



Central
Coast
Council

Central Coast Council

Planning Proposal
Lot 16 DP 255220
18 Macleay Avenue
Woy Woy

File No: RZ_107_2020

July 22



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Version 4 – Public Exhibition

Central Coast Council

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Background & Locality Context

The subject site is an “L” shaped lot with frontages to Macleay Avenue and Nambucca Drive, Woy Woy (Figure 1). It has an area of 5,273m² and is currently vacant.

The eastern part of the subject site is vegetated and accommodates a watercourse which drains northwards to Correa Bay. This watercourse is an extension to Council’s drainage reserve system to the south. The site contains Umina Coastal Sandplain Woodland, which is defined as an Endangered Ecological Community (EEC) under the *Biodiversity Conservation Act 2016*.

The western part of the site is generally flat with scattered vegetation and adjoins existing lots developed for medium density housing.



Figure 1 – Aerial Photograph

The land was zoned RE1 Public Recreation under Gosford Local Environmental Plan 2014 (GLEP 2014), even though the land is in private ownership (Figure 2). The RE1 zone has been carried over into the Central Coast Local Environmental Plan 2022 (CCLEP) when it came into effect on 1 August 2022. The Planning Proposal seeks to address this anomaly.

Part 1 Objectives or Intended Outcomes

As mentioned above, the subject land is zoned RE1 Public Recreation under the Central Coast Local Environmental Plan 2022 (CCLEP). This zone is inappropriate for land that is privately owned.

The Planning Proposal seeks to rezone the generally cleared western part of the site to R1 General Residential, consistent to that of adjoining land under the CCLEP (Figure 3). The owner proposes to develop the site for medium density housing with the purpose of providing affordable housing for the community.

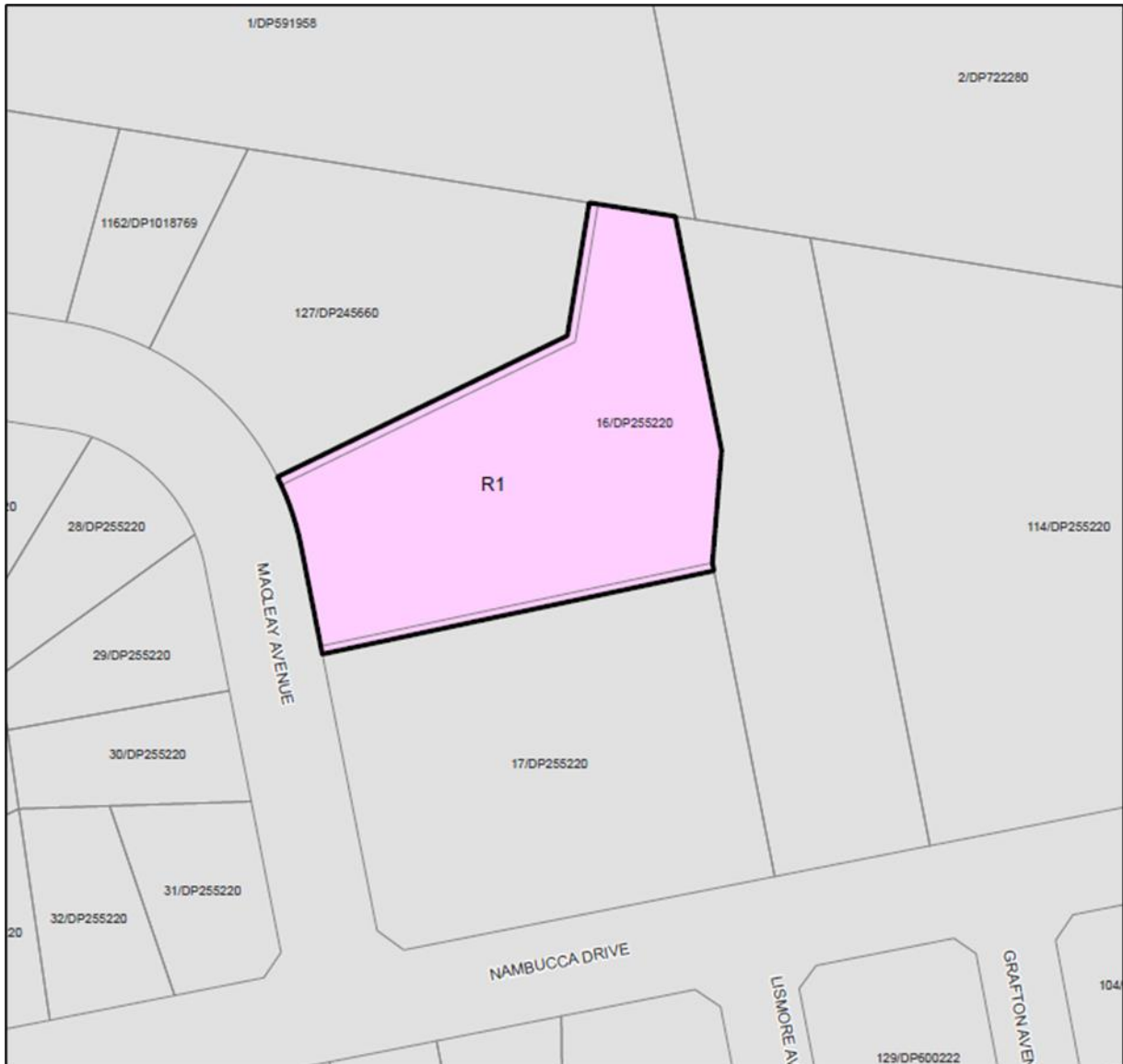


Figure 3 – Proposed R1 Zoning

The eastern part of the site accommodating the vegetated watercourse will remain zoned RE1 Public Recreation and be dedicated to Council. The landowner has agreed to dedicate to Council the land shown east of the R1/RE1 zone boundary in Figure 4.

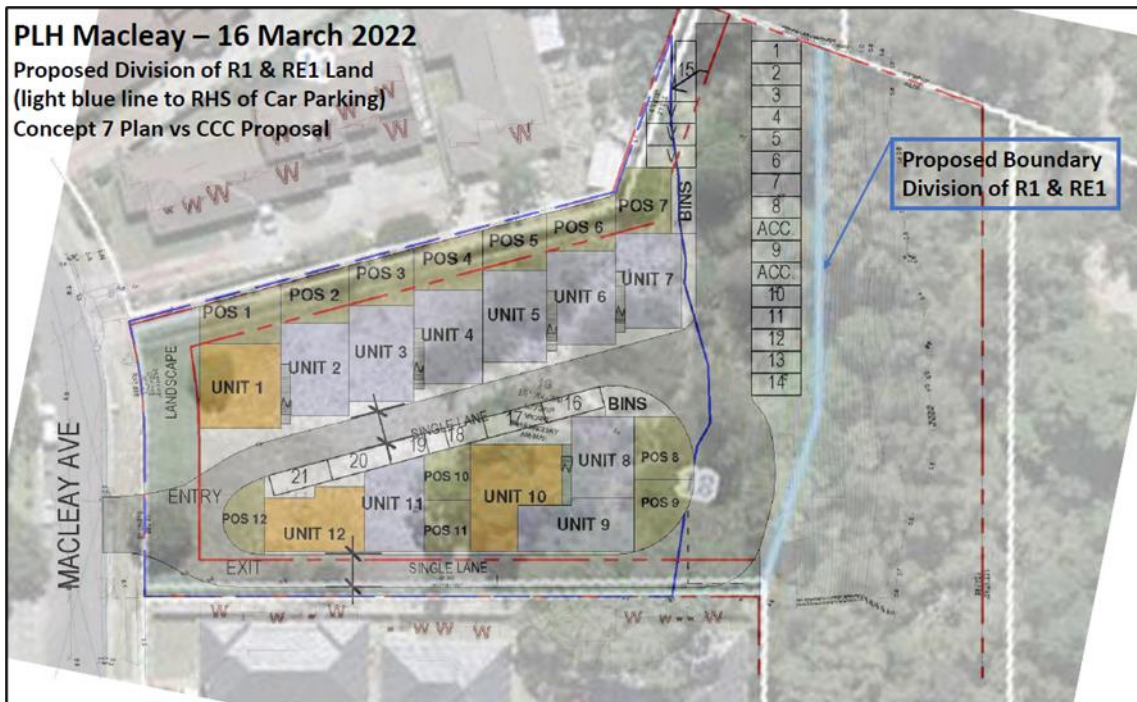


Figure 4 – Land to be dedicated to Council

This will enable the efficient management of the land consistent with that of the land in the adjoining public reserve further to the east (Figure 2) and as a continuation of the existing Council-owned drainage reserve system to the south (Figure 5).

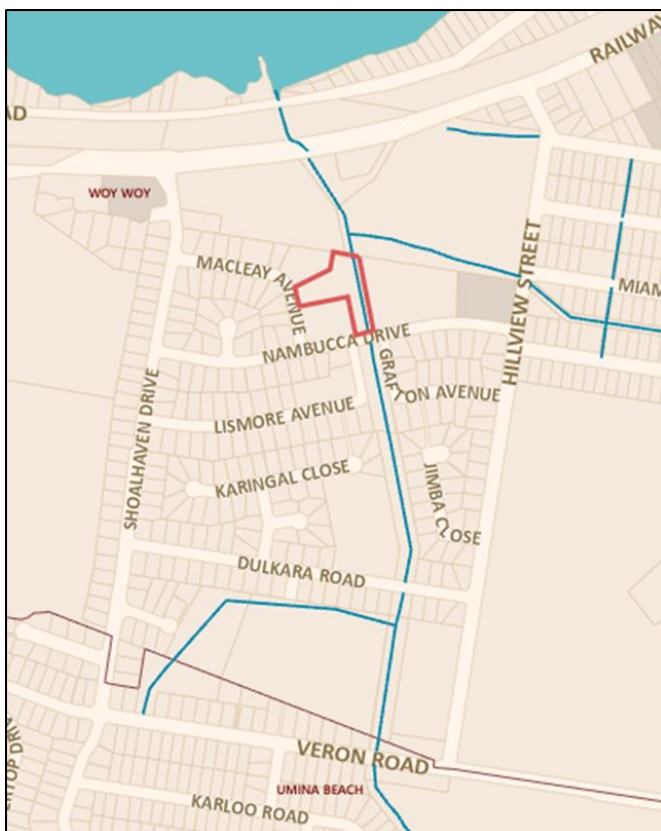


Figure 5 – Drainage Channels in the Locality

In order to transfer the drainage land into Council ownership a Planning Agreement is required and will set out the requirements to be undertaken to bring about the land transfer and ensure the vegetation is in a condition for Council to accept the future maintenance of the area.

Furthermore, the owner agrees to accept ownership of the two pedestrian pathways (1.37m wide) located adjacent to the northern and southern boundaries of the subject site shown in Figure 6. The pathways each accommodate a concrete footpath, however they do not provide formal connection to any public land or facilities. A more orderly use of the land would be to incorporate them into the developable area of the subject site.

Acquisition of these pathways is supported in accordance with Council’s procedures. Acquisition of the land will be addressed under the Planning Agreement accompanying the Planning Proposal. It should be noted that they will have to be zoned to R1 General Residential as well (Figure 3).

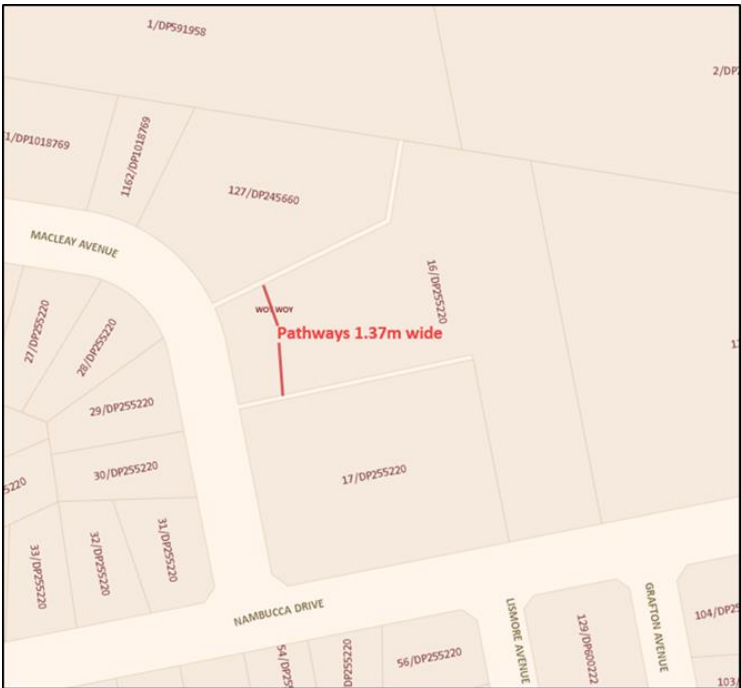


Figure 6 – Location of Pathways

Part 2 Explanation of Provisions

The objectives/intended outcomes are to be achieved by amending the CCLEP.

The subject lot is zoned RE1 Public Recreation which is not applicable to privately owned land. It is proposed to zone the generally cleared western part of the lot to R1 General Residential which is consistent with the zoning of the adjoining allotments.

Should the land be zoned R1 General Residential under the CCLEP, the other mapping layers applicable to the R1 zone, will require amendment to be consistent with the adjoining residential sites. These amendments include:

Map Layer	CCLEP	Proposal
Lot Size	550m ²	3,167m ²
Height of Building	8.5m	8.5m
Floor Space Ratio (FSR)	<p>0.5:1 (mapped in Area 1)</p> <p>Area 1 refers to clause 4.4A(4) which specifies that a FSR of 0.7:1 applies if:</p> <ul style="list-style-type: none"> - the building is to be used for the purpose of a residential flat building or multi-dwelling housing, and - all on-site car parking is located in the basement of the building, and - the site area is at least 1,000m². 	0.5:1 (as car parking is proposed to be on-ground)

Table 1 – Mapping Layer 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, the Planning Proposal does have strategic merit for the following reasons:

- The site is within an established residential area. That part of the land proposed to be zoned R1 General Residential adjoins other R1 zoned land which has been developed for medium density housing.
- The Proposal will enable the provision of affordable rental housing to meet the needs of people on very low to moderate incomes.
- The eastern part of the site is vegetated and accommodates a watercourse which forms a continuation of the local drainage system. There will be a public benefit in this land coming into public ownership

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 land to R1 General Residential.

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 2036 (CCRP) applies to the Central Coast local government area.

The CCRP is to provide the basis of planning by the local government and sets out a number of actions. The table below demonstrates that the Planning Proposal is generally consistent with relevant directions identified in the CCRP.

Central Coast Regional Plan		
Direction	Applicable	Assessment/Comment
1. Grow Gosford City Centre as the region's capital	N/A	Not Applicable. The site is not located within the region's capital.
2. Focus economic development in the Southern and Northern Growth Corridors	N/A	Not Applicable. The site is outside the two Growth corridors.
3. Support priority economic sectors	N/A	Not Applicable. The proposal is not for an employment use.
4. Strengthen inter- regional and intra- regional connections for business	N/A	Not Applicable. The proposal is not for an employment use.
5. Support new and expanded industrial activity	N/A	Not Applicable. The proposal is not for an employment use.
6. Strengthen the economic self- determination of Aboriginal communities	N/A	Not Applicable. The proposal is not on land owned by the Darkinjung Local Aboriginal Land Council.
7. Increase job containment in the region	N/A	Not Applicable. The proposal is not for an employment use.

8. Recognise the cultural landscape of the Central Coast	Yes	<p>Applicable and consistent.</p> <p>The applicant submitted an Aboriginal Cultural Heritage Assessment (ACHA) report which did not find any sites or potential sites. The report's recommendations pertain to the National Parks Wildlife Service (NPWS) Act's obligations regarding future development where persons work onsite, and who to notify if anything is found. The ACHA was referred to Aboriginal parties, and all agreed with the report and recommendations.</p> <p>The subject proposal does not detract from the cultural landscape of the Central Coast.</p>
9. Protect and enhance productive agricultural land	N/A	<p>Not Applicable.</p> <p>The subject site is not in an agricultural area.</p>
10. Secure the productivity and capacity of resource lands	N/A	<p>Not Applicable.</p> <p>The subject site is not in a resource area.</p>
11. Sustain and balance productive landscapes west of the M1	N/A	<p>Not Applicable.</p> <p>The site is not located west of the M1.</p>
12. Protect and manage environmental values	Yes	<p>Applicable and Consistent</p> <p>The submitted ecological report identifies that significant impacts on Umina Coastal Sandplain Woodland (UCSW) EEC can likely be avoided by the proposal. This can be achieved during detailed design of the proposal for development assessment. Impacts on UCSW may also be able to be further reduced by ensuring required APZs do not extend onto the portion of land (drainage reserve) proposed for dedication to Council. Any future Planning Agreement must ensure the drainage reserve is dedicated to Council with an appropriate fully funded Vegetation Management Plan, as approved by Council's Ecologist.</p>

13. Sustain water quality and security	N/A	<p>Not Applicable.</p> <p>The subject site is not located within a Drinking Water Catchment.</p>
14. Protect the coast and manage natural hazards and climate change	Yes	<p>Applicable and consistent.</p> <p>The proposal is not affected by <i>coastal hazards</i>.</p> <p>In respect of <i>flooding hazard</i>, the applicant lodged detailed information which sought to clarify Council's broad-based mapping designation of flood liability and flood fringe applying to the proposed residential land.</p> <p>The applicant's information was reviewed by Council's engineer who is satisfied that the proposed General Residential R1 zoned land is classed as flood fringe so development will comply with the <i>Ministerial Direction 4.3 – Flood Prone Land</i>.</p> <p>Regarding <i>bushfire hazards</i>, the area of the site to which the proposed rezoning to R1 General Residential applies, comprises category 1 'buffer' bushfire prone vegetation. The applicant's submitted Bushfire Assessment Report illustrates how compliance with the Australian standards and <i>Planning for Bushfire Protection</i> (RFS 2019) can be achieved for the proposal. The Rural Fire Service has requested a Strategic Bushfire Plan be prepared which is on exhibition.</p> <p>Future development of the site will be required to include relevant measures to ensure the security of land improvements, such as Asset Protection Zones (APZs), and this assessment will occur at the DA stage.</p>
15. Create a well-planned, compact settlement pattern	Yes	<p>Applicable and consistent.</p> <p>The proposal will deliver additional necessary affordable housing adjacent to existing medium density housing. It represents urban infill development.</p>
16. Grow investment opportunities in the region's centres	N/A	<p>Not Applicable.</p> <p>The subject proposal is not within a centre.</p>

17.	Align land use and infrastructure planning	Yes	Applicable and consistent. Various necessary residential services and infrastructure can be extended to the proposed development site.
18.	Create places that are inclusive, well-designed and offer attractive lifestyles	Yes	Applicable and consistent. The proposal will complement existing medium density housing located either side of the land proposed to be rezoned.
19.	Accelerate housing supply and improve housing choice	Yes	Applicable and consistent. The proposal will deliver additional necessary affordable housing.
20.	Grow housing choice in and around local centres	N/A	Not applicable. The subject land is not within or near a centre. However, it is within close proximity to public transport (buses) providing access to Woy Woy Town Centre.
21.	Provide housing choice to meet community needs	Yes	Applicable and consistent. The proposal will deliver additional housing choice by providing necessary affordable housing in the area.
22.	Deliver housing in new release areas that are best suited to building new communities	N/A	Not applicable. The proposal does not relate to a new urban release area. The proposal will provide infill medium density housing.
23.	Manage rural lifestyles	N/A	Not applicable. The proposal does not relate to rural living.

Table 2 - Central Coast Regional Plan Assessment

4. Is the planning proposal consistent a local Council's local Community Strategic Plan or other local strategic plan?

Central Coast Community Strategic Plan – One Central Coast

The Central Coast Community Strategic Plan 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:

Central Coast Community Strategic Plan	
Theme - Belonging	
Focus Area – Our community spirit is our strength	
Objectives	Assessment
<p>A4</p> <p>Enhance community safety within neighbourhoods, public spaces and places.</p>	<p>Applicable and consistent.</p> <p>The Planning Proposal will facilitate the development of land that has been vacant for some time.</p> <p>The development of this land, along with closure of the adjoining pathways will improve safety of the public and existing and future residents.</p>
Theme - Green	
Focus Area – Cherished and Protected Natural Beauty	
Strategies	Assessment
<p>F1</p> <p>Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species.</p>	<p>Applicable and consistent.</p> <p>The Planning Proposal includes the retention of the land supporting a watercourse and bushland and the dedication of this land to Council. The retention of this land in the RE1 zone and change to public ownership will ensure the environmental attributes of the land are preserved.</p>
Theme - Responsible	
Focus Area – Balanced and sustainable development	
Strategies	Assessment
<p>I2</p> <p>Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.</p>	<p>Applicable and consistent.</p> <p>The site is well located to existing public transport links with a bus stop within 165m of the site In Nambucca Drive. This service provides links north to Woy Woy Railway Station and Woy Woy Town Centre.</p>
<p>I3</p>	<p>Applicable and consistent.</p>

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 Planning Proposal is environmentally sound as it proposes to dedicate the land accommodating a watercourse and bushland to Council. This reflects the importance placed on this vegetated watercourse as a green corridor, a local habitat, and an essential requirement for stormwater management.
I4 Provide a range of housing options to meet the diverse and changing needs of the community and there is adequate affordable housing.	Applicable and consistent The Planning Proposal will provide opportunities for additional affordable medium density housing by a local community housing provider.

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. The LSPS is Council’s guide to how the Central Coast will respond to future population growth challenges in a manner that benefits our existing residents.

The following strategies and priorities outlined in the LSPS are applicable to this Planning Proposal and the proposal is consistent with these, or in the few cases where inconsistent, it is considered to be minor and justifiable.

Interim Local Strategic Planning Statement	
Strategies	Assessment/Comment
1 Revitalise our centres	The subject site is not within a centre, however it is relatively close to Woy Woy Town Centre and is served by public transport to the centre.
2 Renew urban form	The land immediately to the north and south of this site is currently developed for medium density residential development, leaving the cleared area of the subject site the last remaining land suitable for residential development in this locality and thus representing an urban infill site.
3 Define the urban edge	Not applicable to this Planning Proposal as it relates to an infill, vacant site within an established urban area.
4 Create a sustainable region	This is an infill, vacant and primarily cleared site within an established urban area, where the proposal is to alter a redundant urban zoning to a more suitable and necessary zoning, which will provide housing choice for the market.

Interim Local Strategic Planning Statement

Strategies	Assessment/Comment
Planning Priority & Action	Assessment/Comment
<p>Planning Priority 1 Align development to our infrastructure capacity structure capacity</p> <p><i>Action</i> <i>Develop a Central Coast Regional Infrastructure Plan that considers our infrastructure capacity, appropriate trigger points for infrastructure provision and prioritises opportunities for integrated infrastructure delivery across the Central Coast.</i></p>	<p>Applicable and Consistent.</p> <p>The Proposal will deliver infill housing within a developed urban area where all required services are available.</p>
<p>Planning Priority 7 Provide well designed housing with high standards of sustainability features.</p> <p><i>Action</i> <i>Develop Centre Structure and Precinct Plans, together with a comprehensive review of planning controls to ensure that housing density and built form is planned and designed to maximise amenity.</i></p>	<p>Applicable and Consistent.</p> <p>The housing development resulting from this Proposal will be developed in accordance with the standards required by current legislation and development controls.</p>
<p>Planning Priority 8 Provide for the housing needs of our growing region</p> <p><i>Actions</i> <i>-Prepare Housing Strategy for the Central Coast to provide a clear vision and strategic direction to accommodate the population growth envisaged for the region in a sustainable manner.</i></p>	<p>Applicable and Consistent.</p> <p><i>Housing Strategy</i></p> <p>The Housing Strategy has not yet been prepared.</p> <p><i>Draft Affordable and Alternative Housing Strategy</i></p> <p>The draft Central Coast Affordable and Alternative Housing Strategy seeks to provide effective policy solutions to address the growing need for affordable and alternative housing within the Central Coast LGA.</p> <p>It aims to build a vision for a 'fair and inclusive region, where everyone has access to affordable and sustainable housing'.</p>

Interim Local Strategic Planning Statement

Strategies	Assessment/Comment
<p>- Implement relevant actions from the draft Affordable and Alternative Housing Strategy to provide for the diverse housing needs of our community.</p>	<p>Strategy 9 is directly relevant to this proposal, wherein it states: "Council will investigate opportunities for rezoning developable land within 400 metres of the town centres and 800 metres of railway stations and transport nodes to R1 or R3 so as to facilitate the construction of multi-dwelling housing and Residential Flat Buildings".</p> <p>The proposal is consistent with this strategy, being located adjacent to existing R1 zoned land with public transport access to a local centre and Woy Woy Railway Station and the R1 zoning will allow for affordable medium density housing to meet market demand.</p>
<p><u>Planning Priority 24</u> Map, protect and cherish natural areas and ecosystems</p> <p><i>Actions</i> -Prepare and implement the Central Coast Biodiversity Strategy, including land use principles to protect and manage natural area and ecosystems of high biodiversity value. - Protect and expand the Coastal Open Space System (COSS) as part of the Biodiversity Strategy including consideration of funding mechanisms. - Develop and implement a zoning framework to inform the application of environmental land use zones for all environmental land (Environmental Lands Review).</p>	<p>Applicable and Consistent.</p> <p>The Planning Proposal will contribute to the protection of local ecosystems by the existing vegetated watercourse remaining zoned RE1 Public Recreation and being dedicated to Council.</p>
<p><u>Planning Priority 25</u> Manage floodplains, coastal areas and bushland to improve community resilience to natural hazards</p>	<p>Applicable and Consistent.</p> <p>Investigations have found that the land to be rezoned R1 constitutes an area of flood fringe. This is considered suitable for development subject to the existing watercourse remaining in its undeveloped state. The Rural Fire Service has requested a Strategic Bushfire Study</p>

Interim Local Strategic Planning Statement

Strategies	Assessment/Comment
<p><i>Actions</i></p> <ul style="list-style-type: none"> - Prepare / review the Coastal Management Programs, Flood Studies, Flood Risk Management Plans and Bushfire Prone Lands Mapping for the Central Coast. - Prepare the Tuggerah Lakes Coastal Management Program to manage flooding and water quality. 	<p>to be prepared and this forms part of the exhibition documentation.</p>
<p><u>Planning Priority 29</u> Preserve environmental, scenic, heritage and cultural landscapes.</p> <p><i>Action</i> Determine areas within the rural landscape which require preservation because of environmental, scenic, heritage and cultural values, as part of the Rural Lands Study and Strategy.</p>	<p>Applicable and Consistent.</p> <p>The site proposed to be rezoned R1 is generally cleared of vegetation and does not contain heritage or cultural values. The eastern part of the lot accommodating a vegetated watercourse is proposed to be dedicated to Council, thus ensuring the conservation of this area.</p>
<p><u>Planning Priority 35</u> Integrate land use and infrastructure</p> <p><i>Action</i> Review Servicing and Infrastructure Capacity to identify potential infrastructure gaps within the planned growth areas of the Central Coast and ensure that we have the required infrastructure to meet current and future demand</p>	<p>Applicable and Consistent.</p> <p>The Planning Proposal aligns with the Planning Priority as the proposal will deliver infill housing within a developed urban area where all required services are available.</p>

Table 4 – Interim Local Strategic Planning Statement Assessment

Central Coast Affordable and Alternative Housing Strategy

The Central Coast Affordable and Alternative Housing Strategy (2020) seeks to provide effective policy solutions to address the growing need for affordable and alternative housing within the Central Coast LGA. It aims to build a vision for a 'fair and inclusive region, where everyone has access to affordable and sustainable housing'.

The Strategy relevant to this Planning Proposal is Strategy 9 which states:

Strategy 9

Council will investigate opportunities for rezoning developable land within 400 metres of the town centres and 800 metres of railway stations and transport nodes to R1 or R3 so as to facilitate the construction of multi-dwelling housing and Residential Flat Buildings. It is noted that any such rezoning is subject to a detailed assessment process.

The Strategy promotes the rezoning of land to R1 General Residential if it is within proximity to centres and transport nodes. The subject site does not strictly meet the criteria as it is located approximately 2.8km from Woy Woy Town Centre and Woy Woy Railway Station. However the Proposal seeks adoption of a R1 zone to allow medium density housing in an area already zoned R1 and on a site within 400m of a bus stop that services the Woy Woy Town Centre. The site is therefore considered to be an opportune location for a rezoning in line with the adopted strategy.

Biodiversity Strategy

The Biodiversity Strategy (2020) 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:

Biodiversity Strategy	
Theme 4 Protecting biodiversity through land use planning and information management	
Goals and Actions	Assessment
<p>Goal 4.1 High biodiversity value areas are appropriately identified, protected and restored as part of future land use planning investigation</p> <p>Action 4.1.5 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 eastern 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 on the eastern part of the site by bringing it into public ownership subject to it being restored in accordance with an approved Vegetation Management Plan.</p>

Table 5- Biodiversity Strategy

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
SEPP (Biodiversity and Conservation) 2021	
Chapter 2 Vegetation in Non-rural Areas	
<p>The aims are:</p> <p>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p>	<p>Applicable and Consistent.</p> <p>The SEPP chapter applies to this Planning Proposal as it proposes to zone land to R1 General Residential.</p> <p>The rezoning of land and subsequent development of the site for residential development will result in the clearing of approximately 1,900 sqm of Umina Coastal Sandplain Woodland. Council's Ecologist considers this will not adversely impact on the wider distribution of this vegetation community.</p>
Chapter 4 Koala Habitat Protection 2021	
<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>Applicable and Consistent.</p> <p>The development control section of the SEPP chapter applies where the site is a minimum of 1 hectare in area, hence does not apply to the subject site.</p> <p>The site is isolated from areas of historically reported koala habitat.</p>
Chapter 6 Bushland in Urban Areas	
<p>The general aim of this Chapter is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:</p> <p>(a) its value to the community as part of the natural heritage,</p> <p>b) its aesthetic value, and</p> <p>(c) its value as a recreational, educational and scientific resource.</p> <p>The specific aims of this policy are:</p>	<p>Applicable and Consistent.</p> <p>This chapter of the SEPP applies to the former Gosford City Council area. There is a vegetation community on the subject land that is identified as an Ecologically Endangered Community (EEC). The rezoning of land and subsequent development of the site for residential development will result in the clearing of approximately 1,900 sqm of Umina Coastal Sandplain Woodland. Council's Ecologist considers this will not adversely impact on the wider distribution of this vegetation community.</p>

State Environmental Planning Policy	Comment
<p>(a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,</p> <p>(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,</p> <p>(c) to protect rare and endangered flora and fauna species,</p> <p>(d) to protect habitats for native flora and fauna,</p> <p>(e) to protect wildlife corridors and vegetation links with other nearby bushland,</p> <p>(f) to protect bushland as a natural stabiliser of the soil surface,</p> <p>(g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,</p> <p>(h) to protect significant geological features,</p> <p>(i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,</p> <p>(j) to protect archaeological relics,</p> <p>(k) to protect the recreational potential of bushland,</p> <p>(l) to protect the educational potential of bushland,</p> <p>(m) to maintain bushland in locations which are readily accessible to the community, and</p> <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>Further assessment of this will be required as part of the development application process.</p>
SEPP (Resilience and Hazards) 2021	
Chapter 2 Coastal Management	
<p>The aim of this Chapter is to promote an integrated and co-ordinated approach to land</p>	<p>Applicable and consistent</p>

State Environmental Planning Policy	Comment
<p>use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 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 Coastal Management Act 2016.</p>	<p>The SEPP chapter applies to the LGA and the following coastal areas are mapped on the subject site.</p> <p>Coastal land use is mapped under the SEPP as affecting about 160 square metres of proposed R1 zoning (northern part). The SEPP requires development assessment considerations at DA stage regarding matters such as access and overshadowing to foreshores (not applicable), visual amenity and scenic qualities of coastal headlands (not applicable), and Aboriginal cultural heritage, with the aim being to avoid or minimise impacts.</p> <p>The applicant submitted an Aboriginal Cultural Heritage Assessment (ACHA) report which did not find any sites or potential sites. The report's recommendations pertain to the National Parks Wildlife Service (NPWS) Act's obligations regarding future development where persons work onsite, and who to notify if anything is found. The ACHA was referred to Aboriginal parties, and all agreed with the report and recommendations. The subject proposal does not detract from the cultural landscape of the Central Coast.</p> <p>The whole site is mapped under the SEPP as Coastal environmental area which requires development assessment considerations at DA stage regarding matters such as ecological, coastal processes (not applicable), foreshore access (not applicable) and Aboriginal heritage (satisfactory, see above), with the aim being to avoid or minimise impacts.</p> <p>The ecological report submitted with the Proposal identifies that significant impacts on Umina Coastal Sandplain Woodland (UCSW) EEC can be avoided by the proposal.</p>
Chapter 4 Remediation of Land	
<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>Applicable and Consistent.</p> <p>A Phase 1 Contaminated Site Investigation report identified potential minor sources of contamination and provided recommendations</p>

State Environmental Planning Policy	Comment
<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>to be undertaken for the remediation of the site. These remediations works include the removal of garbage waste found on site. The report concluded that the site is compatible with the proposed sensitive residential land use.</p> <p>These matters will be addressed at the DA stage.</p>
SEPP (Transport and Infrastructure) 2021	
Chapter 2 Infrastructure	
<p>Aims:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</p> <p>(b) providing greater flexibility in the location of infrastructure and service facilities, and</p> <p>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</p> <p>(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</p> <p>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</p> <p>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</p>	<p>Applicable and Consistent.</p> <p>The land proposed to be rezoned to R1 General Residential can be provided with water and sewer services, the local road network has capacity for potential development and electricity is available.</p>

State Environmental Planning Policy	Comment
SEPP (Resources and Energy) 2021	
Chapter 2 Mining, Petroleum and Extractive Industries	
<p>Aims:</p> <ul style="list-style-type: none"> (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 (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and (b1) to promote the development of significant mineral resources, and (c) 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 (d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development: <ul style="list-style-type: none"> (i) to recognise the importance of agricultural resources, and (ii) to ensure protection of strategic agricultural land and water resources, and (iii) to ensure a balanced use of land by potentially competing industries, and (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries. 	<p>Applicable and Consistent.</p> <p>The SEPP chapter permits and prohibits mining and extractive industries in certain circumstances, regardless of the LEP and zoning of the land.</p> <p>Whilst the proposed R1 zoning has more permissible uses than the current RE1 zoning, none relate to mining or extractive industries.</p>
SEPP (Housing) 2021	
<p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> (a) enabling the development of diverse housing types, including purpose-built rental housing, (b) encouraging the development of housing that will meet the needs of more vulnerable 	<p>Applicable and Consistent.</p> <p>The Planning Proposal has been submitted by Pacific Link Housing which is a Community Housing Provider.</p> <p>This Proposal will improve access to affordable housing for low-income households in the</p>

State Environmental Planning Policy	Comment
<p>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>locality. 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 Directions as summarised below. The full assessment of these Directions is contained below.

Ministerial Section 9.1 Directions	
Direction	Comment
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	
<p>Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>Applies when the relevant planning authority</p>	<p>Applicable and consistent.</p> <p>The proposal is consistent with the relevant actions of Central Coast Regional Plan 2036.</p> <p>The proposed R1 zone is located so as to protect</p>

Ministerial Section 9.1 Directions	
Direction	Comment
prepares a planning proposal.	<p>the natural environment by retaining the UCSW vegetation community along the watercourse and accounting for such hazards as flooding and bushfire.</p> <p>The R1 zoning provides for a variety of housing including medium density affordable housing development as proposed.</p>
1.2 Development of Aboriginal Land Council Land	
<p>Aims to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.</p> <p>Applies when the relevant planning authority prepares a planning proposal for land shown on the Land Application Map of chapter 3 of the SEPP (Planning Systems) 2021.</p>	<p>Not applicable.</p> <p>The land is not owned by an Aboriginal land council and it is not affected by chapter 3 of the SEPP.</p>
1.3 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable and consistent.</p> <p>The Planning Proposal does not include provisions that require concurrence, consultation or referral of development applications.</p>
1.4 Site Specific Provisions	
<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>Not Applicable.</p> <p>No specific land use or development is proposed.</p>
Focus Area 1: Planning Systems – Place-Based	
<p>Not Applicable.</p> <p>The Directions in this Focus Area do not apply to the Central Coast Local Government Area.</p>	
Focus Area 2: Design and Place	
<p>Not Applicable</p> <p>The Directions in this Focus Area are not in effect.</p>	

Ministerial Section 9.1 Directions	
Direction	Comment
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable and Consistent</p> <p>The land is not within, or proposed to be within, an Environmental zone, however the lot is environmentally sensitive as it contains an EEC. The rezoning of land and subsequent development of the site for residential development will result in the clearing of approximately 1,900 sqm of Umina Coastal Sandplain Woodland. Council's Ecologist considers this will not adversely impact on the wider distribution of this vegetation community.</p>
3.2 Heritage Conservation	
<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>Applicable and consistent.</p> <p>The applicant submitted an Aboriginal Cultural Heritage Assessment (ACHA) report which did not find any sites or potential sites. The report's recommendations pertain to the National Parks Wildlife Service (NPWS) Act's obligations regarding future development where persons work onsite, and who to notify if anything is found. The ACHA was referred to Aboriginal parties, and all agreed with the report and recommendations.</p> <p>The subject proposal does not detract from the cultural landscape of the Central Coast.</p> <p>The land does not comprise any non-indigenous heritage items.</p>
3.3 Sydney Drinking Water Catchments	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area.</p>

Ministerial Section 9.1 Directions	
Direction	Comment
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	
Aims to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area.
3.5 Recreation Vehicle Areas	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable and consistent. The proposal does not seek to provide recreational vehicle areas.
Focus Area 4: Resilience and Hazards	
4.1 Flooding	
Aims to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP applying to flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land.	Applicable and consistent. The flood study indicates that the land along the creekline (proposed to remain RE1) is floodway and the remainder of the site (proposed to be zoned R1) is flood fringe. Council's flood engineers stipulate that the site is only developable within the area defined by Flood Fringe. The heavily treed area should therefore be left in its current condition, as it is upon this that the flood analysis is based. The Direction states that a Planning Proposal must not rezone land within the flood planning area from, amongst other things, Recreation to Residential. The Planning Proposal is consistent with this because that part of the site being rezoned R1 is not within the flood planning area. All development is to comply with Council's LEP and also DCP requirements particularly with regards to Water Cycle Managements so as not to increase run-off from the site from pre-development conditions.
4.2 Coastal Management	
Aims to protect and manage coastal areas of	Applicable and Consistent.

Ministerial Section 9.1 Directions	
Direction	Comment
<p>NSW.</p> <p>Applies when a planning proposal applies to land in the Coastal Zone as defined under the Coastal Management Act 2016 and as identified by chapter 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p>	<p>The aim of chapter 3 of the SEPP (Biodiversity and Conservation) 2021 is to promote an integrated and coordinated approach to land use planning in the coastal zone.</p> <p>The SEPP requires certain issues to be considered in development assessment which will ensure the aims of this Direction and SEPP are met at DA stage.</p> <p>In summary, about 160 square metres of proposed R1 zoning (northern part) is mapped as <i>Coastal land use</i> under the SEPP chapter, and development assessment issues are; foreshore access and overshadowing to foreshores, visual amenity and scenic qualities of coastal headlands, none of which apply to this site as it is distant from the actual coastline. Aboriginal cultural heritage issues also apply (discussed separately), but present no issues, as advised within the Aboriginal Heritage Cultural Assessment (AHCA). The whole site is mapped under the SEPP as <i>Coastal environmental area</i>, which requires development assessment regarding ecological matters. The ecological report submitted with the Proposal identifies that significant impacts on Umina Coastal Sandplain Woodland (UCSW) EEC can be avoided by the proposal. Other considerations are coastal processes and foreshore access, neither of which apply to the site, being remote from the coastline.</p> <p>In summary, when addressing and satisfying the SEPP in the development assessment process, the aims of the Direction will also be satisfied and the Planning Proposal as recommended will be consistent with the Direction.</p>
4.3 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p>	<p>Applicable and consistent</p> <p>According to the Rural Fire Service Bushfire Prone Land maps, the subject lot accommodates Vegetation Categories 1 and 2 along the</p>

Ministerial Section 9.1 Directions	
Direction	Comment
Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	<p>creekline and Vegetation Buffer on the remainder of the site.</p> <p>Consequently, in the preparation of this Planning Proposal request, Council consulted with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination.</p> <p>The RFS required a Strategic Bushfire Study to be prepared. This has been done, referred to the RFS and forms part of the exhibition material.</p>
4.4 Remediation of Contaminated Land	
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>Applicable and consistent.</p> <p>The Direction applies to land on which development for a purpose referred to in Table 1 to the <i>contaminated land planning guidelines</i> is being, or is known to have been, carried out, which includes land previously used for extractive industries and horticulture / agriculture.</p> <p>Aerial photos show rural nature of the area in the 1950s, followed by residential commencing from the 1970s. The Applicant's planning report provides a <i>Preliminary Site Investigation for Contamination</i>. The investigation indicates that all contaminants of concern were below screening levels and no asbestos was detected.</p> <p>The site is compatible with the proposed sensitive (residential land uses), subject to the standard development assessment actions.</p>
4.5 Acid Sulfate Soils	
<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 planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable and consistent.</p> <p>According to Council's Acid Sulfate Soil Mapping the northern 20m of the site is Class 3 and the remainder of the site is Class 4.</p> <p>Any future DAs will need to comply with the provisions relating to Acid Sulfate Soils in the CCLEP.</p>
4.6 Mine Subsidence and Unstable Land	

Ministerial Section 9.1 Directions	
Direction	Comment
<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>Applicable and Consistent</p> <p>According to Council's Landslip Mapping the subject land is identified as Medium.</p> <p>Adjoining land has been developed for medium density housing so this issue would need to be addressed in any future DA.</p>
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	
<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 dependence 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>Applicable and consistent.</p> <p>Approximately 3,167 sqm of the site is proposed to be zoned R1, hence the direction is applicable.</p> <p>There is a strategic basis to support the Planning Proposal as it is located adjacent to existing social housing and will complete the last potentially suitable site in the area for affordable housing.</p> <p>The site is well serviced by a regular bus service. A bus stop is located in Nambucca Drive which is approximately 165m walking distance from the Macleay Street frontage. The site is approximately 2.8km from the Woy Woy railway station.</p>
5.2 Reserving Land for Public Purposes	
<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>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable and Consistent</p> <p>The Planning Proposal proposes to rezone land from RE1 Public Recreation to R1 General Residential. Even though the land is zoned RE1, it is in private ownership and not reserved for a public purpose through the LEP Land Reservation Acquisition (LRA) mapping.</p> <p>As part of the Planning Proposal it is proposed that the remaining RE1 zoned land required</p>

Ministerial Section 9.1 Directions	
Direction	Comment
	for drainage purposes will be dedicated to Council.
5.3 Development Near Regulated Airports and Defence Airfields	
<p>Aims to ensure the effective and safe operation of regulated airports and defence airfields; to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land near a regulated airport which includes a defence airfield.</p>	<p>Not Applicable.</p> <p>The subject land is not located near a regulated airport which includes a defence airfield.</p>
5.4 Shooting Ranges	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>Not Applicable.</p> <p>The land does not lie adjacent or near to a shooting range.</p>
Focus Area 6: Housing	
6.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure</p>	<p>Applicable and consistent.</p> <p>The proposal satisfies the Direction as it will add to the variety of local housing by providing affordable medium density housing, which will</p>

Ministerial Section 9.1 Directions	
Direction	Comment
<p>that new housing has appropriate access to infrastructure and services and to minimise the impact of residential development on the environment and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>meet current needs in the market.</p> <p>The Planning Proposal will result in residential unit / townhouse development incorporating approximately 21 units.</p> <p>The proposed affordable housing development responds to site constraints and opportunities, as well as the surrounding land use context. The proposal will broaden the range of housing choices in the area within a site that has access to employment, new community facilities, open space and local convenience retailing.</p>
6.2 Caravan Parks and Manufactured Home Estates	
<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>Applicable and consistent.</p> <p>Caravan Parks are permissible under the current RE1 zoning and not permissible under the R1 zoning. The proposal is consistent with this Direction as caravan parks will remain a permissible use within that part of the land retained in the RE1 zone.</p> <p>The proposal is considered to have significant merit for support as it will result in the provision of important and necessary affordable housing required in the locality.</p>
Focus Area 7: Industry and Employment	
7.1 Business and Industrial Zones	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified centres.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>Not Applicable.</p> <p>The Direction applies only to land zoned or proposed to be zoned to a business or industrial zone, so has no effect on the proposed rezoning of part of the RE1 Public Recreation zone to R1 General Residential.</p>
7.2 Reduction in Non-hosted Short-term Rental Accommodation Period	
<p>Applies when a Council prepares a planning proposal to identify or reduce the number of days that non- hosted short term rental accommodation may be carried out in parts</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area.</p>

Ministerial Section 9.1 Directions	
Direction	Comment
<p>of its local government area.</p> <p>Applies to Byron Bay Shire Council.</p>	
7.3 Commercial and Retail Development Along the Pacific Highway, North Coast	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area.</p>
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<p>Applicable and consistent.</p> <p>Whilst the proposed R1 zoning has more permissible uses than the current RE1 zoning, none relate to mining or extractive industries.</p> <p>The site is surrounded by land zoned and developed for housing, hence there should be no actual effect on mining / extractive industries potential than exist at present.</p>
Focus Area 9: Primary Production	
9.1 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>Not Applicable.</p> <p>The Direction applies to land zoned or proposed to be zoned to a rural zone, so has no effect on the proposed rezoning of part of the RE1 Public Recreation zone to R1 General Residential.</p>
9.2 Rural Lands	
<p>Objectives are to;</p> <ul style="list-style-type: none"> - protect the agricultural production value 	<p>Not Applicable.</p> <p>The Direction applies to land zoned or proposed</p>

Ministerial Section 9.1 Directions	
Direction	Comment
<p>of rural land;</p> <ul style="list-style-type: none"> - facilitate the orderly and economic development of rural lands for rural and related purposes; - assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State; - minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses; - encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land; <p>support the delivery of the actions outlined in the New South Wales Right to Farm Policy.</p>	<p>to be zoned to a rural or environmental protection zone, so has no effect on the proposed rezoning of part of the RE1 Public Recreation zone to R1 General Residential.</p>
9.3 Oyster Aquaculture	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	<p>Applicable and Consistent.</p> <p>The site is approximately 230m from Brisbane Water where 'Priority Oyster Aquaculture Areas' (POAA) exist. All runoff from the proposed additional dwellings on site will be required to be treated in accordance with Council's requirements in the Central Coast Development Control Plan 2022.</p>
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>Aims to: ensure that the best agricultural land will be available for current and future</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central</p>

Ministerial Section 9.1 Directions	
Direction	Comment
<p>generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	Coast Local Government Area.

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?

Significant impacts on Umina Coastal Sandplain Woodland (UCSW) EEC will be avoided by the proposal as it proposes to dedicate the vegetated eastern part of the lot to Council under a Planning Agreement. The Planning Agreement will ensure the drainage reserve is dedicated to Council with an appropriate fully funded Vegetation Management Plan.

The proposal is unlikely to significantly place the local occurrence of the EEC at risk of extinction given that the area (0.19Ha) proposed for removal/modification is located on the outer edge of the patch and is currently substantially modified. Impacts on UCSW would also be further reduced by ensuring the required Asset Protection Zones (APZs) do not extend onto the portion of land (drainage reserve) proposed for dedication to Council.

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

Floodplain Management

The full extent of the site is flood prone. It is noted that the vegetated segment along the watercourse, is broadly identified as Floodway, and hence not developable (Figure 7). The heavily treed area should therefore be left in its current condition, as it is upon this that the flood analysis is based.

The developable limit is that within the Flood Fringe area only. Based on the available data, the site is only developable within the area defined by Flood Fringe. The area shown as Floodway generally correlates with the area proposed to be dedicated to Council.

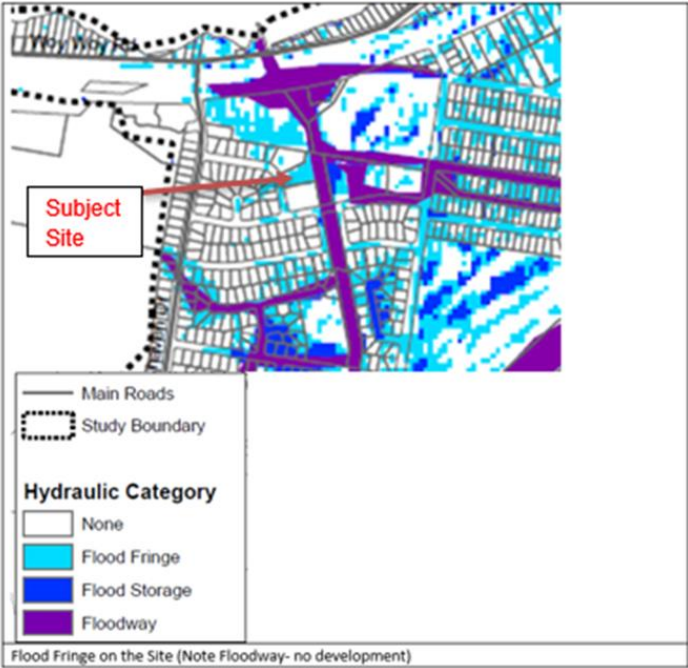


Figure 7 – Flood Categories applying to the Land

The applicant provided a more detailed survey plan of the subject site to more accurately identify the Floodway (Figure 8). The plan indicates that in the location of the proposed carparking area (Figure 4), the existing natural ground level is between 2.4m – 2.9m which exceeds the 1% AEP of 1.82mAHD and further achieves the Flood Planning Level/500mm freeboard of 2.32mAHD that Council would typically require should the site be developed. Therefore the eastern edge of the proposed R1 zone is outside of the floodway and the proposed zoning is consistent with the contours on site.

Council's Floodplain Management Section agreed, that based on the submitted details, flooding up to the 1% is not an issue of concern for the site of the proposed parking area along the eastern edge of the proposed R1 zone.

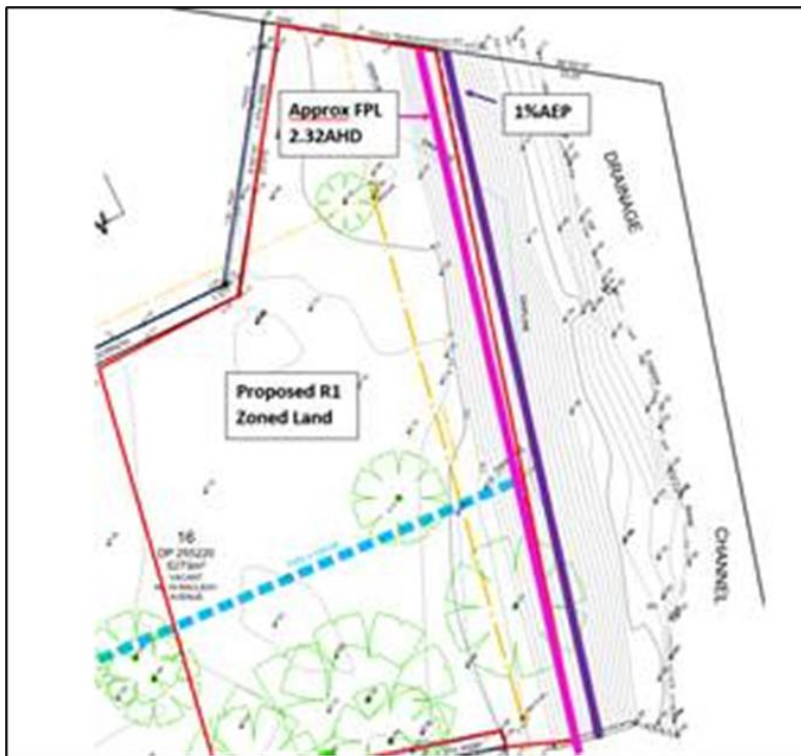


Figure 8 – Detailed Flood Extents

Environment and Health

The site is suitable for the proposed residential use from a contamination perspective.

The Environmental Health Team supports the planning proposal and no additional information is required at this stage. An Acid Sulfate Soil Management Plan will be required at the DA stage to ensure no degradation of the watercourse which traverses the site and flows into Brisbane Water.

Environmental Management

The land is not identified for acquisition under the Coastal Open Space System (COSS) or other program for acquisition by Council to add to the Bushland Reserve at Hillview Street, Woy Woy.

The two pathways to the north and south of Lot 16 DP255220 do not currently appear to have a purpose that benefits Council or the community. No objection to the pathways being disposed of by Council under the standard process.

Open Space and Recreation

There is sufficient open space within 400m walk of the subject land to accommodate the proposed theoretical reduction in RE1 land to meet future population needs. There are local-scale RE1 zoned parcels to the east, north and south within 400m walk of the subject land and there are district and regional RE1 zoned parcels on the Woy Woy Peninsula within a 10 minute drive by car.

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

Social Issues

The Planning Proposal is supported for the following reasons:

- it is for infill residential development within an established residential area comprising both low and medium density housing;
- it will provide affordable rental housing, approximately 21 units comprising 1 and 2 bedrooms, which provides for a diversity of housing options to meet the needs of people on very low to moderate incomes;
- it is well located in relation to services, facilities and social support in Woy Woy Town Centre and public transport (165m to a bus stop) and Woy Woy Train Station which provides access to a wider range of employment opportunities, facilities and services;
- it is to be developed and managed by a recognised community housing provider with wrap around support services and programs for tenants;
- it is aligned with the objectives in Council's Affordable and Alternative Housing Strategy.

Economic Impacts

The proposal will assist those with very low to moderate incomes to access housing in a locality with good access to employment, services and facilities.

Section D – State and Commonwealth Interests

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

Traffic and Transport

The site is within an established residential area. The existing residential area is well connected to the public transport network in this location, as well as integrated with nearby cycleways and pedestrian pathways. The site is well located for amenity and transport links that are suitable for affordable housing residents (a bus stop is within 165 m).

A traffic analysis indicates that the development will have no impact on the performance of the local road network and that adequate on-site parking has been provided as shown in the concept plan.

The site is located immediately adjacent to a local bus stop in Nambucca Drive and approximately 2.8km from the Woy Woy railway station. The proposal is consistent with local and regional strategies, in that it is providing opportunities for infill housing in close proximity to important services and facilities. The availability of public transport links immediately adjacent to the site supports the desired reduction in private vehicle use identified in Ministerial Direction 5.1 Integrating Land Use and Transport, and the Central Coast Regional Plan.

Water and Sewer

There are no significant constraints with respect to water and sewerage. The following items will be assessed as part of any subsequent Water Management Act Section 305 Application(s):

- Developer charges will apply in accordance with the 2019 Southern Region Water Supply and Sewerage Development Servicing Plan.
- The hydraulic designer will be required to obtain a flow and pressure enquiry from Council's Water Services and Design Section. The applicant may benefit from upsizing the existing Council 100mm water main to a 150mm water main dependant on the outcomes of their fire design.
- Build over sewer provisions will apply in line with Council's Building in Proximity to Pipelines Policy. This may trigger the applicant to contribute to the relining of the existing gravity sewer main traversing the site.
- The site is outside the Woy Woy Sewage Treatment Plant buffer zone.

Roads Assets Planning and Design

Council is willing to enter into an agreement to provide the two pathway corridors (1.37m wide) adjacent to 18 Macleay Ave, Woy Woy provided it is at nil cost to Council.

Council is willing to accept ownership of the land at the rear of the property as a drainage reserve provided it is at nil cost to Council.

Drainage Assets

An alignment change for the drainage system through the subject site so it is located under the future internal driveway could be considered at the DA stage subject to the proposal satisfying the following objectives:

- Any proposal to relocate Council's stormwater infrastructure must be in accordance with Council's Civil Works Specification.
- It must also take into account section 3.1.14 of Central Coast Development Control Plan – 'Building adjacent to drainage easement / stormwater pipes' which outlines what is permissible within a property burdened by public stormwater.
- All structures are to be clear of Council's drainage infrastructure and easement
- Should it be proposed to relocate Council's pipeline within the subject site, an easement is to be created in accordance with the CWS.
- All relevant studies are to be carried out to determine the flows, required pipe sizes and overland flow management requirements
- Provisions for overland flows are to be made through the site and these are to be contained within the easement.
- Unrestricted access is required through the easement at all times
- All costs associated with any modifications to Council's drainage system and / or easement are to be borne by the applicant

Careful consideration will need to be given to Hazard Category of the overland flows as ideally, they would need to meet the H1 hazard category to reduce risks to pedestrians / cars etc.

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

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

Agency
NSW Rural Fire Service
Biodiversity and Conservation Division

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 (OEH) if, in the opinion of the RPA, critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed instrument.

- The consultation is to commence after a Gateway Determination is issued unless the Regulations specify otherwise.

- *The period for consultation is 21 days unless agreed differently between the RPA & the DG or by the Regulations.*

Rural Fire Service

The Rural Fire Service (RFS) submitted the following comments.

- A Strategic Bush Fire Study, prepared by a suitably qualified bush fire consultant, addressing the requirements of Chapter 4 - Strategic Planning of Planning for Bush Fire Protection (PBP) 2019 must be provided for further assessment.
- A preliminary assessment of the referral shows that the proposed vegetation classification of remnant cannot be supported in this instance. It has been shown that the vegetation has an area of greater than 1 hectare and contains fire runs of greater than 50 metres. The classification of vegetation as remnant cannot be supported where a downslope of 50 metres is present and there is clear connectivity to vegetation with fire runs of greater than 50 metres. Future information addressing bush fire must demonstrate that the subject site can support the minimum asset protection zones (APZs) of Table A1.12.2 of PBP 2019 given that future development on the subject site will comprise of increased density development.

Comment

A Strategic Bushfire Study has been prepared and submitted to the RFS for comment and forms part of the exhibition documentation.

Biodiversity Conservation Division

The Biodiversity Conservation Division (BCD) submitted the following recommendations.

- 1 Impacts on Umina Coastal Sandplain Woodland (UCSW), an endangered ecological community (EEC) which is listed under the Biodiversity Offset Scheme as a potential Serious and Irreversible Impact (SAIL), should be avoided. BCD recommends that the development footprint is reduced so that all impacts on EECs and on SAIL entities are avoided.
- 2 BCD recommends that Council includes the cumulative impacts on Umina Coastal Sandplain Woodland in its consideration of this planning proposal.
- 3 Development impacts on threatened species habitat and the two EECs mapped on site should be avoided.
- 4 Environmental protection of bushland areas should be considered. BCD recommends that the loss of environmental protection of the subject site is given appropriate consideration.
- 5 BCD notes that a fully funded Vegetation Management Plan is proposed and an existing one covers part of the site. Any additional funding for the restoration and conservation of UCSW should consider existing Management Plans.
- 6 BCD notes that the RFS may require a larger Asset Protection Zone. Council will need to consider any changes to the requirements of the RFS for Asset Protection Zones and

whether this will mean that the development has a significant impact on the UCSW, triggering the Biodiversity Offset Scheme (BOS).

- 7 BCD recommends that the detailed stormwater design must ensure that any filling of the site does not divert overland flows into neighbouring properties.

Comment

Council's Strategic Environmental Planner has reviewed the comments by BCD and the response to each point is addressed below.

- 1 BCD have highlighted that UCSW is listed as a Serious and Irreversible Impact (SAIL) entity and that under Part 4 of the Environmental Planning and Assessment Act 1979 Council does not have the power to grant development where it considers that an SAIL is likely, and on this basis, recommended that impacts should be reduced.

It should be noted, however, that SAIL are only assessed under the Biodiversity Offset Scheme (BOS), and it's important to recognise that the Planning Proposal does not trigger entry into the BOS. This is because the proposal site is not located on the biodiversity values map and does not exceed the area clearing threshold. Another pathway for entry into the BOS is where the Test of Significance identifies that there is likely to be a significant impact on threatened species or endangered ecological communities. For the current planning proposal, the Ecological Report (Conacher Consulting February 2021) has identified that there is unlikely to be a significant impact on UCSW. Council agrees that the current proposal is unlikely to have a significant impact on UCSW and therefore the SAIL assessment criteria does not apply and is compliant with the requirements of the Biodiversity Conservation Act.

- 2 An investigation of Council's records found four other Development Applications that have non-significant impacts on UCSW. None of these occur in the locality of the current proposal and all were assessed under the previous legislation. Moving forward under the current biodiversity legislation it appears that the majority of the remaining UCSW is covered by the biodiversity values map. Therefore, any future impacts on these areas would trigger the biodiversity offset scheme and assessment of SAIL criteria.
- 3 The proposal has focused potential future development over already cleared areas and on the most degraded parts of the site and has demonstrated avoid and minimise criteria set out in Council's Flora and Fauna Survey Guidelines 2019.
- 4 Agreed. However, the remaining patch of vegetation on the eastern side will be dedicated to Council and will be covered by protections under SEPP (Biodiversity and Conservation) 2021.
- 5 Agreed. The eastern portion of the site is proposed to be dedicated to Council. This will be accompanied with a VMP (and approved by Council) that sets out clear objectives and restoration targets and how these would be achieved as part of the planning proposal.
- 6 The APZ should be located wholly within the site proposed to be rezoned to R1. The current Test of Significance (Conacher Consulting February 2021) is agreed with as it considers

impacts in the assessment within the current proposal area. There may be a different test of significance result should the APZ be extended further than what is currently assessed.

- 7 The detailed stormwater design will be assessed as part of a future Development Application for subdivision.

Local Planning Panel

The Local Planning Panel (LPP) considered the matter on 13 May 2021. The LPP comments were:

The Panel supported the recommendations in the draft report and noted the importance of ensuring no impact on threatened species, both flora and fauna.

Part 4 Mapping

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

Map	Map Title
A.	Locality Plan
B.	Aerial Photograph
Existing Provisions	
C	Existing Zoning of Land under CCLEP
D	Existing Minimum Lot Size under CCLEP
E	Existing Height of Building under CCLEP
F	Existing Floor Space Ratio under CCLEP
G	Existing Acid Sulfate Soils under CCLEP
Proposed Provisions	
H	Proposed Zoning under CCLEP
I	Proposed Minimum Lot Size under CCLEP
J	Proposed Height of Building under CCLEP
K	Proposed Floor Space Ratio under CCLEP

Table 9 - Site Characteristics and Existing and Proposed Provisions

Part 5 Community Consultation

The Planning Proposal is made available for community consultation as specified in the Gateway Determination and is being undertaken in accordance with any determinations made by the Gateway. The Gateway specifies an exhibition period of 28 days.

Council has resolved to prepare a Planning Agreement for 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:

- Council's website: www.yourvoiceourcoast.com
- Wyong Office, 2 Hely Street, Wyong

Additionally, notification of the exhibition of the proposal will be provided to adjoining and nearby 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	N/A all done		
Time frame for Government Agency consultation	1 months	November 2021	December 2021
Preparation of the draft Planning Agreement	6 months	February 2022	July 2022
Commencement and completion dates for public exhibition	28 days	August 2022	September 2022
Timeframe for consideration of submissions	2 months	September 2022	October 2022
Timeframe for consideration of Proposal (by Council)	1 day	October 2022	October 2022
Date of submission to the Department to finalise LEP	1 month	November 2022	November 2022
Anticipated date Council will make the plan (if delegated)	14 days	December 2022	December 2022
Anticipated date Council will forward to the Department for notification	7 days	December 2022	December 2022

Table 10 - Key Project Timeframes

Appendix 1

Land Use Tables

Land Use Table for Zone RE1 Public Recreation under the Central Coast Local Environmental Plan 2022

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 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

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; 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; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Sewerage systems; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Land Use Table for Zone R1 General Residential under the Central Coast Local Environmental Plan 2022

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote best practice in the design of multi dwelling housing and other similar types of development.
- To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.

2 Permitted without consent

Home occupations; Recreation areas

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Car parks; Caravan parks; 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; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Signage; Tank-based aquaculture; Water recycling facilities; Water reticulation systems; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Appendix 2

Mapping

Map A - Locality Plan

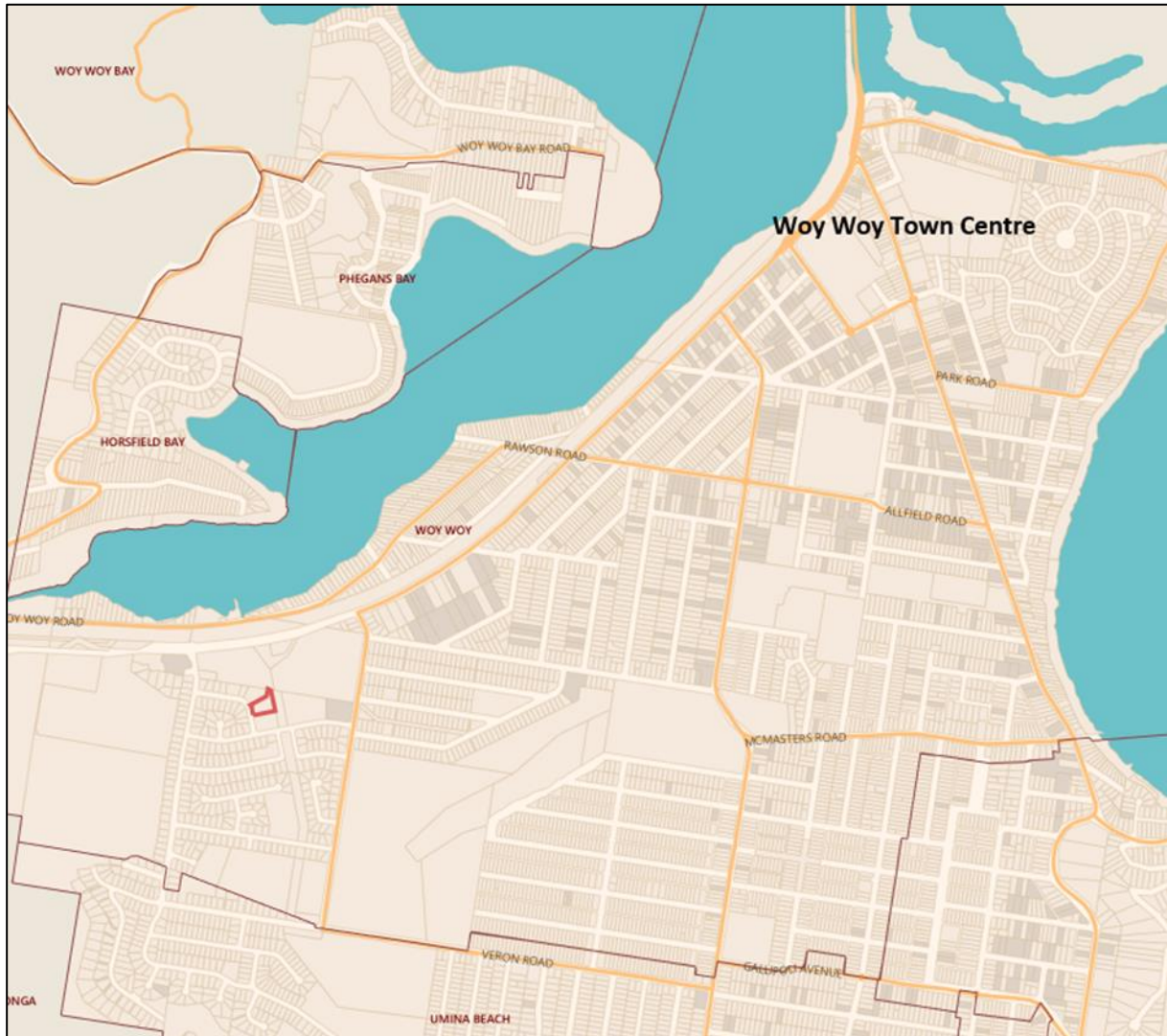


Figure 7 – Subject land to be rezoned shown in context of broader locality

Map B - Aerial Photograph



Figure 8 – Aerial Photograph of land proposed to be rezoned

Map C – Existing Zoning under CCLEP

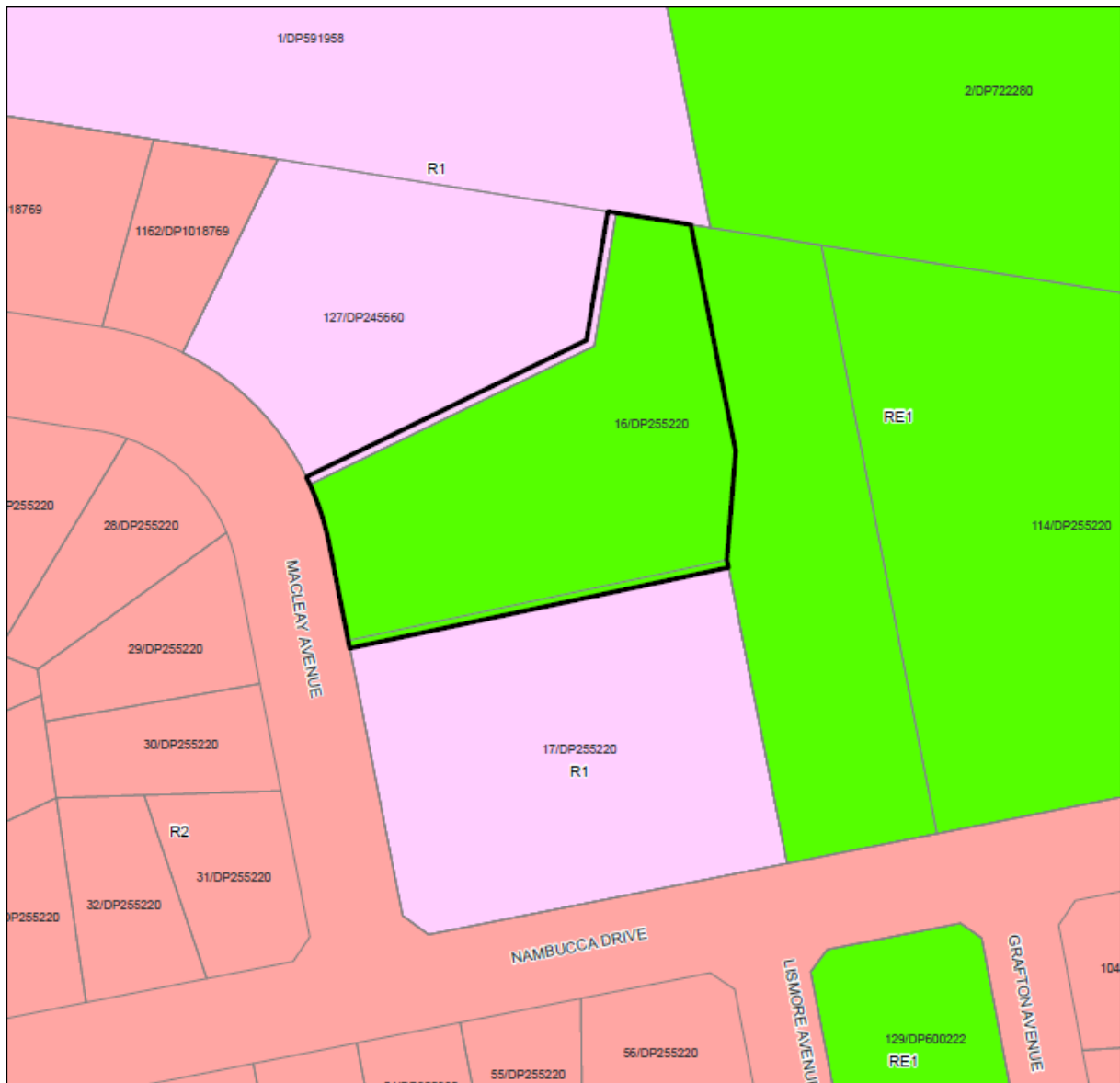


Figure 9 – Existing Zone

RE1 Public Recreation

R1 General Residential

R2 Low Density Residential

Map D – Existing Minimum Lot Size under CCLEP

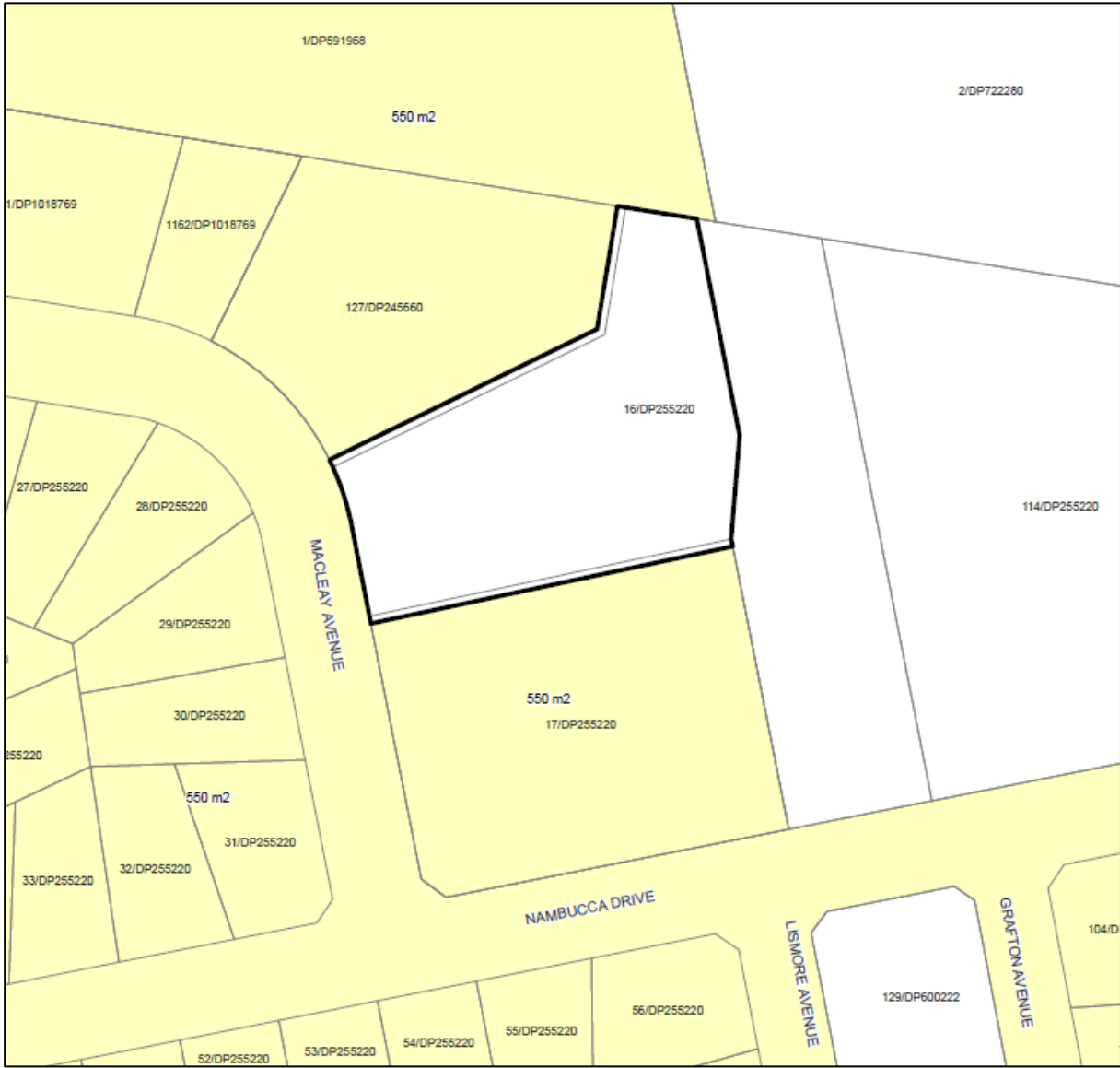


Figure 10 – Existing Minimum Lot Size

Map E – Existing Height of Building under CCLEP



Figure 11 – Existing Building Height

Map F – Existing Floor Space Ratio under GLEP 2014



Figure 12 – Existing Floor Space Ratio

Area 1 refers to clause 4.4A of CCLEP

Map G – Existing Acid Sulfate Soil Classification under CCLEP



Figure 13 – Existing Acid Sulfate Soil Classification

3 = Class 3

4 = Class 4

Map H – Proposed Zoning under CCLEP

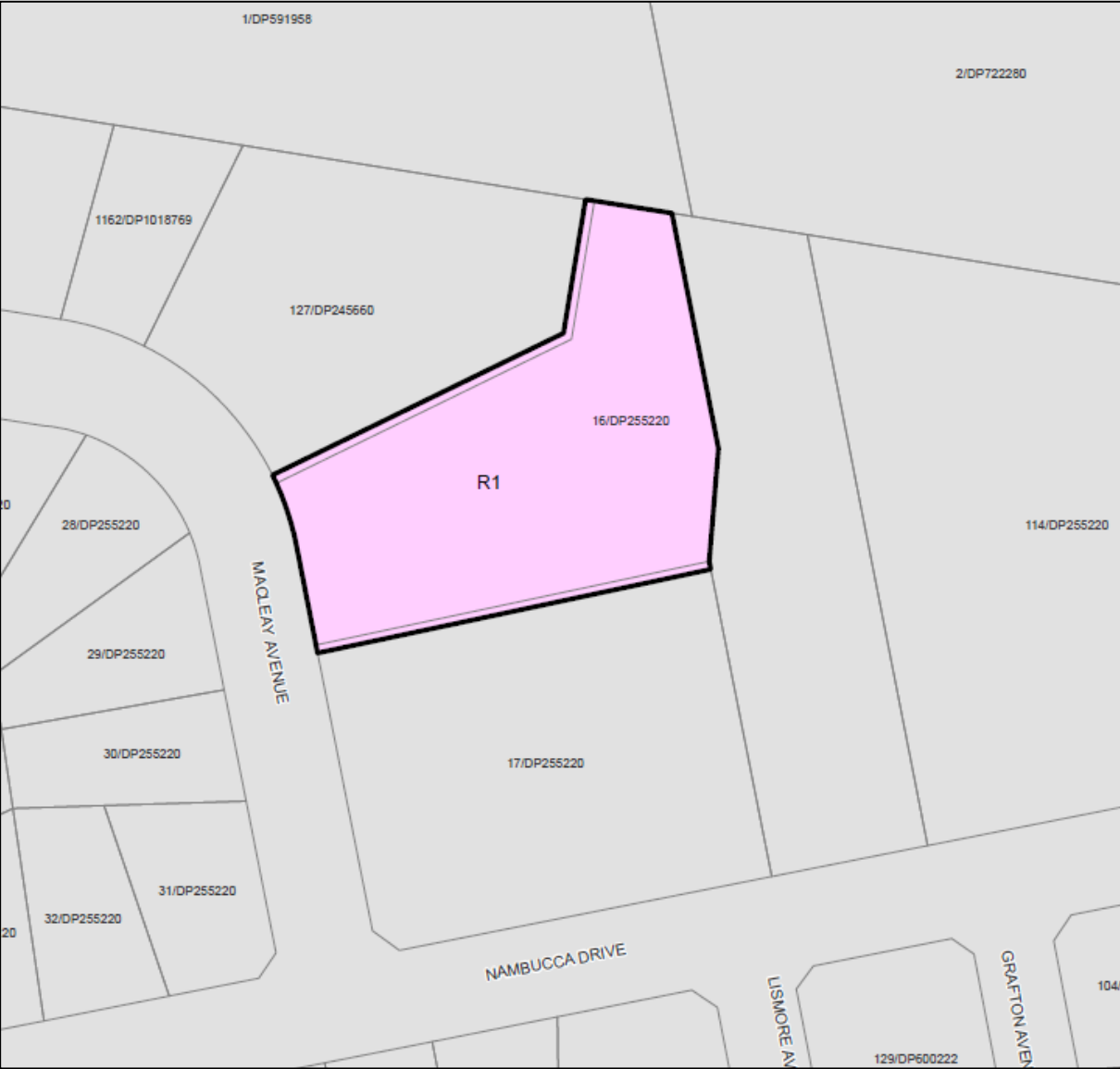


Figure 14 – Proposed Zone under CCLEP

R1 General Residential

Map I – Proposed Minimum Lot Size under CCLEP



Figure 15 – Proposed Minimum Lot Size under CCLEP

Map J – Proposed Height of Building under CCLEP



Figure 16 – Proposed Height of Building under CCLEP

Map K – Proposed Floor Space Ratio under CCLEP



Figure 17 – Proposed Floor Space Ratio under CCLEP

Area 1 refers to clause 4.4A of CCLEP