

Rezoning at 20-22 Gallipoli Road, Long Jetty

Proposal Title : **Rezoning at 20-22 Gallipoli Road, Long Jetty**

Proposal Summary : **The proposal seeks to rezone 2(a) Residential land to 5(a) Special Uses in Wyong LEP 1991 to enable development for the purpose of a carpark for the adjoining Tuggerah Lakes Memorial Club (also known as "Diggers @ The Entrance").**

PP Number : **PP_2013_WYONG_011_00** Dop File No : **13/13081**

Proposal Details

Date Planning Proposal Received :	07-Aug-2013	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 :	20-22 Gallipoli Road		
Suburb :	Long Jetty	City :	Postcode : 2261
Land Parcel :	Lot 1 DP121890 & Lot 1 DP122040		

DoP Planning Officer Contact Details

Contact Name : **Glenn Horal**
 Contact Number : **0292285009**
 Contact Email : **glenn.horal@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Gary Hamer**
 Contact Number : **0243505561**
 Contact Email : **gary.hamer@wyong.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes

Rezoning at 20-22 Gallipoli Road, Long Jetty

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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 :

SITE CONTEXT

Council has advised the two lots are owned by the adjoining Tuggerah Lakes Memorial Club. Council recently approved a development application for a Motel comprising 56 rooms associated with the club including parking within the existing club site.

The rezoning of the subject sites would allow additional parking capacity for the club to cater for overspill on special event days (ANZAC day) as well as providing additional parking capacity for the future motel on the club site.

ALTERNATIVES TO THE PLANNING PROPOSAL

Council was asked to confirm if it had considered using existing provisions in the current Wyong LEP 1991 to enable the development (eg. temporary use of land and development near zone boundary clauses).

Council has discretion to grant consent to the carrying out of development on land for any purpose for a maximum of 28 days in a year under clause 26 - Temporary use of land however Council has advised the planning proposal provides a greater degree of certainty. While development under the temporary use clause is limited to a maximum of 28 days in a year and may not provide certainty for club operations, given that the planning proposal will become redundant once Wyong dLEP 2012 is finalised and the use becomes permissible on the subject lots, this could have been an acceptable alternative to a planning proposal.

Council has advised clause 30 - Development near boundary of adjacent zones can not be used as clause 13 of SEPP 71 - Coastal Protection does not allow the use of flexible zone provisions.

CONSISTENCY WITH GUIDES

The planning proposal appears to be based on an earlier version of the Department's "A Guide to Preparing Planning Proposals" which results in the inclusion of a table based on a net community benefit test. The test is no longer required in the latest version of the Guide. The substance of the community benefits table could be incorporated throughout the justification section of the planning proposal.

The Guide also requires responses to specific questions. The planning proposal includes discussion on Council's local strategy where it should include discussion on the Central Coast Regional Strategy (page 8) and the question on the views of public authorities (page

Rezoning at 20-22 Gallipoli Road, Long Jetty

15) has not been addressed.

The planning proposal uses italics inconsistently (eg. page 8). This should be minimised to ensure consistency and to assist community understanding during consultation.

The planning proposal says that detailed discussion on 117 directions is in Attachment 11 but no Attachment 11 has been provided.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The planning proposal seeks to enable development for the purpose of a carpark at 20-22 Gallipoli Road, Long Jetty. The carpark will provide additional parking capacity for the adjoining Tuggerah Lakes Memorial Club.

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

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

Comment : Council proposes to rezone the current 2(a) Residential land to a 5(a) Special Uses zone to enable the development by amending the Wyong LEP 1991.

The proposal will be made redundant if the draft Wyong LEP 2012 (dLEP) is finalised in advance of the planning proposal. The subject land and the adjoining club land are proposed to be zoned RE2 Private Recreation which permits registered clubs. Council has advised carparking is considered ancillary to club uses and would be permissible.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.2 Coastal Protection

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

5.1 Implementation of Regional Strategies

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

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

d) Which SEPPs have the RPA identified?

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? **Unknown**

If No, explain : **S117 Directions and SEPPs are discussed in the assessment section of the report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : A zoning map is provided which amends the Wyong LEP 1991.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 14 day public exhibition period and this is supported.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

PROJECT TIMELINE

Council's timeline anticipates the planning proposal is to be finalised in February 2014 (approx 6 months). Given this is a minor spot rezoning, with a limited public exhibition period and does not require agency consultation it is considered a 3 month timeframe could also be achieved.

DELEGATION AUTHORISATION

Council has accepted plan-making delegations for planning proposals generally and has requested delegation to make this planning proposal.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **October 2013**

Comments in
relation to Principal
LEP :

Council submitted the standard instrument draft Wyong LEP 2012 (dLEP 2012) to the Department to be made on 31 May 2013, (with subsequent submissions on 19 June and 3 July 2013), and it is expected the plan will be finalised in October 2013.

Assessment Criteria

Need for planning
proposal :

Council has stated the planning proposal is the result of Council's adopted "The Entrance Peninsula Planning Strategy" which identifies recommendations and strategies associated with the club.

The subject lots and the adjoining club site are to be zoned RE2 Private Recreation in the SI draft Wyong LEP 2012 and will permit "registered clubs". Carparks are ancillary to club uses and would also be permitted.

Council has advised the lots will be principally used as carparking for overspill on large event days (ie Anzac Day) and for other Club activities. Council considers the rezoning of land is to be the most efficient way to achieve the desired outcomes.

Consistency with
strategic planning
framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

The CCRS establishes the strategic framework to guide sustainable growth within the Region over the next 25 years. The CCRS does not specifically identify the subject site however the planning proposal is generally consistent with regard to meeting employment targets. The redevelopment of the subject site and associated development of the club may assist providing additional jobs within The Entrance Town Centre and reinforce employment self containment within the Region.

Council has included discussion (Section B - Page 8) on the "The Entrance Peninsula Planning Strategy" in its response to the question on the regional strategy. This should be relocated to the appropriate section of the planning proposal on Page 11.

LOCAL STRATEGIES

The Entrance Peninsula Planning Strategy.

The subject site is located in Precinct 7 of the Strategy which includes objectives for the Precinct that facilitate the future development of the club site. Council has included discussion on the applicable objectives and has identified the proposal is consistent with the strategy.

Wyong Shire Community Strategic Plan 2030.

Council has identified the planning proposal supports the The Community Strategic Plan and is consistent with some of the priority objectives of the plan.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP 55 - Remediation of Land

Council has not identified the SEPP as applicable however it should demonstrate that it has considered matters under clause 6 and update the proposal accordingly.

SEPP 71 - Coastal Protection

Council has stated the proposal is consistent with the aims and objectives of the SEPP.

The matters for consideration under clause 8 should be taken into account by a council when it prepares a draft local environmental plan. Council should include consideration of clause 8 matters by updating the planning proposal before community consultation.

S117 DIRECTIONS

Council's consideration of the S117 Directions is limited to a table identifying whether they are applicable and consistent. There is reference to a more detailed consideration in 'Attachment 11' which has not been provided (possibly text from a different planning proposal as there are only two attachments to this planning proposal).

A number of S117 Directions that apply are not listed and Council should update the table prior to exhibition as follows:

2.2 Coastal Protection is listed as applying but consistency is listed as NA. The planning proposal is not inconsistent with this Direction and the consistency column should be Yes.

The following Directions apply and the planning proposal is considered to be consistent. The table in the planning proposal should be updated.

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.2 Caravan Parks and Manufactured Home Estates

3.4 Integrating Land Use & Transport

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

The following S117 Directions require further discussion:

3.1 Residential Zones

Council has identified the proposal is consistent with the Direction. The planning proposal is inconsistent with the direction as it will reduce the permissible residential density of the land (i.e. the site is being rezoned from residential to special uses) and will result in the loss of two lots for residential purposes.

The reduction of two lots is not likely to undermine the CCRS and Council included the lots as RE2 Private Recreation in its SI dLEP to reflect the adjoining club zoning. It is considered the proposal's inconsistency with the Direction is of minor significance.

4.1 Acid Sulfate Soils

The Acid Sulfate Soils Maps for the SI dLEP show the land to be located on Class 5 land (approximately 50 metres from Class 3 land with potential acid sulfate soils). Given the development is for carparking and is likely to require minor surface ground works with minimal excavation any inconsistency with the direction is considered to be of minor significance.

Environmental social
economic impacts :

ENVIRONMENTAL

Council has advised there will be no detrimental effects upon critical habitats, threatened species or ecological communities. Council has considered the impacts of stormwater runoff and advised they can be managed through conditions of consent for any future development applications.

SOCIAL & ECONOMIC

Council has identified social and economic benefits of increased club patronage associated with the redevelopment of the car park. The planning proposal also includes an evaluation of net community benefit and identified the proposal will ensure adequate provision of parking for future expansion of the Club site.

The subject lots would expand the carpark of the club site which adjoins the Central Coast Highway. No details have been provided however it would be unlikely to exceed 50 additional spaces and is not considered to warrant agency consultation with the Roads and Maritime Services.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **3 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)
(d) :

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. :

Rezoning at 20-22 Gallipoli Road, Long Jetty

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
Council Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Draft Zoning Map.pdf	Map	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Project Timeline.pdf	Proposal	Yes
Evaluation_criteria_for_the_delegation_of_plan_making.doc	Determination Document	No

Planning Team Recommendation

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

S.117 directions: **2.2 Coastal Protection**
 3.1 Residential Zones
 3.3 Home Occupations
 5.1 Implementation of Regional Strategies

Additional Information : **It is considered the planning proposal should proceed subject to the following:**

1. Council update the planning proposal to ensure;

a) it has been prepared using the latest version of the Department's "A Guide to Preparing Planning Proposals";

b) the substance of the net community benefits table be incorporated in the justification section of the planning proposal (the table based on a net community benefit test is no longer required in the latest version of "A Guide to Preparing Planning Proposals");

c) formatting is clear (eg. use of italics on page 8) and references to attachments (eg. attachment 11) are correct;

d) responses are consistent with the questions (ie page 8 includes a local strategy rather than the Central Coast Regional Strategy and should be relocated to the appropriate section of the planning proposal (page 11);

e) a response is required to the question on views of public authorities on page 15.

2. SEPP 55 - Remediation of Land. Council has not identified the SEPP as applicable and should demonstrate that it has considered matters under clause 6 and update the proposal accordingly.

3. SEPP 71 - Coastal Protection. Council should include consideration of clause 8 matters by updating the planning proposal before community consultation.

4. Council updates the planning proposal consideration of the following s117 Directions as applicable and are considered to be consistent:

2.1 Environment Protection Zones

Rezoning at 20-22 Gallipoli Road, Long Jetty

- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.4 Integrating Land Use & Transport**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

5. The DG agree the provisions of the planning proposal that are inconsistent with S117 Direction 3.1 Residential Zones and 4.1 Acid Sulfate Soils are of minor significance.

6. No Consultation with public authorities is required .

7. The planning proposal must be made publicly available for 14 days.

8. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway determination.

9. Council be granted delegation to make the plan.

Supporting Reasons : *

Signature:



Printed Name:

GARRY HOPKINS Date:

30.8.2013