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Post-Exhibition Report to the Hunter and Central Coast Regional Planning Panel – PP-2021-917

Darkinjung Local Aboriginal Land Council: Lake Munmorah Planning Proposal

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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1 Background

The planning proposal was initiated by the Darkinjung Local Aboriginal Land Council (LALC) who submitted a draft planning proposal to the former Wyong Shire Council in 2014.

The planning proposal seeks to rezone land owned by Darkinjung LALC at Lake Munmorah and Crangan Bay (**Figure 1**) from C3 Environmental Management and C2 Environmental Conservation to R1 General Residential, R3 Medium Density Residential, C2 Environmental Conservation and RE1 Public Recreation.

The planning proposal is identified in the Interim Darkinjung Development Delivery Plan and seeks broader economic benefits and social and environmental outcomes for Darkinjung LALC in accordance with the *Aboriginal Land Rights Act 1983*.

The site was mapped in Chapter 3 Aboriginal Land of the *State Environmental Planning Policy (Planning Systems) 2021* (previously *State Environmental Planning Policy (Aboriginal Land) 2019*) in 2019 allowing planning decisions regarding development on the subject land to be made by the relevant planning panel rather than the local council.

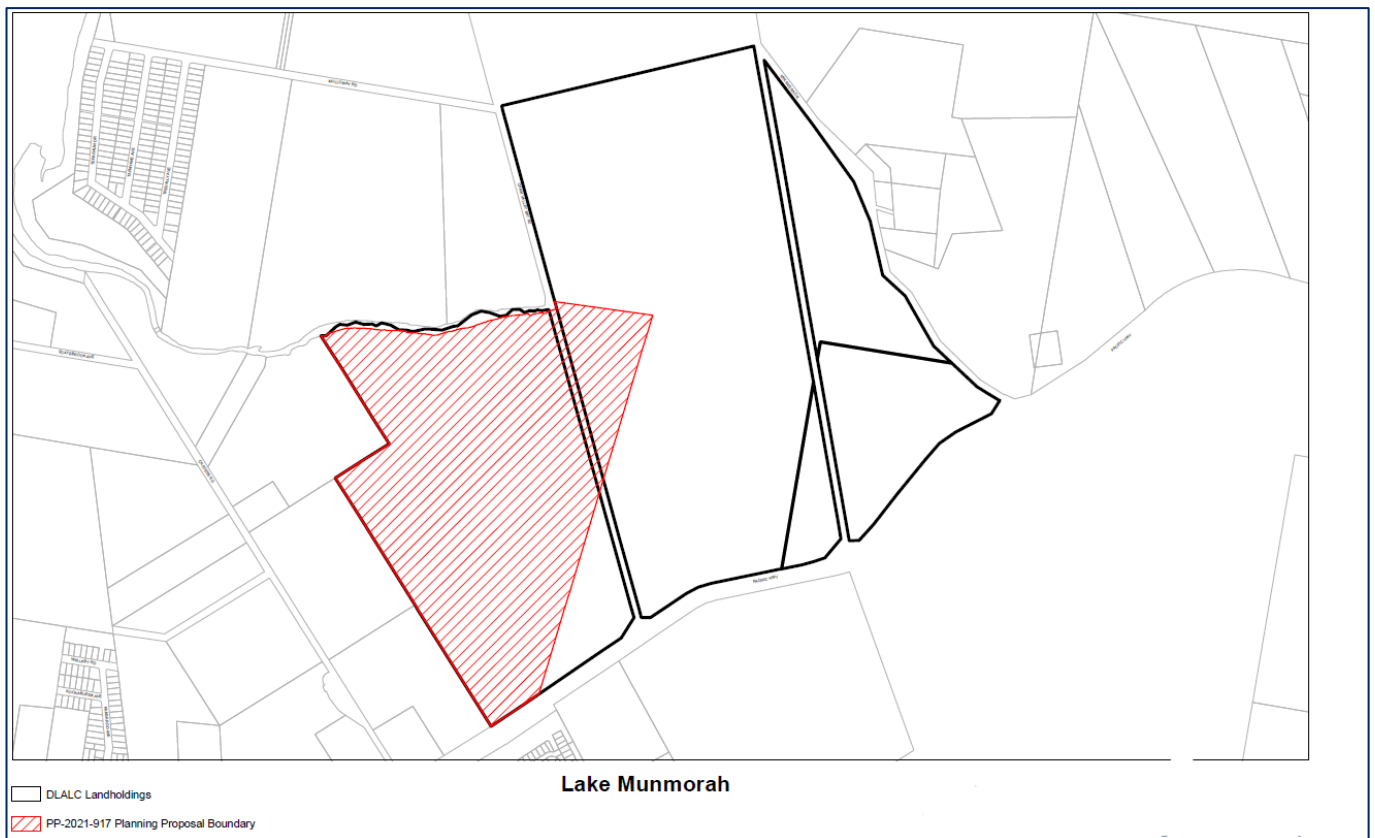


Figure 1 – Subject site (source: DPE, October 2022)

Table 1 provides an overview of key events throughout the planning proposal process:

Table 1 – Key planning proposal events

Stage	Date	Event
Planning Proposal	26 June 2014	Draft planning proposal submitted to Wyong Shire Council.
	26 November 2014	Wyong Shire Council resolved to amend Wyong LEP 2013 in relation to the subject site.
Gateway determination	19 February 2015	Initial Gateway determination.
Post-Gateway	13 September 2016	First alteration to Gateway determination extending timeframe for completion.
	September / November 2017	Completion of technical studies in relation to contamination and social impact.
	20 September 2018	Second alteration to Gateway determination extending timeframe for completion.
	6 February 2019	Darkinjung Interim Development Delivery Plan published, and site mapped in Aboriginal Land SEPP.
	17 December 2019	Third alteration to Gateway determination extending the timeframe for completion.
	June / August 2020	Biodiversity corridor and Aboriginal cultural heritage assessments completed.
	24 August 2020	Council resolved not to retain the role of Planning Proposal Authority (PPA).
	29 September 2020	Planning Secretary appointed the Hunter and Central Coast Regional Planning Panel (the Panel) as PPA.
	30 March 2021	Departmental staff briefing to the Panel.
	25 May 2021	Subsidence Advisory NSW advised they have no objections to the proposal.
	2 December 2021	NSW Rural Fire Service advised they have no objections to the proposal.
	17 December 2021	Fourth alteration to Gateway determination to extend the timeframe for completion and to reflect the current strategic planning framework and conditions proportionate to the complexity of the planning proposal.
	28 February 2022	Approval to exhibit signed by Executive Director, Local and Regional Planning
Public Exhibition & Assessment	22 April-24 May 2022	Public exhibition of the draft planning proposal and site-specific development control plan.
	2 September 2022	Departmental staff briefing to the Panel.

This report provides details of the outcome of the planning proposal and site-specific development control plan following public exhibition and consideration of submissions from Central Coast Council, public authorities and government agencies, and the community.

2 Planning proposal

Table 2 – Overview of planning proposal

Element	Description
Planning proposal no.	PP-2021-917
LGA	Central Coast
LEP to be amended	<i>Central Coast Local Environmental Plan 2022</i>
Site description	<ul style="list-style-type: none"> Lot 642, DP 1027231 (405 Pacific Highway, Lake Munmorah) Lot 100, DP 1044282 (425 Pacific Highway, Crangan Bay)
Site area	55 ha
Proposal summary	The planning proposal intends to rezone the land for a mix of low-density and medium-density housing, provision of public recreation space to be dedicated to Central Coast Council, as well as formalisation of a regional biodiversity corridor through the site identified by State and local plans.
Number of dwellings	385 (low density scenario) 490 (medium density scenario) 755 (high density scenario)
Number of jobs	48 (low density scenario) 61 (medium density scenario) 94 (high density scenario)
Relevant State and local planning policies, instruments	<ul style="list-style-type: none"> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> Interim Darkinjung Development Delivery Plan (Interim DDDP) Central Coast Regional Plan 2036 Draft Central Coast Regional Plan 2041 Central Coast Local Strategic Planning Statement North Wyong Shire Structure Plan 2012 (NWSSP) Greater Lake Munmorah Structure Plan

The planning proposal seeks to amend the *Central Coast Local Environmental Plan 2022* per the changes in **Table 3** below. The post-exhibition version is at **Attachment A**.

Table 3 – Current and proposed controls

Control	Current	Proposed
Land zoning	C3 Environmental Management C2 Environmental Conservation	R1 General Residential (27.8ha) R3 Medium Density (4.9ha) C2 Environmental Conservation (21.8ha) RE1 Public Recreation (0.5ha)
Lot size	40ha	450m ² for R1 300m ² for R3 40ha for C2

Further to the above, the *Central Coast Local Environmental Plan 2022* will be amended to:

- identify the site on the Urban Release Area Map ensuring the concurrence of the Planning Secretary is obtained prior to granting development consent; and
- identify part of the proposed to be zoned RE1 Public Recreation on the Land Reservation Acquisition Map to enable transfer of the park to Central Coast Council.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved and is accompanied by a site-specific development control plan.

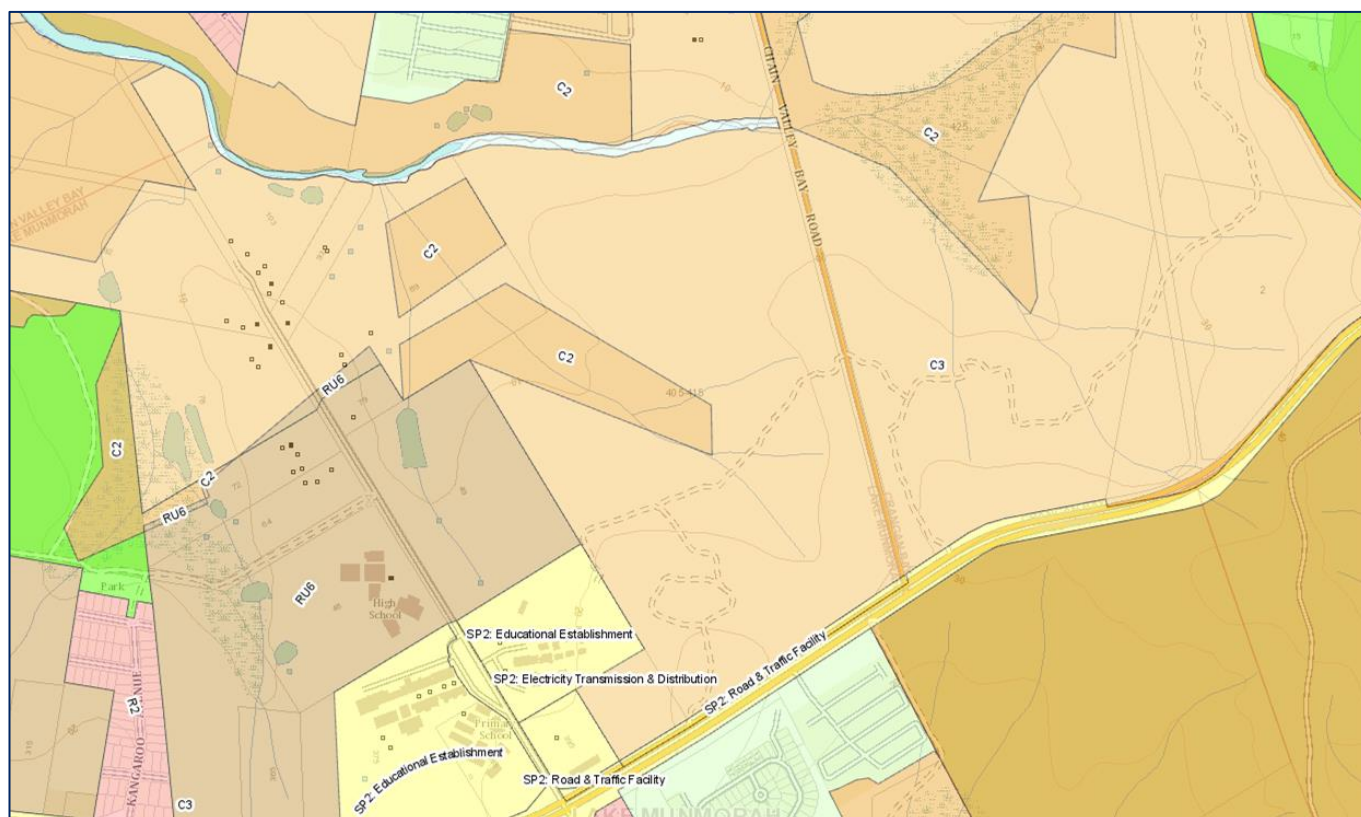


Figure 2. Current zoning (source: e-Planning Spatial Viewer, October 2022)

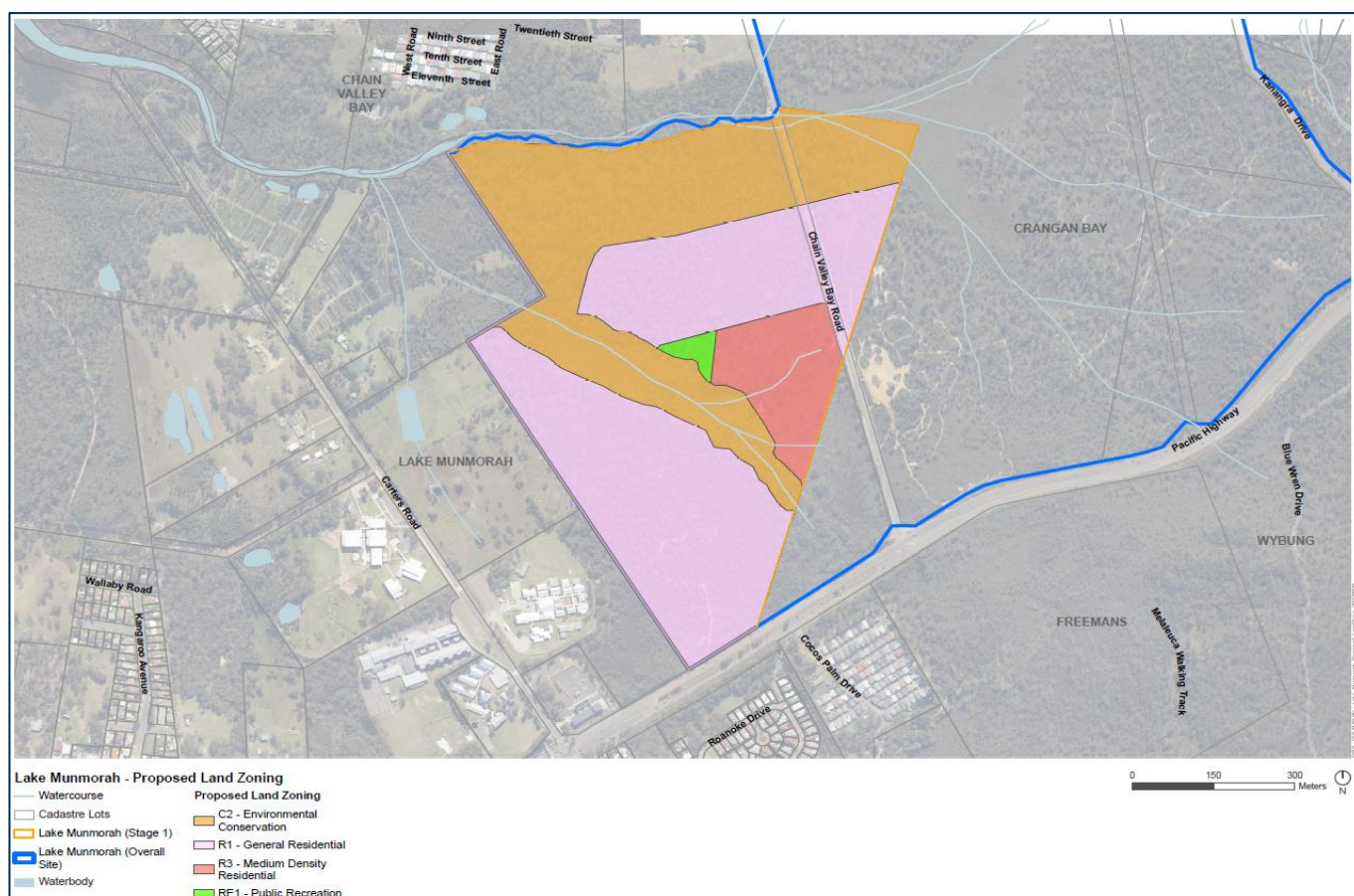


Figure 3. Proposed zoning (source: DPE, October 2022)

3 Gateway Determination

The Gateway determination issued on 19 February 2015 (**Attachment B**) determined that the proposal should proceed subject to conditions.

The Gateway determination was altered on:

- 13 September 2016 to extend the timeframe for completion;
- 20 September 2018 to extend the timeframe for completion;
- 17 December 2019 to extend the timeframe for completion; and
- 17 December 2021 to extend the timeframe for completion and to reflect the current strategic planning framework and conditions proportionate to the complexity of the planning proposal.

The Gateway determination (as altered) identifies that the proposal is to be finalised by 17 December 2022.

All conditions of the Gateway determination (as altered) have been met as outlined in **Table 4** below.

Table 4 – Assessment against Gateway Determination

Gateway condition	Assessment
1a. The planning proposal must be made publicly available for a minimum of 28 days; 1b. PPA must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals.	The proposal was exhibited for 33 days on the NSW Planning Portal in accordance with the EP&A Act and the Regulations and the LEP Making Guidelines.
2. Consultation is required with Biodiversity and Conservation Division (BCD), Transport for NSW (TfNSW) and NSW Rural Fire Service (RFS).	BCD, TfNSW and RFS were consulted prior and during exhibition and these agencies provided comments. The outcomes of consultation are detailed in section 7.2 of this report.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act.	Noted.
4. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.	The LEP is capable of being completed by 17 December 2022 in accordance with this condition.

4 Planning Proposal Authority

The role of Planning Proposal Authority (PPA) has changed over time in response to the complexity of the proposal and updates to the NSW Aboriginal Land Planning Framework. Regional planning panels are now able to be convened into Strategic Planning Panels for strategic and Aboriginal land planning functions and appoint additional specialist members to support these Strategic Planning Panels.

On 24 August 2020, Central Coast Council resolved not to retain the role of PPA following a request from DPE for Council to confirm timeframes for the completion of the planning proposal. Council determined at that time that it will not be possible to finalise the LEP by the 30 September 2020 Gateway Determination deadline due to the need to update reports and conduct consultation.

Under section 3.32(d) of the *Environmental Planning and Assessment Act 1979*, the Planning Secretary considered Council to not have carried out its obligations in a satisfactory manner as it does not seek to retain the role of PPA in relation to the planning proposal.

On 29 September 2020, the Secretary directed the appointment of the Hunter and Central Coast Regional Planning Panel (the Panel) as the PPA.

5 Pre-exhibition Consultation

Since 2015, a number of agencies were consulted in addition to those identified by the Gateway determination. These agencies included:

- Department of Education and Communities/SINSW
- NSW Trade and Investment – Resources and Energy (GSNSW)
- Ausgrid
- OEH-Heritage Branch

The outcomes of consultation with the above agencies are detailed in section 7.2 of this report.

In accordance with the Gateway determination (as altered), the following agencies were consulted prior to exhibition:

- Biodiversity and Conservation Division
- Transport for NSW
- NSW Rural Fire Service

The planning proposal was updated prior to exhibition to address comments from the Biodiversity and Conservation Division. In particular, the biodiversity assessment report was updated to recognise potential impact to ‘important habitat’ for the swift parrot, in addition to ‘foraging habitat’, and provide an indication of credits expected to offset any impacts on this species.

6 Public Exhibition

On 28 February 2022, the Executive Director, Local and Regional Planning authorised the exhibition of the planning proposal (**Attachment C**).

In accordance with the Gateway determination, the planning proposal and supporting materials were publicly exhibited on the NSW Planning Portal for 33 days from 22 April 2022 to 24 May 2022.

In addition to agencies that were consulted prior to exhibition, notification of the exhibition details were also sent to the Geological Survey of NSW and Heritage NSW.

Transport for NSW was also requested for an update of their pre-exhibition advice.

7 Submissions

A total of 24 submissions (**Attachment D**) were received during the public exhibition of the planning proposal from Central Coast Council, NSW Government agencies and the community. A response to the issues raised in submissions has been provided with this report (**Attachment E**)

7.1 Submissions from Council

Separate submissions were received from two divisions within Central Coast Council. The Economic Development & Property Unit expressed full support for the planning proposal while the Strategic Planning Unit outlined several issues.

Table 5 below summarises the issues raised by the Strategic Planning Unit and the response provided by the Department.

Table 5 – Summary of Council submission and response

Strategic Planning Unit Issues	Response
Consistency of documentation	The planning proposal and structure plan have been amended to align with an updated strategic planning framework including the draft Central Coast Regional Plan 2041 which seeks to provide greater housing diversity and density within urban and suburban contexts.
Suitability of the proposed R3 zoning	The proposed R3 zoning is consistent with the strategic planning direction for the site and developed in consultation with DPE.
Details of movement patterns on the site	The structure plan is indicative and intended as a guide during future development assessment stage. It provides for movement through the site and proposes potential future connections to adjoining land, including a through-site link capable of connecting to Carters Road.
Suitability of the draft DCP	The DCP has been amended post-exhibition to address and/or incorporate comments from Council.
Council involvement in assessment and approval of road upgrades	Council comments/input will be requested when development consent for roads, intersections and path networks are sought at DA stage.
Sewer and water servicing	<ul style="list-style-type: none"> • The servicing report has been updated to reflect the revised public work loading factor • Connections to Mannering Park sewer treatment plant will be investigated at DA stage • Replacement of the water trunk main along the Pacific Highway will be subject to detailed design at DA stage
Land dedication	An open space area of 0.5ha will be provided for dedication to Council and will be in accordance with the Central Coast Council Detailed Provision Framework for Public Open Space for Recreation and Sport.
Planning Agreements	Darkinjung LALC provided Council with an updated letter of offer to enter into a voluntary planning agreement. Local infrastructure will be provided through a future voluntary planning agreement.
Ecological impacts	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.

7.2 Submissions from agencies

In accordance with the Gateway, the Biodiversity and Conservation Division and Transport for NSW were invited to make comment on the planning proposal during exhibition.

Heritage NSW and Geological Survey NSW were also invited to update their pre-exhibition advice on the planning proposal. School Infrastructure NSW also provided a submission.

The NSW Rural Fire Service provided a pre-exhibition advice in December 2021 raising no objection to the proposal subject to a requirement that the future subdivision/development of the land complies with Planning for Bushfire Protection (PBP) 2019.

Submissions were also received from a State-owned Corporation (Landcom) and a Federal Government agency (Regional Development Australia).

Table 6 below summarises the issues raised by each agency which made a submission and the response of the Department.

Table 6 – Summary of agency submissions and response

Agency	Issues	Response
Biodiversity and Conservation Division	Alignment of the development footprint with the Biodiversity Assessment Report	Maps of the planning proposal have been amended to be consistent with the BAR.
	Need for the creation of a minimum 300m regional biodiversity corridor to the north of the site	At its narrowest, the proposed corridor has an indicative width of 288 m while it is wider than 300m in most sections. BCD accepts this development footprint can achieve the corridor intent.
	Impacts on the adjacent wet heath and swamps should be avoided	The planning proposal was updated to align with the footprint shown in the BAR and increased the area proposed to be zoned C2 Environmental Conservation in relation to the riparian corridor traversing the site.
	Biodiversity certification recommendations: <ul style="list-style-type: none">• clarify avoidance areas and protect these through a BSS• conserve areas of important habitat for swift parrot• survey threatened species according to the BAM and update BAR• consult with DAWE in relation to swift parrot• survey of Mahony's toadlet	Darkinjung LALC has identified a stand-alone biodiversity certification application is the preferred pathway and has commenced consultation with BCD to address their recommendations. It is anticipated that a BCAR will be finalised and approved by BCD prior to lodging a development application to ensure that land zoned C2 Environmental Conservation may be considered as demonstration of 'avoidance'.

Agency	Issues	Response
Transport for NSW	Need for developer-funded upgrade to the Pacific Highway Chain Valley Bay Road intersection	Darkinjung LALC and landowners of adjoining sites are working with TfNSW for the upgrade.
	Need to encourage sustainable transport	The proposal includes active linkages between the site and surrounding areas.
Heritage NSW	Need to include Aboriginal cultural heritage protections in the draft DCP	The ‘active recreation open space’ refers to RE1 and there are no Aboriginal cultural heritage sites within the zone.
	Protection of Aboriginal cultural heritage values	Ownership of C2 zoned land is likely to be retained by Darkinjung LALC and preparation of a management plan for the zone can be addressed at the DA stage.
Geological Survey NSW	GSNSW supports the PP and have no concerns to raise regarding resource sterilisation.	Noted.
School Infrastructure NSW	School infrastructure to service the Greater Lake Munmorah area	DPE will determine an appropriate forum, to consult with Council and SINSW to ensure adequate school infrastructure capacity
	Site-specific active transport and access considerations	The existing shared bicycle and pedestrian link on Carters Road is appropriate to support the planning proposal.
Landcom	Supportive of the proposal for its positive impact on housing supply and affordability and self-determination of Aboriginal people.	Support is noted.
Regional Development Australia		
Pre-exhibition advice		
NSW Rural Fire Service	No objections subject to a requirement that the future subdivision/development of the land complies with Planning for Bushfire Protection (PBP) 2019.	The draft DCP incorporates all control provisions proposed by RFS,
Subsidence Advisory NSW	No objection noting that risk of unplanned subsidence caused by instability from historical mine workings is low.	The development footprint of the planning proposal aligns with advice regarding future coal extractions.
Ausgrid	No specific comment at PP stage as it does not appear that any Ausgrid assets will be adversely affected.	The planning proposal recognises that infrastructure is unlikely to be affected and/or can be managed at a future stage

7.3 Submissions from the community

Fifteen (15) submissions were received from the community and industry during exhibition, including two from industry groups and 13 from individuals.

Forty-five (45) proforma submissions from First Nations community members compiled and submitted by the Darkinjung LALC were received. These constituted a form letter and were counted as a single submission.

Nine (9) submissions objected to the proposal, five supported the proposal (including the two industry groups), and one did not have a clear position.

Table 7 below summarises the key issues raised in public submissions and provides responses from the proponent and the Department.

Table 7 – Summary of issues raised in community submissions and response

Issues	Response
Adverse ecological impacts to flora and fauna (8 submissions)	<ul style="list-style-type: none">• Biodiversity assessment in accordance with the Biodiversity Assessment Methodology (BAM).• Multiple avenues to achieve biodiversity certification not ordinarily available to other proponents.• Darkinjung LALC has a large portfolio of landholdings that can be utilised to offset the impacts of the development.
Adverse impacts on traffic and congestion (4 submissions)	<ul style="list-style-type: none">• Traffic study concluded that the road network has sufficient capacity to cater for the proposed development subject to upgrading the Pacific Highway/Chain Valley Bay Road intersection.• Darkinjung LALC is in negotiations with TfNSW regarding the intersection upgrade.
Insufficient infrastructure provision (4 submissions)	<ul style="list-style-type: none">• Central Coast Council has an adopted s7.11 local infrastructure contribution plan applying to the area (currently under review).
Social impacts of additional residential development (2 submissions)	<ul style="list-style-type: none">• Future development of the site will be open to the market for purchase and leasing.• The Social Impact Assessment (SIA) concludes 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.
Contamination and public health – PFAS contamination and health impacts from historical ash dams (1 submission)	<ul style="list-style-type: none">• The Preliminary Site Investigation did not identify PFAS, fly ash or asbestos as potential sources of contamination on the site.• The NSW Government has outlined the action it will take in regard to PFAS arising from a 2019 Legislative Council inquiry. This report is available online.

7.3.1 Other issues:

- Cumulative impacts of the Lake Munmorah PP and other nearby rezonings – Planning proposals are assessed in isolation and do not consider assessment of cumulative impacts and other externalities (1 submission).
- Streetscape presentation – The need to consider positive streetscape presentation, a landscaped buffer and choice of a consistent design of well-maintained fencing (1 submission).
- Question about Darkinjung LALC's ownership of the land (1 submission).
- Support for the planning proposal as it promoted Aboriginal cultural heritage (1 submission), self-determination for local First Nations people (1 submission), and economic benefits (1 submission).

8 Matters previously raised by the Hunter and Central Coast Regional Planning Panel

On 30 March 2021, Departmental staff briefed the Panel on the planning proposal. The Panel raised the following issues to be resolved:

1. Pathway for biodiversity certification and finalise width of regional biodiversity corridor in consultation with the Department's Biodiversity and Conservation Division.
2. Consistency of proposal with Ministerial direction in relation to bushfire prone land including consultation with NSW Rural Fire Service to determine consistency with Ministerial direction.
3. Arrangements for the provision of State and local infrastructure in consultation with Transport for NSW and Central Coast Council.
4. Preparation of a development control plan incorporating structure plan, neighborhood character statement and controls for future development.

On 2 September 2022, responses to the above matters were presented and discussed with the Panel along with representatives from the Department's Local and Regional Planning Division, the Department's Biodiversity and Conservation Division, Transport for NSW and Central Coast Council.

During the briefing, the Panel raised / re-iterated the following issues to be resolved prior to its determination of the planning proposal:

1. Biodiversity certification:
 - i. Inclusion of a map identifying the biodiversity certification area.
2. Public infrastructure:
 - i. Prepare growth scenarios to understand potential implications for infrastructure provision.
 - ii. Comparison of Council's Northern Districts Development Contributions Plan 2020 with draft voluntary planning agreement subject to negotiation between Darkinjung LALC and Council.
 - iii. Arrangements for the dedication of the proposed public open space area to Council.

3. Development control plan: Refine the site-specific development control plan to include built form controls, desired future character and review consistency with Central Coast DCP.

A detailed response to the matters raised by the Panel on 2 September 2022 is provided in section 9 (post-exhibition changes) of this report.

9 Post-exhibition changes

The following changes have been made to the planning proposal in response to matters raised during exhibition and in a briefing with the Panel:

9.1 Biodiversity certification (Question 8 of the planning proposal)

The response to Question 8 of the planning proposal was updated to include the following map identifying the proposed biodiversity certification area:



Figure 4. Biodiversity certification area (source: Biodiversity Assessment Report, March 2022)

9.2 Public infrastructure (Question 11 of the planning proposal)

The response to Question 11 of the planning proposal was updated to include potential dwelling and population growth scenarios resulting from the rezoning as shown in **Table 8**.

Table 8 – Potential growth scenarios

	Low Density <i>Detached dwellings, medium and large lots</i>	Medium Density <i>Detached dwellings and dual occupancies, small and medium lots</i>	High Density <i>Multi-dwelling typologies, small and medium lots</i>
R1 zone area	278,000 m ²		
R3 zone area	49,000 m ²		
Precinct area (R1 + R3 combined)	327,000 m ²		
Combined lot area (70% of precinct area)	228,900 m ²		
Dwellings	385	490	755
Dwellings / ha	11.8	15	23.1
Population	1,242	1,550.2	2,037
Population / ha	38	47.4	62.3

Table 9 – Potential growth scenario assumptions

	Blended apartment mix	Multi- dwelling housing	Attached dual occupancy	Detached dual occupancy	Detached dwellings (small and medium)	Detached dwellings (large)	Total
Lot Size (m²)	100	200	275	350	450	550	
Dwellings	- - Hi: 100	- - Hi: 124	- - Hi: 120	- Med: 82 Hi: 254	Low: 285 Med: 340 Hi: 89	Low: 100 Med: 68 Hi: 68	Low: 385 Med: 490 Hi: 755
House size	2.3	2.3	2.3	2.9	3.2	3.3	
Population	- - Hi: 230	- - Hi: 285.2	- - Hi: 276	- Med: 237.8 Hi: 736.6	Low: 912 Med: 1,088 Hi: 284.8	Low: 330 Med: 224.4 Hi: 224.4	Low: 1,242 Med: 1,550.2 Hi: 2,037

The growth scenarios have been tested against infrastructure benchmarks and requirements to ensure that the future community is not underserved. A summary of the implications of the growth scenarios on infrastructure provision is provided below:

1. **Water supply:** Central Coast Council advised on 6 October 2022 (**Attachment F**) that they raise no objection to the potential high density scenario in relation to water supply capacity given the proposal will make connection to existing trunk water mains at the adjoining Pacific Highway and the required sizing of the connections can be undertaken by the proponent as part of preparing a future development application.
2. **Sewerage:** Central Coast Council advised on 6 October 2022 (**Attachment F**) that they raise no objection to the potential high density scenario in relation to sewerage capacity given the proposal will construct a new sewage pumping station and sewer rising main from the development site, discharging directly to Mannering Park Sewage Treatment Plant and the required sizing of the infrastructure can be undertaken by the proponent as part of preparing a future development application.
3. **Stormwater:** The Stormwater, Flooding and Servicing Report (Northrop, June 2022) (**Attachment H**) has tested pre-developed, post-developed and post-developed with detention scenarios assuming a highly conservative effective impervious area percentage of 80%. Given the large area of developable land (32.7ha) and the findings of the preliminary stormwater strategy, stormwater can be effectively managed within the site subject to detailed design to confirm device sizes and inlet configurations at subsequent development application and construction certificate stages.
4. **Roadworks and traffic management:** The Traffic Impact Assessment (Intersect Traffic, October 2022) (**Attachment H**) has been updated to consider the potential high-density scenario and concluded the local and state road network has sufficient capacity to cater for 755 dwellings and other known developments in the area. However, given the current unsatisfactory operation of the Pacific Highway / Chain Valley Bay Road intersection, it will require upgrading to a signalised intersection. The intersection upgrade is required for all growth scenarios and is currently the subject of negotiations between Transport for NSW and Darkinjung LALC.
5. **Open space facilities:** Central Coast Council advised on 5 September 2022 (**Attachment F**) that a draft framework for the provision of open space and recreation parks was being developed by Council. The draft framework requires one local recreation park with a minimum area of 0.5ha for every 1,500 persons within a neighbourhood. The exhibited planning proposal included a proposed park of 1.5 ha. Central Coast Council advised on 5 September 2022 that such an area would be excessive for a local park and that Council would accept a park of 0.5 ha in accordance with their draft framework.

Based on the growth scenarios the proposed park would be sufficient to service the future population in the low density (1,242 persons) and medium density (1,550 persons) scenarios however may underservice the potential future population in the high density (2,037) scenario.

It should be noted the assumptions for the take-up of multi-dwelling housing that have informed the high density scenario (see **Table 9**) are very ambitious and not market tested nor expected to be the likely development outcome. Given the proposed park area complies in the low and medium density scenarios and has been agreed to by Central Coast Council it is considered appropriate to proceed.

6. **Community facilities:** In its Northern District Development Contributions Plan (2020), Central Coast Council states that it does not propose to construct any new facilities within the district at this time. Instead, development contributions will be utilised to embellish existing community facilities within proximity of the subject site (i.e. Joint Venture of Community Space at Lake Munmorah High School, Chain Valley Bay Hall and Lake Munmorah Hall) to ensure that they can cater for the demand created by the future population.

Central Coast Council is currently reviewing the Northern District Development Contributions Plan and has not advised of an intention to change the existing approach for the provision of community facilities. Should Council propose an alternative approach this may be facilitated via the voluntary planning agreement negotiations between Darkinjung LALC and Council.

Given the timing of Council's review of the Northern Districts Development Contributions Plan 2020, Darkinjung LALC wrote to Council on 23 August 2022 (**Attachment F**) with an updated offer to enter a voluntary planning agreement for the provision of local infrastructure. The offer includes:

- road widening requirements for the western side of Chain Valley Bay Road, outside of widening required for the upgrade of the Pacific Highway / Chain Valley Bay Road intersection;
- shared construction for that part of the linking collector road / bus route between Chain Valley Bay Road and Carters Road;
- temporary pump station to control septicity – design and maintenance requirements (including funding) as required, and subject to further investigations;
- off road cycleway across site frontage with Pacific Highway;
- provision of local open space parcel, in accordance with Council's Detailed Provision Framework for Public Open Space for Recreation and Sport;
- embellishment of the open space area including a play space which caters for ages 0-12 years, with lighting, constructed and grown shade as well as picnic tables and seating; and
- an internal shared pathway within the development footprint which focusses on the interpretation of the conservation / riparian corridors with embellishments including water and exercise stations as well as interpretive messaging in relation to green and cultural heritage.

The Panel sought clarification on the arrangements for the acquisition of land by Council for the proposed park. Council staff confirmed their preference to identify the proposed park on the land reservation acquisition map within the *Central Coast Local Environmental Plan 2022* and that the terms for the acquisition would be detailed in the voluntary planning agreement.

9.3 Zone area changes (Part 2 of the planning proposal)

As a result of consultation with Central Coast Council in relation to the dedication of the public open space area it was agreed to reduce the area proposed to be zoned RE1 Public Recreation to 0.5ha in accordance with Central Coast Council's Active Lifestyles Strategy (November 2021).

The proposed C2 Environmental Conservation zone which will protect the riparian corridor in the south-east section of the site between the proposed R1 and R3 zones was also widened to align with the biodiversity certification assessment mapping.

The above changes resulted in adjustments to the boundary and size of the proposed zones as per **Table 10** below. These changes have also been updated in Part 2 – Explanation of provisions in the planning proposal.

Table 10 – Size of proposed zones as per exhibition and post-exhibition versions of the planning proposal

Proposed zones	Exhibited area (ha)	Post-exhibition area (ha)
R1 General Residential	28.2	27.8
R3 Medium Density Residential	4.1	4.9
C2 Environmental Conservation	21.3	21.8
RE1 Public Recreation	1.5	0.5

These changes are presented in **Figure 5** below which compares the proposed zoning as exhibited against the updated proposed zones.

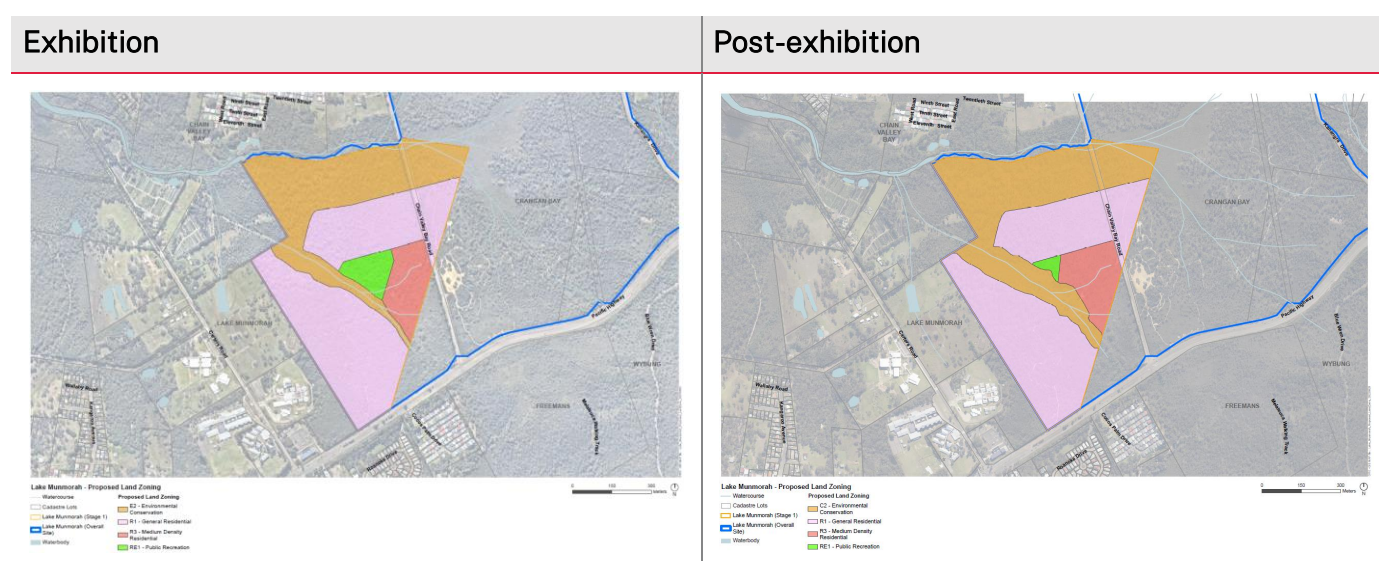


Figure 5. Proposed zoning, exhibited version vs amended post-exhibition

9.4 Development control plan

The site-specific development control plan (**Attachment G**) has been updated to accommodate recommendations from Council and the Panel. The following topics have been included:

- Introduction – provisions on relevant planning authority, adoption and commencement, purpose and objectives, application and variations
- Character statement
- Updated structure plan with details to support requirements detailed in the development control plan (see **Figure 6**).
- Open Space
- Road Layout and Hierarchy
- Pedestrian and Cycleway Routes
- Public Transport
- Vegetation Management

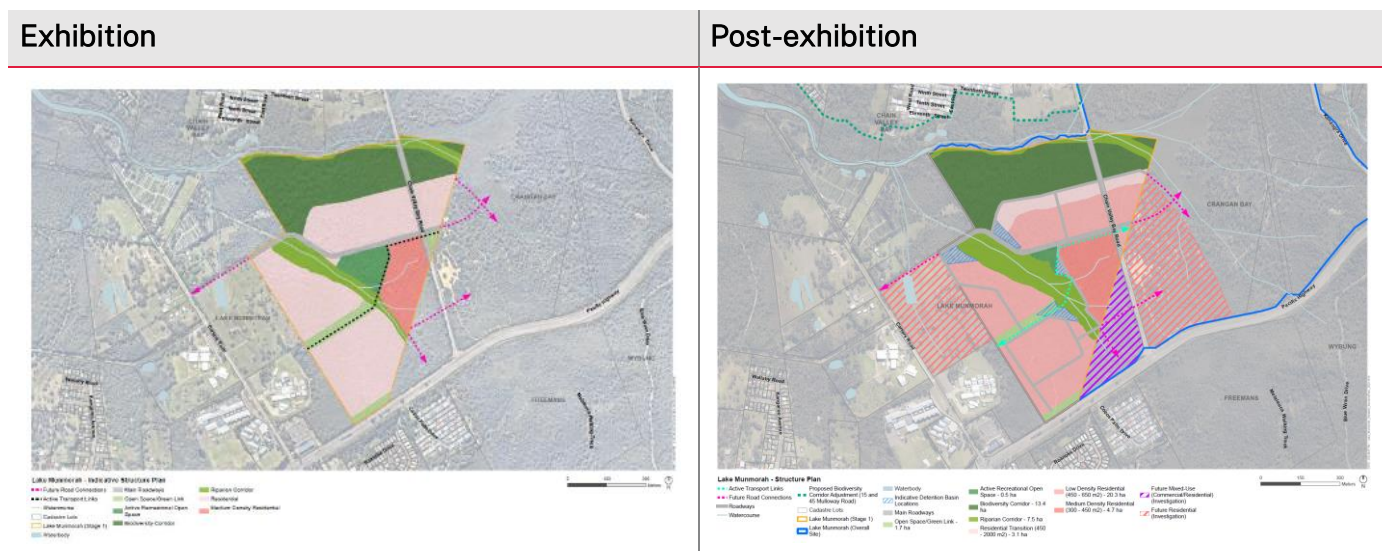


Figure 6. Structure plan, exhibited version vs amended post-exhibition

The site-specific development control plan does not propose requirements for future built form outcomes such as building setbacks, maximum height of buildings, minimum private open space area and landscaping. Provisions contained within the Central Coast Development Control Plan 2022 will continue to apply to the site and determine future built form. **Table 11** provides an overview of the likely built form controls that will apply to atypical development lot within the Lake Munmorah URA.

Table 11 – Typical built form requirements applying to the Lake Munmorah URA

	Single dwelling – R1 zone	Single dwelling – R3 zone	Dual occupancy (detached) – R1 zone	Dual occupancy (attached) – R3 zone
Permissibility	With consent	With consent	With consent	With consent
Minimum lot size	450m ²	300m ²	700m ² (4.1B, CC LEP)	550m ² (4.1B, CC LEP)
Maximum height of building	10m (2.1.2.1, CC DCP)	10m (2.1.2.1, CC DCP)	10m (2.2.3.1, CC DCP)	10m (2.2.3.1, CC DCP)
Site Coverage	Max. 50% of site area (2.1.2.2, CC DCP)	Max 60% of site area (2.1.2.2, CC DCP)	Min. 25% ‘soft’ landscaping (2.2.4.3, CC DCP)	Min. 25% ‘soft’ landscaping (2.2.4.3, CC DCP)
Floor Space Ratio	No requirement.	No requirement.	0.5:1 (2.2.4.1, CC DCP)	0.5:1 (2.2.4.1, CC DCP)
Front setback	4.5m (2.1.3.1, CC DCP)	4.5m (2.1.3.1, CC DCP)	<ul style="list-style-type: none"> 4.5m for road reserve >12m; or 6m for road reserve <12m (2.2.5, CC DCP) 	<ul style="list-style-type: none"> 4.5m for road reserve >12m; or 6m for road reserve <12m (2.2.5, CC DCP)

	Single dwelling – R1 zone	Single dwelling – R3 zone	Dual occupancy (detached) – R1 zone	Dual occupancy (attached) – R3 zone
Minimum side setbacks	For lots >12.5m wide: <ul style="list-style-type: none"> • 0.9m up to 4.5m; and • 0.9m + one-quarter of building height above 4.5m (2.1.3.1, CC DCP)	For lots up to 12.5m wide: <ul style="list-style-type: none"> • 0m to one side for a maximum length of 10m; and • 0.9m + one-quarter of building height above 4.5m (2.1.3.1, CC DCP)	<ul style="list-style-type: none"> • 0.9m up to 4.5m; and • 0.9m + one-quarter of building height above 4.5m (2.2.5, CC DCP)	<ul style="list-style-type: none"> • 0.9m up to 4.5m; and • 0.9m + one-quarter of building height above 4.5m (2.2.5, CC DCP)
Rear setback	<ul style="list-style-type: none"> • Single storey: 0.9m for maximum 50% of rear boundary length; • Multi-storey: 3m up to height of 4.5m and 6m for over height of 4.5m; or • 3m to public reserve (2.1.3.1, CC DCP)	<ul style="list-style-type: none"> • Single storey: 0.9m for maximum 50% of rear boundary length; • Multi-storey: 3m up to height of 4.5m and 6m for over height of 4.5m; or • 3m to public reserve (2.1.3.1, CC DCP)	<ul style="list-style-type: none"> • 4.5m; or • 3m to public reserve (2.2.5, CC DCP)	<ul style="list-style-type: none"> • 4.5m; or • 3m to public reserve (2.2.5, CC DCP)
Private open space	24m ² for lot width >10m (2.1.4.3, CC DCP)	16m ² for lot width <10m (2.1.4.3, CC DCP)	45m ² (2.2.7.3, CC DCP)	45m ² (2.2.7.3, CC DCP)
Landscaped area	No requirement.	No requirement.	Min. 50% of 'soft' landscaping area to be deep soil zone. (2.2.10, CC DCP)	Min. 50% of 'soft' landscaping area to be deep soil zone. (2.2.10, CC DCP)

10 Next Steps

The Minister for Planning is the Local Plan-Making Authority (LPMA) for this planning proposal.

The Panel's decision and the final planning proposal will be submitted to the Department through the NSW Planning Portal for finalisation.

The Department's Agile Planning Team, as the Minister's delegate, will prepare a finalisation report in accordance with the LEP Making Guidelines (September 2022) and determine whether to make the LEP, with or without variation. The Department's Agile Planning Team may defer the inclusion of a matter in the proposed LEP or not make the LEP.

In accordance with section 3.36(1) of the *Environmental Planning and Assessment Act 1979*, the Department will organise drafting of the LEP and finalisation of maps and will consult the PPA on any draft instrument.

11 Recommendation

Based on this post-exhibition report, it is recommended that the Panel determine that the planning proposal should be submitted to the Minister for Planning for finalisation.

The planning proposal is considered suitable for finalisation because:

- the proposal demonstrates strategic and site-specific merit;
- the conditions of the Gateway have been met;
- agency and community consultation has occurred in accordance with the Gateway determination; and
- post-exhibition changes do not alter the intent of the planning proposal.

Accordingly, it is recommended that the Panel:

1. forward the Lake Munmorah Planning Proposal (PP-2021-917) (**Attachment A**) to the Department of Planning and Environment and request the Minister for Planning make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
2. forward the Lake Munmorah Urban Release Area Development Control Plan (**Attachment G**) to the Department and request the Planning Secretary make the plan under section 3.43 of the *Environmental Planning and Assessment Act 1979*.

Attachments

Item	Description
A	Lake Munmorah planning proposal, October 2022
B	Alteration of Gateway determination, December 2021
C	Authorisation for public exhibition, February 2022
D	Submissions received (Council, agencies and community)
E	Response to submissions report, October 2022
F	Correspondence regarding implications of growth scenarios on infrastructure provision
G	Development control plan, October 2022
H	Supporting studies <ul style="list-style-type: none"> a) Traffic Impact Assessment (Intersect Traffic, October 2022) b) Stormwater, Flood & Servicing Report (Northrop, June 2022) c) Biodiversity Assessment Report (Umwelt, March 2022) d) Strategic Bushfire Study (Clarke Dowdle and Associates, November 2021) e) Aboriginal Cultural Heritage Assessment (Heritage Now, August 2020) f) Biodiversity Corridor Assessment (Umwelt, June 2020) g) Open Space and Recreation Analysis (Terras Landscape Architects, August 2018) h) Visual Impact Assessment (Terras Landscape Architects, August 2018) i) Acoustic Assessment (Spectrum Acoustics, November 2017) j) Land Capability Assessment (Douglas Partners, November 2017) k) Social Impact Assessment (Aigis Group, November 2017) l) Preliminary Site Investigation (Contamination and Slope Stability) (Douglas Partners, September 2017)