The logo for URBIS, consisting of the word "URBIS" in a bold, white, sans-serif font, enclosed within a white rectangular border that is slightly offset to the right and top.

URBIS

A large background image showing the silhouette of a person wearing a hat and a jacket, leaning forward. The person is positioned on the left side of the frame. The background is a vast, flat landscape under a dramatic sunset sky with orange and red hues. The sun is visible on the right side of the horizon, creating a bright glow and lens flare effects. The overall scene is dark, with the sunset providing the primary light source.

300 WOY WOY ROAD, KARIONG REZONING REQUEST

PREPARED FOR

**DARKINJUNG LOCAL
ABORIGINAL LAND COUNCIL**

JANUARY 2020

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EXECUTIVE SUMMARY

PROJECT OVERVIEW

The gazettal of *State Environmental Planning Policy (Aboriginal Lands) 2019* (AL SEPP) and concurrent adoption of the Interim Darkinjung Development Delivery Plan (IDDDP) represents a significant milestone that will enhance the NSW Planning System's ability to facilitate social and economic outcomes for the Aboriginal Community.

The rezoning request represents one of the first steps in a process that will realise the economic potential of land owned by the Darkinjung Local Aboriginal Land Council (Darkinjung) in accordance with the IDDDP.

The rezoning request seeks to amend the *Gosford Local Environmental Plan 2014* (GLEP 2014) to facilitate a low-density residential development accommodating 48-50 dwellings across a range of lot sizes. The rezoning request has been informed by an assessment of existing environmental constraints to enable identification of the land best suited for residential development.

This rezoning request has been prepared by Urbis on behalf of Darkinjung (the applicant) in relation to land at 300 Woy Woy Road, Kariong. The site has an area of approximately 13.2 hectares (ha) and is located within the suburb of Kariong which is approximately 7 kilometres (km) south west of Gosford Town Centre.

The site is identified in the IDDDP as having strategic merit as a logical expansion of the Kariong urban area that will support the delivery of additional housing for the region. This policy framework is intended to streamline the rezoning process of land owned by Local Aboriginal Land Council's (LALC) and hence enhance their economic and social welfare. The process is collaborative and iterative to enable progressive resolution of environmental matters.

On 12 August 2019, the DPIE wrote to Darkinjung to advise that they may now submit to the Hunter and Central Coast Regional Planning Panel (HCCRPP) a rezoning request for independent review in accordance with the IDDDP. In accordance with Planning Circular PS 19-003, this rezoning request is submitted to the HCCRPP for independent review and determination prior to it being submitted to the NSW Department of Planning Industry and Environment (DPIE) for Gateway Determination.

REZONING REQUEST OBJECTIVES

Amendments to the Gosford LEP 2014 or Draft Central Coast Local Environmental Plan 2018

- Rezoning of the northern 6.1 ha (46%) of the site from E2 – Environmental Conservation (E2 Zone) to R2 – Low Density Residential (R2 Zone) to facilitate an approximate net 3.9 ha of residential development. The remaining 2.2 ha will not be developed for residential purposes and will comprise the site vehicular access point, internal road, a stormwater management basin, the existing fire trail, and electricity easement.
- Amend the Minimum Lot Size control to facilitate the development of 48-50 low density residential lots. A range of suitable lot sizes will be developed at part of a future planning proposal to respond to the site and surrounding context.
- Retain the E2 Zoning for the remaining 7.1 ha or approximately 54% of the site.

A site specific DCP can be prepared and adopted for the site to guide future development. Alternatively, the requirement for a DCP could be satisfied through a Concept Development Application facilitated by a site-specific clause within the GLEP 2014 of the forthcoming Central Coast LEP. These options will be further explored at the planning proposal stage.

STRATEGIC AND SITE-SPECIFIC MERITS OF THE REZONING REQUEST

Strategic Merits:

- This site is considered to have strategic merits for these reasons:
 - Gives effect to the goals and actions of the *Aboriginal Land Rights Act 1983* (ALR Act)
 - Gives effect to direction 6 of the Central Coast Regional Plan 2036 (CCRP 2036) to
‘Strengthen the economic self-determination of Aboriginal communities’
 - Will improve the value of the economic resources of Darkinjung land claimed under the ALR Act to provide a basis for a self-reliant and more secure economic future as envisaged by the ALR Act
 - Addresses the relevant matters identified in the IDDDP and principles for rezoning identified in the letter from the DPIE. The environmental impacts of the proposed LEP amendments can be suitably mitigated through recommendations of the preliminary technical investigations (provided in the Appendices to this Report) and summarised within this Executive Summary
- The site was previously zoned Special Uses 5(a) Community Uses pursuant to the *Gosford Planning Scheme 1968* to facilitate a potential primary school. This former zoning suggests that the site has been previously considered suitable for future urban development.

Site Specific Merits:

The site is considered to have site specific merits for these reasons:

- Rezoning of the site will support the delivery of 48-50 low density residential lots to facilitate both social and economic outcomes for the Darkinjung community. A concept structure plan has been developed for the site that appropriately responds to the site constraints identified in the preliminary environmental assessment and demonstrates that the northern portion of the site can accommodate residential development
- Suitable lot size transitions and a vegetated buffer will be provided to the larger lot residential properties located to the north of the site
- The rezoning of the northern portion of the site for low density residential lots is a logical expansion of the Kariong urban area. Future residents of the site will have access to existing essential services and community facilities
- Bio-certification of the site or entering into a stewardship agreement will facilitate the objectives of the Coastal Open Space System Strategy
- The development will generate future construction jobs which could be provided to residents (including Aboriginal persons) who live within the Kariong locality
- Any ecological impacts to threatened species habitat and endangered ecological communities can be appropriately mitigated or offset
- A vehicular access point can be located within the southern portion of the low density residential zoned area which meets relevant Australian Standards for site distances
- The future development footprint is capable of satisfying bushfire protection performance criteria listed in Planning for Bushfire Protection 2006 (amended 2018)
- The site has sufficient capacity to accommodate the proposed future uses on site from a stormwater and flooding perspective
- There is adequate public infrastructure capacity to support the proposed rezoning of the site.

RESPONSE TO PRINCIPLES TO GUIDE THE REZONING REQUEST PROVIDED BY THE DPIE

On 12 August 2019, the DPIE wrote to Darkinjung advising that they may now submit a rezoning request for independent review by the regional planning panel in accordance with the IDDDP. The letter included a schedule of principles that should be used to inform any request to rezone the site. **Table 1** below addresses these principles.

Table 1 – Response to principles provided by the DPIE

Principle	Comment
<i>While the land is not identified for greenfield development, it has the potential to provide housing at a suitable location adjacent to an urban area and near the Southern growth corridor identified in the Central Coast Regional Plan. The proposal would assist in the provision of housing for the growing Central Coast population.</i>	Noted. The proposed rezoning has the potential to accommodate 48-50 low density residential lots on the site which will assist in the provision of housing for the growing Central Coast population.
<i>The land could be considered for a variety of development forms, with the focus for any urban uses being the northern part of the land.</i>	Urban uses will be provided in the northern portion of the site. The concept structure plan illustrates that a range of lot sizes can be accommodated on the site to provide housing diversity.
<i>Any rezoning proposal will need to identify that servicing and infrastructure needs can be met and, where necessary, include commitments to provide infrastructure upgrades.</i>	Northrop Engineers have prepared a Preliminary Stormwater and Servicing Assessment to assess the site's capacity to accommodate the proposed rezoning. This report confirms that existing infrastructure services and connections are available to the site including water, electricity, gas, stormwater, and telecommunications. Where necessary, these services will be extended, adapted and augmented to meet the demands of the development (refer to Appendix B). Commitments to fund any necessary infrastructure can be determined during Gateway Determination phase.
<i>Access options should be explored to determine the best outcome, and commitments must be made to fund access and any necessary upgrades.</i>	Urbis have prepared a desktop transport assessment to review suitable locations for vehicular access to the site (refer Appendix C) and has recommended that it be located in the southern portion of the low density residential zoned area.
<i>The eastern and southern edges of the land will need to provide suitable buffers to the adjoining national park and proposed regional biodiversity corridor. Potential conflicts with the large-lot residential development to the north should be assessed and mitigated.</i>	Suitable buffer separation will be provided to the adjoining Brisbane Water National Park (National Park) and identified Regional Biodiversity Corridor. A future road could be provided along this boundary which will also form part of a bushfire asset protection zone (APZ). It is proposed that 5m vegetation buffer be provided to the boundary adjoining the existing residential allotments to the north. A requirement for this buffer will be included as a site specific DCP control. A more detailed concept

Principle	Comment
	structure plan will be provided to accompany the planning proposal should the Planning Panel determine that the proposal should proceed to Gateway Determination.
<p><i>A variety of zonings and development types may be appropriate for the site. The area adjoining the national park should be zoned for environmental conservation in recognition of its constraints and location to ensure values are maintained and there are no offsite impacts. The remainder of the site could be considered for zoning as environmental management, environmental living, large-lot residential (similar to the existing development to the north) or low-density residential (like the land to the west).</i></p>	<p>The request seeks to rezone the site to facilitate the development of 48-50 low density residential dwellings over a net developable area of 3.9 ha. To appropriately respond to site constraints and the surrounding context, a variety of lot sizes are expected to form the future subdivision of the site as detailed in Figure 1. The balance of the site will retain its existing E2 Environmental Conservation zoning, and will either be bio certified or established as a stewardship site.</p>
<p><i>The development footprint should demonstrate the avoidance of impacts on vegetation, assess the impacts of any unavoidable clearing and propose an offset strategy. The developable area should be in the north of the site, with the transmission line easement forming a logical southern extent of urban development.</i></p>	<p>The electricity easement to the south forms a logical edge to the residential subdivision.</p> <p>However, to ensure the site can appropriately deal with future runoff, a stormwater management basin is proposed to the south of the easement.</p> <p>This will require appropriate land use mechanisms to ensure the works are permissible. The preferred option would be to rezone this portion of R2 – Low Density Residential to accommodate the stormwater management basin and place a restriction on title to prevent the site from being developed for residential purposes. This requirement can be included in the site specific DCP to be included in any future DA for subdivision.</p> <p>Avoidance of impacts has been achieved by confining the developable area to 6.1 ha (46% of the site) to the north of the site. The ecological assessment summarised in the briefing note (refer to Appendix A) concludes that whilst the future residential development will impact on threatened species habitat and endangered ecological communities, significant offset opportunities are likely to be available across the wider site or on other Darkinjung landholdings.</p>
<p><i>Asset protection zones are to be on private land and are not to include sensitive vegetation or the removal of such vegetation.</i></p>	<p>APZ's are to be contained within private lots. Further details are to be provided at further stages of the rezoning process.</p>
<p><i>Offsite impacts from changed hydrological conditions are to be avoided.</i></p>	<p>Northrop Engineers have undertaken a preliminary stormwater and flooding assessment of the proposal (refer Appendix B). This assessment confirms that that</p>

Principle	Comment
	site can accommodate the future residential uses whilst appropriately addressing any flooding and stormwater constraints.
<i>Appropriate assessment of Aboriginal cultural heritage is to be undertaken and impacts avoided.</i>	An Aboriginal Cultural Heritage due diligence investigation accompanies this rezoning request at Appendix A . An Aboriginal Cultural Heritage Assessment Report will be provided to accompany the planning proposal.

PRELIMINARY ENVIRONMENTAL ASSESSMENT AND IMPACT MANAGEMENT STRATEGIES

The development footprint has been informed by detailed technical investigations and sieve mapping of the known environmental constraints. The findings of the preliminary environmental assessments have been compiled in an Urban Design Report prepared by Urbis at **Appendix D**. The opportunities and constraints mapping have informed the indicative concept structure plan shown below at **Figure 1**.

The proposed R2 Low Density Residential Zone has deliberately avoided the Aboriginal heritage items to the south east and at the western boundary fronting Woy Woy Road to ensure that no residential development will occur on this land. The indicative concept structure plan has included the north south electricity easement notwithstanding that discussions are currently being held with Ausgrid for this easement to be extinguished as it is no longer required. Fencing can be constructed to protect the easement if required.

Figure 1 – Indicative Concept Structure Plan



Source: Urbis

1. INTRODUCTION

1.1. OVERVIEW

This rezoning request has been prepared by Urbis on behalf of Darkinjung Local Aboriginal Land Council (Darkinjung) (the applicant) to amend *Gosford Local Environmental Plan 2014* (GLEP 2014) in relation to land at 300 Woy Woy Road, Kariong. Pursuant to Clause 5 of *State Environment Planning Policy (Aboriginal Land) 2019* (AL SEPP) the site is identified on the land application map as being land subject to the AL SEPP.

The AL SEPP requires that a development delivery plan be prepared for land to which the SEPP applies. In accordance with the AL SEPP, it is intended that a development delivery plan be prepared for Darkinjung Land. To fast track the first stage of the Darkinjung delivery pipeline, the NSW Department of Planning, Industry and Environment (DPIE) (formerly the Department of Planning and Environment) prepared the Interim Darkinjung Development Delivery Plan (IDDDP) in February 2019. This delivery plan enables Darkinjung to request an independent review of the rezoning request.

The new policy framework is intended to streamline the rezoning process of land owned by Darkinjung and is collaborative and iterative to enable progressive resolution of environmental management matters. Darkinjung and the project team have consulted with the DPIE throughout the preparation of this rezoning request. This rezoning request represents one of the first major outputs that initiates a process to realise the economic potential of land in accordance with the IDDDP. It is expected that ongoing consultation will continue between Darkinjung and the DPIE to facilitate important social and economic outcomes for the Aboriginal Community.

The purpose of this rezoning request is to present the findings of the preliminary environmental assessment undertaken to guide the development footprint and to demonstrate that there is site-specific and strategic merit to support the rezoning of the site in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Impact management strategies will be implemented to manage any potential environmental effects of the proposed rezoning.

This rezoning request seeks to amend the GLEP 2014 to enable a low-density residential development on the site to accommodate 48 (or 50 if the north south electricity easement is extinguished) dwellings ranging in lot sizes from 550m² to 1,300m². The rezoning request represents a logical expansion of the existing Kariong urban area and has considered existing environmental constraints on the site to determine the land best suited for residential development and allow a significant proportion of the site to remain zoned for environmental conservation.

In accordance with Planning Circular PS 19-003 the rezoning request is submitted to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for independent review and determination prior to it being submitted to the DPIE for Gateway Determination.

1.2. DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL

Darkinjung was established in 1984 under the *Aboriginal Land Rights Act 1983* (ALR Act). The ALR Act was created by the NSW Parliament to establish a network of Local Aboriginal Land Councils (LALCs) within NSW and to give them powers to acquire and manage land for their economic and social welfare.

Darkinjung's vision is:

"To strengthen and empower our community for all generations"

Darkinjung is an LALC within the Central Coast of NSW. Its boundaries stretch from Catherine Hill Bay to the north, Hawkesbury River to the south, Pacific Ocean to the east, and Watagan Mountains to the west. Darkinjung is one of the largest and fastest growing LALCs in the State, with a direct membership of over 710 persons representing approximately 12,000 Aboriginal persons within the region. Darkinjung own approximately 3,700 hectares (ha) of land within the Central Coast Council (CCC) local government area (LGA) making it a unique and significant landowner within the region.

Darkinjung have prepared a 2016-2019 Community Land and Business Plan (CLBP) which is currently being reviewed for 2020-2024. The CLBP outlines the aim of pursuing innovative economic opportunities in connection with Darkinjung land in order to:

- *Strengthen Aboriginal Culture and Heritage*
- *Manage, preserve and protect our land and environment*
- *Generate social returns on investments for our community*
- *Promote the Central Coast Aboriginal community*

This site is the second parcel of land proposed to be rezoned under this new planning process. The lodgement of this rezoning request is, therefore, important in promoting and achieving the aims of the ALR Act. The rezoning request is demonstrative of Darkinjung's commitment to pursuing economic and social advancement and opportunity to the benefit of their members, and their broader Aboriginal community for their functions as an LALC.

1.3. INTERIM DARKINJUNG DEVELOPMENT DELIVERY PLAN

In early February 2019 the Minister for Planning announced a package of new planning measures specifically relating to the Darkinjung landholdings, including this site subject to the rezoning request. The recently established planning framework includes the AL SEPP, IDDDP, and Planning Circular 19-003.

A new Section 9.1 Ministerial Direction also applies to this site (5.11 Development of Aboriginal Land Council Land). This direction requires that when preparing a planning proposal for land to which the AL SEPP applies, any applicable development delivery plan (and Interim Development Delivery Plan) made under the AL SEPP must be considered. **Section 6.1** of this report addresses the IDDDP which is the applicable interim development delivery plan applying to the site.

1.4. REZONING REQUEST BACKGROUND

A previous planning proposal request for the site was prepared on behalf of Darkinjung and lodged with CCC in February 2018. This planning proposal was, however, withdrawn by Darkinjung prior to formal consideration by CCC.

On 12 August 2019, the DPIE wrote to Darkinjung to advise them that there is strategic merit to consider the site for rezoning. The letter was accompanied by a schedule of principles to guide the rezoning of the site. These principles have been directly responded to in **Table 1** and throughout this report and its Appendices.

The consultant team have prepared preliminary ecological, cultural heritage, traffic, and bushfire assessments in support of this rezoning request. The findings of these assessments are detailed in **Section 4** of this report.

1.5. CONSULTATION WITH COUNCIL AND THE DEPARTMENT OF PLANNING INDUSTRY AND ENVIRONMENT

Darkinjung and the project team are engaged in an ongoing process of consultation with relevant stakeholders and authorities in relation to all of the sites identified within the IDDDP. Matters discussed have included:

- Confirmation on the chosen planning process
- The level of technical inputs required to accompany the rezoning request and identification of documents that may be required to accompany subsequent stages of the rezoning process
- The structure and key matters to be addressed in this rezoning request document.

1.6. TECHNICAL SUPPORTING DOCUMENTATION

Umwelt, who are a specialist multi-disciplinary environmental services consultant have been engaged by Darkinjung to prepare an Environmental and Heritage Constraints Briefing Note (Briefing Note). The purposes of the Briefing Note is to summarise preliminary investigations undertaken prior to the finalisation and submission of specialist reports with the planning proposal. The following draft specialist studies are summarised in the Briefing Note:

- Biodiversity Constraints Assessment Report (BCAR)

- Aboriginal Cultural Heritage Due Diligence Investigation
- Bushfire Risk Assessment Report

In addition to the Briefing Note, a range of specialist consultants were engaged by Darkinjung to assist with the preparation of the concept structure plan and technical studies. These studies are in draft form and will be further refined as the planning proposal progresses through the rezoning process. These studies are explained in further detail at Section 4 of this report. Supporting documentation includes:

Table 2 – Supporting Documentation

Document Title	Consultant	Appendix
Environmental and Heritage Constraints Briefing Note	Umwelt	Appendix A
Preliminary Stormwater and Servicing Report	Northrop Engineers	Appendix B
Transport Advice	Urbis	Appendix C
Urban Design Report	Urbis	Appendix D

2. SITE AND SURROUNDING CONTEXT

2.1. SITE LOCATION

The site is located at 300 Woy Woy Road, Kariong and is legally described as Lots 512 and 513 on DP727686. The site is irregular in shape and has an area of approximately 13.2 ha. The site is bound by residential dwellings to the north, Brisbane Water National Park and a water tower to the east and south, and Woy Woy Road to the west.

The aerial photograph of the site shown in **Figure 2** below illustrates that the site comprises undeveloped bushland and several tracks including the Lyre Trig and Tank Fire Trails which intersect the site. In addition, a high voltage power line extends within an east-west easement through the centre of the site. The site is positioned near a localised crest, predominately falling to the west characterised by moderately undulating slopes at average longitudinal grades of approximately 10%.

Figure 2 – Site



Source: Nearmap

2.2. SURROUNDING CONTEXT

The surrounding locality is illustrated in **Figure 3** below. The site is located approximately 1 kilometre (km) south east of the Kariong village centre. Woy Woy Road links to the Central Coast Highway which is located approximately 1.5 km north of the site. Gosford Town Centre is located approximately 7.5km north east of the site which includes regional amenities and services.

The site is located approximately 3km to the south of the Somersby Business Park identified within the Southern Growth Corridor established in the *Central Coast Regional Plan 2036* (CCRP 2036). It also directly adjoins the boundary of the Mount Penang and Kariong Centre established in the *Draft Somersby to Erina Corridor* which was exhibited in April 2019.

The site surrounds can be described as follows:

- **To the north** are large lot residential allotments. Further north are smaller sized low-density residential allotments. At the north eastern boundary of the site are two water reservoirs which are owned and managed by the CCC
- **To the south and east** is the Brisbane Water National Park
- **To the west** is Woy Woy Road and low-density residential allotments are beyond.

Figure 3 – Site Context



Source: Urbis

3. STATUTORY PLANNING FRAMEWORK

3.1. SITE ZONING BACKGROUND

The site was previously zoned Special Uses 5(a) Community Uses pursuant to the *Gosford Planning Scheme 1968* to facilitate a potential primary school.

In 2008 the former Gosford Council commenced its review of planning controls to reflect the Standard Instrument format.

Darkinjung prepared a submission to the Gosford Draft LEP in 2009 requesting that the site be zoned RU2 Rural Landscape and not the SP2 zone which had been nominated for the site within the Draft LEP. Subsequently, the site was rezoned the land from 5(a) Special Uses to E2 Environmental Conservation under Gosford LEP 2014.

In August 2017, Council undertook an Environmental and Urban Edge Zone Review to resolve the outstanding Deferred Matters and align the *Interim Development Order 122* and *Gosford Planning Scheme Ordinance* zones to an appropriate zone under the Standard Instrument. As the subject site had already been rezoned pursuant to the GLEP 2014, it did not meet Council's criteria for defining the 'urban edge'.

3.2. GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

The GLEP 2014 is the principal Environmental Planning Instrument governing and guiding development within the former Gosford LGA. The site is zoned E2 (Environmental Conservation) pursuant to the GLEP 2014. **Table 3** below identifies the key planning controls contained with GLEP 2014 applicable to the site.

Table 3 – Existing planning controls applying to the site

Planning Control	Development Standard
Floor Space Ratio	No relevant controls.
Maximum Height of Building	8.5 metres
Minimum Lot Size	40 ha.
Acid Sulfate Soils	Class 5 acid sulfate soils.
Flood Planning	Not mapped as being flood prone on Council's mapping.
Heritage Conservation	The site does not contain any items of heritage significance listed in the GLEP 2014 nor is it located within a heritage conservation area.
Bushfire Prone Land	The site is mapped as containing both category 1 (high risk) and category 2 (low risk) bushfire prone land.

3.3. DRAFT CENTRAL COAST LOCAL ENVIRONMENTAL PLAN 2018

Planning Proposal SI_2017_CCOAS_001_00 was lodged with the DPIE in September 2017 to consolidate Wyong LEP 2013, Gosford LEP 2014, *Gosford Planning Scheme Ordinance* and *Gosford Interim Development Order No 122* into the Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP).

The Draft CCLEP received Gateway Determination by the DPIE subject to conditions in October 2017. It was exhibited by Council in early 2019 and was due to be finalised in the second half of 2019, however the finalisation date is now unclear. The Draft CCLEP (as exhibited) does not affect the existing zoning of the site. However, it does amend the objectives of and permitted uses within the E2 and R2 zones.

The Draft CCLEP also proposes to amend the minimum lot size control for the R2 Low Density Zone (R2 Zone) from 550m² to 450m².

3.4. COASTAL OPEN SPACE SYSTEM STRATEGY 2010

Whilst not a statutory planning consideration, the *Coastal Open Space System Strategy 2010* (COSS Strategy) was released by Gosford Council in August 2010 and if implemented could potentially inform statutory land use outcomes for the site.

The COSS Strategy aims to establish a network of reserves supporting native vegetation that will be managed by Council in order to foster environmental outcomes for the community. The site is identified as being private land for voluntary acquisition by Council in accordance with the COSS Strategy.

In 2010 the Biodiversity Stewardship arrangement being proposed was not an available option for private landholders. Darkinjung have met with the COSS Manager at Council who advised that entering into a stewardship agreement or the bio certification of land is an option available to Darkinjung to achieve the objectives of the COSS Strategy without acquisition.

The Briefing note (refer to **Appendix A**) concludes that whilst the future residential development will impact on threatened species habitat and endangered ecological communities, significant offset opportunities are likely to be available across the wider site or on other Darkinjung landholdings. In addition, Darkinjung are committed to ensuring that the site is either bio certified or established as a stewardship site. This will be determined at the planning proposal stage. Darkinjung can manage the land in accordance with the COSS strategy objectives.

4. OPPORTUNITIES AND CONSTRAINTS ASSESSMENT

Preliminary environmental investigations have been undertaken to support this rezoning request and are summarised below. These investigations have determined the land best suited for residential development considering the environmental qualities of the subject site and the principles for rezoning provided by the DPIE. For this reason, the investigations have focussed on the area identified in **Figure 4** within the northern portion of the site (referred to as the Development Footprint) which includes land to the north of the electricity easement and a small area of land for the purposes of a stormwater management basin.

Technical investigations have been consolidated through a sieve mapping process considering the following constraints to determine the development footprint:

- Slope and Topography
- Vegetation
- Aboriginal Heritage Items.

In addition to the above, the following constraints analysis have been undertaken to identify the residual developable area:

- Bushfire Assessment
- Access and Movement
- Biodiversity Conservation Assessment
- Consolidated Constraints Mapping.

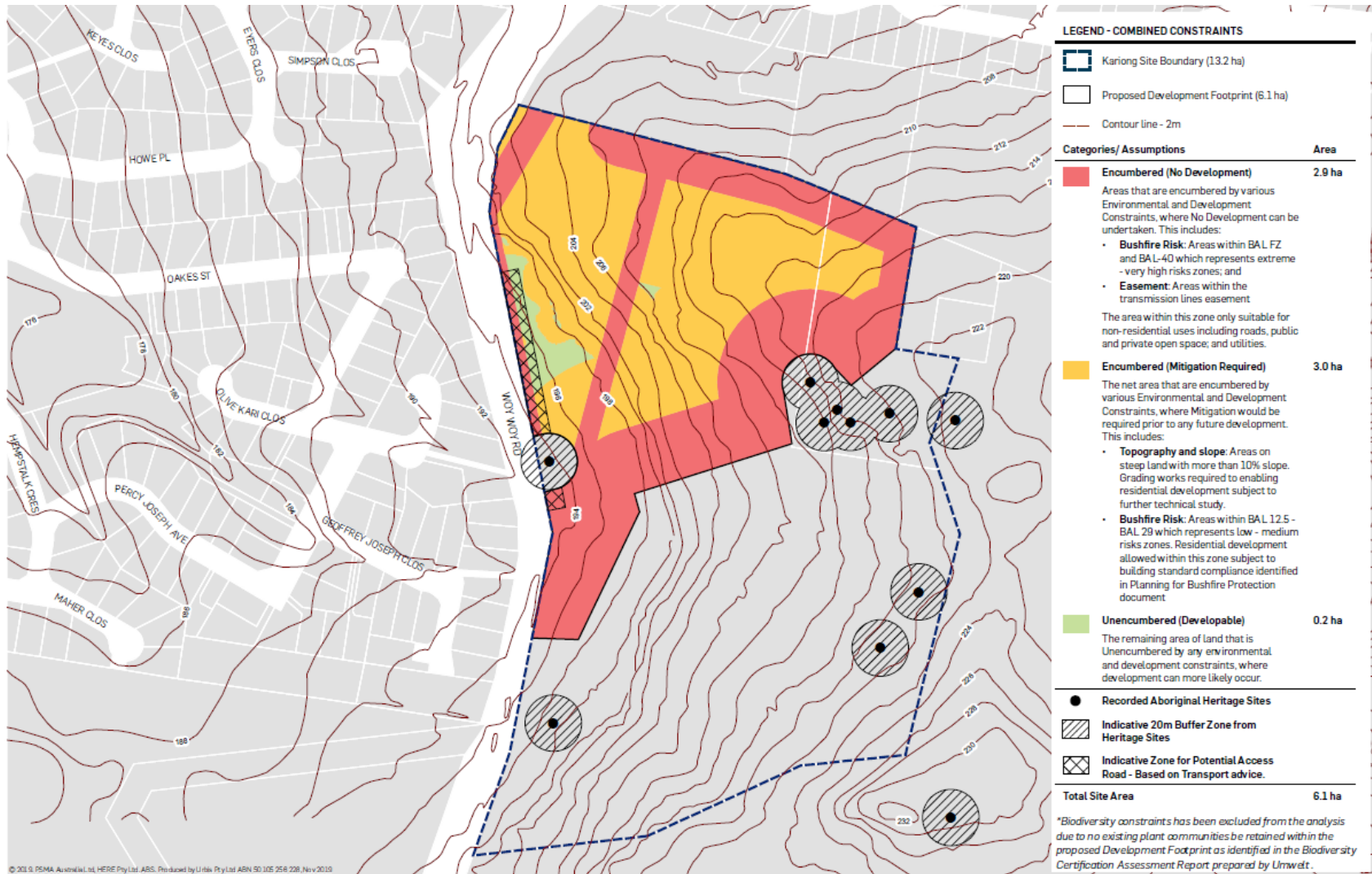
Land on the site has been classified under 3 categories based on the analysis of existing constraints:

- **Encumbered (No Development)** Areas affected by constraints that render the land as unsuitable for any future development.
- **Encumbered (Mitigation Required)** Areas affected by constraints that can be mitigated.
- **Unencumbered (Developable)** Areas not affected by any constraints.

The following sections provides a summary of the preliminary investigations undertaken to guide this rezoning request. These preliminary environmental assessments demonstrate that the site can be development in a manner that considers, mitigates, and avoids these constraints such that the site-specific merits of the proposal can be demonstrated.

These preliminary environmental assessments include implementation strategies to manage any potential environmental effects of the proposed rezoning.

Figure 4 – Opportunities and Constraints Map



DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL - KARIONG PLANNING PROPOSAL
 ENVIRONMENTAL AND DEVELOPMENT CONSTRAINTS MAPPING - COMBINED



1:2,500 @A3



Source: Urbis

4.1. BIODIVERSITY CONSERVATION ASSESSMENT

The findings of the draft BCAR are summarised in the Briefing Note (refer **Appendix A**). The purpose of the draft BCAR is to determine if there is capacity within the wider site or other Darkinjung Landholdings to meet biodiversity credit requirements in accordance with the Biodiversity Offset Scheme.

A final BCAR will be submitted to accompany the planning proposal in accordance with the requirements of the *Biodiversity Conservation Act 2016* (BC Act). This BCAR will identify the quantum of biodiversity credits required to offset any biodiversity impacts, and further suggest management strategies to avoid any other environmental effects of the proposed future residential use.

The assessment has identified threatened species within the proposed Development Footprint, these are detailed in **Appendix A**. In addition, due to the availability of suitable habitat, three other vulnerable species are considered likely to occur across the area. Three plant community types are present on the site.

The development footprint is located within the CCRP 2036 biodiversity corridor linking Strickland Forest to the Brisbane Water National Park. The proposed residential zone will impact a relatively minor portion of this area of native vegetation (approximately 300 m wide). The development footprint has been limited to the northern portion of the site in an area that is already the subject of edge effects. The southern extend of the development footprint has also stopped short of the existing development adjacent to the west of Woy Woy Road to retain all connectivity values that currently exist. The corridor itself will remain the same size overall, and minor impacts to connectivity will occur and its functionality will be preserved through appropriate siting of the development footprint.

It is anticipated that the remainder of the site will be conserved through either a Stewardship Agreement or biocertification, which will provide perpetual conservation of a considerable section of the identified corridor in the CCRP 2036. Darkinjung is committed to delivering a Biodiversity Offset Strategy that appropriately compensates for the unavoidable loss of biodiversity values as a result of the proposed rezoning, and as required under the BC Act. This will be undertaken through implementation of the following options:

- The establishment and retirement of credits within a Stewardship site
- Securing required credits through the open credit market and/or payments to the Biodiversity Conservation Fund.

The Briefing Note concludes that there are offset opportunities available across the wider site or on other Darkinjung landholdings to meet the biodiversity credit requirements in accordance with the Biodiversity Offset Scheme. The rezoning request is also unlikely to substantially impact on connectivity and corridors. Whilst the proposed Biodiversity Certification will satisfy the requirements of the BC Act, a Commonwealth *Environmental Protection Biodiversity Conservation Act 1999* (EPBC Act 1999) referral is likely to be necessary at the planning proposal stage.

4.2. ABORIGINAL AND CULTURAL HERITAGE ASSESSMENT

Umwelt has undertaken an Aboriginal Cultural Heritage Due Diligence investigation to accompany this rezoning request which is summarised in the Briefing Note (refer **Appendix A**). This assessment includes a desktop review of a preliminary archaeological assessment undertaken by others in 2007, an updated AHIMS site search and review of available site cards, and consideration of the environmental context of the site.

Previous surveys undertaken in 2007 indicated that the entire site area contains a total of eleven sites with Aboriginal heritage significance. There is a total of 6 sites located within the northern portion of the site. As demonstrated in the concept structure plan (see **Section 4.7**) the portion of the site to be rezoned for low density residential has avoided these items of significance. No known sites will be located within the residential area. The Aboriginal heritage item fronting Woy Woy Road will be zoned E2 to ensure that it will not be developed and protected.

4.3. BUSHFIRE ASSESSMENT

Umwelt have undertaken a preliminary bushfire risk assessment to accompany the rezoning request which is summarised in the Briefing Note (refer **Appendix A**). The assessment provides modelling of bushfire hazards in accordance with relevant Australian Standards, and a summary of bushfire protection criteria and acceptable solutions under the *Planning for Bushfire Protection 2006* (amended 2018) (PBC 2018).

The assessment has found that there are areas within the development footprint that are suitable for residential housing subject to the creation of appropriate Asset Protection Zones (APZs). The southern portion of the development footprint is constrained for dwellings by bushfire risk from downslope vegetation to the south and east of the study area. For this reason, it is proposed that a road be located along the southern boundary to facilitate an APZ for dwellings within the southern portion of the development footprint. The north of the site is also constrained by bushfire risk from rural residential properties the north. This conservative finding may be further refined by more detailed bushfire studies at the future individual lot level.

The assessment has found that identified impact management strategies being adopted, the future development of the subject site is able to satisfy the aims, objectives and performance requirements of PBC 2018.

4.4. FLOODING AND STORMWATER MANAGEMENT

Northrop have undertaken a preliminary stormwater and flooding assessment to accompany this rezoning request (refer **Appendix B**). The investigations are summarised as follows:

- **Site Flooding:** the site is not identified as being subject to inundation or flooding. Due to the site's topography and an upstream catchment of less than 3 ha, sheet runoff is also not anticipated to impact of future onsite development.
- **Stormwater Management:** it is proposed that a Water Cycle Management Plan (WCMP) be implemented to mitigate any runoff from the future residential development footprint. Specifically, the WCMP will detail measures to be undertaken within the site to address the issues of site discharge, water quality to enable minimisation of potable water demand. Details of the minor and major conveyance infrastructure will be provided once subdivision layouts have been determined at the DA stage.

Preliminary hydrological modelling DRAINS modelling has been undertaken to assess the contributing catchment in both pre and post development scenarios for a range of storm durations and frequencies. The DRAINS found that the future residential development will increase peak flows within the catchment over a range of rainfall events. Without appropriate mitigation this net increase in peak flows is likely to have adverse effects on downstream properties and the regional hydrology.

In response to this risk, detention measures are proposed to mitigate the negative impacts on the catchment regime at the site boundaries. Through runoff routing in DRAINS it was determined a detention volume of approximately 1200m³ will be required to reduce peak developed flow rates to pre-developed, greenfield rates. Northrop have determined that onsite detention can be provided to effectively attenuate runoff up to the 1% AEP peak flow in accordance with the intent of the *Gosford Development Control Plan 2014* (Gosford DCP).

- **Stormwater Quality:** preliminary stormwater quality modelling (MUSIC Modelling) has been undertaken. Water quality is proposed to be managed through a treatment train approach to meet pollutant removal efficiency targets specified in *Council's Civil Works Specification Design Guideline 2018* including:
 - **Rainwater Reuse:** individual 4 Kilolitre rainwater harvesting tanks proposed within future lots.
 - **Gross Pollutant Tanks:** can be provided to trap to remove litter, debris, and coarse sediment runoff to protect downstream measures.
 - **Biofiltration Basin:** proposed as an end of line secondary treatment measure for stormwater runoff prior to discharging into downstream receiving waters. Located in the south western corner of the Development Footprint the biofiltration basin is designed to pond and infiltrate stormwater runoff through a porous filter media which supports nutrient removing plant species. Infiltrated stormwater is captured in a subsurface drain and then returned to the network. Stormwater will enter the basin via riprap-lined weir designed to dissipate energy.

Preliminary investigations undertaken by Northrop have determined that the site has capacity to accommodate the proposed future uses of the site from a stormwater and flooding perspective.

4.5. SERVICING AND INFRASTRUCTURE PROVISIONS

Northrop have undertaken a service infrastructure audit to accompany the rezoning request (refer **Appendix B**). The report concludes that:

- **Electricity infrastructure:** exists in the adjacent residential area and a current high voltage line passes through the site. Discussions will be held with Ausgrid at such time that the final lot yield is confirmed.
- **Telecommunications infrastructure:** can be extended from the adjacent residential areas.
- **Gas services:** It is anticipated that gas services can be extended from adjacent services to the site.
- **Sewer:** The site is currently not serviced by sewer connections. Gravity sewer mains will require extension from the adjacent residential area. CCC have advised that there may be capacity constraints with the receiving pump station therefore developer-funded augmentation of these pump stations may be required.
- **Potable Water:** is currently not connected to the site. Two possible water connection points can be connected to and local pressure boosters may be required depending on the final lot layout.

4.6. TRANSPORT ASSESSMENT

Urbis has undertaken a desktop transport assessment of the subject site to provide advice in relation to site access from Woy Woy Road (refer **Appendix C**). The desktop analysis is based on Austroads *Guide to Road Design Part 4A: Unsignalised Intersections* and the existing surrounding street environment. The assessment considered number of access locations and subsequently determined that a single vehicular access point be located within the southern portion of the low density residential zoned area for the following reasons:

- Based on the environmental factors of the site location a minimum of 151 metres is required to provide a safe intersection site distance
- The site distance is most affected by the approach from the north as motorists travel southbound through the bend in Woy Woy Road
- Due to the length of the site frontage, as well as site distance constraints, only one access point can be provided.

It is anticipated that the proposed development will not generate a significant volume of peak hour traffic.

4.7. IMPACT MANAGEMENT STRATEGIES

The preliminary environmental assessment detailed above demonstrates that there are site-specific merits to support this rezoning request. These preliminary investigations include strategies that can be implemented to manage any potential environmental effects of the proposed rezoning. **Table 4** below summarises these impact management strategies.

Table 4 – Impact Management Strategies Summary

Key Issue for Consideration	Impact Management Strategies
Biodiversity Constraints Assessment	<p>A final BCAR will be submitted to accompany the planning proposal in accordance with the requirements of the Biodiversity Conservation Act 2016.</p> <p>Prepare and implement a Biodiversity Offset Strategy that appropriately compensates for any loss of biodiversity values resulting from the proposed rezoning in accordance with the Biodiversity Conservation Act 2016. This will be undertaken using one or more of the following options:</p> <ul style="list-style-type: none"> • Establishment and retirement of credits within a Stewardship site. • Securing required credits through the open credit market and/or payments to the Biodiversity Conservation Fund.

Key Issue for Consideration	Impact Management Strategies
Aboriginal and Cultural Heritage Assessment	Implement all impact management strategies identified in the ACHAR investigations, which is currently being finalised.
Bushfire Assessment	<p>Identify and implement APZs to manage bushfire risk as part of the detailed siting of future dwellings.</p> <p>Ensure the design and maintenance of water supply facilities are constructed for firefighting purposes.</p> <p>Ensure the future residential development area meets specified standards for property roadway access, and construction standards.</p>
Flooding and Riparian Corridor	<p>Provide on-site stormwater management in accordance with best practice and Council Policies for low density residential development.</p> <p>Stormwater quality measures are to be implemented as detailed in the preliminary stormwater assessment prepared by Northrop.</p> <p>Provide a detention basin within the south western portion of the residential development as an end of line secondary treatment measure.</p>
Servicing and Infrastructure Provision	<p>Undertake detailed consultation with services providers and CCC to extend existing services to the site.</p> <p>Consult with CCC to obtain detailed information on available capacity within the adjoining sewer network. If necessary, sewer pumps are to be augmented to accommodate the development.</p> <p>Consult with CCC to determine a suitable water connection point. If necessary, local pressure boosters are to be installed.</p>
Transport Assessment	<p>Due to the limited site distances for motorists approaching from the north it is recommended that an auxiliary left turn treatment is provided to reduce the likelihood of rear-end collisions.</p> <p>An auxiliary right turn treatment is provided to minimise the interaction with through moving vehicles as motorists travelling northbound due to the rural character of the street environment and limited access points to the south.</p> <p>A discussion with Roads and Maritime (Transport for NSW) be undertaken to understand their expectations is required prior to lodging the planning proposal.</p>

4.8. CONCEPT SITE STRUCTURE PLAN

A preliminary concept site structure plan has been prepared that has considered the biodiversity, bushfire, traffic, topographical, and hydrology investigations undertaken to accompany the proposed rezoning (refer **Appendix D**). This concept structure plan will be refined as the planning proposal progresses through the rezoning process and can form the basis of a future site specific DCP.

The proposed R2 Zone has deliberately avoided the Aboriginal heritage items to the south east and at the western boundary fronting Woy Woy Road to ensure that no residential development will occur on this land.

The concept structure plan has included the north-south electricity easement notwithstanding that discussions are currently being held with Ausgrid for it to be extinguished as it is no longer required.

4.9. OPTIONS CONSIDERED FOR THE PERMISSIBILITY OF THE STORMWATER MANAGEMENT BASIN

The existing easement for transmission (D.P. 639408) forms a logical southern extent of residential development. However, to adequately drain the site, two planning options have been considered to address the permissibility of the proposed stormwater management basin located to the south of the easement.

They include:

1. Rezoning a portion of land to R2 to accommodate the stormwater management basin. A restriction on title over this lot can be included at future subdivision stage, with an explicit provision requiring such being included in a future site specific DCP.
2. Retain the E2 zoning of this area and rely on a permissibility pathway where the stormwater management basin is ancillary to the residential development to the north.

Option 1 is the preferred option as it:

- Provides a clear nexus between the stormwater basin and future residential development to the north
- Confirms that the use of this area for stormwater management purposes associated with the residential area would be in accordance with the objectives of the R2 zone.

Figure 5 – Concept Structure Plan



5. REZONING REQUEST OBJECTIVES

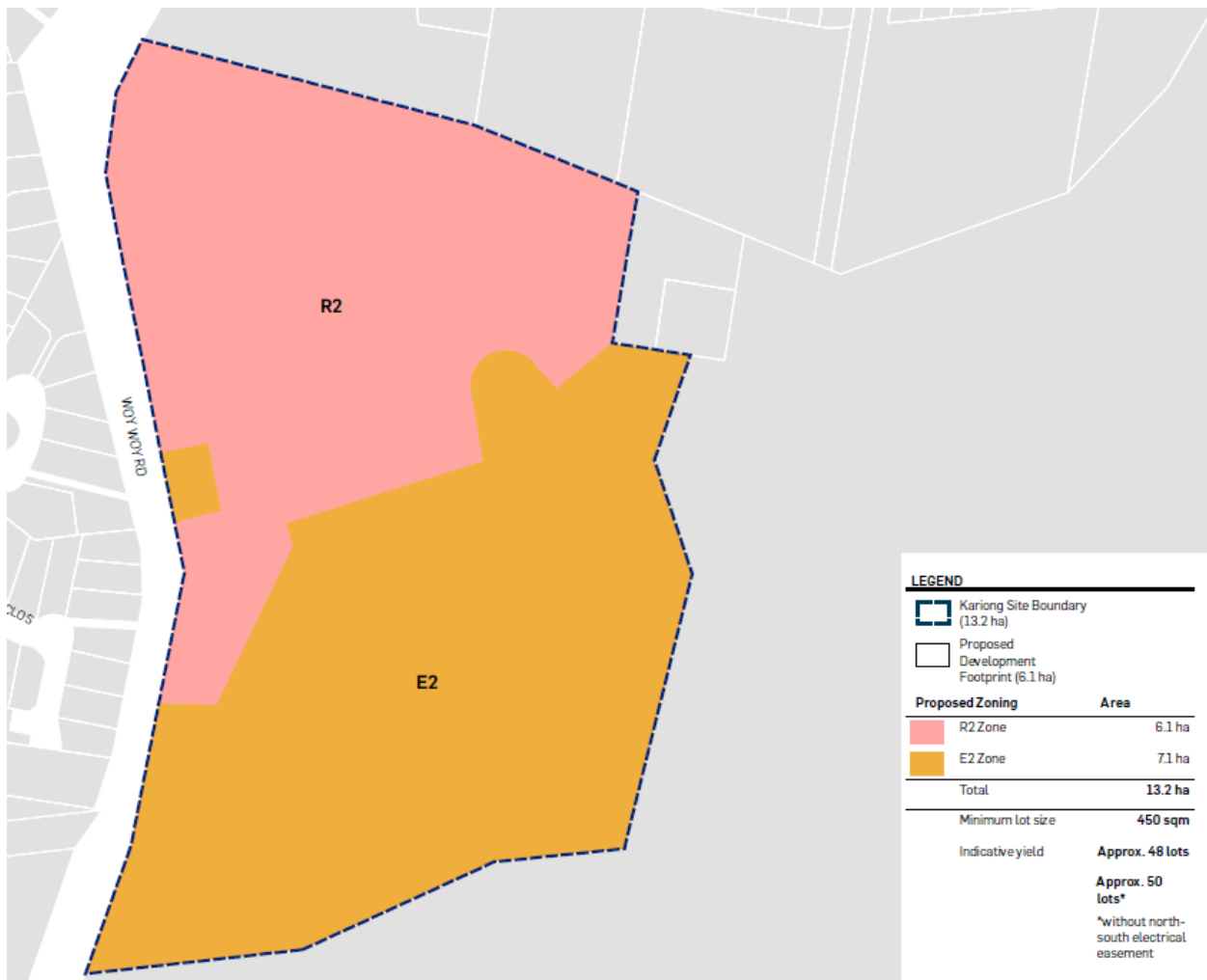
5.1. AMENDMENTS TO THE GOSFORD LOCAL ENVIRONMENTAL PLAN 2014 OR DRAFT CCLEP

The objectives of this rezoning request are to:

- Rezone the northern 6.1 ha (46%) of the site from E2 Environmental Conservation to R2 Residential Low Density to facilitate an approximate net 3.9 ha of residential development. The remaining 2.2 ha will not be developed for residential purposes and will comprise the site vehicular access point, internal road, a stormwater management basin, the existing fire trail, and electricity easement
- Amend the Minimum Lot Size control to facilitate the development of 48 (or 50 if the north south electricity easement is extinguished) low density residential lots. It is noted that the Draft CCLEP proposes to amend the minimum lot size control for the R2 Zone to 450m²
- Retain the E2 Zoning for the remaining 7.1 ha or approximately 54% of the total site.

The exact boundaries for the future land use zones are yet to be identified. A broad indication of the proposed land use zones is illustrated in **Figure 6** below.

Figure 6 - Indicative land use zones



Source: Urbis

5.2. SITE SPECIFIC DEVELOPMENT CONTROL PLAN OR CONCEPT DEVELOPMENT APPLICATION

It is intended that a preliminary concept structure plan will be prepared to support the planning proposal stage. This could be used to inform the subsequent preparation of a site specific DCP for the future portion of the site proposed to be rezoned for residential uses. Alternatively, pursuant to section 4.23 of the EP&A Act, the requirement for a site-specific DCP could be satisfied through a Concept Development Application facilitated by a site-specific clause within the GLEP 2014 or the forthcoming CCLEP. These options will be further explored at the planning proposal stage.

The site specific DCP or Concept Development Application could conceivably include provisions relating to:

- Indicative site layout as per indicative site concept structure plan
- Siting of the dwellings, internal road network, stormwater detention and capture the other impact management strategies including for example establishment of a 5-metre rear deep soil landscaped setback area to the large lot residential areas to the north, and the water tanks to the east.

6. STRATEGIC AND SITE-SPECIFIC MERIT TEST

The following section provides a detailed assessment of the rezoning request against relevant strategic and site-specific merits test criteria under Planning Circular PS 19-003 (Planning Circular).

6.1. STRATEGIC MERIT TEST

Strategic merit is a key factor in determining whether a proposal should proceed to a Gateway Determination. **Table 5** below assesses the strategic merit of the rezoning request as set out in the Planning Circular.

Table 5 – Strategic Merit Test

Criteria	Comment
<i>Consistency with any relevant interim development delivery plan, published on the Department's website.</i>	<p>An IDDDP applies to the site. The IDDDP identifies the broader economic benefits and the social and environment outcomes that development of the site can deliver for Darkinjung. It also identifies that the site has strategic merit based on the broader benefits to Darkinjung and it being a logical expansion of the Kariong urban area that will support the delivery of additional housing for the region.</p> <p>The IDDDP includes matters that are specifically required to be addressed in the rezoning request which have been addressed in this report as follows:</p> <ul style="list-style-type: none"> • Planning pathway: Section 1.1 of the report. • CCRP 2036: addressed below. • Statutory matters including section 9.1 Ministerial Direction and SEPPs: Section 1. • Biodiversity and habitat connectivity: Section 4.1 and Appendix A. • Aboriginal cultural heritage: Section 4.2 and Appendix A. • Traffic and transport consideration: Section 4.6 and Appendix C. • Servicing and infrastructure provision: Section 4.5 and Appendix B. • Process for extinguishing native title: to be further detailed at the planning proposal stage.
<i>Consistency with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan, within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment</i>	<p>The CCRP 2036 establishes the strategic planning framework to deliver a prosperous and sustainable future for the Central Coast's residents. It sets out a vision, goals, directions, and actions for the Central Coast Region.</p> <p>Direction 6 of the CCRP 2036 seeks to strengthen the economic self-determination of Aboriginal communities. The proposed rezoning of the site will facilitate the development of approximately 48-50 low density residential lots to the benefit of Darkinjung. Darkinjung will benefit financially from any future disposal of the land and this will assist in providing services for their members and the broader Aboriginal community. In particular, the project can contribute to the pipeline of projects envisaged by action 6.1 of the CCRP and in turn potentially providing funding to facilitate future projects in that pipeline.</p> <p>The future residential development is located within a biodiversity corridor identified within the CCRP 2036 which links Strickland Forest to the Brisbane</p>

	<p>Water National Park. The proposed residential zone will only impact a relatively minor portion of this area of native vegetation (approximately 300 m wide). The corridor itself will remain the same size overall, and only minor impacts to connectivity within this corridor will occur. It is also noted that more than half of the site (54%) will remain zoned E2 Environmental Conservation.</p> <p>The rezoning request is also consistent with Directions 19, 20, and 21 of the CCRP 2036 as it will facilitate the development of additional housing choice to meet the needs of the Central Coast Community. It is also consistent with Direction 17 being new housing located in proximity to existing road infrastructure, Woy Woy Road, which provides an important link to the Central Coast Highway approximately 1.5km north of the site and Central Coast Highway beyond.</p>
<i>[The Proposal is] consistent with a relevant local strategy that has been endorsed by the Department</i>	No local strategy endorsed by DPIE applies to the site.
<i>[The Proposal is] responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i>	The site is identified in an Interim Development Delivery Plan which identifies the first stage of the Darkinjung development delivery pipeline. This rezoning request gives effect to the IDDDP. A future Development Delivery Plan will be prepared following a land audit and strategic assessment of sites owned by Darkinjung to further expand the development delivery pipeline and recognise additional sites in the AL SEPP. Preparation of the future Development Delivery Plan by both Darkinjung and DPIE will be guided by consultation with Council, relevant agencies, and the community.

6.2. SITE-SPECIFIC MERIT TEST

In addition to meeting the strategic merit criteria, the rezoning request is required to demonstrate site specific merit against the following criteria:

Table 6 – Site Specific Merit Test

Criteria	Comment
<i>the social and economic benefit to the Aboriginal community facilitated by the proposal</i>	The proposal is consistent with the vision of the Darkinjung Community Land and Business Plan – ‘ <i>To strengthen and empower our community for all generations</i> ’. The rezoning request is part of a development pipeline to provide sustainable economic development opportunities for Darkinjung.
<i>the natural environment (including known significant environmental values, resources or hazards)</i>	<p>The rezoning request has provided a preliminary environmental assessment at Section 4 to determine the portion of the site which is best suited for residential development. The accompanying Environmental and Heritage Constraints Briefing Note at Appendix A concludes that bushfire, Aboriginal heritage, and biodiversity constraints will be addressed through dwelling siting, mitigation, and management strategies.</p> <p>The Briefing Note concludes that whilst the proposal will impact on threatened species habitat and endangered ecological communities, offset</p>

Criteria	Comment
<p><i>the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal</i></p>	<p>opportunities are likely available across the wider site or on other Darkinjung Landholdings to meet the biodiversity credit requirements in accordance with the Biodiversity Offset Scheme. A referral under the EPBC Act may also be required.</p> <p>The rezoning request documentation is at a preliminary stage. Further detailed environmental assessment will be undertaken during the planning proposal and subsequent development application stages. A list of proposed technical studies to support the planning proposal is provided at Section 7.1 of the rezoning proposal.</p> <p>The development objectives for the site have been prepared having regard to surrounding existing and approved uses, and future uses of land in the vicinity of the site.</p> <p>Four large lot residential allotments adjoin the site to the north. These allotments which range from 0.84 to 1.6 ha in area, with another smaller (0.4 ha) large lot residential allotment adjoining further east. This area of land is currently identified as being “Deferred Matter” pursuant to the LEP. The land is currently zoned as 7(c2) Scenic Protection within the <i>Interim Development Order 122 1979</i> and <i>Gosford Planning Scheme Ordinance</i>.</p> <p>Under the Draft CCLEP land adjoining the site to the north is proposed to be zoned E4 Environmental Living which is consistent with its current zoning. This land is also proposed to have a minimum lot size control of 20,000m².</p> <p>To provide an appropriate buffer to this land, lots of a minimum of 675m² are proposed along this northern boundary and 1,300m² to the north east. In addition, a site specific DCP control will establish a 5 metres deep soil vegetated buffer area to transition to this large lot residential area.</p> <p>Appropriate buffers will be provided to the undeveloped bushland areas to the south and east of the site to ensure that the proposed residential uses will not impact on its important biodiversity function. The proposed residential use within the northern portion of the site is entirely compatible with the existing low-density residential development to the west of the site adjacent to Woy Woy Road. The proposal forms a logical expansion of the existing Kariong urban area</p> <p>Northrop have confirmed that existing infrastructures services and connections are available to the site including water, electricity, gas, stormwater, and telecommunications. Where necessary, these services will be extended, adapted and augmented in order to meet the demands of the development (refer to Appendix B).</p>

6.3. JUSTIFICATION

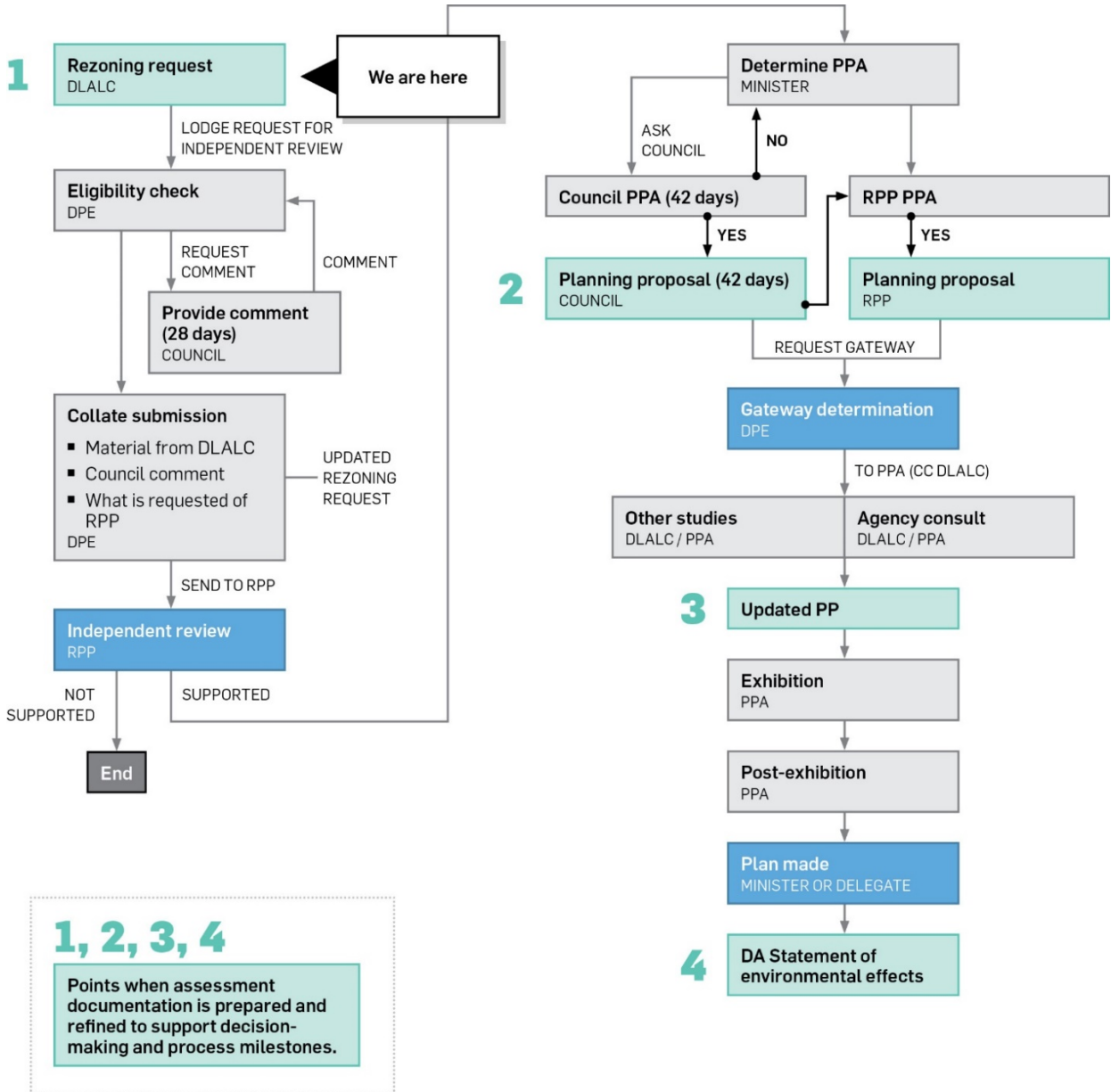
A review of the questions set out in “A Guide to Preparing Planning Proposals” and has been undertaken which confirms that the rezoning request is capable of consistency with these matters as detailed in **Section 6.1** and **6.2** of this report. The rezoning request is consistent with the applicable section 9.1 Ministerial Directions.

Further consideration will be given to each question at the detailed planning proposal stage as more information becomes available.

7. PROPOSED REZONING PROCESS

This rezoning request is submitted to the HCCRPP for independent review and determination prior to it being submitted to the DPIE for Gateway Determination. **Figure 7** below summarises the proposed rezoning process which is in accordance with Planning Circular PS 19-003 and discussions with the DPIE.

Figure 7 – Rezoning Process



Source: Urbis

It is anticipated that the LEP amendment will be finalised within 9-12 months. Further to the above flowchart, **Table 7** below provides indicative timeframes for each of the above identified key processes to be undertaken.

Table 7 – Indicative Project Timeline

Stage	Timeframe and/or Date
Eligibility Check	28 Days
Independent review by HCCCRPP	4 weeks
Planning proposal submitted to DPIE for Gateway Determination	March 2020
Gateway Determination by DPIE	To be determined
Commencement and completion of public exhibition period	Dates are dependent on Gateway Determination. Anticipated timeframe for public exhibition is 28 - 42 days.
Consideration of submissions and prepare other studies required at Gateway Determination	6 weeks
Consideration of the planning proposal post-exhibition	6 weeks
Submission to DPIE to finalise the LEP	To be determined
Gazettal of LEP Amendment	To be determined

7.1. TECHNICAL STUDIES TO BE SUBMITTED

Table 8 outlines the various technical studies currently being prepared and the stage that they will be submitted. Other technical studies can be prepared if requested by the DPIE in their Gateway Determination.

Table 8 – Technical Studies to be Submitted to the DPIE

Discipline/Input	Stage to be submitted
Planning Proposal Report	In support of planning proposal
Indicative Concept Structure Plan	In support of planning proposal
Biodiversity Constraints Assessment Report	In support of planning proposal
Bushfire Assessment	In support of planning proposal
Aboriginal Cultural Heritage Assessment Report	In support of planning proposal
Preliminary Contamination Assessment	In support of planning proposal
Transport Impact Assessment	In support of planning proposal
Water Cycle Management Plan / WSUD / Stormwater Management	Post Gateway Determination
Preliminary Geotechnical Investigation	Post Gateway Determination
Draft Development Control Plan	Post Gateway Determination

7.2. EXPECTED COMMUNITY AND KEY AGENCY CONSULTATION TO BE UNDERTAKEN

Division 3.4 of the EP&A Act requires the relevant planning authority to consult with the community and other relevant stakeholders in accordance with the Gateway Determination. It is anticipated that the future planning proposal will be publicly exhibited for at least 28 days in accordance with *A Guide to Preparing Local Environmental Plans*.

At a minimum, the notification of the public exhibition of the planning proposal is expected to involve

- A public notice in local newspaper(s)
- Notification on the PPA website
- Written correspondence to owners and occupiers of adjoining and nearby properties and relevant community groups
- Relevant Government and local authorities, and other key stakeholders as required by the Gateway Determination.

8. CONCLUSION

The rezoning request confirms at a high level that the proposed rezoning demonstrates strategic and site-specific merit in that it forms a logical expansion of the Kariong urban area and avoids of significant environmental impacts. The rezoning request identifies:

- The recommended impact mitigation strategies that will be implemented as part of the proposal
- The additional studies required to determine the precise location of future low-density residential dwellings and to provide greater certainty on the management of any potential environmental impacts.

It is recommended that this rezoning request be favourably determined by the HCCRPP for the following reasons:

- This rezoning request represents one of the first major outputs that initiates a process to realise the economic potential of land in accordance with the IDDDP. Any economic benefit of this land can then be leveraged to fund other projects in Darkinjung's development pipeline
- This rezoning request is a step towards improving the value of the economic resources of Darkinjung land claimed under the ALR Act, laying basis for a self-reliant and more secure economic future as envisaged by the ALR Act
- The rezoning request is consistent with regional strategic goals set out in the CCRP 2036, the relevant SEPPs, and section 9.1 Directions
- Future development of the site has the capacity to deliver 48-50 low density residential lots which will facilitate achievement of social and economic outcomes for Darkinjung
- Bio certification of the site or entering into a stewardship agreement will facilitate the objectives of the Coastal Open Space System Strategy
- The Briefing Note concludes that whilst the future residential development will impact on threatened species habitat and endangered ecological communities, sufficient offset opportunities are likely available
- The rezoning of the northern portion of the site for low density residential is a logical expansion of the Kariong urban area. Future residents of the site will have access to existing essential services and community facilities
- During the construction phase of the development, subject to future applications, there would be the potential for a proportion of the jobs to be provided to residents (including Aboriginal persons) who live within the Kariong locality
- An indicative concept plan has been developed for the site that appropriately responds to the site constraints identified in preliminary environmental assessment. The concept plan could form the basis of a future site specific DCP
- The site was originally zoned Special Uses 5(a) community uses pursuant to the *Gosford Planning Scheme 1968* to facilitate a potential primary school. This demonstrates that the site has previously been considered suitable for urban development.

In considering the tangible environmental, social, and economic benefits of the rezoning request, it is recommended that the HCCRPP should resolve to support the proposed LEP amendments and recommend that they be forwarded to the DPIE for Gateway Determination in accordance with the EP&A Act.

DISCLAIMER

This report is dated 29 January 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of **Urbis**' opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Darkinjung Local Aboriginal Land Council (**Instructing Party**) for the purpose of Rezoning Request (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

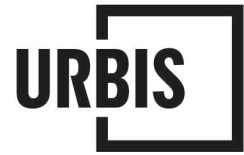
In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

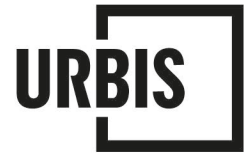
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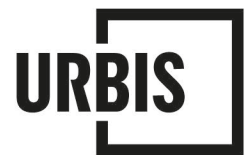
This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



APPENDIX A ENVIRONMENTAL AND HERITAGE CONSTRAINTS BRIEFING NOTE

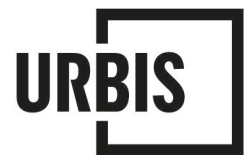


APPENDIX B PRELIMINARY STORMWATER AND SERVICING REPORT



APPENDIX C

TRANSPORT ADVICE



APPENDIX D

URBAN DESIGN REPORT