

Planning Proposal to amend Great Lakes Local Environmental Plan 2014: Development within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management Zones

Prepared by:

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Introduction

This Planning Proposal outlines draft amendments to the requirements for development within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones of *Great Lakes Local Environmental Plan 2014* (LEP 2014).

The Planning Proposal has been prepared by Great Lakes Council in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment (Department) Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The primary aim of the Planning Proposal is to clarify when development for residential or tourism-based development is permitted with consent on land in within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones of Great Lakes LEP 2014.

The Strategic Committee Meeting 8 September 2015 report, annexures and resolution relevant to this Planning Proposal are available on Council's website www.greatlakes.nsw.gov.au/Minutes-Agendas.

Council requests that the Department issue delegations to Council to make these amendments.

Part 1 – Objectives and Intended Outcomes

(s.55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objective and intended outcome of the Planning Proposal is to clarify when residential or tourism-based development is permitted on land in within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones of Great Lakes LEP 2014.

Part 2 – Explanation of Provisions

(s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

Great Lakes Environmental Plan 2014 currently provides clear criteria for when dwelling houses are permitted on land within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones in *Clause 4.2A Erection of dwelling houses on land in certain rural and environment protection zones*.

However, in the transition from Great Lakes Local Environmental Plan 1996 and Manning LEP No.1 to Great Lakes LEP 2014, the application of these criteria to other residential and tourism-based land uses became unclear.

The intention of this Planning Proposal is to clarify that residential or tourism-based development within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones may only be approved by Council if the provisions of Clause 4.2A can also be satisfied.

A copy of Clause 4.2A Erection of dwelling houses on land in certain rural and environment protection zones of Great Lakes Local Environmental Plan 2014 is provided in Appendix 1.

The current Land Use Tables for the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones from Great Lakes LEP 2014 are documented in Appendix 2 and the relevant land uses underlined.

Part 3 – Justification

(s.55(2)(c) Justification for the objectives, outcomes and provisions and the process for their implementation)

Section A – Need for the Planning Proposal

3.A.1 Is the Planning Proposal a result of any strategic study or report?

These initiatives are consistent with Council's Rural Living Strategy (2003) and the intent of the previous Great Lakes Local Environmental Plan (LEP) 1996 and Manning LEP No.1 planning instruments.

The Strategy is available on Council's website at: <http://www.greatlakes.nsw.gov.au/Develop-or-Build/Discover/Future-Planning>.

Background

Great Lakes LEP 2014 is based on the NSW Standard Instrument LEP, Model Clauses and state-wide standard land use definitions.

During the transition from Great Lakes LEP 1996 and Manning LEP No.1 to Great Lakes LEP 2014, the circumstances of when dwellings and other types of residential and tourist accommodation were permitted in rural and environmental areas became unclear.

In particular, the changes to land use definitions and terminology from the old to the new LEP instruments, have resulted in confusion about the permissibility of residential and tourist accommodation within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones.

In addition, the Great Lakes Rural Living Strategy (2003) recommendations regarding residential and tourist accommodation were outside of the scope of 'transitioning' existing local environmental plan provisions into the new LEP template. These recommendations continue to be reflected in development assessment, but should be incorporated into LEP 2014 to ensure consistent interpretation and implementation.

With regards to dwelling houses LEP 2014 is consistent with Great Lakes LEP 1996 and Manning LEP No.1, in that they are only permitted in the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones under specific circumstances. For example, the land has to be 40 hectares, a dwelling has to have been permissible under the previous LEP or the land has to comprise an existing holding.

However, the general intent of LEP 1996, Manning LEP No.1 and the Rural Living Strategy to limit development for other forms of residential and tourist accommodation on land less than 40 hectares in these rural and environmental zones, has not been clearly transitioned into the new LEP.

In this regard, LEP 1996 specified that 'multiple dwellings' were only allowed where a dwelling house was also permissible. The Rural Living Strategy also recommended that 'rural tourist facilities' being established on land with a "minimum area of, for example 40Ha, would at least ensure sufficient area for other activities normally associated with an environmentally based operation" (Page 34).

To complicate matters further, the significant increase in the number of defined land uses from Great Lakes LEP 1996 and Manning LEP No.1 to LEP 2014, particularly with regards to residential and tourist accommodation was not able to be fully addressed or anticipated within the transition.

For example, where the previous plans only defined dwelling-houses, dual occupancies and multi-unit dwellings, the new LEP incorporates thirteen (13) different land uses under the group term of *residential accommodation* and introduces the new term of *moveable dwelling*.

The single term of 'tourist facilities' from the Strategy and previous LEP documents is also no longer relevant. Several separate definitions in LEP 2014 must now be considered, including *eco-tourist facilities, camping grounds, caravan parks* and five (5) separate land uses under the group term of *tourist and visitor accommodation*.

As a result, an anomaly exists whereby a range of residential and tourism-based land uses may be 'Permissible with Consent' on lots where a single dwelling is prohibited under the criteria of Clause 4.2A of Great Lakes LEP 2014.

Within the Great Lakes local government area there are approximately 4,000 urban-sized allotments that are zoned RU2 Rural Landscape, E2 Environmental Conservation or E3 Environmental Management that may be affected by this anomaly.

Therefore, Council is seeking to clarify that the requirements of Clause 4.2A apply to all residential and tourism accommodation within these zones.

In this regard it is noted that several other Councils have undertaken similar amendments, including but not limited to: Armidale, Ballina, Clarence Valley, Leeton, Nambucca, Port Macquarie-Hastings, Shellharbour, Singleton, Tweed and Wyong.

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

Great Lakes Local Environmental Plan 2014 became effective on 4 April 2014.

The LEP retains the principles of Great Lakes LEP 1996 and Manning LEP No.1 of enabling development on rural and environmental land under 40 hectares only where the land use is permissible with consent. The LEP also continues to enable the development of a dwelling house on land less than 40 hectares within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones where there is an existing holding entitlement.

The clarification of development provisions within the specified rural and environmental zones within the local environmental plan rather than any other planning instrument also ensures that the provisions of Clause 4.2A are considered in conjunction with other matters from LEP 2014, including but not limited to:

Clause 1.2 Aims of the Plan:

- a) to facilitate the orderly and sustainable economic development of land,
- c) to protect and enhance environmental, scenic and landscape assets,
- e) to promote the equitable provision of services and facilities for the community,
- f) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities or services,
- h) to ensure that development has regard to the capability of the land so that the risk of degradation is minimised,
- i) to minimise land use conflict,
- j) to ensure that development meets any local water quality objectives adopted by Council in relation to groundwater, rivers, estuaries, wetlands and other waterbodies,
- k) to protect, enhance and provide for the long-term management of native biodiversity, including habitat linkages, threatened species populations and endangered ecological communities, and to identify and protect biodiversity links or corridors throughout the landscape.

Zone RU2 Rural Landscape Objectives:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.

- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.
- To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.

Zone E2 Environmental Conservation Objectives:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Zone E3 Environmental Management Objectives:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

Significantly, a large number of the non-urban allotments affected by the current anomaly are in locations that do not necessarily have the essential services normally required to undertake development for the range of more intensive land uses associated with the residential or tourism-based accommodation referred to within this Planning Proposal.

For example, in locations such as North Arm Cove the urban-sized allotments generally do not have:

- the capacity to accommodate on-site effluent disposal requirements,
- there are few legal and constructed roads, and
- there is no service or infrastructure associated with water and electricity supply.

Clause 7.21 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- a) the supply of water,
- b) the supply of electricity,
- c) the disposal and management of sewage,
- d) stormwater drainage or on-site conservation,
- e) suitable vehicular access.

Therefore, Council considers that the Planning Proposal is the most effective means of facilitating logical planning outcomes which have strategic merit, specifically for the purpose of clarifying when development for residential or tourism accommodation is permitted on land in within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones.

Section B – Relationship to strategic planning framework

3.B.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 Planning Proposal is consistent with The Mid North Coast Regional Strategy (MNCRS) 2009.

The clarification of when residential accommodation is permitted on land in rural and environmental zones less than 40 hectares is consistent with the Mid North Coast Regional Strategy (2009) statement that "Local environmental plans will include provisions to limit dwellings in rural and environmental zones." (p.20)

The Strategy also acknowledges that "the attractiveness of the Region is dependant on the high quality natural resources and landscape values which underpin tourism. Visitors are also drawn by the coastal character of the settlements. Clearly it is in the best economic interests of the region to ensure that the scale of development, particularly tourism development, does not overwhelm these values." (p.26)

In this regard, the environmental and scenic qualities and values of the Great Lakes region are well known and acknowledged as a significant driver of visitation and tourism activities. In this regard approximately one-third of the terrestrial and aquatic environments within the local government area are protected by national parks, the marine park estate and environmental zones.

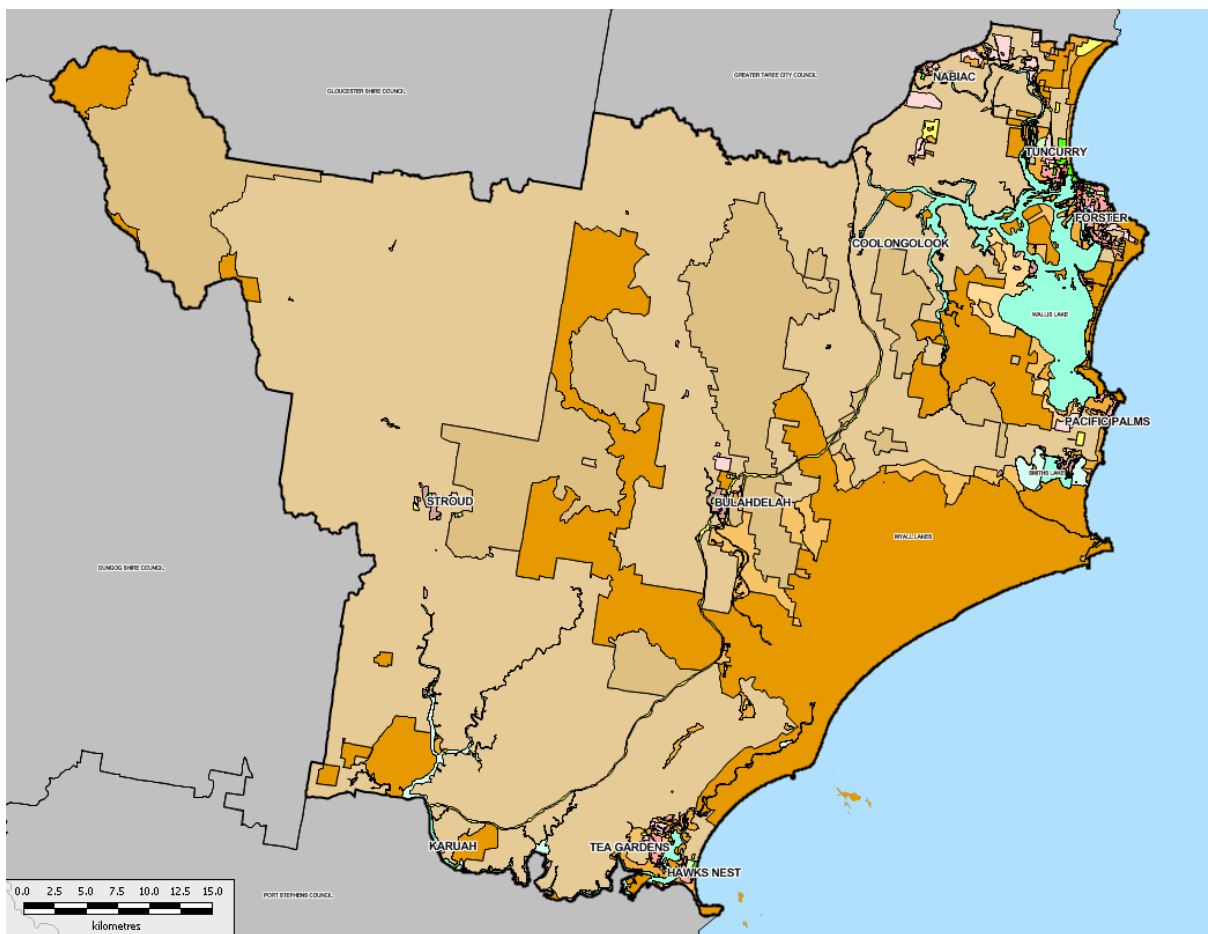
However, approximately one half of the local government area is zoned RU2 Rural Landscape as shown Figure 1. When comparing the zoning map to the aerial imagery in Figure 2, it becomes clear that significant areas of the RU2 Rural Landscape zone are heavily vegetated. The significance of these areas is acknowledged within the Mid North Coast Regional Strategy Growth Area map (Figure 3) as environmentally constrained.

Furthermore, in areas such as North Arm Cove and Pindimar there are historic paper subdivisions within these environmentally constrained lands (Figure 4). These subdivisions have resulted in over 4000 'non-urban' allotments, many of which have no dwelling entitlement in accordance with the provisions of Clause 4.2A.

While Council is supportive of residential and tourism accommodation on land with the carrying-capacity and attributes to enable these activities, the locations where these land uses are permitted with consent, need to be clarified through the application of consistent criteria under Clause 4.2A.

Therefore, Council is of the view that this Planning Proposal is consistent with the Mid North Coast Regional Strategy (2009).

Figure 1: Great Lakes LEP 2014 zones applying to Great Lakes local government area



Great Lakes Local Environmental Plan 2014 Land Use Zones

Zone

B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B5	Business Development
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
IN1	General Industrial
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential

R3	Medium Density Residential
R4	High Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU2	Rural Landscape
RU3	Forestry
RU5	Village
SP2	Infrastructure
SP3	Tourist
W1	Natural Waterways
W2	Recreational Waterways

Figure 2: Aerial Image of Great Lakes local government area

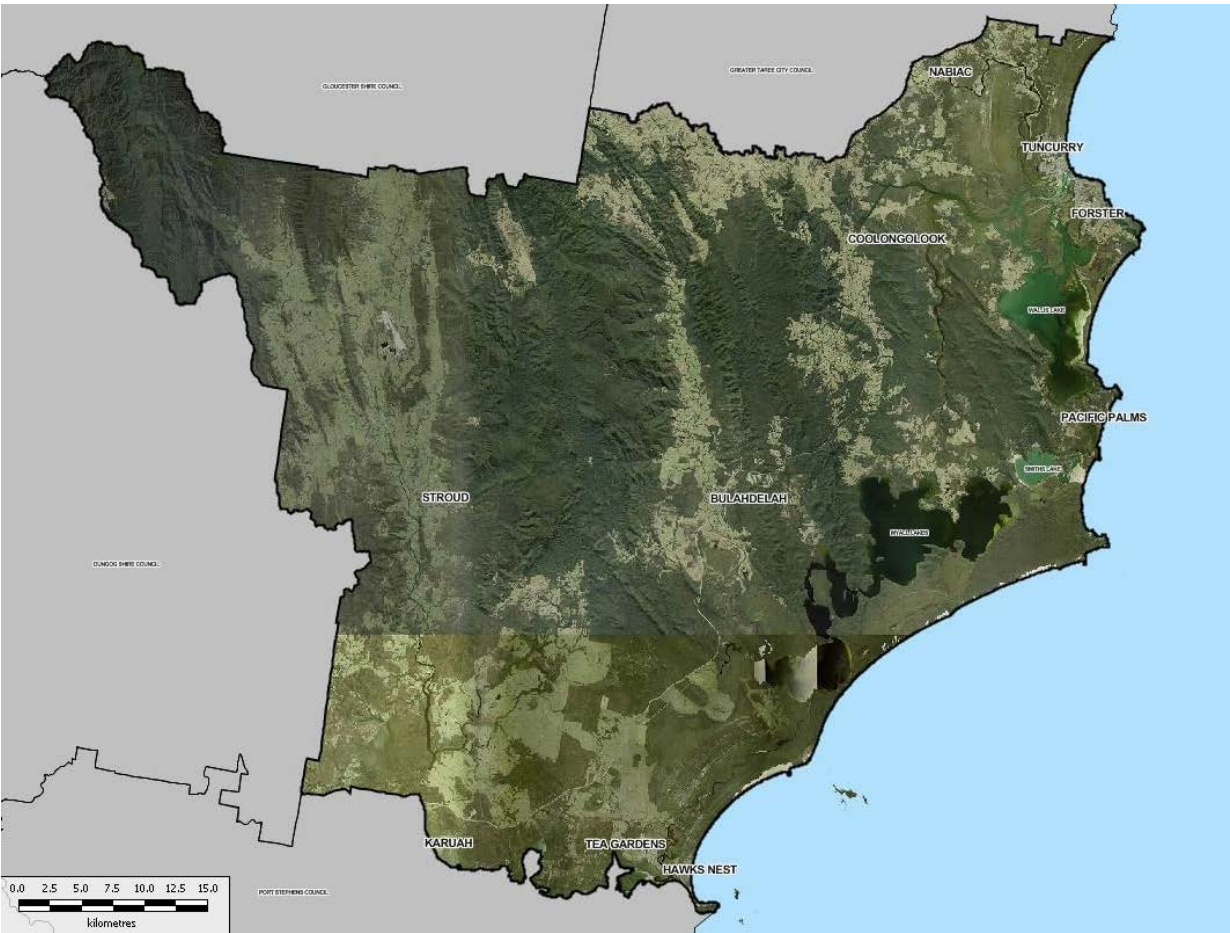


Figure 3: Excerpt from Mid North Coast Regional Strategy (2009)

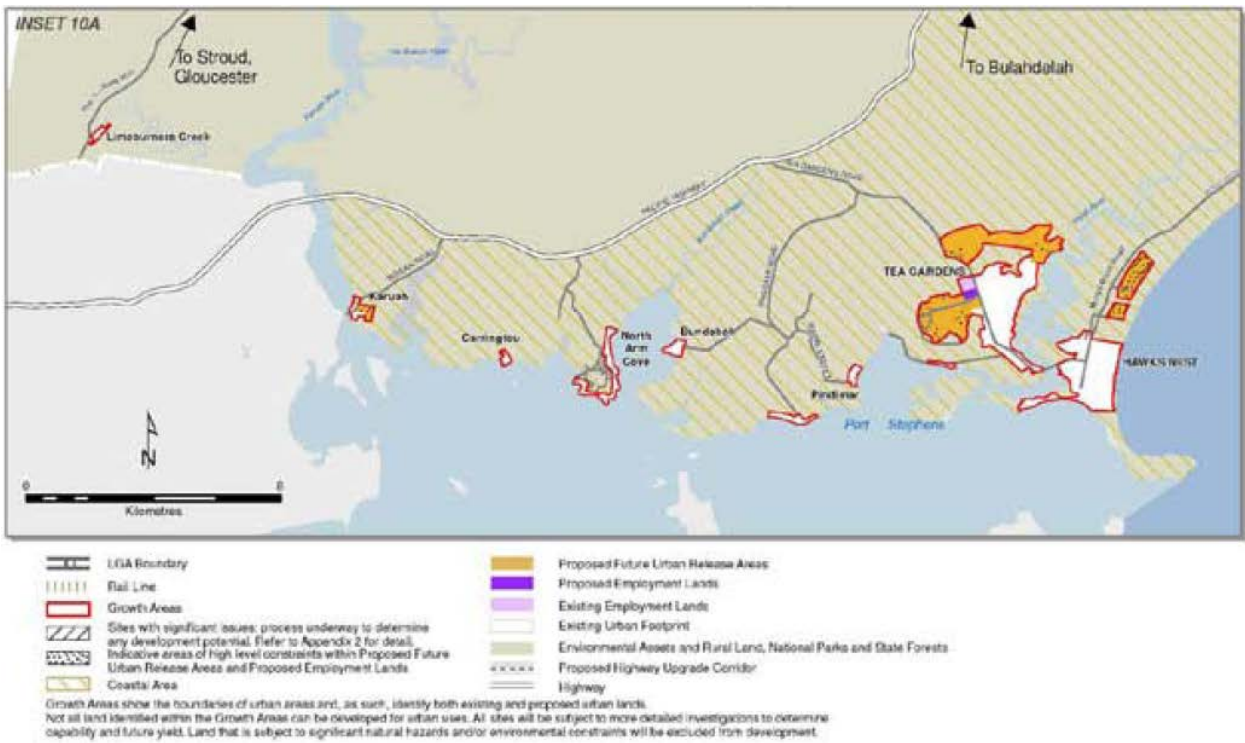
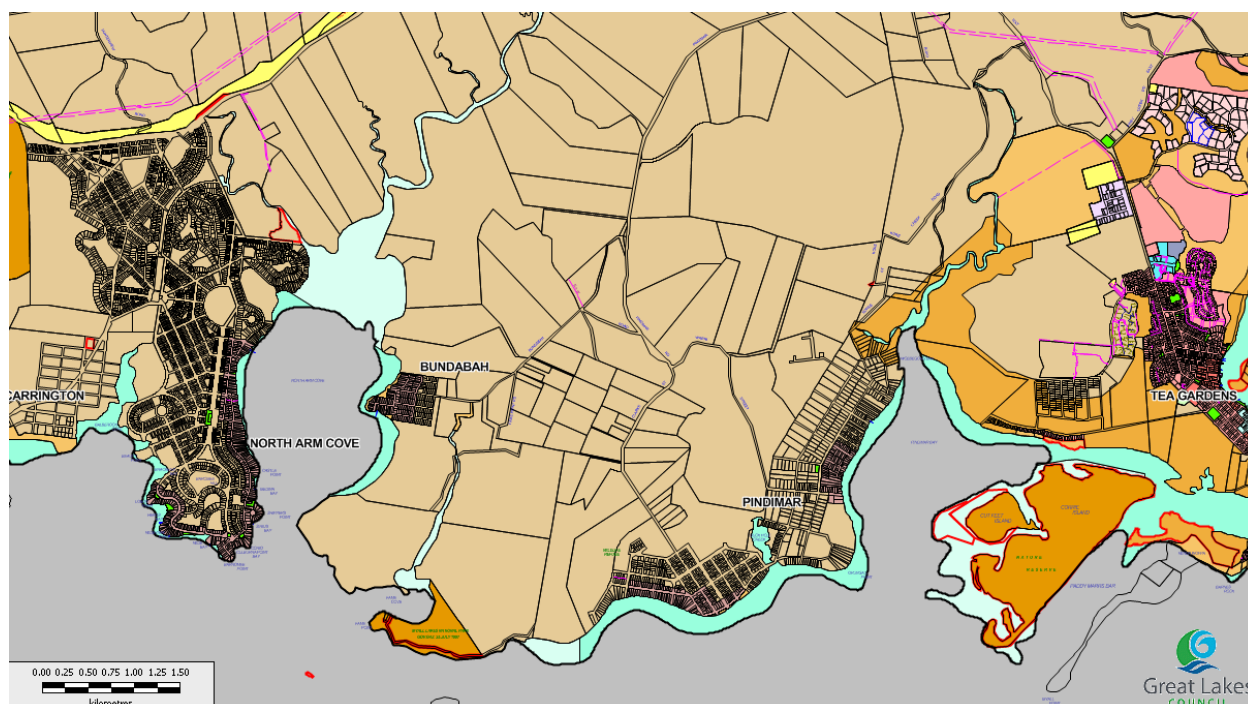


Figure 4: Great Lakes LEP 2014 zone overlay at North Arm Cove, Pindimar and Tea Gardens



3.B.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with Council's Community Strategic Plan 2010-2030 (Great Lakes 2030).

The Community Plan represents the long term aspirations for the area and encompasses an overarching vision developed by the community and objectives and strategies to achieve community goals.

Great Lakes 2030 identifies a number of Key Directions and Objectives and the Planning Proposal is consistent with the following:

Key Direction 1: Our Environment

Objective 1: Protect and maintain the natural environment so it is healthy and diverse

Strategies

- 1.1 Undertake an active management program to support a healthy environment that also provides for economic, recreational and cultural opportunities
- 1.2 Encourage and support the community to embrace environmentally-friendly behaviours and sustainable business practices

Objective 2: Ensure that development is sensitive to our natural environment

Strategies

- 2.1 Base strategic land use planning on ecologically sustainable principles

Key Direction 2: Strong Local Economies

Objective 5: Promote the Great Lakes as an area that is attractive for residents and visitors

Strategies

5.1 Market the Great Lakes as an area that offers a range of opportunities for all

5.2 Explore new and emerging opportunities to promote the Great Lakes

Key Direction 3: Vibrant and Connected Communities

Objective 9: Plan for sustainable growth and development

Strategies

9.1 Manage growth to reflect current and future needs

9.2 Manage urban development and ensure it respects the character of the area in which it is located

Key Direction 4: Local Leadership

Objective 14: Deliver Council services which are effective and efficient

Strategies

14.1 Set a strategic direction for Council that focuses on current and future customer needs and deploy plans to achieve those strategies

3.B.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The Proposal is consistent with the objectives and provision of the following relevant State Environmental Planning Policies (SEPPs):

State Environmental Planning Policy No 21—Caravan Parks

The aim of this Policy is to encourage:

- (a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and
- (b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and
- (c) the provision of community facilities for land so used, and
- (d) the protection of the environment of, and in the vicinity of, land so used.

The Planning Proposal is considered to be consistent with the SEPP as it clarifies when an application can be submitted for the development of a caravan park (and camping ground) on rural and environmental lands.

The provisions of Clause 4.2A allow development on existing holdings, under specific criteria, or on lands over 40 hectares within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones. Existing parcels that cannot satisfy the requirements of Clause 4.2A often have other restrictions to development related to location, environmental sensitivity, a lack of services, infrastructure and access.

By clarifying that new caravan parks in the RU2, E2 and E3 zones can only occur where the requirements of Clause 4.2A can also be satisfied, there is an expectation that these developments are more likely to be proposed on lands that can accommodate this land use and therefore be undertaken in an orderly, economic, social and environmentally responsible manner consistent with the aims of the SEPP.

State Environmental Planning Policy No.36 - Manufactured Home Estates

The aims of this Policy are:

- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and
- (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and
- (c) to encourage the provision of affordable housing in well-designed estates, and
- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and
- (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and
- (f) to protect the environment surrounding manufactured home estates, and
- (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

Schedule 2 Categories of excluded land that affect permissibility of manufactured home estates (but not caravan parks) in the Great Lakes:

3 Land which is within a water catchment area identified by a water supply authority.

5 Land which is identified in an environmental planning instrument, or in any planning strategy of the Department or the council approved for the time being by the Director, by words which are cognate with or a description consistent with any one or more of the following:

- habitat corridor,
- containing significant remnant vegetation,
- littoral rainforest,
- water catchment,
- wetlands.

6 Land which under any environmental planning instrument is within an area or zone identified in that instrument by the description:

- environmental protection
- rural (where the land is not adjacent to or adjoining land zoned for urban use).

7 Land that is within the following coastal local government areas, being land that is not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under the Coastal Urban Planning Strategies or Residential Strategies approved for the time being by the Director:
Great Lakes

The Planning Proposal is considered to be consistent with the SEPP as it clarifies when an application can be submitted for the development of a caravan park (and camping ground) on rural and environmental lands. Noting that under this SEPP, manufactured home estates are permitted with consent only on certain lands where caravan parks are permitted.

The provisions of Clause 4.2A allow development on existing holdings, under specific criteria, or on lands over 40 hectares within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones. Existing parcels that cannot satisfy the requirements of Clause 4.2A often have other restrictions to development related to location, environmental sensitivity, a lack of services, infrastructure and access.

Schedules within the SEPP similarly identify significant areas of the Great Lakes as being unsuitable for manufactured home estates by virtue of exclusions for environmental and rural zones (not adjoining an urban zone). The intent of the Planning Proposal to clarify appropriate locations and requirements for residential and tourism-based land uses within the local environmental plan is therefore generally consistent with the provisions of Schedule 2 of the SEPP.

Furthermore, by clarifying that new caravan parks and therefore manufactured home estates in the RU2, E2 and E3 zones can only occur where the requirements of Clause 4.2A can also be satisfied, there is an expectation that applications for manufactured home estates are more likely to be proposed on lands that can accommodate this land use and therefore be undertaken in an orderly, economic, social and environmentally responsible manner consistent with the aims of the SEPP.

State Environmental Planning Policy No. 71 - Coastal Protection

This SEPP aims to encourage proper environmental conservation and development management within the coastal zone.

The Planning Proposal is consistent with the SEPP as it clarifies when an application can be submitted for rural and environmental lands within the coastal zone to be used for residential and tourism development.

State Environmental Planning Policy (Rural Lands) 2008

This SEPP aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes, reduce land use conflict and identify State significant agricultural land.

The Planning Proposal is consistent with the SEPP as it clarifies when an application can be submitted for rural and environmental land to be used for residential and tourism development.

3.B.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The consistency of the planning proposal with State Environmental Planning Policies is outlined in the table below:

s.117 Direction Summary	Consistency
Employment & Resources	
1.1 <u>Business and Industrial Zones</u>	Not Applicable
1.2 <u>Rural Zones</u> Aims to protect the agricultural production value of rural land.	The Proposal is consistent with this Direction as it will clarify when an application can be submitted for rural land to be used for residential or tourism-based development.
1.3 <u>Mining, Petroleum Production and Extractive Industries</u>	Not Applicable
1.4 <u>Oyster Aquaculture</u>	Not Applicable
1.5 <u>Rural Lands</u> The objectives of this Direction are to protect the agricultural productions value of rural lands and to facilitate the orderly and economic development of rural lands for rural and related purposes.	The Proposal is consistent with this Direction as it clarifies when an application can be submitted for rural land to be used for residential or tourism-based development.
Environment & Heritage	
2.1 <u>Environmental Protection Zones</u>	The Proposal is consistent with this Direction as it clarifies when an application can be submitted

s.117 Direction Summary		Consistency
Employment & Resources		
	The objective of this Direction is to protect and conserve environmentally sensitive areas.	for rural land to be used for residential or tourism-based development.
2.2	<u>Coastal Protection</u> The objectives of this Direction are to implement the principles in the NSW Coastal Policy.	The Proposal is not inconsistent with this Direction.
2.3	<u>Heritage Conservation</u> This Direction aims to conserve items and places of heritage and indigenous heritage significance.	The Proposal is not inconsistent with this Direction.
2.4	<u>Recreational Vehicle Areas</u> The objective of this direction is to protect sensitive land or land with significant conservation value from adverse impacts from recreation vehicles.	The Proposal is not inconsistent with this Direction.
Housing, Infrastructure and Urban Development		
3.1	<u>Residential Zones</u> This Direction aims to encourage a range of housing that makes use of existing infrastructure and services that do not impact on environment and resource lands.	The Proposal is consistent with this Direction as it clarifies when an application can be submitted for rural land to be used for residential or tourism-based development.
3.2	<u>Caravan Parks and Manufactured Home Estates</u> The objectives of this direction are to provide for a variety of housing types including opportunities for caravan parks and manufactured home estates.	The Proposal is inconsistent with this Direction however this inconsistency is considered to be minor in nature, justified and consistent with the objectives of the Direction. The Planning Proposal is seeking to clarify and provide consistent advice through the Great Lakes LEP as to where an application may be submitted for residential or tourism-based development within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones. The Proposal is consistent with the intentions and requirements of the previous Great Lakes LEP 1996 and Manning LEP No.1 planning instruments; the recommendations of Council's Rural Living Strategy; and the principles of the Department's Mid North Coast Regional Strategy Furthermore, the Manufactures Home Estates SEPP excludes these estates in the relevant environmental and rural zones (where it does not adjoin an urban zone). However, the same clarification is not provided within the Caravan Parks SEPP, despite the requirement that

s.117 Direction Summary	Consistency
Employment & Resources	
	manufactures homes can only be proposed in locations where caravan parks are permissible with consent. The Planning Proposal will not be retrospective and does not affect existing caravan parks or manufactured home estates. Therefore, while the Planning Proposal's intention to clarify that residential and tourism-based development is only permitted with consent on land where the provisions of Clause 4.2A can be satisfied, is inconsistent with the Direction, this inconsistency is considered to be justified.
3.3 <u>Home Occupations</u> The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	The Proposal is not inconsistent with this Direction.
3.4 <u>Integrating Land Use and Transport</u> The purpose of this Direction is to ensure that development achieves objectives with regard to the improvement of access by walking, public transport and other means that reduce dependence on private car travel.	The Proposal is not inconsistent with this Direction.
3.5 <u>Development Near Licensed Aerodromes</u>	Not Applicable.
3.6 <u>Shooting Ranges</u>	Not Applicable.
Hazard and Risk	
4.1 <u>Acid Sulfate Soils</u> The purpose of the Direction is to avoid significant adverse environmental impact from the use of land that has a probability of containing acid sulphate soils.	The Proposal is not inconsistent with this Direction.
4.2 <u>Mine Subsidence and Unstable Land</u>	Not Applicable.
4.3 <u>Flood Prone Land</u> The purpose of this Direction is to ensure the provisions of the LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential of the flood impacts both on and off the subject land.	The Proposal is not inconsistent with this Direction.
4.4 <u>Planning for Bushfire Protection</u> The objectives of this Direction are to	The Proposal is not inconsistent with this Direction.

s.117 Direction Summary		Consistency
Employment & Resources		
encourage the sound management of bushfire prone areas, and to protect life, property and the environment from bushfire hazards.		
Regional Planning		
5.1	<u>Implementation of Regional Strategies</u> This Direction provides that a draft LEP should be consistent with the applicable Regional Strategy.	The Proposal is consistent with the provisions of the Mid North Coast Regional Strategy as it clarifies when an application can be submitted for rural and environmental land to be used for residential or tourism-based development.
5.2	<u>Sydney Drinking Water Catchments</u>	Not Applicable.
5.3	<u>Farmland of State and Regional Significance on the NSW Far North Coast</u>	Not Applicable.
5.4	<u>Commercial and Retail Development along the Pacific Highway, North Coast</u> The aim of this Direction is to manage commercial and retail development along the Pacific Highway.	Not Applicable.
5.5, 5.6, 5.7 - Revoked.		
5.8	<u>Second Sydney Airport: Badgerys Creek</u>	Not Applicable.
5.9	<u>North West Rail Link Corridor Strategy</u>	Not Applicable.
Local Plan Making		
6.1	<u>Approval and Referral Requirements</u> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Proposal is consistent with this Direction as it clarifies when an application can be submitted for rural land to be used for residential or tourism-based development.
6.2	<u>Reserving Land for Public Purposes</u> The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Not Applicable.
6.3	<u>Site Specific Provisions</u>	Not Applicable.
Metropolitan Planning		
7.1	<u>Implementation of the Metropolitan Plan for Sydney 2036</u>	Not Applicable.

Section C – Environmental, social & economic impact

3.C.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?

No.

The provisions of the Planning Proposal are expected to have beneficial impacts on critical habitats and threatened species by reducing land clearing and vegetation removal associated with residential and tourism-based accommodation development and bushfire protection.

The clearing and removal of vegetation from individual sites is already a significant issue for Council in terms of regulation and compliance and the cumulative impact of clearing and intensive development on non-urban land as a result of the current anomaly would be expected to exacerbate this situation.

In particular, the majority of lots that will be affected by the Planning Proposal are of a residential size at Pindimar and North Arm Cove where threatened species and Endangered Ecological Communities are known to exist.

Council recently refused a development application for a motel and swimming pool on a lot of 1454sqm in the RU2 Rural Landscape zone at Pindimar. The application proposed the clearing of River-Flat Eucalypt Forest EEC (Flooded Gum regionally significant habitat) as well as Mangrove Woodland and Swamp Oak Forest communities. The potential impacts on these communities also extended to adjoining land as a result of: proposed clearing for bushfire protection; flooding and stormwater run-off as a consequence of filling (i.e. groundwater mounding; altered hydrology).

One of the grounds of refusal was that the proposed development would create an undesirable precedent for future development in the locality. In this regard the cumulative environmental impacts of similar types of development were considered to be unacceptable, especially on small rural lots.

Consequently, Council believes that it should be made clear in LEP 2014 that the opportunity for residential and tourism-based development is limited to lots where a dwelling can be lawfully be erected, which in the majority of cases, would be lots of greater than 40ha.

3.C.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No.

The provisions of the Planning Proposal are expected to have beneficial impacts on the environment by reducing land clearing and vegetation removal associated with residential and tourism-based accommodation development and bushfire protection.

In addition, by clarifying where these land uses are permissible with consent, the cumulative environmental impacts of development may be significantly reduced. For example there would be a direct reduction in soil disturbance and run-off associated with construction of access, buildings and ancillary structures.

Reticulated sewerage is not available to the majority of properties within the zones to which this planning proposal applies. Reliance would therefore have to be upon on-site treatment and disposal of sewage and grey water or pump out systems. The environmental risks associated with such systems for more intensive development on the quality of receiving environments, such as estuaries, wetlands

and rivers is unacceptable. This risk is exacerbated by the fact that many of the lots affected by this planning proposal are close to sensitive waterways such as Port Stephens/Great Lakes Marine Park.

3.C.3 Has the Planning Proposal adequately addressed any social and economic effects?

It is considered that the Planning Proposal will have beneficial social and economic effects by clarifying when development for residential or tourism-based accommodation, is permitted on land in within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones of Great Lakes LEP 2014.

Section D – State and Commonwealth Interests

3.D.1 Is there adequate public infrastructure for the planning proposal?

There are no public infrastructure implications with the planning proposal.

3.D.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The following public agencies have been identified for consultation during public exhibition:

- NSW Office of Environment and Heritage; and
- NSW Rural Fire Service

Should the Proposal be significantly amended as a result of agency consultation, it may be reported back to Council and the Department of Planning and Environment for an amended Gateway Determination.

Part 4 - Mapping

(s.55(2)(d) Maps to be adopted by the proposed instrument.

The Planning Proposal will not require the creation of any new maps or map layers within Great Lakes Local Environmental Plan (LEP) 2014.

Part 5 – Community Consultation

In accordance with Section 56(2) (c) and 57 of the Environmental Planning and Assessment Act 1979, this Planning Proposal will be made publicly available for a minimum of 28 days.

Council will undertake public notification of the Planning Proposal exhibition as follows:

- Notices in the local newspaper;
- Exhibition material and all relevant documents will be available at Great Lakes Council's Administrative and District Offices;
- Exhibition material and all relevant documents will be available on Council's website.

Approximately 8,500 parcels within the local government area are zoned RU2 Rural Landscape, E2 Environmental Conservation or E3 Environmental Management either in whole or in part. The notification of all affected land owners by direct mail is cost-prohibitive in this case.

Therefore other forms of direct notification will be undertaken where it is economically feasible to do so. This may include newsletters issued with rate notices, Facebook, twitter, local radio and media releases.

Part 6 – Project Timeline

In accordance with the Department of Planning & Environment guidelines, the following timeline is provided which includes the tasks deemed necessary for the making of this local environmental plan.

Table 2: Estimated project timeline

Task	Responsibility	Timeframe	Date (approximate)
Council resolution to support the Planning Proposal	Great Lakes Council	-	8 September 2015
Lodgement of Planning Proposal for Gateway Determination	Great Lakes Council	-	October 2015
Gateway Determination Issued	Minister for Planning and Infrastructure	-	December 2015
Consultation with Public Authorities in accordance with Gateway Determination	Great Lakes Council	Minimum 21 days	December 2015 - February 2016
Public exhibition of Planning Proposal	Great Lakes Council	Minimum 28 days	December 2015 - February 2016
Report to Council	Great Lakes Council	-	March 2016
Lodgement of Planning Proposal (with any amendments as a result of submissions)	Great Lakes Council	-	May 2016
Making of local environmental plan	Minister for Planning and Infrastructure	6 – 8 weeks	June 2016

Conclusion

The primary aim of the Planning Proposal is to clarify when development for residential or tourism-based accommodation is permitted with consent on land in within the RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zones of Great Lakes LEP 2014.

These amendments also transition the principles of the Rural Living Strategy (2003) and original intent of Great Lakes Local Environmental Plan 1996 and Manning LEP No.1 into the standard instrument template Great Lakes LEP 2014.

Appendix 1 - Clause 4.2A of Great Lakes LEP 2014

Part 4 Principal development standards

Clause 4.2A Erection of dwelling houses on land in certain rural and environment protection zones

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development,
 - (b) to enable the replacement of lawfully erected dwelling houses in certain rural and environment protection zones.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU2 Rural Landscape,
 - (b) Zone E2 Environmental Conservation,
 - (c) Zone E3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land:
 - (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
 - (b) is a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) is an existing holding, or
 - (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

Note. A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

- (4) Development consent must not be granted under subclause (3) unless:
 - (a) no dwelling house has been erected on the land, and
 - (b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and
 - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.
- (6) In this clause:
existing holding means land that:

(a) was a holding on 15 May 1964, and
(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,
whether or not there has been a change in the ownership of the holding since 15 May 1964, and includes any other land adjoining that land acquired by the owner since 15 May 1964.

holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.

Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

Appendix 2 - Land Use Tables

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.
- To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Airstrips; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Helipads; Heliports; Home-based child care; Home businesses; Hotel or motel accommodation; Industrial training facilities; Industries; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Marinas; Mooring pens; Moorings; Neighbourhood shops; Offensive storage establishments; Open cut mining; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Sewerage systems; Signage; Timber yards; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Community facilities; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Home-based child care; Home businesses; Information and education facilities; Research stations; Roads; Sewerage systems; Water supply systems

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Car parks; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Helipads; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Recreation areas; Research stations; Roads; Roadside stalls; Sewerage systems; Water recreation structures; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3