

Great Lakes LEP 1996 (Amendment No 74) Bulahdelah Golf Course Residential

Proposal Title : **Great Lakes LEP 1996 (Amendment No 74) Bulahdelah Golf Course Residential**

Proposal Summary : **To rezone approximately 127 ha of land currently zoned 1(a)Rural to 2(a)Residential (24ha approx), for the development of up to 200 dwellings, and 7(a1) Environmental Protection (103 ha approx), to protect the area having high biodiversity conservation value.**

PP Number : **PP_2011_GLAKE_002_00** Dop File No : **11/17419**

Proposal Details

Date Planning Proposal Received : **23-Sep-2011** LGA covered : **Great Lakes**

Region : **Hunter** RPA : **Great Lakes Council**

State Electorate : **MYALL LAKES** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Pacific Hwy**

Suburb : **Bulahdelah** City : **Bulahdelah** Postcode : **2423**

Land Parcel : **Lot 3 DP 1120817 and Lot 100 DP1139447**

DoP Planning Officer Contact Details

Contact Name : **Brian Murphy**

Contact Number : **0249042712**

Contact Email : **brian.murphy@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Roger Busby**

Contact Number : **0265917254**

Contact Email : **roger.busby@greatlakes.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **Other**

Regional / Sub Regional Strategy : **Mid North Coast Regional Strategy** Consistent with Strategy : **Yes**

Great Lakes LEP 1996 (Amendment No 74) Bulahdelah Golf Course Residential

MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots : 200	No. of Dwellings (where relevant) :	200
Gross Floor Area : 0	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 : **LOBBYIST STATEMENT**
At this point of time the Code has been complied with and there have been no meetings or communications with registered lobbyists with respect to this draft LEP.

External Supporting Notes : **The subject land is identified in the Mid North Coast Regional Strategy as a proposed urban release area, with the land subject to significant environmental constraints to be excluded from development.**

The site is located approximately 1.5 kilometres north of Bulahdelah town centre and is bounded by the Bulahdelah golf course and the new Pacific Hwy bypass which is currently under construction to the west. Council has previously approved a boutique brewery and tourist facility between the existing golf course and the proposed residential area. These facilities and the proposed residential development could potentially provide new economic opportunities to help offset the impacts of the Bulahdelah bypass.

Adequacy Assessment

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

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

Comment : **The objectives adequately explain the intent of the planning proposal to facilitate the subdivision of 24 ha of land (approx) to provide for up to 200 residential lots and to protect 103 ha of land (approx) for biodiversity conservation purposes on land in proximity to the existing Bulahdelah Golf Course.**

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

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

Comment : **The explanation of provisions indicates that the planning proposal is intended to be delivered through an amendment to Great Lakes LEP 1996. The current Rural 1(a) Zone will change to part 2(a) General Residential zone and part 7(a1) Environmental Protection zone.**

Council also proposes to include a provision requiring that arrangements, acceptable to the Council, have been made for the protection and management of that part of the land within the 7(a1) (Environmental Protection) Zone. The Parliamentary Counsel recently

supported the inclusion of such a provision in other spot zoning amendments, in Schedule 3 "Special requirements for development of certain land" of Great Lakes LEP 1996.

In discussions with the Department Council has accepted that in the future such site specific type provisions will be included in their whole of LGA DCP and will not carry over into their new Standard Instrument LEP which is currently being prepared.

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

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

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 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council has provided a copy of site locality plan and an indicative zoning plan.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal indicates that community consultation will be undertaken consistent with the requirements of s57 of the Act. Council notes that the planning proposal does not meet the criteria and definition of being a low impact planning proposal as some 24 hectares of land could be developed for residential purposes. It is recommended that the planning proposal be exhibited for 28 days.**

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 : **June 2012**

Comments in relation
to Principal LEP :

Great Lakes Council has recently commenced the preparation its new standard instrument comprehensive LEP with a goal for it to be finalised in the second half of 2012.

Assessment Criteria

Need for planning
proposal :

Bulahdelah is identified as a highway service centre town in the Great Lakes Highway Service Centre Strategy. This strategy was prepared in consultation with and part funded by the RTA to help address the impacts of the Pacific Hwy Bulahdelah bypass. The proposed residential development, together with a boutique brewery and tourist facility, previously approved by Council on an adjoining site, could potentially provide new economic opportunities to help offset the impacts of the bypass.

Consistency with
strategic planning
framework :

The site is identified as an urban release area and implements the Mid North Coast Regional Strategy and Council's Rural Living Strategy

Environmental social
economic impacts :

The proposal is supported by a detailed draft Local Environmental Study / Land Capability Assessments and a Net Community Benefit Analysis has been undertaken as part of the planning proposal. It is expected the proposal would provide positive community benefit through provision of additional housing and population in proximity to the existing Bulahdelah community, in-turn supporting community services, retail and commercial facilities and utilising available water and sewer capacities.

Clearing for the proposed residential development will potentially have biodiversity impacts which could be offset by the proposed large 7(a1)(Environmental Protection Zone) land. At this stage no mechanism has been identified for the ongoing protection and management of this land. If necessary offset arrangements will also need to be resolved in consultation with the Office of Environment and Heritage for any biodiversity impacts resulting from future land clearing. Council also proposes to include a provision in the LEP requiring that arrangements, acceptable to the Council, have been made for the protection and management of that part of the land within the 7(a1)Zone. The Parliamentary Counsel has recently supported the inclusion of such requirements in other recent spot zoning amendments, in Schedule 3 "Special requirements for development of certain land" of Great Lakes LEP 1996. The planning proposal is considered consistent with s117 Direction Environmental Protection zones as it proposes to zone the most significant parts of the site environmental protection.

The area proposed for residential development adjoins native forest bushland areas. A draft bushfire threat assessment was undertaken in July 2010, in accordance with the relevant legislation and Planning for Bushfire Protection 2006 guidelines. A number of recommendations are made to enable the proposal to meet any legislative requirements. However, Council advises that the assessment is general in nature because a development footprint had not been identified at the time of its preparation. Given these circumstances and consistent with the requirements of s117 Direction 4.4 Planning for Bushfire Protection Council must consult with the NSW Rural Fire Service following a gateway determination under section 56 of the Environmental Planning and Assessment Act.

Consistent with the requirements of s117 Direction 1.3 Mining, Petroleum Production and

Extractive Industries, the Department of Primary Industries (DPI) was consulted in 2009 concerning potential impacts on mineral resources. In accordance with DPI advice there will be no development in the south western portion of former lot 1 DP 120651 (now known as lot 100 DP 1138447) containing the Alum Mountain Ridge-line alunite deposits. Nevertheless further consultation should occur with the DPI to ensure the current planning proposal does not have a significant impact on future extraction or recovery of minerals and extractive materials.

The proposal is technically inconsistent with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands. These inconsistencies are considered justified because the planning proposal is in accordance with the Mid North Coast Regional Strategy.

Assessment Process

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

Timeframe to make LEP : **12 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :
NSW Aboriginal Land Council
Ambulance Service of NSW
Area Health Services
Department of Education and Communities
Office of Environment and Heritage
Department of Primary Industry (Mining)
Energy Australia
NSW Fire Brigades
Department of Health
NSW Police Service
NSW Rural Fire Service
Roads and Traffic Authority
Other

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons : **Council's planning proposal does not address or include any State Infrastructure Urban Release Area provisions. The land is identified as an urban release area in the Mid North Coast Regional Strategy. The proposed rezoning will potentially deliver up to 200 dwellings.**

Bulahdelah has a central school catering for children from kindergarten to year 12, a district public hospital providing emergency and outpatient services and Police,

Great Lakes LEP 1996 (Amendment No 74) Bulahdelah Golf Course Residential

Ambulance and Rural Fire Service Brigade stations. It is assumed that the RTA would have made provision for the increased traffic generated from the proposed residential development in designing the new Pacific Hwy interchange. Given these circumstances it is considered unlikely that there will be a requirement for any additional State infrastructure.

Nevertheless Council should be advised to consult with relevant State Infrastructure agencies and if necessary include a State Infrastructure satisfactory arrangements clause in its draft LEP.

Documents

Document File Name	DocumentType Name	Is Public
Cover_letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal_and_Appendices_1_to_5.pdf	Proposal	Yes
Appendix_6.1_Part 1_Flora_Fauna.pdf	Study	Yes
Appendix_6.3_Part 3_Flora and Fauna_Planning Report.pdf	Study	Yes
Appendix_6.4_Flora_Fauna_Report_Appendices.pdf	Study	Yes
Appendix_7_Bushfire_Threat_Assessment.pdf	Study	Yes
Appendix_8_Cult_Heritage_Draft Report.pdf	Study	Yes
Appendix_9_Traffic_Impact_Report.pdf	Study	Yes
Appendix_10_Prelim_Site_Contamination_Assessment.pdf	Study	Yes
Appendix_11_Social_Impact_Assessment.pdf	Study	Yes
Appendix_6.2.1_Part 2_Flora_and Fauna.pdf	Study	Yes
Appendix_6.2.2_Part_2_Flora_and_Fauna.pdf	Study	Yes
Appendix_6.2.3_Part_2_Flora_and_Fauna.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information :

The Planning Proposal:

1. Should proceed without variation.
2. Is a routine proposal type.
3. Should be finalised as an LEP within 12 months. A 12 month time-frame is recommended because of the possible need for biodiversity offsets and associated VPA to be resolved with the Office of Environment and Heritage (OEH), and the need for any State infrastructure requirements to be identified and Rural Fire Service requirements which may need to be resolved prior to the planning proposal being submitted to the Minister's Delegate for approval.
4. Community consultation should be undertaken for a 28 day exhibition period. Consultation with relevant state authorities should take place concurrently. In particular close consultation should be undertaken with OEH,RFS and DPI (mining). Mid Coast Water should also be consulted.
5. The Director General's delegate approve the minor inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands.

Supporting Reasons : The proposal is consistent with the strategic framework and will facilitate the provision of additional residential opportunities within close proximity to the existing Bulahdelah

Great Lakes LEP 1996 (Amendment No 74) Bulahdelah Golf Course Residential

community. Together with a boutique brewery and tourist facility previously approved by Council on an adjoining site, the proposed residential development could potentially provide new economic opportunities to help offset the impacts of the new Pacific Highway bypass.

A large area (approx 103 hectares) of environmentally significant land will be zoned for conservation.

The proposal also supports the Mid North Coast Regional Strategy settlement planning principal for growth in inland towns to be focused in areas where extra population is needed to make existing services more viable and if the risk of environmental degradation is low.

Signature:

Trent Wink

A/Team Leader

Printed Name:

TRENT WINK

Date:

29/9/2011