



Central Coast Council

Planning Proposal

Central Coast Deferred Lands

Review of Environmental Zones for the Deferred Lands

File No: RZ/XX/20XX; PP\_201X\_XX\_XXX\_XX

Date



Planning Proposal

Lot XX DP XXXXXX

Street Address

Suburb

File No: RZ/XX/20XX; PP\_201X\_XX\_XXX\_XX

Date:   Date

Version

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<b>Background &amp; Context</b>	<b>4</b>
<b>Locality 5</b>	
<b>Strategic Context</b>	<b>6</b>
<b>Part 1 Objectives or Intended Outcomes</b>	<b>7</b>
<b>Part 2 Explanation of Provisions</b>	<b>8</b>
Zoning Methodology	8
Land Fragmentation Analysis – C4 Zone suitability	12
Amendment to existing bonus lot / conservation incentive clause	12
Common ownership provisions	13
Land Use Permissibility	14
Table of Amendments	14
Heritage Provisions	16
IDO 122 Schedule 2 – Heritage Conservation	17
Additional Permitted Uses	Error! Bookmark not defined.
Further Investigation Sites - Future Residential	17
<b>Part 3 Justification</b>	<b>18</b>
<i>Section A – Need for the Planning Proposal</i>	18
Section B – Relationship to strategic planning framework	18
<i>Section C – Environmental, Social and Economic Impact</i>	23
<i>Section D – State and Commonwealth Interests</i>	30
<b>Part 5 Community Consultation</b>	<b>31</b>
<b>Part 6 Project Timeline</b>	<b>31</b>
<b>Supporting Documentation</b>	<b>1</b>
1 B. Central Coast Regional Plan Assessment	2
1 C. Central Coast Council Local Strategic Planning Statement (LSPS) Assessment	18
1 D. Community Strategic Plan Assessment	18
1 E. State Environmental Planning Policy Assessment	1
2 A. Deferred Lands Background Report	47
2 B. Deferred Lands Land Use Assessment	48

## Background & Context

As a result of the State-wide Council Boundary Review process, in May 2016 the Wyong Shire Local Government Area (LGA) was amalgamated with the Gosford City LGA to become the new Central Coast Council. Three instruments currently apply to land within the Central Coast LGA including the Central Coast Local Environmental Plan 2022 (CCLEP 2022), , Interim Development Order 122 (IDO 122) and Gosford Planning Scheme Ordinance (GPSO).

On 23 November 2016 Council resolved to prepare a Planning Proposal to consolidate the provisions of these operating Local Environmental Plans (LEPs) into one LEP for the Central Coast. To develop the consolidated Central Coast LEP, Council undertook extensive consultation over a four year period (between 2016 and 2020) with the community and stakeholders including agencies and Councillors. Over 750 public submissions were received during the public exhibition period with approximately 350 community members attending face-to-face engagement sessions. All community submissions and feedback were considered alongside Councillor and agency responses with appropriate amendments applied.

In response to issues identified with regard to the Deferred Lands through the consultation process, a separate land use assessment of deferred lands was undertaken and supports the current planning proposal. The assessment identifies the appropriate zone conversion based on the Standard Instrument format and the requirements set out in LEP Practice Note PN 09-002 – Environmental Protection Zones, and lot size recommendations. The Land Use Assessment Report is provided in Attachment 2B.

This planning proposal applies to land within the former Gosford LGA under IDO 122 and GPSO known as the 'Deferred Lands' or 'Deferred Matters' (see Figure 1 below). This proposal excludes all Council owned land, as this was reviewed as part of Council's consolidated Central Coast Local Environmental Plan (CCLEP) in 2021.

The Deferred lands study area consists of approximately 3,438 land parcels (excluding Council owned land) situated east of the M1 Motorway in the former Gosford local government area. There is a strong correlation between the deferred lands and Council's Coastal Open Space System (COSS), which was developed in the 1970's to address the absence of a policy for the protection of valuable environmental land, following construction of the motorway and development pressures at that time. Bonus lot provisions were first introduced in 1977 through Gosford Interim Development Order 100, and then carried through into IDO 122 in 1979. The provisions allowed for additional subdivision potential in return for the dedication of land as COSS land.

The IDO 122 and GPSO were originally gazetted in 1979 and 1968 respectively. The former Gosford City Council resolved in May 2011 to bring the IDO 122 and GPSO matters in line with the current Standard Instrument LEP within five years of the gazettal of GLEP 2014. This work was underway and scheduled for completion by 2019. However, the release of the NSW Department of Planning and Environment's planning requirements set out in LEP Practice Note PN 09-002 – Environmental Protection Zones requires Council to implement a new methodology for the review of environmental lands.

The overarching aim of this proposal is to integrate land identified as 'Deferred Lands' into the Central Coast Local Environmental Plan, in a manner consistent with the planning requirements set out in LEP Practice Note PN 09-002 – Environmental Protection Zones. This Practice Note provides guidance on environmental protection zones in the standard instrument and how they should be applied in the preparation of LEPs. Council has undertaken a Land Use Assessment of the Deferred Lands (having regard to PN 09-002) which will detail the methodology to be applied, zoning and lot size recommendations.

The proposal was reported to Council on 27 April 2021 to initiate the Planning Proposal and request a Gateway Determination. The proposal was also referred to the Local Planning Panel on 8 April 2021 with the following advice issued:

- There is a clear need and benefit to addressing deferred matters as a matter of priority, and given the disparate approaches and range of outdated planning controls that apply;
- The review of environmental land should be derived from considered and consistent principles (as intended to be done). This may also benefit a wider review at a later stage for the remaining LGA, given previous disparate approaches by Wyong and Gosford planning instruments.

This Planning Proposal has been prepared in accordance with the Department of Planning and Environment's document 'Local Environmental Plan Making Guideline (December 2021)'. It is the intention of Council that this Planning Proposal be lodged with the DPE for a Gateway Determination and publicly exhibited following satisfactory implementation of DPE's gateway requirements. The proposal is Stage 1 of a staged program to review environmental lands across the LGA.

The proposal is a conversion exercise which aims to convert existing zoning provisions into the Standard Instrument format, and to ensure consistency with the requirements set out in LEP Practice Note PN 09-002 – Environmental Protection Zones

## Locality

The majority of the 'Deferred Lands' are lands zoned for environmental and scenic protection purposes in the south eastern part of the Central Coast LGA. The land is surrounded by National Parks lands and land identified as being a part of Council's Coastal Open Space System (COSS), which is comprised of a network of reserves supporting native vegetation that are managed by Central Coast Council. Figure 1 below shows the location of the Deferred Lands.

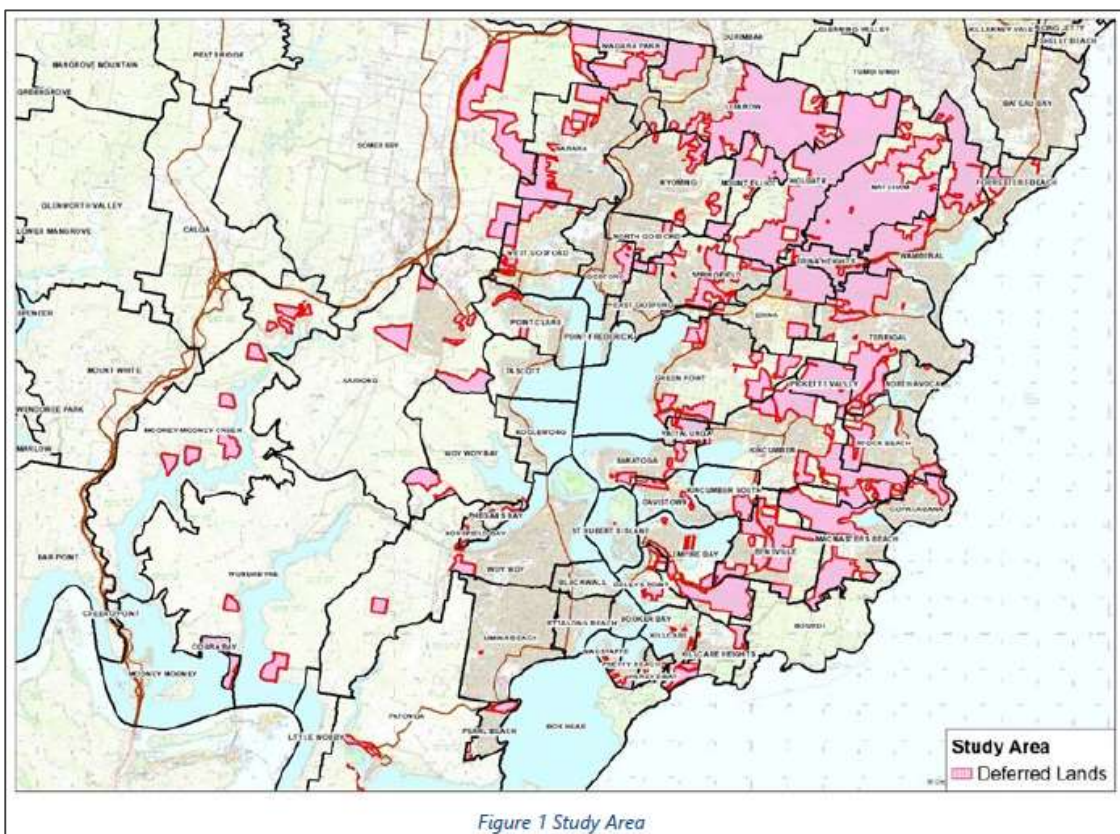
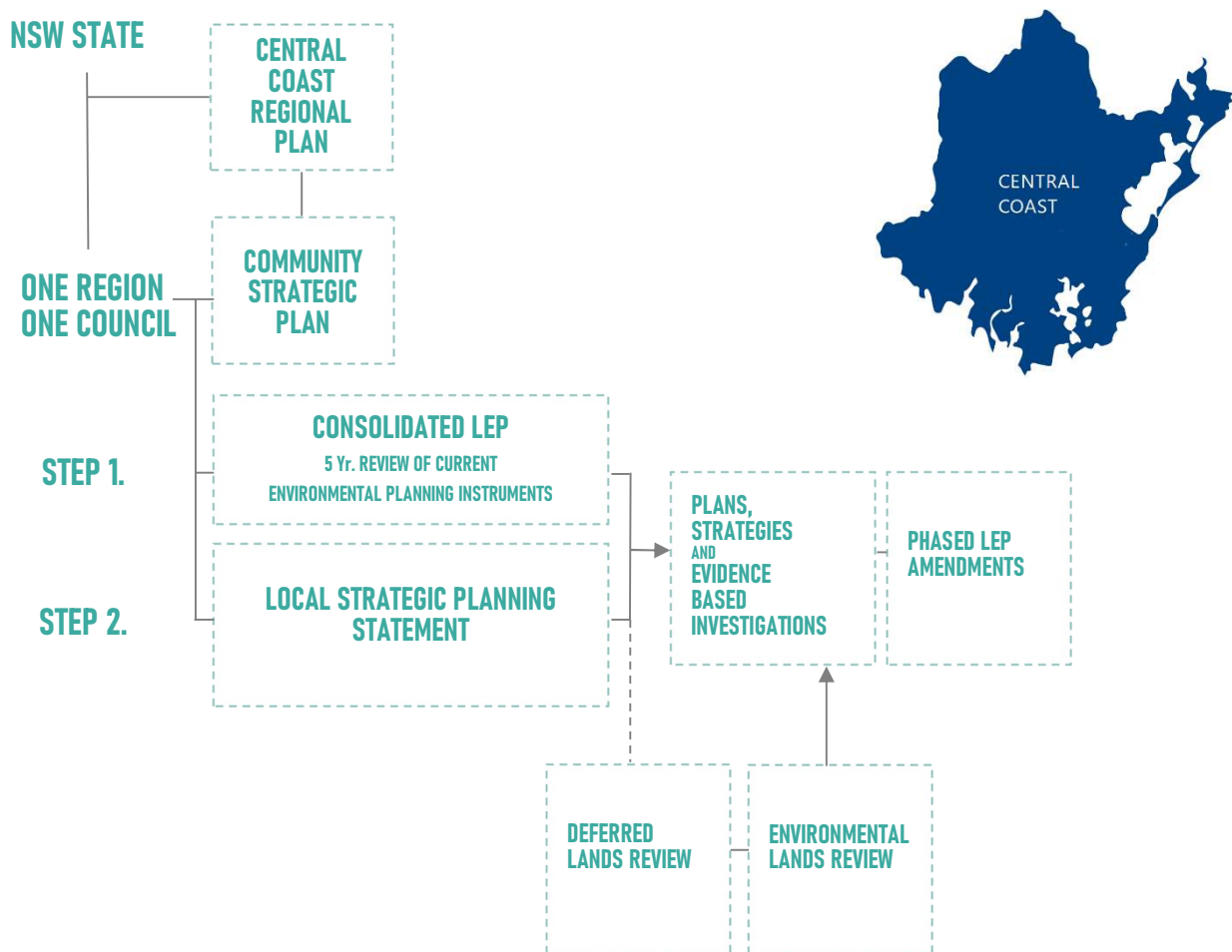


Figure 1 Contextual Locality Plan

## Strategic Context

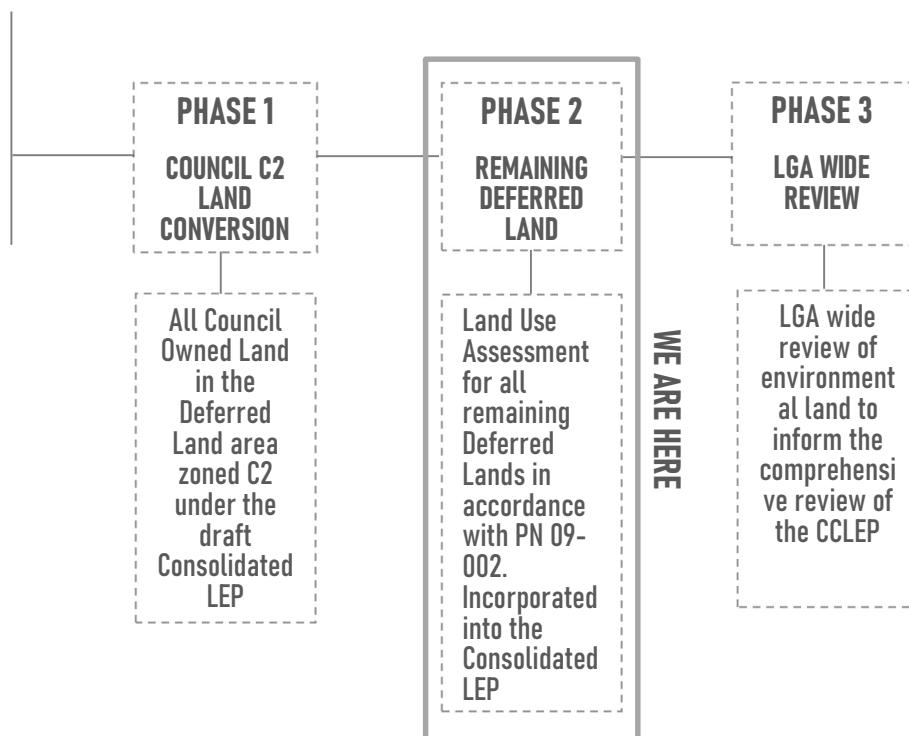
The proposal has linkages and connections with state government priorities, regional and local strategies and plans. Primarily, these relate to the overarching planning vision for the Central Coast set out in the *Central Coast Regional Plan 2036*, and the community vision for the Central Coast, being the *Central Coast Community Strategic Plan 2018-2028*. The relationship between these plans and the review of Deferred Matters land is provided in the figure below.

### CENTRAL COAST PLAN HIERARCHY



Following the completion of the deferred lands review, Council will review environmental lands for the entire LGA as one of the future stages of the Comprehensive Review of the CCLEP. The environmental lands review will consider the best means of applying an environmental framework across three areas that currently apply environmental zones differently, being former Gosford LGA, former Wyong LGA, and the Deferred Matters land. The framework and methodology developed and implemented as part of the deferred lands review will inform the broader review of environmental lands, which is identified in Council's future works program. The timing of the Environmental Lands Review is yet to be finalised and will be prioritised amongst other stages of the Comprehensive LEP Review including residential, employment and agricultural lands.

## REVIEW OF ENVIRONMENTAL LANDS: PROJECT PHASING



### Part 1 Objectives or Intended Outcomes

The objective of this planning proposal is to implement stage 1 of the review of environmental lands for the LGA known as 'Deferred Lands'. A recommendation to seek a gateway determination for the proposal was adopted by Council at its ordinary Meeting of 27 April 2021.

The intended outcome of the proposal is to:

- Apply environmental protection zones to land identified as 'Deferred Lands' in accordance with LEP Practice Note PN 09-002 – Environmental Protection Zones and as recommended in the Central Coast Deferred Lands Land Use Assessment (Attachment 2B).
- To amend land use permissibility to align land uses with the Standard Instrument zones. In particular, the permissible uses provided in the C2 Environmental Conservation Zone, the C3 Environmental Management Zone, and C4 Environmental Living Zone.
- Apply minimum lot sizes to land identified as 'Deferred Lands'
- Amend the Land Application Map to include the 'Deferred Lands' in the Central Coast Local Environmental Plan
- Repeal Gosford Planning Scheme Ordinance and Interim Development Order 122 and transfer the bonus lot provision under IDO 122 within the Central Coast Local Environmental Plan (via a VPA mechanism, Local Policy and/or alternative LEP clause)

- To make minor amendments to the Central Coast Development Control Plan Chapter 3.6 Tree and Vegetation Management in relation to tree clearing approvals.

Detailed lot descriptions and LEP mapping for the Deferred Lands will be developed prior to public exhibition, and will be provided to the Department of Planning and Environment in a digital geodatabase.

Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.

## Part 2 Explanation of Provisions

### Zoning Methodology

The intent of the planning proposal is to translate the existing planning controls under IDO 122 and GPSO into the Standard Instrument format. The methodology for reviewing the deferred lands was undertaken in three stages:

1. Zone Translation – a translation of existing zones to ‘equivalent’ standard instrument zones
2. Environmental Attribute Assessment – assessment of environmental attributes against LEP Practice Note PN 09-002
3. Land Fragmentation Analysis – analysis of proposed C3 – Environmental Management and C4 – Environmental Living zones based on lot size and servicing arrangements with the intention of maintaining existing character and controls.

### Zone Translation

A translation of the existing zone to the ‘equivalent’ Standard Instrument zone was carried out as an initial step. The table below summarises the proposed translation:

Existing Zone	Instrument	Notes <sup>#1</sup>	Proposed Zone
2(a)	GPSO	Land in Kariong.	R2.
5	IDO 122	Experimental station.	No longer proposed – C2, C3.
5(a)	GPSO	Juvenile Justice Centre, Training School.	No longer proposed – C2, C3.
5(d)	GPSO	Road Reservation.	Align based on site analysis.
5(e)	GPSO	Kariong Bypass.	No longer proposed – C2, C3.
6(a)	GPSO	Crown reserves.	C2, C3.
6(a)	IDO 122		C2, C3.
6(b)	GPSO	Crown reserves.	C2, C3.
6(b)	IDO 122	Crown reserves.	C2, C3.
6(d) Regional OS	GPSO	All acquired.	C2.
6(d) Regional OS	IDO 122	All acquired.	C2.
7(a)	IDO 122		C2, C3. C1 if acquired by NPWS
7(b)	IDO 122		C2, C3.
7(c2)	IDO 122		C4.
7(c3)	IDO 122		C3.
7(e) Coastal Land Acquisition	IDO 122	Crown Land – Copacabana headland.	C2.
9(a) Floodprone	GPSO	Lisarow road reserve.	Align based on site analysis.
Res Open e	GPSO	Killcare Heights.	C2. Acquired.

<sup>#1</sup> Misalignment of base map layers has generated multiple cases of these slivers of zone polygons. These have been adjusted based on site analysis to align with the appropriate zone and cadastral boundary.

The zone translation assessed the similarities between the zone objectives of the current instrument (IDO 122 and GPSO), and the zone objectives of the standard instrument and determined a 'best match' or 'equivalent' zone.

### **IDO Zone 7(a) Conservation and Scenic Protection (Conservation) to C2 Environmental Conservation/C3 Environmental Management**

The objectives of the 7(a) Conservation and Scenic Protection (Conservation) zone under IDO 122 are to:

- Conserve and rehabilitate areas of high environmental value, and high visual and scenic amenity in the natural landscape
- Retain suitable habitats for flora and fauna
- Prohibit development on or within proximity to significant ecosystems, including rainforests and estuarine wetlands
- Retention of ridgelines in their natural state
- Minimise or prohibit development in areas that are unsuitable due to soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.

The objectives of the C2 Environmental Conservation Zone are to:

- Protect, manage, and restore areas of high ecological, scientific, cultural, or aesthetic values.
- Prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The objectives of 7(a) Conservation and C2 Environmental Conservation demonstrate strong alignment. Generally, the 7(a) zone has been converted to the C2 zone where the land has met certain criteria under the environmental attribute assessment. Some land is proposed C3 where this criteria isn't met. Land use permissibility within the current and proposed equivalent zone has some variation. The following uses are no longer permitted under the equivalent C2 Environmental Conservation Zone following notification of the Central Coast Local Environmental Plan 2022:

- Agriculture
- Bed and breakfast accommodation
- Dams
- Dwelling-houses
- Subdivision

This is consistent with PN 09-002 which advises Council's to carefully choose uses that protect the high conservation value of the land and avoid adverse effects in relation to natural hazards.

The amendments to the land use table demonstrate some key differences in the way environmental conservation land has been planned for and used between the two former LGA's. The rationale for prohibiting the above land uses within the consolidated CCLEP was that the C2 zone should apply to land of the highest environmental value to avoid impacts from development on that land, and that the carrying over of these uses from the former Gosford LEP would impact the quality of C2 lands in the former Wyong LGA.

Dwelling rights in the former Gosford LGA were retained under clause 7.21 Certain development in Zone C2 Environmental Conservation under CCLEP 2022. As part of this proposal dwelling rights are ensured through the environmental attribute assessment and the split zone methodology, which has resulted in any existing dwellings being zoned C3 Environmental Management.

A broader range of uses are permissible with consent where land is to be converted to the C3 Environmental Management Zone. While the C3 zone permits dual occupancy development, land fragmentation will be prevented through retention of a 20ha minimum lot size.

### **IDO Zone 7(c2) Conservation and Scenic Protection (Rural Small Holdings) to C4 Environmental Living**

The objectives of the 7(c2) Conservation and Scenic Protection (Rural Small Holdings) are to

- provide a buffer or transition zone between conservation areas and urban areas; and
- enable development for the purposes of rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:
  - to adversely affect the aesthetic and scenic value of the land and its setting; or
  - to create a demand for the uneconomic provision of services; and
- (c) to allow for non-residential uses where those uses are:
  - compatible with rural-residential development and unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service;
  - unlikely to adversely affect the aesthetic and scenic value of the land and its setting; and
  - unlikely to interfere unreasonably with the amenity of adjoining properties.

The objectives of the C4 Environmental Living Zone are to:

- Provide for low-impact residential development in areas with special ecological, scientific or aesthetic values
- Ensure that residential development does not have an adverse effect on those values
- Allow additional land uses that will not have an adverse impact on those values.

The objectives of the 7(c2) zone and C4 zone demonstrate strong alignment. Land use permissibility within the current and proposed equivalent zone has some variation. The following uses are no longer permitted under the equivalent C4 Environmental Living Zone following notification of the Central Coast Local Environmental Plan 2022:

- Camping grounds
- Caravan parks
- Hotels
- Places of public worship
- Plant nurseries
- Recreation and sporting facilities
- Restaurants
- Tourism (excluding eco-tourism)

The majority of land uses above will be able to rely on existing use rights. A number of other uses become permissible through the zone translation including the following:

- Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home occupations (sex services); Information and education facilities; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Sewage reticulation systems; Signage; Tank-based aquaculture; Water recycling facilities; Water supply systems.

Out of a total of 3,438 land parcels, the majority of lots are comprised of former 7(a) (1,225 lots), 7(c2) 2,056 lots, or are split zoned 7(a)/7(c2) (89 lots) as indicated in the table below. The remaining IDO zones are proposed to be zoned an equivalent C2 or C3 zone based on the Environmental Attribute Assessment (further discussion below). The existing 2(a) zone under GPSO in Kariong is proposed R2 Residential, As this is considered the equivalent standard instrument zone.

<b>Total</b>	<b>3438</b>
2a 5a 5e IDO122	1
5 IDO122	3
5(a) GPSO	1
6a GPSO	34
6b GPSO	6
6b GPSO, 6a IDO122	1
6d GPSO	7
6d IDO122	2
6e GPSO	2
7(a) IDO122	1225
7(a) 7(b) IDO122	2
7(a) 7(c2) IDO122	89
7(a) 7(c3) IDO122	2
7(b) IDO122	2
7(c2) IDO122	2056
7(c3) IDO122	2
7(e) IDO122	3

### Environmental Attribute Assessment

An environmental attribute assessment was undertaken following the zone translation, having regard to the aims and objectives of LEP Practice Note PN 09-002 – Environmental Protection Zones. Land use provisions to be developed following gateway approval are based on the following methodology:

#### C2 Environmental Conservation

All land comprising:

- Endangered Ecological Communities
- Wetlands
- Rainforests
- Riparian Corridors
- High conservation coastal foreshores
- Coastal foreshores and land subject to coastal wetlands
- Steeply sloping escarpment land and land slip areas (33% or higher)

#### C3 Environmental Management

All land comprising (where such land does not qualify for C2 zoning):

- Areas of special ecological, scientific, cultural or aesthetic attributes, specifically, scenic protection areas under IDO 122
- Areas with contiguous native vegetation or forest cover
- Lands with environmental hazards (Acid Sulfate Soils Class 1 and 2, High hazard flood areas)

#### C4 Environmental Living

An environmental attribute assessment was not required for proposed C4 land. Where land does not qualify for C2 or C3 zoning, C4 land was considered as part of the initial zone translation, having regard to mandatory zone objectives, as well as during the land fragmentation analysis (see below), and translated to the equivalent zone under the standard instrument format. This includes all land comprising (where such land does not qualify for C2 or C3 zoning):

- Existing low impact residential development
- Existing rural residential development with a legacy scenic protection zoning under IDO 122, including the following:
  - Zone 7(b) Conservation and Scenic Protection (Scenic Protection)
  - Zone 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings)
  - Zone 7(b) Conservation and Scenic Protection (Scenic Protection – Tourist Accommodation).

Refer to Attachment 2A (Background Paper) for further explanation on the zone translation and environmental attribute assessment.

### **Land Fragmentation Analysis – C4 Zone suitability**

Lot size contributes to the character of a locality, has an impact on the suitability of certain land uses, and directly affects how the land is used over time. Lot sizes within the 7(c2) zone can vary considerably.

Zone C3 permits extensive agriculture which generally reflects the historical minimum lot size of 20ha or 40ha under previous planning instruments.

For the existing 7(c2) zone, where the zone translation and environmental attribute assessment resulted in a recommended zone of C3, a further analysis of suitability of the C3 Zone was undertaken based on existing land parcel size, and the character of the locality. A site by site analysis was undertaken as a final step which has considered existing lot size. Generally, lot sizes 2ha or less that are clustered together or that adjoin other C4 land, and that did not trigger a C2 or C3 zoning during the zone translation and environmental attribute assessments are proposed to be converted to C4 Environmental Living.

### **Amendment to existing bonus lot / conservation incentive clause**

IDO 122 contains planning provisions that traded additional subdivision potential in return for dedication of COSS land or cash contribution to be used for acquisition of COSS land – known as the bonus lot clause or conservation incentive clause (see clause 18(4)(b) in IDO 122 below). The provision was an integral part of developing the former Gosford City Council's Coastal Open Space System.

Since the introduction of the clause under IDO 122 in 1979, changes have been made to planning legislation which require land dedication or monetary contribution to be sought through a contribution plan only, not through an LEP clause. Typically contribution plans are based on a nexus approach whereby the amount of contribution correlates with the demand for infrastructure created by the development.

Previous advice to Council indicates that it would be difficult to demonstrate a nexus between the subdivision development of land under the bonus clause provisions of IDO 122 and the associated land dedication or contribution required, and therefore a contribution plan is not the most effective avenue for the continuation of the conservation incentive clause.

Consequently, Council has continued to rely on the provisions of IDO 122, which pre-dated the changes brought in under section 94 (now section 7.11) of the EPA Act. It is proposed to amend the clause to enable bonus lots through the preparation of a Voluntary Planning Agreement (VPA).

Clauses 18(4)(b) - Subdivision will require review and amendment. The drafting of the clause or potential VPA options will be considered prior to the issue of a gateway determination by DPE. Options Council are currently exploring are as follows:

### **1. Conservation Incentives Clause**

Amendment to clause 4.1F under CCLEP 2022 similar to the clause structure provided in the Key Sites clause 7.11 under WLEP 2013 and clause 4.1E under Lake Macquarie Local Environmental Plan 2014. The intention of this clause would be to permit subdivision down from 2 Ha to 1 ha on C4 Environmental Living zoned land, where community benefit outcomes are established through either the dedication of environmental land or the payment of a contribution not Council's Environmental Land Fund. This mechanism would need to be supported by a formal Council policy (which is being developed by Council's Natural Assets Unit) and community benefit outcomes would need to be established through a Planning Agreement process. Council will be seeking further legal advice in order to ensure that this clause is correctly drafted before the Planning Proposal is publicly exhibited. , or

### **2. A Land Acquisition and Funding Policy**

A policy that is accompanied by a Voluntary Planning Agreement which allows Planning Proposals to reduce the lot size to 1 hectare, or

### **3. Discontinue the practice**

Discontinue the practice due to the amount of time landowners have had to act on the provisions. However, Council is likely to continue to get rezoning requests of remaining C4 zoned lands which are above 2 ha in size which could be subdivided down to 1 Ha in size. This would result in a significant number of Planning Proposals being lodged at Council and would tie up a significant amount of Council's planning resources processing minor proposals. If this option was selected it would probably be more sensible to reduce the minimum lot size to 1 Ha to allow any remaining lots to be developed and assessed through the DA process.

## **Common ownership provisions**

### **Interim Development Order 122 Clause 22**

Clause 22 of Interim Development Order 122, known as the 'common ownership' clause applies to all existing 7(a) Conservation zones. The clause restricts development to one dwelling house where there are multiple adjoining lots of 7(a) zoned land under the 40ha minimum lot size, provided that the lots were in the same ownership on or after 18 February 1977. Exceptions to this provision were enabled where:

- The allotment was not in the same ownership as any adjoining allotments at that date, or
- The allotment was created after 18 February 1977 otherwise than under Clause 18(4)(a) or Clause 20, or
- Where the land has already been consolidated into one allotment.

If more than one dwelling house is proposed on land comprised of adjoining allotments, this could be considered under subclause (4) and (5) of Clause 22 as designated development and would typically require an Environmental Impact Statement.

The common ownership provisions were not carried over into GLEP 2014, as the provision was considered redundant given that the clause was not a prohibition but stipulated the relevant approval pathway for the development proposed.

This planning proposal recommends the rezoning of some existing 7(a) zoned land to be zoned C3 Environmental Management in accordance with the LEP practice note for environmental zones. Subsequently, for some 7(a) zoned land which does not currently have a clearly defined dwelling entitlement there may be a simpler path to gaining development consent.

The former Wyong Shire Council had similar common ownership provisions, these controls were not carried over into the Wyong Local Environmental Plan. However, a Lot Amalgamation layer and associated clause was developed and is reflected in the CCLEP. The former Wyong provisions largely relate to areas in high hazard flood zones. Where similar characteristics are identified for land currently subject to common ownership provisions the lot amalgamation layer could be applied.

There are instances where areas of 7(a) zoned land are restricted from development through restrictions on the land title that have been applied in certain circumstances in lieu of the land being dedicated and managed by Council. The prohibition of dwelling houses under CCLEP in the C2 Zone can be applied to back up this restriction on use. This can also be applied to undersized lots that may have been created through a road closure. This will reinforce planning controls that operate outside of the land use tables of the LEP.

## Land Use Permissibility

A key change to land use permissibility for the proposal is the removal of dwelling houses as a permitted use in the current provisions to a prohibited use in the C2 Environmental Conservation zone. Another key change will be the removal of caravan parks as a permissible land use with a proposed conversion from 7(c3) to C3. The IDO 122 and GPSO do not use standard definitions for land uses, so developing a comparison matrix of changes to land use permissibility is not possible. The zone translation undertaken as part of the land use assessment, along with the former and current land use tables within each instrument provides an indication of changes to land use permissibility.

## Table of Amendments

### LEP Provisions – IDO 122, WLEP 2013, GLEP 2014, Consolidated CCLEP

The following table provides a summary of how clauses from IDO 122 have been translated into more recent planning instruments, and outlines the proposed amendments to relevant environmental provisions that are the subject of this Planning Proposal (see 'Deferred Lands' in the table below):

### Land Application Provisions

Land to which plan applies – “Deferred Matter”				
Existing EPI	Superseded EPI	Superseded EPI	New EPI	Proposed Change
IDO 122	GLEP 2014	WLEP 2013	CCLEP	Deferred Lands
<b>Clause 18(a)(1)(b)</b>	<b>1.3 (1A)(a)</b>	<b>N/A</b>	<b>Clause 1.3 (1A)(a)</b>	<b>CCLEP Clause 1.3 (1A)(a)</b>

Notes that the residual lot must be comprised of "Deferred Matter" land under clause 1.3 (1A) of GLEP 2014	States that GLEP 2014 does not apply to land identified as "Deferred Matter"		Carried over from GLEP 2014 clause 1.3(1A)(a). States that draft CCLEP does not apply to land identified as "Deferred Matter"	To be removed from Central Coast LEP.
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## Minimum Lot Size Provisions

Minimum Lot Size Provisions – Certain Split Zones 2ha to 1ha/0.5ha				
Existing EPI	Superseded EPI	Superseded EPI	New EPI	Proposed Change
IDO 122	GLEP 2014	WLEP 2013	CCLEP	Deferred Matter
<b>Clause 18(4)b</b>  Allows for the subdivision of land below the minimum lot size on land with zone 7(c2) with an area of less than 2ha but not less than 1ha where land is dedicated to Council for public reserve and agrees to pay a contribution toward the improvement of the reserve.	N/A	<b>4.1A</b>  Allows for the subdivision of land below the minimum lot size for lots within more than one zone specified. The specified zones are R5, C4, C2 and C3. An R5 residual lot must not be less than 1ha, a C4 lot must not be less than 0.5ha, and one of the resulting lots must contain all of the land in zone C2 or C3 that was in the original lot and be of a minimum area calculated by the formula provided in clause 4.1A(3)(c)(ii).	<b>4.1C</b>  Carried over from WLEP 2013. Allows for the subdivision of land below the minimum lot size for lots within more than one zone specified. The specified zones are R5, C4, C2 and C3. An R5 residual lot must not be less than 1ha, a C4 lot must not be less than 0.5ha, and one of the resulting lots must contain all of the land in zone C2 or C3 that was in the original lot and be of a minimum area calculated by the formula provided in clause 4.1C(3)(c)(ii).	<b>CCLEP Clause 4.1C</b>  To be amended to increase the minimum lot size on C4 land from 0.5ha to 1ha and potentially incorporated into CCLEP draft clause 4.1G (see table below).  <b>Clause 18(4)b</b>  Potentially incorporated into CCLEP draft clause 4.1G (see table below) and alternative clause options for land dedication and contribution considered prior to public exhibition.
<b>Clause 18(5)</b>  Provides controls relating to the number of	N/A	N/A	N/A	<b>IDO 122 clause 18(5)</b>  Current provisions are no longer enforceable.

allotments that can be created under clause 18(4)(b), and the contribution payable based on the land area and current zone.				Alternative clause options for land dedication and contribution or VPA options to be considered prior to public exhibition.
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Minimum Lot Size Provisions – Land that includes deferred matter				
Existing EPI	Superseded EPI	Superseded EPI	New EPI	Proposed Change
IDO 122	GLEP 2014	WLEP 2013	CCLEP	Deferred Matter
<b>Clause 18A</b>  Allows for the subdivision of land below the minimum lot size provided GLEP 2014 applies to the land and the residual lot is comprised entirely of land identified as deferred matter. Consent must not be granted for the erection of a dwelling on the residual lot.	<b>4.1C</b>  Carried over from IDO 122 Clause 18A. Allows for the subdivision of land below the minimum lot size for land identified as deferred matter. Consent must not be granted for the erection of a dwelling on the residual lot.	<b>N/A</b>	<b>4.1G (draft clause)</b>  Carried over from GLEP 2014 clause 4.1C. Allows for the subdivision of land below the minimum lot size for land identified as deferred matter. Consent must not be granted for the erection of a dwelling on the residual lot.	<b>4.1G (draft clause)</b>  Clause will be amended to refer to the subdivision of land for the purposes of biodiversity conservation rather than for “deferred matters” land. (Similar to current clause 4.1E of Lake Macquarie Local Environmental Plan 2014).

## Heritage Provisions

Schedule 2 – Heritage Conservation				
Existing EPI	Superseded EPI	Superseded EPI	New EPI	Proposed Change
IDO 122	GLEP 2014	WLEP 2013	CCLEP	Deferred Lands
<b>Clause 3(1) and 38A, Schedule 2</b>  Notes that the residual lot must be comprised of “Deferred Matter” land under clause 1.3 (1A) of GLEP 2014	<b>Schedule 5</b>  Carried over from IDO 122 except for those lands identified as “Deferred Matter”. No zoning applies to these lands so the heritage listings were	<b>Schedule 5</b>  <b>N/A</b>	<b>Schedule 5</b>  Carried over from GLEP 2014 clause 1.3(1A)(a). States that CCLEP does not apply to land identified as “Deferred Matter”	<b>CCLEP Clause 1.3 (1A)(a)</b>  To be removed from Central Coast LEP.  <b>IDO 122 Schedule 2</b>  Heritage Items in IDO 122 Schedule

	unable to be transferred to GLEP 2014.			2 to be transferred to CCLEP Schedule 5.
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## **IDO 122 Schedule 2 – Heritage Conservation**

### **Clause 3(1) and 38A**

A number of heritage listed items which were contained within Schedule 2 of IDO 122 will need to be transferred to Schedule 5 of CCLEP 2022. These items include the following:

- 
- House, "Laythams", Lot 116, DP 805652, Erina Valley Road, Erina.
- House, Lot 1, DP 1032271, 59 Humphreys Road, Kincumber South.
- Mt Elliot House, Lot 7, DP 833975, Toomeys Road, Mount Elliot.
- Niagara Park Weir, behind No 130 Siletta Road, Niagara Park.

Further detail on the explanation of provisions, including proposed instrument changes, will be provided prior to public exhibition.

(a)

### **Planning Layers**

Some LEP mapping layers in CCLEP 2022 will need to be amended to include the deferred lands area, such as the Acid Sulfate Soils map, land reclassification map, potential reservation zones and other relevant LEP mapping layers.

### **DCP Amendments**

DCP Chapter 3.5 Tree and Vegetation Management will require minor amendments to allow tree clearing to be assessed by Council under SEPP (Biodiversity and Conservation) 2021 instead of Part 5A of the Local Land Services Act 2013.

### **Further Investigation Sites - Future Residential**

Further site investigations are proposed to be carried out as part of the next phase of the Deferred Matters project. The results of these investigations need to be considered as part of the Central Coast Local Housing Strategy (which is currently underway). This additional phase of work need will consider the appropriateness of and potential for additional residential and rural-residential housing in a small number of urban fringe locations both within and outside of the study area, based on appropriate criteria and are likely to be considered in the implementation plan for Council's Local Housing Strategy. The scope of this Planning Proposal is limited to a zone conversion exercise only.

### **Submissions (CCLEP 2022 – Urban Edge Zone Review)**

A total of 156 submissions were received in relation to the deferred matters land during public exhibition of CCLEP 2022. The majority of submissions objected to proposed zonings that did not reflect the use and environmental value of the land. This planning proposal has adopted an entirely different methodology to

the previous urban edge zone review as discussed above. The majority of submission objections have now been resolved. The environmental attribute assessment undertaken for this proposal has accounted for the environmental value of the land and a split zone methodology has been adopted. Council can provide the department with further information on how feedback received during public exhibition of CCLEP 2022 has been considered and addressed following a gateway determination if necessary.

## **Part 3 Justification**

### **Section A – Need for the Planning Proposal**

#### **Is the Planning Proposal a result of an endorsed LSPS, Strategic Study or report?**

Following the public exhibition of Central Coast LEP. at the Ordinary Meeting of Council 14 December 2020, it was resolved that *"an Environmental Lands Review and Planning Proposal to review the Deferred Matters under Gosford Local Environmental Plan 2014 (GLEP 2014) be commenced and that this project be given a high priority on the Strategic Planning Unit's work program"*. At Council's meeting of 27 April 2021, it was resolved to prepare a Planning Proposal for Deferred Lands.

The Planning Proposal responds to legislative changes requiring councils to adopt the Standard Instrument format. The Standard Instrument provides three local environmental protection zones, (C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living), which were available for the translation of the nine environmental zones that existed under IDO 122 and GPSO.

In 2009, after Council had prepared a draft Local Environmental Plan to respond to these legislative changes, the Department released PN 09-002 Environmental Protection Zones which provided guidance and direction on the use of the three available environmental zones under the Standard Instrument. At the time, the Department advised Council to proceed with the draft LEP with a future review to incorporate the requirements of the direction; this proposal forms part of that review.

The Planning Proposal is supported by Council's Interim Local Strategic Planning Statement. Specifically, the following action under Environment Planning Priority 03 – 'Develop and implement a zoning framework to inform the application of environmental land use zones for all environmental land (Environmental Lands Review)'. This proposal forms part of a staged approach to implementing this action.

#### **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

A Planning Proposal is the most appropriate mechanism to integrate the deferred lands into the Central Coast Local Environmental Plan, as part of a staged approach to reviewing environmental lands across the LGA.

The planning proposal also seeks to address issues associated with bonus lot provisions and common ownership provisions provided under IDO 122, and a Planning Proposal is the best means of achieving this.

### **Section B – Relationship to strategic planning framework**

#### **Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

##### **Central Coast Regional Plan (2036)**

An assessment of the proposal against the goals, directions and actions of the Central Coast Regional Plan (CCRP) 2036 has been undertaken as detailed within Attachment 1B.

The proposal is consistent with the Central Coast Regional Plan 2036. The following directions and actions in the Central Coast Regional Plan (CCRP) are relevant to the planning proposal:

CCRP Direction 12 – Protect and manage environmental values

*12.1 Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.*

*12.5 Sensitively manage natural areas on the fringe of the urban areas and in the west of the region to mitigate land use incompatibility issues and provide important quality of life and tourism benefits for the region.*

**LEP Practice Note PN 09-002 – Environmental Protection Zones**

The proposal is guided by LEP Practice Note PN 09-002 – Environmental Protection Zones in terms of the application of environment protection zones across the deferred lands area, including the zoning considerations detailed in the practice note for C2, C3, and C4 environmental land (formerly E2, E3 and E4 environmental land).

**Northern Councils E Zone Review**

The *Northern Councils E Zone Review Final Recommendations Report* (Northern Review) aimed to provide greater certainty for landowners, councils and the community on how environmental zoning will be applied. A key objective of the Northern Review was to balance agricultural production and environmental protection.

The methodology adopted in the Northern Review required consideration of the primary use of the land. If the primary use was found to be environmental management or environmental conservation, then the Council weighed the ecological evidence to verify whether the area qualified for E2 and E3 zoning (now C2 and C3).

The Northern Review states *"It is not considered necessary for councils to apply the primary use of land principle to land which already has an environmental protection (7) zone as the land is currently identified for environmental conservation or management."* As discussed throughout this report, this Planning Proposal is a 'conversion' exercise. It seeks to convert existing environmental zones to the most appropriate zone under the Standard Instrument Template. The methodology involved an initial translation zone exercise followed by an assessment of the environmental attributes of the site, similar to the Northern Review. Consideration of the "primary land use" is not considered necessary as the subject lands are already identified for environmental conservation or management.

Unlike the Northern Review, this Planning Proposal is simply a transition exercise. If in the future, it is proposed to amend the zones, further verification studies will be undertaken, consistent with the Northern Review.

**Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

**Community Strategic Plan**

The proposal is consistent with the five themes of the Community Strategic Plan. An assessment of the proposal against the Community Strategic Plan is located under Section 01 Assessment and Endorsement attached to this proposal.

### **Central Coast Council Biodiversity Strategy 2020**

The Central Coast Council Biodiversity Strategy identifies the following Land Use Planning principles:

1. Preserving local and regional biodiversity is highly valued at Central Coast Council and is properly considered in all functions of Council.
2. Ensuring the protection of areas of high environmental value from the impacts of development, including corridors, is a priority for Council.

The proposal is consistent with the principles of the Central Coast Council Biodiversity Strategy.

### **Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

There are no other applicable State and regional studies or strategies applicable to this Planning Proposal.

### **Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) (see *01 Assessment and Endorsement*).

The proposal is considered to be generally consistent with the applicable SEPPs.

### **Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. The full assessment of these Directions is contained within the supporting documentation of this proposal.

No.	Direction	Applicable	Consistent
<b>Planning Systems</b>			
1.1	Implementation of Regional Plans	Y	Y
1.2	Development of Aboriginal Land Council land	N	N/A
1.3	Approval and Referral Requirements	Y	Y
1.4	Site Specific Provisions	N	N/A
<b>Planning Systems – Place-based</b>			
1.5	Parramatta Road Corridor Urban Transformation Strategy	N	N/A
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N	N/A
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A

No.	Direction	Applicable	Consistent
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	N/A
1.10	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	N/A
1.11	Implementation of Bayside West Precincts 2036 Plan	N	N/A
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	N	N/A
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	N	N/A
1.14	Implementation of Greater Macarthur 2040	N	N/A
1.15	Implementation of the Pyrmont Peninsula Place Strategy	N	N/A
1.16	North West Rail Link Corridor Strategy	N	N/A
1.17	Implementation of the Bays West Place Strategy	N	N/A
<b>Biodiversity &amp; Conservation</b>			
3.1	Conservation Zones	Y	Y
3.2	Heritage Conservation	Y	Y
3.3	Sydney Drinking Water Catchments	N	N/A
3.4	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N	N/A
3.5	Recreational Vehicle Areas	Y	Y
<b>Resilience &amp; Hazards</b>			
4.1	Flooding	Y	Y
4.2	Coastal Management	Y	Y
4.3	Planning for Bushfire Protection	Y	Y
4.4	Remediation of Contaminated Lands	Y	Y
4.5	Acid Sulfate Soils	Y	Y
4.6	Mine Subsidence & Unstable Land	N	N/A
<b>Transport &amp; Infrastructure</b>			
5.1	Integrating Land Use & Transport	N	N/A

No.	Direction	Applicable	Consistent
5.2	Reserving Land for Public Purposes	Y	Y
5.3	Development Near Regulated Airports and Defence Airfields	N	N/A
5.4	Shooting Ranges	N	N/A
<b>Housing</b>			
6.1	Residential Zones	N	N/A
6.2	Caravan Parks and Manufactured Home Estates	Y	N
<b>Industry &amp; Employment</b>			
7.1	Business & Industrial Zones	N	N/A
7.2	Reduction in non-hosted short-term rental accommodation period	N	N/A
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
<b>Resources &amp; Energy</b>			
8.1	Mining, Petroleum Production and Extractive Industries	N	N/A
<b>Primary Production</b>			
9.1	Rural Zones	N	N/A
9.2	Rural Lands	Y	Y
9.3	Oyster Aquaculture	N	N/A
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A

Table 2: S9.1 Ministerial Direction Compliance

The proposal is considered to be generally consistent with the applicable 9.1 directions, with the exception of 6.2 Caravan Parks and Manufactured Home Estates. The inconsistency is considered to be of minor significance given the number of caravan parks located in the DM area (3 sites only).

## **Section C – Environmental, Social and Economic Impact**

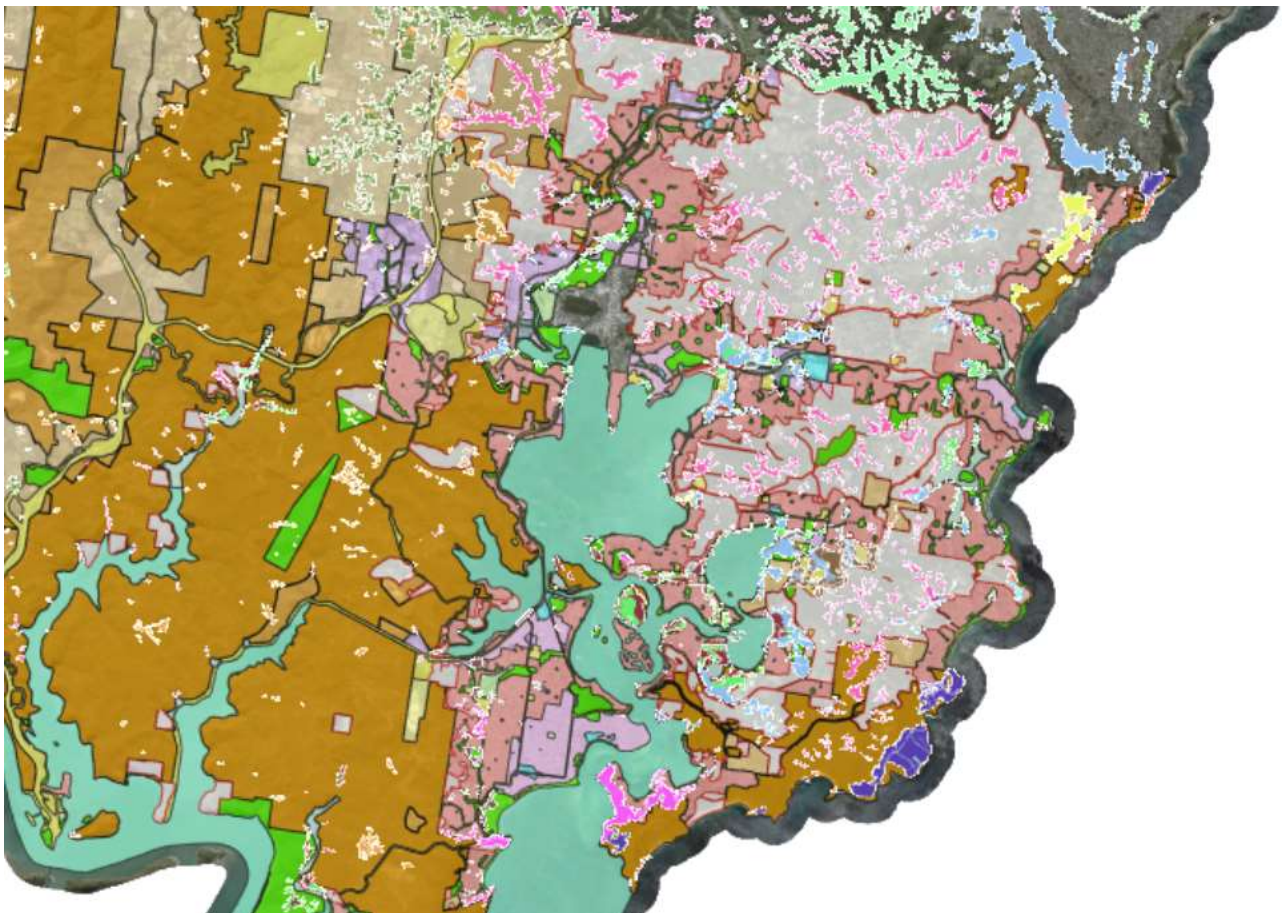
**Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

The proposed amendments are not expected to have an adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats; the planning proposal aims to prevent these impacts.

**Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

### **Ecology**

The Planning Proposal will have no negative impacts on environmentally sensitive land. The proposal will convert existing environmental zonings under GPSO and IDO 122 to the equivalent zone under the standard instrument, and in accordance with LEP Practice Note PN 09-002 – Environmental Protection Zones.



*Endangered Ecological Communities (Bell 2019 v1.5) – Deferred Lands*

### **Bushfire**

The deferred lands area is identified as bushfire prone land. Section 9.1 Ministerial Direction 4.3 Planning for Bushfire Protection applies to the proposal. LEP Practice Note 09-002 – Environment Protection Zones does not identify Bushfire Prone Land as a criterion for consideration when establishing environmental zones.

The Consolidated Central Coast Local Environmental Plan (CCLEP) retains Clause 5.11 Bushfire hazard reduction. This planning proposal will not result in changes to Clause 5.11. Additionally, the proposal will not

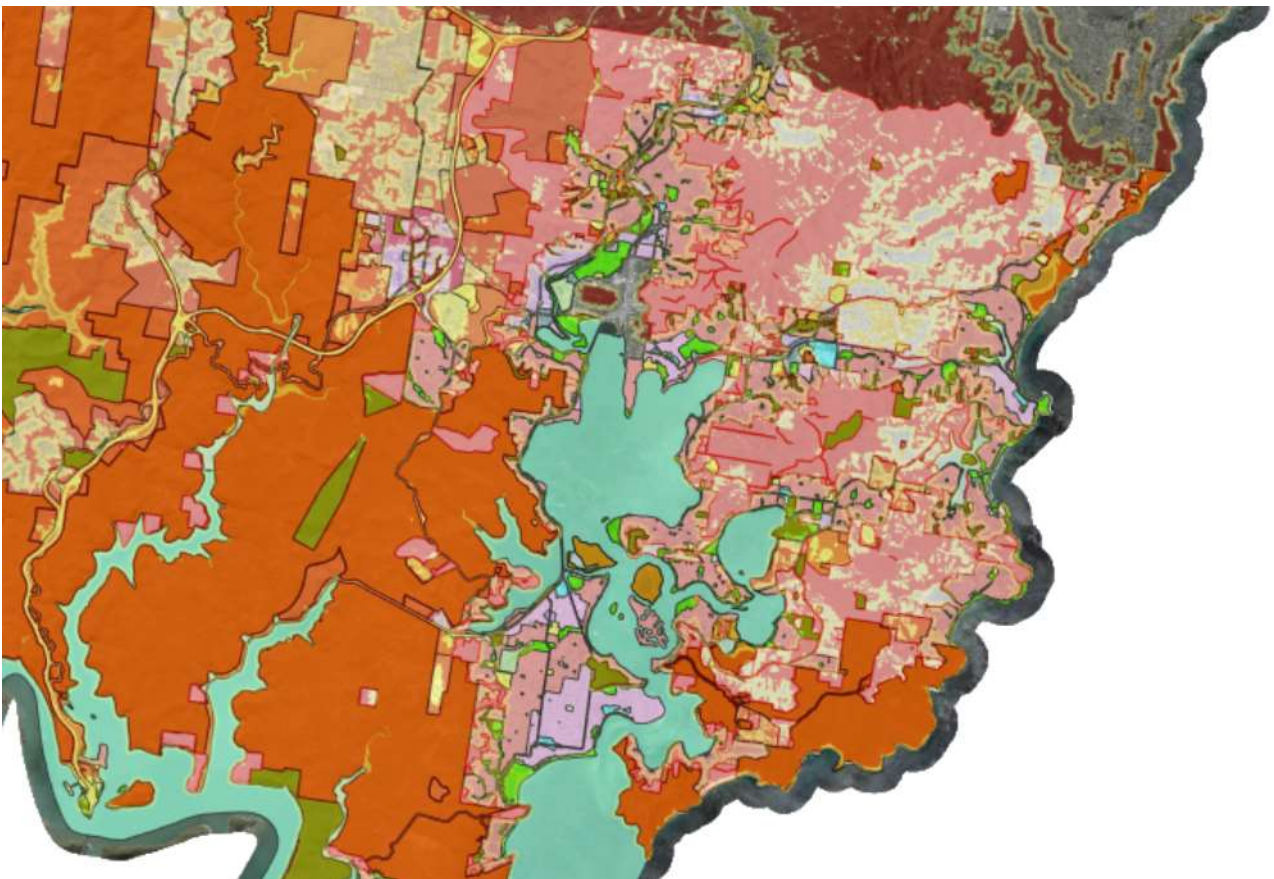
include application of less restrictive zoning, as the scope of this Planning Proposal is limited to a zone conversion exercise only where existing zones are converted to an equivalent zone under the standard instrument, except where environmental constraints have warranted a more restrictive zoning or where legacy land use permissibility has been carried across from the former LEP's.

The Consolidated LEP includes dual occupancy development as a permitted use within the C3 Environmental Management zone; this is consistent with the permitted uses for the zone under WLEP 2013, and ensures there is no loss of development potential as a result of the zone translation. GLEP 2014 does not permit dual occupancy development in the C3 zone, however this will now become a permissible use to ensure LEP harmonisation for the Central Coast LGA.

The proposal is consistent with s9.1 Direction 4.3 Planning for Bushfire Protection clause 2(b), as WLEP 2013 currently permits dual occupancy development in the C3 Environmental Management zone and is therefore considered 'appropriate development'.

As part of the preparation of the CCLEP, including a review of deferred lands the Rural Fire Service provided comments to Council in support of the zoning provisions to be introduced to the deferred lands area, which permitted a number of uses in various zones not currently permitted in either Wyong or Gosford LEP zoning provisions,

Co-location requirements set out in the Central Coast Development Control Plan - 2.2.12 Dual Occupancy in Rural and Environmental Living Zones aims to minimise the impacts of additional occupancies in rural and environmental living areas, by requiring an integration of the building form to achieve the appearance of a single dwelling, or to cluster buildings adjacent to the principal dwelling, reducing potential bushfire risk. The environmental zoning methodology adopted for this proposal will also generally apply a C3 Environmental Management zoning to cleared areas of land. In addition, this proposal seeks to remove dwelling houses as a permissible use from the C2 Environmental Conservation zone, reducing bushfire risk in some heavily vegetated areas.



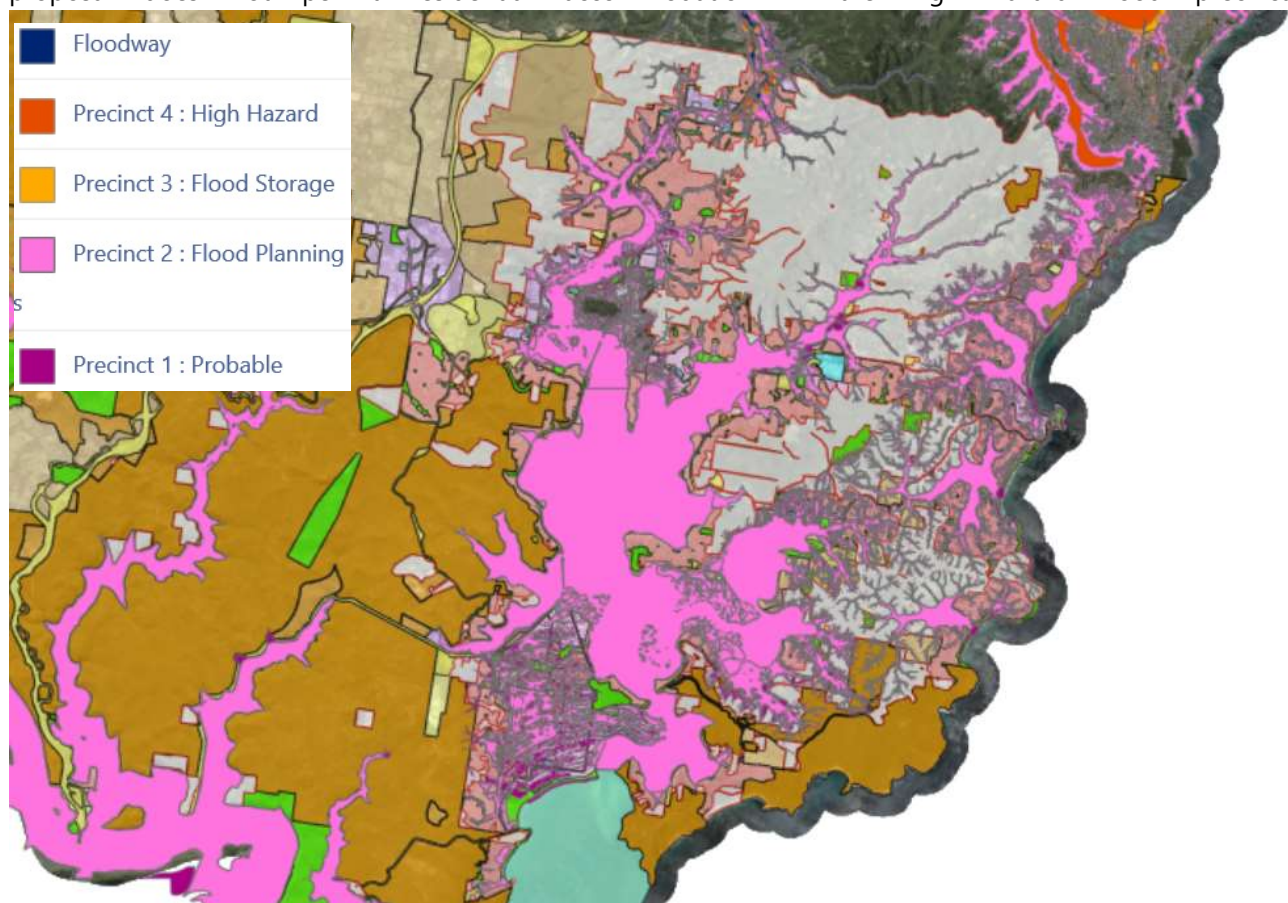
### ***Flooding and Drainage***

Some areas within the deferred lands are identified as flood prone land. Land subject to high hazard flooding is recommended to be zoned C3 Environmental Management in accordance with LEP Practice Note 09-002.

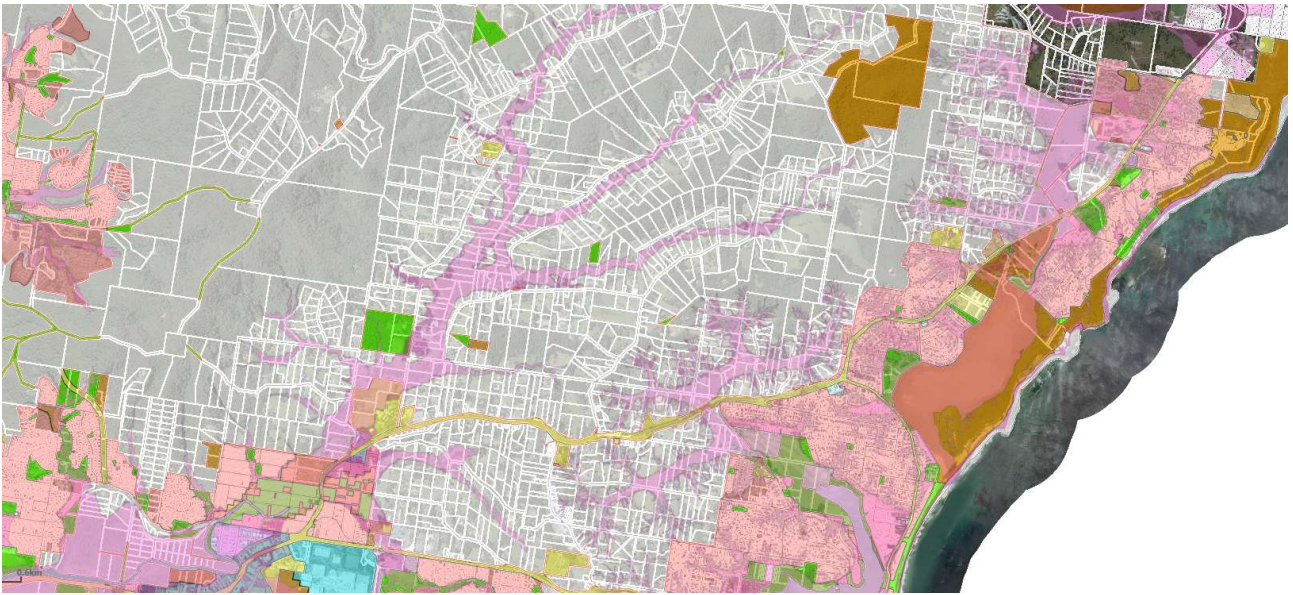
The majority of land is located within the Probable Maximum Flood, and the Flood Planning Area as shown in the maps below.

The proposal will not result in a significant increase in development and/or dwelling density within the deferred lands. Proposed changes to land use permissibility as part of the Consolidated LEP, such as the introduction of dual occupancy development into the C3 Environmental Management zone are considered to be of minor significance and would be subject to a merit assessment at the Development Application stage.

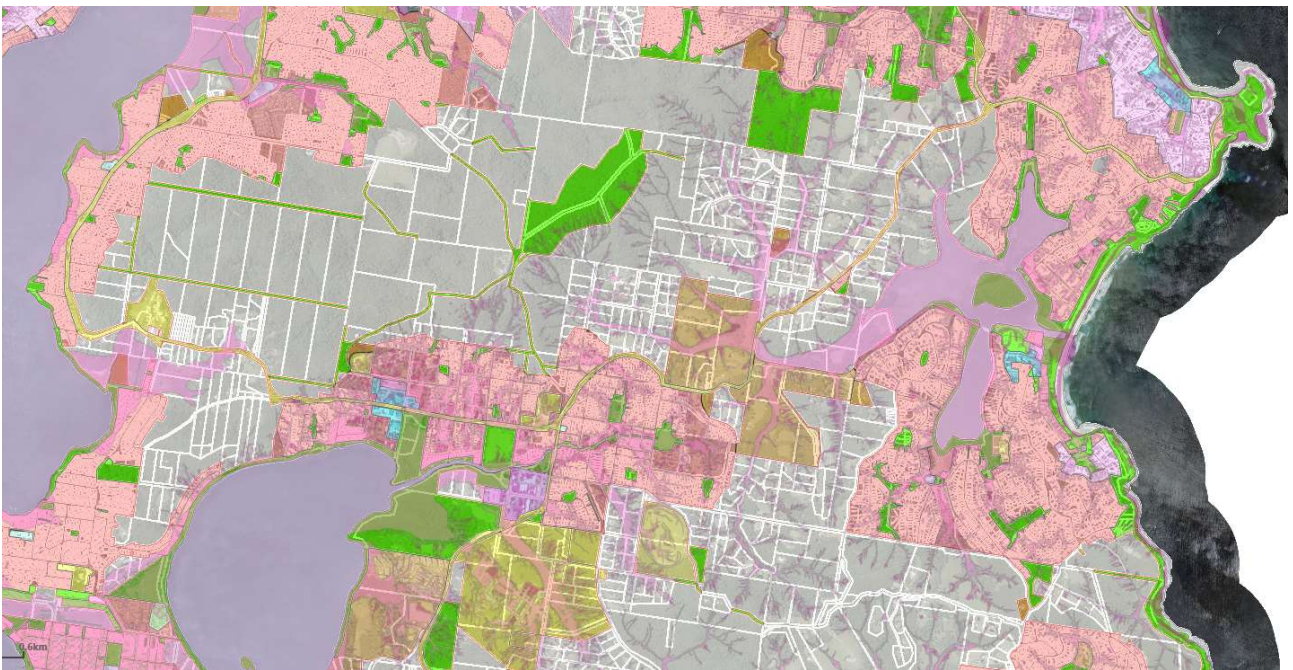
Section 9.1 Ministerial Direction 4.1 Flooding does not permit the rezoning of land from a conservation or rural zone to a residential, business, industrial or special purpose zone. The planning proposal does not propose a change in zoning to a residential, business, industrial or special purpose zone. The proposal will not result in development in floodway areas, and as a conversion process, will not result in significant flooding impacts. The proposal does not permit residential accommodation in the high hazard flood precinct.



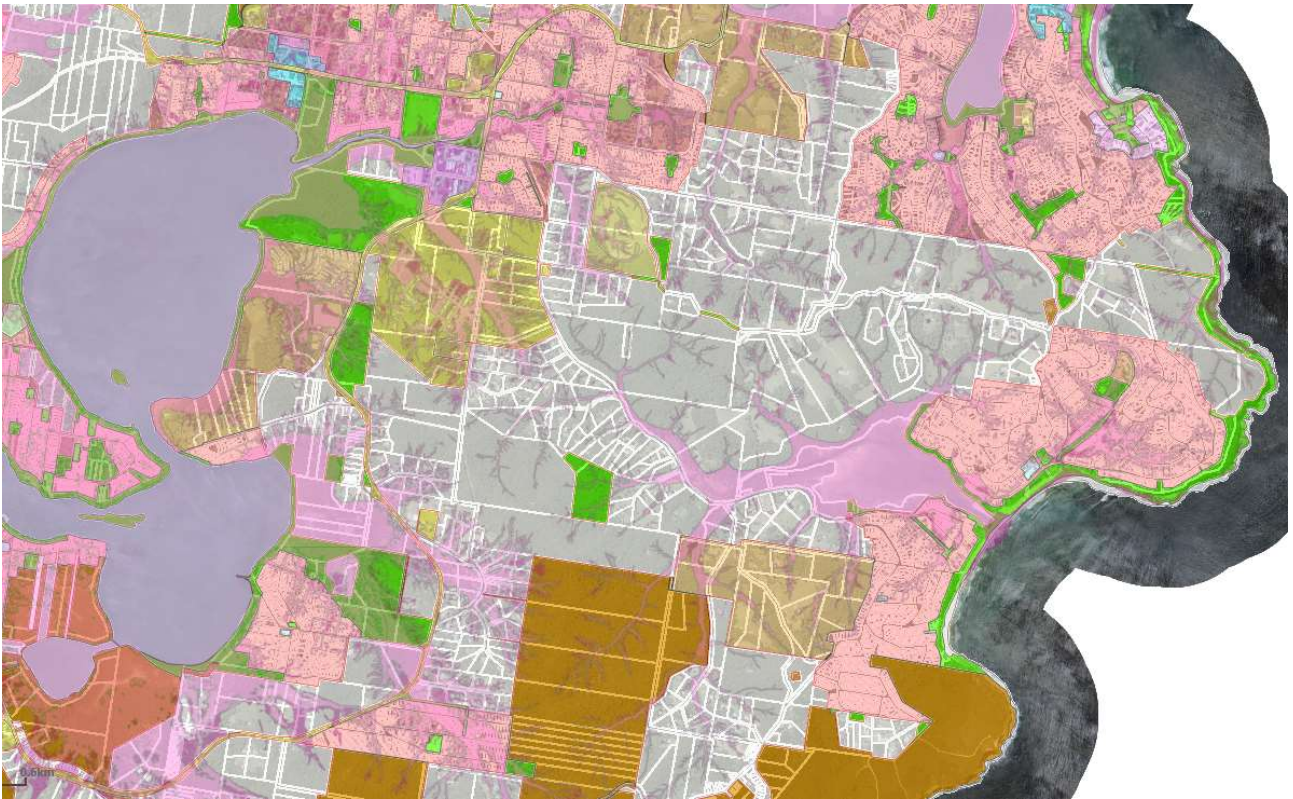
*Flood Precincts 1 (PMF) 2 (FPA) 3 (Flood Storage) 4 (High Hazard) and Floodway Map – Deferred Lands*



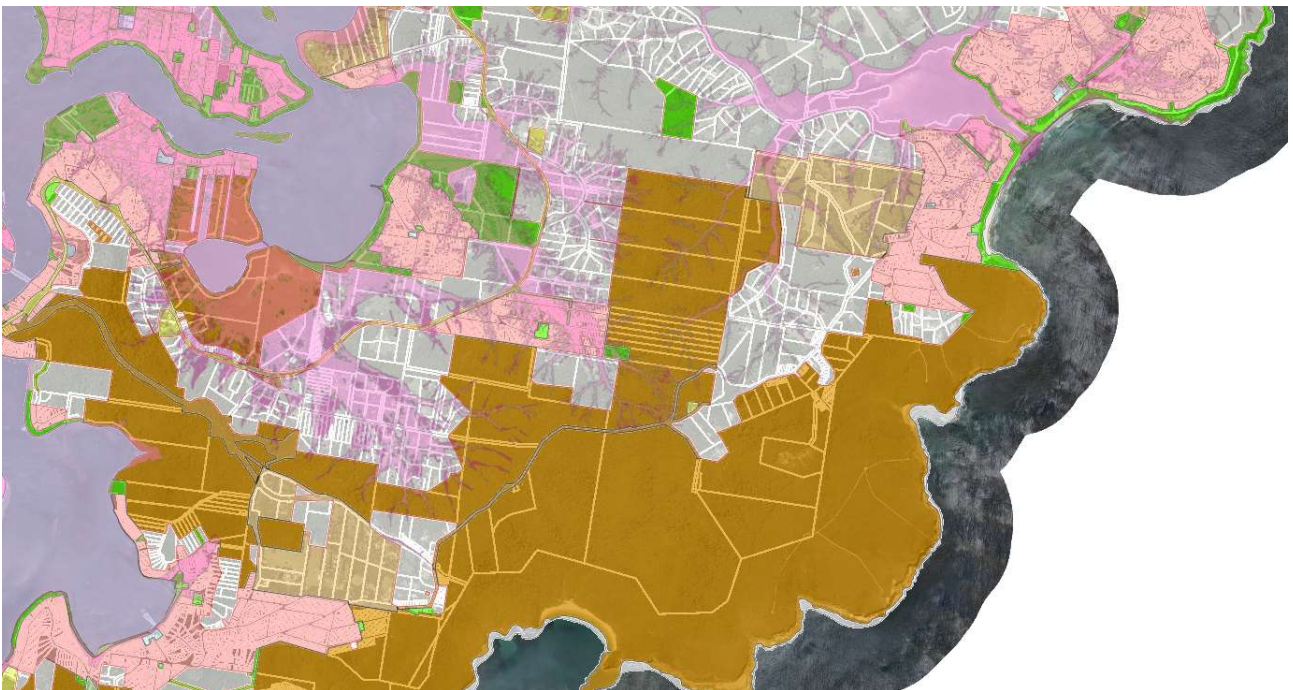
*Holgate, Matcham, Erina Heights, Mount Elliot - Flood Precincts 1 (PMF) 2 (FPA) 3 (Flood Storage) 4 (High Hazard) and Floodway Map*



*Green Point, Erina, Kincumber, Yattalunga - Flood Precincts 1 (PMF) 2 (FPA) 3 (Flood Storage) 4 (High Hazard) and Floodway Map*



*Macmasters Beach, Bensville, Kincumber - Flood Precincts 1 (PMF) 2 (FPA) 3 (Flood Storage) 4 (High Hazard) and Floodway Map*



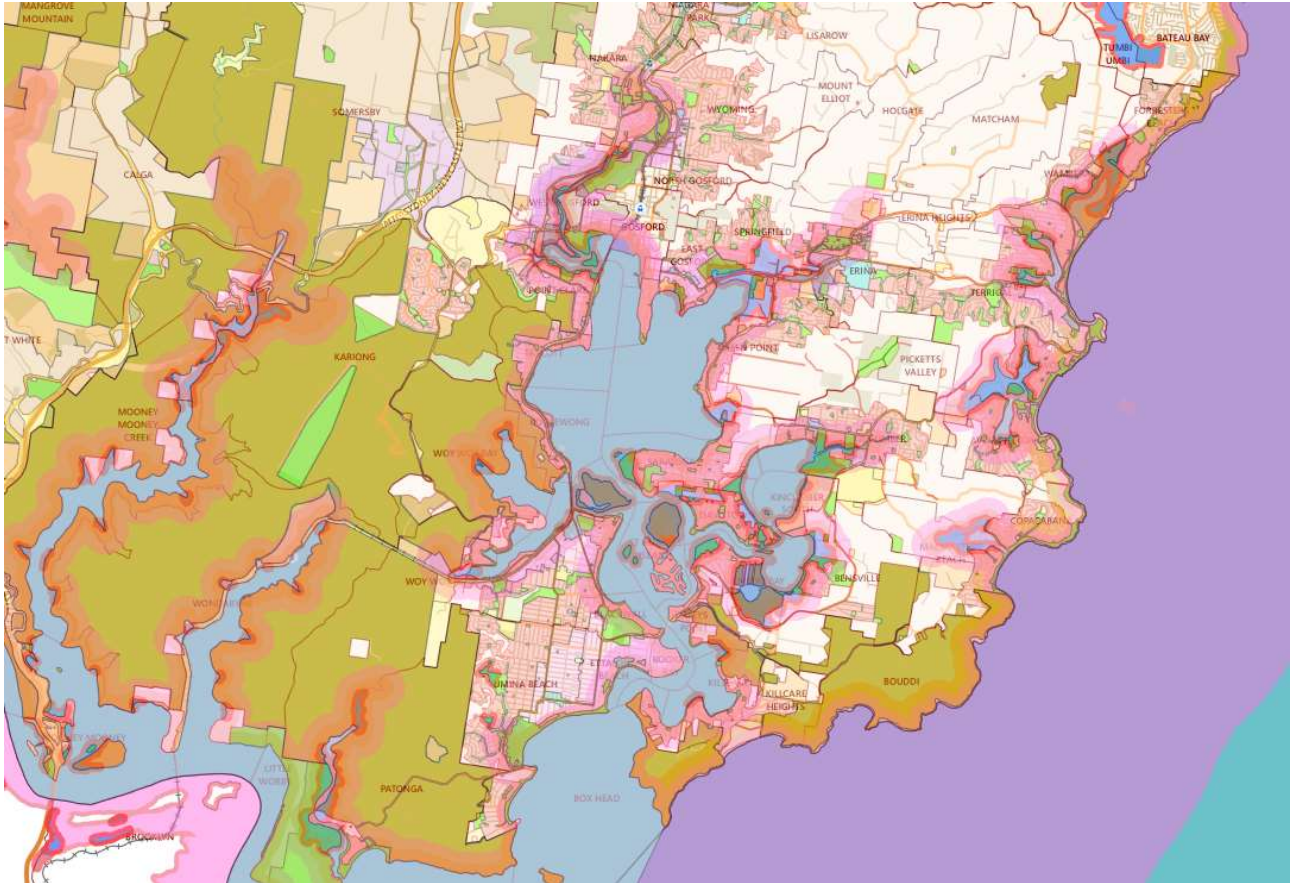
*Empire Bay, Bensville - Flood Precincts 1 (PMF) 2 (FPA) 3 (Flood Storage) 4 (High Hazard) and Floodway Map*

### ***Agriculture***

The deferred lands area does include some small pockets of agricultural uses including orchards, horticultural uses, and animal husbandry. These uses are generally proposed to be zoned either C3 Environmental Management or C4 Environmental Living and will continue to be permissible.

## ***Coastal Management***

Some fringe areas near Brisbane Water are identified as Coastal Environment Area and Coastal Use Area due to their proximity to Brisbane Water lake and creek lines. The proposal will not enable increased development or more intensive land use on land within a coastal vulnerability area or on land that is affected by a current or future coastal hazard in a local environmental plan or development control plan.



*Coastal Management SEPP*

## ***Natural Resources***

There are no impacts to agriculture, drinking water catchments, or mineral resources. The deferred lands are located outside of the nearby Mooney Dam and Ourimbah Creek drinking water catchments. A minor portion of the deferred lands applies to the Somersby Sandstone Quarry and Gosford Quarry transition buffer, which is considered to be of minor significance. The proposal applies to conservation zones identified under IDO 122 and GPSO and does not include rural zoned land.



*Gosford Mineral Resources Audit 2014*

### ***Indigenous and Non-Indigenous Cultural Heritage Items***

There are no impacts to Indigenous and Non-Indigenous cultural heritage items. The proposal aims to convert existing zones to the equivalent standard instrument zone. There is no cultural heritage mapping available either within the DM lands or within the Central Coast which to be applied as a data layer. Council will give further consideration to how these matters might be considered across the Central Coast, when Phase 3 of the Environmental lands Review is undertaken to ensure that a Central Coast perspective is given to this issue, rather than a locality specific one, within the DM lands.

### ***Contaminated Land and Acid Sulfate Soils***

There are no impacts in relation to contaminated land and acid sulfate soils. The proposal aims to convert existing zones to the equivalent standard instrument zone, land subject to Class 1 or Class 2 acid sulfate soils is recommended to be zoned C3 Environmental Management in accordance with LEP Practice Note 09-002. Consolidated LEP Clause 7.1 Acid Sulfate Soils will trigger any need for development consent for all classes of land. As part of the LGA wide review (project phase 3), Council will consider contaminated land and acid sulfate soils.

### ***Mine Subsidence***

There are no impacts to Mine Subsidence as no Mine Subsidence areas are located within the study area.

### ***Has the planning proposal adequately addressed any social and economic effects?***

#### ***Social Issues***

The planning proposal will provide greater certainty to land owners and property investors by standardising planning provisions under one Local Environmental Plan, and enabling the same land use activities for the

deferred lands that are already in place for environmental zones in the remainder of the Local Government Area.

### **Economic Impacts**

The planning proposal will enable secondary dwellings in the deferred lands area which will encourage intergenerational living and opportunities for ageing in place; this will have positive flow-on effects to the local economy.

## **Section D – State and Commonwealth Interests**

### **Is there adequate public infrastructure for the planning proposal?**

The proposal does not rely on the provision of adequate public infrastructure, such as roads and services as the intended outcome is to zone the deferred lands area to an equivalent zone under the standard instrument.

### **What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Consultation with the following agencies is proposed, based on the identified triggers and site constraints:

Table 3: Agency Consultation

Agency	Trigger/Constraint
Commonwealth Department of Environment & Energy	- Relevant Authority (Environmental Land)
Darkinjung Local Aboriginal Land Council	- Affected landholder
Department of Planning, Industry and Environment	- Relevant Authority
Department of Primary Industries - Fisheries	- Relevant Authority
Department of Primary Industries - Agriculture	- Relevant Authority
Department of Industry – Crown land	- Affected landholder
Environment Protection Authority	- Relevant Authority (Environmental Land)
Wannangini Pty Ltd (Guringai Tribal Link)	- Affected landholder
Local Land Services	- Relevant Authority (Environmental Land)
Department of Family and Community Services-RFS	- Relevant Authority (Environmental Land)
DPE-Biodiversity and Conservation	- Relevant Authority (Environmental Land)
Transport for NSW-RMS	- Affected landholder

\* NOTE: Section 3.25 of the EP&A Act requires the RPA to consult with the Chief Executive of the Office of Environment and Heritage (OEH) if, in the opinion of the RPA, critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed instrument.

- The consultation is to commence after a Gateway Determination is issued unless the Regulations specify otherwise.
- The period for consultation is 21 days unless agreed differently between the RPA & the DG or by the Regulations.

## Part 5 Community Consultation

The proposal will be made available for **28** days for community/agency consultation and undertaken in accordance with any determinations made by the Gateway.

It is expected that the proposal will be made available at the following locations:

- Wyong Administration Building: 2 Hely Street, Wyong;
- Library and
- Council's website: [centralcoast.nsw.gov.au](http://centralcoast.nsw.gov.au)

## Part 6 Project Timeline

Table 5: Key Project Timeframes

Stage	Action	Working days	Timeframe and/or Date
2 – Planning Proposal	Anticipated lodgement date for Gateway assessment	N/A	19/10/22
3 – Gateway determination	Anticipated commencement date (date of Gateway Determination)	45	21/12/22
4 – Post Gateway	Anticipated timeframe for the completion of required technical information	28	21/02/23
	Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	15	15/03/23
5 – Public Exhibition and Assessment	Commencement and completion dates for public exhibition	20	16/03/23 to 17/04/23
	Timeframe for consideration of submissions	40	14/06/23
	Timeframe for consideration of a proposal post exhibition	40	10/08/23
6 – Finalisation	Date of submission to the Department to finalise LEP	N/A	1/07/23
	Anticipated date RPA will make the plan (if delegated)	80	1/12/23

## Supporting Documentation

Table 6: Supporting Documentation to the Planning Proposal

No.	Document
<b>01 Assessment and Endorsement</b>	
A.	Council Report and Minutes – 27 April 2021
B.	Central Coast Regional Plan 2036 Assessment
C.	Central Coast Local Strategic Planning Statement
D.	Central Coast Community Strategic Plan
E.	State Environmental Planning Policy Assessment & Ministerial Directions Assessment
<b>02 Supporting Information</b>	
A.	Deferred Lands Background Report
B.	Deferred Lands Land Use Assessment
C.	Data Summary Report

# 01

## **Assessment & Endorsement**

## **1 A. Council Report and Minutes**

## 1 B. Central Coast Regional Plan Assessment

### Draft CCRP 2041

Direction	Applicable	Assessment/Comment
<b>Objective 1:</b> A prosperous Central Coast with more jobs close to home	No	The proposal does not include employment land.
<b>Strategy 1.1</b> Following completion of the Hunter- Central Coast REZ, local strategic planning should consider: <ul style="list-style-type: none"> <li>opportunities to leverage new employment in energy intensive industries that benefit from proximity to the energy infrastructure within the renewable energy zone</li> <li>the proximity of sensitive land uses and ensure they do not encroach upon these areas.</li> </ul>	No	The proposal does not include land in the Hunter-Central Coast REZ.
<b>Strategy 1.2</b> Planning proposals for new employment lands will demonstrate they: <ul style="list-style-type: none"> <li>are located in areas which will not result in land use conflict</li> <li>can be adequately serviced and any biodiversity impacts are manageable</li> <li>respond to the employment land needs identified for that local government area.</li> </ul>	No	The proposal does not include employment land.
<b>Strategy 1.3</b> Local strategic planning should consider: <ul style="list-style-type: none"> <li>how existing employment land areas, including those that provide urban services, will be retained unless opportunities for urban renewal arise through the relocation of industry</li> <li>if there is sufficient supply of vacant, serviced employment land providing capacity for a range of different sized employment enterprises</li> <li>the employment land needs for the local government area and identify flexible planning and development control frameworks to support their growth</li> <li>opportunities to facilitate growth in logistics, circular economy, new economic enterprises and industries and their supply chains</li> <li>the suitability of transport interchanges and bypasses for employment lands in consultation with Transport for NSW</li> <li>lands around the interchanges of the M1 Pacific Motorway should be used for employment activities that benefit from easy access to key markets such as manufacturing, logistics and warehousing</li> <li>lands around the interchanges of the M1 Pacific Motorway should be used for</li> </ul>	No	The proposal does not include employment land.

Direction	Applicable	Assessment/Comment
<p>employment activities that benefit from easy access to key markets such as manufacturing, logistics and warehousing</p> <ul style="list-style-type: none"> <li>the proximity of sensitive land uses and ensure they do not encroach upon these interchanges.</li> </ul>		
<p><b>Strategy 1.4</b> Local strategic planning should consider:</p> <ul style="list-style-type: none"> <li>alignment with the NSW Waste and Sustainable Materials Strategy 2041 and the seven circular economy principles identified in this plan</li> <li>opportunities to support the circular flow of materials by enabling new remanufacturing, resource recovery, re-use and recycling facilities and the expansion of existing circular economy facilities</li> <li>the location of circular economy facilities and existing waste management centres, and ensure sensitive land uses do not encroach on these areas or limit their future expansion</li> <li>opportunities to promote circular economy outcomes through local policy guidance and development controls relating to building design, materials, construction, and waste management.</li> </ul>	No	The proposal does not include employment land or circular economy proposals.
<p><b>Strategy 1.5</b> Planning proposals for power station sites identified as regionally significant growth areas will be supported by a place strategy which demonstrates how land use outcomes:</p> <ul style="list-style-type: none"> <li>maximise employment generation or will attract visitors to the region</li> <li>make use of voids and/ or site infrastructure such as rail loops, hard stand areas, power, water and road access</li> <li>supports the growth of adjoining industrial areas or settlement areas</li> <li>enhance corridors within the landscape such as biodiversity corridors or disused infrastructure corridors</li> <li>complement areas with special amenity value such as critical industry clusters, open space, villages and residential areas</li> <li>have considered the existing and likely future uses of adjoining land and will avoid land use conflict</li> <li>align with any specific guidance in the district planning priorities section of this plan.</li> </ul>	No	The proposal does not include power stations or employment generating development.
<p><b>Objective 2:</b> Support the right of Aboriginal residents to economic self-determination</p>	No	The proposal does not include any land identified in the Darkinjung Development Delivery Plan.

Direction	Applicable	Assessment/Comment
<b>Strategy 2.1</b> Local strategic planning will align with the Aboriginal land planning outcomes identified in any development delivery plan within the LGA to: <ul style="list-style-type: none"> <li>account for local Aboriginal community interests and aspirations in strategic planning decision-making</li> <li>further partnerships with the Aboriginal community and build the delivery capacity of Darkinjung LALC</li> <li>maximise the flow of economic, social and cultural benefits generated by land ownership to Aboriginal residents</li> <li>streamline assessment processes for Darkinjung LALC.</li> </ul>	No	The proposal does not include any land identified in the Darkinjung Development Delivery Plan.
<b>Objective 3:</b> Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities	No	The planning proposal is focused toward consolidating current environmental controls under IDO 122 and GPSO into the standard instrument format and does not consider 15-minute neighbourhoods.
<b>Strategy 3.1</b> Local strategic planning will identify the location of urban core, general urban, inner suburban and general suburban contexts that apply to the LGA and consider strategies to achieve 15-minute neighbourhoods in the various urban and suburban areas.	No	The proposal does not include residential development.
<b>Strategy 3.2</b> Planning proposals that propose a residential, local centre or commercial centre zone will not prohibit the following land uses within urban core, general urban, inner suburban and general suburban contexts: <ul style="list-style-type: none"> <li>business premises</li> <li>restaurants or cafes</li> <li>take-away food and drink premises</li> <li>neighbourhood shops and supermarkets</li> <li>educational establishments</li> <li>early education and care facilities</li> <li>health services facilities</li> <li>markets</li> <li>community facilities</li> <li>recreation areas.</li> </ul>	No	The proposal does not include residential development.
<b>Strategy 3.3</b> Planning proposals will incorporate: <ul style="list-style-type: none"> <li>a small neighbourhood centre if the proposed residential yield exceeds 1,500 dwellings or</li> <li>a large neighbourhood centre if the proposed residential yield exceeds 4,000 dwellings.</li> </ul> The neighbourhood centre will:	Applicability	The proposal does not include residential development.

Direction	Applicable	Assessment/Comment
<ul style="list-style-type: none"> <li>support a floor area informed by a local retail demand analysis</li> <li>have enough developable area to accommodate the uses over one level with at grade parking to reduce costs</li> <li>be located to maximise its convenience for the vast majority of residents of which it serves</li> <li>be located in a high profile location (i.e. main arterial road or precinct with strong pedestrian traffic)</li> <li>be supported by a walkable catchment and pedestrian friendly environment.</li> </ul>		
<b>Strategy 3.4</b> Local strategic planning should consider developing local infrastructure and street design guidelines and controls to achieve safe, accessible and attractive streets for all modes of transportation, as well as trails, parks and public spaces that will encourage active living, community interaction and opportunities to integrate nature in neighbourhoods.	No	The proposal does not include residential development or related infrastructure.
<b>Strategy 3.5</b> Local strategic planning will propose goals and strategies to make a cooler region by greening urban areas, buildings, transport corridors and open spaces to enhance the urban forest.	No	The proposal does not include urban areas. However, the proposal will encourage the continued retention of environmental land and conservation of existing vegetation.
<b>Strategy 3.6</b> Local strategic planning should consider strategies to ensure 90% of houses are within a 10-minute walk of open space, recreation areas or waterways.	No	The proposal does not include urban areas or residential development.
<b>Objective 4:</b> An interconnected Central Coast without car-dependent communities	No	The proposal does not include future growth areas or local infrastructure.
<b>Strategy 4.1</b> Local strategic planning will consider aligning active transport strategies (within and across LGA boundaries) with future growth areas and local infrastructure contribution plans to ensure development supports movement through walking and cycling. Councils may consider minimum bicycle parking standards to reflect the aspirations of 15-minute neighbourhoods in the urban core, general urban, inner suburban and general suburban contexts.	No	The proposal does not include future growth areas or local infrastructure.
<b>Strategy 4.2</b> Local strategic planning will consider transport initiatives to complement increased diversity of land uses and housing typologies in neighbourhoods by: <ul style="list-style-type: none"> <li>rolling out low-speed zones supported by physical changes to the road environment</li> </ul>	No	The proposal does not include future growth areas or residential development.

Direction	Applicable	Assessment/Comment
<ul style="list-style-type: none"> <li>• upgrading existing paths and streets, with more crossing opportunities, and better landscaping, shading and lighting</li> <li>• planting trees along streets and paths</li> <li>• re-allocating vehicle lanes to other public space within and around key destinations</li> <li>• prioritising pedestrian movements in and around key destinations, including at traffic signals</li> <li>• using low-cost and/or temporary infrastructure to trial or test local initiatives</li> <li>• streamlining processes for community or council led local walking, cycling and place making initiatives</li> <li>• using technology to improve places and movements.</li> </ul>		
<b>Strategy 4.3</b> Local strategic planning will consider opportunities to: <ul style="list-style-type: none"> <li>• connect existing coastal walkways and cycleways to enhance the user experience and link coastal towns and villages</li> <li>• integrate walking and cycling networks into the design of new communities</li> <li>• prioritise walking and cycling in areas around schools, health services, aged care facilities, sporting, cultural and recreational facilities</li> <li>• explore ideas from the Streets as Shared Spaces program</li> </ul>	No	The proposal does not include provision of walkways and cycle paths.
<b>Strategy 4.4</b> Local strategic planning should consider maximum parking limits in neighbourhoods and centres well served by walking, cycling and public transport and consider opportunities for park and ride, carpooling, car sharing and other initiatives that facilitate a reduction in private motor vehicle dependency.	No	The proposal does not include urban uses and associated provisions for parking.
<b>Strategy 4.5</b> Local strategic planning will spatially identify key activity destinations and key transit corridors and consider strategies to integrate land use and transport planning in collaboration with Transport for NSW.	No	The proposal does not include key activity destinations or key transit corridors.
<b>Strategy 4.6</b> Local strategic planning should be integrated with transport planning to ensure: <ul style="list-style-type: none"> <li>• places maximise sustainable transport opportunities, including active and public transport that supports the creation of a compact urban area</li> <li>• ease of use and connection across the network, including mobility, accessibility, parking and how people get to and from transport</li> </ul>	No	The proposal does not include urban areas or transport corridors.

Direction	Applicable	Assessment/Comment												
<ul style="list-style-type: none"> <li>inclusive and accessible systems for people of all ages and abilities.</li> </ul>														
<b>Strategy 4.7</b> Local strategic planning will ensure land enables the long-term fast rail vision by preventing incompatible development occurring near alignments once corridors are identified.	No	The proposal does not propose incompatible development near or within the existing rail corridor.												
<b>Strategy 4.8</b> Local strategic planning will consider opportunities to: <ul style="list-style-type: none"> <li>protect, maintain and improve the existing and approved freight transport networks</li> <li>balance the need to minimise negative impacts of freight movements on urban amenity with the need to support efficient freight movements and deliveries</li> <li>limit incompatible uses in areas expected to have intense freight activity</li> <li>limit incompatible freight uses in and near residential areas.</li> </ul>	No	The proposal will not impact upon freight movement or transport networks.												
<b>Objective 5:</b> Plan for 'nimble neighbourhoods', diverse housing and sequenced development	No	The proposal does not include residential development.												
<b>Strategy 5.1</b> Local strategic planning should consider the following benchmarks as a guiding principle: <table border="1"> <thead> <tr> <th>District</th><th>Infill</th><th>Greenfield</th></tr> </thead> <tbody> <tr> <td>Central Lakes</td><td>60%</td><td>40%</td></tr> <tr> <td>Narara district</td><td>80%</td><td>20%</td></tr> <tr> <td>Tuggerah district</td><td>80%</td><td>20%</td></tr> </tbody> </table>	District	Infill	Greenfield	Central Lakes	60%	40%	Narara district	80%	20%	Tuggerah district	80%	20%	No	The proposal does not include residential development.
District	Infill	Greenfield												
Central Lakes	60%	40%												
Narara district	80%	20%												
Tuggerah district	80%	20%												
<b>Strategy 5.2</b> Local strategic planning will consider amendments to planning and development controls that reflect the desired density targets for the urban core, general urban, inner suburban and general suburban contexts.	No	The proposal does not include future growth areas, existing urban areas or residential development.												
<b>Strategy 5.3</b> Planning proposals will not prohibit the following housing typologies within residential zones that apply to urban core, general urban, inner suburban and general suburban contexts: <ul style="list-style-type: none"> <li>attached dwellings</li> <li>boarding houses</li> <li>dual occupancies</li> <li>group homes</li> <li>multi dwelling housing</li> <li>secondary dwellings</li> </ul>	No	The proposal does not include residential development.												

Direction	Applicable	Assessment/Comment
<ul style="list-style-type: none"> <li>semi-detached dwellings</li> </ul>		
<b>Strategy 5.4</b> Local strategic planning will consider opportunities to support community driven innovative housing solutions, such as prefabricated and manufactured housing, 3-D printed housing, and tiny houses, where they are well designed and appropriately located.	No	The proposal does not include residential development.
<b>Strategy 5.5</b> Local strategic planning will consider: <ul style="list-style-type: none"> <li>the proportion and availability of housing for Aboriginal people and whether this is increasing, stable or decreasing relative to need</li> <li>co-led planning and development initiatives with Darkinjung LALC that leverage its social housing program.</li> </ul>	No	The proposal does not include residential development.
<b>Strategy 5.6</b> Local strategic planning should consider preparing an affordable housing contributions scheme with the support of the department.	No	The proposal does not include residential development or affordable housing.
<b>Strategy 5.7</b> Local strategic planning should consider opportunities to work with affordable housing providers and identify sites that may be suitable for supported and specialist accommodation taking account of: <ul style="list-style-type: none"> <li>local housing needs</li> <li>sites with access to relevant facilities, social infrastructure and health care, and public transport</li> <li>the increasing need for accommodation suitable for people with health conditions.</li> </ul>	No	The proposal does not include residential development or affordable housing.
<b>Strategy 5.8</b> Local strategic planning should consider planning for appropriate locations for lifestyle villages, such as locations within 800m of local and strategic centres or key transit corridors. Where lifestyle villages are proposed outside these locations, the village or community should be on unconstrained sites and have: <ul style="list-style-type: none"> <li>reticulated water and sewer</li> <li>indoor and outdoor recreation facilities adequate for the number of proposed residents such as bowling greens, tennis courts, golf course, swimming pool, or off leash dog park</li> <li>community facilities that promote gathering and social connections such as a restaurant, community hall, or community garden</li> <li>access to bus services providing frequent trips to local centres and shops</li> </ul>	No	The proposal does not include lifestyle villages.
<b>Strategy 5.9</b>	No	The proposal does not include hotels, motels or

Direction	Applicable	Assessment/Comment
Local strategic planning should consider the demand for hotels, motels and short-term rental accommodation.		short-term rental accommodation.
<b>Objective 6:</b> Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments	Yes	The proposal aims to maintain and conserve environmentally sensitive areas by updating the environmental framework in accordance with PN 09-002 – Environmental Protection Zones, making lot size recommendations, and providing an LEP clause that provides exceptions to minimum lot size for the purposes of biodiversity conservation.
<b>Strategy 6.1</b> Local strategic planning will protect important environmental assets by: <ul style="list-style-type: none"> <li>• seeking advice from local Aboriginal knowledge holders to find common approaches that will support the health and wellbeing of Country</li> <li>• maintaining and enhancing areas of high environmental value</li> <li>• recognising areas of high environmental value in local environmental plans</li> <li>• considering opportunities for biodiversity offsetting in areas of high environmental value</li> <li>• minimising potential development impacts on areas of high environmental value and biodiversity corridors by implementing the 'avoid, minimise and offset' hierarchy</li> <li>• improving the quality of, and access to, information relating to areas of high environmental value</li> <li>• implementing appropriate measures to conserve areas of high environmental value</li> <li>• identify, map and avoid, where possible, areas of high environmental value that occur within urban growth 'investigation' areas of this regional plan and local strategic plans</li> </ul>	Yes	The proposal will recognise areas of high environmental value in the LEP through the conversion of existing zones under IDO 122 and GPSO into the standard instrument format and in accordance with PN 09-002 – Environmental Protection Zones. Lot size recommendations will also ensure environmental management lands will not be vulnerable to land fragmentation.
<b>Strategy 6.2</b> Local strategic planning will: <ul style="list-style-type: none"> <li>• identify regionally and locally significant biodiversity corridors and a framework for where conservation priorities and opportunities can be secured. The level of protection afforded to biodiversity corridors should be commensurate with the contribution they make to the wider ecological network</li> </ul>	Yes	The proposal and accompanying Land Use Assessment has considered Council's Biodiversity Strategy which identifies regionally and locally significant biodiversity corridors.

Direction	Applicable	Assessment/Comment
<ul style="list-style-type: none"> <li>consider the location and function of biodiversity corridors when determining future urban growth areas.</li> </ul>		
<b>Strategy 6.3</b> Local strategic planning should consider opportunities to strengthen the Coastal Open Space System by expanding its links and extending new corridors to balance growth in the north of the region and protect the network of natural areas across the region.	Yes	The planning proposal is focused toward consolidating existing environmental controls under IDO 122 and GPSO into the standard instrument format. Further work on a region-wide environmental zoning framework will have regard to planning for the Coastal Open Space System.
<b>Strategy 6.4</b> Planning proposals must ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.	Yes	An environmental attribute assessment has been undertaken for all land in the deferred lands area. The environmental attribute assessment considered the relevant attributes of the biodiversity network identified in PN 09-002 – Environmental Protection Zones including coastal wetlands, rainforests, riparian corridors, land containing EEC's etc.
<b>Strategy 6.5</b> Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.	No	The planning proposal is focused toward consolidating existing environmental controls under IDO 122 and GPSO into the standard instrument format.
<b>Strategy 6.6</b> Local strategic planning will ensure all known places, precincts, landscapes and buildings of historic, scientific, cultural, social, archaeological, architectural and aesthetic significance to the region are identified and protected in planning instruments.	Yes	The proposal will not impact on heritage significance, and encourages the retention of existing heritage by transferring some existing heritage items under IDO 122 into the Central Coast LEP heritage schedule.
<b>Strategy 6.7</b> Local strategic planning will consider Aboriginal cultural and community values in future planning and management decisions.	No	The proposal will not impact on Aboriginal cultural and community values.
<b>Strategy 6.8</b> Local strategic planning will identify and protect drinking water catchments and storages ensuring	No	The proposal is not located within any drinking water catchments.

Direction	Applicable	Assessment/Comment
that incompatible land uses will not compromise future water security.		
<b>Strategy 6.9</b> Local strategic planning should identify opportunities to rehabilitate critical waterways in partnership with Local Land Services.	No	The proposal does not include rehabilitation of critical waterways.
<b>Strategy 6.10</b> Local strategic planning will ensure identification of future urban growth areas has considered water infrastructure needs within drinking water catchments.	No	The proposal does not include future urban growth areas.
<b>Strategy 6.11</b> Local strategic planning will support the sustainable growth of recreation and tourist facilities in inland and coastal lakes and encourage non-polluting passive enjoyment where possible whilst maintaining a natural shoreline.	No	The proposal does not include recreation zones or tourist facilities.
<b>Strategy 6.12</b> Planning proposals will demonstrate that development within a drinking water catchment or sensitive receiving water catchment will achieve a neutral or beneficial effect on water quality.	No	The proposal is not located within any drinking water catchments.
<b>Objective 7:</b> Reach net zero and increase resilience and sustainable infrastructure	Yes	The proposal is intended to protect areas of high environmental value and prevent land fragmentation.
<b>Strategy 7.1</b> Local strategic planning will: <ul style="list-style-type: none"> <li>• identify opportunities to increase active transport choices</li> <li>• establish minimum electric vehicle parking requirements in new development</li> <li>• consider opportunities to deliver micromobility transport infrastructure in areas of the region where topography, distance or climate makes walking and cycling challenging.</li> </ul>	No	The proposal does not include active transport.
<b>Strategy 7.2</b> Local strategic planning should support the rollout of electric vehicle charging infrastructure by identifying potential sites for charging stations, including council-owned land, and how these locations can be activated as places.	No	The proposal does not include electric vehicle charging infrastructure.
<b>Strategy 7.3</b> Local strategic planning must protect and enhance the region's carbon sinks.	Yes	The proposal is intended to protect areas of high environmental value, including wetlands and forests.
<b>Strategy 7.4</b> Local strategic planning should ensure that air quality considerations are integrated into decision making at the earliest stage of planning processes.	No	The proposal does not include development that would impact air quality.

Direction	Applicable	Assessment/Comment
<b>Strategy 7.5</b> Planning proposals must protect sensitive land uses from sources of air pollution, such as major roads, railway lines and designated freight routes, using appropriate planning and development controls and design solutions to prevent and mitigate exposure and detrimental impacts on human health and wellbeing.	No	The proposal does not include development of any kind and will not have any air pollution impacts.
<b>Strategy 7.6</b> Local strategic planning will consider pathways to build resilience, reduce vulnerabilities, and support initiatives that can transform the region	Yes	The proposal is intended to protect areas of high environmental value, which will encourage environmental resilience, and reduce the impacts of climate change.
<b>Strategy 7.7</b> Local strategic planning will demonstrate alignment with the NSW Government's natural hazard management and risk mitigation policy framework including: <ul style="list-style-type: none"> <li>• Planning for Bushfire Protection 2019</li> <li>• NSW Coastal Management Framework</li> <li>• Floodplain Development Manual and the Flood Prone Land Policy</li> <li>• Planning for a more resilient NSW: A strategic guide to planning for natural hazards and</li> <li>• any other natural hazards guidance that is released.</li> </ul>	Yes	The proposal does not include development of any kind and aligns with the NSW Government's natural hazard management and risk mitigation policies.
<b>Strategy 7.8</b> Local strategic planning will ensure future residential areas are not planned in areas where: <ul style="list-style-type: none"> <li>• residents are exposed to a high risk from bush fire, flood and/or coastal hazards, considerate of how these may impacted by climate change</li> <li>• evacuation is likely to be difficult during a bush fire or flood due to its siting in the landscape, access limitations, hazard event history and/or size and scale</li> <li>• any existing residential areas may be placed at increased risk and</li> <li>• increased development may cause evacuation issues for both existing or new occupants.</li> </ul>	No	The proposal does not include future growth areas.
<b>Strategy 7.9</b> Local strategic planning will: <ul style="list-style-type: none"> <li>• map areas that are projected to be affected by sea level rise and other coastal hazards to limit the potential exposure of new development to these hazards</li> <li>• be consistent with any relevant coastal management program adopted and certified for that area</li> <li>• consider opportunities to adapt existing settlements at risk of exposure to sea level rise and coastal hazards in accordance with the</li> </ul>	No	The planning proposal is focused toward consolidating existing environmental controls under IDO 122 and GPSO into the standard instrument format. Further work on a region-wide environmental zoning framework will have regard to sea level rise and coastal hazards.

Direction	Applicable	Assessment/Comment
<p>NSW Coastal Management Framework, such as:</p> <ul style="list-style-type: none"> <li>- raising houses and roads</li> <li>- relocating or adapting infrastructure to manage coastal hazard risks, such as ingress of tidal water into stormwater systems and/or</li> <li>- undertaking beach nourishment</li> <li>• consider opportunities to maintain natural coastal defences against sea level rise, such as: <ul style="list-style-type: none"> <li>- maintaining or expanding coastal and riparian buffer zones</li> <li>- replanting and protecting coastal dune systems</li> <li>- fencing creeks and rivers to keep livestock out, limit erosion and protect water quality</li> <li>- controlling invasive species and/or</li> <li>- protecting and restoring mangroves and salt marsh areas to limit flooding, inundation and erosion.</li> </ul> </li> </ul>		
<p><b>Objective 8:</b> Plan for businesses and services at the heart of healthy, prosperous and innovative communities</p>	No	The planning proposal does not include business or employment zones.
<p><b>Strategy 8.1</b> Local strategic planning should consider:</p> <ul style="list-style-type: none"> <li>• encouraging resilient, accessible and inclusive hubs with a range of uses including town centre uses, night-time activities and civic, community, social and residential uses</li> <li>• focussing commercial and retail activity in existing commercial centres</li> <li>• identifying locations for mixed use and/or housing-led intensification in and around centres and main streets to strengthen and support existing uses while enhancing local character and heritage assets</li> <li>• accessibility and attractive active and public transport access from adjoining neighbourhoods both within and to centres and main streets</li> <li>• activating centres and main streets through active street frontages, restaurant/café seating, digital connectivity, outdoor entertainment, community gardens, place-making initiatives and events</li> <li>• ensuring centres and main streets are the primary locations for commercial activity and contributors to the local as well as district-wide economy and that new areas</li> </ul>	No	The proposal relates to environmental lands located outside of existing town centres.

Direction	Applicable	Assessment/Comment
<p>complement the function of existing centres and main streets</p> <ul style="list-style-type: none"> <li>managing parking to encourage active streets and public spaces and reinforce compact centres</li> <li>providing well-designed built and natural shade for comfort and protection against overexposure to UV radiation</li> <li>enabling a diverse range of tourism accommodation and attractions in centres and particularly main streets.</li> </ul>		
<p><b>Strategy 8.2</b> Planning proposals will accommodate new commercial activity in existing centres and main streets unless it forms part of a proposed new community or is an activity that supports a 15-minute neighbourhood.</p>	No	The proposal relates to environmental lands located outside of existing town centres.
<p><b>Strategy 8.3</b> Local strategic planning should consider:</p> <ul style="list-style-type: none"> <li>opportunities to promote the night-time economy in suitable centres and main streets, particularly where night-time public transport options are available</li> <li>how to improve access, inclusion and safety, and make public areas welcoming for consumers and workers</li> <li>diversifying the range of night-time activities undertaken, including extending opening hours for shops, cafes, libraries, galleries and museums</li> <li>addressing the cumulative impact of high concentrations of licensed premises and other noise generating activities to manage land use conflict in these areas</li> <li>fostering the relationships between the creative industries, live performance and the night-time economy as a place of cultural work and production.</li> </ul>	No	The proposal relates to environmental lands located outside of existing town centres.
<p><b>Strategy 8.4</b> Local strategic planning should consider:</p> <ul style="list-style-type: none"> <li>identifying knowledge and innovation clusters and specialist industries in the local government area</li> <li>opportunities to consolidate their growth and allow them to intensify and specialise over time</li> <li>supporting the co-location of mutually supportive and value-adding activities that do not compromise the primary function of the cluster</li> <li>emerging industries and technologies and opportunities to support their growth.</li> </ul>	No	The planning proposal is focused toward consolidating existing environmental controls under IDO 122 and GPSO into the standard instrument format and does not consider special industries or industry clusters.

Direction	Applicable	Assessment/Comment
<b>Strategy 8.5</b> Local strategic planning should consider: <ul style="list-style-type: none"> <li>identifying towns and villages which have a strong tourism presence and/ or serve as gateways to visitor experiences in surrounding areas</li> <li>supporting a diverse range of tourism development in these areas, including events and place-making initiatives which celebrate the local community, heritage and Country</li> <li>implementing planning and development controls which support nature-based and agri-based tourism while maintaining scenic views and amenity, environmental or cultural values, or primary production activities of that locality</li> <li>identifying opportunities to leverage digital technology and infrastructure to enhance the visitor experience; and</li> <li>identifying strategies to grow active transport connections both within tourism gateways and their surrounding landscape.</li> <li>serviced apartments should be promoted in town centres and regionally significant growth areas where they are well-connected by public transport.</li> </ul>	No	The proposal does not include tourism development.
<b>Strategy 8.6</b> Planning proposals to facilitate tourism activities will: <ul style="list-style-type: none"> <li>demonstrate that the scale and type of tourism land use proposed can be supported by the transport network and complements the landscape setting</li> <li>be compatible with the characteristics of the site and existing and likely future land uses in the vicinity of the site</li> <li>demonstrate that the tourism land use would support the function of nearby tourism gateways or nodes</li> <li>be supported by an assessment prepared in accordance with the Department of Primary Industries' Land Use Conflict Risk Assessment Guide if the use is proposed on or in the vicinity of rural zoned lands.</li> </ul>	No	The proposal does not include tourism development.
<b>Objective 9:</b> Sustain and balance productive rural landscapes	No	The proposal does not include rural zones or rural landscapes.
<b>Strategy 9.1</b> Planning proposals will consider the location of mineral and energy resources, mines and quarries and ensure sensitive land uses would not encroach on those operations. A noise study may be required to demonstrate impacts on the operations can be avoided or mitigated.	No	The proposal does not impact on mineral and energy resources.

Direction	Applicable	Assessment/Comment
<b>Strategy 9.2</b> Local strategic planning should consider: <ul style="list-style-type: none"> <li>protecting important agricultural lands, rural industries, processing facilities and supply chains from land uses which may result in land use conflict or fragmentation</li> <li>opportunities to promote the diversification and innovation of agricultural activities and ways to facilitate the upscaling of productivity without acquiring more land</li> <li>supporting activities to value-add and provide additional income streams for farmers</li> <li>ensuring the impacts of development on aquatic habitats in aquacultural estuaries are minimised to support aquaculture.</li> </ul>	No	The proposal does not include rural or agricultural lands.
<b>Strategy 9.3</b> When identifying expansion opportunities for rural towns and villages (including rural-residential), local strategic planning should consider the location of primary production and conservation lands and determine appropriate rural town and village growth boundaries to limit the encroachment of development into areas that have important agricultural, ecological, scenic or heritage value.	No	The proposal does not include expansion opportunities for rural towns and villages.
<b>Strategy 9.4</b> Planning proposals to expand rural town and village growth boundaries will be supported by an assessment prepared in accordance with the Department of Primary Industries' Land Use Conflict Risk Assessment Guide to limit or avoid conflicts between residential uses and agricultural activities	No	The proposal does not include expansion opportunities for rural towns and villages.

## CCRP 2036

Direction	Applicable	Assessment/Comment
1. <i>Grow Gosford City Centre as the region's capital</i>	No	
2. <i>Focus economic development in the Southern and Northern Growth Corridors</i>	No	
3. <i>Support priority economic sectors</i>	No	
4. <i>Strengthen inter-regional and intra-regional connections for business</i>	No	

5.	<i>Support new and expanded industrial activity</i>	No	
6.	<i>Strengthen the economic self-determination of Aboriginal communities</i>	No	
7.	<i>Increase job containment in the region</i>	No	
8.	<i>Recognise the cultural landscape of the Central Coast</i>	Yes	The proposal will retain the scenic amenity through appropriate land use zoning.
9.	<i>Protect and enhance productive agricultural land</i>	No	
10.	<i>Secure the productivity and capacity of resource lands</i>	No	
11.	<i>Sustain and balance productive landscapes west of the M1</i>	No	
12.	<i>Protect and manage environmental values</i>	Yes	The proposal will protect areas of high environmental value.
13.	<i>Sustain water quality and security</i>	Yes	The proposal will assist in protecting water catchments by implementing appropriate zoning provisions.
14.	<i>Protect the coast and manage natural hazards and climate change</i>	No	
15.	<i>Create a well-planned, compact settlement pattern</i>	No	
16.	<i>Grow investment opportunities in the region's centres</i>	No	
17.	<i>Align land use and infrastructure planning</i>	No	
18.	<i>Create places that are inclusive, well-designed and offer attractive lifestyles</i>	No	
19.	<i>Accelerate housing supply and improve housing choice</i>	No	
20.	<i>Grow housing choice in and around local centres</i>	No	

21. <i>Provide housing choice to meet community needs</i>	No	
22. <i>Deliver housing in new release areas that are best suited to building new communities</i>	No	
23. <i>Manage rural lifestyles</i>	No	

## 1 C. Central Coast Council Local Strategic Planning Statement (LSPS) Assessment

Urban Management Strategy	Key Initiative	Planning Priority	Action	Comment
Create a sustainable region	Environmental	Protect and expand the Coastal Open Space System (COSS) in addition to a Biodiversity Strategy that maps, protects, and cherishes natural areas and ecosystems	Develop and implement a zoning framework to inform the application of environmental land use zones for all environmental land	The proposal is part of a staged approach to implementing a zoning framework to inform the application of environmental land use zones for all environmental land

## 1 D. Community Strategic Plan Assessment

Objective/Requirement		Comment
<b>GREEN</b>		
<b>ENVIRONMENTAL RESOURCES FOR THE FUTURE</b>		
	E1 Educate the community on the value and importance of natural areas and biodiversity and encourage community involvement in caring for our natural environment	The proposal will encourage community involvement in protecting natural areas through the public exhibition process.
	E2 Improve water quality for beaches, lakes and waterways including minimising pollutants and preventing litter entering our waterways	The proposal will reinforce appropriate land use zonings that protect existing waterways.
<b>CHERISHED AND PROTECTED NATURAL BEAUTY</b>		
	F1 Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species	The proposal aims to protect land of high environmental value.

Objective/Requirement		Comment
	F2 Promote greening and ensure the wellbeing of communities through the protection of local bushland, urban trees, tree canopies and expansion of the Coastal Open Space System (COSS)	The proposal will protect local bushland through appropriate zoning provisions.
	F4 Address climate change and its impacts through collaborative strategic planning and responsible land management and consider targets and actions	The proposal encourages responsible land management of environmental land.
<b>RESPONSIBLE</b>		
<b>GOOD GOVERNANCE AND GREAT PARTNERSHIPS</b>		
	G1 Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice	The proposal will encourage community involvement through the public exhibition process.
	G4 Serve the community by providing great customer experience, value for money and quality services	The proposal will serve the community by conserving important environmental land.
<b>BALANCED AND SUSTAINABLE DEVELOPMENT</b>		
	I1 Preserve local character and protect our drinking water catchments, heritage and rural areas by concentrating development along transport corridors and town centres east of the M1	The proposal will preserve rural areas through appropriate zoning provisions, particularly in environmental living areas.
	I3 Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management	The proposal will support development that is sustainable and environmentally sound through appropriate amendments to the land use provisions.

## 1 E. State Environmental Planning Policy Assessment

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
<b>Chapter 2 – Vegetation in Non-Rural Areas</b>	
<p><i>The aims of this Chapter are—</i></p> <p><i>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</i></p> <p><i>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i></p> <p><i>This Chapter applies to the following areas of the State (the non-rural areas of the State)—</i></p> <p><i>(b) land within the following zones under an environmental planning instrument—</i></p> <p><i>RU5 Village,</i></p> <p><i>R1 General Residential,</i></p> <p><i>R2 Low Density Residential,</i></p> <p><i>R3 Medium Density Residential,</i></p> <p><i>R4 High Density Residential,</i></p> <p><i>R5 Large Lot Residential,</i></p> <p><i>B1 Neighbourhood Centre,</i></p> <p><i>B2 Local Centre,</i></p> <p><i>B3 Commercial Core,</i></p> <p><i>B4 Mixed Use,</i></p> <p><i>B5 Business Development,</i></p> <p><i>B6 Enterprise Corridor,</i></p> <p><i>B7 Business Park,</i></p> <p><i>B8 Metropolitan Centre,</i></p> <p><i>IN1 General Industrial,</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. The proposal aims to protect the biodiversity and amenity of non-rural areas and is consistent with the planning requirements set out in LEP Practice Note PN 09-002 – Environmental Protection Zones. The planning proposal is focused toward consolidating current environmental controls into the standard instrument format, this will ensure that the most up to date environmental controls apply in relation to the deferred lands area. The proposal will not impact upon the biodiversity values of trees and other vegetation and will preserve the amenity of non-rural areas. The proposed changes will not affect the current requirements for tree and vegetation clearing.</p>

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
<p><i>IN2 Light Industrial,</i></p> <p><i>IN3 Heavy Industrial,</i></p> <p><i>IN4 Working Waterfront,</i></p> <p><i>SP1 Special Activities,</i></p> <p><i>SP2 Infrastructure,</i></p> <p><i>SP3 Tourist,</i></p> <p><i>RE1 Public Recreation,</i></p> <p><i>RE2 Private Recreation,</i></p> <p><i>E2 Environmental Conservation,</i></p> <p><i>E3 Environmental Management,</i></p> <p><i>E4 Environmental Living or</i></p> <p><i>W3 Working Waterways.</i></p>	
<b>Chapter 3 – Koala habitat protection 2020</b>	
Not applicable.	Not applicable.
<b>Chapter 4 – Koala Habitat Protection 2021</b>	
<p><i>This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</i></p> <p><i>This Chapter does not apply to—</i></p> <p><i>(a) land dedicated or reserved under the National Parks and Wildlife Act 1974, or acquired under Part 11 of that Act, or</i></p> <p><i>(b) land dedicated under the Forestry Act 2012 as a State forest or a flora reserve, or</i></p>	<p>This Chapter does not apply within the Central Coast area per clause 3.3(1) of the SEPP and Schedule 1 of the former State Environmental Planning Policy (Koala Habitat Protection) 2021. Additionally, the proposal does not include the RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry zones.</p>

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
(c) <i>land on which biodiversity certification has been conferred, and is in force, under Part 8 of the Biodiversity Conservation Act 2016, or</i>	
<b>Chapter 5 – River Murray lands</b>	
Not applicable.	Not applicable.
<b>Chapter 6 – Bushland in Urban Areas</b>	
<p>(1) <i>The general aim of this Chapter is to protect and preserve bushland within the urban areas referred to in Schedule 5 because of—</i></p> <ul style="list-style-type: none"> <li>(a) <i>its value to the community as part of the natural heritage,</i></li> <li>(b) <i>its aesthetic value, and</i></li> <li>(c) <i>its value as a recreational, educational and scientific resource.</i></li> </ul> <p>(2) <i>The specific aims of this Chapter are—</i></p> <ul style="list-style-type: none"> <li>(a) <i>to protect the remnants of plant communities which were once characteristic of land now within an urban area,</i></li> <li>(b) <i>to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,</i></li> <li>(c) <i>to protect rare and endangered flora and fauna species,</i></li> <li>(d) <i>to protect habitats for native flora and fauna,</i></li> <li>(e) <i>to protect wildlife corridors and vegetation links with other nearby bushland,</i></li> <li>(f) <i>to protect bushland as a natural</i></li> </ul>	<p>The Proposal is consistent with the provisions of this SEPP. The proposal does not include bushland zoned or reserved for public open space purposes, or land adjoining land zoned or reserved for public open space purposes.</p>

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
<p><i>stabiliser of the soil surface,</i></p> <p><i>(g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,</i></p> <p><i>(h) to protect significant geological features,</i></p> <p><i>(i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,</i></p> <p><i>(j) to protect archaeological relics,</i></p> <p><i>(k) to protect the recreational potential of bushland,</i></p> <p><i>(l) to protect the educational potential of bushland,</i></p> <p><i>(m) to maintain bushland in locations which are readily accessible to the community, and</i></p> <p><i>(n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.</i></p> <p><i>This Chapter applies to the areas and parts of areas specified in Schedule 5:</i></p> <p><i>Gosford</i></p>	
<b>Chapter 7 – Canal Estate Development</b>	
Not applicable.	Not applicable.
<b>Chapter 8 – Sydney drinking water catchment</b>	
Not applicable.	Not applicable.
<b>Chapter 9 – Hawkesbury – Nepean River</b>	
Not applicable.	Not applicable.

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
<b>Chapter 10 – Sydney Harbour Catchment</b>	
Not applicable.	Not applicable.
<b>Chapter 11 – Georges Rivers Catchment</b>	
Not applicable.	Not applicable.
<b>Chapter 12 – Willandra Lakes Region World Heritage Property</b>	
Not applicable.	Not applicable.

SEPP (Design and Place ) 2021 (DRAFT)	Assessment/Comment
TBA	

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<b>Chapter 2 – Affordable Housing</b>	
<p><i>The principles of this Policy are as follows—</i></p> <ul style="list-style-type: none"> <li><i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i></li> <li><i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i></li> <li><i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i></li> <li><i>(d) promoting the planning and delivery of housing in locations where it will make</i></li> </ul>	<p>The Proposal is consistent with the provisions of this SEPP. The proposal does not include provisions for residential, business, special use or private recreation zones.</p>

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<p><i>good use of existing and planned infrastructure and services,</i></p> <p><i>(e) minimising adverse climate and environmental impacts of new housing development,</i></p> <p><i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i></p> <p><i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i></p> <p><i>(h) mitigating the loss of existing affordable rental housing.</i></p>	
<b>Chapter 3 – Diverse Housing</b>	
<p><b>Part 1: Secondary Dwellings</b></p> <p><b>Part 2: Group Homes</b></p> <p><b>Part 3: Co-living Housing</b></p> <p><b>Part 4: Built-to-rent Housing</b></p> <p><b>Part 5: Seniors Housing</b></p> <p><b>Part 6: Short-term Rental Accommodation</b></p> <p><b>Part 7: Conversion of Certain Serviced Apartments</b></p>	<p>The Proposal is consistent with the provisions of this SEPP. The proposal does not include provisions for secondary dwellings, group homes, co-living housing, built-to-rent housing, seniors housing, short-term rental accommodation, or serviced apartments.</p>
<p><b>Part 8: Manufactured Home Estates</b></p> <p><i>The aims of this Part are—</i></p> <p><i>(a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and</i></p> <p><i>(b) to provide immediate development</i></p>	<p>There are no Manufactured Home Estates located in the deferred lands. The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<p><i>opportunities for manufactured home estates on the commencement of this Part, and</i></p> <p><i>(c) to encourage the provision of affordable housing in well-designed estates, and</i></p> <p><i>(d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and</i></p> <p><i>(e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and</i></p> <p><i>(f) to protect the environment surrounding manufactured home estates, and</i></p> <p><i>(g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.</i></p>	
<p><b>Part 9: Caravan Parks</b></p> <p><i>The aim of this Part is to encourage—</i></p> <p><i>(a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and</i></p> <p><i>(b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</i></p> <p><i>(c) the provision of community facilities for land so used, and</i></p> <p><i>(d) the protection of the environment of, and in the vicinity of, land so used.</i></p>	<p>The proposal will ensure the protection of the environment in the vicinity of land used for caravan parks The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Industry and Employment) 2021.	Assessment/Comment
<b>Chapter 3 – Advertising and Signage</b>	
<p>1. <i>This Chapter aims—</i></p> <ul style="list-style-type: none"> <li><i>(a) to ensure that signage (including advertising)—</i> <ul style="list-style-type: none"> <li><i>i is compatible with the desired amenity and visual character of an area, and</i></li> <li><i>ii provides effective communication in suitable locations, and</i></li> <li><i>iii is of high-quality design and finish, and</i></li> </ul> </li> <li><i>(b) to regulate signage (but not content) under Part 4 of the Act, and</i></li> <li><i>(c) to provide time-limited consents for the display of certain advertisements, and</i></li> <li><i>(d) to regulate the display of advertisements in transport corridors, and</i></li> <li><i>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i></li> </ul> <p><i>This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. The proposal does not include the provision of signage.</p>

State Environmental Planning Policy (Planning Systems) 2021	Assessment/Comment
<b>Chapter 2 – State and Regional Development</b>	
<p><i>The aims of this Chapter are as follows—</i></p> <ul style="list-style-type: none"> <li><i>(a) to identify development that is State significant development,</i></li> <li><i>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</i></li> </ul>	<p>The Proposal is consistent with the provisions of this SEPP.</p> <p>The proposal does not involve state or regionally significant development.</p>

State Environmental Planning Policy (Planning Systems) 2021	Assessment/Comment
<p><i>(c) to identify development that is regionally significant development.</i></p> <p><i>This chapter applies to Warnervale Town Centre as well as general categories of state significant development.</i></p>	
<b>Chapter 3 – Aboriginal Land</b>	
<p><i>The aims of this Chapter are—</i></p> <p><i>(a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and</i></p> <p><i>(b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i></p> <p><i>This Chapter applies to the land specified on the Land Application Map.</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. There are four sites within the Central Coast LGA which are subject to the SEPP and provided in the Darkinjung Delivery Plan. The Planning Proposal does not include any of these sites.</p>

State Environmental Planning Policy (Precincts—Regional) 2021	Assessment/Comment
<b>Chapter 5 – Gosford City Centre</b>	
<p><i>The aims of this Chapter are as follows—</i></p> <p><i>(a) to promote the economic and social revitalisation of Gosford City Centre,</i></p> <p><i>(b) to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. The land comprising Gosford City Centre as defined by the <i>State Environmental Planning Policy (Precincts—Regional) 2021</i> is not subject to the draft Planning Proposal.</p>

State Environmental Planning Policy (Precincts—Regional) 2021	Assessment/Comment
<p><i>(c) to protect and enhance the vitality, identity and diversity of Gosford City Centre,</i></p> <p><i>(d) to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,</i></p> <p><i>(e) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes,</i></p> <p><i>(f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,</i></p> <p><i>(g) to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,</i></p> <p><i>(h) to preserve and enhance solar access to key public open spaces,</i></p> <p><i>(i) to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront,</i></p> <p><i>(j) to ensure that development exhibits design excellence to deliver the highest standard of architectural and urban design in Gosford City Centre.</i></p>	

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
<b>Chapter 2 - Primary Production and Rural Development</b>	

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
<p><i>The aims of this Chapter are as follows—</i></p> <ul style="list-style-type: none"> <li><i>(a) to facilitate the orderly economic use and development of lands for primary production,</i></li> <li><i>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</i></li> <li><i>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</i></li> <li><i>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</i></li> <li><i>(e) to encourage sustainable agriculture, including sustainable aquaculture,</i></li> <li><i>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i></li> <li><i>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</i></li> </ul>	<p>The Proposal is consistent with the provisions of this SEPP. The proposal does not include primary production land.</p>
<b>Chapter 3 - Central Coast Plateau Areas</b>	
<p><i>The general aims of this Chapter are—</i></p> <ul style="list-style-type: none"> <li><i>(a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,</i></li> <li><i>(b) to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability,</i></li> <li><i>(c) to protect regionally significant mining resources and extractive materials from sterilization,</i></li> </ul>	<p>A small portion of the deferred lands falls within the Central Coast Plateau Areas. The planning proposal will ensure the environmental protection of this area.</p> <p>The planning proposal will not encourage rural residential development. Dwellings will not be permitted in the C2 Environmental Conservation Zone, and the minimum lot size for E3 Environmental Management zones is 20 hectares. The MLS will retain environmental</p>

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
<p>(d) to enable development for the purposes of extractive industries in specified locations,</p> <p>(e) to protect the natural ecosystems of the region, and</p> <p>(f) to maintain opportunities for wildlife movement across the region, and</p> <p>(g) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and</p> <p>(h) to encourage the preparation of draft local environmental plans based on merits.</p>	<p>and amenity qualities and will prevent land fragmentation.</p> <p>Rezoning of the lands identified as “deferred matter” in SREP 8 will result in the transfer of tree clearing applications and approvals from the Local Land Services Act 2013 to the Vegetation SEPP once the zones are converted to the standard instrument zones as recommended in this planning proposal. This is considered to be a good policy outcome for the Central Coast Plateau areas.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
<b>Chapter 2 - Coastal Management</b>	
<p><i>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—</i></p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in</p>	<p>The deferred lands comprise a small number of fringe areas near local tributaries that are identified as coastal wetlands and are within an identified coastal management zone. The environmental attribute assessment and application of the C2 zone within coastal wetlands and littoral rainforests will ensure there is no increased development in these areas. The planning proposal will consolidate existing environmental controls under IDO 122 and GPSO into the standard instrument format; this is a conversion of current zones to the equivalent standard instrument zone. Further work on a region-wide environmental zoning framework will have regard to potential.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
<i>the Coastal Management Act 2016.</i>	
<b>Chapter 3 – Hazardous and Offensive Development</b>	
<p><i>This Chapter aims—</i></p> <ul style="list-style-type: none"> <li><i>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</i></li> <li><i>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter, and</i></li> <li><i>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</i></li> <li><i>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</i></li> <li><i>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</i></li> <li><i>(f) to require the advertising of applications to carry out any such development.</i></li> </ul>	<p>The Proposal is consistent with the provisions of this SEPP.</p> <p>The Planning Proposal does not involve hazardous or offensive development.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
<b>Chapter 4 - Remediation of Land</b>	
<p>1. <i>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</i></p> <p>2. <i>In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</i></p> <p><i>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</i></p> <p><i>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i></p> <p><i>(c) by requiring that a remediation work meet certain standards and notification requirements.</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. The proposal does not involve remediation work.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
<b>Chapter 2 – Mining, Petroleum Production and Extractive Industries</b>	
<p><i>The aims of this Chapter are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries—</i></p> <p><i>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. There are no identified or potential resources mapped within the deferred lands area. A 500m transition area is mapped for the Gosford quarry, which is of regional significance and the transition area covers the south-west portion of Lot 9 DP 755227. The SEPP does not contain provisions that relate to transition areas.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
<p><i>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</i></p> <p><i>(c) to promote the development of significant mineral resources, and</i></p> <p><i>(d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</i></p> <p><i>(e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development—</i></p> <p><i>i to recognise the importance of agricultural resources, and</i></p> <p><i>ii to ensure protection of strategic agricultural land and water resources, and</i></p> <p><i>iii to ensure a balanced use of land by potentially competing industries, and</i></p> <p><i>iv to provide for the sustainable growth of mining, petroleum and agricultural industries.</i></p>	
<b>Chapter 3 – Extractive Industries in Sydney Area</b>	
<p><i>This Chapter aims—</i></p> <p><i>(a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and</i></p> <p><i>(b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 3 or 4, and</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. There are no identified or potential resources mapped within the deferred lands area. A 500m transition area is mapped for the Gosford quarry, which is of regional significance and the transition area covers the south-west portion of Lot 9 DP 755227. While the proposal applies to part of this buffer area, the proposal will not impact on the operations of the quarry.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
<p>(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and</p> <p>(d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and</p> <p>(e) to prohibit development for the purpose of extractive industry on the land described in Schedule 5 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive.</p> <p><i>This chapter applies to land in former Gosford and former Wyong LGAs.</i></p>	

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
<b>Chapter 2 – Infrastructure</b>	
<p><i>The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</i></p> <p>(a) <i>improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i></p> <p>(b) <i>providing greater flexibility in the location of infrastructure and service facilities, and</i></p> <p>(c) <i>allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i></p> <p>(d) <i>identifying the environmental assessment category into which different types of infrastructure and services development</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. The proposal will not require the provision of infrastructure or services.</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
<p><i>fall (including identifying certain development of minimal environmental impact as exempt development), and</i></p> <p><i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i></p> <p><i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></p> <p><i>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</i></p>	
<b>Chapter 3 – Educational Establishments and Childcare Facilities</b>	
<p><i>The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</i></p> <p><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</i></p> <p><i>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</i></p> <p><i>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. There are no areas subject to this proposal that are within the future infrastructure corridor and the proposal does not involve state significant infrastructure.</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
<p><i>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</i></p> <p><i>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></p> <p><i>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</i></p> <p><i>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</i></p> <p><i>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</i></p>	

## Ministerial Section 9.1 Directions

Planning Systems	Comments
<b>1.1 Implementation of Regional Plans</b>	
1. <i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning and Public Spaces.</i>	<p>Applicable</p> <p>The Proposal is consistent with this direction. The Proposal will conserve environmentally sensitive areas (Objective 6).</p>
<b>1.2 Development of Aboriginal Land Council Land</b>	
1. <i>When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:</i> (a) <i>any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or</i> (b) <i>if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.</i>	<p>Not Applicable</p> <p>Land within the Planning Proposal is not shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019.</p>
<b>1.3 Approval and Referral Requirements</b>	
1. <i>A planning proposal to which this direction applies must:</i> (a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i> (b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i> i. <i>the appropriate Minister or public authority, and</i> ii. <i>the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act, and</i>	<p>Applicable</p> <p>The proposal does not seek to include additional approval or referral requirements.</p> <p>The Proposal is consistent with this direction.</p>

Planning Systems	Comments
<p>(c) <i>not identify development as designated development unless the relevant planning authority:</i></p> <ul style="list-style-type: none"> <li>i. <i>can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</i></li> <li>ii. <i>has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</i></li> </ul>	
<b>1.4 Site Specific Provisions</b>	
<p>1. <i>A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</i></p> <ul style="list-style-type: none"> <li>(a) <i>allow that land use to be carried out in the zone the land is situated on, or</i></li> <li>(b) <i>rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</i></li> <li>(c) <i>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i></li> </ul> <p>2. <i>A planning proposal must not contain or refer to drawings that show details of the proposed development.</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>
<b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b>	
<p>1. <i>A planning proposal that applies to land in the nominated local government areas within the Parramatta Road Corridor must:</i></p> <ul style="list-style-type: none"> <li>(a) <i>give effect to the objectives of this direction,</i></li> <li>(b) <i>be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November, 2016),</i></li> <li>(c) <i>be consistent with the Parramatta Road Corridor Planning and Design Guidelines (November, 2016) and particularly the requirements set out in Section</i></li> </ul>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Planning Systems	Comments
<p><i>3 Corridor-wide Guidelines and the relevant Precinct Guidelines,</i></p> <p><i>(d) be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, as applicable,</i></p> <p><i>(e) contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016),</i></p> <p><i>(f) be consistent with the relevant District Plan.</i></p>	
<b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	
<p>1. <i>Planning proposals to which this direction applies shall be consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy.</i></p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
<p>1. <i>Planning proposals shall be consistent with the interim Plan published in July 2017.</i></p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
<p>1. <i>A planning proposal is to be consistent with the Interim Land Use and Infrastructure Implementation Plan and Background Analysis, approved by the Minister for Planning and Public Spaces and as published on 5 August 2017 on the website of the Department of Planning, Industry and Environment (Implementation Plan).</i></p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Planning Systems	Comments
<b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	
1. <i>A planning proposal is to be consistent with the precinct plans approved by the Minister for Planning and Public Spaces and published on the Department's website on 22 December 2017.</i>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.10 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</b>	
1. <i>A planning proposal is to be consistent with the Western Sydney Aerotropolis Plan approved by the Minister for Planning and Public Spaces and as published on 10 September 2020 on the website of the Department of Planning, Industry and Environment.</i>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.11 Implementation of Bayside West Precincts 2036 Plan</b>	
1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website in September 2018.</i>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b>	
<p>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the following principles:</i></p> <p>(a) <i>Enable the environmental repair of the site and provide for new recreation opportunities;</i></p> <p>(b) <i>Not compromise future transport links (such as the South-East Mass Transit link identified in Future Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney Airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses;</i></p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Planning Systems	Comments
<ul style="list-style-type: none"> <li>(c) <i>Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove;</i></li> <li>(d) <i>Ensure best practice design and a high quality amenity with reference to the NSW design policy Better Placed;</i></li> <li>(e) <i>Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden;</i></li> <li>(f) <i>Safeguard the ongoing operation of Sydney Airport;</i></li> <li>(g) <i>Enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30-minute city;</i></li> <li>(h) <i>Deliver a safe road network that balances movement and place, provides connections to the immediate and surrounding areas, and is cognisant of the traffic conditions in this area; and</i></li> <li>(i) <i>Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage. The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.</i></li> </ul>	
<b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b>	
<ol style="list-style-type: none"> <li>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 29 August 2020.</i></li> </ol>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.14 Implementation of Greater Macarthur 2040</b>	
<ol style="list-style-type: none"> <li>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with Greater Macarthur 2040, approved by the Minister for Planning and Public Spaces and as published on 19 November 2018 on the website of the Department of Planning, Industry and Environment.</i></li> </ol>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.15 Implementation of the Pyrmont Peninsula Place Strategy</b>	

Planning Systems	Comments
<p>1. A planning proposal authority must ensure that a planning proposal is consistent with the Pymont Peninsula Place Strategy, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 11 December 2020, including that it:</p> <ul style="list-style-type: none"> <li>(a) gives effect to the objectives of this direction and the Vision (Part 5) of the Pymont Peninsula Place Strategy,</li> <li>(b) is consistent with the 10 directions (Part 6) and Structure Plan (Part 8) in the Pymont Peninsula Place Strategy,</li> <li>(c) delivers on envisaged future character for sub-precincts (Part 9), including relevant place priorities in the Pymont Peninsula Place Strategy, and</li> <li>(d) supports the delivery of the Big Moves (Part 7) in the Pymont Peninsula Place Strategy.</li> </ul>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.16 North West Rail Link Corridor Strategy</b>	
<p>1. A planning proposal that applies to land located within the NWRL Corridor must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction</li> <li>(b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts</li> <li>(c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.</li> </ul>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.17 Implementation of the Bays West Place Strategy</b>	
<p>1. A planning proposal authority must that a planning proposal is consistent with the Bays West Place Strategy, approved by the Minister for Planning and published on the Department of Planning and Environment website on 15 November 2021, including that it:</p> <ul style="list-style-type: none"> <li>(a) gives effect to the objectives of this Direction and the Vision of the Bays West Place Strategy,</li> <li>(b) is consistent with the 14 Directions and Structure Plan(s) in the Bays West Place Strategy,</li> <li>(c) delivers on envisaged future character for sub-precincts, and</li> </ul>	

Planning Systems	Comments
<i>(d) supports the delivery of the Big Moves in the Bays West Place Strategy</i>	

Design & Place	Comments
<b>2.1</b>	

Biodiversity & Conservation	Comments
<b>3.1 Conservation Zones</b>	
<ol style="list-style-type: none"> <li><i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></li> <li><i>A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.3 (2) of "Rural Lands".</i></li> </ol>	<p>Applicable</p> <p>The proposal facilitates the protection and conservation of environmentally sensitive areas by consolidating current environmental controls into the standard instrument format, this will ensure that the most up to date environmental controls apply in relation to the deferred lands area. This will ensure a consistent environmental zoning framework under one consolidated Local Environmental Plan for the Central Coast. The proposal will not reduce the conservation standards that apply to the land and is consistent with the requirements set out in PN 09-002 – Environmental Protection Zones.</p> <p>The Proposal is inconsistent with this direction.</p>
<b>3.2 Heritage Conservation</b>	
<ol style="list-style-type: none"> <li><i>A planning proposal must contain provisions that facilitate the conservation of:</i> <ol style="list-style-type: none"> <li><i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific,</i></li> </ol> </li> </ol>	<p>Applicable</p> <p>The planning proposal will consolidate existing environmental controls under IDO 122 and GPSO into the standard instrument format; this is a conversion of current zones to the equivalent standard instrument zone.</p>

Biodiversity & Conservation	Comments
<p><i>cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p><i>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p><i>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p>	<p>Further work on a region-wide environmental zoning framework will have regard to potential heritage issues. The Proposal is consistent with this direction.</p>
<b>3.3 Sydney Drinking Water Catchments</b>	
<p>1. <i>A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:</i></p> <p><i>(a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and</i></p> <p><i>(b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and</i></p> <p><i>(c) the ecological values of land within a Special Area that is:</i></p> <p><i>i. reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or</i></p> <p><i>ii. declared as a wilderness area under the Wilderness Act 1987, or</i></p> <p><i>iii. owned or under the care control and management of the Sydney Catchment Authority, should be maintained.</i></p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Biodiversity & Conservation	Comments								
<p>2. <i>When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:</i></p> <p>(a) <i>ensure that the proposal is consistent with chapter 9 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and</i></p> <p>(b) <i>give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and</i></p> <p>(c) <i>zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:</i></p> <table border="1" data-bbox="252 938 896 1718"> <tr> <th data-bbox="252 938 572 1106">Land</th><th data-bbox="572 938 896 1106">Zone under Standard Instrument (Local Environmental Plans) Order 2006</th></tr> <tr> <td data-bbox="252 1106 572 1240">Land reserved under the National Parks and Wildlife Act 1974</td><td data-bbox="572 1106 896 1240">C1 National Parks and Nature Reserves</td></tr> <tr> <td data-bbox="252 1240 572 1478">Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level</td><td data-bbox="572 1240 896 1478">C2 Environmental Conservation</td></tr> <tr> <td data-bbox="252 1478 572 1718">Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.</td><td data-bbox="572 1478 896 1718">SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)</td></tr> </table> <p><i>and</i></p> <p>(d) <i>consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and</i></p>	Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006	Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves	Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation	Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)	
Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006								
Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves								
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation								
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)								

Biodiversity & Conservation	Comments
<p><i>(e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP&amp;A Act.</i></p>	
<b>3.4 Application of E2 (C2) and E3 (C3) Zones and Environmental Overlays in Far North Coast LEPs</b>	
<p>1. <i>A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils C Zone Review Final Recommendations.</i></p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast LGA or former Wyong or Gosford LGAs.</p> <p>DPE have requested that the Environmental Zoning Framework for this Planning Proposal is consistent with the Northern Council's Ezone Review.</p>
<b>3.5 Recreational Vehicle Areas</b>	
<p>1. <i>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</i></p> <ul style="list-style-type: none"> <li><i>(a) where the land is within a conservation zone,</i></li> <li><i>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</i></li> <li><i>(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</i> <ul style="list-style-type: none"> <li><i>i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</i></li> <li><i>ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985. Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</i></li> </ul> </li> </ul>	<p>Applicable</p> <p>The proposal does not seek land to be developed for the purpose of a recreation vehicle area.</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<b>4.1 Flooding</b>	
<p>1. <i>A planning proposal must include provisions that give effect to and are consistent with:</i></p> <ul style="list-style-type: none"> <li><i>(a) the NSW Flood Prone Land Policy,</i></li> <li><i>(b) the principles of the Floodplain Development Manual 2005,</i></li> <li><i>(c) the Considering flooding in land use planning guideline 2021, and</i></li> <li><i>(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</i></li> </ul> <p>2. <i>A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</i></p> <p>3. <i>A planning proposal must not contain provisions that apply to the flood planning area which:</i></p> <ul style="list-style-type: none"> <li><i>(a) permit development in floodway areas,</i></li> <li><i>(b) permit development that will result in significant flood impacts to other properties,</i></li> <li><i>(c) permit development for the purposes of residential accommodation in high hazard areas,</i></li> <li><i>(d) permit a significant increase in the development and/or dwelling density of that land,</i></li> <li><i>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</i></li> <li><i>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</i></li> </ul>	<p>Applicable</p> <p>Some areas within the deferred lands are identified as flood prone land. Land subject to high hazard flooding is recommended to be zoned C3 Environmental Management in accordance with LEP Practice Note 09-002.</p> <p>The majority of land is located outside of high hazard and flood storage areas.</p> <p>The proposal will not result in a significant increase in development and/or dwelling density within the deferred lands. Proposed changes to land use permissibility as part of the Consolidated LEP, such as the introduction of dual occupancy development into the C3 Environmental Management zone are considered to be of minor significance and would be subject to a merit assessment at the Development Application stage.</p> <p>The planning proposal does not propose a change in zoning to a residential, business, industrial or special purpose zone. The proposal will not result in development in floodway areas, and as a conversion process, will not result in significant flooding impacts. The proposal does not permit residential accommodation in high hazard flood areas.</p> <p>The proposal is consistent with the NSW Flood Prone Land Policy, Floodplain Development Manual 2005, and the Considering flooding in land use planning guideline 2021.</p> <p>Council has not adopted the special flood considerations clause in the Central Coast Local Environmental Plan.</p>

Resilience & Hazards	Comments
<p>(g) <i>are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</i></p> <p>(h) <i>permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</i></p> <p>4. <i>A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</i></p> <p>(a) <i>permit development in floodway areas,</i></p> <p>(b) <i>permit development that will result in significant flood impacts to other properties,</i></p> <p>(c) <i>permit a significant increase in the dwelling density of that land,</i></p> <p>(d) <i>permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</i></p> <p>(e) <i>are likely to affect the safe occupation of and efficient evacuation of the lot, or</i></p> <p>(f) <i>are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</i></p> <p>5. <i>For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</i></p>	<p>The Proposal is consistent with this direction.</p>
<p><b>4.2 Coastal Management</b></p>	
<p>1. <i>A planning proposal must include provisions that give effect to and are consistent with:</i></p>	<p>Applicable</p>

Resilience & Hazards	Comments
<p>(a) <i>the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</i></p> <p>(b) <i>the NSW Coastal Management Manual and associated Toolkit;</i></p> <p>(c) <i>NSW Coastal Design Guidelines 2003; and</i></p> <p>(d) <i>any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i></p> <p>2. <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</i></p> <p>(a) <i>within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or</i></p> <p>(b) <i>that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i></p> <p>i. <i>by or on behalf of the relevant planning authority and the planning proposal authority, or</i></p> <p>ii. <i>by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i></p> <p>3. <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</i></p> <p>4. <i>A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:</i></p> <p>(a) <i>Coastal wetlands and littoral rainforests area map;</i></p> <p>(b) <i>Coastal vulnerability area map;</i></p> <p>(c) <i>Coastal environment area map; and</i></p>	<p>The area includes Coastal Wetlands, Coastal Environment Areas and Coastal Use areas as defined in the Coastal Management Act 2016 and identified in State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>There is no land subject to coastal hazards within the Deferred Lands area. Land within a coastal wetland area is proposed to be zoned C2 Environmental Conservation, and dwellings are proposed to be prohibited in this zone.</p> <p>The proposal does not propose to amend any coastal maps, and is consistent with the <i>Coastal Management Act 2016, NSW Coastal Management Manual and associated Toolkit, NSW Coastal Design Guidelines 2003</i> and the <i>draft NSW Coastal Design Guidelines</i>.</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p><i>(d) Coastal use area map.</i></p> <p><i>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.</i></p>	
<b>4.3 Planning for Bushfire Protection</b>	
<ol style="list-style-type: none"> <li>1. <i>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&amp;A Act, and take into account any comments so made.</i></li> <li>2. <i>A planning proposal must:</i> <ol style="list-style-type: none"> <li><i>(a) have regard to Planning for Bushfire Protection 2019,</i></li> <li><i>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</i></li> <li><i>(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</i></li> </ol> </li> <li>3. <i>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i> <ol style="list-style-type: none"> <li><i>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</i> <ol style="list-style-type: none"> <li><i>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</i></li> <li><i>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</i></li> </ol> </li> </ol> </li> </ol>	<p>Applicable</p> <p>The deferred lands area contains bushfire prone land. The proposal does not introduce controls that place inappropriate developments in hazardous areas and will prohibit dwellings in the C2 Environmental Conservation zone.</p> <p>The proposal does not prohibit Asset Protection Zones.</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p>(b) <i>for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</i></p> <p>(c) <i>contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</i></p> <p>(d) <i>contain provisions for adequate water supply for firefighting purposes,</i></p> <p>(e) <i>minimise the perimeter of the area of land interfacing the hazard which may be developed,</i></p> <p>(f) <i>introduce controls on the placement of combustible materials in the Inner Protection Area.</i></p>	
4.4 Remediation of Contaminated Lands	
<p>1. <i>A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p> <p>(a) <i>the planning proposal authority has considered whether the land is contaminated, and</i></p> <p>(b) <i>if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p>(c) <i>if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></p>	<p>Applicable</p> <p>This direction applies due to the land being known to have been utilised for some industries identified in Table 1 of the contaminated land planning guidelines.</p> <p>The planning proposal will consolidate existing environmental controls under IDO 122 and GPSO into the standard instrument format; this is a conversion of current zones to the equivalent standard instrument zone. Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used. Contamination issues associated with any change in land use would be considered as part of a development application.</p>

Resilience & Hazards	Comments
<p><i>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</i></p> <p>2. <i>Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i></p>	
<b>4.5 Acid Sulfate Soils</b>	
<p>1. <i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i></p> <p>2. <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i></p> <p style="padding-left: 20px;"><i>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</i></p> <p style="padding-left: 20px;"><i>(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</i></p> <p>3. <i>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to</i></p>	<p>Applicable</p> <p>The subject site is Class 5 acid sulfate soils (located within 500m of a Class 1 and 2 acid sulfate soil).</p> <p>As far as potential for ASS is concerned any related impact can be dealt with at the DA stage.</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p><i>undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</i></p> <p>4. <i>Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</i></p>	
<b>4.6 Mine Subsidence &amp; Unstable Land</b>	
<p>1. <i>When preparing a planning proposal that would permit development on land that is within a declared mine subsidence district, a relevant planning authority must:</i></p> <p>(a) <i>consult Subsidence Advisory NSW to ascertain:</i></p> <p>i. <i>if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and</i></p> <p>ii. <i>the scale, density and type of development that is appropriate for the potential level of subsidence, and</i></p> <p>(b) <i>Incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and</i></p> <p>(c) <i>include a copy of any information received from Subsidence Advisory NSW with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary prior to undertaking community consultation in satisfaction of Schedule 1 to the Act.</i></p> <p>2. <i>A planning proposal must not permit development on land.</i></p>	<p>Applicable</p> <p>The Proposal is consistent with this direction.</p>

Transport & Infrastructure	Comments
<b>5.1 Integrating Land Use &amp; Transport</b>	
<p>1. <i>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i></p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p>	<p>Applicable</p> <p>The proposal does not propose zones for urban purposes. The Proposal is consistent with this direction.</p>
<b>5.2 Reserving Land for Public Purposes</b>	
<p>1. <i>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</i></p> <p>2. <i>When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</i></p> <p>(a) <i>reserve the land in accordance with the request, and</i></p> <p>(b) <i>include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</i></p> <p>(c) <i>identify the relevant acquiring authority for the land.</i></p> <p>3. <i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</i></p> <p>(a) <i>include the requested provisions, or</i></p> <p>(b) <i>take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</i></p> <p>4. <i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the</i></p>	<p>Applicable</p> <p>The subject site is not identified for acquisition for public purposes.</p> <p>The Proposal is consistent with this direction.</p>

Transport & Infrastructure	Comments
<p><i>land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</i></p>	
<b>5.3 Development Near Regulated Airports and Defence Airfields</b>	
<ol style="list-style-type: none"> <li>1. <i>In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</i> <ol style="list-style-type: none"> <li>(a) <i>consult with the lessee/operator of that airport;</i></li> <li>(b) <i>take into consideration the operational airspace and any advice from the lessee/operator of that airport;</i></li> <li>(c) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></li> <li>(d) <i>not allow development types that are incompatible with the current and future operation of that airport.</i></li> </ol> </li> <li>2. <i>In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</i> <ol style="list-style-type: none"> <li>(a) <i>consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</i></li> <li>(b) <i>for land affected by the prescribed airspace (as defined in clause 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</i></li> <li>(c) <i>not allow development types that are incompatible with the current and future operation of that airport.</i></li> <li>(d) <i>obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</i></li> </ol> </li> <li>3. <i>In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</i> <ol style="list-style-type: none"> <li>(a) <i>consult with the Department of Defence if:</i></li> </ol> </li> </ol>	<p>Not Applicable</p> <p>The site is not located in the vicinity of a licensed aerodrome.</p>

Transport & Infrastructure	Comments
<ul style="list-style-type: none"> <li>i. <i>the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</i></li> <li>ii. <i>no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</i></li> <li>(b) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></li> <li>(c) <i>not allow development types that are incompatible with the current and future operation of that airfield.</i></li> </ul> <p>4. <i>A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:</i></p> <ul style="list-style-type: none"> <li>(a) <i>for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</i></li> <li>(b) <i>for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</i></li> <li>(c) <i>for commercial or industrial purposes where the ANEF is above 30.</i></li> </ul> <p>5. <i>A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</i></p>	
<b>5.4 Shooting Ranges</b>	
<p>1. <i>A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:</i></p> <ul style="list-style-type: none"> <li>(a) <i>permitting more intensive land uses than those which are permitted under the existing zone; or</i></li> <li>(b) <i>permitting land uses that are incompatible with the noise emitted by the existing shooting range.</i></li> </ul>	<p>Not Applicable</p> <p>The proposal is not located in the vicinity of a shooting range.</p>

Housing	Comments
<b>6.1 Residential Zones</b>	
<ol style="list-style-type: none"> <li>1. <i>A planning proposal must include provisions that encourage the provision of housing that will:</i> <ol style="list-style-type: none"> <li>(a) <i>broaden the choice of building types and locations available in the housing market, and</i></li> <li>(b) <i>make more efficient use of existing infrastructure and services, and</i></li> <li>(c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></li> <li>(d) <i>be of good design.</i></li> </ol> </li> <li>2. <i>A planning proposal must, in relation to land to which this direction applies:</i> <ol style="list-style-type: none"> <li>(a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></li> <li>(b) <i>not contain provisions which will reduce the permissible residential density of land.</i></li> </ol> </li> </ol>	<p>Not Applicable</p> <p>The proposal does not include residential zones that would permit significant residential development. The Proposal is consistent with this direction.</p>
<b>6.2 Caravan Parks and Manufactured Home Estates</b>	
<ol style="list-style-type: none"> <li>1. <i>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</i> <ol style="list-style-type: none"> <li>(a) <i>retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</i></li> <li>(b) <i>retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</i></li> </ol> </li> <li>2. <i>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</i> <ol style="list-style-type: none"> <li>(a) <i>take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) as to where MHEs should not be located,</i></li> <li>(b) <i>take into account the principles listed in clause 9 Schedule 5 of State Environmental Planning Policy (Housing)(which relevant planning authorities are required to consider when assessing and</i></li> </ol> </li> </ol>	<p>Applicable</p> <p>The Proposal is inconsistent with this direction. The direction is considered to be of minor significance. There are 3 caravan sites within the deferred lands area. These sites are able to rely on existing use rights. Any proposal to expand the current site can be considered on merit through the planning proposal process.</p>

Housing	Comments
<p><i>determining the development and subdivision proposals), and</i></p> <p>(c) <i>include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent..</i></p>	

Industry & Employment	Comments
<b>7.1 Business &amp; Industrial Zones</b>	
<p>1. <i>A planning proposal must:</i></p> <p>(a) <i>give effect to the objectives of this direction,</i></p> <p>(b) <i>retain the areas and locations of existing business and industrial zones,</i></p> <p>(c) <i>not reduce the total potential floor space area for employment uses and related public services in business zones,</i></p> <p>(d) <i>not reduce the total potential floor space area for industrial uses in industrial zones, and</i></p> <p>(e) <i>ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</i></p>	<p>Applicable</p> <p>The proposal does not include business or industrial zones. The Proposal is consistent with this direction.</p>
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>	
<p>1. <i>The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:</i></p> <p>(a) <i>non-hosted short term rental accommodation periods must not be reduced to be less than 90 days</i></p> <p>(b) <i>the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated</i></p> <p>(c) <i>there should be a sound evidence base for the proposed change, including evidence of the availability of short-term rental accommodation in the area (or parts of the area) in the 12 months preceding the proposal, relative to the amount of housing in the area, and trend data on the availability of short-term rental accommodation over the past 5 years.</i></p>	<p>Not Applicable</p> <p>Applies to Byron Shire Council. This Direction does not apply to the Central Coast LGA or former Wyong or Gosford LGAs.</p>

Industry & Employment	Comments
<p>(d) <i>the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically.</i></p>	
<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<p>1. <i>A planning proposal that applies to land located on "within town" segments of the Pacific Highway must provide that:</i></p> <p>(a) <i>new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;</i></p> <p>(b) <i>development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and</i></p> <p>(c) <i>for the purposes of this paragraph, "within town" means areas which, prior to the draft local environmental plan, have an urban zone (e.g.: "village", "residential", "tourist", "commercial", "industrial", etc) and where the Pacific Highway speed limit is less than 80km/hour.</i></p> <p>2. <i>A planning proposal that applies to land located on "out-of-town" segments of the Pacific Highway must provide that:</i></p> <p>(a) <i>new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this direction;</i></p> <p>(b) <i>development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and</i></p> <p>(c) <i>for the purposes of this paragraph, "out-of-town" means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: "village", "residential", "tourist", "commercial", "industrial", etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</i></p> <p>3. <i>Notwithstanding the requirements of paragraphs (1) and (2), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a</i></p>	<p>Not Applicable</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Industry & Employment	Comments																				
<p><i>highway service centre has the same meaning as is contained in the Standard Instrument (Local Environmental Plans) Order 2006.</i></p> <p><b>Table 1: Highway service centres that can proceed</b></p> <table> <tr> <th>Town</th><th>Locality</th></tr> <tr> <td>Chinderah</td><td>Chinderah Bay Road interchange (southbound) Western side of highway at Tweed Valley Way interchange (northbound)</td></tr> <tr> <td>Ballina</td><td>Teven Road interchange</td></tr> <tr> <td>Macleay</td><td>Southern interchange</td></tr> <tr> <td>Woolgoolga</td><td>Northern interchange at Arrawarra</td></tr> <tr> <td>Nambucca Heads</td><td>Nambucca Heads interchange</td></tr> <tr> <td>Kempsey</td><td>South Kempsey interchange</td></tr> <tr> <td>Port Macquarie</td><td>Oxley Highway interchange (both sides of the Pacific Highway)</td></tr> <tr> <td>Taree</td><td>Old Bar Road interchange</td></tr> <tr> <td>Tomago</td><td>In the vicinity of Tomago Road / South Heatherbrae</td></tr> </table>	Town	Locality	Chinderah	Chinderah Bay Road interchange (southbound) Western side of highway at Tweed Valley Way interchange (northbound)	Ballina	Teven Road interchange	Macleay	Southern interchange	Woolgoolga	Northern interchange at Arrawarra	Nambucca Heads	Nambucca Heads interchange	Kempsey	South Kempsey interchange	Port Macquarie	Oxley Highway interchange (both sides of the Pacific Highway)	Taree	Old Bar Road interchange	Tomago	In the vicinity of Tomago Road / South Heatherbrae	
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Resources & Energy	Comments
<b>8.1 Mining, Petroleum Production and Extractive Industries</b>	
<p>1. <i>In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</i></p> <p>(a) <i>consult the Secretary of the Department of Primary Industries (DPI) to identify any:</i></p> <ul style="list-style-type: none"> <li>i. <i>resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and</i></li> <li>ii. <i>existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</i></li> </ul> <p>(b) <i>seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</i></p> <p>(c) <i>identify and take into consideration issues likely to lead to land use conflict between other land uses and:</i></p> <ul style="list-style-type: none"> <li>i. <i>development of resources identified under (1)(a)(i), or</i></li> <li>ii. <i>existing development identified under (1)(a)(ii).</i></li> </ul> <p>2. <i>Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:</i></p> <p>(a) <i>provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</i></p>	<p>Not Applicable</p> <p>The planning proposal will consolidate existing environmental controls under IDO 122 and GPSO into the standard instrument format; this is a conversion of current zones to the equivalent standard instrument zone. It is considered that the direction does not apply to this planning proposal as only a minor portion of the area is located within the transition buffer (not over the quarry site itself), and will not have the effect of prohibiting or restricting quarry operations.</p>

Resources & Energy	Comments
<p>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act.</p>	

Primary Production	Comments
<b>9.1 Rural Zones</b>	
<p>1. A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p>	<p>Applicable</p> <p>The proposal does not include rural zones. The Proposal is consistent with this direction.</p>
<b>9.2 Rural Lands</b>	
<p>1. A planning proposal must:</p> <p>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement</p> <p>(b) consider the significance of agriculture and primary production to the State and rural communities</p> <p>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</p> <p>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p> <p>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <p>(f) support farmers in exercising their right to farm</p>	<p>Applicable</p> <p>The planning proposal will consolidate existing environmental controls under IDO 122 and GPSO into the standard instrument format; this is a conversion of current zones to the equivalent standard instrument zone. The Proposal is consistent with this direction.</p>

Primary Production	Comments
<p>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</p> <p>(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>2. A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p>	
<b>9.3 Oyster Aquaculture</b>	
<p>1. In the preparation of a planning proposal the relevant planning authority must:</p> <p>(a) identify any 'Priority Oyster Aquaculture Areas' and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,</p> <p>(b) identify any proposed land uses which could result in any adverse impact on a 'Priority Oyster Aquaculture Area' or oyster aquaculture leases outside such an area,</p> <p>(c) identify and take into consideration any issues likely to lead to an incompatible use of land</p>	<p>Not Applicable</p> <p>The proposal does not affect land within a Priority Oyster Aquaculture Area.</p>

Primary Production	Comments
<p><i>between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility,</i></p> <p>(d) <i>consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</i></p> <p>(e) <i>ensure the planning proposal is consistent with the Strategy.</i></p> <p>2. <i>Where a planning proposal proposes land uses that may result in adverse impacts identified under (1)(b) and (1)(c), relevant planning authority must:</i></p> <p>(a) <i>provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</i></p> <p>(b) <i>allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</i></p> <p>(c) <i>include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary before undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</i></p>	
<b>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</b>	
<p>1. <i>A planning proposal must not:</i></p> <p>(a) <i>rezone land identified as "State Significant Farmland" for urban or rural residential purposes.</i></p> <p>(b) <i>rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes.</i></p> <p>(c) <i>rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.</i></p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

# 02

## **Supporting Information**

**2 A. Deferred Lands Background Report**

**2 B. Deferred Lands Land Use Assessment**

**2 C. Data Summary Report**