



Regional Manager
Department of Planning
PO Box 1226
NEWCASTLE NSW 2300

Our Ref: SP-LEP-79

Your ref: N09/00042-1

Contact: Mr Roger Busby
Telephone: (02) 6591 7254

28 September 2010

Dear Sir

**RE: PLANNING PROPOSALS FOR CURRENT LEPs – DRAFT AMENDMENT
NO. 79, FAILFORD WEST, AQUATIC RD AND SOUTH FORSTER**

Reference is made to the letter from the Department of 16 March 2010 setting out the transitional provisions for current LEPs.

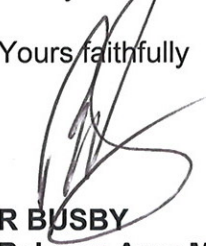
Council seeks a review of the considerable work undertaken for above draft LEP and requests that the draft plan be brought into the current Part 3 process. The draft LEP was exhibited from 11 August to 17 November in accordance with the Authorisation to Exercise Delegations dated 16 June 2009.

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. In this regard a Planning Proposal for this area is attached.

Given the considerable effort that has already been devoted to this area over recent years Council believes that the rezoning should now be finalised in as short a timeframe as possible. Rather than lose the current momentum by incorporation of the rezoning in the new Principal LEP for Great Lakes Council believes that it is appropriate for the deferred areas to continue as a separate amending LEP.

Should you have inquiries regarding Council's proposal please contact Mr Roger Busby on 65917254

Yours faithfully


R BUSBY
Release Area Manager
Planning and Environmental Services





Planning Proposal

**Draft Amendment No. 79 to Great
Lakes Local Environmental Plan 1996
For the precincts of Failford West,
Nabiac, Aquatic Road, Darawank and
South Forster**

Prepared by:

RPS

PO Box 428
Hamilton NSW 2303

T: +61 2 4940 4200

F: +61 2 4961 6794

E: newcastle@rpsgroup.com.au

W: rpsgroup.com.au

Prepared for:

Great Lakes Council

Breese Parade
Forster NSW 2428

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Draft LEP (Amendment No 79)

I Background

This Planning Proposal provides justification to amend Great Lakes Local Environmental Plan 1996 to allow the Carefree Road (Failford West) and Aquatic Road, Darawank precincts to be rezoned and developed for rural residential purposes. It also includes the proposed rezoning of land at South Forster for industrial, residential and environmental protection.

The Failford West and Aquatic Rd precincts are identified within the Great Lakes Rural Living Strategy (RLS) as a Category 1 rural residential investigation area. The South Forster land is nominated in the Forster/Tuncurry Conservation and Development Strategy as a future urban release area.

All precincts have been the subject of detailed studies and investigations

As defined in the reports and recommendations adopted by Council both have strategic merit for rezoning to a combination of rural residential, residential, industrial and environmental protection purposes to set in place the framework for the growth fo the Forster/Tuncurry region.

1.1 Property Details

The Failford and Aquatic Rd sites located approximately 5km apart as identified in Figure 1-1, Site Location Plan. Both sites are located north of Forster-Tuncurry between the Pacific Highway and the Lakes Way.

The Aquatic Road precinct is approximately 13.5 hectares in size and the Failford West precinct covers approximately 210 hectares. The South Forster site has an area of approximately 70ha. The land to which the Planning Proposal applies is identified in Table 1-1 below:

Table 1-1: Land Description

PRECINCT	LOT	DP	ADDRESS
AQUATIC ROAD	11	573343	The Lakes Way
	12	573343	Aquatic Road (7.637ha)
	13	573343	The Lakes Way
	122	753207	Aquatic Road

FAILFORD WEST	4	250557	Beverleys Road
	20	1060463	Carefree Road
	303	572204	Carefree Road
	2	568931	Carefree Road
	3	622171	Carefree Road
	4	622171	Carefree Road
	5	622171	Carefree Road
	6	622171	Carefree Road
	64	753207	Failford Road
	14	570754	Failford Road
	23	884339	Failford Road
	24	884339	Failford Road
	18	1060453	Failford Road
	19	1060453	Failford Road
	2	301740	Failford Road
SOUTH FORSTER	Lot 1	614397	Cape Hawke Dr
	Lot 2	614397	Cape Hawke Dr
	Lot 45	1126880	Sweet Pea Rd
	Lot 5	571977	The Lakes Way

Figure 1-2: Site Location Plan South Forster



1.2 Status of current draft LEP

Great Lakes Council has exhibited draft Amendment No.79 to the Great Lakes Local Environmental Plan 1996 (Draft LEP No.79).

Draft LEP No. 79 proposes to rezone the land at Failford and Aquatic Rd from Rural 1(a) to 1(d) Rural Residential, 1(d1) Small Holdings and 7(a1) Environmental Protection. In the case of South Forster draft LEP 79 proposes to rezone the land from 1(c) Future Urban Investigation to 2(a) Low Density Residential, 4(a) Industrial and 7(a1) Environmental protection.

A copy of exhibited Draft LEP No. 79 is contained in Appendix A.

2 Part I – Objectives or Intended Outcomes and Part 2 - Explanation of Provisions

The intended outcome of the Planning Proposal and Local Environmental Plan (LEP) is to rezone the sites to the following zones to allow for rural residential, urban and environmental protection purposes as follows:

- Zone 1(d) Small Holdings
- Zone 1(d1) Rural Residential
- Zone 7(a1) Environmental Protection
- 2(a) Low Density Residential
- 4 General Industrial

The intended outcome will enable the gazettal of Draft LEP No. 79 as an amendment to Great Lakes Local Environmental Plan 1996.

The outcomes of the Planning Proposal are well supported by the identification of each precinct as a "Category 1 rural residential investigation area" within the Great Lakes Rural or as Category 1 precincts in the Forster/Tuncurry Conservation and Development Strategy.

The key aspects of the proposed rezonings are outlined below:

Failford West and Aquatic Rd

1(d) Small Holdings - (Failford West Precinct only) – this zone will allow subdivision into lots of no less than 1ha. It will allow between 70 – 80 lots to be created.

1(d1) Rural Residential - (Aquatic Road precinct and small area of the Failford West Precinct) – this zone will allow subdivision into lots of no less than 5,000m². Council is proposing to apply this zone to about 9ha of the Failford West precinct. This zone is being applied to give effect to what is called a development/conservation offset arrangement. This is an arrangement where the owner is given the opportunity for a slightly higher lot yield on part of their land if environmental enhancement works are undertaken on other parts of their land. The environmental enhancement works include the replanting of an important animal movement corridor, exclusion of stock from important vegetation and the application of an environmental protection zone over a large part of their property.

7(a1) Environmental Protection – this zone is proposed to be applied to about 88ha of land that, according to studies that were done as part of the rezoning process, is of high habitat value for plants and animals. Some of the plants and animals found on the land during the studies are threatened under NSW Threatened Species legislation. Development opportunities in this zone are considered limited.

At Failford Council's is also proposing to insert provisions in the in the LEP to:

- Place a legal obligation upon the owners of the land involved in the development/conservation offset arrangement to undertake the environmental enhance works (see item 2 above).
- Require all traffic from any subdivision of the land to gain access from Failford Rd and not the Carefree Rd/Pacific Highway intersection and that this intersection be physically closed. This is a requirement of The Roads and Traffic Authority.

South Forster

7(a1) Environmental Protection – this zone is proposed to be applied to about 40 ha of land that, according to studies that were done as part of the rezoning process, is of high habitat value for plants and animals. Some of the plants and animals found on the land during the studies are threatened under NSW Threatened Species legislation. Development opportunities in this zone are limited.

2(a) Low Density Residential – this zone is proposed to be applied to about 13 ha of land to the east of the future route of The Southern Parkway. Standard residential subdivision with single dwellings and dual occupancies will be the main type of development to occur in this zone. Approximately 130 lots could be subdivided within this zone.

4(a) General Industrial – Council's Employment Strategies have identified the need for more industrial land to meet the longer term needs of Forster and Tuncurry. The proposed industrial area is about 15 ha and the location is ideal for this use because it covers part an exhausted sand quarry, has good access from Sweet Pea Rd and will be separated from the residential area by a vegetation buffer.

Retention of 1(c) Future Urban Investigation zone – This zone is to be retained over the part of the land that MidCoast Water advises must be set aside as an odour buffer to the sewerage treatment plant at the end of Sweet Pea Rd. It is also to be retained over a part of the land where the Department of Planning is likely to approve an expansion of the sand quarrying operations.

Council's is also proposing to insert provisions in the in the LEP to:

- Ensure Water quality management facilities will be constructed and maintained so that there is no adverse effect upon water quality in Wallis Lake.
- Make sure that the remaining valuable sand resource in the quarry is removed before industrial development occurs. This is a requirement of the Department of Industry and Investment.
- Ensure the design and use of any development on the corner of The Lakes Way reflects the visual prominence of the site as a gateway feature on the entry to South Forster.

-
- Ensure a legally enforceable mechanism will be put in place to ensure the long term protection and management of that part of the land within the Zone No. 7(a1) Environmental Protection zone.
 - Allow an existing dam on the southern side of Sweet Pea to be used, with some minor enlargement, to be used for stormwater treatment and storage. The land upon which the dam is situated is proposed to be zoned 7(a1) Environmental Protection. Normally this use would be prohibited in the zone but Council proposes, in this instance, to make the use permissible with approval.

3 Part 2 – Justification

3.1 Section A – Need for the planning proposal

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

Land at Failford West and Aquatic Road is identified within The Great Lakes Rural Living Strategy (RLS), adopted by Council in 2004 as Category 1 rural residential investigation area. The land at South Forster is addressed in four of Council's strategies; the Forster/Tuncurry Conservation and Development Strategy, Forster/Tuncurry Employment Lands Implementation Strategy, Forster/Tuncurry Housing Strategy and the South Forster Structure Plan.

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

The sites are currently zoned 1(a) and 1(c) Future Urban Investigation Rural under the Great Lakes LEP 1996, which prohibits the subdivision of the site for lots less than 40ha. Progression of the Draft LEP has been in abeyance whilst detailed assessment of sites' environmental conditions has been undertaken.

To facilitate further growth and provide a choice of housing locations/ lifestyle and to cater for the various markets, additional land needs to be made available in various locations as soon as possible.

Rezoning of the land is the only way to give a sound social, economic and environmental outcome for the community and to implement a key component of the Great Lakes RLS.

3.1.3 Existing site specific studies and reports

All relevant information for each site is included within the Planning Reports prepared. Copies of these reports have been supplied to the Department by Council under separate cover.

3.1.4 Is there a net community benefit?

A planning proposal must consider the net community benefit or cost of a Planning Proposal. The Net Community Benefit Criteria is identified in the NSW Government's publication *The Right Place for Business and Services*. Compliance with the Net Community Benefit Assessment Criteria is addressed in Table 4-1. Comments provided in the table demonstrate that the Planning Proposal is consistent with the objectives and assessment criteria of *The Right Place for Business and Services – Planning Policy*.

Table 3-1: Compliance with Net Community Benefit Assessment Criteria

Criteria	Compliance with Criteria (Read in-conjunction with Comprehensive Planning Reports)
The degree to which the policy and its objectives can be satisfied.	The proposal seeks to amend the LEP to allow for rural/residential and urban development. In the case of Failford and Aquatic Rd the development footprints are located north of the Forster Tuncurry area. Existing rural residential neighbourhoods are located nearby at Nahiack and Failford. In line with the Great Lakes RLS the proposal provides opportunity for rural living opportunities around the major towns in the LGA. The proposed zonings as outlined present a suitable development option. In the case of South Forster the land is on the periphery of the existing urban and the rezoning represents a logical expansion of the town.
The proposed level of accessibility to the catchment of the development by public transport, walking and cycling.	The nature of the proposed rezoning is unlikely to affect the development of public transport, walking and cycling.
The likely effect on trip patterns, travel demand and car use.	The proposal seeks to locate residential living opportunities just outside of the existing centres of Nahiack and Forster and adjoining the current urban areas at South Forster. Trip patterns, travel demand and car use will not be significantly altered as a result of the proposal.
The likely impact on the economic performance and viability of existing centres (including the confidence of future investment in centres and the likely effects of any oversupply in commercial or office space on centres.	The proposed rezoning will increase the economic performance of the area by providing opportunities for additional local services which would normally be sourced from other areas. Local building services will be sourced upon development of the sites.
The amount of use of public infrastructure and facilities in centres, and the direct and indirect cost of the proposal to the public sector.	There is likely to be minimal cost to the public sector as a result of this proposal.
The practicality of alternative locations, which may better achieve the outcomes, the policy is seeking.	In the case of the Failford and Aquatic Rd proposals the sites are ideally located outside of existing residential and urban centres. The sites are also within close proximity to the Pacific Highway (more so the Failford West Precinct). There is no better location for rural residential development outside of Forster – Tuncurry and Nahiack as explored in the Great Lakes Rural Living Strategy. In the case of South Forster the only other practical locations are sites that have also been identified for future urban expansion in Council's strategies. All of the nominated sites offer the same accessibility and servicing benefits.
The ability of the proposal to adapt its format or design to more likely secure a site within or adjoining a centre or in a better location.	As noted above the location each site provides a number of advantages, including its proximity to major transport networks and complementing existing rural, rural-residential and urban land uses in the area, while being close enough to residential areas and the Forster-Tuncurry locale. The Failford and Aquatic Rd sites are far enough away not to result in land use conflicts.

3.2 Section B – Relationship to strategic planning framework

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

The Failford and Aquatic Rd sites are not identified on the growth area maps of the Mid North Coast Regional Strategy however the aims and objectives of the Strategy have been carefully considered in the planning of the precincts. With the implementation of appropriate management plans and design, the eventual subdivisions will provide a beneficial use for the subject land in accordance with the aims of the Strategy.

The South Forster sites are identified in Mid North Coast Regional Plan Growth Area Maps.

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

3.2.3 Council has not as yet produced its final Community Strategic Plan but has exhibited a draft plan that was prepared after considerable community engagement. The draft LEP is consistent with two of the two Key Directions that emerged as critical issues from the community engagement process the two Key Directions are "Embracing and Protecting Our Natural Environment" and "Planning for Balance".

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

The proposal is considered consistent with applicable state environmental planning policies. Further information in this regard is contained within the detailed Planning Reports for each precinct already provided to the department under separate cover.

3.2.5 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 4-2 contains a response to each of the directions in relation to the Planning Proposal.

Table 3-2: Compliance with Section 117 Directions

Relevant S 117 direction	Response
1.2 Rural Zones	The proposal is for the land to be used for urban and rural residential use. This planning proposal gives consideration to the objectives of this direction and demonstrates the suitability of the area for the proposed use.
1.5 Rural Lands	As stated in the guidelines for directions "a planning proposal may be inconsistent with the terms of a direction only if the planning authority can satisfy the Director General of DoP that the provisions of the planning proposal that are inconsistent are: c) justified by a strategy which:

Relevant S 117 direction	Response
	i) gives consideration to the objectives of this direction." The Director-General has advised Council that the inconsistencies are justified or the Direction is not applicable.
2.1 Environment Protection Zones	This Planning Proposal is consistent with this Direction.
2.2 Coastal Protection	The identification of the site within the Great Lakes Rural Living Strategy and the site specific investigations that have occurred recognise the significance of the coastal area in terms of environmental values, regional lifestyle and economic impacts. In the case of South Forster the proposal is consistent as the draft LEP responds to all relevant documents including NSW Coastal Policy, Coastal Design Guidelines and Management of the Coastline.
2.3 Heritage Conservation	As part of the assessment of the suitability of the subject land for rezoning, a cultural heritage study was conducted to determine if the site contained any sites or items of significance. One Aboriginal Archaeological site (AR/1) was identified within the Aquatic Road Precinct, however due to its disturbance conservation is not justified. There were not Heritage sites identified within the Failford West precinct or at South Forster.
4.1 Acid Sulfate Soils	Upon future development of the sites, Council will assess proposals against the Acid Sulfate Soils Planning Guidelines (EPA 1998).
4.3 Flood Prone Land	The land at Failford is above the 1 in 100 year flood zone. Future development will be consistent with the Floodplain development manual and other relevant policies. The Aquatic Road Precinct has several low lying areas which could have potential constraints on stream flow and existing dam design. In view of this, it is recommended that a 1% flood level of 4.25m AHD be adopted for this area. The land at South Forster is above the 1:100 year level.
4.4 Planning for Bushfire Protection	As Rural Residential Subdivision is proposed (Lots of at least 5000m²) the allotments will be large enough to contain the required APZ's without impacting on the retained vegetation community, and frontage of allotments the proposal will therefore comply with the principles of Planning for Bushfire Protection 2006. At South Forster the subdivision layout will have to comply with the requirements of the Bush Fire Guidelines.
5.1 Implementation of Regional Strategies	No regional strategy specifically applies to the Failford and Aquatic Rd sites although the principles have the MNC Regional Strategy were considered in the preparation for the draft LEP. Consistent for South Forster. Conforms to Mid North Coast Regional Strategy.
6.3 Site Specific Provisions	Site specific provisions are outlined within the Draft LEP (Amendment No 79).

3.3 Section C – Environmental, social & economic impact

3.3.1 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?

A number of ecological assessments have been prepared and submitted with Council during the rezoning (Draft Amendment No. 79 to Great Lakes Local Environmental Plan 1989) process. These assessments are contained within the detailed Planning Reports prepared for each precinct.

The planning outcome sought does provides for an enhanced environmental outcome. The detailed ecological assessments carried out have indicated that proposed development should not result in impacts on areas of native vegetation, providing development is contained to the areas that are largely cleared of vegetation.

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

Habitat and Vegetation significance

Precinct	Effects/Management
AQUATIC ROAD	Assessment over parts of the Aquatic Road site recommends preparation of a DCP, the purpose of which would be to give effect to conservation management of the ecologically significant lands by protecting scattered significant trees, to control building footprints, access, services and APZ as well as direct to water quality and quantity management requirements and landscaping / amenity issues.
FAILFORD WEST PRECINCT	At present there is limited opportunity for fauna movement across Failford Rd because of the lack of continuous vegetation. The rezoning presents an opportunity to obtain sound development outcomes whilst also delivering better environmental outcomes. To this end Council proposes that a development bonus/conservation offset arrangement be entered into with the owner of Lot 64 DP 753207 (where an enhanced movement corridor can be most readily provided).
SOUTH FORSTER	All land of ecological significance will be zoned environmental protection. A clause is also proposed to be inserted in the LEP to the following effect: <i>A legally enforceable mechanism will be in place, to the satisfaction of the Council, to ensure the long term protection and management of that part of the land within Zone No. 7(a1) Environmental Protection.</i>

Bushfire

Precinct	Effects/Management
AQUATIC ROAD	The site is identified as bushfire prone land on Council maps and any development of the land will need to comply with Planning for Bushfire Protection 2006. Ministerial Direction 4.4 requires Council to consider this document in the preparation of an LEP for the land. The proposed allotments will be large enough to contain the required APZ's without impacting on the retained vegetation community. The frontage of allotments to Aquatic Road provides suitable access in accordance with Planning for Bushfire Protection 2006 and any new internal roads could be constructed to comply, including emergency access to The Lakes Way (if required). The sites will have access to reticulated water services for fire fighting purposes.
FAILFORD WEST PRECINCT	Assessments of the site has found that the proposed development will comply with the principles of Planning for Bushfire Protection for the

following reasons:

- A defensible space can be provided in full accordance with the PBP.
- Construction of dwellings can comply with AS 3959 "Construction of Buildings In Bushfire Prone Areas".
- The proposed road network will provide suitable access and egress in satisfaction of Section 4.1.3 of PBP and
- Other planned bushfire protection measures are in accordance with PBP.

SOUTH FORSTER

The future subdivision layout will have to comply with the requirements of the Bush Fire Guidelines.

Aboriginal Archaeology

Precinct	Effects/Management
AQUATIC ROAD	From the field inspections an isolated artefact was identified within the Aquatic Road Study area. It is considered that the artefact may indicate a travel/hunting/gathering location. However, this remains unknown as the study area has been subject to disturbances including fill and excavation works, thereby presenting the possibility that the site identified in the Aquatic Road study area may have been brought in with fill. The Assessment concluded that due to its disturbances conservation of the site is not justified. The Assessment does note that a Section 90 Heritage Impact Permit under the National Parks and Wildlife Act 1974, will be required if the site will be impacted upon by any future works. Such a permit would be sought by the landowner at the time of preparation of subdivision applications.
FAILFORD WEST PRECINCT	The area was divided into three sub units for site inspection and reporting purposes. From the field inspections no sites were identified and consequently the proposed use will not impact on any sites of cultural significance. As with all activities of this nature, should any potential items or sites be discovered the relevant agencies will be contacted to ensure potential sites are not damaged.
SOUTH FORSTER	No items of Aboriginal significance were identified.

European Heritage

There are no issues concerning European Heritage for either site.

Stormwater and Hydrology

Precinct	Effects/Management
AQUATIC ROAD	A stormwater management strategy has been prepared for the site and concludes that stormwater design objectives for final design should be as follows: • Apply the techniques of Water Sensitive Urban Design as appropriate to water and soils management • Ensure low frequency flooding is controlled in terms of depth and velocity, allowing reasonable vehicular and pedestrian access in wet times. • Provide storage Detention Offsets to ensure that developed site run off does not exceed undeveloped site flows. • Ensure Water Quality downstream of the site is adequately protected. • Design appropriate Vegetation for detention basins and other

water management features.

FAILFORD WEST PRECINCT	A stormwater management strategy has been prepared for the site and has demonstrates that the criterion for stormwater runoff has been met. That is, to • ensure that developed runoff from the site is less than or equal to the undeveloped flow from the site for the 5 yr ARI peak storm event. • The utilisation of rainwater tanks will detain captured stormwater runoff to pre-developed conditions. • The peak discharge from the 5 year ARI peak storm events are very close to being equal to the pre-developed discharges.
SOUTH FORSTER	No items of significance were identified.

Access and Traffic

Precinct	Effects/Management
AQUATIC ROAD	The Aquatic Road precinct has direct frontage to Aquatic Road and The Lakes Way. Council's Engineering Department has indicated that access is to be gained to and from Aquatic Road, rather than from The Lakes Way. Future subdivision of the precinct can occur with all allotments having frontage to Aquatic Road. Current road access to Lot 13 DP 573343 is via The Lakes Way. Future subdivision of Lot 13 should only be considered if access is provided through the subdivision of other lands within the precinct and hence via Aquatic Road.
FAILFORD WEST PRECINCT	In accordance with the requirements of the RTA, a detailed traffic study was commissioned and took into account the proposed Pacific Highway upgrade between Failford Road and Tipton Place. A future DCP will ensure current access from Carefree Road to the Pacific Highway will be re-routed via the future subdivision of the land immediately to the east.
SOUTH FORSTER	A traffic study has determined that satisfactory access can be provided.

Soils and Groundwater

Precinct	Effects/Management
AQUATIC ROAD	The site was subject to a geotechnical assessment which also looked at soils in the area. The geotechnical study indicated that the soils of the site were not contaminated and therefore none of the site requires remediation. The assessment addresses the matters for consideration under Clause 7 of SEPP No. 55 in relation to the suitability of the sites for development.
FAILFORD WEST PRECINCT	An investigation indicated that the site is an area with no known occurrence of acid sulphate material and soil samples tested for contamination were all well above the thresholds for both potential and actual Acid Sulphate Soils. The geotechnical investigation of both surface and subsurface conditions has lead to the classification of two distinct geotechnical categories. Such issues will be addressed upon future development of the site.
SOUTH FORSTER	Geotechnical investigations have indicated that with appropriate engineering design the land can be developed.

3.3.3 Has the planning proposal adequately addressed any social and economic effects?

Social and economic effects have been addressed in the Planning Reports for each precinct. It is anticipated that development of each precinct will not have a significant social impact, and is likely to have a net economic benefit.

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

Reticulated sewer and water, electricity and telecommunications infrastructure are available to the subject site and hence it is considered that there is adequate public infrastructure available or suitable capacity for upgrading at the proponents expense.

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

As part of the rezoning process, Council has consulted with a number of government agencies (Section 62 consultation). The agencies consulted are shown in Table 4-3. The Planning Reports for provide a summary of responses from the agencies as outlined above.

Table 3-3: Agencies Consulted

Agency	Date of response
Department of Environment and Climate Change	16 June 09
Hunter Central Rivers Catchment Management Authority	29 April 09
Department of Primary Industries	21 April 2009
Department of Water & Energy	28 April 09
NSW Department of Housing (Northern Division)	No response to date
NSW Department of Education and Training	No response to date
Midcoast Water	15 Feb 10
Roads and Traffic Authority	1 April 09
Country Energy	2 April 09
Telstra	23 April 09
Optus	No response to date
NSW Rural Fire Service	15 April 2009
Hunter New England Health Service	No response to date
NSW Heritage Office	20 April 09
Forster Local Aboriginal Land Council	No response to date

4 Part 4 - Community Consultation

Great Lakes Local Environment Plan 1996 (Amendment No. 79) was publicly exhibition from the 11 August until the 17 September 2010. Two notices were placed in the local newspaper, the Great Lakes Advocate, and letters were sent to some 170 landowners.

A small number of submissions to the exhibition of the Draft Amendment have been received and will be addressed in a future report to Council.

5 Conclusion

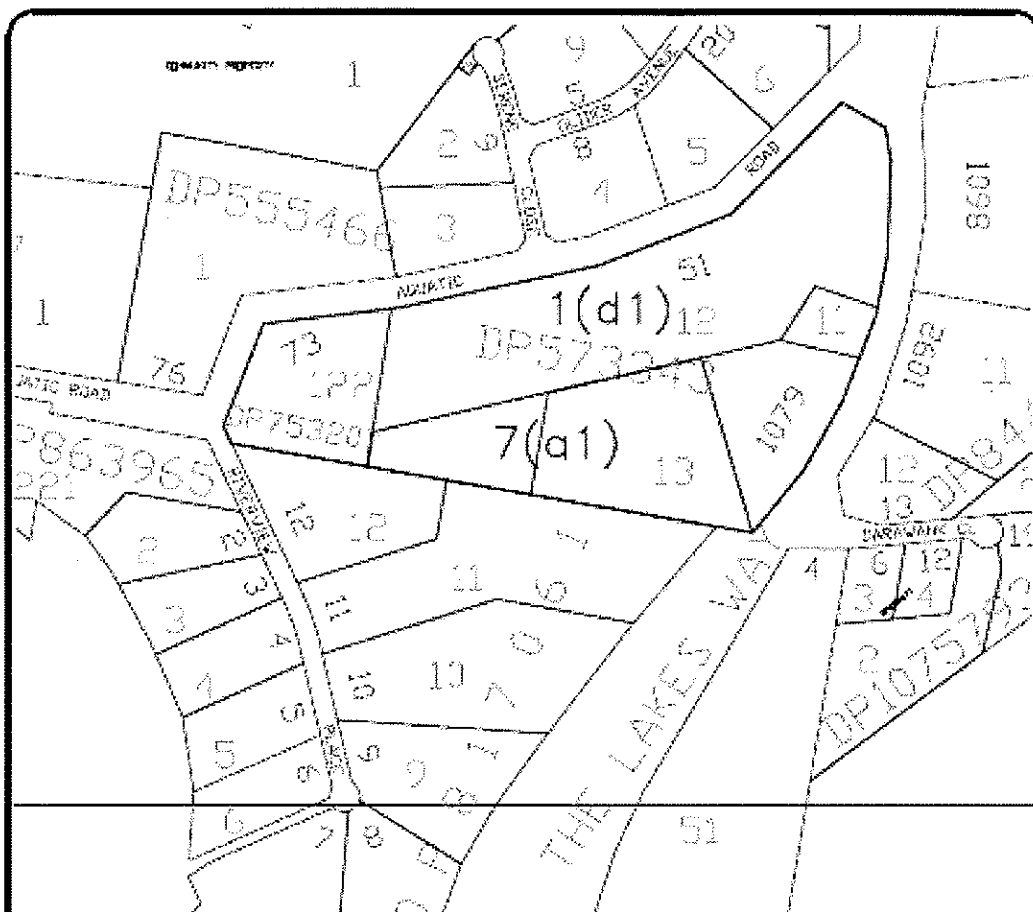
Both precincts are identified as "Category 1 rural residential investigation area" within the Great Lakes Rural Living Strategy.

Draft Amendment No.79 was placed on exhibition in August 2010, and was supported by the exhibition of comprehensive Planning Reports that addressed all environmental, social and economic issues relevant to each precinct. Council will be assessing submissions received in a future report to Council.

It is noted that the "gateway" rezoning process provides sufficient flexibility and can be tailored taking into account work undertaken up to this point. Having regard for the studies already undertaken and the consultation that has already occurred it is suggested that the Department of Planning endorse this Planning Proposal, under the provisions of Section 55 of the EPAA, to rezone the subject land in accordance with the plans contained in Appendix B.

Appendix A

Exhibited Draft Local Environmental Plan



SHEET 2 of 3



1(d1)

1(d1) Rural Residential

7(a1)

7(a1) Environmental Protection

SCALE: 1:5000

LOCALITY: DARAWANK

PARISH: TUNCURRY

COUNTY OF: GLOUCESTER

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
GREAT LAKES COUNCIL
LOCAL ENVIRONMENTAL PLAN 1996
(AMENDMENT No.79)

DRAWN BY: M.WATERS DATE: 19.04.10

SUPERVISING CRAFTSPERSON:

PLANNING OFFICER: R.BUSBY DATE: 19.04.10

COUNCIL FILE No: SP-LEP-79

DEPT FILE No:

CERTIFICATE PLAN NUMBER:

CERTIFICATE ISSUED UNDER SEC.63 E.P.A. ACT, 1979 DATE:

PUBLISHED IN GOV.GAZ. OF No:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
AMENDS GREAT LAKES L.E.P. 1996

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979 AND REGULATIONS
AS AMENDED

GENERAL MANAGER

DATE



New South Wales

Great Lakes Local Environmental Plan 1996 (Amendment No 79)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (N09/00042-1)

Minister for Planning

Great Lakes Local Environmental Plan 1996 (Amendment No 79)

under the

Environmental Planning and Assessment Act 1979

1. Name of plan

This plan may be cited as *Great Lakes Local Environmental Plan 1996 (Amendment No. 79)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

2. Land to which this plan applies

This plan applies to land generally between Failford Rd, The Pacific Highway and Carefree Rd, Failford, land at Aquatic Rd, Darawank and land at Sweet Pea Rd and land to the east of the corridor for the future Southern Parkway, South Forster on the map marked "Great Lakes Local Environmental Plan 1996 (Amendment No. 79)" (***the amending map***) deposited in the office of Great Lakes Council.

Schedule1 Amendment of Great Lakes Local Environmental Plan 1996

[1] Clause 33

Insert at the end of the Table to this clause:

So much of Lot 45, DP 1126880,
South Forster, on the southern side of
Sweet Pea Rd as is within Zone No 7
(a1) and shown hatched black on the
map.

Works for the purpose of stormwater
management.

[2] Clause 38

Insert after clause 37:

38 Consent to development subject to special requirements

Consent must not be granted to development on any land described in Column 1 of
Schedule 3 unless the consent authority is satisfied, whether by the imposition of a
condition or otherwise, that any requirement specified for the land in Column 2 of
that Schedule has been or will be met.

[3] Schedules

Insert after Schedule 2:

Schedule 3 - Consent to Development Subject to Special Requirements

Column 1 Land at Failford

Column 2

- 1 Land at Failford being Lot 64 DP
753207, Beverleys Rd.

1. A legally enforceable mechanism will be
in place, to the satisfaction of the
Council, to ensure:
a) the long term protection and
management, for conservation purposes,
of that part of the land shown as
"conservation area" in a development
control plan that applies to the land.
b) the establishment, including planting
and ongoing management, of a wildlife
movement corridor, in the location shown
as "wildlife corridor" in a development
control plan that applies to the land.
2. the part of the land shown as
"conservation area" in a development
control plan for the land is contained in a
single lot.

- 2 Land at Failford Rd, being the land
affected by Amendment No. 79 to
Great Lakes Local Environmental
Plan 1996.

Measures are, or will be, in place to ensure
that no traffic resulting from the subdivision of
the land will gain access to and from the
intersection of Carefree Rd with the Pacific
Highway and that arrangements have been
made with Council for the physical closure of
that intersection.

Land at South Forster

- | | |
|--|---|
| <p>3 Land at South Forster, being Lots 1 and 2, DP 614397, Lot 45, DP1126880, and Lot 5 DP 571977.</p> | <p>1. Water quality management facilities will be constructed that ensure, to the satisfaction of the Council, the quality of stormwater discharged from any development of the land will result in no net increase in total suspended solids, total phosphorus and total nitrogen when compared to the quality of stormwater discharged from the land prior to the development.</p> <p>2. Arrangements satisfactory to the Council have been, or will be made for the ongoing maintenance of the water quality management facilities referred to in 1 above.</p> |
| <p>5 Land at South Forster, being the part of Lot 45, DP1126880 zoned 4(a) Industrial General.</p> | <p>Development, except for development associated with an approved extractive industry, will:</p> <p>1. only be undertaken on parts of the land where the silica sand resource has been fully extracted, and</p> <p>2. will not compromise future extraction of the resource.</p> |
| <p>6 Land at South Forster, being Lot 5 DP 571977.</p> | <p>The design and use of the development will reflect the prominence of the site as a gateway feature on the entry to South Forster and to the industrial zone on Sweet Pea Rd.</p> |
| <p>7 Land at South Forster, being Lot 2, DP 614397, Lot 45, DP1126880, and Lot 5 DP 571977.</p> | <p>A legally enforceable mechanism will be in place, to the satisfaction of the Council, to ensure the long term protection and management of that part of the land within Zone No. 7(a1) Environmental Protection.</p> |

(3) **Dictionary**

Insert in appropriate order in the definition of **Map**:

Great Lakes Local Environmental Plan 1996 (Amendment No. 79)