

Planning Proposal under s55 of the EP&A Act

**Proposed Rezoning of Lot 33 DP 803801 (part), Lot 34 DP 803801, Lot 5 DP 594793, Lot 3 DP 706357, Lot 2 DP 706357, Lot 1 DP 255923 Lot 4 DP 255923, Lot 1 DP1145016 and Crown Road Reserve (part),
*'Area 14 – 1A' Ocean Drive, Lake Cathie***



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Planning Proposal

Background

Proposal	Proposed Rezoning from RU1 – Primary Production and R2 – Low Density Residential to R1 – General Residential, E2 – Environmental Conservation and E3 Environmental Management.
Property Details	Lot 33 DP 803801 (part), Lot 34 DP 803801, Lot 5 DP 594793, Lot 3 DP 706357, Lot 2 DP 706357, Lot 1 DP 255923 Lot 4 DP 255923, Lot 1 DP1145016 and Crown Road Reserve (part) Ocean Drive, Lake Cathie
Applicant Details	King and Campbell Pty Ltd
Land owner	Sydmart Pty Ltd, Gwynville Trading Pty Ltd, J A Tolone, A Misfud, Port Oxley Developments Pty Ltd

In March 2002, Council resolved to proceed with a Local Environmental Study (LES) for a first stage release (Area 1A) within the Area 14 Urban Investigation Area at Lake Cathie/Bonny Hills in conjunction with a Master Plan for the whole of the Area 14 Urban Investigation Area.

A draft LES was exhibited with the Master Plan, which was adopted by Council 9 February 2004. Council resolved at its meeting 21 January 2008 to include additional areas within the Area 14-1A precinct.

The LES was then updated with reference to State and Local Government policies and changes in legislation. Zone boundaries have also been refined with further investigation and negotiation with the landowners and their representatives.

Council recently submitted a s64 report to the Department of Planning seeking the issuance of a s65 Certificate under the transitional arrangements of the Environmental Planning and Assessment Act 1979, to allow the draft LEP to be public exhibited. The Department advised that in this instance, it could not accept a request for the transitional (pending LEP) on the basis that the LEP once made, would be at risk of challenge.

Therefore Council has prepared a Planning Proposal under s55 of the Environmental Planning and Assessment Act 1979 to enable the proposed rezoning.

Under the provisions of the previous Act, the Council prepared a Local Environmental Study for the site and consulted State Government Departments during the development of the study. There has been a significant amount of study undertaken in the preparation of the LES and the Area 14 Master Plan.

Council requests that in this instance the Department of Planning as permitted, dispense with all stages of the new clauses up until s57 of the Act.

An Urban Design Master Plan for the entire Area 14 – Urban Investigation Area has also been prepared and is at Attachment 2: Area 14 – Urban Design Master Plan.

Where applicable this Planning Proposal references the relevant sections of the LES which is attached as Attachment 1: Lake Cathie – Bonny Hills Local Environmental Study. However for the most part this document has been copied into the Planning Proposal format.

Part 1 - Objectives or Intended Outcomes

To enable the development of land at Area 14 – 1A Ocean Drive, Lake Cathie and described as Lot 33 DP 803801 (part), Lot 34 DP 803801, Lot 5 DP 594793, Lot 3 DP 706357, Lot 2 DP 706357, Lot 1 DP 255923 Lot 4 DP 255923, Lot 1 DP1145016 and Crown Road Reserve (part) Ocean Drive, Lake Cathie for Residential, Environmental Management and Environmental Conservation purposes.

Part 2 - Explanation of Provisions

A Standard Instrument LEP in the form shown at Attachment 3: Draft Standard Instrument (to which the standard instrument is attached) and with accompanying maps as shown at Attachment 4: Draft LEP Maps (to which the proposed maps are attached).

Part 3 – Justification

Section A - Need for the planning proposal.

Is the planning proposal a result of any strategic study or report?

Area 14 has been formally identified as suitable for investigation for urban purposes since at least the adoption of the Hastings Urban Growth Strategy (HUGS) in 2001 (refer Figure 1).

The site is specifically identified for urban purposes in the Mid North Coast Regional Strategy as Proposed Future Urban Release Area (Figure 2) and most recently in the Draft Urban Management Strategy (Figure 3).

The Area 14 – Urban Design Master Plan further examined the broad constraints and opportunities for urban development and set the framework for more detailed investigations.

This is the strategic basis for supporting the detailed investigation of Area 14 – 1B for urban purposes and the justification for pursuing a planning proposal to rezone the site.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The area is currently zoned R2 – Low Density Residential and RU1 – Primary Production. The current zone prohibits the implementation of the Area 14 – Urban Design Master Plan.

There is no other mechanism to achieve the desired outcome.

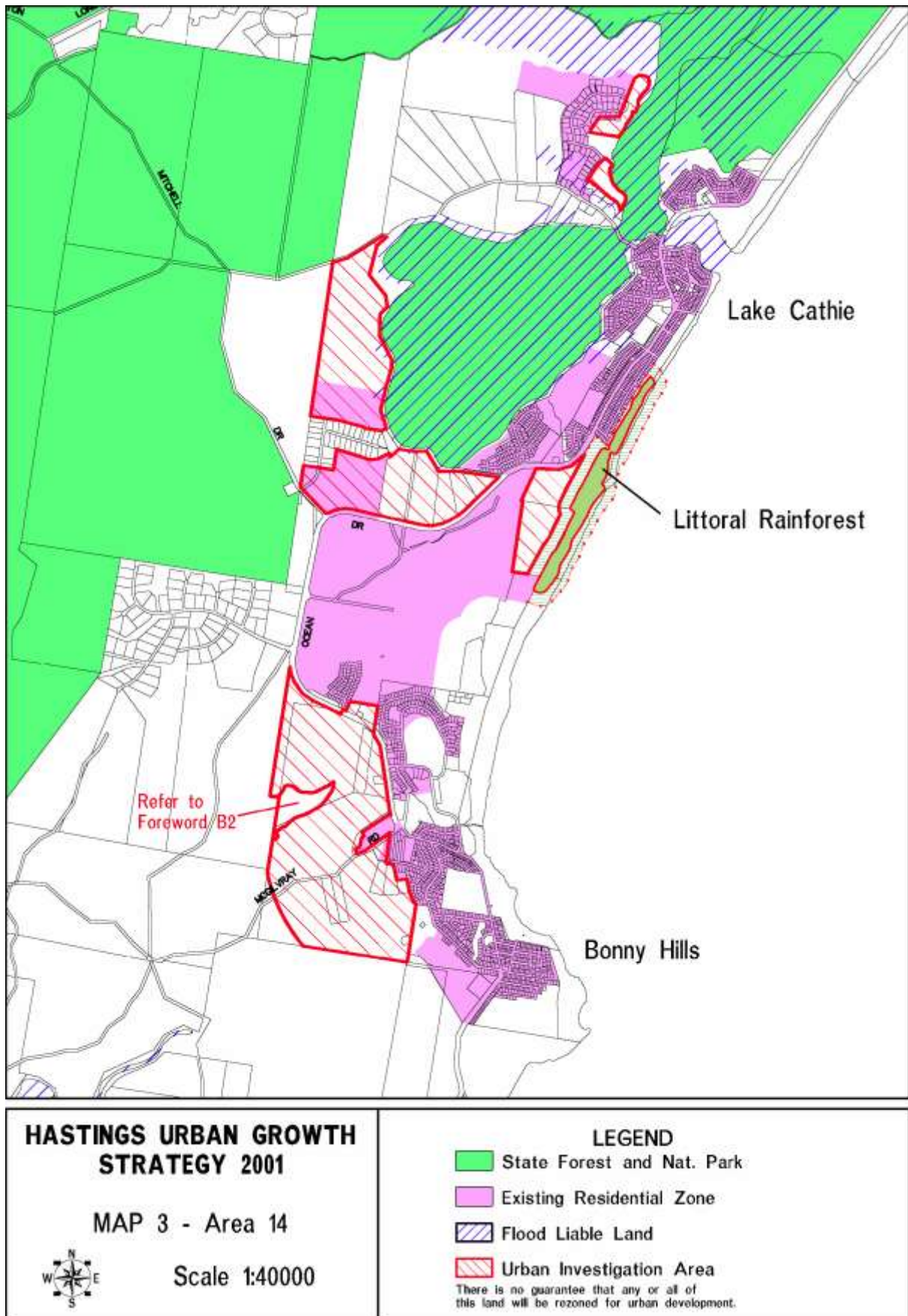


Figure 1: Hastings Urban Growth Strategy 2001.

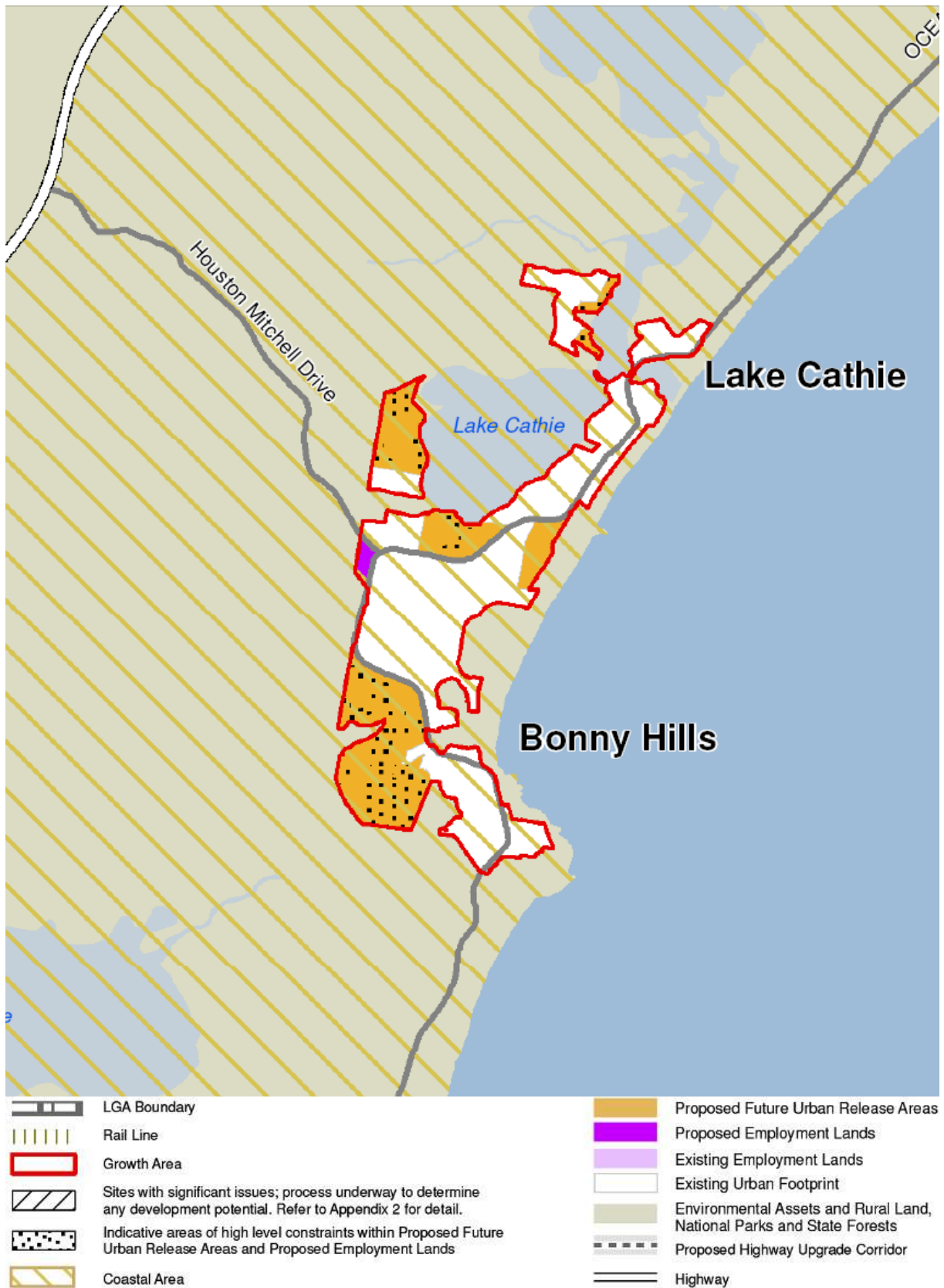


Figure 2: Extract from Mid North Coast Regional Strategy.

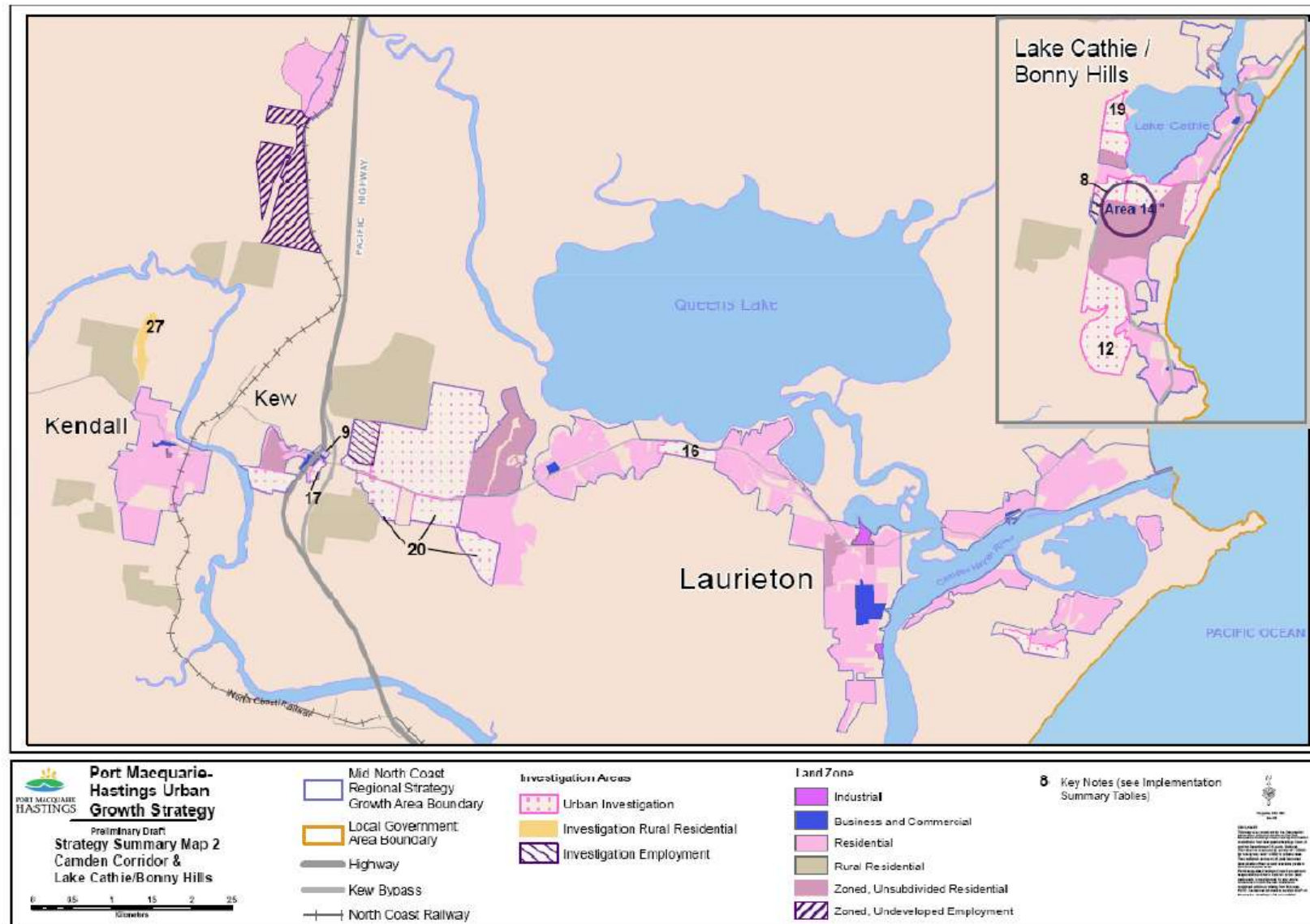


Figure 3: Extract from Draft Urban Growth Management Strategy 2010.

Is there a net community benefit?

The site, being part of the Area 14 UIA, has been included in previous investigations in relation to social impact. The proposal represents a medium scale urban development within a much broader urban community comprising the area from Lake Cathie to Bonny Hills which is forecast to house approximately 10,000 people.

The Greater Lake Cathie-Bonny Hills Master Plan 2004 prepared by Diecke Richards carried out the following investigations relevant to social impact:

- Population Growth and Community Needs (being the population characteristics, community facilities, education, childcare, sport and recreation, open space and economic needs of the area); and
- Community issues and values.

The community consultation process included design workshops which were attended by Council, the Hastings Urban Growth Strategy (HUGS) implementation committee, State Government agencies and the local community.

In addition a public meeting, the 'Community Visioning Workshop', was conducted and included representatives from the community, local organisations and the Lake Cathie and Bonny Hills Progress Association.

The workshops discussed the following issues relevant to Area 14:

- Movement – street network, public transport, pedestrian / cycle access, built form interfaces;
- Environment and heritage – fauna / flora, bushfire, Aboriginal archaeology, visual assessment, built form interfaces;
- Infrastructure – water, sewerage, soils, geotechnical, landslip, hydrology, drainage, flooding,
- Community and cultural needs – community facilities, education, retail, employment, cultural.

This process identified the significant issues for the community. In priority order these were:

1. Maintaining a village atmosphere and environmental values
2. Sensitive water management
3. Environmental management and wildlife corridors
4. Adequate infrastructure for development
5. Remedy existing infrastructure deficiencies
6. Urban/community/environment relationships
7. Integrated community centre
8. Ensure road system adequacy
9. Danger of overdevelopment

The following table provides a summary of the overall findings from the Master Plan process (Diecke Richards, 2003):

Table 1: Summary of the overall findings from the Master Plan process.

Issue	Summary
1. General	- The population of the Hastings Local Government area is expected to grow to 97,800 by 2021; - The proportion of this growth planned for Area 14 is 9,900; - The Master Plan anticipates a final population of 10,000 for Area 14.
2. Population Characteristics	The Master Plan population differs from the NSW average in the following areas: - Older age profile, with less people in the 15 – 34 age group and more in the 60+; - Significant in-migration of families and retirees with out-migration of postsecondary school young people; - There is a similar proportion of children (therefore schools are full); - Individual incomes are generally lower than for NSW as a whole.
3. Facilities	A number of community facilities will be required, some of which requiring a catchment population of 6,000 to 7,000, including: - One state and one non-government primary school; - Community / cultural branch library; - Multi-purpose community centre; - A child care centre (30 to 50 place); - Sports facilities including soccer, baseball, tennis, rugby league, cricket and netball; - Open space, including passive areas, smaller parks and buffer areas adjoining sensitive ecological areas.
4. Economic needs	Facilities which will support the development of local employment, including the following sectors: - Retail; - Tourism; - Community services; and - Business, property and financial services. The above services should include: - Specialty and supermarket shopping; - Medical and other professional services; - Library; - Community centre; - Office space; - Tourist accommodation; - Tourist related services; - Tourist related retail; The higher order retail uses should be related to community facilities and schools; It would be anticipated that 30% of employment will be created in the Master Plan area to service the day to day needs of the residential community.
5. Industrial lands	A single area with good road access will be required

Net Community Benefit (Draft Centres Policy)

The “*Guide to Preparing Planning Proposals*” refers to the Net Community Benefits Test (NCBT) developed for its Draft Centres Policy. This test is required as part of the planning proposal preparation to evaluate the net community benefit of the planning proposal.

The NCBT lists evaluation criteria that are reproduced in the table below. The proposal is assessed against each criterion and provided with an explanation and an evaluation – being ‘not applicable’; ‘negative’; ‘neutral’ or ‘positive’.

Table 2: Assessment of Net Community Benefit of the proposed rezoning in accordance with the test development as part of the Department's Draft Centres Policy.

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area.	Yes. Refer Section B.	Neutral
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. Refer Section B.	Neutral
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. The site is part of a Master Plan area within an identified Urban Investigation Area.	Neutral
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no other spot rezoning in the area. The other rezoning applications for precincts 1B and SVF are generally consistent with the Master Plan for the area.	Neutral
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No employment generating activities are proposed in the proposed rezoning area. The rezoning will not result in the loss of employment lands.	Neutral
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will provide additional housing for the Port Macquarie-Hastings and in particular the villages of Bonny Hills and Lake Cathie.	Positive
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site is serviced by a regional road – Ocean Drive and by a single bus route that connects the Camden Haven to Port Macquarie via Area 14. The development of Area 14 will require the upgrade of Ocean Drive to accommodate the additional population. This has been modelled and the proposed upgrades are represented in the Roadnet Traffic Assessment Report. The ultimate configuration of Ocean Drive will accommodate on road cycling and public transport infrastructure such as bus stops although this is not represented in the Traffic Impact Assessment. The Council is in the process of engaging a consultant to prepare a corridor plan for Ocean Drive. The additional population is likely to support the existing public transport (buses) infrastructure. Given the limited additional development in other areas along Ocean Drive such as Bonny Hills, North Haven and Laurieton it is unlikely that Ocean Drive would require upgrading in the absence of the development of Area 14. The development of Area 14 will result in the upgrading of Ocean Drive along the length of the site but will not contribute to any upgrades elsewhere on the route. The TIA does not consider the impact of the additional population at other key locations such as "Cathie Bridge" or "Cathie Straight" which is expected to need augmenting to service the additional traffic. The other significant impact on infrastructure is those facilities that are already under strain such as schools and in particular medical facilities. The development of Area 14 includes at least (1) one and perhaps (2) two schools and regional playing fields. The provision of medical facilities is an Australia-wide, regional problem. However the zoning plan will not prohibit the establishment of medical practices in Area 14 due to the provisions of the SEPP (Infrastructure).	Positive/Negative
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	A village centre is proposed within the adjacent Area 14 – SVF precinct. It is expected that this will cater for the daily needs of the local population with a supermarket, bank/s and community facilities including a library. The 'hill top' village within the 1B precinct is expected to provide convenience services such as a neighbourhood shop.	Positive

Evaluation Criteria	Evaluation	Benefit
	The higher order needs will continue to be provided by the other centres of Laurieton and Port Macquarie. Employment will continue to be provided at the larger centres although a small amount of local employment is expected. This will not result in changes to the car distance travelled but the additional population will support the existing bus service and encourage more frequent services.	
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The key government investment has been in water and sewerage infrastructure. A moratorium on development in the Lake Cathie / Bonny Hills Area has recently been lifted on the commissioning of the upgraded sewerage treatment plant. The Council has also secured an interest free loan for the installation of trunk water infrastructure. The infrastructure will be paid for by the developer.	Positive.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Detailed investigation into a range of environmental constraints including ecological, flooding, geotechnical, groundwater and geomorphological have been undertaken into account in the development of the proposed zoning layout.	Positive
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The area is part of the Urban Design Master Plan for the whole of Area 14. It is generally consistent with that plan. The existing land use is rural and low density residential. The rezoning will result in a fundamental change in built form of the area. The proposed minimum lot size is 450m² over most of the site with larger lots on the part of the site to provide for the retention of a stand of trees in that location. The maximum height over the site is 8.5m. The development of Area 14 – 1A as part of the overall Area 14 UIA will contribute to the upgrade of Ocean Drive and contribute to the provisions of regional facilities such as the playfields and coastal cycleway. This change will be interpreted by some as a positive impact and others as negative.	Negative/Positive
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	There are no retail or commercial premises proposed.	Not applicable
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?		Not applicable
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The draft Local Growth Management Strategy expects to accommodate additional population growth in the Hastings in the Wauchope-Port Macquarie Corridor (including Area 13), in Area 14, Area 15, infill sites and urban consolidation of the existing urban footprint. Area 14 – is expected to house a population of around 6000 people and therefore it is an important part of future provisions of residential land in the LGA. The implications for not proceeding at this time is negligible. Area 13 is approved (and expected to provide for around 10000 people), there are a number of infill sites and sufficient existing approved residential land to satisfy immediate and medium term housing demand for the region. The Council (and State Government) have invested significant funds in water and sewerage infrastructure to service development in Area 14, Lake Cathie and Port Macquarie. A negative impact of not proceeding at this time is the delay in paying off this infrastructure.	Neutral

Table 2 discusses the net community benefits with reference to the format set out in the Department of Planning's 'Draft Centres Policy'. The only negative impact identified is the potential impact of the increased population on the greater road network and the impact of the additional population on community infrastructure such as schools and medical facilities. Existing residents have also expressed concern about the changing characteristics of the area and the impact of increased traffic.

The remaining assessment is either neutral or positive.

It is considered that the net community benefit of the proposal is POSITIVE.

Section B - Relationship to strategic planning framework.

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Mid North Coast Regional Strategy identifies the site as a proposed future release area and existing urban footprint. The proposal to rezone the site is consistent with the objectives and actions contained within the Mid North Coast Regional Strategy.

Table 3: Summary of objectives of the Mid North Coast Regional Strategy.

Objectives	Response
Protect high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that new urban development avoids these important areas and their catchments.	The planning proposal is supported by ecological studies demonstrating the development may occur on the site with minimal adverse environmental impact. The rezoning will secure the identified ecological endangered communities (EECs) in environmental protection and management zones and provide adequate buffer to protect the SEPP 14 wetland.
Cater for a minimum housing demand of 59,600 new dwellings by 2031 to accommodate the forecast population increase of 94,000 and any anticipated growth beyond this figure arising from increased development pressures in the Region.	The proposed development will cater for additional residential development within an area identified by HUGS and the Greater Lake Cathie/Bonny Hills UDMF as being a suitable location .
Ensure that new housing meets the needs of smaller households and an ageing population by encouraging a shift in dwelling mix and type so that 60 percent of new housing is the traditional detached style and 40 percent is of multi unit style.	The rezoning will provide additional housing but unlikely to achieve the 60/40 mix in this location. The proposed rezoning is a departure from the Master Plan that proposed an area of medium density development at the "village centre" intersection. This has been justified on the basis that the that level of medium density development expected from the UDMF is significantly different from any other development in the area and it is on land that is unlikely to attract higher land value that would justify residential flat buildings. The proponent further justifies the departure by the approval of a manufactured housing estate on part of the site which, if constructed, increases the housing density in the area.
Ensure an adequate supply of land exists to support economic growth and the capacity for an additional 48,500 jobs in the Region by protecting existing commercial and employment areas and securing sufficient land to support new employment opportunities.	Not applicable.
Encourage the growth and redevelopment of the Region's four major regional centres and six major towns as a means of protecting sensitive coastal and natural environments and strengthening the economic and administrative functions of these centres as well as meeting increased density projections.	The Area 14 locality within which the site is located has been identified for future urban growth since the adoption of the Hastings Urban Growth Strategy in 2001. Area 14 is also recognised in the MNCRS as one of the major investigation areas within which growth will occur in the PMHC Local Government Area.

Objectives	Response
	This strategic plan has promoted the development of a 'village' between Lake Cathie and Bonny Hills, whilst maintaining and protecting its unique environmental features. The proposal is the culmination of detailed investigation that confirms that the site can be developed, in accordance with the strategic documents, as set out in this submission.
Protect the coast and the character of coastal villages by limiting growth to the agreed growth areas of towns and villages leaving greenbelts between settlements.	The site is located within an identified 'growth area' as identified.
Direct new rural residential development to areas close to existing settlements away from the coast.	Not applicable
Only consider additional development sites outside of growth areas if they can satisfy the Sustainability Criteria.	Not applicable
Designate a Coastal Area east of the proposed final alignment of the Pacific Highway from which application of the Sustainability Criteria will be excluded (noting that approximately 70 per cent of the future dwelling capacity identified within growth areas is already within the Coastal Area).	Not applicable
Limit development in places constrained by coastal processes, flooding, wetlands, important primary industry land and landscapes of high scenic and conservation value.	Detailed investigations of the site with regard to all site constraints have been undertaken. These studies all confirm that development of the site as described in this submission is appropriate.
Protect the cultural and Aboriginal heritage values and visual character of rural and coastal towns and villages and surrounding landscapes.	An archaeological report accompanies the planning proposal and confirms that there are no areas of significance in the proposed area and that best management practices should be applied to any physical works on the site.
Where development or rezoning increases the need for State Infrastructure, the Minister for Planning may require a contribution to the infrastructure having regard to the NSW Government State Infrastructure Strategy and equity considerations.	Appropriate infrastructure is available to the site and a draft Voluntary Planning Agreement has been prepared to ensure such is provided in a timely manner. No State Infrastructure requirements have been identified to date.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Area 14 has been formally identified as suitable for investigation for urban purposes since at least the adoption of the Hastings Urban Growth Strategy (HUGS) in 2001.

The site is specifically identified for urban purposes in the Mid North Coast Regional Strategy as Proposed Future Urban Release Area and most recently in the Draft Urban Management Strategy (Figure 3).

The proposal is consistent with Council's existing and proposed strategic plans for growth in the LGA.

Is the planning proposal consistent with applicable state environmental planning policies?

NSW Coastal Policy

The 1997 Coastal Policy is based on the four principles of ESD contained in the Intergovernmental Agreement on the Environment (IGAE) signed in 1992. These principles are:

- Conservation of biological diversity and ecological integrity. This refers to the need to conserve the variety of all life forms, especially the variety of species, and to ensure that the productivity, stability and resilience of ecosystems is maintained.
- Inter-generational equity. This requires that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations. Social equity considerations, in terms of equal access opportunities to resources, is inherent in the concept of inter-generational equity.
- Improved valuation, pricing and incentive mechanisms. This requires environmental factors, such as the value of ecosystems, polluter pays principles etc, to be incorporated into the valuation of assets and services and considered in decision making processes.
- The precautionary principle. Requires a risk averse approach to decision making. Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty is not to be used as a reason for postponing measures to prevent environmental degradation.

Being within 1 kilometre of the Pacific Ocean the Study Area is affected by “The NSW Coastal Policy – A Sustainable Future for the NSW Coast” re-released in 1997. Shortly afterwards, the Minister for Planning re-issued a Direction under Section 117 of the Environmental Planning and Assessment Act 1979 for all local councils in the coastal zone regarding the Coastal Policy 1997. In preparing a draft Local Environmental Plan (LEP), the Direction requires councils to a) include provisions that give effect to and are consistent with the NSW Coastal Policy 1997; and b) not alter, create or remove existing zonings unless a Local Environmental Study for the draft LEP has been prepared and considered by council.

The planning principles in the Policy have since been embodied more comprehensively in SEPP71, and in the draft Urban Design guidelines released by the Coastal Council in 2001. This Planning Proposal addresses the principles of Coastal Planning generally as expressed in SEPP71.

SEPP 14 – Coastal Wetlands

No permanent surface water is evident in the study area, but the seasonal high water mark in Lake Cathie may encroach onto study area.

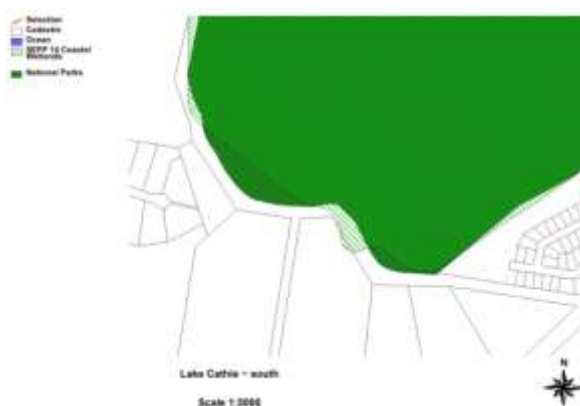


Figure 4 - SEPP14 and National Park Buffer

Lake Cathie is a designated wetland under State Environmental Planning Policy No. 14 (SEPP14), although the gazetted boundaries of the wetland do not precisely correspond with the boundaries of the National Park proclamation. (Note that only that small part of the SEPP14 area lying outside the National Park is actually subject to the provisions of SEPP14.)

The NPWS submission places a high environmental value on the peripheral habitat surrounding Lake Cathie and its role as a wetland biological filter, protecting the lake from nutrients and pollutants.

Negotiations associated with the development consent for a manufactured housing estate on Lot 5 DP594793 and Lot 4 DP255923 supports that an effective buffer between 70-80m can be achieved when the unformed crown road and the perimeter road are combined with a 30m environmental buffer. This approach may be appropriate for application elsewhere in the Stage 1A area.



Plate 1: Typical Buffer Interface between SEPP14 wetland and HUGS release area Stage 1a

SEPP 71 Coastal Protection

The subject lands are within the Coastal Zone as defined in the Coastal Protection Act 1979, and therefore affected by SEPP 71. Clause 8 of SEPP 71 sets out certain environmental matters which must be addressed in the course of preparation of a draft Local Environmental Plan, if relevant, particularly including “the means to encourage compact towns and cities.” These matters also must be addressed by this Study.

Furthermore because of the proximity to Lake Cathie, most of the subject land in is also categorised in Schedule 2 of SEPP 71 as a “Sensitive Coastal Location”, thus causing any proposed urban subdivision to be deemed “Significant Coastal Development” for which the Minister will be the consent authority.

SEPP71

8 Matters for consideration (abbreviated)

The matters for consideration when processing a draft LEP or development application are the following:

- (d) *the suitability of development given its type, location and design and its relationship with the surrounding area,*
- (e) *any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*
- (f) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*
- (g) *measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*
- (i) *existing wildlife corridors and the impact of development on these corridors,*
- (j) *the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*

- (l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*
- (m) likely impacts of development on the water quality of coastal water bodies,*
- (n) the conservation and preservation of items of heritage, archaeological or historic significance, and*
- (o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*

The proposed rezoning meets the considerations of SEPP71 – Coastal Protection.

SEPP 44 – Koala Habitat Protection

The Department of Planning has prepared guidelines to assist implementation and assessment for the purposes of SEPP 44, including those relating to the preparation of both comprehensive and individual Koala Plans of Management. According to these guidelines an Individual Plan of Management must, inter alia, address such matters as:

- an estimate of population size;
- identification of preferred feed tree species for the locality and the extent of resource available;
- an assessment of the regional distribution of koalas and the extent of alternative habitat available to compensate for that to be affected by the actions;
- identifications of linkages of Core Koala Habitat to other adjacent areas of habitat and provision of strategies to enhance and manage these corridors;
- identification of major threatening processes such as disease, clearance of habitat, road kill and dog attack which impact the population;
- provision of detailed proposals for amelioration of impacts on koala populations from any anticipated development within zones of Core Koala Habitat;
- identification of any opportunities to increase size or improve condition of existing Core Koala Habitat.

The KPOM prepared by Biolink, is comprised of two sections - Part A provides ecological data and addresses relevant issues of koala food tree preferences, population size, Potential and Core Koala Habitat. Part B provides a general discussion and interpretation of the ecological data in order to build the framework upon which management decisions should ideally be based, prior to promulgation of the KPOM's working provisions.

SEPP - Rural Lands

Clause 7 of the SEPP sets out 8 “Rural Planning Principles” that must be considered in preparing any LEP amendments affecting Rural Lands.

- a) The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- c) Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- d) In planning for rural lands, to balance the social, economic and environmental interests of the community,*
- e) The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

- f) *The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- g) *The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- h) *Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The proposal is assessed in against these principles as follows:

- The site has not been identified in any planning document, including the NSW Mid North Coast Farmland Mapping Strategy as being “prime” agricultural land or of regional significance for farming activities;
- No natural resources or areas of significant biodiversity or native vegetation would be adversely impacted by the proposal;
- The site has no forestry value or forestry industry potential;
- The site is not identified as being significant, or potentially significant in terms of its agricultural value;
- The site is within an established residential location and is surrounded by other urban, non-rural land-uses;
- The proposed to apply a residential zoning is consistent with the Mid North Coast Regional Strategy 2009.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant Section 117 Directions are referred to below:

S117(2) Direction – title & objectives	Draft LEP consistency – Council comments
1. Employment and Resources	
1.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	NOT APPLICABLE There are no business or commercial zones proposed within the Area 14 – 1A investigation area.
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	INCONSISTENT The proposed rezoning is supported by the Mid North Coast Regional Strategy identified as Proposed Future Urban Release Area and Existing Urban Footprint. The site is identified as Proposed Urban Area and Existing Urban Footprint in the Mid North Coast Farmland Mapping Project. The site's proximity to existing urban areas and the site's isolation from other rural land undermines it's rural potential. A detailed Local Environmental Study accompanies the application to rezone the land and supports its use for urban (and environmental) purposes.
1.3 Mining, Petroleum Production and Extractive Industries The objective of this direction is 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.	NOT APPLICABLE There are no mining, petroleum production and extractive industries identified in the immediate area.

S117(2) Direction – title & objectives	Draft LEP consistency – Council comments
1.4 Oyster Aquaculture The objectives of this direction are: (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a draft LEP, (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	NOT APPLICABLE The site will not affect a Priority Oyster Aquaculture Area (POAA). The catchment drains to Lake Cathie and to Duchess Creek. Neither of these are identified as POAAs.
1.5 Rural Lands The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	INCONSISTENT The proposed rezoning is supported by the Mid North Coast Regional Strategy identified as Proposed Future Urban Release Area and Existing Urban Footprint. The site is identified as Proposed Urban Area and Existing Urban Footprint in the Mid North Coast Farmland Mapping Project. The site's proximity to existing urban areas and the site's isolation from other rural land undermines its rural potential. A detailed Local Environmental Study accompanies the application to rezone the land and supports its use for urban (and environmental) purposes.
2. Environment and Heritage	
2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	CONSISTENT A detailed Local Environmental Study accompanies the application. The LES addresses a range of environmental issues supported by; 1. An Review of Environmental Factors prepared by Biolink. The report has identified the environmental assets on the site and with reference to the surrounding environmental lands such as Queens Lake State Forest and the Lake Cathie Lake Innes System. The report recommends mechanisms to ensure their protection. This proposed zoning plan and LEP responds to these requirements by provided environmental zones over those assets and providing these with appropriate buffers. The LES is also supported by a Urban Design Master Plan that addresses wider environmental issues throughout the Area 14 Urban Release Area. The Master Plan includes: • An Ecological Overview of the Area 14 Master Planning Area. • An Aboriginal Heritage Assessment prepared by Jacqueline Collins. • An Engineering Report prepared by Ardill Payne. The proposed zoning plan provides for: • Corridors. • The maintenance of Core Koala Habitat. • Protection of EECs. The Master Plan and the LES support the proposed zoning plan.
2.2 Coastal Protection The objective of this direction is to implement the principles in the NSW Coastal Policy.	CONSISTENT As Council is in the process of finalising its draft LEP 2010 the accompanying pending LEP has been drafted to be consistent with this instrument. The draft Port Macquarie-Hastings LEP 2010 contains clause 5.5 <i>Development within</i>

S117(2) Direction – title & objectives	Draft LEP consistency – Council comments
	<i>the coastal zone</i> which is compulsory and gives effect to: (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and (b) the Coastal Design Guidelines 2003, and (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990). The LES and Master Plan that accompanies the proposed rezoning provides an assessment against: • The NSW Coastal Policy • SEPP71 • Coastal Design Guidelines • Mid North Coast Regional Strategy
2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	CONSISTENT An archaeological report accompanies the LES for the site. Whilst not indentifying any particular sites or artefacts of significance within the study area, the report nominates appropriate 'best practice' principles for pursuing any subsequent disturbance and redevelopment of the study area. The landscape has been considerably modified since European occupation, primarily by clearing, draining and pasture establishment for the purposes of agriculture. Generally there are few structures on the study site. Fencing is common post and wire, with steel droppers and has little heritage significance.
2.4 Recreation Vehicle Areas The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	NOT APPLICABLE
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	CONSISTENT The site is identified in the Mid North Coast Regional Strategy as suitable for urban development. The Master Plan dwelling yield is based on 15 dwellings/per hectare for the general residential area and 25 dwellings per hectare for the medium density / tourist area. The lot yield was expected to be 334 on that basis. However, the proposed zoning plan omits any higher density residential zones and the resulting lot yield has been reduced to around 221 dwellings that are now expected. Whilst the reduction in dwelling density in Area 1A is not optimal it is within the identified future urban footprint. In the greater Area 14 precinct there are expected to be areas of higher density where land prices are higher, around the town centres and along the coast.
3.2 Caravan Parks and Manufactured Home Estates The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	CONSISTENT The proposed zoning pattern will allow for a manufactured housing estate or caravan park to be considered in the precinct. There is an approved manufactured housing estate for Lots 4 DP255923 and 5 DP594793.
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	CONSISTENT Home based child care and home occupations are permitted without consent in the R1 – General Residential Zone.

S117(2) Direction – title & objectives	Draft LEP consistency – Council comments
3.4 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	INCONSISTENT The proposed development will not encourage the use of public transport being a low density development isolated from the major town centres. Jobs and services are unlikely to be available in the immediate, 'walkable' area for sometime. A town centre is proposed in the precinct opposite this site and there is a small industrial area proposed south of Houston Mitchell Drive however these are unlikely to generate significant employment. The proposed "village centre" when constructed may reduce the number of convenience trips but it is unlikely to reduce dependence on cars as the population's higher order needs will not be available in the area. There are linkages and good quality walking and cycling infrastructure proposed throughout the development area that integrates into the adjoining area. This will provide at least a recreational route to Lake Cathie and possibly replace some local trips. The upgraded Ocean Drive corridor is also expected to include a shared cycle / walkway consistent with other infrastructure along that route. The ultimate configuration of Ocean Drive will also include a dedicated on-street cycle lane which will provide for both commuter and recreational on street cyclists. Bus services currently service the area and bus stops will be provided along Ocean Drive as demand requires. There is little benefit in providing internalised bus services through the Area 14 - 1A at this point as the majority of the site is within 400m of the Ocean Drive corridor and the increased journey time would outweigh the benefits of the small area of additional service. The proposed rezoning has no implications for freight.
3.5 Development Near Licensed Aerodromes The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	NOT APPLICABLE
4. Hazards and Risk	
4.1 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	CONSISTENT The draft LEP contains provisions to address the ASS risk on the site. Refer clause 7.11.
4.2 Mine Subsidence and Unstable Land The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	NOT APPLICABLE
4.3 Flood Prone Land The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and (b) to 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.	CONSISTENT Part of site is flood affected and within the designated Flood Planning Area. A flood impact assessment accompanies the application and demonstrates that filling the affected area will not have a significant impact on flood storage of the system. The existing levels have been set by a flood study for Lake Cathie Lake Innes prepared in 1984. The study does not consider the effect of climate change, associated sea level rise (SLR) and the impacts SLR will have on the interaction

S117(2) Direction – title & objectives	Draft LEP consistency – Council comments
	with the berm at the lake entrance / ocean interface. In the absence of a comprehensive, updated flood study Council has agreed to an alternative approach to ensuring flood immunity for future development and infrastructure. The alternative assumes a closed lake with a berm height of 2.6mAHD and adds 900mm allowance for SLR in accordance with NSW government policy benchmarks for sea level rise. This results in a 100 year flood level of 3.5mAHD. A freeboard level of 500mm will result in a FPL of 4.0mAHD. The LEP contains provisions to address development on flood affected land. Refer clause 7.2.
4.4 Planning for Bushfire Protection The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	CONSISTENT The site is affected by bushfire. An indicative lot layout proposes to achieve protection through the use of perimeter roads and building setbacks. Any development on the site will be required to demonstrate adequate protection in accordance with clause 5.11.
5. Regional Planning	
5.1 Implementation of Regional Strategies The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	CONSISTENT The area is nominated as Proposed Future Urban Release Area in the Mid North Coast Regional Strategy.
5.2 Sydney Drinking Water Catchments	NOT APPLICABLE
5.3 Farmland of State and Regional Significance on the NSW Far North Coast The objectives of this direction are: (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.	The proposed rezoning is supported by the Mid North Coast Regional Strategy identified as Proposed Future Urban Release Area and Existing Urban Footprint. The site is identified as Proposed Urban Area and Existing Urban Footprint in the Mid North Coast Farmland Mapping Project. The site's proximity to existing urban areas and the site's isolation from other rural land undermines it's rural potential. A detailed Local Environmental Study accompanies the application to rezone the land and supports its use for urban (and environmental) purposes.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast The objectives for managing commercial and retail development along the Pacific Highway are: (a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route; (b) to prevent inappropriate development fronting the highway (c) to protect public expenditure invested in the Pacific Highway, (d) to protect and improve highway safety and highway efficiency, (e) to provide for the food, vehicle service and rest needs of travellers on the highway, and (f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.	NOT APPLICABLE
5.8 Second Sydney Airport: Badgerys Creek	NOT APPLICABLE
6. Local Plan Making	
6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP	CONSISTENT

S117(2) Direction – title & objectives	Draft LEP consistency – Council comments
provisions encourage the efficient and appropriate assessment of development.	The draft Port Macquarie-Hastings (Area 14 – 1A) pending LEP is based on the Standard Instrument LEP. The draft LEP is therefore consistent with this direction.
6.2 Reserving Land for Public Purposes The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	CONSISTENT The proposal does not propose to reduce any public land.
6.3 Site Specific Requirements The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	NOT CONSISTENT

Section C - Environmental, social and economic impact.

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?

Council's in NSW are required by the *Environmental Planning and Assessment Act, 1979*, (EP&AA) to consider, conserve and encourage biodiversity. Section 5 of the Act states:

Section 5

The objects of this Act are:

(a) to encourage:

.....

(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and

(vii) ecologically sustainable development

Ecologically Sustainable Development is defined for NSW legislative purposes in the *Protection of the Environment Administration Act 1991 - Section 6*. Briefly it is founded on the precautionary principle, inter-generational equity, and conservation of biodiversity and ecological integrity.

In this context, biodiversity means the variability among living organisms from all sources (including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part) and includes diversity within and between species and the diversity of ecosystems. (Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.)

Accordingly any proposed alteration to the natural environment must demonstrate due consideration of the above principles.

Biolink Pty Ltd prepared the Ecological Study for the UDMP area and a 'review of environmental factors'¹ for the Area 14- 14.

Previous Disturbance

The study area has been subject to modification through various historical land uses including logging, agriculture, and urban development. As a consequence of these activities, the natural environment has been altered quite dramatically, the end result measurable in terms of cleared areas of land, habitat fragmentation, the disruption of natural ecological processes and an increased frequency in the use of fire as a land management tool.

Nevertheless there are remnants of significant vegetation, some of which constitutes important habitat for native fauna.

Flora

Notwithstanding the fact that the greater proportion of the area is cleared, unmapped stands of native vegetation remain. In the south-western corner, a remnant of Dry Sclerophyll Forest persists, the community dominated by Grey Gum *E. propinqua* growing in association with Northern Grey Ironbark *E. siderophloia*, Tallowwood *E. microcorys* and Broad-leaved White Mahogany *E. carnea*. At the south-eastern periphery of the existing residential area, a linear strip of vegetation comprising Forest Red Gum *E. tereticornis*, Broad-leaved paperbark *Melaleuca quinquenervia* and Swamp Oak *Casuarina glauca* also forms a narrow riparian community immediately behind residential dwellings, this community abutting an area of regrowth *C. glauca* forest that extends to the southeast. Some hollow-bearing trees occur in the former area.



Figure 5 - Identified Vegetation Communities - Biolink



Figure 6 – Endangered Ecological Communities - Biolink

Towards the north of Area 1A a narrow strip of vegetation buffers a drainage line that links the Queens Lake State Forest in the west to Lake Innes Nature Reserve and associated SEPP 14 Wetland No. 509. Old growth attributes exist here also, specifically in the form of hollow-bearing *E. tereticornis*.

¹ This is not a reference to a Review of Environmental Factors under Part 5 of the Environmental Planning and Assessment Act.

The eastern and northern parts of the LES area adjoining Lake Innes Nature Reserve support vegetation communities largely dominated by *Melaleuca quinquenervia*, often growing in association with eucalypts such as Swamp Mahogany *E. robusta*. Elsewhere within the LES area, native vegetation persists in the form of smaller stands and scattered paddock trees, notable amongst which are some large, mature Tallowwoods on Lot 4 DP255923. The floristic structure of this latter community has been embellished by plantings over time, making any categorisation (in terms of native vegetation communities) problematical, as - in contrast - does the small size of some remaining patches of native vegetation by virtue of their simplified floristics and structure.

The 'Wildlife Atlas' database search provided records for 9 threatened plant species within the prescribed search area, accounts of which are detailed in the associated report by Biolink (2003). No plant species listed on Schedules 1 and 2 of the TSC Act were detected within the LES area during the course of the assessment.

Endangered Ecological Communities (EECs)

During 2005, the NSW Scientific Committee made a number of final determinations regarding vegetation communities on coastal floodplains. While there is confusion in some quarters regarding on-ground delineation of these communities, both the literature and the determinations themselves advocate a "weight of evidence" approach rather than reliance upon a single criteria such as the 1:100 flood line (Preston and Adams 2004, 2004a; David Keith pers comm.). Accordingly, the following EECs were deemed to be present within the LES area:

- Swamp Oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions.
- Swamp Sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions.

The locations of these EECs within the LES area are illustrated in Figure 6 and present a number of issues for consideration, not the least of which is the need for effective buffering to both assist maintenance of essential ecological processes and minimise the potential for exogenous disturbances to negatively impact upon perceived conservation and/or ecological values. Unfortunately, there is little data on the optimal widths of such buffers and because of this they have the potential to become contentious in the context of land use planning studies such as this. In order to avoid this, we have based our recommendations on a number of Australian and overseas studies (Newbold et al 1980; Culp and Davies 1983; Clinnick 1985 and Noel et al 1986) in order to provide a scientific basis for some of the measures we propose. In essence, buffer strips less than 30m in width have been shown to have a deleterious impact on macro-invertebrates; given that this particular taxon serves an important ecological role in terms of both nutrient recycling and food chain structure, they serve as a useful benchmark when striving for an ecologically sustainable development standard.

Notwithstanding the above, there remain a number of small and/or isolated and/or linear fragments of vegetation that arguably conform to the EEC classifications but whose effective conservation and management in the long term is likely to be problematical, simply because of edge effects. For such patches we suggest a merit based approach, advocating retention and embellishment where they are associated with clearly defined hydrological features such as drainage lines. Elsewhere, we consider it unlikely that a Sec. 5A assessment would determine that further modification and/or removal of these communities would likely require an SIS to be prepared.

Fauna

The 'Wildlife Atlas' database search provided records for 17 threatened fauna species within the prescribed search area, details of which have been outlined in the preceding report. The history of land use and largely fragmented vegetation of the LES area render it of diminished importance (at this point in time) to some of the species listed above while key habitat attributes essentially rule out the presence of others. Nonetheless, we did record Glossy Black Cockatoo, Black-necked Stork, Square-tailed Kites and Koalas within the LES area, while habitat attributes such as ephemeral watercourses and hollow bearing trees suggest that the potential presence of other species such as the Wallum froglet, Little Bent-wing Bat and Greater Broad-nosed Bat cannot be readily discounted. Such considerations warrant a precautionary approach for planning purposes, including the adoption of generic measures intended to minimise the potential for negative impacts on threatened species known or otherwise considered likely to utilise the general area.

For purposes of the TSC Act, the LES area does not contain any listed critical fauna habitat or endangered fauna populations.

SEPP 44 (Koala Habitat Protection)

State Environmental Planning Policy No. 44 (SEPP 44) commenced on the 13th February 1995, its aim 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 by:

- requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; and
- encouraging the identification of areas of core koala habitat; and
- encouraging the inclusion of areas of core koala habitat in environment protection zones.

The Hastings Local Government Area is listed in Schedule 1 of the policy as lands to which the policy applies. The LES area is larger than one hectare and is thus subject to Part 2 (Development Control of Koala Habitats).

Biolink prepared a Koala Plan of Management for the Area 14 Master Planning Area. An updated KPOM was finalised in November 2009.

The KPOM is available as supporting material to this Planning Proposal.

Section D - State and Commonwealth interests.

Is there adequate public infrastructure for the planning proposal?

The key infrastructure issues are identified as follows;

Road Network

Although a road network will not be approved as part of this rezoning application an indicative lot layout and road network has been provided as part of the Area 14 – Master Plan. The road layout will be proposed as part of any future subdivision application for the site.

The Area 14 – Master Plan street pattern is highly interconnected for efficiency, yet controls traffic speeds and 'rat-run' opportunities sufficiently to deter use of the new neighbourhood

streets by Ocean Drive through-traffic. A strong emphasis is placed on provision of attractive bikeways, footpaths, and walking trails having a high level of user amenity and convenience. Where possible, pedestrian links to adjoining neighbourhoods should be provided.

The principles of sustainable transport planning are well accepted based on compact walkable neighbourhoods defined loosely by the 400m/5 minute walk.

The current geometric design speed of Ocean Drive is quite high, and it therefore remains an adequate alignment for the foreseeable future. The traffic impact from the development and other growth has been modelled in a report prepared by Roadnet. That report provides a list of recommended upgrades to the carriageway and key intersections. These upgrades will be undertaken as required.

Water Supply

The Lake Cathie/Bonny Hills Area is supplied either directly by the 450 mm diameter Camden Haven trunk main or from reservoirs supplied by the same trunk main. The water source is the Hastings River via the Port Macquarie Off-Creek Storage Dam.

This trunk main in addition to serving the Lake Cathie/Bonny Hills area also provides water to communities south to Camden Haven and inland to Kendall. This 450mm diameter trunk main can supply approximately 15 ML/day under gravity flow conditions from the Transit Hill reservoir in Port Macquarie.

Bonny Hills and the completed early stages of the Area 14 development in the northern part of Bonny Hills including the Ocean Woods estate is serviced from the Grants Head reservoir and no additional water demand from Area 14 can be placed upon this system.

There is limited further capacity in the Camden Haven trunk main. As an interim measure, the existing system [as at March 2009] can supply an additional 400ET and 100ET at locations shown on Figure 15 Area 14 Interim Water Supply Strategy.

Council recently gained an Interest Free Loan from the NSW State Government to construct various trunk mains to enable Area 14, including the Area 14 - Stage 1A area, to be serviced by the new 13 megalitre Bonny Hills reservoir. The works are proposed to be completed by July 2011.

Sewerage

Council has recently upgraded the Lake Cathie / Bonny Hills STP. The moratorium that was in place was lifted in May 2010.

The upgraded STP improves the quality of the effluent discharged from the treatment plant. The upgrade also includes the construction of two pipelines which will transfer the treated effluent to the Kew/Kendall STP and the Port Macquarie Golf Club rather than discharging to the sand dunes.

The preliminary concept plans for servicing Area 14 have been submitted to council by consultants on behalf of the various land owners. The strategies indicate that a conventional gravity collection system drainage to a pumping station will be appropriate. The sewage will be transferred to a major regional pumping station which in turn will pump to the STP. Council has given in principle support to the preliminary strategies.

The Study's recommendations have been framed accordingly.

Energy, Communications

The existing residential areas and surrounding rural areas are serviced by Country Energy and Telstra for power and telephone services respectively.

Both power and telephone services will require augmentation to cater for an expanded population consistent with normal processes required of any urbanisation of vacant land.

The provision of these services is not deemed to preclude development of the study area.

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

Government Agency Consultation

As this rezoning application begun under the previous provisions of the Act, consultation with relevant agencies has previously been undertaken.

A copy of their correspondence is included in the attached Local Environmental Study and summarised below:

Table 4: Summary of agency consultation issues and requirements.

Agency	Issues / Requirements
NPWS	Buffer to L. Cathie NP of 50m –100m with restricted public access.
	Protect old growth tallow-wood stands.
	Provide wildlife corridors 250m wide between Queens Lake State Forest and Lake Cathie and the SEPP44 zone.
EPA	Refers to former Lake Cathie garbage depot. Not located within study area.
NSWCC	Green belt separation between L. Cathie & Bonny Hills.
	Habitat linkages lake – forest – coast.
NSW RFS	Draft LEP to have regard for Planning for Bushfire Protection, s 117(2) Direction 4.4.
NSW Dept of Lands	Crown road reserve abutting northern boundary of Lot 1 DP 255923 should be retained for future urban expansion. May be utilised for future road network or considered for closure.
DEPT MIN RESOURCES	NIL
NSW DEPT HEALTH	Adequate road linkages to Port Macquarie hospitals.
	Community Health centre site in LC-BH.
	Medical centre site in LC-BH Master Plan.
	Footpaths & Cycleways for public health.
	Hygiene controls on re-use of wastewater.
	WS&S provision.
NSW DET	NIL

It is considered that these issues have been addressed in the refinement of the Area 14 Master Plan and the preparation of the Local Environmental Study and the propose zoning plan.

Part 4 – Community Consultation

The proposal is not considered to be LOW IMPACT. Therefore an exhibition period of 28 days is considered appropriate.

Consultation in accordance with the Council's Public Consultation Policy is proposed for the site. The proposed consultation strategy for this proposal will be:

- Exhibition in a locally circulating newspaper.
- Notification of those landowners adjoining the site.

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Attachment 1: Lake Cathie – Bonny Hills Local Environmental Study

Attachment 2: Area 14 – Urban Design Master Plan

Attachment 3: Draft Standard Instrument

Attachment 4: Draft LEP Maps