

2.1 Planning Proposal - Additional Permitted Use - 8 Warrigal St The Entrance

TRIM REFERENCE: RZ/3/2015 - D12243257

MANAGER: Tanya O'Brien, Manager

AUTHOR: Rodney Mergan; Senior Planner

SUMMARY

Council has received an application requesting an amendment to *Wyong Local Environmental Plan (LEP) 2013*, to make the land use residential flat building permissible with consent as an additional permitted use on Lot 6 DP 22914, 8 Warrigal Street, The Entrance.

A preliminary assessment of the information submitted indicates that the proposal has merit and this report recommends that a planning proposal be forwarded to the Department of Planning and Environment (DP&E) for a gateway determination

Applicant:	Paradigm Planning and Development Consultants Pty Ltd
Owners:	The Entrance Plaza Pty Ltd
Proposal No.:	RZ/3/2015
Description of Land:	Lot 6 DP 22914 - 8 Warrigal Street The Entrance
Current Zoning:	B2 – Local Centre
Site Area	682.9m ²
Existing Use:	Vacant

RECOMMENDATION

- 1 That Council prepare a planning proposal to amend *Wyong Local Environmental Plan 2013*, pursuant to Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979* to permit the land use residential flat building on Lot 6 DP 22914, 8 Warrigal Street The Entrance.
- 2 That Council forward the planning proposal to the Department of Planning and Environment accompanied by a request for a gateway determination, pursuant to Section 56 of the *EP&A Act 1979*.
- 3 That Council request the Acting Chief Executive Officer to apply to accept plan making delegations for the planning proposal.
- 4 That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination.
- 5 That Council consider a further report on results of the community consultation.

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BACKGROUND

The subject site is a single lot located on the corner of Warrigal and Taylor Streets, The Entrance. The site is located to the southern fringe of The Entrance Town Centre and is held in common ownership with the adjoining Lakeside Shopping Centre site. The site is not identified as part of the Lakeside Shopping Centre Key Site under *Wyong DCP 2013 Chapter 6.1: Key Sites* and does not form part of the staged development consent for the redevelopment of the Lakeside Shopping Centre under DA/1080/2014. A six-storey mixed use commercial and residential development is located immediately to the west of the site. The subject site is level and generally cleared. A dwelling house previously located on the site was demolished in 2015.

The site is zoned B2 Local Centre under *Wyong LEP 2013* and the following building height and Floor Space Ratio (FSR) provisions apply:

- Height of Building: 23m
- FSR: 2.75:1

Residential Flat Buildings are prohibited in the B2 zone as stand-alone developments but are permissible as shop-top housing, where the ground level accommodates commercial uses.



Figure 1- Locality Plan

THE PROPOSAL

It is proposed that the land use residential flat building be added as a permissible use on the subject site using the additional permitted use provisions under *Section 2.5 of Wyong LEP 2013*. The intended outcome is to permit residential development on the ground floor of the site.

ASSESSMENT

In accordance with the *EP&A Act 1979*, assessment against the relevant strategic considerations of Council is required in the preparation of Planning Proposals. The proposal has been considered against the *Central Coast Regional Strategy*, the *Draft Central Coast Regional Plan*, the *Wyong Community Strategic Plan*, the *Wyong Settlement Strategy*, *The Entrance Peninsula Planning Strategy*, *The Entrance Town Centre Masterplan* and Council's *Retail Centres Strategy*. Attachment 1 – *Draft Planning Proposal: Part 3B – Relationship to strategic planning framework*, details the assessment of the proposal against these considerations. This assessment indicates that the proposal is consistent with these considerations and has merit.

Assessment against the considerations of the relevant strategic planning documents mentioned above and most notably *The Entrance Peninsula Planning Strategy* and Council's *Retail Centres Strategy*, indicates that, given the location of the site on the periphery of The Entrance Town Centre, there is likely to be limited demand for additional commercial development in this area. These needs are likely to be accommodated within the more centrally located Lakeside Plaza development and other existing or proposed commercial developments.

The site is on the edge of The Entrance Town Centre with land to the southern side of Warrigal Street zoned R3 Medium Density Residential with a 12m height limit as opposed to the 23m height limit of the subject site. Currently the area is dominated by residential development and given the zoning of adjoining land, this will likely remain the dominant land use in the area in the future.



Figure 2 – Corner of Warrigal and Taylor Streets looking west. Subject site in the foreground to the right, to the left is the existing residential development

The site is a relatively small corner site which is isolated due to the location of an existing mixed-use development directly to the west and a proposed access lane as part of the approved Lakeside Plaza redevelopment to the north. The adjacent mixed use development contains three commercial units at the ground level. Currently two of these units are occupied as office premises and the other is vacant.

Due to site dimensions and existing development on neighbouring land it will be difficult for any building design to achieve the maximum building height and FSR available under *Wyong LEP 2013* that meets the requirements of *State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development* and the associated *Apartment Design Guide*. Notably building separation and open space provisions will be difficult to achieve. This issue exists if the proposal has the form of permissible shop-top housing or a stand-alone residential flat building.

The additional permitted use may provide the potential for a reasonable development to be built on the site by providing for land uses that will potentially be in greater demand. The provisions of the *SEPP* and the *ADG* will apply to shop-top housing or a residential flat building.

As the proposal is for an additional permitted use, land uses currently permitted in the B2 Zone such as commercial uses may still be undertaken if considered viable or the future conversion of ground level residential accommodation can be considered in the building design of a residential flat building.

OPTIONS

Option 1 – Additional Permitted Use (recommended)

The use of an additional permitted use clause will allow for some local controls to be placed on the site development if required and will keep the local centre objectives applicable to the site to ensure the development is considered in its town centre context.

Option 2 - Zoning change – Residential (not recommended)

A change to the zoning of the site could potentially be requested to a zone which includes residential flat buildings as a permissible use (e.g. R3 Medium Density Residential). It is considered that this would potentially make permissible other land uses that may not meet the objectives for the site and potentially restrict potential commercial development in the future.

Option 3 – Zoning change – Mixed Use (not recommended)

The B4 Mixed-Use zone provides for commercial uses and residential flat buildings. Unlike the additional permitted uses option, a rezoning to the B4 zone would not allow local controls to be placed on the site development if required and will alter the objectives applicable to the site in isolation.

Option 4 - Not advance the proposal (not recommended)

Though well located near a town centre the size and isolation of the site restricts the development potential of the site. Making no change to the planning controls may result in the site remaining vacant due to the limitations that are placed on an already constrained site.

CONSULTATION

The gateway determination will provide the requirements for external consultation and public exhibition. The results of the consultation process will be reported to Council.

GOVERNANCE AND POLICY IMPLICATIONS

The processing of the planning proposal is being undertaken in accordance with Council's adopted planning proposal procedure.

Rezoning of the land is undertaken by preparing an amendment to the LEP through progressing of a planning proposal under sections 55-59 of the *Environmental Planning & Assessment Act 1979*.

Section 55 requires Council to prepare a planning proposal that explains the intended effect of the amendment to the LEP and sets out the justification for the amendment. Section 55 specifies matters to be included in the planning proposal.

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Section 56 provides that Council submit the planning proposal to the Minister for a gateway determination who will advise whether or not the matter should proceed (with or without variation), and may specify further studies or modifications to the proposal, community and government agency consultation requirements and other matters.

Council may request delegation from the Minister for Planning for the determination of locally significant planning proposals. Given the nature of this proposal it is recommended that in this instance delegation be sought.

The requirements for public exhibition would be set out under the gateway determination.

It is noted that a further report will be prepared outlining the results of the State agency and public exhibition.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A (3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

CONCLUSION

The proposal to include of the additional permitted use residential flat building for the subject site is considered to have merit. The proposal will expand the permissible land uses on the site to better accommodate development options on a constrained site. It is recommended that a planning proposal be prepared for the consideration of the DP&E requesting a gateway determination be issued.

FOR ACTION

ORDINARY MEETING

23/03/2016

Subject: Planning Proposal - Additional Permitted Use - 8 Warrigal St The Entrance

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TROY:

- 300/16 That Council prepare a planning proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979 to permit the land use residential flat building on Lot 6 DP 22914, 8 Warrigal Street The Entrance.
- 301/16 That Council forward the planning proposal to the Department of Planning and Environment accompanied by a request for a gateway determination, pursuant to Section 56 of the EP&A Act 1979.
- 302/16 That Council request the Acting Chief Executive Officer to apply to accept plan making delegations for the planning proposal.
- 303/16 That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination.
- 304/16 That Council consider a further report on results of the community consultation.

FOR: CRS GB BEST, DE EATON, B G GRAHAM, KG GREENWALD, LM MATTHEWS, LT TAYLOR, AT TROY, DV VINCENT AND LW WEBSTER

AGAINST: NIL

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