

TITLE PLANNING PROPOSAL 58/2014 VARIOUS LOTS MOONEY MOONEY INCLUDING PEAT ISLAND ZONING OF SURPLUS GOVERNMENT LAND TO FACILITATE ITS DEVELOPMENT FOR A MIX OF RESIDENTIAL, COMMUNITY, RECREATION AND EMPLOYMENT LAND USES. APPLICANT URBIS (IR 18143393)

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

Disclosure of political donations and gifts - s147 Environmental Planning and Assessment Act (EP&A Act).

“A relevant planning application means: (a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site”, i.e. a Planning Proposal. The object of Section 147 is to require the disclosure by a person of relevant political donations or gifts when a relevant planning application is made to Council per s147(4).

No disclosure was made by the applicant.

Council is initiating the subject Planning Proposal, therefore it is not a ‘relevant planning application’ that requires disclosure per Section 147(4).

EXECUTIVE SUMMARY

A Planning Proposal has been lodged for 18 properties (Lot 2 DP239249, Lot 10 DP1157280, Lot 11 DP1157280, Lot 4 DP239249, Lot 11 DP863305, Lot 9 DP863305, Lot 7011 DP1057994, Lot 2 DP431999, Lot 12 DP863305, Lot 1 DP 597504, Lot 2 DP945014, Lot 1 DP431780, Lot 21 DP836628, Lot 1 DP945014, Lot 1 DP107391, Lot 12 DP1158746, Lot 13 DP1158746, Lot 14 DP1158746) owned by the NSW Government at Mooney Mooney (includes Peat Island) to rezone the land to permit for a mix of residential, community, recreation and employment land uses identified in the Indicative Concept Plan (tabled for Council's information) prepared by the applicant. This plan envisages development for the following land uses subsequent to rezoning:

Community facilities

- The existing informal community library will be relocated from its current position within the former Mooney Mooney public school to an alternative location within the site. The chapel will be retained in its current location.

Residential

- A mix of dwellings including detached houses, attached housing and residential flat buildings to be zoned R1- General Residential or R2 - Low Density Residential.

Neighbourhood centre

- A service station complemented by neighbourhood retail uses which may include a small supermarket and restaurant / café uses to be zoned B2 - Local Centre.

Marina

- Wet berths, associated land based marina uses and parking located on the waterfront with land based component to be zoned W2 - Recreational Waterways.

Emergency services facilities

- Existing facilities for ambulance, RMS highway services and the rural fire service will be relocated within the land and be zoned SP2 Infrastructure.

Foreshore Park

- Provision of a large public open space located adjacent to the foreshore opposite Peat Island. This open space will provide opportunities for informal recreational activity. Public carparking will also be made available in this location. Land to be zoned RE1- Public Recreation.

Peat Island Park

- Public open space will be located at the southern end of Peat Island. This open space will provide opportunities for public access and informal recreational activity, which is not currently available. Land to be zoned RE1- Public Recreation.

Foreshore Access;

- Provision of more than 2.75km of public foreshore access around Peat Island and along the river foreshore. Land to be zoned RE1- Public Recreation.

Public wharf and boating facilities:

- Existing public car and trailer parking and public wharf facilities will be retained at Mooney Mooney Point Reserve. Land to be zoned RE1- Public Recreation.

The proponent has advised that economic feasibility has been a critical factor in identifying the potential future land uses, densities and scale for the site to ensure that the rezoning and Indicative Concept Plan is responsive to market conditions and that the development aspirations for the site are realistic, sustainable and achievable. This has been particularly relevant in determining the feasibility of future land uses on Peat Island and proposed densities for the site. The proposed dwelling yield of approximately 400-450 dwellings is considered to be critical to ensure that there are enough people to support the much needed local convenience retailing and to create a genuine, liveable and vibrant community.

The proposal will result in a range of key economic and community benefits for the local community and wider Gosford Local Government Area, including:

- Creation of 110 permanent jobs.
- Support a further 915 jobs during construction.
- Provision of more than 2.75km public foreshore access around Peats Island and along the river foreshore.
- Provision of up to 450 new dwellings to help meet unmet regional housing needs.
- Provision of 250 marina berths to meet unmet demand for water berthing facilities in the area.
- Dedication of 26,000sq.m. of publicly accessible open space to Gosford Council.
- Preservation of the historical significance of Peat Island through the retention of 4 non-listed historical buildings on Peat Island for adaptive re-use.
- Dedication of 2,800sq.m. of land to Gosford Council for community facilities.
- Creation of a new neighbourhood centre and service station to serve the local community.
- Retention and dedication of the Chapel to serve the local community.

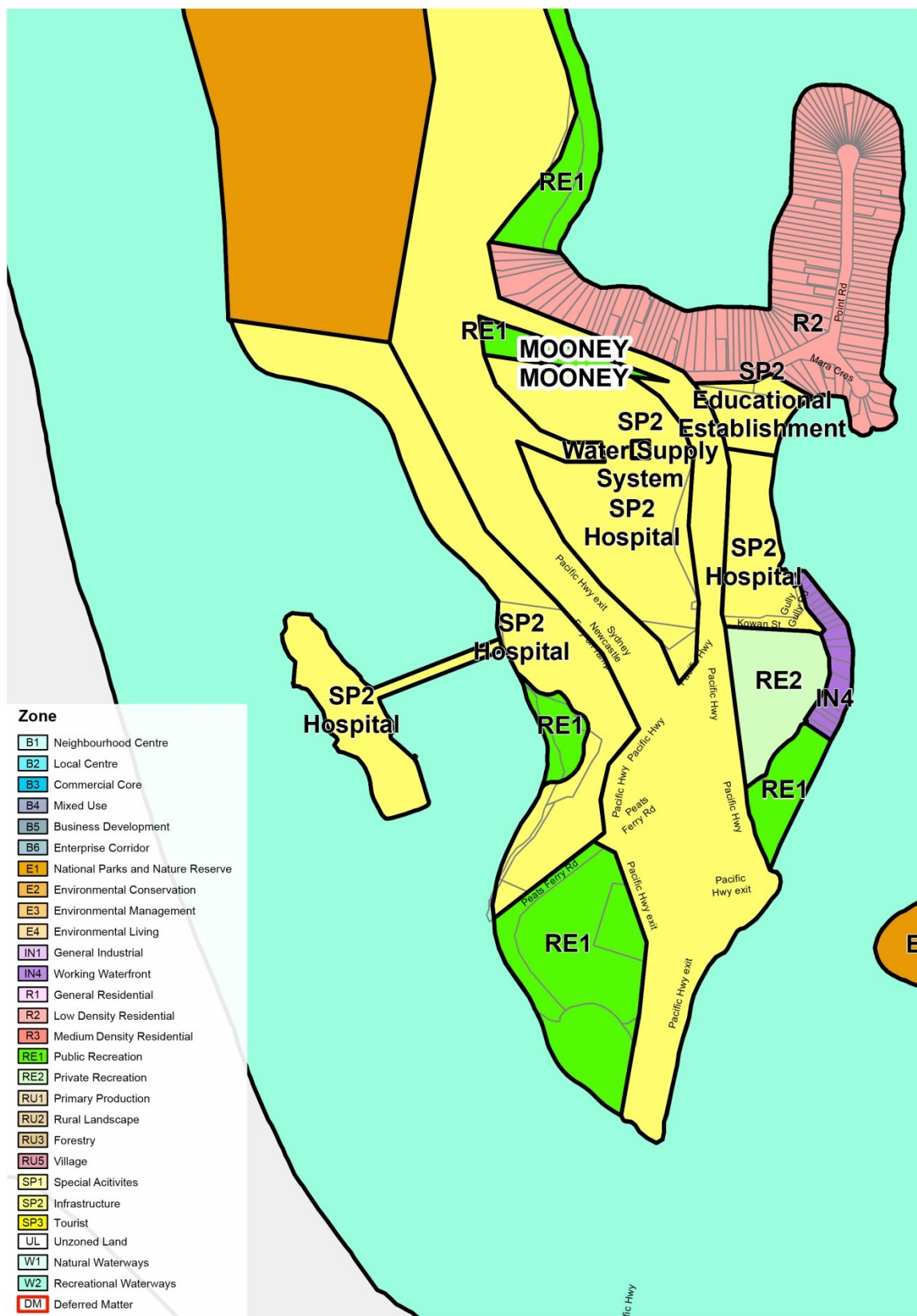
- Dedication of 2 ha of heavily vegetated land to be included in Popran National Park to conserve significant bushland in perpetuity.

The Planning Proposal process seeks to determine whether 'in - principle' support can be given for the rezoning of the subject land to permit the above uses. The majority of the land is currently zoned SP 2 - Hospital. The zone is now redundant and alternate zones need to be determined.

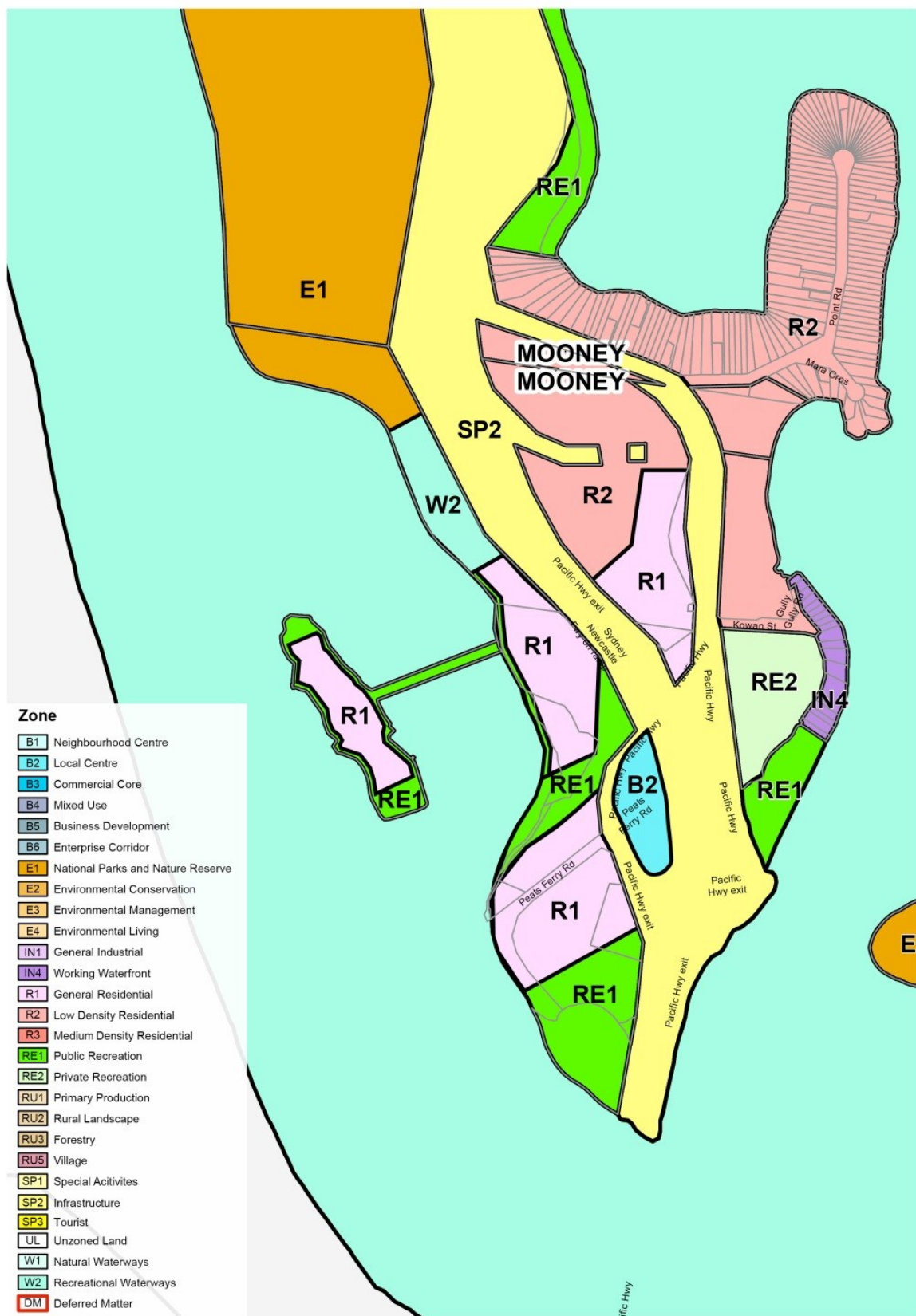
It is considered that 'in - principle' support can be given for changes to the zoning of the subject land. This Planning Proposal involves a range of complex issues, all of which cannot be addressed at this stage of the Planning Proposal process. It is considered that these issues can be considered as the Planning Proposal process proceeds.

The continuation of the Planning Proposal process will allow the community to have an opportunity for formal input into the determination of appropriate zones and development provisions for the land at the public exhibition stage. Further, the process will enable input from Government Authorities at an early stage of the planning for the future land use. The comments from the Government Authorities will then be available for view by the community to assist in their input in the determination of appropriate zones and development provisions for the land.

The Planning Proposal process enables Council and the community to consider the most suitable future land uses for the subject land. These issues will impact on the final nature and extent of zonings and development provisions. These issues relate to bushfire, riparian setbacks, land contamination, land stability, suitability of and mix of land uses, visual/scenic quality, noise attenuation, density of development and aboriginal/European heritage. It is recommended that Council initiate the Local Environmental Plan 'Gateway' process by endorsing the preparation of a Planning Proposal as outlined in this report.



EXISTING ZONES



PROPOSED ZONES

BACKGROUND

Reason for Referral to Council: This report discusses merits for Council's consideration and decision of whether or not to prepare a Planning Proposal (PP) (*which, if supported by Department of Planning & Environment would result in an amending LEP*), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

Application Received: August 2014

Environmental Planning Instrument – Current Zone:

SP2 - Infrastructure (Hospital), RE 1 - Public Recreation, SP2 – Infrastructure (Water Supply), SP 2 - Infrastructure (Education Establishment), W2 - Recreational Waterways, SP 2 – Infrastructure (Roads).

Area: 38 hectares

Recommendation: It is recommended that the Planning Proposal should proceed to the Department of Planning and Environment for Gateway Determination.

Landuse History:

The majority of the land was originally developed for institutional purposes (mental hospital), with some other ancillary uses. The former Mooney Mooney Public Primary school was located on the eastern side of the subject site. As a consequence, the current zoning reflects the former institutional land uses.

Peat Island, formerly known as Rabbit Island, has historically been Crown Land since European settlement. The island was dedicated for use as an asylum for inebriates (alcoholics), specifically for females in 1901. Construction of the buildings associated with the asylum commenced in 1902 and involved the clearing and levelling of the island. Since that time the site has variously been used as a psychiatric facility, home for boys and disability institution until its permanent closure in 2010. This land is now redundant and surplus to the needs of the NSW State Government and is proposed to be sold.

The Mooney Mooney Public Primary school opened in 1939. A decline in enrolments and an increase in the availability of alternative schools within the locality resulted in the closure of the school in 2007. A Site Compatibility Certificate (SCC) No. I08_018 was issued by the State Government in respect of the school lands in November 2008. The SCC deemed the site to be suitable for low density residential use consistent with adjoining lands. While the SCC has now expired (28 November 2013) the land use context within which the former school site sits, remains unchanged.

Overview of Applicant's Submission:

The applicant has stated that the proposal will result in a range of key benefits for the local community and wider Gosford Local Government Area, including:

- Injection of capital investment into the economy from expenditure on housing, infrastructure services, both internal and external to the site including roads, energy services, water, sewer and communication works.
- Creation of an estimated 110 permanent jobs, of which the majority of jobs will be local.
- Support a further 915 jobs during construction.

- Provision of more than 2.75km of foreshore access around Peat Island and along the river foreshore.
- Provision of up to 450 new dwellings to help meet regional housing needs.
- Provision of 250 marina berths to meet unmet demand for water berthing facilities in the area.
- Preservation of the historical significance of Peat Island through the retention of 4 non-listed historical buildings on Peat Island for adaptive re-use.
- Dedication of 2,800 sq.m. of land to Gosford City Council for community facilities.
- Creation of a new neighbourhood (shopping) centre and service station to serve the local community.
- Retention and dedication of the Chapel to serve the local community.

Detail of Landuses Proposed

1 Mooney Mooney - West (i.e. west of M1)

Waterside Village

- Residential apartments (3-5 storey buildings accommodating 200-225 dwellings)
- 20-25 residential lots (detached and attached dwellings, plus large-lot housing on steeply sloping land) averaging approximately 450 sq.m. - Community open space and associated car parking.
- Car based service station.
- Neighbourhood shops (15,000sq.m. of B2 zoned land)
- Restaurant/cafe.

Northern Foreshore (Marina and associated facilities)

- 250 water berths.
- Car and trailer parking associated with the marina.
- Ancillary uses associated with the marina (office, boat sales, café, amenities)

Peat Island

- Free standing waterfront homes in a landscape setting
- New residential apartments (4-5 storey).
- Adaptive reuse of 4 existing historic buildings for residential purposes and café

2. Mooney Mooney - East (i.e. east of M1)

Mooney Village

- Demolition of existing dwellings.
- 50-60 new residential lots averaging approximately 450sq.m.
- 30-35 residential lots, with the chapel as a focal point for community uses, with attached and detached dwellings on lots averaging 550-650m
- 10-15 large residential lots along the Old Pacific Highway averaging approximately 1,500m
- Place of public worship (existing chapel).
- Community centre (including relocated neighbourhood library) and Rural Fire Service shed
- RMS highway services and ambulance depots located on the Pacific Highway.

The issues raised in the applicant's submission have been considered in the assessment of the proposal.

'Gateway' planning process

A Local Environmental Plan (LEP) is a legal instrument that imposes zoning of land, standards to control development and other planning controls.

A Planning Proposal application is the mechanism by which a LEP is amended.

The aims of the Gateway planning process are to enable early consideration by the Department of Planning and Environment (DP&E) (former Department of Planning and Infrastructure) and, if supported, allow early public consultation to begin. The Gateway process ensures that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. The Gateway therefore acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

Attachment A contains the former Department of Planning and Infrastructure Planning Proposal 'Flow Chart' and shows the stage which this request for a Planning Proposal has reached, plus the draft Planning Proposal and an overview of the Gateway process.

Certain plan-making functions may be delegated by the Department of Planning and Environment to Council (see Planning Circular PO12-006).

PLANNING PROPOSAL GOSFORD CITY COUNCIL

Lot 2 DP239249, Lot 10 DP1157280, Lot 11 DP1157280, Lot 4 DP239249, Lot 11 DP863305, Lot 9 DP863305, Lot 7011 DP1057994, Lot 2 DP431999, Lot 12 DP863305, Lot 2 DP945014, Lot 1 DP431780, Lot 21 DP836628, Lot 1 DP945014, Lot 1 DP107391, Lot 1 DP 597504, Lot 12 DP1158746, Lot 13 DP1158746, Lot 14 DP1158746 Mooney Mooney (including Peat Island) Zoning of surplus government land to facilitate its development for a mix of residential, community , recreation and employment land uses. Owner: NSW Government Property, Applicant: URBIS.

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department of Planning & Environment's *A Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environmental Plans*.

A gateway determination under Section 56 of the Environmental Planning and Assessment Act is requested from the DP&E.

Part 1 Objectives or Intended Outcomes

Section 55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective/intended outcome of the Planning Proposal is to obtain the necessary zoning of surplus government land to facilitate its development for a mix of residential, community , recreation and employment generating land uses (such as retail, marina, restaurant, café and service station).

Part 2 Explanation of Provisions

Section 55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objectives/intended outcomes are to be achieved by amending the zonings in the Gosford LEP 2014 for the land in the manner shown in zoning map above to achieve the aim of allowing viable development of the land, whilst protecting the physical and social characteristics of the land that make it important to the Central Coast community.

The proposed zonings for the land need to be supported by LEP provisions, such as development standards relating to lot size, height and density, and a voluntary planning agreement (VPA), together with relevant guidelines in a development control plan (DCP).

Section 55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

The above zoning map and tabled Indicative Concept Plan provide sufficient information at this stage in the process to outline the applicants broad intentions. Discussion on these matters is provided in this report.

Part 3 Justification for objectives & outcomes

Section 55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result any strategic study or report. Strategic documents could not have anticipated the State Government's decision to dispose of the lands.

2 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/intended outcomes as it allows Council to be directly involved in the decision making process associated with the rezoning of surplus State Government owned land parcels that are of considerable size and importance in the Gosford Local Government Area.

Section B Relationship to strategic planning framework

3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Regional strategies include outcomes and specific actions for a range of different matters relevant to the region. In all cases the strategies include specific housing and employment targets also. The Central Coast Regional Strategy 2006 – 2031 is applicable to the subject land and the proposed rezoning. The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for provision of housing and/or jobs.

The following actions contained within the Regional Strategy are relevant to the Planning Proposal:

4.2 Councils are to provide for a mix of housing types, including housing that will accommodate an ageing population and smaller household sizes through the preparation of LEPs and strategies.

The redevelopment of the land will make a contribution to the housing targets for the region.

The Indicative Concept Plan envisages a range of dwelling types including detached dwellings, attached dwellings, adaptive re-use of historic buildings and apartment buildings. This will contribute to the diversity of housing available within the area (noting that Mooney Mooney currently contains detached dwellings only).

It is noted that a new Central Coast Regional Growth and Infrastructure Plan is being developed by the NSW government in association with Council. This plan provides the opportunity to consider this site as an important development opportunity that provides services to people who live along the Hawkesbury River (both Hornsby and Gosford residents) as well as providing a regional attraction inside Gosford LGA that supports a small village of residents and provides an entry landmark into the Central Coast.

4.6 Land to be rezoned for housing during the life of the Strategy is to be located within existing urban areas, existing MDP areas, areas identified through preparation of LEPs and greenfield areas nominated in the North Wyong Shire Structure Plan

The site is currently zoned primarily for urban purposes, is occupied by a number of buildings and structures associated with the former institutional uses on the site, has excellent access to the M1 Motorway and is serviced by utility service infrastructure.

4.22 Councils are to ensure the location of new dwellings improves the Region's performance against the target for State Plan priority E5 "Jobs closer to home – increase the proportion of people living within 30 minutes of a city or major centre by public transport in Metropolitan Sydney"

A public bus stop is located at the intersection of the Pacific Highway and Kowan Road. This bus services provides access between Mooney Mooney and Brooklyn. The Hawkesbury River train station is located in Brooklyn, which is situated on the Newcastle/Central Coast/Sydney train line, and provides frequent services north to Gosford, Tuggerah and Newcastle beyond, as well as frequent services south to Hornsby, Epping, Chatswood and Sydney beyond.

A growing local population will contribute to increased demand for more frequent public transport in the area. Furthermore, the proposal is anticipated to create 110 local jobs.

5.1 Promote economic and employment growth in the Region to increase the level of employment self-containment and achieve capacity for more than 45,000 new jobs on the Central Coast over the next 25 years.

The proposal will result in the creation of new local job opportunities. Approximately 110 new local jobs will be created.

5.11 Ensure new retail and commercial development is located in centres. Some local convenience retailing may be required out of centre. However, the presence of a convenience shop can initiate a neighbourhood centre, around which other activities such as child care facilities.

Retail provision within the development will be available within the land to be zoned to B2 Local Centre (approx. 1.6ha).

6.3 LEPs are to appropriately zone land with high state or regional environmental, agricultural, resource, vegetation, habitat, waterways, wetland or coastline values.

The compatibility of the proposed rezoning and protecting the scenic value of the land should be investigated further following gateway determination.

6.4 LEPs are to appropriately zone land of high landscape value (including scenic and cultural landscapes)

Areas of land with high landscape value are proposed to be zoned for residential uses. It is considered that the compatibility of the proposed rezoning and protecting the scenic value of land be investigated following gateway determination.

6.5 Councils through preparation of LEPs are to incorporate appropriate landuse buffers around environmentally sensitive, rural and resource lands.

Suitable buffers for riparian corridors to Hawkesbury River and Mooney Mooney Creek or associated wetlands will be required. NSW Office of Water will be consulted post Gateway Determination.

6.8 Ensure LEPs facilitate conservation of Aboriginal and non - Aboriginal heritage.

Studies have been provided as part of the Planning Proposal in relation to these matters. It has been identified though in these studies, that further work is required in certain locations proposed for residential rezoning i.e. Mooney Mooney west in area near causeway to Peat Island. These studies need to be completed to determine whether it is appropriate for the land to be zoned residential.

6.12 Protect the health of Central Coast waterways, including the coastline, estuaries and lakes by integrating relevant objectives and targets from the Hunter - Central Rivers and Hawkesbury Nepean Catchment Action Plans. Stormwater Management Plans and Estuary Management Plans (including both the Tuggerah Lakes and Brisbane Water Estuary Management Plans when completed) into local planning.

The Planning Proposal has not addressed the plans that are relevant to the subject land.

6.13 Implement key NSW government initiatives and guidelines, including Action for Air, NSW industrial noise policy, Noise and vibration guidelines and Environmental criteria for road traffic noise.

The Planning Proposal does not address the Environmental Criteria for Road Traffic Noise guideline.

7.2 Local Environmental Plans will zone areas subject to high hazard to reflect the capabilities of the land.

Land subject of the Planning Proposal i.e. elevated land adjacent to M1 Motorway in the Mooney Mooney East Precinct to the north of the existing Chapel requires further investigation relating to bushfire hazard and land stability. These investigations will be required following gateway determination and prior to public exhibition of the Planning Proposal.

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of Section 117 Directions?

At a strategic level the changes to the existing zonings of the land are necessary. The new zonings need to be considered to better reflect the requirements of the Central Coast Regional Strategy and the site's role as an opportunity along the Hawkesbury and M1 Motorway, as both a local level and regional attraction.

3b Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The zonings proposed in the Planning Proposal are generally appropriate within the locality. It is recommended that further investigation of the land identified be undertaken following gateway determination to confirm the suitability of this land for the uses as proposed.

4 Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

The disposal of surplus government lands at Mooney Mooney could not be anticipated as part preparation of the strategic studies prepared by Council. The Planning Proposal is consistent with the Community Strategic Plan.

A2.3 Promote opportunities for a range of local cultural and recreational activities.

The Indicative Concept Plan includes a range of community and recreational uses as well as a new marina. There is also opportunity for improved pedestrian and cycle access through the area which will increase opportunities for people to enjoy the scenic qualities of the site and broader Hawkesbury area.

A3.2 Provide services and activities to support a balanced lifestyle

The proposal sets aside land to be used for public open space, which capitalises on the site's waterfront setting. It is also proposed to rezone and dedicate significant bushland for environmental protection.

A3.3 Improve access to community services, programs and facilities

The proposal includes the retention and/or relocation of a number of community facilities on the site. The dedication of land for community facilities will provide the opportunity for the development of a multi-purpose community centre, which will provide significant benefit to the local community.

A3.4 Increase the availability of appropriate housing

The proposal will contribute to the available supply of housing within the LGA and importantly will provide an opportunity for a more diverse range of housing typologies to be developed within the locality.

A4.1 Enhance the character of our local area through good design

It is anticipated that a site specific DCP will be required to guide the design of future development of the site to require good design.

A4.2 Provide opportunities for enjoyment of community spaces and places

The land includes three areas of land currently zoned for public recreation (about 8.45ha) of which approximately 4.6ha is proposed to be rezoned for residential purposes. With the exception of the Mooney Mooney Point Reserve, these areas offer little amenity value and /or are generally not accessible to the public. Redevelopment of the site provides an opportunity to improve the quality and provide genuine publicly accessible open space within the site, primarily on the foreshores. Of particular note it will provide public access to the foreshore and Peat Island (which is not currently available).

A5.3 Ensure health and emergency services are well supported and meet community needs.

Provision has been made for emergency services (RMS, NSW Ambulance, and Rural Fire Service facilities) to be relocated to a suitable location as shown on the Indicative Concept Plan.

B1.1 Identify and conserve areas of conservation value

The Planning Proposal seeks to rezone and dedicate 2 ha of heavily vegetated land at the northern tip of the site to E1- National Parks and Nature Reserves so that this significant bushland is conserved in perpetuity. This will expand the Popran National Park.

B6.3 Plan for population growth within existing developed footprint

The land is currently zoned primarily for urban purposes and is occupied by a number of buildings and structures associated with the former institutional uses on the site. The rezoning provides an opportunity to deliver new housing within a site that has previously been developed and that will have community facilities, open space and local convenience retailing on the site.

C1.4 Promote tourism to the region

The Planning Proposal has the potential to contribute positively to the image of the Central Coast by defining Mooney Mooney as the gateway to the region.

5 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies.

(i) SEPPs

SEPP 19 Bushland in Urban Areas -

Clause 10 of the SEPP provides:

10 Preparation of local environmental plans

When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall:

- (a) have regard to the general and specific aims of the Policy, and*
- (b) give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.*

The proposed dedication of 2ha of land in the Mooney Mooney East precinct for inclusion in the Popran National Park is in accordance with the SEPP.

In progressing the Planning Proposal further consideration will need to be given to environmental and visual impacts associated with housing adjacent to the M1 Motorway.

State Environmental Planning Policy No 44—Koala Habitat Protection

Clause 16 of SEPP states:

Preparation of local environmental studies

Without affecting the power of the Director to give a direction under section 74 (2) (b) of the [Environmental Planning and Assessment Act 1979](#) to a council, the Director will consider giving a direction that sections 57 and 61 of that Act are to apply to a draft local environmental plan (with the consequence that the council must prepare an environmental study of the land to which the draft local environmental plan applies) if, under the draft plan, it is proposed to zone (or rezone) land that is a potential koala habitat or a core koala habitat otherwise than as environment protection.

The applicant's report identifies part of the land as primary koala habitat. On this basis an environmental study would be required. It is considered that this information will be required to be provided before any Planning Proposal could proceed to public exhibition

SEPP 55 - Remediation of Land

Under the provisions of SEPP 55, Council is to consider whether land which is subject to a planning proposal is contaminated, if it is suitable in its contaminated state or whether remediation is required from previous use of the land identified in Table 1 of the 'Contamination Land Planning Guidelines'. The land covered by the Planning Proposal has been used for a number of activities that are included in the Guidelines.

The SEPP requires as it relates to the rezoning of land: *'Before including land in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. If a person has requested the planning authority to include the land concerned in a particular zone, the planning authority may require the person to furnish the report referred to in subclause 2.'*

A report has been provided and it is noted that this report does not specifically refer to SEPP 55 matters including the 'Contaminated Land Planning Guidelines'. It is considered that this information will be required to be provided before any Planning Proposal could proceed to public exhibition after a Gateway Determination has been made.

SEPP 71 - Coastal Protection

*The following needs to be taken into account when Council, when it prepares a **draft local environmental plan** that applies to land to which the Policy applies:*

- (a) the aims of this Policy set out in clause 2,*
- (b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*
- (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*
- (d) the suitability of development given its type, location and design and its relationship with the surrounding area,*
- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*
- (g) measures to conserve animals (within the meaning of the [Threatened Species Conservation Act 1995](#)) and plants (within the meaning of that Act), and their habitats,*
- (h) measures to conserve fish (within the meaning of Part 7A of the [Fisheries Management Act 1994](#)) and marine vegetation (within the meaning of that Part), and their habitats*
- (i) existing wildlife corridors and the impact of development on these corridors,*
- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*
- (k) measures to reduce the potential for conflict between land-based and water-based coastal activities,*
- (l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*
- (m) likely impacts of development on the water quality of coastal waterbodies,*
- (n) the conservation and preservation of items of heritage, archaeological or historic significance,*
- (o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*

The Policies aims are listed below:

- (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*

- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and
- (e) to ensure that the visual amenity of the coast is protected, and
- (f) to protect and preserve beach environments and beach amenity, and
- (g) to protect and preserve native coastal vegetation, and
- (h) to protect and preserve the marine environment of New South Wales, and
- (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the [Protection of the Environment Administration Act 1991](#)), and
- (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
- l) to encourage a strategic approach to coastal management.

In progressing the Planning Proposal further consideration will need to be given to matters concerning visual and scenic impacts, adequate riparian setbacks and protection of Aboriginal heritage.

The Planning Proposal is in accordance with a number of the Matters of Consideration and Aims of the SEPP including for instance those that relate to increasing public access to foreshore areas.

Some of the land subject of the Planning Proposal is an area defined as a sensitive coastal location.

sensitive coastal location means:

- (a) land within 100m above mean high water mark of the sea, a bay or an estuary,

SEPP 71 states that a Master Plan is required for a number of the parcels of land.

Master plan required before certain consents may be granted

- (1) A consent authority must not grant consent for:
 - (a) subdivision of land within a residential zone, or a rural residential zone, if part or all of the land is in **a sensitive coastal location**
- (1) A draft master plan may be prepared by or on behalf of the owner or lessee of the land concerned.
- (2) A draft master plan is to illustrate and demonstrate, where relevant, proposals for the following:
 - (a) design principles drawn from an analysis of the site and its context,
 - (b) desired future locality character,
 - (c) the location of any development, considering the natural features of the site, including coastal processes and coastal hazards,
 - (d) the scale of any development and its integration with the existing landscape,
 - (e) phasing of development,
 - (f) public access to and along the coastal foreshore,
 - (g) pedestrian, cycle and road access and circulation networks,
 - (h) subdivision pattern,
 - (i) infrastructure provision,
 - (j) building envelopes and built form controls,
 - (k) heritage conservation,
 - (l) remediation of the site,
 - (m) provision of public facilities and services,
 - (n) provision of open space, its function and landscaping,

- (o) conservation of water quality and use,
- (p) conservation of animals (within the meaning of the [Threatened Species Conservation Act 1995](#)) and plants (within the meaning of that Act), and their habitats,
- (q) conservation of fish (within the meaning of Part 7A of the [Fisheries Management Act 1994](#)) and marine vegetation (within the meaning of that Part), and their habitats.

The Master Plan will need to be prepared prior to any development applications being lodged on a number of the parcels of land.

Sydney Regional Plan No. 20 (Hawkesbury - Nepean River (no.2- 1997)

SREP 20 (SREP) is a deemed SEPP and requires that Planning Proposals take into consideration a number of policies and strategies. The following is applicable to the Planning Proposal.

(2) Environmentally sensitive areas

Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.

Note. Environmentally sensitive areas in the Hawkesbury-Nepean catchment are: the river, riparian land, escarpments and other scenic areas, conservation area subcatchments, national parks and nature reserves, wetlands, other significant floral and faunal habitats and corridors, and known and potential acid sulphate soils.

- (d) *Protect wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments.*

Land proposed to be rezoned and used for residential development will need to be considered for its appropriateness for such development.

Any future rezoning should consider the environmental and visual characteristics of the land. In this regard further analysis and investigation (including a visual impact analysis) with respect to the potential for residential development on the steeply sloping land will be required following gateway determination and prior to public exhibition of the Planning Proposal.

(3) Water quality

Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.

- (e) *Develop in accordance with the land capability of the site and do not cause land degradation.*

The Planning Proposal in its current form involves the zoning of land for residential purposes which is subject to significant slopes (i.e. > 25%) (e.g. Mooney Mooney East Precinct above Chapel and west Mooney Mooney West precinct - adjoining Deerubbin

Reserve). Further investigation with respect to slope and geotechnical stability is required to confirm the suitability (or otherwise) of this land for residential purposes. This additional work would be undertaken following gateway determination.

(5) Cultural heritage

Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.

Strategies:

- (a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.*
- (b) Protect Aboriginal sites and places of significance.*
- (c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.*
- (d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land or listed in Schedule 2) derive their heritage significance from the river.*

A complete assessment of the Aboriginal heritage of the subject land has not been undertaken. This is particularly the case for land in the sandstone ledges adjacent to the Hawkesbury River frontage in Mooney Mooney West precinct and in former Mooney Mooney School in the Mooney Mooney East precinct where it has been identified that there may be additional Aboriginal heritage, but further investigation is required.

The assessment of European heritage has identified items of high significance that are to be retained with other items of equal significance not proposed to be protected.

In addition, the applicant has stated that filling of land is required to provide flood protection. The potential heritage impacts of filling the land should be investigated further.

(6) Flora and fauna

Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

- (b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.*
- (f) Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.*

The Planning Proposal involves the rezoning of land that is heavily vegetated with native vegetation in both the Mooney Mooney East and West precincts for residential purposes. The ecological characteristics of this land are very similar to the land proposed to be dedicated to NPWS for addition to the Popran National Park.

The heavily vegetated areas will, if they are developed, require further clearing for the purposes of providing access for bushfire fighting purposes and for protection of dwellings, thus removing further vegetation.

(7) Riverine scenic quality

Policy: The scenic quality of the riverine corridor must be protected.

Strategies:

- (a) *Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.*
- (b) *Ensure proposed development is consistent with the landscape character as described in the Scenic Quality Study.*
- (c) *Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants.*
- (d) *Consider the need for a buffer between new development and scenic areas of the riverine corridor shown on the map as being of significance beyond the region (which are also scenic areas of significance for the region) or so shown as being of regional significance only.*
- (e) *Consider the need for controls or conditions to protect those scenic areas.*
- (f) *Consider opportunities to improve riverine scenic quality.*

The Hawkesbury - Nepean Scenic Quality Study referred to in (b) above identifies the land subject of the Planning Proposal of 'High Scenic Quality'.

The study identifies for the Mooney Mooney East (Landscape Unit 4.2.7) precinct that the scenic qualities have significance beyond the region and therefore are of state significance. The study recommends *'that large scale and high density development should not take place and that building should not take place on ridge tops and conspicuous slopes'* Further, *'new buildings on waterfront sites should be limited to existing sites with wide frontages'*.

Land proposed to be rezoned needs further consideration for residential purposes because of its potential visual impacts particularly land on the highest most vegetated portions of the precinct north of the Chapel.

For the Mooney Mooney West Precinct (Landscape Unit 4.2.6) the study states *'the area is of high scenic quality and acknowledged heritage significance. It has perceptual and formal attributes of high quality scenery, is an outstanding regional example of a ria coast estuary, is esteemed by the community for its scenic qualities, has been the stimulus for artistic endeavour, is a traditional recreation and water sport destination for Sydney and has a long history related to land transport routes to the north and river transport to Sydney.'*

The study recommends that a visual management strategy plan be prepared for the entire area. It is considered that such a study be prepared for the Mooney Mooney West precinct as part of ongoing work associated with the Planning Proposal.

The study identifies that building should not occur on ridge tops and conspicuous slopes. Further, *'new buildings on waterfront sites should be limited to existing sites with wide frontages'*. It is considered that some land within this precinct be reviewed because of potential scenic impacts particularly land on the highest most vegetated portions of the precinct adjacent to M1 Motorway adjoining Deerubbin Reserve.

(10) Urban development

Policy: All potential adverse environmental impacts of urban development must be assessed and controlled.

- (b) *Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).*

The Planning Proposal is recommending that the proposed residential zones and heights are variable across the subject land and therefore are in accordance with the SREP.

(11) Recreation and tourism

Policy: *The value of the riverine corridor as a significant recreational and tourist asset must be protected.*

Note. Refer also to items (1)–(7) and (12) for relevant strategies.

Strategies:

- (a) *Provide a wide range of recreational opportunities along the river which are consistent with conserving the river's natural values and character.*
- (b) *Plan and manage recreational and tourist developments, and associated access points, cycleways and footpaths, so as to minimise any adverse environmental impacts on the river. Locate them where river banks are stable, away from river shallows, major beds of attached aquatic plants or fish breeding areas, where the proposed activities do not conflict with surrounding recreational activities and where significant flora and fauna habitats will not be adversely affected. The upgrading of existing public access to the river is to be preferred over the creation of new access points.*
- (c) *Minimise conflicts between recreational uses.*
- (d) *Consider the availability of, or need to provide, land for vehicle parking and for suitable access (including access for cars and buses), for boat service areas and for water, electricity and sewage disposal.*
- (e) *Consider the environmental impact of ancillary services for recreation and tourist developments, such as amenities blocks and vehicle parking.*
- (f) *Consider the visual impact of development on the surrounding area.*

A key focus of the Planning Proposal is the provision opportunities for recreational use of the land that has previously not been available for public use. This is considered to be a major benefit of the Planning Proposal and one that should be further encouraged in future amendments to the Planning Proposal.

Specific planning policies and recommended strategies

(ii) Other SEPPs: No other SEPP has application to this planning proposal, although any future development application on the land will be required to consider a number of SEPPs, including SEPP 65 - Quality of Residential Flat Buildings and SEPP (Infrastructure)

6 Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 directions)?

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to Planning Proposals lodged after 1 September 2009. Section 117 Directions are only discussed where applicable. The Planning Proposal is consistent with all other Section 117s Directions or they are not applicable.

1.1 Business and Industrial Zones

The objective relative to the Planning Proposal is;

(a) encourage employment growth in suitable locations,

The Planning Proposal must be in conformity with this objective.

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

1.4 Oyster Aquaculture

Objectives

(1) The objectives of this direction are:

- (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,*
- (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.*

As the Planning Proposal is located on land adjoining Hawkesbury River and Mooney Mooney Creek which are identified oyster growing areas, the Direction is applicable. The Direction requires consultation with the relevant Government Authority and this would occur subsequent to a Gateway Determination.

2.1 Environment Protection Zones

Objective

(1) The objective of this direction is to protect and conserve environmentally sensitive areas.

The Planning Proposal involves the proposed zoning to E1 of 2 ha of heavily vegetated land and its dedication for National Parks purposes and inclusion in the Popran National Park. This part of the Planning Proposal complies with the S117 Direction

The Planning Proposal though does propose the zoning of land with similar characteristics to the land proposed for dedication, for residential purposes. The land respectively occupies the highest points in the Mooney Mooney East (north of the Chapel) and West (adjoining Deerubbin Reserve) Precincts. This land is characterised by being heavily vegetated, steep, potentially unstable and highly visible from the M1 - Motorway. It is considered that the Planning Proposal to comply with the S117 Direction will need to be amended and alternate zones considered.

The Planning Proposal also proposed the zoning of land for residential purposes adjacent to wetland areas and within riparian areas outside the wetland areas associated with the banks of Mooney Creek and the Hawkesbury River. The Indicative Concept Plan for the land supports residential development within the riparian areas, particularly on Peat Island and in the Mooney Mooney West precinct generally. The Planning Proposal as it relates to the riparian areas does not comply with the S117 Direction.

2.2 Coastal Protection

Objective

(1) The objective of this direction is to implement the principles in the NSW Coastal Policy.

The land is located within coastal zone and some sections of the land are designated as being a 'sensitive coastal location'.

The Section 117 Direction requires consideration of the Planning Proposal against the NSW Coastal Policy. The following sections have application to the Planning Proposal;

6.1.2 Local councils will prepare urban land release/ Local Councils settlement strategies prior to major rezonings of rural DUAP land for urban expansion or will ensure that any such rezonings are consistent with endorsed regional settlement strategies.

This matter was discussed in relation to the Planning Proposal's conformity with the Central Coast Regional Strategy.

Under the Coastal Design Guidelines the Planning Proposal falls under category of a 'new coastal settlement'.

'New coastal settlements may range in size from villages to hamlets and include any new subdivisions over 25 lots. They may be located remote from existing settlements or, preferably, related to coastal cities and towns'.

'New coastal settlements are predominantly residential areas. Some settlements also have tourist, retail and commercial uses, such as larger settlements that have a neighbourhood centre with the potential to expand'.

'They are located and designed with reference to strategic plans for the local area that respond to the location and size of the adjacent settlements, the environmental constraints of the site and its suitability for urban development'.

'These new settlements offer the opportunity for best practice planning on a neighbourhood and place-based approach that minimises impacts on vegetation clearance, water quality and ecological integrity'.

Subject to amendments relating to matters relating to protection of high conservation areas and riparian areas the Planning Proposal will be in accordance with the Coastal Design Guidelines.

2.3 Heritage Conservation

Objective

(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The Planning Proposal does provide for the protection of identified European heritage identified in the Gosford LEP 2014 and indigenous heritage identified by NPWS.

The Planning Proposal will need to address the impacts of the zoning of land that the items are located on or in the vicinity of, upon the heritage value and meaning of these

items. The residential development of Peat Island requires the filling of approximately half the island with 2m of fill. This fill will impact upon a number of 'significant' items of heritage such as the Norfolk Island pines.

Some European heritage items that have been identified as 'significant' by the applicant and are proposed to be protected. Other items which are similarly classified are not proposed to be protected. Clarification of the status of these items is required as part of future work undertaken on an amended Planning Proposal. The applicant's consultant has stated that a 'Conservation Management Plan' be prepared for Peat Island.

The applicant has further identified that additional investigation needs to be undertaken in relation to potential Aboriginal sites in the Mooney Mooney west precinct and on the former Mooney Mooney School site in the Mooney Mooney east precinct, where unrecorded engravings have been identified. The applicant's consultant has stated that the 'due diligence guidelines stipulate that further archaeological investigation of the study area is required.'

3.1 Residential Zones

Objectives

(1) The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The Planning Proposal does provide for a variety of housing types and therefore is in accordance with part of this direction.

It has been identified that roads will need to be upgraded to meet the needs of the new development. The upgrades are generally not significant and could occur as part of the development process. It should be noted that the causeway to Peat Island will need to be raised by 2m to meet flood level requirements and be widened to accommodate two lanes of traffic. This will involve major investment and will act as a disincentive to development on Peat Island. It should also be noted that the causeway has been identified as a significant heritage item.

Water and Sewer infrastructure is capable of being provided to the land subject of the Planning Proposal. It has been identified that additional studies are required to determine the exact water and sewer infrastructure requirements and these studies will need to be undertaken prior to any development taking place. Any Planning Proposal / Local Environmental Plan for the land would need to require that Council be satisfied that the subject land can be appropriately serviced before development can occur.

3.4 Integrating Land Use and Transport

Objectives

(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) Improving access to housing, jobs and services by walking, cycling and public Transport, and*

- (b) *increasing the choice of available transport and reducing dependence on cars, and*
- (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) *supporting the efficient and viable operation of public transport services, and*
- (e) *providing for the efficient movement of freight.*

The Planning Proposal involves the zoning of surplus institutional land for residential and business purposes. The Planning Proposal is considered to a 'one-off' in this area and should be viewed in this context as it relates to the S117 Direction.

The residential development is dependent on its accessibility to the M1 - Motorway. New residents in the area will be primarily reliant on vehicle use for access to employment, recreational, social and shopping activities. Most of those trips journeys will be to locations south of the land in the Hornsby Shire and beyond. Particular attractors will be Berowra and Hawkesbury River Railway Stations. A demand assessment has not been provided of the impact on transport infrastructure of the Planning Proposal.

The Planning Proposal does provide the opportunity to improve transport and pedestrian links within the local Mooney Mooney area. The Planning Proposal will result in improved cycling and pedestrian access through the provision of better facilities associated with development.

The zoning of land for business purposes is primarily designed to take advantage of existing passing trade on the M1 Motorway with a relatively small amount of use by local residents. The centre will not generate a transport demand in itself. The location of the centre will not influence the movement of traffic in the area but take advantage of existing traffic flows. Freestanding isolated convenience store retailing on the M1 Motorway has not generally been supported by the RMS. The Proposal will need to be forwarded to RMS after a Gateway Determination for its consideration.

The additional population will assist in providing further support for the existing infrequent local public bus service.

4.1 Acid Sulfate Soils

Objective

(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

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

4.3 Flood Prone Land

Objectives

(1) The objectives of this direction are:

- (a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*

- (b) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Portions of the land are subject to flooding. The land is located in a floodway as defined in the NSW Government Floodplain Development Manual. A significant portion of Peat Island is located below the 1%AEP. The applicant has identified the need to fill land on Peat Island and other locations in the West Mooney Mooney precinct by up to two (2) metres to enable flood free building areas to be created. The causeway that connects with Peat Island, as well as being widened to two lanes, needs to be increased in height to provide flood free access. The applicant's consultant has recommended that the causeway be increased in height from its low point of 1.9 m to above the PMF at 3.3m an increase in height of 2.4m. The heritage study has identified the causeway as having cultural and social heritage significance.

No investigation has been provided indicating the impact on nearby lands by the redirection of floodwaters through the constriction to the floodway by the proposed filling of the land to create residentially zoned land.

The applicant has stated that the recommended land levels include provision for Sea - level rise.

4.4 Planning for Bushfire Protection

Objectives

- (1) *The objectives of this direction are:*
 - (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
 - (b) *to encourage sound management of bush fire prone areas.*

Significant portions of the land are subject to high bushfire hazard. The most elevated sections of the land proposed for residential zoning in the eastern and western precincts have high conservation value, are steep and highly visible to the M1 Motorway. The clearing of this land to provide for Asset Protection Zones (APZ) and provision of access will result in the loss of the vegetation that makes this land significant. As indicated earlier this land should be reconsidered for a residential rezoning

The Planning Proposal will be required after the Gateway Determination to be referred to the Rural Fire Service for comment.

6.2 Reserving Land for Public Purposes

Objectives

- (1) *The objectives of this direction are:*
 - (a) *to facilitate the provision of public services and facilities by reserving land for public purposes, and*
 - (c) *to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

The Planning Proposal recommends that land be zoned E1- National Parks and Nature Reserves to be included in the Popran National Park and that other land proposed for recreation uses be zoned RE1. The Direction provides that zoning land for public purposes such as the RE1 zone requires the approval of the public authority (National Park and Wildlife Service and Council) and the Director - General of the

Department of Planning and Environment. The land proposed for inclusion in the Popran National Park is to be dedicated to the National Parks and Wildlife Service, although no indication has been provided from NPWS at this stage that they wish to have the land included in the Park. National Parks and Wildlife Service will need to be consulted after the Gateway Determination to determine if they wish to receive the land.

The causeway leading to Peat Island and land generally forming the interface to the Hawkesbury River in the Mooney Mooney East precinct, including Peat Island, to form a pedestrian link around the edge of the island are also proposed to be zoned RE1. The land includes three (3) areas of land currently zoned for public recreation (zone RE1 - about 8.45ha) of which approximately 4.6ha is proposed to be rezoned for residential purposes.

The causeway is proposed to be dedicated to Council. This needs to be considered in further detail given ownership and maintenance issues associated with owning a key piece of infrastructure associated with the development.

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

(i) Direction 5.1 Implementation of Regional Strategies: Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning.

The Planning Proposal is considered to be generally consistent with regard to the relevant objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031.

(ii) Direction 6.1 – Approval and Referral Requirements: Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

(iii) Direction 6.3 – Site Specific Provisions: The Planning Proposal is consistent with this Direction as no site specific provisions are proposed.

Section C Environmental, social and economic

7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An inspection of the site confirmed that the vegetation is consistent with Bells mapping adopted by Council. Reports provided by the applicant have stated that there have been no recorded threatened species, endangered populations or endangered ecological communities.

8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are potential environmental effects which may result in the reconsideration of some of the rezonings proposed. These effects relate to loss of environmentally significant land through clearing for dwellings, APZs, fire prevention access and general vehicle access also environmental effects have been identified associated with zonings and development proposed in the riparian areas of the Hawkesbury River and Mooney Mooney Creek need to be considered in detail as part of the Planning Proposal process.

It is considered that the Planning Proposal does not contain all necessary supporting information as it relates to environmental effects. This information though can be provided as the Planning Proposal process proceeds. This information relates to matters such as for example Acid Sulphate Soils. This additional information may affect the zonings contained in the Planning Proposal and the process allows for alterations to zones and development standards to be made along the way.

Minor Environmental effects have been identified as part of the assessment of the Planning Proposal. Some of these effects can be managed satisfactorily as part of the development of the land.

9 How has the Planning Proposal adequately addressed any social and economic effects?

Social - The applicant has stated that a detailed Community Needs Assessment will be undertaken by a Social Planner post Gateway to determine if any additional facilities and social infrastructure are required to support the development beyond those detailed throughout the Planning Proposal. For a proposal of this type it is recommended that a Social Impact Assessment is carried out. A community needs assessment would form part of this, however is not adequate on its own. The Social Impact Assessment would assess the likely social and community consequences of the proposed changes. The aim will be to achieve better outcomes for the existing and the future communities, whilst negating any possible negative consequences. Identification of additional community infrastructure through a community needs assessment could be one of the mitigation strategies identified in the Social Impact Assessment. Community consultation will need to be a core aspect of the development of the Social Impact Assessment should a Gateway be issued by the State Government. The applicant has stated that the community needs assessment will contribute to the preparation of the Voluntary Planning Agreement but a full Social Impact Assessment would be required.

Economic - The Planning Proposal does provide economic benefits to the local Mooney Mooney community and beyond. These benefits include initial construction costs and ongoing employment in developments and potential tourism opportunities arising from a strategically located facility at the Gateway to the Central Coast. To ensure consideration is given to the provision of infrastructure. It is recommended that Council commence preparation of an appropriate contribution plan or alternative at this time.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

Water and Sewer infrastructure is capable of being provided to the land subject of the Planning Proposal. It has been identified that additional studies are required to

determine the exact water and sewer infrastructure requirements and these studies will need to be undertaken prior to any development taking place. Any Local Environmental Plan for the land would need to require that Council be satisfied that the subject land can be appropriately serviced before development can occur.

Roads external to the land have been identified as being capable of accommodating the development subsequent to the Planning Proposal. Internal roads will need to be upgraded at the developer's cost. The causeway leading to Peat Island is required to be widened and raised, and this will also have to be at the developer's cost.

No indication has been sought from electricity suppliers as to the capability of the existing system to accommodate the additional development.

Consultation will need to take place with Hornsby Shire Council to determine whether they anticipate additional infrastructure demands associated with the development.

Pedestrian and cycle linkages are anticipated to be improved as a result of the development. The requirement for the provision of these linkages will be included in a development control plan for the land.

11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

Part 4 Mapping

S55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land - a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

Detailed mapping will be provided as part of the ongoing preparation of the Planning Proposal.

Part 5 Community Consultation

Section 55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

'In - principle' support by Council for the rezoning of the land will enable a Gateway Determination to be made which will allow the Planning Proposal to be placed on public exhibition. The public exhibition process will enable the community to be involved in the further refinement of the proposals for this important land in their local area.

Other Matters for Consideration

Business Zoned Land

The development of the current ambulance station and RMS depot land for a convenience store/service station is permitted in the B2 - Local Centre zone. The site is approximately 1ha in area.

The B2 zone does also provide for a range of other permitted uses including; *Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation.*

The Indicative Concept Plan shows a convenience store / service station on part of the land proposed to zoned B2. This concept plan provides one option and essentially is being used to inform the rezoning process as it is indicative only. Future development on the B2 zone land needs to be a centre that has meaning to residents of the community as well as a centre that recognises its role to the wider river community and the M1 motorist.

The applicant has indicated that heavy vehicles such as trucks could not be accommodated on the land due to access restrictions and insufficient land for carparking. The applicant has also stated that the final B2 zone will be reduced to accommodate RMS requirements, particularly with respect to the motorway on / off ramps.

It is considered that additional information needs to be provided in relation to the development of the proposed B2 - Local Centre as part of information to be provided post a Gateway Determination.

Creation of a Community

The Mooney Mooney locality is typical of many isolated communities where the current level of development and hence population is insufficient to support a basic level of service provision. Mooney Mooney is heavily reliant on the services that are available in Brooklyn in the Hornsby Shire.

The rezoning of the redundant Hospital zoned land does provide an opportunity to generate a population level that can support an increased range of services. The opportunity to provide these services is addressed in the detail of the Planning Proposal.

Attaining a population level to provide an improved self sustainability for the community will be an important factor in the ongoing preparation of the planning provisions for the land. In this regard it would be inappropriate to add further population to this locality but not have sufficient population to support the provision of additional services. If rezoning of the land is to occur it must reach a population threshold that does not create a community still fully dependant on the services provided in Brooklyn. It may be necessary that if some areas of the land are not suitable for residential development then other more suitable areas of the land may need to accommodate an increased density to offset the loss in potential.

The provision of the business zoned land is an important component of the provision of services to the local community. The support for the viability of this business zoned area will be through the passing trade from the M1 - Motorway. It is necessary though that this land in addition to providing services to motorway users also contain the services required by local residents. The planning and design provisions for this land will need to be carefully crafted to ensure the needs of all potential users are satisfied.

There are no other matters that require consideration.

Conclusion

The Planning Proposal process seeks to determine whether 'in - principle' support can be given for the rezoning of the subject land to permit the redevelopment of the land. The

majority of the land is currently zoned SP 2 - Hospital. The zone is now redundant and alternate zones need to be determined.

It is considered that 'in - principle' support can be given for changes to the zoning of the subject land. This Planning Proposal involves a range of complex issues all of which cannot be addressed at this stage of the Planning Proposal process. It is considered that these issues can be addressed as the Planning Proposal process proceeds.

The continuation of the Planning Proposal process does allow for the community to have a formal input into the determination of appropriate zones and development provisions for the land.

The Planning Proposal is recommended should proceed as submitted to Council to seek a Gateway Determination by the Department of Planning and Environment.

The recommendation to proceed with the submitted Planning Proposal provides the opportunity for the Planning Proposal to be considered by the Department of Planning and Environment and Government Authorities in the form supported by the NSW Government.

The Department and Government Authorities may request further information and amendments to be made to the Planning Proposal before it is placed on public exhibition.

The issues raised by Council relating to the Planning Proposal are recommended to be forwarded to the Department of Planning and Environment for their consideration as part of the Gateway Determination process.

It is considered that it is important that Council and the local community can have an ongoing constructive and participative role with the State Government in guiding the renewal of this area. To achieve this it is necessary for Council and the local community to engage in a consultative and open way with the State Government.

Should Council wish to reconsider the matter after public exhibition where no submissions objecting to the matter have been received, Part D of the recommendation should be amended to include the words: "After public exhibition of the Planning Proposal a report is referred to Council on the matter."

FINANCIAL IMPACT STATEMENT

The recommendation does not impact on Council's financial position.

Attachments: Nil

Tabled Items: Indicative Concept Plan and Planning Proposal documentation

RECOMMENDATION

- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal as outlined in this report for; Lot 2 DP239249, Lot 10 DP1157280, Lot 11 DP1157280, Lot 4 DP239249, Lot 11 DP863305, Lot 9 DP863305, Lot 7011 DP1057994, Lot 2 DP431999, Lot 12 DP863305, Lot 1 DP 597504, Lot 2 DP945014, Lot 1 DP431780, Lot 21 DP836628, Lot 1 DP945014, Lot 1 DP107391, Lot 12 DP1158746, Lot 13 DP1158746, Lot 14 DP1158746 Mooney Mooney (including Peat

Is.) to zone surplus government land to facilitate its development for a mix of residential, community, environmental, recreation and employment land uses.

- B Council notify the Department of Planning & Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report.
- C Council requests that the Gateway Determination include provision where relevant to the Gateway Determination that the following is required to be included in the documentation for the statutory public exhibition process. If this information is not required as part of the Gateway Determination the information will still be required to be included for the statutory public exhibition documentation.
- SEPP 55 - Remediation of Land - a report specifying the findings of a preliminary investigation of the land carried out in accordance with the 'Contaminated Land Planning Guidelines'.
 - SEPP 44- Koala Habitat Protection - Environmental Study in accordance with requirements of SEPP.
 - SREP 20 - A Visual Management Strategy plan be prepared for the Mooney Mooney West precinct.
 - Section 117 Direction - 4.1 - Acid Sulphate Soil Study.
 - Section 117 Direction - 4.3 Flood Prone Land - Flood Study to determine impacts on nearby properties of filling to enable development to be located above 1%AEP.
 - Additional Aboriginal Heritage study of sandstone platforms adjacent to Hawkesbury River in Mooney Mooney West precinct and Mooney Mooney Public School in the Mooney Mooney East Precinct.
 - Additional European Heritage study of Peat Island including 'Conservation Management Plan'.
 - Social Impact Assessment.
 - Assessment against the 'Lower Hawkesbury Estuary Management Plan'.
 - Assessment against 'Guideline for Environmental Criteria for Road Traffic Noise'.
 - Assessment against 'Hawkesbury - Nepean Catchment Action Plan'.
 - Provision of a density map for proposed residential zoned areas.
 - Additional information on how the proposed business zoned land can accommodate the retail /commercial needs of residents in the Mooney Mooney/Brooklyn area.
 - Additional information on how riparian areas can be accommodated on land adjoining the Hawkesbury River proposed for residential / marina uses and adjoining Mooney Mooney Creek proposed for residential uses that is required by the NSW Office of Water in 'Guidelines for Riparian Corridors on Waterfront Land'(Water Management Act 2000).
 - Further investigation is required with respect to land proposed for residential zoning on land adjoining Deerubbun Reserve (Mooney Mooney West Precinct) and land to the north of the Chapel (Mooney Mooney East Precinct) to determine the suitability of this land for residential use with particular regard to slope, geotechnical stability, flora and fauna and bushfire and visual impact.

The following matters of detail need to be addressed upon finalisation of the Planning Proposal.

- Voluntary Planning Agreement in relation to the provision of land dedications, community facilities and infrastructure.

- SEPP 71 - Master Plan for Sensitive Coastal Location land.
 - A Development Control Plan to guide the staging and nature of development.
- D After public exhibition of the Planning Proposal, should the Minister for Planning support it, if no submissions objecting to the Planning Proposal are received, the Planning Proposal is to be processed in order to make the plan.
- E The applicant be advised of Council's resolution.
- F Council does not seek delegations from the Department of Planning & Environment for this Planning Proposal.
- G Council request the CEO to commence preparation of an appropriate S94 contribution plan, or equivalent, for the Mooney Mooney/Peat Island area.

