

MATCHAM, Amend Gosford Interim Development Order No 122 to rezone land at 2, 14, 24 Collingwood Drive & 7 Matcham Road, Matcham from 7(a) Conservation and Scenic Protection (Conservation) to 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) resulting in potentially 4 additional lots

Proposal Title : **MATCHAM, Amend Gosford Interim Development Order No 122 to rezone land at 2, 14, 24 Collingwood Drive & 7 Matcham Road, Matcham from 7(a) Conservation and Scenic Protection (Conservation) to 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) resulting in potentially 4 additional lots**

Proposal Summary : **The proposal seeks to rezone the land to enable subdivision for 4 additional lots.**

PP Number : **PP_2017_CCOAS_005_00** Dop File No : **17/07136**

Proposal Details

Date Planning Proposal Received : **17-May-2017** LGA covered : **Central Coast**

Region : **Hunter** RPA : **Central Coast Council**

State Electorate : **TERRIGAL** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Collingwood**

Suburb : **Matcham** City : Postcode : **2250**

Land Parcel : **Lot 11, 12 DP 576336 and Lot 2 DP 561283**

Street : **Matcham Road**

Suburb : **Matcham** City : Postcode : **2250**

Land Parcel : **Lot 13 DP 576336**

DoP Planning Officer Contact Details

Contact Name : **Corrine Manyweathers**

Contact Number : **0246454404**

Contact Email : **corrine.manyweathers@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Bruce Ronan**

Contact Number : **4358176240**

Contact Email : **bruce.ronan@centralcoast.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Plan 2036	Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	4
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : The planning proposal was considered adequate for assessment on 17 May 2017.

External Supporting Notes : The site is identified as a Deferred Matter under the Gosford LEP 2014. The site is included in the draft consolidated Central Coast LEP (CCLEP) currently in preparation.

Under Gosford Interim Development Order No 122 (Gosford IDO No 122) 7(c2) zoned land has a minimum lot size of 2ha. However, under clause 18(4)(b) land could be subdivided down to a minimum lot size of 1ha, with the consent of Council and where the applicant agrees to contribute an amount of money to Council for the purchase of land for the Coastal Open Space System. This provision will not be carried over to the draft CCLEP when the subject land is converted to standard instrument zones.

Council supports the proposal to rezone land under the Gosford IDO No 122 as the preliminary supporting documentation indicates 1ha lots on the site provide sufficient cleared area to meet the bushfire requirements and on-site wastewater disposal without significantly impacting existing vegetation.

The Department's assessment concludes that the proposal has merit for further investigation subject to consideration of bushfire compliance, capacity for on-site wastewater disposal, the proposal timeframe and Council's ability to make the plan prior to making the draft CCLEP, as well as consistency with S117 Directions and agency consultation.

Adequacy Assessment

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Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : Council's stated objective is to rezone the land from 7(a) Conservation and Scenic Protection (Conservation) (7(a)) to 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) (7(c2)) to enable rural residential subdivision with a minimum lot size of 1ha.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : Council seeks to achieve the objective by rezoning the land to 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings).

Once the land is rezoned, development applications will be required to subdivide the land, utilising clause 18(4)(b) of the Gosford IDO No 122. Any subdivision application would need to be lodged with Council prior to the draft CCLEP being made because at that time the land will be brought into the Gosford LEP 2014 and the bonus provisions in clause 18 of the IDO 122 will no longer apply.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

2.3 Heritage Conservation

* May need the Director General's agreement

3.3 Home Occupations

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

5.10 Implementation of Regional Plans

Is the Director General's agreement required? **Unknown**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 55—Remediation of Land

SEPP No 62—Sustainable Aquaculture

e) List any other matters that need to be considered :

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)

The proposal is consistent with all relevant SEPPs except as identified below. Further consideration and assessment is recommended as part of the Gateway determination in relation to:

SEPP 55 - Remediation of Land

The site has previously been used for agricultural purposes, however is primarily used for residential purposes. Council must ensure the site is suitable for the 7(c2) permissible uses, additional residential development and include the assessment findings in the public exhibition.

SEPP 62 - Sustainable Aquaculture

The site is within the Erina Creek catchment, which flows into Brisbane Water, a priority oyster aquaculture area within the Central Coast. Council should ensure the additional development and on-site wastewater disposal will not have an adverse effect on the oyster aquaculture in Brisbane Water and update the planning proposal accordingly.

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Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **S117 DIRECTIONS**

2.1 Environmental Protection Zones

Parts of the site are cleared, however, the remnant vegetation links to other groups of trees especially to the east. The proposal seeks to rezone conservation land to scenic protection / rural small holdings. The proposal is inconsistent with the direction as the zoning will reduce the environmental protection standards that apply to the land by reducing the minimum lot size from 40ha to 1ha. Council should update the planning proposal to address inconsistencies with the direction once studies to support proposed density (bushfire and wastewater) are completed.

2.3 Heritage Conservation

This direction applies when an RPA prepares a planning proposal. Council's assessment of Aboriginal heritage is incomplete. Council should update the planning proposal to address the terms of the direction.

4.4 Planning for Bushfire Protection

The site is located on land identified as bushfire prone. Council should address the terms of the Direction and consult with NSW Rural Fire Service.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping provided is adequate for agency and community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes a 28 day exhibition period. The Department supports a minimum exhibition period of 14 days as the proposal is considered to be minor.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **PROJECT TIMEFRAME**

Council's proposed timeframe is 12 months. However, a 6 month timeframe is recommended. This timeframe will ensure the proposal does not delay making the draft CCLEP or result in the site being retained in the draft CCLEP as a Deferred Matter.

DELEGATIONS

Central Coast Council requested delegation to make the draft LEP. As the proposal is a minor spot rezoning and is generally consistent with the Central Coast Regional Plan, Council should be granted delegation.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date : **May 2017**

Comments in relation
to Principal LEP :

GOSFORD INTERIM DEVELOPMENT ORDER NO 122 (GOSFORD IDO NO 122)

The subject site is currently zoned 7(a) Conservation and Scenic Protection (Conservation) under the Gosford IDO No 122 with a minimum lot size of 40ha. Under the Gosford IDO No 122 7(c2) land has a minimum lot size of 2ha. However, under clause 18(4)(b) a person can subdivide land within zone 7(c2) to create lot with a minimum size of 1ha, provided the applicant provides a monetary contribution to Council.

GOSFORD LEP 2014

Council adopted the Standard Instrument in the form of the Gosford LEP 2014 (GLEP). In making the GLEP, Council identified the site as a Deferred Matter (DM) which required further investigation prior to inclusion in the Standard Instrument LEP.

DRAFT CENTRAL COAST LEP (DRAFT CCLEP)

The purpose of the draft CCLEP is to consolidate all relevant Environmental Planning Instruments (EPI) into a single Standard Instrument LEP for the Central Coast Council. The Council Report estimates the draft CCLEP will be finalised mid to late 2018, while this proposal will be finalised in May 2018. This a narrow window for Council to ensure the plan is finalised and limited time for the landowners to lodge a subdivision application under the Gosford IDO.

Assessment Criteria

Need for planning
proposal :

Council has advised the planning proposal is not the result of a specific strategic study or report.

ENVIRONMENTAL AND URBAN EDGE ZONES REVIEW (THE REVIEW)

The Review has been undertaken to determine the appropriate Standard Instrument zone for land deferred from Gosford LEP 2014.

Council advised the Review will recommend the subject site be zoned E4 Environmental Living, with a minimum lot size of 2ha. The objectives of the zone are to provide low-impact residential development, in areas of ecological and aesthetic value, that has minimal impact on those values and is compatible with the desired future character.

The Review has been submitted in support of the draft CCLEP planning proposal.

PROPOSED 7(c2) ZONE

The site is currently used for small lot rural living development which is consistent with the 7(c2) objectives to provide rural-residential holdings that would not adversely impact the scenic value or create demand on services.

The 7(c2) zone is also consistent with the E4 zone objectives.

PROPOSED LOT SIZE

The proposal would permit a minimum lot size of 2ha with provisions under clause 18(4)(b) to subdivide to 1ha.

Council's assessment supports the proposal for 1ha lots as:

- There is capacity to accommodate residential development, as well as on-site wastewater disposal and bushfire protection requirements without negatively impacting on existing vegetation;

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- Council consider it to be the only means of achieving the intended 1ha outcome;
- The application was lodged with Council in 2015, prior to Council amalgamations; and
- Council would not support an amendment to the minimum lot size under the draft CCLEP.

Despite this, Council has not addressed alternative options, including why amendments to the minimum lot size would not be supported in the draft CCLEP. That is, the land could be zoned E4 with a 1ha minimum lot size and the matter of contributions could be resolved via a Voluntary Planning Agreement (VPA).

Further, Council should address the planning issues (bushfire and wastewater) before concluding that a 1ha minimum lot size is appropriate.

TIMEFRAME

The timeframe for this proposal and the draft CCLEP finalisation closely coincide. This proposal should not have a negative impact on the draft CCLEP or the intended outcome by:

- Delaying completion of the plan;
- Retaining deferred matters within the draft CCLEP; and
- Providing insufficient time for the land owners to lodge a subdivision application.

Council should update the planning proposal to consider options that could achieve the same outcome on the ground but remove the link between this planning proposal and the planning proposal for the draft CCLEP (eg. E4, MLS=1ha and VPA). In addition, a 6 month timeframe is proposed in order to attempt to avoid potential clashes between this planning proposal and the draft CCLEP.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL PLAN 2016

Council's assessment notes the proposal is consistent with the CCRP, specifically to Direction 12 which relates to managing urban fringe areas. Council states the proposed layout has the ability to retain vegetation, as bushfire Asset Protection Zone (APZ) compliance and on-site sewage management can be achieved without removing existing trees, however assessment of these issues is still to be finalised.

Council's assessment does not address the potential impact of additional development on the water quality in accordance with Direction 13 and SEPP 62 Sustainable Aquaculture.

COMMUNITY STRATEGIC PLANS - GOSFORD 2025

Council's assessment indicates the proposal is consistent with the Plan through compliance with the zone objectives and retention of existing scenic quality and character.

GOSFORD DEVELOPMENT CONTROL PLAN 2013

Council includes discussion on the scenic quality and character. Council support the proposal as it has the capacity to support increased density while meeting bushfire and on-site wastewater disposal without significant loss of existing vegetation.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

SOCIAL

The proposal will contribute to additional housing choice in the Central Coast and provide rural residential lots within proximity to existing urban development.

WATER AND SEWER

Council's assessment does not indicate whether the site is connected to Council's water services. However, this can be addressed by Council at the subdivision stage.

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The sites are not connected to Council sewer services and each existing lot utilises an on-site wastewater management system. The lots currently have an area of approximately 2ha to manage on-site disposal of wastewater. An initial desktop assessment in the application concluded on-site wastewater disposal is feasible on the proposed lots subject to detailed investigation.

While detailed design of wastewater systems will need to be resolved at development application stage, given the purpose of the planning proposal is to allow the land to be subdivided into 1 ha lots, and the location of the land in a sensitive catchment, there should be sufficient assessment to ensure this density is achievable with no offsite impact at the planning proposal stage.

TRAFFIC AND TRANSPORT

The additional 4 dwellings are unlikely to generate an unreasonable impact on traffic.

The site is within 1km walk to a bus stop, however future residents are likely to rely on personal vehicles.

ENVIRONMENTAL HAZARDS (FLOOD AND BUSHFIRE)

The site is identified as bushfire prone in the Central Coast Bushfire Prone Land Map. A bushfire report conducted an assessment on 2 and 24 Collingwood Drive and 7 Matcham Road. The report suggests that future subdivision and associated development has the capacity to comply with the Planning for Bushfire Protection 2006 requirements.

Prior to community consultation, the bushfire report should be updated to consider 14 Collingwood Drive, and Council should consult with the NSW Rural Fire Service.

The site is not affected by flooding.

ENVIRONMENTAL PROTECTION

Large parts of the site are cleared, however, the remnant vegetation links to other groups of trees especially to the east. The site is also located within close proximity to Erina Creek in the catchment of Brisbane Water. Council should address SEPP 62 Sustainable Aquaculture and ensure the additional development and on-site wastewater disposal will not have an adverse effect on oyster aquaculture.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	NSW Rural Fire Service		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Bushfire

If Other, provide reasons :

On-site Wastewater Disposal

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Bushfire Assessment Report.pdf	Study	Yes
Council Report - PP Matcham.pdf	Proposal	Yes
Planning Proposal to Gateway - PP Matcham.pdf	Proposal	Yes
Preliminary Advice On Site Wastewater Disposal.pdf	Study	Yes
Suitability of On-Ste Wastewater Disposal Report.pdf	Study	Yes
Suitability of On-Ste Wastewater Disposal Report.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.3 Home Occupations**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**
- 5.10 Implementation of Regional Plans**

Additional Information : **The planning proposal should proceed subject to the following conditions:**

1. Council is to update the planning proposal prior to community consultation to:

- remove reference to S117 Direction 5.1 Implementation of Regional Strategies;
- discuss other potential options to achieve the proposed outcome; and
- demonstrate the land is capable of supporting the preferred density given wastewater and bushfire issues.

2. Council is to update it's consideration of the consistency with the following S117 Directions:

- **2.1 Environmental Protection Zones**
- **2.3 Heritage Conservation**
- **4.4 Planning for Bushfire Protection**

3. Council is to update it's consideration of the following State Environmental Planning Policies (SEPP):

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- SEPP 55 - Remediation of Land
- SEPP 62 - Sustainable Aquaculture

4. Minimum 14 day exhibition period.

5. Consultation is required with the following public authority:

- NSW Rural Fire Service

6. A public hearing is not required to be held.

7. The timeframe for completing the LEP is to be 6 months.

8. Council be granted delegation to make the plan.

Supporting Reasons :

*

Signature:



Printed Name:

G P HOPKINS

Date:

16/6/2017

