

01

Assessment & Endorsement

Council Report

Summary

The purpose of this report is to consider a planning proposal which seeks to rezone land at Peat Island and Mooney Mooney to permit a mix of residential, community, environmental recreation and employment land uses.

This report recommends that Council prepare a planning proposal and request a gateway determination.

Recommendation

- 1 That Council prepare a planning proposal to amend Gosford Local Environmental Plan 2014, to rezone the land known as Lot 2 DP239249, Lot 10 DP1157280, Lot 11 DP1157280, Lot 4 DP239249, Lot 11 DP863305, Lot 9 DP863305, Lot 7011 DP1057994, Lot 2 DP431999, Lot 12 DP863305, Lot 1 DP 597504, Lot 2 DP945014, Lot 1 DP431780, Lot 21 DP836628, Lot 1 DP945014, Lot 1 DP107391, Lot 12 DP1158746, Lot 13 DP1158746, Lot 14 DP1158746 Mooney Mooney (including Peat Is.) from SP2 - Infrastructure to a mix of residential, community, environmental, recreation and employment land uses pursuant to section 55 of the Environmental Planning and Assessment Act 1979;**
- 2 That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to s.56(1) of the EP&A Act, 1979;**
- 3 That Council, subject to the gateway determination, prepare and exhibit an amendment to Gosford Development Control Plan 2013 to include appropriate Development Control Plan provisions;**
- 4 That if required, Council authorise staff to negotiate and prepare a Voluntary Planning Agreement with respect to any aspect of the proposal;**
- 5 That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination including the concurrent exhibition of the draft Development Control Plan and draft Voluntary Planning Agreement with respect to any aspect of the proposal;**
- 6 That Council undertake community and public authority consultation, in accordance with the gateway determination requirements, including the concurrent exhibition of the draft Development Control Plan and draft Voluntary Planning Agreement (if required).**

7 That Council consider a further report on results of the agency and community consultation.

Background

The initial planning proposal for the site was lodged with the former Gosford City Council on 11/08/2014. This planning proposal sought to rezone the land from SP2 Infrastructure to a mix of residential, community, environmental, recreational and employment uses to enable revitalisation of the site and provide ongoing future uses for the land. The planning proposal outlined the following changes for the site:

- Community facilities: The existing informal community library will be relocated from its current position within the former Mooney Mooney public school to an alternative location within the site. The chapel will be retained in its current location.
- Residential: A mix of dwellings (total 450 dwellings) including detached houses, attached housing and residential flat buildings to be zoned R1- General Residential or R2 - Low Density Residential.
- Neighbourhood Centre: A service station complemented by neighbourhood retail uses which may include a small supermarket and restaurant / café uses to be zoned B2 - Local Centre.
- Marina: 250 wet berths, associated land based marina uses and parking located on the waterfront with land based component to be zoned W2 - Recreational Waterways.
- Emergency services facilities: Existing facilities for ambulance, RMS highway services and the Rural Fire Service will be relocated within the land and be zoned SP2 – Infrastructure.
- Foreshore Park: Provision of a large public open space located adjacent to the foreshore opposite Peat Island. This open space will provide opportunities for informal recreational activity. Public car parking will also be made available in this location. Land to be zoned RE1- Public Recreation.
- Peat Island Park: Public open space will be located at the southern end of Peat Island. This open space will provide opportunities for public access and in formal recreational activity, which is not currently available. Land to be zoned RE1- Public Recreation.

- Foreshore Access: Provision of more than 2.75km of public foreshore access around Peat Island and along the river foreshore. Land to be zoned RE1- Public Recreation.
- Public wharf and boating facilities: Existing public car and trailer parking and public wharf facilities will be retained at Mooney Mooney Point Reserve. Land to be zoned RE1- Public Recreation.

On 9 December 2014, the former Gosford City Council supported that initial Planning Proposal and resolved to initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 of the Environmental Planning and Assessment Act, by endorsing that initial Planning Proposal.

On 22 September 2015 the former Gosford City Council and Government Property NSW were advised by the Department of Planning and Environment (DP&E) that additional information was required before the initial proposal could be further considered for Gateway determination.

On 18 October 2016 a modified planning proposal was lodged with Central Coast Council which responded to issues outlined in correspondence received from the DP&E.

The Site

The site as shown in Figure 1 comprises land east and west of the M1 Motorway at Mooney Mooney and the entirety of Peat Island. The site is located approximately 29 kilometres to the south-west of Gosford City Centre, approximately 55km to the north of Sydney CBD and approximately 24km from the start of the M1 Motorway at Hornsby / Wahroonga. The closest railway station is situated at Brooklyn, approximately 5km to the south east. Bus services connect the Hawkesbury River Station to Mooney Mooney and to Hornsby in the south.

The M1 Motorway is a dominant feature of the surrounding area and divides the site. The existing residential neighbourhood of Mooney Mooney is located to the east of the M1 Motorway. To the north of the site is bushland forming part of the Popran National Park, which extends up the western side of the M1 Motorway. To the south of the site is the Hawkesbury River, which forms a significant scenic element of the surrounding area. Further beyond the immediate surrounds are other residential communities along the Hawkesbury River including Brooklyn, Cogra Bay, Milson Island and Dangar Island.

The majority of the site east and west of the M1 Motorway is undeveloped or disused. Peat Island contains various buildings which reflect the island's use since the early twentieth century for institutional purposes. Adjoining developments comprise low-density residential, industrial wharves and the Mooney Mooney Club.

The site was originally developed for institutional purposes, with boat launching and vehicular parking being located the southern extent of the foreshore. The former Mooney Mooney Public Primary school is also located on the eastern side of the subject site.

Peat Island, formerly known as Rabbit Island, has historically been Crown Land since European settlement.

The island was dedicated for use as an asylum for inebriates (alcoholics). Construction of the buildings associated with the asylum commenced in 1902 and involved the clearing and levelling of the island. Since that time the site has been used for various uses including as a psychiatric facility, home for boys and disability institution until its permanent closure in 2010. This land is now redundant and surplus to the needs of the NSW State Government and is proposed to be sold. The Mooney Mooney Public Primary school opened in 1939. A decline in enrolments and an increase in the availability of alternative schools within the locality resulted in the closure of the school in 2007.

A Site Compatibility Certificate (SCC) No. I08_018 was issued by the State Government in respect of the school site in November 2008. The SCC deemed the site to be suitable for low density residential use consistent with adjoining lands. While the SCC has now expired (28 November 2013) the land use context within which the former school site sits, remains unchanged.

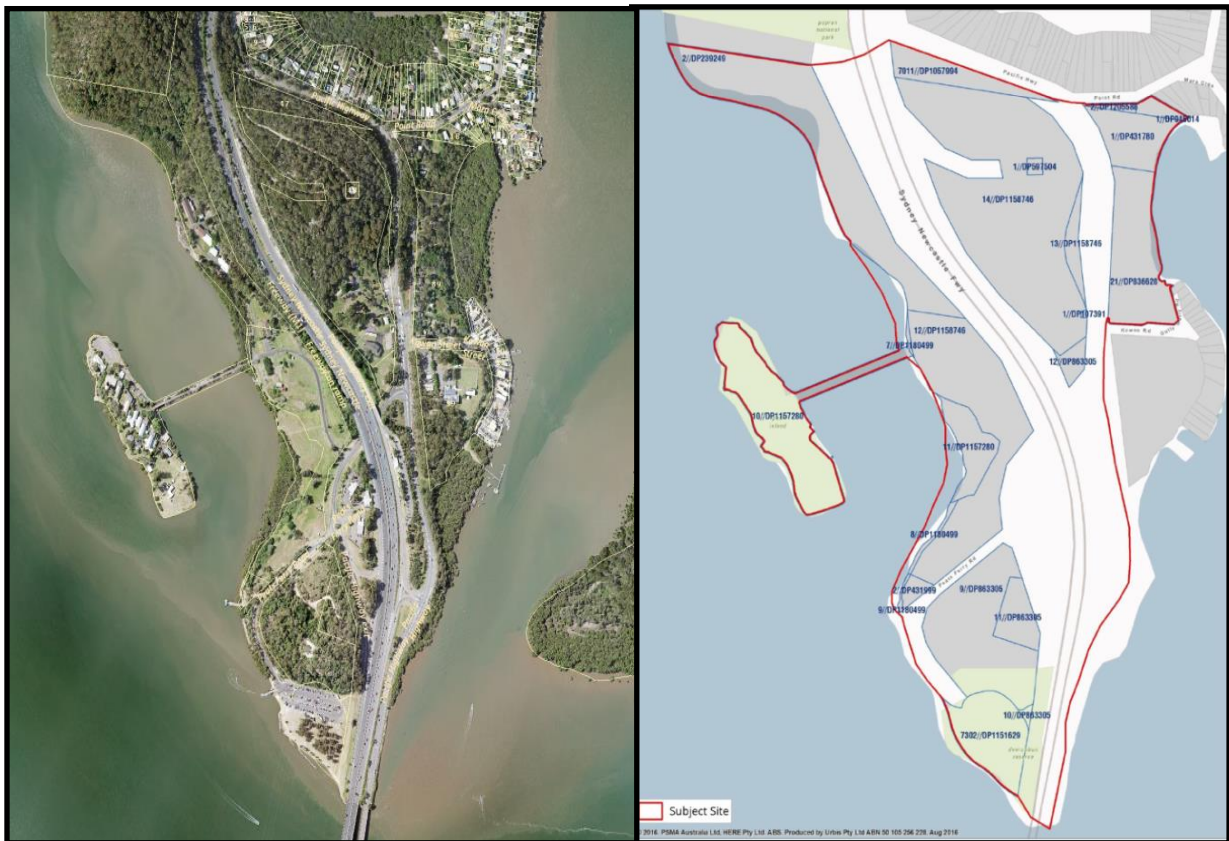


Figure 1: Locality Context Aerial (left) and subject site indicated by red outline (right).

The Proposal

The modified planning proposal seeks to amend the *Gosford Local Environmental Plan 2014* (GLEP 2014) by rezoning the site from the current SP2 zone to the following zones:

- B2 – Local Centre
- R1 – General Residential
- R2 – Low Density Residential
- RE1 – Public Recreation
- RE2 – Private Recreation
- SP3 – Tourist
- E1 – National Parks and Nature Reserve

The proposed zoning of the original planning proposal (left side), and land use zones in the amended planning proposal (right hand side) are shown in Figure 2.

It is also proposed to amend the *Gosford LEP 2014 Schedule 1 Additional Permitted Uses* to allow development for the purposes of boat building and repair facilities, boat launching

ramps, boat sheds, car parks, charter and tourism boating facilities, marinas and water recreation structures within the proposed Private Recreation RE2 zone.

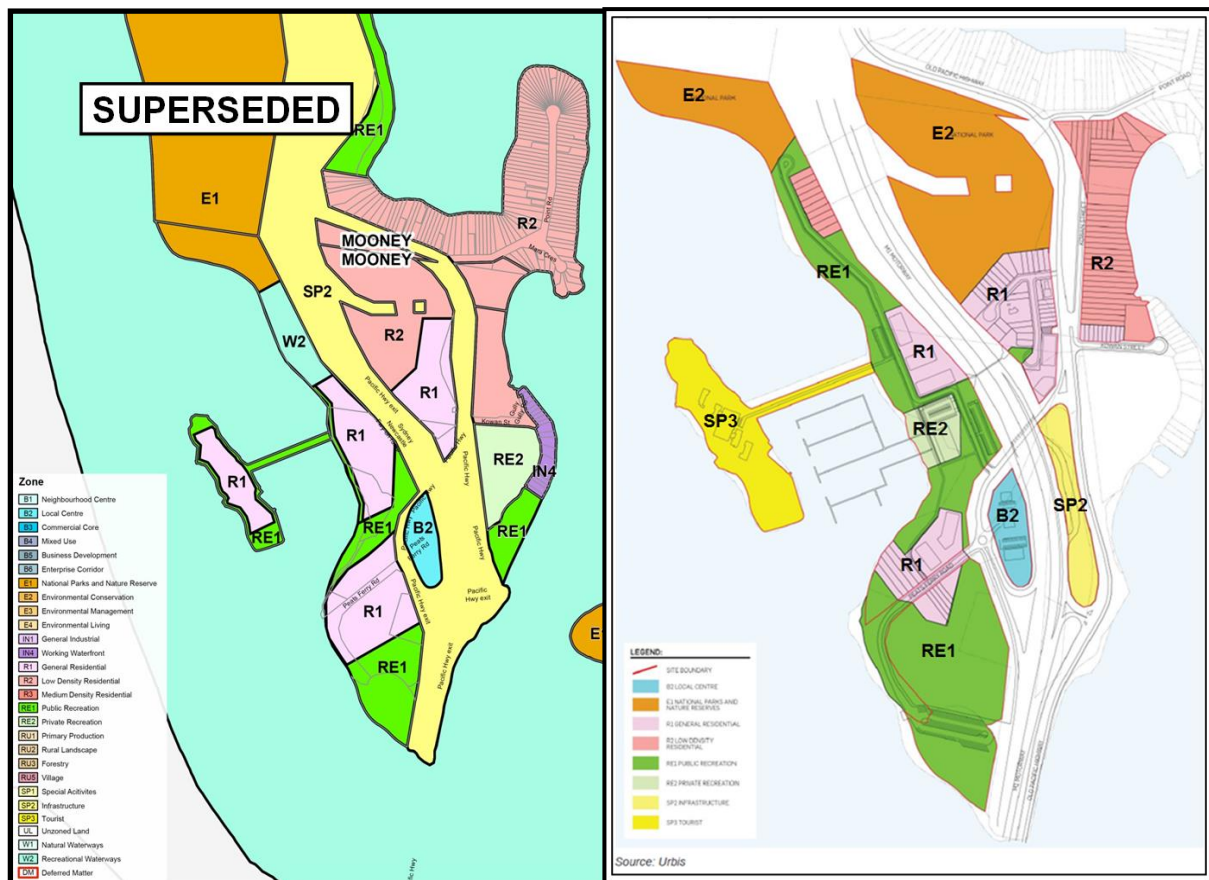


Figure 2: Initially proposed zonings (left); and, modified proposed zonings (right)

The amended planning proposal, whilst maintaining flexibility for a mix of land uses and future development options, has incorporated the following key changes:

- Introduction of SP3 – Tourism as a land use for Peat Island. This change provides opportunity for the future development of the site with a view towards tourism that will enable the preservation of the historical significance of the Island;
- Introduction of private recreation zone to enable the development of a marina. This use supports a recreational and tourism approach to the long term use of the site.
- Reduced density (previous 400-500 dwellings, proposed 268)
- Reduced building height (previous 17metres, proposed 12metres)
- Increased dedication of land towards National Park (previous 2.6ha, proposed 11.3Ha)

The following table provides a summary of changes between the initial planning proposal and the amended planning proposal.

Table 1: Comparison of initial and amended proposal

Consideration	Initial Planning Proposal	Current Planning Proposal
LEP Controls		
Land Zoning	<ul style="list-style-type: none"> • B2 – Local Centre • E1 – National Parks and Nature Reserves • R1 – General Residential • R2 – Low Density Residential • RE1 – Public Recreation • W2 – Recreational Waterways 	<ul style="list-style-type: none"> • B2 – Local Centre • E1 – National Parks and Nature Reserves • R1 – General Residential • R2 – Low Density Residential • RE1 – Public Recreation • RE2 – Private Recreation • SP3 – Tourist
Permissible Uses with Consent	Consistent with permissible uses listed in the Gosford Local Environmental Plan Land Use Table for each zone.	Consistent with the permissible uses listed in the Gosford Local Environmental Plan 2014 Land Use Table for each zone; and, List of permissible uses for proposed new zone SP3 – Tourist.
Additional Permitted Uses with Consent	Nil additional uses proposed	Additional permitted use proposed to zone RE2 to permit dry berth storage.
Maximum Height of Buildings	<ul style="list-style-type: none"> • 17 metres – Area west of M1 Motorway and Peat Island • 8.5 metres – Area east of M1 Motorway 	<ul style="list-style-type: none"> • 12 metres – Non-residential uses adjacent M1 Motorway, Peat Island and residential uses adjacent Motorway and residential uses on Peats Ferry Road • 9 metres – Residential west of M1 Motorway opposite Peat Island causeway • 8.5 metres – Majority of residential uses
Minimum Allotment Size	<ul style="list-style-type: none"> • 450m² • 1,500m² for large lot housing 	<ul style="list-style-type: none"> • 400m² - General Residential near M1 Motorway • 550m² - All other residential

Number of Dwellings	<ul style="list-style-type: none"> • 400 – 500 dwellings 	<ul style="list-style-type: none"> • Approximately 268 dwellings proposed comprising: <ul style="list-style-type: none"> i. 82 low density ii. 22 town houses iii. 164 apartments
Community Facilities	<ul style="list-style-type: none"> • 2,800m² of land 	<ul style="list-style-type: none"> • 3,000m² of land
Land Proposed to be Dedicated as National Park	<ul style="list-style-type: none"> • 2ha 	<ul style="list-style-type: none"> • 11.3ha (per proposed E1 zoned land in <i>Figure 4</i>)
Land for Publically Accessible Open Space	<ul style="list-style-type: none"> • 2.6ha 	<ul style="list-style-type: none"> • 10ha (per proposed RE1 zoned land in <i>Figure 4</i>)
Marina Berths	<ul style="list-style-type: none"> • 250 wet berths • 0 dry stack 	<ul style="list-style-type: none"> • 110-130 wet berths • 60 dry stack
Tourism Zoned Land	<ul style="list-style-type: none"> • None proposed 	<ul style="list-style-type: none"> • 37,172m²
Residential Uses on Peat Island	<ul style="list-style-type: none"> • Yes 	<ul style="list-style-type: none"> • No
Development on Escarpment	<ul style="list-style-type: none"> • Yes 	<ul style="list-style-type: none"> • No

Assessment

A preliminary assessment of the planning proposal indicates that the concept has strategic merit.

The Mooney Mooney locality is typical of many isolated communities where the current level of development and hence population is insufficient to support a basic level of service provision. Mooney Mooney is heavily reliant on the services that are available in Brooklyn in the Hornsby Shire. The rezoning of the redundant Hospital zoned land provides an opportunity to generate a population level that can support an increased range of services. The provision of the business zoned land is an important component of the provision of services to the local community. The support for the viability of this business zoned area will be through the passing trade from the M1 - Motorway. It is necessary though that this land in addition to providing services to motorway users also contain the services required by local residents. The planning and design provisions for this land will need to be carefully crafted to ensure the needs of all potential users are satisfied.

The residential development is dependent on its accessibility to the M1 - Motorway. New residents in the area will be primarily reliant on vehicle use for access to employment, recreational, social and shopping activities. Most trips will be to locations to the south in the Hornsby Shire and beyond. The Planning Proposal provides the opportunity to improve transport and pedestrian links within the local Mooney Mooney area. The Planning Proposal will result in improved cycling and pedestrian access through the provision of better facilities associated with development.

The planning proposal requests a portion of the site adjacent to the M1-Motorway (west side) to be zoned B2 - Local Business zone. The land is currently used by RMS and Ambulance services. It is proposed that the site would be developed for a local convenience store/service station available for use by local residents and passing motorists. The proposal will not affect any existing centres as there are no similar centres within Mooney Mooney. The centre will provide local job opportunities and therefore is in accordance with this Direction.

The zoning of land for business purposes is primarily designed to take advantage of existing passing trade on the M1 Motorway with a relatively small amount of use by local residents. The centre will not generate a transport demand in itself. The location of the centre will not influence the movement of traffic in the area but take advantage of existing traffic flows.

The business zone will provide the opportunity for much needed access to daily services that can easily be accommodated in a local business zone.

The planning proposal provides opportunities for the provision of additional community open spaces and places that are provided through zoned public recreation, private recreation, national park and tourism zones. Currently, public access on the site is restricted with the exception of the Mooney Mooney Point Reserve. Redevelopment of the site provides an opportunity to improve the quality and provide genuine publicly accessible open space within the site, primarily on the foreshores. Of particular note it will provide public access to the foreshore and Peat Island (which is not currently available).

The following matters require further studies post Gateway Determination:

- A detailed Community Needs Assessment to determine if any additional facilities and social infrastructure are required to support the development.
- A Master Plan for Sensitive Coastal Location land in accordance *with State Environmental Planning Policy No. 71 – Coastal Protection*.
- A Conservation Management Plan that consider the significance of European heritage items (e.g. some items that have been identified as 'significant' by the applicant) that are proposed to be protected.
- Further investigations regarding potential Aboriginal sites in the Mooney Mooney west precinct and on the former Mooney Mooney School site where unrecorded engravings have been identified.
- Even though there is adequate water and sewer infrastructure to service the land, additional studies will be required to determine the exact water and sewer infrastructure requirement prior to any development taking place.

Statutory Compliance and Strategic Justification

In May 2016 DP&E issued guidance for merged councils on planning functions. In accordance with these guidelines, merged Councils are to continue to progress planning proposals with strategic merit. The proposal is considered to be of local significance, and provides opportunity for housing, business, recreation and tourism purposes.

The proposal is considered consistent with the Central Coast Regional Plan 2016 in that it delivers additional housing opportunities and choice, and has the potential to increase job containment in the region.

Internal Consultation

Internal consultation for the planning proposal has included staff from the following units, with no objections raised to this stage of assessment:

- Environment Officer - Ecology
- Flooding & Drainage Officer –Flooding
- Water Assessment Officer – Water & Sewer
- Heritage Programmes & Projects Officer – Heritage
- Strategic Transport Planner – Traffic
- Environmental Planning Officer – Coastal
- Natural Open Spaces – Passive open space
- Sport and Recreation – Active open space
- Economic Development and Business Enterprise – B2 zone component

External Consultation

Government agency and public consultation requirements for the planning proposal will be detailed in the gateway determination and conducted accordingly. It is anticipated that the following agencies will need to be consulted:

- Darkinjung Local Aboriginal Land Council;
- Guringai Tribal Link;
- NSW Office of Environment and Heritage;
- NSW Office of Water;
- Roads & Maritime Service;
- Rural Fire Service;

Preliminary comments were received from the Office of Environment and Heritage (OEH) on the amended proposal. OEH raises no objection to the proposal being considered for Gateway determination.

It is noted that comments are yet to be received from Roads and Maritime Services.

Budget Impact

There are no immediate budget impacts as the assessment of the Planning Proposal is being funded by payment of a Phase 1 Rezoning Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the proponent.

All infrastructure and services required to support the development will be required to be provided by the developer.

Conclusion

The proposal will provide for orderly and economic development of land that is currently disused by the State government.

It is therefore considered that a planning proposal should be prepared and forwarded to DP&E for a gateway determination.

Council Minutes

2.2 Planning Proposal RZ/58/2016 - Peat Island

Mr John Andrews, local resident, addressed Council at 5.05pm and retired at 5.11pm.

Ms Di Bowles, on behalf of Brooklyn Community Association and Lower Hawkesbury Consolidation of Communities Association, addressed Council at 5.11pm and retired at 5.17pm.

RESOLVED on the motion of Mr REYNOLDS:

124/17 That Council prepare a planning proposal to amend Gosford Local Environmental Plan 2014, to rezone the land known as Lot 2 DP239249, Lot 10 DP1157280, Lot 11 DP1157280, Lot 4 DP239249, Lot 11 DP863305, Lot 9 DP863305, Lot 7011 DP1057994, Lot 2 DP431999, Lot 12 DP863305, Lot 1 DP 597504, Lot 2 DP945014, Lot 1 DP431780, Lot 21 DP836628, Lot 1 DP945014, Lot 1 DP107391, Lot 12 DP1158746, Lot 13 DP1158746, Lot 14 DP1158746 Mooney Mooney (including Peat Is.) from SP2 - Infrastructure to a mix of residential, community, environmental, recreation and employment land uses pursuant to section 55 of the Environmental Planning and Assessment Act 1979;

125/17 That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to s.56(1) of the EP&A Act, 1979;

126/17 That Council, subject to the gateway determination, prepare and exhibit an amendment to Gosford Development Control Plan 2013 to include appropriate Development Control Plan provisions;

127/17 That if required, Council authorise staff to negotiate and prepare a Voluntary Planning Agreement with respect to any aspect of the proposal;

128/17 That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination including the concurrent exhibition of the draft Development Control Plan and draft Voluntary Planning Agreement with respect to any aspect of the proposal; it being noted that it is considered that any exhibition of the draft planning proposal and related draft Development Control Plan and/or draft Voluntary Planning Agreement should extend for at least 3 months to facilitate community input, and that Council should also hold community information sessions in the local area during the exhibition period.

129/17 That Council undertake community and public authority consultation, in accordance with the gateway determination requirements, including the concurrent exhibition of the draft Development Control Plan and draft Voluntary Planning Agreement (if required).

130/17 That Council consider a further report on results of the agency and community consultation. It being noted that any final Council decision on the draft Planning Proposal, Draft Development Control Plan and Draft Voluntary Planning Agreement, following exhibition and the receipt of community and agency input, should be made by the future elected Council.

Central Coast Regional Plan 2036 Assessment

3	Direction 3: Support priority economic sectors	
	Action	Assessment
3.2	Harness opportunities for business investment and employment by leveraging major public transport investment and projects.	Consistent The proposed business zoning will be located adjacent to the M1 Motorway.
3.5	Capitalise on the region's location and coastline to enhance the visitor economy with a focus on events-based tourism and update planning controls	Consistent The proposed Tourist zone will capitalise on the site's coastal location.
4	Direction 4: Strengthen inter-regional and intra-regional connections for business	
	Action	Assessment
4.1	Enhance the competitive value of the region by encouraging business and employment activities that leverage the major inter-regional transport connections to Sydney and the Hunter regions.	Consistent. The proposal has the potential to increase employment activity within the area.
7	Direction 7: Increase job containment in the region	
	Action	Assessment
7.1	Facilitate economic development that will lead to more local employment opportunities on the Central Coast.	Consistent. The proposal seeks to increase employment activity within the sectors of hospitality, retail / business and recreation (hotel use, service centre and marina respectively)
7.2	Update the Regional Economic Development and Employment Strategy to identify strategies and actions to: <ul style="list-style-type: none"> • support priority economic sectors; and, • identify new economic employment opportunities for the region, including sectors for which residents currently commute outside the region. 	Consistent. The proposal seeks to introduce new local jobs to the Mooney Mooney and Central Coast area e.g. business, tourist and recreation zones.
8	Direction 8: Recognise the Cultural Landscape of the Central Coast	
	Action	Assessment

8.1	Protect the Central Coast's scenic amenity by planning for development that respects the distinct qualities of different places.	Consistent. Development is proposed for existing cleared areas which maintains and respects the distinct qualities of the area.
8.2	Identify and protect heritage values to minimise the impact of urban growth and development, and to recognise its contribution to the character and landscape of the region.	To be determined. Aboriginal and European heritage reports have been received which indicate that, with regard to Aboriginal heritage in particular, additional studies are required. A Conservation Management Plan is also required (refer to Aboriginal Heritage 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.	Consistent Residential development is not proposed for prominent visual areas. Areas of high environmental significance are proposed to be dedicated to the National Parks and Wildlife Service.
14	Direction 14: Protect the coast and manage natural hazards and climate change	
	Action	Assessment
14.2	Review and update floodplain risk and coastal management programs to manage flood risk and protect the coast, particularly where urban growth is being investigated.	To be determined The area adjacent the proposed marina is nominated to be filled to be above the 1% AEP. The Water Cycle Management Review indicated that such filling is appropriate for the proposed use and area of fill. Additional detail and information is required addressing other areas of the site (refer Watercycle Management Review report)
15	Direction 15: Create a Well-planned, Compact Settlement Pattern	
	Action	Assessment
15.1	Create a well-planner, functional and compact settlement pattern around existing urban and employment areas, the Warnervale-Wadalba release area, the Northern and Southern Growth Corridors,	Consistent The subject site is adjacent to or within close proximity to the existing Mooney Mooney village.

	existing rural villages and sites included in an endorsed local strategy.	
15.2	Ensure the settlement pattern responds to settlement planning principles and does not encroach on sensitive land uses.	Consistent Areas for proposed development are in or adjacent to existing developed areas or existing cleared areas.
15.3	Plan for communities to be better connected by an integrated transport system that prioritises safe walking, cycling and public transport.	Consistent The Traffic and Transport Review indicates the site has opportunities for improved road network connectivity and active transport links such as intersection consolidation and shared path links for east/west connectivity and links south to Brooklyn to connect to the train station and local centre.
15.4	Investigate options to improve public transport services and better link centres and growth areas.	Consistent The site area is currently serviced by bus (including to nearby Hawkesbury train station) and to the M1 Motorway.
18	Direction 18: Create places that are inclusive, well-designed and offer attractive lifestyles	
	Action	Assessment
18.3	Monitor land and housing delivery and accelerate housing supply to meet a projected housing demand of 41,500 additional dwellings by 2036.	Consistent The proposal will provide for an additional 268 new dwellings at Mooney Mooney.
19	Direction 19: Accelerate housing supply and improve housing choice	
	Action	Assessment
19.3	Monitor land and housing delivery and accelerate housing supply to meet a projected housing demand of 41,500 additional dwellings by 2036.	Consistent The proposal will contribute to the provision of housing to meet projected housing demand targets.
20	Direction 20: Grow Housing Choice in and around Local Centres	
	Action	Assessment
20.1	Improve housing choice by supporting housing delivery in and near the growth corridors and local centres.	Consistent The proposal nominates a variety of housing options including detached dwellings, dual

		occupancy developments and residential flat building developments.
21	Direction 21: Provide Housing Choice to Meet Community Needs	
	Action	Assessment
21.1	Provide greater housing choice by delivering diverse housing, lot types and sizes, including small lot housing in infill and greenfield housing locations.	Consistent A variety of dwelling types, lot sizes and lot shapes are proposed.
21.4	Encourage housing diversity including studio and one and two bedroom dwellings, to match forecast changes in household sizes and provide greater housing choice.	To be determined At this stage no details have been received regarding numbers of bedrooms per dwelling however it is envisaged that provisions for such dwelling types can be achieved.
21.5	Identify the discrete housing needs of each community, including for social and affordable housing and develop appropriate planning responses.	To be determined A Community Needs Analysis was submitted supporting the application. The report found that the proposed development will have a beneficial impact in terms of community facilities and open space in the area. In addition, the incoming population will not trigger demand for further facilities at the site (refer to Community Needs Analysis report) A social impact assessment is recommended for the proposal.

State Environmental and Sydney Regional Planning Policy Assessment

Planning Policy	Comment
SEPP 19 – Bushland in Urban Areas	
<p>Aims to protect and preserve bushland within urban areas 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>When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall:</p> <ul style="list-style-type: none"> (a) have regard to the general and specific aims of the Policy, and (b) give priority to retaining bushland, unless <ul style="list-style-type: none"> it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland. 	<p>Council mapping indicates that the area contains Ecologically Endangered Communities which are proposed to be zoned for public recreation or environmental conservation. The proposed dedication of land by way of a VPA for recreation and environmental conservation purposes is in accordance with the SEPP.</p>
SREP 20 – Hawkesbury Nepean River	
<p>Aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.</p> <p>The general planning considerations relevant for the Plan are:</p> <ul style="list-style-type: none"> a) The aim of the plan b) The strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy c) Whether there are any feasible alternatives to the development or other proposal concerned d) The relationship between the different impacts of the development or other proposal and the environment, and how 	<p>The <i>Maritime Facilities Review</i> by Mott MacDonald recommends that the feasibility of a marina be assessed prior to construction which would require an assessment of the impacts and effectiveness of dredging in regard to hydrodynamic conditions (especially flushing) and sedimentation in the marina.</p>

Planning Policy	Comment
those impacts will be addressed and monitored.	
SEPP No. 44 – Koala Habitat	
<p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones</p>	<p>The <i>Ecological Review of Concept Plan</i> (Travers) states that “a full assessment in respect to SEPP 44 has not been undertaken however it is anticipated that up to four (4) koala food tree species as listed in Schedule 2 of SEPP 44 are likely to occur naturally within the study area”. Further, “future fauna surveys within the proposed development precincts should ideally target the above listed threatened species with a specific emphasis on those with the most potential to occur.</p> <p>The report recommends that these future surveys are not required for consideration at Gateway, and can be undertaken at a later subdivision DA stage.</p>
SEPP 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>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>The <i>Preliminary Contamination Assessment</i> prepared by JBS&G concluded “there is potential for contamination of the site to have occurred based on past and current site usage, however historical use of the areas in question was not intensive, and there were no indications of gross or widespread impacts that would require management or impede development of the site” and that “intrusive sampling should be undertaken to provide an adequate assessment of potential soil contamination and confirm the findings of the preliminary investigation”.</p>
SEPP No. 71 – Coastal Protection	
<p>The policy aims to:</p> <p>(a) to protect and manage the natural, cultural, recreational and economic attributes of the</p>	<p>The subject site is located within an area as defined by SEPP 71.</p>

Planning Policy	Comment
<p>New South Wales coast, and</p> <p>(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</p> <p>(e) to ensure that the visual amenity of the coast is protected, and</p> <p>(f) to protect and preserve beach environments and beach amenity, and</p> <p>(g) to protect and preserve native coastal vegetation, and</p> <p>(h) to protect and preserve the marine environment of New South Wales, and</p> <p>(i) to protect and preserve rock platforms, and</p> <p>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and</p> <p>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>(l) to encourage a strategic approach to coastal management.</p>	<p>Council mapping indicates that the area contains Ecologically Endangered Communities which are proposed to be zoned for public recreation or environmental conservation. The proposed dedication of land to Council and National Parks by way of a VPA for recreation and environmental conservation purposes is in accordance with the SEPP.</p> <p>An assessment of the proposal against Clause 8 of the SEPP has been undertaken (refer to supporting documentation). The proposed land use is considered consistent with the location.</p>
<p>A Master plan is required before certain consents may be granted</p>	<p>A Master Plan will be required for a number of the parcels of land prior to any development applications being lodged</p>
<p>SEPP No. 71 – Clause 8</p>	
<p>a) The aims of the Policy:</p>	<p>Consistency with the policy aims of SEPP 71 has been addressed above.</p>

Planning Policy	Comment
a) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	A portion of RE1 – Public Recreation is proposed to be zoned RE2 – Private Recreation which is inconsistent with this requirement of the clause. However, as part of the Master Plan of the site, such access could be designed for.
b) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	The required Master Plan for the site could incorporate new opportunities for public access to and along coastal foreshore areas.
c) the suitability of development given its type, location and design and its relationship with the surrounding area	The proposal provides transitions of residential zones suitable to the surrounding wider area and maintains areas of high environmental significance.
d) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	The proposal will include residential flat building developments up to 11 metres. This is not considered to have adverse impacts on overshadowing of the coastal foreshore or significant loss of views. It is envisaged that amenity, view loss and overshadowing issues will be addressed at the development application stage.
e) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	Areas of high environmental significance and visual prominence will be protected by restricting future development to existing cleared areas.
f) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats	Existing vegetated areas will not be developed. In addition, the proposal nominates the dedication of vegetated areas as National Park and recreation areas.
g) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats	Additional consideration and information is required for environmental approvals regarding dredging for the proposed marina. The area for the proposed marina is identified as high value mudflats and also likely to contain acid sulphate soils.
h) existing wildlife corridors and the impact of development on these corridors,	The proposal nominates development for existing cleared areas and dedication of areas at

Planning Policy	Comment
	the north of the site for National Park.
i) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	As stated in consideration <i>h)</i> above, additional consideration and information is required for environmental approvals regarding dredging for the proposed marina. The area for the proposed marina is identified as high value mudflats and also likely to contain acid sulphate soils.
j) measures to reduce the potential for conflict between land-based and waterbased coastal activities	A majority of the land-water interface will be maintained as recreation areas. For the proposed R2 – low density residential areas, it is expected that the development application process can assist in reducing the potential for conflicts.
k) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	Preliminary studies located several sites of Aboriginal significance. Additional studies will be required and through this appropriate measures can be taken to protect these sites.
l) likely impacts of development on the water quality of coastal waterbodies	Additional studies will be required regarding the impacts of the proposed marina on water quality.
m) the conservation and preservation of items of heritage, archaeological or historic significance	Preliminary studies have identified Aboriginal Heritage sites with further detailed studies required.
n) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	The proposal incorporates various land uses and densities which encourages compactness of urban development.

Section 117 Ministerial Direction Assessment

Relevant Direction	Comment
Employment & Resources	
1.1 Business and Industrial Zones	
<p>The objective of the direction is to encourage employment growth in suitable locations</p>	<p>Consistent</p> <p>The Planning Proposal is requesting the zoning of land adjacent to the M1- Motorway to a B2 - Local Business zone. The land is currently used by RMS and Ambulance services. It is proposed that the site would be developed for a local convenience store/service station available for use by local residents and passing motorists. The proposal will not affect any existing centres as there are no similar centres within Mooney Mooney. The centre will provide local job opportunities and therefore is in accordance with this Direction.</p>
Environment & Heritage	
1.4 Oyster Aquaculture	
<p>The objectives of the direction are:</p> <p>(a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</p> <p>(b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</p>	<p>Consistency to be determined</p> <p>As the Planning Proposal is located on land adjoining Hawkesbury River and Mooney Mooney Creek which are identified oyster growing areas, the Direction is applicable. The Direction requires consultation with the relevant Government Authority and this would occur subsequent to a Gateway Determination.</p>
2.1 Environment 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>Consistent</p> <p>The Planning Proposal involves the proposed zoning of E1 land to be dedicated for National Parks purposes and inclusion in the Popran National Park. This part of the Planning Proposal complies with the S117 Direction</p>

	<p>The Planning Proposal also proposed the zoning of land for residential purposes adjacent to wetland areas and within riparian areas outside the wetland areas associated with the banks of Mooney Creek and the Hawkesbury River. The Planning Proposal as it relates to the riparian areas does not comply with the S117 Direction. However, this may be able to be addressed with a Master Plan required by SEPP 71.</p>
<p>2.2 Coastal Protection</p>	
<p>The objective of this direction is to implement the principles in the NSW Coastal Policy.</p> <p>This direction applies to the coastal zone, as defined in the <i>Coastal Protection Act 1979</i>.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p>	<p>Consistent</p> <p>The land is located within coastal zone and some sections of the land are designated as being a 'sensitive coastal location'.</p> <p>The Section 117 Direction requires consideration of the Planning Proposal against the NSW Coastal Policy. The following sections have application to the Planning Proposal;</p> <p>6.1.2 <i>Local councils will prepare urban land release/ Local Councils settlement strategies prior to major rezonings of rural DUAP land for urban expansion or will ensure that any such rezonings are consistent with endorsed regional settlement strategies.</i></p> <p>This matter was discussed in relation to the Planning Proposal's conformity with the Central Coast Regional Plan.</p> <p>Under the Coastal Design Guidelines the Planning Proposal falls under category of a 'new coastal settlement'.</p> <p><i>'New coastal settlements may range in size from villages to hamlets and include any new subdivisions over 25 lots. They may be located remote from existing settlements or, preferably, related to coastal cities and towns'.</i></p> <p><i>'New coastal settlements are predominantly residential areas. Some settlements also have tourist, retail and commercial uses, such as larger settlements that have a neighbourhood centre with the potential to expand'.</i></p>

	<p><i>'They are located and designed with reference to strategic plans for the local area that respond to the location and size of the adjacent settlements, the environmental constraints of the site and its suitability for urban development'.</i></p> <p><i>'These new settlements offer the opportunity for best practice planning on a neighbourhood and place-based approach that minimises impacts on vegetation clearance, water quality and ecological integrity'.</i></p> <p>The Planning Proposal will be in accordance with the Coastal Design Guidelines.</p>
<p>2.3 Heritage Conservation</p>	
<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>Consistency to be determined</p> <p>The Planning Proposal provides for the protection of identified European heritage identified in the Gosford LEP 2014 and indigenous heritage identified by NPWS.</p> <p>The Planning Proposal will need to address the impacts of the zoning of land that the items are located on or in the vicinity of, upon the heritage value and meaning of these items. The residential development of Peat Island requires the filling of approximately half the island with 2m of fill. This fill will impact upon a number of 'significant' items of heritage such as the Norfolk Island pines.</p> <p>Some European heritage items have been identified as 'significant' by the applicant and are proposed to be protected. Other items which are similarly classified are not proposed to be protected. Clarification of the status of these items is required as part of future work undertaken on an amended Planning Proposal. The applicant's consultant has stated that a 'Conservation Management Plan' be prepared for Peat Island.</p> <p>The applicant has further identified that additional investigation needs to be undertaken in relation to potential Aboriginal sites in the Mooney Mooney west precinct and on the former Mooney Mooney School site in the Mooney Mooney east precinct, where unrecorded engravings have been</p>

	identified. The applicant's consultant has stated that the 'due diligence guidelines stipulate that further archaeological investigation of the study area is required.'
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>Consistent</p> <p>Water and Sewer infrastructure is capable of being provided to the land subject of the Planning Proposal. It has been identified that additional studies are required to determine the exact water and sewer infrastructure requirements and these studies will need to be undertaken prior to any development taking place. Any Planning Proposal / Local Environmental Plan for the land would need to require that Council be satisfied that the subject land can be appropriately serviced before development can occur.</p>
3.3 Home Occupations	
<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>Consistent</p> <p>The proposal does not impact on the permissibility of home occupations.</p>
3.4 Integrating Land Use & Transport	
<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>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</p>	<p>To be determined</p> <p>The residential development is dependent on its accessibility to the M1 - Motorway. New residents in the area will be primarily reliant on vehicle use for access to employment, recreational, social and shopping activities. Most of those trips/journeys will be to locations south of the land in the Hornsby Shire and beyond. Particular attractors will be Berowra and Hawkesbury River Railway Stations.</p> <p>The Planning Proposal provides the opportunity to improve transport and pedestrian links within the local Mooney Mooney area. The Planning Proposal will result in improved cycling and</p>

<p>tourist purposes.</p>	<p>pedestrian access through the provision of better facilities associated with development.</p> <p>The zoning of land for business purposes is primarily designed to take advantage of existing passing trade on the M1 Motorway with a relatively small amount of use by local residents. The centre will not generate a transport demand in itself. The location of the centre will not influence the movement of traffic in the area but take advantage of existing traffic flows. Freestanding isolated convenience store retailing on the M1 Motorway has not generally been supported by the RMS. The Proposal will need to be forwarded to RMS after a Gateway Determination for its consideration.</p> <p>The additional population will assist in providing further support for the existing infrequent local public bus service.</p>
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Hazard & Risk

4.1 Acid Sulfate Soils

<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>Consistency to be determined</p> <p>The land is identified by Council mapping as containing Acid Sulphate Soils. The majority of the site falls within Class 5 (least impacted) with the exception of Peat Island and land adjacent to Peat Ferry Road which is identified as Class 2. In accordance with the guideline an 'Acid Sulphate Soils Study' will need to be undertaken if a Gateway Determination is provided.</p>
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4.3 Flood Prone Land

<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, to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>To be determined</p> <p>Portions of the land are subject to flooding. The land is located in a floodway as defined in the NSW Government Floodplain Development Manual. A significant portion of Peat Island is located below the 1%AEP. The applicant has identified the need to fill areas of the wider site which has been identified as appropriate for proposed future development.</p> <p>Flood evacuation measures are nominated to rely</p>
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	on assistance from the SES and adequate warning time facilitating early evacuation of Peat Island.
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>Consistency to be determined</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. 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>Should Council and DP&E support the planning proposal, then the gateway determination would require consultation with the Rural Fire Service.</p>
Regional Planning	
5.10 Implementation of Regional Plans	
<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the secretary), that the extent of inconsistency with the Regional Plan:</p> <ul style="list-style-type: none"> (a) is of minor significance; and, (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions. 	<p>Consistent</p> <p>The proposal has been assessment against the actions of the Central Coast Regional Plan and is generally consistent with the document.</p>

Local Plan Making

6.2 Reserving Land for Public Purposes

Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

Consistent

The Planning Proposal recommends that land be zoned E1- National Parks and Nature Reserves to be included in the Popran National Park and that other land proposed for recreation uses be zoned RE1 – Public Recreation. The Direction provides that zoning land for public requires the approval of the public authority (National Park and Wildlife Service and Council) and the Director - General of the Department of Planning and Environment. The land proposed for inclusion in the Popran National Park is to be dedicated to the National Parks and Wildlife Service, although no indication has been provided from NPWS at this stage that they wish to have the land included in the Park. National Parks and Wildlife Service will need to be consulted after the Gateway Determination to determine if they wish to receive the land.

Matters associated with dedication of any land to Council, will need to be dealt with as part of a Voluntary Planning Agreement (VPA) that has been suggested by the applicant that would be prepared between Council and the State Government.

6.3 Site Specific Provisions

Aims to discourage unnecessarily restrictive site specific planning controls.

Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.

Consistent

While a Development Application is yet to be lodged, the proposed zonings indicate that dry stack berthing in the proposed RE2 (which requires an Additional Permitted Use).

It is proposed that the relevant LEP mapping be updated only subsequent to this proposal and not include additional development standards.

Community Strategic Plan Assessment

CSP Objective	Consistency
A2.3 - Promote opportunities for a range of local cultural and recreational activities.	<p>Consistent</p> <p>The Indicative Concept Plan includes a range of community and recreational uses as well as a new marina. There is also opportunity for improved pedestrian and cycle access through the area which will increase opportunities for people to enjoy the scenic qualities of the site and broader Hawkesbury River area.</p>
A3.2 – Provide services and activities to support a balanced lifestyle.	<p>Consistent</p> <p>The proposal sets aside land to be used for public open space, which capitalises on the site’s waterfront setting. It is envisaged that a VPA will be utilised for the transfer of land for public recreation purposes. It is also proposed to rezone and dedicate significant bushland for environmental protection.</p>
A3.3 – Improve access to community services, programs and facilities	<p>Consistent</p> <p>The proposal includes the retention and/or relocation of a number of community facilities on the site. The applicant advised that “the dedication of land for community facilities will provide the opportunity for the development of a multi-purpose community centre for public use, which will provide significant benefit to the local community”.</p>
A3.4 – Increase the availability of appropriate housing.	<p>Consistent</p> <p>The proposal will contribute to the available supply of housing within the LGA and importantly will provide an opportunity for a more diverse range of housing typologies to be developed.</p>
A4.1 – Enhance the character of our local area through good design	<p>To be determined</p> <p>It is anticipated that a site specific DCP will be required to guide the design of future development of the site.</p>
A4.2 - Provide opportunities for enjoyment of	<p>Consistent</p>

CSP Objective	Consistency
community spaces and places	Redevelopment of the site provides an opportunity to improve quality community spaces and places and provide genuine publicly accessible open space within the site, primarily on the foreshores. Public access is proposed along the western foreshore and Peat Island (which is currently not available and is considered desirable from the community). This is a unique opportunity to revitalise surplus government land that can become the 'gateway' to the Central Coast and provide for a potential demand for river-related uses, in particular boat storage.
A5.3 Ensure health and emergency services are well supported and meet community needs.	Consistent Provision has been made for emergency services (RMS, NSW Ambulance, and Rural Fire Service facilities) to remain at the site.
B1.1 Identify and conserve areas of conservation value	Consistent The Planning Proposal seeks to rezone and dedicate high conservation land to E1 – National Parks and RE1 – Public Recreation.
B6.3 – Plan for population growth within existing development footprints	Consistent The rezoning provides an opportunity to deliver new housing within a site that has previously been developed and that will have community facilities, open space and local convenience retailing.
C1.4 Promote tourism to the region.	Consistent It is proposed to rezone Peat Island to SP3 – Tourist which can provide for and promote tourism to the region. It has the potential to contribute positively to the image of the Central Coast by defining Mooney Mooney as the gateway to the region.