



Central
Coast
Council

Central Coast Council

Planning Proposal
Lot 273 DP 755266
15 Mullooy Road
Chain Valley Bay

File No: RZ/1/2017
November 21



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Version: Exhibition Version

Central Coast Council

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Background & Locality Context

The subject site is located on the southern side of Malloway Road, Chain Valley Bay.

It is bounded to the south by Karignan Creek, which flows into Lake Macquarie. The site is located east of the low-density residential settlement of Chain Valley Bay which comprises predominantly single dwellings. The site is located in close proximity to two (2) Manufactured Home Estates (MHEs), being Teraglin Lakeside Village to the north-west of Malloway Road, and Valhalla Village located directly adjacent to the subject site on the western boundary.

The site has an area of 16.59 hectares (ha) and comprises a single dwelling and shed.



Figure 1: Contextual Locality Plan (Source: Central Coast Council 2020)

Planning Proposal
 15 Mulloway Road, Chain Valley Bay

The concept plan for the development of the site proposes 93 lots. The concept is inclusive of 1x E3 Environmental Management zoned site with a minimum lot size of 3,000m², an E2 Environmental Conservation zoned site alongside Karignan Creek, as well as a biodiversity corridor alongside the western and northern boundaries of the site.

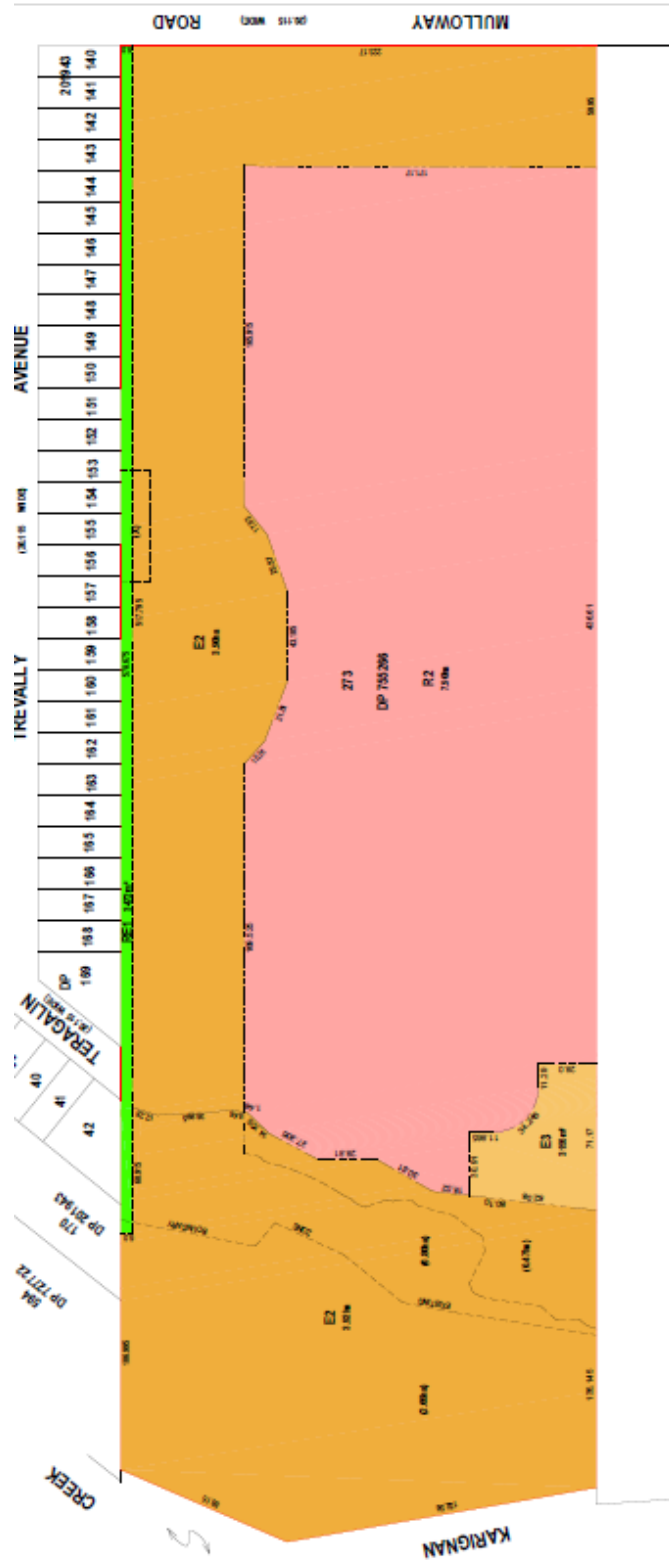


Figure 2: Conceptual Development Plan (Source: Intrax Consulting Group, 2021)

Part 1 Objectives or Intended Outcomes

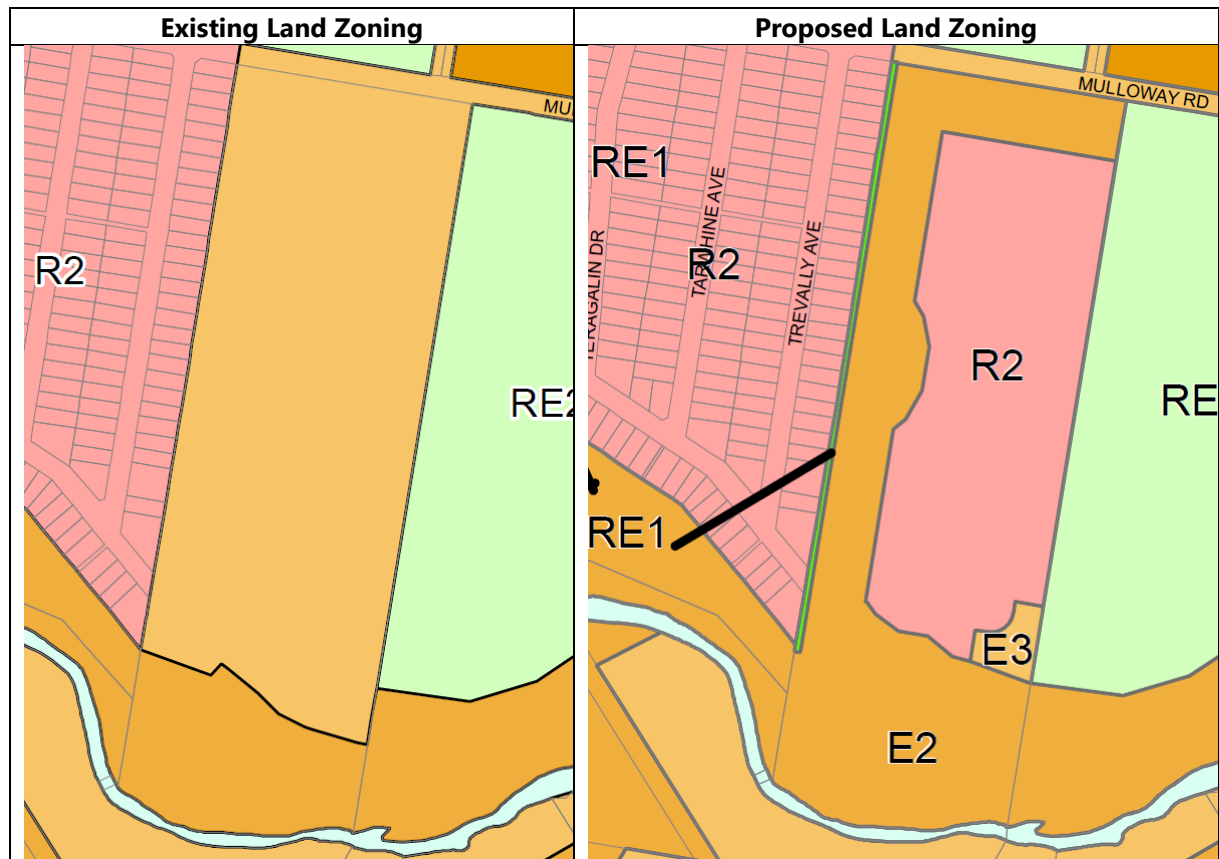
The objective of the Planning Proposal is to amend the zoning, lot size and urban release area provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013) as they apply to the site. This entails rezoning Lot 273 DP755266 from E2 Environmental Conservation and E3 Environmental Management to R2 Low Density Residential, RE1 Public Recreation, E2 Environmental Conservation and E3 Environmental Management.

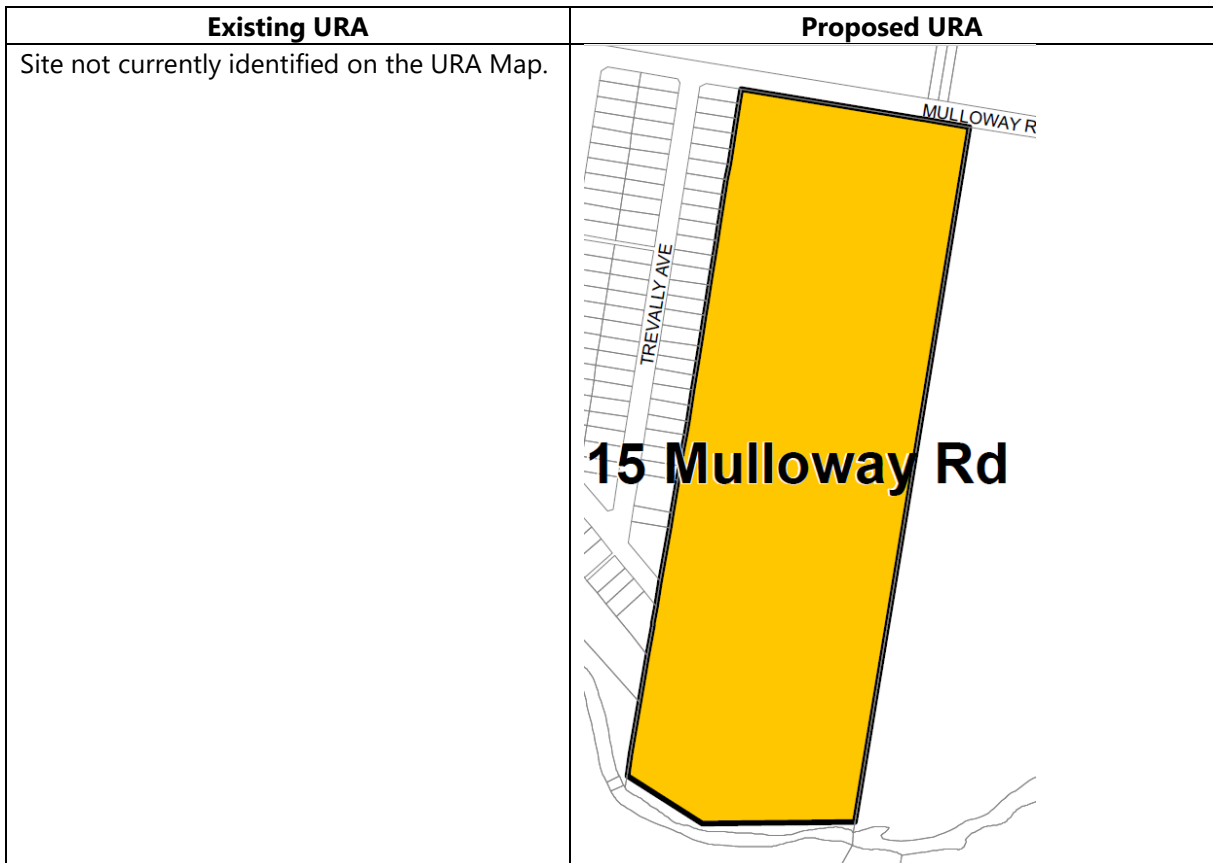
The intended outcome is to enable a land subdivision of the rezoned R2 Low Density Residential portion of the site for housing.

Part 2 Explanation of Provisions

The outcome will be facilitated by an amendment to WLEP 2013 which will involve the following:

- Extension of the existing E2 Environmental Conservation zone to include the extent of Endangered Ecological Communities on the site and a viable north-south local wildlife corridor;
- Rezoning of the residual areas of the subject site (and any road reserves) from E3 Environmental Management to R2 Low Density Residential, with the exception of a small E3 allotment (3,000m²);
- Application of minimum lot sizes of 450m² for any part of the site zoned R2 Low Density Residential portion of the site to 450m², no minimum lot size for the RE1 component, 3,000m² for any part of the site zoned E3 Environmental Management and 40 hectares (ha) for any part of the site zoned E2 Environmental Conservation; and
- Identify/map the site as an Urban Release Area subject to provisions of Part 6 of WLEP 2013.





Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

The site is identified for future residential development through the North Wyong Shire Structure Plan (NWSSP). The site is identified as part of Precinct 19 of the NWSSP. A concurrent Planning Proposal within Precinct 19 is currently being considered by Council for land known as 45 Malloway Road, Chain Valley Bay:



Figure 3: Southern portion of Precinct 19

It is considered that these two sites form a logical sub-precinct to Precinct 19, and finalisation of these Planning Proposals will complete investigations for the southern sub-precinct. The northern sub-precinct can be investigated at a later date when landowners are ready to commence the process.

The site is also identified for future residential development within the draft Greater Lake Munmorah Structure Plan (GLMSP).

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intended outcomes of the proposal as they relate to residential development are not able to be achieved under the current zoning (E3 Environmental Management). Whilst dwellings are permissible under the E3 zone, the minimum lot size applicable (20ha) does not permit subdivision of the site into smaller allotments. Consequently, the current zoning and minimum lot size do not enable the intentions of the NWSSP to be achieved.

The site also forms part of a local wildlife corridor linking the riparian vegetation of Karignan Creek to the Lake Macquarie State Conservation Area north of the site. Arrangements for the retention and management of this corridor are not in place. The preparation of the Planning Proposal supported by in perpetuity management arrangements via a Vegetation Management Plan will ensure the continued viability of this local corridor link.

Section B – Relationship to strategic planning framework

3. *Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

Central Coast Regional Plan 2036

The subject site is identified as urban land by the *Central Coast Regional Plan (CCRP) 2036*. It is also in the vicinity of a biodiversity corridor which connects the coast to the foothills and provides an inter-regional landscape break. This corridor is further defined by the NWSSP.

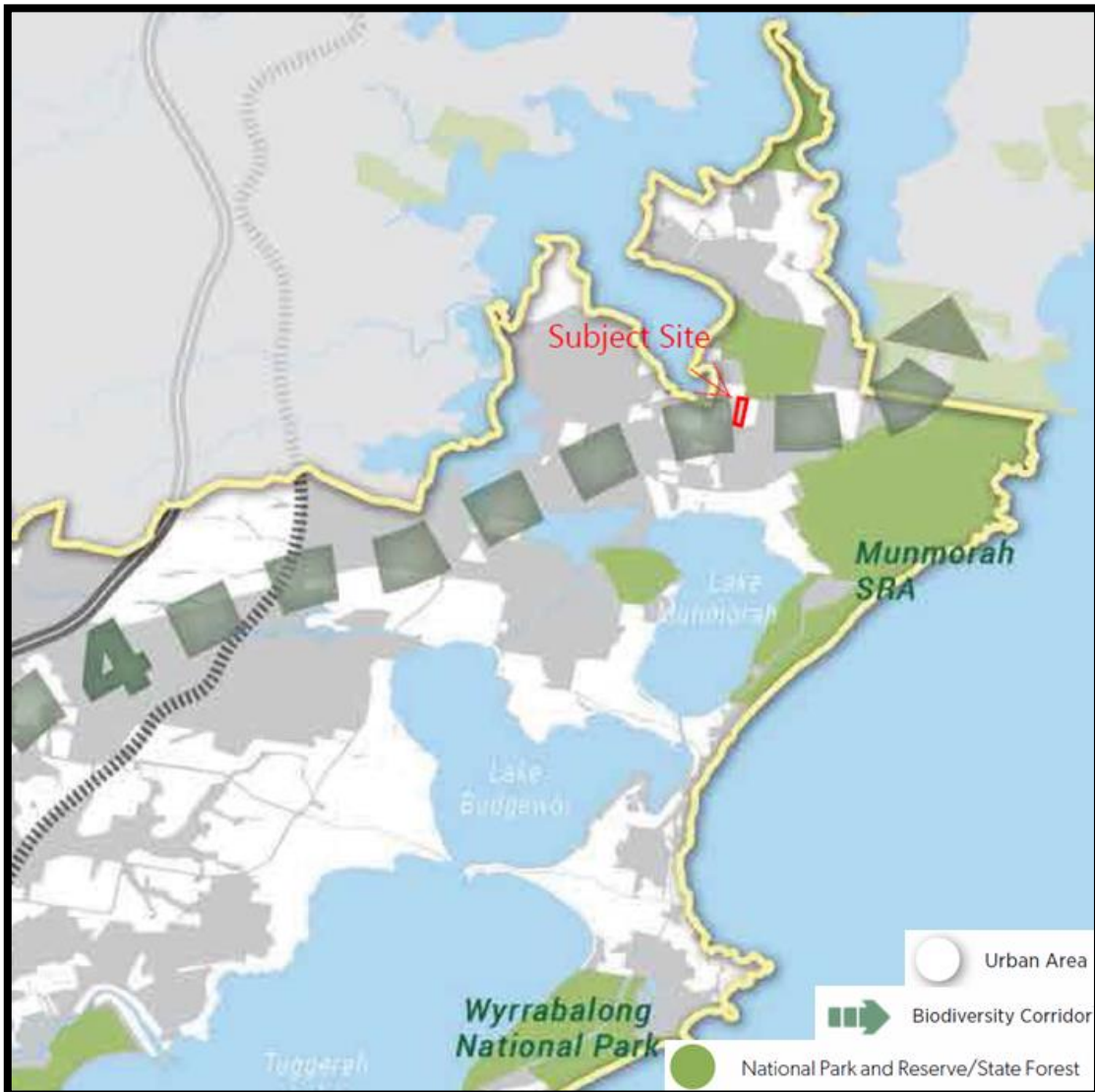


Figure 4: CCRP Context (Source: Department of Planning & Environment, 2016)

An assessment of the proposal against the goals and directions of the CCRP has been undertaken (refer to *Attachment 01 - Assessment and Endorsement*). The assessment undertaken demonstrates that the proposal is able to assist or is consistent with the Directions of the CCRP.

North Wyong Shire Structure Plan (NWSSP)

The North Wyong Shire Structure Plan (NWSSP) identifies where and when development is planned to occur and ensures sufficient land exists to meet regional housing and employment targets. It reinforces the Central Coast Regional Plan (CCRP) 2036. The subject site is located within the area addressed by the NWSSP.



Figure 5: NWSSP Context (Source: Adapted from Department of Planning & Infrastructure, 2012)

The NWSSP nominates the site for future residential development (Precinct 19) within the next 15 years. This timing has been based on the uncertainty of "future coal extraction potential, future use of the power station sites and access to services and employment opportunities (Department of Planning and Infrastructure, 2012).

The early release /development of long-term areas is supported by the NWSSP provided it is warranted by demand and arrangements are in place to forward fund the appropriate infrastructure for its development.

Documentation supporting the proposal identifies that future coal extraction potential issues have been resolved (refer to *Attachment 03 - Agency Responses*).

The site is also capable of being serviced, subject to connection and augmentation of existing water and sewer networks. Such connection would be at the cost to the site Developer. The site is to be identified as an Urban Release Area (URA) therefore must satisfy any infrastructure requirements of the state government prior to consent being granted for any future development.

The site also forms part of the NWSPP 'Green Corridor and Habitat Network'. The high-level mapping extent of this corridor appears to incorporate the extent of the existing E2 Environmental Conservation zone on the subject site.

4. *Is the Planning Proposal consistent with a local Council's local strategy or other local strategic plan?*

Central Coast Community Strategic Plan – One Central Coast

The Central Coast Community Strategic Plan (CSP) "One – Central Coast" defines the community's vision and roadmap for the future. The plan, prepared with extensive community input, establishes themes and focus areas which set key directions and priorities for the sustainable growth of the Central Coast.

An assessment of the Planning Proposal against the themes and objectives of the CSP has been undertaken (see *Attachment 01 – Assessment and Endorsement: ii. CSP Assessment*). The Planning Proposal supports the themes of the CSP.

The following objectives are relevant to the proposal.

- Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood
- Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.
- Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.

Central Coast Council Local Strategic Planning Statement

The Central Coast Council Local Strategic Planning Statement (LSPS) was adopted by Council on 29 June 2020. The LSPS establishes a land use vision to guide the future growth and development of the Central Coast to 2036 and beyond.

The LSPS identifies gaps within the current suite of planning strategies and proposes a number of implementation actions. These actions require a number of projects to be completed, including audits of land uses and land practices and development of issue and area specific strategies to fill these gaps. The analysis and resultant strategies will enable a strategic response and approach to land use across the Central Coast.

The Planning Proposal is consistent with the 4 main objectives of the LSPS:

1. Revitalise our centres: Seeks to bring activity and life into our existing centres.
2. Renew urban form: Will improve the living environment for new and existing communities.
3. Define the urban edge: Will define where urban development should stop and environmental protection starts.
4. Create a sustainable region: A Sustainable Planning perspective embraces and thrives with change.

Wyong Shire Settlement Strategy

The subject site is considered by the Central Coast Regional Plan (CCRP) 2036 and the North Wyong Shire Structure Plan (NWSPP).

The Wyong Shire Settlement Strategy (WSSS) does not duplicate the planning framework established by these plans.

Draft Greater Lake Munmorah Structure Plan

The subject site is considered by the draft Greater Lake Munmorah Structure Plan (GLMSP). The draft GLMSP has been publicly exhibited and is anticipated to be adopted by Council imminently. The site is identified for future residential development within the draft GLMSP.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The proposal has been considered against relevant State Environmental Planning Policies (SEPP) and State Regional Planning Policies (SREP) as contained within the Attachments to this proposal (see *Attachment 01 – Assessment and Endorsement: iv. SEPPS and SREPS*). The following policies have been considered:

- SREP 8 – Central Coast Plateau Areas
- SREP 9 – Extractive Industries
- SREP 20 – Hawkesbury-Nepean River
- SEPP 19 – Bushland in Urban Areas
- SEPP 21 - Caravan Parks
- SEPP 36 – Manufactured Home Estates
- SEPP 55 – Remediation of Land
- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (Aboriginal Land) 2019
- SEPP (Activation Precincts) 2020
- SEPP (Affordable Rental Housing) 2009
- SEPP (Coastal Management) 2018
- SEPP (Educational Establishments and Childcare Facilities) 2017
- SEPP (Gosford City Centre) 2018
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP (Koala Habitat Protection) 2021
- SEPP (Mining, Petroleum & Extractive Industries) 2007
- SEPP (Primary Production and Rural Development) 2019
- SEPP (State and Regional Development) 2011
- SEPP (State Significant Precincts) 2005
- SEPP (Vegetation in Non-Rural Areas) 2018

The proposal is consistent with the relevant provisions.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. The full assessment of these Directions is contained within the supporting documentation of this proposal (*Attachment 01 – Assessment and Endorsement: iii. Ministerial Directions*).

The proposal is considered to be generally consistent with the applicable Directions. The proposal is inconsistent with Direction 2.1 (Environmental Protection Zones), however it is considered that the inconsistency can be mitigated appropriately.

No.	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	N	N/A
1.2	Rural Zones	N	N/A
1.3	Mining, Petroleum Production and Extractive Industries	Y	Y
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	Y	Y
Environment & Heritage			
2.1	Environmental Protection Zones	Y	N*
2.2	Coastal Management	Y	Y
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
2.5	Application of E2 & E3 Zones and Environmental Overlays in the Far North Coast LEPS	N	N/A
2.6	Remediation of Contaminated Lands	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	Y
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Regulated Airports and Defence Airfields	N	N/A
3.6	Shooting Ranges	N	N/A
3.7	Reduction in non-hosted short-term rental accommodation period	N	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y

No.	Direction	Applicable	Consistent
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.9	North West Rail Link Corridor Strategy	N	N/A
5.10	Implementation of Regional Plans	Y	Y
5.11	Development of Aboriginal Land Council land	N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.3	Parramatta Road Corridor Urban Transformation Strategy	N	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Plan	N	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	N/A

No.	Direction	Applicable	Consistent
7.9	Implementation of Bayside West Precincts 2036 Plan	N	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Principles	N	N/A
7.11	Implementation of St Leonards and Crows Nest 2036 Plan	N	N/A
7.12	Implementation of Greater Macarthur 2040	N	N/A
7.13	Implementation of the Pyrmont Peninsula Place Strategy	N	N/A

Table 1: S9.1 Ministerial Direction Compliance

N*: The inconsistency is considered to be of minor significance

Section C – Environmental, Social and Economic Impact

7. ***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The proposal seeks to rezone part of the site for more intense urban (residential) purposes. However, the proposal also facilitates the protection and conservation of environmentally sensitive areas.

Loss of Vegetation

A Biodiversity Certification Assessment Report (BCAR) has been prepared by Travers Bushfire and Ecology (2019) to support the proposal. The BCAR identifies one Endangered Ecological Community (EEC) on the site - Swamp Sclerophyll Forest on Coastal Floodplains of the NSW NC, SB and SEC Bioregions. This EEC is predominantly located within the existing E2 Environmental Conservation zoned area of the site, and comprises approximately 3.48 hectares (ha) of the overall site area. This portion of the site is identified as an inter-regional corridor within the strategic regional planning framework (Central Coast Regional Plan) and is not proposed to be rezoned from the existing E2 zone.

This community is also recognised as an Endangered Wetland Community (EWC) and subject to additional buffer requirements under the NSW Department of Primary Industries (Water) Guidelines for Controlled Activities.

The BCAR also identifies that the remainder of the site contains actual and potential habitat for several threatened fauna species (including microbats and squirrel gliders) – comprising approximately 9.7ha of Coastal Plains Smooth-barked Apple Woodland vegetation. The site also forms part of a local corridor connecting the riparian corridor through the site to the north.

The remainder of the site is comprised of cleared paddocks (approximately 3.25ha). This area also comprises a large farm dam, with a surface area of approximately 1,800m².

The proposal includes the loss of some of this habitat.

- 0.1ha* loss of good-quality Swamp Sclerophyll Forest on Coastal Floodplains of the NSW NC, SB and SEC Bioregions equivalent to TEC Swamp Sclerophyll Forest.
- 6.2ha* loss of good-quality Coastal Plains Smooth-barked Apple Woodland.
- 6.2ha* loss of habitat for threatened species, including species credits for Wallum Froglet, Pale-headed Snake, Green-thighed Frog, Southern Myotis and Squirrel Glider.

All areas of native vegetation impact will require offsetting and this has been taken into account as part of the BCAR process. Ecological survey and assessment has been undertaken in accordance with relevant legislation including the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Biodiversity Conservation Act 2016* (BC Act), the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Fisheries Management Act 1994* (FM Act). A full description is found within Section 2 of this report. See *Attachment 05 – Studies: Biodiversity Certification Assessment Report*.

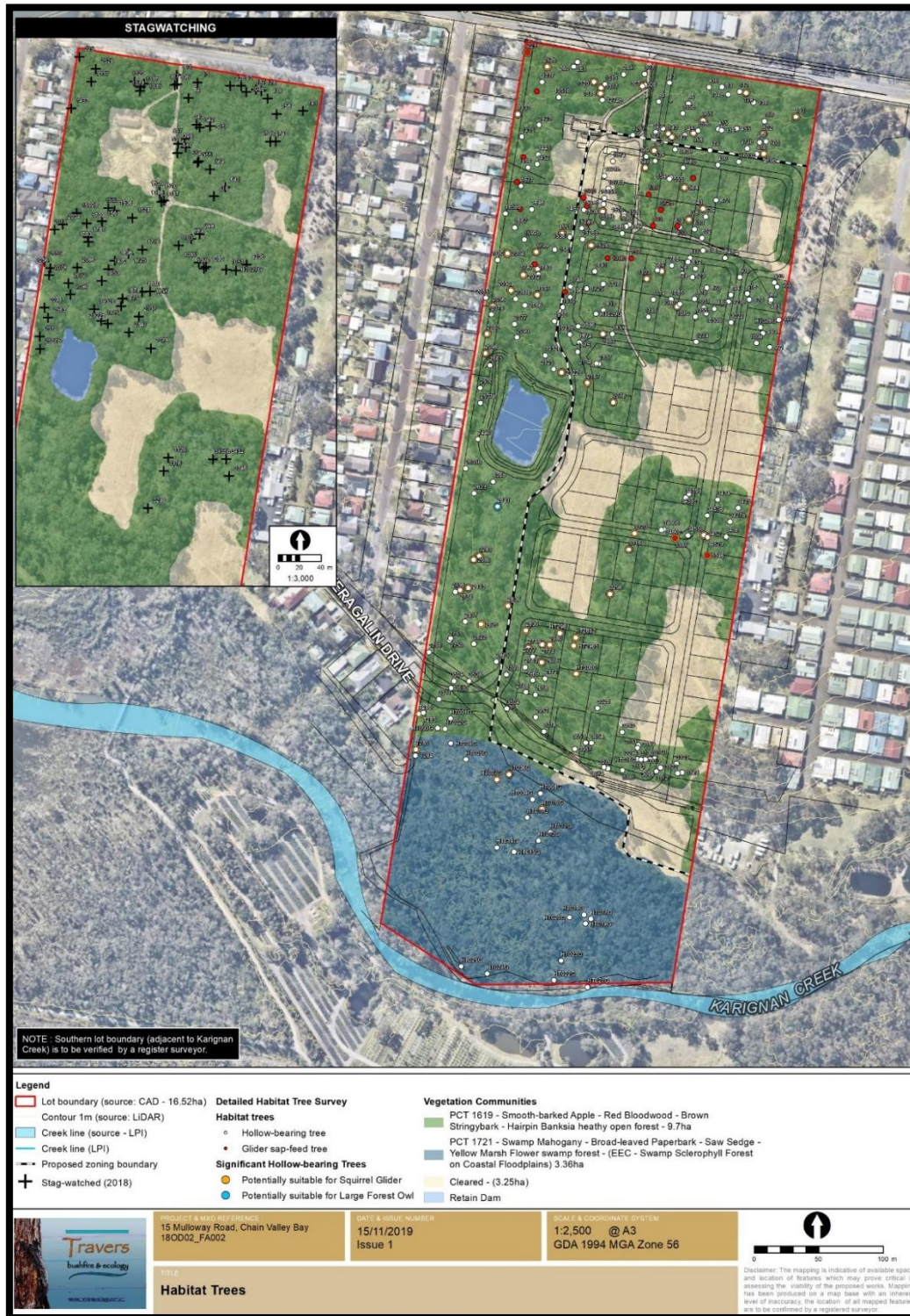


Figure 6: Vegetation communities mapping (Source: Travers Bushfire and Ecology 2019)

Biodiversity & Connectivity

The site forms part of a local biodiversity corridor. This biodiversity corridor links the southern riparian portion of the site (part of a larger regional corridor in itself) through the site to land to the northeast, connecting to Lake Macquarie State Conservation Area (adjoining the Teraglin Lakeshore Village). The increased width of the biodiversity corridor and the proposal to zone this land to E2 Environmental Conservation and prepare a Vegetation Management Plan for this site, will ensure that environment

protection on this site is improved and the inter-regional corridor is solidified in perpetuity. To this end, a Habitat Corridor Functional Analysis has been prepared to support the Proposal. The Analysis proposes mitigation measures to improve the functionality of the corridor, including:

- Glider pole installation on Mulloway Road and Teraglin Drive.
- Terrestrial culverts off Mulloway Road.
- Planting of fast-growing foraging tree species within the Mulloway Road frontage of the corridor.



Figure 7: Site Corridor Connectivity (Source: Travers Bushfire & Ecology, 2019)

A number of options in relation to the ownership and management of the proposed E2 Conservation land have been considered:

- Council ownership (Not preferred): Any land transfer would be required to be supported by a VPA and an appropriate funding mechanism for the management of the land to ensure that it is a neutral financial impact on Council resources. It would also be likely that the site would be required to be subject to a *Biodiversity Stewardship Agreement* under the provisions of the *Biodiversity Conservation Act, 2016*.
- National Parks estate ownership (Not preferred): This would require further discussion and negotiation with the *National Parks and Wildlife Service*.
- Private ownership (**Preferred**): Retention of the land in private ownership linked with one development lot which would provide a dwelling entitlement. It would also be likely that the site would be required to be subject to a *Biodiversity Stewardship Agreement* under the provisions of the *Biodiversity Conservation Act, 2016*.

Existing public land holdings in the vicinity are identified below.

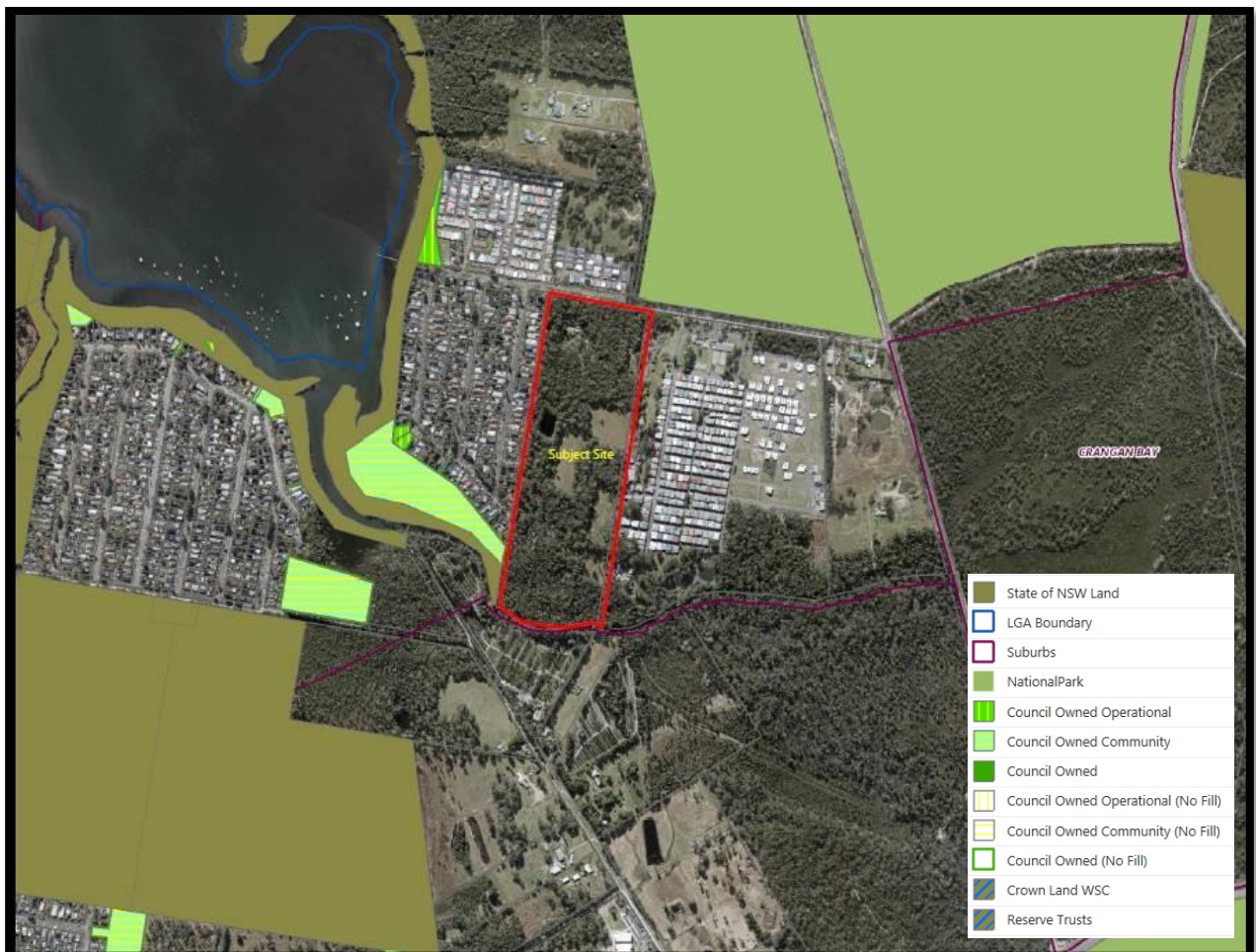


Figure 8: Public Land Ownership (Source: Central Coast Council et al 2016)

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Bushfire

The subject site comprises Category 2 bushfire prone vegetation (as shown orange in the following figure). Portions of the site are also located within the bushfire prone vegetation buffer zone. (as shown red in the following figure).

An assessment of the potential bushfire risk on the proposal has been prepared by Travers Bushfire and Ecology (2016) (see *Attachment 05 – Studies*).



Figure 9: Bushfire Vegetation (Source: Central Coast Council et al 2016)

This assessment found that bushfire can potentially affect the site from the retained strip of forest vegetation located within the proposed biodiversity corridor to the west and north, and the forested wetland vegetation located to the south of the site resulting in possible ember attack, radiant heat and potentially flame attack.

The bushfire risk posed to the rezoning proposal can be mitigated if appropriate bushfire protection measures (including APZs) are put in place and managed in perpetuity. The assessment concluded that future development on site will provide compliance with the planning principles of *Planning for Bushfire Protection 2019* and *Community Resilience Practice Note 2/12 – Planning Instruments and Policies* and is subject to the following alternative solutions:

- Use of the short fire run (SFR) methodology for the proposed biodiversity corridor to the west and north. This area is identified as low risk vegetation due to its consistent linear width which is at right angles to the development.

Natural Resources

Agricultural land uses are permissible under the current land zoning, including extensive agriculture and horticulture. Active agricultural activities are not undertaken on the site; however it has been used for agricultural activities including market gardens in the past.

The site is not identified as Biophysical Strategic Agricultural Land (BSAL). The underlying soil type of the northern portion of the site (comprising erosional Doyalson Landscape) is not identified as having the high levels of fertility required for agricultural purposes.

Land use conflicts associated with adjoining residential development, as well as the extent of existing vegetation on the site would present a further barrier to the utilisation of the site for agricultural purposes.

The land is subject to an active coal exploration licence which is part of the Chain Valley Colliery underground coal mine.

Advice submitted with the proposal indicates that both Subsidence Advisory NSW (formerly Mine Subsidence Board (MSB)) and Department of Industry - Geological Survey NSW (see *03. Agency Responses*) would not consider the development of the subject site a risk to future resource extraction.

Subsidence Advisory NSW and Geological Survey NSW have both advised that there is no objection to the proposed rezoning. Future surface development will be subject to the concurrence of Subsidence Advisory NSW.

Indigenous and Non-Indigenous Cultural Heritage Items

No items of European Cultural Heritage in the locality have been identified by the provisions of Wyong LEP 2013.

A review of the Aboriginal Heritage Information Management System (AHIMS) identified the location of three (3) Aboriginal sites within 1km of the subject site.

The request was supported by an *Aboriginal Cultural Heritage Report* prepared by Darkinjung Aboriginal Land Council (DLALC) (see *Attachment 05 – Studies*). The report states that no items or features of Aboriginal cultural heritage significance were identified during this inspection.

The report recommends that, prior any ground disturbance, a “*detailed Aboriginal archaeological inspection and community consultation in accordance with the (Office of Environment and Heritage – OEH) Aboriginal cultural heritage consultation requirements for proponents 2010 (Part 6 NPWS Act 1974) are required*” (DLALC, 2016).

Consequently, an *Aboriginal Cultural Heritage Assessment Report* (February 2019) was prepared by Mary Dallas Consulting Archaeologists (see *Attachment 05 – Studies*). The report states that no Aboriginal archaeological remains or areas of archaeological potential were identified during the current assessment, and provided the following recommendations:

1. The current ACHA report is sufficient supporting documentation to inform the Aboriginal archaeological assessment of the Gateway Planning Proposal. There are no Aboriginal archaeological constraints to the rezoning of the subject land and no further archaeological work is required prior to the submission of the Planning Proposal.
2. No further archaeological works are considered warranted within the subject land in relation to the current Planning Proposal or any proposed future subdivision.

Contaminated Land and Acid Sulfate Soils

A preliminary site investigation has been submitted with the request as prepared by Douglas Partners 2016 (see *Attachment 05 – Studies*).

Past land uses of the site have included market gardens and small scale keeping of livestock inclusive of pigs, cattle and horses. The preliminary contamination assessment identifies the potential areas of environmental concern relating to scattered waste materials around the site, as well as structures on the site which could comprise Asbestos Containing Material (ACM).

The submitted assessment identified that the site would generally be compatible with a proposed residential land uses and that localised contamination issues identified could be addressed through investigation and localised remediation where required.



Figure 10: Debris located on the subject site inset site photo location & direction (Source: Mewing J., February 2017 & Central Coast Council et al 2016)

The subject land comprises class 5 Acid Sulfate Soil (being within 500m of Class 2 Acid Sulfate Soils).

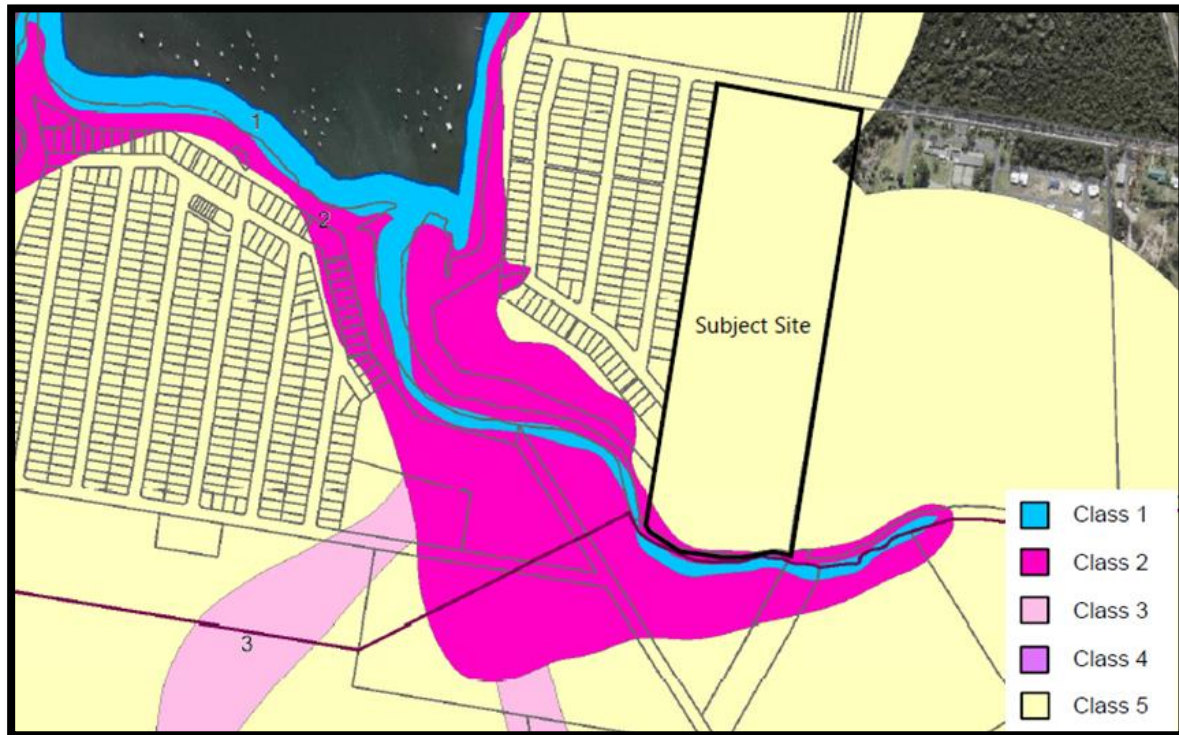


Figure 11: Acid Sulfate Soil Potential (Source: Central Coast Council et al 2016)

An acid sulfate soils investigation has not been undertaken. Such investigations are required and should be combined with general soil investigations to determine appropriate mechanisms to manage and treat stormwater from the site. This can be undertaken at Development Application stage.

Flooding and Drainage

The southern portion of the site is subject to the 1% Annual Exceedance Probability (AEP) event extent. This extent on the site is only indicative of predicted flood levels in Lake Macquarie itself. Studies of flooding from Karignan Creek have not been undertaken.

Site specific flood assessment are required be undertaken considering the impacts of flooding from Karignan Creek. Additionally, site specific soil investigations should be undertaken to determine the local soil conditions of the subject site and identify appropriate mechanisms to manage and treat on-site resultant stormwater from the proposal.



Figure 12: 1% AEP Extent (Source: Karignan Creek Flood Study & Impact Assessment, 2018)

Mine Subsidence

The land is located within the Swansea/North Entrance Mine Subsidence District. The land is subject to an active coal exploration licence which is part of the Chain Valley Colliery underground coal mine.

Advice submitted with the proposal indicates that both Subsidence Advisory NSW (formerly Mine Subsidence Board) and Department of Industry – Geological Survey NSW (see *Attachment 03 – Agency Responses*) would not consider the development of the subject site a risk to future resource extraction.

Subsidence Advisory NSW and Geological Survey NSW have both advised that there is no objection to the proposed rezoning. Future surface development will be subject to the concurrence of Subsidence Advisory NSW.

9. Has the Planning Proposal adequately addressed any social and economic impacts?

Social Issues

The proposal would see the introduction of an additional population of approximately 250 persons within the locality (based on the revised concept plan yielding 93 lots). Community and public services within the locality would be provided for through the *Northern Districts Development Contributions Plan*.

The proposed additional residential population will increase demand for local services. It should be noted that planned population growth as proposed is identified within the CCRP 2036 and the draft GLMSP and will increase the viability of local services and centres. The draft GLMSP envisages the development of this site and surrounding sites and provides for the development of the required service improvement for the area.

Recreation

A local playspace is located at the end of Mulloway Road, at the Lake Macquarie foreshore. This park is located approximately 600m from the furthest residential allotments proposed. It is considered that this is sufficient provision of local playspace for this area and population. However, the development will be required to contribute to local open space requirements as a minimum. The proposal also proposes to connect the shared pathway on Mulloway Road, along the western boundary of this site, to the E2 zoned land adjacent to Karignan Creek. Eventually, this will connect to a new shared pathway along Karignan Creek, connecting to the footbridge over the creek and improving the overall shared pathway network.

Community

No community facilities are proposed within the site. However, the Northern Districts Contribution Plan collects funds for a new community facility to be provided for the wider area in the future.

The shortfall of servicing in the area has been identified by Council, and as a result the Northern Districts Contribution Plan is currently being reviewed in order to ensure that the appropriate infrastructure can be funded and provided for existing and future residents.

Economic Impacts

It is likely that the proposal will have a positive economic impact through construction and ongoing employment and an increase in local spending.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

Traffic

Access to the site is obtained from the Pacific Highway via Chain Valley Bay Road and Mulloway Road.

A Traffic Impact Assessment, prepared by Intersect Traffic (2019) has been prepared for this Proposal and concludes that:

- Existing traffic volumes on the local and state road network has capacity to cater for additional traffic associated with new development in the area, without adversely impacting on current levels of service experienced by motorists on the local and state road network.
- Sidra modelling of the Pacific Highway / Chain Valley Bay Road intersection has shown that intersection is already at capacity and requires a significant upgrade. The Roads and Maritime Services (RMS) will not support the creation of additional lots requiring access to this intersection until the intersection has been upgraded. Therefore, this intersection will be required to be upgraded to either a signal-controlled or roundabout intersection prior to the first stage of the development occurring.
- The Chain Valley Bay Road / Mulloway Road intersection currently operates with uninterrupted flow conditions and would continue to do so post development.

The review of the Northern Districts Contribution Plan will ensure that the appropriate road infrastructure can be funded and provided for existing and future residents. The proposal is likely to require contribution to the improvement of local roads under the updated Northern Districts 7.11 Contribution Plan.

Water / Sewer

Adequate capacity exists for the servicing of the site with water and sewer, subject to connection at the expense of the developer of the site.

Electricity and Gas

Connection to electricity supply would be required from existing infrastructure located on the northern side of Mulloway Road.

Internet/NBN

The National Broadband Network (NBN) is available in this locality.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the following agencies has been undertaken, based on the identified triggers and site constraints. Full responses are provided in *Attachment 03. Agency Responses*.

Agency	Summary	Response
Darkinjung Local Aboriginal Land Council	<ul style="list-style-type: none"> No response received. 	<ul style="list-style-type: none"> N/A
Department of Planning and Environment	<ul style="list-style-type: none"> No specific comments at this stage. Council should ensure that it satisfies condition 1 of the Gateway Determination prior to proceeding to public exhibition. 	<ul style="list-style-type: none"> PP has been updated accordingly. Council is to update the Planning Proposal prior to community consultation to: <ul style="list-style-type: none"> include discussion on the relationship of this site to the rezoning of the rest of North Wyong Shire Structure Plan Precinct 19; investigate and include discussion on the proposed biodiversity corridor in this location; review transport and traffic information to reflect the current proposal; ensure that the Planning Proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone; and include mapping that demonstrates the existing and proposed land use zones and development standards for the site.
Department of Planning and Environment – Resources & Geoscience	<ul style="list-style-type: none"> The Planning Proposal is not considered likely to impact on the potential for future resource extraction beneath this site, and GSNSW has no resource sterilisation issues to raise regarding the proposal 	<ul style="list-style-type: none"> N/A
Department of Primary Industries – Water	<ul style="list-style-type: none"> No response received. 	<ul style="list-style-type: none"> N/A
Geological Survey	<ul style="list-style-type: none"> The Planning Proposal is not considered likely to impact on the potential for future resource extraction beneath this site, and GSNSW has no resource sterilisation issues to raise regarding the proposal. 	<ul style="list-style-type: none"> N/A
Guringai Tribal Link	<ul style="list-style-type: none"> Recommend that an Aboriginal Cultural Heritage Assessment be conducted in FULL consultation with GTLAC and an attending archaeologist. 	<ul style="list-style-type: none"> An <i>Aboriginal Cultural Heritage Assessment Report</i> (February 2019) was prepared by Mary Dallas Consulting Archaeologists (see Attachment 05 – Studies). The report states that no Aboriginal archaeological remains or areas of archaeological potential were identified during the current assessment, and provided the following recommendations: <ul style="list-style-type: none"> The current ACHA report is sufficient supporting documentation to inform the Aboriginal archaeological assessment of the Gateway Planning Proposal. There are no Aboriginal archaeological constraints to the rezoning of the subject land and no further archaeological work is required prior to the submission of the Planning Proposal. No further archaeological works are considered warranted within the subject land in relation to the current Planning Proposal or any proposed future subdivision.
Local Land Services	<ul style="list-style-type: none"> Due to the transition from the <i>Native Vegetation Act 2003</i> to the 	<ul style="list-style-type: none"> N/A

Agency	Summary	Response
	LLS Amendment Act 2016 / <i>Biodiversity Conservation Act 2016</i> , LLS is no longer providing comment or advice in these matters.	
National Parks and Wildlife Services	<ul style="list-style-type: none"> No response received. 	<ul style="list-style-type: none"> N/A
NSW Rural Fire Service	<ul style="list-style-type: none"> Raise no objection to the proposal. 	<ul style="list-style-type: none"> N/A
Office of Environment & Heritage	<p>Biodiversity</p> <ol style="list-style-type: none"> Outline justification for inconsistency with Local Planning Direction 2.1 under Section 9.1. Outline justification on the location of the proposed corridor. Management actions for the dam should not impact on the habitat corridor and the habitat value of the dam. PP should include a calculation of the credits generated by the proposed onsite conservation areas compared to the credit requirements for the development areas. <p>Aboriginal Cultural Heritage</p> <ol style="list-style-type: none"> Aboriginal cultural heritage assessment is satisfactory. <p>Flooding and Flood Risk</p> <ol style="list-style-type: none"> Constructed wetland should not result in adverse flooding impacts on other properties and be consistent with the requirements of the State Environmental Planning Policy (Coastal Management) 2018. May be a minor inconsistency in the south east corner of the site with the current proposed zoning plan and the extent of the flood planning area presented in the "Karignan Creek Flood Study and Impact Assessment" dated March 2018. This minor inconsistency can be updated when the issues around the location of the wildlife corridor are resolved and proposed zoning plans are updated accordingly. 	<ol style="list-style-type: none"> Done. See Attachment 01 - iii. Section 9.1 Ministerial Directions. This information can be found in Attachment 05 – Studies. This information can be found in Attachment 05 – Studies. This information can be found in Attachment 05 – Studies. Noted. Noted and agreed. Done. See Attachment 01 - iii. Section 9.1 Ministerial Directions.
Roads and Maritime Services	<ul style="list-style-type: none"> RMS has no works planned to upgrade the Pacific Highway/Chain Valley Bay Road intersection. No lots be released within the area that requires access to Chain 	<ul style="list-style-type: none"> Noted. Noted and agreed.

Agency	Summary	Response
	<p>Valley Bay Road, prior to access being improved for vehicles accessing the Pacific Highway southbound.</p> <ul style="list-style-type: none"> • Council should consider developing as part of its future Lake Munmorah Structure Plan connection to the separate villages by local roads to consolidate the number of TCS along the Highway, instead of the Highway being used as the local road connecting the sites. • As Central Coast Council is the Roads Authority for all public roads in the subject area in accordance with Section 7 of the Roads Act 1993, Council should ensure that an appropriate funding mechanism is in place to obtain equitable monetary contribution from developers towards future road network upgrades and / or traffic management measures required to accommodate future development. 	<ul style="list-style-type: none"> • Noted and agreed. Council will be constrained by its ability to collect Development Contributions for this purpose. • Noted and agreed. Council will be constrained by its ability to collect Development Contributions for this purpose.
Subsidence Advisory NSW	<ul style="list-style-type: none"> • No objection to the proposed rezoning. 	<ul style="list-style-type: none"> • N/A
Transport for NSW	<ul style="list-style-type: none"> • TfNSW looks forward to working with the Proponent to ensure the delivery of suitable public transport infrastructure. • The Planning Proposal notes that the Pacific Highway and Chain Valley Bay Road intersection is at capacity and requires upgrading prior to the release of any lot • The Traffic Advice by Intersect Traffic, which assessed the cumulative impact of the known proposals within the catchment, recommends that a coordinated approach be undertaken to seek contributions from all developers within the catchment towards signalling the Pacific Highway and Chain Valley Bay Road intersection, noting that the intersection currently operates poorly. TfNSW supports this approach 	<ul style="list-style-type: none"> • The Proponent is currently in discussions with RMS regarding a State Planning Agreement for the Pacific Highway / Chain Valley Bay intersection. • The RMS have indicated that additional development in the locality will not be supported without the upgrade of this intersection.

Table 2: Agency Consultation

*Planning Proposal
15 Malloway Road, Chain Valley Bay*

** NOTE: Section 34A of the EP&A Act requires the RPA to consult with the Director-General (Secretary) of the Department of Environment, Climate Change and Water (OEH) if, in the opinion of the RPA, critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed instrument.*

- The consultation is to commence after a Gateway Determination is issued unless the Regulations specify otherwise.*
- The period for consultation is 21 days unless agreed differently between the RPA & the DG or by the Regulations.*
- Referral to the OEH through the Gateway Agency Consultation Process is considered to address this requirement, unless specific representation from the OEH requires otherwise.*

Part 4 Mapping

Map	Map Title
A.	Locality Plan
Existing Provisions	
A.	Land Zoning Map
B.	Lot Size Map
Proposed Provisions	
A.	Land Zoning Map
B.	Lot Size Map
C.	Urban Release Area Map

Table 3: Existing and Proposed Provisions

Part 5 Community Consultation

The proposal will be made available for **28** days for community/agency consultation and undertaken in accordance with any determinations made by the Gateway.

It is expected that the proposal will be made available at the following locations:

- Wyong Office: 2 Hely Street, Wyong; and
- Council's website: <https://www.yourvoiceourcoast.com.au>

Additionally, notification of the exhibition of the proposal will be provided to adjoining landholders prior to its commencement.

Part 6 Project Timeline

Action	Period	Start Date	End Date
Anticipated commencement date (date of Gateway Determination)	28 days	4 May 2017	12 June 2017
Anticipated timeframe for the completion of required technical information	12 months	13 June 2017	14 May 2018
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 days +	13 June 2017	3 May 2018
Commencement and completion dates for public exhibition (including additional agency consultation)	28 days	1 November 2021	28 November 2021
Dates for public hearing (if required)	Nil	N/A	N/A
Timeframe for consideration of submissions	28 days	7 November 2021	5 December 2021
Timeframe for consideration of a proposal post exhibition*	7 weeks ***	29 November 2021	17 January 2022
Date of submission to the Department to finalise LEP**	6 weeks	18 January 2022	1 March 2022
Anticipated date RPA will make the plan (if delegated)	1 week	2 March 2022	9 March 2022
Anticipated date RPA will forward to the Department for notification	1 week	10 March 2022	17 March 2022

Table 4: Key Project Timeframes

* Includes timeframes for further report, consideration by Council post-exhibition and Planning Proposal amendment

** Includes timeframes for sign off of any Section 9.1 inconsistencies, instrument drafting & Parliamentary Counsel opinion.

*** Includes an additional 2 weeks due to Christmas break.

+ RMS Submission received 3 May 2018.

Supporting Documentation

No.	Document
01 Assessment and Endorsement	
A.	Council Report and Minutes
	i. Council Report and Minutes – 26 April 2017
B.	Gateway Determination
	i. Gateway Determination - 16 June 2017 ii. Gateway Extension No 1 - 15 June 2018 iii. Gateway Extension No 2 - 25 Feb 2019 iv. Gateway Extension No 3 - 26 September 2019 v. Gateway Extension No 4 - 15 October 2020
C.	Assessment
	i. Central Coast Regional Plan 2036 Assessment ii. State Environmental Planning Policy Assessment iii. Section 9.1 Ministerial Direction Assessment iv. Gateway Determination and Agency Responses v. Wyong Shire Settlement Strategy vi. Central Coast Community Strategic Plan vii. Biodiversity Strategy
02 Land Use Provisions	
A.	Wyong LEP 2013 Land Use Tables
B.	Draft Development Control Plan 2013: Chapter
03 Agency Responses	
A.	Consultation - Agency - DPIE - 140817
B.	Consultation - Agency - DPIE (Resources and Geoscience) - 110817
C.	Consultation - Agency - Geological Survey NSW - 180521
D.	Consultation - Agency - Guringai - 150817
E.	Consultation - Agency - LLS - 160817
F.	Consultation - Agency - OEH - 140119
G.	Consultation - Agency - OEH - 310817

No.	Document
H.	Consultation - Agency - RFS - 170817
I.	Consultation - Agency - RMS - 080818
J.	Consultation - Agency - SA NSW - 110817
K.	Consultation - Agency - Transport for NSW - 200717
04 Mapping	
A.	Locality Plan
Existing Provisions	
B.	Land Zoning Map
C.	Lot Size Map
Proposed Provisions	
D.	Land Zoning Map
E.	Lot Size Map
F.	Urban Release Area Map
05 Supporting Studies	
A.	Aboriginal Cultural Heritage Assessment
B.	Bushfire Protection Assessment – October 2021
C.	Contamination - Preliminary Site Investigation - August 2016
D.	Ecology - Biodiversity Certification Assessment Report – October 2021
E.	Ecology - Conservation Measures Implementation Plan – October 2021
F.	Ecology - Draft Vegetation Management Plan – October 2021
G.	Ecology - Habitat Corridor Functional Analysis - November 2019
H.	Flood Study and Impact Assessment – October 2021
I.	Servicing - Existing Sewer Infrastructure – June 2018
J.	Stormwater Flow and Quality Management Plan – October 2021
K.	Subdivision - Concept Plans

No.	Document
L.	Traffic Impact Assessment – February 2019
M.	Draft Greater Lake Munmorah Structure Plan (hyperlink only)

Table 5: Supporting Documentation to the Planning Proposal