

Gosford City Centre - City Core Incentives

Proposal Title : **Gosford City Centre - City Core Incentives**

Proposal Summary : **The proposal is to:**

- relocate the boundaries of the B3 Commercial Core and B4 Mixed Use zones in Gosford City Centre by rezoning some B4 land to B3 and some B3 land to B4 (see map of proposed zone changes)
- introduce, for 2 years, provisions that provide a bonus floor space and/or height in the B3 zone to a cap of 150,000 m2 in total, subject to design criteria being met and provision of public benefit (see proposed clause 8.12)
- remove the application of clause 4.6 Exceptions to Development Standards from Gosford City Centre.

PP Number : **PP_2015_GOSFO_010_00**

Dop File No : **15/13100**

Planning Team Recommendation

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

- S.117 directions :
- 1.1 Business and Industrial Zones**
 - 2.2 Coastal Protection**
 - 2.3 Heritage Conservation**
 - 3.1 Residential Zones**
 - 3.4 Integrating Land Use and Transport**
 - 5.1 Implementation of Regional Strategies**
 - 6.1 Approval and Referral Requirements**
 - 6.3 Site Specific Provisions**

- Additional Information :
- 1. Prior to undertaking public exhibition, Council is to update the planning proposal to:**
 - **Amend the explanation of provisions to recognise that variation to provisions may occur during drafting by Parliamentary Counsel provided the outcomes are met.**
 - **Include additional discussion/justification on the application of clause 4.6:**
 - o **to confirm it is intended no variations to any development standards would be allowed (ie. lot size as well as height and FSR) and that the effect will be no variations to development standards across the entire City Centre;**
 - o **confirm also which 'Gosford City Centre' is referred to given there are two areas with this name of the maps; and**
 - o **provide clarification of whether it is intended to reinstate cl. 4.6 to the City Centre following expiry of the City Core Incentives.**
 - **Amend name of proposed clause 8.12 to 'Gosford City Core Incentives'.**
 - **Provide explanation and justification for the parameters in proposed clause 8.12 including:**
 - o **the size of the proposed bonus (150,000 m2);**
 - o **maximum height of RL 99;**

- o street frontage of 40 metres;
 - o site area of 2800 m2 or greater;
 - o DAs lodged since 21 May 2015; and
 - o 2 year time period.
 - Amend proposed clause 8.12 (8) to require a review at 120,000 m2 (as currently drafted the terms of review will not occur).
 - Discuss the need for transitional/savings provisions to apply for development applications lodged but not determined before the planning proposal is finalised.
 - Consider need for mapping of 'primary street frontage' as has occurred for other centres.
 - Provide explanation and justification on the proposed movement of B3 and B4 zone boundaries including:
 - o Discussion on key differences between B3 and B4 zones in terms of potential development;
 - o Discussion of how active street frontages will still be achieved along key street fronts in the area being rezoned from B3 to B4;
 - o Justification for extending B3 zone to the 2 blocks east of Henry Parry Drive; and
 - o Need for any changes to land use tables and other clauses (eg. active street frontage clause).
 - Confirm the text associated with SEPP 55 in the planning proposal re. previous land uses.
- 2. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the following S117 Directions:**
- **2.2 Coastal Protection** (particularly as it relates to the Coastal Design Guidelines)
 - **3.4 Integrating Land Use and Transport**
 - **4.4 Planning for Bushfire Protection**
- 3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
- 4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:**
- **NSW Rural Fire Service**
 - **Transport for NSW – Roads and Maritime Services**

- Transport for NSW
- Central Coast Regional Development Corporation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Delegation to Council

Supporting Reasons : ...

Panel Recommendation

Recommendation Date : **08-Oct-2015**

Gateway Recommendation : **Passed with Conditions**

- Panel Recommendation :
- The matter was considered by the Local Environmental Plan Review Panel (Panel) on 8 October 2015. The Panel consisted of:
 - o Simon Manoski, Acting General Manager (Chair);
 - o James Matthews, Team Leader, Planning Services;
 - o Linda Davis, Acting General Manager, Southern Region; and
 - o David Green, Land Use Planning Manager, Wollongong City Council.
 - The Panel supported the intent of the planning proposal to facilitate incentives for development and revitalisation of the Gosford City Centre.
 - However, the Panel did have concerns with the wording of the proposed clause, including the objectives and the removal of the application of Clause 4.6. The intent to facilitate incentives on land zoned B3 Commercial Core in the subject area, up to 150,000 sq.m additional floor space over the next two years was supported.
 - The Panel recommends that the proposals intent and how it is to be facilitated be described in plain English terms and the proposed clause be removed from the planning proposal.
 - Further, the Panel noted that the Commercial Core zone was being moved away from the railway station and requested further justification and consideration of this change, notwithstanding the recommendations of the SoSI to redefine the core of the Gosford City Centre.
 - Therefore, it is recommended that the planning proposal proceed, subject to a number of conditions. It is also noted that Council requested delegation to make the plan. Under the circumstances it is recommended that delegation not be issued in this instance to ensure the Department considers the wording of the drafted clause before the finalised.

Therefore, the planning proposal to amend the Gosford Local Environmental Plan (LEP) 2014 to rezone land from B4 Mixed Use to B3 Commercial Core and from B3 Commercial Core to B4 Mixed Use, introduce time limited provisions for 2 years for capped bonus floor space and/or height in the B3 Commercial Core zone and remove the application of Clause 4.6 Exceptions to development standards within Gosford City Centre should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - Replace proposed Clause 8.12 with a 'plain-English' version that explains Council's intention for proposed City Core incentives while allowing flexibility in the drafting of provisions;
 - Clarify the area referred to as the 'Gosford City Centre' and its relationship to the land

subject of the planning proposal.

- Amend the references to Clause 4.6 to clarify that it will not apply to the subject B3 zone, being the land subject of the incentive provisions, only for the duration of the proposed City Core incentive provisions, and that the application of Clause 4.6 will continue to apply elsewhere in the Gosford City Centre;
- Provide explanation and justification for the parameters in the proposed incentive provisions including:
 - o the size of the proposed bonus (150,000 m²);
 - o maximum height of RL 99;
 - o street frontage of 40 metres;
 - o site area of 2800 m² or greater;
 - o purpose of 21 May 2015 provision; and
 - o 2 year time period for operation of the bonus provisions.
- Amend the intent of proposed Clause 8.12(8), to require a review at 120,000sq.m rather than 150,000sq.m (as currently drafted the terms of review will not occur).
- Discuss the need for transitional/savings provisions to apply for development applications lodged but not determined before the planning proposal is finalised.
- Consider need for mapping of 'primary street frontage' as has occurred for other centres.
- Provide explanation and justification on the proposed movement of B3 and B4 zone boundaries including:
 - o Discussion on key differences between B3 and B4 zones in terms of potential development;
 - o Discussion of how active street frontages will still be achieved along key street fronts in the area being rezoned from B3 to B4;
 - o Justification for extending B3 zone to the 2 blocks east of Henry Parry Drive and moving B3 away from the train station; and
 - o Need for any changes to land use tables and other clauses such as the active street frontage clause.
- Confirm the text associated with SEPP 55 in the planning proposal regarding previous land uses.

2. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the following S117 Directions:

- 2.2 Coastal Protection (particularly as it relates to the Coastal Design Guidelines)
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Rural Fire Service
- Transport for NSW – Roads and Maritime Services
- Transport for NSW
- Central Coast Regional Development Corporation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under

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section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:

Sam Mamiel

Printed Name:

Simon Mamiel

Date:

22.10.15

