that are unlikely to cause contamination.

In this instance, the following reports have been prepared which address the potential for site contamination:-

- (i) **Report on Preliminary Site Investigation for Contamination** prepared by *Douglas Partners* dated September 2014; and
- (ii) **Report on Supplementary Site Investigation** prepared by *Douglas Partners* dated February 2020

*Is the Planning Proposal consistent with Ministerial Directions (S.9.1 Directions – formerly s117 Directions)?*

The proposed adjustment to the industrial zone boundary does not unreasonably increase the development potential of the land above what which was exhibited in the original Gosford Draft LEP 2009 and gazetted in 2014. Consequently the Planning Proposal complies with all the relevant Section 9.1 Directions.

The Planning Proposal is consistent with the applicable Section 9.1 Directions as discussed below.

#### Direction 1.1 – Business and Industrial Zones

Direction 1.1 was issued on the 1<sup>st</sup> July 2009 and applies when a relevant planning authority prepares a planning proposal in that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

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 proposed zone change within the Gosford Local Environmental Plan 2014 is consistent with the Direction on the basis that:-

- (i) the proposal encourages employment growth within the existing West Gosford light industrial precinct where it is close to services, utilities and job catchment;
- (ii) the proposal does not adversely impact on the protection of employment land in business and industrial zones. The proposal, in fact, complements the existing employment lands; and
- (iii) the proposal supports the viability of identified strategic centres (ie: Gosford City Centre) by expanding the existing light industrial base that helps underpin the city centre and its economy

In this instance, the rezoning of the land will result in additional lands zoned IN1 – *Light Industrial* that will be consistent with adjoining industrial zoned land to the east and south.

#### 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.

Having regard to the disturbed nature of the site due to its long term usage for quarrying purposes, it is unlikely that there are any remaining aboriginal relics if they were there in the first place. There are no Section 149 Planning Certificate messages on the land identifying Aboriginal relics.

#### Direction 2.6 – Remediation of Contaminated Land

Direction 2.6 was issued on the 17<sup>th</sup> April 2020. The **objective** of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

This direction applies to:-

- (i) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997;
- (ii) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out;
- (iii) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:
  - in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
  - on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

This direction applies when a planning proposal authority prepares a planning proposal applying to land specified above.

A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph above if the inclusion of the land in that zone would permit a change of use of the land, unless:-

- (i) the planning proposal authority has considered whether the land is contaminated, and;
- (ii) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- (iii) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

The Direction requires that in order to satisfy itself as to the need for remediation, the planning proposal authority may need to include certain provisions in the local environmental plan.

Before including any land to which this Direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

In this instance, the land has been fully remediated under DA#45990/2014 for industrial purposes and for activities that are unlikely to cause contamination. Accordingly, the following reports have been prepared which address the potential for site contamination:-

- (i) **Report on Preliminary Site Investigation for Contamination** prepared by *Douglas Partners* dated September 2014; and
- (ii) **Report on Supplementary Site Investigation** prepared by *Douglas Partners* dated February 2020

It is considered that the Planning Proposal meets the requirements of Direction 2.6 – Remediation of Contaminated Land

#### Direction 4.2 – Mine Subsidence and Unstable Land

This direction came into effect on the 14<sup>th</sup> April 2016 and applies to land that:-

- (i) is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or;
- (ii) has been identified as unstable land

The **objective** of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

A planning proposal must not permit development on unstable land which has been identified as unstable in a study.

Whilst not classified as unstable land, the attached **Slope Stability Assessment** prepared by *Douglas Partners* dated 27<sup>th</sup> February 2020 has been prepared categorising the subject lands as “low risk”. Therefore, it is considered that the Planning Proposal meets the requirements of Direction 4.2 – Mine Subsidence and Unstable Land.

#### Direction 4.4 – Planning for Bushfire Protection

This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under Section 146 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act. This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

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

A Planning Proposal must:-

- (i) have regard to Planning for Bushfire Protection 2006;
- (ii) introduce controls that avoid placing inappropriate developments in hazardous areas; and
- (iii) ensure that bushfire hazard reduction is not prohibited within the APZ

Under the Council's *Bushfire Prone Land Map*, the subject properties are shown as being affected by the 100m Buffer Zone.

Should the Planning Proposal be supported, a Bushfire Safety Authority would be sought based on the proposed subdivision and new light industrial use and in accordance with the *Planning for Bushfire Safety* guidelines.

#### Direction 5.1 – Implementation of Regional Strategies

This direction applies when a relevant planning authority prepares a planning proposal. Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.

The Central Coast Regional Strategy (CCRS) applies to the subject lands. The Planning Proposal consists of a relatively minor operational and mapping issue which is not explicitly inconsistent with the outcomes or actions of the regional strategy. The zone boundary adjustment is essentially supported by Council in principal as reported in Council's Business Paper dated 21<sup>st</sup> January 2014. An individual land use or mapping layer is unable to be specifically planned for in a document such as a regional strategy.

Under "Economy and Employment" (Page 25), the CCRS states that the Central Coast's economy has evolved from primary industries, specifically agriculture, forestry and mining industries to a diverse economy with a strong presence in manufacturing and service industries. Apart from external factors such as national economic growth rates, employment growth on the Central Coast is largely driven by (in part):-

*"competitively priced employment lands and the position of the Region between Sydney and the Hunter for industrial and logistics businesses and good interregional transport infrastructure, i.e. the F3 Freeway and rail"*.

Based on the demands for fully serviced industrial land, it is important to encourage light industrial development that minimises the pressure on existing services and enhances lifestyle. Industrial development is largely driven by competitively priced land, a strong local labour force and a growing local domestic demand for goods and services. The growing population and strategic location of the region have resulted in growing demand for industrial land that is close to existing centres and services. Hence, the current application is a response to the market demand especially in and around the established Gosford city centre precinct.

Under “Outcomes” (Page 27), the CCRS states that:-

*“A strong policy framework is required to provide capacity for over 45 000 new jobs between 2006 and 2031, particularly for key employment areas such as professional services. Careful attention and priority must be given to planning, economic development initiatives and infrastructure planning to maximise results for the Region. A coordinated plan for economic development and employment growth on the Central Coast is needed to capitalise on its position between the global city of Sydney and the regional city of Newcastle, while strengthening its own sense as a Region. The gap between forecast labour force growth and job growth will be managed via: local planning – which needs to respond to the dynamics of economic change ensuring there are sufficient strategic sites and employment lands to meet industry demand and to attract new investment”*

The current proposal contributes, in small way, by amending local planning laws to allow additional industrial land that is within an established industrial precinct in close proximity to services and facilities and that services a wider growing residential catchment.

Under “Actions” (Page 29), the CCRS states under Clause 5.1 that:-

*“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”*

In this instance, the proposed zoning change seeks a modest increase in the provision of additional industrial land on the fringe of the existing West Gosford light industrial precinct and is consistent with the above “Action” in providing opportunities for development that will increase the level of employment.

#### Direction 6.1 – Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development and applies when a relevant planning authority prepares a planning proposal.

In accordance with the provisions, the planning proposal:-

- (i) does not contain provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- (ii) does not identify development as designated development

#### Direction 6.3 – Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls and applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

The proposal is consistent with the Direction in that it is only of minor significance and no site specific provisions are included.

### **5.3.3 Environmental, Social and Economic Impact**

*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?*

As that portion of the land zoned (and to be zoned) as light industrial has been substantially cleared for previous quarrying activities, the likelihood that there is critical habitat or threatened species, populations or ecological communities, or their habitats, on the subject site is low/insignificant.

The upper western slopes and the northern creek line are to be protected and dedicated to Council by way of the attached Voluntary Planning Agreement (VPA) as these areas have important conservation value.

The ongoing management of these lands is supported by the attached **Bushland Management Plan** prepared by *Conacher Environmental*.

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

#### Flora and Fauna Effects

See above.

#### Traffic Effects

Should the Planning Proposal be supported and the zoning change made under the Gosford Local Environmental Plan 2014, it is proposed to subdivide the land for part general industrial use and part conservation use (ie: vegetated and steeper sections and the northern creek line). The proposed development will have direct access to Nells Road.

It is anticipated that the proposed development will have only minimal impact on the existing road hierarchy.

#### Visual Amenity Effects

The area has a generally mixed industrial architectural standard. Nells Road consist of a mix of good quality industrial buildings and older style light industrial developments mainly on the eastern side of the road. Some vacant industrial land exists along the western side of the road mainly to the south towards Manns Road.

The subject site occupies a visually protected position at the northern end of Nells Road at the base of the rising escarpment.

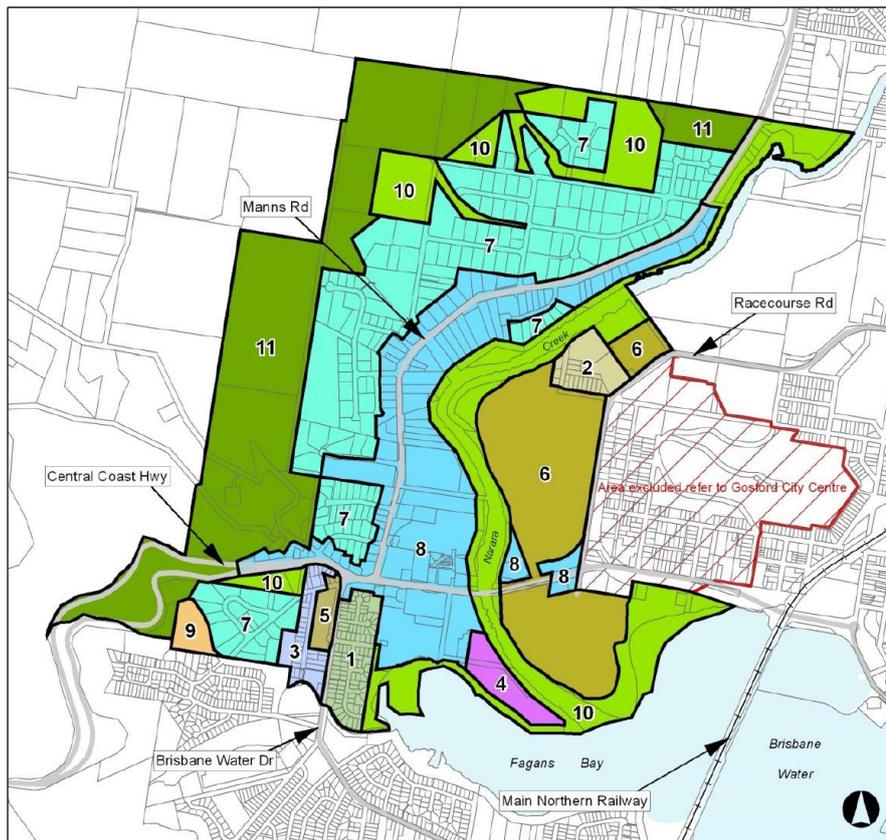
With an improving demand for light industrial land in the former Gosford LGA and particularly the West Gosford light industrial precinct, the surrounding streetscape and character of the precinct has seen an improvement in development standards and architecture. This will accelerate as a result of growing demands for good quality industrial floor space and the strategic directions highlighted in the Central Coast Regional Strategy.

Should the Planning Proposal be supported, any subsequent development application would specifically address the issues of character and visual amenity in accordance with the provisions of Chapter 2.1 – Character and Chapter 2.2 – Scenic Quality under the Gosford Development Control Plan 2013. The subject lands specifically fall within the “Places” in **West Gosford – 10: Scenic Buffer**. See *Figure 10* on the following page for Council’s character map.

## Part 2: Chapter 2.1 Character



### West Gosford



- |                           |                         |
|---------------------------|-------------------------|
| 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    |                         |

**Figure 10**  
 Extract from Chapter 2.1 – Character  
 Places “West Gosford”

Under “Places” in West Gosford – 10: Scenic Buffer, the “desired character” requirements as follows:-

*“This area should accommodate a mix of uses that possibly include some dwellings, where the existing scenic qualities of an open wooded hillside that provides a prominent backdrop to Gosford City’s arterial roads and coastal waterways are maintained by future development, and where high standards of amenity plus urban-and-scenic design quality are achieved.*

*Maintain the informal scenic characters of hillside properties and road verges by retaining existing natural slopes and conserving trees that are visually-prominent, particularly bushland remnants located in rear and front yards or along street verges. Avoid high-intensity development that would require extensive driveways or large levelled footprints.*

*Avoid disturbing natural slopes and trees by careful siting of new structures and using low-impact construction such as suspended floors and decks rather than extensive cut-and-fill. Avoid tall retaining walls, elevated structures or steep driveways that would interrupt the natural character of the existing hillside. Complement the established tree canopy by planting shrubs and trees that are indigenous throughout gardens that surround each building. Do not plant noxious or environmental weeds, and control any existing infestations. Along all boundaries, maintain an open hillside character with hedges of indigenous shrubs or low see-through fences.*

*Bushfire hazard must not be increased by new plantings or by inappropriate structures. Some thinning of the canopy to establish breaks between trees might be necessary as a compromise between desired scenic quality and bushfire protection. Residential buildings might require fire-resistant construction.*

*Avoid the appearance of a continuous wall of development or uniform building heights across the hillside. Divide floorspace into pavilion structures that are stepped to follow the natural slopes, separated by courtyard gardens providing view corridors, access to building entrances, plus interior daylight and a panoramic outlook.*

*Minimise the scale and bulk of buildings by varying the shape and height of all visible facades. Top-most storeys should be setback behind wide terraces, and incorporate extensive windows that are shaded by framed balconies, verandahs or exterior sunscreens. In general, facades should not incorporate expanses of plain masonry or metal cladding. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale of exterior walls.*

*Lower storeys should not be dominated by garages, and should display elements of a traditional “street address” such as entrances that are directly accessible from the street, plus balconies and walls of windows that display indoor activity. Conceal off-street parking behind occupied floorspace, and provide unobtrusive vehicle entrances that minimise disruption to the desirable street address”.*

Clearly the desired character description is inconsistent with the subjects lands. It would appear that subject lands are more appropriately attributed to the “Places” in West Gosford – 9: Landfills and Quarries as this was the site’s predominant land use over the last 50 years.

Under “**Places**” in West Gosford – 9: Landfills and Quarries, the “desired character” requirements as follows:-

*“This facility should continue to operate according to current consents and licenses, but the scenic potential of prominent backdrops to Gosford City’s major tourist routes, waterways or surrounding residential areas should be restored progressively according to best-practice land management.*

*Minimise damage to the ecological or scenic values of surviving bushland, and prevent further fragmentation of the tree canopy along ridges and road frontages.*

*During the course of works, rehabilitate land by controlling noxious or environmental weeds, and by establishing dense screen plantings along prominent road frontages to conceal on-going works.*

*Upon completion of works, rehabilitate the residue of each property by re-contouring landforms to complement the landscape character of surrounding scenically-distinctive natural backdrops, including “natural” drainage lines to minimise erosion, and suitable to accommodate any identified new use.*

*Both during and on completion of works, revegetate all road frontages and prominent hillsides to recreate the indigenous plant communities that originally existed on these properties, including a full range of ground covers, shrubs and trees”.*

The Planning Proposal application is consistent with the desired character requirements of Chapter 2.1 – Character and aims to add a modest area of additional industrial land within that portion of the subject property that is already substantially cleared of existing natural vegetation and has been recently rehabilitated such that this can accommodate light industrial development that is compatible with the adjoining industrial area.

#### Air Quality Effects

In the short term, the potential effects on the air quality will be limited to those effects caused by the subsequent development of the proposed industrial portions of the land as a result of emissions from construction machinery and motor vehicle exhausts. Atmospheric pollutants caused by such emissions are not expected to have a significant effect. Upon completion of the construction works, all work faces will be restored so as to limit the amount of dust that may occur. When the construction of the development is completed, air pollution caused by the operation of the development is not expected to be any greater than those anticipated at the time the adjoining industrial zoning was created.

#### Erosion and Sedimentation Effects

Should the Planning Proposal be supported and the zoning change made under the Gosford Local Environmental Plan 2014, it is proposed to seek approval to develop the site for industrial development. As a result, erosion and sedimentation controls will be installed and maintained in accordance with Central Coast Council’s standard engineering practices where required. Full details would be provided with a development application and would be subject to appropriate conditions of consent required by Central Coast Council.

When fully implemented, the erosion and sedimentation controls are expected to minimise any adverse effects caused by the development.

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

#### Socio-Economic Effects

Support for the Planning Proposal and subsequent subdivision and construction of the industrial development will have many positive socio-economic benefits for the local community. Benefits will include the provision of a good quality, easily accessible, fully serviced industrial land that is compatible with adjacent general industrial uses. It also has the potential to create both short term jobs during the construction phase and longer term jobs as industrial development proceeds;

#### Social Impact Effects

Support for the Planning Proposal and subsequent construction of the proposed industrial development will result in benefits for the health and safety of the community by providing a good quality, easily accessible and fully serviced industrial land that will meet local demand and comply with the latest health and building standards.

With regards to social cohesion, the proposed development will enhance the immediate locality through the provision of a good quality fully serviced industrial land that will service the growing West Gosford industrial base and provide employment opportunities for a range of age groups and demographics.

In relation to the interaction between the new industrial development and the local community, the proposal will complement existing industrial lands to the south and east and forms a natural extension of the current IN1 – *General Industrial* zone.

With regards to social equity, the proposed development would particularly benefit a range of age groups as it will:-

- (i) provide additional good quality and convenient locally industrial land that is centrally located, easily accessible and will be affordable;
- (ii) provide industrial land that is within easy walking and driving distance to adjacent residential catchments and public transport (bus services);
- (iii) create business opportunities through new industrial development that will create jobs and increase disposable income locally; and
- (iv) enhance and improve the attractiveness of the surrounding precinct by setting new industrial design standards

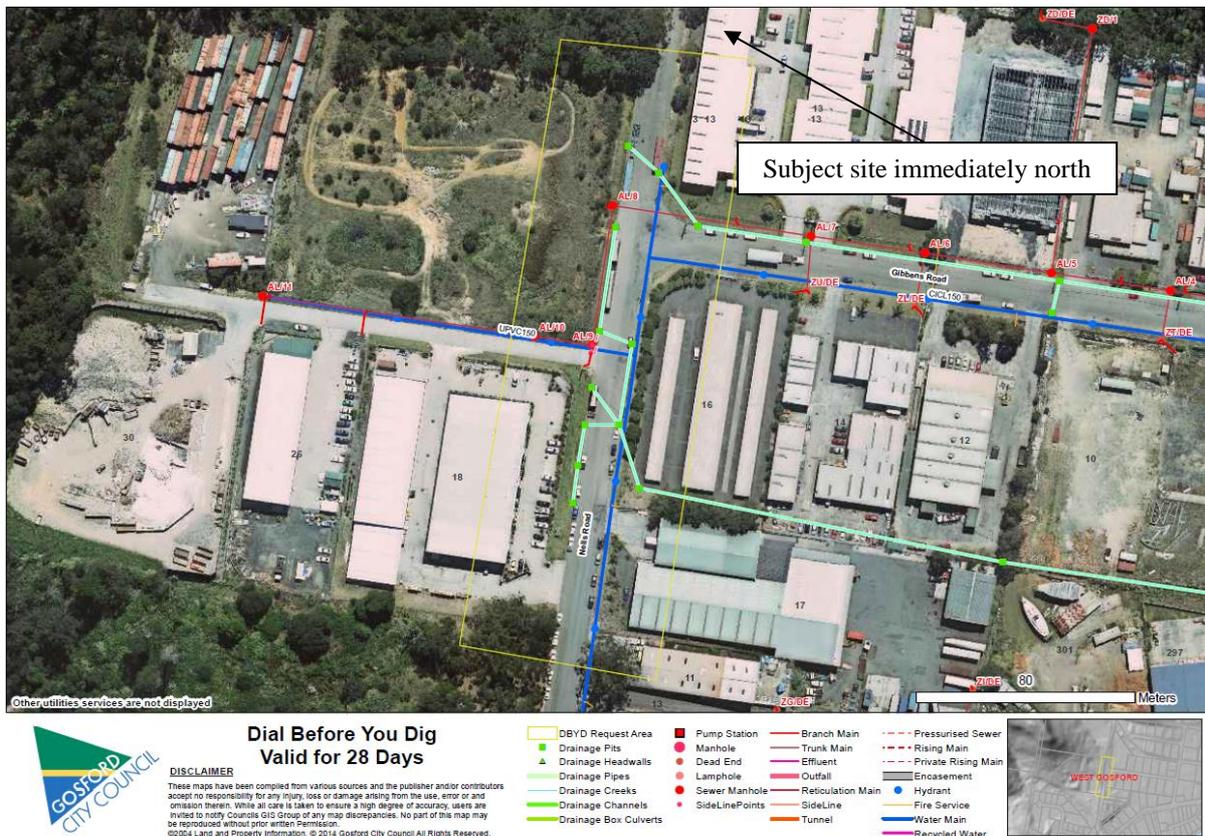
#### **5.3.4 State and Commonwealth Interests**

*Is there adequate public infrastructure for the Planning Proposal?*

The existing site has a range of public infrastructure available that will more than adequately serve the proposed development of the land which is the subject of the Planning Proposal.

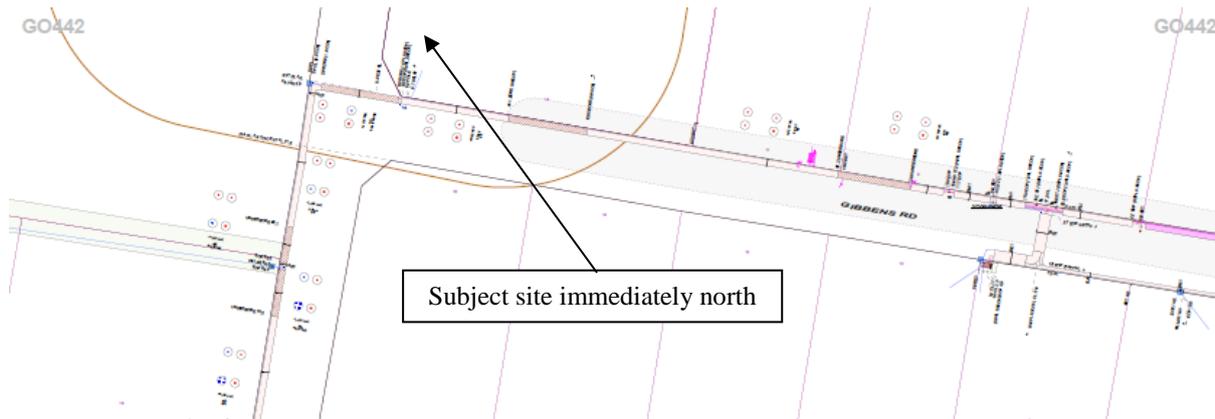
The following public infrastructure is available:-

- (i) **Water Supply** – Central Coast Council can provide water supply to the site from the existing 150mm diameter water main located in Nells Road to the south as shown in **Figure 11**. The adjacent industrial properties are connected to the mains supply. The existing supply is considered adequate for future development;



**Figure 11**  
**Extract from Gosford City Council’s Infrastructure Plans**

- (ii) **Sewer Reticulation** – Council has existing gravity sewer mains in the surrounding industrial estate as shown in **Figure 11**. The existing property is not currently serviced from Council’s exiting reticulated system. However, the existing system could be extended to service future development of the land. Sewer services are not required for this application.
- (iii) **Power Supply** – the site can be serviced from existing Ausgrid overhead power lines in Nells Road. Overhead services are available to the corner of Nells Road and Gibbens Road as shown in **Figure 12** and **Figure 13**. The site is not currently connected to the electrical grid. However, power supply could be provided for future development of the lands. Services are not required as part of this application.



**Figure 12**  
Extract from Ausgrid's Reticulation Plans



**Figure 13**  
Photograph of existing overhead services on the corner of Nells Road and Gibbens Road  
(courtesy of Google Earth)

- (iv) Telecommunications – Telstra has underground telecommunications cables available in Nells Road. The site is not currently connected to the existing network.

However, services could be extended for future development of the lands. No network connection is required as part of this application

- (v) Road Network – the subject site is located on the fringe of the existing West Gosford light industrial estate. It has frontage to both Dell Road and Nells Road. Dell Road is unformed. Access would not be required from Dell Road with all ingress/egress being off Nells Road which runs parallel to the eastern boundary.

Nells Road is fully engineering to the property boundary with kerb and gutter, street drainage and sealed pavement (see *Figure 14*). If required, the road formation could be extended to service the future development of the land.



**Figure 14**  
**Street view looking north along Nells Road to the subject property**

It is concluded that the impact of the traffic to be generated by future development could be accommodated in the local road network and can be accommodated within the existing road hierarchy; and

- (vi) Stormwater Infrastructure – the subject site generally falls from west to east with surface runoff at the base of the upward slope collected via an existing diversion drain and directed to the north of the rehabilitated lands to an existing sediment basin. Overflow is then directed to the existing watercourse along the northern boundary. Surface runoff from the disturbed areas on the eastern portion of the site falls generally to the watercourse and is filtered through existing riparian vegetation along the eastern boundary. An additional sedimentation basin exists adjacent to the eastern boundary.

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

A gateway determination has not yet been issued, and such consultation will be required in that determination.

## **6.0 COMMUNITY CONSULTATION:**

Community consultation occurs at a later stage, after a gateway determination. Community consultation will involve an exhibition period of 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the website of Gosford City Council. A letter will also be sent to the adjoining landowners.

The written notice will:-

- (i) give a brief description of the objectives or intended outcomes of the planning proposal;
- (ii) indicate the land affected by the planning proposal;
- (iii) state where and when the planning proposal can be inspected;
- (iv) give the name and address of Gosford City Council for receipt of submissions; and
- (v) indicate the last date for submissions.

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

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

## **7.0 PLANNING PROPOSAL AND GATEWAY DETERMINATION:**

In this instance, it is requested that the Minister initiate the Planning Proposal under Section Division 3.4 Section 3.32 and Section 3.33 of the Environmental Planning & Assessment Act. Where the Minister has initiated the process, the Minister will appoint the Director-General, or some other person or body prescribed by the regulations, including a Joint Regional Planning Panel, to be the relevant planning authority (RPA). Should the RPA support the planning proposal, it will be forwarded to the Department of Planning for assessment. The Department will then forward the planning proposal and its recommendation to the LEP Panel.

The LEP Panel will consider the planning proposal and the Department's recommendation before making its own recommendation to the Minister for a gateway determination. Should the Minister (or delegate) support the planning proposal proceeding directions would be given to the RPA regarding any changes to the planning proposal, studies to be carried out, state and federal authorities to be consulted, community consultation required and timing. The Planning Proposal process in diagrammatic form can be seen in *Appendix 2*.

## 8.0 CONCLUSION

As a result of the various local and regional strategies, the Planning Proposal and subsequent use of Lot 6 in DP3944 #39 Dell Road at West Gosford for part industrial and part conservation use is considered appropriate and can be justified because:-

- (i) it is consistent and in character with the adjoining industrial land uses to the east and conservation lands to the west and north;
- (ii) is strategically located on the fringe of the West Gosford light industrial catchment with a full range of services and utilities;
- (iii) the industrial portion is substantially cleared of native vegetation;
- (iv) the upper western slopes and northern creek line will be dedicated to Central Coast Council;
- (v) the industrial lands are gently sloping and easily accessible;
- (vi) the site can be fully serviced with water, sewer, power and telecommunications facilities;
- (vii) the site has good access off Nells Road; and
- (viii) the proposal is consistent with the New South Wales State Government's Central Coast Regional Plan (CCRP) and Central Coast Regional Strategy (CCRS)

## 9.0 RECOMMENDATION:

It is recommended that:-

- A. The Minister initiate the Local Environmental Plan "Gateway" process pursuant to Division 3.4 – Environmental Planning Instruments of the Environmental Planning and Assessment Act by endorsing the Planning Proposal for Lot 6 in DP3944 Dell Road at West Gosford, and forwarding it to the Department of Planning requesting a "Gateway" determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979 and that the Department of Planning prepare all necessary documentation and process the matter according to the Department of Planning's directives.
- B. After public exhibition of the Planning Proposal, should the Minister for Planning support it at the gateway, and if no submissions are received, the Planning Proposal is to be referred to the Department of Planning in order to make the plan.

## 10.0 LIMITATIONS:

Wales & Associates Pty Limited (WA) has prepared this report for a project at Lot 6 in DP3944 #39 Dell Road at West Gosford in accordance with instructions from the owner, Industrial Discounts Pty Limited.

The report is provided for the exclusive use of Industrial Discounts Pty Limited for this project only and for the purpose(s) described in the report. It should not be used for other projects or by a third party. In preparing this report WA has necessarily relied upon information provided by the client and/or their agents. WA's advice is based upon the information supplied and encountered during this assessment. The accuracy of the advice provided by WA in this report may be limited by undisclosed information provided by other sub-consultants.

The advice may also be limited by budget constraints imposed by others or by site accessibility.

This report must be read in conjunction with all of the attached notes and reports and should be kept in its entirety without separation of individual pages or sections. WA cannot be held responsible for interpretations or conclusions made by others unless they are supported by an express statement, interpretation, outcome or conclusion given in this report. Please contact the undersigned for clarification of the above as necessary.



18<sup>th</sup> November 2020

.....  
Matthew Wales  
Director  
Wales & Associates Pty Limited

.....  
Date

**END**

<b>REFERENCES</b>
-------------------

The following documents were referenced:-

- (i) New South Wales Government (1979) Environmental Planning & Assessment Act (as amended);
- (ii) New South Wales Government (1979) Environmental Planning & Assessment Regulations (as amended);
- (iii) New South Wales Government Section 117(2) Directions;
- (iv) Department of Planning & Infrastructure LEP Practice Note PN 11-001;
- (v) Gosford Local Environmental Plan 2014;
- (vi) Gosford Interim Development Order No. 122