



Central Coast Council

Planning Proposal

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, 145 DP 755221, Lots 22, 23, 32, 73, 75, 76 DP 755253, Lots 1, 3 DP 617088, Lot 881 DP 563889, Lot 1 DP 1222754, Lot 245 DP 48817, Lot 7 DP 1230083, Lot 7012 DP 1059767, Lot 7029 DP 93603, Lot 7035 DP 1051932, Lot 7036 DP 1059768, Lot 7303 DP 1154929, Glenworth Valley, and Lot 882 DP 563889, Lot A DP 365595, Lot C DP 382358, Lot 2 DP 1139242, part of Lot 102 DP 1139060, Lot 7039 DP 1059766, Lot 7303 DP 1161109,

Calga

File No: PP/38/2013

July 20



Planning Proposal

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, 145 DP 755221, Lots 22, 23, 32, 73, 75, 76 DP 755253, Lots 1, 3 DP 617088, Lot 881 DP 563889, Lot 1 DP 1222754, Lot 245 DP 48817, Lot 7 DP 1230083, Lot 7012 DP 1059767, Lot 7029 DP 93603, Lot 7035 DP 1051932, Lot 7036 DP 1059768, Lot 7303 DP 1154929, Glenworth Valley, and Lot 882 DP 563889, Lot A DP 365595, Lot C DP 382358, Lot 2 DP 1139242, part of Lot 102 DP 1139060, Lot 7039 DP 1059766, Lot 7303 DP 1161109, Calga

File No: PP_38_2013

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Version 1

Central Coast Council

Wyong Office: 2 Hely St / PO Box 20 Wyong NSW 2259 | **P** 02 4350 5555

Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250 | **P** 02 4325 8222

E ask@centralcoast.nsw.gov.au |

W www.centralcoast.nsw.gov.au |

ABN 73 149 644 003

Opening Hours 8.30am - 5.00pm

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, 145 DP 755221, Lots 22, 23, 32, 73, 75, 76 DP 755253, Lots 1, 3 DP 617088, Lot 881 DP 563889, Lot 1 DP 1222754, Lot 245 DP 48817, Lot 7 DP 1230083, Lot 7012 DP 1059767, Lot 7029 DP 93603, Lot 7035 DP 1051932, Lot 7036 DP 1059768, Lot 7303 DP 1154929, Glenworth Valley, and Lot 882 DP 563889, Lot A DP 365595, Lot C DP 382358, Lot 2 DP 1139242, part of Lot 102 DP 1139060, Lot 7039 DP 1059766, Lot 7303 DP 1161109, Calga

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Background & Locality Context

Background

The subject site is commonly known as the "Glenworth Valley Outdoor Adventures" site.

As a result of changes to local planning instruments over many years, the existing horse riding school, which has been operating on the site since it was approved in 1969, is no longer permissible within the E2 Environmental Conservation zone under Gosford Local Environmental Plan 2014 (GLEP 2014) which applies to the subject land.

The continuation of this use is enabled utilising the "existing use rights" provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act). Until 2006 development consent could be granted for other uses not permitted in the, then, 7(a) Conservation and Scenic Protection (Conservation) zone on the basis of the existing non-conforming use on the site (i.e. the horse riding school).

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 zone.

The Planning Proposal, as originally lodged on 13 August 2013, sought approval to provide certainty for the continuation of these existing uses on the subject site and to provide opportunities for additional recreation and tourist related developments in the future by adding specific additional permitted uses into GLEP 2014 which could be conducted on the property.

The Planning Proposal, as originally supported by the former Gosford City Council (fGCC) sought to:

- Enable additional permitted uses of eco-tourist facilities, camping grounds, tourist and visitor accommodation on the land zoned RU2 Rural Landscape;
- Enable additional permitted uses of eco-tourist facilities, camping grounds, tourist and visitor accommodation, extensive agriculture, recreation facilities (outdoor) on land zoned E2 Environmental Conservation;
- Rezone the cleared, pasture improved farmland on the ridge proximate to Cooks Road from E2 Environmental Conservation to RU2 Rural Landscape.

On the basis of agency consultation in relation to the Planning Proposal, and additional requirements of the land owner, the Proponent has sought amendments to the Planning Proposal.

Locality Context

The subject site comprises 49 lots ranging in size from 0.1 hectares (Ha) to 267.5 Ha. The area of the subject site is 1173.6 Ha.

Access is gained to all but two lots via Cooks Road which joins Peats Ridge Road. The remaining two lots gain access directly onto Peats Ridge Road.

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 (Figure 1).

The land comprises 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 Road to the east and Popran National Park to the west. Popran Creek, and a number of other small watercourses which run into it, flow through the site, which then drains to the Hawkesbury River.

The land is also an established tourist destination. Its close proximity to Sydney makes it a desirable destination for a wide tourism 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 and "mud run" events), whilst other uses are of a more permanent nature with some fixed structures (e.g. multi-purpose building). Different parts of the site are used for various activities (e.g. abseiling, horse riding, quad bike riding). The cleared valley floor is used for the grazing of horses and livestock.

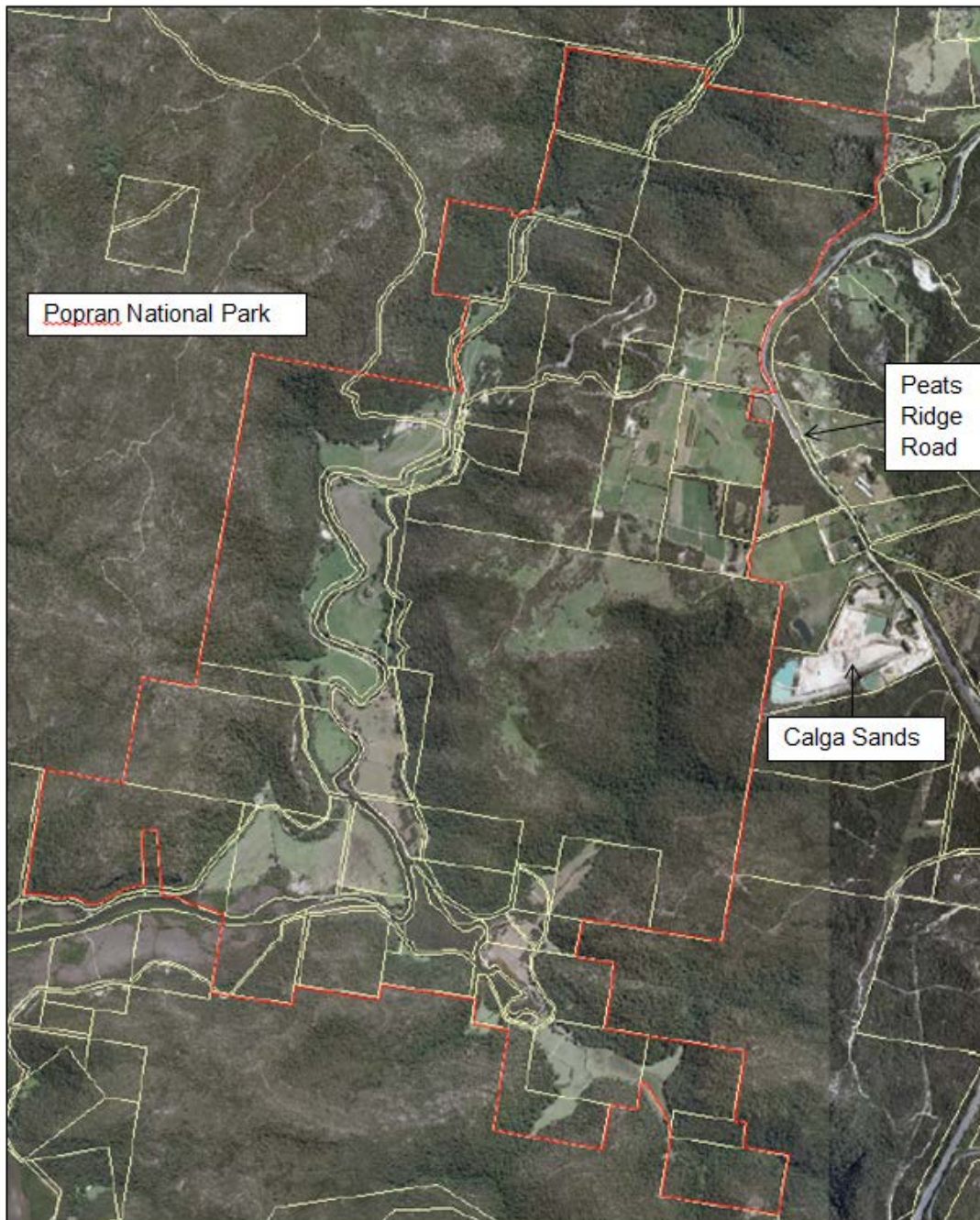


Figure 1 Contextual Locality Plan

The subject site comprises approximately 1070.2 Ha of land zoned E2 Environmental Conservation and 103.4 Ha of land zoned RU2 Rural Landscape under GLEP 2014 (Figure 2).

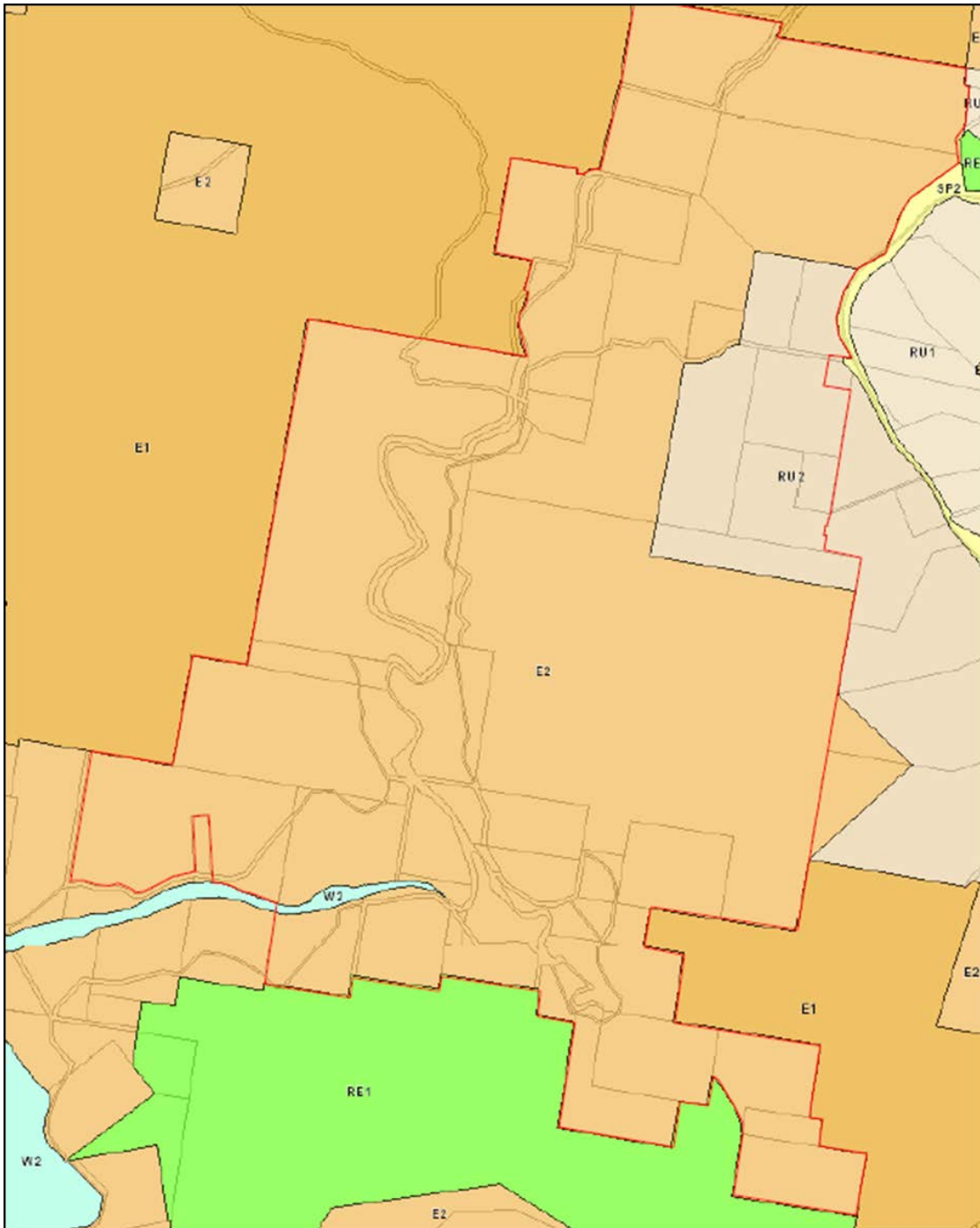


Figure 2 Existing Zoning under GLEP 2014

Part 1 Objectives or Intended Outcomes

The objective of this Planning Proposal is to enable additional permitted uses on the subject land. In summary this entails:

- On land zoned RU2 Rural Landscape, the additional permitted uses of eco-tourist facilities, camping grounds, tourist and visitor accommodation;
- On land zoned E2 Environmental Conservation, the additional permitted uses of eco-tourist facilities and recreation facilities (outdoor).
- On existing cleared areas of land zoned E2 Environmental Conservation, comprising part of Lots 19, 20, 21, 23, 25, 30, 32, 33, 37, 50, 53, 64, 68, 85, 86, 87, 89, 91, 108 and 145 DP 755221, part of Lots 22 and 32 DP 755253 part of Lot 3 DP 617088, part of Lot 245 DP 48817 and part of Lot 7303 DP 1154929, development for the purpose of extensive agriculture.
- On existing cleared areas of land zoned E2 Environmental Conservation, comprising part of Lots 19, 37 and 89 DP 755221 and part of Lots 22 and 32 DP 755253, development for the purposes of camping grounds and function centres.
- On existing cleared areas of Lot 108 DP 755221 and Lot 145 DP 755221, development for the purposes of tourist and visitor accommodation.
- On land comprising part of Lot 89 DP 755221 which currently accommodates the multi-purpose building:
 - development for the purposes of function centre, entertainment facility and food and drink premises, and
 - the total floor area for the function centre, entertainment facility and food and drink premises, is to be a maximum of 1500m² with any additions being attached to, or directly adjacent to the existing building.

The location and extent of these additional permitted uses are illustrated in Figure 3

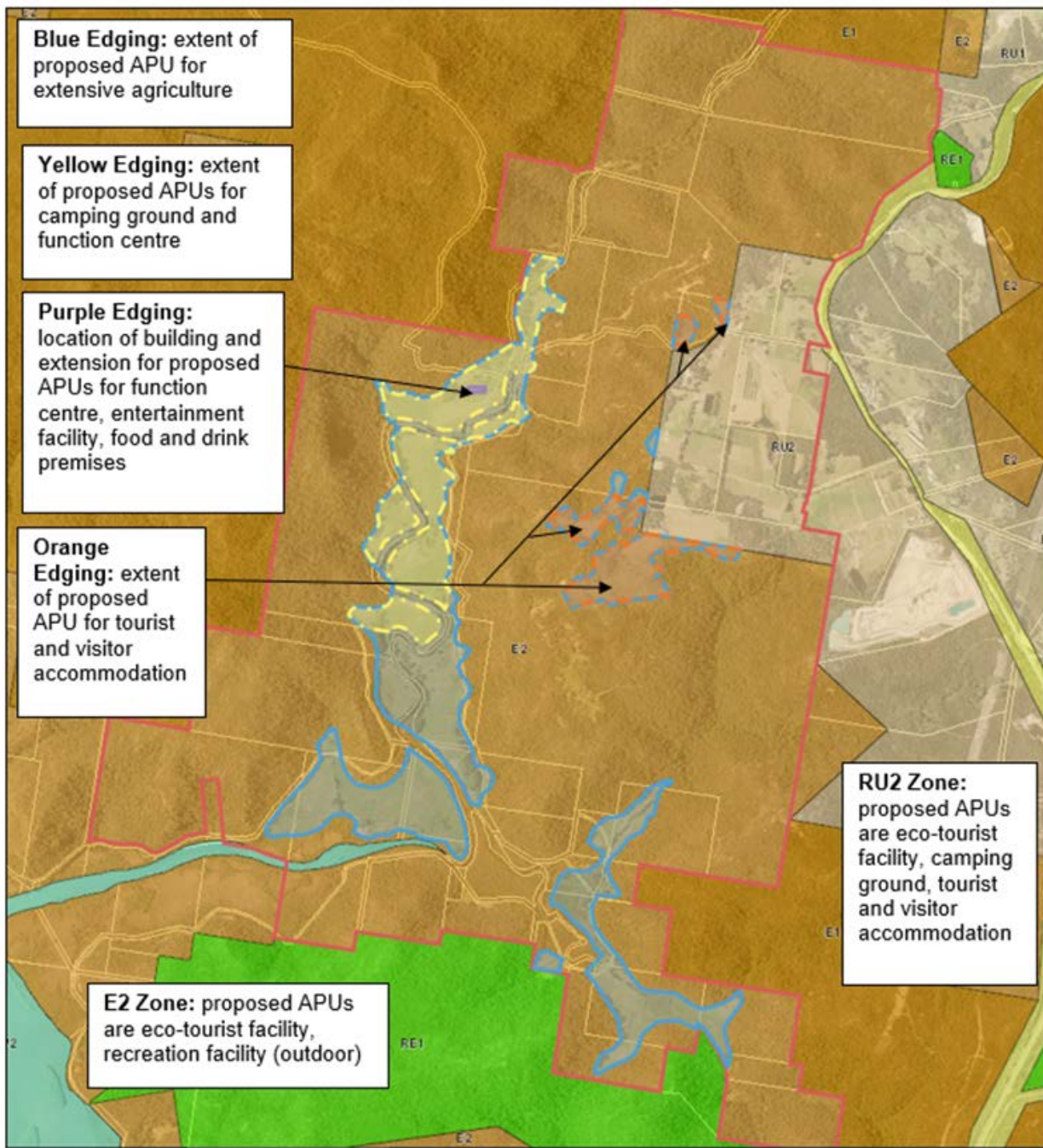


Figure 3 Proposed location and extent of APUs

Part 2 Explanation of Provisions

The outcome will be facilitated by an amendment to either the GLEP 2014 or the Central Coast Local Environmental Plan (CCLEP), whichever is in affect at the time, which involves including in Schedule 1 the Additional Permitted Uses applying to the subject land. An explanation of the Additional Permitted Uses is set out below.

Extensive Agriculture

"Extensive agriculture" is not permissible in the E2 Environmental Conservation zone given the environmental values of the land and the incompatibility of this use with these values. Also, under the provisions of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, extractive industries are permissible in any zone where "agriculture" is permissible. The Mineral Resources Audit, 2014 did not identify any potential resource within Glenworth Valley.

The inclusion of "extensive agriculture" as an additional permitted use on cleared E2 Environmental Conservation zoned land on the valley floor and on land adjacent to the RU2 Rural Landscape zone is supported as it is currently used for horse grazing and/or fodder production. The Additional Permitted Use provisions will clearly indicate that development for the purpose of "extensive agriculture" is to occur on existing cleared land. The vegetated escarpment is unsuitable for "extensive agriculture" and is not currently used for this use. Also prior to the GLEP 2014 coming into effect the land was zoned 7(a) Conservation and Scenic Protection (Conservation) which listed "Agriculture" as a use permitted with consent.

"Extensive agriculture" is permitted in RU2 Rural Landscape zone as a general permitted use in the zone so it is not necessary to specify it as an additional permitted use relating to this land.

Recreation Facility (Outdoor)

"Recreation facility (outdoor)" is not permissible in the E2 Environmental Conservation zone. Although the existing recreational uses and possible future recreational uses are more nature-based than those nominated within the definition, 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. The inclusion of recreational facility (outdoor) as an Additional Permitted Use on land zoned E2 Environmental Conservation zone will cater for any future recreational uses that may arise whilst protecting the overall values of the site via the objectives of the zone.

Such future recreational uses would require individual development assessment and as it is the inherent natural values of the land that make it attractive for these recreational/tourist related activities it is in the landowner's interests to seek to protect these values.

"Recreation facilities (outdoor)" is permitted in RU2 Rural Landscape zone as a general permitted use in the zone so it is not necessary to specify it as an additional permitted use relating to this land.

Eco-tourist Facility

The definition of "eco-tourist facility" specifically requires such short-term accommodation to be designed so as to minimise its ecological and visual impact. Such a use would be suitable in the E2 Environmental Conservation zone.

There are also mandated requirements in Clause 5.13 of the GLEP 2014 that sets out matters for consideration of "eco-tourist facilities" 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.

Under the draft CCLEP, "eco-tourist facilities" are proposed to be a use permitted in the E2 Environmental Conservation zone so would not be required to be included as an additional permitted use in the E2 zone should this Plan be in effect when this Planning Proposal is finalised.

The planning proposal also seeks to permit "eco-tourist facilities" within the RU2 Rural Landscape zone.

Camping Ground

The proposed "camping ground" use is proposed to operate independently of the horseriding use so it lacks strategic merit to be allowed to operate over all the site. A camping ground use exists on the cleared parts of Lots 22 and 32 DP 755253 and Lots 19, 37 and 89 DP 755221 which is in the valley and zoned E2 Environmental Conservation. As these lots are proximate to the focal point of many group activities on the site the use of "camping ground" on the existing cleared areas of these lots is supported.

Under the definition; "camping grounds" means an area of land that has access to communal amenities. Short term camping in the form of "a wilderness experience" in the remote areas of the site is therefore outside of the above "camping grounds" definition. However such low key camping could be considered as a "recreation facility (outdoor)", which is a use proposed to be permitted on all lots zoned E2 Environmental Conservation.

The planning proposal also seeks to permit "camping grounds" within the RU2 Rural Landscape zone. Under the draft CCLEP "camping ground" is proposed to be a permitted use in the RU2 Rural Landscape zone so would not be required to be included as an additional permitted use in the RU2 Rural Landscape zone should this plan be in effect when this planning proposal is finalised.

Tourist and Visitor Accommodation

The definition of "tourist and visitor accommodation" incorporates development of a substantial nature which could potentially be incompatible with the scenic quality of the land zoned E2 Environmental Conservation within the valley and known environmental constraints such as bushfire hazard and flooding.

However, it should be noted that currently there is generally cleared land zoned E2 Environmental Conservation adjacent to the RU2 Rural Landscape zone atop the escarpment, being parts of Lots 108 and 145 DP 755221. The additional permitted use of "tourist and visitor accommodation" is considered a suitable use on such land as it does not have the significant scenic quality values as the E2 Environmental Conservation zoned land in the valley but contains similar characteristics to the adjoining RU2 Rural Landscape zoned land which is proposed to include the use of "tourist and visitor accommodation".

The cleared areas identified in the E2 Environmental Conservation zoned land for "tourist and visitor accommodation" are outside of the Transition Area adjacent to Calga Sands. This will ensure that such a use will not adversely affect, or be adversely affected by, current or future resource development of Calga Sands.

The RU2 Rural Landscape zoned land is generally cleared with scattered stands of woodland so could accommodate "tourist and visitor accommodation" units within the undulating landform without an adverse impact on the rural quality of the area. Such a use would be unlikely to dominate the landscape as the land is primarily required for grazing purposes. Therefore it is considered that imposing a limit on the number of units is not required for this area as the use can be satisfactorily determined on the basis of economic demand and the environmental capacity of the land to support such uses.

Use of Existing Multi-Purpose Building

The existing multi-purpose building is located on Lot 89 DP 755221 and was approved as an ancillary use to the recreational uses operating on the site. The Planning Proposal seeks to permit the building to be used independently as a "function centre", "entertainment facility" and a "food and drink premises".

It has an existing floor area of approximately 800m² and it is proposed that the total floor space to be used for a function centre, entertainment facility and a food and drink premises be 1500m². This additional floor space will allow for future expansion, if required, provided the additional floor space comprises an extension to the building or is directly adjacent to it, the environmental impact will be minimal.

The use of "function centre" can also relate to a "place" as well as a "building". Therefore outdoor functions, such as weddings, birthday parties and corporate activities would be able to occur on land where this use is permitted. Cleared land adjoining and proximate to the existing multi-purpose building is suitable for such a use. These lots are Lots 19, 37 and 89 DP 755221 and Lots 22 and 32 DP 755253.

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

This Planning Proposal is not supported by a strategic study or report. However it will facilitate long term certainty as to the continued and future operations of Glenworth Valley Outdoor Adventures to permit a range of recreational and tourist related activities, whilst protecting the environmental quality of the site. The retention of existing zones with the proposed additional permitted uses will allow for the on-going development and enhancement of a significant tourist facility and ensure it remains intrinsically linked to the protection and management of the environment and allowing development at an appropriate scale.

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 as the intended Additional Permitted Uses are not currently permitted on the site. The Planning Proposal consists of an amendment to Schedule 1 of GLEP 2014 and an Additional Permitted Use Map showing the location of the Additional Permitted Uses on the subject land. There is no change to the zoning of the land.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Central Coast Regional Plan (2036)

The *Central Coast Regional Plan 2036 (CCRP)* applies to both of the former Gosford and Wyong local government areas (LGAs). The vision of the CCRP is for a healthy natural environment, a flourishing economy and well-connected communities.

The CCRP is to provide the basis of planning by Council and sets out a number of actions. The table below demonstrates that the Planning Proposal is consistent with the relevant actions identified in the CCRP.

3	Direction 3: Support priority economic sectors	
	Action	Assessment
3.5	Capitalise on the region's location and coastline to enhance the visitor economy with a focus on events-based tourism and update planning controls.	The Planning Proposal 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 allow additional outdoor recreational opportunities as they emerge.
7	Direction 7: Increase job containment in the region	
	Action	Assessment
7.1	Facilitate economic development that will lead to more local employment opportunities on the Central Coast.	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 200,000 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 Central Coast tourist industry.
8	Direction 8: Recognise the cultural landscape of the Central Coast	
	Action	Assessment
8.1	Protect the Central Coast's scenic amenity by planning for development that respects the distinct qualities of different places.	The scenic significance of Glenworth Valley will be retained by including additional permitted uses in Schedule 1 of GLEP 2014 whilst retaining the E2 Environmental Conservation zone and objectives.
12	Direction 12: Protect and manage environmental values	

	Action	Assessment
12.1	Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain lifestyle, economic success and environmental health of the region.	That part of the subject land zoned E2 consists of coastal wetlands to the south and vegetated escarpment surrounding the valley. It has characteristics of environmental value, scenic quality and habitat for native flora and fauna which is reflective of the environmental and scenic significance of the locality. The proposed additional permitted uses are generally to be located within the cleared areas of the site which will protect the environmental value of the land whilst enabling economic development of tourist related uses.
12.5	Sensitively manage natural areas on the fringe of urban areas to mitigate land use incompatibility issues and provide important quality of life and tourism benefits	Some of the proposed recreational and tourism uses currently operate on the site and are not incompatible with the site's natural setting. Specific on-site effects of any proposed uses are able to be managed through the development assessment process.

Table 1: Central Coast Regional Plan Assessment

4. Is the planning proposal consistent a local Council's Community Strategic Plan or other local strategic plan?

Central Coast Community Strategic Plan – One Central Coast

The *Central Coast Community Strategic Plan (CSP)* outlines a set of guiding principles, aspirations and values for the community. These reflect on social, economic, environmental and governance aspects for now and the future.

The following strategies outlined in the Community Strategic Plan are applicable to this Planning Proposal.

C	Focus Area – A growing and competitive region	
	Objectives	Assessment
C4	Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly.	The planning proposal will showcase the environmental values and recreational opportunities of the region and offer significant economic benefits and synergies. The planning proposal will also have the potential to encourage greater expenditure by tourists and therefore benefit the local economy.
F	Focus Area – Cherished and protected natural beauty	
	Objectives	Assessment
F1	Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland	The Planning Proposal will protect the intrinsic environmental values of the land by restricting appropriate tourist accommodation to the generally cleared areas of the environmental zone whilst future

	areas and the diversity of local native species.	additional recreation activities will be required to be consistent with the objectives of the zone.
L	Focus Area – Healthy lifestyles for a growing community	
	Objectives	Assessment
L1	Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated.	The planning proposal will enable the public to participate in outdoor recreational activities within a natural setting which would enhance personal well-being. The planning proposal will permit additional uses on-site which have the potential to encourage greater expenditure by tourists and therefore benefit the local economy.

Table 2 – Central Coast Community Strategic Plan Assessment

Biodiversity Strategy

The Biodiversity Strategy provides a framework and guide for the management of biodiversity in the Gosford area that is consistent with regional, state, national and international strategies, plans and policies. The following Actions in the Biodiversity Strategy are applicable to the Planning Proposal:

- *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 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 retained in the existing RU2 Rural Landscape and E2 Environmental Conservation zones, and that appropriate activities to be listed in Schedule 1 of GLEP 2014 are proposed to be located in areas that are currently cleared, thus ensuring the environmental values of the land and existing vegetation remain protected.

Policy D2.02 – Rezoning of Land Zoned Conservation & Scenic Protection (Conservation) 7(a)/Environmental Conservation E2

As the subject land is currently zoned E2 Environmental Conservation, this Policy applies. The Policy objectives are:

- 1 *To define objectives for the Conservation 7(a) / E2 zone to ensure the long term preservation of the scenic and environmental qualities of the region and to ensure Planning Proposals (ie LEPs) are consistent with the prescribed objectives.*
- 2 *To establish criteria to be used by Council to assess requirements to prepare a Planning Proposal. (ie local environmental plan) primarily for the purpose of providing dedication of strategically environmentally/scenically important land for the community benefit in exchange for additional*

development rights having regard to the land's attributes pertaining to the zone boundary of the 7(a) Conservation zone / Environmental Conservation E2, but also for the purpose to alter the zone, uses, subdivision or other provisions.

All Planning Proposals must be in conformity with the objectives of the 7(a) Conservation and Scenic Protection (Conservation) / E2 Environmental Conservation zone as prescribed within this Policy.

The objectives of the 7(a) Conservation / E2 Environmental Conservation Zone:

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

The additional uses proposed to be permitted on certain land within the E2 zone are outdoor recreation facilities, extensive agriculture, camping grounds, tourist and visitor accommodation, eco-tourist facilities and function centre/entertainment facility/food and drink premises. These uses are the standard LEP definitions of the existing uses operating on the site at present. These low impact uses, or similar, are generally compatible with the E2 zone. Any other uses permitted under the definition of recreation facility (outdoor) would be required to satisfy the objectives of the E2 zone.

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

Besides being assessed on environmental, statutory and strategic grounds any Planning Proposal pertaining to 7(a)/E2 zoned land must include the following:

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

- Dedication of land to COSS

Since the preparation of this Policy, the matters relating to land capability, vegetation, fauna and bushfire have become statutory matters which have to be addressed in any Planning Proposal assessment and have been addressed separately to this Policy later in the report. SEPP 19 is a statutory matter and has been addressed later in the report. The matters relating to visual quality and COSS are the subject of Gosford Development Control Plan 2013 (GDCP 2013) or strategies which have also been addressed separately in the report, if applicable.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The proposal has been considered against the relevant State Environmental Planning Policies (SEPPs) as detailed below.

State Environmental Planning Policy	Comment
SEPP No. 19 – Bushland in Urban Areas	
<p>The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:</p> <ul style="list-style-type: none"> (a) its value to the community as part of the natural heritage, (b) its aesthetic value, and (c) its value as a recreational, educational and scientific resource. <p>The specific aims of this policy are:</p> <ul style="list-style-type: none"> (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area, (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term, (c) to protect rare and endangered flora and fauna species, (d) to protect habitats for native flora and fauna, (e) to protect wildlife corridors and vegetation links with other nearby bushland, (f) to protect bushland as a natural stabiliser of the soil surface, (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape, (h) to protect significant geological features, (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores, 	<p>The objectives of the SEPP relate to protecting rare and endangered flora and fauna, protecting habitat, protecting vegetation links and retaining the unique visual identity of the landscape within the E2 zoned part of the subject site.</p> <p>Glenworth Valley adjoins both National Park and Crown Land which accommodate significant bushland areas, as do substantial areas of the subject site. The planning proposal seeks to permit additional uses on the site and given its large size, any effects on any particular part of the site will be subject to detailed development assessment of the effects on bushland, with the opportunity for site works in less significant areas.</p>

State Environmental Planning Policy	Comment
<p>(j) to protect archaeological relics,</p> <p>(k) to protect the recreational potential of bushland,</p> <p>(l) to protect the educational potential of bushland,</p> <p>(m) to maintain bushland in locations which are readily accessible to the community, and</p> <p>(n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.</p>	
SEPP (Koala Habitat Protection) 2019	
<p>Aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>	<p>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 would need to be undertaken to ensure no adverse impact.</p>
SEPP Mining, Petroleum Production and Extractive Industries 2008	
<p>Aims to :</p> <ul style="list-style-type: none"> (a) provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting social and economic welfare of the State; (b) to facilitate the orderly and economic use of development of land containing mineral, petroleum and extractive material resources; and (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment and sustainable management of development of mineral, petroleum and extractive material resources. <p>Before determining a development application in the vicinity of an existing mine, petroleum production facility or extractive industry, the consent authority must consider:</p> <ul style="list-style-type: none"> (a) the existing uses and approved uses of land in the vicinity of the development; (b) whether or not the development is likely to have a significant impact on current or future 	<p>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. Therefore the Planning Proposal would not have the effect of restricting the obtaining of extractive material from the Calga Sands Quarry.</p>

State Environmental Planning Policy	Comment
<p>extraction or recovery of minerals, petroleum or extractive materials;</p> <p>(c) any ways in which the development may be incompatible with any of the existing or approved uses or that current or future extraction or recovery.</p>	
SEPP Coastal Management 2018	
<p>The aim is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast; and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone; and</p> <p>(c) mapping 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p> <p>All development within the Coastal Wetlands Area requires development consent. All development, except environmental protection works is declared designated development.</p> <p>Consent must not be granted for development within the Coastal Wetlands Area unless sufficient measures have been or will be taken to protect the biophysical, hydrological and ecological integrity of the coastal wetland.</p> <p>Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" unless the proposed development will not significantly impact on:</p> <p>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or</p> <p>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.</p> <p>Consent must not be granted for development within the Coastal Environment Area if the proposed</p>	<p>The southern part of the subject site adjoining Popran Creek is identified as "coastal wetlands" and "proximity area for coastal wetlands". Therefore the additional permitted uses allowed on this land as a result of the planning proposal would be treated as designated development if a development application was received to locate such uses within the coastal wetlands.</p> <p>Future development applications for uses in the Coastal Wetland Area and the Proximity Area for Coastal Wetlands will be assessed to ensure the biophysical, hydrological and ecological integrity of the coastal wetland is maintained.</p> <p>The flats adjoining the upper reaches of Popran Creek and the lower slopes are located within the Coastal Environment Area. The proposal to permit additional uses within this Area would not adversely impact on the coastal environment values and natural processes of the locality. However the future outdoor recreation proposed for this land would have to be considered in detail at the development application stage when and if such uses are proposed.</p>

State Environmental Planning Policy	Comment
<p>development is likely to cause adverse impacts on the following:</p> <ul style="list-style-type: none"> (a) the integrity and resilience of the biophysical, hydrological and ecological environment; (b) coastal environmental values and natural coastal processes; (c) the water quality of the marine estate, in particular the cumulative impacts of the proposed development on any sensitive coastal lakes (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public (f) Aboriginal cultural heritage, practices and places (g) The use of the surf zone. 	
Deemed SEPP Sydney REP No 8 – Central Coast Plateau Areas	
<p>Aims:</p> <ul style="list-style-type: none"> (a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses, (b) to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability, (c) (Repealed) (d) to protect regionally significant mining resources and extractive materials from sterilization, (e) to enable development for the purposes of extractive industries in specified locations, (f) (Repealed) (g) to protect the natural ecosystems of the region, and (h) to maintain opportunities for wildlife movement across the region, and 	<p>All of the land is within the boundary of SREP 8, however only the land near Cooks Road which is zoned RU2 has been the subject of detailed mapping of agricultural land. 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.</p> <p>The planning proposal does not reduce the agricultural capability of the land as it seeks to retain the RU2 zone and all the uses permitted within that zone.</p> <p>The issues to be addressed in any draft local environmental plan are addressed in order below:</p> <ul style="list-style-type: none"> (a) 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 the planning proposal reflects existing approved uses (i.e. the motel). It is considered there is adequate

State Environmental Planning Policy	Comment
<p>(i) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and</p> <p>(j) to encourage the preparation of draft local environmental plans based on merits.</p> <p>In preparing any draft local environmental plan applying to land to which this plan applies, the council should have regard to the objective that any development allowed by the plan should:</p> <p>(a) not impact upon the current or future use of adjoining land for existing or future agricultural uses, and</p> <p>(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), and</p> <p>(c) have a significant positive economic contribution to the area and result in employment generation, and</p> <p>(d) not result in any adverse environmental effect on or off the site, and</p> <p>(e) be consistent with the strategic direction for water quality standards and river flow objectives developed through the State Government's water reform process, and</p> <p>(f) be consistent with rural amenity (including rural industries) and not detract significantly from scenic quality, and</p> <p>(g) not encourage urban (residential, commercial or industrial) land uses, and</p> <p>(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), and</p>	<p>separation between Glenworth Valley holdings land and adjoining agricultural land to provide sufficient separation between uses.</p> <p>(b) An eco-tourist facility, camping ground and tourist accommodation will not be able to be separately titled, and is only for the transient accommodation of tourists/visitors to the site. Hence the planning proposal would not result in an increased settlement pattern.</p> <p>(c) Allowing additional outdoor recreation facilities and 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 local businesses.</p> <p>(d) Adverse environmental effects will be minimised through regulation of development, and allowing flexibility in siting of works and activities.</p> <p>(e) 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.</p> <p>(f) The additional uses proposed will need to be sited and designed so as to not detract from scenic quality.</p> <p>(g) 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.</p> <p>(h) Augmentation of any infrastructure that may be required (e.g. electricity) will need to be funded by the developer dependent upon what is required.</p> <p>(i) Building location within the RU2 zoned land can be assessed on an individual case by case basis and do not represent an impediment to the planning proposal. Soil classes within the valley have not been mapped.</p>

State Environmental Planning Policy	Comment
(i) result in building works being directed to lesser class soils.	
Deemed SEPP Sydney REP No 9 - Extractive Industry (No 2 - 1995)	
<p>Aims:</p> <ul style="list-style-type: none"> (a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and (b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 1 or 2, and (c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and (d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and (e) to prohibit development for the purpose of extractive industry on the land described in Schedule 3 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive. 	<p>Division 4 of Schedule 1 of the SREP identifies Lot 2 DP 229889 (Calga Sands) as a "sand extraction area of regional significance - current and potential". Lot 108 DP 755221, owned by Glenworth Valley holdings, off Cooks Road immediately adjoins this land. A separate DA has already been approved on the RU2 zoned part of Lot 108 for a motel comprising a 3 unit motel and five caravan park sites (as was permissible in the previous zoning - DA 43465 approved on 11 November 2013 refers). The proposed listing of tourist and visitor accommodation in Schedule 1 of GLEP 2014 as it relates to the RU2 zone will reflect existing approved uses. Other eco-tourist components would be located further away from the Calga Sands Quarry and hence would not have the impact of sterilising the extractive resource.</p> <p>The amended Gateway is likely to require consultation with Director General of Trade and Investment - Mineral Resources and The Director General of the Environment Protection Authority (or their equivalent under the new State Government structure).</p>
Deemed SEPP Sydney REP No 20 - Hawkesbury-Nepean River (No 2 - 1997)	
<p>The aim of this plan 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.</p> <p>The plan 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.</p>	<p>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 effects on receiving wetlands are considered as part of any future application. There is sufficient area available on-site to manage water quality and nutrients.</p>

State Environmental Planning Policy	Comment
	<p>The Planning Proposal seeks to permit extensive agriculture on the cleared riverflats. The grazing of horses and growing of fodder is already operating on the site so no additional impact on the environment would occur.</p> <p>The Planning Proposal seeks to facilitate a range of nature-based recreational activities (as outdoor recreation facilities), and environmentally appropriate tourist accommodation. This will further achieve the goals of SREP 20 by building on the existing tourist values of Glenworth Valley.</p>

Table 3: State Environmental Planning Policy Assessment

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. Following this summary is the full assessment of these Directions.

No.	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	N	N/A
1.2	Rural Zones	Y	Y
1.3	Mining, Petroleum Production and Extractive Industries	Y	Y
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	Y	Y
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	Y	Y
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
2.5	Application of E2 & E3 Zones and Environmental Overlays in the Far North Coast LEPS	N	N/A
2.6	Remediation of Contaminated Land	Y	Y

No.	Direction	Applicable	Consistent
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	N	N/A
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	N	N/A
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
3.7	Reduction in non-hosted short term rental accommodation period	N	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	N	N/A
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	N/A	N/A
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.8	Sydney's Second Airport: Badgery's Creek:	N	N/A
5.9	North West Rail Link Corridor Strategy	N	N/A
5.10	Implementation of Regional Plans	Y	Y
5.11	Development of Aboriginal Land Council lands	N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y

No.	Direction	Applicable	Consistent
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney	N	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	N	N/A
7.2	Parramatta Road Corridor Urban Transformation Strategy	N	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	N	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	N	N/A

Table 4: S9.1 Ministerial Direction Compliance

Ministerial Section 9.1 Directions

Direction	Comment
Employment & Resources	
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land.	Some of the subject land fronting Cooks Road is zoned RU2 so this Direction applies. The planning proposal does not propose to rezone rural land to a

Direction	Comment
<p>Applies when the relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone.</p> <p>A planning proposal must not:</p> <ul style="list-style-type: none"> (a) rezone land from a rural zoned to a residential, business, industry, village or tourist zone; (b) contain provisions that will increase the permissible density of land within a rural zone. 	<p>more intensive zone nor is it increasing density within the RU2 zone. However it is proposing to include additional uses on the RU2 zoned land which would be permitted subject to development consent. These uses for tourist accommodation are temporary and generally low key thus unlikely to affect the agricultural viability of the land. Hence the Planning Proposal is consistent with this Direction.</p>
1.3 Mining, Petroleum Production and Extractive Industries	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) 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. <p>The relevant planning authority must consult with the Director-General of the Department of Primary Industries regarding the development potential of resources and any likely land use conflicts.</p>	<p>Part of the subject land (i.e. Lot 108 DP 755221) immediately adjoins the existing Calga Sands quarry. It is considered that the planning proposal is satisfactory, as a motel has already been approved on the RU2 zoned part of Lot 108 in the vicinity of the quarry. Furthermore the majority of the land subject to this planning proposal is located away from the quarry and any additional uses would not impact on the quarry or would be impacted upon by the quarry operation. However the planning proposal will be referred to the relevant State Department for comment.</p>
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land, facilitate the economic use and development of rural lands, assist in the proper management, development and protection of rural lands, minimise the potential for land fragmentation and land use conflict.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environmental protection zone or changes the existing minimum lot size on land within a rural or environmental protection zone.</p> <p>A Planning Proposal must be consistent with any applicable strategic plan, identify and protect environmental values, consider the natural and physical constraints of the land, consider measures to minimise fragmentation of rural land and reduce the risk of land use conflict, consider the social, economic and</p>	<p>The subject land is within a rural and an environmental protection zone and is currently used for various rural and outdoor recreational purposes.</p> <p>The Planning Proposal seeks to apply additional permitted uses to land within each of the E2 and RU2 zones.</p> <p>The environmental values of the site, especially the E2 zoned land, have been considered with the proposed additional permitted uses generally restricted to the cleared areas of the site. In this way the environmental quality of the site is protected whilst the economic benefits of the future proposed tourist uses could be realised.</p> <p>The Planning Proposal is consistent with the Direction.</p>

Direction	Comment
<p>environmental interests of the community. Where the Planning Proposal is for rural residential purposes; is appropriately located taking into account the availability of human services, utility infrastructure, transport and proximity to existing centres; and is necessary taking account of existing and future demand and supply of rural residential land.</p>	
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 <i>"Rural Lands"</i>.</p>	<p>The additional outdoor recreational facilities proposed to be permitted in the E2 zone reflect the existing uses operating on site at present i.e. horse riding trails, quad biking, kayaking, and abseiling. These low impact uses, or similar, are compatible with the Environmental Conservation zone. Any other uses permitted under the definition of recreation facility (outdoor) would be required to satisfy the objectives of the E2 zone.</p> <p>The use of extensive agriculture in the E2 zone is proposed to be permitted on the cleared land within the valley and on the escarpment adjacent to RU2 zoned land. The use is currently conducted in these areas so no additional environmental impact would occur.</p> <p>The additional uses of function centre, entertainment facility and food and drink premises are proposed to be permitted in the existing multi-purpose building and any future extensions. The surrounding land is generally cleared so will not impact on the environmental qualities of the site.</p> <p>Likewise, the cleared areas of adjoining lots are suitable for outdoor functions and camping.</p> <p>The additional use of tourist and visitor accommodation on cleared E2 zoned land adjoining the RU2 zone is considered to be compatible with the scenic amenity and environmental character of the locality.</p>
2.2 Coastal Management	
<p>Aims to protect and manage coastal areas of NSW.</p>	<p>That part of the subject land adjacent to Popran Creek, which is a tidal creek, is in the coastal zone. The land is an estuarine environment and not subject to active coastal processes.</p>

Direction	Comment
<p>Applies when a relevant planning authority prepares a planning proposal that applies to land within the coastal zone as identified by SEPP (Coastal Management) 2018.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the objects of the Coastal Management Act 2016 and the objectives of the of the relevant coastal management areas, and (b) the NSW Coastal Management Manual and associated toolkit, (c) the NSW Coastal Design Guidelines 2003. <p>A planning proposal must not rezone land which would enable increased development or more intensive land use on land:</p> <ul style="list-style-type: none"> (a) within a coastal vulnerability area identified by the SEPP (Coastal Management) 2018, or (b) that has been identified as land affected by current or future coastal hazard in a LEP or DCP, or a study or assessment undertaken by a public authority or a relevant planning authority. 	<p>The objects of the Coastal Management Act 2016 are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State.</p> <p>The additional uses proposed for the site relate to forms of outdoor recreational pursuits, camping ground and use of an existing building and surrounds for functions. These additional uses would be able to fit unobtrusively within the landscape and be ecologically sustainable. The operation of these tourist related uses would benefit the local economy and benefit the well-being of the people who visit the site and partake in the activities.</p> <p>The NSW Coastline Management Manual provides "information to assist present and potential users and occupiers of the coastline to understand the nature of coastline hazards and the options available for their management." As the site is not subject to immediate coastal processes it is not relevant to the Planning Proposal.</p> <p>The Coastal Design Guidelines relates to design of dwellings and location of new settlements and is not strictly relevant to this Planning Proposal. The following objective is however pertinent to this Planning Proposal:</p> <ul style="list-style-type: none"> - To protect and enhance the cultural, ecological and visual characteristics of a locality. <p>Due to the size of the subject land (approx. 1000 Ha), the additional permitted uses would be able to be accommodated within the landscape with minimal impact on the cultural, ecological and visual characteristics of the locality.</p> <p>The listing of additional permitted uses in the planning instrument will not have any substantive impact in terms of coastal protection and the proposal is considered to be consistent with this direction.</p>
2.3 Heritage Conservation	

Direction	Comment
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area. This includes items, areas, objects and places of indigenous heritage significance</p>	<p>There are currently three (3) environmental heritage items on the subject land:</p> <ul style="list-style-type: none"> - Grave of Owen Maloney - Lot 19 DP 755221 - Remains of stone walling - Lot 37 DP 755221 - House "Glenworth Valley" - Lot 89 DP 755221 <p>These heritage items are identified and protected under the provisions of the Gosford LEP 2014.</p> <p>Since 1 October 2019 Calga Aboriginal Cultural Landscape became a State Heritage Item. This area generally applies to Australian Wildlife Walkabout Park and surrounding landscape. Part of this surrounding landscape applies to the eastern part of Lot 108 DP 755221. Future uses permitted in this area of Lot 108 would be low impact activities identified in a future Conservation management Plan endorsed by the Heritage Council.</p> <p>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. Given the size of the subject site (i.e. approx. 1000 Ha) it is unreasonable to undertake a detailed Aboriginal Heritage Study over the whole site when only small areas will in reality be subject to future development applications. A more reasonable approach would be to undertake detailed investigations for the specific locations of future individual development applications.</p>
2.4 Recreation Vehicle Areas	
<p>Aims to protect sensitive land or land with conservation values from adverse impact from recreation vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The Planning Proposal does not seek to permit recreation vehicle areas on the land.</p>
2.6 Remediation of Contaminated Land	
<p>Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and</p>	<p>The Direction refers to activities listed in the Contaminated Land Planning Guidelines that may cause</p>

Direction	Comment
<p>remediation are considered by planning proposal authorities</p> <p>Applies when a relevant planning authority prepares a planning proposal applying to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	<p>contamination, one of which is agricultural or horticultural activities.</p> <p>The initial Gateway Determination required an initial site contamination investigation to be undertaken to demonstrate that the site is suitable for rezoning. A Stage 1 Site Contamination Assessment was prepared and the conclusion states:</p> <p><i>Based on the desk study and field investigation the site is assessed to be of low risk of contamination. It is assessed that a Stage 2 Contamination Assessment is not required for the proposed re-zoning of land.</i></p> <p>The then owner of Lot A DP 365595 Cooks Road submitted a Preliminary Site Contamination Investigation Report which concludes:</p> <p><i>A Preliminary Site Contamination Investigation Report has been prepared for Lot A DP 365595, as is required under SEPP 55 for Planning Proposal. The report finds there is unlikely to be any contamination of the site arising from the previous use as a citrus orchard and current use for cattle grazing. There is storage of diesel fuel and oil on the property, consistent with rural use, and there could be some minor contamination associated with this in 2 small, localised areas. Any future development application impacting on these areas would be able to address the issue in more detail through soil testing and remediation, if required. If remediation was required, this would be expected to be minor and not of a nature or scale that the land could not be made suitable for the uses proposed in the Planning Proposal.</i></p> <p><i>The report concludes that Lot A DP 365595 is suitable or can be made suitable for the uses proposed in Planning Proposal.</i></p>
Housing, Infrastructure and Urban Development	
3.2 Caravan Parks and Manufactured Home Estates	
<p>Aims to provide for a variety of housing types and to provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The current RU2 and E2 zones do not permit caravan parks or manufactured home estates and the Planning Proposal does not propose to permit these uses. Therefore zonings which permit these uses will not be affected.</p>

Direction	Comment
3.3 Home Occupations	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	The proposal does not impact on the permissibility of home occupations.
Hazard and Risk	
4.1 Acid Sulfate Soils	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.</p>	Land adjacent to Popran Creek is identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils (Classes 2, 3, 4). Planning for acid sulfate soils is incorporated as a general provision in the GLEP 2014 and will apply to any future development on land affected by acid sulfate soils.
4.3 Flood Prone Land	
<p>Aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>The river flats adjacent to Popran Creek are mapped as flood liable. 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.</p> <p>The rezoning is consistent with this Direction.</p>
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>The land is mapped as Vegetation 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 following the receipt of a Gateway determination. Issues that may be of relevance would relate to emergency evacuation procedures, on-site fire refuge, etc that may be more of an operational than planning nature.</p>
Regional Planning	
5.10 Implementation of Regional Plans	
<p>Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained within regional plans.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The Planning Proposal is considered to be consistent with the directions and actions contained in the Central Coast Regional Plan.</p> <p>The Planning Proposal will allow a regionally significant nature-based tourist development to add complementary nature-based tourist facilities, including accommodation that will build on existing</p>

Direction	Comment
	<p>capital investment, and allow additional outdoor recreational opportunities as they emerge.</p> <p>The scenic significance of Glenworth Valley will be retained by including additional permitted uses in Schedule 1 of GLEP 2014 whilst retaining the E2 Environmental Conservation and RU2 Rural Landscape zones.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>This Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.</p>	<p>The planning proposal will not increase the need for referrals for development applications.</p>
6.2 Reserving Land for Public Purposes	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations for public purposes where the land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> <p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning.</p>	<p>The Planning Proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.</p>
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p> <p>The Planning Proposal must use an existing zone already applying in an environmental planning instrument and not impose any development standards in addition to those already contained in the environmental planning instrument. The proposal shall not contain or refer to drawings/concept plans that show details of the proposed development.</p>	<p>The Glenworth Valley site is unique in that it is of significant size (approx. 1000 Ha), 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 of the relevant LEP is justified.</p> <p>If relevant mapping was updated no additional development standards than currently exist would be applied.</p>

Table 5: S9.1 Ministerial Direction Assessment

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?*

Most of the proposed Additional Permitted Uses are to be located within the existing cleared areas of the site so that habitat, threatened species, populations and ecological communities will not be adversely affected. Any development applications for uses within an existing vegetated area can be assessed at that time and environmental management conditions linked to the specific activity to ensure environmental values are not adversely affected.

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

Existing approved activities on site have a Plan of Management for storage, management and disposal of solid waste related to the activity and are serviced by a private waste collection contractor. Upon application to Council for upcoming events or proposed development, Council's Waste Services staff liaise with the applicant to seek the best possible outcome in relation to on-site sewage management.

The use of the multi-purpose building independent of any other uses on the site has the potential to result in the frequency of usage being increased which will result in additional hydraulic loading on the on-site sewage management system. There is also the potential that the multi-purpose building may be utilised for an event or function at the same time as a festival or event is occurring elsewhere on the property, thus impacting further on the system.

To determine the impacts of this, a wastewater management report will be required to be submitted to Council, post Gateway, which addresses the following:

- The estimated frequency of functions and likely numbers of patrons utilising the function centre, entertainment facility and food and drink premises.
- The ability of the existing on-site sewage management system to accommodate any additional hydraulic loading.
- Recommendations for any modifications required to either the treatment or disposal system to accommodate the additional hydraulic loading.

Flooding and Drainage Management

The impacts of overland flooding from upstream tributaries in the locality may impact on future structures. The assessment of such impacts would be subject to development applications and any flooding issues could be dealt with at that stage.

The multi-purpose building has been constructed and the flooding and drainage comments supported the Development Application (DA) for the building at the time. It was not considered that the building would be affected by flooding from any gullies or watercourses within the property. This situation will not change.

Site Contamination

A Stage 1 Site Contamination Assessment was prepared and the conclusion states:

Based on the desk study and field investigation the site is assessed to be of low risk of contamination. It is assessed that a Stage 2 Contamination Assessment is not required for the proposed re-zoning of land.

The then owner of Lot A DP 365595 Cooks Road submitted a Preliminary Site Contamination Investigation Report which concludes:

A Preliminary Site Contamination Investigation Report has been prepared for Lot A DP 365595, as is required under SEPP 55 for Planning Proposal. The report finds there is unlikely to be any contamination of the site arising from the previous use as a citrus orchard and current use for cattle grazing. There is storage of diesel fuel and oil on the property, consistent with rural use, and there could be some minor contamination associated with this in 2 small, localised areas. Any future development application impacting on these areas would be able to address the issue in more detail through soil testing and remediation, if required. If remediation was required, this would be expected to be minor and not of a nature or scale that the land could not be made suitable for the uses proposed in the Planning Proposal.

The report concludes that Lot A DP 365595 is suitable or can be made suitable for the uses proposed in Planning Proposal.

Character

Chapter 2.1 of GDCP 2013 identifies the subject land in Glenworth Valley and Calga as comprising two (2) character precincts:

- 1 River Grazing Flats
- 2 Scenic Buffers (Private Properties)

The River Grazing Flats character precinct generally correlates with the cleared land adjacent to Popran Creek (remaining as E2). This zone reflects the desired character for the river flats of retaining a productive rural landscape together with small-scale tourist activities. The proposed additional uses of extensive agriculture, camping ground and function centre within the cleared river flats are consistent with retaining this character.

The Scenic Buffers (Private Properties) generally correlates with the vegetated areas to be retained in the E2 zone and the cleared land near Cooks Road zoned RU2. Scenic buffers are to be retained by locating future visitor and tourist accommodation on the cleared areas of E2 zoned land which adjoins the RU2 zoned land.

Given that the Planning Proposal is proposing to list additional activities in Schedule 1 it is considered that any development would be consistent with the desired future character for the area. Detailed assessment specific to each development would need to be undertaken in relation to future development applications.

Scenic Quality

Chapter 2.2 of GDCP 2013 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 resulting from this planning proposal is able to be sensitively sited having regard to the large site area and scenic quality of the locality. There are also additional matters to be considered under Clause 5.13 of LEP 2014 for the eco-tourist facilities that would ensure sensitive design of permanent structures and/or building works.

9. *Has the planning proposal adequately addressed any social and economic impacts?*

Social Issues

Glenworth Valley is a major tourist attraction and the ability for it to further accommodate activities consistent with nature-based recreation, including accommodation, is supported from a social 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 and contribute to their overall well-being.

Economic Impacts

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, with such visitors contributing to employment opportunities and the overall economy of the Central Coast.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Traffic

The road network has the capacity to support the various recreational and festival events being held with access to Cooks Road and its intersection with Peats Ridge Road. These roads in this remote location could be upgraded with improved parking and upgraded pedestrian access to support larger scale events or more frequent activities if desired, when future development applications are lodged.

When one-off traffic generating events occur on site, Council's Traffic Officer and a Police Officer liaise with the applicant and oversee the implementation and monitoring of temporary Traffic Management Plans (TMPs) to address such issues as queuing along Peats Ridge Road.

No objection is raised to the independent use of the existing multi-purpose building or other activities provided any development proposals are assessed in accordance with the RMS Guidelines for Traffic Generating Development.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the following agencies was undertaken for the original planning proposal before the Planning Proposal amendment was submitted. Further consultations will have to be undertaken with these State agencies when the amended gateway determination has been issued so that the comments can be revised.

Agency	Comment	Trigger/Constraint
NSW Rural Fire Service (RFS)	The RFS advised "Based on an assessment of the information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future subdivision of the land complies with Planning for Bushfire Protection, 2006 (or any subsequent version).	S.9.1 Direction 4.4
Office of Environment and Heritage (OEH)	The then OEH advised the proposed additional land uses (e.g. extensive agriculture) are incompatible with the environmental characteristics of the subject land. In addition, part of the site has already been identified as an offset for the Calga Quarry project, which cannot be affected by the proposal. Any impacts to vegetation associated with the proposal must be offset; the proposal should not impact on corridor function between the three parcels of national park which surround the site, and that the proposal should not burden the NSW National Parks and Wildlife Service with additional responsibility as a result of allowing more major events, further incursions into national park due to poorly defined boundaries to the park, increased requirement for fire protection and potential for impacts to Aboriginal cultural heritage (e.g. from abseiling).	Gateway Determination

Agency	Comment	Trigger/Constraint
	Further consultation with Darkinjung Local Aboriginal Land Council and Guringai Tribal Link Aboriginal Corporation including a comprehensive site inspection and cultural heritage assessment of the areas proposed to be subject to future development is undertaken prior to the finalisation of the rezoning.	
NSW Trade and Investment (Crown Lands)	The then NSW Trade and Investment - Crown Lands had no objections to the rezoning of the adjoining lands subject to the change in zoning not resulting in any additional requirements for the management of the Crown Estate such as increased bushfire mitigation measures and must not be relied upon to implement or facilitate any such measures.	Gateway Determination
Department of Primary Industries – Agriculture (DPI – Agriculture)	The then DPI - Agriculture raised no concerns about the additional uses within the E2 Environmental Conservation Zone as the proposed uses can complement management and education for the environmental areas. DPI - Agriculture objected to the proposed residential type and large visitation activities within the RU2 Rural Landscape zone as these activities are not complementary to commercial agriculture due to the possibilities of causing land use conflict and opening up the possibility of other landholders requesting similar expansion of types of land uses that could stifle agricultural investment.	Gateway Determination
NSW Trade and Investment (Mineral Resources and Energy)	The agency has no concerns in general, to the proposal to allow tourism-related activities being added as additional permitted uses in the E2 Environmental Conservation and RU2 Rural Landscape zones on the subject land. The agency considers however that the tourism-related activities proposed may have the potential to create land use conflict in the vicinity of the Calga Sand Quarry. The agency notes however that Council has acknowledged the close proximity of the quarry and that the proposed additional uses should not impact the quarry by sterilising the resource or restricting its operations and that the proposed tourist-related activities can be located in areas remote from the impacts of the quarry.	SREP 9
Roads and Maritime Service (RMS)	The then RMS raised no objections to the Planning Proposal for land at Glenworth Valley and Calga. Any future development of this land will require a Traffic Impact Study to be undertaken in accordance with the RMS Guide to Traffic Generating Developments. These matters can be addressed during subsequent Development Applications.	Gateway Determination

Table 6: Agency Consultation

Part 4 Mapping

Map	Map Title
Existing Provisions under GLEP 2014	
A.	Zone – RU2 Rural Landscape Zone – E2 Environmental Conservation
Proposed Additional Permitted Uses under Schedule 1 of GLEP 2014	
A.	<ul style="list-style-type: none"> - On land zoned RU2 Rural Landscape, the additional permitted uses of eco-tourist facilities, camping grounds, tourist and visitor accommodation; - On land zoned E2 Environmental Conservation, the additional permitted uses of eco-tourist facilities and recreation facilities (outdoor). - On existing cleared areas of land zoned E2 Environmental Conservation, comprising part of Lots 19, 20, 21, 23, 25, 30, 32, 33, 37, 50, 53, 64, 68, 85, 86, 87, 89, 91, 108 and 145 DP 755221, part of Lots 22 and 32 DP 755253 part of Lot 3 DP 617088, part of Lot 245 DP 48817 and part of Lot 7303 DP 1154929, development for the purpose of extensive agriculture. - On existing cleared areas of land zoned E2 Environmental Conservation, comprising part of Lots 19, 37 and 89 DP 755221 and part of Lots 22 and 32 DP 755253, development for the purposes of camping grounds and function centres. - On existing cleared areas of Lot 108 DP 755221 and Lot 145 DP 755221, development for the purposes of tourist and visitor accommodation. - On land comprising part of Lot 89 DP 755221 which currently accommodates the multi-purpose building: <ul style="list-style-type: none"> - development for the purposes of function centre, entertainment facility and food and drink premises, and - the total floor area for the function centre, entertainment facility and food and drink premises, is to be a maximum of 1500m² with any additions being attached to, or directly adjacent to the existing building.

Table 7: Existing and Proposed Provisions

Part 5 Community Consultation

The planning proposal will be made available for **28** days for community consultation and undertaken in accordance with the determination made by the Gateway.

It is expected that the proposal will be made available at the following locations:

- Gosford Office: 49 Mann Street, Gosford;
- Wyong Office: 2 Hely Street, Wyong
- Council's website: www.yourvoiceourcoast.com

Additionally, notification of the exhibition of the proposal will be provided to adjoining landholders prior to its commencement.

Part 6 Project Timeline

Action	Period	Start Date	End Date
Gateway Determination	12 months	July 2020	July 2021
Revised/additional technical studies	1 month	July 2020	August 2020
Government agency consultation	1 month	August 2020	September 2020
Public exhibition	28 days	October 2020	November 2020
Consideration of submissions	4 months	November 2020	March 2021
Consideration of a proposal post exhibition	4 months	November 2020	March 2021
Date of submission to the Department to finalise LEP	1 month	April 2021	April 2021
Anticipated date Council will make the plan (if delegated)	1 month	May 2021	May 2021
Anticipated date Council will forward to the Department for notification	14 days	June 2021	June 2021

Table 8: Key Project Timeframes

Appendix 1 – Land Use Table

Existing Zones under GLEP 2014

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To promote development that can be carried out in a manner that minimises risk from natural hazards, functions efficiently, does not prejudice other economic development and does not significantly detract from the aesthetic or conservation quality of land.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that development is compatible with the desired future character of the zone.
- To permit development that will not place undue demands on existing infrastructure.

2 Permitted without consent

Extensive agriculture; Home occupations; Recreation areas

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Dwelling houses; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Garden centres; Home-based child care; Home industries; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Veterinary hospitals; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that development is compatible with the desired future character of the zone.
- To limit development in areas subject to steep slopes and flooding.

2 Permitted without consent

Nil

3 Permitted with consent

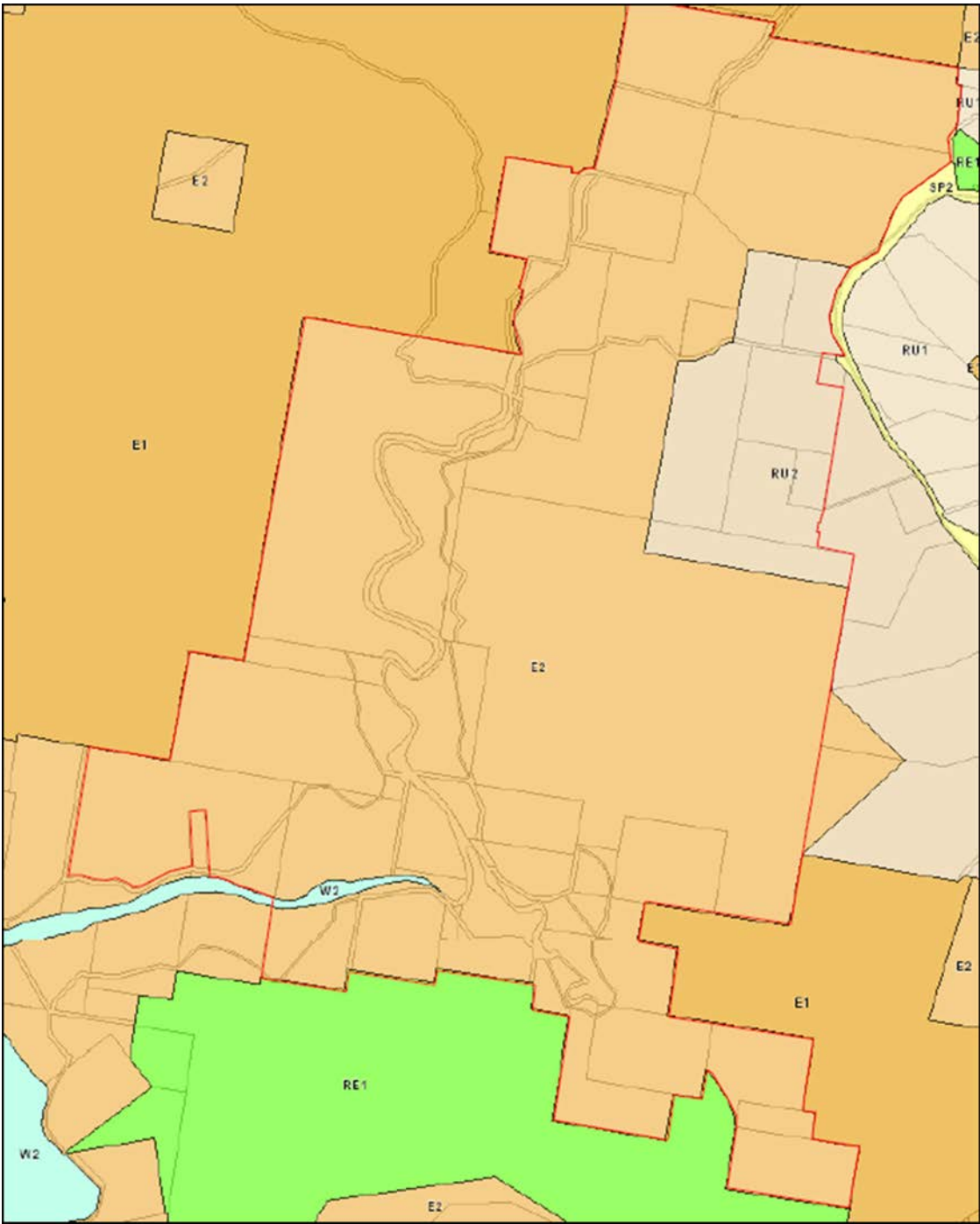
Bed and breakfast accommodation; Dwelling houses; Environmental facilities; Environmental protection works; Home occupations; Oyster aquaculture Recreation areas; Roads; Water storage facilities

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Appendix 2 - Mapping

Existing Zoning under GLEP 2014



Proposed Additional Permitted Uses

