



IRF23/3231

Gateway determination report – PP-2023-2855

To rezone the site to R1 General Residential and C3 Environmental Management to facilitate up to 70 dwellings at 682a Coleridge Road, Bateau Bay

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 – Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal (Central Coast Council, December 2023)
Attachment B – Gateway determination PP-2023-2855 (resubmitted planning proposal)
Attachment C – Letter to Council PP-2023-2855 (resubmitted planning proposal)
Attachment D – Flora and Fauna Assessment (Fraser Ecological, 15 August 2023)
Attachment E – Flood Impact Assessment (Stantec, 4 October 2022)
Attachment F – Flood Advice (Stantec, 3 October 2023)
Attachment G – Aboriginal Due Diligence (Kleinfelder, 28 September 2022)
Attachment H – Strategic Bushfire Study (Clarke Dowdle and Associates, March 2022)
Attachment I – Preliminary Site Investigated Targeted Soil and Groundwater Assessment, WSP, October 2022)
Attachment J – Services Plan (Barry Hunt Associates, Rev. B, January 2022)
Attachment K – Social Impact Assessment (Creative Planning Solutions, 10 October 2022)
Attachment L – Traffic and Parking Impact Assessment Report (Barker Ryan Stewart, 19 June 2023)
Attachment M – Survey 1 (Barry Hunt Associates, October 2020)
Attachment N – Survey 2 (Barry Hunt Associates, October 2020)
Attachment O – Concept Development Plan (Barry Hunt Associates, Rev. E, December 2022)
Attachment P – Agency Advice (Biodiversity and Conservation, 27 January 2023)
Attachment Q1 – Agency Advice (Transport for NSW, 27 July 2022)
Attachment Q2 – Agency Advice (Transport for NSW, 30 January 2023)
Attachment R – Agency Advice (Heritage NSW, 20 February 2023)
Attachment S – Agency Advice (NSW Rural Fire Service, 7 February 2023)
Attachment T – Gateway determination PP-2020-807 (initial planning proposal)
Attachment U – Letter to Council PP-2020-807 (initial planning proposal)
[SUPERSEDED] Planning Proposal (Central Coast Council, December 2022)
[SUPERSEDED] Flora and Fauna Assessment (Fraser Ecological, 1 October 2022)
[SUPERSEDED] Traffic and Parking Impact Assessment Report (Barker Ryan Stewart, 15 November 2022)

1 Planning proposal

1.1 Introduction

The planning proposal (PP-2022-807) was submitted to the Department in December 2022 and a Gateway determination was issued in May 2023, where it was determined to be resubmitted under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) subject to Gateway conditions.

These Gateway conditions required any resubmitted planning proposal to be supported by an updated flood impact assessment, an updated flora and fauna assessment, an updated transport impact assessment, and updated details about the existing hydrogen refuelling station.

The planning proposal (PP-2023-2855) was resubmitted via email to the Department in December 2023. This met the timeframe to resubmit the planning proposal (as indicated in Gateway condition 2); and the above-mentioned updated assessments were provided.

This Gateway determination report provides an assessment against the resubmitted planning proposal. Please note, however, that the *initial* planning proposal is also referenced to highlight how the *resubmitted* planning proposal has been amended and to otherwise consider how it responds to Gateway conditions (an assessment of Gateway conditions is summarised in section 1.7 of this report).

Planning proposal details are provided in **Table 2**, as below.

Table 2 – Planning proposal details

LGA	Central Coast
PPA	Central Coast Council
NAME	Residential rezoning at Coleridge Road, Bateau Bay
NUMBER	PP-2023-2855
LEP TO BE AMENDED	Central Coast LEP 2022
ADDRESS	682a Coleridge Road, Bateau Bay
DESCRIPTION	Lot 3, DP716082
RECEIVED	18/12/2023
FILE NO.	IRF23/3231
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal seeks to rezone land for residential purposes which is estimated to support up to 70 dwellings.

The objectives of the resubmitted planning proposal are as follows:

- to rezone the majority of the site from SP2 Infrastructure (Road and Traffic Facility) to R1 General Residential
- to rezone a small portion of the site from SP2 Infrastructure (Road and Traffic Facility) to C3 Environmental Management
- to apply relevant planning controls including minimum lot size, height of buildings (HOB), and floorspace ratio (FSR)
- to include 'transport depot' as an additional permitted use (APU) to allow the continued use of the site as a bus depot until such time as residential development occurs.

The Department notes that the objectives of the resubmitted proposal remain the same as the initial proposal, except that a small portion of C3 Environment Management land is now included.

The objectives of the resubmitted planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Central Coast Local Environment Plan 2022 as per the changes noted in the **Table 3** below.

Table 3 – Current and proposed controls

Control	Current	Proposed – initial	Proposed – resubmitted
Zone	SP2 Infrastructure (Road and Traffic Facility)	R1 General Residential	R1 General Residential C3 Environmental Management
Maximum height of the building	N/A	R1 – 9.5m	R1 – 9.5m
Floor space ratio	N/A	R1 – 0.6:1	R1 – 0.6:1
Minimum lot size	N/A	R1 – 450m ²	R1 – 450m ² C3 – 20 hectares
Additional Permitted Use	N/A	Include 'transport depot' as a permitted use	Include 'transport depot' as a permitted use
Number of dwellings	2	Up to 70	Up to 70

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is described as 682a Coleridge Road, Bateau Bay (Lot 3, DP716082) and it is owned by The Entrance Red Bus Services Pty Ltd.

The site operated as a sandstone quarry prior to its current use as a bus depot (established in 1981). The installation of a hydrogen refuelling station ancillary to the bus depot obtained development approval in March 2022.

The site is 5.26 hectares in size, it is irregular in shape, and it is relatively flat with a steep slope along the south-eastern boundary. In its surrounding context (refer **Figure 1** and **Figure 2**):

- to the north of the site is a low density residential area and a small business zone (Bard Lane)
- to the west, the site adjoins Coleridge Road (north-west corner) and the Entrance Road (south-west corner), as well as a small portion of residential uses
- to the south of the site is low density residential and a public recreation zone (south-east)
- to the east is Wyrabalong National Park, along with Sandhills Water Reservoir (north-east)
- Bateau Bay Square shopping centre is located approximately 2.5 kilometres north of the site and Foresters Beach is approximately 1 kilometre south of the site.



Figure 1 – Subject site and surrounding context (source: Near Maps, accessed December 2023)

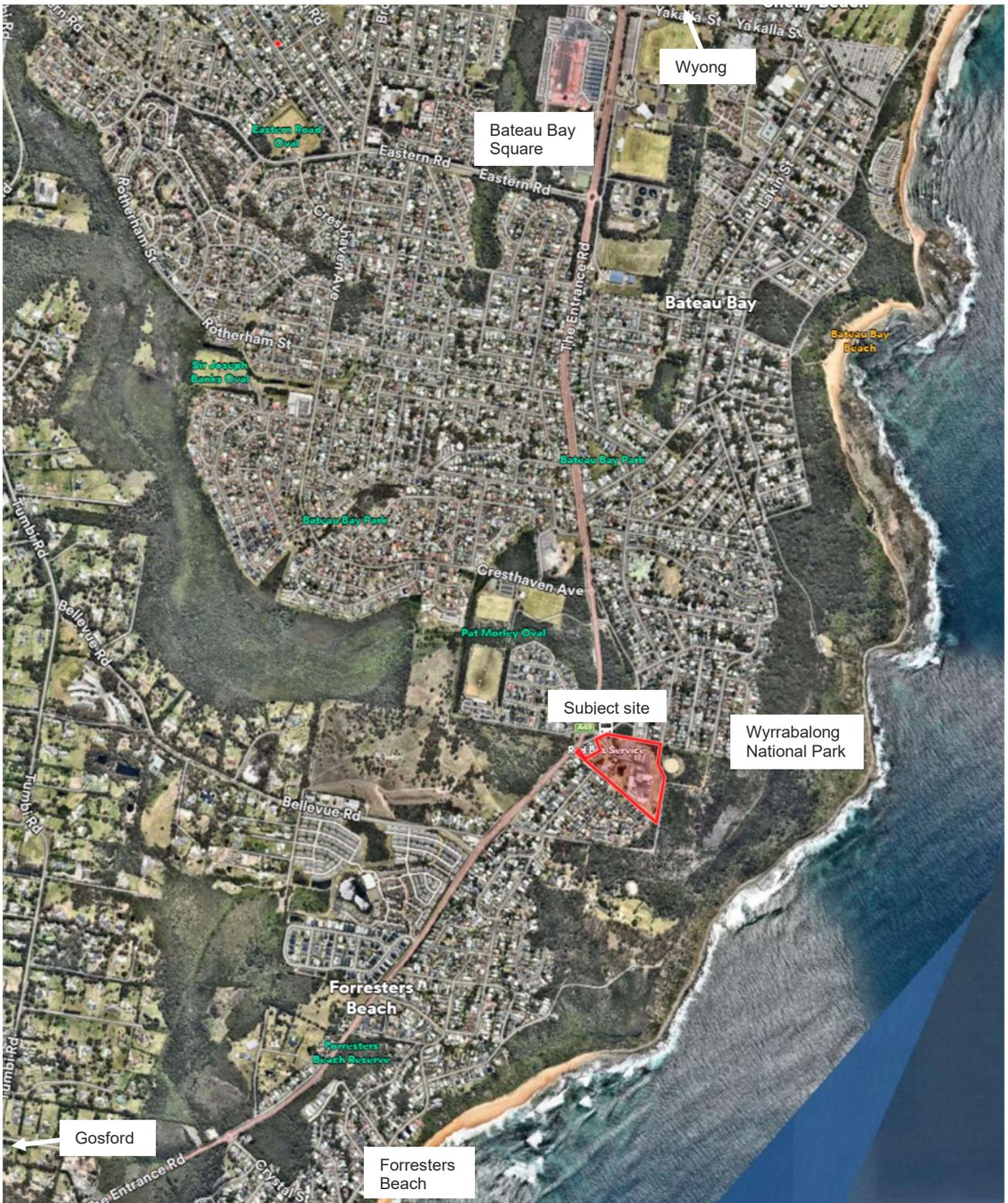


Figure 2 – Broader surrounding context (source: Near Maps, accessed December 2023)

1.5 Mapping

The planning proposal includes mapping that shows proposed changes to the Central Coast Local Environment Plan 2022 maps. The proposed zoning map indicates changes to SP2 mapping outside of the boundary of the land subject to planning proposal. The objectives of the proposal do not align with the proposed mapping. Subject to removing the proposed SP2 zoning, the maps are suitable for community consultation. **Table 4** below shows current Central Coast Local Environment Plan 2022 zoning, and **Table 5** shows proposed mapping associated with the initial and resubmitted planning proposals.

Table 4 – Current Central Coast Local Environment Plan 2022 mapping

Central Coast Local Environmental Plan 2022
(source: planning proposal December 2023)

Land zoning map



Table 5 – Proposed Central Coast Local Environment Plan 2022 mapping

Proposed mapping
(source: planning proposal December 2023)

Land zoning map



Proposed mapping
(source: planning proposal December 2023)

Height of building map



Floor space ratio map



Minimum lot size map



Proposed mapping

(source: planning proposal December 2023)

Additional permitted use map



1.6 Previous gateway determination conditions

The Gateway determination associated with the initial planning proposal (PP-2022-807) was subject to conditions. An assessment of the Gateway determination conditions against the resubmitted planning proposal is included below in **Table 6**.

Table 6 – Summary of assessment against Gateway conditions

Gateway condition (initial proposal)		Summary assessment (against resubmitted proposal)
1(a)	include an updated flood impact assessment that details:	<p>Agency consultation required</p> <p>An updated flood advice report was prepared by Stantec (October 2023), which included additional details pertaining to cut and fill activities and shelter-in-place/evacuation arrangements.</p> <p>Assessment is provided in section 3.4 below.</p>
	i. any impacts as a result of cut and fill activities	<p>Comment – The diversion wall proposed in the initial proposal was removed in the resubmitted proposal to avoid any potential impacts to surrounding areas. Assessment is provided in section 3.4 below.</p>
	ii. appropriate arrangements for shelter-in-place and/or evacuation in a probable maximum flood event in consideration of the draft shelter-in-place guideline	<p>Comment – the updated flood advice recommends that a shelter-in-place emergency response plan be adopted, based on evidence which showed that the duration of inundation in both the 1% AEP and PMF events is short (less than 30 mins). However, the advice does not provide details on the recommended shelter-in-place emergency response plan, including reference to the <i>draft shelter-in-place guideline 2023</i>. Assessment is provided in section 3.4 below.</p>
1(b)	include an updated flora and fauna assessment addressing the recommendations of the	<p>Agency consultation required</p> <p>An updated flora and fauna assessment report was prepared by Fraser Ecological (August 2023).</p>

Gateway condition (initial proposal)	Summary assessment (against resubmitted proposal)
Biodiversity and Conservation Division	Please refer to section 3.4 of this report which assesses the revised planning proposal against 9.1 Ministerial Direction.
1(c) include an updated transport impact assessment addressing comments provided by the advice of Transport for NSW	<p>Agency consultation required</p> <p>An updated traffic and parking impact assessment report was prepared by Barker Ryan Stewart (June 2023) which demonstrates the proposed residential development reduces impacts on the road network compared to the existing operation.</p>
1(d) provide details on the approved hydrogen refuelling station, including any considerations around mitigating future land use conflicts	<p>Additional Permitted Use (APU) not supported</p> <p>The resubmitted planning proposal clarifies the hydrogen refuelling station is ancillary to the current bus depot (as it provides fuel for buses); and that the installation of a hydrogen refuelling station was approved in March 2022, which the Department understands relates to DA/1333/2021.</p> <p>The planning proposal proposes an Additional Permitted Use (APU), where the hydrogen refuelling station would be removed as part of the redevelopment of the land when residential land uses are established on site. Retaining a refuelling station would also conflict with the objectives of the R1 zone which seeks to provide for a variety of housing types and densities.</p> <p>The proposal contends the hydrogen refuelling station was approved in March and notes the bus depot can operate through existing use rights.</p> <p>The Department notes that existing use rights may be appropriate to continue the use, but will not be compatible with the intended future outcome. As such, a gateway condition has been included to remove the proposed Additional Permitted Use (APU) from the Planning Proposal.</p>

2 Need for the planning proposal

In its planning proposal, Central Coast Council (Council) confirms the proposal is not the result of a strategic study or report. However, the Department is satisfied that it demonstrates strategic merit as it:

- aligns with the Central Coast Regional Plan 2041, which identifies the site as part of the Karagi regionally significant growth area (RSGA) – the direction for which includes the activation and expansion of housing stock alongside neighbourhood centres
- facilitates compact ‘15-minute neighbourhood’ settlement patterns in established residential areas, while protecting the environmental and coastal values of the site and providing attractive lifestyle opportunities in the Tuggerah District (aligning with Objectives 3, 4, 5, 6 and 7 of the Central Coast Regional Plan 2041)
- aligns with Council’s Local Strategic Planning Statement (LSPS) as it provides a diversity of housing within an established centre with quality lifestyle connections between the natural and built environment.

As such, the Department supports the proposed zoning change from SP2 to R1 General Residential and C3 Environmental Management, subject to conditions as outlined throughout this assessment report and as summarised in section 9.

However, the proposed Additional Permitted Uses (APU) clause, which seeks to allow the site to continue being used for a bus depot, until such time that development consent is granted for a residential subdivision and physical works have commenced in relation to it, is not supported (refer to section 1.7 for further details).

A planning proposal to amend the Central Coast Local Environment Plan 2022 is the only means of achieving the proposed outcomes.

3 Strategic assessment

3.1 Regional Plan

The planning proposal includes an assessment against the *objectives* of the Central Coast Regional Plan 2041. However, and while some of the assessment contained in the planning proposal relates to aspects of planning proposal *strategies*, it does not specifically provide an assessment against them. As such, a Gateway determination condition has been included to ensure the planning proposal is updated to comprehensively address the planning proposal against the Central Coast Regional Plan 2041 strategies.

Notwithstanding the above, the following table (**Table 7**) provides an assessment of the planning proposal against relevant aspects of the Central Coast Regional Plan 2041.

Table 7 – Regional Plan assessment

Central Coast Regional Plan 2041 section	Justification
Objective 3	
<p>Regional context: The Central Coast contains many different communities across various urban, rural and coastal contexts, each of which will see the 15-minute neighbourhood take a different shape. This will depend on the elements of mix, access and density. By recognising these various contexts in local plans 15-minute neighbourhoods will respond to the qualities of each community, with the appropriate for the level of services and quality of life</p>	<p>Subject to conditions – The site is located within an urban area that has access to nearby infrastructure and services, including active and public transport networks. More specifically:</p> <ul style="list-style-type: none"> at the neighbourhood scale, the site is adjacent to Bard Lane neighbourhood shops, it is within a 15-minute cycle to Bateau Bay Square, and it is located close to nearby green spaces. at the strategic centre scale, the site is located in close proximity to multiple bus routes and bus stops. <p>As such, the planning proposal is considered consistent with a 'general suburban' context. It is recommended that the planning proposal be updated by nominating a regional context and by providing an assessment against the indicators of performance outlined in Table 3 of the Central Coast Regional Plan 2041.</p>
<p>Strategy 3.2: Planning proposals that propose a residential, local centre or</p>	<p>Subject to conditions – The planning proposal is associated with a general suburban context and it proposes an R1 General Residential zone.</p>

Central Coast Regional Plan 2041 section	Justification
<p>commercial centre zone will not prohibit the following land uses within urban core, general urban, inner suburban and general suburban contexts:</p> <ul style="list-style-type: none"> • business premises • restaurants or cafes • take-away food and drink premises • neighbourhood shops and supermarkets • educational establishments • early education and care facilities • health services facilities • markets • community facilities • recreation areas 	<p>As per the land use table of the Central Coast Local Environment Plan 2022, the R1 General Residential zone does not permit the following land uses:</p> <ul style="list-style-type: none"> • business premises • restaurants or cafes • take-away food and drink premises • health services facilities • markets • recreation areas <p>Additional justification to include these land uses is established in an objective of the R1 General Residential zone – which is to enable other land uses that provide facilities or services to meet the day-to-day needs of residents.</p> <p>The planning proposal does not assess strategy 3.2. As such, it is recommended the planning proposal be amended to include the land uses listed in strategy 3.2 of the Central Coast Regional Plan 2041, or otherwise justification provided against Objective 3 and the associated performance outcomes.</p>
Objective 5	
<p>Housing density and diversity: The regional plan is seeking a mix of densities in terms of the urban and suburban context, and has proposed minimum and desired dwelling density targets within urban and suburban contexts that will be implemented through local strategic planning.</p>	<p>Subject to conditions – The planning proposal does not nominate a residential context. However, the subject site is indicative of a ‘general suburban’ context, which is associated with 30 dwellings per hectare, as per the Regional Plan.</p> <p>The planning proposal contains a provision for a minimum lot size of 450m² for the R1 General Residential zone. This is indicative of 22 dwellings per hectare if assuming one dwelling per lot – although this is likely to be higher when factoring in other housing typologies as the R1 General Residential zone caters for a variety of housing types and densities, including the housing typologies listed in strategy 5.3.</p> <p>The subject site is surrounded by R2 Low Density Residential zoning, and vacant land zoned R1 General Residential to the west. The proposed Minimum lot size is also consistent with surrounding residential development, including 450m² immediately surrounding the subject site and to the north, and 550m² to the south.</p> <p>Notwithstanding, given the site is also subject to land use hazards such as flooding, a density lower than 30 dwellings per hectare is considered appropriate for the site.</p> <p>As such, it is recommended the proposal be updated and justification provided against the indicative densities outlined in objective 5 of the Central Coast Regional Plan 2041.</p>

Central Coast Regional Plan 2041 section	Justification
<p>Strategy 5.3: Planning proposals will not prohibit the following housing typologies within residential zones that apply to urban core, general urban, inner suburban and general suburban contexts:</p> <ul style="list-style-type: none"> • attached dwellings • boarding houses • dual occupancies • group homes • multi dwelling housing • secondary dwellings • semi-detached dwellings. 	<p>Subject to conditions – The planning proposal proposes an R1 General Residential zone.</p> <p>The R1 General Residential zone land use table of the Central Coast Local Environment Plan 2022, permits with consent, the land uses required by Strategy 5.3.</p> <p>This is further supported by the objectives of the R1 General Residential zone – which is to provide for the housing needs of the community and provide for a variety of housing types and density.</p> <p>As such, the planning proposal is consistent with the strategy. Notwithstanding, it is recommended the planning proposal be updated to address strategy 5.3 of the Central Coast Regional Plan 2041.</p>
<p>Objective 6</p>	
<p>Strategy 6.4: Planning proposals must ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.</p>	<p>Subject to conditions – Large intact bushland exists to the east and west of the proposal site. Vegetation within the north-eastern and eastern boundary of the proposal site forms part of a corridor between Wyrabalong National Park (to the east) and Coleridge Reserve (to the north-west).</p> <p>A C3 Environmental Management zone is proposed along the eastern perimeter of the site and a portion of the northern perimeter of the site. The updated flora and fauna assessment report (August 2023) also concludes that connectivity or movement corridors are unlikely to be significantly impacted, given the limited impact of the proposal on remnant canopy vegetation.</p> <p>While the planning proposal is broadly consistent with this strategy, the Department recommends consultation with the Biodiversity Conservation and Science Group (BCS). Additionally, it is recommended the planning proposal be updated to address strategy 6.4 of the Central Coast Regional Plan 2041.</p>
<p>Strategy 6.5: Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.</p>	<p>Subject to conditions – As mentioned above (strategy 6.4), a C3 Environmental Management zone is proposed along the eastern perimeter of the site and a portion of the northern perimeter of the site. The updated flora and fauna assessment report (August 2023) also concludes that connectivity or movement corridors are unlikely to be significantly impacted, given the limited impact of the proposal on remnant canopy vegetation.</p> <p>Additionally, the planning proposal states that scenic values and character of the site are respected, ensuring the environmentally sensitive areas of the site will be retained and protected.</p> <p>While the planning proposal is broadly consistent with this strategy, the Department recommends consultation with the Biodiversity Conservation and Science Group (BCS). Additionally, it is recommended the planning</p>

Central Coast Regional Plan 2041 section	Justification
	proposal be updated to address strategy 6.5 of the Central Coast Regional Plan 2041.
Objective 7	
<p>Strategy 7.5: Planning proposals must protect sensitive land uses from sources of air pollution, such as major roads, railway lines and designated freight routes, using appropriate planning and development controls and design solutions to prevent and mitigate exposure and detrimental impacts on human health and wellbeing.</p>	<p>Subject to conditions – A small portion of the site fronts a service road adjacent to The Entrance Road. The Entrance Road is identified as an SP2 Classified Road and it is identified as key transit corridor in the Central Coast Regional Plan 2041.</p> <p>The Departments acknowledges that there is a land buffer of approximately 50 metres from The Entrance Road to the site, and that other surrounding residential areas are adjacent to The Entrance Road.</p> <p>However, the planning proposal does not include an assessment against strategy 7.5 and therefore consistency with the strategy has not been demonstrated. As such, the planning proposal will need to be updated and justification provided prior to exhibition.</p>
Tuggerah District	
<p>The Tuggerah district includes the following planning priorities:</p> <ul style="list-style-type: none"> • focus growth in the Tuggerah to Wyong Growth Corridor to support an economy that is adaptive, innovative and rich in a diversity of jobs • plan for the development of a health precinct surrounding the redevelopment of Wyong Hospital • maintain and improve the strong relationship with green open space and the environment • maximise connectivity between key activity destinations • maintain or improve the water quality of Tuggerah Lakes. 	<p>Consistent – The planning proposal provides an assessment against these planning priorities.</p> <p>The subject site is located in the Tuggerah District and within the Karagi regionally significant growth area.</p> <p>While the site is not designated as a ‘priority infill centre’, the proposal would contribute to the changing nature and character of the Karagi area by providing well-located housing.</p> <p>The site is also located in close proximity to open space to the north and east of the site (including Wyrabalong National Park); it provides access to cycleways and coastal walking opportunities; and it is in close proximity to multiple bus routes, which link the site with the surrounding local area including Gosford Hospital, Gosford, Wyong, and the wider area).</p> <p>The Department is therefore satisfied that the proposal is consistent with the relevant Central Coast Regional Plan 2041 planning priorities.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in **Table 8** below.

Table 8 – Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>Align development to infrastructure capacity: the proposal aligns with this priority as existing infrastructure is to be extended to the site.</p> <p>Provide well designed housing with high standards of sustainability features: the proposal will be supported by a site-specific Development Control Plan (DCP) to ensure appropriate built form guidelines are applied in the future design for the site.</p> <p>Provide for the housing needs of our growing region: the proposal will deliver up to 70 new houses in the Karagi regionally significant growth area.</p> <p>Create Sustainable and Resilient communities: the proposal will be supported by a DCP to ensure that future residential buildings are designed to provide comfort and protection from weather extremes and encourage energy efficient housing. The site will also link with existing active and public transport options.</p> <p>Map, protect, and cherish natural areas and ecosystems: the subject site is located adjacent to Wyrabalong National Park, and it has mapped areas of Sensitive Biodiversity Values (SBV) and Important Areas for Swift Parrot (IASP) along the eastern and north eastern boundaries of the site.</p> <p>The initial planning proposal had proposed that impacts to these areas could be mitigated through positive covenants on title. However, the Department's Biodiversity and Conservation Division (BCD) did not consider this to be appropriate protection. In response, the resubmitted proposal protects mapped biodiversity values and swift parrot habitat through the introduction of C3 Environmental Management zoned lands, and through a site-specific DCP which will require the preparation of a Vegetation Management Plan (VMP).</p>

3.3 Local planning panel (LPP) recommendation

An LPP meeting was held on 23 September 2022 which recommended that the planning proposal be forwarded to Council subject to the completion of the following:

- identification of the development capacity of the site under the proposed R1 zoning and the relevant development standards that should therefore be applied
- preparation of a traffic impact assessment, contamination report, flooding assessment, biodiversity conservation assessment, and flora/fauna study prior to exhibition
- preparation of a site-specific Development Control Plan (DCP) which should address any constraints identified in the studies
- a suitable funding mechanism to cover the costs associated with the provision of infrastructure and services, prior to the finalisation of the plan.

The planning proposal has included Height of Building (HOB), Minimum Lot Size and Floor Space Ratio (FSR) controls to guide development capacity on the site and is supported by a range of studies (including a transport impact assessment, contamination report, flooding assessment, and flora and fauna study). The planning proposal also notes the site is covered by The Entrance Peninsula Contributions Plan (2020).

At the time of the local planning panel meeting, the planning proposal was not supported by a draft site-specific DCP for the site and the proposal did not detail funding of infrastructure and services on site (which the LPP required prior to finalisation). The Department therefore recommends a Gateway condition that Council exhibit the site-specific DCP at the same time as the planning

proposal. Given Council is the authority for local infrastructure, and is responsible for the delivery of sewer and water, Council is the most appropriate party to respond to these comments.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 9** below.

Table 9 – Section 9.1 Ministerial Directions assessment

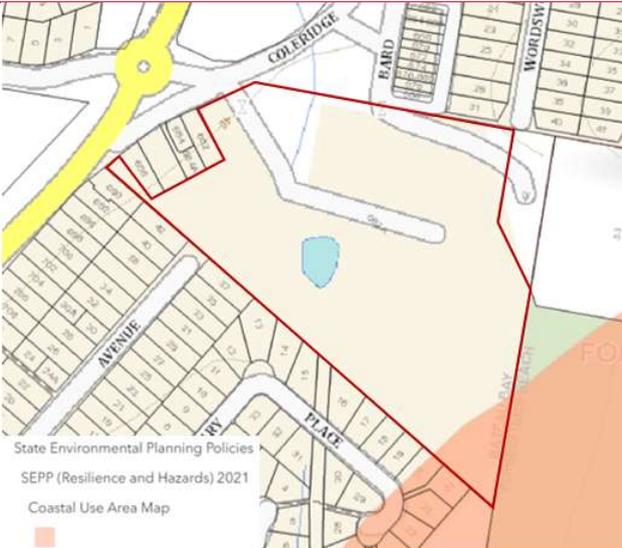
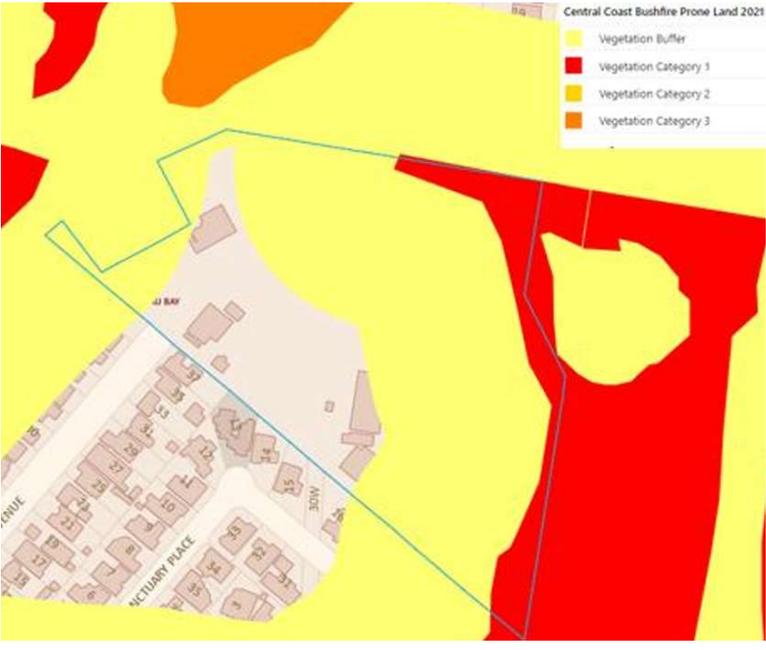
Directions	Consistency	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistency yet to be demonstrated	<p>The objective of this direction is to give effect to the vision, objectives and strategies in the Central Coast Regional Plan 2041.</p> <p>While the planning proposal includes an assessment against objectives and planning priorities, it does not provide an assessment against planning proposal strategies.</p> <p>The department has undertaken an initial assessment and it considers that the planning proposal complies with the relevant strategies. However, council does not provide an assessment against planning proposal strategies.</p>
1.4 Site Specific Provisions	Consistent, subject to conditions	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal seeks to rezone the site from SP2 Infrastructure (Road and Traffic Facility) to R1 General Residential and C3 Environmental Management and further seeks an Additional Permitted Use (APU) to allow the bus depot to continue operating until such time as development consent for a residential subdivision is approved and physical works have commenced in relation to it.</p> <p>Existing use rights allow the bus depot to continue operating until a residential subdivision is approved and physical works have commenced. A bus depot and Therefore, the Department does not support the Additional Permitted Use (APU). As such, a Gateway condition has been included to remove the proposed Additional Permitted Use (APU) from the Planning Proposal.</p>
3.1 Conservation Zones	Consistent	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>The resubmitted proposal contains revisions in relation to the initial proposal.</p> <p>A Flora and Fauna Assessment (Fraser Ecological, October 2022) was prepared to support the initial proposal:</p> <ul style="list-style-type: none"> the site has areas of sensitive biodiversity values (SBV), including native remnant native vegetation (Coastal Sand Wallum Heath), which overlaps with Important Areas for Swift Parrots (IASP) (Figure 3)

Directions	Consistency	Reasons for Consistency or Inconsistency
		 <p>Figure 3: Sensitive Biodiversity Values Land Map (purple shaded area) (source: Fraser Ecological Consulting, October 2022)</p> <ul style="list-style-type: none"> • it further notes that the areas mapped as SBV are degraded and in poor health and are therefore unlikely to be adversely impacted by the proposed development • it recommends that any SBV and IASP mapped areas could be avoided through 88b instrument and 88e positive covenants. This measure was proposed in the initial planning proposal. <p>The Department's Biodiversity and Conservation Division (BCD) (received 27 January 2023) provided the following recommendations:</p> <ul style="list-style-type: none"> • the proposed Asset Protection Zone (APZ) identified in the Strategic Bushfire Strategy (Clark, Dowdle & Associates, March 2022) should be mapped outside of any SBV areas, • the use of positive covenants to protect areas of important biodiversity value be reconsidered, and the clearing of these areas be avoided (otherwise a BDAR would be required), • consideration of habitat connectivity between vegetation east and west of the site, • an update to the Flora and Fauna Assessment to demonstrate appropriate field study methodologies, and • additional information for threatened species surveys, clarification of the presence or absence of the eastern pygmy possum, and additional surveys for threatened microchiroptera to rule out roosting habitat. <p>As such, a Gateway condition was provided in relation to the initial proposal, which referenced the above BCD recommendations.</p> <p>In response, the Flora and Fauna Assessment was updated (Fraser Ecological, August 2023) as part of the resubmitted proposal. In particular:</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> • connectivity or movement corridors were determined to be unlikely to be significantly impacted, given the limited impact of the proposal on remnant canopy vegetation, • field study methodologies and field data were updated. This included the eastern pygmy possum, where it was documented that it was not recorded on site, and that it was unlikely to occur despite suitable habitat and nearby records of it. However, the Department notes that this appears to be in contrast to the initial Flora and Fauna Assessment (Fraser Ecological, October 2022) where the eastern pygmy possum was recorded on site, and • it was unclear if additional surveys for threatened microchiroptera were completed. <p>The resubmitted planning proposal was updated to include:</p> <ul style="list-style-type: none"> • the introduction of a C3 Environmental Management zone to facilitate the retention and conservation of environmentally sensitive areas, • the Asset Protection Zone (APZ) is proposed to be amended at DA Stage to remove any clearing works proposed in this location, and • vegetation will be further protected via a VMP to be prepared at DA stage in accordance with the requirements of a site-specific DCP. This will require the APZ to be located outside the area. <p>The Department considers the proposal is generally consistent with this direction.</p> <p>Notwithstanding, the Department recommends consultation with the Biodiversity Conservation and Science Group (BCS) and that a site-specific Development Control Plan (DCP) be prepared and exhibited at the same time as the planning proposal to assist in the protection and conservation of environmentally sensitive areas. As such, a gateway condition has been included to this effect.</p>
3.2 Heritage Conservation	Consistent	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal identifies that no Aboriginal sites are recorded near the subject site (as per the AIHMS database) and that no site-specific recommendations are required for implementation (as per a due diligence report by Kleinfelder, September 2022).</p> <p>Comments from Heritage NSW (20 February 2022) indicated that a due diligence report does not adequately address the considerations of this direction and that an Aboriginal cultural heritage assessment report (ACHAR) is required.</p> <p>The Department notes the findings of the AIHMS search and due diligence report. Given that the proposal has not identified any information indicating that the site has specific Aboriginal cultural heritage value, it is not considered that an ACHAR is required to support</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>the proposal. The Department also understands that the site has been previously disturbed, and any future development activity would be subject to a Development Application process.</p> <p>Notwithstanding, to ensure the conservation of any unknown items of indigenous heritage significance, the Department recommends consultation with Darkinjung Local Aboriginal Land Council be included as a Gateway condition and that the planning proposal be updated to demonstrate consistency with this direction following consultation.</p>
4.1 Flooding	Consistency yet to be demonstrated	<p>The objectives of this direction are to ensure that development of flood prone land is consistent with NSW Government Flood Prone Land Policy and that the provisions of an LEP that apply to flood prone land include consideration of potential flood impacts.</p> <p>The resubmitted proposal contains revisions in relation to the initial proposal, however the initial gateway conditions have not been addressed.</p> <p>The Biodiversity and Conservation Division (BCD) provided comment (received 27 January 2023) and recommended that the Flood Impact Assessment be updated to include:</p> <ul style="list-style-type: none"> • a review of the potential impact of increases to rainfall intensity due to climate change for time horizons applicable for the subdivision and associated dwellings • a review of the Flood Impact Assessment during the development application stage to ensure Council's Development Control Plan flood requirements are satisfied. <p>As part of the resubmitted proposal, Flood Advice (Stantec 2023) concluded the following:</p> <ul style="list-style-type: none"> • the potential impact of increases to rainfall intensity due to climate change for time horizons is minimal • the flood impact assessment will need to be updated once an earthworks plan is prepared • a shelter-in-place emergency response plan is recommended, based on evidence which showed that the duration of inundation in both the 1%AEP and PMF events is short (less than 30 mins) • the proposal generally complies with the 2022 Central Coast Development Control Plan. • Also, the proposed diversion wall was removed to avoid any potential impacts to surrounding areas (refer to section 4 for further details on updated mitigation measures). <p>The revised report identifies the impacts of climate change have been considered, and that limited areas of the proposed residential zoned land are subject to flooding during the 1% event. The report also identifies that flooding duration during the 1% and PMF flood events are</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>short, and that there are adequate measures that can be implemented to reduce the risk of flooding to buildings and lives.</p> <p>The revised flooding report identifies the site will predominantly be subject to H1 and H2 flood hazards, which are generally safe for vehicles people and buildings, but unsafe for small vehicles in PMF events. The subdivision/potential design plans supporting the flood study identify that overland flowpath/drainage patterns can direct higher risk flooding including H4 and H5 risk into areas were buildings aren't expected to be built. Council should consider whether these areas subject to higher risk should be more appropriately zoned SP2 or whether another means of managing risk to property and life can be achieved.</p> <p>Given the inability to evacuate during a Probable Maximum Flood Event and the reliance on proposed cut and fill measures to manage flooding events, it is recommended the planning proposal and supporting flood study must be amended to demonstrate consistency with the Department's Shelter-in-place provisions and consider cut and fill as required by the initial gateway conditions.</p> <p>Further consultation with the NSW Government's Department of Climate Change, Energy, the Environment and Water on the adequacy of the flood advice must also be undertaken.</p>
4.2 Coastal Management	Consistency yet to be demonstrated	<p>Council's planning proposal notes a small section in the south-eastern corner of the site is located within a Coastal Use Area (as per the Resilience and Hazards SEPP, Chapter 2 – Coastal Hazards).</p> <p>The planning proposal notes that:</p> <ul style="list-style-type: none"> • the proposal does not include land within a coastal vulnerability area, coastal hazard area, or a coastal wetland/littoral rainforest area • the proposal would not cause any adverse impacts as no works are proposed within this area. • Council contends that the proposal is generally consistent with the Principles of the <i>Coastal Policy NSW</i>. <p>Notwithstanding the planning proposal appears to include an urban zoning in the Coastal Use Area.</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		 <p>Figure 5: Coastal Use Area map: (source: e-spatial planning, accessed 20/03/23)</p> <p>As such, the planning proposal must address Ministerial Direction 4.2(1), and particularly how the NSW Coastal Management Manual, any relevant Coastal Management Program and/or Section 3.2 of the NSW Coastal Design Guidelines 2023 has been addressed.</p>
<p>4.3 Planning for Bushfire Protection</p>	<p>Consistent</p>	<p>Direction 4.3 seeks to protect life, property and the environment from bushfire hazards by discouraging incompatible land uses in bushfire prone areas.</p> <p>The resubmitted proposal contains revisions in relation to the initial proposal.</p> <p>The majority of the subject site is classified as bushfire prone land, either as a Vegetation Buffer or Vegetation Category 1 (Figure 4).</p> 

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>Figure 4: Bushfire prone land (subject site outlined in blue) (source: planning proposal, October 2023).</p> <p>The proposal is supported by a strategic bushfire study (Clarke, Dowdle & Associates, 2022), which concludes the following:</p> <ul style="list-style-type: none"> the proposal is compatible with the surrounding environment and bushfire risk bushfire protection measures are able to achieve the standards prescribed within Planning for Bushfire Protection 2019 (PBP), including the provision of various Asset Protection Zones (APZs) around the eastern and northern site boundaries the report recommends further work at the design phase to consider aspects such as lot design, infrastructure, access and construction plans to meet the PBP. <p>Comments from the NSW RFS (received on 7 February 2023) concur with the findings of the strategic bushfire study.</p> <p>In addition to this, BCD (27 January 2023) recommended that the project design be amended to locate the proposed Asset Protection Zone (APZ) outside of areas mapped as Sensitive Biodiversity Values (SBV) and Important Areas for Swift Parrot (IASP).</p> <p>In response, the resubmitted proposal provides protection through the inclusion of a portion of C3 Environmental Management lands to the eastern and north-eastern boundary of the site. Additionally, it proposes that vegetation will be further protected by a Vegetation Management Plan (VMP) in accordance with a site-specific Development Control Plan (DCP), and that Asset Protection Zones (APZs) will be located outside of areas subject to the Vegetation Management Plan (VMP).</p> <p>The Department considers the re-submitted planning proposal to be consistent with this Direction given RFS support the findings and recommendations of the bushfire protection measures.</p>
4.4 Remediation of contaminated land	Consistent	<p>Direction 4.4 seeks to reduce the risk of harm to human health and the environment.</p> <p>The entirety of the site has been identified by Council as contaminated land. Potential contamination sources have been identified from diesel and metals (nickel).</p> <p>A Preliminary Site Investigation (PSI) (WSP, 2022) confirms the site can be made suitable for residential purposes, as long as a Detailed Contamination Assessment is undertaken and a Remedial Action Plan is prepared.</p> <p>Council concludes the findings of the PSI are not significant enough to prevent the rezoning proposal from proceeding, and it has supported the inclusion of relevant provisions in a site-specific Development Control Plan (DCP) to ensure that appropriate remediation works are undertaken prior to development.</p> <p>The Department agrees that the proposal is consistent with this Direction as Council has:</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> • considered the contamination status of the land • satisfied themselves through a PSI that the site can be made suitable • indicated that controls will be included to ensure that the site is suitably remediated. <p>It is also noted that Chapter 4 of the Resilience and Hazards SEPP requires the consent authority to address contamination and remediation before providing development consent.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>Direction 5.1 seeks to improve access to development by walking and public transport, and increase travel mode choice.</p> <p>The site is located in close proximity to multiple bus routes and bus stops as follows:</p> <ul style="list-style-type: none"> • routes 17, 18, 19, 21, 22, 23, 28, 45 and 48 • bus stops are located approximately 55m north of the Coleridge Road/The Entrance Road/Passage Road roundabout • the bus services link the site with the surrounding local area, including Gosford Hospital, Gosford, Wyong, and the wider local area. <p>A traffic report (Barker Ryan Stewart, November 2022) considers that the proposal would have a negligible impact on public transport capacity.</p> <p>Council have also indicated that infrastructure requirements, such as footpaths and cycleway connections, will be included in the site-specific Development Control Plan (DCP).</p> <p>The Department is satisfied that the site has adequate access to active (walking and cycling) and public transport options, and that the proposal will not significantly impact demand for public transport.</p>
6.1 Residential Zones	Consistent	<p>Direction 6.1 seeks to ensure planning proposals support a variety of housing choices, make efficient use of infrastructure and minimise impact on the environment and resource lands.</p> <p>The planning proposal enables a range of housing options in an existing urban area and in close proximity to infrastructure and services. The site is not located on resource lands.</p> <p>The site currently has access to electricity and gas. However, the site will need to be connected to reticulated water and sewage systems (located adjacent to the site). The proposal has been submitted with a proposed servicing plan, which has been supported by Council's Water and Sewer Assessment Team on the condition that the access track to the Wyrabalong Reservoir is maintained.</p> <p>The planning proposal is consistent with this direction, given it supports additional housing, reduces the consumption of land for housing and associated urban development on the urban fringe, and ensures that new housing has appropriate access to infrastructure and services.</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
7.1 Business and Industrial Zones	Not applicable	<p>Direction 7.1 seeks to encourage employment growth in suitable locations, protect employment land and support the viability of centres.</p> <p>The planning proposal has indicated that the site is consistent with this Direction as it will retain existing employment on the site until the future residential development is realised and it offers (some) employment opportunities in the future.</p> <p>However, the Department notes that an SP2 Infrastructure (Traffic and Road Facility) zone is not identified in the Direction as an employment zone, and the Direction therefore does not apply. Therefore, a Gateway condition is recommended that the planning proposal be amended to update the reference to this Direction as not apply to the proposal.</p>

4 Site-specific assessment

4.1 Social and economic

The following **Table 11** provides an assessment of the potential social and economic impacts associated with the proposal.

Table 11 – Social and economic impact assessment

Economic and Social Impacts	Assessment
Economic and Social	The planning proposal would deliver up to 70 new dwellings. The proposal seeks a mix of low and medium density housing which would facilitate greater housing diversity in close proximity to retail, education and recreational areas.

4.2 Infrastructure

The following **Table 12** provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 12 – Infrastructure assessment

Infrastructure	Assessment
Roads and traffic	<p>A Traffic and Parking Impact Assessment Report (TIA) (Barker Ryan Stewart, November 2022) was prepared to support the initial proposal:</p> <ul style="list-style-type: none"> The TIA demonstrates that approximately 750 daily car trips would be generated by the proposal <p>The Department notes a revised TIA (June 2023) was prepared which demonstrates the following:</p> <ul style="list-style-type: none"> modelling for the development scenario without the proposed Central Coast Highway upgrade will result in significant delays and general network

Infrastructure	Assessment
	<p>failure. However, the report notes that this can be expected even without the proposed development.</p> <ul style="list-style-type: none"> • Additionally, modelling demonstrates that most intersections show very minor change in delay except for the intersection at Central Coast Highway/Passage Road/Coleridge Road. It can be observed that the intersection fails at LOS F (i.e at worse conditions). However, the report notes that this is due to the base traffic already overflowing capacity, and the development cannot be considered as the primary reason for the indicated delay. <p>Given the proposed development reduces peak hour trip generation compared to the existing use, the anticipated impact on the surrounding road network is beneficial.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

As per current public exhibition requirements for a 'Standard' planning proposal, an exhibition period of 20 working days is required. Councils proposed community consultation is therefore considered adequate.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted, and given 30 days to comment, on the planning proposal:

- NSW SES
- NSW Rural Fire Service
- NSW Environment Protection Agency
- Biodiversity Conservation and Science Group
- Department of Planning, Housing and Infrastructure – Hazards and Risk Team
- Transport for NSW
- Darkinjung Local Aboriginal Land Council
- Ausgrid

6 Timeframe

Council proposes an 11 month time frame to complete the LEP.

Under the new *Local Environmental Plan Making Guide (August 2023)*, a standard planning proposal is to be completed within 320 days.

Accordingly, the Department recommends that the LEP should be completed on or before 28 February 2025, in line with its commitment to reduce processing times.

7 Local plan-making

Council has not indicated if it wishes to be the local plan-making authority. However, given the minor nature of the planning proposal, the Department recommends Council is authorised as the local plan-making authority for this proposal, subject to conditions.

8 Assessment summary

Based on the assessment outlined in this report, the planning proposal is supported to proceed with conditions for the following reasons:

- the proposal aligns with the planning priorities of the Central Coast Regional Plan 2041 by delivering housing in the Karagi regionally significant growth area
- the proposal encourages 15-minute neighbourhoods by delivering housing within an established area with access to shops and services, and active and public transport options
- the proposal aligns with the planning priorities of the Central Coast Local Strategic Planning Statement.

Despite the above, the proposed Additional Permitted Uses (APU) clause that seeks to allow the site to continue being used for a bus depot – until such time that development consent is granted for a residential subdivision and physical works have commenced in relation to it – is not supported based on the reasons outlined in section 1.7 of this report.

The conditions are detailed in the ‘recommendation’ section, as below.

9 Recommendation

It is recommended the delegate of the Secretary:

- a) Note that the consistency with Section 9.1 Ministerial Directions 1.1 Implementation of Regional Plans, 4.1 Flooding and 4.2 Coastal Management is yet to be demonstrated and will require further justification.

It is recommended that the delegate of the Minister for Planning and Public Places, under 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act), determine that the planning proposal should proceed, subject to the following conditions:

1. The planning proposal is to be updated prior to exhibition to:
 - a) Remove the proposed SP2 zoning on the proposed land zoning map.
 - b) Provide an assessment against the Central Coast Regional Plan 2041 planning proposal strategies 3.2, 5.3, 6.4, 6.5, 6.12, and 7.5.
 - c) Include the land uses listed in strategy 3.2 of the Central Coast Regional Plan 2041, or otherwise provide justification against Objective 3 and the associated performance outcomes.
 - d) Include an updated flood impact assessment that details:
 - Any impacts as a result of cut and fill activities; and
 - Appropriate arrangements for shelter-in-place, and/or evacuation in a probable maximum flood event in consideration of the *draft shelter-in-place guideline 2023*.
 - e) Remove any references associated with the proposed Additional Permitted Use (APU) to ensure consistency with Section 9.1 Ministerial Direction 1.4 Site Specific Provisions.
 - f) Demonstrate consistency with Ministerial Direction 4.2(1), including how the NSW Coastal Management Manual, and any relevant Coastal Management Program and/or Section 3.2 of the NSW Coastal Design Guidelines 2023, has been addressed.

- g) Identify that Ministerial Direction 7.1 does not apply.
 - h) Consider the need for an SP2 Zone, and any associated acquisition authority for the proposed drainage easement, to ensure ongoing maintenance arrangements which are consistent with other surrounding drainage infrastructure.
 - i) Update the project timeline.
2. Prior to exhibition, the planning proposal is to be amended to address condition 1 and submitted to the Department.
 3. Prepare a site-specific Development Control Plan (DCP) and exhibit it with the planning proposal, including consideration of contamination remediation controls and requirements in relation to a Vegetation Management Plan (VMP), Asset Protection Zones (APZ) outside of areas of Sensitive Biodiversity Values and Important Areas for Swift Parrot, and any relevant infrastructure provisions.
 4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals, including consultation with adjoining landowners, and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
 5. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - NSW SES
 - NSW Rural Fire Service
 - NSW Environment Protection Agency
 - NSW's Department of Climate Change, Energy, the Environment and Water
 - Transport for NSW
 - Darkinjung Local Aboriginal Land Council
 - Ausgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

5. Given the nature of the proposal, Council is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

6. The LEP should be completed on or before 28th February 2025.

Thomas 21st May 2025

Thomas Holmes

Manager, Metro North, East and Central Coast, Local Planning and Council Support



21st May 2024

Jazmin Van Veen

Director, Local Planning (North, East and Central Coast)
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