

ATTACHMENT 1 – PLANNING PROPOSAL

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Introduction, Context & Site Background

This Planning Proposal report has been prepared in relation to land that is located in Canton Beach, south of Toukley Town Centre, and includes the following land parcels:

Real Property Description

Description	Address	Land Owner	Site Area	Zoning
Lot 9 DP 541907	18-20 Beach Parade CANTON BEACH NSW 2263	BMC Super Holdings Pty Ltd	4755m ²	SP3 Tourist
Lot 374 DP 755266	4 Jasmine Close CANTON BEACH NSW 2263	BMC Super Holdings 2 Pty Ltd	847.3m ²	SP3 Tourist
Lot 371 DP 755266	22 Beach Parade CANTON BEACH NSW 2263	BMC Super Holdings Pty Ltd	682.9m ²	SP3 Tourist



Figure 1 – Aerial Plan (red hatching indicates additional parcel to be included in 'key site')

The subject site is currently used as a caravan park and is surrounded by low density residential development. Located directly opposite the site to the west is Canton Beach foreshore. Directly opposite the site is a waterfront reserve with picnic areas and a boat launching ramp. A bike and

walking path that passes through the reserve links Canton Beach with the other lakeside suburbs in the region. On street parking currently exists directly adjacent to and across the road from the site.

The owner of the Waterfront Tourist Park 'Key Site' has purchased adjoining Lot 371 DP 755266, 22 Beach Parade, Canton Beach and seeks to incorporate this land into a design concept for the Waterfront Tourist Park 'Key Site'.

The Planning Proposal seeks amendment of Wyong Local Environmental Plan 2013 (WLEP) to include Lot 371 DP 755266 within the Waterfront Tourist Park 'Key Site'. This report is prepared in accordance with the Environmental Planning and Assessment Act, 1979 (Section 55) and 'A Guide to Preparing Planning Proposals' 2012 produced by the Department of Planning & Environment.

At the Ordinary Meeting of Council on 24 June 2015 Council resolved to proceed with the planning proposal (see Attachment 5). The resolution is provided below:

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

- | | |
|--------|---|
| 649/15 | That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979. |
| 650/15 | That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning & Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP&A Act, 1979. |
| 651/15 | That Council require, subject to the "Gateway Determination," the proponent/landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal. |
| 652/15 | That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning. |
| 653/15 | That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination". |
| 654/15 | That Council forward the planning proposal to DP&E for gazettal, subject to no significant objections being received. |

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

This Planning Proposal outlines the proposal that is intended to be facilitated by the draft LEP amendment and addresses the planning implications of the proposed amendment.

Having regard to the assessment undertaken and the information contained in this report, it is considered that the site is suitably located and forms a logical and orderly extension of the existing 'key site' boundary. The proposed extension is considered to have minimal environmental impact, and would result in improved design efficiencies for the development of the Key Site.

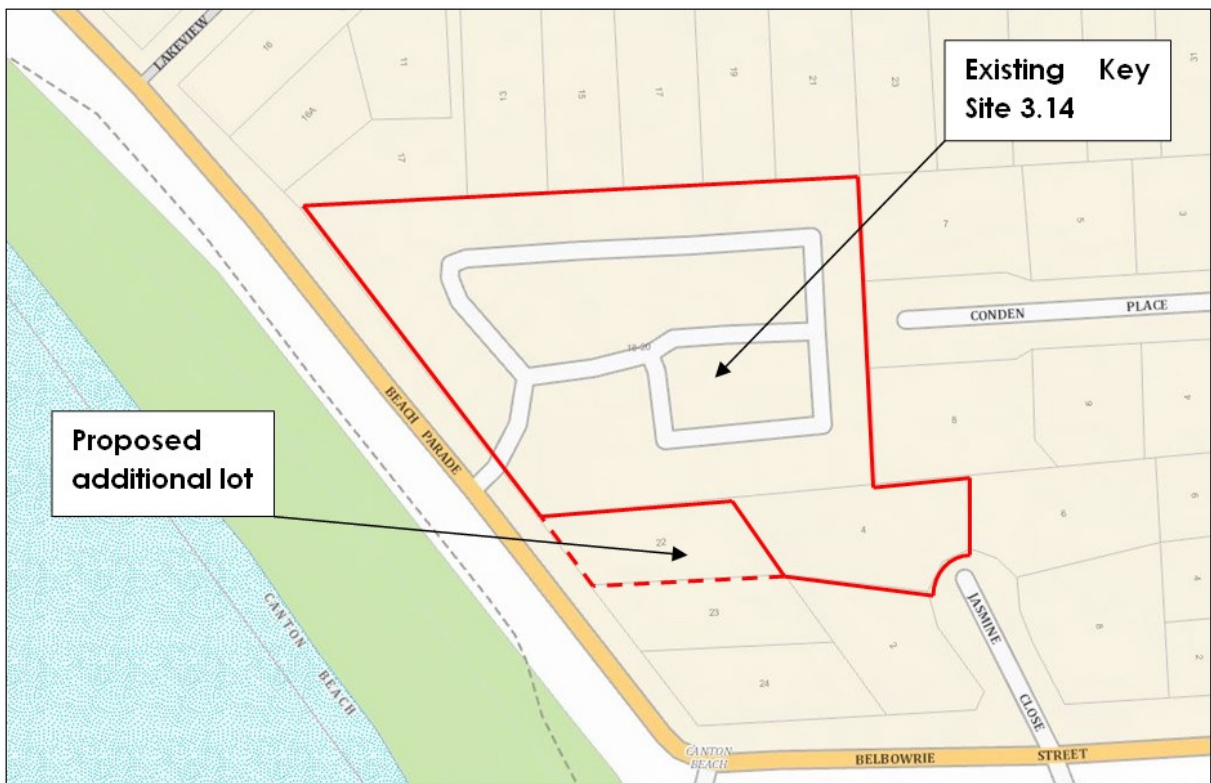


Figure 2 – Site Identification Plan

Part 1 Objectives or Intended Outcomes

Section 55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective of the Planning Proposal is to amend Wyong Local Environmental Plan 2013, to include Lot 371 DP 755266 as part of the Waterfront Tourist Park 'Key Site' as identified within the WLEP 2013 Key Sites Map.

Part 2 Explanation of Provisions

Section 55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The above objective will be achieved by an amendment to Wyong Local Environmental Plan 2013 Key Sites Map (reference: 'Sheet KYS_019').

The amending LEP will amend the 'Key Site' boundary on the Key Site Map in WLEP 2013 to enable the inclusion of Lot 371 DP 755266, 22 Beach Parade, Canton Beach within the Waterfront Tourist Park 'Key Site' boundary. Clause 7.11 of WLEP 2013 and Wyong Development Control Plan 2013 Chapter 6.1 – Key Sites would apply to Lot 371 DP 755266. The height limit will also increase from 16 metres to 23 metres over Lot 371 DP 755266.

Amendment Applies to	Explanation of provision
Key Sites Map (Sheet KYS 019)	Amend the map to include Lot 371 DP 755266 within the Key Site identified on the map, and identified within DCP Chapter 6.1 – <i>Key Sites</i> as Key Site 3.14.

Part 3 Justification

Section A – Need for the Planning Proposal

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

The need for a planning proposal has risen as a result of the purchase of Lot 371 DP 755266 by BMC Super Holdings Pty Ltd (owner of the Waterfront Tourist Park 'Key Site') and a request to Council by the owner to incorporate Lot 371 DP 755266 into the adjoining 'Key Site'.

Given the minor nature of the proposed zone amendments, this Planning Proposal has not specifically been identified in any existing strategic plans or reports. However, the proposed amendment is consistent with the objectives of WLEP 2013 Clause 7.11 Development requiring the preparation of a development control plan (key sites), which includes:

- (a) *to deliver a high standard of design excellence for certain key sites in Wyong,*
- (b) *to encourage the amalgamation of those key sites to provide opportunities for the expansion of, and improvements to, the public domain,*

The inclusion of Lot 371 DP 755266 within the 'Key Site' meets these objectives through providing a regular shaped lot for development with improved design efficiencies.

The proposal is also consistent with the objectives and recommendations of the Toukley Strategy, as they apply to Precinct 6 – *Canton Beach*. This strategy identifies the need and the opportunity to improve the tourist infrastructure within this precinct, noting that "*different accommodation types, tourist related activities, food outlets, boat hire or other recreational services*" are to be encouraged. The "Planning Recommendations" within the strategy also refer to a need to "*encourage active street uses at ground level (cafes, restaurants, take away food)*". A draft concept has been prepared which proposes the above uses, and the inclusion of Lot 371 DP 755266 would contribute to the above strategic objectives and recommendations.

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

The site is not currently part of the Waterfront Tourist Park 'Key Site; a planning proposal is the only means by which the intended objective can be achieved. It is considered that in making this amendment, the potential for the 'Key Site' to result in a development which satisfies all of the objectives of the 'Key Sites' clause 7.11 will be improved.

Section B – Relationship to strategic planning framework

3. (a) Where a sub-regional strategy is in place:

- (i) **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)?**

Central Coast Regional Strategy, 2006

The Central Coast Regional Strategy (CCRS) identifies Tourism as a key economic sector which is expected to experience strong growth over the next 25 years and is a major strength within the Central Coast economy. The CCRS also identifies key economic challenges on the Central Coast, including the need to support and strengthen the existing employment base to help key industries achieve critical mass.

By 2031 the CCRS aims to achieve an economy that effectively competes in a range of value added activities, including tourism. The planning proposal is consistent with these overarching aims.

The planning proposal is also consistent with the objectives and actions contained in the Central Coast Regional Strategy (CCRS) as follows:

Action 4.2

- Councils are to provide for a mix of housing types, including housing that will accommodate an ageing population and smaller household sizes through the preparation of LEPs and strategies.

Action 4.4

- Councils are to investigate the potential for land located within and around centres for future housing opportunities, consistent with the centres hierarchy and the dwelling and employment capacity targets through the preparation of LEPs and local planning strategies.

Action 4.10

- Provide around 70 per cent of new housing in existing urban areas

Action 4.22

- Councils are to ensure location of new dwellings improves the Region's performance against the target for State Plan priority E5 'Jobs closer to home'.

Action 5.1

- Promote economic and employment growth in the Region to increase the level of employment self-containment and achieve capacity for more than 45 000 new jobs on the Central Coast over the next 25 years.

Action 6.21

- Councils and the NSW Government are to ensure that development pressure of tourist activities are managed to minimise loss of natural resources, potential for land use conflict and impact on the environment.

The planning proposal and subsequent LEP amendment would not result in a loss of natural resources, land use conflicts, or impact to the environment. The land is located within an established tourist precinct within the Toukley Masterplan area.

North Wyong Shire Structure Plan, 2010 (sub-regional strategy)

Not applicable. The proposal is not located within the North Wyong Shire Structure Plan (NWSSP) sub-regional area.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**Wyong Community Strategic Plan, 2030 (CSP)**

The planning proposal is consistent with the Community Strategic Plan as follows:

Principle 7

'There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths' We will achieve this through:

- 7(b) Identifying and leveraging the competitive advantages of Wyong Shire
- 7(j) Sourcing tourist attractions across the Shire

The planning proposal will assist in achieving the above objectives by enabling the extension of the Waterfront Tourist Park 'Key Site' to include Lot 371 DP 755266.

Wyong Shire Settlement Strategy, 2013

Key Planning considerations for Tourism identified in the Settlement Strategy are as follows:

- Ensure infrastructure planning is designed to meet tourism requirements.
- Ensure that tourism development does not cause detrimental impacts on the character and amenity of Wyong LGA.
- Encourage tourism development close to existing town centres to utilise existing infrastructure and ensure improved accessibility.
- Diversify tourism potential for the LGA through strategies utilising natural assets, plus cultural, recreational, educational and eco-tourism.

The planning proposal would not result in detrimental impacts on the character and amenity of Wyong LGA, and would encourage tourism development close to existing town centres to utilise existing infrastructure and ensure improved accessibility.

Regional Economic Development and Employment Strategy, 2009 (REDES)

Strategy 1 in the REDES identifies a need to strengthen the Regional Economy by attracting new businesses to the region, especially in sectors such as tourism.

Wyong Shire Economic Development Strategy, 2014

Council adopted the Wyong Shire Economic Development Strategy (EDS), in July 2014. The EDS guides sustainable economic development within Wyong Shire through to 2039. The EDS (section 4.4) recognises Tourism as a targeted high value industry and aims to support proposed tourist-related developments.

Toukley Planning Strategy, 2010

The site is located within Precinct 6 of the Toukley Planning Strategy. The strategies' vision for Canton Beach is to develop as a lakeside tourism Precinct with cafes, restaurants and active tourist facilities along Beach Parade. The planning proposal will facilitate the development of a tourist precinct at Canton Beach.

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.

State Environmental Planning Policy	Comment
SEPP No.55 Remediation of Land	
Aims: This SEPP aims to promote the remediation of contaminated land for the purposes of reducing the risk to human health and/or the environment.	The subject site is not identified as contaminated land. The adjoining Waterfront Tourist Park 'Key Site' is identified as contaminated land, due to its historic use as a refuelling area. However, a targeted contamination assessment report prepared by Douglas Partners in May 2008 (project 41636) concluded that 'in overall terms, the field and laboratory quality control indicators were within the acceptance criteria', and 'the results are considered acceptable'.
SEPP No.65 Design Quality of Residential Flat Development	
This SEPP aims to improve the design quality of residential flat development to achieve a better built form and aesthetics for building sand the street scapes and public spaces they define.	The inclusion of Lot 371 DP 755266 within the 'Key Site' will provide a more regular shaped lot for the development, resulting in improved design efficiencies. The inclusion of the additional lot allows better use of the southern corner of the site, and also increases and improves the street frontage and therefore the potential for activation at the street level. The additional lot also allows for a more efficient and less intrusive arrangement for servicing of the development.
SEPP No. 71 Coastal Protection	
Aims: (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and (d) to protect and preserve Aboriginal cultural heritage, Aboriginal places, values, customs,	The subject site is located within a sensitive coastal location, and is located approximately 70m from the lake, separated by Beach Parade. However, the proposal is consistent with the provisions of SEPP 71. The proposal does not affect access to and along coastal foreshores, and the site is not affected by coastal processes such as erosion. The inclusion of the additional lot within the 'Key Site' will have no impact on any of the issues for consideration relevant to the Coastal Protection Act 1979, and SEPP 71.

State Environmental Planning Policy	Comment
beliefs and traditional knowledge, and (e) to ensure that the visual amenity of the coast is protected, and (f) to protect and preserve beach environments and beach amenity, and (g) to protect and preserve native coastal vegetation, and (h) to protect and preserve the marine environment of New South Wales, and (i) to protect and preserve rock platforms, and (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and (l) to encourage a strategic approach to coastal management.	
SEPP No. 21 Caravan Parks	
Aims to encourage: (a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and (b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and (c) the provision of community facilities for land so used, and (d) the protection of the environment of, and in the vicinity of, land so used.	The adjoining Waterfront Tourist Park 'Key Site' currently operates as a Caravan Park. It is considered that the extension of the key site boundary to incorporate Lot 371 DP 755266 would not be inconsistent with the objectives of SEPP 21.

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 outlined below. Pending the outcomes of consultation with relevant government agencies, it is considered that the proposal will either be consistent with these Directions, or any inconsistencies are of minor significance.

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	No	n/a
1.2	Rural Zones	No	n/a
1.3	Mining, Petroleum Production and Extractive Industries	No	n/a
1.4	Oyster Aquaculture	No	n/a
1.5	Rural Lands	No	n/a
Environment & Heritage			
2.1	Environmental Protection Zones	No	n/a
2.2	Coastal Protection	Yes	Yes
2.3	Heritage Conservation	No	n/a
2.4	Recreation Vehicle Areas	No	n/a
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	No	n/a
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	No	n/a
3.4	Integrating Land Use & Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	No	n/a
3.6	Shooting Ranges	No	n/a
Hazard & Risk			
4.1	Acid Sulfate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	Yes	Yes
4.3	Flood Prone Land	Yes	Yes
4.4	Planning for Bushfire Protection	No	n/a
Regional Planning			

Number	Direction	Applicable	Consistent
5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking Water Catchments	No	n/a
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	n/a
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	n/a
5.8	Sydney Second Airport: Badgery's Creek	No	n/a
5.9	North West Rail Link Corridor Strategy	No	n/a
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	No	n/a

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 proposal will have no detrimental effects upon critical habitats, threatened species or ecological communities as the subject land is already developed and urbanised, and contains no significant vegetation or ecological communities.

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

The planning proposal would result in increased height controls for the subject site. A merit based assessment would be undertaken to ensure there is minimal impacts in relation to overshadowing, privacy, significant views, amenity and the like.

9. Has the planning proposal adequately addressed any social and economic effects?

Due to the minor nature of the amendment, it is considered that there are no social or economic impacts, and that the inclusion of Lot 371 DP 755266 into the 'Key Site' would have positive social and economic growth outcomes.

Part 5 Community Consultation

Future community and government agency consultation requirements will be outlined by the Gateway Determination, should the planning proposal proceed to a Gateway Determination.

It is anticipated that community consultation will be undertaken in accordance with the relevant provisions of the EP&A Act and Regulation which includes newspaper advertisement, public exhibition at Council offices and on Council's website, and notification letters to adjoining property owners.

Part 6 Project Timeline

Action	Period	Start Date	End Date
Anticipated commencement date (date of Gateway Determination)	N/A	Unknown	Unknown
Anticipated timeframe for the completion of required technical information	12 weeks	Unknown	Unknown
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	12 weeks	Unknown	Unknown
Commencement and completion dates for public exhibition	4 weeks	Unknown	Unknown
Dates for public hearing (if required)	N/A	N/A	N/A
Timeframe for consideration of submissions	8 weeks	Unknown	Unknown
Timeframe for consideration of a proposal post exhibition	2 weeks	Unknown	Unknown
Date of submission to the Department to finalise LEP*	N/A	date	date
Anticipated date RPA will make the plan (if delegated)**	N/A	Unknown	Unknown
Anticipated date RPA will forward to the Department for notification	N/A	Unknown	Unknown

* Period includes further Council consideration of proposal and submission preparation

** Period includes instrument drafting and Parliamentary Counsel Opinion

Supporting Documentation

No.	Document
1.	Assessment & Endorsement
a	Council Report and Minutes
2.	Mapping
1	Site Identification Plan
2	Current Key Site Map - Wyong LEP 2013 (Sheet KYS 019)
3	Proposed Key Site Map - Wyong LEP 2013
3.	Supporting Studies
	NA

ATTACHMENT 2 – EXISTING WLEP 2013 KEY SITES MAP



Wyong
Shire
Council
CENTRAL COAST

Wyong Local Environmental Plan 2013

Key Sites Map - Sheet KYS_019

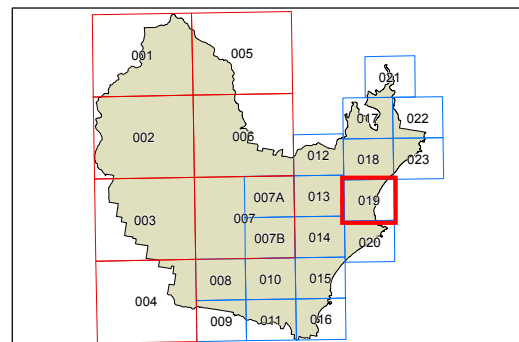
Key Sites

 Key Site - refer to clause 7.11

 Maximum height in metres
for the purpose of clause 7.11(3)

Cadastre

 Cadastre 20/07/08 © Land and Property information (LPI)



0 200 400 600 800
Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number:
8550_COM_KYS_019_020_20121025



**ATTACHMENT 3 – PROPOSED AMENDMENT TO WLEP
2013 KEY SITES MAP**



Wyong
Shire
Council
CENTRAL COAST

Wyong Local Environmental Plan 2013

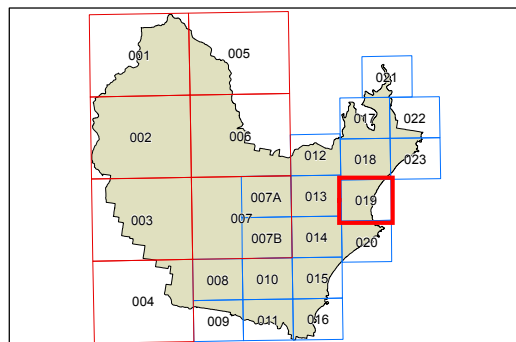
Key Sites Map - Sheet KYS_019

Key Sites

 Key Site - refer to clause 7.11

Cadastre

 Cadastre 1/08/2014 © Land and Property information (LPI)



0 200 400 600 800
Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number:
8550_COM_KYS_019_020_20150430



ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area: Wyong Shire Council

Name of draft LEP: Wyong Local Environmental Plan 2013

Address of Land (if applicable): Lot 371 DP 755266

Intent of draft LEP: Include Lot 371 DP 755266 within the Waterfront Tourist Park 'Key Site' on the WLEP 2013 Key Sites Map (Sheet KYS 019).

Additional Supporting Points/Information: Lot 371 DP 755266 has been purchased by the owner of the adjoining Waterfront Tourist Park 'Key' Site and the owner has requested Lot 371 DP 755266 be incorporated into the adjoining 'Key' Site.

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NA		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		NA		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NA		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NA		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		NA		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NA		
Is the planning proposal proposed to rectify an anomaly in a classification?		NA		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NA		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		NA		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		NA		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		NA		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		NA		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		NA		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		NA		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		NA		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NA		

Does the planning proposal create an exception to a mapped development standard?		NA		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).		NA		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.

ATTACHMENT 5 – COUNCIL REPORT

2.1 Commence Preparation of Planning Proposal - Waterfront Tourist Park Iconic Development Site

TRIM REFERENCE: F2011/00332 - D11963615

MANAGER: Steven Mann, Manager

AUTHOR: Rianan Rush; Strategic Planner

SUMMARY

This report seeks Council's endorsement to commence the preparation of a Planning Proposal to amend Wyong Local Environmental Plan 2013 (WLEP) to permit the extension of the Waterfront Tourist Park 'Key Site' over Lot 371 DP 755266, 22 Beach Parade, Canton Beach.

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 Act, 1979.**
- 2 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning & Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP&A Act, 1979.**
- 3 That Council require, subject to the "Gateway Determination," the proponent/landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.**
- 4 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.**
- 5 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".**
- 6 That Council forward the planning proposal to DP&E for gazettal, subject to no significant objections being received.**

BACKGROUND

In April 2014 the proponent submitted draft concepts for a proposed mixed use development comprising residential apartments, and commercial tenancies including retail and food outlets.

2.1 Commence Preparation of Planning Proposal - Waterfront Tourist Park Iconic Development Site (contd)

The owner of the site deferred the concept plans in order to explore opportunities to purchase adjoining land. Lot 371 DP 755266 (22 Beach Parade, Canton Beach) was subsequently purchased by the owner, and the proponent now seeks to include this parcel of land into the Iconic Development Site on Lot 9 DP 541907 and Lot 374 DP 755266.

CURRENT STATUS

Lot 371 DP 755266, 22 Beach Parade, Canton Beach is currently zoned SP3 Tourist and is located outside of the existing Iconic Development Site boundary provided in WLEP 2013.

THE PROPOSAL

The Planning Proposal seeks amendment of Wyong Local Environmental Plan 2013 (WLEP) to permit the extension of the Waterfront Tourist Park 'Key Site' over Lot 371 DP 755266, 22 Beach Parade, Canton Beach.



OPTIONS

There are no alternative options that could be considered except discontinuing the proposal. Submission of a Planning Proposal to DP&E and subsequent amendment to WLEP 2013 is the only means by which 22 Beach Parade; Canton Beach can be incorporated into the Waterfront Tourist Park 'Key' Iconic Development Site.

2.1 Commence Preparation of Planning Proposal - Waterfront Tourist Park Iconic Development Site (contd)

Having regard to the information provided, it is considered that the site is suitably located and forms a logical and orderly extension of the existing 'key site' boundary. The proposed extension is considered to have minimal environmental impact, and would facilitate the development of the 'Key' Iconic Development Site.

RELEVANT PLANNING CONSIDERATIONS

At its Ordinary Meeting on 24 November 2010 Council resolved to endorse the identification of a number of "Key Sites" within Wyong Shire. The Canton Beach Waterfront Tourist Park was identified as Site 14 and therefore attracts certain development bonuses whereby additional heights and increased density may be achieved if the specific criteria relating to design quality and design excellence are met.

In developing a development concept for the site it has been identified that inclusion of the adjoining property Lot 371 DP 755266 will facilitate a number of benefits to the design concept, including:

- Increased opportunity to provide a completely separate vehicular access point to the "service zone"
- Provision of increased deep soil zone and landscape buffer to the property to the south
- A more regular shaped (and developable) lot, with the design efficiencies inherent with such a lot shape and reduces impact of overshadowing and overlooking adjoining properties
- Provides increased opportunity for street front activation along Beach Parade
- Better orientation of the southern end of the building to the foreshore, as opposed to being tucked in behind an adjoining lot

The inclusion of 22 Beach Parade, Canton Beach as part of Iconic Development Site 14 supports Council's initiative to stimulate the economy and create employment opportunities with the Shire.

Overall the inclusion of the subject site (682m²) increases the total site area of the Iconic Development Site by less than 10 per cent and is therefore considered to be minor in nature.

A preliminary planning proposal was prepared by ADW Johnson Pty Ltd which outlines relevant planning considerations (see Enclosure1). An assessment of the proposal has been undertaken and reviewed against the relevant considerations under the Environmental Planning & Assessment Act, 1979, SEPPs and local provisions. It is considered that the proposal is consistent with the relevant planning legislation.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Economic and Property Development	Business Sector and Employment	Iconic Sites Development - Development of key iconic sites to increase economic and sustainable development (in 2013-2017)	NA	NA

Long term Financial Strategy

The proposal has no impact on Council's assets and will facilitate development of the Iconic Development Site, which will in turn provide public benefit.

Asset Management Strategy

The proposal aligns with Council's Asset Management Strategy.

Workforce Management Strategy

The proposal aligns with Council's Workforce Management Strategy.

Link to Community Strategic Plan (2030)

Out of the priority objectives contained in the Community Strategic Plan, the following links are relevant

- Support key regional industries and local businesses to grow – supports local tourism and business sectors.
- Deliver effective regional planning to cater for growth and encourage increased investment.

Budget Impact

There are no immediate budget impacts. Progress of the Planning Proposal will be funded by payment of a Phase 1 planning proposal fee. Further assessment work/studies required by DP&E (if any) will be funded by the proponent.

CONSULTATION

Consultation will be undertaken in accordance with the requirements laid out in the Gateway Determination.

GOVERNANCE AND POLICY IMPLICATIONS

There are no known Government Policy implications.

MATERIAL RISKS AND ISSUES

There are no known material risks and issues.

CONCLUSION

This report seeks Council's endorsement to commence the preparation of a Planning Proposal to amend Wyong Local Environmental Plan 2013 (WLEP) to permit the extension of the Waterfront Tourist Park 'Key Site' over Lot 371 DP 755266, 22 Beach Parade, Canton Beach.

Having reviewed the information supplied it is considered that the proposal will have minimal environmental impact and provides a logical and orderly extension of the existing 'key site' boundary that would facilitate the development of the Waterfront Tourist Park 'Key' Iconic Development Site.

ATTACHMENTS

- 1 Preliminary Planning Proposal - ADW Johnson - Waterfront Tourist Park D11964669

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Planning Proposal

Inclusion of additional lot within Key Site 3.14 Waterfront Tourist Park - 18-20 Beach Parade and 4 Jasmine Close, Canton Beach

Land:

Lot 9 DP 541907 – 18 / 20 Beach Parade
Lot 374 DP 755266 – 4 Jasmine Close
Lot 371 DP 755266 – 22 Beach Parade

Proponent:

BMC Superfund Pty Ltd

Date:

May 2015

Document Control

Issue No.	Date	Author	
		Name	Reviewed
A - Draft	1/6/15	Adam Crampton	

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

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1.0 Introduction

This request for rezoning has been prepared by ADW Johnson in conjunction with and on behalf of BMC Superfund Pty Ltd to assist Wyong Shire Council ("Council") with the preparation of a Planning Proposal for the incorporation of one additional lot within the existing Key Site 3.14, being the Waterfront Tourist Park at 18-20 Beach Parade and 4 Jasmine Close, Canton Beach.

The Waterfront Tourist Park site is identified under Wyong LEP 2013 as a "Key Site" on the "Key Sites Map". Wyong DCP Chapter 6.1 – Key Sites contains specific provisions and objectives in relation the development of the site.

The owner of the Key Site has been working for some time with an architect to develop a scheme commensurate with the status of the property as a Key Site. During the course of this design phase, the adjoining Lot 371 DP 755266 (22 Beach Parade) became available. Recognising the potential benefits associated with incorporating this additional lot into the design of the site, the owner of the Key Site subsequently purchasing this property as well.

The concept designs prepared to date demonstrate how the incorporation of Lot 371 DP 755266 facilitates a number of benefits to the design scheme, including:

- Increased opportunity to provide a completely separate vehicular access point to the "service zone",
- Facilitates an increased deep soil zone and landscape buffer to the property to the south,
- Facilitates a more regular shaped lot, with the design efficiencies inherit with such a lot shape,
- Provides increased opportunity for street front activation along Beach Parade,
- Facilitates a more "open" design at the southern end of the building, as opposed to being tucked in behind an adjoining lot.

To facilitate and expedite the Planning Proposal, this document has been prepared using the Department of Planning's (now Department of Planning & Environment – "DPE") "A guide to preparing planning proposals", and addresses the relevant Ministerial Directions enabled under Section 117 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").

It is understood that Council have agreed that given the status of the property as a Key Site, this Planning Proposal will not be regarded as a spot rezoning, and will instead be facilitated as an amending LEP – separate to the Major Amending LEP process currently underway. It is requested that Council support the proposed rezoning and prepare a Planning Proposal to lodge through DPE's Gateway process.

2.0 Characteristics of the site

2.1 LOCAL & REGIONAL CONTEXT

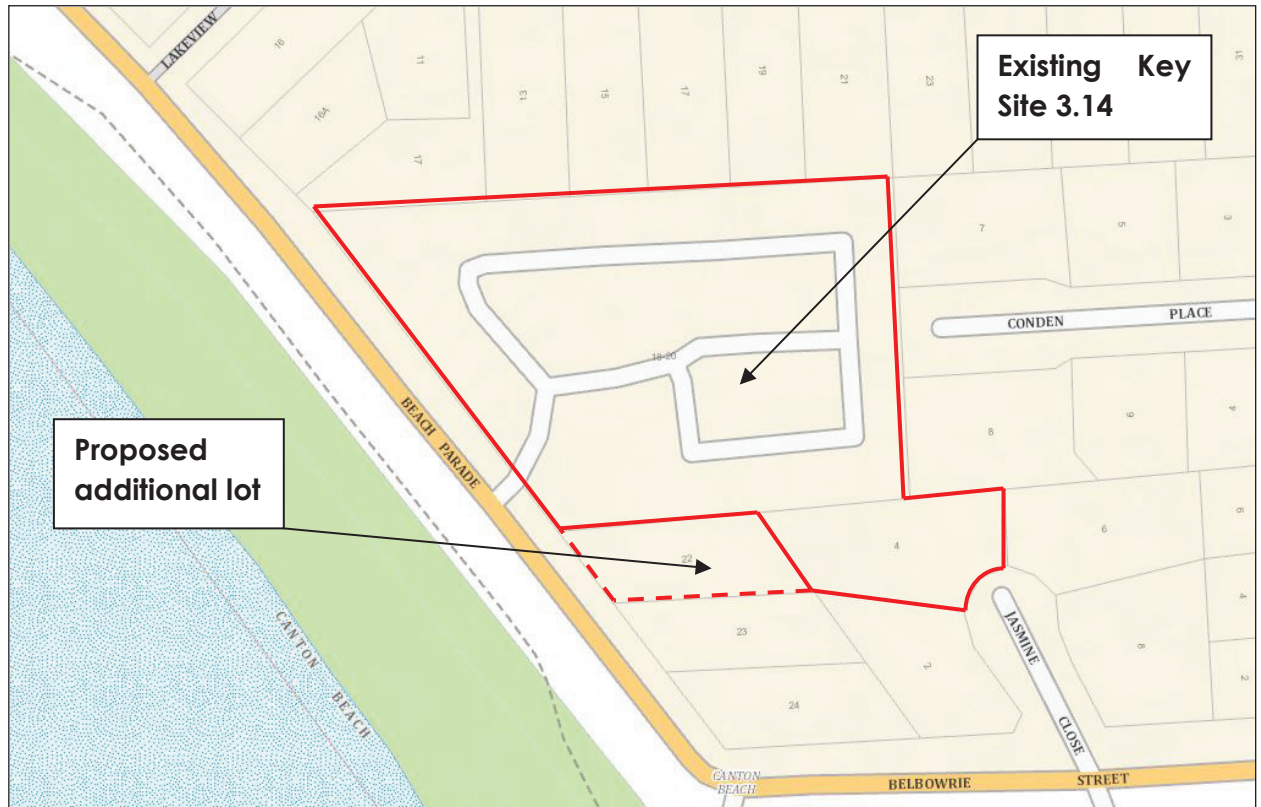


Figure 1 - Locality Plan

2.2 PROPERTY DESCRIPTION

The site consists of the existing Key Site, which comprises Lot 9 DP 541907 – 18 / 20 Beach Parade, and Lot 374 DP 755266 – 4 Jasmine Close, along with the proposed additional lot, which is described as Lot 371 DP 755266 – 22 Beach Parade.

2.3 BACKGROUND

3.0 Justification for proposed rezoning

In line with the Department of Planning's (now DPE) "A guide to preparing planning proposals", the following section will utilise the above information to respond to the requirements of this document.

3.1 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend Wyong Local Environmental Plan 201, to include Lot 371 DP 755266 as part of the Waterfront Tourist Park Key Site as identified within the LEP Key Sites Map.

3.2 PART 2 – EXPLANATION OF PROVISIONS

The proposed objective will be achieved through amending the LMLEP 2014 by:

Amendment Applies to	Explanation of provision
Key Sites Map (Sheet KYS 019)	Amend the map to include Lot 371 DP 755266 within the Key Site identified on the map, and identified within DCP Chapter 6.1 – Key Sites as Key Site 3.14.

3.3 PART 3 – JUSTIFICATION

Section A – Need for the planning proposal.

Is the planning proposal a result of any strategic study or report?

Given the minor nature of the proposed zone amendments, this Planning Proposal has not specifically been identified in any existing strategic plans or reports. The proposal is however, entirely consistent with the objectives and recommendations of the Toukley Strategy, particularly as they apply to Precinct 6 – Canton Beach.

This strategy identifies the need and the opportunity to improve the tourist infrastructure within this precinct, noting that "different accommodation types, tourist related activities, food outlets, boat hire or other recreational services" are to be encouraged. The "Planning Recommendations" within the strategy also refer to a need to "encourage active street uses at ground level (cafes, restaurants, take away food)".

The proposed amendment to the identified Key Sites are not only consistent with the Toukley Strategy, but also with the objectives of the Key Sites, which include:

- (a) to deliver a high standard of design excellence for certain key sites in Wyong,*
- (b) to encourage the amalgamation of those key sites to provide opportunities for the expansion of, and improvements to, the public domain,*

The inclusion of the additional lot within the Key Site facilitates the attainment of these objectives through providing a more regular shaped lot for development, and also resulting in a Key Site which is able to be fully realised, as opposed to other Key Sites within the LGA which due to fragmented ownership have been underutilised to date.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only means by which the additional lot may be incorporated within the existing Key Site as identified within the Wyong LEP 2013. In making this amendment, the potential for the Key Site to result in a building which fully satisfies all of the objectives of the Key Sites will be greatly enhanced.

Section B – Relationship to strategic planning framework.

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)?

The Central Coast Regional Strategy provides under the key economic opportunities for the region that the “regions tourism advantages are also likely to increase”, and identifies various key employment and recreation opportunities. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable actions for the Wyong LGA.

The proposal addresses the following Actions identified within the Strategy:

Action 4.2 and 4.4 – the proposed amendment is consistent with these Actions, in that it will assist in providing for a mix of housing types, adjacent to centres.

Action 4.10 – the proposal assists in ensuring that 70% of new housing is provided within existing urban areas.

Action 4.22 – The proposal will assist in addressing State Plan E5 “Jobs Closer to Home”.

Action 5.1 – The proposal facilitates the economic and employment growth in the region, increasing the level of employment self containment.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The proposal is considered to be consistent with the eight priority objectives contained within Council's Community Strategic Plan.

Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined in the table below.

SEPP/ Relevance	Implication
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land) This SEPP aims to promote the orderly and economic use of land through urban consolidation and the promotion of the development of land suitable for multi-unit housing and related development.	The proposal will facilitate the attainment of the SEPP objectives by enabling a development which will be able to successfully incorporate the additional lot within the “Key Site. As discussed above, the inclusion of this additional lot will allow a superior built form, along with greatly improved vehicular servicing capacity, and a greater street front activation for an area where this has been identified as crucial to the planned future.
SEPP 65 – Design Quality of Residential Flat Development This SEPP aims to improve the design quality of residential flat development to achieve a better built form and aesthetics for building sand the street scapes and public spaces they define.	The eventual proposed development for the site would be required to comply with the provisions of this SEPP. The inclusion of the additional lot within the “Key Site” will provide a more regular shaped lot for the development, with all the benefits such an arrangement brings. As discussed elsewhere, the additional lot effectively fills out one of the corners of the site, and

	also increases the street frontage and therefore the potential for activation at the street level. Beyond these changes, the additional lot also allows for a more efficient and less intrusive arrangement for servicing of the development.
SEPP 71 – Coastal Protection This SEPP aims to implement the principles within the NSW Coastal Policy, including the protection and management of the natural, cultural, recreational and economic attributes of the coast. It also aims to ensure that the type, bulk, scale and size of the development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.	The subject site is located within the Coastal Zone, and is defined as a "Sensitive Coastal Location" by virtue of its distance from the waters edge. The inclusion of the additional lot within the Key Site will have no impact on any of the issues for consideration relevant to the Coastal Protection Act 1979, nor under SEPP 71. The proposal does not impact in any way on foreshore land to any extent beyond that which which was considered by Council under the initial identification of the site as a Key Site under the LEP.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table addresses the Section 117 Directions which are applicable to the Planning Proposal:

SECTION 117 DIRECTIONS	
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial Zones	
N/A – The Planning Proposal will not impact any Business or Industrial Zones.	
1.2 Rural Zones	
N/A – The Planning Proposal will not impact any Rural Zones.	
1.3 Mining, Petroleum Production and Extractive Industries	
N/A – The Planning Proposal will not impact any aspects of the mining, petroleum production and extractive industries.	
1.4 Oyster Aquaculture	
N/A – The Planning Proposal will not impact any aspects of the oyster aquaculture industry.	

1.5 Rural Lands
N/A – The Planning Proposal will not impact any rural lands, either directly or indirectly.
2. ENVIRONMENT AND HERITAGE
2.1 Environment Protection Zones
N/A – The Planning Proposal will not impact any Environmental Protection Zones
2.2 Coastal Protection
N/A – The proposed amendments do not involve any impacts relevant under the Coastal Protection Act of SEPP 71 beyond those previously considered by Council in listing the Key Site.
2.3 Heritage Conservation
Relevance: This direction requires that a Planning Proposal provide provisions in order to conserve heritage items.
Consistency: The Planning Proposal will not impact on the requirement for future DAs to conserve heritage items.
2.4 Recreation Vehicle Areas
N/A - The Planning Proposal does not propose a recreation vehicle area.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT
3.1 Residential Zones
Relevance: This direction requires a Planning Proposal to broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design.
Consistency: The proposal is not inconsistent with this objective, and simply acts to ensure a more favourable design outcome for the subject Key Site, which is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates
N/A – the proposal does not impact on any of these issues.
3.3 Home Occupations
N/A - The Planning Proposal will have no impact on the current ability to allow for home occupations.

3.4 Integrating Land Use and Transport
N/A the minor scale of the proposed amendment has no material impact on the attainment of the requirements of this Direction, however is not inconsistent with these.
3.5 Development Near Licensed Aerodromes
N/A - The Planning Proposal will have no impact on development near a licensed.
3.6 Shooting Ranges
N/A - The Planning Proposal will have no impact on any shooting ranges.
4. HAZARD AND RISK
4.1 Acid Sulfate Soils
Relevance: This direction applies to land that has been identified as having a probability of acid sulphate soils (ASS) being present. Consistency: The site contains Class 3 ASS. the Planning Proposal will not affect the current LEP provisions in this regard.
4.2 Mine Subsidence and Unstable Land
N/A - The Planning Proposal will have no impact on mine subsidence or unstable land.
4.3 Flood Prone Land
Relevance: This direction applies where the Planning Proposal will affect provisions to flood prone land. Consistency: The site is not mapped as being within the Flood Panning Area, however is located within the PMF zone on the LEP Flood Maps. The proposal will not impact on the consideration of flood issues beyond that which was previously considered by Council for the initial listing of the site as a Key Site.
4.4 Planning for Bushfire Protection
N/A The site is not listed as being Bush Fire Prone.
5. REGIONAL PLANNING
5.1 Implementation of Regional Strategies
Relevance: The direction requires a Planning Proposal to be consistent with the relevant State strategy that applies to the Local Government Area. Consistency: The Planning Proposal is consistent with the strategic direction set by the Central Coast Regional Strategy, in that it will facilitate orderly and economic development within an existing urban area.

5.2 Sydney Drinking Water Catchment
N/A – The site is not located within the Sydney Drinking Water Catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast
N/A – The site is not located on the NSW Far North Coast.
5.4 Commercial and retail Development Along the Pacific Highway North Coast
N/A – The site is not located on the North Coast Pacific Highway.
5.8 Second Sydney Airport: Badgerys Creek
N/A – The site is not located near Sydney's Second Airport location.
5.9 North West Rail Link Corridor Strategy
N/A – The site is not located near the North West Rail Link
6. LOCAL PLAN MAKING
6.1 Approval and Referral Requirements
To be considered by Council
6.2 Reserving Land for Public Purposes
N/A – The proposal does not impact upon any public land.
6.3 Site Specific Provisions
N/A – The Planning Proposal does not require any site specific provisions beyond those which already exist for the existing Key Site.

Section C – Environmental, social and economic impact.

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?

N/A – The proposed additional lot has been previously developed for residential purposes, and contains no significant vegetation.

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

N/A

How has the planning proposal adequately addressed any social and economic effects?

Due to the minor nature of the proposed amendment, and the fact that it is aimed simply at expanding the existing Key Site which has previously been identified by Council as a critical planning strategy for the development of specific sites, it is considered that the social and economic impacts will be beneficial, consistent with the original Key Site identification.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

N/A due to the minor nature of the proposal.

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

Given the minor nature of the rezoning, no advice has been sought from government agencies and public authorities who may be impacted by the proposal. It is expected that prior to a gateway determination, Council will complete consultation with relevant public authorities and government agencies.

3.4 PART 4 – COMMUNITY CONSULTATION

In accordance with Section 57 (2) of the Environmental Planning and Assessment Act 1979, this planning proposal must not be approved prior to community consultation being undertaken by the local authority.

Under the document "A guide to preparing local environmental plans", the Planning Proposal meets the criteria and definition of being a low impact planning proposal given that the proposed zoning and future development "is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land" . Therefore, it is intended for this proposal to be exhibited for a period of fourteen (14) days.

4.0 Summary

The intention for this proposal is to simply take advantage of the subject additional lot coming into the ownership of the owner of the entire Key Site. By adding this lot to the Key Site, the objectives of the Key Sites as outlined within the LEP and DCP will be more readily achieved.

Taking the above into consideration, Council is asked to support the subject Planning Proposal to incorporate the one additional lot within the Key Site, thereby facilitating orderly and economic development of the site.