



Central Coast Council

Planning Proposal

Reclassification of Council Owned Land

File No: RZ/3/2023; PP\_2023-2245

February 24



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Consultation

Central Coast Council

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# Reclassification of Council Owned Land

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## Background & Locality Context

At the Ordinary Council Meeting of 22 August 2023 Council resolved to reclassify the following parcels of land from Community Land to Operational land:

- 18 Dane Drive Gosford
- 49-51 Mann Street Gosford
- 50W Parraweena Rd Gwandalan
- 48W Wallarah Road Gorokan
- 191 Wallarah Road Kanwal
- Part 6W Kemira Road Lake Munmorah
- 75 Bungary Road Norah Head
- Part 20 Summerland Road Summerland Point
- Part 2-4 Park Road The Entrance
- 13-15 Yaralla Road Toukley

The site Austin Butler Access, Woy Woy (part only) was originally included in this reclassification process, however at the Ordinary Council Meeting of 26 September 2023, it was resolved the site was to be removed from the process and further community feedback was to be sought. Community feedback was reported to Council on the 28<sup>th</sup> of November 2023.

This Planning Proposal has been prepared to implement the Council resolution and allow for an amendment to the *Central Coast Local Environmental Plan 2022* and *State Environmental Planning Policy (Precincts – Regional) 2021*.

Three sites (four lots) are proposed to be rezoned from RE1 – Public Recreation to RE2 – Private Recreation. Land zoned RE1 Public Recreation should not be privately owned, therefore if any sites are sold in the future, they should be RE2 Private Recreation. The zone objectives and permitted and prohibited uses in RE1 and RE2 zones are largely the same. If any Council land is sold and the buyer seeks to rezone the land, the onus will be on the buyer to undertake a separate Planning Proposal process, where detailed site studies will be required.

## Part 1 Objectives or Intended Outcomes

The objective of this proposal is to facilitate the reclassification of Council owned land from Community Land to Operational Land and extinguish Trusts and encumbrances (where required) to allow for the future long-term lease or sale of Council owned land.

At its meeting on 22 August 2023, Council considered a report on the Bulk Reclassification of Council Land. This Planning Proposal has been prepared in response to points 5 and 7 of the following resolution:

At its Ordinary Meeting of 22 August 2023, Council resolved:

137/23

*That Council:*

- 1 Commence the reclassification of 80 lots of operational land located in 12 suburbs to community land in accordance with Section 34 of the Local Government Act 1993. The street addresses and

*legal descriptors of the 80 lots of land proposed for reclassification are listed in Attachment 1 and involve:*

- a. four sites with improvements (five lots in all) at Glenning Valley (part of Berkley Sports Complex), Kanwal (Lakelands Community Centre), Wamberal (Wamberal Memorial Hall) and Yarramalong (St Barnabas Church); and*
  - b. nine park and natural area sites (some of which are groups of sites, comprising 75 lots in all) at Buff Point, Davistown, Hamlyn Terrace, Jilliby, Lisarow, Noraville, Springfield and Watanobbi.*
- 2 Publicly exhibit the proposed reclassification of these 80 lots of land from operational to community for not less than 28 days.*
- 3 Note that once reclassified as community land, these sites will be subject to further community engagement through a future categorisation process and included in a revised Council Community Land Plan of Management.*
- 4 Revoke Council resolutions 202/21/1, 202/21/6 and 202/21/7 of 27 July 2021 to reclassify and/or sell the following three sites of community land:*
  - a. Land at 4 and 6 Tyrrell Place KILLARNEY VALE (Lot 479 DP 704452 and Lot 478 DP 704452);*
  - b. Land at 8 and 10 Bay Village Road BATEAU BAY (Lot 51 DP 1154778 and Lot 2 DP 1154356); and*
  - c. Land at 10W Woodcutters Road WOONGARAH (Lot 32 DP 1044070).*
- 5 Commence the reclassification of the following four lots from community land to operational land in accordance with Section 34 of the Local Government Act 1993 (Attachment 2):*
  - a. Land facing Henry Parry Drive that provides access to the former Council Chambers at 49-51 Mann St GOSFORD, being Lot 1 in DP 251476;*
  - b. Land abutting Kanangra Drive to the east known as 50W Parraweena Drive GWANDALAN, being Lot 1 in DP 1043151;*
  - c. Land being part of 6W Kemira Road LAKE MUNMORAH; being part of Lot 79 in DP 217918; and*
  - d. Land at 20 Summerland Road SUMMERLAND POINT known as Summerland Sporties, and currently leased to Doyalson-Wyee RSL Club, being part of Lot 4 in DP 263812.*
- 6 Progress the subdivision of land to facilitate reclassification of part of 6W Kemira Road LAKE MUNMORAH and part of 20 Summerland Road SUMMERLAND POINT.*
- 7 Note Council's intention to progress resolutions 52/21 of 22 March 2022 and 202/21/8-13 of 27 July 2021 to reclassify the following seven sites from community to operational land:*
  - a. 18 Dane Street, GOSFORD, being Lot 2 DP 1011876;*
  - b. 48W Wallarah Road, GOROKAN, being Lot 2 DP 733448;*

- c. 191 Wallarah Road, KANWAL, being Lot 21 DP 813270;
- d. 75 Bungary Road, NORAH HEAD, being Lot 5 Sec 24 DP 758779 and Lot 1 DP 860696;
- e. Part 2-4 Park Road, THE ENTRANCE, being Lot 10 DP 1285833 (part only) and Lot 1 DP 406038 (part only);
- f. 13 and 15 Yaralla Road, TOUKLEY, being Lot 78 DP 20493 and Lot 79 DP 20493; and
- g. Car park and curtilage, Austin Butler Access, WOY WOY, being Lot 19 DP 235385 (part only).

8 As part of the consultation process to reclassify land described in parts 5 and 7, seek community feedback on the following options with respect to Austin Butler Access, WOY WOY (Lot 9 DP 235385 [part only]):

- a. Retain the site in Council ownership, or
- b. Proceed with the sale and allocate all proceeds from that sale via the 10-year Long Term Financial Plan to the greening of the local community, for example, via an extensive street tree planting program.

Further to the resolution above, at the Ordinary Council Meeting of the 26 September 2023, it was resolved:

157/23

*That Council:*

- 1 Notes advice provided by the Local Planning Panel and confirms that no rezoning is proposed as part of the Planning Proposal to reclassify Council land identified in Attachment 1.
- 2 Requests a Gateway Determination from the Minister for Planning and Public Spaces in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, in relation to the Planning Proposal in Attachment 1, with the exception of Austin Butler Access, WOY WOY (Lot 9 DP 235385 [part only]).
- 3 Undertakes community and public authority consultation in accordance with the Gateway Determination requirements.
- 4 Receives a report to further consider the Planning Proposal following public consultation.
- 5 Note Part 1 of resolved Administrator's Minute being:  
  
Remove Austin Butler Access, WOY WOY (Lot 9 DP 235385 [part only]) from the current bulk reclassification of land process.

Council intends to extinguish the Public Reserve Trust requirements on the DP for the sites, and other minor encumbrances on the titles of land (where relevant), as part of the reclassification to Operational land.

The Planning Proposal seeks to rezone the following sites from RE1 Public Recreation to RE2 Private Recreation:

- Lot 2 DP733448, 48w Wallarah Road Gorokan 2263 NSW

- Lot 21 DP 813270, 191 Wallarah Road Kanwal 2259 NSW
- Part Lot 10 DP 1285833, Part 2-4 Park Road The Entrance 2259 NSW
- Part of Lot 1 DP 406038, Part 2-4 Park Road The Entrance 2259 NSW

Land zoned RE1 Public Recreation should not be privately owned, therefore if any sites are sold in the future, they should be RE2 Private Recreation. The zone objectives and permitted and prohibited uses in RE1 and RE2 zones are largely the same. Should future use of land be proposed that is not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

## Part 2 Explanation of Provisions

The outcome will be facilitated by an amendment to Central Coast Local Environmental Plan 2022 and State Environmental Planning Policy (Precincts – Regional) 2021 which involves the following:

- Amend Schedule 4, Part 1 of *Central Coast Local Environmental Plan 2022 (no interests changed)*
- Amend Schedule 4, Part 2 of *Central Coast Local Environmental Plan 2022 (interests changed)*
- Amend Schedule 8, Part 2 of *State Environmental Planning Policy (Precincts – Regional) 2021 (interests changed)*
- Update/include relevant mapping where required

*Table 1: Schedule of amendments*

Schedule to be Amended	Property Details
Amend Schedule 4, Part 1 of <i>Central Coast Local Environmental Plan 2022 (no interests changed)</i>	<ul style="list-style-type: none"> <li>• Lot 78 DP 20493, 13 Yaralla Rd Toukley 2263 NSW</li> </ul>
Amend Schedule 4, Part 2 of <i>Central Coast Local Environmental Plan 2022 (interests changed)</i>	<ul style="list-style-type: none"> <li>• Lot 2 DP733448, 48w Wallarah Road Gorokan 2263 NSW</li> <li>• Lot 21 DP 813270, 191 Wallarah Road Kanwal 2259 NSW</li> <li>• Part Lot 10 DP 1285833, Part 2-4 Park Road The Entrance 2259 NSW</li> <li>• Part of Lot 1 DP 406038, Part 2-4 Park Road The Entrance 2259 NSW</li> <li>• Lot 5 Sec 24 DP 758779, 75 Bungarry Road, Norah Head 2263 NSW</li> <li>• Lot 1 DP 860696, 75 Bungarry Road, Norah Head 2263 NSW</li> <li>• Lot 79 DP 20493, 15 Yaralla Rd Toukley 2263 NSW</li> <li>• Part Lot 79 DP 217918, Part 6W Kemira Road Lake Munmorah</li> <li>• Lot 4 DP 263812, Part 20 Summerland Road Summerland Point</li> <li>• Lot 1 DP 1043151, 50W Parraweena Road Gwandalan 2259 NSW</li> </ul>
Amend Schedule 8, Part 2 of <i>State Environmental Planning Policy (Precincts – Regional) 2021 (interests changed)</i>	<ul style="list-style-type: none"> <li>• Lot 2 DP 1011876, 18 Dane Drive Gosford</li> <li>• Lot 1 DP 251476, 49-51 Mann Street Gosford 2250 NSW</li> </ul>

## Part 3 Justification

### Section A – Need for the Planning Proposal

#### 1. Is the Planning Proposal a result of any Strategic Study or report?

Council resolved at its meeting of 23 August 2023 to proceed with the reclassification of seven sites as proposed as part of previous Council resolutions (Table 2 below) and included four additional sites (Table 3 below). The site Austin Butler Access, Woy Woy, was removed from the reclassification process following resolution at the Ordinary Council Meeting of 26 September 2023, therefore 10 sites are now included in this reclassification proposal.

*Table 2: Sites resolved by Council for disposal or long-term lease and not yet processed*

Site	Lot/DP	Reason for recommendation
18 Dane Drive, Gosford	Lot 2 DP 1011876	To support the Gosford waterfront and stadium revitalisation initiative by providing increased flexibility for potential future uses. This site is not proposed to be sold.
48W Wallarah Road, Gorokan	Lot 2 DP 733448	To rationalise use of land by the adjoining club either via sale or long-term lease.
191 Wallarah Road, Kanwal	Lot 21 DP 813270	To rationalise use of land by adjoining club either via sale or long-term lease.
75 Bungary Road, Norah Head	Lot 5 Sec 24 DP 758779 & Lot 1 DP 860696	To sell via open market to part-fund development of new community centre.
Part 2-4 Park Road, The Entrance	Lot 10 DP 1285833 (part only) & Lot 1 DP 406038 (part only)	To enable rebuilding of The Greens Bowling Club, either via sale or long-term lease.
13 and 15 Yaralla Road, Toukley	Lot 78 DP 20493 & Lot 79 DP 20493	To enable inclusion of land in Council's affordable housing sites portfolio, either via sale or long-term lease.

*Table 3: Additional sites proposed for reclassification*

Site	Lot/DP	Reason for reclassification
Small sliver of land at 49-51 Mann Street, Gosford	Lot 1 DP 251476	The reclassification of the access lot at 49 Mann Street Gosford is recommended, as this portion of land was inadvertently omitted from the recent reclassification of land to support sale of the former Council chambers at Gosford to TAFE.
50W Parraweena Rd, Gwandalan	Lot 1 DP 1043151	The reclassification of the long narrow strip of land east of Kanangra Road at Gwandalan. The reclassification of the site will enable the potential long term-lease or sale and incorporation of the site into the Gwandalan Centre proposal.
(Part) 6W Kemira Road, Lake Munmorah	Lot 79 DP 217918	Reclassification of part of the land at 6W Kemira Road Lake Munmorah to enable the dedication of the land as public road. This site is not proposed to be sold.
Part 20 Summerland Road Summerland Point	Lot 4 DP 263812	The reclassification of the land occupied by Sporties at Summerland Point is recommended as it is intended that the land should be offered to the owner of Sporties (being Doyalson-Wyee RSL Club) on a long-term operational lease on suitable commercial terms, providing an ongoing funding stream for other Council recreational services at the same time as recreational facilities on-site experience substantial upgrade and modernisation.

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

The Planning Proposal is the only means of achieving the objectives and intended outcomes. The reclassification of land is required to meet both the requirements of the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*, through the preparation of a Planning Proposal.

## **Section B – Relationship to strategic planning framework**

**3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

### **Central Coast Regional Plan (2041)**

The proposal is consistent with the Central Coast Regional Plan 2041, the proposal will provide more affordable housing on the Central Coast (Objective 5), which is a Federal, State and Local Government priority. The proposal will also allow for the dedication of a public road which will assist in the delivery of a 300 lots subdivision at Lake Munmorah, providing housing and jobs through the construction phase of the project (Objective 1). The proposal will also assist in the revitalisation of Gosford City Centre to support the delivery of the new TAFE development (Objective 8).

**4. Is the planning proposal consistent a local Council's local strategy or other local strategic plan?**

### **Community Strategic Plan**

The proposal is consistent with the five themes of the Community Strategic Plan, including:

*Table 4: Consistency with the Community Strategic Plan*

Theme	Objective
Smart	C2 - Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for businesses, local residents, visitors and tourists
Smart	C3 - Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents.
Smart	D3 - Invest in broadening local education and learning pathways linking industry with Universities, TAFE and other training providers
Responsible	G2 - Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making
Responsible	I4 - Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing

### **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.

The proposal is consistent with the Local Strategic Planning Statement as it will assist in the revitalisation of Gosford, allow for the rebuilding of community assets (Green Bowling Club), improve recreational facilities at Summerland Point and provide more opportunity for affordable housing on the Central Coast by the expansion of land in Council's affordable housing sites portfolio.

#### **5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP).

*Table 5: Consistency with SEPPs*

SEPP	Applicable	Consistent
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021.</b>		
<b>Chapter 2 – Vegetation in Non-Rural Areas</b>	Y	Consistent with the provisions of this SEPP.
<b>Chapter 3 – Koala habitat protection 2020</b>	Y	Consistent with the provisions of this SEPP.
<b>Chapter 4 – Koala Habitat Protection 2021</b>	Y	Consistent with the provisions of this SEPP.
<b>Chapter 5 – River Murray lands</b>	Y	Consistent with the provisions of this SEPP.
<b>Chapter 6 – Water Catchment</b>	Y	Consistent with the provisions of this SEPP.
<b>State Environmental Planning Policy (Housing) 2021</b>		
<b>Chapter 2 – Affordable Housing</b>	Y	Consistent with the provisions of this SEPP.
<b>Chapter 3 – Diverse Housing</b>	Y	Consistent with the provisions of this SEPP.
Part 1: Secondary Dwellings	Y	Consistent with the provisions of this SEPP.
Part 2: Group Homes	Y	Consistent with the provisions of this SEPP.
Part 3: Co-living Housing	Y	Consistent with the provisions of this SEPP.
Part 4: Built-to-rent Housing	Y	Consistent with the provisions of this SEPP.
Part 5: Seniors Housing	Y	Consistent with the provisions of this SEPP.
Part 6: Short-term Rental Accommodation	Y	Consistent with the provisions of this SEPP.
Part 7: Conversion of Certain Serviced Apartments	Y	Consistent with the provisions of this SEPP.
Part 8: Manufactured Home Estates	Y	Consistent with the provisions of this SEPP.
Part 9: Caravan Parks	Y	Consistent with the provisions of this SEPP.
<b>State Environmental Planning Policy (Industry and Employment) 2021.</b>		
<b>Chapter 3 – Advertising and Signage</b>	N	Consistent with the provisions of this SEPP.
<b>State Environmental Planning Policy (Planning Systems) 2021</b>		
<b>Chapter 2 – State and Regional Development</b>	N	Consistent with the provisions of this SEPP.
<b>Chapter 3 – Aboriginal Land</b>	N	Consistent with the provisions of this SEPP.
<b>State Environmental Planning Policy (Precincts—Regional) 2021</b>		
<b>Chapter 5 – Gosford City Centre</b>	Y	Consistent with the provisions of this SEPP.

SEPP	Applicable	Consistent
<b>State Environmental Planning Policy (Primary Production) 2021.</b>		
<b>Chapter 2 - Primary Production and Rural Development</b>	N	Consistent with the provisions of this SEPP.
<b>Chapter 3 - Central Coast Plateau Areas</b>	N	Consistent with the provisions of this SEPP.
<b>State Environmental Planning Policy (Resilience and Hazards) 2021.</b>		
<b>Chapter 2 - Coastal Management</b>	N	Consistent with the provisions of this SEPP.
<b>Chapter 3 – Hazardous and Offensive Development</b>	N	Consistent with the provisions of this SEPP.
<b>Chapter 4 - Remediation of Land</b>	N	Consistent with the provisions of this SEPP.
<b>State Environmental Planning Policy (Resources and Energy) 2021.</b>		
<b>Chapter 2 – Mining, Petroleum Production and Extractive Industries</b>	N	Consistent with the provisions of this SEPP.
<b>Chapter 3 – Extractive Industries in Sydney Area</b>	N	Consistent with the provisions of this SEPP.
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>		
<b>Chapter 2 – Infrastructure</b>	Y	Consistent with the provisions of this SEPP.
<b>Chapter 3 – Educational Establishments and Childcare Facilities</b>	Y	Consistent with the provisions of this SEPP.

The proposal is generally consistent with the applicable SEPPs.

The Planning Proposal seeks to rezone the following sites from RE1 Public Recreation to RE2 Private Recreation:

- Lot 2 DP733448, 48w Wallarah Road Gorokan 2263 NSW
- Lot 21 DP 813270, 191 Wallarah Road Kanwal 2259 NSW
- Part Lot 10 DP 1285833, Part 2-4 Park Road The Entrance 2259 NSW
- Part of Lot 1 DP 406038, Part 2-4 Park Road The Entrance 2259 NSW

Other than the above listed sites, the Planning Proposal proposes the reclassification of land only. If Council determines land to be rezoned and sold in the future, a Planning Proposal will be prepared to assess the merits of the proposal.

#### **6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

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 6: S.9.1 Ministerial Direction Compliance*

No.	Direction	Applicable	Consistent
<b>Planning Systems</b>			
1.1	Implementation of Regional Plans	Y	Y
1.2	Development of Aboriginal Land Council Land	Y	Y
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
<b>Design &amp; Place</b>			
2.1	Not active yet	N	N/A
<b>Biodiversity &amp; Conservation</b>			
3.1	Conservation Zones	Y	Y
3.2	Heritage Conservation	Y	Y
3.3	Sydney Drinking Water Catchments	N	N/A

No.	Direction	Applicable	Consistent
3.4	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N	N/A
3.5	Recreational Vehicle Areas	Y	Y
3.6	Strategic Conservation Planning	N	N/A
3.7	Public Bushland	Y	Y
<b>Resilience &amp; Hazards</b>			
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	Y	Y
<b>Transport &amp; Infrastructure</b>			
5.1	Integrating Land Use & Transport	Y	Y
5.2	Reserving Land for Public Purposes	Y	Y
5.3	Development Near Regulated Airports and Defence Airfields	Y	Y
5.4	Shooting Ranges	Y	Y
<b>Housing</b>			
6.1	Residential Zones	Y	Y
6.2	Caravan Parks and Manufactured Home Estates	Y	Y
<b>Industry &amp; Employment</b>			
7.1	Business & Industrial Zones	Y	Y
7.2	Reduction in non-hosted short-term rental accommodation period	Y	Y
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Y	Y
<b>Resources &amp; Energy</b>			
8.1	Mining, Petroleum Production and Extractive Industries	Y	Y

No.	Direction	Applicable	Consistent
<b>Primary Production</b>			
9.1	Rural Zones	Y	Y
9.2	Rural Lands	Y	Y
9.3	Oyster Aquaculture	Y	Y
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Y	Y

## **Section C – Environmental, Social and Economic Impact**

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

This Planning Proposal only proposes to rezone three sites (four lots) from RE1 Public Recreation to RE2 Private Recreation to ensure public recreation lands are not in private ownership. The objectives permitted and prohibited uses are largely the same in RE1 and RE2 zones. Aside from these sites, the Planning Proposal does not propose to rezone any other land, the intent of the proposal is to reclassify land from Community Land to Operational Land to allow for the long-term lease or sale of Council owned land. Should a proposed future use of the land be proposed that was not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

Future development on the sites to be reclassified will require lodgement of a development application which will be determined in line with Council's Planning Controls and compliance with relevant legislation.

The change in zone from RE1 to RE2 does not substantially change the permitted and prohibited uses of the site, but rather better aligns with the associated uses.

The proposal will not adversely affect critical habitat, threatened species, populations or ecological communities, or their habitats.

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

There are no likely environmental effects as a result of the planning proposal as the intent of the planning proposal is to change the classification of land. Supplementary to this reclassification, this Planning Proposal proposes to rezone four lots from RE1 Public Recreation to RE2 Private Recreation only.

Should a proposed future use of the land in the planning proposal be proposed that was not permitted within the land use zones, detailed environmental assessment and agency consultation would be undertaken at that time to inform any future determination on whether to rezone the land.

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

### ***Social Issues and Economic Impacts***

The proposal does include 5 sites zoned RE1, these include:

1. 48W Wallarah Road, Gorokan (foreshore land Wallarah Bay Recreation Club)
2. 191 Wallarah Road, Kanwal (community hall and car park)
3. Part 2-4 Park Road, The Entrance (Greens Bowling Club – Bowling club and bowling greens only – the adjacent open space is not part of the proposal)
4. 18 Dane Drive, Gosford (Gosford City Bowling Club)
5. Part 20 Summerland Road, Summerland Point (Summerland Sporties – leased area only)

Three of these sites (four lots) will be rezoned from RE1 Public Recreation to RE2 Private Recreation. The objectives and permitted and prohibited uses are largely the same between the two recreation zones. Should a future use of the land be proposed that is not permitted within the land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

The community consultation undertaken as part of the Planning Proposal will include a Public Hearing to allow community members to provide feedback on the proposal.

The Planning Proposal was reported to the Local Planning Panel on 14 September 2023, as a requirement of the plan making process. Planning Proposals must be forwarded to the Local Planning Panel for advice (the LPP is not a determining body for Planning Proposals) before Council considers whether to forward the Planning Proposal to the Minister requesting a Gateway Determination.

The Local Planning Panel considered the Planning Proposal and provided the following advice:

1. *The Panel support the reclassification of land except those sites zoned SP2 – Infrastructure or RE1 – Public Recreation. Such sites should be deferred until the completion of an environmental assessment of their rezoning potential. Once completed appropriate classification of the sites can be determined and if required any future planning proposal would include*
  - *Rezoning of the Land including supporting environment assessment studies, and*
  - *Reclassification of the land under the Local Government Act 1993.*

Since the Local Planning Panel meeting, it was required by the Department of Planning to rezone four lots from RE1 Public Recreation to RE2 Private Recreation as part of the Planning Proposal process. Beyond this, the Planning Proposal does not intend to rezone any further sites, the intent of the planning proposal is to seek reclassification of the land. If any sites are considered for rezoning in the future, they will be subject to detailed environmental assessments and agency consultation. Further information on the sites zoned RE1 Public Recreation and SP2 – Infrastructure is provided below:

#### **18 Dane Drive, Gosford NSW 2250 (RE1 Public Recreation)**

Gosford City Bowling Club is proposed to be reclassified to operational land and retained in Council ownership. The site is leased to the Central Coast Leagues Club and the Gosford Bowling Club is provided access to the site by the Leagues Club. The lease to the Central Coast Leagues Club expires in December 2024.

At the Ordinary Council Meeting of 23 March 2021, Council resolved to adopt the Stadium Implementation Plan and make it available on Council's website. A key component of the Implementation Plan is to develop a precinct masterplan for the stadium and 18 Dane Drive, Gosford.

A further report to Council was prepared for the 27 April 2021 Council Meeting seeking a resolution to rezone and reclassify 18 Dane Drive, Gosford to Operational Land to enable greater opportunities defined in the Stadium Implementation Plan. This matter was deferred to allow for community consultation. Community consultation was undertaken between 30 April and 21 May 2021, the key findings from the community's submission included:

- Consideration of user groups who may be affected,
- Stadium management rights could be provided to another party,
- Support for the rezoning and reclassification process to stimulate the Stadium, and
- Request for more music concerts being held at the Stadium.

At the 22 March 2022 Ordinary Council Meeting, a further report was brought to Council on the submissions and outcomes following the public exhibition of the Central Coast Stadium- Rezoning and Reclassification proposal. Council resolved *"That Council commence the rezoning and reclassification process for Lot 2, DP 1011876 which will allow greater Masterplan outcomes"*.

Council is not proposing to sell the site or change the current lease conditions in place with Central Coast Leagues Club. Council has indicated its intention to extend a further lease to the Leagues Club, subject to agreement on lease terms. Detailed environmental investigations would be undertaken at the time that a preferred alternative use of the site is ready to progress.

#### Part 6W Kemira Road Lake Munmorah 2259 NSW (SP2 Infrastructure)

Following public consultation, Council resolved on the 22 November 2022 to endorse a Planning Proposal (as amended), draft Central Coast Development Control Plan Chapter (as amended) and draft Planning Agreement for lands at 6W Kemira Road and 285-325 Pacific Highway, Lake Munmorah.

The Planning Proposal sought to rezone lands from RU6 Transition and C2 Environmental Conservation to R2 Low Density Residential, SP2 Infrastructure, RE1 Public Recreation and C2 Environmental Conservation under CCLEP 2022. The subject Planning Proposal will result in the creation of an additional 300 low density residential lots.

The proposal sought to apply a SP2 Infrastructure zone to a portion of 6W Kemira Road Lake Munmorah to enable the construction of a collector road to provide access to the future residential subdivision via Chisholm Avenue and Tall Timbers Road, Lake Munmorah.

The rezoning was finalised in December 2022. The portion of 6W Kemira Road defined by the SP2 Infrastructure Zone now requires subdivision and reclassification from community to operational land before it can be dedicated as a public road.

A detailed environmental assessment was undertaken as part of the Planning Proposal (to rezone the site) and no further assessment is required. Council is not proposing to sell the site, as it will be dedicated as a public road.

#### Part 2-4 Park Road The Entrance 2259 NSW (RE1 Public Recreation)

The proposed reclassification of land relates to the bowling club land only and not the adjacent open space. The site is home to The Greens Bowling Club, with the land leased to The Mingara Club on a 20-year lease which was renewed in October 2022. The club is responsible for the maintenance and improvements of buildings and bowling greens.

In March 2020, a fire destroyed the club, with The Mingara Club responsible for demolition and rebuilding of the club and bowling facilities. The Mingara Club requested to purchase the land from Council to assist in obtaining the necessary finances to rebuild the club.

DA/1163/2021 was approved last year for the redevelopment of the fire damaged club. The proposed reclassification of the land from community to operation will facilitate the long term lease or sale of the land to The Mingara Club, to assist in the redevelopment of the site. The long term lease or sale of the land will not change the use of the site as a bowling club.

The site is proposed to be rezoned from RE1 Public Recreation to RE2 Private Recreation. The objectives and permitted and prohibited land uses in recreation zones are largely the same. Should a future use of the land be proposed that is not permitted within the recreation land use zones, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

#### 191 Wallarah Road, Kanwal 2259 NSW (RE1 Public Recreation)

The land was transferred from the Wyong District Rugby League Football Club to Wyong Shire Council in October 1991 as part of the subdivision of land to create a youth and community centre and car park.

Wyong Leagues Club operate under license in the lower area of the club and items are also stored in the lower section of building. Community bookings are currently managed by Council's Community Facilities Booking team. It is proposed that community bookings will continue under Wyong Leagues Club ownership.

The site is proposed to be reclassified to enable long term lease or sale of the property to the Wyong Rugby Leagues Club Group. The site is proposed to be rezoned from RE1 Public Recreation to RE2 Private Recreation so enable the potential sale of the site. Should a future use of the land be proposed that is not permitted within the recreation land use zones, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

#### 48W Wallarah Road, Kanwal 2259 NSW (RE1 Public Recreation)

The site is used by the Wallarah Bay Recreation Club and is land-locked and therefore is only able to be accessed by water or through the club site. The site is currently licenced and maintained by the Wallarah Bay Recreation Club, which has made improvements to the land.

Council intends to reclassify the land to enable to the long term lease or sale of the land to the Wyong Rugby League Club Group. The site is proposed to be rezoned from RE1 Public Recreation to RE2 Private Recreation so enable the potential sale of the site. Should a future use of the land be proposed that is not permitted within the recreation land use zones, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

### Part 20 Summerland Road, Summerland Point (RE1 Public Recreation)

Part of 20 Summerland Road, Summerland Point is proposed to be reclassified to allow for the long-term lease of the site to the Doyalson Wyee RSL Club, who operate Summerland Sporties. The long-term lease will allow for upgrading of the club.

The reclassification of the site will apply only to the current leased areas and not to the entire parcel of land. Should a future use of the land be proposed that is not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

## **Section D – State and Commonwealth Interests**

### **9. *Is there adequate public infrastructure for the planning proposal?***

Aside from the RE1 to RE2 rezonings, the planning proposal does not propose to rezone land and therefore there will be no change to public infrastructure requirements, through this planning proposal. The site 6W Kemira Road, Lake Munmorah is proposed to be reclassified to Operational Land to allow for dedication of land as public road.

Future development of the site will require a development application to be lodged; public infrastructure requirements will be assessed as part of this process.

### **10. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

The Planning Proposal was referred to the NSW Rural Fire Service and the NSW Department of Climate Change, Energy, the Environment and Water (Biodiversity and Conservation Division (BCD)) for comment.

The NSW RFS raised no concerns with the proposed rezonings and noted future development on bush fire prone land is required to address the relevant requirements of Planning for Bush Fire Protection 2019 (or equivalent). BCD also raised no objection to the proposal, provided that the reclassification does not raise development expectation to parcels that are either of high biodiversity value, flood prone or mapped coastal zones.

## **Part 4 Mapping**

For some sites, the land to be reclassified does not apply to the whole lot.

As such, a Land Reclassification (part lots) Map is included at Appendix E to identify the relevant portion of the lot to be reclassified.

## **Part 5 Community Consultation**

The proposal will be made available for **28** days for community consultation and undertaken in accordance with any determinations made by the Gateway. The proposal will be made available on Council's website (Your Voice Our Coast). Additionally, notification of the exhibition of the proposal will be provided to adjoining landholders.

Council will also facilitate a Public Hearing as required by the Local Government Act 1993 following the conclusion of the public exhibition period.

## Part 6 Project Timeline

Table 7: Key Project Timeframes

Action	Timeframe
Report to Council for endorsement	September 2023
Submission to DPE for Gateway Determination	October 2023
Gateway Determination Issue	November 2023
Agency consultation	December 2023– January 2024
Public exhibition <i>To be made publicly available for a minimum of 20 working days.</i>	February 2024 – March 2024
Public Hearing <i>To be held a Minimum of 21 days after completion of public consultation period.</i>	April 2024 <i>(details to be advised by Public Notice)</i>
Post exhibition report to Council	May 2024
Legal drafting and making of plan	June 2024

## Supporting Documentation

Table 8: Supporting Documentation to the Planning Proposal

No.	Document
A.	Council Report and Minutes – 26 September 2023
B.	Assessment of Land to be reclassified
C.	Statement of Council's Interest
D.	Reclassification Checklist (in accordance with Practice Note PN 16-001)
E.	Land Reclassification (part lots) Maps
F.	Assessment Against Ministerial Directions

## Appendix A Council Report and Minutes (26 September 2023)



**Item No:** 2.4  
**Title:** RZ/3/2023 - Request to Prepare Planning Proposal -  
Reclassification of Council Land  
**Department:** Environment and Planning

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26 September 2023 Ordinary Council Meeting

Reference: F2017/01072 - D15813421  
Author: Shannon Turkington, Unit Manager Strategic Planning  
Executive: Luke Sulkowski, Director Environment and Planning (Acting)

### Recommendation

#### ***That Council:***

- 1 Notes advice provided by the Local Planning Panel and confirms that no rezoning is proposed as part of the Planning Proposal to reclassify Council land identified in Attachment 1.***
- 2 Requests a Gateway Determination from the Minister for Planning and Public Spaces in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, in relation to the Planning Proposal in Attachment 1.***
- 3 Undertakes community and public authority consultation in accordance with the Gateway Determination requirements.***
- 4 Receives a report to further consider the Planning Proposal following public consultation.***

### Report purpose

To seek Council endorsement to request Gateway Determination from the Minister for Planning and Public Spaces for a Planning Proposal to reclassify Council owned land from Community to Operational and undertake community consultation for the proposal.

### Executive Summary

Council resolved on 22 August 2023 to undertake a bulk reclassification of land, which included the reclassification of land from operational to community and community to Operational. A Planning Proposal has been prepared to initiate an amendment to the *Central Coast Local Environmental Plan 2022 (CCLEP 2022)* and *State Environmental Planning Policy (Precincts Regional) 2021 (SEPP Precincts)* to reclassify Council owned land from community to operational. The Planning Proposal sets out the land to be reclassified, including the extinguishing of Public Reserve Trusts and other encumbrances where required.

Two of the sites to be reclassified are included in the boundary of *State Environmental Planning Policy (Precincts Regional) 2021* and therefore an amendment to both the *Central Coast Local Environmental Plan 2022* and *State Environmental Planning Policy (Precincts Regional) 2021* is required.

## Background

At its Ordinary Meeting of 22 August 2023, Council resolved:

237/23

That Council:

- 1 *Commence the reclassification of 80 lots of operational land located in 12 suburbs to community land in accordance with Section 34 of the Local Government Act 1993. The street addresses and legal descriptors of the 80 lots of land proposed for reclassification are listed in Attachment 1 and involve:*
  - a. *four sites with improvements (five lots in all) at Glenning Valley (part of Berkley Sports Complex), Kanwal (Lakelands Community Centre), Wamberal (Wamberal Memorial Hall) and Yarramalong (St Barnabas Church); and*
  - b. *nine park and natural area sites (some of which are groups of sites, comprising 75 lots in all) at Buff Point, Davistown, Hamlyn Terrace, Jilliby, Lisarow, Noraville, Springfield and Watanobbi.*
- 2 *Publicly exhibit the proposed reclassification of these 80 lots of land from operational to community for not less than 28 days.*
- 3 *Note that once reclassified as community land, these sites will be subject to further community engagement through a future categorisation process and included in a revised Council Community Land Plan of Management.*
- 4 *Revoke Council resolutions 202/21/1, 202/21/6 and 202/21/7 of 27 July 2021 to reclassify and/or sell the following three sites of community land:*
  - a. *Land at 4 and 6 Tyrrell Place KILLARNEY VALE (Lot 479 DP 704452 and Lot 478 DP 704452);*
  - b. *Land at 8 and 10 Bay Village Road BATEAU BAY (Lot 51 DP 1154778 and Lot 2 DP 1154356); and*
  - c. *Land at 10W Woodcutters Road WOONGARAH (Lot 32 DP 1044070).*
- 5 *Commence the reclassification of the following four lots from community land to operational land in accordance with Section 34 of the Local Government Act 1993 (Attachment 2):*
  - a. *Land facing Henry Parry Drive that provides access to the former Council Chambers at 49-51 Mann St GOSFORD, being Lot 1 in DP 251476;*
  - b. *Land abutting Kanangra Drive to the east known as 50W Parraweena Drive GWANDALAN, being Lot 1 in DP 1043151;*
  - c. *Land being part of 6W Kemira Road LAKE MUNMORAH; being part of Lot 79 in DP 217918; and*
  - d. *Land at 20 Summerland Road SUMMERLAND POINT known as Summerland Sporties, and currently leased to Doyalson-Wyee RSL Club, being part of Lot 4 in DP 263812.*
- 6 *Progress the subdivision of land to facilitate reclassification of part of 6W Kemira Road LAKE MUNMORAH and part of 20 Summerland Road SUMMERLAND POINT.*

7 Note Council's intention to progress resolutions 52/21 of 22 March 2022 and 202/21/8-13 of 27 July 2021 to reclassify the following seven sites from community to operational land:

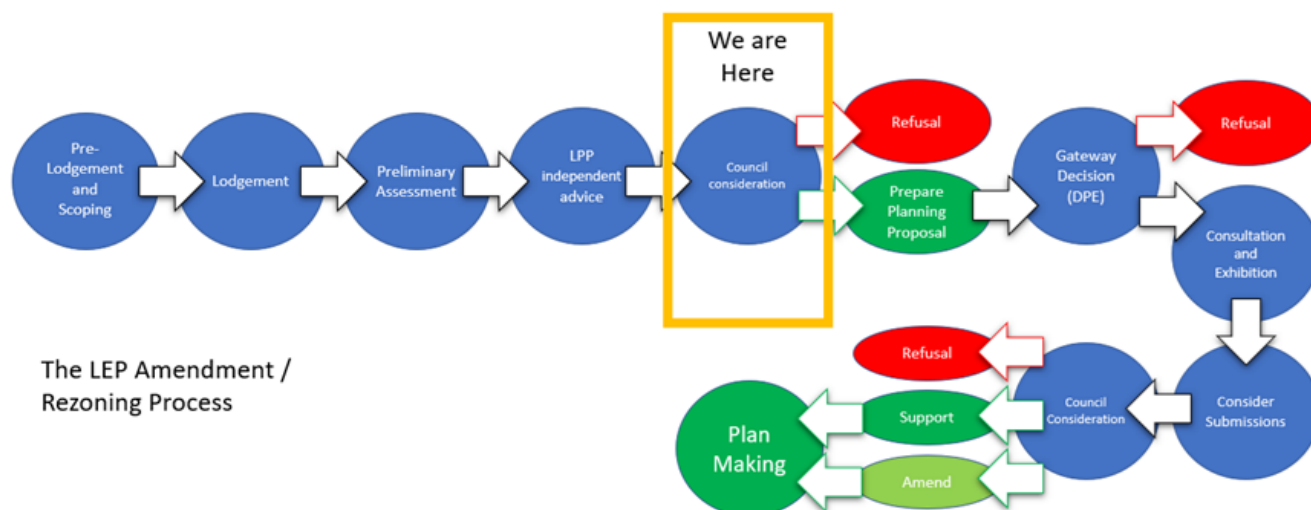
- a. 18 Dane Street, GOSFORD, being Lot 2 DP 1011876;
- b. 48W Wallarah Road, GOROKAN, being Lot 2 DP 733448;
- c. 191 Wallarah Road, KANWAL, being Lot 21 DP 813270;
- d. 75 Bungary Road, NORAH HEAD, being Lot 5 Sec 24 DP 758779 and Lot 1 DP 860696;
- e. Part 2-4 Park Road, THE ENTRANCE, being Lot 10 DP 1285833 (part only) and Lot 1 DP 406038 (part only);
- f. 13 and 15 Yaralla Road, TOUKLEY, being Lot 78 DP 20493 and Lot 79 DP 20493; and
- g. Car park and curtilage, Austin Butler Access, WOY WOY, being Lot 19 DP 235385 (part only).

8 As part of the consultation process to reclassify land described in parts 5 and 7, seek community feedback on the following options with respect to Austin Butler Access, WOY WOY (Lot 9 DP 235385 [part only]):

- a. Retain the site in Council ownership, or
- b. Proceed with the sale and allocate all proceeds from that sale via the 10-year Long Term Financial Plan to the greening of the local community, for example, via an extensive street tree planting program.

## Current Status

A Planning Proposal has been prepared to progress points 5 and 7 of the above resolution. The Planning Proposal was reported to the Local Planning Panel Meeting of 14 September 2023 for their consideration.



**Figure 1 – Local Environmental Plan amendment process**

## Report

The Planning Proposal proposes to reclassify the following Council owned land from community to operational and extinguish Public Reserve Trusts and other encumbrances where required. The Planning Proposal does not propose to rezone any of the sites.

Two of the sites to be reclassified are included in the boundary of *State Environmental Planning Policy (Precincts Regional) 2021* and therefore an amendment to both the *Central Coast Local Environmental Plan 2022* and *State Environmental Planning Policy (Precincts Regional) 2021* is required. The following sites (as resolved by Council at its meeting of 22 August 2023) are proposed to be reclassified:

- 18 Dane Drive, Gosford
- 49-51 Mann Street, Gosford
- 50W Parraweena Rd, Gwandalan
- 48W Wallarah Road, Gorokan
- 191 Wallarah Road, Kanwal
- Part 6W Kemira Road, Lake Munmorah (part)
- 75 Bungary Road, Norah Head
- Part 20 Summerland Road, Summerland Point (leased area)
- 2-4 Park Road, The Entrance (Bowling club site only)
- 13-15 Yaralla Road, Toukley
- Car Park & Curtilage/ Austin Butler Way, Woy Woy – 51 Chambers Place, Woy Woy (part)

### **Consultation**

The Planning Proposal will be made available for 28 days for community consultation and undertaken in accordance with any determinations made by the Gateway. Council will also facilitate a Public Hearing following the conclusion of the public exhibition period.

The Planning Proposal was reported to the Local Planning Panel on 14 September 2023, as a requirement of the plan making process. Although the Local Planning Panel has decision making powers for Planning Proposals, all Planning Proposals must be forwarded to the Local Planning Panel for advice before Council considers whether or not to forward the Planning Proposal to the Minister for Planning and Public Spaces requesting a Gateway Determination.

The Local Planning Panel considered the Planning Proposal and provided the following advice:

*The Panel support the reclassification of land except those sites zoned SP2 – Infrastructure or RE1 – Public Recreation. Such sites should be deferred until the completion of an environmental assessment of their rezoning potential. Once completed appropriate classification of the sites can be determined and if required any future planning proposal would include:*

- *Rezoning of the Land including supporting environment assessment studies, and*
- *Reclassification of the land under the Local Government Act 1993.*

The Planning Proposal does not intend to rezone any of the sites as part of this proposal and is seeking to reclassify the land only.

Further information on the sites zoned RE1 Public Recreation and SP2 – Infrastructure is provided below. The proposed reclassification of the land does not change the current land use. Should a future use of the land be proposed that was not permitted within the current land use zone, detailed environmental

assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

#### 18 Dane Drive, Gosford NSW 2250 (RE1 Public Recreation)

Gosford City Bowling Club is proposed to be reclassified to operational land and retained in Council ownership. The site is leased to the Central Coast Leagues Club and the Gosford Bowling Club is provided access to the site by the Leagues Club. The lease to the Central Coast Leagues Club expires in December 2024.

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Council is not proposing to sell the site or change the current lease conditions in place with Central Coast Leagues Club. Council has indicated its intention to extend a further lease to the Leagues Club, subject to agreement on lease terms. Detailed environmental investigations would be undertaken at the time that a preferred alternative use of the site is ready to progress.

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The rezoning was finalised in December 2022. The portion of 6W Kemira Road defined by the SP2 Infrastructure Zone now requires subdivision and reclassification from community to operational land before it can be dedicated as a public road.

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In March 2020, a fire destroyed the club, with The Mingara Club responsible for demolition and rebuilding of the club and bowling facilities. The Mingara Club requested to purchase the land from Council to assist in obtaining the necessary finances to rebuild the club.

DA/1163/2021 was approved last year for the redevelopment of the fire damaged club. The proposed reclassification of the land from community to operational will facilitate the long-term lease or sale of the land to The Mingara Club, to assist in the redevelopment of the site. The long-term lease or sale of the land will not change the use of the site as a bowling club.

The proposed reclassification of the land does not change the current land use. Should a proposed future use of the land be proposed that was not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

#### 191 Wallarah Road, Kanwal 2259 NSW (RE1 Public Recreation)

The land was transferred from the Wyong District Rugby League Football Club to Wyong Shire Council in October 1991 as part of the subdivision of land to create a youth and community centre and car park.

Wyong Leagues Club operate under license in the lower area of the club and items are also stored in the lower section of building. Community bookings are currently managed by Council's Community Facilities Booking team. It is proposed that community bookings will continue under Wyong Leagues Club ownership.

The site is proposed to be reclassified to enable long term lease or sale of the property to the Wyong Rugby Leagues Club Group. The proposed reclassification of the land does not change the current land use. Should a future use of the land be proposed that is not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

48W Wallarah Road, Kanwal 2259 NSW (RE1 Public Recreation)

The site is used by the Wallarah Bay Recreation Club and is land-locked and therefore is only able to be accessed by water or through the club site. The site is currently licenced and maintained by the Wallarah Bay Recreation Club, which has made improvements to the land.

Council intends to reclassify the land to enable the long term lease or sale of the land to the Wyong Rugby League Club Group. The reclassification of the land is not intended to change the use of the land.

Should a future use of the land be proposed that is not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

Part of 1 Austin Butler Acc, Woy Woy 2256 NSW (RE1 Public Recreation)

The Planning Proposal does not seek to rezone the land, only to reclassify it from community to operational land. Should a future use of the land be proposed that is not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

Part 20 Summerland Road, Summerland Point (RE1 Public Recreation)

Part of 20 Summerland Road, Summerland Point is proposed to be reclassified to allow for the long-term lease of the site to the Doyalson Wyee RSL Club, who operate Summerland Sporties. The long-term lease will allow for upgrading of the club. The reclassification of the site will apply only to the current leased areas and not to the entire parcel of land.

Should a future use of the land be proposed that is not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

## **Financial Considerations**

At its meeting held 19 October 2020, Council resolved the following:

*1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

The Planning Proposal, public consultation and public hearings will be undertaken using Council's adopted operational budget and will not have an impact on Council's bottom line.

## **Link to Community Strategic Plan**

Theme 4: Responsible

## **Goal G: Good governance and great partnerships**

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

## **Risk Management**

There have been no material risks to Council associated with the preparation of Planning Proposals, which are part of the regular business of Council.

Council will have a further opportunity to consider whether it wishes to progress reclassification of some or all of these parcels following the proposed consultation.

## **Options**


- 1 Support the recommendation to request a Gateway Determination from the Minister for Planning and Public Spaces in relation to the Planning Proposal provided in Attachment 1. **This is the recommended option.**
- 2 Resolve not to support the Planning Proposal. This option will not allow for the reclassification of land.

## **Attachments**

1	Planning Proposal - Reclassification of Council Owned Community Land to Operational Land September 2023	Provided Under Separate Cover	D15836110
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## Appendix B      Assessment of Land to be Reclassified

### 49-51 Mann Street Gosford 2250

Property Information		
<b>Address of Property</b>	49-51 Mann Street Gosford 2250	
<b>Lot &amp; Deposited Plan No.</b>	Lot 1 DP 251476	
<b>Lot Size</b>	38 m <sup>2</sup>	
<b>Description</b>	Small strip of land at rear of Gosford Council Chambers, adjacent to Henry Parry Drive	
<b>Acquisition Details</b>	At its meeting on 1 July 1975 Gosford City Council resolved that "Approval be given for an application to be made to the Department of Lands for closure of the section of roadway 4' wide and variable across Henry Parry Drive frontage, for consolidation with lot 1 DP 564021 owned by council and containing the new Administration building." Lot 1 DP 251476 vested in Council when road was closed - gazetted 5 March 1976.	

<b>Current Zoning</b>	B3 Commercial Core
<b>Proposed Zoning</b>	B3 Commercial Core (no change)
<b>Current Classification</b>	Community
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	No classification process following purchase, and land was not included in the Gosford City Council "Local Government Act 1993 Proposed Reclassification of Land". During the time that the draft Gosford Local Environmental Plan (LEP) was on public exhibition it was advised that the land should be included in the draft Gosford LEP as Operational Land. However, as the Draft Gosford LEP was already on public exhibition, it was too deemed too late to include this lot in the Gosford LEP. A Council resolution resolving to reclassify the land had not occurred and that a public hearing had not been conducted by the asset manager.
<b>Trusts &amp; Interests in the Land</b>	Land was acquired for a public purpose and for an undisclosed sum. As such the land is subject to a Public Trust which should be extinguished via the reclassification process and prior to the proposed sale.
<b>Proposal Amendment</b>	Reclassify the subject land from Community to Operational Land (State Environmental Planning Policy (Precincts Regional) 2021)
<b>Reason for Amendment</b>	The reclassification of the access lot at 49 Mann Street Gosford is recommended, as this portion of land was inadvertently omitted from the recent reclassification of land to support sale of the former Council chambers at Gosford to TAFE.
<b>Future use of Funds from Sale</b>	Funds from the sale of the land will be directed in part towards the promotion of the Gosford waterfront masterplan and revitalisation of the Gosford City Centre.

## 48w Wallarah Road Gorokan

Property Information	
<b>Address of Property</b>	48W Wallarah Road Gorokan 2263 NSW
<b>Lot &amp; Deposited Plan No.</b>	Lot 2 DP733448
<b>Lot Size</b>	2,385 m <sup>2</sup>
<b>Description</b>	<p>Vacant, flat, and grassed lake front land. Irregular parcel of land only accessible via neighbouring lots or via water.</p> 
<b>Acquisition Details</b>	As part of 1977 Development Consent 77/304 for subdivision and development of Lots 22-26 DP 7747. The land was given to council in lieu of \$10.700 bedroom contribution. Council required the dedication in fee simple of a foreshore strip 15m wide to Council for future development by Council as public garden and recreation space.


<b>Current Zoning</b>	RE1 – Public Recreation
<b>Proposed Zoning</b>	RE2 – Private Recreation
<b>Current Classification</b>	Community
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	Land classified as Community upon receipt of title.
<b>Trusts &amp; Interests in the Land</b>	<p>Described as Public Reserve on Deposited Plan.</p> <p>Land was conveyed for a public purpose as it was dedicated as part of developer contributions. As such the land is subject to a Public Trust which should be extinguished via the reclassification process and prior to any sale.</p> <p>C842889 Covenant Affecting Part Land to be extinguished via a separate process prior to any sale.</p> <p>G584564 Easement For Drainage to be retained and DP 733448 Right Of Way to be retained.</p>
<b>Evidence of public reserve status or relevant interests</b>	Land is described as Public Reserve on Deposited Plan 733448
<b>Proposal Amendments</b>	<p>Reclassify the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)</p> <p>Rezone the land from RE1 Public Recreation to RE2 Private Recreation.</p>
<b>Reason for Amendments</b>	To rationalise use of land by adjoining club either via sale or long-term lease.
<b>Current Use of the Land</b>	The land is currently licenced and maintained by the Wallarah Bay Recreation Club
<b>Future Use of Funds</b>	If the land is sold net funds from the sale of the land will be directed towards Council's operational budget with the proceeds of any asset sales that were originally purchased using restricted funds to be returned to restricted funds.

## 191 Wallarah Road Kanwal 2259 NSW

Property Information		
<b>Address of Property</b>	191 Wallarah Road Kanwal 2259 NSW	
<b>Lot &amp; Deposited Plan No.</b>	Lot 21 DP 813270	
<b>Lot Size</b>	2,433 m <sup>2</sup>	
<b>Description</b>	Community Hall and associated at grade car park area	
<b>Acquisition Details</b>	<p>Transferred from Wyong District Rugby League Football Club to Council 24 October 1991 as part of subdivision of Lot 112 DP 738263.</p> <p>Transfer of the Youth &amp; Community Centre Land in fee simple as part of Modified Subdivision Consent No 127/89 (Application No 0710/87).</p> <p>The credit applicable towards the subdivision upon transfer of the Youth &amp; Community Centre Land is \$64,500.</p>	
<b>Current Zoning</b>	RE1 – Public Recreation	

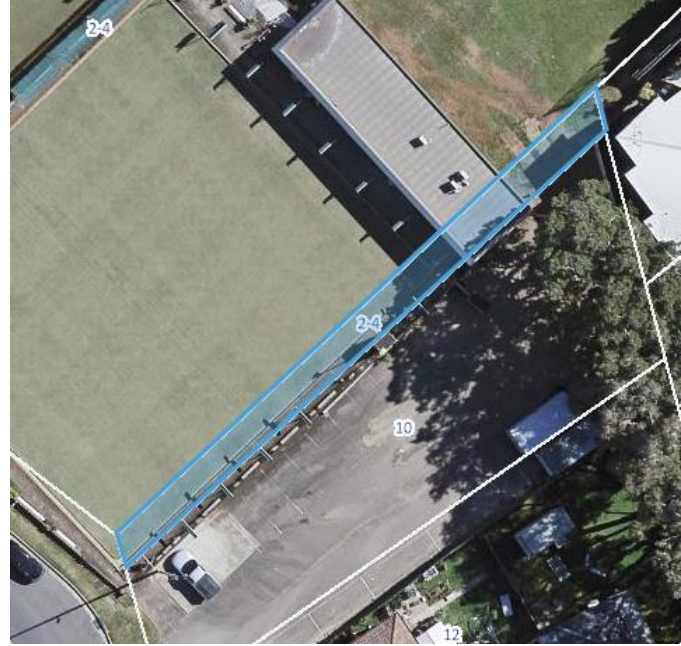
<b>Proposed Zoning</b>	RE2 – Private Recreation
<b>Current Classification</b>	Community
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	Land classified as Community upon receipt of title.
<b>Trusts &amp; Interests in the Land</b>	<p>Land was conveyed for a public purpose as it was dedicated as part of developer contributions. As such the land is subject to a Public Trust which should be extinguished via the reclassification process and prior to any sale.</p> <p>DP266960 Right Of Carriageway on title to be retained.</p>
<b>Proposal Amendments</b>	<p>Reclassify the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)</p> <p>Rezone the land from RE1 Public Recreation to RE2 Private Recreation.</p>
<b>Reason for Amendments</b>	<p>To rationalise use of land by adjoining club either via sale or long term lease.</p> <p>Wyong Leagues Club operate under licence in the lower area of the club and items are also stored in the lower section of building.</p> <p>Community bookings are currently managed by Council's Community Facilities Booking team. It is proposed that Community bookings will continue under Wyong Leagues Club ownership.</p>

## Part 2-4 Park Road The Entrance 2259 NSW

Property Information		
<b>Address of Property</b>	Part 2-4 Park Road The Entrance 2259 NSW	
<b>Lot &amp; Deposited Plan No.</b>	Part Lot 10 DP 1285833	
<b>Lot Size</b>	Part Lot 6,941 m <sup>2</sup> approx (whole lot 23,460 m <sup>2</sup> )	
<b>Description</b>	<p>The Entrance Bowling club lease area consisting of 3 bowling greens, sheds, and clubhouse (now demolished following fire). The adjacent open space is not proposed to be reclassified.</p>	
<b>Acquisition Details</b>	Taylor Park, which includes the oval, the band hall and bowling club premises, was transferred to Council ownership in 1927 by Albert Taylor, Austin Taylor and Adelia Denning for use as a park and sports and recreation ground.	
<b>Current Zoning</b>	RE1 – Public Recreation	
<b>Proposed Zoning</b>	RE2 – Private Recreation	


<b>Current Classification</b>	Community
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	No classification history is recorded
<b>Trusts &amp; Interests in the Land</b>	<p>Land was conveyed for a nominal sum (1 Pound) and for a public purpose. As such the land is subject to a Public Trust which should be extinguished via the reclassification process.</p> <p>B580478 Caveat By The Registrar General:</p> <p>"forbid the registration of any dealing affecting part of the land..... not in accordance with the terms of a certain declaration of Trust dated 11 October 1926.</p>
<b>Proposal Amendments</b>	<p>Reclassify part of the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)</p> <p>Rezone from RE1 Public Recreation to RE2 Private Recreation</p> <p>Removal of Caveat B580478 (as separate process to reclassification planning submission)</p>
<b>Reason for Amendments</b>	To enable rebuilding of The Greens Bowling Club, either via sale or long term lease.
<b>Future Use of Funds</b>	If the land is sold, net funds from the sale of the land will be directed towards Council's operational budget with the proceeds of any asset sales that were originally purchased using restricted funds to be returned to restricted funds.

## Part 2-4 Park Road The Entrance 2259 NSW

Property Information		
<b>Address of Property</b>	Part 2-4 Park Road The Entrance 2259 NSW	
<b>Lot &amp; Deposited Plan No.</b>	Part of Lot 1 DP 406038	
<b>Lot Size</b>	Part Lot 78 m <sup>2</sup> approx. (whole Lot 82.2 m <sup>2</sup> )	
<b>Description</b>	Small thin parcel of land, part of bowling green	
<b>Acquisition Details</b>	Land was sold in fee simple to Wyong Shire Council ownership on 2 August 1957 by Charlotte Essie Wilson for 100 Pounds. It is noted on the 6 June 1957 transfer plan that: It is intended that the area of 5.4 Perches (136.6 sqm) be added to the land in CT Vol 4967 Fol 71 (now Lot 10 DP 1285833)	
<b>Current Zoning</b>	RE1 – Public Recreation	
<b>Proposed Zoning</b>	RE2 – Private Recreation (no change)	


<b>Current Classification</b>	Community
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	No
<b>Trusts &amp; Interests in the Land</b>	Land was conveyed for 1 Pound and for less than what appears to be market value (at the time). Indicating a Public Trust as it was dedicated for a nominal sum for a public purpose.
<b>Proposal Amendment</b>	Reclassify the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)  Rezone the land from RE1 Public Recreation to RE2 Private Recreation.
<b>Reason for Amendments</b>	To enable rebuilding of The Greens Bowling Club, either via sale or long-term lease.
<b>Future Use of Funds</b>	If the land is sold, net funds from the sale of the land will be directed towards Council's operational budget with the proceeds of any asset sales that were originally purchased using restricted funds to be returned to restricted funds.

## 75 Bungary Road, Norah Head 2263 NSW

Property Information	
<b>Address of Property</b>	75 Bungary Road, Norah Head 2263 NSW
<b>Lot &amp; Deposited Plan No.</b>	Lot 5 Sec 24 DP 758779
<b>Lot Size</b>	746 m <sup>2</sup>
<b>Description</b>	<p>Flat, level land containing Norah Head Community Hall which is beyond repair and requires demolition.</p> 
<b>Acquisition Details</b>	Lot 5 Sec 24 DP 758779 vested in Council by the Crown under s37AAA Crown Lands Consolidation Act 1913 - gazetted 16 July 1976 – parcel declared to be public reserve in the gazettal. Lot 5 Sec 24 DP 758779 former Crown


	reserve for community hall. Parcel vested in Council on 16 July 1976 pursuant to a resumption notice and were declared in that notice to be public reserves for the purposes of the LG Act 1919.
<b>Current Zoning</b>	R1 - General Residential
<b>Proposed Zoning</b>	R1 - General Residential (no change)
<b>Current Classification</b>	Community (Invalid Operational Classification)
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	Land classified Operational via Wyong Shire Council 1994 bulk classification. This land classification is invalid as Council had no power to classify public reserves as operational land under the bulk 1994 resolutions (LG Act Sched 6 Cl 6(3)).
<b>Trusts &amp; Interests in the Land</b>	Land was vested in Council by the Crown under s37AAA Crown Lands Consolidation Act 1913. Indicating a Public Trust as it was vested for no fee and for a public purpose. As such the land is subject to a Public Trust which should be extinguished via the reclassification process and prior to the proposed sale.
<b>Proposal Amendment</b>	Reclassify the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)
<b>Reason for Amendment</b>	To sell via open market to part-fund development of new community centre.
<b>Future Use of Funds</b>	Funds will be used to rebuild the community centre in a different location. Proceeds of any asset sales that were originally purchased using restricted funds to be returned to restricted funds

## 75 Bungary Road, Norah Head 2263 NSW

Property Information	
<b>Address of Property</b>	75 Bungary Road, Norah Head 2263 NSW
<b>Lot &amp; Deposited Plan No.</b>	Lot 1 DP 860696
<b>Lot Size</b>	248 m <sup>2</sup>
<b>Description</b>	Thin parcel of flat and level land
	
<b>Acquisition Details</b>	Lot 1 DP 860696 vested in Council by the Crown under s37AAA Crown Lands Consolidation Act 1913 - gazetted 16 July 1976 – parcel declared to be public reserve in the gazettal. Lot 1 DP 860696 former Crown Road. Parcel vested in


	Council on 16 July 1976 pursuant to a resumption notice and were declared in that notice to be public reserves for the purposes of the LG Act 1919.
<b>Current Zoning</b>	R1 - General Residential
<b>Proposed Zoning</b>	R1 - General Residential (no change)
<b>Current Classification</b>	Community (Invalid Operational Classification)
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	Land classified Operational via Wyong Shire Council 1994 bulk classification. This land classification is invalid as Council had no power to classify public reserves as operational land under the bulk 1994 resolutions (LG Act Sched 6 Cl 6(3)).
<b>Trusts &amp; Interests in the Land</b>	Land was vested in Council by the Crown under s37AAA Crown Lands Consolidation Act 1913. Indicating a Public Trust as it was vested for no fee and for a public purpose. As such the land is subject to a Public Trust which should be extinguished via the reclassification process and prior to the proposed sale.
<b>Proposal Amendment</b>	Reclassify the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)
<b>Reason for Amendment</b>	To sell via open market to part-fund development of new community centre.
<b>Future Use of Funds</b>	Funds will be used to rebuild the community centre in a different location. Proceeds of any asset sales that were originally purchased using restricted funds to be returned to restricted funds

13 Yaralla Rd Toukley 2263 NSW

Property Information		
Address of Property	13 Yaralla Rd Toukley 2263 NSW	
Lot & Deposited Plan No.	Lot 78 DP 20493	
Lot Size	569 m <sup>2</sup>	
Description	Car park	
Address of Property	13 Yaralla Rd Toukley 2263 NSW	


<b>Lot &amp; Deposited Plan No.</b>	Lot 78 DP 20493
<b>Acquisition Details</b>	Land was acquired by Council via private treaty for car parking on 6.11.1996 and contracts settled on 18.12.1996. Full price was paid for the land.
<b>Current Zoning</b>	MU1 – Mixed Use
<b>Proposed Zoning</b>	MU1– Mixed Use (no change)
<b>Current Classification</b>	Community (Invalid Operational Classification)
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	The land appears to have not been classified using the necessary procedure or within the allowable 3 months' timeframe (Local Government Act 1993 No 30 - Chapter 6 - Division 1 Classification and reclassification of public land - Section 31 Classification of land acquired after 1 July 1993). Classification is invalid and reverts to community classified land. Reclassification to operational land required.
<b>Trusts &amp; Interests in the Land</b>	No, land was acquired for a public purpose (car parking) but full price was paid and no restricted funds were used to purchase Lot.
<b>Proposal Amendment</b>	Reclassify the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)
<b>Reason for Amendment</b>	To enable inclusion of land in Council's affordable housing sites portfolio, either via sale or long term lease.
<b>Future Use of Funds</b>	If the land is sold, net funds from the sale of the land will be directed towards Council's operational budget with the proceeds of any asset sales that were originally purchased using restricted funds to be returned to restricted funds

15 Yaralla Rd Toukley 2263 NSW

Property Information		
Address of Property	15 Yaralla Rd Toukley 2263 NSW	
Lot & Deposited Plan No.	Lot 79 DP 20493	
Lot Size	569 m <sup>2</sup>	
Description	Dwelling house	


<b>Acquisition Details</b>	Land was bought by Council via private treaty for car parking on 16.11.1995 and contracts settled on 14.12.1995. Full price was paid for the land.
<b>Current Zoning</b>	MU1 – Mixed Use
<b>Proposed Zoning</b>	MU1 – Mixed Use (no change)
<b>Current Classification</b>	Community (Invalid Operational Classification)
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	<p>The land was not classified within the allowable 3 months' timeframe (Local Government Act 1993 No 30 - Chapter 6 - Division 1 Classification and reclassification of public land - Section 31 Classification of land acquired after 1 July 1993). Classification is invalid and reverts to community classified land.</p> <p>Reclassification to operational land required.</p>
<b>Trusts &amp; Interests in the Land</b>	Land was acquired for a public purpose (car parking), full price was paid and but restricted funds (Section 94) were used to purchase Lot. As such the land is subject to a Public Trust which should be extinguished via the reclassification process and prior to any sale.
<b>Proposal Amendment</b>	Reclassify the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)
<b>Reason for Reclassification</b>	To enable inclusion of land in Council's affordable housing sites portfolio, either via sale or long term lease.
<b>Future Use of Funds</b>	If the land is sold, net funds from the sale of the land will be directed towards Council's operational budget with the proceeds of any asset sales that were originally purchased using restricted funds to be returned to restricted funds

## Part 6W Kemira Road Lake Munmorah 2259 NSW

Property Information	
<b>Address of Property</b>	Part 6W Kemira Road Lake Munmorah 2259 NSW
<b>Lot &amp; Deposited Plan No.</b>	Part Lot 79 DP 217918
<b>Lot Size</b>	Part Lot 2,575 m <sup>2</sup> (whole lot 18,970 m <sup>2</sup> )
<b>Description</b>	<div>Proposed road</div> 
<b>Acquisition Details</b>	The land was acquired on 23 October 1969 by Wyong Shire Council. Land was acquired for \$1. Reason for the acquisition is unclear and the records from this period cannot be located. It would appear that the land was transferred


	to Council for a nominal fee and for a public purpose as part of the 1963 subdivision of Portion 441 Vales Point Estate No2.
<b>Current Zoning</b>	Part Lot SP2 Infrastructure (Road)
<b>Proposed Zoning</b>	No change to zoning
<b>Current Classification</b>	Community
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	Land was not included in the 1994 Wyong Bulk Reclassification or the 2013 Wyong LEP amendment.
<b>Trusts &amp; Interests in the Land</b>	<p>Land was acquired for a public purpose and for a nominal sum in lieu of contributions. As such the land is subject to a Public Trust which should be extinguished via the reclassification process.</p> <p>Land is shown as a Public Garden and recreation Space on Deposited Plan 217918.</p>
<b>Proposal Amendment</b>	Reclassify the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)
<b>Reason for Reclassification</b>	<p>The 22 November 2022 Ordinary Council Meeting approved the Planning Proposal Development Control Plan Chapter and Planning Agreement on lands at 6W Kemira Road and 285-325 Pacific Highway, Lake Munmorah, following public exhibition.</p> <p>The portion of 6W Kemira Road defined by the SP2 Infrastructure Zone now requires subdivision and reclassification from community to operational land before it can be dedicated as a road.</p>
<b>Future Use of Funds</b>	The land is to be dedicated as public road and is not required to be sold.

## 18 Dane Drive, Gosford NSW 2250

Property Information	
<b>Address of Property</b>	18 Dane Drive, Gosford NSW 2250
<b>Lot &amp; Deposited Plan No.</b>	Lot 2 DP1011876
<b>Lot Size</b>	6331m2
<b>Description</b>	<div>Gosford City Bowling Club</div> 
<b>Acquisition Details</b>	Erina Shire Council purchased the land in 1936 at a cost of 175 Pounds from the Railway Department. The land was described as being alongside "alongside waterside park" and it was proposed to build a municipal bowling green and tennis courts on the site.
<b>Current Zoning</b>	RE1 Public Recreation
<b>Proposed Zoning</b>	RE1 Public Recreation - No change to zoning
<b>Current Classification</b>	Community

<b>Proposed Classification</b>	Operational
<b>Classification History</b>	The land was not included in the operational land schedule as part of the Gosford City Council Local Government Act 1993 classification of Land. Land was acquired for a public purpose and such the land is subject to a Public Trust which should be extinguished via the reclassification process.
<b>Trusts &amp; Interests in the Land</b>	Land was acquired for a public purpose and is subject to a Public Trust which should be extinguished via the reclassification process.
<b>Proposal Amendment</b>	Reclassify the subject land from Community to Operational Land (State Environmental Planning Policy (Precincts Regional) 2021)
<b>Reason for Reclassification</b>	<p>Gosford City Bowling Club is proposed to be reclassified to Operational Land and retained in Council ownership. The site is leased to the Central Coast Leagues Club and the Gosford Bowling Club is provided access to the site by the Leagues Club. The lease to the Central Coast Leagues Club expires in December 2024.</p> <p>At the Ordinary Council Meeting of 23 March 2021, Council resolved to adopt the Stadium Implementation Plan and make it available on Council's website. A key component of the Implementation plan is to develop a precinct masterplan for the stadium and 18 Dane Drive, Gosford.</p> <p>A further report to Council was prepared for the 27 April 2021 Council Meeting seeking a resolution to rezone and reclassify 18 Dane Drive, Gosford to Operational Land to enable greater opportunities defined in the Stadium Implementation Plan. This matter was deferred to allow for community consultation. Community consultation was undertaken between 30 April and 21 May 2021, the key findings from the community's submission included:</p> <ul style="list-style-type: none"> <li>• Consideration of user groups who may be affected;</li> <li>• Stadium management rights could be provided to another party;</li> <li>• support for the rezoning and reclassification process to stimulate the Stadium</li> <li>• request for more music concerts being held at the Stadium.</li> </ul> <p>At the 22 March 2022 Ordinary Council Meeting, a further report was brought to Council on the submissions and outcomes following the public exhibition of the Central Coast Stadium- Rezoning and Reclassification proposal. Council resolved <i>"That Council commence the rezoning and reclassification process for Lot 2, DP 1011876 which will allow greater Masterplan outcomes"</i></p> <p>Council is not proposing to rezone, sell or change the current lease conditions on the site with Central Coast Leagues club.</p>

## 50W Parraweena Road, Gwandalan

Property Information		
Address of Property	50W Parraweena Road, Gwandalan	
Lot & Deposited Plan No.	Lot 1 DP1043151	
Lot Size	5456m2	
Description	Vacant land	
Acquisition Details	<p>Land was acquired for a public purpose following the subdivision of Lot 1 DP 740701.</p> <p>Lot 1 DP 1043151 was dedicated as a road landscape buffer in 2005 for a previous industrial subdivision and following road widening affecting Council owned Lot 1 DP 740701. Lot 1 DP 740701 was previously dedicated to Council at no cost as part of the 4 lot subdivision of the private land known as Lot 2 DP 588206 in 1987. Owners of Lot 2 DP 588206 were Cam and Sons Pty Ltd.</p>	
Current Zoning	E1 Local Centre	

<b>Proposed Zoning</b>	E1 Local Centre -No change to zoning
<b>Current Classification</b>	Community
<b>Proposed Classification</b>	Operational
<b>Classification History</b>	<p>Land reclassified in 2013 to operational land under Schedule 4 Part 1 of WLEP 2013. In error the site was not reclassified under Schedule 4 Part 2 to discharge the public trust as intended.</p> <p>At the Ordinary Meeting of Council held on the 26 October 2021 it was also resolved to reclassify Lot 1 DP 1043151 from operational land to community land and that Council consider a further report on the reclassification of land from community land to operational land under stage 2 of the reclassification.</p>
<b>Trusts &amp; Interests in the Land</b>	Land was acquired for a public purpose and is subject to a Public Trust which should be extinguished via the reclassification process.
<b>Proposal Amendment</b>	Reclassify the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)
<b>Reason for Reclassification</b>	The reclassification of the long narrow strip of land east of Kanangra Road at Gwandalan is recommended as it will allow the land to be available to deliver the proposed outcomes of the Gwandalan Centre.

## 20 Summerland Road, Summerland Point NSW 2259 (Sporties)

Property Information	
<b>Address of Property</b>	20 Summerland Road, Summerland Point NSW 2259
<b>Lot &amp; Deposited Plan No.</b>	Lot 4 DP 263812 (Part)
<b>Lot Size</b>	9500m2
<b>Description</b>	<div>Summerland Point Sporties</div> 
<b>Acquisition Details</b>	Lot 4 DP 263812 was transferred to Council at no cost as part of the subdivision of Lot 102 DP 592126. The new plan for Lot 4 DP 263812 was registered on 30 December 1982 and the certificate of title vested in Council on 24 January 1983.
<b>Current Zoning</b>	RE1 Public Recreation
<b>Proposed Zoning</b>	RE1 Public Recreation - No change to zoning
<b>Current Classification</b>	Community

<b>Proposed Classification</b>	Operational
<b>Classification History</b>	Land was not included in the operational land schedule as part of the Wyong Shire Council Local Government Act 1993 classification of Land or the 2013 Wyong LEP Schedule 4 Classification and reclassification of public land. Land was acquired for a public purpose and for a nominal sum in lieu of contributions. As such the land is subject to a Public Trust which should be extinguished via the reclassification process.
<b>Trusts &amp; Interests in the Land</b>	<p>Land was acquired for a public purpose and is subject to a Public Trust which should be extinguished via the reclassification process.</p> <p>Lot 4 in DP 263812 is notated as a Public Reserve on deposited plan 263812.</p> <p>There is caveat on the certificate of title for Lot 4 in DP 263812 from the Registrar General forbidding "the registration of any title upon which this caveat is entered of an instrument not authorised by the provisions of the Local Government Act 19191, relating to public reserves."</p>
<b>Proposal Amendment</b>	Reclassify the subject land from Community to Operational Land (LEP Schedule 4 Pt 2)
<b>Reason for Reclassification</b>	The reclassification of the land occupied by Sporties at Summerland Point is recommended as it is intended that the land should be offered to the owner of Sporties (being Doyalson-Wyee RSL Club) on a long-term operational lease on suitable commercial terms, providing an ongoing funding stream for other Council recreational services at the same time as recreational facilities on-site experience substantial upgrade and modernisation.
<b>Future Use of Funds</b>	The site is not proposed to be sold; it will be offered on a long-term lease to the owner of Sporties.

## Appendix C Proposed Changes to Interests

Address	Lot and DP	Classification Change	Interests in Land	Proposed Change of Interests
49-51 Mann Street Gosford 2250 NSW	Lot 1 DP 251476	Community to Operational	Crown Grant	Retain
			AQ747893 Pursuant to S.111 Real property Act. 1900	Retain
			Public Trust (conveyed for a Public Purpose)	Extinguish
48w Wallarah Road Gorokan 2263 NSW	Lot 2 DP733448	Community to Operational	Crown Grant	Retain
			C318671 Land Excludes Minerals	Retain
			C842889 Covenant Affecting Part Land	Extinguish via a separate process prior to proposed sale
			G584564 Easement For Drainage	Retain
			DP733448 Right Of Way	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot
191 Wallarah Road Kanwal 2259 NSW	Lot 21 DP 813270	Community to Operational	Crown Grant	Retain
			A486355 Land Excludes Minerals	Retain
			DP266960 Right Of Carriageway	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot
Part 2-4 Park Road The Entrance 2259 NSW	Part Lot 10 DP 1285833	Community to Operational	Crown Grant	Retain
			B580478 Caveat By The Registrar General	Extinguish for whole Lot
			DP1285777 Easement for encroaching structure	Retain
			DP1285777 Easement for overhang	Retain
			DP1290370 Right of way and easement for carparking	Retain
			DP1290369 Easement for encroaching structure	Retain
			DP1290369 Right of way and easement for carparking	Retain

			DP806508 Plan For Lease Purposes	Retain
			DP867209 Plan For Lease Purposes	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot
Part 2-4 Park Road The Entrance 2259 NSW	Part of Lot 1 DP 406038	Community to Operational	Crown Grant	Retain
			DP1285777 Easement for encroaching structure	Retain
			DP1285777 Easement for overhang	Retain
			DP1290369 Easement for encroaching structure	Retain
			DP1290369 Right of way and easement for carparking	Retain
			DP1290369 Positive covenant affecting the whole of the land	Retain
			DP806508 Plan For Lease Purposes	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot
75 Bungarry Road, Norah Head 2263 NSW	Lot 5 Sec 24 DP 758779	Community to Operational	Land Excludes Minerals	Retain
			Excepting Land Below A Depth From The Surface Of 20 Metres	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot
75 Bungarry Road, Norah Head 2263 NSW	Lot 1 DP 860696	Community to Operational	Land Excludes Minerals	Retain
			Excepting Land Below A Depth From The Surface Of 20 Metres	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot
13 Yaralla Rd Toukley 2263 NSW	Lot 78 DP 20493	Community to Operational	Crown Grant	Retain

15 Yaralla Rd Toukley 2263 NSW	Lot 79 DP 20493	Community to Operational	Crown Grant	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot
Part 6W Kemira Road Lake Munmorah	Part Lot 79 DP 217918	Community to Operational	Land Excludes Minerals	Retain
			Registered Proprietor Holds Subject To Section 340a Local Government Act, 1919	Retain
			Excepting Land Below A Depth From The Surface Of 15.24 Metres	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot
18 Dane Drive Gosford	Lot 2 DP 1011876	Community to Operational	Crown Grant	Retain
			DP1011876 Right Of Carriageway And Easement (A)	Retain
			DP1011876 Easement For Services Variable Width (C)	Retain
			DP1011876 Easement For Services Variable Width (B) Appurtenant To The Land	Retain
			DP1011876 Easement For Support Variable Width (C)	Retain
			DP1011876 Easement For Support Variable Width (C) Appurtenant To The Land	Retain
			Dp1011876 Easement For Air Duct 1 Wide (D)	Retain
			DP1011876 Easement To Occupy Airspace Variable Width (E)	Retain
			DP1011876 Easement To Occupy Airspace Variable Width (E) Appurtenant To The Land	Retain
			AB891211 Lease To Central Coast Leagues Club	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot
			Crown Grant	Retain

50W Parraweenaa Road Gwandalan 2259 NSW	Lot 1 DP 1043151	Community to Operational	Land Excludes Minerals	Retain
			DP 740701 Restriction(s) On The Use Of Land	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot
Part 20 Summerland Road Summerland Point 2259 NSW	Part Lot 4 DP 263812	Community to Operational	Crown Grant	Retain
			Land Excludes Minerals By G817877	Retain
			K200000P Caveat By The Registrar General Forbidding Unauthorised Dealings With Public Reserves	Extinguish for part Lot via separate process
			Public Trust (conveyed for a public purpose)	Extinguish for part Lot

## **Appendix D      Reclassification Checklist (Practice Note PN 16-001)**

### **The current and proposed classification of the land?**

All parcels of land are currently classified as 'Community Land' under the *Local Government Act 1993*. It is proposed to reclassify the site to 'Operational Land' under the *Local Government Act 1993*.

### **Whether the land is a 'public reserve' (as defined in the *Local Government Act 1993*)**

Some land parcels are defined as a 'public reserve' in the *Local Government Act 1993* as detailed in Appendix B – Assessment of Land to be Reclassified.

### **The strategic and site-specific merits of the reclassification and evidence to support this**

Addressed throughout the Planning Proposal.

### **Whether the planning proposal the result of a strategic study or report**

This information can be found in Appendix B – Assessment of Land to be Reclassified.

### **Whether the planning proposal is consistent with Council's Community Plan or other local strategic plan?**

Addressed under Part 3 Section B – Relationship to Strategic Planning Framework

### **A summary of Council's interests in the land including how and when the land was first acquired, if Council does not own the land, the owner's consent and the nature of any trusts, etc**

This information is discussed in Appendix B – Assessment of Land to be Reclassified and Appendix C – Proposed Changes to Interests. Council owns all land parcels proposed to be reclassified

### **Whether an interest in land proposed to be discharged, and if so, an explanation of the reasons why**

Addressed in Appendix C – Proposed Changes to Interests.

### **The effect of the reclassification**

This information is discussed in Appendix B – Assessment of Land to be Reclassified.

### **Evidence of public reserve status or relevant interest or lack thereof applying to the land (e.g. electronic title searches, notice in Government Gazette, trust documents)**

This information is discussed in Appendix B – Assessment of Land to be Reclassified.

### **Current use(s) of the land, and whether uses are authorised or unauthorised.**

This information is discussed in Appendix B – Assessment of Land to be Reclassified.

### **Current or proposed lease or agreements applying to the land, together with their duration, terms and controls**

This information is discussed in Appendix B – Assessment of Land to be Reclassified.

**Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when Council intends to realise its asset, either immediately after reclassification or at a later time)**

This information is discussed in Appendix B – Assessment of Land to be Reclassified.

**Any rezoning associated with the reclassification**

As required by the Gateway Determination, the Planning Proposal also includes the rezoning of four lots (at three sites) from RE1 Public Recreation to RE2 Private Recreation. No further changes to zonings, zone boundaries or development standards are proposed. Should a proposed future use of the land be proposed that was not permitted within the land use zones, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land. Further information can be found in Appendix C – Proposed Changes to Interests.

**How Council may or will benefit financially, and how these funds will be used**

Financial benefit could arise if any of the land parcels were sold to another party. The financial outcome would be dependent on the price achieved from the eventual sale of the land.

**How Council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant**

This Planning Proposal does not commit funds to proposed open space or specific improvements.

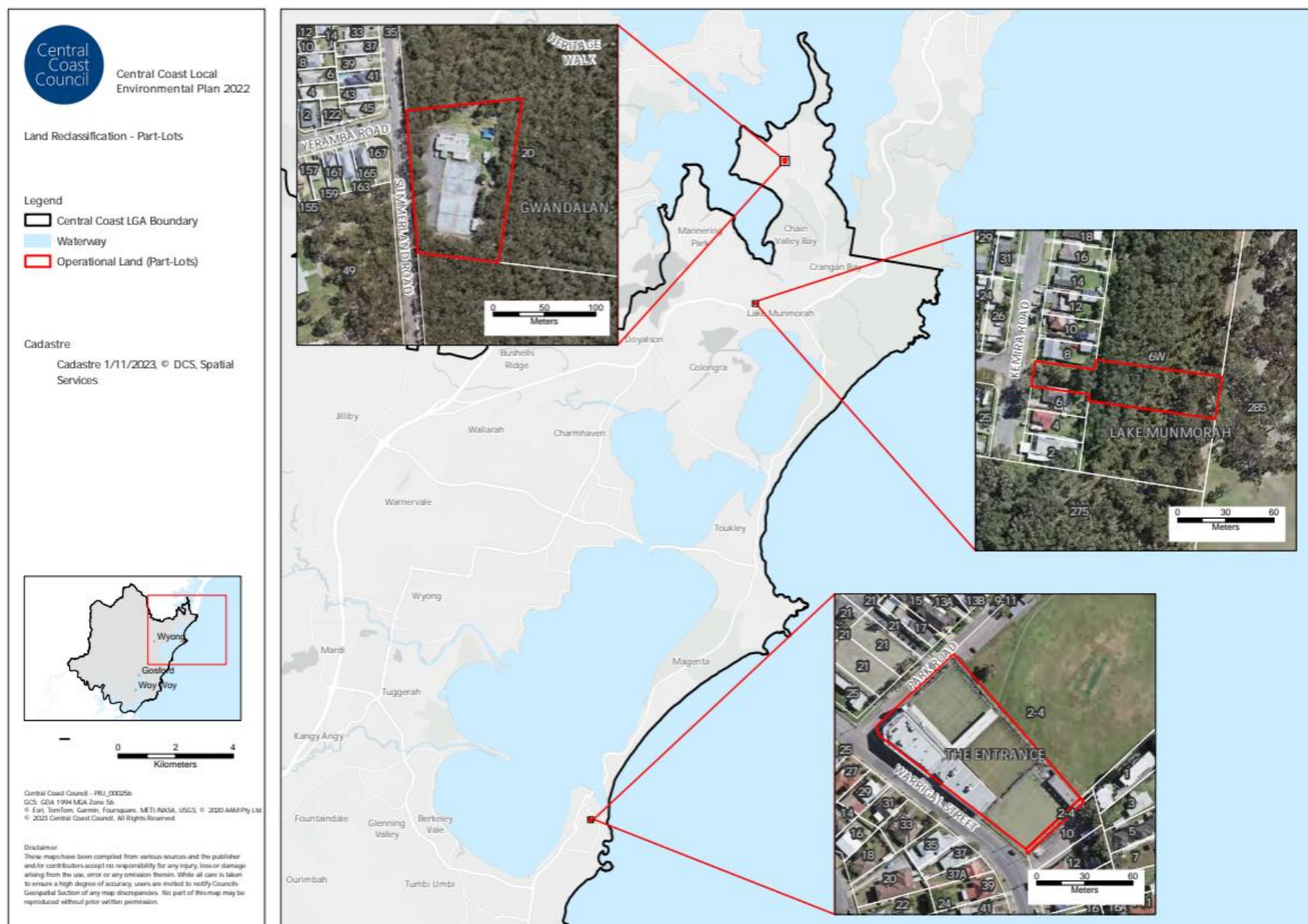
**A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot**

This information is included in Appendix E – Land Reclassification (part lots) Map

**Preliminary comments by a relevant government agency, including an agency that dedicate the land to Council, if applicable**

The land is owned by Council. No formal consultation with State or Commonwealth public authorities has been undertaken at this stage nor is proposed. However, consultation will be undertaken with State agencies in accordance with the Gateway Determination, if required.

## Appendix E Land Reclassification (part lots) Maps



### Property Information

**Address of Property**

Part 2-4 Park Road The Entrance 2259 NSW

**Lot & Deposited Plan No.**

Part Lot 10 DP 1285833

**Lot Size**

Part Lot 6,941 m<sup>2</sup> approx (whole lot 23,460 m<sup>2</sup>)



### Property Information

**Address of Property**

Part 2-4 Park Road The Entrance 2259 NSW

**Lot & Deposited Plan No.**

Part of Lot 1 DP 406038

**Lot Size**

Part Lot 78 m<sup>2</sup> approx. (whole Lot 82.2 m<sup>2</sup>)



**Property Information**

**Address of Property**

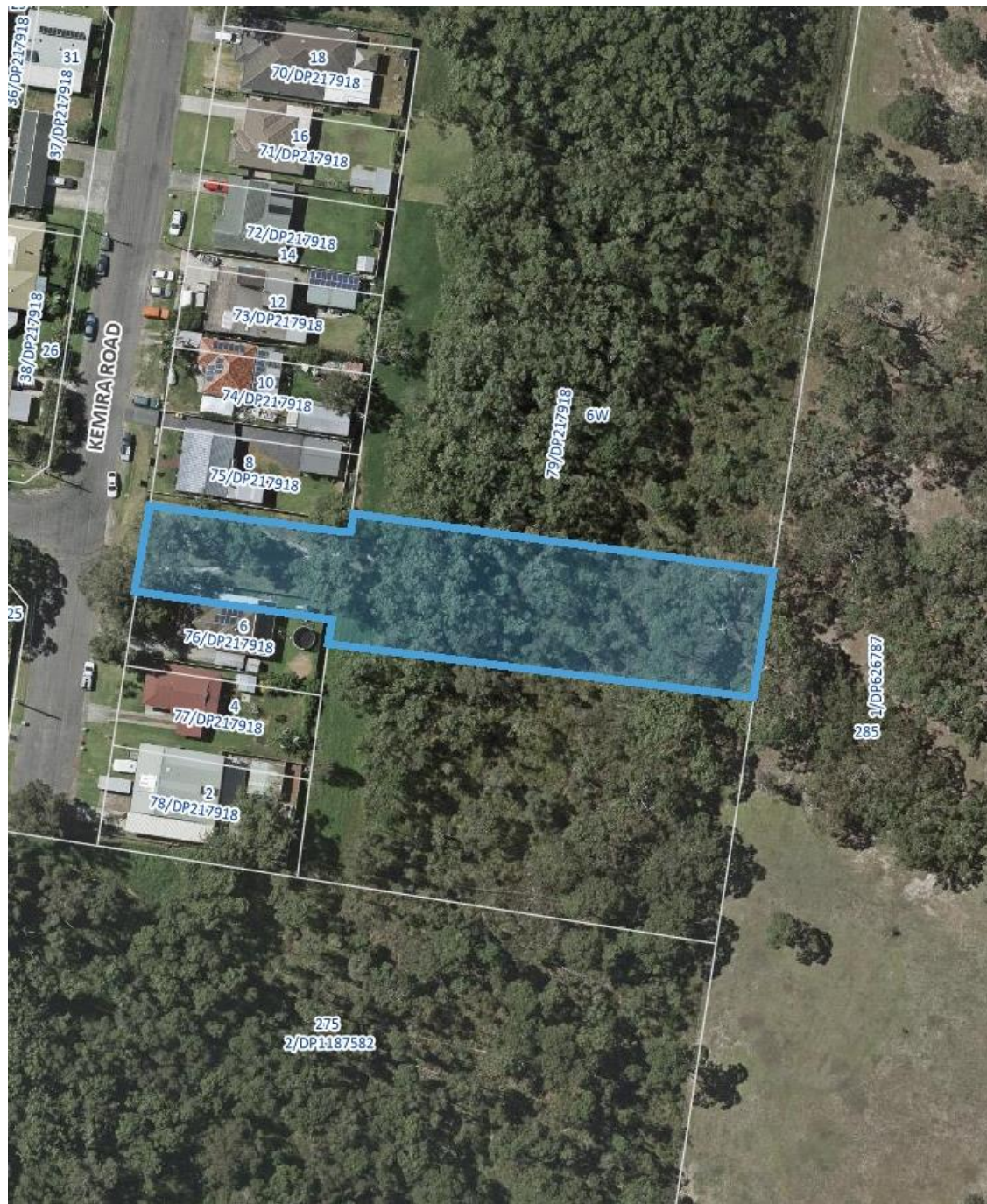
Part 6W Kemira Road Lake Munmorah 2259 NSW

**Lot & Deposited Plan No.**

Part Lot 79 DP 217918

**Lot Size**

Part Lot 2,575 m<sup>2</sup> (whole lot 18,970 m<sup>2</sup>)



**Address of Property**

Part 20 Summerland Road Summerland Point 2259  
NSW

**Lot & Deposited Plan No.**

Part Lot 4 DP 263812

**Lot Size**

Part Lot 1,500 m<sup>2</sup> Approx. (whole Lot 10.53 ha)



## Appendix F      Assessment against Ministerial Directions

Planning Systems	Comments
<b>1.1 Implementation of Regional Plans</b>	
1. <i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning and Public Spaces.</i>	Applicable  The Proposal is consistent with this direction.
<b>1.2 Development of Aboriginal Land Council Land</b>	
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>	Not Applicable  The Proposal is consistent with this direction.
<b>1.3 Approval and Referral Requirements</b>	
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&amp;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&amp;A Act.</i>	Applicable  The Proposal is consistent with this direction.
<b>1.4 Site Specific Provisions</b>	
1. <i>A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</i> (a) <i>allow that land use to be carried out in the zone the land is situated on, or</i>	Not Applicable  The Proposal is consistent with this direction.

Planning Systems	Comments
<p>(b) <i>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</i></p> <p>(c) <i>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.</i></p> <p>2. <i>A planning proposal must not contain or refer to drawings that show details of the proposed development.</i></p>	
<b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b>	
<p>1. <i>A planning proposal that applies to land in the nominated local government areas within the Parramatta Road Corridor must:</i></p> <p>(a) <i>give effect to the objectives of this direction,</i></p> <p>(b) <i>be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November, 2016),</i></p> <p>(c) <i>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,</i></p> <p>(d) <i>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,</i></p> <p>(e) <i>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),</i></p> <p>(f) <i>be consistent with the relevant District Plan.</i></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>
<b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	
<p>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></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>
<b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
<p>1. <i>Planning proposals shall be consistent with the interim Plan published in July 2017.</i></p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government</p>

Planning Systems	Comments
	Area (or former Wyong or Gosford LGAs).
<b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
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).
<b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	
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).
<b>1.10 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</b>	
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).
<b>1.11 Implementation of Bayside West Precincts 2036 Plan</b>	
1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website in September 2018.</i>	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b>	
1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the following principles:</i> <i>(a) Enable the environmental repair of the site and provide for new recreation opportunities;</i> <i>(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;</i> <i>(c) Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove;</i>	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).

Planning Systems	Comments
<p>(d) Ensure best practice design and a high quality amenity with reference to the NSW design policy Better Placed;</p> <p>(e) Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden;</p> <p>(f) Safeguard the ongoing operation of Sydney Airport;</p> <p>(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;</p> <p>(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</p> <p>(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>	
<b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b>	
<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>
<b>1.14 Implementation of Greater Macarthur 2040</b>	
<p>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.</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>
<b>1.15 Implementation of the Pyrmont Peninsula Place Strategy</b>	
<p>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:</p> <p>(a) gives effect to the objectives of this direction and the Vision (Part 5) of the Pyrmont Peninsula Place Strategy,</p> <p>(b) is consistent with the 10 directions (Part 6) and Structure Plan (Part 8) in the Pyrmont Peninsula Place Strategy,</p> <p>(c) delivers on envisaged future character for sub-precincts (Part 9), including relevant place priorities in the Pyrmont Peninsula Place Strategy, and</p> <p>(d) supports the delivery of the Big Moves (Part 7) in the Pyrmont Peninsula Place Strategy.</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>

Planning Systems	Comments
<b>1.16 North West Rail Link Corridor Strategy</b>	
<p>1. A planning proposal that applies to land located within the NWRL Corridor must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction</li> <li>(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</li> <li>(c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.</li> </ul>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.17 Implementation of the Bays West Place Strategy</b>	
<p>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:</p> <ul style="list-style-type: none"> <li>(a) gives effect to the objectives of this Direction and the Vision of the Bays West Place Strategy,</li> <li>(b) is consistent with the 14 Directions and Structure Plan(s) in the Bays West Place Strategy,</li> <li>(c) delivers on envisaged future character for sub-precincts, and</li> <li>(d) supports the delivery of the Big Moves in the Bays West Place Strategy</li> </ul>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Design & Place	Comments
<b>2.1</b>	

Biodiversity & Conservation	Comments
<b>3.1 Conservation Zones</b>	
<p>1. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>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>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>3.2 Heritage Conservation</b>	

Biodiversity & Conservation	Comments		
<p>1. A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(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,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(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>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>		
<b>3.3 Sydney Drinking Water Catchments</b>			
<p>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:</p> <p>(a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and</p> <p>(b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and</p> <p>(c) the ecological values of land within a Special Area that is:</p> <ol style="list-style-type: none"> <li>reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or</li> <li>declared as a wilderness area under the Wilderness Act 1987, or</li> <li>owned or under the care control and management of the Sydney Catchment Authority, should be maintained.</li> </ol> <p>2. When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:</p> <p>(a) ensure that the proposal is consistent with chapter 9 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and</p> <p>(b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and</p> <p>(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:</p> <table border="1" data-bbox="215 1955 858 2018"> <tr> <td data-bbox="215 1955 539 2018">Land</td><td data-bbox="539 1955 858 2018">Zone under Standard Instrument (Local</td></tr> </table>	Land	Zone under Standard Instrument (Local	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
Land	Zone under Standard Instrument (Local		

Biodiversity & Conservation		Comments							
<table><tr><td></td><td><b>Environmental Plans) Order 2006</b></td></tr><tr><td>Land reserved under the National Parks and Wildlife Act 1974</td><td>C1 National Parks and Nature Reserves</td></tr><tr><td>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>C2 Environmental Conservation</td></tr><tr><td>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>SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)</td></tr></table>		<b>Environmental Plans) Order 2006</b>	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)	
	<b>Environmental Plans) Order 2006</b>								
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)								
<p>and</p> <p>(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</p> <p>(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&amp;A Act.</p>									
3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs									
<p>1. 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.</p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>								
3.5 Recreational Vehicle Areas									
<p>1. 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):</p> <p>(a) where the land is within a conservation zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(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:</p> <p>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</p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>								

Biodiversity & Conservation	Comments
<p>ii. <i>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>	
<b>3.6 Strategic Conservation Planning</b>	
<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"> <li><i>(a) the protection or enhancement of native vegetation,</i></li> <li><i>(b) the protection or enhancement of riparian corridors, including native vegetation and water quality,</i></li> <li><i>(c) the protection of threatened ecological communities, threatened species and their habitats,</i></li> <li><i>(d) the protection or enhancement of koala habitat and corridors, and</i></li> <li><i>(e) the protection of matters of national environmental significance.</i></li> </ul> <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"> <li><i>(a) the protection or enhancement of native vegetation,</i></li> <li><i>(b) the minimisation of impacts on areas of regionally significant biodiversity, including threatened ecological communities, threatened species and their habitats,</i></li> <li><i>(c) the protection or enhancement of koala habitat and corridors, including habitat connectivity and fauna movement, and links to ecological restoration areas, and</i></li> <li><i>(d) the maintenance or enhancement of ecological function.</i></li> </ul> <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> <ul style="list-style-type: none"> <li><i>(a) a rural, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone.</i></li> </ul> <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> <ul style="list-style-type: none"> <li><i>(a) RU4, RU5, RU6, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone.</i></li> </ul>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>3.7 Public Bushland</b>	
<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> <ul style="list-style-type: none"> <li><i>(a) preserving:</i> <ul style="list-style-type: none"> <li><i>i biodiversity and habitat corridors,</i></li> </ul> </li> </ul>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Biodiversity & Conservation	Comments
<ul style="list-style-type: none"> <li>ii links between public bushland and other nearby bushland,</li> <li>iii bushland as a natural stabiliser of the soil surface,</li> <li>iv existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores,</li> <li>v the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of the land, and</li> </ul> <p>(b) mitigating disturbance caused by development,</p> <p>(c) giving priority to retaining public bushland.</p>	
<b>3.10 Water Catchment Protection</b>	
<p>The objectives of this direction are to:</p> <p>(a) maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution</p> <p>(b) protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity</p> <p>(c) protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users</p> <p>(d) protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity.</p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<b>4.1 Flooding</b>	
<ol style="list-style-type: none"> <li>1. A planning proposal must include provisions that give effect to and are consistent with: <ul style="list-style-type: none"> <li>(a) the NSW Flood Prone Land Policy,</li> <li>(b) the principles of the Floodplain Development Manual 2005,</li> <li>(c) the Considering flooding in land use planning guideline 2021, and</li> <li>(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.</li> </ul> </li> <li>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.</li> <li>3. A planning proposal must not contain provisions that apply to the flood planning area which: <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit development for the purposes of residential accommodation in high hazard areas,</li> </ul> </li> </ol>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p> <p>The Planning Proposal does not seek to increase the development potential of land that is of high biodiversity value, flood prone or within a coastal zone. Any future development or rezonings would require detailed assessments consistent with these directions.</p>

Resilience & Hazards	Comments
<ul style="list-style-type: none"> <li>(d) permit a significant increase in the development and/or dwelling density of that land,</li> <li>(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,</li> <li>(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,</li> <li>(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</li> <li>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</li> </ul> <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"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the dwelling density of that land,</li> <li>(d) 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,</li> <li>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</li> <li>(f) 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.</li> </ul> <p>5. 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.</p>	
<b>4.2 Coastal Management</b>	
<p>1. A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</li> <li>(b) the NSW Coastal Management Manual and associated Toolkit;</li> <li>(c) NSW Coastal Design Guidelines 2003; and</li> <li>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the</li> </ul>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p> <p>The Planning Proposal does not seek to increase the development</p>

Resilience & Hazards	Comments
<p><i>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 land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:</i></p> <p>(a) <i>Coastal wetlands and littoral rainforests area map;</i></p> <p>(b) <i>Coastal vulnerability area map;</i></p> <p>(c) <i>Coastal environment area map; and</i></p> <p>(d) <i>Coastal use area map.</i></p> <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>	<p>potential of land that is of high biodiversity value, flood prone or within a coastal zone. Any future development or rezonings would require detailed assessments consistent with these directions.</p>
<b>4.3 Planning for Bushfire Protection</b>	
<p>1. <i>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&amp;A Act, and take into account any comments so made.</i></p> <p>2. <i>A planning proposal must:</i></p> <p>(a) <i>have regard to Planning for Bushfire Protection 2019,</i></p> <p>(b) <i>introduce controls that avoid placing inappropriate developments in hazardous areas, and</i></p> <p>(c) <i>ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</i></p> <p>3. <i>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i></p> <p>(a) <i>provide an Asset Protection Zone (APZ) incorporating at a minimum:</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p> <p>The Planning Proposal does not seek to increase the development potential of land that is of high biodiversity value, flood prone or within a coastal zone. Any future development or rezonings would require detailed assessments consistent with these directions.</p>

Resilience & Hazards	Comments
<ul style="list-style-type: none"> <li>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</li> <li>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</li> </ul> <p>(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,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
<b>4.4 Remediation of Contaminated Lands</b>	
<p>1. 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:</p> <ul style="list-style-type: none"> <li>(a) the planning proposal authority has considered whether the land is contaminated, and</li> <li>(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</li> <li>(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.</li> </ul> <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. 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.</p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>4.5 Acid Sulfate Soils</b>	

Resilience & Hazards	Comments
<ol style="list-style-type: none"> <li>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></li> <li>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> <ol style="list-style-type: none"> <li>(a) <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</i></li> <li>(b) <i>other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</i></li> </ol> </li> <li>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 any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</i></li> <li>4. <i>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).</i></li> </ol>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>4.6 Mine Subsidence &amp; Unstable Land</b>	
<ol style="list-style-type: none"> <li>1. <i>When preparing a planning proposal that would permit development on land that is within a declared mine subsidence district, a relevant planning authority must:</i> <ol style="list-style-type: none"> <li>(a) <i>consult Subsidence Advisory NSW to ascertain:</i> <ol style="list-style-type: none"> <li>i. <i>if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and</i></li> <li>ii. <i>the scale, density and type of development that is appropriate for the potential level of subsidence, and</i></li> </ol> </li> <li>(b) <i>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</i></li> <li>(c) <i>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.</i></li> </ol> </li> <li>2. <i>A planning proposal must not permit development on land.</i></li> </ol>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Transport & Infrastructure	Comments
<b>5.1 Integrating Land Use &amp; Transport</b>	
<p>1. <i>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:</i></p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>5.2 Reserving Land for Public Purposes</b>	
<p>1. <i>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</i></p> <p>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></p> <p>(a) <i>reserve the land in accordance with the request, and</i></p> <p>(b) <i>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></p> <p>(c) <i>identify the relevant acquiring authority for the land.</i></p> <p>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></p> <p>(a) <i>include the requested provisions, or</i></p> <p>(b) <i>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></p> <p>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>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>5.3 Development Near Regulated Airports and Defence Airfields</b>	
<p>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></p> <p>(a) <i>consult with the lessee/operator of that airport;</i></p> <p>(b) <i>take into consideration the operational airspace and any advice from the lessee/operator of that airport;</i></p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Transport & Infrastructure	Comments
<p>(c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(d) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>2. In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</p> <p>(a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</p> <p>(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.</p> <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&amp;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"> <li>i. the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</li> <li>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.</li> </ul> <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> <p>(a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</p> <p>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</p> <p>(c) for commercial or industrial purposes where the ANEF is above 30.</p> <p>5. A planning proposal must not contain provisions for residential development or to increase residential densities within the 20</p>	

Transport & Infrastructure	Comments
<i>Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</i>	
<b>5.4 Shooting Ranges</b>	
<p>1. <i>A planning proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of:</i></p> <p>(a) <i>permitting more intensive land uses than those which are permitted under the existing zone; or</i></p> <p>(b) <i>permitting land uses that are incompatible with the noise emitted by the existing shooting range.</i></p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Housing	Comments
<b>6.1 Residential Zones</b>	
<p>1. <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <p>(a) <i>broaden the choice of building types and locations available in the housing market, and</i></p> <p>(b) <i>make more efficient use of existing infrastructure and services, and</i></p> <p>(c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p>(d) <i>be of good design.</i></p> <p>2. <i>A planning proposal must, in relation to land to which this direction applies:</i></p> <p>(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></p> <p>(b) <i>not contain provisions which will reduce the permissible residential density of land.</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>6.2 Caravan Parks and Manufactured Home Estates</b>	
<p>1. <i>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</i></p> <p>(a) <i>retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</i></p> <p>(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></p> <p>2. <i>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</i></p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Housing	Comments
<p>(a) 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,</p> <p>(b) 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</p> <p>(c) 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..</p>	

Industry & Employment	Comments
<b>7.1 Business &amp; Industrial Zones</b>	
<p>1. A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of existing business and industrial zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</p> <p>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</p> <p>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>	
<p>1. The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:</p> <p>(a) non-hosted short term rental accommodation periods must not be reduced to be less than 90 days</p> <p>(b) the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated</p> <p>(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.</p> <p>(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>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<p>1. A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</p>	<p>Not Applicable</p>

Industry & Employment	Comments																				
<p>(a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;</p> <p>(b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and</p> <p>(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> <p>2. A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</p> <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><b>Table 1: Highway service centres that can proceed</b></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	<p>The Proposal is consistent with this direction.</p>
Town	Locality																				
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Resources & Energy	Comments
<b>8.1 Mining, Petroleum Production and Extractive Industries</b>	
<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>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Resources & Energy	Comments
<ul style="list-style-type: none"> <li>i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and</li> <li>ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</li> </ul> <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"> <li>i. development of resources identified under (1)(a)(i), or</li> <li>ii. existing development identified under (1)(a)(ii).</li> </ul> <p>2. 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:</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 Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act).</p>	

Primary Production	Comments
<b>9.1 Rural Zones</b>	
<p>1. A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(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).</p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>9.2 Rural Lands</b>	
<p>1. A planning proposal must:</p> <p>(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</p> <p>(b) consider the significance of agriculture and primary production to the State and rural communities</p> <p>(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</p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Primary Production	Comments
<ul style="list-style-type: none"> <li>(d) <i>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></li> <li>(e) <i>promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i></li> <li>(f) <i>support farmers in exercising their right to farm</i></li> <li>(g) <i>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></li> <li>(h) <i>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</i></li> <li>(i) <i>consider the social, economic and environmental interests of the community.</i></li> </ul> <p>2. <i>A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</i></p> <ul style="list-style-type: none"> <li>(a) <i>is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</i></li> <li>(b) <i>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</i></li> <li>(c) <i>where it is for rural residential purposes:</i> <ul style="list-style-type: none"> <li>i. <i>is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</i></li> <li>ii. <i>is necessary taking account of existing and future demand and supply of rural residential land.</i></li> </ul> </li> </ul>	
<b>9.3 Oyster Aquaculture</b>	
<p>1. <i>In the preparation of a planning proposal the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <li>(a) <i>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,</i></li> <li>(b) <i>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,</i></li> <li>(c) <i>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,</i></li> <li>(d) <i>consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</i></li> <li>(e) <i>ensure the planning proposal is consistent with the Strategy.</i></li> </ul>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction.</p>

Primary Production	Comments
<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> <ul style="list-style-type: none"> <li>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</li> <li>(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</li> <li>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary before undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</li> </ul>	
<b>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</b>	
<p>1. A planning proposal must not:</p> <ul style="list-style-type: none"> <li>(a) rezone land identified as "State Significant Farmland" for urban or rural residential purposes.</li> <li>(b) rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes.</li> <li>(c) rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.</li> </ul>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>