

Great Lakes LEP 1996 (Amendment No 83) Boomerang Drive Pacific Palms

Proposal Title : **Great Lakes LEP 1996 (Amendment No 83) Boomerang Drive Pacific Palms**

Proposal Summary : **The subject proposal in effect has three components.**

- 1. To rezone approximately 2 ha of land currently progressing as part of draft Great Lakes LEP Amendment No 82 (previously known as Amendment No 13 where it is proposed to be zoned 7 (a1) Environmental Protection, to 5(a) Special Uses Caravan Park, to enable the future expansion of the caravan park to facilitate the dedication of approximately 60 ha of land to National Park;**
- 2. to zone approximately 15.8 ha of land on the western side of The Lakes Way from 7(a) Wetlands and Littoral Rainforest Zone to 7(a1) Environmental Protection; and**
- 3. to retain a small portion of the proposed 7(a1) land (approximately 1 ha) on the western side of The Lakes Way, containing an approved and commenced dwelling site, in private ownership.**

Draft LEP Amendment 82 is with the Department and it is anticipated that it will be made in the near future. The land that is the subject of this proposal was to be included as part of this Amendment. However at that time a change of ownership and failure to reach a suitable negotiated development / conservation agreement resulted in the land being rezoned to 7(a1) Environmental Protection, to reflect its demonstrated environmental value.

A Planning Agreement will be executed between Council, the landowner and the Minister for the Environment to ensure the conservation land is dedicated for environmental conservation purposes.

PP Number : **PP_2012_GLAKE_003_00** Dop File No : **1216542**

Proposal Details

Date Planning Proposal Received :	05-Nov-2012	LGA covered :	Great Lakes
Region :	Hunter	RPA :	Great Lakes Council
State Electorate :	MYALL LAKES	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Boomerang Drive		
Suburb :	Pacific Palms	City :	Forster
		Postcode :	2428
Land Parcel :	Lot 1 DP 653396, Lot 83 753168 and Lot 427 DP 861736		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :
If No, comment :

Have there been **No**
meetings or
communications with
registered lobbyists? :
If Yes, comment :

Supporting notes

Internal Supporting
Notes : **The conservation development outcome for the entire Pacific Palms area has been resolved in close consultation between Council the landowners and OEH over many years. This planning proposal should be supported because of the public benefit associated with the dedication of a significant area of high value conservation land.**

It is noted that the public exhibition of this planning proposal cannot occur until Great Lakes LEP Amendment 82 is made because this proposal intends to amend part of the zoning established by Amendment 82.

External Supporting
Notes : **The subject proposal will finalise Council's land use strategy for the Pacific Palms Study area.**

Adequacy Assessment

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

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

Comment : **The statement of objectives adequately explains the intent of the planning proposal to rezone a small area of land to enable the expansion of the Palms Oasis Caravan Park and the dedication of the land of highest ecological value to the national park estate.**

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

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

Comment : **The explanation of provisions indicates that the planning proposal is intended to be delivered through an amendment to Great Lakes LEP 1996.**

Council also notes that draft Great Lakes LEP 2012 has recently been prepared and publicly exhibited. Should LEP 2012 be made prior to this planning proposal then this proposal will be finalised as an amendment to LEP 2012 with zoning provisions consistent with those of LEP 2012. This is outlined within the planning proposal

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

2.2 Coastal Protection

3.2 Caravan Parks and Manufactured Home Estates

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

N/A

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

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

If No, explain : **Minor inconsistencies with s117 Direction 2.1 Environmental Protection Zones and 5.1 Regional Strategies are discussed under the Assessment tab of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intends to exhibit the proposal consistent with the Gateway requirement. A 14 day exhibition is recommended because of the relatively minor nature of the planning proposal and the lengthy exhibition that has previously been undertaken by council for**

Amendment 82.

Council has advised that notifications will be placed in the local newspaper and letters will be sent to potentially affected landowners. The planning proposal, proposed planning agreement and other relevant documents (environmental studies, reviews and reports) will be placed on exhibition at Council offices.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? No

If No, comment :

Council has provided maps which generally describe the the planning proposal. However, because this is a spot zoning amendment Council should be advised that draft zoning maps (consistent with the Department's technical mapping requirements) need to be prepared specific to the site proposal, prior to the proposal being placed on public exhibition.

The Draft zoning maps should be prepared for both an amendment to LEP 1996 and draft LEP 2012.

Copies of these maps should also be provided to the Regional Office prior to public exhibition.

Council should also be advised to give consideration to the need to amend the dLEP 2012 Lot Size Map for the small lot proposed to be retained in private ownership.

Proposal Assessment

Principal LEP:

Due Date : March 2013

Comments in relation to Principal LEP :

Draft Great Lakes LEP 2012 was recently exhibited by Council. Council is currently considering submissions and briefing the new Council on the draft LEP provisions.

Assessment Criteria

Need for planning proposal :

The proposal will finalise Council's land use strategy for the Pacific Palms Study area. It will result in the protection of high value conservation land in perpetuity. The expansion of the existing caravan park will provide additional tourist accommodation and affordable housing opportunities consistent with the Forster/Tuncurry Housing Strategy.

Consistency with strategic planning framework :

State Environmental Planning Policies

The proposal is consistent with relevant State Environmental Planning Policies.

Local Strategy

The subject proposal will finalise Council's land use strategy for the Pacific Palms Study area. The Regional office has reviewed this strategy and the proposal is generally consistent with it. Council is waiting for the new planning legislation to be finalised before undertaking further strategic planning for formal endorsement by the Director General.

Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy does not support new greenfield development in the Coastal Area outside identified urban release areas. The site proposed for caravan park expansion is not identified as part of an urban release area in the Mid North Coast Regional Strategy.

The proposal does however accord with the Strategy's key action for "local environmental plans to protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal and corridor value for environmental protection."

S117 Directions

The proposal is technically inconsistent with s117 Direction 5.1 Implementation of Regional Strategies. The inconsistency is considered justified because it is of minor significance and the planning proposal achieves the overall intent of the Regional Strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

The proposal will result in a small reduction in land zoned for environmental conservation purposes. It is therefore technically inconsistent with s117 Direction 2.1 Environmental Protection Zones. This inconsistency is considered justified because is of a minor nature and supported by an LES and the independent review of the ecological studies undertaken for Pacific Palms. The proposed conservation / development outcome has been resolved in close consultation with OEH.

Environmental social economic impacts :

As noted the planning proposal will provide for the protection of high value conservation lands and the provision of additional low cost tourist accommodation and affordable housing opportunities. It is considered that the proposal will on balance have positive environmental, social and economic impacts and that there is an overall public benefit in it proceeding.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

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

Public Authority Consultation - 56(2)(d)

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

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

If no, provide reasons :

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Resubmission - s56(2)(b) :

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Attach 3 Planning Proposal Lot 1 DP 653396 Lot 83 DP 753168 Lot 427 DP 831736 Boomerang Drive Pacific Palms October 2012.pdf	Proposal	Yes
Attach 1 and 2 Council Report and Resolution Planning Proposal Boomerang Drive Pacific Palms.pdf	Proposal	Yes
Pacific Palms DRS Report_FINAL_March 08 Additional info.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage :

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 3.2 Caravan Parks and Manufactured Home Estates
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.2 Reserving Land for Public Purposes

Additional Information : **The Planning Proposal should proceed with conditions:**

1. Council be advised that the Planning Proposal should not proceed to public exhibition until draft LEP Amendment 82 (previously known as draft Amendment 13) is made by the Minister's delegate.

2. Council be advised that draft zoning maps (consistent with the Department's technical mapping requirements) need to be prepared specific to the proposed site rezoning, prior to the proposal being placed on public exhibition. Zoning map sets should be prepared for amendments to both LEP 1996 and draft LEP 2012. Copies of these maps should also be provided to the Regional Office prior to public exhibition.

3. Council be advised to give consideration to the need to amend the dLEP 2012 Lot Size Map for the small lot proposed to be retained in private ownership.

4. The planning proposal should be finalised as an LEP within 12 months. A 12 month time-frame is recommended because of the need to resolve a planning agreement between Council, the landowner and the Office of Environment and Heritage (OEH), for the dedication of ecological conservation lands.

5. Community consultation should be undertaken for a 14 day exhibition period. Consultation with relevant state authorities should take place concurrently. In particular close consultation should be undertaken with OEH and RFS. Mid Coast Water should also be consulted.

6. A Planning Agreement should be executed between Council, the landowner and the Minister for the Environment, prior to the draft LEP being submitted to the Department for making, to ensure the conservation land will be dedicated for environmental conservation purposes.

7. The Director General's delegate should approve the minor inconsistency with s117 Directions 2.1 Environment Protection Zones and 5.1 Implementation of Regional Strategies.

Supporting Reasons : The proposal is consistent with the strategic framework and will facilitate the provision of additional tourist and affordable housing opportunities in the Pacific Palms area and ensure the protection of a significant area of high value environmental conservation land in perpetuity.

Signature:



Printed Name:

KOFLAHERTY

Date:

20-11-12