

## Gateway Determination

**Planning proposal PP-2022-3770:** to transfer environmental zoning to deferred lands, apply minimum lot sizes and amend relevant maps.

I, the Director, Central Coast and Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Central Coast Local Environmental Plan 2022* to apply environmental protection zones to land identified as a “Deferred Matter”, apply minimum lot sizes and amend relevant maps should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to public exhibition to:
  - a) List all proposed amendments to the *Central Coast Local Environmental Plan 2022* in Part 2 Explanation of Provisions, and clarify:
    - i. all proposed zoning translations and minimum lot sizes;
    - ii. if any existing land permissibility is changing in the *Central Coast Local Environmental Plan 2022*; and
    - iii. proposed changes to Part 4 – Principal development standards.
  - b) Update section 9.1 Ministerial directions:
    - i. 3.1 Conservation Zones to provide further detail on the changes to minimum lot sizes and justify any inconsistencies;
    - ii. 4.1 Flooding to clarify that any land being zoned R2 Low Density Residential is not located in a flood planning area;
    - iii. 4.3 Planning for Bushfire Protection to demonstrate regard for relevant considerations of *Planning for Bushfire Protection 2019*;
    - iv. 5.2 Reserving Public Land and provide further information on the proposed RE1 Public Recreation zoning in Davistown and Kincumber;
    - v. 4.4 Remediation of Contaminated Land to confirm the contamination status of all “Deferred Matter” lands;
    - vi. 8.1 Mining, Petroleum Production and Extractive Industries to provide justification for the inconsistency. This should include mapping to demonstrate the proximity of any “Deferred Matter” lands to quarries and their buffer zones, and the impact any new zoning will have on the operation of these quarries; and
    - vii. 9.2 Rural Lands to provide further detail (including an assessment against the Rural Subdivision Principles) on the changes to minimum lot sizes and to justify any inconsistencies.
  - c) Update the response to *State Environmental Planning Policy (Resources and Energy) 2021*.
  - d) 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 2022.
  - e) Provide further details and justification for the proposed application of the R2 Low Density Residential zone on certain land in Avoca Beach.

- f) Provide a more detailed justification for any proposed conservation incentive clause, including details of a supporting policy.
  - g) 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.
  - h) Replace the assessment of the proposal against the Central Coast Regional Plan 2036 with the *Central Coast Regional Plan 2041*.
  - i) Update all images in the planning proposal to include legends and identify all “Deferred Matter” land.
  - j) 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. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as principal as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days;
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021); and
  - (c) public exhibition is to commence by 28 July 2023.
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Commonwealth Department of Environment and Energy’
  - Darkinjung Local Aboriginal Land Council’
  - Biodiversity Conservation Division’
  - Crown Lands;
  - Department of Primary Industries;
  - Department of Regional NSW (Mining, Exploration and Geoscience);
  - Environmental Protection Authority;
  - Local Land Services;
  - NSW Rural Fire Service; and
  - Transport for NSW.
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The local environmental plan should be completed on or before 31 May 2024.

Dated 6 day of December 2022.

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal stroke extending to the right.

**Dan Simpkins**  
**Director, Central Coast and Hunter**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and  
Homes**