

Item No: 5.6
Title: Request to Prepare a Planning Proposal for Central Coast Local Environmental Plan Deferred Matters Lands
Department: Environment and Planning



27 April 2021 Ordinary Council Meeting

Reference: F2016/02118-005 - D14546137
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Report purpose

To seek Council's endorsement for the preparation of a Planning Proposal relating to the Deferred Matters (DM) land under draft Central Coast Local Environmental Plan (CCLEP).

Executive Summary

Council resolved at its meeting of 14 December 2020 to "*defer the inclusion of lands currently identified as Deferred Matters under Gosford Local Environmental Plan 2014 (GLEP 2014) from CCLEP*" for further consideration. It was identified during the public exhibition of the CCLEP that the proposed zoning of much of the DM did not reflect conditions of the land, nor consider proposed amendments to minimum lot size controls.

Work is currently underway for the finalisation and notification (Gazettal) of CCLEP excluding DM land that is not owned by Council. The DM lands will remain subject to the provisions of *Interim Development Order No. 122 (IDO 122)* and *Gosford Planning Scheme Ordinance (GPSO)* after the CCLEP comes into effect.

The rezoning of the DM lands is required to ensure that all land within the Central Coast Local Government Area (LGA) is subject to a zoning under the *Standards Instrument (Principal Local Environmental Plan) Order 2006*. It is also required to ensure that a consistent zoning framework for environmental lands applies across the LGA.

The principles and criteria to be applied to determine the zoning of the DM lands will be derived from consideration of best practices from comparable LGAs, Department of Planning, Industry and Environment (DPIE) Practice Notes and Guidance for Environmental Zones, criteria applied under the existing Environmental Planning Instruments (EPIs) of Council and any relevant spatial data that can be utilised from the Environmental and Urban Edge Zone Review (EUEZR).

Amendment to the Central Coast Development Control Plan (CCDCP) may also be required to reflect zoning changes and remove references to the IDO 122 and GPSO.

5.6 Request to Prepare a Planning Proposal for Central Coast Local Environmental Plan Deferred Matters Lands (contd)

This matter was referred to the Local Planning Panel (LPP) on the 8 April 2021. The LPP recognised the need for this work to be undertaken as a priority and supported a Planning Proposal being forwarded for a Gateway determination.

This report recommends that the Council proceed with the preparation of a Planning Proposal.

Environment and Planning Recommendation

- 1 *That Council prepare a planning proposal for the integration of Deferred Matters land under Central Coast Local Environmental Plan into Central Coast Local Environmental Plan.*
- 2 *That Council submit the Planning Proposal to the Minister for Planning and Public Places, in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.*
- 3 *That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.*
- 4 *That Council prepare appropriate Development Control Plan provisions to support the rezoning of the land subject to this Planning Proposal.*
- 5 *That Council undertakes community and public authority consultation in accordance with the Gateway Determination requirements.*
- 6 *That Council, following public authority and community consultation as required under the Gateway Determination, consider a report on the outcome of this process.*

Background

As reported to Council 9 March 2021, the DM Lands and Environmental Zone Review process for the Central Coast is being undertaken in three phases:

- Phase 1: rezoning of Council owned DM land;
- Phase 2: rezoning of the remaining DM land; and
- Phase 3: standardisation of zoning for environmental lands subject to the CCLEP

Current Status

Phase 1 of this process was endorsed by Council 9 March 2021 and information has been submitted to DPIE in order to progress the finalisation and Gazettal of CCLEP.

The initial version of CCLEP will not include the DM land. This land will continue to be subject to the existing deemed EPIs, IDO 122 and the GPSO in the interim.

This report relates to Phase 2 of the process mentioned above.

Report

Following the inclusion of the Council owned DM lands within the CCLEP (as per Council's resolution of 9 March 2021), there are some 3445 parcels of land which will remain deferred from the CCLEP.

It is proposed to prepare and submit a planning proposal for submission to DPIE and the Minister for Planning and Public Places seeking a Gateway Determination to bring these lands into the CCLEP.

The Planning Proposal will include an Environmental Lands Framework (ELF) that will include the principles and criteria to be utilised to:

- Review and rezone of the DM lands to an appropriate zoning available under the *Standard Instrument Local Environmental Plan* (SI 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 permissibilities;
- Review and consideration of the bonus lot provisions currently available for land zoned under IDO 122.

The principles and criteria to be applied will consider best practice from comparable Local Government Areas, DPIE Practice Notes and Guidance for Environmental Zones, criteria applied under the existing EPIs of Council and the relevant spatial information that can be utilised from the EUEZR.

The CCDCP will also be amended to update mapping references explaining where the DCP applies and to remove references to Deferred Matters lands as well as land under CCLEP or other issues as identified.

Consultation

The Gateway Determination will set out the public and agency consultation required.

Financial Considerations

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

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

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

The process is proposed to be undertaken using Council resources and will lead to consistency and certainty of planning controls for the Central Coast as well as organisational efficiencies.

Link to Community Strategic Plan

Theme 3: Green

Goal E: Environmental resources for the future

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

Risk Management

The adoption of the amending LEP will provide for a reduction in inconsistencies in environmental zones and reduce ambiguity in the application of planning controls.

Options

- 1 Proceed as per the Environment and Planning Recommendation. **This is the Recommended Option.**

The resolution of the DM lands is critical to completing a harmonised zoning framework for the environmental lands across the Central Coast LGA.

- 2 Do not endorse the Recommendations and undertake *Phase 3 - Standardisation of zoning for Environmental Lands subject to the CCLEP through Central Coast* (Not Recommended).

This would extend the consultation process significantly and potentially introducing additional issues that do not relate to the DM lands.

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Critical Dates or Timeframes

The Gateway Determination will provide Council with the relevant timeframes for tasks. Council's Operational Plan 2021/22 identifies the completion of this project by June 2022.

Attachments

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| 1 | Record of Planning Proposal Advice - Local Planning | Click here for | D14584543 |
|  | Panel Agenda Item 4.6 - 8 April 2021 | Attachment | |