

JOINT REGIONAL PLANNING PANEL (Hunter Central Coast Region)

JRPP No	2014HCC033
DA Number	1080/2014
Local Government Area	WYONG SHIRE
Proposed Development	Staged mixed use development (under Section 83B) including demolition of existing buildings and construction of a shopping centre with a supermarket, shoptop housing, hotel accommodation, restaurant, multi-purpose function space, and ancillary parking and other works.
Street Address	78 -118 The Entrance Road; 1-3 Glovers Lane; 19-23 Taylor Street, The Entrance. Lot 460 DP 738473; Lot 16 DP 1162334; Lots 1 & 2 DP620550; Lots A & B DP 392342; Lots 30, 31 & 32 DP 10294; Lots 341 & 342 DP 703997; Lots 33A & 33B DP 438600; Lot D DP377416.
Applicant/Owner	Paradigm Planning and Development Consultants P/L The Entrance Plaza Pty Ltd, Dunnet Properties Pty Ltd
Number of Submissions	19
Regional Development Criteria (Schedule 4A of the Act)	Clause 3 – General Development with a CIV exceeding \$20 million

List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings</i> • <i>State Environmental Planning Policy No. 71 – Coastal Protection</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>State Environmental Planning Policy 55 – Remediation of Land</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>Wyong Local Environmental Plan 2013</i> • <i>Wyong Shire Development Control Plan 2013</i> <ul style="list-style-type: none"> - <i>Chapter 2.11 - Parking and Access</i> - <i>Chapter 2.4 - Multiple Dwelling Residential Development</i> - <i>Chapter 2.15 - Public Art</i> - <i>Chapter 5.1 - Retail Centres</i> - <i>Chapter 5.3 - The Entrance Peninsula</i> - <i>Chapter 3.7 - Heritage and Conservation</i> - <i>Chapter 6.1 - Key Sites</i> - <i>Chapter 3.1 Site Waste Management</i>
List all documents submitted with this report for the panel's consideration	<p>Annexure A – Assessing Officers Report Annexure B – Draft Conditions of Consent Annexure C – Development Plans</p> <p>Attachment 1 Numerical Compliance Table Attachment 2 Residential Flat Design Code Compliance Table Attachment 3 State Environmental Planning Policy No 71 – Coastal Protection Attachment 4 Key Sites Clause 7.11 Compliance Table Attachment 5 Wyong DCP Chapter 5.3 Compliance Table Attachment 6 Wyong DCP Chapter 6.1 (Key Sites) Clause 3.5 Requirements for Lakeside Plaza</p>
Recommendation	Approval subject to conditions
Report by	<p>Salli Pendergast - Senior Development Planner</p> <p>Tanya O'Brien – Manager Development and Rezoning</p> <p>Scott Cox – Director Building and Development</p>
Report date	25 November 2015

Assessment Report and Recommendation

WYONG SHIRE COUNCIL

For The Hunter Central Coast Joint Regional Planning Panel

SUMMARY

A development application has been received for a staged mixed use development under the key site provisions at 78-118 The Entrance Road; 1-3 Glovers Lane; 19-23 Taylor Street, The Entrance. The application has been assessed having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements.

Applicant	Paradigm Planning and Development Consultants Pty Ltd
Owner	The Entrance Plaza Pty Ltd, Dunnet Properties Pty Ltd
Application No	DA/1080/2014
Description of Land	78-118 The Entrance Road; 1-3 Glovers Lane; 19-23 Taylor Street, The Entrance. Lot 460 DP 738473; Lot 16 DP 1162334; Lots 1 & 2 DP620550; Lots A & B DP 392342; Lots 30, 31 & 32 DP 10294; Lots 341 & 342 DP 703997; Lots 33A & 33B DP 438600; Lot D DP377416.
Proposed Development	Staged mixed use development (under Section 83B) including demolition of existing buildings and construction of a shopping centre with a supermarket, shoptop housing, hotel accommodation, restaurant, multi-purpose function space, and ancillary parking and other works.
Site Area	21,357m ²
Zoning	B2 – Local Centre
Existing Use	Lakeside Plaza Shopping Centre and surrounding sites
Employment Generation	660 full time jobs (post construction)
Value of Works	\$298,088,724

RECOMMENDATION

- 1 That the Joint Regional Planning Panel grant consent to DA/1080/2015 at 78-118 The Entrance Road; 1-3 Glovers Lane; 19-23 Taylor Street, The Entrance for a Staged Mixed Use Development subject to the conditions provided in Attachment 2.***
- 2. That Council advise those who made written submissions of Council's decision.***

PRECIS

- Construction of a staged mixed use development including demolition of existing buildings and construction of a mixed use development including a shopping centre, shoptop housing, hotel accommodation, restaurant, multi-purpose function space, and ancillary parking and other works. The proposal includes a retail podium and two towers.

- The site is identified as a 'key site' under Wyong Local Environmental Plan (WLEP 2013) key site maps and the proposal uses these provisions which allow for a bonus building height of 113.8 metres (rather than 23 metres) as per Clause 7.11 of WLEP 2013.
- The development application has been lodged as staged development under Section 83B of the Act. The application seeks 'concept approval only' for the works to take place in three (3) operational stages with subsequent detailed development applications being lodged for each future stage.
- The proposal is permissible as shop top housing, a hotel and retail premises under WLEP 2013.
- Clause 7.11 (WLEP 2013) objectives and Clause 2.11 of DCP Chapter 6.1 Key Sites additionally require provision of significant public benefits to the community in return for bonus development potential.
- Under the notification of the proposal, 5 submissions being received for the first notification period (3 – 19 December 2014) and 14 submissions received for the second notification period (2 - 22 June 2015).
- The value of the development is approximately \$300 million. Due to the value of the development the DA will be determined by the Hunter and Central Coast JRPP.
- The proposal seeks variation to a number of Council's planning controls.

INTRODUCTION

The Site

The site contains the existing Lakeside Shopping Centre which includes a single storey Coles supermarket, and other retail shops with at grade parking for approximately 190 vehicles. The site has a total area of 21,357m² and comprises multiple lots located with a frontage to The Entrance Road, Denning Street and Taylor Street, at The Entrance. The site is located beyond the southern end of The Entrance Mall. Traffic signals operate at the corner of Denning Street and The Entrance Road.



Above: Aerial view of the site and its broader site context within The Entrance

Adjoining the site on the southern side is an existing residential flat building (fronting Warrigal Street) and commercial development along The Entrance Road. Located on the opposite side of Taylor Street and Warrigal Street exist residential buildings of varying densities. Located on the opposite side of Denning Street are commercial activities and The Entrance Police Station (heritage listed).

Located on the opposite side of The Entrance Road is a Catholic Church (heritage listed) and commercial and retail development. The Entrance Road and Glover Lane was recently closed and purchased by the applicant for inclusion in the development site. The site is not identified as bushfire prone land or flood affected. The site is identified as a Key Site under WLEP 2013.

The Proposed Development

The development application has been lodged under Section 83B of the Act seeking concept approval for a staged mixed use development comprising two towers, a smaller shoptop housing building and a shopping centre and including:

- a supermarket and retail space,
- shop top housing (478 dwellings),
- a hotel (108 rooms), a restaurant, a multi-purpose function space,
- parking (1433 spaces),
- landscape podium,
- vehicular access, plant and loading areas
- associated demolition and excavation works.

The site is identified as a 'key site' under WLEP 2013 key site maps. The application has been lodged under these provisions which allow for a bonus building height in return for significant public benefits to be provided to the community and to stimulate further development and viability of town centres. The development has a maximum height of 113.8 metres above ground level (RL.131.6 AHD) which complies with the Key Site provisions.

The development includes a podium containing retail space (13,250m² Gross Lettable Area (GLA) adjoining the three street frontages (Denning Street, Taylor Street and The Entrance Road). There are two levels of retail floor space along The Entrance Road frontage and ground floor retail space along the Taylor Street frontage containing a supermarket and a major retail tenancy. The proposal will result in an expansion of the existing shopping floor space on the site. The proposal includes a supermarket and shops (various sizes), two levels of basement parking (B1 – 493 spaces and B2 – 653 spaces) and rooftop parking (179 spaces) with shade sails above the podium (level 1).

Above the retail space, facing The Entrance Road (Level 1) shop top housing is proposed comprising 48 residential apartments over three storeys.

At Level 1 within the northern (Denning Street) end of the building is a restaurant and function/convention space (at the hotel lobby level).

At Level 2 within the northern (Denning Street) end of the development is a landscaped level (referred to as the oasis level) which is located directly below the tower buildings. This level contains two pools, landscaping, day spa, decks and a bar.

Above this level, the development proposes two towers which comprise:

- 250 residential apartments (27 storeys) within a residential tower located on the corner of The Entrance Road and Denning Street;
- 100 hotel rooms (6 storeys) and 110 residential apartments (11 storeys) within a tower building located on the corner of Taylor Street and Denning Street.

At the rooftop level of the hotel building is a public viewing platform and at the rooftop level of the residential tower is a private viewing platform.

Also proposed are public domain works including the creation of a piazza public space at the northern end of the site fronting Denning Street and creation of a bus hub on The Entrance Road, street tree planting and a lighting art work on the soffit of the residential tower which can be programmed with images and colours. This digital artwork will be visible from the street frontages and within the podium itself and is intended to activate the corner and to provide a gateway and way-finding element.

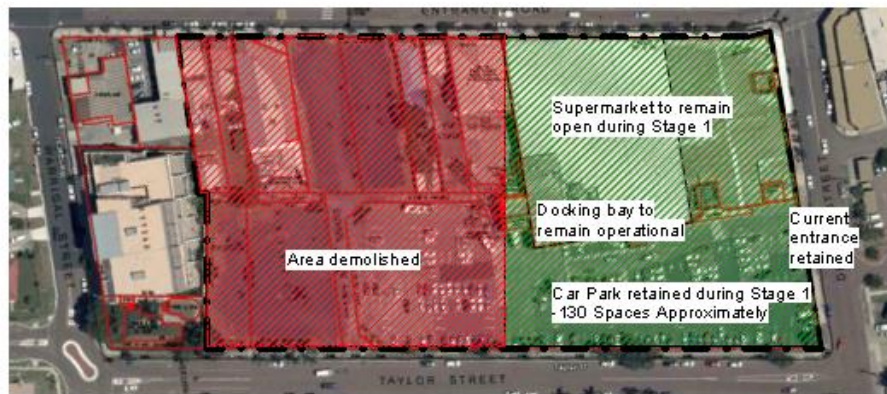
The total gross floor area for the development is:

Retail GFA –	15,603m ²
Hotel GFA –	9,355m ² (includes 500m ² restaurant and 750m ² convention)
Residential GFA –	39,110m ² (comprising 21,978m ² Tower 1; 13,024m ² Tower 2; 4599m ² Building 3 fronting The Entrance Road)
Total GFA	64,068m ²

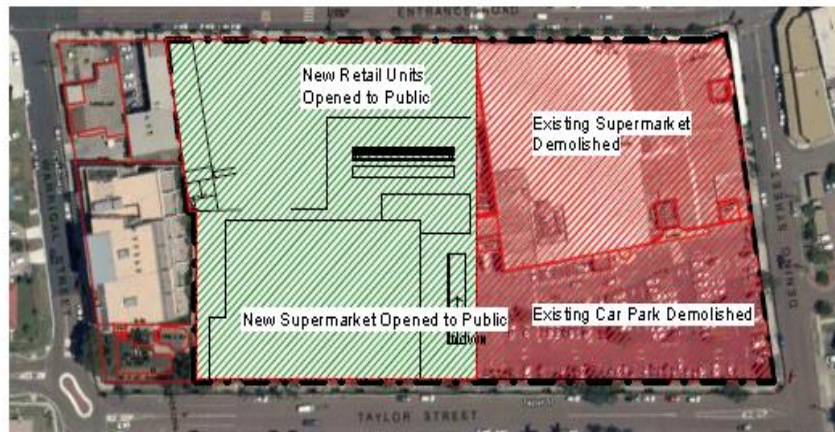
Staging

The staged application seeks 'concept approval only' for the works in three (3) stages with subsequent development applications being lodged for each future stage application as follows:

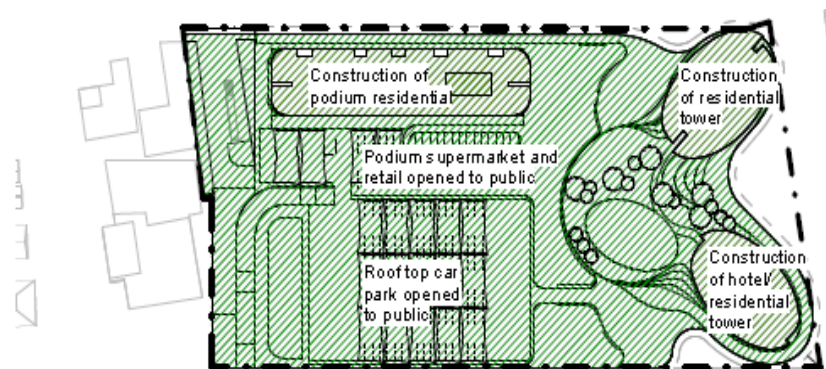
- Concept approval (current DA)
- Stage 1 - Demolition and excavation works within the southern half of the site. Construction of two levels of basement parking, escalators retail floor space (including retail tenancies and a supermarket), and loading area all within southern half of the site. The supermarket is to relocate from the existing (northern) side of the site to the completed southern side of the site and the retail space and parking including the supermarket will to be opened to the public. The existing supermarket and car park (130 spaces) and loading dock in the northern half of the site is to remain in operation during stage 1.
- Stage 2 - Demolition and excavation works within the northern half of the site. Construction of two levels of basement parking over the remaining northern half of the site. Construction of ground floor retail floor space and hotel back of house facilities.
- Stage 3 – New retail podium and conference centre opened to the public. Construction of podium residential fronting The Entrance Road. Construction of rooftop car park. Construction of hotel/residential tower. Construction of residential tower.



① Stage 1 - Overview
SCALE 1: 1250



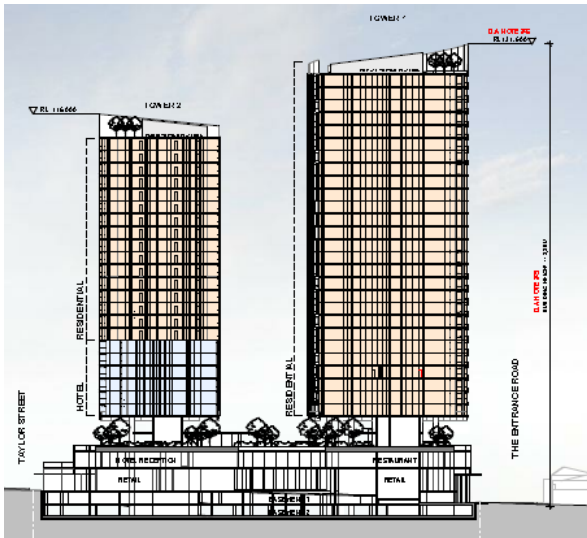
③ Stage 2 - Overview
SCALE 1: 1250



② Stage 3_Tower Plan
SCALE 1: 1250

Above: The three construction stages of the development

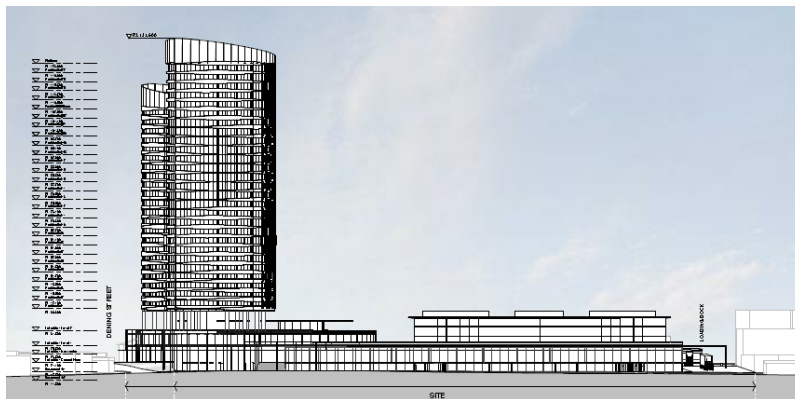
There are no operational stages included under the current development application as it is seeking 'concept only' approval and separate future development applications will need to be made detailing each of the proposed three stages of the development in order to obtain operational consents for each stage for construction purposes.



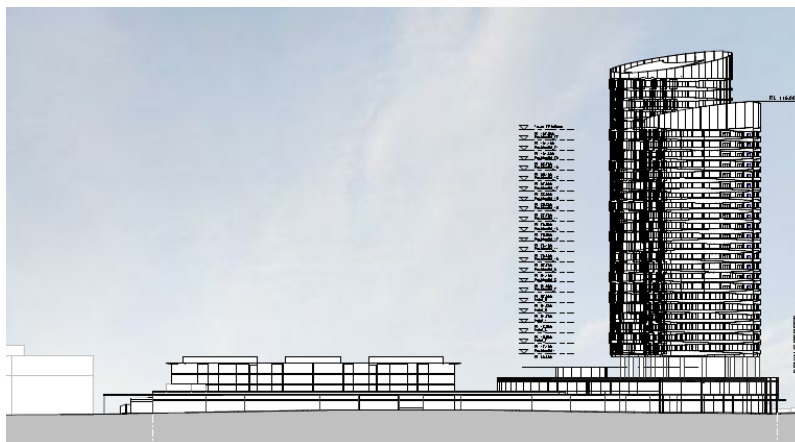
Above: Section through building showing hotel (blue) and residential apartments (yellow)



Above: South-west elevation showing loading area between The Entrance Road and Taylor Street



Above: North-west elevation (The Entrance Road)



Above: South-east elevation – Taylor Street



Above: Photomontages of the development -The Entrance Road & Denning Street (left) and Taylor Street (right)

VARIATIONS TO POLICIES

DCP	DCP Chapter 6.1 – Key Sites
Clause	2.11 – Other Public Benefits
Standard	Provision of significant public benefits in return for bonus development potential (being building height) based on a calculation of public benefit as follows ($S94 \times 2$).
Departure basis	100% variation is proposed. The proposal does not demonstrate significant public benefit is provided as part of the development. The proposal does not comply with the DCP clause containing a calculation formula for the provision of significant public benefit.

DCP	DCP Chapter 2.11 – Parking and Access
Clause	3.2 - Land Use Parking Requirements Table (Table 1)
Standard	On-site parking requirements for specific land uses
Departure basis	Shortfall of 144 parking spaces (9% variation)

DCP	Chapter 5.3 – The Entrance Peninsula
Clause	3.2.5.1 – Streetscape
Standard	10 metres setback for tower buildings above podium
Departure basis	A minimum of zero provided (100% variation) for the residential tower on The Entrance Road and Denning Street

DCP	Chapter 5.3 – The Entrance Peninsula
Clause	3.2.8.1 – Landscape setbacks adjoining residential boundaries
Standard	Basement setback to residential a minimum of 6m & predominantly deep soil
Departure basis	A minimum of zero provided (100% variation) for the two levels of basement immediately adjoining the southern residential boundary.

DCP	Chapter 5.3 – The Entrance Peninsula
Clause	4.2.3v - New Public Open Spaces
Standard	A new town square approximately $2,000m^2$ in size with a minimum width of 30m and with $\frac{2}{3}$ to be located on the site.
Departure basis	A piazza $750m^2$ in area is proposed on the site (44% variation). Denning Street not intended to be closed in the short term.

DCP	Chapter 5.3 – The Entrance Peninsula
Clause	5.1 – Key Sites – Concept plans/ Site Specific Development Control Plans: General Design Principle Requirements
Standard	Slender towers maximum longitudinal dimension of approximately 35m.
Departure basis	45m maximum longitudinal dimension of towers (28% variation)

INTERNAL CONSULTATION

The application was referred within Council to the following officers and the issues raised in the referral process are discussed below and in other relevant areas of the report.

Senior Development Assessment Engineer

Council's Senior Development Assessment Engineer has advised that the engineering aspects of the concept proposal are satisfactory, subject to the imposition of specified engineering conditions of consent on any approval issued.

Water and Sewer Planning

The application was referred to Council's Water and Sewer Planning section for assessment. No objection was raised subject to further details being provided at future operational stages. Information shall be provided under the future operational stages regarding the composition of proposed residential development in order to confirm the loading applicable to the Water and Sewerage network as well as the contributions payable.

Urban Designer

The application was referred to Council's Urban Designer who reviewed the concept proposal against the 10 principles outlined in SEPP 65 (Design Quality of Residential Flat Buildings) and advised that there are a number of outstanding issues related to the proposal (including detailed finishes, internal residential layout etc). However, these aspects maybe further addressed with regard to SEPP 65 compliance under the detailed plans and information lodged for the DA for each one of the future stages. The design concept shown in plans was however, considered appropriate.

Trade Waste

The application was referred to Council's Trade Waste Section who advised that the application will require the installation of appropriately sized pre-treatment devices (grease arrestors) to accommodate the retail food outlets proposed for this development. The future DA's for each stage will require further assessment and comment.

Traffic Transportation Engineer

The application was referred to Council's Traffic and Transportation Engineer who initially raised concerns regarding access arrangements, parking, traffic generation, modelling and traffic counts. Subject to recommended conditions and further information to be provided with the DA's for each future operation stage, no further objection was raised.

Senior Health and Building Surveyor (Building Certification)

Council's Senior Environmental Health Officer has reviewed the application and raised no objection to the concept proposal subject to recommended conditions.

Senior Environmental Health Officer (Compliance)

Council's Senior Environmental Health Officer raised concerns regarding the acoustic assessment, and the preliminary contamination assessment. Amended information was provided by the applicant and although concerns remain these can be addressed under the detailed design information to be provided under the future DA's for each stage. This is discussed further under the acoustic impacts section of the report. Subject to recommended conditions and further information to be provided with the DA's for each future operational stage, no further objection was raised.

Arborist and Landscape Design Assessment Officer

The application was referred to Council's Arborist and Landscape Design Assessment Officer for comment who advised of no objections to the design subject to conditions.

Heritage Consultant

The application was referred to Council's Heritage Consultant due to the site being in the vicinity of two locally listed heritage items. No objection was raised to the proposal on heritage impact grounds.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

Any submission from the public.

The application was notified on two occasions in accordance with DCP 2013 – Chapter 1.2 Notification of Development Proposals with 5 submissions being received for the first notification period (3 - 19 December 2014) and 14 submissions received for the second notification period (2 - 22 June 2015). The general issues raised in relation to the proposal are discussed below.

- ***Traffic impacts – access, congestion, pedestrian safety***

Comment:

The applicant prepared a traffic assessment for the proposal which outlined the potential traffic, parking and access impacts associated with the proposal. Traffic surveys were undertaken as part of the assessment which indicated that the current traffic flows in and around the site are relatively low and well within acceptable limits. There will be a significant increase in traffic generation associated with the proposal and there will be upgrading of road infrastructure to support the development of the site

Concern has been raised regarding the number of access points proposed for the development along Taylor Street. There are three car park access points proposed along Taylor Street and two loading access points over a street frontage distance of over 200m. The multiple access points have been provided to allow the traffic movements to be dispersed over a number of intersections and roads, to reduce the traffic impacts at any one location. The design of the access points allows for all vehicles to enter and exit the site in a forward direction. Additionally, the DCP states that service areas and delivery docks are to be accessed from streets or laneways that are not commercially-significant, unless no alternative is available (DCP Chapter 5.3 - Clause 4.2.4).

The main two-way vehicle access to the shopping centre car park is currently located along Taylor Street. Loading and unloading activities currently associated with the existing shopping centre also take place access along Taylor Street. Additionally, the existing shops fronting The Entrance Road are accessed from Taylor Street via Glover Lane and this includes loading activities. There is a two-way access to the roof top car park which will be for staff parking and function centre / restaurant use only.

The development is expected to be a significant generator of pedestrian movements, both to the site and within the site. There are footpaths provided along both sides of Denning Street and The Entrance Road to allow for good pedestrian connection throughout the established commercial development within the centre of The Entrance. These allow for good connection between the site and the remainder of the town centre and will need to be upgraded with the future DA's.

- ***Building Height***

Comment:

The ordinary height control that applies to the site under WLEP is 23 metres. However, the site has been identified as a 'key site' under Council's LEP height maps which allows a maximum height of 113.8m on the site. The proposal is therefore in accordance with the permitted maximum height under the planning controls that apply to the site. It is noted that the proposal does not include significant public benefits for the community that are intended to be associated with the additional building height. However, this will be addressed through the operational Stage 1, 2 and 3 DA's.

- ***Noise and amenity***

Comment:

Concern has been raised regarding the potential noise impacts associated with the proposal caused by frequent deliveries and unloading activities, and noise associated with traffic and during construction.

An acoustic report which assessed the potential noise impacts of the proposal has been provided. There is potential for noise impacts from the loading docks, plant and equipment (yet to be detailed) and general traffic noise associated with the development as well as during construction. The applicant has identified future measures to be adopted to address noise impacts associated with the loading area including its enclosure and operating hours.

The southern end loading dock will need to be enclosed to preserve the amenity of the occupants of the adjoining residential building at the southern end of the site. This should be investigated under the DA for Stage 1 in order that potential noise concerns associated with its extended operation be satisfactorily addressed.

As the current DA is seeking 'concept approval only' with no works proposed, the level of detail accompanying the application is not sufficient to undertake a comprehensive assessment of the potential impacts. There will be an opportunity to consider and address the potential noise impact with the future DA's once more comprehensive details regarding the proposal have been provided. There will be the opportunity to limit the construction hours and the future operating hours for the retail component of the development under recommended conditions that will apply to the DA's for stages 1 and 2. A condition will be recommended requiring a further acoustic report and treatment of the loading dock to ensure that the design will address the potential for any noise impacts associated with its operation.

- ***Overshadowing***

Comment:

Shadow diagrams have been prepared for the development at hourly intervals between 9:00am, midday and 3:00pm, on 21 June and also for 21 December at 9, midday and 3pm. The diagrams indicate the scenario mid-winter on the shortest day of the year as well as mid-summer on the longest day of the year in order to ascertain shadowing impacts from the development throughout the year.

DCP Chapter 2.4 (6.3.1) requires a minimum of 3 hours of unobstructed solar access to a minimum of 75% of the private open space (POS) area for a dwelling on an adjoining site between 9am and 3pm midwinter. The POS for the dwellings will continue to achieve solar access mid-winter at the early morning and mid-afternoon periods of the day. The extent of shadowing impact resulting from development to the boundary at the base LEP height limit of 23 metres, would result in some overshadowing impacts to the dwellings on the opposite side of Taylor Street. There is potential for redevelopment for the residential lots on the eastern side of Taylor Street including increased residential densities and a more significant building form than currently exists.

The design of the development takes the form of slimline towers located at the northern end of the site and oriented towards each street corner. The design of the towers in this form aims to minimise the impact of overshadowing on adjoining and surrounding properties. Concern has been raised by surrounding residents in Taylor Street, Denning Street and The Entrance Road regarding the extent of overshadowing as a result of the height of the proposal.

The location of the towers towards the northern end of the site assists in minimising significant shadowing impacts to properties located to the south of the site. Instead the majority of shadow falls across the subject site. A review of the shadow diagrams for midwinter indicates that during the morning, shadows extend southwards across the majority of the site. By mid-morning the shadows fall across the southern end of Taylor Street, and by midday through to 2pm shadowing extends towards the northern end of Taylor Street affecting residential properties. The sites on the eastern side of Taylor Street currently experience no shadowing impacts from the proposal by virtue of the site being largely an at grade car park within the immediate vicinity of nearby development.

The extent of shadowing impacts is exacerbated by the building height however, any amenity impacts are confined to the winter months and the depiction in the diagrams is the worst case scenario on the shortest day of the year. Every other part of the year results in more solar access than is depicted on the diagrams.

Additionally, it is acknowledged development of the subject site has been part of a very long and detailed process of planning and community consultation during the masterplan creation. This process culminated in the creation of 'iconic' or key sites which are embodied in the recently gazetted Wyong LEP and DCP 2013. These planning controls dictate the allowable height, FSR and envelope controls that direct the nature of building form on the site to a very specific degree. The proposal complies with both the FSR and height controls. There has been opportunity for public submissions regarding the built form on the site and the potential impacts of that built form during the master planning consultation process dating back to April 2011.

The extent of overshadowing impact as a consequence of the development is not deemed unreasonable given the transitional nature of the site context and the likelihood for the future development potential for these sites towards an increased density of development. In this regard, *in areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development* (LEC Planning Principle on solar access *The Benevolent Society v Waverley Council* (2010) NSW LEC 1082).

The overall extent of shadowing impact resulting from the proposal is considered reasonable albeit greater than is currently experienced from the existing development on the site. This is due to the development site largely consisting of an at grade car park which is well below its development potential. The extent of additional shadowing is not deemed excessive given the nature of the development being high rise and the configuration and location of the site within an established area. The proposal is considered to be providing a building form which generally complies with the relevant planning controls and has less potential impact that could otherwise occur under a different development scenario having the same FSR.

It is acknowledged that shadowing mid-winter is the worst case scenario and at all other times of the year, solar access is greater and shadowing is reduced. Overall, considering the site constraints and the desired increased density of development on the site under Council's latest adopted planning controls, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

- **Boundary treatments**

Comment:

A condition has been recommended that suitable landscaping and privacy boundary treatments are to be included under the future DA's lodged for each of the stages in order to minimise any adverse impacts on neighbouring amenity.

- ***Location, appearance and operation of loading docks***

Comment:

The DCP requires the location of the loading docks to be at the southern end of the site, however, given the scale of the development, a second loading dock is required to service the development. Heavy vehicle access is provided separately to the access points for the parking to reduce the conflicts between heavy and light vehicles. The location for this other loading dock is along Taylor Street and there is existing residential development located opposite the loading dock access point. Operational restrictions will need to be placed on the loading docks under the DA's lodged for stages 1 and 2 to ensure residential amenity is not compromised. This will require further acoustic assessment and inclusion of design measures on the plans to mitigate potential impacts.

Additionally, a condition will be recommended in relation to the DA's for stages 1 and 2 requiring architectural treatment of the entry and exit to the loading areas and access control measures to restrict after hours use of the areas. The architectural treatments and landscape treatments are to improve the appearance of the proposed loading dock access points along Taylor Street and The Entrance Road.

- ***Worsen parking availability and road infrastructure inadequate***

Comment:

Council's Transport Engineer and Development Engineer have reviewed the proposal. Although the proposal will result in the loss of existing on street parking and the existing shopping centre car park (of 190 spaces), the proposal includes 1433 new parking spaces on the site. Conditions may be imposed on future DA requiring upgrading of local infrastructure required to cater for the development. This will be provided as part of the development paid for by the development. Additionally, where section 94 contributions (including a roads contribution) are applicable to the development, appropriate conditions will be imposed on the relevant future consents to be granted.

Also, it is noted that a 9% variation to carparking is proposed. Any variation proposed via the Stage 1, 2 and 3 applications will be subject to a Section 94 carparking contribution to assist in funding public carparking in the area.

- ***Architectural merit***

Comment:

The proposal is generally consistent with the principles under SEPP 65 (Design Quality of Residential Flat Buildings) and this is discussed in greater detail below and in the compliance table attached to the report. The current DA seeks concept approval only and a condition will be recommended requiring detailed architectural plans be provided for the podium facades and other SEPP 65 matters related to the residential accommodation. The architecture will require further resolution under the detailed plans lodged with the future DA's for each stage.

- **Impacts on views**

Comment:

Concerns were raised regarding the potential adverse impacts on views. The high quality views associated with buildings in the town centre are towards the Entrance Channel, Tuggerah Lake and the ocean. The potential view loss resulting from the proposal would impact on a number of properties surrounding the site to varying degrees. Within the town centre, the majority of taller buildings surrounding the site are located on the northern side of the subject site, between the site and the channel and their views northwards towards the channel will not be impacted by the proposal.

The existing residential building in Warrigal Street (adjoining the southern boundary of the site) will be impacted by view loss given that the outlook of the building's rear viewing balconies is northwards across the site towards the channel. At the lower levels of the building this is unavoidable, given the minimal setback between the existing/proposed development on each site.

The residential building at 18 Denning Street will be impacted with the loss of some westerly views towards the lake. Likewise, the westerly outlook of the three storey residential building at 6 Taylor Street will be impacted as these views currently extend in a westerly direction mid-way across the site. There will be some impact to existing ocean views for buildings in the vicinity of the site located west of The Entrance Road and some impact to lake views for those buildings in the vicinity of the site located east of The Entrance Road. The views that are impacted result from an outlook across an under-developed site.

In order to consider the impact of the view loss it is also important to consider how reasonable it is to expect to retain the views. The views for these properties are a result of an adjoining site being undeveloped and to a level far below its potential. In general the view loss for these surrounding buildings will be minor to intermediate. In acknowledging this, it is noted that the redevelopment of the site and its height and density has been the subject of long term planning (including The Entrance Town Centre Masterplan) which identifies the higher density for the site included extensive community consultation between April and December 2011.

The proposal is considered to be reasonable and includes slimline towers aimed at minimising impact to views. Additionally, it is noted that sites along Taylor Street are earmarked for future redevelopment opportunities under Council's masterplan for The Entrance. The proposal will be beneficial for the local economy and the development will provide a degree of economic stimulus for local business and investment the area.



Above: Photomontage of proposed development showing the surrounding coastal context.

- **Impacts on property values**

Comment:

Under the provisions of the EP&A Act, an applicant has the right to apply for developments that achieve the aim of orderly and economic use and development of land. There is no evidence to suggest the development would have a negative impact on adjoining land values. The proposal would more likely attract increased interest and activities in the area having a potentially positive impact on land values. In addition, the impact on land values is not a planning consideration under Section 79C of the EP&A Act, a matter which has been reinforced by planning and development decisions in the NSW Land and Environment Court.

The proposed variations are discussed in further detail under the relevant DCP Chapter discussion.

HISTORY

Relevant Background:

- At its Ordinary Meeting on 24 November 2010 Council resolved to endorse the identification of a number of “Key Sites” within Wyong Shire. Council recognized an opportunity to stimulate the economy and create employment opportunities by offering incentives for the short term development of these sites. Each key site is to demonstrate design excellence involving the development of exceptional buildings that stand out from their surroundings and which other developments seek to emulate. The development of these key sites is required to demonstrate the provision of significant net community benefit.
- Lakeside Shopping Centre has operated since the late 1970's and accommodates a Coles supermarket (3005m² in area), around 23 retail tenancies (approx. 1997m² in area) and parking for 190 vehicles.
- A VPA has not been offered for the development of the site.
- Under a Deed of Agreement (LDOC008509) between Council and Dunnet Properties Pty Ltd and The Entrance Plaza Pty Ltd, Property Services assisted with the closure of Glovers Lane and transfer to the developers of the closed road (Lot 16 DP 1162334) and the laneway extension land (Lots 2 DP 620550 and Lot 342 DP 703997).

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Clause 149 Certificate details, the assessment has identified the following key issues, which are discussed for Council's information.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan 2013

Permissibility

Under WLEP 2013, the site is zoned B2 Local Centre. The proposal includes as permissible uses a number of land uses including ‘tourist and visitor accommodation’ or more specifically ‘hotel or motel accommodation’, ‘retail premises’ or more specifically ‘food and drink premises’, ‘function centres’, and ‘shop top housing’. The following land use definitions are relevant:

“retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following: “

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) **food and drink premises**,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) **shops**,
- (m) timber yards,

- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

“tourist and visitor accommodation” means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers’ accommodation,
 - (b) bed and breakfast accommodation,
 - (c) farm stay accommodation,
 - (d) **hotel** or motel accommodation,
 - (e) serviced apartments,
- but does not include:
- (f) camping grounds, or
 - (g) caravan parks, or
 - (h) eco-tourist facilities.

“shop top housing” means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

“food and drink premises” means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a **restaurant** or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

“restaurant or café” means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

“shop” means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note. Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

“hotel or motel accommodation” means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,

but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

“function centre” means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

The objectives for the B2 zone are as follows:

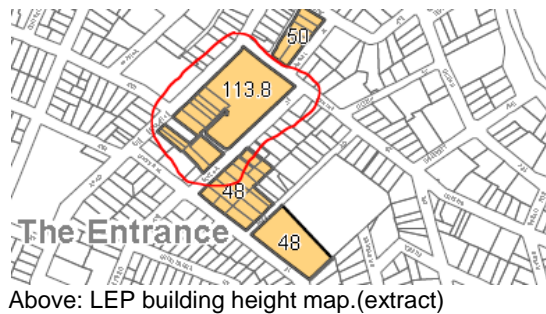
- *“To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To permit residential accommodation while maintaining active retail, business and other non-residential uses at street level.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones”.*

The proposal is considered to be consistent with the B2 zone objectives for the purposes of Clause 2.3(2). Under the proposal a range of future business and retail opportunities are created that will serve the needs of visitors to, and residents of, the local area. The proposal will create new employment opportunities in an accessible location and the residential accommodation is provided in a form that maintains the active retail uses at street level.

The development will provide for recreational and event amenities through the hotel, piazza and public viewing deck. Additional housing will help in meeting Central Coast Regional Growth targets and will contribute additional adaptable housing supply in the locality.

Height of Buildings

Under Clause 4.3 of Council's LEP and the Height of Buildings Map, the maximum height that applies to the site is 23 metres, however the site is identified as a key site and as such a greater height applies in some circumstances. Under Council's Key Sites Maps (Clause 7.11(3)) the site is permitted a maximum building height of 113.8m.



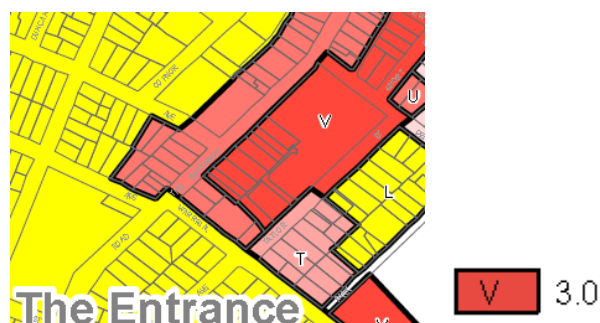
The definition of 'building height' under WLEP states:

“building height (or height of building)” means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The proposal complies with the maximum building height permitted on the site under the Key Site provisions of WLEP 2013. Key site provisions are discussed further later in this report.

Floor Space Ratio

The maximum floor space ratio (FSR) for a building (under clause 4.4) on any land is not to exceed the FSR shown for the land on the FSR map which for this site is 3:1. The site has an area of 21,357m² and therefore an allowable FSR of 64,071m². The development has a GFA of 64,068m² and the proposal therefore does not exceed the maximum FSR and complies with the control.



Heritage Conservation

The site is located in the vicinity of the following identified local heritage items under WLEP 2013:

- Catholic Church (Item I88 – Our Lady of the Rosary Catholic Church at 239-243 The Entrance Road)
- The Entrance Police Station (Item I89 – 12 Denning Street (corner of Short Street))

In relation to these two items, Council's Heritage Inventory Sheet states:

- *"Item 88 - This relatively recent building is historically significant for reflecting the scale of post-war resident population locally, and the corresponding expansion of the Catholic Church in The Entrance. It is the first local example of 'Post War Ecclesiastical' style. It indicates the scale of the resources, and style of worship of the local Catholic Church in the mid 20th Century. Locally significant socially and spiritually for providing a major gathering place for generations of local and holiday making Catholics."*
- *"Item 89 - A typical and representative example of a late inter-war functionalist building on a prominent corner site. It demonstrates the development of a community infrastructure in the locality and is a fine example of the capacity of listed heritage buildings for adaptive re-use. The Police Station has undergone many modifications over the years, however the original station and house can still be seen. After the Ambulance Station next door closed in 1990 the police station expanded onto this site and in 2004 an addition was added to the rear of the former Ambulance Station".*

Clause 5.10(5) states that prior to granting consent to any development on land within the vicinity a heritage item, information to assess the impacts of the development on the heritage significance of the item may be required. The applicant provided information in accordance with Clause. The proposal will have a visual impact on the heritage items as they are both located directly opposite the development site. The proposal will generate more pedestrians and allow for greater exposure and enjoyment of the historic items. The development does however, sit within the commercial centre of one of the Central Coast's main town centres, The Entrance. Within the setting of The Entrance, large buildings and residential flat buildings contribute to establishment of a diverse urban fabric which draws from its picturesque seaside location and has potential to grow. Information will be required to accompany future DA's to identify and mitigate any potential adverse impact the proposal may have on the heritage significance of the item.

WLEP 2013 - Key Sites -Clause 7.11- Development requiring preparation of a development control plan)

Clause 7.11 relates to the development of land identified as a 'key site' on the Key Sites Map and states:

7.11 " Development requiring the preparation of a development control plan (key sites)

(1) *The objectives of this clause are as follows:*

- (a) to deliver a high standard of design excellence for certain key sites in Wyong,*
- (b) to encourage the amalgamation of those key sites to provide opportunities for the expansion of, and improvements to, the public domain,*
- (c) to provide a catalyst for the social and economic development of centres within Wyong,*
- (d) to deliver significant public benefit to the community.*

(2) *This clause applies to land identified as "Key Site" on the Key Sites Map.*

- (3) *Despite clause 4.3, the maximum height for a building on land to which this clause applies is the height shown on the Key Sites Map in relation to that land if the consent authority is satisfied that a development control plan that provides for the following matters has been prepared for the land that is the subject of the development application:*
- (a) the application of the principles of ecologically sustainable development,*
 - (b) green building solutions,*
 - (c) design excellence, including a high standard of expertise in urban and landscape design, interior design, construction and historic preservation,*
 - (d) a high standard of architectural design, materials, unique facade treatment and detailing appropriate to the type and location of the development,*
 - (e) encouraging sustainable transport, including increased use of public transport, walking and cycling,*
 - (f) road access, including the circulation network and the provision of car parking,*
 - (g) the impact on, and improvements to, the public domain,*
 - (h) environmental constraints, including acid sulfate soils, flooding, contamination and remediation,*
 - (i) the relationship between the development and neighbouring sites, including urban and natural environments,*
 - (j) the relationship between the development and any other development that is, or may be, located on or near the site in relation to overshadowing, privacy, setbacks and visual amenity.”*

The clause allows for bonus development potential - being a greater height than ordinarily permitted – subject to the consent authority being satisfied that a site specific development control plan that provides for the above nominated matters has been prepared.

A site specific DCP has not been prepared and adopted for the site that provides for the above specified matters. However, the applicant has argued that under Section 83C of the EP&A Act, the staged development application lodged under these provisions of the Act satisfies this requirement. Section 83C states:

“83C Staged development applications as alternative to dcp required by environmental planning instruments

- (1) An environmental planning instrument cannot require the making of a staged development application before development is carried out.*
- (2) However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a staged development application in respect of that land.*

Note. *Section 74D (5) also authorises the making of a development application where the relevant planning authority refuses to make, or delays making, a development control plan.*
- (3) Any such staged development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.”*

A table of compliance for the proposal against the requirements of Clause 7.11 is attached to the report (in Attachment 4). The proposal is considered inconsistent with the objective (d) of the clause related to public benefit. Contrary to Council's planning controls, the development does not include a separate proposal detailing the provision of significant public benefits for the community. Rather, the applicant argues that the proposed development itself provides significant public benefits to the community and provision of an additional benefit to justify the bonus height it is therefore unnecessary and unlawful.

It is Council staff's opinion that a significant public benefit (in addition to that argued by the applicant) will need to be offered and accepted before the granting of approval of any operational Da's that seek the bonus height. This is discussed later in the report under the section on public benefit.

The development concept, as a masterplan for the site, is however considered to express quality design, suitable to the locality, connects to available public transport, walking, cycling in line with Clauses 7.11. Also the subsequent operative DA's for Stages 1, 2 and 3 have capacity to meet these provisions appropriately and in line with site constraints.

Coastal Zone

Clause 5.5(2) applies to development within the coastal zone and requires consideration of specified matters prior to consent being granted. The specified matters relate to:

Clause 5.5(2) Coastal zone matters	Comment
<ul style="list-style-type: none"> maintaining existing and identifying new pedestrian access to and along the foreshore, 	The proposal does not directly affect pedestrian access to/along the foreshore but will increase pedestrian activity in the area surrounding the site including the foreshore. The development is considered likely to attract visitors, customers, workers as well as direct residents of the proposal.
<ul style="list-style-type: none"> the suitability of the development and its impact on scenic quality, 	The towers will be visible from various vantage points around The Entrance and beyond. However, the proposal will not disturb views to any coastal headlands. The subject site has been the subject of long term planning and is identified in the broader planning strategies for the area (eg. The Entrance Town Centre Masterplan). This masterplan encouraged development of a range of sites with this site being identified as a key site (with height bonuses through the WLEP).
<ul style="list-style-type: none"> the impact of the proposal on the amenity of the coastal foreshore (including shadowing or view loss), 	The site is approximately 400m from The Entrance Channel. There are no direct or unreasonable impacts on loss of amenity to the foreshore resulting from the proposal.
<ul style="list-style-type: none"> protection of the visual amenity and scenic qualities of the coast, 	Due to the height of the towers, the proposal will be readily visible from some distance away. As noted, the redevelopment of the site has been the subject of long term planning and is identified in the broader planning strategies for the area including the WLEP.
<ul style="list-style-type: none"> conservation of coastal biodiversity and ecosystems, and 	The site is currently a commercial shopping centre and carpark. The proposal does not adversely impact upon the conservation of coastal biodiversity and ecosystems including rock platforms or coast vegetation.

<ul style="list-style-type: none"> the cumulative impacts of the development on the coastal catchment. 	<p>The proposal does not have any cumulative impacts on the coastal catchment. With regard to visual impacts, the proposal has been the subject of long term planning and is identified in the broader planning strategies for the area. The concept design is compatible with the vision for The Entrance as a thriving sea side destination.</p>
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The proposal is considered satisfactory in relation to the protection of the coastal zone.

Acid Sulphate Soils

Clause 7.1 requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as Class 5 on the Acid Sulphate Soils (ASS) Planning Map and the proposal does include works that are proposed within 500 metres of adjacent Class 3 land and that are below 5 metres Australian Height Datum.

With the proposed excavation of up to 6 metres, an Acid Sulphate Soils Assessment Report and Management Plan shall be prepared by a suitably qualified person for the future developments. The current application is for concept approval only and appropriate information to address this matter will need to be provided with the operational development applications lodged for Stages 1 and 2 in relation to the basement car park construction. This requirement is included in the proposed conditions of consent.

Essential Services

Clause 7.9 requires that services that are essential for the development are available or that adequate arrangements have been made to make them available when required prior to consent being granted. These services include water supply, electricity supply, sewage management and disposal, stormwater drainage or on site conservation and suitable road access.

Water service is available for the new proposed development from The Entrance Road and Taylor Street. Council's existing system is adequate to provide water supply to the proposed development, with localised upgrades and renewals required as part of the development. The site is located on a high point within the catchment and is currently serviced for sewer via two separate sewer lines that gravitate to a Sewerage Pump Station catchment area. There is potential for several existing mains to become overloaded from the proposed development. Therefore, the applicant will be required to provide a staged loading plan that indicates the split of sewage loadings across the available connection points. Council can then review the adequacy of the proposed connection points in more detail and determine what upgrades may be required.

Under future Stage 1, the existing sewer mains on the southern side of the existing shopping centre will be affected, with some existing mains being abandoned as part of the works. A new manhole should be constructed as a point of connection within the proposed development boundary and link into Council's sewer network. In accordance with Clause 7.9, the future stages of the proposed development will need to demonstrate the manner in which the development can be adequately serviced. Water and sewer contributions will be applicable to the future operational stages of the development.

As this is a concept DA conditions can be applied requiring the provision of additional detail with the DA's for subsequent stages 1, 2 and 3.

b) Relevant SEPPs

State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings

State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings applies to the development and requires the design quality of the residential flat development to be taken into consideration and evaluated against the ten design quality principle, and the Residential Flat Design Code (RFDC). The proposal is accompanied by a Design Verification Statement prepared by the architect of the building addressing the SEPP 65 design principles as follows.

Principles	Proposal
Context	The proposed development replaces an existing small shopping centre located beyond the southern end of The Entrance Mall. The proposal reinforces the site as the civic and retail hub of the town that is strongly linked to the remainder of the Entrance retail area and foreshore. The building is designed as a 'marker' for the town and a designated 'iconic site' and as such the building is to stand out from its immediate context to help improve the character of the town centre and to act as a catalyst for future development. The proposal is a bold architectural design that will promote confidence in the revitalization of the region.
Scale	The precinct is undergoing a transition and the proposal achieves a scale, bulk and height identified in the future planning strategy for the area under The Entrance Town Centre Masterplan' and the 'Key Iconic Development sites report'. The development is to be designed as a catalyst for the area.
Built Form	<p>The building is designed to utilized the majority of the site and create a small piazza at the northern end of the site. The building podium is designed to create a strong connection with the buildings across Denning Street and The Entrance Road. The curved nature of the podium assists in defining small spaces off the open space area along Denning Street and improves the link between the shopping centre and piazza area. The mass of the podium is stepped back via terraces at levels 2 and 3 which assists to reduce the scale of the building and to relate the podium to the scale of the surrounding buildings.</p> <p>The residential and hotel towers are raised above the podium by 9 metres which helps to reduce the building mass at low level, allowing views and sunlight through into the piazza and surrounding streets.</p> <p>The raising of the towers helps to create an open, sheltered space on top of the podium for use by residents and hotel guests. The elliptical plan of the towers creates a soft organic form that changes as the viewer moves around the building and enables strong coastal winds to pass easily reducing down drafts to the street below.</p>

Density	The high residential density of the development is consistent with longer term strategic vision for the site. The proposal complies with the allowable FSR and height that applies to the site. The number of residential and hotel units proposed is appropriate and reflects the transitional nature of the site context towards higher density development.
Resource, Energy and Water Efficiency	The proposal will include the efficient use of natural resources and water including the harvesting, storage and reuse of rainwater and the use of energy efficient building materials and appliances. Passive solar design principals, stormwater harvesting/re-use and waste management recycling are proposed to be integrated with the development. The orientation of the building allows for ideal solar penetration into all apartments with the optimization of coastal breezes to sufficiently ventilate each unit. Basix will be addressed under the future DA for Stage 3.
Landscape	The Oasis level (podium top) is to be carefully landscaped with primarily native species. This area is to be designed to provide a variety of passive and active recreational areas and to provide a suitable outlook from units. The streets fronting the site are to be planted with new trees. This helps to continue the tree lined character of the streets, improving the visual amenity and providing shaded walkways for pedestrians.
Amenity	<p>Privacy between the tower buildings is created by the curved form of the building which maximizes outlook and views from all rooms without compromising visual privacy between apartments. The residential tower is oriented to enable the maximum number of apartments to gain the required access to direct sunlight. In total 75% of apartments gain the required 3 hours as outlined in SEPP 65.</p> <p>The corner apartments within the towers have a dual aspect created by the curve of the building and the cut provided into the towers at each end. This enables 50% of apartments to be cross ventilated directly from outside. The other remaining single aspect apartments can be cross ventilated via the central corridor which is ventilated through openings at each end. Therefore the buildings satisfy the 60% natural ventilation requirements of SEPP 65.</p>
Safety and Security	The entrance to the apartment buildings are clearly identifiable elements positioned off the main road with direct line of sight to the street. The proposal activates the street frontages to the north, east and west. The entrance to the podium and public areas along the boundaries are overlooked by a number of apartments and hotel rooms. An allocated security lobby provides access to each level of the residential building. Appropriate surveillance systems will be installed around both of the loading dock areas. The car park for the apartment towers and building are separated from the adjacent hotel and retail parking. This car park has controlled access and has direct access to the apartment foyer and will include necessary bypass keys. The residential units are only accessible through controlled lobbies.

Social Dimensions	The proposal aims to provide improvements to the retail, hospitality and residential mix of the area in order to suit the demands of the current and desired future community. The design of the built form activates surrounding public spaces and activates street conditions. An appropriate mix of apartment sizes is proposed.
Aesthetics	<p>The proposed development aims to provide an iconic form to further continue and ultimately elevate the architectural built form benchmark for The Entrance and its surrounding Central Coast region. The proposal provides an appropriate composition of building and open space with the incorporation of communal open space zones located on the podium and Oasis levels as well as the street interface on the ground level.</p> <p>A material and finishes concept statement accompanies the proposal which will be further detailed in future DA's for each stage. This includes a careful selection of material finishes that continue this language of light and coastal elements. The proposal includes curving white concrete balustrades and low iron glass balustrades that continue around the towers. There are timber and timber look aluminium external screens on the external side of each tower between the buildings. The podium includes high quality anodized aluminium and low iron glazing to the facades with hardwood timber batten awning.</p>

A new urban context is being established by this development which will modify the character, scale and place that currently exists in The Entrance town centre consistent with the adopted desired future character and form. The changes are in line with Council's planning controls which seek to create a new direction and vision for the future of The Entrance and stimulate economic growth in The Entrance. The concept proposal is considered consistent with the provisions of SEPP 65 with further details regarding aspects of the design to be provided with the future operational development applications. Areas of compliance related to the Residential Flat Design Code can be addressed under the DA's for the future stages of the consent particularly stage 3 that relates to the three residential shop top housing buildings. A table of compliance for the proposal against the criteria outlined under the RFDC is attached to the report (in Attachment 2)

SEPP 65 – Design Quality of Residential Apartment Development

The changes to SEPP 65 (under SEPP 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide) were notified on the NSW legislation website on 19 June 2015, and commenced on 17 July 2015. Under the changes, the Apartment Design Guide replaces the former Residential Flat Design Code. However, the changes to SEPP 65 include savings provisions for development applications lodged prior to 19 June 2015 wherein the Residential Flat Design Code applies.

Clause 31 of the SEPP refer to Transitional provisions for State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 3) and subclause 2 reads:

“(2) If a development application or an application for the modification of a development consent has been made before the notification on the NSW legislation website of the making of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 3) and the application has not been finally determined before the commencement of that amendment, the application must be determined as if the amendment had not commenced.”

The DA was lodged prior to 19 June 2015 and therefore the Residential Flat Design Code continues to apply to the proposal rather than the Apartment Design Code.

State Environmental Planning Policy 71 – Coastal Protection

State Environmental Planning Policy 71 – Coastal Protection applies to the development. The site is located wholly within a coastal protection zone under the SEPP. In accordance with Clause 7, the proposal has been assessed within the context of the matters for consideration outlined under Clause 8 and found to be satisfactory (as outlined in the attached table Attachment 3).

The proposal has also been considered under Part 4 of the SEPP and is generally consistent with this part. The proposal will not impact on foreshore access. The site is locally prominent and the visual implications of the building when viewed from a range of locations has been considered in the long term and detailed planning for the site. This includes the adoption of Council's recent planning controls to allow for this form and scale of development on the site. The site is not directly affected by coastal processes and the proposal will not affect natural environments.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed residential component of the development constitutes 'BASIX affected development' as defined within the Regulations, however, BASIX Certificates have not been submitted with the development application. Under Clause 70A of the EPA Regulation, required information under a staged development application may be deferred to a subsequent development application. Stage 3 includes the residential component of the proposal and the requirements for Basix Certificates for the development under Stage 3 will be deferred to the Stage 3 DA. In this case the applicant has requested that the requirement for Basix Certificates for the residential components be deferred to the future development application to be lodged for Stage 3. This matter will be conditioned as a requirement of future development applications for the site wherein residential development is proposed.

State Environmental Planning Policy 55 – Remediation of Land

Two of the parcels (102 and 106 The Entrance Road) comprising the site are identified under Council's database as contaminated due to their previous use as a service station. Clause 7(1) of State Environmental Planning Policy 55 requires that Council must not consent to the carrying out of any development on land unless

it has considered whether the land is contaminated and if contaminated that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development proposed to be carried out. Clause 7(2) requires where there has been a change of use on any of the land (as specified under subclause 7(4)), that Council consider a report specifying the findings of a preliminary investigation of the land in accordance with the contaminated land planning guidelines.

In this regard, a preliminary site investigation (PSI) was prepared to assess the potential contamination of the site and to comment on the need for further investigation and or management of contamination. On the basis of the investigation findings, it was concluded that the site presents generally a low to moderate risk of soil and groundwater contamination. The key areas of concern relate to potential impact of soil and groundwater from previous uses including service station, current commercial uses and the presence of fill (potentially containing demolition rubble and asbestos). Based on the PSI outcomes, additional investigations are recommended and these should be provided with the DA's for stages 1 and 2.

State Environmental Planning Policy 64 - Advertising and Signage

There are no details for advertising or signage proposed or approved under the concept application.

State Environmental Planning Policy (State and Regional Development) 2011

The proposal constitutes regional development under Part 4 of the SEPP and as identified under Part 4A of the EP&A Act due to the estimated value of the development (exceeding \$20 million). As such, the determining authority for the development application is the Hunter and Central Coast Joint Regional Planning Panel.

Clause 22 of the SEPP identifies that in the case of a staged development (under Section 83 of the Act), the functions of a Council conferred on the regional panel extend to the determination of the separate future development applications for the stages.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 applies to the development as (under Column 3) the proposal includes 1433 parking spaces. The proposal also includes new access and a new roundabout on The Entrance Road. Additionally, there are existing traffic signals at Denning Street and The Entrance Road. Accordingly, the application was referred through to the NSW Roads and Maritime Services (RMS) for comment. The requirements of the RMS have been addressed in the recommended conditions of consent and are adequately able to be addressed in the preparation of DA's for the future stages.

c) Relevant DCPs

Wyong Development Control Plan 2013 (DCP)

DCP 2013 Chapter 2.11 – Parking and Access

The existing shopping centre operating on the site provides 190 parking spaces. The proposed development generates the need for on-site parking under Chapter 2.11 of the DCP.

Land Use	DCP Parking Rate										
Multi Dwelling Housing and Residential Flat Buildings	<p>1 space per 1 bedroom dwelling</p> <p>1.2 spaces per 2 bedroom dwelling</p> <p>1.5 spaces per 3 (or more) bedroom dwelling</p> <p><i>Note: The above requirements may be reduced to 1 space per dwelling if development is in the Regional Centre or a District Centre, subject to submission of a Transport Management Plan and approval by Council.</i></p> <p>In addition, 1 space per 5 units for visitor parking with a minimum of 1 visitor space per development</p> <p>1 visitor space is to be available for car washing</p> <p>On average, only one space per unit is to be allocated as resident parking. The remaining spaces are to be provided as separate parking and available for common use at all times</p>										
Hotel, Motel and Serviced Apartments	<p>1 space per unit</p> <p>1 space for the manager PLUS 1 space per 2 employees</p> <p>Where other facilities are provided as part of the development (such as restaurants, conference and function rooms, etc.), allowance is to be made as specified in the relevant sections of this table.</p> <p><i>Delivery/Service Vehicle Requirements:</i> For accommodation units, 1 space per 50 units up to 200 units PLUS 1 space per 100 units thereafter.</p>										
Shops in District Centre	<table border="1"> <thead> <tr> <th>For GFA (m²)</th><th>Spaces/100m² (GFA) #</th></tr> </thead> <tbody> <tr> <td>Up to 13,000m²</td><td>4.7</td></tr> <tr> <td>13,000-26,000m²</td><td>4.3</td></tr> <tr> <td>26,000-40,000m²</td><td>3.3</td></tr> <tr> <td>Over 40,000m²</td><td>3.1</td></tr> </tbody> </table> <p>Note: Apply the requirement from the GFA grouping for the previous group that the development suits, then apply the remainder at the rate for the appropriate grouping e.g. a 28,000m² centre would require 4.3 spaces per 100m² up to 26,000m² then 3.3 spaces per 100m² for the remaining 2,000m².</p> <p># Parking rates may be reduced subject to approval of a TMP by Council</p> <p><i>Service Requirements:</i> 1 space per 500m² GFA up to 2,600m² GFA then 1 space per 1,300m² GFA thereafter</p>	For GFA (m ²)	Spaces/100m ² (GFA) #	Up to 13,000m ²	4.7	13,000-26,000m ²	4.3	26,000-40,000m ²	3.3	Over 40,000m ²	3.1
For GFA (m ²)	Spaces/100m ² (GFA) #										
Up to 13,000m ²	4.7										
13,000-26,000m ²	4.3										
26,000-40,000m ²	3.3										
Over 40,000m ²	3.1										
Restaurant and Function Centre	<p>15 spaces per 100m² GFA or 1 space per 3 seats, whichever is the greater</p> <p><i>Service Requirements:</i> 1 space per 400m² GFA up to 2,000m² GFA then 1 space per 1,000m² thereafter.</p>										

Parking for the development is proposed to be provided in two levels of basement car park across the whole of the site and rooftop above the shops on level 1 of the building as follows:

Parking Provision	Retail	Residential	Hotel	Convention/ restaurant	Total
Basement Accessible 2	256	406 37	-	-	699
Basement Accessible 1	287	129 12	103	-	531
Level 1	166	37	-	-	203
Total parking	709	621	103	-	1433

Parking for the development is required under DCP 2.11 on the following basis under the proposal.

Parking (Chapter 2.11)	Details of development	DCP rate	Required Spaces	Parking provision
Residential - 1 Bed - 2 Bed - 3 Bed Visitor TOTAL RESIDENTIAL	169 dwellings 260 dwellings 49 dwellings - 478 dwellings	1 x 1 Bed 1.2 x 2 Bed 1.5 x 3 Bed 1 per 5 units -	169 312 74 96 651	621
Accessible (for adaptable units)	10% (48 units) 49 spaces	1 per unit	48 (included)	
Retail - Existing GFA - New GFA Up to 13000m ² Over 13000m ² TOTAL RETAIL	15,603m ² 6667m ² 8936m ² - 6333m ² - 2603m ² -	Existing - 4.7/100m ² . 4.3/100m ² . -	190 onsite 298 112 600	709
Hotel	108 rooms 60 staff	1 space/unit 1 space manager + 1 space/2 staff	108 30	103
Restaurant Service	500m ²	15/100m ² 1/400m ² -2000m ²	75 - 1	-
Convention Service TOTAL HOTEL RESTAURANT & CONVENTION	750m ²	15/100m ² 1/400m ² -2000m ²	113 - 1 326	-
TOTAL			1577	1433 9 % variation (shortfall of 144)
Residential Spaces			651	621
Retail			600	709
Hotel/restaurant/etc			326	103
Delivery spaces			14	Shared loading areas
Retail - 1/1300m ²			10	(2)
Hotel - 1/50 units			2	& 4 delivery van
Restaurant - 1/400m ² -2000m ²			1	spaces
Convention - 1/400m ² -2000m ²			1	

As identified above, the application seeks approval for a 9% variation to the DCP 2.11 based on a shortfall of 144 spaces from the number required. The applicant has argued that the proposed variation to the parking is reasonable because of:

- The multi-purpose nature of land uses within the development and the strong likelihood of multi-purpose trips.
- The cross use between the proposed shops and nearby established shops and activities.
- The site has good access to public transport and the proposal includes and upgrade to the bus stop potentially including new seating and a shelter.

- The development caters for pedestrian and cyclist access and is well connected to The Entrance shops and foreshore.

The applicant has argued that the calculation of parking generation for the retail component should include as a credit the existing shopping centre gross floor area and associated 190 existing parking spaces. It is argued that the calculation of additional retail parking demand for the development (ie. above the existing GFA) should be based on the *new* retail GFA. On this basis, parking demand in excess of 190 spaces should be based on the new retail GFA of 8936m².

The overall extent of variation proposed to Council's DCP parking rate is 9% (ie. 144 spaces). There is a contributions plan that applies to the site for the parking shortfall and this will be applied to the operational DA's for the future stages of the development.

Clause 3.11 of DCP Chapter 2.11 refers to dual and complementary use of facilities. This section includes a provision for a reduction in the cumulative parking allowances within large scale multiple use developments where there are demonstrated dual and complimentary uses of parking areas which is expected to reduce the total parking demand.

The DCP states that the reduction should be identified in the Traffic Impact Study/Traffic Management Plan with specific details for justification for any discount in parking numbers for consideration by Council. The applicant's traffic report has argued for the following discounting in relation the DCP parking demand:

- It is argued that the convention centre and hotel would likely be utilised by the same guests (eg. For attendance at a conference or wedding) therefore a 50% reduction (56 spaces) be applied to the required (113) spaces for the convention centre.
- It is argued that the restaurant will cater for guests of the hotel and also that the restaurant peak would be in the evening (rather than the day) and as such patrons could use the shopping centre parking. Therefore it is argued that a 50% reduction (38 spaces) be applied to the required parking (75 spaces) for the in restaurant.

The applicant has advised that there may be further reductions in parking provision once the design aspects of the proposal are further detailed and the parking numbers refined under future applications. Additionally, it is not clear where the nominated percentage discount of 50% has been derived. Information further clarifying the extent of any shortfall and any discounting can be provided under the relevant future DA's for the operational stages of the development. It is noted that Section 94 contributions will apply to the nominated parking shortfall under the future operational development applications for each of the stages. This thereby will allow for off-site public carparking to be provided by Council.

The proposed parking provision is considered satisfactory for the nature and scale of development proposed. The shortfall is considered satisfactory in the local context of the site within the town centre having regard for the following;

- the nature of the development as a key site catalyst for other development within the area;
- and the payment of a contribution under Council's Section 94 plan for the area for the shortfall in parking spaces or further information provided in a Traffic Management Plan justifying any discount based on specified dual and complementary use of facilities.

As this proposal is concept only, the applicant states that *the final number of parking spaces could alter as part of the detailed design process to allow for circulation and access requirements as well as for the separate controls required between the hotel, residential and commercial shopping areas.*

Loading and unloading for the development has been designed to cater for large rigid and semi-trailer vehicles with access from Taylor Street. There are two loading areas proposed that are considered satisfactory for the scale of the development. There are also 4 delivery van spaces at Basement Level 1, in close proximity to the proposed shops fronting the Entrance Road. Garbage collection vehicles for both residential and non-residential uses will occur within the two loading docks. An internal arrangement will transfer the residential garbage from the garbage rooms beneath the towers to one of the loading dock via a waste lift.

There are 12 accessible parking spaces at basement level 1 for the retail activities on the site and 49 accessible parking spaces for the residential component which will be allocated to the future adaptable dwelling units within the development. Clause 3.8 of the DCP outlines the bicycle parking requirements for the development which includes bicycle parking facilities at a rate of one per three dwellings for residential flat development and one bicycle space per ten car spaces for any other type of development.

The proposal has not nominated the location of bicycle parking facilities as the proposal is concept only, however, the details for proposed bicycle parking will be provided under future applications for operational stages. Likewise, Clause 3.9 outlines parking for motorcycles and motor scooters and requires that parking is to be provided at a ratio of at least 1 motorcycle space per 50 car spaces. The required motorcycle parking spaces for the development will be detailed under the future applications for the operational stages of the development.

DCP 2013 Chapter 6.1 Key Sites

The site is identified as a key site under DCP Chapter 6.1 - Key Sites to which Clause 3.5 (Lakeside Plaza provisions) and Clause 3 (Generic Development Controls) apply. The proposal has been assessed against the DCP objectives and the following generic development controls:

Controls	Proposal
<ul style="list-style-type: none"> • Design Excellence 	<p>The design demonstrates design excellence. The design responds to and contributes to its town centre context. The proposal utilizes the advantages of its immediate and broader site context. The locations current character is undergoing transition and the design is consistent with the vision for the area</p> <p>.</p>
<ul style="list-style-type: none"> • Design Quality 	<p>The design achieves the ten (10) SEPP 65 principles and this has been discussed elsewhere in the report. It is noted that design will be detailed further in subsequent DA's.</p>

<ul style="list-style-type: none"> • Green Building Design 	<p>The proposal includes additional commitments to at least two PV power generation systems of minimum 10kw (rooftop of supermarket and rooftop of residential building No.3) and water conservation measures beyond the minimum BASIX requirement (increased rainwater harvesting and reuse) to provide significant additional operational benefits as well as the inherent design benefits of the development with respect to achieving a green building solution. Conditions require additional information as part of future stage DA's.</p>
<ul style="list-style-type: none"> • Livability 	<p>The proposal is in a podium and tower configuration and contains a landscaped area on the podium referred to as the 'oasis'. Details regarding the use of the oasis will be provided in the future DA for stage 3.</p> <p>The application also provides for both public and private rooftop viewing terraces and a piazza space along Denning Street. The mixed use style of the development promotes convenience and activity within the public domain.</p> <p>There is no deep soil planting as the development extends across 100% of the site, and a condition has been included that this matter be addressed under the future DA's.</p>
<ul style="list-style-type: none"> • Employment Generation 	<p>There are an estimated 660 jobs associated with the proposal. Some of these are to replace those already existing on the site. The applicant has advised these are further detailed as 80 jobs related to the supermarket; 400 jobs related to the additional specialty retail; 125 jobs related to the hotel/restaurant; 15 jobs related to the convention/function space; 40 jobs related to the residential. There will also be a large number of construction jobs created by the project over an extended period with further multiplier effects.</p> <p>The development will also attract visitors and tourists who will contribute to the local economy and support the ongoing prosperity of The Entrance.</p>
<ul style="list-style-type: none"> • Pedestrian Access 	<p>The proposal aims to reinforce the site as a civic and retail hub of the town centre with strong links to the existing mall and foreshore areas. The proposal will encourage increased levels of pedestrian activity within the town centre and along the surrounding streets. The proposal includes activation of the street through its retail frontages extending around the site perimeter and by attracting visitors and tourists to the locality throughout both day and night destinations.</p>

<ul style="list-style-type: none"> • Traffic/Public Transport/Vehicular Access 	<p>The proposal is located within an existing town centre location where public transport is available in the form of bus services and taxi's. There will be an increase in traffic generation associated with the proposal and the potential impacts associated with the increased traffic generation have been assessed. The RMS have been consulted and appropriate traffic management plans are to be required to inform future operative DA's. Further details will be required at future stages to demonstrate that the vehicle turning paths for the access points to/from the development are satisfactory.</p>
<ul style="list-style-type: none"> • Carparking 	<p>There is a shortfall of 144 spaces and a Section 94 plan for parking applies to the site. The current proposal is concept only and the parking provision on site will be further refined in future applications for the operational stages.</p>
<ul style="list-style-type: none"> • Natural Hazards 	<p>The proposal is not subject to any natural hazards that would constrain the development of the site as proposed.</p>
<ul style="list-style-type: none"> • Public Domain 	<p>The proposal will improve the amenity of the existing street frontage through the provision of retail and commercial uses at ground floor and above. The existing shopping centre building has poor streetscape activation and the current proposal maximizes the opportunity for the active use of the public domain area around the northern and western edges of the site.</p>
<ul style="list-style-type: none"> • Other Public Benefits 	<p>The development provides quality architecture and allows public access through designed piazza spaces in addition to the rooftop viewing terrace. No VPA has been offered for the proposal for the provision of public benefit and the proposal does not strictly comply with the intent of the DCP requirements. However, the proposal is concept only with the operational stages being the subject of future DA's and Section 94 contributions and public benefit contributions will be applicable to the future operational stages. This is discussed in greater detail immediately below.</p>

There are specific controls under Clause 3.5 (Lakeside Plaza) of the DCP that apply to the site and proposed development. The proposal is generally consistent with the objectives and requirements that specifically apply to the subject site as outlined in the attached table (in Attachment 6).

Public Benefit

Clause 2.11 of Chapter 6.1 requires significant public benefits to be provided to the community in return for bonus height potential and to stimulate further development, vitality and viability of town centres. The objective of the clause specifies:

- *“To facilitate the provision of public domain improvements and other public benefits through iconic development of the key sites”.*

At this concept stage the proposal does not comply with the objective of this clause in that 'public domain improvements and other public benefits' in the order envisaged by the DCP have not been provided. Under the requirements, Clause 2.11 specifies:

"The Masterplan and site specific DCP for each Key Site must provide a detailed proposal for significant public benefit. Such public benefit will be in addition to any development contributions levied in accordance with an adopted Section 94 or Section 94A contribution plan".

The detailed proposal for significant public benefit in addition to any development contributions levied in accordance with an adopted S94 contribution plan has at this stage not been provided. The application is therefore seeking a 100% variation to the DCP requirement. There is no levying of Section 94 contributions at the concept stage proposed under the current DA. The clause requires the following criteria to be satisfied prior to the granting of development consent for development utilising the bonus height provision.

"A The following criteria must be satisfied prior to the granting of development consent:

- A contributions plan must apply to the land, or an appropriate Voluntary Planning Agreement has been entered into in respect to the development of the land; and
- Any consent granted must be subject to a condition that requires developer contributions having a value no less than the public benefit value ("PB") calculated in accordance with the following formula: **$PB = (s.94 \times PBR)$** , where:

s.94 is the value of s.94 contributions generated, excluding any contribution for carparking; and

PBR is the Public Benefit Ratio, which is:

- 2.0, where the maximum height of the development exceeds 70 metres or the ratio of the height of the development to the maximum height that would be permitted under cl. 4.3 of the WLEP, 2013, is equal to or greater than 3.0; or
- 1.5 in all other circumstances."

The proposal is required to demonstrate that significant public benefit will be delivered by the proposal and accordingly that the additional building height permitted under Clause 7.11 is acceptable. Under this clause, a Public Benefit of 2 (PBR) x S94 is applicable as the proposal exceeds 70 metres in height. In numerical terms this would equate to:

- Public Benefit \$23,098,510.54 (\$11,549,255.27 x 2)

There has been no VPA negotiated for the proposal for the provision of a public benefit contribution. The applicant has argued that the requirement for a VPA under the DCP has no legal basis and therefore will not be provided. No Section 94 contributions are able to be levied on this DA as the application contains no operational works but is concept only. Contributions would apply to the relevant operational stage that generates the demand for the contribution. A condition is included covering this requirement.

The application seeks approval for 'concept only' and subsequent development applications will be lodged for future operational stages of the development. Section 94 contributions will therefore be levied on the relevant future operational consents (for stages 1, 2 and 3) that are issued for the proposal. The contribution specifically applicable to providing significant public benefit (referred to in the DCP) would be generated under Stage 3 of the proposal for the residential towers (which trigger the bonus height provisions).

Accompanying the DA is a concept public domain plan for the development which includes concept works to be carried out along the street front of the development (along Denning Street, The Entrance Road and Taylor Street) as part of the proposal. The works include the first stage of the Piazza in Denning Street, a bus hub and a digital light artwork. There has not been a costing provided with the application for any of these works. While these works will improve the public domain, the works would be standard for a development of this nature and value. The development itself benefits directly and the greatest from the works proposed. The piazza is located at the entry to the shopping centre and will serve to directly benefit the development as well as the public domain.

The Public Art works are required as a standard part of a development of this scale and nature under DCP Chapter 2.15 (Public Art).

The applicant has provided the following describing elements of the development that provide public benefit:

- 660 jobs created which will boost local employment
- The proposal includes the only supermarket in the Entrance which will be expanded and more retail space will be provided, increasing the range and convenience
- The proposal will be a catalyst for re-investment. The site is in a key location anchoring the southern end of the retail core of the town centre.
- The proposal includes two levels of basement car parking which is a substantial increase in amenity for centre users through removal of surface carparking
- Creation of the Piazza (750m²) is a new public space at the northern end of the site adjoining the shopping centre, however the size of the space is half that envisaged on the site under the DCP. The quality and usability of the space is to be demonstrated with further details under the future DA stages.
- The proposal provides a bus hub. Few details have been provided regarding the works proposed for the bus hub as these are to be definitively identified at a later DA stage.
- The development creates an iconic building form which is potentially a 'postcard' development that will promote The Entrance.
- The proposal will attract more visitors to the site and encourage additional services to the town centre.

These works do not comply with the intent of Council's DCP planning controls in relation to the provision of significant public benefit for the community. Appendix A of DCP Chapter 6.1 includes works that can be readily proposed as 'potential public benefits' under a development proposal. However, no works outlined within the Appendix have been proposed as part of the application to achieve a potential public benefit for the community.

The applicant has also argued that:

“the provisions of Clause 2.11 of the DCP are not for a purpose authorised under Section 74BA of the Act and are not enforceable statutory requirements...as a non-statutory instrument it is not possible for a DCP to seek to extend requirements under Section 94 of the Act beyond those contained in an applicable Section 94 Developer Contributions Plan nor is it possible for a DCP to require that a Voluntary Planning Agreement be entered into prior to the granting of development consent.”

Additionally, the applicant argues:

“there is no statutory basis under the Act for what is in effect a betterment levy. Clearly in some instances there are sites where there is an commercial incentive for owners to voluntarily enter into such arrangements with Council due to significant increases in development potential and therefore value of development sites (eg through provision of increased floor space ratios). As we have previously noted, the sole purpose of the Key Sites height increase for the Lakeside site is to allow the concentration of floorspace at the northern end of the site to better achieve Council’s urban design objectives as adopted in The Entrance Town Centre Masterplan as well as make the development more feasible. The maximum 3:1 FSR for the site could be achieved under the permissible building height under clause 4.3 of the LEP and therefore no additional development density will result from the proposed development using the Key Site provisions.”

The applicant’s statement is noted, however, the intent of the control is to provide a significant public benefit to the community that is generally to the monetary value identified under the DCP Chapter 6.1 (Clause 2.11). The application proposes a 100% variation to Council’s planning control. The information accompanying the application does demonstrate the benefits of the development but does not satisfy the public benefits control or the objectives for this control.

However, the reasons in support of the variation at the concept stage only are:

- A concept DA which will not result in an operational consent against which any building can be constructed.
- All the building elements within the concept whether they exceed the LEP height or not must be subject of a further detailed DA.
- As such any subsequent detail DA which seeks to take up the heights contemplated by the concept DA will also be assessed against the DCP provision and will trigger the need to provide public benefit under the DCP.
- There is currently no S94 developer contribution plan provision to request this.
- There will be no additional demand on infrastructure as a result of the approval of the development concept as no physical works are being carried out.
- A condition of consent will be imposed to require to public benefits offer prior to determination of Stage 3 or what height in excess of 23m in height.

DCP 2013 Chapter 5.1 - Retail Centres

Under DCP Chapter 5.1, the site is located within a 'town centre' (ie. The Entrance Town centre) under the retail network plan. Additional retail floorspace is included under the proposal (additional GLA 8253m² / 9016m² GFA). Assessment of the economic impacts and benefits of the additional floorspace have been previously considered in identifying the site as an iconic site, and as such a net community benefit test is not required for the application.

The applicant's economic appraisal for the proposal (MacroPlanDimasi 2013) states: *"The only way to offset the deterioration in the local economy is through a catalyst project that would encourage further investment at The Entrance. ... The wide frame of investment that is necessary to re-establish the predominance of The Entrance town centre cannot be achieved by a single shop owner in isolation. Nonetheless, the proposed redevelopment of the amalgamated Lakeside Plaza shopping centre site project represents a significant and important foundation for the transformation of the town centre, providing an important southern 'book-end' that supports balanced development across the centre. In its absence, it can only lead to less foot traffic along The Entrance Road. On the other hand, with the project, it would encourage economic activity that supports employment in the commercial zone."*

The building will define and create the street and public spaces and the proposal will generate significant pedestrian activity around the site. Retail activities on the street level and the shop fronts will create visual interest and improve pedestrian safety. Awnings will need to extend continuously over the footpath and corner elements are to be expressed in the building design and façade. Conditions will be recommended to ensure that the architectural character and articulation of the building provides visual interest, legibility and human scale under the detailed plans to accompany the DA's for each stage. There are public domain works proposed for along the street frontage of the development site which will enhance the aesthetic setting and usability of areas external to the development.

The concept design of the development is generally consistent with the design criteria outlined under Clause 6. However, as the application is a concept proposal, details are therefore to be provided under future applications for the specific operational stages of the development in order to demonstrate strict compliance with the design criteria under the DCP. Sufficient detail regarding the specific treatment for the shop facades, awning designs and other aspects will be provided under the future DA's for each stage.

2013 Chapter 5.3 - The Entrance Peninsula

The concept proposal is generally consistent with the relevant aims and requirements of DCP Chapter 5.3. The DCP identifies The Entrance Road and Denning Street as both being commercially significant frontages for the design of the development. The proposal is consistent with the following requirements identified under the DCP as follows:

- The architectural design of the building is consistent with the coastal character considerations for mixed development in The Entrance.
- The proposal provides elements of a pedestrian friendly scale which will encourage pedestrian activity along adjoining streets.
- The taller elements of the development are to slender towers and the new development would be configured as podium elements with towers.
- Podium elements accommodate communal recreation areas through the provision of piazzas.
- Blank exterior walls are oriented away from commercially significant frontages.

- New pedestrian spaces are to integrate with existing pedestrian connections within the town centre and link key areas of the development.
- Satisfactory sunlight will be available for the proposed piazza under the proposal.

The DCP (under Clause 3.2.8.1) requires a setback which is predominantly to provide for deep soil for screen planting to be provided next to any residential property and any basement to be setback from any boundary that faces a residential property by a minimum of 6m. At the southern end of the site, the development adjoins the rear yard of an existing residential property. The two levels of basement car park extend up to the boundary line immediately adjoining the residential property. Although, it is noted that there is a small setback containing proposed planting (but not deep soil) provided along the western half of the southern boundary adjoining a commercial building on The Entrance Road.

As the proposal does not include the required deep soil setback minimum of 6 metres for the basement levels adjoining a residential property, this has been included under the recommended conditions to be addressed under the Stage 1 DA.

Another variation proposed under the DCP relates to the required 10 metres minimum tower setback to the street frontages (Clause 3.2.5.1c). In this regard, the residential tower located on the corner of The Entrance Road and Denning Street does not include any setback from the podium below. The objective of the clause is as follows:

- *“To maintain appropriate amenity and built form, all new buildings shall comprise a podium and tower element.”*

The proposed zero setback is considered appropriate in this instance as:

- The design of the building with an open space on the podium creates a visual break in the building form between the podium and tower elements. A double storey height will exist between the podium and tower.
- The proximity of the tower to the street front allows the public to readily view the digital art show on the soffit (underside) of the residential tower building.
- Council's controls required a gateway element to be provided on this corner (under the Entrance masterplan) to create an iconic building and a wayfinding element. The visibility of the digital lighting artwork will achieve this.
- There is tree planting and other landscape greening to occur on top of the podium which will create a visible distinction between the podium uses and the tower element directly above.

DCP Clauses 4.2.1b and 4.2.3 identifies that a new open space in the form of a town square is to be provided as part of the development in the vicinity of Denning Street, The Entrance Road and Short Street. The Entrance Masterplan envisaged this town square as involving the closure of Denning Street and the creation of a pedestrian only retail square. The proposal does not provide a town square in the same scale as envisaged under the DCP. Clause 4.2.3 of the DCP requires the town square as follows:

“A minimum width of approximately 30m and an area of approximately 2,000m², with at least two thirds of the required space located on the Lakeside Plaza property with a minimum width of 20m;”

The proposal includes a small public open space area referred to as a 'piazza' around 750m² in size to be located at the northern end of the shopping centre adjoining Denning Street. There is no proposal to close Denning Street so traffic flows for emergency vehicles will not be constrained. The size and usability of the piazza open space will need to be further demonstrated under the details to accompany the future DA for Stage 2.

Additionally, Clause 4.2.2b requires a public transport layover to be provided along The Entrance Road in the vicinity of Denning Street as part of the Lakeside Plaza 'Key Site' redevelopment. The proposal includes a bus hub along The Entrance Road and details are to be provided at the future operational Stages of the development.

The proposal is not consistent with some of the specific provisions that apply to the tower width under Clause 5 of the DCP. In particular the proposal does not comply with the maximum longitudinal dimension of 35m for the towers. The proposed maximum longitudinal dimension of the towers is approximately 45m. This represents a 28% variation to the DCP. It is noted that the curvilinear shape of the towers includes more of an oval form.

The built form including the zero setback is considered acceptable given the context of the site and the design. The concept proposal is also generally consistent with the relevant design considerations under Section 4 including those related to the transport and access infrastructure, public open spaces, active frontages and the provision of pedestrian links.

A table of compliance with the relevant provisions of DCP Chapter 5.3 is included under Attachment 5.

DCP 2013 Chapter 3.7 Heritage and Conservation

The site is located opposite the following identified local heritage items under WLEP 2013:

- Catholic Church - Item No. I88 – Our Lady of the Rosary Catholic Church at 239-243 The Entrance Road.
- The Entrance Police Station - Item I89 – 12 Denning Street (corner of Short Street).

Given the significant scale of the proposal and its redevelopment of streetscape, there will be visual impacts to the heritage items as they are both located directly opposite the development site. The proposal will generate more pedestrians and allow for greater exposure and enjoyment of the historic items. Information will be required to accompany future DA's to identify and mitigate any potential adverse impact the proposal may have on the heritage significance of the item. No design mitigation was offered by the proponent in relation to the heritage items, however, the extent of impact was accepted by Council's Heritage Consultant.

DCP 2013 Chapter 2.4 – Multiple Dwelling Residential Development

DCP Chapter 2.4 applies to the development and compliance with some relevant controls under the DCP outlined under the attached table (Attachment 1). A number of aspects of compliance will be subject to the detailed design to be provided with the Stage 3 DA as opposed to this concept DA.

Under the DCP communal open space is required to be provided on site in up to 2 locations at a minimum rate of 20m² per dwelling with a minimum dimension of 5 metres. An area for communal open space for the residential occupants and the hotel users has been provided on the podium. However, no distinction has been provided in the design at this stage to cater for the various users of the area (hotel and residential users). The details for this area will be provided under the future operational DA and compliance will be demonstrated within the future stage 3 DA.

Clause 6.1.6 requires that for development above shops each dwelling shall have a private balcony, terrace or ground level courtyard comprising at least 10m² in area with a minimum dimension of 2 metres directly accessible from a living area of a dwelling. The indicative floor layout plans for the residential component demonstrates compliance can be achieved. Clause 6.3.2 requires a minimum of 3 hours of unobstructed solar access mid-winter to a minimum of 75% of the communal open space area. Again, the indicative floor layout plans for the residential component demonstrates compliance can be achieved.

Clause 12.1b of the DCP requires the provision of 10% of units be designed as suitable for adaption for occupation by aged persons or a person with a disability. No details have been provided but a condition will be recommended that the plans under the Stage 3 DA to demonstrate compliance.

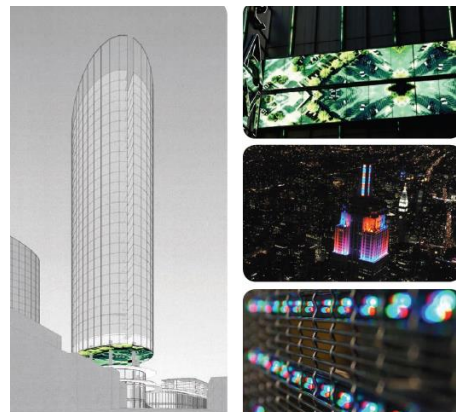
As the application is a staged application under Section 83B of the Act, certain aspects of the proposal may be deferred and conditions can be included to ensure that these aspects of the development are addressed under future DA's lodged for each stage.

DCP 2013 Chapter 2.15 – Public Art

DCP Chapter 2.15 requires major development to implement public art as part of the development. The DCP defines 'major development' as referring to commercial, public administration, and retail (shops) development valued at \$5 million or greater in terms of total development cost. The estimated value of the non-residential component for each stage exceeds \$5 million.

The public art proposal includes an illuminated lighting art work on the soffit of the residential building which will activate the corner day and night. The art work will be programmed with variable colours and digital images. The art work will provide a luminous gateway element to The Entrance. The art work will act as a wayfinding element for visitors to The Entrance and a lighting calendar is to be established to display for seasonal and event oriented images.

The art work is to be provided under Stage 3 of the development although the requirement for art work to be provided is generated under Stages 1 and 2 of the development. Conditions will apply to the DA's for Stages 1 and 2 (non-residential part of the development) requiring public art be implemented as part of the development in the event that stage 3 does not proceed.



Above: The proposed illuminated art work and other similar examples

DCP Chapter 3.1 Site Waste Management

A Waste Management Plan will need to be submitted with the operational development applications for each stage of the development. The Plan shall outline the waste disposal, re-use and recycling (on and off site) for the construction and operational stages of the development.

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance and in terms of the submissions received.

Site context and local setting

The site is the southern anchor of The Entrance town centre with the waterfront and memorial park being the northern anchor. Significant pedestrian traffic is expected to be generated between these two town centre anchors which will benefit surrounding businesses located between these sites. The architectural appearance of the building is modern and visually impressive and will not detract from the scenic qualities of the local setting.

The size of the development site has been used to draw the main development components to the north of the site as an integral part of the town centre retail core. The Entrance Town Centre Masterplan defines the vision and direction for the development of the locality. The site context is planned to undergo substantial change under the revised controls adopted for a number of key sites within The Entrance. The potential redevelopment of surrounding sites has also been identified under Council's planning controls.

The proposal is consistent with the planning controls that apply to the site. Although there will be some amenity impacts to surrounding development (including shadowing, privacy, visual and acoustic impacts), these impacts are not viewed as unreasonable in the transitioning context of The Entrance town centre. Where appropriate, the amenity impacts can be addressed in greater detail with further detailed information to be provided with each DA lodged for the future operational stages of the development.

Energy efficiency, green solutions and sustainability

Council's Key Site planning controls require development to clearly identify all the sustainability commitments to be provided as part of the development (other than those that would typically be required under BASIX for the residential component and Section J of the BCA for the commercial component) that would satisfy Clause 7.11 of WLEP and the DCP. This is necessary to demonstrate consistency with the objective of the clause to deliver a high standard of design excellence for the site.

The applicant has nominated the following energy efficiency and water conservation measures to be included as part of the proposal.

- Rainwater harvesting for all on-site irrigation and car washing. The capacity is to include both the residential parts and the retail parts.
- Water efficient shower heads and taps
- Water efficient toilets

- Water efficient dishwashers
- Native planting and low water use species.
- Energy efficient HVAC systems
- Energy efficient lighting including low watt fittings such as LED.
- Electronic systems will be intelligently controlled.
- Photovoltaic systems (at least 2 exceeding 10kW) one on the rooftop of supermarket and the other on the rooftop of residential building No.3.
- Density of development means residents enjoy direct access to shops, other town amenities and beaches so fewer car trips.
- Installation of high efficiency appliances and mechanical services.
- Preparation of a waste management plan that includes on site automated waste compacting, separation of waste streams, 90% of demolition material reused/recycled and avoidance of plastics in favour of raw or natural products and timbers for construction.
- Oasis level open space to reduce urban heat and encourage a sense of community.

The proposal includes at least two Photovoltaic (PV) power generation systems and water conservation measures beyond the minimum BASIX requirement (increased rainwater harvesting and reuse) to provide significant additional operational benefits as well as the inherent design benefits of the development with respect to achieving a green building solution. Additionally, the applicant argues *the design of the development in concentrating the majority of residential development in the two towers at the northern end of the site results in a significantly greater number of units with more than minimum standard solar access and natural ventilation than would occur for development spread across the site.*

These matters are to be detailed further in DA's for Stages 1, 2 and 3.

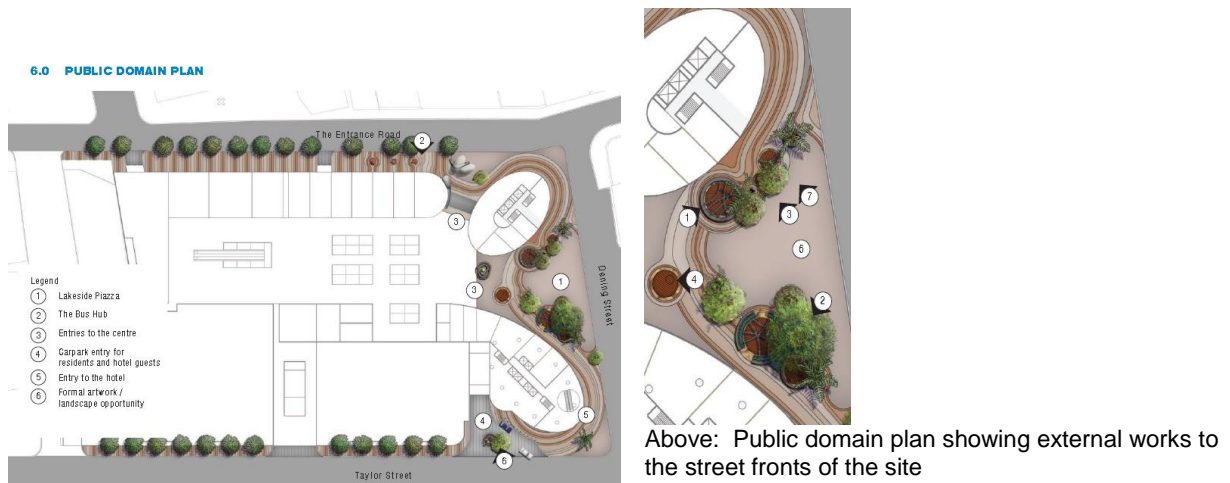
Public Domain

The proposal includes a public domain plan which identifies potential upgrading works around the perimeter of the site including:

- Iconic paving for the external areas.
- A piazza which could include dining and performance spaces, trees and vegetation, artwork platforms, sculptural elements, a kids treehouse, flexible space, water features.
- A bus hub which may include seating, information, signage, weather protection, swings, cycle parking, interactive games and puzzles.
- Artwork and landscape treatment at the formal entry to the hotel building.

Further details are to be provided as part of the detailed DA's.

The development will increase the pedestrian activity in and around the site



Access, transport and traffic

Traffic generation

The applicant prepared a traffic assessment for the proposal which outlined the potential traffic, parking and access impacts associated with the proposal. Traffic surveys were undertaken as part of the assessment which indicated that the current traffic flows in and around the site are relatively low and well within acceptable limits (indicating there is spare capacity for additional traffic). The site currently generates significant traffic flows, operating as a shopping centre.

Based upon the RMS rate of 7.6 trips per 100 m² GFA, the current retail activity in the centre generates 375 vehicle movements per hour. The applicant estimates that the additional morning peak hour traffic movements generated by the development would be 503 whilst the afternoon additional peak hour movements would be 1006. The development has the potential to generate significant daily traffic flows. The non-commercial element of the project could generate some 2,693 vehicle movements per day. It is considered that these additional traffic movements overall will have an acceptable impact upon the daily traffic movements along the Central Coast Highway. The nature of the development will lead to significant variation in seasonal traffic flows, dependent upon the time of year, as The Entrance is typically much busier over the summer months and of a weekend.

Heavy vehicle movements in the vicinity of the subject site are relatively low, reflective of the limited through traffic movements through The Entrance and this location. During the traffic surveys, the vast majority of the traffic was noted to be light vehicles with the heavy vehicle content representing some 2-3% of the overall traffic movements. The majority of these heavy vehicle movements were associated with deliveries within the town centre. The traffic movements along The Entrance Road suffer minimal delays with through traffic movements generally not impacted upon by turning traffic. The operation of the intersections around the subject site have been reviewed with the Sidra intersection modelling tool which confirms that all of the intersections in the locality currently operate at a level of service of A during both the AM and PM peak periods.

Road Infrastructure

Future development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's Civil Works Design Guidelines. The proposal will require the provision of at least a roundabout, upgraded road pavement, new driveway crossings and laybacks and removal of the redundant driveway crossings and laybacks in the frontage road reserve. The footway formation of a maximum +4% from the top of kerb shall be adopted (not -1% as per the plan).

Road Safety Audits will need to be provided as part of future development applications for both the external and internal vehicle movement arrangements. These shall be prepared prior to DA lodgement in order to establish and resolve design deficiencies. The respective auditor must include comment on the separation of all access arrangement and need for pedestrian refuges. The Entrance Town Centre Masterplan identified The Entrance Road frontage as a 'Town Centre Cycleway'. This cycleway will likely be provided within the road carriageway (potentially removing the existing on-street car parking spaces).

The Entrance Road frontage

Three (3) driveway locations have been proposed along The Entrance Road including one (1) roundabout controlled ingress / egress (retail), one ingress / egress (hotel and residential) and one egress only (loading dock – heavy commercial vehicles) driveway.

In relation to the north-western access (hotel and residential), concern is raised with potential retail customers mistakenly entering this driveway and having to reverse back into the road reserve. This area is protected by means of boom gates, however, appropriate signage and boom gate control can be provided in order to minimise potential disruption. Right turn in / out from this access will need to be restricted by means of a concrete median in the road carriageway.

In relation to the 'exit only' driveway (heavy commercial vehicles), additional splays will be required in order to accommodate the egress manoeuvre of a heavy commercial vehicle. Right turn in / out from this access will need to be restricted by means of a concrete median in the road carriageway.

Towards the corner of The Entrance Road and Denning Street is an existing bus stop. This will be retained and activated (as indicated on the Public Domain Plan). The relevant bus companies and Council will need to be consulted as part of the future development applications. The safety of all patrons would need to be considered as part of this future assessment.

Taylor Street frontage

Six (6) driveway locations have been proposed along Taylor Street including one ingress driveway (hotel concierge loading), one ingress / egress driveway (hotel entry / exit), one ingress / egress (loading dock), one ingress / egress driveway (retail – basement parking), one ingress / egress driveway (retail – roof top parking), and one ingress only (loading dock – heavy commercial vehicles) driveway.

The southern loading area appears to be identified for 19m Articulated Vehicles (AV) and will likely be only for the larger supermarkets. Access will need to be via a right-in movement only, as insufficient area is available for a left-in movement. The northern loading area from Taylor Street seems to be for the other retail outlets and will need to accommodate waste management vehicles. Two loading docks have been proposed fronting Taylor Street with AV deliveries limited to right-in only via The Entrance Road and Denning Street. Suitable upgrade of the road pavement may be required for the surrounding road network.

General Parking

The proposed off-street car parking dimensions and internal driveway grades will need to comply with AS/NZS 2890.1 (2004) - "Off-street car parking". All vehicles will be required to enter and exit the site in a forward direction. The length of the blind aisles will need turning areas to be provided in order to enable vehicles to turn around and drive out forward.

The proposed loading areas, vehicle manoeuvrability, clearance heights and internal driveway grades will need to comply with AS 2890.2 (2002) – "Off-street commercial vehicle facilities". Commercial vehicles shall be able to enter and exit the site in a forward direction. All traffic matters will be detailed further through the detailed Stage 1, 2 and 3 DA's.

Earthworks

The proposed 2 storey basement will involve excavation of up to 6 metres in depth generating a significant number of truck movements required to remove the material. This will impose a significant impact upon the surrounding road network and reduce pavements durability and quality. As part of all future applications, a plan detailing the preferred route shall be provided outlining movement times and restricted areas. Construction and Traffic Management Plans shall be prepared for future developments that include suitable truck routes with due consideration of the surrounding road network.

Further geotechnical investigation will be necessary as recommended in the applicant's submitted preliminary report. Future development applications shall be prepared with pre-construction geotechnical / structural advice concerning intended vibrations and vibration monitoring, dilapidation reporting and excavation support (including shoring, propping and / or anchoring works).

Groundwater

The applicant's preliminary geotechnical investigation included a groundwater assessment of the site (expected to flow north-west). Four of the nine bores were observed to contain groundwater ranging from about 0.7 to 2.6m deep. The report stated that it is expected that the permanent groundwater level would be of considerable depth below excavation level and that the water observed during drilling was simply seepage from either the overlying fill material or along the residual soil / weathered rock boundary.

Notwithstanding this statement, similar existing developments within The Entrance involving basement carparks have required continuously operated pump-out systems to cater for movement of groundwater in this area. During construction, de-watering systems will need to be provided to ensure that discharge to the public drainage system is appropriately controlled with any contaminants removed. Future DA's are to provide detailed information.

Waste removal

The applicant has advised that waste collection vehicles will not enter the basement areas. Waste collection for the towers will be internally transferred to the general loading dock fronting Taylor Street via a waste lift. A second waste lift has been identified on the south-western corner of the basement. Therefore no internal waste collection is necessary for the development. Waste removal will only take place within the loading dock areas at ground floor level. Waste collection services will be provided by a private contractor. Suitable area shall be allocated for bulk waste collection bins and shall be sized according to Council's Waste Control Guidelines. No kerb collections will be permitted for this development.

The proposed loading areas, vehicle manoeuvrability, clearance heights and internal driveway grades will need to comply with AS 2890.2 (2002) – "Off-street commercial vehicle facilities" and Council's Waste Control Guidelines. Commercial vehicles shall be able to enter and exit the site in a forward direction. Details are to form part of each Stage's DA.

Stormwater

The site falls towards The Entrance Road. There have been no concept stormwater drainage plans provided as part of this development application. An on-site stormwater detention and drainage system will be required to control the rate of runoff leaving the site. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms. Council has recently upgraded the downstream drainage system as part of The Entrance Town Centre works.

Pump-out systems will be required to facilitate the likelihood of groundwater flows and underground basement car parks. The provision of stormwater quality control facilities to treat stormwater will be required prior to entering Council's stormwater drainage system, and shall incorporate Water Sensitive Urban Design (WSUD) techniques. This will be considered further in assessing the detailed Stage 1, 2 and 3 DA's.

Noise and vibration

There are a number of potential noise sources under the proposal including plant and equipment, traffic movements, the use of the top level car park, and the use of each of the two loading areas. One of the loading areas is located along the southern boundary which directly adjoins a site accommodating an existing residential flat building. The other loading area is located along Taylor Street which faces existing residential development opposite.

A number of concerns were raised in relation to the potential acoustic impacts associated with the proposal and the adequacy of the noise assessment in identifying and addressing these impacts. The site is surrounded by residential activities, particularly along Taylor Street opposite the site, along Warrigal Street and the eastern side of Denning Street. The existing residential building at the southern end of the site will potentially be significantly affected by the use of the southern end loading dock that services the supermarket.



Above: Residential building located at Warrigal Street facing new loading dock

The applicant prepared an acoustic report in relation to the impacts from these potential noise sources. The information in the report states that due to *the proximity of residential units to the proposed location of the supermarket loading dock will require that this dock either be acoustically treated (enclosed) or only used between the hours of 7am and 6pm.* The applicant has advised that as the dock is only to be used for the supermarket and *that the time restriction is a realistic and appropriate mitigation measure in the circumstances.*

However, the option of enclosing the dock to address the potential for noise impacts to the residential building is preferable given the proximity of the loading activities to the existing residential use and the orientation of the dwellings with the balconies overlooking the loading area. The long term suitability and practicality of imposing restrictive hours for the future operation of the loading dock is questioned. The case for enclosing the dock would appear more practical in the circumstances and in terms of the longer term operational considerations for the site.

The current operating hours for the existing Coles supermarket on the site are between 7.00am – 9.00pm Saturday to Wednesday and between 7:00am – 10:00pm Thursday and Fridays. Seasonal trading hours can extend outside these hours. It is therefore recommended under the conditions that details for the enclosing and acoustic treatment of the loading docks are to be provided with the DA's for Stages 1 and 2.

A number of deficiencies were identified in the acoustic report and additional concerns will need to be adequately addressed with any operational consent issued for each of the future stages. A further acoustic impact assessment will need to be undertaken for consideration under the Stage1 development application. It is noted that there will be potential for future redevelopment of surrounding sites with increased densities over time.

There will be potential for construction noise for a limited duration as a consequence of the development, however this concern can be addressed under the DA's to be lodged for each of the future stages.

Whether the development provides safety, security and crime prevention.

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered under the design of the proposed new development. The applicant has identified a number of general design considerations and measures to be included with the proposal to discourage anti-social behaviour and minimise the opportunities for criminal activities.

The general measures includes CCTV security camera coverage within the centre which will extend to the external areas around the street front of the development. Natural surveillance to external areas will be maximised through the design of the development that includes viewing from the podium level and from adjoining tenancies. The loading dock and service areas will not be covered by CCTV but further details regarding their management for safety and security will be provided with each future DA stage. Electronic gated access will be included between retail, hotel and residential parking areas. Access control measures will prevent access to the retail car park during non-operating times. The proposal will include electronic control of access to residential lift levels and secure access to lobbies for hotel and residential guests. A detailed CPTED assessment identifying the specific measures to be adopted as part of the development will be provided with the DA for each stage.

Services

The existing services within the road reserve along with overhead electricity will need to be adjusted in future along the Denning Street and Taylor Street frontages. These services will need to be provided underground in order to facilitate the development, with particular attention given to the Taylor Street hotel residential entry / exit. Detailed assessment will be required as part of the future DA's.

Street lighting

A future investigation of the existing lighting category will need to be undertaken to determine if the existing street lights need to be upgraded in accordance with the current Australian Standards. The internal lighting of the carpark will be required in accordance with the relevant Australian Standards. This matter can be addressed during detailed Stages 1, 2 and 3 DA's.

Air quality

There are no physical works under the current application, however, air quality and dust will need to be addressed under the future operational DA's for stages 1, 2 and 3 during demolition, earthworks and construction phases requiring adoption of appropriate measures to minimise emissions into the surrounding environment.

Infrastructure Impacts (water and sewer)

The proposed development will impact upon Council's water and sewer mains. With the acquisition of the 112-114 The Entrance Road The Entrance (Mitre 10), the trunk sewer mains can be reduced in length to the southern boundary. Certain construction protection measures will need to be provided in order to ensure the integrity of the gravity sewer line servicing 2-6 Warrigal Street The Entrance. A minimum of 1.5 metre horizontal clearance shall also be provided from the outer edge of the entire existing manhole structures. Any proposed roundabout in The Entrance Road / Ashton Ave will impact upon the existing trunk water main in the road carriageway. The site is located within The Entrance Development Servicing Plan. As previously stated, water and sewer contributions will be required for this proposal and will be determined as part of future developments.

Lot Consolidation

The development site comprises multiple lots and lot consolidation will be necessary to ensure that the development is located entirely on a single allotment. There are a number of burdens associated with all of these properties including Right of Ways and easements for sewer. The removal of redundant burdens may also be done as part of this consolidation process. This is to be addressed through an appropriate condition.

As a result of the above considerations, the proposed development is determined to be satisfactory in terms of impacts on the built environment.

b) Natural Environment

The site is an urban infill lot currently used as a supermarket, retail and carparking. There will be no significant impact upon the natural environment as a result of the proposal.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for the development as proposed subject to conditions.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

Sustainable building design: The proposal includes initiatives for energy and water efficiency which are further detailed later in the report.

Reduced Car Dependence: There is a bus stop located along The Entrance Road site frontage that is serviced by Red Bus Service who provides a frequent and regular service to and from the site and links to other centres, employment areas and train stations.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is identified as a “Key Site” and the design of the proposal utilizes the bonus height provisions. The site is situated within an established town centre location which is well serviced with a high level of amenity. The site context is undergoing a transition and the proposal is consistent with the planned future character and higher density form of development on the identified key sites located within The Entrance town centre. The relevant planning controls that apply to the site encourage a higher density of development on each of the nominated key sites.

Any submission from public authorities.

NSW Police Force

The application was referred to the NSW Police Tuggerah Lakes Local Area Command Crime Prevention Officer for comment in relation to Crime Prevention Through Environmental Design (CPTED). As no comment was received within the specified 28 days nominated for comments, therefore in accordance with Council’s Protocol, Council can assume that the NSW Police raise no objection to the proposal. A condition has however, been added that requires a safer by design report for each stage.

NSW Roads and Maritime Authority

The application was referred to NSW RMS for comment under the provisions of SEPP Infrastructure 2007 (Schedule 3 Column 2) and in consideration of Section 87 of the Roads Act 1993 in relation to traffic control signals. The RMS reviewed the proposal and advised *Roads and Maritime’s main area of interest in the subject development is in the impact of the development on the safety and efficiency of The Entrance Road and Denning Street traffic control signals. Further, Roads and Maritime understands that the proposed improvement to facilities at the bus hub will not involve an indented bus bay or adjustment to the existing kerb line.*

The RMS have raised no objections to the proposed development, however, advice was provided regarding The Entrance Road and Denning Street intersection and traffic arrangements to improve the operation of the intersection. Concern was raised in relation to adequacy of various turning paths proposed for the development acknowledging that Council should ensure vehicular accesses to the site associated with the proposal are of sufficient width to enable the design vehicle to enter and exit in a safe manner. Relevant requirements from the NSW RMS have been included in the recommended conditions.

NSW Fire Brigade

The application was referred to the NSW Fire Brigade for comment. No response within the nominated timeframe was received. Fire Safety will be a matter for consideration as part of future DA’s.

THE PUBLIC INTEREST (s79C(1)(e)):

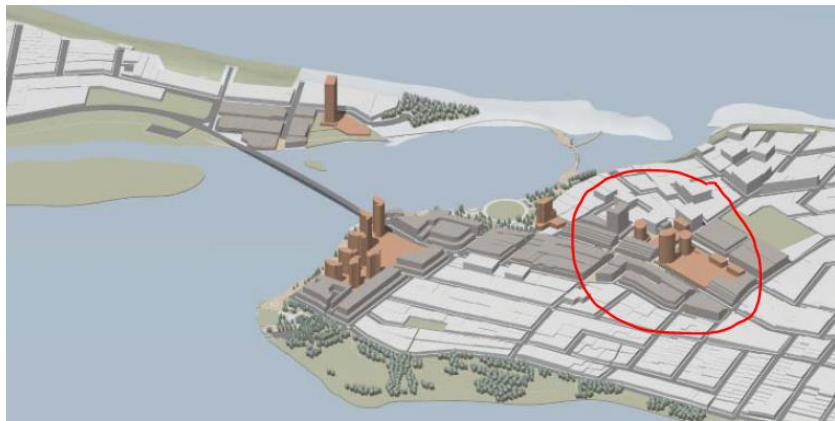
Any Federal, State and Local Government interests and community interests.

There are no matters associated with the proposal that would be considered contrary to the local or community interest. The proposal will create additional employment and retail opportunities for the Central Coast Region.

The Entrance Town Centre Masterplan

Under the Masterplan, the site is identified as a 'key iconic development site'. The Masterplan states that key development sites have the capacity provide change and harness investment in The Entrance. The masterplan created a vision for the future of the Entrance town centre and was based on *The Entrance Peninsula Planning Strategy* and the *Iconic Development Sites* program. The master plan was based on a series of stakeholder open forum community workshops held over a period of 6 months starting in April 2011. The purpose of the masterplan was to establish a direction and vision for the future of the town.

Under the Masterplan, the site is one of seven key sites identified within The Entrance Town Centre. The Masterplan recognises the relationships between the identified key sites as anchors in the urban framework that encourage pedestrian activity through The Entrance. The location of the key sites is intended to influence the formation of precincts as the key sites will become hot spots and destinations within the pedestrian framework and allow for the construction of related public spaces, promenades and forecourts. The Civic Hub of The Entrance will be significantly altered by the design of the key iconic development sites

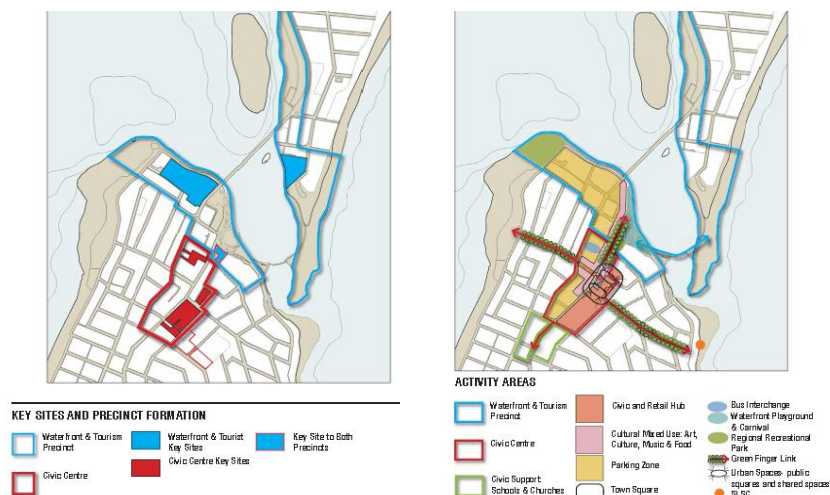


Above: Extract from the Masterplan showing view of iconic sites within The Entrance looking east with the subject site circled in red



Above: Extract from the Masterplan showing view of iconic sites within The Entrance looking west with the subject site circled in red

The proposal is generally consistent with the urban form envisaged for the redevelopment of the site. The masterplan envisages the establishment of a *town square as a precinct as opposed to a single urban piazza*. The town square is seen as the civic heart of The Entrance. The masterplan identifies a ‘pedestrian only’ retail square outside the subject site. However, at this stage Council is not supporting any closure of Denning Street due to the limitation closure would cause to emergency vehicles including the Police Station on Denning Street. Therefore, the design of the development as proposed is not consistent with some aspects of the adopted Masterplan for The Entrance, including the establishment of a town square that includes the closure of Denning Street.



Above: The key sites precincts and activity areas showing the key site as part of the civic centre (left) and the civic and cultural hub (right).

The proposal is generally consistent with the other principles outlined in the masterplan which include the creation of social spaces, pedestrian activation of streets, creation of key sites as hotspots. The masterplan identifies a cycleway along Denning Street in front of the site. The masterplan states, *the heights of key iconic development buildings will be greater than surrounding development to assist in the creation of public spaces such as plaza's parks and other facilities for community benefit.*

The Masterplan also highlights the relationship between the two northern towers proposed on the Lakeside site and other development anticipated in The Entrance. The Masterplan demonstrates the potential redevelopment of surrounding sites, including residential sites along Taylor Street which potentially benefit from floor space ratio and height bonuses under the LEP (for site amalgamations).

The Entrance Peninsula Planning Strategy

Under the Strategy, the site is located within Precinct 6 known as 'The Entrance Town Centre' and the subject site is identified as the 'Lakeside Plaza Site'. The strategy acknowledged the importance of the site as an anchor at the southern end of the town centre. The proposal is generally consistent with the recommendations of The Entrance Peninsula Planning Strategy to provide active frontages along The Entrance Road, Denning Street and Taylor Street and to provide gateway features at the junctions of The Entrance Road and Denning Street. The strategy identifies the importance of the corner at The Entrance Road and Denning Street for appropriate public art.

The recommendations of the strategy informed the current controls that apply to the site. Although the strategy had envisaged lower height than those currently permitted on the site (ie. 18m height limit). The proposal facilitates 'catalyst development' and utilizes the adopted changes to building height under the strategy.

OTHER MATTERS FOR CONSIDERATION

Environmental Planning and Assessment Act 1979

- **Division 2A – Special procedures concerning staged development applications.**

The application is a staged development application having been lodged under the provisions of Sections 83B and 83C of the EP&A Act. Section 83B reads:

83B Staged development applications

- (1) *For the purposes of this Act, a **staged development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development.*
- (2) *A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application.*
- (3) *If consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*
 - (a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*

- (b) *the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

The DA seeks concept approval only with three operational stages to be lodged under future separate DA's. Therefore, no physical works are to be carried out under this DA.

- Schedule 4A – Development for which regional panels may be authorised to exercise consent authority functions of councils

The proposal has a nominated capital investment value of \$298,088,724 which in accordance with Clause 3 exceeds \$20 million and is therefore development for which a regional panel can exercise the consent authority functions of the Council. Accordingly, the application is referred to the Hunter and Central Coast JRPP for determination.

Environmental Planning and Assessment Regulation 2000

Clause 70A identifies that information required for a staged DA may be deferred to a subsequent DA and states:

Despite clause 50 (1) (a), the information required to be provided in a staged development application in respect of the various stages of the development may, with the approval of the consent authority, be deferred to a subsequent development application.

The current application seeks concept approval only with no operational works to be approved under the current DA. All construction works shall be the subject of separate development application in three stages. The applicant has requested a number of matters be conditioned to be provided and further detailed in each of the future DA's for the proposal.

Contributions

As the DA is seeking concept approval only, with no operational works under the application, Section 94 contributions are not applicable to this application. Section 94 contributions will be applicable to each of the stages under the future DA's that include physical works and additional demand on existing infrastructure.

Additionally, there is a contributions plan that applies to the site for any parking shortfall and this will be applied to the operational DA's for the future stages of the development.

Water and Sewer Contributions

As the DA is seeking concept approval only, with no operational works under the application, Water and sewer contributions are not payable at this stage but will be applicable for the proposal under the future stages of the development wherein approval under the *Water Management Act 2000* and will need to be obtained.

Public Benefit Contributions

While this application seeks a 100% variation to public benefit contributions, it is noted that the DCP Clause relates to those applications which allow development beyond the base height limit. This application, is a concept DA and any development on the site will be subject of a further DA which provides detailed consideration of the development plans. A condition is proposed which notes that the development shown in Stage 3 will be subject to public benefit contributions.

CONCLUSION

The application seeks concept approval for the construction of a staged mixed use development including demolition of existing buildings and construction of a mixed use development including a shopping centre, shoptop housing, hotel accommodation, restaurant, multi-purpose function space, and ancillary parking and other works. The application has been lodged under Sections 83B and 83C of the Act and proposes three construction stages.

The proposal includes a retail podium and two towers which utilise the bonus LEP height of 113.8 metres (rather than 23 metres) as the site is identified as a 'key site' under LEP 2013. The bonus building height is permitted where a proposal demonstrates significant public benefits. Although it would have been preferable to have an accepted significant public benefit offer confirmed for this initial concept development application, there is however, opportunity to secure significant public benefit through later stage development applications when the height bonus and additional infrastructure demand is triggered. The variation is therefore supported at this concept DA stage.

Clause 70A of the Regulation 2000 allows for the information required to be provided in a staged development application to be deferred to a subsequent application. In this instance, the development application seeks approval for concept only approval with no operational works. Three operational stages will be the subject of future development applications for each stage.

The proposal has been assessed using the heads of consideration in Section 79C and under 83B and 83C of the *Environmental Planning and Assessment Act 1979*. It is generally considered the proposed development is suitable for approval subject to conditions. The proposal is recommended for approval.

ATTACHMENTS

Attachment 1 – Numerical Compliance Table

Attachment 2 – Residential Flat Design Code – Compliance Table

Attachment 3 – State Environmental Planning Policy No 71 – Coastal Protection

Attachment 4 – Key Sites Clause 7.11 Compliance Table

Attachment 5 – Wyong DCP Chapter 5.3 Compliance Table

Attachment 6 – Wyong DCP Chapter 6.1 (Key Sites) Clause 3.5 Requirements for Lakeside Plaza.

Attachment 1 – Numerical Compliance Table

Numerical Compliance Table (Relevant controls under related DCP LEP SEPP)			
Control	Proposed	Required	Compliance
Site Area	21,357m ²	-	-
Height (WLEP 2013)	113.8 m 30 storeys	113.8 m	Yes
FSR (WLEP 2013)	3:1	3:1	Yes
Gross Floor Area	64,068m ²	64,071m ²	Yes
- Retail	15,703m ²	-	
- Residential	39,110m ²	-	
- Hotel	9,355m ²	-	
- Restaurant	500m ² GLA		
- Convention	750m ² GLA		
Apartment Mix	478 (total)	Satisfactory mix	Yes
-1 Bed	169 (34.5%)		
-2 Bed	260 (54.4%)		
-3 Bed	49 (10.3%)		
Podium setbacks	Nil	Nil	
Tower setback -The Entrance Road (Chapter 5.3)	Nil- 6m	10m	No
Tower setback- Denning Street (Chapter 5.3)	Nil - 3.5m	10m	No
Tower setback- Taylor Street (Chapter 5.3)	5m	10m	No
Separation distances			
- Between habitable rooms/balconies	23.5m	24 metres	No
- (SEPP 65)			
Building depth (SEPP 65)	29 metres, adequate light and ventilation available on concept plans but this can be further demonstrated under DA for Stage 3	10-18 metres if wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.	No but to be further demonstrated under the DA for Stage 3
Solar access (DCP Ch 2.4 and SEPP 65)	70%	70% of apartments receive 3 hours direct sunlight between 9am - 3pm mid-winter. In dense urban areas a minimum of 2 hours. • Limit single aspect apartments with a southerly aspect to a maximum of 10% of total units.	Yes
Cross Ventilation (SEPP 65)	60%	60% of units to be naturally cross ventilated.	Yes

Control	Proposed	Required	Compliance
Private open space Balconies & Courtyards: <ul style="list-style-type: none"> - Min area - Min dimension - Directly accessible from living area Solar access	Indicative only 10m ² /each dwelling 2m Adjoining living area 70%	10m ² /each dwelling 2m Adjoining living area 70% receive 3 hrs btn 9am-3pm mid-winter	To be specified at stage 3 DA.
Communal Open Space Min dwelling Min dimension Min 3hrs solar access (DCP Ch 2.4)	Details to be provided at Stage 3	20m ² /dwelling Min 2m 75% of area	To be specified at stage 3 DA
Parking (DCP Ch 2.11) <ul style="list-style-type: none"> - Retail - Restaurant - Convention - Hotel - Residential - Disabled 	1433 709 - - 103 621	1577 600 75 112.5 138 650	No, 144 spaces shortfall
Residential (as above) <ul style="list-style-type: none"> - Visitor - Washbay - Accessible 	No details provided	172 1 48	To be specified at stage 3 DA
Adaptable Units (DCP Ch 2.4)	Details to be provided at Stage 3	10%	Details to be provided at Stage 3
Laundries (Ch 2.4)	Internal laundry for each dwelling	1/dwelling	To be specified at stage 3 DA
Storage (DCP Ch 2.4) 1-2 bedrooms 3 or more bedrooms	To be specified at stage 3 DA	3m ² 6m ²	To be specified at stage 3 DA
Basix Certificate Nathers (SEPP BASIX)	Not provided as to be deferred to future Stage 3 DA		To be provided at stage 3 DA
Public benefits (DCP Ch 6.1)	Not provided. To be deferred to future stage 3 DA		To be specified at stage 3 DA
Bicycle parking facilities <ul style="list-style-type: none"> - Residential - Non residential 	To be specified at stages 1 and 2 DA's	1/3 dwellings 1/10 car spaces	To be specified at stages 1 and 2 DA's
Motorcycle parking	To be specified at stages 1 and 2 DA's	1/50 car spaces	To be specified at stages 1 and 2 DA's

Attachment 2 - Residential Flat Design Code – Compliance Table
(SEPP No. 65 (Design Quality of Residential Flat Buildings))

	Guideline	Comment	Compliance
Part 1 Local Context			
Context	Local Context • Undertake a local context analysis.	The site has been identified as a key site within a transitioning local context.	Satisfactory
	Residential Flat Building Types • Tower apartments are best used where higher densities are desired; provide for strong urban forms and precincts; and mixed uses at lower levels.	The planning controls require a mixed use development with a podium and tower form, acknowledging the importance of the site within the town centre.	Satisfactory
	Amalgamation • Consideration of streetscape and existing lot pattern.	The lots comprising the site will be amalgamated.	Satisfactory
	Building Envelopes • Establish the allowable bulk, height and location of a development on a site.	The envelope and primary development controls have been determined under Wyong DCP 2013.	Satisfactory
	Building Height • Test height controls against the FSR and the proposed number of storeys and minimum ceiling heights.	A bonus height applies to the site under the planning controls for key sites. The proposal complies with the allowable height and FSR for the site.	Satisfactory
	Building Depth • An apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.	Building depth for the proposal ranges between 10m-29m with the maximum 29m depth only applicable in the mid-section of the oval shaped building. An average depth of around 19 metres.	Unsatisfactory
	Building Separation Increase building separation distances as building height increases as follows: Up to four storeys: • 12m between habitable rooms/balconies. • 9m between habitable rooms/balconies and non-habitable rooms. • 6m between non-habitable rooms. Up to five to eight storeys: • 18m between habitable rooms/balconies. • 13m between habitable	The development does not comply with the required separation distances between the two towers. A separation distance of 24m is required between habitable rooms/balconies (for 9 storeys & above) There is a separation distance of around 22.5m between the	Unsatisfactory

	<p>rooms/balconies and non-habitable rooms.</p> <ul style="list-style-type: none"> • 9m between non-habitable rooms. <p>Nine storeys and above:</p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies. • 18m between habitable rooms/balconies and non-habitable rooms. • 12m between non-habitable rooms. 	tower buildings.	
	<p>Street Setbacks</p> <ul style="list-style-type: none"> • Identify desired streetscape character. • Minimise overshadowing of street and buildings. • Consider secondary upper level setbacks to reinforce desired scale of buildings on the street. • Underground parking structures, awnings and balconies may encroach on the setback. 	Although the street setbacks are not strictly consistent with the DCP, the intent of the DCP for a gateway building form is achieved.	Satisfactory
	<p>Side and Rear Setbacks</p> <ul style="list-style-type: none"> • To retain or create rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form. • Consider building separation, open space and soil zones. • Relate setbacks to existing streetscape pattern. 	The street setbacks are considered satisfactory.	Satisfactory
	<p>Floor Space Ratio</p> <ul style="list-style-type: none"> • Height, setbacks and FSR are to be consistent. 	Height, and FSR are included under Wyong LEP 2013 and the proposal complies with these. The setbacks are considered to be appropriate for the site despite the variation sought for the street setback for the residential tower building.	Satisfactory
Part 2 Site Design			
Site Analysis	Site analysis to include plans and sections of the existing site conditions and their relationship to the surrounding context.	Site context is intended to undergo change. Appropriate consideration of the opportunities and constraints of the site has been undertaken as part of the overall site analysis.	Satisfactory
Site Configuration	<p>Deep Soil Zones</p> <ul style="list-style-type: none"> • Optimise provision of deep soil zones. • Support a rich variety of vegetation type and size. • Increase permeability of paved areas. • 25% of open space to be deep soil zone. 	Negligible deep soil zones (45m ²) are proposed as part of the development. The SEPP requires 25% of open space to be deep soil and the proposal includes 0%.	Unsatisfactory to be considered under future DA's.

		Conditions have been recommended for the provision of deep soil planting adjoining the residential building on the southern boundary.	
	Fences and Walls	The proposed design does not include courtyards or ground level open space areas facing the public domain requiring fencing or wall treatments.	N/A
	<p>Open Space</p> <ul style="list-style-type: none"> • Area of communal open space at least 20-30 % of site area. Alternatively in smaller sites increased private open space (POS) be provided or a contribution to open space. • Minimum area of ground/podium level POS per dwelling (ie.courtyards) is 25m² & min dimension 4 m. <p>Where communal open space (COS) may be provided on podium. Where COS inadequate consideration be made of adequacy of public open space provision in locality.</p> <ul style="list-style-type: none"> • Contribute to streetscape character and the amenity of the public domain. 	<p>Communal open space area is proposed on the podium level for each one of the three shoptop buildings. However, calculations have not been provided at this concept stage. Details will be provided in the DA for stage 3 containing the residential accommodation.</p> <p>Private open space in the form of balconies sizes will also be detailed as part of the Stage 3 DA.</p>	Satisfactory Conditioned to be considered under future DA's.
	<p>Orientation</p> <ul style="list-style-type: none"> • Optimise solar access (maximise north facing walls) • Provide adequate building separation • Align buildings to the street on east-west streets • L shape configurations 	The proposal optimises solar access to living spaces within the confines of the site. Adequate separation has been provided.	Satisfactory
	<p>Planting on Structures</p> <ul style="list-style-type: none"> • Optimum conditions for tree planting and plant growth including soil conditions, soil depth and irrigation. 	The proposal includes tree planting on the podium level and details for the appropriate soil depths etc will be included under the future DA's for each relevant stage of the development.	Satisfactory Conditioned to be considered under future DA's.
	<p>Stormwater Management</p> <ul style="list-style-type: none"> • Retaining and reuse of rainwater run off • Use of grey water • Contribute to water and stormwater efficiency. 	Harvested rainwater will be reticulated to all irrigation systems throughout the development and for car washing.	Satisfactory This matter can be further considered under the further details to be provided with the future DA for stage 3.

Site Amenity	<p>Safety</p> <ul style="list-style-type: none"> • Delineate private and public space. • Optimise visibility, functionality, and safety of building entrances. • Improve opportunities for casual surveillance. • Minimise opportunities for concealment. • Control access to the development. 	<p>The principles of Crime Prevention Through Environmental Design (CPTED) have been considered under the concept proposal with further details to be provided with the future DA's for each stage.</p>	<p>Satisfactory Conditioned to be considered under future DA's.</p>
	<p>Visual Privacy</p> <ul style="list-style-type: none"> • Maximise visual privacy between adjoining buildings by separation, setbacks and site layout. • Design layouts to minimise direct overlooking of rooms and private open spaces. • Use site and building design elements to increase privacy without compromising light and air access. 	<p>There is potential for privacy impacts. Visual privacy will be addressed under the future DA's for each stage. A condition is recommended to in relation to this aspect of the proposal.</p>	<p>Satisfactory Conditioned to be considered under future DA's.</p>
Site Access	<p>Building Entry</p> <ul style="list-style-type: none"> • Improve presentation to street by entry treatment. • Direct connection and clear transition between street and entry. • Ensure equal access for all. • Provide safe and secure access. • Separate building entry from car parks. • Design entries/circulation to allow furniture movement. Provide mailboxes to be convenient, but not clutter the appearance of the development from the street. 	<p>Good legibility and design has been considered under the concept proposal with further details to be provided with the future DA's for each stage.</p>	<p>Satisfactory to be considered under future DA's.</p>
	<p>Parking</p> <ul style="list-style-type: none"> • Determine car spaces by access to public transport, density and ability to accommodate on site. • Limit visitor spaces, where impact on landscape and open space is significant. • Give preference to underground parking. • Provide bicycle parking which is easily accessible. 	<p>This matter has been assessed under Council's relevant DCP controls.</p>	<p>Satisfactory</p>
	<p>Pedestrian Access</p> <ul style="list-style-type: none"> • Accessible routes to public and semi-public areas. • Promote equity by entry location and ramps. • Ground floor apartments to be accessible from the street and associated open space. • Maximise number of accessible, visitable and adaptable apartments in a building. • Barrier free access to at least 20% of dwellings. 	<p>Pedestrian access and accessible design has been considered under the concept proposal with further details to be provided with the future DA's for each stage.</p>	<p>Satisfactory to be considered under future DA's.</p>
	<p>Vehicle Access</p> <ul style="list-style-type: none"> • Ensure adequate separation between vehicle entries and street intersections. • Optimise opportunities for active street frontages and streetscape design. 	<p>Access to the development has been considered under the concept design for the proposal with further</p>	<p>Satisfactory to be considered under future DA's.</p>

	<ul style="list-style-type: none"> • Improve appearance of car parking entries. • Limit width of driveways to 6 metres. • Locate vehicle entries away from pedestrian entries and on secondary frontages. 	details to be provided with the future DA's for each stage.	
Part 3 Building Design			
Building Configuration	<p>Apartment Layout</p> <ul style="list-style-type: none"> • Determine apartment sizes in relation to location, market, spatial configuration and affordability. • Ensure apartment layouts are resilient over time. • Design layouts to respond to natural and built environments and optimise site opportunities. • Avoid locating kitchen in circulation space. • Include adequate storage in the apartment. • Ensure apartments facilitate furniture removal and placement. • Single aspect apartments to have maximum depth of 8m from a window. • Kitchen to be maximum of 8m from window. • Minimum apartment sizes outlined under the SEPP as affordable housing. <p>1 bed -50m² min 2 bed -70m² min 3 bed -95m² min</p>	This matter can be further considered under the further details to be provided with the future DA for stage 3.	Satisfactory to be considered under the future DA for Stage 3.
	<p>Apartment Mix</p> <ul style="list-style-type: none"> • Provide variety of apartments in larger buildings. • Refine appropriate mix by considering population trends and proximity to transport, employment and services. • Locate mix of 1 and 3 bed units on ground floor to enable access by disabled, elderly and families. • Optimise accessible and adaptable apartments. 	The development provides for an appropriate mix of 1 bedroom (35.4%), 2 bedroom (54.4%), and 3 10.3%) bedroom units. There are 48 apartments (10% which are to be adaptable units. Adaptable units are not detailed and conditions are to be recommended to address this under the future DA for Stage 3.	Satisfactory to be considered under future DA
	<p>Balconies</p> <ul style="list-style-type: none"> • Provide at least one primary balcony. • Primary balconies to be adjacent to living area. • Consider secondary balconies in larger apartments, adjacent to bedrooms and for clothes drying. • Balconies to respond to local climate and context, solar access, wind and privacy. 	Balcony design and compliance will be further detailed under the future DA for Stage 3.	Satisfactory to be considered under future DA

	<ul style="list-style-type: none"> • Design balustrades to allow views and casual surveillance, while providing safety and privacy. • Coordinate and integrate building services with façade and balcony design. • Primary balcony to have minimum depth of 2m. 		
Building Configuration	<p>Ceiling Heights</p> <ul style="list-style-type: none"> • Coordinate internal ceiling heights and slab levels with external height requirements. • Minimum floor to ceiling height of 2.7m. • Variations to demonstrate satisfactory daylight. 	Ceiling heights have been considered under the concept design for the proposal with further details to be provided with the future DA for stage 3.	Satisfactory to be considered under future DA
	<p>Flexibility</p> <ul style="list-style-type: none"> • Provide robust building configurations which utilise multiple building entries and circulation cores. • Promote accessibility and adaptability by accessible and visitable apartments and pedestrian access. 	Adaptable apartments are to nominated and detailed under the future DA for Stage 3.	Satisfactory
	<p>Internal Circulation</p> <ul style="list-style-type: none"> • Increase amenity and safety by generous widths, lighting, minimising lengths, avoiding tight corners, legible signage and adequate ventilation. • Maximum of 8 units accessible from a single core. Support better apartment layouts by designing buildings with multiple cores. • Articulate longer corridors by using series of foyer areas and windows along or at end of window. • Minimise maintenance and maintain durability by using robust materials in common circulation areas 	10 units are proposed to access from a single core/corridor which exceeds the maximum of 8 units. There are no tight corners and the corridors have a window at either end. This matter can be further considered under the further details to be provided with the future DA for stage 3.	Unsatisfactory but to be further considered under future DA.
	Mixed Uses	Retail activities are proposed on the ground floor street level and are integrated into the overall development. The retail uses activate the street frontage of the development.	Satisfactory
	<p>Storage</p> <ul style="list-style-type: none"> • 50% of storage to be within apartment and accessible from hall or living area, and dedicated storage rooms on each floor and car parks. • Storage to be suitable for local area and able to accommodate larger items (e.g. bicycles). • Ensure storage is secure for individual use. <p>1 bed 6m³ min; 2 bed 8m³ min; 3 bed 10m³ min</p>	Storage can be further considered under the details to be provided with the future DA for Stage 3.	Satisfactory to be considered under future DA for stage 3.

Building Amenity	<p>Acoustic Privacy</p> <ul style="list-style-type: none"> • Maximise acoustic privacy by adequate separation. • Internal layout to separate noise from quiet areas by grouping bedrooms and service areas. • Resolve conflicts between noise, outlook and views by design measures, such as double glazing. • Reduce noise transmission from common corridors • Provide seals to entry doors. 	Acoustic privacy can be further considered under the details to be provided with the future DA for Stage 3.	Satisfactory to be considered under future DA's.
	<p>Daylight Access</p> <ul style="list-style-type: none"> • Orient building to optimise northern aspect. • Ensure daylight access to communal open space March- September and shade in summer. • Optimise apartments receiving daylight access to habitable rooms and principal windows. • Design for shading and glare control. • Living rooms and private open space of at least 70% of apartments should receive 3 hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of 2 hours may be acceptable. 	The indicative concept plan for each residential floor shows 7 of the 10 apartments on each floor receive a minimum of 3 hours solar access midwinter. This equates to 70% of units which complies. This matter will be further considered under the future DA for Stage 3 as the unit configurations on each floor may change.	Satisfactory
	<ul style="list-style-type: none"> • Limit single aspect apartments with a southerly aspect to a maximum of 10% of total units. 	The indicative concept plan for each residential floor shows 4 out of 10 units on each floor being single aspect apartments. This exceeds 10 % of total units and can be further considered under the future DA for Stage 3 .	Unsatisfactory but further considered under the future DA for Stage 3
	<p>Natural Ventilation</p> <ul style="list-style-type: none"> • Promote and guide natural breezes. • Utilise building layout and section to increase potential for natural ventilation. • Internal layout to minimise disruptions and group rooms with similar usage together. • Select doors and operable windows to utilise air pressure or windows to funnel breezes. • Coordinate design with passive solar design. • Explore innovative technologies to ventilate rooms. • 10-18m building depth recommended for natural ventilation. • 60% of units to be naturally cross ventilated. • 25% of kitchens to have access to natural ventilation. 	The indicative concept plan for each residential floor shows 6 of the 10 apartments on each floor have a dual aspect created by the curve of the building or a recess allowing cross ventilation. This equates to 60% of the units which complies with the SEPP. The other single aspect apartments can be cross ventilated via the central corridor which is ventilated through openings at each end.	Satisfactory but further considered under the future DA for Stage 3

		This and other SEPP 65 matters will be further considered under the future DA for Stage 3 as the unit configurations on each floor may change.	
Building Form	<p>Awnings and Signage</p> <ul style="list-style-type: none"> • Locate awnings over building entries. • Enhance safety by providing lighting. 	No details provided	Details with future stages of applications
	<p>Facades</p> <ul style="list-style-type: none"> • Consider relationship between building form and façade or building elements. • Facades to have appropriate scale, rhythm and proportion responding to use and desired character. • Facades to reflect orientation of site using sun shading devices. Coordinate and integrate building services and utility items. • Express important corners by giving visual prominence to parts of the façade. 	Concept façade design is satisfactory, however, this aspect of the proposal will be further considered under the future DA for Stage 3	Satisfactory but further considered under the future DA's for each stage.
	<p>Roof Design</p> <ul style="list-style-type: none"> • Relate roof design to desired built form. • Relate to size and scale of building, elevations, building form. • Respond to orientation of site. • Minimise visual intrusiveness of service elements. • Facilitate use of roof for sustainable functions. 	Proposal includes a skillion roof design accommodating plant and equipment. The building roof has been designed as an architectural feature of the building form.	Satisfactory
Building Performance	<p>Energy Efficiency</p> <ul style="list-style-type: none"> • Incorporate passive solar design to optimise heat storage in winter and heat transfer in summer. • Improve control of mechanical heating and cooling. • Plan for photovoltaic panels. • Improve hot water system efficiency. • Reduce reliance on artificial lighting. • Maximise efficiency of household appliances. 	Concept details provided for the proposal indicate the proposal will adopt a number of measures for energy efficiency. Basix Certificates will be provided for the future DA for the residential accommodation in Stage 3.	Satisfactory
	<p>Maintenance</p> <ul style="list-style-type: none"> • Design windows to enable internal cleaning. • Select manually operated systems, such as blinds. • Incorporate and integrate building maintenance systems into the design of the building form, roof and façade. • Select durable materials which are easily cleaned. • Select appropriate landscape elements and vegetation and provide appropriate irrigation systems. • Provide garden maintenance and storage area. 	This aspect of the proposal will be further considered and detailed under the future DA for Stage 3	Satisfactory but further considered under the future DA's for each stage
	Waste Management	A condition will be	Satisfactory

	<ul style="list-style-type: none"> • Incorporate existing built elements where possible. • Specify building materials that can be reused or recycled. Recycle and reuse demolished materials. • Integrate waste management into all stages of project. Support waste management by specifying project needs and reducing waste by using standard product sizes. • Prepare waste management plan. • Locate storage areas for bins away from street frontage. • Provide waste cupboards or temporary storage area. • Incorporate on-site composting where possible. 	included requiring a waste management plan to accompany each future application for each stage of the development.	but further considered under the future DA's for each stage
	<p>Water Conservation</p> <ul style="list-style-type: none"> • Use AAA rated appliances. • Encourage use of rainwater tanks. • Collect, store and use rainwater on site. • Incorporate local native vegetation in landscape. • Consider grey water recycling. 	<p>Concept details provided for the proposal indicate the proposal will adopt a number of measures for water conservation. Rainwater harvesting for on-site irrigation and car washing is proposed. A BASIX Certificate shall be required to be submitted for each of the Basix affected buildings within the development under the future DA for Stage 3.</p>	Satisfactory but further considered under the future DA's for each stage.

Attachment 3 - State Environmental Planning Policy No 71 – Coastal Protection

Cl.8	Matters for Consideration	Proposed
a	The aims of the Policy	The proposal is consistent with the aims of the Policy in terms of protection of the coastal zone and environment; and the proposal will not affect access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	Existing public access to the site and foreshore is not diminished under the proposal. The proposal involves the provision of facilities that will support the access to and use of the site by persons with a disability.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	The site does not directly adjoin the foreshore. Access to the foreshore is not diminished under the proposal.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The proposal will attract more visitors to enjoy the foreshore. The development is considered suitable for the site and surrounding area.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal is not expected to result in any significant overshadowing of the coastal foreshore or significant view loss from a public place to the coastal foreshore.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will be readily visible along the coastline, however, given the long term planning of the redevelopment of the site, the impact on the scenic qualities of the coastline is considered acceptable.
g	Measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u>) and plants (within the meaning of that Act), and their habitats.	The proposal does not adversely impact on any threatened species or habitat.
h	Measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u>) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no impact on the conservation of fish and marine vegetation.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The subject site is not identified subject to coastal hazards.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain known aboriginal objects or relics.
m	Likely impacts of development on the water quality of coastal waterbodies.	Sediment and erosion controls will be adopted during construction and there is no likely adverse impact on water quality.

n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal is in the vicinity of two local heritage items. The impacts have been assessed as acceptable by Council's Heritage Consultant.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	There are no unreasonable or significant cumulative impacts .
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	The application includes water efficiency fixtures.
Cl.13	A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The application does not propose to utilise such a clause.
Cl.14	A consent authority must not consent to an if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	Public access along the coastal foreshore is not impeded or diminished under the proposal.
Cl.15	The consent authority must not consent to a development application in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The development can be connected to the existing reticulated sewer system.
Cl.16	The consent authority must not grant consent to a development application if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	Stormwater is to be connected to the existing Council stormwater system.

Attachment 4 - Key Sites Clause 7.11 Compliance Table

Clause 7.11 Objectives	Comment	Complies Yes/No
(1) (a) <i>to deliver a high standard of design excellence for certain key sites in Wyong,</i>	The architectural design provides for a high quality appearance that would be associated with design excellence.	Yes
(b) <i>to encourage the amalgamation of those key sites to provide opportunities for the expansion of, and improvements to, the public domain,</i>	The development site includes the amalgamation of 14 lots and includes the expansion of the shopping centre and some improvements to the streetscape surrounding the site.	Yes
(c) <i>to provide a catalyst for the social and economic development of centres within Wyong,</i>	The development will provide a catalyst for growth and development within the Entrance Town Centre.	Yes
(d) <i>to deliver significant public benefit to the community.</i>	The proposal is associated with some public benefit although significant public benefit as envisaged by the planning controls has not been provided.	No
(2) <i>This clause applies to land identified as “Key Site” on the Key Sites Map.</i>	The site is identified as a Key Site on the Key Sites map.	Yes
(3) <i>Despite clause 4.3, the maximum height for a building on land to which this clause applies is the height shown on the Key Sites Map in relation to that land if the consent authority is satisfied that a development control plan that provides for the following matters has been prepared for the land that is the subject of the development application:</i>	The proposal includes the bonus height as shown on the Key Sites map for the site and although a DCP has not been prepared for the site, the provisions of Section 83C of the act allow for the lodgement of a staged application instead of preparation of a DCP. The application was required to demonstrate that the nominated matters were addressed under the information for the Staged DA.	Yes
(a) <i>the application of the principles of ecologically sustainable development,</i>	Refer below. Further details will be provided with the DA's for the future operational stages of the development.	-

Clause 7.11 Objectives	Comment	Complies Yes/No
<p>(b) <i>green building solutions, In this clause, green building solution means a design, construction or operational solution that significantly reduces or eliminates the negative impact of the building to which it relates on the environment and includes strategies for addressing the following matters:</i></p> <p>(a) <i>energy efficiency,</i> (b) <i>greenhouse gas emission abatement,</i> (c) <i>water conservation,</i> (d) <i>waste avoidance, reuse and recycling,</i> (e) <i>pollution prevention,</i> (f) <i>enhanced biodiversity,</i> (g) <i>reduced natural resource consumption,</i> (h) <i>productive and healthier environments,</i> (i) <i>flexible and adaptable spaces.</i></p>	<ul style="list-style-type: none"> • Rainwater harvesting for all on-site irrigation and car washing. The capacity is to include both the residential parts and the retail parts. • Water efficient shower heads and taps • Water efficient toilets • Water efficient dishwashers • Native planting and low water use species. • Energy efficient HVAC systems • Energy efficient lighting including low watt fittings such as LED. • Electronic systems will be intelligently controlled. • Photovoltaic systems (at least 2exceeding 10kW)one on the rooftop of supermarket and the other on the rooftop of residential building No.3. • Density of development means residents direct access to shops, other town amenities and beaches so fewer car trips. • Installation of high efficiency appliances and mechanic services. • Preparation of a waste management plan that includes on site automated waste compacting, separation of waste streams, 90% of demolition material reused/recycled and avoidance of plastics in favour of raw or natural products and timbers for construction. • Oasis level open space to reduce urban heat and encourage sense of community. 	Yes
<p>(c) <i>design excellence, including a high standard of expertise in urban and landscape design, interior design, construction and historic preservation,</i></p>	<p>The current DA is concept only and is consistent with the SEPP 65 principles. The future DA's for each stage will see the further resolution of the architecture including the façade details for the podium levels and the materials and finishes for the building.</p>	Yes
<p>(d) <i>a high standard of architectural design, materials, unique facade treatment and detailing appropriate to the type and location of the development,</i></p>	<p>The concept DA includes a concept materials scheme only. The future DA's for each stage will see the further resolution of the architecture including the façade details for the podium levels and the materials and finishes for the building.</p>	Yes
<p>(e) <i>encouraging sustainable transport, including increased use of public transport, walking and cycling,</i></p>	<p>The concept DA includes a proposed bus hub with improvements to existing bus stop However, further details regarding the bus stop upgrade and what improvement works this involves will be provided with the operational DA for stage 2.</p>	Yes

Clause 7.11 Objectives	Comment	Complies Yes/No
(f) <i>road access, including the circulation network and the provision of car parking,</i>	The concept DA is satisfactory in relation to the road network and access and parking subject to recommended conditions that specifically apply to each DA lodged for the future operational stages of the development.	Yes
(g) <i>the impact on, and improvements to, the public domain,</i>	The concept DA includes a public domain improvements with some general improvements planned for the street frontages immediately adjoining the site. Although requested, no costing has been provided for these works.	Yes
(h) <i>environmental constraints, including acid sulfate soils, flooding, contamination and remediation,</i>	The identified environmental constraints are not such that would render the site as unsuitable for the development. The DA for concept approval only and appropriate conditions have been recommended in relation to any relevant environmental constraints requiring further information to be provided with each DA lodged for the future operational stages of the development.	Yes

Clause 7.11 Objectives	Comment	Complies Yes/No
(i) <i>the relationship between the development and neighbouring sites, including urban and natural environments,</i>	The Masterplan highlights the relationship between the two northern towers proposed on the Lakeside site and other development anticipated in The Entrance. The Masterplan demonstrates the potential redevelopment of surrounding sites, including residential sites along Taylor Street which potentially benefit from floor space ratio and height bonuses under the LEP (for site amalgamations).	Yes
(j) <i>the relationship between the development and any other development that is, or may be, located on or near the site in relation to overshadowing, privacy, setbacks and visual amenity.</i>	Although the proposal impacts on the amenity of surrounding residential development, the urban form of the development has been the subject of extensive planning and consultation. The impacts are not considered as significant or unreasonable considering the changing context of the site and its surrounds under the planning controls that apply. The Masterplan identifies the potential redevelopment of surrounding sites, including residential sites along Taylor Street.	Yes
(4) <i>This clause does not apply to a development application made 5 years after the commencement of this Plan.</i>	The DA has been made within 5 years after the commencement of the plan.	Yes

Attachment 5 – Wyong DCP Chapter 5.3 – Compliance table

Wyong DCP Chapter 5.3 – Compliance table	
Control	Compliance Yes/No
2.7 Desired Character: Mixed Development in The Entrance Town Centre	
<p>2.7.1 Encourage an Outdoor Lifestyle and Increased Levels of Pedestrian Activity</p> <ul style="list-style-type: none"> • Provide reasonable levels of midwinter sunlight for street frontages and open spaces. • Provide a pedestrian friendly-scale next to any pedestrian frontage by avoiding “street wall” building forms with sheer vertical facades that are excessively long. • Stimulate the highest levels of pedestrian activity around open spaces and along commercially-significant street frontages. • Provide views from pedestrian areas toward scenic backdrops or the sky by limiting the width of upper storey facades and by separating the upper storeys of adjoining buildings. • Contribute to the Council’s improvements strategies for street frontages and open spaces. • Incorporate facilities for public transport, pedestrians and cyclists. 	<p>Yes</p> <p>The open space on the podium and the public space at the northern end of the site will receive adequate solar access midwinter.</p> <p>The proposal will stimulate pedestrian activity and is of a suitable scale. A bus hub will be provided along The Entrance Road.</p>
<p>2.7.2 Stimulate Highest Levels of Pedestrian and Business Activity</p> <ul style="list-style-type: none"> • Concentrate shops, entertainment or business-related premises, community facilities or major pedestrian entrances in podium facades that that will face and abut an open space area or a commercially-significant street frontage. • Avoid blank walls, building services, vehicle entrances or above-ground carparking that would face any open space area or commercially-significant street frontage. • Locate carparking predominantly in basements or behind “active” floor space. • Limit pedestrian links across any site to those which would service destinations that are commercially or socially significant, incorporating an outdoor fresh-air character rather than conventional indoor arcades, but only if such links would not detract from the desired level of street activity. 	<p>Yes.</p> <p>The proposal has been designed with basement parking and with business and pedestrian activity around the street edge, particularly the commercially significant frontages of The Entrance Road and Denning Street. There are three access points along The Entrance Road frontage.</p>

Wyong DCP Chapter 5.3 – Compliance table	
Control	Compliance Yes/No
2.7 Desired Character: Mixed Development in The Entrance Town Centre	
2.7.3 Protect Scenic Quality and Promote an Outdoor Lifestyle <ul style="list-style-type: none"> Limit the height of street facades to podiums which generally are no taller than two storeys. Require that storeys above any podium have a pronounced setback from the podium façade. Provide green roofs above podiums which may be used as communal open spaces. For buildings up to six storeys, apply built-form character guidelines for residential flat buildings up to six storeys. For buildings taller than six storeys, apply built-form character guidelines for residential flat buildings taller than six storeys. Coordinate the size, number and location of business signs, and avoid major corporate logos. 	<p>Yes.</p> <p>The podiums are no taller than 2 storeys. The hotel tower has a pronounced setback from the podium but the residential tower at its closest point has no setback to Denning Street or The Entrance Road but there is a physical break (at the open space level above the podium) which visually separates the podium form from the tower above.</p>
3.0 Building Envelope Provisions	
3.2.5 Mixed Development in Zones B2, SP3 over Six Storeys: Frontages to Streets, Lanes and Civic Spaces	
3.2.5.1 Streetscape To maintain appropriate amenity and built form, all new buildings shall comprise podium and tower elements.	<p>Yes.</p> <p>The proposal comprises podium and tower elements.</p>
a. Maximum building height and floor space ratio shall be in accordance with Clauses 4.3 and 4.4 of the WLEP 2013.	<p>Yes.</p> <p>The proposal complies.</p>
b. For podium elements, heights and setbacks to be the same as for buildings up to six storeys.	N/A
c. For buildings taller than six storeys, tower elements to be setback from building lines by a minimum of 10m.	<p>No.</p> <p>The residential tower has a zero setback.</p>

3.2.6 Mixed Development in Zones B2, SP3 and RE2: Sunlight to Footpaths and Open Spaces	
<p>a. Significant public places occur within zones B2 and SP3 at The Entrance Town Centre. As well as satisfying other envelope controls, new buildings are to:</p> <ul style="list-style-type: none"> maintain the amount of sunlight that is currently available to significant public places between the hours of 10 am and 2.00pm during midwinter (June 21); and ensure specified sunlight is to be available to at least half of any public open space, and at least half of the width for the specified footpaths. 	<p>Yes. Shadow diagrams were submitted demonstrating satisfactory solar access is available to public places and open space surrounding the site.</p>
3.2.8 Mixed Development in Zones B2, SP3 and RE2: Boundary Facing Residential Development	
3.2.8.1 Landscaped Setbacks	
<p>a. A setback which is predominantly deep soil is to be provided next to any residential property.</p>	<p>No. Deep soil planting is required for the length of the southern boundary. Half the boundary adjoins residential setback for planting.</p>
<p>b. Podium elements and any basement to be setback from any boundary that faces a residential property by a minimum of 6m.</p>	<p>No. The 2 basement levels have zero setback from the residential boundary. The podium element complies.</p>
3.2.8.2 Sunlight Access	
<p>a. The setback should be half of the "distance separation" which is specified by the SEPP No 65 Residential Flat Design Code.</p> <p>b. Neighbouring dwellings to receive the amount of sunlight that is specified by the SEPP No 65 Residential Flat Design Code.</p> <p>c. If a neighbouring dwelling currently receives less than the required amount of sunlight, there is to be no further reduction.</p> <p>d. To protect existing sunlight, adjustment may be necessary to the form, siting and dimensions of upper storeys that are permitted by the general envelope controls.</p>	<p>No. Half the distance separation between habitable rooms is 12m.</p>

Clause 4.1 - Design Guidelines: Residential Development	
4.2.1 Pedestrian Networks	
<p>a. Footpaths that have potential to/already contribute to simulating significant social and commercial activity of centres are:</p> <ul style="list-style-type: none"> The Entrance Town Centre: <ul style="list-style-type: none"> The Entrance Road northwards from Campbell Avenue/Warrigal Street; Dening Street from The Entrance Road to Taylor Street; 	<p>Yes.</p> <p>These foot paths adjoin the site to the west and north and the design supports and encourages increased pedestrian activity along these paths.</p>
<p>b. New open spaces with the potential to simulate significant social and commercial activity are:</p> <ul style="list-style-type: none"> The Entrance Town Centre: <ul style="list-style-type: none"> A town square in the Dening Street, The Entrance Road, Short Street vicinity; 	<p>Yes.</p> <p>The proposal includes a public open space 'piazza' at the northern ends of the site adjoining Dening Street.</p>
<p>Development proposals upon lands which face any of the nominated public places (whether existing or as desired) are to be planned and designed to maximise pedestrian and business activity:</p> <ul style="list-style-type: none"> incorporate new open spaces as specified above; provide active frontages facing pedestrian footpaths that are nominated above, or facing any desired open space that is specified above; locate major facilities, services and parking areas where they would not disrupt the desired level of pedestrian activity; include new cross-site pedestrian pathways only where they would follow "desire lines" to major destinations or facilities. 	<p>Yes.</p> <p>New public open space has been provided as part of the development along Dening Street. This area will adjoin the proposed shopping centre entry to support and maximise pedestrian activity along this street frontage.</p>
4.2.2 Transport and Access Infrastructure	
<p>a. Public carparking is to be provided as part of the following "Key Site" developments in The Entrance Town Centre and at Picnic Point:</p> <ul style="list-style-type: none"> Lakeside Plaza; 	<p>Yes.</p> <p>Parking available to shopping centre customers is proposed on the site.</p>
<p>b. A public transport layover area is to be provided along The Entrance Road in the vicinity of Dening Street as part of the Lakeside Plaza "Key Site" redevelopment.</p>	<p>Yes.</p> <p>A bus hub is to be provided along The Entrance Road and is to be detailed in future DA's.</p>

<p>c. To accommodate new public open spaces, the redirection of existing town centre traffic is to be evaluated and, where desirable, implemented as part of the following "Key Sites":</p> <ul style="list-style-type: none"> • Lakeside Plaza; 	<p>Yes. There is to be no road closures associated with the proposal.</p>
<p>d. To improve road safety and efficiency of traffic flows, existing site access should be realigned for the following "Key Site" developments:</p> <ul style="list-style-type: none"> • Lakeside Plaza: rear lane access is to be provided to properties fronting The Entrance Road, and possibly extended through to The Entrance Road; 	<p>No longer relevant. No isolated sites will result under the proposed development.</p>
<p>Subclause (e) not applicable</p>	<p>N/A</p>
<p>f. Cycle access to be promoted by all new developments:</p> <ul style="list-style-type: none"> • bike storage is to be provided in safe and accessible locations, either at street level or as part of basement carparks; • cycle storage is to be provided at a rate required by Council or specified by Council policy. 	<p>Yes. Details can be provided in the future DA's for each stage. A condition has been recommended.</p>
<p>4.2.3 New Public Open Spaces</p>	

<p>a. A new town square is to be provided as a focal point for The Entrance Town Centre:</p> <ul style="list-style-type: none"> the square is to be located along Denning Street between The Entrance Road and Short Street; the square ought to be provided as part of "Key Site" developments upon the Lakeside Plaza and the Denning Street Carpark Sites; subject to a positive traffic assessment and the redirection of existing vehicles, the square may incorporate portion of the Denning Street road reserve; the square is to be designed to accommodate planned events as well as informal social interaction; the square is to have a minimum width of approximately 30m and an area of approximately 2,000m², with at least two thirds of the required space located on the Lakeside Plaza property with a minimum width of 20m; pavements in the square are to be generally level and may include steps to raised areas around the perimeter that are suitable for pavement dining and spectators; the square is to be shaded by rows of trees, and its surface area should not be encumbered by any fixed furniture or substantial structures. 	<p>No.</p> <p>A new town square is proposed but it is not to the scale envisaged in the masterplan and there is no associated closure of Denning Street proposed. However, the proposal does include a small piazza (750m² in area) along the Denning Street frontage adjoining the shopping centre entry. The piazza does not comply with size requirements for an area of 2000m² and with at least 2/3 located within the site boundaries. The area will include pavement works, seating, tree planting and will be space to socialise.</p>
<p>Subclauses b – g not applicable</p>	<p>N/A</p>
<p>h. Consistent design standards are to be applied by all new open spaces:</p> <ul style="list-style-type: none"> surfaces, gradients and level changes are to accommodate visitors with impaired mobility or sight, and should satisfy relevant requirements of AS 1428; tree plantings are to be consistent or compatible with the Council's established town centre plans; surfaces, materials and furniture (including play structures, shelters, seating and lighting) are to be designed and constructed according to the applicable Australian Standards as well as satisfying the Council's established works standards or town centre plans. 	<p>Yes.</p> <p>Matters can be detailed and addressed under the future DA for Stage 2.</p>

Clause 4.2.4 - Active Frontages	
<p>Active frontages display a variety of land uses or building elements which are visible and attractive to pedestrians, and enhance the safety and amenity of publicly-accessible places:</p> <ul style="list-style-type: none"> • active frontages in any facade are measured by the width of windows or balconies; • at street level, active frontages include building entrances or lobbies, and premises with substantial display windows such as business premises, food and drink premises, and shops; • immediately above street level, active frontages include balconies, and premises that accommodate substantial numbers of customers such as food and drink premises or lobbies and foyers of entertainment facilities, function centres and registered clubs; • on higher storeys, active frontages are achieved by residential balconies and living room windows. 	<p>Yes. Concept plans appear to be generally consistent with these requirements. Details of façade designs are to be provided with the future DA's for the operational stages.</p>
<p>Active frontages are to be provided along footpaths and other publicly-accessible places, and the extent of active frontages within any facade is to be in proportion to the commercial-significance of the adjacent footpath or publicly-accessible place:</p> <ul style="list-style-type: none"> • facing new civic spaces, active frontages are to occupy at least 90% of any ground floor facade and 80% of facades for the first three storeys above the ground floor; • facing existing streets that are commercially-significant, active frontages are to occupy 85% to 90% of any ground floor facade, and at least 80% of the first storey above the ground floor; • facing rear laneways that are significant pedestrian routes and streets that provide vehicle access, active frontages are to occupy at least 30% of any ground floor facade, and 50% of the first storey above the ground floor; • facing streets that are not defined as commercially-significant, there is no requirement to provide active frontages at ground floor level or on the storey immediately above. 	<p>Yes. Concept plans appear to be generally consistent with these requirements. Details of façade designs are to be provided with the future DA's for the operational stages.</p>

<p>Certain facilities or building elements interrupt the continuity and effectiveness of active frontages, and are not to be located in any facade which faces a new open space, a commercially-significant footpath or a new cross-site pedestrian link:</p> <ul style="list-style-type: none"> • carparks and delivery docks are to be accessed from streets or laneways that are not commercially-significant, unless no alternative is available; • carparks are to be located in basements or if located above-ground level, are to be hidden behind active frontages that face any new open space, cross-site link, or commercially-significant footpath; • above-ground carparks are to occupy 50% of a facade that faces a laneway or a street which is not commercially-significant provided that parking decks are shrouded completely by architecturally-designed screens which complement the form and design of the development's facades; • "big box" retailers and entertainment facilities that are enclosed by blank walls are subject to the same restrictions as above-ground carparks; • service areas and delivery docks are to be accessed from streets or laneways that are not commercially-significant, unless no alternative is available. 	<p>Yes.</p> <p>The design includes 2 basement parking levels and a rooftop car park. Neither of these parking areas directly impact on the view of the building façade. An active frontage curtain walls the Basement 1 parking area from The Entrance Road. Access points have been confined to The Entrance Road and Taylor Street.</p>
<p>Clause 4.2.5 – Pedestrian Links</p>	
<p>a. a New cross-site pedestrian links are be provided as part of the following "Key Site" developments:</p> <ul style="list-style-type: none"> • Lakeside Plaza; 	<p>Yes.</p> <p>Internal pedestrian links are proposed through the site and external links around the site perimeter.</p>

<p>b. An outdoor character is preferred for new cross-site pedestrian links:</p> <ul style="list-style-type: none"> i. walkways are to be designed like a public street or courtyard, and the major thoroughfares should incorporate rows of shade trees; ii. the width of new links are to be between 5m and 10m according to commercial significance of the link, and the desirability of providing winter sunlight to active frontages; iii. walkways are to be flanked by awnings and active frontages which occupy at least 90% of the walkway's facades at "ground" level and on the storey immediately above (if any); iv. alignment of walkways is to highlight major destinations within or surrounding the development, and is to emphasise the location of lifts, stairs and travelators; v. 24 hour access is desirable. 	<p>Yes.</p> <p>External pedestrian links incorporate planting of shade trees. Concept plans appear to be generally consistent with these requirements. Details of footpath designs can be provided with the future DA's for the operational stages.</p>
<p>c. Indoor pedestrian links are to be compatible with the desired outdoor lifestyle:</p> <ul style="list-style-type: none"> • length of arcade-style links are to be minimised; • width of arcades are to be at least 5m; • arcade ceilings are to be tall, and alignment is to provide a direct outlook to sunlit outdoor areas or scenic backdrops; • alignment is to highlight major destinations within or surrounding the development, as well as emphasising the location of lifts, stairs and travelators, and is not to include any hidden recesses or blind corners. 	<p>Yes.</p> <p>Concept plans appear to be generally consistent with these requirements. However, details of arcade and centre design are to be provided with the future DA's for the operational stages.</p>
<p>Clause 5.1 – Key Sites- Concept Plans/Site Specific DCP's: General Design Principle Requirements</p>	
<p>a. Design the taller elements as slender towers which have a maximum longitudinal dimension of approximately 35m, and locate these elements to maximise the sharing of iconic coastal views which may be available from existing dwellings nearby.</p>	<p>No.</p> <p>Design includes slender towers although exceeding the maximum longitudinal dimension (45m x 29m).</p>

b.	Employ simple streamlined building forms, for example using curvilinear/sculptured facades that are oriented toward coastal views, and avoid roof-top plant rooms that are not designed to complement the form of towers.	Yes. Design includes simple streamlined, curvilinear façade oriented towards coastal views. Rooftop plant not visible but integrated.
c.	Configure new developments as podiums with towers that are separated by broad courtyards.	Yes. Tower elements on podium separated by open space on top of podium.
d.	Provide green roofs above podiums, and upon those rooftops, locate a variety of communal recreation spaces which are designed to protect the privacy of surrounding dwellings.	Yes. Open space including trees on podium rooftop, Future DA's to further detail.
e.	Ensure that development design does not compromise the ability of adjoining properties to develop with building forms which are consistent or mutually-compatible.	Yes. Concept design appears generally consistent.
f.	Avoid orientating blank exterior walls towards town centre footpaths that are commercially-significant.	Yes. Concept design avoids any blank walls to The Entrance Road and Denning Street.
g.	Screen the impact of service areas or above-ground parking by providing deep soil setbacks that are planted with medium sized trees.	No. Recommended conditions to address.
h.	Screen the impact of service areas or "big box" retailers which might face residential properties or developments by providing deep soil setbacks that are planted with medium sized trees that are indigenous coastal species.	No. Recommended conditions to address.
i.	Employ co-ordinated non-slip and durable paving for indoor and outdoor areas, including street pavements.	Yes. Details can be provided with operational DA's for Stages 1 & 2
j.	Establish new pedestrian spaces around the sites, and integrate those spaces with pedestrian desire lines that are evident in the town centre.	Yes. Concept design appears generally consistent with further details to be provided with future DA's.

k.	Maintain areas of deep soil in generous setbacks facing all boundaries where practically possible.	No. Recommended conditions to address.
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Attachment 6 – Wyong DCP Chapter 6.1 (Key Sites) – Clause 3.5 Requirements for Lakeside Plaza

Wyong DCP Chapter 6.1 (Key Sites) Clause 3.5 Requirements for Lakeside Plaza	Compliance Yes/No
a. The coastal character, building envelope, design guidelines, and matters for consideration within Chapter 5.3 - The Entrance Peninsula apply to this site and must be addressed.	Refer to relevant part of report
b. Development shall adequately address the relevant requirements of State Environmental Planning Policy (SEPP) 71 – Coastal Protection.	Yes
c. Development shall incorporate a gateway design element(s) on the corner of The Entrance Road and Denning Street.	Yes
d. Provide visible activity along The Entrance Road and Denning Street frontages. Locate retail and commercial land uses on the two lower storeys, with residential and tourist accommodation on the levels above.	Yes
e. Development should incorporate effective functional physical connections between this site and Key Site No 6 - The Greens (The Entrance Bowling Club) and Key Site No 4 - Denning/Short Streets Carpark.	To be detailed in future DA
f. Establish mid-block pedestrian links from The Entrance Road to Denning and Taylor Streets.	To be investigated in future DA
g. Provide adequate on-site public parking to cater for the future land use mix with access from Denning or Taylor Streets.	Yes
h. Maintain adequate rear service access to affected properties facing The Entrance Road via relocation of Glover Lane.	No longer relevant
i. Development should incorporate a bus layover facility facing The Entrance Road, Denning or Taylor Streets to the requirements of the Bus Service Administrator and Council.	To be detailed in future DA
j. Consideration shall be given to the principles and objectives of other DCP Chapters, in particular Chapter 3.7 – Conservation of the Built Environment.	Yes
k. Developments are to identify the desirable qualities to be incorporated in appropriate heritage infill design on the site. The qualities should be illustrated in the Masterplan by annotated drawings addressing the principles of scale, form, siting, materials and colours.	To be detailed in future DA
l. Improve the range of existing retail and business premises in order to consolidate the existing convenience shopping and service role of The Entrance Town Centre.	Yes

m	Ensure that the primary focus for retail areas is the north-facing footpath in Denning Street together with adjacent portions of The Entrance Road and Taylor Street, and emphasise that focus by appropriate configuration of this site's existing pedestrian pathways and retail areas.	Yes
n	Locate retail, commercial and community service/facility type activities facing those frontages or nearby, and accommodate a variety of visible activities on the lower two to three storeys which face the streets, previously nominated.	Yes
o	Concentrate "big box" retailers (e.g., supermarkets and discount stores) and service areas toward the site's southern end where blank exterior walls would not front town centre footpaths that are commercially-significant.	Yes
p	Provide a plaza forecourt facing Denning Street as a focal point for future development upon this site, and as the kernel of a possible future town (civic) square.	Yes
q	Design the forecourt, and possible future town (civic) square, to accommodate public events, to provide opportunities for outdoor dining, and to highlight pedestrian pathways through the development.	To be detailed in future DA
r	Divide the site into retail precincts which are separated by suitable pedestrian links that provide convenient access to adjacent sites including The Greens The Entrance Bowling Club (Iconic) Development Site, Denning Street and residential neighbourhoods which are located to the east and south.	To be detailed in future DA
s	Promote an outdoor pedestrian environment by a combination of broad open air walkways that are landscaped, and short arcades which are covered by glass roofs and sunshades.	To be detailed in future DA
t	Shade any Denning Street plaza with medium-sized trees that complement the town centre's established street tree plan.	To be detailed in future DA
u	Screen the impact of service areas or "big box" retailers which might face residential properties in Taylor Street by providing a deep soil setback with an avenue of medium sized trees that are indigenous coastal species.	To be detailed in future DA
v	Consolidate vehicle access and service areas at the site's southern end.	No. One area for loading is midway along Taylor Street.
w	Concentrate vehicle access to this site via Taylor and/or Warrigal Streets only.	No. Vehicle access also along The Entrance Road

x	Provide a street or laneway from Taylor Street along the site's southern boundary for access to this site and the rear of neighbouring properties, flanked by verges that are landscaped with rows of trees to screen neighbouring apartment dwellings.	Yes Loading at this end with landscaping
y	Evaluate the benefits of connecting the access street/laneway through to The Entrance Road, subject to the restriction of certain turning movements in order to maintain efficient traffic flows throughout the town centre.	Yes. Loading connection for service vehicles
z	Evaluate town centre access around this site, and evaluate whether road closures or turn restrictions would be beneficial.	No road closures proposed