

GOSFORD CITY CENTRE - Clause 8.9 Development Incentives

Proposal Title : **GOSFORD CITY CENTRE - Clause 8.9 Development Incentives**

Proposal Summary : **The proposal seeks to correct an unintended drafting error relating to Gosford Local Environmental Plan 2014 (Amendment No 12), which extended the Gosford City Centre Clause 8.9 Development Incentive provisions for 12 months.**

PP Number : **PP_2016_CCOAS_002_00** Dop File No : **16/14240**

Proposal Details

Date Planning Proposal Received : **03-Nov-2016** LGA covered : **Central Coast**

Region : **Hunter** RPA : **Central Coast Council**

State Electorate : **GOSFORD** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Gosford City Centre - Land to which Clause 8.9 applies, being land identified and mapped on the Development Incentives Application Map in the Gosford City Centre.**

DoP Planning Officer Contact Details

Contact Name : **Louise Starkey**
Contact Number : **0243485010**
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RPA Contact Details

Contact Name : **Peta James**
Contact Number : **0000000000**
Contact Email : **peta.james@centralcoast.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre : Release Area Name :
Regional / Sub Consistent with Strategy :
Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : The planning proposal was considered adequate for assessment on 7 November 2016.

External Supporting Notes : Council has advised of an unintended drafting error, that there was no savings provisions included, relating to Gosford Local Environmental Plan 2014 (Amendment No 12) which extended the Gosford City Centre Clause 8.9 Development Incentive provisions for 12 months.

The proposal seeks to rectify the drafting error to ensure the clause operates as Council intended.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The statement is adequate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : An explanation is provided.

Council advises that the existing clause does not achieve Council's original intent for the provisions which was for clause 8.9 to apply to DAs lodged prior to 2 April 2016, irrespective of when the DAs were determined.

The proposed drafting seeks to capture both determined and undetermined applications lodged prior to 2 April 2016.

Council should ensure that future drafting of the clause achieves Council's intent prior to proceeding to finalisation of the plan.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

e) List any other matters that need to be considered :

Additional S117 Directions apply to the proposal, namely 4.4 Planning for Bushfire Protection.

The proposal is consistent with all relevant SEPPs and relevant section 117 Directions except in relation to s117 4.4. Consistency with this direction is established through consultation with NSW Rural Fire Service.

Council advise that RFS raised no objections with the Gosford LEP 2014 (Amendment No 12). Given consultation has previously occurred with RFS under Amendment No 12 and there is no change to the intent of clause 8.9 or to bushfire risk, it is recommended that consultation with NSW RFS is not required in this case. No further action is required in relation to this direction.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The proposal relates to the drafting in the instrument. No map changes are proposed.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment :

Council has requested that the Gateway determination not require exhibition of the planning proposal. Council has provided a number of supporting reasons, however it is recommended that the proposal be subject to a minimum community consultation of 14 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

PROJECT TIMELINE:

Council's timeline for the planning proposal anticipates that the proposal would not be subject to community consultation and finalised in December 2016. It is recommended that the Gateway determination provide a time frame for completion of 6 months to allow for community consultation. This timeframe is considered sufficient for Council to finalise the amending plan. Council can expedite the planning proposal and finalise it sooner provided the terms of the Gateway determination are met.

DELEGATED AUTHORISATION:

Council has accepted plan-making delegations for planning proposals and has

requested authorisation to exercise delegation to make the plan.

In this instance it is considered appropriate to issue authorisation and delegate plan making functions to Council to make the Plan.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The proposal is adequate for Gateway determination.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The plan will amend Gosford LEP 2014.**

Assessment Criteria

Need for planning proposal : **Council is concerned that the sunset provisions are drafted so as to have implications for development proposals relying on the incentive provisions. This concern relates to applications lodged prior to 2 April 2016, and in circumstances where determinations have been made after that date, and for applications not yet determined.**

Council's original intent for the clause was that the clause would apply to applications lodged prior to 2 April 2016, irrespective of whether the applications were determined.

Consistency with strategic planning framework : **The proposal is consistent with the relevant strategic planning framework.**

Environmental social economic impacts : **Council considers the benefits of proceeding with the planning proposal outweigh any potential impacts and this assessment is supported.**

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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Identify any additional studies, if required.:

If Other, provide reasons:

Identify any internal consultations, if required:

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons:

Documents

Document File Name	DocumentType Name	Is Public
1. Gateway request - Letter to DoPE requesting Gateway Determination.pdf	Proposal Covering Letter	Yes
Planning Proposal - CBD Clause 8.9_October 2016.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

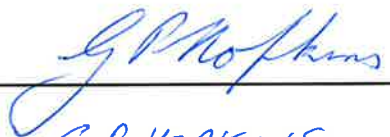
- 1.1 Business and Industrial Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information: **The proposal should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Act for 14 Days
2. No consultation is required with public authorities under section 56(2)(d) of the Act.
3. A public hearing is not required to be held into the matter.
4. The timeframe for completing the LEP is to be 6 months.

Supporting Reasons: *

Signature:


G P HOPKINS

Printed Name:

Date:

18/11/2016

