

## **Amendments to the CCLEP Planning Proposal – Post Gateway**

This document outlines the changes made to the Consolidated Central Coast Local Environmental Plan (CCLEP) - Planning Proposal following the Gateway Determination issued 26 October 2019. This outline does not include amendments as a result of spelling or grammatical errors.

The Gateway Determination was based on the CCLEP Planning Proposal dated March 2017 and as amended August 2017.

The changes have been incorporated into the Exhibition Version of the Planning Proposal dated December 2018.

### **1. Amendment to wording a result of Gateway Determination being issued**

The Planning Proposal was updated to reflect the stage of the planning proposal post gateway and the planning proposal process post gateway. Amendments have been made to the 'Background and Locality Context' on pg. 1

### **2. Amendments in accordance with direct conditions of the Gateway Determination**

- a. Update to 'Part 1 Objectives and Intended Outcomes' on pg. 2 to confirm LEP is not a comprehensive review of all planning controls but a consolidation of the existing instruments.
- b. Greater explanation around only land use prohibited in all zones – Heavy Industry in 'CCLEP Part 2 Permitted or Prohibited Development' on pg. 9
- c. Added in permissibility of caravan parks in R1 instead of listing as APU – removed from Table 6 in 'Part 1 Objectives or Intended Outcomes' on pg. 14
- d. Strategic assessment of infrastructure demands for 450m2 Minimum lot size in R2 zone including Map. Outlined in Table 25 pg. 45, and 'Section D – State and Commonwealth Interests' pg. 109 - 112
- e. Amend clause 7.10 as requested in Gateway Determination from \$5M to \$1M. Outlined in Table 34 pg. 69
- f. Update to Sec. 9.1 assessment (also noted below)
- g. Update to SEPP assessment SEPP 19, SEPP 55, SEPP 9, SEPP Vegetation in Non-Rural Areas pg. 100 and Attachment 01

### **3. Additional text to provide greater clarity and explanation**

- a. General text in 'Part 1 Objectives or Intended Outcomes' on pg. 2,
- b. Re: boarding houses in 'CCLEP Part 1 Preliminary' on pg. 7
- c. Text related to URA's Table 33 pg. 64
- d. Text noting that cl 7.11 of WLEP 2013 Key Sites can be removed if the CCLEP is finalised after 23 December 2018. Table 34 pg. 72
- e. Text noting the inclusion of a new clause (draft cl 7.22 CCLEP) relating to dwelling houses, bed and breakfast accommodation and home occupations in the E2 Environmental Conservation zone is proposed as an interim approach until an LGA wide Environmental Lands Review is undertaken in Table 34 pg. 73 .
- f. Text added in 'CCLEP Schedule 5 Environmental Heritage' section pg. 81 outlining that those heritage items proposed to be removed from the GLEP 2014 or WLEP

2013 (not included in CCLEP 2018) include those items that have been resolved to be removed by Council.

- g. Text added in 'CCLEP Schedule 5 Environmental Heritage' section pg. 81 outlining that some of the amendments proposed to schedule 5 of CCLEP include changes as a result to a change in property descriptions of existing heritage items.
- h. Additional map provided to show all deferred Matters land that is also COSS is proposed to be zoned E2

#### **4. Update to Planning Proposal due to new SEPPs**

The Planning proposal and attachments have been updated having consideration for new SEPPs introduced after the Gateway Determination was requested in 2017. These include:

- a. SEPP (coastal Management) 2018
- b. SEPP (Educational Establishments and Childcare Facilities) 2017
- c. SEPP (Gosford City Centre) 2018
- d. SEPP (Vegetation in Non-Rural Areas) 2017. Attachment 01

#### **5. Update of Section 9.1 directions**

The assessment against the Section 9.1 Directions has been updated. These include minor changes to update the aims/intent of the direction, adding in new directions (e.g. those applying in the Sydney Commission area – which aren't applicable to the CC), as well as more major changes (e.g. 2.1 Environmental Conservation and 3.1 Residential zones) to reflect agency submissions or add additional detail and outcomes of investigations (e.g. servicing assessment outcomes).

#### **6. Removal of Gosford City Centre from CCLEP**

As a result of the introduction of *State Environmental Planning Policy (Gosford City Centre) 2018* on 12 October 2018 the Planning Proposal was amended to exclude all land within the Gosford City Centre and any proposal to incorporate provisions from Part 8 of GLEP 2014. These amendments to the Planning Proposal have been made to the 'Background and Locality Context' on pg. 1, 'CCLEP Part – Preliminary' on pg. 6, 'CCLEOP – Part 8 Additional Local Provisions – Gosford City Centre' on pg. 74, 2.3 Mapping Table 38 pg. 94

#### **7. Inclusion of list of amendments that may be made prior to CCLEP being made**

Council's General Counsel required the inclusion of a list in the Planning Proposal of other current planning proposals under consideration by CCC which may be incorporated into WLEP 2013 or GLEP 2014 prior to the CCLEP being made and hence being included in the final CCLEP. This list is included in 'Part 1 Objectives or Intended Outcomes' on pg. 3

#### **8. Change to land use permissibility's**

- a. Water recycling facility originally proposed in W1 and W2 – however upon further consultation proposed to exclude from W1 and W2 zones in 'CCLEP Part 2 Permitted or Prohibited Development' on pg. 9

#### **9. Changes as a result of the Missing Middle – Housing Code**

The *Low Rise Medium Density Housing Code under SEPP (Exempt and Complying Development Codes) 2008* commenced in July 2018. Central Coast Council (CCC) was given

an exemption until 1 July 2019. Following the introduction of the SEPP, amendment was made to the Planning Proposal to include a minimum lot size of 550m<sup>2</sup> for attached dual occupancy and 700m<sup>2</sup> for detached dual occupancy. This amendment was made as the 400m<sup>2</sup> for dual occupancy as complying development under the housing code is not considered appropriate across the Central Coast. This is outlined in Table 25 on page 42 and 43 of the Planning Proposal.

#### **10. Inclusion of Old Farm Amendment 17 to WLEP 2013**

- a. Amendment 17 to WLEP 2013 commenced on 20 July 2018. This amendment introduced clause 4.1C to WLEP 2013. When this clause commenced there was an error in clause 4.1C (d) which changed the intent of the clause. The intended (and final) wording was included in the draft CCLEP to ensure incorrect wording was not exhibited prior to the amendment 17 wording being corrected. The wording of clause 4.1C was amended under WLEP 2013 Amendment 33 published on 21 December 2018. As such the exhibited wording in CCLEP is consistent with the current WLEP 2013 Clause 4.1C.
- b. Update to Clause 4.6 to fix error as a result of Amendment 17 to WLEP 2013 removing Cl 5.3 and replacing with Clause 7.19 Development near zone boundaries.

#### **11. Change to HOB Mapping and clause**

- a. The original planning proposal noted that the building height bonuses would be consolidated into a new clause which builds on Clause 4.3A of GLEP 2014. Greater clarification was provided in the exhibited Planning proposal to outline the specific changes proposed. This included clause 4.3 (2A) and (2B) being redrafted to have the maximum HOB shown on the HOB map and the new CCLEP cl. 4.3A would outline where bonuses apply and what those bonuses are. The planning proposal provides a table that outlines the new mapped height and the applicable bonus within the clause. The achievable height using the bonus where applicable will not change from that in the GLEP 2014. This change ensures that the approach to bonuses is consistent in the North and South and that the clause does not work backwards from the maximum bonus. This is outlined in Table 26 on page 50, 51 and 52.
- b. Greater clarification is also provided to note that the town centres and 'street frontages' will be identified on the HOB map. This is outlined in table 26 on pg. 51.

#### **12. Change to FSR Mapping and clause**

- a. The original planning proposal noted that FSR bonuses would be transferred from WLEP 2013 and GLEP 2014. Greater clarification was provided in the exhibited Planning proposal to outline the specific changes proposed. This included the redrafting of clauses to map the maximum FSR with the clause noting when bonuses could apply and what those bonuses are. This does not change the FSR achievable on land within any of the centres from that currently permitted in the GLEP 2014. The planning proposal provides a table that outlines the new mapped FSR and the applicable bonus within the clause. This change ensures that the approach to bonuses is consistent in the North and South and that the clause does not work backwards from the maximum bonus. This is outlined in Table 27 on page 54 and 55.

- b. Greater clarification is also provided to note that the town centres and 'street frontages' will be identified on the FSR map. This is outlined in table 27 on pg. 56.

### **13. Removal of 0.5:1 FSR from R2 zoned land**

The Planning proposal was updated to remove the GLEP 2014 0.5:1 FSR restriction from the R2 zone. It is proposed to include controls applying to scale, setback and amenity within CCDCP. For dual occupancy development the DCP specifies an FSR of 0.5:1. Outlined in Table 27 on pg. 54 and Table 38 pg. 93

### **14. Updates due to amendment to Standard Instrument LEP (SI LEP)**

Updates were made to the planning proposal following amendments to the Standard Instrument LEP. These included the *SI LEP Amendment (Land Use Terms) Order 2018*

- a. The planning proposal was updated following the introduction of 'industrial retail outlets' within the *SI LEP*. A combination of *WLEP 2013* and *GLEP 2014* was proposed with 20% GFA or 400m<sup>2</sup> which followed the approach to provide the most flexibility.

### **15. Change to name of airport CCC Airport**

The planning proposal was updated to include the change of name for the Central Coast Airport previously known as Warnervale Airport. This update relates to Cl 7.7 and 7.8 of *WLEP 2013* and draft *CCLEP*. Outlined in Table 34 on pg. 68.

### **16. Amendment to Shop top housing clause**

The Planning Proposal was updated following the lodgement of a DA for shop top housing and a subsequent legal challenge that brought to Council's attention that *WLEP 2013* cl. 7.11 *shop top housing in certain business zones* was being interpreted differently to the intention of that clause when it was introduced in 2013. It was originally proposed to retain the clause unchanged; however, when the issue was brought to Council's attention a need arose to ensure that the clause was worded as per its original intent to limit shop top housing in the business zones prior to being introduced across the full CC LGA. As such the wording was amended following legal advice. Following exhibition Council proposes to further amend this clause as the exhibited version changes the percentage of the building allowed for shop top housing which was not the intent. Another slight change to the wording will fix this error and ensure that the percentage of the building able to be used for shop to housing is not changed from that intended within *WLEP 2013* which is 50% of the total GFA of that part of the building containing only the shop top housing and ground floor retail or business premises. This is outlined in Table 34 pg. 71.

### **17. Amendment to APU Map Label for Caravan Park at 47 Carolina Park Road**

The APU Map label was updated to clearly distinguish between '47 Carolina Park Road' and other caravan parks shown on the APU map and outlined in Schedule 1 of *CCLEP*. Outlined in Table 36 pg. 76

### **18. Update to Planning proposal to reflect amendments required to Schedule 5**

- a. In preparing the draft CCLEP errors were identified in relation to a number of heritage items, these include where typos had occurred in property descriptions, incorrect property descriptions were listed or lot descriptions were missing. These have been outlined in Table 38pg 83-87
- b. An additional property was added to the list of those to be removed from Schedule 5. This is House "Alpha" on Lot 4 DP 382701 as the former Gosford Council had resolved to delete this item at a meeting on 31 May 2011. This is consistent with another planning proposal to remove the item from IDO 122 which is awaiting finalisation.
- c. Noted that those heritage items listed in IDO 122 and GPSO were to be included in CCLEP Table 38 pg. 93

#### **19. Update to 2.3 Mapping and Part 4 Mapping**

- a. Section 2.3 of the Planning Proposal was updated to outline that where minor mapping anomalies had occurred under GLEP 2014 or WLEP 2013 they would be rectified to be consistent with the intent of the Planning proposal that the amendment resulted from. Lands that are proposed to be rezoned or amended are outlined in Attachment 04 to the Planning Proposal. Outlined in 2.3 Mapping, pg. 90. and Table 38 pg. 95
- b. Class 5 Acid sulphate soils mapped to 500m from any Class 1, 2, 3 or 4 soils as requested by DPE. Outlined in Table 38 pg. 90
- c. Two Caravan Parks added as APU's in E4 zone outlined in Table 38 pg. 91
- d. Added Drinking Water Catchment Map for full LGA consistent with WLEP 2013 DWC Map. Outlined in Table 38 pg. 91
- e. Removal of 8.5m Height for properties zoned E2, E3 or E4 under GLEP 2014. Outlined in Table 38 pg. 92
- f. Clarification of amendments to FSR map relating to labelling and removal of 0.5:1 FSR for R2 outlined in Table 38 pg. 93.
- g. Note that KYS Map may be removed after 23 December 2018. Table 38 pg. 94
- h. Note LAP updated to exclude Gosford City Centre
- i. Amendment to the LRA map post agency consultation with RMS (see below)
- j. Specify references are to Map layers not map tiles Part 04 Mapping pg. 116
- k. Note that mapping is current at commencement of exhibition (6 Dec 2018) pg. 116
- l. Named additional Map Dwelling Opportunities Map (DWE)
- m. Added Dwelling Density Map (DWD) as per Amendment 17 to WLEP 2013

#### **20. Update to Planning Proposal Post Agency Consultation**

- a. Update to Section D State and Commonwealth Interests pg. 113 and Attachment 03 – Agency Responses
- b. Roads and Maritime Service requested the removal of Lot 12 DP 1174174 from the LRA Map as this is already in RMS ownership. Table 38 pg. 95
- c. RMS advised no longer requires the removal of the Narara Road Corridor from the LRAS map as such the properties were include don the CCLEP LRA map consistent with that shown in GLEP 2014. Table 38 pg. 95

- d. Amendment to some zone boundaries for National Parks as required by NSW National Parks and Wildlife Service. This also impacts on the MLS map to reflect the lot size for the appropriate zone. Table 38 pg. 96 and attachment 04 to the PP.
- e. Additional text added to provide clarity that the provisions of SREP 8 – Central Coast Plateau Areas and SREP 9 – Extractive Industry prevail in the event of any inconsistency.

### **21. Change to approach for dwelling houses, B&B and home occupation in E2**

Rather than applying an APU to sites in the former Gosford LGA that are proposed to be zoned E2 a new local clause is now proposed to permit dwelling houses, bed and breakfast accommodation and home occupations where a dwelling entitlement existed prior to the making of the CCLEP. A Map is also proposed relating to this new clause. This amendment also added in bed and breakfast accommodation consistent with IDO 122 7a zone and GLEP 2014 E2 zone land use permissibility's. Outlined in 'Section C – Environmental, Social and Economic Impact' on pg. 104

### **22. Update to Project Timeline**

Part 6 Project Timeline was updated in line with the amended Gateway Determination issued 29 November 2018.

### **23. Supporting Documents**

The list of supporting documents was updated post gateway and reflected the additional information and studies as well as consultation undertaken

## **Conclusion**

It is considered that the above amendments are consistent with the Gateway Determination issued 26 October and as amended 29 November 2018. Amendment of this proposal has been to clarify the intent or position of Council that was presented in the original Planning Proposal, in response to conditions of the Gateway Determination, in response to state government agency requirements, including the DP&E, to address recent changes to legislation and to respond to current planning issues, legal advice and recent Land and Environment Court decisions. It should be noted that the amendment of state government policies has been beyond the control of Council; however, these changes have necessitated responses via amendments to the Planning Proposal as noted above.