

**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 : **12/16541**

**Planning Team Recommendation**

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

- 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.

#### **Panel Recommendation**

Recommendation Date : **29-Nov-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. It is noted that the draft Great Lakes LEP 2012 is at an advanced stage. To ensure the planning proposal can proceed, Council should include the proposed draft LEP as an amendment to Council's Standard Instrument LEP in addition to the Great Lakes LEP 1996. Council is to amend the 'explanation of provisions' section of the planning proposal prior to the commencement of public exhibition.

2. Prior to commencing public exhibition, Council is to amend the planning proposal to include a map at an appropriate scale that shows the proposed zones to achieve Council's intended outcomes for the subject site under both the Great Lakes LEP 1996 and draft Great Lakes LEP 2012. A copy of these maps is to be forwarded to the regional team.

3. Council is to give consideration to the need to amend the draft Great Lakes LEP 2012 Lot Size Map for the small lot proposed to be retained in private ownership.

4. Prior to commencing public exhibition, Council is to Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 days; and  
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

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

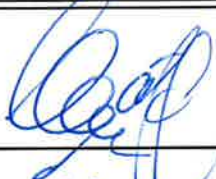
- Office of Environment and Heritage
- NSW Rural Fire Service
- Mid Coast Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature: \_\_\_\_\_



Printed Name: \_\_\_\_\_

Neil McCaffin

Date: \_\_\_\_\_

4.12.12