

Rose Brown-Mason

From: William Oxley <william.oxley@dpi.nsw.gov.au>
Sent: Thursday, 25 November 2021 3:32 PM
To: Scott Duncan
Cc: Rod Mergan; Daniel Simpkins; Brendan Mee
Subject: RE: RE: 45 Mulloway Road Exhibition
Attachments: BCD Letter - 45 Mulloway Road, Chain Valley Bay - Planning Proposal - PP_2020_CCOAS_002_00 - Oct 2020.pdf; RE: 45 Mulloway Road Exhibition

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Hi Scott,

Thanks for your email and providing a summary of the current status of the planning proposal at 45 Mulloway Road, Chain Valley Bay.

I understand that the Biodiversity Conservation Division (BCD) have recommended the planning proposal and BCAR be exhibited concurrently to reduce the risk of re-exhibition should there be substantial amendments to the planning proposal to align with the certified BCAR. It's noted that this is not a requirement however considered best practice.

In this instance, the Local and Regional Planning Division recommend proceeding with exhibition given the Gateway condition to finalise the planning proposal by 28 January 2022.

Council and the proponent should continue discussions with BCD to ensure that the BCAR is finalised within a reasonable timeframe. Should any amendments to the BCAR warrant an amendment to the planning proposal, we can advise whether the extent of the amendment warrants re-exhibition.

Kind regards,

Will

William Oxley
Manager Local and Regional Planning
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The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Scott Duncan <Scott.Duncan@centralcoast.nsw.gov.au>
Sent: Thursday, 25 November 2021 2:57 PM
To: William Oxley <william.oxley@dpi.nsw.gov.au>
Cc: Rod Mergan <Rod.Mergan@centralcoast.nsw.gov.au>
Subject: FW: RE: 45 Mulloway Road Exhibition

Hi Will,

Further to the response to Rod below and our conversation yesterday you will have received the attached response from BCD (1st attachment).

We note your comment to BCD regarding condition 1b of the Gateway Determination. The BCD response to pre-exhibition agency consultation of 15/10/20 (2nd attachment) came with a group of recommendations for consideration, most notably *"BCD recommends that the proposed E2 (Environmental Conservation) zone is aligned with the E2 zone on adjacent properties."* Given the uncertainty these recommendations provided, the proponent subsequently made the decision to go through the biocertification process with BCD in order to resolve this and any other issues identified.

Council has prepared a Planning Proposal for public exhibition in accordance with the Gateway Determination of 28/7/20 as amended by the revised Gateway Determination of 28/4/21. It is noted that the current Gateway Determination expires 28 Jan 2022. Given the current position of BCD (as per the attachments), Council would be unable to complete the public exhibition of this Planning Proposal and seek Council endorsement if required to wait for BCD concurrence and the BCAR process to be completed. While it is generally Council's position that such issues be completely resolved prior to public exhibition it is noted that in this instance that it is likely outstanding issues can be reasonably resolved if the location of the zone boundary is agreed to, as the majority of the land outside of the corridor is cleared (except for scattered paddock trees outside of the proposed E2 Zone).

As discussed, Council requests that BCD provide updated advice that the width and location of the proposed E2 zoned portion of the site is satisfactory to enable the application to be publicly exhibited with a draft BCAR application as a supporting document. It is noted that the Planning Proposal for 15 Mulloway Rd is currently being exhibited in this manner.

Cheers


Scott Duncan
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From: William Oxley <william.oxley@dpie.nsw.gov.au>

Sent: Tuesday, 23 November 2021 12:15 PM

To: Rod Mergan <Rod.Mergan@centralcoast.nsw.gov.au>; Trent Wink <Trent.Wink@planning.nsw.gov.au>

Subject: CM: RE: 45 Mulloway Road Exhibition

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Hi Rod,

Apologies that you've needed to follow this one up.

We advised the Biodiversity Conservation Division (BCD) on 4 November 2021 that the Local and Regional Planning Division considered condition 1(b) of the Gateway determination to have been satisfied in the amended planning proposal provided by the landowner.

I've followed up with Brendan Mee at BCD to determine if there's anything else outstanding.

Cheers,

Will

William Oxley
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From: Rod Mergan <Rod.Mergan@centralcoast.nsw.gov.au>

Sent: Tuesday, 23 November 2021 8:59 AM

To: William Oxley <william.oxley@dpie.nsw.gov.au>; Trent Wink <Trent.Wink@planning.nsw.gov.au>

Subject: FW: 45 Mulloway Road Exhibition

Hi Will and Trent,

Just been asked to see if we could get an update on the below if possible.

Thanks

Rod Mergan

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From: Rod Mergan <Rod.Mergan@centralcoast.nsw.gov.au>

Sent: Tuesday, 16 November 2021 12:51 PM

To: William Oxley <william.oxley@dpi.nsw.gov.au>; Trent Wink <Trent.Wink@planning.nsw.gov.au>

Cc: Scott Duncan <Scott.Duncan@centralcoast.nsw.gov.au>

Subject: FW: 45 Mulloway Road Exhibition

Hi Will and Trent,

Council received the email below from the applicant for the Planning Proposal (PP) at 45 Mulloway Rd Chain Valley Bay (PP_2020_CCOAS_002_00) recently.

We are preparing to get this PP on public exhibition and were wondering if there was an update on the status of the BCD comments?

Similar to the PP currently on exhibition for 15 Mulloway Road, we don't see that there is a need for the BCAR to be ready for exhibition for Council to exhibit the PP as we understand the BCAR will be subject to its own separate 30 day public exhibition process.

We just need confirmation from both BCD and DPIE (as per Condition 2b of the Gateway Determination) that both are satisfied with the extend of E2 zoned land as proposed as earlier BCD comments has requested the position of the E2 zone altered. Once this information has been provided, Council will proceed to exhibit the Planning Proposal.

Thanks

From: Tom Copping <tom@vivacityproperty.com.au>

Sent: Tuesday, 2 November 2021 10:18 AM

To: Rod Mergan <Rod.Mergan@centralcoast.nsw.gov.au>; Gavin Maberly-Smith <gavin@coastplan.com.au>; Michael Sheather-Reid <msheatherreid@traverseecology.com.au>; John Rowley <john@vivacityproperty.com.au>

Cc: David Milliken <David.Milliken@centralcoast.nsw.gov.au>; Kathryn Heintz

<Kathryn.Heintz@centralcoast.nsw.gov.au>; Scott Duncan <Scott.Duncan@centralcoast.nsw.gov.au>

Subject: 45 Mulloway Road Exhibition

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Hi Rod

I hope you are well – Just tried to call you to catch up on the current status of the planning proposal.

Vivacity met with DPIE last week and it was resolved that the planning proposal is consistent with the gateway conditions. All conditions have been met, and we now have the authority from DPIE to exhibit the proposal.

Subject to completing some additional species surveys this month we will be submitting an amended BCAR to BCD for final review and signoff. We could therefore expect that public exhibition could occur in December (subject to BCD's timeframes).

On this basis may we request Council to prepare the exhibition material in anticipation of a December exhibition.

Thanks for your assistance and let me know if you need anything further to assist.



Tom Copping
Planning Manager

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