FOR ACTION

ORDINARY MEETING **22/07/2015**

TO: Development Assistant (Jane Doyle)

Subject: Supplementary Report - RZ/8/2014 - Proposed Planning Proposal for Land at Aldinga Road, Gwandalan
Author: <AUTHOR>
Target Date: 5/08/2015
Notes:

RESOLVED unanimously on the motion of Councillor VINCENT and seconded by Councillor BEST:

734/15 ***That Council receive and note the report on the outcomes of the Gwandalan Bowling Club public meeting.***

735/15 ***That Council prepare a planning proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to insert an enabling provision within Schedule 1-Additional Uses, to permit a form of "tourist and visitor accommodation" on the land.***

736/15 ***That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act 1979.***

737/15 ***That Council undertake agency and community consultation regarding the planning proposal in accordance with the gateway determination.***

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

AGAINST: NIL

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- Click on the above link to view the action
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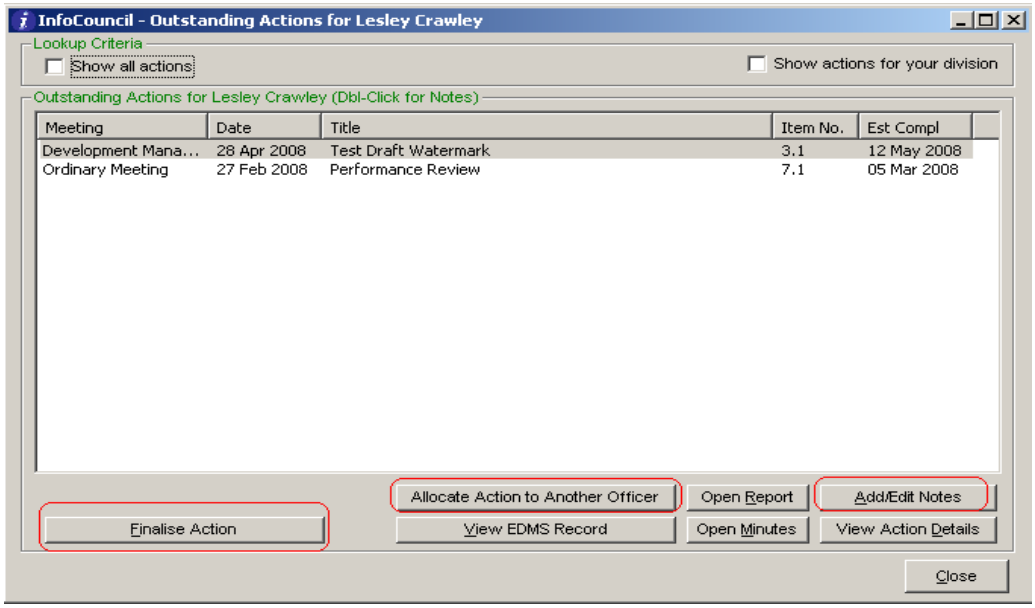
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Ordinary Meeting
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Performance Review
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FOR ACTION

EMPLOYMENT AND ECONOMIC DEVELOPMENT COMMITTEE **4/02/2015**

TO: Manager (Tanya O'Brien)

Subject: Gwandalan Bowling Club
Author: <AUTHOR>
Target Date: 18/02/2015
Notes:

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

> ***That the Committee note this matter is to be reviewed by the Development and Building and Property and Economic Development Departments, with advice from the Legal Department, with a view to addressing strategic issues on the site and preparation of a report to Council.***

Open Item in Minutes

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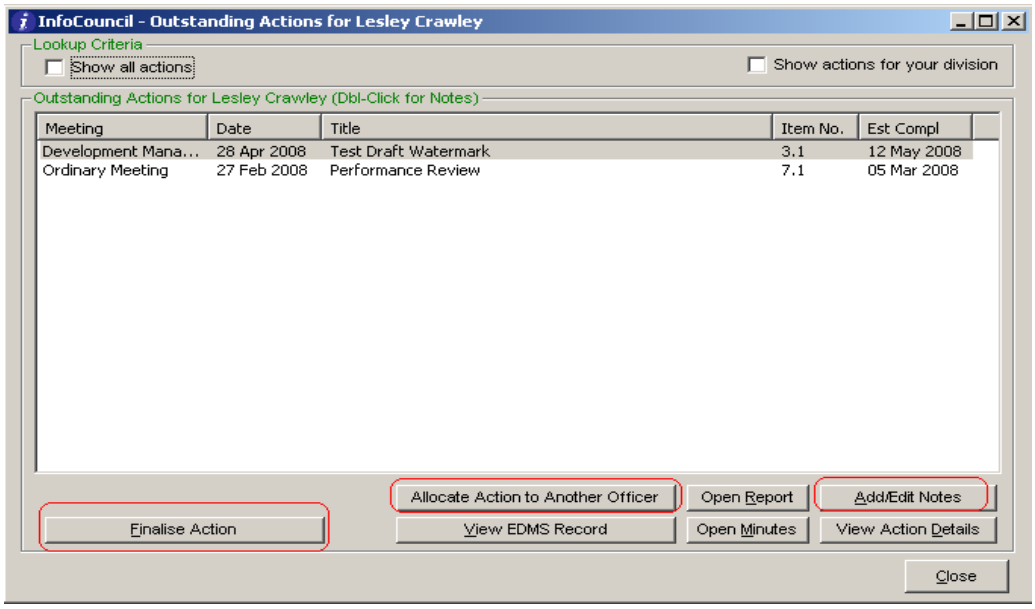

FOR ACTION

ORDINARY MEETING **10/12/2014**

TO: Development Assistant (Jane Doyle)

Subject: RZ/8/2014 - Proposed Rezoning of Nos. 2 - 8 Aldinga Road, Gwandalan
Author: <AUTHOR>
Target Date: 24/12/2014
Notes:

RECOMMENDATION

SPEAKER – MR COLIN WYNN

1 That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, by preparation of a Planning Proposal to rezone the subject lands from Zone R2 Low Density Residential to Zone R1 – General Residential under the Wyong Local Environmental Plan, 2013.

2 That Council forward the Planning Proposal to the Department of Planning and Environment requesting a "Gateway" determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.

3 That Council require, subject to the "Gateway Determination," the proponent 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.

5 That Council undertake agency and community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.

6 That Council delegate authority to the General Manager to make minor amendments and to finalise and make the Local Environmental Plan.

Best/Troy- Unan

That Council temporarily defer to the next EEDC meeting to be held in February 2015 with a view in assisting the club in identifying the optimum use of the site and return on capital for the club in conjunction with the local community.

Vincent/Greenwald

Open Item in Minutes

A Resolution of Council has been assigned to you for Action.

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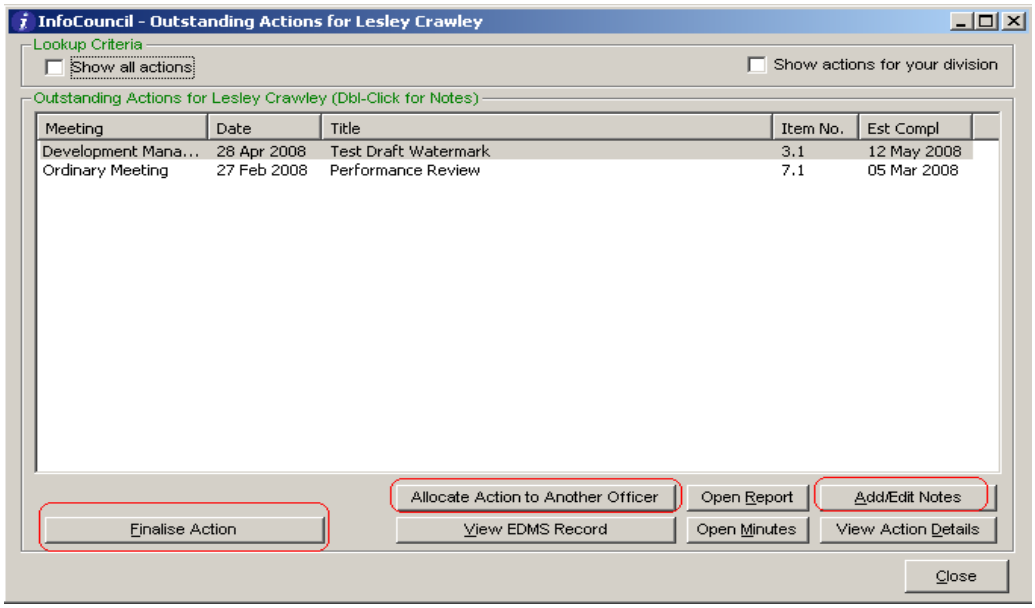
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4.3 Gwandalan Bowling Club

TRIM REFERENCE: RZ/8/2014 - D11809666

MANAGER: Scott Cox, Director

AUTHOR: Tanya O'Brien; Manager

SUMMARY

Council has received an application to rezone 2-8 Aldinga Road Gwandalan to R1 General Residential. The landowner, Gwandalan Bowling Club has expressed interest in developing the site in the future for medium density housing and in the interim as a tourist accommodation use. The club has provided Council with a tourist cabin concept.

The rezoning proposal was considered at the 10 December 2014 Council meeting, and Council resolved to refer the matter to the Employment and Economic Development Committee (EEDC) for consideration and discussion.

RECOMMENDATION

That the Committee recommend that Council:

1. ***That Council forward the Planning Proposal to the Department of Planning and Environment requesting a "Gateway" determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.***

2. ***That Council require, subject to the "Gateway Determination," the proponent 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.***

3. ***That Council authorise the General Manager (or delegate) to sign the Funding Agreement.***

4. ***That Council undertake agency and community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.***

BACKGROUND

Council is in receipt of an application which seeks to amend the zoning of 2-8 Aldinga Road Gwandalan to R1 General Residential. It is intended to facilitate an interim use of tourist accommodation and the future of the land for medium density residential development (see Figure 1).

The land is currently zoned R2 Low Density Residential and is described as Lots 1 – 4, Section 22, DP 28961, Aldinga Road, Gwandalan. The Lots are vacant with remnant trees and have a combined area of approximately 3066 m².

Figure 1: The Land, indicated by red boundary and hatching on the aerial photograph

The land is situated to the west of the Gwandalan Bowling Club in Gamban Road, which is located within the foreshore reserve to Crangan Bay, Lake Macquarie (see Figure 2). The combined land parcels have frontage to three roads, Aldinga Road, Gamban Road and Winbin Crescent.

Figure 2: Site context

CURRENT STATUS

The rezoning proposal was considered at the 10 December 2014 Council meeting with the following resolution being made:

It was MOVED on the motion of Councillor BEST and seconded by Councillor TROY:
That Council temporarily defer to the next EEDC meeting to be held in February 2015 with a view in assisting the club in identifying the optimum use of the site and return on capital for the club in conjunction with the local community.

OPTIONS

The land is currently zoned R2 Low Density Residential: which permits the following uses with consent:

Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Jetties; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Water recycling facilities; Water reticulation systems; Water storage facilities.

The provisions of State Environmental Planning Policies (SEPP) Affordable Rental Housing and SEPP Housing for Seniors or People with a disability are applicable.

There are two main options available in this instance:

1 Pursue the rezoning to R1 General Residential in line with the application

The R1 General Residential allows a range of additional uses including:

Attached dwellings; Caravan parks; Educational establishments; hotel or motel accommodation; multi dwelling housing; residential flat buildings; seniors housing; serviced apartments; signage.

The provisions of various state policies including SEPP Affordable Rental Housing, SEPP Housing for Seniors or People with a Disability apply equally to both R1 and R2 Zones.

2 Pursue an alternate rezoning/additional use provision determined through discussion at the EEDC meeting.

Development options are being considered by Council's Property and Economic Development team for discussion at the meeting.

Next Steps

An evaluation of the proposal to rezone the land to R1 has been undertaken and is considered to have merit (as discussed in the 10 December 2014 Council report). Should an alternate use be determined through the consideration of the EEDC, the applicant's proposal would need to be revised and re-submitted to Council for consideration against the planning framework and reported to Council for endorsement.

CONCLUSION

This matter was referred to the EEDC meeting for discussion of highest and best use of the land with the Gwandalan Bowling Club. The club as the landowner may conclude that an alternate option is to be developed further and accordingly lodge an amended planning proposal for Council's consideration. Alternatively the applicant may seek to pursue the current R1 General Residential proposal and confirm that it wishes to progress on this basis.

If an amendment to the zoning or WLEP 2013 provisions is to be pursued the matter will need to be re-submitted to Council for endorsement prior to sending to the Department of Planning and Environment for gateway determination.

ATTACHMENTS

Nil.

3.4 RZ/8/2014 - Proposed Rezoning of Land at Gwandalan JM

TRIM REFERENCE: RZ/8/2014 - D11913604
MANAGER: Scott Cox, Director
AUTHOR: Peter Kavanagh; Senior Planner

SUMMARY

The Gwandalan Bowling Club has sought Council approval to rezoning land at 2-8 Aldinga Road, Gwandalan to allow for short and long term development of the site. The application was considered by Council at its meeting of 10 December 2014 and Council resolved to refer the matter to the February 2015 Employment Economic Development Committee (EEDC).

Following consideration of the matter by the EEDC, this report recommends the preparation of a Planning Proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to insert an enabling provision within Schedule 1 - Additional Uses, to permit a form of "tourist and visitor accommodation" on the land.

It is considered that the proposed additional use provides an appropriate opportunity for the Gwandalan Bowling Club to seek additional revenue opportunities as well as providing tourist accommodation in Gwandalan.

This report recommends the preparation of a planning proposal to be forwarded to DP&E for gateway determination.

Applicant	Aconsult
Owners	Gwandalan Bowling Club
Proposal No	RZ/8/2014
Description of Land	Lots 1, 2, 3 & 4, Section 22, DP 28961, Nos. 2 – 8 Aldinga Road, Gwandalan
Zoning	R2 Low Density Residential
Proposal	Insert an enabling provision within Schedule 1-Additional Uses to permit a form of "tourist and visitor accommodation" on the land
Existing Use	Vacant

RECOMMENDATION

1 *That Council <u>prepare</u> a planning proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to insert an enabling provision within Schedule 1-Additional Uses, to permit a form of "tourist and visitor accommodation" on the land.*

2 *That Council <u>forward</u> the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.*

3 *That Council <u>require</u>, subject to the gateway determination, the proponent enter into a Funding Agreement with Council in accordance with Council's adopted Statement of Revenue Policy to recover the costs involved in further progressing the proposal.*

4 That Council authorise the General Manager (or delegate) to sign the Funding Agreement.

5 That Council undertake agency and community consultation regarding the Planning Proposal in accordance with the gateway determination.

ORDINARY MEETING HELD 22 APRIL 2015

Councillor Best left the meeting at 6.16pm and returned at 6.19pm during consideration of this item.

It was MOVED on the motion of Councillor TAYLOR and seconded by Councillor GRAHAM:

1 That Council prepare a planning proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to insert an enabling provision within Schedule 1-Additional Uses, to permit a form of "tourist and visitor accommodation" on the land.

2 That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.

3 That Council require, subject to the gateway determination, the proponent enter into a Funding Agreement with Council in accordance with Council's adopted Statement of Revenue Policy to recover the costs involved in further progressing the proposal.

4 That Council authorise the General Manager (or delegate) to sign the Funding Agreement.

5 That Council undertake agency and community consultation regarding the Planning Proposal in accordance with the gateway determination.

FOR: COUNCILLORS GRAHAM, GREENWALD AND TAYLOR

AGAINST: COUNCILLORS BEST, EATON, NAYNA, TROY AND WEBSTER

***The MOTION was put to the vote and declared LOST*.**

MATTER ARISING

RESOLVED on the motion of Councillor BEST and seconded by Councillor WEBSTER:

375/15 That Council defer this matter for full preliminary public consultation via a public meeting at Gwandalan. This meeting to be convened by Council, held at the Bowling Club (if possible) and be notified widely within the Gwandalan community.

FOR: COUNCILLORS BEST, EATON, NAYNA, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND TAYLOR

BACKGROUND

The applicant (Aconsult, on behalf of the Gwandalan Bowling Club) lodged an application to amend the WLEP 2013 to rezone No 2-8 Aldinga Road, Gwandalan from R2 Low Density Residential to R1 General Residential. The application sought to facilitate an interim use of the site for tourist accommodation cabins and the longer term use of the land for medium density residential development.

Council at its meeting held on 10 December, 2014 *resolved unanimously on the motion of Councillor Best and seconded by Councillor Troy:*

1393/14 "That Council temporarily defer to the next EEDC meeting to be held in February 2015 with a view in assisting the club in identifying the optimum use of the site and return on capital for the club in conjunction with the local community."

The Employment and Economic Development Committee (EEDC) considered a report regarding the land, including an address by the Applicant, at its meeting of 4 February, 2015, and resolved:

> *"That the Committee note this matter is to be reviewed by the Development and Building and Property and Economic Development Departments, with advice from the Legal Department, with a view to addressing strategic issues on the site and preparation of a report to Council."*

The EEDC was concerned that a complete rezoning to R1 could potentially enable the development of land uses that may be incompatible with the location of the site and it's surrounding land uses. The Committee resolved to refer that matter to appropriate staff to discuss.

DRAFT

Further options for the site

Staff from Property and Economic Development, Development and Building and General Counsel met to discuss options. The preferred option was to proceed with an LEP amendment to insert a clause into Schedule 1 to enable use of the site for "*tourist and visitor accommodation".*

Staff conveyed this option to the applicant's consultant's Town Planner for their consideration. The applicant agreed to proceed with this option.

The Site

The site is currently zoned R2 Low Density Residential and is described as Lots 1 – 4, Section 22, DP 28961, Nos. 2 – 8 Aldinga Road, Gwandalan. The Lots are vacant with scattered trees, and have a combined area of approximately 3066 m².

Figure 1: The site indicated by red boundary and hatching on the aerial photograph

The land is situated to the south of the neighbourhood shopping centre and to the west of the Gwandalan Bowling Club, which is located within the foreshore reserve to Crangan Bay, Lake Macquarie (see Figure 2). The combined land parcels have frontage to three roads, Aldinga Road, Gamban Road and Winbin Crescent.

Figure 2: Site Context

The land is generally flat, with a gentle fall to Gamban Road. It is currently being partly utilised for informal car parking. There are no historic records of previous developments on any of the four lots.

The land is bounded on three sides by bitumen sealed road with table drains, with no kerb and gutter. There is formal piped drainage in Aldinga Road and Gamban Road. There is also an open channel in the adjoining properties to the south.

There are water and sewer mains within the three road frontages which will be able to service development on the site. Any future development of the site will require consideration of the sewer main traversing the site, as well as formalisation of the road frontage with kerb, gutter and pavement widening at the DA stage.

66 remnant mature trees exist on site, of which 31 comprise a mature Bottlebrush hedge. Generally the trees are of reasonable health. Several have a pronounced lean, or have a poor aesthetic, having been poorly pruned to avoid adjacent power lines, and the soil over the root systems has been compacted by the utilisation of the land as an informal carpark. The majority of the trees (49) have been identified as likely to be removed, with only 13 noted in the application as suitable for protection and preservation. There are no identified threatened or endangered flora or fauna species observed on site.

The locality to the west and south is generally characterised by low density housing (R2 Low Density Residential zone). On the opposite side of Aldinga Road (to the north) and fronting Gamban Road is a small shopping centre (B1 Neighbourhood Centre zone) containing 10 shops. Land immediately to the west (across a lane from the commercial area) and opposite the subject land, is zoned R1 General Residential. This zone extends to the north to the intersection of Winbin Crescent and Gamban Road (see Figure 3).

Figure 3: Land Zonings in the locality, with the subject land indicated by red boundary and hatching on the map.

THE PROPOSAL

The application identifies that there is currently no commercial tourist accommodation (e.g. hotel or motel) in Gwandalan and only six dwellings are currently advertised as providing short-term rental accommodation. The Gwandalan Bowling Club has therefore identified an opportunity to provide a new facility which provides holiday and tourist accommodation on this site creating new employment opportunities in close proximity to the surrounding services available within the suburb of Gwandalan.

The applicant has confirmed in writing that while the Club considers that there were merits in the original application for rezoning to R1 General Residential, it is the Club's intention to proceed with an application for an enabling clause which would make permissible the development of the site for tourist (cabin) purposes. The applicant proposes that this could be facilitated via an amendment to *Schedule 1 Additional Permitted Uses*, to insert permit an additional use "tourist and visitor accommodation" subject to development consent.

Within the WLEP the following definition applies:

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

(a) backpackers' accommodation,
(b) bed and breakfast accommodation,
(c) farm stay accommodation,
(d) hotel or motel accommodation,
(e) serviced apartments,

but does not include:

(f) camping grounds, or
(g) caravan parks, or
(h) eco-tourist facilities.

The Applicant submits:

> *"It never has been, and never will be, the Club's intention to develop the site as a Caravan Park rather, we implore Council to consider our client's intentions on the basis of a* ***more affordable form*** *of construction be included within the current Enabling Clause…This will enable our client to seek Council's approval for Tourist and Visitor Accommodation with the form of construction being be suitably developed for the site by way of moveable/manufactured dwellings, commonly referred to as "cabins"."*

As such, the Club intends to propose a tourist (cabin) development on the land. The definition above would only enable a development where the "cabins" are permanent structures (buildings). This is because *moveable dwellings* and *manufactured homes* are separately defined by the legislation as not being *buildings* and therefore prohibited under WLEP 2013.

The Applicant has therefore requested that the enabling clause also permit the "form" of construction for the *tourist and visitor accommodation* (likely to be a form of *hotel or motel accommodation*) to be the placement of moveable dwellings on the land, operated by the Club for that purpose.

CONSIDERATION

It is noted that each of the accommodation types allowed under the *tourist and visitor accommodation* definition are separately defined as "buildings", which means they could not be relied upon for the development proposed. However:

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

(a) comprises rooms or self-contained suites, and
(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of ***tourist and visitor accommodation***—see the definition of that term in this Dictionary.

The inclusion of the words "a building or place" enables consideration of a cabin based tourist and visitor accommodation development under this definition.

The Schedule 1-additional use wording can therefore specifically reference the intended form of the development as follows:

8 Use of Certain Land at 2- 8 Aldinga Road, Gwandalan

1) This clause applies to land identified as "Item 30" on the Additional Permitted Uses Map.
2) Development for the purposes of tourist and visitor accommodation is permitted with development consent if the development is associated with a registered club.
3) Nothing within this clause allows for use of the site as a Caravan Park.

It is considered that the above draft Clause would adequately address the proposed development and be consistent with existing clauses in WLEP 2013.

STATUTORY COMPLIANCE - LOCAL PLANS POLICIES AND STRATEGIES

State Environmental Planning Policies (SEPP's)

The proposal has been assessed having regard for all SEPP's and has been found to be generally consistent with those Policies. Compliance with the SEPPs is addressed in Attachment 1.

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) was released by the Department of Planning (DoP) in July 2008. The CCRS identifies the population potential of the Central Coast expected by 2031, expected employment capacity targets and the likely phasing of release areas. The strategy also identifies actions and principles to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

The CCRS provides under the "Key Economic Opportunities for the Region", that "the regions tourism advantages are also likely to increase". The proposal could facilitate provision of accommodation for tourists attracted to the recreational opportunities provided in Gwandalan and the north of the Wyong LGA. As such the proposal will support job creation in the management and service industries and therefore is consistent with the key objectives of the Strategy.

North Wyong Shire Structure Plan (NWSSP)

The broad strategies within the CCRS were further developed and refined in the release of the North Wyong Shire Structure Plan (NWSSP) in October, 2012. The NWSSP seeks the provision of approximately 7,970 additional dwellings and 1360 jobs in the north of the Wyong LGA during the medium term years to 2027. The proposal is complimentary to this Plan.

Ministerial Directions under Section 117 of the Environmental Planning Assessment Act 1979 (EP&A Act)

Section 117 of the EP&A Act 1979 provides for the Minister for Planning to issue directions to Council specifying principles, aims, objectives or policies that must be considered when preparing a local environmental plan. The current 117 directions that apply to the preparation of an LEP associated with this Planning Proposal are addressed in Attachment 2. The proposal is generally consistent with the Section 117 directions.

OPTIONS

Options for the development of the land, including single residential, dual occupancy and medium density development were presented and discussed at the Employment and Economic Development Committee meeting of 4 February, 2015.

The current proposal, being a specific additional use provision is considered to be the most appropriate to meet the economic needs of the Club (and other small businesses) while minimizing impacts on the environment and the community.

STRATEGIC LINKS

Budget Impact

The Planning Proposal is privately funded. Phase 1 fees were paid at lodgement, for preliminary assessment and the preparation of a report, to gauge whether there is merit for Council to support the Proposal. Subject to any gateway determination, the proponent would be required to enter into a Funding Agreement with Council in accordance with Council's Statement of Revenue Policy to recover the costs involved in further progressing the proposal.

CONSULTATION

Government agency and public consultation requirements for the Planning Proposal will be established by the gateway determination, and will be conducted accordingly. It is likely that the gateway determination may require the following groups and agencies to be consulted:

- Darkinjung Local Aboriginal Land Council;
- Guringai Tribal Link;
- Mine Subsidence Board;
- NSW Trade and Investment - Minerals and Petroleum;
- NSW Office of Environment & Heritage; and
- NSW Roads and Maritime Services.

CONCLUSION

The site is a vacant urban in fill site with capacity to be fully serviced to facilitate urban development. The proposed land use of tourist accommodation is important to the economy of the region on a site with good access to shops and recreation facilities.

It is considered that the proposal has merit and is recommended to be forwarded to the DP&E for a gateway determination. Delegated Authority for Council's General Manager to make minor amendments and to make the plan will be sought.

ATTACHMENTS

1 State Environment Planning Policy Assessment D11877162
2 S 117 Ministerial Direction Assessment RZ_8_2014 D11877167

2.5 RZ/8/2014 - Proposed Rezoning of Nos. 2 - 8 Aldinga Road, Gwandalan

TRIM REFERENCE: RZ/8/2014 - D11744281
MANAGER: Scott Cox, Director
AUTHOR: Peter Kavanagh; Senior Planner

SUMMARY

This report recommends the preparation of a Planning Proposal to amend the Wyong Local Environmental Plan (WLEP, 2013) to rezone four lots of land opposite the Gwandalan Bowling Club to R1 General Residential to facilitate future medium density residential development on the land.

It is considered that the proposal has merit and is recommended to be forwarded to the NSW Department of Planning and Environment (DP&E) for a "Gateway Determination". Dependent upon the outcome of the Gateway Process, consultation with NSW Government Agencies may be required prior to public exhibition and finalisation.

Applicant	Aconsult
Owners	Gwandalan Bowling Club
Proposal No	RZ 8/2014
Description of Land	Lots 1-4 Section 22 DP 28961
Zoning	R2 Low Density Residential
Proposed Zoning	R1 General Residential
Existing Use	Vacant

DRAFT

RECOMMENDATION

1 *That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, by preparation of a Planning Proposal to rezone the subject lands from Zone R2 Low Density Residential to Zone R1 – General Residential under the Wyong Local Environmental Plan, 2013.*

2 *That Council forward the Planning Proposal to the Department of Planning and Environment requesting a "Gateway" determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.*

3 *That Council require, subject to the "Gateway Determination," the proponent 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.*

5 *That Council undertake agency and community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.*

6 That Council delegate authority to the General Manager to make minor amendments and to finalise and make the Local Environmental Plan.

ORDINARY MEETING HELD 10 DECEMBER

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

1393/14 That Council temporarily defer to the next EEDC meeting to be held in February 2015 with a view in assisting the club in identifying the optimum use of the site and return on capital for the club in conjunction with the local community.

BACKGROUND

The applicant (Aconsult, on behalf of the Gwandalan Bowling Club) requests that Council prepare a Planning Proposal to amend the WLEP 2013 to rezone land owned by the Gwandalan Bowling Club being 2-8 Aldinga Road, Gwandalan to R1 General Residential. It is intended to facilitate an interim use of tourist accommodation and the future of the land for medium density residential development (see Figure 1).

The land is currently zoned R2 Low Density Residential and is described as Lots 1 – 4, Section 22, DP 28961, Aldinga Road, Gwandalan. The Lots are vacant with remnant trees and have a combined area of approximately 3066 m².

DRAFT

Figure 1: The Land, indicated by red boundary and hatching on the aerial photograph.

The land is situated to the west of the Gwandalan Bowling Club in Gamban Road, which is located within the foreshore reserve to Crangan Bay, Lake Macquarie (see Figure 2). The combined land parcels have frontage to three roads, Aldinga Road, Gamban Road and Winbin Crescent.

DRAFT

Figure 2: Site context

CURRENT STATUS

The land is currently vacant, and is generally flat, with a general fall to Gamban Road. It is currently being partly utilised for informal car parking. There are no historic records of previous developments on any of the four Lots.

The land is bounded on three sides by bitumen sealed road with table drains, with no kerb and gutter. There is formal piped drainage in Aldinga Road and Gamban Road. There is also an open channel in the adjoining properties to the south.

There are water and sewer mains within the three road frontages which will be able to service development on the site. Any future development of the site will require consideration of the sewer main traversing the site, formalisation of the road frontage with kerb, gutter and pavement widening at the DA stage.

66 remnant mature trees exist on site, of which 31 comprise a mature Bottlebrush hedge. Generally the trees are of reasonable health. Several have a pronounced lean, or have a poor aesthetic, having been poorly pruned to avoid adjacent power lines, and the soil over the root systems has been compacted by the utilisation of the land as an informal carpark. Therefore the majority of the trees (49) have been identified as likely to be removed, with only 13 noted in the application as suitable for protection and preservation. There are no identified threatened or endangered flora or fauna species observed on site.

The locality to the west and south is generally characterised by low density housing (R2 zone). On the opposite side of Aldinga Road (to the north) and fronting Gamban Road is a small neighbourhood shopping centre (B1 zone) containing 10 shops. Land immediately to the west (across a lane from the commercial area) and opposite the subject land, is zoned R1 General Residential (fronting Aldinga Road and Winbin Crescent). This zone extends to the north to the intersection of Winbin Crescent and Gamban Road. The proposed R1 zone for the subject land is therefore a logical extension of the R1 General Residential zone around the commercial core and adjacent to the Club premises.

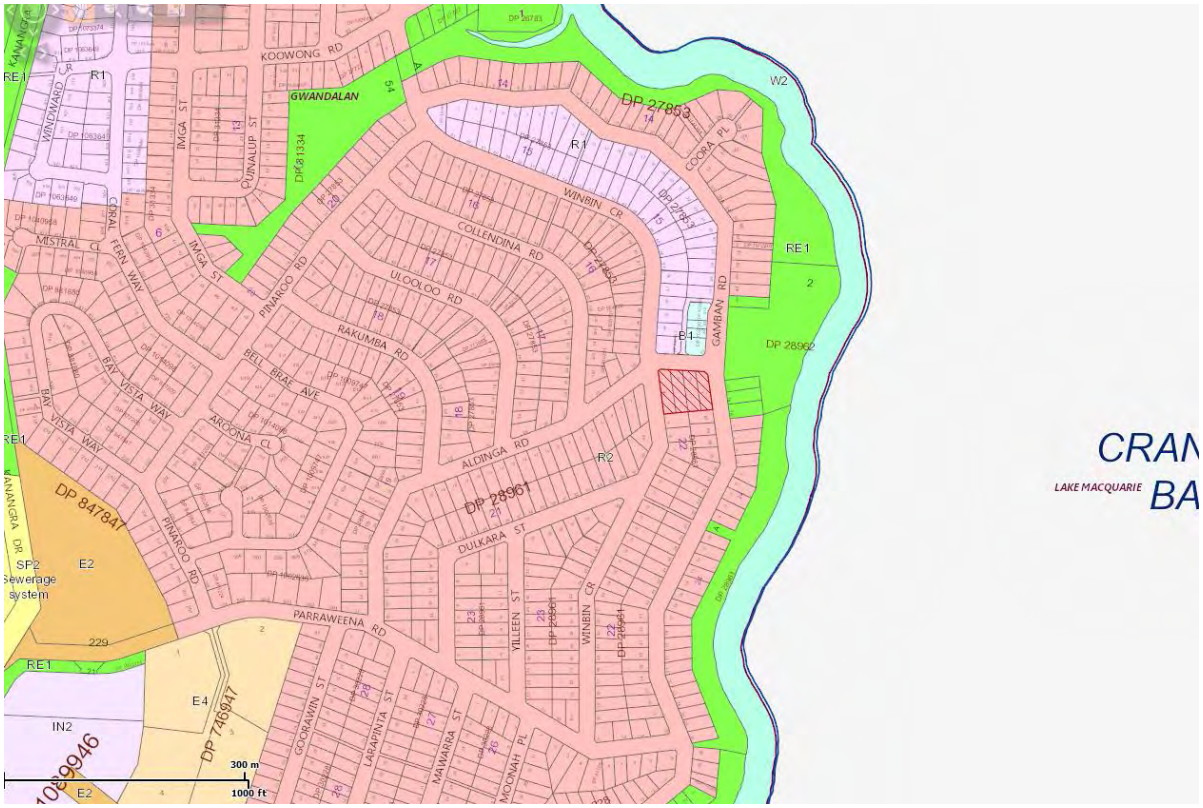

Figure 3: Land Zonings in the locality, with the subject land indicated by red boundary and hatching on the map

THE PROPOSAL

The Planning Proposal is to rezone the four lots of land from R2 Low Density Residential to R1 General Residential. This zoning would allow greater flexibility to the types of permissible development in close proximity to the B1 Neighbourhood Centre Zone opposite. For example:

- Attached dwellings;
- Bed and Breakfast accommodation;
- Boarding house;
- Caravan park;
- Hotel or motel accommodation;
- Serviced apartments;
- Multi-dwelling housing;
- Residential Flat Buildings; and
- Seniors Housing.

The Club has not yet determined which option will be taken up initially, however, has submitted a concept showing an interim tourist accommodation use (see Attachment 3 - concept tourist cabins) and indicated that future medium density residential development is intended for the land.

This report does not endorse the concept submitted by the applicant, but does however see merit in allowing greater flexibility of land uses within close proximity of the neighbourhood centre zone Bowling Club, and recreational areas. Any future development proposal would be assessed on its merits, having regard to the potential impacts and benefits in accordance with s.79C of the EP&A Act, 1979.

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The applicant identifies that there is currently no commercial tourist accommodation (e.g. hotel, motel) in Gwandalan and only six (6) dwellings are currently advertised as providing Short-term Rental Accommodation. The Club therefore has the opportunity to provide a new facility which provides accommodation on this site as a sustainable short-term land use, creating new employment opportunities in close proximity to the surrounding services available within the suburb of Gwandalan.

STATUTORY COMPLIANCE - LOCAL PLANS POLICIES AND STRATEGIES

State Environmental Planning Policies

The proposal has been assessed having regard for all State Environmental Planning Policies and has been found to be consistent with those Policies. Compliance with the SEPPs is addressed in Attachment 1.

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) was released by the Department of Planning (DoP) in July 2008. The CCRS identifies the population potential of the Central Coast expected by 2031, expected employment capacity targets and the likely phasing of release areas. The strategy also identifies actions and principles to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

The population potential as expressed by the CCRS is expected to be an additional 71,100 people in the Shire at 2031, distributed as defined by the Strategy. As a Shire, the strategy anticipates that Wyong will be required to create an additional 27,000 jobs.

The CCRS provides under the "Key Economic Opportunities for the Region", that "the regions tourism advantages are also likely to increase". The Proposal could provide accommodation for tourists attracted to the recreational opportunities provided in Gwandalan and the north of the Wyong LGA Such proposals will result in job creation in the management and service industries. Support for tourism and the economic benefits both direct and indirect are key objectives of the Strategy to the Wyong LGA.

North Wyong Shire Structure Plan

The broad strategies within the CCRS were further developed and refined in the release of the North Wyong Shire Structure Plan (NWSSP) in October, 2012. The Plan seeks the provision of approximately 7,970 additional dwellings and 1360 jobs in the north of the Wyong LGA during the medium term years to 2027.

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Ministerial Directions under Section 117 of the Environmental Planning Assessment Act 1979

Section 117 of the EPA Act 1979 provides for the Minister for Planning and Infrastructure to issue directions to Council specifying principles, aims, objectives or policies that must be considered when preparing a local environmental plan. The current 117 directions that apply to the preparation of an LEP associated with this Planning Proposal are addressed in Attachment 2. The proposal is generally consistent.

STRATEGIC LINKS

Budget Impact

The Planning Proposal is privately funded. Phase 1 fees were paid at lodgement, for preliminary assessment and the preparation of a report, to gauge whether there is merit for Council to support the Proposal. Subject to any "Gateway Determination," the proponent would be required to 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.

CONSULTATION

Government Agency and Public Consultation requirements for the Planning Proposal will be established by the "Gateway" determination, and will be conducted accordingly. Subject to the support of the DP&E, concurrent Agency and Community Consultation may be undertaken.

It is likely that the Gateway Determination may require the following groups and NSW Agencies to be consulted:

- Darkinjung Local Aboriginal Land Council;
- Guringai Tribal Link;
- Mine Subsidence Board;
- NSW Trade and Investment - Minerals and Petroleum;
- NSW Office of Environment & Heritage;
- NSW Roads and Maritime Services; and
- NSW Planning and Environment.

Should no significant changes to the proposal be required, it is proposed that the General Manager utilise delegation to finalise and make the Local Environmental Plan.

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CONCLUSION

The subject land is currently serviced with electricity, telephone, water, sewerage and drainage infrastructure which can be embellished to accommodate future developments at a higher density. It is a vacant urban in-fill site, not contributing to the consumption of additional land. The development of tourist accommodation is important to the economy of the Region and the future redevelopment of the land for medium density housing in close proximity to shops and recreation facilities will lead to the better utilisation of existing infrastructure and services.

Although not supportive of the indicative interim tourist accommodation use submitted by the applicant, it is considered that the proposal has merit and is recommended to be forwarded to the NSW Department of Planning and Environment (DP&E) for a "Gateway Determination". Delegated Authority for Council's General Manager to make minor amendments and to make the Plan will be sought.

ATTACHMENTS

1	Attachment 1: Section 117 Ministerial Direction Assessment RZ_8_2014	D11762556
2	Attachment 2: State Environmental Planning Policy Assessment	D11762553
3	Attachment 3: Concept Tourist Cabin Development - 2-8 Aldinga Rd GWANDALAN - RZ/8/2014	D11687110

Section 117 Ministerial Direction Assessment

Direction	Comment
Employment and Resources	
1.1 Business and Industrial Zones	
▪ Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. ▪ Applies when a dLEP affects land within an existing or proposed business or industrial zone.	▪ Not Applicable. ▪ Whilst this Direction is not specifically applicable, the proposal will add to the potential for increased local employment.
1.2 Rural Zones	
▪ Aims to protect the agricultural production value of rural land. ▪ Applies when a dLEP affects land within an existing or proposed rural zone.	▪ Not Applicable.
1.3 Mining, Petroleum Production and Extractive Industries	
▪ Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. ▪ Applies when a dLEP would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	▪ Not applicable.

1.4 Oyster Aquaculture	
▪ Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. ▪ Applies when a dLEP could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	▪ Not applicable.
1.5 Rural Lands	
▪ Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. ▪ Applies to Councils to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a dLEP that affects land within an existing or proposed rural or environment protection zone.	▪ Not applicable.
Environment and Heritage	
2.1 Environmental Protection Zones	
▪ Aims to protect and conserve environmentally sensitive areas. ▪ Applies when Council prepares a dLEP.	▪ Applicable ▪ The Proposal does not apply to land within an environmental protection zone or land otherwise identified for environmental protection purposes. ▪ The Planning Proposal is therefore not inconsistent with this Direction.

2.2 Coastal Protection	
▪ Aims to implement the principles in the NSW Coastal Policy. ▪ Applies when a dLEP applies to land in the coastal zone as defined in the Coastal Protection Act 1979.	▪ Applicable. ▪ The Proposal is located on land within the Coastal Zone, and is land which is identified as a "sensitive coastal location" under SEPP 71 – Coastal Protection (approx. 12% of one of the four lots is within 100m of Lake Macquarie). ▪ The subject land is located on the opposite of the road from the Club, which is situated on the public reserve Lake foreshore, between the land and Lake Macquarie. The land currently has an R2 zoning and it is proposed to enable the additional use "tourist and visitor accommodation". This will have no material impact on the issues relevant to the CP Act or SEPP 71. ▪ The Planning Proposal is not inconsistent with this Direction, or if it is inconsistent, the inconsistency is of a minor nature.
2.3 Heritage Conservation	
▪ Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ There are no known sites or relics of European or Aboriginal Heritage significance on or near the land. ▪ The Proposal is not inconsistent with this Direction.
2.4 Recreational Vehicle Areas	
▪ Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ The Proposal does not enable the land to be used for a recreation vehicle area, and is not inconsistent with this Direction.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
▪ Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. ▪ Applies when a dLEP affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	▪ Applicable. The Proposal will enable development which will attract and accommodate tourists, who will contribute to the use of local cultural and community facilities, open space, sports and recreation facilities. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable strategies to Wyong. Council is currently seeking to increase utilisation of existing facilities. ▪ The Proposal will allow for the better and more efficient utilisation of existing infrastructure and services. The land is currently serviced with electricity,

	telephone, water, sewerage and drainage infrastructure which can be embellished to accommodate future developments. ▪ The Proposal will facilitate the use of the land for a variety of quality tourist accommodation types. It is a vacant urban in-fill site, not contributing to the consumption of additional land. ▪ The proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	
▪ Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. ▪ Applies when Council prepares a dLEP.	▪ Not Applicable. ▪ Caravan Parks and Manufactured Home Estates are not permissible uses within the R2 General Residential zone.
3.3 Home Occupations	
▪ Aims to encourage the carrying out of low impact small business in dwelling houses. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ Home Occupations provide important economic activity and job opportunities in the local economy. They often comprise "start-up" level businesses which later expand to larger enterprises and relocate to larger premises. Home Occupations are a permissible use without consent in dwellings in the R2 zone. There is no proposal to change this permissibility. ▪ The proposal is not inconsistent with this Direction.
3.4 Integrating Land Use and Transport	
▪ Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. ▪ Applies when a dLEP creates, alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	▪ Applicable. ▪ The proposal will permit additional economic activity and increased population density in a developed urban area, contributing to the sustainable utilisation of existing transport infrastructure. ▪ The Proposal is consistent with this Direction.

3.5 Development Near Licensed Aerodromes	
▪ Aims to ensure the effective and safe operation of aerodromes and that the operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. Development for residential purposes or human occupation (within the Annual Noise Exceedence Frequency (ANEF) contours between 20 and 25) must incorporate appropriate mitigation measures so that the development is not adversely affected by aircraft noise. ▪ Applies when a dLEP creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	▪ Not Applicable.
3.6 Shooting Ranges	
▪ Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range; reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land; and identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. ▪ Applies when a dLEP affects, creates or removes a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	▪ Not Applicable.
Hazard and Risk	
4.1 Acid Sulphate Soils	
▪ Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. ▪ Applies when a dLEP applies to land having a probability of containing acid sulfate soils on the Acid Sulphate Soils Planning Maps.	▪ Applicable. ▪ The land contains soils identified as Class 5 on the Acid Sulfate Soils Map (WLEP, 2013). It is noted that Class 1 soils are located on the opposite side of Gamban Road, within the Lakefront Reserve. Future development of the land will require detailed assessment of the soil conditions via the Development Application process, particularly for any excavation required, as dependant on the depth proposed the excavations may impact groundwaters, and mitigation measures may be required. ▪ The Proposal is not inconsistent with this Direction.

4.2 Mine Subsidence and Unstable Land	
▪ Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. ▪ Applies when a dLEP permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of Council or other public authority and provided to Council.	▪ Applicable. ▪ The land is within the Swansea / North Entrance Mine Subsidence District. The Mine Subsidence Board will impose appropriate building controls for development on the land. ▪ The Proposal is not inconsistent with this Direction.
4.3 Flood Prone Land	
▪ Aims to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the *Floodplain Development Manual 2005*; and provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. ▪ Applies when a dLEP creates, removes or alters a zone or provision that affects flood prone land.	▪ Not Applicable. ▪ The Proposal does not affect land classified as Flood Prone, and is therefore not inconsistent with this Direction.
4.4 Planning for Bushfire Protection	
▪ Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. ▪ Applies when a dLEP affects or is in proximity to land mapped as bushfire prone land.	▪ Applicable. ▪ The Proposal does not affect land classified as Bush Fire Prone, and is therefore not inconsistent with this Direction.
Regional Planning	
5.1 Implementation of Regional Strategies	

▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within Regional Strategies.
▪ Applies to land to which the following regional strategies apply:
  ▪ Far North Coast Regional Strategy,
  ▪ Lower Hunter Regional Strategy,
  ▪ Illawarra Regional Strategy,
  ▪ South Coast Regional Strategy,
  ▪ Sydney-Canberra Corridor Regional Strategy,
  ▪ Central Coast Regional Strategy, and
  ▪ Mid North Coast Regional Strategy.
	▪ Applicable.
	▪ The Central Coast Regional Strategy (CCRS p29) provides under the *Key Economic Opportunities for the Region*, that "the regions tourism advantages are also likely to increase". Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable strategies to Wyong.
	▪ The development of tourist accommodation is important to the economy of the Region and will lead to the better utilisation of existing infrastructure and services. The Proposal is consistent with this Direction.

5.2 Sydney Drinking Water Catchments	
▪ Aims to protect water quality in the hydrological catchment. ▪ Applies when Council prepares a dLEP that applies to Sydney's hydrological catchment.	▪ Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
▪ Aims to ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. ▪ Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	▪ Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
▪ Aims to manage commercial and retail development along the Pacific Highway, North Coast. ▪ Applies to all Councils between and inclusive of Port Stephens and Tweed Shire Councils.	▪ Not applicable.
5.5, 5.6 and 5.7 - Revoked	
5.8 Second Sydney Airport: Badgerys Creek	
▪ Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. ▪ Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	▪ Not applicable.
5.9 North West Rail Link Corridor Strategy	
▪ Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and to ensure development within the Corridor is consistent with the proposals set out in the relevant Strategy and Structure Plans. ▪ Applies to Hornsby Shire Council, the Hills Shire Council and Blacktown City Council.	▪ Not Applicable

Local Plan Making	
6.1 Approval and Referral Requirements	
▪ Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ The proposal does not introduce any additional requirements for referrals, concurrences or consultation and does not identify development as designated development. ▪ The proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	
▪ Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ The proposal does not seek to alter or create land for public purposes. ▪ The Proposal is not inconsistent with this Direction.
6.3 Site Specific Provisions	
▪ Aims to discourage unnecessarily restrictive site specific planning controls. ▪ Applies when Council prepares a dLEP to allow particular development to be carried out.	▪ Not applicable. ▪ The Proposal will retain a zone existing within the EPI to the land, whilst enabling an additional site specific use, without imposing any development standards or requirements in addition to those already contained within the principle EPI being amended (6.3(4)). ▪ The Proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. ▪ Applies to Sydney Metropolitan Councils	▪ Not Applicable. ▪ The dLEP does not affect land within the Sydney Metropolitan Region of Councils

RZ/8/2014 – 2 – 8 Aldinga Road, Gwandalan

State Environmental Planning Policy (SEPP)		Applicable?	Comments
1	Development Standards	No	▪ Excluded by Cl. 1.9(2) of WLEP, 2013
14	Coastal Wetlands	No	
15	Rural Land-sharing Communities	No	
19	Bushland in Urban Areas	No	
21	Caravan Parks	No	▪ Caravan Parks are not a permissible use of land within the R2 zone
26	Littoral Rainforests	No	
29	Western Sydney Recreation Area	No	
30	Intensive Agriculture	Yes	▪ Not relevant to this Proposal
32	Urban Consolidation (Redevelopment of Urban Land)	No	▪ The Proposal will enable tourist and visitor accommodation on the land, subject to merit assessment via Development Application. ▪ The Proposal is not inconsistent with the aims of the Policy.
33	Hazardous and Offensive Development	Yes	▪ Not relevant to this Proposal.
36	Manufactured Home Estates	No	▪ Caravan Parks (and Manufactured Home Estates) are not a permissible use of land within the R2 zone.
39	Spit Island Bird Habitat	No	
44	Koala Habitat Protection	Yes	▪ Not relevant to this Proposal – land is less than 1 Ha
47	Moore Park Showground	No	
50	Canal Estate Development	Yes	▪ Not relevant to this Proposal
52	Farm Dams & Other works in Land & Management Plan Areas	No	
55	Remediation of Land	Yes	▪ Not relevant to this Proposal. The site has no previous history of development, or potential for site contamination.
59	Central Western Sydney Regional Open Space and Residential	No	
62	Sustainable Aquaculture	Yes	▪ Not relevant to this Proposal
64	Advertising and Signage	Yes	▪ The Proposal is not inconsistent with the aims of the Policy.

State Environmental Planning Policy (SEPP)		Applicable?	Comments
65	Design Quality of Residential Flat Development	No	▪ Residential Flat Development is not a permissible use within the R2 General Residential Zone.
70	Affordable Housing (Revised Schemes)	No	
71	Coastal Protection	Yes	▪ The Proposal is located on land within the Coastal Zone, and is land which is identified as a "sensitive coastal location" under SEPP 71 – Coastal Protection (approx. 12% of one of the four lots is within 100m of Lake Macquarie). ▪ The subject land is located on the opposite of the road from the Gwandalan Bowling Club, which is situated on the public reserve Lake foreshore, between the land and Lake Macquarie. ▪ The land currently has an R2 zoning and it is proposed to enable the additional use "tourist and visitor accommodation". This will have no material impact on the issues relevant to the Coastal Protection Act or SEPP 71. ▪ The Proposal is not inconsistent with the aims of the Policy.
SEPP	Affordable Rental Housing 2009	Yes	▪ The Proposal will enable increased supply and diversity in potential accommodation forms for the land, and is therefore consistent with the aims of the Policy.
SEPP	(Building Sustainability Index: BASIX) 2004	Yes	▪ The Proposal is consistent with the aims of the Policy.
SEPP	(Exempt and Complying Development Codes) 2008	Yes	▪ E & C Development is enabled by the SEPP for the land. ▪ The Proposal is consistent with the aims of the Policy.
SEPP	(Housing for Seniors or People with a Disability) 2004	Yes	▪ The Proposal will enable increased supply and diversity in potential housing forms for the land, also including purpose built aged or disabled persons visitor accommodation. It is therefore consistent with the aims of the Policy.

State Environmental Planning Policy (SEPP)		Applicable?	Comments
SEPP	Infrastructure 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	No	
SEPP	(Kurnell Peninsula) 1989	No	
SEPP	(Major Development) 2005	Yes	▪ Not relevant to this Proposal
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Miscellaneous Consent Provisions) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Penrith Lakes Scheme) 1989	No	
SEPP	(Rural Lands) 2008	Yes	▪ Not relevant to this Proposal
SEPP	SEPP 53 (Transitional Provisions) 2011	No	
SEPP	(State and Regional Development) 2011	Yes	▪ Not relevant to this Proposal
SEPP	(Sydney Drinking Water Catchment) 2011	No	
SEPP	(Sydney Region Growth Centres) 2006	No	
SEPP	(Three Ports) 2013	No	
SEPP	(Urban Renewal) 2010	No	
SEPP	(Western Sydney Employment Area) 2009	No	
SEPP	(Western Sydney Parklands) 2009	No	

Deemed State Environmental Planning Policy (SEPPs which were previously referred to as SREPs before 1/7/2009)		Applicable?	Comments
8	Central Coast Plateau Areas	Yes	▪ Not relevant to this Proposal
9	Extractive Industry (No 2 – 1995)	Yes	▪ Not relevant to this Proposal
16	Walsh Bay	No	
18	Public Transport Corridors	No	
19	Rouse Hill Development Area	No	
20	Hawkesbury-Nepean River (No 2 – 1997)	No	
24	Homebush Bay Area	No	
26	City West	No	
30	St Marys	No	
33	Cooks Cove	No	
SREP	(Sydney Harbour Catchment) 2005	No	

2.2 Supplementary Report - RZ/8/2014 - Proposed Planning Proposal for Land at Aldinga Road, Gwandalan

TRIM REFERENCE: RZ/8/2014 - D11972842
MANAGER: Tanya O'Brien, Manager
AUTHOR: Peter Kavanagh; Senior Planner

SUMMARY

This report provides an overview of the public meeting held at the Gwandalan Bowling Club on 3 June 2015. The meeting was held to discuss the proposal to allow tourist and visitor accommodation as an additional land use on Nos. 2 – 8 Aldinga Road Gwandalan.

This report recommends that Council proceed to prepare a Planning Proposal to be forwarded to the Department of Planning and Environment (DP&E) for gateway determination, based on the overwhelming community support for the project.

Applicant	Aconsult
Owners	Gwandalan Bowling Club
Proposal No	RZ/8/2014
Description of Land	Lots 1, 2, 3 & 4, Section 22, DP 28961, Nos. 2 – 8 Aldinga Road, Gwandalan
Zoning	R2 Low Density Residential
Proposal	Insert an enabling provision within Schedule 1-Additional Uses to permit a form of "tourist and visitor accommodation" on the land
Existing Use	Vacant

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RECOMMENDATION

1 That Council receive and note the report on the outcomes of the Gwandalan Bowling Club public meeting.

2 That Council prepare a planning proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to insert an enabling provision within Schedule 1-Additional Uses, to permit a form of "tourist and visitor accommodation" on the land.

3 That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act 1979.

4 That Council undertake agency and community consultation regarding the planning proposal in accordance with the gateway determination.

BACKGROUND

Council has received an application to amend the WLEP 2013 to allow the use of "Tourist and Visitor Accommodation" on land at 2-8 Aldinga Road, Gwandalan. The land is situated to the south of the neighbourhood shopping centre and to the west of the Gwandalan Bowling Club, which is located within the foreshore reserve to Crangan Bay, Lake Macquarie (see Figure 1). The sites are currently zoned R2 Low Density Residential and have a combined area of approximately 3066m². A copy of the previous report on the proposal is provided within Attachment 1.

Figure 1: Site Context

This proposal was detailed in the report considered by Council at its meeting of 22 April 2015 (refer Attachment 1). In consideration of this report:

It was moved on the motion of Councillor BEST and seconded by Councillor WEBSTER:

375/15 *That Council defer this matter for full preliminary public consultation via a public meeting at Gwandalan. This meeting to be convened by Council, held at the Bowling Club (if possible) and be notified widely within the Gwandalan community.*

In accordance with Councils' resolution, a public meeting was arranged and notified widely within the Gwandalan community. The meeting, chaired by Councillor Best, was held on Wednesday 3rd June at the Gwandalan Bowling Club and commenced at 7pm. The meeting was well attended by local residents (approximately 180 persons) and provided an opportunity for the community to ask questions and make statements on the proposal.

Councillor Best detailed the course of the Planning Proposal so far, indicating that Council had considered an initial report which was referred to Council's Employment and Economic Development Committee (EEDC) for consideration of the highest and best use for the land.

A brief overview of the proposal was provided by the Gwandalan Bowling Club President Colin Wynn and planning comments were provided by planning consultant Lorelle Fitzpatrick.

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Wyong Shire Council staff answered questions relating to the process for consideration of planning proposals and the likely timeframes for the process.

Speakers in favour of the proposal highlighted the following points:

- The proposal will assist in securing a solid financial future for the Club, which in turn supports the local community and sporting activities, and provides a venue for social cohesion within the community;
- The long term plan is for this development to help finance further new development on the Lake Macquarie foreshore (including a function centre, café, children's playground, jetty extension with new berths and pump out station to encourage the establishment of a sailing club);
- There are currently no commercial tourist accommodation premises (e.g. hotel or motel) in Gwandalan. The proposal will address an identified need for tourist and visitor accommodation in the Gwandalan/Summerland Point area;
- The proposal includes purpose built aged or disabled persons visitor accommodation;
- The proposal will create new local employment opportunities;
- The site is in close proximity to the surrounding services and facilities, the neighbourhood shops and the Club. Future issues relating to the design and operation of the development can be further considered and appropriately conditioned as part of any future development application for the use of the land; and
- The community wanted to support tourism, jobs for residents and young people, and assist the survival of the Club.

The two speakers who did not support the proposal highlighted the following issues:

- Concerns in relation to the potential for alcohol related noise, violence and parking impacts on the immediate locality;
- The potential for impacts on the amenity of the occupants of the adjoining dwelling; and
- Reduced value of adjoining properties.

Of the 177 people recorded in attendance, the vast majority (taken by show of hands) were in support of the proposal, with approximately seven indicating they were opposed.

The Club supplied copies of a Community Information Package (refer Attachment 2) regarding their proposal which included:

- Newspaper clippings;
- Club Masterplan and schematic graphics;
- Record of the public meeting held by the Club on 24 May, 2015:
    - Support: 118; Against: 4;
- Letters of support from:
    - Point Wolstoncroft Sport and Recreation Centre;
    - The Lioness Club of Gwandalan; and
    - Revesby Workers Men's Bowling Club; and
- A Petition of Support containing 510 signatures.

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(Note: The Petition and Meeting Record referred to above have been removed from Attachment 2 as they contained residents' addresses and Club Badge Numbers, and therefore may have raised privacy concerns).

The meeting concluded at 7.45pm.

CURRENT STATUS

Preliminary community consultation requested by Council's 22 April 2015 resolution has now been completed, with strong community support for the proposal identified. It is recommended that Council proceed to prepare a planning proposal to be forwarded to DP&E for gateway determination.

THE PROPOSAL

In order to achieve the intended outcome of tourist and visitor accommodation on the site, the proposal is to insert the following enabling clause into Schedule 1 – Additional Permitted Uses of WLEP 2013:

Use of Certain Land at 2 - 8 Aldinga Road, Gwandalan

1. *This clause applies to land identified as "Item 30" on the Additional Permitted Uses Map.*
2. *Development for the purposes of tourist and visitor accommodation is permitted with development consent if the development is associated with a registered club.*
3. *Nothing within this clause allows for use of the site as a Caravan Park.*

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It is considered that the above draft Clause would appropriately define the proposed development and be consistent with existing clauses within WLEP 2013.

Development Definitions:

The "tourist and visitor accommodation" definition would permit the following uses:

(a) backpackers' accommodation,
(b) bed and breakfast accommodation,
(c) farm stay accommodation,
(d) **hotel or motel accommodation**,
(e) serviced apartments,

but not include:

(f) camping grounds, or
(g) caravan parks, or
(h) eco-tourist facilities.

The intended development form (holiday villas) can be considered under this clause as - it is to be a building or place, is to be operated in association with the club, and meets the hotel or motel accommodation definition, which is:

> ***'hotel or motel accommodation'*** *means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:*
>
> *(a) comprises rooms or self-contained suites, and*
>
> *(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*
>
> *but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

CONCLUSION

Preliminary community consultation on the proposed additional land use permissibility of tourist and visitor accommodation has been conducted. It was evident at the community meeting that approximately 170 of 177 people in attendance support the proposal. Further the club has provided records of the meeting held by the Club on 24 May 2015 where 118 of 122 recorded their support, a petition of over 500 signatures, and the letters from other related organisations, which all demonstrate that the proposed development has strong local support.

It is recommended that Council proceed to prepare a planning proposal to insert an enabling clause addressing the proposed development on site, and forward the proposal to DP&E for gateway determination. Delegated Authority for Council's General Manager to make the plan will be sought.

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ATTACHMENTS

1 Attachment 1 - Proposed Rezoning of Land at Gwandalan - Report to 22 April Council Meeting - D11913604
2 Attachment 2 - Community Information Package - Gwandalan Bowling Club - D12003638