

03

Agency Responses

CONTENTS

Submission Summary & Responses

Civil Aviation Safety Authority

Darkinjung Local Aboriginal Land Council

Department of Industry (Crown Lands)

Department of Industry (Water)

Department of Planning & Environment

Department of Primary Industries (Agriculture)

Department of Primary Industries (Fisheries)

Forestry Corporation of NSW

National Parks and Wildlife Services

Office of Environment and Heritage

Office of Environment and Heritage (Heritage Branch)

Resources and Geoscience

Roads and Maritime Services

Rural Fire Service

Subsidence Advisory NSW

Transport for NSW



Agency Consultation Submission Summary & Responses

Agency	Issue	Response
Commonwealth Department of Environment	No response received	N/A
Civil Aviation Safety Authority	Central Coast Councils area of responsibility does not incorporate any certified or registered aerodromes and therefore CASA has not comment on CCLEP.	Noted
Darkinjung Local Aboriginal Land Council	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 based on the Standard Instrument LEP and as a consolidation of the current <i>WLEP 2013</i> and <i>GLEP 2014</i> . Any amendments a result of the final Aboriginal Cultural Heritage Bill will be made to the Standard Instrument LEP or further considered by 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 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
	Land uses such as extensive agriculture and complying development can occur without development consent. This opens potential for damage or destruction of significant cultural sites knowingly or without due consideration. The CCLEP does not include measures to mitigate such damage.	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. The permissibility of extensive agriculture within rural zones is mandated by the SILEP. This requires this land use to be permissible without



Agency	Issue	Response
		<p>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>
Department of Industry (Crown Lands)	<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 deferred lands to an appropriate Standard Instrument zoning in accordance with the methodology applied through the Environmental and Urban Edge Review (refer to Supporting Documentation – <i>Studies</i>)</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 DPI Land & Water.</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>There are no additional heritage items proposed for listing through the CCLEP. Schedule 5 consists of those items from <i>GLEP 2014, IDO 122 GPSO and WLEP 2013</i>. The letter referred to during agency consultation related to a separate Planning Proposal. Further discussions with Department of Planning and Environment (DP&E) have occurred in relation to those matters.</p>
Department of Industry (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

Agency	Issue	Response
Department of Planning and Environment	No specific comment on the PP at this time.	Noted
Department of 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>	Noted
	<p><i>Intensive plant agriculture</i> should remain permitted without consent in the RU1 zone as:</p> <ul style="list-style-type: none"> ▪ 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. ▪ Additional Council resources will be required to assess applications with technical expertise. DPI support would be limited. ▪ State level legislative frameworks underpin regulation in NSW associated agencies have existing referral procedures in place and should be consulted. ▪ 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. 	<p>Not supported.</p> <p>In the RU1 zone the group term of <i>Intensive plant agriculture</i> is permitted with consent in both the <i>WLEP 2013 & GLEP 2014</i>. The sub terms of horticulture and viticulture are permitted without consent in <i>GLEP 2014</i> but with consent in <i>WLEP 2013</i>.</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 it is now proposed to extend 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</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>the <i>WLEP 2013</i>.</p> <p>Horticulture is currently prohibited in the RU5 zone under <i>WLEP 2013</i> and permitted with consent under the <i>GLEP 2014</i>. 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>Do not support inclusion of detached Dual occupancy in RU1 and RU2 for following reasons:</p> <ul style="list-style-type: none"> ▪ DPI are publishing guidelines on detached dual occupancies and secondary dwellings this year to provide state wide advice. ▪ Impact on productive capacity of ag industries and availability of ag resources ▪ Impact on other primary industry opportunities e.g. Forestry mineral development quarrying etc. ▪ Land use conflict e.g. unreasonable proximity to farm buildings, boundaries etc. ▪ Property inflation preventing purchase of farming land or expansion of operations ▪ Long term social and economic costs and benefits should be evaluated before making changes ▪ Attached dual occupancies and rural workers dwellings where justified may assist in reducing some adverse impacts. 	<p>Dual occupancy (attached & detached) is currently permitted in <i>WLEP 2013</i> and prohibited in <i>GLEP 2014</i>.</p> <p>Secondary dwellings are currently permissible under <i>GLEP 2014</i> and <i>WLEP 2013</i>. 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 were permissible in the former 7(b) Scenic protection and 7(c2) Scenic Protection - Rural Small Holdings zones of <i>IDO 122</i> which is proposed to be repealed as part of the current Consolidated LEP process. Dual Occupancy housing will assist in meeting the 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)</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</p>

Agency	Issue	Response
		the Act.
Forestry Corporation of NSW	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 <i>CCLEP</i> supports recreational uses within RU3 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 <i>CCLEP</i> .
Guringai Tribal Link Aboriginal Land Council	No response received	N/A
Local Land Services	No response received	N/A
National Parks and Wildlife Services	<p>The zoning/lot size of the following properties requires amendment to reflect NPWS estate boundaries:</p> <ul style="list-style-type: none"> ▪ 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 ▪ 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 	<p>Noted</p> <p>Relevant amendments to the affected Lot Size and Land Zoning maps have been made</p>

Agency	Issue	Response
	<p>to E1/E2</p> <ul style="list-style-type: none"> ▪ Lot 2630 DP 1205813: Land not in National Park. Amend zoning to E2. 	
<p>Office of Environment & Heritage (OEH)</p>	<p>Recommendations provided in relation to biodiversity, floodplain management and cultural heritage:</p> <ul style="list-style-type: none"> ▪ The NSW Coastal Management SEPP has come into operation and should be applied to the CCLEP. ▪ Supportive of the E2 zone without a dwelling entitlement and 20 ha minimum lot size in the E3 zone ▪ Inclusion of the intent to find a mechanism to expand the COSS and strengthen protection of natural areas through the comprehensive LEP ▪ Further consultation with NPWS to determine any administrative changes ▪ Sewerage reticulation systems, water recycling facilities and water reticulation systems should not be permissible within the W1 and W2 zones ▪ Seeks inclusion of OEH in the development of mapping and development controls in relation to cl. 7.2 and 7.3 ▪ An additional objective to provide for “sustainable” aquaculture should be included in the W1 zone objectives 	<p>Noted.</p> <p>The draft CCLEP has had regard for the Coastal Management SEPP (refer to Supporting Documentation – <i>Assessment & Endorsement</i>).</p> <p>The draft <i>CCLEP</i> recognises that the COSS is an important feature of the Central Coast LGA. The majority of those deferred areas of the 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.</p> <p>Sewerage and water infrastructure uses (excluding water reticulation systems) are proposed to be retained within the W1 and W2 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 State Environmental Planning Policy (Infrastructure) 2007, 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 <i>CCLEP</i> 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</p>



Agency	Issue	Response
		<p>provided within the supporting <i>CCDCP</i>.</p> <p>The objectives of the W1 zone have been amended to reference “sustainable” aquaculture.</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"> ▪ Assessment of biodiversity values of land ▪ Review of permitted land use in environmental zones ▪ Provision of a mechanism to strengthen the COSS ▪ Consistency of land uses within the E3 and E4 zones with the DP&E Practice Note PN09-002 ▪ Inclusion of the COSS land in the biodiversity values map and use of biodiversity overlays ▪ Investigation and assessment of Aboriginal Cultural Heritage and Aboriginal stakeholder engagement ▪ Refine the W2 zone mapping 	<p>The matters identified for further consideration during the preparation of a comprehensive LEP will be addressed through that project.</p>
Office of Environment & Heritage (OEH – Heritage Branch)	No objection to the Planning Proposal.	Noted
Resources and Geosciences	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.	<p>This has been confirmed.</p> <p>Part 1.9 of the Draft CCLEP the plan is subject to the provision of any State Environmental Planning Policy (SEPP) (or deemed SEPPs) that prevails over the plan.</p> <p>Therefore, the provisions of CCLEP do not impact on the permissibility set out in the SEPP.</p>
	Minor inconsistency with the proposed zoning of a location adjacent to Rindean	This issue has been addressed as Sydney Regional Environmental Plan (SREP) 8

Agency	Issue	Response
	Quarry.	and SREP 9 will continue to prevail.
Roads and Maritime Services	<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 & 106 DP 1226612 (MacDonald Road, Lisarow) under GLEP 2014 (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"> • Lots 1 & 2 DP 214886 and Lot 18 DP 705440 (Nos 41-47 Railway Road, Warnervale) • Lots 23 & 24 DP 1199184 and a portion of frontage north of Lot 23 (no DP) (Pacific Highway, Hamlyn Terrace) • Lots 84, 85, 86 & 87 DP 26104 (Nos 113, 115, 117 and 119 Budgewoi Road, Noraville) 	<p>Noted</p> <p>The LRA maps have been amended according to this advice.</p>
	<p><i>Maritime Branch:</i></p> <p>Moorings should be permissible without</p>	Moorings are proposed as permissible without consent in all waterway zones.



Agency	Issue	Response
	<p>consent in all waterways zones to avoid any inconsistency with State Environmental Planning Policy (Infrastructure) 2007.</p> <p>Nav aids and other core Maritime activities should be permissible without consent in all zones and unzoned land.</p>	<p>Nav aids and other core maritime activities are not specifically defined land uses within the Standard Instrument (SI LEP) as such cannot be listed in the CCLEP as permissible without consent.</p>
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



Australian Government
Civil Aviation Safety Authority

STAKEHOLDER ENGAGEMENT DIVISION

CASA Ref: G118/2

17 January 2018

Ms Breanne Bryant
Senior Strategic Planner
Urban Growth Strategies
Central Coast Council
PO Box 20
WYONG NSW 2259

Email: Breanne.Bryant@centralcoast.nsw.gov.au

Dear Ms Bryant

Thank you for your email of 22 December 2017 requesting comment from the Civil Aviation Safety Authority (CASA) on a planning proposal for the Central Coast Local Environmental Plan (CCLEP).

I am advised that the Central Coast Council's area of responsibility does not incorporate any certified or registered aerodromes and therefore CASA has no comment on the CCLEP.

For more information or to discuss this matter further, please email anaa.corro@casa.gov.au.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in cursive script that reads 'C Hutton'.

Carolyn Hutton
Manager
Government and International Relations Branch



12 February 2018

168 Pacific Highway Watanobbi NSW 2259

PO Box 401 Wyong NSW 2259

Phone (02) 4351 2930

Fax (02) 4351 2946

ABN 99 583 297 167

Email darkinjung@dialc.org.au

Ms B Bryant
Principal Strategic Planner
Urban Growth Strategies
Central Coast Council
P O Box 20
Wyong NSW 2259

Dear Ms Bryant

Planning Proposal in Respect of Central Coast Local Environmental Plan 2018

I apologise for the delay in responding to your request for agency comments in regard to the proposed consolidated LEP for Central Coast Council. The response is made as an agency, not as a landholder. Darkinjung will make further submissions on the basis of a major landholder when the proposed consolidated LEP is placed on public exhibition.

The Central Coast is a region that is rich in examples of both Aboriginal and European Heritage. There are over 7,000 recorded sites of Aboriginal significance across the Central Coast, with many more discovered but not recorded for sensitive or cultural reasons, and no doubt many more yet to be discovered. In many cases individual sites relate to other sites in a broader cultural landscape.

In a collaborative effort between Darkinjung, Council, Department of Premier and Cabinet Department of Planning and Environment and Office of Environment and Heritage, a working group has been established to help identify significant cultural landscapes across the Region and to develop appropriate protocols in dealing with development in these areas. It is proposed (by the Office of Environment and Heritage) that this mapping layer be introduced in the new Aboriginal Culture and Heritage Reforms proposed to be introduced across the State in 2018. This is particularly relevant in the southern end of the coast where the density of registered Aboriginal sites creates an intricate and complex cultural landscape.

Whilst the LEP includes references to protection of Aboriginal Culture and Heritage it does not acknowledge the Aboriginal Cultural Landscape (as recognised in the Court's decision in *Darkinjung v Minister for Planning & Infrastructure & Anor*) and fails to satisfactorily address the requirements of the proposed future legislation. We would hope to see Council's proposed future revision of the LEP is in line with the measures that are proposed to be introduced in the State's new legislation.

There are some obvious errors in the information included in the proposed consolidated LEP in relation to the Somersby Industrial Estate. Plans showing the locations of culturally sensitive areas are incorrect. We urge Council to have a suitably qualified archaeologist, in consultation with the

registered Aboriginal stakeholders, complete the necessary ground truthing to confirm the location and connection of Aboriginal site in this area.

If Council is unable to resolve the issues above in the proposed consolidated LEP, we request that, as a minimum, Council include a requirement for a party who is applying for development approval to seek a search of the Aboriginal Heritage Investigation Management System managed by the Office of Environment and Heritage. If such a search identifies a registered Aboriginal site within 200 metres of the development site, the applicant must provide an archaeological survey prepared by a registered archaeologist, in consultation with the registered Aboriginal stakeholders for the region. Where Aboriginal cultural sites are found to exist or are likely to exist on the property further restrictions on development must apply.

An obvious concern in the current LEP provisions (both Gosford and Wyong) is that land uses such as extensive agriculture and complying development can occur without development consent. This opens the potential for damage or destruction to significant cultural sites knowingly or without any due consideration. It is disappointing that the consolidated LEP does not include measures to mitigate such damage. The challenge before us is to find that right balance in allowing such activities, but done so without risk of damage to significant cultural sites, or the broader cultural landscape.

Please feel free to call me if you wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Lynne Hamilton', written over a horizontal line.

Lynne Hamilton
Acting Chief Executive Officer

Reference: DOC18/007368

Chief Executive Officer
Central Coast Council
PO Box 21
GOSFORD NSW 2250

Dear Sir,

Planning proposal in respect of Central Coast Local Environmental Plan 2018

I refer to your correspondence dated 22 December 2017 inviting agency comment on the proposed Central Coast Local Environmental Plan (LEP) 2018. The Department of Industry – Lands and Water (Crown Lands Division - the department) has reviewed the proposal and provides the following general comments:

Crown Reserves

- The application of land use zonings to Crown land should not compromise the principles of Crown land management from the *Crown Lands Act 1989*, which are also carried forward to the *Crown Lands Management Act 2016* which will commence in July this year.
- Zonings should be considerate of the future use potential of Crown land including development capacity and continued access to appropriate public land.
- The LEP should acknowledge the potential for development opportunities on Crown land to deliver balanced social, environmental and commercial outcomes.
- Zoning of Crown Reserves should be consistent with the public purpose of the reserve. Infrastructure or buffer zones to service new development should not be located on Crown land. This includes drainage infrastructure, utilities and services and bush fire asset protection zones
- 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.

Crown Roads

- The department administer the State's Crown road network under the *Roads Act 1993*. Generally, Crown roads were set aside during the settlement of NSW as corridors of access. Also known as "paper roads" or "road reserves" their use is limited by their unformed or natural terrain state. Crown roads are managed to provide legal access to vacant allotments or parish portions established in original Crown subdivisions. This role does not involve road construction, maintenance and traffic management which is a traditional role of local councils. Where suitable, unnecessary / unformed roads may be closed and replaced with private rights of way established during the development consent process.

- The department advocates the closure and disposal of unnecessary Crown roads that may be incorporated into development sites. The planning process would benefit from a strategic assessment of which public road corridors are required and which roads might be closed within the local government area. The aim of a strategic local government area wide approach to road closures would be to rationalise the public road network and identify Crown and council roads required for future needs.

Schedule 5 – Environmental Heritage

- The department is supportive of recognising significant heritage items on Crown land where retaining such items is consistent with departmental policy and tenure agreements. In some cases, structures are not supported by policy and require removal upon termination of the occupation as they are the property of the tenure holder. In such cases, heritage listing is incompatible with the tenure conditions which require removal and retention of these items would place a significant financial impost on the department.
- On 30 November 2017, the department sent a letter to Council concerning the Gosford Community Based Heritage Study Amendment to Gosford LEP 2014 which proposed listing numerous boatsheds and wharves located on Crown land. These structures are generally licenced with conditions pertaining to the maintenance and safety of the structures which is the responsibility of the tenure holder. Some require demolition upon (prior to) termination of the tenure. Consistent with the department's Waterfront Facility Policy 2014, the department will only terminate the licence once the structure has been appropriately removed/ demolished.
- Should Council seek to list such waterfront structures as heritage items within the LEP, an alternate management framework should first be put in place. This could include appointing Council as Reserve Trust Manager for the Crown land or Council entering into an ongoing tenure for the site(s), to enable ongoing maintenance once the current tenure holders cease to occupy the site. In addition, under the new *Crown Lands Management Act 2016*, land containing such heritage items could also be transferred (by agreement) for Council to manage under the *Local Government Act 1993*.

Thank you for the opportunity to comment on this matter. Should you wish to discuss this matter further please contact Mr Peter Draper, Natural Resource Management Project Officer, on (02) 4937 9311 or by email: peter.draper@crowmland.nsw.gov.au

Yours sincerely



Tim Deverell
Area Manager – Hunter

12 February 2018

Our ref V18/314#3 & OUT18/1309

Breanne Bryant
Central Coast Council
PO Box 20
Wyong NSW 2259

via email: Breanne.Bryant@centralcoast.nsw.gov.au

Dear Breanne,

Review of Central Coast Local Environmental Plan 2018 Department of Industry – Water

I refer to your correspondence dated 22nd December 2017 requesting comments from Department of Industry – Water (DoI Water) on the draft Central Coast LEP 2018 (CCLEP). DoI Water understands that the proposed CCLEP is essentially the consolidation of several planning instruments within the Central Coast LGA.

Based on the information provided, DoI Water provides the following advice on the proposal.

Riparian Management

Any management considerations for any riparian zones on site should be consistent with the NSW Office of Water's Guidelines for Controlled Activities. Please note that these guidelines were updated in July 2012. For the revised guidelines, please refer to:

<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-Activities/default.aspx>

If any future development applications undertake works within 40 metres of the high bank of the watercourse, there may be a requirement to obtain a Controlled Activity Approval under the *Water Management Act 2000*, unless an exemption or exclusion applies.

Groundwater

Council should consider the impacts of future developments on the site on groundwater. Council should consider locating future settlement intensification, in particular new subdivisions, away from vulnerable groundwater resources and existing groundwater users. This minimises land use conflict, maintains existing industries reliant on water supply and achieves important environmental outcomes for the systems connected to these sources.

Stormwater Management

The impacts of the proposed future development on water quality should be considered. Appropriate stormwater management will need to be implemented to minimise impacts on downstream environments such as riparian areas, groundwater and adjoining land. DoI Water considers all stormwater treatment measures should be consistent with Water Sensitive Urban Design objectives and to aid in the protection of the receiving water source quality, all stormwater runoff must be appropriately treated at its source and/ or diverted through the stormwater treatment process designed for the site, prior to discharge from the site.

Should you require further information please contact Ryan Shepherd, Water Regulation Officer on (02) 4904 2650.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Irene Zinger', with a stylized flourish at the end.

Irene Zinger
Manager Regulatory Operations - Metro
Department of Industry – Water

23 January 2018

Jenny Mewing

From: Glenn Hornal <Glenn.Hornal@planning.nsw.gov.au>
Sent: Tuesday, 6 February 2018 4:10 PM
To: Breanne Bryant
Cc: Garry Hopkins
Subject: RE: Friendly Reminder - Comments required by 12 Feb Central Coast LEP

Breanne

Thank you for the opportunity to comment on the planning proposal in respect of Central Coast Local Environmental Plan 2018. The Department has no specific comment to make on the planning proposal at this time.

Regards

Glenn Hornal

Senior Planning Officer, Central Coast
Department of Planning and Environment | PO Box 1148 | Gosford NSW 2250
T 02 4345 4409 E Glenn.Hornal@planning.nsw.gov.au



From: Breanne Bryant [mailto:Breanne.Bryant@centralcoast.nsw.gov.au]
Sent: Monday, 5 February 2018 3:53 PM
To: Breanne Bryant <Breanne.Bryant@centralcoast.nsw.gov.au>
Subject: Friendly Reminder - Comments required by 12 Feb Central Coast LEP

Dear Sir/Madam

Request for Comment - Planning Proposal in Respect of Central Coast Local Environmental Plan 2018

It is noted that your organisation is yet to provide a response to the request for comment in respect of the Central Coast Local Environmental Plan. This is a friendly reminder that responses are due back with Council on the by Monday 12 February 2018.

We look forward to receiving your comments. Should you have any questions or require further information please do not hesitate to contact the undersigned on 4350 1627 or via e-mail.

Regards

Breanne Bryant

Breanne Bryant

Principal Strategic Planner
Urban Growth Strategies
Central Coast Council
P.O. Box 20 Wyong, NSW 2259
t: 02 4350 1627
e: Breanne.Bryant@centralcoast.nsw.gov.au

OUT18/2430

8 Feb 2018

Breanne Bryant
Principal Strategic Planner
Central Coast Council
P.O. Box 20,
WYONG NSW 2259

Dear Ms Bryant

Planning Proposal - Consolidated Central Coast Local Environment Plan (CCCLEP)

I refer to your letter of 22 December 2017 inviting the NSW Department of Primary Industries (NSW DPI) to provide Agency comments under Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*. NSW DPI provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend.

NSW DPI notes that it is Council's intention to consolidate the Gosford and Wyong Local Environmental Plans into the new CCCLEP as an interim measure and to then undertake a more thorough review and development of a new comprehensive LEP. NSW DPI supports this action and is in a position to provide information from the Important Agricultural Lands Mapping Project that NSW DPI is undertaking in the Council area.

NSW DPI has some concerns with the changes proposed in the RU1, RU2 and RU5 zones as proposed in the CCCLEP as they have impacts on agricultural industries, further details are in the attachment to this letter.

Should you require clarification on any of the information contained in this response, please contact Agricultural Land Use Planning Officer John Galea on (02) 9842 8607.

Yours sincerely



Lilian Parker
Manager
Agriculture Land Use Planning

Attachment A

Requiring Development Consent for Horticulture and Viticulture (Intensive plant agriculture)

Whilst NSW DPI does not support the decision that horticulture and viticulture would now require consent in the Primary Production zone (RU1), it understands that they have been included in the intensive plant agriculture group and this is to keep consistency across the Council area. It is NSW DPIs' position that *intensive plant agriculture* remain as an activity *permitted without consent* in the RU1 zone. The reasons are outlined below:

1. LEP definition of Intensive Plant Agriculture: The definition of the land use of "*intensive plant agriculture*" within the planning framework covers a broad range of agricultural products that all require different growing methods, infrastructure requirements, labour inputs, and climatic conditions. For this reason, NSW DPI has focussed on building relationships with industries to promote best practice and self-regulation amongst growers.
Council should justify the addition of "*intensive plant industries*" as part of a rural strategy that will determine what is driving the issue of intensive plant agricultural development to justify the position of the Council in determining the regulation level of such activity. Public and industry consultation is essential in helping determine the issue, and resolve positions that will enable council to determine the most appropriate land use outcomes.
2. Council resourcing the change: If further conditions are applied by council as part of development assessment, additional planning resources would be required to address assessment requirements, technical agricultural expertise and response timeframes. Technical support from NSW DPI would be limited as it does not have a priority role in assessment of routine development applications.
3. Rural land use strategy: Agricultural industries are critical to the growth of regional economies. Changes to how rural land is used are often guided by rural land use strategies or similar strategic planning policies. NSW DPI supports Councils in developing such strategies to provide a more holistic and strategic approach to managing their rural lands.
4. State level legislation: A number of State-level legislative frameworks underpin the regulation of land, water, vegetation, threatened species and biosecurity in NSW. These associated agencies have existing referral procedures in place that trigger involvement and should be consulted on whether these recommendations by council could be supported and resourced.
5. Other State level policies: The NSW Right to Farm Policy and Central Coast Regional Plan stipulate the priorities of Government to protect and enhance agricultural land and identify opportunities for agribusiness growth. Instead of providing increased confidence to investors and industry, this proposal may have unintended consequences for agriculture in the council area as well as the State.

Prohibition of Horticulture (Intensive Plant Agriculture) from Rural Village Zone (RU5)

NSW DPI does not support the prohibition of horticulture (intensive plant agriculture) from the RU5 zone. This particular activity should be included as an activity that is permissible with consent. The majority of intensive plant agriculture is undertaken on small parcels of land, and with advances in technology and new growing methods, the use of small parcels of land in the vicinity of villages should be encouraged.

Dual Occupancies (detached) in the RU1 and RU2 Zone

NSW DPI does not support the inclusion of detached dual occupancies in the Primary Production Zone (RU1) and Rural Landscape Zone (RU2). NSW DPI notes that there are other council's with this provision; however, this is not supported. Justification for this position is outlined below. The



Department will be publishing guidelines on detached dual occupancies and secondary dwellings in the New Year to provide statewide advice.

LEPs in NSW are increasingly permitting housing development within rural zones that is not related to primary production (including agricultural outcomes). The cumulative impact of the various forms of housing permitted within rural zones has the potential to negatively impact on the productive capacity of agricultural industries and the availability of agricultural resources. It also impacts on the development of other primary industry opportunities eg forestry, mineral development, renewable energy, quarrying etc. Detached dual occupancy development potentially places pressure on the operation of agricultural industries and increases the likelihood of land use conflicts with more sensitive receptors in the vicinity. Impacts from unreasonable proximity to farm buildings, farm boundaries and agricultural industry land uses (e.g. intensive livestock operations, livestock yards, dairies etc.) are the cause of many land use conflicts.

Construction of dual occupancy on a rural property can also inflate property values and can prevent other farmers from purchasing land to start or expand operations. This is a particularly important issue for young farmers wanting to invest in the industry.

It is recognised that changing community needs and aspirations may require a change in the use of agricultural land. However, once land is converted to other uses, it is most unlikely to return to agricultural production. Since these decisions cannot be practically reversed the long-term social and economic costs and benefits (including intergenerational equity), should be evaluated before a decision is made.

Having dual occupancies attached and rural worker's dwellings (where strategically justified) assists in reducing some of these adverse impacts. Determinations based on current agri-business productivity may change in the future leaving a landscape of houses, making it difficult for new agri-business to develop due to the close settlement pattern to new or current agricultural activities.

Jenny Mewing

From: Scott Carter <scott.carter@dpi.nsw.gov.au>
Sent: Friday, 20 April 2018 11:39 AM
To: Breanne Bryant; Glenn Hornal
Subject: CCLEP comments
Attachments: Draft LEP standard comments.doc

Our Ref: V17/18#1

Breanne and Glenn

Thank you for giving the Department the opportunity to comment on the combined LEP for the Central Coast. Apologies for the late reply.

Having reviewed the proposed changes and combination of the two LEPs the department would make the following comments;

From an aquatic habitat protection perspective the proposed changes are not significant enough to raise any concerns from the Department as it is primarily business as usual, In relation to aquaculture, the Department notes that aquaculture is mentioned under the clauses relating to Waterway Zonings, but not under other zonings. The Department makes the assumption that the development of the industry with pond and tank culture, is allowable as it is dealt with by exclusions from industries listed. It would be worth noting the attached to determine that there are no conflicts between the Departments SEPP62 guidelines and the LEP.

Scott Carter
**Senior Fisheries Manager - Central/Metro,
Aquatic Ecosystems**

☺<(((°>`· · · · · ><(((°>

NSW Department of Primary Industries, Locked Bag 1, NELSON BAY NSW 2315
Port Stephens Fisheries Institute, Taylors Beach Road, Taylors Beach TAYLORS BEACH NSW 2316
T: 02 4916 3931, F: 02 4982 1232,
WWW: www.dpi.nsw.gov.au

FISH HABITAT PROTECTION POLICIES AND PERMIT APPLICATION FORMS AVAILABLE

AT: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>

Email Completed Applications to: ahp.central@dpi.nsw.gov.au

Chqs payable to: Department of Primary Industries

* NB - from date of receipt of application please allow up to 28 days for Land Owners Consent, Permits and Consultations. Please allow up to 40 days for Integrated Development Applications

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient or received it in error, please delete the message and notify sender. Views expressed are those of the individual sender and are not necessarily the views of their organisation.

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of their organisation.

Draft LEP comments

Aquaculture

On the 18 December 2009, the NSW Land Based Sustainable Aquaculture Strategy (NSWLBSAS) along with an amendment to State Environmental Planning Policy No 62 – Sustainable Aquaculture (SEPP 62) were gazetted.

Clause 7 of SEPP 62 outlines those LEP zones in which land based pond and tank aquaculture is permissible or prohibited.

Similarly, Clause 7a outlines those LEP zones in which land based extensive pond based aquaculture is permitted without consent.

SEPP 62 also controls the permissibility of oyster aquaculture and makes this activity development without consent in Priority Oyster Aquaculture Areas.

NSW Department of Primary industries and Department of Planning and Infrastructure advise Councils not to list land based pond and tank based aquaculture or oyster aquaculture in their zoning tables as the permissibility of these activities is governed by SEPP 62. Land Use Matrix Table should also reflect the provisions of SEPP 62.

Councils should however, include "Aquaculture" as a permissible use in suitable waterways zones so that natural waters based aquaculture can be considered on a case by case basis until SEPP 62 is further amended to cover this type of aquaculture.

LEP zoning table (SEPP 62)

LEP ZONES	AQUACULTURE TYPE	
	Pond	Tank
Rural		
RU1 Primary Production	Permissible	Permissible
RU2 Rural Landscape	Permissible	Permissible
RU3 Forestry	Permissible	Permissible
RU4 Rural Small Holdings	Permissible	Permissible
RU5 Village	Prohibited	Permissible
RU6 Transition	Prohibited	Permissible
Residential		
R1 General Residential	Permissible (1)	Permissible (1)
R2 Low Density Residential	Permissible (1)	Permissible (1)
R3 Medium Density Residential	Prohibited	Permissible (1)
R4 High Density Residential	Prohibited	Prohibited
R5 Large Lot Residential	Permissible (1)	Permissible (1)
Business		
B1 Neighbourhood Centre	Prohibited	Permissible
B2 Local Centre	Prohibited	Permissible
B3 Commercial Core	Prohibited	Permissible
B4 Mixed Use	Prohibited	Permissible

B5 Business Development	Prohibited	Permissible
B6 Enterprise Corridor	Prohibited	Permissible
B7 Business Park	Prohibited	Permissible
Industrial		
IN1 General Industrial	Prohibited	Permissible
IN2 Light Industrial	Prohibited	Permissible
IN3 Heavy Industrial	Prohibited	Permissible
IN4 Working Waterfront	Permissible	Permissible
Special Purpose Zones		
SP1 Special Activities	Permissible	Permissible
SP2 Infrastructure	Permissible	Permissible
SP3 Tourist	Permissible	Permissible
Recreation		
RE1 Public Recreation	Permissible	Permissible
RE2 Private Recreation	Permissible	Permissible
Environment protection		
E1 National Parks and Nature Reserves	Prohibited	Prohibited
E2 Environmental Conservation	Prohibited	Prohibited
E3 Environmental Management	Permissible (2)	Permissible (1)
E4 Environmental Living	Permissible (2)	Permissible (1)
Waterway		
W1 Natural Waterways	Permissible (3)	Permissible (3)
W2 Recreational Waterways	Permissible (3)	Permissible (3)
W3 Working Waterways	Permissible (3)	Permissible (3)

Note (1) Permissible only if the development is for the purposes of small scale aquarium fish production.

Note (2) Permissible only if the development is for the purposes of extensive aquaculture.

Note (3) Permissible only if the development will utilise waterways to source water.

5/03/2018
Ref No.: F2008/00302

Breanne Bryant

Senior Strategic Planner
Urban Growth Strategies
Central Coast Council
P.O. Box 20 Wyong, NSW 2259

Comments sought Central Coast LEP

The Central Coast Council area contains 25,144 hectares of dedicated State forest, and a large area of private land which is forested and/or suitable for native forest plantation establishment.

Forestry is important at a local and regional scale with potential for future expansion, especially in native forest plantations and should be treated appropriately provided for through effective strategic planning. Local Government Authorities (LGA) are encouraged to recognise that forestry is broader than State forest areas and includes:

- Land already managed for forestry. This includes State forest, Timber Reserves, some Crown-timber land, and some private lands;
- Land with existing forest (be it mature trees, or regeneration) that could be managed for forestry within the provisions of relevant legislation.
- Essentially cleared land that has potential for forestry if trees are established there within the provisions of relevant legislation.

The protection of these opportunities for the sustainable management and development of all these areas is consequently important.

Central Coast Council should be aware that the focus of forestry management can vary widely and includes situations where management targets both timber and other outputs such as environmental services, agricultural production, salinity control, carbon sequestration, tourism, recreation, explicit natural resource conservation or the production of niche timber products.

Areas managed sustainably for forestry make a significant contribution to conservation of biodiversity by forming part of the habitat mosaic across the landscape. Formal conservation reserves of themselves are quite inadequate to conserve the region's biodiversity. The State forest and conservation reserve areas together form a framework that broader conservation strategies can build on, such as through work by Catchment Management Authorities.

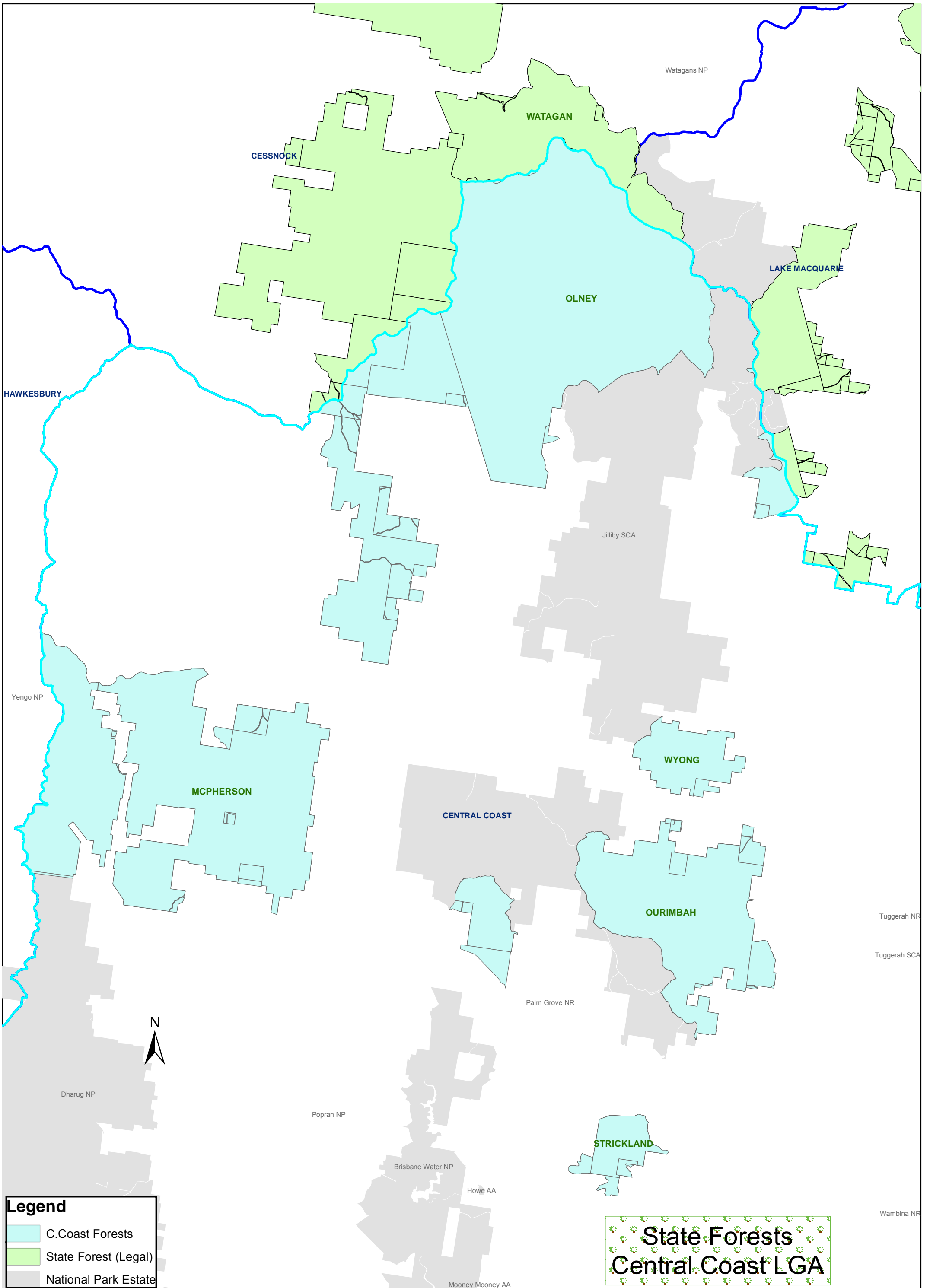
The inclusion of Recreation and Tourism within the RU3 zone of LEPs

There has been an increased interest in forest based tourism and recreation, such as small scale accommodation for forest retreats and commercial recreation pursuits. Forestry Corporation NSW have established a Community Partnerships team to develop and administer these interests and actively pursue commercial interests in forests recreation and tourism. To date the benefits of this program are evident in the new 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.

Assistance

Forestry Corporation NSW is available to confirm State forest and joint venture boundaries within the LEP mapping process and may be able to supply shape files for this purpose. Please Contact Jude Parr ph: 0409882922 E: jude.parr@fcnsw.com.au for assistance.

Jude Parr
Land Administrator
Stewardship – Hardwood Forests
Forestry Corporation NSW



Legend

- C.Coast Forests
- State Forest (Legal)
- National Park Estate

✿ State Forests
✿ Central Coast LGA

Scale 1:119,884 0 1.75 3.5 7 10.5 14 Kilometers

Jenny Mewing

From: Cathy Johnson <Cathy.Johnson@environment.nsw.gov.au>
Sent: Tuesday, 6 February 2018 4:51 PM
To: Breanne Bryant
Cc: Karen Thumm; Ailing Hsu; Allan Peatman
Subject: RE: Request for Agency Comments under Section 56(2)(d) of the EP&A Act 1979 - Agency Consultation - Planning Proposal - Central Coast LEP
Attachments: E1 Zoning - 04 Mapping - NPWS Comment.xlsx; 541_1209774.pdf; 2630_1205813.pdf; 49_755239.pdf; 162_755221.pdf

Hi Breanne

This email was forwarded onto Reserve Establishment, Land Information for checking the Mapping Anomalies/Adjustments.

We have checked the E1 Zoning being the Anomalies/Adjustments – E1 National Parks and Nature Reserves and Properties to be Zoned E1 National Parks and Nature Reserves for the tenure and boundaries of the NPWS Estate and provide NPWS comments in excel attached (shown in 2 sheets).

Where an adjustment/correction is required the NPWS comment provides a reference to a PDF. These PDFs are also attached and provide details of why the adjustment/correction is required.

If you require further clarification or have any other questions please contact me.

Regards
Cathy



Cathy Johnson
Land Information Officer
Reserve Establishment Team
NSW National Parks and Wildlife Service

43 Bridge St, Hurstville
T 02 9585 6377
cathy.johnson@environment.nsw.gov.au
W nationalparks.nsw.gov.au

From: Karen Thumm
Sent: Tuesday, 6 February 2018 3:29 PM
To: Cathy Johnson <Cathy.Johnson@environment.nsw.gov.au>
Cc: Steven Cox <Steven.Cox@environment.nsw.gov.au>
Subject: RE: Request for Agency Comments under Section 56(2)(d) of the EP&A Act 1979 - Agency Consultation - Planning Proposal - Central Coast LEP

Dear Cathy,

Yes, I think it'd be great if you could just talk to Breanne Bryant. Please cc me in. I will refer to your correspondence in OEH's response.

Thanks!

Karen

Karen Thumm
Conservation Planning Officer
Hunter Central Coast Branch
Regional Operations Division
Office of Environment & Heritage

Level 4, 26 Honeysuckle Drive Newcastle 2300
Locked Bag 1002 Dangar 2309
T 02 4927 3153 F 02 4927 3192
M 0459 070 902

From: Cathy Johnson
Sent: Tuesday, 6 February 2018 3:22 PM
To: Karen Thumm <Karen.Thumm@environment.nsw.gov.au>
Cc: Ailing Hsu <Ailing.Hsu@environment.nsw.gov.au>
Subject: RE: Request for Agency Comments under Section 56(2)(d) of the EP&A Act 1979 - Agency Consultation - Planning Proposal - Central Coast LEP

Hi Karen

Ailing and I have been working on this request together. We have investigated the mapping anomalies and have found some areas where an adjustment is required. We are happy to forward these onto Breanne Bryant ourselves in case she has any questions and then she can get back in contact with us directly. I was going to just send Breanne an email with our checks and adjustments, will this be OK?

Cathy



Cathy Johnson
Land Information Officer
Reserve Establishment Team
NSW National Parks and Wildlife Service

43 Bridge St, Hurstville
T 02 9585 6377
cathy.johnson@environment.nsw.gov.au
W nationalparks.nsw.gov.au

From: Ailing Hsu
Sent: Wednesday, 31 January 2018 12:04 PM
To: Cathy Johnson <Cathy.Johnson@environment.nsw.gov.au>
Subject: FW: Request for Agency Comments under Section 56(2)(d) of the EP&A Act 1979 - Agency Consultation - Planning Proposal - Central Coast LEP

From: Karen Thumm
Sent: Thursday, 25 January 2018 9:14 AM
To: Ailing Hsu <Ailing.Hsu@environment.nsw.gov.au>
Subject: FW: Request for Agency Comments under Section 56(2)(d) of the EP&A Act 1979 - Agency Consultation - Planning Proposal - Central Coast LEP

Dear Ailing,

We have been sent the Central Coast Council Local Environmental Plan amendment for comment. Within these documents (DOC17/645175) relating to the rezoning (planning proposal), there is a whole section on problems with cadastre boundaries to the National Park estate. Allan Peatman has said that you can help with this. I am wondering whether you could investigate the anomalies and get back in touch with Breanne Bryant at the Central Coast Council if there are any problems.

Please let me know whether you are happy to add your comments into our general letter, or whether you want to sort out these problems separately. We normally send out one letter from our planning section, which includes biodiversity, flooding and Aboriginal cultural heritage comments.

Please note that the deadline has been changed to the 12 February now. If you are going to give us your comments for integration into our letter, please have them to us a few days before this date.

Thanks, Karen

Karen Thumm

Properties to be removed from E1 Zone

Map Layer Affected	Property Description	Justification	Amendment/Recommendation	NPWS Comment
LZN, LSZ	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 back in 2015. Whole of Lot 541 is Dharug NP. Refer to 541_1209774.pdf
LZN	MCPHERSON State Forrest	Part of Dharug National Park adjoining MCPHERSON State Forrest. State forest layer matches National Park layer.	Amend E1/RU3 boundary to reflect State Forest boundary	Correct
LZN, LSZ	Adjoining Lot 22 DP 755239	Adjoins Dharug National Park	Amend E1/E2 to reflect National Park boundary	Correct
LZN, LSZ	Adjoining Lot 1041 DP 630919	Aligned Brisbane Water National Park with DPI Cadastre and National Park Information.	Amend E1, E2 & RU1 boundary to reflect National Park boundary	Correct
LZN	Waterway adjoining 1105 DP1201812 & 18 & 104 DP755221	Waterway through Brisbane Water National Park	Zone W1	Correct
LZN, LSZ	Lot 2630 DP 1205813	Land not in National Park	Zone E2	Lot 2630 is National Park. Refer to 2630_1205813.pdf
LZN, LSZ	Lot 1 DP 564531	Land is private property and not in National Park	Zone E2	Correct
LZN, LSZ	235 DP 822125	Land is Crown land and not in National Park	Zone E2	Correct
LZN, LSZ	Lot 58 DP 755221	Part of lot 58 under LPI cadastre (private property)	Zone E2	Correct
LZN, LSZ	Adjacent to Lot 7314 DP 1167335	Land is Crown land and not in National Park	Zone E2	Correct
LZN, LSZ	Lot 7050 DP 1060144	Crown Land adjoining Brisbane Water National Park	Zone E2	Correct
LZN, LSZ	Lot 7035 DP 1124383	Crown Land adjoining Brisbane Water National Park	Zone E2	Correct
LZN, LSZ	Land adjacent to Lot 233 DP 755251	Land not in National Park. (Contains Pvt Driveway)	Zone E2	Correct
LZN, LSZ	Land adjacent to Lot 255 DP 755251	Land not in National Park (Part of a residential road reserve)	Zone R2	Correct
LZN	Patonga Creek	Waterway through Brisbane Water National Park	Zone W1	Correct
LZN, LSZ	Lot 7039 DP 1066789	Land is Crown land and not in National Park	Zone E2	Correct
LZN	Patonga Drive.	Road alignment adjusted to match national park data	Zone updates SP2/E1	Correct
LZN	Land adjoining Lot 7307 DP1159203	Boundary of BW National Park – alignment of LZN to LPI cadastre	Zone updates to RE1, SP2 & E1	Correct
LZN	Rileys Island	Boundary adjusted to match Rileys Island Nature Reserve. Land outside Rileys Island Nature Reserve and adjoining zone W2	Zone W2	Correct
LZN, LSZ	Lot 214 DP 15671	Land owned by council & included in COSS	Zone E2	Correct
LZN, LSZ	Land adjoining Lot 3 DP 667087	Footpath not included in Bouddi National Park. Part of public road.	Zone R2	Correct

Properties to be Zoned E1 National Parks and Nature Reserves

Map Layer Affected	Property Description	Justification	Amendment/Recommendation	NPWS Comment
LZN	Lot 49 DP 755239	Land is now shown as National Park	Zone E1 Inclusive of road	Inclusive of Simpsons Track, exclusive of Great Northern Road. Refer to 49_755239.pdf
LZN	Lo1 DP 812625	Land now shown as National Park	Zone E1	Correct
LZN	Lot 2,3,4 DP 1051545	Land now shown as National Park	Zone E1	Correct
LZN	Lot 162 DP 755221	Land now shown as part of BW National Park	Zone E1	Eastern side of Fwy is Brisbane Water NP, western side of Fwy is Popran NP. Refer to 162_755221.pdf
LZN	Lot 6 DP 247984	Land now shown as part of BW National Park	Zone E1	Correct
LZN	Lot 4 DP223600	Land now shown as part of BW National Park	Zone E1	Correct
LZN	Lot 234 DP 821126	Land now shown as part of Popran National Park. Adjusted from Gosford(to be replaced) to LPI Cadastre(The replacing cadastre)	Zone E1	Correct
LZN	BW National Park Boundary	Adjusted from Gosford(to be replaced) to LPI Cadastre(The replacing cadastre)	Zone E1 (some land removed from E1 consistent with national Parks boundary)	Correct
LZN	Land adjacent to Lot 7314 DP 1167335	Land now shown as part of BW National Park (To match LPI cadastre)	Zone E1	Correct
LZN	Lot 5 DP 264217	Land now shown as part of BW National Park	Zone E1	Correct
LZN	Lots in Bambara Rd	Land now shown as part of BW National Park NP	Zone E1	Correct
LZN	Lot 43 DP 258014	Land now shown as part of BW National Park	Zone E1	Correct
LZN	Lot 9396 DP 1187881	Now Saratoga Island Nature Reserve	Zone E1	Correct
LZN	Coastal edge of Bouddi NP	NP boundary extends to LGA boundary incorporating UL land.	Zone E1	Correct
LZN	Lot 2 DP 530961	Land now included in Wamberal Lagoon Nature Reserve	Zone E1	Correct
LZN	Lot 447 DP 755234	Land now included in Wamberal Lagoon Nature Reserve	Zone E1	Correct
LZN	Lots 1 & 4 DP 857484	Land now included in Wamberal Lagoon Nature Reserve	Zone E1	Correct
LZN	Lot 12 DP 755224	Land now included in Palm Grove Nature Reserve	Zone E1	Correct

43
755257

Dharug NP
A-7
24/12/1970

18
755257

1
1110939

Dharug NP
A-7
24/12/1970

541
1209774

Dharug NP
A-7
24/12/1970

961
1204667

1
1110939

16
1191490

Dharug NP
A-7
24/12/1970

18
DP755257

1
DP1110939

541
DP1209774

GUNDERMAN

SP2

E2

1

1
563035

1
564531

Brisbane Water NP
A-23
23/01/1981

Brisbane Water NP
A-23
23/01/1981

2630
1205813

OLD
PACIFIC
HWY

1
564531

2
367590

KAROOL RD

1
367590

180
755221

Brisbane Water NP
A-23
23/01/1981

4
563002

OLD
PACIFIC
HWY

Brisbane Water NP
N-1
1/10/1967

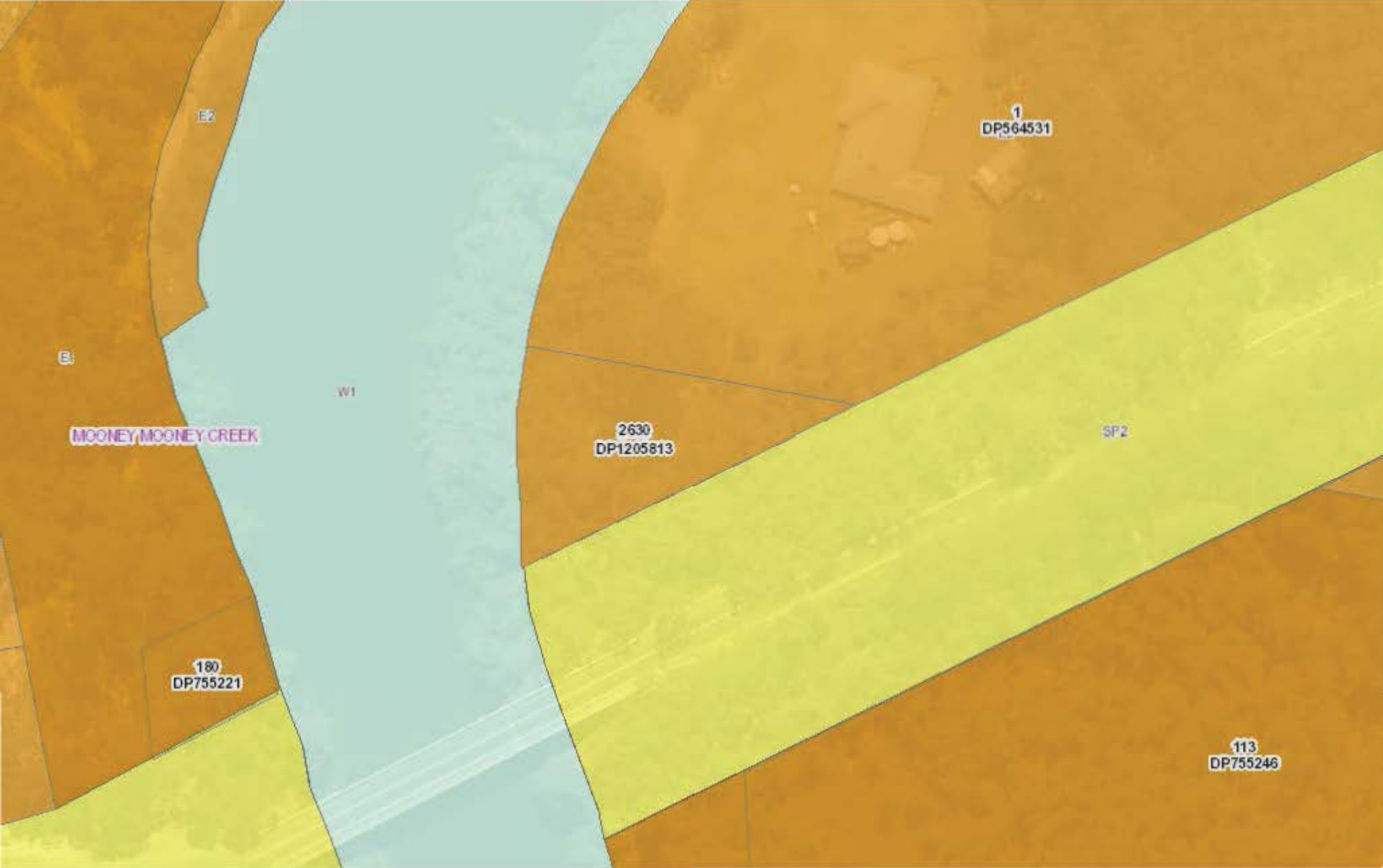
113
755246

Brisbane Water NP
N-1
1/10/1967

Brisbane Water NP
A-8
20/07/1973

OLD
PACIFIC
HWY

OLD
PACIFIC
HWY



E2

1
DP564531

E

W1

MOONEY MOONEY CREEK

2630
DP1205813

SP2

180
DP755221

113
DP755246



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2630/1205813

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
1/2/2018	10:06 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 2630 IN DEPOSITED PLAN 1205813
 AT MOONEY MOONEY CREEK
 LOCAL GOVERNMENT AREA CENTRAL COAST
 PARISH OF NARARA COUNTY OF NORTHUMBERLAND
 TITLE DIAGRAM DP1205813

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES - (CA173705)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1- LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 2- THE LAND ABOVE DESCRIBED IS RESERVED UNDER THE NATIONAL PARKS AND WILDLIFE ACT 1974 AS A NATIONAL PARK KNOWN AS BRISBANE WATERS NATIONAL PARK-SEE GOVERNMENT GAZETTE DATED 23-1-1981 FOLIO 432

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

NPWS-ESTATE-AH

PRINTED ON 1/2/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.

Warning: the information appearing under notations has not been formally recorded in the Register.

Hazlett Information Services hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B(2) of the Real Property Act 1900.

Date and Time of Search: Thu Feb 01 10:06:27 2018

© Office of the Registrar-General 2018



Level 4, 122 Castlereagh Street, Sydney 2000 | DX 1078 SYDNEY | GPO Box 96, Sydney 2001
Ph: 02 92615211 Fax: 02 92647752 | R Hazlett & Co. ABN 20 104 470 340 | www.hazlett.com.au



GREAT
NORTHERN RD

74
755239

49
755239

48
755239

SIMPSONS TRK

SIMPSONS TRK

49
755239

77
755239

GREAT
NORTHERN RD

GREAT

65
DP755258

74
DP755239

49
DP755239

49
DP755239

TEN MILE HOLLOW

EI

49
DP755239

77
DP755239

58



Governor of the State of New South Wales and its Dependencies, in the Commonwealth of Australia, with the advice of the Executive Council and in pursuance of the powers vested in me under section 20 (2) of the National Parks and Wildlife Act, 1967, do, by this my Proclamation, reserve such of the lands described hereunder as are prescribed lands within the meaning of section 20 (1) of the National Parks and Wildlife Act, 1967, as part of Bouddi State Park.

Signed and sealed at Sydney, this 15th day of March, 1972.

(L.S.) A. R. CUTLER, Governor.
By His Excellency's Command,
T. L. LEWIS, Minister for Lands.
GOD SAVE THE QUEEN!

DESCRIPTION

All that piece or parcel of land containing 8 acres 0 roods 13½ perches situate in Parish Kincumber, County Northumberland, being lot 1, Deposited Plan 552331, and also being part of the land contained in Certificate of Title, volume 7025, folio 229. NFWS. 15e-37. (4696)

NATIONAL PARKS AND WILDLIFE ACT, 1967.— PROCLAMATION

I, Sir ARTHUR RODEN CUTLER, upon whom has been conferred the decoration of the Victoria Cross, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Knight of the Most Venerable Order of St John of Jerusalem, Governor of the State of New South Wales and its Dependencies, in the Commonwealth of Australia, with the advice of the Executive Council and in pursuance of the powers vested in me under section 20 (2) of the National Parks and Wildlife Act, 1967, do, by this my Proclamation, reserve such of the lands described hereunder as are prescribed lands within the meaning of section 20 (1) of the National Parks and Wildlife Act, 1967, as part of **Dharug National Park**.

Signed and sealed at Sydney, this 15th day of March, 1972.

(L.S.) A. R. CUTLER, Governor.
By His Excellency's Command,
T. L. LEWIS, Minister for Lands.
GOD SAVE THE QUEEN!

DESCRIPTION

All that piece or parcel of land containing an area of about 2,880 acres situate in the Parish of Mangrove, County of Northumberland, and being the area bounded by public road 100 and 150 links wide (Great Northern Road), the boundary of the Parish of Koree, portions 73, 66, 72, 70, end of road, 38, 37, 71, 82, 19, 20 and the northern boundary of Dharug National Park shown on plan catalogued Ms 7758 Md in the Department of Lands. (4694)

ALTERATION OF THE BOUNDARIES OF THE COUNTY OF GLOUCESTER.—PROCLAMATION

WHEREAS by an act of the Governor of New South Wales, with the advice of the Legislative Council thereof, passed in 1843 and entitled "An Act to provide for the division of the Colony of New South Wales into Electoral Districts and for the election of members to serve in the Legislative Council" it was enacted that the boundaries of certain counties named therein shall be deemed and taken to be the boundaries set forth in certain Letters Patent, under the Seal of the Colony dated 26th day of November, 1835, and proclaimed under the Hand and Seal of the Governor of the said Colony under date 27th November, 1835; and whereas by proclamation published in the Government Gazette of 28th February, 1843, the boundaries of the County of Gloucester were therein described; and whereas it is deemed expedient to alter the boundaries of the said County: Now, therefore, I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council, do hereby declare the island known as Seal Rocks, situated in the South Pacific Ocean about 145 chains southeast of Seal Rocks Lighthouse at latitude 152 degrees 33 minutes 20 seconds east and longitude 32 degrees 28 minutes south approximately, to be within the County of Gloucester.

(5010) T. L. LEWIS, Minister for Lands.

(5006)

Sydney, 30th March, 1972.

IT is hereby notified that, in accordance with the provisions of section 26 of the Crown Lands Consolidation Act, 1913, the undermentioned persons are hereby appointed as trustees of the portions of land hereinafter particularized.

T. L. LEWIS, Minister for Lands.

Reserve 86426, Parishes Gordon, Hunter's Hill, and Willoughby, County Cumberland, Land District Metropolitan, notified 15th September, 1967, for Public Recreation and additions thereto notified 17th May, 1968, 28th February, 1969, and 7th March, 1969, and known as Lane Cove River Park: George Henry Bardsley, by virtue of his holding the office or position of councillor, The Council of the Municipality of Ku-ring-gai, in the place of Max Bernard Keogh, retired. Pks 6021/B.

An area of 21 acres 2 roods 37 perches at Murwillumbah, Parish Murwillumbah, County Rous, Land District Murwillumbah, dedicated 30th August, 1911, for Showground for the use and general purposes of the Tweed River Agricultural Society: Anthony William McKerrow, John Richard Catterall, Edmund William Dawes and John Henry Williams, in the places of Charles Harold Lundberg and Norman Lawrence Plumb, retired and as additional trustees. Pks 6202/B.

Reserve 86487 at Mona Vale, Parish Narrabeen, County Cumberland, Land District Metropolitan, notified 27th October, 1967, for Promotion of the Study and the Preservation of Native Flora and Fauna and known as Katandra Bushland Sanctuary: Ronald Alfred Seymour, as an additional trustee. Pks 72-110.

Reserve 84650 at Kurri Kurri, Parish Heddon, County Northumberland, Land District Maitland, notified 29th November, 1963, for Public Hall: Kenneth George Booth, William George Patterson, Thomas James Grainger, James Tweedie, Albert Lionel Wilson, Frederick Hill and Kenneth Tweedie, as original trustees. Pks 72-173.

An area of 160 acres at Dubbo, Parish Dubbo, County Lincoln, Land District Dubbo, dedicated 22nd August, 1900, for Racecourse: Geoffrey Alexander Chapman, in the place of John Ernest Hood, resigned. Pks 6054/B.

(5007)

Sydney, 30th March, 1972.

IT is hereby notified that, in accordance with the provisions of section 26 of the Crown Lands Consolidation Act, 1913, the undermentioned persons are hereby appointed as trustees of the portions of land hereinafter particularized.

T. L. LEWIS, Minister for Lands.

An area of 18 acres and an area of 6 acres at Lismore, Parish North Lismore, County Rous, Land District Lismore, dedicated 8th January, 1908, and 23rd June, 1939, for Showground and addition thereto and known as Lismore Showground: Joseph Spencer Spinaze, in the place of Adrian Earl Alexander, retired. Pks 6187/B.

Reserve 88372 at Gunnedah, Parish Gunnedah, County Pottinger, Land District Gunnedah, notified 19th November, 1971, for War Memorial: Thomas Torrens, Hubert Douglas Lawrence, and William Hill Torrens, as original trustees. Pks 66-3071.

(5008)

Sydney, 30th March, 1972.

IT is hereby notified that, in accordance with the provisions of the Public Trusts Act, 1897, the undermentioned Council is hereby appointed as trustee of the portion of land hereinafter particularized.

T. L. LEWIS, Minister for Lands.

Reserve 88509 at Maroubra Junction, Parish Botany, County Cumberland, Land District Metropolitan, notified 25th February, 1972, for Drainage: *The Council of the Municipality of Randwick*. Pks 72-583.

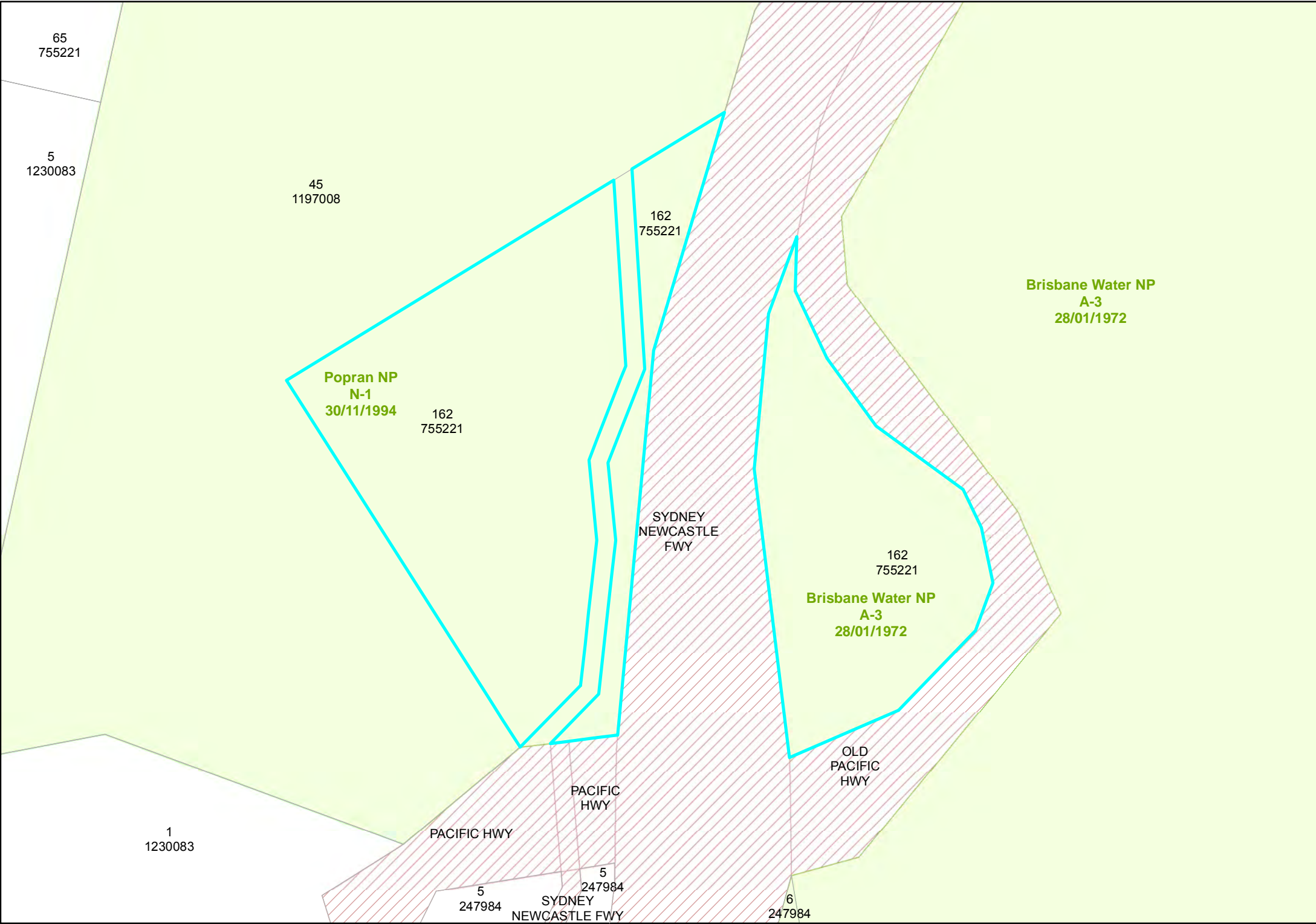
CROWN LANDS CONSOLIDATION ACT, 1913, SECTION 197.—NOTIFICATION OF RESUMPTION AND RESERVATION

IT is hereby notified and declared by His Excellency the Governor, acting with the advice of the Executive Council, that in pursuance of the provisions of section 197 of the Crown Lands Consolidation Act, 1913, as amended, the lands described in the Schedule hereunder are hereby resumed for the following public purpose, namely National Park, and that

[Redacted]

[Redacted]

[Redacted]



65
755221

5
1230083

45
1197008

162
755221

**Popran NP
N-1
30/11/1994**

162
755221

SYDNEY
NEWCASTLE
FWY

**Brisbane Water NP
A-3
28/01/1972**

162
755221

OLD
PACIFIC
HWY

1
1230083

PACIFIC HWY

PACIFIC
HWY

5
247984
5
247984
SYDNEY
NEWCASTLE FWY

6
247984

**Brisbane Water NP
A-3
28/01/1972**



DOC17/645175
F2016/02118

Ms Breanne Bryant
Senior Strategic Planner
Urban Growth Strategies
Central Coast Council
Breanne.Bryant@centralcoast.nsw.gov.au

Dear Breanne

Request for Agency Comments under Section 56(2)(d) and Section 34A of the EP&A Act 1979 - Agency Consultation - Planning Proposal - Central Coast LEP

I refer to your email of the 22 December 2017 asking for agency comment under Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Council requested comment on how the proposal may impact on critical habitat or threatened species, populations or ecological communities in accordance with Section 34A of the EP&A Act. OEH has reviewed the planning proposal and accompanying studies.

This letter replaces the previous comments provided to Council dated 9 March 2018 and 6 April 2018.

Please note that the NSW Coastal Management SEPP has come into operation since the exhibition of the draft Central Coast LEP and should now be applied to the consolidated LEP.

OEH looks forward to the opportunity to work with Central Coast Council on the development of a comprehensive LEP in the next few years.

OEH's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Steven Cox, Senior Team Leader Planning, on 4927 3140.

Yours sincerely

SHARON MOLLOY
Director Hunter Central Coast Branch
Regional Operations Division

Contact officer: STEVEN COX
02 4927 3140

Enclosure: Attachments A and B

OEH's recommendations

Planning proposal – Consolidated Central Coast Local Environmental Plan (LEP)

Biodiversity

1. OEH recommends investigating and assessing the biodiversity values of the land included in the Central Coast LEP to inform the future comprehensive LEP.
2. OEH supports an E2 zone without a dwelling entitlement and a 20-hectare minimum lot size E3 zone.
3. OEH recommends that the future comprehensive LEP reviews the permitted land uses of environmental zones and provides a mechanism to strengthen the COSS, in accordance with Direction 12 of the Central Coast Regional Plan.
4. OEH recommends that the future comprehensive LEP seeks to ensure that all new land uses in E3 zones (i.e. those given consent) only include those listed in LEP PN09-002 that are consistent with the E3 zone objectives.
5. OEH recommends that the future comprehensive LEP seeks to ensure that all new land uses in E4 zones (i.e. those given consent) only include land uses listed in LEP PN09-002 that are consistent with the E4 zone objectives.
6. OEH recommends the consolidated LEP indicates the intent to find a mechanism to expand the COSS and strengthen the protection of a network of natural areas in the future comprehensive LEP.
7. OEH recommends that Central Coast Council investigate the opportunity for the inclusion of the COSS land in the biodiversity value map (of the Biodiversity Offset Scheme) and includes a biodiversity overlay for its areas of high biodiversity values and corridors in the future comprehensive LEP.
8. OEH recommends that NPWS is consulted on all land-use zonings or administrative changes that affect NPWS land.

Aboriginal cultural heritage

9. OEH recommends investigating and assessing the Aboriginal cultural heritage values of the land included in the LEP area to inform the future comprehensive local environmental plan.
10. OEH recommends that potential Aboriginal stakeholders are consulted during the preparation of the future comprehensive LEP.

Flooding and coastal issues

11. OEH recommends that the NSW Coastal Management SEPP is applied to the consolidated LEP.
12. OEH recommends that sewage reticulation systems, water recycling facilities and water reticulation systems are not added to W1 and W2 zones in the consolidated LEP.
13. The future comprehensive LEP should seek to refine the W2 zone mapping so that the W2 zone is limited to the waterway and adjacent banks.

14. OEH recommends that Council includes OEH in the development of the mapping and associated development controls related to clauses 7.2 Flood Planning and 7.3 Floodplain risk management.
15. OEH recommends that the additional objective '*to provide for aquaculture*' for zoning W1 (natural waterway) is changed to read '*to provide for sustainable aquaculture*'.

OEH's detailed comments

Planning proposal – Consolidated Central Coast Local Environmental Plan (LEP)

Biodiversity

1. OEH recommends the future comprehensive LEP process is informed by ecological studies

The LEP consolidation process was not informed by ecological studies. OEH recommends that Council inform the future comprehensive LEP with ecological reports to support the planning decisions made. Such ecological data may come from existing data held by Council on the current Coastal Open Space System (COSS) lands, from the Central Coast Biodiversity Certification project being undertaken by the Department of Planning and Environment (DPE), and from studies to be undertaken as input to the future comprehensive LEP process.

Recommendation 1

OEH recommends investigating and assessing the biodiversity values of the land included in the Central Coast LEP to inform the future comprehensive LEP.

2. OEH supports the use of an E2 zone without a dwelling entitlement for areas with high ecological, scientific, cultural or aesthetic values

OEH supports the provision of an E2 zone with no dwelling entitlement, particularly for land set aside for conservation such as BioBanking sites, stewardship sites and land put into the COSS. OEH also supports a 20 hectare minimum lot size E3 zone.

Recommendation 2

OEH supports an E2 zone without a dwelling entitlement and a 20 hectare minimum lot size E3 zone.

3. OEH recommends Direction 12 of the Central Coast Regional Plan is addressed

Direction 12 of the Central Coast Regional Plan requires that environmental values are protected and managed. The Direction 12 actions include:

- the environmental health of the region is sustained
- biodiversity corridors are identified and strengthened
- the Coastal Open Space System (COSS) is strengthened and
- natural areas on the fringe of the urban areas are managed sensitively.

The consolidation process has resulted in some permitted land uses occurring in zones that may not protect environmental values and that were not previously permitted in parts of the consolidated local government area (LGA).

Recommendation 3

OEH recommends that the future comprehensive LEP reviews the permitted land uses of environmental zones and provides a mechanism to strengthen the COSS, in accordance with Direction 12 of the Central Coast Regional Plan.

4. New land uses in E3 zones should be consistent with the objectives of E3 zones

In the past the E3 zone has typically included large lots (20 hectares) that are partly bushland, but partly degraded by previous land use. Councils have generally emphasised restoration or

regeneration in lots zoned E3, and their value as key habitat for threatened species or as corridors for wildlife.

The LEP Practice Note PN09-002 Environment Protection Zone (the LEP practice note) refers to the objectives of E3 zones as focussing on *'protecting, managing and restoring areas with special ecological, scientific, cultural or aesthetic values and to provide for a limited range of development that does not have an adverse effect on those values'*.

Some existing land uses from the Wyong LEP are incompatible such as farm buildings, dual occupancies, water treatment systems and research stations. The consolidation of the E3 zone has resulted in the retention of these land uses in the Central Coast LEP E3 zone. The future comprehensive LEP should look to ensure that no new such land uses are permitted in E3 zones. Additionally, permits pasture-based dairy and horticulture in E3 zones where they are existing uses, the LEP practice note indicates that these uses are unsuitable in E3 zones. The future comprehensive LEP should look to ensure that no new pasture-based dairy and horticulture uses are permitted (i.e. are not given consent) in E3 zones.

Recommendation 4

OEH recommends that the future comprehensive LEP seeks to ensure that all new land uses in E3 zones (i.e. those given consent) only include those listed in the LEP Practice Note PN09-002 that are consistent with the E3 zone objectives.

5. New land uses in E4 zones should be consistent with the objectives of E4 zones

The consolidation of E4 zones has resulted in some land uses being permitted that are not consistent with the LEP practice note and may result in the intensification of land use. The LEP practice note refers to the objectives of E4 zones as providing for *'low-impact residential development in areas with special ecological scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values'*.

Some existing land uses from the prior LEPs are incompatible with the LEP practice note. The Wyong LEP included group/respite homes and research stations, and the Gosford LEP included veterinary hospitals as land uses within E4 zones. The consolidation of the E4 zone has resulted in the retention of these land uses in the Central Coast LEP E4 zone. The future comprehensive LEP should look to ensure that no new such land uses are permitted (i.e. are not given consent) in E4 zones.

Recommendation 5

OEH recommends that the future comprehensive LEP seeks to ensure that all new land uses in E4 zones (i.e. those given consent) only include land uses listed in the LEP Practice Note PN09-002 that are consistent with the E4 zone objectives.

6. OEH recommends that the future comprehensive LEP looks for opportunities to strengthen and expand the Coastal Open Space System (COSS)

The Central Coast Regional Plan 2036 (2016) includes Action 12.4 to *"Strengthen the Coastal Open Space System by expanding its links and extending new corridors to balance growth in the north of the region and protect the network of natural areas across the region."*

The current consolidated LEP cannot accommodate bonus provisions that collect contributions in exchange for increased subdivision potential to assist the funding of land acquisition. Current studies of the corridor values within the Central Coast LGA being carried out by OEH and the Department of Planning and Environment may be useful in informing land use zoning for the proposed western COSS lands. A replacement mechanism to provide the benefits of a strong COSS could be developed as part of the future comprehensive LEP in order to comply with Action 12.4 of the Regional Plan. The replacement mechanism could also include land which has been assessed and considered suitable for inclusion in the COSS system, but has not been included into the system to date.

Recommendation 6

OEH recommends the consolidated LEP indicates the intent to find a mechanism to expand the COSS and strengthen the protection of a network of natural areas in the future comprehensive LEP.

7. Coastal Open Space System (COSS) land could be included on the Biodiversity Value Map to increase its protection

Currently the COSS does not feature on OEH's Biodiversity Value Map (of the Biodiversity Offset Scheme). Clause 7.3 of the Biodiversity Regulation 2017 lists the types of land that can be included on the Biodiversity Values (BV) Map. One of the criteria includes land, which in the opinion of the council, contains vegetation connectivity features or threatened species habitat whose inclusion in the BV map will, in the opinion of the Minister for the Environment, conserve biodiversity at a bioregional or State scale. OEH will develop guidelines to assist councils to prepare nominations of land to be included on the BV map including guidance on demonstrating importance at the bioregional or state scales. Once developed, the guidelines will be published on the OEH website.

In addition, protection of the COSS values and other high value biodiversity areas, such as the proposed western COSS land, could be improved by the inclusion of an environmentally sensitive lands overlay, so that further consideration of biodiversity matters is mandated at the development application stage. A current investigation of the corridor values within the Central Coast, being carried out by OEH and the Department of Planning and Environment, may be useful in informing this layer. Corridor linkage mapping for the previous Wyong Shire Council is being included in this investigation.

Recommendation 7

OEH recommends that Central Coast Council investigate the opportunity for the inclusion of the COSS land in the biodiversity value map (of the Biodiversity Offset Scheme) and includes a biodiversity overlay for its areas of high biodiversity values and corridors in the future comprehensive LEP.

8. National Park administrative changes are being discussed with Council

National Parks and Wildlife Services (NPWS) has been communicating directly with Council in relation to the administrative changes required on National Park estate boundaries.

Recommendation 8

OEH recommends that NPWS is consulted on all land-use zonings or administrative changes that affect NPWS land.

Aboriginal Cultural Heritage

9. OEH recommends the future comprehensive LEP process is informed by Aboriginal cultural heritage studies

The LEP consolidation process was not informed by Aboriginal cultural heritage studies. OEH recommends that Council inform the future comprehensive LEP with an Aboriginal cultural heritage assessment report to support the planning decisions being made. OEH recommends that Council plans to avoid likely areas of cultural heritage that have the potential to include intangible cultural values as well as those with objects. OEH is investigating how cultural landscapes and cultural values can be integrated into statutory mapping instruments. An OEH project mapping cultural landscapes in the region has commenced and this could inform the future comprehensive LEP and planning proposals in future.

Recommendation 9

OEH recommends investigating and assessing the Aboriginal cultural heritage values of the land included in the LEP area to inform the future comprehensive local environmental plan.

10. OEH recommends that the local Aboriginal community is included in the planning process

The Central Coast LEP consolidation process included consultation with Darkinjung Local Aboriginal Land Council and Guringai Tribal Link Aboriginal Corporation. The future comprehensive LEP should also include consultation with potential Aboriginal stakeholders for the Central Coast LGA. OEH can provide a list of potential Aboriginal stakeholders for Central Coast LGA.

Recommendation 10

OEH recommends that potential Aboriginal stakeholders are consulted during the preparation of the future comprehensive LEP.

Flooding and coastal issues

11. The NSW State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) should be applied to the planning proposal

The new *Local Planning Direction - Coastal Management* applies to Central Coast Council and replaces the previous *Ministerial Direction 2.2 - Coastal Protection*.

Section 9.1 of the EP&A Act states that:

A planning proposal must include provisions that give effect to and are consistent with:

- a) *the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;*
- b) *the NSW Coastal Management Manual and associated Toolkit;*
- c) *NSW Coastal Design Guidelines 2003; and*
- d) *any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.*

The aim of Coastal Management SEPP is to promote an integrated and co-ordinated approach to land-use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016* (CM Act), including the management objectives for each coastal management area, by:

- a) managing development in the coastal zone and protecting the environmental assets of the coast
- b) establishing a framework for land use planning to guide decision-making in the coastal zone and
- c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the definitions in the CM Act 2016.

The Coastal Management SEPP consolidates the provisions of *SEPP 14 - Coastal Wetlands*, *SEPP 26 - Littoral Rainforests* and *SEPP 71 - Coastal Protection*.

The Coastal Management SEPP may influence the Standard Instrument zones for a consolidated Central Coast Council LEP, particularly those proposed for mapped areas (within the SEPP) and

those proposed for land identified in the COSS developed by the former Gosford City Council; the Interim Development Order No. 122 and the Gosford Planning Scheme Ordinance (GPSO) that has been deferred from Gosford Local Environmental Plan 2017 (GLEP 2014).

Recommendation 11

OEH recommends that the NSW Coastal Management SEPP is applied to the consolidated LEP.

12. New land uses have been added to W1 zones (natural waterways)

The consolidated LEP has proposed to add as permissible: sewage reticulation systems, water recycling facility and water reticulation system in land zoned W1 (natural waterways) and W2 (recreational waterways). These uses conflict with the objectives of both zones to protect the ecological and scenic values of the waterways.

Recommendation 12

OEH recommends that sewage reticulation systems, water recycling facilities and water reticulation systems are not added to W1 and W2 zones in the consolidated LEP.

13. W2 zones (recreational waterways) maps need review

The consolidated LEP has resulted in some W2 (recreational waterways) zoned areas containing existing land uses such as carparks, food and drink premises, restaurants or cafés, pubs, small bars and function centres. Some of these existing land uses may have occurred due to inaccuracy in the original mapping of zones (such that areas of land beyond a waterways channel and banks are included in the zone). These uses have also been consolidated into the land-use provisions of the consolidated W2 zone. These uses are ancillary to the uses of W2 zoned areas as per the objectives of the draft Central Coast Council LEP.

Recommendation 13

The future comprehensive LEP should seek to refine the W2 zone mapping so that the W2 zone is limited to the waterway and adjacent banks.

14. OEH recommends that flood planning and floodplain risk management mapping is developed

OEH can assist with the mapping and development controls associated with clauses 7.2 Flood Planning and 7.3 Floodplain Risk Management.

Recommendation 14

OEH recommends that Council includes OEH in the development of the mapping and associated development controls related to clauses 7.2 Flood Planning and 7.3 Floodplain risk management.

15. OEH recommends that only sustainable aquaculture is permitted in W1 Natural Waterway zones

OEH does not support the removal of the reference to '*sustainable aquaculture*' that has occurred in the new objective '*to provide for aquaculture*' under W1 zoned land.

Recommendation 15

OEH recommends that the additional objective 'e for zoning W1 (natural waterway) is changed to read '*to provide for sustainable aquaculture*'.



Level 6, 10 Valentine Avenue
Parramatta NSW 2150
Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599
heritagemailbox@environment.nsw.gov.au
www.heritage.nsw.gov.au

File No: SF18/2182
Ref No: DOC17/646357

Ms Breanne Bryant
Principal Strategic Planner
Urban Growth Strategies
Central Coast Council
P.O. Box 20
WYONG NSW 2259

By email: Breanne.Bryant@centralcoast.nsw.gov.au

Dear Ms Bryant

PLANNING PROPOSAL – CENTRAL COAST LOCAL ENVIRONMENTAL PLAN (CCLEP)

I refer to your email dated 22 December 2017 regarding the abovementioned planning proposal to create a Central Coast Local Environmental Plan.

It is understood from the email that the planning proposal will consolidate the provisions of Wyong LEP 2013 (WLEP 2013), Gosford LEP 2014 (GLEP 2014), Gosford Planning Scheme Ordinance (GPSO) and the Interim Development Order No. 122 – Gosford (IDO 122) and will be consistent with the Standard Instrument Principal (SI) LEP Order, 2006.

It is noted that the proposed CCLEP is not a comprehensive review of all planning controls, but a consolidation of the existing instruments applicable across the region. The intended outcome of the proposal is to provide for a single Environmental Planning Instrument (EPI), which provides local environmental planning provisions for land in the Central Coast LGA after the merger of two local councils Gosford City Council and Wyong Shire Council in May 2016. Furthermore, it is noted that the proposed CCLEP adopts the standard heritage provisions (Clause 5.10 Heritage Conservation) of the Standard Instrument and no objection is raised.

Draft 'Schedule 5 Environmental heritage' of the proposed CCLEP identifies a list of heritage items within the Central Coast LGA. A search of the Heritage Office Database identified that there are 17 items listed in State Heritage Register (SHR) within the Wyong and Gosford LGA. The draft Schedule 5 of the proposed CCLEP includes all those SHR items.

It is understood that the Schedule 5 of the proposed CCLEP will retain all the heritage items, heritage conservation areas and archaeological sites included in the GLEP 2014 and WLEP 2013 except for two local heritage items - one from each LEPs - that have been demolished with consent from Councils. Five items of local heritage significance included in either GPSO or IDO 122 will be added to the proposed CCLEP and errors relating to mapping and the description of four local items will be rectified. Therefore, no objection is raised to the planning proposal.

If you have any questions regarding the above matter please contact Vibha Upadhyay, Heritage Programs Officer, Statewide Programs at the Heritage Division, Office of the Environment and Heritage by telephone on 02 98738587 or email at vibha.upadhyay@environment.nsw.gov.au.

Yours sincerely



Rochelle Johnston
Manager, Statewide Programs
Heritage Division
Office of Environment & Heritage

As delegate of the Heritage Council of NSW

16 February 2018

21st March 2018

Breanne Bryant
Senior Strategic Planner – Urban Growth Strategies
Central Coast Council
PO Box 20
WYONG NSW 2259

Your Reference: SI_2017_CCOAS_001_00
Our Reference: OUT18/5020

Emailed: Breanne.Bryant@centralcoast.nsw.gov.au
Jenny.Mewing@centralcoast.nsw.gov.au

Dear Ms Bryant,

Re: Planning Proposal - Central Coast Local Environment Plan 2018

Thank you for your emails of 7th and 8th March 2018 which provide clarification on issues raised by GSNSW in our recent submission (our ref. OUT18/2417) regarding the preparation of the Standard Instrument Central Coast Local Environment Plan 2018 (CCLEP2018).

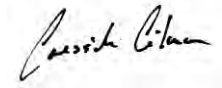
Council's advice confirms that the provisions of any SREP and SEPP relevant to the Planning Proposal area will continue to prevail in the instance of any inconsistencies between these plans and CCLEP2018. Accordingly, the current permissibility of mining and extractive industries within the Central Coast planning area, as set out by provisions within SREP8 and SREP9 is unaffected by the draft planning proposal.

GSNSW raised the matter of a minor inconsistency of the draft planning proposal with a location adjacent to Rindean Quarry, identified under SREP9, Schedule 1 Division 3 (refer to Fig.1). Given that SREP8 and SREP9 will continue to prevail, and a further assessment of departmental databases indicates that the particular clay resource to which Schedule 1 Division 3 refers (Somersby South Clay Shale Deposit) are likely to be located to the west of the Pacific Hwy within Lot 11 DP 261772 which is to retain an RU2 zoning, GSNSW are satisfied that this issue has been addressed.

GSNSW is also of the understanding that SREP9 has been listed on p88 of the Agency Consultation document under 5. *Is the Planning Proposal consistent with applicable State Environmental Planning Policies.*

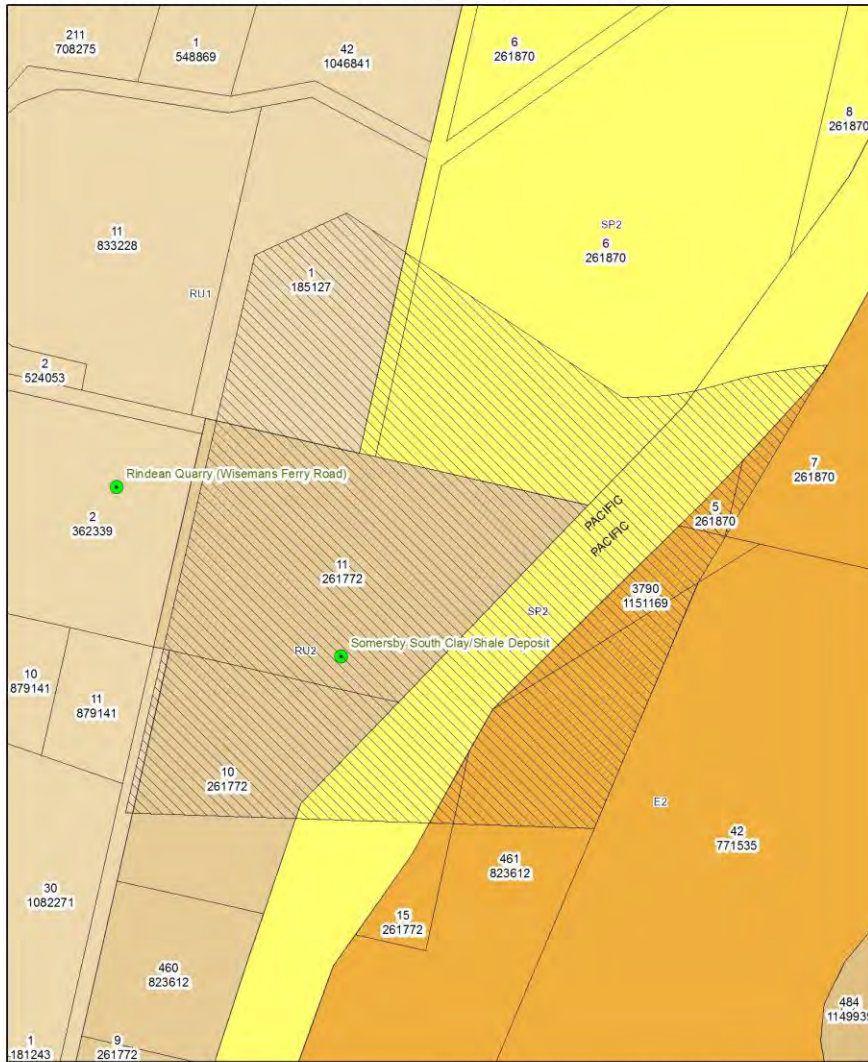
Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@industry.nsw.gov.au.

Yours sincerely





Cressida Gilmore
 Manager - Land Use

Subset - SREP9 Schedule 1 Division 3 Clay Resource

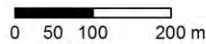


Legend

-  Subset - SREP9 Schedule 1 Division 3 Clay Resource
-  Mineral Occurrences

© State of New South Wales through NSW Department of Planning & Environment - Division of Resource & Conservation 2017. You must obtain permission from the Department to copy, distribute, display or reuse in electronic form, any part of the publication, without as permitted under the Copyright Act 1968 (Cth).

DISCLAIMER
 The information in these materials is presented by copyright, and is contained until the time that Department of Planning & Environment publishes that information. This subject is not intended to be a substitute for professional advice. The information is provided for general information only and should not be used for any specific purpose. The information is provided for general information only and should not be used for any specific purpose. The information is provided for general information only and should not be used for any specific purpose. The information is provided for general information only and should not be used for any specific purpose.



Planning & Environment
 Resources & Geoscience

Date Saved: 21/03/2018 3:31:49 PM

Path: G:\Geosurvey\MINLU\MINLU_Landuse\LU_ARCGIS\2017\WHOLE OF LGA LEP STRATEGY\Central Coast LEP 2018\Projects_Outputs\Central Coast Consolidated LEP 2018 Minor Inconsistency Map 2.mxd

Figure 1 Minor inconsistency subject area and zoning

12th January 2018

Breanne Bryant
Senior Strategic Planner – Urban Growth Strategies
Central Coast Council
PO Box 20
WYONG NSW 2259

Your Reference: SI_2017_CCOAS_001_00
Our Reference: OUT18/2417

Emailed: Breanne.Bryant@centralcoast.nsw.gov.au

Dear Ms Bryant,

Re: Planning Proposal - Central Coast Local Environment Plan 2018

Thank you for the opportunity to provide advice on the preparation of the Standard Instrument Central Coast Local Environment Plan 2018 (CCLEP2018). This is a response from the NSW Department of Planning & Environment – Division of Resources & Geoscience, Geological Survey of New South Wales (GSNSW).

The Planning Proposal seeks to consolidate the *Wyong Local Environment Plan 2013* (WLEP), *Gosford Local Environment Plan 2014* (GLEP2014), *Gosford Planning Scheme Ordinance* (GSPO) and *Interim Development Order Number 122 – Gosford* (IDO 122). The Planning Proposal does not seek to comprehensively review all existing planning controls, however includes repeal of the above mentioned GSPO and IDO 122, and rezoning of lands under Deferred Matters.

The Planning Proposal has been referred in accordance with the Gateway's Determination, and Section 56(2)(d) of the Environmental Planning and Assessment (EP&A) Act, 1979 seeking consideration and comment from GSNSW regarding the proposal.

GSNSW has specifically reviewed the Planning Proposal and supporting documents in regards to Ministerial Direction 1.3 – *Mining, Petroleum Production and Extractive Industries*. In addition, GSNSW has reviewed the consistency of the Planning Proposal with,

- *Deemed State Environmental Planning Policy – Sydney Regional Plan No. 8 – Central Coast Plateau Areas* (SREP8)
- *Deemed State Environmental Planning Policy – Sydney Regional Plan No. 9 – Extractive Industry* (SREP9),
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

GSNSW offers the following advice.

GSNSW notes that in the Draft Instrument - Part 1 (1.9) – Application of SEPPs, (1) *This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.* Accordingly GSNSW is of the understanding that the current permissibility of mining and extractive industries within the Central Coast planning area, as set out by provisions within the above mentioned SEPPs is unaffected by the draft planning proposal. We also understand that the draft instrument does not repeal standing of SREP8 and SREP9. **GSNSW seeks confirmation that this interpretation of the Draft Instrument is correct.**

For consistency SREP9 should also be listed on p88 of the Agency Consultation document under 5. *Is the Planning Proposal consistent with applicable State Environmental Planning Policies?*

GSNSW has assessed the deferred matter subject lands within the Central Coast Council Planning area. GSNSW notes that under provisions of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, underground mining may be carried out on any land with development consent, and mining may be carried out with development consent on land where the development for the purposes of agriculture or industry may be carried out (with or without development consent).

Based on the available spatial information held by GSNSW in relation to SREP8 and SREP9, the Branch has no major concerns to raise but notes there is a minor inconsistency with a location adjacent to identified under SREP9, Schedule 1 Division 3 - Other potential clay/shale extraction areas of regional significance (1) The land identified on Sheet 3 of the map as Central Coast Plateau Area clay/shale.

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@industry.nsw.gov.au.

Yours sincerely



Cressida Gilmore
Manager - Land Use

Jenny Mewing

From: BUXTON Stephanie M <Stephanie.BUXTON@rms.nsw.gov.au>
Sent: Thursday, 31 May 2018 2:44 PM
To: Breanne Bryant
Subject: RE: TRIM: RE: RMS response to referral to create consolidated Central Coast LEP
Attachments: Title - 12 1174174.pdf

Hi Breanne,

Please see attached title for Lot 12 DP1174174 confirming that is in the ownership of Roads and Maritime Services and thus can be removed from the LRA.

Thank you,

Kind regards

Stephanie Buxton
Property Officer
Property & Acquisition | Business Services
T 02 4908 7529 M 0476 837 505
www.rms.nsw.gov.au
Every journey matters

Roads and Maritime Services
Level 7 266 King St, Newcastle NSW 2300
Locked Bag 2030, Newcastle NSW 2300

From: Breanne Bryant [mailto:Breanne.Bryant@centralcoast.nsw.gov.au]
Sent: Thursday, 31 May 2018 1:13 PM
To: BUXTON Stephanie M
Subject: RE: TRIM: RE: RMS response to referral to create consolidated Central Coast LEP

Hi Stephanie,

Can you please confirm that Lot 12 DP 1174174 at West Gosford has been acquired by RMS and is no longer required to be shown on the Land Reservation Acquisition Map?

Regards

Breanne Bryant
Principal Strategic Planner
Urban Growth Strategies
Central Coast Council
P.O. Box 20 Wyong, NSW 2259
t: 02 4350 1627
m: 0439 285 668
e: Breanne.Bryant@centralcoast.nsw.gov.au



FOLIO: 12/1174174

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
31/5/2018	2:42 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 12 IN DEPOSITED PLAN 1174174
AT WEST GOSFORD
LOCAL GOVERNMENT AREA CENTRAL COAST
PARISH OF GOSFORD COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP1174174

FIRST SCHEDULE

RAODS AND MARITIME SERVICES

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- * 2 AH595524 LAND IS REQUIRED FOR ROAD PURPOSES

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

5 April 2018

Your Ref: F2016/02118
Our Ref: SF2013/038234

Central Coast Council
PO Box 20
WYONG NSW 2259

PLANNING PROPOSAL (F2016/02118) FOR CONSOLIDATED CENTRAL COAST LOCAL ENVIRONMENTAL PLAN – LAND RESERVATION ACQUISITION MAPS

Reference is made to Roads and Maritime Services letter of 20 February 2018. Roads Branch Response identified a number of sites that were required to be retained on the Land Reservation Acquisition (LRA) Map and agreed that all other listed sites were to be removed. The sites to be retained were:

- Site No 2: Lot 1 DP 773419, 91 Manns Road, Narara
- Site No 12: Lot 1 Sec 2 DP 1757, 32-34 Narara Valley Drive, Narara; and,
- Site No 13: Lot 1 Sec 1 DP 1757, 36-38 Narara Valley Drive, Narara.

RMS now advise that all sites listed to be removed within the Narara road corridor are to be retained as per the current gazetted GLEP 2014 LRA Map. There are no additional amendments required to the LRA map.

The letter of 20 February 2018 also requested amendment to the LRA Map for the following sites:

WLEP 2013

- Lots 1 & 2 DP 214886 and Lot 18 DP 705440 (Nos 41-47 Railway Road, Warnervale)
- Lots 23 & 24 DP 1199184 and a portion of frontage north of Lot 23 (no DP) (Pacific Highway, Hamlyn Terrace)
- Lots 84, 85, 86 & 87 DP 26104 (Nos 113, 115, 117 and 119 Budgewoi Road, Noraville)

GLEP 2014

- Lots 105 & 106 DP 1226612 (MacDonald Road, Lisarow)
- Lot: 12 DP 1174174 (Brisbane Water Drive, West Gosford)

It is noted that the sites listed above in WLEP 2013 are included in Proposed Amendment 28 to WLEP 2013 which is currently in the process of being finalised and therefore will not be considered as part of the Consolidated LEP. The amendments requested to lots listed under GLEP 2014 are not considered to be consolidated matters as these lots are yet to be dedicated and cannot form part of any current proposal.

As per letter Roads and Maritime letter dated 3 April 2018, we will deal with requested changes under a single separate Planning Proposal at a later date, once the consolidation process has been completed.

It is confirmed that the Maritime Branch response remains unaffected by these changes.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephanie Buxton', written in a cursive style.

Stephanie Buxton
Property Officer
for Tony Powell
Property & Acquisition Manager, Hunter



20 February 2018

General Manager
Central Coast Council
PO Box 21
GOSFORD NSW 2250

Attention: Breanne Bryant, Senior Strategic Planner

PLANNING PROPOSAL (F2016/02118) FOR CONSOLIDATED CENTRAL COAST LOCAL ENVIRONMENTAL PLAN ('CCLEP')

Roads and Maritime understands that Council has received a Gateway Determination from the Department of Planning and Environment pursuant to Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning proposal. The delegate of the Minister for Planning and Environment has directed Council to consult with Roads and Maritime in relation to the planning proposal.

Roads and Maritime understands the planning proposal seeks consent consolidate the *Wyong Local Environmental Plan 2013* (WLEP 2013) and *Gosford Local Environmental Plan 2014* (GLEP 2014), and repeal the *Gosford Planning Scheme Ordinance* (GPSO) and *Interim Development Order Number 122 – Gosford* (IDO 122) as a result of the amalgamation of Wyong Shire and Gosford City Councils. It is further understood that the proposed CCLEP is not a comprehensive review of all planning controls, but a consolidation of the existing instruments applicable across the region.

Roads Branch response

The primary interests of Transport for NSW and the Roads Branch of Roads and Maritime are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

A number of sites within the Land Acquisition Maps of the GLEP 2014 affecting Narara and Lisarow are proposed to be removed by Council as part of the consolidated CCLEP. The nominated sites are within a road widening corridor along Narara Valley Drive / Railway Crescent which was superseded by the adoption to upgrade the Pacific Highway. As advised in past correspondence from Roads and Maritime dated 20 September 2013, most of the lots along this corridor are no longer required for acquisition.

The following lots are identified as still being required and should be retained in the Land Acquisition Mapping, with boundaries modified as illustrated in the attached maps:

- Site No. 2: Lot 1 DP 773419, 91 Manns Road, Narara (as adjusted – see map);
- Site No. 12: Lot 1 Sec 1 DP 1757, 32-34 Narara Valley Drive, Narara; and,
- Site No. 13: Lot 1 Sect 1 DP 1757, 36-38 Narara Valley Drive, Narara.

Roads and Maritime supports the removal of all other listed sites within Council's table titled *Land Identified to be removed from the Land Reservation Acquisition Map*.

In addition to the abovementioned matters to be addressed in the consolidated CCLEP, Roads and Maritime requests Council consider updating the Acquisition Mapping to correct the following anomalies and changes within the WLEP:

- Lots: 1 & 2 DP: 214886 and Lot: 18 DP: 705440 (Nos. 41-47 Railway Road, Warnervale) – Roads and Maritime advised Council via email on 27 September 2012 including a shape file illustrating the location and boundaries for a portion of the subject lots likely to be acquired for future road widening. The acquisition area nominated by Roads and Maritime on the subject lots are not currently identified within Map LRA_007A. The area should be identified as being land required for acquisition within the proposed CCLEP mapping. See attached map.
- Lots: 23 & 24 DP: 1199184 and a portion of frontage north of Lot 23 (no DP) (Pacific Highway, Hamlyn Terrace) – Roads and Maritime have acquired the subject Lots 23 and 24 and the land to the north of Lot 23 has been dedicated as public road. The affected acquisition area on these lots (as illustrated on the attached sketch) can be removed from Map LRA_013. See attached map.
- Lots: 84, 85, 86 & 87 DP: 26104 (Nos. 113, 115, 117 and 119 Budgewoi Road, Noraville) – Roads and Maritime advised Council via email on 27 September 2012 including a shape file illustrating the location and boundaries for a portion of the subject lots likely to be acquired for future road widening. The acquisition area nominated by Roads and Maritime on the subject lots are not currently identified within Map LRA_019. The area should be identified as being land required for acquisition within the proposed CCLEP mapping.

Further to the above request to correct anomalies within the WLEP, Council should consider updating the Acquisition Mapping to correct the following anomalies and changes from the GLEP:

- Lots: 105 & 106 DP: 1226612 (MacDonald Road, Lisarow) – Roads and Maritime have acquired the subject Lots 105 and 106 identified on Map LRA_14C. The lots will be dedicated following completion of the road upgrade.
- Lot: 12 DP: 1174174 (Brisbane Water Drive, West Gosford) – Roads and Maritime have acquired the subject Lot 12 identified on Map LRA_15A. The lot is in the currently in the process of being dedicated.

Should you require more specific information about acquisition boundaries on the affected lots, please contact Steph Buxton, Property Officer, on 4908 7529.

Maritime Branch response

Roads and Maritime Services' Maritime Branch is responsible for marine safety and the management of the state's navigable waters. This responsibility, inter alia, covers the installation and maintenance of navigation aids (navaids) and the issue of mooring licences.

Activities requiring mooring licences are administered under the *Ports and Maritime Administration Act 1995* and Clauses 67V-67ZM of the *Ports and Maritime Administration Regulation 2012* including the use of a structure or an apparatus at a specified locality in navigable waters by any floating object, apparatus or vessel of a specified class.

Under the provisions of Clause 68(4) of the SEPP (Infrastructure) 2007 ('ISEPP'), wharf and boating facilities (as defined by Clause 67 of the ISEPP) may be undertaken by, or on behalf of, a public authority without development consent. The definition of wharf and boating facilities specifically includes moorings.

When assessing various applications for its approval or permission, NSW Maritime conducts environmental assessments in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979*.

To avoid confusion, it is recommended that councils always refer to the tethering of a vessel to any private structures such as jetties, ramps, pontoons or mooring pens as “berthing”. The term “mooring” should be used to describe a device by which a vessel is stored subject to a NSW Maritime mooring licence.

When considering any proposed private landing facility or similar structure, Council should seek NSW Maritime’s comments in relation to the navigation safety/water transport aspects of the proposal prior to making a determination.

Moorings, nav aids and other core NSW Maritime water transport/navigation safety related responsibilities should be permissible without consent to avoid any inconsistency with the ISEPP. Moorings should be permissible without consent in all waterways zones. Nav aids and other core NSW Maritime activities should be permissible without consent in all zones (not just in the waterway zones) and on unzoned land.

Boat lifts and similar “air dock” type devices are not separately defined by the Standard LEP but may fall under the definition of “boat shed”. These are not vessels as defined by the maritime legislation and NSW Maritime does not allow them on its moorings. Where the Minister for Roads, Maritime and Freight is not the consent authority their permissibility or otherwise is a matter for councils. If councils are prepared to permit such structures they should determine if development consent is required and NSW Maritime will need to comment on the navigation safety aspects of any such development proposal.

The Standard LEP defines certain private landing facilities and may mention “pontoons” and “mooring pens”. Councils should be aware that private landing facilities generally comprise a jetty or ramp and pontoon and may include a mooring pen(s) for the on-water storage of vessel(s). Please note that mooring pens are private landing facilities and, as such, are not the subject of NSW Maritime’s mooring licensing system.

NSW Maritime will, in accordance with standard procedures, continue to consult with Council when it is considering increasing the mooring ceilings within the Local Government area. For further advice about the above advice from Maritime Branch, please contact Rod McDonagh, A/ Manager Operations Hawkesbury / Broken Bay on 0418 494 153.

On determination of this matter, please forward a copy of the determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4908 7688 or by email at development.hunter@rms.nsw.gov.au.

Yours sincerely



Marc Desmond
A/ Manager Land Use Assessment



Lot 1
DP773419

Lot 1
DP661066

Lot
DP37783

Lot 202
DP663037

Lot 20
DP3977

Lot 30
DP661066

Lot 2
DP661066

Lot 3
DP661066

Lot 4
DP661066

Lot 5
DP661066

Lot 6
DP661066

Lot 8
DP661066

Lot 9
DP661066

Lot 25
DP661066

Lot 27
DP661066

Lot 28
DP661066

Lot 26
DP661066

Lot 29
DP661066

Lot 25
DP661066

MANHO RD - 0003 46 MANHO

DR. THOMAS ONE CT

156 600 ONE

Lot 11
DP661066

Lot 12
DP661066

Lot 13
DP661066

Lot 14
DP661066

Lot 15
DP661066

Lot 16
DP661066

Lot 17
DP661066

Lot 18
DP661066

Lot 19
DP661066

Lot 20
DP661066

Lot 21
DP661066

Lot 22
DP661066

Lot 23
DP661066

Lot 24
DP661066

Lot 25
DP661066

Lot 26
DP661066

Lot 27
DP661066

Lot 28
DP661066

Lot 29
DP661066

Lot 30
DP661066

Lot 31
DP661066

Lot 32
DP661066

Lot 33
DP661066

Lot 34
DP661066

Lot 35
DP661066

Lot 36
DP661066

Lot 37
DP661066

Lot 38
DP661066

Lot 39
DP661066

Lot 40
DP661066

Lot 41
DP661066

Lot 42
DP661066

Lot 43
DP661066

Lot 44
DP661066

Lot 45
DP661066

Lot 10
DP226469

Lot 11
DP226469

Lot 12
DP226469

Lot 13
DP226469

Lot 14
DP226469

Lot 15
DP226469

Lot 16
DP226469

Lot 17
DP226469

Lot 18
DP226469

Lot 19
DP226469

Lot 20
DP237873

Lot 21
DP237873

Lot 22
DP237873

Lot 23
DP237873

Lot 24
DP237873

Lot 25
DP237873

Lot 26
DP237873

Lot 27
DP237873

Lot 28
DP237873

Lot 29
DP237873

Lot 30
DP237873

Lot 31
DP237873

Lot 32
DP237873

Lot 33
DP237873

Lot 34
DP237873

Lot 35
DP237873

Lot 36
DP237873

Lot 37
DP237873

Lot 38
DP237873

Lot 39
DP237873



Lot 1
Sec 1
DP1757

Lot 2
Sec 1
DP1757

Lot 102
DP708124

Lot 1
DP724853

SPARKS RD

0000509 SPARKS

Lot 33
DP106832

Lot 18
DP705440

Lot 2
DP214886

Lot 1
DP124109

For Inclusion

Lot 1
DP214886

Lot 4
DP21495

Lot 651
DP1061008

Lot 93
DP26104

Lot 94
DP26104

Lot 2
DP600345

Lot 95
DP26104

Lot 96
DP26104

Lot 97
DP26104

Lot 98
DP26104

Lot 290
DP755266

Lot 291
DP755266

Lot 84
DP26104

Lot 85
DP26104

For
inclusion

Lot 86
DP26104

Lot 87
DP26104

Lot 88
DP748880

Lot 89
DP739294

Lot 293
DP755266

Lot 294
DP755266

Lot 7318
DP1148096

Lot 118
DP26104

GOMUL ST

BUDGEWO RD
0000030 BUDGEWOI

0000030 CENTRAL COAST

CENTRAL COAST HWY

Lot 12
DP1174174

To be excluded

Lot 54
DP1086022

Lot 10
DP1174174

Lot 21
DP882128



to be excluded



to be excluded

Lot 105
DP1148220
Lot 104
DP1148220
Lot 4
DP1219656

POPPY RD

Lot 101
DP1148220

Lot 21
DP1199184

Lot 22
DP1199184

YELLOW ROSETTE

Lot 203
DP1119440

Lot 204
DP1119440

Lot 205
DP1119440

Lot 206
DP1119440

Lot 207
DP1119440

Lot 208
DP1119440

Lot 209
DP1119440

SNAPDRAGON CR

Lot A
DP337838

Lot B
DP337838

Lot 40
DP1135470

Lot 41
DP1135470

Lot 42
DP1135470

0000010 PACIFIC

Lot 23
DP1199184

Lot 24
DP1199184

Lot 1
DP307558

Lot A
DP362920

Lot B
DP362920

Lot C
DP362920

Lot 554
DP851473

Lot 553
DP851473

Lot 552
DP851473

Lot 121
DP788721

Lot 333
DP840281

Lot 334
DP840281

Lot 335
DP840281

Lot 336
DP840281

Lot 337
DP840281

Lot 338
DP840281

Lot 339
DP840281

Lot 1
DP21288

Lot 2
DP21288

Lot 3
DP21288

Lot 4
DP21288

Lot 5
DP21288

Lot 6
DP21288

Lot 7
DP21288

Lot 363
DP840281

Lot 511
DP846006

Lot 512
DP846006

Lot 513
DP846006

Lot 514
DP846006

Lot 546
DP846006

Lot 547
DP846006

Lot 548
DP846006

Lot 544
DP846006

Lot 538
DP846006

Lot 539
DP846006

Lot 537
DP846006

Lot 549
DP846006

Lot 542
DP846006

Lot 541
DP846006

Lot 540
DP846006

Lot 541
DP846006

Lot 540
DP846006

Lot 628
DP851472

Lot 629
DP851472

Lot 350
DP840281

Lot 508
DP846006

Lot 509
DP846006

Lot 508
DP846006

Lot 549
DP846006

Lot 542
DP846006

Lot 5
DP863417

Lot 343
DP844853

Lot 342
DP844853

Lot 3402
DP880914

Lot 3401
DP880914

Lot 308
DP840281

DERBYRD

AVONDALE DR



The General Manager
Central Coast Council
PO Box 20
Wyong NSW 2259

Your reference:
Our reference: R16/1673 DA18010211064

23 January 2018

Attention: Breanne Bryant

Dear Sir/Madam,

Planning Proposal – Central Coast Consolidated Local Environmental Plan (LEP)

Reference is made to Council's correspondence dated 28 December 2017 seeking comment in relation to the above proposal.

The New South Wales Rural Fire Service (NSW RFS) has undertaken a high level review of the proposal with regard to Section 4.4 of the directions issued in accordance with Section 117(2) of the *Environmental Planning and Assessment Act 1979*.

The objectives of the direction are:

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

The direction provides that a planning proposal must:

- (a) *have regard to Planning for Bushfire Protection 2006,*
- (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*

It is understood that the planning proposal seeks to introduce a consolidated LEP for Central Coast Council with consistent provisions across the two former Local Government Areas (LGA). In doing so, it is noted that the proposal would:

- Permit a number of uses (with consent) in various zones not currently permitted in either Wyong or Gosford LEP zone provisions; and,
- Introduce Standard Instrument zones over deferred matter areas in the non-urban areas of the former Gosford LGA.

Postal address

NSW Rural Fire Service
Planning and Environment Services
Locked Bag 17
GRANVILLE NSW 2141

T 1300 NSW RFS
F (02) 8741 5433
E records@rfs.nsw.gov.au
www.rfs.nsw.gov.au



In some instances, the revised provisions will allow development applications to be lodged in bush fire prone areas for development that will need to comply with *Planning for Bush Fire Protection 2006*. In this regard, particular reference is made to the subdivision of land for residential or rural residential purposes, multiple-dwellings (i.e. dual occupancies, secondary dwellings, residential flat buildings etc.), and special fire protection purposes (i.e. tourist accommodation, aged care, child care and function centres etc).

Whilst the NSW RFS has not undertaken a comprehensive review of specific land affected by the proposal, the NSW RFS has reviewed the explanatory information provided by Council, including the principles of the review. On this basis, the NSW RFS has no objection to the proposal subject to any future development complying with *Planning for Bush Fire Protection 2006*. This includes, but is not limited to:

- Provision of Asset Protection Zones (APZs) within the site in accordance with Table A2.4 or A2.6;
- Access is provided in accordance with section 4.1.3, including the provision of through roads and perimeter roads; and,
- Services are provided in accordance with section 4.1.3.

If you have any queries regarding this advice, please contact Jason Maslen on 1300 NSW RFS.

Yours sincerely,



Nika Fomin
Manager, Planning and Environment Services (East)



Breanne Bryant
Senior Strategic Planner
Central Coast Council
Email: Breanne.Bryant@centralcoast.nsw.gov.au

Dear Breanne

Request for Comment - Planning Proposal in Respect of Central Coast Local Environmental Plan 2018

Thank you for your email dated 22 December 2017 providing opportunity to comment on the above planning proposal (the proposal).

Subsidence Advisory NSW (SA NSW) understands the proposal involves in part the rezoning of land that is

- (1) located outside of a proclaimed mine subsidence district and
- (2) located outside of current mining or exploration titles.

SA NSW notes that Central Coast Council local government area (LGA) encompasses in part the Wyong, and Swansea North Entrance Mine subsidence districts.

The purpose of a district is to manage the coexistence of surface development and mine subsidence through development controls to reduce the risk of damage to surface improvements. Under the integrated development provisions of the Environmental Planning and Assessment Act 1979, development within a district requires approval from SA NSW.

All surface development (including infrastructure) or the subdivision of land located within a proclaimed mine subsidence district requires approval under section 22 of *Coal Mine Subsidence Compensation Act 2017*.

SA NSW strongly recommends that council refer to SA NSW any future land use rezoning applications that are located within either of the two proclaimed mine subsidence districts in the Central Coast Council LGA.

Please contact Kieran Black, SA NSW Technical Manager, at kieran.black@finance.nsw.gov.au or on (02) 4908 4391 if you have any questions or would like to discuss this advice.

Yours sincerely

Kieran Black
Technical Manager
23 February 2018

Mr Rob Noble
Chief Executive Officer
Central Coast Council
PO Box 20
WYONG NSW 2259

Attention: Breanne Bryant

Planning Proposal – Central Coast Local Environmental Plan 2018

Dear Mr Noble

Thank you for your email 22 December 2017 requesting Transport for NSW (TfNSW) review and comment on the Planning Proposal for the Central Coast Local Environmental Plan (LEP) 2018.

The Central Coast LEP consolidates the provisions of *Wyong LEP 2013* and *Gosford LEP 2014* establishing a single Environmental Planning Instrument that provides local environmental planning provisions for land in the Central Coast LGA. TfNSW has reviewed the documentation supporting the subject Planning Proposal and has no further comments.

Thank you again for requesting TfNSW comment on this proposal. If you have any further questions, Mr Lee Farrell, Transport Planner at TfNSW, would be pleased to take your call on (02) 8265 9943. I hope this has been of assistance.

Yours sincerely



25/1/2018

Mark Ozinga
Principal Manager, Land Use Planning and Development
Freight, Strategy and Planning Division

CD17/14049