

<b>DATE OF DETERMINATION</b>	15 November 2022
<b>DATE OF PANEL DECISION</b>	14 November 2022
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Juliet Grant, Danièle Hromek, Greg Flynn and Tony Tuxworth
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Sandra Hutton declared a conflict of interest as ADW Johnson, the company that employed her until early 2022, has provided advice to the proponent regarding property in the area.

Public meeting held by public videoconference on 27 October 2022, opened at 3:30pm and closed at 4:30pm.

### **PLANNING PROPOSAL**

2020HCC005 – Central Coast – PP\_2015\_WYONG\_002\_01 – PP-2021-917 - AT 405-415 Pacific Highway, 425 Pacific Highway 2 Kanangra Drive, Lake Munmorah & Crangan Bay (AS DESCRIBED IN SCHEDULE 1).

### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the material listed at item 4, and the material presented at meetings and matters observed at site inspections listed at item 5 in Schedule 1.

The Panel convened to consider the outcome of the exhibition period of the Planning Proposal for a portion of the Darkinjung Local Aboriginal Land Council holding at Pacific Highway, Lake Munmorah.

The Panel has had the benefit of a number of briefings including a briefing from the Biodiversity Conservation Division and Transport for NSW.

The majority of the Panel members have been to the site. The Panel have previously provided comments regarding the Planning Proposal prior to the matter being exhibited.

The Planning Proposal seeks to rezone the land from its C3 Environmental Management and C2 Environmental Conservation zones to an R1 General Residential, R3 Medium Residential, C2 Environmental Conservation and RE1 Public Recreation zones.

The rezoning is to facilitate the development of the site for range of residential housing to support the economic self determination of the Darkinjung Local Aboriginal Land Council and community.

The Panel is satisfied that the proposal has strategic merit and is consistent with the strategic planning framework applicable to the area. Specifically the:

- Central Coast Regional Plan 2036 and the more recently released Central Coast Regional Plan 2041 specifically objective 2 support the right of Aboriginal residents to economic self-determination;

- Interim Darkinjung Development Delivery Plan; and
- Greater Lake Munmorah Structure Plan.

The Panel having regard to the technical studies supporting the Planning Proposal, draft DCP and yield analysis undertaken, is satisfied that the site is suitable for urban development.

The Panel in their deliberation of the matter sought additional clarification regarding:

- Status of the Central Coast Revised Northern Districts 7.11 Contributions Plan and VPA offer;
- The status and details of the two (2) planning proposals to the north;
- Clarification of BCD comments in respect to Central Coast Council Ecological comments; and
- Clarification of Central Coast Council Affordable Housing Policy.

The Panel has considered the further memo received 4 November 2022.

The applicant indicated that they understood the implications of progressing the rezoning of the land and the requirements of the *Biodiversity Conservation Act 2016*. The Panel understands that a BCAR or Strategic Certification is the likely approach to provide for an in perpetuity biodiversity outcome for the regional biodiversity corridor.

BCD have indicated the need for some additional work but have indicated their satisfaction of the biodiversity outcome of this Planning Proposal specifically the area identified for urban development. The BCD understands that biodiversity certification will be sought over the proposed site under Part 8 of the *Biodiversity Conservation Act 2016*.






The two (2) Planning Proposals to the north are with the Local Planning Making Authority for finalisation. Both have lodged BCAR applications with BCD which are under consideration. It is preferable that an application is lodged before finalisation. It will however be necessary for appropriate biodiversity certification to be in place before lodgement of any Development Application.

The Panel understands the site can be serviced. However, appropriate mechanisms are yet to be in place. State Infrastructure provision will rely on clause 6.1 CLEP 2022, and local contributions will be either through a VPA or amended 7.11 Contributions Plan. A VPA has been lodged with Council but has not progressed as it is understood that Council is finalising the Revised Northern Districts 7.11 Contributions Plan. Council has provided further advice indicating that they have no objections to the Planning Proposal proceeding. Council has advised, however, that if a Planning Agreement is required, it would need to be agreed with Council prior to the lodgement of any development application.

As the planning proposal authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made. Prior to the proposed instrument being made it is recommended that:

- The Draft DCP be amended as follows:
  - At 2.3 – change heading to Infrastructure Contribution and Biodiversity Outcomes and add a sentence that requires mechanism to be in place for biodiversity before lodgement of DA i.e., BCAR Certificate or the like; and
  - At 3.4 – Open Space – reference a minimum area and location as generally as shown on Structure Plan.
- An application for biodiversity certification under Part 8 of the *Biodiversity Conservation Act 2016* be lodged.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.  
The decision was unanimous.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Danièle Hromek	 Greg Flynn
 Tony Tuxworth	

SCHEDULE 1		
1	<b>PANEL REF – LGA – PLANNING PROPOSAL NO. - ADDRESS</b>	2020HCC005 – Central Coast – PP_2015_WYONG_002_01 – PP-2021-917 - at 405-415 Pacific Highway, 425 Pacific Highway 2 Kanangra Drive, Lake Munmorah & Crangan Bay
2	<b>LEP TO BE AMENDED</b>	Central Coast Local Environmental Plan 2022
3	<b>PROPOSED INSTRUMENT</b>	Planning proposal to amend Central Coast Local Environmental Plan 2022 to rezone a 55 hectare site on land fronting the Pacific Highway at Lake Munmorah and Crangan Bay for a mix of low density and medium density housing, public recreation space and environmental protection purposes.
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Submissions report: October 2022</li> <li>• Supplementary memorandum: 4 November 2022</li> <li>• Written submissions during public exhibition: 24</li> <li>• Verbal submissions at the public panel meeting: <ul style="list-style-type: none"> <li>○ Gary Blaschke</li> <li>○ On behalf of the applicant – Brendan Moyle, Blake Cansdale and Michael Leavey</li> </ul> </li> </ul>
5	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing: 25 November 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Tim Fletcher</li> <li>○ <u>Department staff</u>: Dylan Meade and Dan Simpkins</li> <li>○ Key issues discussed: history and context of site; consultation, biodiversity issues</li> </ul> </li> <li>• Site inspection: 17 February 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Greg Flynn and Anthony Tuxworth</li> <li>○ <u>Department staff</u>: Dylan Meade</li> </ul> </li> <li>• Briefing: 30 March 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Tim Fletcher, Greg Flynn and Anthony Tuxworth</li> <li>○ <u>Department staff</u>: Matthew Hill and Dylan Meade</li> <li>○ Key issues discussed: progress of proposal and whether ready for gateway certification</li> </ul> </li> <li>• Briefing: 2 September 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Danièle Hromek, Greg Flynn and Anthony Tuxworth</li> <li>○ <u>Department staff</u>: Willian Oxley, Jose Sevilla, Daniel Simpkins, Leanne Harris, Lisa Kennedy, Carolyn Hunt, Mary Francis and Lisa Foley</li> <li>○ <u>Biodiversity Conservation Team</u>: Steven Crick</li> <li>○ <u>Transport for NSW</u>: Damien Pfieffer</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Central Coast Council</u>: David Milliken</li><li>○ Key issues discussed: strategic merit, site specific merit and outstanding concerns</li></ul> <ul style="list-style-type: none"><li>● Briefing: 27 October 2022<ul style="list-style-type: none"><li>○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Daniele Hromek, Greg Flynn and Tony Tuxworth</li><li>○ <u>Department staff</u>: William Oxley, Jose Sevilla, Lisa Kennedy, Leanne Harris and Lisa Foley</li><li>○ <u>Other</u>: Sophia Veitch</li><li>○ Key issues discussed: infrastructure requirements</li></ul></li></ul>
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