



Item No: 2.4
Title: PP/84/2015 - Planning Proposal Collingwood Drive & Matcham Road, Matcham
Department: Environment and Planning

11 March 2019 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13413294

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Report Purpose

The purpose of this report is for Council to consider an amendment to an existing Planning Proposal which sought to rezone four lots of land on the corner of Collingwood Drive and Matcham Road, Matcham from 7(a) Conservation and Scenic Protection (Conservation) to 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under *Interim Development Order No 122 – Gosford*.

The amended planning proposal seeks to amend the proposed zoning of the land to E4 Environmental Living which is consistent with the *draft Central Coast Local Environmental Plan*. In order to achieve the minimum lot size under the original planning proposal it is proposed to apply an Additional Permitted Use to the land enabling a minimum lot size of 1 Ha.

This report recommends that Council support an amendment to the Planning Proposal and seek an amended Gateway Determination from the Minister for Planning.

Recommendation

1 That Council support an amended Planning Proposal to rezone:

- a) Lot 11 DP 576336 No 24 Collingwood Drive, Matcham;**
- b) Lot 12 DP 576336 No 14 Collingwood Drive, Matcham;**
- c) Lot 2 DP 561283 No 2 Collingwood Drive, Matcham; and**
- d) Lot 13 DP 576336 No 107 Matcham Road, Matcham**

from 7(a) Conservation and Scenic Protection (Conservation) under Interim Development Order No 122 to E4 Environmental Living Zone as defined in the draft Central Coast Local Environmental Plan with appropriate provisions to permit subdivision to a minimum lot size of no more than 1 Ha.

- 2 ***That Council submit a revised Planning Proposal to the Minister for Planning in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting an amended Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.***
- 3 ***That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.***
- 4 ***That Council enter into a Voluntary Planning Agreement with the landowners to pay a contribution to purchase conservation lands which is equivalent to that required under Interim Development Order No 122- Gosford.***
- 5 ***That Council undertakes community and public authority consultation in accordance with the Gateway Determination requirement.***
- 6 ***That Council considers a further report on the results of the public authority and community consultation.***

Background

At the Ordinary Meeting held on 26 April 2017, Council resolved:

- 185/17 *That Council consult with the owners of Lot 12 DP 576336 No 14 Collingwood Drive, Matcham to seek their support to be included in the revised planning proposal as recommended by staff.*
- 186/17 *That Council prepare, subject to the outcome of Recommendation 1 above, a planning proposal to amend the Interim Development Order Number 122, to rezone the land listed below from 7(a) Conservation and Scenic Protection (Conservation) to 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings), pursuant to Section 55 of the Environmental Planning and Assessment Act 1979:*
- a) *Lot 11 DP 576336 No 24 Collingwood Drive, Matcham;*
 - b) *Lot 12 DP 576336 No 14 Collingwood Drive, Matcham;*
 - c) *Lot 2 DP 561283 No 2 Collingwood Drive, Matcham;*
 - d) *Lot 13 DP 576336 No 7 Matcham Road, Matcham.*
- 187/17 *That Council forward the planning proposal to the NSW Minister for Planning requesting a gateway determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to s. 56(1) of the Environmental Planning and Assessment Act 1979.*

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188/17 *That Council undertake community and public authority consultation in accordance with the gateway determination requirements.*

189/17 *That Council consider a further report on the results of the public authority and community consultation.*

190/17 *That Council request from the NSW Department of Planning & Environment delegations for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environmental Plan.*

Following consultation as per resolution 185/17, Lot 12 DP 576336 (14 Collingwood Drive) was incorporated within the Planning Proposal.

The original proposal sought to utilise the provisions of Clause 18(4) of *Interim Development Order No 122* (IDO 122) (the "bonus lot" provision), to enable subdivision to a minimum of 1 Ha, supported by a contribution to Council towards the purchase or embellishment of land identified in Council's Coastal Open Space System (COSS). In this instance, a financial contribution to Council would be proposed as the subject land is not identified as proposed COSS land.

A Gateway Determination dated 4 July 2017 was issued to Council by the Department of Planning and Environment (DP&E) for the proposal, however it was not in accordance with the Council resolution as it did not propose an amendment to IDO 122. An Altered Gateway Determination which reflected Council's resolution was subsequently issued on 3 October 2017.

The *draft Central Coast Local Environmental Plan* (CCLEP) will phase out the "bonus lot" provision relied on by this proposal. Given that the Planning Proposal has not yet been publicly exhibited, it is likely that the provisions of IDO 122 relied on by this proposal will not be in effect when the proposal is finalised. Due to the work already undertaken by the applicant a solution to progress the Planning Proposal is required whilst achieving the outcome intended under the original Council resolution and subsequent Gateway Determination.

The Site

The subject site (Figure 1) comprises four lots on the corner of Matcham Road and Collingwood Drive, Matcham. The site includes:

- Lot 2 DP 561283, 2 Collingwood Drive
- Lot 12 DP 576336, 14 Collingwood Drive
- Lot 11 DP 576336, 24 Collingwood Drive
- Lot 13 DP 576336, 107 Matcham Road



Figure 1: Subject Site Aerial Locality/Context Plan

Each lot within the subject site is approximately 2 Ha in area with the subject site comprising a total area of 8.092 Ha.

The subject site contains a mix of cleared and vegetated areas. The site occupies a ridge and side slopes (some parts having slopes over 20%) that runs in an east-west direction. All four land parcels contain one dwelling-house and associated structures.

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The subject site is zoned 7(a) Conservation and Scenic Protection (Conservation) under IDO 122. The minimum lot size applicable to the subject site is 40 Ha.

Land adjoining the site on the southern side of Collingwood Drive and on the eastern side of Matcham Road is similarly zoned 7(a) Conservation and Scenic Protection (Conservation) zone. Land north and west of the site is zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings) (Figure 2).

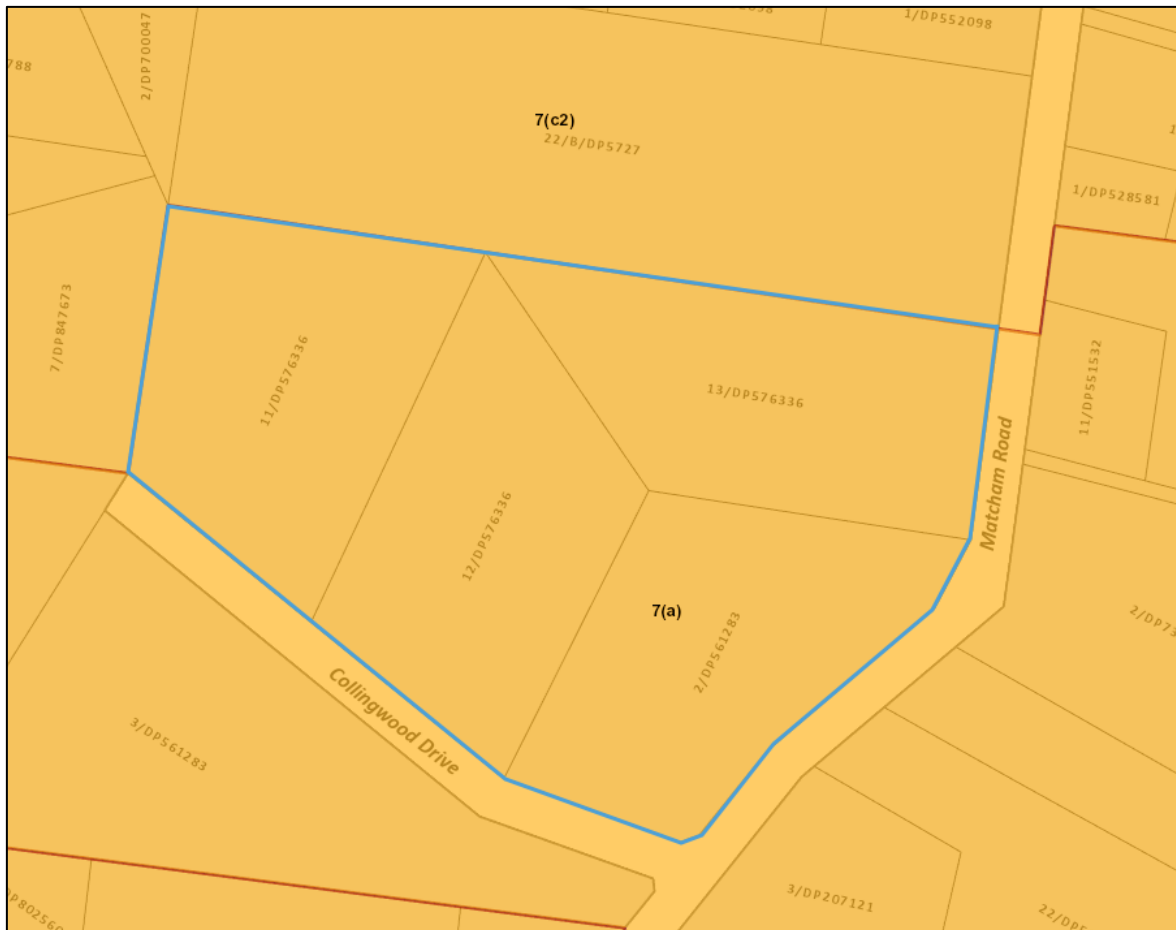


Figure 2: Existing Zoning

The Amended Proposal

An extension to the Gateway Determination for the current proposal has been considered as a potential solution by both Council staff and the applicant. However, given the likelihood that the exhibition and making of the draft CCLEP (and consequential repeal of IDO 122), will precede the finalisation of this Planning Proposal, an extension and subsequent rezoning which referenced IDO 122 would not be able to be carried forward into the CCLEP.

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The amended Planning Proposal seeks to amend the proposed zoning of the site to a Standard Instrument zone, consistent with the *Standard Instrument Local Environmental Plan* (SI LEP) template.

Under *Gosford Local Environmental Plan 2014* (GLEP 2014), the E3 Environmental Management Zone is equivalent to the 7(c2) Rural Small Holdings under IDO 122. However under the CCLEP the subject land is proposed to be zoned E4 Environmental Living which is consistent with the strategic direction set out in the Environmental Lands and Urban Edge Review and proposed in the draft CCLEP.

It is considered that the land should not be rezoned E4 Environmental Living under GLEP 2014 as it permits such uses as pubs, restaurants and tourist accommodation which are incompatible with the character of this locality. However, the proposed E4 Environmental Living zone under the draft CCLEP is structured differently and does not permit these tourist uses to occur. It also better defines the rural-residential character of the proposed land use.

To ensure consistency with the zoning framework proposed in the draft CCLEP, it is proposed to amend this Planning Proposal to require the land to be rezoned E4 Environmental Living in the same format as the draft CCLEP and manage the Planning Proposal as an amendment to the draft CCLEP. As the proposed minimum lot size for the E4 Environmental Living zone under the draft CCLEP is 2 Ha, the land will need to be included in Schedule 1 Additional Permitted Uses enabling subdivision down to a minimum lot size of 1 Ha.

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 agreed to enter a Voluntary Planning Agreement (VPA) to pay an amount to Council equivalent to the amount that would have been required under IDO 122.

The contribution for the subdivision of each of the four lots into two lots under the bonus lot provisions would be \$92,688.75, or \$370,755 for the entire development. These funds would be used for land purchase and embellishment of land in the Coastal Open Space System (COSS). A VPA would require the payment of this sum prior to the issue of a subdivision certificate.

Assessment

The rezoning of the subject land to E4 Environmental Living under the draft CCLEP has strategic merit on the basis that:

- The existing lots do not satisfy the objectives of the current 7(a) Conservation and Scenic Protection (Conservation) land zoning;
- The existing lots achieve the zone objectives of the E4 Environmental Living under the draft consolidated CCLEP as the lots reflect the rural residential character that supports the overall aesthetic and scenic value of the Matcham area;

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- The proposed E4 Environmental Living Zone under the draft CCLEP is consistent with the adjoining land zoning as proposed by the draft instrument;
- The future subdivision of the sites to enable 1 Ha lots is consistent with the character of the area.

The draft CCLEP is based on the SI LEP template. The SI LEP does not include or enable bonus lot provisions such as those which exist under IDO 122.

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 consolidated draft CCLEP. The proposal will also make a contribution towards the COSS through a VPA mechanism. Such an outcome is consistent with Council's policies relating to the acquisition of COSS land in the former Gosford City Council and therefore will result in a public benefit. Consequently the Planning Proposal, as amended, is suitable for support.

Statutory Compliance and Strategic Justification

The proposal has been assessed having regard for all State Environmental Planning Policies, Ministerial Directions and relevant guidelines set out within the Central Coast Regional Plan 2036 as detailed in Attachment 2.

The proposal is considered to be consistent with these considerations, therefore is suitable for forwarding to the Minister of Planning requesting an amended Gateway Determination.

Internal Consultation

Internal consultation for the current Planning Proposal has been undertaken as summarised below.

Environmental Health

There is sufficient land available on all 4 lots to accommodate wastewater disposal from both the existing dwellings and any new dwellings. The Environmental Health Team therefore has no objections to the proposal, subject to Wastewater Management Plans being submitted for each property at subdivision stage.

Environmental Strategies

The Planning Proposal has sufficiently avoided impacts to biodiversity values of the site and is not likely to have a significant impact on any threatened species, population or ecological communities or their habitats.

External Consultation

Government agency consultation was undertaken in relation to the current Planning Proposal. The Gateway Determination required consultation with the Rural Fire Service (RFS). A revised Gateway Determination may require further agency consultation to be undertaken.

Rural Fire Service

Based upon 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 *Planning for Bush Fire Protection 2006*.

Financial Impact

The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service.

Social Impacts

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

Environmental Impacts

These have been outlined in the body of the report.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

Risk Management

There have been no risks identified to the natural and built environment if this Planning Proposal is supported by Council as previously discussed in this report.

Conclusion

The proposed amendment to the Planning Proposal to zone the land E4 Environmental Living under the draft CCLEP when it comes into effect, is considered to have strategic merit.

It is recommended that the Council support the preparation of an amended Planning Proposal and undertake the necessary next steps to progress the Planning Proposal in accordance with the Planning Proposal process.

Attachments

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| 1 | Summary of Proposal | D13413281 |
| 2 | Strategic Assessment - PDF | D13472807 |