Great Lakes
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PNC000514

Regional Manager
Department of Planning
PO Box 1226
NEWCASTLE NSW 2300

Our Ref: SP-LEP-52

Contact: Mr Alex Caras

Telephone: (02) 6591 7351

Attention: Gary Oakey

10 November 2010

Dear Mr Oakey

RE: PLANNING PROPOSALS FOR CURRENT LEPS: DRAFT AMENDMENT NO. 52 – LOT 15 DP 713933, CARMONA DRIVE, SOUTH FORSTER

Reference is made to the letters from the Department of 16 March and 29 September 2010 setting out the transitional provisions for current LEPs.

Council seeks a review of the work undertaken for the above draft LEP and requests that the draft plan be brought into the current Part 3 process. The draft plan was recently exhibited from 25 August – 27 October 2010. It is anticipated that the key issues raised in submissions will be considered by Council before end of 2010.

Council believes that it is important to the implementation of its strategic plans that the pending amending LEP continue as a Planning Proposal under the Gateway process. To this end a Planning Proposal for this site is attached.

Given the considerable effort that has already been devoted to this site over recent years and in accordance with Authorisation to Exercise Delegations granted in October 2009 Council believes that it is reasonable for this rezoning to be finalised within the next 6 months.

Should you have inquiries regarding Council's proposal please contact Mr Alex Caras on 65917351

Yours faithfully

A CARAS
Manager Strategic Planning
Planning and Environmental Services

NSW GOVERNMENT
Department of Planning
12 NOV 2010
Received
Newcastle Office
Hunter Region

Great Lakes
COUNCIL

EMGA | MitchellMcLennan

Great Lakes Local Environmental Plan 1996 (Amendment No 52)

Lot 15 DP 713933 Carmona Drive, South Forster

Planning Proposal

October 2010

Prepared for SAF Property Group | 27 October 2010

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Great Lakes Local Environmental Plan 1996 (Amendment No 52)
Lot 15 DP 713933 Carmona Drive, South Forster
Planning Proposal

Final Draft

Prepared for SAF Property Group | 27 October 2010

Prepared by	**Rachael Russell**	Approved by	**Paul Mitchell**
Position	Environmental Planner	Position	Director
Signature		Signature	
Date	27.10.10	Date	27.10.10

This Report has been prepared in accordance with the brief provided by the Client and has relied upon the information collected at or under the times and conditions specified in the Report. All findings, conclusions or recommendations contained within the Report are based only on the aforementioned circumstances. Furthermore, the Report is for the use of the Client only and no responsibility will be taken for its use by other parties.

Document Control

Version	Date	Prepared by	Reviewed by
V1	01.10.10	Rachael Russell	Paul Mitchell
V2	11.10.10	Rachael Russell	Paul Mitchell
V3	22.10.10	Rachael Russell	Paul Mitchell
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Introduction

This Planning Proposal has been prepared to enable the transfer of draft Great Lakes Local Environmental Plan 1996 (Amendment No 52) into the current Part 3 provisions of the Act, in accordance with the relevant Savings and Transition provisions relating to draft "amending" LEPs.

The Planning Proposal explains the intended outcomes and justification for the proposed amendment to the Great Lakes Local Environmental Plan 1996 (Amendment No 52) (herein referred to as the proposed LEP). The proposed LEP is site specific to Lot 15 DP 713933, Carmona Drive, South Forster (the site). SAF Property Group is the owner of the site.

EMGA Mitchell McLennan Pty Ltd (EMM) has been engaged by SAF Property Group to prepare a Planning Proposal for the proposed LEP.

Background

On 22 November 2005 Great Lakes Council resolved to prepare a draft LEP to rezone the site in accordance with the Forster/Tuncurry Conservation and Development Strategy and the South Forster Structure Plan. On 5 December 2005 Council wrote to the NSW Department of Planning (DoP) advising of its decision to prepare a draft LEP and Local Environmental Study under Section 54 Environmental Planning and Assessment Act.

A *Local Environmental Study: Draft Local Environmental Plan, Desired Future Character and Design Guidelines Lot 15 DP 713933 Carmona Drive, South Forster* (the LES) was prepared in September 2007 for the site by Umwelt Environment Consultants (Australia) Pty Ltd. At its meeting of 12 August 2008 Council adopted the LES and requested that SAF Property prepare a site-specific Development Control Plan (minutes relevant to the site are provided in Appendix A).

A draft *Development Control Plan No.59 for Lot 15 DP 713933, Carmona Drive* (draft DCP) was prepared in February 2010 by Chris Power Environmental Planning (CPEP) in accordance with Section 74C of the EP&A Act and Part 3 of the *Environmental Planning and Assessment Regulation 2000.* The draft DCP and corresponding draft LEP for the subject land were exhibited concurrently from 25 August 2010 to 27 October 2010.

Site description

Lot 15 DP 713933 covers an area of 27.7 hectares (ha) and is located at the eastern end of Carmona Drive, South Forster within the Great Lakes Shire Local Government Area (Figure 1). The site is bordered by Booti Booti National Park to the north, south and east and by rural residential development to the west.

Structure of Planning Proposal

The Planning Proposal has been prepared in accordance with Section 55(2) of the *Environmental Planning and Assessment Act 1979 (NSW)* (EP&A Act) and the relevant DoP guidelines: *A Guide to Preparing Planning Proposals (June 2009)* and *A Guide to Preparing Local Environmental Plans (July 2009).*

The Planning Proposal is structured in accordance with DoP's guidelines and comprises the following parts:

Part 1: A statement of objectives or intended outcomes of the proposed LEP.

Part 2: An explanation of the provisions that are to be included in the proposed LEP.

Part 3: The justification for those objectives, outcomes and provisions and the process for their implementation.

Part 4: Details of the community consultation that is to be undertaken in the Planning Proposal.

Part 1: Objectives or intended outcomes

The objective of the proposed LEP is to obtain improved environmental outcomes for the site which adjoins Booti Booti National Park, whilst also allowing for sensitive rural residential development where suitable. This will be achieved through the following:

- rezoning of Lot 15 DP 713933 from Zone No 7(f1) (Coastal Lands Protection Zone) to Zone No 1 (d1) (Rural Residential Zone) and Zone No 7 (a1) (Environmental Protection Zone); and

- insertion of a provision relating to Lot 15 DP 713933 into Great Lakes Local Environmental Plan 1996 where consent may be granted to the subdivision of land that does not comply with the minimum lot size provided that:

  (a) the subdivision will be created pursuant to the Community Land Development Act, 1989; and

  (b) The total number of Lots capable of accommodating a dwelling house that are created on the whole of the land to which this clause applies shall not exceed 27, with average lot density calculated over the whole of the land to which this clause applies not to exceed 1 'development Lot' per 7,774 square metres.

The map showing the rezoning is provided as Figure 2 of this Planning Proposal.

Part 2: Explanation of provisions

To achieve the objectives of this Planning Proposal it is intended to make the following amendments to Great Lakes Local Environmental Plan 1996:

[1] Clause 33D

Insert after clause 33C:

33D Development of Lot 15 DP 713933, South Forster

(1) This clause applies to that part of Lot 15, DP 713933, Carmona Drive, South Forster, that is within Zone No. 1(d1) (Rural Residential Zone) as shown on the map marked "Great Lakes Local Environmental Plan 1996 (Amendment No 52)".

(2) Despite any other provision of this plan, the Council may grant consent to the subdivision of land to which this clause applies that does not comply with the minimum lot size provisions of clause 17(5A) of this plan, but only if the Council is satisfied that:

(a) The subdivision will be created pursuant to the Community Land Development Act, 1989; and

(b) The total number of Lots capable of accommodating a dwelling house that are created on the whole of the land to which this clause applies shall not exceed 27, whether by one or more successive subdivisions, with average lot density calculated over the whole of the land to which this clause applies not to exceed 1 'development Lot' per 7,774 square metres.

[2] Dictionary

Insert at the end of the definition of ***Map***:

Great Lakes Local Environmental Plan 1996 (Amendment No 52)

In relation to proposed Clause 33D(2), the use of Community Title will ensure that the central riparian corridor, habitat connections and other important environmental assets within the site will be rehabilitated and maintained in perpetuity in the Community Lot at no cost to DECCW or Council. Community Title will also ensure better subdivision and housing design outcomes are achieved throughout the subject site.

The purpose of the site-specific provisions governing the future lot densities (within the proposed 1(d1) Rural Residential Zone) is to ensure a comparable density of development with that of the adjoining Carmona Drive subdivision. Importantly, it should be noted that the smaller individual lot sizes in the proposed site plan (see Fig. 5) are compensated by the large Community Lot which contains the site's primary environmental assets in the riparian corridor, habitat linkages to the National Park, pedestrian and cycle access, bush fire trails, buffers to the National Park and community recreation areas.

Part 3: Justification

In accordance with DoP's *Guide to Preparing Planning Proposals* this section provides details of the following:

- need for the Planning Proposal;
- relationship to the applicable strategic planning framework;
- environmental, social and economic impact; and
- State and Commonwealth interests.

– The DoP's guide identifies certain questions that have been responded to below.

Section A – Need for the Planning Proposal

– **1. Is the Planning Proposal a result of any strategic study or report?**

– Yes. This Planning Proposal is the result of Council's adoption of the LES which addressed all relevant environmental and planning issues associated with the site.

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

– Yes, as the Planning Proposal relates to rezoning of land, it is considered that it is the best means of achieving the objective: facilitation of rural residential development within certain parts of the site while conserving the environmentally valuable remaining areas. The current zone for the site – 7(f1) (Coastal Lands Protection Zone) – restricts the subdivision of land to a minimum area of 40ha. As the site has an area of 27.7ha the land will need to be rezoned if future development is to be achieved. As described above in Part 2 of this Planning Proposal, Clause 33D[1] of the proposed LEP rezones the site to No. 1(d1) (Rural Residential Zone) and No. 7(a1) (Environmental Protection Zone).

– Additionally, the proposed insertion of Clause 33D[2] is required as clause 17(5A) of the LEP permits subdivision within Zone No. 1(d1) only if each allotment has a minimum area of 5,000 metres squared (m^2). As described in the DCP's Masterplan for the site the minimum lot size for the site is 3,300m^2 (Figure 3). Proposed Clause 33D[2] allows for the granting of consent for subdivision within Lot 15 DP 713933, South Forster that does not comply with Clause 17(5A) provided that the total number of lots capable of accommodating a dwelling house do not exceed 27, with average lot density calculated over the whole of the 1(d1) land not to exceed 1 'development Lot' per 7,774m^2.

– **3. Is there a net community benefit?**

– Yes. There are several community benefits of the Planning Proposal. The LES (Umwelt 2007) concluded that the South Forster community and housing profile demonstrates that there is a strong and continuing demand for housing development in the area, including rural residential development and the proposal would help to satisfy this demand. Other community benefits include the setting aside of one 9.05ha Community Lot and 0.15ha as public access where pedestrian and bicycle paths will connect to a

perimeter fire trail system and recreation areas. The provision of the fire trail will allow access for emergency services to the Booti Booti National Park.

– Establishment of a regional corridor between the northern and southern sections of Booti Booti National Park is a key environmental objective for Council and the Department of Environment, Climate Change and Water (DECCW) (Section 15.2 of the LES, Umwelt 2007). Currently there is only a small connection which is around 300 metres (m) wide and consisting of steep terrain that is not suited to the growth of forest communities. Also, the area is currently unsuitable for the establishment of vegetation as the subject site is privately owned and used for grazing. Land approximately 100m east of the site within Booti Booti National Park, known as 'the saddle', has also been cleared and subjected to grazing pressures which has restricted vegetative growth (Figure 4). The Planning Proposal will result in environmental benefits with around 6.7ha of the eastern portion of the site transferred to the National Park estate and established as a conservation area. Revegetation of this conservation area and 'the saddle', in accordance with the rehabilitation plan provided in the LES, will provide a regional corridor connection between the northern and southern sections of the National Park.

– The Planning Proposal will also provide jobs associated with the construction and development of the site and indirectly create jobs in the area to provide services to construction workers and new residents.

– The Planning Proposal only involves the development of around 43 per cent (%) of Lot 15 with around 24% to be dedicated to National Parks and 33% forming a large Community Lot which contains the site's primary environmental assets in the riparian corridor, habitat linkages to the National Park, pedestrian and cycle access, bush fire trails, buffers to the National Park and recreation areas. Potential negative social and environmental impacts were assessed in the LES with any required measures to manage and mitigate impacts provided in the DCP (CPEP 2010). It is considered that given the range of benefits and the effective management of any potential impacts, on balance, the Planning Proposal will result in a significant net community benefit.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

– Yes. The Planning Proposal is consistent with the relevant aims and planning principles of the Mid North Coast Regional Strategy for the following reasons:

- the subject site is identified in the *Forster-Tuncurry Conservation & Development Strategy 2003* as being within the proposed future urban release area of South Forster (a "major town"). This represents the primary local growth management strategy agreed between council and the DoP;
- the proposed rural residential rezoning is located away from areas proposed for future urban development and will contribute to the Mid North Coast Regional Strategy target of 15,000 dwellings for the Manning Valley-Great Lakes subregion;
- the supporting local environmental studies have properly considered the relevant ecological (flora and fauna, water quality, soils), hydrological, socio-cultural and visual attributes applying to the subject land, as well as natural hazards (flooding/bushfire/slope);
- land identified for both habitat and corridor enhancement (totalling approx 6.5ha) will be zoned accordingly and dedicated into public ownership;
- the draft plan contains provisions to ensure that adequate stormwater management measures are taken to protect the water quality of Dunns Creek and Pipers Bay; these provisions are supported by

a corresponding draft DCP for the site to ensure future development achieves stormwater management targets and incorporates water sensitive urban design principles, as specified in the modified Stormwater Management Report dated 05/02/08 and prepared by BMT WBM;

- the locality is already serviced with capacity to cater for additional demand generated by the planned expansion of the wider South Forster release area; and
- both the draft LEP and the corresponding draft DCP are consistent with the *Settlement planning guidelines: Mid and Far North Coast regional strategies* (DoP 2007), the *North Coast urban design guidelines* (DoP 2009) and the NSW Government's *Coastal design guidelines for NSW* (Coastal Council of NSW 2003), as applicable.

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

Yes. The intended objectives of this Planning Proposal are consistent with the *Forster/Tuncurry Conservation and Development Strategy* (Great Lakes Council 2003) which identifies the site as a 'Category 2 Potential Development Precinct', i.e. an area with potential for future development subject to the site's suitability and assessment of impacts on environmental features within and adjoining the site. The site's suitability was assessed in the LES and is considered to be consistent with this strategy (Umwelt 2007).

In addition, the *South Forster Structure Plan* (Great Lakes Council 2006) supports, within the Cape Hawke/Booti Booti Precinct, low density rural residential subdivision which is located to the centre of the site with the remaining land managed under community title legislation. The Planning Proposal is consistent with the strategic plan as it facilitates low density rural residential subdivision and, as shown in Figure 5, 9.05ha of the site will be under community title. The overall density of development would be 1 lot per 10,260m^2 which is less dense than the subdivision on an adjoining site of 1 lot per 8,087m^2. While the minimum lot sizes would be below the Zone No. 1(d1) lot size requirements, the overall density would still be low due to the large areas of the site set aside for the community.

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. State Environmental Planning Policies (SEPPs) applicable to the Planning Proposal are as follows:

- SEPP No 14 – Coastal Wetlands;
- SEPP No 26 – Littoral Rainforests;
- SEPP No 44 – Koala Habitat Protection;
- SEPP No 55 – Remediation of Land;
- SEPP No 71 – Coastal Protection; and
- SEPP (Building and Sustainability Index: BASIX 2004).

– The consistency of the proposed development with the above SEPPs, including potential ecological impacts and site contamination, was assessed in the LES (Umwelt 2007). Measures to manage potential impacts were identified in the DCP (CPEP 2010). It is considered that the Planning Proposal is consistent with the applicable SEPPs provided that potential impacts are effectively managed in accordance with the DCP.

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

Yes. Applicable Section 117 Ministerial Directions were considered in the Legislative Framework Chapter of the LES (Chapter 2, Umwelt 2007). They are as follows:

- 1.2 – Rural Zones;
- 1.5 – Rural Lands;
- 2.1 – Environment Protection Zones;
- 2.2 – Coastal Protection;
- 2.3 – Heritage Conservation;
- 4.1 – Acid Sulfate Soils
- 4.4 – Planning for Bushfire Protection;
- 5.1 – Implementation of Regional Strategies; and
- 6.3 – Site Specific Provisions.

An assessment of consistency with all potentially relevant Ministerial Directions has been undertaken. It showed that the Planning Proposal is generally consistent with the applicable directions and is not affected by the remainder; details are provided in Appendix B.

Section C – Environmental, social and economic impact

8. 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 likelihood of the Planning Proposal adversely affecting critical habitat or threatened species, populations or ecological communities, or their habitats was assessed in the LES (Chapter 9, Umwelt 2007). This assessment was conducted in accordance with the provisions of the *Forster/Tuncurry Conservation and Development Strategy*. No threatened flora species or endangered flora populations have been recorded on site. Small pockets of the endangered ecological community (EEC) Littoral Rainforest extend from the National Park into areas of the site to be dedicated as a conservation area. Six threatened fauna species were identified within the subject site and other threatened species may potentially utilise the site to move between the northern and southern portions of the National Park. It is considered that the proposal will not have adverse impacts on these threatened species and will, in fact, positively impact these through the provision of increased habitat diversity, restoration of habitat on the site and within 'the saddle', corridor linkages and access to water.

The following extract summarises the findings of the assessment contained within the LES:

"Given the open and highly disturbed nature of the subject site, there would be relatively minor ecological impacts associated with any low density rural residential development within the subject site. It is

considered that the ecological impacts of any low density rural residential development on the site can be managed.

It is also considered that the ecological impacts of any low density rural residential development on Booti Booti National Park can be managed." p. 9.9 of the LES, Umwelt 2007.

A number of recommendations relating to ecological impacts were contained within the LES and have been complied with in the draft DCP (CPEP 2010). There are several ecological management measures described in the draft DCP including a Vegetation and Habitat Management Plan. Some components of the draft DCP have provided better ecological outcomes than those specified in the LES, such as two additional corridor links proposed in the DCP's Masterplan (Figure 3).

The Planning Proposal in general provides a better ecological outcome than the current site as around 24% of the land will be rehabilitated and dedicated to National Parks providing a regional corridor for the Booti Booti National Park.

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

The draft DCP contains a number of environmental management measures, in addition to ecological management described above, for the site. These are based on the findings of the LES and are as follows:

- bushfire management;
- special provisions for steep land; and
- water cycle management.

10. How has the Planning Proposal adequately addressed any social and economic effects?

The proposal would have a small number of socio-economic effects. As previously mentioned it would have the beneficial effect of helping to meet the demand for rural residential land. A further positive outcome would be protection of a potential Aboriginal site.

Cultural heritage investigations undertaken in the LES identified a Potential Archaeological Deposit (PAD) located on the northern bank of Dunns Creek within the site (See Figure 6). The findings of the LES were that, provided suggested management guidelines were implemented, the Planning Proposal would not adversely affect the heritage aspects of the site. Management measures for the PAD are detailed in the DCP where the PAD is to be retained within the Community Land and protected from future development, unless it is determined by DECCW that the site contains no cultural heritage values. If this is determined to be the case the site may be developed for community purposes as a recreation area (See Figure 3).

– The third social benefit would be enhanced regional ecological outcomes from the establishment of a corridor linking the currently divided National Park.

– Potential negative social effects from lighting and visual intrusion have been assessed in the LES with proposed management measures provided in the draft DCP (CPEP 2010).

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the Planning Proposal?

Investigations of water, sewerage and traffic infrastructure were undertaken for the LES (Chapter 13, Umwelt 2007). The LES concludes that the entire site can be serviced with water and sewerage infrastructure. The proposed connections with existing infrastructure under the DCP are to be in accordance with the report *Carmona Drive Water and Waste Water Servicing Strategy* (Hunter Water Australia 2009). Internal pedestrian, cycle and vehicle access will be provided generally in accordance with the DCP's Masterplan (Figure 3).

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

All potentially applicable State and Commonwealth interests were examined in the LES and the aforementioned Sewerage and Water Strategy, The LES and subsequent DCP and draft LEP have been exhibited and public authorities have been notified. No submissions from any authority have resulted and thus it can be safely assumed that no State or Commonwealth authority interest is adversely affected by the proposal.

Conclusion

It is evident from the details provided in justification of the Planning Proposal that the planning process for the LEP is largely complete. Potential impacts were assessed in the LES with measures to manage and mitigate these impacts provided in the DCP where required. The proposed development will not have significant adverse impacts and will provide positive social, economic and environmental outcomes.

Part 4: Community Consultation

Under the DoP's *A guide to preparing local environmental plans* community consultation required for a Planning Proposal includes:

- exhibition of the Planning Proposal, Gateway determination and any supporting documents for a period of 14 – 28 days; and
- notice of the public exhibition of the Planning Proposal in the local newspaper, the relevant planning authority's website and to nearby landowners.

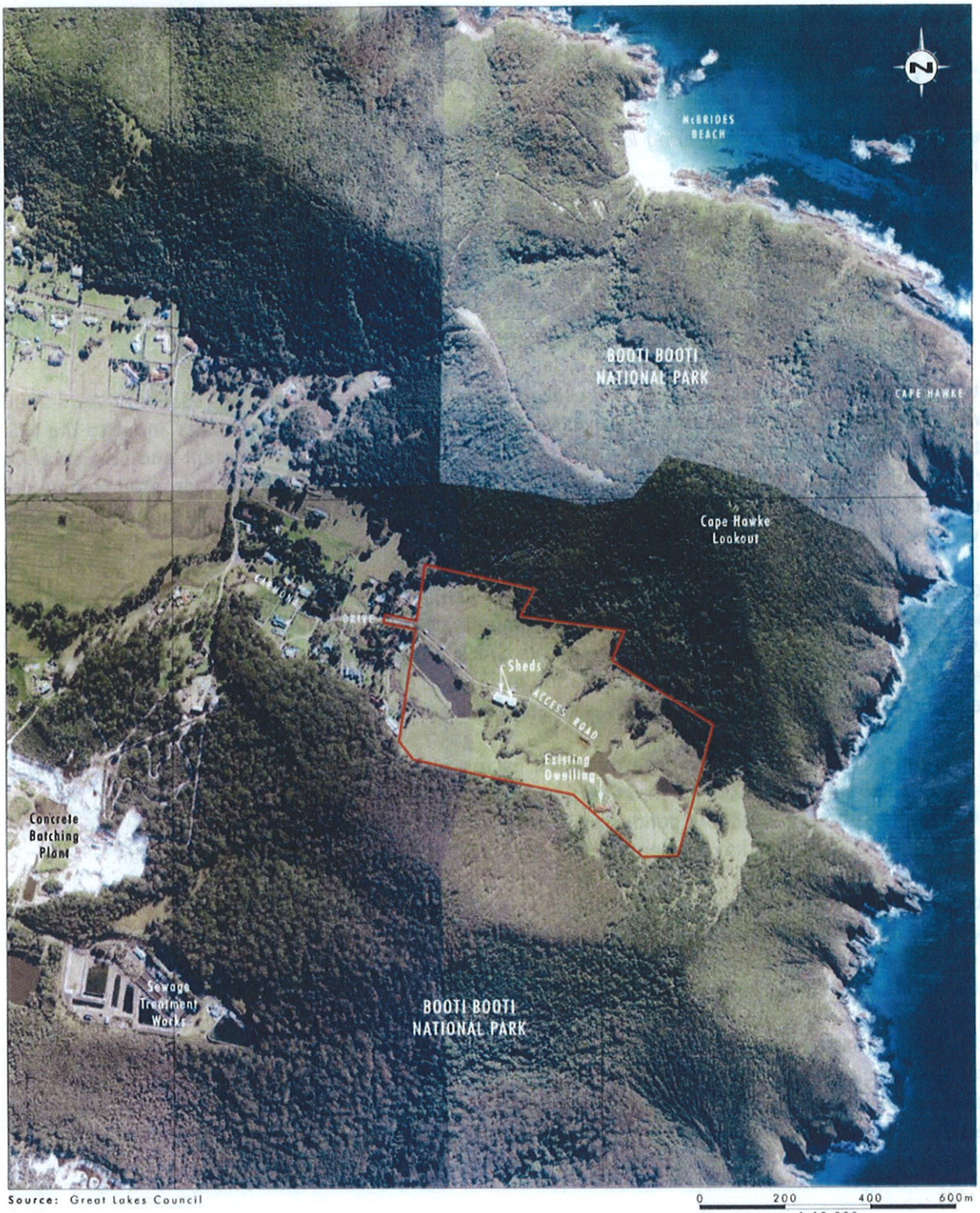
Additional community consultation was undertaken during the preparation of the LES. On 27 April 2006 Umwelt conducted an initial community consultation meeting to provide for residents' input to the LES. Input for the LES was received from the DoP, the then Department of Environment and Conservation (now DECCW), Council, the local Aboriginal community, and the results of a Council sponsored community consultation program that included the initial community meeting, meetings with individual residents and written submissions from the community.

The draft LES was placed on public exhibition from 10 October 2007 until 8 February 2008. During this period, on 21 November 2007, SAF convened a community consultation meeting to seek residents' views about planning for the site which were included in SAF's submission to Council. On 4 December 2007 Umwelt conducted its second resident consultation meeting to explain the findings and recommendations of the draft LES as well as to discuss any key issues and concerns.

SAF's response to the issues and concerns raised by residents and landowners in Carmona Drive was provided in a submission to Council on 6 February 2008 in the form of a Concept Development Plan for the site. On 28 February 2008 SAF conducted a further community consultation meeting at the site, to explain to local residents the key elements of SAF's submission and Concept Development Plan.

Public exhibition of the draft LEP and DCP finished on 27 October 2010. Seven public submissions were received during the exhibition period all of which came from landowners in the adjoining Carmona Drive rural residential estate. A summary of the main issues raised is contained in Appendix C, which will be submitted to Council for consideration together with the final draft LEP and DCP before the end of 2010.

It is considered that the level of community consultation undertaken to date is more than sufficient to inform interested parties and enable their views to be incorporated into the planning process. Therefore, it is considered that there would be no further benefit from exhibition of this Planning Proposal and conversely it would lead to public confusion given that the same plans would be re-exhibited.



Source: Great Lakes Council

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Legend
Subject Site

Figure 1 Site locality

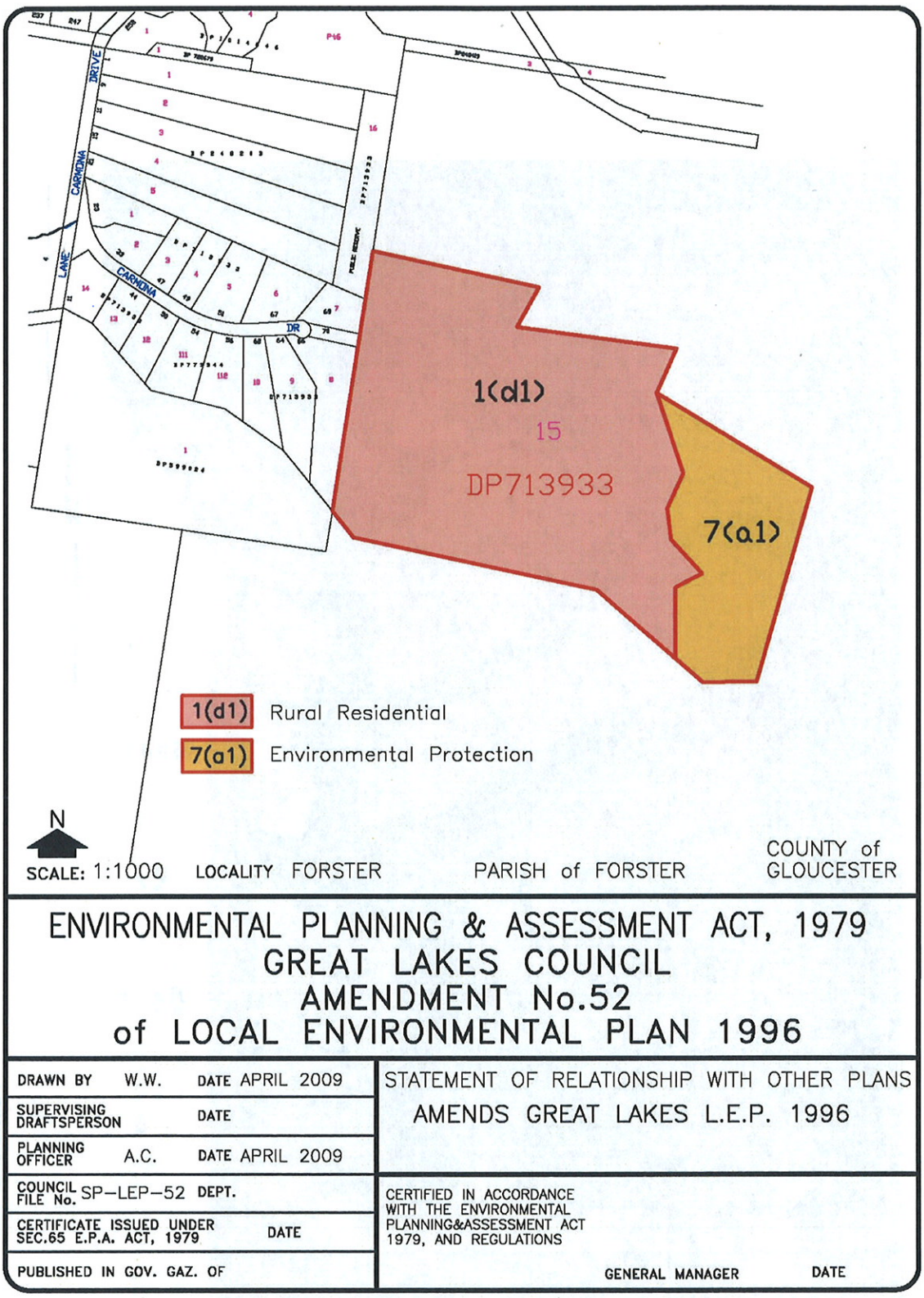

Figure 2 **Proposed zoning map**

Figure 3 **DCP Masterplan**

Figure 4 **Site aerial**

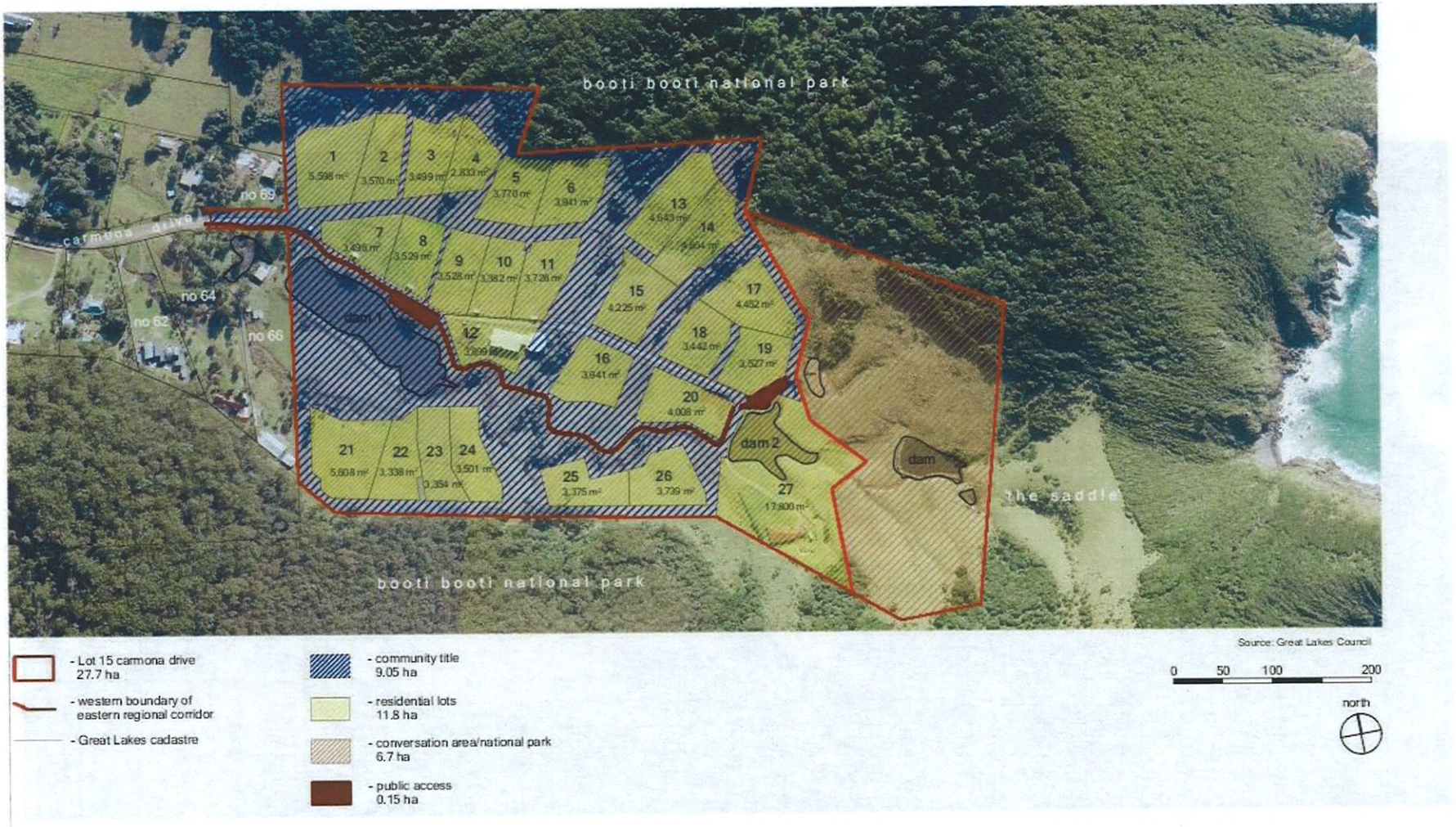

Figure 5 **Site plan**

Source: Great Lakes Council

0 100 200 300m
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Legend
Project Area
PAD1

Figure 6 PAD location

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Appendix A

Excerpt minutes from Great Lakes Council's ordinary meeting of 12 August 2008

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Minutes of the Strategic Committee Meeting of the Great Lakes Council held at the Council Chambers, Breese Parade, Forster on Tuesday, 12 August 2008 commencing at 9.35am.

Present	Councillor J Chadban (Chairman) Clrs C Cookson, L Gill, K Hutchinson, C McCaskie, J McWilliams, L Roberts, L Vaughan and J Weate.
In Attendance	General Manager - Keith O'Leary, Director Engineering Services - Ron Hartley, Director Planning & Environmental Services - Glenn Handford and Director Corporate & Community Services - Steve Embry.
Apologies	Clrs Tuffy and Stephens

106 RESOLVED that the apologies from Clrs Tuffy and Stephens be accepted.

(Roberts/Cookson)

ADOPTION OF MINUTES – STRATEGIC COMMITTEE MEETING DATED 8 JULY 2008

107 RESOLVED that the Minutes of the Strategic Committee Meeting of 8 July, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

(McWilliams/Cookson)

DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST – Nil.

COMMUNITY CENSUS/COMMUNITY PRIORITIES REPORT

Council's Integrated Planning Coordinator provided a presentation on the above.

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES' REPORT ATTACHED DATED 12 AUGUST 2008

Item: D1
Subject: Rezoning Lot 15 Carmona Drive, Forster

108 1. That Council resolve to adopt the draft Local Environmental Study and Desired Future Character & Design Guidelines for Lot 15 DP 713933 Carmona Drive, South Forster (Volumes 1 & 2), as contained in annexure "A" to the 25 September 2007 Ordinary Meeting report (Item D7) subject to the addition of the following to clause 16.3 (1):

"or smaller if in accordance with a concept development plan approved by Council"

2. In relation to Lot 15 DP 713933 (the "subject land"), that Council resolve to:

a) Adopt, for exhibition purposes, the proposed conservation and rural residential zones shown in the draft Local Environmental Plan contained in Annexure 'D' to the 22 July 2008 Ordinary Meeting report (item 'D6').

b) Undertake consultation with relevant government agencies on the draft Local Environmental Plan pursuant to s62 of the Environmental Planning and Assessment Act;

c) Subject to no major objections being received during s62 consultation with government agencies, seek a s65 certificate from the Department of Planning for exhibition of the draft Local Environmental Plan relating to the subject land;

- Upon receipt of a s65 certificate, that Council exhibit the draft Local Environmental Plan for a minimum period of one (1) month in conjunction with the draft Concept Development Plan contained in Annexure 'E' to the 22 July 2008 Ordinary Meeting report (item 'D6');

d) During the exhibition period, request that the Applicant prepare a site-specific Development Control Plan that comprehensively addresses, at a minimum, the following planning issues:

- Site revegetation, environmental repair, corridor and weed management and ongoing maintenance;
- Development density and lot layout for any future subdivision;
- Architectural Design Guidelines (eg. energy efficiency, height limits, visual compatibility, character and design, fencing, driveway design, etc);
- Geotechnical and built form controls on steep land;
- Protection & management of Booti Booti Archaeological PAD 1 in southern part of site;
- Bushfire APZs and fire access trails;
- Central pedestrian and cycle pathways and Public Reserves within the site;
- Visual impacts of proposed development and consistency with 'Desired Future Character & Design Guidelines' (Umwelt, 2007) for the site;
- Location, orientation and design of living and outdoor areas of dwellings on lots 1 and 21 to ensure privacy of adjoining properties in Carmona Drive.
- Impacts of nighttime lighting (eg. visual, character, ecological);
- Water cycle management; and
- Definition of Matters to be addressed in the Community Management Statement.

(Gill/McWilliams)

Clrs Roberts and Cookson requested that their names be recorded against the motion.

Appendix B

Statement of Consistency with Ministerial Directions

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Statement of Consistency with Section 117 Ministerial Directions for Lot 15 DP 713933

1. Employment and Resources

1.1 Business and Industrial Zones

The Planning Proposal is not affected by this direction.

1.2 Rural Zones

This direction applies as the Planning Proposal will affect land within an existing or proposed rural zone. However, this proposal is not affected by this direction as it does not rezone land zoned rural.

1.3 Mining, Petroleum and Extractive Industries

The Planning Proposal is not affected by this direction.

1.4 Oyster Aquaculture

The Planning Proposal is not affected by this direction.

1.5 Rural Lands

This direction applies to the Planning Proposal as it:

- affects land within an existing or proposed rural or environment protection zone; and
- changes the existing minimum lot size on land within a rural or environment protection zone.

The Planning Proposal must therefore be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

The Rural Planning Principles are as follows:

- the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;
- recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State;
- recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development;
- in planning for rural lands, to balance the social, economic and environmental interests of the community;
- the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land;
- the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities;

- the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing; and

- ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director General.

– The Planning Proposal is considered to be consistent with the Rural Planning Principles for the following reasons:

- the subject land has historically formed part of a larger rural holding that has progressively been reduced in size through a series of subdivisions, including the creation of the existing low density development along Carmona Drive;

- the site makes no contribution to rural production and it is more appropriate for it to be zoned for rural residential purposes.

- the use of the land for agriculture is limited by its modest size, the surrounding National Park and its proximity to the coast;

- the DCP's Masterplan for the site balances the social, economic and environmental interests of the community;

- natural resources and biodiversity are to be protected through the provision of increased habitat diversity, restoration of habitat on the site and within 'the saddle', corridor linkages and access to water;

- the proposal contributes to the social and economic welfare of the community through the provision of housing, direct and indirect economic benefits, and increased public space;

- the site does not require additional infrastructure and can be serviced by existing water and sewerage connections; and

- the proposal is consistent with the *Forster/Tuncurry Conservation and Development Strategy (Great Lakes Council 2003)* which identifies the site as an area suitable for future development.

2. Environment and Heritage

2.1 Environment Protection Zones

This direction applies to the Planning Proposal and consequently must:

- include provisions that facilitate the protection and conservation of environmentally sensitive areas; and

- not reduce the environmental standards applying to land that is within an environment protection zone or otherwise identified for environment protection purposes.

The Planning Proposal is considered to be compatible with the above as it zones the eastern portion of the subject land, an environmentally sensitive area, as No. 7(a1) (Environmental Protection Zone) to be included within the Booti Booti National Park. Additionally, the Planning Proposal would not reduce the environmental standards applying to the environment protection zoned land rather it strengthens them by incorporating rehabilitation and establishing linkages between two large natural areas.

2.2 Coastal Protection

This direction applies to the Planning Proposal as the subject land is in the coastal zone. The proposal must therefore include provisions that give effect to and are consistent with:

- the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997;*
- the *Coastal Design Guidelines 2003;* and
- the manual relating to the management of the coastline for the purposes of section 733 of the *Local Government Act 1993 (the NSW Coastline Management Manual 1990).*

– The relevant features of the above policies were identified in the LES and factored into its *Desired Future Character and Housing Design Guidelines* (Chapters 3 and 16 respectively, Umwelt 2007). The Planning Proposal is, in turn, consistent with these guidelines.

2.3 Heritage Conservation

Under this direction the Planning Proposal must contain provisions that facilitate the conservation of:

- items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area;
- Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974; and
- Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The heritage significance of the subject land was assessed in the LES. One site was identified as having potential Aboriginal heritage significance. This site has been excluded from development in the DCP's Masterplan with future use of this site dependent on directions from DECCW.

2.4 Recreation Vehicles Areas

The Planning Proposal is not affected by this direction.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

The Planning Proposal is not affected by this direction.

3.2 Caravan Parks and Manufactured Home Estates

The Planning Proposal is not affected by this direction.

3.3 Home Occupation

The Planning Proposal is not affected by this direction.

3.4 Integrating Land Use and Transport

The Planning Proposal is not affected by this direction.

3.5 Development near Licensed Aerodromes

The Planning Proposal is not affected by this direction.

4. Hazard and Risk

4.1 Acid Sulfate Soils

The Planning Proposal consistent with this direction as Council has already adopted a draft Acid Sulfate Soils LEP that contains provisions developed in accordance with the ASS Model LEP (in the Acid Sulfate Soils Planning Guidelines).

Notwithstanding that the ASS planning maps indicate a low risk (Class 5) for subject land; Council intends to include ASS provisions in its new Principle LEP for Great Lakes (consistent with the Standard Template wording) when prepared.

4.2 Mine Subsidence and Unstable Land

The Planning Proposal is not affected by this direction.

4.3 Flood Prone Land

The Planning Proposal is not affected by this direction.

4.4 Planning for Bushfire Protection

This direction applies to the Planning Proposal as the subject land is in proximity to land identified as bushfire prone. Relevant actions were included in the design guidelines provided in the LES and were, in turn, included in the DCP with the provision of an APZ in the Masterplan for the site.

Further, the Planning Proposal is consistent with this direction as the proposed rural residential zoning complies with provisions set out in the 'Planning for Bushfire Protection (2006)' document. The draft Plan was also referred to the Rural Fire Service (RFS) for comment under Council's S62 consultation. The RFS have advised that it raises no concerns or special consideration in relation to bushfire matters for the proposed LEP.

5. Regional Planning

5.1 Implementation of Regional Strategies

The planning proposal is consistent with this direction as the draft plan satisfies the relevant aims and planning principals of the Mid North Coast Regional Strategy.

5.2 Sydney Drinking Water Catchments

The Planning Proposal is not affected by this direction.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

The Planning Proposal is not affected by this direction.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

The Planning Proposal is not affected by this direction.

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Revoked 18 June 2010.

5.6 Sydney to Canberra Corridor

Revoked 10 July 2008

5.7 Central Coast

Revoked 10 July 2008.

5.8 Second Sydney Airport: Badgerys Creek

The Planning Proposal is not affected by this direction.

6. Local Plan Making

6.1 Approval and Referral Requirements

The Planning Proposal does not alter provisions relating to approval and referral requirements.

6.2 Reserving Land for Public Purposes

The Planning Proposal is not affected by this direction.

6.3 Site Specific Provisions

The Planning Proposal is inconsistent with this direction insofar as the draft plan introduces site-specific controls governing the future subdivision of land within the proposed 1(d1) Rural Residential Zone. However, the inconsistency is minor as the draft plan stipulates minimum lot size controls required by the Director-General (following consideration by the LEP Review Panel) on the basis that such site-specific controls are aimed at lessening the overall impact on the land.

7. Metropolitan Planning

7.1 Implementation of the Metropolitan Strategy

The Planning Proposal is not affected by this direction.

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Appendix C

Summary of Submission Issues and Planning Response