

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**

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

- DPI – Fisheries
 - DPI – Office of Water
 - 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, 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.

Panel Recommendation

Recommendation Date : 16-Feb-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to prepare and submit to the Department's Regional Planning Team for endorsement, a project timeline which identifies the timing for the completion of the required studies, consultation and other steps associated with the delivery of the LEP. The project timeline is to be provided within 4 weeks of the receipt of the Gateway Determination.
2. Council is required to provide the following additional information in support of the planning proposal:
 - Aboriginal Heritage Management Plan; and
 - Water Cycle Management details (as specified in the planning proposal).
3. Council is to prepare appropriate mapping to support the planning proposal and in particular provide a minimum lot size map for the site. Council is also to include the site as an identified urban release area in its Urban Release Area maps.
4. As the site will be identified as an urban release area, Council is also to include a provision in the LEP which seeks to ensure that the development will be provided with appropriate infrastructure and services in a timely and efficient manner.
5. In relation to the plan's consistency with other relevant Section 117 Directions, Council is to consult with the following agencies prior to public exhibition, and if necessary, amend the planning proposal to reflect the outcomes of this consultation:
 - Direction 1.3 Mining Petroleum and Extractive Industries, consult with the Director General of the Department of Primary Industries (Mining and Petroleum);
 - Direction 1.4 Oyster Aquaculture, consult with the Director General of the Department of Primary Industries (Fisheries); and
 - Direction 2.1 Environmental Protection Zones, consult with the EPA regarding biodiversity matters.
6. Council is to provide additional information to demonstrate how the planning proposal complies with the provisions of the following State Environmental Planning Policies (SEPPs):
 - SEPP 55 – Remediation of Land, Council is to undertake a preliminary site investigation study in accordance with Clause 6 of the SEPP and place the report on exhibition with the planning proposal;
 - SEPP 71 – Coastal Protection, Council is to provide additional justification for the proposal as required under Clauses 7 and 8 of the SEPP in relation to the 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 activities. Council should consult with the Office of Environment and Heritage and the Department of Primary Industries in relation to compliance with the SEPP and provide a copy of any additional information prepared in response to the SEPP on exhibition with the planning proposal.
7. Following completion of pre-exhibition consultation and the completion of the additional information, Council should undertake another review of the planning proposal against all relevant Section 117 Directions and provide any further justification for the planning proposal where necessary. This additional information should then also be placed on public exhibition.
8. 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).

9. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

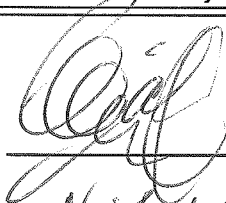
- Karuah Local Aboriginal Land Council
- EPA – Cultural Heritage and Aboriginal archaeology and environmental biodiversity matters
- Hunter - Central Rivers Catchment Management Authority
- Department of Education and Communities
- Office of Environment and Heritage
- NSW Department of Primary Industries - Fishing and Aquaculture
- NSW Department of Primary Industries - Minerals and Petroleum
- NSW Department of Primary Industries – Office of Water
- Office of Environment and Heritage - NSW National Parks and Wildlife Service
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Telstra
- Country Energy
- Mid Coast Water

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.

10. 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).

11. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McCaffin

Date:

22.2.12