



IRF NUMBER

Gateway determination report – PP-2022-3770

Apply new environmental protection zones to “deferred Matter”, amend minimum lot sizes and mapping

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal and Land Use Assessment

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Central Coast
PPA	Central Coast Council
NAME	Review of Environmental Zones for Deferred Lands
NUMBER	PP-2022-3770
LEP TO BE AMENDED	<i>Central Coast Local Environmental Plan 2022</i>
ADDRESS	Multiple lots (refer Figure 1).
RECEIVED	27/10/2022
FILE NO.	IRF22/4150
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- apply conservation zones to land identified as a 'Deferred Matter' in accordance with LEP Practice Note PN 09-002 – Environmental Protection Zones (PN 09-002) and as recommended in the Central Coast Deferred Lands Land Use Assessment;
- apply minimum lot sizes to land identified as a 'Deferred Matter';
- amend relevant maps to include the 'Deferred Matter';
- repeal Gosford Planning Scheme Ordinance (GPSO) and Interim Development Order 122 (IDO 122); and
- transfer the bonus lot provision under IDO 122 within the Central Coast LEP 2022.

1.3 Explanation of provisions

The planning proposal seeks to amend the *Central Coast Local Environmental Plan 2022* (CCLEP 2022) provisions and maps as per the changes below:

The relevant conservation zones being considered include C1 National Parks and Nature Reserves, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living.

Table 3 Proposed zoning (Source: Table 7, Planning proposal)

Existing Zone	Instrument	Notes ^{#1}	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.

^{#1} 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.

Table 4 Current and proposed CCLEP 2022 amendments

Central Coast LEP 2022	Proposal Amendments
Cl.1.3(1A)(a) - CCLEP 2022 does not apply to land identified as a “Deferred Matter”	Remove subclause referring to ‘Deferred Matter’.
Cl. 4.1E (3)(b) – Exceptions to minimum subdivision lot sizes for certain split zones	Increase ‘resulting’ lot sizes containing land in the C4 Environmental Living zone from 0.5ha to 1ha.
Cl. 4.1F – Exceptions to minimum lot size for subdivision of land that includes deferred matter	Update to remove reference to ‘Deferred Matter’ and note that exceptions to subdivision would be for the purposes of biodiversity and conservation. Potentially consider updating the clause to include options for land dedication and contribution.
Schedule 5 – Environmental heritage	Incorporate heritage items listed in IDO 122.

The planning proposal contains an explanation of the proposed provisions. However, further work is required to better detail the proposed amendments to the CCLEP 2022, including:

- an update to Table 7 of the planning proposal to nominate proposed zoning for areas with an existing 5(d) and 9(a) zone;
- justify and explain all proposed changes to minimum lot sizes, and how this will change clauses under Part 4 – Principal Development Standards;
- further detail and justification for the conservation incentive clause; and

- confirm the proposal is not amending existing land permissibility under the CCLEP 2022, but rather introducing CCLEP 2022 zoning provisions onto the lands identified as 'Deferred Matter'.

1.4 Site description and surrounding area

The lands identified as a 'Deferred Matter' (known as deferred lands) comprise approximately 3,438 parcels (and exclude any council owned land). The deferred lands are located in the southern portion of the Central Coast LGA (which was the former Gosford LGA). The deferred lands are interspersed between towns and centres, and are located in close proximity to National Parks and State Forests, such as Brisbane Water National Park, Bouddi National Park, Strickland State Forest and Ourimba State Forest. There is also a strong correlation between the deferred lands and Council's Coast Open Space System (COSS), which is a network of open spaces and reserves resulting from provisions under the GPSO and IDO 122 that facilitated subdivision in return for dedication of land to the COSS.

The deferred lands include bushland, rainforest, wetlands and coastal areas. They are recognised for their environmental values, including ecologically endangered communities and threatened species. Many deferred lands also include, or are in close proximity to, residential uses.

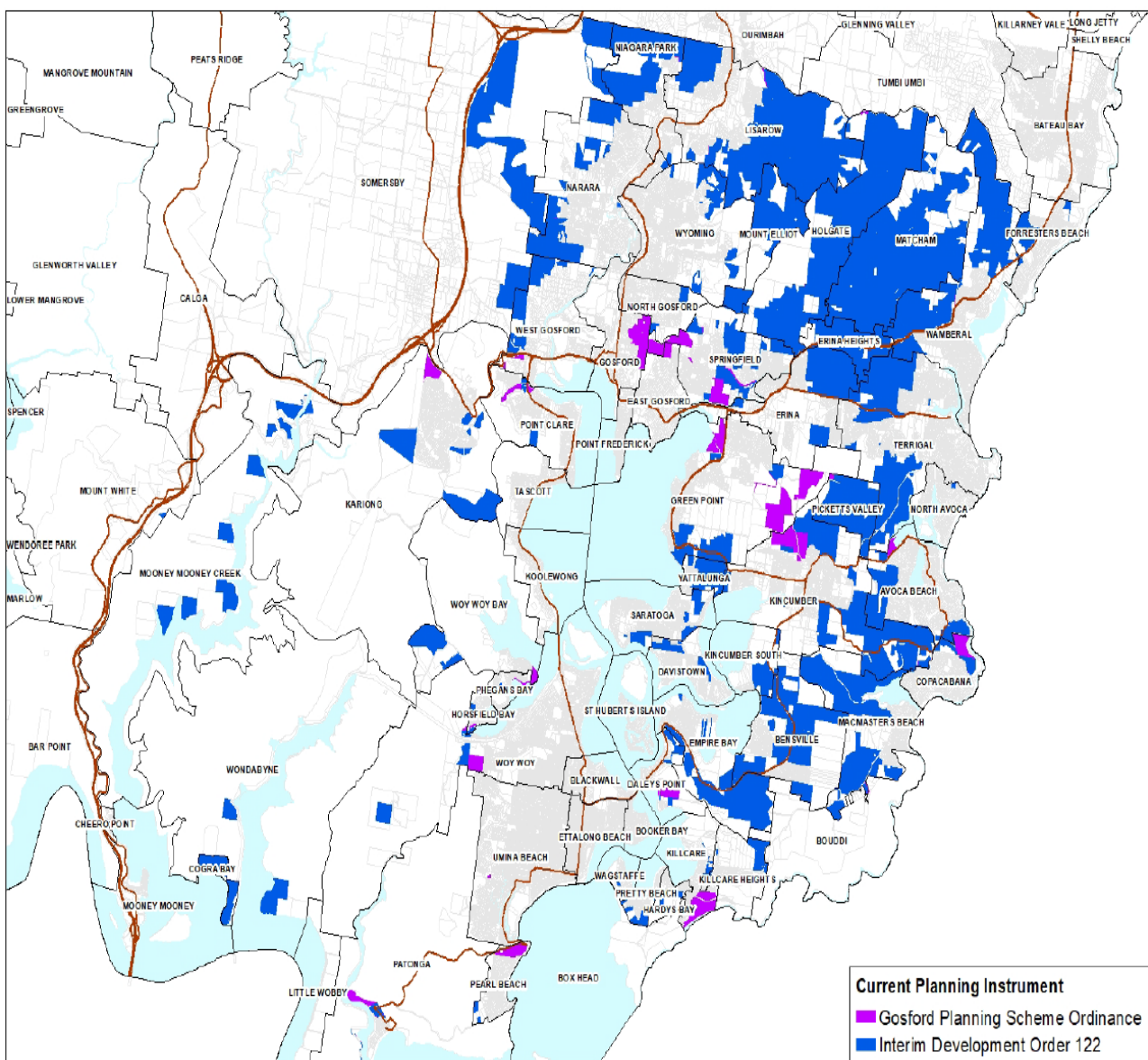


Figure 1 Subject site (deferred lands identified in pink) (Source: Planning proposal)

1.5 Mapping

The Department understands Council will prepare relevant maps prior to exhibition, and a condition has been included in the Gateway determination to this effect. The following images demonstrate the extent, and broad zoning and minimum lot size changes to the deferred lands.

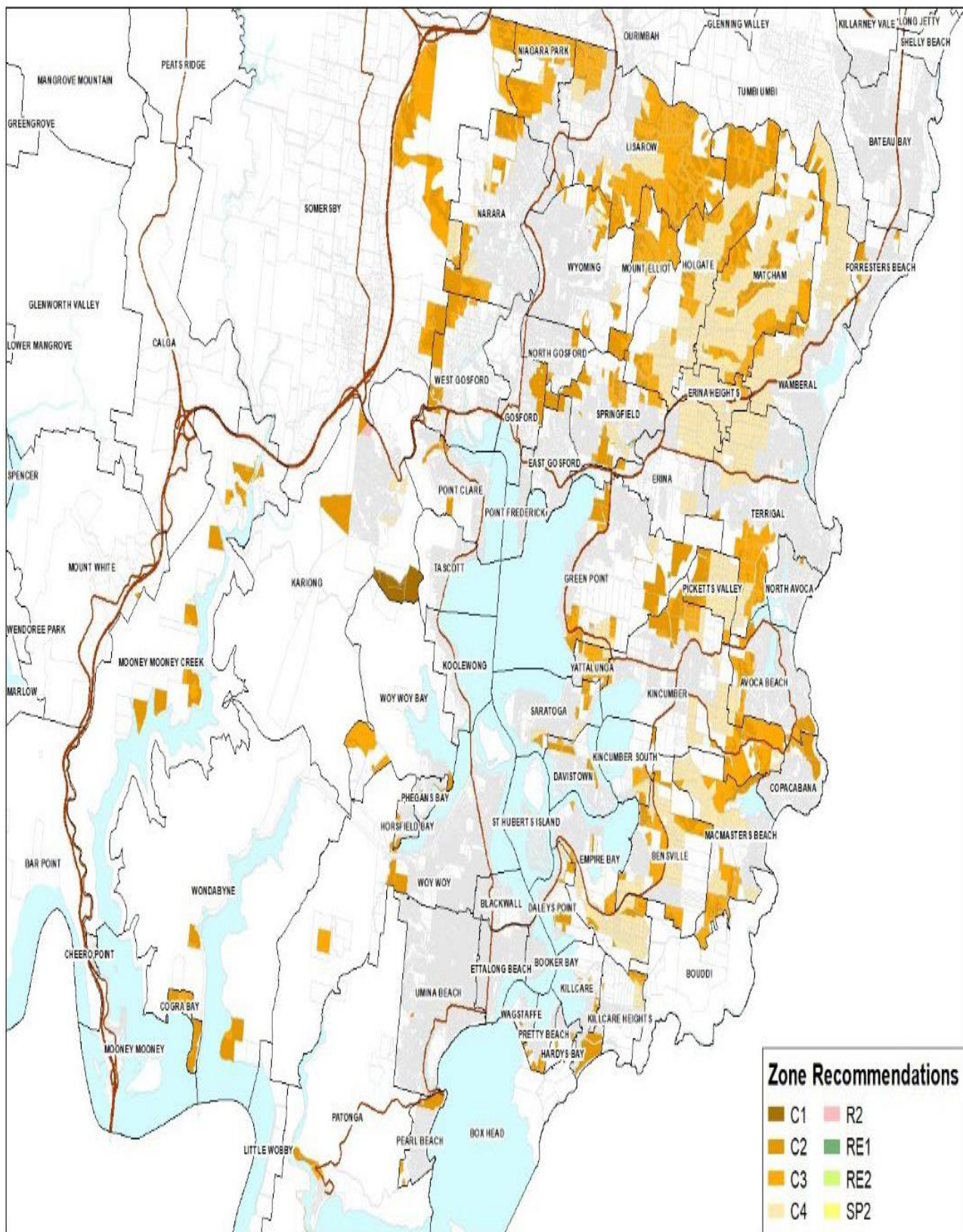


Figure 2 Proposed zoning map (Source: Planning proposal)

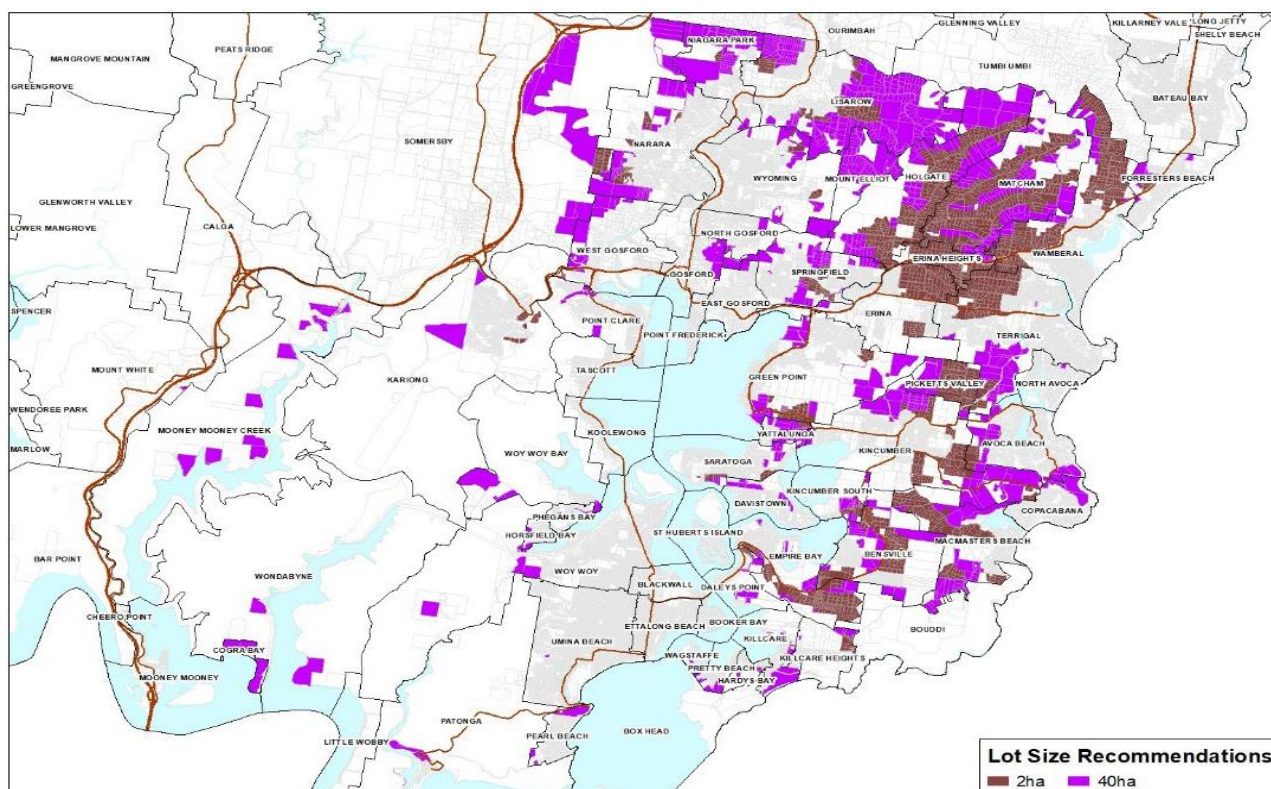


Figure 3 Proposed lot size (Source: Planning proposal)

1.6 Background

The following provides a timeline of key events prior to preparation of the planning proposal:

- **1968:** Gazettal of the Gosford Planning Scheme Ordinance (GPSO).
- **1977:** Bonus lot provisions introduced in Gosford Interim Development Order (IDO) 100 and carried into IDO 122 (gazetted in 1979).
- **2005:** Direction issued by the Department of Infrastructure Planning and Natural Resources for all Councils to prepare new LEPs based upon the Standard Instrument Principal LEP.
- **May 2008:** Former Gosford City Council endorsed the new LEP to be submitted for a Section 65 Certificate (equivalent of a Gateway Determination). The proposal included the conversion of environmentally zoned land to the most comparable zone.
- **2009:** The Department Planning released the new PN 09-002 in April 2009, providing guidance on the application of environmental zones as per the Standard Instrument. Former Gosford City Council was advised by the Department to ensure alignment with the PN 09-002 as a separate proposal to the new Gosford LEP.
- **May 2011:** Former Gosford City Council resolved to bring the IDO 122 and GPSO in line with the Standard Instrument within five years of the gazettal of the Gosford LEP 2014.
- **May 2016:** Amalgamation of Wyong Shire Council and Gosford City Council.
- **23 November 2016:** Council resolved to prepare a planning proposal to consolidate and harmonise the provisions of the Wyong and Gosford Local Environmental Plans. Following exhibition, the lands identified as a 'Deferred Matter' were removed from the consolidation process due to issues raised with the methodology used to translate the zones.
- **14 December 2020:** Council resolved at its Ordinary Meeting to commence a planning proposal to review the lands identified as a 'Deferred Matter'.
- **27 April 2021:** Council resolved at its Ordinary Meeting to seek a Gateway determination for the planning proposal.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is supported by Council's Interim Local Strategic Planning Statement (August 2020). Specifically, it responds to 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)*'. The planning proposal forms part of a staged program to implement the planning priority.

The Department is aware of the long history behind this planning proposal and is supportive the effort made to achieve this priority.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council consider a planning proposal is the most appropriate mechanism to integrate the deferred lands into the CCLEP 2022, noting Council seeks to address issues associated with bonus lot provisions and common ownership provisions provided under the GPSO and IDO 122. A planning proposal is the best means of achieving this intended outcome.

Council also consider a planning proposal is required to introduce new bonus lot provisions under the CCLEP 2022 (as transferred from IDO 122). The existing provisions enables additional subdivision in return for the dedication of land to the Coastal Open Space Scheme (COSS), or a cash contribution towards the purchase of such land. However, 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, rather than through an LEP clause.

Council have indicated their interest in pursuing a similar scheme, and have identified a range of options. Council's preferred option is to progress, through this planning proposal, the preparation of a conservation incentives clause. Specifically, this would amend CCLEP 2022 Cl. 4.1E to reduce permissible subdivision on C4 Environmental Living zoned land if the remaining portion is dedicated to council as environmental land (or the payment of a contribution. To progress this option, Council would require a formal policy, and community benefit outcomes would need to be established through a planning agreement process. This is Council's preferred outcome.

The Department is aware a similar clause exists in the *Lake Macquarie Local Environmental Plan 2014* (Cl. 4.1E Exceptions to minimum lot sizes for biodiversity conservation), and the Department's legal team have broadly indicated that such an amendment is possible.

Another option is to reduce the minimum lot size of C4 Environmental Living zoned land to 1ha to allow any remaining C4 Environmental Living zoned lots to be developed and assessed through a development application process. This would still require a planning proposal to amend the development standards, and would need to be supported through relevant studies and evidence.

Potential options outside of a planning proposal include:

- Preparation of a Land Acquisition and Funding Policy, which enables a reduction to minimum subdivision requirements if it is linked to the preparation of a Voluntary Planning Agreement that would dedicate land towards Council's COSS.
- Discontinue the practice by not transferring the provisions into the CCLEP 2022. Council have indicated that this is likely to lead to a significant increase in planning proposal applications and result in increased workloads.

The Department notes Council's preference for a new conservation incentives clause and their concerns with regards to discontinuing the incentive scheme. The Department has included a Gateway condition that the proposal be updated to include Council's preferred option, including a detailed rationale and any supporting information or policies.

The Department agrees that, given the proposed changes to LEP provisions and mapping, a planning proposal remains the best means to achieve the intended objective and outcomes.

3 Strategic assessment

3.1 Central Coast Regional Plan 2041

The following table provides an assessment of the planning proposal against relevant aspects of the *Central Coast Regional Plan 2041*.

Table 5 Central Coast Regional Plan 2041 assessment

Regional Plan Section	Justification
Strategy 6.4: Planning proposals must ensure the biodiversity network is protected with an appropriate conservation zone unless an alternative zone is justified following application of the avoid, minimise, offset hierarchy.	<p>The planning proposal is generally consistent with this objective and Strategy 6.4 by ensuring the biodiversity network is protected within appropriate conservation zones.</p> <p>The Land Use Assessment (April 2022) has identified a limited number of areas to be rezoned to residential or recreational land (based on an assessment of the site characteristics). It is not clear that the avoid, minimise and offset hierarchy was specially considered in the Assessment.</p> <p>In this case, the Assessment has completed a process to ensure alignment with Objective 6's performance outcome of areas of high environmental value are protected to contribute to a sustainable region.</p>
Strategy 6.5: 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.	<p>Council have indicated their interest in pursuing a bonus scheme, and have identified a range of options. Council's preferred option is to progress, through this planning proposal, the preparation of a conservation incentives clause. Specifically, this would amend CCLEP 2022 Cl. 4.1E to reduce permissible subdivision on C4 Environmental Living zoned land if the remaining portion is dedicated to council as environmental land (or the payment of a contribution).</p> <p>To progress this option, Council would require a formal policy, and community benefit outcomes would need to be established through a planning agreement process. This is Council's preferred outcome.</p> <p>Progression of this option is consistent with Strategy 6.5.</p>
Narara district planning priority 5: Identify appropriate urban expansion opportunities to ensure a sufficient supply of safe, diverse and affordable housing	<p>The planning proposal relates to land within the Narara district. Planning priority 5 requires Council to investigate appropriate locations for urban expansion that may relate to some land identified as 'Deferred Matter'. The Department recognises the objective of the planning proposal is to apply a 'like-for-like' translation of existing land use zones from the GPSO and IDO 122 to the CCLEP 2022.</p> <p>The Department is satisfied that Council may consider future urban expansion opportunities in accordance with this district planning priority as part of its future strategic planning program including finalisation of the Central Coast Local Strategic Planning Statement or Central Coast Local Housing Strategy.</p>

Appendix B: Repealed plans and strategies

The planning proposal has included an assessment of the proposal against the former Central Coast Regional Plan 2036. A Gateway condition has been included to update this assessment to the current *Central Coast Regional Plan 2041*.

3.2 Local

The planning proposal states it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The planning 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.</p> <p>The proposal acts on the Central Coast LSPS Environment Planning Priority 03, which seeks to 'develop and implement a zoning framework to inform the application of environmental land use zones for all environmental land (Environmental Lands Review).</p>
Central Coast Biodiversity Strategy 2020	<p>The Central Coast Council Biodiversity Strategy (2020) aims to ensure the protection of areas of high environmental value from the impacts of development, including corridors, is a priority for Council.</p> <p>The planning proposal aligns with the principles of the Biodiversity Strategy because it applies contemporary conservation controls to deferred lands and seeks to minimise land fragmentation.</p> <p>The proposal also aligns with the Strategy as it seeks to deliver an option to fund environmental land acquisition (Goal 2.2 – Funding Mechanisms for Land Management).</p>

3.3 Local Planning Panel (LPP) recommendation

The planning proposal was referred to the LPP on 8 April 2021. The LPP supported the recommendation that the proposal be forwarded to the Department for a Gateway determination, and issued the following advice:

- there is a clear need and benefit to addressing deferred lands 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 environmental planning instruments.

The Department notes the advice issued by the LPP.

3.4 Section 9.1 Ministerial directions

The planning proposal's consistency with relevant section 9.1 Ministerial directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plan	Consistent	<p>The objective of this Direction is to give legal effect to the vision, performance outcomes and strategies contained in the <i>Central Coast Regional Plan 2041</i>.</p> <p>The proposal is consistent with this Direction.</p>
3.1 Conservation Zones	Potentially inconsistent	<p>To be consistent, a planning proposal must include provisions that will facilitate the protection and conservation of environmentally sensitive areas, and not reduce the conservation standards that apply to the land (including minimum lot sizes, unless for a dwelling).</p> <p>Council have outlined that by translating GPSO and IDO 122 zonings into C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living zones, the conservation standards applying to deferred matters land will not be reduced.</p> <p>The Department generally agrees with this position, however, notes the Land Use Assessment (April 2022) has identified a limited number of areas to be rezoned to residential or recreational land (based on an assessment of the site characteristics).</p> <p>The proposal also seeks to amend minimum lot sizes based on recommendations of the Assessment, and to align with the CCLEP 2022. The proposal may therefore be inconsistent with part 2 of this Direction.</p> <p>It forms a condition of the Gateway that the proposal provide clarification on the proposed changes to zoning and minimum lot sizes, and update the response to this Direction accordingly.</p> <p>The proposal is potentially inconsistent with this Direction and requires further clarification.</p>
3.2 Heritage Conservation	Consistent	<p>Council have indicated that while there is no cultural heritage mapping available for the Central Coast, the proposed translation of controls will not impact Indigenous or non-indigenous cultural heritage items.</p> <p>The Department notes that four heritage items in IDO 122 (Schedule 2) will be transferred to the CCLEP 2022 (Schedule 5), and is also aware that LGA wide cultural mapping will be undertaken as part of Phase 3 of the CCLEP 2022 review.</p> <p>It is critical this phase of the review be aligned with the Central Coast Regional Plan Objective 6's performance outcome that Aboriginal cultural heritage is recognised and celebrated as living and dynamic and not dealt with statically through harm prevention and protection alone.</p> <p>The proposal is consistent with this Direction.</p>
3.5 Recreation Vehicle Areas	Consistent	<p>The proposal does not seek to enable recreation vehicle areas in any conservation areas.</p> <p>The proposal is consistent with this Direction.</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
4.1 Flooding	Potentially inconsistent	<p>A number of sites in the deferred lands are located in flood planning areas under the CCLEP 2022.</p> <p>The Direction does not permit the rezoning of land from a conservation or rural zone to a residential, business, industrial or special purpose zone. The Department notes that there are a small number of sites that the proposal seeks to rezone to R2 Low Density Residential.</p> <p>The Direction also requires that the proposal not result in intensified development, permit sensitive land uses, or increase flood risk. The planning proposal notes that previous changes to land use permissibility as part of the CCLEP 2022 process now permit dual occupancy development in the C3 Environmental Management zone. However, no further changes to residential land uses form part of this planning proposal.</p> <p>The proposal is potentially inconsistent with this Direction as it seeks to rezone some conservation land to low-density residential uses. Further detail is required to confirm that these sites are not located in the flood planning area.</p>
4.2 Coastal Management	Consistent	<p>Council has indicated that, as the planning proposal is a translation of existing controls, 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.</p> <p>The proposal is consistent with this Direction.</p>
4.3 Planning for Bushfire Protection	Potentially consistent	<p>Council have indicated the deferred lands are identified as bushfire prone land, but the proposal does not amend any existing or relevant controls relating to bushfire under the CCLEP 2022 (e.g., Clause 5.11 Bush fire hazard reduction).</p> <p>The proposal does not introduce less restrictive zoning, however as per the CCLEP 2022, dual occupancies are now permitted in the C3 Environmental Management zone. The Department understands that the NSW Rural Fire Service have previously provided comments in support of the harmonisation of controls.</p> <p>Additionally, Council have outlined that PN 09-002 does not identify Bushfire Prone Land as a criterion for consideration when establishing environmental zones.</p> <p>The Department considers that the proposal is generally consistent with this Direction, however a condition of the Gateway determination will require the planning proposal to be updated to reference, and demonstrate regard to any relevant consideration of the <i>Planning for Bushfire Protection 2019</i>.</p> <p>Council will also be required to consult with the Commissioner of the NSW Rural Fire Service under section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act). This also forms part of the Gateway conditions.</p> <p>The proposal is potentially consistent with this Direction.</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
4.4 Remediation of Contaminated Land	Potentially inconsistent	<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 Direction requires consideration of that land that is contaminated, and that the planning proposal authority be 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.</p> <p>The Department notes that while the proposal does not seek a change of use, the shifting of zones from the GPSO and IDO 122 into the CCLEP 2022 will introduce some changes to land permissibility, however as the GPSO and IDO 122 do not use standard land use terms, a comparison matrix was unable to be prepared</p> <p>The Department understands the preparation of the CCLEP 2022 generally involved removing permissible land uses in conservation zones, with some exceptions (e.g. allowing dual occupancies in C3 Environmental Living zone).</p> <p>Council have indicated that contamination issues associated with any change in land use would be considered as part of a development application.</p> <p>The Department notes that the general intent of the planning proposal to translate zones, however seeks clarification on:</p> <ul style="list-style-type: none"> Any deferred matter land that is considered to be contaminated under Table 1 of the contaminated land planning guidelines; and What zone is proposed for these lands, if there any likely land use conflicts and how this will be addressed. <p>This has been included as a Gateway condition.</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
4.5 Acid Sulfate Soils	Consistent	<p>The proposal does not include works or intensification of use, and Council has proposed that any land subject to Class 1 or Class 2 acid sulfate soils be zoned C3 Environmental Management, in accordance with PN 09-002.</p> <p>The proposal is consistent with this Direction.</p>
5.2 Reserving land for Public Purpose	Potentially inconsistent	<p>While the proposal generally involves a 'translation' of zoning controls, the Land Use Assessment (April 2022) has identified a number of parcels of land for the RE1 Public Recreation due to site-specific considerations, such as adjoining existing RE1 Public Recreation zoned land.</p> <p>The Department seeks further information on the proposed RE1 Public Recreation zoning in Kincumber and Davistown, including an updated assessment against this Direction.</p> <p>The proposal is potentially inconsistent with this Direction and requires further clarification.</p>
6.2 Caravan Parks and Manufactured Home Estates	Inconsistency justified	<p>Council note that translating the GPSO and IDO 122 zones into the CCLEP 2022 will cause caravan parks to lose their permissibility. They outline that three existing caravan parks within the deferred lands will be affected, however that they can continue operating under existing use rights (clause 4.65 of the <i>Environment Planning and Assessment Act 1979</i>).</p> <p>The Department agrees the planning proposal is inconsistent as the amendment will remove provisions that enable the development of, and apply a zoning that does not permit, caravan parks.</p> <p>The inconsistency is of minor significance and justified given the intent of the planning proposal to 'translate' environmental zones into the CCLEP 2022, the broader strategic direction for the area to conserve these areas and the ability for the caravan parks to continue under existing use rights.</p> <p>The proposal is justifiably inconsistent with this Direction.</p>

8.1 Mining, Petroleum Production and Extractive Industries

Inconsistent

The planning proposal has indicated that Lot 9 DP 722557 is located near the Gosford Quarry transition buffer, but that the proposed zone translation will not result in the prohibition of restriction of existing quarry operations.

The Department seeks further clarification as to whether this quarry is considered state or regionally significant, the purpose and application of the transition around this quarry, and the impact any zone translation will have on the operation of the quarry. A Gateway condition has been included to this effect.

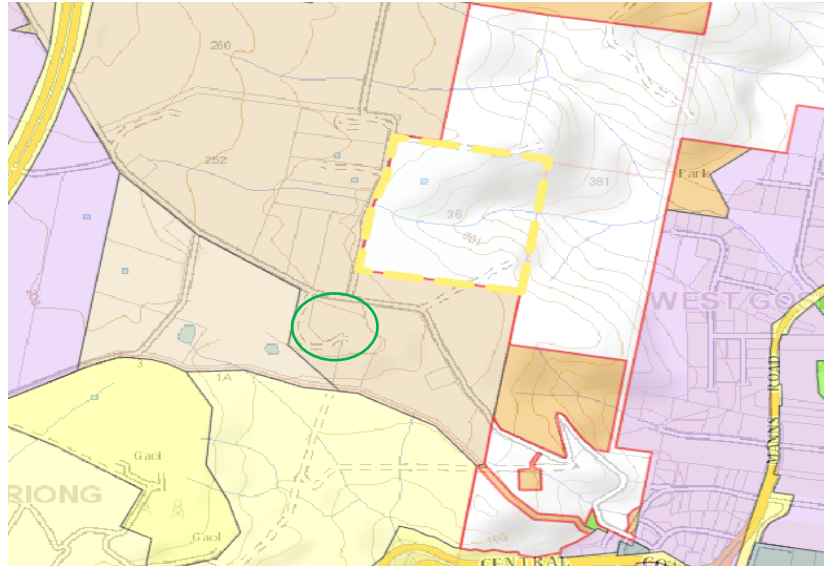


Figure 4 Proximity of Lot 9 DP 755227 (yellow dash outline) to Gosford Quarry (green circle) (Source: espatal viewer, 23/11/22)

The Department also notes that some deferred matters land intersect with regionally significant sandstone quarries, as mapped under the Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2) (Amendment No 1) (refer Figure 6 below).

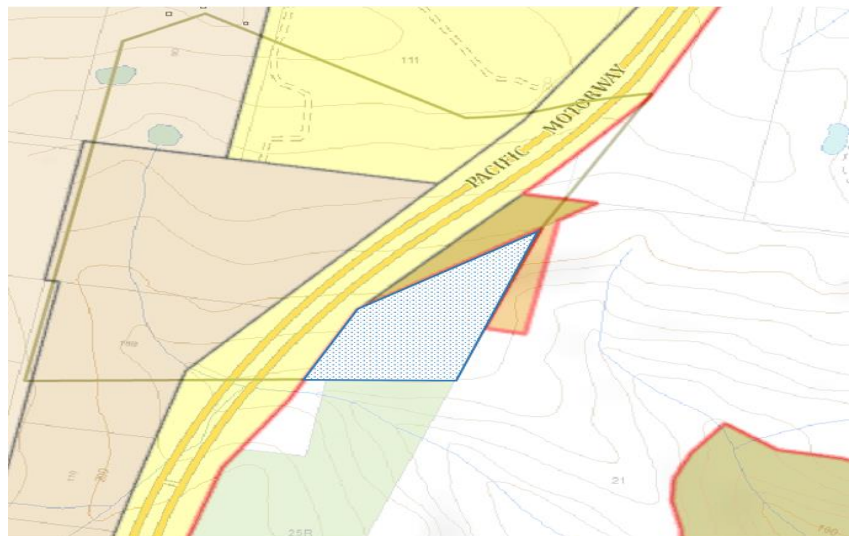


Figure 5 Intersection of regionally significant sandstone quarry and deferred matter land (blue hatched area) (spatial viewer, 23/11/22)

Directions	Consistent	Reasons for Consistency or Inconsistency
		<p>The Department has confirmed no “Deferred Matters” land are designated as Mineral and Resource Lands under the SEPP.</p> <p>This proposal is inconsistent with the Direction as extractive industries are prohibited uses in all conservation zones under the CCLEP 2022.</p> <p>The Department has included a Gateway condition to require that the proposal review and update their response to this Direction, and include any required information to justify any inconsistency. The proposal should also be updated to include mapping and/or images show the location of any mining or extractive industries (and their buffer zones) in relation to any deferred matters land. The proposal should also consider the impact any new zoning will have on the operation of these quarries (for example, would the rezoning remove land use permissibility, or would the operation of the quarry be curtailed in anyway? If so, are there any mitigation measures required)</p>

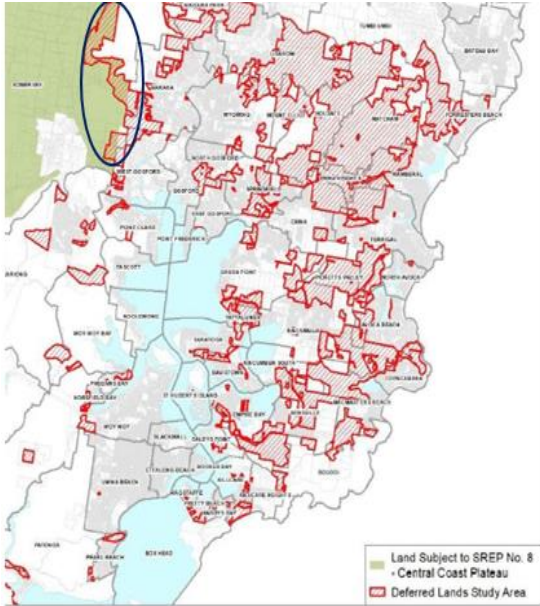
Directions	Consistent	Reasons for Consistency or Inconsistency
9.2 Rural Lands	Potentially inconsistent	<p>As required by part 1 of the Direction, the planning proposal has considered environmental values, noting that the aim is to shift the existing environmental controls into a contemporary policy application. The proposal also seeks to minimise land fragmentation by amending minimum lot sizes, and is consistent with the Central Coast LSPS and <i>Central Coast Regional Plan 2041</i>.</p> <p>The planning proposal has indicated the deferred lands include some lots currently used for agricultural purposes which are to be translated into the C3 Environmental Management or C4 Environmental Living zones (under which a small selection of agricultural uses remain permissible), however has not adequately addressed considerations around farming and agriculture.</p> <p>The Department seeks further clarification on the extent of existing agricultural lots that will be translated into conservation zones, and if the permitted agricultural uses in the C3 Environmental Management or C4 Environmental Living zones captures the existing uses. A condition to this effect has been included in the Gateway determination.</p> <p>Under part 2 of the Direction, a planning proposal that changes the minimum lot size must minimise rural land fragmentation and land use conflict, not adversely affect rural land uses, and facilitate residential uses in appropriate locations. This requirement does not apply to a change to a development standard for minimum lot size for a dwelling.</p> <p>Furthermore, amendments to minimum lot sizes in rural or conservation zone must be in accordance with the Rural Subdivision Principles under clause 5.16 of the relevant local environmental plan. No assessment of the proposal against the Rural Subdivision Principles has been provided.</p> <p>The Department notes the proposal will amend minimum lot sizes as per recommendations in the Land Use Assessment, and that in some circumstances the recommendation is to reduce the lot size. The proposal would therefore be inconsistent with this Direction. It forms a condition of the Gateway that the proposal clarify the proposed changes to minimum lot sizes and update the response to this direction accordingly.</p> <p>The proposal is potentially inconsistent with this Direction and requires further clarification.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation	<p>Chapter 2 – Vegetation in Non-Rural Areas Protect the biodiversity values of trees and vegetation in non-rural areas.</p> <p>Chapter 6 – Bushland in Urban Areas Protect and preserve bushland within the urban areas for natural heritage, aesthetic, recreational, educational, and scientific purposes.</p>	Consistent	<p>The proposal is consistent with the aims of this SEPP as it seeks to protect biodiversity and amenity values and prioritises the retention of vegetated areas.</p> <p>The proposal does not seek to clear any vegetation. Any application to remove non-rural vegetation will need to address the provisions of the SEPP.</p> <p>The proposal does not include development that will disturb any bushland or land reserved for public open space purposes.</p> <p>The proposal is consistent with the SEPP.</p>
Housing	<p>Part 9 – Caravan Parks Ensure orderly management and development of land for the use of caravan parks to promote the welfare of the community, and protect the environment in the vicinity of these parks.</p>	Consistent	<p>The use of land for a caravan park is currently prohibited under the C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living zones under the CCLEP 2022.</p> <p>However, an application for a caravan park would be assessed under the provisions of the SEPP, with reference to matters to be considered by the consent authority.</p> <p>The continued application of environmental zones on deferred lands will work to protect the environment in the vicinity of the existing caravan parks.</p> <p>The proposal is consistent with the SEPP.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Primary Production	<p>Chapter 3 – Central Coast Plateau Areas</p> <p>To provide for the environmental protection of the Central Coast plateau areas and encourage and protect prime agricultural land and extractive industries.</p>	Consistent.	<p>A small portion of the deferred lands falls within the Central Coast Plateau Areas (see Figure below).</p>  <p>Figure 6 Deferred lands (circled in blue) that are subject to Primary Production SEPP (Source: Planning proposal)</p> <p>Any development on prime agricultural land, for the purposes of extractive industries or land clearing requires consideration under the SEPP and approval from the consent authority.</p> <p>The continued application of environmental zones on deferred lands will help protect natural ecosystems in the region.</p> <p>The proposal is consistent with the SEPP.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Resources and Energy	<p>Chapter 2 – Mining, Petroleum and Extractive Industries</p> <p>The aim of this chapter is to provide for the proper management and orderly use of mineral, petroleum, and extractive industries.</p> <p>Chapter 3 - Extractive Industries in Sydney Area</p> <p>To facilitate extractive industries in the area, with consideration to encroaching development and environmental sensitivity. This chapter applies to land in former Gosford and Wyong LGAs.</p>	Potentially inconsistent	<p>Under Chapter 2, the SEPP permits extractive industries, with consent, on land that permits agriculture. Under Chapter 3, extractive industries are permissible on land that is identified in the associated schedule.</p> <p>The Department has confirmed that no “Deferred Matters” land is designated as Mineral and Resource Lands under the SEPP.</p> <p>The Department understands that a small portion of the deferred lands may include quarries, including those of regional significance (as defined in Schedule 3, Division 9 of the SEPP).</p> <p>The SEPP will continue to apply and relevant consideration would be given at the development application stage.</p> <p>However, it is noted that the planning proposal has not provided detailed information on changes to agricultural land use permissibility (noting the Gosford LEP 2014 and Wyong LEP 2013 underwent a harmonisation process as part of the preparation of the CCLEP 2022). If the zoning transfer results in a loss of agricultural permissibility, this this would limit the application of the SEPP under Chapter 2 (Cl. 2.9 Development permissible with consent).</p> <p>The Department raises concern that there are parcels of land that currently permit agricultural uses, and has included a Gateway condition requiring the planning proposal to update their response to this SEPP and address changing land use permissibility.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Resilience and Hazards	Chapter 2 – Coastal Management Promote an integrated and co-ordinated approach to land use planning in coastal zones to manage development and protect environmental assets.	Consistent.	<p>The deferred lands comprise a small number of areas that are identified as coastal wetlands.</p> <p>Based on the environmental attribute assessment, the C2 Environmental Conservation zone has been applied to areas within coastal wetlands and littoral rainforests. This will ensure the highest level of protection outside a national park, nature reserve or conservation area, and would require further consideration under the provisions of the SEPP.</p> <p>The proposal is consistent with the SEPP.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

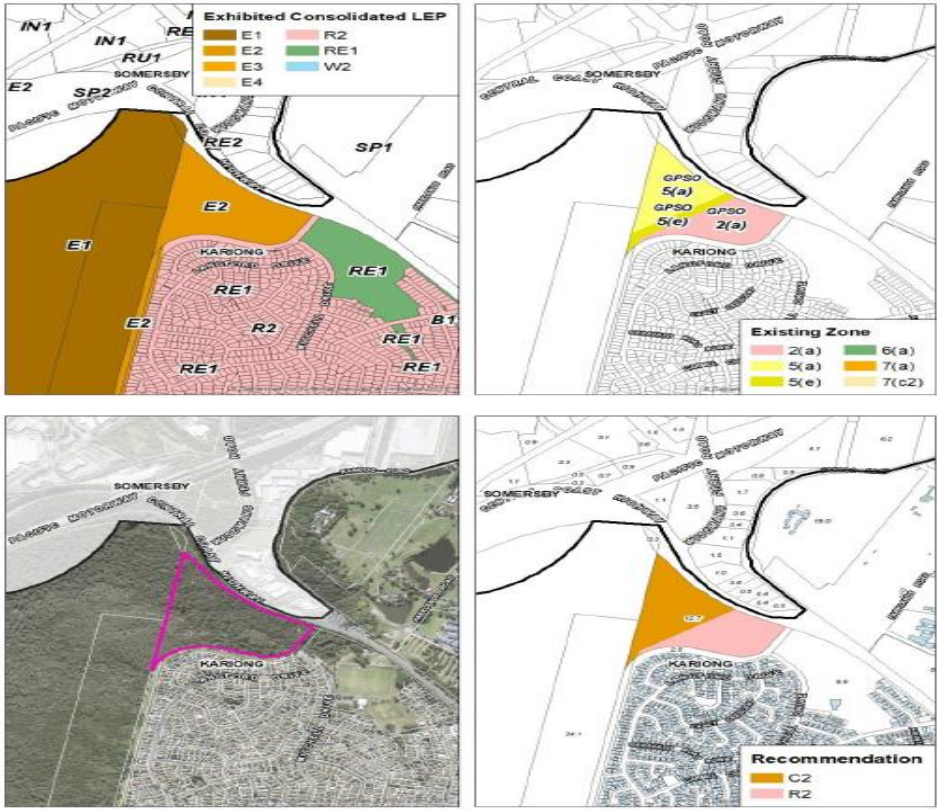
Table 9 Environmental impact assessment

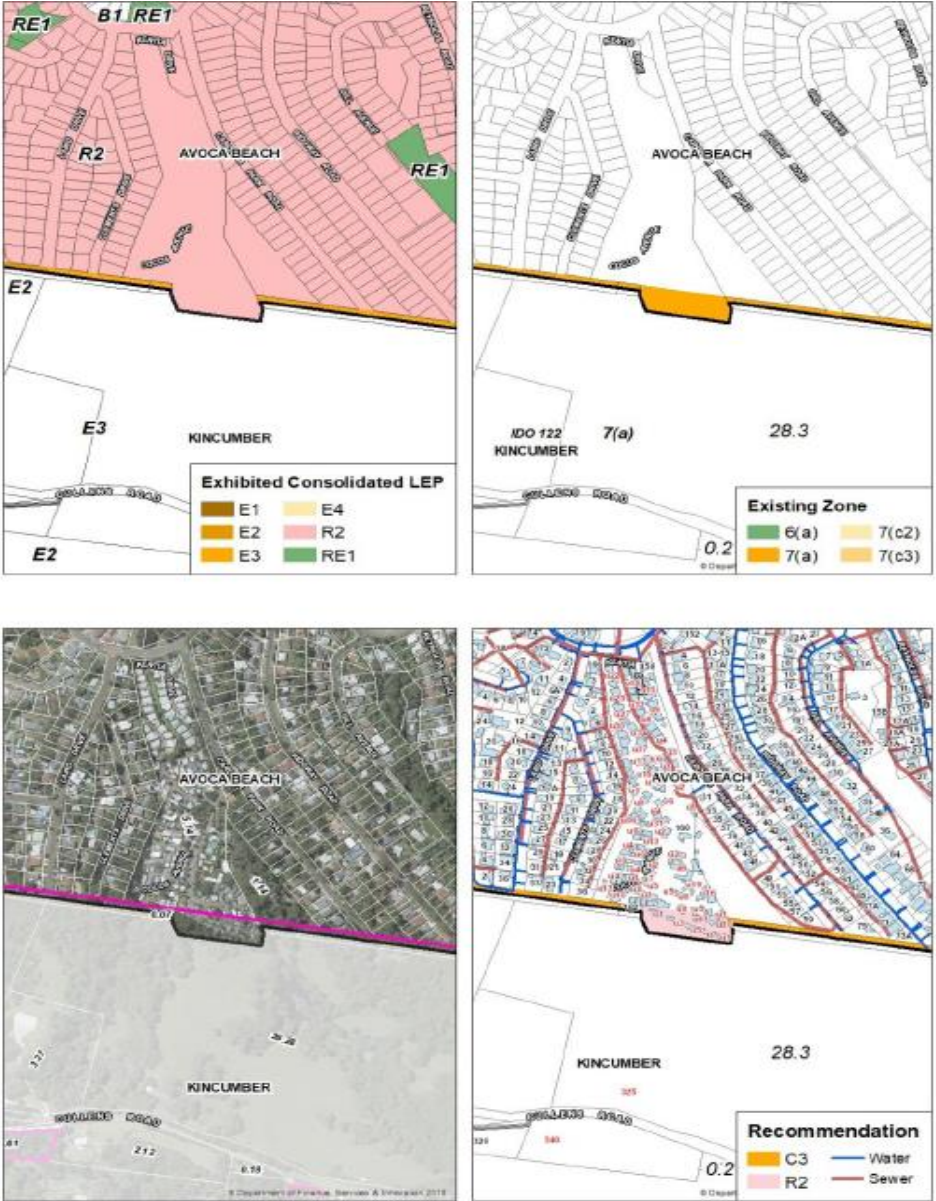
Environmental Impact	Assessment
Translated Environmental Zones	<p>The planning proposal will convert existing 'environmental' zonings in the GPSO and IDO 122 into an equivalent zone under the standard instrument.</p> <p>The translation of controls has been guided by a Deferred Lands Land Use Assessment (April 2022). Part of the Assessment included the development of a new methodology for the zone translation and application. This formed an important element to the planning proposal given the concerns raised by the community in previous translation proposals for the deferred lands. The methodology included:</p> <ul style="list-style-type: none"> • a review of relevant literature; • the direct translation of zones where possible; • site by site assessment of environmental attributes based on the criteria set out in LEP Practice Note 09-002; and • an assessment of land fragmentation. <p>The Department considers that zoning outcomes recommended by the Assessment represents a detailed and considered approach to the translation because the assessment has considered:</p> <ul style="list-style-type: none"> • zoning criteria outlined in the LEP Practice Note 09-002, (including details on which data was used satisfy the criteria);

Environmental Impact	Assessment
	<ul style="list-style-type: none"> aerial imagery and spatial data available to Council including cadastral data, zoning and lot size, vegetation and biodiversity, flooding hazard, infrastructure; SEPP maps and other Department data relating to bioregions; environmental, land use and development characteristics of each deferred land parcel; limitations of previous translation proposals as identified in the Environmental and Urban Edge Zone Review (Central Coast Council, 2017); and correspondence from relevant state agencies. <p>The Department notes the following criteria was used to determine the application of each zone:</p> <p>C2 Environmental Conservation zone:</p> <ul style="list-style-type: none"> Coastal wetland areas. Rainforests. Land with ecologically endangered communities. High conservation coastal foreshores or land under a Coastal Lands Protection Scheme. Land subject to coastal hazards. Steep escarpments (33%+) or land slip areas. Lots that do not contain a dwelling house but are in the same ownership as an immediately adjoining lot that contains a dwelling house. With regard to this criterion, the Department notes the Assessment recommended additional research be undertaken to confirm the rationale for subdivision approval. A Gateway condition has been included to include the details of this additional research. <p>C3 Environmental Management zone:</p> <ul style="list-style-type: none"> Cleared land. Areas with contiguous native vegetation or forest cover. Lands with environmental hazards (Acid Sulfate Soils Class 1 and 2, High hazard flood areas). Where sites were initially considered for C3 Environmental Management zoning under the zone translation and environmental characteristics assessment, further consideration was given to common ownership of land, land parcel size and character of the location. Such an approach helps reduce land fragmentation. <p>C4 Environmental Living zone:</p> <ul style="list-style-type: none"> Existing low impact residential development. Existing rural residential development with a legacy scenic protection zoning under IDO 122. Lot sizes 2ha or less that are clustered together or that adjoin other C4 Environmental Living zoned land. Did not trigger a C2 Environmental Conservation or C3 Environmental Management zoning during the zone translation and environmental attribute assessments.

Environmental Impact	Assessment
	<p>In some cases, the proposal has used ‘split zoning’ across various land parcels. This differs from previous attempts to translate zones but is consistent with advice in the LEP PN 09-002. Specifically, split zoning allows for a nuanced recognition of environmental values across land parcels. LEP PN 009-02 further explains that minimum lot sizes should be used to support split zones, which has been implemented (discussed below).</p> <p>The Department considers Council's proposal will apply conservation zones in a manner that protects, conserves and values areas of high environmental value and will encourage environmental resilience.</p>
Land Use Permissibility	<p>The recent adoption of the CCLEP 2022 has changed permissible land uses previously available under both Wyong LEP 2013 and Gosford LEP 2014. The current land uses, as adopted under CCLEP 2022 will therefore apply to all translated zones. A summary of current land use permissibility is detailed below.</p> <p>C2 Environmental Conservation zone:</p> <ul style="list-style-type: none"> Prohibits residential uses and caravan parks. Clause 7.22 in CCLEP 2022 applies to land zoned C2 Environmental Conservation within the former Gosford LGA on the Dwelling Opportunity Map and permits a dwelling where a dwelling entitlement existed prior to the plan being made (to address the potential loss of dwelling entitlements). <p>C3 Environmental Management zone:</p> <ul style="list-style-type: none"> CCLEP 2022 added a range of permissible uses to the C3 Environmental Management zone to accommodate both the Gosford LEP 2014 and Wyong LEP 2013. Removed caravan parks as a permitted use. <p>C4 Environmental Living zone:</p> <ul style="list-style-type: none"> CCLEP 2022 reduced the permitted uses in C4 Environmental Living zone, including various commercial uses, caravan parks and tourist related uses to align with the zone objectives. <p>As previously mentioned, Council have identified three existing caravan parks that will be impacted by the proposed zone translation. Council have not provided details on where these sites are located, their zoning under GPSO or IDO 122, and their proposed ‘translated’ zone. Additionally, the proposal does not identify sites that will no longer have permitted residential uses.</p> <p>The Department has included a Gateway condition that the planning proposal include a summary of all sites that will be impacted by changing land use permissibility.</p>
Minimum Lot Sizes	<p>The Department understands the planning proposal seeks to amend minimum lot sizes in line with the recommendations included in the Land Use Assessment (2022) (see Figure below).</p>

Environmental Impact	Assessment																						
	<table><tr><th>Zone</th><th>Lot Size</th><th>Comments or Exceptions</th></tr><tr><td rowspan="3">C2</td><td>40ha</td><td>Applied in most circumstances.</td></tr><tr><td>2ha</td><td>Where contained within C4 Zone and existing lots are less than 2ha.</td></tr><tr><td>None</td><td>Single site: Narrow foreshore area adjacent SP2 Zone with no MLS shown.</td></tr><tr><td rowspan="4">C3</td><td>40ha</td><td>Applied in most circumstances.</td></tr><tr><td>20ha</td><td>Single site where road reserve within area of 20ha on draft CCLEP MLS Map.</td></tr><tr><td>2ha</td><td>Where contained within C4 Zone and existing lots are less than 2ha.</td></tr><tr><td>None</td><td>Single site: Narrow foreshore area adjacent SP2 Zone with no MLS shown.</td></tr><tr><td>C4</td><td>2ha</td><td>Applied in all circumstances.</td></tr></table> <p>Figure 6 Proposed minimum lot sizes (Source: Planning proposal)</p> <p>The planning proposal has highlighted that lot size contributes to the character of a locality and impacts the suitability of sites for certain land uses. Therefore, it considers that the application of appropriate minimum lot sizes will ensure environmental land does not become vulnerable to land fragmentation.</p> <p>The Department notes in some circumstances, the recommendation is to reduce the minimum lot size. While there is likely to be site-specific reasons for the proposed reduction of controls, the proposal does not provide a detailed analysis to outline the rationale behind this decision. Furthermore, the proposal includes differing summaries of the proposed minimum lot size controls throughout the document, including reference to both a 20ha and 40ha minimum lot size in the C3 Environmental Management zone.</p> <p>It therefore forms a condition of the Gateway the proposal provide clarification on the proposed changes to minimum lot sizes.</p>	Zone	Lot Size	Comments or Exceptions	C2	40ha	Applied in most circumstances.	2ha	Where contained within C4 Zone and existing lots are less than 2ha.	None	Single site: Narrow foreshore area adjacent SP2 Zone with no MLS shown.	C3	40ha	Applied in most circumstances.	20ha	Single site where road reserve within area of 20ha on draft CCLEP MLS Map.	2ha	Where contained within C4 Zone and existing lots are less than 2ha.	None	Single site: Narrow foreshore area adjacent SP2 Zone with no MLS shown.	C4	2ha	Applied in all circumstances.
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C4	2ha	Applied in all circumstances.																					
Flooding	<p>Various parcels in the deferred lands are affected by flooding hazards. The proposal has considered the impact of floods and recommended that any areas subject to high flooding hazards be zoned C3 Environmental Management, as per the LEP PN 09-002 criteria.</p> <p>While dwellings and dual occupancies are permitted in the C3 Environmental Management zone, the Department notes the increase in density would be minor and that any application for a residential use would be subject to a merit assessment and supporting flood analysis at the development application stage.</p>																						
Bushfire	<p>Many of the deferred land parcels are identified as bushfire prone land, however it is noted that LEP PN 09-002 does not identify Bushfire Prone Land as a criterion for consideration when establishing environmental zones.</p> <p>As part of the preparation of the CCLEP, the NSW Rural Fire Service provided comments to Council in support of the zoning provisions to be introduced to the deferred lands, which permitted several uses in various zones not currently permitted in either Wyong or Gosford LEP zoning provisions.</p>																						

Environmental Impact	Assessment
	<p>It is noted that any development in bushfire prone areas would be subject to a merit assessment and supporting bushfire analysis at the development application stage. This includes assessment under CCLEP 2022 controls, such as clause 5.11 Bushfire Hazard Reduction.</p>
Coastal Management	<p>The proposal identified some areas near Brisbane Water as Coastal Environment Area and Coastal Use Area.</p> <p>Due to their environmental significance, these areas are proposed to be zoned C2 Environmental Conservation and will not enable increased development or more intensive land use.</p>
Heritage	<p>It is noted Central Coast currently has no cultural heritage mapping available, and that Council will consider how heritage matters might be considered across the LGA during Phase 3 of its Environmental Lands Review.</p> <p>The Department notes that the following sites will be added to Schedule 5 of the CCLEP 2022 (from IDO 122):</p> <ul style="list-style-type: none"> • 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
Residential Zones	<p>The Department notes that the southern portion of a site in Kariong is proposed to be zoned R2 Low Density Residential in alignment with the current 2(a) zoning. The proposal seeks to retain environmental zoning on the northern portion of the site through split zoning. The Department considers this an appropriate outcome.</p>  <p>Figure 7 Proposed minimum lot sizes (Source: Planning proposal)</p>

Environmental Impact	Assessment
	<p>The Department's review has also identified that a small portion of The Palms (Avoca Beach) is to be rezoned from 7(a) to R2 Low Density Residential.</p> <p>Based on aerial imagery, the Department notes this portion of land is partially developed and the R2 Low Density Residential zoning may be more appropriate for this portion of the site. However, limited detail is provided on the rationale for this zoning, noting that part of the affected land appears to be vegetated.</p>  <p>Figure 8 The Palms Caravan Park existing and proposed zoning (Source: Planning proposal)</p> <p>The Department has included a Gateway condition that the proposal include justification for the proposed R2 zone at Avoca Beach.</p>
Public Recreation Zones	<p>The Department's assessment has identified that some portions of deferred lands are proposed to be zoned RE1 Public Recreation in Davistown and Kincumber. The planning proposal has not provided a justification for the proposed zoning or the criteria used to 'translate' the zone.</p>

Environmental Impact	Assessment
	<p>The Department has included a Gateway condition that the planning proposal be updated to include justification for the proposed RE1 Public Recreation zones.</p>
<p>North Coast E-Zone Review</p>	<p>The Northern Councils E Zone Review Final Recommendations Report was released in October 2015. It defined a set of criteria for the application of E2 and E3 (now C2 and C3) zones in the aforementioned LGAs and established:</p> <ul style="list-style-type: none"> • A definition of the 'primary use of land' (i.e. the main use for the past 2 years) • criteria through which to apply E2 or E3 zoning to land • Additional considerations to assist with the transfer of zones, including: • methods to verify the application of the zones through an assessment of environmental and agricultural attributes • opportunities for 'split zoning' • enabling ongoing permissibility of agricultural uses in E zones • removal of 'scenic values' as a criteria for E2 and E3 zones. <p>The planning proposal notes the North Coast E Zone review, however did not directly apply any of the principles as it was considered that the review applies to an area of high agricultural value, and had little significance for the Central Coast LGA.</p> <p>While the planning proposal did not use the E Zones Review as a basis for zone translation, the Department notes that many foundational elements in the E-Zone review have been used in the methodology to translate zones into the CCLEP 2022. This includes:</p> <ul style="list-style-type: none"> • A comparison of existing and proposed land uses zones to translate 'like' uses into similar zones under a Standard Instrument LEP • the use of State Department criteria to guide the translation of environmental zones • the use of an environmental attribute verification process • the application of split zoning <p>Key differences between the E Zones Review and this planning proposal include the reduced permissibility of agricultural uses under the CCLEP 2022.</p> <p>Currently under the CCLEP, extensive agriculture is prohibited in the C2 Environmental Conservation zone and permitted with consent in the C3 Environmental Management zone.</p> <p>The Department recommends extensive agriculture be permitted with consent in the C2 Environmental Conservation and permitted without consent in C3 Environmental Management zones.</p> <p>Not permitting extensive agriculture in conservation zones may significantly affect current and future agricultural activities. Such an effect could occur where agriculture is being conducted on land which was to be zoned C2 Environmental Conservation and C3 Environmental Management. If extensive agriculture is not permitted in that zone, landowners would have to rely on existing use rights to continue their farming practices.</p> <p>The Department also recommends C2 Environmental Conservation and C3 Environmental Management zones only be applied if the primary use of the land is environmental conservation or environmental management and the land</p>

Environmental Impact	Assessment
	contains attributes which meet one or more of the criteria for a conservation zone.
	While the Department notes that there have been difficulties in comparing existing and proposed land use permissibility, it forms a condition of this Gateway that the planning proposal identify sites impacted by changing land use permissibility and explain how any land use conflicts are proposed to be addressed.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	The planning proposal will provide certainty to landowners and property investors by bringing all land under one local environmental plan and standardising zoning across the LGA. The proposal will enable secondary dwellings on land identified as a 'Deferred Matter', which may encourage intergenerational living and opportunities for ageing in place.
Economic	N/A

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

Given the category of planning proposal (standard), the Department considers an exhibition period of 20 days is required. This forms a condition of the Gateway determination.

5.2 Agencies and public authorities

It is recommended the following agencies and public authorities be consulted on the planning proposal:

- Commonwealth Department of Environment and Energy;
- Darkinjung Local Aboriginal Land Council;
- Biodiversity Conservation Division;
- Crown Lands;
- Department of Primary Industries;
- NSW Mining, Exploration and Geoscience;
- Environmental Protection Authority;
- Local Land Services;
- NSW Rural Fire Service; and
- Transport for NSW.

6 Timeframe

Council proposes an 11 month time frame to complete the local environmental plan.

The Department recommends a time frame of 380 days (18) months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised it would like to exercise its functions as a Local Plan-Making Authority.

Due to the complexity of the planning proposal and the lack of consistency with various 9.1 Ministerial directions, the Department does not recommend that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree inconsistency with section 9.1 Ministerial direction 6.2 Caravans and Manufactured Home Estates is minor and justified.
- Note the consistency with section 9.1 Ministerial directions: 3.1 Conservation Zones, 4.1 Flooding, 4.4 Remediation of Contaminated Lands, 5.2 Reserving Land for Public Purpose, 8.1 Mining, Petroleum Production and Extractive Industries and 9.2 Rural Lands is unresolved and will require justification.

It is recommended the delegate of the Minister determine the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
 - List all proposed amendments to the CCLEP 2022 in Part 2 – Explanation of Provisions, and clarify:
 - all proposed zoning translations and minimum lot sizes;
 - if any existing land permissibility is changing in the CCLEP 2022; and
 - proposed changes to Part 4 – Principal development standards.
 - Update:
 - Ministerial Direction 3.1 Conservation Zones to justify any inconsistencies.
 - Ministerial Direction 4.1 Flooding to clarify that any land being zoned R2 Low Density Residential is not located in a flood planning area.
 - Ministerial Direction 4.3 Planning for Bushfire Protection to demonstrate regard for relevant considerations of *Planning for Bushfire Protection 2019*.
 - Ministerial Direction 5.2 Reserving Public Land and provide further information on the proposed RE1 Public Recreation zoning in Davistown and Kincumber.
 - Ministerial Direction 4.4 Remediation of Contaminated Land to confirm the contamination status of all Deferred Matter lands.
 - Ministerial Direction 8.1 Mining, Petroleum Production and Extractive Industries to reflect the proposal's inconsistency with the Direction and provide justification for the inconsistency. This should include mapping to demonstrate the proximity of any "Deferred Matter" lands to quarries (including State or regionally significant) and

their buffer zones, and consider the impact any new zoning will have on the operation of these quarries.

- Ministerial Direction 9.2 Rural Lands (including an assessment against the Rural Subdivision Principles) to justify any inconsistencies.
- Update the response to *State Environmental Planning Policy (Resources and Energy) 2021*.
- Provide details of additional research undertaken to confirm the application of the C2 Environmental Conservation zone to lots with a historic subdivision approval, as specified in the Land Use Assessment (April 2022).
- Provide further details and justification for the proposed application of the R2 Low Density Residential zone on certain land in Avoca Beach.
- Provide a more detailed justification for any proposed conservation incentive clause, including details of a supporting policy.
- Include a summary of all sites that will be impacted by changing land use permissibility and how any conflicts are proposed to be addressed, including any existing agricultural lots that will be translated into a conservation zone.
- Replace the assessment of the proposal against the *Central Coast Regional Plan 2036* with the *Central Coast Regional Plan 2041*.
- Update all images in the planning proposal to include legends and identify all 'Deferred Matter' land.
- Prepare all LEP maps to be amended (including land zoning and lot size) as part of the planning proposal to a standard suitable for public exhibition.

2. Consultation is required with the following agencies and public authorities:

- Commonwealth Department of Environment and Energy;
- Darkinjung Local Aboriginal Land Council;
- Biodiversity Conservation Division;
- Crown Lands;
- Department of Primary Industries;
- NSW Mining, Exploration and Geoscience;
- Environmental Protection Authority;
- Local Land Services;
- NSW Rural Fire Service; and
- Transport for NSW.

3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Public exhibition is to commence by 28 July 2023.
5. The local environmental plan should be completed on or before 31 May 2024.
6. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.

_____ (Signature)

_____ 5 December 2022 _____ (Date)

William Oxley

Manager, Central Coast and Hunter Region



_____ (Signature)

_____ 6 December 2022 _____ (Date)

Dan Simpkins

Director, Central Coast and Hunter

Assessment officer

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