

---

# PLANNING PROPOSAL

---

**LOT 11 DP 576336  
No.24 COLLINGWOOD DRIVE**

**LOT 2 DP 561283  
No.2 COLLINGWOOD DRIVE**

**LOT 13 DP 576336  
No.107 MATCHAM ROAD**

**MATCHAM**



September, 2015.

## TABLE OF CONTENTS

OVERVIEW .....	3
PART 1 Objectives or Intended Outcomes .....	12
PART 2 Explanation of Provisions .....	13
PART 3 Justification .....	13
Section A - Need for the Planning Proposal .....	14
Section B - Relationship to Strategic Planning Framework .....	19
Section C - Environmental Social and Economic Impact .....	38
Section D - State and Commonwealth Interests .....	39
COUNCIL POLICY D2.02 .....	40
SUMMARY, CONCLUSION AND RECOMMENDATION .....	46
REFERENCES .....	47
Part 4 Mapping .....	48
Part 5 Community Consultation .....	48
Part 6 Project Timeline .....	49

## FIGURES

Figure 1	Location Map.....	7
Figure 2	Aerial Photograph .....	8
Figure 3	Bushfire Map .....	9
Figure 4	Vegetation Map .....	10
Figure 5	Zoning Map .....	11
Figure 6	Constraints Plan .....	17
Figure 7	Subdivision/Environmental Management Plan .....	18

## ATTACHMENTS

Attachment 1	Proposed Amendment to Interim Development Order No. 122
Attachment 2	Copy of Deposited Plan No. 576336 Copy of Deposited Plan No. 561283
Attachment 3	Policy D2.02 Rezoning of Land Zoned Conservation and Scenic Protection, Gosford City Council
Attachment 4	Plans of the Proposal

---

### PLANNING PROPOSAL

Lot 11 DP 576336 No. 24 Collingwood Drive;  
 Lot 2 DP 561283 No. 2 Collingwood Drive; and  
 Lot 13 DP 576336 No. 107 Matcham Road, Matcham.

## **OVERVIEW**

This preliminary report identifies the potential issues associated with the rezoning of the subject lands, Lot 11 DP 576336 No. 24 Collingwood Drive, Lot 2 DP 561283 No. 2 Collingwood Drive and Lot 13 DP 576336 No.107 Matcham Road, Matcham from Zone 7(a) Conservation and Scenic Protection (Conservation) to Zone 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under the provisions of the Gosford Interim Development Order No.122 ( a deemed environmental planning instrument).

The information contained within the proposal explains the intended effect of the proposal to amend the Gosford Interim Development Order No.122 and the justification for making such proposal.

The lands the subject of this application is part of an “island” of 7(a) zoned land located on the north eastern corner of Collingwood Drive and Matcham Road, Matcham.

Each of the subject lots support larger lot rural residential housing with outbuildings in a managed landscape, parts of which still contribute to some extent to maintenance of both the 7(a) Conservation and Scenic Protection (Conservation) and 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) zone principles in that vegetation has been kept intact along the ridge along which Collingwood Drive is located, along the Matcham Road frontage and on the north eastern flanks of that ridge that faces Coachwood Road.

The land occupies a low intermittent ridge between the ridgeline to the east along which the Central Coast Highway (The Entrance Road) is found and the ridge to the west which forms the western flank of Matcham Valley.

Being an intermittent ridge between the two more substantial land forms, means that the land is primarily viewed only from within the local landscape and as such has the capacity to absorb a limited but as yet to be exploited level of further development without significant detriment from a landscape perspective.

---

### **PLANNING PROPOSAL**

Lot 11 DP 576336 No. 24 Collingwood Drive;  
Lot 2 DP 561283 No. 2 Collingwood Drive; and  
Lot 13 DP 576336 No. 107 Matcham Road, Matcham.

Although land nearby is zoned both 7(a) Conservation and Scenic Protection (Conservation) and 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) this land, unlike those adjacent parcels, is mapped by Council as containing remnants of “*Coastal Narrabeen Moist Forest*” amongst cleared and managed lands along with under scrubbed areas supporting only canopy trees within agricultural landscapes and is not listed under the Threatened Species Act 1995.

In view of the mapping by the Council Biophysical investigations to date have been contained primarily to interpolation of air photograph information, together with maps published by the Council.

A review of Council’s constraints mapping relative to vegetation type reveals that development of the land in the manner contemplated should not diminish the zone objectives which are submitted as being more appropriate for this precinct.

The “bonus lot” subdivision provisions retained in Interim Development Order No. 122 and still applicable to land within the 7(a) Conservation and Scenic Protection (Conservation) and 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) Zone under that Instrument, generally east of the F3-M2 freeway, was a planning initiative which had its genesis in the 1970’s Rural Lands Studies of the Gosford and Wyong LGA’s.

Later refined and coupled with the Coastal Open Space System initiative, the benefits of that innovative “transfer of development bonus” principle has manifested itself in the benefits of the preservation and protection via acquisition as much of the critical natural Gosford landscape, especially by retention of the treed ridge tops that feature in the landscape and provide for the effective and dramatic separation of urban development.

It is interesting to reflect on the fact that the early mapping relied upon for the purpose was mapping prepared at the scale of 1:4000 based almost entirely on air photo interpolation of contours and other features and for those reasons, although of great importance, it was not as precise in its identification of lands suitable for inclusion in the 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) zone.

Ground truthing of the biophysical features of the land the subject of this submission confirm that the site has the capacity to accommodate rural residential scale subdivision while at the same time retaining much of the critical visually existing vegetation.

The proposed layout for the subdivision has been designed to seek to maintain the sites local role and importance in preservation of the conservation and scenic protection principles attributed to the 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) zone, more so than that of the 7(a) Conservation and Scenic Protection (Conservation) zone.

That is to say that each of the subject sites identified in this submission:-

- (a) Is able to be subdivided into not less than two lots;
- (b) That that subdivision, will provide a higher order of land use and a better configuration of more rational, practical and economic use of the land; and
- (c) By way of Planning Agreement will trigger cash contributions equal to those that would be generated as if the land was zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) with those funds being applied by Council to the acquisition and/or embellishment of important Coastal Open Space lands elsewhere in the LGA.

The notes within the Planning Proposal identify the extent of investigations and with the general acknowledgement that:-

- (a) Asset Protection Zones and retention of the locality's scenic importance are not rigidly exclusive;
- (b) The present day technologies will facilitate the on-site disposal of effluent to appropriate standards contained within the proposed lots; and
- (c) Representing a higher order rational, orderly and economic use of land the proposal warrants the support of Council and that of the Department of Planning & Environment as a local adjustment to statutory controls.

Council has embarked on a City Wide Urban Fringe Investigation; however such investigations are understood to target lands within 1 kilometre of existing urban areas which does not include the subject land.

Further such investigations if they were to apply to the site are likely to take considerable time to effect and may be subject to prolonged political controversy given recent News articles carried in the local press.

The lands the subject of this submission are capable of rural residential development in the manner proposed with little disturbance of the critically located vegetation on the sites.

Whilst the subject lands are unlikely to be included in an Urban Fringe Investigation because it is already separate from urban lands by a distance in excess of 1 kilometre and therefore, the need for this Planning Proposal/Local Environmental Plan to proceed via the Gateway determination process will not conflict with the Council's broader objectives with respect to Urban Fringe Lands Investigations.

The application is submitted with a request for the Council's endorsement in the knowledge that there are public benefits to accrue from such a proposal including the significant benefit ultimately being the further acquisition and/or embellishment of those lands already or intended to be brought into public ownership via the innovations implemented in the 1970's and retained only last year in the deferral of the 7(a)/7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) lands via Local Environmental Plan No. 2014.

The location of the subject site is shown in **Figure 1**.

An aerial view of the site is provided in **Figure 2**.

The Bushfire Mapping for the site is depicted in **Figure 3**.

Vegetation Associations for the site are depicted in **Figure 4**.

Existing Zonings are depicted in **Figure 5**.

Constraints Plan – Slope is depicted in **Figure 6**

Subdivision/Environmental Management Plan **Figure 7**



**NORTH**  
NOT TO SCALE  
**FIGURE 1**

**SUBJECT SITES COLLINGWOOD DRIVE &  
MATCHAM ROAD, MATCHAM  
LGA CITY OF GOSFORD**

**PLANNING PROPOSAL**

Lot 11 DP 576336 No. 24 Collingwood Drive;  
Lot 2 DP 561283 No. 2 Collingwood Drive; and  
Lot 13 DP 576336 No. 107 Matcham Road, Matcham.



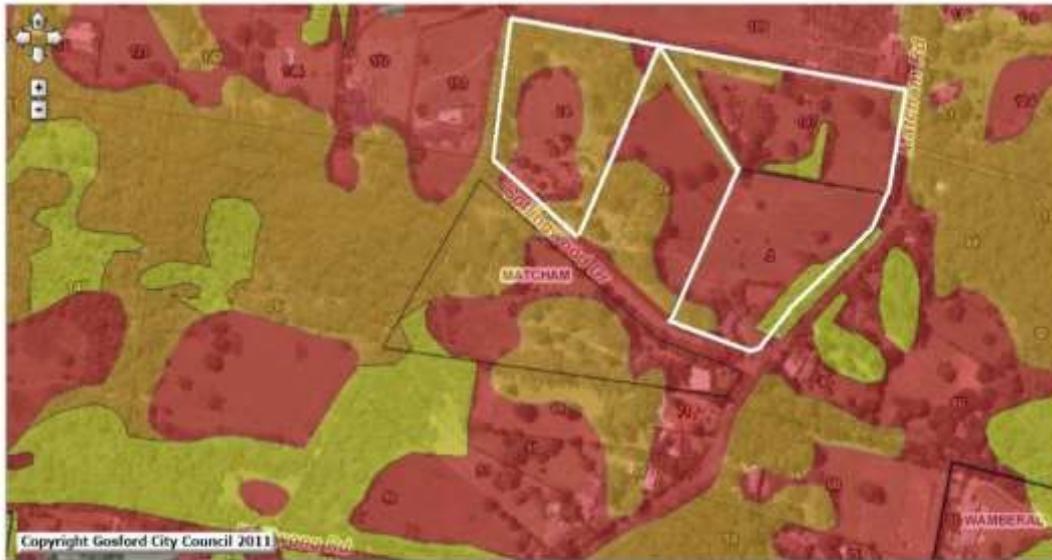
**AERIAL PHOTOGRAPH - SUBJECT SITE  
EDGED ORANGE**

SOURCE GOOGLE MAPS 2015

---

**PLANNING PROPOSAL**

Lot 11 DP 576336 No. 24 Collingwood Drive;  
Lot 2 DP 561283 No. 2 Collingwood Drive; and  
Lot 13 DP 576336 No. 107 Matcham Road, Matcham.



  
**NORTH**  
NOT TO SCALE  
**FIGURE 3**

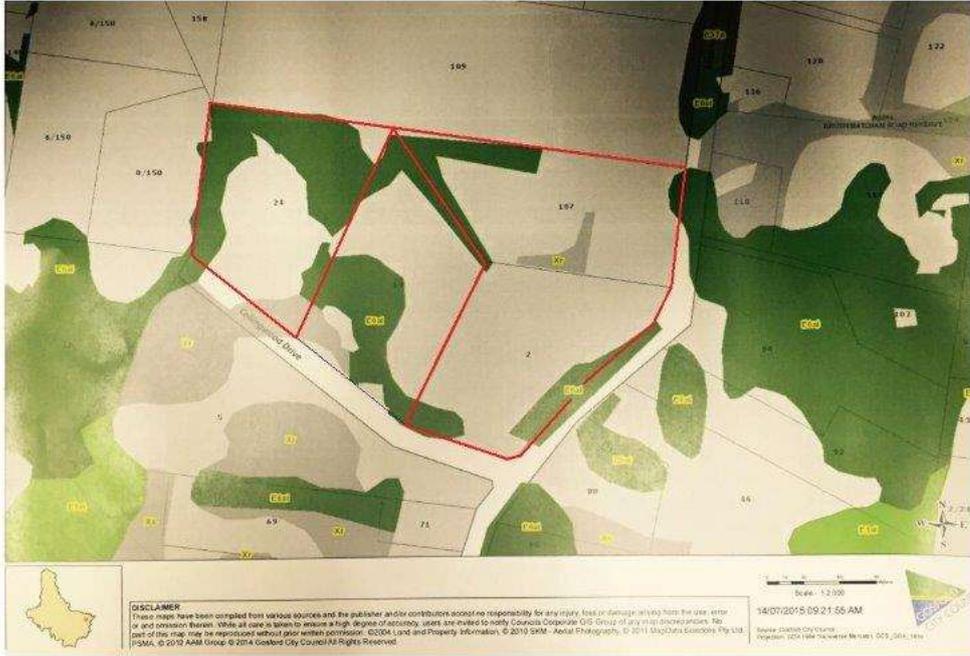
RFS Bushfire Prone  
Category 1  
Category 2  
Buffer

### EXTRACT GOSFORD CITY COUNCIL BUSH FIRE MAPPING

---

**PLANNING PROPOSAL**

Lot 11 DP 576336 No. 24 Collingwood Drive;  
Lot 2 DP 561283 No. 2 Collingwood Drive; and  
Lot 13 DP 576336 No. 107 Matcham Road, Matcham.



- E6a1 Coastal Narabeen Moist Forest
- Xr under scrubbed areas supporting canopy trees within agricultural landscapes
- Cleared lands

↑  
**NORTH**  
**FIGURE 4**

## EXTRACT OF GOSFORD CITY COUNCIL VEGETATION MAPPING - (HCCREMS)

**PLANNING PROPOSAL**

Lot 11 DP 576336 No. 24 Collingwood Drive;  
 Lot 2 DP 561283 No. 2 Collingwood Drive; and  
 Lot 13 DP 576336 No. 107 Matcham Road, Matcham.



## 1 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

***“Section 55(2)(a) a statement of the objectives or intended outcomes of the proposed instrument”.***

The Planning Proposal seeks to effect a change in zone of the subject lands from Zone 7(a) Conservation and Scenic Protection (Conservation) to Zone 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under the provisions of the Gosford Interim Development Order No.122.

This proposal seeks to provide a refinement of the 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) zone provisions as might apply at the interface of the 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings)/7(a) Conservation and Scenic Protection (Conservation) zone at Collingwood and Matcham Roads, Matcham.

Such proposal is mindful of the achievements and public benefit derived by the efforts of Gosford City Council in the implementation of “bonus provisions” of Gosford Interim Development Order No.122 that apply to subdivision within the 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) zone; the machinations of those statutory policies which derive the public benefit via the dedication of scenically valuable land and/or the contribution of cash to the benefit via acquisition of such lands.

The proposal is one which will provide public benefit via monetary contribution to be put toward the acquisition of critical lands identified by the Council for addition to the Coastal Open Space System, consistent with the application of the formula currently applicable to 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) /7(a) Conservation and Scenic Protection (Conservation) “bonus subdivisions” as provided for under Clause 18 of Interim Development Order No. 122.

The <sup>3</sup>four additional residential home sites as proposed, are to be located on lots marginally larger in each case than the 1 Hectare minimum permitted; a development standard of historical origins and relied on at least in part to ensure that sufficient space is available within and on each of the rural residential lots proposed to provide for on-site disposal of waste water (OSSM).

---

### PLANNING PROPOSAL

Lot 11 DP 576336 No. 24 Collingwood Drive;  
Lot 2 DP 561283 No. 2 Collingwood Drive; and  
Lot 13 DP 576336 No. 107 Matcham Road, Matcham.

On-site sewer technologies now available are far superior to those that might have been available at the time of the implementation of the 1 hectare minimum and therefore the proposed sites can be expected to be well capable of location and operation of such systems.

## **2 PART 2 – EXPLANATION OF PROVISIONS**

***“Section 55(2)(b) an explanation of the provisions that are to be included in the proposed instrument”.***

The Planning Proposal seeks the making of an amending LEP such that the Zone Map to Gosford Interim Development Order No. 122 is amended such that the subject lands are mapped as being within Zone 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) of that IDO.

The inclusion of the subject lands within such zone will thereby trigger the “bonus lot” provisions of Clause 18 of the Gosford Interim Development Order No. 122 wherein monetary contributions may be levied against any proposal for subdivision of the lands in accordance with those provisions.

## **3 PART 3 – JUSTIFICATION**

The refining of the rural residential subdivision pattern in the immediate locality reflects the provisions that apply to the lands to both the north and the west of the site; acknowledges the existence of the existing rural residential subdivision patterns immediately to the north, north-east and west of the development site as well as complementing the overall “smaller allotment” configuration of other rural residential holdings in the immediate area.

The proposal will provide funding that will be used to bring into public ownership the scenically and conservation valuable lands identified by the Council as important to the Coastal Open Space System, while providing rational, orderly and economic use of the subject lands.

Council’s Bushfire Prone Mapping by way of review does not appear to correctly depict the circumstances of the subject lands as to the various Bushfire Prone Vegetation Categories and needs to be ground truthed by way of a more detailed investigation.

The areas of Category 1 vegetation as mapped cover areas of Areas of managed gardens and lawns within curtilage of buildings Non-vegetated areas, including roads, and buildings

The areas of Category 1 vegetation appear to cover strips of vegetation less than 20 metres in width and not within 20 metres of other areas of Category 1 or Category 2 vegetation.

Insofar as the majority of the proposed new lots and dwelling locations are down slope of the Category 1 Bushfire Prone Vegetation the threat of fire attack is diminished.

It is expected that more detailed investigations that would be initiated post Gateway will reveal that future development on the proposed lots could be appropriately protected

#### **4 Section A – Need for the Planning Proposal**

***“The justification for those objectives, outcomes and provisions and the process for the implementation (including whether the proposed Instrument will comply with the relevant directions under Section 117)”***

***Is the Planning Proposal a result of any strategic study or report?***

Council's continuing efforts (commenced in the late 1970's) in relation to the acquisition of Coastal Open Space land continue to this day and the land the subject of this application has not been identified by Council as a valuable potential asset for acquisition and inclusion within the Coastal Open Space System.

The proposal whilst not contrary to the initiatives by the Council with respect to the further ambitions of the Coastal Open Space System i.e. acquisition of critical landscape elements it is not responsive to the aims to conserve vegetation within the local landscape.

The compliance issues with the S117(2) Directions are addressed later in this proposal.

***“is the planning proposal a best means of achieving the objectives of intended outcomes, or is there a better way”;***

The proposal, as advanced, is positive in terms of the Council’s costs with monetary contributions to be offered by way of Voluntary Planning Agreement to provide funding to supplement the Council’s desire for land dedications of the critical vegetation associations or embellishment of lands already dedicated to the COSS.

Such monetary contributions as proposed by this development will be able to be expended by the Council consistent with its charter and obligations with respect to the Coastal Open Space System via the acquisition of land identified elsewhere within that System for acquisition or alternatively for the embellishment of such lands.

***“is there a net community benefit?”;***

Assessment of the external costs and benefits of the proposal based generally upon the assumption that private costs will be cancelled out by the private benefits of the proposed development are that the proposal should have a positive net impact on community welfare.

The retention of the current zoning regime over the subject lands will derive no net public benefit for the community as such would maintain the status quo wherein the lands will have limited further development opportunities and the protection of important vegetation in the wider COSS area will not be assisted.

The Council in its pursuing the COSS has shown that it believes the community places value upon the acquisition, retention and embellishment of critical areas of visual and ecological importance to the Central Coast.

The trading of by way of subdivision rights for protections to existing vegetation and the provision of monetary contributions to acquire or embellish such lands will no doubt provide a net community benefit by the ability to add further lands to the scheme at no cost to the community and to the benefit of the COSS.

The proposal should be assessed against the matters specified in the justification. The assessment should evaluate the proposal against a base case, or base cases, including retaining the existing zoning on the land.

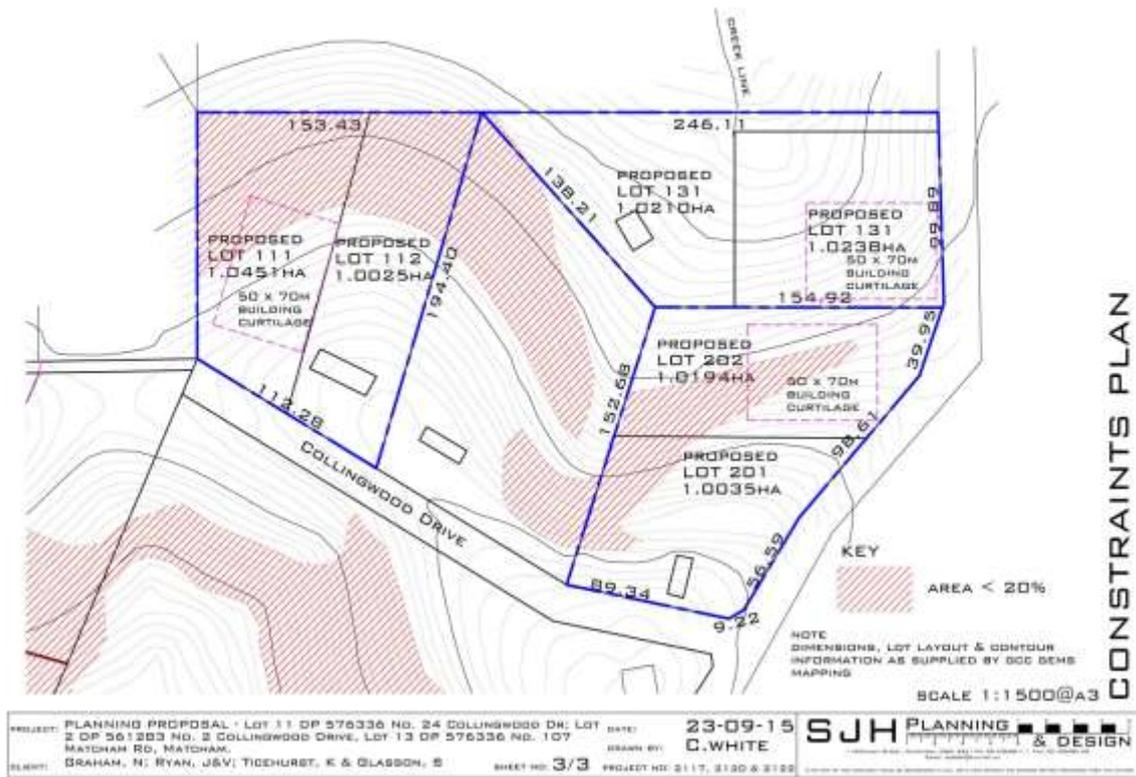
The proposal will not impact substantially upon the supply of residential housing however the monetary contributions proposed will afford a far greater benefit for the community in reducing the costs to the Council in implementing the COSS.

The existing public infrastructure mainly roads and utilities are all capable of servicing the proposed development site without additional costs to those providers as result of the proposal and public transport is currently available within easy walking distance of the proposed lots that is on Matcham Road.

The proposal given its limited scope will not result in any significant Government investments in infrastructure or services in the area and is consistent with Government initiatives to protect lands with high visual and biodiversity values.

The lands are constrained by environmental factors such as bushfire and slope however these issues are proposed to be dealt with by way of further detailed assessments post Gateway which should show that protection from bushfire attack can be managed by way of APZ's and possible building standards.

Lands subject to slopes exceeding 20<sup>0</sup> are to be avoided and geotechnical Assessment of sites will be undertaken post Gateway to confirm the adequacy of sites for building proposes. Refer Figure 6 over.



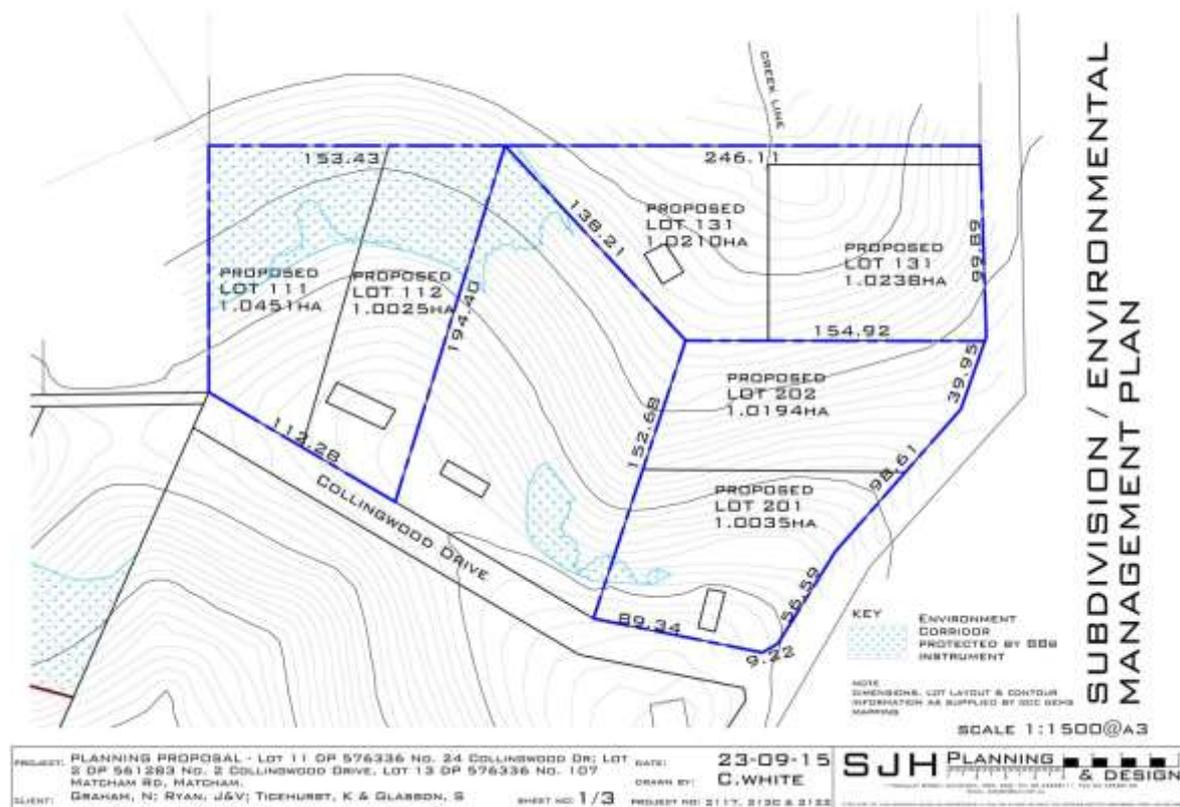
**FIGURE 6 CONSTRAINTS PLAN - SLOPE**

The proposed development is considered to be compatible and complementary to the existing and surrounding land uses. As illustrated in Figures 2 Aerial Photograph and 5 Extract of Gosford IDO 122 Zone Map it can be readily observed that the lots sizes and typical development of lands to the east, north and south are similar to that proposed by this development.

It is expected that the proposal will result in no loss or impact on amenity in the location and for wider community as the major critical vegetation stands of the site will be retained and protected by S88B restrictions on title. Refer Figure 7 over.

**PLANNING PROPOSAL**

Lot 11 DP 576336 No. 24 Collingwood Drive;  
 Lot 2 DP 561283 No. 2 Collingwood Drive; and  
 Lot 13 DP 576336 No. 107 Matcham Road, Matcham.



**FIGURE 7 ENVIRONMENTAL MANAGEMENT PLAN**

Each of the new allotments will be capable of development similar in nature to that of surrounding properties without any significant change to the experience by the public or nearby residents to additional built forms in the landscape.

The public domain will be likely to improve in that the major portions of valuable vegetation will be protected by S88B Covenant and monetary contributions to be made as part of the development can be directed to those lands outside of this area and marked as critical for acquisition for the COSS or to be used to embellish ands already acquired by Council as part of the COSS.

**PLANNING PROPOSAL**

Lot 11 DP 576336 No. 24 Collingwood Drive;  
 Lot 2 DP 561283 No. 2 Collingwood Drive; and  
 Lot 13 DP 576336 No. 107 Matcham Road, Matcham.

The public interest reasons for preparing the planning proposal is to provide monetary contributions that can be used by the Council to acquire or embellish lands identified by Council as being critical for the implementation of the COSS and to introduce controls on vegetation within the site to ensure their retention in perpetuity.

The implications of not proceeding at that time will not allow for the receipt by the Council of monetary contributions to assist in the acquisition or embellishment of lands remote from the subject site but which are lands identified by Council as being critical for the implementation of the COSS and no controls will be placed on the visually important vegetation within the site to ensure their retention in perpetuity.

## **5 Section B – Relationship to Strategic Planning Framework**

***“Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?)”;***

The Sydney Metropolitan Strategy does not apply to the subject lands.

The Central Coast Regional Strategy 2006-2031 is applicable.

The various parts of that Strategy as would apply to this land are addressed below:

- *The strategy seeks to prevent development in areas constrained by coastal processes, flooding, wetlands, important primary industry resources and significant scenic and cultural landscapes.*

### **Comment**

The site is not known to be constrained by coastal processes, flooding, wetlands, important primary industry resources and significant scenic and cultural landscapes.

- *Protects the cultural, Aboriginal and non-Aboriginal heritage values and visual character of the Region's centres and surrounding landscapes.*

**Comment**

The site is not known to contain Aboriginal and non-Aboriginal heritage values and whilst it does form part of the visual character of the Region it is not identified as an important component of the COSS.

- *Provides a framework for important environmental assets, landscape values and natural resources to be identified and protected.*

**Comment**

The site is not identified as providing part of a framework for important environmental assets and natural resources however it does fall within an area identified for conservation of ridgeline vegetation as part of the COSS. The site has not been identified by Council as being required for acquisition as a critical component of the COSS.

- *Rural residential development*  
*Existing rural residential development will continue to provide a choice of housing in the Region. Increasing rural small holdings raises a number of issues including fragmentation of agricultural lands and subsequent loss of efficiencies, conflict with other resource land uses such as extractive industries, water rights issues and higher servicing costs.*

**Comment**

The site whilst not being zoned for rural residential development, it along with neighbouring lands is occupied for such activity. The proposal is not expected to cause fragmentation of agricultural lands as none are present on site and the limited scale of the proposal and its location should not give rise to loss of efficiencies, conflict with other resource land uses such as extractive industries, water rights issues and higher servicing costs.

- *Under the Central Coast Regional Strategy, opportunities for new rural residential development will be limited to those already provided in the Region and opportunities, if any, identified as a part of the North Wyong Shire Structure Plan.*

#### **Comment**

As previously stated the site whilst not being zoned for rural residential development, it along with neighbouring lands is occupied for such activity however the increase in lot yield proposed is of a minor nature and could not be considered to be identified as new rural residential development.

- *The Region's valuable rural and resource lands will be maintained for their agricultural, water supply, environmental, mineral and extractive resources and recreation and tourism opportunities.*

#### **Comment**

The site is not known to form part of the Region's valuable rural and resource lands and does not need to be maintained for their agricultural, water supply, environmental, mineral and extractive resources and recreation and tourism opportunities.

- *Actions*  
*6.3 LEPs are to appropriately zone land with high state or regional environmental, agricultural, resource, vegetation, habitat, waterways, wetland or coastline values.*

#### **Comment**

The planning proposal seeks to have an LEP made to bring the site into the more appropriate Zone 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) of the Gosford IDO No 122 in recognition of the sites characteristics and the ability of the subsequent development to fund the acquisition or embellishment of critical lands identified under the COSS.

The site is not known to have been identified as being of high state or regional environmental, agricultural, resource, vegetation, habitat, waterways, wetland or coastline values.

*6.4 LEPs are to appropriately zone land of high landscape value (including scenic and cultural landscapes).*

**Comment**

The planning proposal seeks to have an LEP made to bring the site into the more appropriate Zone 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) of the Gosford IDO No 122 in recognition of the sites characteristics and the ability of the subsequent development to fund the acquisition or embellishment of critical lands identified under the COSS.

The site has not been identified by Council as being required for acquisition as a critical component of the COSS.

*6.5 Councils, through preparation of LEPs, are to incorporate appropriate land use buffers around environmentally sensitive, rural and resource lands.*

**Comment**

The planning proposal does not seek to reduce land use buffers around environmentally sensitive, rural and resource lands.

*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.*

**Comment**

The planning proposal does not seek to reduce land use buffers around environmentally sensitive, rural and resource lands.

***“Is the planning proposal consistent with the local Council’s Community Strategic Plan, or other local strategic plan?”;***

Gosford City Council’s Community and Strategic Plan Gosford 2025 is a wide ranging document which does not in all its parts link directly to the limited nature of this proposal.

Many of the goals set by this document are community driven and require response from a wide range and variety of Government and Community stakeholders however some of the identified objectives do have relevance in this matter albeit on a limited but still important scale.

***Goal***

***B1 - Diversity of the natural environment is protected and supported***

***Strategies***

*B1.1 Identify and manage threats to native flora and fauna*

*B1.2 Identify and conserve areas of conservation value*

*B1.3 Support the healthy function of our ecosystems*

***Measuring our Progress***

*Indicator Measures Direction*

*What land is under conservation in Gosford?*

*Public conservation land in Gosford*

*Increase in hectares of public land for conservation purposes*

*Voluntary agreements for conservation of land*

*Increase in hectares of land with voluntary agreements for conservation purposes*

***Comment***

The proposal will result in the investigation of the vegetated areas to ascertain the value of the existing stands of native vegetation and allow for its protection by way of a Voluntary Planning Agreement or by way of conditions of consent and or restrictions under S88B.

***B5 - Benefits of the natural environment are understood and valued***

*This responds to understanding the human impacts on native species, energy use, consumption, waste reuse and recycling, compliance with environmental standards, securing adequate funding for projects, and how we protect and celebrate environmental heritage.*

**Comment**

The proposal will result in the investigation of the vegetated areas to ascertain the value of the existing stands of native vegetation, allow for its protection by way of a Voluntary Planning Agreement and will provide a cost neutral method of funding the acquisition of or embellishment critical lands identified for acquisition under the COSS.

***Strategies***

***B5.1 Increase awareness and understanding of the natural environment***

***B5.2 Invest in research to gather evidence of contributions that the natural environment provides to the economy***

***B5.3 Increase involvement in actively protecting the natural environment***

***B6 - Land use and development protects the value and benefits provided by the natural environment Land use and development relates to sustainable economic growth, securing our water supply, the human impacts on native species, threatened and endangered species and communities, the effectiveness of environmental monitoring, increasing the representation of conservation lands, adequate funding for projects and the protection and celebration of environmental heritage.***

**Comment**

The proposal will result in the investigation of the vegetated areas to ascertain the value of the existing stands of native vegetation and thereby increase awareness and understanding of the natural environment, will provide scientific data at no cost to the community by way of the research into gathering evidence of contributions that the natural environment at this location may provide to the economy.

The proposal will result Increase involvement in actively protecting the natural environment.

The proposal will seek to protect the value and benefits provided by the natural environment by contributing incrementally to sustainable economic growth in the area and by the investigation into human impacts on native species, threatened and endangered species and communities identify if any parts of the site need to be conserved and most importantly increase the representation of conservation lands in the COSS, by supplying additional funding for projects and the protection and celebration of environmental heritage by way of the COSS.

**Strategies**

**B6.1** *Protect the regions ridgelines (Coastal Open Space System) from urban development*

**B6.2** *Improve the condition of the regions ridgelines (Coastal Open Space System)*

**B6.3** *Plan for population growth within existing developed footprint*

**Indicator Measures**

*Direction*

*What is our perception of the natural environment?*

*Perception of the care and protection of the natural environment Increase perception that the local environment is well cared for and protected*

**Comment**

This proposal is consistent with the Coastal Open Space System, a long standing strategic plan implemented and pursued with some vigour by the Council.

***“Is the planning proposal consistent with state environmental planning policies?”;***

State Environmental Planning Policies applicable to the site appear to be the following:

***SEPP (Exempt and Complying Development Codes) 2008***

*Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance*

*with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.*

***State Environmental Planning Policy (Infrastructure) 2007***

*Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency*

***State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007***

*This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.*

***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

*This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX. The draft SEPP was exhibited together with draft Regulation amendment in 2004.*

***State Environmental Planning Policy No. 71 - Coastal Protection***

*The policy has been made under the Environmental Planning and Assessment Act 1979 to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.*

**State Environmental Planning Policy No. 44 - Koala Habitat Protection**

*Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Local councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat*

**State Environmental Planning Policy No. 1 - Development Standards**

*Makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.*

The State Environmental Planning Policy which is most applicable in this matter is State Environmental Planning Policy No. 71 – Coastal Protection; a Policy which has as its aims:-

- (a) *The protection and management of the natural, cultural and recreational economic attributes of the New South Wales coast.*

Comment

This land is coastal in its location and the planning proposal intends to protect the existing stands of intact native vegetation on site by S88B Restriction on title as well as to provide monetary contributions for the acquisition of lands identified by the Council as critical to the implementation of the COSS or alternatively to allow Council to embellish areas of land already the subject of dedication which is most valuable, in terms of biodiversity and scenic quality, so that it be protected and managed.

- (b) *The protection and improvement of existing public access to and along the foreshores.*

Comment

Not applicable as the land has no foreshore frontage.

- (c) *To ensure that new opportunities for public access to and along the foreshore are identified.*

Comment

Not applicable.

- (d) *To protect and preserve Aboriginal cultural heritage...*

Comment

The subject lands have been subdivided, occupied and used for rural residential purposes and the north sloping faces within the Central Coast region were typically farmed for either salad or vegetable production following their clearing for timber in the early days of settlement.

The land to the north of the ridge occupied by Collingwood Road has been highly disturbed by the activities mentioned above save for some stands of existing native vegetation which are to be preserved as part of the subdivision.

There are no known items or sites of importance to Aboriginal Heritage; however Due Diligence Investigations will be undertaken post Gateway to confirm the presence or otherwise of such sites.

(e) *To ensure that the visual amenity of the coast is protected.*

Comment

The subject lands are not readily visible from the coast in their being an intermediate valley located away from the coast and surrounded by the higher ridges of the main Coastal Range in this area.

Nonetheless the planning proposal is based upon the to provide monetary contributions for the acquisition of lands identified by the Council as critical to the implementation of the COSS or alternatively to allow Council to embellish areas of land already the subject of dedication which is most valuable, in terms of biodiversity and scenic quality, so that it be protected and managed.

(f) *To protect and preserve beach environments and amenity.*

Comment

Not applicable.

(g) *To protect and preserve native coastal vegetation.*

Comment

The large part of the intact existing native vegetation of visual importance to the localised views of this enclosed valley are to be retained and protected by way of S88B Restrictions on Title as identified in Figure 7 Environmental Management Plan.

Further monetary contributions required as part of the subdivision of lands within Zone 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) by the provisions of the Gosford IDO No.122 will be collected and used for the acquisition of those lands identified by the Council as being critical to the implementation of the COSS or for the embellishment of lands already acquired for such purpose.

(h) *To protect and preserve the marine environment.*

Comment

The development will need to rely on appropriate forms of on-site sewer management as it is remote from reticulated sewer.

Appropriate siting and installation should ensure that the future rural residential use and occupation of those lots proposed will contain all wastewater to the site and thus protect downstream/receiving waters.

Geotechnical investigations are proposed to be undertaken post gateway to determine suitable areas for the disposal of treated effluent.

(i) *To protect and preserve rock platforms.*

Comment

Not applicable.

(j) *To manage the coastal zone in accordance with the principles of ecologically sustainable development.*

Comment

The planning proposal does not envisage any large scale clearing of existing vegetation to accommodate the limited amount of development proposed and it also will seek to retain the stands of existing native coastal bushland as depicted in Figure 7 Environmental Management Plan as well as to provide monetary contributions for the acquisition of lands identified by the Council as critical to the implementation of the COSS or alternatively to allow Council to embellish areas of land already the subject of dedication which is most valuable, in terms of biodiversity and scenic quality, so that it be protected and managed.

- (k) *To ensure that the type, bulk, scale and size of development is appropriate for location and protection improves the natural scenic quality of the surrounding area.*

Comment

The subdivision of the land as is proposed will have minimal observable impact on the natural scenic quality. The assessment of future dwelling house applications that might be proposed and the approval of same will be within the context of established planning protocols which have seen the landscape absorb rural residential housing in a manner consistent with the protection of the natural scenic quality of the surrounding area.

- (l) *To encourage a strategic approach to coastal management.*

Comment

The 7(c2) zone objectives are:

*“(a) to provide a buffer or transition zone between conservation areas and urban areas; and (b) to enable development for the purposes of rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:*

- (i) to adversely affect the aesthetic and scenic value of the land and its setting; or*
- (ii) to create a demand for the uneconomic provision of services; and*

*(c) to allow for non-residential uses where those uses are:*

- (i) compatible with rural-residential development and unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service;*
- (ii) unlikely to adversely affect the aesthetic and scenic value of the land and its setting; and*
- (iii) unlikely to interfere unreasonably with the amenity of adjoining properties.”*

**Matters for Consideration under the Policy**

The matters for consideration are the following:

- (a) *The aims of this Policy set out in clause 2,*

**Comment**

See above

- (b) *Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*

**Comment**

Not applicable

- (c) *Opportunities to provide new public access to and along the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*

**Comment**

Not applicable

- (d) *The suitability of development given its type, location and design and its relationship with the surrounding area,*

**Comment**

The suitability of development given its type, location and design and its relationship with the surrounding area has been previously addressed and is considered compatible with this matter,

- (e) *Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*

**Comment**

It is considered that the proposal will not result in any detrimental impact on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,

- (f) *The scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*

**Comment**

The suitability of development given its type, location and design and its relationship with the surrounding area has been previously addressed and is considered compatible with this matter

- (g) *Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Part), and their habitats,*

**Comment**

The planning proposal is on lands whose vegetation is not identified as being affected by the TSC Act 1995 however detailed Flora and Fauna investigations will be undertaken to confirm such post Gateway determination.

- (h) *Existing wildlife corridors and the impact of development on these corridors,*

**Comment**

The planning proposal is on lands whose vegetation is not identified as being affected by the TSC Act 1995 however detailed Flora and Fauna investigations will be undertaken to confirm such post Gateway determination and should also identify the value of this land as part of a wildlife corridor.

- (i) *The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*

**Comment**

Not applicable

- (j) Measures to reduce the potential for conflict between land-based and water-based coastal activities,*

**Comment**

Not applicable

- (k) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*

**Comment**

Due Diligence Investigations will be undertaken post Gateway determination to identify and protect any cultural places, values, customs, beliefs and traditional knowledge of Aboriginals that may be found on the site,

- (l) Likely impacts of development on the water quality of coastal waterbodies,*

**Comment**

Detailed soil type profiles will be investigated on site for the appropriate disposal by way of onsite WWTP post Gateway determination,

- (m) The conservation and preservation of items of heritage, archaeological or historic significance,*

**Comment**

The site is not known to contain items of heritage, archaeological or historic significance,

- (n) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*

**Comment**

The planning proposal does not seek to expand the extent of the urban location of the City of Gosford,

**(o)** *Only in cases in which a development application in relation to proposed development is determined:*

*(i) the cumulative impacts of the proposed development on the environment, and*

*(ii) measures to ensure that water and energy usage by the proposed development is efficient.*

**Comment**

Not applicable.

***“Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?”;***

The proposal has been considered against the relevant Ministerial Section 117 Directions and is considered to be consistent with the relevant Directions as summarised below.

<b>Number</b>	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
<b>Employment &amp; Resources</b>			
1.1	Business & Industrial Zones	No	N/A
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum Production and Extractive Industries	Yes	Yes
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
<b>Environment &amp; Heritage</b>			
2.1	Environmental Protection Zones	No	N/A
2.2	Coastal Protection	Yes	Yes
2.3	Heritage Conservation	No	N/A
2.4	Recreation Vehicle Areas	No	N/A

### Housing, Infrastructure & Urban Development

3.1	Residential Zones	No	N/A
3.2	Caravan Parks and Manufactured Home Estates	No	N/A
3.3	Home Occupations	No	N/A
3.4	Integrating Land Use & Transport	No	N/A
3.5	Development Near Licensed Aerodromes	No	N/A
3.6	Shooting Ranges	No	N/A

### Hazard & Risk

4.1	Acid Sulfate Soils	No	N/A
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	No	N/A
4.4	Planning for Bushfire Protection	Yes	Yes

### Regional Planning

5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.8	Second Sydney Airport: Badgerys Creek	No	N/A

### Local Plan Making

6.1	Approval and Referral Requirements	No	N/A
6.2	Reserving Land for Public Purposes	No	N/A
6.3	Site Specific Provisions	Yes	Yes

### Metropolitan Planning

7.1	Implementation of the Metropolitan Strategy	No	NA
-----	---	----	----

Ministerial Directions under s.117 of the Act relevant to the planning proposal are addressed below,

#### **4.4 Planning for Bushfire Protection**

This direction provides requirements to be fulfilled for draft LEP's that affect land mapped as bushfire prone land. The objectives of the direction are to protect life, property and the environment from bushfire hazard by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.

The site is mapped as being Bushfire Prone land and investigations of the development sites under Planning for Bushfire Protection are to be undertaken post Gateway

#### **5.1 Implementation of Regional Strategies**

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The planning proposal is considered to be consistent with the Central Coast Regional 2006-2031.

#### **6.1 Approval and Referral Requirements**

Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of Development.

The planning proposal does not seek to include provisions which require concurrence from other agencies. LEP provisions already exist in relation to land use and lot size restrictions.

#### **6.3 Site Specific Provisions**

Aims to discourage unnecessarily restrictive site specific planning controls when a Council prepares a planning proposal to allow particular development to be carried out.

If the Planning Proposal is supported no site specific provisions will be contained within the provisions of the DLEP. The development would be determined under the prevailing provisions of the Gosford Interim Development Order No122 and Councils prevailing Development Control Plan.

## 6 Section C – Environmental, Social and Economic Impact

***“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?”;***

### **Comment**

The subject lands are not identified by Council as important for acquisition and inclusion in its Coastal Open Space System, and the vegetation association on site is mapped by Council as containing remnants of “Coastal Narrabeen Moist Forest” amongst cleared and managed lands along with under scrubbed areas supporting only canopy trees within agricultural landscapes and is not listed under the Threatened Species Act 1995.

It is unlikely that a detailed assessment of the land in its englobo status would identify critical habitat or threatened species populations or ecological communities or their habitats within the land that is to be protected from clearing as part of the proposal and not within the component of the land that is to be employed for future rural residential subdivision and development.

The assessment of the significance of impact in this instance is that it is neutral or, in the longer term, beneficial in that it allows for connection of vegetation linkages from the east to the west.

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

The land is identified as being exposed to the bushfire hazard referred to above. It is not affected by flooding and development is proposed so as to avoid the steeply sloping parts of the site.

Geotechnical information may be required for future works and this may be addressed post Gateway determination.

Potential off-site impacts arising via the transfer of sediment and/or nutrients can be managed by appropriate on-site sewer management and/or control and management of stormwater consistent with the best practice.

***“How has the planning proposal adequately addressed any social and economic effects?”;***

The social and economic effects relate in part to the provision of additional rural residential housing opportunities in this sought after locality at Matcham.

There are social and economic benefits to the broader community in that monetary contributions will be paid so as to allow for the future acquisition of private lands identified as having environmentally sensitive features of value to the Coastal Open Space System and such lands will be able at no cost to the public to dedicated to Council.

The Planning Proposal, together with conditions of consent or alternatively by way of a Voluntary Planning Agreement which can be entered into would provide for monetary contributions to Council in accordance with the provisions of clause 18 of the IDO; such contributions will be applied to furthering the objectives of the Coastal Open Space System.

## **7 Section D – State and Commonwealth Interests**

***“Is there adequate public infrastructure for the planning proposal?”;***

There are no services provided by either the State or the Commonwealth that will require intensification or augmentation as a result of this proposal.

***“What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?”;***

This is a matter for the assessment and consultation process to identify.

***Community Consultation that is to be undertaken***

This is a matter for the exhibition phase of the Planning Proposal and Council's contemplation pending receipt and determination of this application and by its resolution to proceed to exhibition.

**8 COUNCIL POLICY D2.02**

**Rezoning of Land Zoned Conservation and Scenic Protection**

The genesis of this policy coincided with the innovative planning provisions contained within Clause 18 of Interim Development Order No. 122 and was instrumental in the effective prosecution of the objectives of the Coastal Open Space System.

The original concept of the Coastal Open Space System was reported to the Council on 16<sup>th</sup> August 1978 and outlined the concept of a continuous Open Space System for the coastal area of the Shire of Gosford.

As a "companion document" to the Gosford/Wyong Rural Land Study, the Coastal Open Space System and the policy embrace three of the primary objectives of the Rural Land Study namely:-

- Prevent development within areas of high landscape or environmental value;
- Conserve the considerable natural beauty of the sector;
- Protect and encourage the recreation potential of rural areas.

The Coastal Open Space System (referencing the Gosford/Wyong Rural Lands Study) identified five types of areas which are not suitable for development that would disturb the environment or the landscape being:-

- Steep slopes, 20% or greater;
- Ridgelines, prominent hills headlands;
- Wetlands;
- Coastal dunes and cliffs;
- Important flora and fauna habitats.



The current version of the Rezoning of Land Conservation and Scenic Protection Policy (D2.02) confirms the broad purpose and objectives of the policy as originally adopted; highlights the importance of retention of the “bonus lot subdivision provisions” within the current Instruments and references the adopted deferral of those matters from the recently gazetted Draft Local Environmental Plan 2014 consistent with the Council’s resolution of the 31<sup>st</sup> May 2011, to:-

*“Defer from DLEP 2009 all privately owned lands east of the F3 freeway currently zoned 7(a) and 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) for a period of 5 years..... to enable the continuation of the bonus lot subdivision scheme to support COSS”.*

The following commentary addresses the submission requirements as scheduled in the policy document.

### **Submission Requirements**

Not enunciated in a more concise fashion in this document, the historical requirements under the rezoning of the land policy (D2.02) previously required more in depth assessment of information than is now required under the Planning Proposal/Gateway process.

The cursory response to the matters below however, identifies that this proposal has merit and is consistent with the broader objectives and policy requirements.

*The Land Capability Study addressing the suitability of the site for the resultant development ..... prepared in accordance with the specification issued by Council. Note: Soils on the land must be capable of supporting development, including building works, access, effluent disposal, ancillary land uses or site works without adversely affecting site suitability or resulting in adverse soil erosion both at the time of development and in the long term. In general terms, the change of grade of slope to 20% or greater should be used in association with the other criteria to determine the appropriate delineation for a proposed development in the 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) zone.*

### Comment

That part of the land intended to be used for rural residential purposes contains slopes up to and in part in excess of 20%. The land however, has been cleared historically; used in the early days of settlement for orchard and/or salad vegetable production, but is currently used for domestic purposes.

The land to the south (generally to the south of the ridge which runs generally east-west across the site) is well vegetated.

Soils and sub-soils within that area to be developed are demonstrably capable of development for building works, access and effluent disposal, all of which will be subject of further and more detailed site specific investigation post Gateway determination.

The site is identified as containing Podzolic soils over laying Narrabeen Group which is typically composed of quartz sandstones and siltstone, claystone and conglomerates. Original vegetation was composed of tall open forest that has been extensively cleared. Soils in this landscape often have a high soil erosion hazard, strongly acid soils and low fertility but have been extensively developed in the area and have been shown to be capable of dwelling construction and on site disposal from domestic WWTP.

Detailed planning for site specific development depends on more intensive capability assessment including assessment of slope/terrain and specific soil conditions particularly with respect to finite recommendations in relation to wastewater management/on-site sewer management which will be undertaken post gateway determination.

### **Vegetation Analysis**

The policy/submission requirements call for an outline of vegetation communities including species identification and significance; identification of likely impacts on vegetation and methods of mitigation and consideration of Threatened Species Conservation Act such finite investigations are acknowledged by the Council as being justified post issue of a Gateway determination.

The site is identified by Council as being partly Coastal Narrabeen Moist Forest which is the dominant vegetation type principally within the Erina Hills region to the east of Gosford City, where it intersects with the Coastal Warm Temperate Rainforest (Unit E1a) of the gullies and protected slopes.

It is characterised by a tall moist forest dominated by *Eucalyptus saligna*, *Allocasuarina torulosa* and *Syncarpia glomulifera*, and to a lesser extent *Eucalyptus acmenioides* and *Eucalyptus pilularis*. Understorey vegetation is comprised of a range of mesic shrub species, with ferns prominent in the ground layer.

This vegetation type occupies the high rainfall areas on Narrabeen Sandstone, and in many places has been subject to selective logging, clearing or underscrubbing with many areas supporting only canopy trees, either within agricultural landscapes or in urban areas.

Such areas have been mapped as they may form important linkages between better quality remnant patches of vegetation.

Within Gosford LGA the association occurs on slopes and ridges of the coastal ranges on Narrabeen Sandstone geology, principally in the east of the LGA and within the Lower Hunter Central Coast Regions the former NPWS (2000) have mapped 28434ha in their Coastal Narrabeen Moist Forest (Unit 6) as remaining in the wider region.

Past disturbance in a number of locations on ridgetops running off The Ridgeway, partial clearing or fire disturbance to the type variant decades previously has resulted in a modified forest type where a dense sub-canopy of wattle species (*Acacia schinoides*, *Acacia filicifolia*, *Acacia decurrens*) has developed, amongst a scattering of canopy trees.

The association is not listed under the Threatened Species Conservation Act 1995.

### **Fauna Analysis**

Council has not identified the land as a highly valuable contributor to the Coastal Open Space System in that the lands have not been identified for acquisition under that scheme however more detailed assessment post Gateway may identify any potential linkages that may exist for Fauna to the better preserved areas elsewhere under the COSS.

### **Visual Assessment**

The land the subject of this application mainly occupies the east west ridgeline along which Collingwood road follows and the northern facing slopes of a low ridge which falls towards Coachwood Road to the north.

No detrimental impact to the wider landscape identified by the COSS should arise as a result of the proposal.

### **Bushfire Hazard Analysis**

As previously stated Council's Bushfire Prone Mapping by way of review does not appear to correctly depict the circumstances of the subject lands as to the various Bushfire Prone Vegetation Categories and needs to be ground truthed by way of a more detailed investigation.

It is expected that more detailed investigations that would be initiated post Gateway will reveal that future development on the proposed lots could be appropriately protected

By contributing funding to the Coastal Open Space System, the aims and objectives of the policy with respect to aesthetic, recreational and educational scientific resources of bushland are enhanced as are the specific aims for the protection of plant communities, together with rare and endangered fauna; wildlife corridors as well as protection of downstream/receiving watercourses and water bodies.

The proposal is seen to be consistent with the policy and is a matter for the Council's further and more detailed assessment in the first instance in the determination of the Planning Proposal and further, refinement and review of more detailed information post Gateway determination.

### **Restrictions as to User**

The Council is at liberty to install via either Voluntary Planning Agreement and/or via subsequent conditions of consent to future subdivisions Restrictions as to User to ensure that perpetual protection of stands vegetation; contain and control earthworks and establish preferred building envelopes.

### **Monetary Contributions towards Purchase & Dedication of Lands**

The subject lands are not identified by the Council as a component of the practical prosecution of the Coastal Open Space System objectives. Nonetheless monetary contributions consistent with existing statutory controls are contemplated.

### **The Strategic Basis of the Proposal**

This proposal is consistent with the broader strategies of the Council's adopted policies; those contained and outlined in the Central Coast Regional Strategy (particularly those identified under Part 6 of that Strategy – Environmental Heritage and Natural Resources) which in turn references the provisions of State Environmental Planning Policy No. 71 – Coastal Protection (addressed above), the NSW Government – Green Space Program (of which the Coastal Open Space System has been a local recipient/beneficiary).

## 9 SUMMARY, CONCLUSION AND RECOMMENDATION

The proposal represents a justifiable opportunity to implement the 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) zone as contained in the Gosford Interim Development Order 122 (a deemed Local Environmental Plan) to the subject lands which will enliven the provisions relating to “bonus lot provisions” of that instrument so as to further the implementation of the Coastal Open Space System (COSS), the zoning change will allow for limited rural residential subdivision of the subject lands and also provide monetary contributions for the acquisition of critical lands which Council has identified as appropriate for acquisition.

Such lands to be purchased are to be held in public ownership as part of the wider Coastal Open Space System.

The submission of this proposal by Council seeking endorsement to a “Gateway” rezoning proposal to facilitate subdivision in the manner proposed is justified in the context of broader planning strategies and those that particularly relate to the pursuit of the rural residential potential of land, particularly when there is a contemporaneous public benefit arising as in this case i.e. monetary contributions to fund the purchase and dedication of critical additional land to the Coastal Open Space System.

We conclude therefore that the proposal has minimal and manageable environmental impact and as such is worthy of the Council’s support and accordingly, we submit that a favourable consideration be given to the proposal by Council.

## REFERENCES

Coastal Open Space System (undated), Gosford City Council  
(Contained within the Annexures)

Soil Landscapes to the Gosford/Lake Macquarie 1:100000 sheet and companion text

Department of Conservation and Land Management 1993

Central Coast Regional Strategy – NSW Department of Planning & Infrastructure

Policy D2.02 – Rezoning of Land Zoned Conservation and Scenic Protection,  
Gosford City Council (Contained within the Annexures)

Interim Development Order No. 122

(Photocopy extracts contained within the Annexures)

### **The natural vegetation of the Gosford Local Government Area, Central Coast, New South Wales- Vegetation Community Profiles**

Final Report to Gosford City Council Version 2.0 April 2004

Stephen A.J. Bell

Eastcoast Flora Survey

PO Box 216

Kotara Fair NSW 2289

sbell@idl.net.au

## **Part 4 Mapping**

Figure 1	Location Map
Figure 2	Aerial Photograph
Figure 3	Bushfire Map
Figure 4	Vegetation Map
Figure 5	Zoning Map
Figure 6	Constraints Plan
Figure 7	Subdivision/Environmental Management Plan

Attachment 1 Proposed Amendment to Interim Development Order No. 122

Attachment 2 Policy D2.02 Rezoning of Land Zoned Conservation and Scenic Protection,  
Gosford City Council

Attachment 3 Copy of Deposited Plan No.'s 576336 and 561283

Attachment 4 Plans

## **Part 5 Community Consultation**

It is procedurally required that such a proposal be publicly exhibited for a period of no less than 28 days.

Notification of the public exhibition is likely to be placed in the local newspapers circulating in the area and the Sydney Morning Herald and written notification sent to owners adjacent to the site along with Notices placed on Council's website with a link attached to Council's on line exhibition facility.

The Planning Proposal, Gateway Determination, and supporting studies in addition to being available on Council's website, would also be available at Council's Administration Building in Gosford.

A public hearing is considered unlikely in this matter.

## Part 6 Project Timeline

Council Endorsement	December 2015
Gateway Referral	December 2015
Gateway Determination	February 2016
Forwarding of PP to Govt. Depts. (prior to ex.)	February 2016
Responses from Govt. Agencies reviewed - PP	March 2016
Completion of Exhibition Material	April 2016
Exhibition	May 2016
Council Report Draft	June 2016
Consideration of Submissions	June 2016
Report to Council	July 2016
PC Consultation	July 2016
Notification and Effect	September 2016