



TOUKLEY, 200 Main Road - 'Beachcomber Site' Rezoning

Proposal Title : **TOUKLEY, 200 Main Road - 'Beachcomber Site' Rezoning**

Proposal Summary : **The proposal seeks to rezone land to enable a mixed use development comprising tourist and residential apartments with ground floor retail and commercial floor space.**

PP Number : **PP_2016_WYONG_001_00** Dop File No : **16/03707**

Proposal Details

Date Planning Proposal Received : **25-Feb-2016** LGA covered : **Wyong**

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

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

LEP Type : **Spot Rezoning**

Location Details

Street : **200 Main Road**

Suburb : **Toukley** City : Postcode :

Land Parcel : **Lot 31 DP 805021 and Lot 32 DP 805021**

DoP Planning Officer Contact Details

Contact Name : **Glenn Hornal**

Contact Number : **0243485009**

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RPA Contact Details

Contact Name : **Peter Kavanagh**

Contact Number : **0243505537**

Contact Email : **peter.kavanagh@wyong.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Central Coast Regional Strategy** Consistent with Strategy : **Yes**

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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

The site is approximately 1.1 hectares adjoining Main Road and the southern shore of Lake Budgewoi approximately 350 metres to the west of Toukley town centre.

The site is currently zoned SP3 Tourist and contains a hotel (the Beachcomber), conference facilities, tourist accommodation and recreation facilities.

The site is bounded to the west by medium density development of 2-4 storeys zoned R3 Medium Density Residential and to the south by a mix of commercial and residential development also zoned R3. Directly east is the Rustrum site which is identified as a 'Key Site' (see below). A planning proposal to enable a mixed use development on the Rustrum site is nearing finalisation (PP_2015_WYONG_001_00).

KEY (ICONIC DEVELOPMENT) SITES PROGRAM

Wyong Shire Council has identified a number of sites it considers have the ability to revitalise centres and serve as catalysts for economic growth. The Key Sites program encourages the short term development of sites by providing development bonuses in return for quality buildings which also deliver public benefit (such as public domain improvements and the provision and upgrade of certain community infrastructure items).

The scheme in summary includes:

- identification of each site in Wyong DCP 2013 Chapter 6.1 Key Sites. Chapter 6.1 includes common and site-specific requirements that need to be addressed in a site-specific DCP prepared in support of a development application seeking to use the Key Sites provisions;

- identification on the 'Key Sites Map' in Wyong LEP 2013 (WLEP 2013) for each key site of a maximum height that can be achieved under the Key Sites provisions;

- cl. 7.11 of WLEP 2013 (Development requiring the preparation of a development control plan (Key Sites)) allows a development on a Key Site to exceed the height in the height of buildings map up to the height on the Key Sites Map in return for, inter alia, preparation of a site-specific DCP addressing the matters identified in Chapter 6.1 of the DCP;

Council's scheme creates the framework for 'iconic' development proposals to be considered that address the common and site-specific matters in Chapter 6.1 of the DCP and clause 7.11 of WLEP 2013. In this case, the site is not identified in Chapter 6.1 nor on

the Key Sites Map. Instead, Council is responding to a request from the owner to have the site considered as a 'Key Site'. Council considers the Beachcomber site, given its proximity to the Rustrum site and Toukley town centre, is capable of delivering significant public benefit through the Key Sites provisions, if developed.

Key Sites were identified during the development of WLEP 2013. Council does not have published procedures for how additional Key Sites should be considered.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The proposal seeks to alter existing planning controls and rezone land from SP3 Tourist to B4 Mixed Use to enable a mixed use development comprising of tourist and residential apartments and ground floor retail and commercial floor space.**

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

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

Comment : **Council proposes to achieve the objective by:**
- rezoning the land from SP3 Tourist to B4 Mixed Use;
- increasing the floor space ratio from 1.5:1 to 1.7:1; and
- including the site on the Key Sites Map with a figure of 26m on the western part of the site and 36m on the eastern part of the site.

The figures on the Key Sites Map refer to the maximum building height that can be achieved for Key Sites in return for public benefit requirements.

A fundamental difference in this case is that while the Key Sites program typically provides a framework to encourage 'iconic' developments, in this case the planning proposal is responding to a conceptual design put forward by the proponent (included in pages 6-8 of the planning proposal). The design standards (height and FSR) being amended by the planning proposal will support an existing design rather than set key parameters for a future design.

Council proposes to develop a site specific DCP that will be concurrently exhibited with the planning proposal. As there are no site-specific provisions in DCP Clause 6.1 for the Beachcomber site, Council proposes that the site-specific provisions for the adjoining Rustrum site, already identified as a Key Site, provide guidance in determining matters to be considered in the site-specific DCP for the Beachcomber site such as bulk, scale and overshadowing. However there will still need to be 'Beachcomber specific' considerations and these will need to be identified by Council. An alternative would be a two-step DCP amendment where site-specific matters for consideration at the Beachcomber site were identified in a DCP amendment exhibited with the Planning Proposal with a subsequent site-specific DCP prepared and exhibited with a development application. The proposal needs to more clearly articulate the proposed steps in the process so the community can understand when it will have opportunities to comment on the proposal.

The Key Sites scheme does not automatically require a planning proposal to be submitted for each site. In this case a planning proposal is required because:

- the zone is being changed to allow different uses than currently permitted;**
- the floor space ratio is being amended; and**
- the site is being added to the Key Sites Map.**

Zone

The amendment to the B4 zone is proposed to allow a broader and more flexible range of uses than is permitted under the existing SP3 Tourist zone. The adjoining Rustrum site is

in the process of being rezoned B4.

FSR

The site is subject to an FSR bonus in clause 4.4(2B) of WLEP 2013 to encourage site amalgamation. In this case the site is already larger than the 4000 m2 maximum site area for the bonus. The effect of this is that while it is proposed to change the mapped FSR from 1.5:1 to 1.7:1, clause 4.4(2B) will allow a 20% bonus above the mapped FSR. Given this site already exceeds the maximum site area in the bonus table a simpler approach may be to map the actual FSR allowed by the plan and remove the site from the operation of the bonus provisions. In either case, the planning proposal should clearly describe what is proposed to facilitate community understanding.

Heights

The increase in height proposed for the eastern half of the site Key Sites map is said to reflect the adjoining Rustrum site (also 36 metres) with the 26 metres on the western half providing for a 'stepping' effect.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

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

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

d) Which SEPPs have the RPA identified?

- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**
- SEPP No 55—Remediation of Land**
- SEPP No 65—Design Quality of Residential Flat Development**
- SEPP No 71—Coastal Protection**

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

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
Schedule 1 of SEPP 32 identifies land to which the policy does not apply and includes Coastal Protection land. Given the land is located in the Coastal Zone and identified under SEPP 71 Coastal Protection as a sensitive coastal location, SEPP 32 is unlikely to apply.

SEPP No 55—Remediation of Land
Council has advised it does not anticipate site contamination to be a significant issue however proposes to conduct an Initial Contamination Assessment post Gateway. Council will need to satisfy itself the land is suitable for the land use proposed under the requirements of the SEPP and information regarding land contamination should be included in the public exhibition.

SEPP No 71—Coastal Protection
The land is located within the coastal zone and is also identified as a sensitive coastal location. The SEPP requires Council to take into account the matters for consideration in clause 8 when it prepares a draft LEP. Council has provided some general comment however relies on these issues to be resolved through a future DCP and VPA. Council

should update the planning proposal to include consideration of all clause 8 matters.

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

If No, explain :

S117 DIRECTIONS

The planning proposal is consistent with all S117 Directions or they are not applicable except where discussed below:

1.3 Mining, Petroleum Production and Extractive Industries

The land subject to the planning proposal is underlain by coal resources. Council should consult with Trade & Investment - Resources and Energy to ensure the potential development of coal resources are not restricted by land uses that are likely to be incompatible with such development before consistency with the direction can be determined.

2.2 Coastal Protection

The direction requires consistency with the NSW Coastal Policy and Coastal Design Guidelines both of which seek to promote public access to the foreshore and the planning proposal. Council advise there is no public access to the foreshore in this locality and lots to the east and west have frontage to the high water mark. The proposal should give further consideration to this direction, particular to the Coastal Design Guidelines, and seek the Secretary's agreement to any inconsistency under the terms of the direction.

3.2 Caravan Parks and Manufactured Home Estates

The rezoning from SP3 to B4 will prohibit caravan parks on the land. The direction requires the proposal to retain provisions that permit development for caravan parks. Any inconsistency is of minor significance as caravan parks are permissible in a number of zones in WLEP 2013 (i.e. R1, R3, SP3, RE1 and RE2).

4.1 Acid Sulfate Soils

The site is located on land with a probability of containing acid sulfate soils and is identified in Council's Acid Sulfate Soils Map (Class 5 and adjacent to Class 1). WLEP 2013 contains provisions to regulate development on land containing acid sulfate soils and these matters can be addressed at the development application stage. The Secretary could agree any inconsistency with the direction is of minor significance.

4.2 Mine Subsidence and Unstable Land

The land is identified in the Swansea North Entrance Mine Subsidence District therefore consultation with the Mine Subsidence Board will need to occur before consistency with the direction can be determined.

4.3 Flood Prone Land

Council has advised part of the land is classified as Flood Prone. The proposal seeks to rezone land from a Special Purpose zone to a Business Zone and is inconsistent with the terms of the direction. Council has advised no habitable rooms or structures are proposed in the flood prone area and sufficient controls are in place in WLEP 2013 to ensure appropriate environmental assessment will occur before any consent is issued for development on the land. Council has not demonstrated whether the proposal is in accordance with a floodplain risk management plan or of minor significance. Further information on flooding matters and consultation with OEH is required and Council should seek the agreement of the Secretary for any inconsistency prior to the plan being made.

6.3 Site Specific Provisions

The proposal seeks to amend an existing height specific development standard on the Key Sites Map to enable the development and is therefore inconsistent with the direction. The inconsistency is considered to be of minor significance as the Key Sites clause (clause 7.11) was included in the approval of WLEP 2013 by the former Director General.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided is sufficient for assessment. Council will need to prepare proposed Zoning, Key Sites and Floor Space Ratio maps for exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 28 day exhibition period. This is supported.**

Additional Director General's requirements

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

If Yes, reasons : **Delegations**
Council has identified it owns the smaller of the two land parcels (Lot 31 DP 805021) which contains a sewer pump station and is located within the boundaries of Lot 32 DP 805021. Council resolved to seek delegations and given the planning proposal is of local significance and the component of Council land is minor it is recommended Council be granted delegations to make the plan.

Timeline
Council anticipates the LEP will be made in January 2017. A 12 month time-frame is considered sufficient time to make the plan.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **This planning proposal seeks to amend WLEP 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal is the result of a Council resolution to identify the site as a Key Site and facilitate "iconic" (re)development on the land through clause 7.11 of WLEP 2013. Council has advised including the site in the Key Site program will enable the delivery of significant public benefit contributions for improvements to the public domain.**

Council has advised the proposal exceeds the current controls that apply to the land and the current zoning of SP3 does not permit 'residential flat buildings'. Council seeks to rezone the site to B4 to permit residential flat buildings, increase the floor space ratio and map two 'Key Sites' building heights on the Key Sites Map to enable the development.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has identified the following as applicable to the planning proposal:

- Action 4.2 and 4.4: The proposal will assist in providing for a mix of housing types, adjacent to centres;
- Action 4.22: The proposal will assist in addressing State Plan priority E5 'jobs closer to home';
- Action 5.1: The proposal will contribute to economic and employment growth and the principle of 'self-containment' on the Central Coast;
- Action 6.18: The proposal will improve the provision of local open space;
- Action 6.21: The proposal will enable tourism facilities to be appropriately managed to minimise impacts on natural resources and the natural environment.

Generally the proposal is consistent with the broad goals and actions of the CCRS and will assist in meeting regional dwelling and employment targets.

TOUKLEY PLANNING STRATEGY AND MASTERPLAN

Council's Toukley Planning Strategy was given effect in Council's Settlement Strategy which was in turn endorsed by the Director-General as part of the finalisation of WLEP 2013. The Toukley Planning Strategy envisages 3-4 storey development at this site screened from Budgewoi Lake by vegetation. The planning proposal should include consideration of the proposal against the Toukley Planning Strategy and identify the significance of any inconsistencies.

COMMUNITY STRATEGIC PLAN (CSP)

Council has reviewed the planning proposal against eight priority objectives in its CSP and it is generally consistent with the relevant objectives.

DRAFT CENTRAL COAST REGIONAL PLAN (dCCRP)

The dCCRP was released in November 2015 and includes an action which is relevant to the proposal:

- Action 1.5.1 Support delivery of greater housing choice in and near centres with existing services

The land is located near Toukley town centre on the foreshore of Budgewoi Lake. The proposal seeks to provide for additional housing near an existing centre. The proposal is generally consistent with this action in the dCCRP.

Environmental social economic impacts :

ENVIRONMENTAL

Council has advised there are no threatened species, EECs or their habitats that will be adversely affected by the proposal. The site is located in a sensitive coastal location and Council should consult with the Office of Environment and Heritage on flooding and coastal impacts given the proximity to Budgewoi Lake and the flood prone land on the site.

HERITAGE

The Beachcomber site appears to be fully developed for a hotel/motel complex and Council has advised there are no known relics of Aboriginal or non-Aboriginal heritage on the site. Council seeks to consult with Darkinjung Local Aboriginal Land Council and the Guringai Tribal Link as part of its due diligence. There is no objection to this consultation.

SOCIAL

Council anticipates the public domain improvements associated with the development will provide quality public access and spaces and positively contribute to the Toukley community.

ECONOMIC

Council considers the effects of the new residential development will create additional demand for services and jobs as well as multiplier effects from the additional population.

INFRASTRUCTURE

Council has advised the site is located on Main Road and is well serviced by a privately

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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 Report - Proposed Rezoning of Beachcomber Hotel Motel Site - 27012016.pdf	Proposal	Yes
Minutes of Council Meeting 27012016.pdf	Proposal	Yes
Planning Proposal to Gateway_Beachcomber Site.pdf	Proposal	Yes
Covering letter.pdf	Proposal Covering Letter	Yes
Land Use Tables - Wyong Local Environmental Plan 2013.pdf	Proposal	Yes
State Environmental Planning Policy Assessment - RZ_6_2015.pdf	Proposal	Yes
Applicant's concepts.pdf	Drawing	No

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. Council update the planning proposal prior to community consultation to:
 - more clearly articulate the proposed steps in the proposed Planning Proposal/VPA/DCP and DA process so the community can understand when it will have opportunities to comment on the proposal;
 - consider option to map the actual FSR and remove the site from the operation of the FSR bonus and/or clearly describe how the FSR for teh site is derived to facilitate community understanding;
 - include consideration of the proposal against the Toukley Planning Strategy and identify the significance of any inconsistencies;
 - consider potential cumulative impacts of this and the adjoining Key Site proposal in terms of their relationship with the Lake, adjacent development and the Toukley town centre.
2. The Secretary agrees the planning proposal's inconsistencies with s.117 Directions 3.2 Caravan Parks and Manufactured Home Estates and 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are of minor significance.
3. Council is to update the planning proposal to include sufficient information to adequately demonstrate consistency or justify any inconsistency with the following S117 Directions:
 - 1.3 Mining, Petroleum Production and Extractive Industries

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- 2.2 Coastal Protection
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land

4. Council is to update the planning proposal to include the relevant matters for consideration as set out in clause 8 of the State Environmental Planning Policy (SEPP) No. 71 Coastal Protection.

5. Council is to satisfy the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate the site is suitable for rezoning.

6. The planning proposal be made publicly available for a minimum of 28 days.

7. Consultation with:

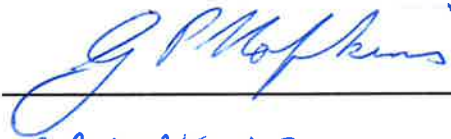
- Office of Environment and Heritage
- NSW Trade and Investment - Resources and Energy
- Transport for NSW - Roads and Maritime Services
- Mine Subsidence Board
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link

8. 12 months timeframe to make the plan.

9. Plan-making delegation should be delegated to Council for this planning proposal.

Supporting Reasons : *

Signature:



Printed Name:

G.P. HOPKINS

Date:

15 March 2016