

PLANNING PROPOSAL

REEVES STREET, SOMERSBY

URBIS

APRIL 2020 PREPARED FOR DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL

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EXECUTIVE SUMMARY

PROJECT OVERVIEW

This Planning Proposal has been prepared by Urbis on behalf of the Darkinjung Local Aboriginal Land Council (Darkinjung) (the applicant) in relation to land at Reeves Street, Somersby (the site). The site is legally described as Lot 481 in DP 1184693. The site has an area of 178.5 hectares (ha) and is located approximately 4.5 kilometres (km) north west of the Gosford Town Centre.

This Planning Proposal builds on the Rezoning Request which was considered for the site by the Hunter and Central Coast Regional Planning Panel (the Panel) on 10 October 2019. The Panel unanimously determined that the proposal, to support environmental conservation and the development of lots for rural residential uses on land fronting Reeves Street, should be progressed to a Gateway Determination. The Panel concluded that the Rezoning Request had demonstrated strategic and site specific merit.

This Planning Proposal is consistent with State Environmental Planning Policy (Aboriginal Lands) 2019 (AL SEPP) and the Interim Darkinjung Development Delivery Plan (IDDDP), which establish the development objectives to realise the environmental and economic potential of the site and enhance the economic and social welfare for Darkinjung.

The following amendments are proposed to the Gosford Local Environmental Plan 2014 (GLEP 2014) or the Central Coast Local Environmental Plan (CCLEP), should it be gazetted by the time this draft LEP is finalised:

- Rezone 124ha of the site from RU2 Rural Landscape (RU2) to E2 Environmental Conservation (E2). This will result in 83% of the site being zoned for conservation purposes.
- Rezone 30.8ha from RU2 to E3 to facilitate the development of up to 14 rural residential lots fronting Reeves Street.
- Amend the minimum lot size provisions across the site to apply a minimum lot size of 2ha to the land zoned E3 and 40ha to the land zoned E2.
- Notwithstanding the above, given existing constraints relating to significant trees and ecology, it is also proposed that a new local provision is inserted into Part 7 of the GLEP 2014 to specifically apply to land zoned E3 on the site. The local provisions will supplement the minimum lot size development standard and will allow:
 - A flexible approach to the application of the minimum subdivision lot size, whereby lot size averaging will ensure the protection of significant trees and ecological features and will facilitate enhanced environmental outcomes; and
 - Introduce a “limited build area” provision over part of the E3 zone supported by a site specific map amendment to the GLEP 2014 that defines the “limited build area” over part of the E3 zone.

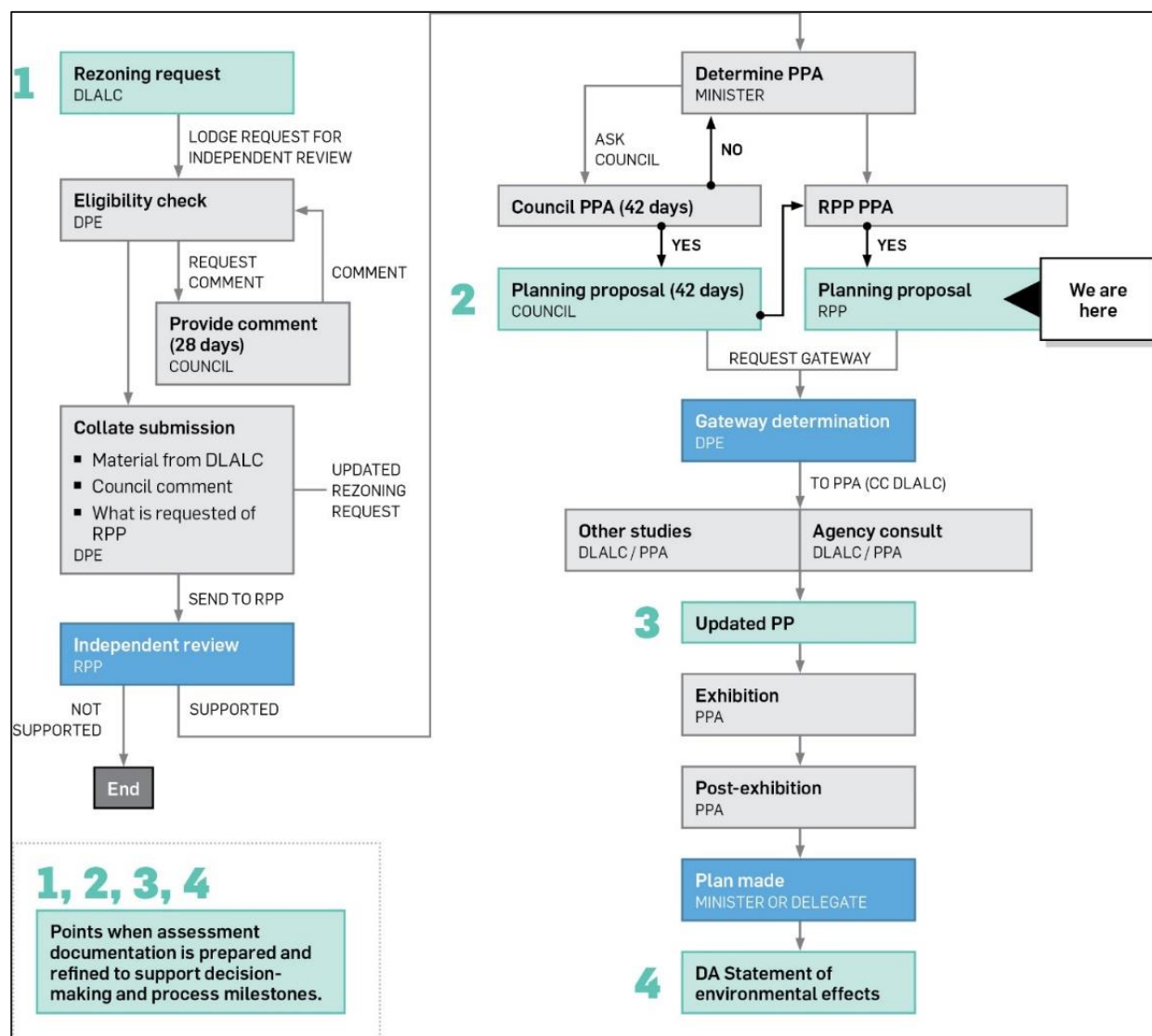
This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

PLANNING FRAMEWORK

This Planning Proposal has been prepared pursuant to Planning Circular 19-003 which provides advice to councils and the public about the independent review process for plan making decisions under Part 3 of the EP&A Act for land identified in the AL SEPP.

This Planning Proposal builds on the Rezoning Request prepared for the site, which the Panel determined to have demonstrated site-specific and strategic merit on 10 October 2019. The rezoning process and planning pathway pursuant to Planning Circular 19-003 outlined in **Figure 1**.

Figure 1 – Rezoning Process



Source: Urbis

STRATEGIC AND SITE SPECIFIC MERIT

Strategic Merit of the Planning Proposal

- The Planning Proposal is consistent with the goals, directions, and actions for the Central Coast Region, as articulated in the Central Coast Regional Plan 2036 (CCRP). Specifically, the Planning Proposal is a direct response to Direction 6 being to 'strengthen the economic self-determination of Aboriginal communities'. The proposal is also consistent with the relevant State Environmental Planning Policies (SEPPs) and Section 9.1 Ministerial Directions.
- The intended development outcomes of the proposal will allow Darkinjung to better plan, manage, and develop the site. This will provide the basis for a self-reliant and a more secure economic future for Darkinjung as envisaged under the *Aboriginal Land Rights Act 1983* (ALR Act).
- Under the proposal, 83% of the site will be preserved for environmental conservation, which will contribute to the broader conservation outcomes for the Central Coast. The proposal provides an opportunity to formalise part of the biodiversity corridor linking Strickland Forest to the Brisbane Water National Park. It also provides potential offsetting opportunities for Darkinjung under the different offsetting pathways afforded by *Biodiversity Conservation Act 2016*.

Site-Specific Merit of the Planning Proposal

- The Planning Proposal responds to matters for consideration listed in the IDDDP and concludes that the environmental impacts of the proposed LEP amendments can be suitably mitigated through the implementation of the recommendations of the technical investigations.
- The Planning Proposal demonstrates avoidance of ecological impacts by proposing that 83% of the site is zoned for conservation purposes and by applying site specific provisions to ensure that suitable environmental outcomes are achieved for the E3 land at the subdivision stage of the project.
- The rezoning protects ecologically significant land from potentially irreversible environmental impacts associated with existing permissible land uses on the RU2 land. These include uses inappropriate to the context, such as intensive agriculture and livestock grazing. The site is not suitable for agricultural activity given its ecological significance. There would be no loss of productive agricultural land within the region as a result of the rezoning.
- Whilst the envisaged development within the proposed E3 zone will result in some loss to biodiversity values, this loss is able to be offset through a number of available offsetting options, to be formalised through a Biodiversity Offset Strategy.

1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis on behalf of Darkinjung (the Applicant), to initiate an amendment to the GLEP 2014 (or Central Coast Local Environmental Plan if finalised) in relation to land at Reeves Street, Somersby (the site). The site is legally described as Lot 481 in DP 1184693 and is shown in **Figure 1** below.

The site is identified as land being subject to the AL SEPP. This Planning Proposal builds on the Rezoning Request for the site which was considered by the Panel on 10 October 2019. The Panel unanimously recommended that the proposal proceed to a Gateway Determination. This Planning Proposal responds to the Panel's recommendations and has been prepared in accordance with Section 3.33 of the EP&A Act.

The AL SEPP requires that a Development Delivery Plan be prepared for land to which the SEPP applies. In accordance with the AL SEPP, it is intended that a Development Delivery Plan be prepared for Darkinjung's land. To fast track the first stage of the Darkinjung delivery pipeline, the NSW Department of Planning, Industry and Environment (DPIE) prepared the IDDDP in February 2019.

This policy framework is intended to streamline the rezoning process of land owned by Darkinjung and is collaborative and iterative to enable progressive resolution of environmental management matters. Darkinjung and the project team have consulted with the DPIE throughout the preparation of the Rezoning Request and the Planning Proposal.

The Planning Proposal is the next step to progress the project which will ultimately support environmental conservation across the majority of the site and the development of up to 14 rural residential lots along Reeves Street. This project seeks to realise the economic potential of land and will support environmental outcomes for the site in accordance with the IDDDP.

The Planning Proposal seeks to amend the LEP as follows:

- Rezone 124ha of the site from RU2 Rural Landscape (RU2) to E2 Environmental Conservation (E2). This will result in 83% of the site being zoned for conservation purposes.
- Rezone 30.8ha from RU2 to E3 to facilitate the development of up to 14 large residential lots fronting Reeves Street.
- Amend the minimum lot size provisions across the site to apply a minimum lot size of 2ha to the land zoned E3 and 40ha to the land zoned E2.
- Notwithstanding the above, given existing constraints relating to significant trees and ecology, it is also proposed that a new local provision is inserted into Part 7 of the GLEP 2014 to specifically apply to land zoned E3 on the site. The local provisions will supplement the minimum lot size development standard and will allow:
 - A flexible approach to the application of the minimum subdivision lot size, whereby lot size averaging will ensure the protection of significant trees and ecological features and will facilitate enhanced environmental outcomes; and
 - Introduce a "limited build area" provision over part of the E3 zone supported by a site specific map amendment to the GLEP 2014 that defines the "limited build area" over part of the E3 zone.

Through the intended outcomes of this Planning Proposal, the future development of the site ensures the protection of important ecological land whilst also providing residential housing in an accessible and serviceable location. At its highest level, the project will enhance self-determination and economic independence for Darkinjung.

1.2. DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL

Darkinjung was established in 1984 under the Aboriginal Land Rights Act 1983 (ALR Act). The ALR Act was created by the NSW Parliament to establish a network of Local Aboriginal Land Councils (LALC) within NSW and to give them powers to acquire and manage land for their economic and social welfare.

Darkinjung's vision is:

"To strengthen and empower our community for all generations"

Darkinjung is the LALC within the eastern part of the Central Coast Region. The Metropolitan Local Aboriginal Land Council covers the land to the west of the Central Coast. Darkinjung is one of the largest and fastest growing LALCs in the State, with a direct membership of over 710 persons representing approximately 12,000 Aboriginal persons within the region. Darkinjung own approximately 3,700 hectares of land within the Central Coast Council (CCC) local government area (LGA) making it a unique and significant landowner within the region.

Darkinjung have prepared a 2016-2019 Community Land and Business Plan (CLBP). The CLBP outlines the aim of pursuing innovative economic opportunities in connection with Darkinjung land in order to:

- *Strengthen Aboriginal Culture and Heritage;*
- *Manage, preserve and protect our land and environment;*
- *Generate social returns on investments for our community; and*
- *Promote the Central Coast Aboriginal community.*

The Somersby site is the first site proposed to be rezoned under this new process, and the lodgement of this planning proposal is important in promoting and achieving the aims of the ALR Act. The proposal is demonstrative of Darkinjung's commitment to pursuing economic and social advancement and opportunity to the benefit of their members, and broader Aboriginal community. It is anticipated that this proposed rezoning will provide the momentum and impetus for future rezoning of other Darkinjung held land within the Central Coast region.

1.3. REPORT STRUCTURE AND SUPPORTING INFORMATION

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning, Industry and Environment (DPIE) including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It includes the following:

- Description of the subject site and its context;
- An overview of the strategic context of the site;
- A summary of the local planning controls;
- An overview of the key elements of the Planning Proposal;
- Statement of the objectives and intended outcomes of the proposal;
- Explanation of the provisions of the proposal;
- Justification for the proposal;
- Mapping to accompany the proposal;
- Description of the community consultation process expected to occur regarding the proposal; and
- An approximate project timeline.

The Planning Proposal is accompanied by a range of plans and reports to provide a comprehensive analysis of the site opportunities and constraints. These include:

- **Appendix A** – Opportunities and Constraints Mapping and Structure Plan;
- **Appendix B** – Preliminary Stormwater and Servicing Report;
- **Appendix C** – Draft Aboriginal Cultural Heritage Assessment Report;
- **Appendix D** – Biodiversity Briefing Note;
- **Appendix E** – Bushfire Briefing Note;
- **Appendix F** – Preliminary Contamination Assessment; and
- **Appendix G** – Proposed LEP Mapping.

2. PROJECT BACKGROUND

2.1. INTERIM DARKINJUNG DEVELOPMENT DELIVERY PLAN

In February 2019, the Minister for Planning announced a package of new planning measures specifically relating to four Darkinjung landholdings, including the site subject to this Planning Proposal. The planning framework includes the AL SEPP, IDDDP, and Planning Circular 19-003.

A new Section 9.1 Ministerial Direction was also introduced (5.11 Development of Aboriginal Land Council Land). This direction requires that when preparing a Planning Proposal for land to which the AL SEPP applies, any applicable development delivery plan (and Interim development delivery plan) made under the AL SEPP must be considered. **Section 8.2** of this report addresses the IDDDP which is the applicable interim development delivery plan applying to the site.

2.2. ENDORSEMENT OF REZONING REQUEST - HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL RECOMMENDATIONS

This Planning Proposal builds on the Rezoning Request prepared for the site pursuant to the planning framework established in Planning Circular PS 19-003. The Rezoning Request represented the first major output to initiate the rezoning process.

The request was considered by the Panel on 10 October 2019. The Panel unanimously determined that the proposal should proceed to a Gateway determination. The Panel also provided recommendations to guide the proposal through the next planning stages. These recommendations are detailed in **Table 1** below.

Minor amendments to the original proposal under the Rezoning Request have been made to address the Panel's recommendations. The specialist technical studies supporting the proposal have been progressed to support the proposal and demonstrate that intended development can occur on the site.

Table 1 – Panel Recommendation

Recommendation	Response	Document Reference
1. The proposal proceed to a Gateway Determination.	This Planning Proposal has been prepared in accordance with the relevant planning framework to allow a Gateway Determination to be issued by DPIE.	N/A
2. The intended changes to the proposal outlined in the submission by the applicant dated 2 October 2019 be reflected in the Planning Proposal. These changes include: <ul style="list-style-type: none">BCAR to accompany the Planning Proposal and to state whether the site will be Biocertified or be established as a stewardship site.E3 zone to be located outside of Regional Biodiversity Corridor.BCAR to include detailed surveying of the entire site.	The BCAR has been prepared by Umwelt to assess the potential biodiversity impacts of the proposed development in accordance with the Biodiversity Assessment Method (BAM). Importantly, it has been established that there are a number of offsetting mechanisms available to offset the impacts of future development on the E3 zoned land, and these will be addressed in the BCAR.	Biodiversity Briefing Note BCAR to be provided to DPIE Section 8.2
3. Implementation options to best secure the intention to provide a “buffer” to the rear	This proposal seeks to include local provisions under Part 7 of the GLEP 2014 (or CCLEP) relating to the E3 land on the site. Under this provision, it is proposed that a “limited build area”	Section 7.2

Recommendation	Response	Document Reference
half depth of the E3 zoning, and retain approximately 34 significant trees in the E3 zoning, should be explored in the Planning Proposal.	<p>is applied over part of the E3 zone supported by a site specific map amendment to the GLEP 2014 (or CCLEP) that defines the "limited build area" over part of the E3 zone. This local provision will ensure that the buffer zone is secured.</p> <p>The local provisions are also proposed to allow a flexible approach to the minimum subdivision lot size to ensure the protection of significant trees and ecological features and to facilitate enhanced environmental outcomes. This will enable the protection of 34 significant trees identified on the site and areas of upland swamp.</p>	
4. Implementation options to avoid and mitigate impacts on areas of high ecological value in the E3 zone, while allowing rational dwelling locations and footprints should be explored in the Planning Proposal, including considering appropriate options to guide future development in a clear way.	As described above, it is proposed that a local provision applies to the E3 zoned land so that development consent may be granted for the subdivision of land to which the clause applies, to create lots with an area less than the minimum lot size (2ha), as long as the consent authority is satisfied that the total number of lots created from the subdivision will not exceed 14. Additionally, provisions are intended to ensure the protection of significant trees and ecological features and that future lots are able to accommodate on-site waste disposal and APZs.	Section 7.2
5. A Stage 1 Preliminary Site Investigation be including with the Planning Proposal and information to consider and address potential noise impacts from the adjoining RSPCA pet facility and a nearby driver training facility.	<p>A Preliminary Contamination Assessment has been undertaken and accompanies this Planning Proposal.</p> <p>The potential acoustic impacts of adjoining uses are considered in this report. A detailed noise assessment can be undertaken at the Subdivision DA stage, if required.</p>	Appendix F Section 8.2.2

2.3. ONGOING CONSULTATION WITH AUTHORITIES

Darkinjung and the project team have been engaged in an ongoing process of consultation with representatives from Central Coast Council (CCC) and the DPIE. Matters discussed have included:

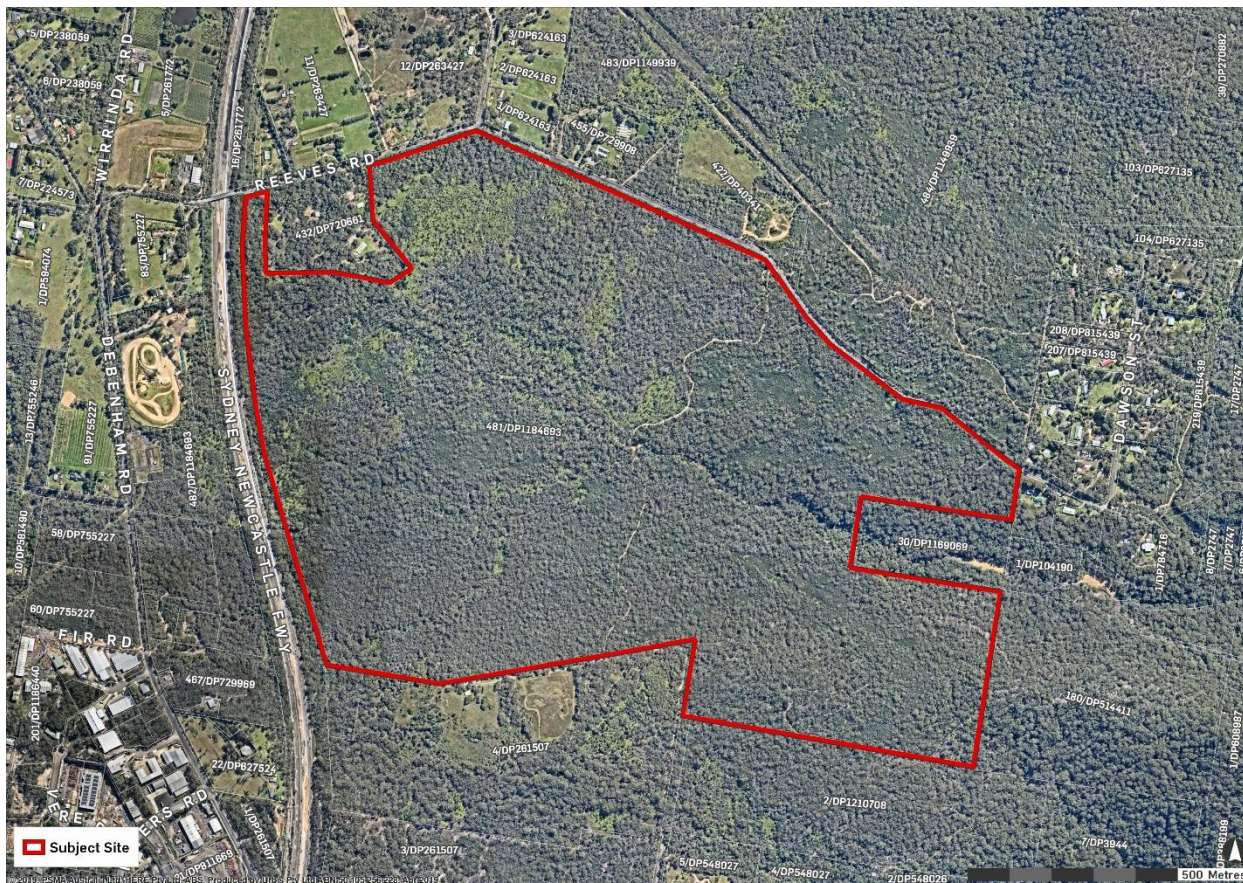
- Confirmation on the chosen planning process;
- Confirmation that the Panel will assume the role of the Relevant Planning Authority for the planning proposal;
- The level of technical inputs required to accompany this Planning Proposal and identification of documents that may be required to accompany subsequent stages of the rezoning process; and
- The structure and key matters to be addressed in this Planning Proposal document.

3. SITE AND SURROUNDING CONTEXT

3.1. SITE LOCATION

The site is located on Reeves Street, Somersby and is legally described as Lot 481 in DP 1184693. The site is located in the Central Coast Local Government Area (LGA). The site is irregular in shape and has an area of 178.5 ha. The site is bound by Reeves Street to the north, the M1 Pacific Motorway to the west, and bushland to the south and east. An aerial photograph of the site is provided at **Figure 2** below.

Figure 2 – Site aerial



Source: Nearmap 2019

3.2. SITE CHARACTERISTICS

3.2.1. Topography and Watercourses

The site drains to the east through a centralised network of gullies which contain Fountain Creek. The highest points of the site are located at the north-western and south-western corners. The north-western quadrant of the site fronting Reeves Street has a gentle downwards slope in a south easterly direction towards Fountain Creek.

The gradient of this slope increases from 4% to 12% in the eastern half of the site, with land surrounding Fountain Creek exhibiting a moderate to steep slope. Fountain Creek is a tributary of the Narara Creek located further east of the site, which flows to Brisbane Water.

3.2.2. Flora and Fauna

The site is vegetated and contains a variety of native flora species and native fauna habitats. A proposed Regional Biodiversity Corridor traverses the eastern portion of the site, as mapped under the Central Coast Regional Plan 2036 (CCRP). The proposed development area along Reeves Street is located west of the corridor and does not impinge on the corridor.

The proposed area for development along Reeves Street contains remnant vegetation adjacent to existing disturbance areas (such as the road network and existing developments), which contribute to vegetation fragmentation and barriers to fauna movement. There is intact native vegetation in this area including three Plant Community Types (PCTs) in varying conditions, these are:

- Dwarf Apple Scribbly Gum,
- Scribbly Gum – Red Bloodwood; and
- Heath leaved Banksia.

Habitat mapping has concluded that habitats for the following Species-credit Species are found within the future E3 zone:

- Eastern Pygmy Possum;
- Large-eared Pied-bat;
- Spreading Guinea Flower;
- Southern Myotis; and
- Red Crowned Toadlet.

3.2.3. Aboriginal Cultural Heritage

The Aboriginal Heritage Information Management System (AHIM) records two sites of significance within the subject site, an Axe Grinding Groove and an Engraving Site (refer to the Draft ACHAR at **Appendix C**).

3.2.4. Service Infrastructure

No potable water or sewer infrastructure mains currently service the site. Jemena have advised that properties along Reeves Street do not currently have access to piped gas. Whilst not currently servicing the site, electrical and communication infrastructure currently exist along Reeves Street and service the residential developments to the north. Service infrastructure can be made available for future development on the site through a mix of on-site servicing and connections to surrounding networks, as discussed in **Section 8.2**.

3.3. SURROUNDING LOCALITY

The site within its broader context is illustrated in the aerial map at **Figure 3** below. The site is located approximately 2km north east of the Somersby industrial area. The M1 Pacific Motorway runs parallel to the western boundary of the site and links to other arterial roads within the region. The Gosford Town Centre is located approximately 4.5km south east of the site, which accommodates regional amenities and services.

The site is surrounded by the following:

- To the north is Reeves Street, and beyond are rural residential lots. Midway along the northern boundary, on the other side of Reeves Street is The Royal Society for the Prevention of Cruelty to Animals (RSPCA) Central Coast Shelter;
- To the north-east further along Reeves Street is a rural residential subdivision of approximately 20 lots;
- To the east is privately owned bushland, and further east approximately 2.5km is West Gosford;
- To the south is bushland and rural residential style lots. Further south west is the Somersby industrial centre; and
- To the west at its north western boundary, is Camp Chapman which is operated by Girl Guides Australia. Further west, beyond the M1 Pacific Motorway, is Allen Park used by the Central Coast Junior Motorcycle Club.

Figure 3 – Site context



Picture 1 – Aerial context map

Source: Nearmap 2019

4. STATUTORY PLANNING FRAMEWORK

4.1. ABORIGINAL LANDS STATE ENVIRONMENTAL PLANNING POLICY 2019

The AL SEPP applies to the site. The AL SEPP requires that a Development Delivery Plan be prepared for land to which the SEPP applies. In accordance with the SEPP, it is intended that a Development Delivery Plan be prepared for Darkinjung Land, however, to fast track the first stage of the Darkinjung delivery pipeline, DPIE have prepared an interim development delivery plan. This was issued by the DPIE in February 2019 and includes the Somersby proposal.

The IDDDP identifies the first stage of the Darkinjung Development pipeline, which includes the site. The IDDDP provides a work program to facilitate the development of the site including identifying a requirement to lodge a Planning Proposal.

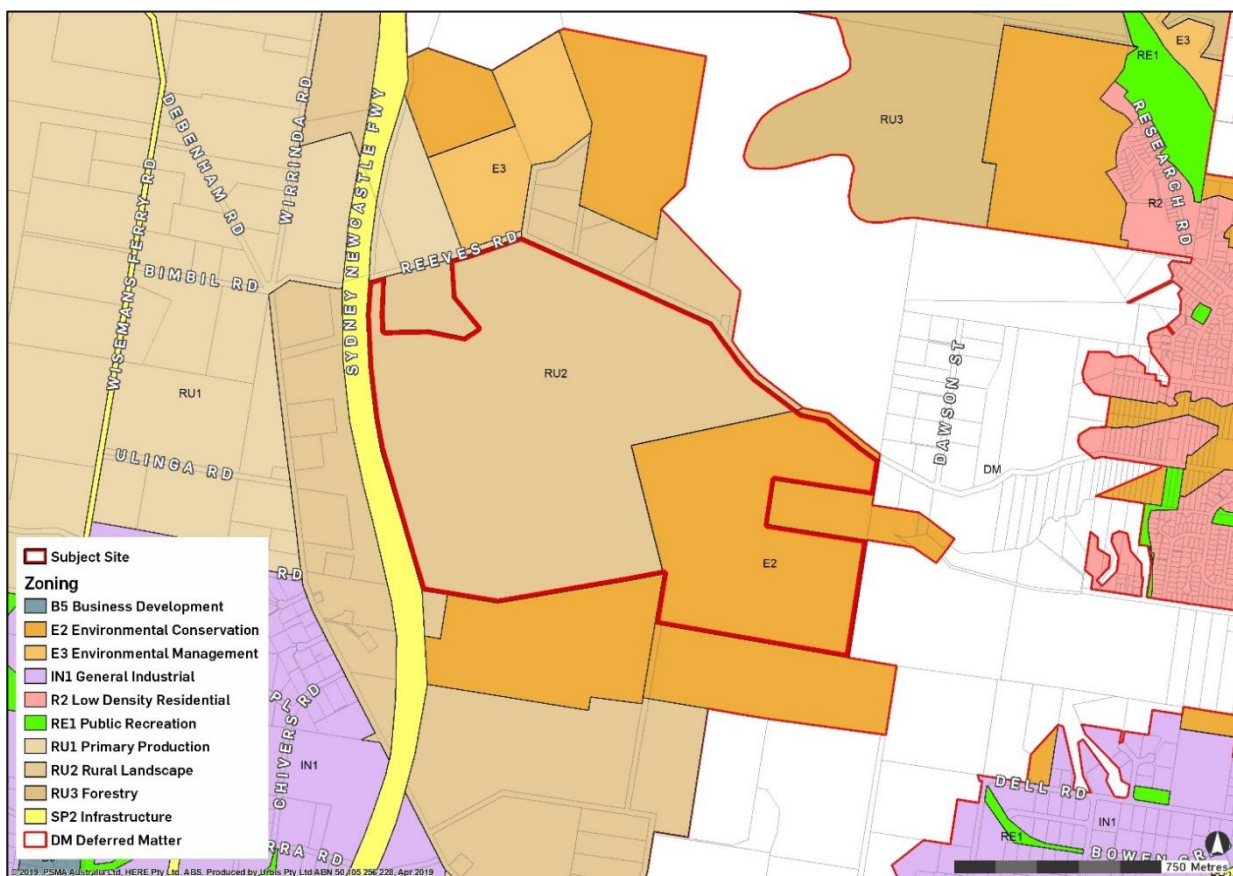
4.2. GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

The Gosford Local Environmental Plan 2014 (GLEP 2014) is the principal Environmental Planning Instrument governing and guiding development within the former Gosford LGA.

4.2.1. Zoning

The majority of the site is zoned RU2 Rural Landscape (RU2) and the remainder is zoned E2 Environmental Conservation (E2), as shown on the GLEP 2014 zoning map extract at **Figure 4**.

Figure 4 – Zoning map extract



Source: GLEP 2014

4.2.2. Development Standards

Table 2 below identifies the key planning controls contained with GLEP 2014 applicable to the site.

Table 2 – Existing GLEP 2014 planning controls applying to the site

GLEP 2014 Planning Control	Development Standards
Floor Space Ratio	N/A
Maximum Height of Building	<ul style="list-style-type: none"> Area zoned RU2: no relevant control Area zoned E2: 8.5 metres (m)
Minimum Lot Size	<ul style="list-style-type: none"> Area zoned RU2: 20 ha Area zoned E2: 40 ha
Acid Sulfate Soils	<ul style="list-style-type: none"> Class 5 acid sulfate soils
Flood Planning	N/A
Heritage Conservation	<p>The site does not contain any items of heritage significance listed in the GLEP 2014 nor is it located within a heritage conservation area. The site does, however, share a boundary to the east with a locally listed heritage item (Id. No. 118 (Old railway dams and environs)).</p> <p>The environmental context of the site suggests that Aboriginal archaeological site types such as engravings and grinding grooves may occur, with some potential for rock shelters in areas of steeper inclination. Refer to further discussion in Section 8.2.</p>
Bushfire Prone Land	The site is mapped as containing both category 1 (high risk) and category 2 (low risk) bushfire prone land. Refer to further discussion in Section 8.2 .

4.3. DRAFT CENTRAL COAST LOCAL ENVIRONMENTAL PLAN 2018

Planning Proposal SI_2017_CCOAS_001_00 was lodged with the DPIE in September 2017 to consolidate Wyong LEP 2013, GLEP 2014, Gosford Planning Scheme Ordinance and Gosford Interim Development Order No 122 into the draft Central Coast Local Environmental Plan 2018 (Draft CCLEP).

The Draft CCLEP received approval at Gateway by the DPIE in October 2017. It was exhibited by CCC in early 2019 and is currently with CCC to review public and agency submissions and make any changes to the draft instrument.

The Draft CCLEP (as exhibited) does not affect the existing zoning of the site. However, it does amend some of the objectives and permitted uses within the E2 and E3 zones. Importantly, “dwelling house” remains a permissible use in the E3 zone. The intended development outcome for the proposed E3 land will remain consistent with the E3 land use table under the Draft CCLEP.

Under Gosford LEP 2014 the minimum lot size for the E3 zone is 2 hectares but the draft CCLEP proposes changing this to 20 hectares. The 2ha MLS is considered appropriate for this proposal as it recognises the considerable contribution being made for conservation by rezoning a large area from RU2 to E2.

“Dwelling house” is currently a permissible use in the E2 zone under the GLEP 2014. Under the draft CCLEP, the “dwelling house” use will be prohibited in the E2 zone. Under this Planning Proposal, no residential uses are proposed on the E2 land, as such, no dwelling entitlement is sought.

5. THE PLANNING PROPOSAL

This Planning Proposal has been prepared in accordance with Sections 3.33 (1) and (2) of the EP&A Act with consideration of the relevant guidelines, namely *A Guide to Preparing Planning Proposals*, issued by DPIE in August 2016.

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives and intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the planning proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

Discussion for each of the above parts is outlined in the following Sections.

6. PART 1: OBJECTIVES AND INTENDED OUTCOMES

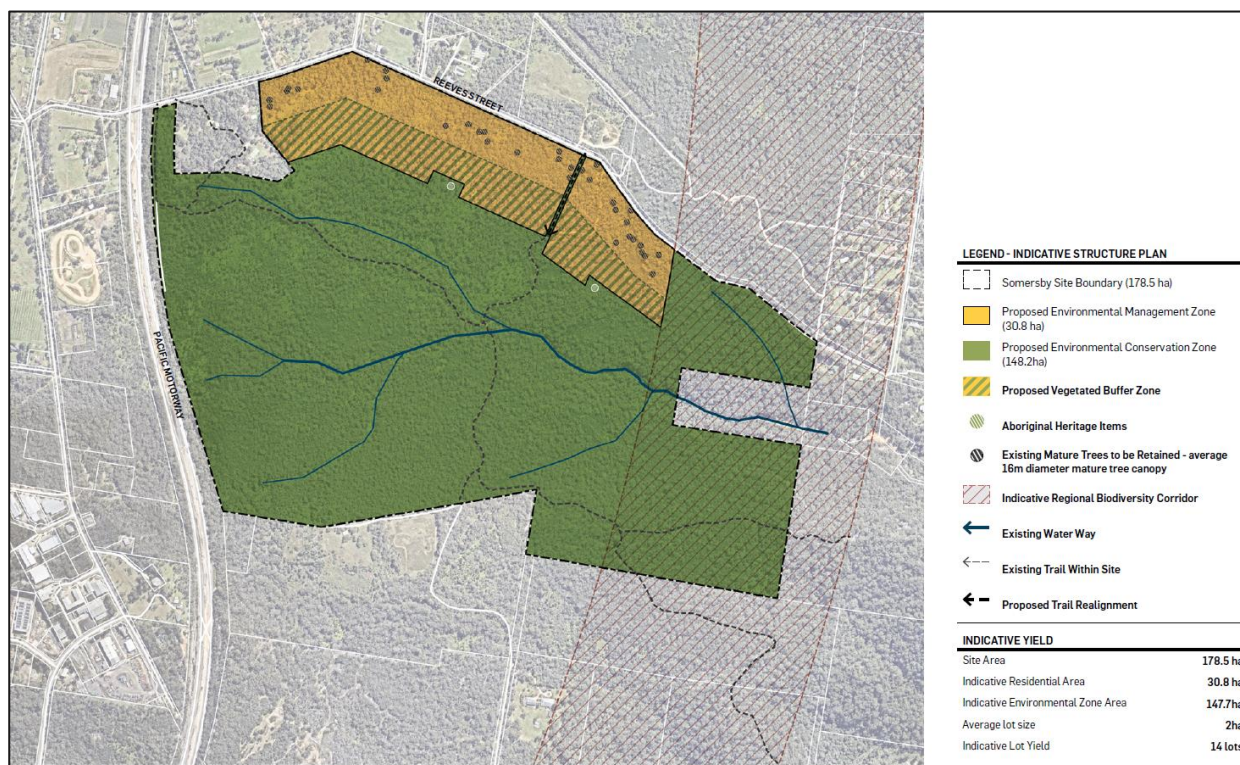
The objectives of this Planning Proposal are twofold:

- Preservation of important ecological land on the site; and
- Allowing orderly rural style residential development along the Reeves Street frontage.

By these development objectives, the project will facilitate social and economic outcomes for Darkinjung. The proposed rezoning of the land will increase the economic and strategic value to Darkinjung. Darkinjung will be able to subdivide the land enabling either the sale or lease of their land, generating an economic return whilst committing to the long-term conservation of the majority of the site.

The intended development objectives for the land are illustrated in the Structure Plan displayed at **Figure 5** below. The Structure Plan is also provided at **Appendix A**. The key objectives of the Structure Plan are discussed below.

Figure 5 – Site Structure Plan



Source: Urbis 2020

6.1. PRESERVATION OF IMPORTANT ECOLOGICAL LAND

- Preserve 147.7 hectares of bushland across the site through rezoning a large portion of the site from RU2 to E2. This equates to 83% of the total site.
- Through rezoning, facilitate the prohibition of intensive land uses which are currently permitted on the site under the RU2 zone, such as intensive agriculture and farm buildings.
- Secure the section of the Regional Biodiversity Corridor which traverses the eastern portion of the site as identified in the Central Coast Regional Plan 2036 (Regional Plan).

- Develop and implement a Biodiversity Offset Strategy that appropriately compensates for the unavoidable loss of biodiversity values as a result of development fronting Reeves Street.
- Provide a 20m separation distance from the E3 zone boundary to the two identified AHIM sites.

6.2. DEVELOPMENT OF RURAL RESIDENTIAL LOTS ALONG REEVES STREET

- Rezone 30.8 hectares of suitable land on the Reeves Street frontage from RU2 to E3 to facilitate the development of up to 14 rural residential lots. This represents 17% of the site area.
- Amend the minimum lot size map and apply a minimum lot size control of 2 hectares to allow the future rural residential subdivision of the E3 land.
- To allow a flexible approach to the application of the minimum subdivision lot size to ensure the protection of significant trees and ecological features and to facilitate enhanced environmental outcomes.
- Ensure lots are wholly able to accommodate on-site wastewater disposal and asset protection zones.
- Provide housing on land which will be accessible from Reeves Street and is serviceable via connections to existing infrastructure networks and on-site servicing options.
- Site future development to minimise impacts to threatened species habitat, endangered ecological communities and the biodiversity corridor identified in the CCRP.
- Limit development in the rear portions of each lot to an outbuilding ancillary to each dwelling house where it can be demonstrated that significant ecology is protected.
- Provide housing that is a 3 minute drive from the Somersby Industrial area and a 15 minute drive from the Gosford centre.

6.3. NUMERIC OVERVIEW

A numeric overview of the existing and proposed land zoning across the site is provided at **Table 3**.

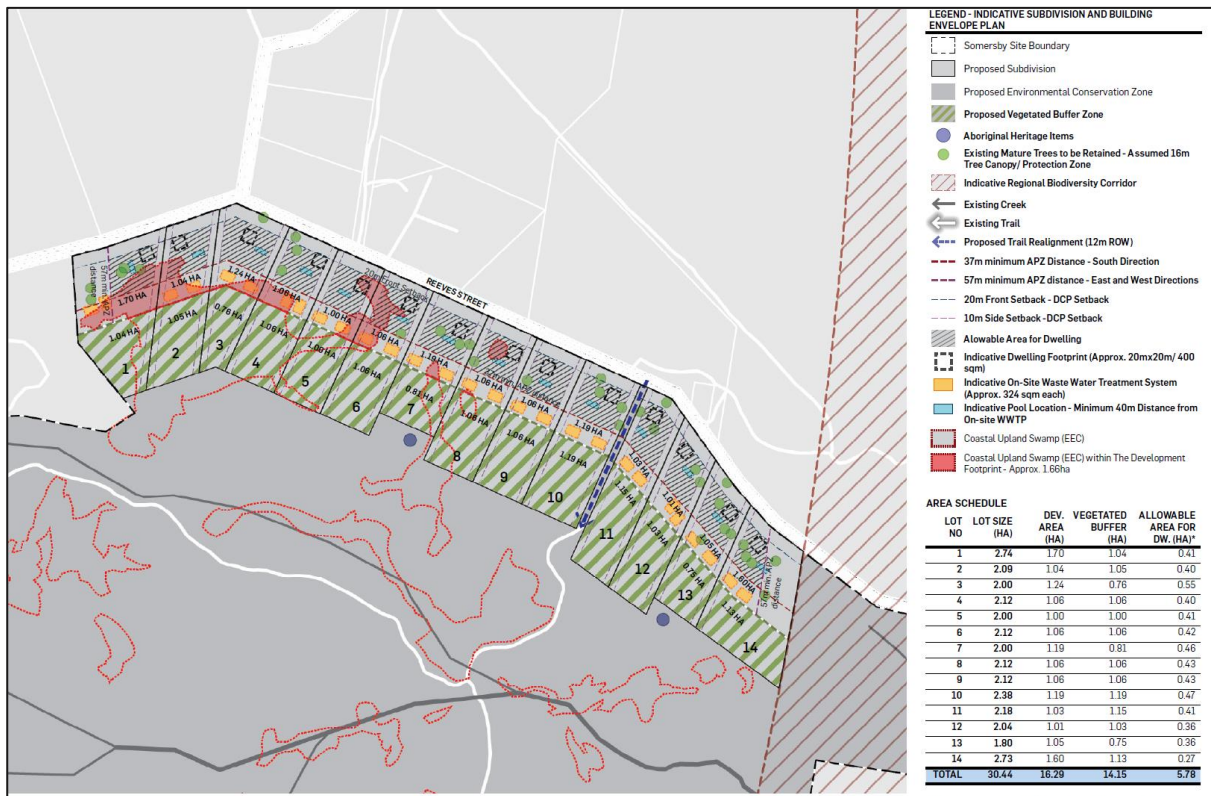
Table 3 – Existing and proposed areas

Zone	Existing	Proposed
RU2 Rural Landscape	124 ha	0 ha
E2 Environmental Conservation	54 ha	147.7 ha
E3 Environmental Management	0ha	30.8 ha

6.4. INDICATIVE SUBDIVISION AND DWELLING ENVELOPE PLAN

The Indicative Subdivision and Dwelling Envelope Plan at **Figure 6** illustrates how the intended development can be achieved on the site (also contained at **Appendix A**).

Figure 6 - Indicative Subdivision and Dwelling Envelope Plan



7. PART 2: EXPLANATION OF THE PROVISIONS

7.1. LAND TO WHICH THIS PLAN WILL APPLY

The land that is proposed to be included in the LEP amendment is located at Reeves Street, Somersby. It is legally described as Lot 481 in DP 1184693.

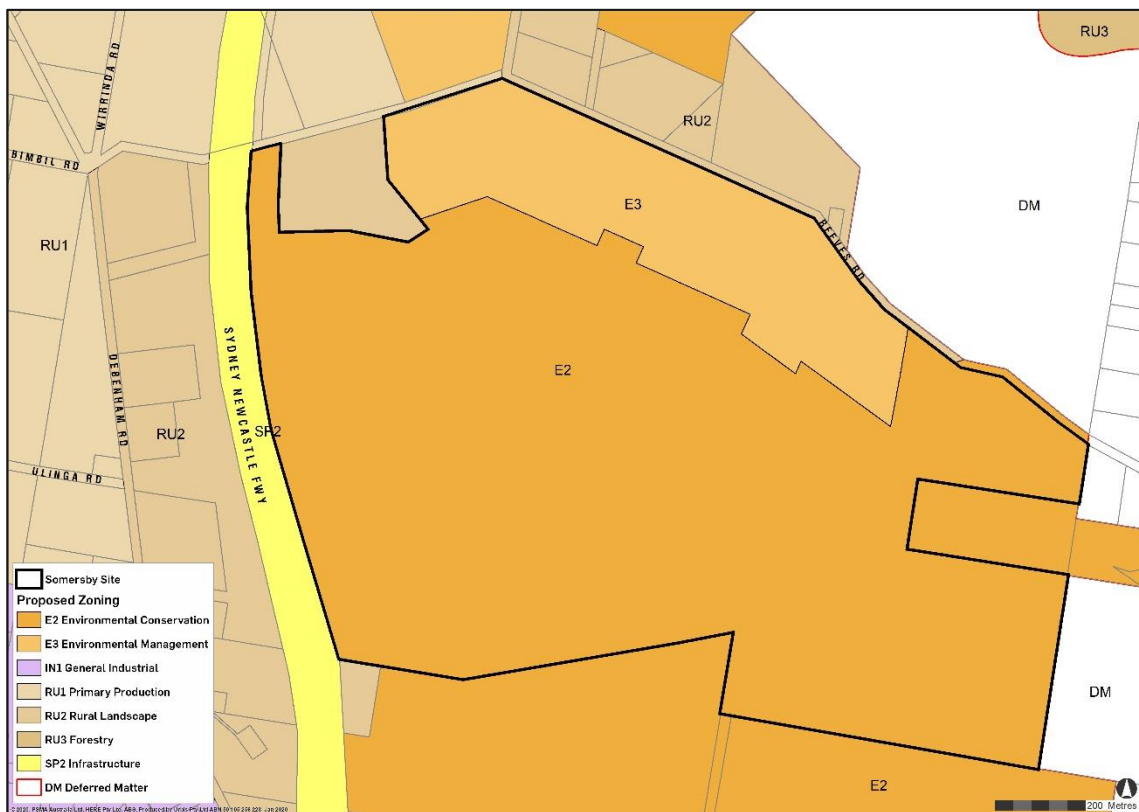
7.2. PROPOSED LEP AMENDMENTS

7.2.1. Land Zoning

A split zoning is proposed for the site as illustrated in the proposed zoning map at **Figure 6** and **Appendix G**. The following zoning is proposed:

- E3 Environmental Management on a portion of the site fronting Reeves Street to facilitate the development of up to 14 rural residential lots; and
- Remainder of the site to be zoned E2 Environmental Conservation to enhance the protection of native flora and fauna and secure the portion of the Regional Biodiversity Corridor which traverses the site.

Figure 7 – Proposed Zoning Map



Source: Urbis 2020

To facilitate the proposed amendment, the Planning Proposal requires an update to the existing Land Zoning Map Sheet LZN_014B, as contained within the GLEP 2014 (or CCLEP).

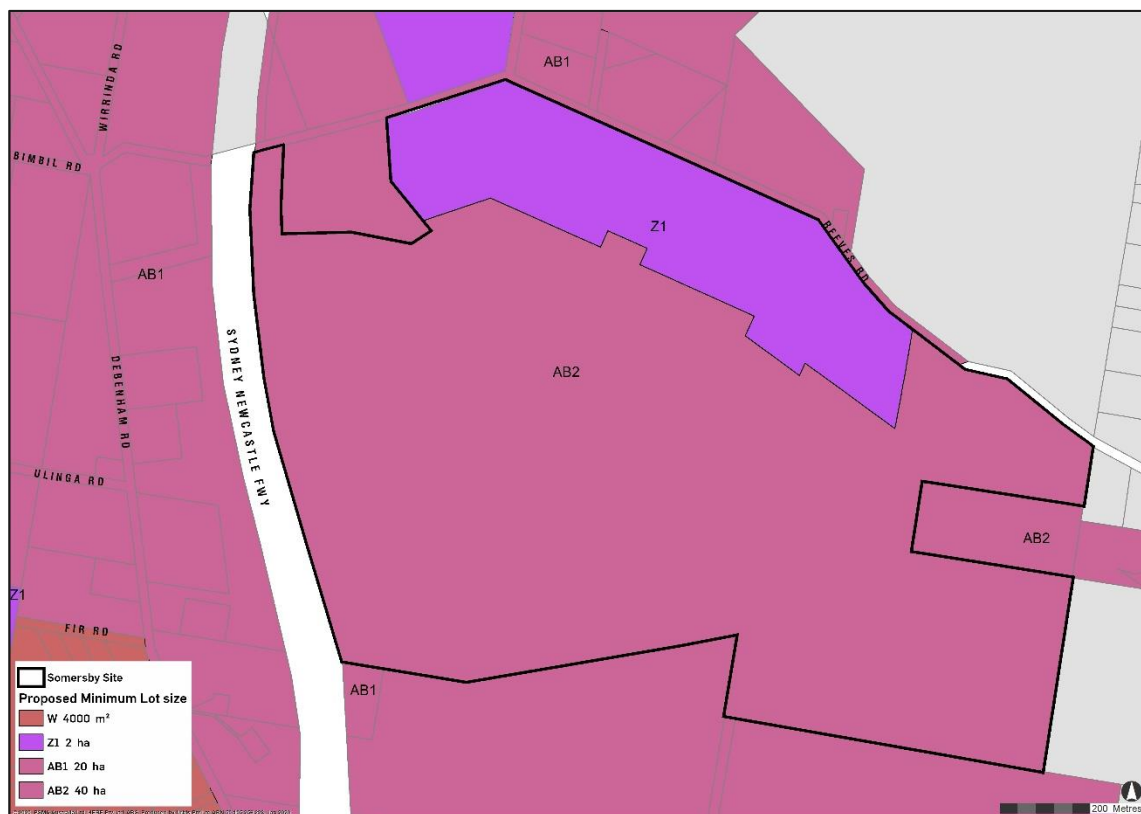
7.2.2. Minimum Lot Size

This proposal seeks to apply amended minimum lot sizes across the site. The following minimum lot sizes are proposed:

- 2ha across the portion of the site to be zoned E3 to facilitate the envisaged rural residential subdivision; and
- 40ha across the portion of the site to be zoned E2, which is consistent with other E2 zoned land across the LGA.

The proposed amendments to the lot size map are shown at **Figure 8** and **Appendix G**.

Figure 8 – Proposed Lot Size Map



Source: Urbis 2020

To facilitate the proposed amendment, the Planning Proposal requires an update to the existing Lot Size Map Sheet LSZ_014B, as contained within the GLEP 2014 or Draft CCLEP.

7.2.3. Site Specific Subdivision and Development Provisions for the E3 Land

Site specific LEP provisions are sought to allow the **flexible subdivision** of the E3 land and to **limit development in the rear portion of each lot** to further conserve important ecology and provide a buffer to the E2 land.

As described in Section 6 of this report, the objectives of this Planning Proposal including delivering 14 rural residential lots fronting Reeves Street in a manner which responds to the important ecological characteristics of the land. Important ecology located on the proposed E3 land includes Scribbly Gums and Coastal Upland Swamp.

The specific development objectives for the E3 land are:

- Facilitate the development of up to 14 residential lots to provide housing that is a 3 minute drive from the Somersby Industrial area and a 15 minute drive from the Gosford City Centre.
- Provide housing on land which will be accessible from Reeves Street and is serviceable via connections to existing infrastructure networks and opportunities for on-site servicing options.
- Implement planning controls to allow the flexible subdivision of the E3 land to ensure that future lots are able to accommodate on-site wastewater disposal and APZs whilst ensuring the protection of significant trees.

- Implement planning controls which limit development in the rear of portion of each lot (i.e. defining a “limited build area” as mapped below in Figure 9) to allow the erection of one ancillary outbuilding only on each lot, and only where it can be demonstrated that important ecological communities such as Coastal Upland Swamp are protected. Limiting development in the rear of each lot will also provide a buffer from the primary developable area of each lot and the adjacent E2 land.

Implementation Options

Site specific subdivision provisions applying to the E3 land could be implemented within the LEP through one of the following options:

- Insert an additional clause in Part 7 Additional Local Provisions; or
- Insert an additional subclause in Schedule 1 Additional Permitted Uses.

There are examples of both these options within the GLEP 2014. Under these examples, site specific subdivision provisions are applied to land with important ecological values.

It is intended that the site specific provisions are accompanied by a map which defines a “limited build area” overlay on E3 zoned land. The map would identify existing trees and areas of upland swamp to be protected, and this may, depending on the subdivision layout, result in some land being unable to be built upon.

The proposed “limited build area” map is illustrated shown at **Figure 9** and **Appendix G**.

Figure 9 – “Limited build area” Map



Source: Urbis 2020

7.3. RELATIONSHIP TO EXISTING LEPS

The GLEP 2014 currently applies to the site and will be repealed once the draft CCLEP is gazetted. This Planning Proposal proposes a site specific amendment to the GLEP 2014 or the CCLEP, whichever is in force at the time of the gazettal of this LEP amendment.

7.4. SAVINGS PROVISIONS

It is not considered necessary to include a savings provision.

8. PART 3: JUSTIFICATION

8.1. NEED FOR THE PLANNING PROPOSAL

Q1 - Is the planning proposal a result of any strategic study or report?

Yes. This Planning Proposal builds on the recommendations of the Panel who unanimously supported the initial Rezoning Request to commence the rezoning process for the site as envisaged under the IDDDP.

This planning proposal is consistent with IDDDP which was made by the Minister for Planning in February 2019. The IDDDP includes a work program which requires that a planning proposal is prepared for the Somersby rural residential proposal. This Planning Proposal is consistent with this action under the IDDDP.

Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Without amendments to the zoning and planning controls applying to the site, the development objectives for the site, as outlined under the IDDDP, cannot be realised. The identified land fronting Reeves Street is required to be rezoned and the minimum lot size control amended to permit the orderly rural residential subdivision of the land.

The various elements to this Planning Proposal and the alternative options reviewed are examined in Table 4 below, and these also respond to the matters raised by the Regional Planning Panel in their independent review of the proposal.

Table 4 Options analysis

Option	Commentary on option
Zoning for environmental protection	
E2 Environmental Conservation	<p>Viewed as only zone option to secure the protection of the majority of the site (representing 83% of the total site area).</p> <p>To secure an important length of the Regional Biodiversity Corridor and protect important ecological land from fragmentation and more intensive forms of development, the majority of the site is proposed to be zoned E2. Without the rezoning, a variety of uses would continue to be permitted to occur on the site with development consent. These uses include intensive agriculture and farm buildings.</p>
Zoning and minimum lot size of intended residential land fronting Reeves Street	
E3 Environmental Management	<p>Preferred option - permits dwelling houses whilst seeking to protect important ecological features of land</p> <p>The E3 zone is considered the most appropriate zoning for the land fronting Reeves Street as it permits the “dwelling house” use whilst applying development objectives which relate to the protection and management of ecological, cultural and aesthetic values of the land. The future intended development outcomes for the land Reeves Street are consistent with the E3 zoning objective which highlight the importance of providing an environmental buffer to areas of high ecological, scientific, cultural or aesthetic value. In this manner, the proposed E3 zone fronting Reeves Street, is an appropriate zone to create a buffer to the remainder of the site which is to be zoned E2. The effectiveness</p>

Option	Commentary on option
	<p>of the buffer can be supplemented by site specific land use overlay that creates a “limited build area” over a portion of land proposed to be zoned E3 as described earlier in this Proposal Report.</p> <p>Allowing a minimum lot size of 2ha, supported by flexible lot size provisions (below) is consistent with the MLS for the E3 zone in GLEP 2014. Given the considerable area being rezoned to E2, provided ecologically sensitive areas can be protected and impacts (APZ and on-site effluent management) managed on site, 2 ha is considered appropriate.</p>
RU2 Rural Landscape, RU5 Village, E4 Environmental Living	<p>Not preferred option</p> <p>These zones allow a range of uses which are inconsistent with the objectives to preserve important ecological features of the land (for example, the ‘agriculture’ and ‘extractive industries’ land uses) or the tourism uses in E4 in GLEP 2014.</p>
Subdivision of E3 land	
Apply site specific LEP provision to permit flexible approach to subdivision	<p>Preferred option</p> <p>Allowing flexibility in the minimum size and arrangement of lots to facilitate improved environmental outcomes across the site. As demonstrated in the Indicative Subdivision and Dwelling Envelope Plan (Appendix A), where a flexible approach to the 2ha minimum lot size is implemented, 14 lots and dwelling envelopes can be achieved across the zone. Similar approaches have been taken across the Gosford LGA and have been implemented through site specific provisions in either Part 7 or Schedule 1 of the GLEP 2014.</p>
Do not apply site specific provisions to allow flexible subdivision	<p>Not preferred option</p> <p>Applying a 2ha minimum lot size without allowing the flexible application of the control would result in compromised environmental outcomes due to the presence of important ecology across the zone.</p> <p>Furthermore, the use of Clause 4.6 of the GLEP 2014 has a restricted application for the minimum lot size control in the E3 zone. Greater flexibility is required in this instance to achieve the best environmental outcomes across the E3 land.</p>
Providing a vegetation buffer at rear of lots	
Apply site specific LEP provision with an accompanying map to limit development in the rear of the lot	<p>Preferred option – apply a statutory mechanism to protect important ecology and provide a predominately vegetated buffer in the rear of the E3 zone.</p>

Option	Commentary on option
	<p>As demonstrated in the Indicative Subdivision and Dwelling Envelope Plan (Appendix A), site servicing and APZs can be contained within the front portions of each lot. The intention of applying a “limited build area” across the rear half of the lot is to protect important ecology and provide a vegetated buffer between the primary developable area of the E3 zone and the adjacent E2 land.</p> <p>It is intended that development for the purposes of the erection of one outbuilding ancillary to the dwelling house on the lot is permitted with consent in the “limited build area” where the consent authority is satisfied that existing scribbly gum trees will be protected and any Upland Swamp ecology will not be impacted.</p> <p>A similar example of the implementation of provisions and mapping for “limited build areas” exists under the Campbelltown LEP 2015, which applies such provisions to specific sites that contain environmentally constrained land. Under the Campbelltown LEP 2015, “no build areas” are mapped on the Environmental Constraints Map and are defined under Clause 7.7 of that LEP.</p>
<p>Apply split zoning to zone the front portion of the residential lots E3 and the back portion E2</p>	<p>Not preferred option</p> <p>Whilst this option would afford some further protection for the rear portion of the residential lots, it is not the preferred protection mechanism, since the E2 zone still permits a variety of land uses which could involve substantial vegetation clearing, including “eco-tourist facilities”, “recreational areas” and “sewage reticulation systems”.</p> <p>As demonstrated in the Indicative Subdivision and Dwelling Envelope Plan, site services such as wastewater disposal and APZs can be contained within the front portion of the lots.</p>
<p>Control development in rear of the lots through a site specific DCP</p>	<p>Not preferred option</p> <p>A site specific DCP would not provide the same level of statutory certainty in relation to securing a buffer at the rear of the lots. Furthermore, the future siting of residential dwellings on the proposed lots can comply with the minimum setback controls for large lot residential developments in the Gosford Development Control Plan 2013.</p>

8.2. STRATEGIC AND SITE SPECIFIC MERIT CONSIDERATIONS

8.2.1. Strategic Merit

Q3 - Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Under DPIE's *Guide for Preparing Planning Proposals*, the strategic merit test criteria require that a Planning Proposal demonstrate strategic merit against (at least one of) the following three criteria:

1. *Consistent with the relevant district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment*
2. *Consistent with a relevant local council strategy that has been endorsed by the Department.*
3. *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.*

The Planning Proposal demonstrates strategic merit in relation to all three criteria above as set out below in **Table 5**.

Table 5 – Strategic Merit Test

Criteria	Response
Consistency with the Central Coast Regional Plan 2036 (CCRP)	<p>The CCRP 2036 establishes the strategic planning framework to deliver a prosperous and sustainable future for the Central Coast's current and future residents. It sets out a vision, goals, directions, and actions for the Central Coast Region. The overarching goals of the Regional Plan are to plan for:</p> <ul style="list-style-type: none"> • <i>Goal 1: A prosperous Central Coast with more jobs close to home</i> • <i>Goal 2: Protect the natural environment and manage the use of agricultural and resource lands</i> • <i>Goal 3: Well-connected communities and attractive lifestyles</i> <p><i>Goal 4: A variety of housing choice to suit needs and lifestyles</i></p> <p>The Planning Proposal is consistent with the following key directions provided by the CCRP:</p> <ul style="list-style-type: none"> • Direction 6 – Strengthen the economic self-determination of Aboriginal communities: The proposed rezoning of the site will facilitate the development of up to 14 rural residential lots to the benefit of Darkinjung. Darkinjung will benefit financially from any future disposal of the land and this will assist in providing services for their members and the broader Aboriginal community. • Direction 8 – Recognise the cultural landscape of the Central Coast: The opportunities and constraints mapping undertaken to inform this Planning Proposal has demonstrated that the future site development will be appropriate to the cultural landscape in which it is situated. <p>The scenic amenity of the area will be protected, with the majority of the land is proposed to be zoned for environmental conservation to preserve existing vegetation. The rural residential lots will have a low impact and will be of a similar character to nearby rural residential uses.</p> <ul style="list-style-type: none"> • Direction 9 – Protect and enhance productive agricultural land: The existing portion of the site zoned RU2 is not used for agricultural purposes. The site is sloped and contains significant ecology. Any future productive agricultural use of the land would compromise the ecological qualities of the site. The proposal to rezone the land for environmental conservation will therefore not result in the loss of prospective agricultural land. The rezoning of

Criteria	Response
	<p>the majority of the site to E2 represents a better aligned zoning outcome that reflects site conditions and will provide continued bushland directly adjacent to the Regional Biodiversity Corridor.</p> <ul style="list-style-type: none"> Direction 12 – Protect and manage environmental values: The proposed rezoning is a positive outcome as the environmental and cultural heritage values on the site will be preserved, or where impacted will be appropriately offset. The proposed E2 zoning will result in the conservation of the biodiversity corridor along the entire eastern boundary of the site and will formalise part of the biodiversity corridor linking Strickland Forest to the Brisbane Water National Park. <p>The proposal responds to the Regional Biodiversity Corridor alignment. Together with the area comprising the corridor and remaining areas to be rezoned E2, 83% of the site will be protected and managed for environmental conservation.</p> <p>Under the current planning controls, the RU2 land includes intensive agriculture as a permissible use that can occur with consent. Extractive industries and open cut mining are also permissible with consent. These uses are not appropriate or compatible with the environmental values of the land.</p> <ul style="list-style-type: none"> Direction 17 – Align land use and infrastructure planning: The site is located adjacent to the M1 Pacific Highway which is a major state road extending along the NSW east coast. The planning proposal will facilitate a limited number of rural residential lots with access to existing road infrastructure which links to other arterial roads in the surrounding area including major regional centres such as Gosford and the Somersby local employment hub. Direction 19 – Accelerate housing supply and improve housing choice: The planning proposal will facilitate the development of up to 14 rural residential lots which suitably respond to the environmental constraints of the site. Direction 20 – Grow housing choice in and around local centres: The site is located approximately 3km north west of Gosford which is a regional centre that can provide jobs and services to meet the needs of future residents of the site. The site is located 1.5km north east of the Somersby Industrial Park. Direction 21 – Providing housing choice to meet community needs: The proposal provides for rural residential lots which creates additional housing choice to meet the diverse needs of the Central Coast Community.
Consistency with a relevant local strategy	<ul style="list-style-type: none"> One Central Coast - Central Coast Community Strategic Plan 2018-2028 (CCCSP): The CCCSP is a 10-year plan developed by Council to set the priorities and confirm strategies and activities that best achieve the community's desired outcomes for the future. The CCCSP outlines five goals that respond to the values of the Central Coast community. The Planning Proposal is consistent with and helps contribute to the achievement of these goals in that: <ul style="list-style-type: none"> The proposal provides opportunities for Darkinjung to develop and sell land which will improve their economic and social position. This can enhance their ability to deliver social welfare programs and community initiatives. The proposed rezoning will secure the majority of the site as E2 Environmental Conservation. The change in land use zoning will protect the ecological and archaeological values on the majority of the site and will contribute to the proposed biodiversity corridor connecting the central national parks and state forests. This proposal is the result of consultation and engagement between Darkinjung, Council, and DPIE.

Criteria	Response
	<ul style="list-style-type: none"> – The proposal will facilitate rural residential style lots which will provide the opportunity for future residents to lead healthy lifestyles that contribute to the growing community of Somersby and the Central Coast more broadly. • Coastal Open Space System (COSS) Lands: The Coastal Open Space System is the network of reserves supporting native vegetation and open space across the LGA. The site is identified as being private land for voluntary acquisition in accordance with the COSS Strategy. Darkinjung have consulted with the COSS Officers at Council who have advised that entering into a stewardship agreement or the biocertification of the land is an option available to Darkinjung to achieve the objectives of the COSS Strategy without requiring acquisition. In addition, Darkinjung are committed to ensuring that any impacts of the planning proposal will be appropriately offset.
Responding to a change in circumstances that is not recognised in existing planning controls	The Planning Proposal is consistent with the development outcomes identified for the site in the IDDDP, which was released in 2019. These outcomes are not recognised in the GLEP 2014 which was gazetted in 2014.

Q4 - Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Yes. The Planning Proposal is consistent with the following Central Coast Council local strategies:

- Central Coastal Open Space System (CCOSS); and
- One Central Coast - Central Coast Community Strategic Plan 2018-2028 (CCCSP).

Consistency with these strategies is demonstrated in **Table 5** above. It is noted that the recently adopted Somersby to Erina Corridor Strategy does not apply to the site.

Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal's consistency with current State Environmental Planning Policies (SEPPs) is summarised in **Table 6**. Only the relevant instruments are considered.

Table 6 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
State Environmental Planning Policy (Aboriginal Land) 2019	The site is land identified under AL SEPP. Under the AL SEPP, any applicable development delivery plan (and Interim development delivery plan) must be considered during the preparation of a planning proposal. The Planning Proposal's consistency with the IDDDP is highlighted in Section 8.1 and 8.2 of this report.
SEPP (Infrastructure) 2007	<p>This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.</p> <p>While not specifically relevant to this Planning Proposal, future infrastructure works may require development consent in accordance with the SEPP.</p>
SEPP No. 44 Koala Habitat Protection	<p>SEPP 44 applies to the site. The SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.</p> <p>The surveying undertaken to date by Umwelt did not detect any signs of koala habits being located on the proposed development area along the Reeves Street frontage. Surveying included tree cameras, vegetation assessments, nocturnal spotlight searches and call playbacks. As detailed in the Biodiversity Briefing note at Appendix D, further surveying will be undertaken for the Winter and Spring seasons and will be detailed in the final BCAR submitted to DPIE.</p>
SEPP No. 55 Remediation of Land	<p>A desktop contamination assessment has been undertaken for the site by Qualtest which is attached at Appendix F of this report. The assessment has reviewed the potential for contamination on the site and confirms that the site is of a suitable quality for the advancement of a Planning Proposal.</p> <p>The assessment has found that Areas of Environmental Concern (AECs) on the site fall outside of the proposed E3 zone, and include building materials relating to the former scout camp in the centre of the site and illegally dumped waste material which is concentrated in the north-western corner of the site. The report concludes that no further assessment is recommended in the areas proposed for residential land use, unless waste materials that may have caused contamination are identified (i.e. asbestos containing materials, items that may have leaked fuels or oils).</p>

Q6 - Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?

The Planning Proposal's consistency with the applicable Section 9.1 Ministerial Directions is outlined in **Table 6**.

Table 6 – Ministerial Directions

Ministerial Direction	Comment
1. Employment and Resources	
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land. The Planning Proposal is consistent with the Ministerial Direction and the rezoning can be supported as the existing portion of the site zoned RU2 is not used for agricultural purposes and any such use of the land would compromise the ecological qualities of the site. Development or vegetation clearing on the site is also constrained due to the environmental values of the land.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Under this direction, a Planning Proposal must not reduce the environmental protection standards that apply to the land. This proposal seeks to enhance the protection of the site by virtue of the proposed zoning and via the application of local provisions which seek to ensure that future subdivisions and development in the E3 zoned land responds to environmental values across the site.
2.3 Heritage Conservation	This direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This planning proposal has been guided by a Desktop Aboriginal Cultural Heritage Assessment Report which details the locations of two sites of indigenous heritage significance. The zoning approach has responded these items to ensure their conservation. The proposed E3 boundary has a minimum setback of 20m from the items identified on the site.
3. Hazard and Risk	
4.1 Acid Sulphate Soils	The site is identified as being affected by class 5 Acid Sulphate Soils. Future DAs will need to have regard to this. This does not impact the rezoning as proposed.
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bushfire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas. The Bushfire Briefing note at Appendix E concludes that the proposed development can satisfy the aims, objectives and performance requirements of Planning for Bushfire Protection.
4. Regional Planning	
5.10 Implementation of Regional Plans	This Planning Proposal is consistent with the CCRP as detailed in Table 5 within this report.
5.11 Development of Aboriginal Land Council land	The objective of this direction is to ensure consideration of development delivery plans prepared under the AL SEPP during the Planning Proposal process. As required under this direction, the proposal is entirely consistent with the IDDDP which applies to the site.
5. Local Plan Making	
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The local provisions proposed under this Planning Proposal seek to enhance the social, economic and environmental outcomes across the site consistent with the IDDDP.

8.2.2. Site Specific Merit

Under DPIE's *Guide for Preparing Planning Proposals*, the Planning Proposal is also required to demonstrate site specific merit against the criteria set out in **Table 5**.

Table 7 – Site Specific Merit Test

Criteria	Response
<p>Does the planning proposal have site specific merit with regard to:</p> <p><i>the natural environment (including known significant environmental values, resources or hazards)?</i></p>	<p>The site specific merits of the proposal in relation to the natural environment are detailed below under the response to Question 7.</p>
<p>Does the planning proposal have site specific merit with regard to:</p> <p><i>the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?</i></p>	<p>The development objectives for the site have regard for the surrounding existing and approved uses, and future uses of land in the vicinity of the site.</p> <p>Land to the north and south of the site was recently the subject of a planning proposal (ref: PP_2014_GOSFO_001_00). Land in the northern precinct (Reeves Street and Goldsmith Road) was rezoned from RU1 Primary Production (RU1) and RU2 to E2 and E3. A minimum lot size requirement was applied which included lot averaging provisions. Land in the southern precinct (Debenham Road North, Tallara Road, and Debenham Road South) was rezoned from RU2 to E2.</p> <p>A minimum lot size requirement was also applied which included lot averaging provisions. The land directly adjoining the subject site to the east is zoned 7 (a) Conservation.</p> <p>Under the Draft CCLEP land adjoining the site is proposed to be zoned E2 which is consistent with its current zoning. The proposed zoning for the site is consistent with the Draft CCLEP (refer Section 4.3 of this report).</p> <p>The acoustic environment created by surrounding land uses has been considered and it is deemed that it will have minimal to no impact on the future rural residential dwellings on the site for the following reasons:</p> <ul style="list-style-type: none"> • The RSPCA facility located at 455 Reeves Street to the north of the site provides a significant vegetated setback of approximately 30m from Reeves Street. It is anticipated that the future dwelling on the subject site will provide a minimum setback of 20m to Reeves Street in accordance with the Gosford DCP. The combined separation distance between the facility and future rural residential uses will likely provide a sufficient acoustic barrier. • The GLEP 2014 permits development for a driver training facility at 455 Reeves Street, to the north of the subject site. No DA has been lodged for this use and therefore it is not possible at this point in time to assess the potential acoustic impacts of such a facility. It is assumed that sufficient separation distances and appropriate hours of operation would be implemented if a DA was lodged for this use. <p>An Acoustic Assessment can be prepared to accompany the Subdivision DA for the site if deemed necessary.</p>
<p>Does the planning proposal have site specific merit with regard to:</p> <p><i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed</i></p>	<p>The Stormwater and Servicing Report accompanying this Planning Proposal at Appendix B has confirmed that there is adequate public infrastructure servicing capacity available to support the proposed rezoning. Funding for the required augmentation of services will be derived from developer contributions at the DA stage.</p>

Criteria	Response
<i>financial arrangements for infrastructure provision?</i>	

Q7 - 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?

Umwelt have prepared Biodiversity Briefing Note which accompanies this Planning Proposal at **Appendix D**. The BCAR for the site is being progressed and will be submitted to DPIE in late April 2020.

Purpose of the BCAR

The purpose of the draft BCAR is to determine the offset requirements associated with the planning proposal and future development, in accordance with the Biodiversity Offset Scheme.

The BCAR identifies the quantum of biodiversity credits required to offset any biodiversity impacts, and further suggest management strategies to avoid any other environmental effects of the proposed development outcomes.

Avoidance and Minimisation

Avoidance and minimisation of ecological impacts has been achieved through the provisions of this Planning Proposal. The strategies and measures taken have included:

- Rezoning to support 83% of the site to be zoned as E2 Environmental Conservation, compared with the current figure of 30% of the site area, and removing the RU2 Rural Landscape zone applying to that land;
- Siting the proposed E3 zone in a consolidated area fronting Reeves Street to minimise disturbance across the site relating to access and servicing;
- The development footprint has been located immediately adjacent to Reeves Street, in areas more likely to be already subject to edge effects and indirect impacts from surrounding development.
- Proposing a local LEP provision to support a flexible approach to lot sizes and orientation so that the protection of significant trees and ecological features can occur in the E3 zone; and
- Proposing a local LEP provision to inhibit development on the rear portion of the E3 zoned land so that a significant vegetated buffer can be provided.

Impact Assessment

As detailed in the Biodiversity Briefing Note, site surveying and extrapolated existing vegetation mapping and species-credit habitat mapping shows that the following species are likely to be impacted by future development in the E3 zone:

- The Plant Community Types (PCTs) and Species-credit Species (potential habitat clearing) impacted are:
 - Dwarf Apple Scribbly Gum heathy low woodland on sandstone ranges of the Central Coast (good condition);
 - Scribbly Gum – Red Bloodwood – Old Man Banksia heathy woodland of southern Central Coast (good condition);
 - Scribbly Gum – Red Bloodwood – Old Man Banksia heathy woodland of southern Central Coast Pinus radiata variant (moderate condition);
 - Heath-leaved Banksia – Coral Fern wet heath on sandstone ranges of the lower Central Coast (good condition);
 - Eastern Pygmy Possum;

- Large-eared Pied-eat Bat;
- Spreading Guinea Flower;
- Southern Myotis; and
- Red Crowned Toadlet.

Impacts on the above species will require offsetting in accordance with BAM.

Biodiversity Offset Strategy

The three PCTs (within two condition types) and five species-credit species listed above will require offsetting in accordance with the BAM.

DLALC is committed to delivering a Biodiversity Offset Strategy that appropriately compensates for the unavoidable loss of biodiversity values as a result of the proposed rezoning, and as required under the Biodiversity Conservation Act 2016. There are different offsetting options available for Darkinjung which are currently being developed.

Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Aboriginal Cultural Heritage

Heritage Now are currently undertaking an Aboriginal Cultural Heritage Assessment Report (ACHAR) for site. The full ACHAR is due to be finalised and submitted to DPIE in April 2020. At the time of writing this Planning Proposal, Heritage Now are currently consulting with eight Registered Aboriginal Parties for the ACHAR.

The desktop due diligence component and a consultation workplan have been provided as part of this Planning Proposal at **Appendix C**. The desktop due diligence details the locations of two sites of indigenous heritage significance on the site. The zoning approach has responded to these items to ensure their conservation. The proposed E3 boundary has a minimum setback of 20m from the items identified on the site.

Flooding and Riparian Corridor

Northrop have undertaken a preliminary stormwater and flooding assessment to accompany this Planning Proposal (refer **Appendix B**). The investigations are summarised as follows:

- **Hydrological Investigations:** found that flood inundations are not expected to extend beyond the riparian corridor. Based on this assessment, the proposed future use of the site for rural residential purposes would not be affected by flooding and no further investigation is necessary or recommended.
- **Stormwater Management:** is proposed to be on-site in accordance with typical mitigation measures for rural residential style development. It is anticipated that approximately 5% of the lots will contain impervious materials (predominately the roof) with rainwater to be harvested on-site. A vegetation buffer will filter any sheeted runoff. Modelling of the proposed treatment train to confirm compliance with pollution reduction targets will occur as part of any future DA.
- **Riparian Corridor:** to be established along each identified tributary in accordance with Department of Industry Water guidelines for riparian corridor widths. The proposed E3 zone does not impact on any riparian corridors.

The report concludes that site has sufficient capacity to accommodate the proposed future uses on site from a stormwater and flooding perspective. The following impact management strategies will be implemented on the E3 land:

- Provide on-site stormwater management in accordance with best practice and Council Guidelines for rural residential development;
- All roof water runoff is to be harvested for on-site reuse;
- Provide a vegetated buffer over 250m wide to enable sheeted runoff to infiltrate sub-surface before reaching Fountain Creek (this implies use of the E2 land); and

- Undertake detailed modelling of the proposed treatment train required to illustrate compliance with the required pollutant load reduction targets to accompany a DA.

Planning for Bushfire Protection

Umwelt have prepared a Bushfire Briefing Note to support the Planning Proposal at **Appendix E**. The assessment of the proposed E3 zone has found that the future development of this part of the site can satisfy the relevant performance criteria listed in Planning for Bushfire Protection 2006 (amended 2018), provided that relevant recommendations are implemented. These recommendations include the provision of an Asset Protection Zone (APZ) and the construction, design and maintenance of access to and supply of water.

As demonstrated in the plans at **Appendix A**, APZs can be located wholly within the primary developable area of each lot and do not rely on land within the 'limited build area'. More detailed delineation of the required APZ will be required at the DA stage.

The report also recommends that Darkinjung implement cultural burning practices in the areas immediately adjacent to the proposed development footprint. This will both reduce the overall fuel load and maintain environmental values while also maintaining cultural knowledge around fire. Relevant approvals would be sought prior to the undertaking of any cultural burning activities.

Rural Fire Services have confirmed that the final bush fire report to be lodged at DA Stage will require conformance to the Bush Fire Attack Level (BAL). In terms of construction, this report will be forwarded to the Rural Fire Services at the DA stage for comment.

Site Contamination

Qualtest have undertaken a Preliminary Contamination Assessment for the site, which is attached at **Appendix F**. The desktop assessment has found two Areas of Environmental Concern (AECs), both of which are located outside of the proposed E3 zoned land. These include:

- Former scout camp building materials, use of a generator and a septic tank located in the centre of the site; and
- Illegally dumped waste materials located in the north-western corner of the site.

These AECs were assessed to have a low to medium risk of potential contamination. Considering that the AECs fall outside of the proposed development site, the report concludes that no further assessment is recommended in the areas proposed for residential land use, unless waste materials that may have caused contamination are identified (i.e. asbestos containing materials, items that may have leaked fuels or oils).

Q9 - Has the planning proposal adequately addressed any social and economic effects?

The proposal will contribute positively towards the fulfillment of the Darkinjung 2016- 2019 Community Land and Business Plan. The Plan outlines an aim of pursuing innovative economic opportunities in connection with Darkinjung land in order to:

- *Strengthen Aboriginal Culture and Heritage;*
- *Manage, preserve and protect our land and environment;*
- *Generate social returns on investments for our community;*
- *Promote the Central Coast Aboriginal community;*

Social and economic benefits will be experienced by Darkinjung as a result of the Planning Proposal include:

- Darkinjung will benefit financially from any future development and/or disposal process for the land. This will assist them in providing services for their members and the regional Aboriginal community more broadly;
- Increased opportunities for Aboriginal people to pursue economic independence to the benefit of their economic and social welfare;
- The opportunity to undertake environmental management practices and cultural traditions within the site;
- Allowing Darkinjung to better plan, manage, or develop the subject site in accordance with the IDDDP.

8.2.3. State and Commonwealth Interests

Q10 - Is there adequate public infrastructure for the planning proposal?

The Preliminary Stormwater and Servicing Report accompanying the Planning Proposal at **Appendix B** confirms there is sufficient capacity for infrastructure to be connected or extended to meet the needs of the proposed rural residential dwellings. The following servicing arrangement can be provided on the site, or extended to the site:

- **Electrical:** Electrical infrastructure currently exists along Reeves Street. Given the number and nature of the proposed dwellings, it is expected that this system will have capacity to service the site. Further detailed investigations will be undertaken at the DA stage of the development.
- **Gas:** Gas servicing infrastructure is not currently provided along Reeves Street. Due to the number and nature of the future lots, future extension to mains is unlikely to be required. Should future lot owners require gas then bottled services can be arranged through local suppliers.
- **Communications:** Communication infrastructure currently exists along Reeves Street. Given the number and nature of the proposed dwellings, it is expected that this system will have capacity to service the site. Further detailed investigations will be undertaken at the DA stage of the development.
- **Water:** No potable water infrastructure mains service the site. Future dwellings will be required to provide individual rainwater tanks to maximise the onsite harvesting potential. A water balance assessment to optimise tank storage volumes is recommended to be undertaken as part of the DA stage.
- **Sewer:** No sewer infrastructure mains service the site. Dwellings will be required to provide an individual onsite wastewater treatment system. The Preliminary Stormwater and Servicing Report includes a wastewater disposal assessment for the future development. The assessment concludes that wastewater be applied via subsurface irrigation. The lots require only a small area for effluent disposal which is expected to be readily accommodated during the detailed design phase for each dwelling.

Q11 - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal.

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

9. PART 4: MAPPING

The Planning Proposal includes an amendment to the Zoning and Lot Size Maps which support the GLEP 2014. The Planning Proposal also includes a “Limited build area” map which supports clause 7.11. The proposed maps are provided at **Appendix G**.

10. PART 5: COMMUNITY CONSULTATION

Division 3.4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that this Planning Proposal will be publicly exhibited for at least 28 days in accordance with DPIE's "A Guide to Preparing Local Environmental Plans".

At a minimum, the public exhibition of the Planning Proposal is expected to involve:

- A public notice in local newspaper(s);
- Notification on DPIE's website; and
- Written correspondence to owners and occupiers of adjoining and nearby properties and relevant community groups.

11. PART 6: PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 5-8 months. An indicative project timeframe is provided below.

Table 8 – Indicative Project Timeline

Stage	Date
Consideration by DPIE	April 2020
Gateway Determination by DPIE	May 2020
Additional information submitted post-Gateway: <ul style="list-style-type: none"> Biodiversity Constraints Assessment Report (BCAR) Aboriginal Cultural Heritage Assessment Report Bushfire Assessment 	May 2020
Commencement and completion of public exhibition period	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28.
Consideration of submissions	2-4 Weeks
Consideration of the Planning Proposal post-exhibition	2-4 Weeks
Final drafting of the LEP	To be determined
Gazettal of LEP Amendment	To be determined

12. CONCLUSION

This Planning Proposal builds on the Rezoning Request endorsed for the site by the Panel on 10 October 2019. The Panel unanimously supported the proposal and recommended that it proceed to a Gateway Determination.

It seeks an amendment to the Gosford Local Environmental Plan 2014 (GLEP 2014) to establish planning controls that will facilitate the protection of the ecological values of the site, whilst enabling the orderly development of up to 14 rural residential lots on the site located at Reeves Street, Somersby.

The Planning Proposal sets out the justification for the proposed LEP amendment. It is supported by a Structure Plan that has been informed by the opportunities and constraints across the site and prepared to demonstrate that the proposal is sound and suitable for its locality.

It is considered that the proposed amendments to GLEP 2014 would enable an appropriate development outcome and generate social and economic benefit for Darkinjung the following reasons:

- The rezoning of the site will have positive social and economic impacts for Darkinjung. Darkinjung will benefit financially from any future divestment of future rural residential style lots. This will assist Darkinjung to effectively manage their financial position to meet the needs of their members and the broader Aboriginal community.
- This Planning Proposal demonstrates strategic merit in that:
 - The Planning Proposal is consistent with the goals, directions, and actions for the Central Coast Region as listed in the Central Coast Regional Plan 2036 (CCRP). Specifically, the Planning Proposal is a direct response to Direction 6 being to ‘strengthen the economic self-determination of Aboriginal communities’. The proposal is also consistent with the relevant State Environmental Planning Policies and Section 9.1 Directions.
 - The intended development outcomes of the proposal will allow Darkinjung to better plan, manage, and develop the site. This will provide the basis for a self-reliant and a more secure economic future for the DLALC as envisaged by the *Aboriginal Land Rights Act 1983* (ALR Act).
 - Under the proposal, 83% of the site will be preserved for environmental conservation, which will contribute to the broader conservation outcomes for the Central Coast. It provides an opportunity to formalise the biodiversity corridor linking Strickland Forest to the Brisbane Water National Park.
- The planning proposal has site specific merit in that:
 - The Planning Proposal responds to matters for consideration listed in the IDDDP and has concluded that environmental impacts of the proposed LEP amendments can be suitably mitigated through the implementation of the recommendations of the technical investigations.
 - The Planning Proposal includes site specific provisions to ensure that the best environmental outcomes are achieved for the E3 land at the subdivision stage of development.
 - The rezoning will protect ecologically significant land from potentially irreversible environmental impacts associated with existing permissible land uses within land zoned RU2. These include uses inappropriate to the context including intensive agriculture and farm buildings.
 - The site is not suitable for agricultural activity as envisaged by its existing RU2 (Rural Landscape) zoning. There would be no loss of productive agricultural land within the region as a result of the rezoning
 - Whilst development within the proposed E3 zone will result in some loss of threatened species and habitats, this loss is able to be offset through a number of offsetting mechanisms, which will be formalised through a Biodiversity Offset Strategy.

In considering the tangible environmental, social, and economic benefits of the proposal, it is recommended that DPIE grant approval at the Gateway stage of process to allow the further progression of the proposal in accordance with the EP&A Act.

DISCLAIMER

This report is dated January 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Darkinjung Local Aboriginal Land Council (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A INDICATIVE STRUCTURE PLAN

APPENDIX B PRELIMINARY STORMWATER AND SERVICING REPORT

APPENDIX CDRAFT ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT

APPENDIX D BIODIVERSITY BRIEFING NOTE

APPENDIX EBUSHFIRE BRIEFING NOTE

APPENDIX F PRELIMINARY CONTAMINATION ASSESSMENT

APPENDIX G PROPOSED LEP MAPPING

