

Rezoning and Additional Permitted Uses on Land at Glenworth Valley

Proposal Title : Rezoning and Additional Permitted Uses on Land at Glenworth Valley

Proposal Summary : The planning proposal seeks to allow a range of nature based recreational activities, environmentally sustainable tourist accommodation, and extensive agricultural uses on land at Glenworth Valley.

This is to be achieved by amending Gosford LEP 2014 to:

- rezone some parts of the site from E2 Environmental Conservation to RU2 Rural Landscape;

- include recreation facilities (outdoor); eco-tourist facilities, camping grounds, tourist and visitor accommodation and extensive agriculture as additional permitted uses in Schedule 1 for the E2 zoned land;

- include eco-tourist facilities, camping grounds, and tourist and visitor accommodation as additional permitted uses in Schedule 1 for the RU2 zoned land.

PP Number : PP_2014_GOSFO_006_00

Dop File No : 14/08000

Proposal Details

Date Planning 07-Jul-2014

Proposal Received :

LGA covered :

Gosford

Region : Hunter

RPA :

Gosford City Council

State Electorate : GOSFORD

Section of the Act :

55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : Various Lots at Glenworth Valley and Calga

DoP Planning Officer Contact Details

Contact Name : **Glenn Hornal**
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RPA Contact Details

Contact Name : **Bruce Ronan**
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **ADDITIONAL INFORMATION**
Council was requested to provide additional information in relation to its request for delegations and potential employment numbers generated by the proposal. Council provided this information on 6 June 2014.
Council submitted a planning proposal which excluded some Crown land sites within Glenworth Valley as Council had not received a response from the landowner (Trade and Investment – Crown Lands). However Council reconsidered this matter on 10 June 2014

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and included these sites and will consult with Crown Lands should a Gateway Determination be issued. Council resolved to refer the matter to its Chief Executive Officer to be considered under delegated authority. Council provided the updated planning proposal which included the Crown Land sites on 7 July 2014.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The planning proposal seeks to allow a range of nature based recreational activities, environmentally sustainable tourist accommodation and extensive agricultural uses at Glenworth Valley.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Council proposes to amend Gosford LEP 2014 by rezoning some land from E2 to RU2 and include a number of additional permitted uses in Schedule 1 for the E2 and RU2 land.

The additional permitted uses for the E2 zoned lands are:

- recreation facilities (outdoor)
- eco-tourist facilities
- camping grounds
- tourist and visitor accommodation
- extensive agriculture

The additional permitted uses for the RU2 zoned lands are:

- eco-tourist facilities
- camping grounds
- tourist and visitor accommodation

There are a large number of lots affected by the planning proposal as well as a number of split zoned lots and Council does not propose to list all lots in Schedule 1 as the lots will be identified on the Additional Permitted Use Map.

It is noted that not all the lots identified in the planning proposal are located in the suburb of Glenworth Valley, some lots are located in Calga. Council is required to update the proposal accordingly to identify the planning proposal will also apply to some lots in Calga.

45 Cooks Road, Calga (Lot A DP365595)

The proposal excludes this parcel of land located adjacent to Cooks Road which is the main access road into Glenworth Valley. The landowner wrote to Council requesting this lot be included in the planning proposal prior to the planning proposal being sent to the Department for a Gateway. Council advised (in January) it was too late to include any amendments as Council had already resolved to proceed with the planning proposal and the landowner should write a formal submission during exhibition for consideration by Council should a Gateway Determination be issued.

The lot is zoned RU2 and similar to other RU2 land in the vicinity that was included in the proposal. It is recommended Council consider including 45 Cooks Road, Calga (Lot A DP365595) in the planning proposal and update the associated maps to include this lot prior to exhibition.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

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- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Is the Director General's agreement required? **Unknown**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SREP No 9—Extractive Industry (No 2—1995)
SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)
SREP No. 8 - Central Coast Plateau Areas

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain : **Further discussion of S117 Directions and SEPPs is provided later in the report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided is adequate for assessment.**

There are some errors in the mapping provided:

- Appendix 2 Existing Zoning Map contains zones from IDO No 122 prior to the gazettal of Gosford LEP 2014 in February 2014. Council is required to update the map and use the current zones under Gosford LEP 2014.
- Appendix 3 Proposed E2 Zoning under Draft Gosford LEP (as exhibited) contains the exhibited zones and is unnecessary given the Gosford LEP 2014 has been gazetted. Council should delete this map from the planning proposal.
- Council should ensure all maps include a legend which identifies the land attributes where appropriate.
- The full title of the environmental planning instrument should be used for zoning, SEPPs and SREPs maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 28 day community consultation period. This is supported.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **PROJECT TIMELINE**
Council anticipates the plan will be finalised by March 2015 (approximately 10 months).

DELEGATIONS

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Council has requested delegations to make the plan. The planning proposal seeks to include a spot rezoning and some additional permitted uses related to the tourist facility. It is considered these are minor local matters and Council should be granted delegation to make the plan

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : February 2014

Comments in
relation to Principal
LEP :

Gosford Local Environmental Plan 2014 (Gosford LEP) was notified on 11 February 2014.

Assessment Criteria

Need for planning
proposal :

Council has advised the planning proposal is not the result of a strategic study or report however considers proposal is justified given the economic benefits that the tourist facility contributes to the regional economy and to allow the ongoing development of the facility.

Council has advised the current reliance on existing use rights and associated complex approval process does not allow the facility to grow and develop as new nature based outdoor recreation opportunities emerge.

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Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has identified a number of actions in the CCRS that are relevant to the proposal:

- promoting economic and employment growth,
- appropriately zoning land of high landscape value
- management of tourist activities to minimise potential for land use conflict and environmental impacts.

Council has advised the proposal will assist council in meeting targets associated with job creation and also maintain environmental objectives. Council was asked to clarify the number of expected jobs that would be created by the proposal and it advised it would depend to the type of activities that will operate on site in the future. Council also advised the site currently employs 25 full time and 80 part time staff. The expansion in permissible uses would assist in increasing the level of employment self containment in the region and is consistent with actions identified in the CCRS.

COUNCIL STRATEGIES

Council has identified local strategies that are applicable to the proposal and Council's assessment of consistency with each strategy is provided in brackets.

- Community Strategic Plan - Gosford 2025 (consistent)
- Biodiversity Strategy (consistent)
- Policy D2.02 - Rezoning of Land Zoned Rural Conservation 7(a) / E2 Environmental (consistent)

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP No 19 — Bushland in Urban Areas

Council has advised the planning proposal is compatible with the objectives of the SEPP which gives priority to retaining bushland. The uses proposed will be subject to detailed assessment during the development stage.

SEPP No 44 — Koala Habitat Protection

The planning proposal applies to a land area of 1106ha and contains a variety of habitats. Individual assessment of potential Koala habitat would be subject to assessment under a development application once uses and locations are identified.

SEPP No 55 — Remediation of Land

Council has identified agriculture or horticulture activities are activities that may cause contamination. Council has advised part of the land has been cleared and is unlikely to be contaminated however has identified other uses may have caused contamination (i.e. music festivals). Council should satisfy itself the site is suitable for the additional uses and rezoning and demonstrate consistency with the SEPP.

SEPP No 71 — Coastal Protection

Some of the land is included in the coastal zone as it is in the vicinity of Propran Creek which is tidal. Council considers future uses will be subject to assessment however matters for consideration under clause 8 should be taken into account by council when it prepares a draft LEP. Council should update its consideration of clause 8 prior to exhibition.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Council has identified a compatibility test (Clause 13 of the SEPP) the consent authority must consider before determining an application. These considerations are related to development applications rather than rezonings. However given the site is in the vicinity of two regionally significant resources (Calga Sands and Mount White) consultation with Trade and Investment - Resources and Energy should occur given the additional uses proposed have the potential to impact future operations of these sites.

SREP No 8 - Central Coast Plateau Areas

The land is within the boundary of the SREP No 8 map. Council has provided an assessment against special provisions of clause 11 which requires consideration of certain objectives when a draft LEP is prepared. The assessment is generally consistent with the clause's requirements however some land identified contains a small portion of

1A agricultural land class. Although the location of the additional uses is yet to be determined Council should consult with the Department of Primary Industries - NSW Agriculture given the site contains prime agricultural land.

SREP No 9—Extractive Industry (No 2—1995)

The site is within the vicinity of Mount White dimensional sandstone quarry and Calga Sand Quarry both identified as regionally significant resources in Schedule 1 of SREP No 9. Council has advised a DA was approved on the RU2 zoned part of lot 108 DP755221 for a 3 unit motel and four caravan park sites. Council has advised the addition of tourist and visitor accommodation use in the RU2 zone reflects the existing approved uses. Given the proximity to the regionally significant resources Council should consult with Trade and Investment - Mineral Resources and the Environment Protection Authority prior to exhibition as required under clause 15 given the potential of the uses to restrict the obtaining of deposits of extractive material.

SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

Council has considered the requirements of the SREP. The site contains areas of wetlands and adjoins Popran National Park. Council is required to consult with OEH- National Parks and Wildlife Service under clause 6(2)(f) of the SREP.

S117 DIRECTIONS

The planning proposal is considered to be consistent with all S117 Directions or they are not relevant except where discussed below:

1.3 Mining, Petroleum Production and Extractive Industries

The site is in the vicinity of Mount White dimensional sandstone quarry and Calga Sand Quarry and proposes additional permitted uses on RU2 and E2 zoned land. Given the uses proposed will include eco-tourist facilities, camping grounds and tourist and visitor accommodation it is considered Council consult with the Department of Primary Industries given the potential of land use conflict within the vicinity on the Quarry before consistency with the Direction can be determined.

2.1 Environment Protection Zones

The proposal reduces environmental protection standards by rezoning some land from E2 to RU2. Council has advised it will zone only the cleared parts of the site RU2. Council should consult with OEH prior to addressing consistency with the Direction.

2.3 Heritage Conservation

Council has advised there are three environmental heritage items on the subject land and expects that aboriginal archaeology may also be identified. Council has advised the heritage items and aboriginal archaeology are listed and protected under the provisions of Gosford LEP 2014 and the National Parks and Wildlife Act, 1974. Heritage matters will still be subject to assessment at the DA stage however Council should also consult with OEH and the Darkinjung Local Aboriginal Land Council to confirm this approach is appropriate before addressing consistency with the Direction.

4.1 Acid Sulfate Soils

The planning proposal is inconsistent with the Direction as it proposes an intensification of land uses on land having a probability of containing acid sulfate soils and requires a study which considers the appropriateness of the change of land use. Gosford LEP 2014 contains a local provision to regulate development on land containing acid sulfate soils. Given the location and type of development is still to be determined and would be subject to assessment under a development application it is considered the Secretary could agree that the inconsistency with the Direction is of minor significance.

4.4 Planning for Bushfire Protection

The planning proposal will affect land that is mapped as bushfire prone and consultation with the RFS would need to occur before consistency with this Direction can be determined.

6.3 Site Specific Provisions

The planning proposal is inconsistent with this Direction as it allows site specific additional permitted uses in the E2 and RU2 zones. Council has sought to justify the inconsistency due to the unique characteristics of the land in Glenworth Valley.

Council has advised other E2 land east of the M1 is well below the 40ha lot size, unserviced, subject to bushfire hazard and has extensive natural vegetation. Council has identified including additional tourist and recreation facilities on other E2 zoned land would lead to increased conventional tourist accommodation, particularly in the coastal areas, with limited ability of the E2 land to accommodate such use.

The RU2 zoned land is generally located along main roads in order to maintain the rural landscape character. The additional tourist uses proposed in the R2 zone could be located away from public view within the site given the extensive landholdings and the existing operations as a tourist destination.

The site is in excess of 1000ha and the additional uses can be dispersed or located in less constrained areas throughout the site. It is considered the Secretary could agree the inconsistency with the Direction is of minor significance given the ability of the site to accommodate the additional permitted uses proposed in the E2 and RU2 zones.

Environmental social
economic impacts :

ENVIRONMENTAL

Council has advised there is expected to be high biodiversity values for both threatened and non threatened species given the proximity to three National Parks and areas of and endangered ecological community that occur along Popran Creek. Council has identified detailed assessment would occur at the DA stage and would be subject to the provisions of the Threatened Species Conservation Act. Given specific locations for uses are unknown, Council should consult with OEH to confirm whether this approach is appropriate.

Council has raised issues with Waste Management, Noise, Scenic Quality and Character however these are matters that can be considered under the assessment of future development applications for the site.

SOCIAL/ECONOMIC

Council has advised Glenworth Valley is a major tourist destination and the additional uses will accommodate activities consistent with nature based activities. The increase in uses is likely to provide additional economic activity on site through increased visitor numbers. Although the main access into the site is from Cooks Road this is accessed off Peats Ridge Road and Council should consult with Roads and Maritime Services regarding potential traffic impacts.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Department of Primary Industries - Minerals and Petroleum Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Other		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Updated Covering Letter .pdf	Proposal Covering Letter	Yes
Updated Council Report.pdf	Proposal	Yes
Updated Council Resolution.pdf	Proposal	Yes
Updated Planning Proposal.pdf	Proposal	Yes
Additional Information.pdf	Proposal	Yes
Attachment_4_-_Evaluation_criteria_for_the_delegation_of_plan_.doc	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

Additional Information : **The planning proposal should proceed subject to the following conditions:**

- 1. Prior to public exhibition, Council should consider including 45 Cooks Road, Calga (Lot A DP365595) and update the planning proposal accordingly.**
- 2. Prior to public exhibition, the planning proposal shall be updated by identifying in the 'explanation of provisions' the planning proposal applies to land in the suburb of Glenworth Valley and Calga;**

3. Update the mapping prior to public exhibition as follows:

- Council update Appendix 2 Existing Zoning Map and use the current zones under Gosford LEP 2014.
- Council delete Appendix 3 Proposed E2 Zoning under Draft Gosford LEP (as exhibited) from the planning proposal.
- Council should ensure all maps include a legend which identifies the land attributes where appropriate.
- include the full title of the relevant environmental planning instrument for zoning, SEPPs and SREPs maps.

4. Council is to update the planning proposal to include sufficient information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other relevant documents following agency consultation:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 4.4 Planning for Bushfire Protection
- SEPP 55 – Remediation of Land.
- SEPP 71 - Coastal Protection by addressing clause 8 matters.
- SREP No 8 - Central Coast Plateau Areas following consultation with the Department of Primary Industries - NSW Agriculture.
- SREP No 9—Extractive Industry (No 2—1995) following consultation with Trade and Investment - Mineral Resources and the Environment Protection Authority
- SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997) following consultation with OEH- National Parks and Wildlife Service

5. The planning proposal be made publicly available for a minimum of 28 days.

6. Consultation is required with the following public authorities :

- Office of Environment and Heritage
- OEH - NSW National Parks and Wildlife Service
- NSW Rural Fire Service
- Transport for NSW – Roads and Maritime Services
- Environment Protection Authority
- Trade and Investment - Mineral Resources and Energy
- Trade and Investment - Crown Lands
- Department of Primary Industries - Agriculture
- Darkinjung Local Aboriginal Land Council

7. A public hearing is not required.

8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

9. Plan-making delegation should be delegated to Council for this planning proposal.

Supporting Reasons : *

Signature:



Printed Name:

G. HOPKINS

Date:

16.7.2019