



Central Coast Council

Planning Proposal

Lot 522 DP 1077907, Lot 1 DP 405510, Lot 51 DP 1028301, Lot 62  
DP 838562, Lots 155 & 156 DP 531710, Lots 1-14, 18 & 19 DP  
23283, Lots 1-8 DP 24187 and Lots 1-3 DP 101649, Central Coast  
Highway, and Lots 1-4 DP 1000694, Bakali Road,  
925 – 993 The Entrance Road and 137 – 145 Bakali Road

Forresters Beach

File No: RZ\_112\_2020

May 22



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925 – 993 The Entrance Road and 137 – 145 Bakali Road, Forresters Beach

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Version 4 – Public Exhibition

Central Coast Council

**Wyong Office:** 2 Hely St / PO Box 20 Wyong NSW 2259

**P** 02 4350 5555

**E** ask@centralcoast.nsw.gov.au |

**W** www.centralcoast.nsw.gov.au |

ABN 73 149 644 003

Opening Hours 8.30am - 5.00pm

Lot 522 DP 1077907, Lot 1 DP 405510, Lot 51 DP 1028301, Lot 62 DP 838562, Lots 155 & 156 DP 531710, Lots 1-14, 18 & 19 DP 23283, Lots 1-8 DP 24187 and Lots 1-3 DP 101649, Central Coast Highway, and Lots 1-4 DP 1000694, Bakali Road

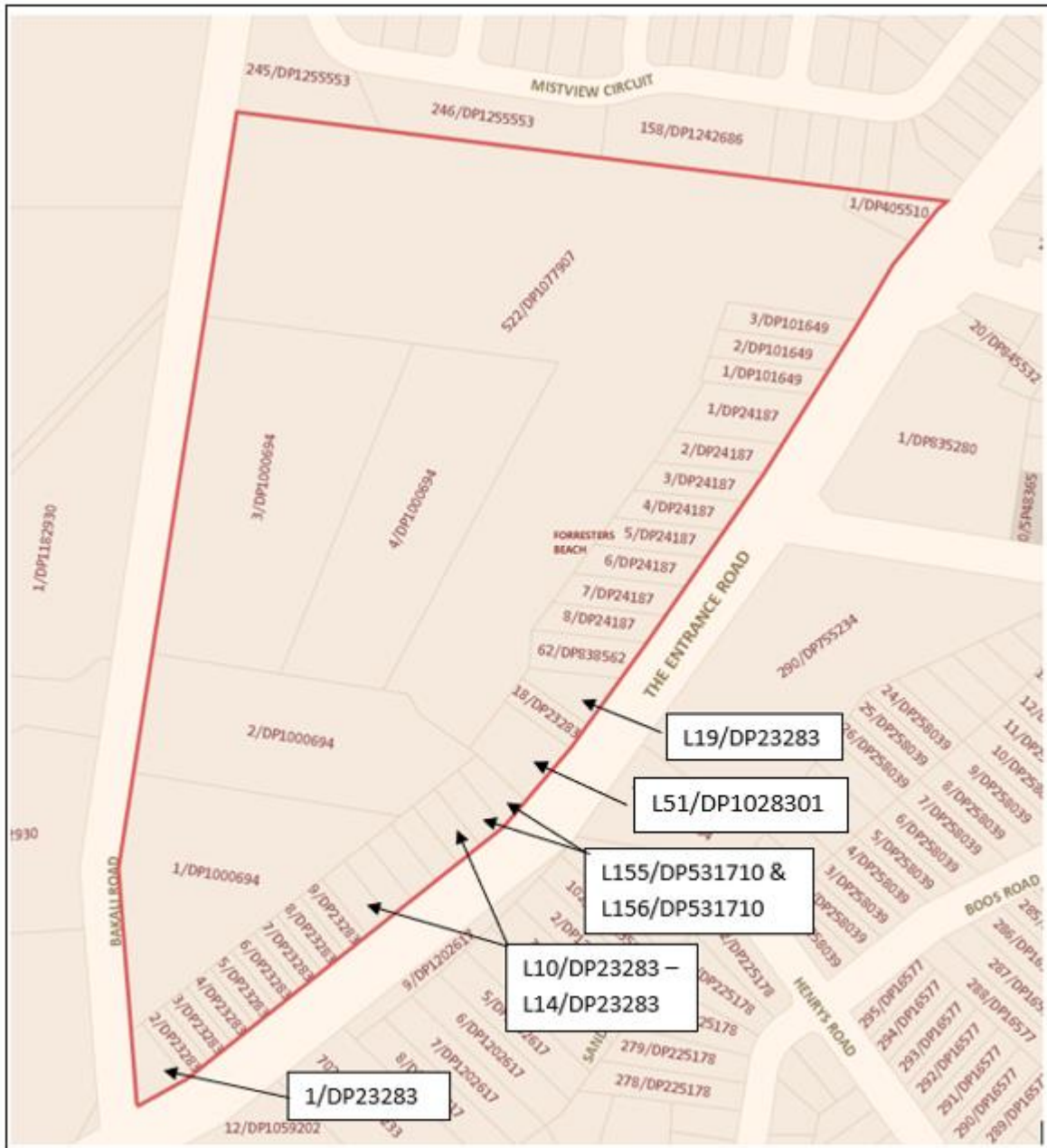
925 – 993 The Entrance Road and 137 – 145 Bakali Road  
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## Background & Locality Context

The subject site is located between Bakali Road and the Central Coast Highway, Forrester's Beach. It is generally triangular in shape with an area of 12.261 Ha. The site comprises 32 residential sized allotments fronting the Central Coast Highway and 5 rural-residential sized allotments to the west (Figure 1).



**Figure 1** Contextual Locality Plan

Four of the five rural residential lots contain dwelling houses which are located on a cleared area with access to Bakali Road. The remaining rural residential lot (Lot 522 DP 1077907) is vacant and contains good quality Swamp Sclerophyll Forest on Coastal Floodplains, which is a defined Endangered Ecological Community (EEC) under the *Biodiversity Conservation Act 2016*, in the north-western part of the lot. (Figure 2).

There is an intermittent overland flowpath from the Central Coast Highway which discharges through this site to the coastal wetland to the west.

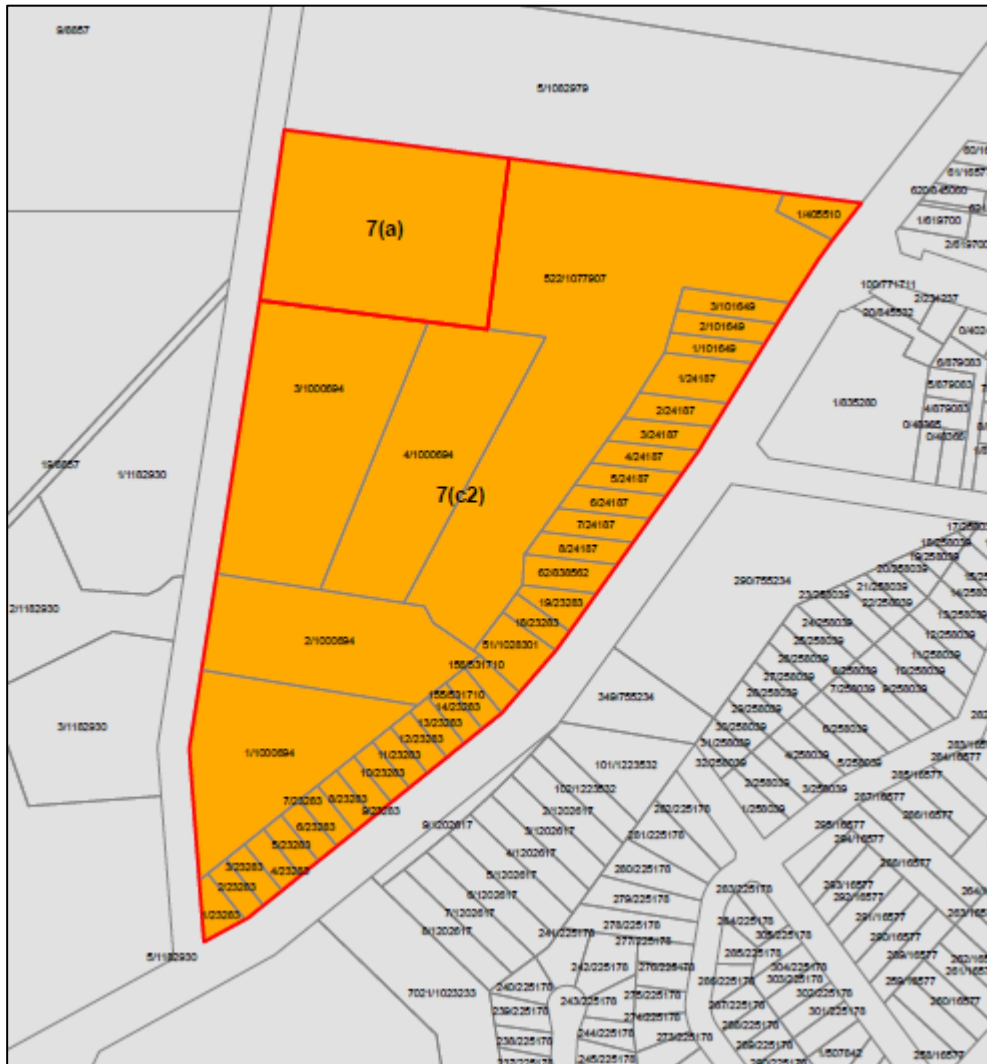


**Figure 2** – Aerial Photograph

This Planning Proposal is similar to a proposal that was originally considered by the former Gosford City Council (fGCC) in 2013 and amended by Central Coast Council in 2019, before being withdrawn by the applicant in November 2020.

## Part 1 Objectives or Intended Outcomes

All of the subject 37 lots are zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under *Interim Development Order No 122* (IDO 122), except one lot (Lot 522 DP 1077907) which is zoned part 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) and part 7(a) Conservation and Scenic Protection (Conservation) (Figure 3).



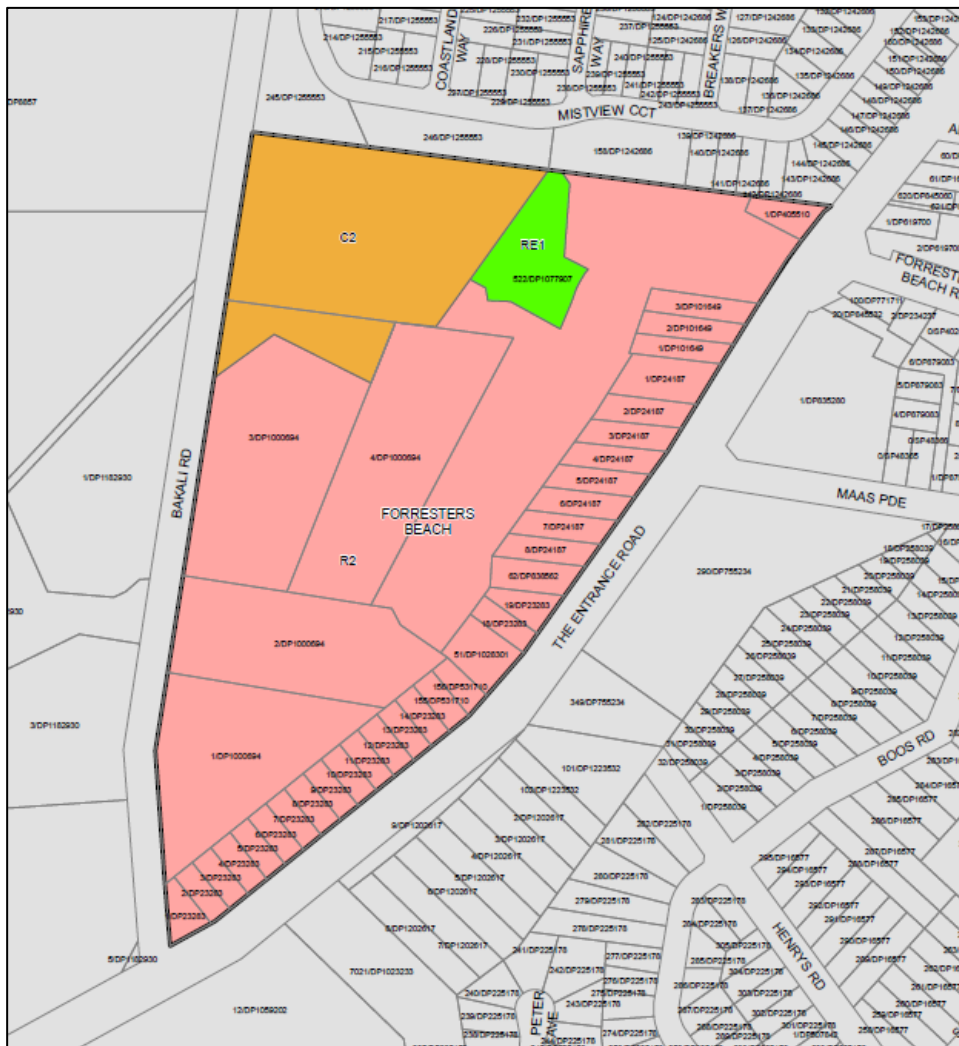
**Figure 3** – Existing Zoning under IDO 122

The Planning Proposal seeks to rezone the subject land to R2 Low Density Residential, RE1 Public Recreation and C2 Environmental Conservation under Gosford Local Environmental Plan 2014 (GLEP 2014) or Central Coast Local Environmental Plan (CCLEP) whichever is in effect at the time (Figure 4).

Specifically, the proposal includes:

- 1 Rezoning to R2 Low Density Residential, the following land:
  - the 32 lots fronting Central Coast Highway;
  - Part of Lot 522 DP 1077907 Central Coast Highway;
  - Lots 1, 2 and 4 DP 1000694, Bakali Road; and
  - Part of Lot 3 DP 1000694, Bakali Road.

- 2 Rezone part of Lot 522 DP 1077907 and part of Lot 3 DP 1000694 to C2 Environmental Conservation.
- 3 Rezone part of Lot 522 DP 1077907 to RE1 Public Recreation.



**Figure 4** – Proposed Zoning under Gosford LEP 2014 or Central Coast LEP

- 4 Apply the Minimum Lot Size of:
  - 1850m<sup>2</sup> to land proposed to be zoned R2 Low Density Residential and fronting Bakali Road on parts of Lots 1, 2 and 3 DP 1000694;
  - 550m<sup>2</sup> to all remaining land proposed to be zoned R2 Low Density Residential;
  - 40 Ha for the land proposed to be zoned C2 Environmental Conservation.

It should be noted that on 1 December 2021, Schedule 3 of the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 came into effect. It changed the reference to Environment Protection zones E1, E2, E3 and E4 to Conservation zones C1, C2, C3 and C4. The uses within the corresponding land use tables did not change.

## Part 2 Explanation of Provisions

The objectives/intended outcomes are to be achieved by including the subject land in GLEP 2014 or CCLEP, whichever is in effect at the time.

A need has been identified for a local park in the area by Council's Open Space and Recreation Unit and the proponent has agreed to provide an area of 4000 m<sup>2</sup> on site for a park. This park is proposed to be zoned RE1 Public Recreation.

In May 2020 Transport for NSW (TfNSW) placed on exhibition preliminary plans for the Central Coast Highway upgrade between Wamberal and Bateau Bay. Discussions at the time with TfNSW indicated that they are investigating the feasibility of providing this site with direct access to the Highway opposite the intersection with Forresters Beach Road.

Consultation with TfNSW indicates that the proposed access arrangements directly to the Central Coast Highway are generally consistent with future widening of the Central Coast Highway in this area. Therefore the proposed area to be zoned RE1 Public Recreation could be located within the site, adjoining the C2 Environmental Conservation zone. The future park would be easily accessible by the community as the internal road would provide direct access from the Central Coast Highway.

Council's assessment of the flood study submitted by the applicant has determined that the intermittent overland flowpath through the site can be formalised to Council's specifications at the Development Application stage. The requirements of a future drainage reserve will be set out in the Development Control Plan.

In order to ensure a transition from the 1 Ha lots on the western side of Bakali Road to the proposed 550m<sup>2</sup> residential lots on the subject site, it is proposed to specify that the part of the proposed residential zoned land fronting the eastern side of Bakali Road has a minimum lot size of 1850m<sup>2</sup>.

As the areas of Lot 522 DP 1077907 and Lot 3 DP 1000694 proposed to be zoned C2 Environmental Conservation are each under the minimum lot size of 40 Ha, subdivision of the C2 zoned areas into separate developable lots under the GLEP 2014 would not be permitted. Under the CCLEP the C2 zoned land would not have a dwelling entitlement. Therefore, the C2 zoned areas would each be attached to a future adjacent R2 Low Density Residential zoned lot with the developable area being zoned R2.

This will entail amending the following maps under GLEP 2014 as they relate to the subject land or amending the CCLEP (whichever is in effect at the time).

The following table identifies the proposed amendments:

| Existing Maps in GLEP 2014      | Proposed Amendments to GLEP 2014   | Proposed Amendments to the CCLEP   |
|---------------------------------|--|--|
| Land Application Map<br>LAP_001 | - Delete the subject land from Deferred Matter and include as land affected by GLEP 2014 | - Delete the subject land from Deferred Matter and include as land affected by CCLEP |
| Land Zoning Map                 | - Include subject land in Zone R2 Low Density Residential, C2                            | - Include subject land in Zone R2 Low Density Residential, C2                        |



| Existing Maps in GLEP 2014         | Proposed Amendments to GLEP 2014  | Proposed Amendments to the CCLEP  |
|------------------------------------|---|---|
| LZN_017A                           | Environmental Conservation or RE1 Public Recreation   | Environmental Conservation or RE1 Public Recreation   |
| Height of Building Map<br>HOB_017A | - Include land zoned R2 and C2 in area I (i.e. 8.5m)  | - Include land zoned R2 in area I (i.e. 8.5m)   |
| Floor Space Ratio Map<br>FSR_017A  | - Include subject land proposed to be zoned R2 in area D (i.e. 0.5:1)   | - No Floor Space Ratio for the R2 zone is proposed to be mapped in the CCLEP  |
| Lot Size Map<br>LSZ_017A           | <ul style="list-style-type: none"> <li>- Include part of land proposed to be zoned R2 in area K (i.e. 550 sqm)</li> <li>- Include part of land to be zoned R2 and fronting Bakali Road in area U (i.e. 1850sqm)</li> <li>- Include subject land proposed to be zoned C2 in area AB2 (i.e. 40 Ha)</li> </ul> | <ul style="list-style-type: none"> <li>- Include part of land proposed to be zoned R2 in area K (i.e. 550 sqm)</li> <li>- Include part of land to be zoned R2 and fronting Bakali Road in area U (i.e. 1850sqm)</li> <li>- Include subject land proposed to be zoned C2 in area AB2 (i.e. 40 Ha)</li> </ul> |
| Acid Sulfate Soils Map<br>ASS_017A | - Include subject land in Class 5   | - The CCLEP does not apply any Acid Sulfate Soil Class to this land as it is further than 500m from either Classes 1, 2, 3, or 4.   |

**Table 1** - Explanation of Map and Instrument Amendments

## Part 3 Justification

### Section A – Need for the Planning Proposal

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

The Planning Proposal is not the result of a strategic study or report. However it does have strategic merit for the following reasons:

- The existing lots fronting the Central Coast Highway have a residential character and purpose and do not satisfy the objectives of the current 7(c2) Conservation and Scenic Protection (Rural Small Holdings) zone. They are also serviced with water and sewer. Therefore it is considered reasonable to formalise the existing development fronting the Central Coast Highway in this Planning Proposal.
- The rezoning of the north-western part of the site from 7(a) Conservation and Scenic Protection (Conservation) and 7(c2) Conservation and Scenic Protection (Rural Small Holdings) to C2 Environmental Conservation is considered to reflect the constraints of the land as this area accommodates an EEC (Swamp Sclerophyll Forest on Coastal Floodplains) and/or is flood liable.
- The Planning Proposal has identified land between the Highway frontage lots and Bakali Road as being suitable to be zoned R2 Low Density Residential.

However including a minimum lot size of 550m<sup>2</sup> to all the land proposed to be zoned R2 Low Density Residential will result in an abrupt urban edge fronting Bakali Road and facing 7(a) Conservation and Scenic Protection (Conservation) zoned land to the west. In order to ensure a transition between the 7(a) Conservation and Scenic Protection (Conservation) zoned land and the future standard residential development, it is proposed to apply a minimum lot size of 1850m<sup>2</sup> to the proposed residential land fronting Bakali Road. This approach has been used previously where residential land abuts rural residential subdivision.

To ensure the Planning Proposal will result in a benefit for the public, it is proposed to enter a Planning Agreement relating to the following:

- dedication of 4,000m<sup>2</sup> of land to Council for a local park at no cost to Council;
- rehabilitation and maintenance of the C2 zoned wetland via the preparation and implementation of a Vegetation Management Plan;
- undertaking roadworks and intersection works as required by Transport for NSW and Council.

The land subject to the proposed Planning Agreement (Lot 522 DP 1077907, Lot 4 DP 1000694 and Lot 3 DP 101649) is outlined in Figure 5.



**Figure 5:** Land subject to the draft Planning Agreement

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

A Planning Proposal process is the only means of achieving the objectives/intended outcomes of rezoning the suitable and capable land to R2 Low Density Residential, physically/environmentally constrained land to C2 Environmental Conservation and land required as a park to RE1 Public Recreation.

## 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 Central Coast Regional Plan (CCRP) 2036 is applicable to the subject land and the proposed rezoning. The Planning Proposal would assist Council in meeting the targets set by the State Government for the provision of housing whilst protecting the environment.

The CCRP provides the basis of planning by the Council and sets out a number of actions. The table below demonstrates that the Planning Proposal is consistent with the relevant actions identified in the CCRP:

| Direction   | Applicable | Assessment/Comment  |
|---|------------|---|
| 1. Grow Gosford City Centre as the region's capital                         | N/A        | The subject land is not within Gosford City Centre  |
| 2. Focus economic development in the Southern and Northern Growth Corridors | N/A        | The subject land is not within the Growth Corridors   |
| 3. Support priority economic sectors  | N/A        | The activity is not an employment generating use  |
| 4. Strengthen inter-regional and intra-regional connections for business    | N/A        | The proposed use is not of regional significance  |
| 5. Support new and expanded industrial activity                             | N/A        | The proposed use is not an industrial activity  |
| 6. Strengthen the economic self-determination of Aboriginal communities     | N/A        | The Planning Proposal does not relate to Aboriginal land  |
| 7. Increase job containment in the region                                   | N/A        | The activity is not an employment generating use  |
| 8. Recognise the cultural landscape of the Central Coast                    | N/A        | The Planning Proposal does not impact the cultural landscape  |
| 9. Protect and enhance productive agricultural land                         | N/A        | The subject land is not zoned for agricultural use  |
| 10. Secure the productivity and capacity of resource lands                  | N/A        | The subject land has not been identified as resource land   |
| 11. Sustain and balance productive landscapes west of the M1                | N/A        | The subject land is not located west of the M1  |
| 12. Protect and manage environmental values                                 | Yes        | The land that accommodates the EEC is considered to have high environmental value and is therefore proposed to be protected by including it in the C2 zone. |

|     |   |     |  |
|-----|---|-----|--|
| 13. | Sustain water quality and security  | N/A | The subject land is not within a drinking water catchment  |
| 14. | Protect the coast and manage natural hazards and climate change                       | N/A | The subject land is not located on the coast and subject to coastal hazards  |
| 15. | Create a well-planned, compact settlement pattern                                     | Yes | The subject land is located adjacent to the existing urban area of Forresters Beach. The proposed residential zoned area will not encroach into the environmentally sensitive wetland vegetation.                              |
| 16. | Grow investment opportunities in the region's centres                                 | N/A | The subject land is not within a Centre and will not affect growth of Centres  |
| 17. | Align land use and infrastructure planning  | Yes | The subject land is serviced by existing water and sewerage systems. However due to the increased demand generated by the additional future dwellings, the sewage pump station and surrounding mains may require augmentation. |
| 18. | Create places that are inclusive, well-designed and offer attractive lifestyles       | N/A | The subject land is not a public place   |
| 19. | Accelerate housing supply and improve housing choice                                  | Yes | The Planning Proposal will contribute to the delivery of additional housing in the southern area of the Local Government Area.   |
| 20. | Grow housing choice in and around local centres                                       | N/A | The subject land is not located in or adjacent to a Centre   |
| 21. | Provide housing choice to meet community needs  | Yes | This Planning Proposal seeks to allow additional low density residential housing and seeks to meet some of the growing demand for housing in the Local Government Area.  |
| 22. | Deliver housing in new release areas that are best suited to building new communities | Yes | This Planning Proposal is in effect a review of the urban fringe zoning in the locality. The result is that areas suitable for urban development have been identified as have areas of environmental sensitivity.              |
| 23. | Manage rural lifestyles   | N/A | The subject land is not located within a rural area  |

**Table 2** - Central Coast Regional Plan Assessment

**4. Is the planning proposal consistent 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 (CCCSP) outlines a set of guiding principles, aspirations and values for the community. These reflect on social, economic, environmental and governance aspects for now and the future.

The following strategies outlined in the Community Strategic Plan are applicable to this Planning Proposal:

| <b>Theme - Green</b>  |  |
|---|--|
| <b>Focus Area – Cherished and Protected Natural Beauty</b>  |  |
| <b>Strategies</b>   | <b>Assessment</b>  |
| F1 – Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species.                             | The land that accommodates the EEC is considered to have high environmental value and is therefore proposed to be protected by including it in the C2 zone.  |
| F2 – Promote greening and ensure the wellbeing of communities through the protection of local bushland, urban trees, tree canopies and expansion of the Coastal Open Space System. (COSS)           | The land that accommodates the EEC is considered to have high environmental value and is therefore proposed to be protected by including it in the C2 zone.  |
| <b>Theme - Responsibility</b>   |  |
| <b>Focus Area – Balanced and sustainable development</b>  |  |
| <b>Strategies</b>   | <b>Assessment</b>  |
| I2 – Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.  | The subject land is adjacent to the Central Coast Highway which is a major arterial road connecting the coastal communities with commercial centres via a frequent bus service. Good access to open space is satisfied by the provision of a park on the subject land. |
| I3 – Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management. | The land that is suitable for residential development is proposed to be zoned R2 and the land that accommodates the EEC and has high environmental value is proposed to be zoned C2.   |

**Table 3** – Community Strategic Plan Assessment

### Local Strategic Planning Statement

The interim Central Coast Local Strategic Planning Statement (LSPS) sets a clear vision for the future and a proactive framework for delivering a growing and sustainable Region with a strong network of Centres and thriving and connected communities.

| Urban Management Strategies   | Assessment/Comment   |
|-------------------------------|--|
| 1 Revitalise our centres      | The subject land is located adjacent to a Neighbourhood Centre and therefore will contribute to revitalising this nearby centre.   |
| 2 Renew urban form            | The subject land is not currently located within an urban area thus will not result in renewal of the urban form. It is however located adjacent the urban footprint and therefore will contribute to new urban development in the locality.   |
| 3 Define the urban edge       | The land immediately to the north of this site is currently being developed for Residential subdivision, leaving the cleared areas of the subject site the last remaining land suitable for residential development and thus defining the urban edge in this locality. That part of the site with high ecological value is proposed to be zoned C2 Environmental Conservation. |
| 4 Create a sustainable region | The subject land adjoins the Central Coast Highway providing easy access to the Region's services and facilities.  |

The following priorities outlined in the LSPS are applicable to this Planning Proposal.

| Planning Priorities          | Assessment   |   |
|------------------------------|--|---|
| <b>Centres and Corridors</b> |  |   |
| 1                            | Align development to our infrastructure capacity   | The site is adequately serviced by water and sewer.   |
| <b>Housing</b>               |  |   |
| 8                            | Provide for the housing needs of our growing region  | The planning proposal seeks to provide low density residential housing to meet the accommodation needs of the community.  |
| 10                           | A consistent and balanced approach to land use planning and development supporting the directions and goals of the Central Coast Regional Plan 2036, themes and focus areas of the Central Coast Community Strategic Plan. | The proposed zoning of the subject land aligns with the physical constraints of the site and is therefore consistent with the directions and goals of the CCRP and CCCSP. |
| <b>Open Space</b>            |  |   |
| 15                           | Plan for a hierarchy of recreational open space based on current and future needs  | The planning proposal includes a 4000 sqm area of land zoned RE1 Public Recreation which will serve to meet the open space requirements of the community.                 |
| <b>Environment</b>           |  |   |

|    |   |   |
|----|---|---|
| 24 | Map, protect and cherish natural areas and ecosystems | The planning proposal seeks to protect the existing wetland vegetation on the site by zoning it to C2 Environmental Conservation and requiring it to be managed in accordance with the Vegetation Management Plan which forms part of the Planning Agreement. |
|----|---|---|

**Table 4 – Local Strategic Planning Statement Assessment**

### Central Coast Council Biodiversity Strategy (2020)

The Central Coast Council Biodiversity Strategy provides a framework and guide for the management of biodiversity on the Central Coast that is consistent with regional, state and national strategies, plans and policies. The following Theme in the Biodiversity Strategy is applicable to the Planning Proposal:

| <b>Theme 4 Protecting biodiversity through land use planning and information management</b>  |   |
|--|---|
| <b>Goals and Actions</b>   | <b>Assessment</b>   |
| <p><b>Goal 4.1</b><br/><b>High biodiversity value areas are appropriately identified, protected and restored as part of future land use planning investigation</b></p> <p>Action 4.1.5<br/>Identify appropriate mechanisms to achieve rehabilitation and enhanced landscape connectivity through the rezoning and development assessment process (such as Vegetation Management Plans)</p> | <p>Council supports the implementation of appropriate planning controls to protect biodiversity and seek to ensure that LEPs strengthen protection of biodiversity within the LGA.</p> <p>The north-western part of the lot has been identified as having high biodiversity value and the vegetation should be protected.</p> <p>The Planning Proposal is consistent with this Goal and Action as it seeks to protect the vegetation by zoning the land to C2 Environmental Conservation and requiring the wetland to be maintained in accordance with the Vegetation Management Plan included in the Planning Agreement.</p> |

**Table 5 – Biodiversity Strategy Assessment**

### Coastal Open Space System Strategy

The COSS Strategy does not identify any part of the subject site as being required for the Coastal Open Space System. The land does adjoin Current and Proposed COSS land located on the western side of Bakali Road.

### Residential Strategy (former Gosford City Council)

The Residential Strategy states that:

*Rural Scenic Protection [7(c2)] and Rural Conservation [7(a)] zoned land are key components in creating the character of the area, as well as being significant ecological elements of Gosford. These areas should not be seen as holding zones for residential subdivision or zones that allow more intense development. The quality of the areas themselves is important with the retention of the existing balance between natural bushland and man-made rural environment a key to this quality.*



Regarding this statement the following Actions are specified:

*The determination of proposed rezonings involving Rural Scenic Protection and Conservation zoned land should be assessed for its effects on those aspects which are important to the natural characteristics of Gosford. These include water quality, retention of visually important and species significant flora, the protection of significant faunal habitats and maintenance on non-urban buffers between urban areas.*

*Rural Conservation and Scenic Protection areas are an acknowledged important element in the natural characteristics of Gosford and should not be seen as "future" residential land.*

The proposed Residential zoning of the land fronting the Central Coast Highway reflects the existing residential character of the area. The proposed zoning of land accommodating an Endangered Ecological Community and which is flood liable to C2 Environmental Conservation reflects the natural characteristics of the land and is thus consistent with this strategy.

The land zoned 7(c2) Rural Small Holdings to the west of the existing houses fronting the Central Coast Highway is serviced by water and sewer. Any stormwater runoff would have to be restricted to pre-development flows so as not to adversely impact on the water quality of Wamberal Lagoon. This matter is addressed in Chapter 6.7 Water Cycle Management, Gosford Development Control Plan 2013 (GDGP 2013) or Chapter 3.1 Floodplain Management and Water Cycle Management, Central Coast DCP. It is also proposed to specifically address water quality and drainage, as they relate to the subject land, via a new chapter in the Gosford DCP 2013 or in the Central Coast DCP whichever is in effect at the time.

#### **Policy D2.02 – Rezoning of Land Zoned Conservation and Scenic Protection (Conservation) 7(a) / Environmental Conservation E2**

As part of the subject land is zoned 7(a), this Policy applies. The Policy objectives are:

- 1 *To define objectives for the Conservation 7(a) / E2 zone to ensure the long term preservation of the scenic and environmental qualities of the region and to ensure Planning Proposals (ie LEPs) are consistent with the prescribed objectives.*
- 2 *To establish criteria to be used by Council to assess requirements to prepare a Planning Proposal. (ie local environmental plan) primarily for the purpose of providing dedication of strategically environmentally/scenically important land for the community benefit in exchange for additional development rights having regard to the land's attributes pertaining to the zone boundary of the 7(a) Conservation zone / Environmental Conservation E2, but also for the purpose to alter the zone, uses, subdivision or other provisions.*

The objectives of the 7(a) zone are:

- a *The conservation and rehabilitation of areas of high environmental value.*
- b *The preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape.*
- c *The provision and retention of suitable habitats for native flora and fauna.*
- d *The prohibition of development on or within proximity to significant ecosystems, including rainforests, estuarine wetlands etc.*

- e *The provision and retention of areas of visual contrast within the City, particularly the "backdrop" created by retention to the ridgelines in their natural state.*
- f *The provision of opportunities for informal recreation pursuits, such as bushwalking, picnic areas, environmental education, etc in appropriate locations.*
- g *The minimisation or prohibition of development so that the environmental and visual qualities of the natural areas are not eroded by the cumulative impact of incremental individually minor developments.*
- h *The minimisation or prohibition of development in areas that are unsuitable for development by virtue of soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.*

As the north-western part of the subject land is zoned 7(a) Conservation it has been identified as having characteristics of environmental value, scenic quality and habitat for native flora and fauna. As this part of the site is proposed to be zoned C2 Environmental Conservation the conservation and preservation of the existing vegetation will be continued which is consistent with this Policy and the objectives mentioned above.

### **Coastal Lagoons Management Plan**

The whole of the subject site is within the Wamberal Lagoon Catchment. Land on the eastern side of the Central Coast Highway is zoned R2 and drains westward through the subject site, to the adjoining land to the west that is zoned 7(a) Conservation and is identified as Existing COSS and Proposed COSS.

The Coastal Lagoons Management Plan has the following relevant strategy:

*Restrict any rezoning of land within the lagoon catchments that increases density of development.*

The proposed residential zoning of the land fronting the Central Coast Highway reflects the residential scale development currently in existence. Although the extended residential zone to the west of the existing row of houses represents an increase in density, it is of sufficient area to accommodate erosion control and stormwater detention measures thus ensuring any threat to the water quality of Wamberal Lagoon is not exacerbated. Any future subdivision is required to be implemented in accordance with the relevant chapters of Gosford DCP 2013 (e.g. Chapter 6.7 Water Cycle Management) or the Central Coast LEP, whichever is in effect at the time. Water quality and drainage, as they relate to the subject land, is to be addressed via a new chapter in the Gosford DCP 2013 or the Central Coast DCP, whichever is in effect at the time.

### **Draft Coastal Zone Management Plan for Gosford Coastal Lagoons**

The draft Coastal Zone Management Plan for Gosford Coastal Lagoons provided a strategic framework and action plan for the future management of Wamberal Lagoon, Terrigal Lagoon, Avoca Lake and Cockrone Lake. The Final Draft Coastal Zone Management Plan for Gosford Coastal Lagoons was adopted by the former Gosford Council on 9 June 2015 but was not certified by the Minister for Planning. Therefore the draft Coastal Zone Management Plan has not come into effect.

Existing Estuary and Coastal Zone Management Plans which were prepared under previous legislation are proposed to be replaced by Coastal Management Programs (CMPs). CMPs set the long-term

strategy for the management of coastal environments including lakes, lagoons, estuaries, beaches and their associated catchments. CMP's are prepared by local councils in accordance with the NSW Government Coastal Management Framework.

Council has decided to prepare three CMPs focusing on Tuggerah Lakes, the open coast and coastal lagoons and the Hawkesbury-Nepean River system including Brisbane Water.

The CMP process has recently commenced so is unable to be used to assess this Planning Proposal at this time.

**5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) as detailed below.

| State Environmental Planning Policy   | Comment  |
|---|--|
| <b>SEPP (Biodiversity and Conservation) 2021</b>  |  |
| <b>Chapter 2 Vegetation in Non-Rural Areas</b>  |  |
| <p>The aims of this Chapter are:</p> <ul style="list-style-type: none"> <li>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</li> <li>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</li> </ul> | <p><b>Applicable and Consistent</b></p> <p>There is a vegetation community on the subject land that is identified as an Ecologically Endangered Community (EEC). This vegetation is proposed to be protected by being included in zone C2 and retained in parcels of a size which will enable this community to survive in the long term. Other vegetation in the proposed R2 zoned land is isolated so is considered acceptable to be included in the R2 zone. For those stands that comprise environmentally significant vegetation, it is proposed to restrict development by way of a S88B restriction at the subdivision stage. Such vegetation is mapped in the draft DCP.</p> |
| <b>Chapter 4 Koala Habitat Protection 2021</b>  |  |
| <p>Aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>   | <p><b>Applicable and Consistent</b></p> <p>Even though the land contains tree species listed in the SEPP. The Ecological Assessment Report found that the site does not form a core koala habitat.</p>   |
| <b>Chapter 6 Bushland in Urban Areas</b>  |  |

| State Environmental Planning Policy   | Comment   |
|---|---|
| <p>The general aim of this Chapter is to protect and preserve bushland within the urban areas referred to in Schedule 5 because of:</p> <ul style="list-style-type: none"> <li>(a) its value to the community as part of the natural heritage,</li> <li>(b) its aesthetic value, and</li> <li>(c) its value as a recreational, educational and scientific resource.</li> </ul> <p>The specific aims of this Chapter are:</p> <ul style="list-style-type: none"> <li>(a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,</li> <li>(b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,</li> <li>(c) to protect rare and endangered flora and fauna species,</li> <li>(d) to protect habitats for native flora and fauna,</li> <li>(e) to protect wildlife corridors and vegetation links with other nearby bushland,</li> <li>(f) to protect bushland as a natural stabiliser of the soil surface,</li> <li>(g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,</li> <li>(h) to protect significant geological features,</li> <li>(i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,</li> <li>(j) to protect archaeological relics,</li> <li>(k) to protect the recreational potential of bushland,</li> <li>(l) to protect the educational potential of bushland,</li> <li>(m) to maintain bushland in locations which are readily accessible to the community, and</li> </ul> | <p><b>Applicable and Consistent</b></p> <p>There is a vegetation community on the subject land that is identified as an Ecologically Endangered Community (EEC). In accordance with this Chapter this vegetation is proposed to be protected by being included in zone C2 and retained in parcels of a size which will enable this community to survive in the long term. The existing overland flowpath is proposed to be located within the proposed R2 zone as the flowpath will form part of urban drainage system.</p> |

| State Environmental Planning Policy  | Comment   |
|--|---|
| <p>(n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.</p>  |   |
| <p><b>SEPP (Resilience and Hazards) 2021</b></p>   |   |
| <p><b>Chapter 2 Coastal Management</b></p>   |   |
| <p>The aim of this Policy is promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> by:</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas which comprise the NSW coastal zone, in accordance with the definitions in the <i>Coastal Management Act 2016</i>.</p> | <p><b>Applicable and Consistent</b></p> <p>The southern part of the subject land (part of Lot 1 DP 1000694 and Lots 1-8 DP 23283) are located within the Coastal Environment Area. Consent must not be granted for development within this area if the proposed development is likely to cause adverse impacts on:</p> <ul style="list-style-type: none"> <li>- the integrity and resilience of the biophysical, hydrological and ecological environment;</li> <li>- coastal environmental values and natural coastal processes;</li> <li>- the water quality, in particular the cumulative impacts on the sensitive coastal lakes, [in this case Wamberal Lagoon];</li> <li>- marine vegetation, native vegetation and fauna and their habitats;</li> <li>- Aboriginal cultural heritage, practices and places.</li> </ul> <p>The rezoning of the 8 existing lots fronting the Central Coast Highway to R2 reflects the existing subdivision and is considered consistent with the SEPP Chapter. The rezoning of Lot 1 DP 1000694 and the resultant subdivision would not adversely affect the visual quality of the coastal zone in this locality. Future development would be required to comply with Council's requirement to detain stormwater on-site so runoff is released at pre-development flows thus ensuring no adverse effect on Wamberal Lagoon.</p> <p>The stand of significant vegetation in the southern corner of Lot 1000694 will protected by way of an S88B restriction as set out in the DCP.</p> |

| State Environmental Planning Policy   | Comment  |
|---|--|
| <b>Chapter 4 Remediation of Land</b>  |  |
| <p>Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>   | <p><b>Applicable and Consistent</b></p> <p>Council's aerial photographic record does not show any use being carried out that is listed in Table 1 Contaminated Land Planning Guidelines. However the 1957 and 1964 aerial photos show the existence of several agricultural sheds on the site. The land has since been developed for rural-residential housing.</p> <p>The Preliminary Site Investigation found that <i>the Site is considered low risk of potential contamination based on the review of Site history, geotechnical works, investigation findings and the identified data gap.</i></p> <p>Council's Environmental Protection Section has no objection to the Planning Proposal.</p> |
| <b>SEPP (Resources and Energy) 2021</b>   |  |
| <b>Chapter 2 Mining, Petroleum &amp; Extractive Industries</b>  |  |
| <p>Aims:</p> <p>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</p> <p>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</p> <p>(c) to promote the development of significant mineral resources, and</p> <p>(d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</p> <p>(e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development:</p> | <p><b>Applicable and Consistent</b></p> <p>The carrying out of coal seam gas development is prohibited on or under land within a residential zone or future residential growth area land or within 2km of a residential zone or future residential growth area.</p> <p>The subject site is identified as a Future Residential Growth Area on the Future Residential Growth Areas Map.</p> <p>This means that the carrying out of coal seam gas development is prohibited on or under the subject land or within 2 kilometres of the subject land.</p>  |

| State Environmental Planning Policy   | Comment  |
|---|--|
| <ul style="list-style-type: none"> <li>(i) to recognise the importance of agricultural resources, and</li> <li>(ii) to ensure protection of strategic agricultural land and water resources, and</li> <li>(iii) to ensure a balanced use of land by potentially competing industries, and</li> <li>(iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.</li> </ul>  |  |
| <b>SEPP (Transport and Infrastructure) 2021</b>   |  |
| <b>Chapter 2 Infrastructure</b>   |  |
| <p>Aims to facilitate the effective delivery of infrastructure by:</p> <ul style="list-style-type: none"> <li>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</li> <li>(b) providing greater flexibility in the location of infrastructure and service facilities, and</li> <li>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</li> <li>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</li> <li>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</li> <li>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</li> <li>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</li> </ul> | <p><b>Applicable and Consistent.</b></p> <p>The land proposed to be rezoned to R2 Low Density Residential can be provided with water and sewer services, the local road network has capacity for potential development and electricity is available.</p> |
| <b>SEPP (Housing) 2021</b>  |  |

| State Environmental Planning Policy  | Comment   |
|--|---|
| <p>The principles of this Policy are as follows—</p> <p>(a) enabling the development of diverse housing types, including purpose-built rental housing,</p> <p>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</p> <p>(c) ensuring new housing development provides residents with a reasonable level of amenity,</p> <p>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</p> <p>(e) minimising adverse climate and environmental impacts of new housing development,</p> <p>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</p> <p>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</p> <p>(h) mitigating the loss of existing affordable rental housing.</p> | <p><b>Applicable and Consistent.</b></p> <p>The Planning Proposal will permit diverse housing types within the R2 Low Density Residential zone and provide residents with a satisfactory level of amenity.</p> <p>This Proposal will provide residents with access to essential services and facilities. It is therefore consistent with the aims of this SEPP.</p> |

**Table 6 - SEPP Assessment**

**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 Appendix A of this proposal.

| No.                                   | Direction                                   | Applicable | Consistent |
|---------------------------------------|---|------------|------------|
| <b>Focus Area 1: Planning Systems</b> |   |            |            |
| 1.1                                   | Implementation of Regional Plans            | Y          | Y          |
| 1.2                                   | Development of Aboriginal Land Council Land | N          | N/A        |



| No.                                   | Direction   | Applicable | Consistent |
|---------------------------------------|---|------------|------------|
| 1.3                                   | Approval and Referral Requirements  | Y          | Y          |
| 1.4                                   | Site Specific Provisions  | Y          | Y          |
| <b>Focus Area 1 – Place Based</b>     |   |            |            |
| 1.5                                   | Parramatta Road Corridor Urban Transformation Strategy  | N          | N/A        |
| 1.6                                   | Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan                 | N          | N/A        |
| 1.7                                   | Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | N          | N/A        |
| 1.8                                   | Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan             | N          | N/A        |
| 1.9                                   | Implementation of Glenfield to Macarthur Urban Renewal Corridor   | N          | N/A        |
| 1.10                                  | Implementation of the Western Sydney Aerotropolis Plan  | N          | N/A        |
| 1.11                                  | Implementation of Bayside West Precincts 2036 Plan  | N          | N/A        |
| 1.12                                  | Implementation of Planning Principles for the Cooks Cove Precinct   | N          | N/A        |
| 1.13                                  | Implementation of St Leonards and Crows Nest 2036 Plan  | N          | N/A        |
| 1.14                                  | Implementation of Greater Macarthur 2040  | N          | N/A        |
| 1.15                                  | Implementation of the Pyrmont Peninsula Place Strategy  | N          | N/A        |
| 1.16                                  | North West Rail Link Corridor Strategy  | N          | N/A        |
| 1.17                                  | Implementation of the Bays West Place Strategy  | N          | N/A        |
| <b>Focus Area 2: Design and Place</b> |   |            |            |
| This Focus Area is not in effect.     |   |            |            |

| No.  | Direction   | Applicable | Consistent |
|--|---|------------|------------|
| <b>Focus Area 3: Biodiversity and Conservation</b> |   |            |            |
| 3.1  | Conservation Zones  | Y          | Y          |
| 3.2  | Heritage Conservation   | Y          | Y          |
| 3.3  | Sydney Drinking Water Catchments  | N          | N/A        |
| 3.4  | Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs | N          | N/A        |
| 3.5  | Recreation Vehicle Areas  | Y          | Y          |
| <b>Focus Area 4: Resilience and Hazards</b>        |   |            |            |
| 4.1  | Flooding  | Y          | Y          |
| 4.2  | Coastal Management  | Y          | Y          |
| 4.3  | Planning for Bushfire Protection  | Y          | Y          |
| 4.4  | Remediation of Contaminated Land  | Y          | Y          |
| 4.5  | Acid Sulfate Soils  | Y          | Y          |
| 4.6  | Mine Subsidence and Unstable land   | Y          | Y          |
| <b>Focus Area 5: Transport and Infrastructure</b>  |   |            |            |
| 5.1  | Integrating Land Use and Transport  | Y          | Y          |
| 5.2  | Reserving Land for Public Purposes  | Y          | Y          |
| 5.3  | Development Near Regulated Airports and Defence Airfields                         | N          | N/A        |
| 5.4  | Shooting Ranges   | N          | N/A        |
| <b>Focus Area 6: Housing</b>                       |   |            |            |
| 6.1  | Residential Zones   | Y          | Y          |
| 6.2  | Caravan Parks and Manufactured Home Estates                                       | Y          | Y          |
| <b>Focus Area 7: Industry and Employment</b>       |   |            |            |
| 7.1  | Business and Industrial Zones   | N          | N/A        |

| No.                                       | Direction  | Applicable | Consistent |
|---|--|------------|------------|
| 7.2                                       | Reduction in non-hosted short-term rental accommodation period           | N          | N/A        |
| 7.3                                       | Commercial and Retail Development along the Pacific Highway, North Coast | N          | N/A        |
| <b>Focus Area 8: Resources and Energy</b> |  |            |            |
| 8.1                                       | Mining, Petroleum Production and Extractive Industries                   | N          | N/A        |
| <b>Focus Area 9: Primary Production</b>   |  |            |            |
| 9.1                                       | Rural Zones  | N          | N/A        |
| 9.2                                       | Rural Lands  | Y          | Y          |
| 9.3                                       | Oyster Aquaculture   | N          | N/A        |
| 9.4                                       | Farmland of State and Regional Significance on the NSW Far North Coast   | N          | N/A        |

**Table 7 - S9.1 Ministerial Direction Compliance**

## **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 proposed site contains areas of remnant native vegetation with an intact tree canopy interspersed with areas of cleared overstorey.

The Biodiversity Development Assessment Report (BDAR) identified that the planning proposal would result in impacts to 1.2 ha of remnant native vegetation (triggering entry into the Biodiversity Offset Scheme) which includes impacts to two (2) different Plant Community Types (PCT) including:

- 0.6 ha of PCT 1728 - Swamp Oak - Prickly Paperbark - Tall Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast
- 0.6 ha of PCT 1722 - Swamp Mahogany - Paperbarks - Harsh Ground Fern swamp forest of the Central Coast

Swamp Oak - Prickly Paperbark - Tall Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast (PCT 1728) forms part of Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community (EEC) listed under the *Biodiversity Conservation Act 2016* (BC Act).

The BDAR also identified that the proposal will result in impacts to the threatened fauna species via:

- Removal of 1.2 ha of known habitat for Southern Myotis (*Myotis Macropus*)

The BDAR has nominated all Swift Parrot Important Areas on the site as proposed C2 and RE1, thereby avoiding impacts to these areas and potential serious and irreversible impacts from the proposal. The proposal has also nominated impacts to other areas be avoided and protected through a restriction-to-user (88B instrument). These areas are identified in the accompanying DCP.

The planning proposal is supported in its current form. It is important to note that impacts to biodiversity have not been fully addressed at the Planning Proposal stage as the site has not been bio-certified under the *Biodiversity Conservation Act*. Therefore, full lot yield that may be achievable under the R2 Low Density Residential zone may not be ultimately realised. Future DAs over the site may also be subject to the Biodiversity Offset Scheme.

### **8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

#### **Environmental Protection**

The Preliminary Site Investigation (PSI) satisfactorily meets the minimum requirements of SEPP (Resilience and Hazards) 2021 and the NSW EPAs Contaminated Sites statutory guidelines. The appropriate number of samples and sites were selected, and all potential contaminants of concern were identified based on past and current land uses. The correct health screening and ecological screening levels were selected, in accordance with the NEPM requirements. All samples were below the criteria for health risk screening levels. Zinc in one sample was slightly elevated above the ecological screening

level. Vegetation in the area did not appear to be under stress and the slightly elevated result is likely to be indicative of background levels.

Friable and non-friable asbestos was identified in samples taken from an existing dilapidated dwelling on the site, as well as the immediate soil surrounds. During the demolition and construction phase conditions will be applied for asbestos removal works to be conducted by a licenced contractor and an asbestos clearance certificate provided post demolition. An Unexpected Finds Protocol will all be required to be approved by Council prior to any works on the land. Conditions requiring waste classification of all stockpiles to be removed from the land will also be applied at the development application stage. The report confirms that the site is suitable for the proposed land use and there is no objection to the planning proposal, from a contamination perspective.

### **Scenic Quality**

Under Gosford DCP 2013, Chapter 2.2 Scenic Quality, the subject site is located in the North Coastal Geographic Unit, and more specifically in the Forresters Beach-Wamberal Landscape Unit. The most northerly section of the unit forming the Forresters Beach landscape has characteristics more typical of the Tuggerah landscapes to the north. The flat rear dune hinterland comprises a mixture of residential, rural-residential and recreational land uses. The flat landform, low vegetation and stunted characteristics result in a generally low visual quality. Residential development adjacent to the Central Coast Highway is visually dominant. Visual sensitivity is high for areas on higher slopes and along main roads. The Forresters Beach-Wamberal Landscape Unit is of regional significance as it is a unique landscape within the Gosford area.

The development objectives of the North Coastal Geographic Unit relevant to this Planning Proposal are:

- Opportunities for increases in densities and scale are available in areas not subject to visibility or physical constraints. Visually constrained areas include land along beach front, sand spit, headlands and lagoon frontages, as well as along main roads within scenic protection and conservation zoned areas and within scenic protection and conservation zoned areas.
- Proposals for residential and retail/commercial rezonings be preferred where the result will be the consolidation of existing residential and retail/commercial zoned areas rather than the extension of these zones as either ribbon development or as incremental extensions into adjoining areas.
- Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular scenic protection and conservation zoned areas.

The proposed R2 Low Density Residential zoning of the land fronting the Central Coast Highway reflects the residential scale of development currently in existence. It therefore maintains and consolidates the existing land use pattern in the locality rather than pre-empting a linear extension to the residential zone along the main road. The land to the rear of these houses, also proposed to be zoned R2 Low Density Residential, is not visually constrained as it cannot be seen from the main road.

The subject land accommodating EEC and/or physically constrained by flooding is proposed to be zoned C2 Environmental Conservation thus protecting the existing landscape.

## Character

Under Gosford DCP 2013 Chapter 2.1 Character, the land zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings) is identified in Precinct 8 - Scenic Buffer. The desired character for this precinct is:

*These should remain rural-residential buffers where the scenically-distinctive semi-rural and natural qualities of prominent backdrops to Gosford City's major roads and tourist routes are preserved by appropriate very-low density residential developments associated with low impact rural activities, and by small-scale businesses or community and educational facilities that have a modest impact on semi-rural or natural scenic qualities plus the amenity enjoyed by surrounding properties.*

*Retain natural slopes and prevent further fragmentation of the tree canopy in order to maintain habitat values and informal scenic characters of hillside or valley properties, plus meandering roads with unformed verges. Along creeks, ridges, slopes or road frontages, conserve all mature bushland remnants that provide scenically-prominent backdrops visible from any road or nearby property. Limit intrusion of structures upon their landscape setting by concentrating new buildings and pavements in existing clearings.*

*In areas that are defined as bushfire prone, hazard must not be increased by inappropriate new plantings or structures. Minimise the extent of cleared asset protection zones by fire resistant siting, design and construction for all new structures plus effective management of gardens.*

The existing development along the Central Coast Highway is residential in character and does not exhibit the scenically distinctive semi-rural qualities of the 7(c2) zone. Hence zoning this area to R2 Low Density Residential to reflect this residential character is consistent with Chapter 2.1. The zoning of the EEC on the site to C2 Environmental Conservation will mean that these significant bushland remnants will be retained and continue to serve as a scenically distinctive natural backdrop when viewed from nearby properties. The knoll which accommodates the existing dwelling houses is generally cleared and permitting residential development on this land would not intrude upon the landscape.

### **9. Has the planning proposal adequately addressed any social and economic impacts?**

#### **Social Issues**

The proposal will expand the available housing choice in terms of providing for additional housing in a locality with good access to services and facilities.

The dedication of the land for a small park will provide open space for the future residents of this subject site and residents of the local community.

#### **Economic Impacts**

The Planning Proposal will contribute to the supply of residential land and provide employment during the construction of the dwelling houses.

## **Section D – State and Commonwealth Interests**

### **10. Is there adequate public infrastructure for the planning proposal?**

#### **Traffic**

The potential traffic generation resulting from the Planning Proposal will not impact on the traffic efficiency of the Central Coast Highway adjacent to the subject site. The existing road infrastructure is capable of servicing the proposed residential site provided intersections with the Central Coast Highway are designed in accordance with the Transport for NSW (TfNSW) criteria. The site is accessible for pedestrians and cyclists. Frequent public bus transport is available to the subject site.

The Central Coast Highway is subject to a road widening proposal by TfNSW and it is proposed to incorporate a new intersection opposite Forresters Beach Road subject to TfNSW approval.

Comments received from TfNSW are outlined later in Section D.

Council's traffic engineer supports the TfNSW comments and raise no objection to the Planning Proposal.

#### **Water and Sewer**

Water and sewer are available to the land. Council is currently undertaking upgrades to the receiving Sewer Pumping Station to optimise its capacity and there will be sufficient residual capacity for the identified development to proceed. Council will recover the cost of these optimisation works as part of Developer Charges at the subdivision stage.

#### **Flooding and Drainage**

A Flood Study has been submitted and reviewed. The Floodplain Management Section has resolved to support the Planning Proposal on the condition that the matter of the additional flow path be addressed by a site-specific Development Control Plan (DCP) Chapter for the site. The DCP chapter should specifically identify the existence of all known flow paths and that any proposed development of the site may be limited by these flow paths. Further, it will require a full suite of modelling to assess the existing and post-development flood conditions and impacts in the future design of the subdivision, including road design and lot layout. The DCP chapter will also require modelling of any hydraulic or hydrological changes which may occur on/through the site as a result of the upgrade of the Central Coast Highway.

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

Government agency and public consultation requirements are detailed in the Gateway Determination and conducted accordingly. The government agencies required to be consulted, are set out in the table below.

| Agency                 |
|------------------------|
| NSW Rural Fire Service |
| Heritage NSW           |
| Transport for NSW      |

**Table 8 - Agency Consultation**

\* NOTE: Section 3.25 of the EP&A Act requires the RPA to consult with the Director-General (Secretary) of the Department of Environment, Climate Change and Water (OEHL) 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.

### NSW Rural Fire Service

Based on the review of the information provided in relation to the requested comments on the proposed rezoning, no specific objections to the proposed amendment are raised at this time. It is advised that the future subdivision of the land must demonstrate compliance with Chapter 5 - Residential and Rural Residential Subdivision of Planning for Bush Fire Protection (PBP) 2019.

In addition to this, the following must also be addressed at the subdivision stage:

1. The strategic bush fire report relies on the assumption that the hazard to the north of the subject site is managed as Asset Protection Zone (APZ), however, a plan of management, photos, or an APZ easement which can guarantee the management in perpetuity is not provided with the referral. As such, further information which supports the management of the hazard in perpetuity in accordance with section 3.2.5/3.2.6 of PBP 2019 must be provided at the subdivision stage.

Where, evidence of management cannot be provided, appropriate separation distance must be provided in accordance with table A1.12.2 of PBP 2019, such that 29kW/sqm or less radiant heat exposure can be achieved for future developments.

2. The indicative subdivision layout provided with the referral shows that no perimeter road is proposed at the hazard interface between the vegetation retained as C2 Environmental Conservation zoned land within the subject site and the proposed lots within the proposed R2: Low Density zoned land. As such, amendments to the indicative subdivision layout would be required to comply with access requirements of Chapter 5 of PBP 2019. In addition, upgrade to Bakali Road along the entirety of the western site boundary of the proposed R2: Low Density zoned land would be required for Bakali Road to serve as perimeter road.

### Heritage for NSW

The planning proposal has been reviewed and the following comments are provided:

#### State and local heritage considerations under the Heritage Act 1977



Based on the information provided, we have reviewed the planning proposal against our records and do not believe that there are any identified impacts on items listed on the State Heritage Register.

In relation to historic archaeology, if the proponent has not already undertaken their own investigation to assess the likelihood of 'relics' and any subsequent management required under the Heritage Act 1977, they should do so.

#### **Aboriginal cultural heritage considerations under the National Parks and Wildlife Act 1974**

HNSW support the conservation and protection of Aboriginal cultural heritage values. It is noted that an Aboriginal cultural heritage assessment report (ACHAR) prepared by RPS has been completed in support of this proposal.

The outcomes of the ACHAR should be used to inform the planning proposal. If significant Aboriginal cultural heritage values have been identified within the planning proposal areas, then options to avoid impact to these values need to be explored. For example, where the significance of Aboriginal cultural heritage values has been assessed as high, then conservation and avoidance of these values through footprint design should always be the first option. If impact cannot be avoided or if the values have been assessed as moderate, appropriate mitigation measures should be negotiated with the registered Aboriginal parties.

Please note that HNSW have not reviewed the supplied ACHAR. Any future Aboriginal Heritage Impact Permit (AHIP) applications or other referrals will be reviewed on their merits and in accordance with legislated guidelines and policy.

When submitting an ACHAR in support of an AHIP application, please ensure that it meets the requirements of the guidelines.

Prior to finalisation of the proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed.

#### ***Transport for NSW***

At this point in time, there is no funding for construction of any improvement projects to the Central Coast Highway. In the absence of certainty for any upgrade works it is the developer's responsibility to identify and mitigate traffic and transport impacts of the future residential development.

The current Traffic Impact Assessment (TIA) relies on the highway upgrade and does not identify appropriate mitigation measures with regards to interim access arrangements or staging of the development. In particular, the left in / left out arrangement proposed opposite Forresters Beach Road does not identify where a safe and purpose-built U-turn facility will be provided for southbound traffic.

Should the subject Planning Proposal progress, the property developer will need to undertake further traffic impact assessment to inform future Development Applications and identify mitigation measures relevant to any proposed staging.

In light of the above, TfNSW does not object to the progression of the Planning Proposal provided the following matters are adhered to during the development assessment phase:

- Any future development application over the proposed rezoning will need to be supported by a TIA, prepared by suitably qualified person/s. The TIA will identify traffic impacts and mitigation measures, including concept designs for access arrangements to the Central Coast Highway. The TIA is to be prepared to the satisfaction of Central Coast Council and Transport for NSW.
- Prior to issue of a subdivision certificate for any development, the developer will enter into a Works Authorisation Deed (WAD) with Transport for NSW for all works proposed on the Central Coast Highway. Works will be designed and constructed in accordance with Austroads guidelines, Australian Standards and TfNSW Supplements. All works will be at full cost to the developer.

### **Local Planning Panel**

The Local Planning Panel (LPP) considered the matter on 8 April 2021. The Panel supported in principle the strategic merit regarding potential rezoning of the site and offered the following advice.

- *The current zonings on the site/precinct warrant review and there is strategic merit in such rezoning including R2 lots for existing smaller residential lots around the perimeter of the site, an E2 zoning for environmentally significant land to the north-west, and open space zone for a local park and review of the large lots in-between for appropriate zoning and lot size(s).*

#### Comment

Noted

- *However, prior to Gateway submission, the Panel believes an access strategy (and funding principles) should be established in collaboration with Transport for NSW. This is important in order to establish a zoning hierarchy, open space location and to consider appropriate lot sizes, all of which are key aspects of the Planning Proposal.*

#### Comment

The preliminary Gateway advice received from DPE required consultation with Transport for NSW (TfNSW) prior to a formal Gateway assessment. The applicant submitted a Traffic Impact Assessment which was referred to TfNSW for comment. No objection was raised to the future subdivision having direct access to Central Coast Highway opposite Forresters Beach Road. The strategic merit of the Planning Proposal has been supported in the Gateway Determination. Further consultation with TfNSW occurred post Gateway and the comments are included earlier in this section.

- *The open space should be located as close as possible to the surrounding community to be a wider community asset, not just the site.*

#### Comment

This is the intention of the Planning Proposal. TfNSW has raised no objection to direct access to the Central Coast Highway opposite Forresters Beach Road. The open space can therefore be located within the site as it would have direct vehicular and pedestrian access from the Highway and therefore be easily accessible for the community.

- *A drainage strategy should also be established prior to exhibition.*

### Comment

The drainage development criteria is addressed in the site specific Development Control Plan, which is exhibited with the Planning Proposal.

- *The Panel does not share the view that all lot sizes and zoning must be consistent across the LGA. Lot sizes can and should be varied having regard to site-specific considerations, environmental constraints and surrounding context.*

### Comment

Agreed. The Planning Proposal does propose the R2 Low Density Residential zone have two minimum lot sizes: 550m<sup>2</sup> and 1850m<sup>2</sup>. The 1850m<sup>2</sup> lots are proposed to be located fronting Bakali Road.

- *DCP provisions (including access and drainage strategies and a funding/delivery mechanism such as a VPA) should be part of the exhibition package.*

### Comment

The DCP and Planning Agreement form part of the documentation placed on public exhibition.

- *The Panel had queried whether an E4 zone and 4,000sqm lot sizes for existing larger lots on the site may be appropriate. It is accepted that an E4 zone may not be appropriate due to the range of permissible uses. However, other environmental zones or large lot residential zones should be considered, as the key aspects of transition from an E2 zone to surrounding environmental and R2 zones and larger lot controls, for lots on the site not on the edges, may not be best encapsulated in an R2 zone.*

### Comment

The zoning of any of the land to E4 (now C4) Environmental Living under GLEP 2014 would permit uses such as pubs, restaurants and tourist and visitor accommodation which are incompatible with the character of this locality. The zoning of the land to C4 Environmental Living under the CCLEP would permit uses conducive to rural residential development, which is similar to the current development. Therefore there would be little reason for the Planning Proposal to proceed.

Furthermore, a zone of C4 Environmental Living with a 4,000sqm minimum lot size would be a much lower minimum lot size for C4 zoned land than is currently used on the Central Coast and may result in a precedent to establish such a lot size for existing 1 to 2 Ha lots in the area without a broader strategic basis.

It is considered that the proposed 1850m<sup>2</sup> lots fronting Bakali Road will provide a reasonable transition from the 1 Ha lots on the western side of Bakali Road to the 550m<sup>2</sup> lots within the centre of the site.

## Part 4 Mapping

The maps listed in the Table below are included in Appendix 3.

| Map                        | Map Title  |
|----------------------------|--|
| A.                         | Locality Plan  |
| B.                         | Aerial Photograph  |
| C.                         | Bushfire Hazard  |
| D.                         | Lagoon Catchment   |
| E.                         | Topography   |
| F.                         | Coastal Zone   |
| <b>Existing Provisions</b> |  |
| G                          | Existing Zoning of Subject Land under IDO 122              |
| H                          | Zoning of Adjoining Land under GLEP 2014                   |
| <b>Proposed Provisions</b> |  |
| I                          | Proposed Zoning under GLEP 2014 <b>and</b> CCLEP           |
| J                          | Proposed Minimum Lot Size under GLEP 2014 <b>and</b> CCLEP |
| K                          | Proposed Height of Building under GLEP 2014                |
| L                          | Proposed Height of Building under CCLEP                    |
| M                          | Proposed Floor Space Ratio under GLEP 2014                 |
| N                          | Proposed Acid Sulfate Soils under GLEP 2014                |

**Table 9** - Site Characteristics and Existing and Proposed Provisions

## Part 5 Community Consultation

The Planning Proposal will be made available for community/agency consultation and undertaken in accordance with the Gateway. The Gateway has specified an exhibition period of 28 days.

Council has resolved to make a site-specific Development Control Plan and exhibit it with the Planning Proposal.

Council has resolved to prepare a Planning Agreement for part of the site and exhibit it with the Planning Proposal. The Planning Agreement is required to be exhibited for 28 days.

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

- Wyong Office, 2 Hely Street, Wyong
- Council's website: [www.yourvoiceourcoast.com](http://www.yourvoiceourcoast.com)

Additionally, notification of the exhibition of the proposal has been provided to affected and adjoining landholders prior to commencement of the exhibition period.

## Part 6 Project Timeline

| Action   | Period    | Start Date     | End Date       |
|--|-----------|----------------|----------------|
| Gateway Determination  | 12 months | October 2021   | October 2022   |
| Timeframe for the completion of required technical information           | 1 month   | October 2021   | November 2021  |
| Time frame for Government Agency consultation                            | 1 month   | November 2021  | December 2021  |
| Preparation of Planning Agreement and Development Control Plan           | 4 months  | January 2022   | May 2022       |
| Commencement and completion dates for public exhibition                  | 28 days   | May 2022       | June 2022      |
| Timeframe for consideration of submissions                               | 2 months  | July 2022      | August 2022    |
| Timeframe for consideration of Proposal (by Council)                     | 1 day     | September 2022 | September 2022 |
| Date of submission to the Department to finalise LEP                     | 1 month   | September 2022 | October 2022   |
| Anticipated date Council will make the plan (if delegated)               | 14 days   | October 2022   | October 2022   |
| Anticipated date Council will forward to the Department for notification | 7 days    | October 2022   | October 2022   |

**Table 10** - Key Project Timeframes

# Appendix 1

## Ministerial Directions

| Direction   | Comment  |
|---|--|
| <b>Focus Area 1: Planning Systems</b>   |  |
| <b>1.1 Implementation of Regional Plans</b>   |  |
| <p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra</p>   | <p><b>Applicable and Consistent</b></p> <p>The Planning Proposal is considered to be consistent with the directions and actions contained in the Central Coast Regional Plan. Land with high environmental value is proposed to be zoned C2 Environmental Conservation and the proposed R2 Low Density Residential zone will not encroach into the environmentally sensitive area.</p> |
| <b>1.3 Approval of Referral Requirements</b>  |  |
| <p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>This Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.</p>  | <p><b>Applicable and Consistent</b></p> <p>This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.</p>   |
| <b>1.4 Site Specific Provisions</b>   |  |
| <p>Aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p> <p>The Planning Proposal must use an existing zone already applying in an environmental planning instrument and not impose any development standards in addition to those already contained in the environmental planning instrument. The proposal shall not contain or refer to drawings/concept plans that show details of the proposed development.</p> | <p><b>Applicable and Consistent</b></p> <p>The Planning Proposal uses existing zones, floor space ratio, height of building and lot size requirements set out in the Standard Instrument LEP. It is therefore consistent with this Direction.</p>  |
| <b>Focus Area 3: Biodiversity and Conservation</b>  |  |
| <b>3.1 Conservation Zones</b>   |  |
| <p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>  | <p><b>Applicable and Consistent</b></p> <p>Even though the land fronting the Central Coast Highway is zoned 7(c2) it comprises 32 residential sized lots thus not having the character of an Environmental Protection zone. Conversely the</p>   |

| Direction   | Comment   |
|---|---|
| <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p> | <p>western part of Lot 522 DP 1077907 and the northern part of Lot 3 DP 1000694 contain an Estuarine Paperbark Scrub Forest community which is identified as an EEC. The objective of this Direction is to protect and conserve environmentally sensitive areas. To be consistent with this Direction this environmentally sensitive area is to be protected by being zoned to C2.</p> <p>The land to the west of the existing houses fronting the Highway is generally cleared, however there are some environmentally significant stands of trees that are to be retained as set out in the DCP. Hence the Planning Proposal would not reduce the environmental protection standards applying to the land. However, zoning the land to a more intensive zone has the potential to adversely impact the adjacent vegetation on the western side of Bakali Road if runoff is not detained. However, it is Council's policy that all stormwater runoff is detained and released at pre-development flows. The site-specific DCP will specify stormwater management works that are to be installed in compliance with Council's requirements.</p> |
| <b>3.2 Heritage Conservation</b>  |   |
| <p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>   | <p><b>Applicable and Consistent</b></p> <p>An Aboriginal Cultural Heritage Assessment was undertaken and <i>identified a high level of ground disturbance associated with the subdivision and development of the Project Area including land clearing, the construction of a power easement, access roads and services and landscaping. These disturbances have disturbed and removed sections of the A horizon, which is associated with the potential for Aboriginal objects.</i></p> <p><i>The search of the AHIMS database identified no registered Aboriginal objects within the Project Area. The Project Area is assessed to be of low Aboriginal archaeological sensitivity.</i></p>  |
| <b>3.5 Recreation Vehicle Areas</b>   |   |
| <p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>   | <p><b>Applicable and consistent.</b></p> <p>The proposal does not seek to provide recreational vehicle areas.</p>   |



| Direction  | Comment   |
|--|---|
| <b>Focus Area 4 Resilience and Hazards</b>   |   |
| <b>4.1 Flooding</b>  |   |
| <p>Aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and ensure that the provisions of a LEP that applies to flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> | <p><b>Applicable and Consistent</b></p> <p>The Floodplain Development Manual, 2005 defines the Flood Planning Area as the area of land below the Flood Planning Level (i.e. combination of flood events and freeboards as determined in management studies and incorporated in management plans) and thus subject to flood related development controls.</p> <p>The zoning of the land fronting the Central Coast Highway reflects the residential scale development currently in existence. However, a drainage easement is located on the northern boundary of one of the residential sized lots (No 971) fronting the Central Coast Highway and carries stormwater from the Highway to the easement located on the larger 7(c2) lots to the west. This residential sized lot and others may be subject to secondary flows. Whilst zoning these lots to Residential will not affect the existing development on the lots, the R2 zone does permit additional uses which may not be able to be approved if the land is affected by flooding.</p> <p>A drainage easement consisting of an overgrown, open channel commences at the rear of No 971 Central Coast Highway and ends at the unformed section of Bakali Road to the west. The open channel passes through three 7(c2) zoned lots before spilling out onto the unformed section of the Bakali Road. Even though there is a drainage reserve on the western side of Bakali Road, there is no system within the drainage reserve to convey stormwater flows.</p> <p>The existing open drainage channel is not located in the lowest part of the subject land; the lowest area is to the north of the channel and this grassed overland flow path conveys the majority of stormwater from the Highway. Regularisation of this flow path would occur at the subdivision stage in accordance with Council's drainage guidelines.</p> <p>This approach takes advantage of the local terrain and is consistent with the guidelines and principles of the Floodplain Development Manual and this Direction. The specific development requirements will be incorporated in the DCP Chapter applying to the subject land.</p> |

| Direction   | Comment   |
|---|---|
| <b>4.2 Coastal Management</b>   |   |
| <p>Aims to protect and manage coastal areas of NSW.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to land within the coastal zone as identified by SEPP (Coastal Management) 2018.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>(a) the objects of the Coastal Management Act 2016 and the objectives of the of the relevant coastal management areas, and</li> <li>(b) the NSW Coastal Management Manual and associated toolkit,</li> <li>(c) the NSW Coastal Design Guidelines 2003.</li> </ul> <p>A planning proposal must not rezone land which would enable increased development or more intensive land use on land:</p> <ul style="list-style-type: none"> <li>(a) within a coastal vulnerability area identified by the SEPP (Coastal Management) 2018, or</li> <li>(b) that has been identified as land affected by current or future coastal hazard in a LEP or DCP, or a study or assessment undertaken by a public authority or a relevant planning authority.</li> </ul> | <p><b>Applicable and Consistent</b></p> <p>The objects of the Coastal Management Act 2016 are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State.</p> <p>The southern part of the subject land (part of Lot 1 DP 1000694 and Lots 1-8 DP 23283) is located within the coastal zone. The rezoning of the 8 existing lots fronting the Central Coast Highway to R2 reflects the existing subdivision and is considered consistent with the Coastal Management Act. The rezoning of Lot 1 DP 1000694 and the resultant subdivision would not adversely affect the ecological quality of the coastal zone in this locality. Future development would be required to comply with Council's requirement to detain stormwater on-site so runoff is released at pre-development flows thus ensuring no adverse effect on Wamberal Lagoon or the ecological integrity and biological diversity of vegetation and habitat downstream.</p> <p>The NSW Coastline Management Manual provides "information to assist present and potential users and occupiers of the coastline to understand the nature of coastline hazards and the options available for their management." As the site is not subject to immediate coastal processes it is not relevant to the Planning Proposal.</p> <p>The Coastal Design Guidelines relates to design of dwellings and location of new settlements and is not strictly relevant to this Planning Proposal. The following objectives are however pertinent to this Planning Proposal:</p> <ul style="list-style-type: none"> <li>- To protect and enhance the cultural, ecological and visual characteristics of a locality.</li> <li>- To limit coastal sprawl by establishing separation and greenbelts between settlements.</li> <li>- To integrate new development with surrounding land uses.</li> <li>- To encourage new coastal settlements to be appropriately located.</li> <li>- To create neighbourhoods centred around services and facilities.</li> </ul> |

| Direction   | Comment  |
|---|--|
|   | Zoning the 8 lots fronting the Central Coast Highway to Residential is consistent with the existing visual characteristics of the locality. Zoning Lot 1 DP 1000694 to Residential is appropriate given the physical character of the land and access to services and facilities.  |
| <b>4.3 Planning for Bushfire Protection</b>   |  |
| <p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>  | <p><b>Applicable and Consistent</b></p> <p>In the preparation of a planning proposal request, the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination.</p> <p>The subject land is classified as Rural Fire Service Category 1 Vegetation and Bushfire Buffer. Consequently the Planning Proposal and Bushfire Assessment Report were referred to the Rural Fire Service for comment.</p>   |
| <b>4.4 Remediation of Contaminated Land</b>   |  |
| <p>Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities</p> <p>Applies when a relevant planning authority prepares a planning proposal applying to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p style="padding-left: 20px;">(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of</p> | <p><b>Applicable and Consistent</b></p> <p>Council's aerial photographic record does not show any use being carried out that is listed in Table 1 Contaminated Land Planning Guidelines. However the 1957 and 1964 aerial photos show the existence of several agricultural sheds on the site. The land has since been developed for rural-residential housing.</p> <p>The Preliminary Site Investigation found that <i>the Site is considered low risk of potential contamination based on the review of Site history, geotechnical works, investigation findings and the identified data gap.</i></p> <p>Council's Environmental Protection Section has no objection to the Planning Proposal.</p> |

| Direction   | Comment  |
|---|--|
| which there is no knowledge (or incomplete knowledge).  |  |
| <b>4.5 Acid Sulfate Soils</b>   |  |
| <p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.</p>  | <p><b>Applicable and Consistent</b></p> <p>The Acid Sulfate Soils Planning Maps indicate that the subject land is within Class 5. The Acid Sulfate Soil map layer in the Gosford LEP 2014, if in effect, is to be updated accordingly as part of this Planning Proposal.</p>   |
| <b>4.6 Mine Subsidence and Unstable Land</b>  |  |
| <p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study, strategy or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>   | <p><b>Applicable and Consistent</b></p> <p>According to Council's Landslip Mapping the site is not identified as subject to landslip.</p> <p>Adjoining land has been developed for low density housing so soil characteristics is an issue that would need to be addressed in any future Development Application.</p>  |
| <b>Focus Area 5: Transport and Infrastructure</b>   |  |
| <b>5.1 Integrating Land Use and Transport</b>   |  |
| <p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> | <p><b>Applicable and Consistent</b></p> <p>The Planning Proposal is located with easy access to the Central Coast Highway which is the major arterial road connecting the coastal communities with regular and frequent bus services to Bateau Bay, Erina Fair and Gosford City Centre. Whilst future residents could use their private vehicles, the option to use public transport would be available.</p> |
| <b>5.2 Reserving Land for Public Purposes</b>   |  |
| <p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p>  | <p><b>Applicable and Consistent</b></p> <p>The Planning Proposal proposes to zone some land RE1 Public Recreation which is for public purposes. This has been agreed to by the relevant Unit of Council.</p>   |

| Direction  | Comment   |
|--|---|
| Applies when the relevant planning authority prepares a planning proposal.   |   |
| <b>Focus Area 6: Housing</b>   |   |
| <b>6.1 Residential Zones</b>   |   |
| <p>Aims to encourage a variety of housing choice, to make efficient use of existing infrastructure and services, ensure new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment.</p> <p>This Direction applies when a planning proposal affects land within an existing or proposed residential zone. The draft LEP shall include provisions that will broaden the choice of building types, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing on the urban fringe and be of good design. The Direction also requires that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).</p> | <p><b>Applicable and Consistent</b></p> <p>The proposed R2 zone is consistent with the zoning of residential land in the locality and will make efficient use of existing infrastructure and services in the locality. The low-density residential zone will not permit the broad range of housing types as is permitted in the medium density residential zones.</p> <p>The Planning Proposal to rezone the land to R2 will permit the range of housing permitted in the R2 zone such as dwelling houses, seniors housing and secondary dwellings. However, given the fragmented nature of the existing land ownership and the existing dwellings on the land it is unlikely that the land would be used for substantial development such as seniors housing.</p> <p>The land is serviced by water and sewer however due to the additional loads created by the proposed rezoning and subsequent development, contributions may have to be made towards the augmentation of the water and sewer systems.</p> |
| <b>6.2 Caravan Parks and Manufactured Home Estates</b>   |   |
| <p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates (MHE).</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>   | <p><b>Applicable and consistent.</b></p> <p>Caravan Parks are not permissible under the current 7(c2) zoning and are not permissible under the proposed R2 zoning, hence the proposal does not alter opportunities for caravan parks or MHEs to be developed on the land.</p>   |
| <b>Focus Area 9: Primary Production</b>  |   |
| <b>9.2 Rural Lands</b>   |   |
| <p>Aims to protect the agricultural production value of rural land, facilitate the economic use and development of rural lands, assist in the proper management, development and protection of rural lands, minimise the potential for land fragmentation and land use conflict.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environmental protection zone or changes the existing minimum lot</p>  | <p><b>Applicable and Consistent</b></p> <p>The subject land is within an environmental protection zone and is currently used for rural residential purposes.</p> <p>The Planning Proposal seeks to zone the land to R2 Low Density Residential, C2 Environmental Conservation and RE1 Public Recreation.</p>  |

| Direction   | Comment   |
|---|---|
| <p>size on land within a rural or environmental protection zone.</p> <p>A Planning Proposal must be consistent with any applicable strategic plan, identify and protect environmental values, consider the natural and physical constraints of the land, consider measures to minimise fragmentation of rural land and reduce the risk of land use conflict, consider the social, economic and environmental interests of the community. Where the Planning Proposal is for rural residential purposes; is appropriately located taking into account the availability of human services, utility infrastructure, transport and proximity to existing centres; and is necessary taking account of existing and future demand and supply of rural residential land.</p> | <p>The environmental value of the site is proposed to be protected as the vegetated wetland on the western part of the site is proposed to be zoned C2 Environmental Conservation.</p> <p>The planning proposal is to also consider any natural and physical constraints on the land. As the subject land is affected by overland flow, satisfactory measures are included in the accompanying DCP to address this issue.</p> |

**Table 11** – S9.1 Ministerial Direction Assessment

## Appendix 2

### Land Use Tables

#### Existing Land Use Tables for Zone 7(a) and Zone 7(c2) under Interim Development Order No 122

### **ZONE NO. 7 (a) CONSERVATION AND SCENIC PROTECTION (CONSERVATION) (Orange)**

#### **Objectives of the zone**

The objectives of Zone No. 7(a) are:

- (a) the conservation and rehabilitation of areas of high environmental value;
- (b) the preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape;
- (c) the provision and retention of suitable habitats for flora and fauna;
- (d) the prohibition of development on or within proximity to significant ecosystems, including rainforests and estuarine wetlands;
- (e) the provision and retention of areas of visual contrast within the City, particularly the “backdrop” created by the retention of the ridgelines in their natural state;
- (f) the provision of opportunities for informal recreational pursuits, such as bushwalking and picnics, in appropriate locations;
- (g) the minimisation or prohibition of development so that the environmental and visual qualities of the natural areas are not eroded by the cumulative impact of incremental, individually minor developments;
- (h) the minimisation or prohibition of development in areas that are unsuitable for development by virtue of soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.

#### **1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT**

Development (other than exempt development) for the purpose of:  
home occupations; recreation areas.  
Exempt development.

#### **2 DEVELOPMENT THAT NEEDS CONSENT**

Development (other than exempt development) for the purpose of:  
agriculture; bed and breakfast accommodation; dams; dwelling-houses; roads;  
Subdivision.

#### **3 PROHIBITED DEVELOPMENT**

Any development not included in Item 1 or 2.

## **ZONE NO. 7(c2) CONSERVATION AND SCENIC PROTECTION (SCENIC PROTECTION - RURAL SMALL HOLDINGS)**

(Orange with dark red edging and lettered 7(c2))

### **Objectives of the zone**

The objectives of Zone No. 7(c2) are:

- (a) to provide a buffer or transition zone between conservation areas and urban areas; and
- (b) to enable development for the purposes of rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:
  - (i) to adversely affect the aesthetic and scenic value of the land and its setting; or
  - (ii) to create a demand for the uneconomic provision of services; and
- (c) to allow for non-residential uses where those uses are:
  - (i) compatible with rural-residential development and unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service;
  - (ii) unlikely to adversely affect the aesthetic and scenic value of the land and its setting; and
  - (iii) unlikely to interfere unreasonably with the amenity of adjoining properties.

### **1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT**

Development (other than exempt development) for the purpose of:  
agriculture; home occupations; recreation areas.  
Exempt development.

### **2 DEVELOPMENT THAT NEEDS CONSENT**

Development (other than exempt development) for the purpose of:  
animal establishments; bed and breakfast accommodation; child care centres; dams;  
**dual occupancies-attached; dwelling-houses**; educational establishments; home  
industries; horse establishments; places of public worship; plant nurseries; roads;  
roadside stalls; utility installations; veterinary hospitals.  
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 4.

### **3 PROHIBITED DEVELOPMENT**

Any development not included in Item 1 or 2.



## **Proposed Land Use Tables for Zones C2, R2 and RE1 under Gosford Local Environmental Plan 2014**

### **Zone C2 Environmental Conservation**

#### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that development is compatible with the desired future character of the zone.
- To limit development in areas subject to steep slopes and flooding.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Bed and breakfast accommodation; Dwelling houses; Environmental facilities; Environmental protection works; Home occupations; Recreation areas; Roads; Water storage facilities

#### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

# Zone R2 Low Density Residential

## 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To encourage best practice in the design of low-density residential development.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.

## 2 Permitted without consent

Home occupations; Recreation areas

## 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Child care centres; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hospitals; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Seniors housing

## 4 Prohibited

Any development not specified in item 2 or 3

## **Zone RE1 Public Recreation**

### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To identify areas suitable for development for recreation, leisure and cultural purposes.
- To ensure that development is compatible with the desired future character of the zone.

### **2 Permitted without consent**

Environmental facilities; Environmental protection works

### **3 Permitted with consent**

Aquaculture; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Exhibited Land Use Tables for Zones C2, R2 and RE1 under Draft Central Coast Local Environmental Plan**

***Note: Provisions in the exhibited land use tables may not be the same as in the final version of the Central Coast LEP***

### **Zone E2 Environmental Conservation**

#### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Eco-tourist facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Recreation areas; Research stations; Roads; Sewage reticulation systems; Water recycling facilities; Water reticulation systems; Water storage facilities

#### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any development not specified in item 2 or 3

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage best practice in the design of low-density residential development.
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.
- To maintain and enhance the residential amenity and character of the surrounding area.

### **2 Permitted without consent**

Home occupations; Recreation areas

### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Water recycling facilities; Water reticulation systems; Water storage facilities

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RE1 Public Recreation**

### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To identify areas suitable for development for recreational and cultural purposes.
- To provide space for integrated stormwater treatment devices for flow and water quality management.

### **2 Permitted without consent**

Environmental facilities; Environmental protection works

### **3 Permitted with consent**

Boat launching ramps; Boat sheds; Building identification sign; Business identification sign; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Flood mitigation works; Food and drink premises; Function centres; Information and education facilities; Jetty; Kiosks; Marina; Market; Mooring pen; Mooring; Recreation areas; Recreation facility (indoor); Recreation facility (major); Recreation facility (outdoor); Registered clubs; Respite day care centres; Roads; Sewerage systems; Water recreation structures; Water supply system

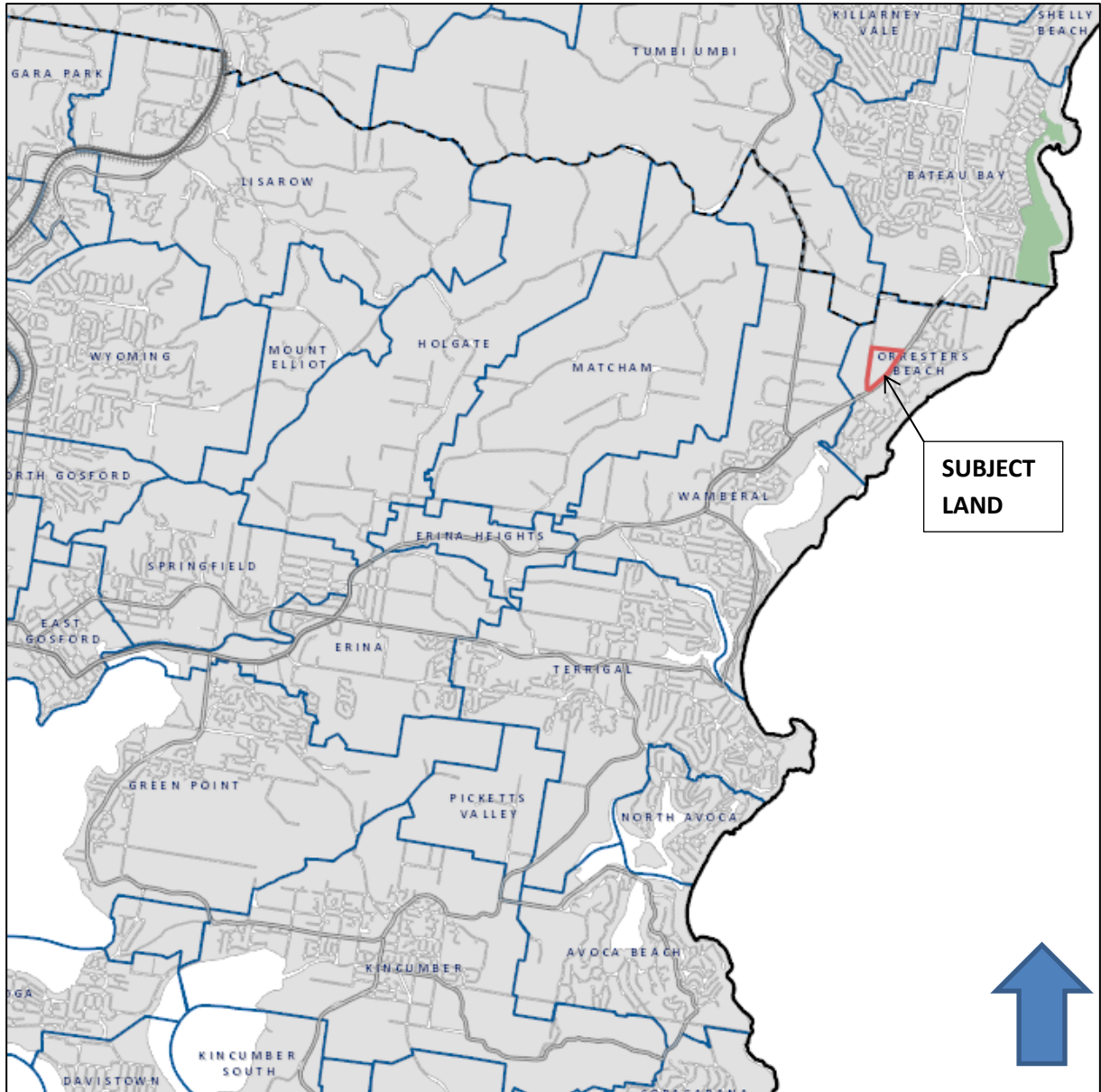
### **4 Prohibited**

Any development not specified in item 2 or 3

# Appendix 3

## Mapping

### Map A – Locality Map

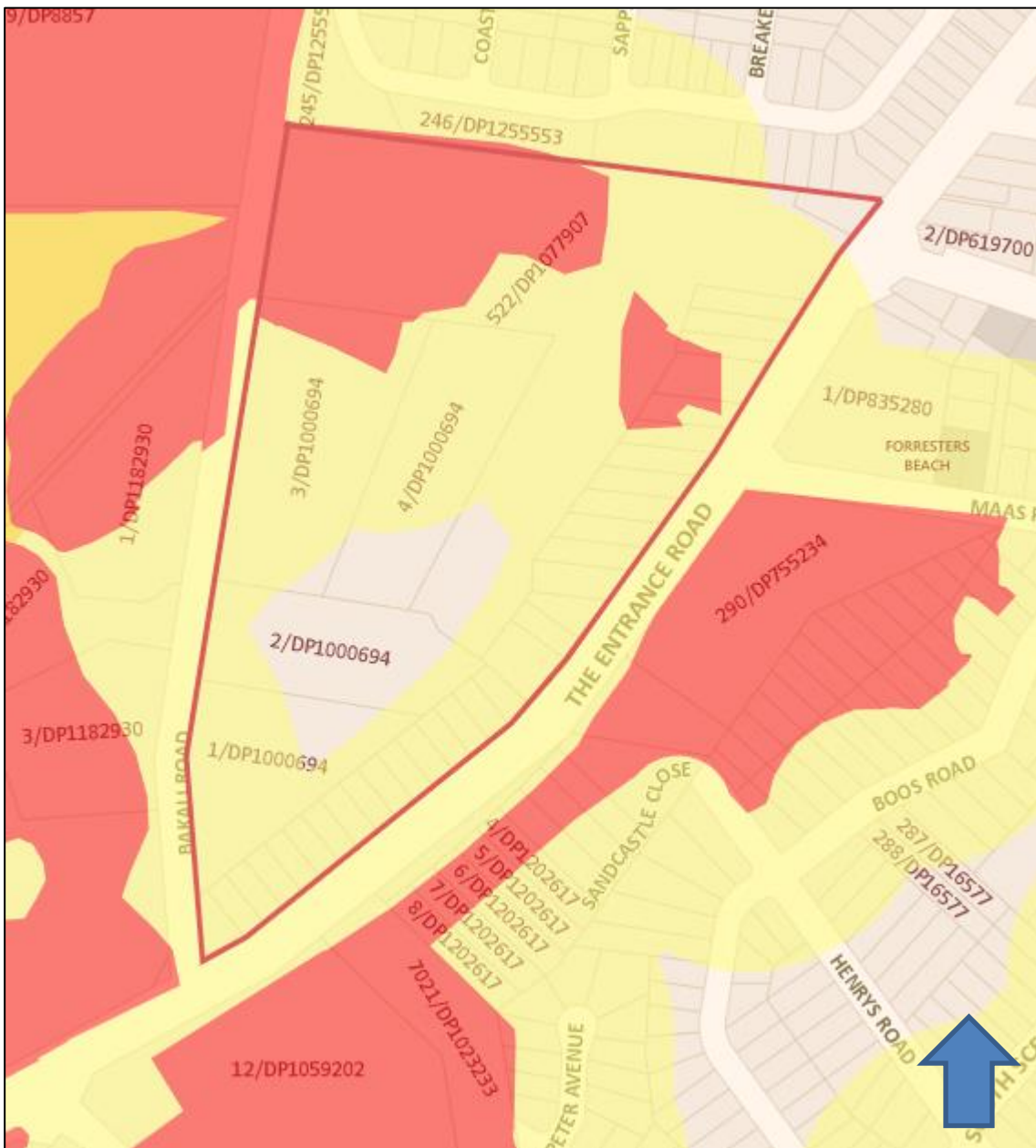


Map B – Aerial Photograph





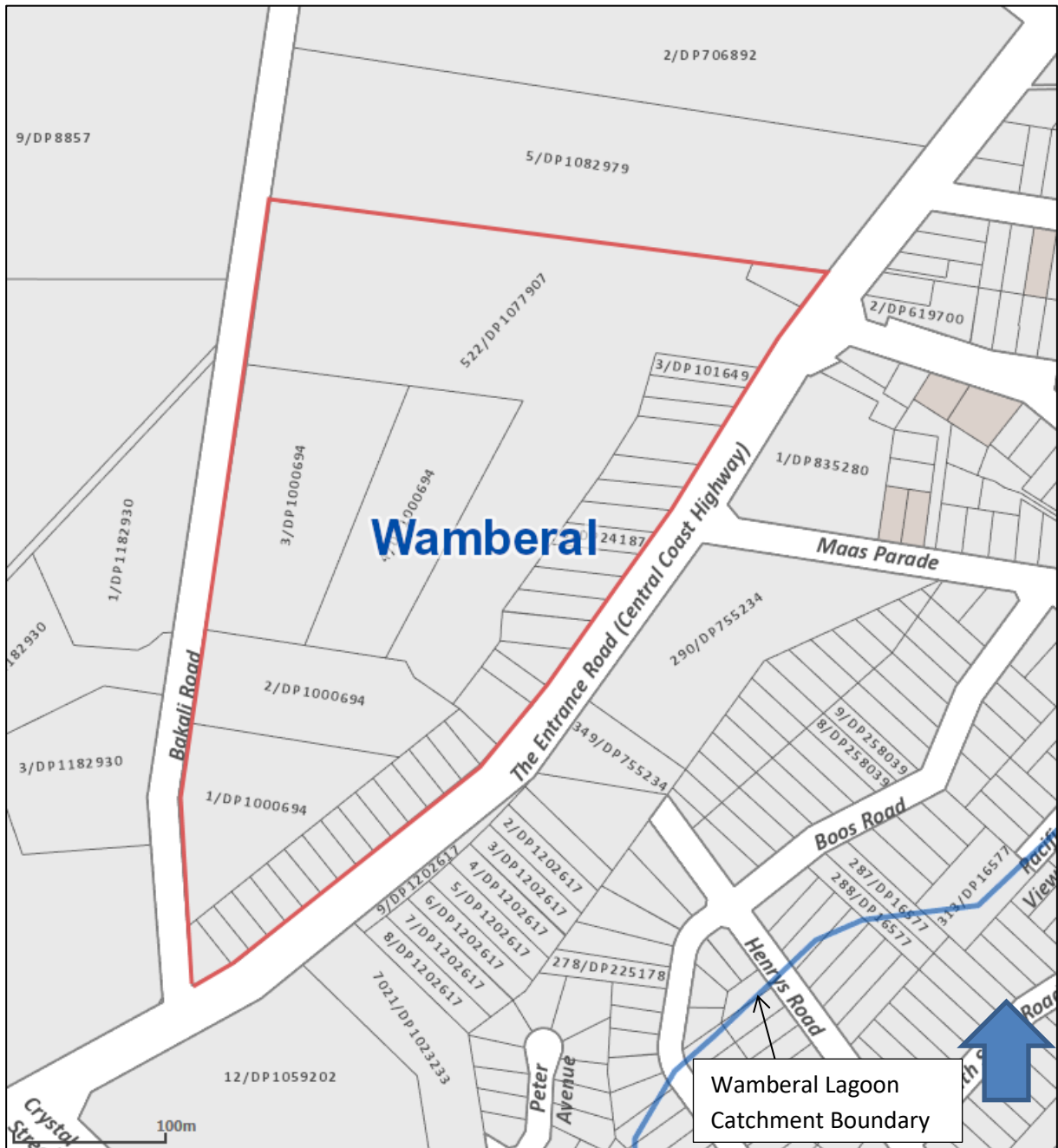
### Map C – Bushfire Hazard



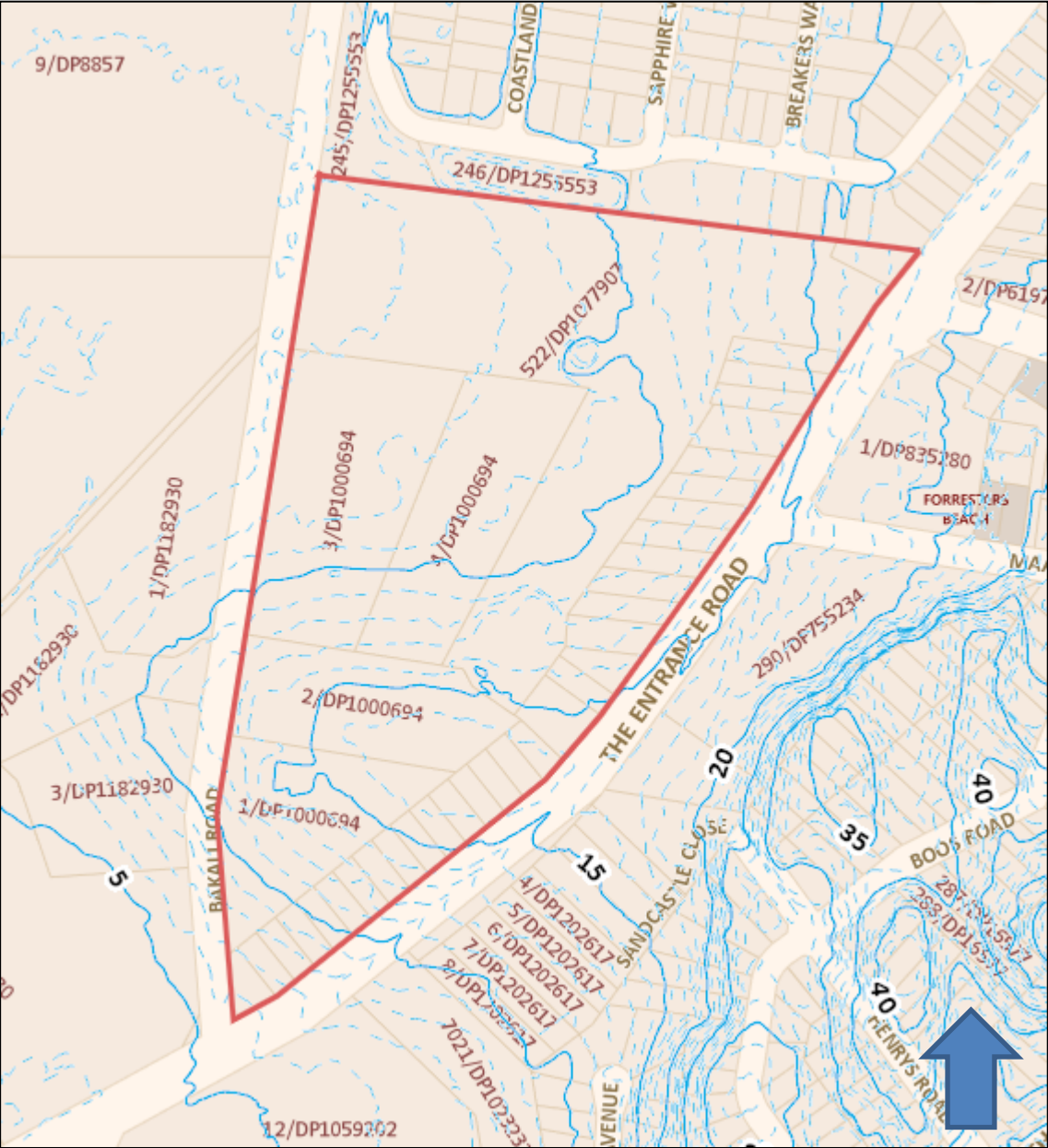
Red – Vegetation Category 1

Yellow – Vegetation Buffer

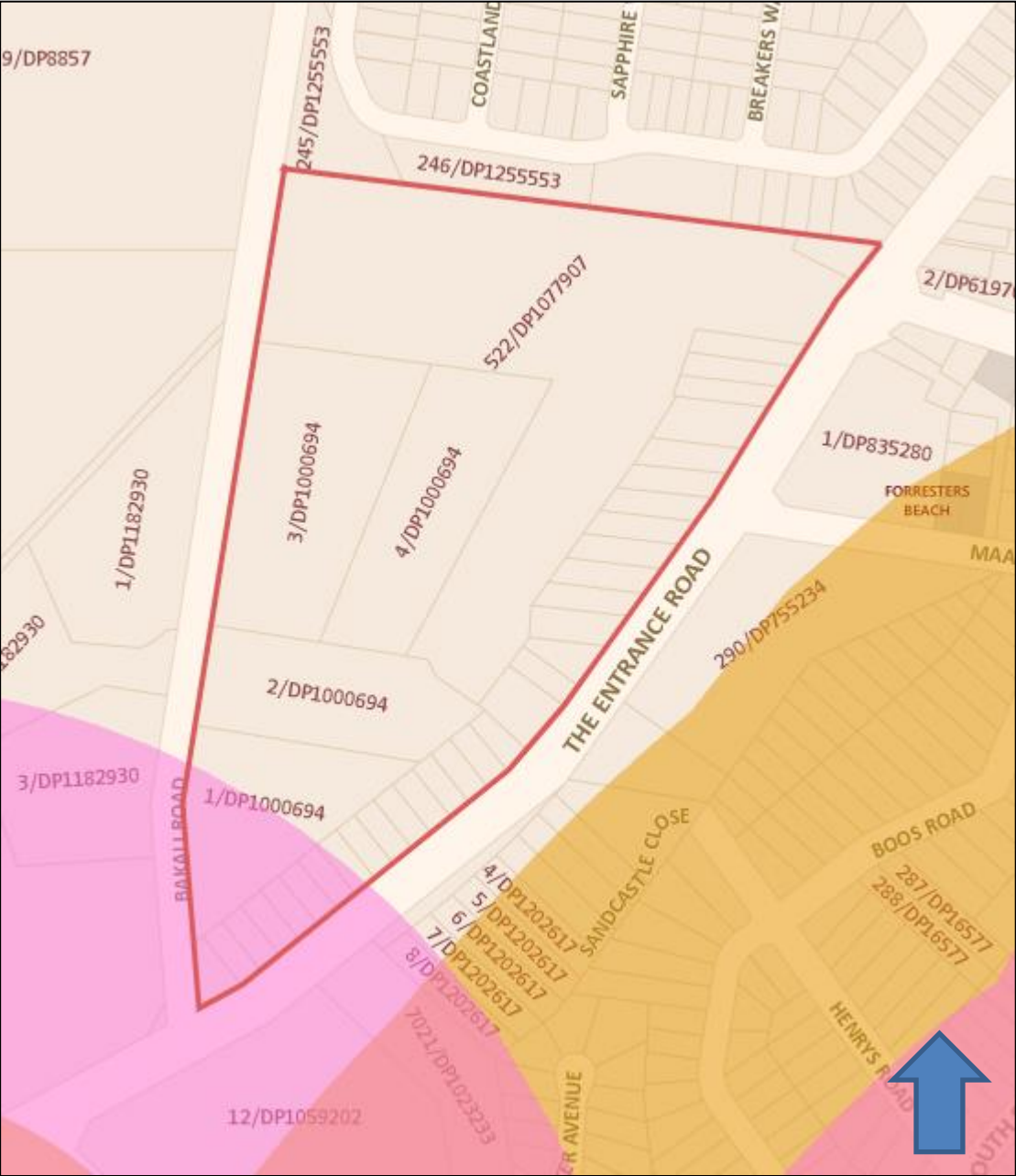
# Map D – Lagoon Catchment



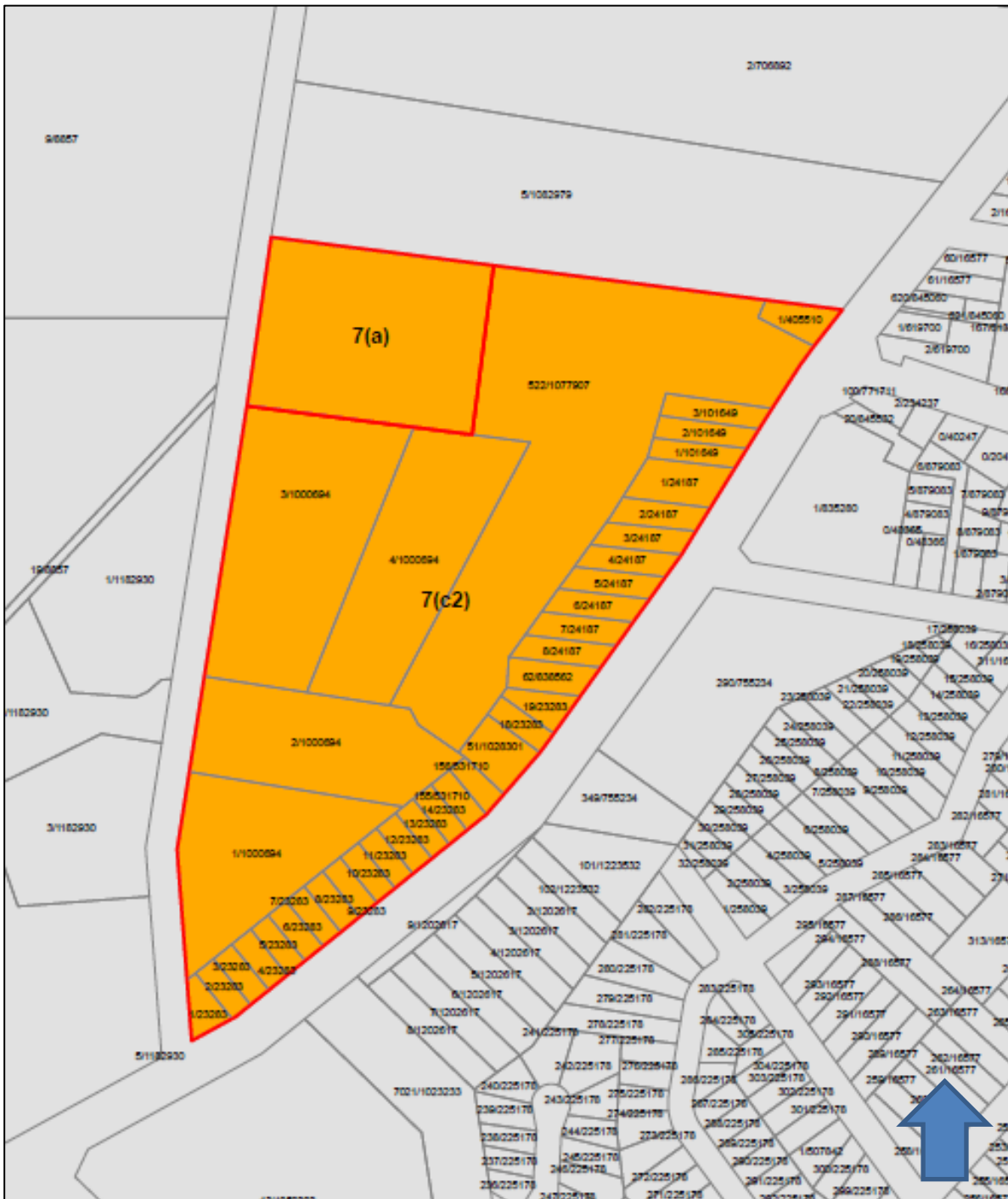
Map E – Topography (1 metre contours)



Map F – Coastal Zone



# Map G - Existing Zoning of Subject Land under IDO 122



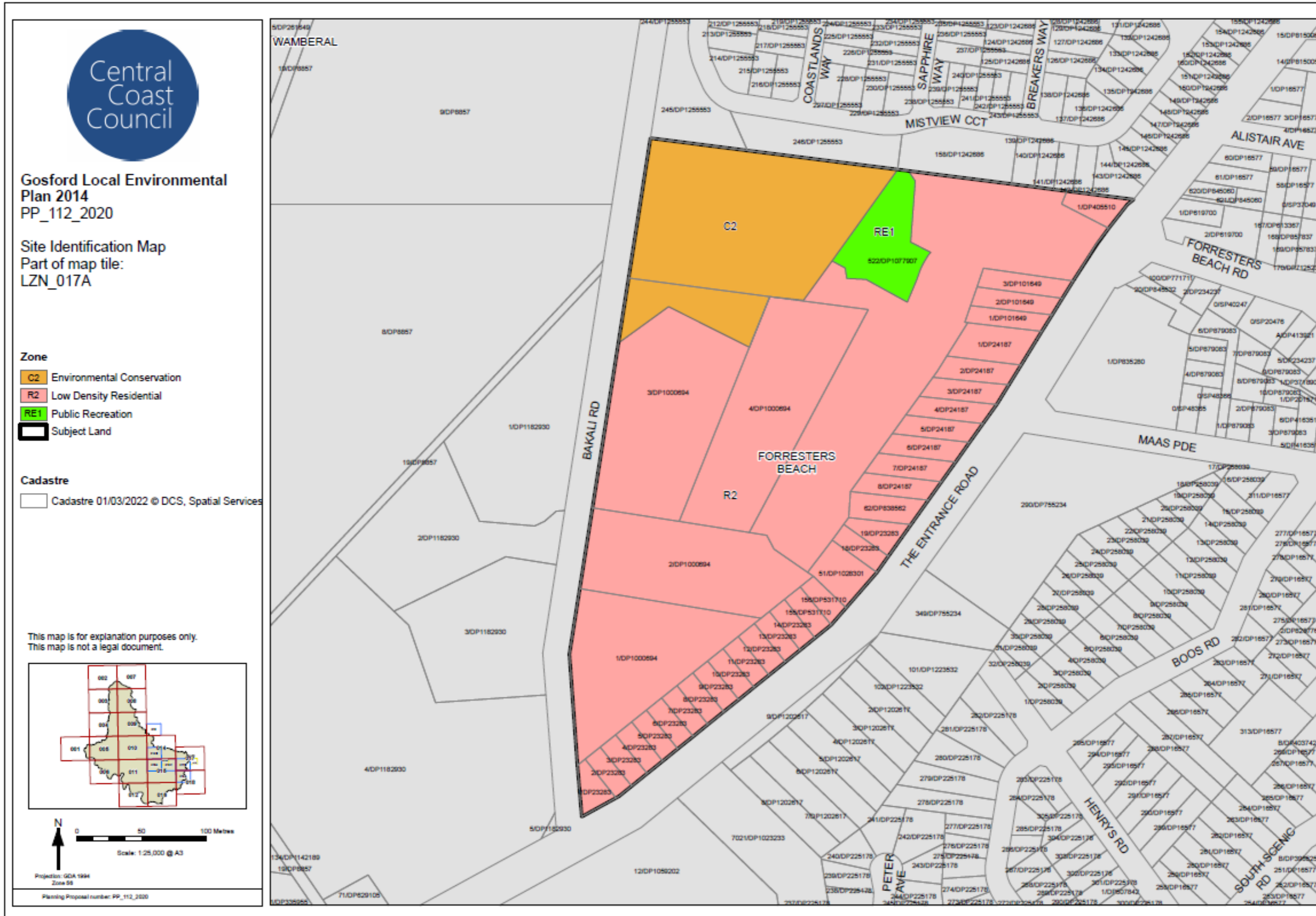
7(a) Conservation and Scenic Protection (Conservation)

7(c2) Conservation and Scenic Protection (Rural Small Holdings)

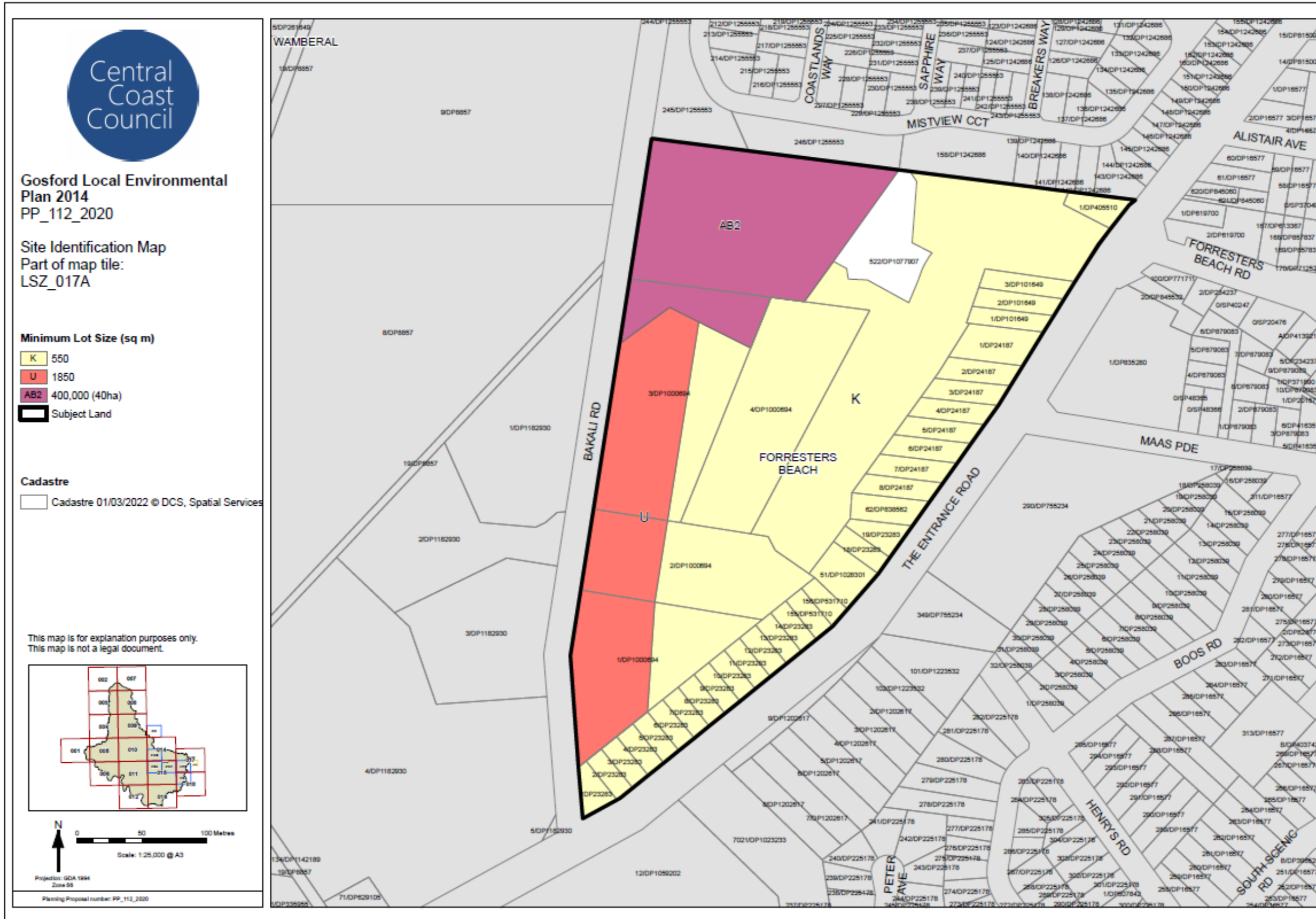
Map H - Zoning of Adjoining Land under Gosford LEP 2014



Map I – Proposed Land Use Zoning under GLEP 2014 and CCLEP

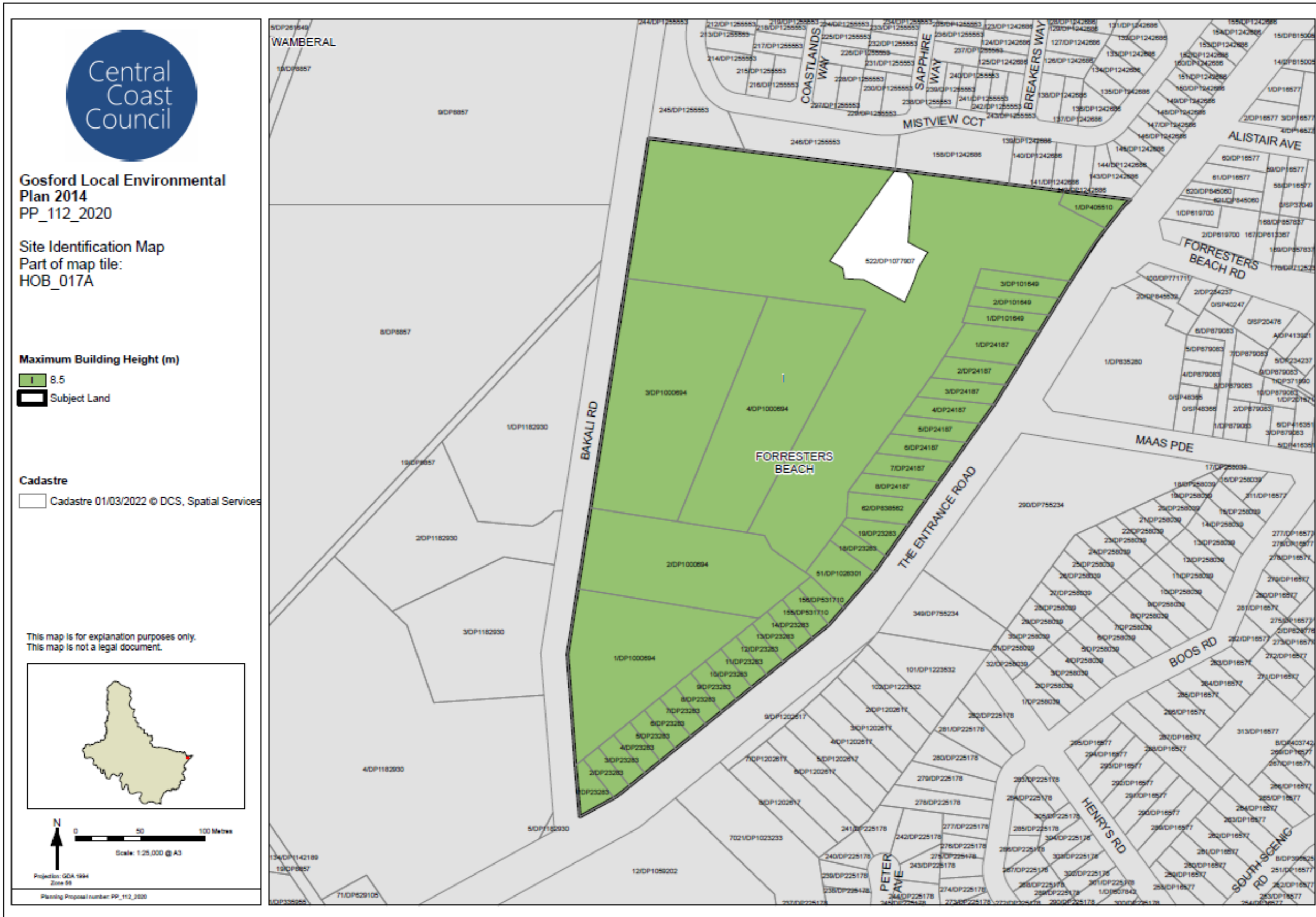


Map J – Proposed Minimum Lot Size under GLEP 2014 and CCLEP

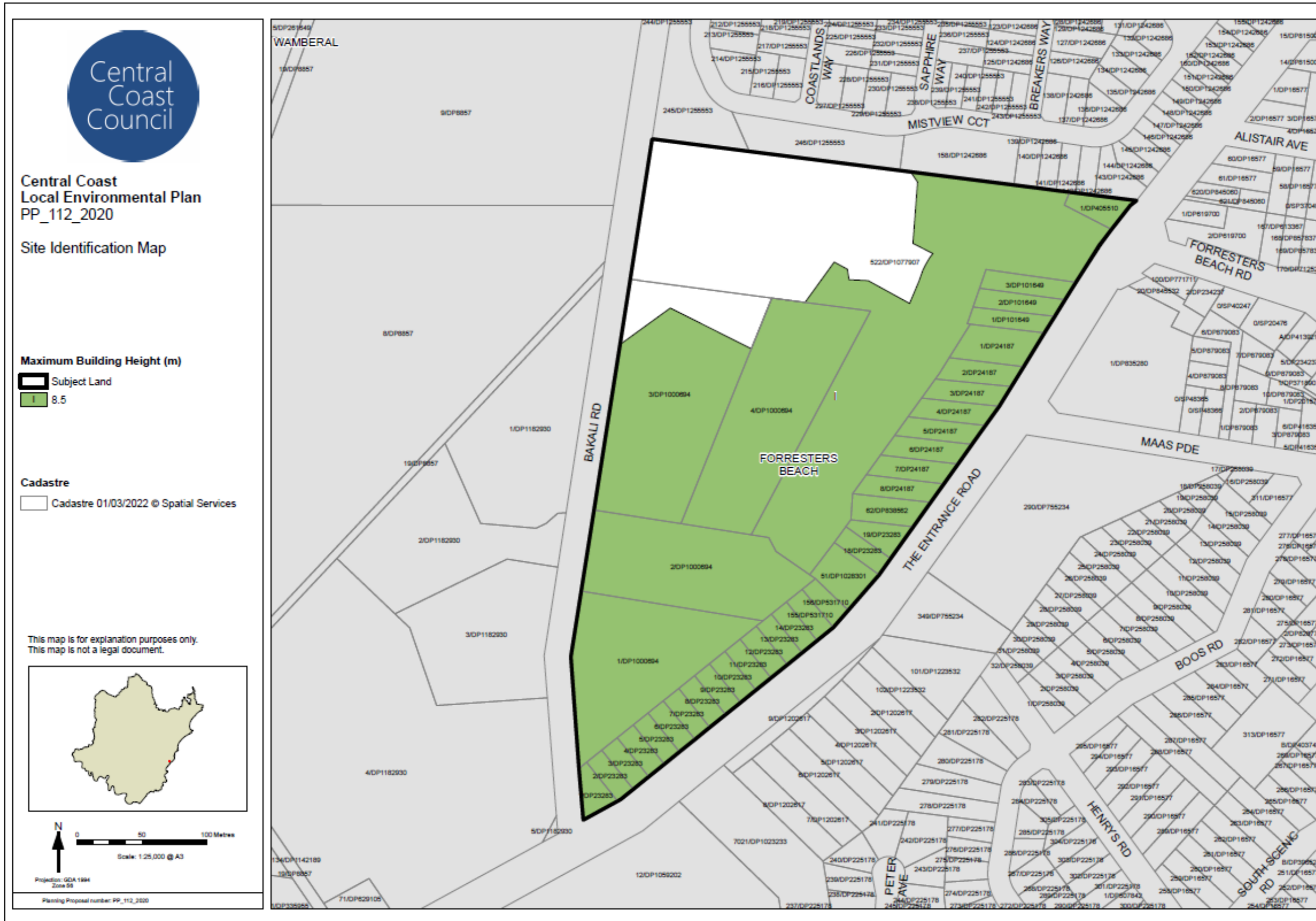




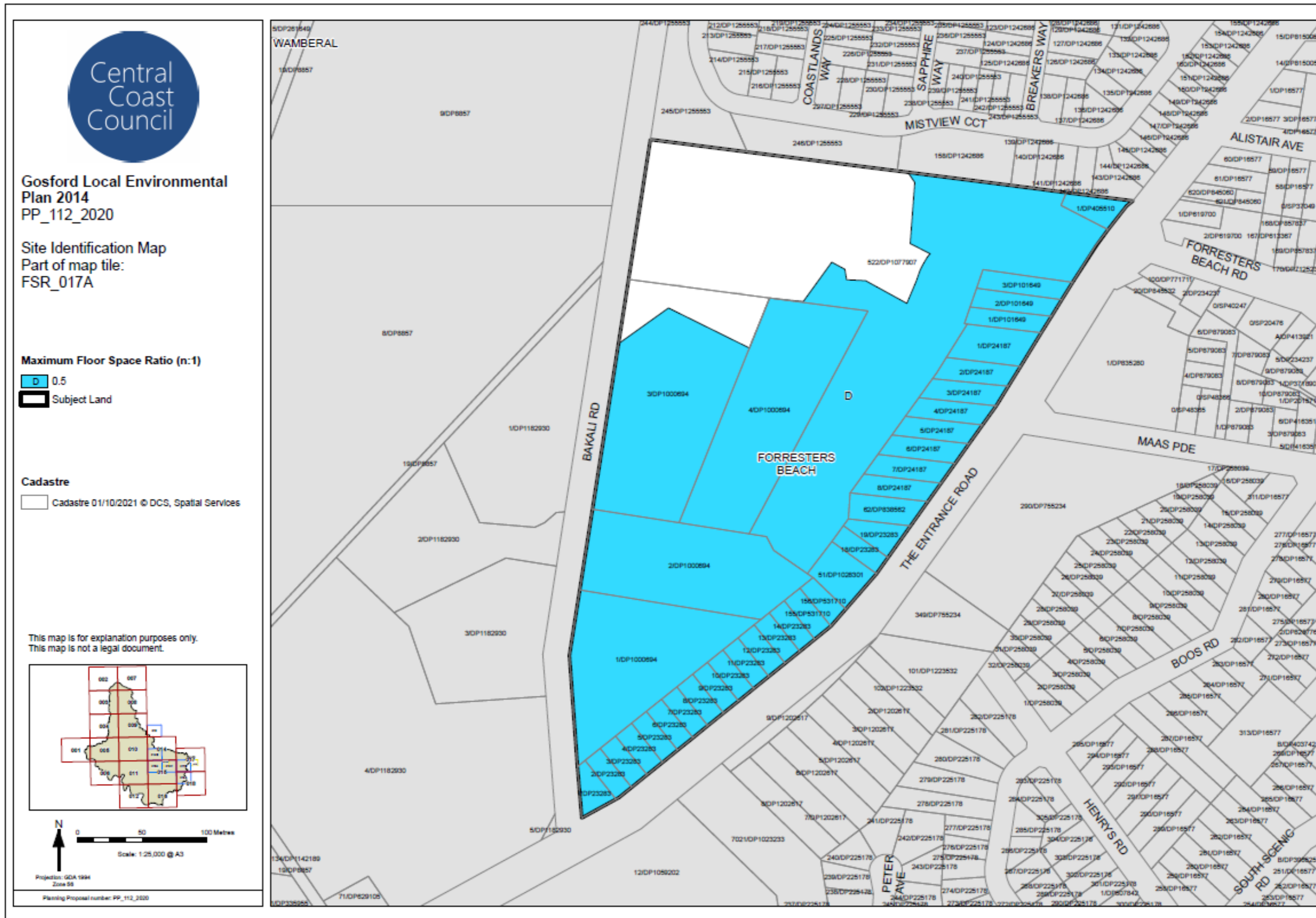
Map K – Proposed Height of Building under GLEP 2014



Map L – Proposed Height of Building under CCLEP



Map M – Proposed Floor Space Ratio under GLEP 2014



Map N – Proposed Acid Sulfate Soils under GLEP 2014

