



Central Coast Council

Planning Proposal

Lot 27 DP 1223375

310 Terrigal Drive

TERRIGAL

File No: RZ/5/2023; PP_2023_1899

April 24



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Date: March 24

Gateway

Central Coast Council

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Background & Locality Context

The subject site is located at 310 Terrigal Drive, Terrigal (the site). The site is a vacant triangular lot at the intersection of Terrigal Drive and Charles Kay Drive, comprising a site area of 4,262m². The site is zoned R1 General Residential and has a maximum building height control of 8.5m and a maximum floor space ratio (FSR) of 0.5:1 (plus bonus provisions).

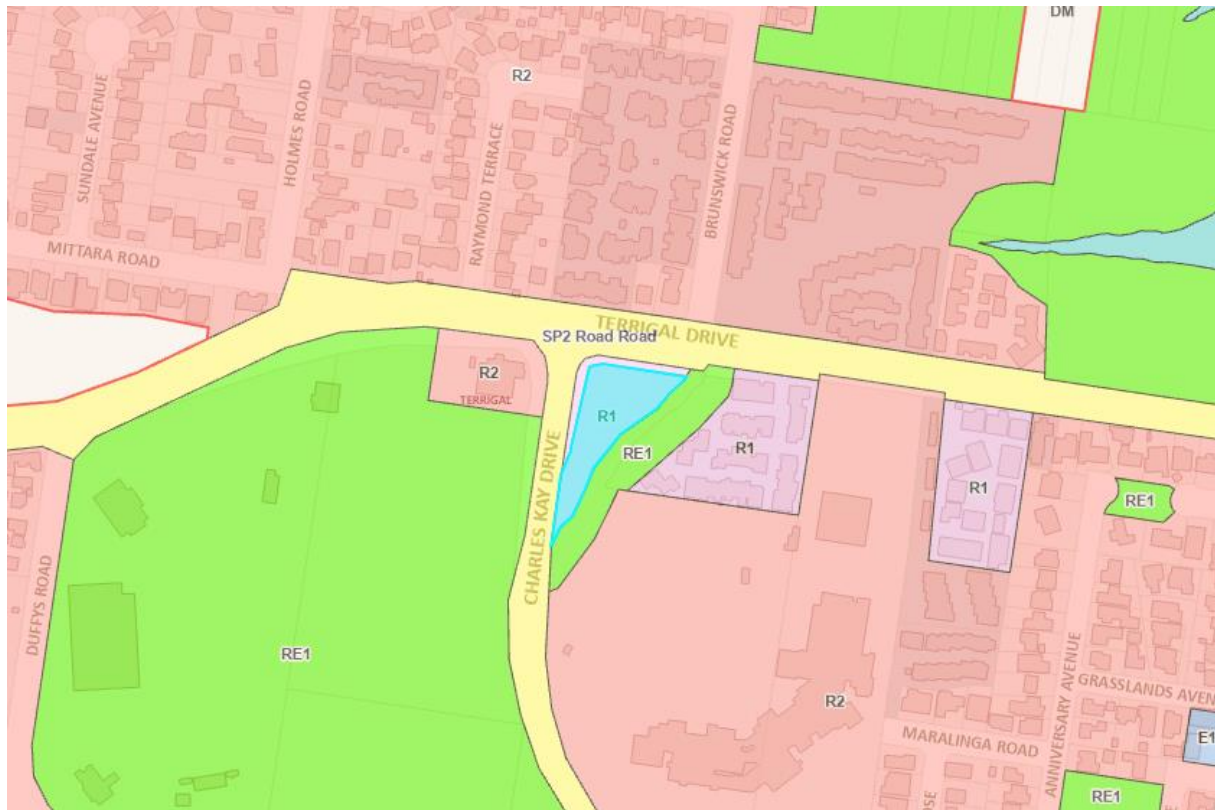
The site's immediate context includes a mix of low-density residential development predominantly in the form of townhouses and detached dwellings, Terrigal High School, Duffys Oval and a range of associated sporting fields, and a water course which runs along the eastern boundary, feeding into the Terrigal Lagoon. The existing site is vacant and densely vegetated with grass and shrubs at the northern part of the site, and with trees along the north-eastern boundary where the riparian zone forms part of the adjacent 3rd order stream. There is presently no vehicular access to the site; however, a vehicular crossing exists on Charles Kay Drive along the western site boundary, 40m south of Terrigal Drive.

Figure 1: Location



Source: Urbis 2022

Figure 2: Existing Zoning



The immediate surrounding development includes:

- To the north of the site across Terrigal Drive is 'Blue Point' estate, containing approximately 50 1-2 storey modern townhouses located at 2 Brunswick Road. Further to the north and north-west of the site are 1-2 storey dwelling houses.
- To the east and south-east of the site is a strata title village community of 31 1-2 storey seniors housing residences, 'The Grange', located at 306 Terrigal Drive. Further to the east is Terrigal High School.
- To the south of the site is heavy vegetation and a pedestrian and cycleway running along the south-west boundary of the site. Further south is Terrigal High School and associated large sporting field.
- To the west of the site across Charles Kay Drive is Terrigal Ambulance Station, a single storey brick building with vehicular access off both Charles Kay Drive and Terrigal Drive. Also located west of the site is Duffys Road Oval, Terrigal United Football Club, Terrigal Tennis, Breakers Indoor Sports Stadium and Terrigal BMX Club.

The key site characteristics are detailed in the table below.

Feature	Description
Street Address	310 Terrigal Drive, Terrigal NSW 2260
Lot and DP	Lot 27 / DP 1223375
Site Area	4,262m ²
Site Dimensions	70m northern frontage to Terrigal Drive, 135m western frontage to Charles Kay Drive, 165m south-eastern boundary
Easements and Restrictions	<p>The site is subject to a number of easements and covenants:</p> <ul style="list-style-type: none"> • 6m wide water drainage easement towards the southern corner of the site. • Easement for noise, dust and vibration • Positive covenant • Conditions in crown grant • Restriction on the use of the land – no means of vehicle access shall be constructed or allowed to be constructed to or from the land to Terrigal Drive or part of frontage to Charles Kay Drive.
Topography	The site forms a triangular shaped allotment, which is predominately flat with an RL of 3 m. The site rises north-west towards Charles Kay Drive with RL of 5 m.
Vegetation	The existing site is vacant and densely vegetated with grass and shrubs at the northern part of the site, and with trees along the north-eastern boundary where the riparian zone forms part of the adjacent 3rd order stream.
Site Access	There is presently a vehicular crossing exists on Charles Kay Drive along the western site boundary, 40m south of Terrigal Drive.
Bushfire	The southern, northern and north-eastern portion of the site are identified as bushfire prone 'vegetation buffer' land.
Services and utilities	An existing Council stormwater pipeline system is located within Terrigal Drive and Charles Kay Drive that drains from the existing road network into the unnamed creek to the east of the site. An existing gravity sewer main is located along the western side of Charles Kay Drive. An existing sewer connection to the sewer main is located at the site's western boundary. An existing water main is located within the centre of both Charles Kay Drive and Terrigal Drive, however there is currently no connection to the water main from the site. An existing gas main is located within Charles Kay Drive and Terrigal Drive, however there is currently no connection from the gas main to the site.
Hydrology	The site is flood affected, with peak 1% AEP flood depths varying across the site. Towards the creek and within the site, peak 1% AEP flood depths reach 1.5 metres. The remainder of the site has 1% AEP flood depths ranging from 400mm to 900mm. In the Probable Maximum Flood (PMF) event, flood depths range from 1,600mm to 2,500mm.

Part 1 Objectives or Intended Outcomes

The Planning Proposal seeks to amend the *Central Coast Local Environment Plan 2022* (CCLEP) to increase the permissible height of builds, the floor space ratio and permit additional uses on 310 Terrigal Drive, Terrigal.

The objective of this proposal is to:

- a) Amend the maximum height of buildings in the CCLEP from 8.5m to 25m on the site,
- b) Amend the maximum floor space ratio in the CCLEP from 0.5:1 to 1.3:1 on the site,
- c) Amend Schedule 1 Additional permitted use in the CCLEP to enable a retail premise to be established on the site, limited to 150m² and
- d) Amend Location Specific Development Controls of the Central Coast Development Control Plan (DCP), Chapter 5.11 Terrigal: Corner Charles Kay Drive and Terrigal Drive, to include site specific controls.

The intended outcomes include:

- Unlock development and uplift potential on a vacant and underutilised site in a prominent corner location with strong connectivity to other local centres within the Central Coast region.
- Facilitate the immediate delivery of housing within an area identified as a focus for future housing development.
- Address the 'missing middle' policy objective of the NSW Government through the delivery of medium density housing.
- Permit a mixed-use development that will contribute to the much-needed supply and variety of housing in Central Coast and offer local retail service to the community.
- Facilitate the delivery of an exceptional urban design outcome that responds to environmental and site constraints to mark the significant corner location.
- Rejuvenate the riparian zone on the site through the removal of weeds and improvement of stability and water quality.
- Provide local employment opportunities in close proximity to public transport, local services and amenities.

Part 2 Explanation of Provisions

The proposed outcome of the Planning Proposal will be achieved by amending the CCLEP as follows:

- Amend the CCLEP 2022 Height of Buildings Map to provide a building height control of 25m across the site.
- Amend the CCLEP 2022 Maximum Floor Space Ratio Map to provide a maximum floor space ratio control of 1.3:1 across the site.
- Amend Schedule 1 Additional Permitted Uses to include the Lot 27 DP 1223375 to permit retail premises on the site (limited to 150m²).

The proposed mapping amendments are provided within Part 4 of this report.

The Planning Proposal is accompanied by a draft site-specific Development Control Plan (DCP) which provides the detailed guidelines and controls for the delivery of the indicative concept. The draft DCP will be further developed in consultation with agencies.

Table 1: Explanation of Amendments

Provision	Existing	Proposed
Schedule 1 – Additional Permitted Uses	None	To include the following property: <ul style="list-style-type: none">• Lot 27 DP 1223375 (310 Terrigal Drive, Terrigal) And permit the use of <i>retail limited to 150m²</i> .
Floor Space Ratio	0.5:1	1.3:1
Height of Building	8.5 metres	25 metres

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

No, the Planning Proposal is not the direct result of an endorsed local strategic planning statement, however it is considered that the proposal is consistent with the objectives and themes of Council strategies.

Council's draft Central Coast Local Housing Strategy (CCLHS) identifies a preference to contain housing growth within the current urban area to minimise environmental impacts, with a strong focus on medium density infill housing in existing residential zones with high amenity. The draft strategy identifies opportunities for increasing housing density in high amenity locations, noting areas such as Terrigal, Wamberal and Forresters Beach.

According to the draft CCLHS, recent housing completions in the Central Coast have not kept pace with demand for projected housing need, creating a shortfall in housing supply and housing affordability issues. This lack of housing supply is partly attributable to a lack of available and unconstrained land in the region. There is an immediate need to accommodate Central Coast's growing population, and current stock is not diverse enough to meet housing demand and the diverse needs of the Central Coast community.

These recommendations in the CCLHS align with the housing reforms introduced by the NSW Government in late 2023, which seek to address the housing crisis through reforms that will fast track delivery of a greater diversity of homes, such as residential flat buildings of 3-6 storeys, terraces, townhouses, duplexes and smaller apartment blocks.

The Planning Proposal provides an opportunity to deliver much needed housing supply and variety for the Central Coast region. The site is located on land that is already zoned R1 and is within an established urban area of high amenity, well serviced by infrastructure and public transport. The site is currently vacant and ready for immediate supply of additional housing on a prominent corner location close to the Terrigal Town Centre. A Planning Proposal for a 32m building height was submitted to Council and referred to the Local Planning Panel in November 2023, however this has been revised and reduced to 25m, better aligning with the character of the Terrigal area and the miss, whilst providing much needed medium density housing.

An Urban Design Study was prepared for the site (CKDS Architects) and demonstrates that the indicative design concept of the redevelopment (in accordance with the proposed amended planning controls) has the potential to deliver 40 dwellings. This would provide greater diversity in the form of residential apartments and providing housing opportunities in a high amenity location. The proposal is supported by several studies undertaken for the site which have been reviewed by internal Council staff:

- The Traffic and Transport Assessment prepared by Arc Traffic + Transport indicates that the proposed increase in residential density will not have adverse traffic impacts on the surrounding road network.
- The Ecological Assessment Report prepared by Integrated Site Planning reveals there are no threatened flora species and no significant fauna habitat on the site. While the vegetated riparian zone associated with the 3rd order stream contains native tree and groundcover species, it is generally considered to be in poor condition, is mostly of low biodiversity value and is

dominated by introduced weed species. The Planning Proposal therefore provides opportunity to remove these weeds and improve the water quality as part of future development on the site.

- The Bushfire Assessment Report concludes that the proposed LEP amendments, with the addition of the recommended bushfire protection measures, will provide a reasonable and satisfactory level of bushfire protection to the proposed development.
- The Floodplain Risk Management Plan prepared by Rienco Consulting demonstrates that flood impacts resulting from the proposed built form are generally isolated to the site and do not affect the trafficability of the site. The proposed development also generates no plausible change to the flood function of the site, or other adjoining sites.

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

Yes, a Planning Proposal is the best means of achieving the objectives and intended outcomes to enable redevelopment of the site as the scale of change sought is considered to be outside the scope of variation to the current planning controls.

Section B – Relationship to strategic planning framework

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

Central Coast Regional Plan (2041)

The Central Coast Regional Plan 2041 (CCRP) applies to the Central Coast Local Government Area (LGA). The CCRP is a regional strategic land use framework that supports economic growth and revitalisation of the Central Coast, identifying actions to address the region's challenges and opportunities.

The table below demonstrates how the Planning Proposal is generally consistent with relevant directions identified in the CCRP.

Table 2: Central Coast Regional Plan - Objectives

Direction	Applicable	Assessment/Comment
Objective 1: A prosperous Central Coast with more jobs close to home	Yes	The proposal will support interim jobs in construction and related industries through future site development, as well as long term job opportunities through café premise on the corner of two main connecting roads in Terrigal.
Objective 2: Support the right of Aboriginal residents to economic self-determination	N/A	The Planning Proposal does not relate to Aboriginal Land.
Objective 3: Create 15-minute neighbourhoods to support mixed, multi-	Yes	The proximity of the site to existing road and transport infrastructure, Terrigal Beach and the Town Centre contributes to realising the Central Coast's vision for creating 15-minute neighbourhoods.

Direction	Applicable	Assessment/Comment
modal, inclusive and vibrant communities		
Objective 4: An interconnected Central Coast without car-dependant communities.	Yes	The site is connected to the public transport network and within walking distance to Terrigal.
Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development	Yes	The planning proposed is expected to contribute to nimble neighbourhoods by increasing the diversity of housing choice in Terrigal.
Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments	Yes	The site contains a 3rd order stream and riparian zone along the south-eastern boundary, which is largely weed infested and of low biodiversity value. Future development of the site seeks to encroach into the outer riparian zone, however there is a commitment to restore the quality of the waterway through replanting of native trees and vegetation.
Objective 7: Reach net zero and increase resilience and sustainable infrastructure	No	The Planning Proposal does not contribute to reaching net zero and increasing resilience.
Objective 8: Plan for businesses and services at the heart of healthy, prosperous and innovative communities	No	The Planning Proposal does not relate to the provision of businesses and services.
Objective 9: Sustain and balance productive rural landscapes	No	The Planning Proposal does not relate to rural landscapes.

Table 3: Central Coast Regional Plan 2041 – Planning Priorities

Narara Planning Priorities	Applicable	Assessment/Comment
Priority 1: Focus economic development in the Somersby to Erina Growth Corridor	No	The subject site is in Terrigal.
Priority 2: Build resilience on the Woy Woy Peninsular by limiting development in hazard areas	No	The subject site is in Terrigal.

Narara Planning Priorities	Applicable	Assessment/Comment
and revitalising centres through public domain improvements.		
Priority 3: Invest in green and active transport connections to reduce car dependency	No	The Planning Proposal does not relate to transport.
Priority 4: Protect vegetated ridgelines and enhance the enjoyment of conservation areas for passive recreation activity compatible with the natural environment.	Yes	The Planning Proposal will better utilise the existing site to allow passive enjoyment of the vegetated area and waterway.
Priority 5: Identify appropriate urban expansion opportunities to ensure a sufficient supply of safe, diverse and affordable housing.	Yes	The Planning Proposal will enable better use of the site for a greater variety and diversity of housing choices in the Central Coast as one of few infill opportunities in Terrigal.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary of GCC, or another endorsed local strategy or strategic plan?

Central Coast Local Strategic Planning Statement

The Central Coast Local Strategic Planning Statement 2020 (LSPS) guides land use planning and decision making for the future of the Central Coast LGA. The LSPS came into effect on 21 August 2020 and outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure. Terrigal is to be changed from a 'town centre' to a 'local centre' in the proposed centres hierarchy. The proposal is consistent with the local planning priorities as outlined in the table below.

Table 4: Central Coast LSPS 2020 – Planning Priorities

Narara Planning Priorities	Applicable	Assessment/Comment
Priority 1: Align development to our infrastructure capability.	Yes	The Planning Proposal optimises the existing infrastructure and services available on the site to deliver housing that will meet the needs of the growing Central Coast population.
Priority 8: Provide for the housing needs of our growing region.	Yes	The Planning Proposal includes six levels of residential units which will include a mix of bedroom typologies to respond to the diversity in demand.
Priority 24: Map, protect, and cherish natural areas and ecosystems.	Yes	The Planning Proposal seeks to improve the existing waterway and ecosystems associated with the 3rd order stream to the south-east of the site.

Narara Planning Priorities	Applicable	Assessment/Comment
Priority 35: Integrate land use and infrastructure.	Yes	The site is strategically located on the fringe of Terrigal, along existing transport and road infrastructure and is well serviced.

Community Strategic Plan

The proposal is consistent with the five themes of the Community Strategic Plan. An assessment of the proposal against the Community Strategic Plan is located under Section 01 Assessment and Endorsement attached to this proposal.

(Draft) Central Coast Local Housing Strategy

The Draft Central Coast Local Housing Strategy identifies the challenges and barriers to meeting the diverse housing needs across the Central Coast, including rapid population growth that puts pressure on the housing market, the lack of diversity in housing typologies, and constraints on supply of zoned and serviced residential land. The objectives of the CCLHS are to encourage the provision of quality housing that meets diverse needs in areas of high amenity, in identified growth areas and sustainable greenfield areas.

The draft strategy also identifies opportunities for increasing housing density in high amenity locations noting areas such as Terrigal, Wamberal and Forresters Beach. This Planning Proposal is considered to be consistent with the objectives and relevant actions of the draft CCLHS.

Community Coast Affordable and Alternative Housing Strategy 2020

The Central Coast Affordable and Alternative Housing Strategy 2020 aims to build a vision for a fair and inclusive region, where everyone has access to affordable and sustainable housing. The Planning Proposal is consistent with the following strategic themes:

- Creation of affordable rental housing
- Facilitation of affordable and lower cost housing

The proposal provides for diversity in housing typologies by facilitating the delivery of medium-density housing. The immediate area is characterised by single dwelling and multi-dwelling housing. The proposed residential flat building therefore provides greater housing choice and in turn, more affordable housing options. As such, the Planning Proposal will deliver on the vision for Central Coast as Terrigal is currently experiencing housing affordability issues as a result of people living in and paying for larger-than-necessary dwellings.

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

Yes, the Planning Proposal is consistent with the following State and regional studies.

A 20 – Year Economic Vision for Regional NSW

The 20-Year Economic Vision for Regional NSW 2018 sets out the Government's priorities and plans to achieve long-term social and economic success for regional communities across the state. The site is well-placed to benefit from the planned improved travel between regional centres, being located on a gateway intersection, providing access to both Terrigal and other regional centres in the Central Coast. As such, the proposal will facilitate the delivery of housing that is easily accessible to employment opportunities.

Net Zero Plan

The Net Zero Plan Stage 1: 2020-2030 outlines the NSW Government's action on climate change and goal to reach net zero emissions by 2050. The proposal will deliver on this vision through facilitating housing that is close to bus services and major transport routes, encouraging the use of public transport. The site's proximity to Terrigal Town Centre also provides opportunities for residents to walk or cycle, thereby reducing private vehicle trip movements and assisting the State objective to create low-carbon cities.

Future Transport Strategy: Our vision for transport in NSW (2022)

The Future Transport Strategy sets out the direction for improving every part of the State's transport system to help make NSW the most liveable state in the world. The site is suitably located to benefit from the focus on improved connectivity between Central Coast and Greater Sydney by facilitating housing supply closer to people's place of employment. The Planning Proposal also delivers on the Strategy's strategic directions through locating housing in a prominent location at the intersection of two major roads with direct access to bus services and proximity to Terrigal Town Centre, thereby optimising existing infrastructure and supporting the transition to net zero greenhouse gas emissions.

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

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP). The full assessment is contained within the supporting documentation of this proposal (see *01 Assessment and Endorsement*).

SEPP	Applicable	Consistent
State Environmental Planning Policy (Biodiversity and Conservation) 2021.		
Chapter 2 – Vegetation in Non-Rural Areas	Y	Consistent with the provisions of this SEPP.
Chapter 3 – Koala habitat protection 2020	Y	Consistent with the provisions of this SEPP.
Chapter 4 – Koala Habitat Protection 2021	Y	Consistent with the provisions of this SEPP.
Chapter 5 – River Murray lands	N	N/A
Chapter 6 – Water Catchment	N	N/A
State Environmental Planning Policy (Housing) 2021		
Chapter 2 – Affordable Housing	N	N/A
Chapter 3 – Diverse Housing	N	N/A
Part 1: Secondary Dwellings	N	N/A

SEPP	Applicable		Consistent
Part 2: Group Homes	N	N/A	
Part 3: Co-living Housing	N	N/A	
Part 4: Built-to-rent Housing	N	N/A	
Part 5: Seniors Housing	N	N/A	
Part 6: Short-term Rental Accommodation	N	N/A	
Part 7: Conversion of Certain Serviced Apartments	N	N/A	
Part 8: Manufactured Home Estates	N	N/A	
Part 9: Caravan Parks	N	N/A	
State Environmental Planning Policy (Industry and Employment) 2021.			
<i>Chapter 3 – Advertising and Signage</i>	N	N/A	
State Environmental Planning Policy (Planning Systems) 2021			
<i>Chapter 2 – State and Regional Development</i>	N	N/A	
<i>Chapter 3 – Aboriginal Land</i>	N	N/A	
State Environmental Planning Policy (Precincts—Regional) 2021			
<i>Chapter 5 – Gosford City Centre</i>	N	N/A	
State Environmental Planning Policy (Primary Production) 2021.			
<i>Chapter 2 - Primary Production and Rural Development</i>	N	N/A	
<i>Chapter 3 - Central Coast Plateau Areas</i>	N	N/A	
State Environmental Planning Policy (Resilience and Hazards) 2021.			
<i>Chapter 2 - Coastal Management</i>	Y	Consistent with the provisions of this SEPP.	
<i>Chapter 3 – Hazardous and Offensive Development</i>	N	N/A	
<i>Chapter 4 - Remediation of Land</i>	Y	Consistent with the provisions of this SEPP.	
State Environmental Planning Policy (Resources and Energy) 2021.			
<i>Chapter 2 – Mining, Petroleum Production and Extractive Industries</i>	N	N/A	
<i>Chapter 3 – Extractive Industries in Sydney Area</i>	N	N/A	
State Environmental Planning Policy (Transport and Infrastructure) 2021			
<i>Chapter 2 – Infrastructure</i>	Y	Consistent with the provisions of this SEPP.	
<i>Chapter 3 – Educational Establishments and Childcare Facilities</i>	N	N/A	

The proposal is considered to be generally consistent with the applicable SEPPs.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions) or key government priority?

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. The full assessment of these Directions is contained within the supporting documentation of this proposal.

Table 5 S.9.1 Ministerial Direction Compliance

No.	Direction	Applicable	Consistent
Planning Systems			
1.1	Implementation of Regional Plans	Y	Y
1.2	Development of Aboriginal Land Council Land	N	N/A
1.3	Approval and Referral Requirements	Y	Y
1.4	Site Specific Provisions	Y	Y
1.5	Parramatta Road Corridor Urban Transformation Strategy	N	N/A
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N	N/A
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	N/A
1.10	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	N/A
1.11	Implementation of Bayside West Precincts 2036 Plan	N	N/A
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	N	N/A
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	N	N/A
1.14	Implementation of Greater Macarthur 2040	N	N/A
1.15	Implementation of the Pyrmont Peninsula Place Strategy	N	N/A
1.16	North West Rail Link Corridor Strategy	N	N/A
1.17	Implementation of Bayside West Place Strategy	N	N/A
Design & Place			

No.	Direction	Applicable	Consistent
2.1	Not active yet	N	N/A
Biodiversity & Conservation			
3.1	Conservation Zones	Y	Y
3.2	Heritage Conservation	Y	Y
3.3	Sydney Drinking Water Catchments	N	Y
3.4	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N	Y
3.5	Recreational Vehicle Areas	N	Y
3.6	Strategic Conservation Planning	N	Y
3.7	Public Bushland	N	Y
3.10	Water Catchment Protection	N	Y
Resilience & Hazards			
4.1	Flooding	Y	Y
4.2	Coastal Management	Y	Y
4.3	Planning for Bushfire Protection	Y	Y
4.4	Remediation of Contaminated Lands	Y	Y
4.5	Acid Sulfate Soils	Y	Y
4.6	Mine Subsidence & Unstable Land	N	N/A
Transport & Infrastructure			
5.1	Integrating Land Use & Transport	Y	Y
5.2	Reserving Land for Public Purposes	N	N/A
5.3	Development Near Regulated Airports and Defence Airfields	N	N/A
5.4	Shooting Ranges	N	N/A
Housing			
6.1	Residential Zones	Y	Y
6.2	Caravan Parks and Manufactured Home Estates	N	N/A
Industry & Employment			

No.	Direction	Applicable	Consistent
7.1	Business & Industrial Zones	N	N/A
7.2	Reduction in non-hosted short-term rental accommodation period	N	N/A
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
Resources & Energy			
8.1	Mining, Petroleum Production and Extractive Industries	N	N/A
Primary Production			
9.1	Rural Zones	N	N/A
9.2	Rural Lands	N	N/A
9.3	Oyster Aquaculture	N	N/A
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A

Section C – Environmental, Social and Economic Impact

8. 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?

Biodiversity

The Ecological Assessment Report prepared by Integrated Site Planning found that no threatened ecological communities were observed within the development area. However, a small patch of Swamp Sclerophyl Forest on Coastal Floodplain Endangered Ecological Communities may be present in the southern part of the site, outside the development area. Further, the site is not mapped as having sensitive biodiversity values and does not contain potential habitat for threatened biodiversity. The proposed development will not be carried out in a declared area of outstanding biodiversity value.

The proposed development footprint will be mostly limited to the existing disturbed, cleared and managed areas of the site. The native vegetation present on the site consists of a highly disturbed 2,000sqm area of Blackbutt trees to the east and south of the site due to historical clearing and weed invasion by species, such as *Cinnamomum camphora*, *Ligustrum sinense* and *Lantana camara*. This area is less than the 0.25ha native vegetation clearing threshold and therefore does not trigger the Biodiversity Offset Scheme. A Biodiversity Offset Scheme Entry Threshold (BOSET) Report is provided at Appendix 1 of the Ecological Assessment Report. The BOSET report concludes that a Biodiversity Development Assessment Report (BDAR) is not required.

Ecological Communities

The building envelope has been positioned towards the north-west corner of the site to minimise the impact of the proposal on ecological communities associated with the 3rd order stream and riparian zone at the south-east boundary of the site. The proposed building footprint encroaches into the outer VRZ at the south-east corner of the proposed building and the internal driveway, being within 30m of the adjacent stream. However, the VRZ contains some invasion by environmental weed species and most of the area is an existing cleared area of low biodiversity value.

It is difficult to avoid encroachment of the VRZ due to the irregular shape of the lot. The Guidelines for Riparian Corridors on Waterfront Land outline an 'averaging rule', allowing non-riparian uses within the outer 50% of the VRZ so long as that area is offset outside the VRZ.

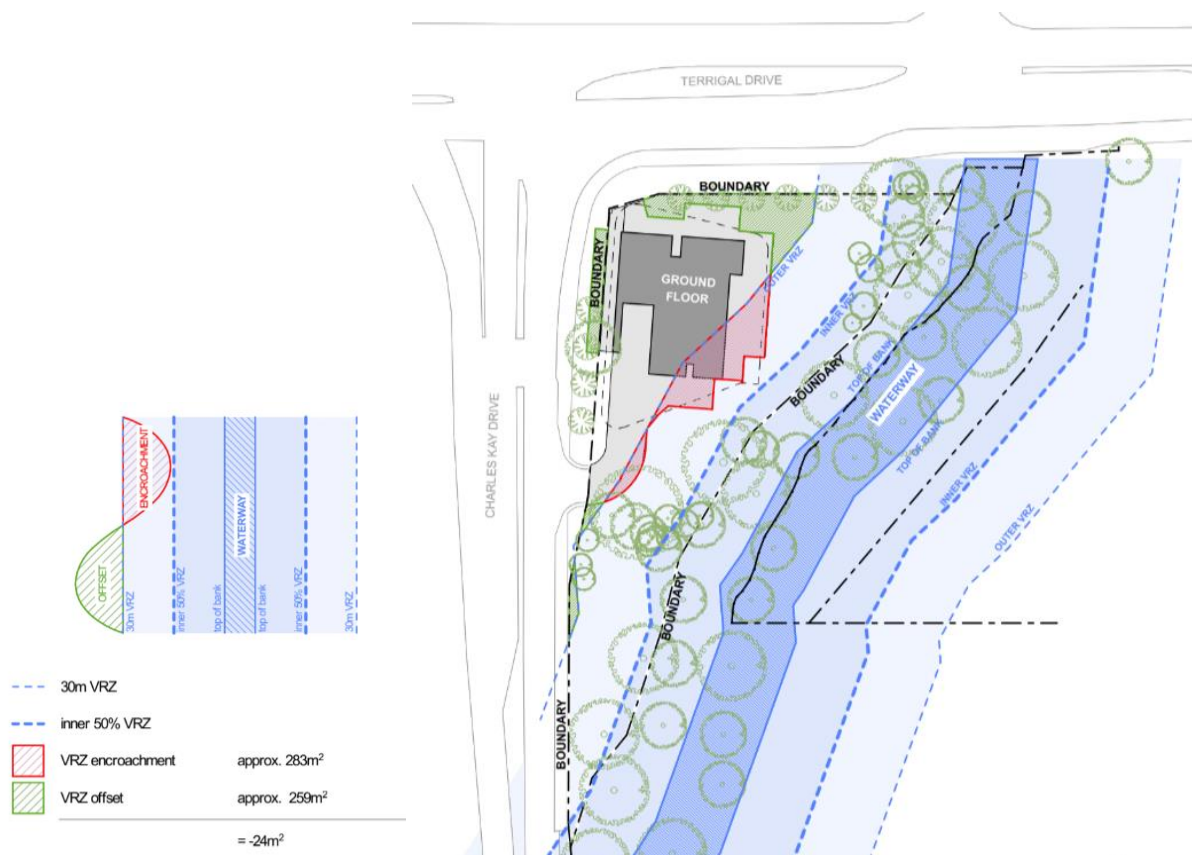
The vegetation communities occurring on the site are considered to be in very poor condition. While some remnant canopy trees are recorded in the south-western and north-eastern corners of the site, including Blackbutt trees, the majority of the site has been previously cleared and is dominated by weeds and introduced species, such as *Camphor laurel* trees. While the proposed access off Charles Kay Drive will require the removal of several Blackbutt trees, these impacts will be mitigated and offset through native plantings at the north-eastern corner of the site, replenishing the existing cleared areas.

The assessment of the suitability of the habitat for threatened fauna species is based on the consideration of the development impacts to be limited to the areas already disturbed and edges of retained vegetation. The fauna habitats present around the existing and proposed development are highly modified and are not likely to be utilised by resident threatened fauna species. One possible hollow bearing tree was observed within the proposed development area. Seven threatened bat species

are known to occur in the locality and could occur due to suitable foraging habitat within the site. However, none of these species were observed on the site and the proposal will remove or modify a relatively small area (approximately 0.01ha) of habitats suitable for these species within the site. There are larger areas of suitable habitats present offsite within the locality that will not be impacted by the proposal. It is considered that the proposal is not likely to directly impact an area of known habitat for these species or have an adverse impact on the life cycle of these species such that a viable local population is likely to be placed at risk of extinction.

The three threatened flora species recorded within 5km of the site were subject to an initial assessment to determine candidate species with suitable habitat present within the subject site. The threatened species *Melaleuca biconvexa* was observed as a single patch of 13 trees in the southern portion of the site, outside the development area. All *Melaleuca biconvexa* plants are proposed to be retained. The Ecological Assessment Report includes a significant impact assessment for this threatened species, which concludes that the plants within the site form part of a small local population of this species and the site is not likely to contain habitat critical to the survival of this species. No other threatened flora species were observed on the site, and the site has a low suitability as habitat for other threatened flora species. It is considered that the proposal is not likely to have an adverse impact on the life cycle of any threatened flora species such that a viable local population is likely to be placed at risk of extinction.

Figure 3: VRZ Encroachment



Source: CKDS Architects 2024

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Other environmental effects associated with the future development of the site can be suitably mitigated through further design development. The building envelope and placement of the building footprint has been strategically designed based on the technical advice.

Built Form and Context

While the building skyline of Terrigal is relatively low and the proposed building envelope is taller than buildings in the immediate surrounding area, the building sits well below the existing tree canopy and the site's corner location acts as a prominent marker and gateway to Terrigal Town Centre (refer Figure 4). This creates a building envelope that has reduced visual impacts along approach routes, while emphasising the site's prominent corner location. The proposed building envelope is also not inconsistent with other buildings in the context of the broader beachfront. Additionally, as an isolated island site and physically distanced from other buildings, there are no overshadowing impacts to the neighbouring properties and minimal visual impacts. The site's corner location and wraparound balconies also enable good solar access to the site.

The proposed height is consistent with the State-led focus towards medium-density development in the Greater Sydney region to deliver additional housing, with the building envelope sitting comfortably on this corner site with substantial separation from adjoining development. The proposed height of six storeys is an appropriate scale along Terrigal Drive, upper levels are expected to be recessed to reduce the perceived bulk and scale of the development, and will sit below the canopy of the trees on site.

Due to site characteristics, the building footprint is limited and therefore has been positioned to ensure minimal environmental impacts in relation to traffic and transport, flooding and biodiversity. As illustrated in the Urban Design Report prepared by CKDS Architects, it is most appropriate to locate the building footprint towards the north-western corner of the site.

Figure 4: Site Section: East-West

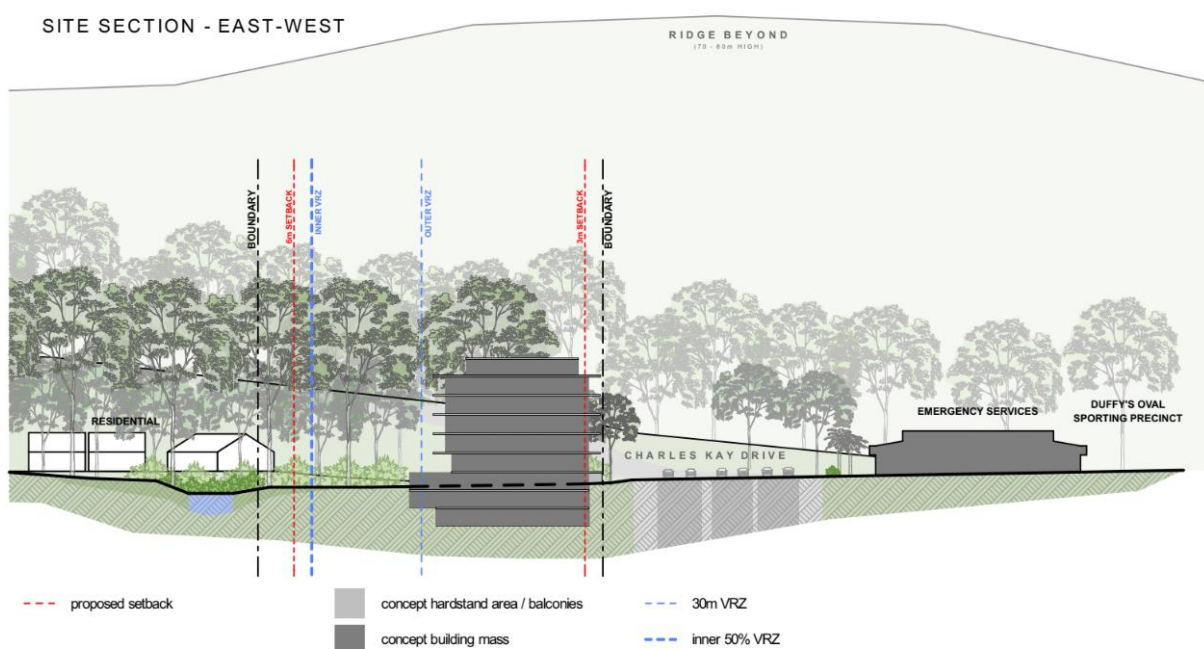
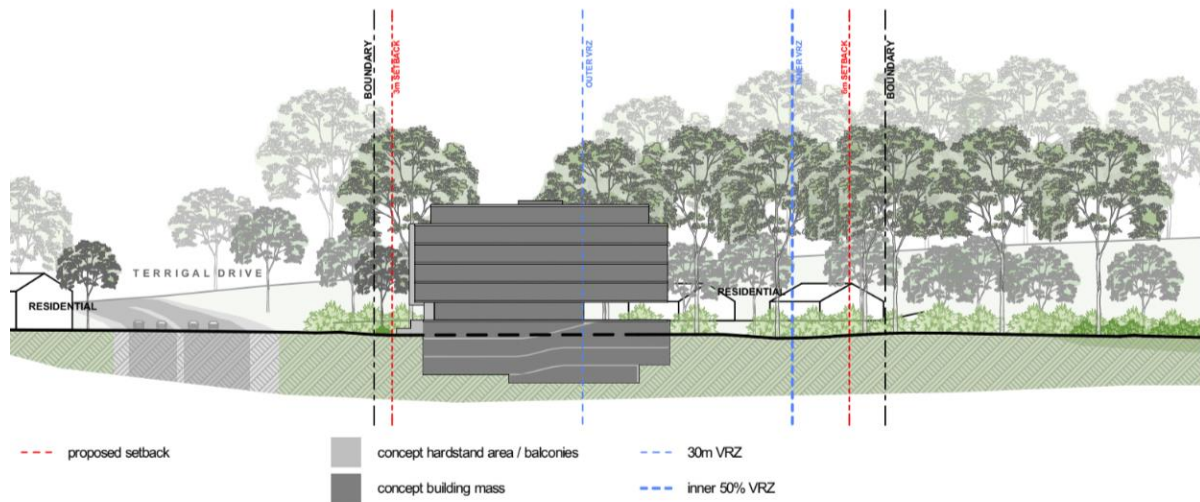


Figure 5: Site Section: North-South

SITE SECTION - NORTH-SOUTH



Source: CKDS Architects 2024

The proposal is setback from neighbouring properties to the north via Terrigal Drive, from the west via Charles Kay Drive, and from the south-east through the dense riparian vegetation. The draft site-specific DCP accompanying this Planning Proposal provides appropriate setback provisions to ensure the building footprint is suitable for the specific context of the site.

The overall height, bulk and scale and setbacks respond contextually to the site's location between the centres of Terrigal and Erina, while being sensitive to the lower scale of the nearest residential properties to the north and east.

Tree Removal and Landscaping

Existing trees on the site are located mainly on the western, southern and eastern periphery of the site and on Council's nature strip outside the western boundary of the property. Existing vegetation consists mainly of mature native trees, with introduced young to mature, self-sown camphor laurels dispersed throughout.

The Arboricultural Impact Assessment prepared by Michael Shaw Consulting Arborist assesses the trees potentially affected by the proposed development. While the site has around 200 trees, these are mostly contained around the riparian corridor to the south-east of the site. Of the 17 trees assessed by the report, two are proposed to be retained, being a 20m high Mountain Blue Gum tree and 25m high Blackbutt tree. The 15 remaining trees are required to be removed to facilitate the proposed development, with the development footprint having either direct or unsustainable encroachment into their tree protection zones (TPZ), are damaged or are undesirable weed species, including five exempt *Camphor Laurel* trees 10-20m high. All other trees not listed specifically in the Arboricultural Impact Assessment will not be affected by the proposed development if protected in accordance with AS4970-2009.

The site presents the opportunity to enhance Connections to Country through removal of exotic weeds and improvements to ecological quality via planting of indigenous species. In keeping with the existing dense vegetation associated with the riparian corridor on the site, the intent is for the site to retain and protect existing indigenous trees where viable, and replant native shrubs, grasses and trees. Large canopy trees, predominantly indigenous, are a dominant component of the landscape character of the locality, and as such, the landscaping on the site is consistent with the bushland character of the area.

Visual Impact

The Visual Impact Assessment prepared by OG Urban assesses the impact of the development from six different viewpoints. The assessment concludes that while the corner of Terrigal Drive and Charles Kay Drive would experience the highest level of visual change and impact, its location has the potential to function as a visual gateway to Terrigal. The site also has potential to accommodate a larger-scale building given the density and height of existing trees and vegetation. The report suggests that at present, the vacant site exhibits a negative visual effect given the unkept appearance of the site. Whilst the proposal is higher than immediately surrounding development, the proposal does not dominate the intersection as the natural tree canopy remains a significant component of the view from most viewpoints, with the building reading as lower in scale than the existing trees.

From the creek overbridge to the east of the site, the view impacts are low to moderate as the proposal will be largely screen by existing riparian vegetation near the creek corridor. Further east along Terrigal Drive, the view impact is low as the building blends in with the existing trees lining both sides of the road.

From the south of the site on Charles Kay Drive, there will be a moderate visual impact which will be softened by existing trees along the western boundary of the site. While the proposed development will be positioned close to the roadway due to site constraints in comparison to other buildings along the streetscape, the proposed landscape treatment and café at the ground level activate this frontage and provide a positive visual element to the currently vacant and unkept site.

The site is naturally spatially separated from adjoining land uses through Terrigal Drive to the north, Charles Kay Drive to the west and the creek and dense vegetation to the south-east. The visual impact of the concept design will predominantly be from Terrigal Drive travelling east and west. The visual impact of the upper levels has been managed through recessing the uppermost level from all sides, reducing the visual bulk and scale of the development when viewed from eye-level, thereby creating a human-scale design.

Figure 6: Photomontage: Approaching the site via Charles Kay Drive



Figure 7: Photomontage: Approaching the site via Terrigal Drive East



Source: CKDS Architects, 2024

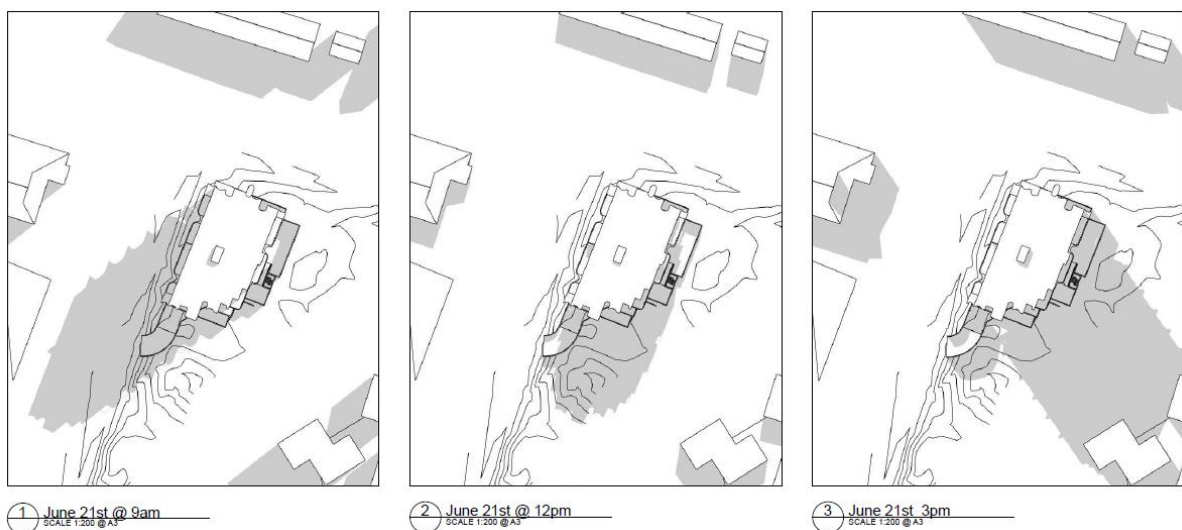
Figure 8: Photomontage: Charles Kay Drive and Terrigal Drive intersection



Overshadowing

The shadow diagrams provided in the Urban Design Report prepared by CKDS Architects demonstrates that the site does not overshadow any nearby properties between 9am – 1:30pm. There is localised overshadowing to the residential properties to the south-east at 3pm however this is only for a short window. The building is significantly separated from adjoining development with Terrigal Drive to the north, Charles Kay Drive to the west and the creek and dense vegetation to the south-east.

Figure 9: Indicative Shadow Diagrams



Source: CKDS Architects, 2024

Flooding and Stormwater

The site is flood affected, with peak 1% AEP flood depths varying across the site. Towards the creek and within the site, peak 1% AEP flood depths reach 1.5 metres. However, in the vicinity of the site where the development is proposed, 1% AEP flood depths range from 400mm to 900mm. In the Probable Maximum Flood (PMF) event, flood depths range from 1,600mm to 2,500mm where the development is proposed.

The peak 1% AEP flood surface level adjacent to the café and ground floor residential floors is RL +4.1m AHD, and the finished floor level has been set to RL +5.8m AHD. All other built form elements sit above the PMF level.

The Floodplain Risk Management Plan prepared by Rienco Consulting sets out the post-development hydraulic modelling, which indicates that the peak 1% AEP flood is conveyed through the site in materially the same manner as it does pre-development. All ground floor areas of the development are well above the 1% AEP peak flood surface levels.

The impacts resulting from the proposed development are generally isolated to the subject site or the adjoining RE1 zoned watercourse. There is a minor 12mm increase in peak flood surface levels adjacent to Terrigal Drive, however this does not affect the trafficability of Terrigal Drive and only exceeds the CCDCP 2022 threshold for a few minutes. Peak flood velocity changes within portions of the adjacent watercourse by approximately 0.5m/s in the peak of the 1% AEP design flood. Such a minor impact could not plausibly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. For the portion of the site where development is proposed, the area functions predominantly as a floodway, with a small area of flood fringe at the western boundary. The Floodplain Risk Management Plan concludes that the proposal would have no material effect on flood behaviour downstream of the site, does not affect flood hazard off the site, and generates no plausible change to the flood function of the site, or other adjoining sites.

The proposal complies with the Section 9.1 Ministerial Direction for flooding. While the proposal will result in a modest increase in density, the proposal does not seek to change the land use zone. Thus, residential flat buildings are already permitted in this zone, and the proposal would be contained within the permissible footprint. The Planning Proposal does not impose flood related development controls above the residential flood planning level.

Stormwater runoff from all pervious and impervious surfaces within the proposed development will generally be collected by an in-ground pit and gravity pipe system. These will be sized to accommodate the 1% AEP storm event for the site, to ensure runoff can be collected and conveyed to the on-site detention (OSD) system.

A small portion of the low-lying areas of the site to the north and the portion of the driveway below the driveway crest level to the south will drain towards Terrigal Drive and Charles Kay Drive, respectively; however, this has been accounted for in the OSD system.

Bushfire

The Bushfire Assessment undertaken by Bushfire Hazard Solutions was prepared to assess the appropriate recommendations to mitigate and manage bushfire risk in relation to the development.

An Asset Protection Zone can be established wholly within the site. The report recommends that all grounds from the proposed buildings for a distance of 14 metres or to the property boundary (whichever comes first) are to be maintained. The report recommended that the roof and works to the northern, eastern and southern elevations of the building be constructed to BAL 29, whilst works to the western elevation of the building be constructed to BAL 19.

The site benefits from direct internal ingress/egress via Charles Kay Drive, enabling access for emergency services and safe evacuation of people. The site is also supplied with reticulated water mains, which can be utilised for firefighting purposes without the need for a supplementary form of water supply. Future site landscaping will be of a type and density that can be easily managed with a low bushfire hazard.

Traffic and Access

A Traffic and Transport Assessment has been prepared by Arc Traffic + Transport, which accompanies this Planning Proposal. The assessment describes the existing local traffic context and assesses the impacts of the Planning Proposal on the existing road and public transport network.

The report addresses the following matters:

- Access to the site from Charles Kay Drive;
- Key intersection performance;
- Trip generation;
- Public transport accessibility;
- Pedestrian and bicycle access; and
- Car parking arrangements.

Arc Traffic + Transport has modelled the traffic outputs associated with the capacity of the site to accommodate approximately 42 dwellings. The key findings of the Traffic and Transport Assessment are summarised as follows:

- The subject site is well connected to the public and active transport network, with bus stops immediately adjacent to the site on both Terrigal Drive and Charles Kay Drive, and a shared pedestrian and cycle path along the length of Terrigal Drive and north from Terrigal High School on the eastern side of Charles Kay Drive. Footpaths are also provided on both sides of Charles Kay Drive adjacent to the site. The site is located 8km east of Gosford Railway Station, which provides strong accessibility across the Central Coast and to Newcastle.
- The proposal can accommodate 75 car parking spaces across three basement levels, which is consistent with the car parking requirement within the CCDCP 2022. The concept design can accommodate a minimum of 5 bicycle parking spaces.
- Site access has been provided via the existing vehicular crossover off Charles Kay Drive towards the southern part of the site, in accordance with the CCDCP 2022, and would provide left in/left out access.
- The traffic generation arising from the development has been assessed based on average trip rates for regional high density development provided in the RMS Guide and equates to an additional 25 vehicle trips per hour during the morning peak and an additional 17 vehicle trips during the afternoon peak periods. Trip generation is considered moderate and will have no significant impact on the operation of the local road network.

- Key intersections at Terrigal Drive and Charles Kay Drive, and Charles Kay Drive and Scenic Highway have been assessed and currently operate well, with low average delays. However, the intersection of Charles Kay Drive and Scenic Highway operates near capacity. SIDRA intersection modelling indicates that the proposal would have no significant impact on the future operation of these intersections. It is apparent that an upgrade of the intersection at Charles Kay Drive and Scenic Highway will be required at some point in the future.
- SIDRA intersection modelling undertaken for the site indicates that no external improvements in the broader road network are required to facilitate the proposed development. The only new infrastructure will be the provision of a new access driveway at the southern boundary of the site to Charles Kay Drive. The intersection of Charles Kay Drive and Terrigal Drive was upgraded in 2016 to address congestion, including additional approach and turning lanes in both roads, and the relocation of the Terrigal Drive pedestrian crossings to Brunswick Road.
- The concept design can accommodate a service area to allow for a medium rigid vehicle to enter the site in a forward direction, reverse into the loading area, and then exit the site in a forward direction.
- The concept scheme has been designed with specific consideration of the requirements of AS 2890.1, AS 2890.2 and AS 2890.6 such that full compliance with these standards can be achieved, particularly with regard to:
 - The access driveway
 - Internal access ramps and parking aisles
 - Standard and accessible parking spaces, and
 - Service manoeuvring and set down areas.
- The traffic impacts of the development are therefore considered acceptable and the design of all access, parking and service areas will necessarily provide full compliance with the relevant Council guidelines and Australian Standards, and be fully detailed in a future DA.

Indigenous and Non-Indigenous Cultural Heritage Items

An Aboriginal Objects Due Diligence Assessment was undertaken which concluded that the site is on disturbed land, has a low likelihood of containing Aboriginal objects and an application for an Aboriginal Heritage Impact Permit is not required. Further consultation with the Darkinjung Local Aboriginal LCA will be undertaken during agency consultation.

Contaminated Land and Acid Sulfate Soils

The land is mapped as Class 4, whereby works beyond 2 metres below ground level may encounter ASS. The Geotechnical and Acid Sulfate Soils Report undertook bore holes to a maximum depth of 20 metres below the existing ground level. Actual ASSs were detected in soils from 0.4 metres to 14 metres below the existing ground level indicating that ASS Management is required during the excavation and construction phase of the proposed development.

Historic potentially contaminating land uses existed on the land including hazardous building materials from the former residential dwelling, orcharding and a temporary construction site office and carpark. The site has a low to moderate risk of contamination.

10. *Has the planning proposal adequately addressed any social and economic impacts?*

Yes, the Planning Proposal has several social and economic benefits which are detailed below.

Social Issues

- Facilities renewal and activation of a key site: The Planning Proposal enables the transformation of a vacant and underutilised site that is situated on a gateway corner location at the intersection of Terrigal Drive and Charles Kay Drive.
- Contributes to the creation of 15-minute neighbourhoods: The proximity of the site to existing road and transport infrastructure and Terrigal Beach and Town Centre contributes to realising the vision for creating 15-minute neighbourhoods in line with the Central Coast Regional Plan 2041.
- Improved public domain and ground floor activation: The inclusion of a café tenancy at the ground level and revitalisation of the creek corridor to the south-east of the site create an activated and improved public domain and intersection, which suitably connects Terrigal Town Centre to other local centres in the region, thereby improving community safety and cohesion.

Economic Impacts

- Creates indirect and direct construction jobs: The development of the site would result in full time construction jobs, with workers on the site also supporting local businesses.
- Creates ongoing employment: The proposed inclusion of the retail premise will create ongoing employment opportunities. In addition, the proposed development of the site and ongoing maintenance will generate additional employment opportunities.
- Increased retail turnover: Increased residential density on the site would contribute to increased retail turnover through residents utilising local retail services.
- Housing supply and diversity: The proposal will provide additional housing and increased housing typology within an established centre, whilst providing medium density housing, aligning with State-led policy responses and addressing gaps in housing supply, as described in the Draft Central Coast Local Housing Strategy.

Section D – State and Commonwealth Interests

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

Yes, being in an established urban area close to Terrigal Town Centre, the site benefits from existing services in the locality that can accommodate the increased density on the site.

- The Traffic and Transport Assessment prepared by Arc Traffic + Transport confirms that there is sufficient capacity within the road network and the indicative yield is likely to have a negligible impact on the road network.
- The Stormwater, Servicing and Civil Infrastructure Assessment prepared by Tagro Engineering Consultants confirms that there is sufficient capacity within the existing network to accommodate the proposed uplift:
 - An existing gravity sewer main is located along the western side of Charles Kay Drive. An existing sewer connection to the sewer main is located at the site's western boundary. There is capacity to retain and utilise this existing connection for the proposal's site sewer connection.
 - An existing water main is located within the centre of both Charles Kay Drive and Terrigal Drive, however there is currently no connection to the water main from the site. It is assumed that the water main will have sufficient capacity to service the proposed development, and a connection will be undertaken from the site to this existing water main.
 - An existing gas main is located within Charles Kay Drive and Terrigal Drive, approximately 1m from the north-west boundary. The proposed development will look to connect the site to the gas main at this location to minimise connection works within the road reserve.
- The site is largely serviced by existing utility services and is located to allow incoming residents and workers to capitalise on the existing infrastructure and services within the area. Detailed investigations will be undertaken to inform a subsequent DA.
- As previously mentioned, the site is well connected to the bus network and significant road infrastructure, being located at the intersection of Terrigal Drive and Charles Kay Drive. Bus stops are located immediately adjacent to the site on both roads.
- The site is well-serviced by a shared pedestrian and cycle path along the Terrigal Drive and Charles Kay Drive frontages.
- The Planning Proposal leverages from its proximity to the town centre. As envisaged by the 2041 Regional Plan, the future development of this key site has the potential to contribute to the creation of 15-minute neighbourhoods and encourage public and active transport.
- The site is well-serviced by social infrastructure, being located adjacent to Terrigal High School, Terrigal Ambulance Station and Duffys Road Oval, as well as Breakers Indoor Sports Stadium and other sporting infrastructure.

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

Consultation with the following agencies is proposed, based on the identified triggers and site constraints:

- Darkinjung Local Aboriginal Land Council
- Department of Planning and Environment – Biodiversity and Conservation Division

- Transport for NSW
- NSW Rural Fire Service

** NOTE: Section 3.25 of the EP&A Act requires the RPA to consult with the Chief Executive of the Office of Environment and Heritage (OEH) if, in the opinion of the RPA, critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed instrument.*

- *The consultation is to commence after a Gateway Determination is issued unless the Regulations specify otherwise.*
- *The period for consultation is 21 days unless agreed differently between the RPA & the DG or by the Regulations.*

Part 4 Mapping

Table 6: Existing and Proposed Provisions

Map	Map Title
A.	Locality Plan
B.	Aerial Photograph
Existing Provisions	
C.	Floor Space Ratio Map FSR
D.	Height of Building Map HOB
Proposed Provisions	
E.	Floor Space Ratio Map FSR
F.	Height of Building Map HOB
G.	Additional Permitted Uses Map – 310 Terrigal Drive, Terrigal

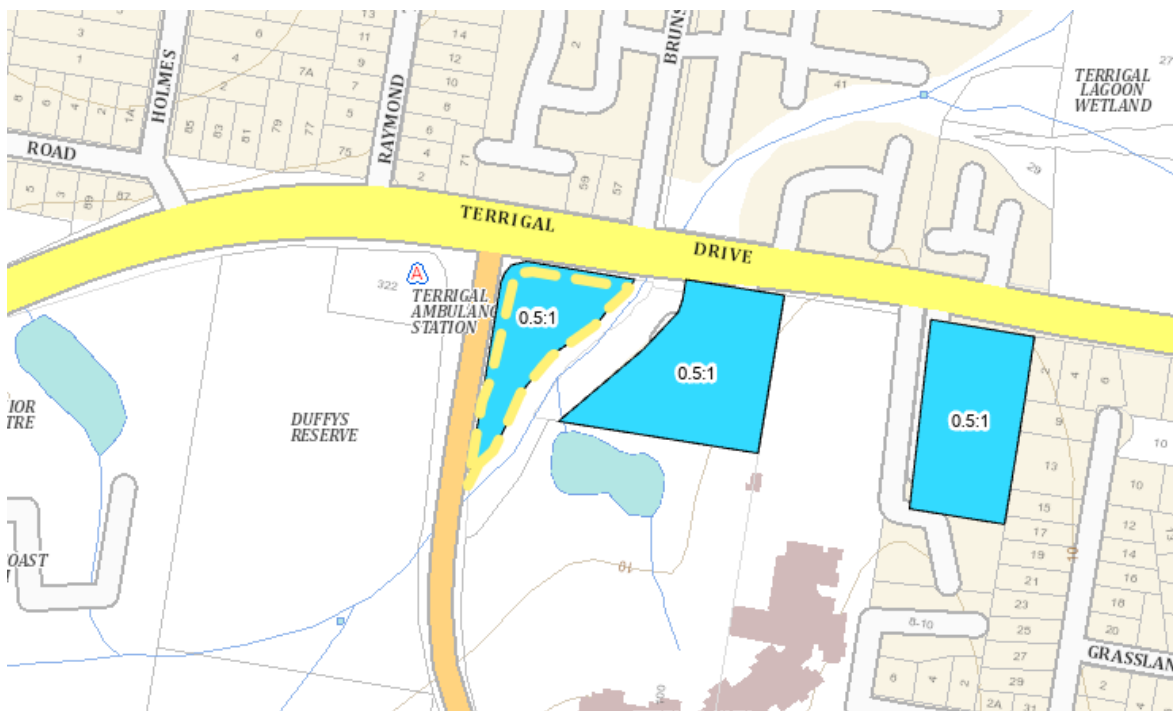
A. Locality Plan



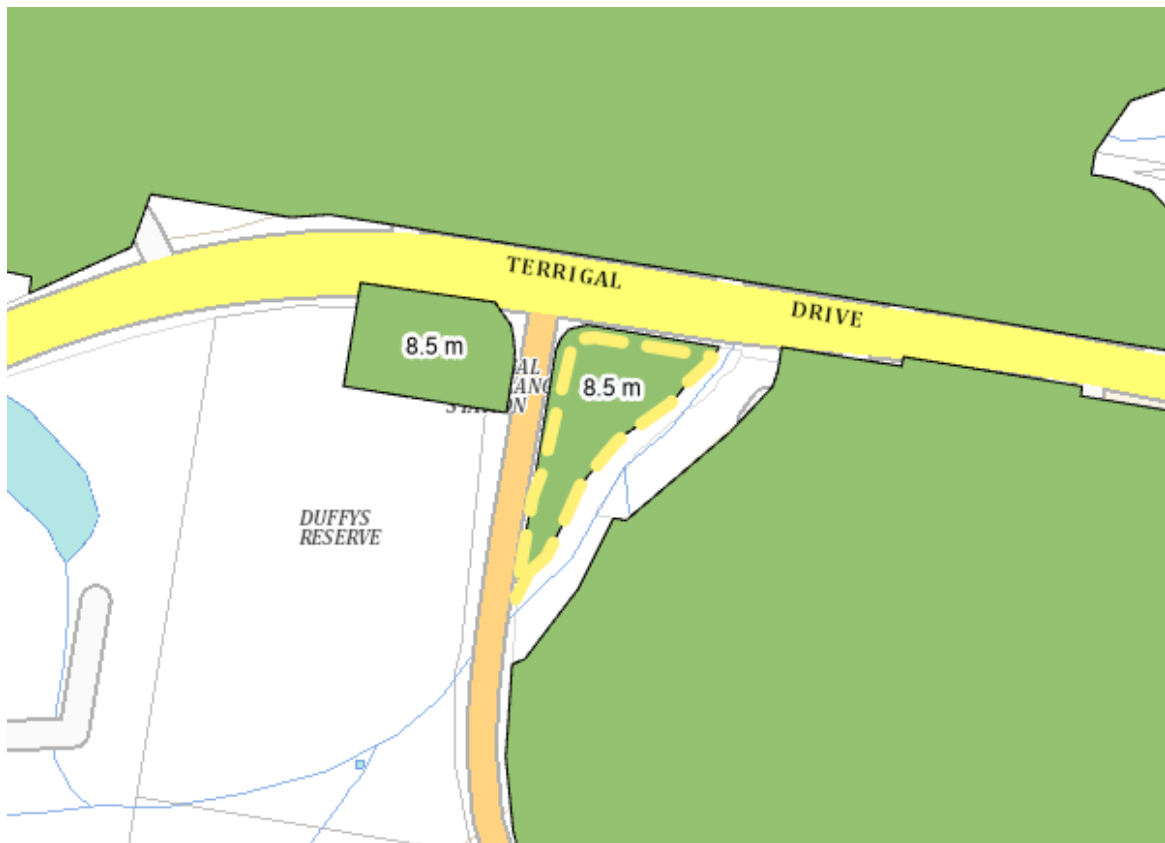
B. Aerial Photograph



C. Existing Floor Space Ratio



D. Existing Height of Buildings



E. Proposed Floor Space Ratio



F. Proposed Height of Buildings



Part 5 Consultation

Local Planning Panel

The Planning Proposal was referred to the Central Coast Local Planning Panel on the 30th of November 2023. The Local Planning Panel provides advice on Planning Proposals only and is not a determining authority.

The planning proposal presented to the panel sought the following amendments:

- Increase building height from 8.5m to 32m
- Increase FSR from 0.5:1 to 1.5:1; and
- Permit an additional permitted use of *retail premises*.

In light of the LPP's advice and following further internal consideration, the planning proposal has been amended as follows:

- Reduce the proposed building height from 32m to 25m;
- Reduce the proposed FSR from 1.5:1 to 1.3:1
- Permit an additional permitted use of *retail premise* with a maximum GFA of 150m².

Table 7: Response to Local Planning Panel comments

Local Planning Panel Comment	Response
The Panel does not consider the Planning Proposal to have strategic or site-specific merit.	Refer responses below.
There is a lack of strategic justification for the proposed increase in height and yield on the subject site. There is no precinct or local strategy to indicate the appropriateness of the site and the surrounding area for increased development capacity. In the absence of such a strategy the planning proposal has no contextual planning justification and is not supported.	<p>The Planning Proposal aligns with the objectives of the Central Coast Regional Plan 2041, the draft Central Coast Local Housing Strategy, and the intent of recently announced State-led reforms to address the lack of medium density housing in the Greater Sydney region.</p> <p>CCRP identifies centres such as Terrigal as places for housing, employment and lifestyle opportunities. There is a preference for infill development rather than greenfield development and planning for housing densities that align with how a neighbourhood functions and the type of public transport available. There is a strong emphasis on the 15-minute neighbourhood and delivering more housing in areas where most needs can be met within a short walk or bike ride. Whilst there is no specific local strategy for Terrigal, the planning proposal is consistent with the objectives of the relevant strategic plan and has merit for the following reasons:</p> <p>The proposal seeks to deliver additional housing in an infill environment. The site is one of the few remaining vacant sites in an infill environment such as Terrigal with good amenity.</p> <ul style="list-style-type: none"> • The proposal supports the concept of a 15-minute neighbourhood by supporting housing and retail within close proximity to Terrigal Local Centre and Erina. Future residents can access most everyday needs within a 15-minute walk or cycle.

	<ul style="list-style-type: none"> The site is located on a prominent corner location, serviced by bus stops on both Terrigal Drive and Charles Kay Drive. A key objective of the CCRP is to reduce car dependency and encourage greater use of active and public transport. <p>Whilst there is no specific strategy that identifies the development potential of the site, it is considered that the site is opportunistic, and aligns with the strategic objectives of the abovementioned strategies. The site is vacant island site, that sits within an established, high amenity area with walkable access to Terrigal Beach, is adjacent a bus route and can be connected to available infrastructure.</p> <p>According to Profile .id, demand for housing in Terrigal is expected to continue to grow. In Terrigal alone there will be a 3.28% increase in population between 2024-2036 (500+ residents). Terrigal has a relatively small catchment, with limited undeveloped and available land supply, meaning that the ability to deliver the necessary homes to house this future population is further constrained.</p>
<p>The Panel considers the planning proposal fails the site specific merit test for the following reasons:-</p> <p>a. The site shape and dimensions constrain future development.</p>	<p>The site shape and dimensions were acknowledged as a key constraint to future development. Council has therefore worked closely with the Applicant to develop an appropriate building footprint that responds to the unique constraints such as the riparian zone, vehicular access, irregular shape and vegetation on site.</p> <p>Whilst typically not prepared until the DA stage, a concept plan has been prepared to support the Planning Proposal to demonstrate how the site shape constraints can be resolved.</p> <p>The concept plan demonstrates that a building envelope can be accommodated on site, providing up to 30 apartments of various sizes and unit types. A site specific development control plan has also been prepared to guide future detailed design to ensure development responds to the unique constraints of the site.</p> <p>The planning proposal is supported by various technical reports that provide mitigation measure to address the site constraints. The technical reports (addressing bushfire, flooding, ecology, Geotech) were referred internally within Council and are supported with conditions.</p> <p>Given the site's irregular shape, it is considered that a smaller yet taller building footprint is more appropriate as it allows for greater setbacks to the riparian zone and vegetation whilst also delivering much needed housing in an infill location.</p>
<p>b. The traffic access to the site on a busy intersection is constrained and access to the site results in the loss of significant and sensitive vegetation.</p>	<p>The location of the driveway is in accordance with Section 5.11 of the CCDCP 2022 and was prepared in consultation with Transport for NSW (TfNSW).</p> <p>Prior to lodgement of the planning proposal, Council engaged with TfNSW to ensure traffic and access issues could be resolved. TfNSW reviewed the planning proposal, concept plan and supporting traffic report. Correspondence from TfNSW, dated 6 November 2023, notes that they are satisfied with the location</p>

	of the driveway and that it will not impact the surrounding road network. The Biodiversity Conservation Division and Council's ecologist have also been consulted
<p>c. The density proposed would conflict with the ecological sensitivity of the site together with the potential bushfire and flooding risk.</p>	<p>The various technical reports prepared for in support of the Planning Proposal (and original 32m height) note that the site was suitable for the proposed density. The building height and density have since been reduced and therefore the findings of these reports are still applicable:</p> <ul style="list-style-type: none"> • The proposed building footprint will be mostly limited to the existing disturbed, cleared and managed areas of the site and will result in less than 0.25ha of vegetation removal. • Council owned land to the east of the site and bordering the creek is significantly characterised by non-native camphor laurels that have caused significant damage and disturbance to the ecological quality of the land fronting the creek. A lot of native trees have either died or are in the process of dying due to the toxic impact of non-native species such as camphor laurels. Studies suggest that the presence of camphor laurels have the potential to permanently damage the balance of native flora and fauna along any riparian corridor. The proposed construction and associated Vegetation Management Plan can help de-weed the entire site, assist with replanting of natives and removal of exotics and restore overall balance of the corridor. Therefore the proposal is considered to have a potential positive environmental impact, contrary to the observations of the Panel. This position is also supported by our ecologists. • The building footprint has been positioned to the northwest corner to minimise impacts to the ecological communities of the 3rd order stream and riparian zone. • Rural Fire Services have reviewed the Bushfire risk under the concurrent detailed DA of the proposed building and have already provided an in-principle acceptance for the development to progress. • The development does not affect flood hazard off the site or generate plausible change to the flood function of the site and other adjoining sites. Both Council's flood engineer and the flood division of the Biodiversity Conservation Division have reviewed the current proposal. <p>Despite no potential negative impacts as outlined above, the applicant has agreed to reduce the proposed height and density of the site, reducing the proposed building height from 32m to 25m and the proposed FSR from 1.4:1 to 1.3:1. This will reduce the density from the public domain and further limit its visual impact, making it more sympathetic to the surrounding local character and environment.</p>
<p>d. Surrounding development is predominantly single storey and two storey form and the proposed 32 metre tower would be anomalous.</p>	<p>The Panel's concerns were considered and as a result, the Planning Proposal has been reduced in height to from 32m to 25m (9 stories to 6 stories). Whilst the predominant built form is one to two storeys, the subject site is unique in that it is located at the intersection of a busy road, adjoins Terrigal Highschool and Duffys Road Oval, and physically/visually separated from</p>

	<p>adjoining residential to the east by the creek line and dense vegetation.</p> <p>The reduction in height and floorspace allows the building to better integrate with the character of the area, whilst still creating a 'gateway site', and provides an opportunity for medium density housing.</p> <p>The site specific DCP includes detailed provisions that seek to ensure a positive urban design outcome that visually respects the surrounding neighbourhood.</p>
<p>e. The site is not considered a gateway site to Terrigal.</p>	<p>The site is located at the corner of Charles Kay Drive and Terrigal Drive, both of which are key transport corridors and entry points into Terrigal and are classified as State roads. This has already been considered under the existing site DCP, which notes the prominence of the site and the need for a high-quality urban design outcome.</p>
<p>While the Panel's advice is that it does not support the planning proposal for the reasons provided above, should the Council decide to proceed with the planning proposal a maximum size for the retail use should be nominated, because as currently drafted the whole development could potentially become a retail use.</p>	<p>Noted. The Planning Proposal has been amended to limit the size of the retail premise to 150m², similar to the size and scale of a neighbourhood shop.</p>

Community Consultation

The proposal will be made available for **28** days for community/agency consultation and undertaken in accordance with any determinations made by the Gateway.

The proposal will be made available on Council's Your Voice Our Coast webpage.

Additionally, notification of the exhibition of the proposal will be provided to adjoining landholders prior to its commencement.

Part 6 Project Timeline

Table 8: Key Project Timeframes

Action	End Date
Referral to Local Planning Panel	November 2023
Report to Council for Gateway Determination	March 2024
Gateway Determination Issued (expected)	April 2024
Agency Consultation	May 2024
Public exhibition <i>To be made publicly available for 28 days.</i>	June 2024
Post exhibition report to Council	July 2024
Legal drafting and LEP amendment	September 2024

Supporting Documentation

Table 9: Supporting Documentation to the Planning Proposal

No.	Document
01 Assessment and Endorsement	
A.	Council Report and Minutes – 26 March 2024
B.	Local Planning Panel Minutes – 30 November 2023
C.	Central Coast Regional Plan 2041 Assessment
D.	State Environmental Planning Policy Assessment
E.	Section 9.1 Ministerial Direction Assessment
F.	Central Coast Community Strategic Plan
02 Land Use Provisions	
A.	Draft Site Specific DCP: 310 Terrigal Drive, Terrigal
03 Agency Responses	
	To be referred
04 Supporting Studies	
A.	Aboriginal Objects Due Diligence Assessment
B.	Arboricultural Impact Assessment
C.	Bushfire Assessment Report
D.	Ecological Assessment Report
E.	Acoustic Report
F.	Preliminary Site Investigation
G.	Visual Impact Assessment
H.	Geotech and Acid Sulphate Soil Report
I.	Floodplain Risk Management Plan
J.	Traffic and Transport Assessment
K.	Urban Design Report
L.	Stormwater, Servicing and Civil Infrastructure Assessment

01

Assessment & Endorsement

Central Coast Regional Plan Assessment

<i>Direction</i>	<i>Applicable</i>	<i>Assessment/Comment</i>
Objective 1: A prosperous Central Coast with more jobs close to home	Yes	The proposal will support interim jobs in construction and related industries through future site development, as well as long term job opportunities through café premise on the corner of two main connecting roads in Terrigal.
Objective 2: Support the right of Aboriginal residents to economic self-determination	No	The Planning Proposal does not relate to Aboriginal Land.
Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities	Yes	The proximity of the site to existing road and transport infrastructure, Terrigal Beach and the Town Centre contributes to realising the Central Coast's vision for creating 15-minute neighbourhoods.
Objective 4: An interconnected Central Coast without car-dependent communities	Yes	The site is connected to the public transport network and within walking distance to Terrigal.
Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development	Yes	The planning proposed is expected to contribute to nimble neighbourhoods by increasing the diversity of housing choice in Terrigal.
Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments	Yes	The site contains a 3rd order stream and riparian zone along the south-eastern boundary, which is largely weed infested and of low biodiversity value. Future development of the site seeks to encroach into the outer riparian zone, however will restore the quality of the waterway and replant native trees and vegetation.
Objective 7: Reach net zero and increase resilience and sustainable infrastructure	No	The Planning Proposal does not contribute to reaching net zero and increasing resilience.
Objective 8: Plan for businesses and services at the heart of healthy, prosperous and innovative communities	No	The Planning Proposal does not relate to the provision of businesses and services.
Objective 9: Sustain and balance productive rural landscapes	No	The Planning Proposal does not relate to rural landscapes.

Central Coast Regional Plan 2041 Assessment – Objectives

Narara Planning Priorities	Applicable	Assessment/Comment
Priority 1: Focus economic development in the Somersby to Erina Growth Corridor	No	The subject site is in Terrigal.
Priority 2: Build resilience on the Woy Woy Peninsular by limiting development in hazard areas and revitalising centres through public domain improvements.	No	The subject site is in Terrigal.
Priority 3: Invest in green and active transport connections to reduce car dependency	No	The Planning Proposal does not relate to transport.
Priority 4: Protect vegetated ridgelines and enhance the enjoyment of conservation areas for passive recreation activity compatible with the natural environment.	Yes	The Planning Proposal will better utilise the existing site to allow passive enjoyment of the vegetated area and waterway.
Priority 5: Identify appropriate urban expansion opportunities to ensure a sufficient supply of safe, diverse and affordable housing.	Yes	The Planning Proposal will enable better use of the site for a greater variety and diversity of housing choices in the Central Coast.

State and Environmental Planning Policy Assessment

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
Chapter 2 – Vegetation in Non-Rural Areas	
<p><i>The aims of this Chapter are—</i></p> <p>(a) <i>to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</i></p> <p>(b) <i>to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i></p> <p><i>This Chapter applies to the following areas of the State (the non-rural areas of the State)—</i></p> <p>(b) <i>land within the following zones under an environmental planning instrument—</i></p> <p><i>RU5 Village,</i></p> <p><i>R1 General Residential,</i></p> <p><i>R2 Low Density Residential,</i></p> <p><i>R3 Medium Density Residential,</i></p> <p><i>R4 High Density Residential,</i></p> <p><i>R5 Large Lot Residential,</i></p> <p><i>B1 Neighbourhood Centre,</i></p> <p><i>B2 Local Centre,</i></p> <p><i>B3 Commercial Core,</i></p> <p><i>B4 Mixed Use,</i></p> <p><i>B5 Business Development,</i></p> <p><i>B6 Enterprise Corridor,</i></p> <p><i>B7 Business Park,</i></p> <p><i>B8 Metropolitan Centre,</i></p> <p><i>IN1 General Industrial,</i></p> <p><i>IN2 Light Industrial,</i></p> <p><i>IN3 Heavy Industrial,</i></p> <p><i>IN4 Working Waterfront,</i></p> <p><i>SP1 Special Activities,</i></p> <p><i>SP2 Infrastructure,</i></p> <p><i>SP3 Tourist,</i></p> <p><i>RE1 Public Recreation,</i></p> <p><i>RE2 Private Recreation,</i></p> <p><i>C2 Environmental Conservation,</i></p> <p><i>C3 Environmental Management,</i></p> <p><i>C4 Environmental Living or</i></p> <p><i>W3 Working Waterways.</i></p>	<p>The Proposal is consistent with the provisions of this SEPP.</p> <p>A group of native trees occurs along the south-west portion of the site fronting Charles Kay Drive, however this does not exceed the biodiversity offsets scheme threshold, thereby it does not trigger the biodiversity offsets scheme.</p>
Chapter 3 – Koala habitat protection 2020	

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
Not applicable.	The Proposal is consistent with the provisions of this SEPP.
Chapter 4 – Koala Habitat Protection 2021	
<p><i>This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</i></p> <p><i>This Chapter does not apply to—</i></p> <ul style="list-style-type: none"> <i>(a) land dedicated or reserved under the National Parks and Wildlife Act 1974, or acquired under Part 11 of that Act, or</i> <i>(b) land dedicated under the Forestry Act 2012 as a State forest or a flora reserve, or</i> <i>(c) land on which biodiversity certification has been conferred, and is in force, under Part 8 of the Biodiversity Conservation Act 2016, or</i> 	<p>The Proposal is consistent with the provisions of this SEPP.</p> <p>The site does not contain core koala habitat and no impact on koalas or their habitat will result from the proposed development. The Koala Habitat Assessment is provided in Appendix 3 of the Ecological Assessment Report.</p>
Chapter 5 – River Murray lands	
Not applicable.	Not applicable.
Chapter 6 – Water Catchments	
<p><i>Note: Applies to land within the Hawkesbury Nepean Catchment only</i></p> <p><i>Refer to Part 6.2 Development in regulated catchments</i></p>	Not applicable.

SEPP (Design and Place) 2021 (DRAFT)	Assessment/Comment
TBA	

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
Chapter 2 – Affordable Housing	
<p><i>The principles of this Policy are as follows—</i></p> <ul style="list-style-type: none"> <i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i> <i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i> <i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i> <i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i> <i>(e) minimising adverse climate and environmental impacts of new housing development,</i> <i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i> <i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i> <i>(h) mitigating the loss of existing affordable rental housing.</i> 	<p>The Proposal is consistent with the provisions of this SEPP.</p>
Chapter 3 – Diverse Housing	
<p>Part 1: Secondary Dwellings</p> <p>Part 2: Group Homes</p> <p>Part 3: Co-living Housing</p> <p>Part 4: Built-to-rent Housing</p> <p>Part 5: Seniors Housing</p> <p>Part 6: Short-term Rental Accommodation</p> <p>Part 7: Conversion of Certain Serviced Apartments</p>	<p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<p>Part 8: Manufactured Home Estates</p> <p><i>The aims of this Part are—</i></p> <ul style="list-style-type: none"> <i>(a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and</i> <i>(b) to provide immediate development opportunities for manufactured home estates on the commencement of this Part, and</i> <i>(c) to encourage the provision of affordable housing in well-designed estates, and</i> <i>(d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and</i> <i>(e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and</i> <i>(f) to protect the environment surrounding manufactured home estates, and</i> <i>(g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.</i> 	<p>Not applicable.</p>
<p>Part 9: Caravan Parks</p> <p><i>The aim of this Part is to encourage—</i></p> <ul style="list-style-type: none"> <i>(a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and</i> <i>(b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</i> <i>(c) the provision of community facilities for land so used, and</i> 	<p>Not applicable.</p>

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<i>(d) the protection of the environment of, and in the vicinity of, land so used.</i>	

State Environmental Planning Policy (Industry and Employment) 2021.	Assessment/Comment
Chapter 3 – Advertising and Signage	
<p>1. <i>This Chapter aims—</i></p> <ul style="list-style-type: none"> <i>(a) to ensure that signage (including advertising)—</i> <ul style="list-style-type: none"> <i>i is compatible with the desired amenity and visual character of an area, and</i> <i>ii provides effective communication in suitable locations, and</i> <i>iii is of high-quality design and finish, and</i> <i>(b) to regulate signage (but not content) under Part 4 of the Act, and</i> <i>(c) to provide time-limited consents for the display of certain advertisements, and</i> <i>(d) to regulate the display of advertisements in transport corridors, and</i> <i>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i> <p><i>This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</i></p>	<p>The Proposal is consistent with the provisions of this SEPP.</p> <p>Consistency of future signage with Chapter 3 will be documented at the DA stage.</p>

State Environmental Planning Policy (Planning Systems) 2021	Assessment/Comment
Chapter 2 – State and Regional Development	
<p><i>The aims of this Chapter are as follows—</i></p> <ul style="list-style-type: none"> <i>(a) to identify development that is State significant development,</i> <i>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</i> <i>(c) to identify development that is regionally significant development.</i> 	<p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Planning Systems) 2021	Assessment/Comment
<i>This chapter applies to Warnervale Town Centre as well as general categories of state significant development.</i>	
Chapter 3 – Aboriginal Land	
<p><i>The aims of this Chapter are—</i></p> <p><i>(a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and</i></p> <p><i>(b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i></p> <p><i>This Chapter applies to the land specified on the Land Application Map.</i></p>	<p>There are four sites within the Central Coast LGA which are subject to the SEPP. The Planning Proposal does not apply to any of these sites.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Precincts—Regional) 2021	Assessment/Comment
Chapter 5 – Gosford City Centre	
<p><i>The aims of this Chapter are as follows—</i></p> <p><i>(a) to promote the economic and social revitalisation of Gosford City Centre,</i></p> <p><i>(b) to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,</i></p> <p><i>(c) to protect and enhance the vitality, identity and diversity of Gosford City Centre,</i></p> <p><i>(d) to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,</i></p> <p><i>(e) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental</i></p>	<p>The land comprising Gosford City Centre as defined by the <i>State Environmental Planning Policy (Precincts—Regional) 2021</i> is not subject to the draft Planning Proposal.</p> <p>This Chapter does not apply to the Planning Proposal.</p>

State Environmental Planning Policy (Precincts—Regional) 2021	Assessment/Comment
<p>outcomes,</p> <p>(f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,</p> <p>(g) to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,</p> <p>(h) to preserve and enhance solar access to key public open spaces,</p> <p>(i) to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront,</p> <p>(j) to ensure that development exhibits design excellence to deliver the highest standard of architectural and urban design in Gosford City Centre.</p>	

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
Chapter 2 - Primary Production and Rural Development	
<p>The aims of this Chapter are as follows—</p> <p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</p> <p>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p>	<p>The land within the Planning Proposal is not identified for primary production or rural development.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
<p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p>	
Chapter 3 - Central Coast Plateau Areas	
<p>The general aims of this Chapter are—</p> <p>(a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,</p> <p>(b) to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability,</p> <p>(c) to protect regionally significant mining resources and extractive materials from sterilization,</p> <p>(d) to enable development for the purposes of extractive industries in specified locations,</p> <p>(e) to protect the natural ecosystems of the region, and</p> <p>(f) to maintain opportunities for wildlife movement across the region, and</p> <p>(g) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and</p> <p>(h) to encourage the preparation of draft local environmental plans based on merits.</p>	<p>No land within the draft Planning Proposal is located within the Central Coast Plateau Area.</p> <p>The Proposal is consistent with the provisions of this SEPP</p>

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
Chapter 2 - Coastal Management	

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
<p><i>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—</i></p> <ul style="list-style-type: none"> <i>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</i> <i>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</i> <i>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</i> 	<p>The site is located within the Coastal Environment Area, with the north-east portion of the site also identified as a Coastal Use Area. The proposal is limited to the subject site and will not impact coastal processes, foreshore access, marine vegetation or the use of the surf zone.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>
Chapter 3 – Hazardous and Offensive Development	
<p><i>This Chapter aims—</i></p> <ul style="list-style-type: none"> <i>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</i> <i>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter, and</i> <i>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</i> <i>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</i> <i>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether</i> 	<p>The Planning Proposal does not propose hazardous or offensive development.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
<p><i>the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</i></p> <p><i>(f) to require the advertising of applications to carry out any such development.</i></p>	
Chapter 4 - Remediation of Land	
<p>1. <i>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</i></p> <p>2. <i>In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</i></p> <p><i>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</i></p> <p><i>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i></p> <p><i>(c) by requiring that a remediation work meet certain standards and notification requirements.</i></p>	<p>The site has been identified as potentially contaminated, with low to moderate risk. A detailed site investigation would be required at DA stage.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
Chapter 2 – Mining, Petroleum Production and Extractive Industries	
<p><i>The aims of this Chapter are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries—</i></p> <p><i>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</i></p> <p><i>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</i></p>	<p>No mining, production or extractive industries are proposed.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
<p>(c) to promote the development of significant mineral resources, and</p> <p>(d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</p> <p>(e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development—</p> <ul style="list-style-type: none"> i to recognise the importance of agricultural resources, and ii to ensure protection of strategic agricultural land and water resources, and iii to ensure a balanced use of land by potentially competing industries, and iv to provide for the sustainable growth of mining, petroleum and agricultural industries. 	
Chapter 3 – Extractive Industries in Sydney Area	
<p><i>This Chapter aims—</i></p> <p>(a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and</p> <p>(b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 3 or 4, and</p> <p>(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and</p> <p>(d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and</p> <p>(e) to prohibit development for the purpose of extractive industry on the land described in Schedule 5 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive.</p>	<p>No extractive industries are proposed.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
<i>This chapter applies to land in former Gosford and former Wyong LGAs.</i>	

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
Chapter 2 – Infrastructure	
<p><i>The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</i></p> <ul style="list-style-type: none"> <i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i> <i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i> <i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i> <i>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i> <i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i> <i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i> <i>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</i> 	<p>The proposal will utilise existing infrastructure capabilities, with minor upgrades for water connections to the site, as agreed with Council.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>
Chapter 3 – Educational Establishments and Childcare Facilities	
<p><i>The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</i></p>	<p>No educational establishments are proposed.</p> <p>The Proposal is consistent with the provisions of this SEPP</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
<p>(a) <i>improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</i></p> <p>(b) <i>simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</i></p> <p>(c) <i>establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</i></p> <p>(d) <i>allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</i></p> <p>(e) <i>providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></p> <p>(f) <i>aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</i></p> <p>(g) <i>ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</i></p> <p>(h) <i>encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</i></p>	

Section 9.1 Ministerial Directions

Planning Systems	Comments
1.1 Implementation of Regional Plans	
1. <i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning and Public Spaces.</i>	<p>Applicable</p> <p>The Planning Proposal is consistent with the Central Coast Regional Plan 2041 as detailed in this report.</p> <p>The Proposal is consistent with this direction.</p>
1.2 Development of Aboriginal Land Council Land	
1. <i>When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:</i> (a) <i>any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or</i> (b) <i>if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.</i>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
1.3 Approval and Referral Requirements	
1. <i>A planning proposal to which this direction applies must:</i> (a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i> (b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i> i. <i>the appropriate Minister or public authority, and</i> ii. <i>the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and</i> (c) <i>not identify development as designated development unless the relevant planning authority:</i> i. <i>can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</i> ii. <i>has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</i>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>

Planning Systems	Comments
1.4 Site Specific Provisions	
<p>1. A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>2. A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	<p>Applicable</p> <p>The Planning Proposal includes the introduction of a site specific provision, enabling the retail premise limited to 150m² be made permissible on the site. The R1 general residential zone permits shop-top housing however it does not make provision for the delivery of a mixed-use development. Given the site conditions, the provision of a shop-top housing development would not be the most viable option for the site. However, a small retail use will significantly activate the street frontage.</p> <p>The Proposal is consistent with this direction.</p>
1.5 Parramatta Road Corridor Urban Transformation Strategy	
<p>1. A planning proposal that applies to land in the nominated local government areas within the Parramatta Road Corridor must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), (c) be consistent with the Parramatta Road Corridor Planning and Design Guidelines (November, 2016) and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines, (d) be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, as applicable, (e) contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), (f) be consistent with the relevant District Plan. 	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Planning Systems	Comments
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	
1. <i>Planning proposals to which this direction applies shall be consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy.</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	
1. <i>Planning proposals shall be consistent with the interim Plan published in July 2017.</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	
1. <i>A planning proposal is to be consistent with the Interim Land Use and Infrastructure Implementation Plan and Background Analysis, approved by the Minister for Planning and Public Spaces and as published on 5 August 2017 on the website of the Department of Planning, Industry and Environment (Implementation Plan).</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	
1. <i>A planning proposal is to be consistent with the precinct plans approved by the Minister for Planning and Public Spaces and published on the Department's website on 22 December 2017.</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.10 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	
1. <i>A planning proposal is to be consistent with the Western Sydney Aerotropolis Plan approved by the Minister for Planning and Public Spaces and as published on 10 September 2020 on the website of the Department of Planning, Industry and Environment.</i>	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.11 Implementation of Bayside West Precincts 2036 Plan	
1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan,</i>	Not Applicable

Planning Systems	Comments
<i>approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website in September 2018.</i>	This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	
<p>1. A planning proposal authority must ensure that a planning proposal is consistent with the following principles:</p> <ul style="list-style-type: none"> (a) Enable the environmental repair of the site and provide for new recreation opportunities; (b) Not compromise future transport links (such as the South-East Mass Transit link identified in Future Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney Airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses; (c) Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove; (d) Ensure best practice design and a high quality amenity with reference to the NSW design policy Better Placed; (e) Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden; (f) Safeguard the ongoing operation of Sydney Airport; (g) Enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30-minute city; (h) Deliver a safe road network that balances movement and place, provides connections to the immediate and surrounding areas, and is cognisant of the traffic conditions in this area; and (i) Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage. The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles. 	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	
<p>1. A planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 29 August 2020.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
1.14 Implementation of Greater Macarthur 2040	

Planning Systems	Comments
1. A planning proposal authority must ensure that a planning proposal is consistent with Greater Macarthur 2040, approved by the Minister for Planning and Public Spaces and as published on 19 November 2018 on the website of the Department of Planning, Industry and Environment.	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.15 Implementation of the Pyrmont Peninsula Place Strategy	
1. A planning proposal authority must ensure that a planning proposal is consistent with the Pyrmont Peninsula Place Strategy, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 11 December 2020, including that it: <ul style="list-style-type: none"> (a) gives effect to the objectives of this direction and the Vision (Part 5) of the Pyrmont Peninsula Place Strategy, (b) is consistent with the 10 directions (Part 6) and Structure Plan (Part 8) in the Pyrmont Peninsula Place Strategy, (c) delivers on envisaged future character for sub-precincts (Part 9), including relevant place priorities in the Pyrmont Peninsula Place Strategy, and (d) supports the delivery of the Big Moves (Part 7) in the Pyrmont Peninsula Place Strategy. 	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.16 North West Rail Link Corridor Strategy	
1. A planning proposal that applies to land located within the NWRL Corridor must: <ul style="list-style-type: none"> (a) give effect to the objectives of this direction (b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts (c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy. 	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
1.17 Implementation of the Bays West Place Strategy	
1. A planning proposal authority must ensure that a planning proposal is consistent with the Bays West Place Strategy, approved by the Minister for Planning and published on the Department of Planning and Environment website on 15 November 2021, including that it: <ul style="list-style-type: none"> (a) gives effect to the objectives of this Direction and the Vision of the Bays West Place Strategy, (b) is consistent with the 14 Directions and Structure Plan(s) in the Bays West Place Strategy, (c) delivers on envisaged future character for sub-precincts, and (d) supports the delivery of the Big Moves in the Bays West Place Strategy 	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).

Design & Place	Comments
2.1	

Biodiversity & Conservation	Comments
3.1 Conservation Zones	
<ol style="list-style-type: none"> 1. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. 2. A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.3 (2) of "Rural Lands". 	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
3.2 Heritage Conservation	
<ol style="list-style-type: none"> 1. A planning proposal must contain provisions that facilitate the conservation of: <ol style="list-style-type: none"> (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. 	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
3.3 Sydney Drinking Water Catchments	
<ol style="list-style-type: none"> 1. A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles: <ol style="list-style-type: none"> (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and (b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and (c) the ecological values of land within a Special Area that is: 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Biodiversity & Conservation	Comments								
<p> <i>i. reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or</i> <i>ii. declared as a wilderness area under the Wilderness Act 1987, or</i> <i>iii. owned or under the care control and management of the Sydney Catchment Authority, should be maintained.</i> </p> <p>2. <i>When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:</i></p> <p> <i>(a) ensure that the proposal is consistent with chapter 9 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and</i> <i>(b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and</i> <i>(c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:</i> </p> <table border="1" data-bbox="252 954 896 1570"> <thead> <tr> <th data-bbox="252 954 576 1081">Land</th><th data-bbox="576 954 896 1081">Zone under Standard Instrument (Local Environmental Plans) Order 2006</th></tr> </thead> <tbody> <tr> <td data-bbox="252 1081 576 1182">Land reserved under the National Parks and Wildlife Act 1974</td><td data-bbox="576 1081 896 1182">C1 National Parks and Nature Reserves</td></tr> <tr> <td data-bbox="252 1182 576 1375">Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level</td><td data-bbox="576 1182 896 1375">C2 Environmental Conservation</td></tr> <tr> <td data-bbox="252 1375 576 1570">Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.</td><td data-bbox="576 1375 896 1570">SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)</td></tr> </tbody> </table> <p><i>and</i></p> <p> <i>(d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and</i> <i>(e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP&A Act.</i> </p>	Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006	Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves	Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation	Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)	
Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006								
Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves								
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation								
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)								
3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs									

Biodiversity & Conservation	Comments
<p>1. <i>A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils C Zone Review Final Recommendations.</i></p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
3.5 Recreational Vehicle Areas	
<p>1. <i>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</i></p> <ul style="list-style-type: none"> <i>(a) where the land is within a conservation zone,</i> <i>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</i> <i>(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</i> <ul style="list-style-type: none"> <i>i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</i> <i>ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</i> 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
3.6 Strategic Conservation Planning	
<p>1. <i>A planning proposal authority must be satisfied that a planning proposal that applies to avoided land identified under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with:</i></p> <ul style="list-style-type: none"> <i>(a) the protection or enhancement of native vegetation,</i> <i>(b) the protection or enhancement of riparian corridors, including native vegetation and water quality,</i> <i>(c) the protection of threatened ecological communities, threatened species and their habitats,</i> <i>(d) the protection or enhancement of koala habitat and corridors, and</i> <i>(e) the protection of matters of national environmental significance.</i> <p>2. <i>A planning proposal authority must be satisfied that a planning proposal that applies to a strategic conservation area identified under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with:</i></p> <ul style="list-style-type: none"> <i>(a) the protection or enhancement of native vegetation,</i> <i>(b) the minimisation of impacts on areas of regionally significant biodiversity, including threatened ecological communities, threatened species and their habitats,</i> 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Biodiversity & Conservation	Comments
<p>(c) <i>the protection or enhancement of koala habitat and corridors, including habitat connectivity and fauna movement, and links to ecological restoration areas, and</i></p> <p>(d) <i>the maintenance or enhancement of ecological function.</i></p> <p>3. <i>A planning proposal must not rezone land identified as avoided land in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to:</i></p> <p>(a) <i>a rural, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone.</i></p> <p>4. <i>A planning proposal must not rezone land identified as a strategic conservation area in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to:</i></p> <p>(a) <i>RU4, RU5, RU6, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone.</i></p>	
3.7 Public Bushland	
<p><i>The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by:</i></p> <p>(a) <i>preserving:</i></p> <ul style="list-style-type: none"> <i>i biodiversity and habitat corridors,</i> <i>ii links between public bushland and other nearby bushland,</i> <i>iii bushland as a natural stabiliser of the soil surface,</i> <i>iv existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores,</i> <i>v the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of the land, and</i> <p>(b) <i>mitigating disturbance caused by development,</i></p> <p>(c) <i>giving priority to retaining public bushland.</i></p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
3.10 Water Catchment Protection	
<p><i>The objectives of this direction are to:</i></p> <p>(a) <i>maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution</i></p> <p>(b) <i>protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity</i></p> <p>(c) <i>protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users</i></p> <p>(d) <i>protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity.</i></p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
4.1 Flooding	
<p>1. A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the NSW Flood Prone Land Policy, (b) the principles of the Floodplain Development Manual 2005, (c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council. <p>2. A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</p> <p>3. A planning proposal must not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit development for the purposes of residential accommodation in high hazard areas, (d) permit a significant increase in the development and/or dwelling density of that land, (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent, (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event. <p>4. A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the dwelling density of that land, 	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p> <p>Council considers that the Planning Proposal will not result in significant flood impacts to other properties or development on the site. Increasing the maximum permissible height of buildings does not permit development that is in a floodway or high hazard area any more than the current zone facilitates such development.</p> <p>Council will obtain advice from DPE in relation to consistency with this Direction as part of the assessment of this Planning Proposal.</p>

Resilience & Hazards	Comments
<p>(d) <i>permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</i></p> <p>(e) <i>are likely to affect the safe occupation of and efficient evacuation of the lot, or</i></p> <p>(f) <i>are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</i></p> <p>5. <i>For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</i></p>	
4.2 Coastal Management	
<p>1. <i>A planning proposal must include provisions that give effect to and are consistent with:</i></p> <p>(a) <i>the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</i></p> <p>(b) <i>the NSW Coastal Management Manual and associated Toolkit;</i></p> <p>(c) <i>NSW Coastal Design Guidelines 2003; and</i></p> <p>(d) <i>any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i></p> <p>2. <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</i></p> <p>(a) <i>within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or</i></p> <p>(b) <i>that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i></p> <p>i. <i>by or on behalf of the relevant planning authority and the planning proposal authority, or</i></p> <p>ii. <i>by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i></p> <p>3. <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</i></p> <p>4. <i>A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p><i>land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:</i></p> <ul style="list-style-type: none"> <i>(a) Coastal wetlands and littoral rainforests area map;</i> <i>(b) Coastal vulnerability area map;</i> <i>(c) Coastal environment area map; and</i> <i>(d) Coastal use area map.</i> <p><i>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.</i></p>	
4.3 Planning for Bushfire Protection	
<ol style="list-style-type: none"> <i>1. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</i> <i>2. A planning proposal must:</i> <ul style="list-style-type: none"> <i>(a) have regard to Planning for Bushfire Protection 2019,</i> <i>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</i> <i>(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</i> <i>3. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i> <ul style="list-style-type: none"> <i>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</i> <ul style="list-style-type: none"> <i>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</i> <i>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</i> <i>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</i> <i>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</i> <i>(d) contain provisions for adequate water supply for firefighting purposes,</i> <i>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</i> 	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<i>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</i>	
4.4 Remediation of Contaminated Lands	
<p>1. <i>A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p> <p><i>(a) the planning proposal authority has considered whether the land is contaminated, and</i></p> <p><i>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></p> <p><i>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</i></p> <p>2. <i>Before including any land to which this direction applies in a particular zone, the planning proposal 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.</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
4.5 Acid Sulfate Soils	
<p>1. <i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i></p> <p>2. <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i></p> <p><i>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</i></p> <p><i>(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</i></p> <p>3. <i>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p>any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p> <p>4. Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</p>	
4.6 Mine Subsidence & Unstable Land	
<p>1. When preparing a planning proposal that would permit development on land that is within a declared mine subsidence district, a relevant planning authority must:</p> <p>(a) consult Subsidence Advisory NSW to ascertain:</p> <p>i. if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and</p> <p>ii. the scale, density and type of development that is appropriate for the potential level of subsidence, and</p> <p>(b) Incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and</p> <p>(c) include a copy of any information received from Subsidence Advisory NSW with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary prior to undertaking community consultation in satisfaction of Schedule 1 to the Act.</p> <p>2. A planning proposal must not permit development on land.</p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Transport & Infrastructure	Comments
5.1 Integrating Land Use & Transport	
<p>1. A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
5.2 Reserving Land for Public Purposes	
<p>1. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of</p>	<p>Not Applicable</p>

Transport & Infrastructure	Comments
<p><i>the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</i></p> <ol style="list-style-type: none"> 2. <i>When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</i> <ol style="list-style-type: none"> <i>(a) reserve the land in accordance with the request, and</i> <i>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</i> <i>(c) identify the relevant acquiring authority for the land.</i> 3. <i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</i> <ol style="list-style-type: none"> <i>(a) include the requested provisions, or</i> <i>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</i> 4. <i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</i> 	<p>The Proposal is consistent with this direction.</p>
5.3 Development Near Regulated Airports and Defence Airfields	
<ol style="list-style-type: none"> 1. <i>In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</i> <ol style="list-style-type: none"> <i>(a) consult with the lessee/operator of that airport;</i> <i>(b) take into consideration the operational airspace and any advice from the lessee/operator of that airport;</i> <i>(c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i> <i>(d) not allow development types that are incompatible with the current and future operation of that airport.</i> 2. <i>In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</i> <ol style="list-style-type: none"> <i>(a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</i> <i>(b) for land affected by the prescribed airspace (as defined in clause 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</i> 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Transport & Infrastructure	Comments
<p>(c) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</p> <p>3. In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</p> <p>(a) consult with the Department of Defence if:</p> <ul style="list-style-type: none"> i. the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or ii. no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield. <p>(b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(c) not allow development types that are incompatible with the current and future operation of that airfield.</p> <p>4. A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:</p> <ul style="list-style-type: none"> (a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or (c) for commercial or industrial purposes where the ANEF is above 30. <p>5. A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</p>	
5.4 Shooting Ranges	
<p>1. A planning proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of:</p> <ul style="list-style-type: none"> (a) permitting more intensive land uses than those which are permitted under the existing zone; or (b) permitting land uses that are incompatible with the noise emitted by the existing shooting range. 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Housing	Comments
6.1 Residential Zones	
<ol style="list-style-type: none"> 1. <i>A planning proposal must include provisions that encourage the provision of housing that will:</i> <ol style="list-style-type: none"> (a) <i>broaden the choice of building types and locations available in the housing market, and</i> (b) <i>make more efficient use of existing infrastructure and services, and</i> (c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> (d) <i>be of good design.</i> 2. <i>A planning proposal must, in relation to land to which this direction applies:</i> <ol style="list-style-type: none"> (a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i> (b) <i>not contain provisions which will reduce the permissible residential density of land.</i> 	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
6.2 Caravan Parks and Manufactured Home Estates	
<ol style="list-style-type: none"> 1. <i>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</i> <ol style="list-style-type: none"> (a) <i>retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</i> (b) <i>retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</i> 2. <i>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</i> <ol style="list-style-type: none"> (a) <i>take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) as to where MHEs should not be located,</i> (b) <i>take into account the principles listed in clause 9 Schedule 5 of State Environmental Planning Policy (Housing)(which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</i> (c) <i>include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent..</i> 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Industry & Employment	Comments
7.1 Business & Industrial Zones	
<p>1. A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary. 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	
<p>1. The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:</p> <ul style="list-style-type: none"> (a) non-hosted short term rental accommodation periods must not be reduced to be less than 90 days (b) the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated (c) there should be a sound evidence base for the proposed change, including evidence of the availability of short-term rental accommodation in the area (or parts of the area) in the 12 months preceding the proposal, relative to the amount of housing in the area, and trend data on the availability of short-term rental accommodation over the past 5 years. (d) the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically. 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	
<p>1. A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</p> <ul style="list-style-type: none"> (a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway; (b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and (c) for the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) and where the Pacific Highway speed limit is less than 80km/hour. <p>2. A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Industry & Employment	Comments																				
<p>(a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this direction;</p> <p>(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and</p> <p>(c) for the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</p> <p>3. Notwithstanding the requirements of paragraphs (1) and (2), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is contained in the Standard Instrument (Local Environmental Plans) Order 2006.</p> <p>Table 1: Highway service centres that can proceed</p> <table> <tr> <th>Town</th><th>Locality</th></tr> <tr> <td>Chinderah</td><td>Chinderah Bay Road interchange (southbound) Western side of highway at Tweed Valley Way interchange (northbound)</td></tr> <tr> <td>Ballina</td><td>Teven Road interchange</td></tr> <tr> <td>Macleay</td><td>Southern interchange</td></tr> <tr> <td>Woolgoolga</td><td>Northern interchange at Arrawarra</td></tr> <tr> <td>Nambucca Heads</td><td>Nambucca Heads interchange</td></tr> <tr> <td>Kempsey</td><td>South Kempsey interchange</td></tr> <tr> <td>Port Macquarie</td><td>Oxley Highway interchange (both sides of the Pacific Highway)</td></tr> <tr> <td>Taree</td><td>Old Bar Road interchange</td></tr> <tr> <td>Tomago</td><td>In the vicinity of Tomago Road / South Heatherbrae</td></tr> </table>	Town	Locality	Chinderah	Chinderah Bay Road interchange (southbound) Western side of highway at Tweed Valley Way interchange (northbound)	Ballina	Teven Road interchange	Macleay	Southern interchange	Woolgoolga	Northern interchange at Arrawarra	Nambucca Heads	Nambucca Heads interchange	Kempsey	South Kempsey interchange	Port Macquarie	Oxley Highway interchange (both sides of the Pacific Highway)	Taree	Old Bar Road interchange	Tomago	In the vicinity of Tomago Road / South Heatherbrae	
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Resources & Energy	Comments
8.1 Mining, Petroleum Production and Extractive Industries	
<p>1. In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <p>(a) consult the Secretary of the Department of Primary Industries (DPI) to identify any:</p> <ul style="list-style-type: none"> i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and <p>(b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</p> <p>(c) identify and take into consideration issues likely to lead to land use conflict between other land uses and:</p> <ul style="list-style-type: none"> i. development of resources identified under (1)(a)(i), or ii. existing development identified under (1)(a)(ii). 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Resources & Energy	Comments
<p>2. <i>Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <i>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</i> <i>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</i> <i>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act.</i> 	

Primary Production	Comments
9.1 Rural Zones	
<p>1. <i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <i>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i> <i>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</i> 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
9.2 Rural Lands	
<p>1. <i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <i>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement</i> <i>(b) consider the significance of agriculture and primary production to the State and rural communities</i> <i>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i> <i>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i> <i>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i> <i>(f) support farmers in exercising their right to farm</i> <i>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</i> 	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Primary Production	Comments
<p>(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>2. A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p>	
9.3 Oyster Aquaculture	
<p>1. In the preparation of a planning proposal the relevant planning authority must:</p> <p>(a) identify any 'Priority Oyster Aquaculture Areas' and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,</p> <p>(b) identify any proposed land uses which could result in any adverse impact on a 'Priority Oyster Aquaculture Area' or oyster aquaculture leases outside such an area,</p> <p>(c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility,</p> <p>(d) consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</p> <p>(e) ensure the planning proposal is consistent with the Strategy.</p> <p>2. Where a planning proposal proposes land uses that may result in adverse impacts identified under (1)(b) and (1)(c), relevant planning authority must:</p> <p>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</p> <p>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the</p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Primary Production	Comments
<i>Planning Secretary before undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</i>	
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>1. A planning proposal must not:</p> <ul style="list-style-type: none"> (a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes. (b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes. (c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes. 	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Community Strategic Plan Assessment

Objective/Requirement	Comment
BELONGING	
CREATIVITY, CONNECTION AND LOCAL IDENTITY	
B4 Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors	The Planning Proposal is an opportunity to activate a currently vacant lot on a gateway site into Terrigal. Activation of the street frontage will encourage further activation along Terrigal Drive.
SMART	
A GROWING AND COMPETITIVE REGION	
C1 Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast	The introduction of retail use on the site will attract small businesses to the area.
RESPONSIBLE	
BALANCED AND SUSTAINABLE DEVELOPMENT	
I1 Preserve local character and protect our drinking water catchments, heritage and rural areas by concentrating development along transport corridors and town centres east of the M1	The proposal seeks to concentrate residential development in an existing town centre by increasing the density and diversity of housing choice in a highly sought after area.
I2 Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport	The site is well located with good access to existing public transport connections, community and recreational facilities, services and amenities.
I3 Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management	The planning proposal has been designed in response to the vegetation on site, and mitigation and management recommendations will be established to protect and improve the riparian corridor to the south-east of the site.
I4 Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing	The planning proposal seeks to increase housing choice and diversity in the Terrigal area with the introduction of new apartment offerings.

02

Land Use Provisions

CHAPTER 5.11 TERRIGAL, CORNER CHARLES KAY DRIVE AND TERRIGAL DRIVE

5.11.1 INTRODUCTION

The purpose of this Chapter is to provide more detailed controls for the development of the land to which this Chapter applies.

5.11.1.1 Objectives of this Chapter

- To ensure the land is adequately serviced
- To provide a high-quality residential development within a landscaped setting.
- To activate the streetscape through the introduction of a retail offering.
- To ensure that the building design considerations have regard to the location of the land at the intersection of two major roads.
- To protect and enhance the environmental features of the site.
- To ensure that development of the site occurs in a manner which is sensitive to the environmental characteristics of the site and surrounding land uses including but not limited to existing vegetation, habitat, and riparian corridors.
- To ensure that the development of the site is integrated into the local road network and that safe access is provided to the site from Charles Kay Drive having regard to existing grades and sight lines.
- To allow development that is compatible with the flood hazard of the land.

5.11.1.2 Land to which this Chapter applies

This Chapter applies to Lot 10 DP 1103973, located at the corner of Terrigal Drive and Charles Kay Drive, Terrigal, as shown in Figure 1.



Figure 1 Land to which this Chapter applies

5.11.1.3 Using this Chapter

All development applications **MUST** be accompanied by the required assessments under the relevant State Government Policy and Council policy.

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

- 2.3 Residential Flat Buildings
- 2.5 Commercial Development
- 2.13 Transport and Parking
- 2.14 Site Waste Management
- 3.1 Floodplain Management and Water Cycle Management
- 3.2 Coastal Hazard Management
- 3.5 Tree and Vegetation Management

Where there is a discrepancy between this Chapter and other relevant Chapters, the controls within this Chapter prevail.

5.11.2 DEVELOPMENT PRINCIPLES

5.11.2.1 Building setbacks

OBJECTIVES

- To encourage landscaping within the site setbacks.
- To retain existing mature and significant trees, where reasonable and possible.
- To ensure appropriate sight lines are retained at the corner of Terrigal Drive and Charles Kay Drive.
- To ensure adequate separation is provided between the building footprint and the drainage reserve along the site's eastern boundary.

REQUIREMENTS

- a. The development is to achieve the following minimum building setbacks:
 - i. 3m setback to western boundary (Charles Kay Drive);
 - ii. 3m setback to northern boundary (Terrigal Drive), inclusive of a 1.5m articulation zone for balconies and the like;
 - iii. 6m setback to the eastern boundary, adjacent to the drainage reserve.
- b. No part of the building is to encroach within the sight line at the corner of Terrigal Drive and Charles Kay Drive, being an interior angle, measured at 12m along Terrigal Drive and 6m along Charles Key Drive.
- c. Stairs and planting are permitted within the building setbacks providing they do not visually obstruct the sight preservation lines for traffic.
- d. Stairs and ramps must have a minimum 600mm setback from the boundary to allow landscaping within the site.

5.11.2.2 Building design

OBJECTIVES

- To ensure the building is of appropriate bulk and scale for its prominent location.
- To create a high quality urban outcome that:
 - Improves street level activation
 - Ensures the building podium responds appropriately to the existing streetscape
 - Provides a high level of amenity along Terrigal Drive and Charles Kay Drive.
- To provide a high level of amenity for occupants of a building on the site, and occupants of adjoining residential buildings by including:

- A high level of privacy;
- Minimal view impacts;
- Compliance with requirements of the SEPP 65 Apartment Design Guide.
- To ensure the building height is not visually obtrusive and compatible with the scenic qualities of the site and surrounding area.
- To ensure that the building and landscaping design considerations have regard to the location of the land at the intersection of two major roads.
- To ensure that the building height sits comfortably within the existing landscape setting.
- To provide for visual interest within the streetscape which appropriately addresses the surrounding character.
- To provide for activation of the streetscape and a high level of amenity along Terrigal Drive.

REQUIREMENTS

5.11.2.2.1 Building height

- a. Any building on the site is not to exceed 25m in height as measured in accordance with the definition of building height in Central Coast LEP 2022.
- b. The upper level is to be setback a minimum 4m from the roof level below, along the north and western site boundaries to reduce the scale of the building when viewed from Terrigal Drive. Balconies are permitted within the setback.
- c. The building must have a distinct base with a height of approximately 6m to 8m to provide a pedestrian scale to the street front.

5.11.2.2.2 Streetscape presentation

- a. Residential uses at the lower levels, fronting Terrigal Drive, should be designed to have a presence that addresses the streetscape.
- b. The building must address both street frontages and combine architectural features, materials and landscape design to define corners.
- c. Design the podium levels of the building fronting Terrigal Drive to address the pedestrian scale environment.
- d. Active frontages are to be provided to Terrigal Drive through uses such as shopfronts, café seating, building entries and/or lobbies.
- e. Retail uses are to activate the corner, providing for visual interest and a strong corner address.
- f. The ground floor retail use is to be designed with double height, to be clearly distinguished from the upper levels to provide for a more human scale feel and relationship with the ground plane.

- g. Due to flood planning levels, the ground floor level is considerably higher than the streetscape level. Any retaining walls or raised structure is required to be screened by landscaping and located wholly within the property boundaries.
- h. Servicing and loading areas must not visually dominant the streetscape and are to be appropriately screened with suitable materials so that they do not detract from the landscaped qualities of the site.
- i. The building is to be designed with a degree of articulation so as to reduce the appearance of single uniformed building line.
- j. Undertake a sign audit and replace with new or consolidated signs, where possible, in consultation with Transport for New South Wales.
- k. Consult with authorities to coordinate underground power lines, where possible, with any required street lighting.

5.11.2.2.3 Design excellence

- a. Given the prominent open siting of the land, any development should represent a high level of urban design, with an appropriately qualified architect involved in the preparation and design document for any future building on the site.
- b. Building siting design and construction shall incorporate Ecologically Sustainable Development (ESD) principles and implement best practice approaches to water and energy efficiency including solar access.
- c. The consent authority must be satisfied that the building exhibits a high degree of design excellence and internal amenity, having regard to:
 - i. The principles of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide;
 - ii. The provision of high-quality private and communal spaces for residents, such as large private balconies, communal BBQs areas, landscaped open spaces and the like;
 - iii. The landscape character of the site and its prominent integration into any design lead outcome;
 - iv. The choice of materiality appropriate to the sites character and coastal locality of Terrigal;
 - v. The bulk, massing and modulation of the building;
 - vi. Whether the proposed development will enhance the character of the area;
 - vii. Whether the proposed development impacts on view corridors;
 - viii. Achieving an appropriate interface at ground level between the building and public domain;
 - ix. Principles of ecologically sustainable development;

- x. Reflectivity.

5.11.2.2.4 Materials and Building Finishes

- a. Building materials should complement surrounding developments. A preference for high quality, durable, UV stabilised/resistant building materials is favoured.
- b. The reflectivity index for glass used externally in construction of a building (as a curtain wall or the like) shall not exceed 20%.
- c. Development is encouraged to draw upon an indigenous colour palette within the existing natural and cultural landscape.

5.11.2.2.5 Communal Open Space

- a. Communal open space shall be provided at a minimum 25% of the site area with a minimum width of 3 metres.
- b. Any roof-top communal open space must consider the implications on the overall design of the development, and on privacy and view sharing.

5.11.2.3 Site landscaping and tree retention

OBJECTIVES

- To ensure that design excellence is achieved in landscape design, and that a suitably qualified landscape architect is used throughout the design process to ensure that the building height does not dominate the locality and sits comfortably within the existing landscape setting.
- To provide for visual interest within the streetscape which appropriately addresses the surrounding character.
- To provide for activation of the streetscape and a high level of amenity along Terrigal and Charles Kay Drive.
- To visually soften the bulk of the development from all viewpoints.
- To visually soften walls associated with ramps and car parking with appropriate and well-maintained landscaping.
- To provide for the protection of existing and provision of new trees, shrubs and ground-covers in the public and private realm.

REQUIREMENTS

- a. The drainage reserve is to be incorporated into the overall site design to provide an “open” style of development.
- b. Significant, mature established trees located along the eastern boundary and within the south-western corner, are to be retained and incorporated into the overall landscape design.

- c. The development shall provide deep soil zones with a minimum dimension of 3 metres and a minimum area of 7% of the site area. Locations on the boundaries of Terrigal Drive and Charles Kay Drive should provide for adequate tree planting.
- d. Use a planting palette reflective of local character, climate, and existing species.
- e. A Landscape Plan is to be submitted and approved by Council. The Landscape Plan is to be prepared by a suitably qualified landscape architect and address the following matters:
 - i. general planting themes within the site and indicative species;
 - ii. the proposed street tree theme for Charles Kay Drive and Terrigal Drive;
 - iii. protection and treatment of vegetation proposed to be retained on and adjoining the site;
 - iv. Hard landscape materials to be used including paving and furniture;
 - v. A proposed landscape maintenance report and schedule.

5.11.2.4 Traffic, access and parking

OBJECTIVES

- To ensure safe vehicular access to and from the site.
- To ensure that traffic management requirements take account of the location of the land at the intersection of two major roads.

REQUIREMENTS

- a. A single vehicular cross over is to be established within the southern section of the site, off Charles Kay Drive and away from the intersection to the greatest extent possible, with consideration given to the retention of the existing mature trees.
- b. Vehicular access to the site is restricted to left in-left out only.
- c. Appropriate signs are to be installed within the median strip within Charles Kay Drive to restrict any vehicles attempting illegal maneuvers.
- d. Vehicular access from Terrigal Drive is prohibited.
- e. All vehicles must enter and exit the site in a forward direction.
- f. The development must be designed to accommodate service vehicles, loading and waste facilities on the site. Such facilities are to be incorporated into the overall design of the development and should not detract from the streetscape.
- g. Car parking, motorcycle and bicycle parking are to be provided in accordance with the rates specified in Chapter 2 of this DCP.
- h. Parking areas and delivery docks should be concealed from the streetscape.

- i. A Road Safety Audit is required to accompany future development applications.

5.11.2.5 Services, stormwater and hydrology

OBJECTIVES

- To ensure the land is adequately serviced.
- To ensure that offsite flood impacts are not increased by the redevelopment of the site.
- To protect the downstream environment from pollution due to site runoff.

REQUIREMENTS

- a. The developer will be required to pay the current applicable water and sewer headworks and augmentation contributions in accordance with Council's Policy at the time of the development of the land.
- b. Design and construction of the water and sewer reticulation within the area is the responsibility of the developer of the land.
- c. Incorporate on-site detention (OSD) into the development in accordance with the storage and discharge requirements of the Central Coast Council Stormwater Detention Policy.
- d. Provide stormwater quality treatment of site stormwater prior to discharge in accordance with the pollutant reduction targets in this DCP.
- e. Size the minor and major stormwater system to collect and convey flows in accordance with AS/NZS 3500.3.
- f. All new electricity supply infrastructure must be provided underground, where possible.

5.11.2.6 Flooding

This section applies to land at or below the flood planning level and is to be read in conjunction with *Chapter 3.1 Flood Plain Management of Central Coast DCP 2022*.

OBJECTIVES

- To ensure existing and future development is not adversely impacted by flooding and stormwater flows and to cater for flooding and stormwater flows.
- To ensure development is designed in accordance with water sensitive urban design guidelines and NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

REQUIREMENTS

- a. A site specific Flood Emergency Plan is required to be submitted with future development applications. The Plan is to be circulated, managed and adhered to by all occupants of the building.

- b. The Flood Emergency Plan is to be reviewed and updated as required once every five years.

5.11.2.7 Bushfire Planning

OBJECTIVES

- To ensure the development is designed in accordance with Planning for Bush Fire Protection.

REQUIREMENTS

- a. All bushfire Asset Protection Zones are to be located outside of the Riparian Vegetation and Drainage Area (RVDA).
- b. Future design of the site (including revegetation and landscape plans) is to be undertaken with consideration to bushfire and meet the requirements of '*Planning for Bush Fire Protection 2019*' (PBP).

DRAFT

03

Agency Responses*

* Agency responses will be attached to the Planning Proposal after agency consultation and prior to public exhibition.

04

Studies*

*To view supporting technical studies, refer to the separate attachments which have been uploaded via the NSW Planning Portal.