Refer 1 page attachment

1 BASIS FOR CONFIDENTIALITY

1.1 It is recommended that this report be considered in Closed Session pursuant to section 275 (1) of the Local Government Regulation 2012 for the reason that the matter involves

(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

1.2 It is recommended that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 EXECUTIVE SUMMARY

On 2 February 2016, the new City Plan commenced as a crucial tool in shaping the Gold Coast into a world class city.

In recognition of this ambition, a review of the City Plan was undertaken to determine how well the policy direction set in the Strategic framework is supported by the lower order components of City Plan (e.g. categories of assessment and development, codes etc.).

The review concluded the City Plan is well calibrated with eight (8) recommendations for consideration. Four (4) of these recommendations relate to operational process opportunities and the remaining four (4) recommendations specifically relate to City Plan content and structure. The proposed updates for Council’s consideration are as follows:

1. that a series of low risk category of development and assessment updates be incorporated in Major update 2; and
2. to undertake further investigation into the structure of the codes as part of future update to City Plan.

3 PURPOSE OF REPORT

The purpose of this report is to:

(a) seek Council endorsement of a series of low risk amendments to the category of development and assessment for five (5) land uses across various zones throughout the city to incorporate in Major update 2; and

(b) undertake a further investigation into the structure of the codes as part of future update to City Plan.
4 PREVIOUS RESOLUTIONS

Council previously resolved on 24 May 2017 (G17.0530.018) to undertake a calibration review of the City Plan to ensure the policy direction from the strategic framework is supported by appropriate categories of assessment and relevant assessment benchmarks.

5 DISCUSSION

From the commencement of City Plan on 2 February 2016, feedback from internal and external users of the City Plan highlighted the need to ensure Council’s policy position is appropriately supported throughout all components of the City Plan. Accordingly a review was initiated to evaluate how well the policy direction outlined in the strategic framework is supported by the lower order components of the City Plan (e.g. categories of development and assessment, codes etc.).

The review involved the use of software that helps understand, display test and quantify the relationships between the different components of City Plan to ensure:

- the lower order components of the City Plan (e.g. codes) support the higher order policy direction outlined in the strategic framework;
- the City Plan avoids both under and over regulation; and
- planning constraints and opportunities are relevant and reasonably understood.

The outcomes of the review and recommendations are discussed in more detail below.

5.1 Outcomes of the review

Overall, the review concluded that City Plan is well calibrated. This means that the policy direction outlined in the strategic framework is appropriately supported by the lower order components of the City Plan such as the categories of assessment and/or development codes.

Based on the review it is recommended the following changes are considered by Council. These are discussed in more detail in the following section.

5.2 Recommendations for consideration

Eight (8) recommendations are proposed for Council’s consideration. Half of these recommendations relate to operational process opportunities (i.e. allowing for more land uses to progress through fast track assessment development assessment process) or minor formatting updates to codes. The remaining recommendations specifically relate to City Plan content and structure.

These recommendations are as follows:

(1) updates to the categories of development and assessment;
(2) review the structure of codes as part of the new Planning Act;
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(3) review building height and residential density impact assessment trigger; and
(4) consolidate the Low and Medium impact industry into one (1) industrial zone.

5.2.1 Updates to the categories of development and assessment

The software used to assist with this review compared the category of development and assessment of land uses against the policy direction set out in the strategic framework. It revealed that there were 21 land uses in various zones across the City that were either over or under regulated, and required further review to determine the appropriateness of the current level of assessment.

As such, various updates to recalibrate the categories of development and assessment for five (5) land uses across various zones are proposed. The five (5) land uses identified were:

(1) Caretaker’s accommodation;
(2) Emergency services (including Emergency services n.e.i);
(3) Park;
(4) Permanent plantation; and
(5) Substation.

The proposed updates for these five (5) land uses are considered to be low risk updates as it:
- aligns with the policy direction outlined in the Strategic framework; and
- aligns with the purpose and land use outcomes for the particular zone.

The updates to the category of development and assessment for these land uses fall into two (2) distinct types, these are:

- those where the category of development and assessment can be lowered (Table 1);
- those where the category of development and assessment should be elevated to better align with the purpose of the zone (Table 2).

Changes to the remaining sixteen (16) land uses are not recommended as they have sensitivities (e.g. amenity impacts) and do not align with community expectations (e.g. reducing the category of assessment for a Nightclub entertainment facility from ‘impact assessment’ to ‘accepted – subject to requirements’ in the Centre zone).

5.2.1.1 Proposed updates to the category of development and assessment

As mentioned above, it is recommended to progress a series of updates to recalibrate the categories of development and assessment for five (5) land uses across various zones as outlined in the tables below.
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Table 1 – Reduced low risk category of development and assessment updates

<table>
<thead>
<tr>
<th>Land use (A-Z)</th>
<th>Zone(s) (A-Z)</th>
<th>Current category of development and assessment</th>
<th>Proposed update</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency services if not within 50m of a sensitive land use</td>
<td>Emerging community zone, High density residential zone, Limited development (constrained land) zone, Low density residential zone, Medium density residential zone</td>
<td>Code</td>
<td>Accepted</td>
</tr>
<tr>
<td>Emergency services n.e.i</td>
<td>Low density residential zone, Low density residential zone – Large lot precinct, High density residential zone, Low impact industry zone – Future low impact industry precinct, Rural residential zone</td>
<td>Impact</td>
<td>Accepted</td>
</tr>
<tr>
<td>Park</td>
<td>Low density residential zone – Large lot precinct, Township zone – Large lot precinct</td>
<td>Impact</td>
<td>Accepted</td>
</tr>
<tr>
<td>Substation</td>
<td>Low density residential zone – Large lot precinct</td>
<td>Impact</td>
<td>Accepted</td>
</tr>
<tr>
<td>Caretaker’s accommodation</td>
<td>Conservation zone, Township zone – Large lot precinct</td>
<td>Impact</td>
<td>Accepted subject to requirements</td>
</tr>
</tbody>
</table>

Table 2 – Elevated low risk category of development and assessment updates

<table>
<thead>
<tr>
<th>Land use (A-Z)</th>
<th>Zone(s) (A-Z)</th>
<th>Current category of development and assessment</th>
<th>Proposed update</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent plantation</td>
<td>High density residential, High impact industry zone, Extractive industry zone, Township zone – Large lot precinct</td>
<td>Accepted</td>
<td>Impact</td>
</tr>
</tbody>
</table>

5.2.2 Structure of codes

The review identified an opportunity to update the structure of the zone, overlay and development codes as part of the new Planning Act.
Council resolved to update the City Plan to align with the new Planning Act with the following changes:

- terminology changes to reflect the new terminology within the Act;
- minor structural revisions to remove Statewide codes; and
- improvement to codes in response to bounded code assessment, including:
  - aligning provisions within the codes; and
  - incorporating relevant strategic framework provisions into codes.

Overall, the updates made to City Plan in response to the new Planning Act were minor in nature in accordance with the Alignment amendment rules under s293 of the Planning Act 2016. It is considered that an opportunity exists to undertake a further investigation of the structure of the codes to be incorporated in a future amendment package.

5.2.3 Review building height and residential density impact assessment trigger

The review concluded that the purpose and benefit of triggering impact assessment for those development proposals which exceed the building height and residential density designations was unclear, because in certain circumstances, this may frustrate the achievement of land use policy intents.

The impact assessment trigger for building height and residential density are discussed in more detail below.

5.2.3.1 Building height impact assessment trigger

Exceedance of building height is identified as an impact assessment trigger for all zones in City Plan.

It is considered that the benefit of triggering impact assessment when a development proposal exceeds the building height designation is appropriate for the following reasons:

- to provide the community with the opportunity to express their views by making a submission on planning outcomes that are considered important; and
- to ensure the applicant undertakes an assessment against the strategic framework with a more rigorous analysis of how the proposed development fits in with the identified vision for the City as a whole.

As such, it is recommended that no change is made to the impact assessment trigger, when a development proposal exceeds the building height.

5.2.3.2 Residential density impact assessment trigger

Residential density is not an impact assessment trigger in four (4) zones, which support residential activities. These are as follows:

- Centre zone;
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- High density residential zone;
- Medium density residential zone; and
- Mixed use zone.

During the development of City Plan, Council made a clear policy decision to distinguish where areas of low growth (no go areas) is envisaged and areas of where high growth (go areas) is envisaged. The intent of identifying go areas was to encourage investment and development in the right locations and reduce and/or remove perceived impediments to development in such areas.

With this in mind, the zones listed above where identified as go areas and the impact assessment trigger for proposals that exceed residential density was removed to support the policy decision.

For development proposals that exceed residential density in all other zones supporting residential activities, it is considered that the current triggering of impact assessment is appropriate for the same reasons outlined in section 5.2.3.1 of this report.

5.2.4 Consolidation of the Low and Medium impact industry zones

The review recommended that the Low and Medium impact industry zone be consolidated into a single ‘industry zone’.

A review of this recommendation has determined that the consolidation of these two (2) zones is inappropriate as:

- the purpose of these two (2) zones are different. The purpose of the Low impact industry zone is to provide for service and low impact industry uses, where the purpose of the Medium impact industry zone is to provide for medium impact industry uses.
- the Low impact industry zone also acts as a transitional interface between a zone for sensitive land uses such as the Low density residential zone. This is consistent with the State Interest for Emissions and Hazardous Activities in the State Planning Policy 2017 (SPP), which has a State interest of:

  "Community health and safety, and the natural and built environment, are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure, and sport and recreation activities is ensured”.

It is recommended that the Low and Medium impact industry zones are not consolidated into a single zone.
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6  ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

The City Plan is identified as a key deliverable in ensuring the themes of the Corporate Plan are achieved. Accordingly, all the themes (the best place to live and visit, prosperity built on a strong diverse economy and people contribute to a strong community spirit) of the Corporate Plan are applicable. A robust City Plan is essential to achieve the desired outcomes detailed in the Corporate Plan.

The City Plan is an initiative in the Operational Plan.

7  GOLD COAST 2018 COMMONWEALTH GAMES IMPACT

Not applicable.

8  FUNDING AND RESOURCING REQUIREMENTS

Not applicable.

9  RISK MANAGEMENT

This activity supports the mitigation of Planning and Environment Directorate Risk number CO000510:

‘City Plan delivers inadequate and/or ineffective strategic/development policy (e.g. poor planning, built form, growth, social and environmental outcomes - including flood impacts).’

10 STATUTORY MATTERS

The updates resulting from this review are proposed to be included in Major update 2 package. This amendment package was commenced under the (now repealed) Sustainable Planning Act 2009 and related Statutory guideline 01/16, Making and amending local planning instruments (MALPI).

Under s287 of the Planning Act 2016, the MALPI process continues to apply to this amendment package.

11 COUNCIL POLICIES

Not applicable.

12 DELEGATIONS

Not applicable.
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13 COORDINATION & CONSULTATION

City Development officers were included as key stakeholders for the proposed categories of development and assessment updates.

14 STAKEHOLDER IMPACTS

The items discussed in this report will form part of the broader Major update 2 package.

Internal stakeholders have been and will continue to be consulted as the update progresses through the statutory process.

Council officers will continue to liaise with State Government officers on the content and timing for Major update 2.

15 TIMING

It is anticipated a consolidated Major update 2 package will be presented to Council in the November 2017 prior to submission for State interest review.

16 CONCLUSION

A review of the City Plan was conducted to determine how well the policy direction in the strategic framework is supported by the lower order components of the City Plan (e.g. categories of assessment, codes etc.).

The review concluded the City Plan is generally well-calibrated with eight (8) recommendations for consideration. Half of these recommendations related to operational process opportunities (i.e. allowing for more land uses to progress through ‘fast track assessment’ development assessment process) or minor formatting updates to codes. The remaining recommendations specifically related to City Plan content and structure and were as follows:

- make updates to the categories of development and assessment;
- review the structure of codes as part of the new Planning Act;
- review impact assessment trigger for building height and residential density; and
- consolidate the Low and Medium impact industry into one (1) industrial zone.

This report recommends to:

(1) progress a series of low risk category of development and assessment updates as part of Major update 2 as outlined in the recommendation below; and
(2) undertake further investigation into the structure of the codes as part of future update to City Plan.

UNAUTHORISED RELEASE OF CONFIDENTIAL REPORTS OR INFORMATION may be an offence under the Local Government Act 2009 and other legislation and could result in disqualification from office and a penalty of up to 100 units.
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17 RECOMMENDATION

It is recommended that Council resolves as follows:

1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 That the recommended policy positions, as identified in Attachment A, be endorsed to be included as part of City Plan Major update 2.

3 That the proposed changes to the City Plan be brought back to Council for endorsement prior to submission for State interest review.

4 That City officers investigate the structure of the codes in City Plan as part of a future update.

Author: Scott Arnott
Planner
September 2017

Authorised by: Dyan Currie
Director Planning and Environment