

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

Proposal Title : **Key (Iconic) Sites Redevelopment - Vacant 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\_002\_00**

Dop File No : **12/11153**

#### Proposal Details

Date Planning : **03-Jul-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 : **2 Ocean Parade**

Suburb : **The Entrance**

City :

Postcode : **2261**

Land Parcel : **Lot 1 DP 513519**

Street : **14 The Entrance Road**

Suburb : **The Entrance**

City :

Postcode : **2261**

Land Parcel : **Lot 2 DP 536168**

#### DoP Planning Officer Contact Details

Contact Name : **Ben Holmes**

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#### RPA Contact Details

Contact Name : **Stephen Ashton**

Contact Number : **0243505749**

Contact Email : **SAshton@wyong.nsw.gov.au**

#### DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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### 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) : |     |
| No. of Lots :                         | 2                                  | No. of Dwellings<br>(where relevant) :                     | 93  |
| Gross Floor Area :                    | 14,645.00                          | No of Jobs Created :                                       | 120 |

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 the purposes of a 19-21 storey mixed use building consisting of the following:  
- 1,565 m2 retail/ food outlets;  
- 690 m2 commercial premises; and  
- 93 apartments (1-3 bedrooms).

Council has identified the site as a Key (Iconic) Development Site.

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

It is understood that Council has identified 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.

The Department (DDG, 18/01/2011) has stated that it broadly supports the Key Sites program. It is understood that Key Site provisions are to be included in the Council's draft SI LEP (currently pre-64).

#### Subject Site:

The site is located in The Entrance Town Centre and is predominantly cleared. Council states that the site is adjoined to the south-west by a two storey restaurant and to the east by residential. It is bounded by The Entrance Road to the west, Ocean Parade to the south and Marine Parade to the north. Further to the north lies a large open space area, to the west and south is generally two storey commercial, and further to the east is a mix of low/

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medium/ high density residential.

Joint Regional Planning Panel (JRPP):

Presumably a future DA resulting from the PP would be determined by the JRPP, provided the capital investment value would exceed \$20M.

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 : **This aspect is discussed further later in the report.**

#### Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

**1.1 Business and Industrial Zones**

**2.2 Coastal Protection**

\* May need the Director General's agreement

**4.1 Acid Sulfate Soils**

**4.3 Flood Prone Land**

**5.1 Implementation of Regional Strategies**

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

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 :

**s.117 directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 6.3 Site Specific Provisions apply and are discussed later in this report.**

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

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

Is mapping provided? **Yes**

Comment : **Several maps have been included in the PP document which identify the site adequately 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 that the PP would enable, and the landowner's intention**

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to exhibit the PP alongside the DA and site specific DCP, 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.**

#### Key Site provisions:

It is understood that under the draft SI LEP the Key Sites provisions would be introduced which for certain identified sites (ie 'Key Sites') would provide development incentives in return for certain matters (eg design excellence, public benefit) being addressed.

The current PP sits within a broader "Planning Proposal Report" which includes specific design, traffic and other considerations that relate specifically to the current redevelopment proposal. It is not clear in the PP whether it intends to introduce provisions specific to just this site so that the redevelopment could proceed, or whether the PP is intended to detail broader Key Sites provisions similar to those to go in the draft SI LEP (with this site being the first site that would benefit from those provisions).

It is recommended that Council confirm in the PP what approach is proposed and amend the PP, if required, in consultation with the Regional Team.

#### Development standards:

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

While the s.62 draft SI LEP contained a FSR limit of 3.9:1 for the site ie the same value as that proposed in the PP, it is not known whether the s.64 draft SI LEP will have the same value or whether it has since changed. It is understood that the 3.9:1 FSR proposed in the PP has been determined through the development of a design concept for the site, undertaken by the landowner in consultation with Council.

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. 42C). The PP as worded however would appear to introduce a site height limit of RL 67.6m AHD. It is understood that this height has been determined through the development of a design concept for the site, undertaken by the landowner in consultation with Council. Under the draft SI LEP, Council advises that a height of 28 m would apply and the proposed Key Site provision for this site would allow this to be exceeded under certain circumstances.

In Council confirming the intent of the Key Site provisions (as discussed above), the way in which the Key Site height exception and FSR limit may operate would become better defined.

#### Zone:

The site is currently zoned 3(d) Tourist Business Zone and it is understood that Council

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intends to zone the site B2 Local Centre under the SI LEP, consistent with the zoning proposed for the surrounding commercial/ retail area. The PP does not intend to change the zoning of the site.

### PP disabling clause 68:

Cl. 68 of the Wyong LEP 1991 facilitates the development of land zoned 3(d) 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.

### 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, 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 stories, where appropriate) and that this development would exceed six stories. 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 PP is not inconsistent with these SEPPs at this time.

Should Council confirm that the PP would introduce specific Key Sites provisions that would apply to the other identified sites, then Council may need to reconsider its SEPP consistency assessment. In terms of SEPP 65, this would mean that Council should consider providing the PP to the SEPP 65 Design Panel, particularly given that several sites that could be subject to the framework could feature substantial residential flat development.

### s117 directions:

The PP has also considered s117 directions in terms of the specific site. It includes a list of s117 directions that apply with an assessment of consistency. Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 6.3 Site Specific Provisions however have not been included in the PP, and it should be updated to reflect this. It is considered that the PP is consistent with the relevant directions, with the exception of directions 2.2 Coastal Protection and 6.3 Site Specific Provisions.

Direction 2.2: limited discussion is provided in the PP that demonstrates how the proposal is consistent with the coastal policies referred to in the direction. This assessment should be updated and Council should reconsider consistency, and update the PP accordingly.

Direction 6.3: the PP appears inconsistent with this direction because it would potentially introduce height and FSR limits, among other requirements, which would otherwise not apply in the LEP. A PP may however be inconsistent with this direction if the DG agrees that the inconsistency is minor. Whether the inconsistency is minor or not can be determined through the PP process ie following community consultation. Council may then seek the DG's agreement that the inconsistency with this direction is of minor significance. Council should update the PP accordingly as the PP progresses.

Should Council confirm that the PP would introduce specific provisions that would see the Key Site provisions apply to the other identified sites, then Council may need to reconsider its s117 direction consistency assessment.

Environmental social economic impacts :

Council has advised that as part of refining the development concept (pre PP submission to the Department) with the landowner, consideration has been given to key issues like traffic, urban design and overshadowing. Information on these matters has been included in the PP and evidently in submitting the PP to the Gateway, Council is suitably satisfied that these issues can be adequately addressed.

Council states that the SEPP 65 Design Panel has also provided feedback on the

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development proposal. No objection was raised although several matters were identified which needed to be further addressed as the development proposal progresses. Council has advised that it would provide the future DA for the site to the SEPP 65 Panel for its review.

It should also be noted that Council has prepared a draft Key (Iconic) Development Sites DCP which specifies detailed requirements relating to generic development controls (eg design quality, amenity, 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 landowner (as part of a future DA) that details compliance with these requirements.

In this instance the landowner intends to exhibit the DA, site-specific DCP and a draft VPA concurrently with the exhibition of the PP. This may assist in demonstrating how impacts associated with the proposal would be mitigated. If the concurrent exhibition of these documents is pursued by Council then an explanatory note detailing the Key Sites program process, relationship between the relevant exhibited documents, and their individual approval processes, should be included to assist with community consultation.

### Assessment Process

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

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority : **Transport for NSW**  
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 :

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  |
|-------------------------------------|-------------------|------------|
| <b>Planning_Proposal_Report.pdf</b> | <b>Proposal</b>   | <b>Yes</b> |
| <b>Council_Report.pdf</b>           | <b>Study</b>      | <b>Yes</b> |
| <b>Council_Resolution.pdf</b>       | <b>Study</b>      | <b>Yes</b> |

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|                                                    |       |     |
|----------------------------------------------------|-------|-----|
| Iconic_Development_Sites_Brochure.pdf              | Study | Yes |
| Key_(Iconic)_Sites_Development_Sites_draft_DCP.pdf | Study | Yes |
| SEPP_65_Report.pdf                                 | Study | No  |

### 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**  
                                 **4.1 Acid Sulfate Soils**  
                                 **4.3 Flood Prone Land**  
                                 **5.1 Implementation of Regional Strategies**

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

- Council should confirm whether the PP intends to enable a specific development for a site or would introduce broader 'Key Site 'provisions similar to those intended to go in the draft SI LEP and amend the PP if needed. Should Council amend the PP, then this should occur in consultation with the Department's regional office.
- Consistency with s117 direction 2.2 Coastal Protection should be expanded so that it is clearly demonstrated how the proposal satisfies the requirements of the policies referred to in this direction. Council should update the PP accordingly and reconsider consistency following its revised assessment.
- The PP is inconsistent with s117 direction 6.3 Site Specific Provisions. Council should reconsider consistency with this direction following community consultation and seek the DG's agreement to any inconsistency at that time.
- Should the PP intend to introduce broader 'Key Site 'provisions then Council may need to reconsider consistency with s117 directions/ SEPPs and consider the need to consult with the SEPP 65 design panel on the provisions proposed;
- Agency consultation should occur with Transport for NSW and the RMS.
- 9 month completion timeframe.
- 28 day community consultation.

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

- If Council intends to exhibit the PP concurrently with the DA, site-specific DCP, and a draft VPA, then consideration should be given to providing an explanatory note with the exhibition material. This explanatory note should explain the Key Sites program process, the relationship between the relevant exhibition documents, and their individual approval processes so as to assist with community consultation.

Supporting Reasons :      - The reason for the condition relating to Council confirming the intent of the PP is detailed in the 'Need for the Planning Proposal' section.

- The need to reconsider s117 direction 2.2 assessment is due to the limited information provided currently.
- The need to reconsider s117 direction 6.3 consistency following community consultation is due to the PP currently being inconsistent.
- The need to potentially reconsider SEPPs/ s117 directions if the PP intends to introduce a broader 'Key Sites' provision is because this provision may apply to various other sites which may trigger different s117 directions or result in a different s117 direction assessment.
- Agency consultation with Transport for NSW and RMS is due to traffic impacts/ accessibility aspects.
- Suggested advice in the determination letter is to assist with community consultation.

Signature:

GARRY HOPKINS

Printed Name:

GARRY HOPKINS Date: 3-8-2012