ITEM ITEM# CITY PLANNING
UPDATE TO CITY PLAN CATEGORIES OF DEVELOPMENT AND ASSESSMENT
PD98/1132/04/46(P1) CONFIDENTIAL

Refer xx 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 recommend 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

Not applicable.

3 PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement to update City Plan - Part 5 - Tables of assessment – Material Change of Use. The proposed update is to remove land uses listed as impact assessment in the Categories of development and assessment – Material change of use, in all zones.

The final drafted content will be presented to Economy, Planning and Environment Committee for consideration and endorsement as part of a future City Plan update package.

4 PREVIOUS RESOLUTIONS

Not applicable.

5 DISCUSSION

5.1 Previous 2003 Gold Coast Planning Scheme

Under the previous 2003 Gold Coast Planning Scheme, Section 7.6.1 Default Assessment Categories for the Table of Development Material change of use states:

“All uses included in Section A of the Table of Development, may be considered appropriate … to which the Table of Development applies …”

Section A of the Table of Development included the following assessment categories:

(a) Exempt;
(b) Self Assessable;
(c) Code Assessable; and
(d) Impact Assessable.
Based on the terminology used in Section 7.6.1 of the previous Planning Scheme, uses listed
as impact assessment development were considered appropriate and therefore treated
differently to uses that were unlisted but still subject to impact assessment.

5.2 Current City Plan requirements

When City Plan was drafted using the Queensland Planning Provisions (QPP), the
terminology used in determining the categories of development and assessment was
changed.

City Plan currently states that a material change of use or a reconfiguring of a lot is
assessable development requiring impact assessment:

(a) unless the tables of assessment states otherwise;
(b) if a use is not listed or defined; or
(c) unless otherwise prescribed in the Act or the Regulation.

Based on the above criteria, all uses not listed or defined in the categories of development
and assessment tables are required to be treated as impact assessment. In addition to this,
the Planning Act 2016 does not differentiate between listed versus unlisted impact
assessment land uses.

However, City Plan currently has listed and unlisted impact assessment land uses, which
was a carryover from the previous 2003 Planning Scheme.

5.3 Low-medium density residential zone investigation

As part of the Low-medium density residential zone planning investigation, City officers
investigated drafting a proposed new Table of assessment for the Low-medium density
residential zone. During this drafting process, it was unclear which uses should be listed as
impact assessment. Under the Planning Act 2016 and associated guidelines, that there is no
formal method or assessment rules for determining which land uses are to be impact listed
versus unlisted, as there is no difference in the policy position or development assessment
process.

A review was undertaken of all zones with impact assessment land uses listed within the
Table of Assessment and found that there is no consistent approach for determining what is
listed as impact assessment. For example, a Child care centre is listed as impact
assessment within the tables of assessment for Low density residential zone and therefore
may be perceived as being a 'contemplated' land use. Despite this, a Child care centre may
not being considered appropriate in many instances within this zone.

To rectify the approach of having listed impact assessment uses and to provide consistency
for both developers and City officers, it is considered preferable that impact assessment
development not be listed in the Tables of assessment of any zone for Material change of
use.

However, to clearly communicate that the level of assessment for unlisted land uses is
impact assessment, the following ‘catch-all’ clause (refer to table below) will be retained
within each zone’s table of assessment.
In addition, the removal of ‘listed’ impact assessment development is consistent with the current Categories of development and assessment – Reconfiguring a lot table, which does not list impact assessment uses.

It is noted that a building height impact assessment trigger exists within many of the tables of assessment for zones. This building height trigger is proposed to be retained, as per current City Plan, and no changes are proposed as part of this recommended update (refer to an example from Medium density residential zone table below to be retained).

<table>
<thead>
<tr>
<th>Impact assessment</th>
<th>Assessment benchmarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>City Plan including:</td>
</tr>
<tr>
<td></td>
<td>Strategic framework</td>
</tr>
<tr>
<td></td>
<td>Medium density residential zone code</td>
</tr>
<tr>
<td></td>
<td>Any other relevant code</td>
</tr>
<tr>
<td>Density</td>
<td>No density impact assessment trigger applies</td>
</tr>
</tbody>
</table>

**5.4 Recommendation**

It is proposed that impact assessment development not be listed in the Part 5 - Tables of assessment - Categories of development and assessment - Material change of use tables.

To demonstrate how the proposed update is intended to be drafted, an example is provided for the Medium density residential zone code table (refer to Attachment A). It is proposed to apply this approach to all zones throughout the Tables of assessment for Material change of use.

It is important to note that the proposed update to the Categories of development and assessment - Material change of use tables do not change the development assessment process or level of assessment. Land uses currently ‘listed’ as ‘impact assessment will be subject to the same impact assessment application process proposed under this update to City Plan.

The proposed update, if endorsed by Council, will achieve the following benefits:

- improve clarity within City Plan; and
- provide consistency for the development industry and Council as to what land uses are contemplated within each zone (i.e. those land uses listed as Accepted, Accepted subject to requirements, and Code assessment).
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 Economy, 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 report are to be included in a future update to City Plan. Officers are currently considering whether the nature of changes to City Plan could be considered a minor amendment and therefore included as part of Minor and Administrative update 4, which is due to commence as a new version of City Plan in June 2018. If the updates cannot be considered minor, these changes are proposed to be included within Major update 3 to City Plan which will be presented to Council in March/April 2018 for consideration to submit for State interest review. All amendment packages to City Plan progress in accordance with the Planning Act 2016 and the Minister’s Guidelines and Rules under the Planning Act 2016 July 2017 (MGR).

11 COUNCIL POLICIES

Not applicable.

12 DELEGATIONS

Not applicable.

13 COORDINATION & CONSULTATION

The table below identifies the stakeholders that have been involved / participated in the preparation of this report.
<table>
<thead>
<tr>
<th>Name and/or Title of the Stakeholder Consulted</th>
<th>Directorate or Organisation</th>
<th>Is the Stakeholder Satisfied With Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Coordinator Planning Assessment</td>
<td>Planning and Environment</td>
<td>Yes</td>
</tr>
</tbody>
</table>

14 STAKEHOLDER IMPACTS

The proposed updates to City Plan will form part of a future update package. Under the statutory process, updates to City Plan are required to undergo a public consultation period for a minimum of 30 business days (with all submissions considered) prior to its adoption.

15 TIMING

It is proposed that this update will form part of a future City Plan update package. Timing for adoption of this update is subject to consideration of the type of amendment proposed, whether it constitutes a minor or major amendment. Following Council’s consideration of this recommended change, officers will then determine the appropriate amendment package to include this update within, which will determine the timing of this update occurring.

16 CONCLUSION

This report proposes City Plan updates for Council’s consideration to change the Categories of development and assessment - Material change of use tables. The proposed City Plan updates include removing uses listed as impact assessment from the Tables of assessment for Material change of use in all zones.

This update will improve consistency within City Plan and provide clarity for developers and City officers when assessing impact assessment development applications. No change to the level of assessment, or the application of City Plan in the assessment process, will result from the proposed updates.

It is proposed that these recommendations be included as part of a future City Plan update package with the proposed updates brought back to Council for consideration and endorsement prior to adoption.

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 land uses currently listed as impact assessment in City Plan – Part 5 - Categories of development and assessment - Material change of use tables be removed for all zones.

3 That the proposed drafted changes to the City Plan be brought back to Council for endorsement.

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26 February 2018

Authorised by: Amanda Tzannes
A/Director Economy, Planning & Environment