



Mr Brian Bell  
Chief Executive Officer  
Central Coast Council  
PO Box 21  
GOSFORD NSW 2250

*Brian*  
Dear Mr Bell

**Planning proposal SI\_2017\_CCOAS\_001\_00 to create Central Coast Local Environmental Plan 2018**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to consolidate all existing Central Coast environmental planning instruments into a single local environmental plan. I acknowledge the very substantial work that Council staff have invested in this significant project.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made a minimum of 8 weeks prior to the planned publication date.

I understand the elected Council is to be briefed on the planning proposal and supporting documentation prior to community consultation. The level of support of the elected Council, agencies and community will determine the success of the project and the explanatory information prepared by Council will play a key role in gaining support. The Department can provide advice on such information and assist Council as the project progresses. As an example, I note the pilot Digital Environmental Planning Instrument (DEPI) project that will avoid the need for numerous map sheets to be prepared and improve access to LEP information has commenced. A joint project

steering group has been established and the project represents a good example of constructive collaboration between the Department and Council to deliver positive outcomes for the Central Coast.

It is recommended that Council ensure community consultation material is adequate to allow stakeholders to identify the proposed changes being made to their land and to the land around them. Where subdivision opportunities will be restricted (e.g. Land currently zoned 7(c2) under Gosford IDO 122 where the bonus lot subdivision provisions will no longer apply and land where the minimum lot sizes will be increased), Council should contact landowners to advise of changes that will come into effect when the new plan is finalised.

The former Gosford City Council deferred publicly owned land in the Coastal Open Space System (COSS) from the Gosford Local Environmental Plan 2014 and sought to have a new zone added to the Standard Instrument. The planning proposal avoids the need for such a new zone by zoning the publicly owned COSS land to E2 Environmental Conservation. This approach is supported and no further action will be taken on adding a new zone.

Should you have any further enquiries about this matter, I have arranged for Mr Garry Hopkins to assist you. Mr Hopkins can be contacted on (02) 4345 4402.

Yours sincerely



Greg Sullivan  
**Director Operations, Central Coast**

26/10/2017

Encl: Gateway Determination

## Gateway Determination

**Planning Proposal (Department Ref: SI\_2017\_CCOAS\_001\_00):** to consolidate existing local environmental planning instruments and create a single local environmental plan for the Central Coast Council local government area.

I, the Director Operations, Central Coast, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to consolidate existing local environmental planning instruments and create a single local environmental plan for the Central Coast Council local government area.

1. Prior to undertaking community consultation, Council is to update the planning proposal to:
  - Add additional text to Statement of Objectives to clearly identify this is a consolidation of existing planning instruments and not a comprehensive review of planning controls;
  - With regard to increased potential for subdivision in the R2 Low density zone in the former Gosford:
    - include a map of lots where the change in minimum lot size creates increased potential for subdivision in the R2 zone in the former Gosford; and
    - provide a strategic assessment of infrastructure capacity in areas of increased potential for subdivision in the R2 zone in the former Gosford;
  - Include discussion of minimum site area DCP requirements eg. for dual occupancy development, to assist understanding of the effect of newly permitted uses;
  - Reconsider proposal to make business and industrial zones 'closed' zones and provided justification or change back to 'open' zones (refer *Preparing LEPs using the Standard Instrument: standard zones* PN 11-002);
  - Consider consequences of and justify decision to make any uses prohibited throughout the local government area (eg. heavy industry);
  - Provide justification for reducing potential areas where caravan parks are permissible;
  - Determine if updated obstacle and noise mapping is required to reflect the lengthened runway at Warnervale; and
  - Amend the value in Council infrastructure development clause to be consistent with other local government areas where this clause is used or provide justification for why the clause should be different for the Central Coast.
2. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency (following consultation or further investigation) with the following section 117 Directions:



## Planning & Environment

- 1.1 Business and Industrial Zones
  - 1.3 Mining, Petroleum Production and Extractive Industries
  - 2.1 Environment Protection Zones
  - 3.1 Residential Zones
  - 3.2 Caravan Parks and Manufactured Home Estates
  - 3.5 Development Near Licensed Aerodromes
  - 4.2 Mine Subsidence and Unstable Land
  - 4.4 Planning for Bushfire Protection
  - 6.2 Reserving Land for Public Purpose
3. Council is to update the planning proposal prior to community consultation, to include sufficient information to address the following State Environmental Planning Policies (SEPP):
- SEPP 19 – Bushland in Urban Areas - particularly as it relates to increased potential for subdivision in the R2 zone in the former Gosford
  - SEPP 55 – Remediation of Land - confirm that changes to land use tables are consistent with the terms of the SEPP
  - SREP 9 – Extractive Industry
  - SEPP (Vegetation in Non-Rural Areas) – update references
4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
5. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
- Department of Planning and Environment – Resources and Energy
  - Department of Primary Industries – Agriculture
  - NSW Rural Fire Service
  - NSW Office of Environment and Heritage
  - NSW Roads and Maritime Services
  - Transport for NSW
  - Subsidence Advisory NSW
  - Darkinjung Local Aboriginal Land Council
  - Guringai Tribal Link Aboriginal Corporation
  - Commonwealth agency and airport lessee referred to in s.117 direction
- 3.5



## Planning & Environment

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated *26<sup>th</sup>* day of *October* 2017

**Greg Sullivan**  
Director Operations, Central Coast  
Department of Planning and  
Environment

**Delegate of the Minister for Planning**