



Central Coast Council

Planning Proposal

Central Coast Deferred Lands

Review of Environmental Zones for the Deferred Lands

File No: PP-2022-3770

June 24



## Planning Proposal

PP 2022-3770

Date: June 24

Consultation

Central Coast Council

**Wyong Office:** 2 Hely St / PO Box 20 Wyong NSW 2259 | **P** 1300 463 954

**Gosford Office:** 91-99 Mann St / PO Box 21 Gosford NSW 2250 | **P** 1300 463 954

**E** ask@centralcoast.nsw.gov.au |

**W** www.centralcoast.nsw.gov.au |

ABN 73 149 644 003

Opening Hours 8.30am - 5.00

<b>Background &amp; Context</b>	<b>5</b>
<b>Locality</b>	<b>6</b>
<b>Strategic Context</b>	<b>7</b>
<b>Part 1 Objectives or Intended Outcomes</b>	<b>8</b>
<b>Part 2 Explanation of Provisions</b>	<b>9</b>
Zoning Methodology	9
Stage 1 - Zone Translation	10
Stage 2 - Environmental Attribute Assessment	18
Stage 3 - Land Fragmentation Analysis	19
Amendment to CCLEP 2022 CI 4.1E	20
Amendment of CCLEP 2022 Clause 4.1F	20
Common Ownership Lots – IDO 122 Provisions	21
Summary of Amendments	22
Heritage Provisions	23
Schedule 1 - Additional Permitted Uses	24
Planning Layers	25
DCP Amendments	25
<b>Part 3 Justification</b>	<b>26</b>
<i>Section A – Need for the Planning Proposal</i>	26
Section B – Relationship to strategic planning framework	26
<i>Section C – Environmental, Social and Economic Impact</i>	48
<i>Section D – State and Commonwealth Interests</i>	71
<b>Part 5 Community Consultation</b>	<b>75</b>
Community Consultation Summary	75
Post Exhibition Changes as a result of Agency and Community Consultation	76
<b>Part 6 Project Timeline</b>	<b>77</b>
<b>Attachments</b>	<b>78</b>
1. Council Report	2
2. Council Minutes	3
3. Practice-Note-PN-09-002 Environment Protection Zones	4

<b>4. Gateway Determination Checklist</b>	<b>5</b>
<b>5. Submission Summary and Response Table</b>	<b>6</b>
<b>6. CEN Submission Review</b>	<b>7</b>
<b>7. Central Coast Regional Plan Assessment</b>	<b>8</b>
<b>8. Central Coast Council Local Strategic Planning Statement (LSPS) Assessment</b>	<b>23</b>
<b>9. Community Strategic Plan Assessment</b>	<b>24</b>
<b>10. Gateway Determination</b>	<b>26</b>

## 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. Excluding the Gosford City Centre (subject to *State Environmental Planning Policy (Precincts—Regional) 2021*), three instruments currently apply to land within the Central Coast LGA being the *Central Coast Local Environmental Plan 2022* (CCLEP 2022), *Interim Development Order 122 (IDO 122)* and *Gosford Planning Scheme Ordinance (GPSO)*. Land that remains subject to IDO 122 and GPSO are known as 'Deferred Lands' or 'Deferred Matters'.

On 23 November 2016, Council resolved to prepare a Planning Proposal to consolidate the provisions of Council's Environmental Planning Instruments into one Consolidated Local Environmental Plan (LEP) for the Central Coast. The GPSO and IDO 122 were originally gazetted in 1968 and 1979 respectively. The former Gosford City Council resolved to bring the IDO 122 and GPSO matters in line with the current Standard Instrument LEP within five years of the Gazettal of Gosford LEP 2014. This work was underway and scheduled at the time of the amalgamation of Gosford and Wyong Councils and as such this process was rolled into the LEP Consolidation process.

To develop the consolidated Central Coast LEP (CCLEP), 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 regarding the Deferred Lands through the consultation process, the consolidation of these lands into CCLEP 2022 was deferred for further consideration. Subsequently a separate land use assessment [of](#) has been 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 the NSW Department of Planning and Environment's (DPE's) *LEP Practice Note PN 09-002 – Environmental Protection Zones*.

The Deferred Lands study area consists of approximately 3,438 land parcels situated east of the M1 Motorway in the former Gosford LGA, being currently subject to IDO 122 and GPSO (see Figure 1 below). It is to be noted that this area does not include Council owned land. All Council land was assessed as part of Council's consolidated CCLEP process.

The overarching aim of this proposal is to integrate land identified as 'Deferred Lands' into the CCLEP 2022, 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, including zoning translation and lot size recommendations.

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

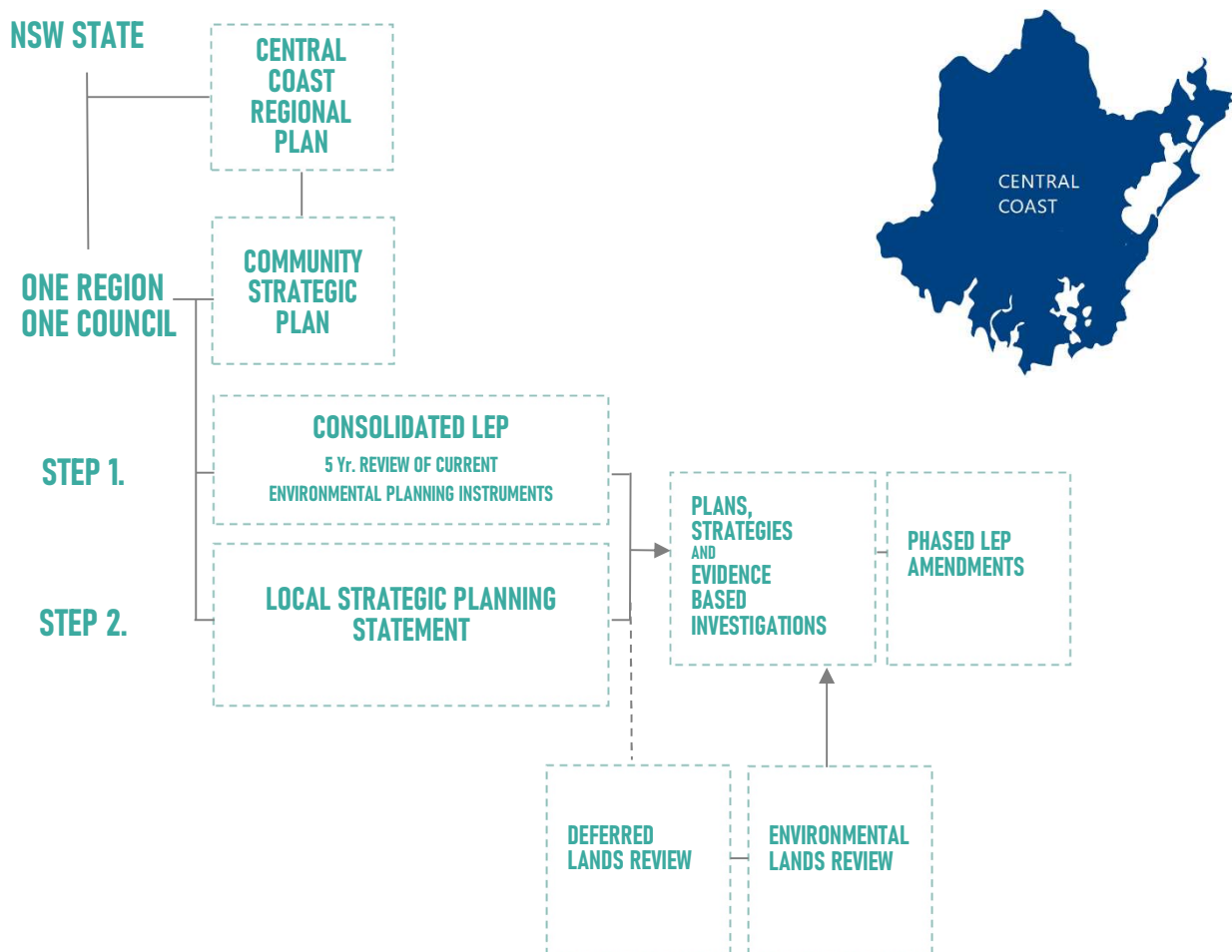
- There is a clear need and benefit to addressing deferred matters as a matter of priority, and given the disparate approaches and range of outdated planning controls that apply;



## Strategic Context

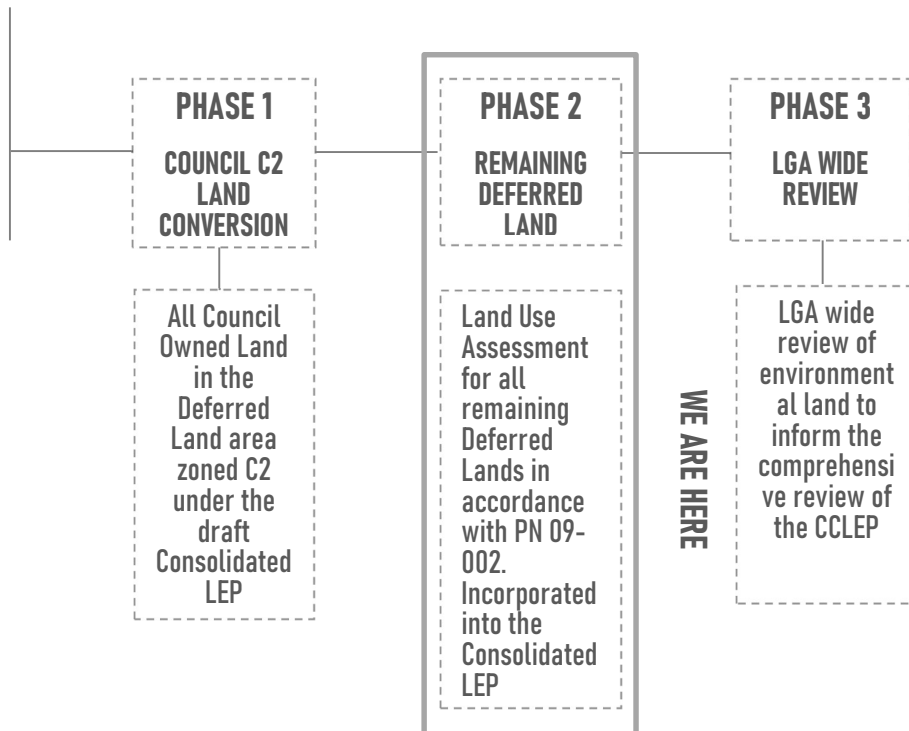
The proposal has linkages and connections with state government priorities, regional and local strategies and plans. Primarily, these relate to the overarching planning vision for the Central Coast set out in the *Central Coast Regional Plan 2041*, and the community vision for the Central Coast, being 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 a consistent environmental framework across the LGA. 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 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.
- To amend land use permissibility to align land uses with the Standard Instrument zones. In particular, the permissible land 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' generally consistent with the minimum lot sizes applied under CCLEP 2022.
- Amend the Land Application Map to include the 'Deferred Lands' in the Central Coast Local Environmental Plan.
- Retire the bonus lot provision clause under IDO 122 (proposals to be considered under CCLEP 2022 clause 4.1E only)



- Repeal and replace CCLEP 2022 Clause 4.1F 'Exception to minimum lot size for subdivision of land that includes deferred matter'. It is intended to retain this clause in a modified format to permit excision of undersized lots where required to facilitate a conservation or similar purpose.
- Amend clause 4.1E(3)(b) to require resulting lots to have a 1ha lot size
- To make minor amendments to the Central Coast Development Control Plan to remove any references to Deferred Matters Zones.
- To make administrative amendments to the CCLEP heritage schedule and additional permitted uses schedule.

Post-Exhibition changes to CCLEP 2022 outlined in the Planning Proposal will be finalised following consultation between Council, DPHI and Parliamentary Counsel's Office.

Detailed lot descriptions and LEP mapping for the Deferred Lands has been developed and has been provided to the DPE in a digital geodatabase and were provided for public inspection during public exhibition in digital format for consideration with this Planning Proposal.

## **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 considering [DPE LEP Practice Note PN 09-002 – Environmental Protection Zones](#) and in three stages as follows:

#### **1. Zone Translation**

Each stage under the zoning methodology was necessary to determine the most appropriate equivalent standard instrument zone. An initial 'equivalency test' was undertaken which compared the current zone objectives and permissible uses against the mandated zones in the standard instrument.

#### **2. Environmental Attribute Assessment**

Following stage 1 above, an environmental attribute assessment (EAA) was undertaken to assess whether the environmental attributes of the site are aligned with the equivalent zones identified in the stage 1 zone translation. For example, the EAA informed the application of 'split zonings' where land of higher ecological value is zoned C2 Environmental Conservation.

#### **3. Land Fragmentation Analysis**

An analysis of proposed C3 – Environmental Management and C4 – Environmental Living zones based on site constraints and hazards, existing zoning and lot size, native vegetation, and servicing arrangements with the intention of maintaining existing character and controls.

## Stage 1 - 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 zone translations:

Table 1: Summary of Zone Translations

Instrument	Existing Zone	Proposed Zone	Number of Parcels
GPSO	2(a)	R2	1 (partial)
IDO 122	5	C2, C3	3
GPSO	5(a)	C2, C3	2 (1 partial)
GPSO	5(e)	C2, C3	1 (partial)
GPSO	6(a)	C2, C3	34 (1 partial)
IDO 122	6(a)	C2, C3	1
GPSO	6(b)	C2, C3	5
IDO 122	6(b)	C2, C3	2 (1 partial)
GPSO	6(d) Regional OS	C2	7
IDO 122	6(d) Regional OS	C2	2
<b>IDO 122</b>	<b>7(a)</b>	<b>C2, C3</b>	<b>1,233</b>
	Part 7(a), part 7(b)		2
	Part 7(a), part 7(c2)		89
IDO 122	7(b)	C2, C3	2
<b>IDO 122</b>	<b>7(c2)</b>	<b>C4</b>	<b>2,061</b>
IDO 122	7(e) Coastal Land Acquisition	C2	3

Note: LEP Practice Note PN 10-001 'Zoning for Infrastructure in LEPs identifies several types of infrastructure – including roads, that are permissible in all LEP zones, irrespective of the LEP zoning. The practice note requires roads to be zoned in accordance with the adjoining land, this has resulted in some roads to be zoned to a residential zone under this Planning Proposal to align with adjoining zones already subject to CCLEP 2022

The zoning framework including the zone objectives and land use permissibility for environmental zones were established with the making of CCLEP 2022 and based on guidance provided by the DPE for the conversion of existing zonings into the Standard Instrument format. This Planning Proposal seeks to translate the IDO 122 and GPSO zones into the current zoning framework. The zone translation has considered the similarities between the zone objectives and land use table in the current instruments (IDO 122 and GPSO), and the zone objectives and land use table in CCLEP 2022 and determined a 'best match' or 'equivalent' zone. Potential for land use conflict was also a part of this assessment; a summary of each zone translation is provided below.

Out of a total of 3,438 land parcels, the majority of lots (98%) are comprised of former 7(a) (1,225 lots), 7(c2) (2,056 lots), or are split zoned 7(a)/7(c2) (89 lots).

### Translation 1: IDO 122 Zone 7(a) Conservation and Scenic Protection (Conservation) to C2 Environmental Conservation & C3 Environmental Management

#### Zone Objectives

Zone C2 Environmental Conservation is proposed to be applied to land with high ecological, scientific, cultural or aesthetic values, which is consistent with the zone objectives under IDO 122, CCLEP 2022, and PN 09-002.

PN 09-002 requires that C2 Zoned land should be applied to lands with very high conservation value and that the zone objectives '*focus on protecting land with high conservation value and preventing development that could destroy, damage or otherwise have an adverse effect on that value*'.

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 the C3 Environmental Management Zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To provide a buffer to land of high ecological value or land that has environmental constraints or hazards.

The objectives of 7(a) Conservation and both the C2 Environmental Conservation and C3 Environmental Management zones demonstrate alignment. Generally, the 7(a) zone has been converted to C2 where the land has also met certain criteria under the environmental attribute assessment and PN 09-002. Remaining 7(a) land where these criteria are not met is proposed to be zoned C3 Environmental Management. The 7(a), C2 and C3 zones all generally have a minimum lot size of 40Ha (i.e. little or no additional subdivision potential).

### **Land Use Permissibility - 7(a) to C2/C3**

Land use permissibility within the land use tables for the current 7(a) zone and proposed equivalent C2 zone has some variation. It should also be noted that the definitions of land uses within the historic instruments at times differ from the Standard Instrument definitions.

The rationale for prohibiting some land uses within the consolidated CCLEP was that in accordance with PN 09 -002, the C2 zone should apply to land of the highest environmental value to avoid impacts from development on that land. The conversion of existing zones from the IDO and GPSO instruments into CCLEP 2022, is consistent with this approach.

A summary of changes to permissibility based on the translation into the CCLEP 2022 is provided below:

### **IDO 122 Zone 7(a) Conservation and Scenic Protection (Conservation)**

**Total Area: 3,721ha.**

**Lots affected: 1,324 (including 91 partial).**

<b>Proposed Zone &amp; Lot Size - Zone C2 Environmental Conservation</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
<ul style="list-style-type: none"><li>• Extensive agriculture, including production of crops and cattle grazing, dams</li><li>• Dwelling houses, subdivision, home occupations, and bed and breakfast accommodation.</li></ul>	<ul style="list-style-type: none"><li>• Eco-tourist facilities,</li><li>• Environmental facilities and research stations.</li></ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
40ha	40ha

<b>Proposed Zone- Zone C3 Environmental Management</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
Nil.	<ul style="list-style-type: none"><li>• Pond-based aquaculture,</li><li>• Tank-based aquaculture,</li><li>• Horticulture,</li><li>• Animal boarding or training establishments,</li><li>• Roadside stalls,</li><li>• Community facilities,</li><li>• Emergency services facilities,</li><li>• Eco-tourist facilities,</li><li>• Environmental facility and research stations,</li><li>• Farm buildings,</li><li>• Dual occupancies (attached and detached), and secondary dwellings,</li><li>• Home based childcare, home businesses, and home industries, associated signage,</li><li>• Information and education facilities,</li><li>• Farm stay accommodation.</li><li>• Veterinary hospitals.</li></ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
40ha	40ha

### Conflict Management

There are 60 land parcels with a total area of 244ha currently zoned 7(a) Conservation and recommended to be completely within Zone C2. The vast majority of these land parcels have a restriction on use as a part of previous subdivision of adjoining 7(c2) zoned land. Given the restriction on land use permissibility, this restriction on land title will be reinforced with the C2 zoning under CCLEP 2022. Other lots are totally constrained with entire lots meeting the criteria set for the C2 zone (see – Environmental Attribute Assessment (EAA) – C2 Environmental Conservation for this criteria Zone) - development of this land would not be possible.

This Planning Proposal does not impact upon existing C2 zoned land under CCLEP 2022 currently identified under the Dwelling Opportunity Map and subject to CCLEP Cl. 7.21. This map and provisions will not apply to C2 zoned land identified under this Planning Proposal.

In many cases, 7(a) zoned land parcels will contain areas of Zone C3 Environmental Management in conjunction with Zone C2 Environmental Conservation. 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 and land use conflict will be prevented through retention of the 40ha minimum lot size and restrictions on development impacts through Council's Development Control Plan. These provisions are already in place under Central Coast LEP 2022 for the majority of the LGA. Accordingly, there is no significant conflict anticipated to arise from the proposed change in permissible uses.

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.

### **Translation 2: 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
- 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 table below outlines the uses that are no longer permitted under the equivalent C4 Environmental Living Zone and uses that were prohibited that are now permissible. Both zones are subject to a 2Ha minimum lot size.

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

**Total Area: 2,222ha.**

**Lots affected: 2,150 (including 89 partial).**

<b>Proposed Zone - Zone C4</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
<ul style="list-style-type: none"> <li>• Extensive agriculture</li> <li>• Plant nurseries</li> <li>• Places of public worship</li> </ul>	<ul style="list-style-type: none"> <li>• Bee-keeping</li> <li>• Community facilities</li> <li>• Dual occupancies (detached)</li> <li>• Eco-tourist facilities</li> </ul>

	<ul style="list-style-type: none"> <li>• Emergency service facilities</li> <li>• Environmental protection works</li> <li>• Environmental facilities</li> <li>• Farm buildings</li> <li>• Flood mitigation works</li> <li>• Group homes</li> <li>• Home-based childcare</li> <li>• Home businesses</li> <li>• Home occupations (sex services)</li> <li>• Information and education facilities</li> <li>• Oyster aquaculture</li> <li>• Pond based aquaculture</li> <li>• Research stations</li> <li>• Respite day care centres</li> <li>• Roads</li> <li>• Roadside stalls</li> <li>• Secondary dwellings</li> <li>• Sewage reticulation systems</li> <li>• Signage</li> <li>• Tank-based aquaculture</li> <li>• Water recycling facilities</li> <li>• Water supply systems</li> </ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
2ha, or 1ha subject to clause 18 of IDO 122	2ha or 1 ha through CI 4.1E of CCLEP 2022

### Conflict Management

Zone 7(c2) is called Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings). It is considered that the prohibition of extensive agriculture, plant nurseries, and places of public worship is consistent with the intent of the zone, and that many of these uses operate under existing use rights.

There is no significant conflict anticipated to rise from the proposed change in permissible uses. Existing lawful land uses will be preserved through the existing use rights provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). Further discussion is provided in Section B and Section C of this planning proposal.

### **Translation 3: IDO Zone 7(b) Conservation and Scenic Protection (Scenic Protection) to C2 Environmental Conservation and C3 Environmental Management**

**Total Area: 56.53ha.**

**Lots affected: 4 (including 2 partial).**

<b>Proposed Zone - part Zone C2 Environmental Conservation and C3</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
<ul style="list-style-type: none"> <li>• Turf farming,</li> <li>• Camping grounds and caravan parks,</li> <li>• Cemeteries,</li> <li>• Centre based child-care centres,</li> <li>• Restaurants or cafes,</li> <li>• Pubs and small bars,</li> <li>• Plant nurseries,</li> </ul>	<ul style="list-style-type: none"> <li>• Pond based and tank-based aquaculture,</li> <li>• Horticulture,</li> <li>• Community facilities,</li> <li>• Eco-tourist facilities,</li> <li>• Emergency service facilities,</li> <li>• Environmental facilities,</li> <li>• Farm buildings,</li> </ul>

<ul style="list-style-type: none"> <li>• Educational establishments and schools,</li> <li>• Extractive industries,</li> <li>• Open cut mining,</li> <li>• Places of public worship,</li> <li>• Recreation facilities – indoor, outdoor and major,</li> <li>• Registered clubs,</li> <li>• Hotel or motel accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>• Home based child-care,</li> <li>• Home businesses,</li> <li>• Detached dual occupancies and secondary dwellings,</li> <li>• Building and business identification signs.</li> </ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
20ha	40ha

#### Conflict Management

Zone 7(b) only applies to four parcels of Crown land in Somersby and adjoins State Forest. It is heavily vegetated, steeply sloping land. There is no significant conflict anticipated to arise from the proposed change in permissible uses.

#### **Translation 5: IDO Zone 7 (e) - Coastal Land Acquisition to C2 Environmental Conservation**

**Total Area: 21.25ha.**

**Lots affected: 2.**

<b>Proposed Zone - Zone C2 Environmental Conservation</b>	
<u>Notes:</u>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
<ul style="list-style-type: none"> <li>• Extensive agriculture,</li> <li>• Dwelling houses and home occupations,</li> <li>• Bed and breakfast accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>• Eco-tourist facilities,</li> <li>• Environmental facilities and research stations.</li> </ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
Not specified	40ha

#### Conflict Management

IDO Zone 7 (e) - Coastal Land Acquisition applies to Crown Land at Copacabana headland. There is no significant conflict anticipated to rise from the proposed change in permissible uses.

#### **Translation 6: GPSO Zone 2(a) Residential to R2 Low Density Residential**

**Total Area: 5.44ha.**

**Lots affected: 1 (partial)**

<b>Proposed Zone - Zone R2 Low Density Residential</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
<ul style="list-style-type: none"> <li>• Extensive agriculture,</li> <li>• Hospitals,</li> <li>• Multi-dwelling housing (described as cluster development under GPSO).</li> </ul>	<ul style="list-style-type: none"> <li>• Health consulting rooms,</li> <li>• Home businesses,</li> <li>• Group homes,</li> <li>• Senior's housing,</li> <li>• Shop top housing.</li> </ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
550m <sup>2</sup> (Up to 10% between 450m <sup>2</sup> and 550m <sup>2</sup> )	550m <sup>2</sup>

### Conflict Management

The translation of GPSO Zone 2(a) to Zone R2 was implemented over extensive land areas when Gosford LEP 2014 was made. There are no significant issues associated with this translation. This applies to one existing lot only.

### **Translation 7: GPSO & IDO 122 Zones 5(a) Special Uses and 6(b) Open Space (Special Purposes to C2 Environmental Conservation and C3 Environmental Management**

**Total Area:** 48.5ha.

**Lots affected:** 12.

<b>Proposed Zone - Zone C2 Environmental Conservation</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
Nil.	<ul style="list-style-type: none"><li>• Eco-tourist facilities,</li><li>• Environmental facilities.</li></ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
Not specified	40ha

<b>Proposed Zone - Zone C3 Environmental Management</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
Nil.	<ul style="list-style-type: none"><li>• Oyster aquaculture,</li><li>• Pond-based aquaculture,</li><li>• Tank-based aquaculture,</li><li>• Horticulture,</li><li>• Animal boarding or training establishments,</li><li>• Roadside stalls,</li><li>• Eco-tourist facilities,</li><li>• Environmental facilities,</li><li>• Farm buildings,</li><li>• Home based childcare, home occupations,</li><li>• Dual occupancies (attached and detached), and secondary dwellings,</li><li>• Home businesses, and home industries, associated signage,</li><li>• Information and education facilities,</li><li>• Veterinary hospitals.</li></ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
Not specified	40ha

### Conflict Management

This translation does not introduce any new restrictions on land use. These zones were generally applied to public/Crown land with permissible uses limited to specific public land uses. There is no significant conflict anticipated to rise from the proposed change in permissible uses.

### **Translation 8: GPSO Zone 5(e) Special Uses (Arterial Road - Proposed) to C2 Environmental Conservation and C3 Environmental Management**

**Total Area:** 1.38ha.

**Lots affected;** 1 (partial).



<b>Proposed Zone - Zone C2 Environmental Conservation</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
Nil.	<ul style="list-style-type: none"> <li>• Eco-tourist facilities,</li> <li>• Environmental facilities,</li> <li>• Recreation areas.</li> </ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
Not specified	40ha

<b>Proposed Zone - Zone C3</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
Nil.	<ul style="list-style-type: none"> <li>• Oyster aquaculture,</li> <li>• Pond-based aquaculture,</li> <li>• Tank-based aquaculture,</li> <li>• Horticulture,</li> <li>• Animal boarding or training establishments,</li> <li>• Roadside stalls,</li> <li>• Eco-tourist facilities,</li> <li>• Environmental facilities,</li> <li>• Farm buildings,</li> <li>• Home based childcare, home occupations,</li> <li>• Dual occupancies (attached and detached), and secondary dwellings,</li> <li>• Home businesses, and home industries, associated signage,</li> <li>• Information and education facilities,</li> <li>• Recreation areas,</li> <li>• Veterinary hospitals.</li> </ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
Not specified	40ha

### Conflict Management

This translation does not introduce any new restrictions on land use. These zones were generally applied to public/Crown land with permissible uses limited to specific public land uses. There is no significant conflict anticipated to rise from the proposed change in permissible uses.

### **Translation 9: GPSO Zone 6(a) Open Space (Recreation) and IDO 122 Zone 6(a) Open Space (Recreation) to C2 Environmental Conservation and C3 Environmental Management**

**Total Area: 259.67ha.**

**Lots affected: 35.**

<b>Proposed Zone - Zone C2 Environmental Conservation</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
<ul style="list-style-type: none"> <li>• Camping grounds and caravan parks,</li> <li>• Restaurants and cafes,</li> <li>• Kiosks,</li> <li>• Community facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Eco-tourist facilities,</li> <li>• Environmental facilities.</li> </ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
Not specified	40ha

<b>Proposed Zone - Zone C3 Environmental Management</b>	
<b>Permissible to become prohibited</b>	<b>Prohibited to become permissible</b>
<ul style="list-style-type: none"> <li>• Camping grounds,</li> <li>• Caravan parks,</li> <li>• Restaurants and cafes,</li> <li>• Kiosks.</li> </ul>	<ul style="list-style-type: none"> <li>• Oyster aquaculture,</li> <li>• Pond-based aquaculture,</li> <li>• Tank-based aquaculture,</li> <li>• Extensive agriculture,</li> <li>• Horticulture,</li> <li>• Animal boarding or training establishments,</li> <li>• Farm buildings,</li> <li>• Home based childcare, home occupations,</li> <li>• Dwelling houses,</li> <li>• Dual occupancies (attached and detached), and secondary dwellings,</li> <li>• Home occupations, home businesses, and home industries, associated signage,</li> <li>• Home based childcare,</li> <li>• Bed and breakfast accommodation,</li> <li>• Farm stay accommodation,</li> <li>• Eco-tourist facilities,</li> <li>• Roadside stalls,</li> <li>• Emergency services facilities,</li> <li>• Information and education facilities,</li> <li>• Environmental facilities,</li> <li>• Veterinary hospitals.</li> </ul>
<b>Existing Minimum Lot Size</b>	<b>Proposed Minimum Lot Size</b>
Not specified	40ha

### Conflict Management

Zone 6(a) was applied to public open space. Caravan parks and camping grounds were considered to be appropriate permissible uses to allow accommodation for the travelling public as a community benefit. Similarly, the provision of restaurants, cafes and kiosks were considered to provide services to members of the public enjoying recreational activities in areas of public open space.

The proposed zones reflect the environmental values of the land, rather than land ownership. There is no significant conflict anticipated to rise from the proposed change in permissible land uses.

## **Stage 2 - Environmental Attribute Assessment**

An environmental attribute assessment (EEA) was undertaken following the zone translation, having regard to *LEP Practice Note PN 09-002 – Environmental Protection Zones 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)

Existing 7(a) lots are proposed to be zoned C2 Environmental Conservation where the EEA has identified the land comprises the above attributes.

### **C3 Environmental Management**

All 7(a) zoned 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)

Generally, existing 7(a) and 7(b) land is proposed to be zoned C3 Environmental Management where the EEA has identified the land comprises the above attributes and does not include attributes associated with C2 Environmental Conservation land.

### **C4 Environmental Living**

In respect to 7(c)2 Zoned land, given the clear alignment between the 7c2 and C4 zones, the C4 is to be applied except where land is identified to be of high environmental value (for example coastal wetlands, where the C2 zoning is to be applied).

Where land does not qualify for C2 or C3 zoning, C4 land was considered under the land fragmentation analysis (see below).

## **Stage 3 - Land Fragmentation Analysis**

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.

The land fragmentation analysis incorporates the following components:

- (a) In respect to land currently within Zone 7(a), candidate environmental lots are recommended as Zone C2 unless the context indicates an intent to retain a dwelling entitlement on the particular lot.
- (b) Lots with an area of less than 2ha, that are within a cluster or adjoining land recommended as Zone C4, unless:
  - (i) The cluster of lots are in the same ownership and may not have existing dwelling entitlements, or
  - (ii) Aerial imagery indicates substantial areas of the lots retain contiguous native vegetation or forest cover, or
  - (iii) The lots are identified as being susceptible to widespread flooding, or
  - (iv) Zone C3 is considered appropriate to provide a transition between areas recommended as Zone C2 and Zone C4.
- (c) A site-by-site analysis of all land 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 the C4 zone.

Note: The Zoning Methodology was applied at a 'given point in time' and that lawful works such as the commencement of a development consent could impact on the proposed zoning of land. Such instances will be considered following the public exhibition process.

### **Amendment to CCLEP 2022 CI 4.1E**

IDO 122 contains planning provisions that traded additional subdivision potential in return for conservation or dedication of environmental 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 is not possible 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 an 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 *Environmental Planning and Assessment Act 1979*.

The provisions of Clause 18 (4)(b)(i) (land conservation or dedication) will be incorporated into clause 4.1E of CCLEP 2022, while Clause 18 (4)(b)(ii) (monetary contribution) will not be carried over due to there being no clear nexus for the collection of contributions, and the introduction of policy mechanisms under the *Biodiversity Conservation Act 2016* for the protection and management of environmental land.

This is consistent with Council's approach to incorporating the provisions of Clause 14 of *Wyong LEP 1991* (which operated in a similar manner to Clause 18 of IDO 122) into *Wyong LEP 2013* (and in turn into CCLEP 2022); with the clause allowing a variation to the minimum lot size, only in instances where conservation or dedication of environmental land can be achieved on site (i.e. not involving a contribution for the purchase of environmental conservation land).

A minor amendment to Clause 4.1E(3)(b) is proposed to revise the minimum lot size relating to C4 Environmental Living lots from 0.5 Ha to 1Ha. There has been no take up of this provision carried over from *Wyong LEP 2013* and there may be significant environmental implications of adjusting the current provisions under IDO 122 (minimum lot size of 1 Ha) that have not undergone appropriate investigation at this time.

### **Amendment of CCLEP 2022 Clause 4.1F**

Clause 4.1F of CCLEP 2022 addresses instances where a development application for subdivision currently overlaps land within CCLEP and the Deferred Matters land and an undersized (i.e., a lot that does not meet the minimum lot size for subdivision) 'residual lot' that is subject to development restrictions (i.e., dwellings prohibited) is proposed. A *residual lot* is generally maintained for conservation management purposes and as per Clause 4.1F (2) is restricted from further development.

Clause 4.1E (discussed above) and in particular Clause 4.1E(3)(c) requires one of the resulting lots contains all of the land in Zone C2 Environmental Conservation or Zone C3 Environmental Management that was in the original lot. This may not be an appropriate outcome as it may be more appropriate that the environmental lot be separated to allow for appropriate conservation measures to be put in place or in any case, may be considered prohibited as the C3 or C2 part of the site does not meet the minimum lot size for subdivision of 40Ha under Clause 4.1 of CCLEP 2022. This is currently provided for under Clause 4.1F but only relates to Deferred Matters land. Such a provision also removes doubt for the ability to subdivide land below the minimum lot size where it is considered there are beneficial environmental outcomes. This issue may also occur for other subdivision applications and not just those under Clause 4.1E.

It is proposed that this Clause be modified to remove reference to Deferred Matters (as this will be redundant) but to apply to land under CCLEP 2022. Final wording of such an LEP Clause will be developed through consultation with DPE and Parliamentary Counsel's Office following Council's consideration of the outcome of exhibition.

### **Common Ownership Lots – IDO 122 Provisions**

Clause 22 of IDO 122 limits the erection of dwelling houses on lots within Zone 7(a). The clause requires a minimum lot size of 40ha, with some allowable exceptions relating to lots created prior to the introduction of subdivision restrictions on 18 February 1977. In summary such lots:

- Could be granted a dwelling house entitlement if the lot was not in the same ownership as any adjoining lots at that date, or
- Could be granted a dwelling house entitlement if all adjoining lots in the same ownership at that date were consolidated into one lot and individual lots could only be dealt with through a development application dealt with as Designated Development (i.e.- supported by an Environmental Impact Statement)
- Could not be subject to a development application if the lot was created as a residue environmental lot as part of a 'bonus lot' subdivision (see *Common Ownership Lots – Approval of "Environmental Lots" below*)

#### ***Common Ownership Lots - unconsolidated lots***

As IDO 122 will no longer be in force there is a potential reduction in complexity for development applications to be lodged for a dwelling house on lots held in common ownership if located within a zone where the land use is permissible under CCLEP 2022. As summarised above, while Cl. 22(3) of IDO 122 requires the consolidation of lots, Cl. 22(4) provides for the development of the individual lots but requires a detailed environmental assessment.

Through the development of Gosford LEP 2014 it was considered that the provisions could be retired, and an environmental assessment of any application was adequate where a dwelling house was permissible with consent. It is intended to retain this approach for the Deferred Matters land, that exhibit similar characteristics.

It is noted that similar provisions existed historically in the former Wyong Shire, in that case (Wyong Shire), a process was undertaken to restrict development of such land, where considered appropriate, through the use of a lot amalgamation map under the LEP. This map was carried over from Wyong LEP 2013 into

Central Coast LEP 2022. The lot amalgamation map under CCLEP 2022 is restricted to land that is identified as potentially being subject to significant flooding.

To ensure parity across the Local Government Area, a review of the lands within the Deferred Matter area that are potentially subject to these common ownership provisions (vacant 7a zoned land where subdivision has not occurred since 1977) has been undertaken to ascertain if they would qualify for addition to the lot amalgamation map due to flooding concerns.

It has been identified that while some of these properties include creek lines, gullies etc., these lands are generally located on undulating or steep land and are not located on a floodplain or have substantial parts of the sites subject to flooding.

### **Common Ownership Lots – Approval of “Environmental Lots”**

During the site-by-site assessment, it was noted that there is a history of Council approving the subdivision of land on the Zone 7(c2)/7(a) interface. These approved subdivisions created a “dwelling house” lot paired with an “environmental lot”. The environmental lot was required to have a restriction on title prohibiting the erection of a dwelling house and is also required to remain in the same ownership as the dwelling house lot. As identified in the EAA above, it is proposed to apply the C2 Environmental Conservation zone to these lots to reflect their use and in addition, to reinforce the restriction to further development on these parcels.

## **Summary of Amendments**

### **LEP Provisions – IDO 122, CCLEP 2022 & Deferred Lands**

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**

<b>Land to which plan applies – “Deferred Matter”</b>		
Existing EPI	Consolidated EPI	Proposed Change
IDO 122	CCLEP 2022	Deferred Lands
<b>Clause 18(A)(1)(b)</b>  Notes that the residual lot may be comprised of “Deferred Matter” land as identified under clause 1.3 (1A) of GLEP 2014	<b>Clause 1.3 (1A)(a)</b>  Carried over from GLEP 2014 clause 1.3(1A)(a). States that draft 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.

#### **Minimum Lot Size Provisions**

<b>Minimum Lot Size Provisions – Certain Split Zones 2ha to 1ha/0.5ha</b>		
Existing EPI	Consolidated EPI	Proposed Change
IDO 122	CCLEP 2022	Deferred Lands
<b>Clause 18(4)b</b>	<b>CCLEP Clause 4.1E</b>	<b>CCLEP Clause 4.1E</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.	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).	To be amended to increase the minimum lot size on C4 land from 0.5ha to 1ha and retained under Clause 4.1E.  <b>Clause 18(4)b</b>  Incorporated into existing CCLEP clause 4.1E. Cash contribution component cannot be carried over .
<b>Clause 18(5)</b>  Provides controls relating to the number of allotments that can be created under clause 18(4)(b), and the contribution payable based on the land area and current zone.	N/A	<b>IDO 122 clause 18(5)</b>  Current provisions are no longer enforceable. Provisions will not be carried over.

Minimum Lot Size Provisions – Land that includes deferred matter		
Existing EPI	Consolidated EPI	Proposed Change
IDO 122	CCLEP 2022	Deferred Lands
<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.  (note: this is the 'reciprocal' clause of Clause 4.1F of CCLEP 2022 and applies to subdivision applications that cross the areas of Deferred Matters and GLEP 2014/CCLEP 2022)	<b>CCLEP 2022 4.1F</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>CCLEP 2022 4.1F (draft clause)</b>  Clause will be amended to refer to the subdivision of land for the purposes of environmental conservation and management rather than for "Deferred Matters" land. . This is further discussed under 'Amendment of CCLEP 2022 Clause 4.1F.'

## Heritage Provisions

Schedule 2 – Heritage Conservation		
Existing EPI	Consolidated EPI	Proposed Change

IDO 122	CCLEP 2022	Deferred Lands
<b>38A – Heritage Conservation, Schedule 2 – Environmental Heritage</b>  Notes that the residual lot must be comprised of "Deferred Matter" land under clause 1.3 (1A) of GLEP 2014	<b>Schedule 5 – Environmental Heritage</b>	<b>IDO 122 Schedule 2</b>  Heritage Items in IDO 122 Schedule 2 to be transferred to Schedule 5 of CCLEP 2022.

## 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.

One heritage item, Bouddi Farm, Killcare Heights has been listed on the State Heritage Register, this listing will be included in the CCLEP 2022 heritage schedule for consistency.

## Schedule 1 - Additional Permitted Uses

Schedule 1 – Additional Permitted Uses		
Existing EPI	Consolidated EPI	Proposed Change
IDO 122	CCLEP 2022	Deferred Lands
<b>Additional Permitted Uses – Various Sections Clause 93</b>	<b>Schedule 1 – Additional Permitted Uses</b>	<b>Schedule 1 – Additional Permitted Uses / Additional Local Provisions</b>  Refer below for the identified lots to be carried over to Schedule 1 or identified as an additional local provision.

Carrying over of the following Enabling Clauses from IDO 122 to Central Coast LEP 2022 as either Additional Permitted Uses or as Additional Local Provisions:

- Lot 490 DP 867168 (formerly Part Lot 50, DP 574711 and Lot 1, DP 745229), 431 Avoca Drive, Green Point, Reception establishment/refreshment room, and ancillary overnight accommodation in the form of not more than 5 units, identified as "Kantara House" on the additional permitted uses map.
- Lot 11 DP 1039852 (formerly Lot 11 DP 860715), 251 Scenic Highway Terrigal, Fruit and vegetable produce barn, identified as "George's Fruit Barn" on the additional permitted uses map.



- Lot 102 DP 1126730 (formerly Part Lot 1 DP 796912) 306-322 Empire Bay Drive, Service station, tourist units and refreshment, identified as "Service Station- Empire Bay "on the additional permitted uses map.
- Lot 1, D.P. 718165, 1 Poole Close Empire Bay, Tavern, tourist units and ancillary activities, identified as "Empire Bay Tavern "on the additional permitted uses map.
- Lot 1, D.P. 239201, 286 Mangrove Road, Somersby (formerly Niagara Park)-Music recording facility and ancillary activities (confined to the curtilage of the existing building), identified as "The Grove Studios" on the additional permitted uses map.

## Planning Layers

Central Coast LEP 2022 is supported by mapping located under the NSW Planning Portal – Digital Environmental Planning Instruments (EPI) Viewer. The following layers of CCLEP 2022 are to be amended through the integration of the Deferred Matters Lands:

- Acid Sulfate Soils – mapping as exhibited under draft CCLEP 2018 will be applied and reflects the current *Acid Sulfate Soil Risk Maps* held by DPE.
- Heritage – integration of the heritage items located within the Deferred Matters area and as identified elsewhere in this report into the CCLEP 2022 Heritage Schedule.
- Land Zoning – mapping of proposed land use zones, generally either C2, C3 or C4.
- Lot Size – mapping of minimum lot size for subdivision – consistent with what is applied under CCLEP 2022.
- Land Application – relocated to indicate CCLEP 2022 now applies to the Deferred Matters lands.
- Height of Building – applies to zones where a height of building map is in place under CCLEP 2022.
- Additional Permitted Uses – inclusion of some additional permitted uses identified under IDO 122.

## DCP Amendments

DCP Chapter 3.5 Tree and Vegetation Management will require minor amendments to remove reference to IDO 122. As such, following the completion of this Planning Proposal vegetation management in the current Deferred Matters areas will be assessed by Council under SEPP (Biodiversity and Conservation) 2021 instead of Part 5A of the Local Land Services Act 2013.

In addition, two site specific chapters that reference old zones 7(a)/7(c2) will be updated to reflect new zones with no other changes proposed.

As an outcome of public consultation, the following minor DCP changes are to be undertaken:

Delete - Chapter 2.2 Dual Occupancy and Multi Dwelling Housing Section.12 (b) (i) Buildings are to be "clustered" with the principal dwelling and farm buildings, i.e., within a maximum distance of 50 metres. This control has been varied extensively and does not ensure an appropriate environmental outcome.

Insert – Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development Section 8.2(c) Additional separate vehicular access crossings will not be supported for secondary dwellings. This is as per the requirements for dual occupancy development and is considered an effective means to limit the environmental impact of development.

## **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 for consideration, (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.

At a time after Gosford City Council had prepared a draft Local Environmental Plan (Gosford LEP) to respond to these legislative changes based on the best information available at the time, 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 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 (2041)***

An assessment of the proposal against the Central Coast Regional Plan (CCRP) 2041 has been undertaken as detailed within Attachment 1B. The following directions and actions in the Central Coast Regional Plan (CCRP) are relevant to the planning proposal:

Objective 6, Strategy 6.2, Strategy 6.3, Strategy 6.4, Strategy 6.6, Objective 7, Strategy 7.3, Strategy 7.6, Strategy 7.7.

#### ***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).

#### **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.

##### ***Local Strategic Planning Statement***

The proposal is consistent with the LSPS action 'Develop and implement a zoning framework to inform the application of environmental land use zones for all environmental land'.

##### ***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?**

##### ***Northern Councils E Zone Review***

The *Northern Councils E Zone Review* is not applicable to the Central Coast Region, however as part of the Gateway Determination, DPE have requested that Council consider this review when preparing this Planning Proposal.

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 zone as the land is currently identified for environmental conservation or management."* 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. To address the requirements of the Gateway Determination, Council has undertaken an assessment of agricultural uses and any impacts the zone conversion may have on those uses. 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 (SEPPs). The proposal is considered to be generally consistent with the applicable SEPPs.

SEPP	Applicable	Consistent
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021.</b>		
<b>Chapter 2 – Vegetation in Non-Rural Areas</b>	y	<p>Consistent with the provisions of this SEPP.</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 <i>LEP Practice Note PN 09-002 – Environmental Protection Zones</i>. 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, however it is noted that the proposal brings outdated land use zonings into alignment with this SEPP.</p>

SEPP	Applicable	Consistent
		Rezoning of the lands identified as “Deferred Matter” 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.
<b>Chapter 3 – Koala habitat protection 2020</b>	Y	Consistent with the provisions of this SEPP.
<b>Chapter 4 – Koala Habitat Protection 2021</b>	Y	Consistent with the provisions of this SEPP.
<b>Chapter 5 – River Murray lands</b>	N	Choose an item.
<b>Chapter 6 – Water Catchment</b>	Y	Consistent with the provisions of this SEPP.
<b>SEPP (Design and Place ) 2021 (DRAFT)</b>		
TBA	N	
<b>State Environmental Planning Policy (Housing) 2021</b>		
<b>Chapter 2 – Affordable Housing</b>	N	
<b>Chapter 3 – Diverse Housing</b>	N	
Part 1: Secondary Dwellings	N	
Part 2: Group Homes	N	
Part 3: Co-living Housing	N	
Part 4: Built-to-rent Housing	N	
Part 5: Seniors Housing	N	
Part 6: Short-term Rental Accommodation	N	
Part 7: Conversion of Certain Serviced Apartments	N	
Part 8: Manufactured Home Estates	Y	Consistent with the provisions of this SEPP.
Part 9: Caravan Parks	Y	Consistent with the provisions of this SEPP.
<b>State Environmental Planning Policy (Industry and Employment) 2021.</b>		
<b>Chapter 3 – Advertising and Signage</b>	N	
<b>State Environmental Planning Policy (Planning Systems) 2021</b>		
<b>Chapter 2 – State and Regional Development</b>	N	

SEPP	Applicable	Consistent
<b>Chapter 3 – Aboriginal Land</b>	Y	<p>Consistent with the provisions of this SEPP.</p> <p>Three sites in the deferred lands are identified in the Darkinjung Delivery Plan. The planning proposal will not affect any other proposals to proceed through this SEPP.</p>
<b>State Environmental Planning Policy (Precincts—Regional) 2021</b>		
<b>Chapter 5 – Gosford City Centre</b>	N	
<b>State Environmental Planning Policy (Primary Production) 2021.</b>		
<b>Chapter 2 - Primary Production and Rural Development</b>	Y	<p>Consistent with the provisions of this SEPP.</p> <p>The Deferred Lands area includes some small pockets of agricultural uses including orchards, horticultural uses, and animal husbandry, many of which currently operate under existing use rights. An assessment of land for agricultural production was undertaken which has concluded that the Planning Proposal will not have an impact on existing agricultural land uses.</p> <p>The assessment of land used for agricultural production includes an assessment of the adjoining land uses and the potential for land use conflicts resulting from the rezoning. It is considered that there will be no significant change in potential land use conflicts as a result of the planning proposal.</p> <p>The planning proposal does propose the prohibition of extensive agriculture and horticulture in the C4 Zone, however, this was assessed as having no impact on existing agricultural land uses and is consistent with the environmental objectives of the zone.</p>
<b>Chapter 3 - Central Coast Plateau Areas</b>	Y	<p>Consistent with the provisions of this SEPP.</p>

SEPP	Applicable	Consistent
		<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 40 hectares. The MLS will retain environmental and amenity qualities and will prevent land fragmentation.</p>
<b>State Environmental Planning Policy (Resilience and Hazards) 2021.</b>		
<b>Chapter 2 - Coastal Management</b>	Y	<p>Consistent with the provisions of this SEPP.</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>
<b>Chapter 3 – Hazardous and Offensive Development</b>	N	
<b>Chapter 4 - Remediation of Land</b>	Y	<p>Consistent with the provisions of this SEPP.</p> <p>The planning proposal is a translation LEP and does not propose any specific development or land use. However, some zone translations will result in a change to</p>

SEPP	Applicable	Consistent
		<p>permissible land use and the impact of this has been considered.</p> <p>A total of 6 potentially contaminated sites are located within the Deferred Lands Study Area. The potential scope of contamination of each site has been considered and is generally concluded to be minor and limited in extent ( refer to Section C – Environmental, Social and Economic Impact).</p> <p>The proposed new zones to apply to the land are environmental zones that provide for minor, low key development opportunity and the extent to which the zones permit a change of use is incidental and unavoidable in the context of the proposed translation of zones.</p> <p>The maintenance of the contaminated land register coupled with the provisions of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ensure that contaminated or potentially contaminated land will be further investigated before land use changes occur.</p>
<b>State Environmental Planning Policy (Resources and Energy) 2021.</b>		
<b><i>Chapter 2 – Mining, Petroleum Production and Extractive Industries</i></b>	Y	<p>Consistent with the provisions of this SEPP.</p> <p>An assessment of mining, petroleum and extractive resource sites within the Deferred Lands indicates there is no significant impact on existing extractive industries as a result of the planning proposal.</p> <p>The Department of Primary Industries and the Department of Regional NSW – Mining, Exploration and Geoscience have raised no concerns with the Planning Proposal.</p>



SEPP	Applicable	Consistent
<b>Chapter 3 – Extractive Industries in Sydney Area</b>	Y	Consistent with the provisions of this SEPP.
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>		
<b>Chapter 2 – Infrastructure</b>	N	
<b>Chapter 3 – Educational Establishments and Childcare Facilities</b>	Y	Consistent with the provisions of this SEPP.  Home-based childcare facilities will become permissible on land proposed C3 Environmental Management and C4 Environmental Living.

Table 2: State Environmental Planning Policy Compliance

### 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.

No.	Direction	Applicable	Consistent	Comment
<b>Planning Systems</b>				
1.1	Implementation of Regional Plans	Y	Y	The planning proposal is consistent with the Central Coast Regional Plan.
1.2	Development of Aboriginal Land Council land	Y	Y	The planning proposal has considered the Darkinjung Development Delivery Plan.
1.3	Approval and Referral Requirements	Y	Y	The proposal does not seek to include additional approval or referral requirements.
1.4	Site Specific Provisions	N	N/A	The proposal does not seek to apply site-specific provisions.
<b>Planning Systems – Place-based</b>				
1.5	Parramatta Road Corridor Urban Transformation Strategy	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.6	Implementation of Northwest Priority Growth Area Land Use and Infrastructure Implementation Plan	N	N/A	This Direction does not apply to the Central Coast Local Government Area.

No.	Direction	Applicable	Consistent	Comment
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.10	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.11	Implementation of Bayside West Precincts 2036 Plan	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.14	Implementation of Greater Macarthur 2040	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.16	Northwest Rail Link Corridor Strategy	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
1.17	Implementation of the Bays West Place Strategy	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
<b>Biodiversity &amp; Conservation</b>				

No.	Direction	Applicable	Consistent	Comment
3.1	Conservation Zones	Y	N	<p>The planning proposal is inconsistent with this direction; however, the inconsistency is considered to be of minor significance.</p> <p>One parcel of land (Lot 4 DP 232333) which is a private road is proposed to be zoned from 7(a) Conservation to R2 Low Density Residential. This is consistent with the guidance provided in <i>LEP Practice Note PN 10-001 'Zoning for Infrastructure in LEPs. PN 10-001</i> identifies several types of infrastructure – including roads, that are permissible in all LEP zones, irrespective of the LEP zoning. The practice note requires roads to be zoned in accordance with the adjoining land, and where there are multiple adjoining zones, the zone that provides the greatest flexibility to assist with land use planning.</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 <i>PN 09-002 – Environmental Protection Zones</i>.</p>
3.2	Heritage Conservation	Y	Y	<p>The planning proposal will consolidate existing environmental controls under IDO 122 and GPSO into the standard instrument format; heritage items provided under IDO 122 will also be incorporated into the heritage schedule of CCLEP 2022.</p>
3.3	Sydney Drinking Water Catchments	N	N/A	<p>This Direction does not apply to the Central Coast Local Government Area.</p>

No.	Direction	Applicable	Consistent	Comment
3.4	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N	N/A	This Direction does not apply to the Central Coast Local Government Area.
3.5	Recreational Vehicle Areas	Y	Y	The proposal does not seek land to be developed for the purpose of a recreation vehicle area.
<b>Resilience &amp; Hazards</b>				
4.1	Flooding	Y	Y	<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 some areas are considered to be of minor significance and would be subject to a merit assessment at the Development Application stage against the relevant provisions of CCLEP 2022 and CCDCP 2022.</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, Flood Risk Management Manual 2023,</p>

No.	Direction	Applicable	Consistent	Comment
4.2	Coastal Management	Y	Y	<p>The area includes Coastal Wetlands, Coastal Environment Areas and Coastal Use areas as defined in the <i>Coastal Management Act 2016</i> and identified in <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</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</i>, <i>NSW Coastal Management Manual and associated Toolkit</i>, <i>NSW Coastal Design Guidelines 2003</i> and the <i>draft NSW Coastal Design Guidelines</i>.</p>
4.3	Planning for Bushfire Protection	Y	Y	<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>
4.4	Remediation of Contaminated Lands	Y	Y	<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</p>

No.	Direction	Applicable	Consistent	Comment
				permitted to be used. The proposed new zones to apply to the land are environmental zones that provide for minor, low key development opportunity and the extent to which the zones permit a change of use is incidental and unavoidable in the context of the proposed translation of zones.  Contamination issues associated with any change in land use would be considered as part of a development application.
4.5	Acid Sulfate Soils	Y	Y	The Planning Proposal is consistent with this Direction.
4.6	Mine Subsidence & Unstable Land	N	N/A	This Direction does not apply.
<b>Transport &amp; Infrastructure</b>				
5.1	Integrating Land Use & Transport	Y	Y	The proposal does not propose zones for urban purposes. The Proposal is consistent with this direction.
5.2	Reserving Land for Public Purposes	Y	Y	The planning proposal does not include land identified for acquisition for public purposes.
5.3	Development Near Regulated Airports and Defence Airfields	N	N/A	The site is not located in the vicinity of a licensed aerodrome.
5.4	Shooting Ranges	N	N/A	The proposal is not located in the vicinity of a shooting range.
<b>Housing</b>				
6.1	Residential Zones	N	N/A	This direction does not apply.
6.2	Caravan Parks and Manufactured Home Estates	Y	Y	The Proposal is consistent with this direction. There are 3 caravan sites within the deferred lands area. These sites will continue to rely on existing use rights.
<b>Industry &amp; Employment</b>				

No.	Direction	Applicable	Consistent	Comment
7.1	Business & Industrial Zones	N	N/A	This direction does not apply.
7.2	Reduction in non-hosted short-term rental accommodation period	N	N/A	This direction does not apply to the Central Coast.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A	This direction does not apply to the Central Coast.
<b>Resources &amp; Energy</b>				
8.1	Mining, Petroleum Production and Extractive Industries	Y	Y	<p>An assessment of mining, petroleum and extractive resource sites within the deferred lands indicates there is no significant impact on existing extractive industries as a result of the Planning Proposal.</p> <p>The Department of Primary Industries and the Department of Regional NSW – Mining, Exploration and Geoscience have raised no concerns with the planning proposal.</p>
<b>Primary Production</b>				
9.1	Rural Zones	N	N/A	This Direction does not apply.
9.2	Rural Lands	Y	Y	<p>This Ministerial Direction is not applicable to the Central Coast LGA but was cited in the Gateway Determination for consideration.</p> <p>The deferred lands area does include some small pockets of agricultural uses including orchards, horticultural uses, and animal husbandry, many of which currently operate under existing use rights.</p> <p>A review of agricultural lots was undertaken. Based on the assessment of land used for agriculture production, the planning proposal will not have an impact on existing agricultural land uses.</p>
9.3	Oyster Aquaculture	N	N/A	This Direction does not apply.

No.	Direction	Applicable	Consistent	Comment
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A	This Direction does not apply.

Table 3: S9.1 Ministerial Direction Compliance

### Ministerial Direction 3.1 Conservation Zones

This Direction prohibits a reduction in the conservation standards that apply to the land (including modifying any development standards). The Planning Proposal is inconsistent with this direction; however, the inconsistency is considered to be of minor significance.

There are inherent conflicts between this direction and PN-09-002, the Practice Note which Council must apply when moving old land use zones under IDO 122 and GPSO to Standard Instrument Zones. The practice note states 'The environment protection zones E2(C2) through to E4(C4) are applied where the protection of the environmental significance of the land is the primary consideration'. It is considered that the primary consideration of the deferred lands is the protection of their environmental significance and therefore zones C2 through C4 should apply to these lands.

Biodiversity Conservation & Science (BCS, formerly BCD) is concerned that the zone conversion results in lands with a High Environmental Value (HEV) being converted to lands that have a lesser environmental value and that this 'predominant translation of zones' reduces the environmental protection of the land. BCS also suggest that without onsite ecological assessment, a precautionary approach should be used and existing zoning standards maintained.

Notwithstanding the near impossible undertaking of surveying and assessing each parcel of land in the deferred lands, the provisions of IDO 122 predate the introduction of many significant environmental provisions in NSW, including the *Threatened Species Conservation Act 1995*, and the *Native Vegetation Conservation Act 1997*. Both acts have been amended several times and now form part of the *Biodiversity Conservation Act 2016*. The current proposal more accurately reflects land of High Environmental Value as the mapping data which has been used to assist in establishing the standard instrument zones has been informed by environmental standards within the current environmental legislation and the current physical attributes of the land. As per PN-09-002 'it is anticipated that many councils will generally have limited areas displaying the characteristics suitable for the application of the E2(C2) zone'. The outcome of the Deferred Matters Planning Proposal study reflects the required application of the Practice Note.

While a dedicated 'lot by lot' study of land considered under the Planning Proposal is impractical, the Planning Proposal describes the Zoning Methodology, which in itself is a study that looks at all land in the Deferred Matters Area and establishes a logical process by which to move this land into a Standard Instrument LEP.

Direction 3.1 remains silent on land use permissibility and the introduction of new land uses, however, the Biodiversity Conservation & Science (formerly BCD) considers that the introduction of new uses (currently provided for in the CCLEP land use table for environmental zones) but not currently permitted under IDO 122 results in a reduction of the conservation standards that apply to the land. Direction 3.1 does not provide an indication of what constitutes a conservation standard, only that this also includes any development standard,

The *Environmental Planning and Assessment Act 1979* (EP&A Act) defines a development standard as follows:

Development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified



or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of–

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- (b) the proportion or percentage of the area of a site which a building or work may occupy,
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- (d) the cubic content or floor space of a building,
- (e) the intensity or density of the use of any land, building or work,
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,
- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.

The proposal does not include a change to minimum lot size, and land use permissibility is not defined as a development standard in the EP&A Act. PN-09-002, however, provides clear guidance on the conservation standards for conservation zones C2 through to C4. Given this ambiguity, Council therefore considers there is an inconsistency with this Direction, however, the inconsistency is considered minor as the objective of the proposal is to convert one environmental zone to another environmental zone as required by the Standard Instrument (Local Environmental Plans) Order 2006. Moreover, Council is not introducing new permissible land uses under the Deferred Matters Planning Proposal. The permissible land uses in the conservation zones were considered in the consolidation of Gosford Local Environmental Plan 2014 and Wyong Local Environmental Plan 2013 following consultation with the public, government agencies such as BCS and DPHI.

Additionally, the direction is intended for proposals which include land 'identified for environment conservation/protection purposes in a **LEP**' (i.e reduction of environmental values in a standard instrument zone). The Interim Development Order is a deemed Environmental Planning Instrument (EPI) not a Local Environmental Plan (LEP).

## Ministerial Direction 4.1 Flooding

This Direction applies to proposals that contain provisions which alter a zone or provision that affects flood prone land and prohibits the rezoning of land from a conservation zone to a residential zone on land within the flood planning area.

BCS raised concerns in relation to inconsistencies with the Ministerial Direction, including:

*(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones,*

The only parcel to be zoned from a conservation zone to a residential zone is a private road (Lot 4 DP 232333). This conversion is in accordance with LEP Practice Note PN 10-001 'Zoning for Infrastructure in LEPs'. This practice note requires roads to be zoned in accordance with the adjoining land, and where there are multiple adjoining zones, the zone that provides the greatest flexibility to assist with land use planning.

*(3)(d) A planning proposal must not contain provisions that apply to the flood planning area which permit a significant increase in the development and/or dwelling density of that land.*

Dwelling density has a direct relationship to the minimum lot size of the land. The practice not does not define 'significant increase', however Council considers the proposal does not permit a significant increase in the development and/or dwelling density of the land. Dual occupancy (attached) development is currently permissible in the 7(c2) zone so the opportunity for more than one dwelling per lot has been in place within the DM Lands to date. Through 'bonus lot' provisions permitting variation to the 2Ha of the minimum lot size of the 7(c2) Zone down to 1Ha not being carried over into CCLEP 2022 and the comparable C4 Zone, this planning proposal will result in a reduction in subdivision potential of these rural residential parcels from 96 lots to 6 lots. It is anticipated that there will be some minor increase in the provision of dual occupancy development, and secondary dwellings (and a likely decrease in the number of unapproved secondary dwellings). Dual occupancy and secondary dwelling development is currently a permitted use in the C3 and C4 zone under CCLEP 2022 and Council has not seen a significant influx of applications for dual occupancy development.

Zone boundaries are by nature a static mapping layer; mirroring flood regimes to the zone boundary is not recommended given the changing nature of flood regimes and flood mapping generally. Development on flood affected land is subject to the flood controls in Council's Development Control Plan, CCLEP 2022 Cl. 5.21 Flood Planning, Cl. 5.22 Special Flood Considerations and Guidance under the *NSW Flood Risk Management Manual*. Changes to considerations in relation to flooding and development proposals have been introduced following the *NSW Flood Inquiry 2022*. This includes Cl. 5.22 which restricts development in high-risk areas and requires rigorous consideration of issues such as evacuation and safety before consent for any proposal can be issued.

The proposal has satisfied the gateway requirements and is considered to be consistent with this direction, and consistent with PN 09-002.

## Ministerial Direction 4.3 Planning for Bushfire Protection

This Direction requires that planning proposals do not introduce controls that result in development being placed in hazardous areas, and that the proposal has regard for *Planning for Bushfire Protection 2019* (PBP 2019).

PBP 2019 requires a bush fire assessment (for site specific proposals) or strategic bushfire study (for proposals of a strategic nature) to be prepared as part of the consultation process with NSW Rural Fire Service (RFS). A bush fire assessment / strategic bushfire study has not been prepared as part of this proposal as the planning proposal does not relate to a specific site and is not considered to be strategic in nature. The proposal is a translation of existing zones into the mandated standard instrument zones which were introduced by the NSW Government. The PBP 2019 does not provide guidance to Council's regarding amending LEP's that aim to consolidate or translate existing provisions into an updated planning framework. RFS have provided comments to Council in support of the zoning provisions to be introduced to the deferred lands area. The inconsistency is therefore considered to be minor in nature.

#### **Ministerial Direction 4.4 Remediation of Contaminated Land**

The Planning Proposal is a translation LEP and does not propose any specific development or land use. However, some zone translations will result in a change to permissible land use and the impact of this has been considered in relation to this Direction in accordance with the requirements of the Gateway Determination. See section C for a detailed assessment of contaminated land.

Ministerial Direction 4.4 Remediation of Contaminated land provides:

*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.*

The Contaminated Land Planning Guidelines (1998) recognise that where a planning proposal covers a large area, it is difficult for a Planning Authority to be satisfied that every part of the subject land is suitable for the proposed uses in terms of contamination at the planning proposal stage. The Guidelines state:

*"In these cases, the rezoning should be allowed to proceed, provided measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made".*

The maintenance of the contaminated land register coupled with the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* (an EPI) ensure that contaminated or potentially contaminated land will be further investigated before land use changes occur.

In respect to land identified potentially contaminated in the Deferred Lands area:

- The proposed new zones to apply to the land are environmental zones that provide for minor, low key development opportunity and the extent to which the zones permit a change of use is incidental and unavoidable in the context of the proposed translation of zones.
- The potential scope of contamination of each site has been considered and is generally concluded to be minor and limited in extent.
- It is reasonable to conclude that the land will be suitable, if remediation is required, for the purposes permitted in the new zones.
- Specific provisions are not required to be included in the planning proposal.

The proposal does not apply to any land within a current Investigation Area under the *Contaminated Land Management Act 1997*.

The proposal is consistent with this direction based on advice provided in the *Contaminated Land Planning Guidelines* (1998).

### Land Proposed for Sensitive Land Uses

The direction applies where it is proposed to carry out development on land for residential, educational, recreational or childcare purposes, or for the purposes of a hospital and:

- If there is no knowledge or incomplete knowledge of whether the land has been used for a contaminating purpose, and
- Use of the land for a contaminating purpose was lawful during the period of no knowledge or incomplete knowledge.

Proposed environmental zones permit, with consent, some residential, educational, recreational, childcare or hospital land uses. Table 4 provides the detail of this permissibility.

*Table 4 Permissible Sensitive Land Uses in Proposed Zones*

Sensitive Land Uses	Permitted uses		
	Zone C2 Environmental Conservation	Zone C3 Environmental Management	Zone C4 Environmental Living
<b>Residential</b>	Nil	Dual occupancies; Dwelling houses	Dual occupancies; Dwelling houses
<b>Educational</b>	Nil	Nil	Educational establishments
<b>Recreational</b>	Recreation areas	Recreation areas	Recreation areas
<b>Childcare Purposes</b>	Nil	Home-based childcare	Home-based childcare

Appendix 1 of the Contaminated Land Planning Guidelines (CLPG) lists potentially contaminating activities, industries and the chemicals associated with those uses. The table below identifies those uses in the CLPG as being potentially contaminating and which are currently permissible in GPSO and IDO 122 (with or without consent).

*Table 5 Permissibility of Contaminating Land Uses in Existing Zones*

Appendix 1 Uses	Permissible without consent	Permissible with consent
Agricultural activities – extensive agriculture	GPSO Zone 2(a).	IDO 122 Zone 7(a).
Mining and extractive industries	Nil.	IDO 122 Zone 7(a).
Power stations and Railway yards	Public utility undertakings (excludes buildings) in all zones.	Utility installations in: GPSO Zones 2(a), 5(a), 5(e), 6(a), 6(b), IDO 122 Zones 5, 6(a), 6(b), 7(b), 7(c2), 7(c3) and 7(e).

Table 6 below provides an assessment of the extent of incomplete knowledge of potential contaminating land uses, having regard to the permissibility of uses identified in Table 5 above.

*Table 6 Assessment of Extent of Incomplete Knowledge*

Appendix 1 Uses	Extent of Incomplete Knowledge
	GPSO Zone 2(a):

<b>Appendix 1 Uses</b>	<b>Extent of Incomplete Knowledge</b>
Agricultural activities – extensive agriculture	<p>This zone only applies to part of Lot 8 DP802107. Aerial imagery shows the land as heavily vegetated and no evidence of past agricultural use. Reasonably complete knowledge, and no significant risk of contamination.</p> <p><u>IDO 122 Zone 7(a):</u> There are no sites identified in Council's Potentially Contaminated Land Register as being contaminated from past agricultural or horticultural use. It is considered that potential contamination from past agricultural and horticultural land uses are not well known or documented. Where land in Zone 7(a) with a potentially contaminating use is proposed to be zoned C3 (which permits dual occupancies, dwelling houses, recreation areas and home-based childcare), these have been considered on a site-by-site bases and an assessment is provided in Section C of this proposal.</p> <p><u>IDO 122 Zone 7(c2)</u> Land which is currently zoned 7(c2) and is to be translated to C4 does not currently permit extensive agriculture, mining and extractive industries. No former power stations or railway yards were identified; there is reasonably complete knowledge that land within Zone 7(c2), which is proposed to be zoned C4, has not been used for a contaminating land use.</p>
Mining and extractive industries	<p>Mining and extractive industries have a significant impact on the natural landscape. Any past use for mining or extractive industries will be readily visible on site. Consequently, if any uses have not already been identified in the register of contaminated land or register of extractive industries, site inspection will trigger investigation of any site the subject of a development application if there appears to be any evidence of past use for these land uses. Reasonably complete knowledge, and no significant risk of contamination.</p>
Power stations	<p>It is extremely unlikely that there would be any site that contained a previous power station that would be unknown. Reasonably complete knowledge, and no significant risk of contamination.</p>
Railway yards	<p>It is extremely unlikely that there would be any site that contained a previous railway yard that would be unknown. Reasonably complete knowledge, and no significant risk of contamination.</p>
Service Stations	<p>Not considered as these are not a permissible use in the 7(c2) zone. Two service stations are located within the 7(c2) zone however these are operating under APU and existing use rights provisions.</p>

A total of 6 potentially contaminated sites are located within the Deferred Lands Study Area and these are discussed in Section C.

### **Ministerial Direction 5.2 Reserving land for Public Purpose**

The objectives of this direction are to:

- (a) facilitate the provision of public services and facilities by reserving land for public purposes, and
- (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The direction also requires that a planning proposal must not alter existing zonings 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).

There are 3 existing (part) roads in the deferred lands to be rezoned from 7(a) Conservation and Scenic Protection (Conservation) to RE1 Public Recreation.



### Existing Road, Springfield

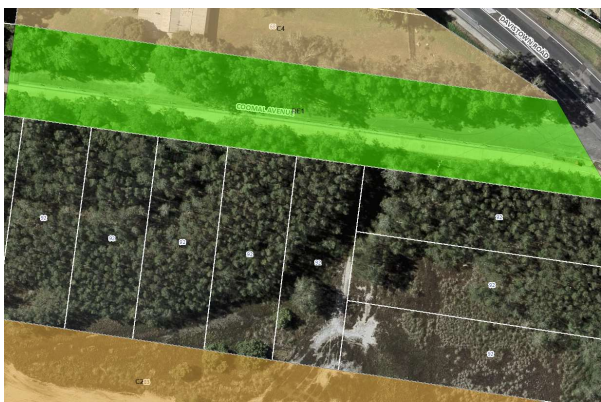


Proposed RE1 Zone



Existing Zoning CCLEP 2022

### Coomal Avenue, Davistown



Proposed RE1 Zone



Existing Zoning CCLEP 2022

### Cullens Road, Kincumber



Proposed RE1 Zone



Existing Zoning CCLEP 2022

The proposed zoning to RE1 Public Recreation is consistent with the guidance provided in LEP Practice Note PN 10-001 'Zoning for Infrastructure in LEPs. PN 10-001 identifies several types of infrastructure – including roads, that are permissible in all LEP zones, irrespective of the LEP zoning. The practice note requires roads to be zoned in accordance with the adjoining land, and where there are multiple adjoining zones, the zone that provides the greatest flexibility to assist with land use planning.

The proposed zone will not inhibit the use or reservation of land for a public purpose. It is considered that approval requirements will be met under this direction through the approval and making of the Local Environmental Plan; the proposal is consistent with this direction.

## **Ministerial Direction 6.2 Caravan Parks and Manufactured Home Estates**

There are three existing caravan parks within the Deferred Lands area which will continue under the existing use rights provisions of the EP&A Act 1979.

The proposal is consistent with this direction as IDO 122 and GPSO do not currently make provision for caravan parks, which currently operate under existing use rights.

## **Ministerial Direction 8.1 Mining, Petroleum Production and Extractive Industries**

All existing zones in the deferred lands prohibit extractive industries and mining except for IDO 122 Zone 7(b) Conservation and Scenic Protection (Scenic Protection).

This zone currently applies to 4 land parcels, with a total area of 56.53ha. It is proposed to rezone these parcels C2 and C3, which will prohibit extractive industries and mining.

*State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2 Mining, petroleum production and extractive industries, permits mining and extractive industries with consent on any land that permits agriculture. The following zones in IDO 122 currently permit agriculture and the proposed zones will prohibit agriculture:

- Zone 7(a) Conservation and Scenic Protection (Conservation),
- Zone 7(b) Conservation and Scenic Protection (Scenic Protection),
- Zone 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings),
- Zone 7 (e) - Coastal Land Acquisition.

*State Environmental Planning Policy (Resources and Energy) 2021*: Chapter 3 identifies extractive industries in the Sydney area, and which are mapped in *Sydney Regional Environmental Plan No.9 – Extractive Industry No.9 (SREP 9)*, which has been repealed but continues to apply to the sites described in SEPP (Resources and Energy) 2021.

An assessment of mining, petroleum and extractive resource sites indicates there is no significant impact on existing extractive industries as a result of the planning proposal. Further detail on relevant sites is provided in Section C.

The Direction requires consultation with relevant agencies where a planning proposal would have the effect of prohibiting mining, petroleum production or extractive industries, or where a planning proposal will restrict the potential development of State and regionally significant resource areas. The Department of Primary Industries and the Department of Regional NSW – Mining, Exploration and Geoscience have raised no concerns with the planning proposal.

The planning proposal is considered to be consistent with this direction.

## **Ministerial Direction 9.2 Rural Lands**

This Ministerial Direction applies to this planning proposal as the land is located outside the Greater Sydney Region (as defined) and proposes a change in zone boundaries within the conservation zone.

An objective of Direction 9.2 is to:

- promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.

Much of the LGA's productive rural land is located west of the M1 Motorway. The deferred lands comprise land with minimal rural activities. It is noted that as a result of the historic land use zones under IDO No.122 being moved to Standard Instrument Zones, *SEPP (Biodiversity and Conservation) 2021- Chapter 2 Vegetation in non-rural* areas will now apply to the Deferred Matters Land as opposed to the current situation where the *Local Land Services Act 2013*, which pertains to rural lands, applies.

NSW DPI Agriculture (DPI – Ag) have raised concern over some currently permissible uses, such as extensive agriculture and horticulture needing to rely on existing use rights in the C4 zone. DPI – Ag recommends that where landowners indicate an intention to continue and/or expand their operations, then it is requested that Council consider supporting the continuation of these land uses by listing them as additional permitted uses in Schedule 1 of the Central Coast LEP 2022.

There are very few sites in the deferred lands area where agricultural uses are still being conducted (see Section C below). In providing for an additional permitted use, Council would need to be satisfied that the use does not contravene current planning legislation, and this would require a number of studies to be undertaken for each site. This falls outside the scope of the conversion planning proposal, and it is preferable that landowners seek an additional permitted use for their land through an owner-initiated planning proposal where they consider existing use rights are not sufficient.

To address the requirements under the Gateway determination an assessment of land use conflicts has been undertaken to determine any significant impacts arising from changes to permissible land uses in the land use table. The assessment identified no significant land use conflicts that will result following the proposed changes to land use permissibility; further discussion is provided in Section C below.

As mentioned, this direction applies whenever a planning proposal proposes a change in zone boundaries within the conservation zone, an objective of Direction 9.2 is to:

- 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, and;
- consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions.

The planning proposal addresses these objectives through split zoning; lands of high environmental value are zoned C2 Environmental Conservation, while constrained or hazardous land is zoned C3 in accordance with *PN 09-002*.

There are no proposed changes to minimum lot sizes, and the planning proposal does not include State Significant Agricultural Land under *State Environmental Planning Policy (Primary Production) 2021*. The planning proposal is consistent with this direction.

## **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?**

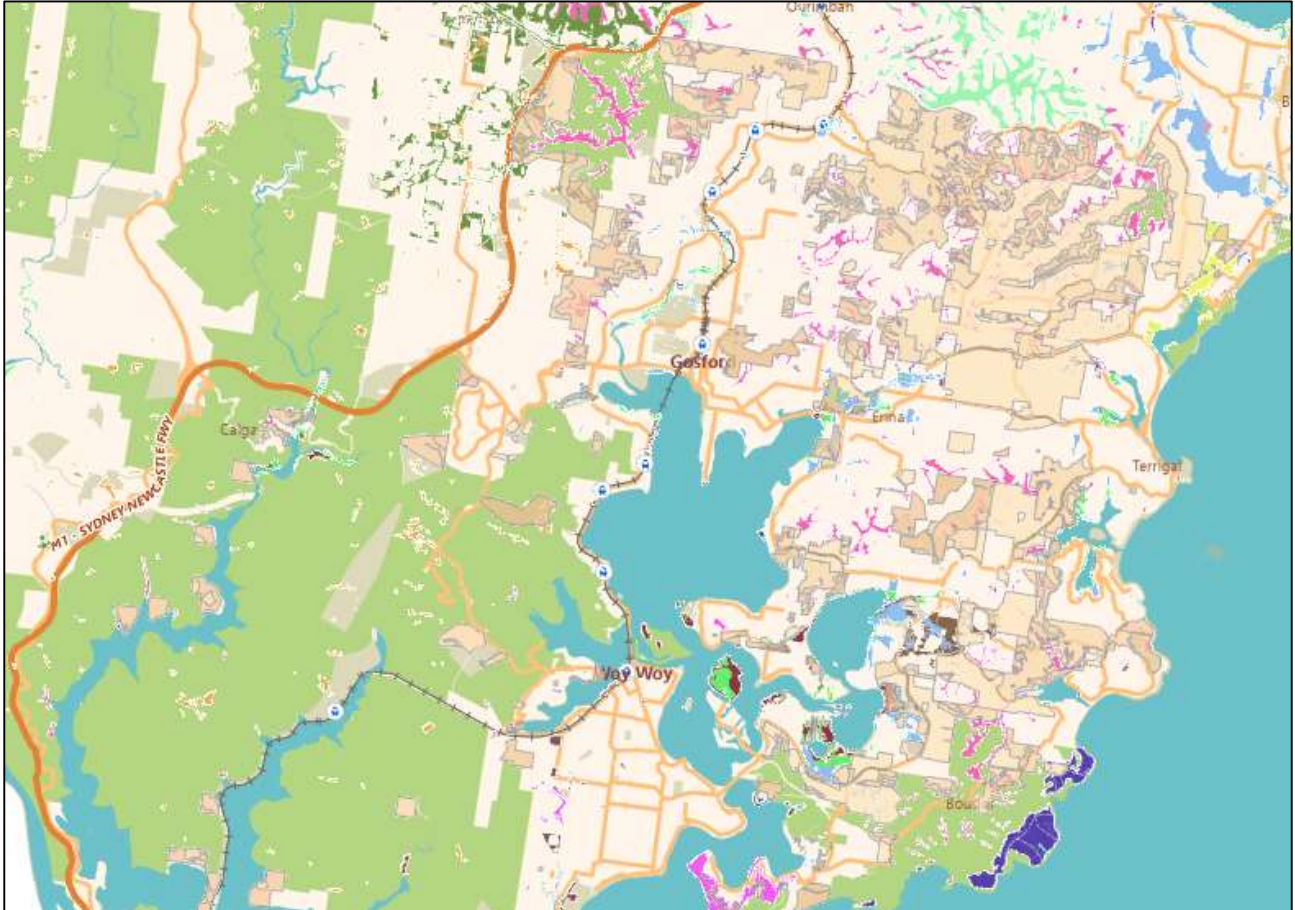
The proposed amendments are not expected to have an adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats; the planning proposal aims to prevent these impacts. All applications remain subject to the requirements under the *Biodiversity Conservation Act 2016*.



**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.

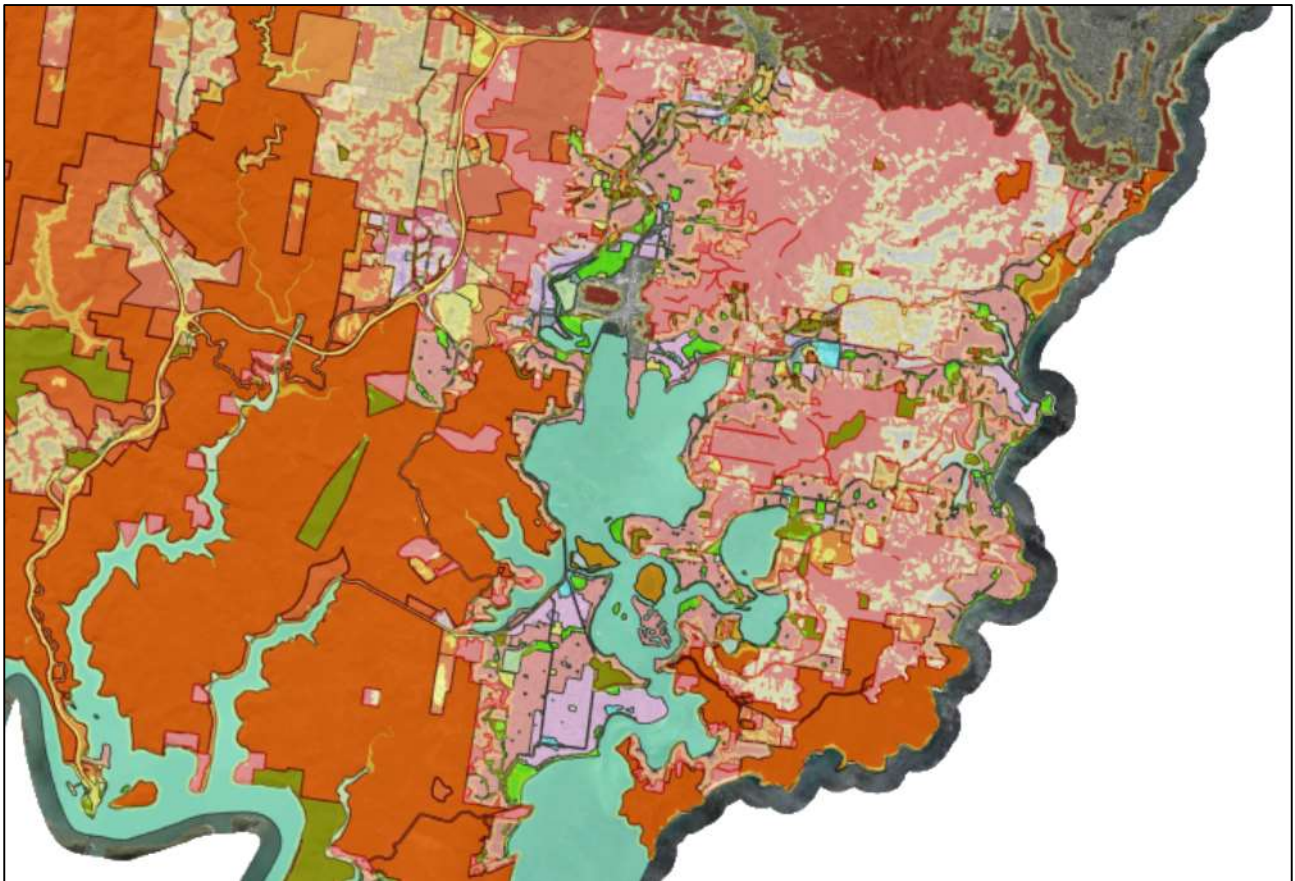
CCLEP 2022 retains Clause 5.11 Bushfire hazard reduction. This planning proposal will not result in changes to Clause 5.11. Additionally, the proposal will not include application of less restrictive zoning, as the scope of this Planning Proposal is limited to a zone conversion exercise only where existing 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 CCLEP 2022 and ensures there is no loss of development potential as a result of the zone translation.

The proposal is consistent with s9.1 Direction 4.3 Planning for Bushfire Protection clause 2(b), as CCLEP 2022 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 (CCDCP)- 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.



*Central Coast Bushfire Prone Land Map 2021 – Deferred Lands*

### ***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 that is affected by flooding 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 some areas are considered to be of minor significance and would be subject to a merit assessment at the Development Application stage against the relevant provisions of CCLEP 2022 and CCDCP 2022.

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.

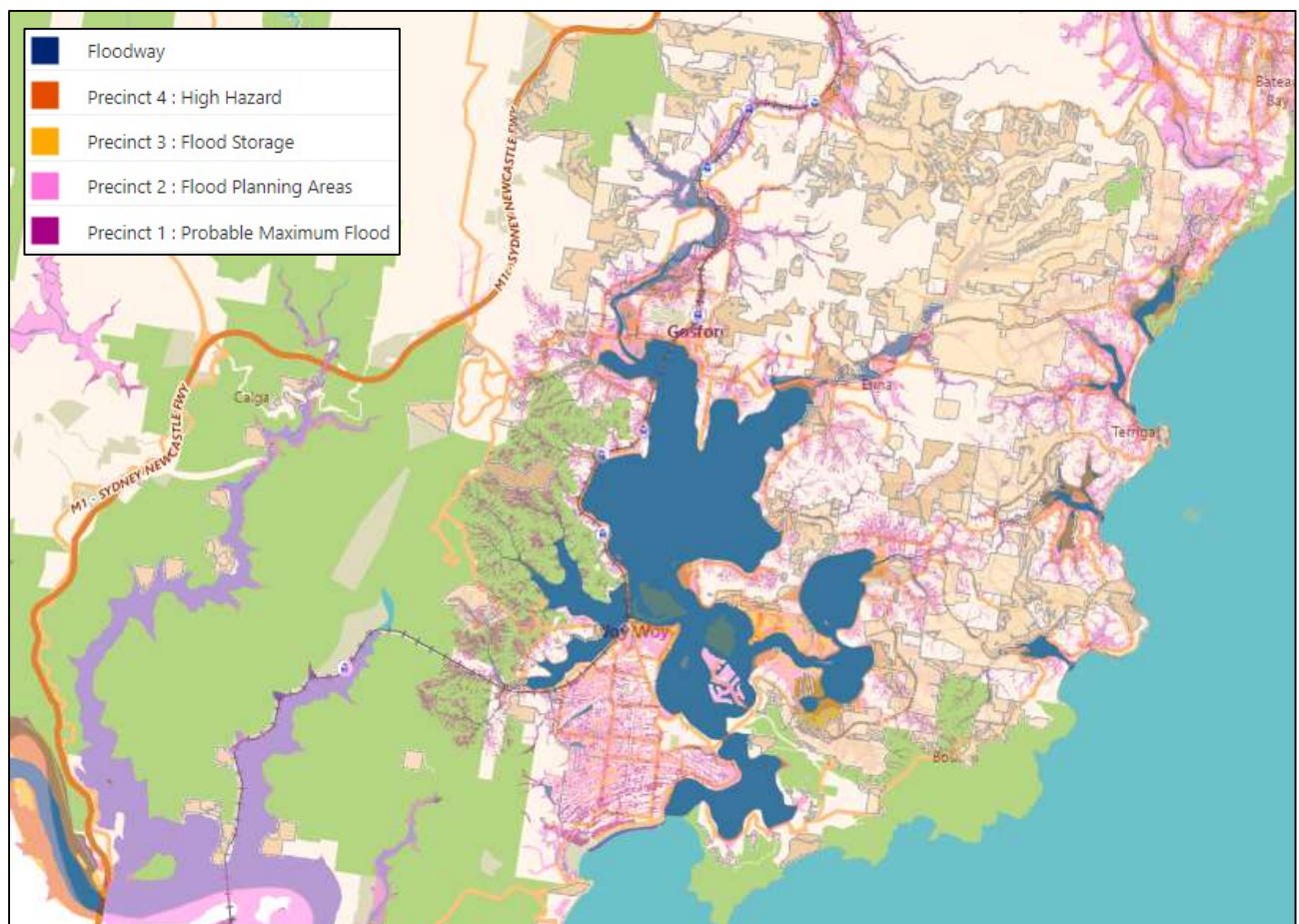


Figure 1: Floodway Precincts 1 (PMF) 2 (FPA) 3 (Flood Storage) 4 (High Hazard) and Floodway Map – Deferred Lands

## Agriculture

The deferred lands area does include some small pockets of agricultural uses including orchards, horticultural uses, and animal husbandry, many of which currently operate under existing use rights.

A review of agricultural lots was undertaken based on the spatial dataset from the *draft Rural Land Use Survey* 2018 by Edge Land Planning. A total of 38 land parcels were identified as “agricultural lots” within the Deferred Lands and are identified in the table below.

Agricultural Activity	Address	Land Description	Proposed Zone	Existing Zone
-----------------------	---------	------------------	---------------	---------------

1	Impact Nursery	9 Poole Close Empire Bay	Lot 6 DP261764	C4	7(c2)
2	Horse Boarding Establishment	26, 32, 36 Worthing Rd, 41, 81 and 101 Chetwynd Road Erina	Lots 124, 125 DP1976, Lots 1,2 3, 4 DP1252436	C4	7(c2)
3	The Egg Shed	431, 435, 437, 439 The Entrance Road Erina Heights	Lots 60, 61, 79, 80 DP1976	C4	7(c2)
4	Burbank Nursery	443 The Entrance Road Erina Heights	Lot 782 DP791708	C4	7(c2)
5	Horse Keeping Establishments	49, 57 Clyde Road Holgate	Lots 24, 25 DP1976	C3	7(a)
		77,79 Clyde Road Holgate	Lots 22, 23 DP1977	C3	7(a)
		41 Clyde Road Holgate	Lot 26 DP1976	C4	7(c2)
		42 Clyde Road Holgate	Lot 14 DP1976	C4	7(c2)
		48 Clyde Road Holgate	Lot 2 DP850942	C4	7(c2)
		56 Clyde Road Holgate	Lot 1 DP 850942	C4	7(c2)
		45 Clyde Road Holgate	Lot 161 DP791688	C3	7(a)
		64 Clyde Road Holgate	Lot 162 DP791688	C3	7(a)
		74 Clyde Road Holgate	Lot 26 DP1976	C3	7(a)
6	Possible Grazing Site	7 Carlton Road Holgate	Lot 41 DP1142488	C4	7(c2)
7	Intensive Plant Agriculture	168 Coachwood Road, 109, 125 Matcham Road	Lots 1, 3 DP552098, Lot 22 DP5727	C4	7(c2)
8	Extensive Agriculture	41, 47 Karwin Avenue Springfield	Lots 35, 36 DP1976	C3	7(a)
9	Extensive Agriculture	289 Scenic Highway Terrigal	Lot 12 DP1151329	C2 C3 C4	7(a) 7(c2)
9	Extensive Agriculture	323, 333 Scenic Highway Terrigal	Lots 1 DP508396, Lot 21 DP809396,	C4	7(c2)
10	Extensive Agriculture	237, 247 Scenic Highway Terrigal	Lot 5 DP 706316, Lot 101 DP 571221	C2 C3	7(a)
11	Birdies Nest Nursery	249, 251 Terrigal Drive Terrigal	Lots 1, 2 DP 1138963	C4	7(c2)
12	Intensive Plant Agriculture	1/759, 759C The Entrance Road Wamberal	Lot 15 DP1097150, Lot 141 DP 1251780	C4	7(c2)

Table 7 – Agricultural lots in Deferred Lands

### Impact Plant Nursery, 9 Poole Close Empire Bay

The site has an area of 0.59ha and contains a large dwelling house and the plant nursery. The existing zone is 7(c2), and proposed zone is C4. The existing zone permits nurseries, and the proposed zone prohibits nurseries. The activity will become an existing use.

Land to the north exists as Zone C3 under CCLEP 2022. The site is owned by Ausgrid and contains an electricity distribution facility.

Adjoining land on the other three sides is proposed to be zoned C4 and is an established large lot residential area. The immediately adjoining lot to the east is currently vacant but is in the same ownership as the nursery property. All other adjoining lots have existing dwelling houses and while the nursery will become a prohibited use, it will be able to continue operating as it is currently, with no new conflicting land uses able to encroach closer to the property than existing development.



Figure 2 Impact Plant Nursery - Aerial Imagery

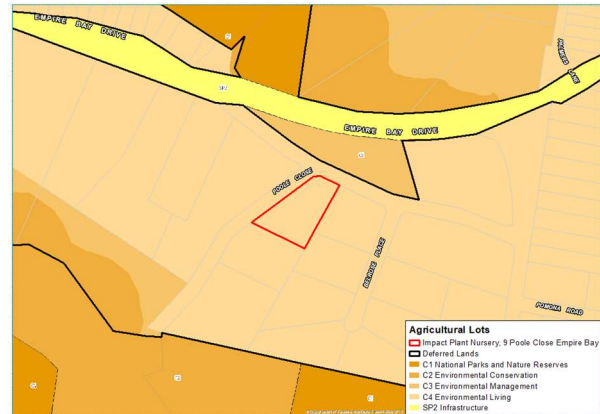


Figure 2a Proposed Zones

### Horse Boarding Establishment, Worthing Road Erina

The establishment occupies six land parcels with a total site area of 11.35ha.

The existing zone is 7(c2), and proposed zone is C4. The use would be characterised as an animal boarding or training establishment, which is outside the “agriculture” group term. The existing zone permits horse establishments (as defined under IDO 122), and the proposed zone permits animal boarding or training establishments.

Adjoining land to the north-east is proposed to be zoned C4 and is an established large lot residential area. Land to south-east is developed as aged care self-care residential facility. Land on the south-west contains a commercial gym. Land to the west is existing Zone RE1 Public Recreation and Zone C2 Environmental Conservation under CCLEP 2022.

The proposed zone does not change permissibility of the use. The proposed adjoining zones do not create any potential for new conflicting land uses to encroach closer to the property than existing development.



Figure 3 Horse Boarding Worthing Road - Aerial Imagery

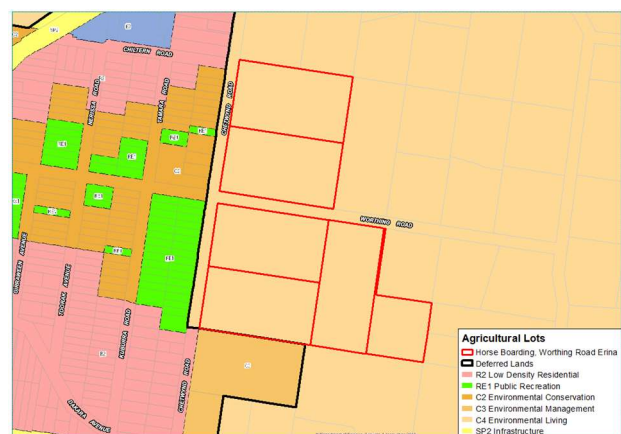


Figure 3a Proposed Zones



### The Egg Shed & Burbank Nursery, 431-439, 443 The Entrance Road Erina Heights

The Egg Shed is an intensive “free range” chicken farm that is contained within four land parcels with a total area of 7.52ha. The use is characterised as “intensive agriculture” under the definitions contained in IDO 122 and “intensive animal establishment” under CCLEP 2022. The existing zone is 7(c2) and prohibits intensive agriculture. The proposed zone is C4 which also prohibits intensive animal establishments. The use will remain a prohibited use.

Burbank Nursery occupies a site that has an area of 0.84ha and contains a large dwelling behind the nursery. The existing zone is 7(c2), and proposed zone is C4. The existing zone permits nurseries, and the proposed zone prohibits nurseries. The activity will become a prohibited existing use.

Adjoining land on the other three sides is proposed to be zoned C4 and is an established large lot residential area. The immediately adjoining lot to the east is currently vacant but is in the same ownership as the nursery property. All other adjoining lots have existing dwelling houses and while the nursery will become a prohibited use, it will be able to continue operating as it is currently, with no new conflicting land uses able to encroach closer to the property than existing development.



Figure 4 Egg Shed and Burbank Nursery - Aerial Imagery



Figure 4a Proposed Zones

### Horse Keeping Establishments, Clyde Road Holgate

The *draft Rural Land Use Survey 2022* identified two properties, 49 and 57 Clyde Road Holgate used for extensive agriculture. Investigation revealed that these two sites were part of a larger holding that included four adjoining lots that included 77 and 79 Clyde Road. The scale of the activities is considered to be ancillary to the individual large lot residential use of each site.

Nos 62 and 64 Clyde Road are currently zoned 7(a) and proposed to be zoned C4. Nos 74, 57, 77 and 79 Clyde Road are currently zoned 7(a) and are proposed to be zoned C3. Nos 42, 48 and 56 are currently zoned 7(c2) and proposed to be zoned C4. Animal boarding and training establishments are permissible in both C3 and C4 zones, however, the activity on each site is considered to be ancillary to the residential use. The rezoning will not restrict the use and does not give rise to any potential new conflicting land uses.



Figure 5 Horse Establishments, Clyde Road - Aerial Image

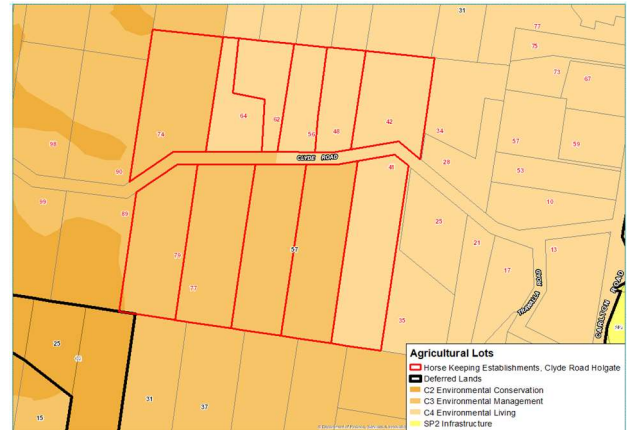


Figure 5a Proposed Zones

### Grazing Site, 7 Carlton Road Holgate

This single parcel has an area of 2.1ha. The site is vacant with no current agricultural use; the site is currently zoned 7(c2) and proposed to be zoned C4.

Given the absence of evidence of any agricultural use of the land, it is assumed any past use has been abandoned. There is no impact as a result of the proposed rezoning.



Figure 6 Grazing Site, 7 Carlton Road Holgate - Aerial

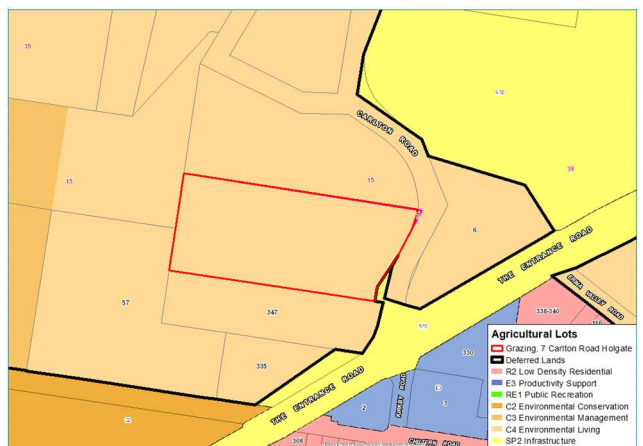


Figure 6a – Proposed Zones

### Intensive Plant Agriculture, Coachwood Road Matcham

Three adjoining parcels, being 168 Coachwood Road, 109 and 125 Matcham Road, are in a single ownership and have a total area of 8.51ha. Aerial imagery reveals an orchard on the western side of 168 Coachwood Road and extending across the southern boundary into 109 Matcham Road. On the southern side of 125 Matcham Road there is an area of cropping.

The agricultural use is likely to be characterised intensive agriculture under IDO 122 and as horticulture under CCLEP 2022.



The parcels are currently zoned 7(c2) and proposed to be zoned C4. Zone 7(c2) prohibits intensive agriculture and Zone C4 prohibits horticulture. The rezoning will not change the status of the development as a prohibited use relying on existing use rights.

Surrounding land is proposed to be rezoned from 7(c2) to C4. The land has been developed for large lot residential use, and the rezoning will not change the character of the locality or create any significant potential land use conflicts.



Figure 7 Intensive Plant Agriculture, Coachwood Road Matcham – Aerial

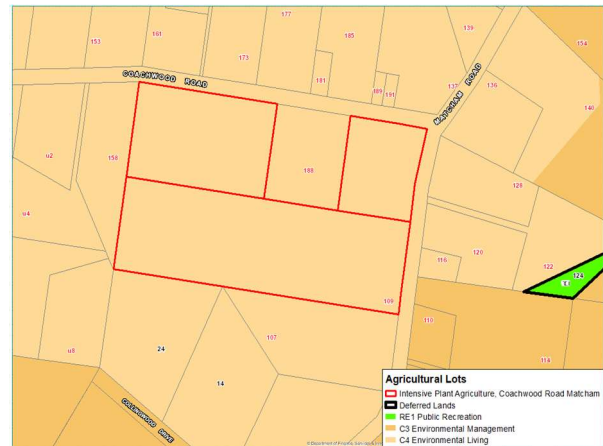


Figure 7a - Proposed Zones

### Extensive Agriculture, 41-47 Karwin Avenue Springfield

These two adjoining parcels have a total area of 4.31ha. The site is vacant and aerial imagery does not reveal any significant agricultural activity on the site. The site is predominately cleared with a farm dam in the north-east corner. The site appears capable for use for grazing but is currently unfenced across the Karwin Avenue frontage.

The parcels are currently zoned 7(a) and proposed to be zoned C3. Both zones permit extensive agriculture.

Surrounding land to the west, north and east is proposed to be rezoned from 7(a) to C3. Land to the south is zoned R2 under CCLEP 2022. The rezoning will not change the character of the locality or create any significant potential land use conflicts. Any development application for extensive agriculture would require a Land Use Conflict Risk assessment to assess impacts to adjoining residences.



Figure 8 Extensive Agriculture, 41-47 Karwin Avenue Springfield - Aerial

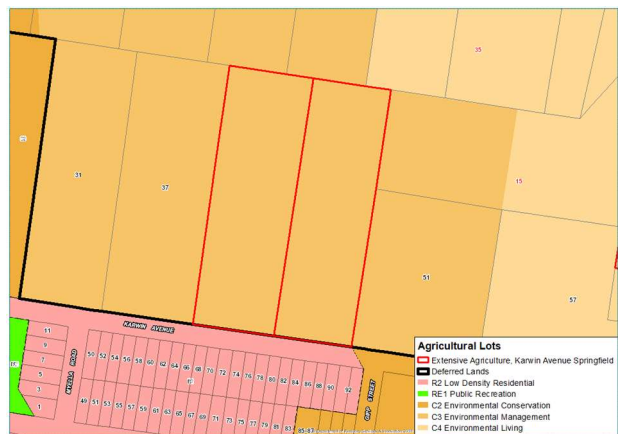


Figure 8a Proposed Zones



### Extensive Agriculture, 289, 323-333 Scenic Highway Terrigal

These three parcels have a total area of 9.59ha. Nos 323 and 333 Scenic Highway are in the same ownership and 289 Scenic Highway has the same family name ownership. A farm dam/creek line is located at the rear of No. 333 and running to the northeast through No. 289. Cleared areas appear to have been recently harvested possibly for a hay making crop.

The parcels are currently zoned part 7(a), on the northern side of the dam/creek line, and the remainder is zoned 7(c2). The 7(a) area is proposed to be zoned C3, with some of the heavily vegetated areas proposed to be zoned C2. The 7(c2) zone is to be zoned C4. The 7(a) zone and C3 Zone permit extensive agriculture. The C2 zone prohibits extensive agriculture. The area of proposed C2 zone is not currently used for extensive agriculture and there is no impact on the agricultural use due to this change.

The 7(c2) zone permits extensive agriculture but the C4 zone prohibits the use. Existing use provisions will allow the use to continue.

Surrounding land to the west, south and north-east is proposed to be rezoned from 7(c2) to C4. Land to the east is proposed to be rezoned 7(a) to C3. Land to the southeast is zoned R2 under CCLEP 2022. The rezoning will not change the character of the locality or create any new potential land use conflicts.



Figure 9 Extensive Agriculture, 289, 323-333 Scenic Highway Terrigal - Aerial

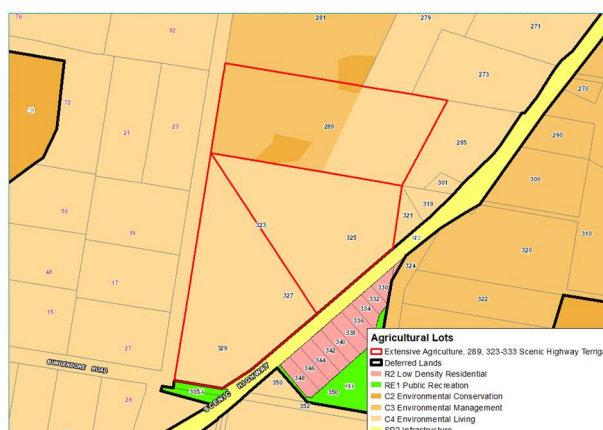


Figure 9 - Proposed Zones

### Extensive Agriculture, 237-247 Scenic Highway Terrigal

These two parcels have a total area of 21.24ha and are in the same ownership.

The parcels are vacant and aerial imagery does not reveal any significant agricultural activity on the site. The site is predominately cleared with farm dams and areas of natural vegetation. The site appears capable for use for grazing but is currently unfenced across the site frontage and adjoining parcels to the north and south.

The parcels are currently zoned 7(a) and proposed to be zoned C3, with some of the native vegetation areas proposed to be zoned C2. The 7(a) zone and C3 Zone permit extensive agriculture. The C2 zone prohibits extensive agriculture. The area of proposed C2 zone is not suitable for extensive agriculture and the maturity of the vegetation indicates there was no previous use of these areas for agriculture.

Surrounding land to the north-east and south is proposed to be rezoned from 7(a) to C3. Land to the west is zoned RE1 under CCLEP 2022. The rezoning will not change the character of the locality or create any significant potential land use conflicts.



Figure 10 Extensive Agriculture, 237-247 Scenic Highway Terrigal - Aerial

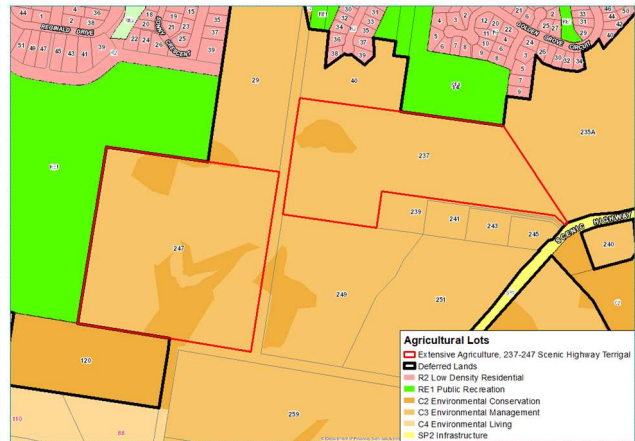


Figure 10 - Proposed Zones

### Birdies Nest Nursery, 249-251 Terrigal Drive Terrigal

Birdies Nest Nursery occupies two adjoining land parcels with a total site area of 2.02ha. There is a substantial area of irrigated plant growing areas and the site contains a large dwelling. The existing zone is 7(c2), and proposed zone is C4. The existing zone permits nurseries, and the proposed zone prohibits nurseries. The activity will become a prohibited existing use.

Surrounding land to the north-east and south is proposed to be rezoned from 7(a) to C3. Land to the west is zoned RE1 under CCLEP 2022. The rezoning will not change the character of the locality or create any significant potential land use conflicts.

Adjoining land on the west, north and east sides is proposed to be zoned C4. Adjoining lots have existing dwelling houses. To the south, across Terrigal Drive, land is zoned R2 under CCLEP 2022.

The proposed rezoning will not create new potential conflicting land uses and the nursery will be able to continue operating as an existing prohibited use.



Figure 11 Birdies Nest Nursery, 249-251 Terrigal Drive Terrigal - Aerial

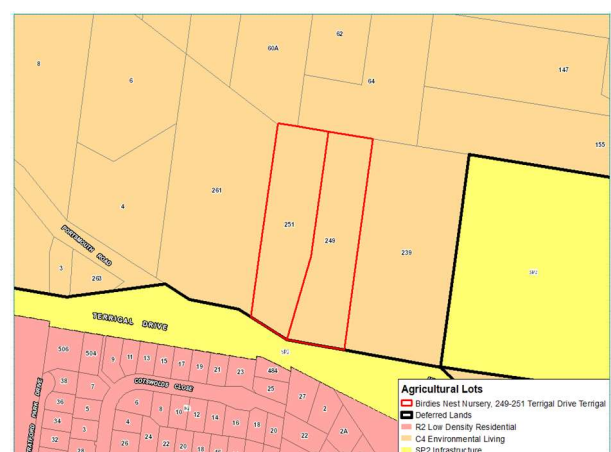


Figure 11 - Proposed Zones

### Intensive Plant Agriculture, 759C and 1/759 The Entrance Road, Wamberal

These two adjoining land parcels are in the same ownership with a total site area of 1.51ha. Both lots contain a substantial area of irrigated plant growing areas and there is a large dwelling on each site.

There is no indication of retail sales from the site and consequently the use is characterised as intensive agriculture under IDO 122 and as horticulture under CCLEP 2022. The existing zone is 7(c2), which prohibits intensive agriculture, and the proposed zone is C4, which prohibits horticulture. The activity will remain a prohibited existing use.

Surrounding land to the south-west, west and north is proposed to be rezoned from 7(c2) to C4. Land to the east and south is zoned R2 under CCLEP 2022.

The proposed rezoning will not create new potential conflicting land uses and the horticultural activity will be able to continue operating as an existing prohibited use.



Figure 12 Intensive Plant Agriculture, 759C and 1/759 The Entrance Road Wamberal - Aerial

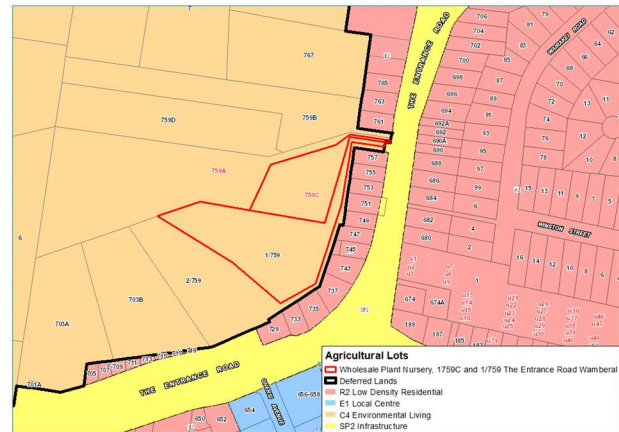


Figure 12a - Proposed Zones

Based on the assessment of land used for agriculture production, the planning proposal will not have an impact on existing agricultural land uses. The prohibition of extensive agriculture and horticulture in the C4 Zone is also assessed as having no impact on existing agricultural land uses and is consistent with the environmental objectives of the zone.

The assessment of land used for agricultural production includes an assessment of the adjoining land uses and the potential for land use conflicts resulting from the rezoning. It is considered that there will be no significant change in potential land use conflicts as a result of the planning proposal.

### 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 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.



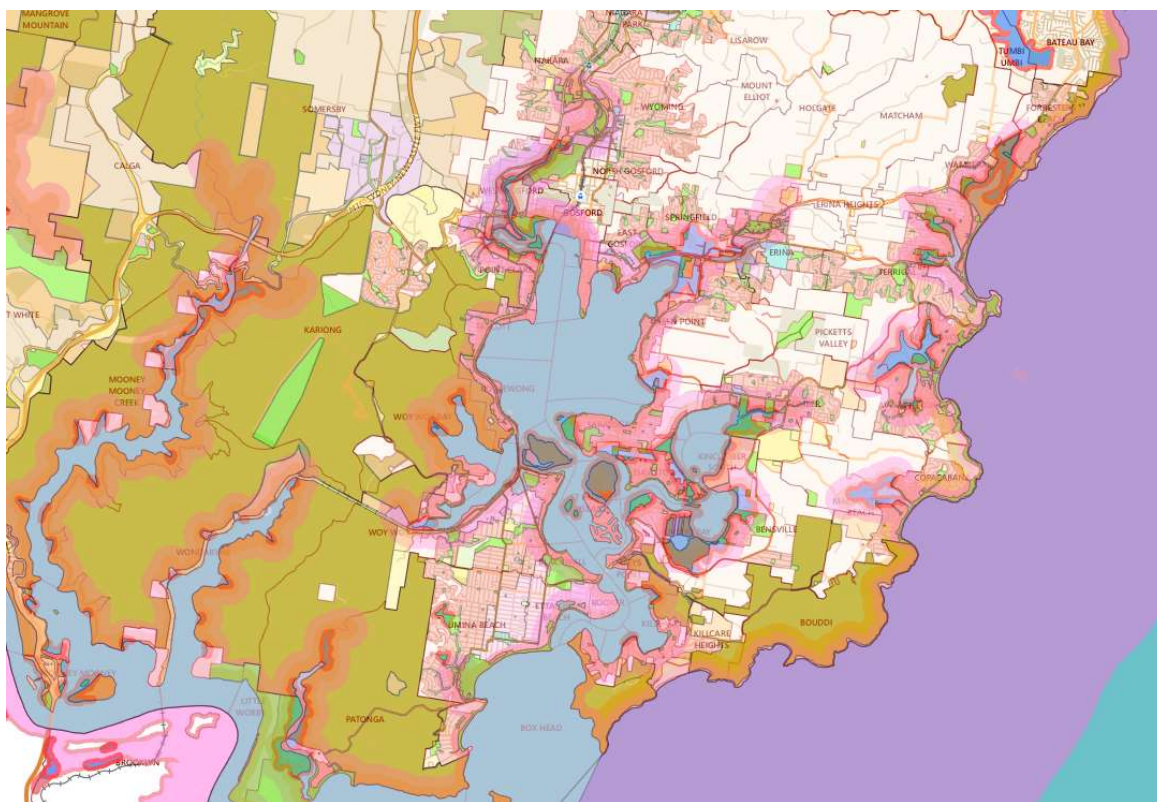


Figure: 13 - Coastal Management SEPP Mapping

### Natural Resources

The planning proposal includes some land utilised for mining and extractive industries, or land within 500m of an extractive industry.

The following extractive industry sites are within Deferred Lands.

Extractive Industry	Address	Land Description	Proposed Zone	Existing Zone
Kincumber Quarry Rexdor Pty Ltd	45, 47, 46-56 Kerns Road Kincumber	Lots 7, 8, 11, 12, 13, 32 and 33 DP2180	C2, C3	7(a)
The Sandman Bulls Hill Quarry	1000-1002 Woy Woy Road Woy Woy Bay	Lot 225 DP755251	C2, C3	7(a)

The following deferred land is within 500m of an extractive industry.

Related Extractive Industry	Address of Properties Potentially Affected	Land Description	Proposed Zone	Existing Zone
Lawson Quarries 620 Wisemans Ferry Road Somersby	25R Goldsmith Road Somersby and Wirrinda Road Somersby	Lot 461 DP823612 Lot 15 DP261772	C2 C3	7(a)
Gosford Quarries Debenham Road Somersby	36 Kowara Road Somersby	Lot 9 DP755227	C2 C3	7(a)
Gosford Quarries Central Coast Hwy Kariong	Central Coast Hwy Kariong	Lot 8 DP802107	C2	5(a)

### Kincumber Quarry, Kerns Road, Kincumber

The quarry occupies 8 adjoining cadastral parcels, which are within the deferred lands. The existing zone is 7(a), and proposed zones are C2 and C3. The existing zone prohibits quarries, and the proposed zones prohibit quarries. The activity will continue as an existing use.

Adjoining land is predominately proposed to be zoned C2 or C3. There are existing large lot residential and low density residential development to the south which may be subject to existing noise and air quality impacts, however, the zone translation has no effect on the existing operation of the activity.



Figure 14 Kincumber Quarry – Aerial Imagery

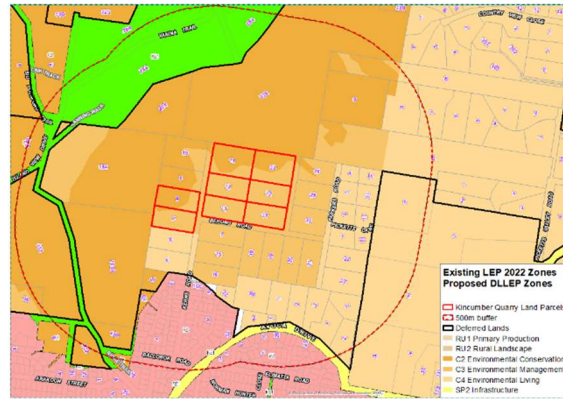


Figure 14a 500m Buffer with Proposed Zones

### The Sandman, Bulls Hill Quarry, 1000-1002 Woy Woy Road Woy Woy Bay

The quarry occupies part of a large parcel and includes and landscape supply business. The site is within the Deferred Lands. The existing zone is 7(a), and proposed zones are C2 and C3. The existing zone prohibits quarries, and the proposed zones prohibit quarries. The activity will continue as an existing use.

Adjoining land is predominately proposed to be zoned C1 or C2. There are no nearby sensitive land uses and the zone translation has no effect on the existing operation of the activity.

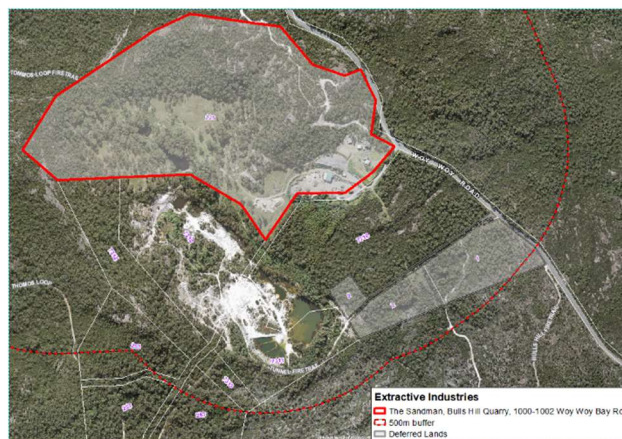


Figure 15 Bulls Hill Quarry - Aerial Imagery

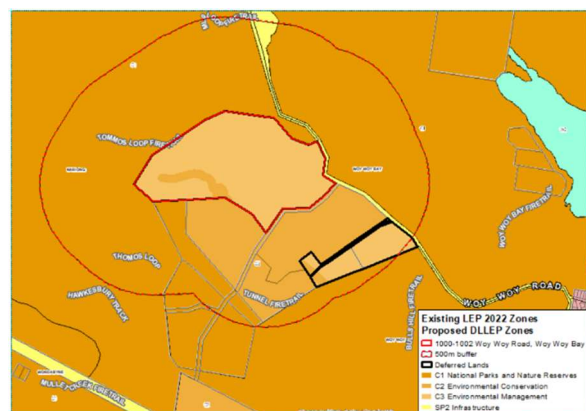


Figure 15a 500m buffer and Proposed Zones

### Lawson Quarries, 620 Wisemans Ferry Road Somersby

The quarry occupies part of a large parcel of land located about 450m to the west of the nearest Deferred Lands. The Pacific Motorway lies between the quarry site and the Deferred Land. (Figure 5)



The Deferred Land is proposed to be zoned C2 or C3. Intervening existing zones are RU1 and RU2. The zone translation has no effect on the existing operation of the activity.

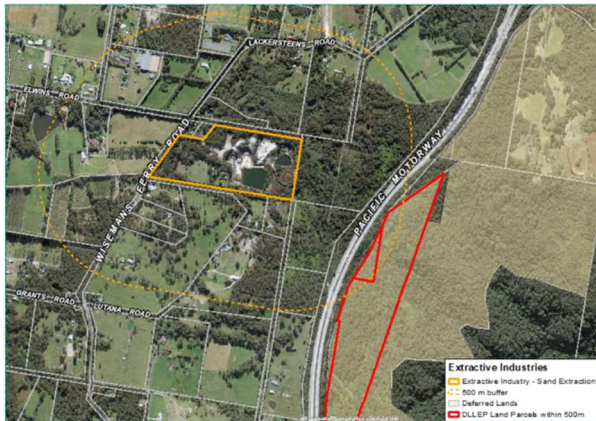


Figure 16 Lawson Quarry - Aerial Imagery

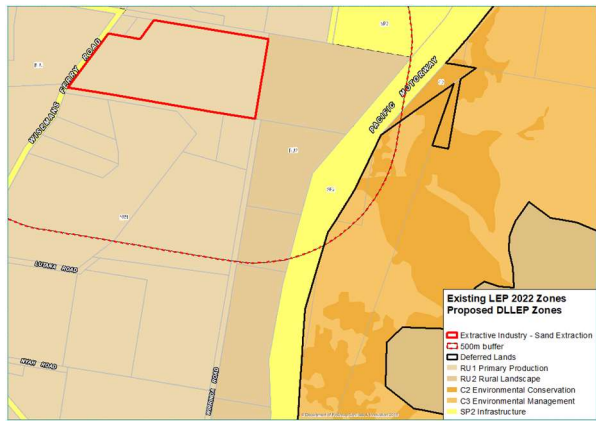


Figure 16a 500m Buffer with Proposed

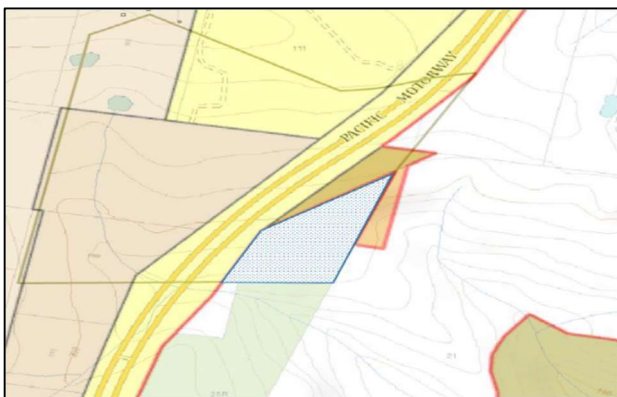


Figure 16b Extract of SREP 9 Map (*appears to incorrectly locate Lawson Quarry*).

### Gosford Quarries Debenham Road Somersby

The quarry occupies 5 cadastral parcels and is located about 200m to the south-west of the nearest deferred land. The land is proposed to be zoned C2 or C3. Intervening existing zone is RU2. The zone translation has no effect on the existing operation of the activity.

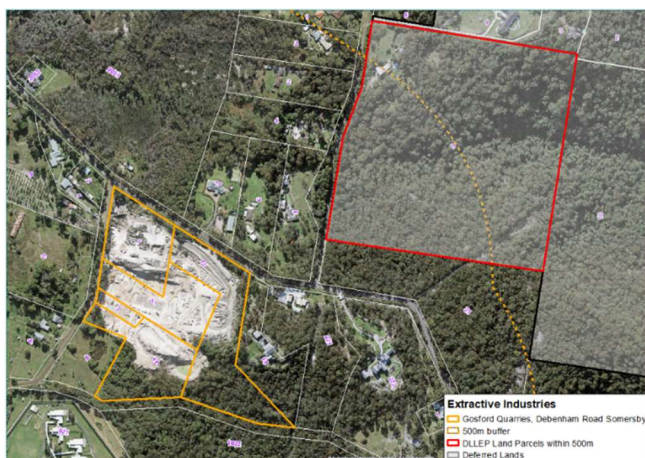


Figure 17 Gosford Quarry Somersby - Aerial Image

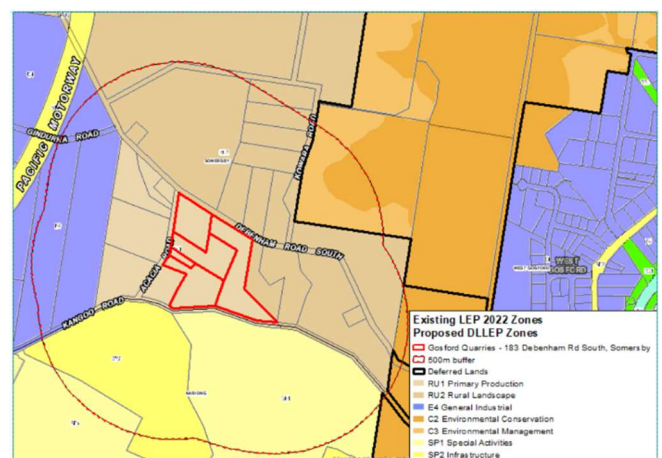


Figure 17a 500m Buffer and Proposed Zones

## Gosford Quarries, Central Coast Hwy, Kariong

The quarry occupies 35 cadastral parcels and is located about 450m to the north-west of the nearest deferred land. The Pacific Motorway (Kariong Interchange) lies between the quarry and the deferred land. The land is proposed to be zoned C2. Intervening existing zone is C1 and E4 General Industrial. The zone translation has no effect on the existing operation of the activity.



Figure 18 Gosford Quarry Kariong - Aerial Image

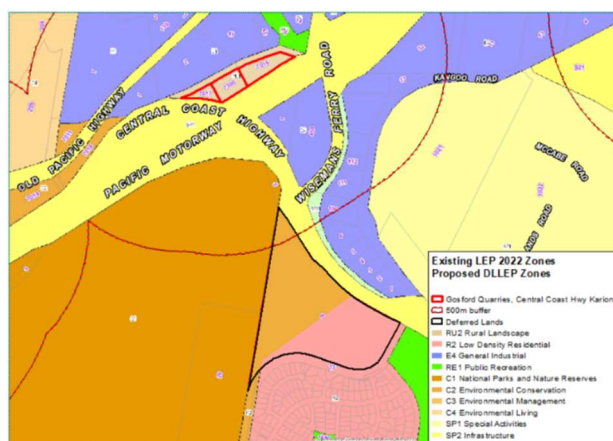


Figure 18a - 500m Buffer and Proposed Zones

Following an assessment of these identified sites it is considered that there is no significant impact on existing extractive industries as a result of the translation of zonings through the deferred lands planning proposal.

There are no impacts to drinking water catchments; the deferred lands are located outside of the nearby Mooney Dam and Ourimbah Creek drinking water catchments.

## 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 Deferred Matters 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 Deferred Matters lands.

## Contaminated Land

Potentially contaminating land uses are identified in Table 1 of the *Contaminated Land Planning Guidelines* and Appendix 1 of the draft *Contaminated Land Planning Guidelines*. Council maintains a register of potentially contaminated land; a total of 6 potentially contaminated sites are located within the Deferred Lands Study Area, as listed in Table 8.

Table 8 Deferred Land listed in Council Register of Contaminated Land

Lot No.	Plan No.	Property Address	Existing Zone	Proposed Zone	Existing Development	Notation in Register
3	746320	38 Broadwater Dr, Saratoga	7(c2)	C4	House.	Potentially Contaminated
225	755251	1000-1002 Woy Woy Rd, Woy Woy Bay	7(a)	C2, C3	Quarry, landscape supplies.	Potentially Contaminated
6	30970	49 Alan St, Niagara Park	7(a)	C3	House	Potentially Contaminated
102	1126730	306-332 Empire Bay Dr, Empire Bay	7(c2) (LEP 351)	C4	Service station.	Potentially Contaminated

3	1157767	390 Avoca Dr, Green Point	7(c2)	C4	Service station.	Potentially Contaminated
245	1255553	55 Mistview Cct, Forresters Beach	7(a)	C2, C3	Stormwater treatment basin.	Known Remediated

### 38 Broadwater Drive, Saratoga

Current Uses: Dwelling house and detached shed "workshop". No obvious existing use of the shed other than ancillary to the dwelling house.

Zone translation: 7(c2) to C4

*(a) Consideration of whether land is contaminated.*

The site contains a large dwelling house and a large, detached shed. The Council register only notes "possible contamination originating from land use" without indicating a specific use. The nature of the contamination is likely to be localised and relatively minor.

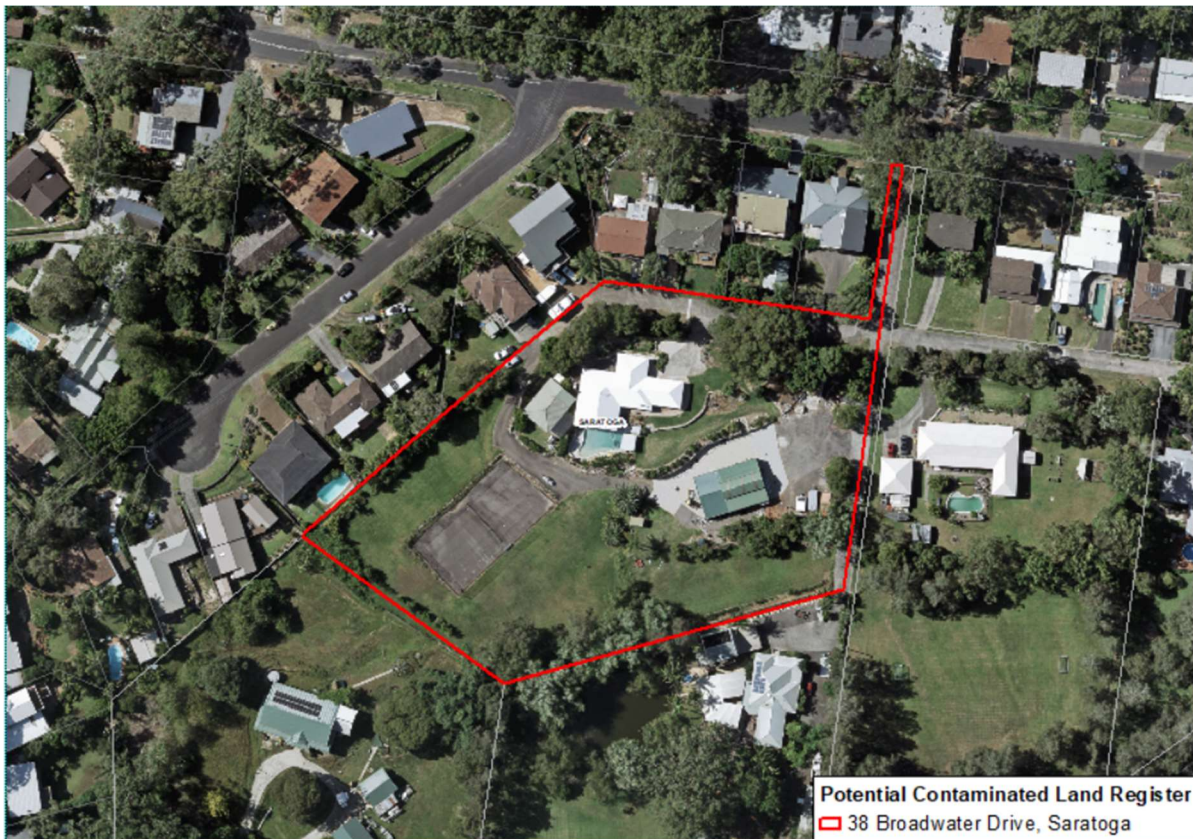
*(b) Is Council able to be reasonably satisfied that the land is suitable, or will be suitable after remediation, for all purposes that will be permitted in the proposed zone?*

Any contamination of the land as a result of the use of the land is considered reasonably capable of remediation in accordance with the procedures and practices set out in the contaminated land planning guidelines.

*(c) Is Council able to be reasonably satisfied that the land will be remediated before the land is used for any permitted purpose?*

The site is identified in Council's register of potential contaminated land. Assessment of any future application would include assessment under the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021. This will ensure the land will be remediated before the land is used for any new purpose.





### **1000-1002 Woy Woy Rd, Woy Woy Bay**

Current Uses: Quarry, landscape supplies.

Zone translation: 7(a) to split zone C2/C3

*(a) Consideration of whether land is contaminated.*

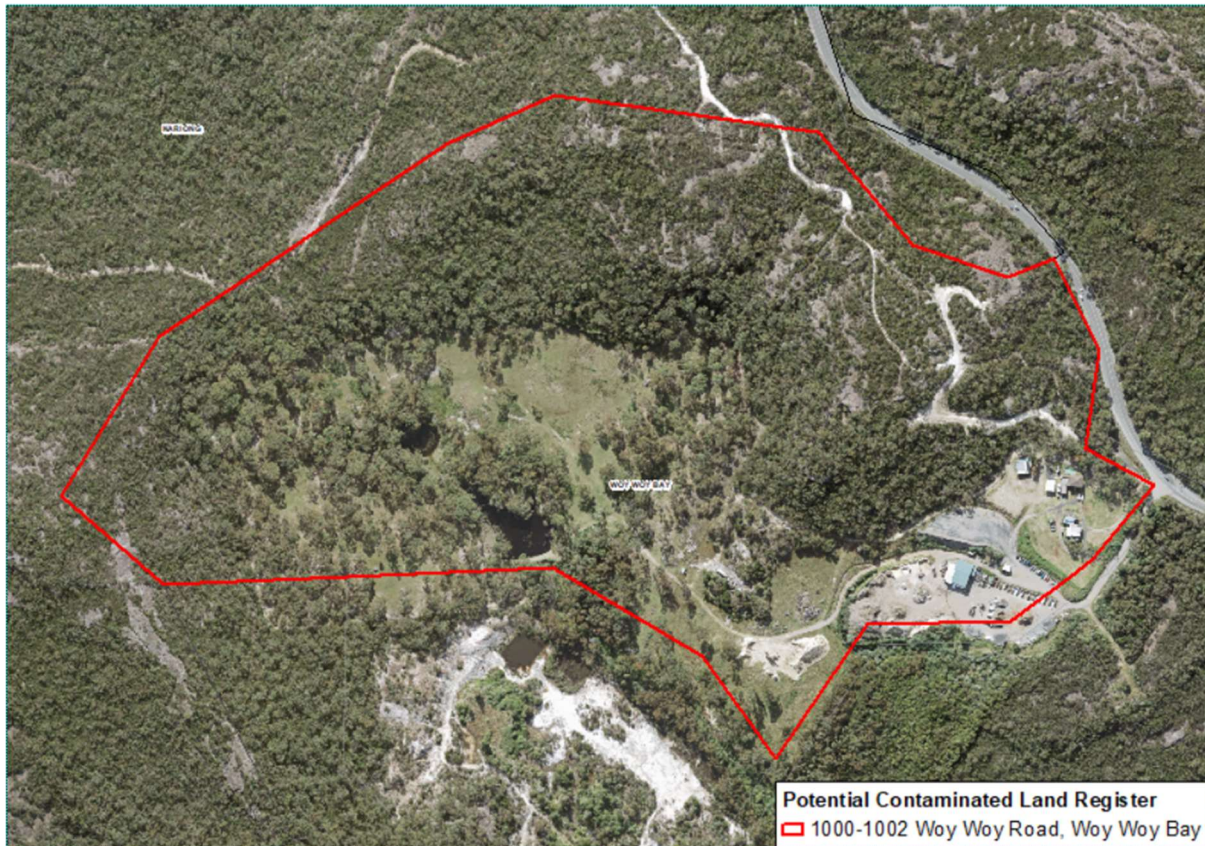
There is potential for some localised contamination around the landscape supplies office, equipment storage building and landscape materials storage bays.

*(b) Is Council able to be reasonably satisfied that the land is suitable, or will be suitable after remediation, for all purposes that will be permitted in the proposed zone?*

Any contamination of the land as a result of the use of the land as a quarry and for landscape supplies is reasonably capable of remediation in accordance with the procedures and practices set out in the contaminated land planning guidelines.

*(c) Is Council able to be reasonably satisfied that the land will be remediated before the land is used for any permitted purpose?*

The site is identified in Council's register of potential contaminated land. Assessment of any future application would include assessment under the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*. This will ensure the land will be remediated before the land is used for any new purpose.



#### 49 Alan Street, Niagara Park

Current Uses: Dwelling house and detached shed “workshop”. No obvious existing use of the shed other than ancillary to the dwelling house.

Zone Translation: 7(a) to C3

*(a) Consideration of whether land is contaminated.*

The site contains a large dwelling house and a large, detached shed and notated as “workshop” on site plans. The Council register only notes “possible contamination originating from land use” without indicating a specific use. The nature of the contamination is likely to be localised and relatively minor.

*(b) Is Council able to be reasonably satisfied that the land is suitable, or will be suitable after remediation, for all purposes that will be permitted in the proposed zone?*

Any contamination of the land as a result of the use of the land is considered reasonably capable of remediation in accordance with the procedures and practices set out in the contaminated land planning guidelines.

*(c) Is Council able to be reasonably satisfied that the land will be remediated before the land is used for any permitted purpose?*

The site is identified in Council’s register of potential contaminated land. Assessment of any future application would include assessment under the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*. This will ensure the land will be remediated before the land is used for any new purpose.





### 306-332 Empire Bay Drive, Empire Bay

Current Uses: Service Station

Zone Translation: 7(c2) to C4

*(a) Consideration of whether land is contaminated.*

The site contains a recently constructed service station. Current standards for the design, construction, management and monitoring of service stations are considered sufficient to prevent any major fuel storage failure without early detection. Some minor spillages may give rise to some minor localised contamination "hotspots".

*(b) Is Council able to be reasonably satisfied that the land is suitable, or will be suitable after remediation, for all purposes that will be permitted in the proposed zone?*

Any contamination of the land as a result of the use of the land is considered reasonably capable of remediation in accordance with the procedures and practices set out in the contaminated land planning guidelines.

*(c) Is Council able to be reasonably satisfied that the land will be remediated before the land is used for any permitted purpose?*

The site is identified in Council's register of potential contaminated land. Assessment of any future application would include assessment under the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*. This will ensure the land will be remediated before the land is used for any new purpose.



### 390 Avoca Drive, Green Point

Current Uses: Service Station

Zone Translation: 7(c2) to C4

*(a) Consideration of whether land is contaminated.*

The site contains a relatively newly constructed service station. Current standards for the design, construction, management and monitoring of service stations are considered sufficient to prevent any major fuel storage failure without early detection. Some minor spillages may give rise to some minor localised contamination "hotspots".

*(b) Is Council able to be reasonably satisfied that the land is suitable, or will be suitable after remediation, for all purposes that will be permitted in the proposed zone?*

Any contamination of the land as a result of the use of the land is considered reasonably capable of remediation in accordance with the procedures and practices set out in the contaminated land planning guidelines.

*(c) Is Council able to be reasonably satisfied that the land will be remediated before the land is used for any permitted purpose?*

The site is identified in Council's register of potential contaminated land. Assessment of any future application would include assessment under the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*. This will ensure the land will be remediated before the land is used for any new purpose.





### 55 Mistview Circuit, Forresters Beach

Current Uses: Stormwater treatment facility.

Zone Translation: 7(a) to split zone C2/C3

(a) Consideration of whether land is contaminated.

The site is recorded as being remediated.

(b) Is Council able to be reasonably satisfied that the land is suitable, or will be suitable after remediation, for all purposes that will be permitted in the proposed zone?

The site has been remediated and considered suitable for any permitted use.

(c) Is Council able to be reasonably satisfied that the land will be remediated before the land is used for any permitted purpose?

The site has been remediated.



**Zone 7(a) land generally that may have been used for agricultural purposes, proposed to be Zone C3**

- (a) Consideration of whether land is contaminated.

Based on the assessment in Section 3.3, the only potential risk of contamination of the identified land is from previous agricultural use.

- (b) Is Council able to be reasonably satisfied that the land is suitable, or will be suitable after remediation, for all purposes that will be permitted in the proposed zone?

Generally, potential residual contaminants from the application of fertilisers, insecticides, fungicides and herbicides are low level and relatively easily remediated. Localised “hot spots” associated with storage areas pose greater remediation effort but are usually very localised and remediation is considered manageable.

- (c) Is Council able to be reasonably satisfied that the land will be remediated before the land is used for any permitted purpose?

Detection of past agricultural and horticultural land uses is generally only achievable from analysis of historical aerial photos. Assessment of any future application would include assessment under the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*. This will ensure the land will be remediated before the land is used for any new purpose, if required.

## ***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. The Acid Sulfate Soil mapping to be applied is derived from the *Acid Sulfate Soil Risk Maps* held by DPE. The Acid Sulfate Soils mapping will be consistent with the mapping applied to the majority of the LGA under CCLEP 2022.

## ***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 landowners and property investors by standardising planning provisions under one LEP 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 a modest increase in the potential for housing such as permitting secondary dwellings in some areas. This 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 has been undertaken in accordance with the Gateway determination, and a summary of agency comments is provided in the table below:

Table 9: Agency Consultation

Agency	Comments
Commonwealth Department of Environment & Energy (Relevant Authority Environmental Land)	No comment.
Darkinjung Local Aboriginal Land Council (Affected landholder)	No comment.
Department of Primary Industries – Agriculture (Relevant Authority)	Extensive agriculture and horticulture are not permissible in the C4 zone, and these uses will rely on existing use rights. NSW DPI Agriculture strongly recommends that Council contact those landowners whose agricultural, horticultural or plant nursery land



Agency	Comments
	<p>use is to become prohibited and determine if they intend to continue or expand their operations. If the landowners indicate an intention to continue and/or expand their operations, then it is requested that Council consider supporting the continuation of these land uses by listing them as additional permitted uses in Schedule 1 of the Central Coast LEP 2022.</p> <p>Council Response: In providing for an additional permitted use, Council would need to be satisfied that the use does not contravene current planning legislation, and this would require a number of studies to be undertaken for each site. This falls outside the scope of the conversion PP, and it is preferable that landowners seek an additional permitted use for their land through an owner-initiated planning proposal where they consider existing use rights are not sufficient.</p>
Department of Industry – Crown land (Affected landholder)	<p>Pre-exhibition comments: Crown roads are generally zoned consistent with the adjoining land use. Reserve 170044 is managed by Council and the suggested land use zoning of “C3 Environmental Management” is consistent with the sites current use which appears to be unoccupied bushland.</p> <p>Crown Lands has reviewed Central Coast Council’s draft Deferred Lands Planning Proposal (PP-2022-3770) and has no comments.</p> <p>Crown Lands did not provide comment during public exhibition.</p>
Environment Protection Authority (Relevant Authority – Environmental Land)	<p>Based on number of land parcels, their coverage and permissible use, the proposed integration has the potential to locate residential receivers within proximity to existing industrial facilities that hold an environment protection licence. Thus, we recommend when approving future development applications, Central Coast Council consider the potential for land use conflict. A search of environment protection licences located within a specific suburb can be completed using the NSW EPA POEO public register.</p>
Local Land Services (Relevant Authority Environmental Land)	<p>No comment.</p>
NSW Rural Fire Service Department of Family and Community Services (Relevant Authority Environmental Land)	<p>The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire.</p>
DPE - Biodiversity and Conservation Division, Environment and Heritage Group (Relevant Authority)	<p>BCS (formerly BCD) were extensively consulted through the preparation and exhibition of the DM Lands Planning Proposal. In a letter to Council of 24 April 2024 BCS identified some concerns, many of which are addressed in Council’s response to the submission from the CEN or in the submission responses above.</p>



Agency	Comments
	<p>The Planning Proposal is inconsistent with Ministerial Direction 3.1 issued under Section 9.1(2) of the <i>Environmental Planning and Assessment Act 1979</i> as it reduces the environmental protection of the land.</p> <p>Comment - There are inherent conflicts between this Direction 3.1 and PN-09-002, the Practice Note which Council must apply with moving old land use zones to Standard Instrument Zones.</p> <p>As per PN-09-002 'it is anticipated that many councils will generally have limited areas displaying the characteristics suitable for the application of the E2(C2) zone'. The outcome of the Deferred Matters Planning Proposal study reflects the required application of the Practice Note.</p> <p>Direction 3.1 deals with 'land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP' but does not deal with the conversion of planning instruments that pre-date the introductions of LEPs under the EP&amp;A Act in 1979 and where circumstances have changed markedly in the interim</p> <p>The Planning Proposal includes lots within the area covered by the proposed Central Coast Strategic Conservation Plan. Any reduction in conservation outcomes, including additional permissibilities, will be difficult to reverse in the future when conservation priorities for the Plan have been established.</p> <p>Council Response - If reliably mapped land is identified as having characteristics of the C2 zone consistent with PN-09-002 Council has no option but to recommend the land be zoned C2 in the future LGA wide review.</p> <p>Deferred lands should be assessed for HEV as described in the Regional Plan 2041 in order to be compliant with current planning policy.</p> <p>Council Response - CCRP states than 'Local Strategic Planning and Planning Proposals should ground truth data layers using the listed high environmental values (HEV) criteria". Such an undertaking is impractical for the DM Lands Planning Proposal. Where reliable mapping is available that meets the HEV criteria, listed under the CCRP, it would also meet the C2 Zone criteria.</p> <p>Alternatively (to zoning all 7(a) land C2) an ecological site assessment should be provided. BCS normally request a Stage 1 BAM assessment be provided where biodiversity has the potential to be affected. Council Response - It is impractical for</p>

Agency	Comments
	<p>a Stage 1 BAM Assessment to be undertaken for over 3400 parcels of land.</p> <p>New zones do not follow the vegetation boundaries. In this case BCS request that all the vegetation is zoned C2 (using straight lines) and it to be up to the landowner to justify why this should not be the case.</p> <p>Council Response - The proposed C2 zone boundary is established in accordance with the Methodology described within the Planning Proposal. It is unclear how vegetation (not always in a straight line) can be zoned using straight lines and if estimated, how this could be practically applied. It is also impractical to zone land C2 and prohibit development on land that has not been accurately mapped given that if development is proposed appropriate studies would need to be provided at the proponent's cost.</p> <p>Contrary to p.56 of the Planning Proposal all land adjacent to National Parks should be considered 'sensitive land.</p> <p>Council Response - The commentary on pg. 56 of the Planning Proposal regarding 'sensitive land uses' in the context of the assessment undertaken in response to Ministerial Direction 8.1 Mining, Petroleum Production and Extractive Industries relates to potential impacts of residential or similar land uses by extractive industries.</p> <p>Flooding- The C4 zone has been applied to lots that are constrained by flooding. it is considered that C2 or C3 zoning is more appropriate for the flood planning area, noting the objective of the C3 zone is "to provide a buffer to ... land that has environmental constraints or hazards".</p> <p>Council Response - The C4 Zone is closely matched to the 7(c2) Zone. There are similar residential land uses permissible in the C3 and C4 Zone under CCLEP 2022, though these two zones have significantly different minimum lot size for subdivision, being 40Ha and 2Ha respectively. That being said, there is little opportunity for subdivision of C4 land and there will be an actual reduction in subdivision potential from the current 7(c2) provisions (from 96 lots to 6 lots) under CCLEP 2022, so the potential for intensification by land subdivision is reduced. Split zoning has been avoided in general on smaller lots such as those zoned 7(c2) where development proposals can be more practically considered against other controls.</p> <p>As per the response to public submissions regarding this issue, development on flood affected land is subject to the flood</p>

Agency	Comments
	controls in Council's Development Control Plan, CCLEP 2022 Cl. 5.21 Flood Planning, Cl. 5.22 Special Flood Considerations and Guidance under the <i>NSW Flood Risk Management Manual</i> . Changes to considerations in relation to flooding and development proposals have been introduced following the <i>NSW Flood Inquiry 2022</i> . This includes Cl. 5.22 which restricts development in high-risk areas and requires rigorous consideration of issues such as evacuation and safety before consent for any proposal can be issued.
Transport for NSW-RMS (Affected landholder)	TfNSW provided the following comment: TfNSW advice has not changed from previous correspondence which indicated that given the proposed re-zonings are to a conservation zoning, it is unlikely to generate a significant additional traffic impact on our network.
Department of Regional NSW – Mining, Exploration and Geoscience (Relevant Authority)	MEG has reviewed the Gateway Determination Report and has no resource sterilisation concerns regarding the planning proposal and section 9.1(2) of the Environmental Planning and Assessment Act 1979, Direction 8.1 Mining, Petroleum Production and Extractive Industries.

## Part 5 Community Consultation

### Community Consultation Summary

The Planning Proposal was publicly exhibited from 11 October 2023 to 15 November 2023. During the public exhibition period a total of 6,464 visits to the public exhibition webpage were recorded which also included 4,200 recorded visits from individual users. Staff conducted over 200 'one on one' meetings both online and in person with residents and other parties that were seeking additional information. Staff also took and responded to many phone calls or direct emails in relation to the Planning Proposal.

A total of 328 submissions were received during the public exhibition period, with a total of 230 objections to the proposal, and 79 in support. All submissions have been reviewed, the issues summarised and addressed in attachment 5 and 6.

The following key themes and issues were raised during public exhibition.

- Mapping accuracy and data layers
- Land use permissibility
- Limited use of C2 Zone for 7(a) zoned land
- Determination under Council Administration
- Request direct conversion of current zones to Standard Instrument Zones
- Removal of permitted uses

- Support for Planning Proposal

In addition to the Submission Summaries, the Council Report relating to the Outcome of Public Exhibition (see attachment 1) summarises the public submissions into 23 Key Issues and provides a response to each of these issues.

## **Post Exhibition Changes as a result of Agency and Community Consultation**

In accordance with s.3.35 of the EP&A Act Council may 'vary its proposals as a consequence of its consideration of any submission or report during community consultation or for any other reason' but must forward the revised Planning Proposal to the Minister for consideration. Proposed post exhibition changes as a result of the review of submissions are summarised below:

1. Adjustment to zone boundaries for identified sites.

Through the FAQ section of Council's Webpage and during meetings and phone conversations, landowners were invited to lodge submissions to have the proposed land use zoning reviewed. A desktop assessment of these sites, and a series of independent site inspections were undertaken to confirm the accuracy of the data. Any inaccuracies were noted as generally related to the application of slope mapping, the extent of the NSW Government's Biodiversity Values Map and the identification of buildings located under dense vegetation cover. It is proposed that minor zone position adjustments be made to some 34 lots to reflect the outcome of the submission review and site inspection findings. In all but one instances the zone boundary change relates to the C2/C3 Zone interface so no change to the minimum lot size map is proposed. In one instance the zone boundary change relates to the C2/C4 boundary interface and as such it is proposed that the minimum lot size map be adjusted. A list of lots requiring zone boundary adjustment will be provided to DPHI.

2. Conservation Agreement sites to be zoned C2.

Conservation Agreements with the Biodiversity Conservation Trust were not a consideration in the Methodology applied and therefore land subject to a Conservation Agreement may be split zoned C3/C2 depending on its particular environmental qualities. While a Conservation Agreement is a superior instrument to ensure land is not developed it is appropriate that this be reinforced with a C2 Zoning. This issue was brought to Council's attention by a landowner. As the majority of the subject site was publicly exhibited as moving to the C4 zone an adjustment of the minimum lot size map is required. No other land within the DM Lands area is subject to a similar agreement.

3. Carrying over of Additional Permitted Uses from IDO 122

A review of submissions and IDO 122 has been undertaken to identify any additional permissible uses still relevant. It is proposed that these land uses, where not permissible under the revised land use zones be added to the list of additional permitted uses under CCLEP 2022. These generally relate to commercial operations that are already operating or have received approval to operate. A list of relevant sites is identified in this Planning Proposal.

4. A recently approved State Heritage item located within the DM Lands to be identified under CCLEP 2022 maps and instrument.

One site at Killcare Heights has been listed as a State Heritage Item so it is appropriate that this land and item be identified under CCLEP 2022 and the associated mapping.

Council will liaise with DPHI regarding the proposed post-exhibition changes, and these will be uploaded to the Planning Portal once finalised.

## Part 6 Project Timeline

Table 5: Key Project Timeframes

Action	Timeframe and/or Date
Anticipated commencement date (date of Gateway determination)	24/10/22 07/12/22
Anticipated timeframe for the completion of required technical information	19/07/23
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 days
Commencement and completion dates for public exhibition	11/10/23 to 15/11/23
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	2 months
Timeframe for consideration of a proposal post exhibition	28/5/24
Date of submission to the Department to finalise LEP	18/06/24
Anticipated date RPA will forward to the Department for notification	2/9/24

## Attachments

Table 6: Supporting Documentation to the Planning Proposal

No.	Document
<b>01 Attachments</b>	
1	Council Report – 28 May 2024
2	Council Minutes – 28 May 2024
3	Practice-Note-PN-09-002 Environment Protection Zones
4	Gateway Determination Checklist
5	Submission Summary and Response Table
6	CEN Submission Review
7	Central Coast Regional Plan 2041 Assessment
8	Central Coast Local Strategic Planning Statement
9	Central Coast Community Strategic Plan Assessment
10	Gateway Determination

# 01

## Attachments

**1. Council Report**



**2. Council Minutes**

### **3. Practice-Note-PN-09-002 Environment Protection Zones**

**4. Gateway Determination Checklist**

**5. Submission Summary and Response Table**

**6. CEN Submission Review**



## 7. Central Coast Regional Plan Assessment

### CCRP 2041

Direction	Applicable	Assessment/Comment
<b>Objective 1:</b> <b>A prosperous Central Coast with more jobs close to home</b>	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</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>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>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> </ul>	No	The proposal does not include power stations or employment generating development.

Direction	Applicable	Assessment/Comment
<ul style="list-style-type: none"> <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>		
<b>Objective 2:</b> <b>Support the right of Aboriginal residents to economic self-determination</b>	No	The proposal does not include any land identified in the Darkinjung Development Delivery Plan.
<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> <b>Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities</b>	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> </ul>	No	The proposal does not include residential development.

Direction	Applicable	Assessment/Comment
<ul style="list-style-type: none"> <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>		
<p><b>Strategy 3.3</b></p> <p>Planning proposals will incorporate:</p> <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> <p>The neighbourhood centre will:</p> <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>	Applicability	The proposal does not include residential development.
<p><b>Strategy 3.4</b></p> <p>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.</p>	No	The proposal does not include residential development or related infrastructure.
<p><b>Strategy 3.5</b></p> <p>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.</p>	No	The proposal does not include urban areas. However, the proposal will encourage the continued retention of environmental land and conservation of existing vegetation.
<p><b>Strategy 3.6</b></p> <p>Local strategic planning should consider strategies to ensure 90% of houses are within a 10-minute walk of open space, recreation areas or waterways.</p>	No	The proposal does not include urban areas or residential development.

Direction	Applicable	Assessment/Comment
<b>Objective 4:</b> <b>An interconnected Central Coast without car-dependent communities</b>	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> <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>	No	The proposal does not include future growth areas or residential development.
<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.



Direction	Applicable	Assessment/Comment
<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> <li>inclusive and accessible systems for people of all ages and abilities.</li> </ul>	No	The proposal does not include urban areas or transport corridors.
<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> <b>Plan for 'nimble neighbourhoods', diverse housing and sequenced development</b>	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:	No	The proposal does not include residential development.

Direction			Applicable	Assessment/Comment
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><li>• semi-detached dwellings</li></ul>			No	The proposal does not include residential development.
<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			No	The proposal does not include residential

Direction	Applicable	Assessment/Comment
<p>providers and identify sites that may be suitable for supported and specialist accommodation taking account of:</p> <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>		development or affordable housing.
<p><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:</p> <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.
<p><b>Strategy 5.9</b> Local strategic planning should consider the demand for hotels, motels and short-term rental accommodation.</p>	No	The proposal does not include hotels, motels or short-term rental accommodation.
<p><b>Objective 6:</b> <b>Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments</b></p>	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.
<p><b>Strategy 6.1</b> Local strategic planning will protect important environmental assets by:</p> <ul style="list-style-type: none"> <li>• seeking advice from local Aboriginal knowledge holders to find common</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

Direction	Applicable	Assessment/Comment
<p>approaches that will support the health and wellbeing of Country</p> <ul style="list-style-type: none"> <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>		<p>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.</p>
<p><b>Strategy 6.2</b> Local strategic planning will:</p> <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> <li>• consider the location and function of biodiversity corridors when determining future urban growth areas.</li> </ul>	Yes	<p>The proposal and accompanying Land Use Assessment has considered Council's Biodiversity Strategy which identifies regionally and locally significant biodiversity corridors.</p>
<p><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.</p>	Yes	<p>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.</p>
<p><b>Strategy 6.4</b> Planning proposals must ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is</p>	Yes	<p>An environmental attribute assessment has been undertaken for all land in the deferred lands area. The environmental attribute</p>

Direction	Applicable	Assessment/Comment
justified following application of the avoid, minimise, offset hierarchy.		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 that incompatible land uses will not compromise future water security.	No	The proposal is not located within any drinking water catchments.
<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 a change to recreation areas or tourist facilities.



Direction	Applicable	Assessment/Comment
<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> <b>Reach net zero and increase resilience and sustainable infrastructure</b>	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.
<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,

Direction	Applicable	Assessment/Comment
		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 be 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 NSW Coastal Management Framework, such as: <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> </ul> </li> </ul>	No	The planning proposal is focused toward consolidating existing environmental controls under IDO 122 and GPSO into the standard instrument format. The proposal does not involve coast-front land. Further work on a region-wide environmental zoning framework will have regard to sea level rise and coastal hazards.

Direction	Applicable	Assessment/Comment
<ul style="list-style-type: none"> <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>		
<b>Objective 8:</b> <b>Plan for businesses and services at the heart of healthy, prosperous and innovative communities</b>	No	The planning proposal does not include business or employment zones.
<b>Strategy 8.1</b> Local strategic planning should consider: <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 complement the function of existing centres and main streets</li> <li>managing parking to encourage active streets and public spaces and reinforce compact centres</li> </ul>	No	The proposal relates to environmental lands located outside of existing town centres.

Direction	Applicable	Assessment/Comment
<ul style="list-style-type: none"> <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>		
<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.	No	The proposal relates to environmental lands located outside of existing town centres.
<b>Strategy 8.3</b> Local strategic planning should consider: <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.
<b>Strategy 8.4</b> Local strategic planning should consider: <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.
<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</li> </ul>	No	The proposal does not include tourism development.

Direction	Applicable	Assessment/Comment
<p>gateways to visitor experiences in surrounding areas</p> <ul style="list-style-type: none"> <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>		
<p><b>Strategy 8.6</b> Planning proposals to facilitate tourism activities will:</p> <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.
<p><b>Objective 9:</b> <b>Sustain and balance productive rural landscapes</b></p>	No	The proposal does not include rural zones or rural landscapes.
<p><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.</p>	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.

## 8. 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	The proposal is part of a staged approach to implementing a zoning framework to

Urban Management Strategy	Key Initiative	Planning Priority	Action	Comment
			environmental land use zones for all environmental land	inform the application of environmental land use zones for all environmental land

## 9. 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.
	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.

Objective/Requirement		Comment
	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.

## **10. Gateway Determination**