

PLANNING PROPOSAL LAND IN GLENWORTH VALLEY GOSFORD CITY COUNCIL

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environmental Plans*.

A gateway determination under Section 56 of the Environmental Planning and Assessment Act is requested from the DoP&I.

Summary

Glenworth Valley is recognised as a highly successful tourist destination which has considerable economic benefits and synergies with other activities in the region. Its close proximity to Sydney makes it attractive to a very wide market, including international visitors. The broad range of nature-based activities offered at the site also make it appealing for a variety of users and maximises opportunities that the site presents. Some uses are temporary (e.g. music festivals, "mud run" events, etc), whilst other uses are of a more permanent nature with some fixed structures. Different parts of the site are used for various activities (i.e. activities co-ordinated at the central complex) e.g. abseiling, horse riding, quad bike riding, kayaking. Overall use of the site, and what parts of it are used for which activity, is regulated by management.

The land represents a significant holding of environmentally important land being relatively isolated, with limited access, and characterised by a cleared valley floor with vegetated hillsides and ridgelines. There are a number of discrete pockets of Endangered Ecological Communities (EEC) and regionally significant vegetation throughout the site. It is located between developed agricultural and resource lands situated along Peats Ridge and Popran National Park to the west. Popran Creek, and a number of other small watercourses run into it flow through the site, which then drains to the Hawkesbury River.

The Planning Proposal seeks to facilitate long term certainty as to continued and future operations of Glenworth Valley to permit a range of recreational and related activities, whilst protecting the environmental quality of the site.

Given the issues associated with the overall environmental values of the land and the desire to allow the development of the land for a range of tourist related activities, it is proposed to list the land in Schedule 1 of Gosford LEP 2014 and to nominate additional uses that will be permitted, being recreation facilities (outdoor), eco-tourist facilities, camping grounds and tourist and visitor accommodation. This will allow a range of options, including environmentally sustainable tourist accommodation, without the need to specify other uses that would become a component of these uses. This will enable detailed assessment of specific proposals on a case by case basis and allow flexibility in accommodating activities whilst protecting and managing the overall environmental values of the land.

Part 1 Objectives or Intended Outcomes

s.55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective/intended outcome of the Planning Proposal is to allow a range of nature-based recreational activities, environmentally sustainable tourist accommodation and extensive agricultural uses at Glenworth Valley to recognise and further facilitate activities at this key tourist destination. This is to be achieved by:

- zoning cleared, pasture improved farmland on the ridge proximate to Cooks Road to RU2 Rural Landscape;
- list in Schedule 1, for the E2 component, the additional permitted uses (APU) of recreation facilities (outdoor), eco-tourist facilities, camping grounds, tourist and visitor accommodation and extensive agriculture;
- list in Schedule 1, for the RU2 component, eco-tourist facilities, camping grounds and tourist and visitor accommodation.

This will enable consistency of land uses over the whole of the holding, either by way of Schedule 1 or as uses permissible in existing/proposed zones under Gosford LEP 2014.

Part 2 Explanation of Provisions

s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objectives/intended outcomes are to be achieved by mapping the cleared pasture land proximate to Cooks Road to RU2 and including the subject Glenworth Valley land on the Additional Permitted Uses map and listing in Schedule 1:

- for the E2 component, "recreation facilities (outdoor)", "eco-tourist facilities", "camping grounds", "tourist and visitor accommodation" and "extensive agriculture"; and
- for the RU2 component (existing and proposed) "eco-tourist facilities", "camping grounds" and "tourist and visitor accommodation".

(note: given the number of lots involved and existing split zoned lots, it is not intended to list all lots in Schedule 1, however to rely on the map to identify the land).

The proposed wording in Schedule 1 is set out below.

Use of certain land at Popran Creek, Glenworth Valley

- (1) This clause applies to numerous lots at Cooks Road, Glenworth Valley as shown on the Additional Permitted Uses Map.
- (2) Development for the purposes of "recreation facilities (outdoor)", "eco-tourist facilities", "camping grounds", "tourist and visitor accommodation" and "extensive agriculture" are permitted with development consent.

Use of certain land at Cooks Road, Glenworth Valley

- (1) This clause applies to land at Cooks Road, Glenworth Valley being Lots 881 and 882 DP 563889, Lot 145 DP 755221, Lot 2 DP 1139242, Lot C DP 382358 and part of Lot 108 DP 755221.
- (2) Development for the purposes of "eco-tourist facilities", "camping grounds" and "tourist and visitor accommodation" are permitted with development consent.

It is also noted that the approval from other landowners (the Crown and Darkinjung Local Aboriginal Land Council) included in this Planning Proposal has been sought and no objections have been raised by the Darkinjung LALC. Crown Lands have not responded, however a recent resolution of Council has included these Crown lots in the Planning Proposal.

This is the most appropriate approach to support the proposal and acknowledge the broader environmental values of the land. It also will facilitate better, more specific assessment of localised values as part of the development assessment process. It will ensure that inappropriate uses as may become permissible if the land were rezoned will not be made possible. It also removes any precedential effect for other rezoning may otherwise be generated. It is considered an appropriate response to the unique circumstances of the land and desired planning outcomes and will allow consistency across the whole the Glenworth Valley landholding.

s.55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

Attachment B to this report contains relevant mapping to the Planning Proposal. Amendments to the Zoning map, Building Height map, Lot Size map and Additional Permitted Uses map have also been prepared.

Part 3 Justification for objectives & outcomes

s55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

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

The planning proposal is not a result of any strategic study or report. It is considered justified however given the significant economic benefits (both direct and indirect) that the Glenworth Valley Holdings tourist development contributes to the regional economy and synergies with other businesses and tourist facilities. Estimates by Central Coast Tourism indicate that visitor spend increases from \$70/day for day trippers, to \$143/day for overnight visitors. It is also justified as it will allow the on-going development and enhancement of a significant tourist facility that is intrinsically linked to the protection and management of the environment.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means of achieving the objectives/intended outcomes and there are no other appropriate options, other than zoning the land to SP1 Special Activities. The continued reliance on existing use rights has been stymied by changes to the regulations, has also created a complex development approval process and does not allow the facility to grow and develop as new nature-based outdoor recreational opportunities may emerge.

Section B Relationship to strategic planning framework

3 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)?

Regional strategies include outcomes and specific actions for a range of different matters relevant to a region. The Central Coast Regional Strategy 2006 – 2031 is applicable to the land and the proposed rezoning. The Planning Proposal will assist Council in meeting the targets associated with job creation and also maintain environmental objectives. The land is shown as rural and resource land that is located in a broad tract of land in the southern part of the LGA that contains three National Parks (being Brisbane Water, Popran and Dhurag) together with its relationship to the Hawkesbury River system.

The following actions are relevant to the planning proposal:

- 5.1 Promote economic and employment growth in the Region to increase the level of employment self containment and achieve capacity for more than 45,000 new jobs on the Central Coast over the next 25 years.
- 6.4 LEPs are to appropriately zone land of high landscape value (including scenic and cultural landscapes).
- 6.21 Councils and the NSW Government are to ensure that development pressure of tourist activities are managed to minimise loss of natural resources, potential for land use conflict and impact on the environment.

The applicant has advised that the current use of the land for a range of outdoor recreation activities employs approximately 25 full-time and 80 part-time employees and attracts up to 120,000 tourists per annum. The planning proposal will enable the continued operation and ongoing growth and development of the business which will provide additional employment opportunities and growth within the tourist industry.

The planning proposal is for the purpose of reflecting the existing activities that have been approved under various guises, to accommodate emergent nature based recreational opportunities, together with providing for environmentally sustainable tourist accommodation. It will also remove complexity associated with existing approvals processes that are reliant on existing use rights and create clearly permissible land uses as listed in Schedule 1. This will create a clearer and more transparent planning framework for the land, whilst recognising its intrinsic environmental values. Future activities can be assessed in a more flexible manner having regard to site variability and effects more appropriately managed and monitored through the development assessment and regulation process.

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of s117 Directions?

The Planning Proposal is has strategic merit in that it will allow a regionally significant nature-based tourist development to add complementary nature based tourist facilities, including accommodation, that will build on existing capital investment, and to allow additional outdoor recreational opportunities as they emerge, without the encumbrance of relying on existing use rights for major

components of the overall use of the site. The proposal is consistent with Section 117 Directions (as addressed below)

- 3b Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

The planning proposal has merit based on the regional significance of Glenworth Valley to tourism and is compatible with surrounding land uses, in particular large tracts of National Park. It will value-add to the experiences of nature-based recreational opportunities and accommodate emerging activities, together with maximising visitor spending by providing on-site accommodation. The existing development is a unique situation which is reflected in the need to include additional uses in Schedule 1, whilst retaining an overall environmental zone as it relates to the E2 component. On-site effects can be managed through development assessment process and management process. The activities on the land are intrinsically based on its inherent environmental values.

- 4 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Community Strategic Plan - Gosford 2025

The Planning Proposal is consistent with the following strategies in the Community Strategic Plan:

- B2.1 Improve and promote public access to natural areas
- B2.3 Protect natural areas whilst encouraging access by the community
- C1.4 Promote tourism to the region
- C2.4 Facilitate greater expenditure by tourists

The Planning Proposal will protect the intrinsic environmental values of the land by retaining it generally in an environmental zone, whilst allowing it to grow and develop with additional recreation activities and to provide a range of appropriate tourist accommodation as envisaged under the definition of eco-tourist facility, camping ground and tourist and visitor accommodation. It will showcase the environmental values and recreational opportunities of the region and offer significant economic benefits and synergies.

Biodiversity Strategy

The Biodiversity Strategy identifies strategies for the protection and promotion of biodiversity, one of which is "to protect and conserve biodiversity and maintain ecological processes". The actions identified to achieve this strategy that are relevant to this Planning Proposal are:

- enable biodiversity conservation to be taken into consideration in Council's strategic planning.
- environmental zoned lands need to be retained with current minimum lot area standards to enable the lot sizes to allow sufficient space for land uses to occur without loss of biodiversity.

- the land zoning and permitted uses land uses within identified vegetation and wildlife corridors and riparian habitats need to reflect the biodiversity values.
- consider biodiversity criteria for conserving areas of high biodiversity working towards maintenance and enhancement of existing biodiversity as a key priority with the aim of no net loss in development assessments and future LEPs.
- identify, protect and manage wildlife and vegetation corridors to maintain biodiversity.

The Planning Proposal is consistent with these actions in that the land will be generally retained in an environmental zone, and that appropriate activities will be listed in Schedule 1 that are intrinsically linked to the environmental values of the land.

The rezoning of cleared areas on the ridge proximate to Cooks Road to RU2 is consistent with the Biodiversity Strategy as it applies to existing pastures and is adjacent to the existing RU2 zoned land. This Strategy does not prohibit the zoning of environmental zoned land to another more appropriate zone which is the case in this instance. The zoning of the cleared land to RU2 is consistent with the Strategy and will not result in a loss of biodiversity.

The establishment of outdoor recreation activities and accommodation facilities will be subject to detailed design and assessment. The existing horse riding uses that occur have been approved and management on the site ensures that they are confined to established trails. Any similar future uses will require environmental investigation to ensure they have no adverse impact on biodiversity.

Policy D2.02 - Rezoning of Land Zoned Rural Conservation 7(a) / E2 Environmental Conservation

As the subject land is zoned 7(a)/E2, this Policy applies. The objectives of this Policy require Planning Proposals to be consistent with the objectives of the 7(a) zone.

The objectives of the 7(a) zone are:

- a The conservation and rehabilitation of areas of high environmental value.
- b- The preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape.
- c The provision and retention of suitable habitats for native flora and fauna.
- d The prohibition of development on or within proximity to significant ecosystems, including rainforests, estuarine wetlands etc.
- e The provision and retention of areas of visual contrast within the City, particularly the "backdrop" created by retention to the ridgelines in their natural state.
- f The provision of opportunities for informal recreation pursuits, such as bushwalking, picnic areas, environmental education, etc in appropriate locations.
- g The minimisation or prohibition of development so that the environmental and visual qualities of the natural areas are not eroded by the cumulative impact of incremental individually minor developments.
- h The minimisation or prohibition of development in areas that are unsuitable for development by virtue of soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.

The proposed RU2 zoning of E2 land applies to the existing cleared land adjacent to existing RU2 land proximate to Cooks Road is consistent with this Policy as it is not of high environmental value, or high scenic quality, or contain significant native flora and

fauna habitat. That part of the land which is to be retained in the E2 zone comprises estuarine wetlands and vegetated ridgelines and slopes susceptible to natural hazards and thus remains compliant with this Policy.

The additional uses proposed to be permitted in the E2 zone are extensive agriculture, outdoor recreation facilities and a range of tourist accommodation facilities. These uses are the standard definitions of the existing uses operating in the 7(a) zone at present i.e. livestock grazing, horse riding trails and overnight camping. These low impact uses, or similar, are compatible with the E2 zone. Any other uses permitted under the definition of recreation facility (outdoor) and tourist and visitor accommodation would be required to satisfy the objectives of the E2 zone.

The overall use and management of the site as a nature based recreation facility would be consistent with the policy, as it promotes environmental awareness and education by users and provide opportunities for informal recreation. The more environmentally sensitive parts of the site would be evaluated and protected as part of the assessment process for individual applications.

Besides being assessed on environmental, statutory and strategic grounds any Planning Proposal pertaining to 7(a) zoned land must include the following:

- Land capability assessment
- Vegetation analysis
- Faunal analysis
- Visual assessment
- Bushfire hazard analysis
- SEPP 19 - Bushland in Urban Areas
- Strategic basis
- Preparation of DCP
- Dedication of land to COSS

Since the preparation of this Policy, the matters relating to land capability, vegetation, fauna and bushfire have become statutory matters which have to be addressed in any Planning Proposal assessment, and have been addressed separately later in the report. The matters relating to visual quality are the subject of Council's DCPs or strategies which have also been addressed separately in the report. None of the land has been identified as future COSS land as the COSS does not extend west of the M1.

PN 11-002 Preparing LEPs using the Standard Instrument: standard zones

Practice Note 11-002 relates to preparing LEPs using the Standard Instrument. The relevant part of the Practice Note relating to this planning proposal relates to lots containing more than one zone.

Lots with more than one zone

In some circumstances 'dual' or 'split' zoning on a single lot may be acceptable to acknowledge the different development potential of the land due to topography, different environmental values, certain land constraints or different designated future land uses. In proposing this approach, councils should consider the implication on other planning controls for that lot expressed in the Land Use Table, principal development standards (minimum lot size and/or scale of development) or additional local provisions.

Split zoning may be considered a suitable approach in planning for urban release areas. In some areas, split zoning may also be considered a suitable approach on

large non-urban lots where a significant portion of the lot has been identified, through detailed background assessment, as an area of high environmental value. However, if a portion of the lot is proposed to be zoned for environmental protection, it should not generally be an isolated area limited in size that does not provide for compact and contiguous environmental conservation and linkages. In such cases it is advisable to apply a single appropriate non urban zone and adopt the relevant natural resource management model clauses (e.g. biodiversity, wetlands, riparian land and waterways etc.).

In this Planning Proposal it is proposed to extend the area of land zoned RU2 on Lot 108 DP 755221. The split zoning can be justified on the basis that the lot is already split zoned and the proposed expansion of the RU2 zone will more accurately reflect the topography and environmental values of the cleared/uncleared areas of the lot. Also such split zoning is a suitable approach on large non-urban lots where the area of land retained for its environmental value is not isolated and forms part of a contiguous linkage with similar zoned land.

It should be noted that Lot 145 DP 755221 is currently split zoned E2/RU2 and it is proposed to zone all of the lot to RU2.

5 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies (SEPPs).

(i) SEPP19 - Bushland in Urban Areas

When preparing a draft local environmental plan for any land to which SEPP No 19 applies, the council shall have regard to the general and specific aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland. Glenworth Valley adjoins both National Park and Crown Land which accommodate significant bushland areas, as do substantial areas of the subject site. The effects on any particular part of the site will be subject to detailed assessment of the effects on bushland, with the opportunity for site works in less significant areas. Where areas are significant any works proposed, such as abseiling, on-going monitoring and management can be undertaken to minimise impacts.

The objectives of SEPP 19 relate to protecting rare and endangered flora and fauna, protecting habitat, protecting vegetation links and retaining the unique visual identity of the landscape. It is proposed to rezone the cleared areas of E2 zoned land proximate to Cooks Road to RU2 which will not affect the existing bushland on the site. Hence the Planning Proposal is compatible with the objectives of the SEPP.

(ii) SEPP 44 - Koala Habitat Protection

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Individual assessment of any potential koala habitat would need to be undertaken on a case by case basis depending on where works were proposed to be undertaken. It is envisaged that any works would be located away from areas that may provide koala habitat, or otherwise assessment undertaken to ensure no impact.

(iii) SEPP 55 - Remediation of Land

In preparing a planning proposal Council is not to zone any land on which it is proposed to carry out development for residential, educational, recreational or child care purposes unless it has considered whether the land is contaminated. The SEPP lists some activities that may cause contamination, one of which is agricultural or horticultural activities.

In the past part of the land has been cleared and used for grazing purposes. The majority of the cleared land has been used for the keeping of horses for the past 50 years hence it is unlikely that the land is contaminated. Other activities that have been undertaken, such as music festivals, may have created contamination issues. The Gateway would determine whether any overall contamination report may be required, or otherwise any future individual DA may require to be supported with a report if considered necessary.

(iv) SEPP 71 - Coastal Protection

The coastal zone is generally 1km landward of any coastal water, bay, estuary, coastal lake or lagoon. Part of the land has been identified as being subject to SEPP 71, in the vicinity of Popran Creek, which is a tidal creek. The land proposed to be rezoned to RU2 is not within the area affected by SEPP 71.

Future uses of the land identified within SEPP 71 will need to consider the provisions of the SEPP in the assessment process.

(v) SEPP Mining, Petroleum Production and Extractive Industries) 2007

The SEPP aims to facilitate the sustainable management of the State's mineral, petroleum and extractive resources. It also contains a compatibility test for any proposed development in the vicinity of existing mines, quarries and petrol production facilities or resources of State or regional significance.

Calga Sands, an existing quarry of regional significance, immediately adjoins part of the site located off Cooks Road, being located on Lot 2 DP 229889. It is noted that this quarry has been the subject of protracted concerns by the community in relation to its impacts. It is considered that there is sufficient area on the Glenworth Valley landholding overall so as to locate activities, including those which will be permitted through the Schedule 1 listing, in areas remote from the impacts of the quarry. The Planning Proposal should not have the effect of restricting the obtaining of extractive material from the Calga Sands Quarry.

(vi) Deemed SEPP Sydney Regional Environmental Plan (REP) No 8 - Central Coast Plateau Areas

All of the land is within the boundary of SREP 8, however only the land near Cooks Road which is zoned RU2 has been the subject of detailed mapping of agricultural land (lot 108 DP 755221). This land is identified as Classes 3 and 4 (coloured in pink) Prime Agricultural Land, with the upper side slopes as Classes 4-5 and 5, which are not prime agricultural land. Land within the valley floor has not been mapped under the REP.

Clause 11 Special Provisions - draft local environmental plan applications of SREP 8 sets out merits assessment criteria that need to be considered in the preparation of a planning proposal, as outlined below:

- (a) not impact upon the current or future use of adjoining land for existing or future agricultural uses

Comment: The additional uses are proposed to be undertaken on the E2 component of the site and are located away from any adjoining agricultural operation. For the RU2 component located off Cooks Road, adjoining land is within the same RU2 zoning, and planning proposal will reflect existing approved uses (i.e. the motel). It is considered there is adequate separation between Glenworth Valley holdings land and adjoining agricultural land to provide sufficient separation between uses.

- (b) not result in an increased settlement pattern (by way of urban development, rural residential development, residential accommodation of a permanent or semi-permanent nature, community titles subdivisions or any other features that would facilitate increased settlement),

Comment: An eco-tourist facility, camping ground and tourist accommodation will not practically be able to be separately titled, and is only for the transient accommodation of tourists/visitors to the site. Hence an increased settlement pattern will not result.

- (c) have a significant positive economic contribution to the area and result in employment generation

Comment: Allowing additional outdoor recreation facilities and eco-tourist facilities will value add to the existing tourist infrastructure at the site and have a positive economic contribution and employment generation, and will benefit wider businesses.

- (d) not result in any adverse environmental effect on or off the site

Comment: Adverse environmental effects will be minimised through regulation of development, and allowing flexibility in siting of works and activities

- (e) be consistent with the strategic direction for water quality standards and river flow objectives developed through the State Government's water reform process

Comment: Water quality standards will be assessed on an individual case by case basis and do not represent an impediment to the planning proposal as they can be managed through appropriate on-site practices.

- (f) be consistent with rural amenity (including rural industries) and not detract significantly from scenic quality

Comment: The additional uses proposed will need to be sited and designed so as to not detract from scenic quality.

- (g) not encourage urban (residential, commercial or industrial) land uses

Comment: The land use will remain for conservation and environmental values for the valley floor, side slopes and ridgelines, with additional uses complementary to these values. The proposal will not encourage urban development.

- (h) not require augmentation of the existing public infrastructure (except public infrastructure that is satisfactory to the council concerned and is provided without cost to public authorities)

Comment: Augmentation of any infrastructure that may be required (e.g. electricity) will need to be funded by the developer dependent upon what is required.

- (i) result in building works being directed to lesser class soils

Comment: Building location within the RU2 zoned land can be assessed on an individual case by case basis and do not represent an impediment to the planning proposal. Soil classes within the valley have not been mapped.

(vii) Deemed SEPP Sydney REP No 9 - Extractive Industry (No 2 - 1995)

The Sydney REP (SREP) 9 aims to facilitate extractive resources in close proximity to the Sydney Metropolitan Area which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of the extractive industries to realise their full potential.

Division 4 of Schedule 1 of the SREP identifies Lot 2 DP 229889 (Calga Sands) as a "sand extraction area of regional significance - current and potential". Lot 108 DP 755221, owned by Glenworth Valley holdings, off Cooks Road immediately adjoins this land. A separate DA has already been approved on the RU2 zoned part of Lot 108 for a motel comprising a 3 unit motel and four caravan park sites (as permissible in the existing zoning) (DA 43465 approved on 11 November 2013 refers). The proposed listing of tourist and visitor accommodation in Schedule 1 (i.e. APU) as it relates to the RU2 zone will reflect existing approved uses. Other eco-tourist components would be located further away from the Calga Sands Quarry and hence would not have the impact of sterilising the extractive resource.

As part of the Gateway process, it is expected that consultation with Director General of Trade and Investment - Mineral Resources and The Director General of the Environment Protection Authority may be required.

(viii) Deemed SEPP Sydney REP No 20 - Hawkesbury-Nepean River (No 2 - 1997)

The aim of SREP 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. It contains a number of specific policies aimed at protecting water quality, recreational values, ecosystems, cultural heritage, flora and fauna communities, scenic quality and tourist values.

Popran Creek (including the creekline, river flats and vegetated hillsides) are within the riverine corridor as mapped under SREP 20. There are also mapped SREP 20 wetlands on the lower portions of Glenworth Valley landholding, and further downstream. Retention of the valley area and ridgelines in the E2 zone will assist in ensuring that downstream impacts and affects on receiving wetlands are considered as part of any future application. There is sufficient area available on-site to manage water quality and nutrients.

The Planning Proposal is to facilitate a range of nature-based recreational activities (as outdoor recreation facilities), and environmentally appropriate tourist accommodation. This will further achieve the goals of SREP 20 by building on the existing tourist values of Glenworth Valley.

The additional land proposed to be zoned RU2 proximate to land off Cooks Road will not adversely affect the character of the area or flora and fauna habitats due to it being located on cleared land.

(ix) **Other SEPPs:** No other SEPP has application to this planning proposal, although any future development application on the land will be required to consider a number of SEPPs.

6 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to planning proposals lodged after 1st September 2009. Section 117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other S117 Directions or they are not applicable.

(i) Direction 1.2 - Rural Zones

This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). A Planning Proposal shall not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. It shall not contain provisions which will increase the permissible density of land within a rural zone. It shall include provisions that control access from traffic generating developments to classified roads in rural zones.

The Planning Proposal seeks to zone some of the subject land near Cooks Road from E2 to a RU2 zone. Hence it is not rezoning rural land to a more intensive zone nor is it increasing density within the RU2 zone. The subject land does not have direct access to a classified road. It has access to Cooks Road which then intersects with Peats Ridge Road which is a regional road. Hence the Planning Proposal is consistent with this Direction.

(ii) Direction 1.3 - Mining, Petroleum Production and Extractive Industries

This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of prohibiting the mining of coal or other minerals, production of petroleum or winning or obtaining of extractive materials, or restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

It has been noted part of the land immediately adjoins the existing Calga Sands quarry however is considered that the proposal is satisfactory, as a motel has already been approved on the RU2 land in the vicinity of the quarry and the majority of the subject land is located some distance away from the quarry.

(iii) Direction 2.1 - Environmental Protection

This Direction requires a Planning Proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas and, on land within an existing environmental zone, a Planning Proposal must not reduce the environmental protection standards that apply to the land.

It is proposed to zone cleared land near Cooks Road to RU2 and retain the vegetated land in the E2 zone. This approach does reduce the environmental protection standards that apply to the cleared land in that more uses are permitted than is the case at present. However the proposal does facilitate the protection of the environmentally sensitive land by only zoning the cleared parts of the site.

The additional uses proposed to be permitted in the E2 zone are extensive agriculture, outdoor recreation facilities, camping grounds, eco-tourist facilities and tourist and visitor accommodation. These uses reflect the existing uses operating in the 7(a) zone at present i.e. agriculture, horse riding trails, quad biking, kayaking, abseiling and overnight camping. These low impact uses, or similar, are compatible with the Environmental Conservation zone. Any other uses permitted under the definition of recreation facility (outdoor) and tourist and visitor accommodation would be required to satisfy the objectives of the E2 zone.

(iv) Direction 2.2 - Coastal Protection

That part of the subject land adjacent to Popran Creek, which is a tidal creek, is therefore in the coastal zone. This Direction requires a planning proposal to include provisions that give effect to and are consistent with the NSW Coastal Policy (1997), the Coastal Design Guidelines 2003 and coastline management manuals. The land is an estuarine environment and not subject to active coastal processes. The listing of additional uses in Schedule 1 will not have any substantive impact in terms of coastal protection and the proposal is considered to be consistent with this direction.

(v) Direction 2.3 - Heritage Conservation

This Direction requires that Planning Proposals shall contain provisions that facilitate the conservation of items, areas, objects and places of environmental heritage significance and of indigenous heritage significance.

There are currently three (3) environmental heritage items on the subject land:

- Grave of Owen Maloney - Lot 19 DP 755221
- Remains of stone walling - Lot 37 DP 755221
- House "Glenworth Valley" - Lot 89 DP 755221

These heritage items are identified and protected under the provisions of the Gosford LEP 2014.

In relation to aboriginal archaeology, given the setting of the land, with a permanent creek, sandstone ridgelines and exposed rocky outcrops, it could be expected that items may be identified. Future development would need to comply with relevant legislation (*National Parks and Wildlife Act, 1974*) in relation to archaeological heritage. Given the variability of site characteristics, there is flexibility in the location of works to minimise disturbance and the E2 zone over the valley area is the most appropriate having regard to potential for further archaeological sites. Archaeological values could also be complementary to nature-based recreational activities. The Gateway would determine whether a preliminary aboriginal heritage assessment

should be carried out as part of the Planning Proposal process, or otherwise investigations could be undertaken to support individual future applications.

(vi) Direction 4.1 - Acid Sulfate Soils

This Direction requires that Council shall consider the Acid Sulfate Soils Planning Guidelines when preparing a Planning Proposals where there is a probability of acid sulfate soils occurring. Planning Proposals are also not to allow an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless an acid sulfate soils study assessing the appropriateness of the change in land use given the presence of acid sulfate soils.

Land adjacent to Popran Creek is identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils. Planning for acid sulphate soils is now incorporated as a general provision LEP 2014 and will apply to any future development on land affected by acid sulfate soils.

(vii) Direction 4.3 - Flood Prone Land

This Direction applies when a Planning Proposal is prepared that creates, removes or alters a zone or provision that affects flood prone land. The land is not mapped as flood liable however the river flats adjacent to Popran Creek would be expected to be subject to flooding given its catchment and the presence of the Creek. If building works are proposed in proximity to the creek, a specific flood investigation may be required to support future development and there may be issues associated with flood free access and/or isolation as a result of flood waters. The management of the site would respond to adverse weather conditions, including rain events and flooding, and adapt to conditions appropriate at the time. The rezoning is not inconsistent with this Direction.

(viii) Direction 4.4 - Planning for Bushfire Protection

This direction applies when a planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. The land is mapped as Categories 1 and 2 as well as Buffer. As the subject site is bushfire prone, it is considered necessary to refer the Planning Proposal to the Rural Fire Service for comment. Issues that may be of relevance would relate to emergency evacuation procedures, on-site fire refuge, etc that may be more of an operational than planning nature.

Individual applications for building works in the future, such as the tourist and visitor accommodation, may need specialist development specific bushfire assessment

(ix) Direction 5.1 - Implementation of Regional Strategies:

This Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning and Infrastructure.

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as discussed previously.

(x) Direction 6.1 – Approval and Referral Requirements:

There is no intention for the planning proposal to contain concurrence or formal consultation requirements and as such is consistent with this Direction.

(xi) Direction 6.3 – Site Specific Provisions:

This Direction requires Planning Proposals that amend another planning instrument in order to allow a particular development to be carried out shall either:

- allow that land use to be carried out in the zone the land is situated on, or
- rezone the site to an existing zone that allows that land use without imposing any development standards in addition to those already contained in that zone, or
- allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the instrument being amended.

It is not appropriate to list extensive agriculture, recreation facilities (outdoor), camping grounds, eco-tourist facilities or tourist and visitor accommodation throughout the E2 zone given the overall characteristics of land in this zone. The majority E2 lots, particularly east of the M1 (although being deferred from DLEP 2014) are well below the 40 ha minimum lot size and are unserviced, located in areas of high bushfire hazard, and have extensive natural vegetation and/or remnant environmental values. The majority are being used for rural lifestyle purposes with lot areas of approximately 2 ha, and were created before the introduction of the 7(a) zone in 1977. Given this, a "blanket" approach to allowing tourist accommodation facilities in the E2 zone is not supported, as in practical terms this may give rise to more conventional tourist accommodation, particularly in coastal areas. These issues would equally apply to recreation facilities.

It is not appropriate to list eco-tourist facilities, camping grounds and tourist and visitor accommodation throughout the RU2 zone given the location of this zone along main roads and the objectives of the zone relate to the maintenance of the rural landscape. Such uses are considered satisfactory on the subject land as there is opportunity to locate such uses away from public view and the site comprises a unique tourist destination.

The Glenworth Valley site is unique in that it is of significant size (over 1000 hectares, allowing uses to be dispersed through the site and being located in less constrained areas), is relatively isolated from more urbanised coastal areas and has an existing nature based tourist development operating from the land. Given this and the inappropriateness of other zones (other than those existing) for the overall holding, the addition of uses in Schedule 1 is justified.

Section C Environmental, social and economic impact

7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There would be expected to be high biodiversity values for both threatened and non threatened species given the location of the land, its overall environmental values and proximity to three National Parks. Areas of EEC (Estuary Swamp Oak Forest) occur along Popran Creek. There are however also considerable cleared areas, or other areas that are less sensitive, that could be made available for development as envisaged under the Planning Proposal. Detailed assessment of threatened species issues may be required on a case by case basis dependent upon the nature and location of works. The provisions of the *Threatened Species Conservation Act* would still apply to future development, however is not considered to be an overall

impediment to suitable developments. Development specific conditions can be attached to individual applications to manage environmental effects.

8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Waste Management

Parts of this site, particularly those areas located close to permanent waterways and within flood prone land may not be suitable for on-site sewage management. Some activities previously approved (such as music festivals) require detailed development specific management plans linked to expected attendance rates to ensure appropriate waste management treatments are used. For previous activities, the applicant has made application to Council for upcoming events or proposed development in consultation with Council's Waste Services to ensure proper event management.

Additional permissible uses that may be established under the Schedule 1 listing would be of a more permanent nature and suitable on-site waste management systems would need to be provided to the satisfaction of Council. The parameters for these would be determined on a case by case basis, and based on expected increase in visitors using recreational facilities, number of people to be accommodated as part of a tourist accommodation facility and the like.

Noise

Noise levels from future activities cannot be predicted and would be dependent upon the type of activity, its location within the site, etc. The need for individual acoustic reports would be determined on a case by case basis. This planning proposal is separate to previously approved music festivals, and these would continue to operate based on existing consents and individual management plans for events.

Scenic Quality

Chapter 2.2 of Gosford Development Control Plan identifies the Popran Creek Landscape Unit as being of Local significance. This Landscape Unit is characterised by deeply dissected steep sided valleys cut into the Hawkesbury sandstone with a strong sense of enclosure. The lower end of this unit is characterised by drowned valleys subject to tidal flows.

For all landscape units the major issue is to preserve the existing character of these areas and to control development in unsuitable areas. Visual sensitivity is high for all landscape units along ridgetops, mid/upper slopes and water edges and lower in less conspicuous locations.

Any development that would result from this planning proposal would be expected to be sensitively sited having regard to scenic quality. There are also additional matters to be considered under Clause 5.13 of LEP 2014 for the eco-tourist facilities that would ensure sensitive design of permanent structures and/or building works.

Character

Chapter 2.1 of Gosford Development Control Plan identifies the subject land in Glenworth Valley as comprising two (2) character precincts:

- 1 River Grazing Flats

2 Scenic Buffers (Private Properties)

The River Grazing Flats character precinct generally correlates with the cleared land adjacent to Popran Creek (remaining as E2) and the cleared land near Cooks Road (proposed to be zoned RU2). This zone reflects the desired character for the river flats of retaining a productive rural landscape together with tourist activities.

The Scenic Buffers (Private Properties) generally correlates with the vegetated areas to be retained E2 zone.

An assessment of the Planning Proposal in terms of character has been undertaken. Given that the Planning Proposal is proposing to list additional activities in Schedule 1, and matters for consideration for eco-tourist facilities required under Clause 5.13, it is considered that any development would be consistent with the desired future character for the area. Detailed development specific assessment would need to be undertaken in relation to future development applications.

9 How has the Planning Proposal adequately addressed any social and economic effects?

The planning proposal is supported on social and economic grounds. Glenworth Valley is a major tourist attraction and the ability for it to further accommodate activities consistent with nature-based recreation, including accommodation in the form of eco-tourist facilities, is supported from an economic and tourism perspective.

It will provide an opportunity to increase outdoor recreational experiences and thus provide the community with options to enjoy the environment of the Central Coast.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

The operations of existing events (such as music festivals) are subject to approvals separate from this planning proposal and have in place management plans to avoid impacts as much as possible.

The road network has the capacity to support the additional recreational activities/tourist facilities with access to Cooks Road and its intersection with Peats Ridge Road. Whether any upgrading or improved parking/pedestrian access is required would be dependent upon the assessment of future applications.

11 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?

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued. It is recommended that the following agencies should be consulted as part of the Gateway Determination:

- Office of Environment and Heritage
- National Parks and Wildlife Service
- Rural Fire Service
- Trade and Investment - Mineral Resources
- Environment Protection Authority
- Roads and Maritime Service

- Darkinjung Local Aboriginal Land Council
- Department of Primary Industries
- Trade and Investment – Crown Lands

Part 4 Mapping

S55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land - a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

Attachment B to this report contains relevant mapping to the Planning Proposal.

Part 5 Community Consultation

S55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Community consultation will be undertaken as required by the Gateway Determination. This normally involves an exhibition period of 28 days, notification in "Gosford Connect" in the local newspaper and listing on Council's website. Immediate adjoining owners will also be notified in writing.

Part 6 Project Timeline

The anticipated timeline for this Planning Proposal is set out below.

Gateway Determination	July 2014
Completion of required technical information	n/a
Government Agency consultation	August 2014
Public Exhibition	October 2014
Consideration of submissions by Council	February 2015
Date Council will make plan (delegated)	February 2015
Liaise with PC	March 2015
Forward Plan to Department for notification	April 2015

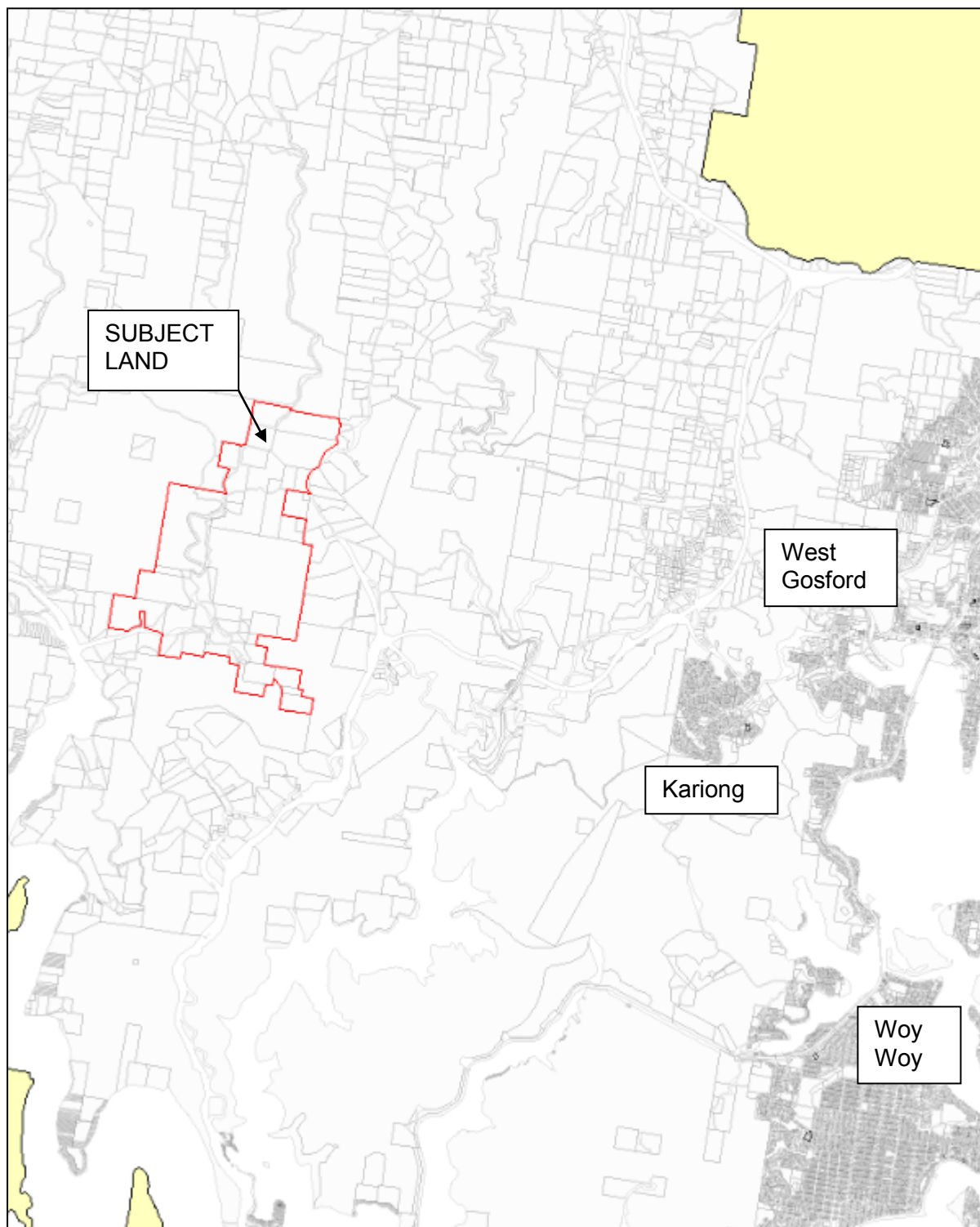
Conclusion

The Glenworth Valley landholding accommodates a regionally significant nature-based tourism business that makes a significant contribution to the range of opportunities offered on the Central Coast. The Planning Proposal will enable a more transparent planning framework for the ongoing development of the land to enable it to accommodate a variety of outdoor recreational opportunities, including accommodation as eco-tourist facilities.

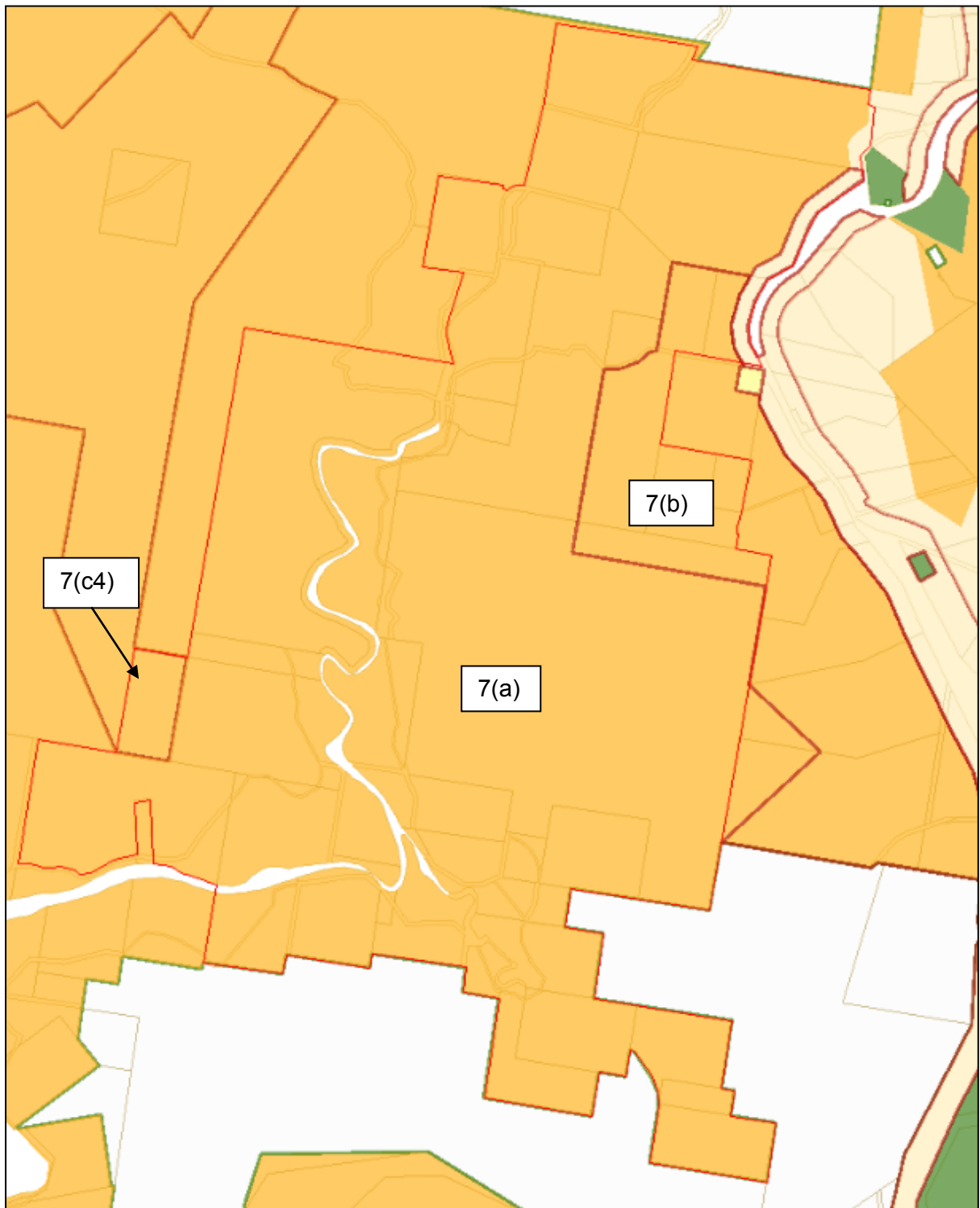
Future uses facilitated by the planning proposal will be subject to detailed site specific assessment at the development application stage, however the planning provisions will allow flexibility in the location of works and activities, so as to minimise impact, ensure appropriate environmental outcomes and appropriate management specific to the development proposed. Some activities on the site are separate from this planning proposal, and will continue to operate on the basis of existing consents.

The land is appropriately zoned, in the main, E2, with additional cleared land off Cooks Road being zoned RU2. The uses proposed can be complementary to the range of recreational environmental experiences that are contingent upon maintaining the overall environmental values of the land.

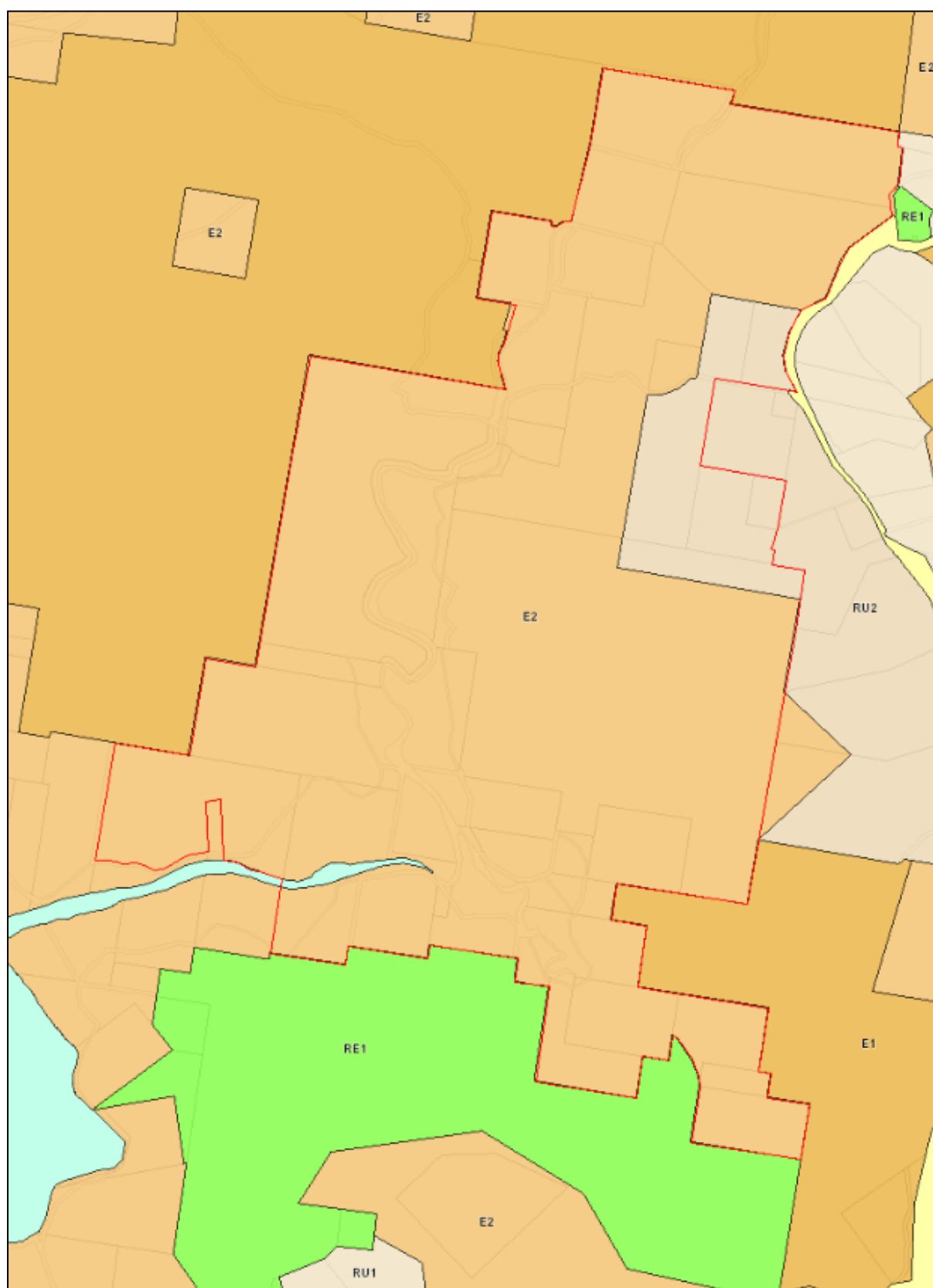
APPENDIX 1 - Locality Map



APPENDIX 2 - Existing Zoning Map



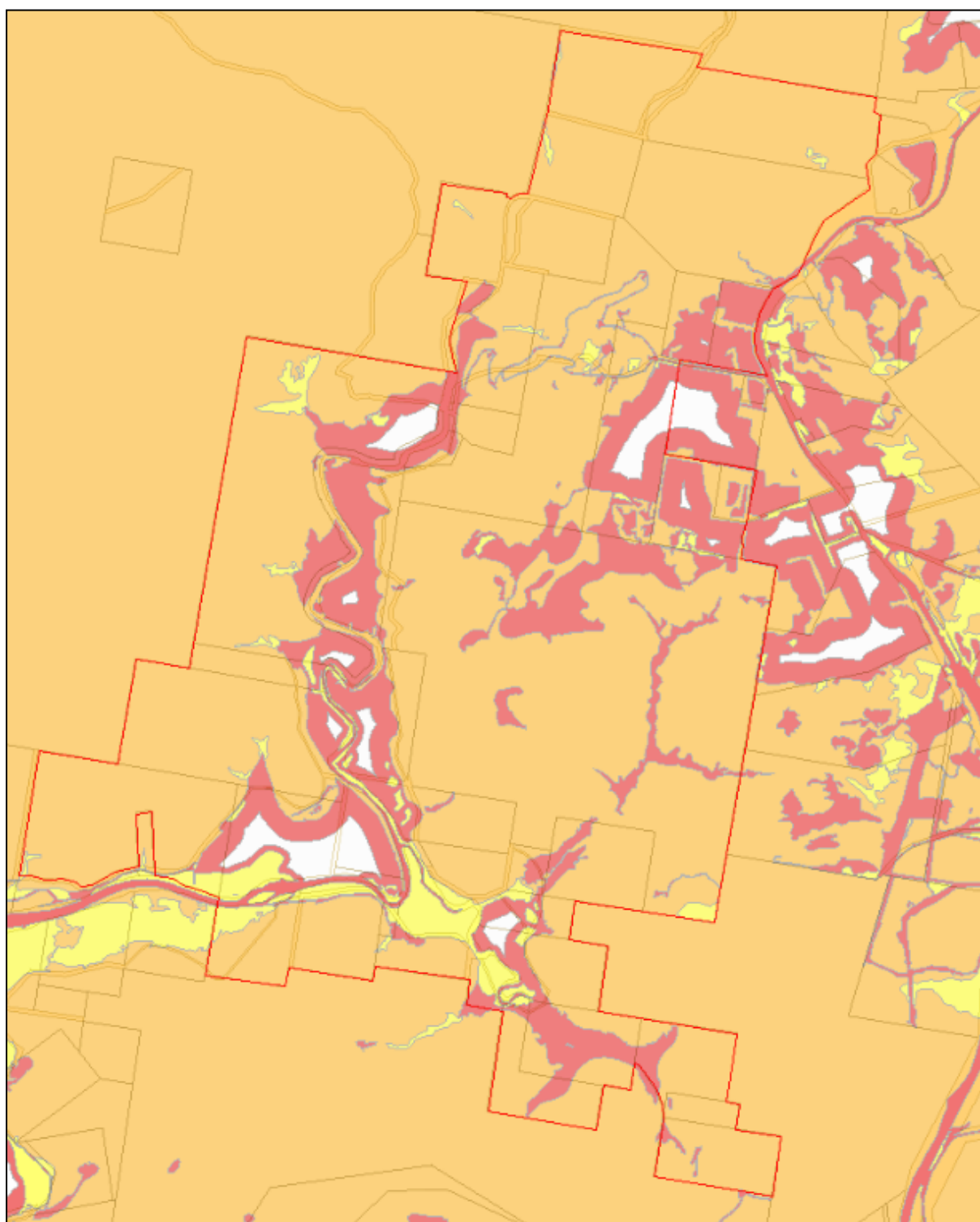
APPENDIX 3 - Proposed E2 Zoning under Draft Gosford LEP (as exhibited)



APPENDIX 4 - Aerial Photograph

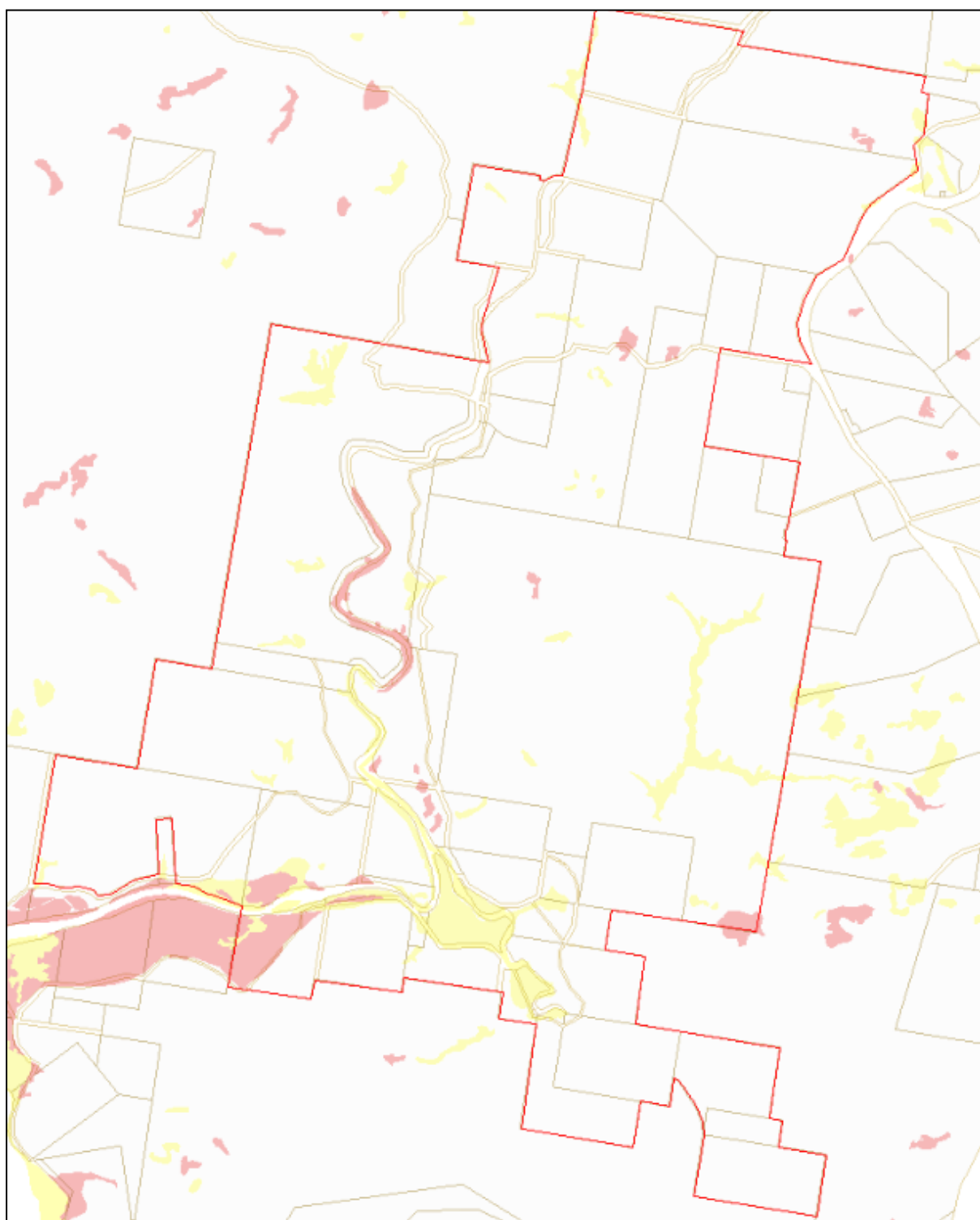


APPENDIX 5 - Bushfire Hazard



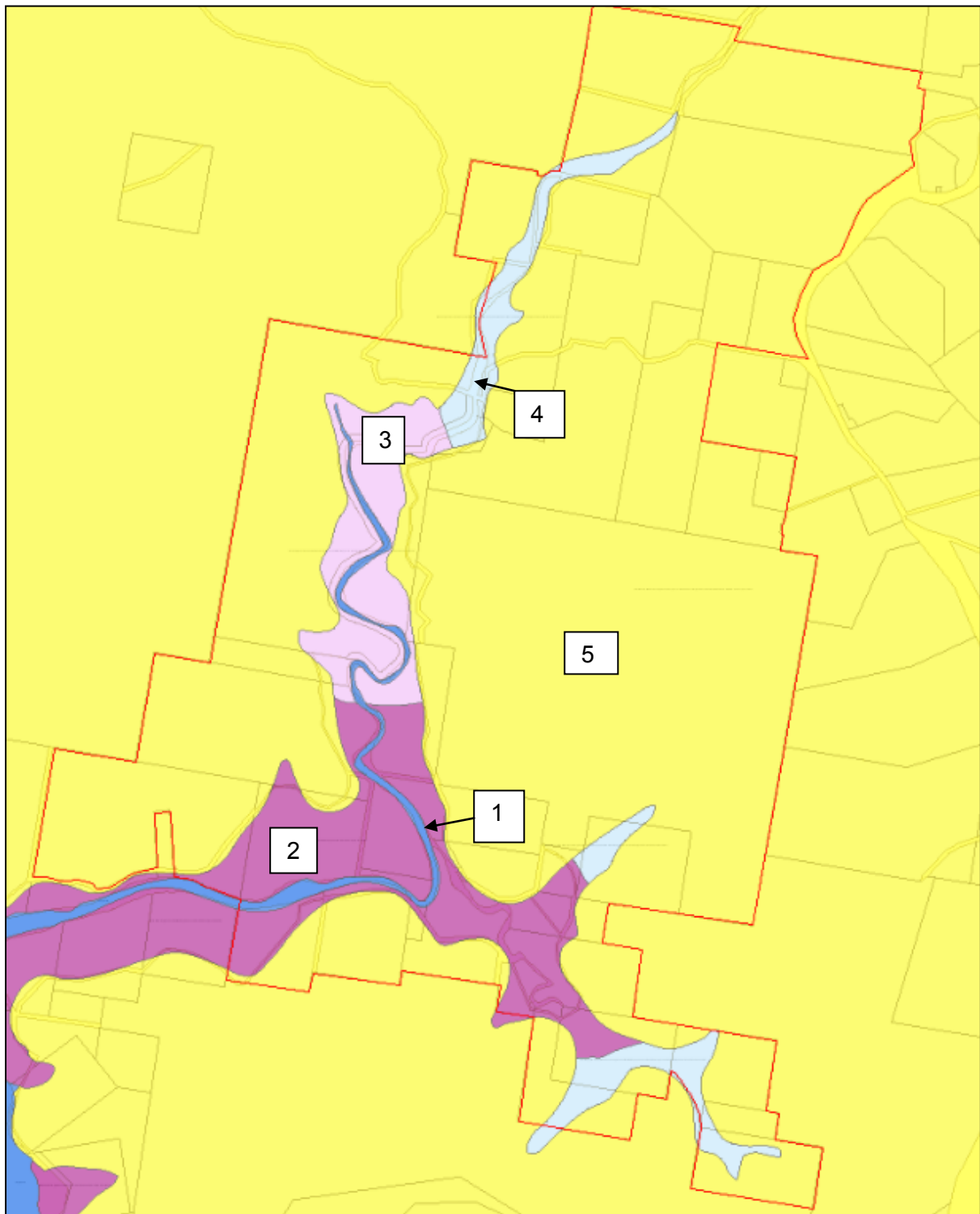
Orange Shading - Category 1
Yellow Shading – Category 2
Red Shading - Buffer

APPENDIX 6 - Significant Vegetation



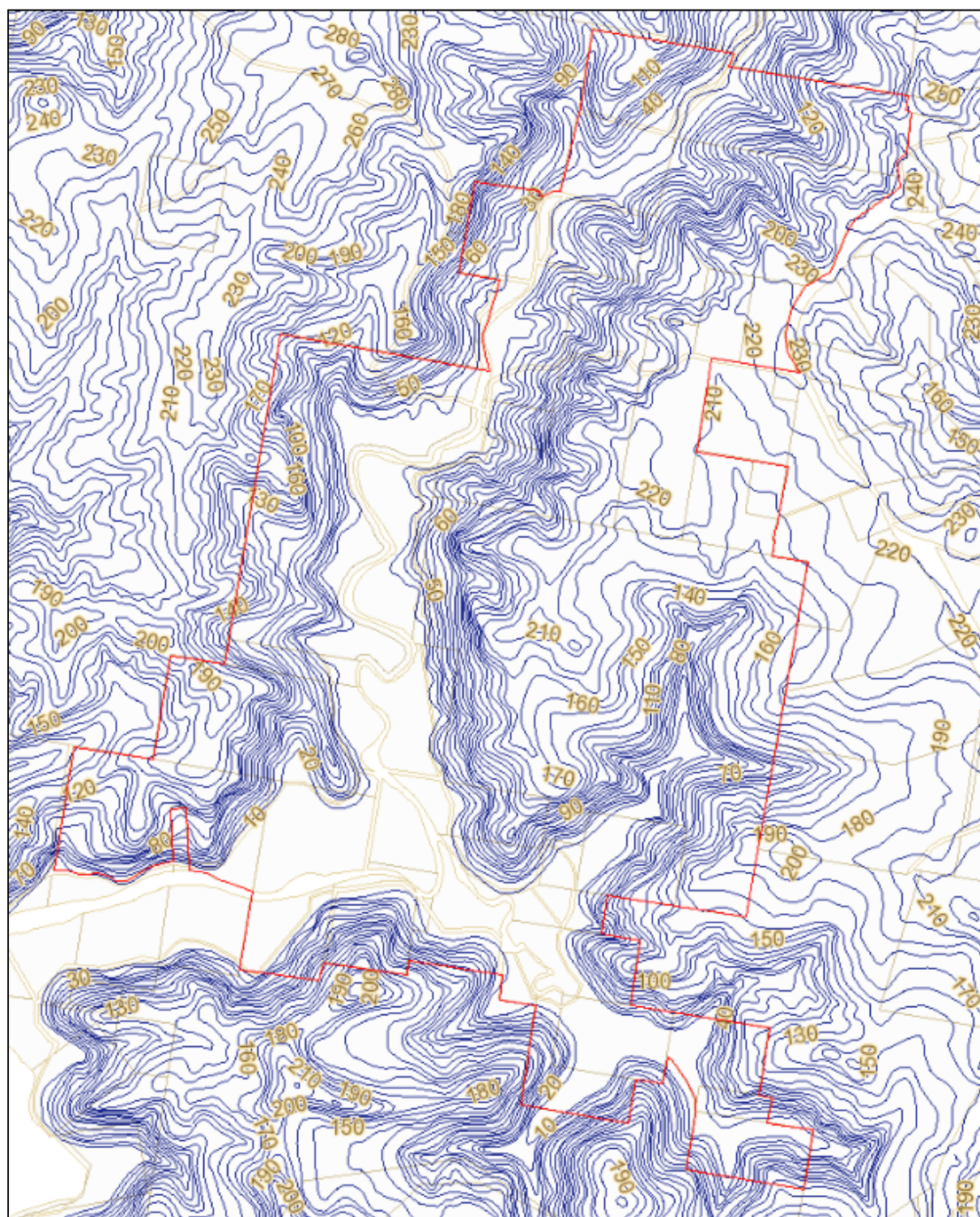
Red Shading - Endangered Ecological Communities
Yellow Shading - Regionally Significant Vegetation

APPENDIX 7 - Acid Sulfate Soils



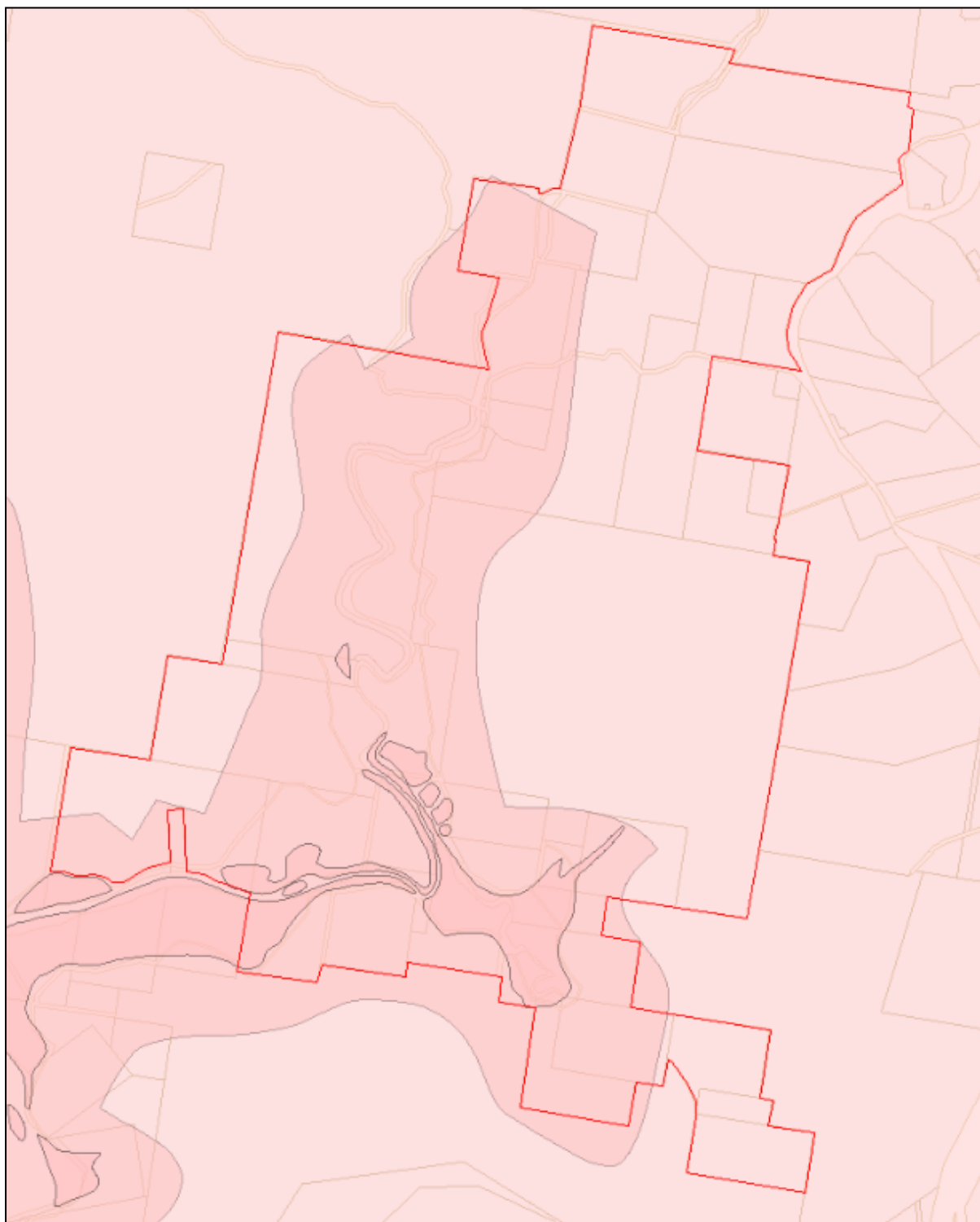
Categories 1 to 5

APPENDIX 8 - Topography



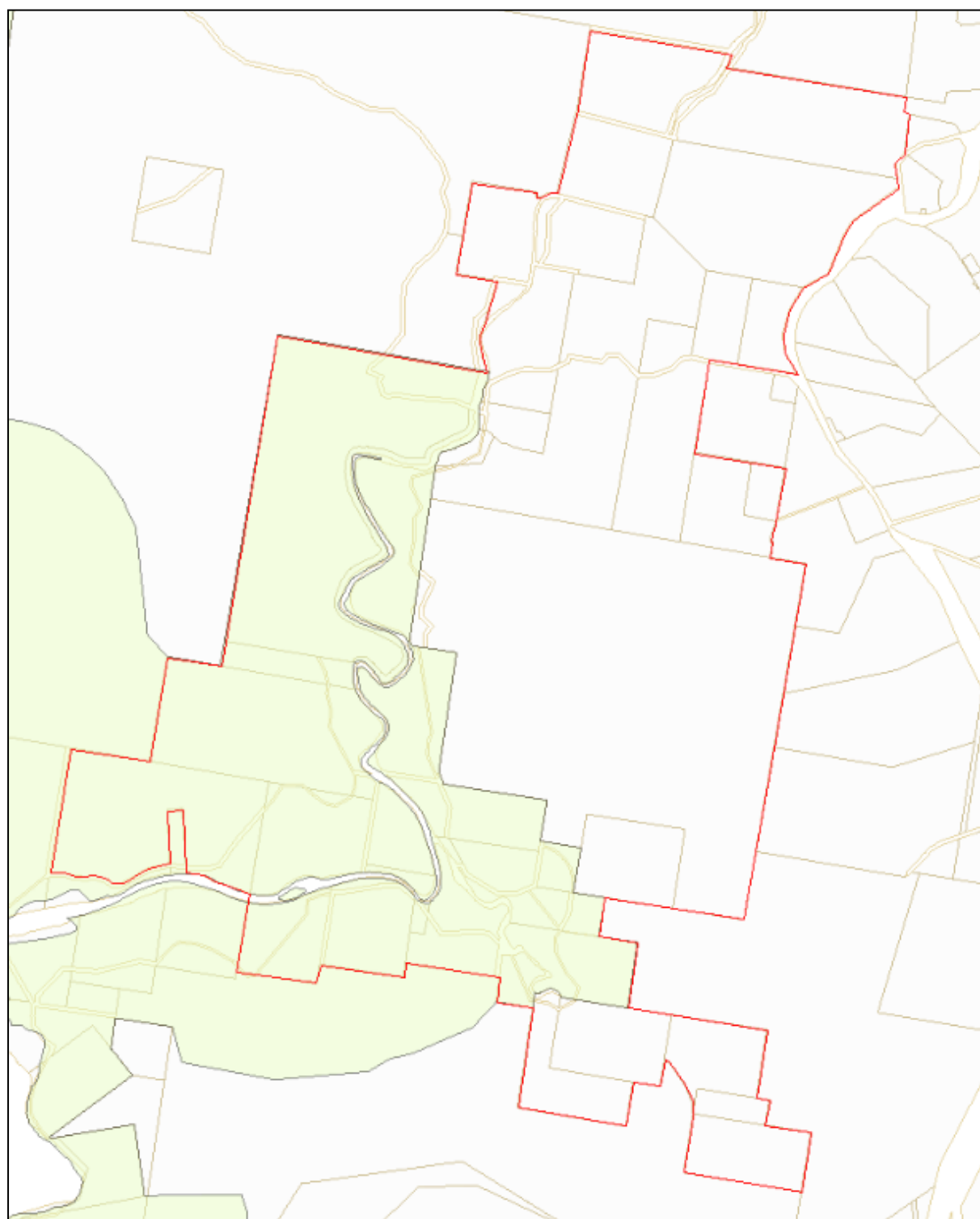
Contour Interval - 10 metres

APPENDIX 9 - SREP 20

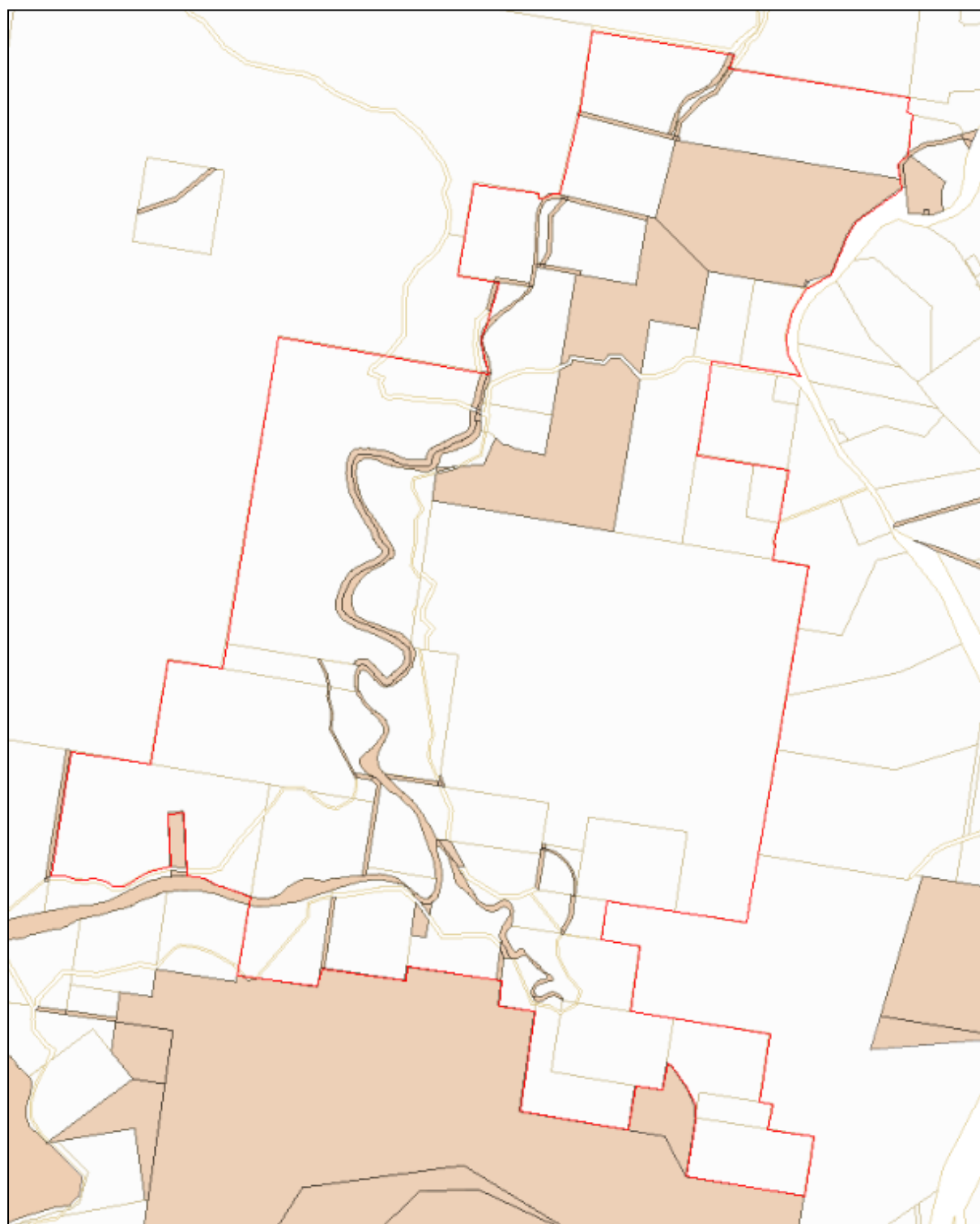


Dark Shading - Wetlands
Medium Shading - Riverine Corridor
Light Shading - Land affected by SREP 20

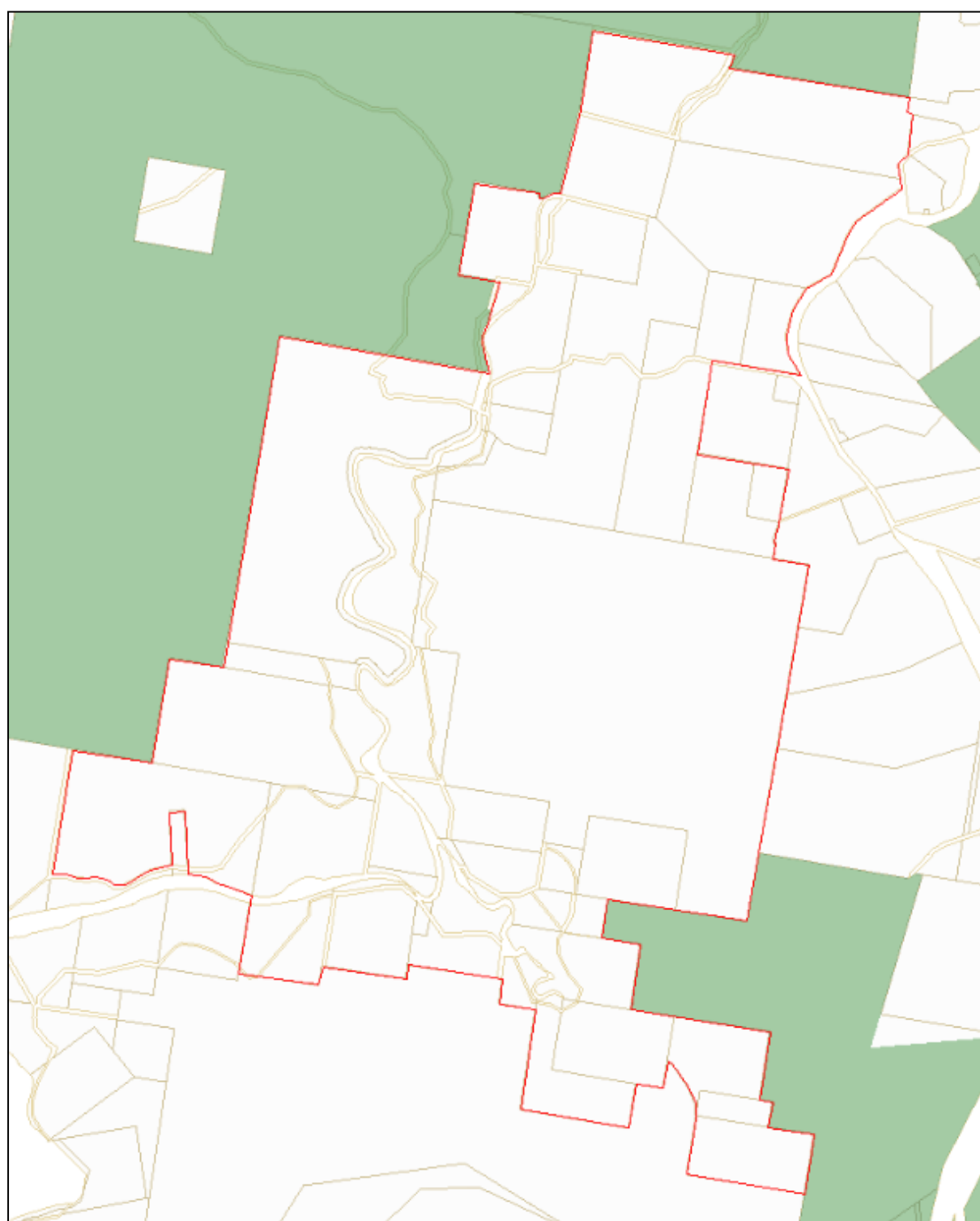
APPENDIX 10 - SEPP 71



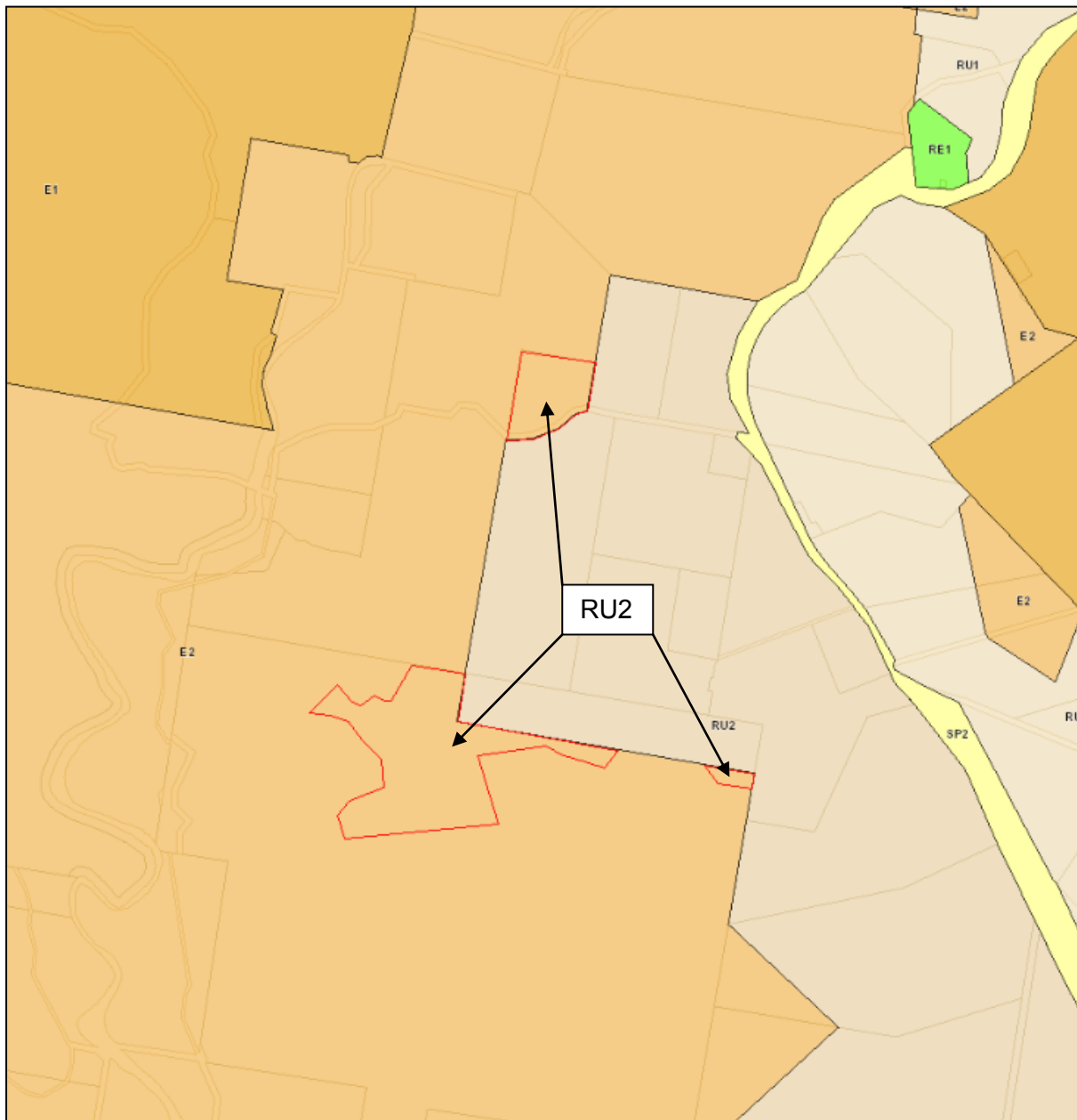
APPENDIX 11 - Crown Land



APPENDIX 12 - National Parks



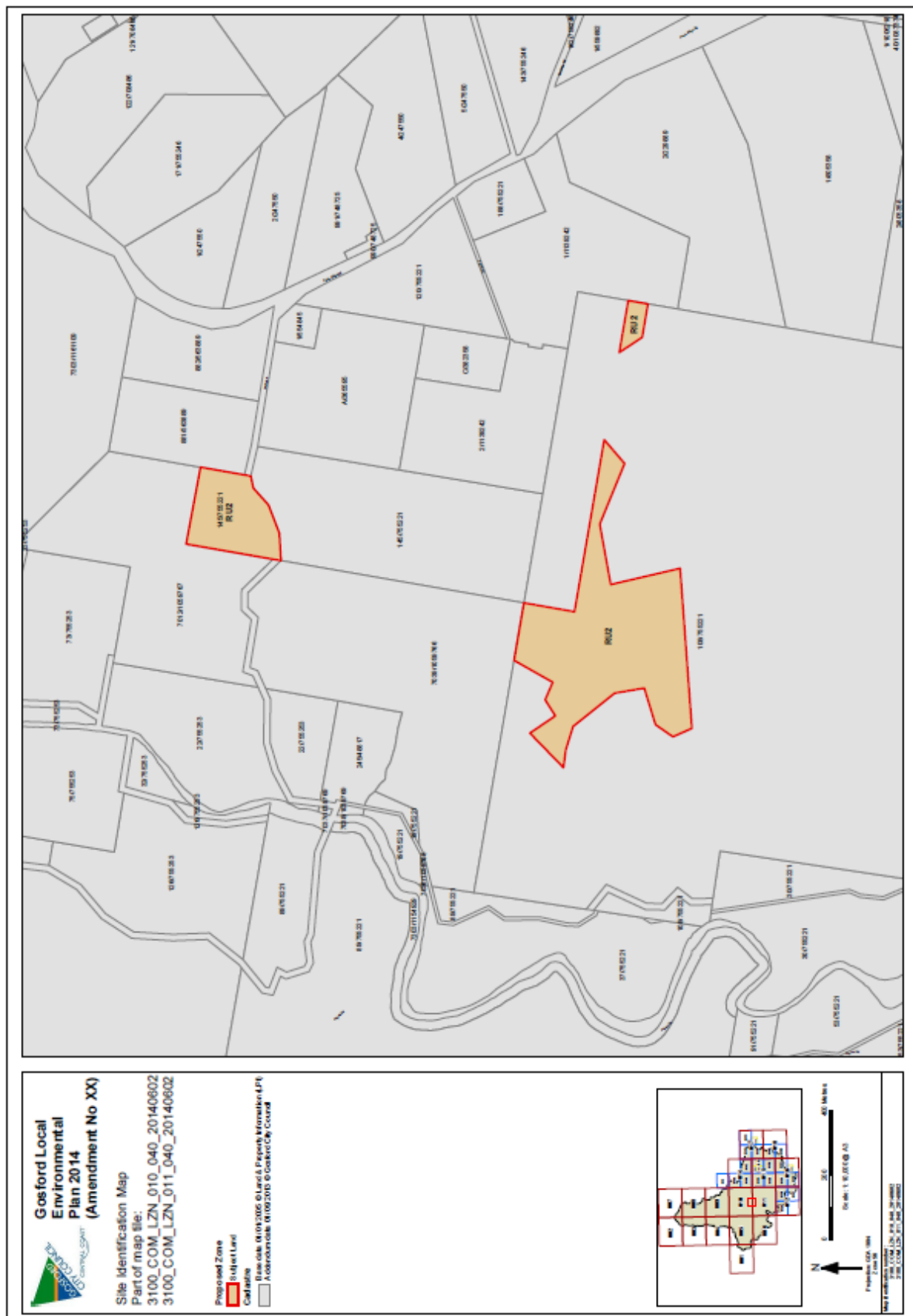
APPENDIX 13 – Proposed Expansion of RU2 Zone



APPENDIX 14 – Aerial Photo of Land Proposed to be Zoned RU2



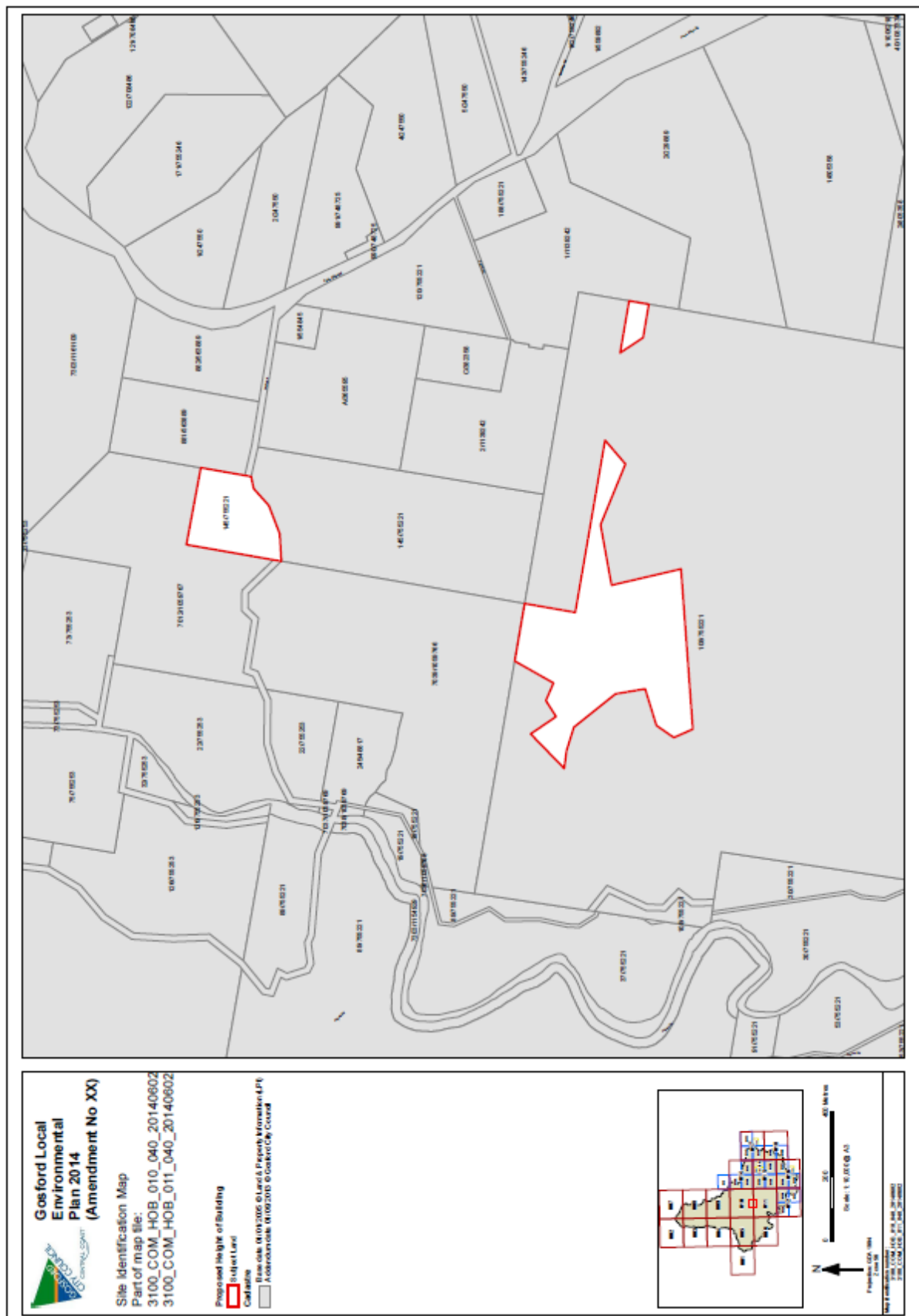
APPENDIX 15 – Draft Zoning Map re land to be zoned RU2



APPENDIX 16 – Draft Lot Size Map re land to be zoned RU2



APPENDIX 17 – Draft Height of Building Map re land to be zoned RU2



APPENDIX 18 – Draft Additional Permitted Uses Map

