



Central Coast Council

Planning Proposal
Gosford City Centre
Gosford

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Version 1

Central Coast Council

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Background & Locality Context

Background

On 11 February 2014 the *Gosford Local Environmental Plan 2014* ("the Original LEP") commenced, and included the following relevant provisions:

- Cl. 4.3(2) of the Original LEP provided that the "*height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map*".
- Cl. 4.4(2) of the Original LEP provided that the "*maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map*", subject to other zone and use specific qualifications set out in cl. 4.4(2A) and 4.4(2B) of the Original LEP.
- Cl. 8.9 of the Original LEP provided (emphasis added):

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 made after 31 August 2014.*

Clause 24A of Gosford City Centre Local Environmental Plan 2007 was an incentives provision which provided for a 30% bonus above the existing statutory height and floor space ratio controls for a two year period for development within the Gosford City Centre. These provisions were carried over as Clause 8.9 of Gosford Local Environmental Plan 2014 (GLEP 2014) when the standard instrument LEP was made. It was envisaged that the bonus incentives would facilitate development within and support the revitalisation of the Gosford City Centre. The original amendment to Gosford City Centre LEP 2007 was made on 31 August 2012 and was to apply for a 2 year period until 31 August 2014. This end date of 31 August 2014 was carried over into the provisions of Clause 8.9 of GLEP 2014.

Prior to expiry of the 2 year period (31 August 2014), the former Gosford Council resolved on 10 June 2014 to extend clause 8.9 for a further twelve months and on 2 April 2015 the *Gosford Local Environmental Plan 2014 (Amendment No 12)* ("the Amending LEP") commenced. Clause 4 of the Amending LEP stated:

8.9 Development Incentives

Omit clause 8.9 (4). Insert instead:

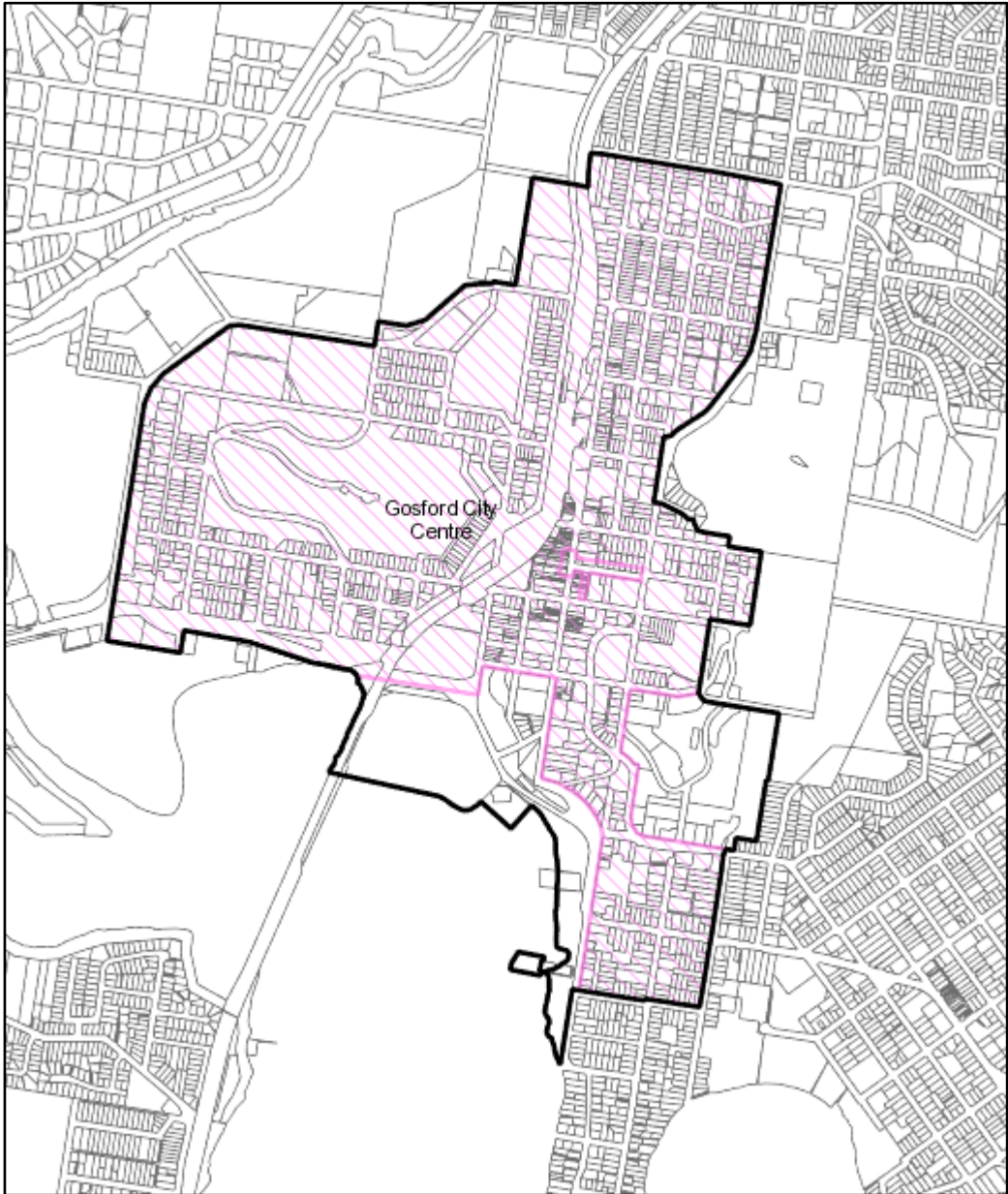
"(4) This clause ceases to apply 12 months after the commencement of Gosford Local Environmental Plan 2014 (Amendment No 12)".

The intent of the extension was to enable applications to be lodged within this period to have the benefit of the bonus provisions irrespective of the date of determination of those applications.

Locality

This Planning Proposal applies to the land in Gosford City Centre shown hatched pink on the map below:

Figure 1 Gosford City Centre



Part 1 Objectives or Intended Outcomes

This planning proposal is to correct an unintended drafting error which was that there was no savings provisions built into *Gosford Local Environmental Plan 2014 (Amendment No 12)*.

This planning proposal seeks to ensure that Clause 8.9 of *Gosford Local Environmental Plan 2014* is operative and applies to relevant development applications lodged prior to the expiry of the one year extension (i.e. lodged between 31 August 2012 and 2 April 2016).

Part 2 Explanation of Provisions

The intended outcome is to amend clause 8.9(4) of the Gosford LEP 2014 in the following way:

8.9 Development Incentives

- (4) *This clause 8.9 applies to development applications made on or after 31 August 2012 and on or before 2 April 2016, and operates in respect of any such development application so made whether finally determined before or after the date on which the commencement of Gosford Local Environmental Plan 2014 (Amendment No 12) commenced.*

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

Clause 8.9 of the GLEP 2014 is a Council initiative to encourage development within the Gosford City Centre. The development of a 30% bonus to the standard floor space and height controls was considered by Council and the Department of Planning and Environment as a suitable planning tool to provide short term economic advantage and support developers undertaking projects which contribute to revitalisation of the Gosford City Centre. The development of an incentives clause was Council's response to the 2004 NSW Government's City of Cities Strategy, in which, a Gosford City Centre Masterplan was adopted to guide revitalisation of Gosford City Centre. Within the Masterplan it was acknowledged that Council needed to take positive actions to revitalise the public domain and incentivise development within the Gosford City Centre.

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

The planning proposal amends an unintended drafting error.

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)?*

Clause 8.9 is intended to provide development incentives for any applicant who lodged an application prior to 2 April 2016. The intention of the clause is to provide economic advantage to developers to support the revitalisation of the Gosford City Centre. This outcome is in accordance with the Central Coast Regional Plan 2016 in that it will support investment in the Regional City.

Clause 8.9 as intended, promotes development within the Gosford City Centre that will assist Council in responding to the housing and employment growth required for the Central Coast and the revitalisation of Gosford City Centre.

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 strategic directions of the *Gosford 2025 – Continuing our Journey Community Strategic Plan*, in that Clause 8.9 of GLEP 2014 facilitates development incentives that will generate economic activity and employment growth to support the Gosford City Centre.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies*

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) as detailed below.

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 Local Environmental Plan 2014.

Any future development application on land within the planning proposal area and the subsequent assessment of the development application would be required via SEPP 55 and section 79C of the EP&A Act to consider potential land contamination, the suitability of the site for the proposed use and any need for site remediation.

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.

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 (s.117 directions)?*

The proposal has been considered against the relevant Ministerial Section 117 Directions as summarised below.

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 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.

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*.

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.

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.

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.

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.

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

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?*

The proposed amendment will facilitate the ongoing development of the Gosford City Centre. The ecological impacts are limited, due to the highly built up nature of the land to which this applies. The effect of the amendment is to correct a drafting anomaly, and the development outcome is the same as the previously approved *Gosford Local Environmental Plan 2014 (Amendment 1)*.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The proposed amendment will facilitate the ongoing development of the Gosford City Centre. The ecological impacts are limited, due to the highly built up nature of the land to which this applies. The effect of the amendment is to correct a drafting anomaly, and the development outcome is the same as the previously approved *Gosford Local Environmental Plan 2014 (Amendment 12)*.

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

Clause 8.9 of GLEP 2014 facilitates development incentives that will generate economic activity and employment growth to support the revitalisation of Gosford City Centre as a vibrant and active Regional Centre. As such, Clause 8.9 as intended would facilitate economic advantages for applicants who lodge their application prior to 2 April 2016.

Any interpretation of the clause which may result in the lodged development applications not being assessed against the development incentives under GLEP 2014 would impact on Councils ability to revitalise the Gosford City Centre.

A number of applications have been received during the period up to and including 2 April 2016, reliant upon the bonus provisions. If the amendment to the clause is not made the development may not be approved and proposals to revitalise the City Centre may not proceed.

This would have significant impact upon the growth of Gosford as the region's capital and will impact on the provision and affordability of housing, reduce housing diversity and impact on the economic growth of the region. This will have wide spread impact across the whole Central Coast Region, its residents, visitors and businesses.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Yes, there is adequate infrastructure to support development arising from the development incentive clause. The effect of the amendment is to correct a drafting anomaly, and the development outcome is the same as the previously approved *Gosford Local Environmental Plan 2014 (Amendment No 12)*.

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

This planning proposal seeks to correct an unintended drafting error and the development outcome is the same as the previously approved *Gosford Local Environmental Plan 2014 (Amendment No 12)*.

As required by the Gateway Determination for the original bonus provisions clause the views of the following state agencies were considered in the progression of the planning proposal which lead to Amendment 1 of Gosford City Centre LEP 2007

- Department of Education and Training
- Dept of Health
- NSW Rural Fire Service

and NSW Rural Fire Service was consulted as required by the Gateway Determination in the progression of the planning proposal which became Amendment No 12 of GLEP 2014.

On balance the bonus provisions were considered an appropriate mechanism to support and promote investment within the Gosford City Centre.

As the consultation was undertaken with the relevant agencies as part of the Planning Proposal which became Amendment No 12 there is no need for further consultation with respect of this amendment.

As such it is requested that this amendment to the plan be expedited.

Part 4 Mapping

No new mapping is required.

Part 5 Community Consultation

Council request that the Gateway Determination not require exhibition of the planning proposal for the following reasons.

The previous planning proposal to extend the development incentive clause by 12 months was exhibited by Council for 14 days (29 October 2014 – 12 November 2014) and referred to the Rural Fire Service. Council during this period received two (2) submissions. The premise of the submissions was that Council's planning for the City Centre should be based on a strategic approach that addresses all the issues that are important in creating a liveable and vital centre and that these planning provisions be maintained to provide certainty for all parties who have an interest in the city centre.

Clause 8.9 is a continuation of a strategic direction of the Council based on implementation of the Gosford City Centre Masterplan. This clause is an important tool in monitoring momentum in development of Gosford

CBD and responding to the current gap between Council's planning controls and the development industry.

On the basis that the previous planning proposal was exhibited and those submissions were considered in the making of the previous amendment to clause 8.9(4) and that this planning proposal only seeks to amend an unintended error and not change the exhibited intent of the planning proposal (i.e. the development incentive clause apply to any application lodged within the 12 month extension), there is no reason for the planning proposal to be exhibited.

Part 6 Project Timeline

Action	Date
Anticipated commencement date (date of Gateway Determination)	November 2016
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A
Commencement and completion dates for public exhibition	N/A
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	N/A
Timeframe for consideration of a proposal post exhibition	N/A
Date of submission to the Department to finalise LEP	December 2016
Anticipated date RPA will make the plan (if delegated)	N/A
Anticipated date RPA will forward to the Department for notification	December 2016

Table 6: Key Project Timeframes

Supporting Documentation

No.	Document
01 Assessment and Endorsement	
A.	Previous Council Report and Gateway Determinations