

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**

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

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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.

- 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.

Panel Recommendation

Recommendation Date : **01-Nov-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council's intention to exhibit a draft VPA with the planning proposal is supported, 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 planning proposal and DA stages then this should also be made clear to the community.

2. Prior to commencing public exhibition, Council is to amend the planning proposal to:

- (a) ensure that the correct lot and DPs are referenced,
- (b) include 'recreation facilities (major)' and 'shops' as permissible with consent in the 2(g) Residential Tourist zone,
- (c) further discuss the planning proposal's consistency with State Environmental Planning Policy 71, particularly Clause 8,
- (d) ensure that there is adequate information for the purposes of community consultation regarding amenity impacts, particularly should the DA not be exhibited with the planning proposal,
- (e) confirm how Council considers the inconsistency with S117 Direction 2.2 Coastal Protection is justified and seek the Director-General's agreement to any inconsistency, and
- (f) clarify whether the planning proposal is consistent with S117 Direction 4.3 Flood Prone Land. If the planning proposal is inconsistent Council is to seek the Director-General's agreement to the inconsistency.

3. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Transport for NSW

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- Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

Council is to satisfy itself that traffic impacts generated as a result of the planning proposal can be adequately managed.

5. 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).

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

Signature:



Printed Name:

Neil McGaffin

Date:

21.11.12