



New South Wales

Central Coast Local Environmental Plan 2022 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

DANIEL THOMPSON

As delegate for the Minister for Planning and Public Spaces

Central Coast Local Environmental Plan 2022 (Amendment No 8)

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1 Name of plan

This plan is *Central Coast Local Environmental Plan 2022 (Amendment No 8)*.

2 Commencement

This plan commences on the day on which it is published on the NSW legislation website.

3 Land to which plan applies

This plan applies to—

- (a) land to which *Central Coast Local Environmental Plan 2022* applies, and
- (b) land which, immediately before the making of this plan, was land identified as deferred matter under *Central Coast Local Environmental Plan 2022*.

4 Maps

The maps adopted by *Central Coast Local Environmental Plan 2022* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this plan.

Schedule 1 Amendment of Central Coast Local Environmental Plan 2022

[1] Clause 1.3 Land to which Plan applies

Omit clause 1.3(1A). Insert instead—

- (1A) Despite subclause (1), this plan does not apply to land identified as “Gosford City Centre” on the Land Application Map.

[2] Clause 1.8 Repeal of planning instruments applying to land

Insert in appropriate order in clause 1.8(1), note—

- Gosford Planning Scheme Ordinance
Interim Development Order 122—Gosford

[3] Clause 1.8(2), note

Omit the note.

[4] Clause 1.8A Savings provision relating to development applications

Insert after clause 1.8A(2)—

- (3) A development application must be determined as if *Central Coast Local Environmental Plan 2022 (Amendment No 8)* had not commenced if the development application—
- (a) relates to land that, immediately before the commencement of the plan, was identified as “Deferred Matter” on the Land Application Map, and
- (b) was made, but not finally determined, before the commencement of the plan.

[5] Clause 4.1E Exceptions to minimum subdivision lot sizes for certain split zones

Omit “1 hectare” from clause 4.1E(3)(a). Insert instead “1ha”.

[6] Clause 4.1E(3)(b)

Omit “0.5 hectares”. Insert instead “1ha”.

[7] Clause 4.1E(3)(c)(ii)

Omit “2 hectares” wherever occurring. Insert instead “2ha”.

[8] Clauses 4.1F and 4.1G

Omit the clauses. Insert instead—

4.1F Exceptions to minimum lot sizes for biodiversity conservation

- (1) The objective of this clause is to provide flexibility in the application of standards for the subdivision of land to be used for the purposes of long-term biodiversity conservation management.
- (2) Development consent may be granted for the subdivision of land that creates a lot that has an area less than the minimum lot size shown on the Lot Size Map in relation to the land if the consent authority is satisfied—
- (a) the subdivision will facilitate the long-term biodiversity conservation management of the lot, and
- (b) suitable arrangements have been, or will be, made for the long-term protection, conservation and management of the lot, and

- (c) the subdivision will not require the clearing of native vegetation other than native vegetation required to be removed for the long-term protection, conservation and management of the lot.
- (3) Development consent must not be granted for the erection of a dwelling on a lot—
 - (a) created by a subdivision under subclause (2), and
 - (b) that has an area less than the minimum lot size shown on the Lot Size Map in relation to the land.

4.1G Minimum lot size for certain split zone lots

- (1) The objectives of this clause are as follows—
 - (a) to provide for the subdivision of lots that are within more than one zone and cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a way that promotes sustainable land use and development.
- (2) This clause applies to each lot (an *original lot*) that contains—
 - (a) land in a residential, employment or mixed use zone, and
 - (b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU6 Transition, Zone C2 Environmental Conservation or Zone C3 Environmental Management.
- (3) Development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if the consent authority is satisfied—
 - (a) 1 of the resulting lots will contain—
 - (i) land in a residential, employment or mixed use zone that has an area not less than the minimum lot size shown on the Lot Size Map in relation to the land, and
 - (ii) all the land in the following zones that was in the original lot—
 - (A) Zone RU1 Primary Production,
 - (B) Zone RU2 Rural Landscape,
 - (C) Zone RU6 Transition,
 - (D) Zone C2 Environmental Conservation,
 - (E) Zone C3 Environmental Management, and
 - (b) all other resulting lots will contain land that has an area not less than the minimum lot size shown on the Lot Size Map in relation to the land, and
 - (c) the subdivision will facilitate the management and protection of the environmental values of the land.
- (4) If a resulting lot has an area of less than the minimum lot size shown on the Lot Size Map in relation to the land, development consent must not be granted for the erection of a dwelling on the lot.

[9] Part 7 Additional local provisions

Insert at the end of the part, with appropriate clause numbering—

Subdivision at 45 Mulloway Road, Chain Valley Bay

- (1) The objectives of this clause are to—

- (a) ensure that lot sizes and subdivision design conserve and protect the environmental, conservation and biodiversity values of the land to which this clause applies, and
 - (b) allow for flexibility in the size and arrangement of lots to facilitate appropriate development and improved environmental outcomes.
- (2) This clause applies to Lot 5, DP 1228880, 45 Mulloway Road, Chain Valley Bay (the *original lot*).
- (3) Development consent may be granted to subdivide the original lot to create 2 lots (the *resulting lots*) if the consent authority is satisfied—
- (a) 1 of the resulting lots will contain all the land in Zone R2 Low Density Residential that was in the original lot, and
 - (b) the other resulting lot will contain all the land in the following zones that was in the original lot—
 - (i) Zone RE2 Private Recreation,
 - (ii) Zone C2 Environmental Conservation, and
 - (c) the subdivision will not result in significant adverse environmental impacts on the resulting lots or on adjoining land.

[10] Schedule 1 Additional permitted uses

Insert at the end of the schedule, with appropriate clause numbering—

Use of land at 431 Avoca Drive, Green Point

- (1) This clause applies to Lot 490, DP 867168, 431 Avoca Drive, Green Point, identified as “Kantara House” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent—
 - (a) function centres,
 - (b) hotel or motel accommodation, if the development will result in no more than 5 self-contained suites.

Use of land at 251 Scenic Highway, Terrigal

- (1) This clause applies to Lot 11, DP 1039852, 251 Scenic Highway, Terrigal, identified as “George’s Fruit Barn” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a single neighbourhood shop is permitted with development consent if the gross floor area of the shop is no more than 475m².

Use of land at 306–332 Empire Bay Drive, Empire Bay

- (1) This clause applies to Lot 102, DP 1126730, 306–332 Empire Bay Drive, Empire Bay, identified as “Service Station-Empire Bay” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent—
 - (a) hotel or motel accommodation,
 - (b) service stations.

Use of land at 1 Poole Close, Empire Bay

- (1) This clause applies to Lot 1, DP 718165, 1 Poole Close, Empire Bay, identified as “Empire Bay Tavern” on the Additional Permitted Uses Map.
- (2) Development for the purposes of pubs is permitted with development consent.

Use of land at 286 Mangrove Road, Somersby

- (1) This clause applies to Lot 1, DP 239201, 286 Mangrove Road, Somersby, identified as “The Grove Studios” on the Additional Permitted Uses Map.
- (2) Development for the purposes of creative industries is permitted with development consent.

[11] Schedule 5 Environmental heritage

Insert in appropriate order in Part 1—

Erina	“Laythams” House	31 Portsmouth Road	Lot 116, DP 805652	Local	1421
Killcare Heights	Bouddi Farm	265 The Scenic Road	Part of Lot 393, DP 774276	State	1425
Kincumber South	House	59 Humphreys Road	Lot 1, DP 1032271	Local	1422
Mount Elliot	Mt Elliot House	92 Toomeys Road	Lot 7, DP 833975	Local	1423
Niagara Park	Niagara Park Weir	30 Siletta Road	Lot 11, DP 17201	Local	1424