

Myall River Downs, Amendment to Great Lakes LEP 1996

Proposal Title : **Myall River Downs, Amendment to Great Lakes LEP 1996**

Proposal Summary : **To rezone a total site area of 403 hectares from 1(a) Rural Zone, 7(a) Wetlands and Littoral Rainforest Zone and 7(a1) Environmental Protection Zone to; 2(a) Low Density Residential Zone, 2(b) Medium Density Residential Zone, 4(a) General Industrial Zone, 6(a) Open Space and Recreation Zone and 7(a1) Environmental Protection Zone to facilitate 1500 residential allotments, 106,000 square metres of employment land, 280 aged care units (contained in the 2(a) Residential Zone), 52 hectares of environmental conservation land and 8 hectares of recreation land.**

PP Number : **PP_2012_GLAKE_001_00**

Dop File No :

11/21481

Proposal Details

Date Planning : **27-Jan-2012**

LGA covered :

Great Lakes

Proposal Received :

Region : **Hunter**

RPA :

Great Lakes Council

State Electorate : **MYALL LAKES**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **Wanya Road**

Suburb : **Tea Garden**

City : **Great Lakes**

Postcode :

Land Parcel : **Lot 54 DP 1039382**

Street : **Wanya Road**

Suburb : **Tea Gardens**

City : **Great Lakes**

Postcode :

Land Parcel : **Lot 41 DP 1123812**

Street : **Wanya Road**

Suburb : **Tea Gardens**

City : **Great Lakes**

Postcode :

Land Parcel : **Sections 6 - 10 DP 13103**

Street : **Limekiln Road**

Suburb : **Tea Gardens**

City : **Great Lakes**

Postcode :

Land Parcel : **Part Lot 404 DP 1093720**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	403.00	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	1,780	No. of Dwellings (where relevant) :	1,780
Gross Floor Area :	37,100.00	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**
If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting
Notes : **The Planning Proposal was submitted by Council on 24 November 2011. Additional
information was requested on 1 December 2011. The additional information was received
14 December 2011.**

**While finalising the report, further information was found to be lacking and this was
requested on 27 January 2012 and received on the 27 January 2012.**

External Supporting
Notes : **Under the previous provisions of the EP&A Act, Council received a rezoning request over
the subject site and required the proponent to prepare a local environmental study under
section 54. Council reviewed the findings of the LES in 2008-09 and required further water
studies of the proponent and these studies were completed in 2011.**

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The Objectives state that the planning proposal intends to rezone the following; 1(a) Rural Zone, 7(a) Wetlands and Littoral Rainforest Zone and 7(a1) Environmental Protection Zone to a combination of zones specifically; 2(a) Low Density Residential Zone, 2(b) Medium Density Residential Zone, 4(a) General Industrial Zone, 6(a) Open Space and Recreation Zone and 7(a1) Environmental Protection Zone.

The objectives adequately explain that the intent of the planning proposal that is to amend Great Lakes LEP 1996. It is the view of the Regional Office that given the Standard Instrument is likely to be completed before this planning proposal that the objectives include the likely outcomes of amending the new instrument.

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

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions is considered adequate for amending Great Lakes LEP 1996.

The provisions Council has specified are;

- Rezone the land in accordance with zoning map
- Prepare a DCP that will ensure appropriate conservation and development of the site
- Prepare a clause that will prevent conflict between the proposed residential development and the landfill site.

It is recommended that exhibition of the planning proposal also provide provisions to explain how it will amend the Standard Instrument including appropriate land zoning map, lot size map, building height map and urban release area map.

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

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

- SEPP No 14—Coastal Wetlands
- SEPP No 44—Koala Habitat Protection
- SEPP No 55—Remediation of Land
- SEPP No 71—Coastal Protection
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Rural Lands) 2008

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

Although Council is of the opinion that the s117 Direction 1.4 Oyster Aquaculture is not relevant to the planning proposal, it applies to the planning proposal as Direction 1.4 applies to Priority Oyster Aquaculture Areas as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy 2006. Council has to take into consideration clause (4) and (5) and consult with the Director General of the Department of Primary Industries (DPI) and provide the Director General of Department of Planning & Infrastructure with any objection and supporting information before undertaking community consultation.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Inconsistencies that are inadequately justified are discussed further on in this report under consistency with strategic planning framework.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

An indicative zoning plan has been provided and is considered adequate for the planning proposal if it amends LEP 1996.

If it amends the SI LEP a land zoning map, building height map and minimum lot size map in accordance with the Standard technical requirements for LEP maps. These SI maps are required to be provided to the Regional Office prior to exhibition.

An Urban Release Area map is required to satisfy the amendment of either LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The proposal does not fit the definition of 'low impact planning proposal' and therefore a 28 day exhibition period is considered appropriate.

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 : **December 2012**

Comments in relation to Principal LEP :

Great Lakes SI LEP is seeking to receive a section 65 certificate by March 2012 and to complete the SI LEP by the end of 2012.

It is intended that the planning proposal be exhibited to amend both the SI LEP and LEP 1996 so that the planning proposal remains valid regardless of the course it takes.

Assessment Criteria

Need for planning proposal :

Two local strategies, the Tea Gardens/ Hawks Nest Conservation and Development Strategy 2003 and Tea Gardens/ Hawks Nest Housing Strategy 2006 are adopted by Council however not endorsed by the Director General. Both local strategies identify the site as a potential area for future growth. This is consistent with the Mid North Coast Regional Strategy which also identifies the site as a future urban release area and employment

land.

The Conservation and Development Strategy proposes low and high population increases of 2,903 and 4,552 people between 2011 – 31 in Tea Gardens. The average population projection to 2031 is 3,727 people and the planning proposal has the potential to provide settlement for around 3,000 people.

According to the Housing Strategy, annual dwelling approvals in Tea Gardens ranges from 76 in 2000 to 37 in 2003. The Housing Strategy indicates an annual average of 63 dwellings therefore the planning proposal provides 23 years supply. The planning proposal will satisfy the demand for new dwelling opportunities identified in Tea Gardens over the life of the Mid North Coast Strategy.

Council has investigated the subject site for development since 2006 commissioning several studies including hydrology, ecology, archaeology and transport. The completion of these studies contributes to the appropriateness of proceeding with the development at this point.

The Conservation and Development Strategy identifies the site as a Category 1 signifying the priority allocated by Council in the local strategy.

The subject site is considered advantageous due to its proximity to existing urban development. Its location makes provision of infrastructure more accessible via extension of existing services. The location of the subject site is also considered suitable due to its close proximity to existing employment lands with the added advantage of extending those employment lands (10 hectares) through this planning proposal. The planning proposal also fulfils a need for additional recreation land by zoning 8 hectares as open space.

An LEP amendment is considered the most effective and timely method available to achieve the objectives and intended outcomes of the proposal.

Consistency with
strategic planning
framework :

TEA GARDENS/ HAWKS NEST CONSERVATION AND DEVELOPMENT STRATEGY 2003

The Tea Gardens/ Hawks Nest Conservation and Development Strategy although not endorsed by the Department, sets out the broad framework of conservation and development.

The Conservation and Development Strategy indicates that Myall River Downs can provide up to 100 hectares for residential development and 10 hectares for industrial development. The Strategy proposes an average density of 7 lots per hectare to deliver 700 lots. The planning proposal exceeds the expectations of the local Strategy by providing 136 hectares of 2(a) Low Density Residential excluding 43 hectares for the rezoning of the Hermitage and Grange residential villages.

The planning proposal also provides 11 hectares of 2(b) Medium Density Zoned land adjoining the proposed open space zone with close access to Myall Road. Delivery of an amount of residential land exceeding the Strategy is dependant on consultation with government agencies and acceptance of the proposed amount of clearing and land fill and is therefore considered acceptable contingent upon resolution of these issues.

The Strategy estimates that the permanent winter population in Tea Gardens will see a population increase equivalent to below;

2011	2016	2031	TOTAL (2011-31)
2,551*	3,085	5,454	2,903 LOW
3,207*	4,111	7,759	4,552 HIGH

*These figures were the projections for 2011 in 2006 and the actual figure will be confirmed through the 2011 Census results.

The planning proposal can deliver housing opportunities within the range of projected total population and is therefore consistent with the Strategy.

The Strategy indicates that the existing waste transfer site requires a 600 metre buffer which encroaches considerably on the proposed residential land (see Strategy attachment). The Strategy indicates that the site is to be converted to a land fill operation which will not require the buffer. Council proposes that the change from waste transfer to land fill will occur before residential development will commence and have proposed a provision in the Planning Proposal to ensure this occur.

TEA GARDENS/ HAWKS NEST HOUSING STRATEGY 2006

The Tea Gardens/ Hawks Nest Housing Strategy, again not endorsed by the Department, however is the result of a requirement of the Conservation and Development Strategy in 2003. The Housing Strategy takes into consideration the range of constraints and the population growth experienced in the interim period.

The Housing Strategy identifies an integrated sporting complex with community service facilities requiring 7 hectares of recreation land. The planning proposal fulfils this requirement by delivering 8 hectares of recreation zoned land.

MID NORTH COAST REGIONAL STRATEGY (MNCRS)

The main purpose of the MNCRS is to ensure that adequate land is available in appropriate locations to accommodate projected housing needs. It is expected that an additional 94,000 people will settle in the Region by 2031 and the Manning Valley - Great Lakes subregion is required to provide 15,000 of these dwellings. The Regional Strategy while identifying future development sites recognises the value of environmental/cultural assets and natural resources.

The site is identified as a proposed future urban release area and proposed employment land with indicative areas of high level constraints. The proposed development area is consistent with the area identified in the Regional Strategy and the recognised constraints

can be managed through the planning proposal process.

S117 DIRECTIONS

The proposal is, or maybe inconsistent with the following s117 Directions.

1.2 Rural Zones

1.3 Mining Petroleum and Extractive Industries

1.5 Rural Lands

2.1 Environmental Protection

2.3 Heritage Conservation

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

1.2 Rural zones – it is inconsistency with clause 4(a) and (b) of Direction 1.2 as it rezones rural zoned land and increases the density. It is justified under clause 5 (c) because it is in accordance with an endorsed Regional Strategy (MNCRS).

1.3 Mining Petroleum and Extractive Industries – Direction 1.3 applies under clause 3(a) and (b). The planning proposal will prohibit and restrict the winning of extractive materials as the existing sand mining operation will cease as a result of the rezoning. Council has to take into consideration clause (4) and (5) and consult with the Director General of the Department of Primary Industries (DPI) and provide the Director General of Department of Planning & Infrastructure with any objection and supporting information before undertaking community consultation and demonstrate that the inconsistency is of minor significance.

1.5 Rural Lands – Direction 1.5 applies under clause 3 (a) and (b) as it affects land in a rural and environmental zone. The planning proposal is inconsistent with Rural Subdivision Principle 8(a) however the land is not currently used for agriculture and the Department of Primary Industries was consulted on the local strategy and the Regional Strategy. Therefore, the inconsistency is justified under 6(a) by an endorsed Strategy (MNCRS).

2.1 Environmental Protection Zones – It cannot be determined if the planning proposal is inconsistent with Direction 2.1 clause (4) which requires conservation and protection of environmentally sensitive areas. The draft plan zones an additional 52 hectares of 7(a1) Environmental Protection on top of an existing 143 hectares of 7(a1). However, the planning proposal states that there is 'little likelihood that critical habitat or threatened species will be adversely affected and much of the vegetation on site will afforded protection within the 7(a1) zone'. This indicates that some existing vegetation will be lost to development and the drainage report proposes a constructed wetland and revegetation over the proposed 7(a1) zone. Consultation with EPA will determine if the proposed provisions will be adequate.

2.3 Heritage Conservation – the planning proposal is inconsistent with Direction 2.3 clause (4). While the planning proposal does not contain specific provisions to protect Aboriginal objects that are present on site, Great Lakes LEP 1996 and the draft SI LEP 2012 contain provisions to protect heritage items. The inconsistency with this direction is therefore considered justified.

4.1 Acid Sulfate Soils – it has not been determined at this stage if the planning proposal is inconsistent with Direction 4.1 as Council has not adequately assessed the development against this Direction. The majority of the development portion of the site is Class 3 which requires consideration of Acid Sulfate Soils for works beyond 1m below natural ground level. It is recommended that Council address Direction 4.1 and submit its findings and any necessary study to the Regional Office prior to exhibition.

4.3 Flood Prone Land – it has not been determined at this stage if the planning proposal is inconsistent with Direction 4.3 as Council has not adequately assessed the development against this Direction. The site is known to be flood prone land and is affected by the 20 year and 100 year storm events. Contrary to clauses (4), (8) and (9), Council has not

indicated if a floodplain risk management plan has been prepared in accordance with the principles and guidelines of the Floodplain Development Manual. Council is therefore required to provide this information prior to exhibition to the Regional Office prior to exhibition. The development does not appear to be justified under 9(b) of minor significance therefore 9(a) applies.

4.4 Planning for Bushfire Protection – the site is bushfire prone and therefore the RPA is required to consult with Rural Fire Service in accordance with clause (4). Until this consultation occurs, consistency with Direction 4.4 cannot be determined.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP 14 Coastal Wetlands

SEPP 14 wetlands are located on site, however the planning proposal is consistent with SEPP 14 as it does not propose development in the mapped wetland area. However future development applications will be required to address SEPP 14 in greater detail.

SEPP 44 Koala Habitat Protection

Core Koala Habitat is located on the 'Hermitage Retirement Village' portion of the site and is proposed to be zoned 7(a1) Environmental Protection Zone. Therefore a Koala Plan of Management is required to be prepared through the development application process.

SEPP 50 – Canal Estate Development

The Planning Proposal is not considered to be a canal estate development as it does not, as defined by the SEPP, incorporate a constructed canal or waterway that drains into a natural waterway but rather utilises works of drainage for those functions.

SEPP 55 Remediation of Land

Council has undertaken to complete a Preliminary Contamination Assessment report after exhibition however it is recommended that this report be completed prior to exhibition and placed on public display. Council indicated through the correspondence dated 14 December 2011 (see attached), that Council has been monitoring affects of 'off site' contamination from existing landfill on the groundwater for the past 10 years. All results have been submitted to OEH/ EPA and no concerns have been raised by these authorities.

SEPP 71 Coastal Protection

The subject site is identified as being in the coastal zone. Council has not provided consideration under Clause 7 and 8 of protection and improvement of public access along coastal foreshores, protection and preservation of Aboriginal cultural heritage and measures to reduce conflict between land-based and water-based coastal activities. Further consideration of these matters subject to consultation with OEH and DPI is required before undertaking exhibition.

SEPP (Rural Lands)

Under s117 of the Act, the Minister Directs Councils to exercise their functions relating to LEPs in accordance with the Rural Planning Principles. In accordance with these principles, Council is required to avoid constrained land. Identification of this site in the Regional Strategy as a proposed future urban release area signifies that the environmental characteristics are recognised as a constraint to be overcome in order to deliver social and economic benefits.

The proposal is considered consistent with all other SEPPs.

Environmental social
economic impacts :

ECOLOGY

A large area of the site (143 hectares) is already zoned 7(a) Wetlands and Littoral Rainforest and 7(a1) Environmental Protection and an additional 52 hectares is proposed to be zoned 7(a1) Environmental Protection through the planning proposal. Some areas of Open Forest are to be zoned 2(a) Low Density Residential and are likely to be cleared however these forests are not identified as Endangered Ecological Communities.

The threatened species; *Grevillia parviflora* and the Wallum Froglet are identified within the Open Woodland *Eucalyptus Signata* community. However, the planning proposal states that suitable habitat for these species will be provided along the main drainage channel.

The core koala habitat is to be rezoned to 7(a1) Environmental Protection.

Development is proposed to provide a 100 metre buffer to the SEPP 14 wetland and implement water management strategies to protect the water quality of the wetland.

Although the majority of hollow bearing trees are within the 7(a1) zone, the planning proposal undertakes to remove no more than 5% of these trees.

The planning proposal does not propose a specific mechanism for ongoing management of the environmental protection zones. The appropriate mechanism will need to be discussed and negotiated with EPA.

ARCHAEOLOGY

The Aboriginal Archaeological studies identify 10 Aboriginal middens across the site. Two of these are highly significant sites and all have been referred to the former OEH for consideration. The planning proposal indicates that all of the middens are located in the proposed 7(a1) zone. However, it is not clear from the planning proposal if one of the highly significant sites is located within the proposed development area. If an archaeological site requires destruction, then a s90 application to OEH will be made.

It is recommended that consultation occur with Karuah Local Aboriginal Land Council and any other members of the Aboriginal community relevant to the site and an Aboriginal Cultural Heritage Management Plan be prepared in conjunction with this planning proposal.

TRANSPORT

The traffic report proposes two access points to Myall Street using two lane roundabouts to accommodate 1,500 residential dwellings, 280 aged care units and 10 hectare light industrial estate. The traffic report indicates the existing Settlers Way intersection with Myall Street will eventually fail as a result of additional traffic. Traffic signals are advised by 2018 to manage the Settlers Way intersection.

WATER MANGEMENT

The subject site has a coastal wetland edge and a considerable amount of the land adjoining the wetland is low lying and becomes inundated in the 20 year and 100 year storm events. Another characteristic of the site's terrain is that the groundwater level is close to natural ground level over the lower half of the site.

To accommodate 1,500 lots, it is proposed to carry out extensive cut and fill across the site. Primary and secondary channels are to be constructed requiring excavation of 2- 4 metres which will provide flood water storage. The 100 year flood level which includes 0.9 metres for climate change sea level rise is 2.6 metres AHD. The proposed habitable floor level is 3.1 metres AHD which includes a 0.5 metre freeboard.

There is a natural ground level contour of 2.6 metres running approximately north-south across the middle of the proposed 2(a1) zoned area. This indicates that approximately half the existing ground level would be above a 0.9 metre sea level rise in a 100 year storm event and the lower half would require land fill to meet the 2.6 metre AHD level.

Approximately, 230,000 m³ of land fill is required to be imported on site in addition to 330,000 m³ of land fill that will be excavated from the higher ground on the site. As considerable excavation is proposed, it is recommended that Council consult with Office of Water regarding potential groundwater affects.

The existing sand mining site is proposed to be used for offline storage of floodwaters and stormwater. Also, a constructed wetland is proposed in the 7(a1) portion of the site. Great Lakes LEP 1996 permits with consent utility installations which includes sewerage or drainage services in the 7(a1) Environmental Protection zone. It is recommended that EPA be made aware of this through consultation.

Bio retention treatment in the channels and the constructed wetland are proposed to adequately manage any pollutants that may affect the surrounding wetlands.

There are outstanding issues identified in the water management report that require consideration post-Gateway. It is recommended that this be a condition of the Gateway.

Assessment Process

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

Timeframe to make LEP : **24 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **NSW Aboriginal Land Council
Hunter - Central Rivers Catchment Management Authority
Department of Education and Communities
Office of Environment and Heritage
NSW Department of Primary Industries - Fishing and Aquaculture
NSW Department of Primary Industries - Minerals and Petroleum
Office of Environment and Heritage - NSW National Parks and Wildlife Service
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Telstra**

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. :

Other - provide details below

If Other, provide reasons :

Contamination Report

Aboriginal Cultural Heritage Management Plan

Additional Water Management detail as per the planning proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The site is not identified by Council as an urban release area however it is considered that as the site is identified in the Regional Strategy and is of a size that warrants consideration under the satisfactory arrangement clause (Great Lakes LEP 1996 clauses 39 – 41), that the site be included on the urban release area map. It is recommended that the urban release area map be made available for public exhibition.**

As impact on State public infrastructure has not been assessed, it is recommended that

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targeted consultation occur with Roads and Maritime Services and Department of Education and Community through the Planning Proposal process.

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal_V2_16 11 11_appendices 1 to 5pdf.pdf	Proposal	Yes
Annexure A - Site Locality.pdf	Map	Yes
Appendix 6 F&F Assessment.pdf	Study	Yes
Appendix 7 Bushfire Threat Assessment.pdf	Study	Yes
Appendix 9 Traffic Assessment.pdf	Study	Yes
Appendix 8 Archaeology Part 1.pdf	Study	Yes
Appendix 8 Archaeology Part 2.pdf	Study	Yes
Appendix 10 Water Management Report - Part 2.pdf	Study	Yes
Appendix 10 Water Management Report - Part 3.pdf	Study	Yes
Appendix 10 Water Management Report - Part 1a.pdf	Study	Yes
Appendix 10 Water Management Report - Part 1b.pdf	Study	Yes
Site plan waste transfer station.doc	Map	Yes
2011 12 15 Letter to DoPI.doc	Proposal	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes

- Additional Information :
1. Council will need to undertake a number of additional studies to further demonstrate the form and content of the planning proposal and provide this additional information as part of its planning proposal for exhibition purposes. The following matters need to be addressed;
 - Undertake studies to support the proposal including;
 - i. Contamination Report
 - ii. Aboriginal Heritage Management Plan
 - iii. Additional Water Management detail as specified in the planning proposal
 - Prepare a Development Control Plan for the site
 - Provide a minimum lot size map and urban release area map
 2. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - RFS

- Karuah LALC and any other member of the Aboriginal community relevant to the site
- EPA – Cultural Heritage and Aboriginal Archaeology, Environmental Biodiversity matters

- DPI – Petroleum & Minerals

• RMS

- DPI – Fisheries

- DPI – Office of Water

• DET

- Telstra

- Country Energy

- Mid Coast Water

- Hunter and Central Rivers Catchment Management Authority

4. Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. 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).

6. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway Determination.

7. Agree to inconsistencies with Directions; 1.2 Rural Zones, 1.5 Rural Lands and 2.3 Heritage Conservation and SEPP (Rural Lands) as they are justified under the Mid North Coast Regional Strategy.

8. Consult with Director General of the Department of Primary Industries (DPI) regarding Direction 1.3 Mining Petroleum and Extractive Industries clauses 3(a) and (b) and provide the Director General of Department of Planning & Infrastructure with any objection and supporting information before undertaking community consultation and demonstrate that the inconsistency is of minor significance.

9. Consult with Director General of the Department of Primary Industries (DPI) regarding Direction 1.4 Oyster Aquaculture under clauses (4) and (5) and provide the Director General of Department of Planning & Infrastructure with any objection and supporting information before undertaking community consultation.

10. Consult with EPA regarding biodiversity matters and provide detail of the proposals consistency or otherwise with 2.1 Environmental Protection Zones prior to finalisation of the planning proposal.

11. Provide an assessment of the planning proposal against Direction 4.1 Acid Sulfate Soils prior to finalisation of the planning proposal.

12. Provide an assessment of the planning proposal against Direction 4.3 which requires that a floodplain risk management plan has been prepared in accordance with the principles and guidelines of the Floodplain Development Manual prior to finalisation of the planning proposal.

13. Prepare a Preliminary Contamination Assessment report and determine the planning proposal is consistent with SEPP 55 prior to finalisation of the planning proposal.

14. Provide an assessment of the planning proposal with consideration of Clauses 7 and 8 of protection and improvement of public access along coastal foreshores, protection and preservation of Aboriginal cultural heritage and measures to reduce conflict between land-based and water-based coastal activities and consult with EPA and DPI is required before undertaking exhibition.

15. Following completion of the required additional studies (and required pre-exhibition consultation with nominated agencies in accordance the relevant S117 Directions, Council is to undertake assessment of the revised form of the planning proposal against relevant S117 Directions and provide this revised assessment as part of the planning proposal for exhibition purposes.

Supporting Reasons :

1. The proposal is consistent with the endorsed Mid North Coast Regional Strategy and local strategies.

2. The site adjoins existing urban development and can be serviced by extension of existing trunk infrastructure.

3. A number of studies have been completed such as; Flora and Fauna Assessment,

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Consolidated Water Management Report, Bushfire Threat Assessment and Aboriginal Cultural and Archaeological Assessment Report and Traffic Assessment in support of the planning proposal.

4. Others studies are required however the 18 month time period should enable the planning proposal to be completed.

Signature:



Printed Name:

Monica Gibson

Date:

10.2.2012