

Planning Proposal

Rezoning SP2 Infrastructure (drainage and road) & Amendment to Minimum Lot Size Map

Lot 304 DP 1099114, 190 Cape Hawke Drive Forster
Lot 602 DP 1076070, The Southern Parkway, Forster

Great Lakes Local Environmental Plan 2014

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Prepared by:

GREAT LAKES COUNCIL

Breese Parade
Forster NSW 2428

T: +61 (2) 6591 7222
F: +61 (2) 6591 7200
E: council@greatlakes.nsw.gov.au

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PART I - INTRODUCTION

The planning proposal explains the intended effect of, and justification for, the proposed amendment to Great Lakes Local Environmental Plan 2014 (GLLEP 2014) with regard to two (2) parcels of land in the South Forster area; Lot 602 DP1076070 and Lot 304 DP 109914 as shown in **Figure 1**. The planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure (DoPI) Guidelines, including “*A guide to preparing local environmental plans*” and “*A guide to preparing planning proposals*”.

There are two amendments to Great Lakes LEP 2014 included in this Planning Proposal.

1. Rezone Land in South Forster for Drainage and Local Road

Over the past two years, Council has devoted considerable effort to finding a solution to drainage and access issues in the South Forster urban release area. A recent study of the catchment areas in South Forster identified that two areas of land within Lot 304 DP 109914 (hereafter referred to as Lot 304) are required to effectively manage stormwater.

Area 1

Council considers that the acquisition of Area 1 (shown in **Figure 2**), within Lot 304, is necessary to alleviate issues associated with flooding and to ensure better treatment of urban stormwater. Area 1 is approximately 5 hectares and is needed for the establishment of a detention pond in the southern portion of Lot 304.

In a related matter, Council has been attempting to resolve issues associated with determining the best route for an important arterial road in the South Forster area, known as The Southern Parkway. This road is essential for providing access and linkages between residential areas and key community nodes as strategically determined by Council. Much of the road has not yet been constructed, however there is an existing road corridor zoned SP2 Infrastructure zone through Lot 304 which, at its southern end, intersects with the Lakes Way. Council is of the opinion that the location of the road could be better positioned to:

- Provide practical access to a release area in South Forster that was rezoned in 2011 to residential, namely Lot 2 DP 614397, and
- Provide for some flexibility in its location so that the final route can be determined in conjunction with the final design of the surrounding drainage system.

Area 2

This area is one (1) hectare in size and is required to establish a drainage corridor between Cape Hawke Drive and a residential area known as The Lakes Estate. Council has been trying to negotiate with the landowners for the acquisition of this land but to date has not been successful. The location of Area 2 is shown in **Figure 2**.

It is Council's intention to rezone Areas 1 and 2 within Lot 304, approximately 6 hectares, from RU2 Rural Landscape zone to SP2 Infrastructure zone for essential community infrastructure and to allow Council, if necessary, to compulsorily acquire the land.

Council at its Strategic Committee Meeting on 14 October 2014 resolved to prepare a planning proposal to rezone the identified areas within Lot 304 as shown in **Figure 2**. Council resolved to:

- rezone the land to SP2 Infrastructure (for drainage and local road), and
- include the land to be rezoned SP2 Infrastructure (for drainage and local road) on the Land Reservation Acquisition Map of Great Lakes LEP 2014.
- nominate Council as the acquisition authority in clause 5.1 of LEP 2014.

Council resolved to submit the planning proposal, once prepared, for Areas 1 and 2 to the Minister for NSW Planning and Environment for a Gateway Determination.

The proposal will amend all relevant LEP maps to reflect the change in zone, the Land Reservation Acquisition Map, as well as clause 5.1 of the GLLEP 2014 to enable, if necessary, the compulsory acquisition of the rezoned area by Council.

2. Reduced Minimum Lot Size for Two Properties in South Forster

The planning proposal also seeks to reduce the minimum lot size for two (2) parcels of land in the South Forster area.

Property No. 1 is located on The Southern Parkway, described as Lot 602 DP 1076070 as shown in **Figure 1**. This allotment consists in three detached parcels of land, physically separated by The Southern Parkway. The smallest section of Lot 602, proposed Lot 1, is located on the western side of the Southern Parkway. This section of Lot 602 adjoins an existing seniors living development, Barclay Gardens Aged Care, on Lot 601 DP 1076070. The owners of Lot 601 are seeking to purchase proposed Lot 1 to enable the expansion of the existing seniors living development. The planning proposal seeks to reduce the minimum lot size for the smallest section of Lot 602 to enable this section to be excised from the other two sections. This amendment will enable the creation of two (2) individual allotments, proposed Lot 1 and proposed Lot 2 as shown in **Figure 3**. Once subdivided, proposed Lot 1 will be sold to the owners of Barclay Gardens Aged Care and developed for seniors living purposes.

Property No. 2 is the residual land within Lot 304 DP 1099114 which will be divided by the proposed rezoning and Council acquisition of the drainage corridor over Lot 304 as shown in **Figure 2**. The rezoning of part of this allotment to SP2 infrastructure, as outlined above, will result in Lot 304 being fragmented, unable to be utilised as a single entity. This proposal seeks to reduce the minimum lot size for Lot 304 to enable the two (2) resulting parcels of land, proposed Lot 1 and proposed Lot 2, to be lawfully subdivided as shown in **Figure 4**.

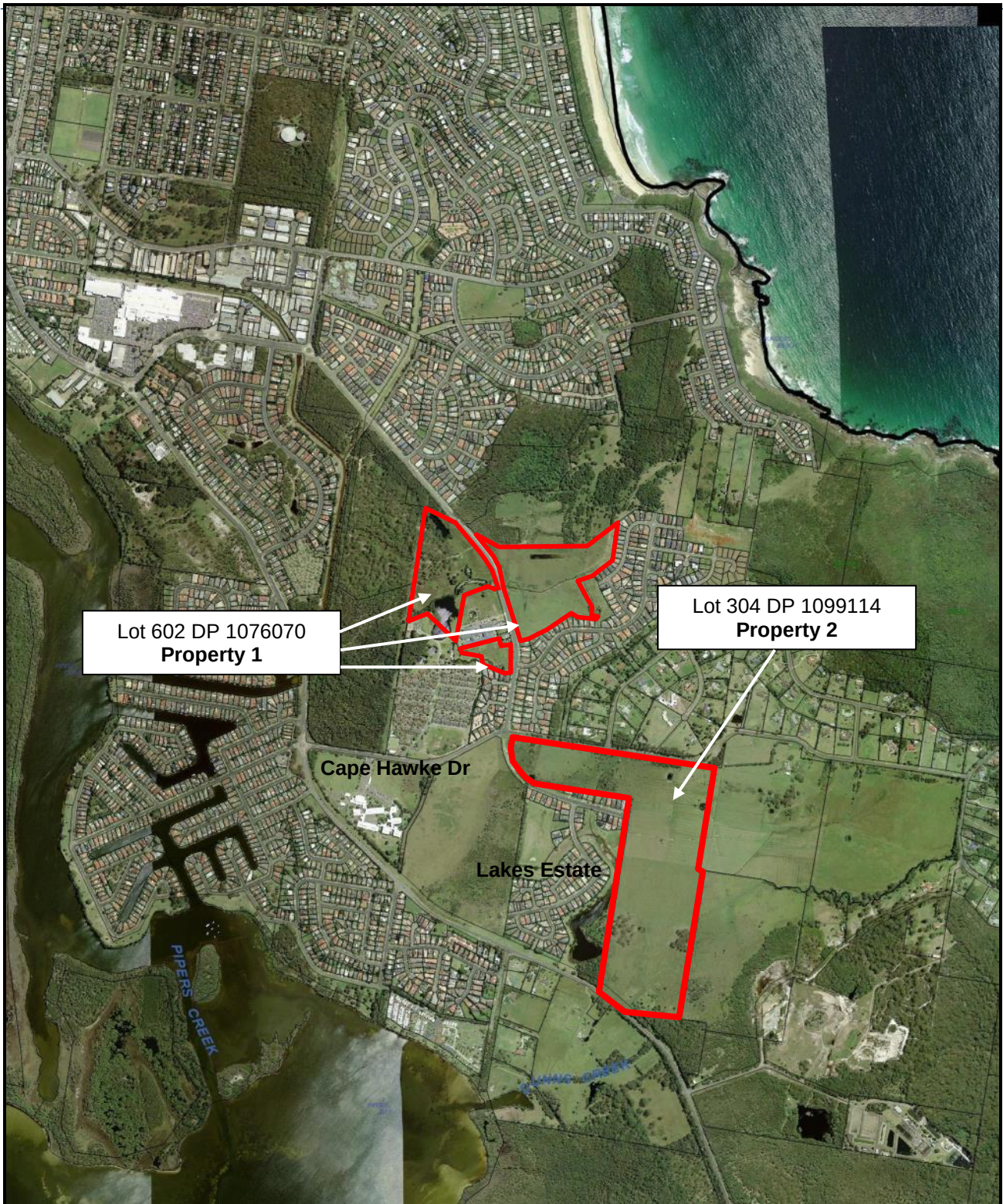


FIGURE 1 - LOCALITY MAP – Lot 304 DP 1099114 & Lot 602 DP 1076070



FIGURE 2 – Land within Lot 304 DP 1099114 required for drainage and road infrastructure

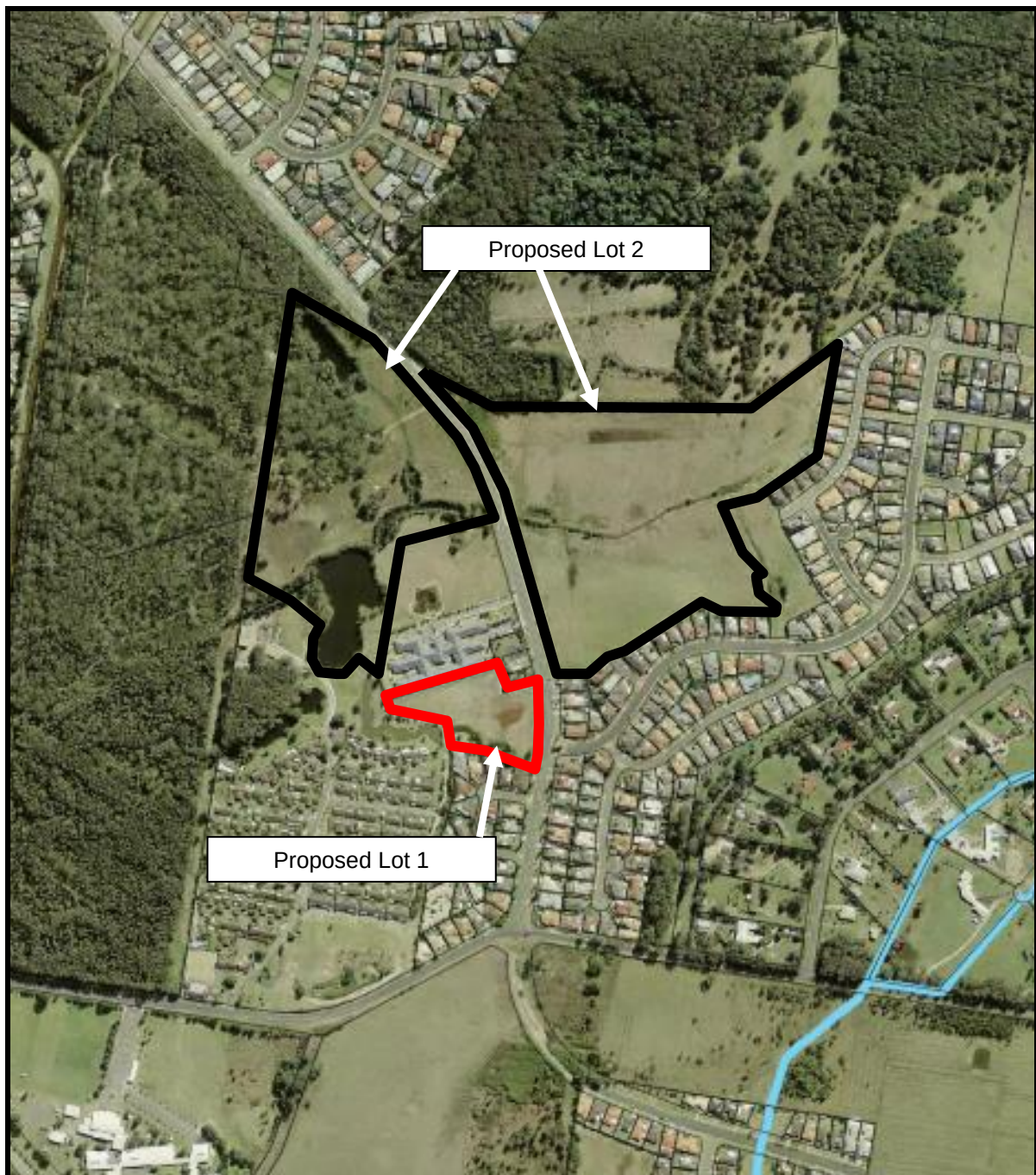


FIGURE 3 – Proposed Lots 1 and 2, Lot 602 DP 1076070

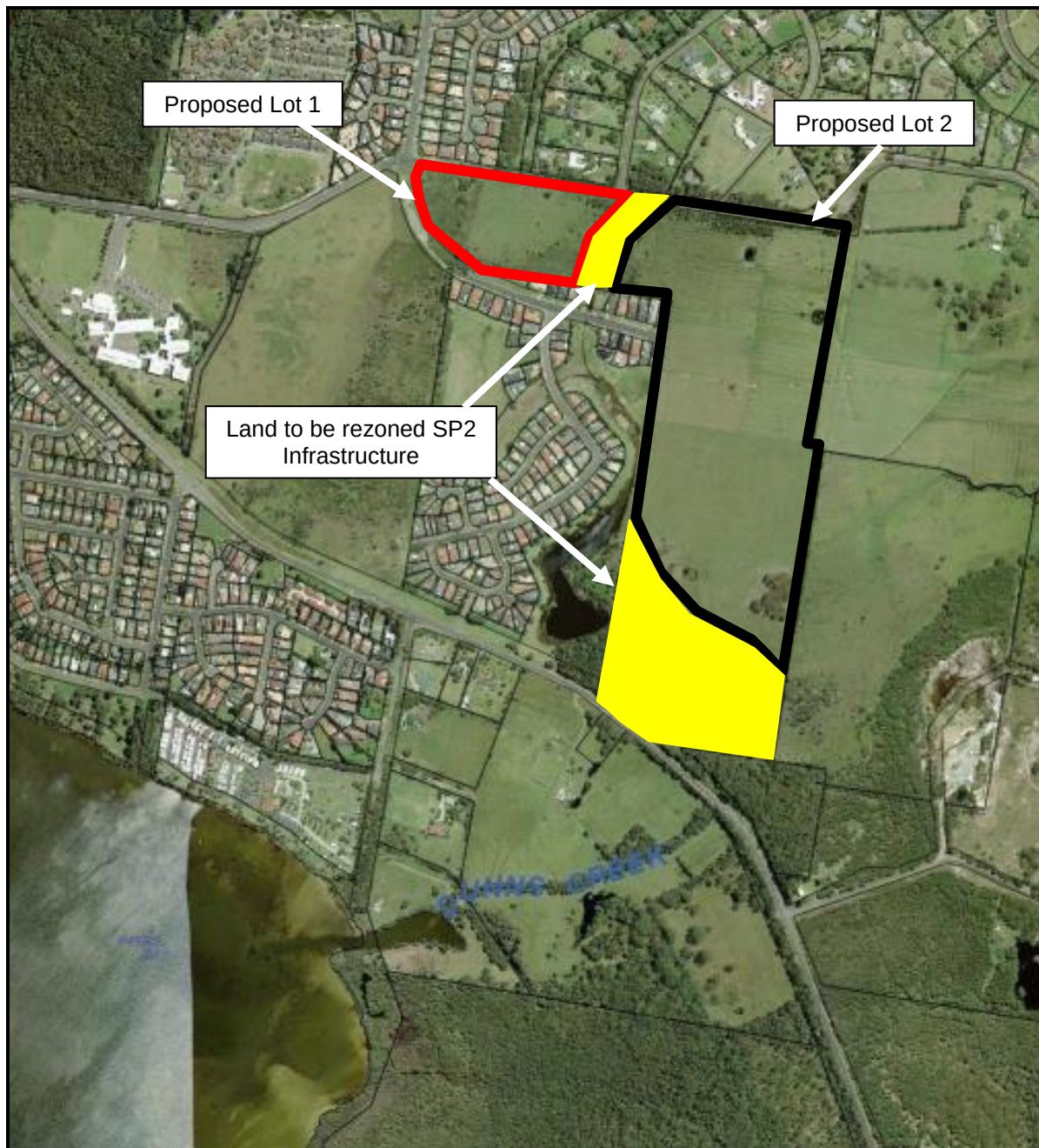


FIGURE 4 –PROPOSED LOT 1 AND 2, LOT 304 DP 1099114

1.1 Background

1.1.2 Land Subject to Rezoning for Drainage and Local Road

1.1.2.1 The Subject Site

The land subject to this proposal is described as Lot 304 DP 1099114 and is located to the east of the existing residential area, known as The Lakes Estate in the South Forster area. A locality plan is provided in **Figure 1**. The site is approximately 33 hectares (ha) in size and is currently used for grazing purposes. Under the provisions of GLLEP 2014 the land is currently zoned RU2 Rural Landscape, and contains a road corridor zoned SP2 Infrastructure as shown in **Figure 5**. Land to the east is zoned RU2 and R2 Low Density Residential. Land to the north and west of the site is utilised for residential and rural residential purposes.

The land is bounded by Cape Hawke Drive to the north, The Lakes Way to the south, The Southern Parkway and an existing residential estate (The Lakes Estate) to the west. East of the site is a large rural lot, predominately used for grazing, and a large greenfield R2 Low Density Residential zoned site. The property is located within the Dunns Creek catchment area and contains several easements for sewage, an unformed drainage channel and a section of Dunns Creek adjacent to the southern property boundary. The landform of the property is predominately low lying with a slightly raised area situated adjacent to Cape Hawke Drive falling towards The Lakes Way at the southern property boundary. The site is heavily constrained by flooding and the southern portion of the allotment is identified as designated bushfire prone land.

1.1.2.2 Drainage

Flooding and poor drainage in the vicinity of Cape Hawke Drive, adjacent to the northern boundary of Lot 304, has long been an issue for Council in managing both the quantity and quality of urban stormwater runoff during high rainfall events. The undersized culverts under Cape Hawke Drive together with the siltation and weed growth in the existing drainage channel within Lot 304 has resulted in floodwaters entering garages and coming within 100mm of entering houses in the adjacent residential area immediately west of Lot 304.

Council has considered several options to resolve the drainage issues and attempted to negotiate suitable access to the drainage channel through Lot 304 for maintenance with the landowner over many years, to no avail. Council's Director of Engineering advised Council that upgrading of the existing culverts under the road would have no significant effect if the associated drain clearing downstream was not carried out.

Zoning History

Under the provisions of the previous planning instrument, Great Lakes Local Environmental Plan 1996 (LEP1996), a significant portion of Lot 304 was zoned 5(a) Special Uses for public infrastructure as shown in **Figure 6**. Council's intention has been to prepare a detailed stormwater management strategy for the Dunns Creek catchment and to then review the amount of land required for water management in this part of South Forster. Thus, in preparing GLLEP 2014 Council removed the 5(a) zone within Lot 304 and, instead, applied the RU2- Rural Landscape zone.

In 2014 Council commissioned a study, “*Dunns Creek Catchment Preliminary Water Management Strategy*” (Refer to **Appendix 1**), to review the Dunns Creek catchment within South Forster. Stage 1 of the study determined the location and size of the area needed to effectively manage stormwater and alleviate flooding of the adjacent residential area. The identified land area is located within two sections of Lot 304, as shown in **Figure 2**. The area is approximately 6 hectares in total.

As stage 1 of the water management strategy has now been prepared for the Dunns Creek catchment, Council can now reinstate a public infrastructure zone that accurately reflects the land required for drainage and roads.

1.1.2.3 Access

In 2011 Council rezoned approximately 13 hectares of land, Lot 2 DP 614397 (Lot 2), for low density residential development and for environmental conservation. This land is located immediately east of Lot 304 as shown in **Figure 7**. Access to Lot 2 requires establishing a road corridor from The Lakes Way through the adjoining allotment, Lot 304, to the western boundary of Lot 2.

The dwindling supply of residential land in the Forster Tuncurry area makes the release of this land strategically important for sustaining the local economy and for the provisions of an adequate supply of land to meet the housing needs of the future population. The current supply of vacant residential land is low, unnecessarily inflating land prices and reducing the opportunity for affordable housing. After several years of negotiations between the landowners of Lot 2 and Lot 304, no agreement regarding suitable access to Lot 2 has been reached. Subsequently the land has remained undeveloped for several years.

In the interest of the community and to facilitate the release of residential land, Council became involved in the issue of access to Lot 2. In doing this Council's intention was to negotiate an outcome suitable to all parties.

To this point in time, Council has been unable to reach an agreement with the landowner of Lot 304 on the best access route to Lot 2, and it is now necessary to resolve the location of the access route in conjunction with the detailed drainage design. Rezoning of this part of Lot 304 to SP2 Infrastructure will enable Council to identify the best location for the future route of The Southern Parkway and the route for access to Lot 2 in conjunction with the design of the drainage infrastructure. If necessary, Council will be able to compulsorily acquire the land once it is rezoned.

Council has recently commissioned stage 2 of the Dunns Creek Catchment Strategy which will design the water management system and determine the best location for the route of The Southern Parkway within Lot 304. Rather than specifically rezoning some land for “local road” and some for “drainage”, Council's preference is to designate a broad area for “drainage and local road” purposes. This approach provides flexibility within the area already identified as essential for drainage within Lot 304. Once the design of the water management system and most suitable route for The Southern Parkway has been determined, the best option for providing access to Lot 2

can be resolved. It is proposed to amend the land use zoning map for Lot 304 to rezone land shown in **Figure 2** to SP2- Infrastructure.

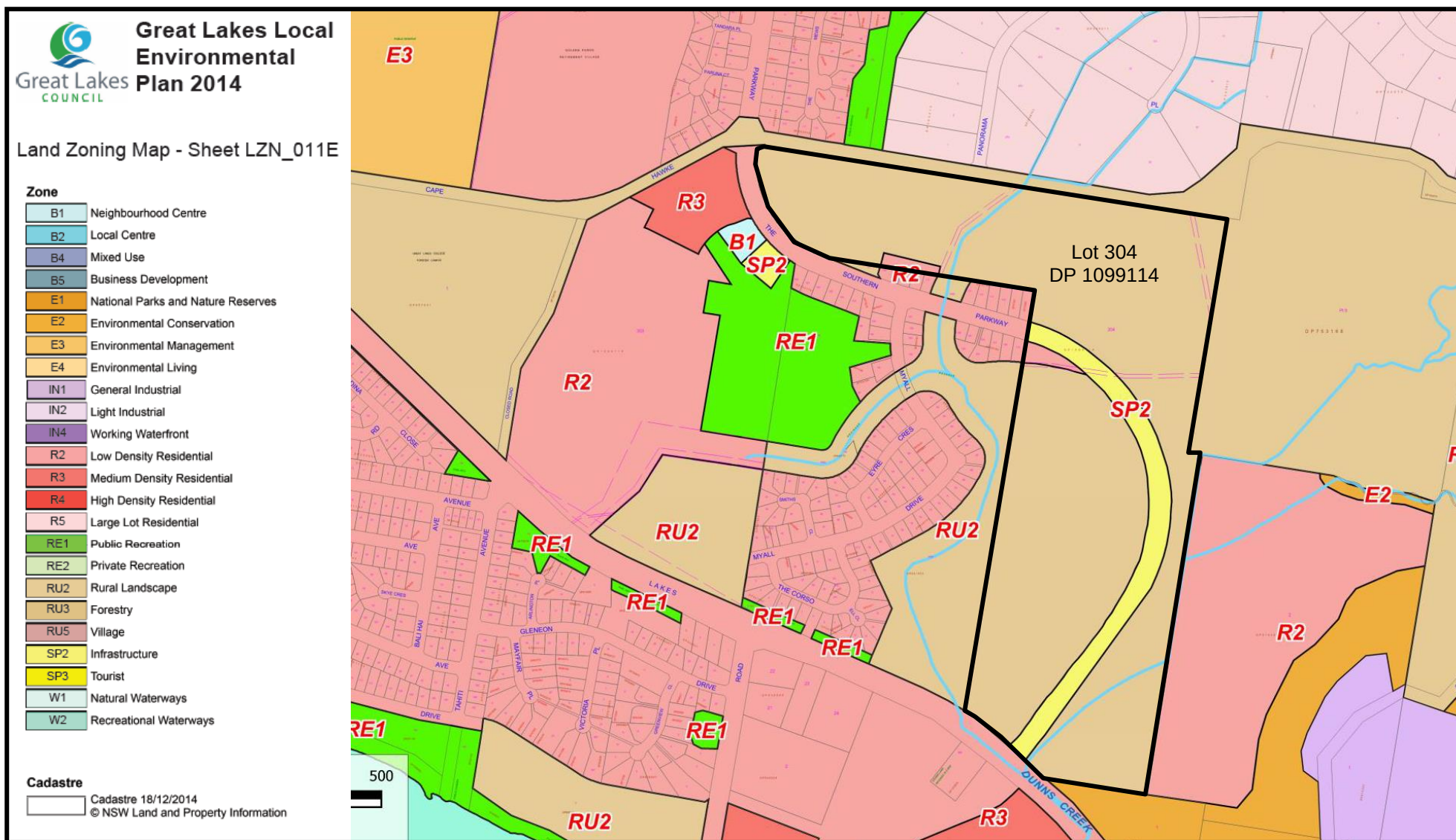


FIGURE 5 – Current Land Zoning Map – Great Lakes LEP 2014, LOT 304 DP 1099114

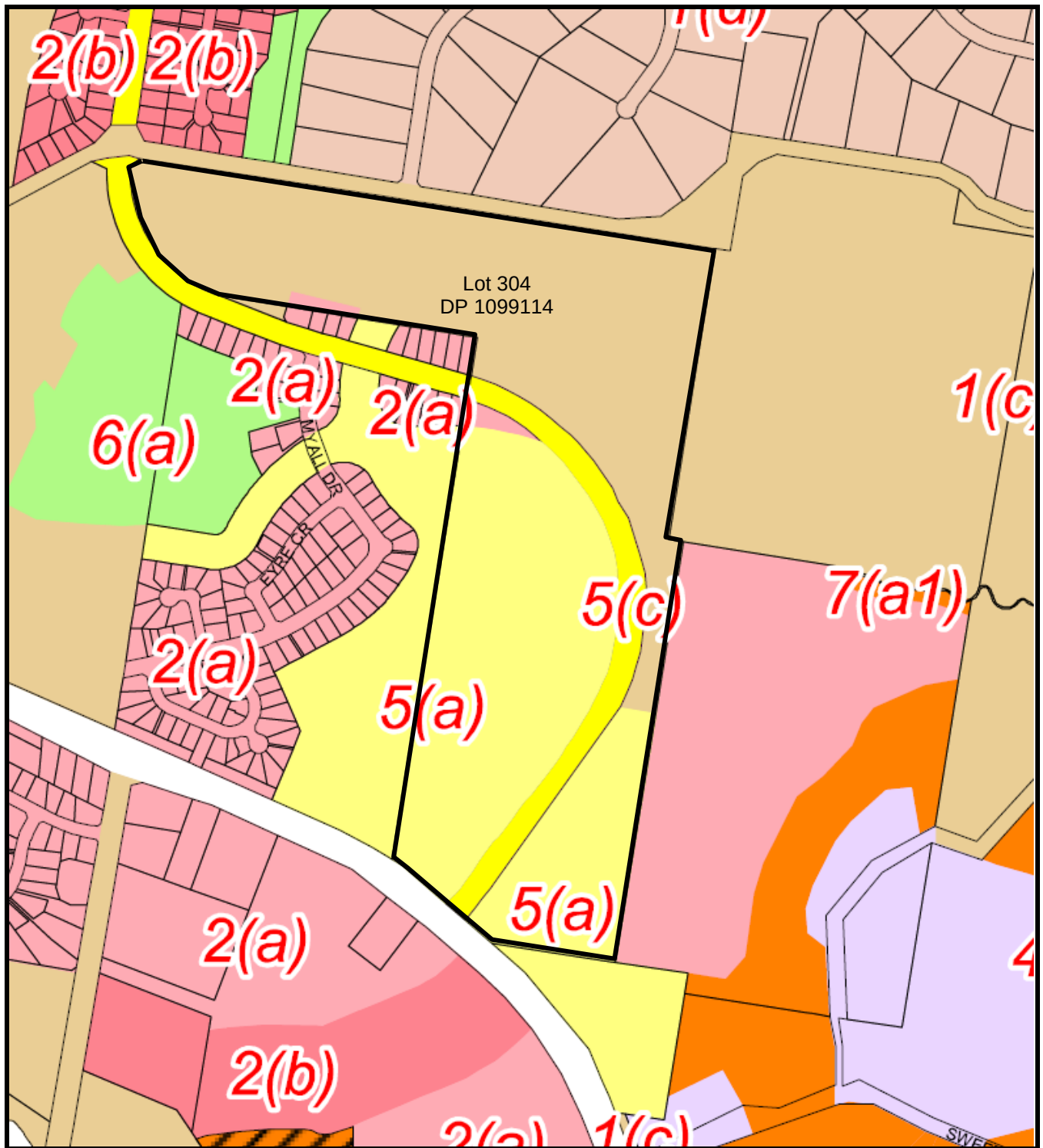


FIGURE 6 – Historical Land Zoning Map – Great Lakes LEP 1996

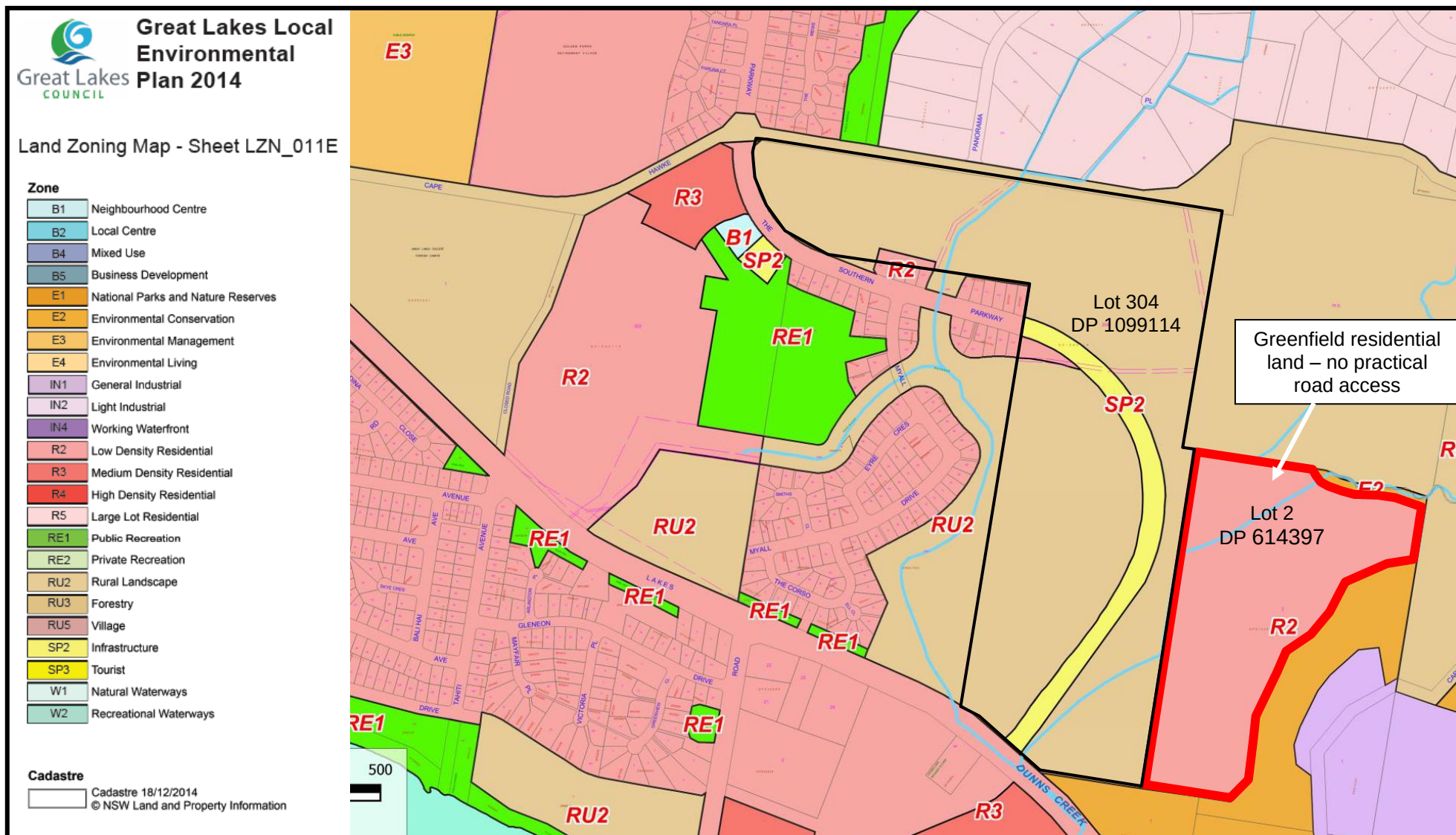


FIGURE 7 – Greenfield RU2 Low Density Residential Land, Lot 2 DP 614397, located adjacent to Lot 304 DP 1099114 with no existing road access to the allotment

1.1.3 Land Subject to Reducing Minimum Lot Size

1.1.3.1 Subject Sites

Property 1

The land shown as “Property 1” in **Figure 1** is described as Lot 602 DP 1076070, consisting of three (3) detached parcels of land. The site is located on both sides of The Southern Parkway, northwest of an existing residential area, known as Cape Hawke Estate in the South Forster area. The existing site is approximately 20 hectares (ha) and currently zoned RU2 Rural Landscape under GLLEP 2014 as shown in **Figure 8**. Adjoining land to north is vacant greenfield low density residential zoned land, to the south and east are existing aged care facilities and low density housing and to the west is two (2) large parcels of significantly vegetated land, zoned E3 Environmental Management and RU2 Rural Landscape.

All three (3) sections of Lot 602 contain several easements for drainage. The site has an undulating landform with several areas being significantly low lying. Some of the site is identified as being flood prone land. The larger part of Lot 602, located on the western side of the Southern Parkways, contains a large dam which collects surface water from the upslope catchment. The large part of Lot 602 located on the eastern side of The Southern Parkway is predominately cleared of vegetation and is currently used for low level grazing. The northern portion of the allotment is identified as designated bushfire prone land.

Property 2

The land shown as “Property 2” in **Figure 1** is described as Lot 304 DP 1099114. Background information for Lot 304 has previously described in Section 1.1.2.1.

1.1.3.2 Minimum Lot Size

The current minimum lot size for both Property 1 (Lot 602) and Property 2 (Lot 304) under the provisions of GLLEP 2014 is AB2 – 400,000 m² (40 hectares). Given their current size, under the current provisions of GLLEP 2014 both allotments are not capable of being further subdivided.

This planning proposal seeks to enable both properties to be lawfully subdivided. It is proposed to enable the smallest part of Lot 602 on the western side of The Southern Parkway to be excised from the other two parcels of land, to create proposed Lot 1 and proposed Lot 2 as shown in **Figure 3**. Once subdivided, proposed Lot 1 will be able to be purchased by the adjoining landowners for future expansion of the existing seniors living development.

In addition, this planning proposal seeks to facilitate the lawful subdivision of fragmented land parcels created from the proposed rezoning and Council acquisition of two (2) sections of land within Lot 304. As discussed in Section 1.1.2 above, Council proposes to rezone and acquire the land as shown in **Figure 2** for drainage and road infrastructure. A one (1) hectare strip of land to be rezoned and acquired adjacent to the northern boundary will create the two (2) remaining sections of Lot 304 to be detached from one another. Furthermore, the proposed construction of drainage infrastructure will physically restrict access through the future drainage reserve, preventing the two (2) sections of land from being utilised as a single entity.

It is proposed to enable the resulting fragmented parcels of land to be subdivided to create proposed Lot 1 and proposed Lot 2, as shown in **Figure 4**. The planning proposal seeks to amend the Lot Size Map to reduce the minimum lot size for both the remaining RU2 zoned sections of Lot 304 so to enable the land to be lawfully subdivided into two separated allotments.

Both Property 1 (Lot 602) and Property 2 (Lot 304) are zoned RU2 Rural Landscape, however this proposal to allow the creation of separate lots within their respective areas will not produce agricultural conflict. The proposal will not generate additional public infrastructure demands as both areas are currently serviced by adequate road, sewage and water infrastructure. Both areas are located within or adjacent to existing urban residential areas and, as such, no significant impact on the existing amenity or adjoining lands will result from enabling both properties to be subdivided in the manner proposed above.

It should be noted that this planning proposal will result in the creation of a new lot size subcategory of 150,000m² (15 ha). The current Lot Size Map categories for GLLEP 2014 are not compatible with supporting a minimum lot size of 150,000m² (15 hectares) as deemed necessary by Council for achieving the desired land use outcomes presented in this planning proposal.

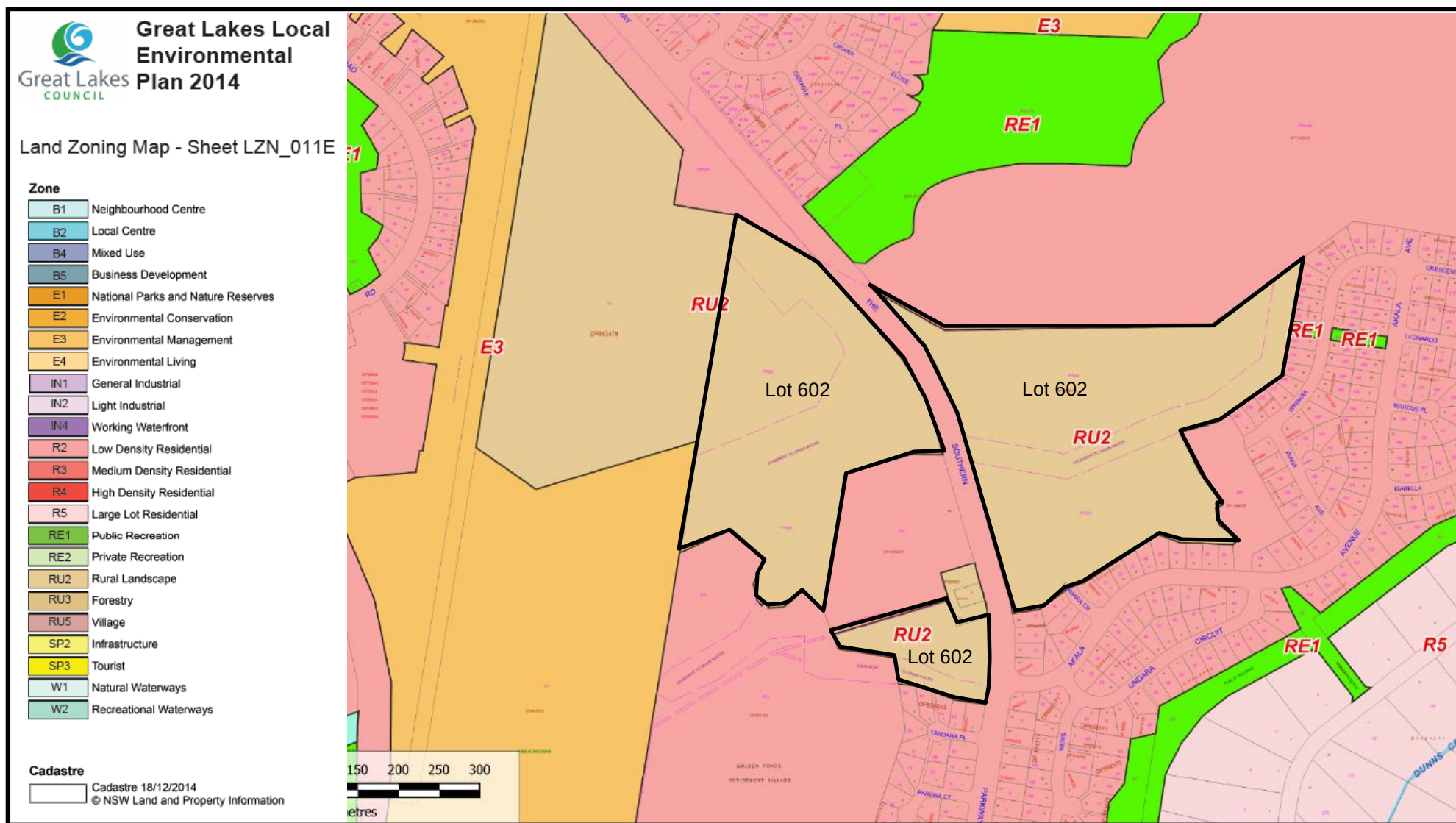


FIGURE 8 – Current Land Zoning Map – Great Lakes LEP 2014, Lot 602 DP 1076070

PART 2 – OBJECTIVES, INTENDED OUTCOMES AND EXPLANATION OF PROVISIONS

2.1 Objectives and Intended Outcomes

The primary objectives of this planning proposal are:

- to facilitate the establishment of essential public infrastructure to deliver improved stormwater management outcomes for the South Forster release area
- to put in place the infrastructure framework for the enhancement of water quality in Wallis Lake,
- to provide the best road access route for The Southern Parkway to facilitate the release of residential land in the South Forster area and provide linkages between residential areas and key community nodes, and
- to enable the subdivision of two (2) properties, Lot 602 DP 1076070 and Lot 304 DP 1099114, to facilitate compatible land use opportunities.

It is 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. At the same time, Council will be able 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.

Council considers it reasonable to allow the resulting two (2) parcels of land within Lot 304, fragmented as a result of the proposed acquisition, to be lawfully subdivided as described by this proposal.

Council considers that the intended outcomes of the planning proposal are best achieved through the rezoning of the two (2) portions of land within Lot 304 to SP2 Infrastructure zone. Furthermore, the Land Reservation Acquisition Map and Clause 5.1(2) of GLLEP 2014 will be amended to include the rezoned land to enable Council to lawfully acquire the land if necessary. The proposed changes to minimum lot sizes, as describe by this proposal, would be best achieved through amending the respective Lot Size Maps of GLLEP 2014.

2.2 Explanation of Provisions

The rezoning of the land is necessary to clearly identify its intended use for infrastructure purposes i.e. managing stormwater, alleviating flooding and providing access to residential zoned land. As stated above, this is best achieved by rezoning two (2) portions of land, currently zoned RU2 Rural Landscape, within Lot 304 DP 1099114 by amending Land Zoning Map LZN_11E so as to apply the SP2 Infrastructure zone under GLLEP 2014. Application of the SP2 zone will restrict land use of the subject land to those that are considered to be compatible with delivering infrastructure needs.

In accordance with the resolution made by Council on 14 October 2014, this proposal will:

- Rezone part of Lot 304 DP 1099114 from RU2 Rural Landscape Zone to SP2 Infrastructure Zone;
- Amend Land Reservation Acquisition Map to enable Council to compulsory acquire the rezoned SP2 Infrastructure land portions;
- Identify Council as the acquisition authority under Clause 5.1 of LEP 2014
- Amend the Height of Building Map and Floor Space Ratio Map to reflect the rezoned land;

In accordance with the resolution made by Council on 9 September 2014, this proposal will:

- Amend the Lot Size Map over the lands known as Lot 304 DP 1099114 and Lot 602 DP 1076070 as shown in **Figures 11**;

It is acknowledge that the intended outcomes for this planning proposal may be achieved in multiple ways. Council considers that the intended outcomes above are best achieved by amending the appropriate Land Zoning Map (LZN_011E), Height of Building Map (Sheet HOB_011E), Lot Size Map (Sheet LSZ_011E), Land Reservation Acquisition Map (Sheet LRA_011E) and Clause 5.1 of Great Lakes LEP 2014. The proposed amendments to all map layers are contained in Part 4 of this proposal. Council will be guided by the advice of the Department of Planning and Environment and Parliamentary Counsel in preparing the draft LEP amendment.

PART 3 – JUSTIFICATION

3.1 Section A – Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

The planning proposal arises from ongoing issues related to flooding, water quality and road access within the South Forster urban release area. In recent years, Council has considered numerous reports regarding potential options for resolving these issues, and has attempted negotiations regarding access and acquisition with landowners of strategically important land.

Council commissioned a study, “*Dunns Creek Catchment Preliminary Water Management Strategy - Stage 1*”, to review the catchment areas within South Forster. The study outlines the results of preliminary investigations to identify future water management infrastructure for the Dunns Creek Catchment. The study determined the location and size of the area needed to effectively manage stormwater within the catchment and alleviate flooding of the adjacent residential area. The identified land area is located within two (2) sections of Lot 304, as shown in **Figure 2**. The area is approximately 6 hectares in total.

Other strategies, studies and plans prepared by Council, as discussed in Section 3.2 of this proposal, recommend the need for improved water management outcomes within the Dunns Creek Catchment. These strategies identify the poor water quality and degraded aquatic ecosystems resulting from Dunns Creek and its sub catchments. Resolving the water management issues for the South Forster area is of high importance to Council. The planning proposal is consistent with previous strategies and plans undertaken by Council.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Clause 5.1 of GLLEP 2014 makes provisions for Council to compulsorily acquire land for infrastructure purposes. The land identified as being necessary for the proposed drainage and road infrastructure in South Forster is currently not included on the Land Reservation Acquisition Map under current planning provisions. Furthermore the proposed subdivision of two (2) properties as describe by this proposal, is not currently permissible under the current provisions of GLLEP 2014.

Subsequently, new planning controls are required to ensure that the land necessary for stormwater management can be acquired by Council and the desired infrastructure can be constructed. Additionally, amendments to the planning controls are also required to enable the subdivision of the two (2) subject properties to be achieved.

A planning proposal to amend GLLEP 2014 as described above is considered the best means of achieving the objectives and intended outcomes.

3.2 Section B – Relationship to Strategic Planning Framework

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?

Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy (MNCRS) was prepared by the (former) Department of Planning to provide the overarching strategic planning document for the region for the period 2006 – 2031. Forster is identified in MNCRS as being a major town. Lot 304 is identified within the strategy as being part of the South Forster future urban release area.

The MNCRS is consistent with the planning proposal and aims to

- *Protect high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that new urban development avoids these important areas and their catchments.*

The planning proposal is supported by the settlement principles contained within the MNCRS which states that *“any growth of coastal towns and villages will protect environmentally fragile areas and preserve the scenic values of the coastal landscape”*.

By securing land for stormwater management infrastructure, Council will be able to effectively improve water quality before drainage from urban areas enters the fragile aquatic ecosystem of Wallis Lake.

Furthermore, drainage infrastructure will significantly assist in alleviating the potential risk of flooding to residential areas. The MNCRS identifies that *“in order to manage risk associated with climate change, councils will undertake flood investigations over lands with the potential to be affected by sea level rise and inundation to ensure that risks to public and private assets are minimised”*. The proposed acquisition of land for drainage infrastructure will significantly assist in minimising the risk of inundation to public and private assets.

The MNCRS is consistent with intended outcomes of the planning proposal relating to amending minimum lot size to enable the subdivision of land for the future expansion of an existing seniors living development. An action relating to urban settlement in the MNCRS states *“Councils will plan for a range of housing types of appropriate density, location and suitability that are capable of adapting and responding to the aging of the population.”* The proposed amendment to the minimum lot size for Lot 602 DP 1076070 will facilitate the establishment of additional housing for the aging population within the South Forster area.

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

The planning proposal is consistent with the following local strategic plans:

- Wallis Lake Estuary and Catchment Management Plan (2014)
- Great Lakes Water Quality Improvement Plan: Wallis, Smiths, Myall Lakes (2009)
- Dunns Creek Catchment Preliminary Water Management Strategy (2014)
- South Forster Stormwater Management Strategy (2006)
- South Forster Structure Plan (2007)
- Great Lakes 2030 Community Strategic Plan
- Housing Strategy for Forster Tuncurry (2005)

Wallis Lake Estuary and Catchment Management Plan (2014)

The *Wallis Lake Estuary and Catchment Management Plan (WLECMP)* provides a detailed picture of the state of the Wallis Lake Estuary and its Catchment. The plan addresses issues regarding the social, cultural, environmental, recreational and commercial amenity of the lake, its waterways and catchment.

Dunns Creek enters Wallis Lake in the Pipers Bay area. The WLECMP identifies that in Wallis Lake, areas such as Pipers Creek and Pipers Bay receive the majority of stormwater runoff from the Forster urban area, and as such have previously experienced large algal blooms and shown signs of poor ecological health. A key water quality objective of the plan is to “reduce sediment, acid sulfate soils, chemicals and nutrient loads to waterways from urban land uses”. One of the corresponding actions associated with this objective is to:

Utilise opportunities in development assessment and land use planning (for instance, rezoning) for the protection of existing drainage lines and stormwater channels to improve the quality of water entering Wallis Lake.

The intended outcomes of the planning proposal are consistent with this action. By rezoning land for the establishment of stormwater infrastructure, designed to reduce the pollutant loads and contaminants, the planning proposal will improve water quality entering Wallis Lake from the Dunns Creek catchment.

Great Lakes Water Quality Improvement Plan: Wallis, Smith, Myall Lakes (2009)

The *Great Lakes Water Quality Improvement Plan (WQIP)* outlines the water quality improvement actions required to protect and rehabilitate Wallis, Smiths and Myall Lakes. The WQIP identifies a range of rehabilitation, protection and management support actions to protect and support the ecological health of the lake systems and their catchments.

The WQIP focuses on algae concentration and water clarity as indicators of the estuaries' ecological condition. These parameters were selected, as increased algal biomass and decreased water clarity can lead to harmful algal blooms, loss of habitat such as seagrass, reduced fish abundance, loss of higher predators (e.g. birds, dolphins, sharks), and overall loss of biodiversity and estuarine function.

To determine the actions required to maintain or improve the ecological health of the lake systems, the WQIP identified the current status of the lakes and the river estuaries and ranked them in relation to their relative conservation values.

The WQIP identifies that the Pipers Creek and Pipers Bay area is the receiving waters for the medium-density urban and light industrial developments on the eastern side of the Wallis Lake, and includes the majority of the Forster urban area. Chlorophyll-a concentrations in Pipers Creek were found to be among the highest measured in the Wallis Lake system, with the average value five to six times greater than values expected for this type of environment.

The research indicated that Pipers Bay is significantly degraded, with extensive macroalgae growth recorded on the seagrass. Measurements of nutrients released from sediments indicate that the system is under significant long term stress. Excessive loads of nutrients from the contributing catchments were identified as the most significant issue for the area. The WQIP identifies this area as in the lower end of the range for a *slightly to moderately disturbed* ecosystem value.

The planning proposal is supported by the targets set within the WQIP for Pipers Bay. The WQIP indicates that long-term target for the Pipers Bay area is to improve its current modified condition to more closely resemble a *high conservation value* condition. The target associated with this objective is a reduction in chlorophyll of 50%.

The intention and the outcomes of the planning proposal are consistent with the WQIP. The planning proposal will enable the establishment of key stormwater improvement infrastructure that will significantly reduce nutrient and sediment loads entering Wallis Lake from the Dunns Creek catchment.

Dunns Creek Catchment Preliminary Water Management Strategy (2014)

In 2014 Council commissioned Stage 1 of the “Dunns Creek Catchment Preliminary Water Management Strategy”, to review the catchment areas within South Forster. Computer modelling was used to simulate overland flooding within the entire Dunns Creek catchment. Both the quantity and quality of stormwater was modelled using several software systems.

The study outlines the results of preliminary investigations and provides a water management concept strategy for the treatment of run off from the western sub catchments draining through the Lakes Estate. The concept recommends the following future stormwater management infrastructure:

- existing culverts under Cape Hawke Drive to be upgraded to reduce the frequency of overtopping;
- construction of a new culvert under the Cape Hawke Drive to align with the existing low sag point where weir flow currently concentrates;
- establishment of a shallow wetland, 0.6 hectares, upstream of Cape Hawke Drive to manage run off from upslope rural development;
- establishment of a new 50m wide section of remediated creek connecting the culvert under Cape Hawke Drive with the major drainage system of the Lakes Estate;
- the new 50m wide section of remediated creek downstream of Cape Hawke Drive to incorporate shallow linear wetlands to provide further treatment of stormwater;
- the existing permanent water level in the ponds associated with the Lakes Estate be lowered by up to 0.5m and additional planted benches around the southern and eastern sides of the pond be provided to assist in managing water quality in the existing storage area;
- the existing spillway on the south-western extent of the basis be re-aligned to the south eastern extents to direct high flows away from The Lakes Way;

- establishment of a dedicated wetland rehabilitation area adjacent to The Lakes Way, to treat overflow from the modified ponds associated with the Lakes Estate;

The concept determines the location and size of the area needed to establish additional wetlands and drainage corridors. The identified land area is located within two (2) sections of Lot 304 DP 1099114, as shown in **Figure 2**. The computer modelling results, based on the above concept, estimates that the implementation of the above recommendations would contribute significantly to achieving the WQIP short term targets for reducing chlorophyll-a within Pipers Bay.

The proposed infrastructure will assist in effectively managing stormwater within the catchment and alleviate flooding of the adjacent residential area.

South Forster Stormwater Management Strategy (2006)

Council commissioned the *South Forster Stormwater Management Strategy* (SFSMS) as part of the *South Forster Structure Plan* in 2006, to provide a revised strategy that would be consistent with the Structure Plan. The SFSMS provides a review of several existing stormwater and flooding strategies undertaken between 1991 and 2006 which include:

- South Forster Stormwater Drainage Strategy (1991)
- South Forster Stormwater Flood and Pollution Control Ponds (1994)
- Stormwater Quality Management Report Central Catchment, South Forster (2001)
- Stormwater Quality Management Report Review “L” Leg Catchment, South Forster (2002)
- Flooding Assessment and Water Quality Management Strategy – Follyfoot Farm South Forster (2006)

The strategy makes reference to the findings of the 2001 study relevant to the Dunns Creek catchment. This study found:

- *Development of land in the South Forster area will significantly increase the export of pollutants to Pipers Bay;*
- *The pollution levels of Piper Bay from the catchment should not be permitted to increase above the current levels being assimilated by the lake system;*
- *Stormwater management options to combine elements of individual responsibility for the stormwater management with developers, and the overall responsibility for the treating of stormwater at major downstream pollution control structures by Council be adopted; and*
- *The use of pollution control ponds designed as wetland systems, would be significantly more cost efficient than a number of smaller GPT (Gross Pollutant Trap) units for the mid to upper catchment development areas.*

The strategy also presents a summary of recommendations for the proposed stormwater and flooding strategy to provide guidance for the South Forster Structure Plan. The strategy states that the central catchment (Dunns Creek catchment) has been assessed with the aim to increase the functionality of the existing wetland, decrease peak flow rates and ensure new development meets Councils required pollution export rates. The SFSMS recommends the implementing the following:

- *Resizing the culverts under the Lakes Way and re-grading the road to be above the 1% AEP flood event;*
- *Reducing the outflow level from the catchment from R.L 2.20mAHd to R.L 1.1mAHd;*
- *Construction of a second water quality pond/detention basin to the north east of the culvert under the Lakes Way;*

- *Expansion of the existing water quality pond/detention basin from the existing 1.5ha to 4.5ha;*
- *Addition of sand filters at the outlet of each new development from the discharge of the main wetland;*
- *Lowering the standing water level of the existing water quality pond/detention basin to R.L 3.2mAHd to R.L 2.5mAHd;*
- *Realign Dunns Creek to its natural location following the extent of remnant vegetation surrounding the existing quarry; and*
- *Creation of a low flow channel through the rear of the Lakes Estate;*

The intended outcomes of the planning proposal are consistent with the SFSMS. The planning proposal will enable the establishment of key stormwater improvement infrastructure that will manage the flow of stormwater, including the expansion of detention basins (constructed wetlands). The proposed infrastructure will effectively redirect and reduce the flow of stormwater, significantly reduce nutrient and sediment loads and reduce the potential for localised flooding of nearby residential areas. The proposal is supported by the recommendations of the SFSMS.

Housing Strategy for Forster Tuncurry (2005)

Council commissioned a Housing Strategy for Forster Tuncurry to provide detailed information relating to housing supply and demand within the Forster Tuncurry region to help guide decisions on residential densities, neighbourhood design and housing type. Consistent with the planning proposal, this strategy identifies the need to provide additional housing to accommodate the expected increase in aged population. The proposed change to minimum lot size of Lot 602 DP 1076070 as outlined in the planning proposal will support the expansion of an existing aged care facility and is supported by the Housing Strategy.

In considering the future development within the South Forster Precinct, the strategy identifies the need to *“alleviate the potential for minor flooding, control of stormwater runoff and improve water quality management”*. The strategy recommends that *“stormwater management facilities be designed to create attractive features”*. The planning proposal seeks to rezone and, if necessary, acquire land for the establishment of stormwater drainage infrastructure in the South Forster area. The proposal will assist in alleviating flooding of nearby residential lands and improve water quality within the Dunns Creek catchment, prior to entering Wallis Lake.

Furthermore the Housing Strategy identifies the *“population growth of Forster and Tuncurry will continue at the current rate of approximately 2.0% per annum and will result in the need to accommodate an additional 340 people per annum increasing over the next 20 years to 450 people per annum”*. The strategy identifies there is a strong demand for separate dwellings and as vacant land becomes scarce land prices will increase. The planning proposal also seeks to establish a road corridor linking vacant low density residential land (Lot 2 DP 614397) to The Lakes Way, thus enabling the land to be subdivided and increase residential land supply.

The planning proposal will establish the legislative planning framework to ensure the land is appropriately zoned to support the necessary infrastructure and the minimum lot sizes are capable of being achieved to support future compatible land use activities.

South Forster Structure Plan (2007)

The South Forster Structure Plan was prepared as a guide to future planning and development in the South Forster area. The plan provides guidance in relation to:

- The creation of new neighbourhoods that are integrated via roads and pathways, pedestrian and cycleway networks to the Forster urban area;
- Future housing forms and housing density;
- The range of public and private facilities that should be located in South Forster;
- The integration of new open space areas with the existing open space network;
- The provision of civil infrastructure including stormwater, water supply, sewage, electricity and telecommunications; and
- Protection and enhancement of the natural and built environment (including ecological, scenic, social and economic issues).

Lot 304 is included in the precinct referred to as “Area 2 – Lakeside Estate” within the South Forster Structure Plan. The plan identifies that *“flooding within this precinct occurs south of the Lakeside Estate with water flowing directly over The Lakes Way. The groundwaters have been observed as being quite high with regular ponding of waters on the soil surface”*. The plan further makes reference to the existing detention basin within this precinct and identifies that the *“enlargement of the basin has been envisaged for several years, however a lesser area is required than originally envisaged”*. Furthermore the plan recommends the augmentation of the existing stormwater infrastructure, including the expansion of the wetland/detention systems for this precinct.

Figure 9 shows the concept plan for “Area 2 – Lakeside Estate” contained in the South Forster Structure Plan.

The concept plan identifies the stormwater detention system on Lot 304, as well as a drainage corridor between Cape Hawke Drive and the Lakes Estate. The concept plan also includes the provision of a link road connecting future urban land, located immediately east of Lot 304, to the future road network. Furthermore, the planning proposal will facilitate the delivery of drainage and road infrastructure as recommended and supported by the plan.



FIGURE 9 – AREA 2 –LAKESIDE ESTATE, CONCEPT PLAN

Great Lakes 2030 Community Strategic Plan

The Great Lakes 2030 Plan is a future planning document which aligns the community's vision with a clear strategic direction for the Great Lakes area over the long term. The plan provides a blueprint for Council to ensure the delivery of infrastructure and services to meet the needs of the community. Key objectives identified by the community plans seek to *"ensure that development is sensitive to our natural environment"* and also to *"provide transport infrastructure that meets current and future needs"*. These objectives are to be achieved through basing *"strategic land use planning on ecologically sustainable principles"*, *"managing growth to reflect current and future needs"* and *"identifying transport network needs based on recognised asset management processes."*

The planning proposal is supported by the Great Lakes 2030 Community Strategic Plan and will ensure the sensitive environs and receiving waters in the South Forster area are better protected from the impacts of urban development. Furthermore, the planning proposal will assist in providing housing for the increasing elderly population and facilitate the establishment of key transport linkages in the South Forster area.

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

State Environmental Planning Policy 71

State Environmental Planning Policy 71 – Coastal Protection (SEPP 71) applies to all land within the coastal zone as defined in the Coastal Protection Act 1979 and accordingly applies to the subject lands. SEPP 71 requires Council to consider the matters listed in Clause 8 of the Policy when preparing draft LEP.

The following points address the matters listed in Clause 8:

- The Planning Proposal is consistent with the aims of SEPP 71;
- The Planning Proposal will not alter existing access to and along coastal foreshores;
- The outcomes facilitated by the Planning Proposal will ensure suitable development, consistent with the zone objectives;
- The outcomes facilitated by the Planning Proposal will not cause overshadowing or impact on views from coastal foreshores;
- The outcomes facilitated by the Planning Proposal will maintain the existing scenic qualities of the New South Wales coast;
- The outcomes facilitated by the Planning Proposal will not negatively impact on terrestrial habitats, aquatic habitats, threatened species or wildlife corridors;
- The outcomes facilitated by the Planning Proposal will not negatively impact on coastal processes and coastal hazards. Proposed road and drainage infrastructure will be designed to alleviate the potential for flooding and impacts of creek erosion.
- The Planning Proposal seeks to positively impact on the water quality of coastal water bodies by improving stormwater drainage and treatment.
- The outcomes facilitated by this Planning Proposal will not have a bearing on the potential for conflict between land and water based activities.

In this regard, the planning proposal is considered acceptable and will not impinge on the scenic qualities of the coast. The proposal is consistent with SEPP 71 as it aims to reduce the likely impacts of development on the water quality of receiving coastal water bodies.

State Environmental Planning Policy (Rural Lands) 2008

The provisions of the Rural Lands SEPP are designed to be applied to development applications for rural subdivisions and rural dwellings. As such this SEPP does not apply to any proposed rezoning or LEP amendment that might apply to the site. However, Clause 7 of SEPP does identify a set of Rural Planning Principles. In the LEP preparation/amendment process, these Rural Planning Principles are to be considered by Councils by virtue of a Direction issued under Section 117 of the EP&A Act. The planning proposal has been assessed against these Principles as provided in **Table 1** below.

Table 1 – Rural Planning Principles

Direction	Aim of Direction
a) <i>“the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas”</i>	Both allotments subject to this proposal are located on Forster’s urban fringe, lying adjacent to R2 Low Density Residential areas. Lot 304 is identified as part of the South Forster future urban release area within the MNCRS. These lands are Class 4 Agricultural lands, currently utilised for low level grazing and not considered to be a significant or sustainable economic resource within the local area.
b) <i>“recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State”</i>	The identification of the Lot 304 in growth strategies recognizes the low agricultural value of the land and its proximity to the urban area. The strategy extends protection to more important agricultural holdings in the locality and elsewhere in the LGA.
c) <i>“recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development”</i>	Council recognises the significance of rural land and extends protection to important agricultural holdings in the locality and elsewhere in the LGA. The subject lands are classified as Class 4 agricultural lands and not considered significant agricultural holdings. These lands currently derive little social and economic benefit from its rural land use.
d) <i>“in planning for rural lands, to balance the social, economic and environmental interests of the community”</i>	Lot 304 has been identified for more intensive uses. The above mentioned strategies have taken social, economic and environmental interests into account. Extensive community consultation and participation has been undertaken in preparing several future land use studies relevant to the subject lands.
e) <i>“the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land”</i>	The planning proposal will enable the establishment of key stormwater improvement infrastructure to better protect water quality from the impacts of urban development, reduce creek erosion and minimise localised flooding.

Direction	Aim of Direction
f) <i>“the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities”</i>	The provision of rural development opportunities exist on less constrained lands elsewhere within the local area and LGA.
g) <i>“the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing”.</i>	Not applicable.
h) <i>“ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.”</i>	Lot 304 is identified as being part of a future urban release area within the MNCRS. Infrastructure for drainage and roads are a necessary part of any urban release area. As such the planning proposal is consistent with the regional strategy.

The planning proposal is consistent with all other relevant SEPP's.

Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act, issues directions that relevant planning authorities such as local councils must follow when preparing planning proposals for new LEPs. **Table 2** contains a response to each of the relevant directions in relation to the planning proposal.

Table 2: Section 117 Directions

Direction	Aim of Direction	Response
EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial lands and support the viability of identified strategic centres.	Not relevant to this planning proposal.
1.2 Rural Zones	This direction applies to any planning proposal that will affect an existing or proposed rural zone. The direction states a planning proposal must not rezone rural land to urban or contain provisions to increase permissible densities in rural zones.	This planning proposal does not seek to rezone rural land to urban or increase permissible densities in rural zones. The proposal will however rezone rural land to SP2 Infrastructure Zone. The subject land has previously been identified in the MNCRS for future urban release. The infrastructure is necessary to support residential development on neighbouring lands. Lot 602 is currently zoned rural. The intended outcome of the change to minimum lot size will result in the future development of an aged care facility. This style of development is currently permissible with consent on rural zoned land under the provisions of the SEPP (Housing for seniors or people with a disability).
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Not relevant to this planning proposal.
1.4 Oyster Aquaculture	The objectives of this direction are to ensure Priority Oyster Aquaculture Areas and other aquaculture areas are adequately considered by planning proposals.	The Dunns Creek catchment drains into Wallis Lake which supports a Priority Oyster Aquaculture Area. The planning proposal seeks to reduce the impacts of development by rezoning and enabling Council to acquire land for special infrastructure purposes. The acquired lands will significantly assist Council in managing urban stormwater runoff. The planning proposal aims to improved water quality through reducing the potential for sedimentation and contaminants from development entering the water way.
1.5 Rural Lands	The objectives of this direction to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.”	The subject lands are predominately classified as Class 4 Agricultural land and considered to be of low agricultural production value. The economic development of these lands for rural agricultural purposes would require significant investment for pasture improvement. Given its location adjacent to the urban fringe, future development for residential land uses is considered significantly more economically viable.
ENVIRONMENT AND HERITAGE		

Direction		Aim of Direction	Response
2.1	Environment Protection Zones	To protect and conserve environmentally sensitive areas.	The site is not currently zoned E2 Environmental Conservation or E3 Environmental Management. The planning proposal is consistent with this direction in that it seeks to protect environmentally sensitive waterways by reducing the impacts of urban development.
2.2	Coastal Protection	The objective of this direction is to implement the principles in the NSW Coastal Policy.	Not relevant to this planning proposal.
2.3	Heritage Protection	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site is well removed from items and conservation areas identified within GLLEP 2014. This direction is not relevant to this planning proposal.
2.4	Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Not relevant to this planning proposal.
HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT			
3.1	Residential Zones	Encourage a variety and choice of housing, minimise the impact of residential development on the environment and resource lands to make efficient use of infrastructure and services.	The planning proposal seeks to provide necessary drainage and road infrastructure to support residential development in South Forster and protect the surrounding environment from the impacts of urban development.
3.2	Caravan Parks and Manufactured Home Estates	To provide for a variety of housing types and to provide opportunities for caravan parks and manufactured home estates.	Not relevant to this planning proposal.
3.3	Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Not relevant to this planning proposal.
3.4	Integrating Land Use and Transport	The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, jobs and services by methods other than private vehicles.	The planning proposal seeks to provide necessary road infrastructure to support residential development in South Forster. The proposal will rezone rural land to SP2 Infrastructure and allow the establishment of a key road corridor to connect greenfield residential land to the existing road network in South Forster.
3.5	Development Near Licensed Aerodromes	To ensure the effective and safe operation of aerodromes.	Not relevant to this planning proposal.
3.6	Shooting Ranges	One of the main objectives is to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land.	Not relevant to this planning proposal.

Direction	Aim of Direction	Response
HAZARD AND RISK		
4.1 Acid Sulfate Soils	To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils (ASS).	The outcomes of the planning proposal will establish a wetland over the portion of land within Lot 304 containing class 3 potential acid sulfate soils. Subsequently these soils will not be exposed to air and will reduce the likelihood of acid leachate from the site into the surrounding environs.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence	The site is not within a Mine Subsidence District and therefore the direction is not relevant to this planning proposal.
4.3 Flood Prone Land	This direction aims to reduce the risk of flood and to ensure that the development of flood prone land is consistent with NSW Flood Prone land policy.	The proposal seeks to alleviate the risk and extent of flooding to existing residential land within the Lakes Estate. Lot 304 is identified as being flood prone land. The establishment of additional detention basins and upgrade of drainage infrastructure on this site will significantly reduce the flooding potential of surrounding lands. The planning proposal is consistent with this direction.
4.4 Planning for Bushfire Protection	To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.	The outcomes of the proposal will not generate incompatible land uses in bushfire prone areas. The southern section of Lot 304 is identified as being designated bushfire prone land. The proposal seeks to expend the existing stormwater detention basin in the southern section of Lot 304. The planning proposal is consistent with this direction.
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Lot 304 is identified as being part of a future urban release area within the MNCRS. Infrastructure for drainage and roads are a necessary part of any urban release area. As such the planning proposal is consistent with the regional strategy and will give legal effect to the actions contained in the strategy.
5.2 Sydney Drinking Water Catchments	The objective of this direction is to protect water quality in the Sydney drinking water catchment.	Not relevant to this planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	To manage agricultural lands on the Far North Coast.	Not relevant to this planning proposal.

Direction	Aim of Direction	Response
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	To manage commercial and retail development along the Pacific Highway	Not relevant to this planning proposal.
Direction 5.5 revoked	N/A	N/A
Direction 5.6 revoked	N/A	N/A
Direction 5.7 revoked	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.	Not relevant to this planning proposal.
LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that GLLEP provisions encourage the efficient and appropriate assessment of development.	Not relevant to this planning proposal.
6.2 Reserving Land for Public Purposes	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 from acquisition.	The proposal seeks to reserve land for the establishment of drainage and road infrastructure. The identified area within Lot 304 will be rezoned to SP2 Infrastructure for drainage and local road. The rezoned land will also be included on Land Reservation Acquisition Map of Great Lakes LEP 2014. The proposal will enable the delivery of public infrastructure necessary for alleviating flooding of nearby residential lands, and providing road access to key urban release areas. The proposal is consistent with this direction.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Not relevant to this planning proposal.
METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	Not relevant to this planning proposal.

3.3 Section C – Environmental, social & economic impact

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?

The planning proposal seeks to rezone rural land to infrastructure. It also seeks to reduce minimum lot size for two (2) properties. Both properties are clear of vegetation and do not contain significant vegetation or high conservation value habitat, important threatened species and ecological communities. The planning proposal will have no significant impact on these habitats, and the ecological populations they support.

Council's Ecologist makes the following comments in relation to Lot 304 DP 1099114:

The land that is the subject of the Planning Proposal currently contains rank exotic grassland with some regenerating or modified swamp sclerophyll forest/ scrub elements. The land has been modified through clearing and grazing in the past, as well as by way of hydrological modifications (drainage). Council has accessed the Atlas of NSW Wildlife records of threatened flora and fauna species in the vicinity of the site of the planning proposal. There are a number of local records of threatened species. Within the subject land, there is a record of Black-necked Stork. This species is not considered a resident and may access the subject land on a transient basis for foraging purposes only. Near to the subject land, there are records of the Squirrel Glider, Little Bentwing-bat and Grey-headed Flying-fox. Further, the threatened plant, Lindernia alsinoides, has been recorded on land near to the site of the planning proposal.

The regenerating native vegetation in and near the site of the planning proposal is likely to be analogous with the listed endangered ecological community of Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest on Coastal Floodplains, but as mentioned, the representation of this community on the subject land would be considered "low condition" due to the effects of the previous land use and its regenerating state.

The proposal would not be expected to have a significant negative effect on threatened species or ecological communities. In fact, the proposal represents an opportunity to enhance the habitat resources of local threatened species. Species such as the Squirrel Glider, Little Bentwing-bat and Grey-headed Flying-fox would benefit from the conversion of rank grassland to swamp sclerophyll forest associated with the proposed work. Similarly, the proposal would recruit functional, resilient and natural swamp sclerophyll forest into currently highly modified areas and thus expand the area of endangered ecological communities in the locality. The project would boost ecological connectivity and the extent of core conservation areas in South Forster. Surveys and assessment within the proposal as well as ecological contributions to the design of the proposal would minimise impacts on Lindernia alsinoides and the habitat of the Black-necked Stork. As such, there are unlikely to be negative impacts but there would be many positive and beneficial outcomes of the proposed project to threatened biodiversity in this part of South Forster, within the context of the broader project outcomes.

The planning proposal will not result in any adverse impacts on critical habitats or threatened species.

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

The outcomes of the planning proposal will result in the construction of drainage and road infrastructure that will be designed to ensure an integrated approach to managing the volume and quality of water leaving the site is improved. Thus the proposal will assist in reducing the impacts of erosion, water quality and flooding in the South Forster area.

The drainage infrastructure required is likely to consist of additional detention ponds, under road culverts and open drainage channels. The location and design of the access road connecting Lot 2 DP 614397 to The Lakes Way will be determined following further investigation by Council. These construction works are expected to generate minor initial disturbances due to excavation or fill required within the immediate vicinity of the infrastructure sites. However all sites will be stabilised and rehabilitated soon after to ensure minimal impact to the surrounding environment. Prior to undertaking drainage or road construction works an Review of Environmental Factors (REF) will be prepared by Council to ensure all environmental implications of the proposed works are considered and any impacts mitigated.

An intended outcome of the proposal is the improvement to water quality discharging into Wallis Lake from the Dunns Creek catchment. The additional detention ponds will take the form of constructed wetlands, which will result in the restoration of cleared farmland to natural swamp areas. These wetlands will support important habitat and function as a natural water filter, removing stormwater pollutants and trapping sediment prior to entering Wallis Lake.

There will be no significant adverse environmental effects as a result of the planning proposal.

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

Economic

The planning proposal seeks to assist in the release of urban land through the establishment of a local road through Lot 304 DP 1099114 to Lot 2 DP 614397. The proposal will enable the development of residential land, which is currently in limited supply in Forster and Tuncurry. The release of this land has significant local economic benefits and will stimulate the local building industry. Furthermore the provision of new land released for urban development will facilitate growth in population and have ongoing flow on effects to the local economy.

The proposal will enable the provision of additional aged care housing through planning controls for the future subdivision of Lot 602 DP 1076070. The proposed change to minimum lot size of Lot 602 will enable the subdivision and future expansion of the adjoining aged care facility. The Forster Tuncurry area is a popular area for retirees and accommodation for the aging population is in high demand with limited places currently available. Aged care facilities provide important social and economic benefits to the local community, and the proposal will allow for the future expansion of an existing facility in South Forster.

Landowners within and upstream of the existing residential estate in South Forster (the Lakes Estate) are at risk from potential flooding. Potential damage to private property and public

infrastructure as a result of flooding bears significant economic costs to Council and the community. This proposal, by allowing Council to acquire the land, will assist in alleviating flooding through the establishment of drainage infrastructure, including additional stormwater detention basins. The proposal will reduce the risk of flooding and the economic implications associated with the clean up and repair of property and infrastructure following a flood event.

The improved water quality outcomes from the establishment of drainage infrastructure will have considerable economic benefits for the fishing, oyster and tourism industries. The income derived from these industries is directly linked with water quality. The proposed drainage infrastructure will slow the movement of stormwater, allowing pollutants to be filtered out prior to entering Wallis Lake. The proposal will enable the restoration of part of a degraded swamp forest habitat and facilitate improved water quality outcomes for the Dunns Creek catchment and Wallis Lake. Ensuring the protection and restoration of water quality of Wallis Lake is of significant economic importance to the local business industries, the community and Council.

Social

The planning proposal seeks to alleviate the potential for flooding on residential properties in the existing residential area, the Lakes Estate. The threat to damage of private property from localised flooding causes stress and worry to landowners within this estate. During periods of high rainfall homes have been impacted by floodwaters as the existing drainage channels and detention basin fail to cope with the volume of water entering the drainage system. Council is aware of the level of concern expressed by landowners in the South Forster area and the negative social implications for landowners.

The proposal will enable Council to undertake the necessary upgrade to the existing drainage infrastructure. This will provide landowners in South Forster, currently affected by the associate drainage issues, with improved drainage around their properties and greater protection from potential flooding.

In addition, the outcomes of the planning proposal will have recreational and aesthetic benefits associated with the expansion of the detention/wetland areas. The expanded wetlands will provide both environmental and recreational benefits, thus generating a positive social outcome for the local community. The expanded area may facilitate a range of recreational activities and enable the establishment of infrastructure such as pedestrian/cycle paths, as referred to the South Forster Structure Plan.

3.4 Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The planning proposal demonstrates the urgent need for upgrading and expanding the existing drainage infrastructure in the South Forster area. The current infrastructure is inadequate to manage the stormwater flows within the Dunns Creeks catchment. As a result, properties are at risk of flooding and water quality entering Wallis Lake from the catchment needs to be improved. The proposal seeks to establish the infrastructure necessary to alleviate issues associated with flooding and to ensure better treatment of urban stormwater.

The proposal also seeks to provide local road infrastructure for establishing practical access to an existing parcel of residential zoned land in South Forster. The land has remained undeveloped for some years due to difficulties obtaining suitable road access. The proposal will provide the planning provisions to allow for the establishment of a local road connecting Lot 2 DP 614397 with The Lakes Way.

No other public infrastructure will be affected by the proposal

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

No consultation has taken place with State and Commonwealth authorities prior to seeking a Gateway Determination.

PART 4 - MAPPING

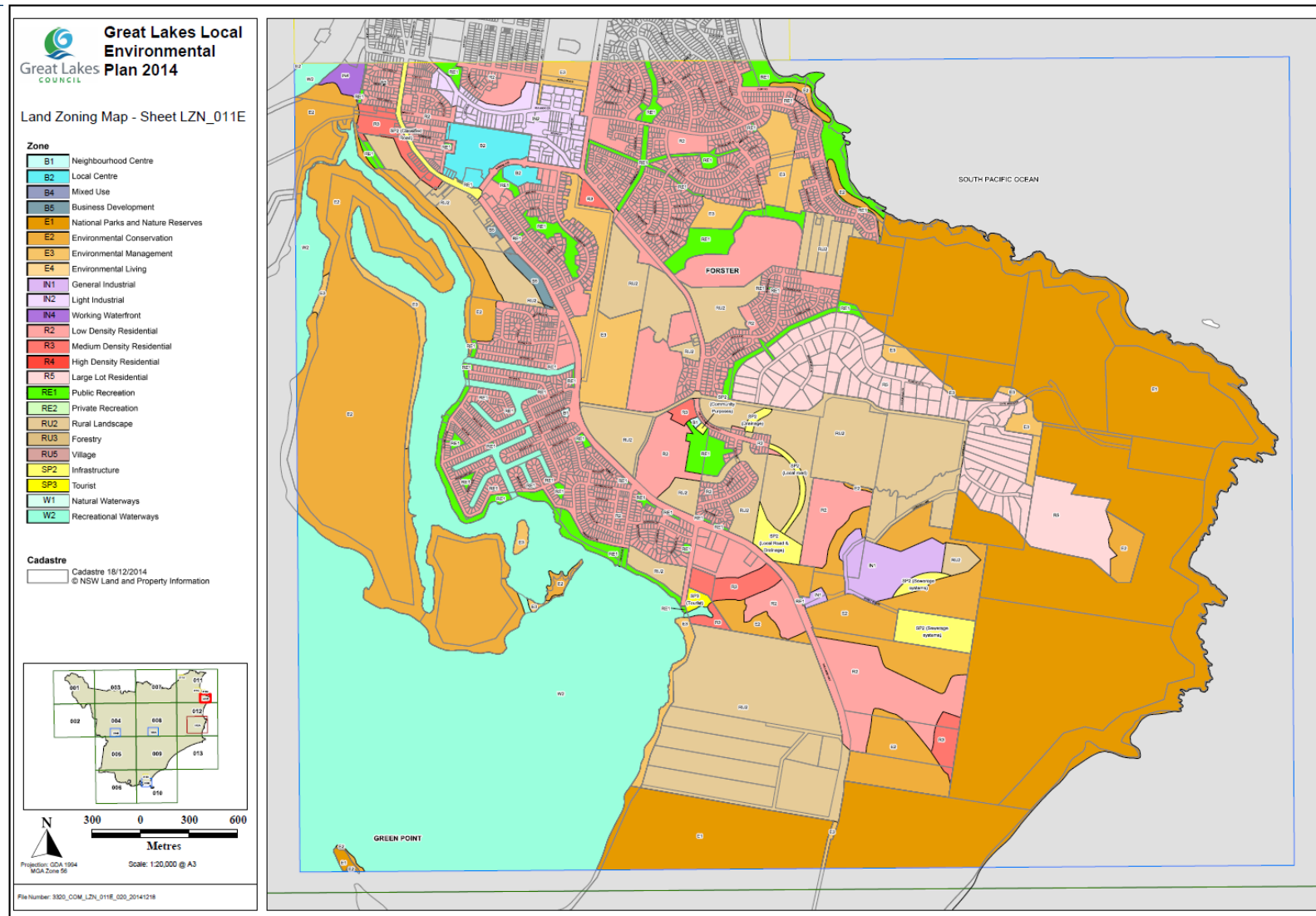


FIGURE 10 – PROPOSED ZONING MAP, LOT 304 DP 1099114

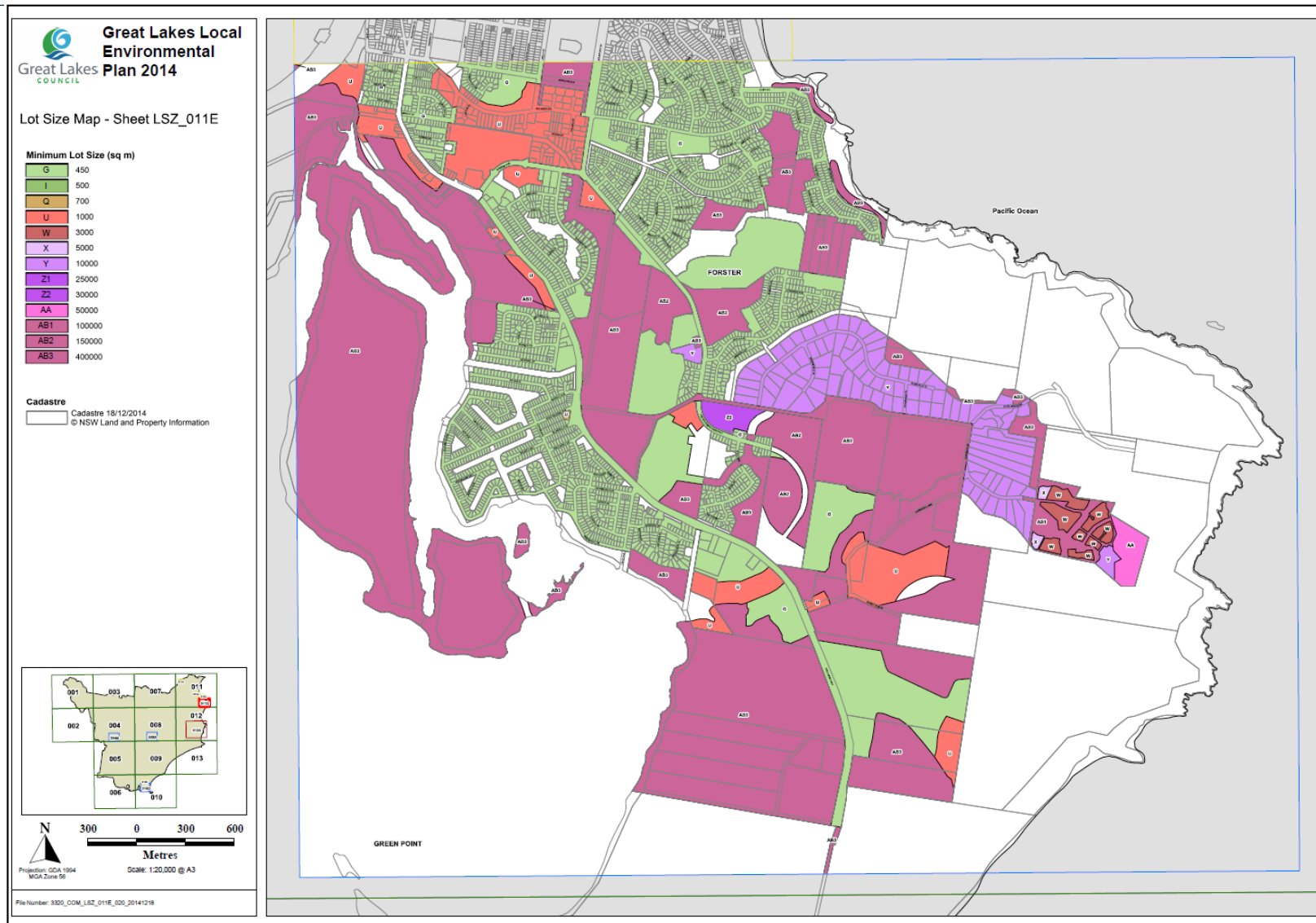


FIGURE 11 – PROPOSED LOT SIZE MAP, LOT 304 DP 109911 AND LOT 602 DP 1076070

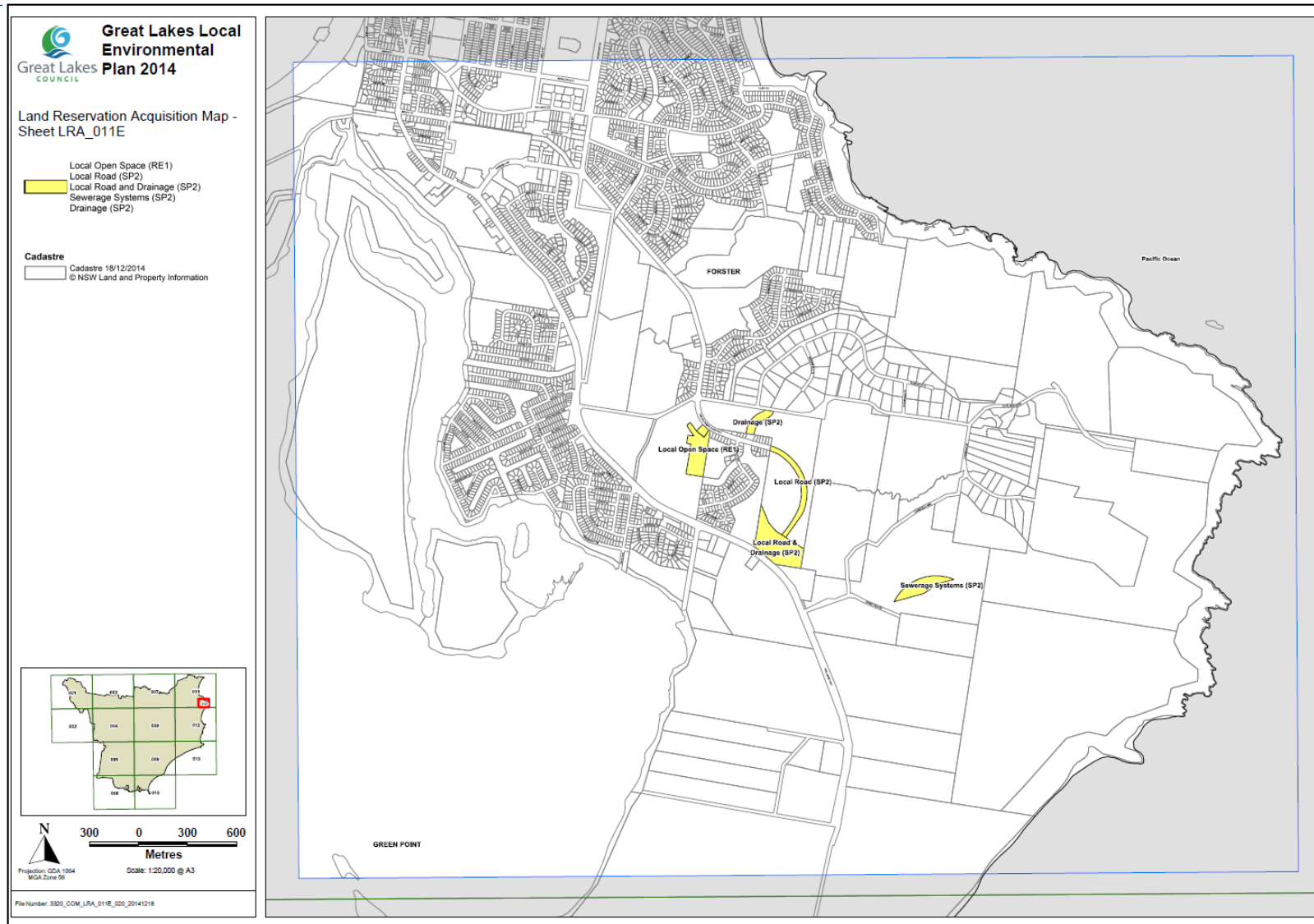


FIGURE 12 - PROPOSED LAND RESERVATION ACQUISITION MAP, LOT 304 DP 1099114

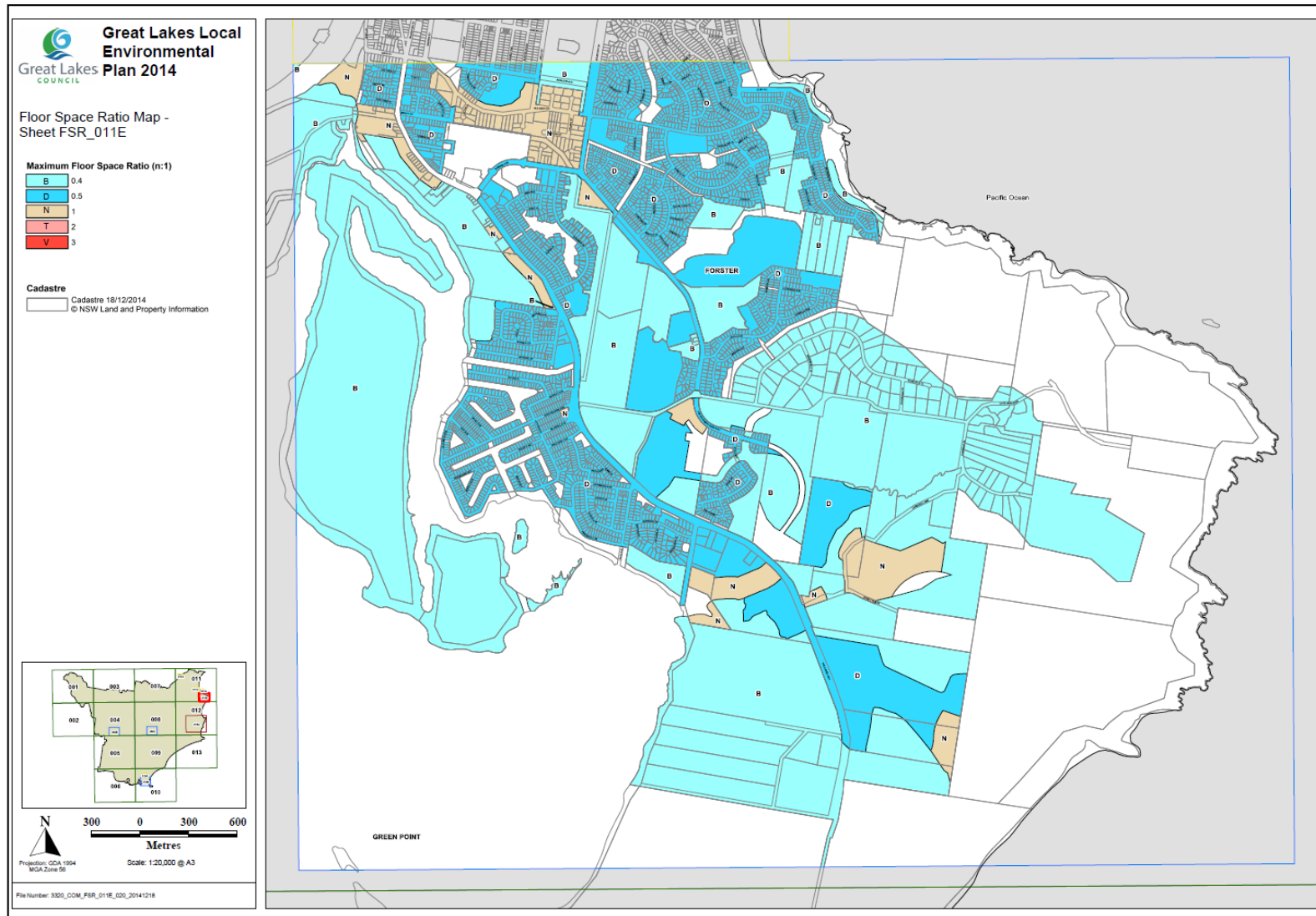


FIGURE 13 – PROPOSED AMENDMENT TO FLOOR SPACE RATIO SIZE MAP (Showing SP2 Zone), LOT 304 DP 1099114

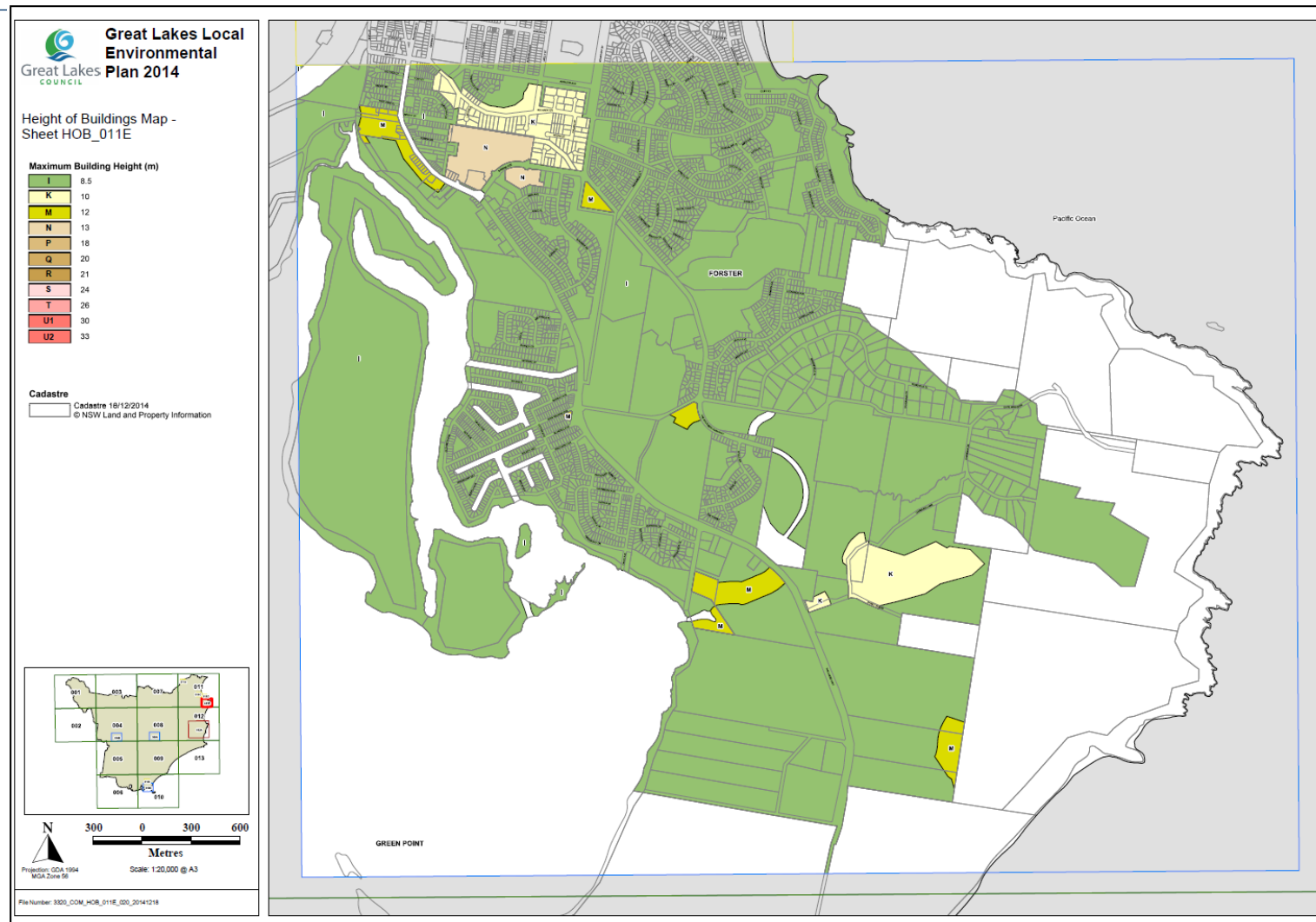


FIGURE 14 – PROPOSED AMENDMENT TO HEIGHT OF BUILDING MAP (Showing SP2 Zone), LOT 304 DP 1099114

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 publically available for a minimum of 28 days.

In accordance with Council's consultation protocols the following engagement will be undertaken:

- Notice in the local newspaper;
- Exhibition material and relevant consultant documents to be made available at Council's Administration Buildings;
- Consultation documents to be made available on Council's website; and
- Letters advising of the proposed amendments to LEP 2014 and how to submit comments will be sent to all landowners within the South Forster area and other stakeholders that Council deem relevant to this planning proposal.

Any additional requirements of the Gateway determination, in respect to Community Consultation, will be undertaken.

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
October 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.

APPENDICIES

APPENDIX I – DUNNS CREEK CATCHMENT PRELIMINARY WATER MANAGEMENT STRATEGY