

### Key (Iconic) Sites Redevelopment - Klumper Site, The Entrance

Proposal Title : **Key (Iconic) Sites Redevelopment - Klumper Site, The Entrance**

Proposal Summary : **The planning proposal (PP) would introduce provisions that would allow the redevelopment of a Key (Iconic) Development Site identified by Council.**

PP Number : **PP\_2012\_WYONG\_003\_00**

Dop File No : **12/14388**

#### Proposal Details

Date Planning : **02-Oct-2012**

LGA covered : **Wyong**

Proposal Received :

Region : **Hunter**

RPA : **Wyong Shire Council**

State Electorate : **THE ENTRANCE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

#### Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **9-11, 31-39 The Entrance Road West, The Entrance; 1-11, 4 Bent Street (plus Bent Street itself), The Entrance; 3-9, 6 Oakland Avenue (plus part of Oakland Avenue itself), The Entrance; 2-4 Clifford Street, The Entrance [post code 2261]**

Street :

Suburb :

City :

Postcode :

Land Parcel : **lot 151 DP 1078873, lot 4 DP 367602, lot D DP 382461, lot 12 DP 23428, lots 1 to 3 DP 571197, lot 3 DP 367602, lot A DP 343380, lot 11 DP 23428, lots 1 and 2 DP 517291, lots A and C DP 382461, lot 2 DP 367602, lot B DP 343380, lot 10 DP 23428, SP 20363, lot 1 DP 367602, lot 1 DP 507785, lot 1 DP 25611, lot 1 DP 17935, lot 2 DP 507785, lot 5 DP 790801, lot 3 DP 507785, part lot 7 DP 23196**

#### DoP Planning Officer Contact Details

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#### RPA Contact Details

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#### DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

## Key (Iconic) Sites Redevelopment - Klumper Site, The Entrance

### Land Release Data

|                                       |                                    |                                                            |       |
|---------------------------------------|------------------------------------|------------------------------------------------------------|-------|
| Growth Centre :                       | N/A                                | Release Area Name :                                        | N/A   |
| Regional / Sub<br>Regional Strategy : | Central Coast Regional<br>Strategy | Consistent with Strategy :                                 | Yes   |
| MDP Number :                          |                                    | Date of Release :                                          |       |
| Area of Release (Ha)<br>:             |                                    | Type of Release (eg<br>Residential /<br>Employment land) : | N/A   |
| No. of Lots :                         | 26                                 | No. of Dwellings<br>(where relevant) :                     | 260   |
| Gross Floor Area :                    | 120,000.00                         | No of Jobs Created :                                       | 1,000 |

The NSW Government  
Lobbyists Code of  
Conduct has been  
complied with :  
Yes  
If No, comment :

Have there been  
meetings or  
communications with  
registered lobbyists? :  
No  
If Yes, comment :

### Supporting notes

Internal Supporting  
Notes : Proposed Development:

The landowner proposes to redevelop a site located in The Entrance Town Centre for a mixed use building consisting of a 2-3 storey podium with tourist retail, tavern, regional water park with 7 tower buildings ranging from 16-31 storeys (approximately 120,000 m2 GFA). Four of the towers would be for residential uses, two towers for serviced apartments and one tower for a 5 star hotel. The hotel would include a convention centre for up to 1,000 people.

#### Key (Iconic) Development Sites program:

This site is identified by Council as a 'Key Site'. It is understood to be one of 28 sites across the shire which Council believes have the ability, if developed, to revitalise centres and serve as catalysts for economic growth. The sites are located at The Entrance, Wyong, Long Jetty, Toukley, Kanwal, Lake Haven and Warnervale.

Essentially, the Key Sites program would encourage the development of a site by providing development incentives (egs include height, FSR, staged development contributions) in return for a quality building being developed which also delivers public benefit. Examples of public benefit include public domain improvements and the provision/ upgrade of certain community infrastructure items.

A key sites DCP has been developed that would require a site specific DCP to be prepared for each site. It would address a range of environmental/ design matters (eg traffic, overshadowing, built form, design excellence, landscape, etc) plus requirements specific to each individual key site.

The Department (DDG, 18/01/2011) has stated that it broadly supports the Key Sites program. Further, the Gateway has already supported (22/08/2012) the progression of a planning proposal that relates to the Key Site provisions (refer PP PP\_2012\_WYONG\_002\_00).

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Key Site provisions are to be included in the Council's draft SI LEP (currently pre-64).

### Subject Site:

The site is approximately 39,000 m<sup>2</sup> and is located on the north-western edge of the existing commercial area. The locality consists of both tourism and residential uses, including RFBs, dwelling houses, restaurants, motels, a caravan park and recreation areas.

The site is bounded by the Tuggerah Lake channel to the north, Central Coast Highway/ bridge to the east (adjoining the existing town commercial area), dwelling houses to the south, and dwelling houses and an RFB/ mixed use development to the west (with recreation areas and Tuggerah Lake extending further to the west).

### Determining Authority:

It would appear that a future DA for the proposal would be State or Regional development (per the State and Regional Development SEPP). This may affect Council's intention to ensure that the PP and DA are exhibited concurrently.

### Lot and DP Misdescription:

The PP erroneously describes several lot and DPs. Council has since advised that it has updated the PP so that it identifies the correct properties. The lot and DPs referred to in this report are the correct lot and DPs.

### Statements in the PP requiring clarification:

There are instances in the PP where statements made require further clarification.

Examples include

- reference to a traffic assessment (PP discussion on s117 direction 3.4) which Council has since advised is an error;
- references to overshadowing aligning with overshadowing assessment in Appendix A of the PP (PP discussion on s117 direction 2.2); and
- reference to the ANZAC Memorial (PP discussion on s117 direction 2.2).

Council should review these items and update the PP accordingly.

External Supporting  
Notes :

## Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The Statement of Objectives is broadly consistent with the Department's "A Guide to Preparing Planning Proposals". The objectives are high level statements which support the development proposal.

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

Is an explanation of provisions provided? Yes

Comment : The Explanation of Provisions is consistent with the Department's "A Guide to Preparing Planning Proposals". It explains how the provisions would work.

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### 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

**1.1 Business and Industrial Zones**

**2.2 Coastal Protection**

**2.3 Heritage Conservation**

**3.1 Residential Zones**

**3.4 Integrating Land Use and Transport**

**4.1 Acid Sulfate Soils**

**4.3 Flood Prone Land**

**5.1 Implementation of Regional Strategies**

**6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land**

**SEPP No 64—Advertising and Signage**

**SEPP No 65—Design Quality of Residential Flat Development**

**SEPP No 71—Coastal Protection**

**SEPP (Building Sustainability Index: BASIX) 2004**

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

**This is further discussed in the 'Consistency with Strategic Framework' section of this report.**

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

**The maps provided are adequate for the purposes of community consultation.**

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

**Consultation is proposed although the period of time is not suggested. Given the scale of the proposed development a 28 day consultation period is recommended.**

### 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? **Yes**

If No, comment :

### Proposal Assessment

#### Principal LEP:

Due Date : June 2013

Comments in relation  
to Principal LEP :

Council's draft SI LEP is yet to be submitted to the Department at s.64. It is understood that the draft SI LEP will contain key site provisions, and that these provisions would apply to all 28 key sites across the shire.

This PP is different to the first Key Site PP (PP\_2012\_WYONG\_002\_00) considered by the Gateway. The first PP was not clear on whether it was introducing new site-specific development standards or introducing a framework within the LEP for future key site DAs (or both). (note: the Gateway Determination required Council to clarify this aspect of that PP).

This PP is clear in what it intends to achieve. It seeks to introduce a framework for how the key sites provisions would work, while also introducing site-specific controls that would apply to the Klumper site. It also notes that PP\_2012\_WYONG\_002\_00 may, depending on timing, introduce the LEP framework first. In which case this PP would solely add its own site-specific provisions (discussed below) to the LEP key sites framework.

Given that the draft SI LEP is yet to be finalised for exhibition, the framework suggested in this PP for the Wyong LEP 1991 could be generally replicated in the draft SI LEP. Therefore, the Gateway Determination for this PP may inform the provisions in the draft SI LEP.

#### Key Site Framework:

The fundamental intention behind the key site framework is to allow the maximum height on a site to be varied so that FSR can be re-distributed in a non-uniform manner across a site. For example: tall slender buildings could occur instead of short bulky buildings.

The basic components of the framework in the PP appear to be:

- a) identification of the land affected by the key sites provisions (ie identify the sites on the key sites map)
- b) objectives for the key sites provisions (including design excellence, lot amalgamation, economic catalyst, public benefit)
- c) specify the maximum floor space ratio (mapped)
- d) allow baseline heights to be exceeded, up to a maximum height shown on a map, provided the DA applicant:
  - (i) prepares a site specific DCP to the satisfaction of Council; and
  - (ii) demonstrates ESD, design excellence, 'green building solution', improved public domain, accessibility, site capability (environmental constraints).

Inserting this basic framework into the Wyong LEP 1991 is supported.

#### Public Benefit:

As discussed, one of the intended outcomes of the Key Sites approach is delivering public benefit. Council's draft Key Sites DCP identifies potential public benefit items broadly (eg provide street furniture, upgrade of existing public facilities) and also specifically for various localities within the shire (eg upgrade a specific boat ramp).

While the public benefit to be provided by the first key site PP was quantified in dollar terms in the Council report, the current PP does not adopt the same approach. The PP lists a range of public benefits that would result from the proposal. This list includes items similar to those listed in the draft DCP (eg foreshore public waterfront plaza reserve, public open spaces/ paths), and it also lists other items such as a 'major employment boost', five star hotel, convention centre, and tourism publicity for the town/ region/ State (refer PP Appendix A p.35).

For both of the key site PPs, Council has indicated that the proponents intend to submit a VPA with the PP prior to community consultation. For the first key site PP, it was understood

that the proponent intended for the exhibition of the PP to occur concurrently with a draft VPA and the DA, which would provide transparency in terms of the public benefit being provided as a trade off against the height bonus. It is not clear however whether the proponent of this PP intends to adopt the same approach. Council should ensure that the process of calculating the public benefit and the amount/type of public benefit provided in return for increased height is consistent and transparent in this case. Exhibiting the draft VPA with the PP has merit, as the community's views regarding height may be influenced by the detail of the public benefit to be provided. Further, should there be the potential for the proposed public benefit to change between the PP and DA stages then this should be made clear to the community also. Alternatively, a statement from Council detailing the specific range of public benefits resulting from a proposal could be provided as part of the PP exhibition package, in lieu of a draft VPA.

### Site-specific Provisions:

No FSR control currently applies to the site under the Wyong LEP 1991, setback controls apply instead. The PP seeks to disable the setback controls (cl. 42CA). It is understood that setback controls are not to be carried over into the draft SI LEP.

Current height values for the site under the Wyong LEP 1991 consist of a 12 m podium limit and a 24 m tower limit. The PP proposes to disable this height limit (cl. 42B). The PP would introduce a height map with heights ranging from 7.4 m to 94.5 m.

Cl. 68 of the Wyong LEP 1991 facilitates the development of the site for the purposes of tourist resorts and specifies proportions of tourist accommodation/ permanent residence within such a resort. It applies to this site and the PP would disable this clause from applying. It is understood that cl. 68 is not to be carried over into the draft SI LEP.

The site is currently zoned 2(g) Residential Tourist Zone under the Wyong LEP 1991. The PP does not intend to change the 2(g) zoning of the site, however it does seek to enable "recreation facility (regional water park use)" and "shop (both tourist and non-tourist related shops)" on the site. While these uses ("recreation facility (major)" and "shop") could be added to the 2(g) zone it is not known if this would be supported by Council. Council can confirm its preferred approach post-Gateway. Further, the Department can work with Council as part of the SI LEP process to ensure that a zone-based approach to allowing these uses, rather than an enabling clause approach, is applied to the site for the long term. (note: "recreation facility (major)" would be a new use added to the Wyong LEP 1991, presumably using the SI definition).

### Assessment Criteria

Need for planning  
proposal :

The Key Sites program seeks to boost the local economy through the development of certain 'Key Sites'. Jobs, housing, centres revitalisation and public benefits are noted as possible outcomes of the scheme.

This PP would enable a proposal to progress through the Key Sites program and thereby potentially achieve the desired program outcomes. For this reason the need for the PP is considered justified.

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Consistency with strategic planning framework :

### Central Coast Regional Strategy (CCRS):

The PP is broadly consistent with the CCRS as the redevelopment of the subject site would help achieve dwelling and job targets within The Entrance Town Centre. It may also help achieve CCRS goals to encourage high quality urban design, housing choice, and to assist in revitalising centres.

It is noted that the CCRS (Appendix 2) provides advice on the scale of development in Town Centres (ie up to six storeys, where appropriate) and that this development would exceed six storeys. However, this advice is provided as general guidance, with planning regarding the scale, form, density and type of development to be undertaken by Council. In this regard, and given the more detailed planning that has been undertaken as part of the Key Sites program, the PP is not considered inconsistent with this aspect of the CCRS.

### Local strategies:

The PP states that it is consistent with the following local strategies:

- The Entrance Peninsula Planning Strategy (TEPPS)
- The Entrance Town Centre Master Plan
- Wyong Shire Council Key (Iconic) Development Sites draft DCP

### State Environmental Planning Policies (SEPPs):

The PP has considered consistency with a number of SEPPs in terms of the subject site/proposed development.

The consideration of SEPP 71 Coastal Protection is limited, particularly given the site's proximity to the foreshore and proposed public benefit foreshore works. Council should give further consideration to the PP's consistency with the SEPP, particularly those matters specified under clause 8 (as required by clause 7).

With the exception of SEPP 71 (which requires further work), the PP is not inconsistent with the relevant SEPPs at this time.

### s117 directions:

The PP has included a list of s117 directions that apply to the site with an assessment of consistency provided. The PP is considered consistent with the relevant s117 directions except 2.2 Coastal Protection, 4.3 Flood Prone Land and potentially 6.2 Reserving Land for Public Purposes.

**Direction 2.2** - The objective of this direction is to implement the principles in the NSW Coastal Policy. Council's assessment notes a potential inconsistency with aspects of the Coastal Design Guidelines (building heights). Inconsistency with direction 2.2 can be justified in certain cases, such as if the inconsistency is of minor significance or by a study prepared in support of the planning proposal which gives consideration to the objective of the direction. Council needs to confirm how in this case it considers the inconsistency with Direction 2.2 is justified (eg. has the supporting urban design study given consideration to the principles in the NSW Coastal Policy) and seek the DG's agreement to the inconsistency.

**Direction 4.3** - It is unclear from the limited discussion provided whether the PP is consistent with the terms of direction 4.3. Council should reconsider consistency and if inconsistent, seek the DG's agreement per the terms of the direction. The PP should be updated accordingly.

**Direction 6.2** - It is noted that the development would require the closure of Bent Street and part of Oakland Avenue. While Council notes that certain approvals would be required before this could occur, it not clear whether this land would also need to be reclassified. Council should consider the need for reclassification, and if desired, amend the PP accordingly. A further Gateway Determination may then be necessary.

## Key (Iconic) Sites Redevelopment - Klumper Site, The Entrance

Environmental social  
economic impacts :

It is understood that as part of the design concept developed by the proponent in consultation with Council, adverse amenity impacts (eg overshadowing, visual impact) have been considered. However information in the PP is limited. Council should satisfy itself that there is adequate information for the purposes of community consultation, particularly should the DA not be exhibited with the PP.

Discussion on traffic impacts is also limited despite Council noting that several existing roads would be affected by the PP, with Bent Street and part of Oakland Street being closed. The site also adjoins the Central Coast Highway. Council should satisfy itself that traffic impacts can be adequately managed and consult with the RMS/ Transport for NSW as part of that process.

As discussed earlier, Council has also prepared a draft Key (Iconic) Development Sites DCP which specifies detailed requirements relating to generic development controls (eg design quality, amenity, traffic, landscaping, public domain, etc) as well as specific requirements for individual sites (including this one). The draft DCP requires a site-specific DCP to be prepared by the proponent (as part of a future DA) that details compliance with these requirements.

On balance, the proposal is likely to have a positive social and economic impact due to the creation of new jobs, housing, public benefit, and the associated flow-on effects to the broader town and shire.

### Assessment Process

|                                             |                                                                              |                                    |                |
|---------------------------------------------|------------------------------------------------------------------------------|------------------------------------|----------------|
| Proposal type :                             | <b>Routine</b>                                                               | Community Consultation<br>Period : | <b>28 Days</b> |
| Timeframe to make<br>LEP :                  | <b>9 Month</b>                                                               | Delegation :                       | <b>DDG</b>     |
| Public Authority<br>Consultation - 56(2)(d) | <b>Transport for NSW<br/>Transport for NSW - Roads and Maritime Services</b> |                                    |                |

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

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

If no, provide reasons :

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 :

## Key (Iconic) Sites Redevelopment - Klumper Site, The Entrance

### Documents

| Document File Name               | DocumentType Name        | Is Public |
|----------------------------------|--------------------------|-----------|
| Council_Cover_Letter_1.pdf       | Proposal Covering Letter | Yes       |
| Council_Report.pdf               | Proposal Covering Letter | Yes       |
| Council_Resolution.pdf           | Proposal Covering Letter | Yes       |
| Council_Cover_Letter_2.pdf       | Proposal Covering Letter | Yes       |
| Planning_Proposal.pdf            | Proposal                 | Yes       |
| Planning_Proposal_Appendix_A.pdf | Proposal                 | Yes       |

### Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Additional Information :

**Recommended conditions in order to progress the PP:**

- Council should ensure that the correct lot and DPs are used throughout the PP documentation.
- Council either permit "recreation facilities (major)" (based on the SI definition) and "shops" on the specific site or permit these uses with development consent in the 2(g) zone.
- Council should further discuss consistency with SEPP 71, particularly those matters detailed in clause 8 of the SEPP.
- Council should confirm how it considers the inconsistency with Direction 2.2 is justified and seek the DG's agreement to the inconsistency.
- Council should clarify whether the PP is consistent with the terms of s117 direction 4.3 Flood Prone Land. If the PP is inconsistent then seek the DG's agreement to the inconsistency per the terms of the direction.
- Council should satisfy itself that there is adequate information for the purposes of community consultation regarding amenity impacts, particularly should the DA not be exhibited with the PP.
- Council should satisfy itself that traffic impacts can be adequately managed and consult with the RMS and Transport for NSW.
- 9 month completion timeframe.
- 28 day community consultation.

**Recommended advice to be included in the Gateway Determination letter:**

- In relation to public benefit, Council needs to ensure that the process of calculating the public benefit and the amount/type of public benefit provided in return for increased height is consistent and transparent. Exhibiting a draft VPA with the PP should be considered, as the community's views regarding height may be influenced by the detail of the public benefit to be provided. Further, should there be the potential for the public benefit to change between the PP and DA stages then this should also be made clear to the community. Alternatively, a statement from Council detailing the specific range of public benefits resulting from a proposal could be provided as part of the PP exhibition package, in lieu of a draft VPA.
- There are instances in the PP where statements made require further clarification. Examples include reference to a traffic assessment (PP discussion on s117 direction 3.4) which Council has since advised is an error; references to overshadowing aligning with overshadowing assessment in Appendix A of the PP (PP discussion on s117 direction 2.2); and reference to the ANZAC Memorial (PP discussion on s117 direction 2.2). Council

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should review these items and update the PP accordingly.

- It is noted that the proposal would require the closure of Bent Street and part of Oakland Avenue. Should Council need to reclassify this land then this could be included as part of an amended PP, subject to a revised Gateway Determination.

Supporting Reasons :

- lot and DP were not described correctly in the submitted PP documentation.

- clarify the means of permitting the uses

- SEPP 71 assessment had not considered clause 8.

- s117 direction 2.2 assessment should establish whether inconsistency is justified and seek DG agreement accordingly.

- s117 direction 4.3 assessment was not clear about whether the PP was consistent with the terms of the direction or not.

- consider amenity impacts as limited discussion is provided in the PP.

- consider traffic impacts as limited discussion is provided in the PP, this should also include consultation with RMS/ Transport for NSW due to the proposed road closures and proximity to the Central Coast Highway.

- suggested wording in the letter is to clarify consistent/ transparent approach to public benefit process; fix what appear to be errors in the PP; and to confirm the need to include a reclassification in the PP.

Signature:

G HOPKINS

Printed Name:

GARRY HOPKINS

Date:

26.10.2012