

**Smiths Lake and North Arm Cove increased minimum lot size - Amendment to Great Lakes
LEP 2014**

Proposal Title :	Smiths Lake and North Arm Cove increased minimum lot size - Amendment to Great Lakes LEP 2014		
Proposal Summary :	The proposal seeks to amend the minimum lot size map for land at Smiths Lakes and North Arm Cove. The proposal applies to land zoned RU5 Village that is subject to steep slope and vegetation constraints. It is proposed to limit further subdivision of these constrained lands by increasing the minimum lot size at Smiths Lakes from 700m² to 1000m², and for North Arm Cove from 1000m² to 2000m².		
PP Number :	PP_2014_GLAKE_005_00	Dop File No :	14/15795

Proposal Details

Date Planning Proposal Received :	17-Sep-2014	LGA covered :	Great Lakes
Region :	Hunter	RPA :	Great Lakes Council
State Electorate :	MYALL LAKES	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Various parcels in Smiths Lake and North Arm Cove		

DoP Planning Officer Contact Details

Contact Name :	Dylan Meade
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RPA Contact Details

Contact Name :	Peta Stimson
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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Council has requested use of plan making delegations. This request is supported as the proposal is consistent with the Mid North Coast Regional Plan and considered of local planning significance.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The statement of objectives explains the objective of proposal is to increase the minimum lot size applying to land at North Arm Cove and Smiths Lake. The proposal is intended to achieve outcomes that will protect water quality by limiting development on steep lands, and preserve the amenity of villages by retaining vegetation.

The statement of objectives is supported.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The explanation of provisions explains the planning proposal will be achieved by an amendment to the Lot Size Map sheets of the Great Lakes LEP 2014.

The explanation of provisions is supported.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.4 Oyster Aquaculture

2.1 Environment Protection Zones

3.1 Residential Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 71—Coastal Protection

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has nominated 28 days for the proposed length of community consultation. The proposal is considered of low impact as it is:

- **consistent with the pattern of surrounding land use zones and/or land uses**
- **consistent with the strategic planning framework**
- **presents no issues with regard to infrastructure servicing**
- **not a principal LEP**
- **does not reclassify public land.**

Even though the planning proposal is of low impact, it is recommended that a minimum 28 day community consultation period be supported. The proposal will limit the subdivision potential of 87 lots in the Smiths lakes and North Arm Cove areas. This is expected to generate substantial interest for the owners of the lots subject to the proposed changes.

Council has not indicated whether it will undertake consultation with State agencies. As the proposal is of limited impact and does not permit additional development, it is recommended that Council not be required to undertake agency consultation unless required by a Section 117 Direction, such as in the case of the Direction 4.4 and the Rural Fire Service.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **April 2014**

Comments in
relation to Principal
LEP :

The Standard Instrument Great Lakes LEP 2014 is in force.

Assessment Criteria

Need for planning
proposal :

The planning proposal is the result of a report on lot size and slope analysis which examined the impacts on development constrained by steep slope and vegetation. If this report is in a form that able to be exhibited, Council should place it on exhibition with the proposal.

Consistency with strategic planning framework :

MID NORTH COAST REGIONAL STRATEGY (MNCRS)

The planning proposal is considered consistent with the MNCRS as the subject site is an existing rural residential zone and only seeks a minor change to minimum lot size.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

***SEPP 71 - Coastal Protection**

SEPP 71 is applicable to the planning proposal as it is located in the coastal zone. The proposal is considered consistent with aims and objectives of the SEPP as it facilitates greater protection of the coastal environment through reducing inappropriate development on constrained land.

LOCAL PLANNING (SECTION 117) DIRECTIONS

***1.4 Oyster Aquaculture**

This direction is applicable as land at North Arm Cove is adjacent to a Priority Oyster Aquaculture Area. The proposal is considered consistent with this Direction as it reduces intensification potential of land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers

***2.1 Environment Protection Zones**

This direction is applicable as it applies when any planning proposal is prepared. The proposal is considered consistent with the direction as it reduces the subdivision potential on land that contains vegetation.

***3.1 Residential Zones**

This direction is applicable as the proposal affects land within an existing residential zone. The proposal is considered consistent with this Direction as it reduces the consumption of land for housing and associated urban development on the urban fringe.

***4.1 Acid Sulfate Soils**

This direction is applicable as the proposal affects land that has a probability of containing acid sulfate soils. The proposal is considered consistent with this Direction as it reduces development potential on land that has a probability of containing acid sulfate soils, and therefore reduces the chance of adverse environmental impacts.

***4.3 Flood Prone Land**

This direction is applicable as the proposal affects a small number of lots that are identified as being within a flood planning area. The proposal is considered consistent with this direction as it reduces development potential on land identified as flood affected.

***4.4 Planning for Bushfire Protection**

This direction is applicable as the proposal will affect areas mapped as bushfire prone land. Under clause (4) of the direction Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act. Although the proposal reduces the potential for development of land in bushfire prone areas, the direction does not allow any exceptions to be made regarding consultation requirements with the RFS. Therefore it is recommended that Council be required to undertake consultation with the RFS in accordance with this direction.

***5.1 Implementation of Regional Strategies**

As discussed above, the planning proposal is considered consistent with the the Mid North Coast Regional Strategy.

Environmental social economic impacts :

The planning proposal is not considered to have any social or economic impacts for the Great Lakes community. The proposal seeks a minor variation to the minimum lot size in order to restrict inappropriate subdivision. However individual owners may be impacted upon economically if they intended to subdivide their lot in the future. The proposal will not affect the ability of owners to construct dwellings on existing lots. Community consultation will enable the community to comment on the proposal, and for Council to determine the amount of support or objection for the changes.

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There will be improved environmental outcome for the wider community from restricting additional subdivision of environmentally constrained land.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Great Lakes Council_17-09-2014_Request for Gateway determination - Amend lot size maps for Smiths Lake and North Arm Cove_.pdf	Proposal Covering Letter	Yes
Planning Proposal LEP Amendment 5 Minium Lot Size Smiths Lake and North Arm Cove Version 1 August 2014.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.4 Oyster Aquaculture**
- 2.1 Environment Protection Zones**
- 3.1 Residential Zones**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**

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5.1 Implementation of Regional Strategies

Additional Information :

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

**(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).**

2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act in respect of Section 117 Direction 4.4 Planning for Bushfire Protection. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as it reduced the subdivision potential of land subject to steep slopes and vegetation constraints. The proposal is also consistent with all applicable planning policies and Strategies.

Signature:



Printed Name:

KO'FLAHERTY

Date:

1/10/2014