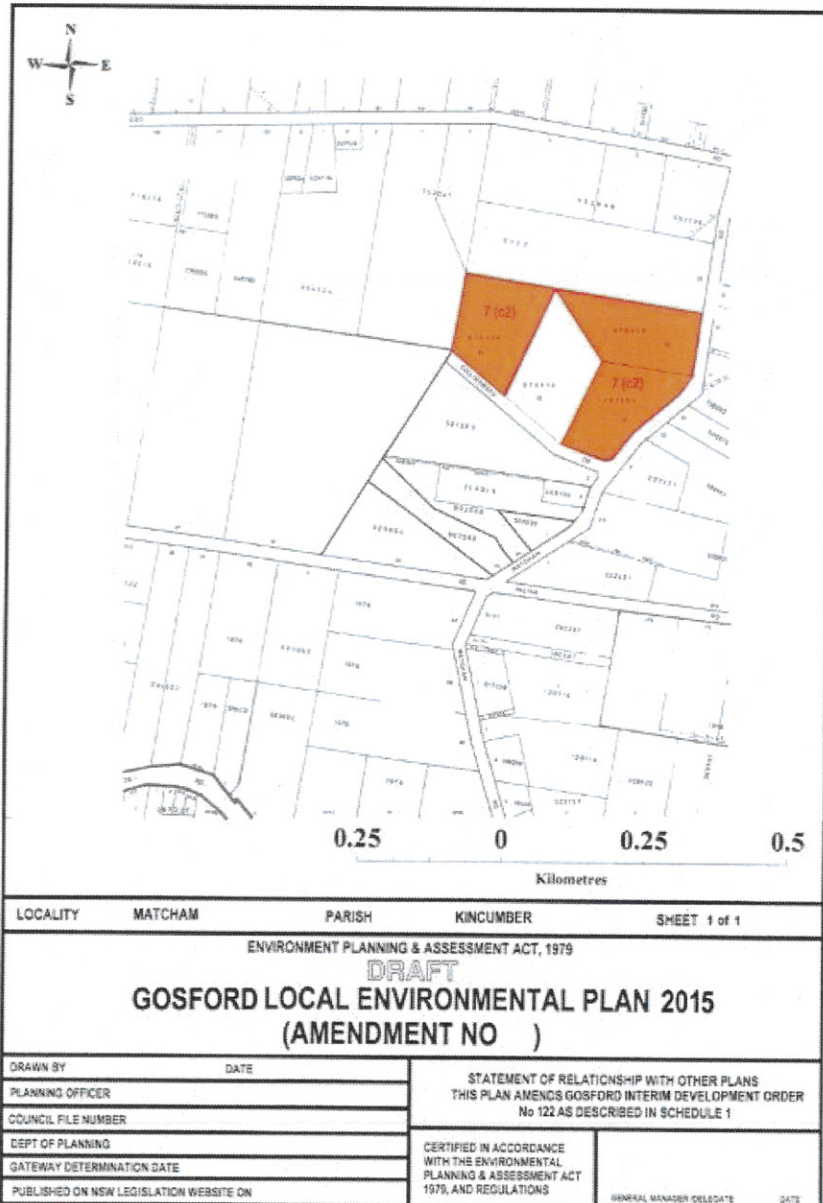


# Attachment 1

## Proposed Amendment

Site Identification and Zone Map for Exhibiting of DLEP



**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.

## Attachment 2

Copy of DP No.'s 576336 & 561283

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**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.

PLAN FORM 2

Plan Drawing only to appear in this space

OFFICE USE ONLY

Signature and seal only

The Council Seal of  
Northumberland  
was formerly obtained  
by authority of the  
Secretary and is the  
property of the  
Secretary



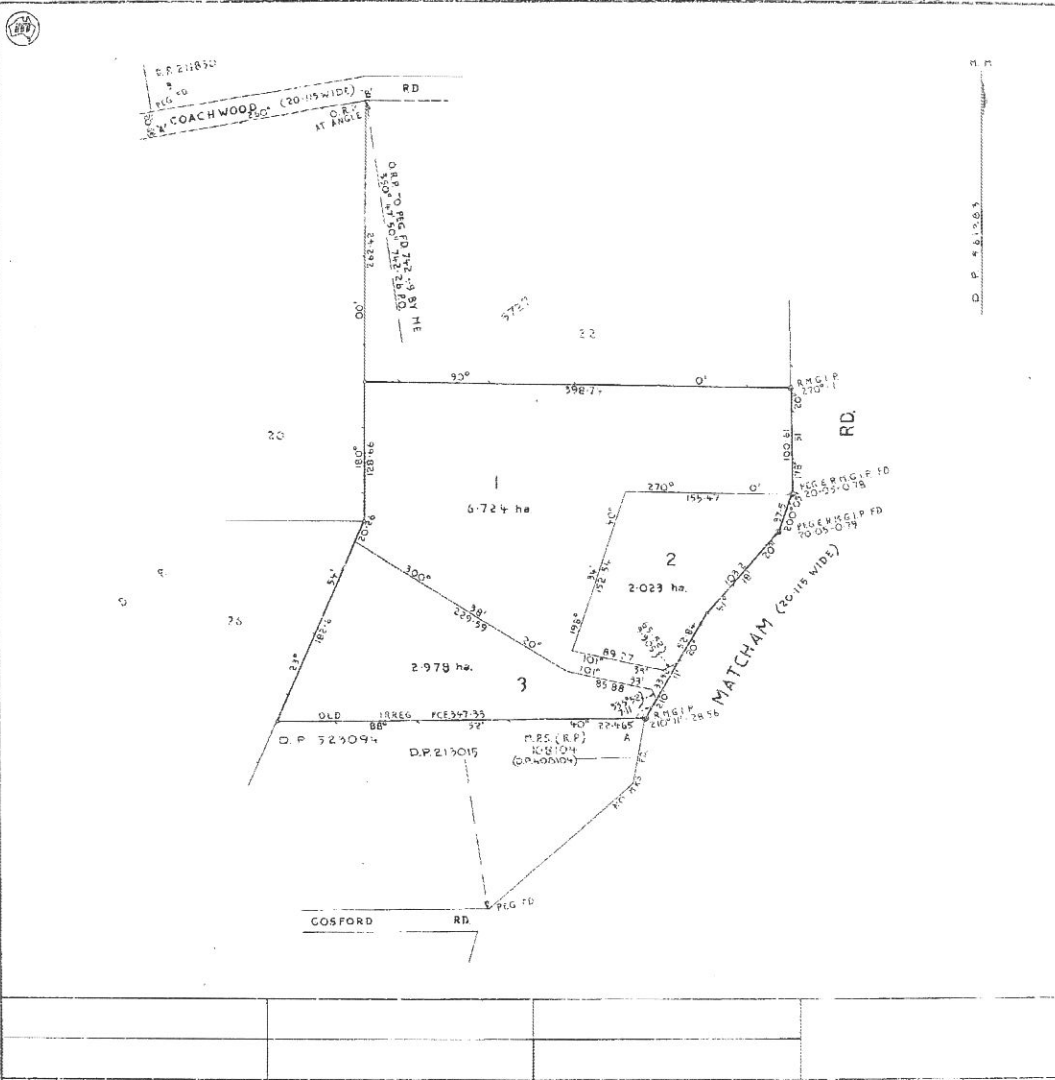
Council Clerk's Certificate

I hereby certify that  
(a) the requirements of the Local Government Act, 1933  
(b) the requirements of the Local Government Act, 1936  
(c) the requirements of the Local Government Act, 1948  
have been complied with by the applicant in relation to the  
proposed subdivision.

Witness my hand and the seal of the Council on this  
day of 23rd 1972

Signature: *[Signature]*  
Council Clerk

This plan is to be used as a guide only  
and is not to be used as a basis for  
any legal proceedings.



D.P. 561203  
Registered: 20-10-1972  
CA No 5974 of 22-1-1972  
Type: TORRENT  
Process: SUBDIVISION  
Ref: GOSFORD 5000  
Latter: D.P. 5727  
PLAN OF SUBDIVISION OF LAND  
LOTS 254-264 D.P. 5727  
Reduction Ratio: 2500  
Area: GOSFORD  
Locality: MATCHAM  
Parish: KINLUMBER  
County: NORTHUMBERLAND  
Author: JOHN RODNEY HORTONSON  
BANNISTER & HUNTER COS-CO  
Date: 20.10.72

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

I, Jack Hayward, the Registrar General for Northumberland, do hereby certify that this plan is a true and correct copy of the original plan as submitted to me for registration.

Signature: *[Signature]*



## **Attachment 3**

### **Policy D2.02 Rezoning of Land Zoned Conservation and Scenic Protection Gosford City Council**



**D2.02**

**REZONING OF LAND ZONED  
CONSERVATION AND SCENIC  
PROTECTION  
(CONSERVATION) 7(a) /  
ENVIRONMENTAL  
CONSERVATION E2**





## **D2.02 REZONING OF LAND ZONED CONSERVATION AND SCENIC PROTECTION (CONSERVATION) 7(a) / ENVIRONMENTAL CONSERVATION E2**

### **ENVIRONMENT AND PLANNING - INTEGRATED PLANNING**

#### **INTRODUCTION**

Council has prepared its Standard Instrument (SI Template) Local Environmental Plan (LEP) to align with the NSW State Government's planning reforms process, whereby all Councils in NSW are to have one LEP based on the SI Template. This draft LEP is currently known as DLEP 2009, however will likely be re-numbered by the State Government according to the year in which it is made, presumably therefore to LEP 2013. This LEP will create in many circumstances "like for like" with regard to zones. As part of this process the conversion zone for most 7(a) Conservation is E2 Environmental Conservation.

It is noted that Council's existing Interim Development Order Number 122s (IDO) provisions in relation to "bonus lot subdivisions", whereby land zoned 7(c2) may be considered for subdivision from 2 hectares into 1ha sized lots subject to all legislative and other considerations, together with land dedication and/or monetary contribution associated with the Coastal Open Space System (COSS,) cannot be brought forward into dLEP 2009. These provisions are the cornerstone of the effective management and enhancement of the COSS. The COSS has been consistently supported by Council and the community for nearly 30 years. In this respect, Council at its meeting held on 31 May 2011 resolved to defer from DLEP 2009 all privately owned lands east of the F3 Freeway currently zoned 7(a) and 7(c2) for a period of five (5) years. This is to enable the continuation of the bonus lot subdivision scheme to support COSS.

As such, the provisions of this Policy continue to apply to land zoned 7(a) Conservation. The Policy is considered to apply to land also zoned E2 Environmental Conservation under dLEP 2009 (when made).

Where planning proposal applications are lodged with council in relation to E2 zoned land, references in this policy to the 7(a) zone should be taken as referring also to E2 zone.

At the expiration of the five (5) year deferral period for the IDO and its "bonus lot subdivisions" provisions, this policy will be reviewed.

#### **BACKGROUND**

##### **1 Rural Land Study**

In 1975 the former NSW Planning and Environment Commission, together with the Shires of Gosford and Wyong, undertook a study of all areas in the two Shires which did not at the time have an urban zoning. The reasons for the study were to address the following problems:-

- a A reduction in the area being farmed and a consequent increase in the area of unused land.
- b Rapidly increasing rateable values on rural land.

- c Destruction and deterioration of areas of high landscape and environmental value.
- d Growth of urban type activities in rural areas, including ribbon development along major transport routes.
- e A need to resolve the uncertainty in the interim period for landholders in areas ultimately required for urban expansion.

The report identified five categories of land as not suitable for any form of development that would disturb the natural environment:-

- i Steep slopes - problems of soil erosion, land slip, visually obtrusive;
- ii Ridgelines, Prominent Hills and Headlands - visual significance;
- iii Estuarine Wetlands and Permanently Waterlogged land;
- iv Coastal Dunes and Cliffs - erosion, visual significance, recreation potential;
- v Important Flora and Fauna Habitats - to ensure protection.

## **2 Interim Development Orders 100 and 122**

The Rural Lands Study became the basis for Interim Development Order No 100 followed by Interim Development Order No 122. In respect to lands zoned Rural-Conservation 7(a) {now Conservation and Scenic Protection 7(a) (Conservation) / Environmental Conservation E2} it provided:

- i a minimum lot size of 40 ha should apply for subdivision purposes.
- ii that uses which Council could grant consent to under the 7a zone under the LEP are restricted to agriculture, bed and breakfast accommodation, dams, dwelling-houses, and roads / a similar range of uses under the E2 zone.

## **3 Coastal Open Space System**

In recognition of the values of these lands, the Council undertook a further study in the late 1970's to identify areas of such importance that public ownership to provide protection in perpetuity is necessary. These lands form the Coastal Open Space System (COSS.) Council may add lands to the system periodically based upon further studies and investigations.

However, the balance of land in the 7(a) / E2 zone throughout the city is still seen as important and the existing planning controls are necessary to retain them in their largely undeveloped state.

## **4 Current Status**

The Council remains committed to the principles relating to the Conservation and Scenic Protection {formerly Rural-Conservation} 7(a) (Conservation) / E2 zone as derived from the Rural Land Study and the subsequent Planning Instruments (deemed LEP / LEP) which give it status under the Environmental Planning and Assessment Act.



This Policy stated herein relates to a Planning Proposal. (i.e. LEP) seeking to alter the zone, uses, subdivision or other provisions. The Planning Proposal may / may not also provide dedication of strategically environmentally/scenically important land for the community benefit in exchange for additional development rights on other land having regard to "fine tuning" of zone boundaries because of the extent and scale of the aerial photographs and other data used to originally define the boundaries of the zones. The Policy should not therefore be interpreted as providing for general conditions for the rezoning / alteration to uses / subdivision / the like of Conservation 7(a) / E2 zoned lands. The criteria used in this Policy are derived from the report (1984) on the Coastal Open Space System (refer Section 5.2.3) and the requirements of the (then) Planning and Environment Commission as being the characteristics by which areas could be judged as to whether or not the 7(a) / E2 zoning is appropriate.

### **POLICY OBJECTIVES**

- 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.

### **POLICY STATEMENT**

All Planning Proposals (local environmental plans) must be in conformity with the objectives of the Conservation and Scenic Protection 7(a) (Conservation) / Environmental Conservation E2 Zone as prescribed within this Policy.

#### **Objectives of the Conservation 7(a) / Environmental Conservation E2 Zone**

- 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 of the ridgelines in their natural state.
- f The provision of opportunities for informal recreational 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 natural areas are not emasculated 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.

## **SUBMISSION REQUIREMENTS**

An application to request Council to prepare a Planning Proposal (Local Environmental Plan) must be accompanied by an environmental assessment to justify the Planning Proposal on environmental, statutory and strategic planning grounds. Additionally, the submission must include; but not be restricted to the following:

- 1 Land Capability Study addressing the suitability of the site for the resultant development and prepared in accordance with a 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 stability 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 proposed development in the 7(a) / E2 zone.

- 2 Vegetation Analysis - outlining the vegetation communities that exist on the land, including species identification and significance thereof, identification of likely impacts on vegetation and means of mitigating impact (both direct and indirect) upon vegetation (consideration must be given to relevant legislation and planning instruments, ex; Environmental Protection and Biodiversity Conservation Act 1999, Threatened Species Conservation Act, Environmental Planning & Assessment Act - SEPP 44 Koala Habitat Protection, Central Coast Regional Strategy, Section 117 Directions, etc)

**Note:** Development subsequent to the Planning Proposal should not interfere (either directly or indirectly) with ecologically or visually significant vegetation.

All development, including all building works, access, fire radiation zones, etc. are to be confined to existing cleared areas (as identified on 1991 Quascope Aerial Photo Series).

- 3 Faunal Analysis - identification of wildlife habitats, corridors etc. and impact of the rezoning on native fauna (consideration must be given to relevant legislation and planning instruments, ex; Environmental Protection and Biodiversity Conservation Act 1999, Threatened Species Conservation Act, Environmental Planning & Assessment Act - SEPP 44 Koala Habitat Protection, Central Coast Regional Strategy, Section 117 Directions, etc).

**Note:** This analysis is to include the need to provide corridors or links between areas in the Coastal Open Space System for fauna movements and migrating patterns including the need for revegetation of such areas.

- 4 Visual Assessment - the location of the land in relation to surrounding lands, including elevation, location of ridgelines or visual brows, visual catchments

and impact of the rezoning on the visual and scenic qualities of the area and the means of mitigating impact (if any). See also DCP 89 Scenic Quality and 159 Character.

**Note:** Land will not be considered for affectation by a Planning Proposal where it forms part of a wider landscape unit with surrounding Conservation land and/or where the Planning Proposal may have a precedential effect on other conservation zoned lands, or where in the opinion of Council, the rezoning will adversely affect the scenic qualities of the locality.

- 5 Bushfire Hazard Analysis - to be prepared in accordance with current bushfire legislation and guidelines e.g Planning for Bushfire Protection 2006

**Note:** Land will not be subject to a Planning Proposal where the resultant development will constitute a high bushfire hazard or increase commitment of existing resources for hazard reduction or emergency services in the event of wildfire.

- 6 Any submission is to give due regard to the provisions of State Environmental Planning Policy No. 19 - Bushland in Urban Areas.

**Note:** Dedications of land for open space provision may be required. Only those lands identified as being required for inclusion within the Coastal Open Space System, or as otherwise identified by Council, will be accepted for dedication purposes. The owner must enter into a Voluntary Planning Agreement (at no cost to Council) under the Environmental Planning and Assessment Act prior to the Planning Proposal being made to provide for the dedication of these lands at the time of development. Land dedicated will be offset against monetary contributions (indexed at the time of development) in accordance with the provisions of Clause 18 of Interim Development Order No. 122. However in the event of a surplus land component, no credit will apply. In the instances of enabling clauses, contributions will also be levied in conformity with Clause 18 of IDO 122. It is anticipated that, as the purpose of the exercise is to "fine tune" the boundary between zones, an area greater than 50% of the site will have the characteristics of 7(a) land and should be the subject of any dedication or contribution requirement.

- 7 Any submission should also address all the criteria for Planning Proposal as contained within this Policy.

**Note:** Land will not be subject to a Planning Proposal where, in the opinion of Council, the Planning Proposal would be inconsistent with the objectives of the Conservation 7(a) / Environmental Conservation E2 zone as contained within this Policy.

- 8 Preparation of a proposed draft development control plan identifying development areas, vegetation to be retained, soil erosion control measures, access, etc.

**Note:** If it is considered necessary, Council may require the creation of a Restriction as to User pursuant to Section 88B of the Conveyancing Act to protect significant vegetation, restrict works, etc. In addition, access must be available to both the allotment of land and to the individual dwelling sites to the satisfaction of Council. Where access is not available, provision of access must



have due consideration to the objectives of this Policy and be to the satisfaction of Council.

- 9 The Council will consider proposals which will result in substantial areas of land identified in the Coastal Open Space System being dedicated at no cost or minimal cost. Where generally consistent with the objectives of this Policy, it may be possible to identify suitable areas for single dwelling development.
- 10 The strategic basis of the proposal is to be outlined, ie the relationship to the Coastal Open Space System of any proposed land dedication in exchange for additional development rights and the effects of such a proposal.
- 11 The Central Coast Regional Strategy needs to be considered in the assessment of any Planning Proposal

(**Note** - a Planning Proposal form, fees & general information is obtainable from Council's website [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au).)

(Min No 1355/92 - 10 November 1992)  
(Min No 651/96 - 27 August 1996 - Review of Policies)No Change  
(Min No 239/00 – 26 October 2000 – Review of Policies)  
(Min No 214/2005 - 8 March 2005 - Review of Policies)  
(Min 311/2009 - 5 May 2009 - Review of Policies)  
(Min No 2013/388 - 16 July 2013 - Review of Policies)

# Attachment 4

## Plans

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**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.