



Central Coast Council Strategic Planning Framework Assessment

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

PP/112/2020;
March 2021

Central Coast Regional Plan 2036

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

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

Table 1: Central Coast Regional Plan Assessment

12	Direction 12: Protect and manage environmental values	
	Action	Assessment
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.
15	Direction 15: Create a well-planned, compact settlement pattern	
	Action	Assessment
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, existing rural villages and sites included in an endorsed local strategy.	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.
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	Direction 17: Align land use and infrastructure planning	
	Action	Assessment
17.1	Align land use and infrastructure planning to maximise the use and capacity of existing	The subject land is serviced by existing water and sewerage systems. However due to the increased demand generated by the additional

	infrastructure, and the efficiency of new infrastructure.	future dwellings, the sewage pump station and surrounding mains would be required to be augmented.
22	Direction 22: Deliver housing in new release areas that are best suited to building new communities	
	Action	Assessment
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.

Central Coast Community Strategic Plan – One: Central Coast

The Central Coast Community Strategic Plan outlines a set of guiding principles, aspirations and values for the community. These reflect on social, economic, environmental and governance aspects for now and the future.

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

Table 2: Community Strategic Plan Assessment

Theme - Green	
Focus Area – Cherished and Protected Natural Beauty	
Strategies	Assessment
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)	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.
Theme - Responsibility	
Focus Area – Balanced and sustainable development	
Strategies	Assessment
I2 – Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.	The subject land is adjacent to the Central Coast Highway which is a major arterial road connecting the coastal communities with commercial centres via a frequent bus service. Good access to open space is satisfied by the provision of a park on the subject land.
I3 – Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.	The land that is suitable for residential development is proposed to be zoned R2 and the land that accommodates the EEC and has high environmental value is proposed to be zoned E2.

Local Strategic Planning Statement

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

One of the Urban Management Strategies is:

- 3 *Define the Urban Edge - define where urban development should stop and environmental protection starts.*

The land immediately to the north of this site is currently being developed for Residential subdivision, leaving the cleared areas of the subject site the last remaining land suitable for residential development and thus defining the urban edge in this locality. That part of the site with high ecological value is proposed to be zoned E2 Environmental Conservation.

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

Table 3: Local Strategic Planning Statement Assessment

Housing		
8	Priority	Assessment
	Provide for the housing needs of our growing region	The planning proposal seeks to provide low density residential housing to meet the accommodation needs of the community.
Open Space		
15	Priority	Assessment
	Plan for a hierarchy of recreational open space based on current and future needs	The planning proposal includes a 4000 sqm area of land zoned RE1 Public Recreation which will serve to meet the open space requirements of the community.
Environment		
24	Priority	Assessment
	Map, protect and cherish natural areas and ecosystems	The planning proposal seeks to protect the existing wetland vegetation on the site by zoning it to E2 Environmental Conservation and requiring it to be managed in accordance with the Vegetation Management Plan which forms part of the Planning Agreement.

State Environmental Planning Policies

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

Table 4: State Environmental Planning Policy Assessment

State Environmental Planning Policy	Comment
SEPP No 19 – Bushland in Urban Areas	
<p>The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:</p> <ul style="list-style-type: none"> (a) its value to the community as part of the natural heritage, (b) its aesthetic value, and (c) its value as a recreational, educational and scientific resource. <p>The specific aims of this policy are:</p> <ul style="list-style-type: none"> (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area, (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term, (c) to protect rare and endangered flora and fauna species, (d) to protect habitats for native flora and fauna, (e) to protect wildlife corridors and vegetation links with other nearby bushland, (f) to protect bushland as a natural stabiliser of the soil surface, (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape, (h) to protect significant geological features, (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores, (j) to protect archaeological relics, (k) to protect the recreational potential of bushland, (l) to protect the educational potential of bushland, (m) to maintain bushland in locations which are readily accessible to the community, and (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public 	<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. The existing overland flowpath is proposed to be located within the proposed R2 zone as the flowpath will form part of urban drainage system.</p>

State Environmental Planning Policy	Comment
enjoyment of the bushland compatible with its conservation.	
SEPP No 55 – Remediation of Land	
<p>Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(b) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(c) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(d) by requiring that a remediation work meet certain standards and notification requirements.</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>
SEPP (Mining Petroleum & Extractive Industries) 2007	
<p>Aims:</p> <p>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</p> <p>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</p> <p>(b1) to promote the development of significant mineral resources, and</p> <p>(c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</p>	<p>The subject site is identified as a Future Residential Growth Area on the Future Residential Growth Areas Map.</p> <p>This means that the carrying out of coal seam gas development is prohibited on or under the subject land or within 2 kilometres of the subject land.</p>

State Environmental Planning Policy	Comment
<p>(d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development:</p> <p>(i) to recognise the importance of agricultural resources, and</p> <p>(ii) to ensure protection of strategic agricultural land and water resources, and</p> <p>(iii) to ensure a balanced use of land by potentially competing industries, and</p> <p>(iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.</p>	
SEPP (Vegetation in Non-Rural Areas) 2017	
<p>The aims of this policy are:</p> <p>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p>	<p>There is a vegetation community on the subject land that is identified as an Ecologically Endangered Community (EEC). This vegetation is proposed to be protected by being included in zone E2 and retained in parcels of a size which will enable this community to survive in the long term. Other vegetation in the proposed R2 zoned land is isolated and in poor condition so is considered acceptable to be included in the R2 zone.</p>
SEPP (Coastal Management) 2018	
<p>The aim of this Policy is promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 by:</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas which comprise the NSW coastal zone, in accordance with the definitions in the Coastal Management Act 2016.</p>	<p>The 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"> - the integrity and resilience of the biophysical, hydrological and ecological environment; - coastal environmental values and natural coastal processes; - the water quality, in particular the cumulative impacts on the sensitive coastal lakes, [in this case Wamberal Lagoon]; - marine vegetation, native vegetation and fauna and their habitats; - Aboriginal cultural heritage, practices and places. <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</p>

State Environmental Planning Policy	Comment
	<p>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>
SEPP (Koala Habitat Protection) 2020	
<p>Aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>	<p>Even though the land contains tree species listed in the SEPP. The Flora and Fauna Assessment Report found that the site does not form a core koala habitat.</p>

Section 9.1 Ministerial Directions

The proposal has been considered against the relevant Ministerial Directions as summarised below, and assessed in further detail in table 6.

Table 5 Section 9.1 Ministerial Direction Summary

No.	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	N	N/A
1.2	Rural Zones	N	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N	N/A
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	Y	Y
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	Y	N
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	N	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N	N/A
2.6	Remediation of Contaminated Land	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	N
3.2	Caravan Parks and Manufactured Home Estates	N	N/A
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A

No.	Direction	Applicable	Consistent
3.7	Reduction in non-hosted short-term rental accommodation period	N	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	N	N/A
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.8	Sydney's Second Airport: Badgery's Creek:	N	N/A
5.9	North West Rail Link Corridor Strategy	N	N/A
5.10	Implementation of Regional Plans	Y	Y
5.11	Development of Aboriginal Land Council lands	N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney	N	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	N	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	N	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N	N/A

No.	Direction	Applicable	Consistent
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	N	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	N	N/A
7.11	Implementation of St Leonards and Crows Nest Plan 2036	N	N/A
7.12	Implementation of Greater Macarthur 2040	N	N/A
7.13	Implementation of Pyrmont Peninsula Place Strategy	N	N/A

Table 6: Section 9.1 Ministerial Direction Assessment

Direction	Comment
Employment & Resources	
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land, facilitate the economic use and development of rural lands, assist in the proper management, development and protection of rural lands, minimise the potential for land fragmentation and land use conflict.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environmental protection zone or changes the existing minimum lot</p>	<p>The subject land is within an environmental protection zone and is currently used for rural residential purposes.</p> <p>The Planning Proposal seeks to zone the land to R2 Low Density Residential, E2 Environmental Conservation and RE1 Public Recreation.</p> <p>The environmental value of the site is proposed to be protected as the vegetated wetland on the western</p>

Direction	Comment
<p>size on land within a rural or environmental protection zone.</p> <p>A Planning Proposal must be consistent with any applicable strategic plan, identify and protect environmental values, consider the natural and physical constraints of the land, consider measures to minimise fragmentation of rural land and reduce the risk of land use conflict, consider the social, economic and environmental interests of the community. Where the Planning Proposal is for rural residential purposes; is appropriately located taking into account the availability of human services, utility infrastructure, transport and proximity to existing centres; and is necessary taking account of existing and future demand and supply of rural residential land.</p>	<p>part of the site is proposed to be zoned E2 Environmental Conservation.</p> <p>The planning proposal has to also consider any natural and physical constraints on the land. As the subject land is affected by overland flow, satisfactory measures are to be included in the accompanying DCP to address this issue.</p> <p>The Planning Proposal is consistent with this Direction.</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p>	<p>The land fronting the Central Coast Highway is zoned 7(c2) it comprises 32 residential sized lots, therefore does not have the character of an Environmental Protection zone. Conversely 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 objective of this Direction is to protect and conserve environmentally sensitive areas. To be consistent with this Direction this environmentally sensitive area is to be protected by being zoned to E2.</p> <p>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. However, zoning the land to a more intensive zone has the potential to adversely impact the adjacent vegetation on the western side of Bakali Road if runoff is not detained. However, it is Council's policy that all stormwater runoff is detained and released at pre-development flows. Such requirements will also be included in the site-specific DCP.</p>
2.2 Coastal Protection	
<p>Aims to protect and manage coastal areas of NSW.</p>	<p>The objects of the Coastal Management Act 2016 are to manage the coastal environment of New South</p>

Direction	Comment
<p>Applies when a relevant planning authority prepares a planning proposal that applies to land within the coastal zone as identified by SEPP (Coastal Management) 2018.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the objects of the Coastal Management Act 2016 and the objectives of the of the relevant coastal management areas, and</p> <p>(b) the NSW Coastal Management Manual and associated toolkit,</p> <p>(c) the NSW Coastal Design Guidelines 2003.</p> <p>A planning proposal must not rezone land which would enable increased development or more intensive land use on land:</p> <p>(a) within a coastal vulnerability area identified by the SEPP (Coastal Management) 2018, or</p> <p>(b) that has been identified as land affected by current or future coastal hazard in a LEP or DCP, or a study or assessment undertaken by a public authority or a relevant planning authority.</p>	<p>Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State.</p> <p>The southern part of the subject land (part of Lot 1 DP 1000694 and Lots 1-8 DP 23283) is located within the coastal zone. The rezoning of the 8 existing lots fronting the Central Coast Highway to R2 reflects the existing subdivision and is considered consistent with the Coastal Management Act. The rezoning of Lot 1 DP 1000694 and the resultant subdivision would not adversely affect 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>The NSW Coastline Management Manual provides "information to assist present and potential users and occupiers of the coastline to understand the nature of coastline hazards and the options available for their management." As the site is not subject to immediate coastal processes it is not relevant to the Planning Proposal.</p> <p>The Coastal Design Guidelines relates to design of dwellings and location of new settlements and is not strictly relevant to this Planning Proposal. The following objectives are however pertinent to this Planning Proposal:</p> <ul style="list-style-type: none"> - To protect and enhance the cultural, ecological and visual characteristics of a locality. - To limit coastal sprawl by establishing separation and greenbelts between settlements. - To integrate new development with surrounding land uses. - To encourage new coastal settlements to be appropriately located. - To create neighbourhoods centred around services and facilities. <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</p>

Direction	Comment
	1000694 to Residential is appropriate given the physical character of the land and access to services and facilities.
2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area. This includes items, areas, objects and places of indigenous heritage significance.</p>	<p>An Aboriginal Cultural Heritage Assessment was undertaken and <i>identified a high level of ground disturbance associated with the subdivision and development of the Project Area including land clearing, the construction of a power easement, access roads and services and landscaping. These disturbances has 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>
2.6 Remediation of Contaminated Land	
<p>Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>Applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p>	<p>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>

Direction	Comment
<p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	
<p>Housing, Infrastructure and Urban Development</p>	
<p>3.1 Residential Zones</p>	
<p>Aims to encourage a variety of housing choice, to make efficient use of existing infrastructure and services, ensure new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment.</p> <p>This Direction applies when a planning proposal affects land within an existing or proposed residential zone. The draft LEP shall include provisions that will broaden the choice of building types, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing on the urban fringe and be of good design. The Direction also requires that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).</p>	<p>The proposed R2 zone is consistent with the zoning of residential land in the locality and will make efficient use of existing infrastructure and services in the locality. The low density residential zone will not permit the broad range of housing types as is permitted in the medium density residential zones.</p> <p>The Planning Proposal to rezone the land to R2 will permit the range of housing permitted in the R2 zone such as dwelling houses, seniors housing (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>
<p>3.3 Home Occupations</p>	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The proposal does not impact on the permissibility of home occupations.</p>
<p>3.4 Integrating Land Use and Transport</p>	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p>	<p>The subject site 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.</p>

Direction	Comment
<p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	
<p>Hazard & Risk</p>	
<p>4.1 Acid Sulfate Soils</p>	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.</p>	<p>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.</p>
<p>4.3 Flood Prone Land</p>	
<p>Aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and ensure that the provisions of 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> <p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>The Floodplain Development Manual, 2005 defines the Flood Planning Area as the area of land below the Flood Planning Level (i.e. combination of flood events and freeboards as determined in management studies and incorporated in management plans) and thus subject to flood related development controls.</p> <p>The zoning of the land fronting the Central Coast Highway reflects the residential scale development currently in existence. However, a drainage easement is located on the northern boundary of one of the residential sized lots (No 971) fronting the Central Coast Highway and carries stormwater from the Highway to the easement located on the larger 7(c2) lots to the west. This residential sized lot and others may be subject to secondary flows. Whilst zoning these lots to Residential will not affect the existing development on the lots, the R2 zone does permit additional uses which may not be able to be approved if the land is affected by flooding.</p> <p>A drainage easement consisting of an overgrown, open channel commences at the rear of No 971 Central Coast Highway and ends at the unformed section of Bakali Road to the west. The open channel passes through three 7(c2) zoned lots before spilling out onto the unformed section of the Bakali Road. Even though there is a drainage reserve on the western side of Bakali Road, there is no system within the drainage reserve to convey stormwater flows.</p>

Direction	Comment
	<p>The existing open drainage channel is not located in the lowest part of the subject land; the lowest area is to the north of the channel and this grassed overland flow path conveys the majority of stormwater from the Highway. It is proposed to regularise this flow path via an open channel of variable width in accordance with Council's guidelines for such drainage reserves.</p> <p>This approach takes advantage of the local terrain and is consistent with the guidelines and principles of the Floodplain Development Manual and this Direction. The specific development requirements have been incorporated in the Gosford DCP Chapter applying to the subject land.</p>
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>In the preparation of a planning proposal request, the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination.</p> <p>The subject land is classified as Rural Fire Service Category 1 Vegetation and Bushfire Buffer. Consequently the Planning Proposal and future Bushfire Assessment Report will have to be referred to the Rural Fire Service for comment.</p>
Regional Planning	
5.10 Implementation of Regional Plans	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra</p>	<p>The Planning Proposal is considered to be consistent with the directions and actions contained in the Central Coast Regional Plan. Land with high environmental value is proposed to be zoned E2 Environmental Conservation and the proposed R2 Low Density Residential zone will not encroach into the environmentally sensitive area.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>This Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation</p>	<p>This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.</p>

Direction	Comment
provisions and not identify development as designated development.	
6.2 Reserving Land for Public Purposes	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations for public purposes where the land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning.</p>	<p>The Planning Proposal proposes to zone some land RE1 Public Recreation which is for public purposes. This has been agreed to by the relevant units of Council.</p>
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p> <p>The Planning Proposal must use an existing zone already applying in an environmental planning instrument and not impose any development standards in addition to those already contained in the environmental planning instrument. The proposal shall not contain or refer to drawings/concept plans that show details of the proposed development.</p>	<p>The Planning Proposal uses existing zones, floor space ratio, height of building and lot size requirements set out in the Standard Instrument LEP. It is therefore consistent with this Direction.</p>

Local Strategies and Policies

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 Strategy 3 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) Rural Small Holdings and is therefore not within the urban footprint (Strategy 7). However, this land is adjacent to urban land and subdivision/development controls are able to ensure that future development does not adversely impact on the conservation value of the 7(a) Conservation 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 (Former Gosford City Council)

The Residential Strategy states that:

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

Regarding this statement the following Actions are specified:

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

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

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

The land zoned 7(c2) Rural Small Holdings to the west of the existing houses fronting the Central Coast Highway is serviced by water and sewer. Any stormwater runoff would have to be restricted to pre-development flows so as not to adversely impact on the water quality of Wamberal Lagoon. This is addressed in the accompanying Gosford Development Control Plan 2013 (GDCP 2013).

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

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

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

The objectives of the 7(a) zone are:

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

As the north-western part of the subject land is zoned 7(a) Conservation it has been identified as having characteristics of environmental value, scenic quality and habitat for native flora and fauna. As this part of the site is proposed to be zoned 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. It is also proposed to specifically address water quality and drainage, as they relate to the subject land, via a new chapter in the Gosford DCP 2013.

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 Low Density Residential 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. It is also proposed to specifically address water quality and drainage, as they relate to the subject land, via a new chapter in the DCP.

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.