



# PLANNING PROPOSAL BAKALI ROAD FORRESTERS BEACH

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# ***Planning Proposal***

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## Introduction, Context & Site Background

At its meeting held on 2 July 2013, the former Gosford City Council resolved to initiate the rezoning of the subject land. On 21 August 2013, a Gateway Determination was issued by the Department of Planning Infrastructure & Environment (DPIE). There were several extensions given to the original Gateway Determination with the latest set to expire on 21 December 2020.

On March 25 2019, Council considered a report on the proposed rezoning and resolved to require the proponent to enter into a Voluntary Planning Agreement (VPA) to require:

- *Dedication of 4000m<sup>2</sup> of land to Council for a park;*
- *Dedication of land for the purposes of a drainage reserve;*
- *Undertake roadworks to satisfy the requirements of the NSW Roads and Maritime Service and Council;*
- *Implement a Vegetation Management Plan for the area proposed to be zoned E2 Environmental Management; and*
- *exhibit with the Planning Proposal.*

Negotiations between Council and the proponent around the content and requirements of the VPA in relation to drainage matters failed to see both parties reach an agreed position. At the request of the proponent, The Planning Delivery Unit of the DPIE became involved in the process with a view to finalising the rezoning materials for public exhibition. The DPIE also advised that no further extensions would be given to the Gateway Determination.

Following further discussions and negotiations between Council and the proponent, it was agreed that due to the approaching deadline for the final Gateway Extension, the previous Planning Proposal would be withdrawn and that a new planning proposal would be submitted in its place.

### Background

Details of the major milestones associated with the former rezoning request are included in the following table.

Date	Details
2/7/2013	Council resolved to initiate the LEP Gateway process and investigate the need for a Development Control Plan and Development Contributions Plan (PP/33/2012)
21/8/2013	First Gateway Determination issued with a completion date of 21/8/2014.
22/8/2014	DPIE issue a 12-month extension to the Gateway Determination due to the time required to meet the conditions of the Gateway Determination. The new

	completion date is 28/8/2015.
16/9/2015	DPIE issue a 12-month extension to the Gateway Determination. The new completion date is 28/8/2016.
18/8/2016	DPIE issue a 12-month extension to the Gateway Determination. The new completion date is 28/8/2017.
6/16 – 10/16	Multiple Studies & reports submitted to Council in response to the various Government Agency requests.
17/10/2017	DPIE issue a 12 -month extension to the Gateway Determination. The new completion date is 28/8/2018
January 2018	Property is sold. The new landowner demonstrates a willingness to complete the rezoning including providing a series of amended reports.
22/5/2018	Council confirms that it intended to place the Planning Proposal on public exhibition in June 2018.
19/7/2018	Council staff informed the proponent that the Planning Proposal would not be placed on public exhibition until the following (among other things) occurred: <ul style="list-style-type: none"> <li>▪ The proponent enters into a VPA with Council to dedicate and embellish approximately 2,000m<sup>2</sup> of land to Council for use as open space. The site was to be located on that part of Lot 522 DP 1077907 fronting the Central Coast Highway.</li> <li>▪ The VPA will also address the dedication to Council of land proposed to be zoned E2 Environmental Conservation.</li> </ul>
1/8/2018	Possible future subdivision layout including the proposed open space area is submitted to Council for consideration.
15/8/2018	DPIE issue a 12 -month extension to the Gateway Determination. The new completion date is 28/2/2019.
3/9/2018	Council advised the proponent that it did not “accept the offered park within the previously designated drainage reserve, and they do not see any land in the subject site that they would seek for a local park.”
21/9/2018	Council advised that it had reconsidered its stance on the park and now required 4,000m <sup>2</sup> of land to be dedicated to Council adjacent to the Central Coast Highway.
15/10/2018	Council advised that it now required 4,075m <sup>2</sup> of land for the proposed park.
26/10/2018	Council further advised that it required 4,000m <sup>2</sup> of land for the proposed park.
1/11/2018	Draft VPA submitted to Council for review.
13/11/2018	A revised flood study was submitted to Council on 13 November 2018 addressing the issues raised by Council’s flooding engineers.

2/19 – 6/20	Various amendments to the revised flood study submitted to Council following comments from Council's flood engineers.
25/3/2019	Council resolves to amend the Planning Proposal to make changes to the minimum lot size mapping and to prepare a VPA
31/5/2019	Altered Gateway Determination granted by DPIE with a new completion date of 21 February 2020.
19/2/2020	Final Gateway Determination extension given by DPIE with a completion date of 21 December 2020.
11/18 – 10/20	Several meetings and negotiations regarding the content of the draft VPA.
10/11/2020	Following advice from DPIE and Council, the proponent withdraws the Planning Proposal with a view to submitting a fresh Planning Proposal

### **Subject Land**

Land subject to the Planning Proposal is identified below.

### **Property Details**

*Lot 1 DP 405510,*

*Lot 51 DP 1028301,*

*Lot 62 DP 838562,*

*Lots 155 & 156 DP 531710,*

*Lots 1-14, 18 & 19 DP 23283,*

*Lots 1-8 DP 24187,*

*Lots 1-3 DP 101649, and*

*Lot 522 DP 1077907 Central Coast Highway, Forresters Beach, and*

*Lots 1, 2 & 4 DP 1000694, and*

*Lot 3 DP 1000694 Bakali Road, Forresters Beach.*

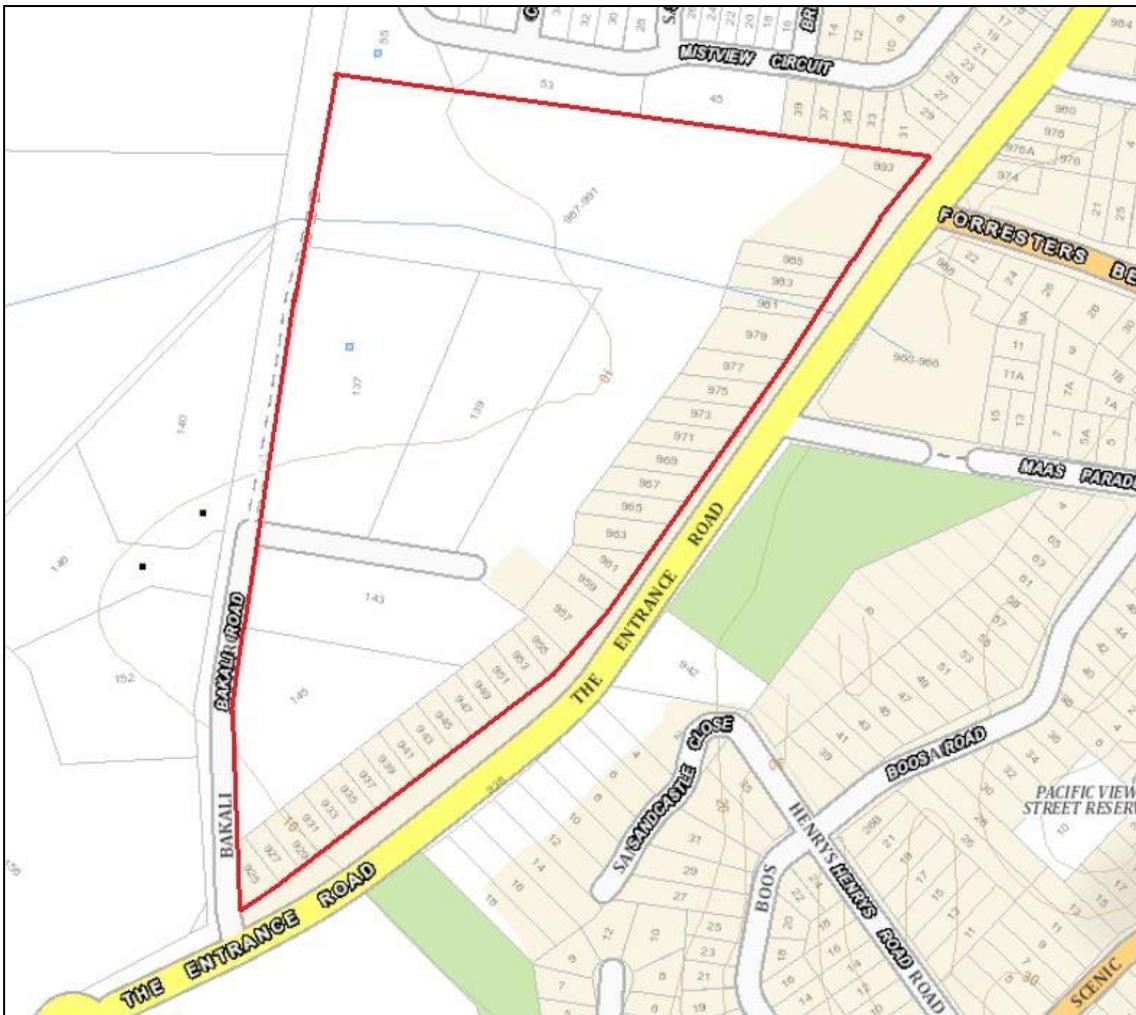


Figure 1 – Source: NSW Spatial Information Exchange (Six Maps)

### The Proposal

The proposal includes the following:

1. Rezone the following lots to R2 Low Density Residential under Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time):
  - Lot 1 DP 405510,
  - Lot 51 DP 1028301,
  - Lot 62 DP 838562,
  - Lots 155 & 156 DP 531710,
  - Lots 1-14, 18 & 19 DP 23283,
  - Lots 1-8 DP 24187,
  - Lots 1-3 DP 101649, and

- part of Lot 522 DP 1077907 Central Coast Highway, Forresters Beach, and
  - Lots 1, 2 & 4 DP 1000694, and
  - part of Lot 3 DP 1000694 Bakali Road, Forresters Beach.
2. Rezone part of Lot 522 DP 1077907 and part of Lot 3 DP 1000694 to E2 Environmental Conservation under Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time);
  3. Rezone part of Lot 522 DP 1077907 to RE1 Public Recreation under the Gosford Local Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time);
  4. Apply the Minimum Lot Size of:
    - 1850m<sup>2</sup> to land proposed to be zoned R2 Low Density Residential and fronting Bakali Road on Lot 3 DP 1000694 and parts of Lots 1 & 2 DP 1000694, and
    - 550m<sup>2</sup> to all remaining land proposed to be rezoned R2 Low Density Residential, under the Gosford Local Environmental Plan 2014 or 450m<sup>2</sup> under the Central Coast Local Environmental Plan (whichever is in effect at the time).

Due to the fact that this Planning Proposal is replacing a previously endorsed Planning Proposal the following content is largely based on the Planning proposal that was adopted by Central Coast Council in March 2019.

## **Part 1 Objectives or Intended Outcomes**

The objectives and intended outcomes of the Planning Proposal are to:

- zone certain land to a zone that appropriately reflects the land's location and existing residential character;
- zone certain land to a zone that appropriately reflects the physical constraints of the land;
- zone land to a zone that will allow for its future use for public recreation purposes; and
- zone certain land and apply an appropriate minimum lot size which accounts for the existing development on, and the urban capability of, such land.

## **Part 2 Explanation of Provisions**

The proposed outcome will be achieved by:

- Amending Land Zoning Map of Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan 2020 (CCLEP 2020) – whichever is in effect at the time to reflect the proposed zoning changes.
- Amending the Lot Size Map of Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan 2020 (CCLEP 2020) – whichever is in effect at the time to reflect the proposed changes to the minimum lot sizes.

## **Part 3 Justification**

### **Section A – Need for the Planning Proposal**

The rationale for this Planning Proposal has previously been recognised by both Central Coast Council and the Department of Industry and Environment. The proposed rezoning will facilitate additional housing opportunities in the area, the protection of environmentally sensitive land and the provision of a local park.

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. However, it does address a number of the objectives of the various strategies and initiatives contained within the LSPS. A response to some of the relevant planning priorities contained within the adopted LSPS is shown below.

Planning Priority	Response
Housing	
Provide for the housing needs of our growing region	<p>The Planning Proposal will facilitate the provision of additional and sustainable housing opportunities within the area.</p> <p>It will also facilitate the provision of a diverse range of affordable housing opportunities.</p>
A consistent and balanced approach to land use planning and development supporting the directions and goals of the Central Coast Regional Plan 2036, themes and focus areas of the Central Coast Community Strategic Plan 2018	<p>See further comments below. The proposal supports a number of the directions and goals of the Central Coast Regional Plan 2036, themes and focus areas of the Central Coast Community Strategic Plan 2018.</p>
Open Space	
Plan for a hierarchy of recreational open space based on current and future needs	<p>The proposal will result in the creation of a local park with a land area of 4,000m<sup>2</sup> being dedicated to Council. This will provide the only formal public recreational area on the western side of The Entrance Road – noting that the residential subdivisions to the north were not required to provide any land for such purposes.</p>
Environment	
Map, protect, and cherish natural areas and ecosystems	<p>The proposal seeks to apply an E2 Environmental Conservation zoning to 18,000m<sup>2</sup> of environmentally sensitive land in the north western part of the precinct. The proponent has offered to rehabilitate and maintain this area for a period of 8 years via a draft Voluntary Planning Agreement (VPA)</p>
Preserve environmental, scenic, heritage and cultural landscapes	

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

Proceeding with this Planning Proposal has been recommended by both Central Coast Council and the Department of Planning, Infrastructure and Environment as the best means of achieving the objectives and intended outcomes.

### Is there a nett community benefit?

The rezoning of the lands has considerable community benefits including:

- provision of additional residential land to meet the housing needs of the Central Coast
- provision of 4,000m<sup>2</sup> of land for a local park at no cost to Council
- rehabilitation and maintenance of 18,000m<sup>2</sup> of environmentally sensitive land
- external road and intersection upgrades
- increased employment opportunities for local construction companies and tradespeople associated with future subdivision works and construction of new housing within the precinct.
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### 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	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 land that accommodates the EEC is considered to have high environmental value and is therefore proposed to be protected by including it in the E2 zone.
		12.5 Sensitively manage natural areas on the fringe of the urban areas and in the west of the region to mitigate land use incompatibility issues and provide important quality of life and tourism benefits for the region.	The land that accommodates the EEC is considered to have high environmental value and is therefore proposed to be protected by including it in the E2 zone.
3. Well-connected communities and attractive lifestyles	15 Create a well-planned, compact settlement pattern	15.1 Create a well-planned, functional and compact settlement pattern around existing urban and employment areas, the Warnervale-Wadalba release area, the Northern and Southern Growth Corridors,	The subject land is located adjacent to the existing urban area of Forresters Beach. The proposed residential zoned area will not encroach into the environmentally sensitive wetland vegetation.

		existing rural villages and sites included in an endorsed local strategy.	
		15.2 Ensure the settlement pattern responds to settlement planning principles and does not encroach on sensitive land uses.	The subject land is located adjacent to the existing urban area of Forresters Beach. The proposed residential zoned area will not encroach into the environmentally sensitive wetland vegetation.
		17.1 Align land use and infrastructure planning to maximise the use and capacity of existing infrastructure, and the efficiency of new infrastructure.	The subject land is serviced by existing water and sewerage systems. However due to the increased demand generated by the additional future dwellings, the sewage pump station and surrounding mains would be required to be augmented.
4. A variety of housing choice to suit needs and lifestyles	22. Deliver housing in new release areas that are best suited to building new communities	22.2 Review fringe urban zonings to identify areas suitable for urban development.	This Planning Proposal is in effect a review of the urban fringe zoning in the locality. The result is that areas suitable for urban development have been identified as have areas of environmental sensitivity.

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 LSPS.

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

Theme	Goal	Objective	Response
Green	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 land that accommodates the EEC is considered to have high environmental value and is therefore proposed to be protected by including it in the E2 zone.
		F2. Promote greening and ensure the wellbeing of communities through the protection of local bushland, urban trees, tree canopies and expansion of the Coastal Open Space System (COSS)	
Responsible	Balanced and sustainable development	I3. Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management	The land that is suitable for residential development is proposed to be zoned R2 and the land that accommodates the EEC and has high environmental value is proposed to be zoned E2.

**Biodiversity Strategy**

The Biodiversity Strategy (2008) provides a framework and guide for the management of biodiversity in the Gosford area that is consistent with regional, state, national and international strategies, plans and policies. The following Actions in the Biodiversity Strategy are applicable to the Planning Proposal:

- 3. Environmental zoned lands need to be retained with current minimum lot area standards to enable the lot sizes to allow sufficient space for land uses to occur without loss of biodiversity.
- 7. Focus development around existing urban centres to maintain the urban development in the existing urban footprint to protect agricultural and environmentally sensitive lands.

The Planning Proposal is consistent with this Strategy in that it proposes to rationalise the residential zone along the Central Coast Highway frontage and protect all the EEC under an appropriate E2 Environmental Conservation zone. The existing rural residential land with access off Bakali Road is zoned 7(c2) and is therefore not within the urban footprint. However, this land is adjacent to urban lands and subdivision/development controls will be able to ensure that future development does not adversely impact on the conservation value of the 7(a) zoned land on the western side of Bakali Road.

### **Coastal Open Space System Strategy**

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

### **Residential Strategy**

The Residential Strategy states that:

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

Regarding this statement the following Actions are specified:

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

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

The proposed Residential zoning of the land fronting the Central Coast Highway reflects the existing residential character of the area. The proposed zoning of land accommodating an Endangered Ecological Community and which is flood liable to E2 Environmental Conservation reflects the natural characteristics of the land and is thus consistent with this strategy.

The 7(c2) zoned land to the west of the existing houses fronting the Central Coast Highway is serviced by water and sewer. Any stormwater runoff would have to be restricted to pre-development flows so

as not to adversely impact on the water quality of Wamberal Lagoon. This will be need to be addressed in a site -specific DCP.

### **Draft Residential Strategy**

The Draft Residential Strategy identifies the following objective and goal relevant to the Planning Proposal:

*Objective - Ensure adequate supply of land and sites for residential development.*

*Goal - locating housing supply to minimise impact on physical characteristics and infrastructure capabilities.*

This objective and goal are explained as:

*The depletion of natural resources has led to the adoption of sustainable development policies by government. These policies promote, as its ideal solution, the use and renewal of existing resources. This ideal, as it relates to housing, translates to a primary emphasis upon redevelopment of existing urban areas within the existing 'urban footprint'.*

The land fronting the Central Coast Highway is already developed as residential sized lots and is serviced by existing infrastructure. Hence zoning such land to residential is a rationalisation of the existing urban footprint, not an expansion of it. Likewise, the zoning of the rural residential land to the west of these houses to R2 is a rationalisation of the zone boundary as this land directly adjoins the urban footprint.

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

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

*1 To define objectives for the Conservation 7(a) / E2 zone to ensure the long-term preservation of the scenic and environmental qualities of the region and to ensure Planning Proposals (i.e. LEPs) are consistent with the prescribed objectives.*

*2 To establish criteria to be used by Council to assess requirements to prepare a Planning Proposal. (i.e. local environmental plan) primarily for the purpose of providing dedication of strategically environmentally/scenically important land for the community benefit in exchange for additional development rights having regard to the land's attributes pertaining to the zone boundary of the 7(a) Conservation zone / Environmental Conservation E2, but also for the purpose to alter the zone, uses, subdivision or other provisions.*

The objectives of the 7(a) zone are:

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

As the north-western part of the subject land is zoned 7(a) it has been identified as having characteristics of environmental value, scenic quality and habitat for native flora and fauna. As this part of the site is proposed to be zoned E2 Environmental Conservation the conservation and preservation of the existing vegetation will be continued which is consistent with this Policy and the objectives mentioned above.

### **Coastal Lagoons Management Plan**

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

The Coastal Lagoons Management Plan has the following relevant strategy:

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

The proposed residential zoning of the land fronting the Central Coast Highway reflects the residential scale development currently in existence. Although the extended residential zone to the west of the existing row of houses represents an increase in density, it is of sufficient area to accommodate erosion control and stormwater detention measures thus ensuring any threat to the water quality of Wamberal Lagoon is not exacerbated. Any future subdivision is required to be implemented in

accordance with Gosford DCP 2013 with chapters relevant to water quality being Chapter 6.3 Erosion and Sedimentation Control and Chapter 6.7 Water Cycle Management.

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

The Gosford Lagoons Coastal Zone Management Plan provides a strategic framework and action plan for the future management of Wamberal Lagoon, Terrigal Lagoon, Avoca Lake and Cockrone Lake. The Final Draft Coastal Zone Management Plan for Gosford Lagoons was adopted by the former Gosford Council on 9 June 2015 but is yet to be certified by the Minister for Planning. The objectives of the Coastal Zone Management Plan are outlined below:

- *To improve water quality*
- *To improve the condition of natural bushland and riparian vegetation*
- *To improve water bird habitat*
- *To protect threatened species*
- *To protect aquatic and marine vegetation*
- *To protect wetland fauna such as fish*
- *To protect the educational value of Wamberal Lagoon*
- *To protect the flood mitigation value of the entrance management policy*
- *To protect the recreational swimming value (primary contact water quality)*
- *To protect the tourism value*
- *To protect indigenous cultural heritage*

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

The proposed residential zoning of the land fronting the Central Coast Highway reflects the residential scale development currently in existence. Although the extended residential zone to the west of the existing row of houses represents an increase in density, it is of sufficient area to accommodate erosion control and stormwater detention measures thus ensuring any threat to the water quality of Wamberal Lagoon is not exacerbated. Any future subdivision is required to be implemented in accordance with Gosford DCP 2013 with chapters relevant to water quality being Chapter 6.3 Erosion and Sedimentation Control and Chapter 6.7 Water Cycle Management.

The land that accommodates Endangered Ecological Communities is proposed to be zoned E2 Environmental Conservation which will protect the threatened species currently on the site.

## 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 southern part of the subject land (part of Lot 1 DP 1000694 and Lots 1-8 DP 23283) is located within the Coastal Environment Area. Consent must not be granted for development within this area if the proposed development is likely to cause adverse impacts on:</p> <ul style="list-style-type: none"> <li>- the integrity and resilience of the biophysical, hydrological and ecological environment;</li> <li>- coastal environmental values and natural coastal processes;</li> <li>- the water quality, in particular the cumulative impacts on the sensitive coastal lakes, in this case Wamberal Lagoon;</li> <li>- marine vegetation, native vegetation and fauna and their habitats;</li> <li>- Aboriginal cultural heritage, practices and places.</li> </ul> <p>The rezoning of the 8 existing lots fronting the Central Coast Highway to R2 reflects the existing subdivision and is considered consistent with the SEPP. The rezoning of Lot 1 DP 1000694 and the resultant subdivision would not adversely affect significant stands of vegetation or adversely impact on the visual quality of the coastal zone in this locality. Future development would be required to comply with Council's requirement to detain stormwater on-site so runoff is released at pre-development flows thus ensuring no adverse effect on Wamberal Lagoon.</p> <p>The Planning Proposal is consistent with the SEPP.</p>
State Environmental Planning Policy No. 19 Bushland in Urban Areas	<p>There is a vegetation community on the subject land that is identified as an Ecologically Endangered Community (EEC). In accordance with SEPP 19 this vegetation is proposed to be protected by being included in zone E2 and retained in parcels of a size which will enable this community to survive in the long term.</p>
State Environmental Planning Policy (Koala Habitat Protection) 2019	<p>Even though the land contains tree species listed in the SEPP. The Flora and Fauna Assessment Report</p>

	found that the site does not form a core koala habitat.
<p>State Environmental Planning Policy No. 55 Remediation of Land</p>	<p>Council's aerial photographic record does not show any use being carried out that is listed in Table 1 Contaminated Land Planning Guidelines. However, the 1957 and 1964 aerial photos show the existence of several agricultural sheds on the site. The land has since been developed for rural-residential housing.</p> <p>The Urban Capability Assessment, in relation to contamination, concluded that the potential risk of contamination is low as set out below.</p> <p><i>Based on the site inspection, the desktop study and limited testing it is suggested that the overall potential risk of contamination at the site would be low and contamination is not considered to pose a constraint to the proposed residential development. Removal of asbestos containing material by an accredited hygienist is required and the affected area must be validated following the removal. Screening and off-site disposal of dumped anthropogenic materials within fill material and localised areas across the site will also be required.</i></p>
<p>State Environmental Planning Policy (Mining, Petroleum &amp; Extractive Industries) 2007</p>	<p>The subject site is identified as a Future Residential Growth Area on the Future Residential Growth Areas Map.</p> <p>This means that the carrying out of coal seam gas development is prohibited on or under the subject land or within 2 kilometres of the subject land.</p>

**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
<b>Employment &amp; Resources</b>				
1.1	<b>Business &amp; Industrial Zones</b>	No	N/A	
1.2	<b>Rural Zones</b>	No	N/A	
1.3	<b>Mining, Petroleum Production and Extractive Industries</b>	No	N/A	
1.4	<b>Oyster Aquaculture</b>	No	N/A	
1.5	<b>Rural Lands</b>	No	N/A	
<b>Environment &amp; Heritage</b>				
2.1	<b>Environmental Protection Zones</b>	Yes	Yes	<p>The western part of Lot 522 DP 1077907 and the northern part of Lot 3 DP 1000694 contain an Estuarine Paperbark Scrub Forest community which is identified as an EEC. The land to the west of the existing houses fronting the Highway does not exhibit any environmentally significant stands of vegetation hence the Planning Proposal would not reduce the environmental protection standards applying to the land.</p> <p>However, zoning the land to a more intensive zone has the potential to adversely impact the adjacent vegetation on the western side of Bakali Road if runoff is not detained.</p> <p>However, it is expected that Council's policy will apply which requires that all stormwater runoff is detained and released at pre-development flows.</p> <p>The Stormwater Management Plan concludes that such detention basins are able to be installed and comply with Council's requirements.</p>

No.	Direction	Applicable	Consistent	Comment
2.2	Coastal Management	Yes	Yes	<p>The southern part of the subject land (part of Lot 1 DP 1000694 and Lots 1-8 DP 23283) is located within the coastal zone. The rezoning of the 8 existing lots fronting the Central Coast Highway to R2 reflects the existing subdivision and is considered consistent with the Coastal Management Act. The rezoning of Lot 1 DP 1000694 and the resultant subdivision would not adversely affect significant stands of vegetation or adversely impact on the ecological quality of the coastal zone in this locality. Future development would be required to comply with Council's requirement to detain stormwater on-site so runoff is released at pre-development flows thus ensuring no adverse effect on Wamberal Lagoon or the ecological integrity and biological diversity of vegetation and habitat downstream.</p> <p>Zoning the 8 lots fronting the Central Coast Highway to Residential is consistent with the existing visual characteristics of the locality. Zoning Lot 1 DP 1000694 to Residential is appropriate given the physical character of the land and access to services and facilities.</p>
2.3	Heritage Conservation	Yes	Yes	<p>An Aboriginal Cultural Heritage Assessment was undertaken and <i>identified a high level of ground disturbance associated with the subdivision and development of the Project Area including land clearing, the construction of a power easement, access roads and services and landscaping. These disturbances have disturbed and removed sections of the A horizon, which is associated with the potential for Aboriginal objects.</i></p> <p><i>The search of the AHIMS database identified no registered Aboriginal objects within the Project Area. The Project Area is assessed to be of low Aboriginal archaeological sensitivity.</i></p>
2.4	Recreation Vehicle Areas	No	N/A	
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP	No	N/A	
Housing, Infrastructure & Urban Development				

No.	Direction	Applicable	Consistent	Comment
3.1	Residential Zones	Yes	Yes	<p>Although rezoning of land fronting the Central Coast Highway will also permit the range of housing permitted in the R2 zone, the individual residential sized lots already exist making it unlikely that more intensive residential development would occur. The R2 zone is consistent with the zoning of residential land in the locality and will make efficient use of existing infrastructure and services in the locality. The low-density residential zone will not permit the broad range of housing types as is permitted in the medium density residential zones.</p> <p>The Planning Proposal to rezone the land to the west of the existing houses fronting the Highway to R2 will permit the range of housing permitted in the R2 zone such as dwelling houses, seniors housing (under SEPP Housing for Seniors or People with a Disability) and secondary dwellings (under SEPP Affordable Rental Housing). However, given the fragmented nature of the existing land ownership and the existing dwellings on the land it is unlikely that the land would be used for substantial development such as seniors housing.</p> <p>The land is serviced by water and sewer however due to the additional loads created by the proposed rezoning and subsequent development contributions will have to be made towards the augmentation of the water and sewer systems.</p>
3.2	Caravan Parks and Manufactured Home Estates	No	N/A	
3.3	Home Occupations	Yes	Yes	The proposal does not impact on the permissibility of home occupations.
3.4	Integrating Land Use & Transport	Yes	Yes	The Planning Proposal is located with easy access to the Central Coast Highway which is the major arterial road connecting the coastal communities with regular and frequent bus services to Bateau Bay, Erina Fair and Gosford City Centre. Whilst future residents could use their private vehicles, the option to use public transport would be available.

No.	Direction	Applicable	Consistent	Comment
3.5	Development Near Licensed Aerodromes	No	N/A	
3.6	Shooting Ranges	No	N/A	
3.7	Reduction in non-hosted short-term rental accommodation	No	N/A	
<b>Hazard &amp; Risk</b>				
4.1	Acid Sulfate Soils	Yes	Yes	The Acid Sulfate Soils Planning Maps indicate that the subject land is within Class 5. The Acid Sulfate Soil map layer in the Gosford LEP 2014 is to be updated accordingly as part of this Planning Proposal.
4.2	Mine Subsidence and Unstable Land	No	N/A	

No.	Direction	Applicable	Consistent	Comment
4.3	Flood Prone Land	Yes	Yes	<p>The zoning of the land fronting the Central Coast Highway reflects the residential scale development currently in existence. However, a drainage easement is located on the northern boundary of one of the residential sized lots (No 971) fronting the Central Coast Highway and carries stormwater from the Highway to the easement located on the larger 7(c2) lots to the west. This residential sized lot and others may be subject to secondary flows. Whilst zoning these lots to Residential will not affect the existing development on the lots, the R2 zone does permit additional uses which may not be able to be approved if the land is affected by flooding.</p> <p>A drainage easement consisting of an overgrown, open channel commences at the rear of No 971 Central Coast Highway and ends at the unformed section of Bakali Road to the west. The open channel passes through three 7(c2) zoned lots before spilling out onto the unformed section of the Bakali Road. Even though there is a drainage reserve on the western side of Bakali Road, there is no system within the drainage reserve to convey stormwater flows. The open drainage channel is not located in the lowest part of the subject land; the lowest area is to the north of the channel and this grassed overland flow path conveys the majority of stormwater from the Highway. It is proposed to regularise this overland flow path within a channel which is able to accommodate the Probable Maximum Flood (PMF). This approach takes advantage of the local terrain.</p>
4.4	Planning for Bushfire Protection	Yes	Yes	<p>The subject land is classified as Rural Fire Service Category 1 Vegetation and Bushfire Buffer. Consequently, the Planning Proposal and Bushfire Assessment Report will need to be referred to the Rural Fire Service for comment.</p>
<b>Regional Planning</b>				
5.1	Implementation of Regional Strategies	Revoked	N/A	
5.2	Sydney Drinking Water Catchments	No	N/A	

No.	Direction	Applicable	Consistent	Comment
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	
5.9	North West Rail Link Corridor Strategy	No	N/A	
5.10	Implementation of Regional Plans	Yes	Yes	The Planning Proposal is considered to be consistent with the directions and actions contained in the Central Coast Regional Plan as indicated in the response to Question 3 above.
5.11	Development of Aboriginal Land Council Land	No	N/A	
<b>Local Plan Making</b>				
6.1	Approval and Referral Requirements	Yes	Yes	This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.
6.2	Reserving Land for Public Purposes	Yes	Yes	The Planning Proposal does propose to zone some land RE1 Public Recreation which is for public purposes.
6.3	Site Specific Provisions	Yes	Yes	The Planning Proposal uses existing zones, floor space ratio, height of building and lot size requirements set out in the Standard Instrument LEP. It is therefore consistent with this Direction.
<b>Metropolitan Planning</b>				
7.1	Implementation of the Metropolitan Strategy	No	N/A	
7.2	Implementation of Greater Macarthur Land Release Investigation	No	N/A	
7.3	Parramatta Road Corridor Urban Transformation Strategy	No	N/A	
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A	

No.	Direction	Applicable	Consistent	Comment
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	No	N/A	
7.9	Implementation of Bayside West Precincts 2036 Plan	No	N/A	
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	No	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 Flora and Fauna Assessment which concludes that the future development of the land 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 an increase and 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 an 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 significant number of employment opportunities in creating the future housing on the land.

*Voluntary Planning Agreement*

A Voluntary Planning Agreement (VPA) is proposed to accompany this Planning proposal. The VPA will provide for:

1. The dedication of 4,000m<sup>2</sup> of land for a local park.
2. The rehabilitation and maintenance of 18,000m<sup>2</sup> of environmentally sensitive land.
3. Any external roadworks identified and required by Transport for NSW.

**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. See the water and sewer analysis submitted with the Planning Proposal.

**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 Land Zoning Map
2	Amended Lot Size 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	November 2021	January 2021
Anticipated commencement date (date of Gateway Determination)	Unknown	January 2021	January 2021
Anticipated timeframe for the completion of required technical information	4 weeks	February 2021	February 2021
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	8 weeks	March 2021	April 2021
Commencement and completion dates for public exhibition	4 weeks	May 2021	June 2021
Dates for public hearing (if required)	N/A	N/A	N/A

Timeframe for consideration of submissions	2 weeks	June 2021	July 2021
Report to Council post exhibition	4 weeks	August 2021	August 2021
Date of submission to the Department to finalise LEP*	N/A	September 2021	September 2021
Anticipated date RPA will make the plan (if delegated)**	N/A	September 2021	September 2021
Anticipated date RPA will forward to the Department for notification	N/A	September 2021	September 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	Bushfire Assessment
2	Flora & Fauna Assessment
3	Flood Assessment
4	Aboriginal Cultural Heritage Assessment
5	Traffic Report (to be updated following TfNSW referral)
6	Urban Capability Assessment
7	Water & Sewer Analysis
8	Stormwater Management Plan

## 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"> <li>Objectives and intended outcome</li> <li>Mapping (including current and proposed zones)</li> <li>Community consultation (agencies to be consulted)</li> </ul>		<ul style="list-style-type: none"> <li>Explanation of provisions</li> <li>Justification and process for implementation (including compliance assessment against relevant section 9.1 direction/s)</li> </ul>			
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
<b>Strategic Planning Context</b>				<b>Environmental Considerations</b>	
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 checked="" type="checkbox"/> <input 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"/>
<b>Site Description / Context</b>				<b>Urban design Considerations</b>	
Aerial photographs	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Existing site plan (buildings, vegetation, roads, etc)	<input type="checkbox"/> <input checked="" type="checkbox"/>
Site photos / photomontage	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Building mass/block diagram study (changes in building height and FSR)	<input type="checkbox"/> <input checked="" type="checkbox"/>
<b>Traffic and Transport Considerations</b>				Lighting impact	<input type="checkbox"/> <input checked="" type="checkbox"/>
Local traffic and transport	<input checked="" type="checkbox"/>	<input 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"/>		<b>Economic Considerations</b>	
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"/>
<b>Environmental Considerations</b>				Employment land	<input type="checkbox"/> <input checked="" type="checkbox"/>
Bushfire Hazard	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<b>Social and Cultural Considerations</b>	
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"/>
				<b>Infrastructure Considerations</b>	
				Infrastructure servicing and potential funding arrangements	<input checked="" type="checkbox"/> <input type="checkbox"/>
				<b>Miscellaneous / Additional Considerations</b>	
				List any additional studies that should be undertaken post Gateway determination	<input type="checkbox"/> <input checked="" type="checkbox"/>