

## ATTACHMENT 5 – Strategic Assessment



### Central Coast Council

#### Strategic Planning Framework Assessment

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

PP/38/2013;  
November 2019

## Relationship to strategic planning framework

Where a regional or sub-regional strategy is in place:

1. *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 Strategy 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	<b>Direction 3: Support priority economic sectors</b>	
	<b>Action</b>	<b>Assessment</b>
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	<b>Direction 7: Increase job containment in the region</b>	
	<b>Action</b>	<b>Assessment</b>
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 tourist industry.
8	<b>Direction 8: Recognise the cultural landscape of the Central Coast</b>	
	<b>Action</b>	<b>Assessment</b>
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.

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.
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

**2. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

**Central Coast Community Strategic Plan (One – Central Coast)**

One – Central Coast 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 objectives outlined in One- Central Coast are applicable to this Planning Proposal:

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

	<b>Objectives</b>	<b>Assessment</b>
L1	Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated.	The planning proposal will enable the public to participate in outdoor recreational activities within a natural setting which would enhance personal well-being. The planning proposal will permit additional uses on-site which have the potential to encourage greater expenditure by tourists and therefore benefit the local economy.

**Table 2** – Central Coast Community Strategic Plan Assessment

### **Biodiversity Strategy**

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

- *enable biodiversity conservation to be taken into consideration in Council's strategic planning.*
- *environmental zoned lands need to be retained with current minimum lot area standards to enable the lot sizes to allow sufficient space for land uses to occur without loss of biodiversity.*
- *the land zoning and permitted land uses within identified vegetation and wildlife corridors and riparian habitats need to reflect the biodiversity values.*
- *consider biodiversity criteria for conserving areas of high biodiversity working towards maintenance and enhancement of existing biodiversity as a key priority with the aim of no net loss in development assessments and future LEPs.*
- *identify, protect and manage wildlife and vegetation corridors to maintain biodiversity.*

The Planning Proposal is consistent with these actions in that the land will be retained in the existing RU2 Rural Landscape and E2 Environmental Conservation zones, and that appropriate activities will be listed in Schedule 1 of GLEP 2014 that are intrinsically linked to the environmental values of the land.

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

As part of the subject land is zoned E2, 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 Conservation and Scenic Protection 7(a) (Conservation) / Environmental Conservation E2 as prescribed within this Policy.

The objectives of the Conservation 7(a) / Environmental Conservation E2 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 land within the E2 zone are outdoor recreation facilities, extensive agriculture, camping grounds 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 Council's DCPs or strategies which have also been addressed separately in the report, if applicable.

### 3. *Is the planning proposal consistent with applicable state environmental planning policies?*

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

State Environmental Planning Policy	Comment
<b>SEPP No 19 – Bushland in Urban Areas</b>	
<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"> <li>(a) its value to the community as part of the natural heritage,</li> <li>(b) its aesthetic value, and</li> <li>(c) its value as a recreational, educational and scientific resource.</li> </ul> <p>The specific aims of this policy are:</p> <ul style="list-style-type: none"> <li>(a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,</li> <li>(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,</li> <li>(c) to protect rare and endangered flora and fauna species,</li> <li>(d) to protect habitats for native flora and fauna,</li> <li>(e) to protect wildlife corridors and vegetation links with other nearby bushland,</li> <li>(f) to protect bushland as a natural stabiliser of the soil surface,</li> <li>(g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,</li> <li>(h) to protect significant geological features,</li> </ul>	<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>(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>	
<b>SEPP No 44 – Koala Habitat</b>	
<p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones</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>
<b>SEPP No. 55 – Remediation of Land</b>	
<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>(b) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(c) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for</p>	<p>The SEPP lists some activities that may cause contamination, one of which is agricultural or horticultural activities.</p> <p>The initial Gateway Determination required an initial site contamination investigation to be undertaken to demonstrate that the site is suitable for rezoning. A Stage 1 Site Contamination Assessment was prepared and the conclusion states:</p> <p><i>Based on the desk study and field investigation the site is assessed to be of low risk of contamination. It is assessed that a Stage 2</i></p>

State Environmental Planning Policy	Comment
<p>consent to carry out a remediation work in particular, and</p> <p>(d) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p><i>Contamination Assessment is not required for the proposed re-zoning of land.</i></p> <p>The then owner of Lot A DP 365595 Cooks Road submitted a Preliminary Site Contamination Investigation Report which concludes:  <i>A Preliminary Site Contamination Investigation Report has been prepared for Lot A DP 365595, as is required under SEPP 55 for Planning Proposal. The report finds there is unlikely to be any contamination of the site arising from the previous use as a citrus orchard and current use for cattle grazing. There is storage of diesel fuel and oil on the property, consistent with rural use, and there could be some minor contamination associated with this in 2 small, localised areas. Any future development application impacting on these areas would be able to address the issue in more detail through soil testing and remediation, if required. If remediation was required, this would be expected to be minor and not of a nature or scale that the land could not be made suitable for the uses proposed in the Planning Proposal.</i></p> <p><i>The report concludes that Lot A DP 365595 is suitable or can be made suitable for the uses proposed in Planning Proposal.</i></p>
<b>SEPP Mining, Petroleum Production and Extractive Industries 2008</b>	
<p>Aims to :</p> <p>(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;</p> <p>(b) to facilitate the orderly and economic use of development of land containing mineral, petroleum and extractive material resources; and</p> <p>(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> <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>	<p>Calga Sands, an existing quarry of regional significance, immediately adjoins part of the site located off Cooks Road, being located on Lot 2 DP 229889. It is noted that this quarry has been the subject of protracted concerns by the community in relation to its impacts. It is considered that there is sufficient area on the Glenworth Valley landholding overall so as to locate activities, including those which will be permitted through the Schedule 1 listing, in areas remote from the impacts of the quarry. The Planning Proposal should not have the effect of restricting the obtaining of extractive material from the Calga Sands Quarry.</p>

State Environmental Planning Policy	Comment
<ul style="list-style-type: none"> <li>(a) the existing uses and approved uses of land in the vicinity of the development;</li> <li>(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;</li> <li>(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.</li> </ul>	
<b>SEPP Coastal Management 2018</b>	
<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"> <li>(a) managing development in the coastal zone and protecting the environmental assets of the coast; and</li> <li>(b) establishing a framework for land use planning to guide decision-making in the coastal zone; and</li> <li>(c) mapping 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</li> </ul> <p>All development within the Coastal Wetlands Area requires development consent. All development, except environmental protection works is declared designated development. 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> <ul style="list-style-type: none"> <li>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or</li> <li>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.</li> </ul>	<p>The southern part of the subject site adjoining Popran Creek is identified as "coastal wetlands" and "proximity area for coastal wetlands". Therefore the additional permitted uses allowed on this land as a result of the planning proposal would be treated as designated development if a development application was received to locate such uses within the coastal wetlands.</p> <p>Future development applications for uses in the Coastal Wetland Area and the Proximity Area for Coastal Wetlands will be assessed to ensure the biophysical, hydrological and ecological integrity of the coastal wetland is maintained.</p> <p>The flats adjoining the upper reaches of Popran Creek and the lower slopes are located within the Coastal Environmental Area. The proposal to permit additional uses within this Area would not adversely impact on the coastal environment values and natural processes of the locality. However the future outdoor recreation proposed for this land would have to be considered in detail at the development application stage when and if such uses are proposed.</p>

State Environmental Planning Policy	Comment
<p>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> <ul style="list-style-type: none"> <li>(a) the integrity and resilience of the biophysical, hydrological and ecological environment;</li> <li>(b) coastal environmental values and natural coastal processes;</li> <li>(c) the water quality of the marine estate, in particular the cumulative impacts of the proposed development on any sensitive coastal lakes</li> <li>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms</li> <li>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public</li> <li>(f) Aboriginal cultural heritage, practices and places</li> <li>(g) The use of the surf zone.</li> </ul>	

**Deemed SEPP Sydney REP No 8 – Central Coast Plateau Areas**

<p>Aims:</p> <ul style="list-style-type: none"> <li>(a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,</li> <li>(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,</li> <li>(c) (Repealed)</li> <li>(d) to protect regionally significant mining resources and extractive materials from sterilization,</li> <li>(e) to enable development for the purposes of extractive industries in specified locations,</li> <li>(f) (Repealed)</li> </ul>	<p>All of the land is within the boundary of SREP 8, however only the land near Cooks Road which is zoned RU2 has been the subject of detailed mapping of agricultural land. This land is identified as Classes 3 and 4 (coloured in pink) Prime Agricultural Land, with the upper side slopes as Classes 4-5 and 5, which are not prime agricultural land. Land within the valley floor has not been mapped under the REP. The planning proposal does not reduce the agricultural capability of the land as it seeks to retain the RU2 zone and all the uses permitted within that zone.</p> <p>The issues to be addressed in any draft local environmental plan are addressed in order below:</p> <ul style="list-style-type: none"> <li>(a) The additional uses are proposed to be undertaken on the E2 component of the site and are located away from any adjoining agricultural operation. For the</li> </ul>
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State Environmental Planning Policy	Comment
<p>(g) to protect the natural ecosystems of the region, and</p> <p>(h) to maintain opportunities for wildlife movement across the region, and</p> <p>(i) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and</p> <p>(j) to encourage the preparation of draft local environmental plans based on merits.</p> <p>In preparing any draft local environmental plan applying to land to which this plan applies, the council should have regard to the objective that any development allowed by the plan should:</p> <p>(a) not impact upon the current or future use of adjoining land for existing or future agricultural uses, and</p> <p>(b) not result in an increased settlement pattern (by way of urban development, rural residential development, residential accommodation of a permanent or semi-permanent nature, community titles subdivisions or any other features that would facilitate increased settlement), and</p> <p>(c) have a significant positive economic contribution to the area and result in employment generation, and</p> <p>(d) not result in any adverse environmental effect on or off the site, and</p> <p>(e) be consistent with the strategic direction for water quality standards and river flow objectives developed through the State Government's water reform process, and</p> <p>(f) be consistent with rural amenity (including rural industries) and not detract significantly from scenic quality, and</p> <p>(g) not encourage urban (residential, commercial or industrial) land uses, and</p> <p>(h) not require augmentation of the existing public infrastructure (except public infrastructure that is satisfactory to the council concerned and is provided without cost to public authorities), and</p> <p>(i) result in building works being directed to lesser class soils.</p>	<p>RU2 component located off Cooks Road, adjoining land is within the same RU2 zoning, and the planning proposal reflects existing approved uses (i.e. the motel). It is considered there is adequate separation between Glenworth Valley holdings land and adjoining agricultural land to provide sufficient separation between uses.</p> <p>(b) An eco-tourist facility, camping ground and tourist accommodation will not practically be able to be separately titled, and is only for the transient accommodation of tourists/visitors to the site. Hence the planning proposal would not result in an increased settlement pattern.</p> <p>(c) Allowing additional outdoor recreation facilities and tourist facilities will value add to the existing tourist infrastructure at the site and have a positive economic contribution and employment generation, and will benefit wider local businesses.</p> <p>(d) Adverse environmental effects will be minimised through regulation of development, and allowing flexibility in siting of works and activities.</p> <p>(e) Water quality standards will be assessed on an individual case by case basis and do not represent an impediment to the planning proposal as they can be managed through appropriate on-site practices.</p> <p>(f) The additional uses proposed will need to be sited and designed so as to not detract from scenic quality.</p> <p>(g) The land use will remain for conservation and environmental values for the valley floor, side slopes and ridgelines, with additional uses complementary to these values. The proposal will not encourage urban development.</p> <p>(h) Augmentation of any infrastructure that may be required (e.g. electricity) will need to be funded by the developer dependent upon what is required.</p> <p>(i) Building location within the RU2 zoned land can be assessed on an individual case by case basis and do not represent an impediment to the planning proposal. Soil</p>

State Environmental Planning Policy	Comment
	classes within the valley have not been mapped.
<b>Deemed SEPP Sydney REP No 9 - Extractive Industry (No 2 - 1995)</b>	
<p>Aims:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and</li> <li>(d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and</li> <li>(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.</li> </ul>	<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 permissible in the existing zoning) (DA 43465 approved on 11 November 2013 refers). The proposed listing of tourist and visitor accommodation in Schedule 1 of GLEP 2014 as it relates to the RU2 zone will reflect existing approved uses. Other eco-tourist components would be located further away from the Calga Sands Quarry and hence would not have the impact of sterilising the extractive resource.</p> <p>The amended Gateway is likely to require consultation with Director General of Trade and Investment - Mineral Resources and The Director General of the Environment Protection Authority (or their equivalent under the new State Government structure).</p>
<b>Deemed SEPP Sydney REP No 20 - Hawkesbury-Nepean River (No 2 - 1997)</b>	
<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. 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>

State Environmental Planning Policy	Comment
	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.

**Table 3** – State Environmental Planning Policy Assessment

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

No.	Direction	Applicable	Consistent
<b>Employment &amp; Resources</b>			
1.1	Business & Industrial Zones	N	N/A
1.2	Rural Zones	Y	Y
1.3	Mining, Petroleum Production and Extractive Industries	Y	Y
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	N	N/A
<b>Environment &amp; Heritage</b>			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Management	Y	Y
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	N	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Par North LEPs	N	N/A
<b>Housing, Infrastructure &amp; Urban Development</b>			
3.1	Residential Zones	N	N/A
3.2	Caravan Parks and Manufactured Home Estates	N	N/A
3.3	Home Occupations	N	N/A
3.4	Integrating Land Use & Transport	N	N/A
3.5	Development Near Licensed Aerodromes	N	N/A

No.	Direction	Applicable	Consistent
3.6	Shooting Ranges	N	N/A
3.7	Reduction in non-hosted short term rental accommodation period	N	N/A
<b>Hazard &amp; Risk</b>			
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
<b>Regional Planning</b>			
5.1	Implementation of Regional Strategies	N	N/A
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.8	Sydney's Second Airport: Badgery's Creek:	N	N/A
5.9	North West Rail Link Corridor Strategy	N	N/A
5.10	Implementation of Regional Plans	Y	Y
5.11	Development of Aboriginal Land Council land	N	N/A
<b>Local Plan Making</b>			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	N	N/A
6.3	Site Specific Provisions	Y	Y
<b>Metropolitan Planning</b>			
7.1	Implementation of A Plan for Growing Sydney	N	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	N	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	N	N/A

No.	Direction	Applicable	Consistent
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	N	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	N	N/A

**Table 4** – S9.1 Ministerial Direction Compliance

## Ministerial Section 9.1 Directions

Direction	Comment
<b>Employment &amp; Resources</b>	
<b>1.2 Rural Zones</b>	
<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"> <li>(a) rezone land from a rural zoned to a residential, business, industry, village or tourist zone;</li> <li>(b) contain provisions that will increase the permissible density of land within a rural zone.</li> </ul>	<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. Hence the Planning Proposal is consistent with this Direction.</p>
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	
<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>Part of the subject land (i.e. Lot 108 DP 755221) immediately adjoins the existing Calga Sands quarry. However 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</p>

Direction	Comment
<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> <li>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</li> <li>(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.</li> </ul> <p>The relevant planning authority must consult with the Director-General of the Department of Primary Industries regarding the development potential of resources and any likely land use conflicts.</p>	<p>the land subject to this planning proposal is located away from the quarry and any additional uses would not impact on the quarry or would be impacted upon by the quarry operation. However the planning proposal will be referred to the relevant State Department for comment.</p>
<b>Environment &amp; Heritage</b>	
<b>2.1 Environmental Protection Zones</b>	
<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>The additional outdoor recreational facilities proposed to be permitted in the E2 zone reflect the existing uses operating on site at present i.e. horse riding trails, quad biking, kayaking, and abseiling. These low impact uses, or similar, are compatible with the Environmental Conservation zone. Any other uses permitted under the definition of recreation facility (outdoor) would be required to satisfy the objectives of the E2 zone.</p> <p>The use of extensive agriculture in the E2 zone is proposed to be permitted on the cleared land within the valley and on the escarpment adjacent to RU2 zoned land. The use is currently conducted in these areas so no additional environmental impact would occur.</p> <p>The additional uses of function centre, entertainment facility and food and drink premises are proposed to be permitted in, and around the existing multi-purpose building. 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>
<b>2.2 Coastal Management</b>	

Direction	Comment
<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"> <li>(a) the objects of the Coastal Management Act 2016 and the objectives of the of the relevant coastal management areas, and</li> <li>(b) the NSW Coastal Management Manual and associated toolkit,</li> <li>(c) the NSW Coastal Design Guidelines 2003.</li> </ul> <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"> <li>(a) within a coastal vulnerability area identified by the SEPP (Coastal Management) 2018, or</li> <li>(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.</li> </ul>	<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 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"> <li>- To protect and enhance the cultural, ecological and visual characteristics of a locality.</li> </ul> <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>
<p><b>2.3 Heritage Conservation</b></p>	

Direction	Comment
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>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>The area of Lot 108 affected by the State Heritage Item is zoned E2 and inaccessible from Cooks Road so the proposed additional permitted uses of eco-tourist facilities and recreation facilities (outdoor) are unlikely to occur in this area.</p> <p>There are currently three (3) local environmental heritage items in the Valley:</p> <ul style="list-style-type: none"> <li>- Grave of Owen Maloney - Lot 19 DP 755221</li> <li>- Remains of stone walling - Lot 37 DP 755221</li> <li>- House "Glenworth Valley" - Lot 89 DP 755221</li> </ul> <p>These heritage items are identified and protected under the provisions of the Gosford LEP 2014.</p> <p>In relation to aboriginal archaeology, given the setting of the land, with a permanent creek, sandstone ridgelines and exposed rocky outcrops, it could be expected that items may be identified. Future development would need to comply with relevant legislation (National Parks and Wildlife Act, 1974) in relation to archaeological heritage. Given the variability of site characteristics, there is flexibility in the location of works to minimise disturbance and the E2 zone over the valley area is the most appropriate having regard to potential for further archaeological sites. Archaeological values could also be complementary to nature-based recreational activities. Given the size of the subject site (i.e. approx. 1000 Ha) it is unreasonable to undertake a detailed Aboriginal Heritage Study over the whole site when only small areas will in reality be subject to future development applications. A more reasonable approach would be to undertake detailed investigations for the specific locations of future individual development applications.</p>

**Hazard & Risk**

**4.1 Acid Sulfate Soils**

Direction	Comment
<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>Land adjacent to Popran Creek is identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils. Planning for acid sulphate soils is now incorporated as a general provision in the LEP and will apply to any future development on land affected by acid sulfate soils.</p>
<b>4.3 Flood Prone Land</b>	
<p>Aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>The river flats adjacent to Popran Creek are mapped as flood liable. If building works are proposed in proximity to the creek, a specific flood investigation may be required to support future development and there may be issues associated with flood free access and/or isolation as a result of flood waters. The management of the site would respond to adverse weather conditions, including rain events and flooding, and adapt to conditions appropriate at the time.</p> <p>The rezoning is consistent with this Direction.</p>
<b>4.4 Planning for Bushfire Protection</b>	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>The land is mapped as Vegetation Categories 1 and 2 as well as Buffer. As the subject site is bushfire prone, it is considered necessary to refer the Planning Proposal to the Rural Fire Service for comment following the receipt of a Gateway determination. Issues that may be of relevance would relate to emergency evacuation procedures, on-site fire refuge, etc that may be more of an operational than planning nature.</p>
<b>Regional Planning</b>	
<b>5.10 Implementation of Regional Plans</b>	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The Planning Proposal is considered to be consistent with the directions and actions contained in the Central Coast Regional Plan as indicated in the response to Question 1 above.</p>
<b>Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The planning proposal will not increase the need for referrals for development applications.</p>

Direction	Comment
<p>A Planning Proposal must minimise the inclusion of provisions that require concurrence, consultation or referral of development applications to a Minister or public authority and not identify development as designated development.</p>	
<p><b>6.3 Site Specific Provisions</b></p>	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p> <p>The Planning Proposal must use an existing zone already applying in an environmental planning instrument and not impose any development standards in addition to those already contained in the environmental planning instrument. The proposal shall not contain or refer to drawings/concept plans that show details of the proposed development.</p>	<p>The Glenworth Valley site is unique in that it is of significant size (approx. 1000 Ha), allowing uses to be dispersed through the site and being located in less constrained areas, is relatively isolated from more urbanised coastal areas and has an existing nature based tourist development operating from the land. Given this and the inappropriateness of other zones (other than those existing) for the overall holding, the addition of uses in Schedule 1 of the relevant LEP is justified.</p> <p>If relevant mapping was updated no additional development standards than currently exist would be applied.</p>

**Table 5** – S9.1 Ministerial Direction Assessment