



Central Coast Council

Planning Proposal

Lots 1 & 2 DP 626787; Lots 27, 437 & 438 DP 755266; Lot 83 DP
650114 and Lot 12 DP 771284
285 – 335 Pacific Highway

Lake Munmorah

File No: RZ/2/2019; PP_2020_CCOAS_004_00

June 2022



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Date: September 2022

Gateway

Central Coast Council

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Background & Locality Context	1
Part 1 Objectives or Intended Outcomes	3
Part 2 Explanation of Provisions	4
Part 3 Justification	5
<i>Section A – Need for the Planning Proposal</i>	5
<i>Section B – Relationship to strategic planning framework</i>	5
<i>Section C – Environmental, Social and Economic Impact</i>	11
<i>Section D – State and Commonwealth Interests</i>	26
Part 4 Mapping	29
Part 5 Community Consultation	30
Part 6 Project Timeline	31
Supporting Documentation	32

Background & Locality Context

The subject site is located in a key location within the North Wyong Shire Structure Plan, highly visible from the Pacific Highway, and adjacent to the Lake Munmorah Shopping Centre that is located on the corner of Tall Timbers Road and Pacific Highway, Lake Munmorah.

Site characteristics

The subject site is characterised by sparse vegetation and scattered rural-style buildings. The sites all have scattered vegetation cover, with heavier concentrations in the north-west and south-east corners of the proposed study area.



Figure 1 Contextual Locality Plan

The topography of the site consists of the predominant broad rounded ridge which forms the highest portion of the site at 27.5m AHD on 285 Pacific Highway, Lake Munmorah, and from here runs in 2 directions:

- A roughly NNE direction through the central eastern boundary of No. 285 and into the NE corner of 305 Pacific Highway, Lake Munmorah and which represents the lowest portion of the site at 9.5m AHD.
- A roughly NW direction through 285 Pacific Highway and into the NW corner of the adjacent Council-owned site at 6 Kemira Road, Lake Munmorah. This site acts as a natural drainage line, which drains into the adjacent land to the north, owned by the NSW Government (10 Scaysbrook Ave, Chain Valley Bay).

The subject site also has a smaller ridgeline (to 23.5m AHD) on the eastern-most properties (315-335 Pacific Highway, Lake Munmorah) which runs down to the same low point (9.5m AHD) in the NE corner

of 305 Pacific Highway, Lake Munmorah. The site therefore has a significant drainage function with overland water flowing to 6 Kemira Road, Lake Munmorah, as well as the low point of 305 Pacific Highway, Lake Munmorah. See Figure below.

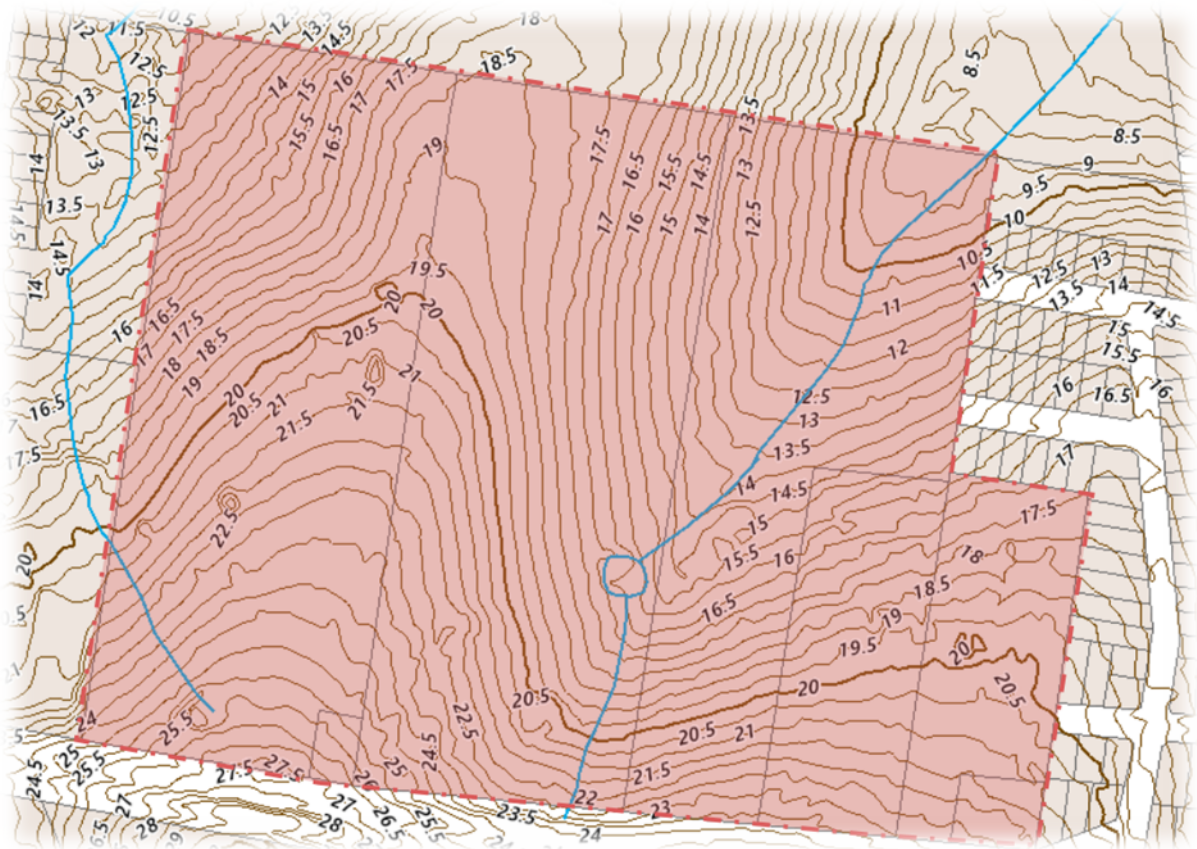


Figure 2 Site topography

Site improvements

Improvements to the subject properties include the following:

- 285 Pacific Highway, Lake Munmorah – Dwelling
- 287 Pacific Highway, Lake Munmorah – Telecommunications tower
- 295 Pacific Highway, Lake Munmorah – Wholesale/retail nursery; and telecommunications facility.
- 305 Pacific Highway, Lake Munmorah – Dwelling, various sheds and commercial dog /cat kennel.
- 315 Pacific Highway, Lake Munmorah – Dwelling and shed
- 325 Pacific Highway, Lake Munmorah – Dwelling and shed

Surrounding land uses

Surrounding land uses include R2 Low Density Residential development to the east and north-west of the subject site. Commercial uses in the form of the Lake Munmorah Shopping Centre are located to the south-west of the site. There is also an area of public recreation land to the west of the site which acts as a buffer between the existing residential development at Chisholm and Deakin Avenues. To the north of the subject site is a large, heavily vegetated site. The Pacific Highway represents the entirety of the southern boundary of the subject site. All sites are currently accessed via vehicular crossings from the Pacific Highway.

Part 1 Objectives or Intended Outcomes

The objective of this proposal is to rezone land from RU6 Transition zone to R2 Low Density Residential zone, RE1 Public Recreation, SP2 Infrastructure and C2 Environmental Conservation zone to enable future residential development. The intended outcome of the proposal is to facilitate the development of this land for future residential purposes, combined with biodiversity, drainage and community facilities.

Figure 3 (below) outlines the designation of R2 Low Density Residential zoned lands (developable area), RE1 Public Recreation zoned lands (local park) and C2 Environmental Conservation zoned lands (Conservation area). The proposed SP2 Infrastructure areas related to the Telecommunication tower on 287 Pacific Highway Lake Munmorah and the proposed extension of the collector road from the precinct area to Chisholm Avenue.



Figure 3 Proposed Zoning Plan

Part 2 Explanation of Provisions

The outcome will be facilitated by an amendment to Central Coast Local Environmental Plan (LEP) 2022 which involves the following:

- Rezoning of land from RU6 Transition zone to R2 Low Density Residential zone, RE1 Public Recreation, SP2 Infrastructure and C2 Environmental Conservation Zone.
- Changing the minimum lot size from 40ha to 450m², for lands zoned R2 Low Density Residential consistent with adjoining R2 Low Density zoned land.
- Maintaining the minimum 40 ha lot size requirement for proposed C2 Environmental Conservation zone lands or any other zone will have the appropriate minimum lot size applied, consistent with other land under CCLEP 2022.
- Addition of the subject sites to the Urban Release Area mapping.
- Land reservation acquisition layer to be applied to proposed RE1 Public Recreation area.

The following table identifies the proposed amendments:

Table 1 - Explanation of Map and Instrument Amendments

Existing Provision	Proposed Amendment
Land Reservation Acquisition Map	<ul style="list-style-type: none"> • Land reservation acquisition layer to be applied to proposed RE1 Public Recreation area.
Land Zoning Map	<ul style="list-style-type: none"> • Rezoning of land from RU6 Transition zone to R2 Low Density Residential zone, RE1 Public Recreation zone, SP2 Infrastructure zone and C2 Environmental Conservation zone.
Lot Size Map	<ul style="list-style-type: none"> • Changing the minimum lot size from 40ha to 450m², consistent with the R2 Low Density Residential zone for areas proposed to be zoned R2 Low Density Residential.
Urban Release Area Map	<ul style="list-style-type: none"> • Site will be added to URA map to ensure satisfactory arrangements are made for infrastructure.

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 supported by both the North Wyong Shire Structure Plan, 2012 (NWSSP) and the Greater Lake Munmorah Structure Plan. The NWSSP identifies the site as a future residential development precinct (subject to investigation) as does the Greater Lake Munmorah Structure Plan.

The Greater Lake Munmorah Structure Plan identifies this site as a short-term development site due to a number of factors, including:

- Revised surface development restrictions by SA NSW
- Minimal vegetation clearing required
- No land use conflicts and integration with current development patterns
- Landholder readiness to develop.

The subject proposal is therefore aiming to deliver the intent of both the North Wyong Shire Structure Plan 2012 and the Greater Lake Munmorah Structure Plan.

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

A planning proposal is required to achieve the intended outcomes, as the site needs to be rezoned to achieve the objective. The objective of this proposal is to rezone land to R2 Low Density Residential, RE1 Public Recreation, SP2 Infrastructure and C2 Environmental Conservation zone to enable future residential development. The intended outcome is to enable the subdivision of the rezoned portion of the site for low density residential housing.

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 (CCRP) 2036

The Central Coast Regional Plan (CCRP) 2036, released on 16 October 2016, provides the vision and framework for the growth of the Central Coast over the next twenty (20) years to 2036.

Relevant key goals of the Plan are to “Protect the natural environment and manage the use of agricultural and resource lands”; and provide “Well-connected communities and attractive lifestyles” and “A variety of housing choice to suit needs and lifestyles”.

Comment:

The CCRP recognises the need for appropriate planning for biodiversity or landscape corridors within the NWSSP, with a key action being the coordination of a Biodiversity Offset Strategy for new development areas in northern Wyong. An assessment of the proposal against the directions identified to achieve the goals of the CCRP has been undertaken. Generally, the proposal is consistent with the goals of the plan.



Figure 4- CCRP 2036 Context (Source Department of Planning & Environment 2016)

The subject site is identified as non-urban land by the CCRP. It is also in the vicinity of a proposed biodiversity corridor which connects the coast to the foothills and providing an inter-regional landscape break. This corridor is further defined by the North Wyong Shire Structure Plan (NWSSP).

A full assessment against the goals and directives of the CCRP 2036 is located under Section 1- Assessment and Endorsement.

North Wyong Shire Structure Plan, 2012

The North Wyong Shire Structure Plan (NWSSP) establishes the planning framework for the northern areas of Wyong Shire up to 2031. It identifies areas for the purposes of future residential, employment and conservation land use purposes during up to this time horizon.



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

Comment:

The NWSSP identifies the site for future residential development (Precinct 16) which has an expected dwelling density of 15 dwellings per hectare (ha). The site also forms part of the NWSSP 'Green Corridor and Habitat Network' due to the location of a local conservation link for wildlife that runs in a north-south direction in the south-western corner of the site.

The timing for the release of land in this locality is nominated as being a long-term land release area precinct. Land categorised as such is "land that will not be zoned before 15 years, the timing of which will be impacted by future coal extraction potential, future use of the power station sites and access to services and employment opportunities" (Department of Planning and Infrastructure, 2012).

The NWSSP further provides that release of land nominated as such may be accelerated if warranted by demand and if satisfactory arrangements are in place to forward fund the appropriate infrastructure for its development. Two factors supporting the acceleration of this land release include:

1. Documentation supporting the proposal from stakeholders identifies that future coal extraction potential issues have been resolved.
2. The site is to be identified as an Urban Release Area (URA) therefore must satisfy any infrastructure requirements of the state government prior to consent being granted for any future development.

4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Greater Lake Munmorah Structure Plan

The subject lands sit within the area nominated as Precinct 8- Northern Lake Munmorah and is designated to deliver housing within the short term (0-5) year horizon. The planning proposal has included the drafting of a Development Control Plan Chapter to guide future development within the precinct area. It is considered that the DCP Chapter is relatively consistent with the planning that has been undertaken for Precinct 8 and includes biodiversity corridor/wildlife connections, local play space and pedestrian and vehicle connectivity consistent with the structure plan.

Community Strategic Plan

The proposal is consistent with the five themes of the Community Strategic Plan. An assessment of the proposal against the Community Strategic Plan is located under Section 01 Assessment and Endorsement attached to this proposal.

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) (see 01 Assessment and Endorsement).

The proposal is considered to be generally consistent with the applicable SEPPs.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. The full assessment of these Directions is contained within the supporting documentation of this proposal.

Table 2 S9.1 Ministerial Direction Compliance

No.	Direction	Applicable	Consistent
Planning Systems			
1.1	Implementation of Regional Plans	Y	Y
1.2	Development of Aboriginal Land Council Land	N	N/A
1.3	Approval and Referral Requirements	Y	Y
1.4	Site Specific Provisions	Y	Y
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

No.	Direction	Applicable	Consistent
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 Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation 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 Bayside West Place Strategy	N	N/A
Design & Place			
2.1	Not active	N	N/A
Biodiversity & Conservation			
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 E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N	N/A
3.5	Recreational Vehicle Areas	Y	Y
Resilience & Hazards			
4.1	Flooding	Y	Y
4.2	Coastal Management	Y	Y
4.3	Planning for Bushfire Protection	Y	Y
4.4	Remediation of Contaminated Lands	Y	Y

No.	Direction	Applicable	Consistent
4.5	Acid Sulfate Soils	Y	Y
4.6	Mine Subsidence & Unstable Land	Y	Y
Transport & Infrastructure			
5.1	Integrating Land Use & Transport	Y	Y
5.2	Reserving Land for Public Purposes	Y	Y
5.3	Development Near Regulated Airports and Defence Airfields	Y	Y
5.4	Shooting Ranges	N	N/A
Housing			
6.1	Residential Zones	Y	Y
6.2	Caravan Parks and Manufactured Home Estates	Y	Y
Industry & Employment			
7.1	Business & Industrial Zones	Y	Y
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
Resources & Energy			
8.1	Mining, Petroleum Production and Extractive Industries	Y	Y
Primary Production			
9.1	Rural Zones	Y	Y
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

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 Planning Proposal involves the bio-certification of lands within the Study Area including the rezoning of part of the Development Site from *RU6 Transition* to *R2 Low Density Residential* to support the proposed residential subdivision, local roads, detention basins and other associated infrastructure. The bio-certification proposal will involve the provision of Conservation Areas within the Study Area to be rezoned to *C2 Environmental Conservation* in accordance requirements of the Gateway Determination issued in September 2020 and the framework for strategic biodiversity certification.

Kleinfelder (2022) undertook seasonal survey work of the precinct to inform the preparation of a Biodiversity Certification Assessment Report (contained within Appendices to this proposal). The BCAR is still considered to be a draft document and has not achieved formal approval from the Department of Planning and Environment-Biodiversity and Conservation Division. The findings of the BCAR and survey work are outlined below and have been utilised to determine the zone boundaries for the conservation areas.

Threatened Species and their habitat

A total of eight (8) threatened species or their mapped habitat were detected within the Study Area, these include:

- *Angophora inopina* (Charmhaven Apple) – recorded throughout the Study Area.
- *Lathamus discolor* (Swift Parrot) – Important habitat mapping throughout the Study Area.
- *Miniopterus australis* (Little Bent-winged Bat) – This species was recorded via Anabat™ in the Study Area.
- *Micronomus norfolkensis* (Eastern Coastal Free-tailed Bat) - This species was recorded via Anabat™.
- *Myotis Macropus* (Southern Myotis) - This species was recorded via Anabat™ within the Study Area at two locations, a dam and near the Typha Wetland in the north-east of the site.
- *Scoteanax rueppelli* (Greater Broad-nosed Bat) - This species was recorded via Anabat™.
- *Calyptorhynchus lathami* (Glossy Black-Cockatoo) - This species was recorded foraging within the Study Area. No evidence of breeding was detected within the Study Area.
- *Pandion cristatus* (Eastern Osprey) – This species was detected breeding atop a 40m telecommunication tower near the southern boundary.

Threatened Ecological Communities

Two threatened ecological communities occur within the Study Area, *Swamp Sclerophyll Forest EEC* and *Freshwater Wetlands Complex EEC* .

Key habitat values within the Study Area include:

- A total of 131 Hollow-bearing Trees (HBTs) were recorded (including four (4) dead stags with hollows). Of these trees 33 had their largest hollow being "large" (>30cm diameter), 28 had a maximum of "Medium" hollows (20-29cm diameter) and 70 trees only had small

hollows (10-19cm). From these hollow-bearing trees a total of 232 hollows were recorded across the Study Area (see **Section 5.2.1.2** for details).

- Fallen logs and timber (limited to unmanaged areas).
- Mature eucalypts that may provide foraging and nesting habitat for native bird species.
- Two shallow ephemeral drainage channels that would contain pools of water for short periods following high rainfall.
- A small Typha Rushland (0.26 ha) in the north-east corner of the Study Area.
- Five constructed dams that contain semi-permanent/permanent water.

Swift Parrot habitat

A site-specific Swift Parrot Habitat Assessment was completed in consultation with the listed BAM species expert (Ross Crates) within the Study Area in response to recommendations by the Biodiversity Conservation Division (BCD) following a review of the BCAR in May 2022 “an assessment of the quality of impacted areas should be undertaken to justify impacts, in consultation with a Biodiversity Assessment Method (BAM) approved species expert”

Habitat features considered to influence the quality of Swift Parrot habitat within the Subject Site were considered to fall into one of three (3) key measures of Swift Parrot habitat quality, including Foraging Resource Availability, Landscape Productivity, and Threats.

Foraging Resource Availability

- Occurrence of key nectar feed trees - Swamp Mahogany (*Eucalyptus robusta*), Forest Red Gum (*Eucalyptus tereticornis*), Blackbutt (*Eucalyptus pilularis*), and Spotted Gum (*Corymbia maculata*).
- Occurrence of key lerp feed trees - Red Bloodwood (*Corymbia gummifera*), Coastal Grey Box (*Eucalyptus mollucana*), and Rough-barked Apple (*Angophora subvelutina*).
- Maturity of Swift Parrot feed trees
- Occurrence of supplementary feed resources - including other winter flowering eucalypts and mistletoes.

Landscape Productivity

- Vegetation community condition and connectivity to other habitats
- Availability of water to the site

Threats

- Occurrence of resource competitors - large, aggressive nectar feeders and feral bees
- Land Management

As part of the Planning Proposal, two conservation areas are proposed which include area of remnant native woodland to be retained, Important Habitat for the Critically Endangered Swift Parrot in the north-west corner of the Study Area, and low-lying managed wetland areas within the eastern portion of the Study Area, traversing across the entire extent of the mapped watercourse from the northern boundary to existing constructed dams in the south. These two Conservations Areas are known hereafter as “North-western Conservation Area” and the “Eastern Conservation Area”. Construction of roads and pedestrian pathways will flank the southern extent of the North-western Conservation Area and Eastern Conservation Area. Parts of the Conservation Areas will be subject to rehabilitation following completion of construction, thereby increasing vegetation condition, habitat values, and connectivity, alongside strategic use of street tree plantings.

Furthermore, a five (5) metre vegetation buffer will be implemented along the southern boundary of the Study Area, protecting a number of threatened species (*Angophora inopina*), and be subject to management under a site-specific Biodiversity Management Plan (BMP).

The proposed development includes the provision of a collector road joining Chisholm Road (to the west of the Study Area) and Wallaby Rd (to the east). The proposed road will bisect the Eastern Conservation Area, however design of the road avoids key habitat features including hollow-bearing trees, and sensitive road design will ensure impacts to the watercourse are minimal.

A total of two (2) stormwater retention basins are proposed within the Study Area, located along the western boundary and within the north-eastern corner of the Study Area. The location and layout of the western basin was selected so as to minimise impacts to native vegetation, especially mature trees known to provide foraging habitat for the threatened Swift Parrot (*Lathamus discolor*). Both basins are to be designed as constructed wetlands, involving the rehabilitation of wetland vegetation occurring within the Study Area and representative of PCT 1737 – *Typha Rushland*.

The construction of basins for the purpose 'environmental protection works' is permissible within the proposed C2- *Environmental Conservation* zoned land. Construction of the north-eastern basin is associated with the rehabilitation of land towards its natural state, and the management of stormwater for the purposes of wetland protection (i.e. mapped Coastal Wetlands to the north of the site), erosion protection and bush regeneration works. As such, the north-eastern basin will be incorporated as constructed wetlands into the proposed Conservation Areas within the Study Area. The areas in which the basin is proposed is considered a 'temporary impact' within this report owing to the proposed rehabilitation following construction, however this area is included in the disturbance footprint and subject to appropriate offset obligations resulting from the removal of native vegetation.

The western basin will be constructed along the western boundary of the Study Area, outside of areas of remnant vegetation and to the south of the mapped Coastal Wetland. The proposed basin outlet will be located outside of the coastal wetland proximity area to reduce indirect impacts to the coastal wetland. A Stormwater Management Report was also prepared for the proposed development (Barker Ryan Stewart 2022). This report details the modelled water volume and quality expected to enter the environment following the proposed retention basins, post development. It is considered that the measures outlined within the BCAR and BMP will minimise the likelihood of adverse effect to critical habitat or threatened species, populations or ecological communities, or their habitats.

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

Indigenous and Non-Indigenous Cultural Heritage Items

Aboriginal Heritage

Insite Heritage Pty Ltd have undertaken an Aboriginal Cultural Heritage Report in relation to the lands at 285-335 Pacific Highway Lake Munmorah. Findings of the report were that the archaeological significance of the site is low given the uncomplex character of the isolated find which is consistent with background scatter likely to be found in any location in NSW. There is no indication of cultural sites of potential complexity within the precinct area.

The cultural value of the precinct area is determined by the Aboriginal community, no statements of cultural value were received.

It is recommended that an AHIP be sought at DA stage for the isolated find. No further constraints have been identified on the site.

Bushfire

Anderson Environment & Planning (2021) prepared a Bush Fire Threat Assessment in accordance with *Planning for Bushfire Protection 2019*. The subject Precinct Area is mapped as being Bushfire Prone Land comprised of Vegetation Category 1 & 3 and Bushfire Prone Land-Vegetation Buffer as shown in Figure 5.

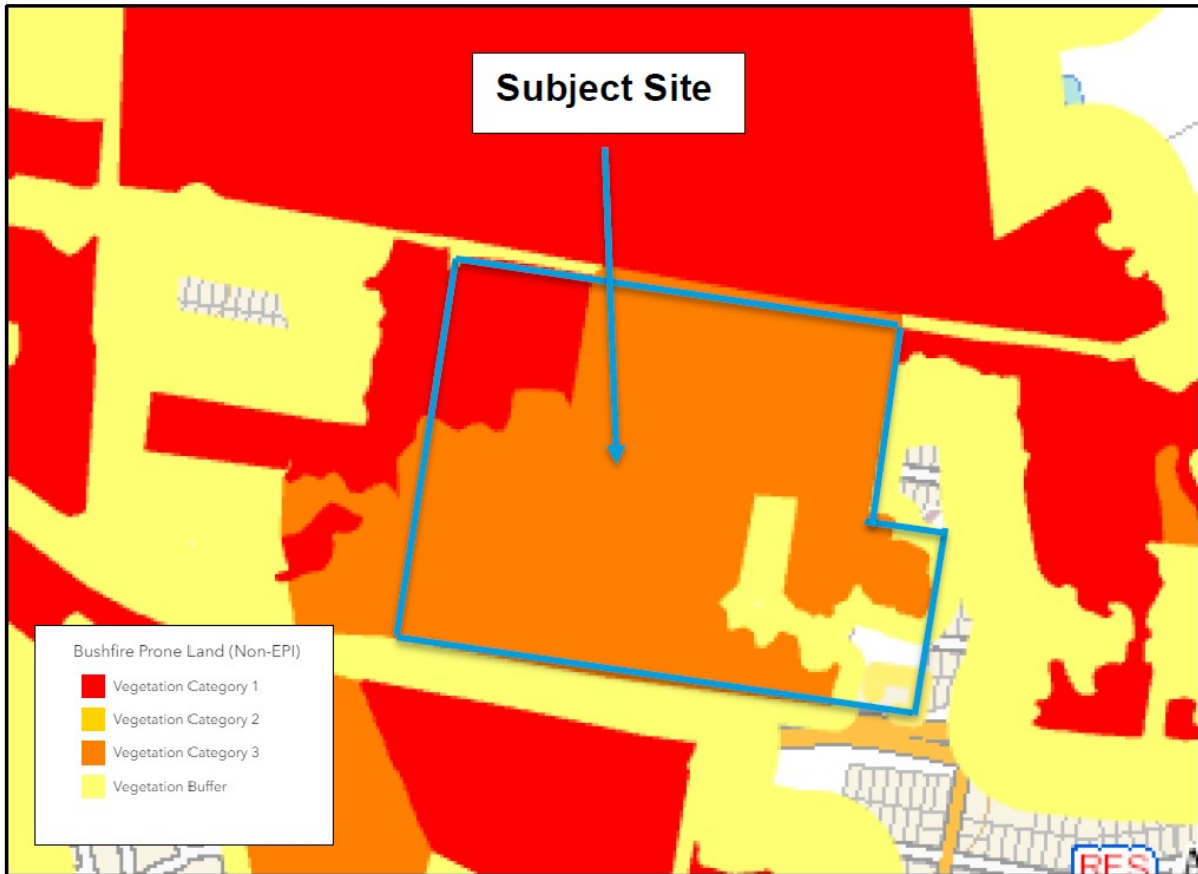


Figure 6-Bushfire Prone Land (AEP, 2021)]

Investigations undertaken for the Bushfire Threat Assessment report have determined that vegetation contained within the Precinct Area can be identified as Forest vegetation (for the purposes of Bushfire threat assessment) located to the north, northwest, northeast south, and west. Required Asset Protection Zones and associated BAL construction standards have been determined (see Figure 6 below).

Suitable access/egress is provided via connection is to existing road networks and the construction of new internal road layouts. No issues have been identified with evacuation, safe haven zones or fire fighting logistics. Perimeter roads will be included as part of the subdivision design for any future residential subdivision proposal.

A reticulated water supply system from established residential is proposed to service the precinct area and street hydrant access will need to be delivered in accordance with AS2419.1-2017.

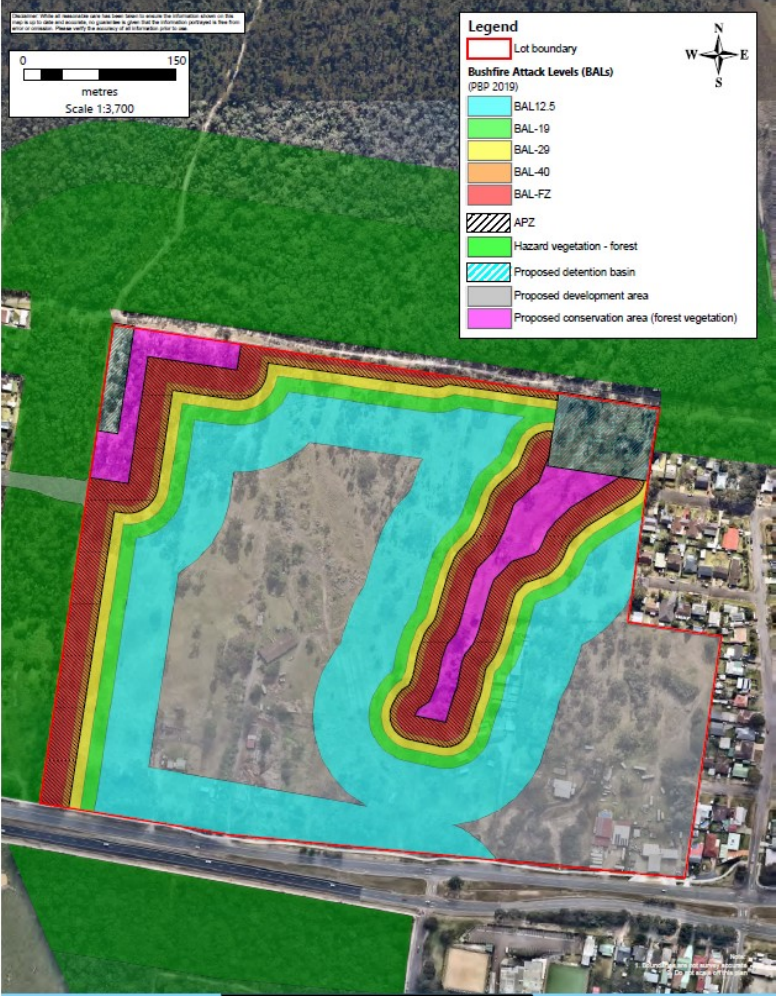


Figure 7 – BAL mapping (AEP 2021)

Concurrence has been granted by NSW RFS that the subject proposal is consistent with the requirements of *Planning For Bush Fire 2019* for the purposes of a planning proposal.

Natural Resources

The site is located within the Swansea/North Entrance Mine Subsidence District, which may be subject to future underground coal mining. The site is subject to an active consolidated coal lease (CCL 719), administered by Centennial Mannering Coal Pty Ltd. Council is advised that plans have not yet been developed for CCL 719 and the resource is not a short or medium term priority, with extraction not expected to occur before 2023. Centennial Mannering Pty Ltd has advised that the majority of the potential future extraction within CCL 719 will likely occur within the Munmorah State Conservation Area. However, it is possible that the timing of mining activities could lead to modifications being made to the Planning Proposal.

Advice and commentary from the Mine Subsidence Board (MSB), Department of Trade and Investment (DTI) – Resources and Energy (Geological Survey of NSW) and lease owners will be utilised to determine and mitigate the impact of the proposal on coal and mineral resource extraction in the future.

Mine Subsidence

Subsidence Advisory NSW records indicate that the site is undermined by abandoned coal mine workings in the Great Northern seam at varying depths. Based on currently available information, the risk of subsidence affecting future development is considered low. Consultation with Subsidence NSW was undertaken, and they have no objection to the rezoning of the land.

Subsidence Advisory NSW will assess the future applications for subdivision and surface development in accordance with the relevant development assessment policy at the time of application.

Contaminated Land and Acid Sulfate Soils

Geotechnical

A preliminary geotechnical investigation and contamination assessment has been undertaken by GHD Consultants in February 2019. The Regional Geology Sheet for Gosford-Lake Macquarie identifies Quaternary Alluvium occurring in minor portions in the North-East and North-West of the site, with Munmorah Conglomerate occurring over the majority of the site. The Soil Landscape Map and Report for Gosford Lake Macquarie identifies the Wyong Landscape unit also in the small areas of the North-East and North-West, with the majority of the site subject to the Doyalson soil landscape unit. Limitations of Doyalson soil landscape unit include:

- high erosion hazard,
- localised foundation hazard,
- strongly acid soils,
- stoniness.

The preliminary geotechnical investigation has identified 3 categories of land based on geotechnical constraints (illustrated in the figure below):

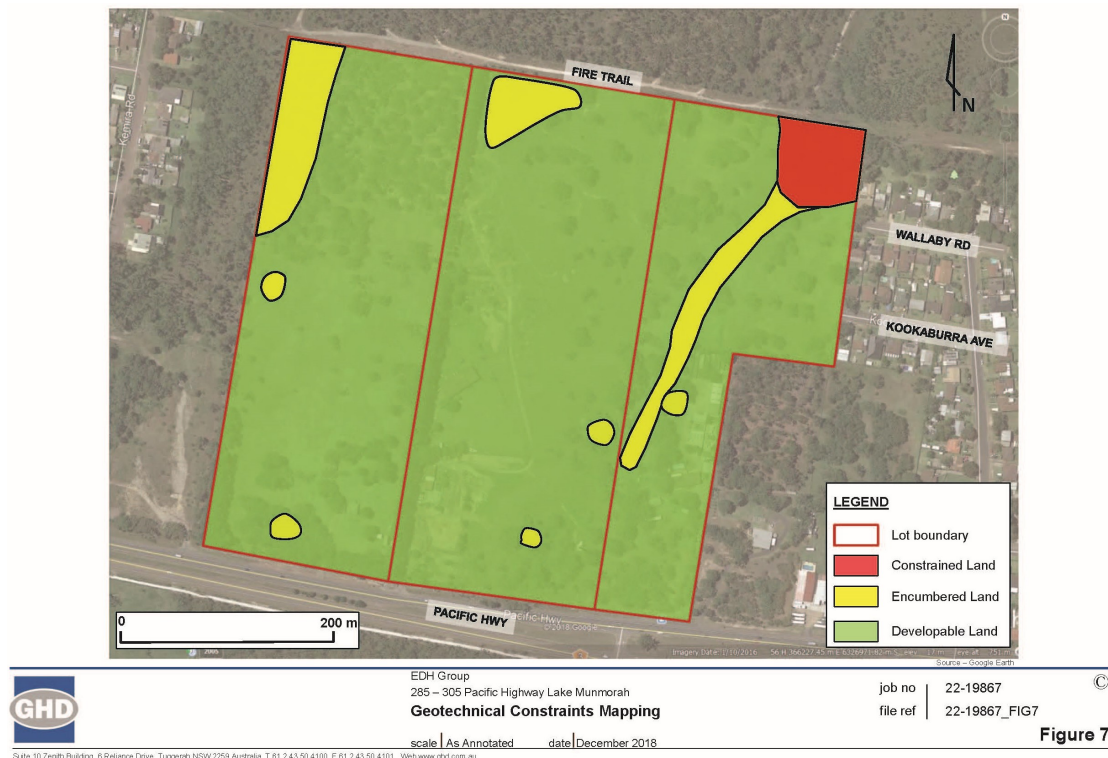


Figure 8 Geotechnical constraints mapping (GHD, 2018)

- Constrained land (not recommended for residential development)
- Encumbered land (developable, but with specific requirements to address geotechnical issues)
- Developable land (no special geotechnical constraints)

Areas of constrained land coincide with the drainage basin in the NE corner of 305 Pacific Highway, Lake Munmorah. The areas of encumbered land coincide generally with areas of uncontrolled fill/stockpiles and farm dams. However, there is an area of encumbered land that coincides with the drainage depression that drains to the drainage basin at the NE corner of 305 Pacific Highway.

Acid Sulfate Soils

A preliminary geotechnical investigation and contamination assessment has been undertaken by GHD Consultants in February 2019. The Acid Sulfate Soil Risk Map for Catherine Hill Bay shows that the majority of the site has no mapped occurrence of acid sulfate soils. Council's acid sulfate soil mapping identifies Class 5 soils over most of the site, with a small area in the south-west of the site excluded. Class 5 soils are defined in the *CCLEP 2022* as "Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land."

The preliminary assessment has determined that laboratory testing will be required to confirm if sulphides are present in the alluvial soils associated with the basin swamp area in the NE, within the drainage depression located within 305 Pacific Highway and the NW corner of 285 Pacific Highway. This will be undertaken at DA stage.

Noise

The Pacific Highway is a state classified road which is a source of noise that will impact the design of housing and therefore noise treatment requirements will be included in a site specific DCP which supports the Planning Proposal. The site specific DCP includes the following provisions:

A landscaped buffer is to be provided generally consistent with '6' on the indicative plan. The buffer is to be designed incorporating requirements from a report prepared by a suitably qualified acoustic consultant (as outlined below).

A report by a suitably qualified acoustic consultant shall be submitted with any development application for subdivision or residential development adjacent to the Pacific Highway. The report is to address the following:

- i. Identify existing and potential future noise sources.
- ii. Identify areas within the precinct where specific development should be restricted due to likely noise.
- iii. Identify mitigation measures to reduce existing or potential noise effects to allow development to occur while meeting appropriate environmental and amenity requirements. This shall involve considering incorporating setback distances, noise barriers and at-property treatments in the form of architectural treatments, or a combination of these, for noise sensitive developments (e.g., residential developments) fronting major roads.

Details of any physical treatments proposed along property boundaries are to be submitted to Council with the relevant development application to ensure that treatments are consistent with other required noise mitigation measures.

Contaminated Lands

The site that currently operates as a BP Service Station (335 Pacific Highway, Lake Munmorah) and the nursery site (295 Pacific Highway, Lake Munmorah) are identified by Council's potentially contaminated land mapping. A Phase 1 Contaminated Site Investigation has been undertaken by GHD Consultants in February 2019. This investigation included consideration of the following potentially contaminating factors:

- Review of soil landscapes and acid sulfate soils.
- Review of groundwater borehole records.
- Aerial photograph review.
- Review of previous and current land uses, which identified the following potentially contaminating activities:
 - Current BP Service Station located at 335 Pacific Highway, Lake Munmorah.
 - The business records of 1970 contain a motor car garage and service station located on the Pacific Highway approximately 400 m from the boundary of 285 Pacific Highway, Lake Munmorah. This description matches the present location of the Caltex service station, east of the site.
 - Lake Munmorah Shopping Centre also incorporates a Caltex Service Station, approved under DA/855/2011/A.
- Site visit which identified the following potentially contaminating activities:
 - Fill material: Fill that potentially includes waste building material was observed on all sites but predominantly 285 & 295 Pacific Highway, Lake Munmorah.

- Litter: 295 Pacific Highway, Lake Munmorah contained many areas of litter including potentially contaminating chemicals, hydrocarbons and discarded vehicles and engines/mechanical parts.
- Oil slick and hydrocarbon odour was identified in surface waters of the swampy area in the far north-eastern corner of the site at 305 Pacific Highway, Lake Munmorah. Potential hydrocarbon contamination from sources on adjacent properties (service station).
- Septic tank leaks: Leaks from septic tanks were observed at 285 & 305 Pacific Highway, Lake Munmorah.
- Assessment of regulatory information from a number of sources:
 - NSW EPA Contaminated Sites Register (notifications or incidents) – No recorded sites.
 - NSW EPA Protection of the Environment Operations (POEO) Licence register – No recorded sites. 2 sites in possession of a POEO licence are located within a 1km radius of the site – Munmorah Power Station, located 550m to the south-west, and water-based extractive activity by Council, 570m to the south of the site. Neither of these activities is considered likely to have led to contamination of the subject site. There are no delicensed activities which are still regulated by the EPA recorded within one kilometre of the site.
 - NSW EPA Per- and polyfluoroalkyl substances (PFAS) Investigation Program – No recorded sites. The closest recorded site is the Munmorah Power Station located 540m to the south-west of the site.
 - National Waste Management Site database – No recorded sites within a 1km radius.
 - Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2014 – The site is mapped as a sensitive zone under this legislation.

Based on the findings of the Phase 1 Contaminated Site Investigation, a detailed investigation is recommended to accompany any future development application that proposes to change the development and use undertaken on sites listed above.

Flooding and Overland Flow

Flooding

The subject precinct is mapped as flood affected, BRS (2022) undertook a Flood Impact Assessment report in relation to the Precinct area.

The two areas of concern within the subject site are located in the north-west and north-east of the site and are each proposed to be the location of detention basins, rather than residential development.

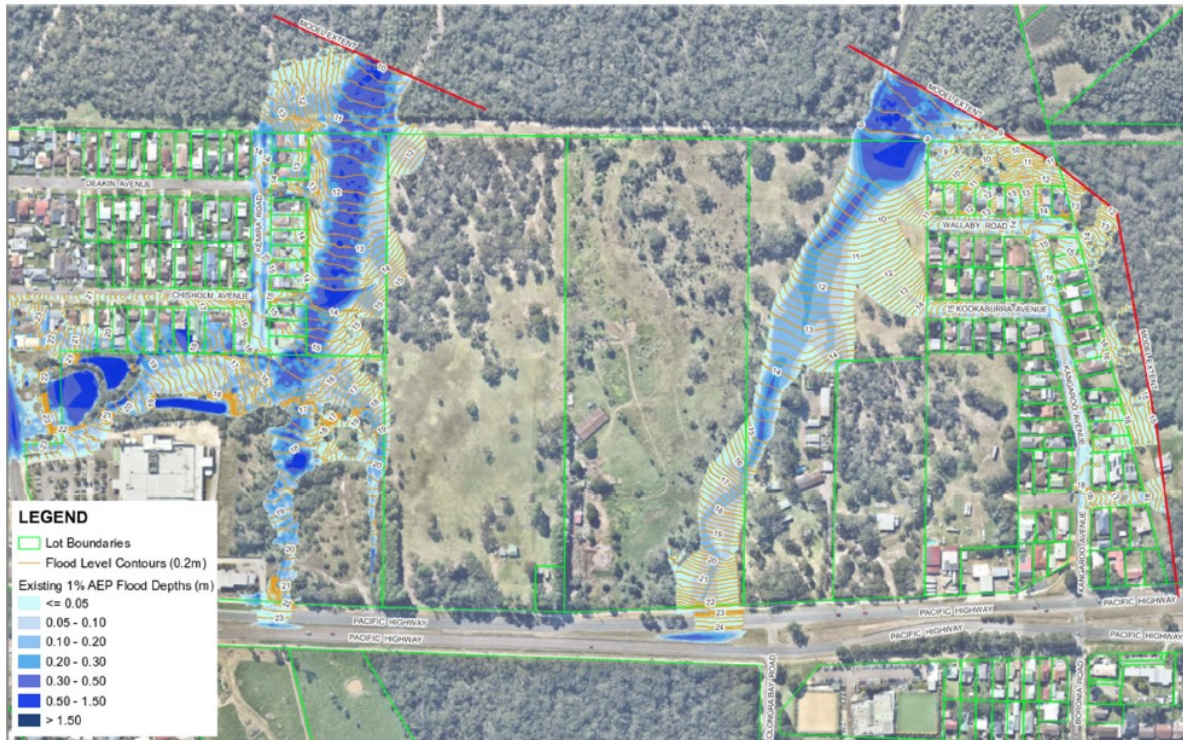


Figure 9 Existing 1% AEP Flood Levels and Depth

With consideration to the above Figure:

- a. The Western Water Course on the site does not have a defined channel and limited upstream catchment.
- b. The Coastal Wetland to the west of the development site accepts runoff from the development site, the Pacific Highway, the commercial area at corner of Pacific Highway and Tall Timbers Road, and the residential area at Chisholm Ave and Kemira Road.
- c. The 1% AEP flow leaving the Coastal Wetland is approximately $17.8\text{m}^3/\text{s}$.
- d. The Eastern Water Course is subject to flows from the development site, the Pacific Highway, and the existing residential area at Kookaburra Avenue and Wallaby Road.
- e. The 1% AEP flow leaving the Eastern Water Course at the site's northern boundary is approximately $12.3\text{m}^3/\text{s}$.
- f. During the 1% AEP storm event, inundation of residential properties appears to occur along Chisholm Avenue, Kemira Road, Kangaroo Avenue and Wallaby Road.



Figure 10-1% AEP Flood Level Difference

The above Figure identifies areas where:

- a. Flooding previously occurred in the existing scenario but no longer occurs in the proposed scenario (referenced "was wet now dry");
- b. Flooding now occurs in the proposed scenario which was previously not flooded in the existing scenario (referenced "was dry now wet"); and
- c. Extent and degree of change in the peak water levels.

The results of the proposed scenario modelling for a 1% AEP event (Figure 9) indicate that:

- a. Within the site flows are contained within the proposed road reserves with large flood level differences resulting primarily from the raising of the site and ponding within the OSD basins.
- b. The existing flows upstream of the eastern catchment are conveyed underground through a pipe network, with no overland flows through proposed lots. A berm proposed at the southern boundary of the properties backing onto the Pacific Highway provides sufficient head while only raising flood levels with the proposed site.
- c. Downstream of Eastern Basin flood levels have been reduced due to attenuation provided by the proposed OSD basin.
- d. Downstream of Western OSD Basin flood levels have been locally increased in the downstream nature reserve, primarily due to the concentration of flows created by the proposed OSD. These flood differences quickly equalise prior to discharge under the proposed culvert crossing.
- e. Flood levels within the eastern external catchment are largely unaffected, some increased depths have been isolated within the existing road reserve at Wallaby Road, due to the raised road levels at the tie in with existing. However, flood levels have not been impacted within private property.. Note that no drainage has been modelled at the sag point just upstream of the eastern basin and so ponding depths on Wallaby Road will be reduced on the introduction of piped drainage.

- f. There is some minor overland sheet flow from the interface between Kookaburra Avenue and the proposed extension of Wallaby Road. This is due to the inaccuracy of the tie in with the existing un-kerbed road, it is believed that this minor impact can be resolved in future detailed design. Through properly interfacing with the existing road formation overland flows can be directed through the proposed internal roads into the eastern basin.
- g. Flood levels within the western catchment have been improved due to a reduction of flows within the existing watercourse (flows now being managed internal to the proposed site) and due to the upgrade in drainage within Chisholm Avenue, as discussed in Section 6.5 e).
- h. An increase in flood levels within the proposed connection with Chisholm Avenue, due to the raising of existing levels. There is a minor increase in flood levels on the edge of the lot south of the proposed connection, however it is believed this minor impact can be managed in future detailed designs.

The results of the proposed scenario modelling for the PMF event indicate that:

- a) Flood levels downstream of both basins are increased by the proposed development, due primarily to the increased peak runoff generated by the increased impervious area of the development. As the OSD basins are only designed to attenuate flows up the 1% AEP event it is expected that flows within the PMF would be increased.
- b) Flood levels within the existing development to the West are reduced with localised increases in flood levels north and south of the proposed connection to Chisholm Avenue.
- c) Flood levels within the development are increased within the overland flow route between Pacific Highway and the internal channel. This is due to the bund being overtopped in the PMF event.
- d) Flood levels in the existing catchment to the East have been impacted in the some of the lots along the boundary of the development.

Stormwater

On-site detention will be required for the site to ensure post-development flows are maintained within pre-development levels. A Stormwater Report has been prepared by Cubo Associates (2018).

On-Site Detention (OSD)

The Stormwater Report concludes that a total OSD volume of approx. 7,000m³, split into 2,500m³ for the western catchment and 4,500m³ for the eastern catchment, may ensure that post-development runoff is kept within pre-development levels. 2 smaller upstream OSD's (part of the overall volume) should be provided for the subject site to maintain base flows in the upper reaches of the creeks, particularly during smaller storm events. The OSD arrangements above will also result in only a 5% decrease in storm flows from pre-development levels, ensuring that flows to the downstream wetlands are maintained throughout all storm events.

Pollutant Reduction

Preliminary MUSIC modelling (assuming all proposed lots have a minimum 2,000L rainwater tank as per BASIX requirements) for the rezoning site indicates that Central Coast Council's pollutant reduction targets may be met through:

- a. For the western catchment, bioretention ponds with a total filter area of 340m² and upstream GPT(s).

- b. For the eastern catchment, bioretention ponds with a total filter area of 580m² and upstream GPT(s).

Stormwater Management

Cubo Consulting Pty Ltd (2021) prepared a stormwater report that indicated the following findings-

1. on-site detention will be required for the site to ensure post-development flows are maintained with predevelopment levels. A total OSD volume of approx. 7000m³, split into 2500m³ for the western catchment and 6100m³ for the eastern catchment, may ensure that post-development runoff is kept within pre-development levels.

2. It is recommended that smaller upstream OSD's (part of the overall volume) are provided for the rezoning site to maintain base flows in the upper reaches of the creeks, particularly during smaller storm events.

3. Preliminary MUSIC modelling for the rezoning site indicates that Central Coast Council's pollutant reduction targets may be met through:

- a. for the western catchment, bioretention ponds with a total filter area of 340m² and upstream GPT's. (if constructed wetlands are adopted the water quality area may be increased by 5800m³.)
- b. the eastern catchment, bioretention ponds with a total filter area of 580m² and upstream GPT(s). (if constructed wetlands are adopted the water quality area may increase by 5800m².)
- c. The MUSIC modelling assumes all proposed lots within the development will have a minimum 2000L rainwater tank (as per BASIX requirements) with water reuse of 121 KL/year/lot.

4. The site is located within the upper reaches of the Karignan Creek catchment that drains into Lake Macquarie. Overland flows and flooding through the proposed rezoning site have been simulated in both 1D and 2D HEC-RAS models. Flood waters appear to be constrained to the existing natural channels running through the site. It is expected that:

- a. For the western catchment, proposed development works are expected to be on the edge of the 100-year ARI flood extent and require only minimal filling to flood proof lots.
- b. For the eastern catchment. Some earthworks and lot filling may be required for flood proofing within the existing 100-year flood areas. Post-development modelling suggests that only localised increase to flow depth and velocity will occur as a result of the development, with no significant impacts to creek flows expected downstream of the proposed rezoning site.
- c. Within the proposed rezoning site. The maximum increase in PMF level compared to the 1% AEP is 360mm, with an average increase of 76mm. Therefore, the flood levels throughout the rezoning site should be based on the 1% AEP water levels plus 500mm freeboard.
- d. Due to the steepness of the site, there appears to be limited backwater influence from the downstream wetlands and Lake Macquarie.

5. Detailed sediment and erosion control plans will be required to ensure that sediment is not transported to downstream wetlands during the construction phase. Erosion/scour protection measures, and revegetation, may be required at the discharge locations to the downstream channels within both the eastern and western catchments.

Traffic and transport

Barker Ryan Stewart prepared a Traffic and Parking Impact Assessment Report to accompany the Planning Proposal to rezone the land located at 285-325 Pacific Highway, Lake Munmorah to R2 Low Density. The planning proposal involves the rezoning of land at 285 – 325 Pacific Highway, Lake Munmorah to permit a residential development. Primary vehicular access is proposed from the west and east via existing access points from the Pacific Highway. The concept Master Plan proposes access from the west via Pacific Highway, Tall Timbers Road and Chisolm Avenue. Access from the east will be via Pacific Highway, Kangaroo Avenue, Wallaby Road, Kookaburra Avenue and Possum Street.

Background Reports Previously Intersect Traffic undertook a traffic impact analysis for the planning proposal which was submitted to Council with the Planning Proposal (RZ/2/2019). Barker Ryan Stewart (BRS) expanded on the previous work completed by Intersect Traffic and undertook additional traffic analysis as requested by TfNSW to assess and address traffic and access impacts generated by the proposed development (v4 dated 31/08/2021). Further correspondence was received from TfNSW dated 02/02/2022. BRS responded to TfNSW in correspondence dated 11/02/2022. This report has now been updated to have regard for previous studies and TfNSW comments.

Accordingly, based on the current and past traffic analysis undertaken for the planning proposal, the following option has been assessed and recommended for adoption. Split traffic movements from the development site 50/50 between Tall Timbers Road and Kangaroo Avenue and restrict Kangaroo Avenue to Left in and Left out only. SIDRA modelling results show that both the Pacific Highway / Tall Timbers Road and the Pacific Hwy / Kangaroo Ave / Boronia Road intersections operate satisfactorily in 2021 during both AM and PM peak periods even with development traffic and would continue to do so in 2028 and 2033 post development. Additional analysis undertaken in this study to assess the impact of the distribution of traffic between Tall Timbers Road and Kangaroo Avenue shows that both the Pacific Highway / Tall Timbers Road and Pacific Highway / Kangaroo Avenue / Boronia Road intersections would operate satisfactorily in the AM peak until 2033 without any need of upgrades during early stages of the development. The modelling has been based on the Pacific Highway / Kangaroo Avenue / Boronia Road intersection being restricted to left in / left out movements only (LILO). However, in year 2028 and 2033 the Pacific Highway / Tall Timbers Road intersection is likely to reach capacity in the PM peak. The existing right turn lane on the Pacific Highway is 140 metres long and the modelling indicates that the 95% back of queue lengths will likely reach 179 metres in 2028 and 234 metres in 2033. This indicates that in the later stages of the development the right turn lane will either need to be extended depending on the actual traffic generation from the site and rate of development or an additional right turn lane provided. 285 – 325 Pacific Highway, Lake Munmorah Intersection Options Analysis Report 5 Whilst these works are not required in the short term, it is recommended that a Planning Agreement have suitable provisions in place to ensure these works are undertaken at the DA stage to ensure that the operational performance of the Pacific Highway / Tall Timbers Road intersection is maintained at a satisfactory level over the long term. The SIDRA modelling results also show that the Pacific Hwy / Kangaroo Ave / Boronia Road intersection will operate satisfactorily with LILO arrangements in 2021 during both the AM and PM peak periods

with development traffic and would continue to do so in 2028 and 2033 post development. The average delay, LoS and 95% back of queue length for the intersection remain at acceptable levels based on the TfNSW assessment criteria. No upgrade work will be required at this intersection as a result of the planning proposal. The SIDRA modelling also shows that no intersection upgrades or traffic control devices are required for the Tall Timbers Road / Chisolm Road intersection as a result of the proposed development. It will continue to operate at Level of Service A into the future with minimal delays and queue lengths.

Agency consultation has been undertaken with Transport for NSW-RMS post Gateway Determination to ensure adequate consideration of existing state infrastructure has occurred (24/08/22). The proposed rezoning will necessitate upgrade works to the Pacific Highway and other connecting road networks. SIDRA modelling has determined the lot threshold of when this must occur is at the delivery of the 181 Lot. The proponent is required to enter into an agreement with Transport for NSW-RMS to ensure these upgrade works are delivered on time.

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

Social Issues

A *Social Impact Assessment (SIA)* has been provided to support the proposal (refer to Supporting Documentation - Supporting Studies). The SIA is comprehensive, including a demographic analysis, analysis of access to services and community consultation.

Social infrastructure

The proposed development includes the provision of community facilities, including a playground, picnic area with BBQ, as well as cycle paths and accessible footpaths.

Provision of playground, picnic area with BBQ, as well as cycle paths and accessible footpath should be a requirement of Development Consent as these will assist in building social capital in the new development, as well as facilitate active transport.

Affordable housing

The new development would provide much needed additional housing for the Central Coast, and growth is planned for in the northern part of the district. There is a particular and growing need for affordable housing on the Central Coast to meet the housing needs of people on very low to moderate incomes. The proposed zoning would permit the development of affordable housing within the subject sites.

Economic Impacts

The proposal will not increase employment opportunities within the local area, with the exception of jobs created during the construction phase of the development. However, there will be indirect employment opportunities due to the increased population adding to the existing retail catchment for local retail opportunities.

Recommendation:

N/A

Section D – State and Commonwealth Interests

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

Traffic

The subject proposal triggers the need for local road upgrades and the construction of a Collector road through the Precinct. The proponent has entered into a PA with Council to ensure these infrastructure items are delivered.

Agency consultation has been undertaken with Transport for NSW-RMS post Gateway Determination to ensure adequate consideration of existing state infrastructure has occurred. The proposed rezoning will necessitate upgrade works to the Pacific Highway and other connecting road networks. SIDRA modelling has determined the lot threshold of when this must occur is at the delivery of the 181 Lot. The proponent is required to enter into an agreement with Transport for NSW-RMS to ensure these upgrade works are delivered on time.

It is considered with the proposed works to the local and state road systems that there is adequate traffic and transport infrastructure.

Water

A *Sewer & Water Interim Servicing Report* has been prepared by Cubo Consulting (2021). Council's Water Planning and Development Unit has advised that there is generally capacity within the water network to cater for the residential subdivision mooted as part of this planning proposal. The proponent has been advised that the design of the reticulation network should consider security of supply and improved interconnectivity between the existing networks. In addition, the DN100 reticulation mains in this area are of an AC material for which Council has a replacement policy. The *Sewer & Water Interim Servicing Report* states that water supply capacity will need to be verified by modelling.

Sewer

A *Sewer & Water Interim Servicing Report* has been prepared by Cubo Consulting (2021). Council's Water Planning and Development Unit has advised that capacity constraints have been identified for servicing of the subject sites. A proposed DN300 (Line 4 MP12) has been identified to service catchments draining to the west. A more detailed capacity assessment would need to be undertaken once loads to the east and west trunk gravity mains have been determined. A capacity upgrade has also been identified for receiving SPS MP12 which is currently identified at year 2034 in the Development Servicing Plan for the area (DSP).

Electricity and Gas

The site is located adjacent to a TransGrid electricity transmission line and easement (to the north of the site) and is in close proximity to Vales Point Power Station and the recently upgraded substation at 1 Carters Road, Lake Munmorah. The site is therefore suitably located to be serviced by electricity.

Internet/NBN

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

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

Consultation with the following agencies has been undertaken consistent with the Gateway Determination:

Table 3 - Agency Consultation

Agency	Comment
Darkinjung Local Aboriginal Land Council	No response received during Agency consultation. Land Council has been contacted during exhibition.
Guringai Tribal Link	No objection to the proposal.
Subsidence NSW	Subsidence Advisory NSW records indicate that the site is undermined by abandoned coal mine workings in the Great Northern seam at varying depths. Based on currently available information, the risk of subsidence affecting future development is considered low. However, Subsidence Advisory NSW will assess the future applications for subdivision and surface development in accordance with the relevant development assessment policy at the time of application.
NSW Department of Industry – Resources and Energy	-No comment was received during Agency consultation. Agency has been notified of the exhibition process.
NSW Department of Family and Community Services- Rural Fire Service	<p>No objections to the proposal. Future subdivision of the land must demonstrate compliance with Chapter 5-Residential and Rural Residential Subdivision of <i>Planning for Bush Fire Protection (PBP) 2019</i>.</p> <p>In addition to this, the following must also be addressed at the subdivision stage:</p> <ol style="list-style-type: none"> 1. The effective slopes beneath the hazard in the north, south and proposed Vegetated Riparian Zone are assessed as down slope in the 0-5 degrees range as compared to up slope/flat land considered in the submitted bush fire report. As such, the future subdivision layout would be required to provide greater Asset Protection Zone (APZ) in accordance with table A1.12.2 of <i>PBP 2019</i>. 2. As per table 5.3a of <i>PBP 2019</i>, the APZ are required to be wholly located within the subject site. Where offsite APZ's are considered, it must be supported by further information in accordance with section 3.2.5/3.2.6 of <i>PBP 2019</i>, which ensures ongoing and future management of hazard in perpetuity. 3. The bush fire report addresses the access/egress to and from the site, however a broader context for safe evacuation of future occupants and fire fighters has not been adequately addressed. As the proposed amendment would significantly increase the density within the area, a traffic study addressing the safe evacuation of future occupants and fire fighters must be undertaken.
Department of Planning, Industry and Environment- Biodiversity and Conservation Division	<ul style="list-style-type: none"> • Biodiversity and Conservation Division (BCD) has reviewed additional information provided by the proponent to support the Biodiversity Certification Assessment Report (BCAR) associated with the planning proposal. This includes the supplementary water flow and pollutants assessment, and the Lake Munmorah Swift Parrot Serious and Irreversible Impact Assessment and the Swift Parrot Habitat Assessment which were reviewed by a Biodiversity Assessment Method species expert. • Based on the information provided to date, our team does not recommend any changes to the proposed zone boundaries. Please note that as the BCAR is finalised changes to the proposal may be necessary, for example additional impacts or mitigation measures are identified.
Heritage NSW	The outcomes of the ACHAR should be used to inform the planning proposal. If significant

Agency	Comment
	<p>cultural heritage values have been identified within the planning proposal areas, then options to avoid impact to these values needs to be explored.</p> <p>Any future Aboriginal Heiritage Impact Permit (AHIP) applications or other referrals will be reviewed on their merits and in accordance with legislated guidelines.</p>
<p>Transport for NSW -Roads and Maritime Services</p>	<ul style="list-style-type: none"> TfNSW have been working closely with Council, Department of Planning and Environment (DPE) and the three developers to resolve transport related matters. Upgrades are required to existing state infrastructure, with threshold requirements for these works. TfNSW understands that the developer will enter into a Planning Agreement with Council for works within the local road network and a Planning Agreement with DPE for works within the state road corridor (State VPA). The State VPA should identify the required works, timing for construction, cost of infrastructure and how it will be funded by apportionment from each developer.

Part 4 Mapping

Table 4 - Existing and Proposed Provisions

Map	Map Title
A.	Locality Plan
Existing Provisions	
A.	Acid Sulfate Soils Map
B.	Land Zoning Map
C.	Lot Size Map LSZ
Proposed Provisions	
A.	Acid Sulfate Soils Map ASS
B.	Land Reservation Acquisition Map
C.	Land Zoning Map
D.	Lot Size Map LSZ
E.	Urban Release Area Map URA

Part 5 Community Consultation

In accordance with the Gateway Determination the subject proposal will be exhibited for 28 days on:

-Council's website: <http://www.haveyoursaycentralcoast.com.au/>

Notification of the exhibition of the proposal was provided to adjoining landholders prior to exhibition.

Part 6 Project Timeline

Table 5 - Key Project Timeframes

Action	Period	Start Date	End Date
Anticipated commencement date (date of Gateway Determination)	1 month	01/06/20	14/09/20
Anticipated timeframe for the completion of required technical information	12 months	01/07/20	01/07/21
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Ongoing	Ongoing	Ongoing
Commencement and completion dates for public exhibition	28 days	16/09/2022	13/10/2022
Dates for public hearing (if required)	N/A	N/A	N/A
Timeframe for consideration of submissions	2 weeks	13/10/2022	1/11/2022
Timeframe for consideration of a proposal post exhibition	4 weeks	13/10/2022	14/11/2022
Date of submission to the Department to finalise LEP	1 day	23/12/2022	23/12/2022
Anticipated date RPA will make the plan (if delegated)	N/A	N/A	N/A
Anticipated date RPA will forward to the Department for notification	N/A	N/A	N/A

Supporting Documentation

Table 6 - Supporting Documentation to the Planning Proposal

No.	Document
01 Assessment and Endorsement	
A.	Council Report and Minutes – 28 October 2019
B.	Council Report and Minutes – 27 April 2020
C.	Central Coast Regional Plan 2036 Assessment
D.	State Environmental Planning Policy Assessment
E.	Section 9.1 Ministerial Direction Assessment
F.	Gateway Determination and Agency Responses
G.	Central Coast Community Strategic Plan
H.	Greater Lake Munmorah Structure Plan
02 Land Use Provisions	
A.	Land Use Tables
B.	Draft Voluntary Planning Agreement & Explanatory Note
C.	Draft DCP 2022: Chapter
03 Agency Responses	
A.	Guringai Response
B.	Subsidence Advisory
C.	Department of Planning & Environment-Biodiversity Conservation Division
D.	Heritage NSW Response
E.	NSW Rural Fire Service
F.	Transport for NSW- RMS response
G.	Department of Planning and Environment Biodiversity and Conservation Division response
04 Mapping To be included post Gateway	
A.	Locality Plan

No.	Document
Existing Provisions	
A.	Acid Sulfate Soils Map ASS
B.	Land Zoning Map LZN
C.	Lot Size Map LSZ
D.	Urban Release Area Map URA
Proposed Provisions	
A.	Acid Sulfate Soils Map ASS
B.	Land Reservation Acquisition Map LRA
C.	Land Zoning Map LZN
D.	Lot Size Map LSZ
E.	Urban Release Area Map URA
05 Supporting Studies	
A.	Intersections Options Analysis Barker Ryan Stewart 18 Feb 2022
B.	Social Impacts Assessment concerning 285 Pacific Highway Lake Munmorah prepared by BB Professional Services, February 2019
C.	Biodiversity Certification Assessment Report Kleinfelder 2022
D.	Bushland Management Plan Wedgetail 2022
E.	Bushfire Threat Anderson Environment & Planning (2021)
F.	Stormwater Report Barker Ryan and Stewart Aug 2022
G.	Sewer Capacity Assessment Report Barker Ryan and Stewart 29 July 2022
H.	Phase 1 Contaminated Site Investigation, GHD, February 2019
I.	Preliminary Geotechnical Investigation, GHD, February 2019
J.	Flood Impact Assessment Barker Ryan Stewart April 2022
K.	Aboriginal Cultural Heritage Assessment Report Insite Heritage May 2021

01

Assessment & Endorsement

Council Report and Minutes



Item No: 3.5
Title: Supplementary Report - Proposed Residential and Conservation Zoning for 285-335 Pacific Highway Lake Munmorah
Department: Environment and Planning

27 April 2020 Ordinary Council Meeting

Reference: F2019/00041-004 - D13806053
Author: Lucy Larkins, Senior Strategic Planner
Scott Duncan, Section Manager, Land Use and Policy
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning
Executive: Scott Cox, Director Environment and Planning

Summary

A decision of Council is required for the action to progress. The impact on project without a resolution of Council is as follows:

- A Guide to Preparing Local Environmental Plans provides guidance and information on the process for making local environmental plans (LEPs) under Part 3 of the Environmental Planning & Assessment Act, 1979 (the Act). In accordance with this guide Council has 90 days to inform the applicant as to whether the application will be supported or not.
- If the proposal is considered to have merit the application cannot be progressed for Gateway Determination in a timely manner.
- This Planning Proposal is one that has already been considered by the Council on 28 October 2019. At this meeting Council resolved to "defer consideration of this item for a site inspection to be conducted and a briefing at the monthly planning workshop to be provided". The site inspection and planning workshop briefing occurred on 3 February 2020.

A proposal has been submitted to Council to prepare a Planning Proposal to amend *Wyang Local Environmental Plan 2013* or *draft Central Coast Local Environmental Plan* (if in effect) on land at 285-305, 315, 325 and 335 Pacific Highway Lake Munmorah.

The matter was initially considered at the Ordinary Meeting of the Council on 28 October 2019 where Council resolved:

1006/19 That Council defer consideration of this item until a site inspection and workshop has been conducted to determine key principles in regards to

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(contd)

transport networks, land capabilities, sustainability and livability features.

Site inspections were undertaken on 12 December 2019 and 3 February 2020. The site inspections were attended by the following councilors and staff:

12 December 2019

- Councillor Jeff Sundstrom
- Council staff

3 February 2020

- Mayor, Councillor Lisa Mathews
- Deputy Mayor, Councillor Jane Smith
- Councillor Jeff Sundstrom
- Council staff

The following matters were raised and discussed during the site inspection:

1Where is the site in relation to the shopping centre?

Comment: The Lake Munmorah commercial zone is located on the subject site's western boundary.

2Where is the waterway on the site?

Comment: Minor waterways which connect with Karignan Creek traverse no's 285, 295 and 305 Pacific Highway, Lake Munmorah.

3Will the waterways and wetlands be retained?

Comment: The Proponent will be required to undertake further investigative studies to inform areas suitable for rezoning. This includes overland flood studies and ecological assessments.

4Who owns the land?

Comment: There are currently 7-8 lots included within the proposal area. Some of these are either owned or under option by the Proponent proposing the rezoning.

5Can we apply Best Practice to this site to avoid and enhance existing vegetation?

Comment: The Proponent will be required to undertake further investigative

(contd)

studies to inform areas suitable for rezoning. This includes overland flood studies and ecological assessments.

Additional controls will be defined within site specific development control chapters to manage future development of the land.

6Can we prohibit cats within the rezoning area?

Comment: This is a difficult prohibition to enforce.

7The western corridor should be a minimum 400m to correspond with Best Practise.

Comment: The Proponent is required to undertake further studies which will inform the required width of the corridor. Noting it is identified as a drainage corridor specifically.

The Council workshop as requested, was held on 3 February 2020.

The matter is now reported to Council for determination following the site inspection and workshop. The report recommends Council prepare a Planning Proposal and request a Gateway Determination from the Department of Planning, Industry and Environment in accordance with the original report (original report enclosed in full as Attachment 1).

Recommendation

- 1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal applying to:**
 - Lot 1 DP 626787;
 - Lot 2 DP626787;
 - Lot 437 DP755266;
 - Lot 438 DP755266;
 - Lot 27 DP 755266;
 - Lot 12 DP771284; and
 - Lot 83 DP 650114.

- 2 That Council rezone the subject sites from RU6 Transition to R2 Low Density Residential and E2 Environment Conservation. By amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan) whichever is in effect at the time.**

- 3 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.**

(contd)

- 4** *That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.*
- 5** *That Council undertakes public authority and community consultation in accordance with Gateway Determination requirements.*
- 6** *That Council prepare and exhibit appropriate Development Control Plan provisions and other documents to support the development of the land subject to this planning proposal.*
- 7** *That Council authorise staff to negotiate and prepare a Planning Agreement with respect to any aspect of the proposal to support the development of the subject land.*
- 8** *That Council consider a further report on the results of public authority and community consultation.*

Attachments

- | | | | |
|----------|--------------------------------------|-------------------------------|-----------|
| 1 | Original Report - 28 October 2019 | | D13601029 |
| 2 | Planning Proposal Summary | Provided Under Separate Cover | D13673422 |
| 3 | Strategic Assessment Table D13864631 | Provided Under Separate Cover | |

(contd)

FOR ACTION

Ordinary Meeting

28/10/2019

To: Director Environment and Planning (Cox, Scott)

Subject: Proposed residential and conservation rezoning for 285-335 Pacific Highway Lake Munmorah
Author: <AUTHOR>
Target Date: 11/11/2019

Moved: *Mayor Matthews*
Seconded: *Councillor MacGregor*

Resolved

1006/19 *That Council defer consideration of this item until a site inspection and workshop has been conducted to determine key principles in regards to transport networks, land capabilities, sustainability and livability features.*

1007/19 *That Council conduct the proposed site inspection at a suitable time to accommodate the ward Councillors in Budgewoi Ward.*

For:
Unanimous

Council Report and Minutes

Item No:	2.3
Title:	Proposed residential and conservation rezoning for 285-335 Pacific Highway Lake Munmorah
Department:	Environment and Planning
28 October 2019 Ordinary Council Meeting	
Trim Reference:	F2019/00041-02 - D13601029
Author:	Lucy Larkins, Senior Strategic Planner Scott Duncan, Section Manager, Land Use and Policy
Manager:	Karen Tucker, Acting Unit Manager, Strategic Planning
Executive:	Brett Sherar, Acting Director, Environment and Planning



Report Purpose

The purpose of this report is for Council to consider a request to prepare a Planning Proposal to amend *Wyong Local Environmental Plan 2013* or draft *Central Coast Council Local Environmental Plan* (if in effect) on land on 285-305, 315, 325 and 335, Pacific Highway, Lake Munmorah.

This report recommends that Council prepare a Planning Proposal and request a Gateway Determination from the Department of Planning, Industry and Environment (DPIE).

Recommendation

- 1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal applying to:**

- Lot 1 DP 626787;**
- Lot 2 DP 626787;**
- Lot 437 DP 755266;**
- Lot 438 DP 755266;**
- Lot 27 DP 755266;**
- Lot 12 DP771284; and**
- Lot 83 DP 650114.**

To rezone the subject sites from RU6 Transition to R2 Low Density Residential and E2 Environmental Conservation. By amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan), whichever

is in effect at the time.

- 2 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.**
- 3 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 4 That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements.**
- 5 That Council prepare and exhibit appropriate Development Control Plan provisions and other documents to support the development of the land subject to this planning proposal.**
- 6 That Council authorise staff to negotiate and prepare a Planning Agreement with respect to any aspect of the proposal to support the development of the subject land;**
- 7 That Council consider a further report on the results of public authority and community consultation.**

The Site

The subject land is commonly known as 285-305,315,325 and 335 Pacific Highway Lake Munmorah and comprises the following properties:

- ot 1 DP 626787; L
- ot 2 DP 626787; L
- ot 437 DP 755266; L
- ot 438 DP 755266; L
- ot 27 DP 755266; L
- ot 12 DP 771284; and L
- ot 83 DP 650114. L

The total area of the land proposed to be rezoned is approximately 27.2 Ha. Existing improvements to study area include a commercial boarding kennel facility, dwellings, commercial buildings and a service station which include associated outbuildings and car parking. The topography of the area is generally level.

A large portion of the land is cleared although remnant vegetation is more heavily concentrated in the north western corner of the subject lands. Four dams are located within the site. Access to these sites is predominantly via the Pacific Highway.

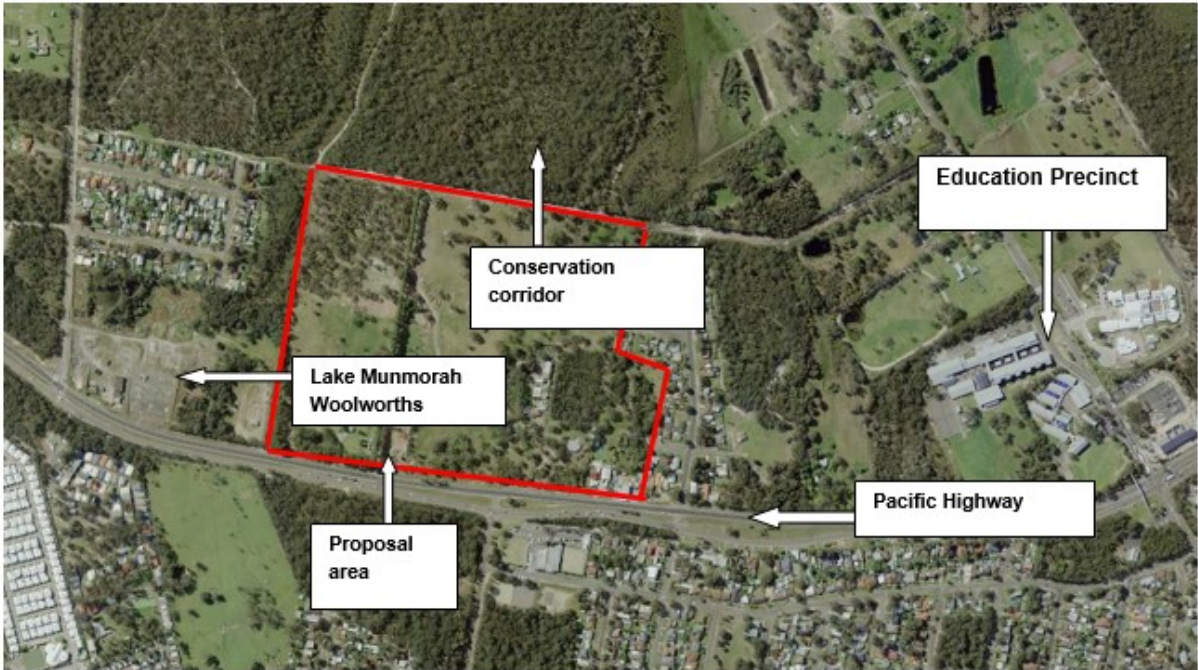


Figure 1- Subject area

Surrounding land uses include:

- Low density residential development to the east and west; L
- Education precinct to the east; E
- Lands zoned public recreation and environmental conservation, under the ownership of Crown to the north; L
- Lake Munmorah Woolworths Shopping Centre, environmental management and future public recreation lands to the west; and L
- Commercial and residential uses to the south. C

The Proposal

The proposal seeks to amend the WLEP 2013 or the future CCLEP as follows:

- Rezone the subject sites from RU6 Transition to R2 Low Density Residential and E2 Conservation; and R
- Apply a minimum lot size of 450m2 to the site to retain consistency with low density residential lots in the surrounding area. A
- Identify/map the site as an Urban Land Release Area subject to the provisions of Part 6 of WELP 2013. I

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

The masterplan submitted by the proponent provides an indicative lot yield of 300 lots. An indicative Masterplan has been submitted with the proposal indicating that the development will be conducted in accordance with Figure 2.

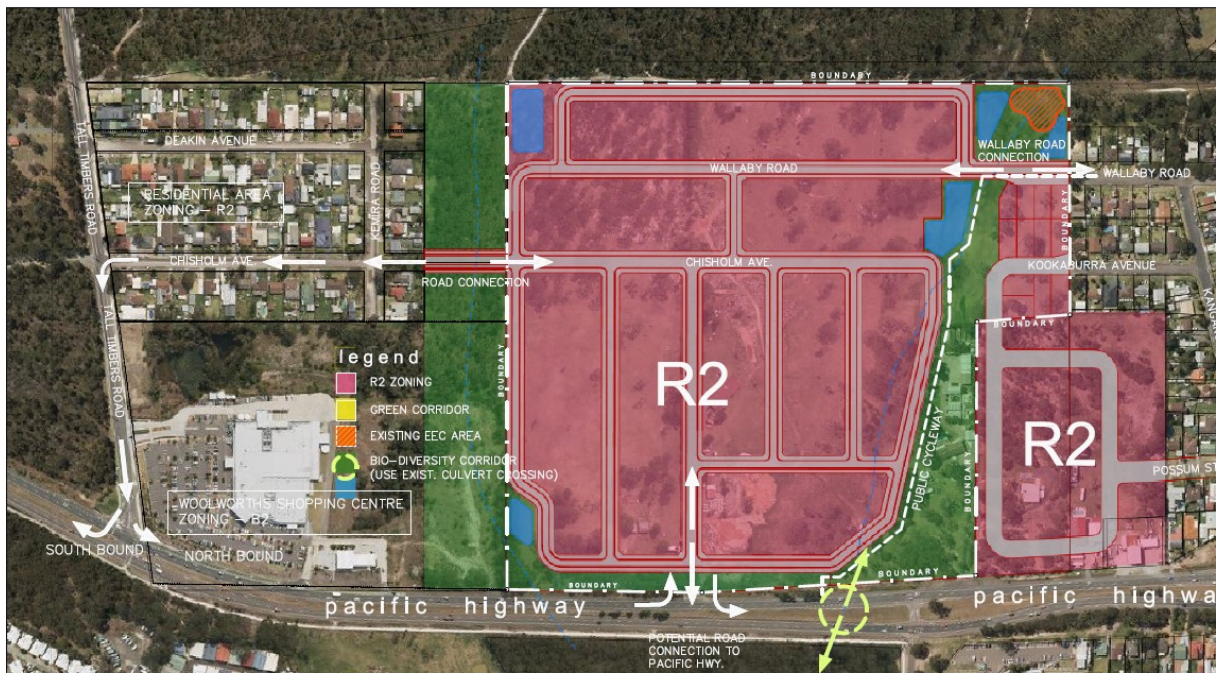


Figure 2- Indicative Masterplan

The proponent has outlined the following will be delivered by the proposal:

- Defined green corridor which traverses the site from north to south with significant opportunities for rehabilitation, recreation links and public cycleway, indicated in green above;

Included in these green corridors are picnic area including BBQ facilities in the north east, children’s play equipment with communal meeting space and shelters; and exercise stations throughout site to encourage walkability and passive recreation.

A site-specific Development Control Plan will be prepared to guide the development of the area and ensure that any future development is properly integrated with an expanded future commercial precinct and other adjoining residential development. This will be developed by Council staff with supporting information being provided by the proponent which will broadly be based on the Masterplan provided by the proponent. Revisions to the Masterplan, road layouts and location of open space may be required to meet Council requirements.

The current Northern Districts Contribution Plan applies to 285-335 Pacific Highway Lake Munmorah and collects development contributions for community facilities and open space within the Lake Munmorah area. The current plan does not collect for traffic and transport improvements (in Lake Munmorah) and as such the developer will be required to provide intersection, road upgrades and contribute towards cycleways/pedestrian pathways in the locality. The development will also be required to provide for a small park in a location which meets Council’s requirements. These matters will need to be agreed with the land owners and Council through a Planning Agreement if the rezoning is to be finalised before the review of the Northern District Contribution Plan has been completed. This review is included in the current Council review of the contribution plans applicable to the Central Coast Local Government Area and is expected to be completed by 2021.

Assessment

The rezoning of the subject land to R2 Low Density Residential and E2 Environmental Conservation has strategic merit on the basis that:

- The amendment to WLEP 2013 is consistent with actions in the *Central Coast Regional Plan (CCRP) 2036* and aligns specifically with Goal 3- Well-connected communities and attractive lifestyles and Goal 4- A variety of housing choice to suit needs and lifestyles.
- The proposal has been considered against the outlined requirements of the Department Planning, Industry and Environment (DPIE's) North Wyong Shire Structure Plan (NWSSP). This plan identifies the site is required for future residential purposes. The current timing had identified the staging of the development within the long-range timeframe (land will not be zoned before 15 years), this timing can be revised due to new information relating to underlying mining constraints which are no longer an impediment to surface land release. This means that the release of the land can be accelerated, subject to appropriate funding arrangements being put in place to manage infrastructure and servicing issues associated with increasing the population in the locality.
- The area to be rezoned is identified within the Draft Greater Lake Munmorah Structure Plan located within Precinct 8 Northern Lake Munmorah, see Figure 3. The proposal is consistent with the draft Greater Lake Munmorah Structure plan which was publicly exhibited between 1 April 2019 to 26 May 2019 and will be reported to Council before end of 2019.
- The draft Greater Lake Munmorah Structure Plan facilitates the delivery of 2,885 additional lots, the subject proposal will provide an additional 300 residential lots in close proximity to the expanding commercial centre at Lake Munmorah.
- Proposed Green Corridor/Drainage Corridor indicated on the Master plan is consistent with the corridor for Precinct 8 (see Figure 3. below) within the draft Greater Lake Munmorah Structure Plan.



Figure 3. Draft Greater Lake Munmorah Structure Plan, Precinct 8-Northern Lake Munmorah

Internal Consultation

Internal consultation has been undertaken for the current Planning Proposal and is summarised below.

Environmental Strategies

Some of the identified parcels of land within the proposal area is highlighted on the Biodiversity Values Map and as such a Biodiversity Development Assessment Report (BDAR) will be required to be submitted to Council to inform the Planning Proposal. A continuous vegetated link between Lake Macquarie and Lake Munmorah must be retained and restored as per the NWSSP and draft Greater Lake Munmorah Structure Plan.

Maintaining functional connectivity between the areas of native vegetation that exist between Lake Macquarie and Lake Munmorah is required to allow for fauna movement into unburnt refugia in the event of extensive bushfire on the National Parks Estate in the local area. Ongoing maintenance of the biodiversity corridor needs to be addressed, including weed control, dumped rubbish, litter and erosion.

Natural Assets

The masterplan for the proposal indicates a drainage/wildlife corridor will be provided on the eastern side of the proposal area. Natural Assets support the location of the corridor as it provides an important connection to corridor areas north and south of the site. Consultation will be undertaken with Natural Assets if the proposal proceeds to ensure the corridor is of a viable width and revegetation mechanisms are implemented during development of the area.

Water Planning and Development

A Sewer Servicing Plan will be required to be prepared in consultation with Council's Water Planning and Development Unit. The plan will need to consider site constraints, servicing options and compare the Net Present Costs of all options considering both capital and operational costs. Based on the preliminary assessment of the proposal, Water Planning and Development raise no objection to the proposal proceeding. The subject area will need to be serviced in accordance with plans outlined in the Development Servicing Plan.

Waterways

The subject site is bisected by overland flow paths which will be incorporated into conservation and drainage corridors within the proposal area. The proponent is required to undertake a flood study post Gateway Determination.

Development Engineering (including Traffic)

A Preliminary Traffic Assessment undertaken by Intersect Traffic dated February 2019 was submitted with the proposal. The traffic assessment states that most of the additional traffic generated from the development will pass through Chisolm Avenue and onto Tall Timbers Road.

The proposed connection to Chisolm Avenue and Tall Timbers Road will require significant civil construction works to achieve a standard or road capable of absorbing the additional traffic generated by the proposed development. It is anticipated that the proposal will not have a significant impact on the State Road network and that there is sufficient capacity at the signalised intersection of Pacific Highway/Tall Timbers Road to accommodate traffic growth. However, this will need to be further discussed with the Department of Transport (formerly known as Transport NSW and Roads and Maritime Services) post Gateway Determination.

Alternate access options to the Pacific Highway are also put forward by the applicant for a new intersection on the Pacific Highway and Kangaroo Avenue. These will be further explored by further traffic assessment work post Gateway Determination. The Department of Transport does not normally support any additional temporary or permanent intersections on the State road network.

The most optimal traffic management solution will need to be confirmed with Council and Department of Transport before the Planning Proposal can be publicly exhibited. This will also involve reaching agreement on the design and funding of local roadworks, shared pathway connections and other works required to manage traffic impacts through the preparation of a Planning Agreement.

Environmental Health -Land Contamination

A preliminary land contamination assessment prepared by GHD dated February 2019 was submitted. It was outlined within the assessment that due to past uses within the proposal area a detailed assessment post Gateway Determination will be required to further

investigate potential contaminant sources. This assessment is considered adequate to proceed to the Gateway Determination stage.

External Consultation

Government agency and public consultation requirements will be detailed in the Gateway Determination and undertaken accordingly.

It is anticipated due to the existing development and the location that the following agencies will need to be consulted:

- Department of Transport (formerly Transport NSW and Roads and Maritime Services)
- Department of Planning, Industry and Environment
- Department of Family and Community and Justice (former Rural Fire Service NSW)
- Subsidence Advisory NSW
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link

It is expected that the Planning Proposal will be publicly exhibited for a period of 28 days.

Statutory compliance and strategic justification

The Planning Proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs), Ministerial Section 9.1 Directions and relevant guidelines set out within the regional and local plans, including the CCRP (Attachment 2). The proposal is considered to be generally consistent with the applicable directions and SEPPs.

Financial Impact

The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service.

Social Impacts

It is considered that the subject proposal would result in positive social impacts through the delivering of increased housing in the northern part of the Central Coast LGA. The subject proposal is consistent with the North Wyong Structure Plan. The masterplan depicts adequate levels of open space delivery to make the proposed development an attractive and liveable residential area.

Environmental Impacts

The proposal seeks to deliver north-south connecting biodiversity corridors on the east and west sections of the site. The proposed biodiversity corridors provide connectivity to existing corridors to the north of the site

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

Theme 4: Responsible

Goal I: Balanced and sustainable development

R-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.

Risk Management

There have been no risks identified to the natural and built environment associated with the proposed amendment to WLEP 2013 or the CCLEP.

Conclusion

The request to rezone the subject land is considered to have strategic merit, subject to being supported by appropriate studies and infrastructure funding arrangements being in place to manage impacts associated with the additional population arising from future development.

It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning for a Gateway Determination.

Attachments

1	Proposal Summary for Lake Munmorah		D13673422
2	Strategic Assessment for Lake Munmorah	Enclosure	D13673427

Resolution

FOR ACTION

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Subject:

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Munmorah

Author:

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Seconded: Councillor MacGregor

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For:

Unanimous

Central Coast Regional Plan 2036 Assessment

<i>Direction</i>	<i>Applicable</i>	<i>Assessment/Comment</i>
1. <i>Grow Gosford City Centre as the region's capital</i>	N/A	The subject site is not located proximate to Gosford City Centre
2. <i>Focus economic development in the Southern and Northern Growth Corridors</i>	N/A	The proposal seeks to rezone the subject site from RU6 Transition zone to R2 Low Density Residential, C2 Conservation, RE1 Public Recreation and SP2 Infrastructure . The subject proposal does not conflict with the location of any economic development.
3. <i>Support priority economic sectors</i>	N/A	The proposal does not conflict with priority economic sectors.
4. <i>Strengthen inter-regional and intra-regional connections for business</i>	N/A	The proposal does not include any business related uses or zones.
5. <i>Support new and expanded industrial activity</i>	N/A	The proposal does not include industrial activity or zones.
6. <i>Strengthen the economic self-determination of Aboriginal communities</i>	N/A	The subject area is not under caretakership of the local aboriginal land council.
7. <i>Increase job containment in the region</i>	N/A	The proposal does not relate to job containment
8. <i>Recognise the cultural landscape of the Central Coast</i>	Yes	The subject site has environmental values suitable for retention. The vegetation on part of the site presents high amenity value for residents and visitors to the area and will be retained and protected via the implementation of C2 Environmental Conservation zones. The proposal is considered to respect the cultural value of the area.
9. <i>Protect and enhance productive agricultural land</i>	N/A	The subject site is not within proximity to or identified as productive agricultural land.
10. <i>Secure the productivity and capacity of resource lands</i>	N/A	The subject site is not proximate to or identified as resource lands
11. <i>Sustain and balance productive landscapes west of the M1</i>	N/A	The subject land is not west of the M1.
12. <i>Protect and manage environmental values</i>	Yes	The proposal seeks to rezone the site from RU6 Transition zone to R2 Low Density Residential, C2 Environmental Conservation, RE1 Public Recreation and SP2 Infrastructure.. The subject proposal is considered to be consistent with this Direction as it seeks to

		retain and enhance areas of conservation value.
13. <i>Sustain water quality and security</i>	N/A	The subject site is not located within the Drinking Water Catchment.
14. <i>Protect the coast and manage natural hazards and climate change</i>	Yes	The proposal is considered to be consistent with this Direction as flooding and stormwater measures will be utilised to minimise impacts upon the coast. The retention and enhancement of areas as biodiversity corridors is considered to be a positive outcome for the site.
15. <i>Create a well-planned, compact settlement pattern</i>	Yes	The proposal is consistent with this Direction. The subject site sits within an existing urban centre and presents an extension of an existing residential area..
16. <i>Grow investment opportunities in the region's centres</i>	N/A	The proposal does not include opportunities for investment at this stage.
17. <i>Align land use and infrastructure planning</i>	Yes	The proposal is consistent with this direction. The subject site sits within an existing urban area where infrastructure is available.
18. <i>Create places that are inclusive, well-designed and offer attractive lifestyles</i>	Yes	The proposed rezoning of the subject sites for residential purposes increases the potential for future development of the precinct to be inclusive, well designed and attractive for residents.
19. <i>Accelerate housing supply and improve housing choice</i>	Yes	The proposal is consistent with this Direction. The subject proposal seeks to rezone the subject site from RU6 Transition zone to R2 Low Density Residential, C2 Environmental Conservation, RE1 Public Recreation and SP2 Infrastructure. The increase in residential zoned lands enable accelerated supply and choice.
20. <i>Grow housing choice in and around local centres</i>	Yes	The proposal is consistent with this Direction. The proposal seeks to rezone the subject site from RU6 Transition zone from RU6 Transition zone to R2 Low Density Residential, C2 Environmental Conservation, RE1 Public Recreation and SP2 Infrastructure in an existing urban area proximate to local centres.
21. <i>Provide housing choice to meet community needs</i>	Yes	The delivery of land zoned R2 Low Density Residential enables sites to be developed for a variety of housing typologies.
22. <i>Deliver housing in new release areas that are best suited to building new communities</i>	Yes	The subject site is within an urban release area identified within the NWSSP.
23. <i>Manage rural lifestyles</i>	N/A	The subject site is not within a rural area.

State and Environmental Planning Policy Assessment

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
Chapter 2 – Vegetation in Non-Rural Areas	
<p><i>The aims of this Chapter are—</i></p> <p><i>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</i></p> <p><i>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i></p> <p><i>This Chapter applies to the following areas of the State (the non-rural areas of the State)—</i></p> <p><i>(b) land within the following zones under an environmental planning instrument—</i></p> <ul style="list-style-type: none"> <i>RU5 Village,</i> <i>R1 General Residential,</i> <i>R2 Low Density Residential,</i> <i>R3 Medium Density Residential,</i> <i>R4 High Density Residential,</i> <i>R5 Large Lot Residential,</i> <i>B1 Neighbourhood Centre,</i> <i>B2 Local Centre,</i> <i>B3 Commercial Core,</i> <i>B4 Mixed Use,</i> <i>B5 Business Development,</i> <i>B6 Enterprise Corridor,</i> <i>B7 Business Park,</i> <i>B8 Metropolitan Centre,</i> <i>IN1 General Industrial,</i> <i>IN2 Light Industrial,</i> 	<p>Not applicable to the subject proposal. Site is not located within a zone dictated under this SEPP.</p>

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
<p><i>IN3 Heavy Industrial,</i></p> <p><i>IN4 Working Waterfront,</i></p> <p><i>SP1 Special Activities,</i></p> <p><i>SP2 Infrastructure,</i></p> <p><i>SP3 Tourist,</i></p> <p><i>RE1 Public Recreation,</i></p> <p><i>RE2 Private Recreation,</i></p> <p><i>C2 Environmental Conservation,</i></p> <p><i>C3 Environmental Management,</i></p> <p><i>C4 Environmental Living or</i></p> <p><i>W3 Working Waterways.</i></p>	
Chapter 3 – Koala habitat protection 2020	
Not applicable.	Not applicable.
Chapter 4 – Koala Habitat Protection 2021	
<p><i>This Chapter 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.</i></p> <p><i>This Chapter does not apply to—</i></p> <p><i>(a) land dedicated or reserved under the National Parks and Wildlife Act 1974, or acquired under Part 11 of that Act, or</i></p> <p><i>(b) land dedicated under the Forestry Act 2012 as a State forest or a flora reserve, or</i></p> <p><i>(c) land on which biodiversity certification has been conferred, and is in force, under Part 8 of the Biodiversity Conservation Act 2016, or</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. Within the Biodiversity Certification Assessment Report (BCAR) by Kleinfelder 2022 which assessed Koala habitat suitability in accordance with the requirements of this SEPP. The report concluded no Koalas were recorded within the site, although ten (10) Koala use tree species are present on site. As such the vegetation within the Study Area does not constitute 'Core Koala Habitat' and no further assessment</p>
Chapter 5 – River Murray lands	
Not applicable.	Not applicable.

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
Chapter 6 – Bushland in Urban Areas	
<p>(1) <i>The general aim of this Chapter is to protect and preserve bushland within the urban areas referred to in Schedule 5 because of—</i></p> <ul style="list-style-type: none"> (a) <i>its value to the community as part of the natural heritage,</i> (b) <i>its aesthetic value, and</i> (c) <i>its value as a recreational, educational and scientific resource.</i> <p>(2) <i>The specific aims of this Chapter are—</i></p> <ul style="list-style-type: none"> (a) <i>to protect the remnants of plant communities which were once characteristic of land now within an urban area,</i> (b) <i>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,</i> (c) <i>to protect rare and endangered flora and fauna species,</i> (d) <i>to protect habitats for native flora and fauna,</i> (e) <i>to protect wildlife corridors and vegetation links with other nearby bushland,</i> (f) <i>to protect bushland as a natural stabiliser of the soil surface,</i> (g) <i>to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,</i> (h) <i>to protect significant geological features,</i> (i) <i>to protect existing landforms, such as natural drainage lines, watercourses and foreshores,</i> (j) <i>to protect archaeological relics,</i> (k) <i>to protect the recreational potential of bushland,</i> (l) <i>to protect the educational potential of bushland,</i> (m) <i>to maintain bushland in locations which are readily accessible to the community,</i> 	<p>Not applicable. The former Wyong LGA included within Schedule 5 of this SEPP.</p>

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
<p><i>and</i></p> <p><i>(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.</i></p> <p><i>This Chapter applies to the areas and parts of areas specified in Schedule 5:</i></p> <p><i>Gosford</i></p>	
Chapter 7 – Canal Estate Development	
Not applicable.	Not applicable.
Chapter 8 – Sydney drinking water catchment	
Not applicable.	Not applicable.
Chapter 9 – Hawkesbury – Nepean River	
Not applicable.	Not applicable.
Chapter 10 – Sydney Harbour Catchment	
Not applicable.	Not applicable.
Chapter 11 – Georges Rivers Catchment	
Not applicable.	Not applicable.
Chapter 12 – Willandra Lakes Region World Heritage Property	
Not applicable.	Not applicable.

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
Chapter 2 – Affordable Housing	
<p><i>The principles of this Policy are as follows—</i></p> <ul style="list-style-type: none"> <i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i> <i>(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,</i> <i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i> <i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i> <i>(e) minimising adverse climate and environmental impacts of new housing development,</i> <i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i> <i>(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,</i> <i>(h) mitigating the loss of existing affordable rental housing.</i> 	<p>The Proposal is consistent with the provisions of this SEPP. The proposed rezoning of the Precinct Area from predominantly RU6 Transition to R2 Low Density Residential, C2 Conservation and RE1 Public Residential will enable a variety of housing models and typologies to be delivered.</p>
Chapter 3 – Diverse Housing	
<p>Part 1: Secondary Dwellings</p> <p>Part 2: Group Homes</p> <p>Part 3: Co-living Housing</p> <p>Part 4: Built-to-rent Housing</p> <p>Part 5: Seniors Housing</p> <p>Part 6: Short-term Rental Accommodation</p> <p>Part 7: Conversion of Certain Serviced</p>	<p>The subject proposal seeks to rezone the subject site from RU6 Transition to R2_Low Density, RE1 Public Recreation and C2 Conservation. This will enable the provision of diverse typologies of residential development. The proposal is considered consistent with the requirements of the SEPP.</p>

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
Apartments	
<p>Part 8: Manufactured Home Estates</p> <p><i>The aims of this Part are—</i></p> <p><i>(a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and</i></p> <p><i>(b) to provide immediate development opportunities for manufactured home estates on the commencement of this Part, and</i></p> <p><i>(c) to encourage the provision of affordable housing in well-designed estates, and</i></p> <p><i>(d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and</i></p> <p><i>(e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and</i></p> <p><i>(f) to protect the environment surrounding manufactured home estates, and</i></p> <p><i>(g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.</i></p>	<p>The subject proposal seeks to rezone the subject site from RU6 Transition to R2 Low Density, RE1 Public Recreation and C2 Conservation. This will enable the provision of diverse typologies of residential development. The proposal is considered consistent with the requirements of the SEPP.</p>
<p>Part 9: Caravan Parks</p> <p><i>The aim of this Part is to encourage—</i></p> <p><i>(a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and</i></p> <p><i>(b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</i></p> <p><i>(c) the provision of community facilities for land</i></p>	<p>Not applicable to the subject proposal.</p>

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<p>so used, and</p> <p>(d) the protection of the environment of, and in the vicinity of, land so used.</p>	
State Environmental Planning Policy (Industry and Employment) 2021.	Assessment/Comment
Chapter 3 – Advertising and Signage	
<p>1. This Chapter aims—</p> <p>(a) to ensure that signage (including advertising)—</p> <ul style="list-style-type: none"> i is compatible with the desired amenity and visual character of an area, and ii provides effective communication in suitable locations, and iii is of high-quality design and finish, and <p>(b) to regulate signage (but not content) under Part 4 of the Act, and</p> <p>(c) to provide time-limited consents for the display of certain advertisements, and</p> <p>(d) to regulate the display of advertisements in transport corridors, and</p> <p>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p> <p>This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</p>	<p>Not applicable to the subject proposal.</p>

State Environmental Planning Policy (Planning Systems) 2021	Assessment/Comment
Chapter 2 – State and Regional Development	
<p>The aims of this Chapter are as follows—</p> <p>(a) to identify development that is State significant development,</p> <p>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</p> <p>(c) to identify development that is regionally significant development.</p>	<p>The subject proposal is not state significant development.</p>

State Environmental Planning Policy (Planning Systems) 2021	Assessment/Comment
<p><i>This chapter applies to Warnervale Town Centre as well as general categories of state significant development.</i></p>	
<p>Chapter 3 – Aboriginal Land</p>	
<p><i>The aims of this Chapter are—</i></p> <p><i>(a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and</i></p> <p><i>(b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i></p> <p><i>This Chapter applies to the land specified on the Land Application Map.</i></p>	<p>The subject lands are not under the care and control of the Local Aboriginal Land Council.</p>

State Environmental Planning Policy (Precincts—Regional) 2021	Assessment/Comment
<p>Chapter 5 – Gosford City Centre</p>	
<p><i>The aims of this Chapter are as follows—</i></p> <p><i>(a) to promote the economic and social revitalisation of Gosford City Centre,</i></p> <p><i>(b) to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,</i></p> <p><i>(c) to protect and enhance the vitality, identity and diversity of Gosford City Centre,</i></p> <p><i>(d) to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,</i></p> <p><i>(e) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable</i></p>	<p>The land comprising Gosford City Centre as defined by the <i>State Environmental Planning Policy (Precincts—Regional) 2021</i> is not subject to the Planning Proposal.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Precincts—Regional) 2021	Assessment/Comment
<p><i>social, economic and environmental outcomes,</i></p> <p><i>(f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,</i></p> <p><i>(g) to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,</i></p> <p><i>(h) to preserve and enhance solar access to key public open spaces,</i></p> <p><i>(i) to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront,</i></p> <p><i>(j) to ensure that development exhibits design excellence to deliver the highest standard of architectural and urban design in Gosford City Centre.</i></p>	

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
Chapter 2 - Primary Production and Rural Development	
<p><i>The aims of this Chapter are as follows—</i></p> <p><i>(a) to facilitate the orderly economic use and development of lands for primary production,</i></p> <p><i>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</i></p> <p><i>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</i></p> <p><i>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in</i></p>	<p>Not applicable to the subject proposal.</p>

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
<p><i>irrigation areas and districts,</i></p> <p><i>(e) to encourage sustainable agriculture, including sustainable aquaculture,</i></p> <p><i>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i></p> <p><i>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</i></p>	
Chapter 3 - Central Coast Plateau Areas	
<p><i>The general aims of this Chapter are—</i></p> <p><i>(a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,</i></p> <p><i>(b) to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability,</i></p> <p><i>(c) to protect regionally significant mining resources and extractive materials from sterilization,</i></p> <p><i>(d) to enable development for the purposes of extractive industries in specified locations,</i></p> <p><i>(e) to protect the natural ecosystems of the region, and</i></p> <p><i>(f) to maintain opportunities for wildlife movement across the region, and</i></p> <p><i>(g) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and</i></p> <p><i>(h) to encourage the preparation of draft local environmental plans based on merits.</i></p>	<p>No land within the Planning Proposal is located within the Central Coast Plateau Area.</p> <p>The Proposal is consistent with the provisions of this SEPP</p>

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
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State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
Chapter 2 - Coastal Management	
<p><i>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—</i></p> <p><i>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</i></p> <p><i>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</i></p> <p><i>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</i></p>	<p>The Proposal is consistent with the provisions of this SEPP.</p> <p>The site includes an area of mapped Coastal Wetlands in the north west of the site, this area is proposed to be zoned C2 Environmental Conservation with limited development permissible. The DCP chapter associated with the proposal contains controls to minimise impacts to the Coastal Wetland area.</p> <p>It is considered that the proposal is consistent with the requirements of the SEPP.</p>
Chapter 3 – Hazardous and Offensive Development	
<p><i>This Chapter aims—</i></p> <p><i>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</i></p> <p><i>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter, and</i></p> <p><i>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</i></p> <p><i>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</i></p> <p><i>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has</i></p>	<p>Not applicable to planning proposal.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
<p><i>sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</i></p> <p><i>(f) to require the advertising of applications to carry out any such development.</i></p>	
Chapter 4 - Remediation of Land	
<p>1. <i>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</i></p> <p>2. <i>In particular, this Chapter 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—</i></p> <p><i>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</i></p> <p><i>(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</i></p> <p><i>(c) by requiring that a remediation work meet certain standards and notification requirements.</i></p>	<p>A Phase 1 Contaminated Lands Assessment by EDH Group has been undertaken prior to the Gateway Determination and a Preliminary Site Investigation by Kleinfelder has been undertaken post Gateway Determination.</p> <p>Based on the findings of both reports a detailed investigation is recommended to further investigate the potential contaminant sources at the Development Application stage.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
Chapter 2 – Mining, Petroleum Production and Extractive Industries	
<p><i>The aims of this Chapter are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries—</i></p> <p><i>(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</i></p> <p><i>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources,</i></p>	<p>The subject site has not been identified as containing any mineral, petroleum or extractive resource materials.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
<p><i>and</i></p> <p>(c) <i>to promote the development of significant mineral resources, and</i></p> <p>(d) <i>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</i></p> <p>(e) <i>to establish a gateway assessment process for certain mining and petroleum (oil and gas) development—</i></p> <p><i>i to recognise the importance of agricultural resources, and</i></p> <p><i>ii to ensure protection of strategic agricultural land and water resources, and</i></p> <p><i>iii to ensure a balanced use of land by potentially competing industries, and</i></p> <p><i>iv to provide for the sustainable growth of mining, petroleum and agricultural industries.</i></p>	
Chapter 3 – Extractive Industries in Sydney Area	
<p><i>This Chapter aims—</i></p> <p>(a) <i>to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and</i></p> <p>(b) <i>to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 3 or 4, and</i></p> <p>(c) <i>to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and</i></p> <p>(d) <i>to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and</i></p> <p>(e) <i>to prohibit development for the purpose of extractive industry on the land described in Schedule 5 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land</i></p>	<p>Subsidence Advisory NSW records indicate that the site is undermined by abandoned coal mine workings in the Great Northern seam at varying depths. Based on currently available information, the risk of subsidence affecting future development is considered low.</p> <p>However, Subsidence Advisory NSW will assess future applications for subdivision and surface development in accordance with the relevant development assessment policy at the time of application.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
<p><i>which is environmentally sensitive.</i></p> <p><i>This chapter applies to land in former Gosford and former Wyong LGAs.</i></p>	

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
Chapter 2 – Infrastructure	
<p><i>The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</i></p> <ul style="list-style-type: none"> <i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i> <i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i> <i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i> <i>(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</i> <i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i> <i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i> <i>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</i> 	<p>The ability for infrastructure to be provided to the URA has been assessed as part of the proposal. It is considered that the proposal is consistent with the requirements of the SEPP.</p>
Chapter 3 – Educational Establishments and Childcare Facilities	
<p><i>The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</i></p> <ul style="list-style-type: none"> <i>(a) improving regulatory certainty and efficiency</i> 	<p>Not applicable to planning proposal.</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
<p><i>through a consistent planning regime for educational establishments and early education and care facilities, and</i></p> <p><i>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</i></p> <p><i>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</i></p> <p><i>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</i></p> <p><i>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></p> <p><i>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</i></p> <p><i>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</i></p> <p><i>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</i></p>	

Ministerial Section 9.1 Directions

Planning Systems	Comments
1.1 Implementation of Regional Plans	
<p>1. <i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning and Public Spaces.</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
1.2 Development of Aboriginal Land Council Land	
<p>1. <i>When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:</i></p> <p>(a) <i>any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or</i></p> <p>(b) <i>if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p> <p>Land within the Planning Proposal is not shown on the Land Application Map of State Environmental Planning Policy (Planning Systems) 2019.</p>
1.3 Approval and Referral Requirements	
<p>1. <i>A planning proposal to which this direction applies must:</i></p> <p>(a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i></p> <p>(b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i></p> <p style="margin-left: 20px;"><i>i. the appropriate Minister or public authority, and</i></p> <p style="margin-left: 20px;"><i>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and</i></p> <p>(c) <i>not identify development as designated development unless the relevant planning authority:</i></p> <p style="margin-left: 20px;"><i>i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</i></p> <p style="margin-left: 20px;"><i>ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>

Planning Systems	Comments
1.4 Site Specific Provisions	
<p>1. A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>2. A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p> <p>The proposal does seek to apply specific site-specific provisions through the CCLEP 2022. The rezoning, changing of minimum lot size, addition to Urban Release Area Mapping and the amendment to the Land Acquisition Mapping for the site will be accompanied by site-specific Development Control Plan Provisions.</p>
1.5 Parramatta Road Corridor Urban Transformation Strategy	
<p>1. A planning proposal that applies to land in the nominated local government areas within the Parramatta Road Corridor must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November, 2016),</p> <p>(c) be consistent with the Parramatta Road Corridor Planning and Design Guidelines (November, 2016) and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines,</p> <p>(d) be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, as applicable,</p> <p>(e) contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016),</p> <p>(f) be consistent with the relevant District Plan.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	

Planning Systems	Comments
1. <i>Planning proposals to which this direction applies shall be consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy.</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	
1. <i>Planning proposals shall be consistent with the interim Plan published in July 2017.</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	
1. <i>A planning proposal is to be consistent with the Interim Land Use and Infrastructure Implementation Plan and Background Analysis, approved by the Minister for Planning and Public Spaces and as published on 5 August 2017 on the website of the Department of Planning, Industry and Environment (Implementation Plan).</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	
1. <i>A planning proposal is to be consistent with the precinct plans approved by the Minister for Planning and Public Spaces and published on the Department's website on 22 December 2017.</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.10 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	
1. <i>A planning proposal is to be consistent with the Western Sydney Aerotropolis Plan approved by the Minister for Planning and Public Spaces and as published on 10 September 2020 on the website of the Department of Planning, Industry and Environment.</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.11 Implementation of Bayside West Precincts 2036 Plan	
1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website in September 2018.</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	
1. <i>A planning proposal authority must ensure that a planning proposal</i>	Not Applicable

Planning Systems	Comments
<p><i>is consistent with the following principles:</i></p> <ul style="list-style-type: none"> <i>(a) Enable the environmental repair of the site and provide for new recreation opportunities;</i> <i>(b) Not compromise future transport links (such as the South-East Mass Transit link identified in Future Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney Airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses;</i> <i>(c) Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove;</i> <i>(d) Ensure best practice design and a high quality amenity with reference to the NSW design policy Better Placed;</i> <i>(e) Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden;</i> <i>(f) Safeguard the ongoing operation of Sydney Airport;</i> <i>(g) Enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30-minute city;</i> <i>(h) Deliver a safe road network that balances movement and place, provides connections to the immediate and surrounding areas, and is cognisant of the traffic conditions in this area; and</i> <i>(i) Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage. The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.</i> 	<p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	
<p>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 29 August 2020.</i></p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
1.14 Implementation of Greater Macarthur 2040	
<p>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with Greater Macarthur 2040, approved by the Minister for Planning and Public Spaces and as published on 19 November 2018 on the website of the Department of Planning, Industry and</i></p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or</p>

Planning Systems	Comments
Environment.	former Wyong or Gosford LGAs).
1.15 Implementation of the Pymont Peninsula Place Strategy	
<p>1. A planning proposal authority must ensure that a planning proposal is consistent with the Pymont Peninsula Place Strategy, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 11 December 2020, including that it:</p> <p>(a) gives effect to the objectives of this direction and the Vision (Part 5) of the Pymont Peninsula Place Strategy,</p> <p>(b) is consistent with the 10 directions (Part 6) and Structure Plan (Part 8) in the Pymont Peninsula Place Strategy,</p> <p>(c) delivers on envisaged future character for sub-precincts (Part 9), including relevant place priorities in the Pymont Peninsula Place Strategy, and</p> <p>(d) supports the delivery of the Big Moves (Part 7) in the Pymont Peninsula Place Strategy.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
1.16 North West Rail Link Corridor Strategy	
<p>1. A planning proposal that applies to land located within the NWRL Corridor must:</p> <p>(a) give effect to the objectives of this direction</p> <p>(b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts</p> <p>(c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
1.17 Implementation of the Bays West Place Strategy	
<p>1. A planning proposal authority must ensure that a planning proposal is consistent with the Bays West Place Strategy, approved by the Minister for Planning and published on the Department of Planning and Environment website on 15 November 2021, including that it:</p> <p>(a) gives effect to the objectives of this Direction and the Vision of the Bays West Place Strategy,</p> <p>(b) is consistent with the 14 Directions and Structure Plan(s) in the Bays West Place Strategy,</p> <p>(c) delivers on envisaged future character for sub-precincts, and</p> <p>(d) supports the delivery of the Big Moves in the Bays West Place Strategy</p>	

Design & Place	Comments
2.1	

Biodiversity & Conservation	Comments
3.1 Conservation Zones	
<p>1. <i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p>2. <i>A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation 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 Direction 9.3 (2) of "Rural Lands".</i></p>	<p>Applicable</p> <p>The subject proposal seeks to zone two areas for conservation within the precinct. These areas are to be accompanied by a BCAR and a BMP. It is considered that the subject proposal is consistent with 3.1 Conservation Zones.</p>
3.2 Heritage Conservation	
<p>1. <i>A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p>(a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p>(b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p>(c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to</i></p>	<p>Applicable</p> <p>Comment from Heritage NSW (HNSW) was received on 24/12/21. The review of the proposed concluded that there aren't any identified impacts on items listed on the State Heritage Register.</p> <p>HNSW also recommended that the outcomes of the Aboriginal Cultural Heritage Assessment Report (ACHAR) should be used to inform the PP.</p> <p>ACHAR findings and recommendations:</p> <p>The field survey located an isolated find in the mid section of the study area.</p> <p>The artefact located will be impacted by the residential development therefore an AHIP is required should the subdivision be approved. This will be a requirement at the Development Application Stage.</p> <p>The ultimate mitigation of the identified artefact will be subject to the choice of the Aboriginal community.</p>

Biodiversity & Conservation	Comments
<p><i>Aboriginal culture and people.</i></p>	<p>Options for artefact management include:</p> <ol style="list-style-type: none"> 1. Leave in-situ 2. Collect under a Care and Control Permit 3. Collect and relocate to elsewhere on the property, such as the APZ area or the green corridor of the undefined drainage line, so the artefact remains on Country. The site will then be modified on AHIMS to show the new location. <p>The Proposal is consistent with this direction.</p>
<p>3.3 Sydney Drinking Water Catchments</p>	
<ol style="list-style-type: none"> 1. <i>A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:</i> <ol style="list-style-type: none"> (a) <i>new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and</i> (b) <i>future land use in the Sydney drinking water catchment should be matched to land and water capability, and</i> (c) <i>the ecological values of land within a Special Area that is:</i> <ol style="list-style-type: none"> i. <i>reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or</i> ii. <i>declared as a wilderness area under the Wilderness Act 1987, or</i> iii. <i>owned or under the care control and management of the Sydney Catchment Authority, should be maintained.</i> 2. <i>When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:</i> <ol style="list-style-type: none"> (a) <i>ensure that the proposal is consistent with chapter 9 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and</i> (b) <i>give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and</i> 	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Biodiversity & Conservation	Comments								
<p>(c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:</p> <table border="0" data-bbox="207 465 817 1400"> <thead> <tr> <th data-bbox="207 465 518 616">Land</th> <th data-bbox="518 465 817 616">Zone under Standard Instrument (Local Environmental Plans) Order 2006</th> </tr> </thead> <tbody> <tr> <td data-bbox="207 654 518 763">Land reserved under the National Parks and Wildlife Act 1974</td> <td data-bbox="518 654 817 723">C1 National Parks and Nature Reserves</td> </tr> <tr> <td data-bbox="207 795 518 1099">Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level</td> <td data-bbox="518 795 817 864">C2 Environmental Conservation</td> </tr> <tr> <td data-bbox="207 1131 518 1400">Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.</td> <td data-bbox="518 1131 817 1281">SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)</td> </tr> </tbody> </table> <p>and</p> <p>(d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and</p> <p>(e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP&A Act.</p>	Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006	Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves	Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation	Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)	
Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006								
Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves								
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation								
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)								
3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs									
1. A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental	Not Applicable								

Biodiversity & Conservation	Comments
<p><i>Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils C Zone Review Final Recommendations.</i></p>	<p>This Direction does not apply to the Central Coast LGA or former Wyong or Gosford LGAs.</p>

3.5 Recreational Vehicle Areas

<p>1. <i>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</i></p> <p><i>(a) where the land is within a conservation zone,</i></p> <p><i>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</i></p> <p><i>(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</i></p> <p><i>i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</i></p> <p><i>ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985. Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</i></p>	<p>Applicable</p> <p>The subject proposal is not located within proximity to a recreational vehicle area nor does it propose to introduce one.</p> <p>The Proposal is consistent with this direction.</p>
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Resilience & Hazards	Comments
4.1 Flooding	
<p>1. <i>A planning proposal must include provisions that give effect to and are consistent with:</i></p> <p><i>(a) the NSW Flood Prone Land Policy,</i></p> <p><i>(b) the principles of the Floodplain Development Manual 2005,</i></p>	<p>Applicable</p> <p>Assessment of the flood affectation of the precinct as determined that the areas permitting residential development are not impacted by flood affectation.</p>

Resilience & Hazards	Comments
<p>(c) <i>the Considering flooding in land use planning guideline 2021, and</i></p> <p>(d) <i>any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</i></p> <p>2. <i>A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</i></p> <p>3. <i>A planning proposal must not contain provisions that apply to the flood planning area which:</i></p> <p>(a) <i>permit development in floodway areas,</i></p> <p>(b) <i>permit development that will result in significant flood impacts to other properties,</i></p> <p>(c) <i>permit development for the purposes of residential accommodation in high hazard areas,</i></p> <p>(d) <i>permit a significant increase in the development and/or dwelling density of that land,</i></p> <p>(e) <i>permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</i></p> <p>(f) <i>permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</i></p> <p>(g) <i>are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</i></p> <p>(h) <i>permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</i></p>	<p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p>4. A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the dwelling density of that land, (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities. <p>5. For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>	
4.2 Coastal Management	
<p>1. A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas; (b) the NSW Coastal Management Manual and associated Toolkit; (c) NSW Coastal Design Guidelines 2003; and (d) any relevant Coastal Management Program that 	<p>Applicable</p> <p>The site includes an area of mapped Coastal Wetlands in the north west of the site, however the proposal does not include development in this vicinity.</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p><i>has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i></p> <p>2. <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</i></p> <p><i>(a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or</i></p> <p><i>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i></p> <p><i>i. by or on behalf of the relevant planning authority and the planning proposal authority, or</i></p> <p><i>ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i></p> <p>3. <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</i></p> <p>4. <i>A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:</i></p> <p><i>(a) Coastal wetlands and littoral rainforests area map;</i></p> <p><i>(b) Coastal vulnerability area map;</i></p> <p><i>(c) Coastal environment area map; and</i></p> <p><i>(d) Coastal use area map.</i></p> <p><i>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4</i></p>	

Resilience & Hazards	Comments
<p><i>of Schedule 3 to the Coastal Management Act 2016.</i></p>	
<p>4.3 Planning for Bushfire Protection</p>	
<p>1. <i>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</i></p> <p>2. <i>A planning proposal must:</i></p> <p>(a) <i>have regard to Planning for Bushfire Protection 2019,</i></p> <p>(b) <i>introduce controls that avoid placing inappropriate developments in hazardous areas, and</i></p> <p>(c) <i>ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</i></p> <p>3. <i>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i></p> <p>(a) <i>provide an Asset Protection Zone (APZ) incorporating at a minimum:</i></p> <p>i. <i>an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</i></p> <p>ii. <i>an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</i></p> <p>(b) <i>for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</i></p> <p>(c) <i>contain provisions for two-way access roads which</i></p>	<p>Applicable</p> <p>The subject land is classified as Bush Fire affected.</p> <p>A Bushfire Threat Assessment (2022) by AEP has been prepared as requested by NSW Rural Fire Services in December 2021.</p> <p>The report concludes:</p> <p>It is considered that the proposed protection measures, principally APZ's, perimeter roads and relevant construction standards, would comply with the relevant requirements of PBP 2019 and AS-3959. When applied, these measures should provide adequate protection to life and property within the proposed development in the event of a bushfire occurring in the immediate locality.</p> <p>As such, it is considered that the Planning Proposal is able to meet the required objectives and principles of PBP 2019.</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p><i>links to perimeter roads and/or to fire trail networks,</i></p> <p><i>(d) contain provisions for adequate water supply for firefighting purposes,</i></p> <p><i>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</i></p> <p><i>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</i></p>	
4.4 Remediation of Contaminated Lands	
<p>1. <i>A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p> <p><i>(a) the planning proposal authority has considered whether the land is contaminated, and</i></p> <p><i>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></p> <p><i>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</i></p> <p>2. <i>Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. 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.</i></p>	<p>Applicable</p> <p>A Phase 1 Contaminated Lands Assessment by EDH Group has been undertaken prior to the Gateway Determination and a Preliminary Site Investigation by Kleinfelder has been undertaken post Gateway Determination.</p> <p>Based on the findings of both reports a detailed investigation is recommended to further investigate the potential contaminant sources at the Development Application stage.</p> <p>The Proposal is consistent with this direction.</p>
4.5 Acid Sulfate Soils	

Resilience & Hazards	Comments
<ol style="list-style-type: none"> 1. <i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i> 2. <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i> <ol style="list-style-type: none"> (a) <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</i> (b) <i>other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</i> 3. <i>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</i> 4. <i>Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</i> 	<p>Applicable</p> <p>The subject site is Class 5 acid sulfate soils (located within 500m of a Class 1 and 2 acid sulfate soil).</p> <p>As far as potential for ASS is concerned any related impact can be dealt with at the DA stage.</p> <p>The Proposal is consistent with this direction.</p>
4.6 Mine Subsidence & Unstable Land	
<ol style="list-style-type: none"> 1. <i>When preparing a planning proposal that would permit development on land that is within a declared mine subsidence district, a relevant planning authority must:</i> 	<p>Applicable</p> <p>Consultation with Subsidence Advisory on the 24/06/22 concluded NSW records indicate that the site is undermined by abandoned coal mine workings in</p>

Resilience & Hazards	Comments
<p>(a) consult Subsidence Advisory NSW to ascertain:</p> <ul style="list-style-type: none"> i. if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and ii. the scale, density and type of development that is appropriate for the potential level of subsidence, and <p>(b) Incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and</p> <p>(c) include a copy of any information received from Subsidence Advisory NSW with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary prior to undertaking community consultation in satisfaction of Schedule 1 to the Act.</p> <p>2. A planning proposal must not permit development on land.</p>	<p>the Great Northern seam at varying depths. Based on currently available information, the risk of subsidence affecting future development is considered low.</p> <p>However, Subsidence Advisory NSW will assess future applications for subdivision and surface development in accordance with the relevant development assessment policy at the time of application.</p> <p>The Proposal is consistent with this direction.</p>

Transport & Infrastructure	Comments
5.1 Integrating Land Use & Transport	
<p>1. A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). 	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
5.2 Reserving Land for Public Purposes	
<p>1. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>2. When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required</p>	<p>Applicable</p> <p>The subject site is not identified for acquisition for public purposes.</p> <p>The Proposal is consistent with this direction.</p>

Transport & Infrastructure	Comments
<p><i>to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <i>(a) reserve the land in accordance with the request, and</i> <i>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</i> <i>(c) identify the relevant acquiring authority for the land.</i> <p>3. <i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <i>(a) include the requested provisions, or</i> <i>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</i> <p>4. <i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</i></p>	
5.3 Development Near Regulated Airports and Defence Airfields	
<p>1. <i>In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <i>(a) consult with the lessee/operator of that airport;</i> <i>(b) take into consideration the operational airspace and any advice from the lessee/operator of that airport;</i> <i>(c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i> 	<p>Not Applicable</p> <p>The site is not located in the vicinity of a licensed aerodrome.</p>

Transport & Infrastructure	Comments
<p>(d) <i>not allow development types that are incompatible with the current and future operation of that airport.</i></p> <p>2. <i>In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</i></p> <p>(a) <i>consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</i></p> <p>(b) <i>for land affected by the prescribed airspace (as defined in clause 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</i></p> <p>(c) <i>not allow development types that are incompatible with the current and future operation of that airport.</i></p> <p>(d) <i>obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</i></p> <p>3. <i>In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</i></p> <p>(a) <i>consult with the Department of Defence if:</i></p> <p>i. <i>the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</i></p> <p>ii. <i>no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</i></p> <p>(b) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></p> <p>(c) <i>not allow development types that are incompatible with the current and future operation of that</i></p>	

Transport & Infrastructure	Comments
<p>airfield.</p> <p>4. A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:</p> <p>(a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</p> <p>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</p> <p>(c) for commercial or industrial purposes where the ANEF is above 30.</p> <p>5. A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</p>	

5.4 Shooting Ranges

<p>1. A planning proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of:</p> <p>(a) permitting more intensive land uses than those which are permitted under the existing zone; or</p> <p>(b) permitting land uses that are incompatible with the noise emitted by the existing shooting range.</p>	<p>Not Applicable</p> <p>The proposal is not located in the vicinity of a shooting range.</p>
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Housing	Comments
6.1 Residential Zones	
<p>1. A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p> <p>The proposed is to rezone the site to R2 Low Density Residential zoning, RE1⁺ Public Recreation –and C2 Environmental Conservation, the site is well serviced to accommodate this rezoning.</p>

Housing	Comments
<p>(d) <i>be of good design.</i></p> <p>2. <i>A planning proposal must, in relation to land to which this direction applies:</i></p> <p>(a) <i>contain a requirement 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), and</i></p> <p>(b) <i>not contain provisions which will reduce the permissible residential density of land.</i></p>	
6.2 Caravan Parks and Manufactured Home Estates	
<p>1. <i>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</i></p> <p>(a) <i>retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</i></p> <p>(b) <i>retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</i></p> <p>2. <i>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</i></p> <p>(a) <i>take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) as to where MHEs should not be located,</i></p> <p>(b) <i>take into account the principles listed in clause 9 Schedule 5 of State Environmental Planning Policy (Housing)(which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</i></p> <p>(c) <i>include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent..</i></p>	Not Applicable

Industry & Employment	Comments
7.1 Business & Industrial Zones	
<p>1. A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary. 	<p>Not Applicable</p>
7.2 Reduction in non-hosted short-term rental accommodation period	
<p>1. The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:</p> <ul style="list-style-type: none"> (a) non-hosted short term rental accommodation periods must not be reduced to be less than 90 days (b) the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated (c) there should be a sound evidence base for the proposed change, including evidence of the availability of short-term rental accommodation in the area (or parts of the area) in the 12 months preceding the proposal, relative to the amount of housing in the area, and trend data on the availability of short-term rental accommodation over the past 5 years. (d) the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically. 	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast LGA.</p>
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	
<p>1. A planning proposal that applies to land located on "within town" segments of the Pacific Highway must</p>	<p>Not Applicable</p>

Industry & Employment	Comments
<p><i>provide that:</i></p> <p>(a) <i>new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;</i></p> <p>(b) <i>development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and</i></p> <p>(c) <i>for the purposes of this paragraph, "within town" means areas which, prior to the draft local environmental plan, have an urban zone (e.g.: "village", "residential", "tourist", "commercial", "industrial", etc) and where the Pacific Highway speed limit is less than 80km/hour.</i></p> <p>2. <i>A planning proposal that applies to land located on "out-of-town" segments of the Pacific Highway must provide that:</i></p> <p>(a) <i>new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this direction;</i></p> <p>(b) <i>development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and</i></p> <p>(c) <i>for the purposes of this paragraph, "out-of-town" means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: "village", "residential", "tourist", "commercial", "industrial", etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</i></p> <p>3. <i>Notwithstanding the requirements of paragraphs (1) and (2), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is contained in the Standard Instrument (Local Environmental Plans) Order 2006.</i></p>	<p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p> <p>This Direction does not apply to the Central Coast Local Government Area.</p>

Industry & Employment		Comments
Table 1: Highway service centres that can proceed		
Town	Locality	
Chinderah	Chinderah Bay Road interchange (southbound) Western side of highway at Tweed Valley Way interchange (northbound)	
Ballina	Teven Road interchange	
Maclean	Southern interchange	
Woolgoolga	Northern interchange at Arrawarra	
Nambucca Heads	Nambucca Heads interchange	
Kempsey	South Kempsey interchange	
Port Macquarie	Oxley Highway interchange (both sides of the Pacific Highway)	
Taree	Old Bar Road interchange	
Tomago	In the vicinity of Tomago Road / South Heatherbrae	

Resources & Energy	Comments
8.1 Mining, Petroleum Production and Extractive Industries	
<p>1. <i>In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</i></p> <p>(a) <i>consult the Secretary of the Department of Primary Industries (DPI) to identify any:</i></p> <p>i. <i>resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and</i></p> <p>ii. <i>existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</i></p> <p>(b) <i>seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</i></p> <p>(c) <i>identify and take into consideration issues likely to lead to land use conflict between other land uses and:</i></p> <p>i. <i>development of resources identified under (1)(a)(i), or</i></p> <p>ii. <i>existing development identified under (1)(a)(ii).</i></p> <p>2. <i>Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:</i></p> <p>(a) <i>provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</i></p> <p>(b) <i>allow the Secretary of DPI a period of 40 days from</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>

Resources & Energy	Comments
<p><i>the date of notification to provide in writing any objections to the terms of the planning proposal, and</i></p> <p><i>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act.</i></p>	

Primary Production	Comments
9.1 Rural Zones	
<p>1. <i>A planning proposal must:</i></p> <p><i>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i></p> <p><i>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
9.2 Rural Lands	
<p>1. <i>A planning proposal must:</i></p> <p><i>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement</i></p> <p><i>(b) consider the significance of agriculture and primary production to the State and rural communities</i></p> <p><i>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></p> <p><i>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i></p> <p><i>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>

Primary Production	Comments
<p>(f) support farmers in exercising their right to farm</p> <p>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</p> <p>(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>2. A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p>	
9.3 Oyster Aquaculture	
<p>1. In the preparation of a planning proposal the relevant planning authority must:</p> <p>(a) identify any 'Priority Oyster Aquaculture Areas' and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,</p> <p>(b) identify any proposed land uses which could result</p>	<p>Not Applicable</p> <p>The proposal does not affect land within a Priority Oyster Aquaculture Area.</p>

Primary Production	Comments
<p><i>in any adverse impact on a 'Priority Oyster Aquaculture Area' or oyster aquaculture leases outside such an area,</i></p> <p>(c) <i>identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility,</i></p> <p>(d) <i>consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</i></p> <p>(e) <i>ensure the planning proposal is consistent with the Strategy.</i></p> <p>2. <i>Where a planning proposal proposes land uses that may result in adverse impacts identified under (1)(b) and (1)(c), relevant planning authority must:</i></p> <p>(a) <i>provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</i></p> <p>(b) <i>allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</i></p> <p>(c) <i>include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary before undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</i></p>	
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>1. <i>A planning proposal must not:</i></p> <p>(a) <i>rezone land identified as "State Significant Farmland" for urban or rural residential purposes.</i></p> <p>(b) <i>rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes.</i></p> <p>(c) <i>rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.</i></p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Wyong Shire Settlement Strategy Assessment

Objective/Requirement	Comment
<p>Key Planning Principles of relevance include:</p> <ul style="list-style-type: none"> • <i>Higher density developments should be located around the commercial core of nominated Town, Village and Neighbourhood Centres, whilst having regard to the desired urban character of each settlement. This will need to be supported by local planning strategies and/or masterplans.</i> • <i>The majority of new housing within Wyong LGA will be located within or immediately adjacent to existing Town, Village and Neighbourhood Centres.</i> • <i>Expansion of Urban Release Areas to occur in an orderly manner and be consistent with the timeframes of the NWSSP and Settlement Strategy.</i> • <i>Urban Release Areas should not be progressed until such time that adequate transportation, utility, community and recreational infrastructure can be guaranteed, including matters for consideration identified in Part 6 of Wyong LEP 2013.</i> • <i>Facilitate the creation of social hubs in new Urban Release Areas that satisfy the needs of the community, including community cultural, education, health and recreation facilities.</i> • <i>Incorporate the principles of Healthy Spaces and Places; Crime Prevention through Environmental Design; and the Universal Design Principles for Accessible Environment into new Urban Release Areas</i> • <i>Provide for appropriate housing choice in new Urban Release Areas. This may be assisted by incorporating the findings of the Affordable Housing study.</i> 	<p>The proposal is consistent with the Key Planning Principles listed in the Settlement Strategy. The proposal is located adjacent to the Lake Munmorah Local Centre, and whilst the timing of this land release is inconsistent with the NWSSP and Settlement Strategy, it is consistent with the draft Greater Lake Munmorah Structure Plan, which has recently been exhibited.</p>

Community Strategic Plan Assessment

Objective/Requirement	Comment
BELONGING	
OUR COMMUNITY SPIRIT IS OUR STRENGTH	
A1 Work within our communities to connect people, build capacity and create local solutions and initiatives	The proposal will provide a variety of housing types to suit a diverse population and with the proposed new large park will provide opportunities for the new residents to gather and strengthen community assets
A2 Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life	Not Applicable
A3 Work together to solve a range of social and health issues that may impact community wellbeing and vulnerable people	Not Applicable
A4 Enhance community safety within neighbourhoods, public spaces and places	Applicable The final subdivision design should incorporate safer by design requirements. The proposed area is connected to existing residential development so presents opportunity to increase connectivity between the areas.
CREATIVITY, CONNECTION AND LOCAL IDENTITY	
B1 Support reconciliation through the celebration of Aboriginal and Torres Strait Islander cultures	Not Applicable
B2 Promote and provide more sporting, community and cultural events and festivals, day and night, throughout the year	Not Applicable
B3 Foster creative and performing arts through theatres, galleries and creative spaces, by integrating art and performance into public life	Not Applicable
B4 Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors	Applicable The proposal includes green space that will function as drainage, environmental and recreation corridors, which will encourage activity.

Objective/Requirement	Comment
SMART	
A GROWING AND COMPETITIVE REGION	
C1 Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast	Not Applicable
C2 Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for businesses, local residents, visitors and tourists	Not Applicable
C3 Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents	Not Applicable
C4 Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly	Not Applicable
A PLACE OF OPPORTUNITY FOR PEOPLE	
D1 Foster innovation and partnerships to develop local entrepreneurs and support start-ups	Not Applicable
D2 Support local business growth by providing incentives, streamlining processes and encouraging social enterprises	Not Applicable
D3 Invest in broadening local education and learning pathways linking industry with Universities, TAFE and other training providers	Not Applicable
D4 Support businesses and local leaders to mentor young people in skills development through traineeships, apprenticeships and volunteering	Not Applicable
GREEN	
ENVIRONMENTAL RESOURCES FOR THE FUTURE	
E1 Educate the community on the value and importance of natural areas and biodiversity and encourage community involvement in caring for our natural environment	Not Applicable
E2 Improve water quality for beaches, lakes and waterways including minimising pollutants and preventing litter entering our waterways	Not Applicable

Objective/Requirement	Comment
E3 Reduce littering, minimise waste to landfill and educate to strengthen positive environmental behaviours	Not Applicable
E4 Incorporate renewable energy and energy efficiency in future design and planning and ensure responsible use of water and other resources	Not Applicable
CHERISHED AND PROTECTED NATURAL BEAUTY	
F1 Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species	Applicable The proposal includes green space that will function as drainage, environmental and recreation corridors, which will preserve environmental heritage and encourage community ownership of these spaces.
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)	Applicable See above.
F3 Improve enforcement for all types of environmental non-compliance including littering and illegal dumping and encourage excellence in industry practices to protect and enhance environmental health	Not Applicable
F4 Address climate change and its impacts through collaborative strategic planning and responsible land management and consider targets and actions	Applicable The proposal avoids areas of the site subject to the 1% AEP flood event and incorporates green corridors to mitigate the effect of increased hard stand and heat island effects.
RESPONSIBLE	
GOOD GOVERNANCE AND GREAT PARTNERSHIPS	
G1 Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice	Not Applicable
G2 Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect	Applicable The proposal will be publicly exhibited for the appropriate time period, providing the community with an opportunity to comment.
G3 Engage with the community in meaningful dialogue and demonstrate how community participation is being used to	Applicable

Objective/Requirement	Comment
inform decisions	See above.
G4 Serve the community by providing great customer experience, value for money and quality services	Not Applicable
DELIVERING ESSENTIAL INFRASTRUCTURE	
H1 Solve road and drainage problem areas and partner with the State Government to improve road conditions across the region	Not Applicable
H2 Improve pedestrian movement safety, speed and vehicle congestion around schools, town centres, neighbourhoods, and community facilities	Not Applicable
H3 Create parking options and solutions that address the needs of residents, visitors and businesses whilst keeping in mind near future technologies including fully autonomous vehicles	Not Applicable
H4 Plan for adequate and sustainable infrastructure to meet future demand for transport, energy, telecommunications and a secure supply of drinking water	Applicable The delivery of infrastructure will be the responsibility of the developer of the area. The assessment of future development will assess the sustainable nature of infrastructure delivery.
BALANCED AND SUSTAINABLE DEVELOPMENT	
I1 Preserve local character and protect our drinking water catchments, heritage and rural areas by concentrating development along transport corridors and town centres east of the M1	Applicable The proposal is located proximate to the Pacific Highway transport corridor.
I2 Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport	Applicable The proposal is located proximate to the Pacific Highway transport corridor, and adjacent to the Lake Munmorah Local Centre.
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	Applicable The masterplan for the proposal has included biodiversity corridors on the east and west sections of the area. The corridor connectivity to existing areas to the north of the proposed rezoning will enhance liveability and environmental sustainability in the area.

Objective/Requirement	Comment
I4 Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing	Applicable The proposed rezoning of the subject area increases the available supply of land zoned R2 Low Density Residential which will deliver more available land for a variety of housing options.
LIVABLE	
RELIABLE PUBLIC TRANSPORT AND CONNECTIONS	
J1 Create adequate, reliable and accessible train services and facilities to accommodate current and future passengers	Not Applicable
J2 Address commuter parking, drop-off zones, access and movement around transport hubs to support and increase use of public transport	Not Applicable
J3 Improve bus and ferry frequency and ensure networks link with train services to minimise journey times	Not Applicable
J4 Design long-term, innovative and sustainable transport management options for population growth and expansion	Not Applicable
OUT AND ABOUT IN THE FRESH AIR	
K1 Create a regional network of interconnected shared pathways and cycle ways to maximise access to key destinations and facilities	Not Applicable
K2 Design and deliver pathways, walking trails and other pedestrian movement infrastructure to maximise access, inclusion and mobility to meet the needs of all community members	Applicable
K3 Provide signage, public facilities, amenities and playgrounds to encourage usage and enjoyment of public areas	Not Applicable
K4 Repair and maintain wharves, jetties, boat ramps and ocean baths to increase ease of access to and enjoyment of natural waterways and foreshores	Not Applicable
HEALTHY LIFESTYLES FOR A GROWING COMMUNITY	
L1 Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated	Not Applicable

Objective/Requirement		Comment
	L2 Invest in health care solutions including infrastructure, services and preventative programs to keep people well for longer	Not Applicable
	L3 Cultivate a love of learning and knowledge by providing facilities to support lifelong learning opportunities	Not Applicable
	L4 Provide equitable, affordable, flexible and co-located community facilities based on community needs	Not Applicable

02

Land Use Provisions

03

Agency Responses

04

Mapping

05

Studies