

# Central Coast

## Local Planning Panel

Central Coast  
LOCAL PLANNING PANEL MEETING  
Business Paper  
**10 December 2020**



**Item No:** 3.5  
**Title:** DA/968/2020 - 15-23 Hely Street, Wyong - Use of existing converted shipping container as a cafe  
**Department:** Environment and Planning

**Central Coast**  
Local Planning Panel

10 December 2020 Local Planning Panel Meeting

Reference: DA/968/2020 - D14291679  
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Manager: Salli Pendergast, Principal Development Planner North  
Approver: Andrew Roach, Unit Manager, Development Assessment

### Summary

An application has been received for the use of an existing converted shipping container and attached covered decking as a cafe at 15-23 Hely Street, Wyong. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is required to be determined by the Central Coast Local Planning Panel as the subject land is owned by Central Coast Council. The application is recommended for approval.

<b>Applicant</b>	Salvation Army Australia
<b>Owner</b>	Central Coast Council
<b>Application No</b>	DA/968/2020
<b>Description of Land</b>	Lots 1-5 Sec 1 DP 3136 15-23 Hely Street, WYONG
<b>Proposed Development</b>	Use of an existing converted shipping container and attached covered decking as a café
<b>Site Area</b>	5,063m <sup>2</sup>
<b>Zoning</b>	B3 Commercial Core Proposed B3 Commercial Core
<b>Existing Use</b>	Salvation Army Oasis Youth Centre and Council car park
<b>Employment Generation</b>	N/A
<b>Estimated Value</b>	\$50,000

### Recommendation

- That the Local Planning Panel grant consent to DA/968/2020 Use of existing converted shipping container as a cafe - 15-23 Hely Street, Wyong subject to the***

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***conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***

**Key Issues**

- Consent is sought for the use of an existing converted shipping container and attached covered decking as a café, which is permissible under the *Wyong Local Environmental Plan 2013* (WLEP 2013) and is considered satisfactory with regards to the other relevant provisions of the WLEP 2013.
- The café/shipping container and decking has been constructed/established as unauthorised works.
- The subject land is owned by Central Coast Council.
- The application was not required to be advertised or notified and no submissions have been received.
- The proposal includes a shortfall in on-site parking of 4 spaces and therefore seeks a variation to Council’s WDCP 2013 Chapter 2.11.
- The development is not considered to have any likely impact upon the adjoining properties being located within a commercial precinct.

**Precis:**

<b>Proposed Development</b>	Use of an existing converted shipping container and attached covered decking as a café.
<b>Permissibility and Zoning</b>	The subject site is zoned <i>B3 Commercial Core</i> under the provisions of <i>Wyong Local Environmental Plan 2013</i> . The proposed café is permissible within the <i>B3 Commercial Core</i> zone.
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>State Environmental Planning Policy (Exempt and Comply Development Codes) 2008</i></li> <li>• <i>Draft Central Coast Local Environmental Plan 2018</i></li> <li>• <i>Wyong Local Environmental Plan 2013</i></li> <li>• <i>Wyong Development Control Plan 2013</i></li> </ul>
<b>Current Use</b>	Salvation Army Oasis Youth Centre & Council car park.
<b>Integrated Development</b>	No.
<b>Submissions</b>	In accordance section 2.3(b) of Chapter 1.2 Notification of Development Proposals of <i>Wyong Development Control Plan</i>

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	2013 the application was not required to be advertised/notified. No submissions were received.
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#### Variations to Policies

<b>Clause</b>	3.2 – Calculation of parking spaces
<b>Standard</b>	12 space per 100m <sup>2</sup> GFA
<b>DCP</b>	Chapter 2.11 - Parking and Access
<b>Departure basis</b>	20 spaces required and 16 space provided. Shortfall 4 spaces or 20%.

The proposed variations are discussed in further detail below.

#### Background

The application was lodged with Council via the NSW Planning Portal on 15 September 2020.

#### The Site

The subject site is commonly known as 15-23 Hely Street Wyong and is legally described as Lots 1-5 Section 1 DP 3136.

The site subject to this application is located on the eastern side of Hely Street, northern side of Anzac Avenue and western side of Hardware Lane. The site has a frontage of approximately 100m to Hely Street and Hardware Lane and approximately 45m to Anzac Avenue and has a site area of approximately 5,063m<sup>2</sup>. Vehicle access to the site is from Hely Street and Anzac Parade.

The site is currently developed and contains the Salvation Army Oasis Youth Centre (Lots 1-3) which comprises two large metal buildings, a shipping container converted into a café with decking, associated access, parking, landscaping and awning areas. The proposed café is wholly located on Lot 1. The shipping container and associated decking (proposed to be used as the café) has not been installed/constructed without approval.

The subject site also contains a Council car park (Lots 4-5). The subject site has a fall of approximately 4% from Anzac Avenue to the northern boundary of the site.

The site is zoned *B3 Commercial Core* under the provisions of the *Wyong Local Environmental Plan 2013* (WLEP 2013).



Figure 1 – Aerial photograph of the subject site and adjoining land



Figure 2 – WLEP 2013 Zoning Map



Figure 3 – Photographs of the subject site

The subject site is partially inundated by the 1% annual exceedance flood event and contains class 5 acid sulphate soils, as indicated within the maps below:



Figure 4 – 1% AEP flood event

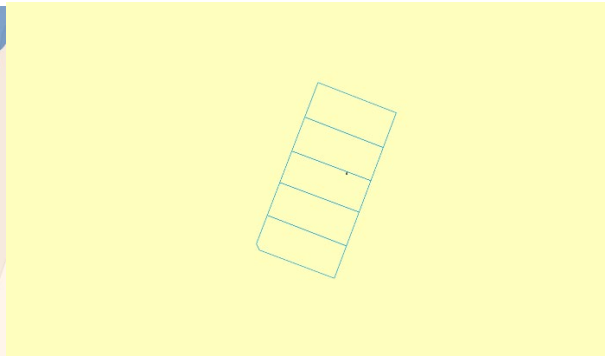


Figure 5 – Acid sulphate soils

### Surrounding Development

The surrounding properties are characterised by existing commercial and community buildings, such as the Court House, Police Station, Council Chambers, Centrelink and Wyong RSL.

Approved development in proximity to the subject site includes the Art House (corner Anzac Avenue and Margaret Street) and Aldi Supermarket (corner Pacific Highway and North Road).

The proposed development is in proximity to the Wyong Plaza (200m) and the Wyong railway station and bus interchange (400m).



**Figure 6 – Photographs of the adjoining development**

## History

The following development applications have been determined on the subject site:

- DA/779/2015 – Demolition of an existing steel portal frame building and an outbuilding – Approved 31 July 2015.
- DA/504/2015 – Demolition of two buildings – Withdrawn 12 June 2015.
- DA/875/2014 - Section 83B staged development application comprising a concept proposal (retail/commercial/residential development) for 2 stages and operational approval for Stage 1 for a 6 storey commercial/retail development, ancillary car parking, demolition of the existing buildings and two (2) lot subdivision – Approved by the Joint Regional Planning Panel on 27 August 2015.
- DA/492/2014 – Demolition of northern half of portal framed structure – Approved 29 July 2014.
- DA/809/2000 – Place of Public Entertainment 500 people Oasis Youth Centre – Approved 22 September 2008.
- DA/3483/2000 – Shade sail – Approved 10 January 2001.

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- DA/3186/2000 – Twilight Fair 1 December 2000 – Approved 30 November 2000.
- DA/2676/2000 – Mural design on southern wall of Oasis Youth Centre – Approved 6 October 2000.
- DA/2674/2000 – Charity car boot sale 7 October 2000 – Approved 5 October 2000.
- DA/1044/1998 - Community facility for youth activities – Approved 15 September 1998.

#### **The Proposed Development**

Development Application No. 968/2020 seeks approval for the use of an existing converted shipping container and attached covered decking as a café.

Specifically, the proposed development involves:

- Cafe

The development proposes the use of an existing shipping container and attached covered decking as a café.

The café is located in the south western corner of the site, wholly on Lot 1, being in proximity to the intersection of Anzac Avenue and Hely Street.

The café is currently in operation and is used as part of the training and employment program operated by The Salvation Army to provide training for Certificate 2 in kitchen operations and Certificate 3 in hospitality to the youth of Wyong.

The café operates with one full time Salvation Army staff member and up to two students at a time. This is an extension of the existing kitchen operations within the main building which has a similar staff and student ratio.

Pre-packaged meals / sandwiches / snacks, as well as coffee and other drinks are available from the café. Other menu items are prepared in the existing kitchen within the main building which was approved as part of the development application for the Oasis Youth Centre under DA/1044/1998.

The existing hours of operation of the café are from 8am to 2pm Monday to Friday, however as part of this application the hours of operation are proposed to be extended to 8am to 5pm seven days per week.



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- Signage

Signage in the form of a banner is attached and removed from the Hely Street boundary fence adjacent to the entry to the site, every day. This signage is classified as a wall sign under the State Environmental Planning Policy (Exempt and Comply Development Codes) 2008 (Codes SEPP), of which Section 2.86 of Subdivision 3 Wall signs reads as follows:

*The construction or installation of a business identification sign (including a business identification sign for a home business) that is flat mounted or painted on the exterior wall of an existing building, or on an existing boundary fence or wall, is development specified for the purposes of this code if it is not constructed or installed on a heritage item or draft heritage item, in a heritage conservation area or draft heritage conservation area.*

The subject site is located outside of the Wyong Heritage Conservation Area and the subject site does not contain a heritage item or draft heritage item. As such the proposed signage is classified as exempt development under the provisions of the Codes SEPP.

Plans of the proposed development are as follows:

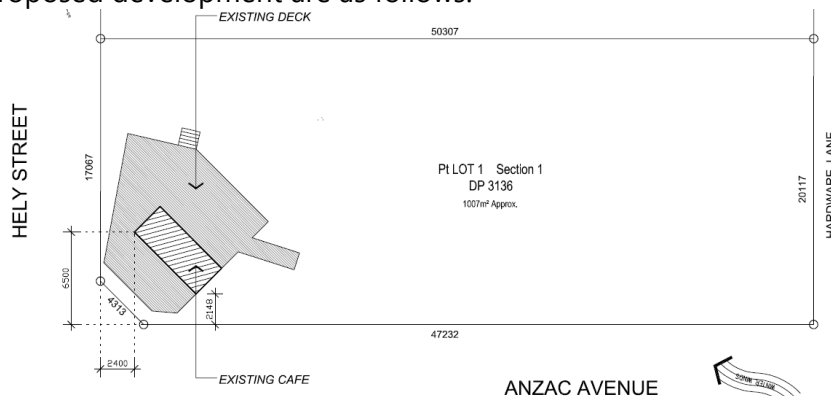


Figure 7 – Site Plan

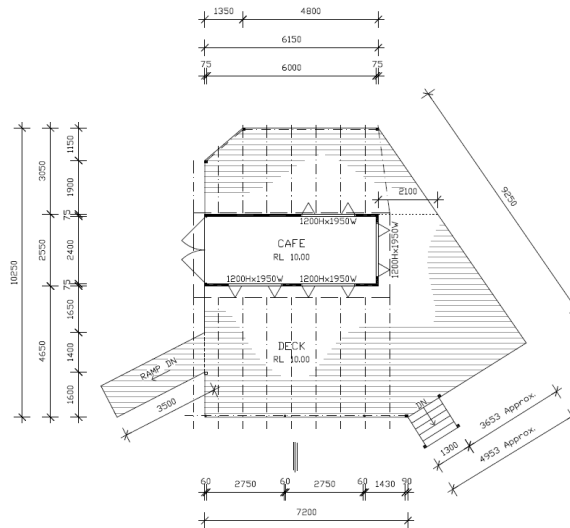


Figure 8 - Floor Plan

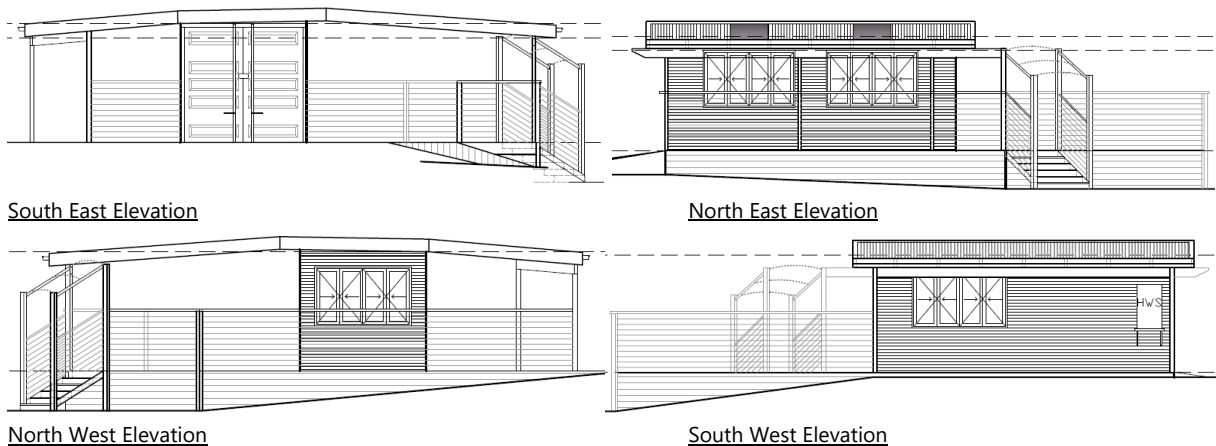


Figure 9 - Elevations

### Planning Law – Illegal Works

The shipping container and decking which is the subject of this application have been installed/constructed without approval. It should be noted that retrospective consent cannot be granted for the various works undertaken on-site, being the installation of a shipping container fitted out to be used as a café and the construction of several covered decks, stairs and balustrades. Consent is therefore sought for the use of the shipping container and attached covered decking as a cafe.

This development application assesses the impact of the proposed use of the unauthorised building works to ascertain whether they are acceptable in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

In addition, a Construction Certificate and Section 68 approval cannot be issued for the works and the applicant will need to lodge a Building Information Certificate to address the illegal works undertaken.

## **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, the assessment has identified the following key issues, which are elaborated upon for the information of the Local Planning Panel. Any tables relating to plans or policies are provided as an attachment.

### **State Environmental Planning Policy (SEPP)**

There are no SEPPs that are relevant to the proposed development.

### **Wyong Local Environmental Plan 2013 – Zoning and Permissibility**

The subject site is zoned B3 Commercial Core under the provisions of the *Wyong Local Environmental Plan 2013* (WLEP 2013). The proposed development is defined as a *café* (within the group term of *food and drink premises*) under the WLEP 2013 which provides the following:

***Food and drink premises*** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

***Restaurant or cafe*** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

The development satisfies the above definition, as the development proposes to authorize the use of an existing converted shipping container and attached covered decking as a *café*, which is a permissible use within the B3 Commercial Core zone.

### **Wyong Local Environmental Plan 2013 – Objectives of the Zone**

Subclause 2.3(2) of the WLEP 2013 requires the consent authority to have regard to the objectives for development in a zone when determining a development application. The objectives of the B3 Commercial Core zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

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- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for residential uses, but only as part of a mixed use development.*
- *To encourage development and investment in the Wyong central business district.*
- *To reinforce the role of the Wyong central business district as the major regional centre in Wyong.*

The café provides an additional service to the public through the sale of food and drink and the provision of work place training. The subject site is located within the Wyong central business district and is close to public transport.

#### **Wyong Local Environmental Plan 2013 – Clause 4.3 Height of Buildings**

This clause requires buildings to comply with the maximum height provision shown on the building height map. This map identifies the subject land as being within area T1 where any development is to have a maximum height of 25m.

The proposed development complies with this requirement as the building has an approximate height of 3m.

#### **Wyong Local Environmental Plan 2013 – Clause 4.4 Floor Space Ratio**

Clause 4.4(2) requires development on the subject site to comply with the floor space ratio map which identifies a maximum floor space ratio of 3:1. The map also identifies that the subject site as being within "Area 1". Clause 4.4(2B) enables additional floor space on the land by the percentage of that ratio shown in the table depending upon the area of the land.

The proposed cafe has a gross floor area of 14.4m<sup>2</sup> and the existing buildings on-site have a GFA of approximately 2,000m<sup>2</sup>. The decking associated with the café has an area of approximately 50m<sup>2</sup>, however, this calculation is not included within the gross floor area. Therefore, a floor space ratio of 0.40:1 therefore, complying with the provisions of this Clause.

#### **Wyong Local Environmental Plan 2013 – Clause 7.1 Acid Sulphate Soils**

This clause requires special assessment to be given to certain development on land that is mapped as being subject to actual or potential acid sulfate soils. The subject site has been identified as containing Class 5 acid sulfate soils.

The development is for use only and as such is not proposing any excavation works and therefore no soil is being disturbed. Therefore, the preparation and submission of an acid sulphate soils management plan is not required.

#### **Wyong Local Environmental Plan 2013 – Clause 7.2 Flood Planning**

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The objectives of this clause are to minimise the flood risk to life and property and to ensure development is compatible with the lands flood hazard. To grant consent to the development Council must be satisfied that the development will not adversely affect flood behaviour, alter flow distributions and velocities, and enable safe occupation and evacuation.

The existing converted shipping container and adjacent decks are located outside of the 1% AEP flood event and therefore, the flood behaviour, flow distributions and velocities will not be impacted upon. In addition, staff and visitors to the site, will have safe occupation and evacuation during a flood event.

#### **Wyong Local Environmental Plan 2013 – Clause 7.9 Essential Services**

This clause requires Council to ensure that services such as water, sewer, electricity, stormwater drainage and road access can be adequately provided. The existing structure has been connected to the relevant services, therefore satisfying the provisions of this clause.

#### **Wyong Local Environmental Plan 2013 – Clause 7.11 – Development requiring the preparation of a development control plan (key sites)**

This clause relates to the development of land identified as a 'key site' on the Key Sites Map and the preparation of a site specific development control plan for the development of those key sites in return for bonus development potential being a greater height than ordinarily permitted. However, sub-clause (4) states *this clause does not apply to a development application made more than 5 years after the commencement of this Plan*. Therefore, the utilisation of the provisions of this clause ceased on 23 December 2018.

#### **Draft Central Coast Local Environmental Plan 2018**

The *Draft Central Coast Local Environmental Plan 2018* (Draft CCLEP 2018) was exhibited from 2 December 2018 until 28 February 2019 and will replace the Wyong and Gosford environmental planning instruments.

Under the Draft CCLEP 2018, the subject site retains its B3 Commercial Core zoning and a café is permissible use within this draft zone.

#### **Wyong Development Control Plan 2013 (WDCP 2013)**

##### Chapter 2.11: Parking and Access

The development is proposing a café and under the provisions of this chapter, a take away food and drinks premises requires the following car parking spaces:

- 12 spaces per 100m<sup>2</sup> GFA or
- 1 space per 5 seats (internal and external) or
- 1 space per 2 seats (internal)

The shipping container has a gross floor area of 14.4m<sup>2</sup> and is used solely for food preparation. The decking associated with the café which is used for patron seating has an area of approximately 50m<sup>2</sup> (although this area is not technically defined as GFA as it is not enclosed by walls). As there is no fixed seating shown on the plans, a GFA of 64.4m<sup>2</sup> is adopted for the purpose of calculating parking demand under the DCP. On this basis, the proposed café creates a total demand for 8 spaces.

DA/1044/1998 for a community facility for youth activities was approved on 15 September 1998. This community facility included the refurbishment of existing buildings and construction of an additional area including outdoor facilities for sporting and social activities. The buildings accommodated workshops, games areas, lounge and dining areas, a performance / conference area, multi-purpose sports/fitness area and several offices and amenities as well as a commercial kitchen that is used for catering and hospitality training. The outdoor areas comprised a skate-boarding facility, climbing wall and general activities areas. The development consent required the provision of 12 car parking spaces. The existing site has the provision for 16 car parking spaces on-site which is 4 more than required.

The existing use and the proposed café require a total of 20 car parking spaces. With a total of 16 spaces being provided on-site, this results in a shortfall of 4 spaces or 20%.

There is no monetary contributions applicable for a car parking shortfall for the proposal under the Wyong District Contributions Plan for Car Parking Facilities (under The Wyong District Development Contributions Plan).

The climbing wall, skate-boarding facility and a multi-purpose sport and fitness area were demolished under DA/779/2015, which was approved on 31 July 2015. This building comprised almost 50% of the original built form on-site. It is considered appropriate that there is an expected reduction in car parking due to the loss of the multi-purpose sports fitness area and the other on-site recreational activities.

The subject site is in proximity to a good commercial precinct that will enable cross-usage of those businesses (eg Wyong Police Station, Wyong Courthouse, Centrelink and the Hely Street office of Central Coast Council) to the café. Due to the high employment of these businesses, it is considered that very few people would drive to the café. As such, the need to provide on-site parking would be reduced.

The existing site has the provision for 16 car parking spaces, 4 more than what was required under DA/1044/1998. The proposed development generates parking demand under this Chapter for 8 spaces. This will result in a shortfall of 4 spaces. This shortfall is considered reasonable on the following basis:

- The location of the development is within the Wyong CBD and the nature of the business operates during the day attracting patrons from surrounding offices and other businesses located nearby who will walk to the site.

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- The multi-purpose use of the site with dual and complementary use of facilities with the staff training aspect of the café utilizing staff already in attendance on the site for other purposes. This is consistent with Clause 3.11 of the WDCP 2013 Chapter 2.11.
- The café has a broader function as a local youth training facility to address youth unemployment and support local teenagers and young adults in need.
- The location of the site is well serviced for public transport. The site is within 500m to a bus interchange, a railway station and public car parks.

The proposal was accompanied by a Transport Management Plan (TMP) prepared in accordance with Clause 2.2 and Appendix B of the WDCP 2013 Chapter 2.11. The Plan identifies that the site is located within Wyong CBD where the majority of customers are walk-ins from the nearby offices. The site also is in close proximity to public transport including within 500 metres of Wyong Railway Station where there are regular bus (Busways and Red Bus) services and train services.

The objective (under Clause 3.2) that must be met under the WDCP 2013 Chapter 2.11 despite any short fall to parking provision reads as follows:

- *To ensure that adequate off-street parking is provided for new development.*

Despite, the variation to the WDCP 2013 Chapter 2.11 by 4 spaces, it is considered that the extent of variation is minor and acceptable in the circumstances and there is ample car parking on-site to satisfy the parking demand for the proposed development.

#### Chapter 3.1: Site Waste Management

A site waste management report was submitted with the application, which is considered adequate.

#### Chapter 3.3: Floodplain Management

The NSW Government Floodplain Development Manual (2005) (FDM) is the NSW State Government's Manual relating to the management of flood prone land. The FDM has been prepared in accordance with the NSW Government's Flood Prone Land Policy. Floodplain Risk Management Studies consider the existing flood environment and recommend specific measures to manage the impact of flooding. Council's Policy gives due consideration to this document. In assessing the flood environment, elements such as known flood behaviour, evacuation issues, site access and the potential impact of sea level rise are taken into consideration. This information is used to create floodplain risk mapping for each catchment. Controlling development with effective land use planning is considered a suitable way to manage flood risk on flood prone properties. The main objective of flood management is to

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minimise the risk to human life and damage to property by controlling development on flood prone land.

It is considered that the proposed development complies with the provisions of this Chapter as the existing converted shipping container and adjacent decks are located outside of the 1% AEP flood event.

#### Chapter 5.1: Retail Centres

This Chapter identifies Wyong as a district town centre and the administrative centre for the northern part of the Central Coast. This Chapter applies to all land within the former Shire of Wyong where commercial premises are permissible under the WLEP 2013. The main objective of this Chapter is that any new retail floor space does not have a negative impact on the existing retail network. The overall development provides approximately 14.4m<sup>2</sup> of retail floor space with approximately 50m<sup>2</sup> of decking which is to be utilised as a café taking advantage of the proximity to the existing commercial/community buildings. It is considered that the relatively small area to be utilised as a café will have minimal impact upon the existing retail network.

#### Chapter 5.2: Wyong Town Centre

Lot 1, the location of the cafe is situated within the Wyong Town Centre, specifically Precinct 4 Administration Area of the Heritage Character Areas. It is recommended that future developments are consistent with and complement the existing characteristics of this area and new development should respect boundary setbacks of existing buildings and maintain distinctive freestanding arrangement of buildings.

Precinct 4 contains a range of building types with architectural forms from several eras including several modern buildings. The proposed development is located opposite the Wyong Regional Police Station which has been constructed within the last few years and is a modern four storey building. The other buildings adjacent to the site have been constructed during different eras and are of different heights and use different materials. The proposed development does not directly adjoin any heritage item. However, the development is located diagonally opposite a free standing two-storey heritage item (I130) of local significance, known as Robely House.

It is considered that the proposed development does not diminish the importance of the heritage building due to the separation distance and the heritage building adjoins the modern police station. It is considered that the design of the cafe blends into the eclectic variety of building forms within the Wyong Town Centre. Additionally, there is suitable landscaping existing on the site and along the street between the heritage building and proposed development that provides a high level of visual amenity and separation between the two sites and along the streetscape.



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#### Chapter 6.1 – Key Sites

The subject site has been identified on the key sites map under the WLEP 2013 as being key site number 30. Council resolved to identify several “Key Sites” within the former Wyong Shire, seeking to stimulate the economy and create employment opportunities by offering incentives for the short term development of these sites. The development of these key sites is required to demonstrate significant net community benefit.

In accordance with the provisions of Clause 7.11(4), *this clause does not apply to a development application made more than 5 years after the commencement of this Plan.* Therefore, utilisation of the provisions of this clause ceased on 23 December 2018.

#### **Likely Impacts of the Development:**

##### Built Environment

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance and the following matters are relevant to the proposed development.

A condition of consent will require the lodgment and issue of a building information certificate prior to the issue of the occupation certificate for the converted shipping container and deck area to be utilised for the café. **(Condition 5.2)**

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

##### Natural Environment

A thorough assessment of the aspects of the proposed development on the natural environment has been undertaken and no additional matters have been taken into consideration as no vegetation is proposed to be removed.

There will be no significant impact upon the natural environment as a result of the proposal. There is no change to existing landscaping or street trees in and around the site.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for a cafe subject to conditions.

#### **Submissions**

In accordance section 2.3(b) of Chapter 1.2 Notification of Development Proposals of WDCP 2013 the application was not required to be advertised/notified.

**Submissions from Public Authorities**

The development application was not required to be referred to any external agencies or authorities for comment or concurrence:

**Internal Consultation**

The development application was referred to the following internal officers for comment:

<b>Internal Referral Body</b>	<b>Comments</b>
Food Surveillance Officer	Supported, subject to conditions

Food Surveillance Officer

The application has been assessed by Council’s Food Surveillance Officer with regards to food safety and is supported subject to conditions.

**Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

**Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope/combat/withstand these potential impacts.

**Other Matters for Consideration:**

Section 7.11 and 7.12 Contributions

Section 7.12 Contributions applies to all land within the former Wyong Shire Council local government area now the northern area of the Central Coast Council. It is applicable to

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development applications, where the value of proposed development exceeds \$100,001 and where there are no other Section 7.11 contributions being imposed (as distinct from Water and Sewer Contributions payable under the *Water Management Act 2000*).

The proposed use of an existing converted shipping container and attached covered deck as a café, has an estimated cost below the threshold of that required for a contribution under Council's applicable contributions plan, therefore, no Section 7.12 contributions are applicable.

Additionally, the site is not included within the boundary area for contributions under the Wyong District Contributions Plan for Car Parking Facilities (under The Wyong District Development Contributions Plan).

#### **Suitability of the Site for the Development:**

The subject site is considered suitable for the development as it is located within a B3 Commercial Core zoned area that permits cafes and is centrally located within a CBD surrounded by retail and office uses like Centrelink, Central Coast Council administration building, Wyong Courthouse, and Police station and with access to public transport.

#### **The Public Interest**

The proposed use is providing a training service for the youth of the area, as well as an additional café for the public, though noting the main use for people already on the site is accessing the various services offered by the Salvation Army. The development is not likely to have an adverse impact upon the adjacent heritage item. It is considered that as the development is located in an existing commercial precinct and the proposed hours of operation are 8am to 5pm, it is not likely that the development will have an adverse impact upon the adjacent commercial development. In this regard, it is considered that the proposed development is in the local community and broader public interest.

#### **Conclusion and Recommendation**

The application seeks approval for the use of an existing shipping container and attached covered decking as a café. The site is considered a suitable location for the proposal. There is a minor variation sought to parking provision of 4 spaces which is considered reasonable given the local context of the site and the nature of the use. The proposal is of a scale and intensity that is compatible with the location. Based on the assessment under the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposal is recommended for approval subject to the conditions of development consent in Attachment 1.

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**Reasons for decision**

The reasons for the decision as recommended under the assessment of this application are as follows:

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The proposal has been considered against the objectives of B3 Commercial Core zone and has been found to be satisfactory.
3. There are no significant issues or impacts or impacts identified with the proposal under section 4.15 of the *Environmental Planning and Assessment Act 1979*.
4. The proposed variation to the car parking requirement under the WDCP 2013, Chapter 2.11 Parking and Access is considered reasonable and acceptable in the circumstances.
5. The proposal is suitable for the site.
6. The proposal is in the public interest.

**Attachments**

<b>1</b>	Conditions of Development Consent	D14221181
<b>2</b>	Development Plans	D14197537
<b>3</b>	Car Parking Plan	D14315796
<b>4</b>	Traffic Management Plan - Use of existing converted shipping container as a cafe - 15-23 Hely Street, WYONG DA/968/2020 - ADW Johnson	D14325447

<b>Date:</b>	30 September 2020
<b>Responsible Officer:</b>	Tracy Sharp
<b>Location:</b>	Lots 1-5 Sec 1 DP 3136 Nos 15-23 Hely Street, WYONG NSW 2259
<b>Owner:</b>	Central Coast Council
<b>Applicant:</b>	The Salvation Army Australia
<b>Date Of Application:</b>	16 September 2020
<b>Application No:</b>	DA/968/2020
<b>Proposed Development:</b>	Use of an existing converted shipping container and covered decking as a cafe
<b>Land Area:</b>	5,063m <sup>2</sup>
<b>Existing Use:</b>	Salvation Army Oasis Youth Centre and Council Car Park

## 1. PARAMETERS OF THIS CONSENT

- 1.1. Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "Development Consent" unless modified by any following condition.

**Architectural Plans by:** Ken Jones Building Designer

Description	Sheets	Drawing No.	Date
Site Plan	1 of 3	JN 20026	19-8-20
Floor Plan	2 of 3	JN 20026	19-8-20
Elevations	3 of 3	JN 20026	19-8-20

- 1.2. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 1.3. Submit an application to Council under section 305 of the *Water Management Act 2000* for a section 307 certificate. The *Application form* can be found on Council's website [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au). Early application is recommended.

The application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

No Conditions.

## 3. PRIOR TO COMMENCEMENT OF ANY WORKS

No conditions.

#### 4. DURING WORKS

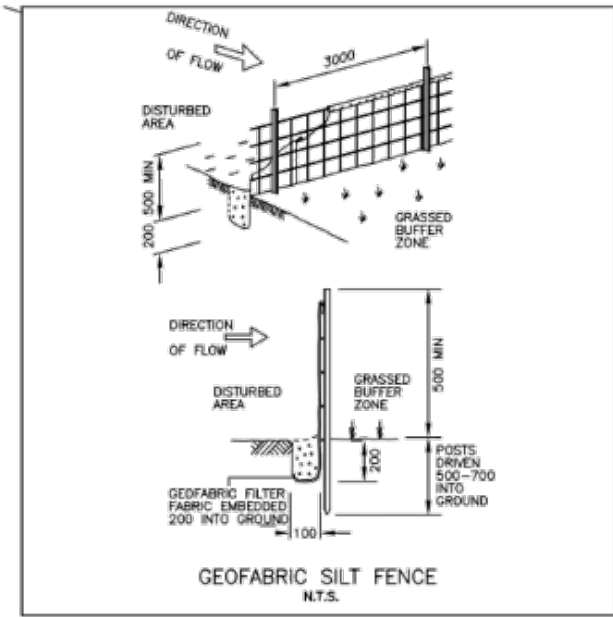
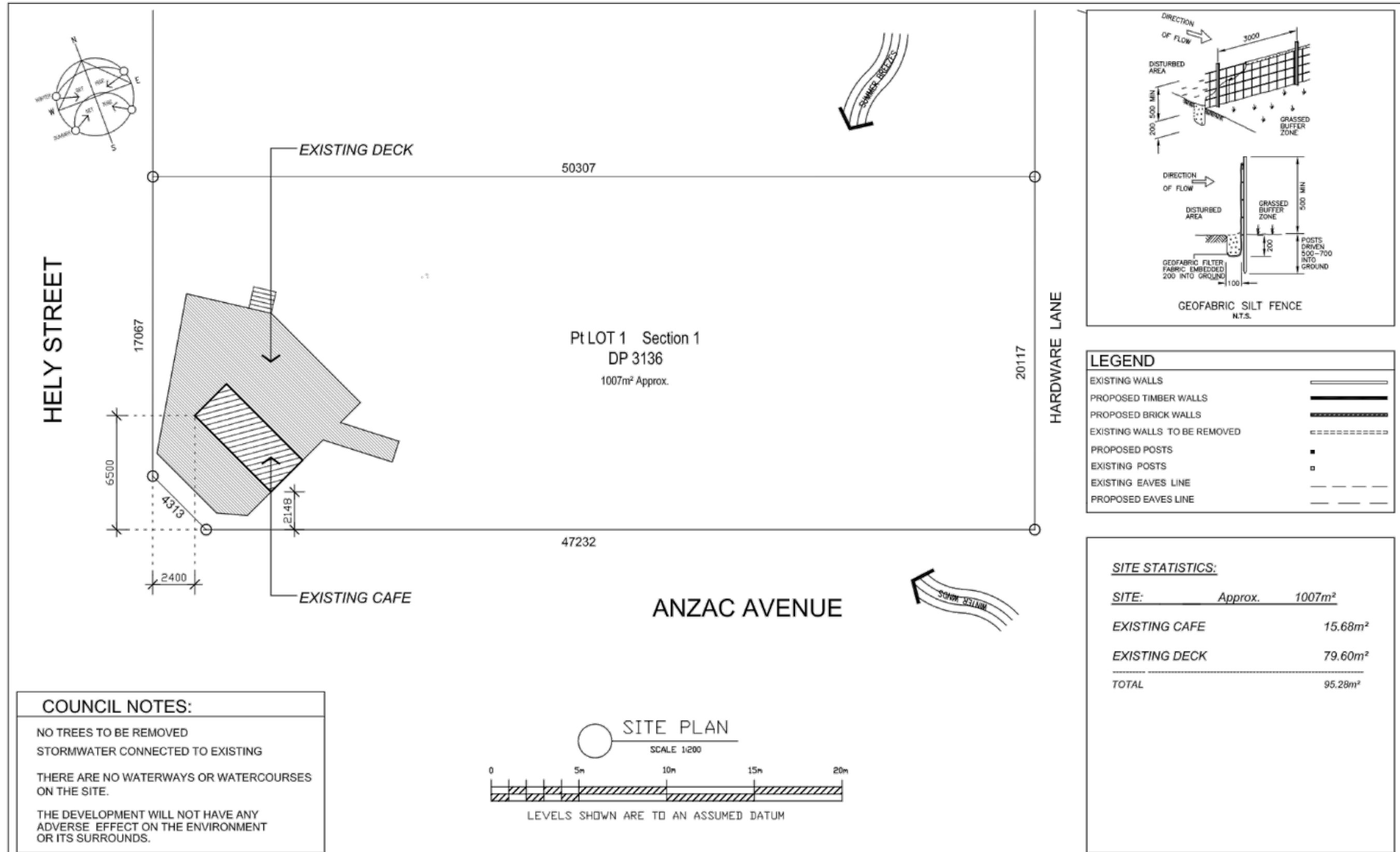
No Conditions.

#### 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. A Section 6.24 Building Information Certificate application pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* is to be lodged and approved by Council for all unauthorised building works prior to the issue of either an interim or final Occupation Certificate.
- 5.3. Obtain the Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Central Coast Council (North) as the Water Supply Authority, prior to issue of the Subdivision Certificate. All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance / defects bond to Council in accordance with Council's adopted fees and charges.

#### 6. ONGOING

- 6.1. Restrict the hours of operation of the use to those times listed below:  
  
8am to 5pm seven days per week.  
  
Any variation to these hours is subject to the prior consent of Council.
- 6.2. Do not erect advertising sign(s) on or in conjunction with the use and/or development without development consent unless the advertisement is exempt development or otherwise permitted without development consent.
- 6.3. Provide pest exclusion measures on the cafe windows and door.
- 6.4. Provide for the bottom shelf of all shelf units in the cafe to be 15cm off the floor.



**LEGEND**

EXISTING WALLS	—
PROPOSED TIMBER WALLS	—
PROPOSED BRICK WALLS	—
EXISTING WALLS TO BE REMOVED	- - - - -
PROPOSED POSTS	■
EXISTING POSTS	□
EXISTING EAVES LINE	- - - - -
PROPOSED EAVES LINE	—

**SITE STATISTICS:**

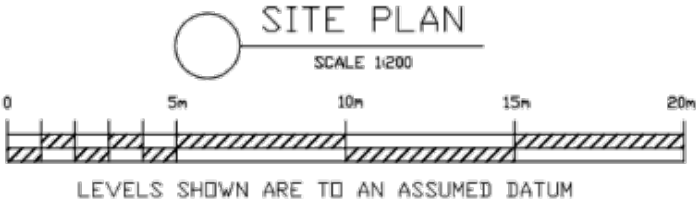
<b>SITE:</b>	Approx.	1007m <sup>2</sup>
<b>EXISTING CAFE</b>		15.68m <sup>2</sup>
<b>EXISTING DECK</b>		79.60m <sup>2</sup>
<b>TOTAL</b>		95.28m <sup>2</sup>

**COUNCIL NOTES:**

NO TREES TO BE REMOVED  
STORMWATER CONNECTED TO EXISTING

THERE ARE NO WATERWAYS OR WATERCOURSES ON THE SITE.

THE DEVELOPMENT WILL NOT HAVE ANY ADVERSE EFFECT ON THE ENVIRONMENT OR ITS SURROUNDS.



- NOTES:**
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION.
  - ALL DIMENSIONS MUST BE CHECKED BY THE OWNER &/OR BUILDER PRIOR TO THE SETTING OUT OF WORKS ON THE SITE & PRIOR TO THE ORDERING OF MATERIALS.
  - ALL NEW WORK MUST BE SET-OUT BY A REGISTERED SURVEYOR & SETBACKS TO BOUNDARIES MUST COMPLY WITH THE RELEVANT AUTHORITIES.
  - FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED READINGS.
  - ALL EXISTING & FINISHED GROUND LINES & LEVELS ARE INDICATIVE ONLY & MUST BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.

- ALL TIMBER SIZES, SPANS & FRAMEWORK SHALL CONFORM WITH THE REQUIREMENTS OF AS 1684 OR WHERE APPLICABLE PART 3.4.3 OF THE HOUSING PROVISIONS OF THE B.C.A. VOL.2
- GLASS INSTALLATION MUST COMPLY WITH AS 2047
- SMOKE ALARMS MUST BE INSTALLED & MUST COMPLY WITH AS 3786 & PART 3.7.2.3 & 3.7.2.4 OF THE HOUSING PROVISIONS OF THE B.C.A VOL.2.
- BALUS TRADE CONSTRUCTION MUST COMPLY WITH PART 3.9.2 OF THE HOUSING PROVISIONS OF THE B.C.A VOL.2.
- ALL CONCRETE & STRUCTURAL STEEL WORK IS TO BE DESIGNED BY A STRUCTURAL ENGINEER.
- THE BUILDING CODE OF AUSTRALIA & ALL RELEVANT LOCAL GOVERNMENT & "AUSTRALIAN STANDARDS" CODES TAKE PRECEDENCE OVER THESE DRAWINGS.

**CLIENT:**  
**OASIS CENTRAL COAST**

**PROJECT:**  
**EXISTING CAFE AND DECK**

**LOCATION:**  
**Pt LOT 1 Section 1 DP 3136**  
**15-23 HELY STREET, WYONG, NSW 2259**

new homes  
alterations and additions  
building and development applications

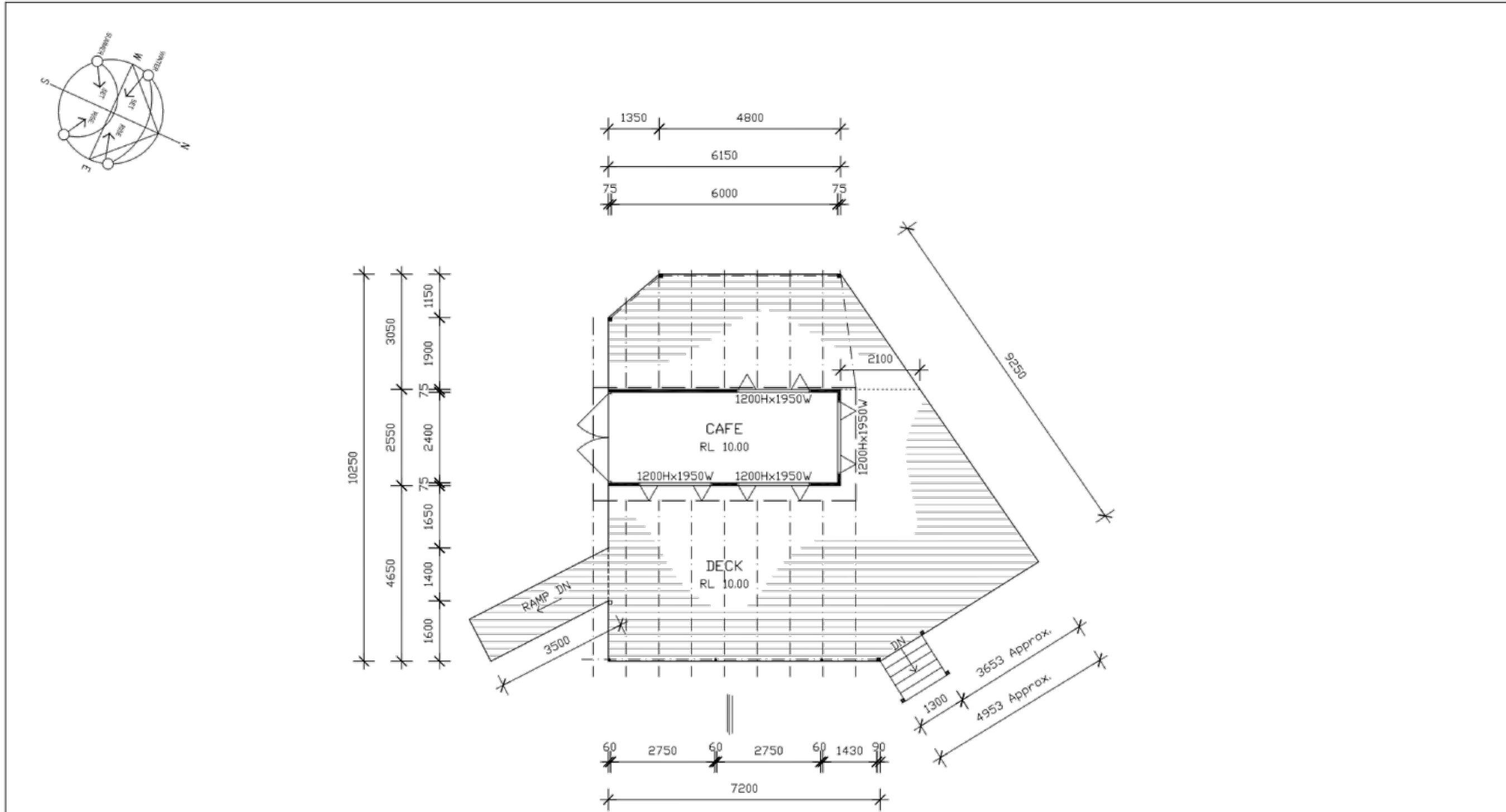
**KEN JONES**  
BUILDING DESIGNER  
p.o. box 6192, kincumber 2251  
ph: (02) 4369 7277  
mobile: 0411434269  
kjdesign1@bigpond.com

**FLOOR AREAS:** 95.28m<sup>2</sup>

**DATE:** 19-8-20  
**DRAWN BY:** Jo: 202040



**DWG No:** JN 20026  
**SHEET No:** 1 OF 3

**A3**

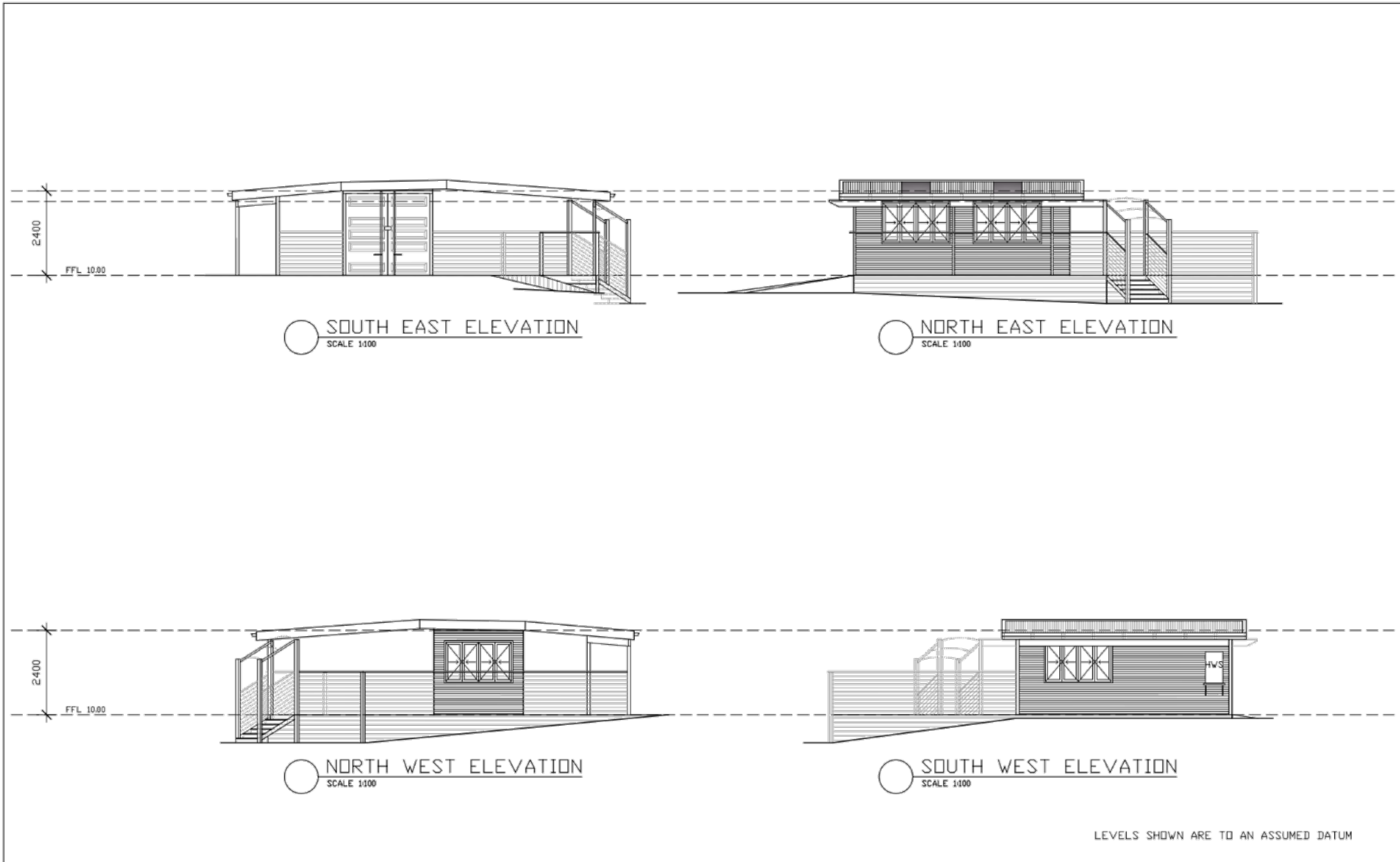


**FLOOR PLAN**  
SCALE 1:100

LEVELS SHOWN ARE TO AN ASSUMED DATUM

<p><b>NOTES:</b></p> <ul style="list-style-type: none"> <li>THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION.</li> <li>ALL DIMENSIONS MUST BE CHECKED BY THE OWNER &amp;/OR BUILDER PRIOR TO THE SETTING OUT OF WORKS ON THE SITE &amp; PRIOR TO THE ORDERING OF MATERIALS.</li> <li>ALL NEW WORK MUST BE SET-OUT BY A REGISTERED SURVEYOR &amp; SETBACKS TO BOUNDARIES MUST COMPLY WITH THE RELEVANT AUTHORITIES.</li> <li>FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED READINGS.</li> <li>ALL EXISTING &amp; FINISHED GROUND LINES &amp; LEVELS ARE INDICATIVE ONLY &amp; MUST BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.</li> </ul>	<ul style="list-style-type: none"> <li>ALL TIMBER SIZES, SPANS &amp; FRAMEWORK SHALL CONFORM WITH THE REQUIREMENTS OF AS 1684 OR WHERE APPLICABLE PART 3.4.3 OF THE HOUSING PROVISIONS OF THE B.C.A. VOL 2.</li> <li>GLASS INSTALLATION MUST COMPLY WITH AS 2947</li> <li>SMOKE ALARMS MUST BE INSTALLED &amp; MUST COMPLY WITH AS 3786 &amp; PART 3.7.2.3 &amp; 3.7.2.4 OF THE HOUSING PROVISIONS OF THE B.C.A. VOL 2.</li> <li>BALUSTRADE CONSTRUCTION MUST COMPLY WITH PART 3.9.2 OF THE HOUSING PROVISIONS OF THE B.C.A. VOL 2.</li> <li>ALL CONCRETE &amp; STRUCTURAL STEEL WORK IS TO BE DESIGNED BY A STRUCTURAL ENGINEER.</li> <li>THE BUILDING CODE OF AUSTRALIA &amp; ALL RELEVANT LOCAL GOVERNMENT &amp; 'AUSTRALIAN STANDARDS' CODES TAKE PRECEDENCE OVER THESE DRAWINGS.</li> </ul>	<p><b>CLIENT:</b></p> <p><b>OASIS CENTRAL COAST</b></p>	<p><b>LOCATION:</b></p> <p>Pt LOT 1 Section 1 DP 3136</p> <p>15-23 HELY STREET, WYONG, NSW 2259</p>	<p>new homes</p> <p>alterations and additions</p> <p>building and development applications</p>	<p><b>KEN JONES</b> </p> <p>BUILDING DESIGNER</p> <p>p.o. box 6192, kincumber 2251 ph: (02) 4369 7277 mobile: 0411434269 krjdesign1@bigpond.com</p> <p> Building Designers Association NSW</p>	<p><b>FLOOR AREAS:</b></p> <p>95.28m<sup>2</sup></p>
		<p><b>PROJECT:</b></p> <p><b>EXISTING CAFE AND DECK</b></p>	<p><b>DATE:</b></p> <p>19-8-20</p>	<p><b>DRAWN BY:</b></p> <p>Jo: 202040</p>	<p><b>DWG No:</b></p> <p>JN 20026</p>	<p><b>SHEET No:</b></p> <p>2 OF 3</p>





LEVELS SHOWN ARE TO AN ASSUMED DATUM

<b>NOTES:</b> ● THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION. ● ALL DIMENSIONS MUST BE CHECKED BY THE OWNER & / OR BUILDER PRIOR TO THE SETTING OUT OF WORKS ON THE SITE & PRIOR TO THE ORDERING OF MATERIALS. ● ALL NEW WORK MUST BE SET-OUT BY A REGISTERED SURVEYOR & SETBACKS TO BOUNDARIES MUST COMPLY WITH THE RELEVANT AUTHORITIES. ● FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED READINGS. ● ALL EXISTING & FINISHED GROUND LINES & LEVELS ARE INDICATIVE ONLY & MUST BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.	● ALL TIMBER SIZES, SPANS & FRAMEWORK SHALL CONFORM WITH THE REQUIREMENTS OF AS 1684 OR WHERE APPLICABLE PART 3.4.3 OF THE HOUSING PROVISIONS OF THE B.C.A. VOL 2. ● GLASS INSTALLATION MUST COMPLY WITH AS 2047. ● SMOKE ALARMS MUST BE INSTALLED & MUST COMPLY WITH AS 3786 & PART 3.7.2.3 & 3.7.2.4 OF THE HOUSING PROVISIONS OF THE B.C.A VOL 2. ● BALUSTRADE CONSTRUCTION MUST COMPLY WITH PART 3.9.2 OF THE HOUSING PROVISIONS OF THE B.C.A VOL 2. ● ALL CONCRETE & STRUCTURAL STEEL WORK IS TO BE DESIGNED BY A STRUCTURAL ENGINEER. ● THE BUILDING CODE OF AUSTRALIA & ALL RELEVANT LOCAL GOVERNMENT & 'AUSTRALIAN STANDARDS' CODES TAKE PRECEDENCE OVER THESE DRAWINGS.	<b>CLIENT:</b> OASIS CENTRAL COAST	<b>LOCATION:</b> Pt LOT 1 Section 1 DP 3136 15-23 HELY STREET, WYONG, NSW 2259	new homes ● alterations and additions ● building and development applications	<b>KEN JONES</b> BUILDING DESIGNER p.o. box 6192, kincumber 2251 ph: (02) 4369 7277 mobile: 0411434269 krjdesign1@bigpond.com	<b>FLOOR AREAS:</b> 95.28m2
		<b>PROJECT:</b> EXISTING CAFE AND DECK	KJ Building Designers Association NSW			<b>DATE:</b> 19-8-20





**TRAFFIC MANAGEMENT PLAN –  
OASIS CAFÉ, WYONG  
25-11-2020**

Prepared by ADW Johnson in support of a DA for the operation of a cafe within the Oasis Centre at Hely Street, Wyong.

This TMP has been prepared based on the requirements of Section 2.2 of DCP Chapter 2.11 – *Parking and Access*, with the requirement for the TMP arising due to the calculated short fall in parking on the site. The TMP is to be read in conjunction with the SoEE lodged with the DA, which provides additional context to the discussion of parking within the site.

CRITERIA	RESPONSE
<b>B1 Is the proposed development well-located to reduce the need to travel, and does it encourage access by public transport, walking and cycling?</b>	
What is the likely catchment area for employees and customers?	The proponent confirms that the majority of customers are “walk - ins” from nearby businesses and Institutions such as Central Coast Council, Wyong Court House, Wyong Police Station, Centre Link, along with several other local businesses. Staff are also generally from within the local area, however it is to be noted that the location of the site within the Wyong Town Centre means that it is within walking distance from the Wyong Train Station and Bus Interchange, meaning that access to the site for the majority of people does not need to rely on the use of a car.
What proportion of employees/customers is likely to live within walking/cycling distance and a single public transport journey?	The question of where customers will likely live is not the relevant question here, as the majority will come from the nearby businesses and Institutions, during work hours. This is reflected in the proposed hours of operation. The overall operations within the site – of which the proposal is a component – is aimed at providing services to the local community, meaning that majority of “customers” will be local people, living within proximity, or along the bus / rail routes which will transfer them to Wyong Station, which is less than a 400m walk away from the site. These will form the bulk of customers during the weekends, with those customers visiting the site to avail themselves of the various other services offered on site such as various forms of counselling, and other support services.

**ADW JOHNSON PTY LIMITED**

ABN 62 129 445 398

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What are the likely destinations of residents?	N/A – no residential use proposed.
<b>B2 Is the proposed development designed to encourage access by public transport, walking and cycling?</b>	
How will the development connect to existing pedestrian, cycle and public transport routes?	The location of the site within the Wyong Town Centre means that it is within walking distance from the Wyong Train Station and Bus Interchange, and linked to these services – along with the surrounding residential areas by the existing road and footpath network.
How does the design of the development provide for pedestrians?	The site is within the Wyong Town Centre, and is therefore situated along the existing pedestrian network in the area. The proximity to the bulk of it's intended customers also facilitates a high degree of pedestrian patronage as opposed to vehicular travel.
How does the design of the development relate to adjacent developments to facilitate multi-purpose trips?	In the instance of this proposal, the visit to the site is one of the “multi-purpose trip” destinations, with the bulk of customers already being in the area for work or other reasons – very few customers are expected to drive to the site specifically to use the café.
Has adequate consideration been given in the design of the development to the safety of vehicle passengers and pedestrians (including people with disabilities) and cyclists?	The small size of the site, and the associated low speed environment results in a high degree of pedestrian and passenger safety. The area around the café in particular is primarily pedestrian focussed.
Will this development encourage pedestrians to cross busy roads at uncontrolled intersections?	The area immediately around the site is not a high-volume traffic area. Visitors to the site who arrive via public transport are able to cross the Pacific Highway at controlled crossings.
<b>B3 Is the existing public transport network appropriate to serve the site and how can its use be encouraged?</b>	
Is there a need for diversion or extension of an existing bus route (or a new bus route) to serve the development?	No, the area is served by existing bus routes, with bus stops within approximately 200m of the site.
Are bus shelters, seating and lighting for new or existing bus routes in the vicinity of the development site existing or provided?	Any visitors to the site utilising the buses will use existing shelters and seating. It is not anticipated that a café within an existing Town Centre would generate the need for upgrades to such facilities.
<b>B4 How will the demand for parking be managed on or off the site?</b>	
Is there a claim for a reduction in the parking requirements due to shared uses, provision of courtesy buses or because of the location of the development near a public transport node?	As confirmed by Council in their calculations, the proposal results in an overall shortfall of 4 spaces – being a 20% variation. In the instance of this proposal it is felt this is justified due to the multi purpose nature of visits to the site; the bulk of customers being within the area for work or other purposes; proximity to public transport, and the fact that the original 12 spaces were approved to service a much larger



	operation that which currently exists on the site, with approximately half of that operation having been demolished for the adjoining Council car park.
<i>Is parking designed and located to enhance the streetscape?</i>	As per the current consent for the site, all parking is located behind a landscaped strip along the boundary, with the proposed additional spaces being further within the site.
<i>Is bicycle parking provided?</i>	No formal bike racks on site, however adequate open space areas within the site for bike storage. It is to be noted that the majority of those who arrive by bicycle are generally only on the site for a short time.
<i>Is motorcycle parking provided?</i>	No formal motor bike spaces.
<i>Are showers, change rooms and lockers provided for staff in accordance with DOPI/RMS document -Planning Guidelines for Walking and Cycling?</i>	Yes, the facility provides showers, lockers, change rooms and laundry facilities on site – all under the existing consent for the operations,
<i>Will a workplace travel plan be prepared and provided to the development occupiers/users?</i>	Not considered necessary for the type of operation being proposed – being a café.

**Item No:** 3.6  
**Title:** Request to Prepare a Planning Proposal - Sandra Street, Jilliby  
**Department:** Innovation and Futures

---

10 December 2020 Local Planning Panel Meeting

Reference: RZ/2/2020 - D14285682  
Author: Peter Kavanagh, Senior Strategic Planner  
Scott Duncan, Section Manager, Land Use and Policy  
Manager: Shari Driver, Unit Manager, Strategic Planning  
Approver: Ricardo Martello, Executive Manager Innovation and Futures

### Summary

The request to prepare a Planning Proposal for the lands described in Attachment 2 and located between Sandra Street and Cottesloe Road, Jilliby will be considered by Council on 25 January, 2021. This Proposal is referred to the Local Planning Panel for advice prior to the reporting of the matter by Council staff to the Elected Council, or Administrator acting on behalf of the Council. This proposal represents a reduced land area to that previously considered and endorsed by Council in 2016 (RZ/2/2012), which has since been formally withdrawn.

I would like to refer you to Attachment 1 *"Request to Prepare a Planning Proposal for Jilliby Stage 2 Rural-Residential Area"*, and the supporting Attachments, and seek the Local Planning Panel review and comment in satisfaction of Ministerial Direction dated 27 September 2018, so that the Local Planning Panel comments may be included as Attachment 3 in the report to Council on 25 January, 2021.

If the Elected Council, or Administrator's decision is to forward the Planning Proposal for a Gateway determination, then the Panel's advice shall also be forwarded to the Minister.

### Attachments

<b>1</b>	Request to Prepare a Planning Proposal for Jilliby Stage 2 Rural-Residential Area	D13782287
<b>2</b>	Recomendation of the Executive Manager	D14303304
<b>3</b>	RZ_2_2020_Planning Proposal Assessment	D14303322
<b>4</b>	RZ_2_2020_Strategic Assessment	D14295257

**Item No:****Title:** Request to Prepare a Planning Proposal for Jilliby Stage 2 Rural-Residential Area**Department:** Innovation and Futures

---

27 January 2021 Ordinary Council Meeting

Reference: RZ/2/2020 - D13782287  
Author: Peter Kavanagh, Senior Strategic Planner  
Scott Duncan, Section Manager, Land Use and Policy  
Manager: Shari Driver, Unit Manager, Strategic Planning  
Executive: Shari Driver, Unit Manager, Strategic Planning

**Report Purpose**

To enable the Council to consider a request (RZ/2/2020) to prepare a Planning Proposal to enable rural residential subdivision at various lots off Sandra Street, Jilliby. It is recommended that Council support this request as detailed in Attachment 1.

**Executive Summary**

This Planning Proposal seeks to rezone part of the land from RU2 Rural Landscape to E4 Environmental Living, to enable rural residential development together with a 2 Ha minimum lot area applying within the E4 zone. The remaining land would be zoned E3 Environmental Management. It is expected that the rezoning will yield approximately 19 rural-residential lots. Land to the south (often referred to as Jilliby Stage 1) has a similar rural-residential character and lot size.

This rezoning proposal originally formed part of a much larger Planning Proposal which was withdrawn. The original proposal included land with significant biodiversity, odour and noise constraints (from the operation of Buttonderry Waste Facility). Most of the constrained land has been removed from the planning proposal however the remaining land is underlain by coal, which will be extracted by the operators of the Wallarah 2 Mine and raised the risk of potential subsidence as a planning matter. The proponents have reached agreement with the mine owners regarding potential impacts on surface development being impacted by the mine workings hence enabling consideration of this proposal to proceed with that constraint resolved.

This report recommends that Council prepare a Planning Proposal and request a Gateway Determination from the NSW Department of Planning, Industry and Environment (DPIE).

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**Innovation and Futures Recommendation**

1 Refer Attachment 1.

**Current Status**

The proposal has been amended and designed to enable dwellings to be located outside likely noise and odour affected areas, and to be constructed incorporating appropriate noise attenuation and mine subsidence treatments. On 17 November 2020, the Administrator and staff undertook a site inspection, and the matter was reviewed by the Local Planning Panel at its meeting of 10 December 2020 (refer LPP comments within Attachment 4).

**Report**

The request to rezone part of the subject land to E3 Environmental Management and the remainder of the land to E4 Environmental Living for rural-residential development is considered to have strategic merit subject to appropriate additional studies (post Gateway Determination). It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

**Consultation**

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly such as those listed in Attachment 2.

**Financial Considerations**

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

*1036/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

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

Adoption of the staff recommendation has no budget implications for Council. The direct cost to Council is the preparation of the planning proposal which will be charged as per Council's fees and charges on a cost recovery basis.

**Central Coast Community Strategic Plan**

Theme 4: Responsible

**Goal I: Balanced and sustainable development**

R-11: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres and east of the M1.



**Goal I: Balanced and sustainable development**

R-12: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

**Central Coast Interim Local Strategic Planning Statement**

The Central Coast Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020, after adoption by Council on 29 June 2020. The LSPS aims to identify important agricultural and resource lands and minimise rural-residential sprawl, while supporting rural tourism. See Attachments 2 and 3. This land is not classified as an important agricultural and resource (other than the underground mining) hence expansion with rural residential development is considered appropriate in this case.

**Risk Management**

There have been no risks identified at this stage to the natural and built environment associated with the proposed amendment to WLEP 2013 or the draft CCLEP, about seeking a Gateway Determination.

**Options**

1. Support the Executive Manager's Recommendation.
2. Refuse to support the Request for a Planning Proposal.

**Critical Dates or Timeframes**

Nil.

**Conclusion**

The request to rezone part of the subject land to E3 Environmental Management and the remainder of the land to E4 Environmental Living for rural-residential development is considered to have strategic merit, subject to confirmation by appropriate additional studies (post Gateway Determination). It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Recommendation of the Executive Manager | D14303304 |
| <b>2</b> | RZ_2_2020_Planning Proposal Assessment  | D14303322 |
| <b>3</b> | RZ_2_2020_Strategic Assessment          | D14295257 |

## Attachment 1: Recommendation

Executive Manager, Innovation and Futures Recommendation:

- 1 ***That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal to amend the Wyong Local Environmental Plan 2013 (WLEP 2013), or draft Central Coast Council Local Environmental Plan (if in effect), by the rezoning of the subject lands as follows:***
  - ***Lot 2 DP 246727, 40 Sandra Street - Proposed E4 Environmental Living;***
  - ***Lot 3 DP 246727, 50 Sandra Street - Proposed E4 Environmental Living;***
  - ***Lot 4 DP 246727, 60 Sandra Street – Proposed E3 Environmental Management;***
  - ***Lot 11 DP 613648, 70 Sandra Street – Proposed E3 Environmental Management;***
  - ***Lot 10 DP 613648, 80 Sandra Street - Proposed E4 Environmental Living; and***
  - ***Lot 11 DP 258965, 11 Cottlesloe Road - Proposed E4 Environmental Living***
- 2 ***That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination***
- 3 ***That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979***
- 4 ***That should detailed investigations determine that such is needed, Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement (PA), and to negotiate and execute all documentation in relation to the finalisation of the PA.***
- 5 ***That should detailed investigations determine that such is needed, Council prepare and exhibit an amendment to Wyong Development Control Plan 2013 or Draft Central Coast Development Control Plan, to include appropriate Development Control Plan provisions.***
- 6 ***That should detailed investigations determine that such is needed, Council prepare and exhibit an amendment to the Section 7.11 Development Contributions Plan to support the development of the land subject to this planning proposal.***
- 7 ***That Council undertake public authority and community consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Voluntary Planning Agreement, draft Development Control Plan amendment and the draft Section 7.11 Development Contributions Plan amendment (if required).***

- 8 That Council consider a further report on the results of public authority and community consultation.**
- 9 That Council note the advice of the Local Planning Panel outlined in Attachment 4 to this report, as required by the Local Planning Panels Ministerial Direction dated 27 September 2018.**

## Attachment 2

# Planning Proposal Assessment

## Proposal Summary

<b>Applicant</b>	Alf Lester – LFA Pacific P/L
<b>Owner</b>	<ul style="list-style-type: none"> <li>• Lot 2 DP 246727, 40 Sandra Street - Atchison</li> <li>• Lot 3 DP 246727, 50 Sandra Street - Lin</li> <li>• Lot 4 DP 246727, 60 Sandra Street - Tohamy</li> <li>• Lot 11 DP 613648, 70 Sandra Street - Mushu</li> <li>• Lot 10 DP 613648, 80 Sandra Street - Ethell</li> <li>• Lot 11 DP 258965, 11 Cottesloe Road - MacDonald</li> </ul>
<b>Application Number</b>	RZ/2/2020
<b>Description of Land subject of planning proposal</b>	<p><i>Legal and Property Description:</i></p> <ul style="list-style-type: none"> <li>• Lot 2 DP 246727, 40 Sandra Street</li> <li>• Lot 3 DP 246727, 50 Sandra Street</li> <li>• Lot 4 DP 246727, 60 Sandra Street</li> <li>• Lot 11 DP 613648, 70 Sandra Street</li> <li>• Lot 10 DP 613648, 80 Sandra Street</li> <li>• Lot 11 DP 258965, 11 Cottesloe Road</li> </ul>
<b>Site Area</b>	<ul style="list-style-type: none"> <li>• Lot 2 DP 246727- 10.7 Ha</li> <li>• Lot 3 DP 246727 - 10.5 Ha</li> <li>• Lot 4 DP 246727 - 10.8 Ha</li> <li>• Lot 11 DP 613648 - 10.8 Ha</li> <li>• Lot 10 DP 613648 - 27.46 Ha</li> <li>• Lot 11 DP 258965 - 15.3 Ha</li> </ul> <p>Total Area Proposed E3: 21.6 Ha  Total Area Proposed E4: 63.96 Ha  Total Planning Proposal Area: 85.56 Ha</p>
<b>Existing Use</b>	<ul style="list-style-type: none"> <li>• Lot 2 DP 246727 – Dwelling and Sheds</li> <li>• Lot 3 DP 246727 – Dwelling and Sheds</li> <li>• Lot 4 DP 246727 - Dwelling and Sheds</li> </ul>

	<ul style="list-style-type: none"> <li>• Lot 11 DP 613648 - Dwelling, Sheds and Dams</li> <li>• Lot 10 DP 613648 – Dwelling, Sheds, Stables and Dam</li> <li>• Lot 11 DP 258965 – Dwelling, Sheds and Dams</li> </ul>
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<b>Proposed Amendments –Wyong Local Environmental Plan 2013</b>			
<b>Provisions</b>	<b>Existing Provision</b>	<b>Proposed Amendment</b>	<b>Outcome (Supported/Not Supported)</b>
<b>Zoning</b>	All Lots: RU2 – Rural Landscape	<ul style="list-style-type: none"> <li>• Lot 2 DP 246727 – E4 Environmental Living</li> <li>• Lot 3 DP 246727 – E4 Environmental Living</li> <li>• Lot 4 DP 246727 - E3 Environmental Management</li> <li>• Lot 11 DP 613648 - E3 Environmental Management</li> <li>• Lot 10 DP 613648 – E4 Environmental Living</li> <li>• Lot 11 DP 258965 – E4 Environmental Living</li> </ul>	Outcomes Supported
<b>Minimum Lot Size</b>	20 Ha	E4 – 2 Ha E3 – 20 Ha	Outcomes Supported

## Proposal Report

### Executive Summary

This Planning Proposal seeks to rezone the majority of the land from RU2 Rural Landscape to E4 Environmental Living, to enable rural residential development to occur (similar to that on lands developed to the south, often referred to as Jilliby Stage 1), in accordance with the standard 2 Ha minimum area applying within the E4 zone. Some floodprone land will also be rezoned E3 Environmental Management in the central portion of the site. It is expected that the rezoning will yield approximately 19 rural-residential lots.

This rezoning proposal originally formed part of a much larger Planning Proposal which was withdrawn by the applicant. The original historic proposal was significantly larger and included land with significant biodiversity, odour and noise constraints (from the operation of Buttonderry Waste Facility) which have since been removed from the current proposal.

The subject land is underlain by coal, which will be extracted by the operators of the Wallarah 2 Mine. The proponents have reached agreement with the mine owners (and provided a copy to Council) for appropriate compensation arrangements should surface development be impacted by the mine workings.

### The Site

The site is located approximately 8 kilometres north west of the Wyong Town centre and is accessed from Sandra Street, off Hue Hue Road, in the existing rural-residential area of Jilliby. The site is located close to the Sparks Road interchange with the M1 Motorway. The land also has road frontage to Cottesloe Road in the north.

The land subject to the rezoning request (see Figure 1) comprises six (6) lots and has a total area of 85.56 Hectares (Ha).



Figure 1: The Subject Site Aerial – Planning Proposal Area bounded in Red

The land varies from cleared grazing land, through lightly timbered pastureland, to timbered upslopes to the west. This vegetation connects to an identified regional vegetation corridor along the adjacent ridgeline, which connects the vegetation north of Cottesloe Road to Mount Alison in the south across the Porters Creek floodplain. Central to the site is a low-

lying floodway, and in the north a Transmission Line Easement traverses east-west across the site. The lands are each occupied by dwellings, farm buildings and dams.

Surrounding land uses include:

- East – Buttonderry Waste Management Facility;
- West – Heavily timbered and steep rural landholdings;
- North - Rural landholdings; and
- South - Jilliby Rural-Residential Estate.

The land is currently zoned RU2 Rural Landscape (see Figure 2) under the Wyong Local Environmental Plan 2013 (WLEP 2013), with a minimum area for subdivision of 20 Ha per lot created. The draft Central Coast Local Environmental Plan (dCCLEP) proposes to retain the current zoning of the land.

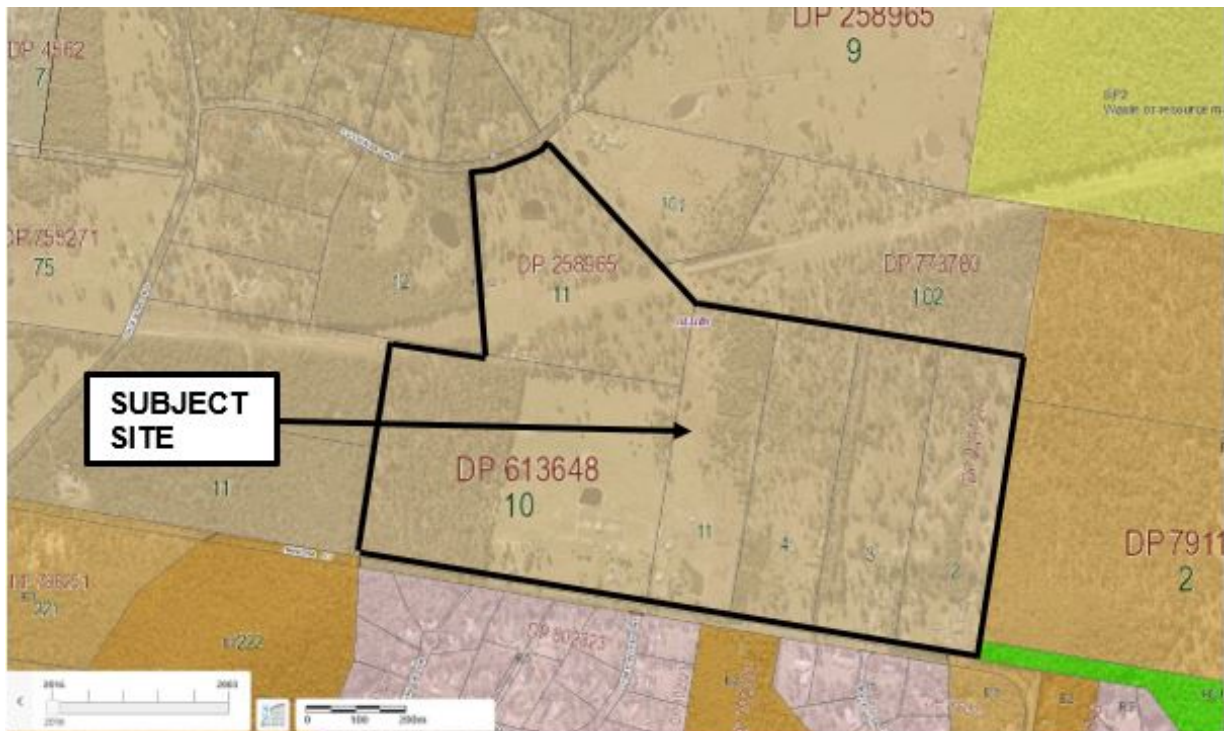


Figure 2: Site Aerial showing Existing Zones

## Background

There is a history of rezoning proposals which have incorporated the subject lands. The rezoning of a broader Jilliby Stage 2 Land Release (RZ/2/2012 - see Figure 3) was proposed as part of the former Wyong Council's Shire-wide draft Local Environmental Plan 2012 (dLEP 2012). RZ/2/2012 had been lodged on 22 March 2012, and supported by Council for consideration by the Gateway on 27 March 2013. In issuing certification (17 September, 2013 for the public exhibition of the Shire-wide Plan, the then Department of Planning and Infrastructure (DoPI), now Department of Planning Industry and Environment (DPIE),

excluded the proposed land release and recommended that it proceed as an independent Planning Proposal. DLEP 2012 was gazetted as the Wyong Local Environmental Plan 2013 (WLEP 2013) on 23 December, 2013.

The DPIE Assessment had identified serious potential for environmental impacts from increased development on the larger area of land (335 Ha). The key constraints within the Jilliby 2 study area relate to underground coal mining, vegetation clearing, noise and odour. A revised, reduced scale, proposal was endorsed by Council on 26 October 2016 and submitted for Gateway Determination on 14 November 2016. DPIE advised the former WSC that it would need to commence a Strategic Assessment to justify any future rural residential planning proposals. DPIE advised that this strategic assessment would need to consider the relevant factors outlined below:

- Consider the water catchment;
- Consider the waste management facility conflicts;
- Consider the potential impacts of coal mining;
- Confirm any road upgrading requirements;
- Confirm the land is suitable for rural residential land uses; and
- Complete a rural land analysis to facilitate rural residential land uses west of the M1 Motorway.

Council is currently undertaking the required Rural Lands Studies and will produce a draft Rural Lands Strategy, due for presentation to Council in June 2021, which will inform the development of the Central Coast Comprehensive Local Environmental Plan.

On 13 March 2018, Council was also requested by DPIE to amend its planning proposal to include the outcome of negotiations between the proponent and the Wallarah 2 Coal Mine. The current proposal (RZ/2/2020, lodged 5 February 2020) arises following the identification of all issues with the earlier proposal for the significantly larger rural-residential release (see Figure 3). The applicant formally withdrew RZ/2/2012 on 4 November 2020.

The potential impacts of the land release related to fauna and vegetation removal, the Central Coast Water Catchment, mine subsidence potential from the Wallarah 2 underground coal mine, as well as likely noise and odour impacts to future residents arising from the future expanded operations of the adjacent Buttonderry Waste Management Facility (BWMF). In this regard, odour from the approved BWMF operations was modelled and odour contours developed. This had implications for Jilliby Stage 2 within the areas affected by the 5 Odour Unit (OU) contour, and contributed to the reduction in the land included within the new planning proposal.

However, it can be noted that the potential impact from noise exceeds the impact of odour upon the study area. Land within the 45dB(A) noise contour to the BWMF was considered unsuitable for the type of dwelling density proposed by the original planning proposal, now superseded and withdrawn. The planning proposal study area has been reduced to facilitate



the increased residential density predominantly outside of the 45dB (A) noise contour, which is plotted on the Development Concept (see Figure 4). This will minimise potential land use conflict with the BWMF, which is projected to expand operations into the western portion of that land into the future. The proposal has been redesigned to enable additional dwellings to be located outside noise affected areas (see Figure 4: Development Concept) and to be constructed incorporating appropriate noise attenuation and mine subsidence treatments.

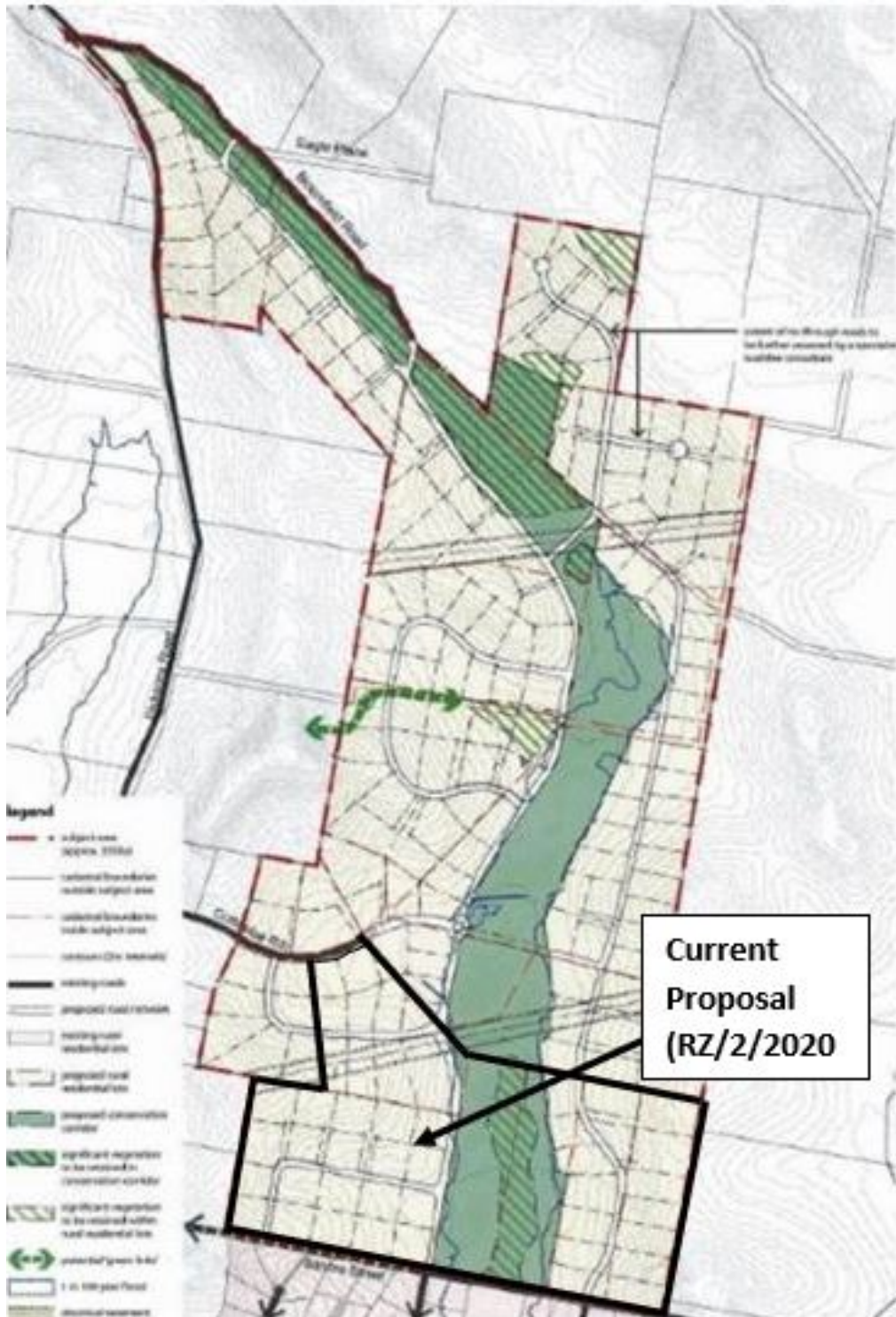


Figure 3: Current Proposal (RZ/2/2020), overlain over the Original Concept (RZ/2/2012)

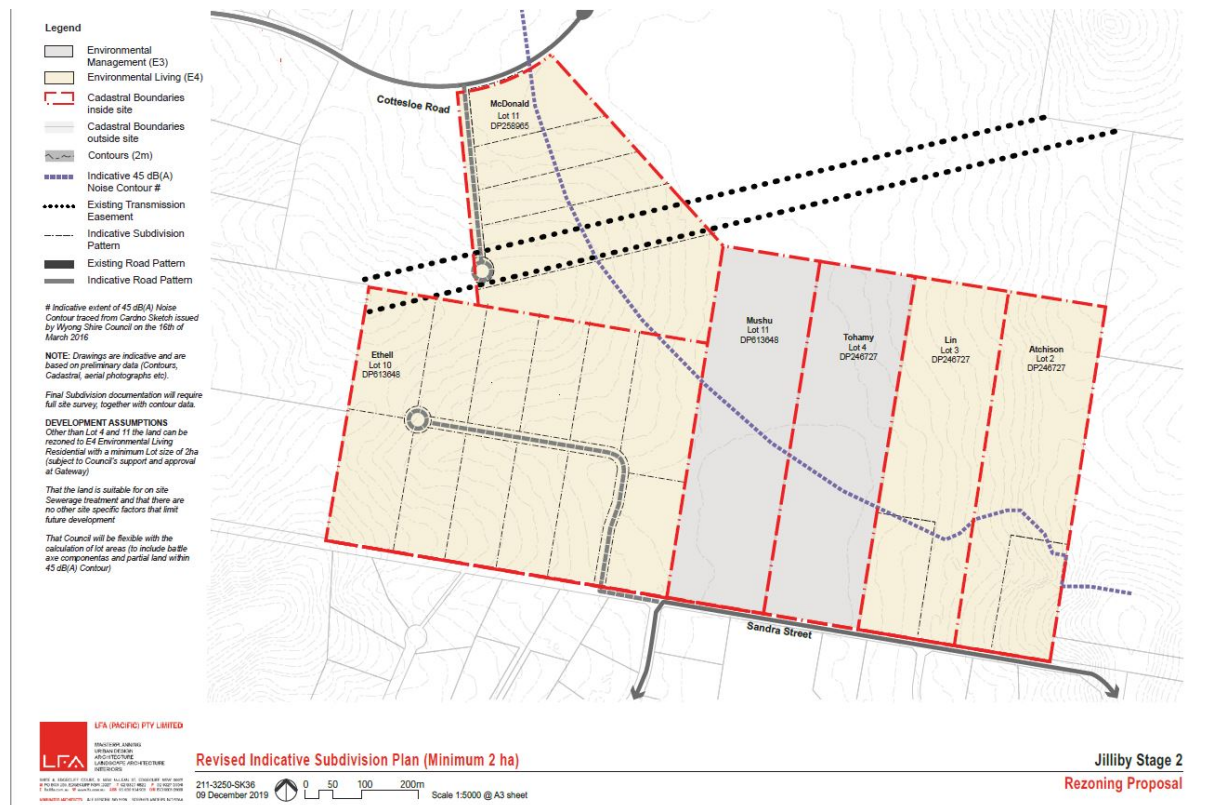


Figure 4: RZ/2/2020 Development Concept, showing the ability for dwellings to be located outside the 45dB(A) design Noise Contour

### The Proposal

The proposal is to rezone the majority of the land to E4 Environmental Living to enable rural residential development to occur in accordance with the standard 2 Ha minimum area applying within the E4 zone. All new dwellings are to be located outside the noise and odour impact contours emanating from the adjacent Buttonderry Waste Management Facility site. The residue land, comprising the flood corridor traversing the site from North to South over Nos. 60 and 70 (Lots 4 and 11) Sandra Street, are to be rezoned E3 Environmental Management, reflecting their status as Flood Prone Land. This zoning will allow the continuance of rural, environmental and tourism uses currently permissible on the land.

Figure 5 provides an indicative draft Zoning plan and Figure 6 provides the current Concept Subdivision Layout (dated 9 December 2019) for direct comparison.

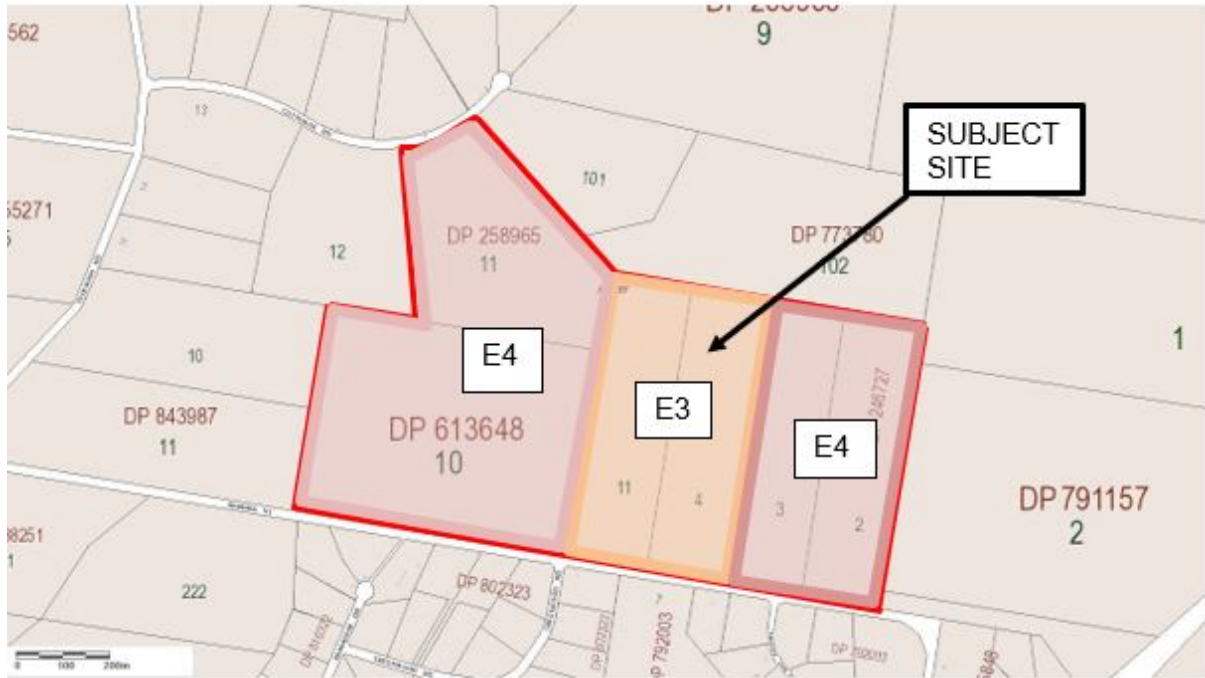


Figure 5: Indicative draft Zoning plan

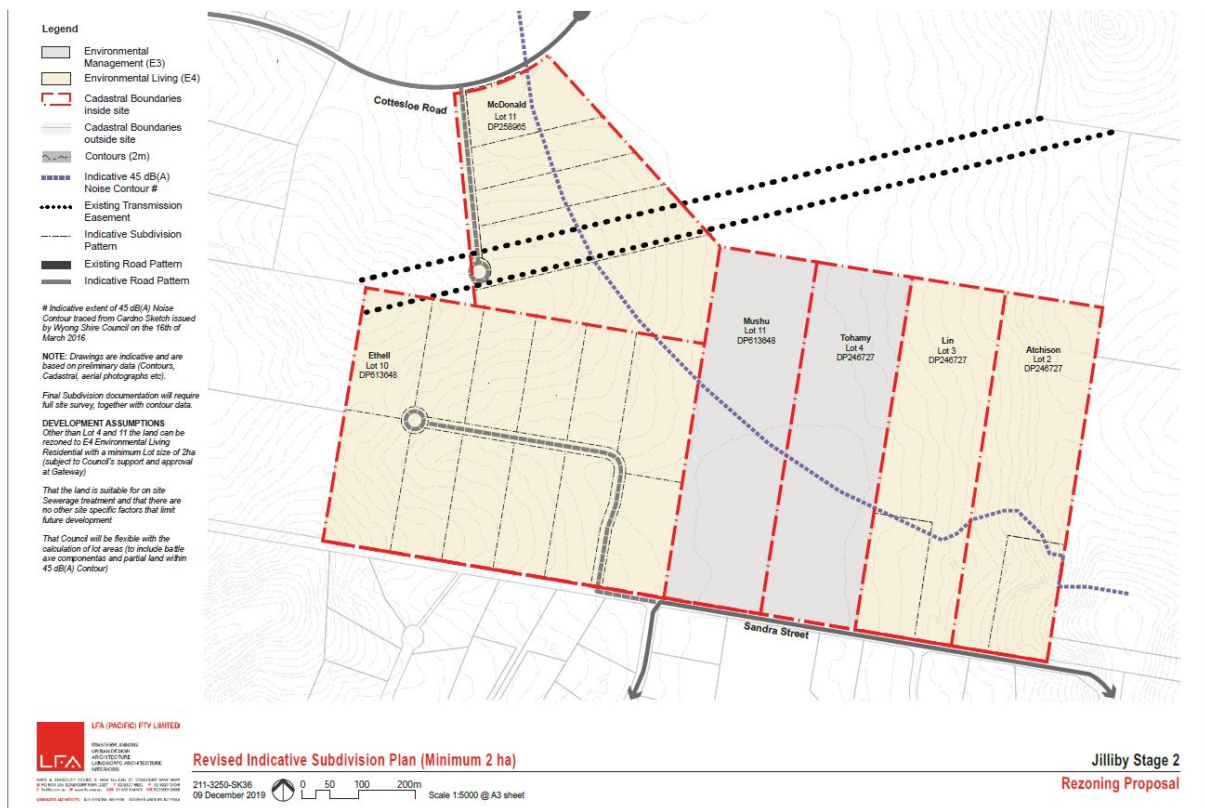


Figure 6: Concept Subdivision Layout

Assessment

The request to prepare a Planning Proposal (RZ/2/2020) is supported by the earlier planning report addressing the larger proposal (RZ/2/2012), which details preliminary investigations covering the revised area in regard to matters such as Aboriginal heritage, archaeology, ecological, economics, bushfire, traffic, water cycle management, onsite effluent and visual impact.

The planning proposal has been assessed against the Central Coast Council Interim Local Strategic Planning Statement (ILSPS), the Central Coast Regional Plan 2036 and State strategies, policies and directions, and is considered to be either consistent, or considered capable of being consistent, subject to appropriate resolution and management of matters raised below. The detailed assessment is provided in Attachment 2 – Strategic Assessment.

Investigation to this point has identified the proposal has strategic merit on the basis that it will address the following Directions of the Central Coast Regional Plan 2036:

- Secure the productivity and capacity of resource lands – will not impede access to underlying coal reserves (Direction 10);
- Protect and manage environmental values (Direction 12);
- Sustain water quality and security (Direction13);
- Protect the coast and manage natural hazards and climate change - Future development of the site will be required to include relevant measures to ensure the security of land improvements, such as Asset Protection Zones (Direction 14);
- Create a well-planned, compact settlement pattern (Direction15);
- Align land use and infrastructure planning (Direction 17);
- Accelerate housing supply and improve housing choice (Direction19);
- Provide housing choice to meet community needs (Direction 21); and
- Manage rural lifestyles (Direction 23).

*Further Studies Likely to be Required by Gateway:*

The planning proposal has been informed by a series of preliminary specialist Studies and investigations which addressed the original 2012 Concept Masterplan. The updated Concept Masterplan (9 December 2019) affects a subset of this land, and therefore the reports contain relevant information, which may be required to be updated to address current legislation and practice. However, this information is considered to be sufficient for Council to endorse referral to the Gateway for a Determination. Subject to the terms of the Gateway Determination, it is likely that further detailed work on the following issues will be required to progress the planning proposal post Gateway Determination:

- Ecology;
- Flooding and Stormwater Management;
- Bushfire Risk Management;
- Preliminary Contamination investigation;
- Mine Operations and Subsidence;

- Geotechnical understanding/response;
- Soil suitability/capability;
- Traffic and Transport;
- Indigenous archaeological cultural heritage impacts;
- Service infrastructure provision;
- Social Impact and Open Space and Recreational demands; and
- Physical infrastructure and natural systems Funding/Management.

**Current Status**

The proponent has reduced the extent of land for proposed rezoning, and has negotiated a "Heads of Agreement" document with Wallarah 2 in order to prepare for specific financial arrangements between the Jiliby 2 landowners and the Wallarah 2 mine owners to ensure there is no financial liability to the mine if subsidence does occur.

The proposal has been designed to enable additional dwellings to be located outside noise affected areas (see Figure 4: Development Concept) and to be constructed incorporating appropriate noise attenuation and mine subsidence treatments.

On 17 November 2020, the Administrator and staff undertook a site inspection.

**Internal Consultation**

The rezoning request and supporting reports have been reviewed by staff and responses are summarised below. Some matters requiring more detailed investigation as a part of the progression of the proposal are discussed below.

*Urban Planning and Development (Contributions)*

The area is included in the Local Government Area (LGA) Wide Section 7.11 Plan. Hence Rural-Residential Subdivision will require the payment of development contributions. If any works are proposed that are not included in the Plan, then a Voluntary Planning Agreement (VPA) will be required.

It is noted that under the Wyong District Contributions Plan, an upgrade of the intersection of Sandra Street and Hue Hue Road is proposed. The additional lots created may create a need for further intersection works. The works identified in the Plan require a Type C Intersection.

*Water Planning and Development*

There are no objections/requirements from Wyong Water. The site is outside the drinking water catchment and will not be serviced by water or sewer reticulation.

### Environmental Strategies

Council's preference would be that Biodiversity Certification is conferred across the site. This is because the significance of the land is identified by purple colouring on the NSW Biodiversity Values Map (see Figure 7), in particular the western half of Lot 10 Sandra Street. This process identifies areas that can be developed after they are certified and measures to offset the impacts of development. Where land is certified, development may proceed without the usual requirement for site by site assessment.

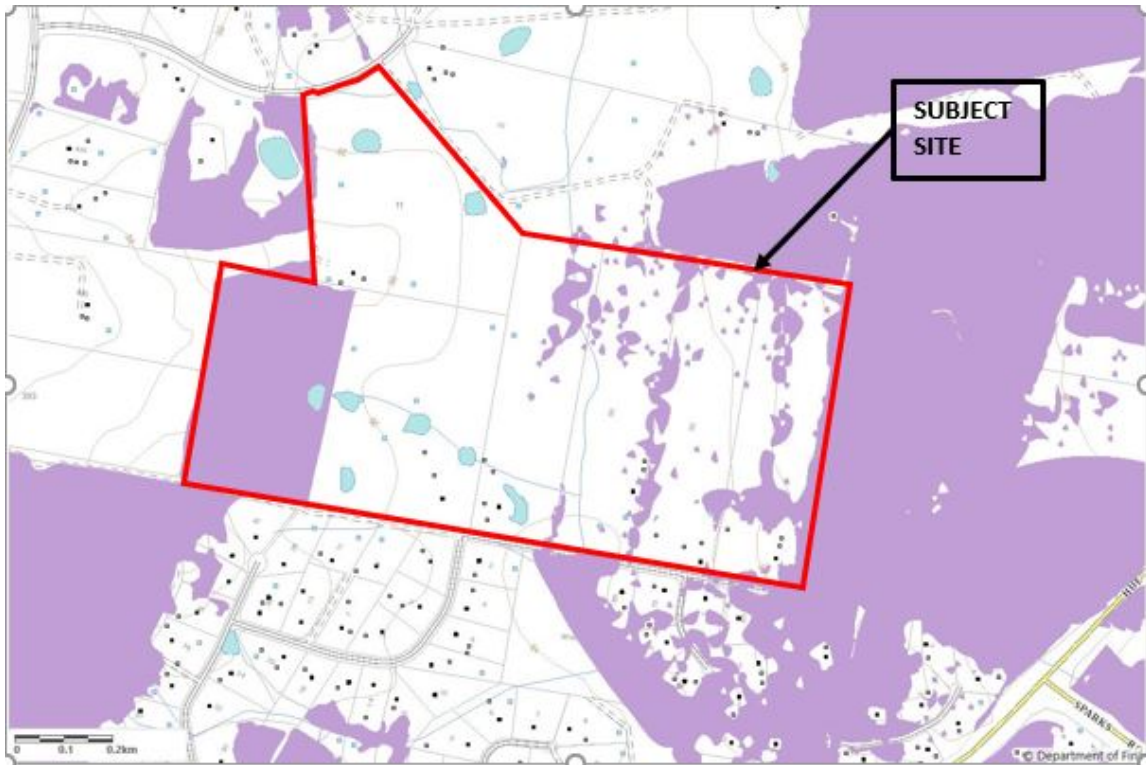


Figure 7: Purple Areas within the site identified on the Biodiversity Values Map

This area is also identified as containing key habitats for Threatened Species:



Figure 8: Key Habitats for Threatened Species within the Site

Alternatively, the applicant should delineate building location envelopes on each of the lots in accordance with the framework of 'Avoid, Minimise, Offset' established under the Biodiversity Conservation Act 2016. This approach may mean that individual DAs do not need to obtain biodiversity offsets if these areas are disturbed. At the moment single dwellings and their bushfire Asset Protection Zones (APZs) are requiring the clearing of about 0.5 ha which would then trigger the need for a Biodiversity Assessment Report (BDAR).

The planning proposal could proceed for Council/Gateway endorsement based on the information already provided (with the likelihood that further work would be required post Gateway Determination, which would include the provision of a Biodiversity Certification Assessment Report (BCAR), or a Biodiversity Development Assessment Report (BDAR), prior to the commencement of community consultation). A BDAR provides guidance on how a proponent can avoid and minimise potential biodiversity impacts and identifies the number and class of biodiversity credits that need to be offset to achieve a standard of 'no net loss' of biodiversity.

The current ecological inventory style report is acceptable for Gateway Determination, on the condition that either a BDAR is prepared and the proponent completes the required offsetting (this may be proposed by the proponent through a Planning Agreement), or an application for Bio-certification is made to the NSW Minister for the Environment.

It is noted that the proposed E4 zone boundaries may need to be revised in the western part of the Planning Proposal area, if further ecological investigations and advice from BCD confirms that modification of the planning proposal is warranted.

It can be noted that Council is considering the introduction of a future conservation incentive clause into the CCLEP, which is an action to be completed in Council's Biodiversity Strategy. Depending on how this clause operates, it might be able to be used as a mechanism for the

2 Ha lot size to be reduced, if the policy provisions of this policy are met, and once it is in place.

*Engineering*

*Traffic Generation, Design and Transport:*

- Traffic generated by the scale of this proposal will not have a significant impact on the surrounding road network. At development application stage the proponent will be required to address the type of intersection treatments required where the new subdivision interfaces with existing roads.
- The steep grade and geometrical constraints of Sandra St may present issues for access for construction traffic, and for 'Safer by Design' principles.
- Upgrade works maybe required or alternative suitable access (Dickson Rd & Cottesloe Rd) locations agreed/provided, to provide adequate construction access.

The geometry of the southern road through Lot 10 Sandra Street shows a 90-degree bend (out of character curve). This will need to be managed through appropriate traffic management measures, which can be determined at DA stage.

- Also, see discussion below identifying potential fire trail link between the cul-de-sacs.

*Mine Subsidence:*

- Mine subsidence issues will impact infrastructure.
- An additional freeboard allowance for mine subsidence will be required to be added to the flood level.

*Slope stability:*

- There are steep slopes (over 12%) in some areas - slope stability could be an issue and will require more detailed analysis at DA stage.

*Flooding & Water Quality*

- The natural low point (watercourse) as evident by the dams on the southern lot and based on the proposed road location will intercept & convey significant stormwater run-off that will need to be safely managed.
  - Stormwater could create some issues due to capacity (system size & cost), erosion & safety issues due to grade & velocities
  - Downstream increases (individual sub catchments & whole catchment) in flooding may occur as a result of the proposal due to increased impervious surfaces.
  - Due to potential issues it is suggested that analysis be undertaken and ensure that downstream properties that already flood are not further impacted.



- There are water courses that will be affected by the development that may require a Controlled Activity Notice from DPI Water under the Water Management Act.
- The level of service of the existing Sandra St culverts should be confirmed to provide minimum 1% flood free access.
- Effluent disposal - there could be water quality issues (detrimental impacts on the floodplain) due to the collective impacts of this proposal.

### Natural Assets

#### Bushfire Prone Lands Assessment

The lands within the subject site are generally Vegetation Category 1 and partly Buffer Area, with small areas of Vegetation Category 2. A substantial area (approx. 50%) of the land within Lot 10, DP 613648 is not identified as Bushfire Prone Land (BFPL). See Figure 9 below.

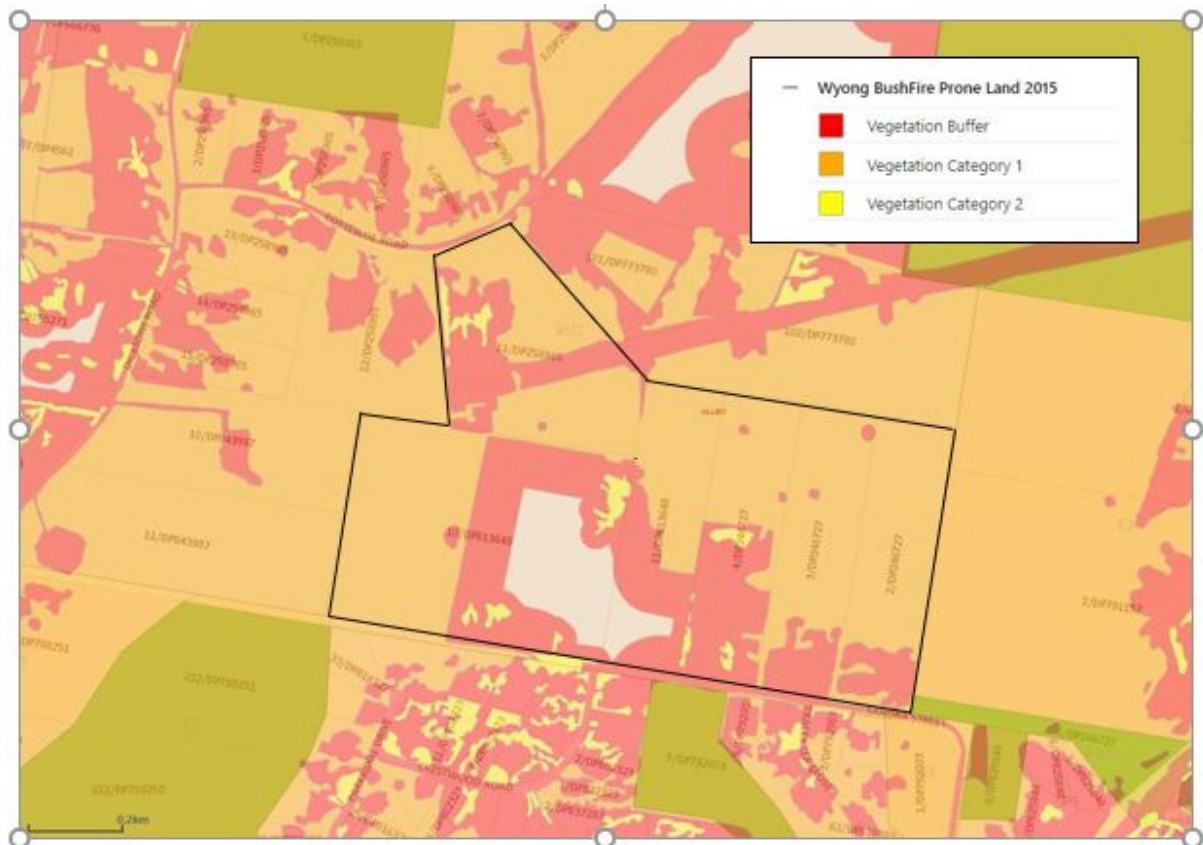


Figure 9: Wyong Bushfire Prone Lands Map 2015

#### Wildlife Corridors and Bushfire Access Fire Trails

Further work is required to determine if the western parts of the proposed Planning Proposal should be zoned (E2 or E3) in consideration of the potential biodiversity impacts of rural-residential development in this location. This corridor would fulfil the function of connecting

Mt Alison E2 Environmental Conservation lands with the 35ha bushland lot on the northern side of Cottesloe Road.

A Bush Fire Access Trail (indicated in yellow Figures 10 and 11) could be located on the edge of this bushland with a locked gate at each end, to manage the fire threat effectively. This would reduce the potential subdivision yield, however would meet the dual needs of biodiversity conservation and human protection during bushfire events.



Figure 10: Potential Fire Trail Linkage shown Yellow

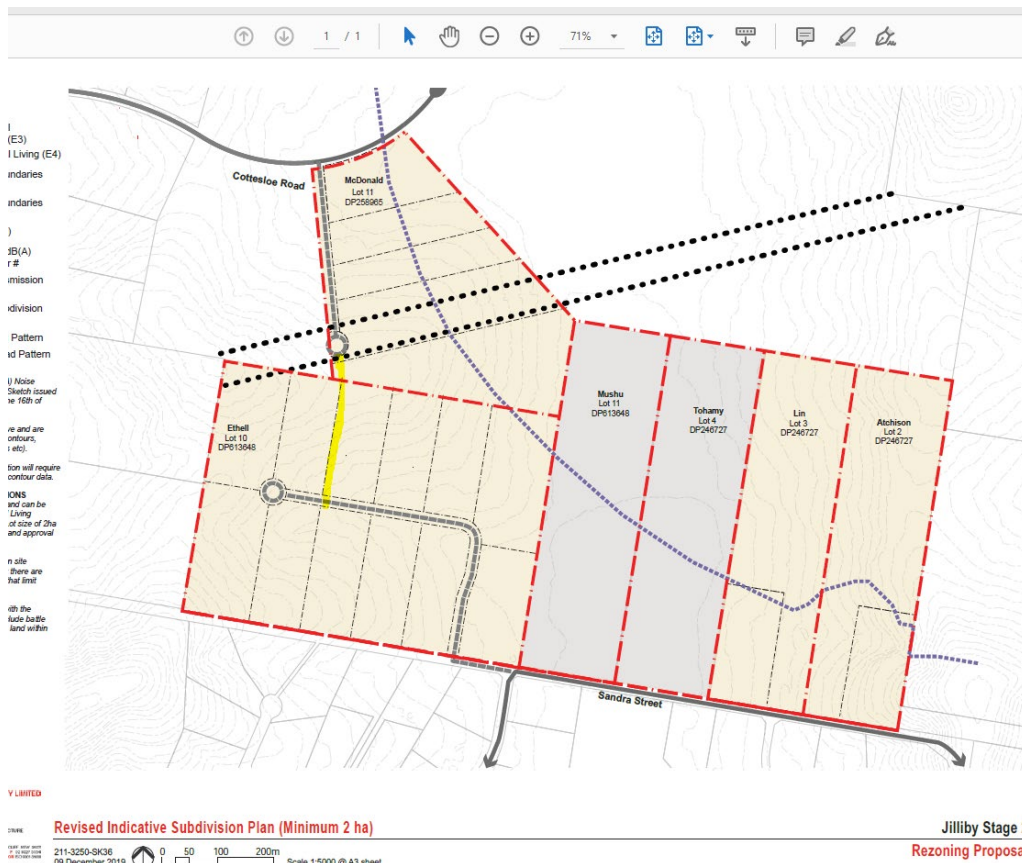


Figure 11: Potential Fire Trail Linkage shown Yellow

Floodplain Management

The land identified as flood prone is primarily contained within land to be zoned E3 Environmental Management.

In reviewing the terrain it is clear that the valley floor is very flat at around 0.4% grade downstream. This is also shown along the profile of Sandra Street (see Figure 12).

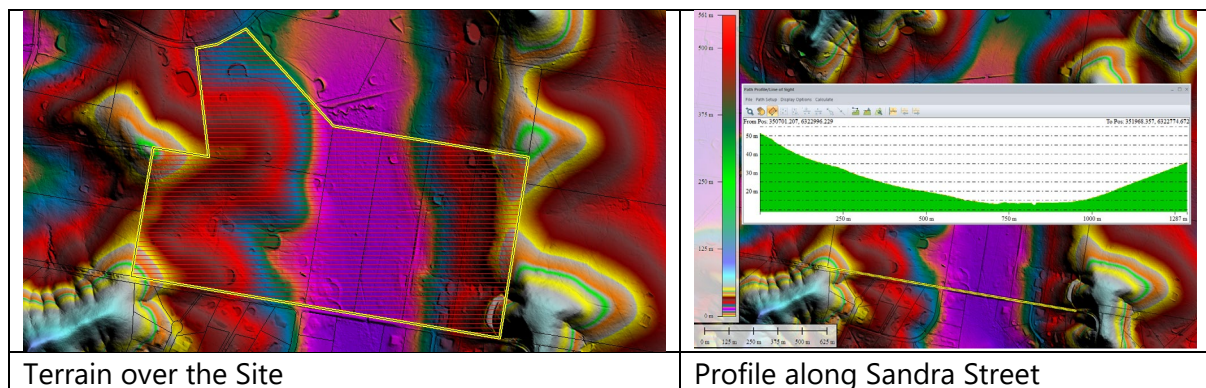


Figure 12: Terrain Mapping

Flooding on this site is as described in the 2009 Porters Creek Flood Study undertaken by Cardno on behalf of Council. This study identifies a range of flood events including the Probable Maximum Flood (PMF). This is the method used to define flood prone land, with generally the 1% flood results used for setting floor levels (see Figure 13 and 14).

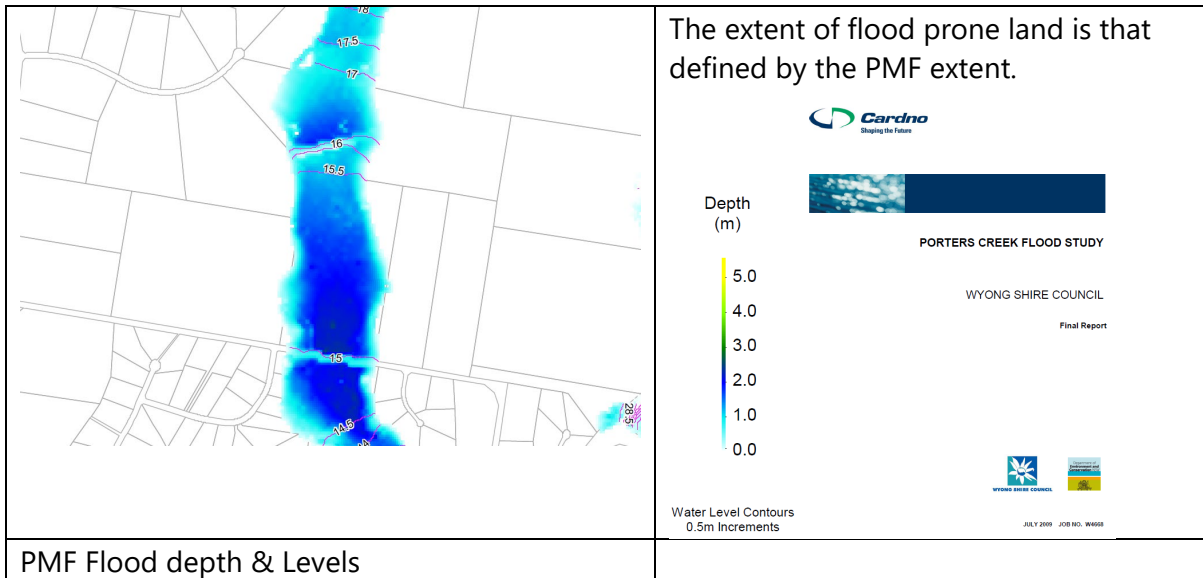


Figure 13: Probable Maximum Flood Extent, Depth and Levels

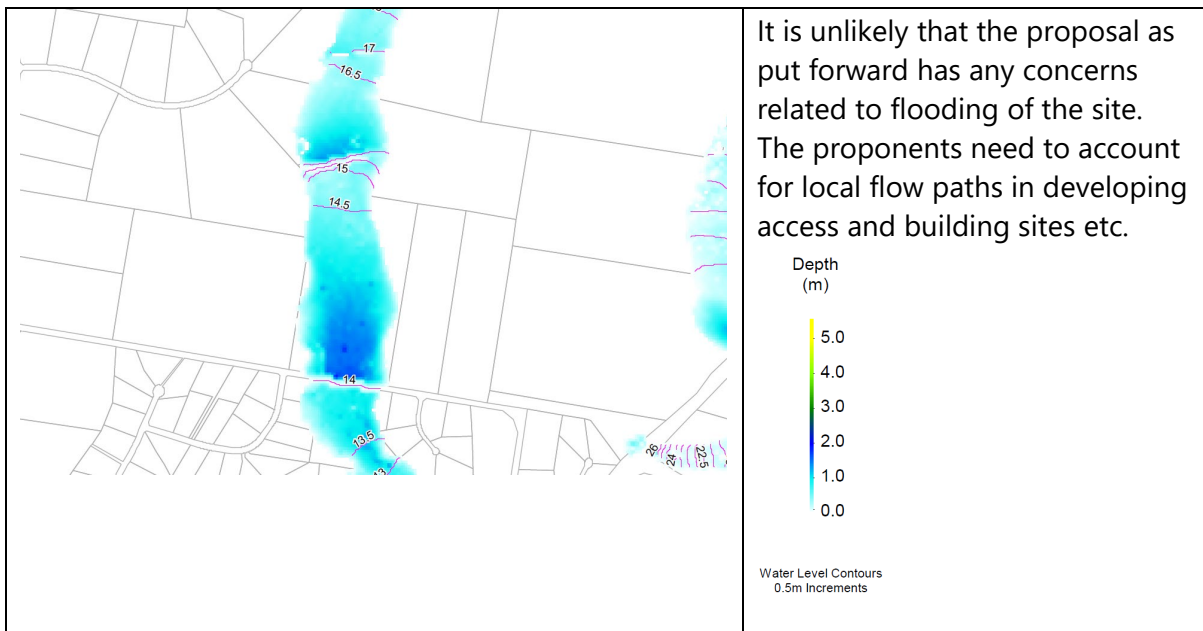


Figure 14: 1%AEP Flood Extent and Depth

On the basis that the extent of flood prone land is almost fully contained within land proposed to be zoned "E3 Environmental Management" there are no specific requirements other than the usual requirements under the Wyong LEP 2013, Wyong DCP 2013 and the NSW State Government's Floodplain Development Manual.

## External Consultation

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly. It is anticipated that due to the existing development surrounding, and the location, that a number of government agencies may be required to be consulted, such as the following:

- Department of Family and Community and Justice (former NSW Rural Fire Service), regarding bushfire matters;
- Transport for NSW, regarding transportation and road networking matters;
- Department of Planning, Industry and Environment on regional planning matters;
- NSW Biodiversity Conservation Division (BCD) on vegetation and biodiversity matters;
- Department of Primary Industries on rural industries; and
- Darkinjung Local Aboriginal Land Council and Guringai Tribal Link (also known as Wannangini), regarding Aboriginal heritage values.

## Statutory compliance and strategic justification

The planning proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs), Ministerial Section 9.1 Directions and relevant guidelines set out within the regional and local plans, including the CCRP (see Attachment 2 – Strategic Assessment). The proposal is generally consistent with the applicable Ministerial Directions and SEPPs.

### *Social Impacts*

The proposal will expand the available housing choice in terms of providing for additional Rural-residential living within the northern part of the Central Coast. The site is located outside of the water catchment and relatively close to transport connections and centres. The WLEP 2013 only provides for limited areas of rural residential land, and this land is considered a reasonable expansion of the land use.

### *Environmental Considerations*

Addressed earlier in the report by relevant sections of Council on vegetation clearing, ecological impact, and bushfire hazard reduction planning.

## Central Coast Local Strategic Planning Statement

Council's Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020 after adoption by Council on 29 June 2020. The LSPS aims to identify important agricultural and resource lands and minimise rural-residential sprawl, while supporting rural tourism. It sets a clear vision for the future and a proactive framework for delivering a

growing and sustainable Region with a strong network of Centres and thriving and connected communities.

Further investigations of the ecology of the site and potential threatened species impacts will be likely to be required by the Gateway Determination. This site was identified by DPIE as being able to be progressed for rural-residential development independently of the earlier Rural Lands Study, Northern Areas. Notwithstanding, the Planning Proposal documentation will address these important issues.

The following priorities outlined in the LSPS are applicable to this Planning Proposal.

<b>Central Coast Interim Local Strategic Planning Statement (LSPS)</b>			
	<b>Planning Priority</b>	<b>Action</b>	<b>Assessment/Comment</b>
22	<i>Create sustainable and Resilient Communities</i>	<i>Protect and minimise land use impacts on the region's drinking water catchments by ensuring water quality objectives are included in Council's planning controls.</i>  <i>(CCRP Direction 13)</i>	The subject site is generally not located within the Drinking Water Catchment. A small area of Lot 10 only drains to the Catchment. Water quality controls can be applied at development stage.
24	<i>Map, protect, and cherish natural areas and ecosystems</i>	<i>Prepare and implement the Central Coast Biodiversity Strategy, including land use planning principles to protect and manage natural areas and ecosystems of high biodiversity value.</i>  <i>(CCRP Direction 12)</i>	Further investigations of the ecology of the site and potential threatened species impacts will be likely to be required by the Gateway Determination.
25	<i>Manage heat wave risks through strategic planting and maintenance of vegetation</i>	<i>Finalise and implement the Greener Places Strategy to mitigate the impacts of climate change on the regions water resources, coastal ecosystems, infrastructure, health, agriculture and biodiversity.</i>  <i>(CCRP Direction 14)</i>	Further investigations of vegetation on site and potential threatened species impacts will be likely to be required by the Gateway Determination.
26	<i>Identify important agricultural and resource lands</i>	<i>Prepare a Rural Lands Study and Strategy having regard to the region's biophysical, infrastructure, and socio-economic factors.</i>  <i>(CCRP Direction 11)</i>	The Rural Lands Study is currently in development. This site was identified by DPIE as being able to be progressed independently of the earlier Rural Lands Study, Northern Areas.

Central Coast Interim Local Strategic Planning Statement (LSPS)			
	Planning Priority	Action	Assessment/Comment
		<p><i>Work with the State Government to identify and map the most productive and highly suitable land for agricultural industries and natural resource extraction in the Central Coast region.</i></p> <p><i>(CCRP Direction 11)</i></p>	<p>This is one of the major aims of the CC Rural Lands Study. Council is awaiting the final DPI Ag mapping for Important Agricultural Lands from DPIE.</p>
27	<p><i>Minimise rural residential sprawl and support rural tourism</i></p>	<p><i>Investigate the suitability for urban development, having regard to agricultural production and environmental protection priorities, and the ability to provide critical infrastructure.</i></p> <p><i>(CCRP Direction 23)</i></p>	<p>This site was identified by DPIE as being able to be progressed independently of the earlier Rural Lands Study, Northern Areas. Notwithstanding, the Planning Proposal documentation will address these important issues.</p>
28	<p><i>Preserve environmental, scenic, heritage and cultural landscapes</i></p>	<p><i>Determine areas within the rural landscape which require preservation because of environmental, scenic, heritage and cultural values, as part of the Rural Lands Study and Strategy.</i></p> <p><i>(CCRP Direction 8)</i></p>	<p>The Planning Proposal documentation will address these important issues.</p>

**ATTACHMENT 3 - Strategic Assessment**



**Central Coast Council**  
Strategic Planning Framework Assessment

Various Lots, Sandra Street and Cottesloe Road, Jiliby

PP/2/2020;  
November 2020



## Relationship to strategic planning framework

### Where a regional or sub-regional plan is in place:

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

### Central Coast Regional Plan 2036

The *Central Coast Regional Strategy 2036 (CCRP)* applies to the Central Coast local government area (LGA).

The CCRP is to provide the basis of planning by the local government and sets out a number of actions. The table below demonstrates that the Planning Proposal is generally consistent with relevant actions identified in the CCRP:

Central Coast Regional Plan		
Direction	Applicable	Assessment/Comment
1. Grow Gosford City Centre as the region's capital	No	Not located within the region's capital.
2. Focus economic development in the Southern and Northern Growth Corridors	No	The proposal is not located within the Southern or Northern Growth Corridors. It represents a small rural/residential subdivision in an area which has been identified for this purpose. It is not inconsistent with this Direction.
3. Support priority economic sectors	No	The proposal is not inconsistent with this Direction.
4. Strengthen inter- regional and intra- regional connections for business	No	The proposal is not inconsistent with this Direction.
5. Support new and expanded industrial activity	No	The proposal is not inconsistent with this Direction.
6. Strengthen the economic self- determination of Aboriginal communities	No	Not Applicable. The proposal is not on land owned by the DLALC.
7. Increase job containment in the region	No	The proposal is not inconsistent with this Direction.
8. Recognise the cultural landscape of the Central Coast	No	The proposal is not inconsistent with this Direction.
9. Protect and enhance productive agricultural land	No	The subject site is not located on prime agricultural lands mapped under Sydney Regional Environmental Plan (SREP) No. 8, nor identified as Biophysical Strategic Agricultural Land (BSAL). It potentially may be included in the current DPI-Ag IAL Mapping exercise, however, this has not yet been finalised and is not available. The proposal is not inconsistent with this Direction.
10. Secure the productivity	Yes	The proposal is consistent with this Direction.

Central Coast Regional Plan		
Direction	Applicable	Assessment/Comment
and capacity of resource lands		<p>The subject land is underlain by Coal, which will be extracted by the operators of the Wallarah 2 Mine. The proponents have reached agreement with the mine owners (and provided a copy to Council) for appropriate compensation arrangements should surface development be impacted by the mine workings. The land is not mapped the 'preferred location of extractive industry'.</p> <p>SEPP State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 permits mining and extractive industries with consent wherever an LEP permits agriculture or industry. The RU2 Rural Landscape zoning applies to the land currently and permits "extensive agriculture" without consent. The proposed E3 zone over 2 of the lots (the floodway) will continue to permit "extensive agriculture", with consent. Farm buildings and other "rural" type activities are also permissible within the E4 zone.</p>
11. Sustain and balance productive landscapes west of the M1	No	<p>The proposal is not inconsistent with this Direction.</p> <p>The site is not located on resource lands per SREP Nos. 8 and 9 mapping.</p>
12. Protect and manage environmental values	Yes	<p>The land has historically been used for agricultural purposes and also has been cleared substantially.</p> <p>The area has high biodiversity values, ecological connectivity and Aboriginal cultural heritage values. The surveys relied upon at this stage were conducted prior to 2012 and will need to be updated in accordance with current requirements. Additional cultural surveys will also need to be completed, in the company of indigenous representatives.</p> <p>The proposal is recommended to Council for support with further environmental investigations recommended to be carried out, as follows:</p> <ul style="list-style-type: none"> <li>- appropriate level of survey (including targeted species surveys) in accordance with requirements of the Biodiversity Conservation Act, 2016 and/or Office Environment &amp; Heritage (OEH/DPIE) guidelines to demonstrate the avoidance and minimisation of impacts.</li> </ul>
13. Sustain water quality and security	Yes	<p>The proposal is consistent with this Direction.</p> <p>The subject site is generally not located within the Drinking Water Catchment. A small area of Lot 10 only drains to the Catchment.</p>
14. Protect the coast and manage natural hazards	Yes	<p>The proposal is consistent with this Direction.</p>

Central Coast Regional Plan		
Direction	Applicable	Assessment/Comment
and climate change		The proposal is not affected by coastal hazards. The site comprises Category 1, Category 2 Bushfire Prone Vegetation and includes Buffer areas. Future development of the site will be required to include relevant measures to ensure the security of land improvements, such as Asset Protection Zones (APZs).
15. Create a well-planned, compact settlement pattern	Yes	The subject proposal is consistent with this Direction. The proposal will deliver Rural-Residential lots.
16. Grow investment opportunities in the region's centres	No	The subject proposal is not within a centre.
17. Align land use and infrastructure planning	Yes	The subject proposal is consistent with this Direction. Drainage and traffic infrastructure may require upgrades with the development.
18. Create places that are inclusive, well-designed and offer attractive lifestyles	Yes	The subject proposal is consistent with this Direction. The proposal will deliver Rural-Residential lots.
19. Accelerate housing supply and improve housing choice	Yes	The proposal will deliver Rural-Residential lots, increasing the supply and choice of available housing styles.
20. Grow housing choice in and around local centres	No	The proposal does not relate to housing supply in or near a centre.
21. Provide housing choice to meet community needs	Yes	The proposal will deliver Rural-Residential lots, increasing the supply and choice of available housing styles.
22. Deliver housing in new release areas that are best suited to building new communities	Yes	The proposal will deliver Rural-Residential lots, increasing the supply and choice of available housing styles. The site is not within a new release area, however, is relatively close to the future Warnervale Town Centre Release Areas.
23. Manage rural lifestyles	Yes	The proposal will deliver Rural-Residential lifestyle lots, increasing the supply and choice of available rural housing styles and lifestyle opportunities.

**Table 1:** Central Coast Regional Plan Assessment

2. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

**Central Coast Community Strategic Plan – One: Central Coast**

The *Central Coast Community Strategic Plan* outlines a set of guiding principles, aspirations and values for the community. These reflect on social, economic, environmental and governance aspects for now and the future.

The following strategies outlined in the Community Strategic Plan are applicable to this Planning Proposal:

Theme - Belonging	
Focus Area – Creativity, connection and local identity	
Objectives	Assessment
<p>B1</p> <p>Support reconciliation through the celebration of Aboriginal and Torres Strait Islander cultures</p>	<p>The Aboriginal Heritage Information Management System (AHIMS) GIS mapping indicates no Aboriginal sites or places on the subject land.</p> <p>Further Aboriginal heritage investigation and consultation with local Aboriginal groups will be required, should a Gateway be granted, to ascertain if the proposal is consistent with this Objective.</p>
Theme - Green	
Focus Area – Cherished and Protected Natural Beauty	
Objectives	Assessment
<p>F1</p> <p>Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species</p>	<p>The land has historically been used for agricultural purposes and also has been cleared substantially. Some vegetation (Spotted Gum Ironbark Forest) will be removed or modified, of which much is already in a disturbed or modified state.</p> <p>The revised study area is affected on the western edge by an identified regional vegetation corridor that connects Mount Alison to the vegetation north of Cottesloe Rod along a ridgeline.</p> <p>The proposal is recommended to Council for support with further environmental investigations recommended to be carried out, as follows:</p> <ul style="list-style-type: none"> <li>• appropriate level of survey (including targeted species surveys) in accordance with requirements of the Biodiversity Conservation Act, 2016 and/or Office Environment &amp; Heritage (OEH) guidelines to demonstrate the avoidance and minimisation of impacts.</li> </ul>
Theme - Responsible	
Focus Area – Balanced and Sustainable Development	
Objectives	Assessment
<p>I1</p> <p>Preserve local character and protect our drinking water catchments, heritage and rural areas by concentrating development along</p>	<p>Consistent.</p> <p>The proposal will logically complete the Jilliby Rural-Residential area. The higher, steeper, vegetated and low lying flood prone land will retain existing RU2, E2 and E3 zonings.</p>

transport corridors and town centres east of the M1	
12 Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport	Consistent. See above I1.
13 Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management	See above F1. Further environmental investigation will be required, should a Gateway be granted, to ascertain if the proposal is consistent with this Action.

**Table 2 – Community Strategic Plan Assessment**

### Local Strategic Planning Statement

Council's Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020 after adoption by Council on 29 June 2020. The LSPS aims to identify important agricultural and resource lands and minimise rural-residential sprawl, while supporting rural tourism.

Further investigations of the ecology of the site and potential threatened species impacts will be likely to be required by the Gateway Determination. This site was identified by DPIE as being able to be progressed for rural-residential development independently of the earlier Rural Lands Study, Northern Areas. Notwithstanding, the Planning Proposal documentation will address these important issues.

The following priorities outlined in the LSPS are applicable to this Planning Proposal.

Environment			
22	Planning Priority	Action	Assessment
	Create Sustainable and Resilient Communities	Protect and minimise land use impacts on the region's drinking water catchments by ensuring water quality objectives are included in Council's planning controls. <i>(CCRP Direction 13)</i>	The subject site is generally not located within the Drinking Water Catchment. A small area of Lot 10 only drains to the Catchment. Water quality controls can be applied at development stage.
24	Map, protect, and cherish natural areas and ecosystems	Prepare and implement the Central Coast Biodiversity Strategy, including land use planning principles to protect and manage natural areas and	Further investigations of the ecology of the site and potential threatened species impacts will be likely to be required by the Gateway Determination.

		ecosystems of high biodiversity value. <i>(CCRP Direction 12)</i>	
26	Manage heat wave risks through strategic planting and maintenance of vegetation	Finalise and implement the Greener Places Strategy to mitigate the impacts of climate change on the regions water resources, coastal ecosystems, infrastructure, health, agriculture and biodiversity. <i>(CCRP Direction 14)</i>	Further investigations of vegetation on site and potential threatened species impacts will be likely to be required by the Gateway Determination.
<b>Agriculture and Rural Land</b>			
27	<b>Planning Priority</b>	<b>Action</b>	<b>Assessment</b>
	Identify and Protect important agricultural and resource lands for local sustainability	Prepare a Rural Lands Study and Strategy having regard to the region's biophysical, infrastructure, and socio-economic factors. <i>(CCRP Direction 11)</i> Work with the State Government to identify and map the most productive and highly suitable land for agricultural industries and natural resource extraction in the Central Coast region. <i>(CCRP Direction 11)</i>	The Rural Lands Study is currently in development. This site was identified by DPIE as being able to be progressed independently of the earlier Rural Lands Study, Northern Areas.  This is one of the major aims of the CC Rural Lands Study. Council is awaiting the final DPI Ag mapping for Important Agricultural Lands from DPIE.
28	Minimise rural residential sprawl and support rural tourism	Investigate the suitability for urban development, having regard to agricultural production and environmental protection priorities, and the ability to	This site was identified by DPIE as being able to be progressed independently of the earlier Rural Lands Study, Northern Areas. Notwithstanding, the Planning Proposal documentation will address these important issues.

		provide critical infrastructure. <i>(CCRP Direction 23)</i>	
29	Preserve environmental, scenic, heritage and cultural landscapes	Determine areas within the rural landscape which require preservation because of environmental, scenic, heritage and cultural values, as part of the Rural Lands Study and Strategy. <i>(CCRP Direction 8)</i>	The Planning Proposal documentation will address these important issues.

Table 3 – Local Strategic Planning Statement Assessment

3. Is the planning proposal consistent with applicable state environmental planning policies?

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

State Environmental Planning Policies	
SEPP	CONSISTENCY
<b>SEPP 55 – Remediation of Land</b>	
<p>Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and</p> <p>(c) development applications for consent to carry out a remediation work in particular, and</p> <p>(d) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>Applicable &amp; Consistent.</p> <p>The Applicant’s planning report states that a search of the Environmental Protection Authority’s Contaminated Land Records reveals no entries, notices, actions or management proposals issued under the Contaminated lands Act for the subject land.</p> <p>At the DA stage, should the planning proposal proceed and be finalised, a Preliminary Site Contamination Assessment per SEPP 55 will be required to support any proposed development.</p>
<b>SEPP (Coastal Management) 2018</b>	
<p>The aim of this Policy is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with objects of the Coastal Management Act 2016, including the Management objectives for each coastal management area, by:</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast,</p>	<p>Not Applicable.</p> <p>The subject land is not within the areas affected by this SEPP.</p>

<b>State Environmental Planning Policies</b>	
<b>SEPP</b>	<b>CONSISTENCY</b>
<p>and</p> <p>(b) establishing a framework for land use planning to guide and decision-making in the coastal zone, and mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p>	
<b>SEPP (Mining, Petroleum &amp; Extractive Industries) 2007</b>	
<p>Aims:</p> <p>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</p> <p>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</p> <p>(b1) to promote the development of significant mineral resources, and</p> <p>(c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</p> <p>(d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development:</p> <p>(i) to recognise the importance of agricultural resources, and</p> <p>(ii) to ensure protection of strategic agricultural land and water resources, and</p> <p>(iii) to ensure a balanced use of land by potentially competing industries, and</p> <p>(iv) to provide for the sustainable growth for mining, petroleum and agricultural industries.</p>	<p>Applicable &amp; Consistent.</p> <p>SEPP State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 permits mining and extractive industries with consent wherever an LEP permits agriculture or industry.</p> <p>The current RU2 Rural Landscape zone permits extensive agriculture without consent and other rural uses with consent.</p> <p>The E4 zone proposed over the majority of the land permits horticulture, bee keeping and some other rural activities with consent, and the E3 zone to apply to part of the land permits extensive agriculture, horticulture, farm buildings, etc., with consent.</p>
<b>SEPP (Vegetation in Non-Rural Areas) 2017</b>	



<b>State Environmental Planning Policies</b>	
<b>SEPP</b>	<b>CONSISTENCY</b>
<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> <li>(a) to establish the process for assessing and identifying sites as urban renewal precincts,</li> <li>(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</li> <li>(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.</li> </ul>	<p>Applicable &amp; Consistent.</p> <p>Currently not applicable as this SEPP does not apply to land zoned RU2, but it will apply when the lands are rezoned to E3 and E4, meaning clearing Permits and land clearing activities will generally be brought under Council's control.</p>
<b>SEPP (Aboriginal Land) 2019</b>	
<p>Aims:</p> <ul style="list-style-type: none"> <li>(a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and</li> <li>(b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</li> </ul>	<p>Not applicable.</p> <p>The land is not identified in the mapping supporting this SEPP.</p>
<b>SEPP (Primary Production and Rural Development) 2019</b>	
<p>Aims</p> <ul style="list-style-type: none"> <li>(a) to facilitate the orderly economic use and development of lands for primary production,</li> <li>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</li> <li>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</li> <li>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</li> </ul>	<p>Not applicable.</p> <p>The subject land is not mapped as prime agricultural land.</p>

<b>State Environmental Planning Policies</b>	
<b>SEPP</b>	<b>CONSISTENCY</b>
<p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p>	
<b>SEPP Infrastructure</b>	
The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.	Not Applicable unless in relation to development carried out by on behalf of Council or a NSW Agency
<b>Deemed State Environmental Planning Policies – Assessment</b>	
<b>Deemed SEPP</b>	<b>Consistency</b>
<b>Sydney Region Environmental Plan No. 8 Central Coast Plateau Areas</b>	<b>Comment</b>
<p>The relevant aims of the deemed SEPP are:</p> <ul style="list-style-type: none"> <li>- to provide a basis for evaluating competing land uses</li> <li>- to direct development for non-agricultural purposes to land of lesser agricultural capability and</li> <li>• to encourage the preparation of draft LEPs based on merits</li> </ul>	Not Applicable.
<b>SREP No. 9 Extractive Industry (No2 – 1995)</b>	
<p>2 Aims, objectives</p> <p>(a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance.</p>	<p>Applicable and consistent.</p> <p>SEPP State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 permits mining and extractive industries with consent wherever an LEP permits agriculture or industry.</p> <p>The current RU2 Rural Landscape zone permits extensive agriculture without consent and other rural uses with consent.</p> <p>The E4 zone proposed over the majority of the land permits horticulture, bee keeping and some other rural activities with consent, and the E3 zone to apply to part of the land permits extensive agriculture, horticulture, farm buildings, etc., with consent.</p>

State Environmental Planning Policies	
SEPP	CONSISTENCY
(b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 1 or 2, and	Consistent. The subject land is not identified within Schedule 1 or 2 (nor on the map).
(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.	Consistent. The subject land is not located near affected lands.
3 Future development controls for extraction from Schedule 1 or 2 land	The subject land is not identified within Schedule 1 or 2 (nor on the map).
(a) council should not prepare a draft local environmental plan to prohibit development for the purpose of an extractive industry on land described in Schedule 1 or 2.	
State Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No2 – 1997)	
Aims Objectives and Special Provisions of SREP 20 3 Aim of this plan The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	Not applicable The land is not mapped under the SREP

**Table 4 – State Environmental Planning Policy Assessment**

4. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

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

Ministerial Section 9.1 Directions	
Direction	Comment
<b>Employment &amp; Resources</b>	
<b>1.1 Business &amp; Industrial Zones</b>	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified centres. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Not Applicable.
<b>1.2 Rural Zones</b>	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land	Applicable. The direction states that a Planning Proposal must not rezone land from a rural zone to a residential,

<b>Ministerial Section 9.1 Directions</b>	
<b>Direction</b>	<b>Comment</b>
<p>within an existing or proposed rural zone.</p>	<p>business, industrial, village or tourist zone.</p> <p>A planning proposal may be inconsistent with the terms of this direction if;</p> <ul style="list-style-type: none"> <li>- the council can satisfy the Department of Planning Industry &amp; Environment (DoPIE) that the provisions of the planning proposal that are inconsistent are justified by a study (prepared in support of the planning proposal) which considers the objectives of this direction, or</li> <li>- the proposal is of minor significance</li> </ul> <p>No state government recognised study to justify this rezoning exists. The rural zone will not be retained, as Environmental zones are proposed. Therefore the proposal does not contain provisions that will increase the permissible density of land within a rural zone.</p> <p>The subject land is not mapped as being 'prime agricultural land', nor Biophysical Strategic Agricultural Land</p> <p>The land is zoned RU2 – Rural Landscape, but not RU1 – Primary Production.</p> <p>The proposal is not considered to be alienating agricultural production.</p> <p>The inconsistency of the proposal with this Direction is of minor significance.</p>
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<p>Applicable and consistent.</p> <p>SEPP State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 permits mining and extractive industries with consent wherever an LEP permits agriculture or industry.</p> <p>The subject land is underlain by Coal, which will be extracted by the operators of the Wallarah 2 Mine. The proponents have reached agreement with the mine owners (and provided a copy to Council) for appropriate compensation arrangements should surface development be impacted by the mine workings. The land is not mapped the 'preferred location of extractive industry'.</p> <p>SEPP State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 permits mining and extractive industries with consent wherever an LEP permits agriculture or</p>

<b>Ministerial Section 9.1 Directions</b>	
<b>Direction</b>	<b>Comment</b>
	<p>industry. The RU2 Rural Landscape zoning applies to the land currently and permits “extensive agriculture” without consent. The proposed E3 zone over 2 of the lots (the floodway) will continue to permit “extensive agriculture”, with consent. Farm buildings and other “rural” type activities are also permissible within the E4 zone.</p> <p>The proposal is consistent with this Direction.</p>
<b>1.4 Oyster Aquaculture</b>	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	<p>Not Applicable.</p> <p>There are no ‘Priority Oyster Aquaculture Areas’ (POAA) near the site.</p> <p>The proposal is consistent with this direction.</p>
<b>1.5 Rural Lands</b>	
<p>Objectives are to;</p> <ul style="list-style-type: none"> <li>- protect the agricultural production value of rural land;</li> <li>- facilitate the orderly and economic development of rural lands for rural and related purposes;</li> <li>- assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State;</li> <li>- minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses;</li> <li>- encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land;</li> <li>- support the delivery of the actions outlined in the New South Wales Right to Farm Policy.</li> </ul>	<p>Applicable and consistent.</p> <p>The subject land is not covered by Sydney Regional Plan No: 8 (deemed SEPP).</p> <p>The subject land is not mapped as being ‘prime agricultural land’.</p> <p>The land is zoned RU2 – Rural Landscape, but not RU1 – Primary Production.</p> <p>The proposal will not be inconsistent with the objectives.</p>
<b>Environment &amp; Heritage</b>	
<b>2.1 Environmental Protection Zones</b>	

<b>Ministerial Section 9.1 Directions</b>	
<b>Direction</b>	<b>Comment</b>
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable and Consistent. Further investigation post gateway will be required.</p> <p>The proposal is recommended to Council for support with further environmental investigations recommended to be carried out, as follows:</p> <ul style="list-style-type: none"> <li>appropriate level of survey (including targeted species surveys) in accordance with requirements of the <i>Biodiversity Conservation Act, 2016</i> and/or Office Environment &amp; Heritage (OEH) guidelines to demonstrate the avoidance and minimisation of impacts.</li> </ul>
<b>2.2 Coastal Management</b>	
<p>Aims to protect and manage coastal areas of NSW. Applies when a planning proposal applies to land in the Coastal Zone as defined under the Coastal Management Act 2016.</p>	<p>Not Applicable.</p> <p>The Coastal Zone is defined under the Coastal Management Act as those lands identified as coastal wetlands and littoral rainforests areas, coastal vulnerability environmental and coastal use areas which are mapped under SEPP Coastal Management. No 'coastal zone' areas are located in the vicinity of the subject site.</p>
<b>2.3 Heritage Conservation</b>	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>Further investigation post gateway will be required regarding this matter.</p> <p>The AHIMS database has not identified Aboriginal Cultural Heritage items within 1,000m of the subject land.</p> <p>Wyang LEP 2013 does not identify any European Heritage items within the proposal area.</p> <p>A comprehensive Aboriginal Archaeological and Cultural Heritage survey will be required to be undertaken in accordance with the NSW Office of Environment and Heritage investigation, assessment and reporting guidelines, inclusive of relevant consultation with indigenous groups. Should the proposal progress to receipt of a Gateway Determination, an investigation into Aboriginal heritage values will be required to be prepared.</p>
<b>2.4 Recreational Vehicle Areas</b>	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p>	<p>Applicable and consistent.</p> <p>The proposal does not seek to provide recreational vehicle areas.</p>

<b>Ministerial Section 9.1 Directions</b>	
<b>Direction</b>	<b>Comment</b>
Applies when the relevant planning authority prepares a planning proposal.	
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	
Aims to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and to minimise the impact of residential development on the environment and resource lands.  Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	Not Applicable. Proposal is not within or proposing residential zonings.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.  Applies when the relevant planning authority prepares a planning proposal.	Not Applicable. Caravan Parks are not permissible under the current RU2 zoning, or the proposed E3 or E4 zones.
<b>3.3 Home Occupations</b>	
Aims to encourage the carrying out of low impact small business in dwelling houses.  Applies when the relevant planning authority prepares a planning proposal.	Applicable and consistent. The proposed E3 and E4 zones permit Home Occupations without consent.
<b>3.4 Integrating Land Use &amp; Transport</b>	
Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing dependence on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for	Not Applicable.

<b>Ministerial Section 9.1 Directions</b>	
<b>Direction</b>	<b>Comment</b>
<p>efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	
<b>3.5 Development Near Regulated Airports and Defence Airfields</b>	
<p>Aims to ensure the effective and safe operation of regulated airports and defence airfields; to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land near a regulated airport which includes a defence airfield.</p>	<p>Not Applicable.</p> <p>The subject land is not located within the ANEF Contour 20 of the Warnervale Airport and any development on the land would be unlikely to exceed the Obstacle Limitation Surface Level.</p> <p>The land is not near a defence airfield.</p>
<b>3.6 Shooting Ranges</b>	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>Not Applicable</p> <p>The land does not lie adjacent or near to a shooting range.</p>
<b>3.7 Reduction in non- hosted short term rental accommodation period</b>	
<p>Applies when a Council prepares a planning proposal to identify or reduce the number of days that non- hosted short term rental accommodation may be carried out in parts of its local government area. Applies to Byron Bay Shire Council</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>Hazard &amp; Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land</p>	<p>Applicable and consistent.</p> <p>The subject land is not identified as having potential acid sulfate soils. The soils in the locality however have been identified as highly erosional.</p>



<b>Ministerial Section 9.1 Directions</b>	
<b>Direction</b>	<b>Comment</b>
having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	<p>Intensification of land uses on such soils can result in increased sedimentation of watercourses affecting aquatic habitat. Resultant impacts can include reduction in dissolved oxygen, promoting algal growth, diminished plant growth reducing the ability of nitrogen and phosphorus absorption.</p> <p>A soil suitability and capability assessment will be required to examine on-site waste water treatment options should the proposal be supported by the gateway. The proposed zoning, E4 with a 2Ha minimum area, will likely create lots of appropriate size. This report will influence future requirements for establishing minimum lot sizes as part of this planning proposal.</p>
<b>4.2 Mine Subsidence &amp; Unstable Land</b>	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study, strategy or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>Applicable.</p> <p>The subject land is located within an area which will be undermined by the Wallarah 2 underground coal mine.</p> <p>Longwall panels 1N – 6N are located below the revised planning proposal study area. The height of coal extraction in this locality is between 4.0 and 4.5m. Subsidence impacts in the area range between 0 – 1.5m. The maximum tilt predicted for the subject land is 5.0mm/m for longwall panels 1N – 4N and 10mm/m for longwall panels 5N – 10N. The proponents have reached agreement with the mine owners (and provided a copy of their signed Draft <i>Heads of Agreement</i> to Council), for appropriate compensation arrangements should surface development be impacted by the mine workings.</p> <p>Further consultation with DPIE will occur to discuss potential impacts of this project on the Jilliby Stage 2 planning proposal in addition to advice from the Subsidence Advisory NSW at consultation stage, in accordance with s3.34.</p>
<b>4.3 Flood Prone Land</b>	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts</p>	<p>Applicable and consistent.</p> <p>The subject land incorporates an unnamed water feature which is affected by the 1% Annual Exceedence Probability (AEP) flood event.</p> <p>The water feature impacts Lot 4 DP2467272 No.60 Sandra Street and Lot 11 DP 613648 No.70 Sandra Street. These lots are proposed to be rezoned to E3 Environmental Management and retain the 40 Ha minimum lot size.</p>

<b>Ministerial Section 9.1 Directions</b>	
<b>Direction</b>	<b>Comment</b>
	<p>The proponent may be required to undertake a flood study to determine the full level of flood affectation on the site, in addition to developing appropriate flood risk management plans should the proposal be supported by the gateway.</p> <p>All development is to comply with Council's LEP and also DCP requirements particularly with regards to Water Cycle Management, so as not to increase run-off from the site from pre-development conditions.</p> <p>The proposal is consistent with this Direction.</p>
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.9 North West Rail Link Corridor Strategy</b>	
<p>Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</p> <p>This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.10 Implementation of Regional Plans</b>	
<p>Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable and consistent.</p> <p>See section above on compliance with the Central Coast Regional Plan 2036. The proposal is consistent with most relevant actions. Further studies to ascertain compliance with remaining relevant actions will be required post Gateway.</p>
<b>5.11 Development of Aboriginal Land Council Land</b>	
<p>Aims to provide for the consideration of development delivery plans prepared under the State Environmental Planning Policy (Aboriginal Land) 2019.</p> <p>Applies when the relevant planning authority prepares a planning proposal for land shown on the Land Application Map of the SEPP (Aboriginal Lands) 2019.</p>	<p>Not applicable</p> <p>The land is not owned by an Aboriginal land council and it is not affected by the SEPP (Aboriginal Land).</p>

<b>Ministerial Section 9.1 Directions</b>	
<b>Direction</b>	<b>Comment</b>
<b>Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable and consistent.</p> <p>The planning proposal will not increase the need for referrals for development applications.</p>
<b>6.2 Reserving Land for Public Purposes</b>	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Not Applicable</p> <p>Subject proposal is not reserving land for public purposes.</p>
<b>6.3 Site Specific Provisions</b>	
<p>Aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Not Applicable,</p> <p>No specific land use or particular development is proposed.</p>
<b>Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney</b>	
<p>Aims to give legal effect to the planning principles, directions and priorities for sub regions, strategic centres and transport gateways contained in A Plan for Growing Sydney</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.2 Implementation of Greater Macarthur Land Release Investigations</b>	
<p>Aims to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	
<p>Aims to facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and the Parramatta Road Corridor</p> <p>Implementation Tool Kit. To provide a diversity of jobs and housing to meet the needs of a broad</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford) LGAs</p>

<b>Ministerial Section 9.1 Directions</b>	
<b>Direction</b>	<b>Comment</b>
<p>cross-section of the community and guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.</p> <p>This Direction applies to City of Parramatta Council, Cumberland Council, Strathfield Council, Burwood Council, Canada Bay Council and Inner West Council.</p>	
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	
<p>Aims to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy)</p> <p>This direction applies to Blacktown City Council, The Hills Shire Council and Hawkesbury City Council.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
<p>The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan).</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
<p>The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis. This direction applies to Wollondilly Shire Council</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	
<p>The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts. This direction applies to Campbelltown City Council</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs)</p>
<b>7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</b>	

<b>Ministerial Section 9.1 Directions</b>	
<b>Direction</b>	<b>Comment</b>
The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan dated August 2018 (the Stage 1 Land Use and Implementation Plan). This direction applies to Liverpool, Penrith, Blue Mountains, Blacktown Campbelltown City and Fairfield City Councils, Camden and Wollondilly Shire Council.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs)
<b>7.9 Implementation of Bayside West Precincts 2036 Plan</b>	
The aim is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan). This direction applies to land within the Bayside local government area.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs)
<b>7.10 Implementation of Planning Principles for the Cooks Cove Precinct</b>	
The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles. This direction applies to land within the Cooks Cove Precinct in the Bayside local government area, as shown on Map Sheet LAP_001 Cooks Cove Precinct Section 9.1 Direction	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs)

**Table 5:** Section 9.1 Ministerial Direction Compliance

**Item No:** 4.1  
**Title:** Operation of the Central Coast Local Planning Panel in 2021  
**Department:** Governance and Environment and Planning

10 December 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14313540  
Author: Rachel Callachor, Local Planning Panel Support Coordinator  
Manager: Sarah Georgiou, Section Manager, Councillor Support  
Shane Sullivan, Unit Manager, Governance and Business Services  
Andrew Roach, Unit Manager, Development Assessment

### Report purpose

1. To schedule meeting dates for the Central Coast Local Planning Panel (CCLPP) for 2021; and
2. To consider delegating consideration of some minor matters to Council staff, in accordance with Section 2.20(8) of the *Environmental Planning & Assessment Act 1979*, in order to reduce the number of items considered by the Panel (and therefore reduce the required number of meetings).

### Recommendation

- 1 That the Panel receives and notes the report in relation to upcoming meeting dates and potential for delegation of matters to Council staff.**
- 2 That the Central Coast Local Planning Panel resolves, in accordance with Section 2.20(8) of the Environmental Planning & Assessment Act 1979, to delegate to Council staff the determination of matters as set out in Table 1 of this report.**
- 3 That the Central Coast Local Planning Panel adopts the proposed schedule of meeting dates for 2021 as set out in Table 2 of this report.**
- 4 That the Panel notes that the schedule of meetings can be amended by the Chair as required throughout the year (ie additional meetings added or meetings vacated as workload demands)**

### Background

At its Ordinary Meeting 11 May 2020, Council resolved to constitute the Central Coast Local Planning Panel and to appoint the inaugural members. In conjunction with the Chair, 15 meetings were scheduled for the 6 month period from June 2020 to December 2020, being one meeting every fortnight for the remainder of the 2020 calendar year. The number and frequency of meetings was determined by an analysis of development application pathways to determine the volume of work required of the Panel, noting that the Ministerial Directions would see more items considered by the Panel than had previously

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been considered by the elected Council. Between Jun 2020 and December 2020, 13 meetings were held and two cancelled (as there were insufficient agenda items).

All CCLPP meetings have been held by remotely, in line with the temporary COVID-19 arrangements under *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). These arrangements continue to 25 March 2021 (see *Attachment 1*). At this stage it is unclear whether the option of remote meetings will continue longer term.

Based on the conduct of the meetings to date, the estimated cost the Panel sitting fees and travel expenses for each meeting is around \$6,570. Including the additional cost of Council staff, including secretariat services, the cost per meeting is estimated at \$11,865.

It is noted that these estimates are based on the conduct of remote meetings and it is reasonable to assume they would increase were meetings conducted in person (as a result of booking required meeting space, catering, cleaning, security and other arrangements based on the experience of meeting support staff in facilitating a range of meetings 'on premises').

It is appropriate that Council seek to balance the need for planning matters to be determined effectively with value for money services for the community.

In addition, it is noted that as part of the NSW Government response to economic impacts of Covid19, the NSW Department of Planning Industry & Environment has released the '*Planning System Acceleration Program*', including aims of which include to increase the pace of assessment/decision making for Development Applications. One of the mechanisms available to hasten the pace of development determination is to reduce the number of matters being considered by both Regional and Local Planning Panels, through an increased level of delegation from Planning Panels to staff for minor/less significant matters.

With regard to the required number of Local Planning Panel meetings, considering the cost to Council of hosting such meetings, and in line with the Government direction in speeding up the process of development assessment functions (including opportunities for delegation of matters back to Council staff), there are a number of matters to consider and note:

1. The option of delegating some matters back to Council staff, as set out in Section 2.20(8) of the *Environmental Planning & Assessment Act 1979*. This matter is discussed later in this report;
2. Establishment and endorsement, by Council, of an '*Approved Submissions Policy*' as noted in the Ministerial Directions and set out by the Department of Planning Industry & Environment in guidance notes for Local Planning Panels. Note that Council resolved, at its meeting of 24 August 2020, that such a policy be prepared and returned to the Council for consideration. Such a policy may impact on the number of applications referred to the Local Planning Panel for determination. Council staff are currently drafting an Approved Submissions Policy in accordance with Department guidance and this will be returned for consideration by Council; and
3. The number of Local Planning Panel meetings recognising the impact of actions 1 and 2 and also noting options for:
  - Making use of electronic determinations and dealing with matters which do not require a public meeting; and
  - Dealing with a slightly higher number of matters per meeting.

## Delegation of Matters to Council Staff

### Development Applications Currently Determined by Panel

Ministerial Directions titled '*Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents*' dated 30 June 2020 provide details as to the development applications that are to be considered/determined by the Local Planning Panel.

The current Ministerial Directions provide for a wide range of matters to be determined by the Local Planning Panel – including a significantly larger number of applications than would have been dealt with by the elected Council prior to the constitution of the Panel (by way of comparison, the Local Planning Panel deals with approximately three times the number of applications previously dealt with by the elected Council).

### Opportunities Delegation of Matters to Council staff

The *Environmental Planning & Assessment Act 1979* sets out (at Section 2.20(8)) that the Panel may, at its discretion, delegate any of its functions to the CEO/General Manager or staff of the Council to determine.

Section 2.20(8) of the Act, in part, states:

*'A Local Planning Panel may delegate any function of the panel under this or any other Act (other than this power of delegation) to the general manager or other staff of the council...'*

As such, the Central Coast Local Planning Panel may see fit to take such an action in cases where the Ministerial Directions that determine which applications are forwarded to the Panel seem overly strict or catch applications that, due to their minor nature, are such that the referral to the Panel is unnecessary.

### Targets for Improved Application Processing Times

As part of its response to economic impacts of Covid19, the NSW Department of Planning Industry & Environment has released the '*Planning System Acceleration Program*'. Part of the program (the *Council Accelerated Assessment Program*) aims to support Councils and planning panels in fast-tracking assessment for Development Applications.

One of the mechanisms available to hasten the pace of development determination is an increased level of delegation from Planning Panels to staff – including consideration for both Regional and Local Planning Panels to delegate matters of lesser significance back to Council staff.

The *NSW Public Spaces Legacy Program* (part of the *Planning System Acceleration Program*) links heavily to the NSW Governments direction/aims in improving assessment timeframes. As part of Central Coast Council response to the Public Spaces Legacy Program (August 2020) one of the matters raised was requesting that the Local Planning Panel delegate a number of matters back to Council staff. The report noted that a report would be forthcoming to the Panel with a recommendation to '*delegate some smaller/less significant Local Planning Panel matters back to Council staff*' and that '*a formal report will be presented to the LPP to formalise this arrangement*' and a note that '*our Local Planning Panel is relatively new, and we are still working through the best arrangements for a number of matters*'.



Recommended Delegation to Council Officers

It is recommended that the Local Planning Panel consider delegating the following matters to the appropriately delegated officers (see table 1) of the Council

**Table 1 – Proposed Delegation of Matters to Council Officers**

Application Type	Current Trigger for Referral to Local Planning Panel	Proposed New Trigger
Development for which the applicant or land owner is the Council Under Schedule 2.1(a) of the Ministerial Directions	All applications where Council is the applicant or land owner, unless otherwise provided in Schedule 2	In addition to the exemptions provided in Schedule 2 of the Ministerial Directions, development applications where Council is land owner or applicant, for: <ul style="list-style-type: none"> <li>▪ events or</li> <li>▪ works not exceeding \$1million in capital value,</li> </ul> but only where less than 15 unique written objections have been received  (to be delegated to CEO, Director Environment & Planning and/or Unit Manager Development Assessment, Central Coast Council, or equivalent roles).
Contentious Development (objections)	Development that is the subject of 10 or more unique submissions by way of objection	Development that is the subject of 15 or more unique submissions by way of objection.  (to be delegated to CEO, Director Environment & Planning and/or Unit Manager Development Assessment, Central Coast Council, or equivalent roles).

**Meeting schedule**

Council staff have reviewed the schedule structure and proposed that meetings will be held once every month, with the following exceptions:

- January (previous Panel agreement to not hold a meeting in January).
- February (previous Panel agreement for 4 February. Additional meeting added to align to monthly schedule).
- June (additional meeting to meet anticipated demand).
- December (recommend to bring to the second Thursday of the month, and additional meeting to meet anticipated demand).

**Table 2: Proposed Meeting Schedule**

Month	Date – meeting mode
January	No meeting scheduled
February	4 <sup>th</sup> – remotely online
February	25 <sup>th</sup> – remotely online
March	4 <sup>th</sup> – remotely online
April	8 <sup>th</sup> – remotely online
May	13 <sup>th</sup> – remotely online
June	10 <sup>th</sup> – remotely online
June	24 <sup>th</sup> – remotely online
July	22 <sup>nd</sup> – remotely online
August	19 <sup>th</sup> – remotely online
September	23 <sup>rd</sup> – remotely online
October	28 <sup>th</sup> – remotely online
November	25 <sup>th</sup> – remotely online

December	9 <sup>th</sup> – remotely online
December	14 <sup>th</sup> – remotely online

Additional public meetings may be held where there is a need to avoid unreasonable delay in the determination of applications. These meetings would be held on a date mutually agreed by Council staff and the Panel Chair.

### **Electronic Determination of applications as business undertaken outside of meetings**

*Local Planning Panels Directions – Operational Procedures* state that development applications with fewer than 10 unique submissions, and all Planning Proposals, are able to be considered and determined by electronic circulation of papers. Panel members remuneration for this work is per the schedule, as *business undertaken outside of meetings*.

It is recommended that the Panel give consideration to a stricter application of this provision, to ensure only matters which meet the public interest criteria are included in a public meeting. Where no request has been submitted by applicants or their representatives to address the Panel, and the public meeting trigger is not met, applications would only be heard via electronic determination.

Determining relevant matters outside of the listed public meeting dates may provide additional time for the applications which meet the public interest criteria only, to be heard at the public meeting.

Any number of matters can be considered via electronic circulation of papers.

Changes were made in August 2020 by the NSW Government to the way Local and Regional Planning Panels work to make them more efficient and to improve the assessment and determination times of development applications. These changes included:

- *allow, at the Chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material*

The stated preferences of the Chair in relation to the above aspect is that discussions between the Panel and applicant are heard publicly, and the briefing only covers confidential or commercially sensitive material. Requests for a private briefing are considered by application only, and on a case-by-case basis. Adjustments can be made in other circumstances regarding acceptance of private briefing.

Decisions that are made by electronic circulation of papers are recorded in minutes that are publicly available on the Panel's website.

### **Meeting format**

The 2020 Local Planning Panels have been held remotely (online). Feedback from the Panel, Council staff, and applicants and others who have attended the remote meetings has been positive. Remote meetings have provided greater flexibility, including the option for applicants and others to attend the meeting during business hours and at various location within and outside of the local government area.

It is proposed meetings continue to be held remotely (online) in 2021 as long as the legislation provides for this. This will enable the amount of meeting time available to discuss and determine applications to be maximised. The remote format provides for scheduling of site visits on a separate day from the

meeting, resulting in reduced travel times and costs. Allowing for travel on meeting days will impact the number of items listed on the agenda, to ensure site visit time and meeting day activities, including briefings, which are conducted prior to the public meeting are able to be scheduled.

Should the relevant provisions change, meetings will alternate between Council's offices in Gosford and Wyong.

### **Panel member selection**

Changes have been made to Panel member selection process for meetings, to provide flexibility in the selection of Independent and Community Panel representatives.

For example: If an application to be determined has specific heritage, planning, urban design or other specific subject matter, it would be appropriate for arrangements to select panel members whose experience in those field(s), and who are available, as opposed to pre-determining the Panel months in advance, for all the meetings.

Panel members will be asked to provide their availability for the 2021 meeting dates. Council staff and the Panel Chair will work together to select members from a pool of those available. Due notice will be provided to the members selected to be on the Panel at a meeting. Panel selection will rotate, and final selection remains subject to any conflict of interest.

No changes are proposed to the 2021 scheduling for Chair and Co-Chairs.

### **Financial Considerations and Details**

The payment to Panel members is outlined in the remuneration determination (see attachment 2 *Remuneration for members of Local Planning Panels*).

#### Summary

- *Chairperson or the alternate chairperson:* \$2,000 plus GST and \$285 per hour for business undertaken outside of meetings.
- *Independent person:* \$1,500 plus GST and \$214 per hour for business undertaken outside of meetings.
- *Community Panel members:* \$500 plus GST and \$71 per hour for business undertaken outside of meetings.

Panel members are also entitled to claim for travel expenses, which includes fuel costs (as per *Local Government State Award 2020*) and any tolls costs only. The estimated costs for these expenses are variable as are dependent on the location of both the Panel member and the site visits. Community Panel members all reside within the Local Government Area.

### **Critical Dates or Timeframes**

A meeting schedule is required for 2021. Determination of the Panel meeting schedule ensures Panel members are notified and confirmed as available for scheduled meetings.

In addition, the current panel membership is due to cease on 11 July 2021. A report will be provided to Council for the purpose of determining future membership.

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020 (2020-177) 30 April 2020 and Extension of Prescribed Period | D14301786 |
| <b>2</b> | Remuneration for members of Local Planning Panels - 23 February 2018   | D14301823 |



New South Wales

# **Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP  
Minister for Planning and Public Spaces

## **Explanatory note**

The object of this Regulation is to provide for public hearings and public meetings of planning bodies to be held by means of an audio link or audio visual link for 6 months during the COVID-19 pandemic.

The relevant planning bodies are the Independent Planning Commission, Sydney district planning panels, regional planning panels, local planning panels and panels established by the Minister or Planning Secretary under section 2.3 of the *Environmental Planning and Assessment Act 1979*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 2.3(7), 2.16(3)(a), 2.20(3)(a) and 10.13 (the general regulation-making power) and clause 8(a) of Schedule 2.

Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020 [NSW]

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**Environmental Planning and Assessment Amendment  
(COVID-19 Planning Bodies) Regulation 2020**

under the

Environmental Planning and Assessment Act 1979

**1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020*.

**2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020 [NSW]  
Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

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## **Schedule 1      Amendment of Environmental Planning and Assessment Regulation 2000**

### **Clause 294**

Insert after clause 293—

#### **294      Special provisions for public hearings or public meetings of planning bodies during COVID-19 pandemic**

- (1) This clause applies to public hearings or public meetings of planning bodies held during the prescribed period.
- (2) The public hearing or public meeting must—
  - (a) be held by means of an audio link or audio visual link, and
  - (b) be able to be heard or viewed by electronic means by a member of the public at the time it is held.
- (3) A notice of the public hearing or public meeting must include information about how a member of the public may hear or view the hearing or meeting.
- (4) During the public hearing or public meeting, the planning body may adjourn the hearing or meeting to a specified time or date if the planning body considers the adjournment necessary.
- (5) To avoid doubt, any notice required to be given of the public hearing or public meeting is not required to be given in respect of the adjournment.
- (6) A requirement that a person attend the public hearing or public meeting is taken to be satisfied if the person participates by means of an audio link or audio visual link.
- (7) Clause 25(3) of Schedule 2 to the Act applies to a public hearing of a planning body in the same way it applies to a public meeting of a planning body.
- (8) This clause extends to all public hearings or public meetings of planning bodies held during the prescribed period regardless of whether the requirement to hold the hearing or meeting arose before the prescribed period.
- (9) Despite subclause (8), a notice given before the commencement of this clause is not invalid because it does not include the matter required by subclause (3).
- (10) In this clause—

*planning body* has the same meaning as it has in Schedule 2 to the Act.  
*prescribed period* has the same meaning as it has in section 10.17 of the Act.

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## Environmental Planning and Assessment Regulation 2000

Current version for 1 October 2020 to date (accessed 16 November 2020 at 11:04)

[Part 17](#) > [Clause 294A](#)

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### **294A COVID-19 pandemic—extension of prescribed period**

The *prescribed period* referred to in section 10.17 of the Act ends on 25 March 2021.



**REMUNERATION DETERMINATION**

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Planning determine under clauses 14 and 15 of Schedule 2 to the *Environmental Planning and Assessment Act 1979* that the members of a local planning panel are to be paid the following remuneration:

- in the case of the chairperson or the alternate of the chairperson—
  - a minimum of \$2,000 plus GST per meeting and \$285 per hour for business that is undertaken outside of meetings
  - if the person was the chairperson of that panel immediately prior to 1 March 2018, their existing rate of remuneration,whichever is the higher,
- in the case of an independent person or the alternate of an independent person—
  - a minimum of \$1,500 plus GST per meeting and \$214 per hour for business that is undertaken outside of meetings or
  - if the person was a member of that panel immediately prior to 1 March 2018, their existing rate of remuneration,whichever is the higher,
- in the case of the representative of the community or the alternate of a representative of the community—
  - a minimum of \$500 plus GST per meeting and \$71 per hour for business that is undertaken outside of meetings or
  - if the person was a member of that panel immediately prior to 1 March 2018, their existing rate of remuneration,whichever is the higher.

The minimum per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed.

The hourly rate applies to any business such as electronic determinations that the panel conducts that is not connected to one of its meetings.

All members are also entitled to their reasonable travel and out of pocket expenses.

Anthony Roberts MP  
Minister for Planning

Dated: 23/2/xiii