

Planning Proposal

LEP Amendment No. 5 – Minimum Lot Size
(Smiths Lake and North Arm Cove)

Great Lakes Local Environmental Plan 2014

Prepared by:

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1.0 Introduction

Ongoing issues with water quality in the Smiths Lake and North Arm Cover localities prompted an investigation into the impacts of development on water quality. Council recognises that certain landforms are not suitable to subdivision and concedes that subdivision of significantly steep and heavily vegetated land in some locations is not compatible to achieving desired water quality outcomes.

In February 2012 Council amended the former Development Control Plan 31 – Subdivision (DCP 31) to provide clear guidelines for the subdivision of land, in village zones, that is constrained by slope and vegetation. The intended outcomes of the amendment were to reduce the environmental and amenity impacts, particularly water quality impacts, associated with the subdivision of this land. Upon gazettal of the new standard planning instrument, Great Lakes Local Environmental Plan 2014 (GLLEP 2014), in April 2014, these controls were unable to be carried over into the new planning controls.

The issue was raised at several Strategic Committee meetings of Council to determine how best to resolve the issue and incorporate the provisions into the new planning framework. The former NSW Department of Planning & Infrastructure (DPI) advised Council that the simplest approach would be to prepare a planning proposal to amend the relevant Lot Size Maps once the GLLEP 2014 had been gazetted.

On 10 June 2014 Council resolved to prepare a planning proposal to amend the minimum lot size map layer of GLLEP 2014 in order to:

- increase the minimum lot size from 1000m² to 2000m² in the North Arm Cove RU5 Village zone; and
- increase the minimum lot size from 700m² to 1000m² in the Smiths Lake RU5 Village zone.

Council resolved to submit a planning proposal to NSW Planning and Environment for a Gateway Determination.

This planning proposal applies to land in the villages of Smiths Lake and North Arm Cove. Both villages are constrained by steep landforms, significant vegetation and are adjacent to highly sensitive receiving water bodies which form part of the Port Stephens Great Lakes Marine, thus identified as having the greatest need.

1.1 Background

Sloping landforms are an issue for urban development in terms of the economic viability, environmental quality and bushfire risk management. Steep land is more costly to develop and it is also more difficult to manage due to long-term problems associated with stormwater runoff and preventing erosion once a site has been disturbed. Furthermore, sloping sites containing vegetation increases bushfire hazard, with flame height increasing by 1 metre for every 10 degrees increase in slope. Hence development should be avoided on land constrained by steep slopes and dense vegetation. Steep land is defined as land with a slope of 20% or more.

Subdivision impacts on sloping sites arise from the need for extensive cut and fill, and the clearing of vegetation to provide site access and bushfire protection. These activities can have a detrimental impact on water quality, amenity and urban character. These issues are of particular and increasing relevance to Smiths Lake and North Arm Cove because many of the allotments are steep, contain highly erodible soils, are heavily vegetated and subject to high intensity rainfall events.

Smith's Lake is a small coastal village located approximately 25 kilometers south of Forster on the lower Mid North Coast of NSW. Despite a long history of settlement and development, Smiths Lake retains a dense vegetation cover, which is intrinsic to the current character of the village. It is set on the foreshores of Smiths Lake and the area defines a sensitive catchment with good water quality which drains to Smiths Lake. The population of Smiths Lake is 1051 (Census, 2011) and its low key character is depicted by small scale residential development, much of which is used for holiday accommodation. The village covers an area of approximately 22km² and includes a small shopping precinct and recreation areas.

North Arm Cove is a coastal village located approximately 10 kilometers east of Karuah on the northern side of the Port Stephens estuary. Access to the village is via 6km of unsealed road which is attributed to the small scale of residential development. The village area has population of 384 (Census, 2011) with a total village occupying an area of 0.63km². North Arm Cove is set on the northern foreshores of Port Stephens, with most of the village zoned land having direct waterfront access.

A locality plan is provided in **Figure 1**. Both villages are constrained by steep landform and dense vegetation. Both villages lie adjacent to the Port Stephens Great Lakes Marine Park. Vegetation presents additional constraint to development due to issues associated with bushfire and high ecological values. Subsequently, development outcomes need to be carefully balanced with the sensitive nature of the landscape.

Under the current provisions of the GLLLEP 2014 the villages of Smiths Lake and North Arm Cove are zoned RU5 Village zone as shown in **Figures 2 and 3**. The current minimum lot size for Smiths Lake village is 700m², whilst for North Arm Cove the minimum lot size of is 1000m². Extracts from the GLLEP 2014 Lot Size Maps are shown in **Figures 4 and 5**.

This planning proposal explains the intended effect of, and justification for, the proposed amendment to GLLEP 2014 with regard to land within the villages of Smith Lake and North Arm Cove. The planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the recently updated Department of Planning and Environment (DPE) Guidelines, including *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

This planning proposal applies only to land currently zoned RU5 in Smiths Lake and North Arm Cove and provides justification to amend the Lot Size Maps under GLLEP 2014. When approved, the planning proposal will require any new lots created in Smiths Lake to have a minimum area of 1000m² and any new lots created in North Arm Cove to have a minimum lot size of 2000m².



FIGURE 1 - LOCALITY MAP

2.0 Part 1 and Part 2 – Objectives, Intended Outcomes and Explanation of Provisions

2.1 Part 1: Objectives and Intended Outcomes

The primary objective of this planning proposal is to amend the GLLEP 2014 in accordance with the resolution made by Council on 10 June 2014 to:

- increase the minimum lot size from 1000m² to 2000m² in the North Arm Cove RU5 Village zone; and
- increase the minimum lot size from 700m² to 1000m² in the Smiths Lake RU5 Village zone,

This amendment is consistent with the former DCP 31 which prescribed minimum lot sizes for sloping landforms in all village areas.

The intended outcomes of the proposed amendments are:

- protect water quality by guiding development on steep lands
- preserve the amenity of the villages by retaining vegetation on constrained land

The intended outcome is best achieved by amending the appropriate Lot Size Maps.

2.2 Part 2: Explanation of Provisions

For the relevant land, it is proposed to alter the applicable Lot Size Maps (Sheet LSZ_012A and LSZ_006) so that:

- a) for land zoned RU5 Village in Smiths Lake – the minimum lot size is increased from the current 700m² to 1000m², from Q (700m²) to U (1000m²), and
- b) for land zones RU5 Village in North Arm Cove – the minimum lot size is increased from the current 1000m² to 2000m², from U (1000m²) to V (2000m²).

An amended Lot Size Map for the Smiths Lake and North Arm Cove villages showing the proposed changes is provided in **Figure 6** and **7**.

Part 3 – Justification

3.1 Section A – Need for the Planning Proposal

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

The planning proposal arises from concern regarding the impacts of development on land constrained by steep slope and vegetation. Council engaged a consultant to investigate the constraints and opportunities of sloping sites within the villages of Smiths Lake and North Arm Cove, with the aim of expanding the provisions DCP 31. A lot size and slope analysis was undertaken for all village zoned land in both villages to determine appropriate planning controls.

The analysis identified those lots capable of being further subdivided base on the minimum lot size under the provisions of the former GLLEP 1996. These lots were then categorised into two classes according to slope: 0-15% slope and greater than 15% slope. After lengthy research, Councillor workshops and consultation with the community, it was determined that the most effective means to mitigate the environmental impacts associated with subdivision of steep lands was to expand the planning controls of DCP 31.

In February 2012 an amendment to DCP 31 was adopted by Council which established minimum lots sizes based on a proportional relationship between slope and area. The amendment would assist in preserving amenity and character of the village, and be fundamental in protecting water quality from the impacts of urban development. The amendment to DCP 31 applied to all village zoned land in the Great Lakes Shire.

Unfortunately these controls were unable to be transferred into the new standard LEP. The requirements of the Standard Instrument and provisions for minimum lot sizes resulted in the recently adopted DCP 31 amendment being in direct conflict with the GLLEP. As a result, the DCP 31 amendments were removed.

Following the gazettal of GLLEP 2014, the lot size and slope analysis was repeated for the new minimum lot size for each village as identified on the current Lot Size Maps. The minimum lot size for the Smiths Lake village zone is currently 700m². The lot size analysis identified 58 allotments with an area between 1400-1999m² and an additional 37 allotments with an area 2000m² or greater. Subsequently there are currently 95 allotments with subdivision potential, many of which are constrained by sloping landforms of 20% or more.

The minimum lot size for the North Arm Cove village zone is currently 1000m². Analysis of all village zoned lots identified 27 allotments with an area between 2000-3999m² and 1 allotment with an area of 4000m² or greater. Accordingly there are currently 28 allotments with subdivision potential, all located on landforms with a slope greater than 15%.

After considering the lot size analysis, Council at its Strategic Meeting on 10 June 2014, resolved to:

- increase the minimum lot size from 1000m² to 2000m² in the North Arm Cove RU5 Village zone; and
- increase the minimum lot size from 700m² to 1000m² in the Smiths Lake RU5 Village zone,
- submit a planning proposal to NSW Planning and Environment for a Gateway Determination.

Modelling of the proposed new lot sizes was conducted for both villages. When the minimum lot size for Smiths Lake is increased to 1000m² there remains 37 allotments with an area greater than 2000m². The proposed increase in lot size would remove the potential for nearly 60 smaller allotments on steep landforms to be subdivided and the potential for sediments and other pollutants leaving those sites. The proposed increase in lot size would afford a greater protection to water quality. Thus 37 allotments will remain with the potential to be subdivided, many of which contain steep landforms with greater than 25% slope.

There is only one allotment in the village zone of North Arm Cove that has an area greater than 4000m². Increasing the minimum lot size to 2000m² would retain only one (1) allotment with the subdivision potential. There are 27 allotments which have an area between 2000-3999m², all of which contain sloping landforms greater than 20%. The proposed increase would thus remove the potential for these lots to be subdivided, significantly reducing the potential impacts of urban development and providing long term protection of water quality.

Smiths Lake Planning Study (SLPS)

Council commissioned the SLPS with the aim of identifying the opportunities and constraints to development of the Smiths Lake village and provided more detailed studies for a north east portion of this area.

The study identifies and documents the physical, cultural and socio-economic attributes of the Smiths Lake village, including the ecosystems contained within the Smiths Lake catchment. The study acknowledges that *“urban elements cause the greatest modification to the natural environment”* and utilises the information collated to provide a land suitability assessment.

The SLPS makes the following recommendations and comments consistent with the planning proposal:

- larger lot sizes are recommended, especially for the areas identified as having moderate and high receiving water quality impact potential
- adopt development layouts which retain natural vegetation.
- where possible, as much native/existing vegetation as possible should be retained. This vegetation serves a key role in reducing soil erosion (through minimising the impact velocity of rain drops) and maintaining the soil-water balance.
- all efforts should be made to minimise earthworks,
- Council should seriously consider avoidance for those areas identified as having high receiving water impact sensitivity. That is, no development/disturbance allowed within these areas.
- A buffer area 30m in width from the centre line of all watercourses should be protected from clearing or other disturbance in all developments.

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

Council had previously adopted an amendment to the former DCP 31 prior to the gazettal of GLLEP 2014 and DCP 2014. The amendment to DCP 31 established minimum lots sizes based on a proportional relationship between slope and area. However the requirements of the Standard Instrument and provisions for minimum lot sizes resulted in these amendments being in direct conflict with the GLLEP 2014. Subsequently this amendment was unable to be transferred into DCP 2014.

Advice from the former DPI indicated that the matter would be better resolved via a Planning Proposal once GLLEP 2014 was gazetted. Amending the relevant Lot Size Maps is considered the best means of achieving the objective.

3.2 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?)

Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy (MNCRS) was prepared by the (former) Department of Planning to provide the overarching strategic planning document for the region for the period 2006 – 2031. Smiths Lake is identified in MNCRS as being a coastal village. North Arm Cove is not identified in the strategy.

The MNCRS is consistent with the planning proposal and aims to

- *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*
- *Limit development in places constrained by coastal processes, flooding, wetlands, important primary industry land and landscapes of high scenic and conservation value*

The planning proposal is further supported by the settlement principles contained within the MNCRS which states that “any growth of coastal towns and villages will protect environmentally fragile areas and preserve the scenic values of the coastal landscape”.

Increasing the minimum lot size for village zoned land within Smiths Lake and North Arm Cove will ensure the conservation of village character and removed the potential for subdivision of constrained lands.

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

The planning proposal is consistent with the following local strategic plans:

- Forster Tuncurry Conservation and Development Strategy (2003)

- Port Stephens and Myall Lake Estuary Management Plan (2000)
- Great Lakes 2030 Community Strategic Plan

Forster Tuncurry Conservation and Development Strategy (2003)

The Forster Tuncurry Conservation and Development Strategy (FTCDS) was prepared by Council with the aim of ensuring a sustainable approach to land use planning and management within Forster/Tuncurry. This strategy includes consideration of environmental, economic and social factors. The strategy aims to identify options for future growth while safeguarding environmental quality.

The strategy identifies a range of issues which are considered to be constraints to development. Several of these issues are consistent with those identified in the planning proposal. This includes development within:

- Areas subject to high water quality sensitivity unless it can be demonstrated that there will be no net export of pollutants;
- Land in excess of 20%;

The FTCDS acknowledges that *“urban development in these areas is likely to result in an unacceptable impact and is unable to be successfully mitigated”*. In discussing future development opportunities and constraints for Smiths Lake the strategy reveals that *“the main management issues in this area include flora & fauna, high bushfire hazard, steep land and acid sulfate soils. Furthermore it concludes that “development in Smiths Lake will be required to maintain high water quality in Smiths Lake.”*

Consistent with the objective of the planning proposal, the FTCDS identifies the priority for development of the Smiths Lake is to protect the natural environment and existing village character by encouraging small-scale infill development which supports residential and some tourist uses. The FTCDS identifies the desired urban character of Smiths Lake as being:

- Development that should respect natural topography, ‘nestling’ into the landscape, avoiding steep sites for both development and open space areas
- Urban design which is water sensitive and energy efficient.
- Clearly define the edge and centre of the village.
- Provide for mainly residential development, with user friendly open space.
- Small-footprint and small-scale development.

The planning proposal seeks to increase the minimum lot size of all village zoned land within Smiths Lake and North Arm Cove. The proposal is consistent with Council’s FTCDS and will mitigate subdivision and inappropriate development on lands constrained by steep slopes.

Port Stephens and Myall Lake Estuary Management Plan (2000)

The need for appropriate planning controls has also been identified in the Port Stephens and Myall Lake Estuary Management Plan (2000) which recognises that *“the completion of the freeway connection from Sydney to Bulahdelah is expected to create significant pressure for further urban development along the northern shoreline of Port Stephens. An appropriate zoning strategy and Development Control Plan to protect vegetation in the foreshore and steep areas is an important planning priority”*. Council has identified the need for this planning proposal to be of high priority to

ensure the detrimental and irreversible impacts of subdivision on steep landforms adjacent to sensitive environs are mitigated.

Great Lakes 2030 Community Strategic Plan

The Great Lakes 2030 is a future planning document which aligns the community's vision with a clear strategic direction for the Great Lakes area over the long term. The plan provides a blueprint for Council to ensure the delivery of infrastructure and services to meet the needs of the community. Key objectives identified by the community plans seek to "*ensure that development is sensitive to our natural environment*" and also to "*Plan for sustainable growth and development*". These objectives are to be achieved through basing "*strategic land use planning on ecologically sustainable principles*" and the "*managing urban development and ensuring it respects the character of the area in which it is located*".

The planning proposal is supported by the Great Lakes 2030 Community Strategic Plan and will ensure future development retains the character of the coastal towns of Smiths Lake and North Arm Cove.

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

State Environmental Planning Policy 71 – Coastal Protection (SEPP 71) applies to all land within the coastal zone as defined in the Coastal Protection Act and accordingly applies to the subject villages. SEPP 71 requires Council to consider the matters listed in Clause 8 of the Policy when preparing draft LEP. In this regard, the planning proposal is considered acceptable and will not impinge on the scenic qualities of the coast. The proposal is consistent with SEPP 71 as it aims to reduce the likely impacts of development on the water quality of receiving coastal water bodies and protect and improve scenic qualities.

The planning proposal is consistent with all relevant SEPP's and will have no impact on coastal processes or coastal hazards.

Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act, issues directions that relevant planning authorities such as local councils must follow when preparing planning proposals for new LEPs. **Table 1** contains a response to each of the relevant directions in relation to the planning proposal.

Direction	Aim of Direction	Response
EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial lands and support the viability of identified strategic centres.	Not relevant to this planning proposal.
1.2 Rural Zones	This direction applies to any planning proposal that will affect an existing or proposed rural zone. The direction states a planning proposal must not rezone rural land to urban or contain provisions to increase permissible densities in rural zones.	Not relevant to this planning proposal.
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 relevant to this planning proposal.
1.4 Oyster Aquaculture	The objectives of this direction are to ensure Priority Oyster Aquaculture Areas and other aquaculture areas are adequately considered by planning proposals.	North Arm Cove is adjacent to a Priority Oyster Aquaculture Area. The planning proposal seeks to reduce the impacts of development by increasing the minimum lot size in the village. The planning proposal aims to improved water quality through reducing the potential for sedimentation from development and tree removal, and contaminants from onsite sewage systems entering the water way.
1.5 Rural Lands	The objectives of this direction to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes."	Not relevant to this planning proposal.
ENVIRONMENT AND HERITAGE		

Direction	Aim of Direction	Response
2.1 Environment Protection Zones	To protect and conserve environmentally sensitive areas.	The site is not currently zoned E2 Environmental Conservation or E3 Environmental Management. The planning proposal is consistent with this direction in that it seeks to protect environmentally sensitive waterways by reducing the impacts of urban development.
2.2 Coastal Protection	The objective of this direction is to implement the principles in the NSW Coastal Policy.	Not relevant to this planning proposal.
2.3 Heritage Protection	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site is well removed from items and conservation areas identified within GLLEP 2014. The planning proposal is not consistent with this direction.
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 relevant to this planning proposal.
HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing, minimise the impact of residential development on the environment and resource lands to make efficient use of infrastructure and services.	The planning proposal is consistent with this direction and will minimise the impact of residential development on sensitive receiving waterways. The proposal will not restrict the variety of future housing options in Smiths Lake or North Arm Cove.
3.2 Caravan Parks and Manufactured Home Estates	To provide for a variety of housing types and to provide opportunities for caravan parks and manufactured home estates.	Not relevant to this planning proposal.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	The planning proposal will not amend the permissibility for "home occupations" to be undertaken in the RU5 Village Zone.

Direction	Aim of Direction	Response
3.4 Integrating Land Use and Transport	The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, jobs and services by methods other than private vehicles.	Not relevant to this planning proposal.
3.5 Development Near Licensed Aerodromes	To ensure the effective and safe operation of aerodromes.	Not relevant to this planning proposal.
3.6 Shooting Ranges	One of the main objectives is to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land.	There are no shooting ranges within the vicinity of Smiths Lake or North Arm Cove. This direction is not relevant to this planning proposal.
HAZARD AND RISK		
4.1 Acid Sulfate Soils	To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils (ASS).	The villages of Smith Lake and North Arm Cove are relatively free from ASS with only a small number of allotments adjacent to the foreshore containing ASS. Further subdivision of steep lands adjacent to foreshore areas will be restricted by this planning proposal and will alleviate the potential for any adverse impacts from ASS. Hence the planning proposal is consistent with this direction.
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	The site is not within a Mine Subsidence District and therefore the direction is not relevant to this planning proposal.
4.3 Flood Prone Land	This direction aims to reduce the risk of flood and to ensure that the development of flood prone land is consistent with NSW Flood Prone land policy.	Smith Lake and North Arm Cove are relatively free from flooding. A small number of allotments adjacent to the foreshore at risk from flooding. This planning proposal will not affect any of these allotments at Smiths Lake, however it will have a bearing on a small number of flood affected allotments at North Arm Cove. Further subdivision of these lots will be restricted by the planning proposal, which will ensure development occurs on flood free lands. The planning proposal is consistent with this direction.

Direction	Aim of Direction	Response
4.4 Planning for Bushfire Protection	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 to encourage sound management of bush fire prone areas.	Both the village areas of Smiths Lake and North Arm Cove are identified as being significantly bush fire prone areas. Any subdivision of allotments within these village areas would require a detailed bush fire assessment. The planning proposal will limit subdivision of numerous allotments in both villages. These allotments contain significant slopes and vegetation, increasing the potential threat to life and property from bushfire hazards. The planning proposal is consistent with this direction which aims to ensure that only appropriate and compatible development occurs in bushfire prone areas.
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The MNCRS states " <i>any growth of coastal towns and villages will protect environmentally fragile areas and preserve the scenic values of the coastal landscape</i> ". Furthermore it aspires that visual amenity and character of small coastal towns should be retained, with expansion of urban areas locate within or near high order centres. Both villages meet the criterion of a coastal town. The MNCRS recognises the need to limit development in coastal areas constrained by high scenic and conservation values. The planning proposal is consistent with this direction in sustaining the visions and strategies of MNCRS. The planning proposal will assist in mitigating the potential impacts of subdivision to the amenity, character and sensitive environs of Smiths Lake and North Arm Cove.
5.2 Sydney Drinking Water Catchments	The objective of this direction is to protect water quality in the Sydney drinking water catchment.	Not relevant to this planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	To manage agricultural lands on the Far North Coast.	Not relevant to this planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	To manage commercial and retail development along the Pacific Highway	Not relevant to this planning proposal.
Direction 5.5 revoked	N/A	N/A
Direction 5.6 revoked	N/A	N/A
Direction 5.7 revoked	N/A	N/A

Direction	Aim of Direction	Response
5.8 Second Sydney Airport: Badgerys Creek	The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.	Not relevant to this planning proposal.
LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that GLLEP provisions encourage the efficient and appropriate assessment of development.	Not relevant to this planning proposal.
6.2 Reserving Land for Public Purposes	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 not longer required from acquisition.	Not relevant to this planning proposal.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Not relevant to this planning proposal.
METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	Not relevant to this planning proposal.

3.3 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?

The planning proposal seeks to increase minimum lot size for the coastal villages of Smiths Lake and North Arm Cove. Both coastal towns contain significant vegetation which supports high conservation value habitat, important threatened species and ecological communities. The planning proposal will assist in protecting these habitats, and the ecological populations they support, by avoiding subdivision of sites containing steep slopes.

The planning proposal will not result in any adverse impacts on critical habitats or threatened species.

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

The planning proposal requires amending the lot size map by creating a larger minimum lot size to help buffer the impacts of erosion, water quality, amenity, character and tree removal on steep landforms. There will be no adverse environmental effects as a result of the planning proposal.

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

The planning proposal will have minimal social and economic effects. The main implication of the planning proposal is that it will remove the potential for subdivision for a small number of allotments in the Great Lakes Shire. Any application for subdivision is determined after a merits based assessment and not all allotments with the potential to currently be subdivided would successfully obtain approval given the existing constraints of bushfire, sewage disposal and ability to obtain suitable driveway access on sloping sites.

The economic and social viability of Smiths Lake and North Arm Cove is not dependant on the ability of existing allotments to be subdivided, hence these towns will not be significantly impacted by this planning proposal.

3.4 Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

There are no implications to public infrastructure as a result of this planning proposal.

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

No consultation has taken place with State and Commonwealth authorities prior to seeking a Gateway Determination.

Part 4 – Mapping

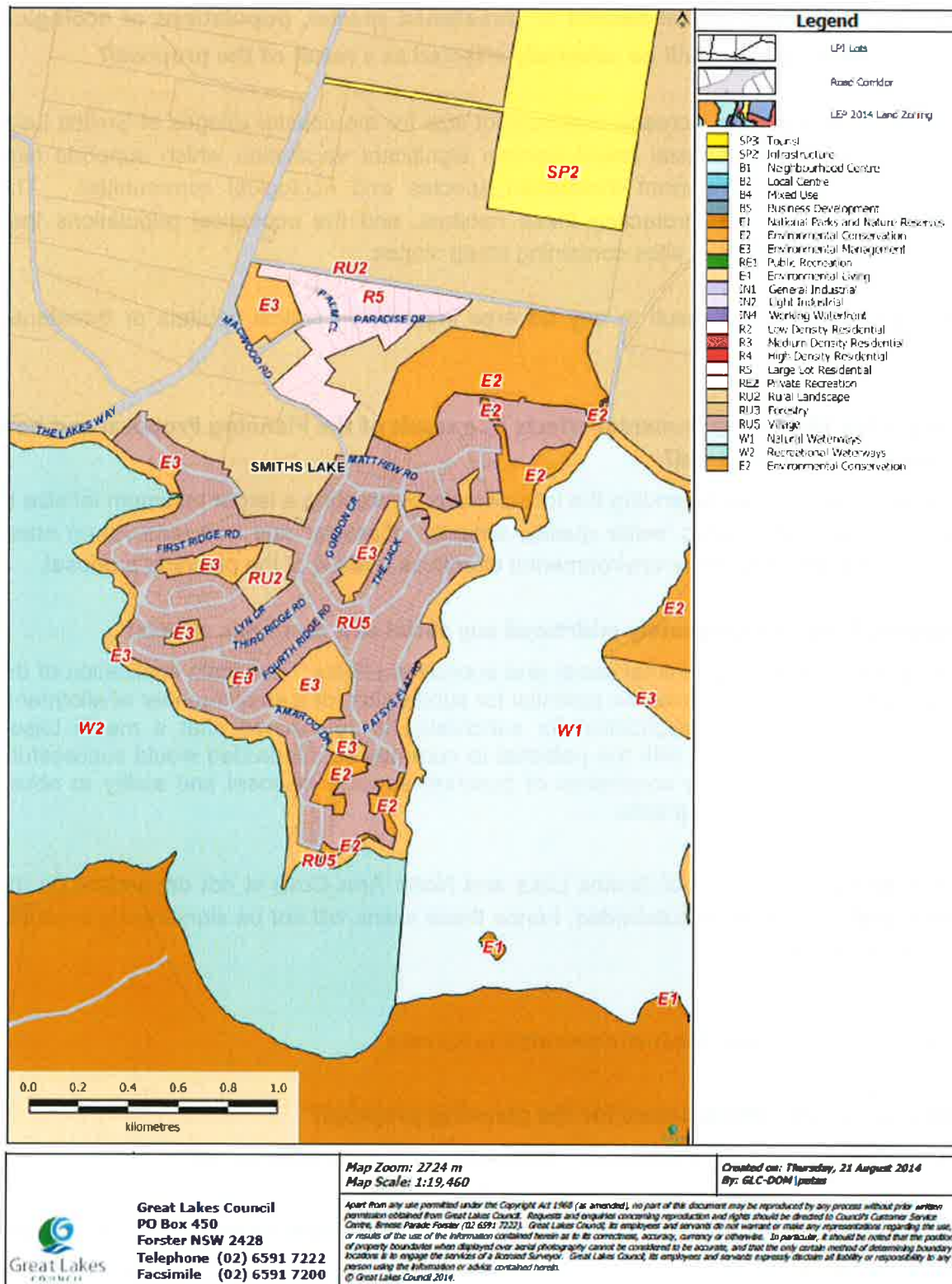


FIGURE 2 – CURRENT ZONING SMITHS LAKE

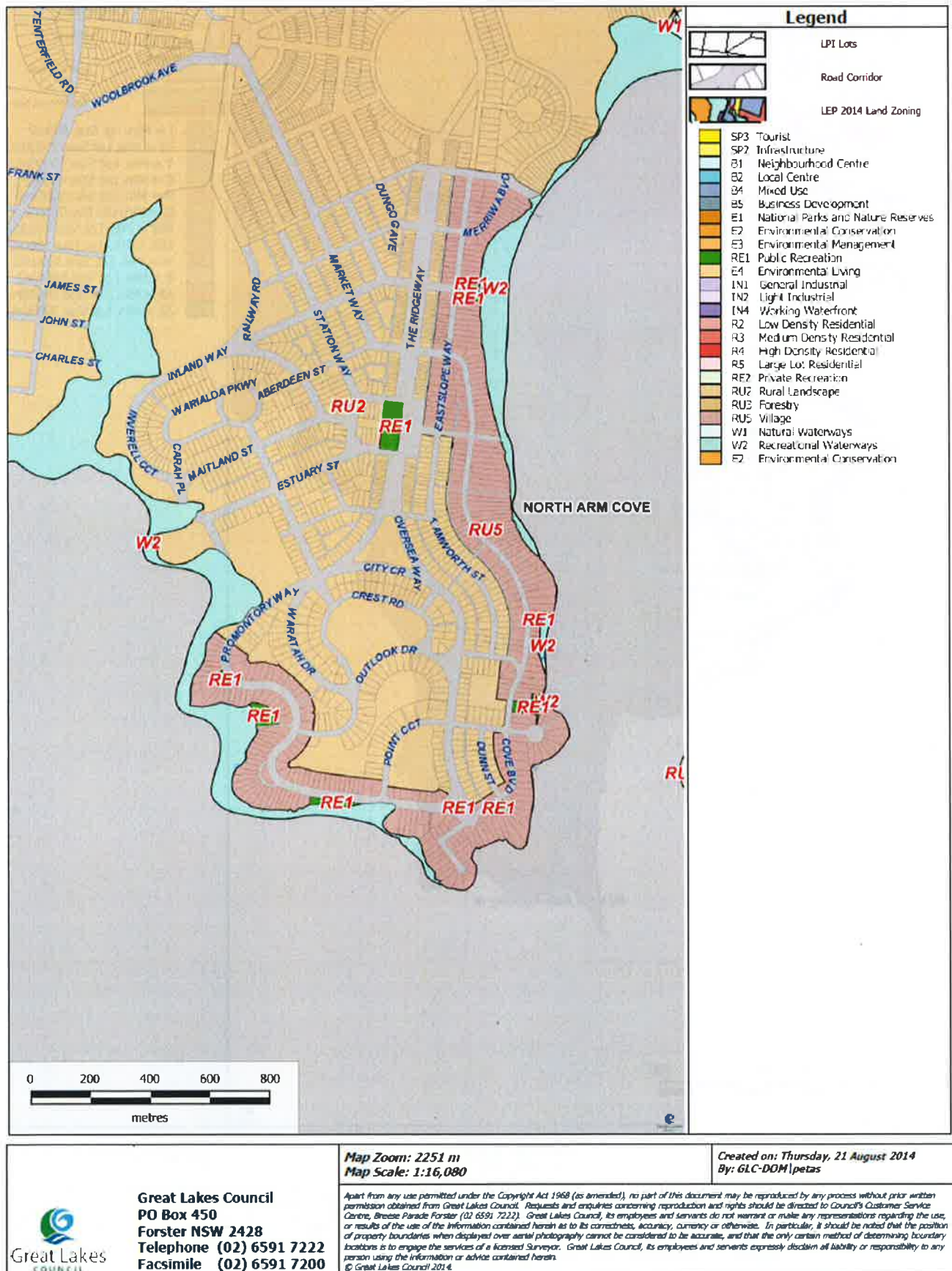


FIGURE 3 - CURRENT ZONING MAP NORTH ARM COVE

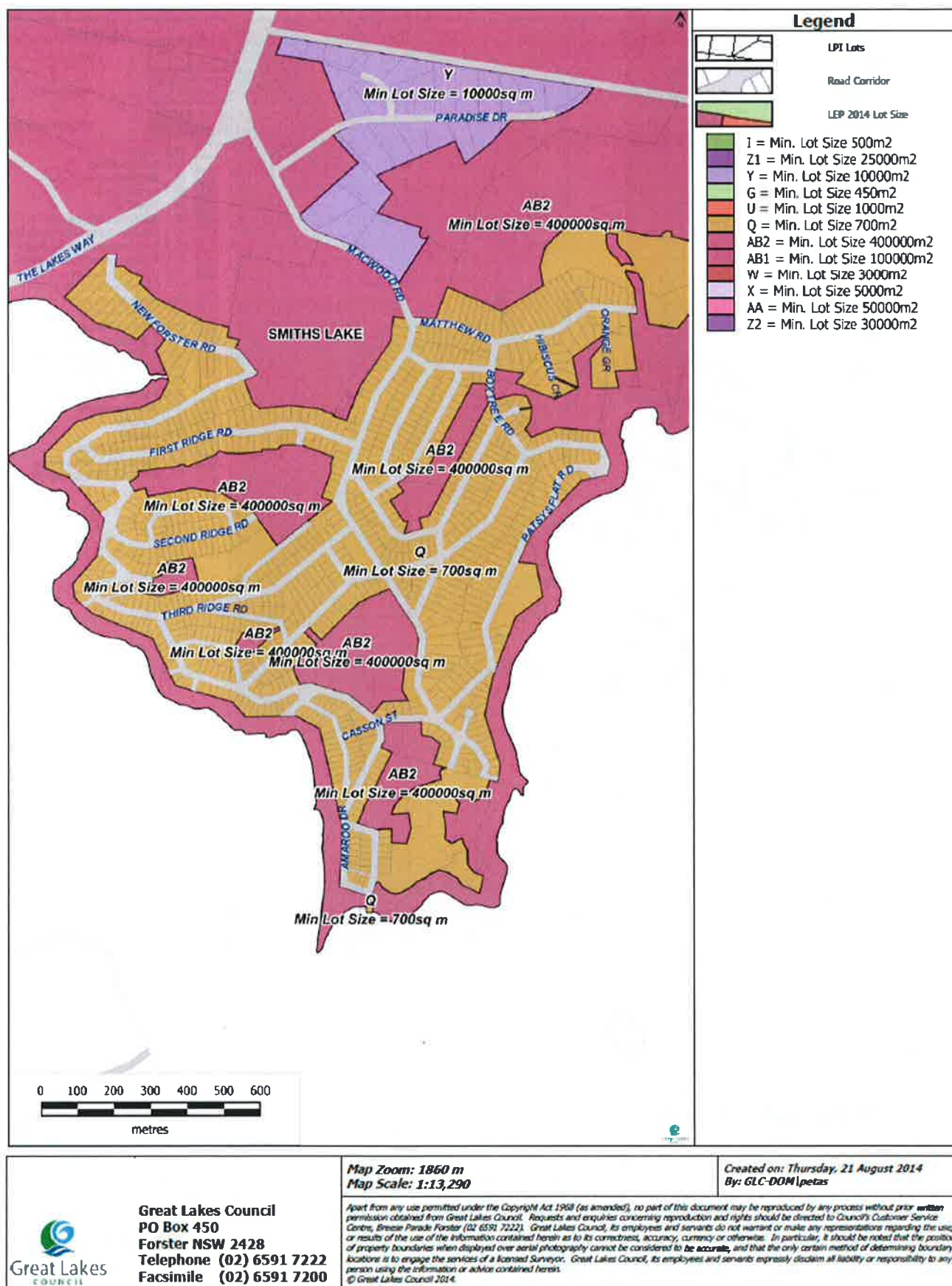


FIGURE 4 - CURRENT LOT SIZE MAP SMITHS LAKE

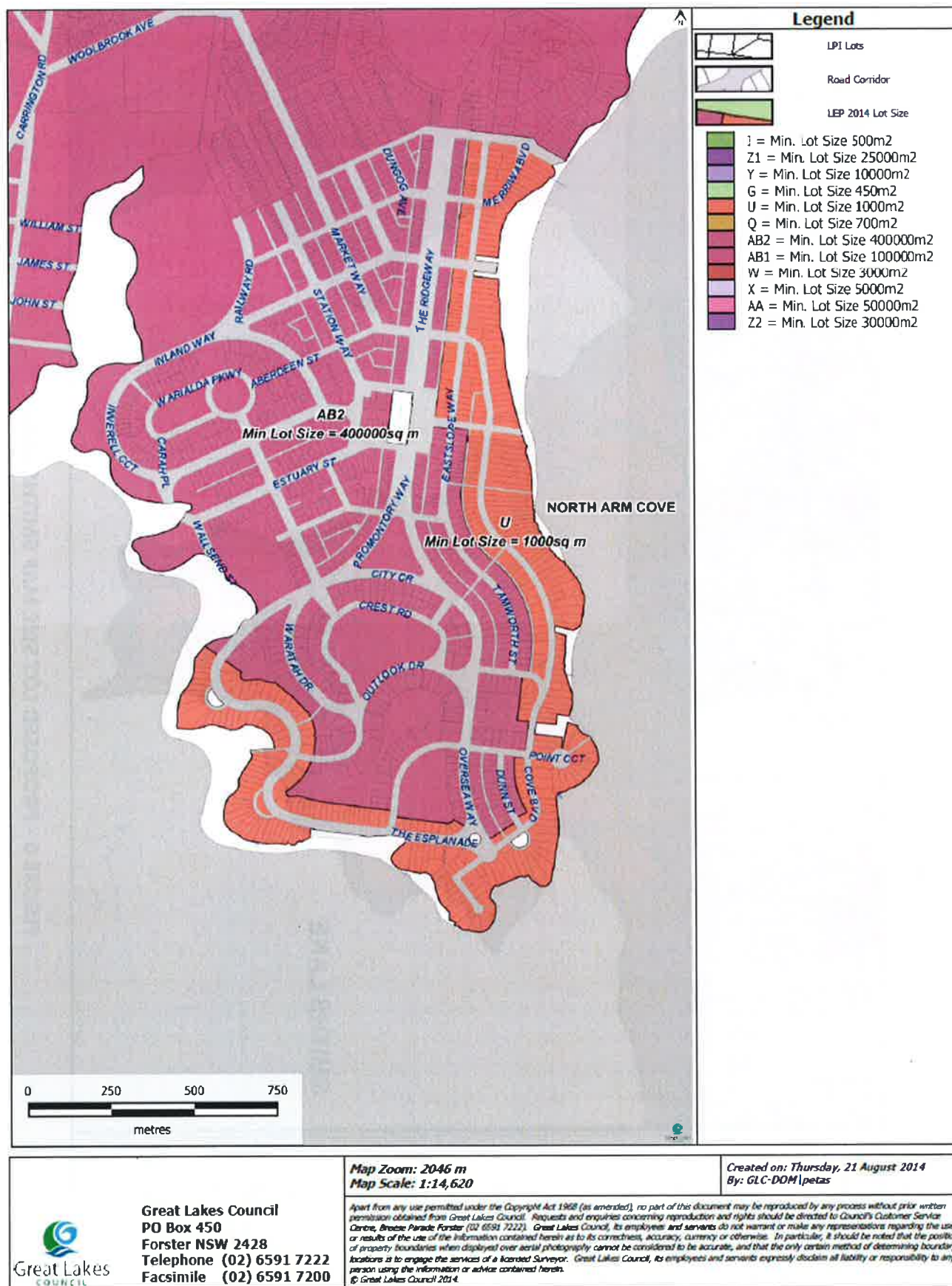


FIGURE 5 - CURRENT LOT SIZE MAP NORTH ARM COVE



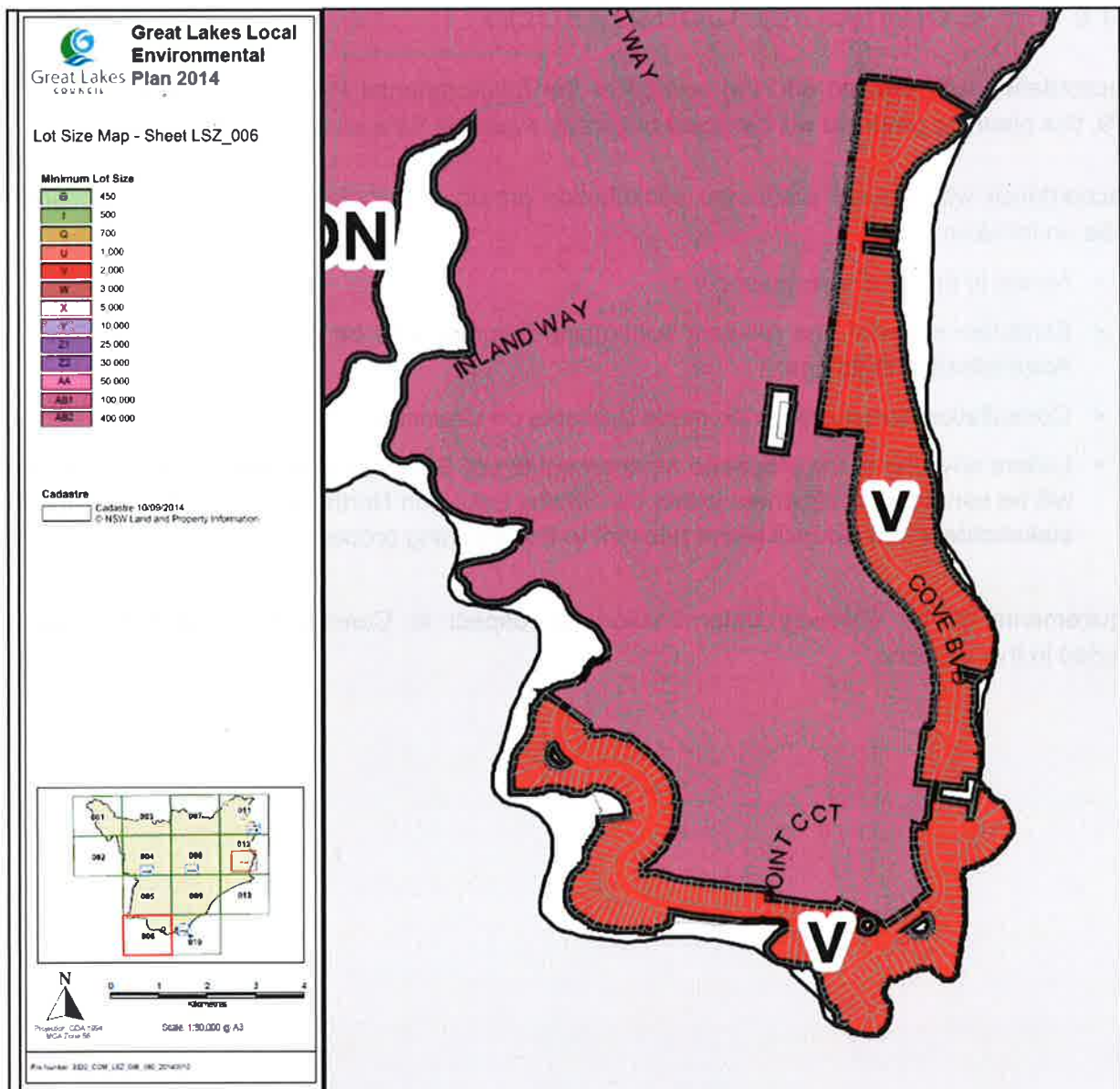


FIGURE 7 - PROPOSED LOT SIZE MAP NORTH ARM COVE

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 28 days.

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

- Notice in the local newspaper;
- Exhibition material and relevant consultant documents to be made available at Council's Administration Buildings;
- Consultation documents to be made available on Council's website; and
- Letters advising of the proposed amendment to Lot Size Map and how to submit comments will be sent to all landowners within the Smiths Lake and North arm Cove villages and other stakeholders that Council deem relevant to this planning proposal.

Requirements of the Gateway determination, in respect to Community Consultation, will be included in this section.

Part 6 – Timeframe

<i>Estimated Time Period</i>	<i>Milestone</i>
September 2014	Planning Proposal to NSW Department of Planning & Environment
November/December 2014	Community Consultation
February 2015	Report to Council for determination to adopt the Planning Proposal
March 2015	Submission to NSW Department of Planning & Environment to request making of the plan by the Minister.

Part 7 – Conclusion

The coastal villages of Smiths Lake and North Arm Cove are defined by significant land constraints adjacent to highly sensitive receiving water bodies (Port Stephens Great Lakes Marine Park). Steep landforms, effluent disposal, dense vegetation, extreme bush fire issues, high ecological and scenic values describe some of these constraints to development. Thus urban development within these villages requires careful management to ensure water quality is protected and the visual amenity and existing character of these villages is maintained.

Council's recent provisions to provide clear planning controls to subdivision on sloping sites within these villages were unable to be transferred into the current statutory planning provisions. This planning proposal seeks to establish the intended outcomes of previously adopted planning controls within the current planning provisions.

This planning proposal demonstrates the need for increasing the minimum lot size and subsequent amendments to the relevant Lot Size Maps of GLLEP 2014. The proposed amendments will effectively increase the minimum lot size of Smiths Lake to 1000m² and to 2000m² for North Arm Cove.

The planning proposal is consistent with all applicable SEPPs. In particular the proposal is consistent with SEPP 71 – Coastal Protection, as it aims to reduce the likely impacts of development on the water quality of receiving coastal water bodies and protect, and improve, scenic qualities. Furthermore the proposal is consistent with Section 117 Directions as they apply to the planning proposal.

The proposed amendments to the GLLEP 2014 Lot Size Maps, as contained in this planning proposal, are considered fundamental to the protection of the sensitive environs of Smith Lake and North Arm Cove.