

The Entrance, Oakland and Ashton Av; Floor Space Ratio Provisions

Proposal Title : **The Entrance, Oakland and Ashton Av; Floor Space Ratio Provisions**

Proposal Summary : **To increase the Floor Space Ratio from 0.9:1 to 1.85:1 for two amalgamated sites at The Entrance.**

PP Number : **PP_2016_WYONG_008_00** Dop File No : **16/08146**

Proposal Details

Date Planning Proposal Received : **07-Jul-2016** LGA covered : **Wyong**

Region : **Hunter** RPA : **Wyong Shire Council**

State Electorate : **THE ENTRANCE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **66 Oakland Avenue**

Suburb : **The Entrance** City : **Central Coast** Postcode : **2261**

Land Parcel : **not given**

Street : **6,8,15A,17,19 Ashton Avenue**

Suburb : **The Entrance** City : **Central Coast** Postcode : **2261**

Land Parcel : **not given**

DoP Planning Officer Contact Details

Contact Name : **Amy Blakely**

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RPA Contact Details

Contact Name : **Rod Mergan**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha) **0.00**
:

Type of Release (eg **N/A**
Residential /
Employment land) :

No. of Lots : **0**

No. of Dwellings **50**
(where relevant) :

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The subject sites are zoned R3 Medium Density Residential under the Wyong LEP 2013.

The LEP stipulates the permissible height of buildings for the sites to be 10m. However, clause 4.3 Height of Buildings provides that within this selected locality (Area 1), if the site area of a building is at least 1800 square metres, then the maximum height is 20 metres, a bonus 50% increase.

The Department requested further information which was provided by Council on 7 July 2016.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The objective of the planning proposal is to enable development of the two subject sites for residential flat development at a scale that Council considers reflects the current applicable building height provisions in Wyong Local Environmental Plan 2013.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

The outcome will be facilitated by amending the Floor Space Ratio (FSR) map to indicate a maximum permissible FSR of 1.85:1 for the site.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

2.2 Coastal Protection

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 71—Coastal Protection

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **No inconsistencies were identified**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Mapping for exhibition should include an existing Floor Space Ration Map (as well as the currently contained proposed map).

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal does not nominate an appropriate consultation period.

Given the nature of the proposal, a 28 day exhibition period is appropriate.

Given the change of strategic direction, Council should consult with adjacent and affected landowners. Exhibition material should include reference to the strategic review of the broader area that Council resolved to undertake when it decided to prepare the planning proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Wyong LEP 2013.**

Assessment Criteria

Need for planning proposal :

The planning proposal is needed to facilitate the proponent desired residential flat development on two sites located near The Entrance Town Centre.

The land is located within a locality identified as 'Area 1' on the Height of Buildings Map, subject to a bonus height provision for amalgamated sites.

Council advise the current FSR provisions are inconsistent with the height available for amalgamated sites. Council has resolved to undertake a strategic review of the FSR for all of 'Area 1', however it consides the review should not hold up this proposal and delay.

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Consistency with strategic planning framework :

The proposal is inconsistent with the strategic planning framework.

Wyang LEP 2013

The LEP currently allows for a bonus height allowance to 20m for sites in this area when they are at least 1800m. However, the LEP does not provide for any bonus Floor Space Ratio (FSR) for the larger sites in this locality. There is a bonus FSR provision for other areas in the LGA. Bonus provisions for this locality were permissible under previous controls.

Clause 4.4 Floor space ratio of the Wyong LEP advises that the FSR of a building on any land is not to exceed the FSR shown on the Floor Space Ratio Map.

The FSR for the sites are currently 0.9:1. The sites are located in close proximity to The Entrance Town Centre. The Entrance Town Centre has FSRs ranging from 2.0 to 4.0, with heights permissible up to 31 metres.

The FSR clause also sets a number of objectives applying to FSR. The objectives relevant to this proposal include:

- (a) to ensure that the density, bulk and scale of development is appropriate for a site,
- (b) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,
- (c) to facilitate development in certain areas that contributes to economic growth.

The planning proposal currently meets objective (c), but does not discuss or demonstrate that the resulting development is appropriate for the site, or how it will be integrated into the locality. While the area is identified as 'transitional', with redevelopment of a number of sites likely in a short/ medium timeframe, there are also one-two storey neighbouring properties, recently built, that will be impacted.

Strategic documents informing the LEP

The Wyong LEP 2013 adopted FSR recommendations of The Entrance Peninsula Planning Strategy 2009 (TEPPS) and the subsequent document Planning Controls for The Entrance Peninsula (PCEP), 2011.

TEPPS reviewed the planning controls to guide the preparation of the 2013 LEP. With regard to the subject land, the TEPPS recommended a FSR of 0.9:1 and a maximum height of 20m. High density residential development areas have an FSR of 1.5:1.

Under Chapter 60 of Council's DCP 2005, the base FSR provisions for this area was increased from 0.9:1 to 1.5:1 for sites greater than 1800m² however these provisions were not carried across to the current provisions. Council claims this is an error.

The PCEP was prepared on behalf of Council with funding from the Planning Reform Fund. The document recommends planning controls for The Entrance Peninsula to implement TEPPS. The document recommends 0.9:1 for the locality, characterised as medium density. High density residential areas are proposed to have a FSR of 1.5:1. It recommended a complete review of the 2005 DCP Chapter 60. It did not discuss the bonus FSR provision for this area.

Wyang DCP 2013

The Wyong DCP 2013 sets Council's required design and construction standards. A number of standards relating to the bulk and scale of multiple dwelling residential developments will be required to be addressed at the Development Application stage.

Chapter 5.3 The Entrance Peninsula outlines the desired 'Coastal character' for The Entrance with a number of desired character statements. Although the design and construction standards relating to multi dwelling residential development will apply to any proposed development for these sites, a character statement is not provided for the locality of the subject sites.

In the assessment of the planning proposal, Council determined that a strategic review of

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Environmental social
economic impacts :

the FSR provisions of 'Area 1' is required. A resolution to review the FSR provisions was made at the Council meeting on 11 May 2016.

The planning proposal outlines that the development will result in positive social and economic impacts for the locality as the proposal will permit an increase in residential densities which will support the existing town centre of The Entrance. However, the planning proposal does not discuss any potential negative impacts on the immediate neighbours or locality.

The planning proposal justifies the proposed change because:

- an FSR of 1.5:1 was previously allowed within this locality (under chapter 60 DCP 2005);
- the area is a transitional area with the expectation of redevelopment; and
- there has been no significant medium/high density residential developments since the introduction of the 2013 LEP.

Supporting this ad hoc change to FSR provisions on a site basis, rather than as a result of a strategic assessment for the precinct, may set an undesirable precedent. Council's commitment to undertake a broader strategic review of the locality should to some extent offset the risk for a precedent.

Assessment Process

Proposal type : **Inconsistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **Nil**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council proposes consultation with the RMS as Oakland Avenue is a classsified road and this is supported.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Oakland & Ashton Ave, The Entrance.pdf	Proposal	Yes

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Council Report PP_2016_wyong_008_00 .pdf
Section 117 assessment PP_2016_WYONG_008_00.pdf

Determination Document
Proposal

Yes
Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.3 Mining, Petroleum Production and Extractive Industries**
2.2 Coastal Protection
2.3 Heritage Conservation
3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land
6.3 Site Specific Provisions

Additional Information : **It is recommended that the Gateway be conditioned as follows:**

1. Council is to update the planning proposal prior to community consultation to:

(a) Provide further justification for the proposed new Floor Space Ratio, including assessment of consistency with the objectives of the Floor Space Ratio clause in Wyong LEP 2013; and

(b) Amend Part 6 Project Timeline to include references to the proposed review of Floor Space Ratio provisions for other parts of The Entrance; and

(c) Amend the community consultation section (wording is currently incorrect) and ensure that exhibition material references Council's intention to conduct a broader review of Floor Space Ratio provisions in parts of The Entrance. Community consultation on the planning proposal is to specifically include consultation with landowners within the area adjoining and potentially affected by the current proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure, 2013).

3. Consultation is required with the Roads and Maritime Services (RMS) under section 56(2)(d) of the Act. RMS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

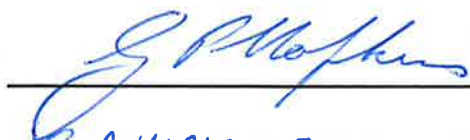
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : **As discussed**

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Signature:



Printed Name:

G P HOPKINS

Date:

29 July 2016