

PLANNING & ENVIRONMENTAL SERVICES

ATTACHMENT A

**PES - PLANNING PROPOSAL: GROUP 1
AMENDMENTS TO GREAT LAKES LEP 2014**

ORDINARY MEETING

8 JUNE 2016

Amended Planning Proposal

Draft General Amendments to Great Lakes Local Environmental Plan 2014 (Grouped General Amendments No. 1)

Prepared by:

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Version 4 / Date 5 May 2016

Version	Purpose of Document	Author	Date
1	For Gateway Determination	RU	
2	Editorial amendments Clause 4.1A	JD	11 August 2015
3	Minor editorial amendments and changes to reflect Gateway Determination issued 27 August 2015	RU	10 September 2015
4	Amendments in response to public and agency submissions received during exhibition Reduced lot size provisions for Smiths Lake RU5 Village zone removed	AM	5 May 2016

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Background

This Planning Proposal outlines a number of minor draft amendments to *Great Lakes Local Environmental Plan 2014* (GLLEP 2014).

The Planning Proposal has been prepared by Mid-Coast Council in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment (DP&E) Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The Planning Proposal outlines the effect of, and justification for the changes to existing planning controls under GLLEP 2014. The aim of the Planning Proposal is to facilitate the following matters:

1. Boundary realignments – to allow for minor boundary adjustments to existing lots, where one or both lots do not meet the minimum lot size for that zone. Boundary realignments will not result in any additional lots, or opportunity for additional lots, dwellings or opportunities for additional dwellings.
2. Minimum lot size for certain land in split zones – to allow for the subdivision of land which has two zones, where the resulting lot/s do not meet the minimum lot size requirement for that zone (despite any other provisions of GLLEP 2014 the resulting lot/s shall have permissibility for a dwelling with consent).
3. Amendments to existing clause: Ecological protection subdivision – to allow a development lot, created as part of an ecological offset subdivision, in an unsewered area to have a minimum area of 1 hectare instead of 2 hectares (despite any other provisions of GLLEP 2014 the resulting lot/s shall have permissibility for a dwelling with consent).
4. Amendments to clause 4.1A Exceptions to minimum lot sizes for certain residential development - to allow a minimum lot size down to 500sqm on land within the RU5 Village Zone of Smiths Lake, where a single application is lodged to subdivide land and construct one or more dwellings.

During the public exhibition period significant objections to Item 4 were received from the NSW Rural Fire Service (NSW RFS) and Smiths Lake community members.

In addition, it was identified that the state-wide standard *Clause 4.6 Exceptions to development standards* in Great Lakes LEP 2014, does not place stringent restrictions upon subdivisions within the Zone RU5 Village zone. In this regard it is noted that, applications to subdivide in any RU5 Village zone can already propose allotments less than the mapped Minimum Lot Size in Great Lakes LEP 2014 and be subject to a merit-based assessment in accordance with the existing requirements of Clause 4.6.

Therefore, in consideration of the provisions of *Clause 4.6 Exceptions to development standards*, matters raised in public submissions and the unresolved concerns of NSW RFS this component has been removed from this Amended version of the Planning Proposal.

Further information on the submissions and changes to the Planning Proposal are documented within Part 5 Community Consultation of this document. Relevant Council meeting reports and minutes are available at www.greatlakes.nsw.gov.au/Council/Minutes-Agendas.

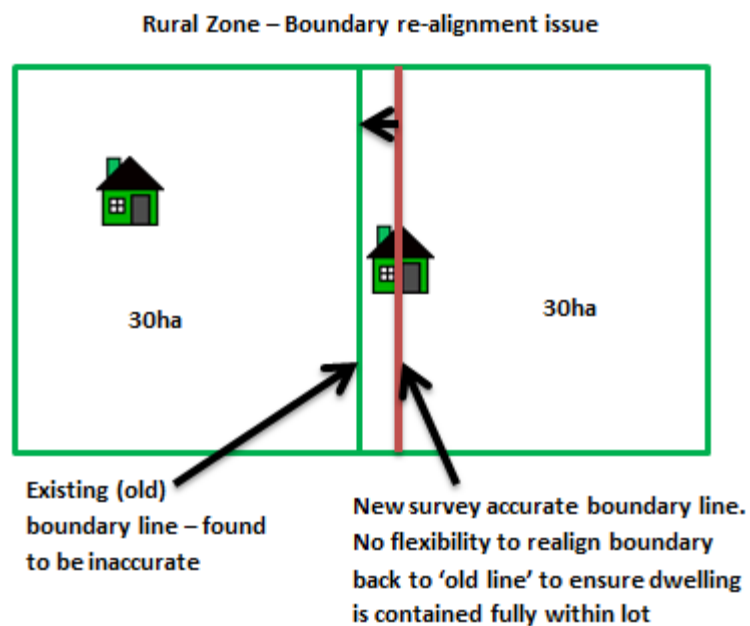
Boundary realignment

Council can consider certain boundary realignment applications under Clause 4.6 of GLLEP 2014 and "minor boundary realignments" under the *State Environmental Planning Policy Exempt & Complying Development 2008* (Code SEPP). However, the provisions of Clause 4.6 and the Code SEPP are generally restricted to allotments that can satisfy the minimum lot size provisions in the specified zone.

Under provisions of GLLEP 2014 consent can no longer be granted to subdivisions where more than one lot is less than the minimum standard or where any proposed lot is less than 90% of the standard (in the case of RU2 Rural Landscape, less than 36ha).

Since GLLEP 2014 has come into effect Council has encountered situations where reasonable variations to the lot size have been proposed but these cannot be approved because the variation is greater than that permitted.

The need for Council to enable boundary realignments under certain circumstances where one or both lots do not meet the minimum lot size is based on the need to facilitate sound planning outcomes. For example, in a rural zone a boundary alignment is sought to where one or both lots are undersized. The realignment may be sought for a variety of reasons such as improved access, compliance with recently surveyed lot boundaries indicating encroachment of house or garage onto adjoining allotment etc. Flexibility is sought in these types of scenarios to enable boundary realignments which have planning merit, but will not result in any additional lots or dwelling entitlements.



Such variations as depicted above have planning merit and would have been possible, with the concurrence of the Department of Planning and Environment (DP&E) under the old Great Lakes LEP 1996 but are not possible under the provisions of GLLEP 2014.

Additional flexibility is therefore sought through an amendment to Clause 4.6 to allow subdivision (boundary adjustments) in all land use zones contained within GLLEP 2014 (see below) where one or both lots do not meet the minimum lots size. Where existing lots have a dwelling entitlement, the entitlement should remain following the boundary adjustment.

As indicated above it is proposed that the boundary alignment clause will apply to all land use zones within GLLEP 2014.

Importantly, the intent of the boundary realignment clause is not to permit any additional lots or dwelling entitlements other than those that already exist.

Minimum lot size for split zones

Under the provisions of GLLEP 2014 Council cannot allow the subdivision of an existing allotment which has split zones unless the resulting allotments have an area which complies with the minimum lot size for each corresponding zone.

Council has encountered a number of situations where the subdivision of existing allotments in split zones has merit and would result in a desirable planning outcome. However, under GLLEP 2014 this would not be permissible.

For example: there are lots adjoining most villages in the Great Lakes that contain small areas of RU5 Village Zone with the balance zoned RU2 Rural Landscape Zone. The proposed clause would allow for the separation of the allotment along the zone boundary so that additional village lots could be created in an area already zoned for this purpose.

In the example given below, the residue lot would contain an area of RU5 Village Zone which meets the minimum lot size for this zone (1000sqm) while the remaining RU2 Rural Landscape Zone land is less than the minimum lot size for this zone (40 hectares). The residue RU2 Rural Landscape Zone land would be fully contained in one allotment. The following figures provide a visual representation.

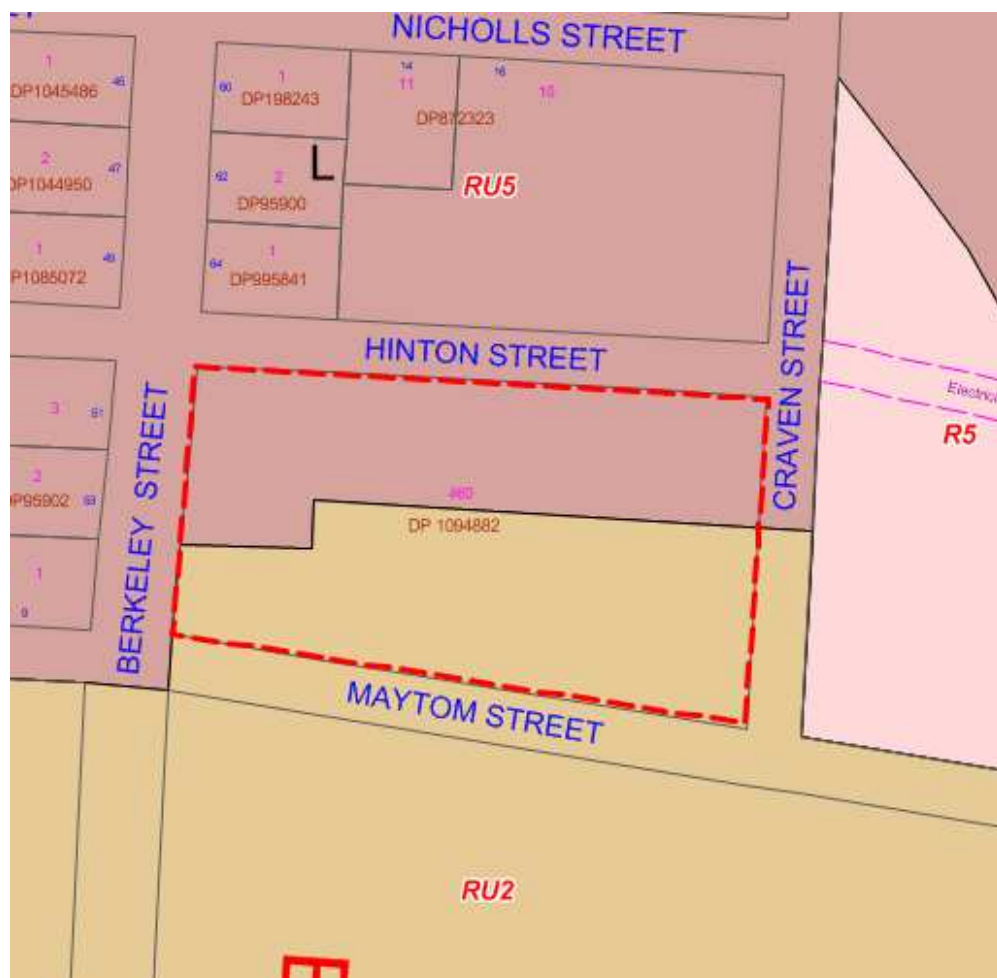


Figure 1: Example of allotment where split zone issue exists

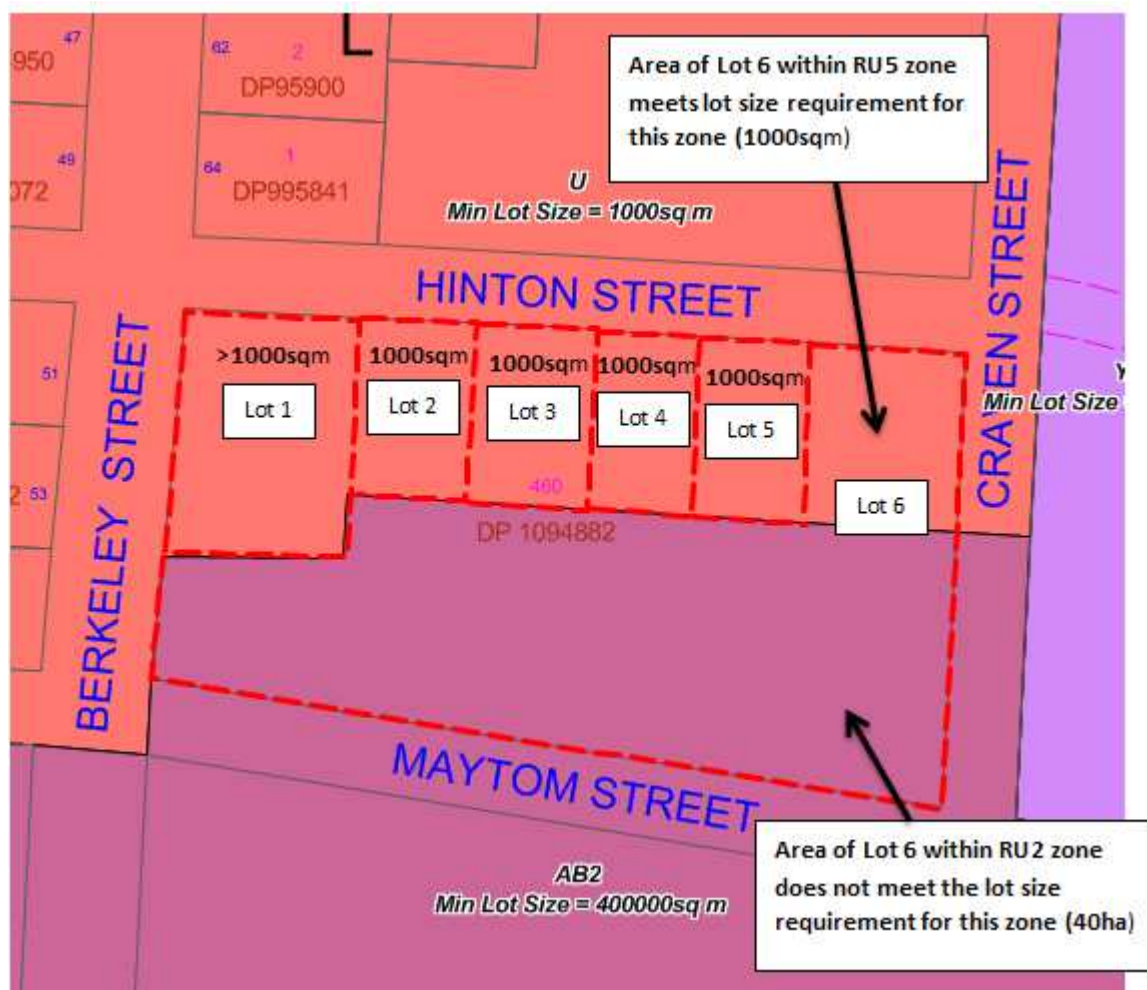


Figure 2: Possible subdivision scenario using proposed clause (note: subdivision scenario & lot sizes are not accurate and are indicative only. This example has been provided only as an example of potential clause use only).

Ecological protection subdivision

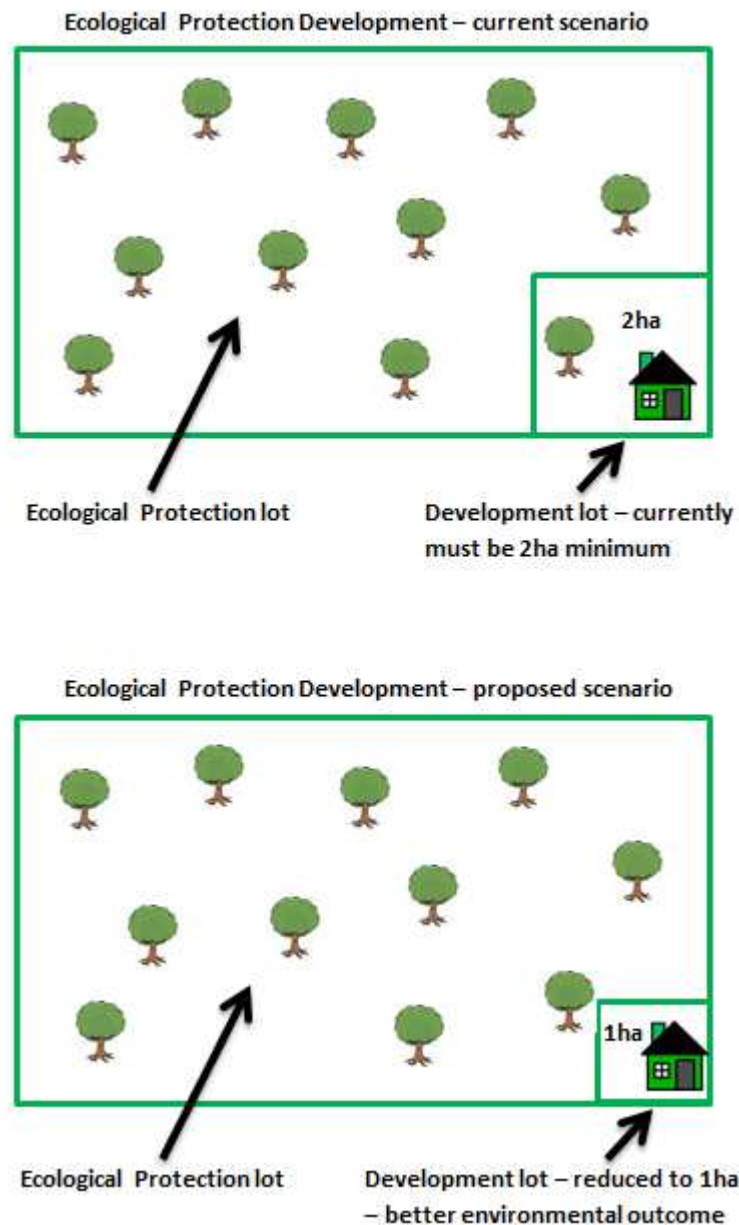
Clause 4.1B of GLLEP 2014 enables subdivision where the primary outcome is the creation of a significant ecological protection lot plus other smaller development allotments. Under the current clause, the resultant development lot/s must have a minimum lot size of 2 hectare for lots that cannot be serviced by reticulated sewerage and 1 hectare for lots that can be serviced.

Council has recently entered into preliminary discussions with land owners seeking to utilise the provisions of this clause to facilitate significant environmental outcomes and two issues have been identified:

- The 2 hectare minimum lot size requirement may be excessive for lots not connected to a sewage reticulation system and as a consequence, may not result in the best environmental protection outcome; and
- There is no provision to allow a dwelling to be erected on the development lot/s once the subdivision has been approved.

This Planning Proposal therefore proposes that existing clause 4.1B of GLLEP 2014 be amended to enable subdivision where the resulting development lot/s, regardless of whether they can be connected to reticulated sewerage, have a minimum lot size of 1 hectare and a dwelling entitlement.

The reduction from 2 hectares to 1 hectare for the resulting development lot is based on significant improvements to wastewater treatment systems since the original clause was developed. Treatment systems have developed significantly since this time enabling them to achieve high performance levels on sites with size, soil, groundwater and landscape limitations. New and improved technologies are based on defining the performance requirements of the system, characterizing wastewater flow and pollutant loads, evaluating site conditions, defining performance and design boundaries, and selecting a system design that addresses these factors. The following diagram illustrates the use of the proposed clause.



Council considers a reduction from 2 hectares to 1 hectare for the development lot in these scenario's reasonable based on the improvements to wastewater treatment systems. Further, the reduction will facilitate better environmental outcomes by potentially allowing more land to be set aside for ecological protection purposes.

Ensuring the ecological protection clause is workable in its current form is vital in order for Council to negotiate with land owners to achieve the best environmental outcomes.

Amendments to Clause 4.1A to include Smiths Lake RU5 Village Zone

The main issue associated with subdivision on steep land is that it increases the development potential of an allotment. In turn, this increases the impact of future buildings and structures by way of earthworks, tree and vegetation removal, stormwater management (runoff and quality) and poor relationships between dwellings (visual impact, view sharing and overshadowing). For this reason, Council has recently increased the minimum lot size for the RU5 Village Zone at Smiths Lake to 1000sqm under a separate Planning Proposal.

During the public consultation phase of the previous Planning Proposal to increase the minimum lot size for the RU5 Village Zone at Smiths Lake, submissions were received from the owners of two greenfield Master Planned sites, which requested flexibility for the creation of lots less than 1000sqm. In response, the lot size map was amended for one of the sites (the Tropic Gardens Road site) to include a smaller lot size on those parts of the site with a slope less than 20%. In addition, Council proposed to seek an amendment to clause 4.1A of GLLEP 2014 to allow consideration to be given to subdivision down to 500sqm at Smiths Lake where a single application is lodged for subdivision and the associated residential structures. Upon advice from the Department of Planning and Environment, the proposed amendment to Clause 4.1A was incorporated into this Planning Proposal.

Clause 4.1A Exceptions to minimum lot sizes for certain residential development was incorporated into GLLEP 2014 in order to preserve the ability for Council to give consideration to the creation of lots smaller than the minimum lot size, within the new planning assessment framework of one Local Environmental Plan and one Development Control Plan (DCP). A smaller lot size can only be considered if it forms part of a single development application for subdivision and the associated residential structures.

Clause 4.1A currently allows for the subdivision of land to a minimum lot size of 300sqm in the R2 Low Density Residential Zone and 200sqm in the R3 Medium Density Zone, where a single development application is lodged for the subdivision of land and associated residential structures. In comparison the GLLEP 2014 mapped Minimum Lot Sizes are 450sqm in the R2 Low Density Residential Zone and 1000sqm in R3 Medium Density Residential zone.

In many cases, people who buy a steep vacant lot are not aware of the design requirements to build on steep land. Likewise, they may not anticipate the costs associated with building in response to the topography of the site in order to reduce environmental impact. However, these issues can be anticipated and potentially overcome if the development application for the subdivision of land also includes the details of the residential structures that are to be built on the land. Provided considerable thought is given to the design of residential structures on the proposed allotment, lots smaller than 1000sqm may still result in acceptable outcomes on steep land. In this regard, development applications lodged under Clause 4.1A would still be required to demonstrate compliance with the other relevant provisions in GLLEP 2014 and the existing provisions for subdivision and associated residential development within the Great Lakes DCP.

Clause 4.1A does not determine the form of subdivision (Torrens, strata or community title) or limit the number of allotments or dwellings that can be applied for in a single development application. Clause 4.1A also does not restrict the ability of land owners to submit development applications for future additions and alterations to the dwellings that are constructed on these sites.

On this basis, Council is proposing flexibility in the creation of lot sizes within the RU5 Village Zone of Smiths Lake, to a minimum lot size of 500sqm using the development provisions of Clause 4.1A.

Part 1 – Objectives and intended outcomes

(s.55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The following are the objectives and intended outcomes of the Planning Proposal:

- To facilitate minor boundary realignments to existing lots in certain circumstances, which are less than the minimum lot size for that zone and that do not result in the creation of any additional lots or dwelling entitlements.
- To facilitate minor boundary adjustments to existing lots which are in more than one planning zone where the resultant lots will be less than the minimum lot size for that given zone, *and*
- To allow development lots that are created as part of a subdivision for ecological protection to have a minimum size of 1 hectare and a dwelling entitlement.
- To allow for integrated development to a minimum lot size of 500sqm within the RU5 Village zone of Smith's Lake where it can be demonstrated that both the building design and subdivision are capable of mitigating any potential environmental impacts associated with development on steep land.

In response to public agency and community submissions the objectives and intended outcomes of the Planning Proposal have been reduced in number and clarified as follows:

1. Boundary realignments - To facilitate subdivision applications that propose minor boundary realignments in certain rural, residential and environmental zones, where the resulting allotments are less than the mapped Minimum Lot Size for that zone. Minor boundary realignments will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on any of the lots.
2. Minimum lot size for certain land in split zones - To facilitate the subdivision of land which has more than one zone, where the resultant lots are less than the mapped Minimum Lot Size for the relevant rural or environmental zone. A dwelling house will be permissible on each resulting allotment.
3. Amendments to existing clause: Ecological protection subdivision - To allow each development lot created as part of a subdivision for ecological protection to have a minimum lot size of 1 hectare and a dwelling entitlement.

Further information on the submissions and changes to the Planning Proposal are documented within Part 5 Community Consultation, of this Amended Planning Proposal. Relevant Council meeting reports and minutes are available at www.greatlakes.nsw.gov.au/Council/Minutes-Agendas.

Part 2 – Explanation of provisions

(s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

The intended outcomes of the planning proposal will be achieved by:

- adding a new clause to enable boundary realignments in certain circumstances; and
- adding a new clause to enable subdivision of lots which have more than one zone; and
- amending existing clauses 4.1A and 4.1B in GLLEP 2014.

The outcomes above are expanded upon below by including the proposed new clauses/clause amendments to GLLEP 2014. Proposed clauses and amendments are indicative only and subject to change at the legal drafting stage:

1. Boundary realignment clause

There are a number of standard clauses which have been used by various Councils to address the 'boundary realignment issue'. Drawing upon these Council proposes to use a clause similar to the following:

The objective of this clause is to facilitate boundary adjustments between 2 or more lots if one or more of the resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land.

- 1) This clause applies to land in all land use zones contained within Great Lakes Local Environmental Plan 2014.*
- 2) Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, and the consent authority is satisfied that the subdivision:*
 - a) will not increase the number of lots, or the potential for future subdivision that would create additional lots when compared to the existing situation.*
 - b) will not increase the number of dwellings or opportunity for additional dwellings*
- 3) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:*
 - a) the potential for land use conflict will not be increased as a result of the subdivision,*
 - b) if the land is in a rural zone, the agricultural viability of the land will not be adversely affected as a result of the subdivision,*
 - c) the future use of the new lots is consistent with the objectives of the zone that apply to the land,*
 - d) whether or not the subdivision is appropriate having regard to the natural and physical constraints of the land,*
 - e) whether or not the subdivision is likely to have an adverse impact on the environmental values of the land.*

- 4) Despite any other provision of GLLEP 2014 the erection of a dwellings house will be permitted with consent on any resulting lot.*

2. Split zone clause

There are a number of standard clauses which have been used by various Councils to address the 'split zone scenario'. Council has been in discussions with the Department of Planning and proposes to use a clause similar to clause 4.1B contained within Kempsey Local Environmental Plan 2013 as indicated below:

Minimum subdivision lot sizes for certain split zones

- 1) The objectives of this clause are as follows:*
 - a) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.*
- 2) This clause applies to each lot (an **original lot**) that contains:*
 - a) land in a residential, business or industrial zone, and*
 - b) land in Zone RU2 Rural Landscape, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.*
- 3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:*
 - a) one of the resulting lots will contain:*
 - i. land in a residential, business or industrial zone that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land, and*
 - ii. all the land in Zone RU2 Rural Landscape, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living that was in the original lot, and*
 - b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.*
- 4) Despite any other provision of GLLEP 2014 the erection of a dwellings house will be permitted with consent on any resulting lot.*

3. Ecological protection subdivision clause

Council has resolved to amend the existing clause 4.1B in GLLEP 2014. It is proposed to amend the clause in the following manner:

black text = existing clause

blue text = proposed additions,

~~black strikethrough text~~ = sections of existing clause to be deleted

Clause 4.1B Exceptions to minimum lot sizes for ecological protection

- 1) The objective of this clause is to:*

- a) facilitate subdivision that will result in the improvement and protection of high value conservation land for ecological and ecosystem service purposes.
 - b) *result in reasonable subdivision and development opportunities for owners of land with high conservation value.*
- 2) This clause applies to each lot (an original lot) that contains any of the following land:
- a) an environmentally sensitive area,
 - b) land identified as “Wetland” on the Wetlands Map,
 - c) land the subject of a planning agreement that makes provision for the conservation or enhancement of the natural environment.
- 3) Despite clause 4.1, development consent may be granted for the subdivision of an original lot to create other lots (**the resulting lots**) if the consent authority is satisfied that:
- a) one of the resulting lots will contain all of the land referred to in subclause (2) (a), (b) or (c) that was in the original lot, and
 - b) all other resulting lots will contain land that has an area that is not less than *1 hectare regardless of if the land is serviced by a sewage/water reticulation system or not.*
 - ~~(i) in relation to land that is serviced by a sewage reticulation system and water reticulation system—1 hectare, or~~
 - ~~(ii) in relation to land that is not serviced by a sewage reticulation system and water reticulation system—2 hectares.~~
- 4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that suitable arrangements have been, or will be, made for the conservation and management of the land referred to in subclause (3) (a).
- 5) *Despite any other provision of GLLEP 2014 the erection of a dwelling house will be permitted with consent on any resulting lot with the exception of the lot referred to in subclause (3) (a).*
- 6) In this clause:

environmentally sensitive area means land that is an environmentally sensitive area for exempt or complying development within the meaning of clause 3.3.

For the ecological protection clause, it is the intention that a dwelling house will not be able to be erected with consent on the ecological protection lot.

4. Exceptions to minimum lot sizes for certain residential development

To give effect to intentions to allow exceptions to minimum lot sizes for certain residential development the following amendments to clause 4.1A in GLLEP 2014 are proposed:

black text = existing clause

blue text = proposed additions,

Clause 4.1A Exceptions to minimum lot sizes for certain residential development

(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

(2) This clause applies to development on land in the following zones:

- (a) Zone R2 Low Density Residential,*
- (b) Zone R3 Medium Density Residential.*
- (c) Zone RU5 Village Zone (Smiths Lake)*

(3) Despite clauses 4.1 and 4.1AA, development consent may be granted to a single development application for development to which this clause applies that proposes the subdivision of land into 2 or more lots if:

- (a) one existing dwelling will be located, or one dwelling will be erected, on each lot resulting from the subdivision (other than any lot comprising association property within the meaning of the Community Land Development Act 1989), and*
- (b) the size of each lot will be equal to or greater than:*
 - (i) for development on land in Zone R2 Low Density Residential—300 square metres, or*
 - (ii) for development on land in Zone R3 Medium Density Residential—200 square metres, or*
 - (iii) for development on land in Zone RU5 Village at Smiths Lake—500 square metres.*

Part 3 – Justification

(s.55(2)(c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

SECTION A – NEED FOR THE PLANNING PROPOSAL

Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not considered to be linked directly to any study or report. However the need for flexibility in regards to undersized lots is consistent with the historic pattern of development within the Great Lakes local area and has been occurring for many years under previous instruments.

By enabling greater flexibility in regards to boundary alignment and subdivision of land in split zones, Council will be able to facilitate more desirable planning outcomes.

The proposal to permit smaller development lots in conjunction with subdivision for ecological protection purposes will also result in better planning outcomes which have increased environmental benefits.

Proposed amendments to clause 4.1A which form part of this Planning Proposal have come about as a result of submissions received during the exhibition of an earlier Planning Proposal to increase the minimum lot size for the Smiths Lake RU5 Village Zone from 700sqm to 1000sqm. Submissions received from the owners of two (2) large greenfield sites in Smith Lake zoned RU5 Village Zone objected to the increased minimum lot size proposed. The greenfield sites in question have both been subject to various environmental studies to allow for residential development. Based on this, Council has decided to support greater flexibility pertaining to lot sizes within the Smiths Lake RU5 Village Zone where the application to subdivide is undertaken as integrated development in accordance with the provisions of clause 4.1A *Exceptions to minimum lot sizes for certain residential developments*. In order to provide greater opportunity for community discussion, at the suggestion of the Department of Planning and Environment, the proposed amendments to Clause 4.1A were deferred to from the earlier Planning Proposal to increase the minimum lot size.

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

GLLEP 2014 became effective on 4 April 2014. Under GLLEP 2014 there is limited flexibility for undersized lots in certain zones which was available under *Great Lakes Local Environmental Plan 1996*.

Council considers that the Planning Proposal is the most effective means of facilitating the objectives as identified in Part 1. Amendments to GLLEP 2014 in accordance with this Planning Proposal will enable Council to facilitate logical planning outcomes which have strategic merit.

With regards to the boundary alignment and split zones, it is noted that a number of Council's contain similar provisions within their Standard Local Environmental Plan to deal with these issues to those proposed in this Planning Proposal.

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 Planning Proposal is consistent with The Mid North Coast Regional Strategy (MNCRS) p11 namely for the protection of “...*high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors...*”.

It will also facilitate development that reflects and enhances the “...*character of existing settlements on which it is located and that is based on best practice urban design principles*” (p7)

The Planning Proposal is consistent with the MNCRS.

Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

Council's Community Strategic Plan 2010-2030 (Great Lakes 2030) is the community's plan for the future. It represents the long term aspirations for the area and encompasses an overarching vision developed by the community and objectives and strategies to achieve community goals. Great Lakes 2030 identifies a number of Key Directions. The Planning Proposal is consistent with the following directions:

Key Direction 1: Our Environment.

The objectives of this direction are to protect and maintain the natural environment so that it is healthy, diverse and to ensure that development is sensitive to the environment. The Planning Proposal is consistent with this key direction as it will facilitate subdivision, under certain circumstances, which results in significant environmental outcomes.

Key Direction 2: Strong Local Economies

Objectives of this direction are to promote Great Lakes as an attractive area for residents and visitors which encourages a supportive business environment, job opportunities and that provides transport and infrastructure that meets future needs. The Planning Proposal will enable subdivision, under certain circumstances which creates additional lots. This will in turn result in flow-on economic benefits. The Planning Proposal is consistent with this key direction.

Key Direction 3: Vibrant and Connected Communities

The objectives of this direction encourage the provision of the ‘right places and spaces’, supporting positive and safe communities which promote education, sustainable growth and connectivity. The Planning Proposal will facilitate logical and efficient land use planning outcomes. The Planning Proposal is consistent with this key direction.

Is the Planning Proposal consistent with applicable state environmental planning policies?

The Proposal is consistent with the objectives and provision of the following relevant State Environmental Planning Policies (SEPPs):

State Environmental Planning Policy No. 26 – Littoral rainforest

The Proposal is consistent with the Littoral Rainforest SEPP which aims to preserve littoral rainforest (near to the sea, ocean or lake).

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The Koala Habitat Protection SEPP aims to encourage the proper conservation and management of koala habitat areas in order to maintain the viability of koala populations and requires core koala habitat to be included in an environmental protection zone.

The Planning Proposal has the potential to protect koala habitat through the application of the ecological protection subdivision clause.

State Environmental Planning Policy No. 71 - Coastal Protection

This SEPP aims to encourage the proper conservation and management of coastal zone areas in order to maintain the viability of the coastal foreshore.

The Planning Proposal is consistent with the SEPP as it will not restrict access to the coastal foreshore and will result in sound land use planning outcomes for land within the coastal zone.

State Environmental Planning Policy (Infrastructure) 2007

This SEPP aims to provide a consistent approach for infrastructure planning and provision across NSW and to support greater efficiency in the location of infrastructure and service facilities.

The Proposal is consistent with the aims of the Infrastructure SEPP through improved land use planning promoting access and use of existing infrastructure.

State Environmental Planning Policy (Rural Lands) 2008

This SEPP aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes, reduce land use conflict and identify State significant agricultural land.

The Planning Proposal is consistent with the Rural Planning Principles of the SEPP. In particular, for the balance the social, economic and environmental interests of the community, and identification and protection of natural resources, having regard to maintaining biodiversity and the protection of native vegetation.

Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The consistency of the planning proposal with State Environmental Planning Policies is outlined in the table below.

A more detailed assessment of the applicable s.117 Directions is included in Appendix 1.

Table 1: Summary - consistency with s.117 Directions

No.	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	Y	Y
1.2	Rural Zones	Y	Y
1.3	Mining, Petroleum Production and Extractive Industries	N	N/A
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	Y	Y
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	Y	Y

No.	Direction	Applicable	Consistent
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	Y
3.2	Caravan Parks and Manufactured Home Estates	Y	N/A
3.3	Home Occupations	Y	N/A
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	N	N/A
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
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	Y	Y
Regional Planning (Continued)			
5.5, 5.6 & 5.7	REVOKED		
5.8	Second Sydney Airport: Badgerys Creek	N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	N	N/A
Metropolitan Planning			
7.1	Implementation of the Metropolitan Plan for Sydney 2036	N	N/A

SECTION C – ENVIRONMENTAL, SOCIAL & 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?

No. The Planning Proposal will not impact upon critical habitats, threatened species, populations or ecological communities or their habitats.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No. The Planning Proposal will not have any likely environmental effects.

Has the Planning Proposal adequately addressed any social and economic effects?

It is considered that the Planning Proposal will not have any negative social effects.

The Planning Proposal has economic merit as it will enable additional lots to be created under given circumstances.

SECTION D – STATE AND COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the planning proposal?

Public infrastructure requirements would be considered as part of the development application process.

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

Council will be consulting with the Rural Fire Service in accordance with the Gateway Determination received on 27 August 2015.

Part 4 - Mapping

No maps are required for the Planning Proposal.

Part 5 – Community consultation

In accordance with Section 56(2) (c) and 57 of the *Environmental Planning and Assessment Act 1979*, this Planning Proposal will be made publically available for a minimum of 14 days.

In accordance with Council's adopted consultation protocols the following will also be undertaken:

- Notices in the local newspaper;
- Exhibition material and all relevant documents to be made available at all Council's Offices within the Local Government Area;
- Consultation documents to be made available on Council's website.

These processes were undertaken and the Planning Proposal was exhibited for a period of thirty-one (31) days between 30th September 2015 and Friday, 30 October 2015 inclusive. In accordance with current practice, the exhibition material will remain on Council's website until such time as the amendment is made by the Minister.

In response to public agency and community submissions the objectives and intended outcomes of the Planning Proposal have been reduced in number and clarified as follows:

1. Boundary realignments - To facilitate subdivision applications that propose minor boundary realignments in certain rural, residential and environmental zones, where the resulting allotments are less than the mapped Minimum Lot Size for that zone. Minor boundary realignments will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on any of the lots.
2. Minimum lot size for certain land in split zones - To facilitate the subdivision of land which has more than one zone, where the resultant lots are less than the mapped Minimum Lot Size for the relevant rural or environmental zone. A dwelling house will be permissible on each resulting allotment.
3. Amendments to existing clause: Ecological protection subdivision - To allow each development lot created as part of a subdivision for ecological protection to have a minimum lot size of 1 hectare and a dwelling entitlement.

Item 4 has been removed and this amendment will not be pursued as part of this Planning Proposal: Amendments to clause 4.1A Exceptions to minimum lot sizes for certain residential development - to allow a minimum lot size down to 500sqm on land within the RU5 Village Zone of Smiths Lake, where a single application is lodged to subdivide land and construct one or more dwellings.

Further information on the submissions and changes to the Planning Proposal are documented below. Relevant Council meeting reports and minutes are available at www.greatlakes.nsw.gov.au/Council/Minutes-Agendas.

1. Boundary realignments – to allow for minor boundary adjustments to existing lots, where one or both lots do not meet the minimum lot size for that zone. Boundary realignments are not to result in any additional lots, or opportunities for the creation of additional lots or additional dwellings.

There were no public submissions received in support or objection to this component of the proposal.

The NSW Department of Primary Industries - Agriculture (NSW DPI) requested clarification of the "minor" nature of the boundary realignment provisions and requested that additional limits be placed on these subdivisions. The DPI suggested criteria consistent with the *State Environmental Planning Policy (Exempt & Complying Development) 2008* (Code SEPP) provisions for boundary realignments as exempt development, which specifies that subdivision cannot "create additional lots or the opportunity for additional dwellings" and "will not result in a change in the area of any lot by more than 10%".

The draft clause provided in the exhibited Planning Proposal specified that additional lots and dwelling entitlements cannot be created, but this can be simplified by using wording similar to the recently gazetted Lismore LEP 2013 *Clause 4.2D Exceptions to minimum subdivision lot size for lot boundary adjustments in Zone RU1* which states: "(a) the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on any of the lots".

The imposition of an additional 10% variation limit is considered unnecessary and contrary to the intent of the proposal, which is to reinstate flexibility and facilitate boundary realignments generally, not to repeat the existing restrictions of the Code SEPP. However, clarifying the wording of the objective to specify that the intent is to enable "minor" boundary realignments is supported.

During the internal review of the draft exhibited clause, it was identified that *Clause 4.6 Exceptions to development standards* section (6) of Great Lakes LEP 2014, only places significant restrictions upon subdivisions in the following zones: RU2 Rural Landscape, RU3 Forestry, R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living.

It is therefore appropriate that the draft boundary realignment clause only apply to the following zones: RU2 Rural Landscape, RU3 Forestry, R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living. The resulting clause will be similar in format and context to the recently gazetted Armidale Dumaresq Local Environmental Plan 2012 *Clause 4.1E Exceptions to minimum subdivision lot size for boundary adjustments*.

These amendments would effectively change the language and format, but not the intent of the exhibited draft clause, as follows:

Clause 4.1xxx Exceptions to minimum subdivision lot size for boundary adjustments

The objective of this clause is to facilitate minor boundary adjustments between 2 or more lots where if one or more of the resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land.

~~*(1) This clause applies to land in all land use zones contained within Great Lakes Local Environmental Plan 2014.*~~

(1) This clause applies to development on land in the following zones:

Zone RU2 Rural Landscape,

Zone RU3 Forestry,

Zone R5 Large Lot Residential,

Zone E2 Environmental Conservation.

Zone E3 Environmental Management and
Zone E4 Environmental Living.

(2) Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, and the consent authority is satisfied that the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on any of the lots.

- ~~a) will not increase the number of lots, or the potential for future subdivision that would create additional lots when compared to the existing situation.~~
- ~~b) will not increase the number of dwellings or opportunity for additional dwellings~~

(3) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:

- a) the future use of the new lots is consistent with the objectives of the zone that apply to the land
- b) if the land is in a rural zone, the agricultural viability of the land will not be adversely affected as a result of the subdivision
- c) the potential for land use conflict will not be increased as a result of the subdivision,
- d) whether or not the subdivision is appropriate having regard to the natural and physical constraints of the land,
- e) whether or not the subdivision is likely to have an adverse impact on the environmental values of the land.

(4) Despite any other provision of this plan ~~GLLEP 2014~~ the erection of a dwellings house will be permitted with consent on any resulting lot.

2. Minimum lot size for certain land in split zones – to allow for the subdivision of land which has more than one zone, where the resulting lot/s do not meet the minimum lot size requirement for one of those zones. It is intended for a dwelling to be permissible with consent on the resulting lot/s.

There were no public submissions received in support or objection to this component of the proposal.

NSW OEH objected to the proposal on the grounds that site-specific amendments to the Great Lakes LEP 2014 Minimum Lot Size map would be more appropriate than a general amendment which would apply to the whole local government area.

In particular, NSW OEH stated that a more evidence-based approach should be required to ensure the merit of each proposal could be appropriately considered, particularly where the development yield may create significant environmental impact.

Council officers responded by explaining that this would be impractical and inappropriate given the complexity, time and resources required to undertake and progress each Proposal under this framework. It was also made clear that the Department of Planning & Environment (DPE) would be unlikely to support individual Proposals of this nature.

Council officers also clarified that each proposal would still require development consent and that the development assessment process was considered to be robust and would take into consideration, the potential for environmental impact or benefit, of each proposal.

The NSW OEH subsequently withdrew its objection noting that other Councils were also seeking similar amendments and stating that: *"Since Council first sought advice on this planning proposal, OEH has received a number of similar requests from other councils... and... to ensure consistency with other similar amendments, OEH removes its objection to this planning proposal."*

Minimum subdivision lot sizes for certain split zones

(1) The objectives of this clause ~~are as follows:~~is to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

(2) This clause applies to each lot (an original lot) that contains:

- a) land in a residential, village, business or industrial zone, and
- b) land in Zone RU2 Rural Landscape, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:

a) one of the resulting lots will contain:

- i. land in a residential, village, business or industrial zone that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land, and
- ii. all the land in Zone RU2 Rural Landscape, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living that was in the original lot, and

b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

(4) Despite any other provision of GLLEP 2014 the erection of a dwellings house will be permitted with consent on any resulting lot.

3. Amendments to existing clause: Ecological protection subdivision – to allow a development lot, created as part of an ecological offset subdivision, in an unsewered area to have a minimum area of 1 hectare instead of 2 hectares. The planning proposal also makes it clear that a dwelling is permissible with consent on each development lot.

There were no public submissions received in support or objection to this component of the proposal.

NSW OEH objected to the proposal on the grounds that site-specific amendments to the Great Lakes LEP 2014 Minimum Lot Size map would be more appropriate than a general amendment which would apply to the whole local government area.

In particular, NSW OEH stated that a more evidence-based approach should be required to ensure the merit of each proposal could be appropriately considered, particularly where the development yield may create significant environmental impact.

Council officers responded by clarifying that *Clause 4.1B Exceptions to minimum lot sizes for ecological protection* was already in force in Great Lakes Local Environmental Plan (LEP) 2014 and that the proposed reduction in the minimum lot size from 2ha to 1ha was supported by the adopted *On-Site Sewage Management Strategy* and associated *Development Assessment Framework*.

Comments regarding potential development on the ecological allotment were noted as invalid, but additional amendments to the clause are proposed to ensure that the intention of the clause is explicit in that development would not be permissible on the ecological allotment, but a dwelling would be permissible on the development lot/s.

Officers also noted the request for additional amendments to ensure appropriate assessment of bush fire protection requirements. However, Section 100B of the Rural Fires Act 1979 already requires Council to refer any subdivision on bush fire prone land to the NSW Rural Fire Service for assessment and additional provisions within a local environmental plan are not warranted.

The NSW OEH subsequently withdrew its objection noting that other Councils were also seeking similar amendments and stating that: "*Since Council first sought advice on this planning proposal, OEH has received a number of similar requests from other councils... and... to ensure consistency with other similar amendments, OEH removes its objection to this planning proposal.*"

However, it is acknowledged that the wording of the draft exhibited clause may be clarified with regards to future dwelling entitlements and additional amendments are proposed as follows:

Clause 4.1B Exceptions to minimum lot sizes for ecological protection

(1) The objective of this clause is to:

- a) facilitate subdivision that will result in the improvement and protection of high value conservation land for ecological and ecosystem service purposes.*
- b) result in reasonable subdivision and development opportunities for owners of land with high conservation value.*

(2) This clause applies to each lot (an original lot) that contains any of the following land:

- a) an environmentally sensitive area,*
- b) land identified as "Wetland" on the Wetlands Map,*
- c) land the subject of a planning agreement that makes provision for the conservation or enhancement of the natural environment.*

(3) Despite clause 4.1, development consent may be granted for the subdivision of an original lot to create other lots (the resulting lots) if the consent authority is satisfied that:

- a) one of the resulting lots will contain all of the land referred to in subclause (2) (a), (b) or (c) that was in the original lot, and*
- b) all other resulting lots will contain land that has an area that is not less than 1 hectare regardless of if the land is serviced by a sewage/water reticulation system or not.*

(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that suitable arrangements have been, or will be, made for the conservation and management of the land referred to in subclause (3) (a).

(5) Despite any other provision of this plan GLLP 2014:

- a) a dwelling house is prohibited on any resulting lot referred to in subclause (3)(a), and
- b) the erection of a dwelling house will be permitted with consent on any resulting lot with the exception of the lot referred to in subclause (3)(b) (a).

(6) In this clause:

environmentally sensitive area means land that is an environmentally sensitive area for exempt or complying development within the meaning of clause 3.3.

4. Amendments to clause 4.1A Exceptions to minimum lot sizes for certain residential development - *to allow a minimum lot size down to 500sqm on land within the RU5 Village Zone of Smiths Lake, where a single application is lodged to subdivide land and construct one or more dwellings.*

Public Submissions:

Fifteen (15) public submissions were received in response to this component of the Planning Proposal. The majority of these submissions objected to the proposed lot size reduction to 500sqm when Council had only 'recently' supported an increase in the minimum lot size from 700sqm to 1000sqm.

The details of these submissions are contained in Annexure D to this report but the matters raised in objections can be summarised as follows:

- Council recently made a good decision to increase the minimum lot size to 1000sqm to reduce the environmental and amenity impacts, particularly water quality impacts, associated with the subdivision of this land. What has changed?
- Environmental impacts including: vegetation removal, water quality, native fauna, endangered flora and fauna, fish populations and the foreshore vegetation buffer zone;
- Impacts on the character and atmosphere of Smiths Lake: tree removal, higher density housing, building work, infrastructure, run-off and suburbia versus modest homes on bushy blocks, space and privacy.
- Public interest and existing land availability: existing low demand with '23 homes and 43 blocks' available for sale; no justification for increased supply; and no information on what development could be accommodated on the smaller blocks.
- Foster Tuncurry Conservation and Development Strategy: "desired future character" of Smiths Lake - "protection of the natural environment and existing village character by encouraging small-scale infill development" and "small footprint and small scale development".
- Bush fire hazard and risk: risk requires removal of most vegetation on existing blocks and increases risk to life with single entry/exit road;
- Existing economic and tourism value of Smiths Lake as a peaceful environment with large blocks, trees and green spaces.
- Developer-driven change: Macwood and Tropic Gardens proposals represent 'gross overdevelopment' and developers should not be given ways to get around protection of the environment; doubling the development potential is too much in the developers favour; Forster or Tuncurry already provide opportunities for more subdivision and development.
- Services, facilities and infrastructure is limited in Smiths Lake and more development will make the village even less sustainable, there are no GP services, few jobs, isolated young families and high youth unemployment.

Two public submissions were not in objection. One proposed an alternative 750sqm minimum lot size, but only under specific environmental and locational criteria, while the other was in support of the 500sqm lot size to facilitate subdivision.

Agency Submission:

The NSW Office of Environment & Heritage (OEH) was initially of the opinion that if the land is suited to more intense development then the zoning should also be changed. NSW OEH also noted that smaller lots mean increased area or per cent of hard surfaces, hence more stormwater and less mature tree retention and therefore justification for the reduced lot size "is not valid or sufficient". The NSW OEH objection to the Planning Proposal was withdrawn without further clarification on this matter.

The NSW Rural Fire Service (RFS) also raised concerns with the proposal given Smiths Lake is mapped as bush fire prone, has a single 'collector' access road and un-reliable reticulated water pressure. NSW RFS also noted that while the proposal has the potential to greatly increase the

subdivision and development expectations of property owners, under S100B of the *Rural Fires Act 1997* (Integrated Development), these opportunities would actually be very limited.

NSW RFS requested a more detailed assessment of Section 117 Direction 4.4 'Planning for Bushfire Protection' to specifically clause (5)(a)(b) and clause 6(d) of the Direction and to identify:

- the potential number of allotments that would benefit by the amendment;
- potential lot yield from the identified allotments;
- traffic volumes and road system capacity for the projected increased vehicle movements generated by the potential lot yield;
- water supply capability and suitability;
- Emergency Management capability and procedures to address the potential increased population.

Response:

Additional information was provided to both NSW OEH and NSW RFS. NSW OEH subsequently withdrew their general objection to the Planning Proposal.

In summary, the additional information provided to the NSW RFS included a land use audit which considered the number of allotments within the RU5 Village zone of Smiths Lake that have subdivision potential with regard to site constraints including slope, drainage, vegetation and configuration of the existing allotment.

Based on this high-level analysis, only seven (7) allotments within the RU5 Village zone of Smiths Lake were identified as having subdivision potential. Twenty-nine (29) other allotments were identified as having some subdivision potential but that this potential was limited or significantly limited by one or more of the identified development constraints.

It is also noted that the planning proposal does not intend to allow a blanket reduction in the minimum lot size of Smiths Lake to 500sqm. Rather, the intention of the amendment is to only allow consideration of a development application for subdivisions with a reduced lot size of 500sqm, only when that development application also included the full design details of the dwelling house to be built on each of the proposed lots.

The NSW Rural Fire Service has advised that the additional information does not sufficiently address their concerns.

As detailed in Item 1 (Boundary Realignment), during the internal review of the Planning Proposal, it was also identified that Clause 4.6 of Great Lakes LEP 2014 does not place stringent restrictions upon subdivisions within the Zone RU5 Village zone and therefore this draft amendment is not required to be progressed as part of this Planning Proposal.

In this regard, development applications for subdivision in Smiths Lake or any other location within the RU5 Village zone, that propose allotments less than the mapped Minimum Lot Size in Great Lakes LEP 2014, can already be lodged and assessed in accordance with the detailed assessment and process requirements of *Clause 4.6 Exceptions to development standards*.

Therefore, in consideration of the existing provisions of Clause 4.6, matters raised in public submissions and the unresolved concerns of NSW RFS it is recommended that this proposed amendment be removed from the planning proposal.

Part 6 – Project timeline

In accordance with DP&E guidelines the following timeline is provided which includes the tasks deemed necessary for the making of this local environmental plan.

Table 2: Estimated project timeline

Task	Responsibility	Timeframe	Date (approximate)
Lodgement of PP for Gateway Determination	Council	-	August 2015
Gateway Determination	Minister for Planning and Infrastructure	-	27 August 2015
Consultation with Public Authorities in accordance with Gateway Determination	Government Authority	4 weeks	October 2015
Public exhibition of amended PP	Council	Minimum 28 days	November/December 2015
Council adopt Amended Planning Proposal	Council		May 2016
Lodge Amended Planning Proposal with Department of Planning & Environment	Council		May 2016
Making of local environmental plan*	Minister for Planning and Infrastructure	6 – 8 weeks	June 2016

*Making of plan factors in potential office closures and holidays in association with Christmas/New Years

Appendix 1

Table 3: Detailed consistency with s.117 Directions

s.117 Direction Summary	Consistency
Employment & Resources	
1.1 <u>Business and Industrial Zones</u>	This Direction is applicable as the Planning Proposal has the potential to affect land within an existing or proposed business or industrial zone. The Planning Proposal is consistent with this Direction as it will not result in changes to areas or locations of existing business or industrial zones. In addition, it will not reduce the floor space area in business or industrial zones.
1.2 <u>Rural Zones</u> Aims to protect the agricultural production value of rural land.	This Direction is applicable as the Planning Proposal has the potential to affect land within existing and proposed rural zones. The Planning Proposal is consistent with section 4(a) of this Direction as it will not rezone land in a rural zone to a residential, business, village or tourist zone. The Planning Proposal is inconsistent with section 4(b) of this Direction as it will result in a change to the minimum lot size in rural zones, but only in a limited number of scenarios. The inconsistency is justified as the proposal will not impact on the agricultural production value of rural land and will only be able to occur under given circumstances where the proposal has planning merit. Council considers that the inconsistency of this Planning Proposal with section 4(b) is of minor significance.
1.3 <u>Mining, Petroleum Production and Extractive Industries</u>	Not Applicable
1.4 <u>Oyster Aquaculture</u>	Not Applicable
1.5 <u>Rural Lands</u> The objectives of this Direction are to protect the agricultural productions value of rural lands and to facilitate the orderly and economic development of rural lands for rural and related purposes.	This Direction is applicable as the Planning Proposal has the potential to affect land within existing and proposed rural zones including environmental protection zones. The Planning Proposal is inconsistent with section 4(b) of this Direction as it will change the minimum lot size of land within a rural or environmental zone in given circumstances. Council considers that the inconsistency of the proposal is minor as a reducing in the minimum lot size will only be permitted in limited circumstances. Further the inconsistency of the proposal is justified

s.117 Direction Summary	Consistency
	as it supports the objectives of the Direction for the protection of agricultural land and the orderly and economic development of rural lands for rural related purposes.
Environment & Heritage	
2.1 <u>Environmental Protection Zones</u> The objective of this Direction is to protect and conserve environmentally sensitive areas.	This Direction is applicable as the Planning Proposal will potentially apply to land in environmental protection zones. The Planning Proposal is consistent with section (4) of this Direction as it includes provisions that facilitate the protection and conservation of environmentally sensitive areas. The Planning Proposal is inconsistent with section (5) of this Direction as it will change the minimum lot size of land within environmental protection zones but only under limited circumstances. Council considers that the inconsistency of the proposal in this instance is minor as a reduction in the minimum lot size will only be permitted under limited circumstances. Further, the environmental benefits which will result from the proposal will outweigh the impacts associated with this inconsistency. The overall intent of the proposal within regards to this Direction is consistent with the objectives.
2.2 <u>Coastal Protection</u> The objectives of this Direction are to implement the principles in the NSW Coastal Policy.	This Direction is applicable as the Planning Proposal applies to land in the coastal zone. The Planning Proposal is consistent with this Direction as it is consistent with the <i>NSW Coastal Policy</i>, namely for the conservation of biological diversity and ecological integrity including the principles of Ecologically Sustainable Development. It is consistent with the <i>Coastal Design Guidelines</i> as it will ensure logical planning outcomes which have regard to the settlement pattern of the relevant coastal locality. It is consistent with the <i>Local Government Act 1993</i> (the <i>NSW Coastline Management Manual 1990</i>).
2.3 <u>Heritage Conservation</u> This Direction aims to conserve items and places of heritage and indigenous heritage significance.	The Planning Proposal is consistent with this Direction as it will not negatively impact on heritage items, places or places of Aboriginal significance.
2.4 <u>Recreational Vehicle Areas</u> The objective of this direction is to protect sensitive land or land with significant conservation value from adverse impacts from recreation vehicles.	The Proposal is not inconsistent with this Direction.

s.117 Direction Summary		Consistency
Housing, Infrastructure and Urban Development		
3.1	<u>Residential Zones</u> This Direction aims to encourage a range of housing that makes use of existing infrastructure and services that do not impact on environment and resource lands.	This Direction is applicable as the Planning Proposal as it will apply to land within existing residential and village zones. The Planning Proposal is consistent with this Direction as it will result in the creation of additional allotments for residential development on land which is already zoned for this purpose. It will make use of existing infrastructure and services and will have positive environmental outcomes.
3.2	<u>Caravan Parks and Manufactured Home Estates</u> The objectives of this direction are to provide for a variety of housing types including opportunities for caravan parks and manufactured home estates.	The Planning Proposal is consistent with this Direction.
3.3	<u>Home Occupations</u> The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	The Planning Proposal does not impact on Home Occupations. The Planning Proposal is consistent with this Direction.
3.4	<u>Integrating Land Use and Transport</u> The purpose of this Direction is to ensure that development achieves objectives with regard to the improvement of access by walking, public transport and other means that reduce dependence on private car travel.	This Direction is applicable to the Planning Proposal. The Planning Proposal is consistent with this Direction as it has the potential to improve access and circulation to lots which currently have access issues. It will not impact upon access with regards to walking, public transport or other means. It will not increase dependence on private car travel. The Proposal is not inconsistent with this Direction.
3.5	<u>Development Near Licensed Aerodromes</u>	Not Applicable.
3.6	<u>Shooting Ranges</u>	Not Applicable.
Hazard and Risk		
4.1	<u>Acid Sulfate Soils</u> The purpose of the Direction is to avoid significant adverse environmental impact from the use of land that has a probability of containing acid sulphate soils.	This Direction is applicable to the Planning Proposal. It is considered that any land use intensification resulting from this Planning Proposal is minor and will not have significant environmental impacts due to Acid Sulfate Soils. Further, any application to 'use land' will be assessed in accordance with Great Lakes LEP 2014 <i>Clause 7.1 Acid Sulfate Soils</i> at the development application stage. The Proposal is not inconsistent with this Direction.

s.117 Direction Summary	Consistency
4.2 <u>Mine Subsidence and Unstable Land</u>	Not Applicable.
4.3 <u>Flood Prone Land</u> The purpose of this Direction is to ensure the provisions of the LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential of the flood impacts both on and off the subject land.	This Direction is applicable to the Planning Proposal. The Planning Proposal is consistent with this Direction as it will not rezone any flood prone areas. Any additional development on flood prone land as a result of this Planning Proposal is considered minor. Further, any application to 'use land' will be assessed in accordance with Great Lakes LEP 2014 <i>Clause 7.3 Flood Planning</i> at the development application stage. The Proposal is not inconsistent with this Direction.
4.4 <u>Planning for Bushfire Protection</u> The objectives of this Direction are to encourage the sound management of bushfire prone areas, and to protect life, property and the environment from bushfire hazards.	This Direction is applicable to the Planning Proposal as it has the potential to apply to land that will affect, or is in proximity to land mapped as bushfire prone land. Development that may occur as a result of this Planning Proposal is considered minor in nature. Any subdivision or development on bush fire prone land would require a detailed bush fire assessment and would need to comply with the requirements of the NSW Rural Fires Service (RFS) and have regard to <i>Planning for Bushfire Protection 2006</i> at the development assessment stage. The Proposal is not inconsistent with this Direction.
Regional Planning	
5.1 <u>Implementation of Regional Strategies</u> This Direction provides that a draft LEP should be consistent with the applicable Regional Strategy.	The Proposal is consistent with the provisions of the <i>Mid North Coast Regional Strategy</i> as indicated above namely for the protection of high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors. It will also facilitate development that reflects and enhances the character of existing settlements and that is based on best practice urban design principles.
5.2 <u>Sydney Drinking Water Catchments</u>	Not Applicable.
5.3 <u>Farmland of State and Regional Significance on the NSW Far North Coast</u>	Not Applicable.
5.4 <u>Commercial and Retail Development along the Pacific Highway, North Coast</u> The aim of this Direction is to manage commercial and retail development along the Pacific	This Direction is applicable to the Planning Proposal as it will apply to land in the vicinity of the Pacific Highway. It is considered that any development associated with this Planning Proposal will not impact upon the existing or proposed alignment of the Pacific Highway

s.117 Direction Summary		Consistency
Highway.		or land uses on or adjoining the highway. The Proposal is consistent with this Direction.
5.5, 5.6, 5.7 - Revoked.		
5.8	<u>Second Sydney Airport: Badgerys Creek</u>	Not Applicable.
5.9	<u>North West Rail Link Corridor Strategy</u>	Not Applicable.
Local Plan Making		
6.1	<u>Approval and Referral Requirements</u> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Proposal is not inconsistent with this Direction.
6.2	<u>Reserving Land for Public Purposes</u> The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The Proposal is not inconsistent with this Direction.
6.3	<u>Site Specific Provisions</u>	Not Applicable.
Metropolitan Planning		
7.1	<u>Implementation of the Metropolitan Plan for Sydney 2036</u>	Not Applicable.