

# Lake Munmorah Planning Proposal

PP-2021-917 | PP\_2015\_WYONG\_002\_01

October 2022

## Part 1 – Objectives and intended outcomes

The objective of the planning proposal is to enable land at Lot 642 DP 1027231, Lake Munmorah and Lot 100 DP 1044282, Crangan Bay to be used 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.

The planning proposal will also 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 planning proposal seeks to amend the *Central Coast Local Environmental Plan 2022* to:

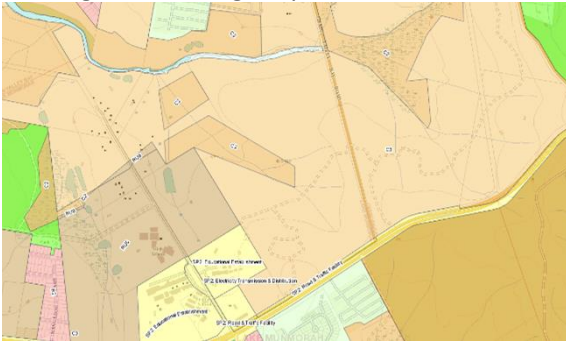
- enable future urban development of the site;
- protect environmentally and culturally significant land;
- provide for public recreation;
- ensure satisfactory arrangements are in place for designated State infrastructure; and
- support the economic self-determination of the Darkinjung Local Aboriginal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

## Part 2 – Explanation of provisions

The planning proposal seeks the following amendments to the local environmental plan:

Amendment Applies to	Explanation of Provisions
Land Zoning Map	<ul style="list-style-type: none"><li>• Rezone the land from C3 Environmental Management and C2 Environmental Conservation to:<ul style="list-style-type: none"><li>○ R1 General Residential (27.8ha);</li><li>○ R3 Medium Density (4.9ha);</li><li>○ C2 Environmental Conservation (21.8ha); and</li><li>○ RE1 Public Recreation (0.5ha).</li></ul></li></ul>
Lot Size Map	<ul style="list-style-type: none"><li>• Apply 450m<sup>2</sup> minimum lot size to land proposed to be zoned R1 General Residential;</li><li>• Apply 300m<sup>2</sup> minimum lot size to land proposed to be zoned R3 Medium Density Residential; and</li><li>• Retain 40ha minimum lot size to land proposed to be zoned C2 Environmental Conservation.</li></ul>
Land Reservation Acquisition Map	<ul style="list-style-type: none"><li>• Identify land for acquisition that is proposed to be zoned RE1 Public Recreation.</li></ul>
Urban Release Area Map	<ul style="list-style-type: none"><li>• Identify the site as urban release areas to ensure that satisfactory arrangements will be made to contribute to the provision of designated State infrastructure.</li></ul>

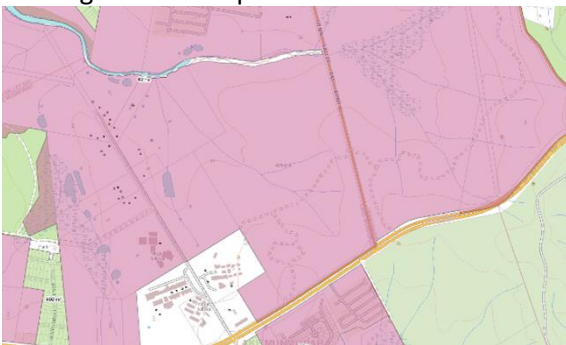
Existing Land Zoning Map



Proposed Land Zoning Map



Existing Lot Size Map



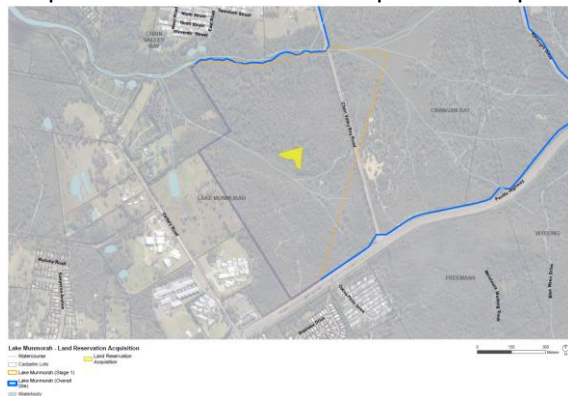
Proposed Lot Size Map



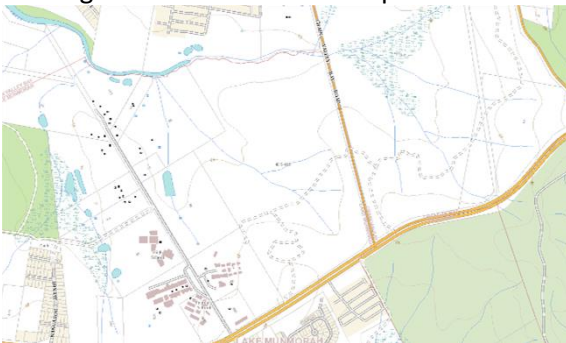
Existing Land Reservation Acquisition Map



Proposed Land Reservation Acquisition Map



Existing Urban Release Area Map



Proposed Urban Release Area Map



## Part 3 – Justification of strategic and site-specific merit

### Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

At the time the planning proposal was lodged, it was an outcome of the:

- Department of Premier and Cabinet's Enabling Taskforce, which identified the site as one of the locations in the *North Wyong Shire Structure Plan 2012* for further consideration through a rezoning process; and
- Wyong Settlement Strategy, which supports the provisions of the *North Wyong Structure Plan 2012*.

The site is identified in the *North Wyong Shire Structure Plan 2012* as one of several 'strategically located, constrained sites', subject to further investigation and offset strategies to define conservation requirements and development potential'.

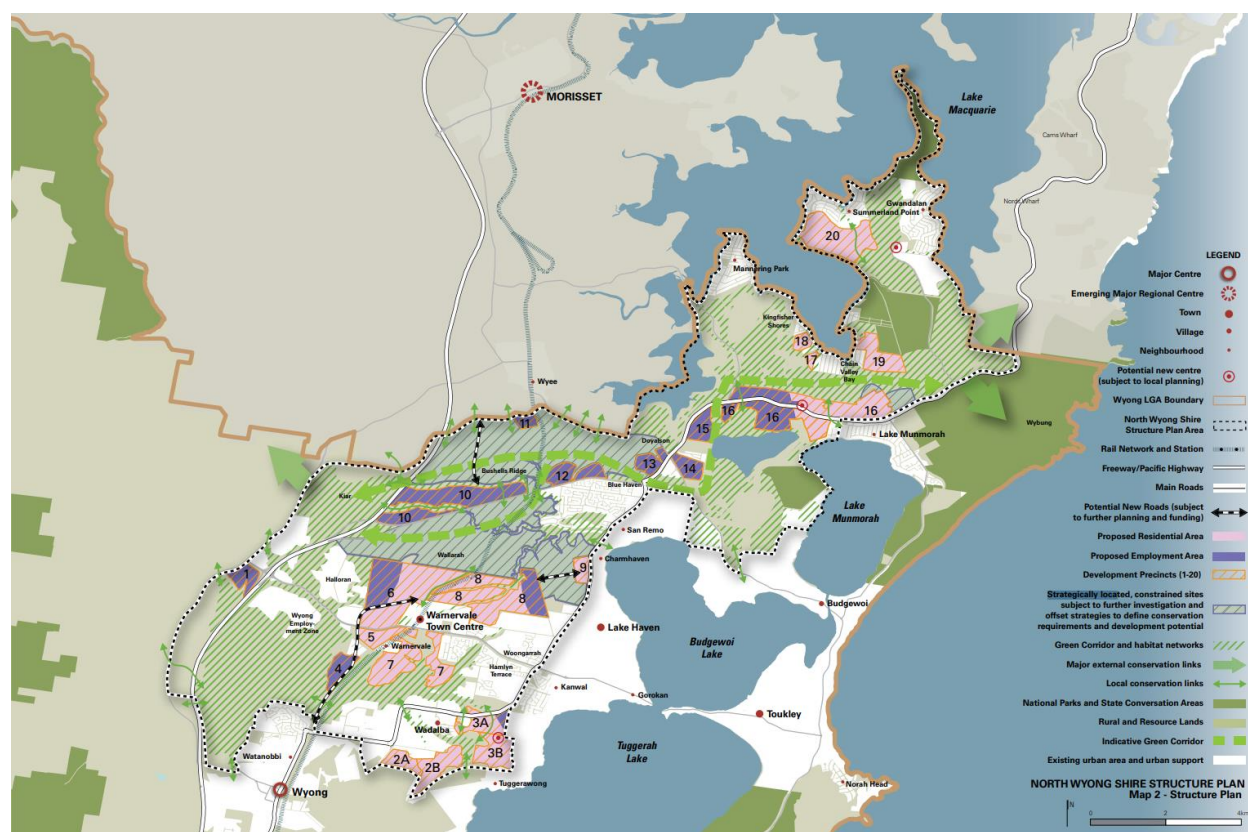


Figure 2: *North Wyong Shire Structure Plan 2012*

Since then, the proposed development of the site and Darkinjung Local Aboriginal Land Council's landholdings to support economic and social opportunities for the Land Council and its community has been identified in the:

- *Central Coast Regional Plan 2036*, which includes Action 6.1 to collaborate with the Central Coast Council and the Darkinjung Local Aboriginal Land Council to strategically assess the Land Council's landholdings and identify priority sites to create a pipeline of projects;



- *Draft Central Coast Regional Plan 2041*, which identifies the site within a short term residential growth area (Precinct 16G);
- *Interim Darkinjung Development Delivery Plan*, which identifies the site for residential development and environmental conservation; and
- *Central Coast Local Strategic Planning Statement*, which identifies the site on the housing precincts map and sets out the NSW Government and Central Coast Council will work with Local Aboriginal Land Councils to identify how their land can best be planned, managed and developed through the *State Environmental Planning Policy (Planning Systems) 2021* (previously *State Environmental Planning Policy (Aboriginal Land) 2019*) and the proposed review of the *North Wyong Shire Structure Plan*.

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

The planning proposal is the best means of achieving the objectives.

The proposed residential development cannot be achieved with the current zoning. A planning proposal to rezone the site is the appropriate mechanism to achieve the intended development.

### Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal will give effect to the objectives and actions of the following strategic plans:

#### Central Coast Regional Plan 2036

The planning proposal is consistent with the *Central Coast Regional Plan 2036*. Specifically, under *Goal 1 – A prosperous Central Coast with more jobs close to home*, the CCRP states *‘The coordinated assessment and development of land owned by the Darkinjung Local Aboriginal Land Council will deliver long term benefits for the region’s Aboriginal community’*.

Direction 6 also states:

*‘The NSW Government and Central Coast Council will work with the Darkinjung Local Aboriginal Land Council to identify how its land can best be planned, managed and developed. Encouraging Aboriginal people to gain economic benefit from their land will support broader regional development, biodiversity and social outcomes. The NSW Government and Darkinjung Local Aboriginal Land Council will work towards achieving the overall aim of the Aboriginal Land Rights Act 1983 (NSW) which lays the foundations for a more secure economic and self-reliant future for all Aboriginal people in NSW’.*

A biodiversity corridor on the site will be protected by applying a C2 Environmental Conservation zone which further supports the implementation of the regional plan by contributing directly to the identified *Biodiversity Corridor 4 – Connecting the coast to the foothills and providing an inter-regional landscape break*.

*Direction 12: Protect and manage environmental values* under *Goal 2 – Protect the natural environment and manage the use of agricultural and resource lands* of the regional plan also contains actions to:

- 'Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.
- Identify and strengthen biodiversity corridors as places for priority biodiversity offsets.
- Undertake a precinct approach to biodiversity offsetting in northern Wyong to protect riparian corridors and terrestrial and aquatic biodiversity and achieve the conservation, landscape and development objectives of the North Wyong Shire Structure Plan'.

Application of the conservation zone across the biodiversity corridor will support implementation of these actions and ensure protection of the corridor through the local environmental plan. The proponent may consider the suitability of using those C2 Environmental Conservation lands as a biodiversity stewardship site at a later stage of the planning process. This could formalise the protection of those regionally important biodiversity values.

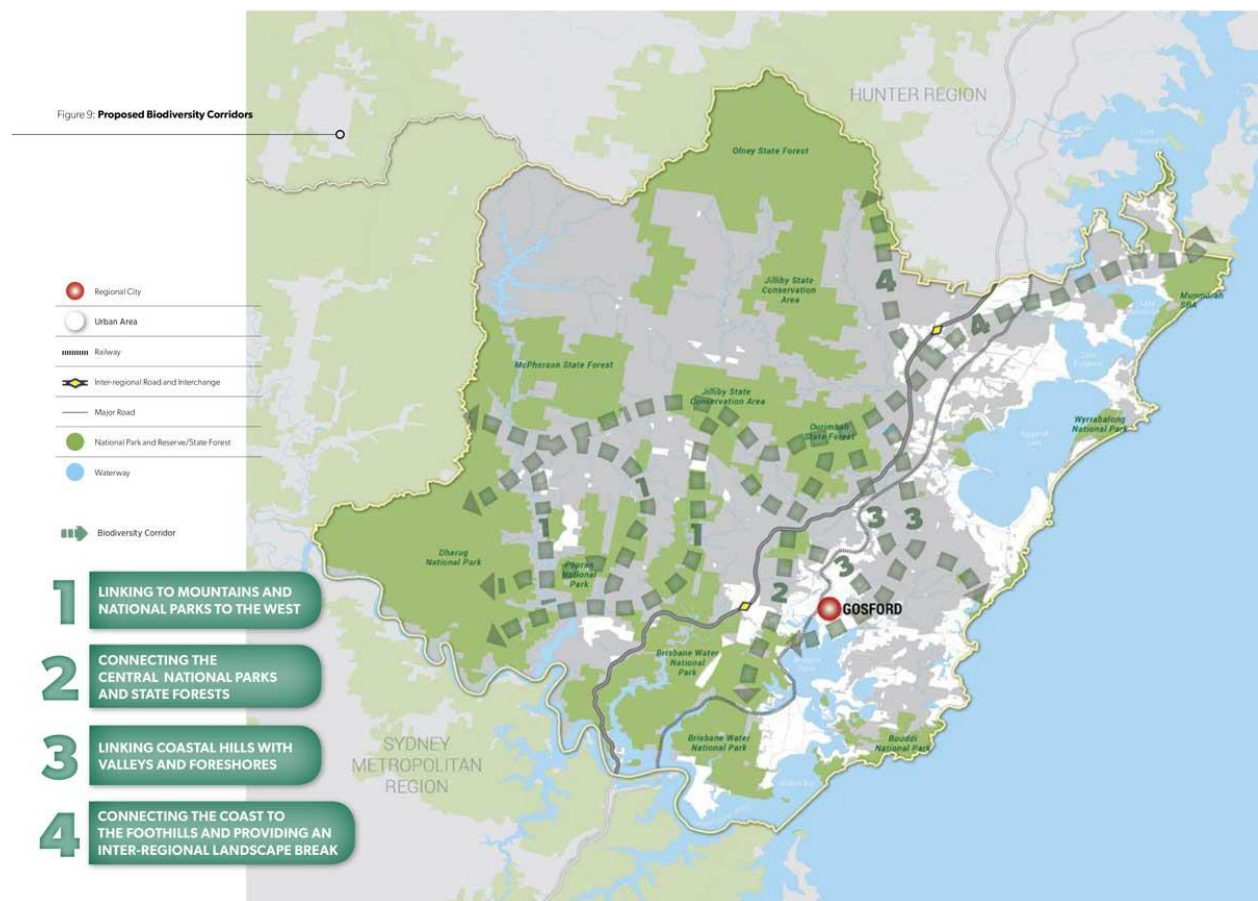


Figure 3: Central Coast Regional Plan 2036 – Proposed Biodiversity Corridors

## Draft Central Coast Regional Plan 2041

Regional Plan Objectives	Justification
Objective 2: Ensure economic self-determination for Aboriginal residents of the Central Coast	<p>The planning proposal delivers the IDDDP and supports Aboriginal people to gain economic benefit from their land for broader regional development, biodiversity, and social outcomes.</p> <p>It also delivers on the strategy in the regional plan to accelerate determination of Darkinjung LALC proposals.</p>
Objective 3: Create a 15-minute region made up of mixed, multi-modal, inclusive and vibrant local communities	<p>The development footprint of the planning proposal adjoins the local centres of Chain Valley Bay to northwest and Lake Munmorah to the southwest.</p> <p>The site location immediately backs onto the local schools and multi-modal access to shops and services in the local centres, particularly to Lake Munmorah, are achievable.</p>
Objective 4: Plan for “Nimble Neighbourhoods”, diverse housing and sequenced development	<p>The site constraints justify the anticipated density of about 13 dwellings per hectare, which is considered lower than the draft regional plan’s definition of optimal density of 50-75 dwellings per hectare of developable land.</p> <p>The planning proposal includes a mix of medium and general residential creating a diversified supply of local housing.</p>
Objective 5: Connect green infrastructure and quality public spaces to the landscape	<p>The northern section of the site runs along the regional biodiversity corridor and riparian corridors and the proposed structure plan maximises linkage to the open space network with the surrounding residential communities and the development. In this regard, the planning proposal provides a centralised active recreational open space that is accessible from the surrounding communities.</p> <p>A biodiversity assessment report has been prepared in accordance with the Biodiversity Assessment Methodology to support the planning proposal. The planning proposal has applied the avoid, minimise and offset hierarchy and demonstrated how the impacts on areas with high environmental value will be avoided.</p> <p>The planning proposal also provides for the establishment of an active recreational open space.</p>
Objective 6: Reach net zero and increase resilience and sustainable infrastructure	<p>The planning proposal will maintain the biodiversity corridor to the north of the site by providing a 300m minimum buffer width similar to the site’s western section.</p> <p>This will assist strengthen natural mechanisms in the local area that mitigate impact from natural hazards and risks, considering the riparian character of the surrounding area.</p>

### Central Lakes district planning priorities

Precincts for future jobs and homes	<p>The regional plan identifies Lake Munmorah as a growth area and the site, which is the southwestern portion of the DLALC land, is identified as low-density residential development in the <del>draft</del> <i>Greater Lake Munmorah Structure Plan 2022</i>.</p> <p>The planning proposal aligns with Precinct 16G in the draft regional plan and is identified as a short-term priority.</p> <p>The draft regional plan acknowledges the time and resources invested in detailed planning for these growth areas to be translated into outcomes.</p> <p>The planning proposal delivers on this priority of the draft regional plan.</p>
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Regional Plan Objectives	Justification
Biodiversity corridor	<p>A biodiversity assessment report has been prepared in accordance with the Biodiversity Assessment Methodology to support the planning proposal.</p> <p>The biodiversity assessment report adequately demonstrates the avoidance and mitigation of biodiversity impacts. This includes avoidance of the regional biodiversity corridors and riparian corridors through the site.</p> <p>The biodiversity assessment report identifies the residual biodiversity impacts and any likely credit obligations of the development. Credit obligations required to offset any development impacts will be considered through the relevant development assessment pathways in accordance with the provisions of the Biodiversity Conservation Act 2016 and Environmental Planning and Assessment Act 1979. This may include progression of a:</p> <ul style="list-style-type: none"> <li>- standard biodiversity certification application; or</li> <li>- biodiversity development assessment report through the development assessment process; or</li> <li>- strategic biodiversity certification application.</li> </ul> <p>The application of the C2 Environmental Conservation zone will protect the biodiversity corridors. The proponent may consider the suitability of using those C2 Environmental Conservation lands as a biodiversity stewardship site at a later stage of the planning process. This could formalise the protection of those regionally important biodiversity values.</p>
Green infrastructure and quality public space	<p>The northern section of the site runs along the regional biodiversity corridor and riparian corridors and the proposed plan structure plan maximises linkage to the open space network with the surrounding residential communities and the development. In this regard, the planning proposal provides a centralised active recreational open space that is accessible from the surrounding communities.</p> <p>The planning proposal also provides for the establishment of an active recreational open space.</p>



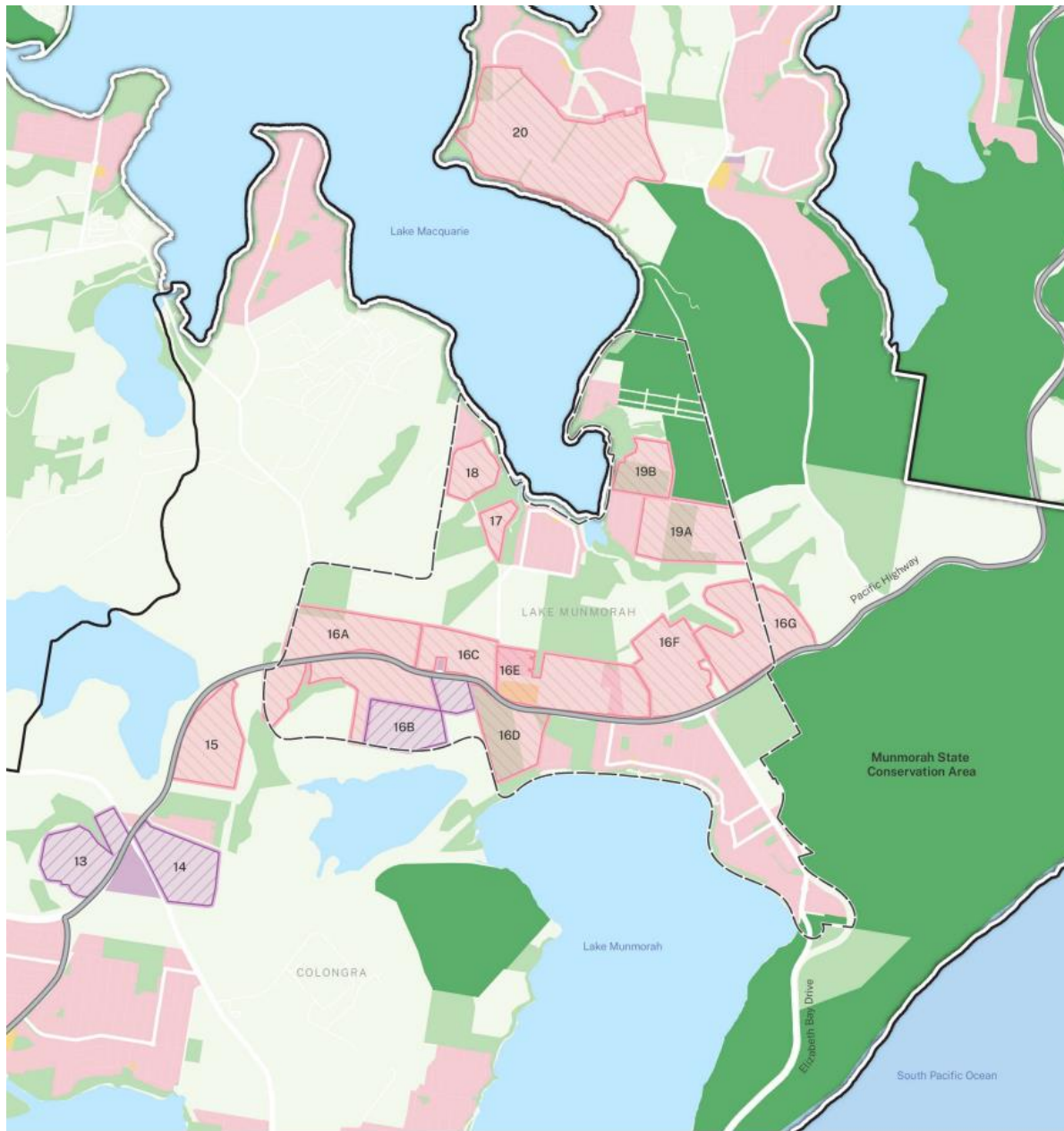


Figure 14: Greater Lake Munmorah precincts for future jobs and homes



- |   |  |              |
|---|--|--------------|
| — Regional boundary                               | ▨ Employment precinct (subject to investigation) | ■ Water body |
| — District boundary                               | ■ Employment                                     |              |
| - - - Greater Lake Munmorah Structure Plan        | ■ Commercial                                     |              |
| ▨ Residential precinct (subject to investigation) | — Highway  |              |
| ■ Residential                                     | ■ National park and reserve                      |              |
|   | ■ Open space                                     |              |

Figure 4: Draft Central Coast Regional Plan 2041

#### North Wyong Shire Structure Plan 2012 (NWSSP)

The NWSSP also identifies an Indicative Green Corridor in proximity of the site. It identifies the site as *'Strategically located, constrained sites subject to further investigation and offset strategies to define conservation requirements and development potential'*.

The site investigations associated with the preparation of the planning proposal have facilitated a determination of development and conservation outcomes.

#### Interim Darkinjung Development Delivery Plan (Interim DDDP)

Ministerial Direction 1.3 – *Development of Aboriginal Land Council land*, requires a planning proposal authority to take into consideration a DDP or Interim DDP when preparing a planning proposal for land identified in *State Environmental Planning Policy (Planning Systems) 2021* (previously *State Environmental Planning Policy (Aboriginal Land) 2019*).

The Interim DDDP states 'the key objective of the planning proposal will be to achieve a balance between development, biodiversity conservation and protection of future resources potential'. The Interim DDP requires the planning proposal to reflect the area not affected by the existing coal mine and future coal mine extension. It also identifies that an Aboriginal Cultural Heritage Assessment Report needs to be prepared and referred to the relevant State agency for review prior to rezoning of the land. The Interim DDP identifies the need to address traffic infrastructure to support development as well as the need to include water and sewer servicing concepts and a storm water management strategy prepared with Central Coast Council.

These matters have been addressed and have informed the preparation of the planning proposal. This has included adjusting the planning proposal to avoid future resource extraction areas, and incorporating Aboriginal cultural items in the C2 Environmental Conservation zone. It is also intended that a Voluntary Planning Agreement will be prepared for infrastructure delivery.

Q4. Is the planning consistent with a council LSPS that has been endorsed by the Planning Secretary or another endorsed local strategy or strategic plan?

#### Central Coast Local Strategic Planning Statement

The *Central Coast Local Strategic Planning Statement* (LSPS) provides a land use vision that will guide the future growth and development across the local government area to 2036 and beyond. The planning proposal is consistent with the Central Coast LSPS as it will deliver additional housing consistent with the Planning Priority 8 – Provide for the housing needs of our growing region.

In addition to the site being identified as a housing precinct, *Planning Priority 9 – Plan for the sustainable development of our future urban release areas*, identifies actions to prepare a Lake Munmorah Structure Plan as well as actions to prepare a Master Plan and Public Domain Plan for Lake Munmorah centre. The *Greater Lake Munmorah Structure Plan* was adopted by Council on 26 April 2022.

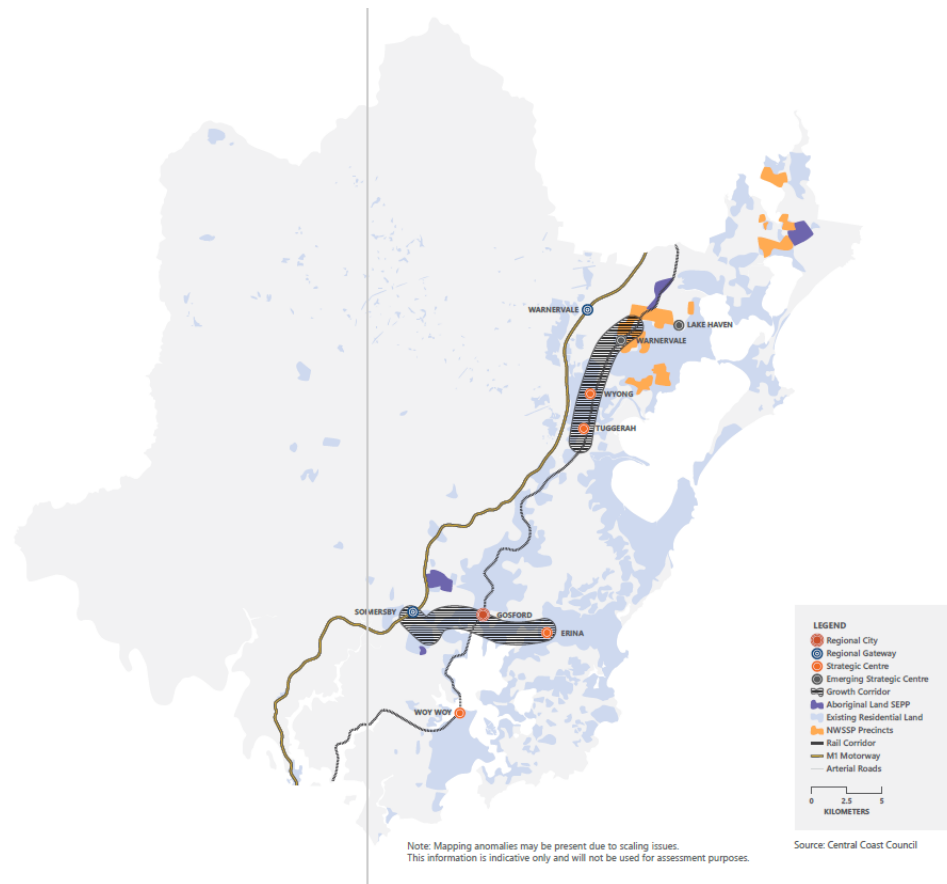


Figure 5: Central Coast Local Strategic Planning Statement – Housing Precincts

## Greater Lake Munmorah Structure Plan

The Structure Plan sets a 20-year local land use framework that:

- *Addresses housing and employment land supply, infrastructure provision, ecology, traffic and transport.*
- *Enhances the existing public domain via identifying opportunities for Public Domain Plans and urban design guidelines.*
- *Enhances social interaction through careful placement of community and recreational facilities and infrastructure.*
- *Promotes significant natural features, including waterfront areas, public reserves, and biodiversity linkages.*
- *Provides greater certainty to land owners, the community, and industry groups with regard to land use options and the location of future development and conservation areas within the study area*

The Plan identifies the need to determine infrastructure delivery and apportionment of costs including the provision of play spaces and active transport network, as well as a local road connection between Carters Road and Chain Valley Bay Road (Figure 6). The provision of local infrastructure will be supported through the preparation of a Voluntary Planning Agreement and the dedication of an area of open space.



Figure 6: Greater Lake Munmorah Structure Plan

The Plan also identifies existing biodiversity corridors in the area (Figure 7). The ~~draft~~ Plan reviewed land zoning within the biodiversity corridor, as part of precinct-based rezoning investigations. The Plan has identified the biodiversity corridor. This planning proposal and LEP amendment will ensure the proposed regional biodiversity corridor is zoned C2 Environmental Conservation.





Figure 7: Greater Lake Munmorah Structure Plan – Biodiversity Corridors

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

#### NSW Housing Strategy

The planning proposal is consistent with *NSW Housing Strategy* aspirations for 2041, including:

1. delivering housing supply in the right locations at the right time by giving effect to the *draft Central Coast Regional Plan 2041* which identifies the site as a short term residential growth area;
2. provide housing that is diverse and meets varied and changing needs by incorporating general residential and medium density residential zoning that will enable various lot size and housing typology options to be developed and adapted over time;
3. providing housing that is affordable and secure by providing new housing opportunities within an established suburban area with access to local facilities, employment opportunities and jobs; and
4. delivering enduring and resilient housing by designing in response to natural hazards, such as extreme heat, bushfires, flooding.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal has been considered against relevant State Environmental Planning Policies (SEPP) as follows:

#### State Environmental Planning Policy (Planning Systems) 2021



### *Chapter 3 – Aboriginal land*

The aims of this Policy are to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.

In addition, Ministerial Direction 1.3 – *Development of Aboriginal Land Council Land*, requires a planning proposal Authority to take into account a Development Delivery Plan or Interim Development Delivery Plan where the site is shown on the land application map of the Aboriginal Land SEPP. The site is included in the Land Application Map of the SEPP and therefore the Interim Darkinjung Development Delivery Plan has been taken into account as described previously.

### State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### *Chapter 4 – Koala habitat protection 2021*

The Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The biodiversity assessment report completed for the site found Koala habitat, however, determined that the occurrence of Koalas is unlikely due to no suitable seed trees within the site.

### State Environmental Planning Policy (Resilience and Hazards) 2021

#### *Chapter 2 – Coastal management*

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area, by:

- managing development in the coastal zone and protecting the environmental assets of the coast,
- establishing a framework for land use planning to guide decision-making in the coastal zone, and
- mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the *Coastal Management Act 2016*.

An area in the north-western corner is within the 'Coastal Use Area', which is proposed to be zoned C2 Environmental Conservation. A portion of the identified 'Coastal Environment Area' falls within the proposed R2 Low Density Residential zone. Any future application for development of this part of the site will need to avoid, minimise or mitigate impacts on coastal environmental values and natural processes.

The regional biodiversity corridor along with the riparian corridor and identified Endangered Ecological Community within the 'Coastal Environment Area' will be contained in the C2 Environmental Conservation zone. Furthermore, the existing Development Control Plan provides requirements for development to implement Water Sensitive Urban Design measures as well as Urban Interface Area requirements to mitigate environmental impacts for any future development within the part of the 'Coastal Environment Area' proposed for residential use.

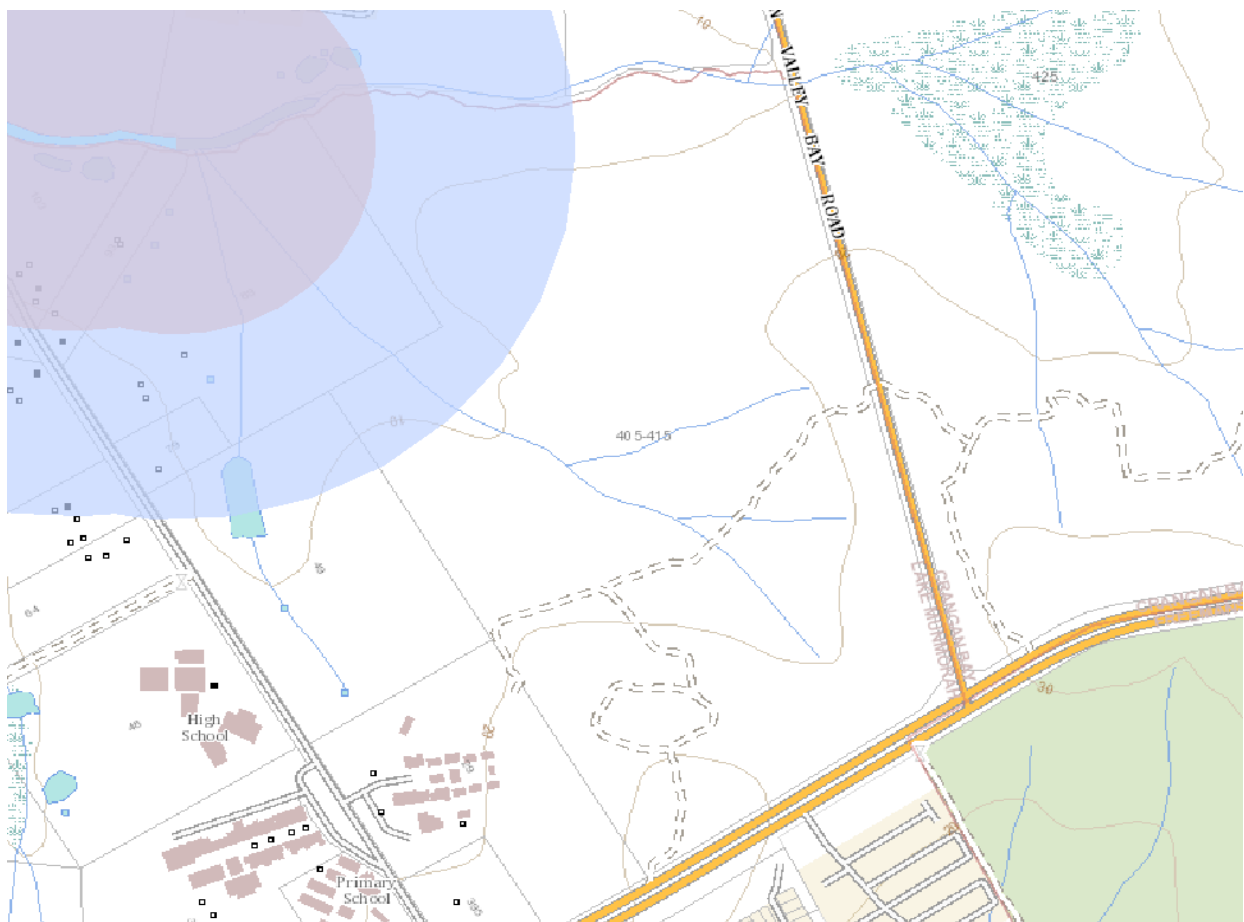


Figure 8: Identified Coastal Use and Coastal Environment Areas (Source: NSW ePlanning Spatial Viewer)

Q7. Is the planning proposal consistent with applicable Ministerial directions?

An assessment of Ministerial directions has been undertaken as outlined below:

Ministerial Direction	Consistency
<b>Focus area 1: Planning Systems</b>	
<p>1.1 Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	<p>The planning proposal is consistent with the <i>Central Coast Regional Plan 2036</i> and aims to achieve the economic self-determination of Darkinjung.</p> <p>The planning proposal is consistent with Direction 1.2 Implementation of Regional Plans.</p>

Ministerial Direction	Consistency
<p>1.2 Development of Aboriginal Land Council land</p> <p>The objective of this direction is to provide for the consideration of development delivery plans prepared under the <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> when planning proposals are prepared by a planning proposal authority.</p>	<p>The planning proposal is consistent with this direction as it considers the Interim Darkinjung Development Delivery Plan.</p>
<p>1.3 Approval and Referral Requirements</p> <p>Ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>No additional local provisions are proposed. The planning proposal is consistent with this direction.</p>
<p>1.4 Site Specific Provisions</p> <p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p>	<p>The planning proposal is consistent with the direction as it will rely on existing zones and uses in the land use table.</p>
<b>Focus area 1: Planning Systems – Place-based</b>	
Nil	
<b>Focus area 2: Design and Place</b>	
Nil	
<b>Focus area 3: Biodiversity and Conservation</b>	

Ministerial Direction	Consistency
<p>3.1 Conservation Zones</p> <p>Aims to protect and conserve environmentally sensitive areas.</p>	<p>The planning proposal is inconsistent with this direction as it reduces the 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, C2 Environmental Conservation and RE1 Public Recreation.</p> <p>The planning proposal seeks to avoid and minimise the potential impacts on ecological values through the distribution of land use zones. The application of the C2 Environmental Conservation zone will protect a regional biodiversity corridor and riparian corridors that has been identified in state and local strategies. The proponent may consider the suitability of using those C2 Environmental Conservation lands as a biodiversity stewardship site at a later stage of the planning process. This could formalise the protection of those regionally important biodiversity values.</p> <p>The amendment of C3 Environmental Management lands to C2 Environment Conservation lands will provide stronger environmental protections and minimise impact to biodiversity. Similarly, the proposal has ensured the development footprint avoids impacts to threatened ecological communities (TEC) with development concentrated to areas with unlisted communities.</p> <p>The planning proposal's inconsistency with this direction is justified, as the proposed rezoning of the site will result in the contribution to the regional biodiversity corridor and increased protection of important environmental values through the amendment of land use zones from C3 Environmental Management to C2 Environmental Conservation.</p> <p>The planning proposal is supported by a biodiversity assessment report dated April 2022. The biodiversity assessment report adequately demonstrates the avoidance and mitigation of biodiversity impacts. The biodiversity assessment report identifies the residual biodiversity impacts and any likely credit obligations of the development. Credit obligations required to offset any development impacts will be considered through the relevant biodiversity approval pathways in accordance with the provisions of the <i>Biodiversity Conservation Act 2016</i> and <i>Environmental Planning and Assessment Act 1979</i>. This may include progression of a:</p> <ul style="list-style-type: none"> <li>• standard biodiversity certification application; or</li> <li>• biodiversity development assessment report through the development assessment process; or</li> <li>• strategic biodiversity certification application.</li> </ul>
<p>3.2 Heritage Conservation</p> <p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>An Aboriginal Cultural Heritage Assessment Report was undertaken in August 2020, which identified two culturally significant Aboriginal sites. Both sites are located within the area proposed to be zoned C2 Environmental Conservation.</p> <p>The planning proposal is consistent with this direction as it protects identified heritage through appropriate C2 Environmental Conservation zone.</p>

Ministerial Direction	Consistency
<p>3.5 Recreation Vehicle Areas</p> <p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p>	<p>The proposal is consistent with this direction as it does not propose to enable land to be developed for a recreation vehicle area.</p>

#### Focus area 4: Resilience and Hazards

<p>4.1 Flooding</p> <p>Aims to ensure that development of flood prone land is consistent with the NSW Government Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>A Stormwater, Flooding and Servicing Report has been undertaken to inform the planning proposal. All areas proposed to be zoned for urban development are located outside of the extent of the flood planning area (i.e. probable maximum flood).</p> <p>The planning proposal is consistent with this direction.</p>
<p>4.2 Coastal Management</p> <p>Aims to protect and manage coastal areas of NSW.</p>	<p>The planning proposal is consistent with this direction as it does not propose to enable increased development on land identified as a coastal vulnerability area, coastal hazard in an LEP or DCP, or a coastal wetland or littoral rainforest area.</p> <p>The part of the site identified as 'Coastal Use Area' is proposed to be contained within the C2 Environmental Conservation zone.</p>
<p>4.3 Planning for Bushfire Protection</p> <p>Aims to encourage the sound management of bush fire prone areas and to ensure a planning proposal addresses Planning for Bushfire Protection 2019.</p>	<p>The planning proposal is supported by a Strategic Bushfire Study which has concluded that the proposal satisfies <i>Planning for Bush Fire Protection 2019</i> and is not considered incompatible with the surrounding environment and bushfire risk.</p> <p>The planning proposal and supporting study have been reviewed by NSW Rural Fire Service. The agency has provided advice that it raises no objections to the proposal, subject to a requirement that the future subdivision / development of the land complies with the <i>Planning for Bushfire Protection 2019</i>.</p> <p>The planning proposal is consistent with this direction.</p>



Ministerial Direction	Consistency
<p>4.4 Remediation of Contaminated Land</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>A preliminary site investigation report concluded that the site would generally be considered compatible (from a site contamination perspective) with the proposed residential land uses, subject to removal of all fly-tipped material (including ACM) and the results of further intrusive contamination investigations to obtain quantitative data on the contamination status of the site. This will be considered further through the development assessment process as required by <i>SEPP 55 – Remediation of Land</i> and the applicable development controls.</p>
<p>4.5 Acid Sulfate Soils</p> <p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>The north western boundary of the site adjoins land mapped as having a high risk of acid sulfate soils. A preliminary site investigation has been undertaken in relation to the probability of acid sulfate soils occurring within the area, which determined for the area proposed to be zoned for urban development, acid sulfate soils are not considered to be an issue.</p> <p>The planning proposal is consistent with this direction.</p>
<p>4.6 Mine Subsidence and Unstable Land</p> <p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	<p>The planning proposal is consistent with this direction as Subsidence Advisory NSW has been consulted and did not raise objection to the proposal.</p>

#### Focus area 5: Transport and Infrastructure

<p>5.1 Integrating Land Use and Transport</p> <p>Aims to locate development in the most appropriate location to encourage sustainable transport.</p>	<p>Future growth is anticipated in the area serviced by the nearby Lake Munmorah centre. The area is serviced by existing bus routes along the Pacific Highway and Chain Valley Bay Road. These routes provide connections through to the Newcastle bus network as well as to the train network, providing access to Sydney and Newcastle. The site also benefits from proximity to the M1 Motorway.</p> <p>The planning proposal is consistent with this direction.</p>
<p>5.2 Reserving Land for Public Purposes</p> <p>The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>The planning proposal is consistent with this direction as the proposed area of open space is intended to be dedicated to Central Coast Council as part of a planning agreement.</p>

#### Focus area 6: Housing

Ministerial Direction	Consistency
<p>6.1 Residential Zones</p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <li>• to encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>• to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>• to minimise the impact of residential development on the environment and resource lands.</li> </ul>	<p>The planning proposal is consistent with this direction as it provides for a range of housing types by proposing a combination of R1 General Residential and R3 Medium Density Residential zones.</p>
<p>6.2 Caravan Parks and Manufactured Home Estates</p> <p>The objectives of this direction are to provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates.</p>	<p>The planning proposal is consistent with this direction as it does not propose to alter provisions applying to Caravan Parks or Manufactured Home Estates.</p>
<b>Focus area 7: Industry and Employment</b>	
Nil	
<b>Focus area 8: Resources and Energy</b>	
<p>8.1 Mining, Petroleum Production and Extractive Industries</p> <p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>Geological Survey of NSW and Subsidence Advisory raised no objection to the proposal.</p> <p>The proposed rezoning is consistent with this direction as it does not conflict with future resource extraction.</p>
<b>Focus area 9: Primary Production</b>	
<p>9.2 Rural Lands</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p>The site does not hold any existing agricultural value nor do the site attributes, including size, location and ground and soil conditions, indicate potential for future agricultural activity. The planning proposal will not undermine the ability for any existing farmers in exercising their right to farm or enable fragmentation of rural land that increases the risk of land use conflict between residential land uses and other rural land use.</p> <p>The planning proposal is consistent with this direction.</p>

## Section C – Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

Two threatened species have been identified within the area proposed to be released for urban development – *Crinia tinnula* (Wallum Froglet) and *Tetralochea juncea* (Black-eyed Susan). The proposed land use zone configuration has been adjusted in response to this. The proposed distribution of zones will now incorporate this land within the C2 Environmental Conservation zone with remaining biodiversity impacts being required to be offset.

The biodiversity assessment prepared for the proposal concluded no species or ecological communities listed as serious and irreversible impact (SAIL) entities are likely to occur within the development footprint.

The biodiversity assessment report has been updated as per subsequent advice from the Biodiversity and Conservation Division 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.

These credit obligations can be considered through the relevant biodiversity approval pathways in accordance with the provisions of the *Biodiversity Conservation Act 2016* and *Environmental Planning and Assessment Act 1979*. This may include progression of a:

- standard biodiversity certification application; or
- biodiversity development assessment report through the development assessment process; or
- strategic biodiversity certification application.





A Stormwater, Flooding and Servicing Report has been undertaken to inform the planning proposal with all areas that are proposed to be rezoned for urban development being located outside of the flood planning area (i.e. probable maximum flood).

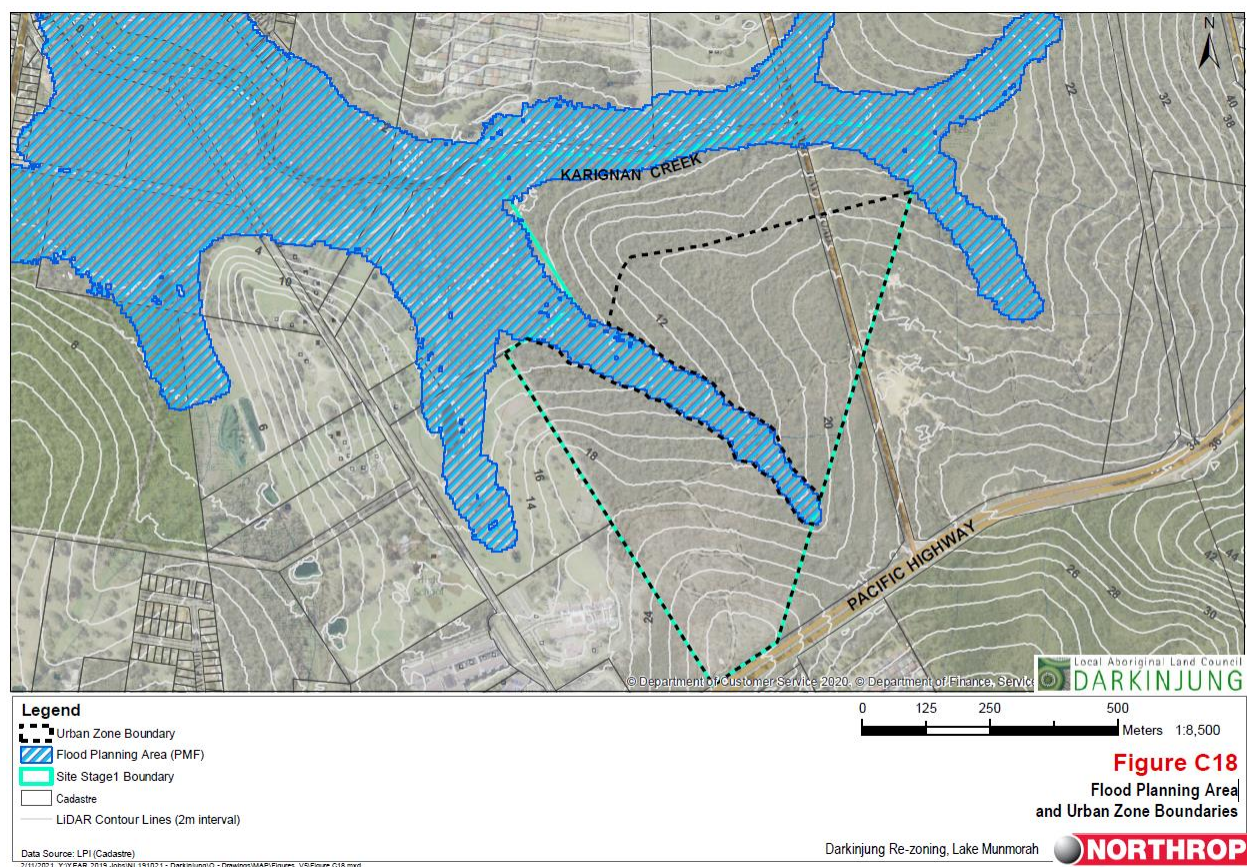


Figure 10: Flood Impact

Q10. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will facilitate social and economic outcomes for the local Aboriginal community as identified in the Aboriginal Land Planning Framework. This planning proposal creates opportunities for economic development that will help empower the community to develop culturally, socially and economically.

The planning proposal will facilitate housing diversity and support the establishment of open space. The site has good access to local schools and services with the Lake Munmorah centre being located around 1.9km to the west with a supermarket, chemist and other retail, along with a range of medical services, banks, recreation facilities and clubs nearby. There are bus services to Lake Haven, Wyee, Morisset, Swansea and Charlestown that connect to the broader regional public transport network (Figure 11).



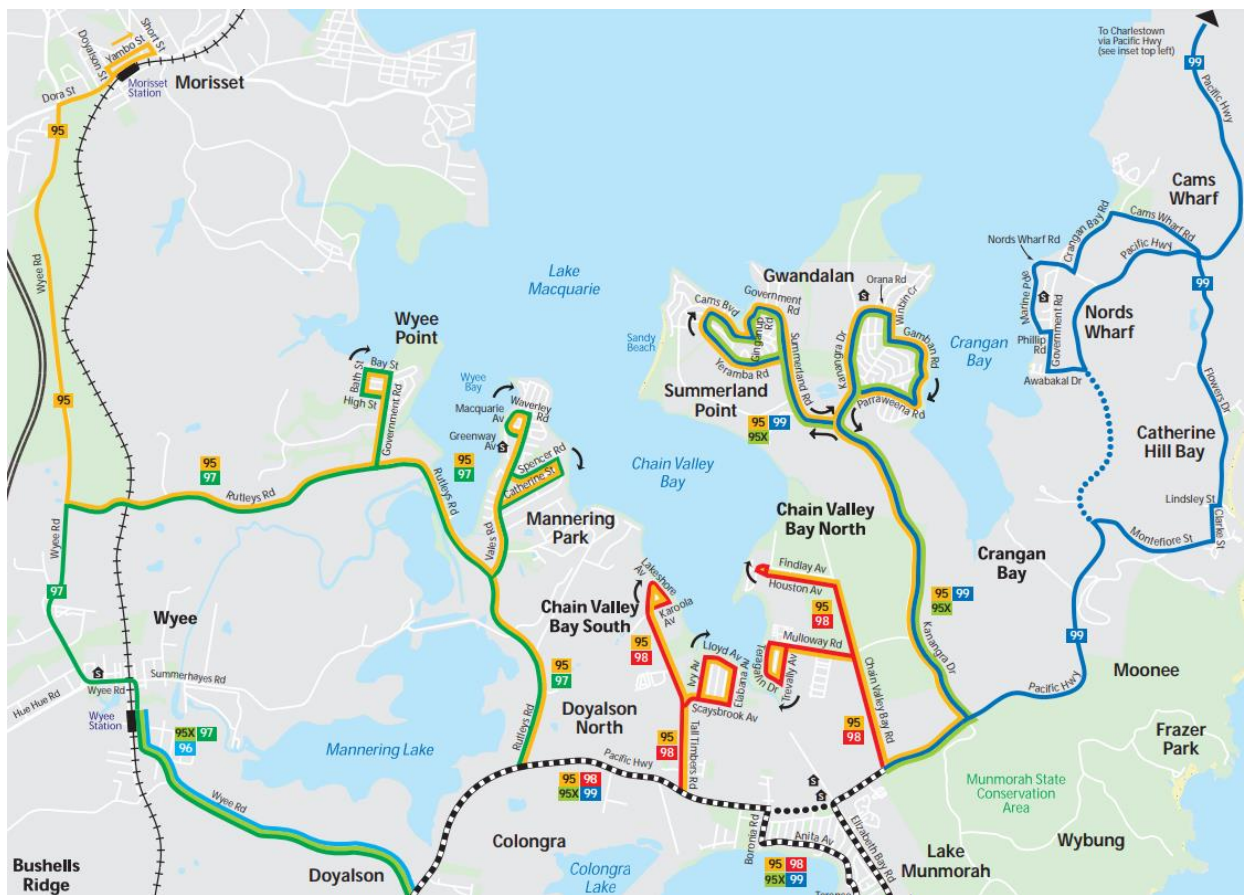


Figure 11: Bus Network Map (Source: Busways)

The Social Impact Assessment (SIA) undertaken to inform the planning proposal 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.

#### Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

To understand potential implications to the provision of public infrastructure, the following dwelling and population growth scenarios were prepared:

	<b>Low Density</b> <i>Detached dwellings, medium and large lots</i>	<b>Medium Density</b> <i>Detached dwellings and dual occupancies, small and medium lots</i>	<b>High Density</b> <i>Multi-dwelling typologies, small and medium lots</i>
<b>Likelihood assessment</b>	Likely	Possible	Unlikely
<b>R1 zone area</b>	278,000 m <sup>2</sup>		

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

The 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:

#### State Infrastructure

**Roadworks and traffic management:** The Traffic Impact Assessment (Intersect Traffic, October 2022) 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.

To ensure arrangements for adequate provision of State infrastructure are in place, it is proposed to map the site as an Urban release Area which will mean that Clause 6.1 of the *Central Coast Local Environmental Plan 2022* will apply. 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. This approach is supported by Transport for NSW.

#### Essential Services

**Water supply:** Central Coast Council advised 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.

**Sewerage:** Central Coast Council advised 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.

**Stormwater:** The Stormwater, Flooding and Servicing Report (Northrop, June 2022) 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.

#### Open space facilities

Central Coast Council advised 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. Council advised that it 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.

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.

#### 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.

#### Voluntary planning agreement

Given the timing of Council's review of the Northern Districts Development Contributions Plan 2020, Darkinjung LALC submitted an updated offer to Central Coast Council 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.

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The following agencies and service authorities have been consulted during the preparation of the planning proposal:

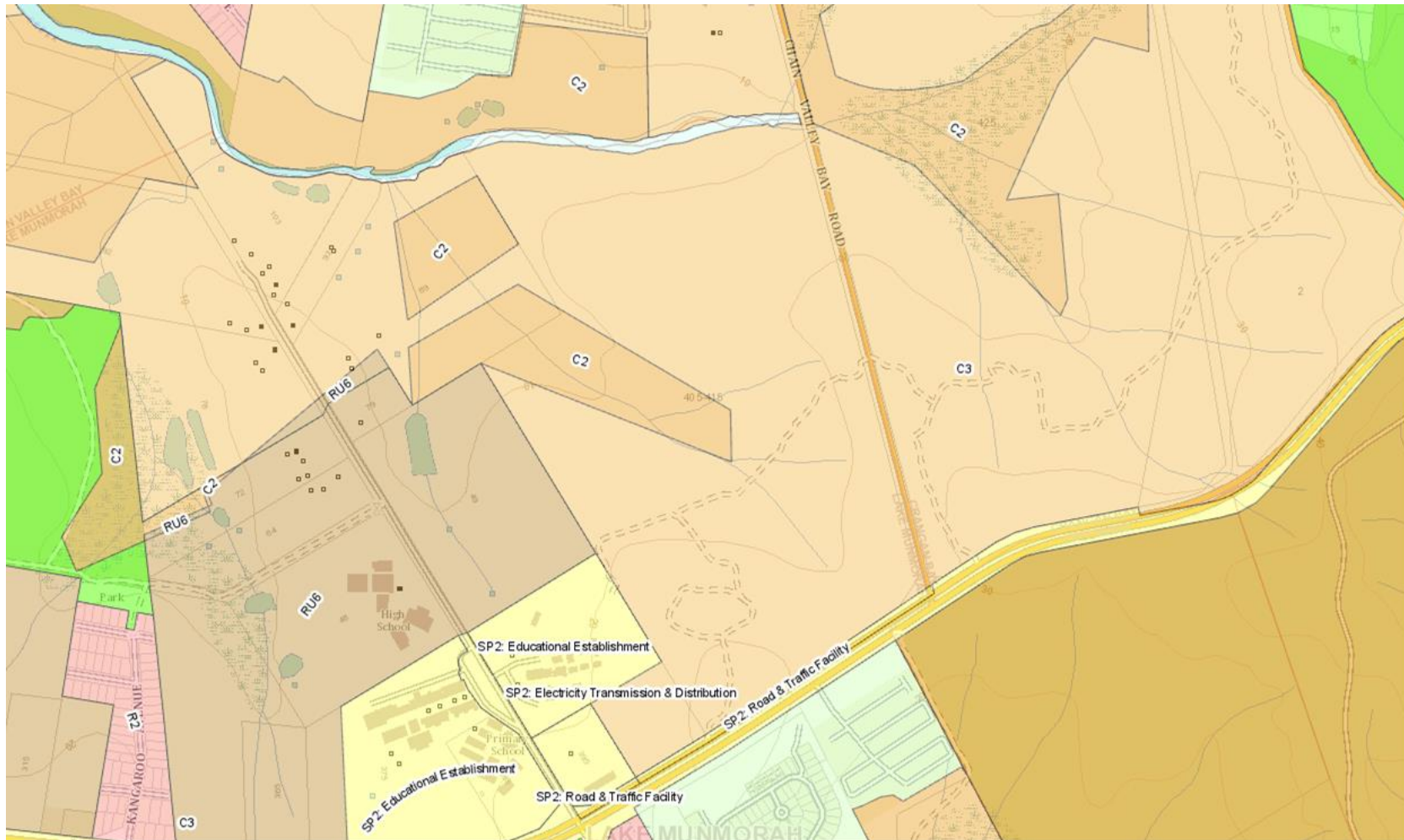
Agency and summary of comments	Response
<b>Ausgrid</b> No issues. Infrastructure unlikely to be affected, and/or can be managed at a future stage.	As per advice, infrastructure is unlikely to be affected and/or can be managed at a future stage.
<b>School Infrastructure NSW/Department of Education and Communities</b> Additional infrastructure will be required to service expected dwelling population and need for site-specific active transport and access considerations	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. A Transport Impact Assessment has been prepared accompanying the PP indicating that the existing shared bicycle and pedestrian link on Carters Road is considered to be appropriate to support the PP.
<b>Subsidence Advisory/ Mine Subsidence Board</b> Raised concerns of initial proposal for development north of Chain Valley Bay Road.	The development footprint has been amended to align with advice regarding future coal extractions. No subsequent objection to the proposal has been raised.
<b>NSW Rural Fire Service</b> No objections to the proposal subject to a requirement that the future subdivision / development of the land complies with <i>PBP 2019</i>	The draft DCP incorporates all control provisions proposed by the NSW Rural Fire Service submission.
<b>Geological Survey NSW/ NSW Trade &amp; Investment - Resources and Energy</b> The proposal needs to consider potential land use conflict with extractive industries.	The development footprint has been revised to align with Resources and Geoscience advice regarding the area that rezoning is supported.

Agency and summary of comments	Response
<p><b>Biodiversity Conservation Division/ Office of Environment and Heritage</b></p> <p>Initial consultation established study requirements and made recommendations around threatened species, offsetting requirements, avoidance of flood prone land, and Aboriginal cultural heritage. BCD initially recommended a 400m regional biodiversity corridor however accepted a width of 300m (including adjoining lands) at the site in recognition of the Darkinjung Delivery Framework and support for Darkinjung's economic self-determination.</p> <p>Further consultation led to advice that biodiversity values on the site could be managed through strategic biodiversity certification being investigated by Government.</p>	<p>Required studies have been prepared and development of flood prone land avoided.</p> <p>The regional biodiversity corridor of 300m is supported. The amendment of C3 Environmental Management lands to C2 Environment Conservation lands is part of the proposal's actions to minimise the impact to biodiversity and protection of the regional biodiversity corridor. Identified Endangered Ecological Community will be contained within the C2 zone.</p> <p>Similarly, the proposal has ensured the development footprint avoids impacts to threatened ecological communities (TEC) with development concentrated to areas with unlisted communities.</p>
<p><b>Heritage NSW/ Office of Environment and Heritage – Heritage Branch</b></p> <p>Include Aboriginal cultural heritage protections in the draft DCP for Aboriginal cultural heritage sites that are identified in the proposed C2 zone as 'active recreation open space' and require future development to prepare an Aboriginal Cultural Heritage Management Plan for the C2 zoned land</p>	<p>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. The preparation of a management plan for land zoned C2, can be addressed at the development application stage.</p>
<p><b>Transport for NSW</b></p> <p>Infrastructure upgrades were identified for Pacific Highway and Chain Valley Bay intersection and funding arrangements required to support this.</p>	<p>The site is proposed to be identified as an Urban Release Area, triggering satisfactory arrangements for the provision of State infrastructure. The proponent has also agreed to enter into negotiations with TfNSW regarding this upgrade at Pacific Highway and Chain Valley Bay Road.</p>
<p><b>Central Coast Council – Water and Sewer Authority</b></p> <p>Servicing strategy required for development which may require additional pump station infrastructure.</p>	<p>The Stormwater, Flooding and Servicing Report prepared for the proposal indicates water supply is available to the site, while additional pump station and rising main works are likely to be required to meet wastewater requirements. The report also concludes that it is feasible for essential utility services to be provided to the site and the proposal can be supported in this regard.</p> <p>A servicing strategy would be prepared to support any future application for subdivision of the land.</p>

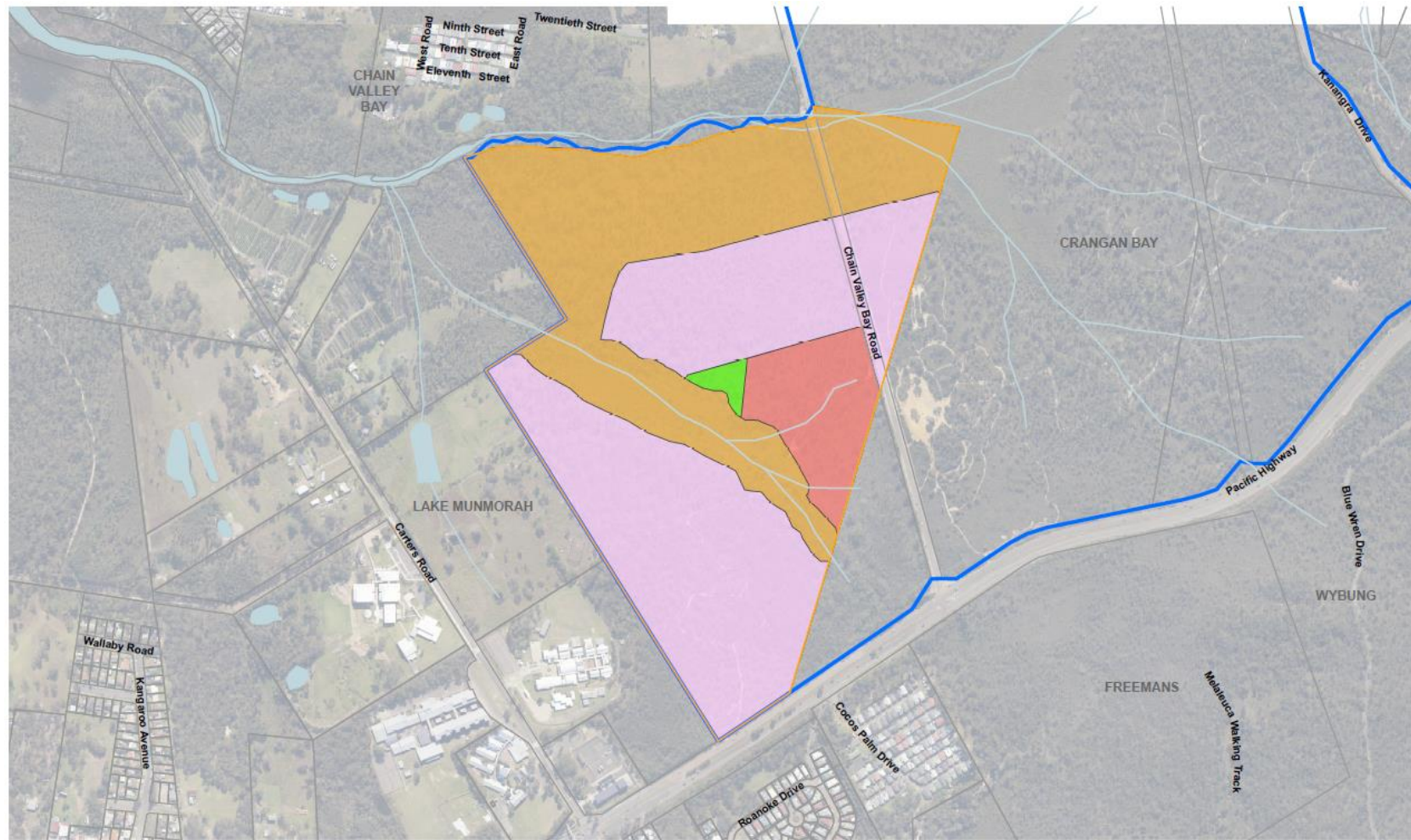


## Part 4 Mapping

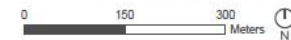
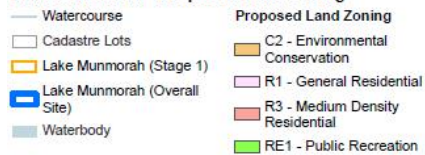
### Existing Zones



## Proposed Zones

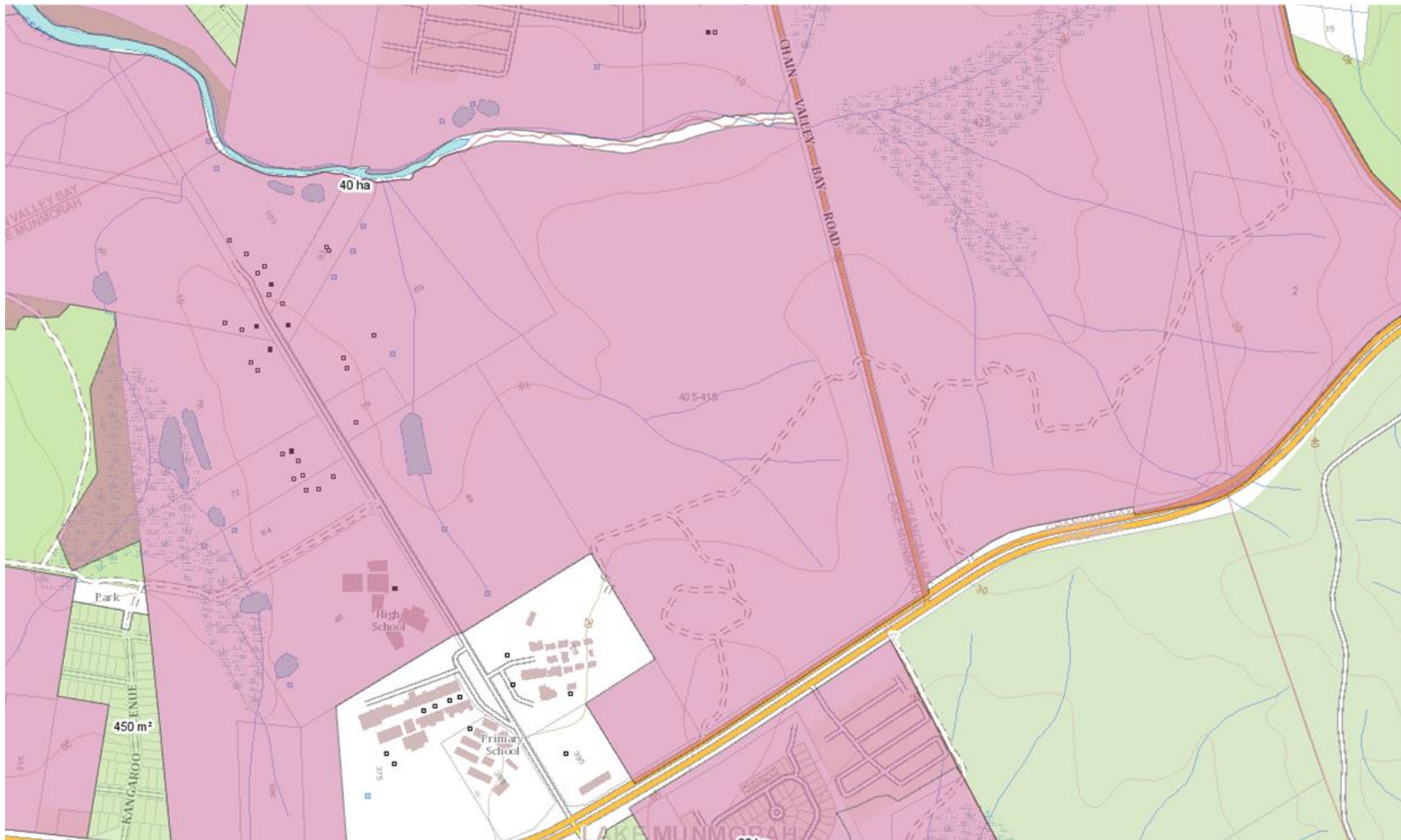


Lake Munmorah - Proposed Land Zoning

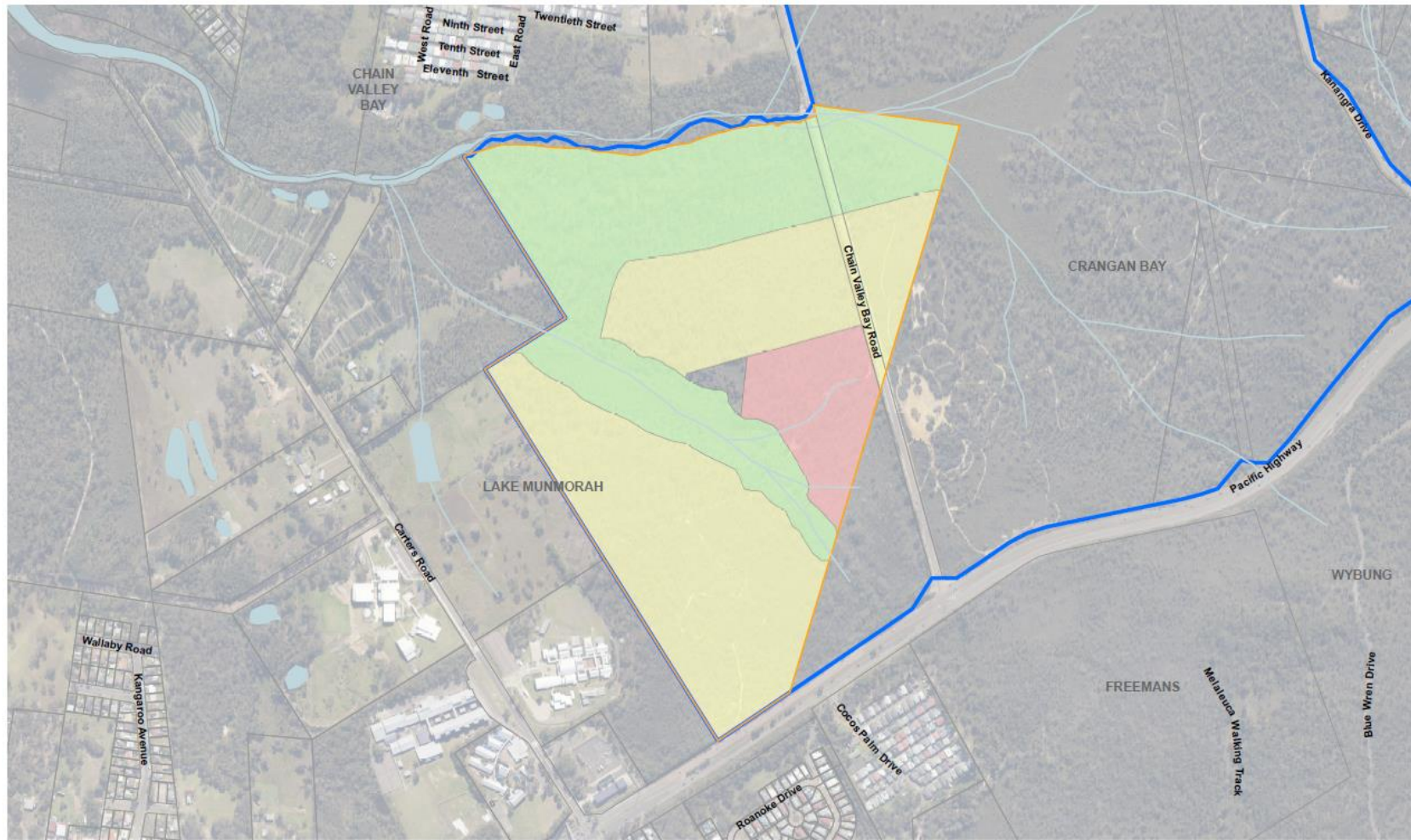




## Existing Lot Sizes



## Proposed Lot Sizes



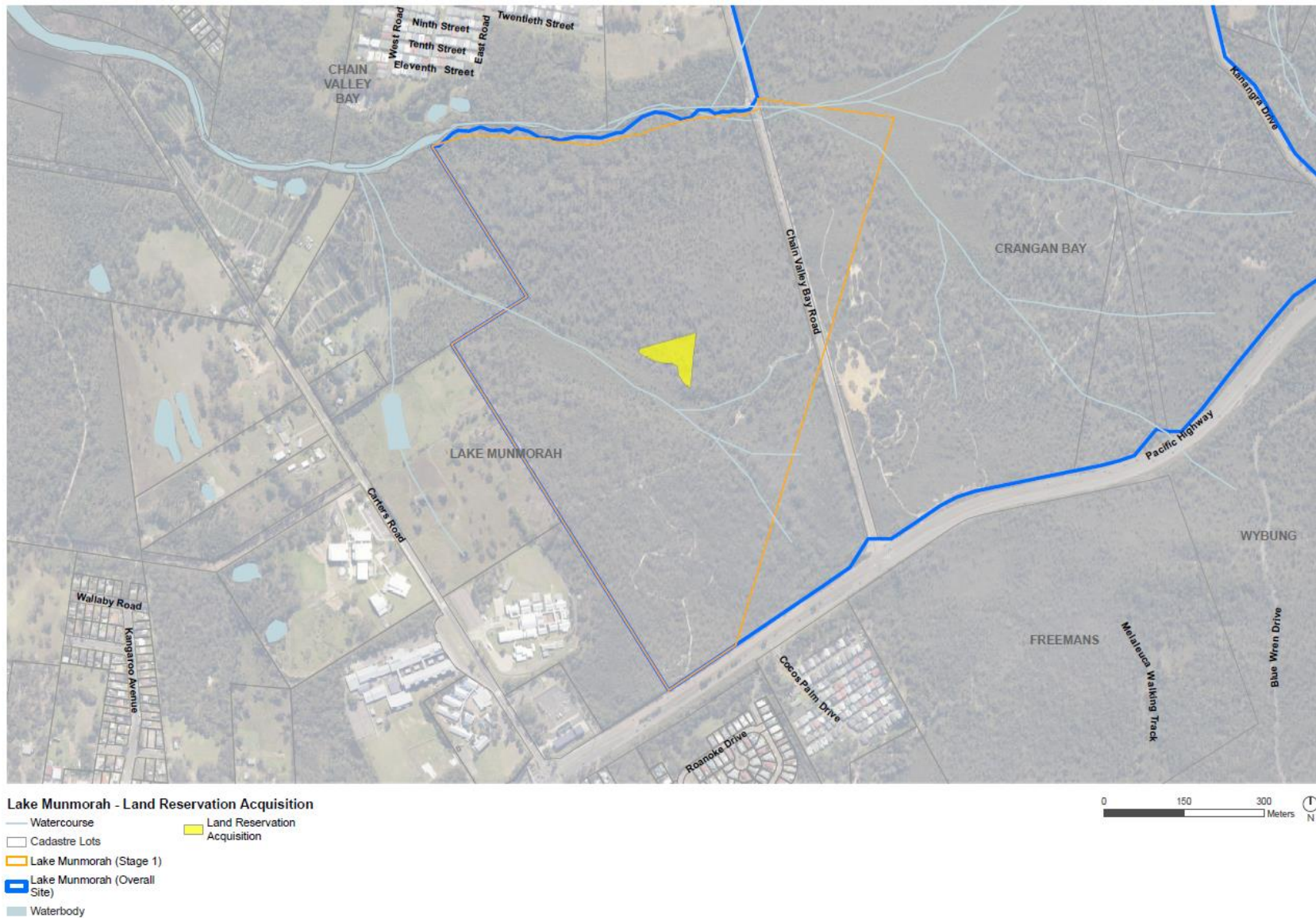
### Lake Munmorah - Minimum Lot Size

Watercourse	Minimum Lot Size
Cadastre Lots	300 m2
Lake Munmorah (Stage 1)	450 m2
Lake Munmorah (Overall Site)	40 ha
Waterbody	



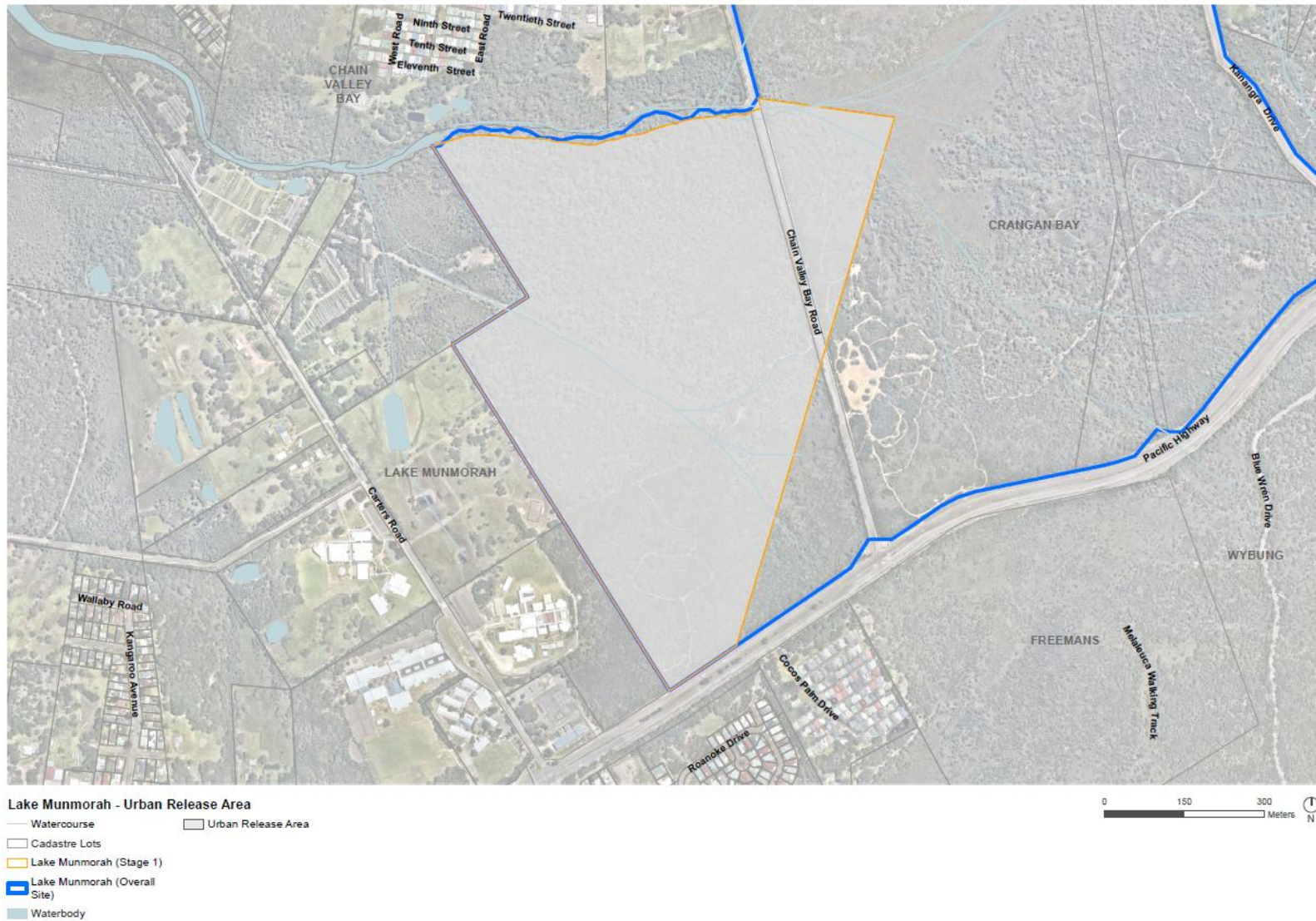


## Proposed Land Reservation Acquisition





## Proposed Urban Release Area



## Part 5 Community Consultation

The planning proposal was placed on public exhibition for a period of at least 28 days between 22 April and 24 May 2022, notification of the exhibition of the planning proposal to adjoining landholders was provided prior to its commencement.

24 submissions were received. Details of the submissions and responses have been included in the *Response to Submissions Report - Lake Munmorah Planning Proposal*. A summary of agency comments is provided under Q11 above.

## Part 6 – Project timeline

Planning proposal authority	Stage	Timeframe and/or date
Central Coast Council	Consideration by council	November 2014
	Council decision	November 2014
	Gateway determination	February 2015
	Alteration of Gateway determination	February 2016
	Alteration of Gateway determination	September 2018
	Alteration of Gateway determination	December 2019
Regional Planning Panel	Pre-briefing with Hunter and Central Coast Regional Planning Panel	November 2020
	Site inspection with Hunter and Central Coast Regional Planning Panel	February 2020
	Hunter and Central Coast Regional Planning Panel meeting	March 2021
	Alteration of Gateway determination	December 2021
	Pre-exhibition	January 2022
	Commencement and completion of public exhibition period	April-May 2022
	Consideration of submissions	June 2022
	Regional Planning Panel briefing and determination	September-October 2022
	Submission to the Department for finalisation (where applicable)	November 2022
	Gazettal of LEP amendment	December 2022

## Appendix – Supporting studies and correspondence from state and federal public authorities and government agencies

	Supporting study	Agency / authority correspondence
<i>Planning systems</i>	Structure Plan Report by Urbis, February 2020	N/A
<i>Design and place</i>	Acoustic Assessment by Spectrum Acoustics, November 2017	N/A
	Visual Impact Assessment by Terras Landscape Architects, August 2018	
<i>Biodiversity and conservation</i>	Biodiversity Assessment Report by Umwelt, October 2022	Biodiversity Conservation Division/ Office of Environment and Heritage <ul style="list-style-type: none"> <li>• April 2015</li> <li>• November 2020</li> <li>• May 2021</li> <li>• November 2021</li> <li>• August 2022</li> <li>• October 2022</li> </ul>
	Biodiversity Assessment Report by Umwelt, March 2022	
	Biodiversity Corridor Assessment by Umwelt, June 2020	
	Aboriginal Cultural Heritage Assessment by Heritage Now, August 2020	Heritage NSW/ Office of Environment and Heritage – Heritage Branch <ul style="list-style-type: none"> <li>• April 2015</li> <li>• June 2022</li> </ul>
<i>Resilience and hazards</i>	Stormwater, Flooding and Servicing Report by Northrop, November 2021	Biodiversity Conservation Division/ Office of Environment and Heritage <ul style="list-style-type: none"> <li>• April 2015</li> <li>• November 2020</li> <li>• May 2021</li> <li>• November 2021</li> </ul>
	Strategic Bushfire Study by Clarke Dowdle and Associates, November 2021	NSW Rural Fire Service <ul style="list-style-type: none"> <li>• April 2015</li> <li>• April 2021</li> <li>• December 2021</li> </ul>
	Preliminary Site Investigation (Contamination and Slope Stability) by Douglas Partners, September 2017	N/A
	Land Capability Assessment by Douglas Partners, November 2017	N/A
	N/A	Subsidence Advisory/ Mine Subsidence Board <ul style="list-style-type: none"> <li>• March 2015</li> <li>• December 2015</li> <li>• May 2021</li> </ul>
<i>Transport and infrastructure</i>	Traffic Impact Assessment by Intersect Traffic, October 2022	Transport for NSW/ RMS <ul style="list-style-type: none"> <li>• April 2015</li> <li>• May 2015</li> <li>• June 2022</li> </ul>
	Traffic Impact Assessment by Intersect Traffic, April 2020	

	Supporting study	Agency / authority correspondence
	Traffic Impact Assessment by Intersect Traffic, April 2018	
	Stormwater, Flooding and Servicing Report by Northrop, June 2022	Ausgrid <ul style="list-style-type: none"> <li>April 2015</li> </ul>
	Stormwater, Flooding and Servicing Report by Northrop, November 2021	
	Social Impact Assessment by Aigis Group, April 2017	Department of Education and Communities <ul style="list-style-type: none"> <li>March 2015</li> <li>June 2022</li> </ul>
	Open Space and Recreation Analysis by Terras Landscape Architects, August 2018	N/A
<i>Resources and energy</i>	N/A	Geological Survey NSW/ NSW Trade & Investment - Resources and Energy <ul style="list-style-type: none"> <li>May 2015</li> <li>June 2015</li> <li>February 2018</li> <li>May 2022</li> </ul>