



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

April 22



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

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Version 4

Central Coast Council

Wyong Office: 2 Hely St / PO Box 20 Wyong NSW 2259

P 02 4350 5555

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 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 landowner, the Proponent has sought amendments to the Planning Proposal.

A reference to an Environment Protection zone E1, E2, E3 or E4 within this Planning Proposal should be taken to be a reference to a Conservation zone C1, C2, C3 or C4. Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 renamed these zones but did not alter the land uses within the zones.

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.

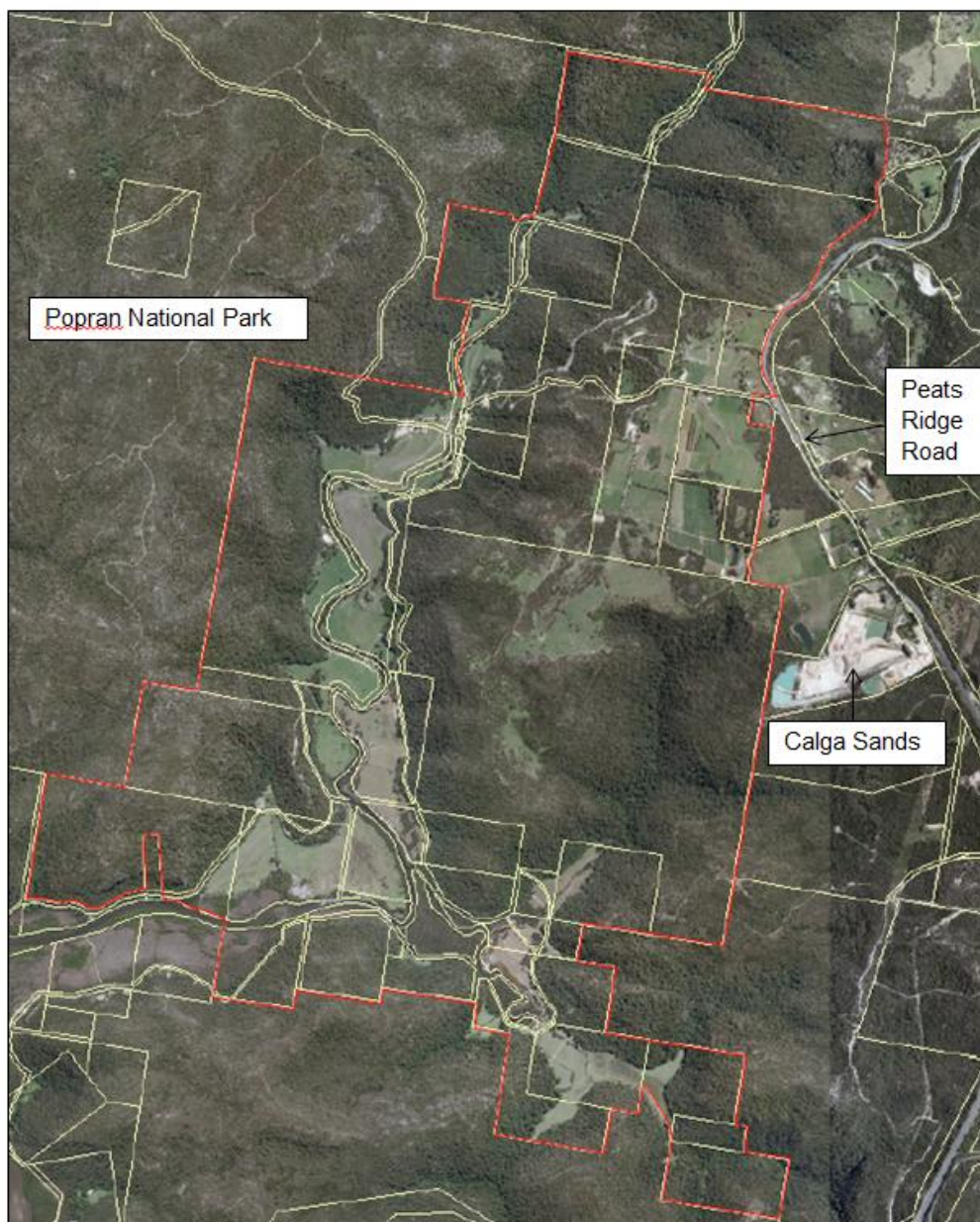


Figure 1 Contextual Locality Plan

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).

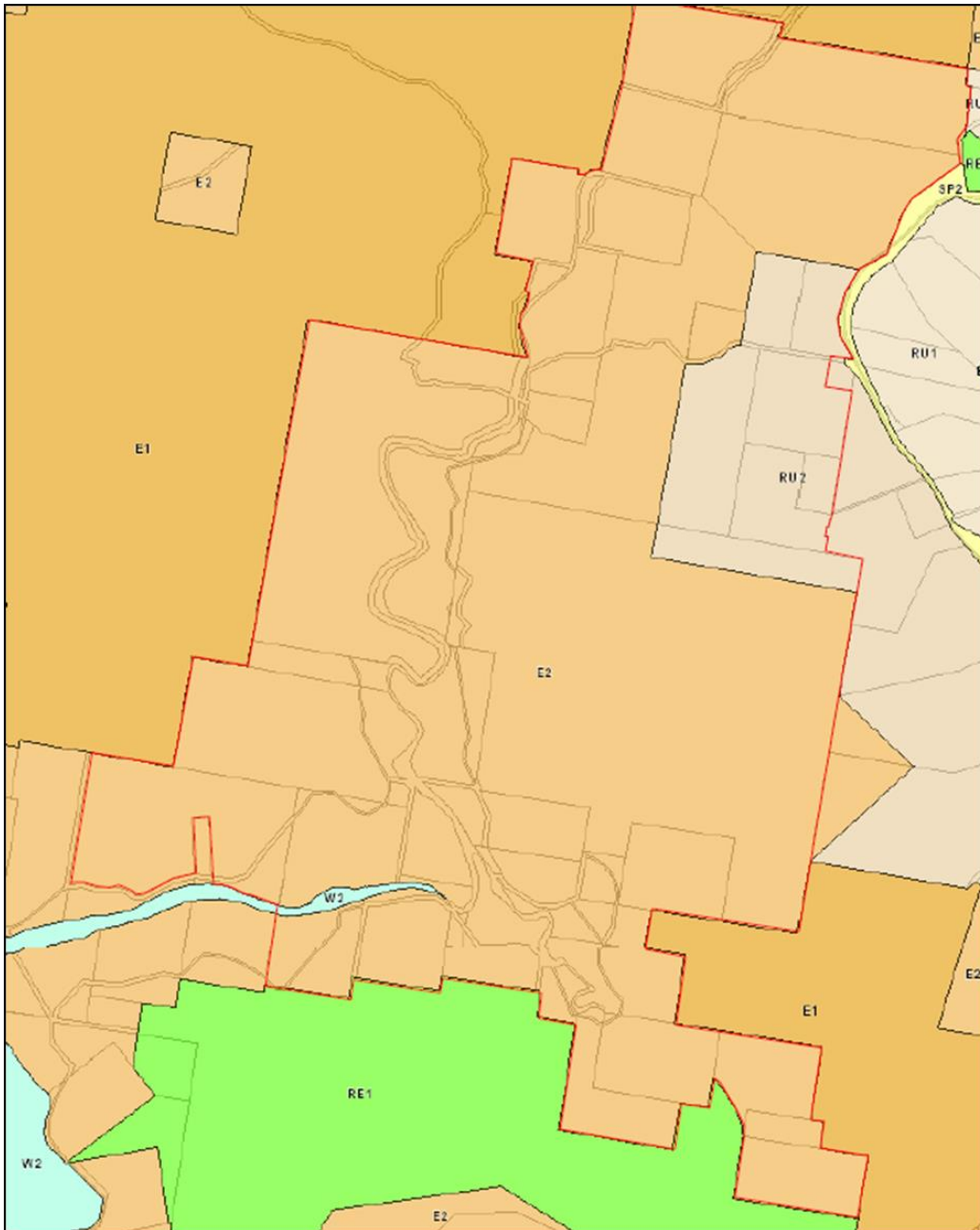


Figure 2 Existing Zoning under GLEP 2014

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 generally illustrated in Figure 3.

The Additional Permitted Use Map is shown in Appendix 2.

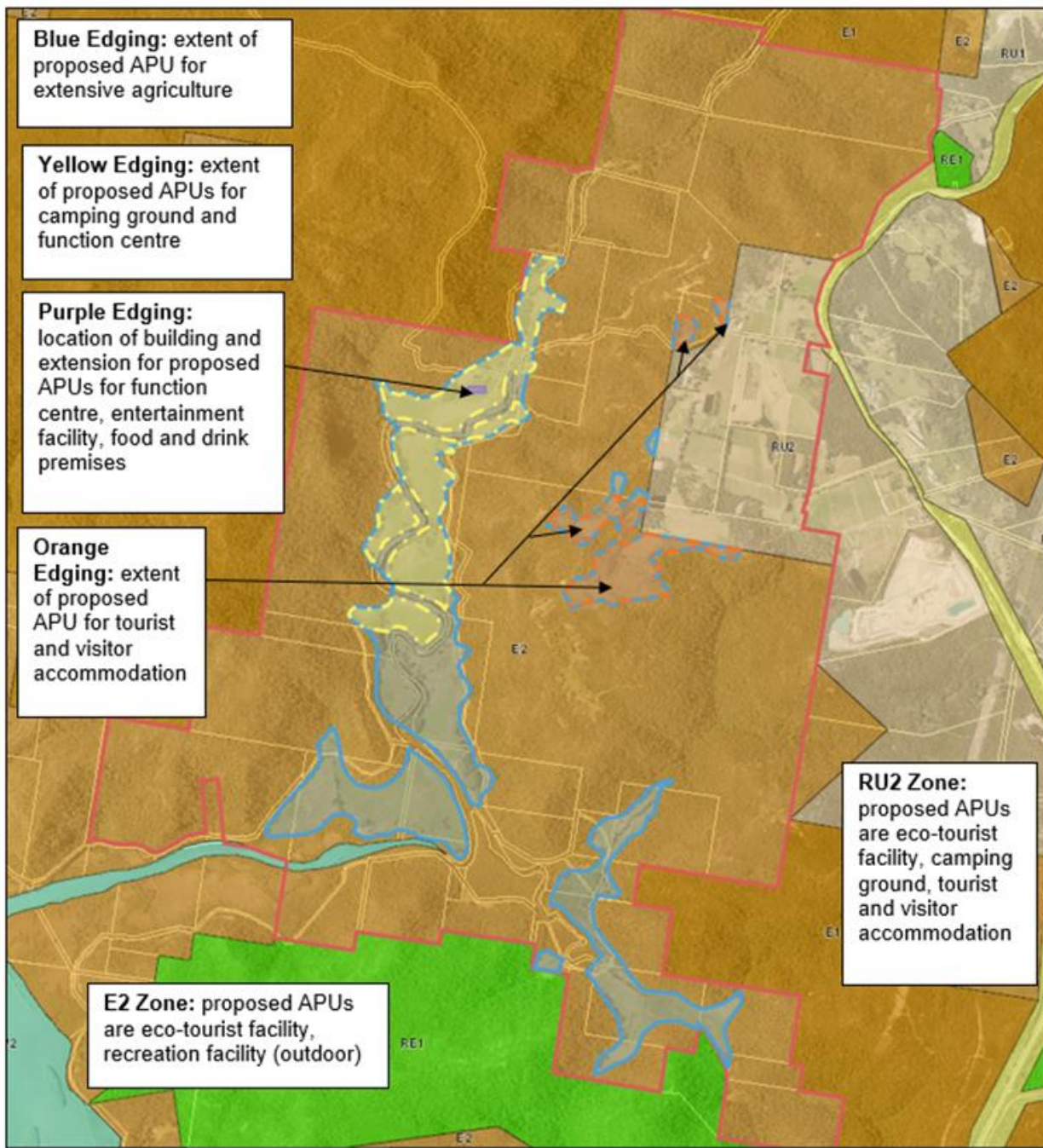


Figure 3 Proposed location and extent of APUs

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" means any of the following:

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

"Extensive agriculture" is not permissible in the E2 Environmental Conservation zone given the environmental values of the land and the incompatibility of this use with these values. However, prior to the GLEP 2014 coming into effect the land was zoned 7(a) Conservation and Scenic Protection (Conservation) under Interim Development Order No 122 which listed "Agriculture" as a use permitted with consent. Prior to this the land was zoned 1(a) Non-Urban under Gosford Planning Scheme Ordinance where "Agriculture" was a use permitted without consent.

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.

The horse grazing and fodder production are currently ancillary uses to the horse-riding school existing use. These uses fit into the "extensive agriculture" definition, however as noted above, the definition allows a wider range of uses.

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. However, the Mineral Resources Audit, 2014 did not identify any potential resource within Glenworth Valley.

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

"Recreation facility (outdoor)" is not permissible in the E2 Environmental Conservation zone. Existing recreational activities operating on the site include horse riding, (both guided and free ranging on nominated

trails), quad bike riding (in nominated areas), kayaking, abseiling (in specific areas), and laser skirmish/paintball. These uses were approved prior to 2006 when the "existing use rights" provisions of the EP&A Act and Regulations were changed. Now, additional new recreational uses are not permitted on the site under existing use rights.

These uses and any new outdoor recreational activities fit into the "recreation facility (outdoor)" definition, however as noted above, the definition allows a wide range of uses. 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 E2 zone. Possible future recreational uses are envisaged to be more nature-based than those nominated within the definition, however, this definition best suits the proposed outdoor recreation activities on the land.

Such future recreational uses would require individual development assessment and as it is the inherent natural values of the land that make it attractive to visitors to experience 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

"Eco-tourist facility" means a building or place that:

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

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

"Eco-tourist facility" is not permissible in the E2 Environmental Conservation zone or the RU2 Rural Landscape zone of GLEP 2014. The site does not benefit from "existing use rights" for this use.

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 and in the RU2 Rural Landscape 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" is 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.

Camping Ground

"Camping ground" means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

"Camping ground" is not a permissible use in the E2 Environmental Conservation zone and RU2 Rural Landscape zone of GLEP 2014. A camping ground use exists on the cleared parts of some lots in the valley which are zoned E2 Environmental Conservation. It is a use ancillary to the horse-riding school which has "existing use rights".

The proposed "camping ground" use is proposed to operate independently of the horse-riding 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 at present and as these 5 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 of GLEP 2014. 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

Tourist and visitor accommodation means a building or place that provides temporary or short term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,*
- (b) bed and breakfast accommodation,*
- (c) farm stay accommodation,*
- (d) hotel or motel accommodation,*
- (e) serviced apartments,*

but does not include:

- (f) camping grounds, or*
- (g) caravan parks, or*
- (h) eco-tourist facilities.*

"Tourist and visitor accommodation" is not a permissible use in the E2 Environmental Conservation zone or the RU2 Rural Landscape zone. That part of the site zoned E2 does not benefit from "existing use rights" for this use. Development consent has been given for 3 motel units and 5 caravan sites (i.e. relocatable cabins) on six lots which are now within the RU2 Rural Landscape zone, although only two lots accommodate the buildings. The development consent was issued when the land was zoned 7(b) Conservation and Scenic Protection (Scenic Protection) under IDO 122 and motels and caravan parks were permitted uses in that zone. Therefore "existing use rights" would exist for a form of "tourist and visitor accommodation" on some of the RU2 zoned land.

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 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

"Entertainment facility" means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

"Food and drink premises" means a premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises and includes any of the following: a restaurant or café, take away food and drink premises, a pub, a small bar.

"Function centre" means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

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 "function centre" use 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.

Proposed Schedule 1 Amendment

The proposed amendment to Schedule 1 in the Gosford LEP 2014 would likely be:

16 Use of certain land at Calga and Glenworth Valley

- (1) This clause applies to 49 lots at Calga and Glenworth Valley identified as "Popran Creek" on the Additional Permitted Uses Map.
- (2) The following development is permitted with development consent:
 - (i) In Area A - eco-tourist facility and recreation facility (outdoor);
 - (ii) In Area B - eco-tourist facility, camping ground, tourist and visitor accommodation;

- (iii) In Area C - eco-tourist facility, recreation facility (outdoor), extensive agriculture;
 - (iv) In Area D - eco-tourist facility, recreation facility (outdoor), extensive agriculture, camping ground, function centre;
 - (v) In Area E - eco-tourist facility, recreation facility (outdoor), extensive agriculture, tourist and visitor accommodation;
 - (vi) In Area F - eco-tourist facility, recreation facility (outdoor), extensive agriculture, camping ground, function centre, entertainment facility, food and drink premises.
- (3) In Area F the total floor space to be used for a function centre, entertainment facility and a food and drink premises is to not exceed 1500m² and any additions being attached to, or directly adjacent to the existing building.
- (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.

The APU Map is shown in Appendix 2.

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 CSP 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	The Planning Proposal will protect the intrinsic environmental values of the land by restricting

	beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species.	appropriate tourist accommodation to the generally cleared areas of the environmental zone whilst future 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

Central Coast Local Strategic Planning Statement

The interim Central Coast Local Strategic Planning Statement (LSPS) sets a clear vision for the future and a proactive framework for delivering a growing and sustainable Region with a strong network of Centres and thriving and connected communities.

Urban Management Strategies	Assessment/Comment
1 Revitalise our centres	The subject land is not located within, or adjacent to, a Centre and therefore will not directly contribute to the revitalising of Centres.
2 Renew urban form	The subject land is not located within an urban area thus will not result in renewal of the urban form.
3 Define the urban edge	The land is not in the vicinity of an urban area so will not impact on the urban edge.
4 Create a sustainable region	The subject land is located in a rural and environmental area with existing recreation and tourist uses operating on the site. The Planning Proposal seeks Additional Permitted Uses on site which will be a benefit to the well-being of the community members who participate. Such uses will need to comply with the objectives of the land use zone, thus ensuring they complement the natural environment in which they are located.

The following priorities outlined in the LSPS are applicable to this Planning Proposal.

Economics		
13	Priority	Assessment
	Grow regionally competitive tourism destinations across the entire Central Coast	The planning proposal will provide this, already, regional tourist destination with certainty as to future development of the site. The planning

		proposal will also have the potential to encourage greater expenditure by tourists and therefore benefit the Central Coast economy.
Environment		
24	Priority	Assessment
	Map, protect and cherish natural areas and ecosystems	The planning proposal seeks to restrict the additional permitted uses to areas that are already cleared of vegetation thus retaining the vegetated areas and protecting ecosystems.
Agriculture and Rural Land		
29	Priority	Assessment
	Preserve environmental, scenic, heritage and cultural landscapes	The planning proposal seeks to restrict the additional permitted uses to areas that are already cleared of vegetation thus retaining the environmental, scenic and cultural landscape of the locality.

Table 3 - Local Strategic Planning Statement Assessment

Central Coast Council Biodiversity Strategy

The Central Coast Council Biodiversity Strategy provides a framework and guide for the management of biodiversity on the Central Coast that is consistent with regional, state and national strategies, plans and policies. The following Theme in the Biodiversity Strategy is applicable to the Planning Proposal:

Theme 4 Protecting biodiversity through land use planning and information management	
Goals and Actions	Assessment
<p>Goal 4.1 High biodiversity value areas are appropriately identified, protected and restored as part of future land use planning investigation</p> <p>Action 4.1.5 Identify appropriate mechanisms to achieve rehabilitation and enhanced landscape connectivity through the rezoning and development assessment process (such as Vegetation Management Plans)</p>	<p>Council supports the implementation of appropriate planning controls to protect biodiversity and seek to ensure that LEPs strengthen protection of biodiversity within the LGA.</p> <p>The Planning Proposal is consistent with this Goal 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.</p>

Table 4 – Biodiversity Strategy Assessment

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 at the time of exhibition, 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, 	<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>(e) to protect wildlife corridors and vegetation links with other nearby bushland,</p> <p>(f) to protect bushland as a natural stabiliser of the soil surface,</p> <p>(g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,</p> <p>(h) to protect significant geological features,</p> <p>(i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,</p> <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 No 55 – Remediation of Land	
<p>Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>The SEPP refers to activities listed in the Contaminated Land Planning Guidelines that may cause contamination, one of which is agricultural or horticultural activities.</p> <p>The Phase 1 Environmental Site Assessment concludes:</p> <p><i>This environmental assessment concludes that the 49 land parcels are unlikely to be significantly contaminated and assessed suitable or could be made suitable for the uses proposed in the rezoning proposal.</i></p>
SEPP (Koala Habitat Protection) 2021	
<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>

State Environmental Planning Policy	Comment
SEPP Mining, Petroleum Production and Extractive Industries 2007	
<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 extraction or recovery of minerals, petroleum or extractive materials; (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>Calga Sands, an existing quarry of regional significance, located on Lot 2 DP 229889, immediately adjoins part of the subject site, Lot 108 DP 755221, located off Cooks Road. 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 (over 1000 Ha) on the Glenworth Valley landholding 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>
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> <ul style="list-style-type: none"> (a) managing development in the coastal zone and protecting the environmental assets of the coast; and 	<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 (eco-tourist facility, outdoor recreation facility) as a result of the planning proposal would be treated as designated development only if a development application was received to locate such uses within the coastal wetlands.</p>

State Environmental Planning Policy	Comment
<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 development is likely to cause adverse impacts on the following:</p> <p>(a) the integrity and resilience of the biophysical, hydrological and ecological environment;</p> <p>(b) coastal environmental values and natural coastal processes;</p> <p>(c) the water quality of the marine estate, in particular the cumulative impacts of the proposed development on any sensitive coastal lakes</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms</p> <p>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public</p>	<p>Future development applications for uses in the Coastal Wetland Area and the Proximity Area for Coastal Wetlands would 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 any 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
(f) Aboriginal cultural heritage, practices and places (g) The use of the surf zone.	
Deemed SEPP Sydney Regional Environmental Plan 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 (i) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and (j) to encourage the preparation of draft local environmental plans based on merits. <p>Note: Clause 11 <i>Special provisions – draft local environmental plan applications</i> was repealed on 28/2/2019.</p>	<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 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> <ul style="list-style-type: none"> (a) The planning proposal protects the vegetated slopes and escarpment areas in the E2 zone by restricting additional permitted uses relating to human accommodation (e.g. tourist and visitor accommodation, camping grounds) to those areas which are currently cleared of vegetation. The future location of recreation facilities (outdoor) and eco-tourist facilities can be assessed on their individual merits. (b) 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. Building location within the RU2 zoned land can be assessed on an individual case by case basis and does not represent an impediment to the planning proposal. Soil classes within the valley have not been mapped. (d&e) 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. (g) The proposed additional uses are proposed to be located on areas that are already cleared thus protecting the existing bushland and natural ecosystems.

State Environmental Planning Policy	Comment
	<p>(h) The subject land is over 1000 ha and the siting of the proposed additional permitted uses will be minimal in comparison which will ensure wildlife movement is maintained across open areas. Movement within the vegetated areas will remain unchanged.</p> <p>(i) The planning proposal does not include rural residential development. 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>(j) This planning proposal seeks to allow additional outdoor recreation facilities, temporary tourist accommodation and facilities which will value add to the existing tourist infrastructure at the site and have a positive economic contribution to the region, whilst protecting the existing vegetated areas of the site.</p>
Deemed SEPP Sydney Regional Environmental Plan No 9 - Extractive Industry (No 2 - 1995)	
<p>Aims:</p> <p>(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</p> <p>(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</p> <p>(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and</p> <p>(d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and</p>	<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>

State Environmental Planning Policy	Comment
(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.	
Deemed SEPP Sydney Regional Environmental Plan 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> <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 5: 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 at the time of exhibition, 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

No.	Direction	Applicable	Consistent
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
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	N	N/A
3.2	Caravan Parks and Manufactured Home Estates	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			
5.2	Sydney Drinking Water Catchments	N	N/A

No.	Direction	Applicable	Consistent
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
5.9	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
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.3	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 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

No.	Direction	Applicable	Consistent
7.11	Implementation of St Leonards and Crows Nest 2036 Plan	N	N/A
7.12	Implementation of Greater Macarthur 2040	N	N/A
7.13	Implementation of the Pyrmont Peninsula Place Strategy	N	N/A

Table 6: S9.1 Ministerial Direction Compliance

Ministerial Section 9.1 Directions (at the time of exhibition)

Direction	Comment
Employment & Resources	
1.2 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <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>Applicable and Consistent</p> <p>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 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.</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</p>	<p>Applicable and Consistent</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.</p>

Direction	Comment
Industries regarding the development potential of resources and any likely land use conflicts.	
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 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>	<p>Applicable and Consistent</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>
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 "Rural Lands".</p>	<p>Applicable and Consistent</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</p>

Direction	Comment
	<p>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>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>Applicable and Consistent</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> <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</p>

Direction	Comment
	<p>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	
<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>Applicable and Consistent</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 would be expected that items may be identified. An Aboriginal</p>

Direction	Comment
	<p>Cultural Heritage Assessment Report has been prepared.</p> <p>Given the size of the subject site (approx. 1000 Ha) it is possible to locate any future development away from any identified heritage sites. However, should any future works be proposed, that may impact the identified sites further investigation should be undertaken in accordance with the appropriate legislation (National Parks and Wildlife Act, 1974) and in consultation with relevant Aboriginal parties.</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>Applicable and Consistent</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 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>Applicable and Consistent</p> <p>The Direction refers to activities listed in the Contaminated Land Planning Guidelines that may cause contamination, one of which is agricultural or horticultural activities.</p> <p>The Phase 1 Environmental Site Assessment concludes:</p> <p><i>This environmental assessment concludes that the 49 land parcels are unlikely to be significantly contaminated and assessed suitable or could be made suitable for the uses proposed in the rezoning proposal.</i></p>
Housing, Infrastructure and Urban Development	
3.2 Caravan Parks and Manufactured Home Estates	

Direction	Comment
<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>Applicable and Consistent</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>
3.3 Home Occupations (Revoked 9 November 2020)	
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>	<p>Applicable and Consistent</p> <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.</p>
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>Applicable and Consistent</p> <p>The river flats adjacent to Popran Creek are mapped as flood liable. If any future 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>
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>Applicable and Consistent</p> <p>The land is mapped as Vegetation Categories 1 and 2 as well as Buffer. As the subject site is bushfire prone, the Planning Proposal was referred to the Rural Fire Service for comment.</p> <p><i>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.</i></p>
Regional Planning	
5.10 Implementation of Regional Plans	

Direction	Comment
<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>Applicable and Consistent</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 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>Applicable and Consistent</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>Applicable and Consistent</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</p>	<p>Applicable and Consistent</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</p>

Direction	Comment
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.	(other than those existing) for the overall holding, the addition of uses in Schedule 1 of the relevant LEP is justified. If relevant mapping was updated no additional development standards than currently exist would be applied.

Table 7: 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 different events or functions and at the same time as an event is occurring elsewhere on the property, thus impacting further on the system.

To determine the impacts of this, a wastewater management report has been submitted to Council 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.

The wastewater report has indicated that any increases in the daily hydraulic loadings on the on-site sewage management system that are predicted as a result of the planning proposal are minimal. The report further stated that these increases can be satisfactorily accommodated on site by the existing on-site sewage management system. However, should the business expand to the point that additional capacity is required the existing treatment system can be expanded, and there is a suitable land application area available subject to approval by Council via a section 68 application to install an on-site sewage management system, and approval for 'under creek' boring by the Department of Primary Industries.

On balance it is considered that any likely increases in usage of the facilities as result of the planning proposal can be accommodated by the existing system, provided that management system are put in place.

In the event that there is a more substantial increase in the daily hydraulic loadings than anticipated it has been demonstrated that the system can be modified to accommodate it. Accordingly, there are no objections to the planning proposal from the Environmental Health (OSSM) team.

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 Phase 1 Environmental Site Assessment was prepared and the conclusion states:

The Stage 1 Environmental Site Assessment for 11 of the 49 land parcels was based on detailed field inspections, present land use, historical title search and review of historical aerial photographs. Based on the site history, aerial photographs and walkover inspections the following conclusions are made:

- The site has been used for a variety of purposes such as farming, horse agistment, residential and in more recent years tourism, camping, recreation and running special events.*
- The results of the site inspections, aerial photographs and other records reviewed indicate a low risk of potential contamination for the proposed rezoning of land.*
- It is assessed that the risk of site contamination to be low*

This environmental assessment concludes that the 49 land parcels are unlikely to be significantly contaminated and assessed suitable or could be made suitable for the uses proposed in the rezoning proposal.

The Stage 1 Environmental Site Assessment carried out in Lot A in DP365595 concludes that the orchard activities operational up till the mid-1990s have largely been replaced by cattle grazing. It is clear that no fertiliser or insect treatment has been used for at least 30 years. The present and past use of the land for low-intensity cattle grazing does not incorporate any cattle drenching and is unlikely to have caused any significant contamination on the land. However, although there are no longer any fuel storage tanks in Lot A, drum-diesel fuel and drum-oil storage is still kept on the property but isolated in one of the machinery sheds. This storage may give result in very localised contamination in the immediate vicinity of the storage areas. It is noted that the volumes of products are very low and the various farm components are kept in clean condition.

In summary, the laboratory report from the AEC targeted soil investigation shows that concentrations of tested analytes were all below the adopted Soil Investigation Level guidelines.

Given the length of time since the orchard was operational (30 years) and the nature of the farming products used (chicken manure and enclosed insect baits) it is concluded that it is unlikely there is any significant residual contamination. This environmental assessment concludes that Lot A DP 365595 was

unlikely to be contaminated and was assessed suitable or could be made suitable for the uses proposed in the rezoning proposal.

Councils Environment and Public Health Team are satisfied from a contamination perspective that the proposed rezoning proposal is suitable based on the Health Investigation Levels (HIL) C assessment criteria.

Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment Report was prepared for the subject land.

The study site is considered to be of high Aboriginal cultural heritage significance to the Aboriginal community.

The management recommendations presented in the report take into account that no development impacts to ground surfaces are proposed. As a result, the following recommendations have been formulated after consultation with the registered Aboriginal Stakeholders, the proponent, and Heritage NSW:

- Consultation with the Registered Aboriginal Parties (RAPs) should continue, as per the requirements detailed in the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010). All RAPs have been given the opportunity to comment on the recommendations of this report. This is the final Aboriginal Stakeholder approved version of this report*
- All registered Aboriginal sites which may be at risk of impact from the current activities occurring on the property should be inspected to confirm site locations, conditions, and recorded features*
- A Management Plan should be written to establish inspection protocols, -timeframes, and contact procedures between representatives of the registered Aboriginal Stakeholders and Glenworth Valley Outdoor Adventures*
- Should any sites be determined to be at risk of damage, a management procedure should be developed in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales and in consultation with the relevant Aboriginal Stakeholders. This may include conservation measures such as fencing or signage*
- Should any future works be proposed, that may impact these sites - further investigation should be undertaken in accordance with the appropriate legislation that conforms to the reporting process, conditions and requirements of Aboriginal Cultural Heritage Standards and Guidelines Kit (NPWS 1998) and Part 6; National Parks and Wildlife Act Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010).*

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?

The Gateway Determination required the following agencies to be consulted:

- NSW Rural Fire Service
- Biodiversity and Conservation Division
- Transport for NSW
- National Parks and Wildlife Service
- Crown Land in NSW
- Darkinjung Local Aboriginal Land Council
- Heritage NSW
- Department of Primary Industries
- Division of Resources and Geoscience
- NSW Environment Protection Authority

Consultation with the above agencies was undertaken as required prior to exhibition and again during the exhibition period. A summary of the comments are outlined below.

Agency	Summary of Matters	Council Response
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 <i>Planning for Bush Fire Protection (PBP) 2019</i> .	Noted.

Agency	Summary of Matters	Council Response
	<p>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:</p> <ul style="list-style-type: none"> • 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 adjoining 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: <i>A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i>. It is strongly recommended that this plan be prepared in consultation Local Emergency Management Committee or equivalent. <p>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</p>	

Agency	Summary of Matters	Council Response
	placed on the subject site as a result of the proposed development.	
Biodiversity and Conservation Division / National Parks and Wildlife Service	<p>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).</p> <p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>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.</p> <p>The CCLEP proposes to permit with consent "eco-tourist facilities" generally within the 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.</p> <p>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</p> <p>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</p>

Agency	Summary of Matters	Council Response
	<p>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.</p> <p>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.</p> <p>The Flood Emergency Response Plan placed on exhibition does not adequately manage risk to life.</p>	<p>and exploration techniques are developed.</p> <p>The Development Consent for the Calga Sand Quarry Project was approved by the Minister on 23 December 2013. The biodiversity offset for the Calga Quarry was 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 adjoining the proposed quarry extension.</p> <p>The Development Consent for the Calga Sand Quarry Project was appealed and on 17 November 2015 the Land and Environment Court upheld the appeal and refused the Project, which included the biodiversity offset area.</p> <p>It should be noted that when the CCLEP comes into effect "eco-tourist facility" will be a use generally permitted in the Environmental Conservation zone in any case.</p> <p>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:</p> <p>(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.</p>
Crown Land NSW	<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>
Department of Primary	DPI Agriculture supports the proposal to permit 'extensive agriculture' with	DPI Fisheries concerns were addressed prior to exhibition with the APU Map

Agency	Summary of Matters	Council Response
Industries (DPI)	<p>consent on those parts of the site which are cleared of significant native vegetation and zoned E2 Environmental Conservation.</p> <p>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.</p> <p>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.</p>	<p>being amended to remove extensive agriculture from the following locations:</p> <ul style="list-style-type: none"> • 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:	<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>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.</p> <p>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.</p>

Agency	Summary of Matters	Council Response
	stakeholders in any development assessment process.	
Environment Protection Authority (EPA)	Based on the information provided, the proposal does not appear to require an environment protection licence under the <i>Protection of the Environment Operations Act 1997</i> (PEEO 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 <i>RMS Guide to Traffic Generating Developments</i> . 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.

Table 8: 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	
B	Area A - eco-tourist facility and recreation facility (outdoor); Area B - eco-tourist facility, camping ground, tourist and visitor accommodation; Area C - eco-tourist facility, recreation facility (outdoor), extensive agriculture; Area D - eco-tourist facility, recreation facility (outdoor), extensive agriculture, camping ground, function centre; Area E - eco-tourist facility, recreation facility (outdoor), extensive agriculture, tourist and visitor accommodation; Area F - eco-tourist facility, recreation facility (outdoor), extensive agriculture, camping ground, function centre, entertainment facility, food and drink premises.

Table 9: Existing and Proposed Provisions

Part 5 Community Consultation

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

The proposal was made available at the following locations:

- Wyong Office: 2 Hely Street, Wyong (subject to COVID 19 restrictions)
- Council's website: www.yourvoiceourcoast.com

Additionally, adjoining landowners were notified of the exhibition of the planning proposal prior to its commencement.

The Planning Proposal was publicly exhibited from 22 November 2021 to 20 December 2021 and was undertaken in accordance with *A Guide to Preparing Local Environmental Plans and the Gateway Determination*.

Two submissions were received during the exhibition period. The matters raised in the submissions are summarised below.

Issue Number	Summary of Issues	Council Response
1	Fully support the proposed revisions to the planning document. Glenworth Valley is a major asset not just to the Central Coast but for NSW as a whole, and as long as adequate controls and design standards are in place, I have confidence that this operation could continue to develop as a significant tourism operation with minimum impact on surrounding communities.	Noted.
2	Support changes to planning instruments that provide legal authority to continue current activities on the land parcels in question and that permit camping and caravan activities on land already used for camping, and for enhancement of those facilities, such as building new facilities and improving any associated access roads.	Noted. The use of "caravan park" is separately defined from that of "camping ground" under the GLEP 2014 and CCLEP and is not proposed to be an additional permitted use in this Planning Proposal.
3	Do not support changes to the planning instruments that allows removal of native vegetation and that allows construction of additional buildings, other than to support camping and caravan activities. Further urbanisation of the site will: <ul style="list-style-type: none">• Permanently and negatively alter the scenic quality of the area;	Noted. The following additional permitted uses are only proposed to be permitted on cleared land as shown on the APU Map: extensive agriculture, camping grounds, tourist and visitor accommodation and function centre. Any food and drink premises and entertainment facility are

Issue Number	Summary of Issues	Council Response
	<ul style="list-style-type: none"> • Reduce native vegetation cover (too much native vegetation has been lost since European settlement, to the detriment of native flora and fauna, community environmental health); • Create additional high density traffic, during holiday periods, on local roads (no proposed traffic management plan will prevent this from happening, it may only reduce traffic impacts – therefore the development will cause negative impacts on local businesses and residents); • The internal road servicing the site is not suited to additional, dense event related traffic movements – the road in its current form is highly unlikely to support safe and orderly evacuation of pedestrians and vehicles in the event of bushfire – doubt the internal road could be altered to cater for safe and orderly traffic movements due to topography; • Additional development will put greater pressure on adjoining conservation lands owned and managed by the NSW Government as noted by the NPWS. 	<p>only permitted in the existing building or a future extension.</p> <p>Only eco-tourist facility and recreation facility (outdoor) are proposed to be a permitted use in vegetated areas. Any future development will require development consent and will have to comply with the objectives of the underlying zone and in the case of eco-tourist facility, comply with the requirements of clause 5.13 in the GLEP 2014 or CCLEP.</p> <p>Transport for NSW raised no objection to the Planning Proposal and are satisfied that traffic matters on surrounding roads can be addressed when Development Applications for specific uses are lodged.</p> <p>NSW Rural Fire Service raise no objection to the Planning Proposal and are satisfied that evacuation matters can be addressed when Development Applications for specific uses are lodged.</p> <p>It is unknown at this stage what specific development is proposed nor the location of such development. Should a Development Application be lodged on a lot adjoining a National Park then the adjoining owner (i.e. NPWS) would be advised. Proposed uses located away from the National Park boundary would not be expected to put pressure on land owned by NPWS.</p>

Table 10: Issues raised during public exhibition

Part 6 Project Timeline

Action	Period	Start Date	End Date
Gateway Determination	18 months	6 August 2020	6 February 2022
Revised/additional technical studies	11 months	December 2020	November 2021
Government agency consultation	7 months	November 2020	July 2021
Public exhibition	28 days	November 2021	December 2021
Consideration of submissions	3 months	December 2021	March 2022
Consideration of a proposal post exhibition	1 day	March 2022	March 2022
Date of submission to the Department to finalise LEP	1 month	March 2022	April 2022
Anticipated date Council will make the plan (if delegated)	14 days	April 2022	April 2022
Anticipated date Council will forward to the Department for notification	14 days	April 2022	May 2022

Table 11: Key Project Timeframes

Appendix 1 – Land Use Table

Existing Zones under GLEP 2014 (as exhibited)

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

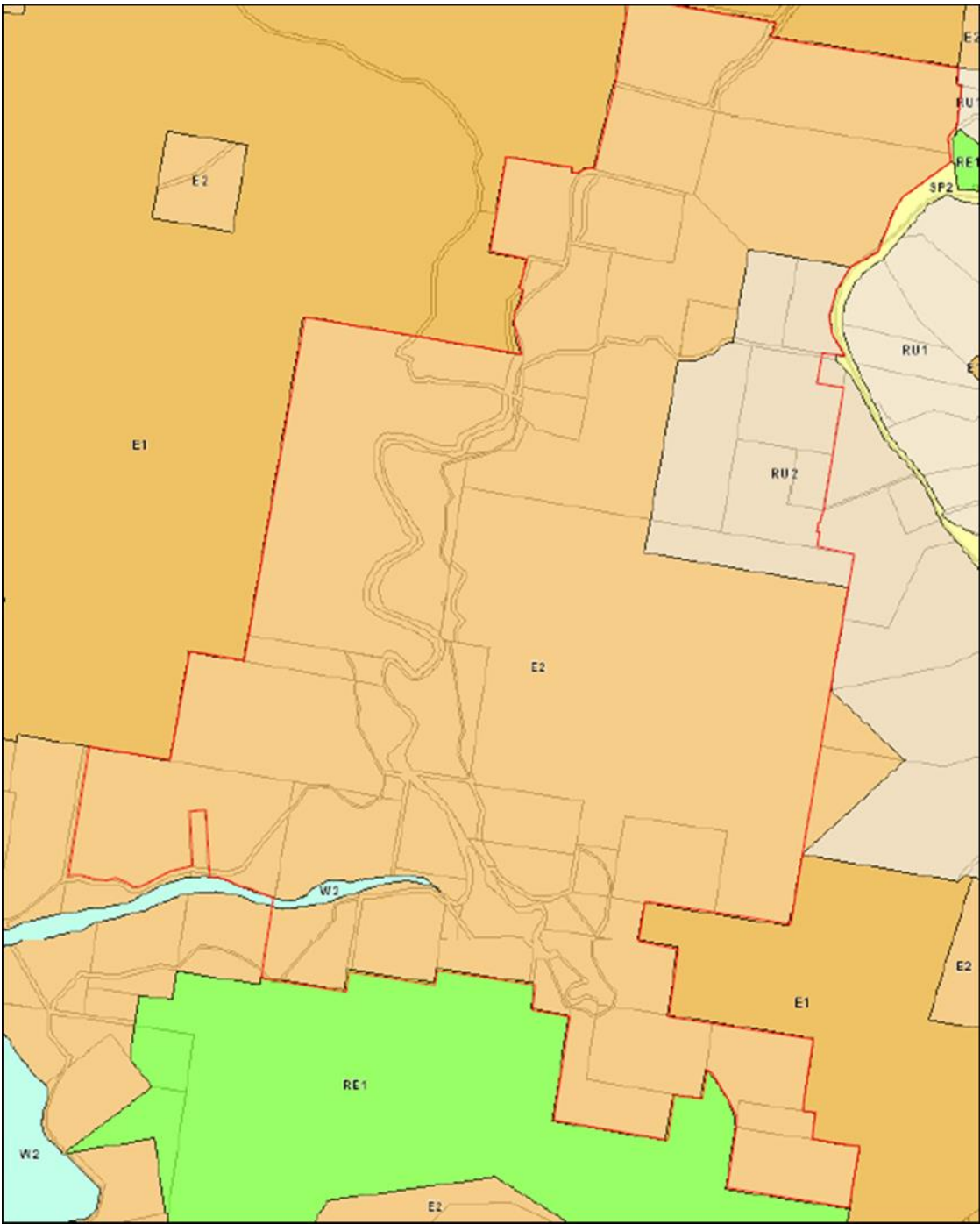
Bed and breakfast accommodation; Dwelling houses; Environmental facilities; Environmental protection works; Home occupations; Oyster aquaculture Recreation areas; Roads; Water storage facilities

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 (as exhibited)



Proposed Additional Permitted Uses

