



Rose Living Pty Ltd, Alda Properties (Lake Munmorah) Pty Ltd
and
Urban Land Redevelopment Pty Ltd

Statement of Environmental Effects

Lake Munmorah Urban Release Area
4-into-285 Lot Subdivision

315 – 325 Pacific Highway, Lake Munmorah

March 2025

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Executive Summary

Barker Ryan Stewart has been engaged for the preparation and lodgement of a development application with Central Coast Council in regard to the land located at 285 - 325 Pacific Highway Lake Munmorah. This Development Application is for a 285 lot subdivision of land, comprising:

- Two hundred and eighty-three (283) residential allotments, including two (2) split-zoned (Lots 1 and 70) containing R2 Low Density Residential and C2 conservation zoned land connected by vinculum,
- One drainage reserve (Lot 301),
- One public park (Lot 302), and
- Internal roads and associated inground infrastructure.

The proposed subdivision complies with the applicable development standards and is consistent with the zone objectives. The proposal is permissible with consent under the provisions of Central Coast Local Environmental Plan (LEP) 2022.

The land was rezoned in 2022 to facilitate the residential subdivision and creation of conservation lots and a public park.

Supporting documents prepared as part of the rezoning process include:

- State Planning Agreement for Pacific Highway upgrades (negotiations commenced);
- Local Planning Agreement for construction of a collector road, creation of conservation lands and a local park;
- Biodiversity Certification Agreement and Biodiversity Certification Order; and
- Aboriginal Cultural Heritage Assessment Report (ACHAR).

1 Introduction

This report has been prepared on behalf of the Rose Living Pty Ltd, Alda Properties (Lake Munmorah) Pty Ltd, and Urban Land Redevelopment Pty Ltd.

This application seeks development consent for a 285 lot subdivision, as shown on the plan of subdivision in Appendix A.

A State Planning Agreement has been negotiated and finalisation is pending lodgement of this development proposal with Central Coast Council. The Planning Agreement outlines the following requirements:

- The Pacific Highway / Kangaroo Avenue intersection will be modified to allow only left in / left out vehicle movements. The work is to be completed prior to the issue of the Subdivision Certificate for the first lot created for the purpose of Residential Accommodation within the Development; and
- The Pacific Highway / Tall Timbers Road signalised intersection will be upgraded to increase capacity to cater for the additional traffic volumes. The work is to be completed prior to the issue of the Subdivision Certificate for the 181st lot created for the purpose of Residential Accommodation within the Development.

A Local Planning Agreement has been entered into and outlines infrastructure contributions that will be made by the developer in lieu of the payment of Section 7.11 developer contribution charges related to the subdivision of the lands. The Planning Agreement outlines the following requirements:

- Dedication and embellishment of land for local open space;
- Upgrading of Chisholm Avenue to a collector road; and
- Construction of a roundabout at the intersection of Chisholm Avenue and Tall Timbers Road.

The proposed plan of subdivision is consistent with the Biodiversity Certification Assessment Report (**BCAR**), dated 9 December 2022 and prepared by Kleinfelder.

A Biodiversity Development Assessment Report (**BDAR**) was prepared by Wedgetail Project Consulting for the Tall Timbers Road / Chisholm Avenue Intersection, and is attached in Appendix Q.

This SEE has been prepared in accordance with Part 3 of the *Environmental Planning & Assessment Regulation 2021*, having regard to Section 4.15 of the EP&A Act. It provides a description of the existing land and the site context in Section 2, with details of the proposed development in Section 3. The environmental planning controls applying to the site and an assessment of compliance with these controls are set out in Section 4. Section 5 addresses section 4.15 of the Act and Chapter 6 contains concluding comments in respect of the proposed development.

Development plans and supporting reports are included in the appendices to this report.

This report has determined that the proposal is compliant with relevant State and the various Central Coast Council Planning Instruments.

2 Site Analysis

2.1 Site Description

The subject land is located at 285-325 Pacific Highway, Lake Munmorah. Table 1 below provides a description of the subject site and Figure 1 below shows an aerial image of the subject site and surrounds.

Table 1: Site Description

Site Description	Comment
Property Address: Lot & DP:	285 Pacific Highway, Lake Munmorah Lot 1 DP 626787 295 Pacific Highway, Lake Munmorah Lot 438 DP 755266 305 Pacific Highway, Lake Munmorah Lot 437 DP 755266 315 Pacific Highway, Lake Munmorah Lot 27 DP755266 325 Pacific Highway, Lake Munmorah Lot 83 DP650114
Site Area:	27.2 hectares
Applicant	Barker Ryan Stewart
Local Authority	Central Coast Council
Applicable LEP	Central Coast LEP 2022
Applicable DCP	Central Coast DCP 2022

The subject lots have, at various times, been utilised for a range of different commercial, rural and residential uses. Past uses have included a small commercial orchard and a commercial landscaping yard, and current uses include a commercial animal kennel and a bus depot.

Existing site improvements comprise:

- | | |
|----------------------|--|
| 285 Pacific Highway | - Dwelling, garage and improvements associated with a commercial boarding kennel facility |
| 295 Pacific Highway | - Dwelling and a building used in association with a commercial business. |
| 305 Pacific Highway | - Dwelling, swimming pool and associated outbuildings. |
| 315 Pacific Highway | - Dwelling and carport. |
| 325 Pacific Highway, | - Dwelling, swimming pool and a shed associated with a commercial bus depot/hire business. |

All allotments are currently accessed via vehicular crossings from the Pacific Highway, with no. 325 Pacific Highway having a secondary access via Possum Street.

The topography of the site is generally level with gentle slopes in the range of 2-4 degrees. The site is traversed by two ephemeral water courses located in the southwestern corner and on the eastern portion of the site. The eastern watercourse has been dammed in a number of locations and feeds into a small wetland located in the north-east corner of the site. There is also a mapped coastal wetland adjoining the northwest corner of the site. Both watercourses are tributaries to Karignan Creek, located approximately

800 m north-northeast of the site and which flows in a northerly direction into Chain Valley Bay on Lake Macquarie.

As shown in Figure 1 below, a large portion of the site is cleared, with some mature vegetation in the north-western and south-eastern corners of the site and with scattered and managed vegetation throughout the remainder of the site. The vegetation throughout the site is characterised by a mix of remnant low woodland vegetation, scattered mature eucalypts, managed grassland, and windbreaks comprised of planted *Radiata Pine* (*Pinus radiata*). Groundcover is comprised of native and exotic species (mainly introduced perennial grasses).



Figure 1: Aerial Photo of Site (Central Coast Council online mapping)

2.2 Locality

The area is characterised by a mix of residential housing, rural-residential housing, businesses, and community (bowling club) and recreation (council park) facilities, as shown in Figure 2 below.

Developments and land surrounding the subject site, include the following:

- North: environmental conservation land and public recreation land.
- East: petrol station (335 Pacific Hwy) and residential development and beyond to rural lands and Lake Munmorah schools (public and Catholic campuses).
- South: Pacific Highway, Lake Munmorah Bowling Club and mixed residential/commercial development.
- West: undeveloped residential zoned land, public recreation land, environmental conservation land and beyond to Lake Munmorah Shopping Centre and residential development



Figure 2: Aerial Photo of Locality (Six Maps)

2.3 Infrastructure

All existing allotments are serviced by water, sewer, telecommunication and power services.

Nearby public transport includes bus services operated by Busways. The bus services provide transport to various nearby local suburbs and railway stations as well as connections to other bus and train service routes for further destinations.

A bus stop for northbound services is located adjacent to 315 Pacific Highway and the bus stop for southbound services is located near the junction of the Pacific Highway and Kangaroo Avenue. The bus services include route 95 (Lake Haven to Morisset via Gwandalan and Mannering Park), route 95X (Lake Haven to Wyee via Gwandalan and Lake Munmorah), route 98 (Lake Haven to Blue Haven via Chain Valley Bay), and route 99 (Lake Haven to Charlestown via Swansea, Blue Haven and Gwandalan). Routes 98 and 99 provide frequent bus route services at 30 to 60-minute intervals in AM and PM peak hours on weekdays and infrequently on Saturdays, Sundays, and Public Holidays.

Busways also operate school bus services adjacent to and past the existing site, providing access to the schools located in Carter Road to the east of the site.

2.4 Photographs

The following photographs show the existing site and surrounding development.



Photograph 1: Looking North - Existing entry to 315 Pacific Highway



Photograph 2: Looking North - Existing entry to 325 Pacific Highway



Photograph 3: Looking East on the Pacific Highway - Subject site to the left



Photograph 4: Looking east across the site – internal view



Photograph 5: Looking south along area zoned C2 Conservation



Photograph 6: Looking east across area identified for proposed extension of Chisholm Avenue



Photograph 7: Looking west along the site's northern boundary along an existing fire trail



Photograph 8: Looking west along cycleway towards Woolworths shopping centre

3 Proposal in Detail

3.1 Related Development Applications

DA/228/2024 was approved by Central Coast Council on 26 June 2024 for a 2-into-2 lot boundary adjustment subdivision of Lot 27 DP755266 (315 Pacific Highway) and Lot 83 DP650114 (325 Pacific Highway) to create two allotments with areas of approximately 3.676 hectares and 0.4809 hectares, as shown in the extract below in Figure 3.



Figure 3: Approved DA/228/2024 Plan of Subdivision (Barker Ryan Stewart, 2024)

3.2 Demolition

All existing site improvements will be demolished, comprising:

- | | |
|----------------------|---|
| 285 Pacific Highway | - Dwelling, garage and improvements associated with a commercial boarding kennel facility |
| 295 Pacific Highway | - Dwelling and a secondary building. |
| 305 Pacific Highway | - Dwelling, swimming pool and associated outbuildings. |
| 315 Pacific Highway | - Dwelling and carport. |
| 325 Pacific Highway, | - Dwelling, swimming pool and associated outbuildings. |

Where possible, materials will be salvaged for recycling during the removal process. The remaining waste will be transported to a recognised waste facility.

3.3 Proposed Development

The proposed development is for a 285 lot land subdivision, comprising the creation of:

- Two hundred and eighty-three (283) residential allotments, including two (2) split-zoned allotments (Lots 1 and 70) containing R2 Low Density Residential and C2 conservation land connected by vinculum,
- One drainage reserve (Lot 301),
- One public park (Lot 302), and
- Internal roads and associated inground infrastructure.

The subdivision layout, as shown in Figure 4 below, is generally consistent with the indicative plan in Chapter 5.54 of Central Coast DCP 2021.

The specified northern part of proposed Lot 70 is intended to be dedicated to Central Coast Council as a future drainage reserve.

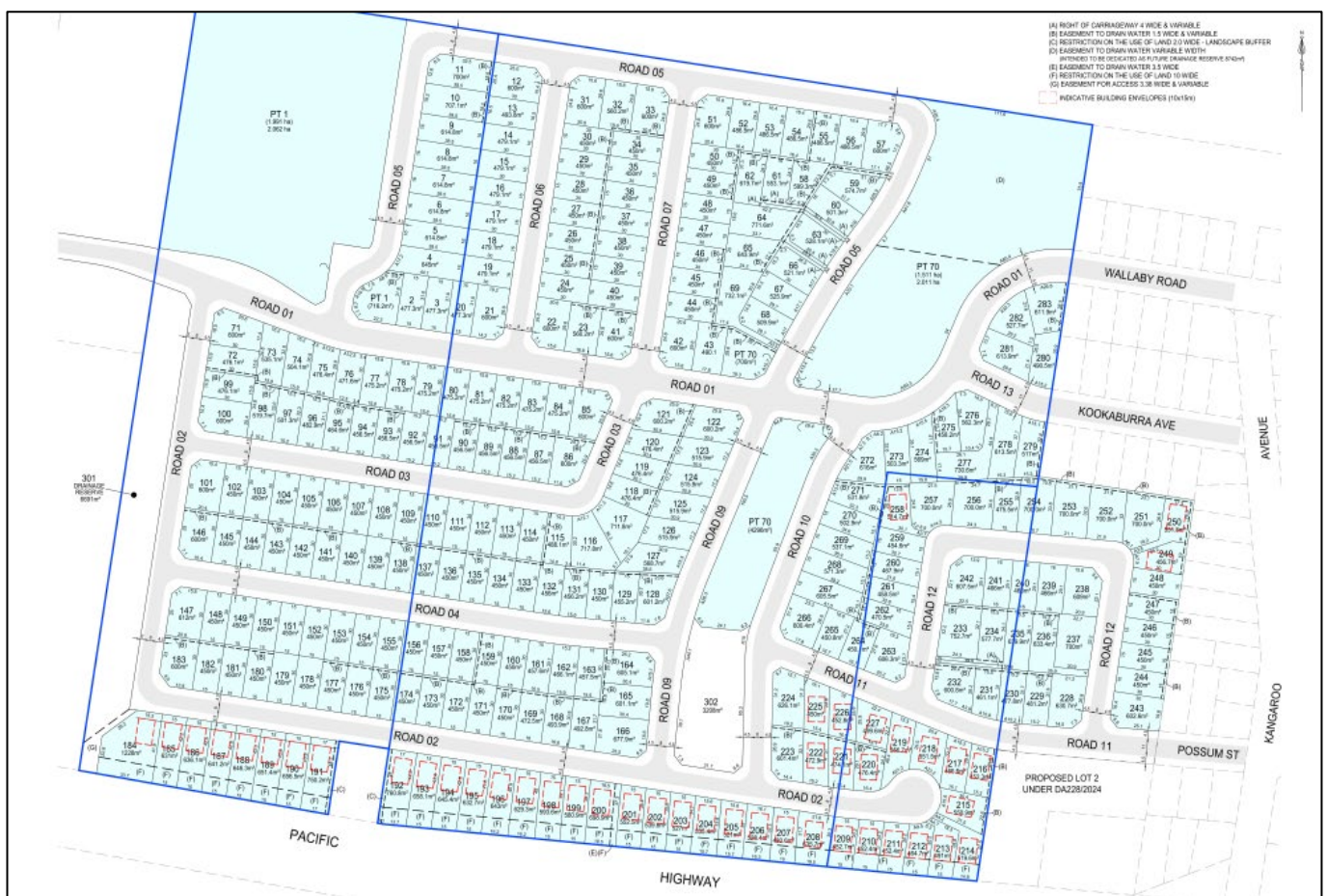


Figure 4: Proposed Plan of Subdivision (Barker Ryan Stewart, 2025)

Residential lot sizes range from 450m² to 1,228m². The split-zoned Lots 1 and 70 have residential areas of 716.2m² and 700m² respectively, in addition to the Zone C2 conservation land they contain.

Primary vehicular access to and from the Pacific Highway will be via Tall Timbers Road and Chisholm Avenue on the western side of the site. A secondary access will be provided to the Pacific Highway in the east via Wallaby Road, Kookaburra Avenue, Possum Street and Kangaroo Avenue. An internal collector road will link Chisholm Avenue to Wallaby Road.

The locations of the public park, drainage reserves and conservation allotments are in accordance with the Indicative Plan in Central Coast DCP 2022, Chapter 5.54 and the recommendations of the Biodiversity Certification Assessment Report (BCAR).

Public Park / Conservation Areas

In accordance with the Local Planning Agreement the public park is to be embellished and dedicated prior to the issue of a subdivision certificate for Stage 1 of the development. The landscaping of the open space is detailed in the Landscape Plan (Appendix G). A five (5) metre vegetation buffer is also provided along the southern boundary of the site, protecting a number of threatened species (*Angophora inopina*), and will be subject to management under a site-specific Biodiversity Management Plan (Appendix N).

The two conservation areas located in the north-western and eastern portion of site are also to be delivered in Stage 1 of the development in accordance with Central Coast DCP 2022 and the Local Voluntary Planning Agreement. The conservation lot in the northwest corner of the site includes an area of remnant native woodland considered to be important habitat for the critically endangered Swift Parrot. The conservation lot on the eastern portion of the site contains a low-lying managed wetland.

Construction of roads and pedestrian pathways will flank the boundaries of the conservation allotments where they interface with the residential development, thereby providing a buffer. Parts of the conservation lots will also be subject to rehabilitation following completion of construction, thereby increasing vegetation condition, habitat values, and connectivity, alongside strategic use of street tree plantings (refer Landscape Plan, Appendix G).

An Arborist Impact Assessment (Appendix K) was carried out to address the potential arboricultural impacts from the proposed residential subdivision and associated civil infrastructure to the 10-metre buffer zone within the proposed conservation allotments (see Figure 5 below).

A total of 110 trees were assessed, consisting of 82 trees located within the 10 metre buffer area, 13 trees located within the conservation lots but outside of the 10 metre buffer, and 15 trees located entirely outside of the conservation lots. Most of the trees are native species with the exception of five trees identified as exotic species listed on Central Coast Council's Undesirable Species List.

The Arborist Impact Assessment (AIA) concluded that no trees within the C2 Environmental Conservation land will be removed, provided the recommendations of the report are implemented at the construction stage.



Figure 5: Plan of 10m Buffer Area to conservation lots (AEP, August 2023)

Vegetation Management

A Biodiversity Management Plan was prepared by Wedgetail Project Consulting dated 9 December 2022, to support the biodiversity certification of the subject land as part of the Planning Proposal process.

The BMP identified a total of four (4) Management Zones within the site based on current condition/status, management requirements, and proposed future land use. The management zones are described as:

- Management Zone 1: Development Site
- Management Zone 2: Eastern Conservation Area (Detention Basin – Constructed Wetland)
- Management Zone 3: Eastern Conservation Area
- Management Zone 4: North-western Conservation Area

The BMP will be implemented over a 20-year period. The timing of management tasks and performance criteria are based on Management Stages defined by the progress of the proposed development. The stages are defined as the following:

- Pre-Construction Phase: Between development approval and the initiation of construction works on site.
- Construction Phase: Between the initiation and completion of construction within the site.
- Post Construction Phase: Between the completion of construction and the first monitoring event.
- Adaptive Management/Operational Phase: Between the first monitoring event and the end of the implementation period, 20 years after the completion of construction.
- Long-term Management: From the end of the initial 20-year implementation period in perpetuity.

The BCAR and BMP were publicly exhibited and reviewed by both Central Coast Council and the Biodiversity Conservation Division of the Department of Planning and Environment.

The Biodiversity Conservation Agreement (BCA) and the Order (BCO) conferring Biodiversity Certification have been issued. Ministerial review of the BCA/BCO has been completed and the Biocertification was gazetted on 5 April 2024 (NSW Government Gazette No 117 of 5 April 2024).

Traffic Management

The Traffic Impact Assessment report is included in Appendix E. For the purpose of traffic modelling, the following assumptions were made regarding the distribution and assignment of traffic to and from the Pacific Highway / Tall Timbers Road and the Pacific Highway / Kangaroo Avenue / Boronia Road intersection:

- Traffic from the residential subdivision has been distributed as 80% outbound and 20% inbound in the AM peak and 70% inbound and 30% outbound in the PM peak;
- Pacific Highway / Kangaroo Avenue Intersection restricted to Left-in and Left-out only and existing traffic at this intersection distributed to the Pacific Highway / Tall Timbers Road intersection; and
- Inbound and outbound traffic split 50/50 between east and west.

The SIDRA modelling confirmed that the road network can adequately accommodate the proposed development subject to the following works:

1. The existing Pacific Highway / Tall timbers Road signalised intersection will be upgraded to increase capacity to cater for the additional traffic volumes that will be generated by the development. To cater for the additional traffic at full development, it is proposed to provide an additional right turn lane 120 metres long on the Pacific Highway east approach.

In addition, it is recommended that the left turn lane in Tall Timbers Road be amended to include both left and right turns by the addition of new pavement arrows.

2. The Pacific Highway / Kangaroo Avenue intersection will be modified to allow only left in / left out vehicle movements, effectively denying any right turn movements from the east into Kangaroo Avenue. Consequently, westbound right turns will only be possible at the Tall Timbers Road intersection.

SIDRA modelling for the Pacific Highway / Kangaroo Avenue was also undertaken to assess the impact of a proposed left in Left out (LLO) restriction on the intersection operation. The SIDRA modelling shows that the Pacific Hwy / Kangaroo Avenue intersection will operate satisfactorily with LLO arrangements in 2023 during both the AM and PM peak periods with development traffic

3. SIDRA modelling for the Tall Timbers Road / Chisholm Avenue intersection was undertaken to assess the impact of the proposed development. The SIDRA modelling confirms that no intersection upgrades or traffic control devices are required for this intersection as a result of the proposed development. It will continue to operate at Level of Service A into the future with minimal delays and queue lengths. However, pursuant to the Voluntary planning Agreement entered into with Central Coast Council, this intersection be upgraded to a single lane roundabout to increase safety due to the additional trips that will be generated by the proposed development.

Pedestrians and cyclists will be able to access the existing off-road shared path along the northern side of the Pacific Highway to access the bus stops on the Pacific Highway and the Lake Munmorah shopping precinct. The signalised and marked pedestrian crossing at the Pacific Highway / Tall Timbers Road intersection will provide safe access for pedestrians and cyclists to the existing off-road shared path and bus stop on the southern side of the Pacific Highway opposite the site.

A Road Safety Audit (RSA) Report was prepared by BRS at concept design stage for the proposed subdivision and is attached in Appendix R. The recommendations of the RSA will be reviewed and considered at the detail design stage of the project.

Stormwater Management

The site includes a natural ridge that approximately follows the boundary of Lot 1 DP 626787 (285 Pacific Highway) and Lot 438 DP 755266 (295 Pacific Highway). This divides the site into an eastern and western catchment.

The Stormwater Management Report (Appendix C) considers a range of storm events up to and including the 1% AEP storm event and demonstrates compliance with Council's stormwater requirements, including on-site detention and water quality treatment. Six (6) stormwater basins are proposed to manage water quality and water quantity for the western and eastern catchments.

Water quality treatment for the development site has been designed and modelled in the MUSIC software package and has been designed to exceed the minimum requirements specified in Central Coast Council's water quality treatment requirements as specified in Section 11 of Council's Civil Works Specification – Design Guideline 2020. The water quality targets adopted for the site have been the more stringent of:

- Council requirements; and
- Neutral or beneficial (NorBE) water quality targets as required by Department of Planning and Environment.

The modelling shows that in the post development case the pollutant reduction targets exceed Council's requirements for both the eastern and the western catchments.

A total of six (6) stormwater retention basins are proposed, with five (5) located within the drainage reserve (lot 303) along the western boundary and one (1) within the intended future drainage reserve in the north-eastern corner of the site in proposed Lot 70. Drains modelling for pre-development and post-development flows shows that the design of the on-site detention for the eastern and western catchments will limit the post development flows to match predevelopment flows for the 20% AEP, 5% AEP and 1% AEP storm events in accordance with Section 11 of Council's Civil Works Specification – Design Guideline 2020.

Flooding

Council's Flood Mapping (refer Figure 6 below) shows the northeast corner of the site is impacted by the 1% AEP flood event. This part of the site in proposed Lot 70 is intended to be set aside for the purpose of a drainage reserve as identified in the proposed plan of subdivision in Figure 4.

The requirements for the Flood Impact Assessment (FIA) were provided by Central Coast Council and include:

- The Flood Impact assessment to be prepared to the requirements of ARR2016.
- Flood model to utilise a 2m grid or smaller.
- Assess critical 1% AEP and PMF events.
- Existing and developed scenario mapping to present velocity magnitudes, flood depth, level difference, hazard map (H1 to H6).

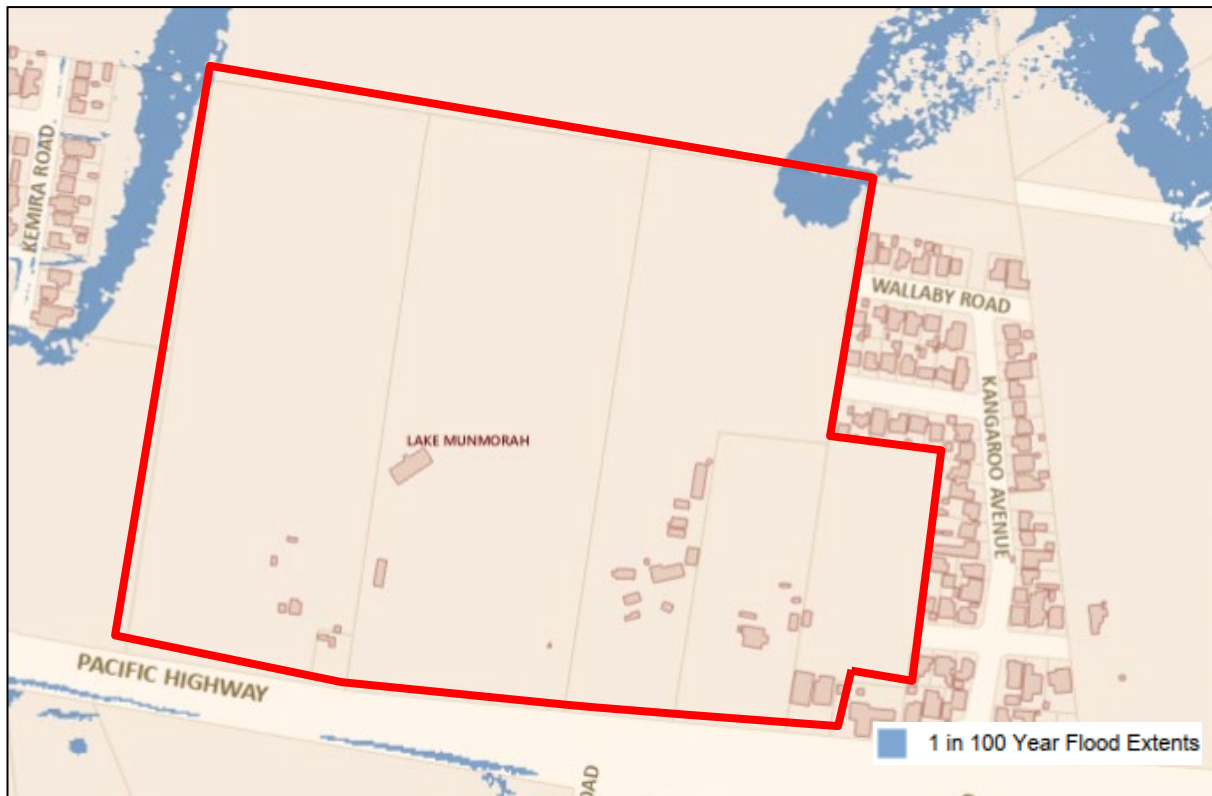


Figure 6: Extract Flood Map (Source: Central Coast Council Online Maps)

The Flood Impact Assessment, prepared in accordance with the above requirements, is included at Appendix D. Hydrological modelling was carried out using IL-CL (Initial Loss-Continuing Loss) model in the DRAINS software and rainfall data obtained from the Bureau of Meteorology (BoM) website in accordance with the requirements of Australian Rainfall and Runoff, 2016. Hydraulic modelling was undertaken using TUFLOW software with detailed site survey information supplemented with LIDAR ground level information. The proposed development scenario takes into consideration the proposed Eastern and Western Basins as well as proposed culverts near Chisholm Avenue and from the Pacific Highway.

In comparing the existing condition and proposed scenario flood results, The Flood Impact Assessment shows that:

- a. While flood level increases are experienced in localised areas external to the development, due primarily to raised levels within the proposed development, the impact on adjacent private property is negligible in the 1% AEP event.
- b. Flood levels have been reduced in the existing development to the west, due to improved drainage and reduced flows within the existing water course adjacent to the site.
- c. The site has for the most part has a hazard vulnerability classification of H1 which is generally safe for vehicles, people and buildings.

The FIA concludes that the proposed development has an acceptable flood impact on existing flood water behaviour and levels.

Civil Works / Infrastructure

A sewer hydraulic capacity assessment of the gravity network was carried out using DRAINS software with consideration of the calculated wastewater flow rates, Council work-as-constructed drawings and Council GIS information.

The hydraulic model results demonstrate that the existing gravity sewerage network between the development site and the receiving SPS has suitable capacity to convey developed condition flows without liquid spilling at the surface.

Accordingly, upgrade or augmentation of Council's existing gravity sewerage network is not considered necessary to accommodate the proposed development. Capacity of the downstream sewerage network beyond the gravity network assessed in this report has been reviewed in Council's 'Northern Region Water Supply and Sewerage Development Servicing Plan 2019' (known as the DSP). This report does not identify any potential upgrades to the receiving SPS or SRM.

Earthworks

Earthworks are proposed to make the land suitable for future residential development. The design objectives of the bulk earthworks plan (Appendix B) were:

- to limit cut and fill depths and maintain the existing points of discharge;
- accommodate for minimum and maximum road grades as defined by Council's Civil Works Specification;
- satisfy site Flood Planning Levels, defined as the 1% AEP flood level plus 500mm freeboard; and
- limit works within the environmental protection areas.

As shown in the bulk earthworks plan in Figure 7 below, soil cut is concentrated around the centre/western portion of the site and in the southeast corner where the new extension of Possum Road will be constructed. The majority of fill will be used in the eastern and northern quadrants of the site.

Excavation earthworks will generate 75,300 cubic metres of cut material and require 72,300 cubic metres of fill material. This results in a net removal of 3,000m³ of soil from the site. Suitable material will be reused on the site as fill, and unsuitable materials will be removed.

Temporary sediment basins will be constructed and maintained during construction in accordance with relevant guidelines.

The bulk earthworks design and the stormwater management strategy effectively maintain the hydrological equilibrium of the coastal wetlands located near the northwest corner of the site (see section 4.3.3).

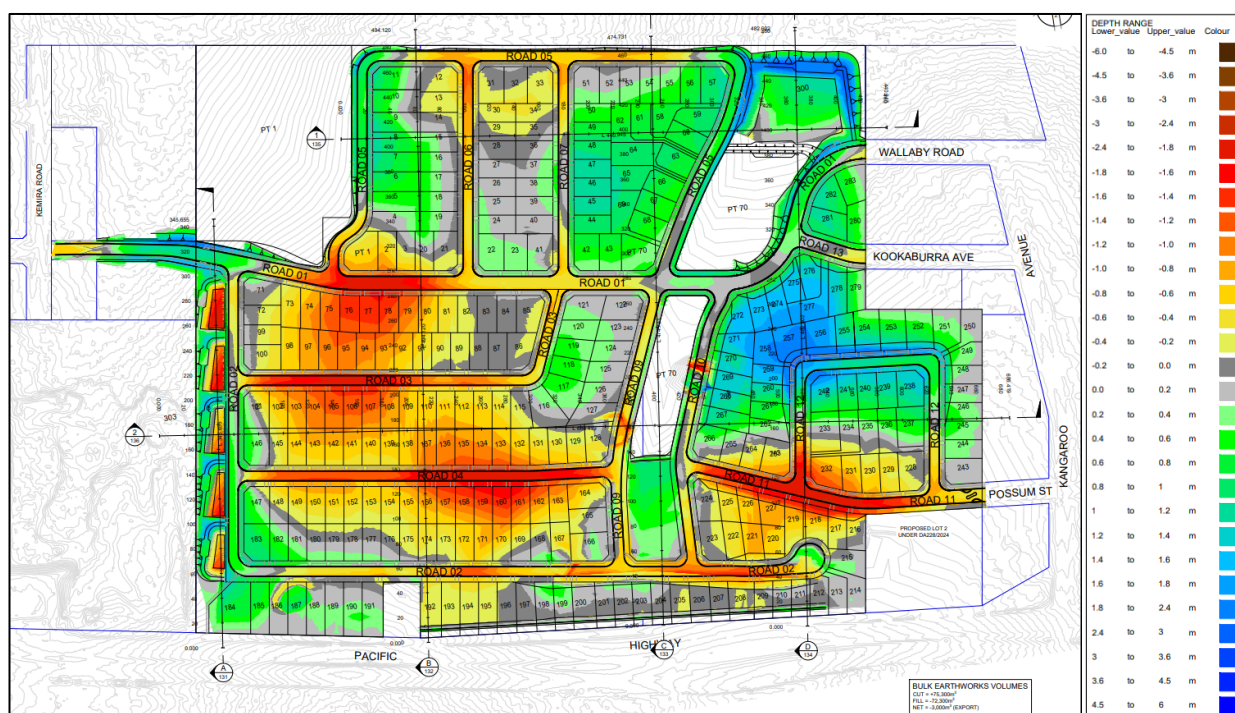


Figure 7: Bulk Earthworks Plan (Barker Ryan Stewart, 2025)

Acoustic Impact

A noise intrusion assessment was carried out to assess the potential noise impacts on the proposed subdivision, with the main contributor to noise being vehicle movements on the Pacific Highway impacting the proposed residential allotments located along the site's southern boundary.

Table 2 below details the existing Pacific Highway traffic noise levels, adjusted noise levels accounting for proposed subdivision traffic and the adopted project specific noise levels. The 10 dBA for areas with 'windows open' is drawn from the NSW "Development Near Rail Corridors & Busy Roads – Interim Guidelines, 2008 which states that "if internal noise levels with windows open or doors open exceed the criteria by more than 10 dBA, the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also meet the ventilation requirements of the BCA".

Table 2: Project Noise Criteria

		Leq, 15 hour	Leq, 9 hour	Required Noise Reduction
Existing Noise Level	Pacific Highway	63 dBA	58 dBA	
Adjusted Noise Level	Pacific Highway with proposed subdivision traffic	64 dBA	59 dBA	
NSW Road Noise Policy	External Areas	60 dBA	55 dBA	
NSW "Development Near Rail Corridors & Busy Roads – Interim Guidelines, 2008	Sleeping areas (10pm - 7am)		35 dBA	
	Other habitable rooms (anytime)	40 dBA	40 dBA	
Project Specific Noise Criteria	Sleeping areas (windows closed)		35 dBA	24 dBA
	Sleeping areas (windows open)		45 dBA	14 dBA
	Other habitable rooms (windows closed)	40 dBA	40 dBA	24 dBA
	Other habitable rooms (windows open)	50 dBA	50 dBA	14 dBA
	Principal Private Open Space (7am – 10pm)	60 dBA		4 dBA

The Noise Intrusion Report (Appendix F) identifies appropriate noise control measures and concludes that the necessary noise reduction for habitable rooms and principal private open space areas can be achieved subject to the noise control recommendations in Section 4 of the report. In relation to the site's frontage to the Pacific Highway, it is proposed to erect a 1.8 metre high sound barrier wall along the entire southern boundary of the development site. The wall will be located inside the property boundary and constructed of lapped and capped timber, with no visible gaps at the joints and base of the wall.

A 1.8 metre high sound barrier wall is predicted to reduce the ambient traffic noise level in the principal private open space (PPOS) of the southernmost residential lots by 2 to 5 dB resulting in traffic noise levels within the PPOS of 59-62dBA. The Noise Intrusion Report indicates that an exceedance of 2 dB is considered negligible and is not discernible to the average listener.

The recommendations in Section 4 of the Noise Intrusion Report also address future dwelling construction to achieve compliance with the project specific noise criteria.

Bushfire

As shown in Figure 8 below, the subject land comprises bushfire prone land. The majority of the site is mapped as Vegetation Category 3 bushfire prone land, with an area of Vegetation Category 1 bushfire prone land in the north-western corner of the site and an area of Vegetation Buffer in the south-eastern quadrant. Small areas of the northern and south-eastern corners of Lot 83 DP650114 are not identified as bushfire prone land.

The principal vegetation types affecting the bushfire hazard located within 140 metres of the proposed residential areas are:

- North - Forest, mapped as Vegetation Category 1 bushfire prone land separated by an electrical easement.
- South - Managed land, Forest and Scrub, with an area of Vegetation Category 1 bushfire prone land separated by the Pacific Highway.
- East - Managed land comprising residential development mapped as Vegetation Buffer.
- West - Forest, mapped as Vegetation Category 1 bushfire prone land, with Vegetation Category 3 bushfire prone land existing to the west-southwest.

The primary bushfire hazard is located to the north.

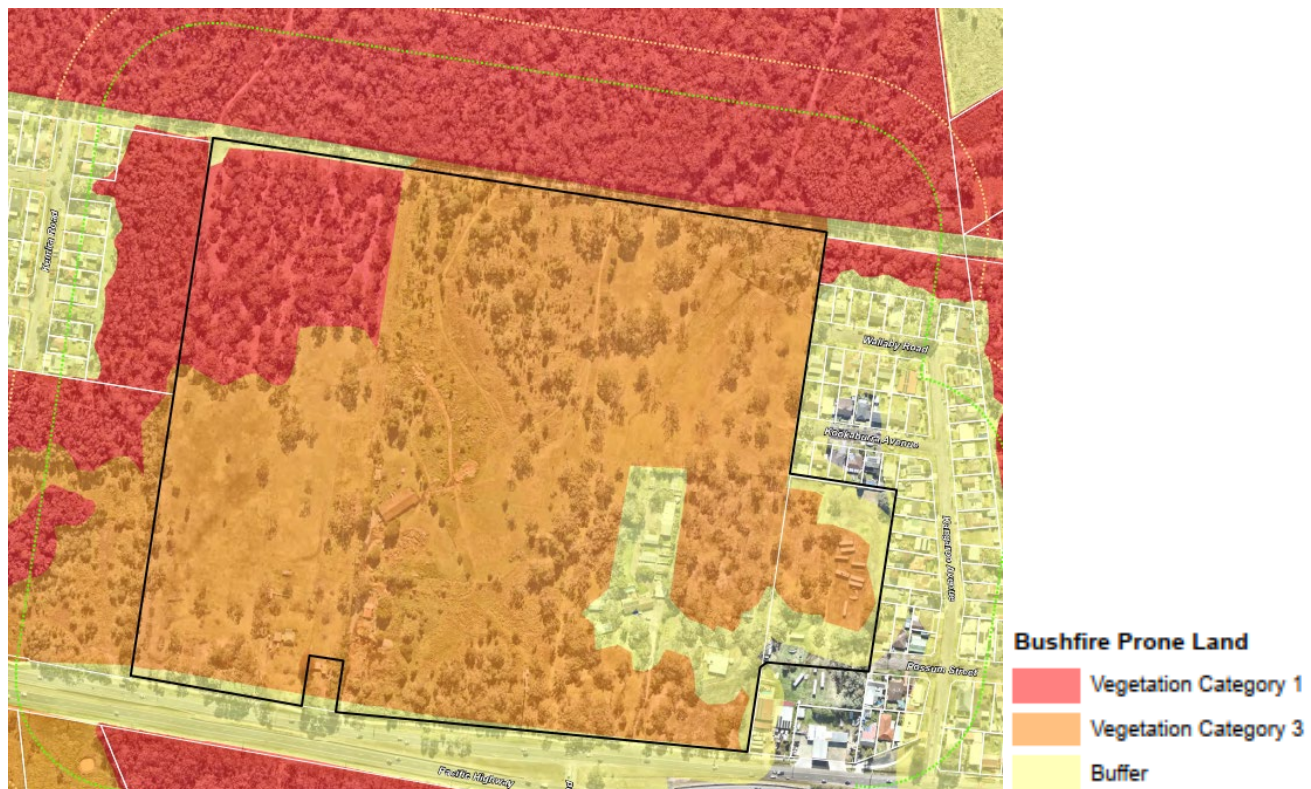


Figure 8: Bushfire Prone Land Map (Source: Bushfire Assessment Report, Bushfire Planning Australia, 2023)

A Bushfire Assessment Report (BAR) is included in Appendix I. The BAR concludes that the bushfire hazard can be successfully mitigated by applying a combination of bushfire mitigation measures including Asset Protection Zones (APZs).

The BAR recommendations would reduce the bushfire threat to a 'low threat hazard' and achieve the aims and objectives of Planning for Bushfire Protection 2019. The BAR recommendations include:

1. At the issue of a subdivision certificate and in perpetuity, the entire site; with the exception of the land within Lots 300, part 301, part 303 and part 304 – as shown on Figure 14), shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of PBP 2019 and the RFS document Standards for asset protection zones;

2. An APZ up to 16m wide shall be established along the northern boundary of the site as shown in Figure 14 and maintained as outlined in Appendix 4 of PBP 2019 and the RFS document Standards for Asset Protection Zones. Where an APZ is indicated on public land (road reserve), the vegetation is not required to be managed as an APZ;
3. APZs up to 22m wide shall be established adjoining Lots 300, 301, 303 and 304 of the site as shown in Figure 14 and maintained as outlined in Appendix 4 of PBP 2019 and the RFS document Standards for asset protection zones. Where an APZ is indicated on public land (road reserve), the vegetation is not required to be managed as an APZ;
4. All land within future stages of the site within 100m of the site shall be managed as a Temporary APZ as outlined Appendix 4 of PBP 2019 and the RFS document Standards for asset protection zones;
5. Access roads shall satisfy the Performance Criteria of Table 5.3b of PBP 2019;
6. Perimeter roads may comply with the following general requirements of Table 5.3b of PBP 2019 and the following:
 - 8m wide road width measured kerb to kerb;
 - Hydrants are located clear of parking areas;
 - Curves of roads have a minimum inner radius of 6m;
 - The road crossfall does not exceed 3 degrees; and
 - A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches is provided.
7. Non-perimeter roads may comply with the following general requirements of Table 5.3b of PBP 2019 and the following:
 - 5.5m wide road width measured kerb to kerb;
 - Hydrants are located clear of parking areas;
 - Curves of roads have a minimum inner radius of 6m. The road crossfall does not exceed 3 degrees; and
 - A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches is provided.
8. Temporary turning heads must be provided to temporary dead end roads incorporating a turning head in accordance Appendix A3.3 of PBP 2019;
9. Vegetation within road verges (including swales) to be consistent with a grassland vegetation classification with tree canopy less than 10% at maturity (and considered unmanaged);
10. All future dwellings to be constructed on the proposed lots shall have due regard to the specific considerations given in the National Construction Code: Building Code of Australia (BCA) which makes specific reference to Australian Standard AS3959-2018 Construction of buildings in bushfire prone areas (AS3959-2018) and the NASH Standard Steel Framed Construction in Bushfire Prone Areas;
11. All new lots are to be connected to a reliable water supply network and that suitable fire hydrants are located throughout the development site that are clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure shall comply with AS2419.1 2005 and section 5.3.3 of PBP 2019; and
12. Consideration should be given to landscaping and fuel loads on site to decrease potential fire hazards on site.

4 Statutory Matters

4.1 Environmental Planning & Assessment Act 1979

The EP&A Act provides the framework for environmental planning and development approvals and includes provisions to ensure that the potential environmental impacts of a development are assessed and considered in the decision-making process.

The objects of the EP&A Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the EP&A Act:

- The proposal will facilitate the orderly and economic use and development of land as the site is of a land use zoning to accommodate residential development.
- The creation of the conservation lots promotes environmental protection and is consistent with the principles of ecologically sustainable development.
- It will create additional employment opportunities during the construction and will have flow-on effects to the local economy.
- Will contribute to the delivery of affordable housing.

4.1.1 Section 4.15 Evaluation

Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA.

The relevant matters for consideration under Section 4.15 are addressed in Table 3 below.

Table 3: Section 4.15 Considerations

Section 4.15	Reference within this SEE
(a) the provisions of:	
(i) any environmental planning instrument, and	Refer to Section 4.3 and Section 4.5 of this SEE
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent	Refer to Section 4.3.6 of this SEE

Section 4.15	Reference within this SEE
authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	
(iii) any development control plan, and	Refer to Section 4.6 of this SEE
(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and	A Local Voluntary Planning Agreement has been entered into with Central Coast Council. A draft State Planning Agreement has been negotiated and is currently being finalised.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Refer to Section 4.1.3 of this SEE.
(v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>),	The site is not subject to any coastal management plan.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Refer to Section 5.3 of this SEE and associated technical reports and plans.
(c) the suitability of the site for the development,	Refer to Section 5.4 of this SEE and associated technical reports and plans.
(d) any submissions made in accordance with this Act or the regulations,	To be considered as part the assessment process.
(e) the public interest	Refer to Section 5.5 of this SEE.

4.1.2 Section 4.46 – Integrated Development

The application is Integrated Development for the purposes of Section 4.46 of the EP&A Act.

Table 4: Assessment of Relevance of Legislation

Legislation	Section	Applicable
Coal Mine Subsidence Compensation Act 2017	S22	Yes
Fisheries Management Act 1994	s 144 s 201 s 205 s 219	No
Heritage Act 1977	s 58	No
Mining Act 1992	ss 63, 64	No
National Parks & Wildlife Act 1974	s 90	No
Petroleum (Onshore) Act 1991	s 16	No
Protection of the Environment Operations Act 1997	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	No

Roads Act 1993	s 90	No
Rural Fires Act 1997	S100B	Yes
Water Management Act 2000	ss 89, 90, 91	Yes

4.2 Environmental Planning & Assessment Regulation 2021

Section 30B of the EP&A Regulation provides as follows:

30B Council-related development applications

A council-related development application must be accompanied by—

- (a) a statement specifying how the council will manage conflicts of interest that may arise in connection with the application because the council is the consent authority (a **management strategy**), or*
- (b) a statement that the council has no management strategy for the application.*

It is confirmed that there is no management strategy in relation to this development application.

4.3 State Environmental Planning Policies

The State Environmental Planning Policies (SEPPs) relevant to the proposed development are assessed in Table 5 below.

Table 5: Assessment of Relevance of SEPPs

State Environmental Planning Policy	Relevant	Comment
SEPP (Biodiversity and Conservation) 2021	Yes	
Chapter 2 Vegetation in non-rural areas	N/A	The land has Biodiversity Certification status.
Chapter 3 Koala habitat protection 2020	N/A	Does not apply to land in the R2 Low Density Residential zone within the Central Coast LGA.
Chapter 4 Koala habitat protection 2021	N/A	Does not apply to land on which biodiversity certification has been conferred, and is in force, under Part 8 of the Biodiversity Conservation Act 2016. Biodiversity certification of the site under the Biodiversity Conservation Act has been finalised.
Chapter 5 River Murray Lands	N/A	
Chapter 6 Water catchments	N/A	
Chapter 13 Strategic conservation planning	N/A	

SEPP (Building Sustainability Index: BASIX) 2004	N/A	
SEPP (Housing) 2021	N/A	
SEPP (Industry and Employment) 2021	N/A	
SEPP (Exempt and Complying Development Codes) 2008	N/A	
SEPP (Planning Systems) 2021	N/A	Proposed subdivision works have a capital investment value of approximately \$26.6 million. Cost summary reports prepared by a Quantity Surveyor are included at Appendix O.
SEPP (Precincts - Central River City) 2021	N/A	
SEPP (Precincts - Eastern Harbour City) 2021	N/A	
SEPP (Precincts - Regional) 2021	N/A	
SEPP (Precincts - Western Parkland City) 2021	N/A	
SEPP (Primary Production) 2021	N/A	
SEPP (Resilience and Hazards) 2021	Yes	
Chapter 2 Coastal management	Yes	A mapped coastal wetland is located to the west/northwest of the site. The northwest corner of the site is mapped as land in a proximity area to a coastal wetland.
Chapter 3 Hazardous and offensive development	N/A	
Chapter 4 Remediation of land	Yes	The contamination assessment (Appendix H) found localised minor contamination at the site, limited to hydrocarbons around the workshop area of No. 295 and the south-eastern corner of No. 325. Consulting engineers Stantec concluded that this can be remediated and validated during bulk earthworks and no further contamination assessment or a Remedial Action Plan (RAP) is required.
SEPP (Resources and Energy) 2021	N/A	
SEPP (Sustainable Buildings) 2022	N/A	
SEPP (Transport and Infrastructure) 2021	N/A	

4.3.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

SEPP (Biodiversity and Conservation) 2021 seeks to protect biodiversity values within NSW. This SEPP includes a range of sections aimed at protecting biodiversity values. Chapters regarding the clearing of native vegetation, koala habitat, environmental planning and assessment provisions to protect Sydney Harbour, its tributaries and various lakes and rivers including Murray River, protecting and conserving bushland and provisions protecting Sydney Water Drinking Catchment. The following Chapters of the SEPP are relevant to this proposal.

Chapter 2 Vegetation in non-rural areas

Chapter 2 seeks to protect the biodiversity values of vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Chapter 3.5 of Central Coast DCP 2022 identifies vegetation to which Part 2.3 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 Vegetation in Non-Rural Areas applies, such that a permit from the Council is required to remove that vegetation. While this Chapter applies to land zoned R2 Low Density Residential, it does not apply to the removal of vegetation on any land which is identified on the Biodiversity Values Map, or which otherwise exceeds the Biodiversity Offset Scheme (BOS) threshold.

Under clause 7(3) of the SEPP and Part 8 of the Biodiversity Conservation Act 2016, the provisions relating to the clearing of vegetation in non-rural areas that exceeds the biodiversity offsets scheme threshold does not apply to clearing on biodiversity certified land.

4.3.2 State Environmental Planning Policy (Planning Systems) 2021

In accordance with Schedule 6 of the SEPP, the following development is declared to be regionally significant development:

- Development that has a capital investment value of more than \$30 million.
- Coastal subdivision within the coastal zone into more than 100 lots if the land is wholly or partly in a sensitive coastal location.

The proposed subdivision and associated infrastructure work has a capital investment value of \$26.6 million and the CIV does not trigger the declaration of regionally significant development. A project cost estimation is included in Appendix O.

The proposed subdivision is within 100m of a coastal wetland and is classified as a sensitive coastal location. Therefore, the proposed subdivision is classified as Regionally Significant Development under Schedule 6 section 8 of the SEPP and the Hunter and Central Coast Council Regional Planning Panel is the consent authority.

4.3.3 State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 contains planning provisions regarding land use planning within coastal zones, consistent with the objectives of the Coastal Management Act. It also provides provisions on how to manage hazardous and offensive development and provides a state-wide planning framework for the remediation of contaminated land to minimise the risk of harm. The following Chapters are applicable to the subject development.

Chapter 2 Coastal Management

This Chapter applies to land within the coastal zone and aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016. The coastal zone encompasses the following coastal management areas:

- the coastal wetlands and littoral rainforests area,

- the coastal vulnerability area,
- the coastal environment area,
- the coastal use area.

As shown in Figure 9 below, mapped coastal wetland borders the north-western corner of the site, with “proximity area for coastal wetlands” extending into the site. The coastal wetlands and littoral rainforests area is made up of land identified as “coastal wetlands” or as “littoral rainforests” and includes land that is identified as “proximity area for coastal wetlands” and “proximity area for littoral rainforest”.

Legal advice has been prepared by Corrs Chambers Westgarth in relation to the application of Chapter 2 of SEPP (Resilience and Hazards) 2021 to the proposed development, including external roadworks.

In relation to land in ‘proximity to coastal wetlands’, section 2.8 of the SEPP states that:

- (1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
 - (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
 - (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

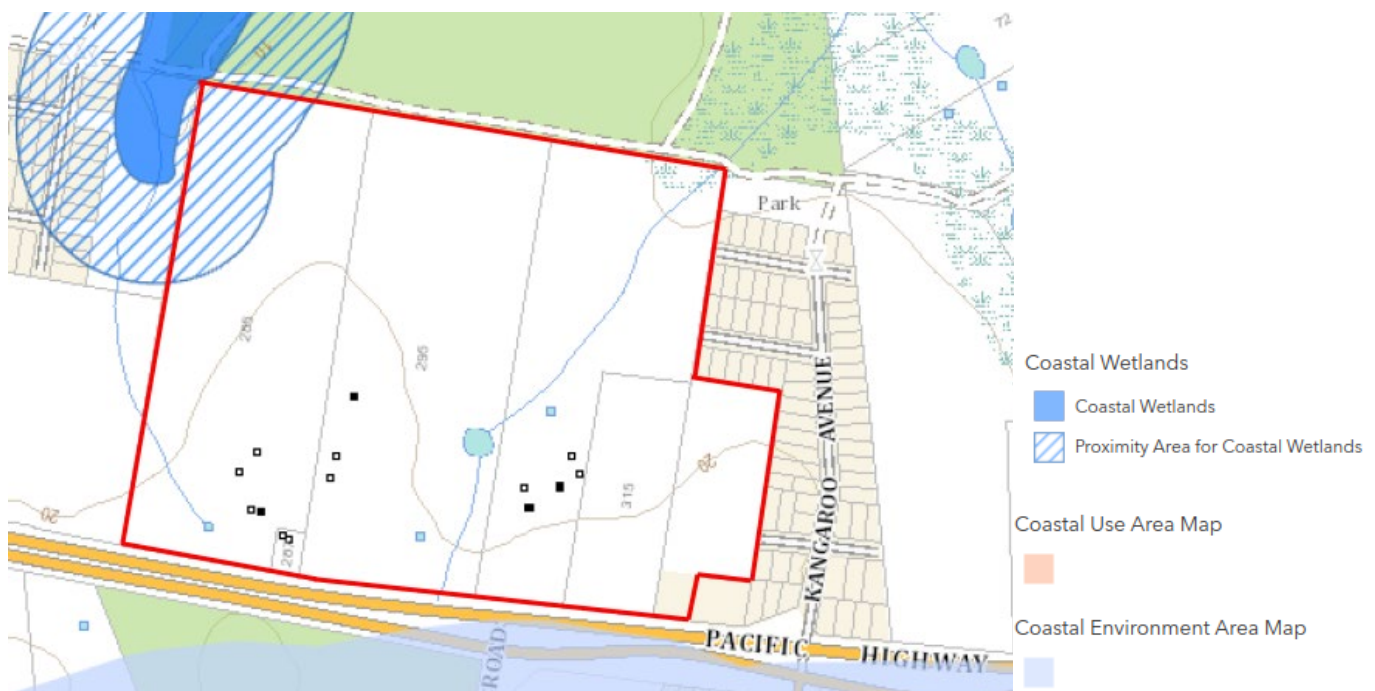


Figure 9: Coastal Management Areas Map (NSW Planning Portal-spatial viewer, October 2023)

The land within the site mapped as “proximity to coastal wetland” is zoned C2 conservation and is set aside as a conservation allotment.

A Surface Water & Ground Water Baseline Assessment undertaken by Stantec (refer to Appendix J) found that groundwater was generally sustained at 2.0m to 5.0m below ground level (BGL) in the monitoring wells installed upgradient with groundwater generally flowing north-west and north-east following the natural topography to the lower lying areas where groundwater is expected to be near surface level (approximately 1.5m BGL in the downgradient well). Stantec have noted that groundwater/surface water levels are likely to fluctuate with variations in climatic conditions. The baseline assessment also revealed that the metal concentrations in the water sampling are expected to be predominantly background related and do not limit the development of the site.

The baseline assessment indicates that it is likely the groundwater aquifer underlying the site is interacting with the coastal wetlands, with the supply of water to the wetlands likely dependant on a combination of groundwater, surface water flows and flows from Chain Valley Creek. On the basis of the interaction of groundwater underlying the site with the coastal wetlands downstream, Stantec concluded that no further investigation into the effect of wetting and drying cycles on the wetlands is required, due to the flora and fauna within the wetland being adapted to the existing water regime, which has been demonstrated to be partly reliant on the groundwater aquifer underlying the proposed development.

The development of the site needs to ensure the continuity of groundwater and surface water flows for wetting and drying of the wetland. The water chemistry of flows being directed to the downstream wetlands is also crucial to maintain given the reliance biota and habitat have on the supply of water. Stantec confirmed the proposed development as having adequate measures for ensuring the chemistry and quantity of groundwater and surface flows offsite to the wetlands are not altered, and concluded that no further assessment of groundwater or surface water is required to assess the wet and dry cycle impact on the downstream wetlands.

The Stormwater Report (Appendix C) shows that in the post development case the pollutant reduction targets exceed Council's requirements for both the eastern and the western catchments and DRAINS modelling for pre-development and post-development flows shows that the design of the on-site detention for the eastern and western catchments will limit the post development flows to match predevelopment flows for the 20% AEP, 5% AEP and 1% AEP storm events.

To maintain the hydrological equilibrium of the coastal wetlands, the Surface Water & Ground Water Baseline Assessment in Appendix J identifies that the drawdown of groundwater caused by construction should be avoided. This can be achieved by limiting excavations to above the groundwater table but if excavations below the groundwater table are proposed, it is recommended that:

- consideration be given to de-watering requirements comprising groundwater spears or continuous sump and pump techniques.
- Required pump configuration and flow rates to be designed by a suitable contractor.

Chapter 4 Remediation of land

Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated during the development application process.

A Supplementary Contamination Assessment carried out by Stantec is included at Appendix H. This report includes a review of previous contamination assessments that have been undertaken, including:

- 315-335 Pacific Highway, Preliminary Site Investigation (Kleinfelder, 2021)
- 325 Pacific Highway, Preliminary Site Investigation (EP Risk, 2021)
- 285-305 Pacific Highway, Preliminary Site Investigation (GHD, 2019)

The earlier Preliminary Site Investigations determined that the land was suitable for residential development taking into consideration of the following factors:

- Review of soil landscapes and acid sulfate soils.
- Review of groundwater borehole records.
- Aerial photograph review.
- Review of previous and current land uses to identify potentially contaminating activities, which included the current BP Service Station located at 335 Pacific Highway, Lake Munmorah.
- Assessment of regulatory data bases including the NSW EPA Contaminated Sites Register NSW and the EPA Protection of the Environment Operations (POEO) Licence register – no recorded sites.

The supplementary Contamination Assessment carried out by Stantec in 2023 found that:

- Subsurface conditions were generally consistent with those of previous investigations and published geology.

- No significant visual or olfactory evidence of contamination was encountered during the intrusive investigation. While minor indications of hydrocarbon discolouration and odour was observed during excavation of test pits TP006, TP014 & TP025, it should be appreciated these isolated detections were in areas where agricultural machinery or buses were historically parked.
- There is some minor contamination limited to hydrocarbons which are well defined based on staining/discolouration around workshop area of lot 295 and the south-eastern corner of lot 325.
- Soil samples were screened for the presence of volatile organic compounds (VOCs) did not indicate significant or widespread contamination by VOCs.

The supplementary Contamination Assessment concluded that *“on the basis of the previous investigations and the current investigation, no further contamination assessment or Remedial Action Plan (RAP) is required for the combined site”*.

While minor hydrocarbon contamination was identified, this can be remediated and validated during bulk earthworks.

4.4 Greater Lake Munmorah Structure Plan

Central Coast Council adopted the Greater Lake Munmorah Structure Plan in April 2022. The Structure Plan further refines the future land uses identified at a high-level by the NSW Government's North Wyong Shire Structure Plan.

The Greater Lake Munmorah Structure Plan establishes a framework to guide the future growth of the study area over a 20 year period from 2021-2041. The Structure Plan addresses housing and employment land supply, infrastructure provision, ecology, traffic and transport, the public domain, and community and recreational facilities and infrastructure.

The subject land is included within Precinct 8 - Northern Lake Munmorah in the Greater Lake Munmorah Structure Plan. The proposal is consistent with the Structure Plan and delivers the following elements:

- Proposed playground
- Collector road through the subdivision
- Local Biodiversity/wildlife connections

4.5 Central Coast Local Environmental Plan 2022

4.5.1 LEP Zoning and Objectives

Under the provisions of Central Coast LEP 2022 the site is split-zoned R2 Low Density Residential, C2 Environmental Conservation and RE1 Public Recreation. The zone objectives are:

R2 Low Density Residential:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage best practice in the design of low density residential development.
- To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.
- To maintain and enhance the residential amenity and character of the surrounding area.

C2 Environmental Conservation:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

RE1 Public Recreation:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.

- To protect and enhance the natural environment for recreational purposes.
- To identify areas suitable for development for recreation and cultural purposes.
- To provide space for integrated stormwater treatment devices for flow and water quality management.

The proposed development can be defined as a subdivision of land and is permissible subject to development consent.

The proposal is considered to be consistent with the zone objectives because it will:

- provide for the housing needs of the local community;
- is consistent with Council development standards to encourage best practice in the design of low density residential development;
- protect, manage and restore conservation land; and
- provide a local park to be used for public open space and recreational purposes.

The proposed subdivision layout is consistent with the indicative structure plan in chapter 5.54 of Central Coast DCP 2022.

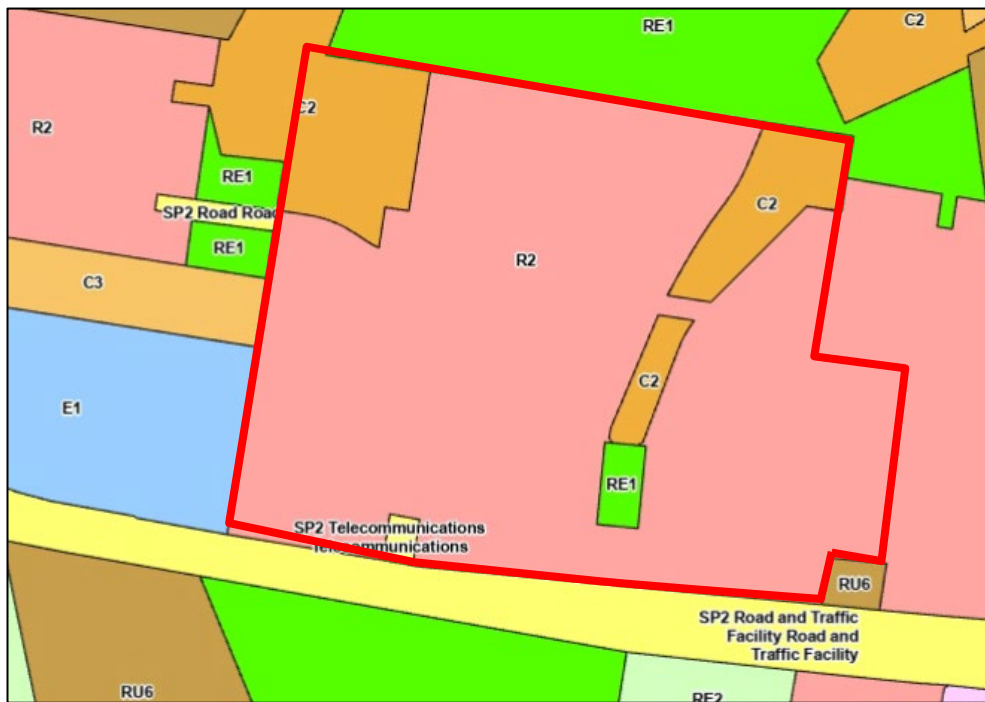


Figure 10: Extract Land Zoning Map (Source: Central Coast Council Online Maps)

4.5.2 Additional LEP Provisions:

Table 6: Additional LEP Provisions

Relevant Provisions / Development Standards			
Control	Required	Proposed	Compliance
Part 4 Principal development standards			
4.1 Minimum subdivision lot size	450 m ²	Minimum lot size is 450 m ² .	Yes
4.1G Exceptions to minimum subdivision lot sizes for environmental purposes	Development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if— (a) one of the resulting lots will contain— (i) land that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land, and (ii) all the land in Zone C2 Environmental Conservation or Zone C3 Environmental Management that was in the original lot, and (b) all other resulting lots will contain land that has an area not less than the minimum lot size shown on the Lot Size Map in relation to the land.	Legal advice has been prepared by Corrs Chambers Westgarth with regard to the proposal's compliance with this LEP clause. All the C2 zoned land in Lot 1 DP626787 will be contained within proposed Lot 1 and all the C2 zoned land in Lot 1 DP1310973 will be contained within proposed Lot 70.	Yes
4.3 Height of Buildings	No maximum building height under CCLEP 2022.	No building work is proposed.	N/A
4.4 Floor space ratio	No maximum FSR under CCLEP 2022.	No floor space is being created.	N/A
Part 5 Miscellaneous provisions			
5.10 Heritage	Consider potential heritage impacts	The site does not contain any heritage items or areas and it is not located in the vicinity of any heritage items or areas.	N/A
5.21 Flood Planning	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied as to certain matters.	Council's Flood Mapping shows the northeast corner of the site is impacted by the 1% AEP flood event. This part of the site set aside for the purpose of a drainage reserve as shown in the proposed plan of subdivision in Figure 4. The Flood Impact Assessment (Appendix D) found that	Yes

Relevant Provisions / Development Standards			
Control	Required	Proposed	Compliance
		proposed development has an acceptable flood impact on existing flood water behaviour and levels.	
5.23 Public Bushland	The objective of this clause is to protect and ensure the ecological viability of public bushland, including rehabilitated areas in urban areas.	The proposed plan of subdivision creates two conservation lots, protecting those parts of the site zoned C2 Environmental Conservation.	Yes
Part 6 Urban Release Areas			
6.1 Concurrence of Planning Secretary	Applies to the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area.	The development proposes a minimum lot size of 450m ² . The minimum lot size was 40 ha (RU6 zone) immediately prior to being added to the Urban Release Area mapping.	Yes
6.2 Public Utility Infrastructure	The consent authority is satisfied that public utility infrastructure that is essential for the proposed development is available, or adequate arrangements have been made to make that infrastructure available when it is required.	Investigations undertaken confirmed that all urban utility services are available or can be readily extended to meet the needs of the proposed subdivision. An assessment of sewer hydraulic capacity has shown that the upgrade or augmentation of Council's existing gravity sewerage network is not necessary to accommodate the proposed development.	Yes
Part 7 Additional local provisions			
7.1 Acid Sulfate Soils	Development consent is required for the carrying out of works on Class 5 Acid Sulfate Soils as follows- Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the water table is likely to be lowered below 1m Australian Height Datum on	As shown in the figures below, Council's acid sulfate soil mapping identifies Class 5 soils over the site, with a small area of Class 3 soils in the northeastern corner of the site. Council's Acid Sulfate Soils Risk Map (Figures 11 and 12) indicates that this part of the site has a low probability of occurrence (2-4 m below ground surface).	Yes

Relevant Provisions / Development Standards			
Control	Required	Proposed	Compliance
	adjacent Class 1, 2, 3, or 4 land.	A preliminary Acid Sulfate Soil (ASS) assessment undertaken by Stantec (see Appendix J) found that the soils are highly acidic in nature and are not considered potential acid sulfate soils by definition, due to the low capacity for further generation of acidity. Stantec concluded that an Acid Sulfate Soils Management Plan (ASSMP) and treatment of soils during the proposed works is not deemed to be required, on the basis confirmation sampling and testing is undertaken during construction.	
7.2 Drinking Water Catchments	To protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages	The site is not identified by the CCLEP Drinking Water Catchment mapping as being located within a drinking water catchment.	N/A
7.6 Essential Services	Consent authority is satisfied that all of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required- <ul style="list-style-type: none"> o the supply of water o the supply of electricity o the disposal and management of sewage o stormwater drainage or on-site conservation o suitable vehicular access, o the collection and management of waste. 	Investigations undertaken confirmed that all urban utility services, including water, electricity, sewage and stormwater, are available or can be readily extended to meet the needs of the proposed subdivision. A Traffic Impact Assessment and a Stormwater Management strategy are included in the Appendices.	Yes

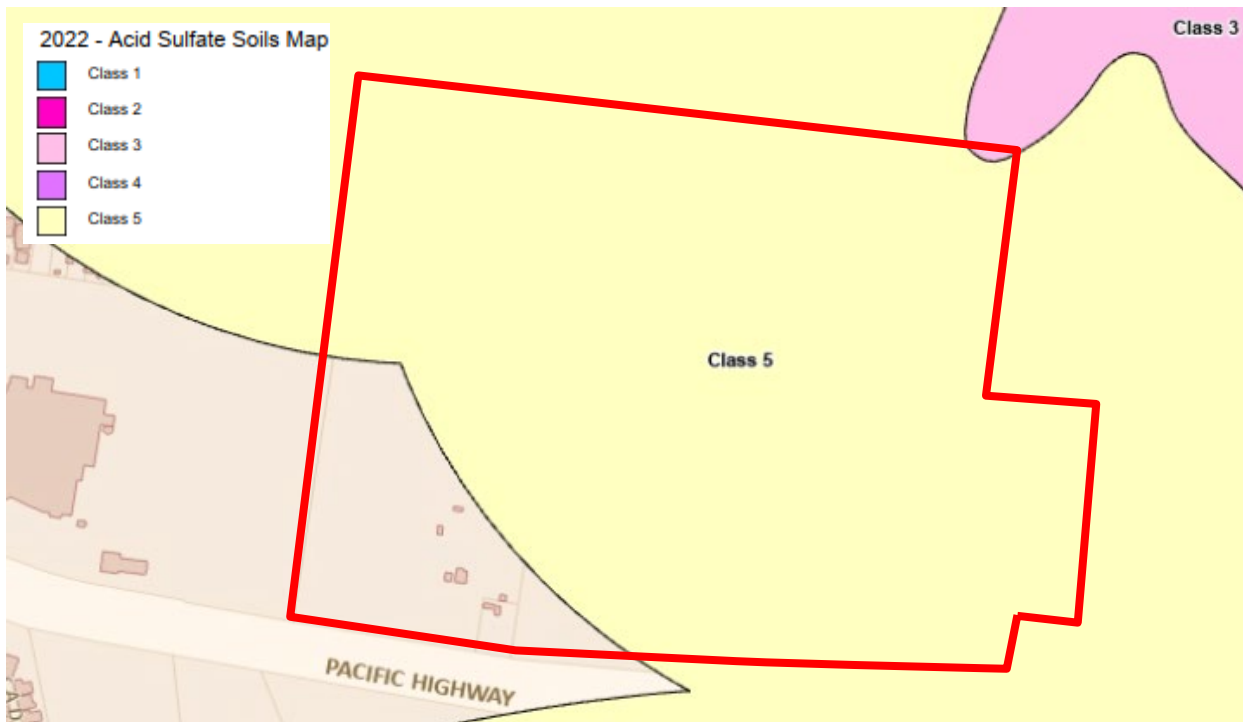


Figure 11: Extract Acid Sulfate Risk Map (Source: Central Coast Council Online Maps)

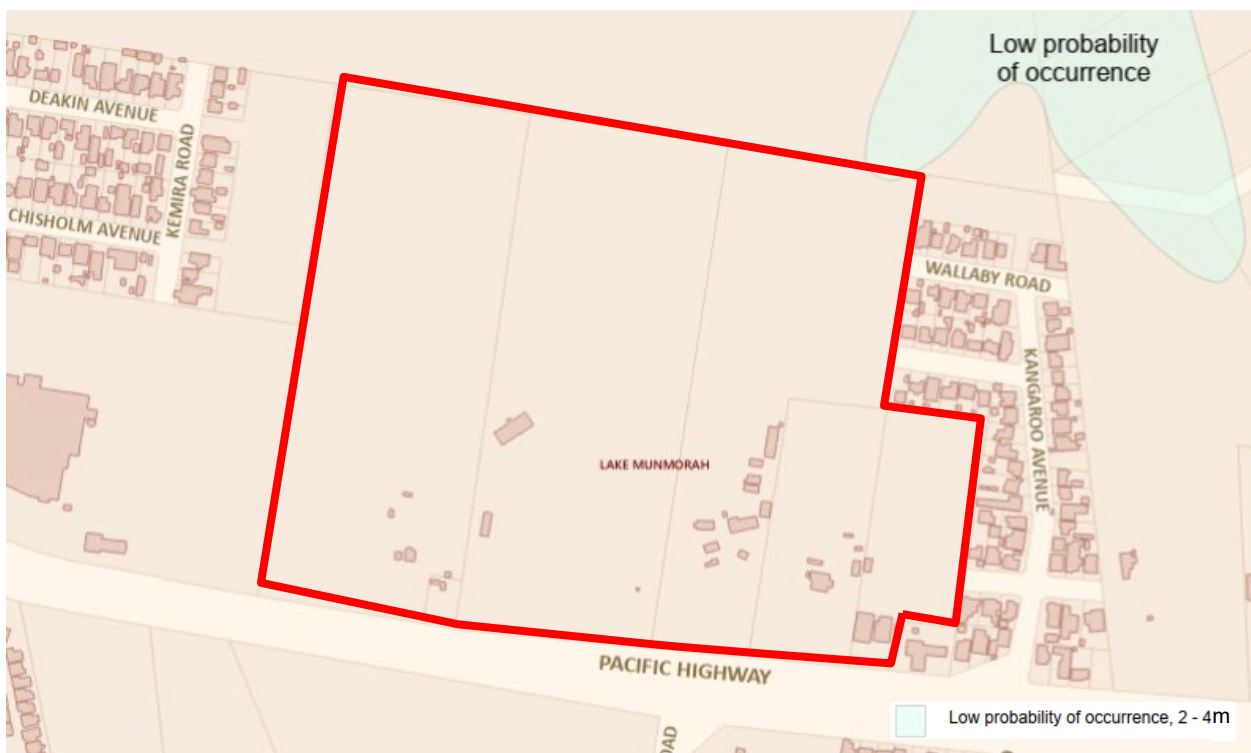


Figure 12: Extract Acid Sulfate 'Probability of Occurrence' Map (Source: Central Coast Council Online Maps)

4.6 Development Control Plan

4.6.1 Central Coast Council Development Control Plan 2022

Our assessment of the proposal confirms that the proposal generally satisfies Council's relevant development controls in Chapter 2.4 Subdivision.

Table 7: Development Control Plan Matrix

DCP Requirement	Compliance	Comment
CHAPTER 2.4 SUBDIVISION		
2.4.2.1 Stormwater Management and Flooding	Yes	<p>A Stormwater Management Report, including water quality modelling and runoff routing modelling is included in Appendix C and demonstrates compliance with the requirements of Council's Civil Works Specification.</p> <p>Six (6) stormwater basins are proposed and will manage water quality and water quantity (i.e. on-site detention) for the western and eastern catchments. The basins have been designed to limit the post development flows to match predevelopment flows for the 20% AEP, 5% AEP and 1% AEP storm events.</p> <p>MUSIC modelling considered the use of the following devices to improve the quality of stormwater discharge leaving the site:</p> <ol style="list-style-type: none"> Rainwater tanks to future residential buildings; Infiltration area for each lot accepting overflow from the rainwater tanks; Proprietary gross pollutant traps (GPTs); Bioretention treatment areas; and Infiltration areas. <p>Modelling shows that in the post development case the pollutant reduction targets exceed Council's requirements for both the eastern and the western catchments.</p> <p>The Flood Impact Assessment (Appendix D) concludes that the proposed development has an acceptable flood impact on existing flood water behaviour and levels.</p>
2.4.2.2 Services	Yes	<p>Services are provided in accordance with Council's Civil Works Specification, the relevant Service Authority's requirements and the Guide to Codes and Practices for Street Openings (SOC) 2009.</p> <ul style="list-style-type: none"> Services to be in a shared (common) trench.

		<ul style="list-style-type: none"> o All services, including telecommunications and NBN infrastructure, are underground. o The subdivision design and proposed location of utility services does not adversely affect the viability of the proposed conservation lots. o Lighting is to be installed in all streets and the public park.
2.4.2.3 Cut, Fill & Earthworks	Yes	<p>The bulk earthworks plan (see Appendix B) limits cut and fill depths such that there is only a net removal of 3,000m³ of soil from the site. The existing points of discharge are also maintained for the eastern and western catchments within the site.</p> <p>The proposed bulk earthworks are in accordance with Council's Civil Works Specification.</p>
2.4.2.4 Street Trees and Landscaping	Yes	<p>The Landscape DA Documentation (Appendix G) details street tree planting and landscaping of the public park.</p> <p>Street trees are provided at a minimum rate of 1 tree per 15m of frontage.</p>
2.4.4.5 Local Open Space and Parks	Yes	<p>Local open space is provided in accordance with the land zoned RE1 Public Recreation and the indicative plan in Chapter 5.54 of the DCP 2022.</p>
2.4.2.6 Land Clearing, Vegetation Management and Threatened Species	Yes	<p>Vegetation clearing is in accordance with the Biodiversity Certification Agreement, Biodiversity Management Plan, accompanying correspondence from Wedgetail Consulting and Arborist Report prepared by AEP.</p>
2.4.2.7 Urban Interface Area Requirements	Yes	<p>The proposed subdivision design is consistent with the three components of the UIA model:</p> <ul style="list-style-type: none"> • road and verges form part of the Asset Protection Zone (APZ) • a minimum buffer width of 5m is provided to the conservation lots to mitigate edge effects. • retained naturally vegetated buffer: 5-10 metres minimum width from the WSUD infrastructure to the boundary of the conservation lot.
2.4.2.8 Roads, paths and cycleways	Yes	<p>Design and construction of road geometry, road components, paths and cycleways are in accordance with Council's Civil Works Specification and the requirements of Chapter 5.54 of the DCP.</p>

2.4.3.1 Lot Size	Yes	<p>The minimum lot size is 450 m² as per CCLEP 2022.</p> <p>No proposed lots share a common boundary with a Public Reserve.</p> <p>All corner lots have a lot size at least 150m² greater than the minimum.</p>
2.4.3.2 Slope	Yes	<p>All allotments fall within slope category A and accord with the minimum area of 450m² and the minimum width of 15m.</p>
2.4.3.3 Corner Lots	Yes	<p>All corner lots have been designed to comply with Austroads Part 5 and 6 for conventional intersections and roundabouts respectively and 5m x 5 m corner boundary splays are provided.</p>
2.4.3.4 Battle Axe Lots	Yes	<p>No access corridor serves more than 3 lots and access corridor widths comply with the minimum requirement of 3m for 1-2 lots and 4m for 3-5 lots.</p> <p>No access handle contains a bend and passing bays are not required.</p>
2.4.3.5 Lot Layout Plan	Yes	<p>Access corridors are not located within restricted areas to intersections and all lots have potential points of access that accord with the sight distance requirements of ASNZS 2890 and the Austroads Guidelines, Part 5.</p>
2.4.3.6 Street Orientation and Lot Design for Solar Access	Yes	<p>Streets are generally aligned east-west and north-south.</p>
2.4.3.7 Urban Design	Yes	<p>The urban design strategy retains the main elements of street network, block pattern and public/conservation lands as shown in the Indicative Plan in Chapter 5.54 of the DCP.</p> <p>The urban design strategy promotes a high quality residential subdivision with the potential for a mix of housing typologies located on high quality local streets.</p> <p>It creates a clear definition of public and private spaces, ensures all lots have a clear street address, connects public open spaces and creates a high quality public domain with good pedestrian/cycle links.</p>
2.4.4 Small Lot Housing Development	N/A	
2.4.5 Rural, Scenic Protection and conservation Subdivision	N/A	
2.4.6 Industrial and Business Zones Subdivision	N/A	
CHAPTER 2.13 TRANSPORT & PARKING	Yes	<p>A Traffic impact Assessment is included at Appendix E. See detailed discussion in Section 3.3 of this SEE.</p>

		Chapter 2.13 does not contain any specific requirements in relation to subdivision.
CHAPTER 2.14 SITE WASTE MANAGEMENT	Yes	A Waste Management Plan (WMP) has been prepared for the site and is attached at Appendix P. Recycling and reuse initiatives will be employed where appropriate.
CHAPTER 3.1 FLOODPLAIN MANAGEMENT & WATER CYCLE MANAGEMENT		
3.1.3 Application requirements	Yes	The Flood Impact Assessment (Appendix D) has been prepared in accordance with the requirements provided by Central Coast Council: <ul style="list-style-type: none"> o The Flood Impact assessment to be prepared to the requirements of ARR2016. o Flood model to utilise a 2m grid or smaller. o Assess critical 1% AEP and PMF events. o Existing and developed scenario mapping to present velocity magnitudes, flood depth, level difference, hazard map (H1 to H6).
3.1.4 Development Provisions		Council's Flood Mapping (refer Figure 6) shows the northeast corner of the site is impacted by the 1% AEP flood event. This part of the site is intended to be set aside for the purpose of a drainage reserve dedicated to Council as shown in the proposed plan of subdivision (Figure 4). The Flood Impact Assessment (Appendix D) has been prepared in accordance with Council's requirements and found that the proposed development has an acceptable flood impact on existing flood water behaviour and levels.
3.1.5 General Requirements	N/A	The Flood Impact Assessment modelled both the existing condition and the proposed development lot layout, and the comparison showed that: <ul style="list-style-type: none"> o While flood level increases are experienced in localised areas external to the development, primarily due to raised levels in the proposed development, the impact on adjacent private property is negligible in the 1% AEP event; and o Flood levels are reduced in the existing development to the west, due to improved drainage and reduced flows within the existing water course adjacent to the site.
CHAPTER 3.5 TREE & VEGETATION MANAGEMENT	N/A	This Chapter does not apply to the removal of vegetation on any land which is identified

		on the Biodiversity Values Map, or which otherwise exceeds the Biodiversity Offset Scheme (BOS) threshold.
CHAPTER 3.6 HERITAGE CONSERVATION	N/A	The land does not contain any known items of European heritage. Refer comments below regarding Indigenous Heritage.
CHAPTER 3.7 GEOTECHNICAL REQUIREMENTS	N/A	The site is not identified as having any landslip potential.
CHAPTER 5.54 LAKE MUNMORAH 285-325 Pacific Highway		
5.54.2.1 Subdivision Design	Yes	The proposal is generally in accordance with the Indicative Plan. The conservation areas, local park, north-east detention basin and the collector road are all provided in Stage 1. The five detention basins located along the western boundary will be provided across Stages 1, 7 & 9.
5.54.2.2 Stormwater and Drainage	Yes	<p>The design of the stormwater infrastructure is consistent with the Stormwater Management Report (2022) prepared by Barker Ryan Stewart.</p> <p>MUSIC modelling shows that in the post development case the pollutant reduction targets exceed Council's requirements for both the eastern and the western catchments.</p> <p>DRAINS modelling for pre-development and post-development flows shows that the design of the on-site detention for the eastern and western catchments will limit the post development flows to match predevelopment flows for the 20% AEP, 5% AEP and 1% AEP storm events</p> <p>The Surface Water & Ground Water Baseline Assessment (Appendix J) concluded that no further investigation into the effect of wetting and drying cycles on the wetlands is required, due to the flora and fauna within the wetland being adapted to the existing water regime, which has been demonstrated to be partly reliant on the groundwater aquifer underlying the proposed development.</p>
5.54.2.3 Road Layout and Hierarchy	Yes	<p>The proposed road hierarchy is consistent with 'Indicative Plan' in the DCP and complies with dimensions and hierarchy as set out in Council's Civil Design Guidelines (2020).</p> <p>Roads are provided along the urban perimeter of all conservation allotments, and all services and utilities will be underground.</p>

		See Traffic Impact assessment (Appendix E) and Section 3.2 for discussion on traffic management and proposed road works.
5.54.2.4 Open Space and Landscaping	Yes	The proposed local open space (RE1 zone) is provided in accordance with the 'Indicative Plan' in the DCP. The Landscape Documentation (Appendix G) details landscaping of the open space and landscaped buffers to the SP2 Infrastructure land in accordance with the DCP requirements.
5.54.2.5 Pedestrian and Cycleway Routes	Yes	Shared paths/footpaths comply with Council's Civil Works-Design Guideline and Construction Specification. All park edge streets have a shared footpath/cycleway on the park side of the road.
5.54.2.6 Public Transport	Yes	<p>Busways Central Coast operates bus services in the area providing transport to various nearby local suburbs and railway stations as well as connections to other bus and train service routes for further destinations. Buses on route 95 (Lake Haven to Morisset via Gwandalan and Mannering Park), route 95X (Lake Haven to Wyee via Gwandalan and Lake Munmorah), route 98 (Lake Haven to Blue Haven via Chain Valley Bay), and route 99 (Lake Haven to Charlestown via Swansea, Blue Haven and Gwandalan) travel past the site. A bus stop for northbound services is located adjacent to 315 Pacific Highway and the bus stop for southbound services is located approximately 160 north of the site at the junction of the Pacific Highway and Boronia Road.</p> <p>The proposed collector road within the subdivision can accommodate a bus service.</p>
5.54.2.7 Noise Attenuation	Yes	A landscape buffer is provided along the southern boundary of the site. The Noise Intrusion Report (Appendix F) contains recommendations to address the impact of road noise associated with vehicular movements on the Pacific Highway, including the erection of a 1.8m high sound barrier.
5.54.2.8 Indigenous Heritage	Yes	As outlined in section 5.3, an Aboriginal cultural Heritage Assessment report (ACHAR) was reviewed as part of the Planning Proposal to rezone the land and ultimately supported. The recommendations of the ACHAR should be implemented and applied as part of any relevant conditions of consent. Refer Appendix M.

5.54.2.9 Potential Site Contamination	Yes	<p>A Supplementary Contamination Assessment (Appendix H) concludes that “on the basis of the previous investigations and the current investigation, no further contamination assessment or Remedial Action Plan (RAP) is required for the combined site”.</p> <p>While localised minor hydrocarbon contamination was identified, this can be remediated and validated during the bulk earthworks stage.</p>
5.54.2.10 Bushfire	Yes	<p>The Bushfire Assessment Report (Appendix I) concludes that the bushfire hazard can be successfully mitigated by applying a combination of bushfire mitigation measures including Asset Protection Zones (APZs).</p>
5.54.2.11 Ecology	Yes	<p>Biodiversity Certification status under Part 8 of the Biodiversity Conservation Act 2016 is pending (see Section 4.10).</p>

4.7 Water Management Act 2000

Under Part 3 of Chapter 3 a person must obtain a permit for water use approval, water management work approval or activity approval. Controlled activities refer to work or action done on waterfront land, and waterfront land includes the bed of rivers, lakes, or estuaries, as well as land on each side within 40 metres of a riverbank

As shown in Figure 13 below, the land contains two mapped ephemeral watercourses and a small wetland is located near the north-east corner of the site. The eastern watercourse is located almost entirely within the eastern conservation lot and drainage reserve.

The construction of the stormwater detention basin within the drainage reserve in the northeast corner of the site will result in temporary impacts to the mapped watercourse. Impacts to the western watercourse may occur as a result of the proposed extension of Chisholm Avenue.

The proposed development therefore constitutes a 'controlled activity' as per the Water Management Act and the integrated approval of the Natural Resources Access Regulator (NRAR) is required in this instance.

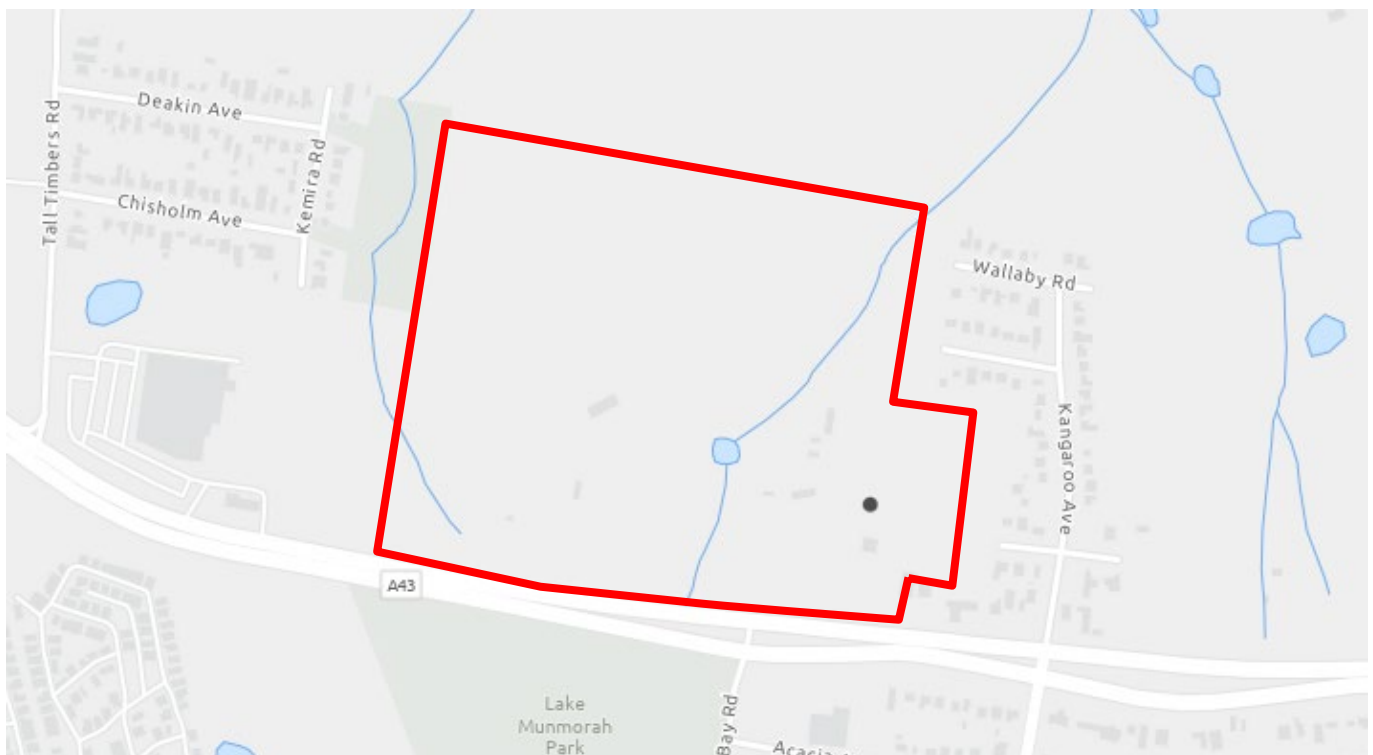


Figure 13: Hydro line Map (Source: NSW Dept of Planning & Environment, Hydro Line spatial data)

4.8 Coastal Management Act 2016

The Act promotes a focus on ecologically sustainable development in relation to the 'coastal zone'. The coastal zone, as defined by the Act, is comprised of four coastal management areas:

- Coastal wetlands and littoral rainforests area;
- Coastal vulnerability area;
- Coastal environment; and
- Coastal use area.

'Coastal wetlands and littoral rainforests area' means the land identified by a State environmental planning policy to be the coastal wetlands and littoral rainforests area for the purposes of this Act, being

land, which displays the hydrological and floristic characteristics of coastal wetlands or littoral rainforests and land adjoining those features.

As shown in Figure 9, mapped coastal wetland borders the north-western corner of the site and the north-western portion of the site is mapped as 'proximity area' for Coastal Wetlands. All of this land is zoned C2 Conservation and is set aside as a conservation allotment. See detailed discussion in Section 4.3.3.

4.9 Rural Fires Act 1997 & Planning for Bushfire Protection

The subject site is located within a designated bushfire prone area, comprising vegetation buffer and vegetation category 3 (refer to Figure 8).

A bush fire safety authority under Clause 100B of the Rural Fires Act 1997 is required for the subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes. The proposed subdivision is not excluded from the requirements for a bush fire safety authority under clause 46 of the Rural Fires Regulation 2022. Therefore, the application will require referral to the NSW Rural Fire Service for concurrence.

A Bushfire Assessment Report (BAR) is included in Appendix I. The BAR concluded that the bushfire hazard which the proposed development is exposed to can be successfully mitigated by applying a combination of bushfire mitigation measures including Asset Protection Zones (APZs). See detailed discussion in Section 4.3.3.

4.10 Biodiversity Conservation Act 2016

Biodiversity certification of the site under the Biodiversity Conservation Act has been completed.

The application for Biodiversity Certification for the land at 285-325 Pacific Highway and (part) 6W Kemira Road, Lake Munmorah was made on 13th April 2022.

The Biodiversity Certification Assessment Report (**BCAR**), dated 9 December 2022 and prepared by Kleinfelder, identified proposed conservation measures and commitments including:

1. the retirement of:
 - i. 7 Ecosystem Credits for impacts to PCT 1649
 - ii. 171 Ecosystem Credits for impacts to PCT 1638
 - iii. 8 Ecosystem Credits for impacts to PCT 1737
 - iv. 23 Ecosystem Credits for impacts to PCT 1649
 - v. 224 Species Credits for impact to *Angophora inopina*
 - vi. 160 Species Credits for swift parrot
 - vii. 192 Species Credits for southern myotis
2. the preparation and implementation of a Biodiversity Management Plan to protect vegetation and fauna habitat on the Certified Land and Conservation Land; and
3. that the Conservation Land be not further subdivided.

The Biodiversity Conservation Agreement (BCA) and the Order (BCO) conferring Biodiversity Certification have been issued. Ministerial review of the BCA/BCO has been completed and the biocertification was gazetted on 5 April 2024 (NSW Government Gazette No 117 of 5 April 2024).

The proposed plan of subdivision is consistent with the Biodiversity Certification Assessment Report.

A separate Biodiversity Development Assessment Report (**BDAR**) was prepared by Wedgetail Project Consulting in support of the Tall Timbers Road / Chisholm Avenue Intersection works external to the site. Please refer to Appendix Q for further details.

4.11 Environment Protection and Biodiversity Conservation Act 1999

Under the EPBC Act, an approval is required for actions that are likely to have a significant impact on Matters of National Environmental Significance (MNES). An action includes a project, development, undertaking, activity or Biodiversity Certification Assessment Report series of activities. When a person proposes to take an action, they believe may need approval under the EPBC Act, they must refer the proposal to the Australian Government Minister for the Environment. The Act identifies nine MNES:

1. World Heritage properties.
2. National heritage places.
3. Wetlands of international importance (Ramsar Convention).
4. Listed threatened species and communities.
5. Migratory species listed under international agreements.
6. Great Barrier Reef Marine Park.
7. Commonwealth marine areas.
8. Nuclear actions; and
9. Water resources in respect to CSG and large coal mines.

The species assessed under the EPBC Act Matters of National Environmental Significance (Significant impact guidelines) included:

Endangered Ecological Communities (EEC)

- Coastal Swamp Sclerophyll Forest of New South Wales North Coast and South-east Queensland

Critically Endangered Species

- Swift Parrot

Endangered Species

- South-eastern Glossy Black Cockatoo
- Koala

Vulnerable Species and Ecological Communities

- Charmhaven Apple
- Grey-headed Flying-fox

The Assessment concluded that the proposed subdivision is not expected to have a significant impact on any EPBC Act listed species or communities.

Separate to the DA process, an EPBC Referral was submitted to the Department of Climate Change, Energy, the Environment and Water (DCEEW). A copy of the 'Decision on Referral' dated 9 November 2023 confirmed:

As a delegate of the Minister for the Environment and Water, I have decided that the proposed action is not a controlled action. This means that the proposed action does not require further assessment and approval under the EPBC Act before it can proceed.

The Decision on Referral is included as Appendix L.

Refer to the supporting BDAR in Appendix Q for details on the impacts of the external Tall Timbers Road / Chisholm Avenue intersection upgrade works.

4.12 Heritage Act 1977

No known European heritage items have been identified on or near the site and it is not anticipated that there will be any heritage concern.

4.13 Coal Mine Subsidence Compensation Act 2017

The subject land is located within the Swansea-North Entrance Mine Subsidence District. No mining has occurred beneath the site since 1992 when the site was operated by Newvale Colliery.

The land is classified by Subsidence Advisory NSW as "Surface Development Guideline 2". Guideline 2 applies to properties that have been undermined by coal mine workings in the past and assessed by SA NSW as having the potential to be impacted by subsidence. Under Guideline 2, guideline compliant development applications can be assessed by the Council or an Accredited Certifier, but non-compliant guideline development can only be assessed by Subsidence Advisory NSW.

"Guideline 2 compliant building construction comprised of "Single or two storey brick veneer on AS 2870 footings/slabs. Maximum length of 24m and maximum footprint of 400sqm".

The subdivision of land within a mine subsidence district requires approval under section 22 of the Coal Mine Subsidence Compensation Act 2017, and the application needs to be referred to the Chief Executive of Subsidence Advisory NSW.

5 Section 4.15 Assessment

5.1 (a)(i) The provisions of any Environmental Planning Instrument

As outlined in Section 4.0 the proposal has been prepared having regard to the relevant environmental planning instruments.

5.2 (a)(iii) The Provisions of any Development Control Plan

The proposal has been prepared having regard for relevant DCP requirements, refer Section 4.0.

5.3 (b) The Likely Impacts of That Development

Environmental Responsibility and Land Capability

Ecological Values

The proposed development will create two split-zoned allotments containing conservation land (consistent with clause 4.1G of the LEP) and is consistent with the Biodiversity Certification Assessment Report (Kleinfelder, 2022) which identified the following conservation measures and commitments:

1. The retirement of:
 - i. 7 Ecosystem Credits for impacts to PCT 1649
 - ii. 171 Ecosystem Credits for impacts to PCT 1638
 - iii. 8 Ecosystem Credits for impacts to PCT 1737
 - iv. 23 Ecosystem Credits for impacts to PCT 1649
 - v. 224 Species Credits for impact to *Angophora inopina*
 - vi. 160 Species Credits for swift parrot
 - vii. 192 Species Credits for southern myotis
2. The preparation and implementation of a Biodiversity Management Plan to protect vegetation and fauna habitat on the Certified Land and Conservation Land; and
3. That the Conservation Land is not further subdivided.

The development has been designed to minimise the removal of trees as much as is possible. An Arborist Impact Assessment (Appendix K) was also carried out to address the potential arboricultural impacts from the proposed residential subdivision and associated civil infrastructure to the 10-metre buffer zone within the proposed conservation allotments). A total of 110 trees were assessed and the (AIA) concluded that no tree removal within the C2 Conservation land is required provided the recommendations of the AIA are implemented.

An additional supporting BDAR was prepared for the Tall Timbers Road intersection upgrade, which will impact approximately 0.08 ha of native vegetation (see Appendix Q for details).

Scenic Values

The scale and design of the proposed development is consistent with the transitioning of this area to a low density residential precinct.

Air Quality Noise & Impacts

There will be noise during construction associated with normal construction activity including materials delivery and handling, road making and excavation machinery. All reasonable conditions of consent in relation to construction management will be satisfied. Consideration will be given to construction works near existing dwellings.

The proposed development will have no long-term impacts on air quality and dust suppression will be applied during construction to mitigate short-term air quality impacts.

A Construction Management Plan will be prepared for the site prior to construction commencing to mitigate against any potential impacts on the amenity of nearby land uses including existing dwellings.

Soil and Water

The results of the on-site DRAINS modelling (BRS 2022) illustrate that the proposed OSD measures reduce flows from the development for both the eastern Catchment and the western catchment to no greater than pre-development conditions for the 20%, 5% and 1% AEP storm events in accordance with Council's requirements (see Table TEC 2 below).

The result of proposed stormwater management provisions the water flow (quantity) and pollutants (quality) entering the coastal wetland from the development site will now be less than that modelled for the pre-development state.

The proposed development is not expected to result in direct or indirect impacts to water quality, bodies and hydrological processes that sustain threatened species or ecological communities.

Hazards

There are no known hazards or risks, other than those identified and addressed in this report, that would preclude approval of the proposed development.

Waste Management

A Waste Management Plan (WMP) has been prepared for the site to manage construction waste generated by the proposed development. Recycling and reuse initiatives will be employed where appropriate. The WMP is attached at Appendix P.

Privacy

The proposed development will have no impacts on the privacy of surrounding development.

Social Impact & Economic Impact

It is considered that the development will have a positive overall social benefit for the wider community in the provision of additional housing. Such benefits were considered within the support of the prior Planning Proposal.

The development will generate both short-term and long-term positive economic impacts - in the short-term through the creation of jobs during the construction process and in the long-term through increased population to support local businesses.

The provision of additional housing stock will aid in addressing housing shortfalls and housing affordability issues being experienced across the region.

Heritage

The proposed subdivision does not impact any known heritage items or conservation areas.

There are no known European heritage items on or near the site.

Insite Heritage prepared an Aboriginal Cultural Heritage Assessment Post Gateway Report (ACHAR) dated May 2021 for the progression of rezoning of 285 – 335 Pacific Highway Lake Munmorah under the prior Planning Proposal.

The ACHAR stated:

The subject area lies within the boundaries of Darkinjung Local Aboriginal Land Council and the Central Coast City Council Local Government Area, Parish of Wallarah, County of Northumberland. A locality plan of the subject site is provided below. The project area comprises 27.539 ha under several titles.

The site inspection found an isolated find (# 45-7-0389) in the context of high surface exposure and visibility. No areas of sensitivity or areas of potential subsurface deposit were located.

It is recommended that an AHIP be sought for the isolated find. No further constraints have been identified on the site.

Harm will be minimised by confining the development to the area that has been cleared and previously disturbed. The harm will be mitigated by collection of the artefact for relocation elsewhere on the property within a conservation corridor.

The ACHAR was reviewed as part of the Planning Proposal to rezone the land and ultimately supported. The recommendations of the ACHAR should be implemented and applied as part of any relevant conditions of consent. The relevant condition of consent could include a requirement to relocate the artefact from the development footprint to the C2 Environmental Conservation land. A copy of the ACHAR is included as Appendix M.

Infrastructure and On-site Services

The subject land can be serviced by power, telecommunication, sewer and water. Refer to discussions above.

Transport, Access, Parking and Servicing

A Traffic Impact Assessment is included at Appendix E and a Road Safety Audit Report in Appendix R. Refer to discussions above.

Amenity

The proposal will not cause any inappropriate impacts for neighbours and is consistent with the amenity of the area.

5.4 (c) The Suitability of the Site for the Development

The Statement of Environmental Effects has determined that there are no constraints that would restrict the development proposed. The land is zoned for residential purposes and there are no constraints that would preclude the subdivision, and the site is therefore suitable for the development proposed.

5.5 (e) Public Interest

The public interest is best served by promoting sustainable development that is rational, orderly and economic. The proposal will generate positive social, environmental and economic benefits.

Accordingly, the proposal is considered to be in the public interest.

6 Conclusion

The Statement of Environmental Effects has been prepared addressing relevant matters outlined in section 4.15 of the Environmental Planning and Assessment Act, 1979 and satisfies all relevant planning legislative requirements.

Our assessment of the proposal confirms:

- The subdivision design is consistent with the indicative plan in Central Coast DCP 2022;
- The proposal satisfies the stated objectives of providing a high quality and varied residential environment, attractive streetscapes, opportunities for a variety of housing types, a coherent and safe movement system and the protection of the significant environmental features of the area; and
- There are no significant adverse impacts on surrounding properties.

The proposal is considered to be consistent with the zone objectives because it will facilitate the orderly and coordinated subdivision of the Lake Munmorah urban release area.

The proposal represents rational, orderly, economic, and sustainable use of the land and should therefore be supported.

Appendix A – PLAN OF SUBDIVISION

Appendix B – CIVIL PLANS

Appendix C – STORMWATER MANAGEMENT REPORT

Appendix D – FLOOD IMPACT ASSESSMENT

Appendix E – TRAFFIC IMPACT ASSESSMENT

Appendix F – NOISE INTRUSION REPORT

Appendix G – LANDSCAPE DA DOCUMENTATION

Appendix H – SUPPLEMENTARY CONTAMINATION ASSESSMENT

Appendix I – BUSHFIRE ASSESSMENT REPORT

Appendix J – SURFACE WATER & GROUNDWATER BASELINE ASSESSMENT

Appendix K – ARBORIST IMPACT ASSESSMENT

Appendix L – EPBC DECISION ON REFERRAL

Appendix M – ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT

Appendix N – BIODIVERSITY MANAGEMENT PLAN

Appendix O – PROJECT COST ESTIMATION

Appendix P – WASTE MANAGEMENT PLAN

Appendix Q – BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT (BDAR)

Appendix R – ROAD SAFETY AUDIT REPORT