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Dear Mr Leavey

**Planning Proposal in relation to Lot 165 DP 755253, Peats Ridge Road, Peats Ridge
- The Springs Golf Course**

I refer to the above matter and note that a Gateway Determination has been forwarded to Council dated 7 February 2012. I would also like to thank local Department officers for meeting with Council officers on Tuesday 6 February 2012 to discuss various issues arising from Planning Proposals and Gateway Determinations to ensure common goals are achieved in a timely and appropriate manner.

In relation to the Springs Golf Course proposal, it is noted that the Gateway Determination does not support, as a general principle, the use of enabling provisions to facilitate the development. The Gateway determination states:

- "2 Council's proposal to amend Schedule 1 of IDO 122 to allow for tourist and visitor accommodation on the subject site is not supported. Instead, Council is to proceed with a planning proposal adopting one of the following two options:
- a include tourist and visitor accommodation as a permitted use in the 1(a) Rural Agriculture Zone of IDO 122 (which will translate into the RU1 Primary Production Zone of Council's SI LEP); or
 - b Rezone the site to an appropriate private recreation zone under Council's current IDO 122 (which would translate into the RE2 Private Recreation Zone under Council's SI LEP) and make tourist and visitor accommodation a permissible use under this zone."

In response to the above, the following information is provided.

Enabling provisions in IDO 122 are dealt with either by listing in Clause 93 (which is in a Schedule format with properties/uses added from time to time) or by way of independent separate clauses as there is no Schedule 1 in IDO 122. In relation to this site, the use of the land as a golf course is permitted under a specific clause only related to this land (Clause 97A of IDO 122, as gazetted under LEP 243 gazetted on 30 March 1990). An amendment may be made to the IDO Clause 97A as it currently stands to add the

additional proposed use, which would achieve a suitable nexus between the golf course and the proposed tourist cabins.

Option (a) above raises significant concerns, particularly in relation to the implications of allowing tourist and visitor accommodation as a "stand-alone" use on land within the Rural 1(a) Agriculture zone. The objectives of SREP 8 - Central Coast Plateau Areas (now a deemed SEPP) relate to the long-term sustainability of natural resource lands, in particular prime agricultural land. The SREP has been recognised as a significant planning mechanism to ensure protection of areas from incompatible uses, and has been consistently supported by both State government and Council since its introduction in 1986. Its review in 2002 also introduced Clause 11 - Special provisions - draft local environmental plan applications which sets a framework for consideration of proposals for uses currently not permitted. Given the low-key nature of the cabins, and their inextricable link to the golf course, the planning proposal as proposed by Council was considered to have merit when assessed against these provisions. Allowing tourist and visitor accommodation throughout the 1(a)/proposed RU1 zone would result in the introduction of a landuse activity throughout the area that would not be compatible with agriculture/natural resource landuse, create speculation for further subdivision and other uses not aligned to natural resource use (agriculture, extractive industries, etc). Consideration of a proposal to allow tourist and visitor accommodation as stand-alone development either on this site or other sites (if the use were introduced throughout the 1(a)/RU1 zones) would need to be reconsidered, amongst other things, in terms of Clause 11 of the SREP and may not satisfy the provisions of the clause.

It is noted that in the 2002 review of SREP 8 that the need for low-key tourist activities, that were ancillary and subsidiary to agricultural activities, was acknowledged with the introduction of "rural tourist units" as a permitted use. The scale of this use was limited to allowing 1 bed space per 2 hectares of site area, to ensure that the activity was at an appropriate density having regard to its location in an agricultural area. This provision has not been brought into dLEP 2009 due to the limitations of the standardised approach and the inability to effectively control its scale. Farm-stay accommodation, however, is proposed to be permitted in RU1 zone which would achieve a similar outcome to the provisions of the SREP.

The Central Coast Regional Strategy (CCRS) identifies the plateau area for being "rural and resource" lands. The option to include tourist and visitor accommodation through the 1(a)/RU1 zones with no limitations on scale or being complementary to existing rural pursuits would appear inconsistent with the CCRS. Action 5.12 of CCRS also requires:

"The Department of Primary Industries, Department of Water and Energy and Department of Planning, in conjunction with the Department of Environment and Climate Change, is to review planning for the Central Coast plateaus and Wyong Valleys, to consider agriculture, extractive resources, water supply values and tourism uses and address any conflict between these uses".

Council has requested of the Department that this investigation be expedited; however, it has not been undertaken as yet and cannot be used to inform any significant changes in landuse planning for the area. The inclusion of tourist and visitor accommodation as stand-alone development in the 1(a)/RU1 zone would thus appear premature and lack any significant strategic planning basis.

In relation to option (b), there is no private open space zone in IDO No: 122. The IDO is Council's deemed environmental planning instrument that relates to non-urban areas.

Under the IDO, the 6(b) Open Space - Special Purposes zone allows development for "the particular purpose as indicated in scarlet lettering on the IDC map". This zone has been generally historically used for environmental protection, such as "the preservation of native flora and fauna" and "forestry" and as such may not necessarily be appropriate for the land. Its objective is "to identify land for open space purposes, being land that is not able to be appropriately included in other open space zones". Under dLEP 2009, much of IDO's 6(b) zoned land is proposed to be zoned either RU3 Forestry, RE1 Public recreation if public open space, or E1 National Parks and Nature Reserves if currently included in a National Park. The land may be zoned to 6(b) under IDO 122 with the "special purpose" being designated as "Golf Course and Tourist and Visitor Accommodation". This approach would achieve Council's intended planning outcomes and align with dLEP 2009. Under dLEP 2009 the land is proposed to be zoned RE2 in which a golf course is permitted as a "recreation facility (outdoor)". The tourist accommodation component, if established, could continue under existing use rights provisions; however if not then it would need to be listed in Schedule 1.

Under the Gosford Planning Scheme Ordinance (GPSO), Zone No 6(c) Open Space - Private Recreation exists. The GPSO generally relates to urban land in the LGA and its objectives would not reflect development of land for tourist and visitor accommodation, being:

"to restrict development for the purposes of private recreation facilities to development that:

- a promotes community benefits; and*
- b does not reduce the amount and distribution of public open space areas below acceptable levels or standards which meet the needs of the community; and*
- c does not have an unacceptable impact on the amenity of adjacent localities."*

Clubs, recreation and sporting facilities, recreation areas, restaurants, roads and utility installations are the permitted uses in this zone, and tourist and visitor accommodation is not akin to any of these uses. Land zoned 6(c) is generally proposed to be zoned RE2 under dLEP 2009. Sites (or parts thereof) that are proposed to be RE2 in dLEP 2009 include Terrigal Memorial County Club, Erina Leagues Club, Everglades Country Club, Hardys Bay RSL and Citizens Club, Ettalong Bowling Club, Gosford Golf Club, Gosford Racecourse, Pluim Park at Lisarow, and the Springs Golf Course (as a consequence of consideration of submissions). Given the range of locations, physical attributes, constraints (including flooding) and relationship to adjoining lands/zonings, the inclusion of tourist and visitor accommodation as a permitted "stand-alone" use is not considered appropriate across the RE2 zone. This also could potentially result in the loss of significant community-based open space assets, whereby the assets could be lost through the development of stand-alone tourist and visitor accommodation on the land.

It is noted that for both options suggested by the Gateway, the planning proposal would require extensive review and reconsideration in light of other planning requirements such as Section 117 Directions and SEPPs, that may determine such an approach can be supported.

In consideration of the planning proposal submission for the Springs Golf Course, it was considered that the cabins were inextricably linked to the operations of the golf course, and offered benefits to both the economic viability of the golf course and to tourism in the

area. Given the small scale of the cabins, the overall proposal was considered satisfactory in terms of merits assessment criteria of SREP 8, provided that the cabins were subsidiary to primary use of the land as a golf course.

In relation to the use of Schedule 1, it is noted that, when dLEP 2009 was first submitted to DoP&I, there were no items listed, consistent with the Departmental advice that as many uses as possible be removed. When DoP&I returned the plan to Council for exhibition, DoP&I had listed Rosevale Caravan Park in Schedule 1. As Schedule 1 does exist in the SI LEP, it is considered rational for it to be used in instances where no other planning mechanism is available to achieve desired planning outcomes. Given the issues raised with options provided by the Gateway Determination as outlined above, it is considered reasonable that the tourist and visitor component of the Springs Golf Course proposal ultimately be listed in Schedule 1 of dLEP 2009.

In the interim, Council believes that the best approach to achieve desired planning outcomes would be to amend Clause 97A to allow the tourist and visitor component in addition to the golf course. Alternatively, rezoning the land to 6(b) under IDO 122 and listing the Special Purpose as Golf Course and Ancillary Tourist and Visitor Accommodation would achieve the same outcome. For this to be encapsulated in dLEP 2009, the land should be zoned RE2 (as proposed), with the tourist and visitor component listed in Schedule 1 as ancillary to the golf course.

In relation to planning for overall tourism, it is noted that Council is working with Central Coast Tourism Inc. with a view to preparing a strategic plan to guide future decision-making in relation to tourist developments and infrastructure. This project is, however, in its infancy and is not yet available to inform any landuse planning decisions in the short term.

Thank you for the opportunity to raise these issues for further consideration by DoP&I.

Given the above concerns, Council requests that the matter be reconsidered by the Gateway and a new Determination made that appropriately reflects Council's intended outcomes for the planning proposal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Eddie Love', written in a cursive style.

Eddie Love
Manager Integrated Planning