

PLANNING PROPOSAL GOSFORD CITY COUNCIL GOSFORD CITY CENTRE - CITY CORE INCENTIVES

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

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

Part 1 Objectives or Intended Outcomes

Section 55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective/intended outcome of the Planning Proposal is to redefine/refocus the area zoned B3 Commercial Core by rezoning land as indicated in the figure in Part 2 below.

To provide incentives for development within the area zoned B3 Commercial Core to encourage development that does not result in a consent that is physically commenced but not completed. It is proposed that the new clause would permit a limited pool of additional floor space available to Applicants within the B3 Commercial Core zone subject to certain criteria, minimum site area, minimum site frontage, maximum RL, design criteria and provision of public benefit.

To encourage Applicants applying for additional floor space to act on their development approval it is proposed to limit the application of the clause to 2 years and limit development consents to 2 years.

Part 2 Explanation of Provisions

Section 55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objectives/intended outcomes are to be achieved by amending the Gosford LEP 2014 in the following manner:

Add sub clause 4.6(9) to Clause 4.6 Exceptions to development standards

- 4.6(9)** This clause does not apply to Gosford City Centre as identified on the Key Sites Map.

Add Clause 8.12 to Part 8 Additional local provisions – Gosford City Centre

Clause 8.12 Gosford City Centre Incentives Clause

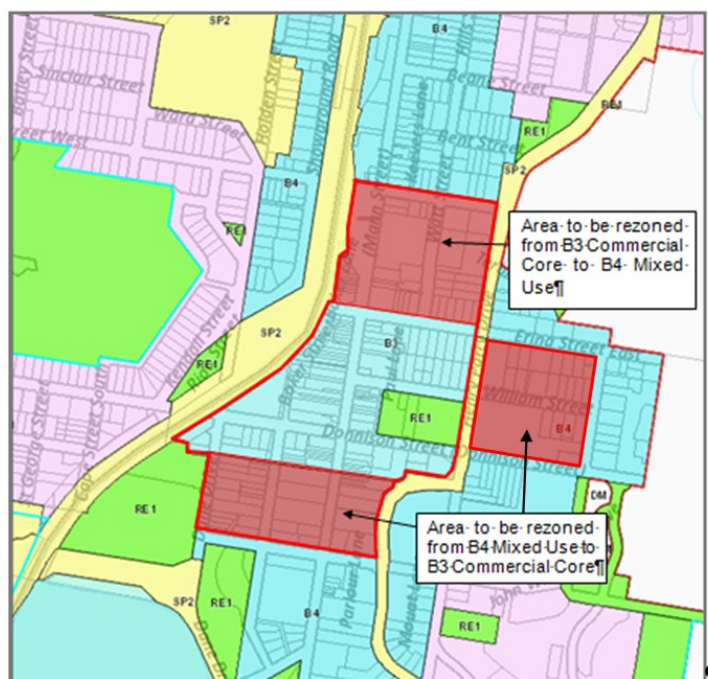
- (1) The objectives of this clause are as follows:

- (a) To provide development incentives for land within zone B3 Commercial Core located within Gosford City Centre to maintain and reinforce the regional city status of Gosford City Centre,
 - (b) Provide a catalyst for the social and economic development of Gosford City Centre,
 - (c) To permit an additional 150,000 square metres of gross floor area in addition to that permitted by Clause 4.4 of the Gosford LEP 2014 in Gosford City Centre on land zoned B3 Commercial Core,
 - (d) To ensure that taller buildings are located appropriately in relation to city form, view corridors, view impacts and in a manner that is complementary to the natural topography of the area,
 - (e) To permit building heights that encourage high quality urban form,
 - (f) To ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,
 - (g) To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
 - (h) To provide an appropriate correlation between the size of a site and the extent of any development on the site,
 - (i) To control building bulk in relation to site area in order to achieve the desired character for Gosford City Centre,
 - (j) To facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,
 - (k) To protect public open space from excessive overshadowing and to allow views to identify natural topographical features,
 - (l) To facilitate the development of design excellence and green building solutions within the city core, and
 - (m) To deliver significant public benefit to the community.
- (2) This clause applies to land within Gosford City Centre zoned B3 Commercial Core.
- (3) A provision of this clause prevails over any other provision of this Plan to the extent of any inconsistency.
- (4) Where a development seeks to exceed the Height of Building and/or Floor Space Ratio outlined in the provisions of clauses 4.3 and/or 4.4 respectively, as it applies to the land, then:
- (i) the building height must not exceed RL 99; and
 - (ii) the primary street frontage must be 40m in width and
 - (iii) the area of the land must be equal to or greater than 2800m²
- (5) Despite clauses 4.3 and 4.4, a development may exceed the maximum height shown for land on the Height of Buildings Map and the maximum floor space ratio for land on the Floor Space Ratio Map if the consent authority is satisfied that the development application prepared for the land has demonstrated the following:
- (i) The cumulative gross square metres of floor space within the B3 Commercial Core zone above the maximum floor space permitted by Clause 4.4 of the Gosford LEP 2014, resulting from the subject development consent together with all development consents granted since 21 May 2015 will not exceed 150,000 square metres in total;
 - (ii) Design, excellence, including a high standard in urban design and landscape design, interior design, construction and historic preservation, including the requirements of clause 8.5 Design Excellence;

- (iii) No adverse relationship is created between the development and any other development that is or may be located on or near the site in relation to overshadowing, privacy, setbacks and visual amenity.
 - (iv) The development provides for retention of views to ridgelines from significant vantage points.
 - (v) The requirements of any applicable development control plan.
 - (vi) The development does not create any net additional overshadowing to that currently permitted by GLEP 2014 of Kibble Park, Graham Park and Ray Maher Field/Leagues Club Park between the hours of 10am and 3pm on the winter solstice and that any additional overshadowing does not reduce the amenity afforded to the listed public spaces.
 - (vii) The development provides for significant improvements to the public domain
 - (viii) Provides significant public benefit to the community
- (6) This clause does not apply to a development application lodged more than 2 years after the commencement of this clause.
- (7) Consents seeking to utilise this clause will be subject to a 2 year time limit.
- (8) The Council is to review this Clause to determine whether the policy objectives of the clause remain valid and whether the terms of the Clause remain appropriate for securing those objectives. The review is to be undertaken as soon as practicable after development consent has been granted that would result in the sum of increases in the gross floor area authorised under all consents granted in relation to land in the Gosford City Centre since 21 May 2015 exceeding 150,000 square metres.
- (9) Clauses 4.6, 5.6 and 8.9 do not apply to development applications utilising this clause.

and amend the following maps under Gosford LEP 2014 as they relate to land zoned B3 Commercial Core within the area defined as Gosford City Centre as follows:

Land Zoning Map Sheet LZN_015CA Amend the zoning as outlined in the Figure below:



Height of Buildings Map Sheet HOB_015CA	Amend the note attached to the “blue line” notation to read Refer to Clauses 4.3, 4.3A & 8.12
Height of Buildings Map Sheet HOB_015CAA	Amend the note attached to the “blue line” notation to read Refer to Clauses 4.3, 4.3A & 8.12
Height of Buildings Map Sheet HOB_015CAB	Amend the note attached to the “blue line” notation to read Refer to Clauses 4.3, 4.3A & 8.12
Floor Space Ratio Map Sheet FSR_015CA	Amend the note attached to the “blue line” notation to read Refer to Clauses 4.3, 4.3A, 8.3 & 8.12
Key Sites Map, Development Incentives Application Map Sheet CLI_O15CA	Delete the total area proposed to be zoned B3 Commercial Core from the area hatched pink and covered by clause 8.9. Hatch the total area proposed to be zoned B3 Commercial Core in another colour and add to Legend with Notation Refer to Clause 8.12

Section 55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

Appendix B to this report contains all relevant mapping to the Planning Proposal.

Part 3 Justification for objectives & outcomes

Section 55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

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

Yes

The 2004 NSW Government's City of Cities Strategy and The Central Coast Regional Strategy designate Gosford as the regional city of the Central Coast. During 2010 Gosford City Council in partnership with the NSW Government prepared in consultation with stakeholders and the community the Gosford City Centre Masterplan to guide revitalisation of Gosford City Centre. The Masterplan was prepared in response to acknowledgement that in the past decade or so, Gosford was a city in decline. Whilst some development has occurred in response to the Masterplan this has mainly occurred in smaller scale residential development on the periphery of the

city centre. Development in the Commercial Core and revitalisation of the city centre has been slower to eventuate.

Council however remains committed to doing everything in its power to ensure that the State Government's, community's and Council's vision for a revitalised and vibrant city centre eventuates. In response to improved economic times, interest from foreign investors, and renewed interest in development in Gosford City Centre, Council adopted the Gosford City Centre Statement of Strategic Intent Report in December 2014. This document outlined Council's renewed approach to provide incentives to attract development to the commercial core area in the short term.

There are several critical components in the revitalisation of the City Centre and waterfront area. Widespread investment is needed in residential and commercial buildings throughout the commercial core if it is to attain the critical mass to become self-sustaining. At this stage of revitalisation of the centre, early developers face higher commercial risks than investors who follow in the medium term, after investment confidence has been established by the economic success of the 'early movers'.

Given the widespread public benefits which flow from city centre revitalisation and demonstrated community support for revitalisation, State and local government should support initiatives aimed at reducing the commercial risk to those prepared to be 'first round investors' in the commercial core area.

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

Yes, the planning proposal provides an effective way of achieving Council's desired outcomes for enhancing and progressing the revitalisation of the city centre in particular the land to be zoned B3 Commercial Core.

Section B Relationship to strategic planning framework

3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Regional strategies include outcomes and specific actions for a range of different matters relevant to the region. In all cases the strategies include specific housing and employment targets also. The Central Coast Regional Strategy 2006 – 2031 is applicable to the subject land and the proposed rezoning. The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for provision of housing and or jobs. This Planning Proposal to redefine and allow for bonus floorspace within the commercial core zone for a limited timeframe is consistent with the following objectives/actions contained within the Regional Strategy for the reasons specified.

In the NSW Government's Regional Cities Strategy, Gosford has been designated as the Regional City for the Central Coast. The Central Coast Regional Strategy (CCRS) 2006 – 2031 is relevant to the consideration of this Planning Proposal it identifies the following:

- Gosford City Centre is to function as the Central Coast's Regional City, providing an attractive and liveable mixed use city centre; and

- One of the key challenges is to rejuvenate Gosford as the Region's major centre creating the capacity for 6000 new jobs and accommodating 10,000 more residents within the City Centre.

Recently Council has seen the beginnings of improved confidence in the development of the Gosford City Centre through development applications to the value of approximately \$750 million dollars lodged within the past financial year. However the majority of significant development/development applications have been within the B4 Mixed Use zoned land surrounding the B3 Commercial Core area. Consultations with owners of the main potential city centre redevelopment sites have indicated that having regard to depressed city property process and the difficulties being experienced in accessing development finance, development incentive measures are required to encourage any substantial redevelopment within the commercial core area. The introduction of the proposed development incentive provisions included in this planning proposal should provide a catalyst for the early implementation of the Gosford City Centre development outcomes sought by the Central Coast Regional Strategy 2006 – 2031.

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of Section 117 Directions?

For the reasons outlined in this Planning Proposal the refocusing of the city core and city core incentive provisions are considered to have strategic merit.

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

Providing opportunity for the intensification of development in the B3 Commercial Core zoned land within the city centre will encourage its renewal and result in the most efficient use of existing infrastructure which has been focussed on the City Centre and should be used to its optimal level.

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

The Planning Proposal is consistent with the *Gosford 2025 (updated July 2013) – Continuing our Journey* which incorporates a number of objectives and strategies in the Economy theme relating to economic vitality, local business, employment and the city centre, notably:

- C1 Gosford is a place that attracts people to work, live and visit
 - C1.2 Pursue new ideas and approaches for business and infrastructure investment
- C2 Gosford attracts and supports new and existing businesses and investment
 - C2.2 Promote Gosford as a business location
- C3 Gosford City Centre thrives as the regional hub
 - C3.2 Implement the City Centre Masterplan, continuing collaborative approaches to revitalising Gosford

The planning proposal is consistent with these strategic directions as it aims to facilitate economic vitality and employment growth within Gosford's commercial core which is well served by regional road and public transport infrastructure and utility services.

The planning proposal is also generally consistent with objectives and directions contained in the Gosford City Centre Masterplan adopted by Council and the NSW Government.

The Masterplan was prepared in response to acknowledgement that in the past decade or so Gosford City Centre was in decline. It provides clear direction for positive change indicating what kind of development and creation of public realm is appropriate and necessary to revitalise the City Centre. The Masterplan recognises that there are several critical components in the revitalisation and that more widespread investment is needed in residential and commercial buildings throughout the city centre if it is to attain the critical mass to become self-sustaining.

The planning proposal is also consistent with Gosford City Centre Statement of Strategic Intent document adopted by Council in December 2014 which outlines Council's revised approach to development incentives within the "Commercial Core" area.

The planning proposal will provide economic development incentives to encourage the early redevelopment of the Commercial Core area in a manner consistent with the spatial framework adopted for the City Centre.

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

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies.

- (i) SEPP 55 – Remediation of Land:** Clause 6 of SEPP 55 requires that in preparing an environmental planning instrument, a planning authority is not to include in a particular zone classes of land identified in subclause (4) unless the planning authority has considered whether the land is contaminated and if contaminated (or after remediation), the land is suitable for the intended purpose.

In this case, the issues raised in Clause 6 of SEPP 55 do not arise as the subject land has not previously been used for a purpose referred to in "Table 1 Some Activities that may Cause Contamination".

- (ii) SEPP 65 Design Quality of Residential Apartment Development.** The aim of this SEPP is to improve the design quality of residential apartment development in New South Wales. The planning proposal will assist in achieving the aims of the SEPP as the proposed development controls will be prepared in accordance with the SEPP. Additionally any future development applications will be required to address the SEPP and the associated Apartment Design Guide.
- (iii) Other SEPPs:** No other SEPP has application to this planning proposal, although any future development application on the land will be required to consider any relevant SEPPs.

6 Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 directions)?

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to Planning Proposals lodged after 1 September 2009. Section 117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other Section 117s Directions or they are not applicable.

(i) Direction 1.1 Business and Industrial Zones

This Direction applies when a planning authority prepares a planning proposal that will affect land within an existing or proposed business zone.

The objectives of the direction are to encourage employment growth in suitable locations; protect employment land in business zones; and to support the viability of identified centres. This planning proposal is consistent with the requirements of Clause 4(a) – (e) of the direction:

- (a) The planning proposal aims to provide incentives to encourage the revitalisation of Gosford City Centre and gives effect to the objectives of the direction to encourage employment growth in identified strategic centres;
- (b) The planning proposal retains the area of existing business zones;
- (c) The planning proposal does not reduce the total potential floor space for employment uses and related public services in business zones,
- (d) The planning proposal does not result in “new employment areas” as such, but rather the early revitalisation of an identified strategic centre,

(ii) Direction 2.2 Coastal Protection

The Planning Proposal is located within the Coastal zone and must give effect to and be consistent with *The NSW Coastal Policy*; the *Coastal Design Guidelines*; and the *NSW Coastline Management Manual 1990*.

The Planning Proposal is consistent with this direction as it does not amend Clause 5.5 of the Gosford LEP 2014 which gives effect to the principles of the *NSW Coastal Policy*.

(iii) Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This planning proposal is consistent with the requirements of this direction as it does not amend the Heritage Conservation provisions of Gosford LEP 2014 and does not contain any provision adverse to the protection of Aboriginal cultural significance.

(iv) Direction 3.1 Residential Zones

The objectives of this direction are to encourage a variety of housing types and choice of housing types; to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and to minimise the impact of residential development on the environment and resource lands.

The planning proposal is consistent with the requirements of clauses (4) and (5) of this Direction as it intends to allow additional residential uses on the land being rezoned from B3 Commercial Core to B4 Mixed Use on the eastern side of Gosford Railway station. It also intends to allow for potential increased residential development within Commercial Core area being rezoned from B4 Mixed Use to B3 Commercial Core through the proposed incentives clause. Thus providing a variety and choice of housing types and capitalising on the existing infrastructure of the Gosford City Centre.

(v) Direction 3.4 Integrating Land use and Transport

Clause 4 of the Direction requires a planning proposal to locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for Planning and Development 2001* and *The Right Place for Business and Services – Planning Policy 2001*.

The planning proposal is consistent with the requirements of the direction by providing for increased retail/commercial/residential development and community facilities/services within the Gosford City Centre which offers a choice of transport modes and by providing opportunities for people to live and work within the City Centre resulting in people making fewer and shorter trips.

(vi) Direction 5.1 Implementation of Regional Strategies:

Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning.

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to Section B above.

(vii) Direction 6.1 – Approval and Referral Requirements:

Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

(viii) Direction 6.3 – Site Specific Provisions:

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal must use an existing zone already applying in an environmental planning instrument and not impose any development standards in addition to those already contained in the environmental planning instrument. The proposal shall not contain or refer to drawings/concept plans that show details of the proposed development.

The Planning Proposal is consistent with this direction as it uses existing zones, height of building and FSR requirements set out in the Standard Instrument LEP and it is not intended to restrict development of the subject land to a particular development proposal.

Section C Environmental, social and economic impact**7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. The subject land is fully developed and urbanised and the purpose of the Planning Proposal is adjustment of the areas within Gosford City Centre zoned B3 Commercial Core and B4 Mixed Use to refocus the City Core and to permit bonus floor space in the core area.

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

No. The subject land is fully developed and urbanised and the purpose of the Planning Proposal is to adjustment of the areas within Gosford City Centre zoned B3 Commercial Core and B4 Mixed Use to refocus the City Core and to permit bonus floor space in the core area.

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

The planning proposal will result in positive social and economic effects by providing economic incentives for the early revitalisation of Gosford City Centre, providing a wide range of uses including retail, commercial, residential, entertainment and recreation facilities, in a manner consistent with the Gosford City Centre Statement of Strategic Intent and Gosford City Centre Masterplan.

Section D State and Commonwealth interests**10 Is there adequate public infrastructure for the Planning Proposal?**

Yes. Water, sewer, electricity, telephone and gas utilities are available to service the initial phase of city centre revitalisation.

The City Centre is well served by both existing bus and rail public transport services and the initial phase of city centre redevelopment would not have an adverse impact on the level of service of the existing road network, or traffic or pedestrian safety.

In addition Council is currently undertaking a traffic modelling of the existing road network to determine the impacts of the proposed increases in development potential and identify any actions required.

11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

Part 4 Mapping

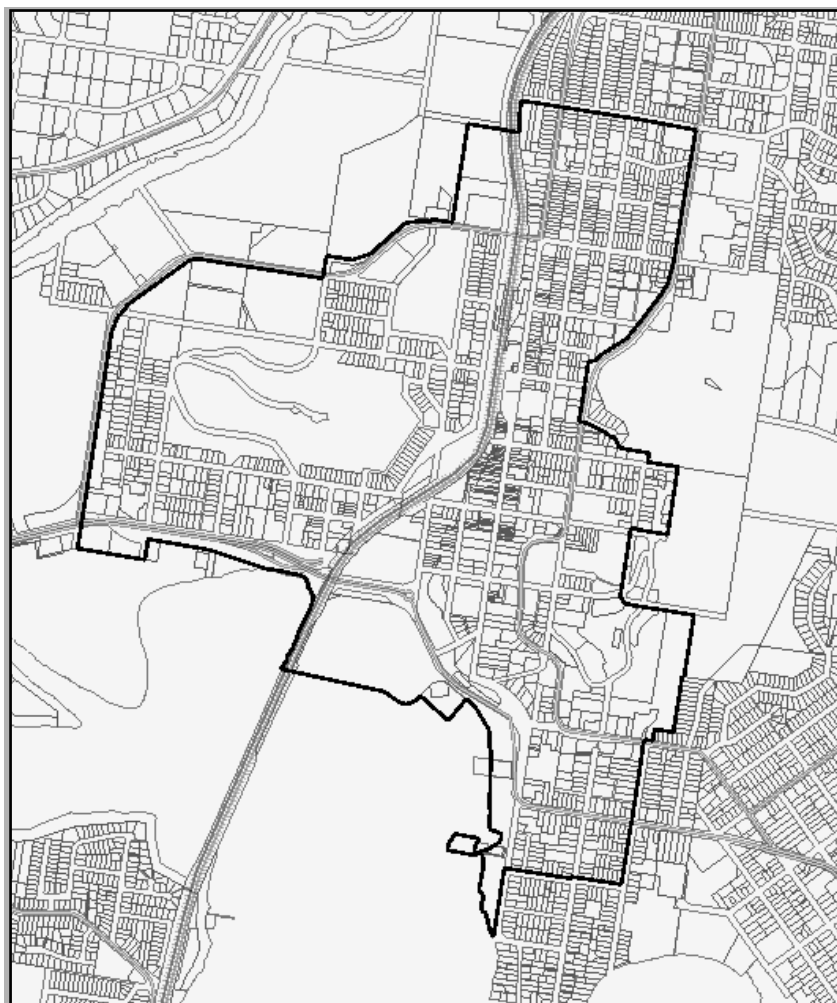
S55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land - a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

Appendix B to this report contains all relevant mapping to the Planning Proposal.

Part 5 Community Consultation

Section 55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Subject to Gateway support community consultation will involve an exhibition period of 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council. A letter will also be sent to landowners within the area defined as “Gosford City Centre” on the Key Sites Map in Gosford Local Environmental Plan 2014. (see map below).



The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal,
- indicate the land affected by the planning proposal,
- state where and when the planning proposal can be inspected,
- give the name and address of Gosford City Council for receipt of submissions, and
- indicate the last date for submissions.

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

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

Part 6 Project Timeline

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

Gateway Determination	October 2015
Completion of required technical information	N/A
Government Agency consultation	November 2015
Public Exhibition	January/February 2014
Consideration of submissions by Council	March 2015
Date Council will make plan (delegated)	April 2014
Liaise with PC	April 2015
Forward Plan to Department for notification	April 2015

APPENDIX A – Planning Proposal Flowchart

'Gateway' planning process

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

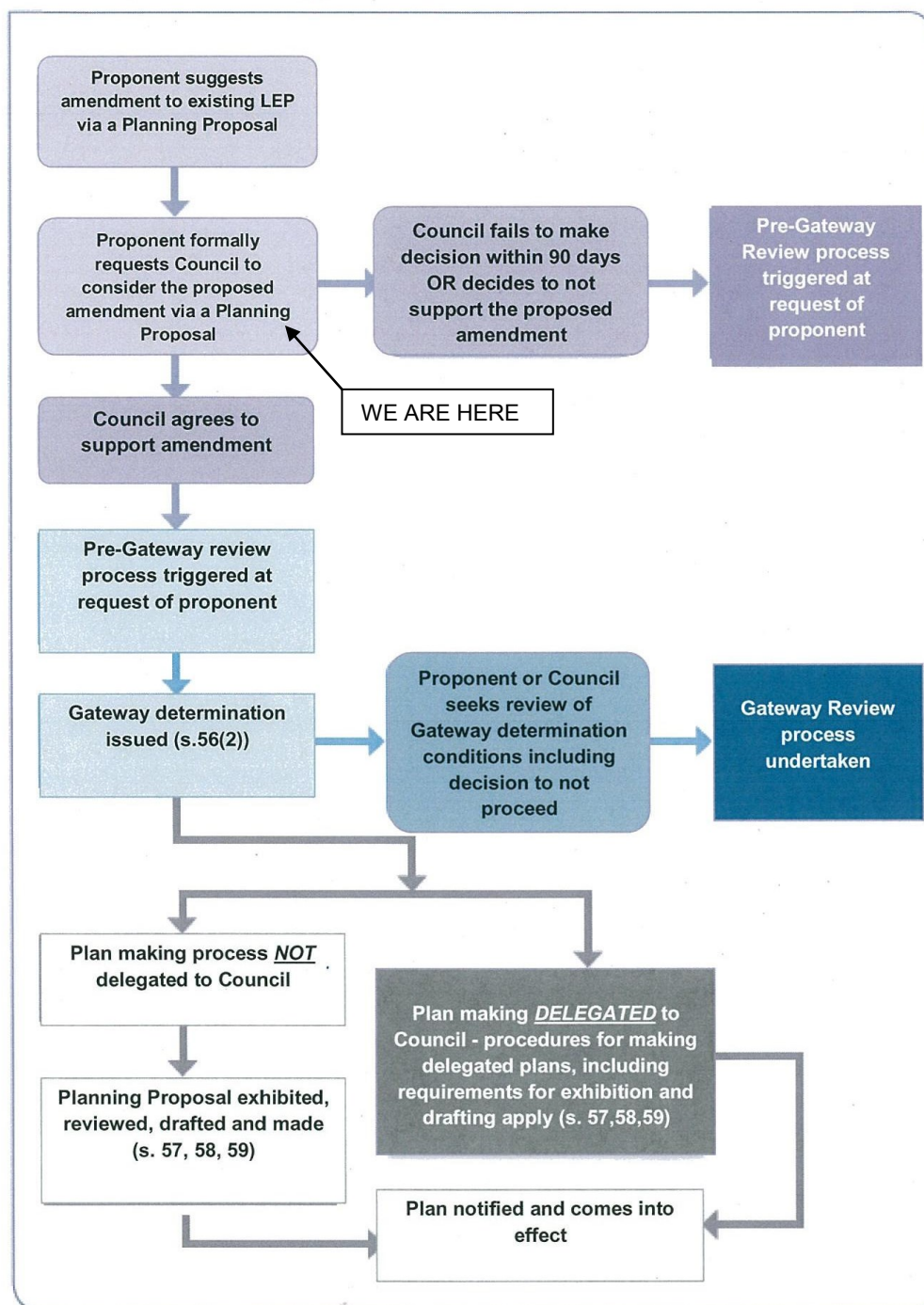
A Planning Proposal application is the mechanism by which a LEP is amended.

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

Appendix A contains the former Department of Planning and Infrastructure Planning Proposal 'Flow Chart' and shows the stage which this request for a Planning Proposal has reached, plus the draft Planning Proposal and an overview of the Gateway process.

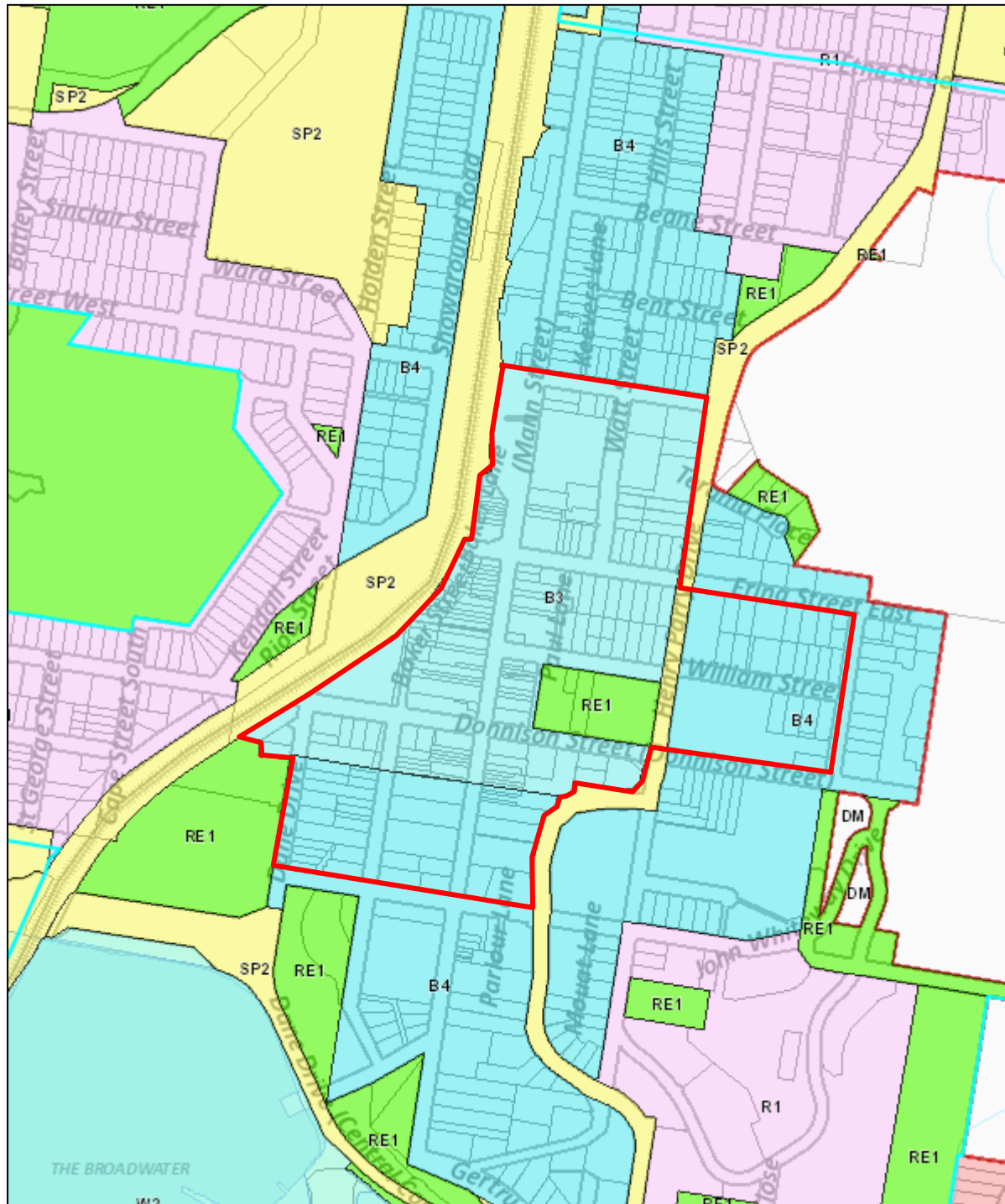
Certain plan-making functions may be delegated by the Department of Planning and Environment to Council (see Planning Circular PO12-006).

LEP plan making process

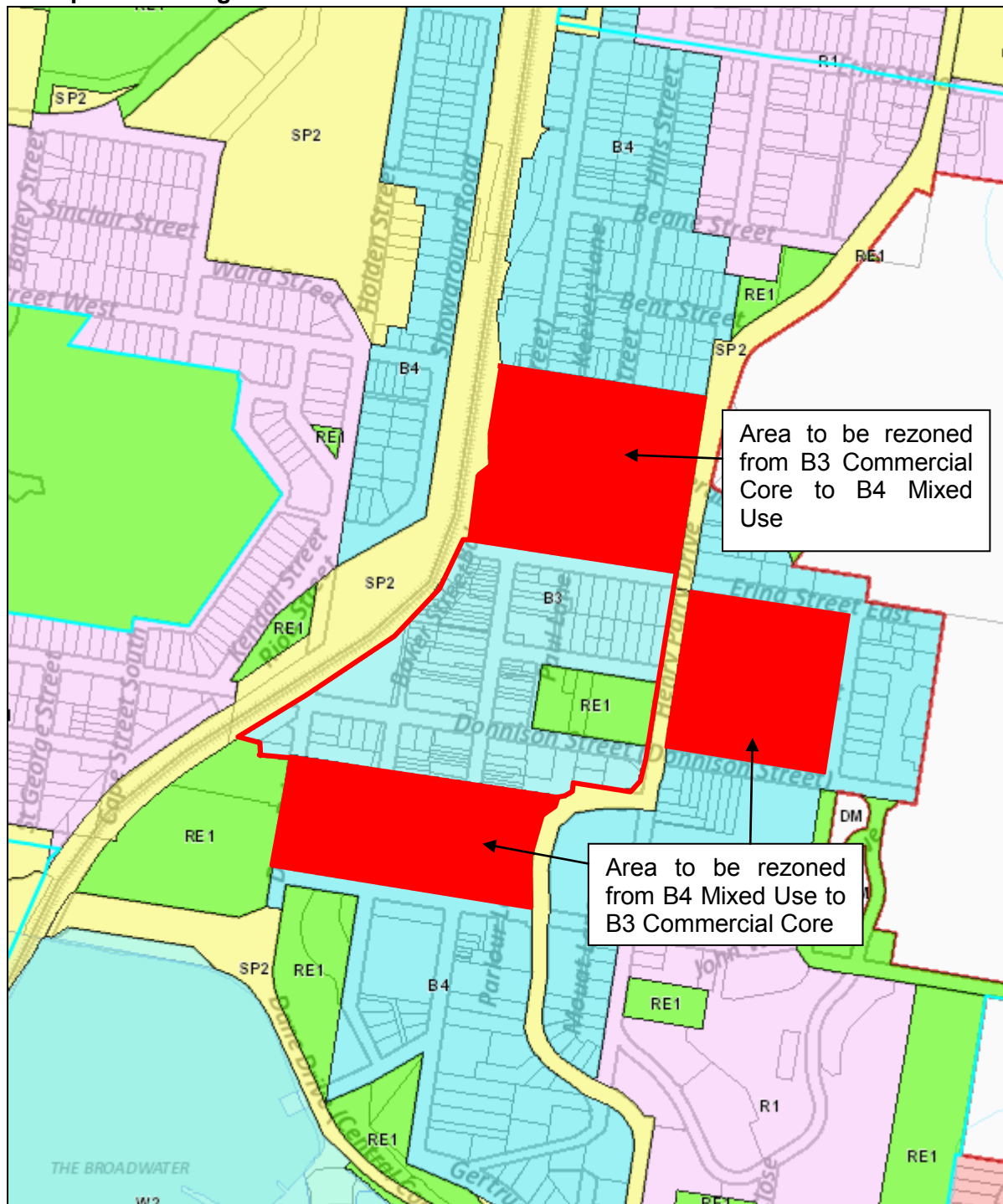


APPENDIX B – Planning Proposal Mapping

1 Existing Zoning Map



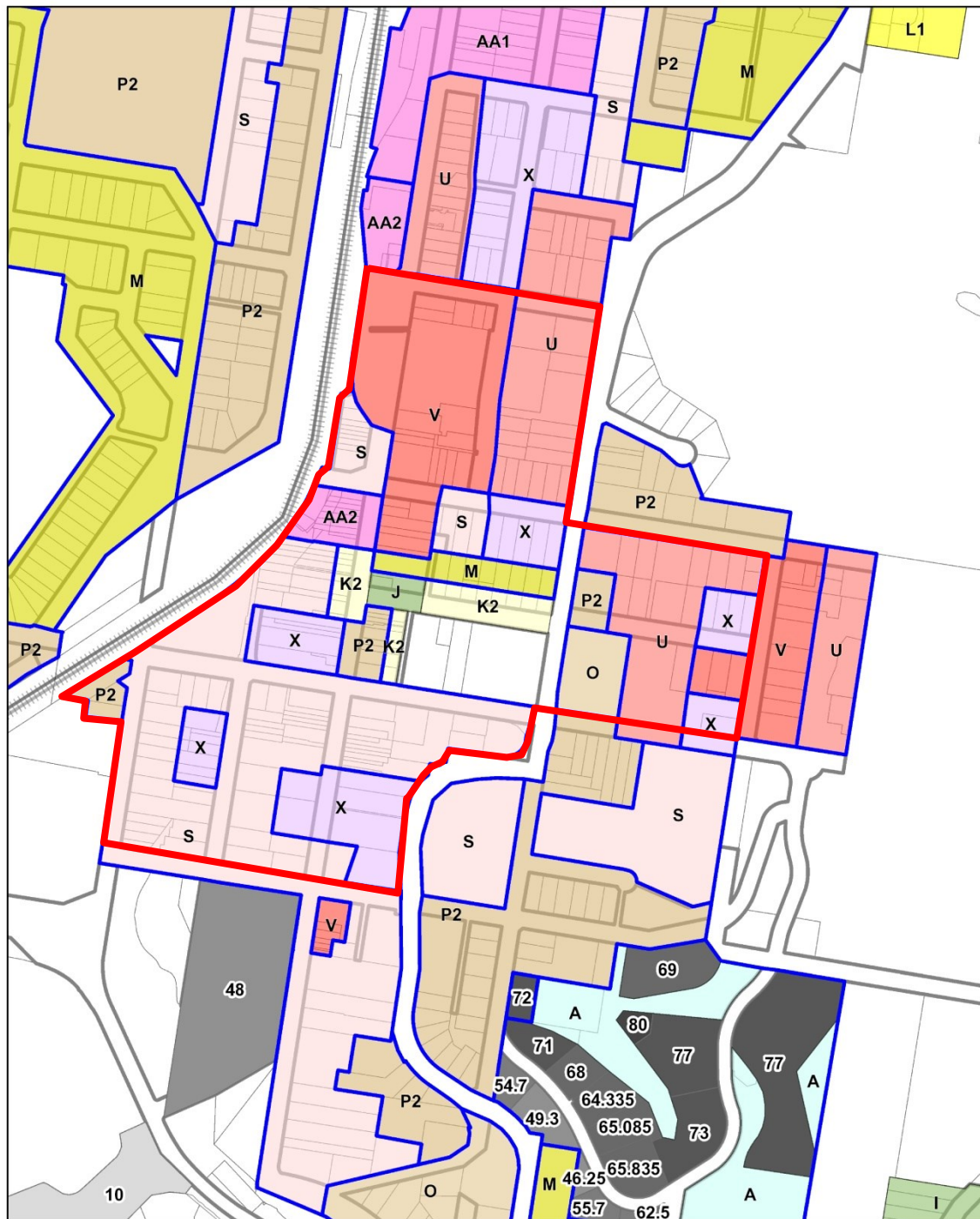
2 Proposed Zoning under Draft Gosford LEP



3 Aerial Photograph

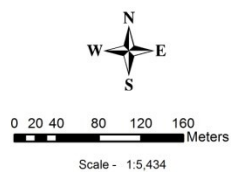


4 Gosford LEP 2014 – Height of Building



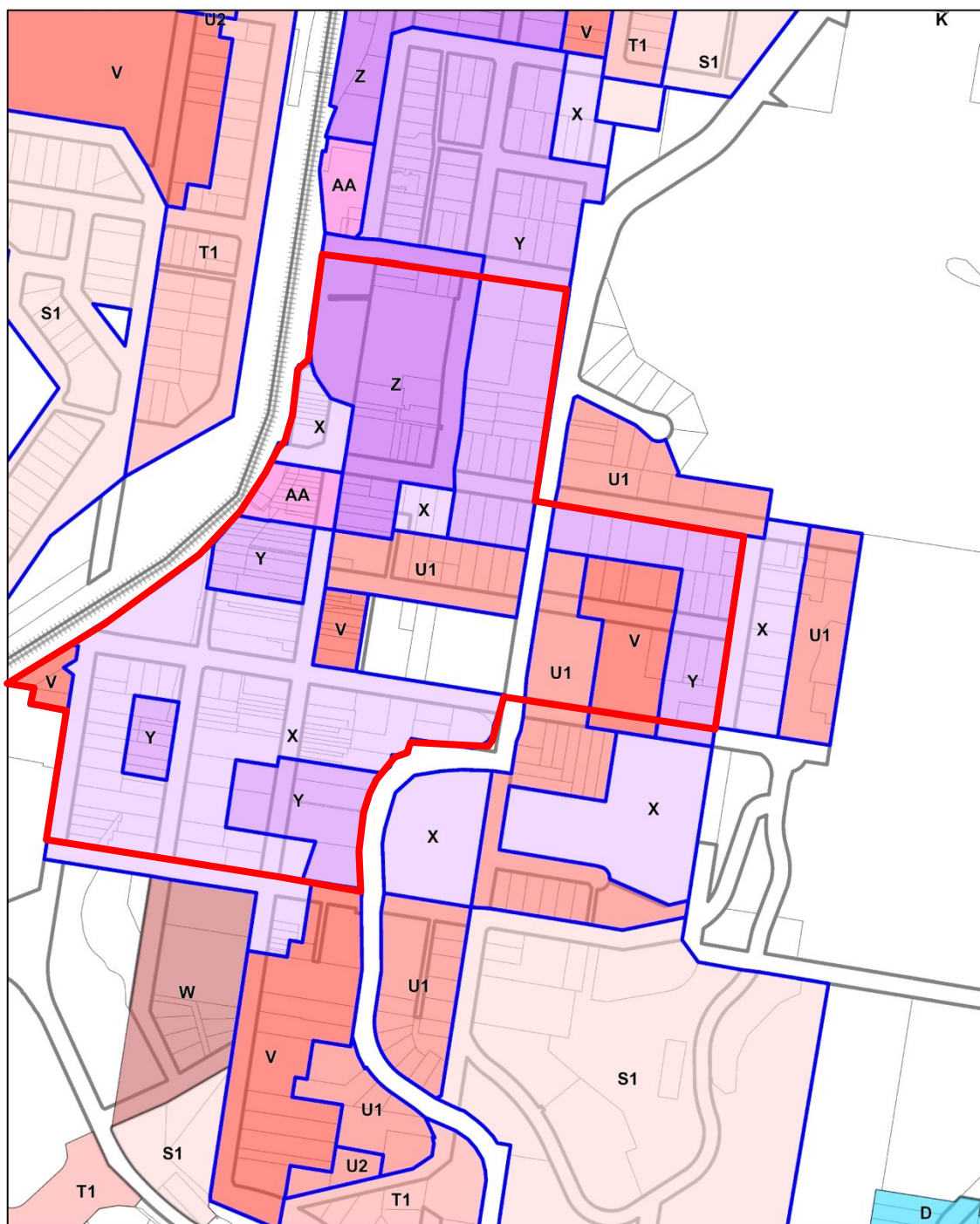
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5 Gosford LEP 2014 – Floor Space Ratio



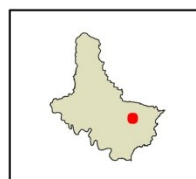
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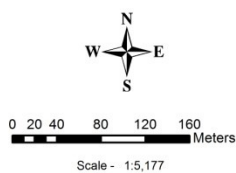


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