



THE ENTRANCE PENINSULA COMMUNITY PRECINCT

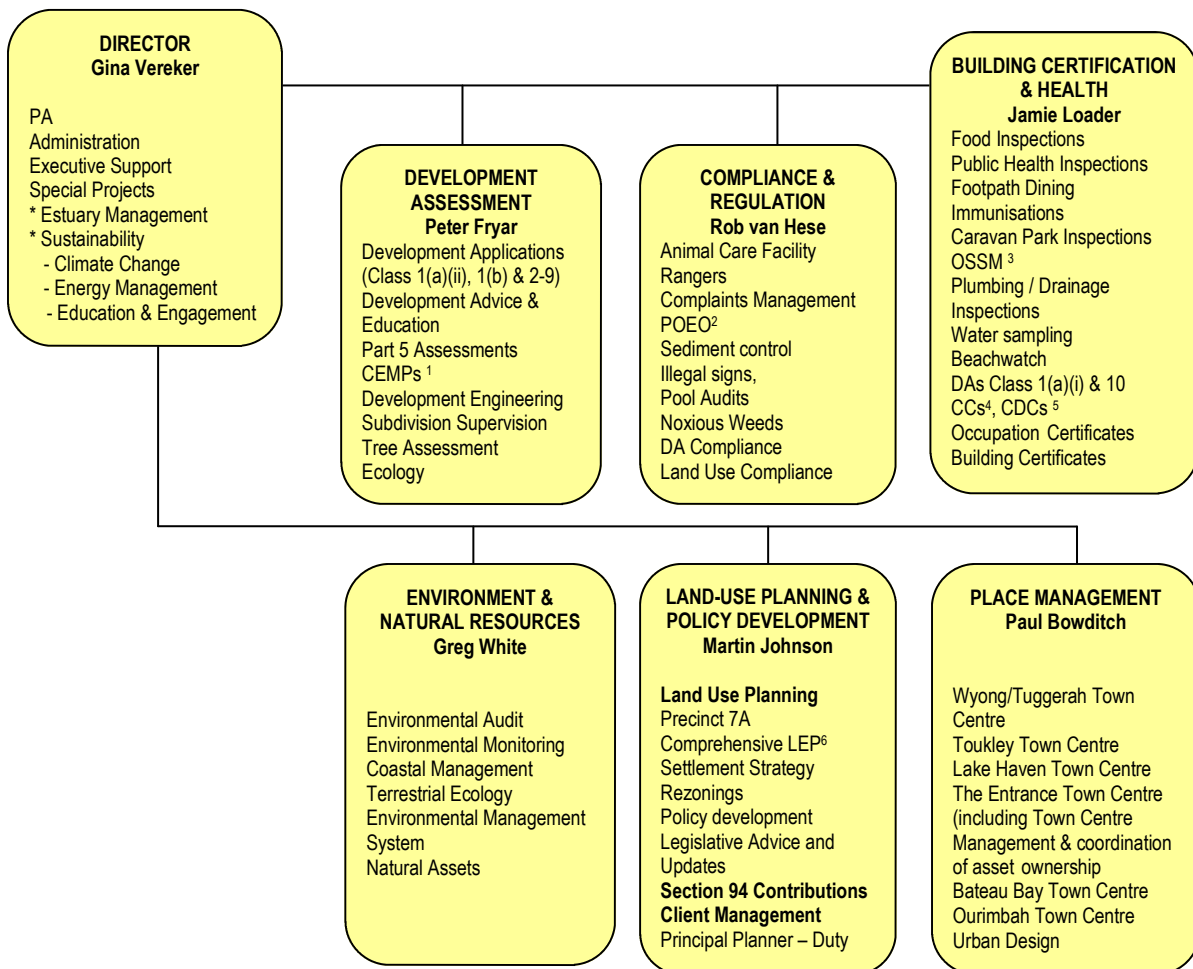
ENCOMPASSING: THE ENTRANCE; THE ENTRANCE NORTH; LONG JETTY TOOWOON BAY; BLUE BAY; SHELLY BEACH & MAGENTA

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The Wyong Shire Councils' Director Environment and Planning, Gina Vereker's presentation, 18 October, 2011 at 7:00pm on "Environment and Planning's Structure and the Wyong LEP"



The Chairperson of TEPCP, Vivienne Scott, gave Gina a warm welcome and thanked her for her attendance. Gina used a PowerPoint presentation to show the current structure of her Directorate as presented below. Gina explained that her roll changed with the Service Delivery Review last year. Council changed the role of the Environment Section. Originally it was called Shire Planning and the review heightened the focus on the environment changing the title of my Directorate to "**Environment and Planning**". Council divided up the units for which I am responsible with a specific unit that looked at environmental matters. Originally, while I had a Natural Resources Unit, it did not have the focus it has now.



- 1 **CEMPs** Construction Environmental Management Plan
- 2 **POEO** Protection of the Environment Operations Act 1997 (NSW)
- 3 **OSSM** On Site Sewage Management - properties not connected to the sewer.
- 4 **CC** Construction Certificate
- 5 **CDC** Complying Development Certificate - offered by private certifiers.
- 6 **LEP** Local Environmental Plans for zoning under the Environmental Planning and Assessment Act 1979

- ❖ The **Development Assessment Unit** would be the one you are most familiar with because it deals with Development Applications (DA's). It's manager, Peter Fryer, meet with TEPCP's Executive recently.
- ❖ The **Compliance and Regulation Unit** you would be familiar with through contact with the Rangers. One of the changes that came out of the review was to take all the Compliance matters that were spread across the Council. Now all illegal uses, all non compliance with conditions of consent and food shop compliance are now in the one area.
- ❖ **Building Certification and Health** is a new unit, we did not have one before. One of the reasons for establishing this unit was the introduction of private certification by the State Government. What this meant for Council is that we can have a team that competes in the private market. They can look things like Construction Certificates (CCs) and the complying development. It made sense to separate this team from the rest of Development Assessment. The team has been certified by the State Government, and have to keep up their "CPD" (Continuing Professional Development) points which requires training each year to remain certified. They compete with the private certification market. It is run as a separate business unit and at the moment they are bringing in to Council more money than it is costing to run the unit. They are doing so well that they are ranked second in the state and have about 70% of the private market.
- ❖ **Environment and Natural Resources:** The focus of this unit has been broadened to include natural assets. In the past there was a focus on our built assets and our infrastructure, but we never looked at our natural assets. It is a different way of looking at our forests, beaches and our lakes; looking at them as a positive asset and trying to put a value on them. The Unit is also responsible for the Coastal Zone Management Plan (CZMP), estuary management and sustainability. That we have done to give specific focus to these two areas is to make them Special Projects that are directly responsible to me as Director. We are really focusing on getting Council and the community generally to be more sustainable, particularly in regards to energy usage.
- ❖ **Land-Use Planning and Policy Development:** This is about land use planning and our Development Control Plan and particularly about the LEP which I will be talking about in more detail later. It also handles the Section 94 Developer Contributions which is a serious issue for Council at the moment as we are not collecting any contributions. The reason for this is we are not getting the development. This is seriously impacting on Council's ability to provide needed facilities.
- ❖ **Place Management:** This is another new unit. Council recognised the need to focus on our town centres and find ways of beautifying them. We are looking at them in more detail such as main street planning to raise the image of the town centres. There are three town centres we are concentrating on at present, The Entrance, Wyong/Tuggerah and Toukley. What we are doing is asking Council to set aside money in next years budget to beautify the entrances to these town centres. Council is presently advertising for an Urban Designer, a position that combines architectural skills with landscaping.

The existing Wyong Local Environment Plan (LEP) was gazetted by the State government in 1991. It is very out of date and needs a total rewrite, which is what we are trying to do. The LEP is our zoning document for land use within the Shire. It has to be a statutory document so when you read it is very legalistic. It contains maps of the Shire that shows what the zonings are across the whole Shire. It tells you what you can do without consent from Council, what you need Council to do and what is prohibited. It also sets out the objectives that Council is trying to achieve in each zone. This allows Council to assess an application against the objectives, for example a liquor store that may be permissible but may not meet the LEP's objectives.

Over the years the document has been amended many times. The existing LEP now has hundreds of amendments and because of this it has become unwieldy. Planning for a new LEP started in 2008 and we went to Council in 2009 and started the formal process of rewriting the LEP. The State Government decreed that it should be finished and gazetted by March, 2011. Back on 2009 Council thought it could achieve this.

Along with the LEP, Council had to prepare two other documents that go hand in hand with the LEP. The first is the **"Settlement Strategy"** that under the planning legislation identifies where you want developments, such as shops, transport nodes and open space and where you don't. Council is working on this document now and it is basically in its first draft. So the LEP is the statutory legal document with the maps and the Settlement Strategy is an easier document to understand. The second is the **"Development Control Plan"**. The existing Development Control Plan has been added to over the years. It has been added to in bits and pieces so that now we have over one hundred chapters. A chapter on parking; a chapter on telecommunication towers etc. This document is in need of review to reduce the number of chapters and make it easier to read and this is being worked on as well. So the three documents go together.

What has happened since 2009 is that there has been certain delays in the process. In hind sight there is no way Council could have achieved the March 2011 deadline. At the 12 October General Meeting of Council we explained to them that our aim had been to present a totally new, viz bang, comprehensive LEP that covered every possible aspect. We now realise that delays, for various reasons, that have happened that Council was not going to achieve the objective. When we could not make the March 2011 deadline we negotiated a June 2011 deadline, then a December 2011 deadline. The Department of Planning has now given Council a final deadline of June 2012. We advised Council that to achieve this deadline we will have to abandon our plans of producing a Comprehensive LEP and settle instead on a **"Composite LEP"**. This disappoints me no end because it is not what I wanted and it is not what the Council wanted. We have tried to get the Planning Department to agree to December next year to present them with a Comprehensive LEP, but because they are under instruction from the Minister to have all LEPs State wide completed by June they can not give an extension of time.

Most of the delays causing broken deadlines have not been of Councils making. These are the reasons that led to Council's decision to produce a Composite LEP:

- **Funding & Resources:**

To undertake an LEP you need a lot of resources to undertake all the work that needs to be done. There is a need for a whole range of professionals including ; ecologists; landscape architects, engineers; flooding engineers and heritage experts. For the last couple of years we have been undertaking these studies. For some, such as heritage, we have had to hire consultants. The State Government was offering Councils funding to complete their LEPs. Council has limited resources so back in May, 2010, we applied for funding from the State Government. We were promised the funds by August 2010 and we got the funds in August 2011. Gina pointed out that she was not blaming the State Government or picking on the Department of Planning, but just giving us the facts that there was a delay in payment. Council lost a year in it's planning.

Planning Acceleration Fund	May 2010	August 2011
Planning Reform Fund	March 2011	August 2011

It is \$275,00 and it has allowed Council to employ three extra people. The Planning Reform Fund was also an offer from the Stare Government for specific studies required for the LEP and again we did not get this until August 2011. These funds have been directed to the **"Retail Strategy Review"**; the **"Industrial Land Audit and Employment Strategy"** and the **"Affordable Housing Strategy"**

These three studies need to be done by a consultant and so you have to go through a transparent procurement process and this takes time. We now have on board the consultants.

- **State Level Inputs:**

- Council has to include the **"North Wyong Shire Structure Plan"** outcomes in the LEP. This is a plan that is being prepared by the State Government, the Department of Planning.. It is looking at where there should be development, where there can't be development and where there should be green corridors. In the Central Coast Regional Strategy it says that this document would be delivered by 2008. Council has the draft that was on public exhibition, but the document is not signed off by the Government. We are using the draft document to prepare the LEP.
- The second plan is the **"Central Coast Regional Conservation Plan"** It has got to the draft stage. It has never gone on public exhibition. Council does not know where it is up to in this point of time. Advice from the Department and Heritage is that it is likely that this plan will not be forthcoming. For the environmental corridors we will be relying upon what is in the draft and the good information that Council does have on threatened species.

This lack of State Government direction has also resulted in the LEP being delayed.

Gina then proceeded to show a slide of what was in the Composite LEP and what is not in it.

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| <ul style="list-style-type: none">• What's In?<ul style="list-style-type: none">- Standard Instrument- Town Centre Strategies- Iconic Sites- Councillor Input- Certain Site Specific Rezonings | <ul style="list-style-type: none">• What's Out?<ul style="list-style-type: none">- Retail Strategy Review- Industrial Land Audit/
Employment Lands Strategy- Affordable Housing Strategy- Certain site specific rezonings |
|---|---|

- ❖ The **"Standard Instrument"** is what The Department of Planning requires Council to use. In the past every city, municipality and shire had its own format for the LEP. The zones would be different with over a hundred different zones. Wyong's retail zone would not be the same as Gosford's retail zone. It made it confusing and difficult for everybody. The zones are now standardised. Council now has to pick a zone that best fits its needs, but it can't make up another one. The standard instrument also defines the permissible uses in that zone.
- ❖ The **"Town Centre Strategies"** have already been completed for The Entrance, Toukley and Tuggerah Straight. All these have been signed off by Council and will flow into the Composite LEP
- ❖ **"Iconic Sites"** The iconic sights have all been signed off by Council and will flow into the Composite LEP.
- ❖ **"Councillor Input"** There has been a number of Councillor workshops where the Councillors have workshopped with Planning to decide what zone, what should be in those zones, what new uses and where we can find more flexibility. The workshops have been positive and good results will flow into the Composite LEP.
- ❖ **"Certain Site Specific Rezonings"**. There are some specific site rezonings that have been happening over the past couple of years that will be included in the Composite LEP.
- ❖ The **"Retail Strategy Review"**, **"Industrial Land Audit/Employment Lands Strategy"** and the **"Affordable Housing Strategy"** are only just starting and will not be able to be included in the LEP. They will not be complete until after Christmas. We then have to exhibit these strategies so it will be too late for them to flow into the Composite LEP.

By the end of October Council will have a Draft Document that will form the basis of the Composite LEP, The Settlement Strategy and the Development Control Plan. Gina then presented a slide with the following timetable for the completion of the Composite LEP:

- Section 62 Government agency Consultation
- Request for Section 65 Certificate from Department of Planning & Infrastructure (DoP&I)
- Receipt of Section 65 Certificate
- Public Exhibition
- Public Hearings, Submission Review
- Lodgement of Section 68 Report to DoP&I
- Adoption, gazettal and implementation:
- November – December 2011
- December 2011
- January 2012
- February – April 2012
- May – June 2012
- June 2012
- Dependent on DoP&I

Section 62 of the Planning Act requires Council to go to Government departments and agencies before putting the Draft LEP on public exhibition. Before the Draft LEP can go on public exhibition Council must obtain approval from the Department of Planning and Infrastructure (DoP&I), a Section 65 Certificate. This is a very tight timeframe and a delay from DoP&I could easily cause a blow out.

Parallel to the massive effort being put in to complete the Composite LEP we are still proceeding with The Retail Strategy Review; the Industrial Land Audit/Employment Lands Strategy and the Affordable Housing Strategy that will not be going into this version. There reports will go into the 1st Amendment to the LEP. So as soon as the LEP is signed off after all these years of work we will want to change it immediately.

Out of 152 Councils in NSW about 40 have had their LEP gazetted. So a lot of LEP's will be landing on the DoP&I's desk at the same time. Council has yet to decide when the Retail Strategy Review; the Industrial Land Audit/Employment Lands Strategy and the Affordable Housing Strategy will be put on public exhibition as it may cause problems trying to exhibit them at the same time as the LEP.

Once the Draft LEP goes on public exhibition, under the Planning Legislation, Council has to consider what is in the Draft LEP when determining Development Applications (DA's).

TEPCP had asked Gina to address how the new LEP was going to address "**Housing Needs**" of the Shire. Gina used the following dot points to explain how the LEP addresses housing needs:

- ❖ **Central Coast Regional Strategy Targets.** The State Government as produced this strategy for the Central Coast Region and Council's LEP has to try and reflect the targets set by the State Government. There are targets for how many additional dwellings Council must provide for. There is a regional target to increase the population by 100,000 people by 2031 and 70% of that is in the Wyong Shire. This equates to an additional 40,000 dwellings and the process of the LEP is to work out the best place for them.
- ❖ **Height and Density.** It was decided that each of the major centres have to take some of the additional population. Where do you put the higher densities? You put it in your Town Centres around your transport nodes. The LEP helps with this. The housing needs are one of the high level objectives and will sit at the front of the document.

- ❖ **Flexibility.** Wyong Shire has a broad age demographic. It not only has a large aging population it also has a large youth population. As a result there is a need for housing to be adaptable. We are looking for ways in the zoning table at allowing a flexible dwelling that caters for a family with children and later when they are older and the children have left. Things like allowing "granny flats" and "dual occupancy" in a way that not only protects the amenity of those who live there but tat of their neighbours as well. While we will have these in the objectives of the LEP the detail will be in the **Development Control Plan (DCP)**. In the DCP we can really build in controls; such as set backs and overshadowing.
- ❖ **Housing Choice.** **Wyong Shire's Housing Choice Strategy's** recommendations will feed into the LEP. It tries to encourage choice in housing, affordable housing and adaptable housing.
- ❖ **LEP Limitations.** The LEP enables development, it doesn't create development. There has to be a will in the building industry to create the developments. Where we can help is with the DCP. Building flexible controls into the DCP will show that Council wants development, while ensuring that it is good development. There has to be other forces working with it for it to gain momentum. One of the ways Council is doing this is with the **Iconic Sites**. These will have a range of housing types in tem as well as other benefits for the community.

Gina was asked about the possibility of not meeting the State Governments targets for population until the infrastructure necessary to support it was put in place as some North Shore councils have threatened to do. Gina conceded that Council had discussed this, but it was considered that the demographics of the Shire were such, the needs so great, that it would be a brave Council that is in our situation to not provide services and to restrict development. While we do need the infrastructure are we really going to deny someone from having a dwelling?

While Council has little control over existing sites, such as the need to widen the Central Coast Highway through Long Jetty it has control over new sites. For example, the Warnervale Town Centre, where Council is saying to the RTA, you give us the money for the intersection required for the access to the town centre or it is not going to happen because we are not going to have development without the proper infrastructure. We can push it when it is a new area, it is very difficult when it is an existing area. In new developments Council is ensuring that the developer puts in the proper infrastructure required.

Gina was then asked about the policy of increasing the density of existing areas as they already had infrastructure as opposed to developing new green field sites. Gina replied that from her point of view it was a combination of both. Generally when you increase density you have to renew the infrastructure as well so they are both expensive to do.

Gina then addressed what was in the **"Affordable Housing Strategy"**.

- ❖ Identify key trends in housing affordability and choice and key housing needs and issues in Wyong Shire, including the identification of target groups and localities.
- ❖ Aims and zone objectives for inclusion in Council's LEP to facilitate the provision of housing choice and affordable housing.
- ❖ Prepare specific clauses or provisions for inclusion in LEP.
- ❖ Prepare appropriate development controls or incentives for the provision of housing choice and affordable housing within Council's Integrated DCP.
- ❖ Identify alternative opportunities such as voluntary planning agreements, development bonuses, flexible zonings or land dedications.
- ❖ Identify appropriate types and locations for affordable housing within Wyong Shire.
- ❖ Establish measures to monitor the progress of providing for housing choice and affordability within the Shire.

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The issue was raised to Gina that Affordable Housing was increasing the number of school age children in The Entrance and the existing school was having difficulty coping, yet in the eighties we were told that the number of children in The Entrance would decrease. Gina replied that these are factors that had to be considered when locating affordable housing. When I was talking about the LEP being sent to State Government Authorities, we would send it to the Department of Education. They are seen to be the experts on where they need schools. It is not Council who will determine where a School should be.

There is a difference between "affordable" and "cheap". In some parts of the market there is a thought that affordable housing means cheap and nasty. One of the things Council is looking at in the LEP is that we do not end up with cheap and nasty. We want to ensure that a development is of a standard that we consider acceptable. I encourage TEPCP to make a submission when the Affordable Housing Strategy goes on public exhibition.

Gina finished off her presentation by talking about the "**Employment Study**" advising:

- ❖ There are employment targets in the **Central Coast Regional Strategy**. Council is looking at providing an additional 27,000 jobs by 2031. Council is looking at where do we put the industrial land and do we need additional Retail space.
- ❖ There is also the **Regional Economic Development Strategy** which also looks at how do we get economic development on the Central Coast. Council is looking at flexibility where people can stray their business from home.
- ❖ Industrial Land Audit / Employment Lands Strategy
- ❖ Town Centre Rezoning
- ❖ Iconic Sites
- ❖ New Zones

The "**Employment Lands Strategy**" is about creating jobs:

- ❖ Undertake an industrial land audit
- ❖ Identify trends and demand for industrial and employment land
- ❖ Propose strategies, policies and programs to guide the future of Wyong Shire's industrial precincts
- ❖ Recommend zonings & development controls to facilitate economic development and employment generation to inform the Settlement Strategy and LEP 2012

Gina apologised for the length of her presentation but the Chair, Vivienne Scott assured her this was not a problem, thanking Gina for the quality of her presentation, commenting that we had learned a lot from the presentation and looked forward to having her back again in the new year to present the Draft Wyong LEP.

Note taker Doug Darlington