

Department of Planning and Environment

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Response to Submissions Report - Lake Munmorah Planning Proposal

PP-2021-917

October 2022



Acknowledgement of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the Darkinyung lands on which we live and work and pays respect to Elders past, present and future.

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Executive Summary

The Department of Planning and Environment (DPE) has exhibited a planning proposal (PP-2021-917) for land in Lake Munmorah and Crangan Bay in the Central Coast Local Government Area (LGA). The site is owned by the Darkinjung Local Aboriginal Land Council (LALC) and this planning proposal (PP) aims to enable residential development, land for recreational purposes and to conserve residual land for environmental protection purposes.

The DPE exhibited the PP on the NSW Planning Portal over a four-week period from 22 April 2022 to 24 May 2022. A total of 24 submissions were received, comprising:

- 13 submissions from community members, including 45 proforma submissions from First Nations community members compiled and submitted by the Darkinjung LALC (recorded as a single community submission in this list as each submission is generally the same);
- 2 submissions from the Central Coast Council (Council), one from Council's Strategic Planning Unit and one from Council's Economic and Property Unit;
- 2 submissions from industry groups:
 - Pacific Link
 - Business NSW
- 7 submissions from Federal (1) and State and agencies (6):
 - Regional Development Australia;
 - Landcom;
 - Heritage NSW;
 - Biodiversity and Conservation Division of DPE;
 - Mining, Exploration and Geoscience, Geological Survey of NSW;
 - Transport for NSW; and
 - School Infrastructure NSW.

Sentiment towards the PP was mixed, with 9 submissions objecting to the PP (41%), all of which were received from community members, 7 submissions were neutral to the proposal (29%), which were received from 1 x community member, Council's Strategic Planning Division and state agencies, and 8 submissions supported the proposal (33%) which were received from industry groups, state agencies, 3 x community members, Council's Economic and Property Division and 45 x proforma submissions received from community members using the Darkinjung LALC submission template (recorded as 1 x community submission).

The common themes raised included:

- Improvement of housing supply and affordability: 8 submissions (33%)
- Adverse ecological impacts to flora and fauna: 7 submissions (29%)
- Promotion of the self determination of First Nations people: 4 submissions (17%)
- Identified consistency with existing strategic planning framework: 4 submissions (17%)
- Support for the provision of additional residential land in an area close to schools: 4 submissions (17%);

- Support for the implementation of recommendations supported by technical assessments: 4 submissions (17%);
- The PP will result in adverse impacts on traffic and congestion: 4 submissions (17%); and
- There is insufficient infrastructure provision: 4 submissions (17%)

This report summarises the submissions received and provides a response to the matters raised. Minor amendments to certain PP documents have occurred to address certain matters. The amended documents are the following:

- Northrop have prepared an updated Stormwater, Flooding and Servicing Report to address matters raised by Council relating to sewer management.
- Intersect Traffic have prepared a response to the community matters raised relating to traffic and congestion.
- The draft DCP has been amended to address the Council comments.

Further, DPE's Biodiversity and Conservation team has also provided comments in this report on matters relating to ecological impacts.

1 Introduction

1.1 Purpose and structure of the submissions report

The Department of Planning and Environment (DPE) has exhibited a Planning Proposal (PP-2021-917) for land in Lake Munmorah and Crangan Bay in the Central Coast Local Government Area (LGA). The site is owned by the Darkinjung Local Aboriginal Land Council (LALC) and this PP aims to enable residential development and conserve residual land for environmental protection purposes on the site.

The DPE exhibited the PP on the NSW Planning Portal over a four-week period from 22 April 2022 to 24 May 2022. A total of 24 submissions were received, comprising:

- 13 submissions from community members, including 45 proforma submissions from First Nations community members compiled and submitted by the Darkinjung LALC (recorded as a single community submission in this list as the content is generally the same);
- 2 submissions from the Central Coast Council (Council), one from Council's Strategic Planning Division and one from Council's Economic and Property Division;
- 2 submissions from industry groups:
 - Pacific Link
 - Business NSW
- 7 submissions from Federal (1) and State agencies (6):
 - Regional Development Australia;
 - Landcom;
 - Heritage NSW;
 - Biodiversity and Conservation Division of DPE;
 - Mining, Exploration and Geoscience, Geological Survey of NSW;
 - Transport for NSW; and
 - School Infrastructure NSW.

This Response to Submissions Report provides a response to the key matters raised in submissions during the public exhibition period and an overview of the proposed amendments to the PP based on this feedback. An overview of all submissions is discussed in further detail in **Section 2** of this report.

1.2 Planning proposal description

The Darkinjung LALC have a significant land holding at 405-415 Pacific Highway Lake Munmorah and 425 Pacific Highway Crangan Bay. This PP seeks to rezone the land suitable for future development from C2 Environmental Conservation and C3 Environmental Management under the Central Coast Local Environmental Plan 2022 to R3 Medium Density Residential, R1 General

Residential and RE1 Public Recreation. The areas not suitable for development are proposed to retain or acquire a C2 Environmental Conservation zoning.

As the proponent is the Darkinjung LALC, the PP also seeks to give effect to Chapter 3 (Aboriginal Land) of the *State Environmental Planning Policy (Planning Systems) 2021* and the *Interim Darkinjung Development Delivery Plan (IDDDP)* to support social outcomes and economic self-determination for the local Aboriginal community. The intended outcomes of the proposal are to:

- enable urban development of the site;
- protect environmentally and culturally significant land;
- provide public recreation areas;
- ensure satisfactory arrangements are in place for designated State infrastructure; and
- support the economic self-determination of the Darkinjung Local Aboriginal Land Council and community.

A map of the proposed land zoning sought facilitated by the PP is provided at **Figure 1**.

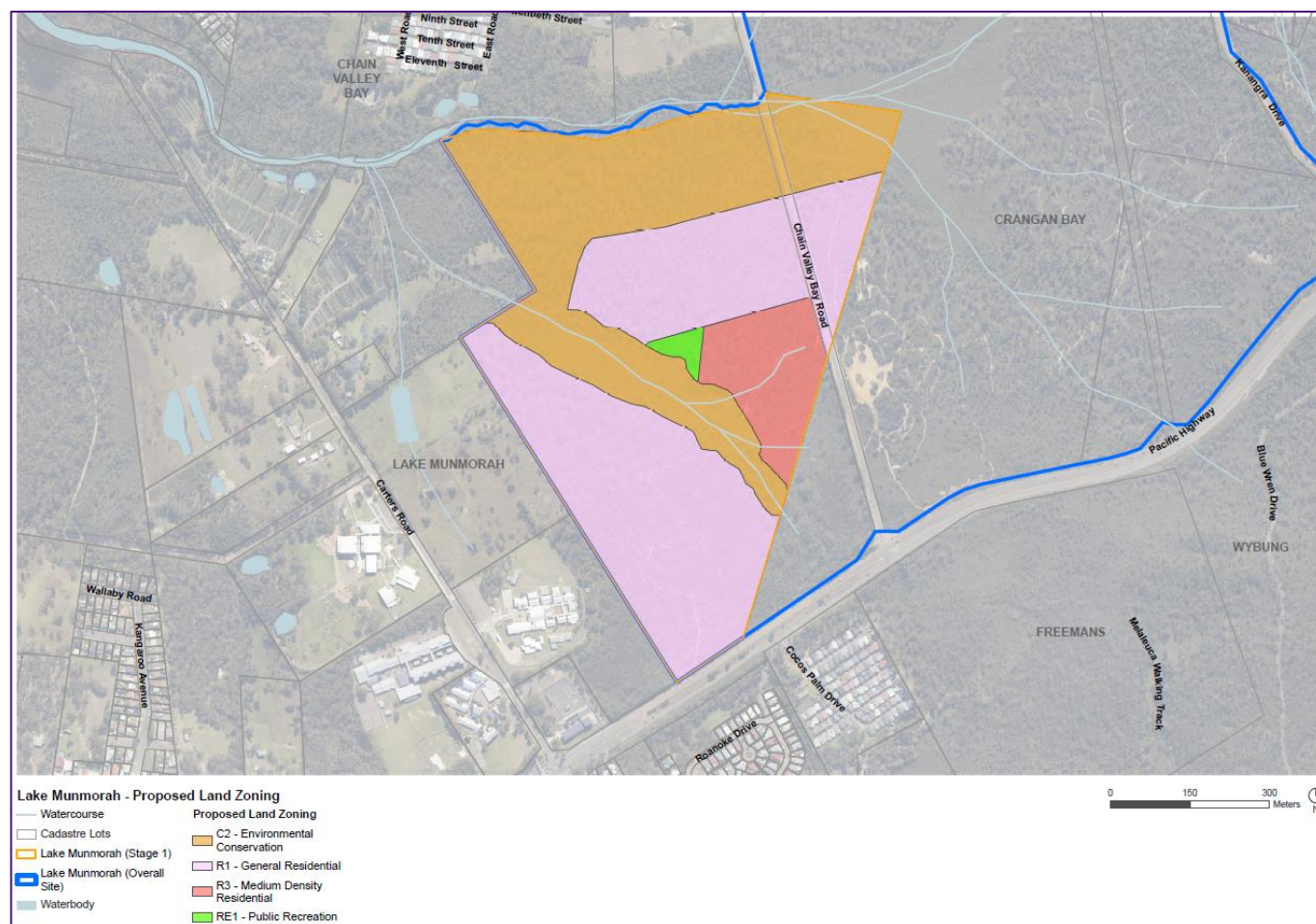


Figure 1. Proposed Land Use Zoning Map

Source: Darkinjung LALC

1.3 Public exhibition details

Public exhibition commenced on 22 April 2022 and concluded on 24 May 2022 on the NSW Planning Portal. Submissions were received and recorded on the Planning Portal. A total of 24 submissions were received.

2 Overview of Submissions

A total of 24 submissions were received during exhibition from the following:

- 13 submissions from community members, including 45 proforma submissions from First Nations community members compiled and submitted by the Darkinjung LALC (recorded in this list as one community submission);
- 2 submissions from the Council, one from the Strategic Planning Division and one from the Economic and Property Division;
- 2 submissions from industry groups:
 - Pacific Link
 - Business NSW
- 7 submissions from Federal (1) and State agencies (6):
 - Regional Development Australia;
 - Landcom;
 - Heritage NSW;
 - Biodiversity and Conservation Division of DPE;
 - Mining, Exploration and Geoscience, Geological Survey of NSW;
 - Transport for NSW; and
 - School Infrastructure NSW.
- 3 submission were also received from State agencies prior to exhibition commencing:
 - NSW Rural Fire Service (2 Dec 2021)
 - Ausgrid (7 April 2015)
 - Subsidence Advisory NSW (25 May 2021)

The following sentiment was recorded:

- 9 submissions from community members objected to the proposal (38%);
- 7 submissions were neutral to the proposal (30%), which were received from 1 x community member, the DPE's Biodiversity and Conservation Division, Heritage NSW and from the Council's Strategic Planning Division;
- 8 submissions supported the proposal (33%) which were received from industry groups, Regional Development Australia, Landcom, 2 x community members, the Council's Economic and Property Division and the 45 proforma submissions received from the Darkinjung LALC (recorded as 1 x community submission).

The most common themes raised in the submissions objecting to the PP included

- Adverse ecological impacts to flora and fauna: 7 submissions (29%)
- Adverse impacts to traffic and congestion: 4 submissions (17%)
- Lack of infrastructure provision: 4 submissions (17%)

The most common themes raised in the submissions supporting the PP included

- Improvement of housing supply and affordability: 8 submissions (33%)
- Support for the promotion of the self determination of First Nations people: 4 submissions (17%)
- Alignment with the existing strategic planning framework: 4 submissions (17%)
- Support for the provision of additional residential land in an area close to schools: 4 submissions (17%); and
- Support for the implementation of recommendations supported by technical assessments: 4 submissions (17%).

3 Key Feedback and Responses

3.1 Community submissions

A total of 13 community submissions were received. The community submissions were reviewed and summarised into key matters. The key matters identified within these submissions were:

- Ecological impacts to flora and fauna: 8 submissions
- Infrastructure provision and future requirements: 4 submissions
- Traffic and congestion: 4 submissions
- Social impacts of additional residential development: 2 submissions
- Housing affordability: 2 submissions
- Contamination and public health: 1 submission
- Cumulative impacts of the Lake Munmorah PP and other nearby rezonings: 1 submission
- Streetscape presentation: 1 submission
- Land title: 1 submission
- Aboriginal cultural heritage: 1 submission
- Support and self-determination for local First Nations people: 1 submission
- Coordination of government services with Darkinjung: 1 submission
- Economic benefits: 1 submission

These matters are described and responded to below.

3.1.1 Ecological impacts to flora and fauna

Matters raised

- General concern was raised regarding the impacts of the PP on native flora and fauna and the health of the local ecological environment. Most submissions did not specify details.
- One submission identified that the biodiversity corridor is important to preserving the swift parrot and its Swamp Mahogany tree habitat. It identified that the PP does not provide sufficient details on the preservation of the Swamp Mahogany tree in the corridor.
- One submission considered the PP sufficiently addresses the avoidance and mitigation of biodiversity impacts.

Response to general concerns and Swift Parrot

DPE's Biodiversity and Conservation team advise that no further action is required at this stage. The biodiversity assessment of the proposal is based on the Biodiversity Assessment Methodology (BAM) prepared by DPE in 2020. If the PP is gazetted, at a future stage it will be required to retire the number and class of biodiversity credits set out by the BAM to offset the impacts of the development.

3.1.2 Road upgrades, traffic impacts and congestion

Matters raised

The submissions received raised general concerns about the PP's impact on traffic and congestion. In addition, the following matters were specifically identified.

- One submission identified the potential negative impacts to Carters Road traffic arising from the PP and the concentration of four schools (St Brigid's Catholic College, St Brendan's Catholic Primary School, Lake Munmorah High School and Lake Munmorah Public School) and one preschool being serviced by one road.
- One submission identified negative cumulative impacts to traffic and congestion on Deakin Avenue, Chisholm Avenue, Tall Timbers Road and the nearby Woolworths.
- Two submissions recommend a road is constructed connecting the site and Carters Road to provide alternative access into Carters Road and Chain Valley Road.
- One submission recommends a school zone including safe footpaths and fencing is established on the Pacific Highway.

Response

The DPE understands that the PP will increase traffic in Lake Munmorah and its surrounds. The PP, together with other planning proposal from nearby sites, require an intersection upgrade to the existing intersection at Pacific Highway and Chain Valley Bay Road. It is understood that the proponent is involved in discussions and negotiations with Transport for NSW regarding the intersection upgrade at Pacific Highway and Chain Valley Bay Road.

The Intersect Traffic response to the public submissions is summarised below.

Impacts to Carters Road and the school precinct and impacts on Deakin Avenue, Chisholm Avenue and Tall Timbers Road

- Council engaged GHD to undertake a traffic and transport impact assessment of the local road network which included traffic generated by future development including development facilitated by the PP. The GHD report recommends road and intersection upgrades that will mitigate congestion from the future development of the Lake Munmorah area.
- Intersect Traffic is of the opinion that Council has sufficient information to plan appropriate road and intersection upgrades or determine appropriate development contributions at DA stage. The impacts of the road and intersection upgrades would be reviewed at DA stage via an updated traffic impact assessment.

Congestion on surrounding roads

- The PP's Traffic Impact Assessment concluded that the local and state road network has sufficient capacity to cater for the proposed development subject to upgrading the Pacific Highway/Chain Valley Bay Road intersection. The proposed cost and design of the future upgrade will be shared with nearby landowners who also have PPs, and will be implemented through a voluntary planning agreement or other arrangement with Transport for NSW.

Additional footpath and cycleways and alternative vehicular access to the site from Carters Road

- The provision of additional cycle and pedestrian facilities on the existing and future road network is a separate matter for Council to determine and it would be expected that such facilities be required by condition of consent and a works-in-kind agreement at DA stage.
- The PP proposes that the Chain Valley Bay off road shared cycleway/pedestrian path is extended through the site to Carters Road. It is noted that at this stage there are no plans by Darkinjung to extend Carters Road to the site or to Tall Timbers Road. The provision of additional cycle and pedestrian facilities would be further reviewed within an updated traffic impact assessment report at DA stage as the detailed development plans are finalised.

Pedestrian footpaths and school zone

- The provision of a school zone along the Pacific Highway is not proposed by the PP. If it is determined by either Council or TfNSW that a school zone is required in the future, it can be co-ordinated with the appropriate stage of any future development.

The Traffic Impact Assessment report was further updated on 10 October 2022 to include a sensitivity scenario for total yield of 490 and 755 dwellings. The report concluded that the local and state road network currently has sufficient spare two way mid-block capacity to cater for the traffic generated by the development for at least up to 755 dwellings and other known developments in the area. These scenarios do not adversely impact current levels of service experienced by motorists mid-block on the local and state road network.

3.1.3 Infrastructure provision and future requirements

Matters raised

Submissions identified general concern that there is insufficient infrastructure in place and/or proposed to accommodate the future density. In addition, the following matters were specifically identified.

- One submission identified that stormwater requirements have not yet been specified and raised the example of Glenning Valley stormwater management which has not sufficiently accounted for sediment loads.
- One submission identified that telecommunications infrastructure has not been detailed.

Response

The PP proposes to map the site as an Urban Release Area under clause 6.1 of the Central Coast Local Environmental Plan 2022 (CCLEP 2022). Clause 6.1 requires that development consent must not be granted for the subdivision of land in an Urban Release Area unless satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

Therefore, arrangements are to be made for public infrastructure to service future subdivided lots, with these details to be provided to the satisfaction of Council prior to development consent for subdivision and increased density. In this regard:

- The Stormwater, Flooding and Servicing Report prepared for the PP confirms water supply is available to the site, while an additional pump station and rising main works are likely to be required to meet wastewater requirements. This will be funded by Darkinjung, and any other landowners benefitting, and is likely to be dealt with via a future DA rather than VPA.
- Darkinjung LALC has engaged with Central Coast Council on the provision of local infrastructure to be addressed through a future planning agreement at the DA stage. Darkinjung LALC will also be subject to the Northern Districts Development Contributions Plan 2013, or any updated version of the plan that is in force when Darkinjung proceeds with their DA.
- The provision of active RE1 Public Recreation land will be in accordance with the Central Coast Council Detailed Provision Framework for Public Open Space for Recreation and Sport. Detail on the sizing of the open space area will be subject to further discussion with Council.

Council's Water and Sewer Directorate reviewed the impact of potential lot yield in the order of 490 to 755 residential dwellings, with a mixture of low and medium density residential lots. The review concluded that there is no issue with the larger potential lot yield from a water supply perspective as the preferred Water Supply Strategy makes connection to existing trunk water mains at the adjoining Pacific Highway.

The required sizing of the connections between Council's existing trunk water mains and the future local reticulation mains will be undertaken by the proponent as part of preparing future Development Applications and Section 305 Water Management Act applications.

3.1.4 Social impacts of additional residential development

Matters raised

- One submission raised concerns that additional low-cost housing will increase crime rates and reduce house values and suggested that Morriset with established rail connections, industrial land and retail would provide better employment opportunities.
- One submission identified that the socio-economic impacts of additional low-cost housing has not been considered.

Response

Future development of the site will be open to the market for purchase and leasing. The Social Impact Assessment (SIA) accompanying the PP states that the longer-term increase in residents in the area is likely to stimulate additional economic activity and employment as businesses respond to meeting the demand for the additional goods and services these households would create. The SIA also states that there would be positive impacts on the construction industry with employment provided during development.

3.1.5 Contamination and public health

Matters raised

One submission raises concern that the site is subject to potential Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) contamination and health impacts from historical ash dams and has raised chronic health issues in the region that warrants a health risk assessment.

Response

The Preliminary Site Investigation prepared by Douglas Partners that accompanied the PP did not identify PFAS, fly ash or asbestos as potential sources of contamination.

With regard to PFAS, the NSW Legislative Council Public Works Committee held an inquiry into the “Costs for remediation of sites containing coal ash repositories” during 2019. A final report was published on 17 September 2021 and the NSW Government has now responded to the recommendations and outlined the action it will take. The details of the inquiry, including reports and submissions, and the NSW Government response can be found at <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2556>

3.1.6 Cumulative impacts of the Lake Munmorah PP and other nearby rezonings

Matters raised

One submission contends that planning proposals are assessed in isolation and do not consider assessment of cumulative impacts and other externalities. No further detail provided.

Response

The PP has been prepared to address the relevant considerations outlined in the DPE's *LEP Making Guideline*. The Guideline requires PPs to appropriately address all potential environmental impacts. Notwithstanding matters raised during the exhibition period, the PP and its supporting documentation has addressed the relevant considerations.

State and local strategic plans have been developed to guide future growth across the broader Central Coast LGA. These include the North Wyong Structure Plan 2012, the Central Coast Regional Plan 2036, the Draft Central Coast Regional Plan 2041, the Interim Darkinjung Development Delivery Plan, and the Central Coast Local Strategic Planning Statement.

Section B of the PP demonstrates that the PP is consistent with the strategic direction for the land and has merit. As such, the cumulative impacts of the PP in relation to future development in the area are consistent with the expectations established by the strategic planning framework.

3.1.7 Streetscape presentation

Matters raised

One submission identifies the need to consider positive streetscape presentation, a landscaped buffer and choice of a consistent design of well-maintained fencing.

Response

Matters relating to streetscape presentation and landscaping will be addressed at DA stage. In the absence of controls relating to fencing and landscaping in the draft DCP, the relevant controls contained in Chapter 2 of the Central Coast Development Control Plan 2022 (CCDCP 2022) will apply to the site.

3.1.8 Land title

Matters raised

One submission does not recognise the Darkinjung LALC's ownership of land title for the site.

Response

Matters relating to disputes over land ownership and title are not a planning matter for further consideration and the submitter is encouraged to discuss the matter directly with the NSW LALC.

3.1.9 Housing affordability

Matters raised

Two submissions support the PP and identify that it provides opportunities to increase residential land supply and improve housing affordability. One submission identified that the PP provides an opportunity for First Nations people on the Central Coast to own property.

Response

Page 12 of the PP identifies its consistency with the NSW Housing Strategy in specifically providing *“housing that is diverse and meets varied and changing needs by incorporating general residential and medium density residential zoning.... [and] providing housing that is affordable and secure by providing new housing opportunities”*.

3.1.10 Aboriginal cultural heritage

Matters raised

One submission identifies that it believes all impacts to Aboriginal cultural heritage have been considered, with no cultural sites in the development site.

Response

The Aboriginal Cultural Heritage Assessment prepared by Heritage Now accompanying the PP reaches this conclusion, while noting that two cultural sites are identified in C2 zoned land, this area is not identified for any future development facilitated by this PP.

3.1.11 Support and self-determination for local First Nations people

Matters raised

One submission identifies that Darkinjung can invest proceeds into services and supporting home ownership for Aboriginal people in the Central Coast and that the *Aboriginal Land Rights Act 1983* and the NSW Aboriginal Land Planning Framework supports the economic self-determination of First Nations people.

Response

The PP gives effect to Chapter 3 (Aboriginal Land) of the *State Environmental Planning Policy (Planning Systems) 2021* and the IDDDP by supporting positive social outcomes and economic self-determination for the local Aboriginal community.

3.1.12 Coordination of government services with Darkinjung

Matters raised

One submission supports greater coordination between Darkinjung and government agencies.

Response

Darkinjung has engaged with government agencies in accordance with the requirements of the LEP plan making process.

3.1.13 Economic Benefits

Matters raised

One submission recognises that the economic benefits of PP will support economic recovery from COVID-19.

Response

Page 20 of the PP identifies that it will facilitate economic development outcomes which will help empower the community, including First Nations people, to develop culturally, socially, and economically.

3.2 Central Coast Council – Strategic Planning

Council's Strategic Planning Division prepared a submission which has been summarised into the following key matters:

- Consistency of documentation;
- Suitability of the proposed R3 zoning;
- Details of movement patterns on the site;
- Suitability of the draft DCP;
- Council involvement in assessment and approval of road upgrades;
- Sewer and water servicing;
- Land dedication;
- Planning Agreements; and
- Ecological impacts.

Responses to each matter are provided below.

3.2.1 Consistency of documentation

Matters raised

Council has identified inconsistencies between the planning proposal report and the Structure Plan. Council notes that page 19 of the Structure Plan report *"indicates the residential component across the entire site is R2 Low Density Residential, however the Planning Proposal shows an area of R3 Medium Density Residential."*

Response

The Structure Plan report was prepared in 2020 and proposed urban design principles to inform future structure plan and potential zoning options.

The planning proposal has been subsequently amended to align with an updated strategic planning framework including the draft Central Coast Regional Plan 2041 (2021) which seeks to provide greater housing diversity and density within urban and suburban contexts.

The amended planning proposal, which includes a partial R3 zoning, is consistent with the Structure Plan report's urban design principles including maintaining the biodiversity corridor, providing a central active recreational open space, access to local community facilities and the creation of four distinct residential neighbourhoods.

3.2.2 Suitability of the proposed R3 zoning

Matters raised

Council submits that there is little justification to apply an R3 Medium Density Residential zone to the site given its location and limited public transport options. Rezoning the site to R2 Low Density Residential would deliver a housing outcome which would be more suitable to the northern most portion of the LGA.

Response

The proposed R3 zoning for the site is consistent with the strategic planning direction for the site and has been developed in consultation with the DPE.

Section B of the PP has demonstrated it has strategic merit and consistency with the North Wyong Structure Plan 2012, the Central Coast Regional Plan 2036, the Draft Central Coast Regional Plan 2041, the Interim Darkinjung Development Delivery Plan, and the Central Coast Local Strategic Planning Statement. Page 6 of the PP identifies that *"The site constraints justify the anticipated [overall] density of about 13 dwellings per hectare, which is lower than the Draft Central Coast Regional Plan's definition of optimal density of 50-75 dwellings per hectare of developable land."* This provides a significantly lower density of dwellings on the site and recognises the ecological values of the site which are to be retained as part of this PP for environmental conservation purposes.

The proposed R3 zoning provides flexibility in development outcomes and allows for medium density typologies to be developed in a relatively small area of the site. As such, the zoning of the PP is suitable for the site and its context within the Central Coast LGA.

3.2.3 Details of movement patterns on the site

Matters raised

Council state that the proposal and structure plan provide no clear indication of movement patterns through the site, how the proposal links to surrounding sites or interfaces with adjoining land. The structure plan also shows green links running along the Pacific Highway and through the proposed residential area however these are not reflected on the zoning map.

Response

The structure plan is indicative and intended as a guide during future development assessment stage. The structure plan is not intended to be final ensuring there is flexibility to achieve desired outcomes following further detailed investigations and subdivision design.

The indicative structure plan provides for movement through the site and proposes potential future connections to adjoining land should they be developed in the future.

The green links along the Pacific Highway are indicative and subject to further investigation at the development application stage. The proposed residential zoning provides flexibility for the final design of the development and does not prevent the establishment of green links should they be accepted by Council.

The indicative structure plan shows potential road links and connections, including a through-site link capable of connecting to Carters Road. The proposal is not yet at the stage of subdivision design where internal road locations are known. Detail on internal connections will be developed through subdivision design. The green link corridors connecting to the west and buffer to the Pacific Highway are not intended to be formal open space areas, or zoned RE1 Public Recreation, and will be matters addressed through subdivision design.

3.2.4 Suitability of the draft DCP

Matters raised

Council seek a number of revisions to the draft DCP submitted as part of the PP. These revisions include:

- Providing a clear link between the objectives of the DCP and the controls proposed;
- Revision of the drafting of Section 1.2 Character Statement;
- Clarification if the draft DCP is intended as a State DCP or is it to form part of the Central Coast; and
- Additional matters to be covered, which include:
 - Character
 - Transport network
 - Water management
 - Biodiversity conservation
 - Heritage conservation
 - Open space
 - Housing

- Neighbourhood plans

Response

The draft DCP will be made by the Planning Secretary and supplement provisions within the Central Coast DCP 2022. The draft DCP references relevant sections of Council's comprehensive DCP as applicable to the site unless inconsistent with specific provisions of the draft DCP.

The exhibited version of the DCP has been amended to address and/or incorporate the comments from Council in relation to character, transport network, water management, biodiversity conservation, and open space.

The DCP has not been amended in relation to:

- Heritage conservation as known Aboriginal cultural heritage sites are protected within environmental conservation areas.
- Housing as existing provisions within the Central Coast DCP 2022 are adequate.
- Neighbourhood plans as there will be one neighbourhood to result from the proposal.

3.2.5 Council involvement in assessment and approval of road upgrades

Matters raised

Council seek involvement in the assessment, development and approvals of the road, intersection and path networks, particularly due to the increased likelihood of vulnerable road users (pedestrians and cyclists) due to the proximity of numerous schools. Although the road network may geometrically comply to accepted guidelines, these guidelines do not specifically address increased crash risk or guarantee safe systems if the road, paths & intersections designs comply to the guides.

Response

Comments and input will be sought from Council when development consent for roads, intersections and path networks are sought at DA stage. Darkinjung is to develop an internal road system which is compliant with all relevant Australian Standards and State and local requirements.

3.2.6 Sewer and water servicing

Matters raised

Council identified the following specific matters in relation to sewer and water servicing:

- "the design report adopts an old Public Work loading factor which is different to Council adopted loading factor of 0.0067. This will need to be updated in the report as this will influence the detail pump station design"
- Detailed investigation will be required for the suitability of the Mannering Park treatment plant at DA stage, with additional inlet connections may be incurred at the cost of the proponent.
- The replacement of the water trunk along the Pacific Highway may be required subject to the detail design of the proposed upgraded intersection at Chain Valley Bay Road.

Response

- The proponent has updated Section 5 of the Stormwater, Flooding and Servicing Report to reflect the revised Public Work loading factor of 0.0067.
- Connections to Mannering Park sewer treatment plant will be investigated at DA stage. An indicative layout of the proposed sewer servicing layout is provided in Appendix C of the updated Stormwater, Flooding and Servicing Report.
- Further consideration of the replacement of the water trunk main along the Pacific Highway is noted subject to detailed design at DA stage.

The Water Assessment team within Council's Assets and Planning Section reviewed the impact of potential lot yield in the order of 490 to 755 residential dwellings, with a mixture of low and medium density residential lots.

The review concluded that there is no issue with the larger potential lot yield from a water supply perspective as the preferred Water Supply Strategy makes connection to existing trunk water mains at the adjoining Pacific Highway.

The required sizing of the connections between Council's existing trunk water mains and the future local reticulation mains will be undertaken by the proponent as part of preparing future Development Applications and Section 305 Water Management Act applications.

3.2.7 Land dedication

Matters raised

Council requires further information on the land proposed to be zoned RE1 to be dedicated to Council, specifically the future uses and embellishment to be provided and vehicle access points to the RE1 site.

Response

The provision of active RE1 Public Recreation land will be in accordance with the Central Coast Council Detailed Provision Framework for Public Open Space for Recreation and Sport.

The size of the proposed RE1 zone (~2.2ha) will be subject to further consideration as Council advised that only 0.5ha is required under Council's Open Space Guidelines. Since Council's submission, Darkinjung LALC have held discussions with Council in relation to the RE1 site, including the size of open space area required. An open space area of 0.5ha will be provided for dedication and will include a play space which caters for ages 0-12 years, with lighting, constructed and grown shade as well as picnic tables and seating. The design of the park will be subject to further consultation with Council and delivered via a voluntary planning agreement or condition of development consent

3.2.8 Planning Agreements

Matters raised

Council identify that the Northern Districts Development Contributions Plan has not considered the impact of this PP.

Council understand that a letter of offer to enter a Planning Agreement has been received by Council, however this may need to be revised in line with the revised PP and negotiations would need to commence regarding the drafting of the Planning Agreement.

Response

An updated letter of offer to enter into a voluntary planning agreement has been provided by Darkinjung LALC to Council, and local infrastructure will be provided through a future voluntary planning agreement. This will also include works to be carried out through conditions of consent for future development and the payment of contributions as required under the Northern Districts Development Contributions Plan 2013, or any updated version of the plan that is in force when Darkinjung LALC proceeds with their DA.

It is understood that Council is currently reviewing the contributions plan and is expected to finalise the review by the end of 2022 prior to the anticipated timeframe to finalise the planning proposal (i.e. 17 December 2022).

It should be noted that the PP was lodged in 2014 and Council resolved to adopt the PP in 2015. This represents 9 years in which Council has had the opportunity to update the Northern Districts Development Contributions Plan.

3.2.9 Ecological considerations

Matters raised

Council have identified matters relating to the following:

- Regional corridor
- The site provides connectivity to surrounding conservation areas
- Notes that the Department's Biodiversity and Conservation Division has previously recommended a 500m minimum corridor width in this area
- States that the corridor assessment completed by Umwelt in June 2020 has a number of errors including citing of peer reviewed literature; acknowledgement of the impact of edge effects on species; and identification of core habitat in the corridor.
Avoidance of biodiversity values
- It is the opinion of Council's Ecologist that the proposal has not adequately demonstrated avoidance of the highest biodiversity values of the site.
Serious and Irreversible Impacts
- It is the opinion of Council's Ecologist that the proposed loss of habitat on the Proposal Site would represent a serious and irreversible impact for the Swift Parrot.
Species surveys
- Council's submission critiques the survey methodology undertaken to identify the presence of several species
- Large forest owls – additional survey work required
- Squirrel gliders – insufficient evidence supporting their absence at the site
- Koalas – identifying feed trees and habitat in accordance with the State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Long-nose Potoroo – remote camera survey work

- Rutidosis heterogama (Heath Wrinklewren) – survey methodology
- Threatened cryptic terrestrial orchids – consider potential on the site and potential inclusion into SAI assessment
- Camera traps – use consistent with Council’s Flora and Fauna Survey Guidelines (2018)
- Hollow bearing trees – survey to be undertaken.

Response

DPE’s Biodiversity and Conservation team have reviewed the BAR and Council’s comments. It is acknowledged that there is scope to improve the presentation of data and information in the BAR. The BAR will be updated prior to submitting an application for biodiversity certification. It is not anticipated that the amendments will result in any substantial changes to the developable area and rezoning footprint proposed in the planning proposal.

In response, the team assisted in preparing the following responses:

Regional corridor

- The regional biodiversity corridor is a mix of zonings including C2, C3, RU6 and RE1. The corridor is a strategic link connecting large remnant areas and national parks. Its ongoing maintenance and conservation is a strategic land use issue that is difficult to resolve by a single planning proposal.
- In their letter dated 27 May 2021, BCD advised that in consideration of the Darkinjung Delivery Framework and support for Darkinjung’s economic self-determination and seeking to achieve a balance between development and biodiversity conservation outcomes, they agree to a minimum 300 metre wide corridor at the Lake Munmorah development site.
- Darkinjung LALC are being asked to do more than other landholders who have property within the corridor, or have already developed property along Mullet Rd. For instance, Darkinjung LALC has dedicated a corridor width ranging from 177m up to 383m within their property while adjoining land parcels subject to planning proposals have dedicated corridor widths from 78m up to 181m (see Figure 2).

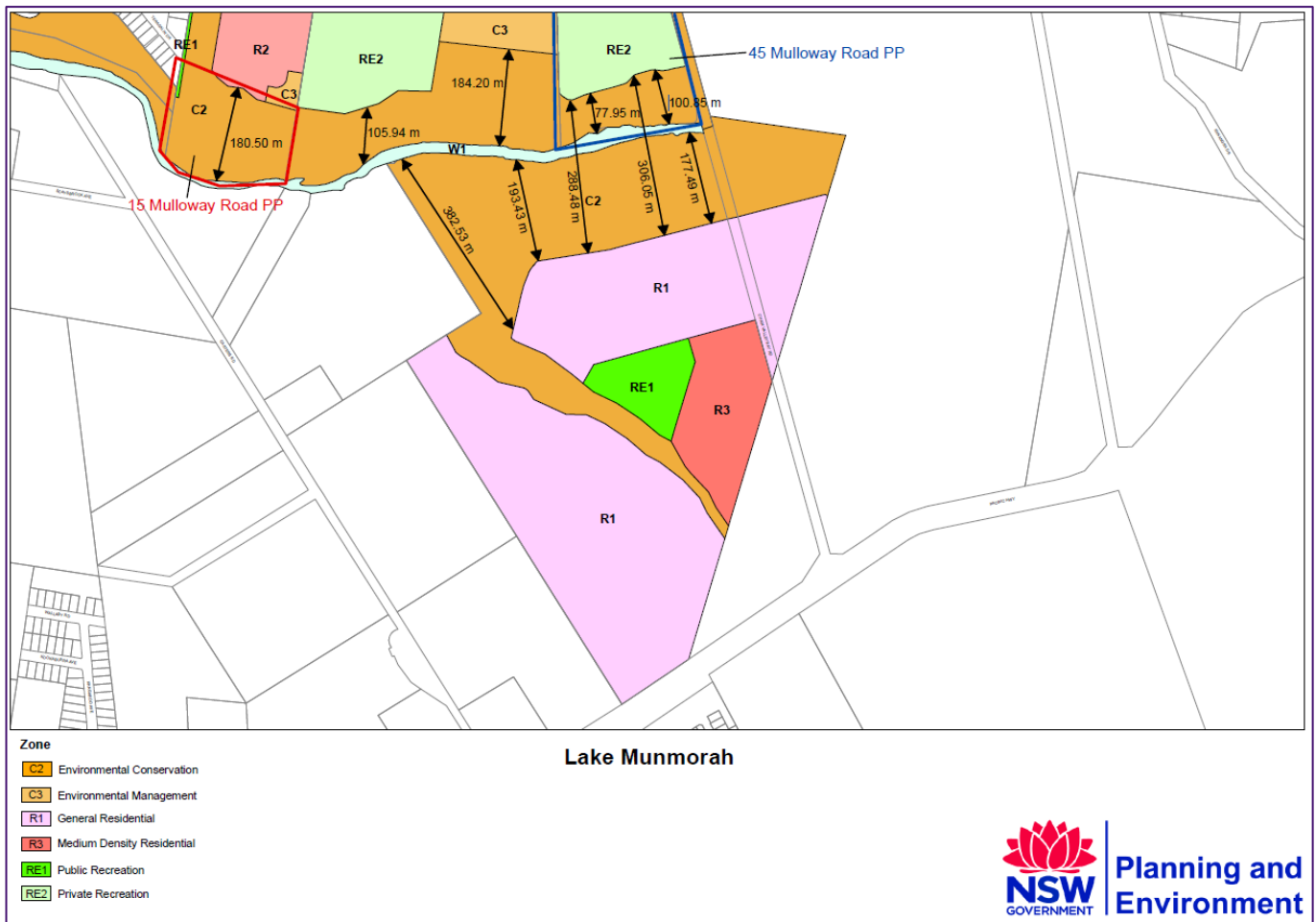


Figure 2. Proposed land use zoning and biodiversity corridor widths resulting from planning proposals at 15 Mulloway Road, 45 Mulloway Road and the Darkinjung site.

Source: Department of Planning and Environment

Avoidance of biodiversity values

- Biodiversity certification through either a strategic or local proposal is a voluntary pathway. The site is included as a stage 1 nominated area in the proposed Central Coast Strategic Conservation Plan.

Serious and Irreversible Impacts

- Under the SAIL framework set out in the BC Act and regulation, the consent authority rather than the assessor has the role of determining if the impacts are likely to be serious and irreversible.
- The information in the BAR is sufficient to enable this consideration.
- It is difficult for a single site-based planning proposal to address cumulative impacts. A significant drought resource will remain given the extent of Red Bloodwood related plant communities across the broader Warnervale, North Wyong and Lake Munmorah area.
- It should be noted however, that approval of the planning proposal will not resolve the Swift Parrot issue on the site. Biodiversity certification would assist, particularly if it was part of a strategic assessment that considered the habitat preferences of the Swift Parrot in this region in more detail and developed an offset strategy that targeted conservation of habitat trees listed in the National Recovery Plan for the Swift Parrot. Otherwise, consideration of SAIL will occur at the DA stage.

Species surveys

Species	Response from Department's Biodiversity and Conservation team
Large Forest Owls	<ul style="list-style-type: none"> No further action required. Section 4.1 of the BAR states that breeding habitat for the Masked Owl was recorded in two locations. Impacts on breeding habitat have been avoided. The BAM does not reference the 2004 guidelines. The BAM references the use of use best-practice methods that can be replicated for repeat surveys, if the Department has not published any relevant guides. Bionet also provides this guidance in the profiles of the forest owls. The BAM does not require a map showing the location of hollow bearing trees or an inventory table to be included in the BAR.
Squirrel Glider	<ul style="list-style-type: none"> No further action required. The BAM required assessment of the Squirrel Glider as a candidate species. The BAR states that survey for the species was undertaken in December 2017, between March and May in 2019 and during August 2021. Bionet recommends that survey on sites with autumn and winter flowering species, such as Lake Munmorah, should be subject to survey between March and August. The species hasn't been recorded. While the habitat may be suitable, there has no recorded presence or occupancy by the species recorded by the survey effort.
Koala	<ul style="list-style-type: none"> No further action required.
Long nosed Potoroo	<ul style="list-style-type: none"> No further action required. According to Bionet, the Long-nosed-Potoroo requires a dense shrub layer or alternatively high canopy cover exceeding 70% (i.e. to capture populations inhabiting wet sclerophyll and rainforest). As part of the CCSCP, the consultants undertook an analysis of the existing floristic plot data and did not identify dense cover areas at 70% or greater cover. Also, there are no records of the species occurring in the North Wyong locality. Although, the survey effort is not consistent with the recommendation in Bionet, the density of habitat required for the species is not present on this site.
<i>Rutidosis heterogama</i>	<ul style="list-style-type: none"> No further action required.
Threatened cryptic terrestrial orchids	<ul style="list-style-type: none"> Despite extensive survey effort for the planning proposal and for the CCSCP, the Bionet record or other Variable Midge Orchid records were not found on the site. However, given that there is a relatively recent record of the species adjacent to or within the proposal, its presence should be addressed in the BAR and location recorded
Camera trap	<ul style="list-style-type: none"> No further action – see earlier comment relating to Long-nosed Potoroo and Squirrel Glider
Hollow bearing trees	<ul style="list-style-type: none"> The BAR states that the species was detected and impacts on breeding habitat have been avoided (s4.1). The BAM does not require a map showing the location of hollow bearing trees or an inventory table to be included in the BAR

3.3 NSW Department of Regional NSW – Mining, Exploration & Geoscience (MEG) – Geological Survey of NSW

MEG supports the PP and have no concerns to raise regarding resource sterilisation. No matters are raised for further consideration in their submission.

3.4 Heritage NSW

Heritage NSW has identified matters relating to the protection of identified Aboriginal cultural heritage. Heritage sites should be protected by amending the exhibited DCP and broadly protecting the Aboriginal cultural heritage values in the conservation zone. Details of the matters raised are discussed below.

3.4.1 Including Aboriginal cultural heritage protections in the draft DCP

Matter raised

Heritage NSW note that Aboriginal cultural heritage sites are identified in the proposed C2 zone as 'active recreation open space'. They recommend that the DCP is amended to include specific Aboriginal cultural heritage protections in the draft DCP to protect the cultural heritage sites from harm.

Response

The 'active recreation open space' in the draft DCP refers to land zoned RE1 not C2. There are no Aboriginal cultural heritage sites located within the proposed RE1 zone.

3.4.2 Protection of Aboriginal cultural heritage values

Matter raised

Heritage NSW recommend that Council requires future developers to prepare an Aboriginal Cultural Heritage Management Plan for the C2 zoned land, and any subsequent approvals needed before that land is transferred to Council.

Response

- Ownership of land proposed to be zoned C2 Environmental Conservation is likely to be retained by Darkinjung LALC. It is understood the Council will not accept the transfer of the C2 zoned corridor lands, and the management of these areas will be guided by the recommendations of the Aboriginal Cultural Heritage Assessment (ACHA) Report prepared for the site, and would be addressed at the DA stage.
- The preparation of a management plan for land zoned C2 can be addressed at the development application stage, noting legislative requirements will apply.
- The offsetting regime/model for the biodiversity corridor is yet to be determined. This will have implications for future management of the conservation areas.

3.5 Biodiversity and Conservation Division of DPE

The Hunter and Central Coast Branch of DPE's Biodiversity and Conservation Division (BCD) provided comments on the basis that, following determination of the planning proposal, a biodiversity certification will be sought over the proposed development site under Part 8 of the *Biodiversity Conservation Act 2016*.

BCD has therefore divided its review comments into issues to be considered prior to finalising the planning proposal and those that should be addressed prior to applying for biodiversity certification, should Darkinjung LALC do so at a later stage.

In its initial advice, dated 26 August 2022, BCD recommended the following matters be considered prior to finalising the planning proposal:

- Alignment of the development footprint with the Biodiversity Assessment Report;
- BCD are satisfied that the inconsistency with Ministerial Direction 3.1 is justified.
- Additional security to be provided to the regional biodiversity corridor in the north through the creation of a minimum 300m regional biodiversity corridor;
- Impacts on the adjacent wet heath and swamps should be avoided.

BCD issued subsequent advice, dated 4 October 2022, confirming the above matters have been resolved following discussion with the Department and the proponent.

BCD have recommended that the following matters be considered prior to applying for biodiversity certification, noting that this can occur concurrent to or following finalisation of the planning proposal:

- Clarification of avoidance and minimisation principles;
- Avoidance of impacts to important habitat area for the swift parrot to be demonstrated;
- All threatened species surveys should be completed in accordance with the BAM;
- BCD recommends referral to DAWE in relation to potential impacts on swift parrot habitat; and
- Survey of Mahoney's toadlet to be provided.

3.5.1 Alignment of the development footprint with the Biodiversity Assessment Report (BAR)

Matters raised

BCD believe that there is a discrepancy between the development footprint of the PP and the development footprint defined in the BAR. BCD seek alignment between the two to reduce the likelihood of changes being required to the PP as a result of the assessment of the BAR.

Response

The planning proposal has been updated to align with the footprint shown in the BAR which has increased the area proposed to be zoned C2 Environmental Conservation in relation to the riparian corridor traversing the site.

In its subsequent advice, dated 4 October 2022, BCD noted that the August 2022 version of the planning proposal shows the same footprint as the March 2022 biodiversity assessment report and is therefore satisfied that this issue has been addressed.

3.5.2 Justification of the PP's inconsistency with Ministerial Direction 3.1

Matters raised

BCD note that the PP is inconsistent with Ministerial Direction 3.1 as it reduces environmental protection standards that apply to the land by seeking to rezone land from C3 Environmental Management and C2 Environmental Conservation to R1 General Residential, R3 Medium Density Residential and RE1 Public Recreation. However, BCD is satisfied that the inconsistency is justified as it will give effect to the land use strategy, goals, directions, and actions contained in the Central Coast Regional Plan 2036 and the draft Central Coast Regional Plan 2041.

Response

It is accepted that the PP justifies the inconsistency with Ministerial Direction 3.1. No further response is required.

3.5.3 Additional security to be provided to the regional biodiversity corridor in the north

Matters raised

BCD recommends that the width of the regional corridor is made consistent at 300 metres and a mechanism for providing in-perpetuity conservation of the corridor is identified and committed to in the PP.

Response

Achievement of the suggested corridor width will need to be subject discussion and negotiation with all landowners impacted by the biodiversity corridor. As indicated in Figure 2, Darkinjung LALC has dedicated a corridor width ranging from 177m up to 383m within their property while adjoining land parcels subject to planning proposals have dedicated corridor widths from 78m up to 181m. At its narrowest, the corridor has an indicative width of 288 m while it is wider than 300m in most sections.

The offsetting regime and management model for the biodiversity corridor is yet to be determined, and the process of establishing will need to be managed by BCD, with the participation of landowners including DLALC.

In its subsequent advice, dated 4 October 2022, BCD noted that planning proposal would result in a small section of the regional biodiversity corridor having a width of less than 300 metres, with the narrowest point being 288 metres wide. BCD considers that the intended purpose of the corridor can be achieved under this scenario and therefore accepts the current footprint of the planning proposal.

3.5.4 Impacts on the adjacent wet heath and swamps should be avoided

Matter raised

BCD recommends that all impacts, direct or indirect, are avoided in areas of wet heath and swamp vegetation.

Response

The planning proposal has been updated to align with the footprint shown in the BAR which has increased the area proposed to be zoned C2 Environmental Conservation in relation to the riparian corridor traversing the site.

In its subsequent advice, dated 4 October 2022, BCD advised that conservation zones have been expanded to cover most riparian, wet heath and swamp vegetation within the planning proposal and that it is satisfied with this outcome.

3.5.5 Clarification of avoidance and minimisation principles

Matters raised

BCD seeks clarification as to the actual extent of avoidance for the PP. Areas that have been avoided should be protected from future development through the establishment of a Biodiversity Stewardship Site.

Response

DPE's Local and Regional Planning team have subsequently discussed this matter with DPE's Biodiversity and Conservation team.

There was confusion in relation to the extent of the planning proposal / rezoning area given that Darkinjung LALC owns a larger landholding consisting of lot 642, DP 1027231, lot 100, DP 1044282 and lot 644, DP 1027231, as shown in Figure 3.

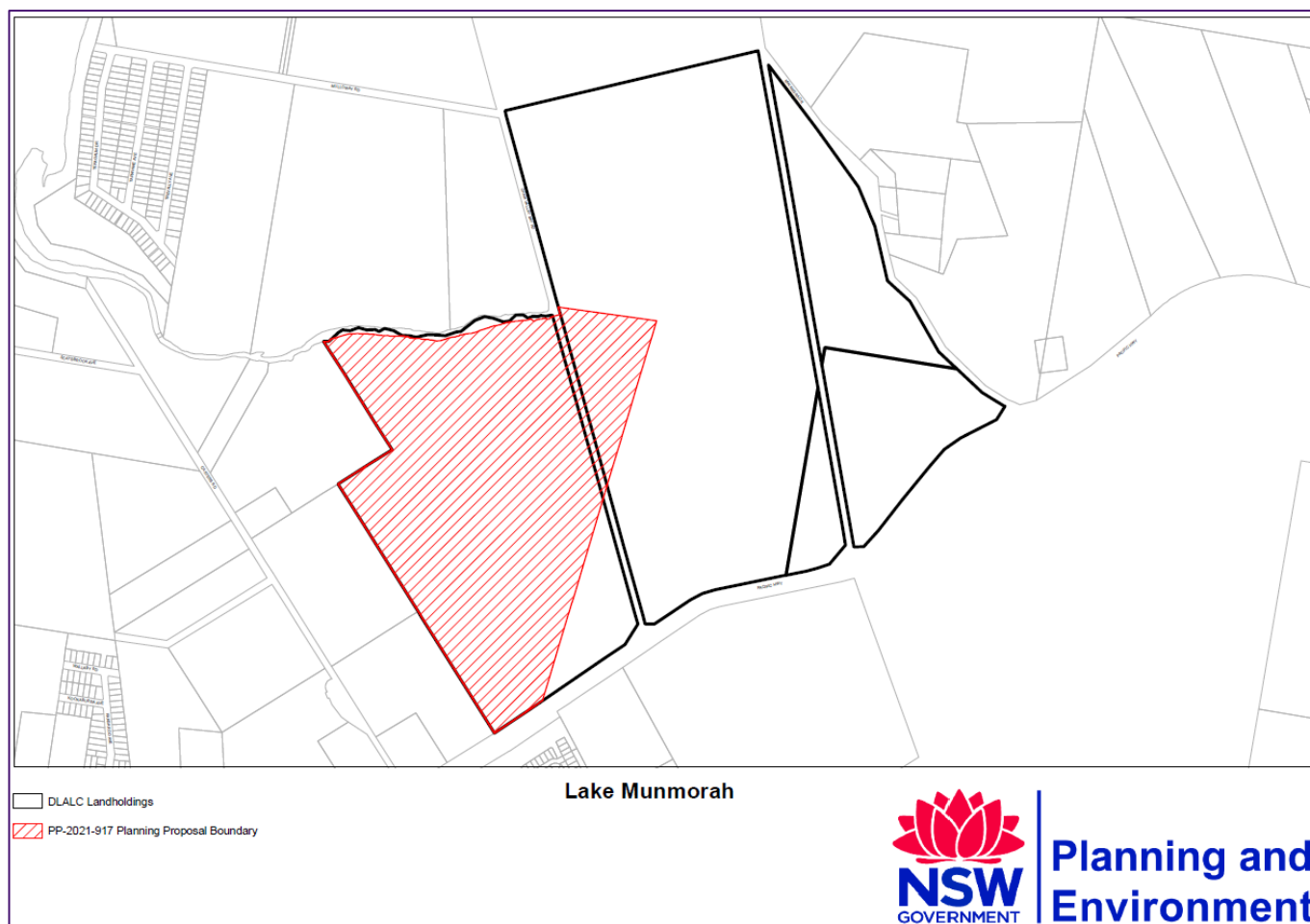


Figure 3. Darkinjung LALC landholding and planning proposal area

Source: Department of Planning and Environment

It was confirmed with BCD that residual land east of the rezoning area within Darkinjung's landholding is not subject of the PP or BAR. These lands are identified for future investigation within Darkinjung's LALC Interim Development Delivery Plan, Council's Greater Lake Munmorah Structure Plan and the Department's Central Coast Regional Plan 2041.

Land subject of the planning proposal that has been avoided is proposed to be zoned C2 Environmental Conservation. Darkinjung LALC may consider the establishment of a Biodiversity Stewardship Site (BSS) in the future however there is no enforceable provision requiring a landowner to establish a BSS.

3.5.6 Avoidance of impacts to important habitat area for the swift parrot to be demonstrated

Matters raised

BCD note that the BAR refers to the creation of avoidance areas (for swift parrot and other biodiversity), but no evidence is provided to show that this area will be conserved into the future. They seek further consideration to conserving areas of important habitat for the swift parrot to account for the proposed impacts from the PP. This should include protection of identified

avoidance areas through establishment of a BSS or another method to ensure in-perpetuity conservation of these areas.

Response

This recommendation relates to ongoing measures around how the regional biodiversity corridor area, proposed to be zoned C2, is to be managed. While BCD would prefer an in-perpetuity measure over this area, such as establishing a BSS, there is no enforceable provision requiring this to occur.

The corridor is zoned C2 Environmental Conservation, and as detailed in the Biodiversity Assessment Report accompanying the proposal, there are a number of options to deliver a Biodiversity Offset Strategy for the corridor, and relevant management arrangements would apply to each of these. Confirmation of the management arrangements will occur when the offsetting approach is finalized during the biodiversity certification process.

3.5.7 All threatened species surveys should be completed in accordance with the BAM

Matters raised

BCD raised the following matters:

“It is currently not possible for BCD to assess whether adequate surveys have been completed for this site in accordance with the Biodiversity Assessment Method (BAM) and current survey guidelines. Prior to finalising the BAR it is recommended that all threatened species surveys have been completed during the correct times of the year, using the correct methods, that this is clearly presented in the BAR, and that the results from previous consultants are integrated into the table. Surveys at different times of the year should be displayed on separate maps and the effort and methods used for each species should be presented separately for each species. Species groups surveyed concurrently should be described. Evidence-based justification for decisions to exclude species from survey must be provided. The BAR should be updated to include this detail.”

Response

The biodiversity assessment of the proposal is based on the BAM. If approved, at some stage the proposal will require the retirement of the number and class of biodiversity set out by the BAM to offset the impacts of the development.

This can be undertaken prior to applying for biodiversity certification, should Darkinjung LALC pursue this pathway

3.5.8 BCD recommends referral to DAWE in relation to potential impacts on swift parrot habitat

Matter raised

It is recommended that the proponent contact the Australian Department of Agriculture, Water and the Environment (DAWE) to discuss this proposal and its potential for impacts on the swift parrot.

Response

This can be undertaken prior to applying for biodiversity certification, should Darkinjung LALC pursue this pathway.

3.5.9 Survey of Mahoney's toadlet to be provided

Matter raised

BCD identifies that they require a survey of Mahoney's toadlet as it is associated with the PCT 1724.

Response

This species was surveyed in December 2017 as noted in the BAR.

3.6 School Infrastructure NSW

Matters raised

School infrastructure to service the Greater Lake Munmorah area

SINSW advise that the demand for growth for schools directly stemming from the PP can "*likely be absorbed by the surrounding schools*". SINSW can provide a combination of improvements and upgrades to existing schools, to meet future demand, such as:

- intake area catchment boundary changes
- provision of additional teaching spaces on existing school sites; and
- upgrades to existing schools.

SINSW expresses concern that growth forecast for the Greater Lake Munmorah area, as detailed in Council's Greater Lake Munmorah Structure Plan, will require additional school infrastructure. SINSW requests ongoing consultation with DPE and Council as detailed planning progresses for the Greater Lake Munmorah area in addition to the current PP. This will ensure that local schools are supporting community needs and continue to be appropriately resourced whilst the local population grows.

Site-specific active transport and access considerations

SINSW also raise the following matters with regard to the PP and active transport and access:

- request that the active transport corridor between Carters Road and the proposed residential area is extended to the existing primary and secondary school;
- provision of a transport assessment to accompany the PP; and
- transport planning for the area to be guided by the NSW Government's Movement and Place Framework (MAPF) and its Built Environment Performance Indicators.

Response

School infrastructure to service the Greater Lake Munmorah area

Central Coast Council recently completed the Greater Lake Munmorah Structure Plan identifying future growth potential in the area.

The Department will determine an appropriate forum, such as a working group, to consult with Council and SINSW ensuring that adequate school infrastructure capacity is available to service the forecast population growth in the Greater Lake Munmorah area.

Site-specific active transport and access considerations

A Transport Impact Assessment has been prepared by Intersect Traffic accompanying the PP and an addendum to the matters raised in the exhibition period has also been provided. Carters Road directly connects the schools to the south of the road to the proposed rear active transport link. The existing shared bicycle and pedestrian link on Carters Road is considered to be appropriate to support the PP.

3.7 Transport for NSW

Matters raised

Transport for NSW (TfNSW) recognise that a number of PPs for residential rezoning have received Gateway determinations which require connection to the Pacific Highway via Chain Valley Bay Road. Collectively, these PPs trigger an upgrade of the intersection to incorporate traffic signals.

TfNSW have raised that there is no State Infrastructure Contribution Plan in the area nor other available government funding at this time and that the proposed upgrade is required to be developer lead and funded. TfNSW has gained permission from Darkinjung to further develop the design options and a project manager has been assigned to oversee this process using funding granted by DPE.

TfNSW notes that to further encourage sustainable transport in a manner consistent with Ministerial Direction 5.1, private vehicle mode share should be reduced by implementing a range of actions such as car-pooling, and implementing active transport bike path cycleways and pedestrian walkways, that are safe and easily accessible, and active transport infrastructure and facilities (which would include safe, convenient and secure bicycle parking).

Response

The PP identifies the need to upgrade the intersection at Chain Valley Bay Road and the Pacific Highway and proposes the upgrade as part of the PP. Darkinjung and its consultant team have been working with TfNSW to develop the design for the intersection.

Active linkages between the site and surrounding areas are proposed in the PP, as demonstrated in the Indicative Structure Plan prepared by Urbis accompanying the PP showing the proposed active transport corridor linking Carters Road with the site and beyond Chain Valley Road to the east in **Figure 4**.



Figure 4 Indicative Structure Plan (with active transport corridor alignment)

Source: Darkinjung LALC

3.8 Pacific Link Housing

Matters raised

Pacific Link Housing, a community housing provider for the Central Coast region, has prepared a submission outlining its perspective on the current status of social housing in the wider Central Coast LGA. The submission contends that current existing demand for social housing in the Central Coast area is not met by demand and recommends that a minimum of 10% of dwellings is allocated for affordable rental housing.

Pacific Link Housing congratulates Darkinjung LALC on the progress made the PP and notes that it will assist its members obtain decent and affordable housing.

Response

The PP will facilitate additional housing supply and stimulate additional housing affordability. Page 20 of the PP document states that it will increase the supply of housing in the Central Coast area and facilitate social and economic outcomes for the local First Nations community as identified in the Aboriginal Land Planning Framework by providing secure housing opportunities.

3.9 Other agency and industry submissions

Matters raised

Council's Economic and Property Division, Landcom, Business NSW and Regional Development Australia have all prepared submissions which were broadly supportive of the PP and had similarities in content. Key matters identified within these submissions were:

- Housing supply and affordability;
- Self-determination for First Nations people;
- Consistency with strategic planning
- Provision of additional residential land in an area close to schools; and
- Consideration of other supporting studies and assessments

Responses

Housing supply and affordability

Support is noted. The PP includes a mix of medium and general residential creating a diversified supply of local housing. Page 12 of the PP identifies its consistency with the NSW Housing Strategy in specifically providing “*provide housing that is diverse and meets varied and changing needs by incorporating general residential and medium density residential zoning.... [and] providing housing that is affordable and secure by providing new housing opportunities*”.

Self-determination for First Nations people

Support is noted. The PP seeks to give effect to the *State Environmental Planning Policy (Aboriginal Land) 2019* and the *Interim Darkinjung Development Delivery Plan* to support positive social outcomes and economic self-determination for the local First Nations community.

Consistency with strategic planning

Support is noted. The PP demonstrates consistency with strategic planning framework and has strategic merit.

Provision of additional residential land in an area close to schools

Support is noted. Page 20 of the PP identifies that the site is in an accessible area with good access to local schools and services including the Lake Munmorah centre.

Consideration of other supporting studies and assessments

Support is noted. DPE consider that the PP and supporting studies, in its amended form, has appropriately considered the likely environmental impacts.

3.10 (Pre-exhibition) NSW Rural Fire Service

Matters raised

The NSW Rural Fire Service made a submission on 2 December 2021 prior to the commencement of the exhibition period and raised no objections to the proposal subject to a requirement that the

future subdivision/development of the land complies with Planning for Bushfire Protection (PBP) 2019.

Response

The draft DCP incorporates all control provisions proposed by the NSW Rural Fire Service submission.

3.11 (Pre-exhibition) Subsidence Advisory NSW

Matters raised

The Subsidence Advisory NSW (SANSW) made a submission on 25 May 2021 prior to the commencement of the exhibition period and made no objection to the proposal noting that the risk of unplanned subsidence caused by instability from historical mine workings is low.

SANSW advised that a subdivision application consistent with the PP would be conditionally approved under SANSW's current subdivision assessment policy.

Response

The development footprint of the planning proposal aligns with advice regarding future coal extractions.

3.12 (Pre-exhibition) Ausgrid

Matters raised

Ausgrid made a submission on 7 April 2015 prior to the commencement of the exhibition period that it would not be making any specific comment at the planning proposal stage of the proposed development as it does not appear that any Ausgrid assets will be adversely affected. Any assets that would require relocation or modification would be addressed further in the process and any alterations would be funded by the developer at that time.

Response

The planning proposal recognises that infrastructure is unlikely to be affected and/or can be managed at a future stage.

4 Conclusion

The DPE has exhibited a Planning Proposal for the Darkinjung LALC land in Lake Munmorah and Crangan Bay. The Planning Proposal aims to facilitate residential development and conserve residual land for environmental protection purposes.

This Response to Submissions Report provides an outline of the key matters raised in submissions during the public exhibition period and responses based on the submission feedback. The response to the PP was mixed, with 8 submissions received in support, 9 received objecting to the PP and 7 received which were neutral. Submissions were received from a range of community members, government agencies and industry groups, with the following matters most prominently raised during exhibition:

- Ecological impacts;
- Traffic and congestion;
- Infrastructure requirements;
- Social impacts;
- Housing affordability;
- Self-determination for First Nations people;

Minor amendments to the PP documents have been provided which include the following:

- Northrop have prepared an updated Stormwater, Flooding and Servicing Report to address Council's matters raised relating to sewer management. Council's Water and Sewer Directorate issued an updated advice indicating no adverse impact of potentially increasing dwelling yields on the site.
- Intersect Traffic have prepared a Traffic Statement responding to community matters raised relating to traffic and congestion. The Traffic Impact Assessment report was also updated in October 2022 to account for sensitivity analysis of potential increased dwelling yields.
- The draft DCP has been amended to address Council's comments to the draft DCP and to address the protection of First Nations cultural heritage sites.
- Further, DPE's Biodiversity and Conservation team has also provided comment in this report on matters relating to ecology.

Appendix A. Agency and Council submissions

1. Regional Development Australia
2. Biodiversity and Conservation Division
3. Heritage NSW
4. Transport for NSW
5. Mining, Exploration and Geoscience, Geological Survey of NSW
6. School Infrastructure NSW
7. Landcom
8. Central Coast Council – Strategic Planning Unit
9. Central Coast Council – Economic and Property Unit
10. NSW Rural Fire Service (Pre-Exhibition)
11. Subsidence Advisory Board NSW (Pre-Exhibition)
12. Ausgrid (Pre-Exhibition)

Appendix B. Public and community submissions

1. Gary Blaschke, Lake Munmorah
2. Michele Bolton, Lake Munmorah
3. Brent Ellis, Hamlyn Terrace
4. Graham Hankin, Postcode 2261
5. Rick Stevens, Lake Munmorah
6. Teena Willcox, Lake Munmorah
7. 45 individuals using DLALC proforma submission
8. 6 individual submission who requested their names be withheld

Appendix C. Industry group submissions

1. Pacific Link
2. Business NSW