

TITLE PLANNING PROPOSAL FOR LOT 165 DP 755253 PEATS RIDGE ROAD PEATS RIDGE TO ENABLE SHORT-TERM TOURIST ACCOMMODATION APPLICANT: MACHON PAULL CONSULTANCY PTY LTD (IR 9368829)

Directorate: Environment and Planning
Business Unit: Integrated Planning

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.

INTRODUCTION

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 would result in an LEP*), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

Application Received: 18 February 2011

Environmental Planning Instrument – Current Zone: Part Rural 1(a) Agriculture and part Rural 1(b) Highway Protection. The land is also affected by Local Environmental Plan (LEP) 243 gazetted on 30/3/1990 which allows for a golf course and ancillary uses. The land is proposed to be zoned RE2 Private Recreation under draft Local Environmental Plan 2009 (dLEP 2009).

Area: 49.57 ha

Background / Landuse History

The land has been developed as "The Springs Golf Course" in accordance with the provisions of LEP 243 which updated IDO No: 122. A new clubhouse was approved on 28 July 2010.

The site was proposed to be zoned RU1 under dLEP 2009 when exhibited. In response to a submission lodged, Council at its meeting held on 31 May 2011 resolved to amend the exhibited zone to Zone RE2 Private Recreation with a minimum lot size of 20 hectares for subdivision on the Lot Size Map. The zoning is consistent with the approach taken to other privately owned golf courses. The minimum lot size is consistent with the surrounding minimum lot sizes associated with the RU1 zone (i.e. 20 hectares).

Permitted uses in the RE2 zone are: community facilities, environmental facilities, environmental protection works, kiosks, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs, restaurants and roads.

Although IDO 122 allows "ancillary uses" to permissible uses, it does not specifically allow cabins, even if proposed to be used by golfers.

Applicant's Submission:

The applicant's submission requests the land be zoned to reflect its use as an existing golf course and to permit ancillary overnight/temporary accommodation. Given that the change in zoning to RE2 was supported by Council at s68 of the E.P. & A. Act consideration on 31 May 2011 under dLEP 2009, the purpose of this report is to consider the overnight accommodation component of the application.

The applicant's submission outlines difficulties associated with considering "ancillary uses" either under 'existing use rights provisions' (per E.P. & A. Act & Regulations) or as 'ancillary' to permitted approved development. Reasons cited as to the need for overnight accommodation include:

- the relative isolation of the site generates demand for overnight accommodation to ensure the facility caters to the widest possible market. There will be a proportion of people who will not travel or will not return if there is no convenient accommodation.
- an element of regional tourism is travel by groups of golfers who typically may play multiple rounds on a golf course or use one place as a base to play a number of golf courses in the area. This demand in part tends to be facility led and it has implications for local tourism and related employment.
- the provision of accommodation on golf courses tends to be the norm everywhere except in NSW. There are also often golf courses located in proximity to motels or otherwise more conventional resort style accommodation with golf courses attached to it (eg Magenta Shores)

Issues associated with accommodation include water and sewerage services and bushfire considerations. The DA to support the new club house demonstrates the feasibility of on-site services and the course can be used as part of an overall water management system. The preferred location for the units (in the front north eastern corner of the site adjacent to the public road) is capable of satisfying bushfire safety requirements and is also able to be fully screened to avoid impacts on the rural landscape.

It is intended that the cabins will not be used for permanent accommodation, which is achieved by designing them as a "cabin" type character with no kitchen or laundry, regulating their manner of use and occupation to avoid lengthy stays and possibly providing a statutory prohibition on their subdivision and separate ownership.

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

'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.

Council has been previously advised as to how the new 'gateway' process operates. Its aim is to enable early consideration by the Department of Planning and Infrastructure (DoP&I), early public consultation and ensure that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. It also acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

Appendix 1 is DoP&I's Planning Proposal 'Flow Chart' of processing and shows the stage this Planning Proposal has reached.

PLANNING PROPOSAL GOSFORD CITY COUNCIL - Lot 165 DP 755253 Peats Ridge Road Peats Ridge

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*.

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 the construction of cabins to allow overnight accommodation of golfers. It is proposed to erect 40 single storey cabins each containing 2 separate suites (i.e. 80 individual suites in total) with carports. The development will be built in stages, with Stage 1 having 18 cabins, Stages 2a and 2b with 17 and 5 respectively. Each cabin will contain two independent suites within the cabin length of 19 x 6 metres. Cabins are to be erected in several lineal tiers to ensure privacy between cabins, with shared BBQ facilities and a pool. The cabins are of a contemporary "low key" appearance and designed to be complementary to the architectural style of the approved club house. Water and waste water is to be managed and contained on-site.

It is noted that the application proposes to erect up to 40 cabins, with each cabin containing two suites, or 80 "keys" capable of being used as separate occupancies. The applicant asserts that the water demand and waste water potential of this development is generally feasible, as demonstrated in the serving investigation for the recently approved new club-house. Any future Development Application will consider in detail on-site servicing in relation to and potential adverse environmental effect.

Concerns are raised in relation to the applicant proposing to limit the occupation of the cabins to golfers only. This would be problematic from a management and regulation perspective. The cabins, if available for use by other tourists, would have wider benefits to the local economy and tourist infrastructure. The area has a high degree of natural attractions and is located on a major tourist route between Sydney and Hunter Valley; however there are very limited accommodation opportunities for travellers/tourists. Golfers equally could be tourists and the provision of accommodation would encourage increased length of stay and use of other attractions (beaches, shops, other tourist infrastructure, etc).

It is noted that DoP&I generally requires that Standard Instrument (SI) definitions be used where possible. Under the SI definition, tourist and visitor accommodation means:

"a building or place that provides temporary or short-term accommodation on a commercial basis, and includes a hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation".

Given the rural setting of the land, and the importance of natural resources in the area (agricultural land, extractive resources, groundwater, environmental values) the use of this generic definition is not appropriate.

Further, the definition of "serviced apartment" means:

"a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents".

The proponent has specifically excluded kitchenette/laundry facilities in the cabins, to allay concerns that the cabins may be used for permanent occupancy in the future. Hence, they will not be self-contained and would not be consistent with this definition.

DoP&I in the Standard Instrument (Local Environmental Plans) Order of February 2011 introduced a new definition into the Standard Instrument for "eco-tourist facility" which 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".

The Standard Instrument (Local Environmental Plans) Order of February 2011 provides a number of criteria by which an application for this form of development would be considered. The cabins are to be co-located with the golf course, rather than in the context of the "broader" environment. It would not closely align with this definition and the requirements of the Order of February 2011, particularly in relation to a "demonstrated connection between the development and the ecological, environmental and cultural values of the site or area" (5.13(3)(a)) and "the enhancement of an appreciation of the environmental and cultural values of the site or area" (5.13(3)(c)).

It is also noted that Council has not previously considered "eco-tourist facilities" developments and appropriate circumstances in which they could be contemplated. Using this definition for this proposal could create an unfavourable precedent for other developments that may lack overall planning merit, or otherwise be touted to circumvent landuse controls.

As such, it is considered that Council should pursue separate "enabling provisions". These "enabling" provisions should explicitly relate to the provision of cabins, a form of development more cognisant with a non-urban setting than hotels, serviced apartments, etc. If this is unacceptable to DoP&I, then an "eco-tourist facility" could be further pursued.

From a landuse planning perspective, the erection of cabins for short-term tourist related accommodation can be substantiated, as outlined further in this report.

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 amending the Clause 97A of Interim Development Order No 122 and/or listing the land in Schedule 1 of dLEP 2009, depending on its progression and DoP&I advice. The likely wording of the listing would be "cabins for short-term tourist related accommodation". The definition would delete any reference to the inclusion

of kitchens and/or laundries This would overcome future regulatory issues in relation to occupancy of the cabins.

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.

Diagram 1: Existing Zoning

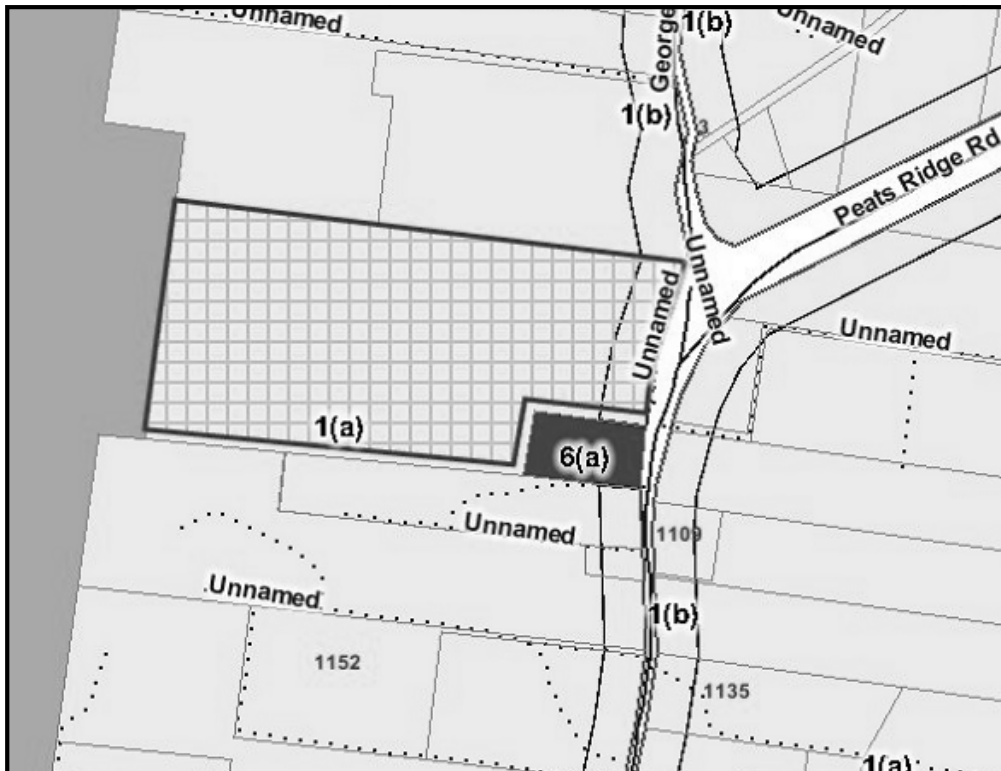


Diagram 2: Aerial Photo



Diagram 3: Applicant's Site Plan



- 1 - Golf course
- 2 - Approved club house
- 3 - Location of cabins

Part 3 Justification

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?

There are no significant strategic studies or reports that would relate to the proposal. The Central Coast Plateau Tourism Plan was prepared in October 2006 by consultants acting on behalf of Central Coast Plateau Inc, with funding provided by the Department of State and Regional Development, Council and Mangrove Mountain Memorial Club. This Study was more aimed at analysing the existing tourist infrastructure on the plateau and identifying actions to foster tourism, rather than informing any "on-the-ground" landuse planning changes. The Study identifies that a strategic direction for tourist development in this area being cognisant of the principle that development must be in harmony with the natural and cultural values and be inclusive of the community needs. The rezoning would be consistent with this Plan in that it would facilitate the provision of/enhancement to an existing facility for use by tourists.

It is noted that under the Central Coast Regional Strategy 2031 (CCRS) Action 5.12 requires a review of planning to consider extractive resources, water supply values and tourism. Council at its meeting held on 31 May 2011 requested of the State Government that this review be expedited. Given the complexity of this review and competing interests, any review would be expected to have a lengthy lead time. Also at its meeting held on 31 May 2011, Council resolved to work with Central Coast Tourism (Inc) (CCTI) and Wyong Shire Council to develop an Integrated Regional Tourism Strategy. This has not however progressed to a point where it could provide any meaningful strategic directions for the establishment of tourist related development. It has been communicated by CCTI to Council officers that there is limited opportunity for overnight accommodation in the mountains area for tourists and visitors. As such, it is considered that the subject proposal will **benefit** tourism infrastructure, the regional economy, local employment with associated multiplier effects.

It is noted that Council is preparing an Open Space and Leisure Strategic Plan; however this is only in the community consultation stage and has not advanced to a point where it could inform determination of a planning proposal. The provision of cabins would however be complementary to the use of the golf course.

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

Yes. The proposal by the applicant to limit the accommodation only to golfers, in practical terms would be difficult to regulate. It would also deny the opportunity for the use of the cabins by other tourists for short-term accommodation and not necessarily maximise economic opportunities or synergies with other tourist activities. As such, it is considered better to explicitly allow the use to provide certainty as to development outcomes. This would also then allow the use of the cabins by other tourists (not directly related to the use of the golf course), that would contribute to the range of tourism opportunities in the area and maximise economic

benefits. The Planning Proposal is considered the best means of achieving this outcome.

3 Is there a net community benefit?

The net community benefit of the Planning Proposal is to be assessed based on answers to the following questions:

Will the LEP be compatible with agreed State and Regional strategic directions for development in the area? - Yes, the proposal is consistent with relevant SEPPs, S117 Directions and the CCRS. The proposal is satisfactory in terms of the Special Provisions of SREP 8 in relation to the consideration of rezoning proposals.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy? No, however the proposal has merit having regard to the Special Provisions of SREP 8 and its benefits to the economy and tourist infrastructure in the locality.

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners? No, the planning proposal relates to the unique use of this site as a golf course under the deemed environmental planning instrument (EPI). Any other planning proposal in the locality would need to be assessed in terms of the Special Provisions of SREP 8 that allow the assessment of each proposal on its own merits. As such, it is not considered speculative nor to change expectations of other landowners. Speculative site specific rezonings are not supported from a landuse planning perspective.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? There are no other spot rezonings in the locality. From a landuse planning perspective, speculative spot rezonings that are not supported by a strategy are not advocated. In this instance however, the proposal is **consistent** with the Special Provisions of SREP 8. The rezoning offers significant benefits both for the viability and attractiveness of use for existing golf course, synergies with other tourist infrastructure and flow-on economic benefits.

Will the LEP generate permanent employment generating activity or result in a loss of employment lands? The LEP will not result in the loss of employment lands. It will however generate permanent employment to manage and service the cabins, plus any off-site servicing business generated.

Will the LEP impact on the supply of residential land and therefore housing supply and affordability? No, the LEP does not relate to residential land.

Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport? The site is not located in an urban area, will not be connected to water and sewer services and is not well served by public transport. The nature of the activity (i.e. golf and overnight accommodation) is not contingent upon a high degree of public transport being available. Existing public infrastructure

(road, etc) is capable of servicing the development. An integrated water management plan will be required to support the future development application.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of green house gas emissions, operating costs and road safety? The increase in green house gas emissions would be negligible given that golfers would be already using the site and other visitors already travelling in the area. The proposal will make provision for local jobs in an area where employment generating landuses are few.

Are there significant Government investments in infrastructure, or services in the area whose patronage will be affected by the proposal? If so what is the expected impact? There are no significant government infrastructure investments that would be affected by the proposal.

Will the proposal impact on land that the Government has identified as needed to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding? Prime agricultural land is a limited resource, and is afforded protection in the locality through the provisions of SREP 8. The proposal is satisfactory in terms of the Special Provisions clause of SREP 8 and as such the planning proposal can be supported to **complement and enhance** the golf course.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve? The LEP is satisfactory in terms of the Special Provisions clause of SREP 8 and as such is considered compatible with the surrounding rural environment.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? No, the proposal does not relate to retail and commercial development and the issue of competition is not relevant to the Planning Proposal.

If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future? The golf course is a stand alone development and does not relate to the hierarchy or functioning of urban centres.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time? The proposal is in the public interest as it will allow the provision of low key, short-term accommodation for golfers and tourists. It is not incompatible with the surrounding agricultural/rural area as it is satisfactory in terms of the Special Provisions of SREP 8. It will also enhance local tourism and employment/business opportunities through servicing.

Section B Relationship to strategic planning framework

4 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

The CCRS 2006–2031 is applicable to the subject land and the proposed rezoning. The Planning Proposal is not inconsistent with the CCRS and will enhance the

viability and encourage greater use of the golf course, with wider benefits to the tourism sector.

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

The Planning Proposal is consistent with the *Community Strategic Plan – Continuing our journey*. The land is not used for agricultural production and is unlikely to be used for future farming given the level of capital investment associated with the existing golf course. The provision of cabins will add to the appeal of the course for visitors outside of the area which would have multiplier effects in the economy, and synergies with existing and future tourist activities.

6 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 are only discussed where applicable. The Planning Proposal is consistent with all other SEPPs or they are not applicable.

(i) **SEPP - Sydney Regional Environmental Plan No 8 - Central Coast Plateau Areas** is a now a deemed SEPP and contains specific provisions in relation to draft LEP/PP proposals. The planning proposal is consistent with the Special Provisions of SREP 8 as discussed in detail further in this report. The land is not affected by the provisions of SREP 9 (Amendment 2) - Extractive Industries, which is also a deemed SEPP.

(ii) **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, including SREP 20 - Hawkesbury Nepean River (No 2 - 1997) which is now a deemed SEPP.

7 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 requires that planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone or increase the permissible density unless any such inconsistency is justified by a relevant strategy or study prepared to support such a proposal, is in accordance with the relevant regional strategy or is of minor significance. In this instance, the land is zoned for rural purposes, however has had enabling provisions added to the deemed EPI for the land to allow a golf course since 1990. The provision of cabins associated with golf course, and also to be used by other overnight visitors/tourists, is considered to be of minor significance any inconsistency with this direction is justified. Furthermore, amendment to the zoning of the land to be proposed as RE2 -

Private Recreation was supported under DLEP 2009 (with DoP&I to be made) and the provision of cabins on this site would be complementary to this zone.

- (ii) **Direction 1.5 Rural Lands:** This direction does not apply to the Gosford Local Government Area.
- (iii) **Direction 3.4 Integrating Land Use and Transport:** This objective of this direction is to ensure that land uses are appropriately located in terms of improved accessibility, increasing choice of available transport, reducing travel demand, supporting public transport and providing for the efficient movement of freight. Given that the users of the golf course in this rural area would already primarily expect to arrive to the site by private transport (car or coach), the provision of ancillary cabins would not in itself result in a lack of integration of land use and transport.
- (iv) **Direction 4.4 Planning for Bushfire Protection:** This direction applies where a planning proposal will affect, or is in proximity to, land mapped as bushfire prone land. It applies to this proposal as a small part of the site is mapped as Category 1 and the periphery as a buffer. This Direction requires that Council consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination, and also requires certain design considerations are considered, that would be assessed as part of a future development application. Consultation with RFS will occur if required by DoP&I as part of the gateway determination.
- (v) **Direction 5.1 Implementation of Regional Strategies:** Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning and Infrastructure. The proposal would not be considered to be inconsistent with the Central Coast Regional Strategy (CCRS). The site is shown on the CCRS as state park/regional, presumably on the basis of the existing golf course.
- (vi) **Direction 6.1 – Approval and Referral Requirements:** Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development. The Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.
- (iii) **Direction 6.3 – Site Specific Provisions:** The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. If a planning proposal is to amend an environmental planning instrument to allow a particular development, the use should be allowed by allowing it as a permitted use within the current zoning of the land, or changing the zoning of the land to a zone where the use is already permitted, or alternatively allowing the use on the relevant land without imposing additional development standards or requirements to those already contained in the principal environmental planning instrument being amended. It also requires that a planning proposal must not contain or refer to drawings that show details of the development proposal.

Allowing tourist and visitor accommodation on an ad-hoc basis, with no strategic basis, by listing it as a permitted landuse in either the Rural 1(a) or RU1 is inappropriate and contrary to SREP 8 given potential landuse conflicts between this use and protecting agricultural and resource lands. Zoning the

site itself to a zone where tourist and visitor accommodation would be permitted (i.e. 7(c3) or the proposed E4 zone) is also not appropriate and there is no strategic basis for such, as there are a range of other uses permissible within this zone that would be incompatible with the rural setting of the site, and its location in a wider area identified as rural and resource lands under CCRS and within SREP 8's boundary. The 7(c3) or E4 zone could also set an undesirable precedent for other planning proposals that cumulatively could undermine the protection of agricultural land, resource lands and other rural activities. There are mechanisms within the existing IDO or dLEP 2009 to enable site specific planning provisions, which is considered the most appropriate planning mechanism to facilitate the proposal, as no Standard Instrument LEP development definitions are suitable for this proposed use.

Section C Environmental, social and economic impact

8 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?

No. An ecologically endangered vegetation community has been mapped immediately in front of the property, however this is not located within the site boundaries and as such the planning proposal should not impact on this community.

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

No. There are no objections raised to the proposal by Council's Environmental Officer.

The main environmental issue to consider is the suitability of the site for on-site effluent disposal and the ability of the on-site sewer system or works to operate over the long term without causing significant adverse effects to the adjoining National Park land or local groundwater system. Details of the on-site system and its management would need to be provided to support the development application. It is noted the number of cabins could to some extent be limited to that which can be serviced to the satisfaction of Council or the relevant authority and within environmental limits.

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

The Planning Proposal will not have any adverse social or economic effects. It will add to the attractiveness of the golf course for visitors and would be expected to have beneficial flow-on effects for tourism and the economy. It will help to contribute to the overall viability of the golf course and recently approved clubhouse.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

The site is not located in an urban area and all services will have to be provided on-site. No public infrastructure will require upgrading to serve the development.

12 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.

Part 4 Community Consultation that is to be undertaken

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

Subject to Gateway support, community consultation will be undertaken in accordance with Gateway's requirements and Council's procedures to ensure the community is informed about the Planning Proposal.

SREP 8 - Central Coast Plateau Areas

The site is within the boundary of SREP 8 - Central Coast Plateau Areas, which is now a deemed State Environmental Planning Policy. SREP 8 (12) sets out criteria for consideration of draft LEP applications/planning proposals as outlined in italics below. Any proposal is to have regard to and be consistent with these objectives as discussed below.

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

Comment: land to the immediate north and south of the site is not being used for intensive agricultural production and is not receiving a rural rate rebate. This being the case, it is not expected that the development would impact on the existing or future use of adjoining land for agricultural uses. It is not envisaged that the situation would alter from the current operation of the golf course and club house.

(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: The cabins are to be only used on a short-term basis and this will be embedded in the LEP with the wording of the use such as "the erection of cabins for short-term tourist related accommodation". This will allow the cabins to be used by golfers and tourists alike. Clause 4.2A of dLEP 2009 contains provisions that community and/or strata title subdivisions are not permitted below the mapped minimum lot size (in this case, 20 hectares) and as such the proposal is consistent with this provision.

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

Comment: The operation of the cabins would increase the use and viability of the golf course and encourage overnight stays by golfers and tourists. This would make a positive economic and tourist contribution and result in employment generation.

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

Comment: Provided that on-site water management is undertaken in an appropriate manner, it is not envisaged that there would be any adverse environmental effects on or off the site. The cabins will not necessitate the removal of significant vegetation.

(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: These strategic directions require that new developments do not increase nutrients or water flows leaving a site and are essentially encapsulated in SREP 20 (No 2). Future development would need to be supported by a comprehensive Integrated Water Management Plan; however it is not considered that there would be any physical impediments to being able to satisfy these objectives. If required, the scale of development/number of units could be limited to that which is sustainable from a water quality and quantity perspective.

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

Comment: The cabins are proposed to be single storey, contemporary, light weight design and will be screened from the road. They will be consistent with a rural amenity and not detract from scenic quality.

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

Comment: The use is not of such a scale as to be considered 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: It is not proposed to connect the site to water and sewer services.

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

Comment: Building works will be located on Class 4 soils under SREP 8. Although this is still classified as prime agricultural land for the purposes of SREP 8, this is a low class of agricultural land.

Traffic Considerations

The site is located at the intersection of George Downs Drive and Peats Ridge Road; with its current access point is gated entry onto Peats Ridge Road near the southern property boundary. Peats Ridge Road and George Downs Drive are a high (90km/hour) speed environment which also carries a significant volume of truck movements. They are identified as being regional roads (50% funded by RTA / 50% funded by Council). It may not be desirable to allow right hand turns out of the site to travel in a southerly direction due to the speed and traffic environment. Alternative access may be appropriate onto George Downs Drive.

It is noted that the cabins are primarily intended for golfers that would already be visiting the site and the planning proposal in itself does not therefore result in a significant increase in traffic generation. If required, a Traffic Impact Assessment could be lodged to support the future Development Application or alternatively required as part of the Gateway determination process.

Water Catchment Considerations

The site is outside of the boundary of Mooney Dam Catchment. It does however drain to the west directly to Popran National Park. It is envisaged that a detailed on-site Integrated Water (including waste) Water Management Plan will be required to support any future development.

Other Matters for Consideration

No other matters need to be considered for the Planning Proposal.

Conclusion

The subject land is proposed to be zoned RE2 Private Recreation in dLEP 2009 (which is with DoP&I to be made) to recognise the existing golf course.

The provision of cabins for users of the golf course is supported. The use of the cabins for other short-term tourist related accommodation is recommended as it offers benefits to the tourist industry in an area where there is very little tourist accommodation, however significant natural assets exist that are attractive to tourists. It will have positive economic effects and value-add to tourist infrastructure. A detailed on-site Integrated Water Management Plan that integrates water management use of all on-site activities (i.e. golf course, cabins, and clubhouse) will be required to support future development to demonstrate that effects can be managed in an environmentally sustainable manner. A Traffic Impact Assessment may also be required to support the future development application.

From a landuse planning perspective, the proposal can be **supported** as it is consistent with the Special Provisions of SREP 8 that allow merits assessment of planning proposals and offers benefits to the local area in terms of economic affects, tourism and local employment generation. Environmental impacts can be managed on site, which would be detailed in an Integrated Water Management Plan (including on-site servicing for the cabins) to support any further development application. This could also determine the number of cabins that can be sustainably accommodated on the land from an on-site servicing perspective.

Attachment 1 – DoP&I's Planning Proposal 'flow chart' of processing

Tabled Items: **Nil**

FINANCIAL IMPACT STATEMENT

The recommendation does not impact on Council's financial position.

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, as outlined in this report, for Lot 165 DP 755253 Peats Ridge Road Peats Ridge to allow the use of the land for 'cabins for short-term tourist related accommodation' and forward it to the Department of Planning and Infrastructure requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and that Council staff prepare all necessary documentation and process the matter according to the Department of Planning and Infrastructure's directives and this report.
- B After public exhibition of the Planning Proposal, should the Minister for Planning and Infrastructure support it at the Gateway, if no submissions are received the Planning Proposal is to be sent to the Department of Planning and Infrastructure in order to make the plan.
- C The applicant be advised of Council's resolution.

ATTACHMENT 1 – Planning Proposal process - extract from, DoP&I documents (RPA = Relevant Planning Authority, i.e. Council)

**Extract from “A Guide to Preparing Local Environmental Plans”,
Department of Planning**

Process to make a local environmental plan

