



IRF 21/644

Attachment Matcham planning proposal (PP_2017_CCOAS_005_00)

2, 14 and 24 Collingwood Drive and 107 Matcham Road,
Matcham

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Subtitle: 2, 14 and 24 Collingwood Drive and 107 Matcham Road, Matcham

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1 Introduction

Overview

1.1.1 Name of draft LEP

The planning proposal (**Attachment A**) seeks to alter the zoning and development controls for land at 2, 14, 24 Collingwood Drive & 107 Matcham Road, Matcham. The subject land is currently subject to the provisions of Interim Development Order 122 (IDO 122). The planning proposal will translate these provisions into the Standard Instrument Local Environmental Plan (LEP) format.

Due to timing, the finalisation of the planning proposal has been integrated with the finalisation of a separate planning proposal to deliver the Central Coast LEP 2022 (Central Coast LEP). The Central Coast LEP implements a consolidated environmental planning instrument for the Central Coast local government area (LGA), harmonising the provisions of the Wyong LEP 2013, Gosford LEP 2014 and Interim Development Order 146.

1.1.2 Site description

Table 1 Site description

Site Description	The planning proposal (Attachment A) applies to land at 2, 14 and 24 Collingwood Drive and 107 Matcham Road, Matcham (see figure 1 below).
Type	Site
Council / LGA	Central Coast Council

The site contains a mix of cleared and vegetated areas and is located within the ridge and side slopes of the Matcham Valley. All four land parcels contain one dwelling house and associated structures, with onsite sewer management. The site is mapped as bushfire prone land. The site is surrounded by existing rural residential development. Surrounding lands are mapped as deferred matters land under the Gosford LEP 2014, and zoned under the IDO 122 as 7(a) Conservation and Scenic Protection (Conservation) and 7(c2) Conservation and Scenic Protection (Rural Small Holdings).



Figure 1 Subject site outlined in blue

1.1.3 Purpose of plan

Table 2 outlines the current and proposed controls subject to this planning proposal.

Table 2 Current and proposed controls

Control	Current (Interim Development Order No 122)	Proposed (Central Coast Local Environmental Plan 2022)
Zone	7(a) Conservation and Scenic Protection (Conservation)	C4 Environmental Living (Figure 2)
Minimum lot size	40 Hectares	1 Hectare (Figure 3)

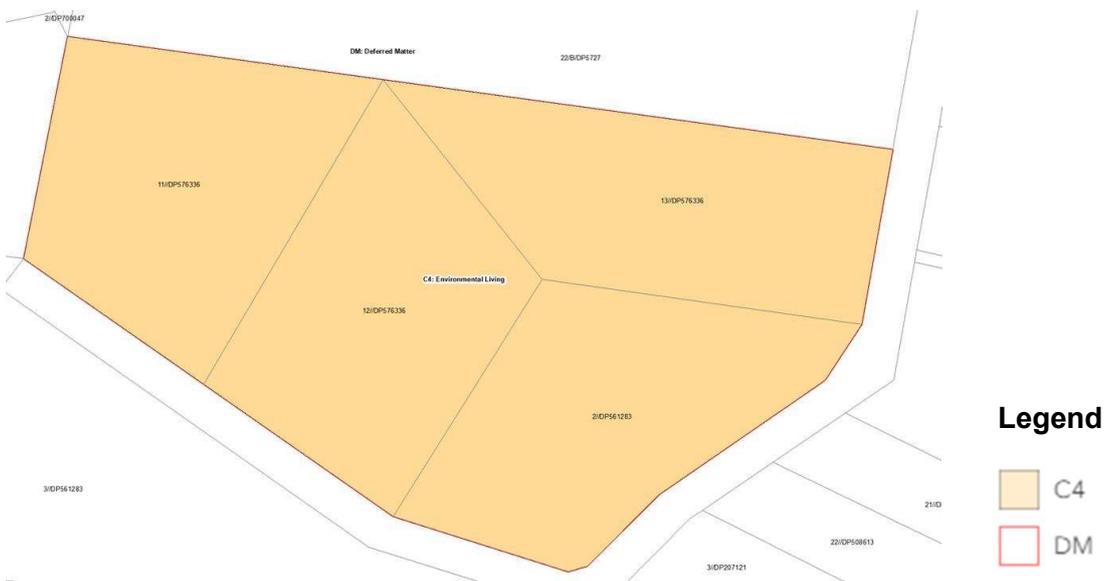


Figure 2 Proposed land zoning map (Central Coast LEP)

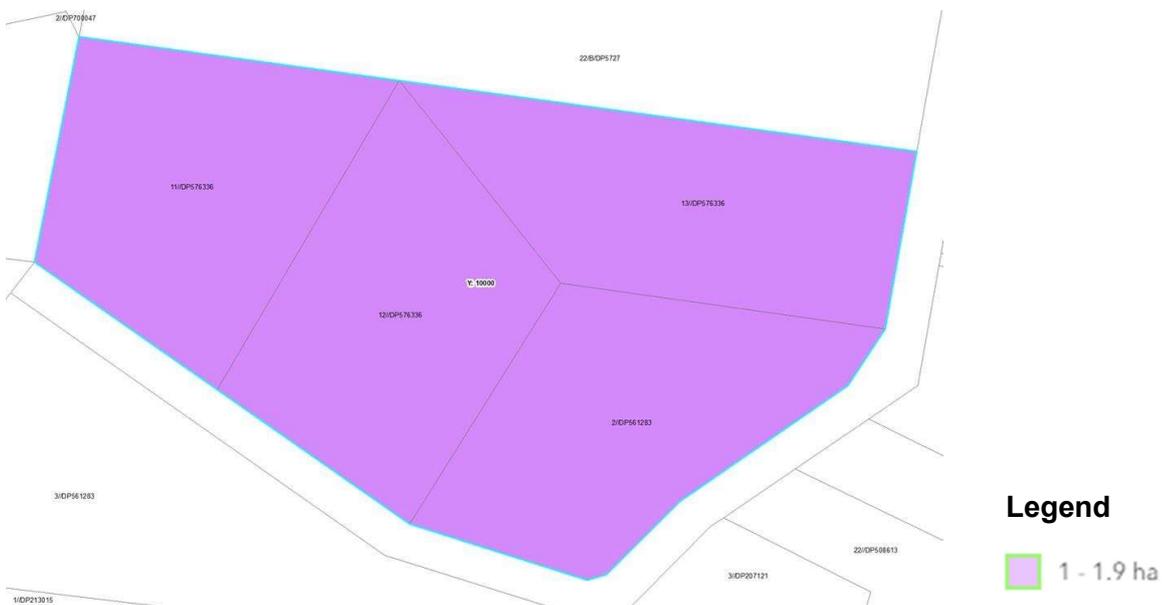


Figure 3 Proposed minimum lot size changes (Central Coast LEP)

Under the planning proposal, IDO 122 will no longer apply to the subject land. Existing provisions under IDO 122, including the 8m maximum height of building development standard will not be carried across.

This change also means the site will be identified on the Land Application Map applying to the Central Coast LEP.

1.1.4 State electorate and local member

The site falls within the Terrigal state electorate. Adam Sibery Crouch MP is the State Member.

The site falls within the Dobell federal electorate. Emma McBride MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 4 July 2017 (**Attachment C**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on:

- 3 October 2017 (**Attachment D**) - to allow the planning proposal to amend IDO 122 rather than the Gosford LEP 2014, correcting a street numbering error in the description and extending the timeframe for completion until 10 July 2018;
- 23 July 2018 (**Attachment E**) - to extend the timeframe for completion until 10 December 2018;
- 12 April 2019 (**Attachment F**) - to amend the description to require the planning proposal to amend the relevant planning instrument in effect at the time of finalisation, rather than IDO 122, and extend the timeframe for completion until 4 February 2020;
- 18 December 2019 (**Attachment G**) - to extend the timeframe for completion until 04 November 2020;
- 29 October 2021 (**Attachment H**) – to revoke the authorisation of Council to exercise functions of the local plan-making authority and extend the timeframe for completion until 31 December 2021; and
- 10 December 2021 (**Attachment I**) - to reflect the making of the planning proposal as part of the draft Central Coast LEP.

The Department is satisfied the requirements of the Gateway, including subsequent alterations, have been adequately addressed. Section 4.1 provides further assessment against the planning proposal's consistency with condition 1 of the Gateway determination, which required updates to be made to the planning proposal.

3 Public exhibition

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 5 February 2020 to 3 March 2020, as required by Schedule 1 of the *Environmental Planning and Assessment Act 1979* (the Act).

The exhibited planning proposal included several additional elements which were assessed as part of the Gateway determination and was confirmed to be satisfactory by the Department on 13 November 2019.

One submission was received objecting to the planning proposal.

No changes to the planning proposal have been made following public exhibition.

Submissions during exhibition

One community submission was received during public exhibition. Council considered this submission at its meeting dated 19 October 2020 (**Attachment J**).

A summary of the issues raised in the submission and Council's response, is provided in table 3.

Table 3 Submission summary and response(s)

Issue raised	Council response
<p>The Council report dealing with the exhibited planning proposal acknowledges that the proposed 1 ha lot size is consistent with the character of the area, however, the Central Coast LEP proposes a 2 hectare minimum lot size for the remaining E4 land within the locality.</p>	<p>The planning proposal was initially submitted to Council in 2015 prior to the amalgamation of the former Gosford City Council and Wyong Shire Council, and commencement of work on the draft Central Coast LEP.</p> <p>At the time of public exhibition, the translation of deferred matters lands was informed by Council's Environmental Urban Edge Zone Review (EUEZR) in accordance with the Standard Instrument which specified a 2 hectare lot size for E4 zoned land. Privately held deferred matters land have since been removed from the Central Coast LEP and will be further considered under a separate planning proposal by Council.</p> <p>The planning proposal was initiated by the proponent and is supported by site specific studies confirming capability and suitability for one-hectare allotments and was assessed at a finer level than the draft Central Coast LEP.</p>
<p>There are a total of eight lots in the Matcham valley currently zoned 7(a) under IDO 122 to C4 under the Central Coast LEP, four of which form the subject planning proposal. There appears no parity for the owners impacted by these strategic planning decisions.</p>	<p>There are 31 lots in Matcham that were proposed to be rezoned from 7(a) Conservation under IDO 122 to C4 Living under the exhibited draft Central Coast LEP. Privately held deferred matters lands have been removed from the Central Coast LEP following exhibition and will be further considered under a separate planning proposal by Council.</p> <p>Zoning under the CCLEP was broadly informed by the EUEZR. The planning proposal has demonstrated strategic and site specific merit and the lot size is justified. Any future planning proposal for other parcels of land within the locality would be assessed under the current strategic planning framework, including the draft Central Coast LEP.</p>
<p>Question over why a 1 ha minimum lot size was not recommended for adoption in the C4 zone as part of the Central Coast LEP, rather than defer the lot size issue to the Comprehensive LEP, in light of the inconsistency created by the current planning proposal.</p>	<p>The draft Central Coast LEP is a consolidation of the Gosford LEP 2014 and Wyong LEP 2013 and seeks to harmonise existing controls only. A variation to the minimum lot size in the broader C4 zone is beyond the scope of the Central Coast LEP. Reconsideration of the minimum lot size within Matcham is a strategic planning matter that will require additional investigation to consider whether land has any further subdivision potential.</p> <p>The introduction of a similar conservation incentive clause to replace the existing bonus lot provision clause may be</p>

Issue raised	Council response
	considered in subsequent stages of the comprehensive LEP review informed by relevant strategic planning investigations.
Other landowners should have been given the opportunity to enter a planning agreement as part of the considerations of the Central Coast LEP and a 1 ha minimum lot size applied to the locality.	The planning proposal relates to four lots on the corner of Collingwood Drive and Matcham Road. Additional sites cannot be included as the necessary studies have not been carried out to justify their inclusion.

The Department notes that privately held deferred matters lands have been removed from the Central Coast LEP and will be further considered under a separate planning proposal by Council. The Central Coast LEP is the initial step taken by Council to prepare a comprehensive LEP for the Central Coast. The comprehensive LEP will be undertaken in a number of stages involving the completion of planning strategies to inform future LEP amendments. As part of future stages of the Central Coast LEP review program, Council has committed to undertaking a broader review of the remaining deferred matters land. This review will consider the conservation zoning framework (C1, C2, C3 and C4 zones) comprehensively, as part of the transition of IDO 122 and GPSO to the Standard Instrument LEP template.

The Department considers that Council's response(s) to the matters raised in public submissions is adequate, and the planning proposal does not require amendment.

Advice from agencies

In accordance with the Gateway determination, Council was required to consult with the NSW Rural Fire Service. The NSW Rural Fire Service provided comments dated 8 July 2019 stating that it raises no objections to the proposal subject to a requirement that the future subdivision of the land complies with Planning for Bushfire Protection 2006 (or any subsequent version). Council noted the submission from NSW Rural Fire Service in their post exhibition report.

The Department considers the matters raised by the NSW Rural Fire Service can be appropriately managed as part of a future development application.

Post-exhibition changes

At Council's Ordinary Meeting on 19 November 2020, Council resolved to proceed with the planning proposal as exhibited.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to public consultation and engagement. The following reassesses the proposal against relevant Section 9.1 Ministerial Directions, SEPPs, the Central Coast Regional Plan 2036 and Central Coast Local Strategic Planning Statement.

The planning proposal submitted to the Department for finalisation:

- remains consistent with the Central Coast Regional Plan 2036;
- remains consistent with the Council's Local Strategic Planning Statement;
- remains consistent with all relevant Section 9.1 Directions; and

- remains consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1.

Table 4 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1

Table 5 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Detailed assessment

The following section considers matters that have changed relating to the strategic and site-specific merit of the planning proposal since the Gateway determination was issued. As the planning proposal did not include any post-exhibition changes, the scope of the Department's assessment is limited to changes in Section 9.1 Ministerial Directions, State Environmental Planning Policies (SEPPs) and the Central Coast Local Strategic Planning Statement (Central Coast LSPS).

4.1.1 Consistency with Gateway determination condition 1

The Gateway determination stated the planning proposal should be revised to:

- demonstrate the land can support the minimum lot size without no significant effect on flora and fauna and no offsite impact on water quality;
- remove reference to Ministerial Direction 5.1 Implementation of Regional Strategies;
- amend the error on page 11 where it states the proposal is inconsistent with the Central Coast Regional Plan 2036;
- include discussions of alternative options; and
- remove from the explanation of provisions and planning proposal the reference to 'Schedule 1 Additional Permitted Uses.'

The planning proposal and supporting studies were updated prior to community consultation in accordance with requirements of condition 1.

Condition 1 also required that the updated planning proposal be submitted to the Department for review and approval prior to community consultation. On 21 October 2019, Council wrote to the Department seeking concurrence that the updated planning proposal was consistent with the terms of the altered Gateway determination. At this time, the Department advised that changes made are not regarded as variations to the proposal.

At finalisation, the Department considers this condition has been adequately addressed, consistent with the Department's advice provided to Council.

4.1.2 Section 9.1 Ministerial directions

- **4.3 Planning for Bushfire Protection (Former 4.4 Planning for Bushfire Protection)**

Direction 4.3 was updated since Gateway determination was issued. Planning for Bushfire Protection 2006, has also since been updated to Planning for Bushfire Protection 2019 which is reflected in the updated terms of the direction. A Bushfire Threat Assessment report was prepared, and the planning proposal was referred to the NSW Rural Fire Service (RFS) for comment as outlined in Section 3.2. The future subdivision of the property will be considered in the context of the provisions of Planning for Bushfire Protection 2019 as part of any development application. The proposal is consistent with this direction.

- **4.4 Remediation of Contaminated land (Former 2.6 Remediation of Contaminated land)**

Ministerial Direction 4.4 has been updated since exhibition to include strategic planning provisions formerly under SEPP 55. Matters relating to potential contamination of the site were considered by the planning proposal under the provisions of SEPP 55 prior to its amendment to omit clause 6. A preliminary contamination assessment was undertaken and the site was found to be suitable for its intended use. The proposal is consistent with this direction.

4.1.3 SEPPs

A number of SEPPs have been repealed, come into effect, been amended or have been placed on exhibition since the Gateway determination was issued. The following section provides an assessment of each relevant SEPP as it relates to the final planning proposal. The planning proposal is consistent with the application and provisions of all other SEPPs not listed below.

- **SEPP (Primary Production) 2021**

The site is within the Erina Creek catchment flowing into Brisbane Water, a priority oyster aquaculture area. All wastewater generated by the development can be treated on-site satisfying the minimum land area and buffers to existing dams required. Wastewater Management Plans will be required to be submitted for each property at subdivision stage. The department considers the planning proposal is not expected to have an adverse effect on the oyster aquaculture in Brisbane Water. This matter can appropriately be managed as part of a future development application.

- **SEPP (Housing) 2021**

SEPP (Housing) 2021 aims to facilitate the delivery of more diverse and affordable housing across the state. Three new housing type definitions have been introduced to the Standard Instrument LEP as a result of the SEPP (Housing) 2021. The design controls within SEPP (Housing) 2021 for land uses, such as secondary dwellings, will apply to the site once the LEP is finalised. The planning proposal does not introduce any provisions that alter or

replace the provisions of the SEPP and is consistent with its application.

SEPP (Biodiversity and Conservation) 2021

The planning proposal does not raise any issues that conflict with the SEPP. The provisions of Chapter 3 of the SEPP will be considered at the development application stage.

- ***Draft SEPP (Environment)***

The Explanation of Intended Effect for draft SEPP (Environment) was on exhibition from 31 October 2017 until the 31 January 2018. The draft SEPP proposes to simplify the planning rules including for urban bushland. The planning proposal is consistent with the aims of the draft SEPP and details that retention of bushland on site has been considered. The planning proposal does not introduce any provisions that alter or replace the provisions of the SEPP and is considered consistent with its application.

4.1.4 Central Coast Local Strategic Planning Statement

The Central Coast Local Strategic Planning Statement (LSPS) was adopted on 29 June 2020. The planning proposal was updated to include consideration of the Central Coast LSPS prior to public exhibition. The LSPS acknowledges the rural significance of land within the Matcham locality. Matcham is located within the East Brisbane Water and Coastal Planning Area and will leverage off economic growth within the broader locality, including under the Somersby to Erina Corridor Strategy.

The planning proposal will enable four residential lots that can developed having consideration for the environmental and scenic qualities of the locality and will assist in providing additional housing to support a growing population within the local government area. The planning proposal is consistent with the Central Coast LSPS.

5 Conclusion

The planning proposal for the subject land has satisfied the relevant procedural requirements under the Act, and will be made as part of the finalisation of the Central Coast LEP because:

- the planning proposal was prepared in accordance with the relevant guide to preparing planning proposals and was issued a Gateway determination 4 July 2017;
- the conditions of the Gateway determination have been satisfied;
- the planning proposal was exhibited in accordance with Schedule 1 of the Act and all public submissions have been resolved by Council, and
- the finalisation of the planning proposal is in accordance with Council's resolution dated 19 October 2020.



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Attachments

The Department notes this report forms part of an attachment to the Central Coast LEP plan finalisation report and should be read in conjunction with each other.

Attachment	Document
A	Planning Proposal
B	Gateway Determination Report 16 June 2017
C	Gateway determination dated 4 July 2017
D	Gateway alteration dated 3 October 2017
E	Gateway alteration dated 23 July 2018
F	Gateway alteration dated 12 April 2019
G	Gateway alteration dated 18 December 2019
H	Gateway alteration dated 29 October 2021
I	Gateway alteration dated 10 December 2021
J	Council post exhibition report dated 19 October 2020