



Central Coast Council

Planning Proposal

Lot 2 DP561283, Lot 11 DP576336, Lot 12 DP 576336 and Lot 13
DP576336

2, 14, 24 Collingwood Drive and 107 Matcham Road

Matcham

File No: PP/84/2015

November 21



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Version 1

Central Coast Council

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

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Background & Locality Context

The subject site comprises four (4) lots on the corner of Matcham Road and Collingwood Drive, Matcham with a total area of 8.092 Hectares (Ha) (see Figure 1). The land parcels are:

No 2 Collingwood Drive (Lot 2 DP 561283)

No 14 Collingwood Drive (Lot 12 DP 576336)

No 24 Collingwood Drive (Lot 11 DP 576336)

No 107 Matcham Road (Lot 13 DP 576336)



Figure 1 Contextual Locality Plan

The four (4) lots are zoned 7(a) Conservation and Scenic Protection (Conservation) under Interim Development Order No 122 (IDO 122). The 7(a) zoned land occupies a ridge and side slopes that runs in an east-west direction with land on the southern side of Collingwood Drive and on the eastern side of Matcham Road also being within the 7(a) Conservation and Scenic Protection (Conservation) zone (see Figure 2).

The minimum lot size applicable to the 7(a) Conservation and Scenic Protection (Conservation) zone is 40 Ha. The size of each lot is currently 2.023 Ha.



Figure 2 Existing Zoning under IDO 122

The subject site contains a mix of cleared and vegetated areas located on varying slopes with some parts having slopes over 20%. All four (4) land parcels contain one dwelling-house and associated structures (see Figure 3).



Figure 3 Aerial Photo

Part 1 Objectives or Intended Outcomes

The objective of this proposal is to enable each of the 2 Ha lots to be subdivided into 2 x 1 Ha lots.

The minimum lot size under the 7(a) Conservation and Scenic Protection (Conservation) zone is 40 Ha so any further subdivision is prohibited. The original planning proposal considered by Council in 2017 sought to zone the land to 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) which would enable each lot to be subdivided into 1 Ha allotments, via a development application, under the “bonus lot” provisions within clause 18(4)(b) of IDO 122.

The draft Central Coast Local Environmental Plan (CCLEP) will phase out the “bonus lot” provisions that were relied on by this proposal. Given that the draft CCLEP has finished public exhibition, it was considered likely that the provisions of IDO 122 originally relied on by this proposal would not be in effect when this planning proposal is finalised. Due to the work already undertaken by the applicant a solution to progress the Planning Proposal was required whilst achieving the outcome intended under the original Council resolution and subsequent Gateway Determination.

Under the draft CCLEP, as exhibited, the subject land was proposed to be zoned E4 Environmental Living (Figure 4) with a minimum lot size of 2 Ha.

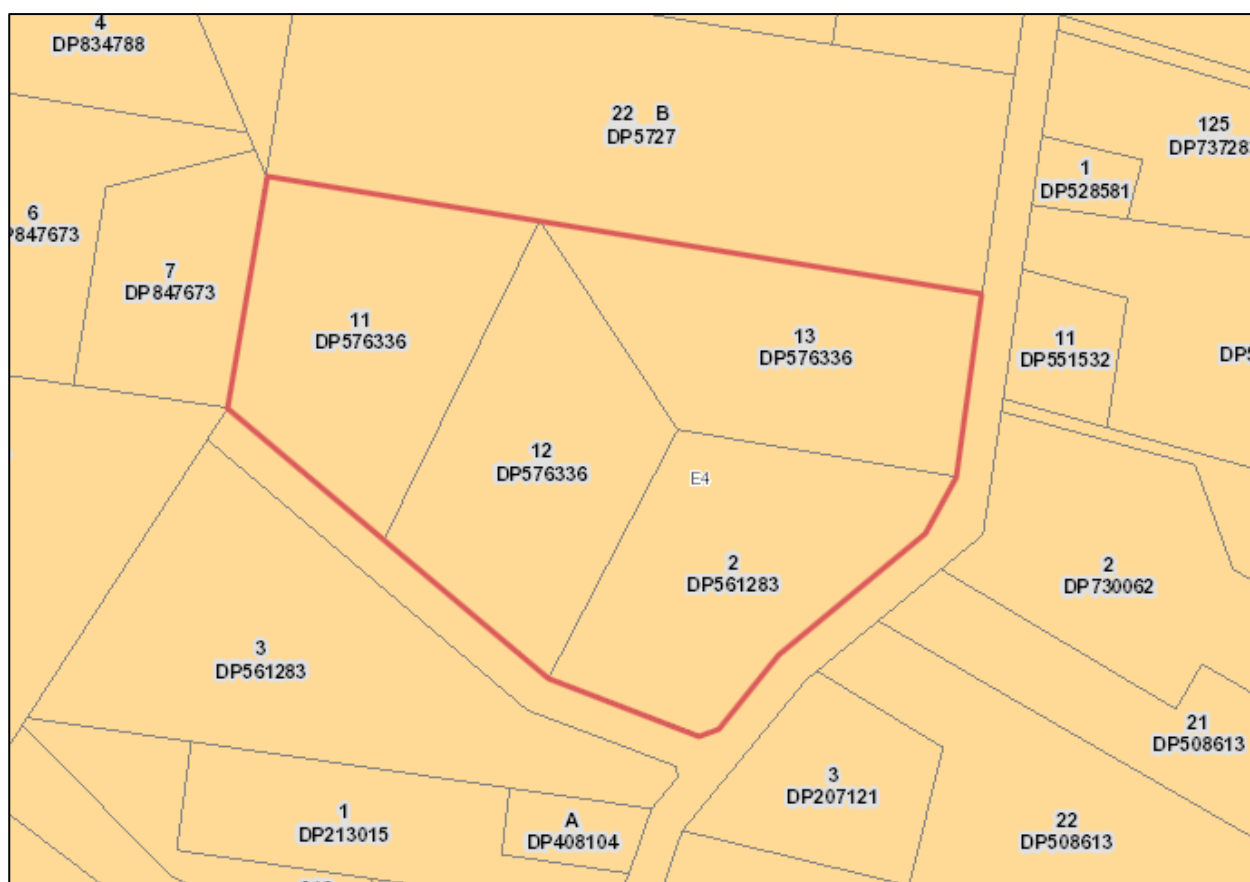


Figure 4 Proposed Zone under CCLEP

To ensure consistency with the zoning framework proposed in the draft CCLEP, this Planning Proposal is amended to reflect the E4 Environmental Living zone and to be managed as an amendment to the draft CCLEP. In order to permit the 1 Ha lot size the subject land is to be mapped accordingly on the Minimum Lot Size Map.

The land could not be zoned E4 Environmental Living under Gosford Local Environmental Plan 2014 (GLEP 2014) as this zone permits such uses as pubs, restaurants and tourist and visitor accommodation which are incompatible with the character of this locality. Therefore, the finalisation of the proposed zoning under this Planning Proposal would have to await the implementation of the CCLEP.

In order to achieve the smaller minimum lot size (of 1 Ha) intended by the proposal, and to ensure that Council does not lose an opportunity to acquire or embellish COSS land, the owners have each agreed to enter a Planning Agreement to pay an amount to Council equivalent to the amount that would have been required under IDO 122. The draft Planning Agreement requires the payment of this sum prior to the issue of a subdivision certificate for the subdivision of the land.

Part 2 Explanation of Provisions

The outcome will be facilitated by an amendment to the draft CCLEP which involves altering the zone of the subject land to E4 Environmental Living and altering the minimum lot size to permit subdivision down to a minimum lot size of 1 Ha.

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

The planning proposal is essentially one seeking to permit a minimum lot size of 1 Ha to apply to the subject land. This is not supported by a strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only means of achieving the objectives/intended outcomes as the intended 1 Ha minimum lot size is not currently permitted in the 7(a) Conservation and Scenic Protection (Conservation) zone. The Planning Proposal consists of the Land Zoning Map showing the subject land proposed to be zoned E4 Environmental Living and the Minimum Lot Size Map showing the proposed minimum lot size of 1 Ha.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Central Coast Regional Plan (2036)

The *Central Coast Regional Plan 2036 (CCRP)* applies to both the former Gosford and Wyong Local Government Areas (LGAs). The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Plan for provision of housing and/or jobs. The Planning Proposal will provide continued housing choice for rural residential opportunities in the Matcham area.

The CCRP is to provide the basis of the future planning by the local government and sets out a number of actions. The table below demonstrates that the Planning Proposal is consistent with the relevant actions identified in the CCRP:

12	Direction 12: Protect and manage environmental values	
	Action	Assessment
12.5	Sensitively manage natural areas on the fringe of the urban areas and in the west of the region to mitigate land use incompatibility issues and provide important quality of life and tourism benefits for the region.	<p>The Planning Proposal seeks a modest increase in housing density which takes account of environmental constraints on the site. The additional four dwellings that will be permitted as a result of the proposal will not create a negative impact upon the existing landscape. The proposal retains rural residential functions in an area already established for that use.</p> <p>The proposed 1 Ha lot size subdivision would enable the successful protection of remnant vegetation on the site as no significant vegetation is likely to require removal for Bushfire Asset Protection Zones or for the provision of on-site sewage management facilities.</p> <p>The Planning Proposal is consistent with the CCRP.</p>

Table 1: Central Coast Regional Plan Assessment

4. Is the planning proposal consistent a local Council's local strategy or other local strategic plan?

Central Coast Community Strategic Plan – One Central Coast

The *Central Coast Community Strategic Plan (CSP)* outlines a set of guiding principles, aspirations and values for the community. These reflect on social, economic, environmental and governance aspects for now and the future.

The following strategies outlined in the CSP are applicable to this Planning Proposal:

Theme - Green	
Focus Area – Cherished and Protected Natural Beauty	
Strategies	Assessment
F1 – Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species	The proposed rezoning to allow subdivision of the land to create an additional 4 lots is unlikely to result in the loss of vegetation through clearing for dwellings, asset protection zones or on-site sewage management works.
F2 – Promote greening and ensure the wellbeing of communities through the protection of local bushland, urban trees, tree canopies and expansion of the Coastal Open Space System (COSS)	The proposed rezoning to allow subdivision of the land to create an additional 4 lots will result in a payment equivalent to that which would have been required under IDO 122 for the acquisition or embellishment of COSS land.

Table 2 – Community Strategic Plan Assessment

Biodiversity Strategy

The Biodiversity Strategy (2008) provides a framework and guide for the management of biodiversity in the Gosford area that is consistent with regional, state, national and international strategies, plans and policies. The following Action in the Biodiversity Strategy is applicable to the Planning Proposal:

- 3 *Environmental zoned lands need to be retained with current minimum lot area standards to enable the lot sizes to allow sufficient space for land uses to occur without loss of biodiversity.*

The rezoning of the land to E4 Environmental Living is unlikely to result in the removal of vegetation for bushfire Asset Protection Zones (APZs) or for on-site sewage management works. Therefore, the additional 1 Ha lots would not lead to a loss of biodiversity.

Policy D2.02 – Rezoning of Land Zoned Conservation & Scenic Protection (Conservation) 7(a)/Environmental Conservation E2

As the subject land is currently zoned 7(a), this Policy applies. The Policy objectives are:

- 1 *To define objectives for the Conservation 7(a) / E2 zone to ensure the long-term preservation of the scenic and environmental qualities of the region and to ensure Planning Proposals (i.e. LEPs) are consistent with the prescribed objectives.*
- 2 *To establish criteria to be used by Council to assess requirements to prepare a Planning Proposal. (i.e. local environmental plan) primarily for the purpose of providing dedication of strategically environmentally/scenically important land for the community benefit in exchange for additional development rights having regard to the land's attributes pertaining to the zone boundary of the 7(a) Conservation zone / Environmental Conservation E2, but also for the purpose to alter the zone, uses, subdivision or other provisions.*

The objectives of the 7(a) zone are:

- a *The conservation and rehabilitation of areas of high environmental value.*

- b The preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape.*
- c The provision and retention of suitable habitats for native flora and fauna.*
- d The prohibition of development on or within proximity to significant ecosystems, including rainforests, estuarine wetlands etc.*
- e The provision and retention of areas of visual contrast within the City, particularly the "backdrop" created by retention to the ridgelines in their natural state.*
- f The provision of opportunities for informal recreation pursuits, such as bushwalking, picnic areas, environmental education, etc in appropriate locations.*
- g The minimisation or prohibition of development so that the environmental and visual qualities of the natural areas are not eroded by the cumulative impact of incremental individually minor developments.*
- h The minimisation or prohibition of development in areas that are unsuitable for development by virtue of soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.*

As the land is zoned 7(a) Conservation and Scenic Protection (Conservation) the subject land has been identified as having characteristics of environmental value, scenic quality and accommodating habitat for native flora and fauna. Increased density through rezoning, subdivision and subsequent development for dwellings, would occur. Assessment of information from the applicant indicates that Asset Protection Zones and on-site sewage management will not require additional clearing. The conservation and preservation of the existing vegetation is consistent with this Policy and the objectives of the 7(a) zone.

Besides being assessed on environmental, statutory and strategic grounds any Planning Proposal pertaining to 7(a) zoned land must include the following:

- Land capability assessment
- Vegetation analysis
- Faunal analysis
- Visual assessment
- Bushfire hazard analysis
- SEPP 19 - Bushland in Urban Areas
- Strategic basis
- Preparation of DCP
- Dedication of land to COSS

Since the preparation of this Policy, the matters relating to land capability, vegetation, fauna and bushfire have become statutory matters which have to be addressed in any Planning Proposal assessment and have been addressed separately to this Policy under relevant sections within this Planning Proposal document. The matters relating to visual quality and COSS are the subject of Gosford DCP 2013 or strategies which have also been addressed separately in the document.

Scenic Quality

Chapter 2.2 of Gosford DCP 2013 identifies the site as being in the Coastal Valleys Geographic Unit and in the Matcham-Holgate Landscape Unit. The Matcham-Holgate Landscape Unit is of regional scenic significance due to it being an outstanding example of a rural cultural landscape. The visual features of the

valleys include significant topographic enclosure created by major ridgelines, within this framework minor ridges which further break up the views. The Matcham-Holgate area has a low absorption capacity for further development and moderate to high visual sensitivity. Its detracting elements are where development features dominate the landscape features.

The development objectives applicable to this Planning Proposal are:

Opportunities for increases in densities and scale are available in areas not subject to visibility constraints or other physical constraints. Visually constrained land includes land on main roads within scenic protection areas, within scenic protection areas and conservation zoned areas.

Retain current subdivision standards in scenic protection zoned areas to ensure continuing dominance of landscape features over built environment.

Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular scenic protection and conservation zoned areas.

The Planning Proposal is considered to maintain the broad pattern of land use within the locality. Additional 1 Ha sized allotments can be accommodated on the site without the removal of existing significant vegetation. Consequently, the dominance of landscape features will be maintained over the built environment.

Character

Chapter 2.1 of Gosford DCP 2013 identifies the site as being in Matcham Character Precinct 2 – Scenic Buffer. The Development Objectives for the Scenic Buffer are:

1. *Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental/Conservation zoned areas.*
2. *Recognise importance of privately owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for COSS lands.*

The desired character for the Scenic Buffer is:

Retain natural slopes and prevent further fragmentation of the tree canopy in order to maintain habitat values and informal scenic characters of hillside or valley properties, plus meandering roads with unformed verges. Along creeks, ridges, slopes or road frontages, conserve all mature bushland remnants that provide scenically-prominent backdrops visible from any road or nearby property. Limit intrusion of structures upon their landscape setting by concentrating new buildings and pavements in existing clearings. Use low-impact construction such as suspended floors and decks rather than extensive cut-and-fill, particularly on elevated slopes or near bushland.

The Desired Character Statement emphasises the importance of the retention of the tree canopy. The proposed subdivision indicates that there is opportunity for each proposed allotment to provide a subdivision design with building envelopes that would not require the removal of trees to satisfy the requirements of an Asset Protection Zone.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal has been considered against the relevant State Environmental Planning Policies (SEPPs) as detailed below.

It should be noted that the Gateway Determination requires Council to address the provisions of SEPP No 62 – Sustainable Aquaculture. Since then SEPP No 62 has been repealed and the provisions included in SEPP (Primary Production and Rural Development) 2019.

State Environmental Planning Policy	Comment
SEPP No. 19 – Bushland in Urban Areas	
<p>The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:</p> <ul style="list-style-type: none"> (a) its value to the community as part of the natural heritage, (b) its aesthetic value, and (c) its value as a recreational, educational and scientific resource. <p>The specific aims of this policy are:</p> <ul style="list-style-type: none"> (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area, (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term, (c) to protect rare and endangered flora and fauna species, (d) to protect habitats for native flora and fauna, (e) to protect wildlife corridors and vegetation links with other nearby bushland, (f) to protect bushland as a natural stabiliser of the soil surface, (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape, (h) to protect significant geological features, (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores, (j) to protect archaeological relics, (k) to protect the recreational potential of bushland, (l) to protect the educational potential of bushland, (m) to maintain bushland in locations which are readily accessible to the community, and (n) to promote the management of bushland in a manner which protects and enhances the quality 	<p>Future dwelling houses on the additional 1 Ha lots can be accommodated without requiring removal of significant vegetation for Asset Protection Zones and for on-site sewage management purposes.</p> <p>The Planning Proposal is consistent with the SEPP.</p>

State Environmental Planning Policy	Comment
of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.	
SEPP 55 – Remediation of Land	
<p>Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>SEPP 55 lists some activities that may cause contamination, one of which is agricultural or horticultural activities. Council's historical aerial photographs indicate that the subject land was being used for orchards in 1954. By 1957 the land was being used for market gardens and was still being so used in 1964. By 1986 the land had been subdivided and dwellings built.</p> <p>A preliminary contamination assessment has been undertaken which concluded that there is no evidence of significant contamination and the site is suitable for residential development.</p> <p>The Planning Proposal is consistent with the SEPP.</p>
SEPP (Primary Production and Rural Development) 2019	
<p>The aims and objectives of that part of the Policy relating to Sustainable Aquaculture are:</p> <p>(a) to encourage sustainable marine waters aquaculture and set out the minimum site location and operational requirements for permissible development for the purpose of marine waters aquaculture,</p> <p>(b) to establish a regime for categorising development for the purpose of aquaculture based on the applicable level of environmental risk associated with site and operational factors (including risks related to climate change, in particular, rising sea levels) and to identify certain categories of development as designated development,</p> <p>(c) to require consent authorities to take into consideration the effect of development on existing and future oyster aquaculture development and oyster aquaculture areas when assessing development applications. .</p>	<p>There is no aquaculture existing or proposed on any of the land the subject of this planning proposal. The only aquaculture to which the SEPP might relate is that related to oyster farm production within the Brisbane Water to which the proposal will have minimal impact. All wastewater generated by the development is able to be satisfactorily treated on-site.</p>

Table 3: State Environmental Planning Policy Assessment

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. Following this summary is the full assessment of these Directions.

No.	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	N	N/A
1.2	Rural Zones	N	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N	N/A
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	Y	Y
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	N	N/A
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
2.5	Application of E2 & E3 Zones and Environmental Overlays in the Far North Coast LEPS	N	N/A
2.6	Remediation of Contaminated Land	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	N	N/A
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	N	N/A
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
3.7	Reduction in non-hosted short term rental accommodation period	N	N/A

No.	Direction	Applicable	Consistent
Hazard & Risk			
4.1	Acid Sulfate Soils	N	N/A
4.2	Mine Subsidence and Unstable Land	N	N/A
4.3	Flood Prone Land	N	N/A
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	N	N/A
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.9	North West Rail Link Corridor Strategy	N	N/A
5.10	Implementation of Regional Plans	Y	Y
5.11	Development of Aboriginal Land Council lands	N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney	N	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	N	N/A
7.2	Parramatta Road Corridor Urban Transformation Strategy	N	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N	N/A

No.	Direction	Applicable	Consistent
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	N	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	N	N/A
7.11	Implementation of St Leonards and Crows Nest 2036 Plan	N	N/A
	Implementation of Greater Macarthur 2040	N	N/A
	Implementation of the Pyrmont Peninsula Place Strategy	N	N/A

Table 4: S9.1 Ministerial Direction Compliance

Ministerial Section 9.1 Directions

Direction	Comment
Employment and Resources	
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land, facilitate the economic use and development of rural lands, assist in the proper management, development and protection of rural lands, minimise the potential for land fragmentation and land use conflict.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environmental protection zone or changes the existing minimum lot size on land within a rural or environmental protection zone.</p>	<p>The subject land is within an environmental protection zone and is currently used for rural residential purposes. The land is currently zoned 7(a) Conservation and Scenic Protection (Conservation) and each of the four lots are 2 Ha in area and accommodate a dwelling-house.</p> <p>The Planning Proposal seeks to zone the land E4 Environmental Living with a minimum lot size of 1 Ha. This will allow an additional four lots on the land.</p>

Direction	Comment
<p>A Planning Proposal must be consistent with any applicable strategic plan, identify and protect environmental values, consider the natural and physical constraints of the land, consider measures to minimise fragmentation of rural land and reduce the risk of land use conflict, consider the social, economic and environmental interests of the community. Where the Planning Proposal is for rural residential purposes; is appropriately located taking into account the availability of human services, utility infrastructure, transport and proximity to existing centres; and is necessary taking account of existing and future demand and supply of rural residential land.</p>	<p>As the land is already rural residential in character and the surrounding lots are of a similar size and character, there is unlikely to be any land use conflict.</p> <p>The site is in close proximity to the existing commercial centre of Erina and has good transport connectivity to all of the Central Coast.</p> <p>The Planning Proposal is consistent with the Direction.</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p>	<p>The subject site exhibits cleared areas suitable for additional housing on 1 Ha lots. The zoning of this land to permit 1 Ha sized lots would facilitate the protection and conservation of existing vegetation. An additional four lots would not reduce the environmental protection standards applying to the land and hence is consistent with this Direction.</p>
2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social archaeological, architectural, natural or aesthetic value of</p>	<p>No items of European Heritage have been identified in any planning instrument as being located on the site.</p> <p>The Due Diligence Report for Aboriginal Objects concluded that:</p> <ul style="list-style-type: none"> - The proposed activity will be undertaken on disturbed land; - The site has a low likelihood of containing Aboriginal objects - An application for an Aboriginal Heritage Impact Permit is not required for this activity. <p>The Planning Proposal is consistent with this Direction.</p>

Direction	Comment
the item, area, object or place, identified in a study of the environmental heritage of the area. This includes items, areas, objects and places of indigenous heritage significance.	
2.4 Recreation Vehicle Areas	
<p>Aims to protect sensitive land or land with conservation values from adverse impact from recreation vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> <p>A Planning Proposal must not enable land to be developed for the purpose of a recreation vehicle area where land is within an environmental protection zone.</p>	The Planning Proposal does not seek to permit recreation vehicle areas on the land.
2.6 Remediation of Contaminated Land	
<p>Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities</p> <p>Applies when a relevant planning authority prepares a planning proposal applying to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	<p>Some activities that may cause contamination are agricultural or horticultural activities. Council's historical aerial photographs indicate that the subject land was being used for orchards in 1954. By 1957 the land was being used for market gardens and was still being so used in 1964. By 1986 the land had been subdivided and dwellings built.</p> <p>A preliminary contamination assessment has been undertaken which concluded that there is no evidence of significant contamination and the site is suitable for residential development.</p> <p>The Planning Proposal complies with this Direction.</p>
Housing, Infrastructure and Urban Development	
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and to provide opportunities for caravan parks and manufactured home estates.	The current 7(a) zone does not permit caravan parks or manufactured home estates and the proposed E4 Environmental Living zone does not propose to permit

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	these uses. Therefore zonings which permit these uses will not be affected.
3.3 Home Occupations	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	The proposal does not impact on the permissibility of home occupations.
Hazard & Risk	
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>The subject land is classified as Rural Fire Service Bushfire Category 1 and Category 2 and Vegetation Buffer.</p> <p>The RFS has advised that it raises no objections to the proposal subject to a requirement that the future subdivision of the land complies with Planning for Bush Fire Protection 2006 (or any subsequent version).</p>
Regional Planning	
5.10 Implementation of Regional Plans	
<p>Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained within regional plans.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The Planning Proposal will provide continued housing choice for rural residential opportunities in the Matcham area.</p> <p>The Planning Proposal seeks a modest increase in housing density which takes account of environmental constraints on the site. The additional four dwellings that will be permitted as a result of the proposal will not create a negative impact upon the existing landscape. The proposal reduces the pressure on other genuine lands required as rural resources and constrains rural residential functions to an area already established for that use.</p> <p>The Planning Proposal is consistent with this Direction.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>This Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.</p>	The planning proposal will not increase the need for referrals for development applications.
6.2 Reserving Land for Public Purposes	

Direction	Comment
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations for public purposes where the land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning.</p>	<p>The Planning Proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.</p>
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p> <p>The Planning Proposal must use an existing zone already applying in an environmental planning instrument and not impose any development standards in addition to those already contained in the environmental planning instrument. The proposal shall not contain or refer to drawings/concept plans that show details of the proposed development.</p>	<p>It is proposed that the relevant mapping be updated only subsequent to this proposal and no additional development standards than currently exist would be applied.</p> <p>The proposal shall not contain or refer to drawings/concept plans that show details of the proposed development.</p>

Table 5: S9.1 Ministerial Direction Assessment

Section C – Environmental, Social and Economic Impact

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The site does not contain any Endangered Ecological Communities (EECs) therefore it is unlikely that the planning proposal will have a significant impact on threatened species, populations, ecological communities or their habitats subject to the retention of the large eucalypts on the site.

There is sufficient area on each proposed lot to accommodate a building footprint and an Asset Protection Zone (APZ) without the requirement to remove any trees.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Effluent Disposal

All lots are affected by slope which will have an impact upon the type of on-site sewage management disposal which can be facilitated on the sites. For slopes in the order of 20% the use of Evapo-Transpiration Area (ETA) beds and trenches, mounds and conventional trenches are usually not considered suitable, however sub-surface drip irrigation may be feasible provided that the site and soil attributes are satisfactory.

It is noted that dams are located on the northern boundaries of both 2 Collingwood Drive and 107 Matcham Road. The Environment and Health Protection Guidelines – On-site Sewage Management for Single Households specify that a 40m buffer distance is to be retained between the on-site sewage management system and any dams. This requirement will limit the amount of land available for wastewater disposal on both the proposed lots, and the existing lots in case of failure of the existing wastewater systems.

A minimum land application area of approximately 465m² will be required to accommodate the wastewater from a 5 bedroom dwelling. It is considered that while the available land application areas have been overestimated in the reports there is still sufficient land available on all four lots to accommodate wastewater from both the existing dwellings and any new dwellings. Wastewater Management Plans will be required to be submitted for each property at subdivision stage.

Site Contamination

The Preliminary Targeted Environmental Investigation report has been generally prepared in accordance with the guidelines and standards prepared by the NSW Environment Protection Authority (EPA), and the soil sample results were compared with the most appropriate health and environment investigation and screening levels prescribed in the *National Environment Protection Amendment Measure 2013*. The Investigation concludes the site is suitable for the proposed use, from a contamination perspective. There is no objection to the planning proposal on this issue.

9. *Has the planning proposal adequately addressed any social and economic impacts?*

Social Issues

The potential creation of four additional lots will not result in any adverse social impacts.

Economic Impacts

Employment and other economic benefits will be achieved through construction of future development.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Traffic

The road network is able to accommodate traffic generated by an additional four lots.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the following agency was required by the Gateway:

Agency	Trigger/Constraint
NSW Rural Fire Service (RFS) The RFS advised "Based on an assessment of the information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future subdivision of the land complies with <i>Planning for Bushfire Protection, 2006</i> (or any subsequent version)."	- S.9.1 Direction 4.4

Table 6: Agency Consultation

Part 4 Mapping

The following maps are included in Appendix 2.

Map	Map Title
Existing Provisions under IDO 122	
A.	Zone – 7(a) Conservation and Scenic Protection (Conservation)
Proposed Provisions under CCLEP	
A.	Land Zoning Map – E4 Environmental Living
B.	Minimum Lot Size Map – 1 Ha

Table 7: Existing and Proposed Provisions

Part 5 Community Consultation

The Planning Proposal and accompanying draft Planning Agreements were placed on public exhibition for **28** days from 5 February 2020 to 3 March 2020 (inclusive).

The proposal was available at the following locations:

- Gosford Office: 49 Mann Street, Gosford;
- Wyong Office: 2 Hely Street, Wyong
- Council's website: www.yourvoiceourcoast.com

Additionally, notification of the exhibition of the proposal was provided to adjoining landholders prior to its commencement.

One submission was received during the exhibition period. The matters raised by the submission are summarised and responded to below.

- 1 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. Yet the CCLEP proposes a 2 ha minimum lot size for the remaining E4 land within the locality.**

Comment

The owners of the subject four lots lodged a Planning Proposal in 2015 prior to the amalgamation of the former Gosford City Council (fGCC) and former Wyong Shire Council (fWSC). Lodgement of the Planning Proposal occurred prior to the Council resolution to commence work on the draft CCLEP.

This rezoning is supported by site specific studies which confirms that the site is capable and suitable to be rezoned into one-hectare allotments. As this was a landowner-initiated Planning Proposal it was possible to examine site suitability considerations at a finer level than the draft CCLEP. Additionally, this proposal was an older rezoning proposal and involves significant community benefit outcomes which provides a funding contribution to purchase COSS lands.

The draft CCLEP is only the first step in the production of one LEP for the Central Coast, which requires the completion of a program of strategic planning strategies which will be implemented in phased LEP amendments. This means that land use zones in 'deferred lands' will be reviewed following the finalisation of the draft CCLEP. Council staff will also commence work on developing a new conservation incentive clause policy in the future, as it is an action recommended in Council's draft Biodiversity Strategy. These actions may lead to policy changes in the future which could create similar opportunities for other landowners. However, this needs to be looked at as part of a broader package of strategic work which is proposed to occur after the draft CCLEP is finalised.

- 2 There are a total of eight lots in the Matcham valley currently zoned 7(a) under IDO 122 to E4 under CCLEP. Four of these lots form the subject Planning Proposal. There appears no parity for the owners impacted by these strategic planning decisions.**

Comment

In the suburb of Matcham there are 31 lots that are wholly zoned 7(a) Conservation under IDO 122 which are proposed to be zoned E4 Environmental Living under the draft CCLEP. Four of these lots are the subject of this Planning Proposal. There are unique circumstances on this site, as the subject Planning Proposal was

lodged with Council prior to the Council amalgamation and the preparation of the CCLEP. Other owners' who have expressed an interest in achieving similar development proposals do not have a Planning Proposal with Council and even if such an application was made, it would be assessed under the current strategic planning considerations and would need to consider the status of the draft CCLEP.

3 One must wonder why a 1 ha minimum lot size was not just recommended for adoption in the E4 zone as part of the CCLEP, rather than defer the lot size issue to the Comprehensive LEP. Particularly in light of the inconsistency created by the current Planning Proposal.

Comment

The draft CCLEP is generally a consolidation of the Gosford and Wyong LEPs, so a variation to the minimum lot size in the E4 zone, as suggested, would not constitute a consolidation issue. It is a strategic planning matter that will require additional investigation to justify what land has any further subdivision potential and to determine the suitable planning mechanism required for this to operate.

The introduction of a similar conservation incentive clause (to replace the existing bonus lot provision clause) across the Central Coast will be further considered as part of a separate project following the finalisation of the draft CCLEP. This might provide opportunities for similar proposals; however, it needs to be undertaken as part of a broader strategic package of work to examine how it might be applied and to what land.

4 Other landowners should have been given the opportunity to enter a Planning Agreement as part of the considerations of the draft CCLEP and a 1 ha minimum lot size applied to the locality. The owner of 200 Matcham Road seeks consideration of this issue as part of the current Planning Proposal.

Comment

The subject Planning Proposal relates to four lots on the corner of Collingwood Drive and Matcham Road. Additional land cannot be included in this Planning Proposal as the necessary studies have not been carried out and such an amendment would require the Planning Proposal process to begin again.

Part 6 Project Timeline

Action	Period	Start Date	End Date
Gateway Determination	6 months	4 July 2017	11 January 2018
Gateway Alteration 1	9 months	3 October 2017	10 July 2018
Completion of required technical information		5 October 2017	8 February 2019
Government agency consultation	1 month	22 June 2018	27 July 2018
Gateway Alteration 2	5 months	10 July 2018	10 December 2018
Council Resolution to amend the Planning Proposal		11 March 2019	11 March 2019
Gateway Alteration 3	10 months	12 April 2019	4 February 2020
Preparation of a draft Planning Agreement for each lot		May 2019	November 2019
Gateway Alteration 4	9 months	4 February 2020	4 November 2020
Public exhibition	28 days	5 February 2020	3 March 2020
Consideration of submissions	3 months	March 2020	June 2020
Consideration of proposal post exhibition	3 months	July 2020	19 October 2020
Date of submission to the Department to finalise LEP (reliant on progress of CCLEP)	1 month	November 2021	November 2021
Anticipated date Council will make the plan (if delegated)	N/A		
Anticipated date Council will forward to the Department for notification	N/A		

Table 8: Key Project Timeframes

Appendix 1 – Land Use Table

Existing Zone under IDO 122

ZONE NO. 7 (a) CONSERVATION AND SCENIC PROTECTION (CONSERVATION) (Orange)

Objectives of the zone

The objectives of Zone No. 7(a) are:

- (a) the conservation and rehabilitation of areas of high environmental value;
- (b) the preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape;
- (c) the provision and retention of suitable habitats for flora and fauna;
- (d) the prohibition of development on or within proximity to significant ecosystems, including rainforests and estuarine wetlands;
- (e) the provision and retention of areas of visual contrast within the City, particularly the “backdrop” created by the retention of the ridgelines in their natural state;
- (f) the provision of opportunities for informal recreational pursuits, such as bushwalking and picnics, in appropriate locations;
- (g) the minimisation or prohibition of development so that the environmental and visual qualities of the natural areas are not eroded by the cumulative impact of incremental, individually minor developments;
- (h) the minimisation or prohibition of development in areas that are unsuitable for development by virtue of soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
agriculture; bed and breakfast accommodation; dams; dwelling-houses; roads;
Subdivision.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

Proposed Zone under CCLEP

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To allow additional land uses that will not have an adverse impact on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Bee-keeping; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facility; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Sewage reticulation systems; Signage; Veterinary hospital; Water recycling facilities; Water supply systems

4 Prohibited

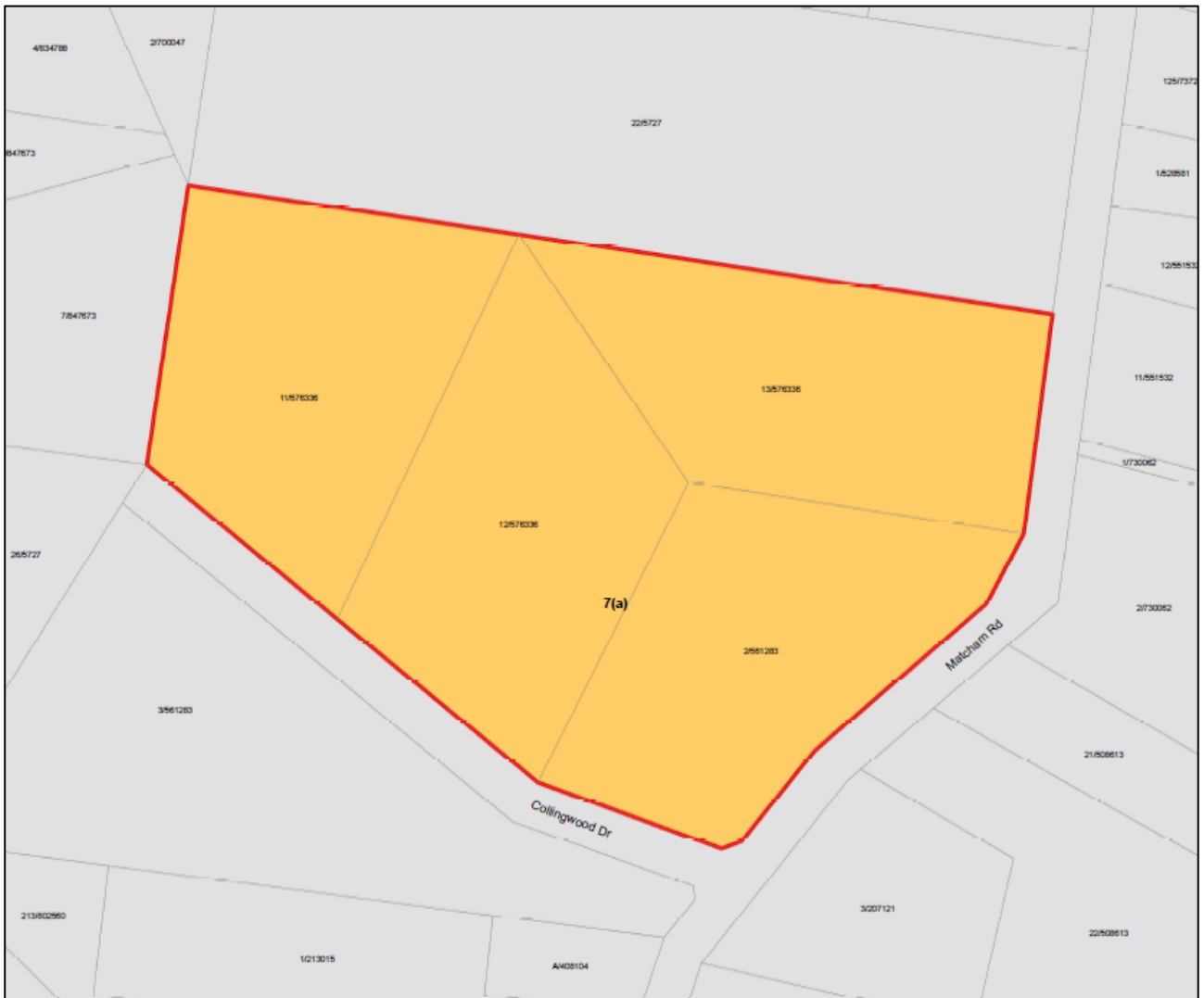
Industries; Service stations; Warehouse or distribution centres; Any development not specified in item 2 or 3

Appendix 2 - Mapping

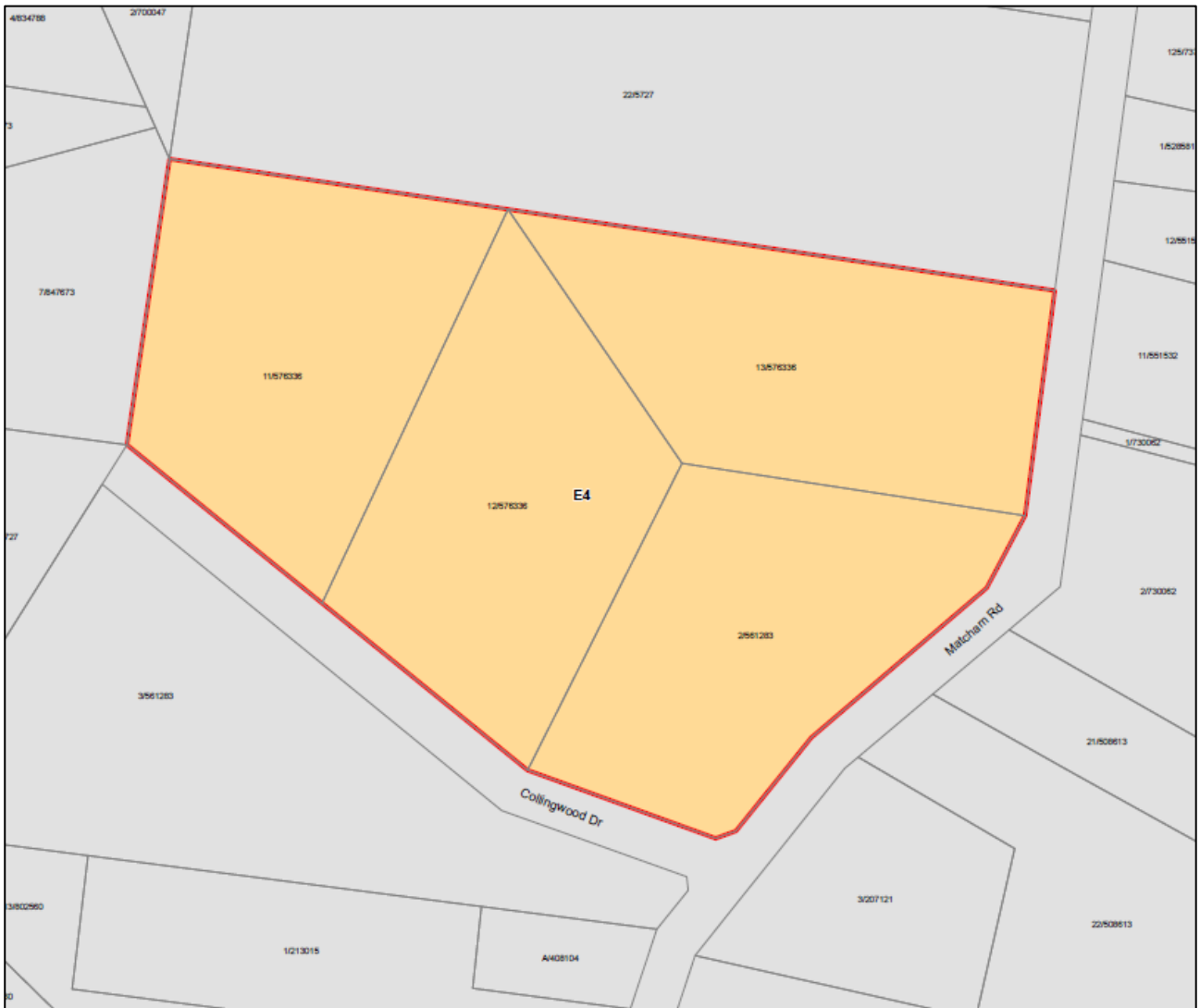
Locality Plan



Existing Zone – 7(a) Conservation and Scenic Protection (Conservation) under IDO 122



Proposed Zone – E4 Environmental Living under CCLEP



Proposed Minimum Lot Size – Y (1 Ha) under CCLEP

