

PLANNING PROPOSAL GOSFORD CITY COUNCIL

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

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

Part 1 Objectives or Intended Outcomes

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

The objective/intended outcome of the Planning Proposal is to extend the period of application for a further 12 months of the existing 30% floor space and height bonuses outlined in clause 8.9 that currently apply to the Gosford City Centre.

Part 2 Explanation of Provisions

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

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

8.9 Development Incentives

- (1) The objective of this clause is to provide incentives for development on land in Gosford City Centre.*
- (2) This clause applies to land identified as "Gosford City Centre" on the Development Incentives Application Map.*
- (3) Development consent may be granted for the erection of a building on land to which this clause applies if the building:*
 - (a) will not exceed the maximum height shown for the land on the Height of Buildings Map by more than 30%, and*
 - (b) will not exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by more than 30%.*
- (4) Subclause (3) does not apply to development applications submitted **12 months after the notification of this plan.***

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

Attachment A to this report contains all relevant mapping to the Planning Proposal. It is proposed that the Planning Proposal will apply to the same land as clause 8.9 of the Gosford LEP 2014.

Part 3 Justification for objectives & outcomes

s.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 designates Gosford as the regional city of the Central Coast. During 2010 Gosford City Council in partnership with the NSW Government prepared and adopted 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 centre in decline. The Masterplan provides a clear direction for positive change, indicating what kind of development and creation of public realm is appropriate and necessary to revitalise the City.

There are several critical components in the revitalisation of the City Centre, including identified catalyst projects and the waterfront. However, 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. At this stage of implementation of the Masterplan, 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 extend and support initiatives aimed to reduce the commercial risk to those prepared to be 'first round investors' in new city centre developments.

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 a simple and easily implemented mechanism for increasing permissible gross realisable floor space within the Gosford City Centre.

The intention to extend the period for the increase in the existing maximum building height and floor space ratio development standards by up to 30%, for a further 12 months, is an effective mechanism to encourage early city centre revitalisation. After this time Council will use the UFM as a means to refine the planning provisions that relate to the Gosford City Centre.

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 extend existing bonus 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 2006 – 2031 is relevant to the consideration of this Planning Proposal:

- 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.

Since the making of the plan to provide incentives in 2012 Council has seen the beginnings of improved confidence in the development of the Gosford City centre and it would be beneficial if these improvements are reinforced through and extension of bonuses for a further 12 months.

Recent consultations with the owners of the main potential city centre redevelopment sites have indicated that having regard to depressed city property prices and the difficulties being experienced in accessing development finance, development incentive measures are required to encourage any substantial redevelopment. The extension of the development incentive provisions included in this planning proposal will 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 s117 Directions?

For the reasons outlined in this Planning Proposal the extension of the bonus provisions does 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.

The encouragement for the intensification of development in the Gosford 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 needs to 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?

(a) 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

C3.1 - Implement the City Centre Masterplan, continuing collaborative approaches to revitalising Gosford

The planning proposal is consistent with these strategic directions, facilitating economic activity and employment growth within an established commercial centre which is well served by regional road and public transport infrastructure and utility services.

(b) The planning proposal is consistent with 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 was a city centre in decline. It provides a clear direction for positive change, indicating what kind of development and creation of public realm is appropriate and necessary to revitalise the City. The Masterplan recognises that there are several critical components in the revitalisation of the City Centre, including identified catalyst projects and the waterfront. However, 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.

This planning proposal will provide economic development incentives to encourage the early redevelopment of the City Centre 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) SEPPs applicable

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 respect to this Planning Proposal, the matters raised in Clause 6 of SEPP 55 do not arise as the Planning Proposal does not rezone any land, nor change the range of permissible land uses currently permissible in any zone under Gosford City Centre Local Environmental Plan 2007.

(ii) Other SEPPs: No other State Environmental Planning Policy has application to this planning proposal, although any future development application within the City Centre made in accordance with the Gosford City Centre incentive provisions will be required to consider a number of SEPPs, including SEPP 55 (Remediation of Land) SEPP (Major Projects) 2005 and SEPP (Infrastructure) 2007.

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

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to planning proposals lodged after 1st September 2009. S117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other S117s Directions or they are not applicable.

(i) Direction 1.1 Business and Industrial Zones: Direction 1.1 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 areas and location 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) Not applicable; and
- (e) 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 32 of the Gosford City Centre LEP 2007 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 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 does not amend the location or classification of residential zones within the Gosford City Centre; does not alter the permissibility of various housing types within existing residential zones; does not reduce the permissible residential density on any land; and does not amend any provision requiring the provision of services.

(v) Direction 3.4 – Integrating Land Use and Transport: This direction applies when a planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land.

The objective of the direction is to ensure that urban building forms, land use locations, development designs etc achieve access to housing, jobs and services by walking, cycling and public transport; reduce travel demand and distances travelled by car; supporting efficient and viable public transport and the movement of freight.

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*.

This 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 results in people making fewer and shorter trips.

(vi) Direction 5.1 Implementation of Regional Strategies: The objective of this direction is to give effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Clause (4) of the Direction requires planning proposals to be consistent with a regional strategy released by the Minister for Planning.

This planning proposal is consistent with the objectives, policies and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to B1 above; and

(vii) 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.

Clause (4) of the Direction requires a planning proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development, and the proposal is consistent.

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?

N/A

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

N/A

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 activities and uses including retail, commercial, residential, entertainment and recreation facilities, in a manner consistent with the 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.

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.

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

Part 5 Community Consultation

S55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Subject to Gateway support community consultation will involve an exhibition period of 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council.

The written notice will:

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

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

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

