

PART 4 - MAPPING

THE REVISED MAPS ARE AS FOLLOWS.

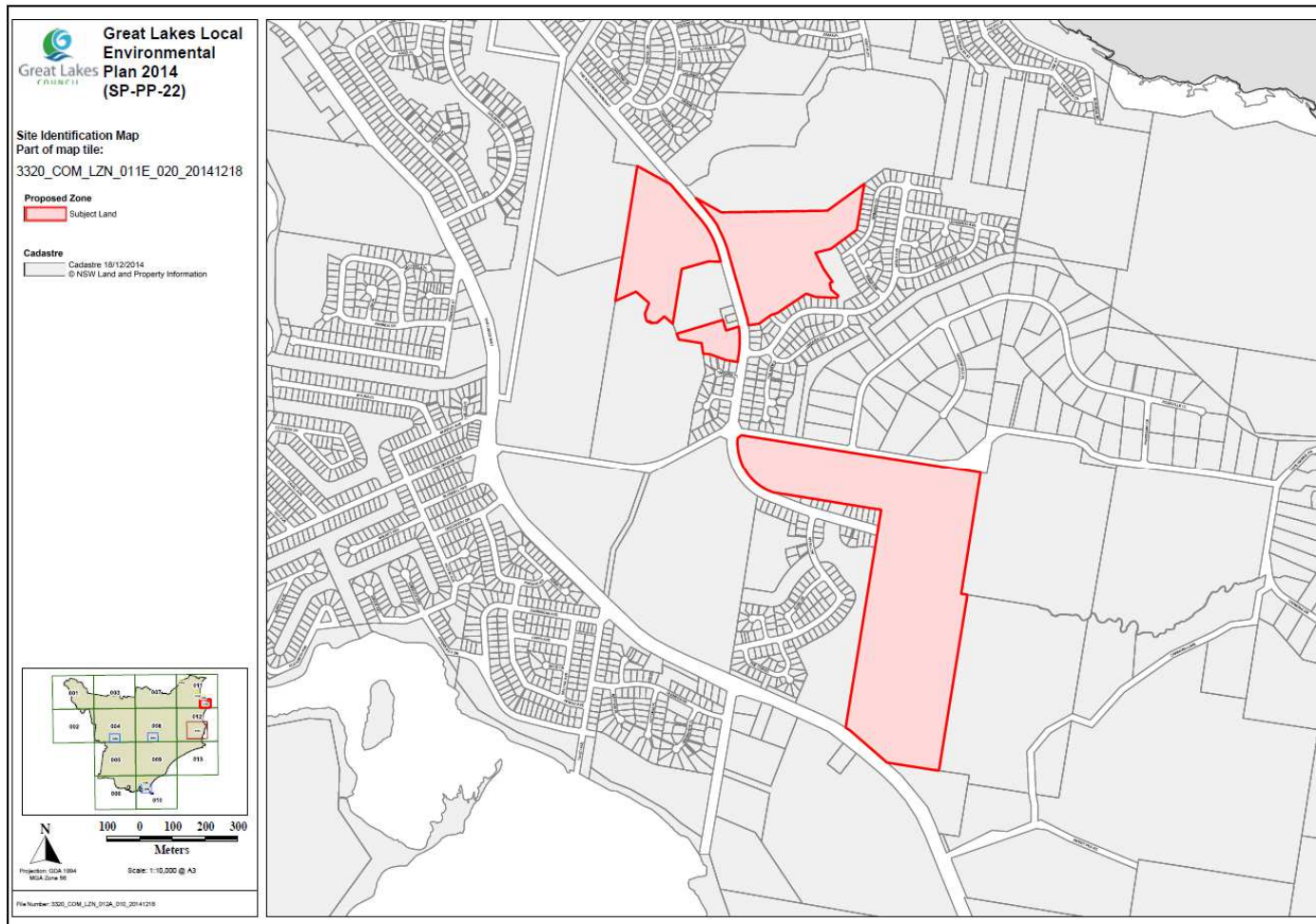


FIGURE 14 – Land Identification Map

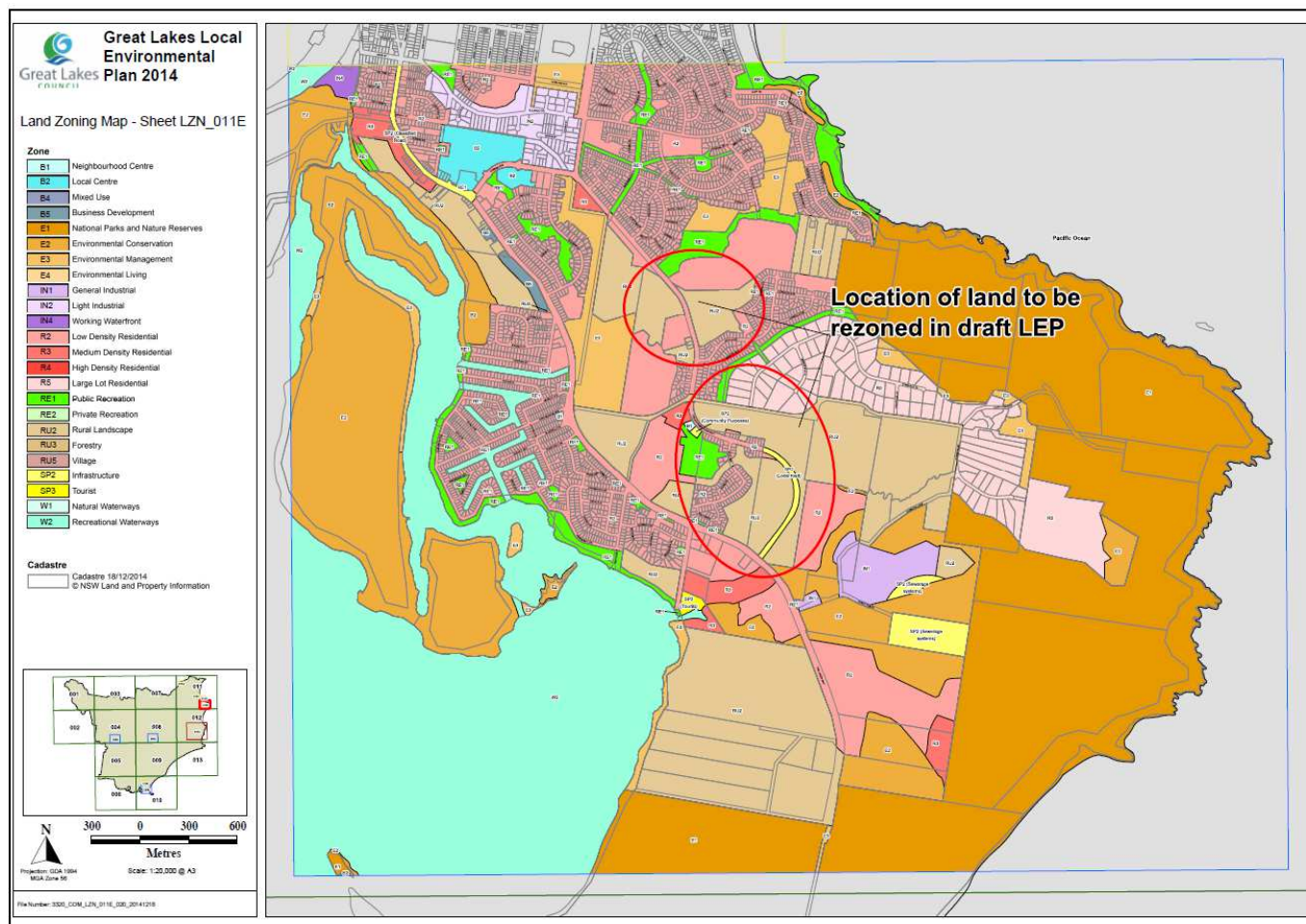


FIGURE 15 – Locality Map Showing Affected Land

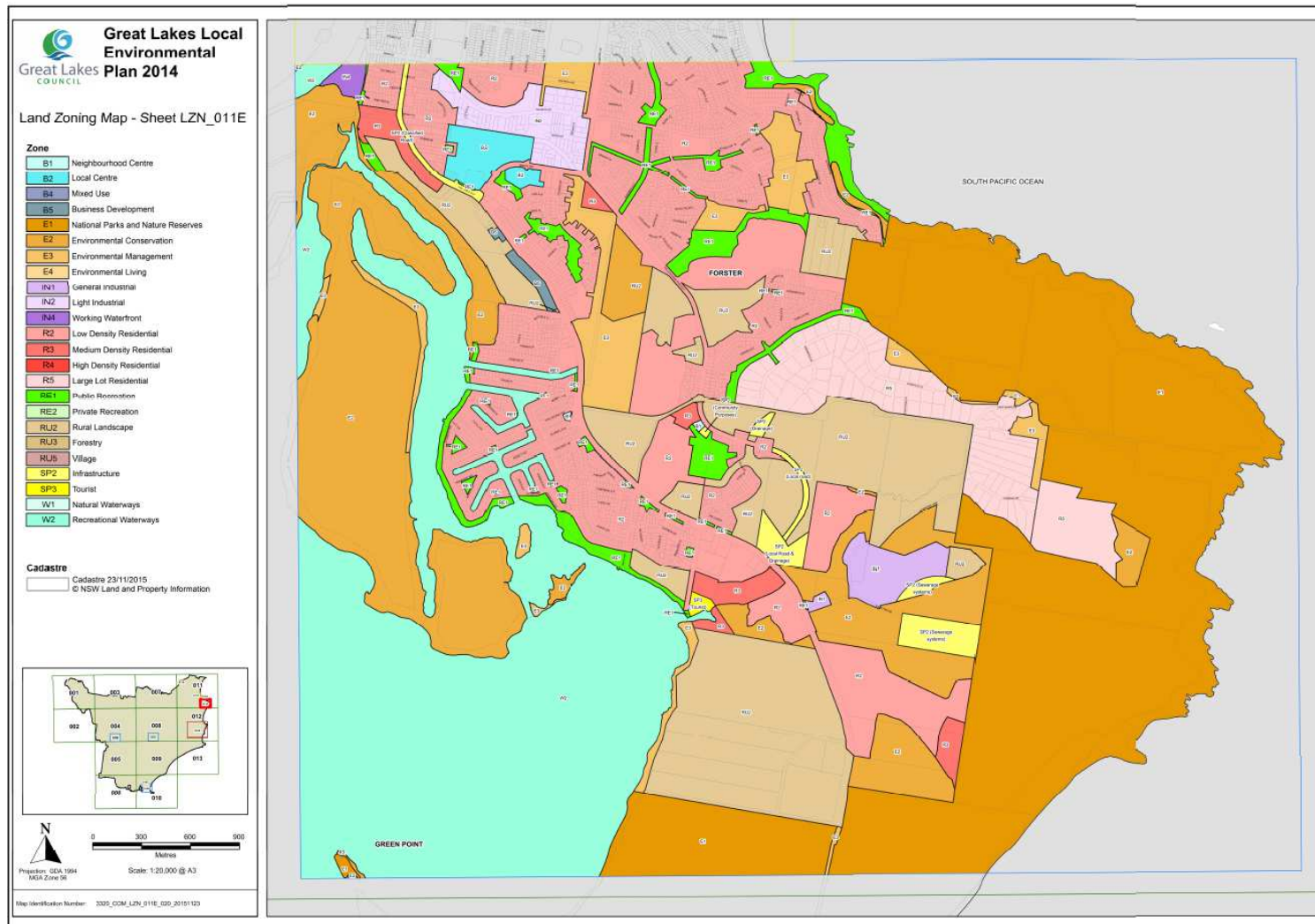


FIGURE 16 – PROPOSED ZONING MAP, LOT 304 DP 1099114

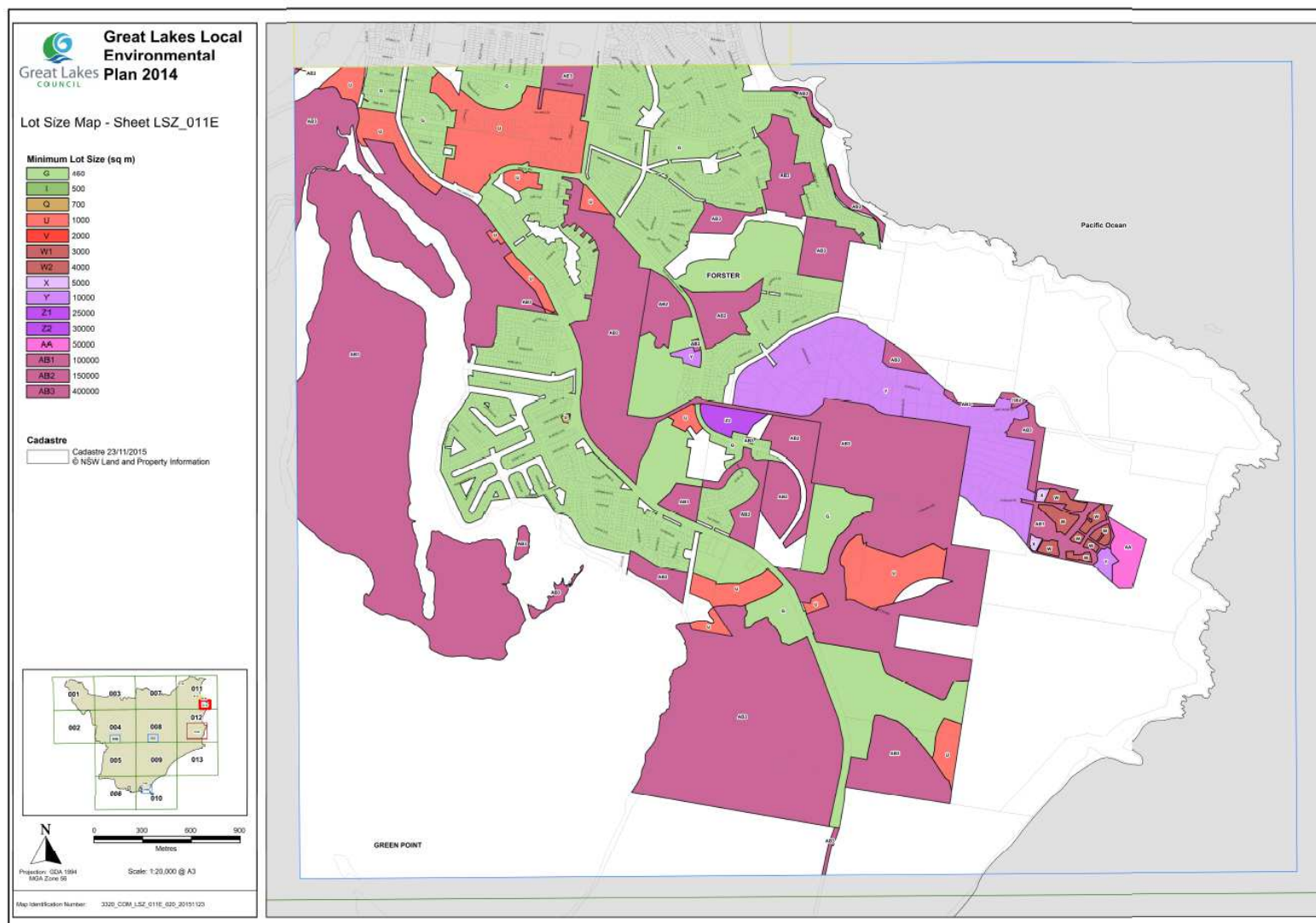


FIGURE 17 – PROPOSED LOT SIZE MAP, LOT 304 DP 109911 AND LOT 602 DP 1076070

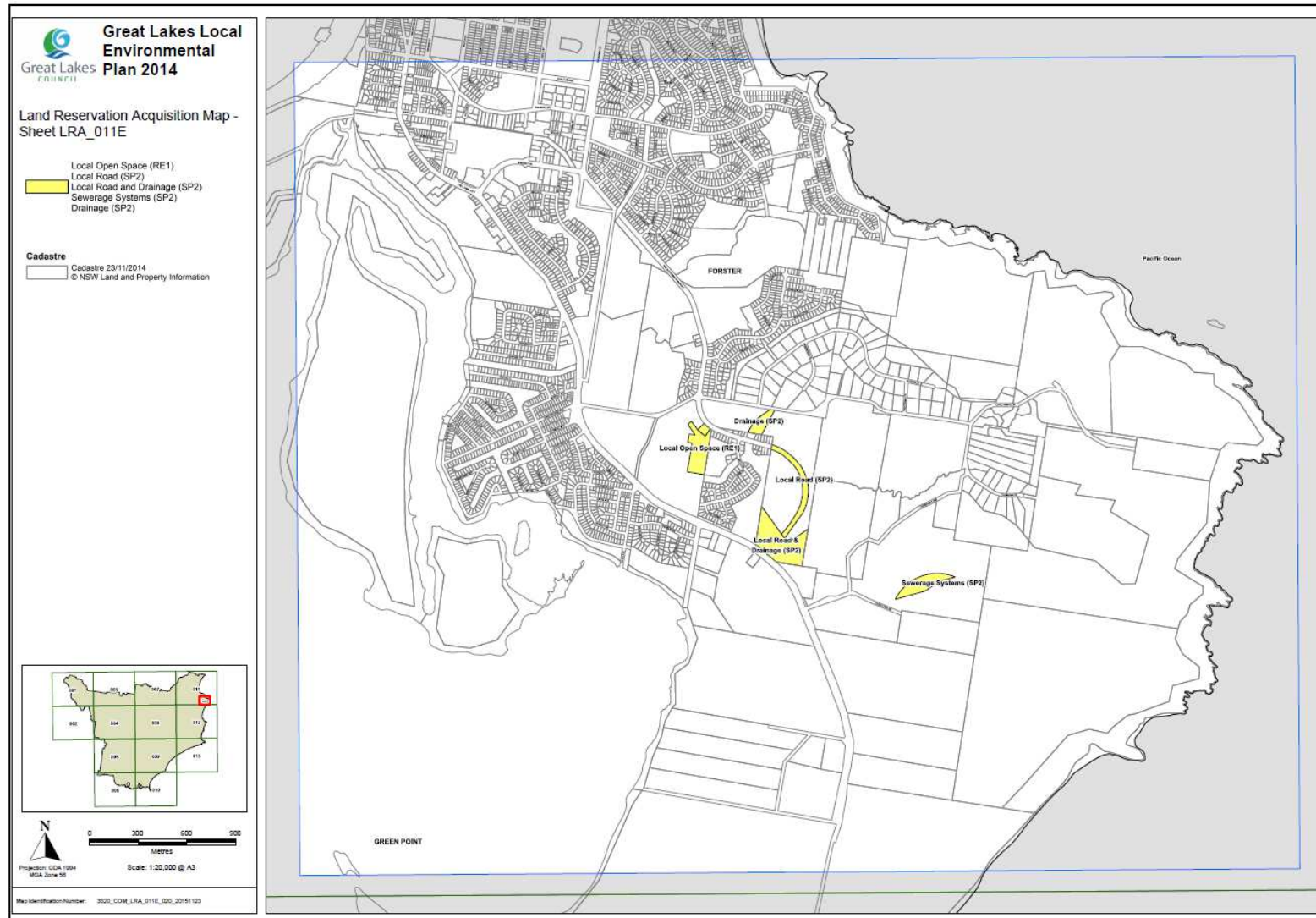


FIGURE 18 - PROPOSED LAND RESERVATION ACQUISITION MAP, LOT 304 DP 1099114

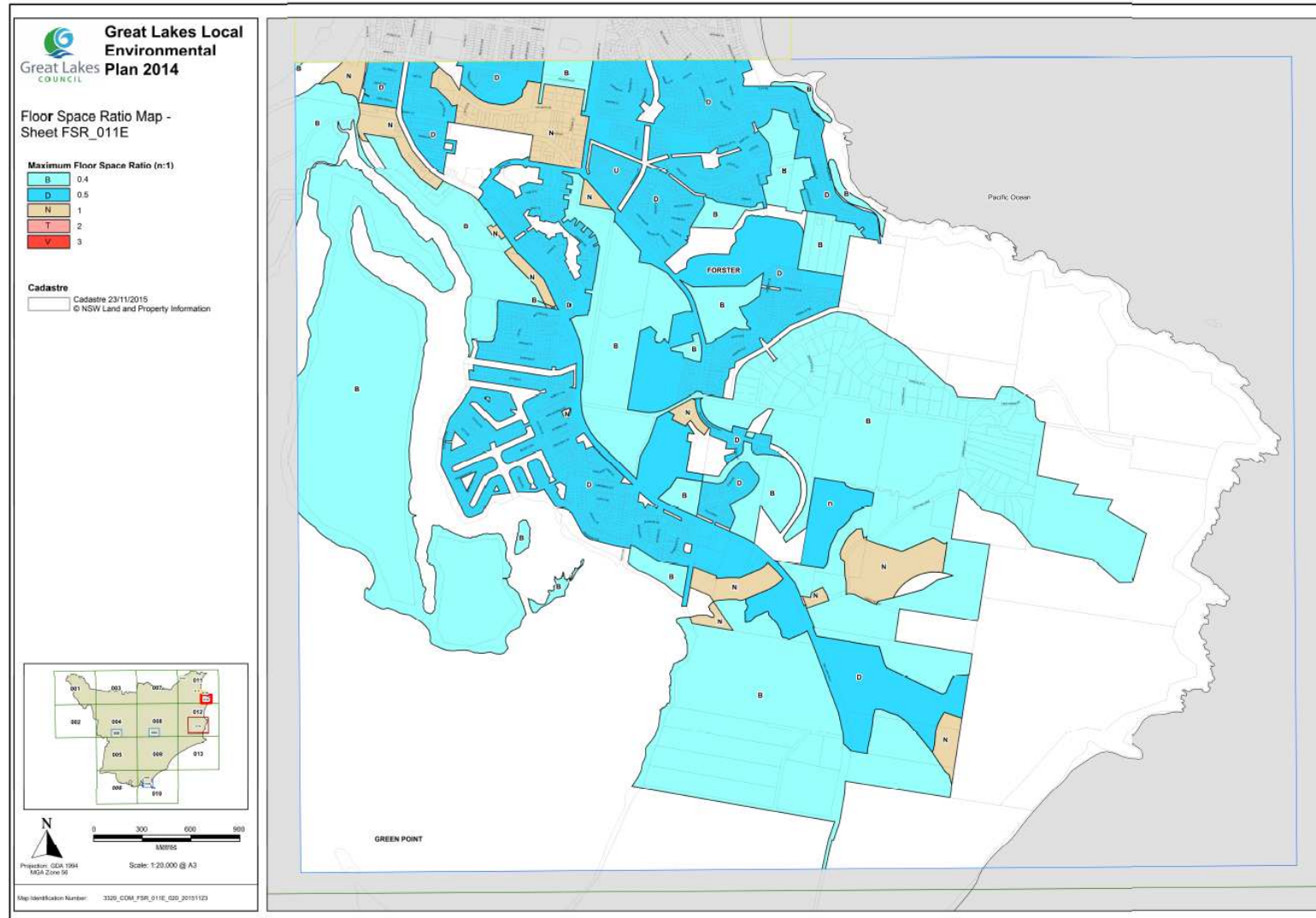


FIGURE 19 – PROPOSED AMENDMENT TO FLOOR SPACE RATIO SIZE MAP (Showing SP2 Zone), LOT 304 DP 1099114

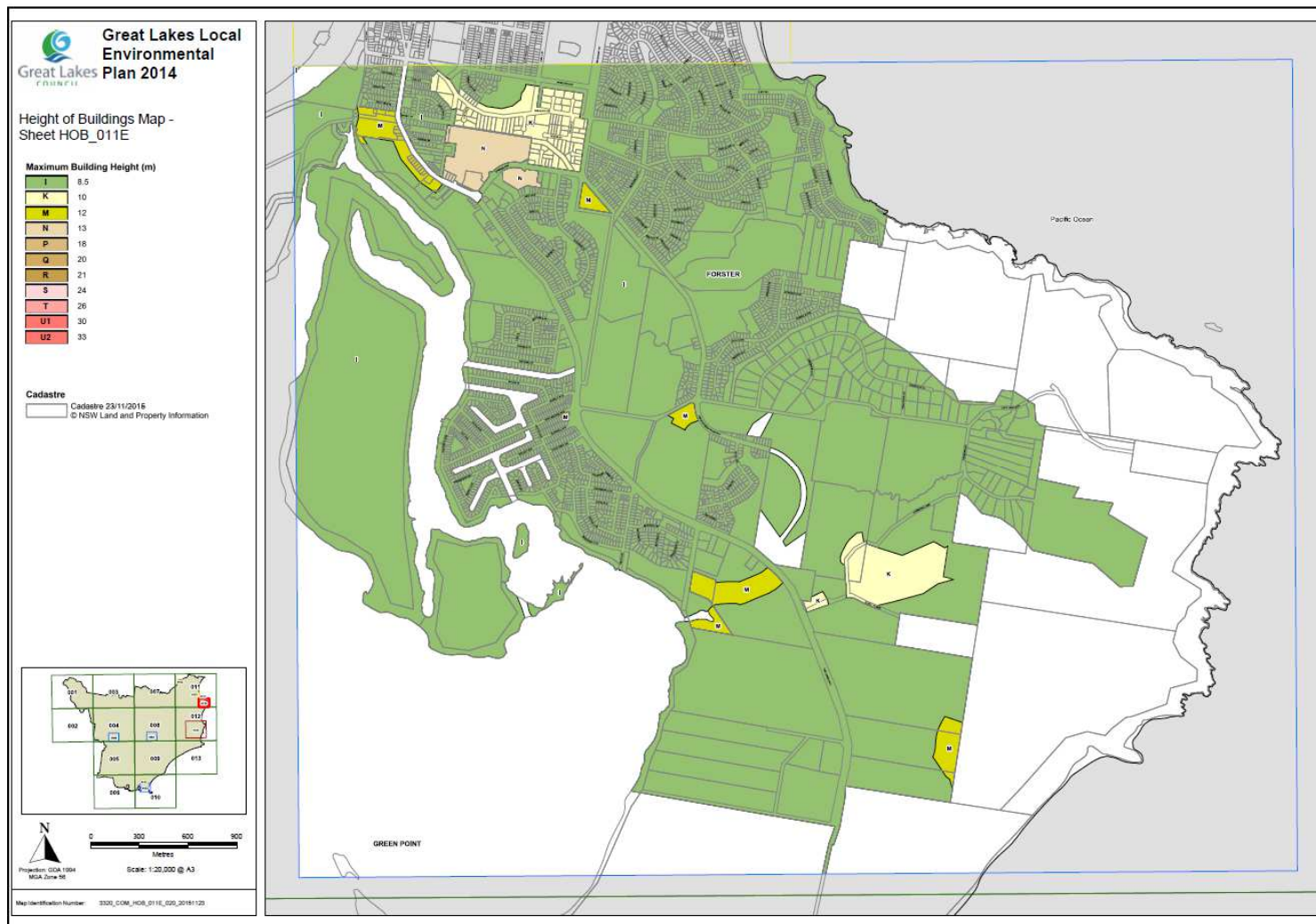


FIGURE 20 – PROPOSED AMENDMENT TO HEIGHT OF BUILDING MAP (Showing SP2 Zone), LOT 304 DP 1099114

PART 5 – COMMUNITY CONSULTATION

Community engagement was undertaken during April and May 2015. The engagement involved two (2) notifications in the local newspaper, letters to the affected landowners and to 160 other people (residents of the nearby Lakes Estate) in the vicinity of the subject land. Three (3) submissions were received in response to the exhibition of the proposal; one (1) from the Rural Fire Service and two (2) from the community.

Issues Raised in Submissions

All issues raised in submissions relate to the proposals for rezoning of the land to SP2 Infrastructure (Drainage and Road); no issues have been raised in relation to the proposed reduction in lot size for the two (2) properties referred to in the proposal.

The main issues raised in the two (2) submissions are summarised below.

- The land proposed to be rezoned to drainage and road was rezoned to RU2 Rural Landscape in April 2014. There is no rational basis to now rezone to SP2.
- There is inconsistent treatment of stormwater in South Forster - the current Strategy requires each development to provide their own facilities.
- No due regard to the impact and adverse affectation of the Drainage Strategy on the McBride's land.
- How will the land acquisition be funded?
- Inconsistent decision making in regard to land required for drainage - the area of land has varied from fifteen hectares to six and that far exceeds requirements.
- No justification in the 'Dunns Creek Catchment Preliminary Water Management Strategy' for the drainage land proposed on lot 304. Preliminary studies conclude that further studies are required.
- Why does water from Pipers Bay have to be treated on Lot 304 when this lot does not currently receive stormwater from the development in Pipers Bay?
- Questions the justification for, location and timing of acquisition of The Southern Parkway. The Department of Local Government has already refused to permit Council to Compulsory Acquire land for access.
- The acquisition of the drainage land will only assist with water quality, not flooding.
- A holistic approach to the South Forster area, including the road, is essential. Inappropriate to rezone land on the basis of a Preliminary Water Management Strategy.

- Cannot complete agreement with Council on acquisition of the drainage corridor from Cape Hawke Drive to The Lakes Estate (Area 2 shown in Attachment A) until a valuation has been received.
- Enlarging of The Lakes Way culvert on the Folly Foot Farm frontage is required to reduce flooding of Fairview.
- There is not a dwindling supply of land in Forster so Council does not need to be involved in the acquisition of access to Lot 2 DP 614397.
- Owners of Lot 304 have requested Council to acquire the remaining section of The Southern Parkway.
- Owners of Lot 2 DP 614397, who will benefit from the provision of access to their land, have made no valid offer to acquire land for access.
- It is likely the available pond and wetland rehabilitation areas would far exceed the area required to achieve flood detention for existing development.
- The Preliminary Dunns Creek Catchment report states the larger drainage Area 1 (shown in Attachment A) is not required to relieve flooding.
- The eastern area of 1.8 shown as being required for drainage is for future development and therefore should not be required as part of this proposal.
- Water quality treatment is not required in the southern section of Lot 304 for existing residential developments as it will have already been treated by the surrounding properties.
- Lack of proper consideration to drainage in the catchment over the last 25 years, including development of The Lakes Estate, has created drainage problems for the McBride's land.
- How does the acquisition of Area 2 (as shown in Annexure A) stop flooding as the water sits at the back of our property which is not near the proposed drainage reserve?
- How is the future drainage corridor from Cape Hawke Drive to be maintained?
- What will happen with drainage when the current vacant land to the north of The Lakes Estate is developed?
- What is Council going to do about the current drainage problems for these lots in The Lakes Estate, such as replacement of the retaining wall.

A detailed response to issues raised in submissions is contained in Annexure A. Many of the issues raised are also addressed in the body of this report.

The submissions, in part, express concerns at the absence of detailed designs to demonstrate the need for, size and location of the drainage and road infrastructure. More detailed designs have now been prepared and some minor revisions to the planning proposal are recommended accordingly.

Recent Design Work on Integration of Stormwater and Road Infrastructure

Since the decision was made by Council to prepare the planning proposal, considerable effort has been directed towards the development of more detailed designs. These designs now demonstrate how the objectives of the planning proposal can be practically implemented to achieve the following.

- Enhanced treatment of stormwater runoff from existing development in Pipers Bay and North of Cape Hawke Drive so to deliver Council's water quality objectives.
- Mitigation of flooding of properties north of Cape Hawke Drive.
- Realignment of part of part of Dunns Creek through Folly Foot Farm release area so as to:
 - o Yield enhanced environmental outcomes by creation of a widened and restored riparian corridor.
 - o Reduce flooding of The Lakes Way and reduce flood mitigation costs associated with the current drainage route.
- Integration of the route of the Southern Parkway with drainage infrastructure in the South Forster Release Area. This involves some revisions to the route of The Southern Parkway.
- Integration of the location of the intersection of The Southern Parkway and The Lakes Way with the proposed realignment of part of Dunns Creek in the Folly Foot Farm.
- The best route for The Southern Parkway to better serve all properties in the South Forster area.

A detailed response to the issues raised in submissions is contained in the table in Appendix 4.

PART 6 - TIMEFRAME

<i>Estimated Time Period</i>	<i>Milestone</i>
February 2015	Planning Proposal to NSW Department of Planning & Environment seeking Gateway Determination
March 2015	Gateway determination received from Department of Planning & Environment
April /May 2015	Community Consultation
June/August 2015	Review of Submissions
September 2015	Report to Council for determination to adopt the Planning Proposal
December 2015	Submission to NSW Department of Planning & Environment to request making of the plan by the Minister.

PART 7 - CONCLUSION

The South Forster area is considered strategically important in accommodating future urban growth in the Great Lakes region. South Forster has been identified as a key urban release area in the MNCRS and Council has undertaken an extensive range of studies and strategies to facilitate the orderly release of land for development.

Council for several years has attempted to resolve issues associated with flooding and drainage the South Forster area. Resolving these issues is essential to protecting existing residential areas, ensuring that future development sites are free from the potential impacts of flooding and that urban runoff is properly treated before entering Wallis Lake. The proposal seeks to facilitate the establishment of essential public infrastructure to deliver improved stormwater management outcomes for the South Forster release area.

The proposal identifies Council's intention to compulsorily acquire, if necessary, two (2) portions of land within Lot 304 DP 1099114 for effective management of stormwater and alleviate future potential for flooding of residential areas. The proposal justifies the need to undertake the rezoning of these portions of land to SP2 Infrastructure and inclusion of these areas on the Land Acquisition Map of GLLEP 2014.

At the same time, the proposal demonstrates the need for Council to provide access to an existing parcel of residential zoned land in South Forster, which for some years has been unable to be developed due to difficulties obtaining suitable road access. The South Forster Structure Plan supports the need to provide linkages between residential areas and key community nodes. Council acknowledges that the current location of the South Parkway corridor, through Lot 304, may not be the best route when considered in conjunction with the design of the drainage infrastructure in the southern part of the South Forster release area. The planning proposal allows for flexibility in the location and design of a local road to connect Lot 2 to the Lakes Way, consistent with the outcomes of Stage 2 of the Dunns Creek Management Strategy.

Council considers it reasonable to allow the lawful subdivision of the resulting two (2) parcels of land within Lot 304, fragmented as a result of the proposed acquisition. Council recognised the ability to use the land as a single entity will be diminished with the establishment of the northern drainage channel on Lot 304. In addition, Council considers it reasonable to allow for the lawful subdivision of Lot 602 DP 1076070 as described in the proposal. The subdivision of Lot 602 will enable the expansion of an age care facility.

The planning proposal is consistent with all applicable SEPPs. In particular the proposal is consistent with SEPP 71 – Coastal Protection, as it aims to reduce the likely impacts of development on the water quality of receiving coastal waters. Furthermore the proposal is consistent with Section 117 Directions as they apply to the planning proposal.

The proposed amendments to the GLLEP 2014, as contained in this planning proposal, are considered fundamental to alleviating flooding, improving water quality in Wallis Lake and ensuring the release of urban land in South Forster.

Submissions to the exhibited planning proposal have been properly considered and some minor reconfiguration of the two areas intended to be rezoned to SP2 Infrastructure is necessary. The reconfiguration is a result of more detailed design work that has been undertaken since the Gateway Determination was issued.

APPENDICIES

APPENDIX I – Gateway Determination



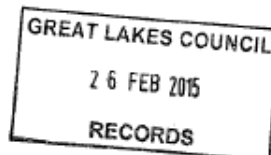
Planning &
Environment

Mr Glenn Handford
General Manager
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Our ref: PP_2015_GLAKE_001_00 (15/03212)
Your ref: SP-PP-22

Att: Roger Busby

Dear Mr Handford,



Planning proposal to amend Great Lakes Local Environmental Plan 2014

I am writing in response to your Council's letter dated 11 February 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land to SP2 Infrastructure for drainage and road acquisition purposes, and amend minimum lot size provisions.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis it is required for drainage and road infrastructure. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Dylan Meade from the Hunter office to assist you. Mr Meade can be contacted on (02) 4904 2718.

Yours sincerely,

23 February 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Hunter and Central Coast Region - Hunter Office - Level 2 26 Honeysuckle Drive (PO Box 1226) Newcastle NSW 2300
Phone 02 4904 2700 Fax 02 4904 2701 Website planning.nsw.gov.au



Gateway Determination

Planning proposal (Department Ref: PP_2015_GLAKE_001_00): to rezone land to SP2 Infrastructure for drainage and road acquisition purposes, and amend minimum lot size provisions.

I, the General Manager, Hunter and Central Coast Region at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Great Lakes Local Environmental Plan (LEP) 2014 to rezone land to SP2 Infrastructure for drainage and road acquisition purposes, and amend minimum lot size provisions should proceed subject to the following conditions:

1. 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 is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning & Environment 2013) and must be made publicly available for a minimum of **14 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Environment 2013).
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 23rd day of February 2015.

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

APPENDIX 2 – Advice from Rural Fire Service and Department of Primary Industries - Water



Contact: Algis Sutas
Phone: 02 4348 5014
Fax:
Email: algis.sutas@dpi.nsw.gov.au

The General Manager
Great Lakes Council
PO Box 450
Forster NSW 2428

Our ref: 20 ERM2015/0553
File No:
Your Ref:

Attention: Gerard Tuckerman

9 November 2015

Dear Gerard

Re: Dunns Creek Catchment Improvement Project, South Forster.

I refer to our recent meeting of 5 November 2015 in regards to the Dunns Creek Catchment Improvement Project at South Forster.

I confirm that DPI Water provides in-principle support to Great Lakes Council for the proposed Dunns Creek Realignment and The Lakes Estate proposed Eastern Wetland on the basis that the matters presented within DPI Water letter dated 15 September 2015 are considered and addressed (copy attached).

Further information on controlled activity approvals under the *Water Management Act 2000* can be obtained from the Office of Water's website www.water.nsw.gov.au.

DPI Water is willing to further discuss and assist Great Lakes Council in regards to any of the above matters as required. Please direct any questions or correspondence to **Algis Sutas**, algis.sutas@dpi.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'AS', is written over the typed name 'Algis Sutas'.

Algis Sutas
Water Regulation Officer
Water Regulatory Operations, WR Operations - South Coast & Hunter
NSW Department of Primary Industries – Water

www.water.nsw.gov.au
3/107 Mann Street, GOSFORD | PO Box 340, GOSFORD NSW 2250 | Tel (02) 4348 5014
e water.enquiries@dpi.nsw.gov.au

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Your Ref: SP-PP-22
Our Ref: L12/0028
DA15051396874 AB

ATTENTION: Peta Stimson

11 June 2015

Dear Peta Stimson

Planning Instrument for Planning Proposal To Rezone Land For Drainage & Road Infrastructure -South Foster

I refer to your letter dated 7 May 2015 seeking advice for the above Planning Instrument in accordance with the 'Environmental Planning and Assessment Act 1979'.

The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Ball'.

John Ball
Manager

APPENDIX 3 – Detailed Response to Issues Raised in Submissions

NAME	ISSUE	COMMENTS
T and L McBride Objection only to larger area proposed to be zoned SP 2 Infrastructure (Area 1 in Attachment A)	Land was rezoned to RU2 in April 2014. There is no rational basis to now rezone to SP2.	Prior to LEP 2014 a much larger v When LEP 2014 was introduced th replaced with the RU2 Rural Land believed the drainage zone was too always to reapply the drainage zon been done to determine how much
	Inconsistent treatment of stormwater in South Forster. The 2006 Strategy does not levy contributions for major drainage in the central and southern as each development has to provide their own facilities.	The 2007 South Forster Structure property is to provide for their ow facilities. This is still the case. The proposed drainage zone is because are required to treat and manage s development.
	No due regard to the impact and adverse affectation of the Drainage Strategy on the land.	Council acknowledges that The La had some impact upon the adjoining rezone and acquire the land for thi drainage and water quality outcom
	How will the land acquisition be funded? S94 Contributions do not support the purchase of six hectares of land or wetland construction in Lot 304.	The acquisition will not be funded drainage improvement works are n development. Funds for acquisition provided from the stormwater levy
	Inconsistent decision making in regard to land required for drainage and road over a four year period. Area of land for drainage has varied from fifteen hectares to six and that far exceeds requirements.	Council has been trying to resolve quality and access issues in this pa Release Area for some years. Plan which demonstrate how drainage a integrated.
	No justification in the 'Dunns Creek Catchment Preliminary Water Management Strategy' for the drainage land in lot 304. Preliminary studies conclude that further studies are required.	Figure 4-3 in the concept plan in t Management Strategy identified p water management. Further detail now been prepared based on addit
	Why does water from Pipers Bay have to be treated on Lot 304 when this lot does not currently receive stormwater from the development in Pipers Bay.	Water from Pipers Bay is indirect Lakes Estate ponds. The reason th is because The Lakes Estate ponds redesigned to provide better water Lake. This, combined with the rea Creek through Folly Foot Farm, w Lakes Way.
	There is no justification for council to purchase access to Lot 2 DP 614397. The Department of Local Government has already refused to permit council to Compulsory Acquire land for access.	Council wishes to achieve an integ drainage in the South Forster Rele area and route of The Southern Pa makes sense to rezone the land at relevant to note that the route of T currently zoned for acquisition. Th a change to the location of the cur whole of the South Forster area.
	Do not believe that the route of The Southern Parkway is the best location.	Council agrees that the current rou and is one of the reasons why chan
	The acquisition will only assist with water quality, not flooding.	The works involved will, in conjun of part of Dunns Creek, alleviate t Way.

	It is not necessary for access to Lot 2 DP 614397 to be acquired now - could wait until Lot 304 is developed	It makes sense to acquire the part of Southern Parkway at the same time as the areas immediately adjoin.
	Lot 2 already has legal access via Carmona Lane.	This would be a very circuitous route for acceptable access.
	A holistic approach, including the road, is essential. Rezoning when the drainage study is preliminary is avoiding planning responsibility.	Council is taking a holistic approach to access in accordance with the study that has now been prepared.
	Cannot complete agreement with Council on acquisition of Area 2 until valuation has been received.	Area 2 is the drainage corridor extending to The Lakes Estate. A valuation is being prepared for this area.
	Enlarging of The Lakes Way culvert is required to reduce flooding of Fairview.	The proposed design of the drainage system combined with the realignment of The Lakes Way and Foot Farm will alleviate flooding.
	There is not a dwindling supply of land in Forster.	One of the reasons Council became involved was road access to Lot 2 DP 614379 was not available. Land on to the market. This is because the supply of lots is very low and is restricted to the existing lots.
	Owners of Lot 304 have requested Council to acquire the remaining section of The Southern Parkway.	No formal request has been submitted.
	Owners of Lot 2 DP 614397 have made no valid offer to acquire land for access.	Consultants for the owners of Lot 2 DP 614397 have been engaged by Council in 2011 documenting the negotiations with the McBrides on the negotiations.
	The Preliminary Dunns Creek Catchment report states land within Area 1 is not required to relieve flooding. Council has a clear policy that mandates each landholder is responsible for their own treatment.	The primary purpose of Area 2 is to provide treatment from existing development . Council's policy to require new development to provide own stormwater management remains. Facilities in Area 2, combined with the treatment at Dunns Creek, will also enable The Lakes Estate at considerably less cost to Council.
	An area of 1.8ha in Area 1 is for future development and therefore should not be required as part of this proposal.	The 1.8 ha is required for water treatment from Southern Parkway to the current Dunns Creek. Further polishing of stormwater from the development. When The Southern Parkway drainage infrastructure is in place the 1.8 ha is from the balance of Lot 304 and should be provided by Council.
	Water quality treatment is not required in Southern section of Lot 304 for existing residential developments as it will have already been treated by the surrounding properties.	There is currently minimal treatment from existing development. The existing treatment is of insufficient size and poor design to provide treatment.
	Inappropriate to rezone land on the basis of a Preliminary Water Management Strategy.	The preliminary strategy was sufficient to provide the benefits of the water management strategy. Land required for water management has now been prepared.
	Lack of proper consideration to drainage in the catchment over the last 25 years, including development of The Lakes Estate, has created drainage problems for the McBride's land.	The incremental approach to development in the catchment has most likely created the drainage problems. The intention is to now have in place a strategy that integrates drainage and roads so as to avoid flooding, water quality and access issues.
	How does the acquisition of corridor from Cape Hawke Dr to The Lakes Estate reduce the flooding as the water sits at the back of our property which is not near the proposed drainage reserve?	The proposed drainage reserve will not have an impact on the property owned by the McBrides in the submission.

J and R Wilkinson	How is the future drainage corridor to be maintained as this is currently done by grazing? Raises bushfire issue.	The drainage corridor is to be acquired and maintenance can be undertaken as required.
	Concerns with drainage when the land behind is developed.	Any future developments will only be approved if a detailed flood and drainage impact assessment and drainage strategy is in place.
	What is Council going to do about the current drainage problems for these lots in The Lakes Estate, such as replacement of the retaining wall.	On a matter not related to this planning proposal, the engineering section is currently investigating the issue of Lot 304 DP1099114 about position of Lot 112, DP1031781, aimed at resolving the issues.
	The surrounding developments at Folly Foot Farm and the land to the west of Lakes Estate form part of the South Forster Plan and will also impact on the drainage issues being experienced.	These areas have all been considered in the current drainage strategy.
	A detailed stormwater management plan should be prepared.	More detailed plans have now been prepared.
RFS	No issues.	Noted

APPENDICIES

APPENDIX I – Gateway Determination



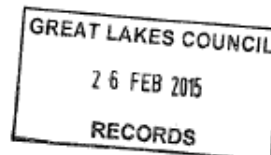
Planning &
Environment

Mr Glenn Handford
General Manager
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Our ref: PP_2015_GLAKE_001_00 (15/03212)
Your ref: SP-PP-22

Att: Roger Busby

Dear Mr Handford,



Planning proposal to amend Great Lakes Local Environmental Plan 2014

I am writing in response to your Council's letter dated 11 February 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land to SP2 Infrastructure for drainage and road acquisition purposes, and amend minimum lot size provisions.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis it is required for drainage and road infrastructure. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Dylan Meade from the Hunter office to assist you. Mr Meade can be contacted on (02) 4904 2718.

Yours sincerely,

23 February 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Hunter and Central Coast Region - Hunter Office - Level 2 26 Honeysuckle Drive (PO Box 1226) Newcastle NSW 2300
Phone 02 4904 2700 Fax 02 4904 2701 Website planning.nsw.gov.au



Gateway Determination

Planning proposal (Department Ref: PP_2015_GLAKE_001_00): to rezone land to SP2 Infrastructure for drainage and road acquisition purposes, and amend minimum lot size provisions.

I, the General Manager, Hunter and Central Coast Region at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Great Lakes Local Environmental Plan (LEP) 2014 to rezone land to SP2 Infrastructure for drainage and road acquisition purposes, and amend minimum lot size provisions should proceed subject to the following conditions:

1. 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 is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning & Environment 2013) and must be made publicly available for a minimum of **14 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Environment 2013).
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 23rd day of February 2015.

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

APPENDIX 2 – Advice from Rural Fire Service and Department of Primary Industries - Water



Contact: Algis Sutas
Phone: 02 4348 5014
Fax:
Email: algis.sutas@dpi.nsw.gov.au

The General Manager
Great Lakes Council
PO Box 450
Forster NSW 2428

Our ref: 20 ERM2015/0553
File No:
Your Ref:

Attention: Gerard Tuckerman

9 November 2015

Dear Gerard

Re: Dunns Creek Catchment Improvement Project, South Forster.

I refer to our recent meeting of 5 November 2015 in regards to the Dunns Creek Catchment Improvement Project at South Forster.

I confirm that DPI Water provides in-principle support to Great Lakes Council for the proposed Dunns Creek Realignment and The Lakes Estate proposed Eastern Wetland on the basis that the matters presented within DPI Water letter dated 15 September 2015 are considered and addressed (copy attached).

Further information on controlled activity approvals under the *Water Management Act 2000* can be obtained from the Office of Water's website www.water.nsw.gov.au.

DPI Water is willing to further discuss and assist Great Lakes Council in regards to any of the above matters as required. Please direct any questions or correspondence to **Algis Sutas**, algis.sutas@dpi.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'AS' or similar initials, written over a red circular stamp.

Algis Sutas
Water Regulation Officer
Water Regulatory Operations, WR Operations - South Coast & Hunter
NSW Department of Primary Industries – Water

www.water.nsw.gov.au
3/107 Mann Street, GOSFORD | PO Box 340, GOSFORD NSW 2250 | Tel (02) 4348 5014
e water.enquiries@dpi.nsw.gov.au

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Your Ref: SP-PP-22
Our Ref: L12/0028
DA15051396874 AB

ATTENTION: Peta Stimson

11 June 2015

Dear Peta Stimson

Planning Instrument for Planning Proposal To Rezone Land For Drainage & Road Infrastructure -South Foster

I refer to your letter dated 7 May 2015 seeking advice for the above Planning Instrument in accordance with the 'Environmental Planning and Assessment Act 1979'.

The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Ball'.

John Ball
Manager

APPENDIX 3 – Detailed Response to Issues Raised in Submissions

NAME	ISSUE	COMMENTS
T and L McBride Objection only to larger area proposed to be zoned SP 2 Infrastructure (Area 1 in Attachment A)	Land was rezoned to RU2 in April 2014. There is no rational basis to now rezone to SP2.	Prior to LEP 2014 a much larger was zoned for drainage. When LEP 2014 was introduced the drainage zone was replaced with the RU2 Rural Landscape zone because it was believed the drainage zone was too large. The intention was always to reapply the drainage zone when further studies had been done to determine how much drainage land was required.
	Inconsistent treatment of stormwater in South Forster. The 2006 Strategy does not levy contributions for major drainage in the central and southern as each development has to provide their own facilities.	The 2007 South Forster Structure Plan does state that each property is to provide for their own stormwater management facilities. This is still the case. The main reason for the now proposed drainage zone is because water management facilities are required to treat and manage stormwater from existing development.
	No due regard to the impact and adverse affectation of the Drainage Strategy on the land.	Council acknowledges that The Lakes Estate development has had some impact upon the adjoining land. Council proposes to rezone and acquire the land for this reason and to ensure better drainage and water quality outcomes in the South Forster area.
	How will the land acquisition be funded? S94 Contributions do not support the purchase of six hectares of land or wetland construction in Lot 304.	The acquisition will not be funded by s94 contributions as the drainage improvement works are not needed for future development. Funds for acquisition and construction will be provided from the stormwater levy.
	Inconsistent decision making in regard to land required for drainage and road over a four year period. Area of land for drainage has varied from fifteen hectares to six and that far exceeds requirements.	Council has been trying to resolve all drainage, flooding, water quality and access issues in this part of the South Forster Release Area for some years. Plans have now been prepared which demonstrate how drainage and access can be effectively integrated.
	No justification in the 'Dunns Creek Catchment Preliminary Water Management Strategy' for the drainage land in lot 304. Preliminary studies conclude that further studies are required.	Figure 4-3 in the concept plan in the Preliminary Water Management Strategy identified part of lot 304 for surface water management. Further detailed studies and designs have now been prepared based on additional investigations.
	Why does water from Pipers Bay have to be treated on Lot 304 when this lot does not currently receive stormwater from the	Water from Pipers Bay is indirectly entering Lot 304 via The Lakes Estate ponds. The reason that part of Lot 304 is required

	development in Pipers Bay.	is because The Lakes Estate ponds need to be augmented and redesigned to provide better water quality results for Wallis Lake. This, combined with the realignment of part of Dunns Creek through Folly Foot Farm, will reduce flooding of The Lakes Way.
	There is no justification for council to purchase access to Lot 2 DP 614397. The Department of Local Government has already refused to permit council to Compulsory Acquire land for access.	Council wishes to achieve an integrated result for access and drainage in the South Forster Release Area. As the drainage area and route of The Southern Parkway immediately adjoin it makes sense to rezone the land at the same time. It is also relevant to note that the route of The Southern Parkway is currently zoned for acquisition. The rezoning merely involves a change to the location of the current zone to best service the whole of the South Forster area.
	Do not believe that the route of The Southern Parkway is the best location.	Council agrees that the current route is not in the best location and is one of the reasons why changes are proposed.
	The acquisition will only assist with water quality, not flooding.	The works involved will, in conjunction with the realignment of part of Dunns Creek, alleviate the flooding of The Lakes Way.
	It is not necessary for access to Lot 2 DP 614397 to be acquired now - could wait until Lot 304 is developed	It makes sense to acquire the part of southern leg of The Southern Parkway at the same time as the drainage area as both areas immediately adjoin.
	Lot 2 already has legal access via Carmona Lane.	This would be a very circuitous route and environmentally acceptable access.
	A holistic approach, including the road, is essential. Rezoning when the drainage study is preliminary is avoiding planning responsibility.	Council is taking a holistic approach by integrating drainage with access in accordance with more detailed design plans that have now been prepared.
	Cannot complete agreement with Council on acquisition of Area 2 until valuation has been received.	Area 2 is the drainage corridor extending from Cape Hawke Dr to The Lakes Estate. A valuation is being obtained by Council for this area.
	Enlarging of The Lakes Way culvert is required to reduce flooding of Fairview.	The proposed design of the drainage facilities on Fairview combined with the realignment of Dunns Creek through Folly Foot Farm will alleviate flooding.

	There is not a dwindling supply of land in Forster.	One of the reasons Council became involved in the issue of road access to Lot 2 DP 614379 was to help in bringing more land on to the market. This is because the number of available lots is very low and is restricted to a couple of locations.
	Owners of Lot 304 have requested Council to acquire the remaining section of The Southern Parkway.	No formal request has been submitted.
	Owners of Lot 2 DP 614397 have made no valid offer to acquire land for access.	Consultants for the owners of Lot 2 provided a letter to Council in 2011 documenting the meetings that they had with the McBrides on the negotiations for access.
	The Preliminary Dunns Creek Catchment report states land within Area 1 is not required to relieve flooding. Council has a clear policy that mandates each landholder is responsible for their own treatment.	The primary purpose of Area 2 is to provide for water quality treatment from existing development , not new development. Council's policy to require new development to provide for its own stormwater management remains unchanged. The facilities in Area 2, combined with the realignment of Dunns Creek, will also enable The Lakes Way to be made flood free at considerably less cost to Council.
	An area of 1.8ha in Area 1 is for future development and therefore should not be required as part of this proposal.	The 1.8 ha is required for water that flows under The Southern Parkway to the current Dunns Creek. It will also be used for further polishing of stormwater from existing or future development. When The Southern Parkway is constructed and drainage infrastructure in place the 1.8ha area will be isolated from the balance of Lot 304 and should be acquired by Council.
	Water quality treatment is not required in Southern section of Lot 304 for existing residential developments as it will have already been treated by the surrounding properties.	There is currently minimal treatment of stormwater runoff from existing development. The existing lakes are of insufficient size and poor design to provide water quality treatment.
	Inappropriate to rezone land on the basis of a Preliminary Water Management Strategy.	The preliminary strategy was sufficient to demonstrate the benefits of the water management facilities and the indicative land required for water management. More detailed plans have now been prepared.
	Lack of proper consideration to drainage in the catchment over the last 25 years, including development of The Lakes Estate, has created drainage problems for the McBride's land.	The incremental approach to development in the South Forster catchment has most likely created drainage issues. The intention is to now have in place a strategy that properly integrates drainage and roads so as to effectively manage flooding, water quality and access.

J and R Wilkinson	How does the acquisition of corridor from Cape Hawke Dr to The Lakes Estate reduce the flooding as the water sits at the back of our property which is not near the proposed drainage reserve?	The proposed drainage reserve will not have any adverse impact on the property owned by the people who made the submission.
	How is the future drainage corridor to be maintained as this is currently done by grazing? Raises bushfire issue.	The drainage corridor is to be acquired by Council so that maintenance can be undertaken as necessary.
	Concerns with drainage when the land behind is developed.	Any future developments will only be approved subject to detailed flood and drainage impact assessment and appropriate drainage strategy is in place.
	What is Council going to do about the current drainage problems for these lots in The Lakes Estate, such as replacement of the retaining wall.	On a matter not related this planning proposal, Council's engineering section is currently in negotiation with the owner of Lot 304 DP1099114 about possibility of filling an area west of Lot 112, DP1031781, aimed at reducing water ponding issues.
	The surrounding developments at Folly Foot Farm and the land to the west of Lakes Estate form part of the South Forster Plan and will also impact on the drainage issues being experienced.	These areas have all been considered in developing the final strategy.
	A detailed stormwater management plan should be prepared.	More detailed plans have now been prepared.
RFS	No issues.	Noted