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PREPARATION, REVIEW AND AUTHORISATION

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The General Manager,
Great Lakes Council
Breese Parade, Forster

December 2007

Dear Sir,

**RE: PACIFIC PALMS – REPORT ON THE PACIFIC PALMS DISPUTE
RESOLUTION SESSION**

This report considers the submission documents provided by relevant parties for the Pacific Palms Study Area in response to matters raised at the Dispute Resolution Session on the 6-7 December 2007 to finalise Amendment No. 13 of the Pacific Palms LEP. This report also considers and addresses concerns raised by these parties and considers specific environmental constraints and opportunities having regard to landowner expectations for certain land areas in dispute.

The SMEC Independent Review of Ecological Values (SMEC, 2006a) found that the Pacific Palms Study Area has substantial areas of conservation significance warranting protection including habitat for 15 threatened fauna species, Endangered Ecological Communities, State Environment Planning Policy (SEPP) 26 Littoral Rainforest, SEPP 14 Wetland, Koala Habitat and Regional Wildlife Corridor values. That SMEC report concluded that there is substantial support from a range of ecological surveys, assessments and reports completed for the study area to indicate these high conservation areas, worthy of protection.

The purpose of this present report is to summarise each submission, consider its merits, and provide recommendations to Council as to the potential ecological impacts likely to result from suggested development scenarios. The approach taken with the Dispute Resolution Session is that recognition of environmental constraints is balanced with landowner expectations to arrive at appropriate outcomes. This includes Local Planning Scheme provisions and management processes or controls that are reasonable and justified and enable landowner opportunities or expectations to at least be partially accommodated within a conservation agreement framework.

We are appreciative of the conduct and helpful approach adopted by landowners as well as technical consultants and Council staff in this difficult task. We present this independent report, including recommendations, for Council, who will determine the matters in finalising Amendment 13 of the Pacific Palms LEP.

Yours Sincerely,



Mark Carleton
Principal Planner, acting for SMEC Australia Pty Ltd

Table of Contents

1	Introduction.....	1
2	Consideration of Submissions - Presented at Dispute Resolution Session.....	2
3	Discussion of Issues	19
3.1	Wildlife Corridor Functionality	19
3.2	Endangered Ecological Communities.....	21
3.3	Management/ Treatment of Zoning Boundaries	24
3.4	On-going Environmental Management of Offset Areas.....	24
3.5	Biodiversity Offsetting Arrangements	25
3.6	Modification to Draft LEP	27
4	Consideration of Areas Subject to Dispute Resolution	31
4.1	Halpin & Wilson - Lot 16 DP 793710 (Boomerang Drive)	31
4.2	Rowntree - Lot 10 DP 633645 (Boomerang Drive)	32
4.3	Wiltshire - Lot 114 DP 1103145 (Boomerang Drive)	33
4.4	Begg & Sweeny - Lot B DP 363483 (Boomerang Drive).....	35
4.5	Larget Pty Ltd - Lot 6 DP 811686 (Red Gum Road)	36
4.6	Wilmar Enterprises Pty Ltd - Lot 23 DP 537919 (Boomerang Drive)	37
4.7	Palms Oasis Pty Ltd - Lot 1 DP 862876 (Boomerang Drive)	38
4.8	Calmjoy Pty Ltd - Lot 41 & 42 DP 1070195 (Boomerang Drive)	39
4.9	Paspaley Nominees Pty Ltd - Pt Lot A DP 418473 & Lot 164 DP 753168 (The Lakes Way).....	40
4.10	Webster - Lot 19 DP 710308 (Hillside Parade)	41
4.11	Kerr - Lot 191 DP 226108 (Headland Road)	43
4.12	Wansey - Lot 1 DP 811686 (Red Gum Road).....	44
4.13	Pacific Palms Caravan Park Pty Ltd - Lot 1 DP 100661 (Boomerang Drive).....	45
4.14	Newbold - Lot 427 DP 861736 (Boomerang Drive).....	46
4.15	Drevikovsky - Lot B DP 363483 (The Lakes Way)	47
5	Conclusions	48
6	<u>References</u>	48
APPENDIX A :	Consideration of Additional Submissions	51
APPENDIX B :	Table of Contents for Wildlife Corridor DCP	60

1 Introduction

Pacific Palms is an area comprising approximately 415 hectares within the Great Lakes Council Local Government Area (LGA), incorporating three small village areas: Elizabeth Beach, Boomerang Beach and Blueys Beach. The study area is largely undisturbed native bushland fringed by low-density residential dwellings and a few commercial businesses. The study area is bound by Booti Booti National Park to the north, the Pacific Ocean to the east, undeveloped and undisturbed native bushland to the south, and Wallis Lake to the west.

While fringing parts of the study area have previously been developed for residential dwellings and tourism based commercial businesses, the central part of the study area supports coastal wetlands, Endangered Ecological Communities (EECs), and other regionally significant vegetation communities that provide wildlife corridors and habitat for threatened species, including the Koala. Moreover, these communities and habitats provide an important link to Booti Booti National Park to the north and adjoining important sensitive environments and habitat areas to the south.

The study area has been subject to much attention and controversy as a result of the proposed re-zoning of areas under the new LEP and due to recent development applications. These activities have involved the preparation of numerous ecological studies, the results and conclusions of which have often conflicted. There are a number of stakeholders identified for the study area including landowners and their representatives, government agencies, interest groups and the Great Lakes Council.

Council wants to resolve the conflicts prior to finalising the new LEP so that the most appropriate zoning can be implemented for the area, in order to maximise urban yield whilst ensuring the conservation of significant ecological values. For this purpose, Council previously commissioned Snowy Mountains Engineering Corporation Australia (SMEC) to undertake a detailed, independent review of all previous ecological studies and reports, in order to resolve ecological and planning issues associated with the Pacific Palms study area. Subsequent to the findings of this review, an amendment to the existing Great Lakes Local Environment Plan (known as LEP Amendment No. 13) was prepared and publicly exhibited, as part of the formal process of finalisation. In order to ensure that all landowners would have the opportunity to present specific information for their lots, a Dispute Resolution Session (DRS) was undertaken, and facilitated by SMEC, with the aim of addressing conflicting landowner issues.

As part of the previous reporting undertaken by SMEC, ecological constraints identification and mapping was undertaken on the basis of past information collected for the study area, and the ecological features of relevance to each landholding has been referred to in this document. Moreover, the findings of the Independent Peer Review, detailing the ecological constraints across the Pacific Palms study area, were presented at the commencement of the DRS. The session was on the 6th and 7th December 2007, at Great Lakes Council Chambers, with presentations heard from 15 parties on the first day, and the second day devoted to small group or one-on-one sessions with landholders.

This submission report aims to:

- Consider each submission received against the LEP Amendment;
- Assess the technical content and accuracy of the points made in each submission;
- Establish an independent position on each submission, and specifically on the ecological issues raised; and
- Provide recommendations for each specific submission in relation to any additional work required and future ecological management of the study area.

2 Consideration of Submissions - Presented at Dispute Resolution Session

Each submission presented during the Dispute Resolution Session has been reviewed and considered in the following table. Table 1 considers each submission in an independent manner, with reflection on accepted scientific standards and best-practice techniques. It critiques the information underpinning each document to determine its adequacy. In addition, a number of additional submissions were received in response to the exhibition of the Draft Local Environment Plan (DLEP), but were not subject to the DRS process. Those submissions which were received in response to the DLEP, but not subject to presentation during the Dispute Resolution Session, have also been reviewed and considered, and are contained as Appendix A.

TABLE 1. REVIEW OF SUBMISSIONS RECEIVED DURING DISPUTE RESOLUTION SESSION

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
1	(Halpin & Wilson Pty Ltd) Blueys Beach Doctors Surgery	Lot 16 DP793710 (Boomerang Drive)	- The rezoning plans developed for the Pacific Palms (PP) DLEP will threaten the future viability of the soon to be 'only' medical practice in PP. - disputes value of wildlife corridor function across lot, believed to be unsupported by biological fact. - also raises the issue of bushfire protection, believed hazard reduction requirements are incompatible with 7(a1) zoning. - also requests correction to wording of LEP with respect to 7(c) zoning over adjacent Lot 23 DP537919, which essentially would allow for subdivision and dwellings within each lot created, rather than limited dwellings over overall lot.	DLEP rezones existing medical practice from 3 (business) to 2(b) medium density residential, preventing future redevelopment. A portion of the lot was also proposed to be rezoned as 7(a1) Environmental Protection, with the incentive that the lots could be consolidated and taken to be within a 2(a) zoning if a viable wildlife corridor area were provided. High conservation rating of lot results from potential wildlife corridor value across the eastern part of Boomerang Drive.	For the part of this submission raising the issue of economic viability of the medical practice and the ability to redevelop into the future, SMEC would defer to council for comment. With respect to the potential functionality of the wildlife corridor over the lot, SMEC identified this area, on the basis of desktop information, as potentially acting as a degraded corridor through the eastern part of the study area and across Boomerang Drive. The initial strategy was to facilitate wildlife corridor function with the 7(a1) zoning, and allowing for further medium density development as an offset/ incentive through a 2(b) zoning. However, it is clear that this solution may not be acceptable to the community, and a new strategy is therefore proposed. On the basis of the Dispute Resolution Session, it is recommended that the relevant landholding be rezoned as shown in Section 4.1, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
2 (Coastplan Consulting Pty Ltd)	B & C Rowntree	Lot 10 DP633645 (Boomerang Drive)	- Clearing for Asset Protection Zone (APZ's) for current dwelling will require clearing of the entire site, which has been identified as a key threatening process by EcoPro and SMEC. - Offers options to protect 'High Conservation' value areas of the site. These include: rezoning site to 2(b) Medium density residential with Development Control Plan (DCP) over HCV areas of the site, rezoning HCV as 7(a) Environmental protection and front half of site 2(b) Residential, and creating an enabling clause to allow protection over the front half of the land while protecting ecological values of rear half.	High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Yellow-bellied Glider; - Squirrel Glider; - Spotted-tailed Quoll; - Koala; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Eastern Bent-wing Bat; - Little Bent-wing Bat; and - Osprey. - Wildlife corridor value for the above species. - SMEC originally recommended that vegetation within this area be clarified, and that further ground-truthing be undertaken. - argument put forward by submission as to maintaining an APZ is accepted. - SMEC have concern about the loss of wildlife corridor functionality that may result from further development as per submission.	Plan for a number of lots approximately 1500 - 2000m² in size. Submission calls for 2(a) Low Density Residential zoning to facilitate development within the front part of the lot, facing Boomerang Drive, with the remainder of the lot to be zoned as 7(a1) Environmental Protection With respect to the potential functionality of the wildlife corridor over the lot, SMEC identified this area, on the basis of desktop information, as potentially acting as a degraded corridor through the eastern part of the study area and across Boomerang Drive. It is recommended that the relevant landholding be rezoned as shown in Section 4.2, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality. It is also recommended that provisions be made to formalise some sort of conservation agreement for the area of the site to be zoned 7(a1).

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
3 (Mr R J Wiltshire)	Mrs J C Hughes	Lot 114 DP 1103145 (Boomerang Drive)	- Object to reported slope measurements in past RFS report (slope threshold and vegetation mapping). Shows flat spurline area as being part of public reserve, which submission claims to be known by DoP. It is uncertain whether the area has been formally gazetted as a public reserve area or not. - Dispute high conservation rating, believed to result from presence of <i>Eucalyptus fergusonii</i> trees (24) and Koala. Claims neither species occur on the property nor do the 11 trees with evidence of Koala activity (Koala Quadrat #9). - Requests that 'full council' review this decision.	High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Yellow-bellied Glider; - Squirrel Glider; - Spotted-tailed Quoll; - Koala; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Eastern Bent-wing Bat; - Little Bent-wing Bat; and - Osprey. - Wildlife corridor value for the above species Severe bushfire risk exists across property in varying degrees, with the majority areas of the lot having a slope of greater than 18. It was also originally recommended by SMEC that ground-truthing be undertaken to clarify the vegetation on this lot.	A potential development scenario was presented at the DRS, with plans for subdivision of the entire landholding to yield approximately 28 large lots, as well as some reserve areas. The development scenario presented is considered to be in excess of what the site could sustainably support, and is unlikely to achieve an "improve or maintain" outcome under the relevant environmental legislation. In addition, it is noted that no provision for bushfire protection measures are evident within the proposed development scenario, and that the areas required for asset protection would be significant. However, it is considered that some degraded parts of the site closer to Boomerang Drive may be able to support some limited residential development, subject to stringent environmental control. It is recommended that the relevant landholding be rezoned as shown in Section 4.3, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality. It is also recommended that provisions be made to formalise some sort of conservation agreement for the area of the site to be zoned 7(a1).

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
4 (Mr A Begg & Ms C Sweeney)	Mr A Begg & Ms C Sweeney	Lot B DP363483 (Boomerang Drive)	- Submission provides some background to zoning over lot, and changes to this zoning with each version of the DLEP. - The rezoning plans developed for the Pacific Palms (PP) DLEP will threaten the future viability of the soon to be 'only' medical practice in PP. - disputes value of wildlife corridor function across lot, believed to be unsupported by biological fact. - considers landholding to be within Stage 1 of the LEP, due to past acceptance of zoning. - also raises the issue of need for 2(b) medium density residential zoning, claims such zoning will impact on existing character of area. - questions the LEP wording defining 7(c) Scenic Protection zoning.	DLEP rezones existing medical practice from 3 (business) to 2(b) low density residential, preventing future redevelopment. Also a portion of the lot has been rezoned as 7(a1) environmental protection. High conservation rating of lot results from potential wildlife corridor value across the eastern part of Boomerang Drive.	For that part of this submission which raises the issue of economic viability of the medical practice and the ability to redevelop in the future, SMEC would defer to Council for comment on this submission. With respect to the potential functionality of the wildlife corridor over the lot, SMEC identified this area, on the basis of desktop information, as potentially acting as a degraded corridor through the eastern part of the study area and across Boomerang Drive. The initial strategy (as pursued for the LEP) was to facilitate wildlife corridor function with the 7(a1) zoning, and allowing for further medium density development as an offset through a 2(b) zoning. However, it is clear that this solution may not be acceptable to the community, and a new strategy is therefore proposed. On the basis of the Dispute Resolution Session, it is recommended that the relevant landholding be rezoned as shown in Section 4.4, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality. Further recommendations as to the wording of the LEP definition of 7(c) zoning are detailed in Section 3.6.1.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
5	(Lidbury, Summers & Whiteman Pty Ltd)	Target Pty Ltd (John Dawson)	Lot 6 DP811686 (Red Gum Road)	High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Squirrel Glider; - Koala; - Eastern Chestnut Mouse; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Little Bent-wing Bat; - Osprey; and - Glossy Black-Cockatoo. - The presence of Endangered Ecological Community occurring on site - Swamp Sclerophyll Forest on Coastal Floodplains. - Wildlife corridor value for the above species. - Proximity to a SEPP 14 Wetland Area - Survey undertaken for submission recorded Grey-headed Flying-fox and Squirrel Glider. - Ecological assessment records additional threatened species for area, the Masked Owl.	Further ecological survey was presented confirming the boundary of the EEC on site (Swamp Sclerophyll Forest on Coast Floodplains), and justifying the preferential conservation of the lot area to the west. Proposed development scenario specifies a preference for community title development, with further ecological flexibility for location of dwellings, provision for on-going environmental control with the development of a management plan, and ensuring a custodian for the lot is living on site. Given historical records on the site of the Eastern Chestnut Mouse and Wallum Froglet, it is suggested that targeted survey for these species should be undertaken prior to any development occurring. SMEC essentially support the proposed development scenario on the grounds that some sort of formal agreement is made as to the conservation status and on-going management responsibilities (and associated costs) of the lot are to be conserved, to the west. On the basis of the Dispute Resolution Session, it is recommended that the relevant landholding be rezoned as shown in Section 4.5, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
6	(Robert Moore & Associates) Wilmar Enterprises Pty Ltd	Lot 23 DP537919 (Boomerang Drive)	- Requests that Council considers and adopts the proposed amendments to the DLEP. The proposed amendments include: adjustments to the 2(a)/ 7(c) zoning boundaries on the property to enable the eastern side of the property to be used for low density residential development and improvements to existing (stormwater) drainage systems in the general vicinity. - Robert Moore and Associates have suggested that by implementing the rezoning of the property in question and therefore providing for the establishment of a detention basin that the surcharge downstream from existing catchment would be ameliorated. The rezoning would still enable a public reserve to be established. - Robert Moore and Associates are planning to provide the following reports/actions, in order to justify/ clarify there submission: A more detailed stormwater strategy; place 6 stakes on site and provide terrain slopes at stake locations; obtain a bushfire report looking at APZ's; and provide more on the scenic issues. These actions are still in the process of being completed. - Requests the relocation of the 7(c) boundary to facilitate 'efficient' development. - In addition it is noted that Robert Moore and Associates have requested that a copy of Rosemary Baggs submission be provided to them so that the stormwater issues relating to Ampat Place can be investigated further.	Submission and associated development aims to address on-going drainage problems to the south (i.e. Ampat Place), with a number of suggested options including provision of rainwater tanks, or on-site detention basins. Submission recommends to facilitate the proposed development via a specific DCP for the area. High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Yellow-bellied Glider; - Squirrel Glider; - Spotted-tailed Quoll; - Koala; - Long-nosed Potoroo; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Eastern Bent-wing Bat; - Little Bent-wing Bat; and - Osprey. - The presence of Endangered Ecological Community within the lot - Littoral Rainforest, which is also protected under SEPP 26. - Wildlife corridor value for the above species.	No change to the boundary of the 7(a1) zoned area is requested in the submission, although the outcomes of the DRS process will see the re-zoning of a narrow strip of this lot to the north -west zoned as 7(a1) to ensure protection of the wildlife corridor across Boomerang Drive. There is also an extension of the area zoned as 7(a1) to the west of Ampat Place, to ensure the protection of the drainage line vegetated with rainforest, as highlighted by the landowner. However, this submission requests the relocation of the zoning boundary between the 7(c) and 2(a) parts of the lot, towards the east. Discussion at the DRS, indicated that the original zoning boundary was likely to be based on slope, and lot visibility from areas to the east. However, it was agreed that the existing 'scenic values' of this part of the lot perhaps do not warrant protection, given the area is currently cleared and disturbed. In addition, it is appreciated that this works within this lot have the potential to alleviate significant flooding issues resulting from run-off to the immediate east of the site. It is felt that the suggested stormwater drainage provisions would have merit and potentially result in positive environmental outcomes. SMEC essentially support the proposed re-zoning scenario on the grounds that normal development controls apply to ensure actual and perceived scenic values on the site are protected. In addition, it is expected that some sort of formal agreement is made as to the conservation status and on-going management responsibilities (and associated costs) of the lot are to be conserved, to the west. On the basis of the Dispute Resolution Session, it is recommended that the relevant landholding be rezoned as shown in Section 4.6, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality, with specific consideration of the narrow strip of land to the north-west of this lot.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
7 (Coastplan Consulting Pty Ltd)	Palms Oasis Pty Ltd	Lot 1 DP862876 (Boomerang Drive)	- Requests that Council amends proposed 5 (a)/ 7(a1) boundaries in the DLEP in regards to the specified property to provide for development of 25 site extension to the existing caravan park. - Conacher Travers reviewed the LES and determined that the suggested 5 (a)/ 7(a1) boundaries in DLEP are not founded. It is stated that the LES requests that a 200m wide wildlife corridor be established over the western end of the land whilst the DLEP attempts to create a 300m wide corridor, without detail as to how the currently cleared land would be planted or managed to establish a wider ecological corridor. - Conacher Travers suggests that only 100m corridor will be necessary. At present an 80- 100m span of Paperbark swamp forest occurs on the western end of the land. If the suggested 300m corridor is established then the proposed development to expand the caravan park would be limited. - Suggests that by amending the 7(a1) boundaries to the 200m of the western end of the land, the proposed development could be achieved and potential funds could be generated to provide for planting and environmental management of area that is currently cleared but that could be managed to establish a wider corridor. - Also suggested that the expansion of the park is essential in providing affordable housing to the local community. Reference is made to the Draft Forster Tuncurry Strategy 2005 which recognises that long term sites in caravan parks are an important component of affordable housing.	High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Squirrel Glider; - Koala; - Eastern Chestnut Mouse; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Little Bent-wing Bat; - Osprey; and - Glossy Black-Cockatoo. - The presence of Endangered Ecological Community within the lot - Swamp Sclerophyll Forest on Coastal Floodplains. - Wildlife corridor value for the above species. - The issue of enhancement of the existing wildlife corridor is perhaps the most pertinent issue relating to this lot, as the proposal provides a mechanism to fund any enhancement in return for some development.	With respect to the potential functionality of the wildlife corridor over the lot, SMEC identified this area, on the basis of desktop information, as potentially acting as a degraded corridor through the western part of the study area and across Boomerang Drive. However, discussion at the DRS acknowledged and highlighted the current disturbed nature of part of the area originally zoned as 7(a1), highlighting the need for restoration of the vegetation for this area to function as an effective wildlife corridor. The submission requests the relocation of the zoning boundary between the 7(a1) and 5(a) parts of the lot, to be moved further towards the west. The submission provides justification for the reduction of the wildlife corridor width, and proposes enhancement of the remainder corridor area. SMEC essentially support the proposed development scenario on the grounds that a formal agreement is formulated with Council as to the conservation status and on-going management responsibilities (and associated costs) of the wildlife corridor area to be conserved, to the west of the lot. On the basis of the Dispute Resolution Session, it is recommended that the relevant landholding be rezoned as shown in Section 4.7, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
8 (Calmjoy Pty Ltd)	Calmjoy Pty Ltd	Lots 41 & 42 DP1070195 (Boomerang Drive)	- Letter submission refers to previous submissions. - Requests involvement in dispute resolution sessions - Refers to SIS and ecological findings across relevant landholdings, but information has not been supplied.	High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Squirrel Glider; - Koala; - Eastern Chestnut Mouse; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Little Bent-wing Bat; - Osprey; and - Glossy Black-Cockatoo. - The presence of Endangered Ecological Community within the lot - Swamp Sclerophyll Forest on Coastal Floodplains. - Wildlife corridor value for the above species. The issue of enhancement of the existing wildlife corridor is perhaps the most pertinent issue relating to this lot, as the proposal provides a mechanism to fund any enhancement in return for some development	A recent Land & Environment Court Judgment is noted for this land-holding, approving an extensive eco-tourism development. The Court approved interim zoning within the area of proposed development would be 'Ecotourism', with the development restricted to the Court approved concept plans, and subject to the fulfilment of a range of conditions supplied with the Court judgment. At the Dispute Resolution Session, the landowner requested for the court approved development area to be subject to permanent zoning of 2(a) Low Density Residential rather than the expected zoning of 5(a) Special Uses - Ecotourism. It was argued that such re-zoning would have significant social and economic benefits to the area. Similarly, the submission argues that re-zoning would potentially reduce the ecological footprint of the development as areas requiring bushfire hazard reduction would be minimised. SMEC recognises that the proposed rezoning, as presented during the DRS, may provide potential benefits as argued by the landowner. However, it is noted that the range of land uses permitted under the two zonings differ significantly. In addition, there remains some degree of uncertainty as to the longer-term implications of allowing a 2(a) zoning rather than 5(a) zoning, specifically the potential for further subdivision and increased density development. It is recognised that at the current time, there are no mechanisms likely to be endorsed by the NSW Department of Planning (and therefore allowable under the NSW Environmental Planning and Assessment Act 1979) whereby further detail can be ascribed to development on the portion of land in question. Therefore, it would be difficult for greater certainty to be attributed to the portion of the land in question at this time to ensure future development can be controlled according to the Court approved conditions.

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					Moreover, it is critical to note that SMEC has not thoroughly canvassed or explored all constraints and opportunities for this property, due to the portion being subject to a Land and Environment Court judgment which has effectively determined future zoning and development. Given that the Court judgement was complex and involved the negotiation and input of a number of ecological parties, including a court appointed expert, SMEC do not believe it would be appropriate to effectively override this judgement without a similar level of investigation and consideration of issues. The issue raised during the DRS by the landowner is felt to be for Council consideration at best, and may be more appropriately addressed closer to the development application stage. It is suggested that a detailed discussion paper may be appropriate considering the issues in detail. This paper could include consideration of the development footprint, wildlife corridor functionality, environmental management plans and opportunities for formal conservation agreements on the basis of development certainty into the future.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
9 (NTJ Paspaley Nominees Pty Ltd)	NTJ Paspaley Nominees Pty Ltd	Pt Lot A DP418473 & Lot 164 DP753168 (The Lakes Way)	Paspaley assert that their original submission made on behalf of the property owner, dated the 23rd May 2005 was not specifically addressed. As such they are re-submitting the original submission to have their objections re-addressed.	Original submission dated May 2005 does not present actual reasons for opposing 7(a1) zoning, other than to state a belief that the existing 1(c) zoning adequately allows for orderly and controlled development. High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Yellow-bellied Glider; - Squirrel Glider; - Spotted-tailed Quoll; - Koala; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Eastern Bent-wing Bat; - Little Bent-wing Bat; and - Osprey. - Wildlife corridor value for the above species. The issue of enhancement of the existing wildlife corridor is perhaps the most pertinent issue relating to the southern-most lot, as the proposal provides a mechanism to fund any enhancement in return for some development	Ecological features of significant value have been reported to occur on both the relevant landholdings, leading to the zoning of 7(a1) - Environmental Protection. It is considered that these ecological features are of high enough value to warrant protection as allowed by this zoning. No evidence has been presented to suggest that the ecological feature reported for these two sites are of lower significant than suggested. Similarly no proposal has been presented which demonstrates an 'improved or maintained' environmental outcome to allowing the past 1(c) - Urban Investigation zoning to be retained. Therefore, given the current knowledge of ecological features of high significance occurring on both lots, coupled with the lack of certainty surrounding potential environmental impact resulting from future development under the existing 1(c) zoning, it is recommended that the lot areas be subject to increased environmental protection under the new LEP, as afforded by the 7(a1) zoning. SMEC essentially supports the proposed rezoning to 7(a1) - Environmental Protection as originally presented in the LEP. On the basis of the Dispute Resolution Session, it is recommended that the relevant landholding be rezoned as shown in Section 4.9, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality, specifically for Lot 164, DP 753168.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
10 (RF, AW & DJ Webster)	AW Webster RF Webster and DJ Webster	Lot 19 DP710308 (Hillside Parade)	- Mr Webster disputes the Councils planned rezoning of 100% of their property in DLEP to 7(a1), claiming that there is no reasonable justification for the rezoning. - This claim is based on Webster's view that there is no evidence to validate 'EcoPro's' determination that the area forms part of the 'Core Koala Habitat' for the region and that a number of threatened species occur on the property. Mr Webster commissioned two ecologists from Cumberland Ecology and Biolink to confirm or disprove EcoPro's claims. - These consultants stated that no evidence of the Koala quadrates or presence of <i>Eucalyptus fergusonii</i> could not be validated. Mr Webster also claims that the SMEC Peer Review was incomplete as they did conduct the field survey to determine Koala activity in the area, despite being commissioned to do so. - Mr Webster disputes the validity of Councils, EcoPro and National Parks and Wildlife Service motivations and decisions on a number of occasions. In short, Mr Webster proclaims that LES and DLEP have been tailored to a predetermined result in accordance with the initial plan set out by National Parks and Wildlife Service to take control of all private lands within their area of interest as an extension of the Booti Booti National Park. - Proposes to offer the eastern half of his property as a 7(a1) Environmental Protection Zone to provide for a 350m wide wildlife corridor in the narrowest section of the area and to replant in these areas. Requests that provisions be made for a reasonable proportion of his land be rezoned 2(a) Residential, most desirably the western proportion adjoining the existing caravan park.	High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Yellow-bellied Glider; - Squirrel Glider; - Spotted-tailed Quoll; - Koala; - Eastern Chestnut Mouse; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Eastern Bent-wing Bat; - Little Bent-wing Bat; - Osprey; and - Glossy Black-Cockatoo. - The presence of Endangered Ecological Communities within the lot - Swamp Sclerophyll Forest on Coastal Floodplains, and Swamp Oak Forest on Coastal Floodplains. - Wildlife corridor value for the above species. - The issue of enhancement of the existing wildlife corridor is important, as the proposal provides a mechanism to fund any enhancement in return for some development.	A potential development scenario was presented shortly after the conclusion of the DRS, with plans for subdivision of approximately half of the landholding to yield approximately 20 residential lots averaging ~1200m², as well as providing an area to be offset to the neighbouring landholding to facilitate the enhancement of the wildlife corridor running north-south. However, the development scenario presented is considered to be in excess of what the site could sustainably support, and is unlikely to achieve an "improve or maintain" outcome under the relevant environmental legislation. Despite the proposed development being considered to be excessive for the site, it is considered that the western area of the site, adjacent to Hillside Parade, may be able to support limited residential development, subject to stringent environmental control. It is recommended that the relevant landholding be rezoned as shown in Section 4.10, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality, particularly in the eastern portion of the lot to be zoned 7(a1). It is also recommended that provisions be made to formalise some sort of conservation agreement for the area of the site to be zoned 7(a1).

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
11 (GHD Pty Ltd)	Mr G & Mrs P Kerr	Lot 191 DP226108 (Headland Road)	- Requests Council to alter the areas zoned as 7(a1) in DLEP to 7(b) conservation zone to allow a limited form of tourist accommodation adjacent to the existing residence (2-3 cabins). - Requests Council to extend the boundaries of the 2(a) low density residential zoning in Area 5 to allow greater flexibility in the location and design of development on the site by providing the asset protection zone on adjacent land suitable for the purpose. - Requests Council to remove the requirement for subdivision under Community Title on the Area 5 land, to allow the opportunity for the current owner, in cooperation with Council officers, to investigate options to achieve the desired outcomes under Torrens Title subdivision with appropriate title controls. - Requests Council that the existing residence and associated residue land on Lot 191 not be required to be linked to the proposed residential lots on Red Gum Road, Area 5. This is requested as it is considered that the maintenance of environmental and bushfire management can be conducted independent of the Area 5. - Requests Council to exclude Lot 91 from Clause 36(4) and that the management of stormwater on site be addressed as a normal consideration of subdivision as in their opinion stormwater can be easily managed on site by detention and infiltration. - Requests Council to reconsider the zoning of land fronting Red Gum Road to allow the creation of additional lots.	High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Squirrel Glider; - Koala; - Long-nosed Potoroo; - Eastern Chestnut Mouse; - Grey-headed Flying-fox; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Little Bent-wing Bat; - Powerful Owl; - Osprey; and - Glossy Black-Cockatoo. - The presence of Endangered Ecological Community within the lot - Swamp Sclerophyll Forest on Coastal Floodplains.	The proposed boundary alteration of the area to be zoned as 2(a) area is considered to be acceptable provided development control occurs during future DA stages. It is considered important that future development demonstrate no significant impact to the habitat trees occurring within this portion of the lot. The LEP requirement for community title development within this portion of the lot is considered appropriate and ensures flexibility for location of dwellings and provision for on-going environmental control with the development of a management plan. However, SMEC do not support rezoning on the area currently proposed as 7(a1) to 7(b), given that the objectives of the two zones differ in their primary objectives, and the two zonings have a different range of permissible land uses. This area has been zoned as such as a result of high ecological significance and allowing any further development in this area may impact on these values. Also, given that further development within the area to be zoned 2(a) is allowed, any further development within the residual area of the lot may degrade the ecological values of this area. It is of note that the intent of the recommended zoning to ensure that any future bushfire protection measures be wholly contained within that area to be zoned as 2(a). The current bushfire protection measures have been recommended along the western lot boundary, however the placement of an APZ in the proposed location is not understood, and is not endorsed by this review. Any future development likely to require maintenance of a 50m APZ buffer along the western boundary should not be allowed. On the basis of the Dispute Resolution Session, it is recommended that the relevant landholding be rezoned as shown in Section 4.11.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
12 (Orogen Pty Ltd)	Mr P W Wansey	Lot 1 DP811686 (Red Gum Road)	- Expresses concerns over false identification of the EEC- Swamp Sclerophyll Forest on Coastal Floodplains as highlight a distinction between floodplain communities and sandplain communities according to the type of soils occurring in the community and deposition of the soils. Soil landscape maps and an apparent field survey were used to determine this. - Requests Council to alter Clause (5) as it prevents development that would cause loss of primary koala feed trees or if unavoidable requires replacement replanting. Felt that Clause 5 is unnecessary as it doesn't acknowledge current planning process and level of assessment required under SEPP 44. - Furthermore, they believe that the retention of feed trees in areas of development is not scientifically sound or appropriate as it may subject potential koala populations using the area to known threats such as pools and dogs. - Orogen suggests that Council should identify an area within the conservation zone that can be used for replanting to offset the loss of the trees. It is also suggested that landholders with appropriate land for replanting be identified during negotiated outcomes process. Wansley has offered to supply resources to enable the revegetation. - Requests that Council alter Clause 10 of GLEP which prevents the removal of significant trees on Lot 1-5, on the basis that a number of the trees are unsafe to be retained on site once development commenced. It is suggested that trees can be protected through other mechanisms which could be determined during the negotiated outcome process.	High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Squirrel Glider; - Koala; - Eastern Chestnut Mouse; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Little Bent-wing Bat; - Osprey; and - Glossy Black-Cockatoo. - The presence of Endangered Ecological Community within the lot - Swamp Sclerophyll Forest on Coastal Floodplains.	Submissions dispute the identification of EEC, arguing that the community occurring on the site does not meet the description of the EEC and is a community of lesser conservation significance. It is noted that SMEC generally support a number of key points of the argument put forward in the submission, and associated documents and literature. However it is noted that this issue has relevance for the mapping of EEC areas across the entire study area, and as such has been discussed in further detail in Section 3.2. The submission also contends that the identification and requirement to preserve significant trees are unnecessarily restrictive and presents that many of the trees may need to be removed due to safety hazard. This argument is also supported in principle, and the scenario presented for the lot has highlighted some practical implications of the LEP restriction. As this issue is general in that it relates to the wording of a clause in the LEP amendment, SMEC have presented comments and recommendations on this issue in Section 3.6.2. SMEC therefore recommend that the relevant landholding be rezoned as shown in Section 4.12.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
13 (John & Helen Morley)	Pacific Palms Caravan Park (Bethani Pty Ltd)	Lot 1 DP100661 (Boomerang Road)	- Seek to negotiate area of land to be zoned 7(a1). They are of the opinion that it has little beneficial effect and that better environmental outcomes could be reached. - Oppose the remainder of the site being zoned Special Use - Caravan Park as it would not provide for the continued growth of the tourism industry in the region.	High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - Squirrel Glider; - Koala; - Eastern Chestnut Mouse; - Greater Broad-nosed Bat; - Eastern Freetail Bat; - Little Bent-wing Bat; - Osprey; and - Glossy Black-Cockatoo. - The likely presence of Endangered Ecological Community within the lot - Swamp Sclerophyll Forest on Coastal Floodplains.	A potential development scenario was presented at the DRS, where a portion of the landholding would be surrendered as an area to be offset to the neighbouring landholding and zoned as 7(a1) Environmental Protection, to facilitate the enhancement of the wildlife corridor running north-south. In return, this landowner would acquire a roughly equivalent area from a neighbouring landholding which would be zoned for future development. Otherwise, SMEC endorse the 7(a1) zoning over the remaining area of the lot, with the key concern of loss of wildlife corridor function between in a north - south direction. It is recommended that the relevant landholding be rezoned as shown in Section 4.13, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality, particularly in the eastern portion of the lot to be zoned 7(a1).

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
14 (Lidbury, Summers & Whiteman)	Mr AF Newbold	Lot 427 DP861736 (Boomerang Drive)	• Objection to the DLEP which shows all of the area east of the Lakes Way as 7(a1) EP. The owner believes this decision to be unreasonable considering the costs that would be emanated in order to maintain the area as a conservation lot, particularly considering a single owner would have to bare the full cost. • Lidbury, Summers and Whiteman on behalf of the owner have proposed a 5 lot development west of the Lakes Way that would take up approximately 2.25ha out of a possible 64ha, which would leave a 58ha conservation lot once roads and APZ's were installed. • They predict that the proposed development would meet the necessary requirements for flooding, bushfire and conservation management (see Conacher Travers assessment). • Additionally the proposed development is expected to provide a definitive and managed edge to the sub-regional habitat corridor and would not impinge on the small fauna corridor at eastern edge of the caravan park. • It is suggested that the costs to maintain the integrity of the conservation would be carried by the five lots as a community association scheme.	High conservation rating of lot results from multiple ecological features of value, including:- • Habitat for the following threatened fauna:- - o Yellow-bellied Glider; - o Squirrel Glider; - o Spotted-tailed Quoll; - o Koala; - o Eastern Chestnut Mouse; - o Greater Broad-nosed Bat; - o Eastern Freetail Bat; - o Eastern Bent-wing Bat; - o Little Bent-wing Bat; - o Osprey; - o Wallum Froglet; and - o Glossy Black-Cockatoo. • The presence of Endangered Ecological Communities within the lot - Swamp Sclerophyll Forest on Coastal Floodplains and Saltmarsh. • Wildlife corridor value for the above species. • Proximity to a number of SEPP 14 Wetland Areas.	A Flora and Fauna Impact Assessment was considering the proposed subdivision, essentially justifying the development on the basis that the remainder of the lot would be conserved, and concluding that the development would not have a significant impact on the ecology of the area. Proposed development scenario mentions a community title arrangement allowing for flexibility of location of dwellings, provision for on-going environmental control with the development of a management plan, and ensuring a custodian for the lot is living on site. Information presented at the DRS highlights that the area represent potential Koala habitat, and as such SMEC would recommend further and specific management actions to ensure the needs of this species area considered if any future development be allowed. SMEC support the proposed development scenario on the ground that some sort of formal agreement is made as to the conservation status and on-going management responsibilities (and associated costs) of the lot are to be conserved, to the north, and management of relevant threatened species, such as the Koala. On the basis of the Dispute Resolution Session, it is recommended that the relevant landholding be rezoned as shown in Section 4.14, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
15 (Chris Jenkins Design Pty Ltd)	Mrs L & Mr N Drevikovsky	Lot B DP363483 (Boomerang Drive)	- Object to Council rezoning their property from 1(c) - Future Urban Investigations to 7 (a1) EP. The principal reason for this objection is based upon the results of recent inspections of the property by government agencies during a development approval process which deemed it to have no environmental conservation value. - Additionally they are concerned that the rezoning will significantly devalue their property.	High conservation rating of lot results from multiple ecological features of value, including:- - Habitat for the following threatened fauna:- - o Yellow-bellied Glider; - o Squirrel Glider; - o Spotted-tailed Quoll; - o Koala; - o Greater Broad-nosed Bat; - o Eastern Freetail Bat; - o Eastern Bent-wing Bat; - o Little Bent-wing Bat; and - o Osprey.	Ecological features of significant value have been reported to occur on the relevant lot which has lead to the proposed zoning of 7(a1) - Environmental Protection. It is considered that these ecological features are of high enough value to warrant protection as allowed by this zoning. No evidence has been presented to suggest that the ecological features reported for this site is of lower significance than suggested. Similarly no proposal has been presented which demonstrates an 'improved or maintained' environmental outcome to allowing rezoning to 7(b). Similarly, the landowners have presented a letter from NPWS which assesses the site against the NPW Act, and determines ecological values on the site from the point of view of inclusion of the site as a wildlife refuge. Although the letter does indicate the site is not suitable as a wildlife refuge, it is important to note that this assessment is against specifically defined criteria, and is not sufficient in determining the ecological values of the site alone. Therefore, given the current LES knowledge of ecological features of significance occurring on the lot, coupled with the lack of certainty surrounding potential environmental impact resulting from future development, it is recommended that the lot areas be subject to protection under the new LEP, by the 7(a1) zoning. SMEC essentially supports the proposed rezoning to 7(a1) - Environmental Protection as originally presented in the LEP. On the basis of the Dispute Resolution Session, it is recommended that the landholding be rezoned as shown in Section 4.15.

3 Discussion of Issues

In addition to specific rezoning and development proposals being presented at the DRS for each landholder, a number of more general issues were raised. This section considers these issues, and makes recommendations to Council for the resolution of such issues.

Specifically, the following issues of a technical nature were raised at the DRS, and a further section has been presented below on each issue:-

- wildlife corridors for the study area, with recommendations for further management documents required;
- the identification of endangered ecological communities within the study area;
- the management and consideration of zoning boundaries into the future;
- measures to ensure the on-going environmental management of offset areas; and
- technical information as to biodiversity offsetting arrangements as relevant to the study area.

In addition, this report has suggested alterations and additions to the DLEP where it has been recommended by SMEC that such modifications are appropriate.

3.1 Wildlife Corridor Functionality

Prior to the Dispute Resolution Session (DRS), wildlife corridor functionality was highlighted as an issue of critical importance to maintaining the ecological viability of the Pacific Palms area, with the lack of suitable corridors potentially threatening an entire suite of threatened fauna species (Scott & Drielsma, 2003). At that time (and as part of the SMEC Independent Peer Review), it was recommended that key corridor linkages be preserved and protected, particularly across Boomerang Drive.

As a result, a number of lots were rezoned as 7(a1) within the DLEP to ensure the protection of corridor values within these areas. Further, it was envisaged that a general strategy designed to enhance the corridor linkages across this area would be employed in the future and therefore such zoning in critical areas was considered important in underpinning management efforts. However, during the DRS, it became evident that the issue of wildlife corridor functionality was of prime concern to a number of affected landowners, with a number of submissions focusing on this issue. Because the proposed rezoning resulted in extensive concern by these landowners, it has therefore now been reconsidered.

An alternative solution put forward at the DRS was to apply management guidelines to the entire Boomerang Drive area, through a document designed to supplement the LEP, perhaps in the form of a formal guideline document such as a Development Control Plan (DCP). Essentially, such a management document would require a number of activities to be conducted to develop a Wildlife Corridor Strategy for the area. This has been further considered and discussed below.

It is noted that a limited number of key areas are still recommended to be zoned as 7(a1) 'Environmental Protection' in the new and modified DLEP to facilitate protection of key corridor areas, however this has been with the general endorsement of the community. However, overall the new strategy presented herein suggests only a few areas to be rezoned to ensure protection of the critical wildlife corridor linkage points. This new strategy being suggested will essentially aim to improve wildlife corridor values across the entire study area, and ensure the filtering of wildlife through the area rather than attempt to restrict wildlife to narrow areas designated through zoning as wildlife corridors.

3.1.1 Summary of Issues Raised at the DRS

- Wildlife corridor identification for a few limited properties and unfair development restrictions likely to be imposed on these land owners;
- Questionable functioning of narrow and limited number of wildlife corridors as to connection, location and the road as a barrier; and
- Whether a “spread” corridor is preferred rather than fewer specified and limited width corridors having regard to species, movements, management plans, planning provisions and landowner land use expectations.

3.1.2 Suggested Wildlife Corridor Strategy

This revised approach to providing wildlife corridor connectivity is expected to result in the best overall outcome, as without overall community support and active involvement in enhancement, protection and preservation of these areas, rezoning alone to restrict further development is not likely to be effective at actually enhancing the wildlife corridor. Briefly, it is suggested that a corridor functionality strategy be employed with provision for the following key aspects:-

1. A survey/monitoring program designed to gain a better appreciation of current wildlife movement across critical linkage points (such as Boomerang Drive and Lakeside Crescent);
2. A review of the needs of key functional fauna groups, with reference to the study area, in relation to environmental features of importance in facilitating movement. This review should also consider issues of scale, dispersal, fauna ecology and consider any information gaps that exist for the study area;
3. Consideration of the current state of critical linkage points within the study area, with a specific assessment of whether and how these areas are causing restriction to wildlife movement and to which functional fauna groups these apply;
4. Development of a targeted strategy for the study area, with specific management ‘plans’ identifying actions for each targeted or critical area as well as containing general management considerations. It is envisaged that management actions may include but not be limited to:
 - o Restricting domestic predators (or pets such as cats);
 - o Controlling feral predators (such as foxes);
 - o Directly protecting and preserving existing vegetation features providing corridor functionality (such as tree hollows, overlapping canopy areas, low and dense ground vegetation, food resource trees etc);
 - o Preventing indirect impacts to the vegetation due to having urban areas nearby (such as through edge effected vegetation);
 - o Enhancing the vegetation/ corridor features in critical areas by use of short-term and temporary artificial structures (such as nest-boxes, rope bridges, Glider/Koala poles etc); and
 - o Considering the need for long-term enhancements to wildlife corridor values with strategic revegetation and replanting of critical linkage areas and an assessment on the need for permanent movement structures (such as fauna culverts, overpasses, road relocations etc).
5. General guidelines for all development within the Pacific Palms area will be developed, with recommendations to ensure all future developments are ‘wildlife corridor friendly’, with consideration of the following key elements. It is envisaged that development guidelines may include provision for:

- o Retention of vegetation corridors;
- o Reduced or 'fauna friendly' designed fencing in areas currently providing wildlife connectivity, to ensure continued fauna movement;
- o Restrictive or 'fauna unfriendly' designed fencing in areas with traffic concerns, with the aim of funnelling fauna to corridor areas;
- o Types or guidelines for traversing roads or footpaths for identified species;
- o Appropriate native landscaping planting and design to provide habitat for fauna; and
- o Reducing the domestication of wild animals (generally be limiting feeding and interactions).

It must be recognised that, in specifically considering wildlife corridor values as part of Clause 33B of the DLEP (Amendment No. 13), Council's intent was to allow for the protection of the wildlife corridors into the future, but also ensure that the statutory framework existed for the enhancing the current value of the regional and sub-regional corridor. In providing measures in the DLEP for wildlife corridor connectivity, Council essentially recognised the likelihood that this issue will continue to increase in importance as development pressure in the Pacific Palms area continues to escalate. Given the importance of wildlife corridor values to the Pacific Palms area now and into the future, it is recommended that these issues continue to have legislative weight. This could be achieved through specific consideration within Clause 33B, and thus it is recommended that this instrument (being the revised DLEP Amendment No. 13 and specifically Clause 33B in this document) be amended in line with Section 3.6.4 of this report.

3.1.3 Suggested DCP Format

As outlined above, it is recommended that further investigations are undertaken through the development of a Wildlife Corridor Strategy for the Pacific Palms area. It is expected that, as part of the actions in developing this strategy, a management guideline document would ultimately be prepared. It is anticipated that this management guideline would consider the elements outlined under point 5 (above), and would take the form of a formal guideline document such as a Development Control Plan (DCP).

It is recommended that Council develop the Wildlife Corridor Management Strategy prior to the implementation of any guideline document such as a DCP, given that (as outlined in Section 3.1.1 above, point 5 of the Strategy involves the preparation of a management guideline document. As such, a DCP will need to be prepared based on points 1 - 4 outlined for the strategy above. It is expected that a DCP will extensively reference the Wildlife Corridor Strategy document, and should be publicly available as a valuable information source.

The aim of this DCP will be to improve wildlife corridor values across the entire study area, and ensure the filtering of wildlife through the area, balancing urban development with provision of habitat and corridors for wildlife.

It is considered appropriate to follow the format of DCP's currently in force for the Great Lakes Council area although other formats may also be suitable. A table of contents has been included as Appendix B to illustrate potential content and structure of the Wildlife Corridor DCP for the Pacific Palms area.

3.2 Endangered Ecological Communities

An issue raised at the DRS concerned the correct identification of EECs within the study area. Specifically, a submission argued that the area previously mapped by SMEC as Swamp Sclerophyll Forest on Coastal Floodplains (SSFCF) within the Pacific Palms area was not consistent with the legal description of this community. The submission determined that it was likely to be a similar but more common community type, namely

Swamp Sclerophyll Forest on Coast Sandplains, and that this is not listed as an EEC. The reason supplied is due to its occurrence on an aeolian soil landscape, not an alluvial landscape as is required for the endangered community. Further, the submission states that this alternative community is well conserved within the bioregion, and presents technical information (such as soil sampling and reference to relevant literature) to demonstrate the community in question does not actually occur on a coastal floodplain.

By virtue of the technical nature of this issue, the issue of correct identification must also include the other community types mapped as occurring within the study area which are known to be associated with coastal floodplain areas. This includes the areas mapped as Swamp Oak Forest on Coastal Floodplains (SOFF) and Freshwater Wetlands on Coastal Floodplains (FWCF). Therefore, if a revision is considered appropriate for the area mapped as SSFCF on the basis of the submission, it must also be applied to the areas mapped as SOFF and FWCF.

The following summarises the key points made in this submission:

- the submission extensively references Keith and Scott (2003) as an important background document in defining the EEC;
- an assumption of current physical and hydrological connectivity has been made in determining whether a community is 'associated with or adjoins' a coastal floodplain or sandplain;
- the submission asserts that the use of floristic and structural characteristics alone in determining and identifying the EEC is inherently flawed;
- limited soil sampling has been undertaken to endorse the argument that the area is underlain by an aeolian soil landscape; and
- the submission expresses concern that mapping of EEC over the site may generate issue at a later stage in the development application process, and DECC do not allow offsets of such communities.

In responding to these arguments, the following points of view are countered:

- though it is agreed that Keith and Scott (2003) is of prime importance in identifying the EEC, it is felt that a weight of other literature should be considered for the study area. Specifically, it is of note that a number of ecological reports have been prepared for the Pacific Palms area and Great Lakes area which repeatedly determine that the relevant EECs do occur within the study area, namely:
 - o Addendum, Endangered Ecological Community Impact Assessment - Lot 6, DP 811686 Red Gum Road, Pacific Palms. Prepared By: Cumberland Ecology Pty Ltd, May 2005 for a private landowner.
 - o Flora and Fauna Assessment of Part of Portion 84 The Lakes Way, Pacific Palms (Ref: 4521/2). Prepared By: Conacher Travers Pty Ltd, April 2005 for a private landowner.
 - o Pacific Palms Ecological Assessment. Prepared By: EcoPro Pty Ltd, July 2002 for Great Lakes Council.
 - o Great Lakes Vegetation Strategy. Prepared By: EcoPro Pty Ltd, July 2003 for Great Lakes Council.
- in addition, it is important to note that although the EEC determination does reference Keith & Scott (2003) it also gives extensive detail to the floristic and structural composition of the community, whilst the description of environmental conditions (and specifically, the soil depositional environment) where the EEC occurs is relatively vague, which does leave the determination open to interpretation somewhat. Indeed, that the identification of this EEC has been argued numerous times in the Land and Environment Court (as highlighted by the submission) only serves to illustrate that the determination has been perhaps deliberately left open to interpretation, and deciding

whether an area meets the description of the EEC should not be reliant on a single document;

- similarly, consideration of the Keith & Scott (2003) paper does reveal differences to the floristic and structural composition of the two communities, suggesting that they may not be as analogous in terms of floristics and structure as suggested in the submission and therefore it is suggested that over-emphasis of the environmental conditions where this EEC is known to occur should attract some caution; and
- It is of note that the SMEC review has only mapped EECs within the Pacific Palms area as potential or likely EECs, based on a review of relevant background information and specific technical reporting available for the area. This review concluded that further ground-truthing to confirm the presence of otherwise of these EEC was unnecessary at this stage, and that enough information existed to consider the areas as a potential constraint. However, the element of uncertainty with this mapping was highlighted, and the process clearly explained in the SMEC review document, with the intent that further information, as envisaged to be required as part of the DA process, would provide clarity on the mapping of EEC areas.

Overall, having reviewed the matter and evidence provided at some length given the importance of the issue and potential for future constraints, it is considered that to remove the current potential constraint of the areas mapped as EECs across the Pacific Palms area would severely underestimate the uncertainty inherent in the identification of this and other relevant coastal floodplain EECs. In addition, to eliminate the potential constraint posed by mapping areas as likely EEC's would be premature since there is insufficient detailed information on all ecological communities in the area..

By highlighting these potential constraints, it is expected that Council would require the input of experienced local ecological practitioners as part of the environmental impact assessment process in the future. To significantly reduce the mapped area of EEC's at this planning stage poses the risk to Council that an area of EEC maybe missed during future assessment. It also risks restricting the input of skilled personnel in considering, on a site by site basis, the potential impact of a development, and considering ways by which to mitigate these potential future impacts.

Although it is acknowledged that the relevant submission expressed concern that the EEC may generate issues at a later stage in the development application process, it is considered that, based on the information which does exist for the study area, the conservation significance of potential EECs *should* be further addressed during the DA process. Essentially, it is felt that the onus is with the landowner/ developer to further demonstrate whether the development is likely to impact on any EEC area of conservation significance, at a stage where the nature and extent of the said development is known.

It is further suggested that the inclusion of this EEC as a potential constraint to development is a trigger for additional consideration and assessment during the DA process, and is not necessarily intended to prevent development *per se*. It is known that Council has intended to separate those areas with high ecological significance at this planning stage and apply appropriate rezoning (such as the 7(a1) Environmental Protection zoning) where it is believed that the ecological values are considered to be too significant to support further development, based on the current state of knowledge. The primary intent of mapping ecological constraints has been to identify those areas where such environmental protection would be appropriate at the zoning stage.

In those areas that have been zoned to allow further development, it is considered that site specific and up-to-date technical information would be necessary to investigate the nature and condition of mapped ecological constraints. This would be required to fully consider the significance of any impacts to these ecological constraints, and to develop mitigation measures as appropriate.

Finally, it is highlighted that any future development within lot areas zoned as 2(a) Low Density Residential will be subject to the normal development controls and environmental impact assessment applicable to all development in NSW under the NSW *Environmental*

Planning and Assessment Act, 1979. Under this legislation a development must demonstrate an “improved or maintained” environmental outcome, or otherwise demonstrate “no significant impact to threatened species, population or communities” as a result of the planned activity or development. It is noted that the *NSW Native Vegetation Act 2003*, which requires offsetting of vegetation where land clearing is planned and restricts clearing of EECs, does not apply to the study area as Pacific Palms is within an urban area, and is not subject to the rural zoning where this Act applies.

3.3 Management/ Treatment of Zoning Boundaries

Ecological features rarely follow strict lines on a map, and as such designating zoning boundaries on the basis of ecological features must be considered to be approximate. It is generally recognised that areas close to the boundary of any spatially discrete ecological feature will often exhibit characteristics of all of the features in proximity to this area, these areas as known as ecotones.

In addition, the scale and methods by which ecological information is collected will influence the accuracy at which such boundary areas are mapped. Finer scale survey is often more accurate than broad-scale scale survey in some areas.

For this reason, it is considered prudent for Council to ensure that any boundaries are surveyed and ground-truthed as part of any future Development Application process, and the value and importance of ecological features are demonstrated on a site-by-site basis. This will ensure that the ecological significance of any boundary areas will be better resolved and understood to provide for better informed environmental impact assessment, and mitigation measures for any future development.

3.4 On-going Environmental Management of Offset Areas

It is recognised that a number of recommendations have been made in this report concerning the provision of on-going environmental management measures for each land holding subject to the DRS process. These recommendations are not intended to be specifically linked to finalisation of the LEP but focus on longer term environmental management requirements. For example, many of the rezoning proposals which are being recommended or supported (being subject to a later more detailed Development Application process) in this document to allow further development in ecologically significant areas have been done so based on a good-faith assumption that the relevant landowners will preserve the remainder area of the lot(s) for conservation and environmental protection.

It is crucial for SMEC to highlight the importance of continuing to finalise these arrangements and ensure that the assumptions by which these negotiations have been made are honoured. Perhaps the most important issue to highlight is the need to enact formal conservation agreements where relevant so that preserved areas are protected from future development in perpetuity. Further technical detail has been provided in Section 3.5 to give relevant landowners some indication of the range of options currently available and future options expected to become available in the near future.

As part of the DRS, it became clear that the Pacific Palms community have a strong sense of stewardship over the area, and appear relatively unified in their desire to protect and retain the values of the area. It is suggested that such a sense of community may be advantageous in ensuring future environmental protection in the area. Perhaps a collaborative arrangement could be made whereby environmental management standards or actions are agreed and standardised for the separate landholdings to be subject to 7(a1) Environmental Protection zoning and/or where verbal agreements have been made to maintain these areas for conservation.

Further, it is suggested that a pooling of management effort and resources may actually ensure a better and more integrative management outcome for the ecology of the area. It is often the case when environmental management is restricted to lot boundaries, that

differential management on separate lots makes management more difficult or even futile. A good example of this is through different weed control regimes. By basing environmental management on natural boundaries (by which the Pacific Palms area has been defined), such an approach would be more likely to be more efficient in achieving management success.

3.5 Biodiversity Offsetting Arrangements

As highlighted in Section 3.4 above (and as part of Section 4 in considering each submission), many of the rezoning proposals which are being endorsed in this document have assumed that the relevant landowners will preserve a portion of their lot(s) for conservation and environmental protection. For this reason, SMEC believe some further information on such arrangements would be valuable in this document. Thus, this section details information on conservation agreements that are commonly enacted.

Particularly, it is worth mentioning that tax incentives and rate relief schemes may apply where a landholder enters into a perpetual conservation covenant. For example, income tax deduction may apply for any decrease in land value as a result of entering into such covenants, and capital gains tax provisions may apply as if it were a sale or gift of land. Similarly, rate rebates may be available to landholders who have set aside land for nature conservation, and are covered by voluntary conservation agreements. It is suggested that those landowners whom have agreed to conserve portions of their landholding may wish to further investigate their eligibility for such financial concessions.

In addition, it is noted that recent legislation enacted in NSW (Threatened Species Conservation Amendment (Biodiversity Banking) Bill 2006) seeks to establish a system (informally known as BioBanking) by which areas conserved for biodiversity, with significant ecological features, are given currency and weight in line with their value in the current climate of continued development. Further this legislation aims to consolidate and formalise positive actions that conserve biodiversity as compensatory offsets for biodiversity loss arising from development.

This new legislation aims at conserving and restoring biodiversity within NSW, and recognises the need to address the impacts of our expanding urban footprint on biodiversity values. The scheme seeks to attain market recognition for biodiversity values and establishes a formal and financially viable avenue to create new opportunities for private sector conservation management of land.

This means that areas conserved with 7(a1) Environmental Protection zoning in the Pacific Palms area may have the potential to attract revenue and be considered financially valuable solely due to the significant ecological features occurring within the area.

3.5.1 BioBanking - The New Biodiversity & Offset Scheme

The proposed BioBanking scheme is to be regulated by the Department of Environment and Climate Change (DECC), formerly the Department of Environment and Conservation. It will essentially allow developers to buy credits from areas designated as "Biobank Sites" to offset the adverse ecological impacts of their development as an alternative to the current threatened species approval process.

Biobank Sites are established by a voluntary "Biobanking Agreement" entered into between a landowner(s) and the Minister for the Environment. This agreement will generally require the landowner to carry out certain management actions on the land which will improve the land's biodiversity value. Management actions in turn create "Biodiversity Credits". The number and class of credits is determined in accordance with a "Biobanking Assessment Methodology" prescribed by the Minister for Environment, which is driven by the enhancement of ecological communities that provide biodiversity values and habitat for threatened species.

Biodiversity "Credits" are created once a Biobanking Agreement is registered, and the credits may then be "traded", or used to offset a biodiversity impact on another site. A register is kept at DECC to record the creation and transfer of Biodiversity Credits.

In order for landowners with potential biodiversity value to establish their land as a Biobank Site, the landowner(s) must apply to DECC for their land to be surveyed and subsequently registered as a Biobank Site. If the application is approved the landowner must enter into a perpetual Biobanking Agreement with DECC which will set out the management actions required to be carried out on the land in order for biodiversity credits to be created.

Other features of the Biobanking Scheme which are relevant to the current situation includes the following key points;

- Land that is subject to a Biobanking Agreement will be exempt from Land Tax (Section 10(1)(b) Land Tax Management Act 1956);
- Biobanking Agreements are registered on title and generally have effect in perpetuity;
- Biobanking Agreements may restrict the use of the land and provide for monitoring, reporting and audit requirements;
- Biobanking Agreements can only be terminated or varied in very limited circumstances; and
- A failure to comply with a Biobanking Agreement may have serious consequences, including the registration of a Biobank Site being cancelled or suspended. Proceedings can also be commenced by "any person" in the Land & Environment Court if a biobanking agreement is breached.

3.5.2 Voluntary Conservation Agreements

Voluntary conservation agreements (VCAs) are voluntary contractual agreements entered into between the Minister for the Environment and private landholders under the National Parks and Wildlife Act 1974 (NPW Act). The broad aim of these agreements is to ensure the natural and/or cultural conservation of land owned or managed by private landholders.

VCAs may contain a variety of different terms and conditions that place responsibilities on the landowner, such as:

- Restricting the use of the conservation area;
- Requiring the owner to refrain from harming or removing native flora and fauna;
- Requiring the owner to refrain from developing the area or building roads, fences, etc;
- Requiring the owner to refrain from allowing grazing in the conservation area;
- Providing the owner with money or requiring financial contributions from the owner in order to manage the land;
- Requiring the owner to refrain from burning the area;
- Requiring the owner to manage weeds and feral species;
- Requiring the owner to refrain from using pesticides, baits or shooting on the property; and
- Anything else relating to conserving or enhancing the area, including implementing any management plan for the area.

A conservation agreement is legally enforceable and runs with the land in the form of a covenant. This means that future purchasers of the property are bound by the VCA and are therefore required to manage the property for conservation in accordance with the agreement. The agreement continues into perpetuity unless terminated by the consent of both parties, or unless the parties agree to a defined period.

3.5.3 Wildlife Refuge Agreements

Wildlife refuge agreements are non-binding agreements created under the NPW Act. These agreements allow a landholder to voluntarily nominate all or part of their property where the land has native wildlife values to be managed for wildlife conservation and the conservation of natural environments. These agreements are generally made for the whole property as the program allows for modified landscapes.

Wildlife Refuge Agreement are generally created for specific purposes, such as to facilitate the recovery of local wildlife species, allow for the restoration of natural environments and promote the study of wildlife and natural environments.

Wildlife refuge agreements are made through the National Parks and Wildlife Service, who assist with the preparation of management plans and provide access to specialist information on wildlife protection. Agreements are gazetted, which means that they will be noted on the property title. However, this does not mean that it is a binding agreement that is attached to the title like a voluntary conservation agreement. Wildlife refuge agreements may be revoked or varied at any time by the parties to the agreement.

3.5.4 Land for Wildlife

Land for Wildlife is a voluntary national support program that encourages and assists landholders to conserve wildlife and habitat on their land. In New South Wales, the program is facilitated by the National Parks and Wildlife Service (part of DECC) and is implemented by community groups or local government. The program provides for registration of participating properties, but it is not legally binding and does not change the legal status of the property. Participating landholders become part of a conservation network, and are provided with technical advice and educational material.

3.5.5 Nature Conservation Trust Agreements

The Nature Conservation Trust was established under the Nature Conservation Trust Act 2001 (NCT Act) to foster conservation on privately managed land in partnership with land managers. The Trust is independent of government, with funding supplied largely through philanthropy and industry investment. The major function of the Trust is to establish a revolving fund, buying and on-selling property following the attachment of conservation covenants to the land. The Trust may also enter into agreements with landholders to manage land for the protection of natural heritage. The agreements may provide for technical, financial and other support. Rate relief is also available for land covered by a trust agreement. Trust agreements are voluntary, but the terms are binding and enforceable on all parties to the agreement. Trust agreements may be registered on the land title, thereby binding subsequent owners. The agreement may be varied by a subsequent agreement between the parties.

3.6 Recommended Modifications to the DLEP Amendment No. 13

In addition to specific rezoning and development proposals being presented at the DRS for each landholder, a number of submissions question the wording of parts of the DLEP. As such this section has made recommendations as to alterations and additions to the DLEP where it has been perceived from the outcomes of the DRS process that such modifications may be appropriate.

3.6.1 Wording of Clause 33B (Subclause 9) - Subdivision in 7(c) Scenic Protection

The wording of this subclause was queried during the DRS process. Specifically, it was felt the wording of this subclause was somewhat misleading, and may actually contravene the intent of the subclause itself. It was the intent of the subclause that only a single dwelling be erected on that part of the land that is zoned Zone No 7(c) Scenic Protection. However, the wording actually allows for the erection of one dwelling *on lots* created by

subdivision. It is recommended that this subclause be amended as shown below, with alterations to the current LEP wording shown in bold text.

Erection of multiple dwellings on Lot 23, DP 537919, Blueys Beach

(9) (a) *This subclause applies to that part of Lot 23, DP 537919, (Boomerang Drive) that is within Zone No 7(c);*

(b) *Despite clause 18 - Multiple Dwellings in Rural Zones, the Council must not consent to the erection of more than one (1) dwelling **on that part of the lot to which this subclause applies.***

3.6.2 Wording of Clause 33B (Subclauses 5 & 10) - Protection of Koala and other Significant Habitat Trees

The practicality of these subclauses was raised during the DRS process. Specifically, it was argued that these subclauses did not allow any flexibility to account for situations where significant habitat trees may need to be removed, for example due to safety concerns. In addition, the submissions highlight a number of arguments where protection and retention of significant habitat trees in proximity to further residential development may result in negative outcomes mainly due to predation by domestic pets, particularly to Koala populations.

The submissions have requested that the wording of these subclauses be altered to 'soften' their implications, and to incorporate replacement or offsetting of significant habitat trees as an alternative to protection. Although the argument that this subclause is perhaps too restrictive may be warranted for certain circumstances, care must be taken not to relax the wording of this subclause such that it no longer meets its intent. It must be highlighted that protection of significant habitat trees is the intended outcome of this subclause, and replacement of significant trees is unlikely to have the same intended outcome as protection, particularly when short-term and spatial impacts are considered.

It is recommended that Subclause 5 be amended as shown below, with alterations to the current LEP wording given in bold text.

Primary koala food trees for certain land at Pacific Palms

(5) (a) *This subclause applies to Lot 4242, DP 1036056 (Lakeside Crescent), Lot 2, DP 867899 (Boomerang Drive) and Lots 1 – 6, DP 811686 (Red Gum Rd), Pacific Palms.*

(b) *Development consent must not be granted for development on land to which this subclause applies (other than land within Zone No 2(a)) unless the Council is satisfied that:*

(i) *the development will not cause loss of primary koala food trees;*
or

(ii) *if loss of primary koala food trees is an unavoidable consequence of the carrying out of the development, replacement plantings will be undertaken.*

(c) *In considering a development, Council must given regard to:*

(i) *potential indirect impacts that may arise as a result of retaining primary Koala food trees in proximity to the development; and*

(ii) *potential indirect impacts that may result from replacement plantings associated with the development with a view to determining optimal locations for such planting to best benefit the Koala.*

*In this clause, **primary koala food trees** means trees of the species *Eucalyptus robusta* (Swamp Mahogany).*

It is recommended that Subclause 10 be amended as shown below, with alterations to the current LEP wording given in bold text.

Protection of Significant Habitat Trees – Red Gum Road

(10) Development consent must not be granted for development on Lots 1 – 5, DP 811686 (Red Gum Road), Pacific Palms unless such development protects the significant trees as shown on the map in Schedule 3.

In considering a development, Council will give regard to safety issues associated with retention of the mapped trees, and the applicability of alternative mechanisms that may be appropriate in ensuring significant habitat trees remain within the aforementioned lots.

3.6.3 Addition of Wording under Clause 33B - General Consideration of Ecological Constraints

During the LES review and DRS process, it has been repeatedly highlighted that flaws occur in the ecological documents underpinning the DLEP. SMEC are of the professional opinion that the information underpinning the DLEP is more than adequate for its purpose, and no further survey is required at this stage to support the Amendment 13 DLEP Review. However, it has been acknowledged that both actual and perceived flaws do occur, and that site specific technical information is likely to be beneficial in resolving the nature and importance of ecological features at the lot scale. For this reason, it is felt to be appropriate that appropriate wording be added to the DLEP to ensure that ecological constraints, as mapped for the LES process, be revisited at the lot-based scale, during the Development Application phase.

It is recommended that wording be added to Clause 33B as shown below, perhaps at the start of the Clause, after "Objective of the Provision".

General Consideration of Ecological Constraints

(X) (a) This subclause applies to land at Pacific Palms, shown edged heavy black on the map marked "Great Lakes Local Environmental Plan 1996 Amendment No. 13)".

(b) Before granting development consent for development on land to which this subclause applies, the Council must have regard to all ecological information available for each lot, and may request further site-specific ecological information as appropriate.

3.6.4 Addition of a Subclause - Protection and Enhancement of Wildlife Corridor Values

As discussed in Section 3.1 of this document, and repeatedly highlighted during the DRS process, the protection and enhancement of wildlife corridor values within the Pacific Palms areas is of key concern to the community. An agreement has been reached with respect to a strategy for the wildlife corridor values across the study area, essentially to ensure filtering of wildlife through the area with active management provisions rather than relying on attempting to restrict wildlife to narrow corridor areas zoned for this purpose.

This approach relies on all new developments being 'wildlife corridor friendly', reflecting management strategies contained within a separate DCP guideline document for the area. To ensure reference to this guideline integrates with this LEP, it is felt to be appropriate that appropriate wording be added to ensure that wildlife corridor values be considered. It is recommended that wording be added to Clause 33B as shown below as a separate subclause, perhaps as a replacement to subclause 11, which should be removed.

Protection and Enhancement of Wildlife Corridor Values

(X) (a) This subclause applies to land at Pacific Palms, shown edged heavy black on the map marked "Great Lakes Local Environmental Plan 1996 Amendment No. 13)".

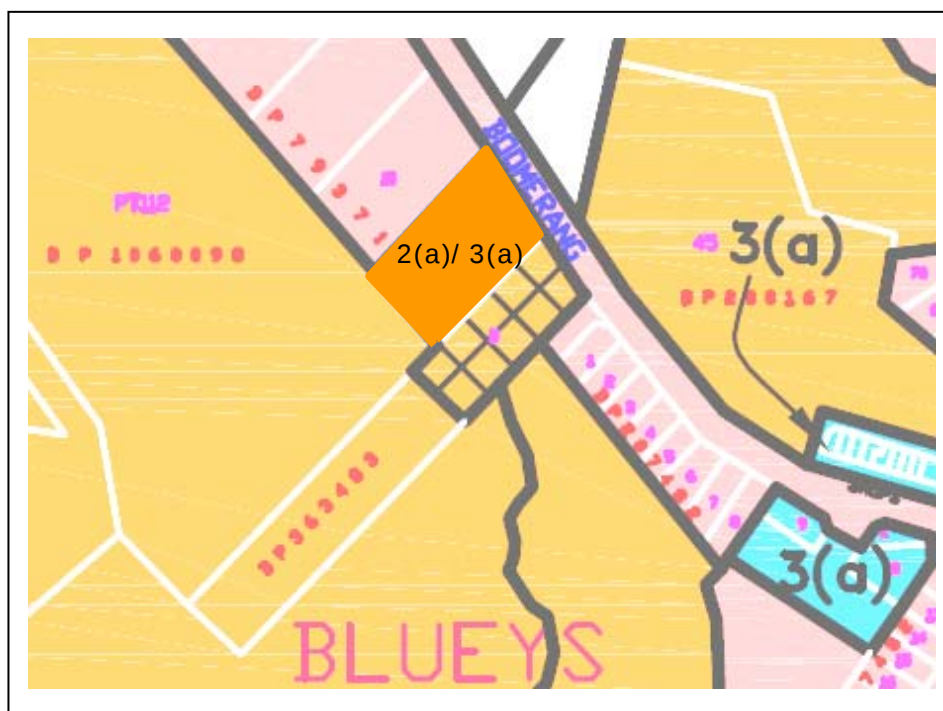
(b) Before granting development consent for development on land to which this subclause applies, the Council must be satisfied that:

- (i) the development is compatible with the all relevant provision contained within the Great Lakes DCP XX: Wildlife Corridor Management Strategy and any other relevant documents; and*
- (ii) that the development of the land ensures the protection of any existing wildlife corridor(s); and*
- (iii) no negative impacts are anticipated to existing wildlife corridors(s) either as a direct result of the development; or due to any indirect effects of the development; and*
- (iv) that the development considers measures by which wildlife corridors are enhanced and/or restored; and*
- (v) adequate funding mechanisms will be in place to ensure the implementation and ongoing effectiveness of the measures referred to in paragraphs (i)–(iv).*

4 Recommendations for Areas Subject to Dispute Resolution

In addition to reviewing each submission within Table 1 of Section 2 of this document, specific rezoning has been detailed here for each landholder subject to the DRS process. This section links to Table 1, provides a graphical indication of zoning intent, and provides further suggestions for on-going management or conservation requirements.

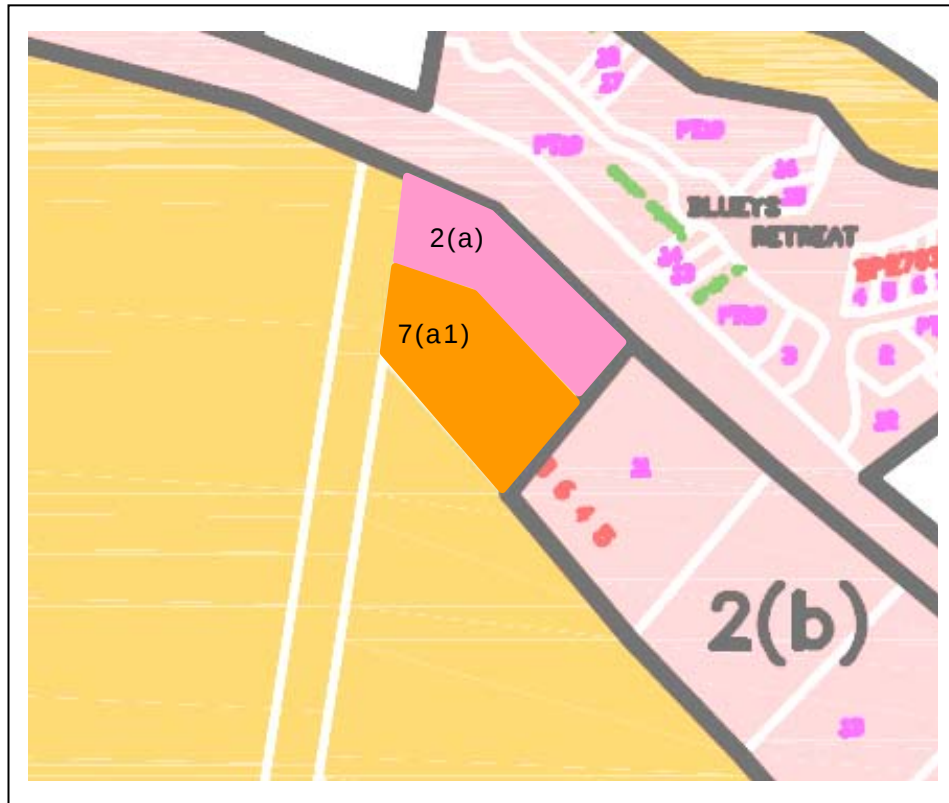
4.1 Halpin & Wilson - Lot 16 DP 793710 (Boomerang Drive)



It is recommended that this lot be zoned as 2(a) - Low Density Residential or 3(a) - Business. Indicative placement of zoning boundaries are as shown on the map above. It is also recommended that the surrounding lots currently zoned as 2(b) - Medium Density Residential, to the west, be rezoned to 2(a) Low Density Residential, in order to prevent a build up of estate style developments along the Boomerang Drive area, which is not considered to be in keeping with the nature of the area.

In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to the entire lot, as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lot, as part of the overall Pacific Palms area.

4.2 Rowntree - Lot 10 DP 633645 (Boomerang Drive)

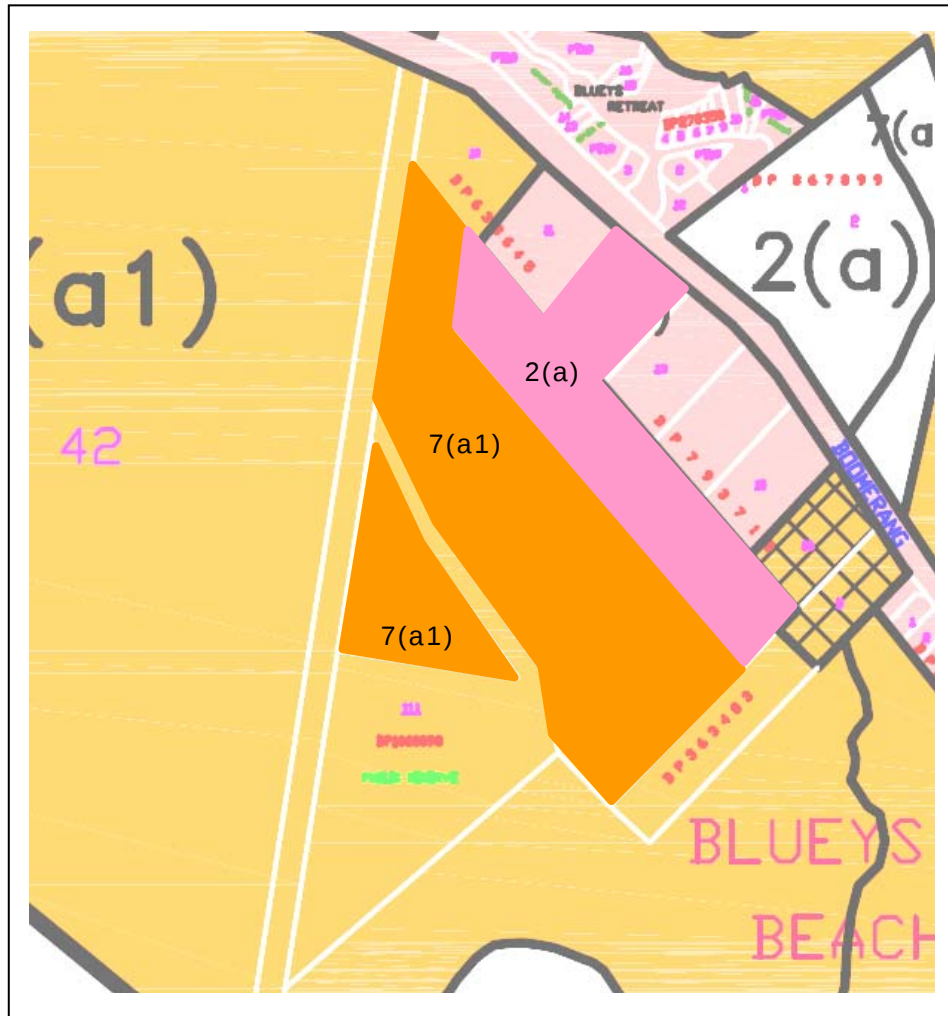


It is recommended that the northern portion of the lot be zoned as 2(a) - Low Density Residential, and the southern portion of the lot be zoned as 7(a1) - Environmental Protection. The indicative placement of zoning boundaries are as shown on the map above.

It is also recommended that the lot areas to the east currently zoned as 2(b) - Medium Density Residential, be rezoned to 2(a) Low Density Residential, in order to prevent a build up of estate style developments along the Boomerang Drive area.

In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to the entire lot, as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lot, as part of the overall Pacific Palms area.

4.3 Wiltshire - Lot 114 DP 1103145 (Boomerang Drive)



It is recommended that the northern portion of the lot be zoned as 2(a) - Low Density Residential, and the southern portion of the lot be zoned as 7(a1) - Environmental Protection. Indicative placement of zoning boundaries are as shown on the map above.

It is also recommended that the lot areas to the north currently zoned as 2(b) - Medium Density Residential, be rezoned to 2(a) Low Density Residential, in order to prevent a build up of estate style developments along the Boomerang Drive area.

In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to the entire lot, as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lot, as part of the overall Pacific Palms area.

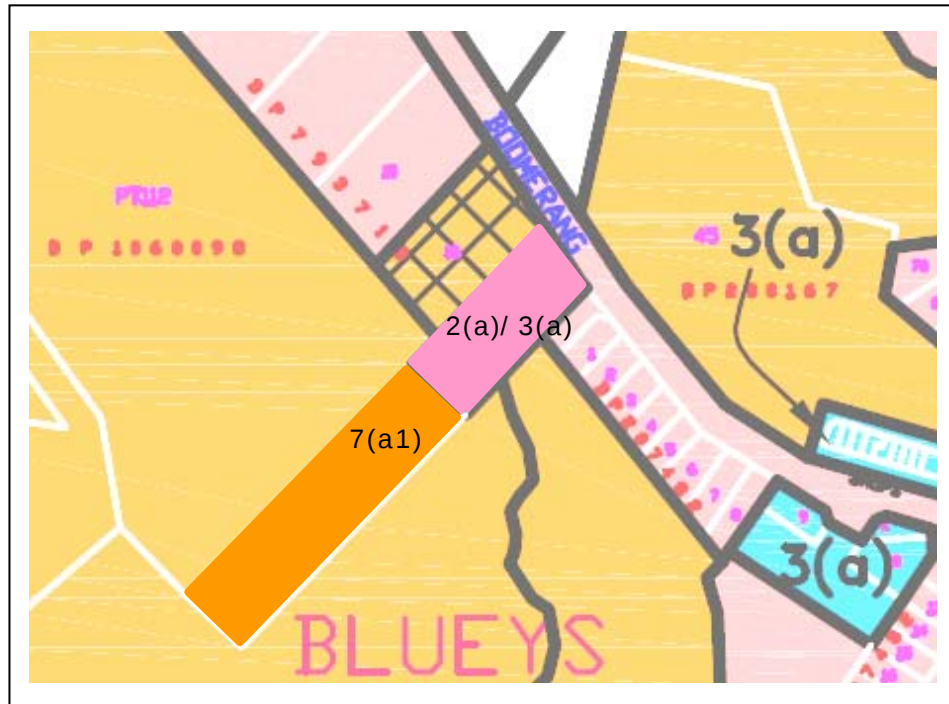
It is important to note that any future development within those areas to be zoned as 2(a) Low Density Residential, will be subject to the normal development controls and environmental impact assessment applicable to all development in NSW under the NSW *Environmental Planning and Assessment Act, 1979*. Under this legislation a development must demonstrate an “improved or maintained” environmental outcome, or otherwise demonstrate “no significant impact to threatened species, population or communities” as a result of the planned activity or development. That the site is known to be heavily constrained in terms of ecological features, it is anticipated that any future development will need to be extremely carefully planned to achieve legislative approval. It is expected that the lot would only be able to support limited development of an ecologically sustainable and sensitive nature.

In addition it is specifically noted that any future development on this site must meet the requirements of the Planning for Bushfire Protection Guidelines (2006). It is known that the lot in question has some steep areas, with slope greater than 18°, and under the Guideline such areas are usually excluded from development due to potential difficulties in bushfire control. However, in recognition of the fact that some areas of the lot are less steep (<18°), it is considered appropriate that some development be allowed, and that bushfire management measures be applied to ensure compliance with the Guideline.

However, on the basis on available information for the lot, it is anticipated that any future development will require significant development setbacks on this site to allow for Asset Protection Zones to be established. It is the intent of this zoning to ensure that any future bushfire protection measures be wholly contained within that area to be zoned as 2(a). In addition, on development of the area to be zoned as 2(a), it is expected that any current regime of bushfire hazard reduction being employed for the entire lot be ceased, and the area of the lot to be zoned as 7(a1) be allowed to regenerate to self-sustaining native bushland.

Moreover, development of a environmental management plan or strategy would be extremely valuable in ensuring management and protection of all ecological features known or likely to occur on the lot, whilst providing for the needs and protection of future developments.

4.4 Begg & Sweeny - Lot B DP 363483 (Boomerang Drive)

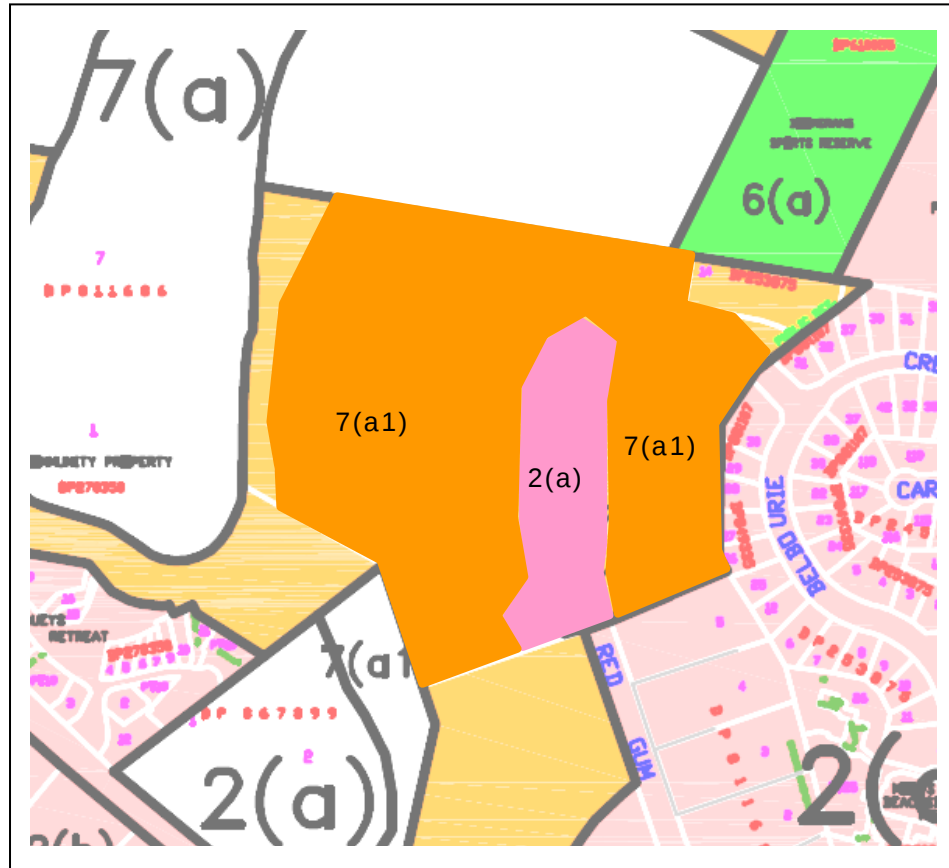


It is recommended that the northern portion of the lot be zoned as 2(a) - Low Density Residential or 3(a) - Business, and the southern portion of the lot be zoned as 7(a1) - Environmental Protection. Indicative placement of zoning boundaries are as shown on the map above.

It is also recommended that the surrounding areas currently zoned as 2(b) - Medium Density Residential, be rezoned to 2(a) Low Density Residential, in order to prevent a build up of estate style developments along the Boomerang Drive area.

In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to the entire lot, as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lot, as part of the overall Pacific Palms area.

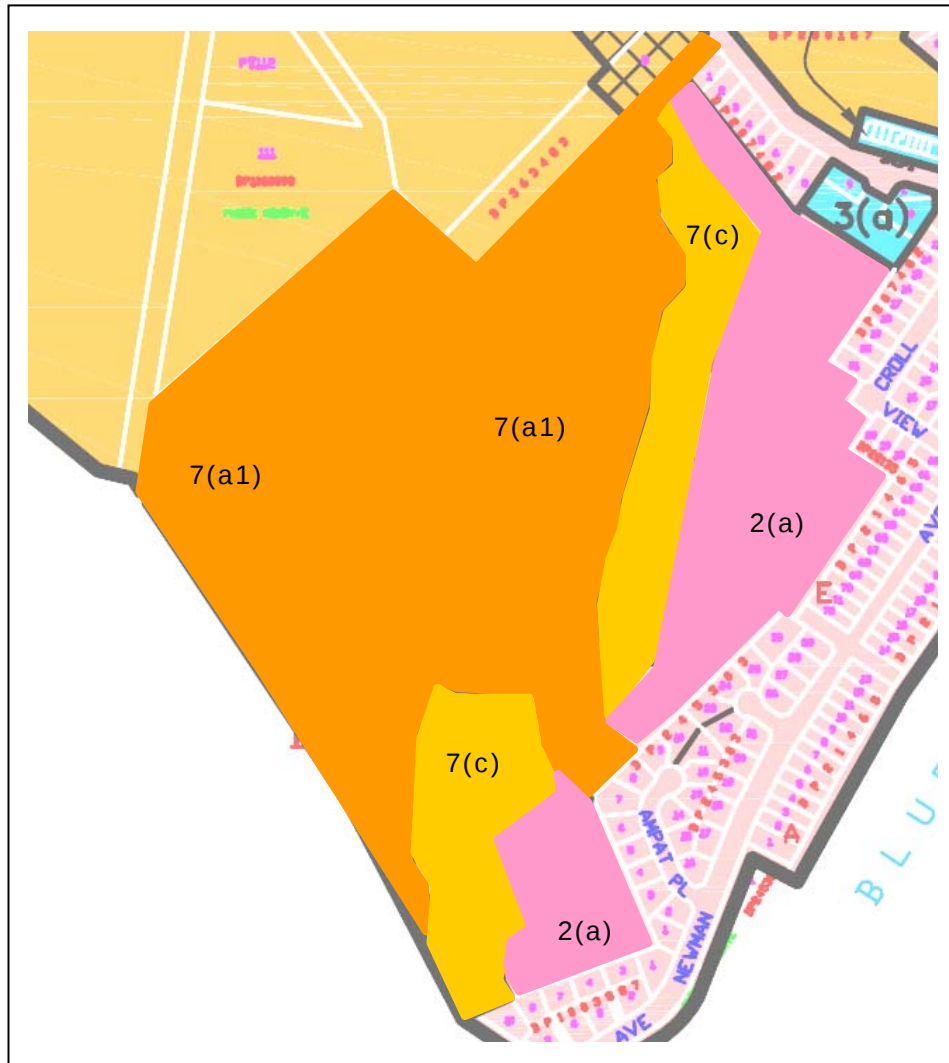
4.5 Larget Pty Ltd - Lot 6 DP 811686 (Red Gum Road)



It is recommended that the eastern and western portions of the lot be zoned as 7(a1) - Environmental Protection, with 2(a) - Low Density Residential within a strip extending through the central part of the lot, from the existing end of Red Gum Road. Indicative placement of zoning boundaries are as shown on the map above.

In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to the entire lot, as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lot, as part of the overall Pacific Palms area. For this lot area, it is also expected that a management strategy would be specifically prepared to facilitate environmental management of the 7(a1) to the east of the proposed development area.

4.6 Wilmar Enterprises Pty Ltd - Lot 23 DP 537919 (Boomerang Drive)

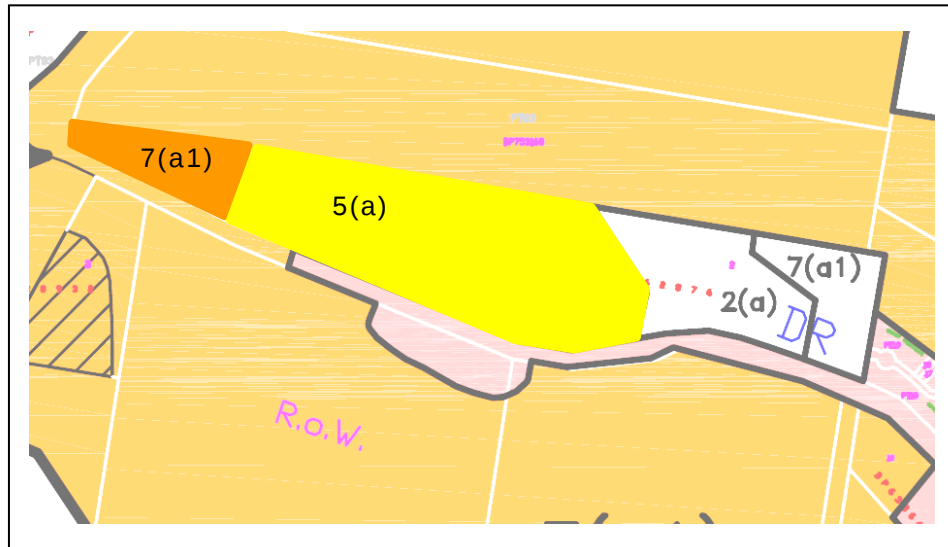


It is recommended that the western portion of the lot be zoned as 7(a1) - Environmental Protection, as per the initial zoning boundary, with a further area to be zoned as 7(a1) to facilitate environmental protection of the gully area running east-west towards the end of Ampat Place. In addition, the boundary of the area zoned 7(c) - Scenic Protection has been altered, with the eastern boundary of this zone moved further west. In concert, the western boundary of the existing 2(a) - Low Density Residential area has been shifted further west. Indicative placement of zoning boundaries are as shown on the map above.

In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to that part of the lot to be zoned as 7(a1), as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lot, as part of the overall Pacific Palms area. It is notable that specific management actions are expected to be written into this management document for the portion of this lot zoned 7(a1) adjoining Boomerang Drive, to facilitate protection of this area as a key corridor linkage point. Further detail is contained in Section 3.1.

In addition, it is noted that future development will require development setbacks to allow for Asset Protection Zones to be established. It is the intent of this zoning to ensure that any future bushfire protection measures be wholly contained within that area to be zoned as 2(a).

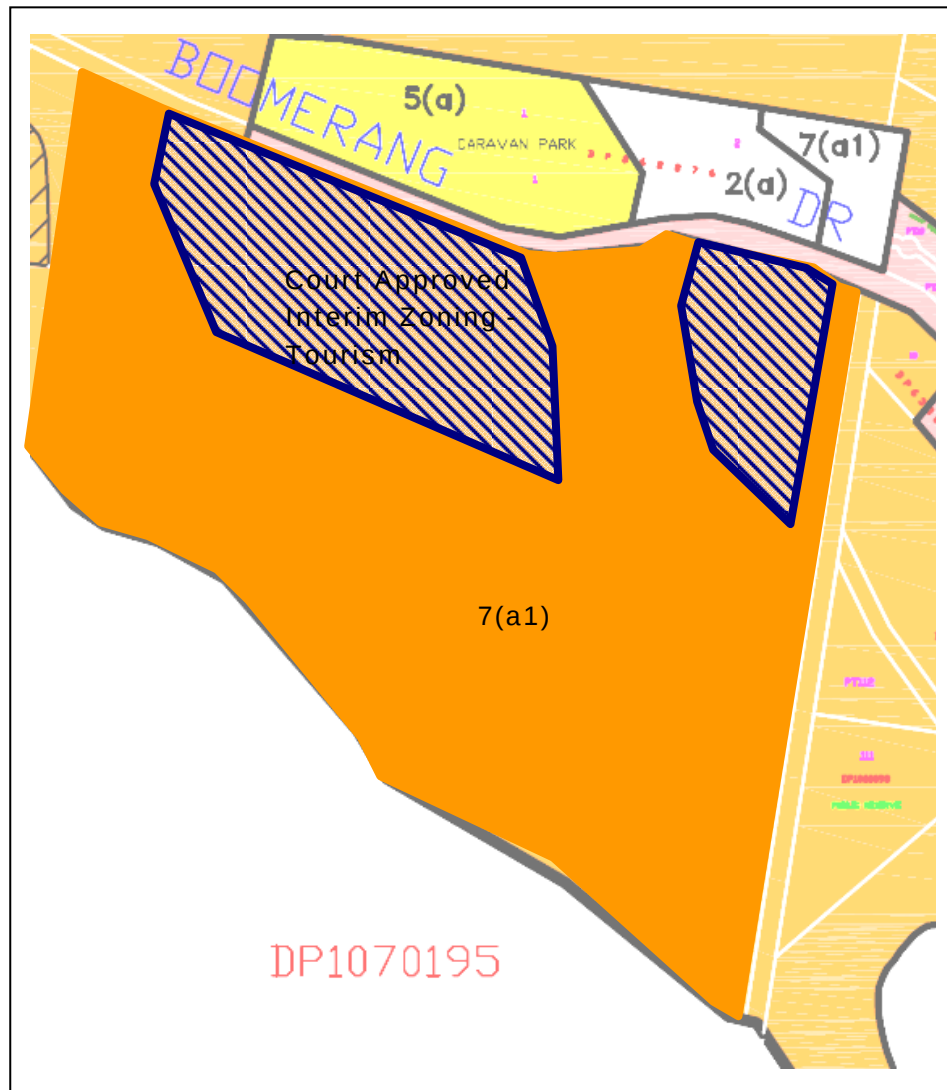
4.7 Palms Oasis Pty Ltd - Lot 1 DP 862876 (Boomerang Drive)



It is recommended that the western portion of the lot be zoned as 7(a1) - Environmental Protection, as per the initial zoning boundary, however with the eastern zone boundary shifted towards the west. This allows for the extension of the area currently zoned 5(a) Caravan Park, to facilitate future expansion of the existing park facilities. Indicative placement of zoning boundaries are as shown on the map above.

In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to the entire lot, as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lot, as part of the overall Pacific Palms area. It is notable that specific management actions are expected to be written into this management document for the portion of this lot zoned 7(a1) adjoining Boomerang Drive, to facilitate protection of this area as a key corridor linkage point.

4.8 Calmjoy Pty Ltd - Lot 41 & 42 DP 1070195 (Boomerang Drive)



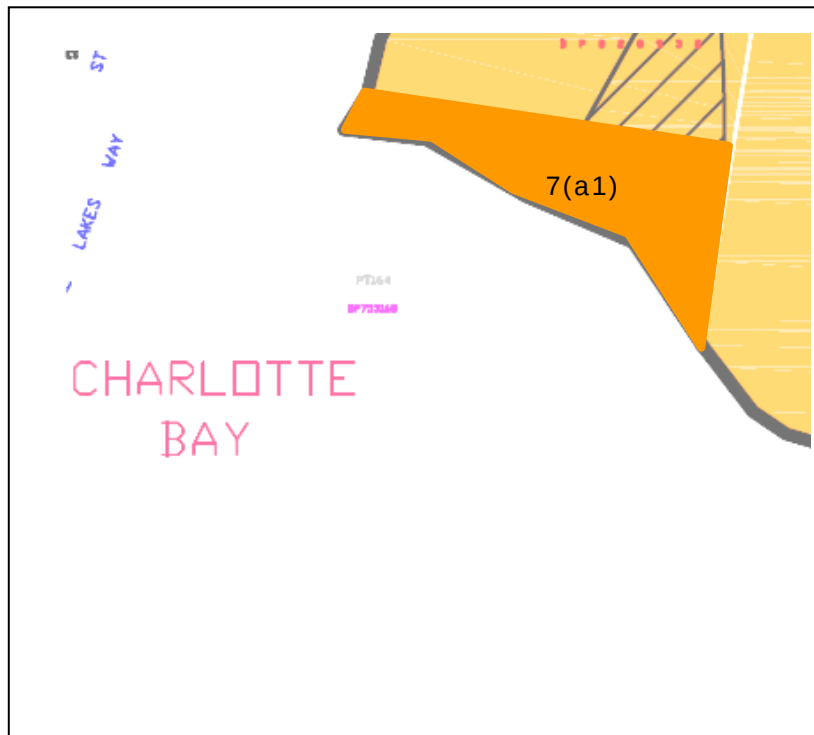
It is recommended that the southern portion of the lot be zoned as 7(a1) - Environmental Protection, with some areas to be protected towards Boomerang Drive, as shown above.

At the Dispute Resolution Session, the landowner requested for the court approved development area to be subject to permanent zoning of 2(a) Low Density Residential rather than the expected zoning of 5(a) Special Uses - Ecotourism. It was argued that such re-zoning would have significant social and economic benefits to the area. Similarly, the submission argues that re-zoning would potentially reduce the ecological footprint of the development as areas requiring bushfire hazard reduction would be minimised.

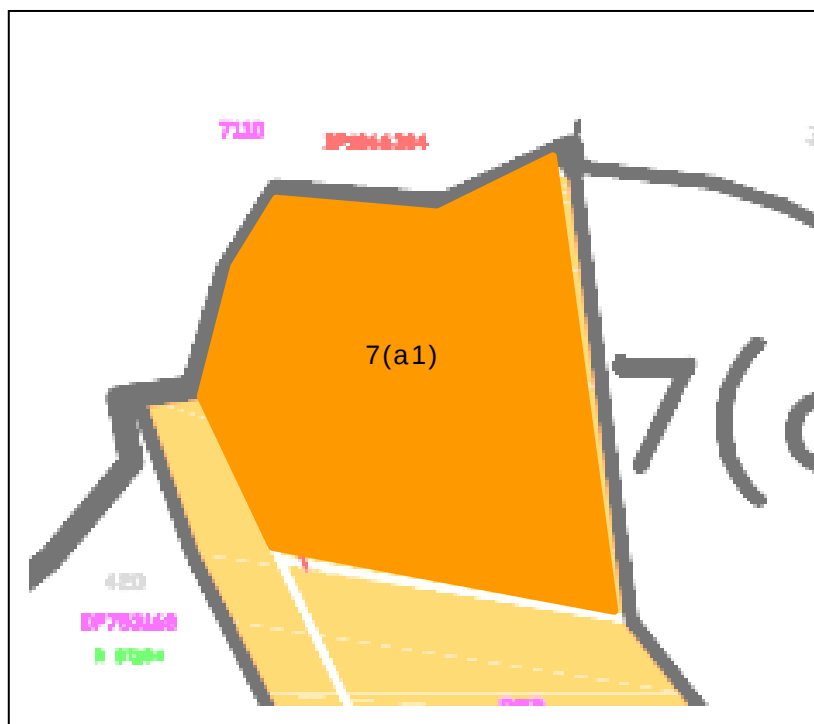
SMEC recognises that the proposed rezoning as currently presented may provide potential benefits as argued by the landowner. However, there remains some degree of uncertainty as to the longer-term implications of allowing a 2(a) zoning rather than 5(a) zoning, specifically the potential for further subdivision and increased density development.

SMEC did not canvas or explore all constraints and opportunities as this property was subject to a Land and Environment Court judgment effectively determining future zoning and development. The landowner issue raised is for Council consideration, and may be more appropriately addressed either before or at the development application stage. This could include development footprint, wild life corridor functionality, environmental management plans and opportunities for formal conservation agreements on the basis of development certainty into the future.

4.9 Paspaley Nominees Pty Ltd - Pt Lot A DP 418473 & Lot 164 DP 753168 (The Lakes Way)



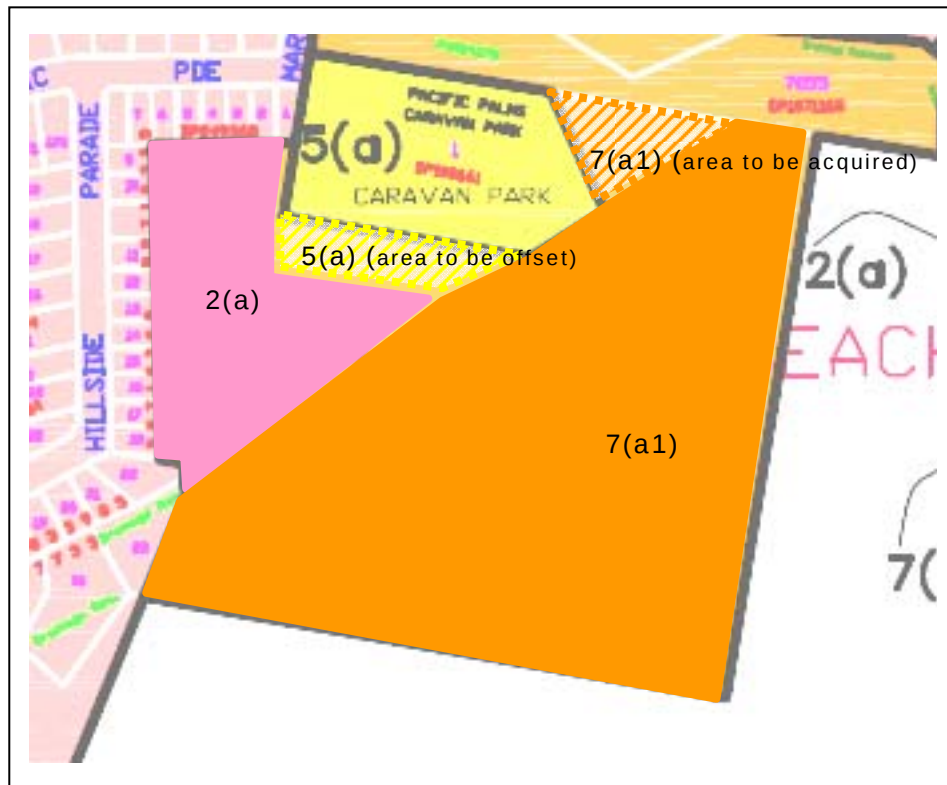
It is recommended that the portion of the lot included in this LEP be zoned as 7(a1) - Environmental Protection, as per the initial zoning boundary, and as previously mapped in the LEP. Indicative placement of zoning boundaries are as shown on the map.



It is recommended that the entire lot be zoned as 7(a1) - Environmental Protection, as per the initial zoning boundary, and as previously mapped in the LEP. Indicative placement of zoning boundaries are as shown on the map.

In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to the both lots but particularly to Lot 164 DP 753168, as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lots, as part of the overall Pacific Palms area.

4.10 Webster - Lot 19 DP 710308 (Hillside Parade)



It is recommended that the western portion of the lot be zoned 2(a) Low Density Residential, with an area along the northern boundary of the lot abutting the existing caravan park to be zoned 5(a) Special Uses - Caravan Park in order to facilitate an offset arrangement with landowner of Lot 1 DP 10061 (Pacific Palms Caravan Park). Further details of this arrangement are contained below, and within Section 4.13. The eastern portion of the lot is recommended to be zoned as 7(a1) - Environmental Protection. Indicative placement of zoning boundaries are as shown on the map above.

An area of the lot has been earmarked, upon agreement of the affected landowners, to transfer ownership of a portion of this lot (Lot 19 DP 710308) to the adjacent Lot 1 DP 10061, operating as the Pacific Palms Caravan Park, with rezoning of this portion of land to facilitate future expansion of the caravan park facilities, with a 5(a) zoning. In return, the eastern portion of Lot 1 DP 10061 will be transferred to the owner of Lot 19 DP 710308 and rezoned as 7(a1) for inclusion into a larger area also zoned as 7(a1) Environmental Protection. This area will then be subject to management with the aim to protect and enhance the function of this critical wildlife corridor linkage point.

In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to the entire lot, as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lot, as part of the overall Pacific Palms area.

It is noted that indicative subdivision plans supplied by the landowner suggest the rezoning of a larger portion of the lot to 2(a) Low Density Residential, with provision for 20 residential lots averaging 1200m². However, given the ecological constraints on the lot, it is recommended that a smaller area than suggested by the landowner be rezoned for development. The area suggested above should allow for the efficient subdivision of the area into a suitable number of lots to ensure a fair economic outcome to the landowner whilst also providing for any environmental management costs associated with maintaining the 7(a1) Environmental Protection zoning, and protect the integrity of the ecological features known or likely to use the site.

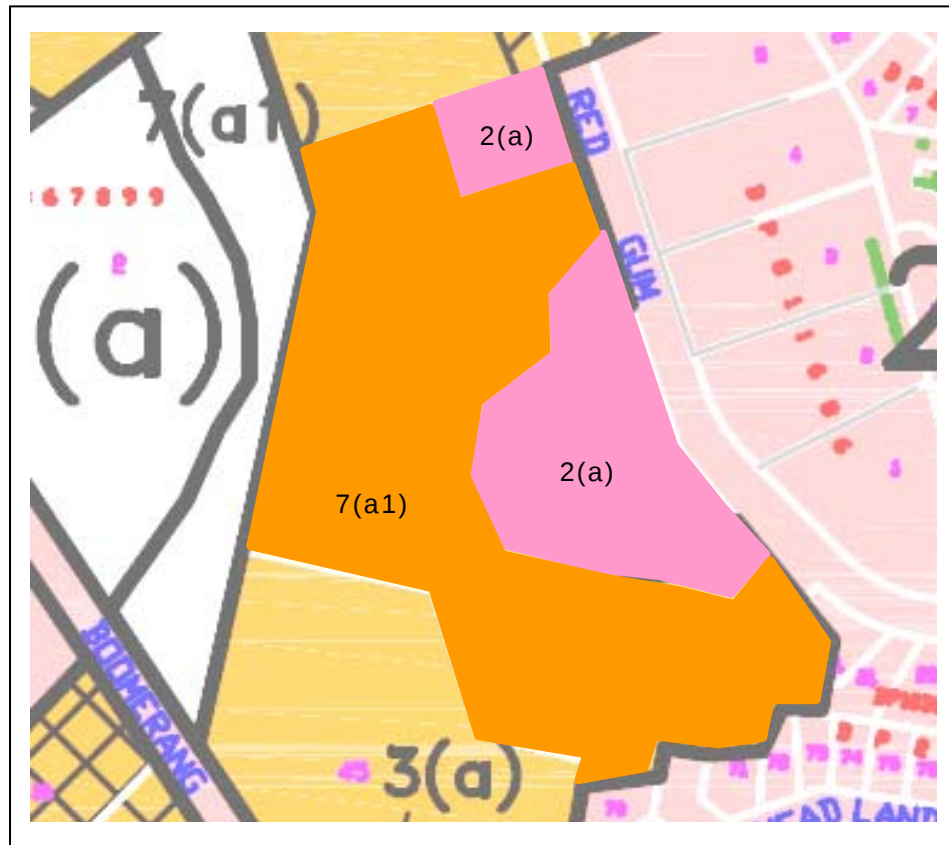
It is important to note that any future development within those areas to be zoned as 2(a) Low Density Residential, will be subject to the normal development controls and environmental impact assessment applicable to all development in NSW under the NSW *Environmental Planning and Assessment Act, 1979*. Under this legislation a development must demonstrate an “improved or maintained” environmental outcome, or otherwise demonstrate “no significant impact to threatened species, population or communities” as a result of the planned activity or development. Given that the site is known to be heavily constrained in terms of ecological features, it is anticipated that any future development will need to be extremely carefully planned to achieve legislative approval. That the area to be rezoned as 2(a), and therefore potentially available for development, has been reduced reflects an appreciation of the fact that the lot is only expected to be able to support limited development of an ecologically sustainable and sensitive nature. It is expected that future development would rely on the conservation of the lot area to be zoned as 7(a1) to achieve an “improve or maintain outcome”.

In addition it is specifically noted that any future development on this site must meet the requirements of the Planning for Bushfire Protection Guidelines (2001). Indicative subdivision plans do allow for bushfire management measures, in the form of Asset Protection Zones being established. It is suggested that any future plans for subdivision consider relocating access roads to the eastern perimeter of the 2(a) area, effectively combining road reserve areas with functioning APZs, and potentially allowing for more lots to be developed.

However, it is the intent of the recommended zoning to ensure that any future bushfire protection measures be wholly contained within that area to be zoned as 2(a). In addition, on development of the area to be zoned as 2(a), it is expected that any current regime of bushfire hazard reduction being employed for the entire lot be ceased, and the area of the lot to be zoned as 7(a1) be allowed to regenerate to self-sustaining native bushland.

Moreover, development of an environmental management plan or strategy would be extremely valuable in ensuring management and protection of all ecological features known or likely to occur on the lot, whilst providing for the needs and protection of future developments.

4.11 Kerr - Lot 191 DP 226108 (Headland Road)



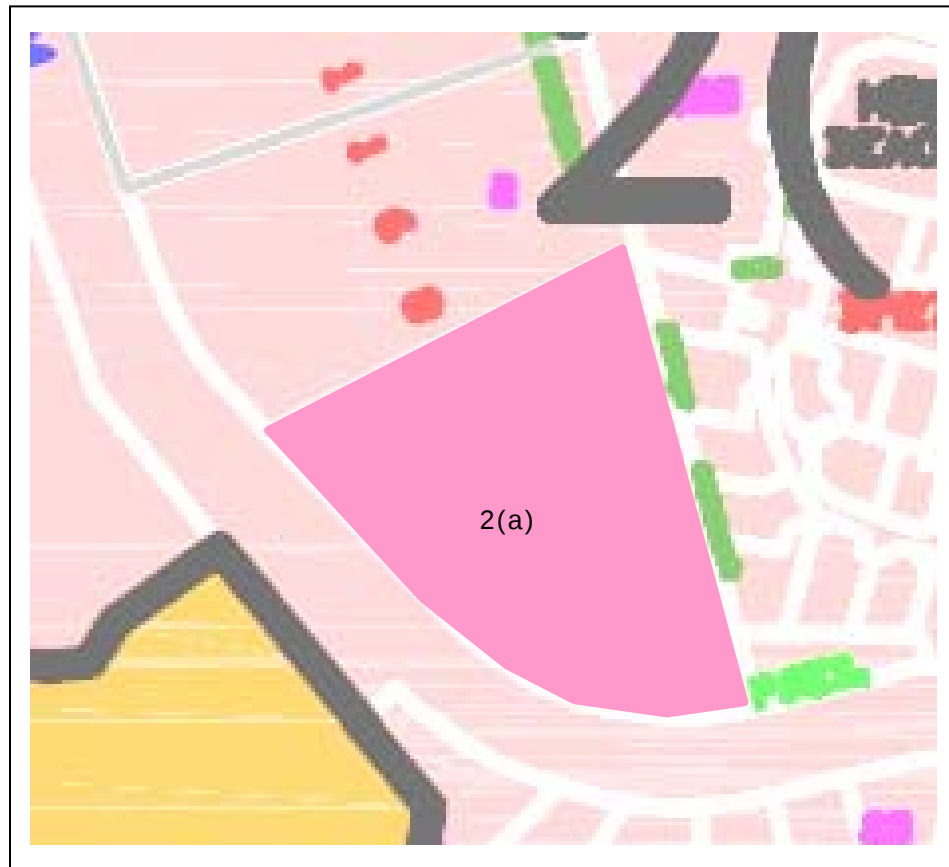
It is recommended that two eastern portions of the lot be zoned as 2(a) - Low Density Residential, with the remainder of the lot to be zoned as the existing 7(a1) - Environmental Protection. Indicative placement of zoning boundaries are as shown on the map above.

It is the intent of the recommended zoning to ensure that any future bushfire protection measures be wholly contained within that area to be zoned as 2(a). In addition, on development of the area to be zoned as 2(a), it is expected that any current regime of bushfire hazard reduction being employed for the entire lot be ceased, and the area of the lot to be zoned as 7(a1) be allowed to regenerate to self-sustaining native bushland.

It is of note that current bushfire protection measures have been recommended along the western lot boundary. The placement of an APZ in the proposed location is not understood, and is not endorsed by this review. If any future development is likely to require maintenance of a ~50m APZ buffer along the western boundary, the proposed rezoning should not be allowed.

Moreover, it is recognised that a number of significant tree species have been recorded within the lot, and should be protected as far as is practical should any future development be allowed. An environmental management plan or strategy would be extremely valuable in ensuring management and protection of all ecological features known or likely to occur on the lot, whilst providing for the needs and protection of future development.

4.12 Wansey - Lot 1 DP 811686 (Red Gum Road)

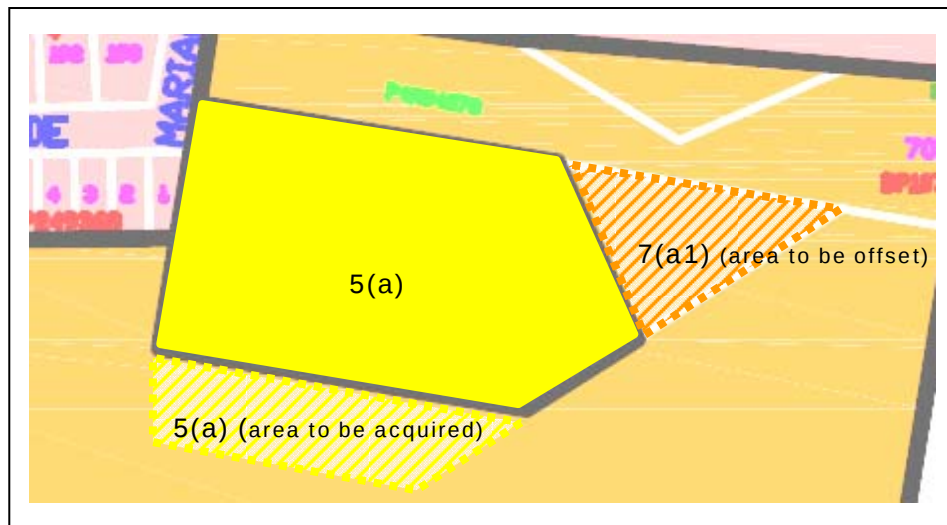


It is recommended that the lot retain the existing zoning of 2(a) - Low Density Residential. Indicative placement of zoning boundaries are as shown on the map above. Further detail of the key points of this submission in relation to this lot is contained elsewhere in this document, and briefly summarised below.

The issue of relevance of the mapping of EEC areas across the entire study area has been discussed in further detail in Section 3.2. In addition, some detail is also contained in Section 3.6.2 as to the wording of the clause in the LEP amendment relating to the protection of Significant Habitat Trees on the landholding.

It is important to note that any future development within all areas zoned as 2(a) Low Density Residential will be subject to the normal development controls and environmental impact assessment applicable to all development in NSW under the NSW *Environmental Planning and Assessment Act, 1979*. Under this legislation a development must demonstrate an “improved or maintained” environmental outcome, or otherwise demonstrate “no significant impact to threatened species, population or communities” as a result of the planned activity or development. It is at this stage that ecological assessment would occur to consider the ecological features known or with potential to occur within the lot, and considered in the LES and LEP as ecological constraints. It is anticipated that any future development will need to be carefully planned to achieve legislative approval.

4.13 Pacific Palms Caravan Park Pty Ltd - Lot 1 DP 100661 (Boomerang Drive)



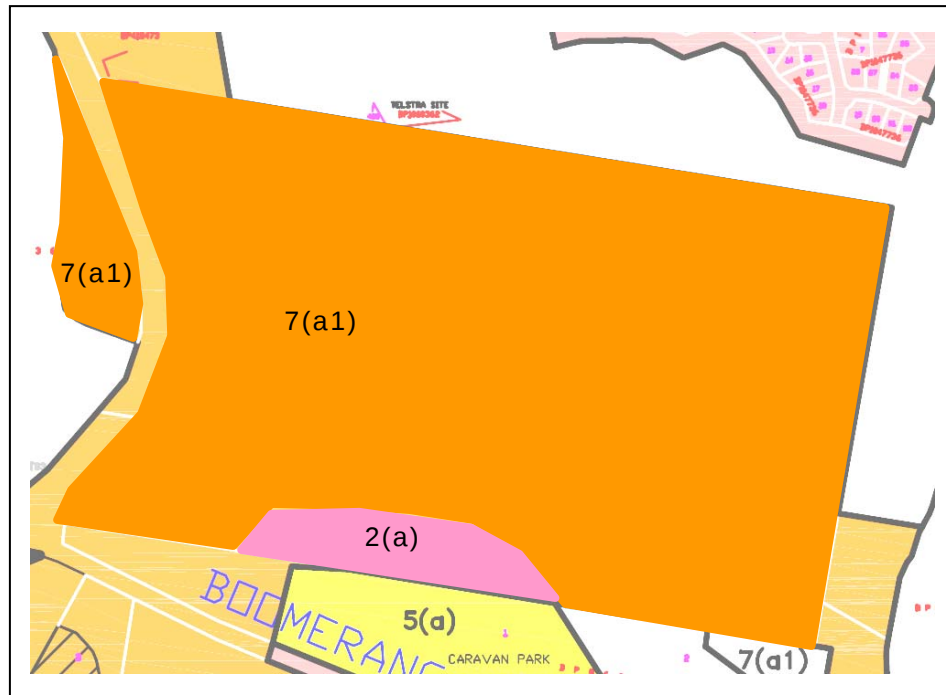
It is recommended that the eastern portion of the lot be zoned 7(a1) - Environmental Protection and transferred as an offset to the landowner of Lot 19 DP 710308 (Webster). In return, an equivalent portion of Lot 19 DP 710308 will be acquired by this landowner and zoned as 5(a) Special Uses - Caravan Park. Further details of this arrangement are contained below, and within Section 4.10. Indicative placement of zoning boundaries are as shown on the map above.

An area of the lot has been earmarked, upon agreement of the affected landowners, to transfer ownership of a portion of this lot (Lot 1 DP 10061) to the adjacent Lot 19 DP 710308 and rezoned as 7(a1) for inclusion into a larger area also zoned as 7(a1) Environmental Protection. In return, a portion of Lot 19 DP 710308 will be zoned as 5(a) and transferred to this landowner, operating as the Pacific Palms Caravan Park, to facilitate future expansion of the caravan park facilities.

In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to the entire lot, as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lot, as part of the overall Pacific Palms area.

Moreover, development of an environmental management plan or strategy would be extremely valuable in ensuring management and protection of all ecological features known or likely to occur on the lot, whilst providing for the needs and protection of future developments.

4.14 Newbold - Lot 427 DP 861736 (Boomerang Drive)



It is recommended that a portion of the lot abutting the southern boundary, adjacent to the Oasis Caravan Park be zoned as 2(a) - Low Density Residential, with the remainder of the lot to be zoned as 7(a1) - Environmental Protection. Indicative placement of zoning boundaries are as shown on the map above.

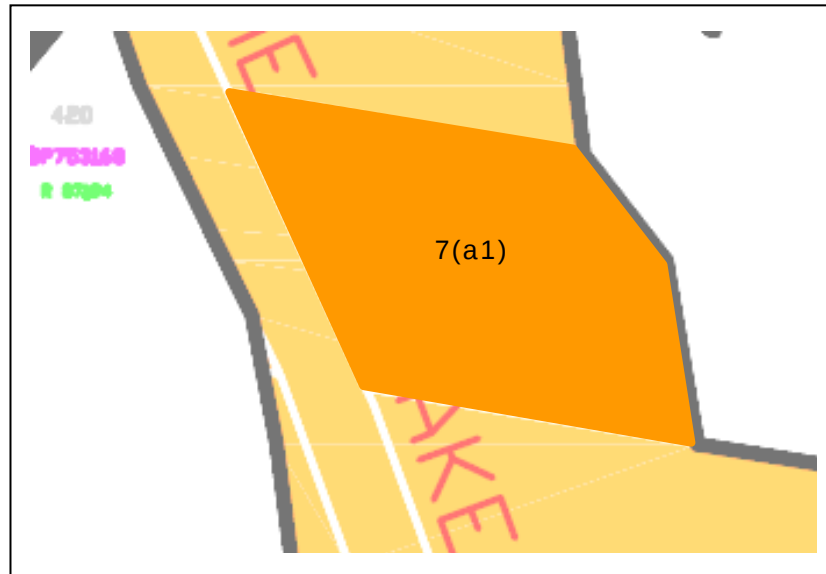
In addition, it is recommended that specific management measures addressing wildlife corridor function be applied to the entire lot, as per the detail contained in Section 3.1. It is anticipated that such an arrangement for on-going management of this area would be contained within a Development Control Plan (DCP), with the provision of a management strategy to apply to the specified lot, as part of the overall Pacific Palms area.

It is important to note that any future development within those areas to be zoned as 2(a) Low Density Residential, will be subject to the normal development controls and environmental impact assessment applicable to all development in NSW under the NSW *Environmental Planning and Assessment Act, 1979*. Given that the site is known to be heavily constrained in terms of ecological features, it is anticipated that any future development will need to be extremely carefully planned to achieve legislative approval. It is expected that future development would rely on the conservation of the lot area to be zoned as 7(a1) to achieve an "improve or maintain outcome".

In addition any future development on this site must meet the requirements of the Planning for Bushfire Protection Guidelines (2001). It is the intent of the recommended zoning to ensure that any future bushfire protection measures be wholly contained within that area to be zoned as 2(a). In addition, on development of the area to be zoned as 2(a), it is expected that any current regime of bushfire hazard reduction being employed for the entire lot be ceased, and the area of the lot to be zoned as 7(a1) be allowed to regenerate to self-sustaining native bushland.

Moreover, development of an environmental management plan or strategy would be extremely valuable in ensuring management and protection of all ecological features known or likely to occur on the lot, whilst providing for the needs and protection of future developments.

4.15 Drevikovsky - Lot B DP 363483 (The Lakes Way)



It is recommended that the entire lot be zoned as 7(a1) - Environmental Protection, as per the initial zoning boundary, and as previously mapped in the LEP. Indicative placement of zoning boundaries are shown on the map above.

Moreover, development of a environmental management plan or strategy would be extremely valuable in ensuring management and protection of all ecological features known or likely to occur on the lot, whilst providing for the needs and protection of future developments.

5 Conclusions

The study area has previously identified high conservation values resulting from the overlay of a multitude of significant ecological features (SMEC, 2006a; SMEC, 2006b; SMEC, 2007).

Most landowners and community representations (but not all landowners) generally recognise and accept the identified special and high values of the study area. Many of the landowners argue for an equitable and fair use or future use of their land, and many are prepared to negotiate with Council for limited development opportunity based on a conservation agreement approach.

This report has examined and considered all relevant submissions available, from those parties presenting at the Dispute Resolution Session, as a result of the findings of an independent peer review by SMEC (2006a). It consolidates the main points from each submission and provides a response, with recommendations made having regards to ecological constraints and landowner issues or requests.

This report also considers issues of a technical nature which arose at the DRS, with a position and further detail being presented on each issue. In addition, this report has suggested alterations and additions to the DLEP where it has been recommended by SMEC that such modifications are appropriate.

Again, it must be reiterated that the independent peer review, and all technical documents for the study area, show that the majority of the study area has high conservation value resulting from the overlay of a multitude of significant ecological features. These combined ecological features overlap substantially with each other within the proposed Environmental Protection zones across the study area.

This report is an outcome of the DRS process. Briefly the SMEC recommendations are that ecological constraints may not prohibit strictly limited development within certain individual landowners' properties, generally on fringing areas, areas adjoining developed areas or other areas having regard to the property circumstances. The approach aims to provide a fair and reasonable ability for landowners to develop at least a portion (albeit usually small) of their land, and hence to enable agreement with Council for conservation of the remainder of the landowner's property as well as appropriate management of ecologically important areas. It is important to stress that further detailed ecological assessment and targeted management practices must be developed as part of the development application process to mitigate potential impacts resulting from future development.

Overall, it is considered critical that all development in areas of high ecological constraints must incorporate measures for:

- ensuring perpetual conservation of 'offset' 7(a1) areas adjacent to areas to be zoned for future development;
- tailoring any future development to ensure minimal environmental and ecological impact; and
- setting up a framework for on-going and adaptive environmental management that is specific to the ecological needs of each lot.

In addition, it is also important to stress that although SMEC, in this document, have made clear recommendations for each relevant land site; these suggestions have been developed independently from Council, based on an ecological importance and protection viewpoint. SMEC has determined a position for each subject landholding on the basis of SMECs understanding of identified ecological constraints of the study area, with a strong focus on the ecological protection needs of the area, and after consideration of arguments and submissions reviewed as part of the DRS. The location of and consideration of areas for conservation versus areas for potential development has not been on the basis of equal areas or any equalising. The "balancing" refers to identified ecological constraints

versus potential development which does not substantially compromise such ecological constraints. Detailed assessment would be required for any development at a later Development Application stage, and indicative potential development is only considered here.

SMEC notes that the decision of rezoning all areas relevant to Amendment 13 of the Pacific Palms DLEP ultimately rests with Council.

SMEC will not enter into any future discussion or correspondence (or respond) with landowners or others as this effectively concludes SMEC's independent review role for Council on this area. Any such matters should be directed to Council.

6 References

NSW Rural Fires Service (2006). Planning for Bushfire Protection Guideline, 2006.
Prepared by NSW Planning and NSW Rural Fire Service

Scotts, D. and Drielsma, M, (2003). Developing landscape frameworks for regional conservation planning: an approach integrating fauna spatial distributions and ecological principles. Pacific Conservation Biology 8(4), pp 235-254.

Snowy Mountains Engineering Corporation (SMEC), (2006a). Review of Ecological Issues: Pacific Palms. Report prepared for Great Lakes Council.

Snowy Mountains Engineering Corporation (SMEC), (2006b). Addendum to Pacific Palms Review. Report prepared for Great Lakes Council.

Snowy Mountains Engineering Corporation (SMEC), (2007). Pacific Palms Preliminary LEP Review. Report prepared for Great Lakes Council.

APPENDIX A : Consideration of Additional Submissions

This Appendix considers those submissions which were received in response to the Draft LEP but not subject to presentation during the Dispute Resolution Session. This table considers each submission in an independent manner, with reflection on accepted scientific standards and best-practice techniques. It critiques the information underpinning each document to determine its adequacy.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
1 (Don & Sue Owers)	.	83 Boomerang Dr	- Due to lands prevalence to flooding, it should be defined as a floodplain, and should be unsuitable for any development - Concern about development of an area that is part of the drainage system for the region. In particular, the loss of habitat for wetland birds, and an increase in run-off and associated risk of flooding including the insurance implications and personal cost it will have on land owners. - The requirement that the developer is required to provide suitable drainage does not change the fact that houses on Boomerang Dr are the first to be flooded - Council should undertake study to determine storm impact assessment – using the same severity which just hit Noosa	It is unclear which land area to be developed is the focus of the submission. However the key points of the submission concern flooding along Boomerang Drive, and impacts resulting from development of the Paperbark/ Swamp Mahogany Forest area (and presumably also the SEPP 14 wetland area).	It is understood that council are implementing a drainage strategy for the entire LGA area, which may mitigate the potential flooding impacts raised in this submission. In addition, the environmental impact assessment process is highlighted as the stage whereby impacts to sensitive ecological features (such as the wetland and swamp forest areas) would be addressed.
2 (Peter Johns)	.	Lot 11 DP 253875 (22Belbouri Cres)	Seeks Council assistance for information on a number of planning matters, such as the inclusion of three parcels of land within stage 2 of the DLEP; requesting copies of all Council reports, resolutions, and expert advice etc for the relevant lots and requesting copies of Council determinations on the matters.	The submission does not concern any ecological matters, and simply requests information from Council.	This matter would be deferred to Council for consideration, and/or further action as required.
3 (Eric Middlecorp)	.	40 Jacaranda Ave, Elizabeth Beach	- Strongly supports the concept of limiting any future development to areas which are currently zoned for general business and low/medium residential and urban development. - Objects strongly to rezoning of any currently zoned rural, Environmental/Scenic Protection areas to general business and low/medium residential. - Do not object to rezoning business and low to medium residential areas.	The submission essentially asserts a landowners support for the current rezoning situation as proposed in the DLEP on exhibition, and is likely to be opposed to the further negotiated rezoning proposals contained in this document.	This submission highlights what is perhaps the less active position of support for rezoning the Pacific Palms area. It is understood that the majority of the community strongly support the retention and protection of the important ecological features in the area, and SMEC hope these landowners also recognise the positive benefits for ecology, which are expected in negotiating to rezone further land areas for development.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
4 (R Baggs)	.	9 Ampat Place, Pacific Palms	- Concern over stormwater and drainage issues including: - Inadequate flood prone land mapping in the Bluey's Beach study area due to increased run-off - Untreated stormwater discharge into the sea or beach due to increased run-off - Preparation of Acid Sulfate Soils Assessment by the GLC will be released too late to be sufficiently addressed - A detailed stormwater drainage study independent of other areas should be conducted.	Draft Acid Sulphate Soils DCP on display on the Council website that addresses Acid Sulfate Soils in the Pacific Palms area. It is understood that further development on Lot 23, DP537919, will mitigate and address the current issues with drainage to this area.	Further information is contained in the table given as Section 2 and Section 4.6 of the proposed rezoning and development of Lot 23, DP 537919. It is understood that council are implementing a drainage strategy for the local drainage area, which may mitigate the potential flooding impacts raised in this submission.
5 (R & MA Morocco)	.	74 Newman Avenue, Blueys Beach	- Concern over zoning of area from western end of View Street to the southern end of Blueys Beach to 2(a), and allowing for sub-division. It is believed the landholding in question is Lot 23, DP537919. - Stated that subdivision of this lot would not comply with SEPP 71, and would cause significant drainage and stormwater issues. - Also objects to rezoning of this landholding for ecological reasons, with concern about the eradication of native fauna and flora - Requests that the landholding be zoned as 7(c) Scenic Protection.	It is understood that further development on Lot 23, DP537919, will mitigate and address the current issues with drainage to this area. In addition, it is noted that any future development would need to demonstrate compliance with all planning instruments, including SEPP 71, and address all slope, visual impact and drainage issues.	Further information is contained in the table given as Section 2 and Section 4.6 of the proposed rezoning and future development of Lot 23, DP 537919. It is understood that Council are implementing a drainage strategy for the local drainage area, which may mitigate the potential flooding impacts raised in this submission. In addition, the environmental impact assessment process is highlighted as the stage whereby impacts to sensitive ecological features (such as slope, flora and fauna) would be addressed.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
6 (Jack Ticehurst)	.	12 Blueys Way, Pacific Palms	13th Draft. Seems that comments may not be addressed properly and therefore keep coming up as areas to be addressed. - Only displaying some areas covered in the Environmental Plan for comment severely jeopardises a realistic outcome for the area. - The wildlife corridor south across Boomerang Dr is becoming miniscule and doubts its effectiveness - There appears to be no proposal to preserve the habitat zoning southwards from Boomerang Dr and westward and south of Croll/Newman Ave. - The decision not to take stormwater issues at the north and south ends of Blueys Beach into consideration is fallacious - Nature trails and cycleways do not feature - Further north the wildlife corridor from/to both ends of Booti Booti National Park seems to be almost destroyed.	Many of the key points of this submission does not concern any ecological matters, and simply make comment on the process and integrity of the planning process for the DLEP. The submission also addresses the issue of wildlife corridor functionality, and also mentions the issue of drainage.	The general matters raised in this submission would be deferred to Council for consideration, and/or further action as required. However, it is also understood that council are implementing a drainage strategy for the local drainage area, which may mitigate the potential flooding impacts raised in this submission. Further information on a new strategy to consider the issue of wildlife corridor functionality is considered in Section 3.1 of this report.
7 (Dr G Wells)	.	.	- Submission takes the form of a statutory declaration. - Stated that no evidence exists of the Koala quadrats and that the presence of <i>Eucalyptus fergusonii</i> could not be validated. - Also claims that the SMEC Peer Review was incomplete as they did conduct the field survey to determine Koala activity in the area, despite being commissioned to do so.	Many of the key points of this submission have been raised a number of times previously, and the reader is referred to the SMEC Independent Peer Review for further detailed consideration of these issues.	The general matters raised in this submission would be deferred to Council for consideration and/or further action as required. However, it is understood that Council undertook the Independent Peer Review process in light of comments such as raised in this submission, and this process came to clear conclusions as to the adequacy of the LES. The current stage of finalising the DLEP is to consider, on a case-by-case basis, issues that may be resolvable by negotiation. This is what the DRS process has attempted to do, and it is of note that the author of this submission has not involved in this process because there is no apparent landholdings to negotiate over.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
8 (Curlew Biological Services)	-	-	- Submission addresses the viability of proposed rezoning for the regional wildlife corridor through the area, and across Boomerang Drive. - disputes value of wildlife corridor function across lot, believed to be unsupported by biological fact. - Presents a valuable technical analysis of factors which need to be considered in value of a wildlife corridor	SMEC essentially support the details of this submission, and would encourage Council to ensure this document is utilised as part of activities suggested for development of the Wildlife Corridor Strategy for the area.	On the basis of the DRS process outcome, a new strategy to consider the issue of wildlife corridor functionality is considered in Section 3.1 of this report.
9 (DD & KA Smith)	-	3 Oriana Close, Foster	- Former residents of Pacific Palms/Smiths Lake area - The proposed 2(a) zoning of the wet heath area has a high conservation value and is the habitat of the Wallum Froglet, Eastern Chestnut Mouse and Common Blossom Bat. Any development along this edge will create an adverse impact on the remaining habitat of these threatened species. - Vegetation communities in this area (Lot 58 DP 731369) have sub-regional and regional significance. - The two fauna corridors that cross the southern Boomerang Dr are insufficient for long term survival of terrestrial fauna.	The first issue raised by this submission, that of the 2(a) zoning within the wet heath area on Lot 58, DP 731369, concerns a lot which was rezoned as part of Stage 1 for the DLEP, thus it has already been agreed and the LEP made. It is, however, known to SMEC that some environmental impact assessment for this part of the lot has occurred, and modifications have been made to the proposed development to provide greater certainty over the potential impact of development, and mitigating impacts to the species of concern. SMEC agree with the comments made as to the adequacy of wildlife corridors within the area, and as part of the DRS process, further progress was been made on this issue.	On the basis of the DRS process outcome, a new strategy to consider the issue of wildlife corridor functionality is considered in Section 3.1 of this report.
10 (Kent Rowe)	-	2 tremont Ave, Adamstown Heights	Recommends an inclusion in DA's that a security deposit be required from developers, which is released upon necessary checks that endangered species and habitats have not been affected.	SMEC essentially support the ideas suggested in this submission, but note that key points of this submission do not concern any matters which could be resolved prior to making of the LEP for the Pacific Palms area, and rather are valuable suggestions for consideration independently and into the future.	The general matters raised in this submission would be deferred to Council for consideration, and/or further action as required. SMEC generally endorse the principle of requiring security deposits to provide currency in ensuring environmental concerns are given weight, and to ensure impacts do not result from development. However, it is suggested that the logistics of such a scheme would be extremely complex, well beyond what is currently established in local council, and therefore likely to take decades to set up.

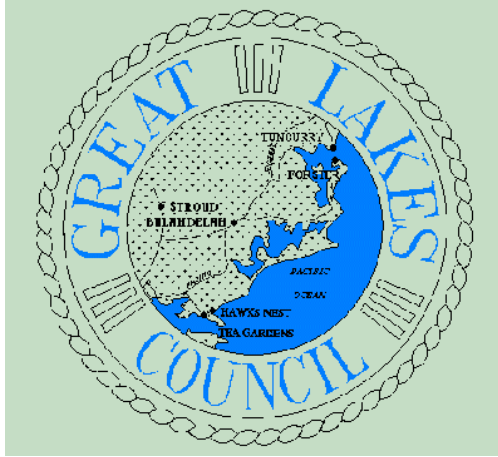
Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
11 (Peter Johns)	-	14 Cindi Close, Whitebridge	- The planning process employed for the DLEP is not in public interest and the unique coastal features of the Pacific Palms area warrants better than a piece meal planning approach. - DLEP and associated current land zoning instrumentation provides limitations to protection of sensitive parcels of land. - Endorses view that no further development be allowed within ecologically constrained parts of the study area. - Believes DLEP should be abandoned and the new Standard Instrument (LEP) adopted.	Many of the key points of this submission does not concern any ecological matters, and simply make comment on the process and integrity of the planning process for the DLEP. The submission essentially asserts a landowners support for limiting further development in the area and is likely to be opposed to the further negotiated rezoning proposals contained in this document.	Most of the issues highlighted in this submission would be deferred to Council for consideration, and/or further action. It is again of note that this submission highlights that the majority of the community strongly support the retention and protection of the important ecological features in the area. SMEC hope these landowners recognise the positive benefits gained from providing certainty over conservation and management of smaller land areas that arises from negotiating to rezone some portion of ecologically sensitive land areas for development.
12 (Lidbury, Summers and Whitman)	Jarberg P/L	? Hillside Parade	- Submission is a letter from Lidbury, Summers & Whiteman referring to a portion of land described as the Jarberg parcel - The submission highlights that the DLEP is not consistent with previously approved rezoning plans, with conservation areas	It is understood an agreement has been reached between this landowner and their representatives and Council. It is also believed that the zoning on this lot was subject to Stage 1 of the LEP.	Given that the issues highlighted in this submission are concerning a lot which is not the subject of the current DRS process, and was considered as part of the Stage 1 LEP which has now been made. Therefore, this matter would be deferred to Council for consideration, and/or further action as appropriate.
13 (Midcoast Water)	-	N/A	Letter from Midcoast Water providing general comments on the LEP, suggesting undertaking an integrated water cycle management study, considering the future water supply and infrastructure and ensuring adequate provision of sewerage infrastructure.	The key points of this submission concern water, and make general comment on the EP, and therefore does not concern any ecological matters relevant to the current DRS process.	The issues highlighted in this submission would be deferred to Council for consideration, and/or further action as appropriate.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
14 (Rod & Jenny Swinton)	.	24 Bbelbourie Crescent	- Presents that the DLEP should be abandoned and the NSW's Government Standard Instrument (LEP) Order 2006 should be adopted - Expresses concern over allowing development on particular parcels of land known to be ecologically sensitive. - Endorses view that no further development be allowed within ecologically constrained parts of the study area.	It is understood a prior agreement has been reached between the relevant landowner(s) and Council. It is also believed that the zoning on the relevant lots was subject to Stage 1 of the LEP. However, it is noted that the submission essentially asserts a landowners support for limiting further development in the area and is likely to be opposed to the further negotiated rezoning proposals contained in this document.	The issues relating to specific rezoning included as part of the Stage 1 LEP would be deferred to Council for consideration, and/or further action. However, it is of note that this submission highlights that the majority of the community strongly support the retention and protection of the important ecological features in the area and SMEC hope these landowners can also recognise the positive benefits gained from providing certainty over conservation and management of smaller land areas that arises from negotiating to rezone some portion of ecologically sensitive land areas for development.
15 (A Baker)	.	Boomerang Drive	Submission proposed extension of 3(a) Business Uses zoning along Boomerang Drive, in recognition of existing commercial uses, namely the 'Blue Healer' on Lot 191 Boomerang Drive.	SMEC note that the matters raised in this submission do not concern any ecological features or values. However, no real objections are raised against the proposed rezoning and extension of the 3(a) Business Uses zoning, if such rezoning is generally acceptable to the community.	The general matters raised in this submission would be deferred to Council for consideration, and/or further action as required. SMEC have no objections to the proposed extension of the 3(a) zoning along Boomerang Drive, and would generally endorse the proposal in recognition of the fact that commercial uses are known to already be in existence on the lot. However, it is known that the need for further commercial uses has previously been investigated for the study area, with the resulting proposed rezoning of particular lots near to Boomerang Drive and the existing shopping centre for these uses. It is recommended that care be taken not to allow continued commercial sprawl but rather to attempt to constrain further commercial development to those areas previously identified as amenable to such uses.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
16 (Coastplan P/L)	Howell & Jones	Boomerang Drive	- Submission proposed extension of 3(a) Business Uses zoning along Boomerang Drive, in recognition of existing commercial uses. - Current proposed rezoning appears to have little basis - Raises urban design issues associated with proposed rezoning, and considered that plans will not result in a well conceived and logical outcome.	SMEC note that the matters raised in this submission do not concern any ecological features or values. However, no real objections are raised against the proposed rezoning and extension of the 3(a) Business Uses zoning, if such rezoning is generally acceptable to the community.	The general matters raised in this submission would be deferred to Council for consideration, and/or further action as required. Again, SMEC have no objections to the proposed extension of the 3(a) zoning along Boomerang Drive, and would generally endorse the proposal in recognition of the fact that commercial uses are known to already be in existence on the lot. However, it is known that the need for further commercial uses has previously been investigated for the study area, with the resulting proposed rezoning of particular lots near to Boomerang Drive and the existing shopping centre for these uses. It is recommended that care be taken not to allow continued commercial sprawl but rather to attempt to constrain further commercial development to those areas previously identified as amenable to such uses.
17 (Coastplan P/L)	Schumann	Boomerang Drive	- Submission proposed extension of 3(a) Business Uses zoning along Boomerang Drive, in recognition of existing commercial uses. - Current proposed rezoning appears to have little basis - Raises urban design issues associated with proposed rezoning, and considered that plans will not result in a well conceived and logical outcome.	SMEC note that the matters raised in this submission do not concern any ecological features or values. However, no real objections are raised against the proposed rezoning and extension of the 3(a) Business Uses zoning, if such rezoning is generally acceptable to the community.	The general matters raised in this submission would be deferred to Council for consideration, and/or further action as required. SMEC have no objections to the proposed extension of the 3(a) zoning along Boomerang Drive, and would generally endorse the proposal in recognition of the fact that commercial uses are known to already be in existence on the lot. However, it is known that the need for further commercial uses has previously been investigated for the study area, with the resulting proposed rezoning of particular lots near to Boomerang Drive and the existing shopping centre for these uses. It is recommended that care be taken not to allow continued commercial sprawl but rather to attempt to constrain further commercial development to those areas previously identified as amenable to such uses.

Submission Number	On Behalf of	Property Details	Issues Raised in Submission	Comment	Conclusions/ Recommendations
18 (Norman Lyons)	Blueys Beach Doctors Surgery	Lot 16 DP793710 (Boomerang Drive)	The rezoning plans developed for the Pacific Palms (PP) DLEP will threatened the future viability of the soon to be 'only' medical practice in PP.	DLEP planned to rezone a portion of the lot as 7(a1), Environmental Protection. This was essentially to provide for wildlife corridor connectivity across the eastern part of Boomerang Drive.	The proposed rezoning of the affected parcel of land has been reconsidered as part of the DRS, is detailed in Section 2, and specific recommendations given in Section 4.1 of this document.
19 (Colin Hall)	Blueys Beach Doctors Surgery	Lot 16 DP793710 (Boomerang Drive)	The rezoning plans developed for the Pacific Palms (PP) DLEP will threatened the future viability of the soon to be 'only' medical practice in PP.	DLEP planned to rezone a portion of the lot as 7(a1), Environmental Protection. This was essentially to provide for wildlife corridor connectivity across the eastern part of Boomerang Drive.	The proposed rezoning of the affected parcel of land has been reconsidered as part of the DRS, is detailed in Section 2, and specific recommendations given in Section 4.1 of this document.

APPENDIX B : Table of Contents for Wildlife Corridor DCP



DEVELOPMENT CONTROL PLAN

No. XX

**WILDLIFE CORRIDOR MANAGEMENT STRATEGY
FOR THE PACIFIC PALMS AREA**

TABLE OF CONTENTS

1. CITATION	X
2. INTRODUCTION.....	X
3. AIMS AND PURPOSE OF THE DCP	X
4. OBJECTIVES OF THE DCP.....	X
4. LAND TO WHICH THE PLAN APPLIES.....	X
5. RELATIONSHIP TO OTHER ENVIRONMENTAL PLANNING INSTRUMENTS.....	X
6. DEFINITION OF TERMS USED	X
7. GENERAL WILDLIFE CORRIDOR GUIDELINES	X
7.1 Survey and Monitoring	X
7.2 Requirements of Functional Fauna Groups	X
7.3 Protecting and Preserving Wildlife Corridor Features	X
7.4 Protecting and Preserving Critical Linkage Points	X
7.5 Preventing and Minimising Direct Impacts	X
7.6 Preventing and Minimising Indirect Impacts.....	X
7.7 Enhancing Wildlife Corridor Features	X
7.8 Enhancing Critical Linkage Points.....	X
7.9 Resoration for Wildlife Corridor Values.....	X
8. GENERAL DEVELOPMENT CONTROLS	X
8.1 Management Actions prior to Development.....	X
8.2 Management Actions during Development.....	X
8.3 Management Actions post Development.....	X
9. SITE-SPECIFIC DEVELOPMENT CONTROLS.....	X
9.1 Management Actions for Lot XX DP XXXXX.....	X
9.2 Management Actions for Lot XX DP XXXXX.....	X
10. REQUIREMENTS FOR DEVELOPMENT APPLICATIONS	X
 APPENDIX A. MAP OF WILDLIFE CORRIDOR VALUES	X
APPENDIX B. LOTS WITH SPECIFIC MANAGEMENT ACTIONS	X