

2 May 2007

Director-General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Sri Soerono

PROPOSED MIXED USE DEVELOPMENT OCEAN PARADE, THE ENTRANCE

Dear Sri,

As requested in your email dated 24 April 2006, please see enclosed information relating to our proposed development of The Key Site, The Entrance.

(a) Property details supported by maps in A4 or A3 size showing the site's local and regional context;

Location

The Entrance
Wyong Shire Local Government Area (LGA)

Regional Context

Wyong Council promotes The Entrance as a focus for business activity and tourism within the region. Its objectives for development of The Entrance include to maintain and enhance a diverse range of housing and accommodation choice for residents and visitors and to provide for a range of entertainment, dining and other tourist related activities.

Its various development policies seek to facilitate the consolidation of The Entrance as an important economic base for the Shire by encouraging investment in quality developments and by promoting developments that provide a diverse range of employment opportunities.

Property Description

The site has frontage to Marine Parade, The Entrance Road and Ocean Parade to the north, west and south. Existing commercial and residential development bound the site to the east. The site includes:

Lot 1 DP 513519, No. 2 Ocean Parade
Lots 1 & 2 DP 507207, Nos. 4 – 6 Ocean Parade
Lots 1 & 2 DP 536168, No. 14 The Entrance Road East

Area

4,831m² within the 3(d) Tourist Business Zone

1,214m² within the 2 (c) Medium Density Residential Zone

Total Site Area: 6,045m²

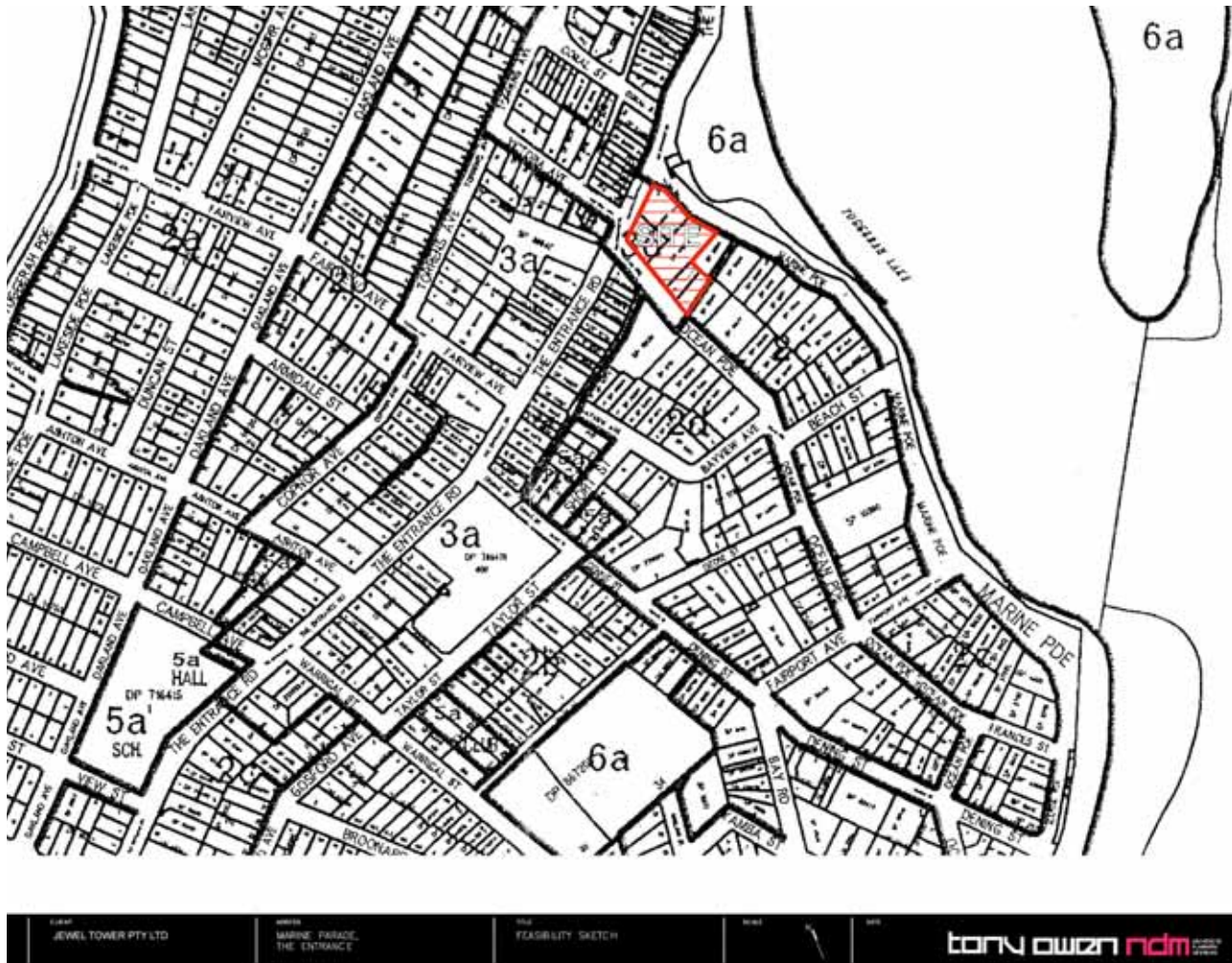


Figure 1: The proposed development site.

- Lot 1 DP 513519, No. 2 Ocean Parade
- Lots 1 & 2 DP 507207, Nos. 4 – 6 Ocean Parade
- Lots 1 & 2 DP 536168, No. 14 The Entrance Road East

(b) Description of the proposal supported by plans in A4 or A3 size;

The proposed development upon the 3(d) zoned portion of land will comprise a 3 level podium of retail and commercial uses. These uses might include entertainment, recreation and convention facilities, restaurants, shops and commercial premises. A basement level supermarket and specialty food shops is also proposed.

A tower element defined by Wyong Council's built form controls is proposed enabling 4/5 levels of residential units to be sited above the podium. An aerial perspective of these components of the

proposed development is provided at **Attachment I**, preliminary architectural drawings are appended at **Attachment II** and a streetscape photomontage from Marine Parade is provided at **Attachment III**.

The extent of necessary basement levels will be determined by total car parking necessary to be accommodated upon the site once the final mix of retail, commercial and tourist related uses is determined.

A 5/6 storey tourist accommodation building is proposed for development upon the 2(c) zoned portion of the site, consistent with the objectives of the medium density residential zone. A drafted scheme for the development of this portion of the site is not available at this time. It is intended that this building be attached to the podium and imbued with the same architectural style.

(c) Capital investment value (as defined in the EP & A Regulations) and expected employment (calculated on a full-time equivalent basis) construction workers, if applicable;

The capital investment value of the proposal is estimated to be approximately \$48,000,000.

The construction phase of the development will provide for employment of approximately 342 direct jobs, and 560 indirect jobs (supply chain etc). Employment for approximately 430 staff on a permanent and casual basis will be provided by the completed project (Preliminary Economic Assessment prepared for Jewel Tower Pty Ltd, by Castlecrest Consultants, dated April 2007).

(d) Planning provisions applying to the site and whether the project is permitted under the existing environmental planning instruments, DCPs, policies, etc, and if the project is inconsistent with such instruments/plans/policies;

Wyong Local Environmental Plan 1991

The Wyong Local Environmental Plan 1991 (the LEP) provides the legal framework of permissible land uses within zones prescribed by the instrument. It also provides various standards for development within respective land use zones.

- Clause 10 of the LEP prohibits a range of development types within the 3(d) zone. All of the proposed uses are permissible within the zone. The proposed development is also consistent with the zone objectives of encouraging development providing accommodation, services, entertainment and attractions for tourists; complementing the functions of a nearby town centre; and ensuring that development is of a type and scale that is appropriate to a tourist-orientated character, and enables the maintenance of the area's attraction to tourists.
- Commercial and retail uses are prohibited within the 2(c) medium density residential zone. Tourist accommodation is however permissible with development consent.
- There is no maximum floor space ratio applicable in relation to development of the 3(d) zoned portion of the site. The floorspace yielded by this site will therefore be reliant on compliance with building height, building profile and view analysis requirements, and the efficiency of the building design within these parameters.
- Clause 42C of the LEP applies to development in the 3(d) zone. Pursuant to this clause, building heights are limited in accordance with the Building Height Map illustrated at **Figure 2** over page (building height is the vertical distance from natural ground level at any point within a building to the top-most ceiling of the building directly above that point). The development will be fully compliant with these requirements.

- A 12 metre height limit is applicable to the podium element of proposed development within the 3(d) zone, and a 24 metre height limit applicable to the residential tower element atop the podium.
- An 18 metre height limit is applicable to development within the 2(c) zoned portion of the site (see also Building Height Map at **Figure 2**). The proposed tourist accommodation building on Nos. 4 & 6 Ocean Parade will not exceed this maximum height limit.
- The proposed development on the 3(d) zoned portion of the land is required to comply with Building Profile D (see **Figure 2**), and must not protrude beyond the profile established by that figure. The proposed development will be fully compliant with this requirement
- Clause 42C(3) of the LEP limits any permanent residential accommodation to be provided within buildings in the 3(d) zone so as not to occupy more than 50% of the gross floor area. The development will be fully compliant with this requirement.
- Clause 68 of the LEP permits managed resort facilities on this development site. A managed resort facility is not proposed by this application. Council may only consent to the use for permanent residence of up to 75% of the accommodation provided by any managed resort facility.

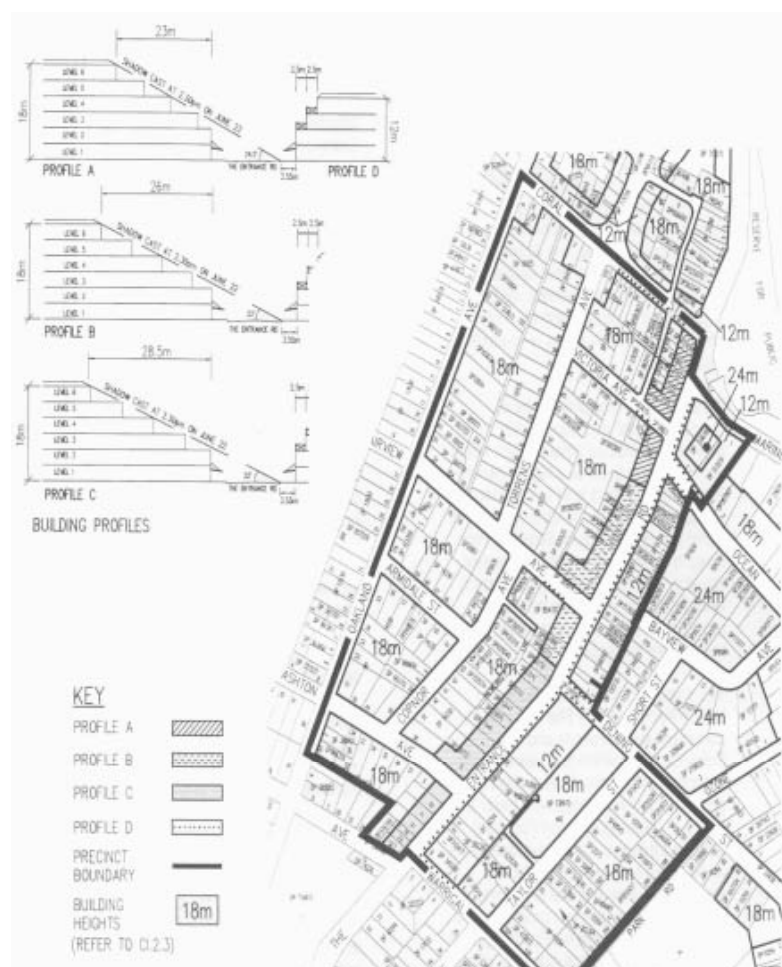


Figure 2: Building Height Map + Profiles.

Development Control Plan 2005 – Development Controls For Wyong Shire

This plan applies to the whole of the LGA. The purpose of the plan is to provide Council's requirements for quality development and environmental outcomes within the Wyong Shire. Various chapters within the DCP apply to different forms of development and to various development precincts. The two most significant chapters in relation to the proposed development are described below.

Chapter 60 – The Entrance

The subject site is designated a 'key site' for development within The Entrance. A number of important controls are provided throughout this Chapter of the DCP that must be implemented in the architectural design. The purpose of this chapter is to provide proponents with guidance as to the form of development that is considered appropriate within particular precincts and the locality generally (see Precinct 2 Town Centre Controls), and there are also provisions relevant to the development of the 3(d) zoned portion of the development site (see Section 5.5.1). The proposal is anticipated to be consistent with the objectives of this chapter of the DCP.

Chapter 64 – Multiple Dwelling Residential Development

This Chapter of the DCP applies to multiple dwelling residential developments in Wyong Shire, including residential flat development and dwellings associated with commercial premises (mixed use developments). The plan aims to protect and enhance the amenity of new and existing residential areas by encouraging the provision of a variety of dwelling types and allowing for innovation in individual design, and promotes standards of design that achieve functional and aesthetic quality in development.

As stated previously, there is no maximum floor space ratio applicable in relation to development of the 3(d) zoned portion of the site. Section 6.0 of Chapter 60 however limits the development of the 2(c) zoned portion of the site to 0.9:1. Development bonuses are available to certain development types where sites are consolidated in excess of 1,500m². The proposed development on the 2(c) zoned portion of the site is likely to exceed a FSR of 0.9:1 to enable it to compliment the scale of the proposed development of the 3(d) zoned portion of the site. Any variation to this standard will be justified on the basis of its benefits to the design of the proposed development which result from the proposed variation.

It is envisioned that other aspects of this DCP will be addressed in the Preliminary Environmental Assessment submitted in support of the proposed development.

(e) Justification as to why the proposal is a Major Project having regard to the criteria specified in SEPP (Major Projects) 2005;

The proposed development site is contained partly within a sensitive coastal location as defined by Schedule 2 of *State Environmental Planning Policy (Major Projects) 2005* (see Survey Plan at **Attachment IV** and High Water Mark Diagram at **Attachment V**).

As the proposed development will comprise a 3 level commercial podium with a maximum height of 12 metres, and a tower comprising 5 levels of residential accommodation with a maximum height of 24 metres, we consider the proposed development to be of a kind described by Clause 1(1)(g)(i) of Schedule 2 of *State Environmental Planning Policy (Major Projects) 2005*.

The development proposes a building with a maximum height in excess of 13 metres, and is wholly or partly within a sensitive coastal location, being within 100 metres of the mean high water mark of the sea. It is understood that a project of this nature requires the consent of the

Minister pursuant to the provisions of Part 3A of the *Environmental Planning and Assessment Act (EPAA) 1979*.

(f) In relation to Schedule 2, Coastal Areas, clause (2) of SEPP (Major Projects) 2005 concerning concurrence under another environmental planning instrument (EPI), it is necessary to provide details of the EPI which prohibits development consent from being granted without the concurrence of the Minister for Planning or Director-General of the Department of Planning (This most likely relates to the height of the development and concurrence under relevant Regional Environmental Plan).

There is no provision within any relevant EPI that would prohibit development consent from being granted without the concurrence of the Minister for Planning or Director-General of the Department of Planning. There is no relevant Regional Environmental Plan applicable to the development of this site.

The proposed height of the development is controlled by the provisions of Clause 42C of the Wyong LEP. The objective of this clause is to control the impacts of development within the commercial centre of The Entrance. Subject to the provisions of Clause 42C(5) of the LEP, Council may grant consent to the erection of a building on the land to which this clause applies so long as the building height does not at any point exceed the height nominated for the land at that point on the building height map (see **Figure 2**).

Clause 42C(6) of the LEP indicates that State Environmental Planning Policy No. 1 – Development Standards does not apply to height requirements for buildings on land to which this clause applies. The application when submitted will be compliant with each of the requirements of the building height map over the various components of the site (i.e. 12, 18 and 24 metre height limits).

Conclusion

This project will comprise the most significant building within the region, being the most prominent site within The Entrance, and will contain facilities that will serve as a focus for tourism, retail and commercial development within The Entrance town centre. The proposal will also generate significant employment opportunities for residents within the Shire, both during the construction phase of the development and thereafter.

Please do not hesitate to contact me should you wish to clarify any aspect of the proposed development, the maps and figures accompanying this submission, or should you require any additional information.

Yours sincerely

Daniel McNamara
Director