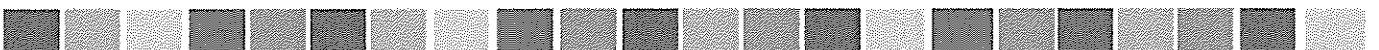


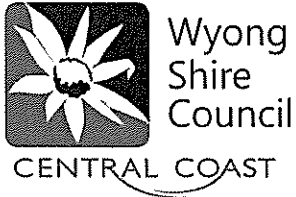


POLICY NO: WSC105

INCENTIVE POLICY FOR ICONIC DEVELOPMENT ON KEY SITES

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1	16/4/2013	D03323551

A. POLICY SUMMARY

- A.1. This policy sets the guidelines for where Council will negotiate with third parties for concessions pertaining to the Iconic Development of a nominated Key Site within Wyong Shire.

B. POLICY BACKGROUND

Preamble

- B1 At its Ordinary Meeting on 24 November 2010 Council resolved to endorse the identification of a number of "Key Sites" within Wyong Shire.
- B2 Council recognised an opportunity to stimulate the economy and create employment opportunities by offering incentives for the short term development of these sites.
- B3 At its Ordinary Meeting on 10 August 2011 Council endorsed a Draft Development Control Plan (DCP) for Iconic Development of the Key Sites.
- B4 The draft DCP applies generic performance criteria and site specific development controls to ensure the Iconic Development of each Key Site demonstrates design excellence. This involves the development of exceptional buildings that stand out from their surroundings and which other developments seek to emulate.
- B5 Notwithstanding the Iconic Development of the Key Sites, all investment in Wyong Shire is important. Council acknowledges an efficient development approvals process can save a proponent both time and money.
- B6 Council is therefore committed to providing an efficient facilitation service for all projects enabling developers to be confident that the proposal will proceed without unnecessary costs and delays, within Council's control. This service will be provided to all investors as a matter of best practice.

C. DEFINITIONS

- C1 **Council** means the elected representatives, Councillors, who form the governing body of Wyong Shire Council.
- C2 **Design excellence** means to design development that will benefit the broader community and enhance the community's quality of life using expertise in multiple areas including architecture, urban design, landscape design, interior design, art, engineering, historic preservation, construction, security and sustainability.
- C3 **Iconic Development** is development that utilises a system of developer bonuses whereby additional heights and increased density may be achieved if the specific criteria relating to design quality and design excellence are met. In return improvements to the public domain must be undertaken including embellishment of key public areas, increased landscaped areas, establishment of public art, improvements to community facilities, etc.
- C4 **Key Site** means land identified as a Key Site on the Key Site Map in Wyong Local Environmental Plan (LEP) 2012.
- C5 **Commercial clients** are defined as construction companies/builders that undertake significant work either in value (generally over \$500,000) or quantity (generally over 10 developments per annum) within Wyong Shire.

D. POLICY STATEMENTS

- D1 The Iconic Development process will contribute to a more sustainable community, economy and environment through the development of Key Sites within Wyong Shire that can leverage significant public benefit through provision of new and/or improved facilities and infrastructure.
- D2 The Iconic Development referred to in this policy shall:
- Demonstrate significant net community benefit including economic, social, environmental and cultural benefits; and
 - Demonstrate how the development will add to the sustainable employment base and economy of Wyong Shire; and
 - Have a significant capital investment; and/or
 - Be a strategic investment which will be a catalyst for further significant investment in the region.
- D3 In facilitating local economic development as a broader community benefit, Council may at its discretion provide incentives which encourage Iconic Development on nominated Key Sites within Wyong Shire where it can be demonstrated that such development provides significant benefit to the Council, the community and its stakeholders.
- D4 Council's Section 94 Contribution Plans and Planning Agreements Policy provide a number of incentives in the form of:
- Transfer or dedication of land, or the provision of a material of public benefit (generally known as works in kind), in lieu of a monetary Section 94 contribution; and/or
 - Deferred payment of a Section 94 contribution to various stages of development.
 - That Council may consider varying the public benefit multiplier where Council forms the view that the proposed development is of significant public benefit in itself.

E. POLICY IMPLEMENTATION

- E1 This policy should be read in conjunction with WSC Code of Conduct.
- E2 Council's adopted fees and charges provides a mechanism by which Council can negotiate certification fee packages with commercial clients, separate to the standard fees for construction certificates, complying development certificates and critical stage inspections.
- E3 Incentives under Clause D4 are to be outlined in a Planning Agreement having regard to the particular circumstances of the case.
- E4 Council will generally require a Planning Agreement to make provision for security by the Developer of the Developer's obligations under the Planning Agreement.
- E5 Unless otherwise agreed by Council, the form of security required will be cash or an irrevocable Bankers Guarantee approved by the Chief Financial Officer in favour of Council to the full value of the Developers Provision (together with projected CPI).
- E6 Council's Manager Building Certification & Health may waive or reduce fees for certification packages in unique or exceptional circumstances where the fee payable is considered excessive or inappropriate, subject to E7.
- E7 In all cases, the reduced fee will not be less than the amount required to achieve full cost recovery (including overheads) for the work involved.

- E8 Council may consider reducing, deferring or eliminating the following charges or development requirements for Iconic Development on Key Sites.
- Council Ordinary Rates
 - Development Application fees
 - Development Control Plan (DCP) requirements relating to the provision of on car parking and/or private open space
- E9 Such concessions will be negotiated by Council staff and the proponent as part of a Planning Agreement, considering the merits of the individual proposal.
- E10 The concession shall be justified by the long term strategic, economic and community benefits that will accrue from the development.
- E11 Concessions will be reviewed on a case by case basis in consideration of the following:
- The total committed investment;
 - The net local employment gain in equivalent full time permanent employment positions; and
 - The proposal's strategic investment which will be a catalyst for further significant investment in the region.
- E12 The concession is to encourage the immediacy of development. For this reason the following shall be adhered to:
- A completion date shall be set;
 - The developer must demonstrate a capacity to complete the development within the given time frame; and
 - The investment, construction and commencement of operation of the development must be fully complete within 24 months of receiving development approval
- E13 For the purpose of this policy, completion will be the date of issue of the final occupancy certificate for the development.
- E14 The concession will deem to have lapsed should the development not be completed within the stated timeframe. In this regard, the Planning Agreement shall specify the provisions to be made by the Developer should the Developer's obligations, including the specified timeframe, not be met.
- E15 Associated documents:**
- a. Environmental Planning and Assessment Act 1979
 - b. Environmental Planning and Assessment Regulation 2000
 - c. Local Government Act 1993
 - d. Wyong Local Environmental Plan 1991
 - e. Draft Wyong Local Environmental Plan 2012
 - f. Draft Wyong Development Control Plan 2012
 - g. WSC Code of Conduct