



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 7 Matcham Road

Matcham

File No: PP/84/2015

May 17



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Version 1

Central Coast Council

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2, 14, 24 Collingwood Drive and 7 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 and has a total area of 8.08 Ha.

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. 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.

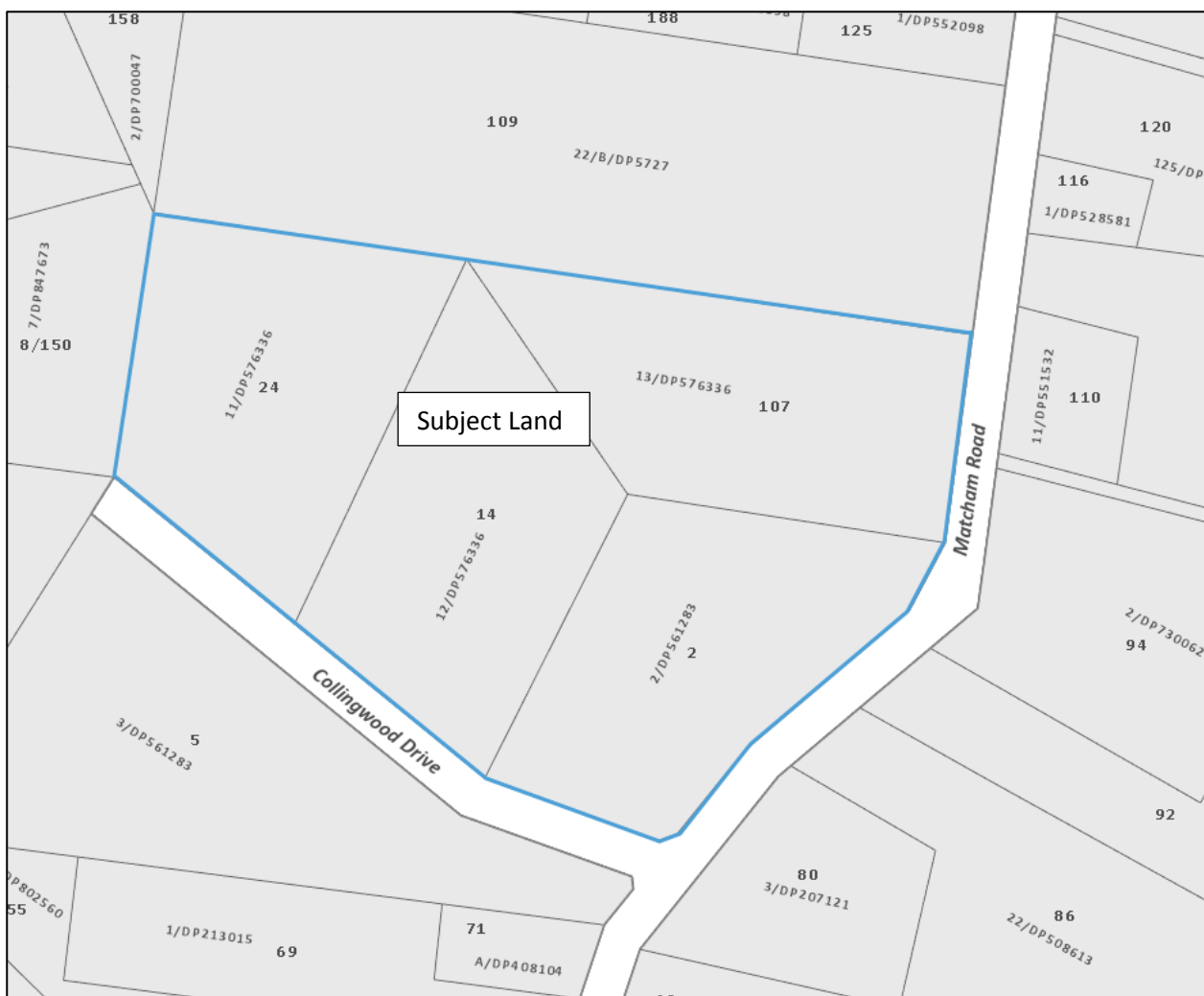


Figure 1 Contextual Locality Plan

Part 1 Objectives or Intended Outcomes

The objective of this proposal is to rezone the subject land from 7(a) Conservation and Scenic Protection (Conservation) to 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings).

The intended outcome of the proposal is to enable the land to be subdivided into smaller 1 hectare allotments, via a development application, under the bonus lot provisions within clause 18(4)(b) of IDO 122.

Part 2 Explanation of Provisions

The outcome will be facilitated by an amendment to IDO 122 which involves altering the zone of the subject land to 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings).

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 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 permitted in the 7(a) zone that currently applies to the land.

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 Strategy 2036 (CCRP)* applies to both of 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 Strategy for provision of housing and/or jobs.

The CCRP is to provide the basis of the planning by the local government 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.	The proposed 1 ha lot size subdivision would successfully protect remnant vegetation on the site as no vegetation is likely to require removal for Bushfire Asset Protection Zones or for the provision of on-site sewage management facilities. Consequently the Planning Proposal is consistent with the CCRP.

Table 1: Central Coast Regional Plan Assessment

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

Gosford Community Strategic Plan

The *Gosford 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 Community Strategic Plan are applicable to this Planning Proposal:

Objective B1 – Diversity of the natural environment is protected and supported	
Strategies	Assessment
B1.1 - Identify and manage threats to native flora and fauna	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 and bushfire control or on-site sewage management works.
B1.2 - Identify and preserve areas of	The proposed rezoning to allow subdivision of the

conservation value	land to create an additional 4 lots is unlikely to result in the loss of vegetation through clearing for dwellings and bushfire control or on-site sewage management works.
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Table 2 – Community Strategic Plan Assessment

Biodiversity Strategy

The Biodiversity Strategy (2008) provides a framework and guide for the management of biodiversity in 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 7(c2) Rural Small Holdings is unlikely to result in the removal of vegetation for APZs on-site sewage management works, therefore and 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 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 (ie LEPs) are consistent with the prescribed objectives.*
- 2 *To establish criteria to be used by Council to assess requirements to prepare a Planning Proposal. (ie 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) 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, will occur. Information from the applicant has indicated that Asset Protection Zones and on-site sewage management will not require additional clearing. The conservation and preservation of the existing 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 later in the report. The matters relating to visual quality and COSS are the subject of Council's DCPs or strategies which have also been addressed separately in the report.

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 will maintain the broad pattern of land use within the locality. Opportunities to increase density may be available if it can be shown the land is not subject to visual and physical constraints. Should a supportive Gateway Determination be issued a visual assessment is to be undertaken to show the scenic integrity of the area is maintained.

Character

Chapter 2.1 of Gosford DCP 2013 identifies the site as being in Matcham Character Precinct 2 – Scenic Buffer (see map below). 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 Bushfire report advises 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 (SEPP) as detailed below.

State Environmental Planning Policy	Comment
SEPP No. 19 – Bushland in Urban Areas	
The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of: (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	The applicant has proposed protection of the existing stands of trees and submitted information that the required Asset Protection Zones and area required for on-site sewage management would not require the removal of existing vegetation on the site. The Planning Proposal is therefore considered to be consistent with the SEPP.

State Environmental Planning Policy	Comment
scientific resource. The specific aims of this policy are: (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 of the bushland and facilitates public enjoyment of the bushland compatible with its conservation..	
SEPP 55 – Remediation of Land	
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 (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are	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. As the land has been used for agricultural and horticultural activities a

State Environmental Planning Policy	Comment
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 (c) by requiring that a remediation work meet certain standards and notification requirements.	preliminary contamination assessment is to be undertaken should the Gateway approve the Planning Proposal.

Table 3: State Environmental Planning Policy Assessment

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal has been considered against the relevant Ministerial Section 117 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	N	N/A
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	N	N/A
2.5	Application of E2 & E3 Zones and Environmental Overlays in the Far North Coast LEPS	N	N/A
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	N	N/A
3.2	Caravan Parks and Manufactured Home Estates	N	N/A
3.3	Home Occupations	Y	N/A
3.4	Integrating Land Use & Transport	N	N/A

No.	Direction	Applicable	Consistent
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
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	TBD
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
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
5.8	Sydney's Second Airport: Badgery's Creek:	N	N/A
5.9	North West Rail Link Corridor Strategy	N	N/A
5.10	Implementation of Regional Plans	Y	Y
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	N	N/A
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

Table 4: S117 Ministerial Direction Compliance

Ministerial Section 117 Directions

Direction	Comment
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. 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 <i>"Rural Lands"</i>.	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. The proposal to zone the land to 7(c2) so as to permit an additional 4 lots would not reduce the environmental protection standards applying to the land and hence be consistent with this Direction.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal. 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 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.	No items of European Heritage have been identified in any planning instrument as being located on the site. The historically disturbed nature of the site is unlikely to yield any aboriginal relics, however an aboriginal cultural study may be required should a gateway be issued.
Housing, Infrastructure and Urban Development	
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	The proposal does not impact on the permissibility of home occupations.
Hazard & Risk	

Direction	Comment
4.4 Planning for Bushfire Protection	
Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	In the preparation of a planning proposal request, the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination. The subject land is classified as Rural Fire Service Bushfire Category 1 and Category 2 and Vegetation Buffer. Should Council and DP&E support the planning proposal, then the gateway determination would require consultation with the Rural Fire Service.
Regional Planning	
5.1 Implementation of Regional Strategies	
Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained within regional strategies. Applies when a relevant planning authority prepares a planning proposal. Relevant Actions: Action 4.2 Councils are to provide for a mix of housing types including housing that will accommodate an aging population and smaller household sizes through the preparation of LEPs and strategies. Action 6.3 LEPs are to appropriately zone land with high state or regional environmental, agricultural, resource, vegetation, habitat, waterways, wetland or coastline values. Action 6.4 LEPs are to appropriately zone land of high landscape value (including scenic and cultural landscapes). Action 6.9 Ensure LEPs do not rezone rural and resource lands for urban purposes or rural residential uses unless agreement from the Department of Planning is first reached regarding the value of these resources.	The Planning Proposal will provide continued housing choice for rural residential opportunities in the Matcham area. There are limited opportunities and areas suitable for this form of development in the local government area. 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 also 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. The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy.
5.10 Implementation of Regional Plans	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra	The Planning Proposal is considered to be inconsistent with the directions and actions contained in the Central Coast Regional Plan as indicated in the response to Question 1 above.
Local Plan Making	

Direction	Comment
6.1 Approval and Referral Requirements	
Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.	The planning proposal will not increase the need for referrals for development applications.
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out. 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.	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. The proposal shall not contain or refer to drawings/concept plans that show details of the proposed development.

Table 5: S117 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 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.

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 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.

Therefore it will be necessary for an on-site effluent disposal feasibility report to be provided. The report should be prepared by a practising geotechnical engineer/wastewater consultant experienced in on-site wastewater management in accordance with the methodology recommended in the DLG (1998) Environment and Health Protection Guidelines – On-site Sewage Management for Single Households, and AS 1547:2012 On-site domestic wastewater management.

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

Social Issues

Additional rural residential housing will be provided.

Economic Impacts

Employment and other economic benefits will be achieved through the construction and operation of the 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 agencies is proposed, based on the identified triggers and site constraints:

Agency	Trigger/Constraint
NSW Rural Fire Service	- S.117 Direction 4.4
Office of Environment & Heritage (Planning)*	- S.117 Direction 2.1

Table 6: Agency Consultation

* NOTE: Section 34A of the EP&A Act requires the RPA to consult with the Director-General (Secretary) of the Department of Environment, Climate Change and Water (OEHL) if, in the opinion of the RPA, critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed instrument.

- The consultation is to commence after a Gateway Determination is issued unless the Regulations specify otherwise.
- The period for consultation is 21 days unless agreed differently between the RPA & the DG or by the Regulations.

Part 4 Mapping

Map	Map Title
Existing Provisions	
A.	IDO 122 – 7(a)
Proposed Provisions	
A.	IDO 122 – 7(c2)

Table 7: Existing and Proposed Provisions

Part 5 Community Consultation

The proposal will be made available for **28** days for community consultation and undertaken in accordance with any determinations made by the Gateway.

It is expected that the proposal will be made available at the following locations:

- Gosford Office: 49 Mann Street, Gosford;
- Council's website: <http://www.gosford.nsw.gov.au/about-council/general-information-rates/items-on-exhibition>

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

Part 6 Project Timeline

Action	Date
Anticipated commencement date (date of Gateway Determination)	June 2017
Anticipated timeframe for the completion of required technical information	August 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	September 2017
Commencement and completion dates for public exhibition	November 2017
Timeframe for consideration of submissions	February 2018
Timeframe for consideration of a proposal post exhibition	March 2018
Date of submission to the Department to finalise LEP	April 2018
Anticipated date RPA will make the plan (if delegated)	May 2018
Anticipated date RPA will forward to the Department for notification	May 2018

Table 8: Key Project Timeframes

Supporting Documentation

Mapping

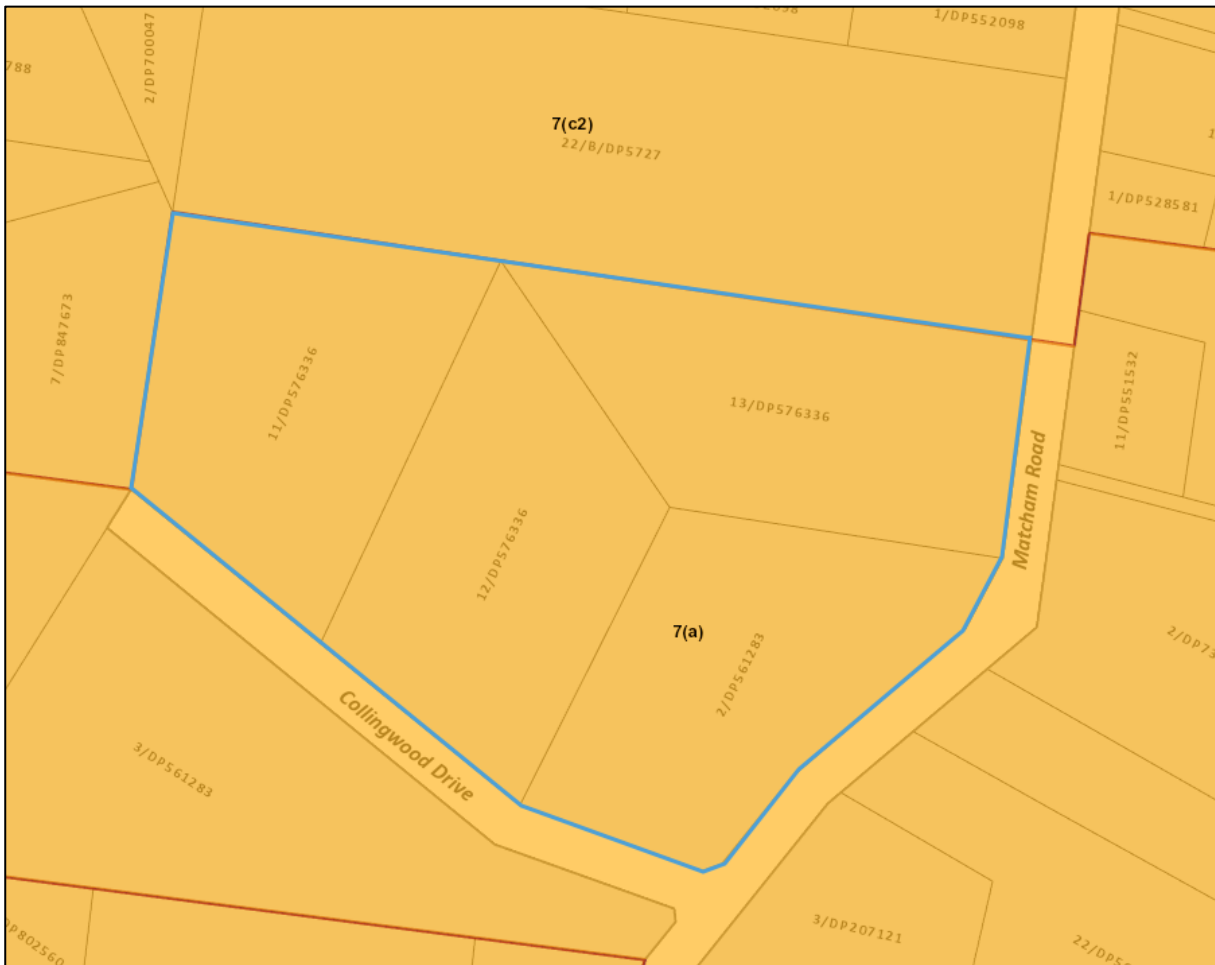
Locality Plan



Aerial Photograph



Existing Zone – 7(a) Conservation and Scenic Protection (Conservation)



Proposed Zone – 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings)

