**Public Agency Comments**

| **Agency** | **Summary of Matters** | **Council Response** |
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| **NSW Rural Fire Service** | Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal, subject to a requirement that the future development of the land complies with relevant requirements of *Planning for Bush Fire Protection (PBP) 2019*.  Given the risk of the subject site and vulnerable nature of the existing and future development, being classified as Special Fire Protection Purpose (SFPP) developments, the following advice is provided:   * Future development applications must demonstrate compliance with the acceptable solutions of PBP 2019; * Future development applications must demonstrate that the applicant has secured legal and compliant access over the alternate access routes indicated in the submitted information given that they are on adding properties. * Future development applications must demonstrate that the existing developments can meet the Special Fire Protection (SFPP) provisions of Chapter 6 of PBP 2019. This includes appropriate upgrades of existing and provision of non-existent bush fire protection measures. Where practically achievable, full compliance must be provided before variations to the required bush fire protection measures are considered; and * An Emergency Management and Evacuation Plan must be prepared for the existing developments that complies with Table 6.8d of PBP 2019 and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.* It is strongly recommended that this plan be prepared in consultation Local Emergency Management Committee or equivalent.   Future development applications must be accompanied by a Traffic Study that informs proposed arrangements for emergency management. This is especially important where additional vulnerable occupants are proposed to be placed on the subject site as a result of the proposed development. | Noted. |
| **Biodiversity and Conservation Division / National Parks and Wildlife Service** | The planning proposal does not identify the vegetation communities and presence of threatened species, habitat, populations or ecological communities in the subject site. An ecological assessment should be prepared as part of the Planning Proposal to demonstrate how environmentally sensitive areas and threatened entities have been protected from the impacts of the proposed Additional Permitted Uses (APU).  The Planning Proposal includes eco-tourism and recreation facilities (outdoor) as APUs to the entirety of the site. The proposed APUs should not extend into the vegetated areas of the site:   * The LEP practice note - Environmental Protection Zones indicates that ecotourism may be considered in certain circumstances, under E2 zoning, however it should be justified why the activities defined under this use cannot be limited to the cleared, lower quality areas of the E2 zone (subject to ecological assessment). * The Planning Proposal indicates that any application for uses permitted under the definition of recreation facility (outdoor) may be considered within the E2 zones of the Lots proposed for APUs. The activities permitted under this use are largely inappropriate for vegetated areas zoned for environmental conservation as the impacts of these activities would reduce environmental protection standards in these areas. * The Planning Proposal is inconsistent with Ministerial Direction 2.1 Environmental Protection Zones as it will reduce the environmental protection standards that apply to the land.   State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP 2007) states that extractive industries are permissible where “agriculture” is permissible. The Planning Proposal should demonstrate how agriculture can be considered as an Additional Permitted Use in an E2 zone without also permitting extractive industries. The details of the Mineral Resources Audit 2014 audit should be provided to support this comment, including the scope, scale and methodologies used.  The biodiversity offset site for the Calga quarry project (DA94-4-2004) comprises of 41 hectares of the south eastern corner of Lot 108 DP 755221. The extent of this offset should be excluded from any APU including ‘eco-tourist facility’ and ‘recreation (outdoor)’ as the primary purpose if this site is for biodiversity conservation and not for recreational use.  The Flood Emergency Response Plan placed on exhibition does not adequately manage risk to life. | Council’s Environment Planner considered that most of the proposed APU’s 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.  The CCLEP proposes to permit with consent “eco-tourist facilities” generally within the C2 Environmental Conservation zone, resulting in this use not being included in the Additional Permitted Uses applying to the subject land. Clause 5.13 of GLEP 2014 and CCLEP specify the stringent development criteria for eco-tourist facilities to ensure environmental and cultural values are maintained and such facilities will have minimal impact on the environment.  While an extractive industry is permitted, it does not mean it would be approved. Clause 12 of SEPP 2007 requires consent authorities, before determining an application for development of extractive industries, to consider, among other things, whether such development is likely to have a significant impact on the uses that are likely to be the preferred uses of the land in the vicinity of the development. Therefore, should any such application be made in future, the impact on the existing tourism uses would be an important consideration for Council  The Mineral Resources Audit 2014 identified sites that were either identified resources or potential resources. It also recognised that mineral potential is not restricted to the areas identified in the Audit and that mineral potential may change over time as geological knowledge improves and new concepts and exploration techniques are developed.  The biodiversity offset for the Calga Quarry is a triangular area of 41 Ha in an isolated location in the south-eastern corner of Lot 108 DP 755221 and part of Lot 23 DP 755221. It should be noted that when the CCLEP comes into effect “eco-tourist facility” will be a use generally permitted in the C2 zone. The two lots have existing use rights for a horse-riding school so any existing horse trails in this biodiversity offset area could continue operating. Given the size of the subject site (over 1000 Ha) any proposed recreation and eco-tourist activities could be located outside the biodiversity offset area. Notwithstanding this, the APU Map will be amended to delete this biodiversity offset area (Attachment 1) even though it is considered unlikely that any future outdoor recreation activities would need to be located in this remote part of the site.  The Flood Emergency Response Plan has numerous deficiencies which the proponent will have to address. To ensure these matters are addressed an additional requirement will be added the proposed clause in Schedule 1 of the GLEP 2014 or CCLEP similar to:  (4) Prior to any development approval being issued consultation is to occur with the respective public authorities in relation to bushfire and flooding with appropriate consideration being given to the evacuation of the site in a bushfire or flood emergency. |
| **Crown Land NSW** | Proposed additional permitted uses on Crown land zoned E2 Environmental Conservation should include or be consistent with the current reservation purpose of the land as well as the purpose of the current tenures.  The Department has no specific objections for the Crown land identified by Council being included in the current Planning Proposal for Glenworth Valley and Calga. | There are four Crown Land lots over which The Glenworth Valley Pastoral Company Pty Ltd has a licence under the Crown Land Management Act 2016.  All four lots are proposed to have the APUs of eco-tourist facility and recreation facility (outdoor) with one of the lots (Lot 7303 DP 1154929) also including extensive agriculture. |
| **Department of Primary Industries (DPI)** | DPI Agriculture supports the proposal to permit ‘extensive agriculture’ with consent on those parts of the site which are cleared of significant native vegetation and zoned E2 Environmental Conservation.  It is noted that DPI Fisheries does not support the proposal to permit extensive agriculture as an additional permitted use on some parts of the site due to the presence of mangroves and saltmarsh and the potential impact that extensive agriculture activities may have on these ecosystems.  DPI Agriculture supports Council developing an approach which enables extensive agriculture to be undertaken on the site in a manner which does not have adverse impacts on the mangrove and saltmarsh ecosystems. | DPI Fisheries concerns were addressed prior to exhibition with the APU Map being amended to remove extensive agriculture from the following locations:   * Within the coastal wetland buffer adjacent to Popran Creek; and * The vegetated creekline between Lot 53 DP 755221 and Lot 30 DP 755221. |
| **Heritage NSW:** | Part of the Planning Proposal site contains the State Heritage Register (SHR) listed ‘Calga Aboriginal Cultural Landscape’ (SHR 02014). Some works may be carried out on this SHR item without approval, under Site Specific Exemptions dated 1 October 2019.  Some works may also be carried out under the standard exemptions provisions of the Act. If proposed works exceed the site specific or standard exemptions provisions, they will require the submission of an application under Section 60 of the Act for approval by the Heritage Council of NSW or its delegate. This approval must be obtained prior to the commencement of works.  Heritage NSW notes that, although the potential for items (Aboriginal objects) to be present within the subject land is observed, no assessment of Aboriginal cultural heritage has been provided in support of the Planning Proposal.  Heritage NSW strongly encourages planning authorities to identify and conserve significant Aboriginal cultural heritage values up-front, at the Planning Proposal stage. This leads to better Aboriginal cultural heritage outcomes and gives greater certainty for stakeholders in any development assessment process. | An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared in consultation with all relevant parties, including Heritage NSW, and was included in the documents on exhibition.  The ACHAR recommends that should future works be proposed which impact the sites identified, further investigation should be undertaken in accordance with the appropriate legislation. |
| **Environment Protection Authority (EPA)** | Based on the information provided, the proposal does not appear to require an environment protection licence under the *Protection of the Environment Operations Act 1997* (POEO Act).  In view of these factors, the EPA has no comments to provide on this project and no follow-up consultation is required. | Noted. |
| **Division of Resources and Geoscience** | Geological Survey NSW has no concerns regarding resource sterilisation and no objections to the Planning Proposal. | Noted. |
| **Transport for NSW (TfNSW)** | TfNSW raises 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. | Noted. |
| **Darkinjung Local Aboriginal Land Council** | The Darkinjung Local Aboriginal Land Council (DLALC) advised that they consent to Lot 245 DP 48817 and Lot 7 DP 1230083, being included in the Planning Proposal. Other than this matter, DLALC has no further comments regarding PP 38/2013 at this stage of the planning process. | Noted. |
| **Wannangini** | The Wannangini was consulted at the same time as part of the government agency and stakeholder consultation process. At this time, the Wannangini advised that consultation had not occurred with Guringai Tribal Link Aboriginal Corporation (or the affiliated Awabakal & Guringai Pty.Ltd. (A & G)) in regards to this proposed development, therefore cannot agree with or support the proposal. | An Aboriginal Cultural Heritage Assessment report was prepared in consultation with the local indigenous community and included in the exhibition material. The Wannangini was advised of the exhibition and the additional documentation. No further comment was received during the exhibition period. |