



Central Coast Council

**Ordinary Council Meeting**

**Attachments Provided  
Under Separate Cover**

**Monday 9 March, 2020**

**Central Coast Council**  
**Attachments provided under separate cover to the**  
**Ordinary Council Meeting**  
**to be held in the Council Chamber,**  
**2 Hely Street, Wyong**  
**on Monday, 9 March 2020,**  
**commencing at 6:30pm**

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**PLANNING REPORTS**

**2.1 Deferred Item - Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan**

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**Item No:** 3.6  
**Title:** Outcomes of Public Exhibition of draft Central Coast  
Local Environmental Plan and draft Central Coast  
Development Control Plan  
**Department:** Environment and Planning



9 December 2019 Ordinary Council Meeting

Trim Reference: F2016/02118-004 - D13711205

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### Report Purpose

The purpose of this report is to consider the outcomes of the public exhibition of the draft Central Coast Local Environmental Plan (CCLEP) and draft Central Coast Development Control Plan (CCDCP).

The report provides an overview of the outcomes of Government Agency and community consultation.

This report recommends that the draft CCLEP and CCDCP be adopted subject to the amendments outlined in this report.

### Recommendation

- 1 That Council adopt the draft Central Coast Local Environment (CCLEP) and Central Coast Development Control Plan (CCDCP) as amended in response to issues raised during the public exhibition in line with the changes as follows:***

#### ***CCLEP Mapping Amendments:***

- Land zoned under the Interim Development Order No. 122 (IDO 122) which is outside of the current COSS will maintain its current land use zoning provisions and be removed from CCLEP mapping.***
- Height of Building Map currently applying to the R2 Low Density Residential zone under Gosford Local Environmental Plan (GLEP 2014) will be retained and included in the CCLEP Height of Building Map.***
- Lot 1 DP 394499 be zoned R1 General Residential.***
- Lot 27 DP 264579 be zoned E2 Environmental Conservation.***

### 3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)

- *Rezone Lot 1 DP 363605 and Lot 299 DP755234 to SP1 Special Activities Sanitary Depot.*
- *Rezone GPSO portion of Lot 8 DP 802107 from 2(a) Residential to R2 Low Density Residential and 5E Arterial Road to E2 Environmental Management.*

#### **CCLEP Instrument Amendments:**

- *Residential flat buildings, multi dwelling housing and serviced apartments be prohibited in the B6 Enterprise Corridor zone and Serviced apartments be prohibited in the B7 Business Park zone.*
- *Clause 7.14 be amended to ensure that the total gross floor area able to be used for shop top housing remains at 50% of the total gross floor area of that part of the building used only for shop top housing and ground floor business or retail premises.*
- *Clause 7.22 be amended to apply only to land currently zoned E2 Environmental Conservation under the GLEP 2014.*
- *CCLEP Schedule 5 Item Number 173 'Kendalls Glen Memorial' be retitled "Kendalls Glen" reserve, rock and memorial and applied to Lot 1 DP 716236 and road reserve.*
- *Include as an item of state heritage significance 'Calga Aboriginal Cultural Landscape' situated on Lot 1 DP 1006218; Part Lot 40 DP 1087374; Part Lot 45 DP 1197008; Part Lot 108 DP 755221; Lot 1 DP 805358; Part Lot 2 DP 805358; Part Lot 235 DP 822125 as per the recent listing on the State Heritage Register.*
- *Additional Permitted Use to be included in Schedule 1 of CCLEP and shown on the Additional Permitted Use Map Layer to permit the following land uses on Lot 204 DP 747845; Lot 205 DP 747845; Lot 20 DP 859538; and Lot 21 DP 859538: Camping grounds; Caravan parks; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Tourist and visitor accommodation; and Veterinary hospitals.*
- *Clause 4.2A (3)(e) to be amended to include provision for minor realignment of boundaries as per WLEP 2013.*
- *Clause 4.2A and 7.22 – insert the word 'house' has been unintentionally omitted when referring to a 'dwelling house' .*
- *Clause 4.3A and 4.4A – amend the title to remove the words 'in certain Local Centres and Enterprise Zones'*

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**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental  
Plan and draft Central Coast Development Control Plan (contd)**

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- **CCLEP – Minor typographical and clarification statements**

**CCDCP Amendments:**

- **Chapter 3.1 Floodplain Management and Water Cycle Management – Adoption of existing controls as per Council Resolution 112/19 of 11 February 2019.**
  - **Chapter 3.8 Acid Sulfate Soils – not to be adopted.**
  - **Chapter 3.9: Erosion and Sediment Control – not to be adopted.**
  - **CCDCP – Minor typographical and clarification statements.**
- 2 That Council request The Department of Planning, Industry & Environment, under Section 3.36 of the Environmental Planning and Assessment Act 1979, to defer the inclusion of lands zoned under Interim Development Order 122 (IDO 122), exclusive of Council owned land identified as Coastal Open Space System (COSS), from the draft CCLEP.**
  - 3 That Wyong Local Environmental Plan 2013 (WLEP 2013), Gosford Local Environmental Plan 2014 (GLEP 2014), Gosford Planning Scheme Ordinance and Interim Development Order No. 146 (IDO 146) be repealed when CCLEP comes into effect.**
  - 4 That Council forward a copy of the Planning Proposal and relevant supporting information to the Department of Planning, Industry and Environment requesting that the CCLEP is prepared.**
  - 5 That Council give appropriate public notice within 28 days that the draft CCDCP will come into effect on the date the draft CCLEP comes into effect.**
  - 6 That Wyong DCP 2013 and Gosford DCP 2013 be repealed upon the commencement of Central Coast Local Environmental Plan.**
  - 7 That Council forward a copy of the final CCDCP to the Planning Secretary of the NSW Department of Planning, Industry & Environment.**
  - 8 That Council note Section 10.7 Certificates as to the adoption of CCLEP and CCDCP when made.**
  - 9 That Council resolve that the CEO may make other minor alterations to the planning proposal, draft CCLEP and draft CCDCP as deemed necessary.**
  - 10 That Council advise all those that made a submission of the decision.**

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**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental  
Plan and draft Central Coast Development Control Plan (contd)**

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**Summary**

The report recommends that Council endorse the *Central Coast Local Environmental Plan* (CCLEP) and *Central Coast Development Control Plan* (CCDCP) subject to the amendments which have been made following community consultation.

One of the key amendments includes the deferral of lands outside of the Coastal Open Space Scheme (COSS) and under *Interim Development Order No. 122* (IDO 122). The deferral of these lands is in response to issues raised during the community consultation process.

Deferral of these lands will allow for further refinement of the criteria being applied to the zoning of these lands to develop zoning outcomes which better match the physical and ecological characteristics of the land. It will also ensure greater consistency in the application of environmental zones across the Local Government Area (LGA).

As Council has not been delegated authority to make this LEP, endorsement of the proposal will require a submission to be provided to the Department of Planning, Industry and Environment (DPIE) requesting that the draft CCLEP be made.

The making of the CCLEP will ensure that the current *Wyang Local Environmental Plan 2013* (WLEP 2013), *Gosford Local Environmental Plan 2014* (GLEP 2014), *Gosford Planning Scheme Ordinance (GPSO)* and *Interim Development Order 146* (IDO 146) will be replaced by a consolidated planning instrument that is consistent with the *Standard Instrument - Principal Local Environmental Plan (SILEP)*.

The draft CCLEP and CCDCP were publicly exhibited for a period of 56 days between 6 December 2018 to 28 February 2019. All submissions received have been considered and the findings of the public exhibition and recommended amendments to the draft CCLEP and CCDCP are outlined in the report.

**Background**

On 12 May 2016, a proclamation to merge the former Gosford City and Wyong Shire Councils and form the Central Coast Council was announced by the Department of Premier and Cabinet. At the same time, the NSW State Government issued *Guidance for Merged Councils on Planning Functions*. These guidelines recommended Council analyse the differences in the current planning controls, including existing and deemed Environmental Planning Instruments (EPIs) and Development Control Plans (DCPs).

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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The creation of the CCLEP and CCDCP will be achieved via a two-step Comprehensive LEP and DCP review process. The first stage is to create a Consolidated LEP and DCP for the Central Coast. This will consolidate, simplify and align where possible the controls within the WLEP 2013, GLEP 2014, IDO 122, IDO 146 and the GPSO into a single environmental planning instrument (EPI). A Consolidated DCP will also bring together the controls of the *Wyong Development Control Plan 2013* (WDCP 2013) and *Gosford Development Control Plan 2013* (GDGP, 2013). Through this process the number of environmental planning instruments applying to the region will be reduced making planning on the Central Coast more efficient, more consistent and simpler for the community and Council. The second stage in the process is to complete a package of strategy alignment work which will be implemented in a series of phased LEP/DCP amendments for the Comprehensive LEP and DCP Project. This will further harmonise the planning controls taking into consideration Local Government Area (LGA) wide studies and investigations as well as matters raised outside the consolidation process. The process also facilitates the conversion of five Council owned COSS lots that are currently subject to site specific IDO 146 to the E2 Environmental Conservation standard instrument zone

On 23 November 2016 Council resolved to prepare a Planning Proposal to consolidate the provisions of the WLEP 2013, GLEP 2014, IDO 122 and the GPSO which operates across the Central Coast Local Government Area (LGA). Council also resolved to prepare a consolidated Development Control Plan (DCP) to complement the CCLEP.

Council prepared and lodged a Planning Proposal with the former Department of Planning and Environment (DPE) (now Department of Planning, Industry and Environment (DPIE)) on 31 March 2017. The Planning proposal sought to provide a single Environmental Planning Instrument (EPI) that is consistent with the SILEP and that provides local environmental planning provisions for land in the Central Coast LGA. An amended Planning Proposal was lodged with DPE in August 2017 providing additional information and addressing issues raised by DPE (now DPIE). The Planning Proposal was assessed and supported by the DPIE to proceed with conditions and a Gateway Determination was issued on 26 October 2017.

In response to conditions of the Gateway Determination, further investigation was undertaken, and the Planning Proposal was updated and draft CCLEP was prepared. A draft CCDCP was also prepared to support the CCLEP and in accordance with Council's resolution of the 23 November 2016. The draft CCDCP consolidates and aligns the controls within the WDCP 2013 and GDGP 2013 and aims to provide a single set of controls across the Central Coast for different land uses, such as, housing, industrial development and environmental controls for tree and vegetation management. Site specific development controls have not been reviewed in this consolidation process.

Community and public authority consultation have been undertaken in accordance with the Gateway Determination for the draft CCLEP and the CCDCP were exhibited concurrently. The outcomes of this consultation and proposed amendments following community consultation are outlined in this report.

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**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental  
Plan and draft Central Coast Development Control Plan (contd)**

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Following the submission of the CCLEP to DPIE for finalisation further amendments may be made by the Minister or as a result of final legal drafting by Parliamentary Counsel. Council will be consulted regarding any such changes.

**Proposal**

The proposal is a Central Coast Local Environmental Plan LEP which consolidates the provisions of the WLEP 2013, GLEP 2014, part of IDO 122 the GSPO and IDO 146 to be consistent with the *Standard Instrument (Local Environmental Plans) Order 2006*. A Consolidated DCP will also bring together existing controls from WDCP 2013 and GDCP 2013.

This will simplify planning processes with a single set of appropriate development controls for the Central Coast, by significantly reducing the number of planning documents and addresses legislative requirements to review Council's LEPs (every 5 yrs. under Environmental Planning and Assessment Act 1979).and addresses legislative requirements to review Council's LEPs (every 5 yrs. under *Environmental Planning and Assessment Act 1979*).

The consolidation of these plans will provide for a significant increase in organisational efficiencies most significantly by allowing for the full integration of Council's Development Assessment Unit.

The Central Coast LEP is a Digital Environmental Planning Instrument Pilot Project being run by DPIE in conjunction with Council is a catalyst project for the rest of NSW moving to digital mapping.

**Consultation**

Extensive consultation was undertaken regarding the preparation of the draft CCLEP and CCDCP in accordance with the Community and Engagement Strategy developed for the project. Consultation was undertaken with agencies, stakeholders, the community, staff and Councillors and included radio and print advertising, social media updates, online web page, mail-outs, phone calls, briefings, workshops and information sessions.

Under section 3.35 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) Council may vary its proposals as a consequence of its consideration of any submission or report during community consultation or for any other reason. Following further consultation with Government agencies and the community, a number of post exhibition changes are recommended to be made to the CCLEP and CCDCP which are outlined in this report and its attachments. These revisions will be incorporated in the final proposal before it is forwarded to the Minister.



### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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#### **Agency Consultation**

In accordance with the Gateway Determination and as outlined in the Planning Proposal consultation was undertaken with State and Commonwealth public authorities. Formal agency consultation commenced in December 2017 and comments were received throughout 2018 and 2019. Individual meetings were held with agencies as well as an agency workshop on 30 January 2018. The following agencies were consulted:

- Commonwealth Department of Environment (now known as Department of Environment and Energy)
- Civil Aviation Safety Authority (CASA)
- Darkinjung Local Aboriginal Land Council (DLALC)
- Department of Industry (Crown Lands) (now known as Department of Planning Industry and Environment, Housing and Property, Lands)
- Department of Industry (Water) (Now part of Department of Planning Industry and Environment, Water)
- Department of Planning, Industry and Environment (DPIE)
- Department of Primary Industries (Agriculture) (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Primary Industries (Agriculture))
- Department of Primary Industries (Fisheries) (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Primary Industries (Fisheries))
- Forestry Corporation of NSW (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Primary Industries (Forestry))
- Guringai Tribal Link Aboriginal Land Council (now Wannangini Pty Ltd)
- Local Land Services
- National Parks and Wildlife Services (now part of Department of Planning Industry and Environment, Environment, Energy & Science, National Parks and Wildlife Services)
- Office of Environment & Heritage (OEH) (now part of Department of Planning Industry and Environment, Environment, Energy & Science, Office of Environment & Heritage)
- Office of Environment & Heritage (OEH – Heritage Branch) (now part of Department of Planning Industry and Environment, Environment, Energy & Science, Office of Environment & Heritage)
- NSW Resources and Geosciences (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Resources and Geoscience)
- Transport for NSW Roads and Maritime Services
- NSW Rural Fire Service
- Subsidence Advisory NSW
- Transport for NSW

A detailed assessment of the issues raised by agencies is attached (Attachment 1) to this report. As a result, the following key amendments to the draft CCLEP and CCDCP were made:

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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- Update to the objectives of the W1 Natural Waterways zone to reference “sustainable” aquaculture.
- Amendment to the Land Zone and Lot Size Maps to reflect National Parks and Wildlife Services estate boundaries.
- Amendment to the Land Reservation Acquisition (LRA) Map to remove Lot 12 DP 1174174, which has been acquired since GLEP 2014.
- Listing of the Calga Aboriginal Cultural Landscape in Schedule 5 of the CCLEP.
- Mapping errors identified by Forestry Corporation rectified.
- Floodplain Management Chapter 3.1 of the draft CCDCP to be deferred and include current controls from existing WDCP 2013 and GDCP 2013 in the CCDCP.

A number of issues were identified by Government agencies for consideration in the next stage of the Central Coast Comprehensive LEP/DCP project. These matters will be addressed through ongoing work as part of the Comprehensive LEP/DCP project which will inform the scoping of studies such as the Environmental Lands Review, Housing Strategy and Employment Lands Strategy.

#### **Public Exhibition & Community Engagement**

The Planning Proposal, draft CCLEP, draft CCDCP and supporting documentation were publicly exhibited for a period of 56 days between 6 December 2018 to 28 February 2019. Late submissions were accepted through March 2019 and Council has had regard for late submissions received.

During the exhibition period the following community engagement sessions were held:

- Four evening community information sessions were held at Wyong and Erina.
- Six day-time community pop-up sessions were held across the Central Coast.
- An industry briefing session was held.

In addition: -

- 3,370 letters were sent directly to impacted property owners (Deferred Matters).
- Media releases providing an overview of the proposal and exhibition initiatives.
- Advertising and stories in local newspapers throughout the exhibition period – including Express Advocate, Rural Grapevine, Wyong Chronicle, Peninsula News, Coast Community News.
- Advertising on local radio throughout the exhibition period.
- Dedicated Customer Service Screens and I-pads for the public within civic centres.
- A dedicated exhibition webpage providing access to all documentation relating to the draft CCLEP and CCDCP and link to additional webpage for the Environmental and Urban Edge Zone Review.
- Fact Sheets, FAQs and Summary Sheets were available online and in Councils Civic centre and libraries.
- Digital mapping was available through Councils webpage and supported by DPIE.

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

- Staff were available to discuss the proposal via phone, e-mail and in person during the exhibition period.

The information sessions were attended by approximately 350 people, more than 19,700 social media users were reached, and there were 3,440 visits to the Your Voice Our Coast page for the project during the exhibition period which has since been accessed by over 19,000 viewers.

Council was briefed on this project and its progress 27 November 2017, 24 September 2018 and workshops held 3 September 2019 and 5 September 2019.

#### **Outcomes of Public Exhibition**

Council received 756 written submissions from the public in response to the exhibition of the draft CCLEP and draft CCDCP.

The following section outlines the key issues raised in submissions and the main themes are summarised in Table 1. An assessment of all submissions was undertaken, and an overview is attached (Attachment 2) to the report.

Theme	Occurrence
GLEP 2014 - Deferred Matters (IDO No.122 and GPSO)	156
Draft DCP Issues	123
Draft LEP Issues	195
Rezoning of Land at 301 and 317 Avoca Dr, Avoca for Recreation Purposes	334
Issues falling outside of the LEP and DCP Consolidation Process	92

*Table 1 – Summary of responses received during exhibition*

Note: These numbers do not represent the number of individual submissions, as many of the submissions included a range of themes

#### **1. Deferred Matters**

A significant number of submissions (156) relate to the rezoning of land currently deferred from GLEP 2014. The main issues raised in these submissions are discussed below:

**a. Dispute proposed zone, request alternate zone or reinstatement of split zone.**

This predominantly relates to land that is:

- i. currently split-zoned and proposed to be zoned to a single standard instrument zone; or
- ii. currently zoned 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) and proposed to be zoned E2 Environmental Conservation or zoned; or
- iii. currently zoned 7(a) Conservation and proposed to be zoned E4 Environmental Living.

There was also a number of submissions seeking that all 7(a) Conservation land be zoned to E2 Environmental Conservation.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental  
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Investigation and ground truthing of these submissions has revealed that the removal of split zones, over smoothing of zone boundary lines during the mapping process and significant differences in the framework and criteria applied under the Environmental and Urban Edge Zone Review (EUEZR), in comparison to the WLEP 2013 and GLEP 2014, has resulted in some instances where the proposed zoning outcome may not be suitable in a number of instances.

In response to these submissions it is recommended that these criteria be refined, and the criteria being applied to the zoning of Deferred Matters lands currently subject to IDO 122 be reviewed. The refinement of this criteria needs to be considered in the broader context and has the potential for an amendment to zoning which should be considered beyond the scope of the EUEZR.

It is Council's intention to commence work immediately on an Environmental Lands Review project for the full Central Coast LGA as it is clear that although the overarching EPIs, GLEP 2014 and WLEP 2013 were developed utilising the *SILEP* template, the environmental zones and development standards have not been applied in the same manner, nor with the same intent.

As the EUEZR was undertaken utilising the existing GLEP 2014 Environmental Zones, application of these zones will result in continued inconsistencies across the Central Coast. It would therefore be beneficial to defer the rezoning of the Deferred Matters lands and consider the matter as part of the Environmental Lands Review which is proposed to commence prior to the finalisation of the CCLEP.

The Environmental Lands Review is proposed to be undertaken in a phased approach with a Planning Proposal to rezone deferred matters a priority to be dealt with in the first phase. This will also negate the need to undertake multiple rezoning's in a short period of time, where the current proposed zone may differ to the outcome of the Environmental Lands Review.

Support for the rezoning of Coastal Open Space System (COSS) lands to E2 Environmental Conservation was evident at community consultation sessions and in submissions received. As such all Deferred Matters Land which is identified as Council owned COSS will be rezoned as exhibited to E2 Environmental Conservation to ensure a greater level of protection is provided to these lands with high environmental and scenic value.

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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It should be noted that proposed COSS differs to current COSS land, as much of the proposed COSS lands are under private ownership and have been identified as being desirable for future voluntary acquisition in full or in part for inclusion in the COSS. The rezoning of land identified as proposed COSS and zoned under IDO 122 will be further considered under the Environmental Land Review in addition to the review of the COSS Strategy and implementation of the draft Biodiversity Strategy which will investigate the potential expansion of the COSS.

It is noted that there were seven parcels of land that were deferred from the GLEP 2014 that are zoned under the GPSO and are not identified as current COSS (these parcels are outlined in Table 2).

The retention of the GPSO instrument for these parcels of land is not considered necessary and rezoning of these lands can be undertaken which will enable the GPSO to be repealed on the making of the CCLEP. This will reduce the number of planning instruments applying to land within the Central Coast LGA from five to two.

Therefore, land zoned under the IDO 122 that is outside of the current COSS will maintain its current land use zoning provisions, while all land identified as COSS or zoned under the GPSO will be rezoned to a Standard Instrument zone under the CCLEP. Landowners of parcels deferred from the CCLEP will be further consulted through the Environmental Lands Review project prior to any land use zoning change being made to their land.

<b>Address</b>	<b>Parcel</b>	<b>Current Zone</b>	<b>Comment</b>	<b>Proposed Zone</b>
15 Riatta ST, ERINA	LOT: 25 DP: 260097	6(A) Open Space Recreation GPSO	This parcel provides access to COSS land and adjoins R2 Low Density Residential zoned land. The parcel is not identified as COSS and should be zoned to an equivalent open space zone.	RE1 as exhibited
165 Koolang RD, GREEN POINT	LOT: 1 DP: 363605	5(A) Special Use – Sanitary Depot GPSO	Parcel is part of the closed Green Point tip site which was deferred from GLEP 2014 for further consideration of future use. The site is not identified as COSS and contains a small amount of EEC and is potentially contaminated due to previous use as a tip. The proposed use of the site is still being investigated and a separate planning proposal could be prepared once appropriate studies and investigations are completed. While an E3 zone was proposed under the EUEZR this zone is not considered	SP1 Special Activities – Sanitary Depot

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

Address	Parcel	Current Zone	Comment	Proposed Zone
			appropriate as dwelling houses are permissible and further land contamination reports would need to be considered for this use. While the sanitary depot is not the desired future use of the site, it is recommended as an interim approach to zone the land to an equivalent Standard Instrument special use zone.	
150 Koolang RD, GREEN POINT	LOT: 299 DP: 755234	5(A) SPECIAL USE Sanitary Depot - GPSO	Parcel is part of the closed Green Point tip site which was deferred from GLEP 2014 for further consideration of future use. The site is not identified as COSS and contains a small amount of EEC and is potentially contaminated due to previous use as a tip. The proposed use of the site is still being investigated and a separate planning proposal could be prepared once appropriate studies and investigations are completed. While an E3 zone was proposed under the EUEZR this zone is not considered appropriate as dwelling houses are permissible and further land contamination reports would need to be considered for this use. While the sanitary depot is not the desired future use of the site, it is recommended as an interim approach to zone the land to an equivalent Standard Instrument special use zone.	SP1 Special Activities – Sanitary Depot
106 Alan ST, NIAGARA PARK	LOT: 251 DP: 876909	2(A) Residential GPSO / 7(a) Conservation IDO 122	Small portion along the western boundary zoned 2a Residential (GPSO) with the remainder of the Lot 7a (IDO 122). The 7a will remain as it is deferred and under IDO 122. The 2a zoned portion will be zoned E3 Environmental Management.	E3 as exhibited/ 7a

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

Address	Parcel	Current Zone	Comment	Proposed Zone
Hawkesbury RIV, PATONGA	LOT: 7036 DP:1124383	6(A) OPEN SPACE RECREATION GPSO	Partial COSS - surrounding land also 6a and COSS and will be zoned E2. Should be zoned E2 as contains COSS and consistent with adjacent land.	E2 as exhibited
337 The Scenic RD, MACMASTERS BEACH	LOT: 31 DP: 1155869	7(a) conservation / Unzoned GPSO	Small section of unzoned GPSO land along road frontage. 7(a) will remain unzoned land to be zoned E3 Environmental Management.	7(a)/E3 as exhibited
Central Coast HY, KARIONG	LOT: 8 DP: 802107	2(A) Residential GPSO/ 5(E) Arterial Road GPSO / Zone 5 Special Use IDO122	Crown land. Defer IDO 122 land and retain 5 Special Use zone for that portion, rezone 2a to equivalent Standard Instrument R2 zone and 5e to E2 consistent with adjoining land	R2/E2/5 Special Use

Table 2. Land zoned under GPSO that is not identified as COSS

**b. Bonus Lot Provision**

Submissions requested that the bonus lot provision under IDO 122, that permits existing 7(c2) zoned lots to potentially be subdivided to a lot size of 1 Ha, be retained and similar provision be included in the CCLEP or requested a smaller minimum lot size than the proposed 2Ha for the E4 Environmental Zone under the CCLEP.

There are no provisions under the draft CCLEP that permit subdivision of land below the 2Ha minimum lot size in the E4 Environmental Living zone. This provision cannot be incorporated in a Standard Instrument LEP and further consideration of a mechanism to fund the acquisition and maintenance of conservation lands will be considered in later stages of the Comprehensive LEP process and in conjunction with Council's draft Biodiversity Strategy.

As the provisions of IDO 122 will still be in place at the start of 2020, existing landowners that have lodged submissions indicating they would like to investigate additional subdivision potential will still have some time to pursue the existing provisions.

**c. Deferred Matters – Seeking a non-environmental zone i.e. Residential or Business**

Submissions that have requested the consideration of a non-environmental zones such as residential or business fall outside the scope of this project and would require the submission of a separate Planning Proposal supported by justification of its strategic merit and appropriate studies relating to the land identified.

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**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental  
Plan and draft Central Coast Development Control Plan (contd)**

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**d. Deferred Matter – Seeking an Additional Permitted Use or alternate zone for land  
use purposes**

Submissions were lodged seeking that land uses currently permitted under the IDO 122 be retained for their site or an alternate zone be allocated to allow for a particular land use to be permitted. In a number of submissions this related to land uses such as places of public worship or seniors living in the E4 Environmental Living Zone.

As noted above in response to public submissions and consultation with Council a decision has been made to further refine the criteria being applied to the zoning of Deferred Matters lands currently subject to IDO 122. At this stage land within these areas and outside of the current COSS, will maintain their current land use zoning provisions. As such the land uses currently permitted within these zones will remain unchanged. Landowners will be further consulted prior to any land use zoning change being made to their land. These submissions and land uses will be further considered in the Environmental Lands Review.

**e. 20 James Norton Road, Bensville**

One submission objected to the proposed E2 Environmental Conservation zone and nine submissions supported the proposed zone for 20 James Norton Road Bensville.

Those supporting the zone considered the land to be of high conservation value containing remnant rainforest and links for wildlife through to Cockrone lagoon and Bouddi National Park as well as concern over recent clearing of the land.

At this stage, as this land is deferred from the GLEP 2014 and outside the current COSS, the site will maintain its current land use zoning under the IDO 122 (7(a)/7(c2)). This land will be further considered under the Environmental Land Review and rezoned to an appropriate Standard Instrument zone through this process.

**f. Support E3 Environmental Management zone for 30 Blythe Street Killcare**

Six submissions supported the proposed E3 Environmental Management zoning of 30 Blythe street Killcare or thought there may be justification for an E2 Environmental Conservation zone due to the environmental value of the land.

At this stage as part of this parcel is deferred from the GLEP 2014 and outside the current COSS that part will maintain its current land use zoning of 7(a) Conservation and provisions under the IDO 122. This land will be further considered under the Environmental Land Review.



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**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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**LEP related Submissions**

196 submissions were lodged relating to LEP matters, exclusive of Deferred Matter issues.

**2. Rezoning of Land at 301 and 317 Avoca Dr, Avoca for Recreation Purposes**

A total of 334 submissions were received in relation to the rezoning of land for recreation purposes at 301 and 317 Avoca Drive, Avoca. 328 of these submissions supported active recreation on this land predominantly in the form of football fields for the Avoca Football Club. Four of these submissions objected to the suggested Recreation zone, and two suggested alternate passive recreation or environmental uses.

The land at 301 Avoca Drive is privately owned and is approximately 4.5 hectares which is too small for the development of a viable sporting precinct. Council's flood mapping indicates that approximately 90% of the land parcel is flood affected. The filling of land required for the development of a sporting facility in this location would affect the movement of flood water within the Avoca Lagoon catchment.

The property also supports an Endangered Ecological Community (EEC) and threatened species *Melaleuca biconvexa*.

The development of a sporting facility on that land parcel would require clearing of ecologically sensitive vegetation which may not only be inappropriate but prove to be cost prohibitive due to offsetting requirements under the *Biodiversity Conservation Act 2016*. As such, the development of sporting facilities on highly constrained land is unlikely to be supported. Whilst a sporting facility may be inappropriate, alternative passive recreation that is sympathetic to the sensitive environmental nature of the site may have potential.

The adjoining Council owned land at 317 Avoca Drive is part of the COSS. This COSS network consists of over 70 natural reserves which are set aside for plants and animals, nature-based recreation and to preserve the bushland character of the Central Coast. COSS acquisition funds does not include the provision of active recreation reserves (sports fields). This land supports two EEC's listed under the *Biodiversity Conservation Act, 2016*. Additionally, development of COSS land for purposes that are inconsistent with its objectives is not supported by Central Coast Council.

**3. Height of Buildings in R2 Low Density Residential Zone**

A number of submissions raised concerns over the removal of the 8.5m mapped maximum building height in the R2 Low Density Residential zoned land in the former Gosford LGA. The draft CCLEP proposed to remove this control from the southern parts of the Central Coast as this restriction has been problematic for development on sloping sites and when higher freeboard requirements are required due to flooding. Removal of the mapped height would help to reduce the need for variations to development standards and allow for consideration under the controls of the DCP. This would also result in a consistent approach across the R2 Low Density Residential zone.

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**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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Issues raised in these submissions are valid and consideration of the appropriate maximum building height for residential development can be considered further as part of Council's Housing Strategy, which has recently commenced. As such it is recommended that the height of building map currently applying to the R2 Low Density Residential zone under GLEP 2014 be retained. This will be supported by DCP controls that limit the overall height of dwelling houses in the R2 Low Density Residential zone to generally two storeys across the Central Coast.

**4. Minimum Lot size in the R2 Low Density Residential Zone**

Submissions were received, both for and against, the reduction in minimum lot size from 550m<sup>2</sup> to 450m<sup>2</sup> in the R2 Low Density Residential zone. Objectors raised concerns in relation to the impact on character, vegetation removal and environmental impact and infrastructure requirements.

A strategic assessment of the impact of the consolidation of minimum lot size in the R2 Low Density Residential zone has been undertaken. This assessment has identified that the reduction in minimum lot size from 550m<sup>2</sup> to 450m<sup>2</sup> will create a theoretical potential of 1,147 parcels of land to be created with the former Gosford City Council. The majority of this potential will not be realised due to existing dwelling placement and limitations imposed by existing DCP controls that increase lot size requirements based on site slope. Any proposal would need to be consistent with the relevant LEP, DCP controls and other requirements of the EP&A Act 1979. The larger lot size of 1,850m<sup>2</sup> applying to constrained R2 Low Density Residential lands will remain unchanged. The draft CLEP does not change site specific controls and retains the character statements of the former Gosford LGA as a consideration.

The assessment also demonstrated that the additional lots generated by adoption of this standard are unlikely to have a negative impact on the capacity of existing infrastructure. In addition, the potential for additional lots will assist in meeting the growth targets of the *Central Coast Regional Plan 2036*.

It is recommended that the 450m<sup>2</sup> minimum lot size be retained.

**5. Dual Occupancy in the R2 Low Density Residential Zone**

Submissions were lodged both in support and objecting to the introduction of dual occupancies in the former Gosford LGA R2 Low Density Residential Zone. Concerns included loss of vegetation, reduction in lot size, and private open space with most objections relating to specific coastal areas such as Copacabana and MacMasters Beach.

Dual occupancy development is considered consistent with the objectives of the zone and an appropriate land use. Secondary dwellings are currently permissible under State Government Policy in the R2 Low Density Residential zone.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

The introduction of dual occupancy provides an alternative housing choice in the former Gosford LGA and supports population growth, affordable housing and the ability to age in place. This form of development is generally of higher quality than secondary dwellings with controls applying under both the LEP and DCP including requirements for parking, stormwater, and mandatory landscaping. Notably DCP requirements relating to site slope and lot size will limit the impact on coastal communities.

To ensure that lot sizes and densities are appropriate and compatible with the local context a minimum lot size for dual occupancy development has been included in the CCLEP. The 550m<sup>2</sup> minimum lot size threshold is also considered appropriate for attached dual occupancy as currently specified in the GLEP 2014 and WDCP 2013. A minimum lot size of 700 m<sup>2</sup> has proven to be appropriate for detached dual occupancy as currently applicable under the WDCP 2013. A review of 40 other surrounding and similar LGA's was undertaken with 35 of the 40 permitting dual occupancy in the R2 zone.

It is recommended that dual occupancies be permitted in the R2 Low Density Residential Zone.

**6. Change to Dual Occupancy Minimum Lot Size**

Submissions were received relating to the reduction in the minimum lot size for detached dual occupancy in the former Gosford LGA from 800m<sup>2</sup> to 700m<sup>2</sup>.

The change in minimum lot size for dual occupancies needs to be considered with the provisions of the draft CCDCP which requires a minimum lot size of 800m<sup>2</sup> for battle axe allotments and parent lots to be significantly larger on sloping or steep sites.

**7. Subdivision of Dual Occupancy**

Submissions were received relating to the subdivision of existing approved dual occupancies and seeking the amendment of Clause 4.1D of draft CCLEP to permit this subdivision under separate application.

Amendment No. 28 to WLEP 2013 proposes to amend Clause 4.1B (draft CCLEP CI 4.1D) to permit the subdivision of an existing lawfully erected dual occupancy in the R1 General Residential and R2 Low Density Residential zones. This amendment responds to this issue and is certain and imminent. This amendment should be included in the final CCLEP.

**8. Small Lot Housing in R2 Low Density Residential Zone**

Submissions were received relating to small lot housing, which is currently permissible in the WLEP 2013 in the R2 Low Density Residential zone, seeking the provisions be retained and applied across the LGA.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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The R2 Low Density Residential zones of the Central Coast are generally a conversion of the previous 2(a) Low Density Residential zone mapped areas which are commonly located further away from centres where residents have an expectation of a certain level of amenity which may be impacted by development of a higher density. As such the introduction of small lot housing is not considered appropriate across all R2 Low Density Residential zoned land on the Central Coast nor appropriate to be continued in the former Wyong LGA.

The R1 General Residential zone is better suited to this form of development due to its location and proximity to essential services and public transport. Provisions for variations to minimum lot size are proposed to be retained in the CCLEP for land within the R1 General Residential zone, as the former Gosford LGA will retain a minimum lot size of 550m<sup>2</sup> in this zone.

In developing strategic documents to permit the development of greenfield areas, Council does not require the inclusion of small lot subdivision on R2 Low Density Residential zoned land in order to meet its dwelling yield targets.

The draft Affordable Housing Strategy includes recommendations that will be further considered as part of the development of Council's Comprehensive LEP which will include giving consideration to whether small lot development in residential areas is appropriate to address housing affordability issues.

**9. Request for Review of Zoning/LEP Controls under current WLEP 2013 or GLEP 2014**

92 submissions were received requesting amendments that fall outside the consolidation process. This included requests for alternate standard instrument zones where the zone is already established as a standard instrument zone under WLEP 2013 or GLEP 2014. There were also a number of requests for amendments to be made to other controls such as increasing existing floor space ratios, maximum height of buildings or minimum lot size and removal of lot amalgamation provisions.

The process currently being undertaken by Council is an LEP and DCP consolidation process and is the first stage of the Comprehensive LEP/DCP review of Council's planning controls. The consolidation process is not the appropriate means by which existing Standard Instrument land use zonings and controls established under WLEP 2013 and GLEP 2014 are to be reviewed and significantly amended. Any such consideration would require the submission of a separate Planning Proposal supported by appropriate studies relating to the land identified. In addition, Council is undertaking LGA wide studies as part of the next stage of the Comprehensive LEP/DCP Review. These studies, such as the Housing strategy, Centres Review, Retail Strategy and Employment Lands Study will consider relevant issues raised in submissions.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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**10. Residential Uses and Serviced Apartments in B6 Enterprise Corridor and B7 zone**

A number of submissions were received that raised concern or opposed the inclusion of residential flat buildings, multi dwelling housing and serviced apartments within the B6 Business Enterprise and B7 Business Park zones. Some concerns which were raised include conflicts with the objectives of the zone and development not being limited by Height and FSR controls, the likely impact on other permissible employment uses in the zone which can impact on valuable employment lands and the potential decline in the business character and an increase in residential character of these areas.

Multi dwelling housing, Serviced apartments and Residential flat Buildings are not an appropriate landuse in the B6 Enterprise Corridor and B7 Business Park zones. These land uses detract from and conflict with the zone objectives and are an under-utilisation of land potential.

These zones generally have low amenity for residential housing and are surrounded by industrial uses with potential for land contamination and conflict issues.

The objectives of both the B6 Enterprise Corridor and B7 Business Park zones under the draft CCLEP include provision for limited residential accommodation where it is part of a mixed-use development.

A review of the take up of residential housing forms within the B6 Enterprise Corridor Zone in the former Gosford and Wyong LGA's since the commencement of the respective LEPs in 2013 and 2014 has shown approvals granted for one residential flat building in Gosford and one serviced apartment in North Wyong. A recent court approval has been granted for serviced apartments as part of a larger development in the B7 Business Park zone in Tuggerah. No Construction Certificate for any approval has been lodged or issued since the granting of development consent.

The B6 Enterprise Corridor zones in each former LGA are located in areas of differing character and have been applied differently. Land zoned for B7 Business Park only occurs in the formerly in Wyong LGA. Height and Floor Space Ratio is not currently mapped in all B6 Enterprise Corridor and B7 Business Park zoned land to assist in limiting the scale of development for serviced apartments and residential accommodation. This is of concern where stand-alone residential development and serviced apartments are permitted as there is potential for these forms of development to dominate employment/business developments and detract from the nature of the B6 Enterprise Corridor and B7 Business Park zones.

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**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental  
Plan and draft Central Coast Development Control Plan (contd)**

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The removal of these land uses from the B6 zone would also be consistent with the Actions of the draft Tuggerah to Wyong Economic Corridor Strategy which considers residential development incompatible with the current and intended future uses of the B6 Enterprise Corridor zoned land in North Wyong. It also notes that this type of development risks creating reverse amenity impacts on existing businesses and poses the risk of increasing land values in the area, where reasonable land values and rents have been key to the precinct's growth and success.

It is recommended that residential flat buildings, multi dwelling housing and serviced apartments be prohibited in the B6 Enterprise Corridor zone and Serviced apartments be prohibited in the B7 Business Park zone and that land uses be further considered during the next stage of the Comprehensive LEP.

**11. Clause 7.14 Shop top housing in certain business zones**

The shop top housing clause under WLEP 2013 was amended to clarify the intent of the clause which was to limit shop top housing to only 50% of the total gross floor area of both the shop top housing and ground floor retail or business premises. This clause was also not envisioned to utilise a third land use to increase the gross floor area of the building in order to achieve a greater floor area for shop top housing. Hence a change to the wording was required to clarify the intent.

While the intent of the clause is outlined in the planning proposal, the amended wording in the draft CCLEP instrument inadvertently reduced the percentage able to be achieved. As this was not the intention, it is recommended that clause 7.14 be amended to ensure that the total gross floor area able to be used for shop top housing remains at 50% of the total gross floor area of that part of the building used only for shop top housing and ground floor business or retail premises.

**12. Request for E5/Public Conservation Zone**

Twelve submissions request an additional E5/public conservation zone for protection of publicly owned lands with high environmental value.

An E5, or additional public conservation zone, is not provided for under the SILEP and as such is not available for application by Council.

The E2 Environmental Conservation zone provides the highest level of environmental protection for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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Council has developed a draft LGA wide Biodiversity Strategy which will help guide the Comprehensive LEP Review. It is proposed to rezone deferred matters COSS to E2 Environmental Conservation where dwelling houses are prohibited and development limited. The application of the E2 Environmental Conservation zone is further discussed below.

Council officers have continued to lobby the State Government on behalf of Council requesting an additional public conservation zone be included in the Standard Instrument LEP.

**13. Permissibility of Dwelling Houses in E2 Environmental Conservation Zone**

Submissions were lodged raising concern over the prohibition of dwelling houses and the perceived loss of dwelling entitlement in the E2 Environmental Conservation Zone.

The E2 zone is proposed to apply to the most environmentally valuable land and places significant restrictions on development, including the prohibition of dwelling houses, home occupations and bed and breakfast accommodation. These land uses are currently prohibited under the WLEP 2013 in the E2 Environmental Conservation zone. The prohibition of these uses would have created an inequitable outcome for landholders in the former Gosford LGA where these land uses are currently permissible in the E2 Environmental Conservation zone under the GLEP 2014. Hence it was proposed to permit these land uses through an additional local clause in Part 7 of the draft CCLEP (clause 7.22).

Under the exhibited draft CCLEP it was proposed to apply this clause to all E2 zoned land in the former Gosford LGA where a dwelling entitlement currently exists.

However, it is proposed to amend this clause following the review of submissions. The clause will now apply only to land currently zoned E2 Environmental Conservation under the GLEP 2014. This will ensure that dwelling entitlement will not be lost where it currently exists in the E2 Environmental Conservation zoned land of the former Gosford LGA. This clause will not apply to land that is currently deferred from GLEP 2014 which is identified as COSS and being rezoned to E2 Environmental Conservation through the CCLEP. All other deferred land under the IDO 122 will retain its current zone and provisions under the IDO 122 while the Environmental Lands Review is undertaken.

This clause will be reconsidered as part of that Environmental Land Review which will then inform the next stage of the Comprehensive LEP project. This will adopt a consistent methodology across the region to better align the application of the E2 Environmental Conservation zone and other environmental zones.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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**14. Zoning of Cockrone Lagoon**

A number of submissions raised questions about the proposed zoning of Lot 379 DP 29263 - Cockrone Lagoon in MacMasters Beach to E2 Environmental Conservation.

Cockrone Lagoon differs to other coastal lagoons as it is a registered parcel of land owned by Council. The parcel is currently zoned 6(a) Open Space and Recreation under the GPSO and is a Council Reserve that was dedicated by the landowner to Council for the purpose of 'public garden and recreation space', as a condition of consent for subdivision of the land. This is covered by Council Clerk's Certificate No 1723 dated 12 November 1957 and was transferred to Council as Lot F on Real Property Application No 23581.

Cockrone Lagoon contains Council infrastructure (sewage trunk main and water main) is identified as being within the COSS, part of the lagoon is identified as a coastal wetland and the entire lagoon is within the Coastal Environmental Area under *State Environmental Planning Policy (Coastal Management) 2018*. This parcel was exhibited under the Draft CCLEP as E2 Environmental Conservation Zone.

Generally, Council and Crown Land Reserves are zoned RE1 Public Recreation. However, given the environmental significance and constraints of the lagoon the E2 Environmental Conservation zone is the most appropriate zone to be used for this land.

**15. Kendalls Glen Reserve and Rock – Lot 1 DP 716236**

Lot 1 DP 716236 is subject to an environmental heritage item under Schedule 8 of the GPSO. This item is identified as "Kendalls Glen" Reserve and Rock, off Pacific Highway West Gosford.

Draft CCLEP Schedule 5 Item Number 173 identifies 'Kendalls Glen Memorial' but does not include the reserve and rock.

This was unintentionally left out of the exhibited LEP and should be included in the final version. As the reserve and rock are intrinsically linked to the memorial it is recommended that they be included as part of Item 173 as follows:

Suburb	Item Name	Address	Property description	Significance	Item no
West Gosford	"Kendalls Glen" Reserve, Rock and Memorial	Central Coast Highway	Lot 1 DP 716236 and road reserve	Local	173



**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

**16. Lot 1 DP 394499 - 37 Althorp St East Gosford**

A submission was lodged requesting the rezoning of Lot 1 DP 394499 No. 27 Althorp Street, East Gosford from RE1 Public Recreation to R1 General Residential. The land is privately owned and is used for residential purposes (dwelling house). The land was previously zoned 2(b) Residential under the GPSO. It appears that there was a minor misalignment between the cadastre and the zone boundary and a small slither of land along the side and rear boundary appears to have been within the 6(a) Open Space (recreation) zone. When this land was transferred into a standard instrument zone through the GLEP 2014 the land was proposed to be zoned R1 General Residential and was shown in the exhibition version of the maps as R1. It appears that an error may have occurred between exhibition and finalisation of the GLEP 2014 where the land was unintentionally changed to an RE1 Public Recreation zone on the final Land Zone Map. The site currently has a minimum lot size of 550m<sup>2</sup> and a floor space ratio of 0.7:1 mapped under the GLEP 2014 which are both consistent with the R1 General Residential zone in this area.

The Section 62 Consultation report dated 6 May 2008 and prepared for the GLEP 2014 stated:

*The R1 General Residential zone shall apply where medium density housing is proposed (such as under the Peninsula Urban Design Strategy) and to reflect existing areas of medium density zoned land. Low and medium density residential development is confined to the existing urban footprint and this will ensure that there is an efficient use of existing infrastructure and services.*

It is evident that the zoning of RE1 was an error and the R1 zone is supported by the previous GLEP 2014 Planning Proposal and exhibited Land Zone Map. As such it is recommended that Lot 1 DP 394499 be zoned R1 General Residential.

**17. 945 Old Pacific Hwy & 66 Myoora Rd, Somersby (Old Sydney Town/ Australian Reptile Park Sites)**

A submission has been lodged requesting all land uses currently permitted in the E4 Environmental Living zone under GLEP 2014 be permitted on land at 945 and 66 Myoora Rd Somersby as additional permitted uses. The site consists of the following parcels:

Parcel Description	Address	GLEP 2014 Zone
Lot 204 DP 747845	945 Old Pacific Hwy, Somersby	E4 Environmental Living
Lot 205 DP 747845	945 Old Pacific Hwy, Somersby	E4 Environmental Living
Lot 206 DP 747845	66 Myoora Rd, Somersby	E2 Environmental Conservation
Lot 20 DP 859538	66 Myoora Rd, Somersby	E4 Environmental Living
Lot 21 DP 859538	945 Old Pacific Hwy, Somersby	E4 Environmental Living

The subject site is approximately 120 Ha and is located to the north of the M1 Motorway and bounded to the west by National Park, to the east by Somersby Industrial Park and Council's Somersby Water Treatment Plant to the North.

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**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental  
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The subject site contains the Australian Reptile Park and former Old Sydney Town Theme Park along with native vegetation, grassland, dilapidated buildings, dwelling house and dam. The land is predominantly zoned E4 Environmental Living under the GLEP 2014 apart from Lot 206 DP 747845 in the far north-west corner of the site which is zoned E2 Environmental Conservation.

Lot 206, being zoned E2 Environmental Conservation, is not subject to the same land use permissibility as the land zoned E4 Environmental Living. This parcel is proposed to be zoned E2 Environmental Conservation under the CCLEP and will not be subject to any Additional Permitted Uses.

The remaining four parcels are proposed to be zoned E4 Environmental Living under the draft CCLEP and consideration is given to the impact of removing permissible land uses from this site.

Those land uses proposed to be removed from the E4 Environmental Living zone include: Camping grounds; Caravan parks; Extensive agriculture; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Tourist and visitor accommodation; and Veterinary hospitals.

The above land uses or equivalent, with the exclusion of extensive agriculture, were also permitted on this site prior to the GLEP 2014 under the previous IDO 122 zone of 7(c3) Conservation and Scenic Protection Scenic Protection - Tourist Accommodation). Under the IDO 122 an Additional Permitted Use also applied to the site for 'an amusement park, theme park and heritage village' which was added to the site under LEP 194 in June 1987.

The owner of the land has expressed interest in expanding existing and establishing further tourist related uses on the site and the proposed amendment to the land use permissibility will likely impact on future tourism uses. The Australian Reptile Park is under a long-term lease agreement until July 2067. The former Old Sydney Town Theme Park operated from 1975 until 2003 and was listed on the National Trust Register in June 2019 as a living history museum.

The prohibition of the above land uses has the potential to limit the expansion of the Australian Reptile Park, revitalisation of the Old Sydney Town Theme Park and future use of the land for tourism related uses. The inclusion of those land uses outlined above, with the exclusion of extensive agriculture, are considered to be consistent with the Central Coast Strategic Plan 2036 which promotes tourism in the region.

It is also consistent with the Community Strategic Plan and Draft Somersby to Erina Corridor Strategy which recommends that the Old Sydney Town site be investigated for future alternative uses and commits Council to *"prepare a brief and engage consultants to consider options for the future use of this site, to inform discussions with the landowner"*.

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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It is recommended the an Additional Permitted Use be included in Schedule 1 of the CCLEP and shown on the Additional Permitted Use Map Layer to permit the following land uses on Lot 204 DP 747845; Lot 205 DP 747845; Lot 20 DP 859538; and Lot 21 DP 859538:

Camping grounds; Caravan parks; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Tourist and visitor accommodation; and Veterinary hospitals.

#### **18. Clause 4.2A Dwelling entitlement on land in certain rural and environment protection zones**

The exhibited version of the Clause 4.2A unintentionally excluded the former WLEP 2013 Clause 4.2B 3(e)(i) which allowed for a minor realignment of boundaries that did not create an additional lot. It is recommended that draft Clause 4.2A (3)(e) be amended as follows:

- (3) Development consent must not be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies unless the land: ....*
- (e) would have been a lot referred to in paragraph (a), (b), (c) or (d) had it not been affected by:*
- (i) a minor realignment of its boundaries that did not create an additional lot*
  - (ii) a subdivision which created or widened a public road or public reserve or for another public purpose*

#### **19. Density/Rezoning of Woy Woy Peninsula**

A number of submissions raised concern over the rezoning for high rise development and increased density within the Woy Woy Peninsula

The proposal does not seek to rezone Woy Woy Peninsula for high rise development. Land zones that apply within the Woy Woy Peninsula under the current GLEP 2014 will remain under the CCLEP. The Maximum height and floor space ratio currently applicable under the GLEP 2014 within the business centre and surrounding R1 General Residential zoned land is not proposed to change.

The introduction of dual occupancy development within the R2 Low Density Residential zone is not considered to have a major impact on density and may even have less impact than already permissible uses such as secondary dwellings, boarding houses and seniors housing.

#### **Central Coast Development Control Plan**

123 submissions were lodged relating to the draft CCDCP.

#### **20. Chapter 3.1 Floodplain Management**

At the Ordinary Meeting of 11 February 2019 Council Resolved:

*112/19 That Council note the issues raised in terms of the draft chapter 3.1 and that Council request further Community Consultation on this draft chapter when the flood plain maps are available. The existing DCP controls for flooding will continue until this time.*

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**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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In response to this Council Resolution, a DCP chapter which repeats the existing controls has been drafted for adoption. The chapter is separated into two mapped sub-sections (North and South Controls) to ensure that existing controls apply as they currently do under Gosford DCP 2013 and Wyong DCP 2013. A revised DCP Chapter with consistent flood mapping and controls is scheduled to be publicly exhibited in 2020.

**21. Chapter 2.12 Waterfront Structures**

The draft CCDCP proposes to consolidate maximum jetty lengths across the LGA. This extends the length of jetties in Lake Macquarie in the Central Coast Council area of the lake from 30m to 55m and would be inconsistent with controls that apply to the remainder of Lake Macquarie. This issue was discussed with Lake Macquarie Council staff and it is considered that the current 30m maximum jetty length under WDCP 2013 for the Central Coast Council area of Lake Macquarie should be maintained to ensure consistent controls apply across Lake Macquarie.

**22. Chapter 3.8 Acid Sulfate Soils**

Chapter 3.8 Acid Sulfate Soils is not required. It is purely a repeat of the LEP requirements. As the acid sulfate soils are mapped under the LEP the requirements of such should continue to be considered under Clause 7.1 of the CCLEP.

**23. Chapter 3.9 - Erosion and Sediment Control**

Chapter 3.9 Erosion and Sediment Control is not required. The requirements within Chapter 3.9 Erosion and Sediment Control are now administered through the New South Wales Government, *Soils and Construction, Managing Urban Stormwater, Volume 1 – March 2004* which is used by the industry and compliance staff to install and monitor erosion and sedimentation measures

**24. Other Minor Changes**

Several other minor changes are proposed to either amend minor typographical errors or provide additional clarification where requested and considered justified. These proposed changes are summarised in Table 3.

**Recommended Amendments – Not Raised in Submissions**

The following issues have been identified since the commencement of exhibition as a result of reviewing other submissions or as raised by staff when undertaking further review of the proposal:

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental  
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**Lot 27 DP 264579 - 26A Strand Ave Narara**

Lot 27 DP 264579 is Council owned land and is currently split zoned 2(a) Residential and 6(a) Open Space under the GPSO. The draft CCLEP was exhibited with this lot proposed as R2 Low Density Residential and RE1 Public Recreation. As the site is COSS it should be zoned E2 Environmental Conservation. It is recommended that the LZN Map Layer be amended to zone Lot 27 DP 264579 to E2 Environmental Conservation.

**Minor/Typographical Errors**

The draft CCLEP instrument was exhibited with some typographical errors. As such these errors are proposed to be rectified in the final instrument. For example, in some clauses such as Clause 4.2A and 7.22 the word 'house' has been unintentionally omitted when referring to a 'dwelling house' and has the potential to change the intent of the clauses. As such this will be rectified in the instrument.

It is noted that the final instrument will be drafted by Parliamentary Counsel and may be subject to change. Council will be consulted on any such changes if required.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

**Summary of Amendments**

<b>LEP Mapping Amendments</b>
<ul style="list-style-type: none"> <li>Land zoned under the IDO 122 which is outside of the current COSS will maintain its current land use zoning provisions and be removed from CCLEP mapping.</li> </ul>
<ul style="list-style-type: none"> <li>Height of building map currently applying to the R2 Low Density Residential zone under GLEP 2014 will be retained and included as a mapping layer for the CCLEP.</li> </ul>
<ul style="list-style-type: none"> <li>Lot 1 DP 394499 be zoned R1 General Residential.</li> <li>Lot 27 DP 264579 to E2 Environmental Conservation.</li> </ul>
<b>LEP Instrument Amendments</b>
<ul style="list-style-type: none"> <li>Residential flat buildings, multi dwelling housing and serviced apartments be prohibited in the B6 Enterprise Corridor zone and Serviced apartments be prohibited in the B7 Business Park zone.</li> </ul>
<ul style="list-style-type: none"> <li>Clause 7.14 be amended to ensure that the total gross floor area able to be used for shop top housing remains at 50% of the total gross floor area of that part of the building used only for shop top housing and ground floor business or retail premises.</li> </ul>
<ul style="list-style-type: none"> <li>Clause 7.22 be amended to apply only to land currently zoned E2 Environmental Conservation under the GLEP 2014.</li> </ul>
<ul style="list-style-type: none"> <li>CCLEP Schedule 5 Item Number 173 identifies 'Kendalls Glen Memorial' be retitled "Kendalls Glen" reserve, rock and memorial.</li> </ul>
<ul style="list-style-type: none"> <li>Additional Permitted Use to be included in Schedule 1 of CCLEP and shown on the Additional Permitted Use Map Layer to permit the following land uses on Lot 204 DP 747845; Lot 205 DP 747845; Lot 20 DP 859538; and Lot 21 DP 859538: Camping grounds; Caravan parks; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Tourist and visitor accommodation; and Veterinary hospitals.</li> </ul>
<ul style="list-style-type: none"> <li>Clause 4.2A (3)(e) to be amended to include provision for minor realignment of boundaries as per WLEP 2013 2013</li> </ul>
<ul style="list-style-type: none"> <li>Clause 4.2A and 7.22 – insert the word 'house' has been unintentionally omitted when referring to a 'dwelling house' .</li> </ul>
<ul style="list-style-type: none"> <li>Clause 4.3A and 4.4A – amend the title to remove the words 'in certain Local Centres and Enterprise Zones' as these clauses apply to bonuses outside these areas.</li> </ul>
<ul style="list-style-type: none"> <li>CCLEP – Minor typographical and clarification statements</li> </ul>
<b>DCP Amendments</b>
<ul style="list-style-type: none"> <li>Chapter 3.1 – Adoption of existing controls as per Council Resolution 112/19 of 11 February 2019.</li> </ul>
<ul style="list-style-type: none"> <li>Chapter 3.8 Acid Sulfate Soils – not to be adopted.</li> </ul>
<ul style="list-style-type: none"> <li>Chapter 3.9: Erosion and Sediment Control – not to be adopted.</li> </ul>
<ul style="list-style-type: none"> <li>CCDCP – Minor typographical and clarification statements.</li> </ul>

*Table 3– Summary of post exhibition changes to the CCLEP and CCDCP*

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**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental  
Plan and draft Central Coast Development Control Plan (contd)**

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**Digital Mapping**

Council has partnered with DPIE on the Digital Environmental Planning Instrument Pilot Project. The draft CCLEP is the first LEP in NSW to propose and trial digital mapping (geospatial data) in place of PDF maps. This will remove the need for Council to produce numerous versions of the 800+ PDF maps required for the Draft CCLEP. This is an innovative approach to mapping of LEPs that will save Council significant time and resources and will be more intuitive and simpler to use for both staff and the community.

Positive feedback was received from the public and development industry during the exhibition. Any issues with the digital mapping platform were provided to DPIE for consideration and action. Finalisation of the CCLEP with digital mapping will require sign-off from the Minister for Planning and Public Spaces.

**Financial Impact**

The development of a consolidated CCLEP and CCDCP is a priority project to facilitate the transition from the former Councils to the merged Council.

The project has been completed in-house utilising staff resources as such there is minimal financial impact associated with the finalisation of this proposal.

Given the deferral of the matter relating to rezoning of IDO 122 lands that are outside the COSS, budget may be required to finalise the assessment of these lands. This is likely to be undertaken as part of the Environmental Lands Review. Funds may be required to engage suitable consultants with specialist GIS and visual assessment background skills to assist in-house resources. Budget for this component of the project has been requested through separate process.

**Strategic Links**

The CCLEP and CCDCP have been developed having regard for the *Central Coast Regional Plan 2036 (CCRP 2036)*, *One-Central Coast Community Strategic Plan 2018 -2028 (CSP)* and other Strategies of Council including but not limited to the *North Wyong Shire Structure Plan*, *Draft Somersby to Erina Corridor Strategy*, and *Draft Urban Spatial Plan*.

The CCLEP and CCDCP represents the first stage in the comprehensive review of planning controls which will ultimately result in a final Comprehensive LEP and DCP for the Central Coast. The Comprehensive LEP and DCP review process and the relationship between documents is shown in Figure 1 below.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

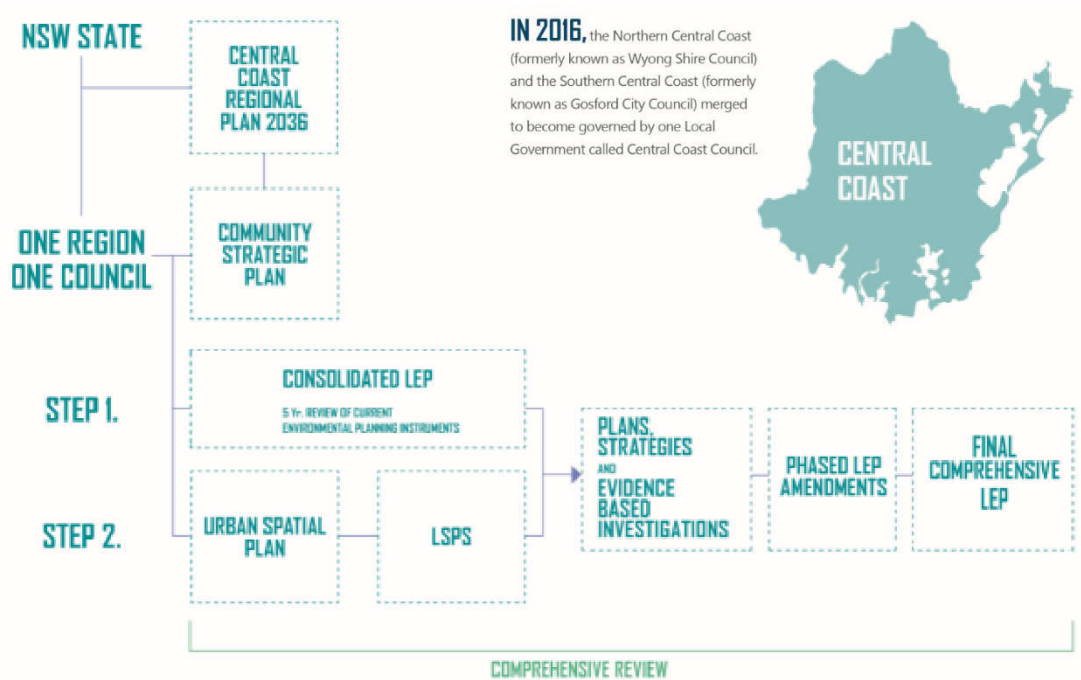


Figure 1: Project flowchart and relationships

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

An assessment of the proposal against the Goals, Directions and Actions of the CCRP has been undertaken. The assessment demonstrated that the proposal is able to assist or is consistent with the Directions of the CCRP.

Through the creation of a harmonised planning framework across the Central Coast, the proposal will provide greater certainty for new development as land use planning provisions across the region will be consistent.

The consolidation of land use planning controls will result in a broader range of land use permissibility within the majority of zones across the Central Coast. Further, the consolidation of controls will assist in meeting growth targets through the addition of appropriate land uses such as dual occupancy in low density residential areas.

**Link to Community Strategic Plan “One – Central Coast” (CSP)**

The CSP defines the community’s vision and roadmap for the future. The plan, prepared with extensive community input, establishes themes and focus areas which set key directions and priorities for the sustainable growth of the Central Coast. The CCLEP and CCDCP support the themes of the CSP.

Theme 2: Smart



**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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**Goal C: A growing and competitive region**

S-C1: Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast.

Theme 3: Green

**Goal E: Environmental resources for the future**

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

Theme 4: Responsible

**Goal G: Good governance and great partnerships**

R-I4: Provide a range of housing options to meet the diverse and changing needs of the community and there is adequate affordable housing.

Theme 4: Responsible

**Goal G: Good governance and great partnerships**

R-I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres and east of the M1.

**Risk Management**

Any risk to the organisation is managed through the application of relevant legislation.

The draft CCLEP and CCDCP will assist in removing complexity in the planning process by consolidating existing instruments reducing the number of environmental planning instruments applying to the region from five to two and DCPs from two to one. This will enable staff to assess applications across the LGA reducing the impact on resourcing and simplifying the planning process for staff, Councillors and the community.

The proposed deferral of lands under IDO 122, exclusive of land identified as COSS, will reduce the risk to the organisation by allowing for further consideration and refinement of criteria in the context of the Central Coast wide Environmental Lands Review. This will reduce the likelihood of inappropriate zoning and associated provisions being applied.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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**Critical Dates or Timeframes**

The timeframe for completing the LEP is by 26 July 2020 as outlined in the revised Gateway Determination issued by the DPIE. The majority of work has been completed to finalise the CCLEP and CCDCP with the next step amending documentation in accordance with the recommendations of this report and forwarding the revised proposal to DPIE under Section 3.35(2) of the EP&A Act 1979. DPIE will then determine whether any further consultation is required.

Following completion of DPIE's review Council will forward a copy of the planning proposal and supporting information to DPIE requesting the draft LEP be prepared. The final instrument will be drafted by Parliamentary Counsel in consultation with Council and opinion issued that the plan can be made. The CCLEP and CCDCP will come into force once it is notified on the NSW Legislation Website.

**Conclusion**

The consolidation of planning instruments is the first stage in the Central Coast Comprehensive LEP Review. It aims to consolidate and harmonise planning controls across the region and simplify the planning process.

During the preparation of the draft CCLEP and draft CCDCP a number of matters were identified that required further and more detailed consideration. Investigative studies have commenced to support and inform the next stages of the Comprehensive LEP.

This report and attachments outline the outcomes of agency consultation and public exhibition and seek Council's endorsement of the draft CCLEP and draft CCDCP as proposed to be amended in accordance with the matters raised in this report and attachments.

**Attachments**

- 1 Agency Consultation Submission Summary Enclosure D13725586
- 2 Public Exhibition Submission Summary CCLEP CCDCP Enclosure D13730310

[Click here to enter text.](#)



### Agency Consultation Submission Summary & Responses

Agency	Issue	Response
Commonwealth Department of Environment (now known as Department of Environment and Energy)	No response received	N/A
Civil Aviation Safety Authority (CASA)	Central Coast Councils area of responsibility does not incorporate any certified or registered aerodromes and therefore CASA has not comment on Central Coast Local Environmental Plan (CCLEP).	Noted
Darkinjung Local Aboriginal Land Council (LALC)	The CCLEP does not acknowledge the Aboriginal Cultural Landscape & fails to address the requirements of the proposed future State legislation (Aboriginal Culture and Heritage Reforms).	The Draft CCLEP is based on the <i>Standard Instrument - Principal Local Environmental Plan</i> (SILEP) and is a consolidation of the current <i>Wyong Local Environmental Plan 2013</i> (WLEP 2013) and <i>Gosford Local Environmental Plan</i> (GLEP 2014). Any amendments as a result of the final Aboriginal Cultural Heritage Bill will be made to the SILEP or further considered by the next stage of the Comprehensive LEP.
	Culturally sensitive areas are incorrectly mapped in the Somersby Industrial Estate. Until this is resolved, any DA in the locality should be inclusive of a search of the Aboriginal Heritage Investigation Management System (AHIMS). Further requirements for detailed archaeological surveys and consultation with registered Aboriginal stakeholders be implemented if a site is located within 200m of the proposed development site.	The timing and scope of works for the Consolidated LEP does not allow for an archaeological study /ground truthing to be undertaken.  OEH is currently undertaking work with Darkinjung LALC to identify culturally significant sites. Dependant on timing of this work consideration will be given to this during the preparation of a Comprehensive LEP.  It is general practice, that where Aboriginal Archaeological Assessments undertaken identify new sites/objects, these are issued to OEH for the purposes of updating AHIMS



Agency	Issue	Response
		<p>Many land uses are unable to be undertaken as complying development within rural areas as they are within a sensitive location, i.e. within the Central Coast Drinking Water Catchment.</p> <p>The permissibility of extensive agriculture within rural zones is mandated by the SILEP. This requires this land use to be permissible without consent, i.e. exempt.</p> <p>Council is attempting to further manage other rural land uses which require extensive clearing, such as intensive plant agriculture, by requiring development consent.</p>
	<p>Schedule 5 fails to identify any registered Aboriginal places across the CC. There are 3 registered Aboriginal places listed under the National Parks and Wildlife Act. These are:</p> <ul style="list-style-type: none"> <li>- Bulgandry Art Site, Kariong</li> <li>- Kariong Sacred Lands, Kariong</li> <li>- Tuggerah Lakes Resting Place, Tuggerah</li> </ul> <p>A fourth site, the Mooney Mooney Aboriginal Area, at Somersby is also recognised by NPWS as an area of cultural significance. A fifth site, the Calga Aboriginal Women's Site/ Calga Aboriginal Sites is also currently under consideration for Place listing.</p> <p>These should be referenced in Schedule 5 of the LEP and mapped.</p> <p>There are also thousands of sites of cultural significance on the AHIMS which are generally not disclosed in mapping. Council should do due diligence in relation to cultural sites in vicinity of proposal.</p> <p>Consider SEPP (Aboriginal Land) 2019 and the four sites identified in Comprehensive LEP</p>	<p>In response to submissions and the recent listing of the Calga Aboriginal Cultural Landscape on the State Heritage Register it is proposed to include this as an item of heritage significance in Schedule 5 of the CCLEP 2018.</p> <p>The other suggested sites will be considered as part of the Heritage review currently being undertaken for stage 2 of the comprehensive LEP Review. the submission has been referred to Council's heritage officer and further consultation will be undertaken with NPWS, Premier &amp; Cabinet (Heritage) Darkinjung LALC and other relevant stakeholders.</p> <p>The SEPP does not require amendment to the CCLEP at this stage.</p>



Agency	Issue	Response
	<p>Support COSS and note proposal does not extend COSS. Darkinjung will not support the transfer of Darkinjung LALC land to Council for inclusion in Coastal Open Space System (COSS) network. The intent and objectives of COSS can be satisfied while in Darkinjung ownership.</p>	<p>The proposal does not extend the current COSS nor include additional requirements for acquisition of this land.</p> <p>In response to public submissions and consultation with Council a decision has been made to further refine the criteria being applied to the zoning of Deferred Matters lands currently subject to <i>Interim Development Order No. 122</i> (IDO No.122). At this stage land within these areas and outside of the current Coastal Open Space System (COSS) will maintain their current land use zoning provisions. Landowners will be further consulted prior to any land use zoning change being made to their land. All land identified as COSS is proposed to be zoned E2 Environmental Conservation. It is noted those sites highlighted in the submission are proposed COSS and the zoning of these lands will remain as exhibited.</p>



Agency	Issue	Response
	Support Small Lot Housing in R2 zone for delivery of affordable housing	<p>The R2 Low Density Residential zones of the Central Coast are generally a conversion of the previous 2(a) low density residential zone which are commonly located further away from centres where residents have an expectation of a certain level of amenity which may be impacted by development of a higher density. As such the introduction of small lot housing is not considered appropriate across all R2 zoned land on the Central Coast. The R1 General Residential zone is better suited to this form of development due to its location and proximity to essential services and public transport. Provisions for variations to minimum lot size are proposed to be retained in the LEP for land within the R1 zone as the former Gosford LGA will retain a minimum lot size of 550m<sup>2</sup> in this zone. In developing strategic documents to permit the development of greenfield areas, Council does not require the inclusion of small lot subdivision on R2 zoned land in order to meet its dwelling targets.</p> <p>The draft Affordable and Alternative Housing Strategy includes recommendations that will be further considered as part of the development of Council's Comprehensive LEP which will include considering whether smaller lots in residential areas address housing affordability issues.</p>
	Darkinjung supports the UDIA submission to DPIE to include an Additional Local Provision in part 7 of the LEP to enable seniors living development in Business zones and Environmental zones.	<p>The process currently being undertaken by Council is an LEP and DCP consolidation process and is the first stage of the Comprehensive Review of Council's planning controls. The consolidation process is not the appropriate means to introduce new provisions. Any such consideration would require the submission of a separate planning proposal supported by appropriate studies relating to the landuse and lands identified.</p>



Agency	Issue	Response
	<p>CI 20 of Gosford IDO 122 provides flexibility for boundary adjustments and seeks to preserve dwelling entitlement. CI 4.2 of draft CCLEP does not carry this over. SEPP Exempt and Complying also does not provide the flexibility required for boundary adjustments. CI 4.2C of Lake Mac LEP 2014 is an example where a more flexible approach is used.</p>	<p>Amendment 36 to WLEP 2013 and Amendment 38 to GLEP 2014 was published on 1 November 2019 and inserted a new clause to enable boundary adjustments for land zoned RU1 Primary Production, RU2 Rural Landscape, E2 Environment Conservation, E3 Environmental Management or E4 Environment Living where no additional lots or dwelling entitlements are created and the resultant lots achieve a superior outcome for either agricultural or environmental protection or management. This provision will be included in the final CCLEP when made. It is noted that there was text missing from draft CI 4.2A in relation to minor boundary realignment - this was an error and will be reinstated.</p>
	<p>CL 4.1E of Lake Mac LEP 2014 also allows creation of undersized lots to provide for longer term environmental outcomes and this is suggested for consideration.</p>	<p>A new clause similar to Clause 4.1E Exceptions to minimum lot sizes for biodiversity conservation in Lake Macquarie LEP 2014 was investigated in the preparation of the Miscellaneous Amendment Planning Proposal. It was concluded that this issue should be considered as part of the preparation of the next stage of the Comprehensive Central Coast LEP, where it can be informed by Council's Central Coast Biodiversity Strategy. The draft Biodiversity Strategy has recently been exhibited by Council.</p>
	<p>DCP CH 2.4 Subdivision 2.4.2.3 Cut, Fill and Earthworks is outdated and impractical. Retaining walls should be assessed on merit</p> <p>DCP Ch 3.1 Flooding mapping</p>	<p>Limitations on boundary cut and fill requirements are considered appropriate and any variation to the controls will require consideration of the relevant objectives.</p> <p>The Consolidated Floodplain Management Chapter of the DCP has been deferred until consistent and complete floodplain mapping for the LGA is available. At this stage Council will continue with the existing flooding and water cycle management controls.</p>



Agency	Issue	Response
	<p>The minimum lot size for dual occupancy is not in line with the Low Rise Medium Density Housing Code and SEPP Exempt and Complying.</p>	<p>The Low Rise Medium Density Housing Code allows for Councils to set minimum lot size for dual occupancy development under their LEPs. These lot sizes proposed are consistent with that currently outlined in the Wyong DCP 2013 and Gosford LEP 2014 and are considered appropriate for the Central Coast LGA.</p>
<p>Department of Industry (Crown Lands) (now known as Department of Planning Industry and Environment, Housing and Property, Lands)</p>	<p><i>Crown Reserves:</i> Zonings should not compromise management and consider future use of Crown Land. Zoning of Crown reserves should be consistent with the public purpose of the reserve.</p> <p>Due regard should be made to the NSW Aboriginal Land Rights Act 1983 and Commonwealth Native Title Act 1993 and the impact of Native Title and Aboriginal Land Claims on the proposed LEP zonings.</p>	<p>The Proposal seeks to rezone all COSS land that is currently deferred from the GLEP 2014 to E2 Environmental Conservation. The remainder of lands zoned under IDO 122 will remain deferred to allow for further refinement of criteria and consistent approach to all Environmental Lands across the LGA as part of an LGA wide Environmental Lands Review.</p>
	<p><i>Crown Roads:</i> A strategic assessment of public road corridors should be undertaken to determine any unnecessary Crown roads (unformed roads). These roads may be closed and replaced with private rights of way established during the DA process. This would rationalise the public road network and identify Crown and Council roads required for future needs.</p>	<p>A strategic review of the road network is not a consolidation matter. However, this may be considered in future in conjunction with Department of Planning Industry and Environment, Housing and Property, Lands).</p>
	<p><i>Schedule 5 – Environmental Heritage:</i> Supportive of recognising heritage items except where inconsistent with tenure agreements on Crown Land. In particular boatsheds and wharves as per advice in letter to Council 30 Nov 2017 in response to the Gosford Community Based Heritage Study Amendment to GLEP 2014.</p>	<p>Schedule 5 of CCLEP consists of those items from GLEP 2014, IDO 122, GPSO and WLEP 2013. Two additional items have been included in Schedule 5 following exhibition. These are Calga Aboriginal Cultural Landscape which was recently listed on the State Heritage Register and Kendalls Glen reserve and rock which is currently listed as a heritage item under the GPSO and erroneously excluded from the draft CCLEP. The letter referred to during agency consultation related to a separate Planning Proposal. Further discussions with Department of Planning, Industry and Environment (DPIE) have occurred in relation to those matters.</p>





Agency	Issue	Response
	<p><i>Central Coast Land Negotiation Program:</i> Consideration should be given to the Central Coast Land Negotiation Program prior to finalisation of the rezoning proposal with regard to:</p> <ul style="list-style-type: none"> <li>▪ Lot 343 DP 755234 – 129 Oceano St, Copacabana – DPI has no objection to proposed E2 Environmental Conservation Zone.</li> <li>▪ Lot 3 DP 863379 – 70 Fishermans Pde Daleys Point – DPI has no objection to proposed E2 Environmental Conservation Zone.</li> <li>▪ Lot 8 DP 802107 – Central Coast Hwy, Kariong - DPI notes that the proposed rezoning from Zone 2(A) Residential; Zone 5(E) Arterial Road and Zone 5 Special Uses to Zone E2 Environmental Conservation would be incompatible with its dedicated purpose and recommends consultation with Darkinjung LALC.</li> </ul> <p>The above properties are under land claim and Council should consult with Darkinjung LALC.</p>	<p>Darkinjung LALC has been consulted as part of the agency consultation, industry information session and public exhibition of the draft CCLEP. Comments provided by Darkinjung LALC have been considered as part of this proposal.</p> <p>In response to agency and public submissions and consultation with Council a decision has been made to further refine the criteria being applied to the zoning of Deferred Matters lands currently subject to IDO No.122. At this stage land within these areas and outside of the current COSS will maintain their current land use zoning provisions. All land identified as COSS is proposed to be zoned E2 Environmental Conservation. As such it is proposed to zone Lot 343 DP 755234 and Lot 3 DP 863379 to E2 Environmental Conservation as these parcels are currently identified as COSS.</p> <p>Lot 8 DP 802107 is currently deferred from the GLEP 2014, however; its deferral is considered to be an anomaly. It is proposed to zone the land to R2/E2/7(a) rezoning the GPSO lands to an equivalent zone consistent with the adjoining land and deferring the IDO 122 zoned portion for further consideration.</p>
Department of Industry (Water) (now part of Department of Planning Industry and Environment, Water)	<p>No issues raised.</p> <p>Provides considerations for any future DA's in riparian zones, impact on groundwater and stormwater management.</p>	Noted
Department of Planning and Environment (now Department of Planning, Industry and Environment)	No specific comment on the PP at this time.	Noted



Agency	Issue	Response
Department of Primary Industries (Agriculture) (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Primary Industries (Agriculture))	<p>Supportive of the consolidation of instruments as an interim measure.</p> <p>DPI Agriculture can provide information from the Important Agricultural Lands Mapping Project being undertaken in the Central Coast to inform a future comprehensive LEP</p>	<p>Noted</p>
	<p><i>Intensive plant agriculture</i> should remain permitted without consent in the RU1 zone as:</p> <ul style="list-style-type: none"> <li>▪ DPI has focused on promoting best practice and self-regulation amongst growers. Should justify addition of 'intensive plant industries' as part of a rural strategy.</li> <li>▪ Additional Council resources will be required to assess applications with technical expertise. DPI support would be limited.</li> <li>▪ State level legislative frameworks underpin regulation in NSW associated agencies have existing referral procedures in place and should be consulted.</li> <li>▪ The NSW Right to Farm Policy and Central Coast Regional Plan (CCRP) stipulate Government priorities to enhance agricultural land and identify opportunities for agribusiness growth. This proposal may have unintended consequences for agriculture in the Central Coast and State.</li> </ul>	<p>Not supported.</p> <p>In the RU1 Primary Production zone the group term of <i>Intensive plant agriculture</i> is permitted with consent in both the WLEP 2013 &amp; GLEP 2014. The sub terms of horticulture and viticulture are permitted without consent in GLEP 2014 but with consent in WLEP 2013.</p> <p>These industries generally involve the utilisation of pesticides and chemicals, as well as clearing of native vegetation which, if inappropriately managed or undertaken, can pose potential environmental risks. This is particularly of concern as this zone predominantly occurs within the Central Coast Drinking Water Catchments.</p> <p>It is important that the impacts associated with these land uses are assessed through the development application process to ensure that appropriate management strategies and safeguards are implemented.</p> <p>The former Wyong Shire Council commenced work on a rural land strategy and Central Coast Council is now extending this strategy to the full LGA. This project will inform potential revisions to development controls or provisions through the Comprehensive LEP.</p> <p>In the interim it is considered appropriate to permit this land use with consent as is the current practice under the WLEP 2013.</p>



Agency	Issue	Response
	<p>Do not support Prohibition of Horticulture (intensive Plant Agriculture) from RU5. This use should be permissible without consent.</p> <p>The majority of intensive plant agriculture is undertaken on small parcels of land and with advances in technology and growing methods the use of small parcels in the vicinity of village should encouraged.</p> <p>Do not support inclusion of detached Dual occupancy in RU1 and RU2 for following reasons:</p> <ul style="list-style-type: none"> <li>▪ DPI are publishing guidelines on detached dual occupancies and secondary dwellings this year to provide state wide advice.</li> <li>▪ Impact on productive capacity of ag industries and availability of ag resources</li> <li>▪ Impact on other primary industry opportunities e.g. Forestry mineral development quarrying etc.</li> <li>▪ Land use conflict e.g. unreasonable proximity to farm buildings, boundaries etc.</li> <li>▪ Property inflation preventing purchase of farming land or expansion of operations</li> <li>▪ Long term social and economic costs and benefits should be evaluated before making changes</li> <li>▪ Attached dual occupancies and rural workers dwellings where justified may assist in reducing some adverse impacts.</li> </ul>	<p>Horticulture is currently prohibited in the RU5 Village zone under WLEP 2013 and permitted with consent under the GLEP 2014. This use is considered inconsistent with the zone objectives due to associated land use conflict. The use is catered for in surrounding rural lands.</p> <p>Dual occupancy (attached &amp; detached) is currently permitted in WLEP 2013 and prohibited in GLEP 2014.</p> <p>Secondary dwellings are currently permissible under GLEP 2014 and WLEP 2013. The key difference by permitting dual occupancies is the size of the dwelling. The DA process assesses such proposals on its merits. It is also noted that attached dual occupancy developments are permissible in the 7(b) Scenic protection and 7(c2) Scenic Protection - Rural Small Holdings zones of IDO 122. Dual Occupancy housing will assist in meeting the Central Coast Regional Plan 2036 (CCRP) estimated 41,500 more dwellings by 2036 to assist in housing the additional 75,500 more people in this time frame.</p>
<p>Department of Primary Industries (Fisheries) (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Primary Industries (Fisheries))</p>	<p>No concerns raised.</p> <p>Noted that there should be no conflict between the CCLEP and State Environmental Planning Policy (SEPP) 62 sustainable Aquaculture</p>	<p>The relationship of SEPP 62 to the CCLEP is that in the event of an inconsistency between the SEPP and another environmental planning instrument whether made before or after the SEPP, the SEPP prevails to the extent of the inconsistency, subject to section 36 (4) of the Act.</p>



Agency	Issue	Response
Forestry Corporation of NSW (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Primary Industries (Forestry))	Forestry is important at a local and regional scale with potential for future expansion (in existing State forests and reserves, private forested and/or cleared lands). Sustainable forestry makes a contribution to conservation of biodiversity.	Forestry remains as a permissible land use under the CCLEP subject to relevant requirements of the Forestry Act, 1913.
	Recreation and Tourism within the RU3 zone supported - tourism ventures on State forest and the renewal of facilities at several camping areas within the State forest estate demonstrates that these developments are compatible with forestry land use	The draft CCLEP supports recreational uses within RU3 Forestry zone (e.g. recreation areas, recreation facilities (outdoor), kiosks etc.)
	A number of anomalous mapping issues have been identified which are inconsistent with Forestry Corporation NSW data.	Mapping errors identified will be rectified prior to the making of the CCLEP.
Guringai Tribal Link Aboriginal Land Council (now Wannangini Pty Ltd)	No response received	N/A
Local Land Services	No response received	N/A



Agency	Issue	Response
<p>National Parks and Wildlife Services (now part of Department of Planning Industry and Environment, Environment, Energy &amp; Science, National Parks and Wildlife Services)</p>	<p>The zoning/lot size of the following properties requires amendment to reflect NPWS estate boundaries:</p> <ul style="list-style-type: none"> <li>▪ Lot 49 DP 755239: Land is now National Park. Land is to be zoned inclusive of road (Inclusive of Simpsons Track, exclusive of Great Northern Road). Amend Zoning to E1</li> <li>▪ Lot 541 DP 1209774: Only part of lot is shown in National Parks layer. Align E1/E2 boundary to National Parks boundary. NP layer was updated to reflect the update to cadastre in 2015. Whole of Lot 541 is within Dharug NP. Amend zoning to E1/E2</li> <li>▪ Lot 2630 DP 1205813: Land not in National Park. Amend zoning to E2.</li> </ul>	<p>Noted</p> <p>Relevant amendments to the affected Lot Size and Land Zoning Maps have been made</p>



Agency	Issue	Response
<p>Office of Environment &amp; Heritage (OEH) (now part of Department of Planning Industry and Environment, Environment, Energy &amp; Science, Office of Environment &amp; Heritage)</p>	<p>Recommendations provided in relation to biodiversity, floodplain management and cultural heritage:</p> <ul style="list-style-type: none"> <li>▪ The NSW Coastal Management SEPP has come into operation and should be applied to the CCLEP.</li> <li>▪ Supportive of the E2 zone without a dwelling entitlement and 20 ha minimum lot size in the E3 zone</li> <li>▪ Recommend COSS land be zoned E2 Environmental Conservation</li> <li>▪ Recommend all 'Proposed COSS' be zoned E2 Environmental Conservation</li> <li>▪ Inclusion of the intent to find a mechanism to expand the COSS and strengthen protection of natural areas through the comprehensive LEP</li> <li>▪ Further consultation with NPWS to determine any administrative changes</li> <li>▪ Sewerage reticulation systems, water recycling facilities and water reticulation systems should not be permissible within the W1 and W2 zones</li> <li>▪ Seeks inclusion of OEH in the development of mapping and development controls in relation to cl. 7.2 and 7.3</li> <li>▪ Seek definition of flood planning level that is consistent with the model clauses for standard instrument LEPs in cl. 7.2 and 7.3 of draft CCLEP 2018.</li> <li>▪ Include land surrounded by the flood planning level (flood islands) in cl. 7.2</li> <li>▪ Amend chapter 3.1 - Define flood hazard categories (H1 to H6) consistent with ADRH, use consistent terminology, use AEP in place of ARI, controls to limit filling should be based on flood function, apply appropriate controls to low hazard areas, review controls in H4 areas, remove requirement for signage for flood hazard, require all residential development in flood planning area have a floor level at or above the flood planning level, cumulative filling of floodplains should be managed through the floodplain risk</li> </ul>	<p>Noted.</p> <p>The draft CCLEP has had regard for the Coastal Management SEPP (refer to Supporting Documentation – <i>Assessment &amp; Endorsement</i>).</p> <p>The draft CCLEP recognises that the COSS is an important feature of the Central Coast LGA. All deferred lands that are also identified as COSS are proposed to be rezoned E2 Environmental Conservation. Further work to expand the COSS and protect important areas of natural vegetation and corridors will be undertaken during the comprehensive LEP project. Proposed COSS under the IDO 122 is proposed to remain deferred to allow for further refinement of criteria and a consistent approach across the full LGA.</p> <p>Sewerage and water infrastructure uses (excluding water reticulation systems) are proposed to be retained within the W1 Natural Waterways and W2 Recreational Waterways zones as being permissible with consent. This is to ensure that adequate infrastructure and effective servicing can be provided within these and adjoining zones. This will ensure that where <i>State Environmental Planning Policy (Infrastructure) 2007</i>, and WLEP 2013 Clause 7.10 Council Infrastructure (which is proposed to be retained) do not apply these works can still be carried out with consent.</p> <p>As a consolidation of existing instruments, the draft CCLEP does not propose to include Floodprone land maps as these do not exist in any of the instruments being consolidated. Relevant development controls relating to development of Floodprone land are provided within the supporting CCDCP.</p> <p>Council is unable to specify a freeboard for the LGA in the LEP as the freeboard differs across the LGA (i.e.- 300mm and not 500mm on the Woy Woy Peninsula)</p>



Agency	Issue	Response
	<p>The DCP should include the RU6 Transition zone in Chapter 3.5 Tree and Vegetation management</p>	<p>Consistent with the Vegetation SEPP, vegetation removal in the RU6 zone is not dealt with under a DCP and requires Local Land Services approval.</p>
	<p>Further comment regarding additional matters to be considered during the preparation of a comprehensive LEP have also been provided. These relate to:</p> <ul style="list-style-type: none"> <li>▪ Assessment of biodiversity values of land</li> <li>▪ Review of permitted land use in environmental zones</li> <li>▪ Provision of a mechanism to strengthen the COSS</li> <li>▪ Consistency of land uses within the E2, E3 and E4 zones with the DP&amp;E Practice Note PN09-002</li> <li>▪ Ensure all new land uses within the RU6 zone are consistent with the Standard Instrument LEP objective for RU6 Zone.</li> <li>▪ Inclusion of the COSS land in the biodiversity values map and use of biodiversity overlays</li> <li>▪ Include an Environmentally Sensitive Lands Layer in future LEP</li> <li>▪ Investigation and assessment of Aboriginal Cultural Heritage and Aboriginal stakeholder engagement</li> <li>▪ Recommends sensitivity mapping of Aboriginal cultural heritage values, informed by Aboriginal cultural heritage studies</li> <li>▪ Refine the W2 zone mapping</li> <li>▪ Include the RU6 Transition zone in Chapter 3.5 Tree and Vegetation management</li> </ul>	<p>The matters identified for further consideration during the preparation of a comprehensive LEP will be addressed through the next stage of that project and recommendations considered when scoping projects such as the Environmental Lands Review.</p>



Agency	Issue	Response
Office of Environment & Heritage (OEH – Heritage Branch) (now part of Department of Planning Industry and Environment, Environment, Energy & Science, Office of Environment & Heritage)	No objection to the Planning Proposal.	Noted
NSW Resources and Geosciences (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Resources and Geoscience)	Sought confirmation that the permissibility of mining and extractive industries within the Central Coast as set out in <i>SEPP Mining, Petroleum Production and Extractive Industries</i> is not affected by the Draft CCLEP.	This has been confirmed. Part 1.9 of the Draft CCLEP is subject to the provision of any State Environmental Planning Policy (SEPP) (or deemed SEPPs) that prevails over the plan. Therefore, the provisions of CCLEP do not impact on the permissibility set out in the SEPP.
	Minor inconsistency with the proposed zoning of a location adjacent to Rindean Quarry.	This issue has been addressed as <i>Sydney Regional Environmental Plan No. 8 Central Coast Plateau Areas</i> (SREP 8) and <i>Sydney Regional Environmental Plan No. 9 Extractive Industry</i> (SREP 9) will continue to prevail.





Agency	Issue	Response
<p>Roads and Maritime Services (now part of Transport for NSW Roads and Maritime Services)</p>	<p><i>Roads Branch:</i></p> <p>All sites previously requested (in 2013) to be removed within the Narara road corridor are to be retained as per the current gazetted <i>GLEP 2014</i> LRA Map.</p> <p>The amendments requested (in February 2018) to LRA maps affecting Lots 105 &amp; 106 DP 1226612 (MacDonald Road, Lisarow) under <i>GLEP 2014</i> (below) are not considered to be consolidation matters as these lots are yet to be dedicated and cannot form part of any current proposal.</p> <p>Lot 12 DP 1174174 (Brisbane Water Drive, West Gosford) has however been acquired by the RMS and the LRA map should be amended accordingly.</p> <p>Amendments to the LRA maps affecting the following sites are not required (as requested in February 2018) to be amended through the CCLEP. The LRA maps applying to these sites are being amended by <i>WLEP 2013</i> Amendment No. 28.</p> <ul style="list-style-type: none"> <li>• Lots 1 &amp; 2 DP 214886 and Lot 18 DP 705440 (Nos 41-47 Railway Road, Warnervale)</li> <li>• Lots 23 &amp; 24 DP 1199184 and a portion of frontage north of Lot 23 (no DP) (Pacific Highway, Hamlyn Terrace)</li> <li>• Lots 84, 85, 86 &amp; 87 DP 26104 (Nos 113, 115, 117 and 119 Budgewoi Road, Noraville)</li> </ul>	<p>Noted</p> <p>The LRA maps have been amended according to this advice.</p>



Agency	Issue	Response
	<p>Object to deferred Matters land being rezoned to an equivalent environmental protection zone (E4 Environmental Living). The majority of the Roads and Maritime land remains developable land. It is Roads and Maritime's intention to dispose of the land for the highest and best use. Roads and Maritime recommend that any proposed rezoning maintains or increases the value of the land.</p>	<p>In response to public submissions and consultation with Council a decision has been made to further refine the criteria being applied to the zoning of Deferred Matters lands currently subject to IDO No.122. At this stage land within these areas and outside of the current Coastal Open Space System (COSS) will maintain their current land use zoning provisions. Landowners will be further consulted prior to any land use zoning change being made to their land. All land identified as COSS is proposed to be zoned E2 Environmental Conservation.</p>
	<p>DCP clause 5.37.3.2 (b)(ii) allows for no access or egress to the Pacific Highway. Council should consider adopting additional access restriction clauses with regards to direct access to any State road where alternate access can be provided.</p>	<p>Chapter 5.37 was developed in consultation with the RMS as are all DCPs that front State Roads and appropriate provisions are added on a case by case basis.</p>
	<p><i>Maritime Branch:</i></p> <p>Moorings should be permissible without consent in all waterways zones to avoid any inconsistency with State Environmental Planning Policy (Infrastructure) 2007.</p> <p>Navais and other core Maritime activities should be permissible without consent in all zones and unzoned land.</p>	<p>Moorings are proposed as permissible without consent in all waterway zones.</p> <p>Navais and other core maritime activities are not specifically defined land uses within the SILEP as such cannot be listed in the CCLEP as permissible without consent.</p>
NSW Rural Fire Service	<p>No objection to the proposal subject to any future development complying with <i>Planning for Bush Fire Protection 2006</i>.</p>	Noted
Subsidence Advisory NSW	<p>No objection.</p> <p>SA NSW recommends Council refer any future land use rezoning application located within either Wyong or Swansea North Entrance Mine Subsidence Districts to SA NSW.</p>	Noted
Transport for NSW	No specific issues or comments	Noted