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Central Coast Consolidated Local Environmental Plan
2022

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1 Introduction

1.1 The concurrent finalisation of two planning proposals

This report package includes the finalisation of two separate planning proposals, including:

- Central Coast Local Environmental Plan 2022 (Central Coast LEP); and
- land at 2, 14, 24 Collingwood Drive & 107 Matcham Road, Matcham (Matcham Planning Proposal).

Due to the timing of the finalisation requests for the Central Coast LEP and Matcham Planning Proposal, both will be finalised concurrently.

This report will provide the finalisation assessment of the Central Coast LEP. The assessment report for the Matcham Planning Proposal can be found at **Attachment A.1 and A.2**.

1.2 Central Coast Local Environmental Plan

In May 2016, the Department of Planning and Environment (the Department) released “Guidance for Merged Councils on Planning Functions”. This required merged councils to undertake a review of existing controls and where possible, align and harmonise planning policy, controls and standards through a future planning proposal.

The Central Coast LEP is the first step in the process of preparing a Comprehensive Local Environmental Plan for the Central Coast local government area (LGA) following the amalgamation of the former Wyong and Gosford Council areas.

The Central Coast LEP planning proposal is a consolidation of the following environmental planning instruments applying to the LGA:

- *Wyong Local Environmental Plan 2013* (Wyong LEP 2013);
- *Gosford Local Environmental Plan 2014* (Gosford LEP 2014); and
- *Interim Development Order Number – 146* (IDO 146).

Future stages of Council’s review will focus on the implementation of strategic plans and policy, and the transition of the following two instruments into the *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument LEP):

- *Interim Development Order Number – 122* (IDO 122); and
- *Gosford Planning Scheme Ordinance* (GPSO)

Chapter 5: Gosford City Centre under *State Environmental Planning Policy (SEPP) (Precincts - Regional) 2021* will remain in place.

1.3 Area description

The planning proposal applies to all land within the Central Coast LGA, except for land, identified in **Figure 1** comprising:

- Gosford City Centre – this land is subject to the provisions of *State Environmental Planning Policy (SEPP) (Precincts - Regional) 2021*; and
- private, State-owned and Crown land identified as a “Deferred Matter” under the *Gosford Local Environmental Plan 2014*. This means the IDO 122 and GPSO will continue to apply to land in Crown, State or private ownership. This land will continue to be deferred under the Central Coast LEP.

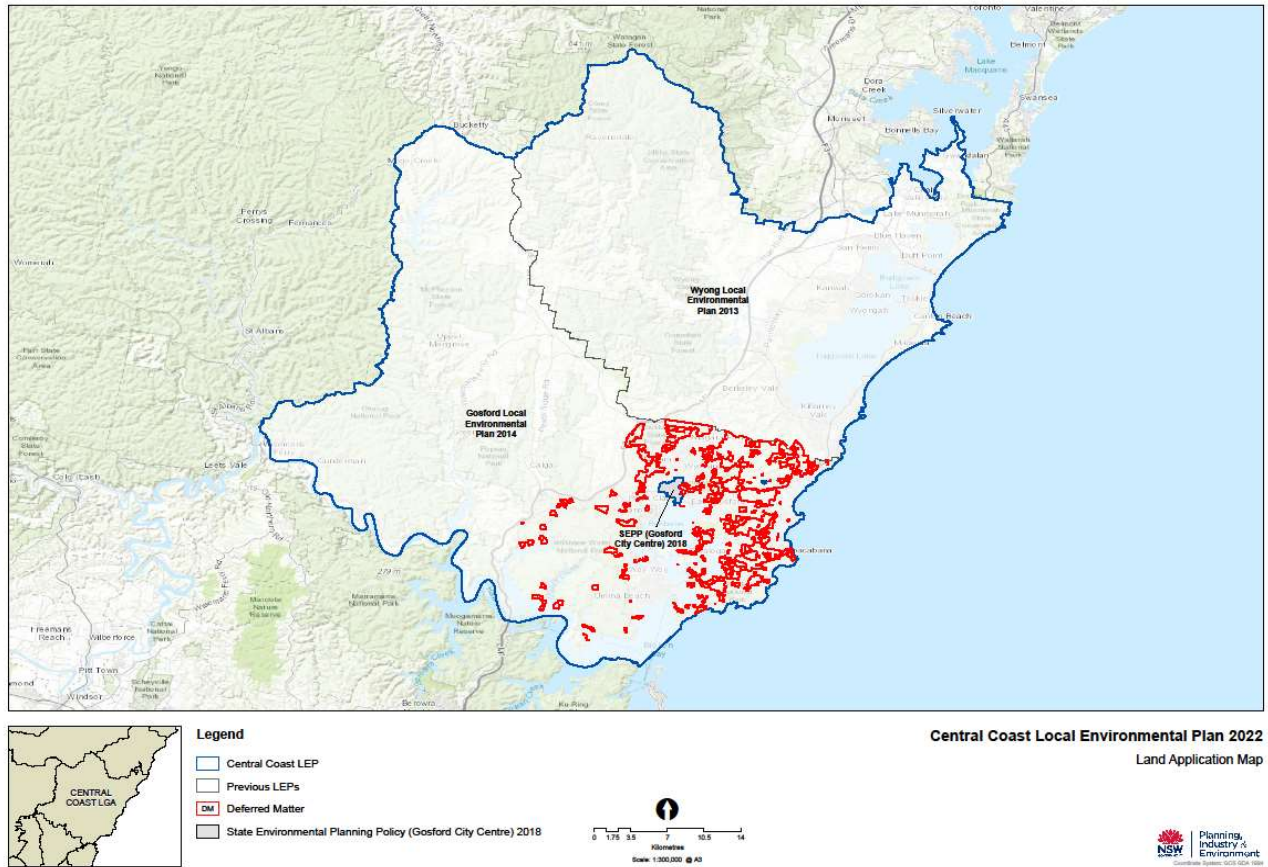


Figure 1 Land Application Map

1.4 Purpose of plan

The Central Coast LEP planning proposal seeks to translate the existing planning controls for the Central Coast LGA into a single consolidated plan. Council's stated objectives in doing so are to:

- provide a consistent approach to zone objectives, principles and application across the LGA;
- provide consistency in permissible land uses across similarly zoned lands within the former Gosford and Wyong LGA's;
- retain appropriate development standards for centres mapped within the Gosford LEP 2014 and the *Wyong Local Environmental Plan 2013*;
- retain additional permitted uses that exist within the *Gosford Local Environmental Plan 2014* and the *Wyong Local Environmental Plan 2013*;
- retain land use permissibility through additional permitted uses where the use will become prohibited under the Central Coast LEP; and
- review and update of clauses to address current planning issues.

The planning proposal also includes a transition to the use of digital mapping and provides a simplification of the legal drafting of development standards and objectives in accordance with the opinion of Parliamentary Counsel's Office.

In preparing the Central Coast LEP planning proposal, Council applied the key principles in Table 1 to guide decisions.

Table 1 – Central Coast Council’s key principles that have guided the draft Central Coast LEP

Principle	Details
Consistency	Consistency with the Standard Instrument LEP and the State Heritage Register where relevant.
Applicability	Reflection of the Central Coast Council proclamation, extent of the new Central Coast Local Government Area (LGA) and acknowledgement of relevant goals for the Central Coast.
Consolidation	Consolidate duplicated or repetitive objectives within either <i>Gosford Local Environmental Plan 2014</i> or <i>Wyong Local Environmental Plan 2013</i> that are similar in intent.
Zone Retention	Retain all land use zones which are already within <i>Gosford Local Environmental Plan 2014</i> or <i>Wyong Local Environmental Plan 2013</i> .
Permissibility retention	Retain the permissibility of land uses of both <i>Gosford Local Environmental Plan 2014</i> and <i>Wyong Local Environmental Plan 2013</i> within the respective zones.
Clarification	Adoption of those standards or provisions which enable the most flexible or generous approach to development standards in certain locations or situations. The intent of this principle is to ensure that existing development potential of land is retained, to reduce the need for development variations and the need to ensure equity across the Central Coast LGA.
Flexibility	Correction of provisions, which have been inadequately drafted during the preparation of either <i>Gosford Local Environmental Plan 2014</i> , <i>Wyong Local Environmental Plan 2013</i> , or which require amendment to clarify the intent of the clause.
Streamline	Remove clauses which duplicate provisions of relevant SEPPs, State government guidelines and those clauses, which do not add value to the development assessment process.
Retention of local provisions	Retain additional local provisions, which provide further guidance, or provisions for specific localities or zones as contained within either <i>Gosford Local Environmental Plan 2014</i> or <i>Wyong Local Environmental Plan 2013</i> .
Retain the intent of schedules 1-5	Retain exempt and complying development, which is minor in nature. The scope of the Central Coast LEP does not include the reclassification of land. Retain existing heritage items of both <i>Gosford Local Environmental Plan 2014</i> and <i>Wyong Local Environmental Plan 2013</i> .
New Requirements	Identify the need for new clauses to address issues raised through the consolidation process.

In the context of the above, the Central Coast LEP planning proposal also seeks to alter the following development standards applying to land in the LGA:

- rezoning Council-owned lands identified as deferred matter under *Gosford Local Environmental Plan 2014* to appropriate zones under the Standard Instrument LEP (a complete list is provided for in **Attachment B**);

- rezoning of additional land that is not deferred matter as outlined under **Attachment B**;
- mapping changes including:
 - the inclusion of a dwelling opportunities map for certain land across the LGA;
 - removing land no longer required for acquisition from the Land Reservation Acquisition Map;
 - general alignment of mapped development standards along the common boundary of the two former LGA; and
 - administrative amendments including the alignment with cadastral changes and the Department's guidelines;
- inclusion of existing floor space ratio and height of building bonus provisions as provided for in the former *Gosford Local Environmental Plan 2014* and *Wyong Local Environmental Plan 2013*;
- restricting residential flat buildings, multi-dwelling housing and serviced apartments in the B6 Enterprise Corridor and serviced apartments in B7 Business Park;
- preserving the continuation of relevant uses in strategic locations. For example, Old Sydney Town, retention of existing permitted uses Camping grounds; Caravan parks; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Tourist and visitor accommodation; and Veterinary hospitals;
- inclusion of “Kendalls Glen” and “Calga Aboriginal Cultural Landscape” in Schedule 5 and on the heritage map;
- harmonise land use permissibility within rural and environmental zones to align with the proposed objectives;
- inclusion of relevant amendments in accordance with state planning policies, including changes in the standard instrument;
- harmonise minimum lot size within environmental zones;
- inclusion of a planning proposal rezoning land at 2, 14, 24 Collingwood Drive & 107 Matcham Road, Matcham in the finalisation of the Central Coast LEP; and
- deferred commencement of the LEP to enable the effective transition of systems, processes and policies in alignment with the new instrument.

The final planning proposal also includes subsequent amendments to the *Gosford Local Environmental Plan 2014* and *Wyong Local Environmental Plan 2013* in the new Central Coast LEP as these were made while the Central Coast LEP planning proposal was being progressed. These are outlined below:

- *Gosford Local Environmental Plan 2014* (Amendment No 36) – addition of 128 local heritage items;
- *Gosford Local Environmental Plan 2014* (Amendment No 37) – Rezoning land to R2 Low Density Residential and amend development standards to increase building height, floor space ratio and minimum lot size at 65, 77 and 111 Beaufort Road, Terrigal;
- *Gosford Local Environmental Plan 2014* (Amendment No 39) – amendment to maximum floor space related to additional permitted uses at 356 Manns Road, West Gosford;
- *Gosford Local Environmental Plan 2014* (Map Amendment No 1) - rezoning land to R1 Low Density Residential and amend development standards building height, floor space ratio and minimum lot size at 121 and 129 Newling Street, Lisarow;
- *Wyong Local Environmental Plan 2013* (Amendment No 28) – Housekeeping amendment;
- *Wyong Local Environmental Plan 2013* (Amendment No 34) – Rezoning land to R2 Low Density Residential, C2 Environmental Conservation and C3 Environmental Management at East Wadalba Land Release precincts 2A, 2B and 3B;

- *Wyong Local Environmental Plan 2013 (Amendment No 36) and Gosford Local Environmental Plan 2014 (Amendment No 38) – Housekeeping amendment;*
- *Wyong Local Environmental Plan 2013 (Amendment No 37) – Rezoning land to B2 Local Centre, R1 General Residential, and R2 Low Density Residential at Parraweena Road and Summerland Road, Gwandalan;*
- *Wyong Local Environmental Plan 2013 (Amendment No 38) – Housekeeping amendment;*
- *Wyong Local Environmental Plan 2013 (Amendment No 39) – Rezoning lands to IN1 General Industrial and C2 Environmental Conservation at 280 Motorway Link, Wallarah; and*
- *Wyong Local Environmental Plan 2013 (s3.22 Amendment) – Minor amendment to the wording of an existing clause to reflect the intent of the planning proposal at 414 Old Maitland Road, Mardi.*

Section 3 and 4 outline the details of the exhibited planning proposal following the Gateway determination, and the subsequent amendments in response to public submissions.

1.5 State and Federal electorates, members and correspondence

This section provides an overview of the relevant State and Federal electorates and members that represent areas within the Central Coast LGA.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

1.5.1 State electorate, State members and correspondence

The LGA falls within the State electorates listed in Table 2.

Table 2 – State Electorates and State Members

Electorate	Member
Gosford	Liesl Tesch MP
Swansea	Yasmin Catley MP
Terrigal	Adam Crouch MP
The Entrance	David Mehan MP
Wyong	David Harris MP

Correspondence from Members of Parliament of NSW

Mr Adam Crouch MP wrote to Council on 19 February 2020 and 3 March 2020 to advise his office had received submissions related to the exhibition of the Central Coast LEP planning proposal and requested advice in regard to the following matters raised by his constituents:

- inadequate infrastructure within Copacabana due to additional development and holiday demand;
- reduction of the minimum size of housing blocks or increasing the height restrictions of buildings will develop extra crowding conditions in Copacabana;

- Council to ensure the Central Open Space System (COSS) land areas remain, or receive better protection; and
- proposed estate over-development on the land including Bangaloe Stud on Avoca Drive, Kincumber, in relation to infrastructure, roads, and flooding impacts.

Correspondence received on 3 March 2020 also noted Mr Adam Crouch MP endorsed a public submission which raised concerns (in addition to the above) on the following matters:

- exhibited changes related to the permissibility of dual occupancies, reduced minimum lot size controls and reduced open space requirements are not supported;
 - the proposed changes are likely to create negative impacts as a result of increased density and/or population growth on local traffic and car parking, flooding, community infrastructure (including open space) and local character; and
 - request to retain existing development standards correlating with R2 Low Density Residential land under the *Gosford Local Environmental Plan 2014*, rather than aligning the Central Coast LEP with the *Wyong Local Environmental Plan 2013*.

Council responded to Mr Adam Crouch MP on 11 March 2020 advising Council had received the submissions. Council considered these submissions in its post exhibition report on 14 December 2020. Council also noted in its response to Mr Crouch MP that the protection of COSS lands are intended to be further protected under the Central Coast LEP through the rezoning of relevant land to C2 Environmental Conservation.

The Department considers Council's response to the matters raised in this submission have been adequately addressed because:

- Council-owned COSS land will be zoned C2 Environmental Conservation and to ensure land yet to be acquired as part of the COSS will be adequately protected, a separate planning proposal will identify appropriate zoning and development standards;
- minimum lot size and height of building controls have been retained from the *Gosford Local Environmental Plan 2014* as it relates to land zoned R2 Low Density Residential;
- Council's consolidated development control plan (DCP), includes requirements to be addressed by secondary dwellings and/or dual occupancies such as car parking, local character, landscaping, public and private open space, and stormwater management;
- current and future development applications (DA) will be subject to the requirements of the relevant DCP and associated assessment processes; and
- a further comprehensive review of planning controls in the Central Coast LEP and DCP is proposed to be completed which may consider land use zoning and development standards in alignment with strategic policy.

Mr David Mehan MP wrote to Council on 14 February 2020 attaching a copy of correspondence from the then Minister for Planning and Public Spaces, the Hon. Rob Stokes MP advising that funding for councils under the Accelerated LEP Review Program is no longer available. Council acknowledged this submission on 24 February 2020.

The Department is satisfied this submission has been adequately addressed as the content of the submission does not raise matters which directly relate to the planning proposal for the Central Coast LEP.

1.5.2 Federal electorate, Federal members and correspondence

The LGA falls within the Federal electorates listed in Table 3:

Table 3 – Federal Electorates and Federal Members

Electorate	Member
Dobell	Emma McBride MP
Shortland	Pat Conroy MP
Robertson	Gordon Reid MP

Correspondence from Members of Parliament of Commonwealth

Mrs Lucy Wicks MP, former Federal member for Robertson, wrote to Council on 4 March 2020 forwarding a submission raising issues similar to those raised by the submission forwarded by Mr Adam Crouch MP relating to the potential adverse impacts of additional development in Copacabana, including potential impacts on local amenity, infrastructure and the protection of COSS land.

Council responded to this submission on 9 March 2020 advising Council have also received this letter from the landowner and have provided a response. The consideration of this submission was addressed in Council's post exhibition report at its meeting on 14 December 2020 as discussed in Section 3.

The Department considers Council's response to the matters raised in this submission have been adequately addressed because:

- The issues raised were considered by Council in their response to public exhibition, as relevant to the Central Coast LEP;
- Council owned COSS land will be zoned C2 Environmental Protection; and
- the Central Coast LEP is a consolidation of existing controls and a further comprehensive review of planning controls in the Central Coast LEP and DCP is proposed to be completed which may consider land use zoning and development standards.

2 Gateway determination and alterations

The Gateway determination issued on 26 October 2017 stated the Central Coast LEP planning proposal should proceed subject to conditions. This included to amend the planning proposal to:

- provide additional information to address section 9.1 Ministerial directions and SEPPs;
- provide clarity on the intent of the planning proposal, being a consolidation, rather than a comprehensive review of existing planning controls;
- provide justification of the increased potential for subdivision in the R2 Low Density Residential Zone as it differs to the *Gosford Local Environmental Plan 2014*;
- outline the provisions applying to dual occupancies proposed under a consolidated DCP;
- alignment of business and industrial zones with the Department's practice note 11-002 *Preparing LEPs using the Standard Instrument: standard zones*;
- justify the rationale to prohibit or reduce the permissibility of certain land uses under the Central Coast LEP (i.e. heavy industry, caravan parks, etc.);
- identify the need for potential obstacle and noise mapping in relation to the Warnervale Airport; and
- justify the differences in the satisfactory arrangements clause(s) for infrastructure as compared to other model clauses in LEPs.

Delegation was not provided to Council to make the plan due to its scale as a new principal LEP. For this reason, the Department is responsible for finalising the LEP.

The Gateway determination was altered on 29 November 2018, 29 October 2019 and 13 July 2020 to extend the timeframe for completion. The timeframe for completion has since passed. Whilst it was not met, the exceeded timeframe for completion is considered justifiable in this instance to allow enough time to address the issues raised during the legal drafting process in preparing a Central Coast LEP.

The Department is satisfied Council has addressed with the requirements of the Gateway conditions.

3 Public exhibition and post-exhibition changes

3.1 Exhibited planning proposal

The planning proposal was publicly exhibited by Council from 6 December 2018 to 28 February 2019, as required by the Gateway determination and Schedule 1 of the *Environmental Planning and Assessment Act 1979* (the Act). The exhibited planning proposal included several additional elements which were assessed as part of the Gateway determination.

The exhibited planning proposal sought to also include the:

- transition of all land under the IDO 122 and GPSO into the Standard Instrument format, removing all land currently a deferred matter under the *Gosford Local Environmental Plan 2014*;
- removal of height of building controls related to land zoned R2 Low Density Residential in the former Gosford LGA;
- amendment of minimum lot size controls in the R2 Low Density Residential zones in the former Gosford LGA; and
- enable residential flat buildings, multi dwelling housing and serviced apartments to be permissible in the B6 Enterprise Corridor zone and Serviced apartments to be permissible in the B7 Business Park zone.

In response to public submissions, these elements were removed from the Central Coast LEP planning proposal. These changes and the merit behind the changes are assessed in section 4.

3.2 Submissions during exhibition and Council resolutions

A total of 756 community submissions were received during the public exhibition. Of these submissions, 123 submissions were related to the draft Central Coast DCP which does not form part of the planning proposal but supports the implementation of the Central Coast LEP.

Council staff prepared a submissions report for Council's consideration at its meeting on 14 December 2020 and 9 March 2021.

On 14 December 2020, Council resolved to adopt the draft Central Coast LEP and the Central Coast DCP, as amended in response to public exhibition, and defer the inclusion of deferred matters lands. Council also resolved to prepare an Environmental Lands Review and planning proposal to consider the deferred matters under the *Gosford Local Environmental Plan 2014*.

On 9 March 2021, Council resolved to remove private, State-owned and Crown land deferred matters land from the Central Coast LEP planning proposal and retain Council-owned deferred matters lands as part of the draft Central Coast LEP. At this meeting, Council reaffirmed the resolution on 14 December 2020 and resolved to:

1. adopt the draft Central Coast LEP and DCP as amended, and

2. to submit the draft Central Coast LEP and supporting information to the Department for finalisation.

Council identified key themes raised during public exhibition in table 2 below. These are further discussed in Section 3.21 and 3.22.

Table 2 Key themes raised during public exhibition

Theme	Submissions
Deferred matter lands	156
Requests to change planning controls for specific sites (including, rezoning of 301 & 317 Avoca Drive for recreation purposes)	450
Draft LEP issues (excluding deferred matter lands, and requests to change site specific planning controls)	189
Draft DCP issues	123

3.2.1 Council's response to public submissions

Table 3 below outlines a summary of the key comments raised during the public exhibition and Council's response to each. The Department supports Council's assessment and response to public submissions.

Section 5.2 of this report outlines the Department's assessment of Councils response to deferred matters land and key matters in response to community consultation.

Table 3 Summary of Public Submissions

Comments raised	Council response to public submission (Summary)
Deferred matter lands	
<p>34 submissions identified support for the proposed zoning and provisions related to deferred matter lands.</p> <p>58 submissions formally noted objections to the planning proposal, citing a number of concerns.</p> <p>The remaining submissions did not identify support for the planning proposal or formally object.</p> <p>The following issues were raised:</p> <ul style="list-style-type: none"> • 101 submissions requested a different zone be applied to their land than the one proposed. This included two petitions against the proposed C2 Environmental Conservation Zone; 	<p>Council undertook an Environmental and Urban Edge Zone Review (EUEZR) to determine suitable zoning for deferred matter lands.</p> <p>Following public exhibition, Council's investigation and ground truthing of public submissions has revealed the removal of split zones, over smoothing of zone boundary lines during the mapping process and significant differences in the framework and criteria applied under the EUEZR has resulted in some instances where the proposed zoning outcome may not be suitable in some instances.</p> <p>In response to public submissions, Council recommended reviewing the criteria being applied to the zoning of deferred matter lands currently subject to IDO 122.</p> <p>However, public submissions supporting the planning proposal agreed with the proposed rezoning of Council-land within the COSS to C2 Environmental Conservation. Council officers recommended to defer the rezoning of deferred matters lands, except for land owned by Council.</p>

Comments raised	Council response to public submission (Summary)
<ul style="list-style-type: none"> • 42 submissions did not support the proposed zoning applied to their land; • 41 submissions did not support the loss of bonus lot provisions, or the minimum lot size control applied to land; • 32 submissions raised concerns relating to permissibility in the land use table and requested additional permitted uses be permitted to align with IDO 122; • 12 submissions requested the creation of an E5 Public Conservation land zoning for high environmental value lands that are publicly owned; • 11 submissions raised questions regarding the methodology used to identify land use zones in Council's Environmental and Urban Edge Zone Review; and • 9 submissions raised concerns relating to land valuation as a result of the change. 	<p>Council has committed to complete a further review of land proposed to remain deferred under the Central Coast LEP in a separate planning proposal.</p> <p>Council also noted there are no proposed 'bonus' provisions under the Central Coast LEP that permit subdivision of land below the two hectare minimum lot size in the C4 Environmental Living zone. Council outlined this provision cannot be incorporated in a Standard Instrument LEP and further consideration of a mechanism to fund the acquisition and maintenance of conservation lands will be considered in later stages of the Central Coast LEP review process and in conjunction with Council's Biodiversity Strategy.</p> <p>Submissions seeking to retain the land uses permitted under IDO 122 (including, dwellings, places of public worship, seniors living, etc.) were proposed to be resolved in the context of Council's future review above. This review would form part of a future planning proposal to the Central Coast LEP. The current land use permissibility under IDO 122 will remain in place for land retained as deferred matter lands when the Central Coast LEP is finalised.</p> <p>An option does not exist to apply an E5 Public Conservation zoning as it is not a Standard Instrument defined zone.</p>

Requests to change specific planning controls (including, Rezoning of 301 & 317 Avoca Drive for Recreation Purposes)

<p>Requested rezoning of Land at 301 & 317 Avoca Drive</p> <ul style="list-style-type: none"> • 334 submissions were received in relation to the rezoning of land for recreation purposes at 301 and 317 Avoca Drive, Avoca. • 328 of these submissions supported active recreation on this land predominantly in the form of football fields for the Avoca Football Club. • Four of these submissions objected to the suggested recreation zone, and two suggested alternate passive recreation or environmental uses. 	<p>The land at 301 Avoca Drive is privately owned and is approximately 4.5 hectares. This is too small for the development of a sporting precinct and would require the inclusion of adjoining Council land, which is located within the Coastal Open Space System (COSS). Development of COSS land for purposes that are inconsistent with its objectives is not supported by Central Coast Council and COSS acquisition funds does not include the provision of active recreation reserves.</p> <p>Council's flood mapping indicates that approximately 90% of the land parcel is flood affected. The filling of land required to provide facilities for a sporting precinct in this location (such as amenities) would affect the movement of flood water within the Avoca Lagoon catchment.</p> <p>The property also supports an Endangered Ecological Community (EEC) and threatened species. The development of a sporting facility on that land parcel would require clearing of ecologically sensitive vegetation. This is considered inappropriate and cost prohibitive due to offsetting requirements under the <i>Biodiversity Conservation Act 2016</i>. As such, the development of sporting facilities on highly constrained land is unlikely to be supported.</p>
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Comments raised	Council response to public submission (Summary)
	<p>Whilst a sporting facility may be inappropriate, alternative passive recreation that is sympathetic to the sensitive environmental nature of the site may have potential.</p> <p>The consolidation process is not the appropriate means by which existing zonings and controls established under <i>Wyang Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i> are to be reviewed and significantly amended. This stage of Council's program is primarily a consolidation of controls.</p>
<p>Miscellaneous site-specific requests to amend land zoning and/or development standards</p> <ul style="list-style-type: none"> • 92 submissions outlined requests to amend various site's zonings, floor space ratios, maximum building heights, lot amalgamation provisions, minimum lot size controls, and the nomination of individual sites as heritage items, including Kendalls Glen Reserve, Rock and Memorial. • One submission identified an error in the zoning of land at 37 Althorp Street, East Gosford due to an unintentional change from R1 General Residential to RE1 Public Recreation at the time of finalisation. The R1 General Residential zoning exhibited is requested to be reinstated. • One submission sought to retain all land uses currently permitted in the C4 Environmental Living zone as additional permitted uses at Old Sydney Town/ Australian Reptile Park. • 10 submissions also raised questions about the proposed zoning of Cockrone Lagoon in MacMasters Beach to C2 Environmental Conservation. 	<p>General:</p> <p>This stage of Council's program is an LEP and DCP consolidation process of a wider program for a comprehensive LEP/DCP review of Council's planning controls. The consolidation process is not the appropriate means by which existing zonings and controls established under <i>Wyang Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i> are to be reviewed and significantly amended.</p> <p>Any such consideration would require the submission of a separate planning proposal supported by appropriate studies relating to the land identified.</p> <p>Specific Sites:</p> <ul style="list-style-type: none"> • A submission raised issues with the missing heritage item at Lot 1 DP 716236 identified as Kendalls Glen Reserve, Rock and Memorial. The site was unintentionally left out of the Central Coast LEP planning proposal and is now included. Where other heritage items were unintentionally left, or require the correction of an obvious error, Council have made appropriate post exhibition amendments. • Regarding the zoning of land at 27 Althorp Street, East Gosford, Council's review of exhibition and finalisation of the <i>Gosford Local Environmental Plan 2014</i> confirmed the zoning of RE1 Public Recreation was an error and the rezoning of the site to R1 General Residential is supported in the finalisation of the central Coast LEP planning proposal. • Regarding land at Old Sydney Town/ Australian Reptile Park, the translation of land use zones in the Central Coast LEP has resulted in number of current uses permitted under <i>Gosford Local Environmental Plan 2014</i> to now be prohibited, including tourist, retail and veterinary related uses. Council consider it is appropriate to retain these uses as additional permitted uses as it aligns with the <i>Central Coast Regional Plan 2036</i>, Community Strategic Plan and the draft Somersby to Erina Corridor Strategy. • Regarding the zoning of Cockrone Lagoon, Council identified the site is owned by Council and forms part of the COSS. The land contains Council infrastructure and is within the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. The land is zoned under the IDO 122 and was exhibited

Comments raised	Council response to public submission (Summary)
	<p>as C2 environmental Conservation under the Central Coast LEP planning proposal. This zoning is proposed to be retained and reflects the environmental significance and constraints present on the site.</p>
<p>Future development of the Woy Woy Peninsula</p> <ul style="list-style-type: none"> Several submissions raised concern over the rezoning for high rise development and increased density within the Woy Woy Peninsula. 	<p>The Central Coast LEP planning proposal does not seek to rezone Woy Woy Peninsula for high rise development. Land zones that apply within the Woy Woy Peninsula under the current <i>Gosford Local Environmental Plan 2014</i> will remain under the Central Coast LEP.</p> <p>The introduction of dual occupancy development within the R2 Low Density Residential zone will not have a significant impact on density.</p>
<p>Wycob property permissibility (475-535 Pacific Highway, Crangan Bay)</p> <ul style="list-style-type: none"> Submissions considered an error was made in the gazettal of the <i>Wyong Local Environmental Plan 2013</i> when transferring deferred matters land into the Standard Instrument template. The site was zoned C3 Environmental Management in this process and the landowner has made a request for the site to be rezoned to RU1 Primary Production. 	<p>Council's response to this submission duplicates the response to general rezoning requests outlined above.</p> <p>The response reinforced the process being undertaken is for the purposes of a consolidation, and any consideration of the changes in land use zoning or development standards would be subject to a future planning proposal.</p> <p>Council's resolutions on 14 December 2020 and 9 March 2021 did not propose to amend the planning proposal to incorporate this requested amendment. This matter was further considered at Council's meeting dated 13 April 2021 following consideration of an independent planning assessment of the site.</p> <p>Section 5 of this report provides further discussion of Council's assessment on this matter, including correspondence issued to the Department from the proponent which occurred post exhibition.</p>
Draft LEP Issues	
<p>Height of buildings in R2 Low Density Residential zone</p> <ul style="list-style-type: none"> Submissions raised concerns over the removal of the 8.5m mapped maximum building height in the R2 Low Density Residential zoned land in the former Gosford LGA. 	<p>The exhibited Central Coast LEP planning proposal included the removal of maximum building heights to provide flexibility where development is required to meet freeboard requirements associated with flooding and other land constraints issues, as well as provide a consistent approach to maximum building height controls across the LGA.</p> <p>In response to public submissions, the planning proposal was amended to retain the current controls and additional guidance for this type of development is provided in the consolidated DCP.</p> <p>Council noted investigating an appropriate maximum building height for residential development can be considered further as part of Council's Housing Strategy, which could form a rationale for future changes.</p>
<p>Minimum Lot Sizes in R2 Low Density Residential zone</p>	<p>Council completed a strategic assessment of minimum lot size controls in the R2 Low Density Residential zone. This assessment identified that the reduction in minimum lot size from 550sqm to</p>

Comments raised	Council response to public submission (Summary)
<ul style="list-style-type: none"> Submissions were received, both for and against, the reduction in minimum lot size from 550m² to 450m² in the R2 Low Density Residential zone. Objectors raised concerns in relation to the impact on character, vegetation removal, environmental impact and infrastructure requirements as a result of unplanned subdivisions. 	<p>450m² will create a potential of 1,147 additional parcels of land to be created with the former Gosford LGA. The majority of this potential will not be realised due to existing dwelling placement and limitations imposed by existing DCP controls that increase lot size requirements based on site slope.</p> <p>Council resolved on 9 March 2020 to retain the minimum lot size as part of the Central Coast LEP and retain the current minimum lot size control under the <i>Gosford Local Environmental Plan 2014</i> where mapped as 550m². Council officers identified that minimum lot size controls for residential development will be revisited in future stages of the Comprehensive LEP Review.</p>
<p>Dual occupancies</p> <ul style="list-style-type: none"> Submissions were lodged both in support and objecting to the introduction of dual occupancies in the former Gosford LGA R2 Low Density Residential Zone. Concerns included loss of vegetation, reduction in lot size, and private open space with most objections relating to specific coastal areas such as Copacabana and MacMasters Beach. Submissions also related to the reduction in the minimum lot size for detached dual occupancy in the former Gosford LGA from 800m² to 700m². Other submissions received related to the subdivision of existing approved dual occupancies and seeking the amendment of Clause 4.1D of draft Central Coast LEP to permit this subdivision under separate application. 	<p>General:</p> <p>Dual occupancy development is considered consistent with the objectives of the zone and an appropriate land use. The introduction of dual occupancy provides an alternative housing choice and supports population growth, affordable housing and the ability to age in place.</p> <p>To ensure that lot sizes and densities are appropriate and compatible with the local context, a minimum lot size for dual occupancy development has been included in the Central Coast LEP. The 550m² minimum lot size threshold is also considered appropriate for attached dual occupancy as currently specified in the <i>Wyong Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i>.</p> <p>Council advise dual occupancy development is restricted to two storeys in height and a maximum floor space ratio of 0.5:1 where not mapped under the Central Coast LEP. This provides for a similar scale of development to that permitted for a single dwelling house.</p> <p>The draft DCP also includes provisions related to vegetation management, flooding, private open space and local character/amenity, which are required to be considered as part of any future DA. Development seeking to apply <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> are also required to apply the minimum lot size, among other requirements related to private open space, design and setbacks.</p> <p>Minimum lot size for detached dual occupancies:</p> <p>A minimum lot size of 700m² for detached dual occupancy is currently applicable under the <i>Wyong Local Environmental Plan 2013</i>. The reduction from 800m² in <i>Gosford Local Environmental Plan 2014</i> to 700m² in the Central Coast LEP is considered appropriate given the proposed controls in the draft DCP.</p> <p>Subdivision of existing dual occupancies:</p> <p>The Central Coast LEP also includes an amendment to the <i>Wyong Local Environmental Plan 2013</i> which permits the subdivision of an existing lawfully erected dual occupancy in the</p>

Comments raised	Council response to public submission (Summary)
	<p>R1 General Residential and R2 Low Density Residential zones. This change is reflected in the amended clause 4.1D of the Central Coast LEP.</p>
<p>Small Lot Housing in R2 Low Density Residential Zone</p> <ul style="list-style-type: none"> Submissions were received relating to small lot housing, which is currently permissible in the <i>Wyong Local Environmental Plan 2013</i> in the R2 Low Density Residential zone, seeking the provisions be retained and applied across the LGA. 	<p>Council considers introduction of small lot housing is not appropriate across all R2 Low Density Residential zoned land across the LGA. This is because there is greater requirement and pressure on proximity to essential services and public transport to serve a higher density and population. Council considers the R1 General Residential zone is better suited for this development and propose to retain the 550m² minimum lot size control in the Central Coast LEP.</p> <p>The draft Affordable Housing Strategy includes also recommendations that will be further considered as part of the Comprehensive LEP review which will include consideration to whether small lot development in residential areas is appropriate to address housing affordability issues.</p>
<p>Residential accommodation in B6 Enterprise Corridor and B7 Business Park zone</p> <ul style="list-style-type: none"> Submissions raised concern or opposed the inclusion of residential flat buildings, multi dwelling housing and serviced apartments within the B6 Business Enterprise and B7 Business Park zones. Some concerns raised include: <ul style="list-style-type: none"> conflict with objectives of the zone and development not being limited by height and FSR controls; likely impact on permissible employment uses in the zone which can impact on valuable employment lands; and potential decline in business character and an increase in residential character. 	<p>The objectives of both the B6 Enterprise Corridor and B7 Business Park zones under the Central Coast LEP include provision for limited residential accommodation where it is part of a mixed use development. However, multi dwelling housing, serviced apartments and residential flat buildings are not considered an appropriate land use in the B6 Enterprise Corridor and B7 Business Park zones.</p> <p>Council's post exhibition review of submissions identified height and floor space ratio controls are also not currently mapped in either zone which would assist in limiting the scale of development for serviced apartments and residential accommodation. This could create the potential for these forms of development to dominate employment/business developments and detract from the nature of the B6 Enterprise Corridor and B7 Business Park zones where permitted.</p> <p>In response to submissions, residential flat buildings, multi dwelling housing and serviced apartments are to be prohibited in the B6 Enterprise Corridor zone and serviced apartments are to be prohibited in the B7 Business Park zone. Council note these land uses in the respective zones are to be further considered during the next stage of the Comprehensive LEP.</p>
<p>Permissibility of Dwelling Houses in C2 Environmental Conservation zone</p> <ul style="list-style-type: none"> Submissions raised concern over the prohibition of dwelling houses and the perceived loss of dwelling entitlement in the C2 	<p>The C2 Environmental Conservation zone in the Central Coast LEP carries over the permissibility of the <i>Wyong Local Environmental Plan 2013</i> which prohibits the use of land for dwelling houses, home occupations and bed and breakfast accommodation. However, as these uses were permitted with consent under the <i>Gosford Local Environmental Plan 2014</i>.</p>

Comments raised	Council response to public submission (Summary)
<p>Environmental Conservation Zone</p>	<p>The Central Coast LEP proposes to introduce a clause to permit these uses in the former Gosford LGA where a dwelling entitlement exists.</p> <p>In response to submissions, this clause was amended to apply only to land that was zoned C2 Environmental Conservation under the <i>Gosford Local Environmental Plan 2014</i>. This clause will not apply to land that is currently deferred from <i>Gosford Local Environmental Plan 2014</i> and the land retained under IDO 122 and GPSO will retain current provisions. The application of this clause will be reconsidered as part of the next stage of the Comprehensive LEP review.</p>
<p>Clause 4.2A Dwelling entitlement on land in certain rural and environment protection zones</p> <ul style="list-style-type: none"> Submissions raised concerns with the flexibility of boundary realignments in translating the IDO 122 into the Standard Instrument LEP. 	<p>Housekeeping amendments to the <i>Gosford Local Environmental Plan 2014</i> and <i>Wyong Local Environmental Plan 2013</i> introduced provisions to enable boundary adjustments for land zoned RU1 Primary Production, RU2 Rural Landscape, C2 Environment Conservation, C3 Environmental Management or C4 Environment Living zones where no additional lots or dwelling entitlements are created and the resultant lots achieve a superior outcome for either agricultural or environmental protection or management.</p> <p>This amendment is proposed to be retained in the Central Coast LEP.</p>
<p>Clause 7.14 Shop top housing in certain business zones</p> <ul style="list-style-type: none"> Submissions raised concerns relating to the potential increase in residential development, resulting in less gross floor area for retail or commercial development as part of shop top housing. 	<p>Council's amendment to shop top housing requirements in business zones (i.e. B7 Business Park) intends to ensure that the total gross floor area able to be used for shop top housing remains at 50% of the total gross floor area of that part of the building used only for shop top housing and ground floor business or retail premises.</p> <p>The changes in the wording of the clause serves to provide greater clarity to preserve employment uses as part of shop top housing developments.</p>
<p>Draft DCP Issues</p>	
<p>Public submissions made comments with the following general controls related to local character, density, setbacks and car parking.</p> <p>The following specific controls also received additional focus in public submissions:</p> <ul style="list-style-type: none"> sustainability initiatives and climate change policies; controls to support affordable housing; Council's planned retreat policy; 	<p>Whilst the consolidated Central Coast DCP did not form part of this planning proposal, Council resolved to make the following main amendments in response to public submissions (the finalisation of the DCP will be subject to separate Council processes):</p> <ul style="list-style-type: none"> retain the controls in both the former Gosford and Wyong DCPs related to Floodplain Management; consolidate maximum jetty lengths across the LGA; remove the inclusion of erosion and sediment control as the requirements under this section are guided by state environmental planning policies; and minor typographical changes.

Comments raised	Council response to public submission (Summary)
<ul style="list-style-type: none"> • New controls to support cycling; and • flooding. 	<p>Council's DCP includes requirements for cycling facilities for these forms of development.</p> <p>Council is also developing a climate change policy that will inform some future planning controls. There is no reference to planned retreat in the LEP, DCP or any supporting documentation.</p>
Other matters	
Community Consultation	The public exhibition of the LEP and DCP provided significant opportunity for public participation through media promotion, public meetings and an extension to the time was permitted to accept submissions.
Development assessment processes	Assessment of development applications are completed in line with Council's established assessment processes, guided by the LEP and DCPs applying to relevant land. This considers controls including site coverage, open space areas, slope considerations and access requirements.
Strategic alignment (LSPS, setting dwelling targets)	The LEP and DCP consolidation process does not introduce new site-specific controls. Local controls will be looked at in the future through the implementation of Council's LSPS and comprehensive LEP and DCP review process. Current local character considerations have been retained.

3.3 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with agencies listed below in Table 4 who have provided the following feedback.

Table 4 Advice from agencies

Advice	Council response
Central Coast Local Health District	
<p>The following recommendations were related to the Central Coast LEP planning proposal:</p> <ul style="list-style-type: none"> • support for including health related matters in the aims of the LEP; • request to include 'improve the health and wellbeing of residents' within the aims of the LEP; • encourage the retention of public access to waterfront areas and through site links; • minimise public health risks associated with land uses and planning controls around drinking water catchments; 	<p>Council advised the inclusion of health-related matters in the aims of the LEP was noted. The development of additional zoning objectives, which includes focus on walking, cycling and public transport and public safety was incorporated with this in mind.</p> <p>The matters raised regarding public health risks and drinking water catchments are considered as part of the DA process and the consolidated DCP includes provisions addressing stormwater management, runoff and land use.</p> <p>In response to the matters raised in the DCP, Council outlined the matters raised in the submission have been included in the consolidated DCP. In addition, Council advised advertising and signage is subject to</p>

Advice	Council response
<ul style="list-style-type: none"> • support the controls protecting environmental and biodiversity values; and • support for submission from Darkinjung Local Aboriginal Land Council and the protection of significant cultural sites (discussed below) <p>The submission also outlined requests to amend the consolidated DCP, including bicycle parking requirements, traffic management plans, to signage and advertising, development application processes, safe drinking water supply at caravan parks, on-site sewage management and tree and vegetation management.</p>	<p>the provisions of <i>State Environmental Planning Policy (Industry and Employment) 2021</i>.</p> <p>Public consultation and concurrence with relevant agencies are reviewed under separate development assessment processes.</p>
Darkinjung Local Aboriginal Land Council (DLALC)	
<p>An initial submission raised the following matters:</p> <ul style="list-style-type: none"> • concerns regarding the LEP's acknowledgement of the Aboriginal and Cultural Landscape and the Aboriginal Cultural Heritage Bill; • noting incorrect mapping of culturally sensitive areas in the Somersby Industrial Estate. Requested any DA in the locality should include an Aboriginal Heritage Investigation Management System (AHIMS) search. • Further requirements for detailed archaeological surveys and consultation with Aboriginal stakeholders should be required if a site is located within 200m of a development site; • The permissibility of extensive agriculture and complying development can occur without development consent in the <i>Gosford Local Environmental Plan 2014</i> and <i>Wyong Local Environmental Plan 2013</i> which has the potential for the damage and destruction of significant cultural sites. 	<p>The Central Coast LEP is based on the Standard Instrument LEP and is a consolidation of the <i>Gosford Local Environmental Plan 2014</i> and <i>Wyong Local Environmental Plan 2013</i>.</p> <p>Any amendments as a result of the final Aboriginal Cultural Heritage Bill will be made to the Standard Instrument LEP or further considered by the next stage of the Comprehensive LEP review.</p> <p>The timing and scope of works for the Consolidated LEP planning proposal does not allow for an archaeological study or ground truthing to be undertaken.</p> <p>The Biodiversity Conservation Division is currently undertaking work with Darkinjung LALC to identify culturally significant sites. Dependant on the timing of this work, consideration will be given to this during the preparation of the Comprehensive LEP.</p> <p>It is general practice, that where Aboriginal Archaeological Assessments are undertaken and identify new sites/objects, these are issued to the Biodiversity Conservation Division for the purposes of updating AHIMS;</p> <p>Many land uses are unable to be undertaken as complying development within rural areas as they are within a sensitive location. For example, within the Central Coast Drinking Water Catchment.</p> <p>The permissibility of extensive agriculture within rural zones is mandated in the Standard Instrument LEP. Council is aiming to manage other rural land uses which require extensive clearing, such as intensive plant agriculture, by requiring development consent which would enable the consideration of the impacts on significant cultural sites.</p>

Advice	Council response
<p>An additional submission raised matters from the Darkinjung LALC position as a landowner:</p> <ul style="list-style-type: none"> • Schedule 5 of the Central Coast LEP, does not identify and register Aboriginal places located within the LGA and should be updated. There are three registered Aboriginal places listed in the <i>National Parkland Wildlife Act 1974</i> and not included in Schedule 5. These sites were identified as: <ul style="list-style-type: none"> ○ Bulgandry Art Site, Kariong; ○ Kariong Sacred Lands, Kariong; and ○ Tuggerah Lakes Resting Place, Tuggerah. <p>Mooney Mooney Aboriginal Area, Somersby is also recognised by National Parks and Wildlife Service as an area of cultural significance and Calga Aboriginal Women's Site/Calga Aboriginal Sites is under consideration for place listing.</p> <ul style="list-style-type: none"> • Due diligence processes related to Aboriginal items recorded in AHIMS and those unknown are required to be completed under the Due Diligence Code of Practice. • Support for the COSS, but not any transfer of Darkinjung LALC land to Council for inclusion in the COSS. DLALC notes the objectives of the COSS can be met while still under Darkinjung ownership. • The application of former SEPP (Aboriginal Land) 2019 to the 4 sites identified in the Central Coast LEP should be considered. • Small lot housing in R2 Low Density Residential zone for delivery of affordable housing is supported and are requested to be retained as per clause 4.1B of the <i>Wyang Local Environmental Plan 2013</i>. • Enabling seniors living development in business zones and environmental zones is supported. • Suggested the inclusion of a clause to allow flexibility to boundary adjustments to preserve dwelling entitlements similar to that of clause 20 under IDO 122. • Suggested the consideration of a clause allowing for the creation of undersized lots to provide for longer term environmental outcomes. 	<p>In response to submissions and the recent listing of the Calga Aboriginal Cultural Landscape on the State Heritage Register, it is proposed to include this as a heritage item in Schedule 5.</p> <p>The other suggested sites will be considered as part of the heritage review currently being undertaken for the comprehensive LEP, which will include consultation with Darkinjung LALC and other relevant stakeholders.</p> <p>Council responded to the requirements for due diligence processes related to Aboriginal items are completed where necessary in the DA process.</p> <p>The planning proposal seeks to rezone all COSS land owned by Council that is currently deferred from the <i>Gosford Local Environmental Plan 2014</i> to C2 Environmental Conservation. The remainder of lands zoned under IDO 122 (Private and State-owned properties) will remain deferred to allow for further refinement of criteria and a consistent approach to all environmental lands across the LGA as part of the environmental lands review.</p> <p>However, some land is subject to land claims by DLALC and is proposed to be rezoned in this process. Further information is outlined in response to the submission from Crown Lands below.</p> <p>The planning proposal does not extend the current COSS, nor include additional requirements for acquisition of this land.</p> <p>The <i>State Environmental Planning Policy (Planning systems) 2021</i> does not require amendment to the Central Coast LEP at this stage.</p> <p>Council's considers the introduction of small lot housing is not considered appropriate across all R2 Low Density Residential zoned land across the LGA. This is because there is greater requirement and pressure on proximity to essential services and public transport to serve a higher density and population. Council consider the R1 General Residential zone is better suited for this development.</p> <p>The process currently being undertaken by Council is an LEP and DCP consolidation process and is the first stage of the comprehensive review of Council's planning controls. The consolidation process is not the appropriate means to introduce new.</p> <p>Amendment 36 to <i>Wyang Local Environmental Plan 2013</i> and Amendment 38 to <i>Gosford Local Environmental Plan 2014</i> was made in 2019 which enabled boundary adjustments in rural and</p>

Advice	Council response
<ul style="list-style-type: none"> Consistency with the Low-Rise Medium Density Housing Code with respect to minimum lot sizes for dual occupancy should be included in the draft LEP. <p>Darkinjung LALC also raised comments related to the consolidated DCP including cut, fill and earthworks, small lot housing development, and floodplain management.</p>	<p>environmental land where no additional lots or dwelling entitlements are created and the resultant lots achieve a superior outcome for either agricultural or environmental protection or management. This provision is proposed for inclusion in the Central Coast LEP.</p> <p>Council has set minimum lot size for dual occupancy development under their LEPs as permitted under the Low-Rise Medium Density Housing Code and associated SEPP. These lot sizes proposed are consistent with the Wyong DCP 2013 and <i>Gosford Local Environmental Plan 2014</i>.</p> <p>In response to the matters raised in the DCP, Council consider existing controls relating to cut and fill requirements are appropriate and the deferral of the floodplain management chapter in the DCP provide further opportunity to review flood related development controls.</p>

Department of Industry (Crown Lands)

<p><u>Crown Reserves</u></p> <ul style="list-style-type: none"> Proposed zonings need to consider future use and must not compromise management of Crown Land. Zoning of Crown reserves should be consistent with the public purpose of the reserve. Infrastructure or buffer zones to service new development should not be located on Crown land. Recommended that due consideration of <i>NSW Aboriginal Land Right Acts 1983</i> and Commonwealth Native Title and Aboriginal Land Claims is taken in the preparation of proposed LEP zonings. <p><u>Crown Roads</u></p> <ul style="list-style-type: none"> A strategic assessment of Crown road corridors should be administered to determine any unnecessary Crown roads that can be altered for private rights of way for the creation of a public road network. <p><u>Schedule 5 – Environmental Heritage</u></p> <ul style="list-style-type: none"> Council should ensure consistency in recognising heritage items in accordance with tenure agreements on Crown Land. Should Council seek to list particular waterfront structures as heritage items within 	<p><u>Regarding comments made on Crown Reserves:</u></p> <ul style="list-style-type: none"> The planning proposal seeks to rezone all COSS land owned by Council currently deferred from the <i>Gosford Local Environmental Plan 2014</i> to C2 Environmental Conservation. In response to agency and public submissions and consultation with Council, a decision has been made to further refine the criteria being applied to the zoning of deferred matters lands currently subject to IDO No.122. The remainder of lands zoned under IDO 122 (private and State-owned properties) will remain deferred to allow for further refinement of criteria and consistent approach to all environmental lands across the LGA as part of an environmental lands review , with exceptions applied as outlined in this report. <p><u>Regarding the comments made on Crown Roads:</u></p> <ul style="list-style-type: none"> A strategic review of the road network is not considered in the scope of the consolidated Central Coast LEP planning proposal. However, this may be considered in future in conjunction with relevant agencies. <p><u>Regarding comments made on Schedule 5:</u></p> <ul style="list-style-type: none"> Schedule 5 of the Central Coast LEP consists of those items from <i>Gosford Local Environmental</i>
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Advice	Council response
<p>the LEP, an alternate management framework should be put in place.</p> <p><u>Central Coast Land Negotiation Program</u></p> <ul style="list-style-type: none"> • Outlined a number of sites under lands claims and recommend that Council consult with DLALC in respect to the Central Coast Land Negotiation Program. • These include: <ul style="list-style-type: none"> ○ Lot 343 DP 755234 – 129 Oceano St, Copacabana DPI has no objection to proposed C2 Environmental Conservation zone. ○ Lot 3 DP 863379 – 70 Fisherman’s Pde Daleys Point DPI has no objection to proposed C2 Environmental Conservation Zone. ○ Lot 8 DP 802107- Central Coast Hwy, Kariong DPI notes the proposed rezoning from 2(A) Residential; 5(E) Arterial Road and 5 Special Uses to C2 Environmental Conservation would be incompatible with its dedicated purpose. 	<p><i>Plan 2014</i>, IDO 122, GPSO and <i>Wyong Local Environmental Plan 2013</i>.</p> <ul style="list-style-type: none"> • Two additional items have been included in Schedule 5 following exhibition (as discussed in section 3.2). The heritage items referred to agency consultation related to a separate planning proposal to include additional heritage items. This planning proposal (Amendment 36 to <i>Gosford Local Environmental Plan 2014</i>) was finalised in 2020 and has been included in the Central Coast LEP. <p>Regarding comments made on the Central Coast Land Negotiation Program:</p> <ul style="list-style-type: none"> • DLALC has been consulted as part of the agency consultation, industry information session and public exhibition of the Central Coast LEP. Comments provided by DLALC have been considered as part of this planning proposal as outlined above. • It is proposed to zone Lot 343 DP 755234 and Lot 3 DP 863379 to C2 Environmental Conservation as these parcels are currently identified as COSS. • Lot 8 DP 802107 is currently deferred from the <i>Gosford Local Environmental Plan 2014</i>. However, its deferral is an anomaly and this has been rectified as a post exhibition amendment to the planning proposal.

Department of Primary Industries	
<p><u>General comments:</u></p> <ul style="list-style-type: none"> • Supportive of the consolidation of the instruments as an interim measure. • Advised that information relating to the Agricultural Lands Mapping Project being undertaken in the Central Coast can be provided to Council by the Department. • Noted Council should ensure there is no conflict between the Central Coast LEP and <i>State Environmental Planning Policy (Primary Production) 2021</i>. <p><u>Key issues raised:</u></p> <ul style="list-style-type: none"> • Intensive plant agriculture should remain permitted without consent in the RU1 Primary Production zone. • Do not support prohibition of Horticulture (intensive Plant Agriculture) from RU5 Village 	<p><u>Intensive plant agriculture:</u></p> <p>In the RU1 Primary Production zone, the group term of intensive plant agriculture is permitted with consent in both the <i>Wyong Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i>.</p> <p>The sub terms of horticulture and viticulture are permitted without consent in <i>Gosford Local Environmental Plan 2014</i>, but with consent in <i>Wyong Local Environmental Plan 2013</i>. The retention of the group term as permitted with consent in this zone aligns with the principles in the consolidation process used to prepare the Central Coast LEP.</p> <p><u>Horticulture:</u></p> <p>Horticulture is prohibited in the RU5 Village zone under <i>Wyong Local Environmental Plan 2013</i> and permitted with consent under the <i>Gosford Local Environmental Plan 2014</i>.</p>

Advice	Council response
<p>zone. This use should be permissible without consent.</p> <ul style="list-style-type: none"> Not supportive of the inclusion of detached dual occupancies in RU1 Primary Production and RU2 Rural Landscape zones. 	<p>This use is considered inconsistent with the zone objectives due to associated land use conflict. The use is catered for in surrounding rural lands.</p> <p><u>Dual Occupancies:</u></p> <p>Dual occupancies are permitted in <i>Wyong Local Environmental Plan 2013</i> and rural zones under IDO 122, but prohibited in <i>Gosford Local Environmental Plan 2014</i>.</p> <p>Secondary dwellings are permissible with consent under <i>Gosford Local Environmental Plan 2014</i> and <i>Wyong Local Environmental Plan 2013</i>.</p> <p>Including both of these uses as permitted with consent in the Central Coast LEP ensures development assessment processes are completed and address the compatibility of residential accommodation with rural uses. Allowance for these uses in rural zones also support the delivery of additional housing towards broader targets in the LGA.</p>
Forestry Corporation of NSW	
<ul style="list-style-type: none"> Emphasised the importance of sustainable forestry in the conservation of biodiversity. Recreation and tourism within the RU3 Forestry zone is supported and considered compatible with forestry land use Identified a number of mapping issues that are inconsistent with data from the Forestry Corporation NSW. 	<p>Forestry remains as a permissible land use under the Central Coast LEP, subject to relevant requirements of the <i>Forestry Act 1913</i>.</p> <p>The Central Coast LEP supports recreational uses within RU3 Forestry zone. For example, recreation areas, recreation facilities (outdoor), kiosks.</p> <p>Mapping errors identified have been rectified prior to the making of the Central Coast LEP.</p>
National Parks and Wildlife Services	
<p>Amendments requested to certain land relating to the rezoning land and alignment with cadastral boundaries that forms part of the National Park Estate.</p>	<p>Relevant maps related to land use zoning and minimum lot size have been amended post-exhibition to reflect this submission.</p>
Then Office of Environment & Heritage (now Biodiversity Conservation Division)	
<p><u>Heritage Branch:</u></p> <ul style="list-style-type: none"> No comments related to heritage matters. <p><u>Environment Branch:</u></p> <p>Recommendations included:</p> <ul style="list-style-type: none"> ensure consistency with <i>State Environmental Planning Policy (Coastal Management) 2018</i>; support for the C2 Environmental Conservation zone without a dwelling 	<p>The Central Coast LEP has had regard for the <i>State Environmental Planning Policy (Resilience and Hazards 2021)</i> and does not seek to duplicate or alter provisions under the SEPP.</p> <p>The Central Coast LEP recognises the COSS is an important feature of the Central Coast LGA. All deferred lands owned by Council also identified as COSS are proposed to be rezoned C2 Environmental Conservation. Further work to expand the COSS and</p>

Advice	Council response
<p>entitlement and a 20 hectare a minimum lot size for C3 Environmental Living zone;</p> <ul style="list-style-type: none"> • outline the intent to expand the COSS and strengthen the protection of COSS land; • investigate the inclusion of a biodiversity value map; • consult with National Parks and Wildlife Service on implications of planning control changes on their land; • recommends sewage reticulation systems, water recycling facilities and water reticulation systems are not included in the W1 Natural Waterways and W2 Recreational Waterways zones; • amend the additional objective in W1 Natural Waterway to read ‘to provide for sustainable aquaculture’; • include a consistent definition for flood planning level in conjunction with the model clauses for standard instrument LEP; • include land surrounded by the flood planning level to be subject to draft clause 7.2 of the Central Coast LEP; and • inclusion of the former Low Risk Coastal Hazard Planning Line for the former Wyong LGA. <p>Recommendations for the comprehensive LEP review:</p> <ul style="list-style-type: none"> • investigate and assess the biodiversity values of land in the LGA; • investigate mechanisms to strengthen the COSS and ensure all land under and proposed COSS is zoned C2 Environmental Conservation; • ensure the land uses in C2 Environmental Conservation, C3 Environmental Management zones and C4 Environmental Living zone are consistent with the zone objectives and that of LEP Practice Note <i>PN09-002 Environment Protection Zone</i>; • investigate and assess the Aboriginal cultural heritage values in the LGA, including consultation with Aboriginal stakeholders; • complete sensitivity mapping of Aboriginal cultural heritage values informed by cultural heritage strategies and engagement; 	<p>protect important areas of natural vegetation and corridors will be undertaken during the comprehensive LEP project. Proposed COSS under the IDO 122 is proposed to remain deferred to allow for further refinement of criteria and a consistent approach across the full LGA.</p> <p>Council comments were not provided regarding the inclusion of a Biodiversity Values Map and Council have consulted with National Parks and Wildlife Service in accordance with the Gateway determination.</p> <p>Sewerage and water infrastructure uses (excluding water reticulation systems) are proposed to be retained within the W1 Natural Waterways and W2 Recreational Waterways zones as being permissible with consent. This is to ensure adequate infrastructure and effective servicing can be provided within these and adjoining zones with development consent.</p> <p>The requested objective in W1 Natural Waterway has been requested in the final drafting process for the Central Coast LEP.</p> <p>Council is unable to provide a standard definition for ‘flood planning level’ as the nominated freeboard differs across the LGA and the retained flood planning clauses, clause 7.2, is not proposed to be altered as it aligns with standard model clause wording.</p> <p>As a consolidation of existing instruments, the draft Central Coast LEP does not propose to include flood prone land maps as these do not exist in any of the instruments being consolidated. Relevant development controls relating to development of flood prone land are provided within the supporting consolidated DCP.</p> <p>There is no LEP clause which enforce the application of the Low Risk Coastal Hazard Planning Line. However, the relevant mapping has been included in the consolidated DCP.</p> <p>The matters identified for further consideration during the preparation of a comprehensive LEP will be addressed through the next stage of that project and recommendations considered when scoping projects such as the environmental lands review.</p> <p>The following comments were made in response to the draft consolidated DCP:</p> <ul style="list-style-type: none"> • Council has resolved to defer draft Chapter 3.1 and continue with the existing controls. Council will consider OEH’s recommendations regarding Chapter 3.1 in the redrafting of the DCP.

Advice	Council response
<ul style="list-style-type: none"> • refine the application of zoning related to W2 Recreational Waterways; • request for further engagement with the agency on the mapping and development controls related to potential changes to 7.2 Flood Planning and 7.3 Floodplain risk management; • ensure new land uses in RU6 Rural Transition zones are consistent with the Standard Instrument objectives; and • include an environmentally sensitive lands layer. <p>Recommended amendments to the draft DCP:</p> <ul style="list-style-type: none"> • Chapter 3.1 - define flood hazard categories, consistency in terminology, use annual exceedance probability when referring to flood levels, and ensure flood related development controls are appropriate for different hazard areas, signage, minimum floor levels controls, filling activities, evacuation, documentation, and flood compatible construction materials; • ensure consistency with flood related development controls in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>; and • inclusion of the RU6 Transition Zone in chapter 3.5. 	<ul style="list-style-type: none"> • Draft Chapter 3.2 maintains the existing separate north/south controls until such time as a set of consistent controls and Central Coast Coastal Zone Management Plan is completed. • Consistent with the <i>State Environmental Planning Policy (Vegetation in non-rural areas) 2017</i>, vegetation removal in the RU6 Transition zone is not dealt with under a DCP and requires Local Land Services approval.

NSW Resources and Geosciences	
<ul style="list-style-type: none"> • Sought confirmation the permissibility of mining and extractive industries within the Central Coast as per former SEPP (Mining Petroleum Production and Extractive Industries) 2007 is not affected by the Central Coast LEP. • Minor inconsistency identified with the proposed zoning of a site adjacent to Rindean Quarry. 	<p>Part 1.9 of the Central Coast LEP is subject to the provision of any SEPP (or deemed SEPPs) that prevails over the plan. Therefore, the provisions of Central Coast LEP do not impact on the permissibility set out in the SEPP.</p> <p>Council confirmed the Central Coast LEP does not seek to repeal the provisions of <i>Sydney Regional Environmental Plan No. 8 (Central Coast Plateau Areas)</i> and <i>Sydney Regional Environmental Plan No. 9 Extractive Industry</i>. Each SREP has since been consolidated with <i>State Environmental Planning Policy (Primary Production) 2021</i> and <i>State Environmental Planning Policy (Resources and Energy) 2021</i> respectively.</p> <p>Council clarified the inconsistency outlined in the agency submission and NSW Resources and Geosciences has confirmed the issues raised have been addressed.</p>

Advice	Council response
Then Roads and Maritime Services (now Transport for NSW)	
<p><u>Then Roads Branch</u></p> <ul style="list-style-type: none"> identified a number of sites were required to be retained on the Land Reservation Acquisition Map and confirmed others no longer required for acquisition can be removed. This includes amendments to the mapping of certain land in Warnervale, Hamlyn Terrace, Lisarow, West Gosford and Noraville. Raised concerns with the deferred matters land being rezoned to an equivalent environmental protection zone (C4 Environmental Living). The majority of the agency land remains developable land. It is the agency's intention to dispose of the land for the highest and best use. They recommend any proposed rezoning maintains or increases the value of the land. <p><u>Then Maritime Branch</u></p> <ul style="list-style-type: none"> General recommendation to update the use of the term "mooring" and "berthing" as it relates to the storage and tethering of vessels respectively. Moorings should be permissible without consent in all waterways zones to avoid inconsistency with <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>. Nav aids and other core maritime activities should be permissible without consent in all zoned and unzoned land. 	<p>Council sought clarification from the agency on the lots requested to remain on the Land Reservation Acquisition Map and have amended the relevant data accordingly.</p> <p>In response to public submissions and consultation with Council, a decision has been made to further refine the criteria being applied to the zoning of deferred matters lands currently subject to IDO 122 and GPSO. Land within these areas and outside of the current COSS will maintain their current land use zoning provisions under IDO 122 and GPSO. This includes land owned by Transport for NSW. Council will investigate appropriate zoning of the remaining deferred matters land as part of a future planning proposal.</p> <p>Moorings are proposed as permissible without consent in all waterway zones.</p> <p>Nav aids and other core maritime activities are not specifically defined land uses within the Standard Instrument LEP, and as such cannot be listed in the Central Coast LEP as permissible without consent.</p>

The following agencies did not object, provide any advice related to the planning proposal or did not provide a response:

- Commonwealth Department of Environment;
- Civil Aviation Safety Authority;
- Department of Industry (Water);
- Department of Planning and Environment;
- Guringai Tribal Link Aboriginal Land Council;
- Local Land Services;
- NSW Rural Fire Service;
- Subsidence Advisory NSW; and
- Transport for NSW.

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

4 Post-exhibition changes

4.1 Council resolved changes

9 March 2020 Ordinary Council meeting

On 9 March 2020, Council considered a report detailing the outcomes of the public exhibition.

Council deferred the finalisation of the Central Coast LEP planning proposal until after Council's Local Strategic Planning Statement (LSPS) is finalised. Council also required a further report to be considered outlining how the Central Coast LEP, as amended, is aligned with the adopted LSPS and Council's Community Strategic Plan, as well as any further work required to respond to submissions made during public exhibition.

14 December 2020 Ordinary Council meeting

On 14 December 2021, a report was considered at Council's meeting that proposed the following changes to the planning proposal that were proposed to be adopted by Council:

- remove lands currently identified as deferred matters under *Gosford Local Environmental Plan 2014*;
- amend the site-specific zoning of the land as outlined in section 1.4 of this report;
- amend the height of building map applying to the R2 Low Density Residential zone to retain controls currently applicable under *Gosford Local Environmental Plan 2014*;
- amend the minimum lot size map applying to the R2 Low Density Residential zone to retain controls currently applicable under *Gosford Local Environmental Plan 2014*, where mapped at 550m²;
- amend the Dwelling Opportunity Map in the Central Coast LEP to only include land zoned as C2 Environmental Conservation under the *Gosford Local Environmental Plan 2014*;
- amend the heritage map and schedule 5 of the Central Coast LEP to include:
 - "Kendalls Glen" reserve, rock and memorial (Lot 1, DP 716236);
 - Calga Aboriginal Cultural Landscape (Lot 1, DP 1006218, Part Lot 40, DP 1087374, Part lot 45 DP 1197008; Part Lot 108 DP 755221; Lot 1 DP 805358; Part Lot 2 DP 805358; Part Lot 235 DP 822125);
- prohibit residential flat buildings, multi dwelling housing and serviced apartments in the B6 Enterprise Corridor zone, and Serviced apartments in the B7 Business Park zone;
- amend proposed clause 7.14 of the Central Coast LEP to ensure the residential component of shop top housing development does not exceed 50% of the total gross floor area;
- amend clause 7.22, as exhibited, and relevant map layer be amended to apply only to land currently zoned C2 Environmental Conservation under the *Gosford Local Environmental Plan 2014*;
- amend the additional permitted use map and schedule 1 of the Central Coast LEP at the Old Sydney Town site to include camping grounds; caravan parks; pubs; recreation facilities (indoor); recreation facilities (outdoor); registered clubs; restaurants or cafes; tourist and visitor accommodation; and veterinary hospitals;
- include amendments which have come or will come into effect under *Gosford Local Environmental Plan 2014* and *Wyong Local Environmental Plan 2013* during or after the public exhibition of Central Coast LEP and prior to the Central Coast LEP coming into force;

- correct administrative changes to proposed clause 4.3A and 4.4A of the Central Coast LEP; and
- correct exhibited administrative errors to clauses 4.2A and 7.22 of the Central Coast LEP to insert the word 'house' in the term 'dwelling house'.

At this meeting, Council also resolved to:

- adopt the Central Coast LEP and DCP, including the amendments listed above;
- request the Department under section 3.36 of the *Environmental Planning and Assessment Act 1979* defer the inclusion of lands identified as deferred matters under the *Gosford Local Environmental Plan 2014* from the Central Coast Local Environmental Plan;
- review Council's environmental lands review and accompanying planning proposal to review the deferred matters under *Gosford Local Environmental Plan 2014*;
- authorise Council's Chief Executive Officer, or equivalent to make minor alterations to the planning proposal or Central Coast LEP where necessary;
- notify those who made a submission during the public exhibition of Council's decision;
- engage an independent planning consultant to conduct a review of the zoning of certain land in Crangan Bay;
- request the Chief Executive Officer to negotiate funding the review of the zoning of certain land in Crangan Bay and its terms of reference by an independent planning consultant with current property owners, and
- report on the actions of this resolution to Council in early 2021.

9 March 2021 Ordinary Council meeting

Following the completion of additional investigations outlined in Council's resolution of 14 December 2020, Council considered an additional report.

Council resolved to rezone 422 parcels of Council-owned COSS land to C2 Environmental Conservation and 14 parcels of other Council-owned land including drainage reserves, sewer pump stations, sanitary depots and cemeteries rezoned C2 Environmental Conservation, C3 Environmental Management, C4 Environmental Living, SP1 Special Activities and RC1 Public Recreation.

Private, State-owned and Crown land will continue to be deferred matters subject to further investigation and a separate planning proposal.

At this meeting Council reaffirmed the resolution on 14 December 2020 and resolved to:

- adopt the draft Central Coast LEP and DCP as amended, and
- to submit the draft Central Coast LEP and supporting information to the Department for finalisation.

13 April 2021 Ordinary Council meeting

Matters outlined in the resolution of 14 December 2020 related to land in Crangan Bay were further considered by Council. Council resolved not to amend the planning proposal in response to this investigation. See Section 5.5.1 of this report.

20 July 2021 Final planning proposal submission to the Department

On 20 July 2021, Council submitted its final planning proposal to the Department to commence the finalisation of the planning proposal, consistent with Council's resolution on 9 March 2021.

The final planning proposal outlined the above changes (including relative amendments to digital LEP maps), as well as included amendments that have been made to the Standard Instrument LEP. These include:

- clause 5.5 Controls relating to secondary dwellings on land in a rural zone;
- clause 5.9 Dwelling house or secondary dwelling affected by natural disaster;
- clause 5.21 Flood Planning;

- clause 5.18 Intensive livestock agriculture;
- clause 5.19 Pond-based, tank-bases and oyster aquaculture; and
- clause 5.20 Standards that cannot be used to refuse consent—playing and performing music.

4.2 The Department’s recommended changes

The Department made several amendments to Council’s final planning proposal following its submission for finalisation. Post-exhibition changes made by the Department are justified and do not require re-exhibition as outlined in Section 4.3.

Further post-exhibition changes requested by Council following submission to the Department

Following the request for finalisation of the planning proposal, Council requested additional changes for the Department to consider below:

1. inclusion of existing floor space ratio and height of building bonus provisions as provided for in the former *Gosford Local Environmental Plan 2014* and *Wyong Local Environmental Plan 2013*, as provisions related to The Entrance were omitted from the exhibited planning proposal in error.

RESPONSE: The Department confirms the planning proposal seeks to consolidate existing controls between the former *Gosford Local Environmental Plan 2014* and *Wyong Local Environmental Plan 2013*. The retention of the subject planning controls seek to maintain the overall intent of the planning proposal, the current condition of the former LEPs and can be included as a post-exhibition amendment to the planning proposal.

2. request certain land along Wyong Road (Lot 10, DP1204383 and the road reserve) identified for acquisition on the Land Reservation Acquisition Map to be removed as this land has already been acquired by Transport for NSW.

RESPONSE: The Department confirmed with Transport for NSW the land has been acquired and the delivery of the road widening had been completed. The amendment has been included as a post-exhibition amendment.

3. request references to “Warnervale Aircraft Landing Area” in draft clauses 7.9 Airspace Operations and 7.10 Development in areas subject to aircraft noise to be replaced with “Central Coast Airport”.

RESPONSE: The Department supports the amendments to the identified clauses as it aligns with a resolution of Council dated 13 April 2021 and provides clarity to the naming and operation of the Airport.

4. Listing of heritage item (I419) Quarry at 60 Bay View Avenue and 45 White Street, East Gosford in Schedule 5.

RESPONSE: The Department supports the inclusion of this item as mapped, both within the *Gosford Local Environmental Plan 2014* and *State Environmental Planning Policy (Precincts – Regional) 2021* land application. The item is omitted from the *Gosford Local Environmental Plan 2014*. However, it is listed (I323) within Schedule 9 of *State Environmental Planning Policy (Precincts – Regional) 2021*. The listing provides clarity to the significance of the item.

Inclusion of amendments sought under a planning proposal for land at 2, 14, 24 Collingwood Drive & 107 Matcham Road, Matcham

In December 2021, the Department determined to include the amendments proposed under the planning proposal for land at 2, 14, 24 Collingwood Drive & 107 Matcham Road, Matcham (Matcham planning proposal), as part of the Central Coast LEP. This decision resulted in the separate Matcham planning proposal being withdrawn from the planning portal (PP-2021-618).

The Matcham planning proposal sought to rezone land from 7(a) Conservation and Scenic Protection (Conservation) under the IDO 122 to C4 Environmental Living with a 2 hectare minimum lot size. This amendment would mean IDO 122 no longer applies to this site and it will be subject to the provisions of the Central Coast LEP.

These changes have been included as a post-exhibition amendment to the planning proposal for the Central Coast LEP. The Department considers the Matcham planning proposal can be finalised in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*, as a single planning proposal, as the Matcham planning proposal met the following requirements:

1. the planning proposal was prepared in accordance with a guide to preparing planning proposals and was issued a Gateway determination 4 July 2017;
2. the conditions of the Gateway determination have been satisfied;
3. the planning proposal was exhibited in accordance with Schedule 1 of the *Environmental Planning and Assessment Act 1979* and all public submissions have been resolved by Council; and
4. the finalisation of the planning proposal is in accordance with Council's resolution dated 19 October 2020.

A separate finalisation report (**Attachment A.1 and A.2**) is provided as an attachment to this report, and mapping has been included within the final Central Coast LEP mapping. The Matcham planning proposal is considered suitable for finalisation.

4.2.1 Legal drafting changes

Minor changes have been made to the proposed instrument through the drafting process in consultation with the Department's Legal Branch, Parliamentary Counsel's Office and Geographical Information Systems teams to ensure the intent of consolidating several instruments and any proposed changes are aligned with objectives of the planning proposal.

Most of these changes are administrative, respond to changes in policy and drafting standards or correct errors in the plan. Table 5 outlines the changes made as a result of the legal drafting process. The clause numbers below are those referenced in Attachment LEP.

Table 5 Legal drafting changes

Provision	Post-exhibition change(s)
General	<ul style="list-style-type: none"> • Refinement of aims of the plan and objectives applied to development standards in alignment with the updated drafting standards, model provisions and the legal opinion of Parliamentary Counsel's Office. • Alignment of proposed provisions with existing model provisions where the intent remains unchanged, specifically related to the provisions captured under Part 7 of the Central Coast LEP. • Ensure the terminology describing floor space ratio and/or gross floor area are applied consistently across all relevant clauses. • Removal of references to "Despite clause X.X..." in alignment with the legal opinion of Parliamentary Counsel's Office. • Update references to relevant maps to ensure consistency across the instrument. • Minor changes to the wording, clause structure and layout of the instrument to improve legibility, plain English explanations and interpretation in alignment with the legal opinion of Parliamentary Counsel's Office. • Updates to property descriptions across the instrument (including schedules 1-6).

Provision	Post-exhibition change(s)
Clause 1.9A	<ul style="list-style-type: none"> Amending the model clause 1.9A Suspension of covenants, agreements and instruments to update legislation that has changed since the model clause was initially drafted.
Land use table	<ul style="list-style-type: none"> Refine objectives across land use zones to provide greater clarity, plain English explanations and simplification in alignment with the legal opinion of Parliamentary Counsel's Office. Amendments to Environment Protection zones C1, C2, C3 and C4 to reflect updated Conservation zone references in accordance with Standard Instrument LEP Amendment (Land Use Zones).
Clause 4.1A	<ul style="list-style-type: none"> Simplify and merge clauses 4.1A as it relates to exceptions to minimum subdivision lot sizes for various residential accommodation land uses. Inclusion of an additional reference to a lot created under clause 4.1C of the <i>Wyang Local Environmental Plan 2013</i> before its repeal.
Clause 4.F	<ul style="list-style-type: none"> Amend the wording of the clause to reference the Land Application Map and minor edits to identify that the residual lot does not contain land identified as deferred matter.
Clause 4.2B	<ul style="list-style-type: none"> Simplify the clause to enable development on land which specified development was permissible before commencement of this local environmental plan and in other specified circumstances instead of dwelling entitlement.
Clause 4.2C	<ul style="list-style-type: none"> Amend the wording of the clause to improve interpretation to ensure it applies, 'irrespective of when the road closure occurred'.
Clause 4.2D	<ul style="list-style-type: none"> Split proposed clauses to improve the interpretation of the matters to be considered by the consent authority when determining whether or not to grant development consent.
Clause 5.3 and Clause 7.22	<ul style="list-style-type: none"> Adopt model provision 5.3 under the Standard Instrument LEP and insert an additional site specific clause under Part 7 (Clause 7.22), to align with the intent of the exhibited clause 7.19.
Clause 6.1	<ul style="list-style-type: none"> Replace the former satisfactory arrangements clause with an updated model clause outlining requirements for the "concurrence of the Secretary" to secure the provision of infrastructure at development application stage and to define public utility infrastructure Insert a provision to ensure the clause does not apply where development consents have been granted under the <i>Wyang Local Environmental Plan 2013</i> or <i>Gosford Local Environmental Plan 2014</i>.
Clause 7.12	<ul style="list-style-type: none"> Insert a reference to <i>Draft Plan of Management for Somersby Industrial Park</i> dated June 2005 and published on the Council's website. Provision redrafted to assist in interpretation. Replace the objectives under the clause to matters the consent authority must consider when determining a development application.
Clauses 7.17, 7.18, 7.19 and 7.20	<ul style="list-style-type: none"> Relocate provisions from Schedule 1 Additional Permitted Uses and drafted reference to include on Key Sites Map. Clause 7.17 – update existing definition of managed resort facility to align with Standard Instrument definition of tourist and visitor accommodation and associated recreation facilities (indoor) and recreation facilities (outdoor).

Provision	Post-exhibition change(s)
	<ul style="list-style-type: none"> Clause 7.18 – align the concurrence requirements under the clause to the <i>Gosford Local Environmental Plan 2014</i>. Clause 7.19 and 7.20 - update lot threshold to reflect partially enacted former provisions.
Clause 7.21	<ul style="list-style-type: none"> Remove 'dwelling entitlement' reference and replace with permissibility provisions to capture all requirements relevant to the permissibility of a dwelling house under the <i>Gosford Local Environmental Plan 2014</i>.
Clause 7.23	<ul style="list-style-type: none"> Replace proposed clause 7.3 Floodplain risk management, with a savings provision to provide transitional flood arrangements. The clause intends to ensure the existing flood planning clauses under the <i>Wyong Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i> continue to apply to the land under the Central Coast LEP, for a set period of time. This insertion will allow for further investigations to be completed into the adoption of clause 5.22 into the Central Coast LEP.
Schedule 1	<ul style="list-style-type: none"> Removal of additional permitted uses for Karalta Road, Pine Needles and Gosford Racecourse, under the <i>Gosford Local Environmental Plan 2014</i> which are now permissible under the land use table.
Schedule 2	<ul style="list-style-type: none"> Removal of proposed provisions to align with <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.
Dictionary	<ul style="list-style-type: none"> Amendments to the dictionary in accordance with Standard Instrument LEP Amendment (Miscellaneous).
Other	<ul style="list-style-type: none"> Removal of proposed clause 7.5 Short-term rental accommodation in accordance with amendments made to the <i>Gosford Local Environmental Plan 2014</i> by <i>State Environmental Planning Policy (Housing) 2021</i>.

The Department has also included a deferred commencement of 1 month (1 August 2022) for the Central Coast LEP to enable the effective transition of systems, processes and policies to align with the new instrument.

4.2.2 Mapping changes

The finalisation of the Central Coast LEP has required minor mapping amendments to the planning proposal submitted by Council for finalisation, because:

- stylist changes were required to align with the Standard Technical Requirements for Spatial Datasets and Maps;
- changes to certain polygons were required to ensure the digital mapping accurately reflects the existing mapping;
- ensure the mapping accurately reflects the intent of the exhibited planning proposal;
- amendments to map labels as displayed on the spatial viewer to align with legal drafting;
- amendments to Schedule 5 item descriptions to align with legal drafting;
- amendment to Key Sites Map to include land at 85-93 Karalta Road, Erina and former additional permitted use provisions;
- updates to account for the finalisation of Matcham planning proposal; and
- updates to account for recently notified planning proposals (Newling Street, Lisarow).

4.3 Justification for post-exhibition changes

The Department considers both Council's and the Department's post-exhibition amendments are justified and do not warrant re-exhibition. The post-exhibition changes:

- reflect the resolution of Council on 9 March 2021 to finalise the planning proposal;
- do not alter the intent of the planning proposal and are minor in nature;
- directly respond to concerns raised during the public exhibition and respond to comments provided by public authorities;
- provide greater flexibility and clarity as to the intent of the proposed clauses of the Central Coast LEP;
- demonstrate alignment with the strategic planning framework, including the *Central Coast Regional Plan 2036* and Council's Local Strategic Planning Statement;
- correct administrative errors in the planning proposal and existing instruments;
- demonstrates alignment across the existing local environmental plans in relation to land use permissibility, and mitigates potential land use conflicts;
- address legislative changes to the standard instrument and amendments to the *Wyong Local Environmental Plan 2013* and *Gosford Local Environmental Plan 2014*;
- provides a suitable pathway to finalise the Matcham planning proposal that has met the necessary requirements under the *Environmental Planning and Assessment Act 1979* to be made; and
- identifies a suitable pathway and mechanism to address private, State-owned and Crown land deferred matters land in a future planning proposal as detailed in Section 5.5.3.

Section 5.2 provides further discussion on post-exhibition changes where changes are not considered minor or administrative in nature.

5 The Department's assessment

5.1 Overview

The planning proposal has been subject to detailed review and assessment through the Department's Gateway determination. It has also been subject to public consultation and engagement. This section reassesses the proposal against the *Central Coast Regional Plan 2036*, Central Coast Local Strategic Planning Statement, Central Coast Community Strategic Plan, section 9.1 Ministerial directions and SEPPs, in relation to post-Gateway changes.

As outlined in the Gateway determination report, the planning proposal submitted to the Department for finalisation:

- is consistent with the *Central Coast Regional Plan 2036*;
- is consistent with the Council's Local Strategic Planning Statement;
- any inconsistencies with section 9.1 Ministerial directions have been justified or is of minor significance; and
- is consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the time of the Gateway determination. Where the planning proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1

Table 6 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial directions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1

Table 7 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Infrastructure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

5.2 Consideration of public submissions and post exhibition changes

5.2.1 Deferred matters land

Exhibited planning proposal

The Gateway determination report identified that a key objective of the planning proposal was to bring the land deferred from the *Gosford Local Environmental Plan 2014* into the Central Coast LEP in accordance with the methodology within the Environmental and Urban Edge Zone Review (EUEZR). The planning proposal was exhibited proposing a direct translation of the zoning of deferred matters land as informed by the EUEZR.

Council's response to matters raised in public and agency submissions

Public exhibition of the Central Coast LEP resulted in 156 submissions raising objections and comments in relation to the translation of provisions and the methodology used to determine appropriate zones in the EUEZR.

Following public exhibition, Council completed ground truthing of select sites identified as deferred matters land and identified:

- differences in the application of Environmental zones under the *Wyong Local Environmental Plan 2013*, *Gosford Local Environmental Plan 2014* and EUEZR;
- differences in provisions under the environmental zones of each instrument;

- removal of appropriate split zones which does not properly allow for the zoning of land with different environmental and physical characteristics;
- the C3 Environmental Management zone being applied to land based on potential land management needs rather than conservation values;
- discrepancies in the smoothing of zone boundaries; and
- inconsistencies between geospatial data and what's on the ground.

At its meeting dated 14 December 2020 and 9 March 2021 Council amended the planning proposal, as discussed in sections 3 and 4 of this report.

Council resolved at its meeting on 27 April 2021, to prepare a separate planning proposal as part of its next stage of the comprehensive LEP review program which will integrate the remaining deferred matters lands into the Central Coast LEP. The planning proposal will include an environmental lands framework (the framework) that will include principles and criteria to be utilised to:

- review and rezone deferred matters lands to an appropriate zoning available under the Standard Instrument LEP;
- review and apply appropriate development standards (such as minimum lot sizes, as well as other relevant planning controls and/or planning maps);
- determine appropriate land use permissibility's; and
- review and consider bonus lot provisions currently available for land zoned under IDO 122.

The Department's assessment

The deferral of private and State-owned and Crown lands deferred matters lands will allow for further refinement of the criteria being applied to the zoning of these lands and to develop zoning outcomes which better match the physical and ecological characteristics of the land. It will also ensure greater consistency in the application of environmental zones across the LGA.

The Gateway determination report acknowledged the completion of a consolidated LEP and the process of transferring deferred matters land into the standard instrument LEP template was a complex matter, and the outcomes of a public exhibition may create issues that lead to further changes to the planning proposal post exhibition.

The Department's support for this post exhibition change also relies on the completion of a second planning proposal in accordance with the above to consolidate IDO 122 and GPSO into the Standard Instrument LEP template and the Central Coast LEP. As this change retains the 'current state' of existing planning controls, this post-exhibition change is considered acceptable in relation to strategic planning, section 9.1 Ministerial directions and relevant SEPPs.

5.2.2 Height of building and minimum lot size in the R2 Low Density Residential zone

Exhibited planning proposal

The exhibited planning proposal proposed to remove height of building controls on R2 Low Density Residential zoned land in the former Gosford LGA to allow for more flexibility in development standards by reducing the minimum lot size from 550m² to 450m².

Council's response to matters raised in public and agency submissions

Council resolved on 14 December 2020 that the existing 550m² controls currently applying in the *Gosford Local Environmental Plan 2014* will be retained for the Central Coast LEP. The *Gosford Local Environmental Plan 2014* also establishes a maximum building height of 8.5m for all land zoned R2 Low Density Residential. This approach is different in the *Wyong Local Environmental Plan 2013* which does not specify a building height for land zoned R2 Low Density Residential unless it forms part of a 'Strategy Area', such as The Entrance.

The minimum lot size and height of building controls for residential development will be revisited in future stages of the comprehensive LEP review following completion of Council's Housing Strategy. This will be supported by DCP controls that limit the overall height of dwelling houses in the R2 Low Density Residential zone to generally two storeys across the Central Coast among other design related controls.

The Department's assessment

Council's response is supported by the Department. As this change responds to public submissions and retains existing planning controls, this post-exhibition change is supported.

5.2.3 Prohibition of residential flat buildings, multi-dwelling housing and serviced apartments in B6 Enterprise Corridor and serviced apartments in B7 Business Park

Exhibited planning proposal

The planning proposal was exhibited permitting residential flat buildings, multi dwelling housing and serviced apartments in the B6 Enterprise Corridor zone and serviced apartments in the B7 Business Park zone.

Council's response to matters raised in public and agency submissions

In response to public submissions, residential flat buildings, multi dwelling housing and serviced apartments are to be prohibited in the B6 Enterprise Corridor zone and serviced apartments are to be prohibited in the B7 Business Park zone.

Council considers these land uses detract from, and conflict with, the relevant zone objectives and are an under-utilisation of land potential. Council also noted these zones generally have low amenity for residential housing, as they are surrounded by industrial uses with potential for land contamination and conflict issues.

The Department's assessment

The Department considers this an appropriate post exhibition change because:

- height and floor space ratio controls are not mapped in either zone, which could create the potential for these forms of development to dominate employment/business developments and detract from the zone objectives;
- the removal of these land uses from the B6 Enterprise Corridor zone is consistent with the actions of the draft Tuggerah to Wyong Economic Corridor Strategy;
- this type of development risks creating adverse amenity impacts on existing businesses and poses the risk of increasing land values in the area, where reasonable land values and rents have been key to the area's growth and success; and
- the potential for land use conflict within these zones as a result of this development may compromise the ability to achieve Direction 5 and 7 of the Central Coast Regional Plan 2036 (Region Plan).

5.3 Strategic assessment

5.3.1 Central Coast Regional Plan 2036

The post exhibition changes to the Central Coast LEP have not resulted in any identified inconsistency with the *Central Coast Regional Plan 2036*.

The Central Coast LEP remains consistent with the *Central Coast Regional Plan 2036*.

5.3.2 Central Coast Local Strategic Planning Statement

The Central Coast Local Strategic Planning Statement (LSPS) was adopted by Council on 29 June 2020.

The Central Coast LEP directly addresses Planning Priority 10 Action 1 of Council's LSPS to deliver a Consolidated Local Environmental Plan and Development Control Plan to provide a single guiding document for land use and development for the Central Coast region. The implementation of the actions of the LSPS are proposed to be completed as part of future stages of Council's Comprehensive LEP review process and other relevant strategic planning exercises.

The Central Coast LEP is consistent with Council's LSPS.

5.3.3 Central Coast Community Strategic Plan

The *Central Coast Community Strategic Plan 2018-2028* (One Central Coast) identifies five key themes that reflect the needs and values of the community: belonging, smart, green, responsible and liveable. The Central Coast LEP will deliver a harmonised environmental planning instrument promoting greater certainty and consistency for new development within the LGA.

The Central Coast LEP remains consistent with Council's *Community Strategic Plan 2018-2028*.

5.3.4 Section 9.1 Ministerial directions

At the time of the Gateway determination, the delegate conditioned that Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency with several directions. Table 7 assesses the additional information and justification provided by Council in response to the Gateway determination, and provides an assessment where directions have been introduced or updated following the issue of Gateway determination.

Table 8 Section 9.1 Ministerial Directions

Direction	The Department's assessment
1.2 Development of Aboriginal Land <i>(Former 5.11 Development of Aboriginal Land)</i>	<p>Direction 1.2 was adopted in February 2019 following the Gateway determination.</p> <p>The direction applies to provide for the consideration of development delivery plans prepared under <i>State Environmental Planning Policy (Planning Systems) 2021</i> when planning proposals are prepared by a planning proposal authority. The Interim Darkinjung Development Delivery Plan (February 2019) applies to land covered by the planning proposal.</p> <p>The Central Coast LEP does not propose to alter the current zonings applicable to these lands. However some changes to the permissible land uses within each of the relevant zones will occur. The planning proposal does not raise any issues that conflict with the Interim Darkinjung Development Delivery Plan.</p> <p>The planning proposal is consistent with this direction.</p>
1.3 Approval and Referral Requirements <i>(Former 6.1 Approval and Referral Requirements)</i>	<p>Direction 1.3 applies to encourage the efficient and appropriate assessment of development. It requires planning proposals to minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p> <p>Due to changes resulting from the legal drafting process, the Central Coast LEP has been drafted to include concurrence of Planning Secretary provisions in lieu of existing satisfactory arrangement certificate provisions used in part 6 of the <i>Wyong Local Environmental Plan 2013</i>. This represents a post exhibition change by the Department</p>

Direction	The Department's assessment
	<p>and is appropriate under the terms of the direction as it aligns with standard legal drafting practices.</p> <p>The planning proposal is consistent with this direction.</p>
<p>1.4 Site Specific Provisions <i>(Former 6.3 Site specific provisions)</i></p>	<p>While the intent of the planning proposal is to harmonise existing controls, including existing additional permitted uses and Part 7 provisions, amendments to clause 7.12 by the department during legal drafting resulted in the express identification of the draft Somersby Plan of Management which contains site specific provisions in subclause (2)(c). This is inconsistent with the requirement of the direction to limit the inclusion of drawings. However, it does align with the intent and provisions of former <i>Gosford Local Environmental Plan 2014</i> clause 7.4(3)(a).</p> <p>As this process is a consolidation of existing instruments and provisions, the inconsistency is of minor significance.</p>
<p>3.1 Conservation Zones <i>(Former 2.1 Environmental Protection Zones)</i></p>	<p>The Gateway determination required Council to undertake an assessment against <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> as well as consult with the Biodiversity Conservation Division.</p> <p>Council has undertaken an assessment against the SEPP within the final planning proposal as detailed in Section Error! Reference source not found. and consulted with the Biodiversity Conservation Division as outlined in Section 3.3.</p> <p>The land use zone objectives, land use permissibility and provisions applying to environmental zones are proposed to be amended to align the <i>Wyong Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i>.</p> <p>The consolidation process has resulted in some permitted land uses occurring in zones that may not protect environmental values for example, dwelling houses, and some existing land uses are incompatible with the zone objectives. For example, C2 Environmental Conservation. However, Council's consolidated DCP aims to ensure there are suitable development controls in place to protect the environmental values of land. The rezoning of Council owned COSS (deferred matters) land to C2 Environmental Conservation will also support the ongoing conservation of environmentally sensitive areas.</p> <p>There are further opportunities for the comprehensive LEP review process to consider the alignment of the Central Coast LEP with Councils Biodiversity Strategy and would be considered as part of a separate planning proposal.</p> <p>As this process is a consolidation of existing instruments and provisions, the inconsistency is of minor significance.</p>
<p>4.1 Flooding <i>(Former 4.3 Flooding)</i></p>	<p>The direction seeks to ensure that development of flood prone land is consistent with the NSW Government's <i>Flood Prone Land Policy</i> and the principles of the <i>Floodplain Development Manual 2005</i>, and that the provisions of a local environmental plan that apply to flood prone land are commensurate with flood behaviour.</p> <p>The Draft Central Coast LEP contains model provisions relating to flood impact including clause 5.21 and 7.3.</p> <p>The planning proposal remains consistent with the direction.</p>

Direction	The Department's assessment
<p>4.2 Coastal Management</p> <p>(Former 2.2 Coastal Management)</p>	<p>The direction seeks to protect and manage coastal areas of NSW. The proposal encompasses land within the coastal zone that comprises coastal wetlands, littoral rainforests coastal vulnerability, coastal environment and coastal use areas.</p> <p>The planning proposal does not seek to enable increased development of more intensive land use on land within a coastal vulnerability area or on land identified by current or future coastal hazard or seek to amend <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</p> <p>The rezoning of Council owned COSS land as C2 Environmental Conservation is consistent with the objective of this direction is to protect and manage coastal areas.</p> <p>The planning proposal is consistent with this direction.</p>
<p>4.3 Planning for Bushfire Protection</p> <p>(Former 4.4 Planning for Bushfire Protection)</p>	<p>The Gateway determination required that Council consult with the NSW Rural Fire Service given that areas of Central Coast LGA contain bushfire prone vegetation.</p> <p>The final planning proposal will generally not alter zoning of land subject to <i>Wyang Local Environmental Plan 2013</i> or <i>Gosford Local Environmental Plan 2014</i>.</p> <p>The NSW Rural Fire Service had no objections to the planning proposal, subject to any future development complying with <i>Planning for Bush Fire Protection 2006</i>, as in force at the time of consultation. The Department consider the proposal remains consistent and any future planning proposals will consider <i>Planning for Bush Fire Protection 2019</i>.</p> <p>The planning proposal is consistent with this direction.</p>
<p>4.4 Remediation of Contaminated Land</p> <p>(Former 2.6 Remediation of Contaminated Land)</p>	<p>Council prepared a contamination assessment as part of the final planning proposal in accordance with the terms of the direction.</p> <p>There are 15 sites across the Central Coast LGA which are contained within the NSW Environment Protection Authority (EPA) public register of contaminated land (Investigation Areas). There will be no changes to the current zoning of each of these sites by the Central Coast LEP.</p> <p>Council maintains registers of potentially and known contaminated land in accordance with the <i>Contaminated Land Planning Guidelines 1998</i>. The maintenance of the contaminated land register coupled with the provisions of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> operate to ensure that contaminated or potentially contaminated land will be further investigated before land use changes occur, demonstrating compliance with the Contaminated Land Planning Guidelines and Direction 4.4.</p> <p>411 parcels of Council owned Coastal Open Space Systems (COSS) lands and 15 parcels of Council-owned non-COSS lands are proposed to be rezoned by the Central Coast LEP. These parcels are generally not in an identified investigation area, nor on Council's registers, with the exception of two sites which represent the location of the former Green Point waste management facility. The zone proposed by the exhibited version of Central Coast LEP was C3 Environmental Management. However, this zone has now been amended to SP1 Special Activities (Sanitary Depot). This zoning better reflects the translation from GPSO to the Standard Instrument LEP and does not alter the operation of the site and existing environmental management protocols.</p> <p>Where remediation is required, Council is satisfied the current development assessment processes under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, will ensure the remediation is carried out before land is used for a new purpose.</p>

Direction	The Department's assessment
<p>4.6 Mine Subsidence and Unstable Land</p> <p><i>(Former 4.2 Mine Subsidence and Unstable Land)</i></p>	<p>The Gateway determination requested that Council consult with Subsidence Advisory NSW. The agency raised no objections to the planning proposal and recommended that Council refers any future land use rezoning application located within either Wyong or Swansea North Entrance Mine Subsidence Districts to the authority.</p> <p>The planning proposal is consistent with this direction.</p>
<p>5.2 Reserving Land for Public Purposes</p> <p><i>(Former 6.2 Reserving Land for Public Purposes)</i></p>	<p>The Gateway determination identified that amendments to the land acquisition layer were proposed in response to a request by the then Roads and Maritime Services. Advice from Council noted this may be an error and no change will be made. The Gateway determination requested further clarification from Council in relation to the proposed changes.</p> <p>Council engaged in additional correspondence with the then Roads and Maritime Services to clarify which lots should be included in the land acquisition maps. Council has now amended the land acquisition maps to be consistent with the agency advice.</p> <p>The planning proposal does not seek to add or remove existing land reservation acquisition provisions, with the exception of removal of 1 allotment at 32A Central Coast Highway, West Gosford which is now in Transport for NSW ownership and has been confirmed is no longer required for acquisition.</p> <p>The planning proposal is consistent with this direction.</p>
<p>5.3 Development Near Regulated airports and Defence Airfields</p> <p><i>(Former 3.5 Development Near Regulated Airports and Defence Airfields)</i></p>	<p>The Gateway determination requested that Council undertake consultation with the Civil Aviation Safety Authority (CASA) and the lessee of Warnervale Aerodrome, as well as confirmation that the obstacle limitation surface (OLS) and noise maps referred to by the LEP are up-to-date.</p> <p>Council undertook consultation with CASA in accordance with the Gateway. CASA had no comment on the Central Coast LEP, noting that Warnervale Aerodrome is an unlicensed airport and there are no certified or registered aerodromes in the Central Coast LGA. As such, this direction does not apply to any land within the Central Coast LGA.</p> <p>Notwithstanding, Council advised that the OLS and noise maps do not currently form part of the <i>Wyong Local Environmental Plan 2013</i>. Council notes that as they can be amended at short notice and keeping them separate removes the need for frequent LEP amendments.</p> <p>This direction does not apply to the planning proposal.</p>
<p>6.1 Residential Zones</p> <p><i>(Former 3.1 Residential Zones)</i></p>	<p><u>Proposed minimum lot size controls</u></p> <p>The Gateway determination identified the potential increase in urban density resulting from changes in controls in the Central Coast LEP, such as the proposed reduction in minimum lot size requirements of R2 Low Density Residential land in the former <i>Gosford Local Environmental Plan 2014</i> area from 550sqm to 450sqm. The Gateway determination advised that some strategic assessment of infrastructure capacity should occur as part of the planning proposal.</p>

Direction	The Department's assessment
	<p>As discussed in section 3 and section 5.2.1 of this report, this assessment concluded that the potential additional lots generated by the adoption of the reduced minimum lot size control is unlikely to have an impact on the capacity of existing infrastructure.</p> <p>The exhibited Central Coast LEP was consistent with the direction. However, in response to submissions and in accordance with Council resolution dated 9 March 2020, the 550sqm minimum lot size control for R2 Low Density Residential zoned properties in the former Gosford LGA was retained. See section 5.2.1 for further detail.</p> <p>As this process is a consolidation of existing instruments and provisions, the inconsistency is of minor significance.</p> <p><u>Small lot housing</u></p> <p>The Central Coast LEP proposes to prohibit small-lot housing from R2 Low Density Residential zone. Under existing environmental planning instruments, small-lot housing is permitted in the R2 Low Density Residential zone of the <i>Wyong Local Environmental Plan 2013</i>, but prohibited in the <i>Gosford Local Environmental Plan 2014</i>.</p> <p>Council's response to public submissions outlined that the use is not suitable in R2 Low Density Residential zone due to added pressure on infrastructure and essential services. The removal of this use from the R2 Low Density Residential is inconsistent with this direction. Opportunities exist for Council to explore this use further as part of their comprehensive LEP review and development of a Housing Strategy.</p> <p>As this process is a consolidation of existing instruments and provisions, the inconsistency is of minor significance.</p> <p><u>Prohibition of residential uses in B6 Enterprise Corridor and B7 Business Park</u></p> <p>The final planning proposal prohibits residential flat buildings, multi-dwelling housing and serviced apartments in B6 Enterprise Corridor and serviced apartments in B7 Business Park zones in response to public submissions.</p> <p>Council advised the inconsistency with the terms of the direction is justified by the draft Tuggerah to Wyong Economic Corridor Strategy which considers these uses to be incompatible with the current and future uses of the relevant business zoned land in North Wyong.</p> <p>As this process is a consolidation of existing instruments and provisions, the inconsistency is of minor significance.</p>
<p>6.2 Car Parks and Manufactured Home Estates</p> <p><i>(Former 3.2 Car Parks and Manufactured Home Estates)</i></p>	<p>The Gateway determination considered that the Central Coast LEP's proposed prohibition of caravan parks in the:</p> <ul style="list-style-type: none"> • R1 General Residential zone (consistent with the <i>Wyong Local Environmental Plan 2013</i>); and • C4 Environmental Living zone (consistent with the <i>Gosford Local Environmental Plan 2014</i>). <p>This lacked strategic merit and that further consideration should be given on the adequacy of the remaining opportunities for this form of low-cost housing.</p> <p>Following the Gateway determination, Council has amended the Central Coast LEP to retain caravan parks as permissible land uses in R1 General Residential zone. Council also intends to retain the prohibition of caravan parks in C4 Environmental Living zone. However, two additional sites comprising of existing caravan parks are zoned C4</p>

Direction	The Department's assessment
	<p>Environmental Living and are proposed to include the use as an additional permitted use provision in schedule 1.</p> <p>The proposed prohibition of caravan parks in C4 Environmental Living zone is inconsistent with the terms of the direction. Council justifies the prohibition of caravan parks in C4 Environmental Living zone as the use is inconsistent with the zone's objectives of providing for low-impact residential development in areas with special ecological, scientific or aesthetic values. The prohibition ensure unsuitable residential development in this zone does not have an adverse effect on these values.</p> <p>As this process is a consolidation of existing instruments and provisions, the inconsistency is of minor significance.</p>
<p>7.1 Business and Industrial Zones</p> <p><i>(Former 1.1 Business and Industrial Zones)</i></p>	<p><u>Closed and open zone approach</u></p> <p>The Gateway determination required Council to reconsider the zoning framework applied for business and industrial zones or provide further justification to support the approach. This is because the planning proposal sought to implement a 'closed' business and industrial zone approach, which is contrary to the current 'open' zone approach of the <i>Wyong Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i>.</p> <p>The exhibited planning proposal amended this approach to include business and employment zones as open zones. This has been reflected in the final planning proposal and is now resolved.</p> <p><u>Prohibition of heavy industries in IN1 General Industrial</u></p> <p>The Gateway determination noted the planning proposal does not permit heavy industries within the IN1 General Industrial zone, despite their inclusion as permitted with consent under the and <i>Gosford Local Environmental Plan 2014</i>.</p> <p>The Department recommended Council should include analysis and justification of this prohibition. Heavy industries remain prohibited within the IN1 General Industrial zone in the final planning proposal submitted to the Department.</p> <p>The final planning proposal states this land use is considered to have the potential for significant impact on surrounding land and requires separation from other development due to the nature of the processes involved, or the materials used, stored or produced on the site. Council advise a site-specific rezoning could be considered for an additional permitted use on land where it can be shown that this use is appropriate. This is a matter for DA consideration and does not provide sufficient justification to prohibit heavy industries across the LGA.</p> <p>Further to Council's justification, the Department are satisfied that Direction 5 in the <i>Central Coast Regional Plan 2036</i> "to support new and expended industrial activity provides actions to locate large-scale industrial uses, freight, manufacturing and logistics businesses" and does not promote the development of heavy industry within the LGA. Further, the prohibition of heavy industries within IN1 General Industrial zone retains existing controls within the <i>Wyong Local Environmental Plan 2013</i> and does not impact on existing industrial zones.</p> <p>The planning proposal's inconsistency with this direction is justified given that the provisions of the planning proposal are in accordance with the <i>Central Coast Regional Plan 2036</i> and Council should reconsider this matter during preparation of a comprehensive LEP.</p>

Direction	The Department's assessment
<p>8.1 Mining, Petroleum Production and Extractive Industries</p> <p>(Former 1.3 Mining, Petroleum Production and Extractive Industries)</p>	<p>The Gateway determination directed Council to confirm the LEP's consistency with <i>Sydney Regional Environmental Plan 9 – Extractive Industry</i> and to undertake consultation with NSW Resources and Geosciences.</p> <p>Council's assessment of the Central Coast LEP found no inconsistencies. Consultation with NSW Resources and Geosciences confirmed that mining and extractive industry permissibility would not change as a result of the Central Coast LEP and should any inconsistency arise, relevant SEPPs and SREPs would prevail.</p> <p>The Central Coast LEP will not alter the permissibility of extractive industries in the RU1 Primary Production and RU2 Rural Landscapes zones, or where existing additional permitted use provisions apply. The Central Coast LEP will retain the existing prohibition of extractive industries under the <i>Wyong Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i> within the IN1 General Industrial, C2 Environmental Conservation and C3 Environmental Management zones. Extractive industry operations within the C2 Environmental Conservation zone are operating under existing conditions of consents and licences. Open cut mining is permissible with consent in both the RU1 Primary Production and RU2 Rural Landscape zones under the Central Coast LEP.</p> <p>The planning proposal is consistent with this direction.</p>
<p>9.2 Rural Lands</p> <p>(Former 1.5 Rural Lands)</p>	<p><u>Proposed impact to rural zones and environmental zones</u></p> <p>The planning proposal seeks to rezone Council-owned deferred matters land under the IDO 122 and GPSO to C2 Environmental Conservation. The Department considers the proposed changes in zoning is a translation of former zoning into the Standard Instrument LEP template and is consistent under the terms of the direction.</p> <p>Council's assessment of this direction also outlines the planning proposal will also affect land uses within an existing or proposed rural or environmental protection zone, including the requirement for consent for horticulture and viticulture. This ensures the potential impacts of the land uses are appropriately considered at the DA stage, particularly if located within sensitive environments, such the Drinking Water Catchment. Additional permitted land uses are also proposed which are supportive or ancillary to the role and function of rural areas, such as the uses at the Old Sydney Town site.</p> <p>The impact of these changes are supported by the Department and align with the terms of the direction.</p> <p><u>Impacts of minimum lot size changes</u></p> <p>The planning proposal seeks to amend the following minimum lot sizes relating to environmental zones:</p> <ul style="list-style-type: none"> • 2ha for the C4 Environmental Living zone; and • 20ha for the C3 Environmental Management zone. <p>Council have not included a request to include model clause 5.16 of the Standard Instrument LEP which is consistent with the <i>Wyong Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i>. Council have not assessed the change in minimum lot sizes in accordance with rural subdivision principles under clause 5.16 and the terms of the direction. However, Council considered the changes to minimum lot sizes does not present an equity issue as the majority of the existing land holdings are under the minimum lot size and does not have subdivision potential.</p> <p>The proposed changes in minimum lot sizes in the environmental zones as described above are justified in the context of the terms of the direction. The Department</p>

Direction	The Department's assessment
	<p>considers the planning proposal is consistent with the terms of the direction as the intent of the change is consistent with the <i>Central Coast Regional Plan 2036</i> and Council's LSPS.</p> <p>The Department notes the Central Coast LEP has adopted <i>Wyong Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i> objectives relating to state and regional plans, ecological, social and economic sustainability, and suitability for the intended purpose. This approach supports the sustainable use and development of rural and environmental lands, and minimises fragmentation. Rural lands will be further considered as part of Council's comprehensive LEP review following the preparation of Council's Rural Lands Strategy.</p> <p>The planning proposal is consistent with this direction.</p>

5.3.5 State Environmental Planning Polies (SEPPs)

The Gateway determination required Council to amend the planning proposal to address consistencies with a number of SEPPs. A number of SEPPs have also come into effect, been amended or have been placed on exhibition since the Gateway determination was issued. Table 8 provides an assessment of each relevant SEPP as it relates to the amended planning proposal. The planning proposal is consistent with the application and provisions of all other SEPPs not listed below.

Table 9 State Environmental Planning Policies

SEPP	The Department's assessment
In effect	
SEPP (Biodiversity and Conservation) 2021	<p>Chapter 2 Vegetation in non-rural areas</p> <p>All references to this SEPP in the Central Coast LEP have been updated to align with relevant policy changes. It is considered that the conditions of the Gateway determination in relation to this SEPP have been satisfied.</p> <p>Chapter 6 Bushland in urban areas</p> <p>The Gateway report required Council to update its assessment of the Draft LEP's compliance with Clause 10(b) of the former SEPP, which requires a Council to give priority to retaining urban bushland, given the changes to the minimum lot size controls in the former <i>Gosford Local Environmental Plan 2014</i> area from 550 sqm to 450 sqm. This change is no longer being proposed as part of the planning proposal as justified by Council in response to public submissions in section 3.2.</p> <p>The Department considers the post exhibition amendments to the Central Coast LEP remain consistent with the aims of the SEPP as they will:</p> <ul style="list-style-type: none"> retain the current minimum lot sizes in the former <i>Gosford Local Environmental Plan 2014</i> as it applies to R2 Low Density Residential zoned land; reflect draft DCP controls for vegetation management related to vegetation management; and ensures the protection of bushland is maintained in the COSS where land is identified as Council owned deferred matters land.

SEPP	The Department's assessment
SEPP (Planning Systems) 2021	<p>Chapter 3 Aboriginal land</p> <p>Former SEPP (Aboriginal Land) 2019 commenced on the 6 February 2019, during the exhibition period of the planning proposal. This former SEPP has now been merged into a single SEPP under SEPP (Planning Systems) 2021.</p> <p>There are four sites within the Central Coast LGA which are subject to the SEPP, and the public submission from DLALC requested Council consider the application of this SEPP to the Central Coast LEP. The Central Coast LEP does not propose to alter the current zonings applicable to these lands and is consistent with this SEPP.</p>
SEPP (Primary Production) 2021	<p>Chapter 2 Primary production and rural development</p> <p>Council have undertaken an assessment of the former SEPP and did not identify any state significant agricultural land within the Central Coast LGA. This assessment is consistent with the updated SEPP and can be carried across.</p> <p>The draft Central Coast LEP proposes to permit agriculture, including temporary livestock containment, as permissible with consent in the RU1 Primary Production and RU2 Rural Landscape zones only. The Department considers these zones are the most appropriate zones for these land uses and therefore the temporary containment areas identified by the SEPP are also appropriate within these zones.</p> <p>The planning proposal consistent with the provisions of the SEPP.</p>
SEPP (Resilience and Hazard) 2021	<p>Chapter 2 Coastal management</p> <p>The planning proposal impacts on land within the coastal zone. The planning proposal does not seek to rezone any land within this zone, with the exception of Council owned deferred matters land, to C2 Environmentally Conservation. There will be some changes to land use permissibility within certain zones. However, in accordance with the principles of the planning proposal, the Central Coast LEP does not seek an intensification of land use within the LGA. Further assessment of specific uses will be undertaken at the development application stage.</p> <p>The planning proposal does not introduce any provisions that alter or replace the provisions of the SEPP and is considered consistent with its application.</p> <p>Chapter 4 Remediation of land</p> <p>An assessment of contamination has been undertaken by Council which references the repeal of former clause 6 in lieu of the revised terms of the relevant section 9.1 Ministerial direction. The assessment concludes the planning proposal is compliant with the Contaminated Land Planning Guidelines and the direction. Where site specific remediation is required, the current development assessment processes under the SEPP will ensure the remediation is carried out before land is used for a new purpose.</p> <p>The Department is satisfied with Council's assessment and the proposal is consistent with the provisions of the SEPP.</p>

SEPP	The Department's assessment
SEPP (Resources and Energy) 2021	<p>Chapter 3 Extractive Industries in Sydney Area</p> <p>The Gateway determination directed Council to undertake an assessment of the Central Coast LEP, with reference to clauses 14 and 15 of the former <i>Sydney Regional Environmental Plan No 9 – Extractive Industry</i> (SREP No 9). This relates to landowner notification of LEP changes affecting land in the vicinity of extractive industry sites and consultation over LEP changes likely to restrict extractive operations.</p> <p>Council has undertaken an assessment of former SREP 9 in the final planning proposal identifying that this SREP applies predominantly to land on the Central Coast Plateau, such as Somersby, Kulnura, Peats Ridge, Mount White and Calga localities. In reviewing the existing and proposed zoning for the areas subject to the SREP, Council found that the majority are zoned RU1 Primary Production or RU2 Rural Landscapes, with a smaller number of sites zoned C2 Environmental Conservation. It notes that the planning proposal does not seek to prohibit extractive industries within the RU1 Primary Production or RU2 Rural Landscapes zones.</p> <p>Many of the locations subject to the SREP and zoned C2 Environmental Conservation have active operations already being undertaken, governed by existing operational consents and licences. Further, extractive industries are already prohibited within the C2 Environmental Conservation zone under <i>Wyong Local Environmental Plan 2013</i> and <i>Gosford Local Environmental Plan 2014</i>. The planning proposal does not propose to alter this and is consistent with the updated consolidated SEPP.</p>
SEPP (Housing) 2021	<p>The Central Coast LEP has been updated to ensure consistency and reflect the provisions of the SEPP (Housing) 2021. This includes amendments to the planning proposal as outlined in Section 4.2, including dwelling size requirements when providing affordable housing.</p> <p>A further amendment will be undertaken to the LEP to address boarding house permissibility within the R2 Low Density Residential zone in accordance with the Standard Instrument LEP Amendment (Miscellaneous).</p> <p>The planning proposal, as amended, is consistent with the provisions of the SEPP.</p>
SEPP No 65 – Design Quality of Residential Apartment Development (SEPP 65)	<p>Council have requested the inclusion of SEPP 65 within clause 9 of the Central Coast LEP. Clause 4(4) of the SEPP provides that unless a local environmental plan states otherwise, the SEPP does not apply to a boarding house or a serviced apartment to which that plan applies. This provision has been included within the Central Coast LEP and the Department considers is an adequate response to ensure adequate development controls are in place related to these uses.</p>
Draft Plans	
Draft SEPP (Environment)	<p>The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. These environmental policies will be accessible in one</p>

SEPP	The Department's assessment
	<p>location and updated to reflect changes that have occurred since the creation of the original policies.</p> <p>The planning proposal does not introduce any provisions that alter or replace the provisions of the SEPP and is considered consistent with its application.</p>

5.4 Site Specific Assessment

5.4.1 Environmental

The Gateway determination noted the planning proposal includes some expansion of uses with potential environmental impacts, such as intensive livestock area in the RU2 Rural Landscape zone under the *Wyong Local Environmental Plan 2013*, and horticulture in the C3 Environmental Management zone under the *Gosford Local Environmental Plan 2014*. However, Council considers these matters can be appropriately considered at development application stage which is supported by the Department.

5.4.2 Social and Economic

The objective of one single planning instrument for the Central Coast will have social and economic benefits. Additional text was inserted into the draft Central Coast LEP prior to exhibition to reflect that the planning proposal is not a comprehensive review of planning provisions. A comprehensive review of Council's LEP is proposed to occur through subsequent work should be prioritised by Council.

The restriction in the permissibility of caravan parks within the C4 Environmental Living zone and residential flat buildings and serviced apartments within the B6 Enterprise Corridor and B7 Business Park zones will have the following social and economic impacts:

- reduction in development opportunities within these zones;
- promote harmonised zoned objectives and ensure a consistent application in land use planning;
- minimise land use conflict;
- permit continuation and expansion of existing use through ;and
- allow for a further review as part of the comprehensive LEP process.

5.4.3 Infrastructure

The planning proposal carries over existing urban release area mapping and satisfactory arrangement provision, with the exception of the proposed removal of clause 6.3. Due to a change in the legal drafting of satisfactory clauses, Part 6 provisions have been amended to require the concurrence of the Secretary. The proposed change maintains the intent of ensuring development is accompanied with sufficient infrastructure for current and future populations.

5.5 Other matters

5.5.1 Land at 475-535 Pacific Highway, Crangan Bay

At Council's meeting on 14 December 2020, Council resolved to engage an independent planning consultant to conduct a review of the zoning of the site and the submissions made by the landowners.

In response, Council, in conjunction with the landowners, commissioned the review which sought to determine whether Council has made an error in the zoning of the property at the time of

gazettal for the *Wyong Local Environmental Plan 2013*, and determine if there is a case for change in the planning controls.

The review concluded Council had not made an error in its zoning of the site as C3 Environmental Management when the *Wyong Local Environmental Plan 2013* was made. This conclusion accounts for the strategic significance of the site, given its identified biodiversity significance within the *North Wyong Shire Structure Plan 2012*, *Wyong Shire Council Settlement Strategy 2013* and the *Central Coast Regional Plan 2036*. The review also suggested an adjustment to the terms of the Central Coast LEP could be made, primarily to address the conflict between the extractive industry permitted by the additional permitted use provision in Schedule 1 and the zone objectives for C3 Environmental Management.

At the time, the landowners responded to the review arguing that a different zone (such as an RU1 Primary Production or RU2 Rural Landscape) would be more appropriate for the clients to operate the current quarry and requested that Council takes action to amend the current zone.

At Council's meeting on 13 April 2021, Council considered the review and the landowners response. Council resolved in part, to inform the landowners that Council has not made an error in the zoning of the land, and that Council will be reviewing the zoning of all lands zoned for environmental protection. Council also resolved to refer the review and the landowners' submission to the Department for consideration.

The Department advised Council that as the planning proposal authority, Council may amend the planning proposal where considered appropriate and requested that any amendments be made prior to requesting the finalisation of the Central Coast LEP.

The final planning proposal was submitted to the Department on 20 July 2021 retaining the C3 Environmental Management zoning of the site. Council reaffirmed the process currently being undertaken is a consolidation process and is the first stage of the comprehensive review of Council's planning controls. Changes to site specific land use zonings and development standards are considered outside the scope of the consolidation process and any future changes would require the submission of a separate planning proposal supported by appropriate studies. Changes to land use zonings and development standards in the current planning proposal are limited to the translation of multiple environmental planning instruments in alignment with the principles underpinning the planning proposal.

Following Council's request for finalisation, the landowners made a submission to the Department to consider this matter further. The Department has assessed whether Council has adequately responded to the issues raised in relation to this site and public submissions.

The Department considers that Council has adequately responded to public submissions in relation to the site and Council's justification to retain the C3 Environmental Management zone is supported because:

- an independent review was prepared in response to the landowner's submission and found that the zoning of the site as C3 Environmental Management under the *Wyong Local Environmental Plan 2013* was not made in error;
- the retention of the C3 Environmental Management zoning is supported by a Council resolution which determined not to amend the planning proposal in response to the conclusions of the review and public submissions;
- the strategic intent of the zoning applied to the site has been considered in the context of its environmental qualities and identified biodiversity significance within local and regional strategies, allowing for progressive rehabilitation without sterilising its current productive use;
- the purpose of the planning proposal is not to provide for site specific rezoning on private land and it is a consolidation of existing controls only; and

- Council has advised the landowner that there are grounds for further investigation of an alternative zoning of the site which could be included in either Council’s environmental lands framework review or a proponent-led site-specific planning proposal.

5.5.2 Summary of matters identified to be addressed in future LEP reviews

Consistent with the Gateway determination, additional text was inserted into the planning proposal prior to exhibition to outline that the planning proposal is not a comprehensive review of planning provisions and that this is proposed to occur through subsequent work. The intent of this planning proposal is to harmonise the statutory planning controls under the two legacy LEPs and IDO applying to the Central Coast LGA.

A Stage 2 planning proposal will be prepared to address private held deferred matters lands, and a comprehensive LEP informed by relevant investigations and studies. Council has commenced work on the Housing Strategy, Environmental Lands Review, Employment Lands Strategy, Rural Lands Strategy, and Local Character Assessments. The investigations and studies will need to consider relevant issues raised in submissions, in accordance with principle 11 which guided the Central Coast LEP, and will need to:

- be informed by Council’s 12 adopted plans and strategies as outlined in the meeting of 14 December 2020, with priority given to the Environmental Lands Review, Housing Strategy and Employment Lands Study & Strategy;
- reconsider suitable land for heavy industries within the LGA;
- reconsider residential flat buildings, multi dwelling housing and serviced apartment uses within the B6 Enterprise Corridor and B7 Business Park zones in line with the Employment Zones Framework and Council’s local strategies;
- reflect biodiversity conservation principles, and investigate the inclusion of a biodiversity value map;
- a comprehensive assessment of flood planning provision across the LGA, including standardisation of flood planning level;
- consider Council’s Environmental Lands Framework, including a mechanism to fund the acquisition and maintenance of conservation in conjunction with Council’s Biodiversity Strategy, and appropriate land uses within Standard Instrument zone; and
- consider land use permissibility holistically, including where agencies have raised issues such as horticulture within the RU5 Village zone.

Council resolved on 27 April 2021 to prepare a planning proposal for the integration of deferred matters land under the Central Coast LEP into the Central Coast LEP. The Department will have input into the proposed methodology for this planning proposal, including ground truthing and an appropriate community consultation plan.

6 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 10 Consultation following the Department’s assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Digital maps have been prepared by Council, have been endorsed by the Department’s ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> . Council confirmed on 19/05/2022 that it approved the draft and that the plan should be made.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 19/05/2022 , Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

7 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979* because it:

- will provide a consolidated LEP for the Central Coast with standardised provisions, development standards and zones;
- will resolve discrepancies and anomalies from the former environmental planning instruments in the former Wyong and Gosford LGAs;
- is consistent with all applicable, SEPPs and strategic plans;
- has demonstrated consistency with section 9.1 Ministerial directions and any inconsistencies are justified or are of minor significance; and
- will not result in significant adverse impacts upon the environment.



10/06/2022

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Manager, Local and Regional Planning



14/06/2022

Dan Simpkins

Director, Central Coast and Hunter Region



20/06/2022

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8 Attachments

Attachment	Description
A.1 and A.2	Matcham planning proposal
B	Council owned deferred matter land to be included in the Central Coast LEP