

TITLE PLANNING PROPOSAL S55 EP&A ACT IN RESPECT OF LAND IN GLENWORTH VALLEY - APPLICANT: COASTPLAN CONSULTING (IR 14179107)

Directorate: Environment and Planning
Business Unit: Integrated Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

Disclosure of political donations and gifts - s147 Environmental Planning and Assessment Act (EP&A Act)

"A relevant planning application means: (a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site". The following item is an *initial report* to consider a request to Council to prepare a *Planning Proposal*; hence it falls under the definition of a '*relevant planning application*'.

No disclosure was made by the applicant pursuant to s147 EP&A Act.

EXECUTIVE 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. 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. The applicant has suggested several options which are discussed in the report.

Given the issues associated with the options proposed, 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 LEP 2013 and to nominate additional uses that will be permitted, being recreation facilities (outdoor) and eco-tourist facility. 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 then enable detailed assessment of specific proposals on a case by case basis, and allow flexibility in accommodating activities whilst overall protecting and managing the environmental values of the land.

BACKGROUND

Reason for Referral to Council: This report discusses merits for Council's consideration and decision of whether or not to prepare a Planning Proposal (PP) (*which, if supported by Department of Planning and Infrastructure would result in an amending LEP*), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

The application has been the subject of on-going discussions with Council officers through the assessment process.

Application Received: 13 August 2013

Environmental Planning Instrument – Current Zone:

Under Interim Development Order No. 122 - Gosford the subject land is zoned 7(a) Conservation and Scenic Protection (Conservation) except for:

- part of Lot 53 DP 755221 which is zoned 7(c4) Conservation and Scenic Protection (Scenic Protection - Mangrove Creek),
- part of Lot 102 DP 1139060 which is zoned 1(a) Rural (Agriculture),
- part of Lot 7303 DP 1161109 which is zoned 1(b) Rural (Highway Protection).

Under Draft Gosford LEP 2013 all the subject land is proposed to be zoned E2 Environmental Conservation, as the land that is within zones 1(a), 1(b) and 7(c4) is only minor in the context of the overall site, and reflect misalignment of zone and cadastral lot boundaries.

Land Description:

Lots 1 and 3 DP 617088

Lots 19, 20, 21, 23, 24, 25, 30, 31, 32, 33, 37, 50, 53, 64, 65, 68, 81, 82, 85, 86, 87, 89, 91, 108 and 145 DP 755221

Lots 22, 23, 32, 73, 75 and 76 DP 755253

Part of Lot 102 DP 1139060

Lot C DP 382358

Lot 2 DP 1139242

Lots 881 and 882 DP 563889

Lot 7012 DP 1059767*

Lot 7039 DP 1059766*

Lot 7303 DP 1161109*

Lot 7303 DP 1154929*

All of the above lots are owned by The Glenworth Valley Pastoral Holding Pty Ltd or are permissive occupancies. There are also some small in-holding lots that are included in the application, however are not owned by Glenworth Valley. The owners' consent for all lots to the application will need to be obtained prior to forwarding the Planning Proposal to the Department of Planning and Infrastructure (DoP&I). These lots comprise:

Crown Land - Lot 7027 DP 1051931, Lot 7029 DP 93603, Lot 7035 DP 1051932, Lot 7036 DP 1059768, Lot 7037 DP 1059769 and Lot 7038 DP 1059769

Darkinjung Local Aboriginal Land Council (LALC) owned land - Lot 245 DP 48817

Area: 1106.1 ha

Recommendation: For support

Overview of Planning Proposal

The Planning Proposal applies to a number of privately owned lots, four lots that are crown land and used under permissive occupancies and one lot that was crown land with no permissive occupancy that has been ceded to the Darkinjung LALC. These lots are generally all zoned 7(a) Conservation and are proposed to be zoned E2 Environmental Conservation under the DLEP 2013. Neither the current zone nor the proposed zone permit the outdoor recreational activities operating on the site, nor will it allow similar uses in the future. Existing landuses have been established primarily on the basis of existing use rights and employ a range of measures to control impacts, depending upon the actual activity undertaken, relevant approvals and event management.

The intention of this Planning Proposal is to remove the uncertainty that exists which is associated with reliance on existing use rights, together with providing an appropriate planning framework to accommodate new activities that are compatible with the site. The scale of any activity would need to be regulated to ensure that activities are compatible with the overall values of the land, as articulated in the E2 zone objectives, its lack of service infrastructure, isolation and a range of planning matters that would need to be considered.

The most appropriate mechanism to facilitate development on the land is retain it in the E2 Environmental Conservation Zone, however list additional activities that may be undertaken, being recreation facilities (outdoor), and eco-tourist facilities. A number of related activities could be ancillary to these activities (e.g. grazing of horses) and do not need to be listed as separate uses.

Landuse History

In 1968 the Gosford Planning Scheme Ordinance zoned the subject land to 1(a) Non-urban.

In 1969 a riding school was approved over 30 lots. This was a permitted use under the 1(a) zone. A number of ancillary activities operate under this approval such as trail riding, horse riding lessons, overnight riding camps, horse agistment and overnight camping accommodation.

In 1979 Interim Development Order 122 zoned the subject land to 7(a) Conservation. As horse riding schools are prohibited under this zone it became a non-conforming existing use. The use has not been abandoned.

Until 2006, existing use rights provisions in the Environmental Planning and Assessment Act (EP&A) allowed consent to be granted for other uses not normally permitted in a zone, if the land enjoyed existing use rights. The following development consents were issued using the "existing use rights" provided by the horse riding school.

- In 1999 development consent for music festivals was issued. This consent now applies to four (4) lots and permits three (3) events per year, lasting up to 78 hours in duration with up to 15,000 people attending per day (DA 2839/99).
- In 2005 an additional consent was issued for small scale music festivals (up to 2500 people per day) on five (5) lots (DA 25814/04).
- In 2003 development consent was issued for a recreation facility in the form of paintball fields on one (1) lot (DA 19911/03).
- Also in 2003 development consent was issued for a recreation facility in the form of quad bike tours on two (2) lots (DA 20082/03).

In 2006 the "existing use rights" provisions under the EP&A Act and Regulations were changed to prohibit other non-conforming uses from being permitted. Hence no more development applications could be considered for uses that were not permitted in the 7(a) zone. The reliance on existing use rights also created a complex approval regime in relation to the "uses" themselves and also which lots to which the existing use rights applied.

There are a number of approvals for various uses in relation to the 7(b) component of the land located off Cooks Road.

Overview of Applicant's Submission

The applicant has provided a detailed submission to support the proposal as summarised below.

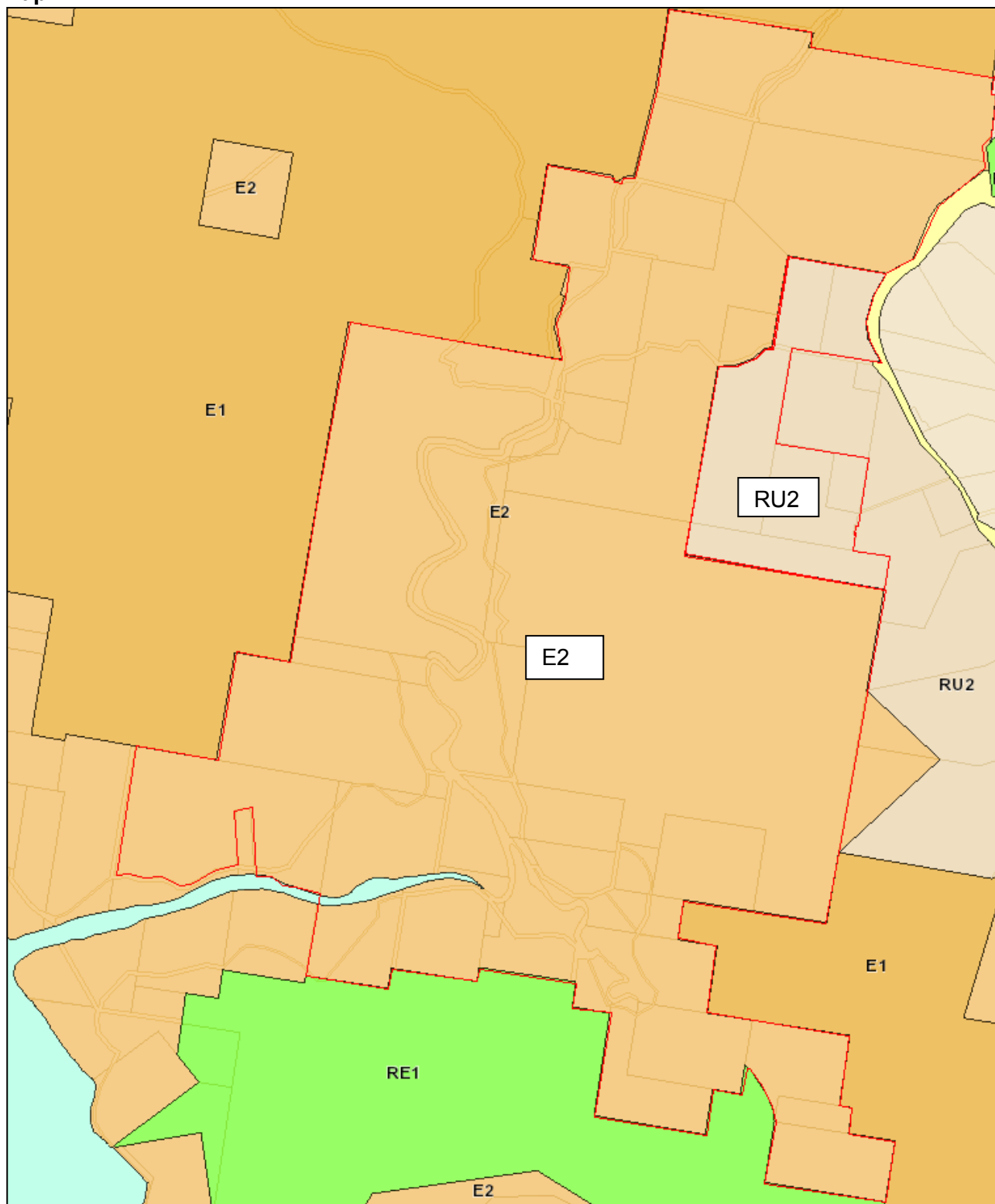
The site the subject of this planning proposal includes a total of 38 allotments and has 2 permissive occupancy licences (covering four lots) which are collectively referred to as the Glenworth Valley landholding.

Five allotments are intended to be zoned or partly zoned RU2 Rural Landscape under the provisions of the Draft Gosford LEP 2009 which already permits Recreation Facility (Outdoor) uses. Only those allotments or areas of allotments that are zoned E2 under Draft Gosford LEP are covered by this planning proposal.

The subject site is utilised for a range of tourist and recreation facility type uses such as horse riding, quad bike riding, music festivals and paintball activities which date back as far as 1969. The current zoning of the land does not permit these activities and therefore have "existing use rights" as defined in the Environmental Planning and Assessment Act.

Options Council consider would rezone part of the land under the provisions of the Draft Gosford LEP from Zone E2 to Zone RU2 Rural Landscape and the remaining area within the subject site remain in Zone E2, or to include a clause in Schedule 1 to allow for recreation facility (outdoor) and eco-tourism in the E2 zone on the subject site.

The issues raised in the applicant's submission have been considered in the assessment of the proposal.

Map**Discussion of Options**

The applicant has suggested four options for Council's consideration. Options 1 and 2 relate to options under the existing IDO and Options 3 and 4 relate to amendments to DLEP 2013. Given that this is expected to be gazetted in the very near future, only the later options are discussed. These

are now identified as Options A and B to avoid confusion with documentation submitted by the applicant referring to the original four options.

Option A: Rezone areas to RU2, retain some E2 and list recreation facility (outdoor) and eco-tourism in Schedule 1 as permissible in E2

*Rezone the river flats and adjoining footslopes to RU2 Rural Landscape, a zone in which will permit agriculture and recreation facility (outdoor). Rezone the E2 cleared land on Lot 108 DP 755221 to RU2 as it has similar characteristic to the adjoining RU2 zoned land in Cooks Road. The total area proposed to be zoned RU2 is approximately 127 ha; hence 978.9 ha will be retained in the E2 zone. **This is the applicant's preferred option.***

Comment: Although the valley floor is generally cleared of significant tracts of native vegetation, and is grassed pastureland, vegetation immediately adjoining parts of Popran Creek is identified as EEC. Supporting the applicant's submission would result in approximately 127 hectares of land that is located within a broader area of environmental sensitivity, being included in a rural zone. This would have the effect of diminishing its overall environmental values and role in part of the broader landscape. A number of uses would also become permissible in RU2 that are not appropriate given the lands isolation and overall constraints. Uses such as extractive industries, garden centres, landscaping material supplies, open cut mines and veterinary hospitals are permitted in the RU2 zone. It would also make the land available for potentially degrading agricultural activities. Within the wider Hawkesbury River corridor, there are a number of pockets of land that are being used for grazing of animals, horse studs and the like that could also be potentially zoned RU2. Council received submissions in relation to then DLEP 2009 requesting rezoning of other lands in a similar situation along the river. At the time this was considered inappropriate given the broader surrounding landscape environmental and scenic values, particularly having regard to the provisions of Sydney Regional Environmental Plan No 20 - Hawkesbury Nepean River No 2 (1997) (which is now a deemed SEPP).

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. Popran Creek (including the river flats and vegetated hillsides) are mapped as being within the riverine corridor. Planning principles that are relevant to this proposal require:

- the scenic quality of the riverine corridor must be protected
- the environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.

As such, the inclusion of approximately 127 hectares in a rural zone, rather than its existing environmental zone, and given the uses that would become permissible, would be inconsistent with these principles.

A rural zoning would also provide concessions in relation to possible clearing under the *Native Vegetation Act* 2003 (NSW) and associated regulations that could have unintended effects on overall remnant vegetation. Further, under SEPP (Infrastructure), a number of additional uses including airports, educational establishments, correctional centres and research stations are mandated as permissible and hence could be established, even if not permitted under the RU2 zone.

The RU2 zone was used as a "conversion" zone for 7(b) zone in LEP 2013. The 7(b) zone was applied to "residue" areas in the rural hinterland that possessed scenic values, however may also have had value as agricultural land or remnant environmental values. Some land zoned RU2 has highly significant environmental values, whereas other areas may be more appropriately zoned as agricultural lands. Within the development of DLEP 2009 (now LEP 2013) there was no scope for a

review of all 7(b) lands that would be needed to confirm the veracity of this zone. Without the benefit of a strategic review of all existing 7(b)/proposed RU2 zones, it is not recommended to include additional lands in this zone.

Existing grazing activities could continue by way of existing use rights or as ancillary to approved uses without the need to change the zone to one in which extensive agriculture is permitted, i.e. RU2.

From an operational perspective, given the size of the land and issues associated with the delineation of the zone boundary of the land when plotted on site, it may be difficult to determine where one zone starts and the other stops. This would then result in an "arbitrary" line that delineates permissible uses without regard for on-site detailed analysis of environmental values. The delineation of a RU2/E2 zone line would not facilitate assessment of merits of the location of activities such as riding trails. Further, for some activities such as abseiling, it would be necessary to be located on E2 land (i.e. cliffs), and consequentially in addition to zoning less constrained parts of the site to RU2, an LEP amendment would still need to list activities in Schedule 1 where these activities are contingent on site features that would be in E2. This would create a cumbersome approach to planning for development of the land. It may also have considerable precedential effects for zoning of other 7(a)/E2 lands within the broader Hawkesbury River corridor without, amongst other things, considering the requirements of SREP 20 and from an overall strategic perspective.

In the long term, it cannot be assumed that Glenworth Valley would continue to operate and manage the land. Thus rezoning to RU2 could also create further speculation for other more intensive uses in the long term, if the land has been removed from an environmental zone.

Option B: retain the E2 zone and include the whole site and list extensive agriculture, eco-tourist facility, recreation facility (outdoor), camping ground and visitor and tourist accommodation in Schedule 1 as permissible on the land.

*This option would retain the existing zonings over the whole of the land, however recognise existing and proposed uses on the site. It would make permissible a number of defined uses and would include uses that are currently being carried out but are prohibited (with the uses being established through existing use rights). **The applicant is also amenable to this approach.***

Comment: Given the range of issues associated with zoning part of the 7(a)/E2 land to RU2, it is considered that retaining the land in its existing E2 zone (over the majority of the site) and listing uses in Schedule 1, would lead to a less complex approach to facilitating development of the land. This would allow more detailed assessment on a case by case basis of development applications for uses listed as permissible in Schedule 1. This would provide a greater focus of the localised environmental characteristics and variations, and lead to better development outcomes on the site overall. Environmental management conditions tied to activity specific management plans, coupled with on-going monitoring, should ensure the environmental values of the site are not eroded. Conditioning through the development consent process could address this issue. This is considered a better outcome than rezoning tracts of the existing 7(a) land to RU2 which would then allow a number of other uses that are not necessarily appropriate for the land. Part of the Glenworth Valley landholding is located off Cooks Road and is currently zoned 7(b), with it being proposed to be RU2 under DLEP 2013.

In relation to the uses specified by the applicant, the following commentary is provided.

Extensive agriculture under DLEP 2013 is defined as:

"means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes;
- (b) the grazing of livestock for commercial purposes;
- (c) bee keeping;
- (d) a dairy (pasture based).

Extensive agriculture is not proposed to be permissible in the E2 zone, given the environmental values associated with land and incompatibility of this use with these values. Also, under the provisions of SEPP (Mining), extractive industries are permissible in any zone where "agriculture" is permissible. The applicant has sought the inclusion of extensive agriculture as a permissible use on the 7(a)/E2 component on the basis of existing grazing activities associated with riding school. Existing grazing activities on the existing 7(a)/proposed E2 component could continue by way of existing use rights or as ancillary to approved uses without the need to list the activity in Schedule 1.

Extensive agriculture will be permitted in RU2 as a general permitted use in the zone so it is not necessary to specify it in Schedule 1 as it relates to the RU2 component.

A **recreation facility (outdoor)** is defined as:

"a building or place (other than a recreation area) used predominately for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf-driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings) but does not include an entertainment facility or a recreation facility (major)".

Although the existing uses and possible future uses are more nature-based than those nominated, this definition best suits the predominant activities on the land. Activities include horse riding, (both guided and free ranging on nominated trails), quad bike riding (in nominated areas), kayaking, abseiling (in specific areas), laser skirmish/paintball and may also include other emerging outdoor pursuits. Further, it is the inherent natural values of the land that make it attractive for these recreational/tourist related activities and hence it is also in the landowner's interests to seek to protect these values. The E2 zone, with additional permitted uses, best reflects the overall values of the land.

Recreation facilities (outdoor) will be permitted in RU2 as a general permitted use in the zone so it is not necessary to specify it in Schedule 1 as it relates to the RU2 component.

An **eco-tourist facility** is defined as:

"a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items".

Given this definition, it is not considered necessary to also list visitor and tourist accommodation, nor camping ground, as tourist related accommodation would fall under the umbrella of an eco-tourist facility. This would also ensure that the scale of the development was appropriate to the environmental values of the land. There are also mandated requirements Clause 5.13 Miscellaneous Provisions of LEP 2013 that sets out further matters for consideration that would

ensure that development would maintain the environmental values of the land and ensure that it is sensitively designed and managed to have minimal impact on the environment.

In the 7(b) zone, motels and recreational facilities are permissible with consent. In RU2, however, tourist and visitor accommodation will not be permissible (although bed and breakfast accommodation and farm stay accommodation will be permissible). Given the existing approval for a motel under DA 43465, land currently zoned 7(b)/proposed to be RU2 should also be listed in Schedule 1 as allowing eco-tourist facilities.

The above planning regime would allow a consistent approach to the whole of Glenworth Valley landholding (both the 7(a)/E2 and 7(b)/RU2 components).

DOP&I have been reluctant to list additional permitted uses in Schedule 1, and have previously advocated that where possible, land be zoned to an appropriate Standard Instrument zone where a specific development is already permitted to occur. In this instance, there are no appropriate alternative zonings that can be applied, given the inappropriateness of uses in RU2, the precedential effect that this rezoning would create and the undesirability of diminishing the land's overall environmental values by rezoning part of it to a rural zone. An alternative may be to zone the whole of the land to SP1 Special Activities, however this would then not necessarily recognise the overall environmental values of the land, as articulated in the objectives to the E2 zone. This would also not allow alternate uses should Glenworth Valley in the future cease to operate as a tourist destination.

The operations at Glenworth Valley are a unique situation where the use of Schedule 1 listing is the most appropriate planning response to the applicant's submission. This approach would allow the whole of Glenworth Valley landholding to be managed in a holistic manner whilst allowing development at an appropriate scale.

'Gateway' planning process

A Local Environmental Plan (LEP) is a legal instrument that imposes zoning of land, standards to control development and other planning controls.

A Planning Proposal application is the mechanism by which a LEP is amended.

The aim of the Gateway planning process is to enable early consideration by the Department of Planning and Infrastructure (DoP&I) and if supported then early public consultation. The Gateway process ensures that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. The Gateway therefore acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

Attachment A – Department of Planning and Infrastructure Planning Proposal 'Flow Chart' of processing shows the stage which this Planning Proposal has reached.

Certain plan making functions may be delegated by Department of Planning and Infrastructure to Council (see Planning Circular PS12-006).

PLANNING PROPOSAL ASSESSMENT

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.

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 and environmentally sustainable tourist accommodation at Glenworth Valley to recognise and further facilitate activities at this key tourist destination. This is to be achieved by listing in Schedule 1, for the 7(a)/E2 component, the additional permitted uses (APU) of recreation facilities (outdoor) and eco-tourist facilities, and for the 7(b)/RU2 component eco-tourist facilities.

This will enable consistency of landuses over the whole of the holding, either by way of Schedule 1 or as uses permissible in existing/proposed zones under DLEP 2013.

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 subject Glenworth Valley holdings land on the Additional Permitted Uses map and listing in Schedule 1:

- for the E2 component, "recreation facilities (outdoor)" and "eco-tourist facilities", and,
- for the RU2 component "eco-tourist facilities"

(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 land).

It is also noted that the approval from other landowners (the crown and Darkinjung LALC) is to be sought prior to finalisation of the plan.

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.

An amendment to the Additional Permitted Uses map will be prepared for submission to the Gateway. Attachment B to this report contains relevant mapping to the Planning Proposal.

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 approvals 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 landuses 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 DA 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 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 landuses, 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 spend by providing on-site accommodation. The existing development is 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 activities and to provide appropriate low-intensity tourist accommodation as envisaged under the definition of eco-tourist facility. 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.

Conversely, rezoning the valley area to RU2 (as the applicant's preferred option) would not be consistent with the Biodiversity Strategy as it would have the effect of removing the land from an environmental zone and including it in a rural zone.

The establishment of outdoor recreation activities and eco-tourism 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)

As the planning proposal is not intended to rezone the 7(a) component of the land (which represents the bulk of the holding in the valley floor), this Policy does not have application to this proposal. That being said, however, 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.

None of the land has been identified as future COSS land and 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. A component of this PN relates to the creation of "split zoning" lots. The approach taken under this

planning proposal will avoid the creation of split zoned lots and the overall zonings of the site are considered appropriate, with the 7(a)/E2 reflective of the environmental values of the majority of the holding.

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 land currently zoned 6(b) Open Space - Special Purposes (Preservation of Native Flora and Fauna and Public Recreation). Parts of the site also have significant bushland areas. The effects on any particular part of the site will be subject to detailed assessment of the effects of bushland, with the opportunity to site works in less significant areas. Where areas are significant however works proposed, e.g. abseiling, on-going monitoring and management can be undertaken to minimise impacts.

(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.

Future uses of 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 currently zoned 7(b)/proposed 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 is a form of tourist accommodation, however will not practically be able to be separately titled, and is only for the transient accommodation for 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. This would be consistent with an eco-tourist facility.

- (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 dependant upon what is required.

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

Comment: 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". Part of Glenworth Valley holdings zoned 7(b)/proposed RU2 off Cooks Road immediately adjoins this land. A separate DA has already been approved on this land 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 eco-tourist facilities in Schedule 1 (i.e. APU) as it relates to the existing 7(b)/proposed 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 recreation facilities (outdoor)}, and environmentally appropriate tourist accommodation, as eco-tourist facilities. This will further achieve the goals of SREP 20 by building on the existing tourist values of Glenworth Valley.

(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. S117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other S117s 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). The Planning Proposal is considered to be consistent with this direction as it is proposed to retain the existing RU2 zone as it applies to Glenworth Valley holdings lands near Cooks Road and retain the E2 zone in the valley floor and along ridgelines.

(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 and the majority of the holdings are 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.

The additional permissible uses proposed in the E2 zone, being outdoor recreation facilities and eco-tourist facilities and nature based, would be expected to be low key and consistent with environmental values.

(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 2013.

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 2013 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 would be expected to be subject to flooding given its catchment and the presence of Popran 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 of a more operational than planning nature.

Individual applications for building works in the future, such as an eco-tourist facility, 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 recreation facilities (outdoor) or eco-tourist facilities 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 2013) 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 eco-tourist 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, under the guise of eco-tourist facility. These issues would equally apply to recreation facilities.

In relation to the listing of eco-tourist facilities as it relates to that part of the site to be zoned RU2, a wider review of the applicability of this zone and permissible uses would be required given broader issues associated with its application.

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 dependant 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 an eco-tourist facility and the like.

Noise

Noise levels from future activities cannot be predicted and would be dependant 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

Development Control Plan No 89 - Scenic Quality 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 DLEP 2013 for 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)

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/eco-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 dependant 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

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. The land will be identified on the Additional Permitted Uses map.

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. Immediately adjoining owners will also be notified in writing.

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, 7(a)/proposed E2, with land off Cooks Road being zoned 7(a)/proposed 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.

The proposal is consistent with relevant strategies, S117 Directions and policies. Further studies may be required as determined by the Gateway, or to support individual future development applications.

Council will seek delegations for this Planning Proposal.

Should Council wish to reconsider the matter after public exhibition where no submissions objecting to the matter have been received, Part E of the recommendation should be amended to include the words: "After public exhibition of the Planning Proposal a report is referred to Council on the matter."

FINANCIAL IMPACT STATEMENT

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

Attachments: A - Planning Proposal Process
B - Planning Proposal Mapping

Tabled Items: Nil

RECOMMENDATION

A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal to list in Schedule 1 of Gosford Local Environmental Plan 2013 to provide for:

- a on that land that is zoned E2 Environmental Conservation, development for the purposes of eco-tourist facilities and recreation facilities (outdoor)
- b on land that is zoned RU2 Rural Landscape, development for the purposes of eco-tourist facilities.

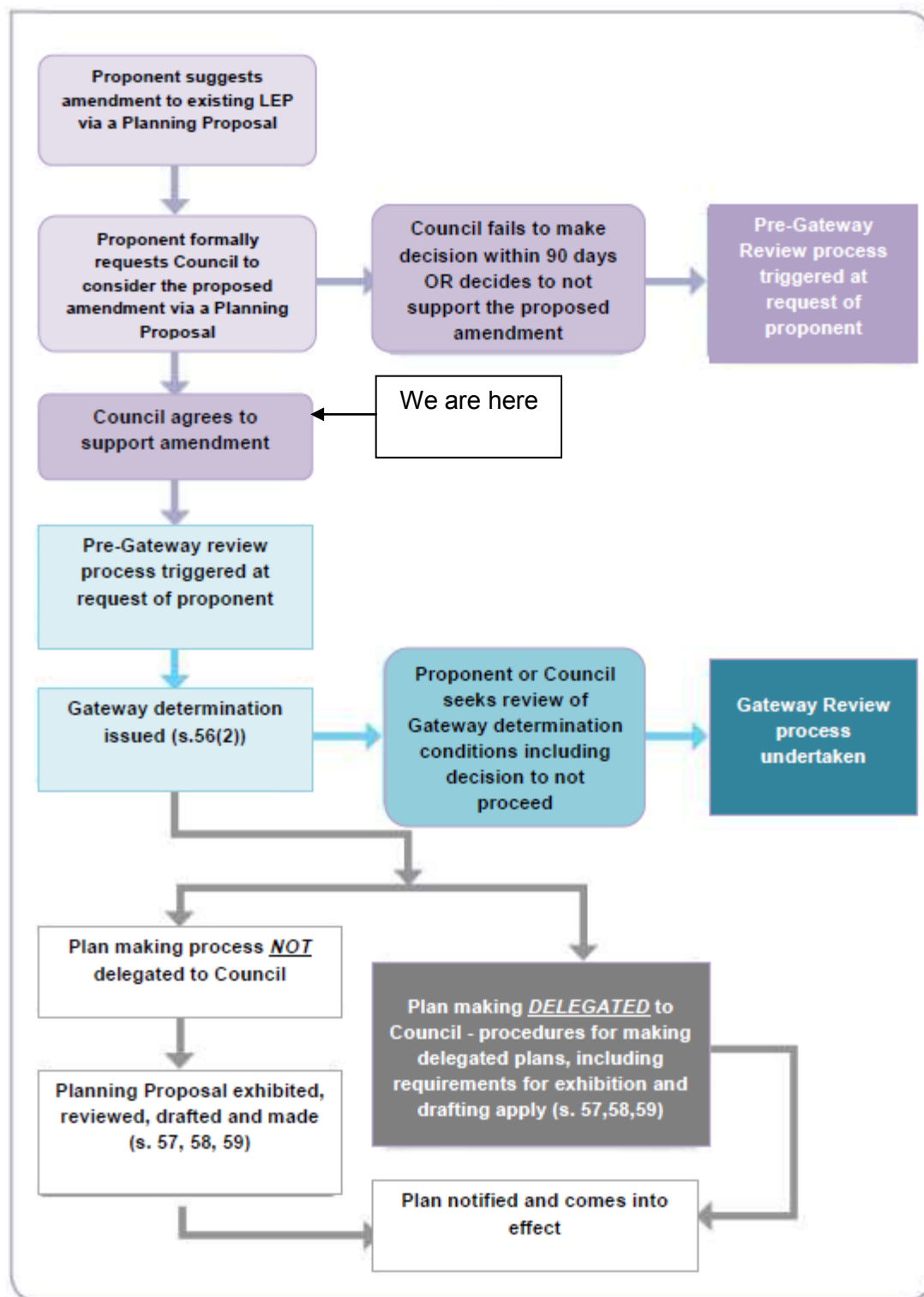
on the following lots

- i Land owned by Glenworth Valley Pastoral Company Pty Ltd, being Lots 1 and 3 DP 617088, Lots 19, 20, 21, 23, 24, 25, 30, 31, 32, 33, 37, 50, 53, 64, 65, 68, 81, 82, 85, 86, 87, 89, 91, 108 and 145 DP 755221, Lots 22, 23, 32, 73, 75 and 76 DP 755253, part of Lot 102 DP 1139060, Lot C DP 382358, Lot 2 DP 1139242, Lots 881 and 882 DP 563889 or are the subject of a Permissive Occupancy held by Glenworth Valley,

- being Lot 7012 DP 1059767, Lot 7039 DP 1059766, Lot 7303 DP 1161109, and Lot 7303 DP 1154929;
- ii Land that is Crown land and not the subject of permissive occupancy, being Lot 7027 DP 1051931, Lot 7029 DP 93603, Lot 7035 DP 1051932, Lot 7036 DP 1059768, Lot 7037 DP 1059769, and Lot 7038 DP 1059769; and
 - iii Land owned by the Darkinjung Local Aboriginal Land Council, being Lot 245 DP 48817
- B Prior to referral of the Planning Proposal to the Department of Planning and Infrastructure, Council write to the owners of Crown Land (being Lot 7027 DP 1051931, Lot 7029 DP 93603, Lot 7035 DP 1051932, Lot 7036 DP 1059768, Lot 7037 DP 1059769, Lot 7038 DP 1059769) and Darkinjung LALC land (being Lot 245 DP 48817) inviting them to advise Council whether they consent to the inclusion of their land in this Planning Proposal. If not, the Planning Proposal is to be amended to delete these lots.
- C Council notify the Department of Planning and Infrastructure of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report:
- D Council recommend to the Gateway that the following public authorities be consulted:
- 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
 - Destination NSW
- E After public exhibition of the Planning Proposal, should the Minister for Planning and Infrastructure support it, if no submissions objecting to the planning proposal are received, the Planning Proposal is to be sent to the Department of Planning and Infrastructure in order to make the plan.
- F The applicant be advised of Council's resolution.
- G Council seeks delegations from the Department of Planning and Infrastructure for this Planning Proposal.

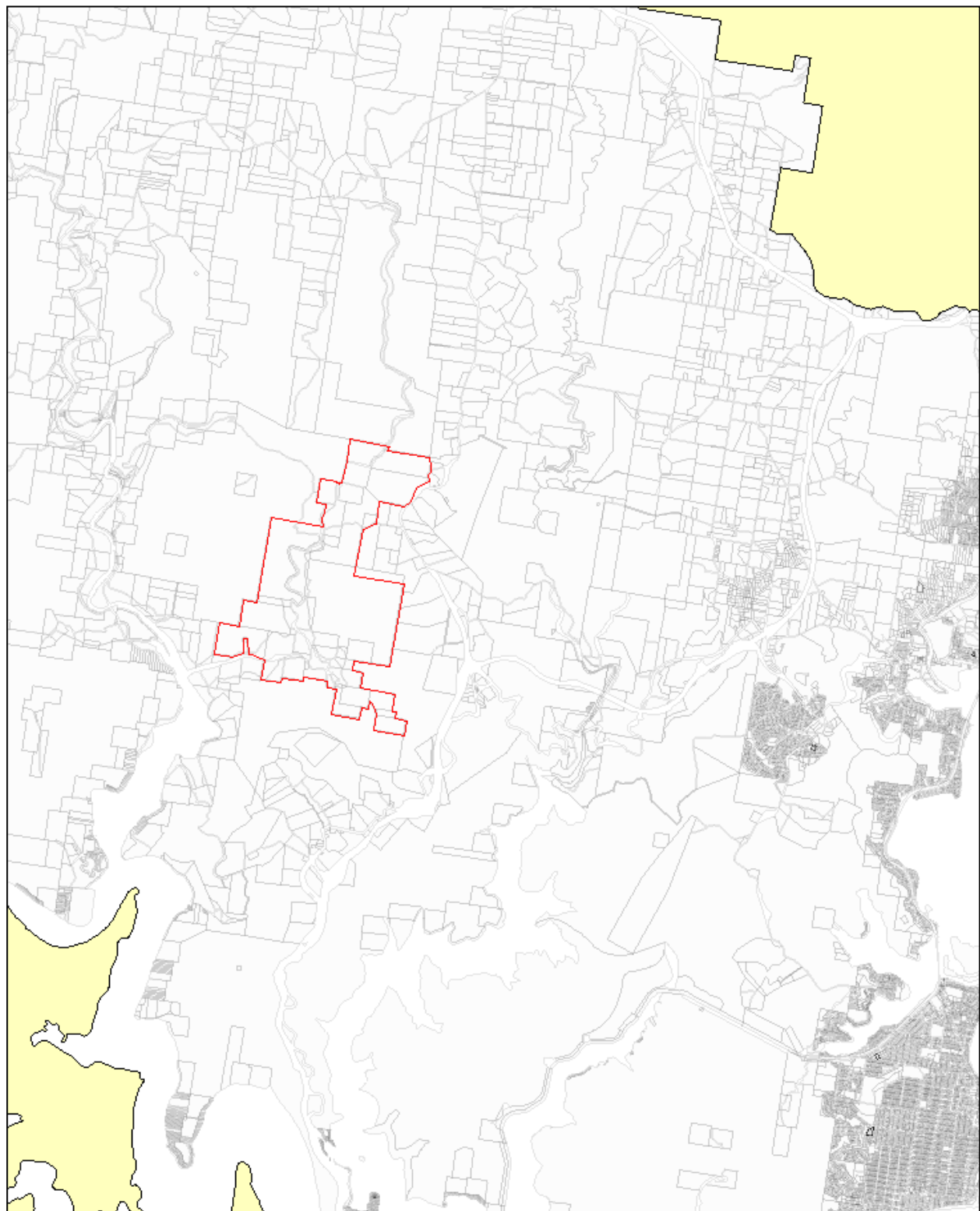
ATTACHMENT A – Planning Proposal process - extract from, DoP&I documents

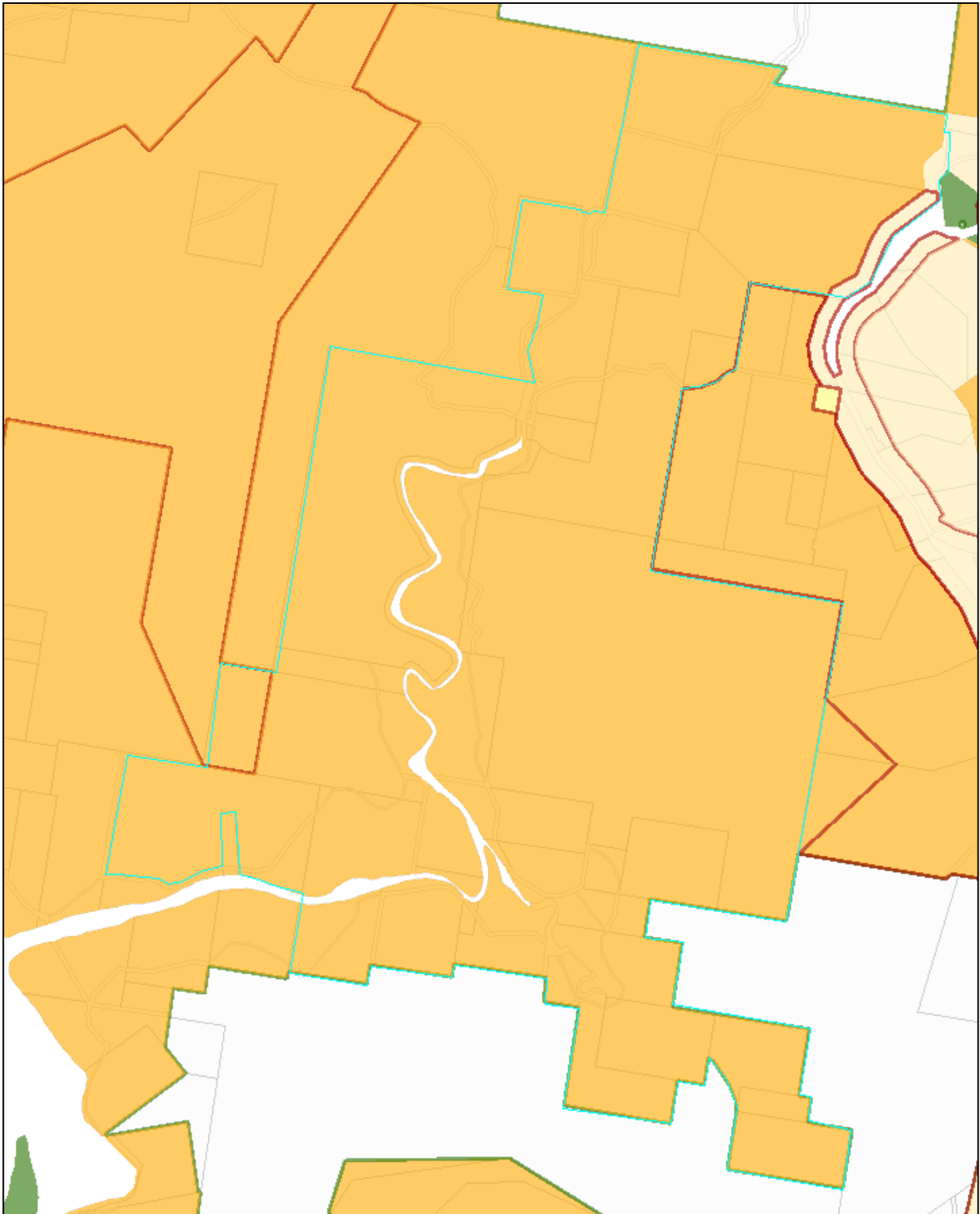
LEP plan making process



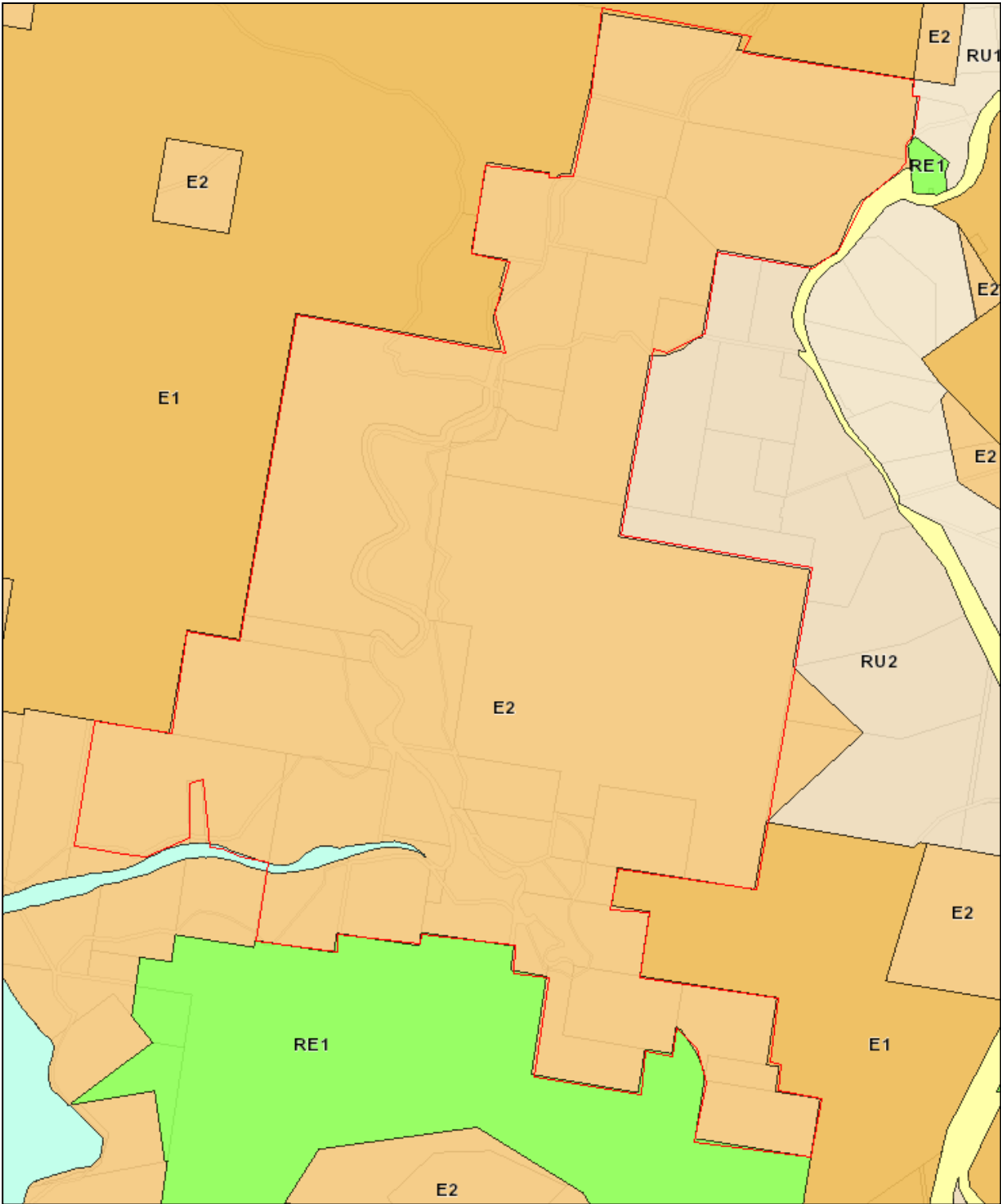
ATTACHMENT B – Planning Proposal Mapping

APPENDIX 1 - Locality Map (note only E2 land edged)

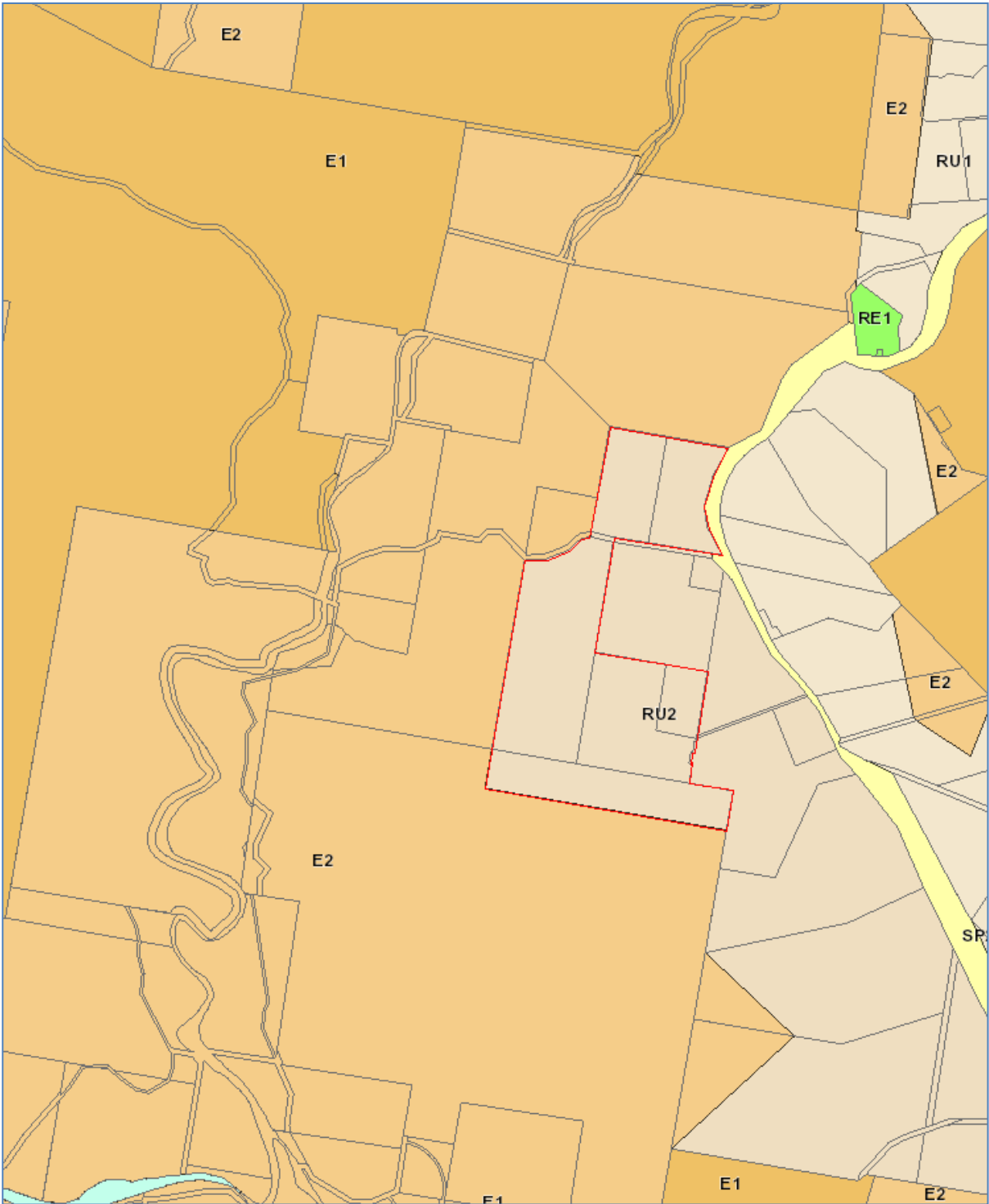


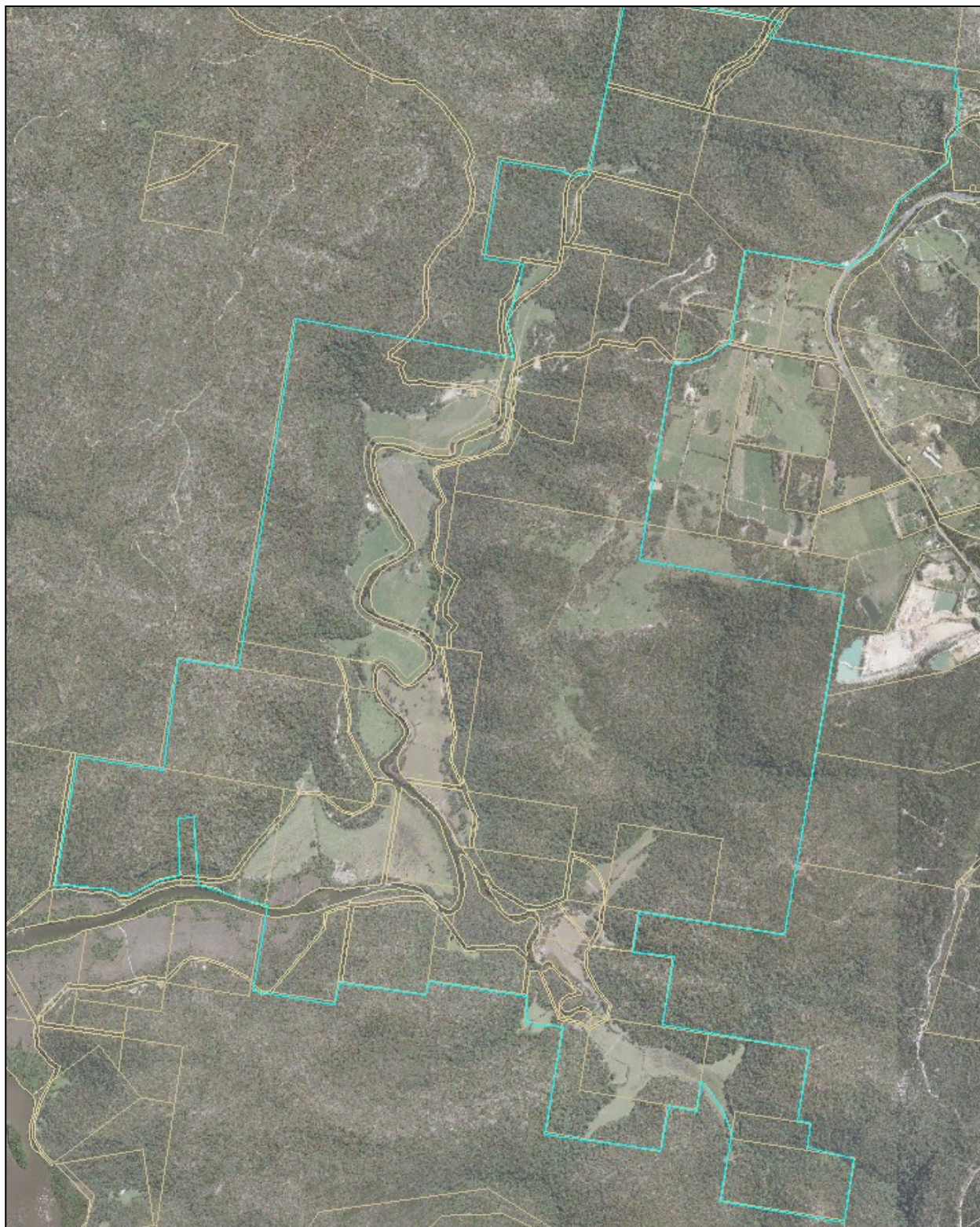
APPENDIX 2 - Existing Zoning Map (only proposed E2 land shown edged)

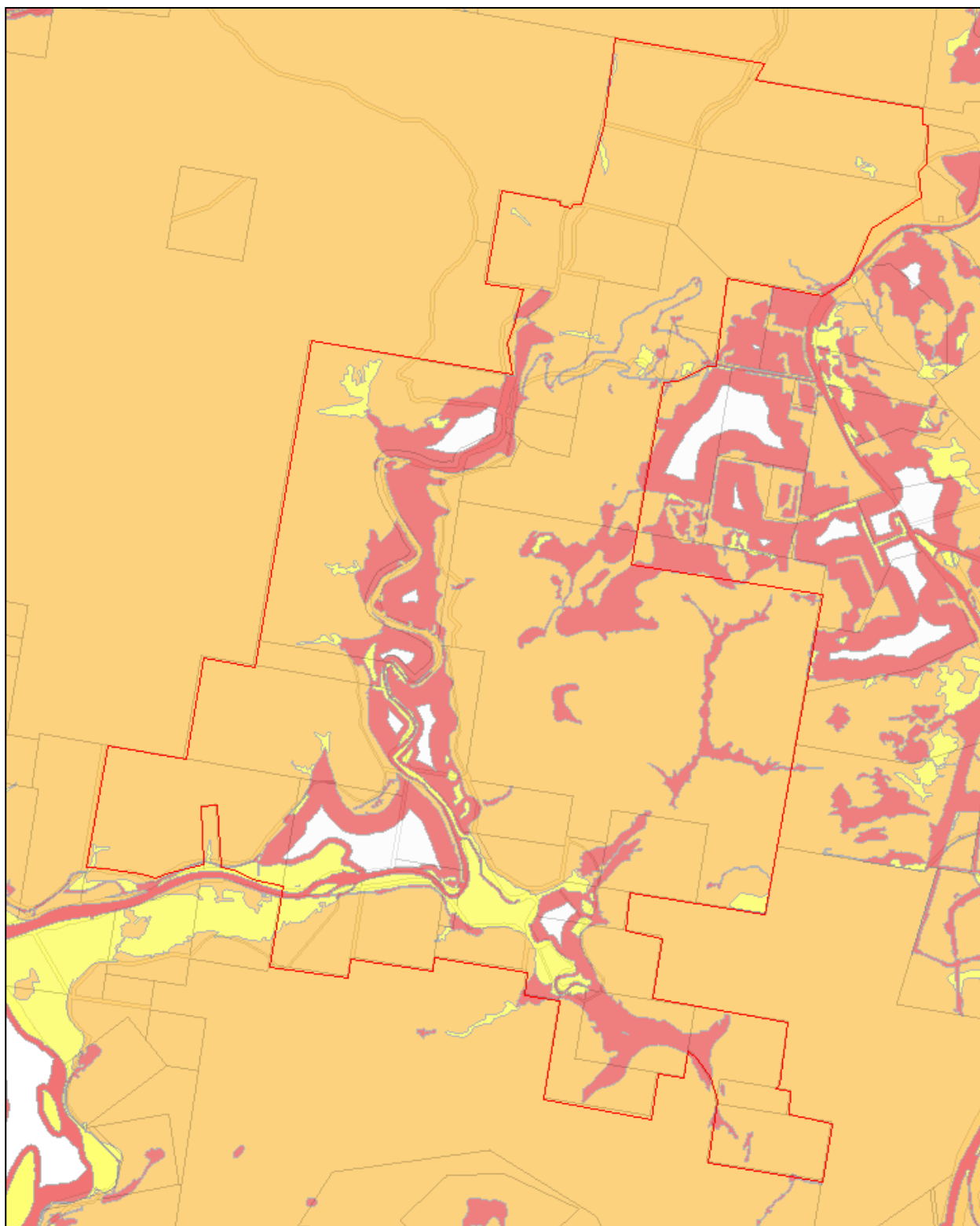
APPENDIX 3A - Proposed E2 Zoning under Draft Gosford LEP (as exhibited)



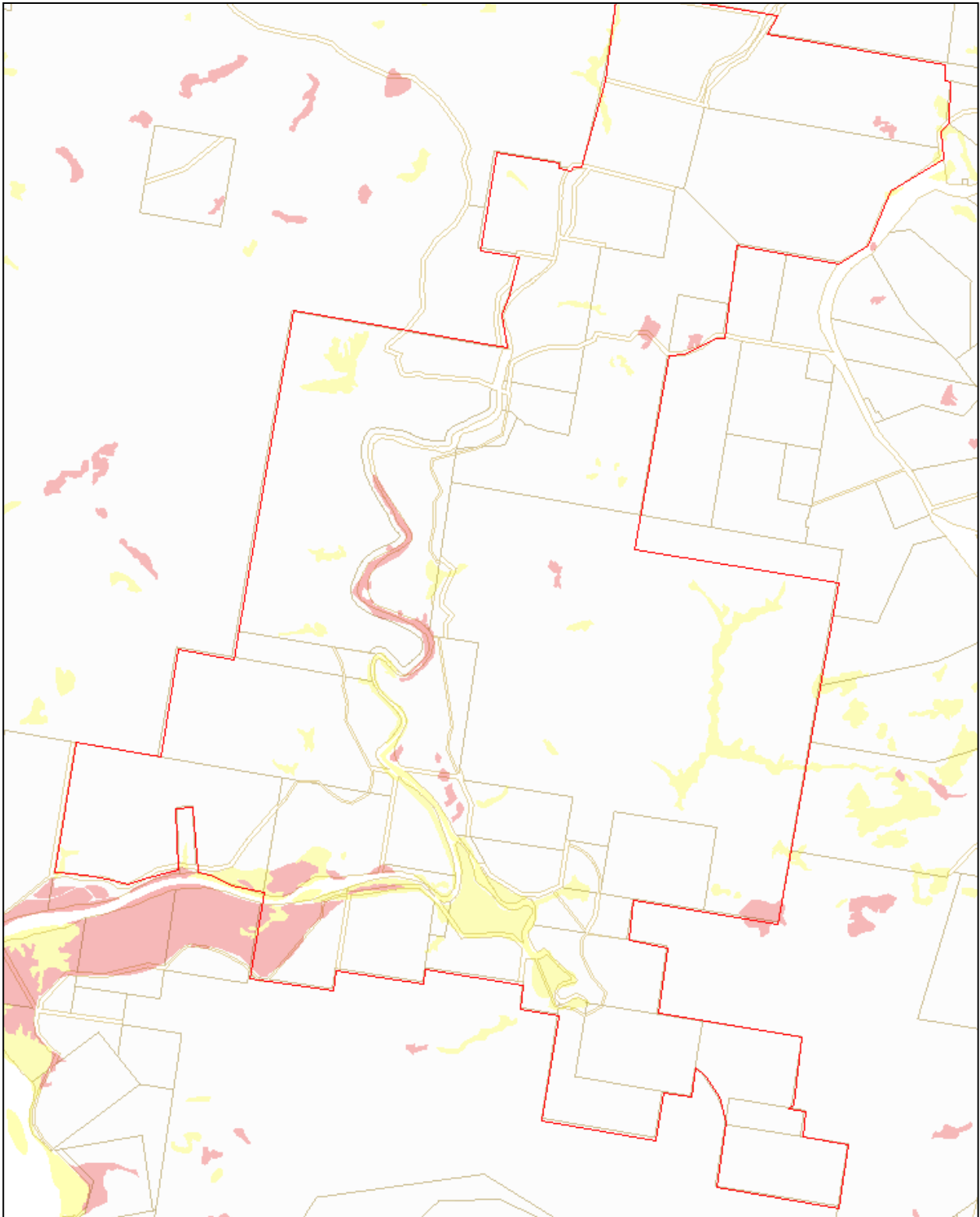
APPENDIX 3B - Proposed RU2 Zoning under Draft Gosford LEP (as exhibited)



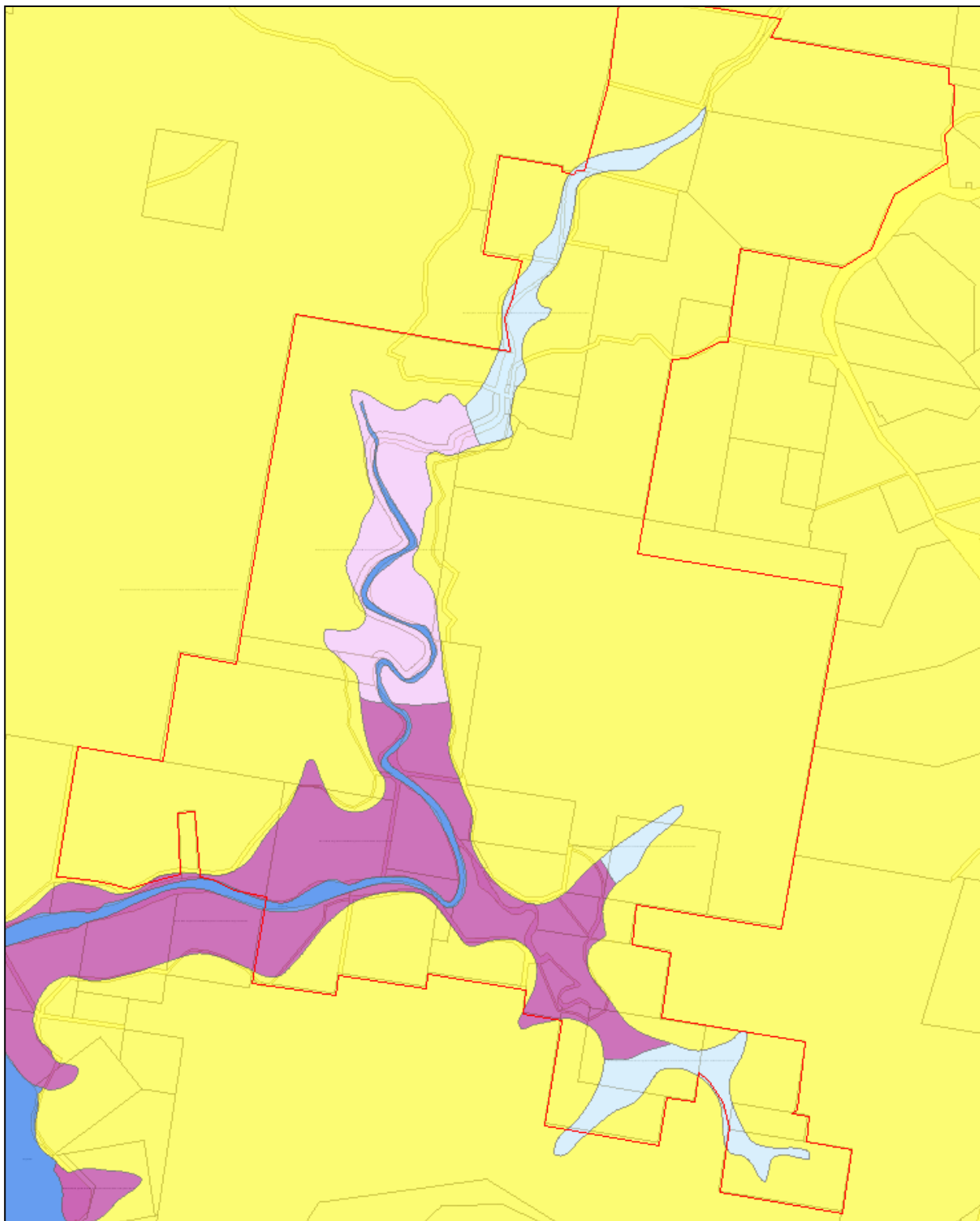
APPENDIX 4 - Aerial Photograph (note only E2 land edged)

APPENDIX 5 - Bushfire Hazard (note only E2 land edged)

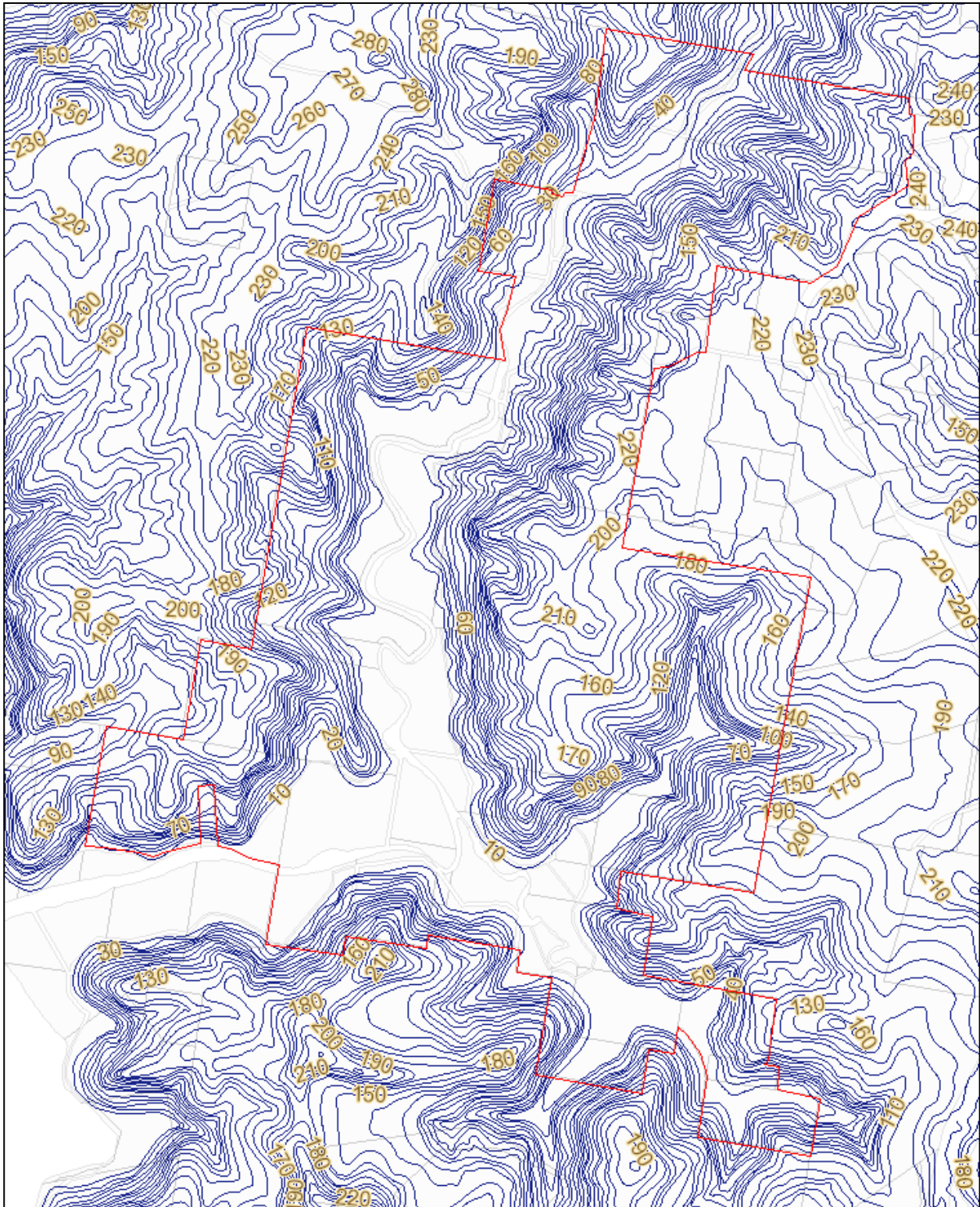
Light Shading - Categories 1 and 2 Vegetation
Dark Shading - Buffer

APPENDIX 6 - Significant Vegetation (note only E2 land edged)

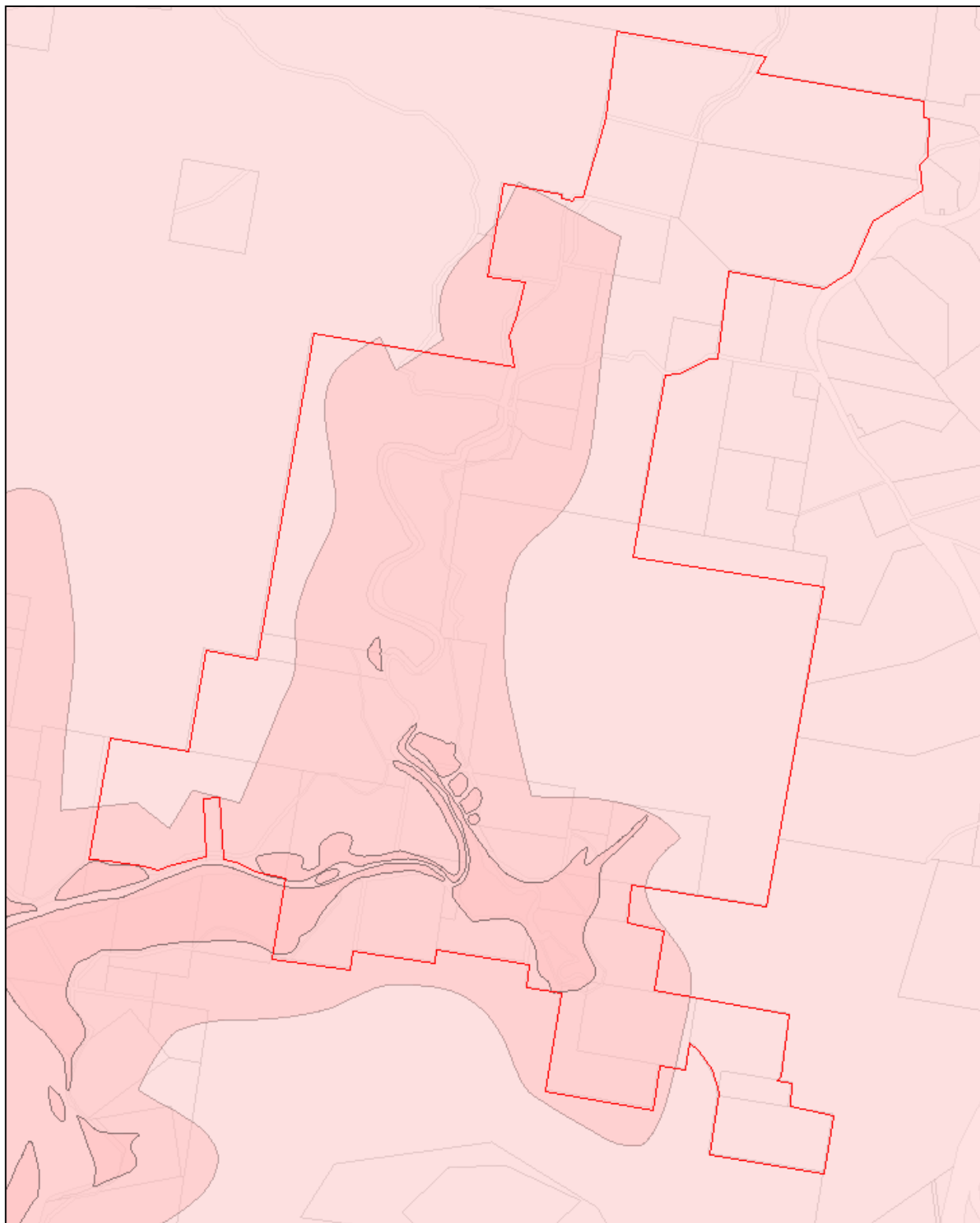
Dark Shading - Endangered Ecological Communities
Light Shading - Regionally Significant Vegetation

APPENDIX 7 - Acid Sulfate Soils (note only E2 land edged)

Categories 1 to 5

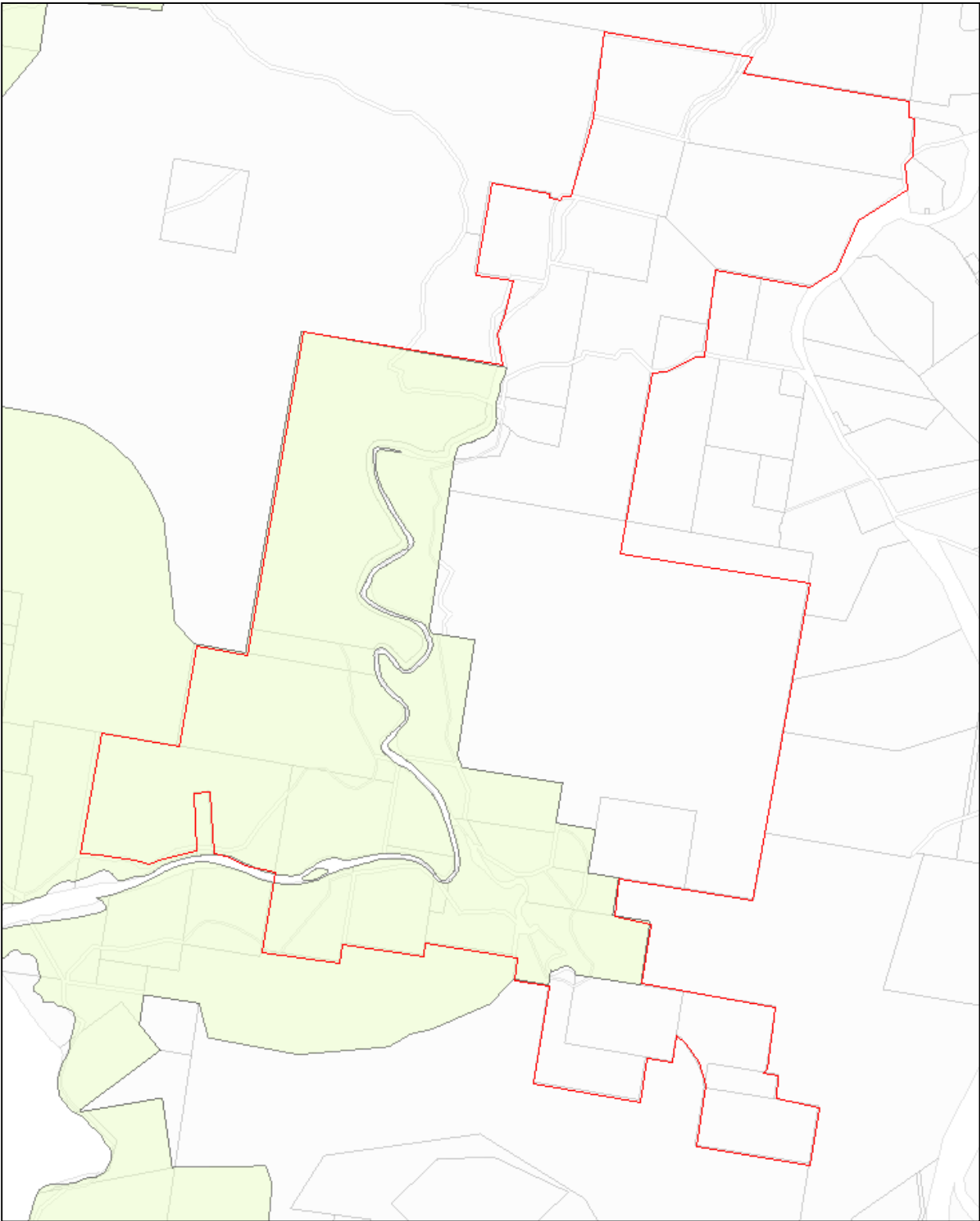
APPENDIX 8 - Topography (note only E2 land edged)

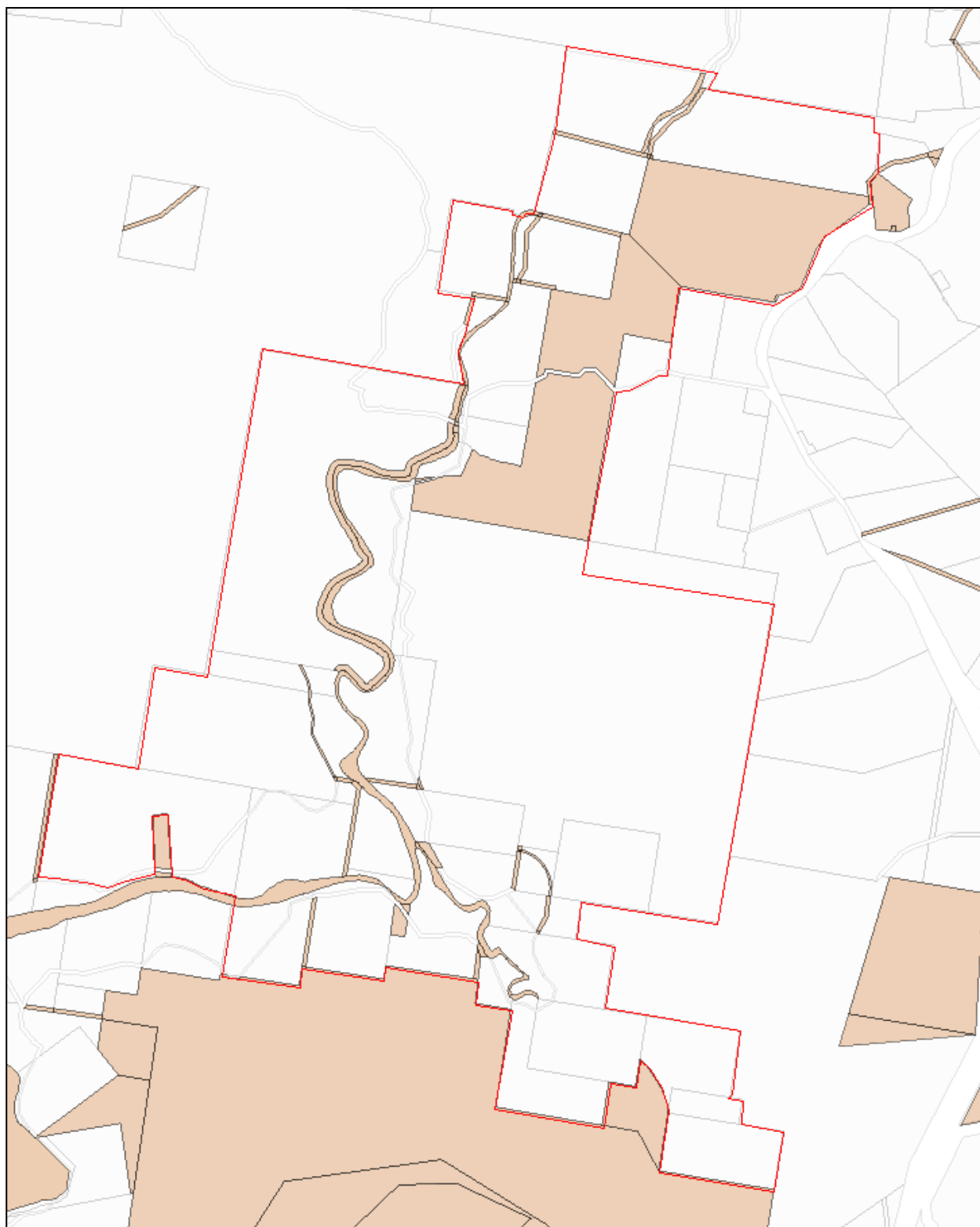
Contour Interval - 10 metres

APPENDIX 9 - SREP 20 (note only E2 land edged)

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

APPENDIX 10 - SEPP 71 (note only E2 land edged)



APPENDIX 11 - Crown Land (note only E2 land edged)

APPENDIX 12 - National Parks (note only E2 land edged)

