



PLANNING PROPOSAL

No. 7 Pomona Road Empire Bay

Bayside Gardens Lifestyle Village
August 2020

Planning Proposal

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Introduction, Context & Site Background

No. 7 Pomona Road Empire Bay (the subject property) is currently zoned 7(c2) Conservation and Scenic Protection (Scenic Protection- Rural Small Holdings) under Gosford Interim Development Order 122 (IDO 122). The subject site operates as a caravan park and comprises a number of relocatable homes, caravans and annexes together with a number of ancillary buildings including a laundry and amenities building. There are 3 dwellings on the site - one located on the entry to the park from Wards Hill Road which is used as an office, one located on the south eastern side of the site with access from Pomona Road and a disused fibro cottage located on the southern side of the site near Pomona Road.

The caravan park currently has an approval under the Local Government Act (LGA) which allows for 68 long term permanent sites and a series of past development consents. Recent development applications for improvements to the caravan park have not been supported by Central Coast Council on the basis that it was not satisfied that the reliance on the availability of existing use rights (as a caravan park) is applicable to the subject land. As a consequence, Council has recommended that a Planning Proposal be prepared which seeks to amend Schedule 1 of either Gosford Local Environmental Plan 2014 (GLEP2014) or Central Coast Local Environmental Plan 2020 (CCLEP 2020) – whichever is in effect at the time – to include a caravan park as an additional permitted use on the subject land.



Aerial Photo - Source: NSW Spatial Information Exchange (Six Maps)

Background

The subject property has operated as a caravan park for over 40 years. During that period, the nature and size of the park has changed through a series of development approvals by Council. The information contained in the following table outlines the details of past application on the land.

Date	Details
19/2/1980	Council considered and approved DA29035(1-5), granting approval for the establishment of a caravan park with 36 caravan sites, with the following condition (aa): "Compliance with Council's code for Caravan Parks; in particular, no site may be used for permanent accommodation"
2/5/1980	Council granted consent to DA29035(4) for the subdivision/consolidation of land to create two (2) lots consistent with the approval under DA29035(1-5).
18/1/1983	Council approved DA3095/1982 for 33 additional caravan sites, including the following conditions (i): "No site shall be used continuously for any period greater than 6 weeks"
5/6/1984	Council approved BA25129/1983 for the erection of a commercial premises.
15/1/1985	Council approved DA5655/1984 for the erection of a dwelling house
4/9/1986	Council approved DA7610/1986 for five (5) additional caravan sites.
15/11/2006	Council's Development Assessment Unit (DAU) approved DA31294/2006 for an alteration to change the use of all existing sites from short term to long term (note: no additional sites proposed), including the following condition No. 10: "A total of 68 sites being available for long term accommodation".
12/5/2017	Council refused an application for a further 48 long term sites on the basis that "the site for the purpose of additional caravan park sites for long-term accommodation is not consistent with the existing use rights applicable to the land, which exist only for short-term caravan park accommodation."
18/6/2019	Section 4.55 Amendment (DA31294/2006.2) seeking to relocate and reconfigure 9 approved long-term sites was withdrawn.
18/6/2019	Development Application (DA55854/2018) seeking to demolish certain structures and establish 39 short term sites was withdrawn.

Subject Land

Land subject to the Planning Proposal is identified below.

Property Details

Description	Address	Land Owner	Site Area
Lot 1 DP 610629	7 Pomona Road Empire Bay	Barnes Property Investments	3.663 Ha

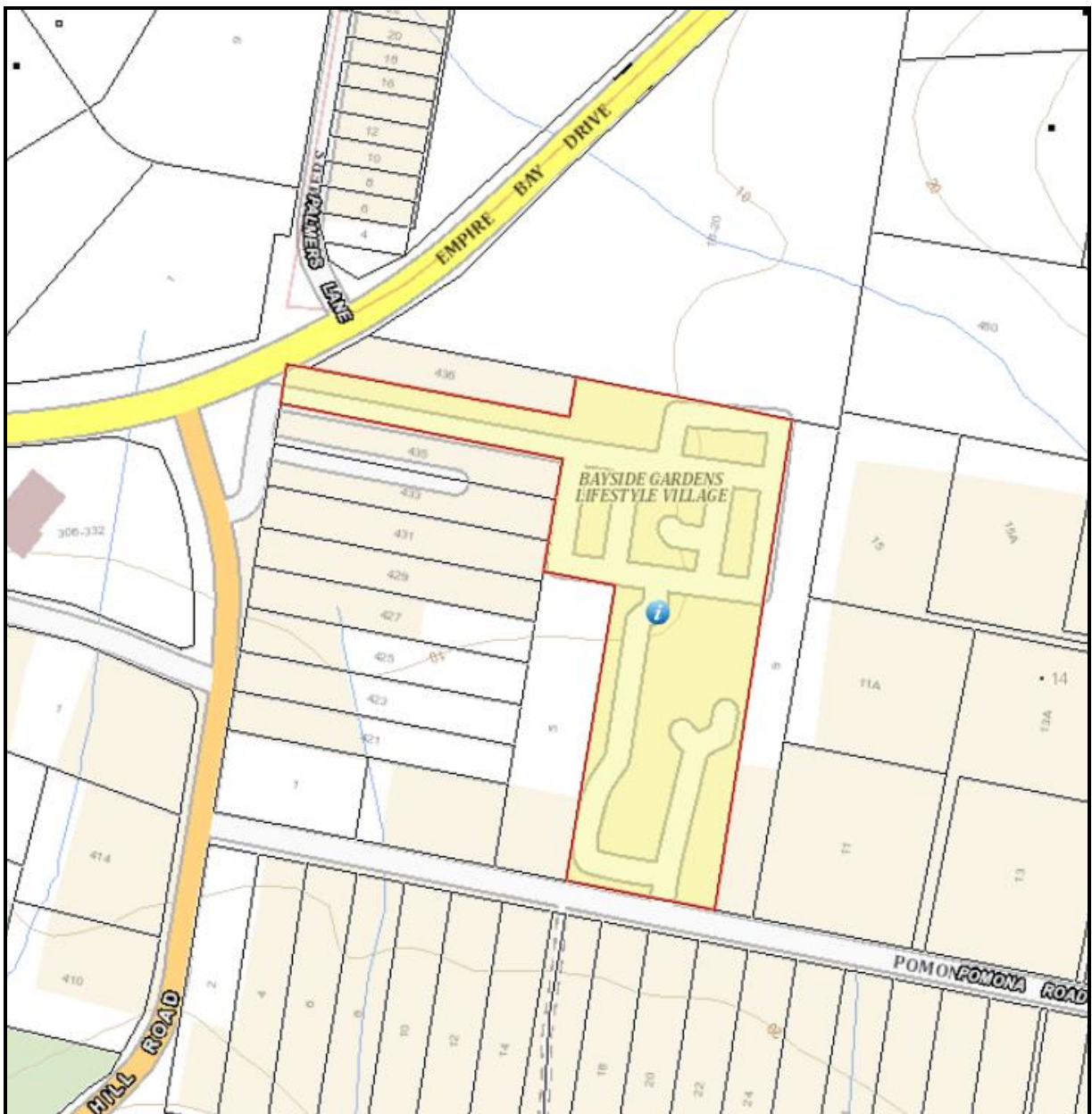


Figure 1 – Source: NSW Spatial Information Exchange (Six Maps)

The Proposal

As mentioned above, the property currently obtains its zoning from IDO 122. In the past, this Planning Proposal would have sought to insert an enabling clause into IDO 122 to permit a caravan park on the land. However, Council have advised that the Department of Planning, Industry and Environment will no longer permit amendments to older planning instruments such as IDO 122. Therefore, in this instance, a zoning under GLEP 2014 or CCLEP 2020 may be needed to allow for an additional permitted use to be added to the property via Schedule 1 of whichever instrument is applicable at the time.

It is noted that when the draft Central Coast Local Environmental Plan 2018 was exhibited for public comment, an E3 Environmental Management Zoning was proposed for the whole of the property and the surrounding properties. A caravan park was not included in the types of land uses permissible with development consent within that exhibited zoning. The owner's raised no objection to this proposed zoning at the time of the exhibition – although it is worth noting that they also believed (at that time) that the property retained its existing use rights for a caravan park. One other option that Council may choose to consider is to apply a zoning to the property that permits caravan parks with development consent such as an E4 Environmental Living (under GLEP 2014) or RE2 Private Recreation zoning.

This is ultimately a decision for Council to determine however, a Schedule 1 amendment is still the most likely (and recommended option from Council staff) avenue to achieve the intended outcomes of this Planning Proposal.

This is not a development application for the redevelopment of the existing site. At Council's request, a preliminary masterplan of the site has been prepared. The masterplan and consolidated constraints plan highlights future potential development (and non-development) areas of the property and will be referenced along with the accompanying reports in the preparation of any future development applications for the land.

Part 1 Objectives or Intended Outcomes

To amend Schedule 1 of either Gosford Local Environmental Plan 2014 (GLEP2014) or Central Coast Local Environmental Plan 2020 (CCLEP 2020) – whichever is in effect at the time – to include a caravan park as an additional permitted use on the subject land. This will then facilitate the re-development of the park through a future development application process.

Part 2 Explanation of Provisions

The proposed outcome will be achieved by:

- Amending Schedule 1 of Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan 2020 (CCLEP 2020) – whichever is in effect at the time to include development for the purposes of a caravan park as a use that is permitted with development consent on Lot 1 DP 610629 No. 7 Pomona Road Empire Bay.
- Amending the Additional Permitted Uses Map to include Lot 1 DP 610629 No. 7 Pomona Road Empire Bay.

Part 3 Justification

Section A – Need for the Planning Proposal

The rationale for this Planning Proposal is to enable the redevelopment of the Bayside Gardens Lifestyle Village on the land generally in accordance with the preliminary draft Masterplan shown in attachment 1 to this report. This is a concept only at this stage and the final detailed design may be different but will nevertheless need to fully address the recognised constraints on the land and the outcomes of the supporting studies and reports. The future development will create much needed housing and employment opportunities and increase the activation and security of the area.

As previously mentioned, the owners had sought to redevelop the Village through the submission of various development applications but were advised by Council staff that the best way forward was to prepare and submit this Planning Proposal.

This rationale is expanded and justified in the following sections.

1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is not the result of a specific strategic study or report. At its meeting held on 29 June 2020, Council adopted an Interim Local Strategic Planning Statement (LSPS). One of the Key Initiatives of the LSPS relates to housing. The initiative discusses the need for a mix of housing types that cater for an aging population and that housing to be located close to services and facilities and be affordable. This Planning Proposal will ultimately facilitate the creation of additional

affordable housing opportunities within the area and will therefore directly address one of the key initiatives of the Interim LSPS.

The Planning Proposal is also aligned to a number of objectives within Council's Community Strategic Plan 2018-2028. Further discussion on this aspect is contained in Section B Q4 later in this document.

Finally, the land is identified in Council's Development Control Plan as being within a Precinct known as "Precinct 8 – Mixed Use Corridor". Following the finalisation of the Schedule 1 amendment, the proposed redevelopment of the Village will address a number of the elements of the desired character for this precinct including:

- The presentation of the Village to the street will not dominate the streetscape but rather complement the existing semi-rural streetscape. The development will be low impact and will retain the generally leafy setting. The proposed development will be screened from Pomona Road by the existing fence and future landscaping on the boundary of the site.
- The existing streetscape will be maintained with the fence being retained across the frontage with Pomona Road. The existing leafy character will be selectively retained and re-established to accommodate the future additional sites. The single storey nature of the structures to be situated on the new sites will maintain the informal character of this existing rural area.
- The Planning Proposal is accompanied by a Bushfire Assessment Report. Clearing of new asset protection zones will be minimised as the location of any new or additional sites is within an area that has been substantially cleared at some time in the past. New plantings will take appropriate account of the bushfire affectation on the site.
- The additional sites will be occupied by modest, light weight, single storey structures that will have negligible visible impact and will be compatible with the surrounding semi-rural environment. The development will result in minimal bulk and scale with gently pitched roofs and verandahs similar to those already established on site.

Therefore, the future redevelopment of the Village on this site is considered to be supported by Council's local planning for the area.

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

The land is currently zoned 7(c2) Conservation and Scenic Protection (Scenic Protection- Rural Small Holdings). A Caravan Park is not currently a permitted use in a 7(c2) Conservation and Scenic Protection (Scenic Protection- Rural Small Holdings) Zone.

The owner considered pursuing changing the zoning of the land to one of the zones that permits the establishment of a caravan park such as an E4 Environmental Living Zone under GLEP 2014.

After consultation with Council staff, it was then determined (and recommended by Council staff) that the most suitable avenue to pursuing the intended outcome of a redevelopment of the Village on the land was to seek an amendment to Schedule 1 of GLEP 2014 or CCLEP 2020 to permit a caravan park on the subject property.

Is there a nett community benefit?

The redevelopment of the Village on the subject property has considerable community benefits including the retention and provision of additional affordable housing opportunities within the Local Government Area, improved surveillance and safety of the immediate area and protection of the areas of the property with high ecological value. Whilst the ultimate development will result in a modest increase to the permanent population of the area, this increased population will assist the economic viability of the local shops in the area which provide goods and services to the local community.

Section B – Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The **Central Coast Regional Plan 2036** is a high-level document that seeks to manage the growth and change of the region over the next 16 years.

The Planning Proposal addresses a number of the actions contained in the Central Coast Regional Plan 2036. A response to the most relevant actions contained within the current Plan are set out in the table below:

Goal	Direction	Action	Response
2. Protect the natural environment and manage the use of agricultural and resource lands	8 Recognise the cultural landscape of the Central Coast	8.1 Protect the Central Coast's scenic amenity by planning for development that respects the distinct qualities of different places.	The Ecological Assessment that supports this Planning Proposal identifies sections of the property that are to be protected due to their ecological values
	12 Protect and manage environmental values	12.1 Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.	The Ecological Assessment that supports this Planning Proposal identifies sections of the property that are to be protected due to their ecological values
	14 Protect the coast and manage natural hazards and climate change	14.1 Manage the risks of climate change and improve the region's resilience to hazards such as flooding, coastal	The proposal is supported by studies and plans that address the potential impacts of natural hazards.

		erosion, bushfire, mine subsidence and land contamination.	
3. Well-connected communities and attractive lifestyles	15 Create a well-planned, compact settlement pattern	15.2 Ensure the settlement pattern responds to settlement planning principles and does not encroach on sensitive land uses.	The existing Village has occupied the land for over 40 years and is a well-established use on the land. Any future redevelopment of the Village as a result of this Planning Proposal will not encroach on any sensitive land uses.
4. A variety of housing choice to suit needs and lifestyles	20. Grow housing choice in and around local centres	20.1 Improve housing choice by supporting housing delivery in and near the growth corridors and local centres.	The subject site is located close to a number of local centres. The Planning Proposal will ultimately facilitate the redevelopment of the Village which will likely see an increase in the number of sites on the property.
	21. Provide housing choice to meet community needs	21.1 Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield housing locations.	The Planning Proposal will ultimately facilitate the redevelopment of the Village which will contribute to the delivery of a diverse housing product for the area.
		21.4 Encourage housing diversity including studio, and one and two-bedroom dwellings, to match forecast changes in household sizes and provide greater housing choice	The provision of manufactured homes on the land directly meets a growing demand for this type of housing and reflects the emerging demographics of the area.
		21.5 Identify the discrete housing needs of each community, including for social and affordable housing, and develop appropriate planning responses.	The Village currently enjoys an almost 100% occupancy which equates to providing an affordable housing opportunity for approximately 100 residents.

As demonstrated above, the Planning Proposal gives effect to a number of the actions contained in the Central Coast Regional Plan 2036 and will assist the State Government in achieving a number of its objectives particularly around increasing the amount of housing supply, housing choice and affordable housing opportunities.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

As previously mentioned, Council recently adopted an Interim **Local Strategic Planning Statement**. The Planning Proposal directly responds to a number of key objectives of the Interim LSPS as follows:

Key Initiative	Planning Priority	Response
Housing	Meet diverse housing needs of the community	The Planning Proposal will facilitate the future re-development of the park. This will contribute to the mix of housing types available within the area. Importantly, this will also provide for a more affordable housing option which will meet the needs of the community and reflect the lifestyle of the people of the Central Coast.
Environment	Create sustainable and resilient communities	The Planning Proposal is supported by a number of key studies and reports that have identified the various constraints that affect the land. A preliminary draft masterplan has been developed which identifies future development areas of the land which will ensure that these constraints are fully addressed, ensuring a sustainable development.

The property is located within the Gosford East Ward. Whilst the proposal does not specifically respond to the Actions in the LSPS for this ward, it will address a number of elements of what will be included a future Character Assessment Study for the ward, namely;

- Providing for a mix of age groups in the area.
- Providing for low profile housing
- Maintaining and protecting trees

If successful, the Planning Proposal will facilitate the redevelopment of the existing Village which also aligns with a number of objectives within Council's Community Strategic Plan 2018-2028.

The **Community Strategic Plan** identifies several objectives that are relevant to the desired outcome of this Planning Proposal.

Theme	Goal	Objective	Response
Belonging	Our community spirit is our strength	A2. Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life	The residents of the Village enjoy a sense of community with each other and also with the nearby residents.
		A4. Enhance community safety within neighbourhoods, public spaces and places	Residents of the Village are attracted to the safety of living on a site where there is a high level of active and passive security available to them.
Smart	A growing and competitive	C3 Facilitate economic	The future redevelopment

	region	development to increase local employment opportunities and provide a range of jobs for all residents	of the park will create a number of employment opportunities (direct and indirect) for the local community. These employment opportunities will range from construction activities associated with new dwellings and civil works through to an increase in the day to day operational staff required to run the Village.
Green	Environmental resources for the future	E4 Incorporate renewable energy and energy efficiency in future design and planning and ensure responsible use of water and other resources	The redevelopment of the park will embrace a number of renewable technologies including the provision of solar power and water tanks for each new site.
	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	The Ecological Assessment that supports this Planning Proposal identifies sections of the property that are to be protected due to their ecological values
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)			
Responsible	Balanced and sustainable development	I2. Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport	Significant transport, medical, recreational, shopping, educational and support services are provided in Kincumber and Woy Woy, both of which are within a 10km radius of the Village. In addition, the major commercial and retail centre of Erina is located only 16km to the North. It is therefore considered that adequate services and facilities are available to the residents of the site.
		I3. Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green	The Ecological Assessment that supports this Planning Proposal identifies sections of the property that are to be protected due to their ecological values. In

		corridors, energy efficiency and stormwater management	addition, the Floodplain Risk Management Plan has identified stormwater management initiatives that will be incorporated into the future development of the park.
		I4. Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing	The provision of manufactured homes on the land directly meets a growing demand for this type of housing and reflects the emerging demographics of the area.

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

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

State Environmental Planning Policy	Comment
State Environmental Planning Policy (Coastal Management) 2018	<p>The front 28m of the property is mapped as being land in proximity to a coastal wetland (which is located on the opposite side of Empire Bay Road. Clause 11(1) of the SEPP states:</p> <p><i>Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—</i></p> <p><i>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or</i></p> <p><i>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.</i></p> <p>The section of the property that is mapped as being in proximity to the coastal wetland only contains part of the entry to the Village. No works (current or future) are proposed within this area of the property.</p>
State Environmental Planning Policy (Koala Habitat Protection) 2019	<p>The Ecological Assessment that supports this Planning Proposal identifies:</p> <ul style="list-style-type: none"> The future development of the land will not impact on any koala tree species with the


	<p>exception of one planted Spotted-Gum.</p> <ul style="list-style-type: none"> The future development of the land is unlikely to have a significant impact on vegetation connectivity or movement corridors. The future development of the land is unlikely to change the current level of indirect impacts. <p>The Assessment concluded that the future development of the land will have a low impact on Koalas and/or Koala Habitat.</p>
State Environmental Planning Policy No. 36 Manufactured Home Estates	Any future development of the site will address the requirements of this SEPP.
State Environmental Planning Policy No. 55 Remediation of Land	Given the long-term residential use of the land, it is not expected that any sections of the land will require remediation.

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 outlined below. Subject to the outcomes of consultation with relevant government agencies, it is considered that the proposal is consistent with these Directions.

No.	Direction	Applicable	Consistent	Comment
Employment & Resources				
1.1	<p>Business & Industrial Zones</p> <p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic centres</p>	No	N/A	N/A
1.2	<p>Rural Zones</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p>	No	N/A	N/A
1.3	<p>Mining, Petroleum Production and Extractive Industries</p> <p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	No	N/A	N/A

No.	Direction	Applicable	Consistent	Comment
1.4	<p>Oyster Aquaculture</p> <p>The objectives of this direction are:</p> <p>(a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</p> <p>(b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</p>	No	N/A	N/A
1.5	<p>Rural Lands</p> <p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</p> <p>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</p> <p>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land</p> <p>(f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.</p>	No	N/A	N/A
Environment & Heritage				
2.1	<p>Environmental Protection Zones</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	No	N/A	N/A

No.	Direction	Applicable	Consistent	Comment
2.2	<p>Coastal Management</p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	Yes	Yes	<p>The front (adjacent to the main entry) 28m of the property is mapped as being land in proximity to Coastal wetlands With the Coastal Wetland being located on the norther side of Empire Bay Road – see map extract below.</p>  <p>The affected area of the property has no existing or proposed works and excludes the current visitor car parking area.</p>
2.3	<p>Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	No	N/A	N/A
2.4	<p>Recreation Vehicle Areas</p> <p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p>	No	N/A	N/A
2.5	<p>Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPS</p> <p>The objective of this direction is to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.</p>	No	N/A	N/A

No.	Direction	Applicable	Consistent	Comment
Housing, Infrastructure & Urban Development				
3.1	<p>Residential Zones</p> <p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	Yes	Yes	<p>The Planning Proposal is consistent with the objectives of this Direction in that:</p> <ul style="list-style-type: none"> ▪ It will broaden the choice of housing types in the area. ▪ The land is adequately serviced by existing infrastructure and new housing will have access to infrastructure and services ▪ The development of the subject site will have minimal impact of the environment and no impact on resource lands.
3.2	<p>Caravan Parks and Manufactured Home Estates</p> <p>The objectives of this direction are:</p> <p>(a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p>	Yes	Yes	<p>The Planning Proposal is consistent with this Direction in that it does not seek to change the existing zoning of the property.</p>
3.3	<p>Home Occupations</p> <p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	No	N/A	N/A

No.	Direction	Applicable	Consistent	Comment
3.4	<p>Integrating Land Use & Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	No	N/A	N/A
3.5	<p>Development Near Licensed Aerodromes</p> <p>The objectives of this direction are:</p> <p>(a) to ensure the effective and safe operation of aerodromes, and</p> <p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	No	N/A	N/A
3.6	<p>Shooting Ranges</p> <p>The objectives are:</p> <p>(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	No	N/A	N/A

No.	Direction	Applicable	Consistent	Comment
3.7	<p>Reduction in non-hosted short-term rental accommodation</p> <p>The objectives of this direction are to:</p> <p>(a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and</p> <p>(b) ensure the impacts of short-term rental accommodation and views of the community are considered.</p>	No	N/A	N/A
Hazard & Risk				
4.1	<p>Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	No	N/A	N/A
4.2	<p>Mine Subsidence and Unstable Land</p> <p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	No	N/A	N/A
4.3	<p>Flood Prone Land</p> <p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	Yes	No	See the Floodplain Risk Management Plan that has been prepared in close consultation with staff from Council's Waterways Section. The proposal meets the requirements to be addressed for any inconsistency with this Direction as set out in Clause (9)(a) and (b)

No.	Direction	Applicable	Consistent	Comment
4.4	<p>Planning for Bushfire Protection</p> <p>The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p>	Yes	Yes	<p>The site is identified as being within an area affected by Bushfire. It is noted that the Planning Proposal is not seeking to change the zoning of the land and the adjoining residential properties have a similar bushfire designation.</p> <p>A Bushfire Assessment Report has been prepared that supports the Planning Proposal.</p> <p>This Direction requires the planning authority to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and the applicant will undertake any further studies that are requested as a result of that consultation.</p>
Regional Planning				
5.1	<p>Implementation of Regional Strategies</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	No	N/A	N/A
5.2	<p>Sydney Drinking Water Catchments</p> <p>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</p>	No	N/A	N/A
5.3	<p>Farmland of State and Regional Significance on the NSW Far North Coast</p> <p>The objectives of this direction are:</p> <p>(a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</p> <p>(b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</p> <p>(c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</p>	No	N/A	N/A

No.	Direction	Applicable	Consistent	Comment
5.4	<p>Commercial and Retail Development along the Pacific Highway, North Coast</p> <p>The objectives for managing commercial and retail development along the Pacific Highway are:</p> <p>(a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;</p> <p>(b) to prevent inappropriate development fronting the highway</p> <p>(c) to protect public expenditure invested in the Pacific Highway,</p> <p>(d) to protect and improve highway safety and highway efficiency,</p> <p>(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and</p> <p>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</p>	No	N/A	N/A
5.9	<p>North West Rail Link Corridor Strategy</p> <p>The objectives of this direction are to:</p> <p>(a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL)</p> <p>(b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</p>	No	N/A	N/A
5.10	<p>Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans</p>	Yes	Yes	As detailed above, the Planning Proposal is consistent with the relevant Goals, Directions and Actions of the Central Coast Regional Plan 2036.
5.11	<p>Development of Aboriginal Land Council Land</p> <p>The objective of this direction is to provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019 when planning proposals are prepared by a planning proposal authority.</p>	No	N/A	N/A

No.	Direction	Applicable	Consistent	Comment
Local Plan Making				
6.1	Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Yes	Yes	The Planning Proposal is consistent with the objectives and requirements of this Direction.
6.2	Reserving Land for Public Purposes The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	No	N/A	N/A
6.3	Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.	Yes	Yes	The Planning Proposal does not seek to impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument.
Metropolitan Planning				
7.1	Implementation of the Metropolitan Strategy The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	No	N/A	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	No	N/A	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	No	N/A	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	N/A

No.	Direction	Applicable	Consistent	Comment
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	No	N/A	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	No	N/A	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A	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?

No – See the Ecological Assessment which concludes that the future development of the park is unlikely to have a significant impact on any threatened species, populations, endangered ecological communities or any other matters of national environmental significance.

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

It is not envisaged that the Planning Proposal will result in any other environmental effects. All environmental effects associated with any future development of the land will be addressed through a future development application process.

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

Social Impact & Amenity

The Planning Proposal will have a positive impact on the social amenity of the area by providing a greater variety of housing choice in proximity to existing community services and infrastructure. It will also provide for an increase in the permanent population in the area which will result in a greater level of community and social interaction of the residents with the existing population.

Economic Effects

As previously mentioned, the Planning Proposal will result in a slight increase to the permanent population in the area. This increased population will provide a greater level of patronage to local businesses and services. The ultimate redevelopment of the land will represent a significant investment by the land owner and create a modest number of employment opportunities in creating the future housing on the land.

Section D – State and Commonwealth Interests

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

The site is well catered for in terms of public infrastructure. It is understood that there is capacity within existing infrastructure systems for the proposal subject to appropriate augmentation if necessary.

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

The Gateway Determination will outline which government agencies (if any) shall be consulted.

Part 4 Mapping

Map No.	Map Title
1	Amended Additional Permitted Uses Map

Part 5 Community Consultation

Community Consultation will be undertaken as per the Gateway determination.

It is envisaged that the community consultation/engagement strategy that will be utilised with this Planning Proposal will ensure that copies of the Planning Proposal are made available for public comment at key locations within the Local Government Area and on Council's web page.

Given the nature of the proposal, it is not considered that the community consultation would include any public meetings/public hearings although this is ultimately a matter for Council to assess.

Part 6 Project Timeline

It is recognised that Council will control the timeframes for the Planning Proposal once it is submitted. However, the below table contains an indicative timeframe for the progress of the proposal.

Action	Period	Start Date	End Date
Report to Council seeking approval to refer the planning Proposal to the Gateway for a determination	8 weeks	August 2020	September 2020
Anticipated commencement date (date of Gateway Determination)	Unknown	October 2020	Unknown
Anticipated timeframe for the completion of required technical information	4 weeks	October 2020	October 2020
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	12 weeks	November 2020	January 2021
Commencement and completion dates for public exhibition	4 weeks	February 2021	February 2021
Dates for public hearing (if required)	N/A	N/A	N/A
Timeframe for consideration of submissions	2 weeks	March 2021	March 2021
Timeframe for consideration of a proposal post exhibition	2 weeks	March 2021	March 2021
Date of submission to the Department to finalise LEP*	N/A	April 2021	April 2021
Anticipated date RPA will make the plan (if delegated)**	N/A	May 2021	May 2021
Anticipated date RPA will forward to the Department for notification	N/A	June 2021	June 2021

* Period includes further Council consideration of proposal and submission preparation

** Period includes instrument drafting and Parliamentary Counsel Opinion

Part 7 Supporting Documentation

Attachment	Document
1	Preliminary Draft Masterplan
2	Floodplain Risk Management Plan
3	Bushfire Assessment
4	Ecological Assessment
5	Aboriginal Heritage Information Management System Web Search

Information Checklist

STEP 1: REQUIRED FOR ALL PROPOSALS (under s3.33(2)(a-e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> Objectives and intended outcome Mapping (including current and proposed zones) Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> Explanation of provisions Justification and process for implementation (including compliance assessment against relevant section 9.1 direction/s) |
|--|--|

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS (Depending on complexity of planning proposal and nature of issues)

Planning Matters or Issues	to be considered	N/A		to be considered	N/A
Strategic Planning Context			Environmental Considerations		
Consistent with the relevant regional, district or corridor/precinct plans applying to the site, including any draft regional/district or corridor/precinct plans released or public comment; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flooding	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land/site contamination (SEPP55)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Seeking to update the current planning controls if they have not been amended in the last 5 years	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sea level rise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Description / Context			Urban design Considerations		
Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Existing site plan (buildings, vegetation, roads, etc)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site photos / photomontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Building mass/block diagram study (changes in building height and FSR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic and Transport Considerations			Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Local traffic and transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development yield analysis (potential yield of lots, houses, employment generation)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic Considerations		
Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic impact assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cycle and pedestrian movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Considerations			Employment land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bushfire Hazard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Social and Cultural Considerations		
Acid sulphate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Heritage impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aboriginal archaeology	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Flora and/or fauna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Open space management	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soil stability, erosion, sediment, landslip assessment and subsidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	European archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social and cultural impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stakeholder engagement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Infrastructure Considerations		
			Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Miscellaneous / Additional Considerations		
			List any additional studies that should be undertaken post Gateway determination	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Attachment 2: Floodplain Risk Management Plan



Attachment 3: Bushfire Assessment Report

Attachment 4: Ecological Assessment Report

Attachment 5: Aboriginal Heritage Information Management System Search



**AHIMS Web Services (AWS)
Search Result**

Purchase Order/Reference : Bayside Gardens

Client Service ID : 490624

Paul Bowditch
PO Box 8161
Tumbi Umbi New South Wales 2261
Attention: Paul Bowditch
Email: paul@progressivepropertysolutions.com.au

Date: 11 March 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP610629 with a Buffer of 200 meters, conducted by Paul Bowditch on 11 March 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *