

Bluey's Estate Planning Proposal to amend Great Lakes Local Environmental Plan 2014

Prepared by:

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Introduction

This Planning Proposal (Proposal) outlines a land-owner application to rezone two properties, Lots 110 & 112 DP 1091944, The Lakes Way Charlotte's Bay, known as Bluey's Estate and five adjoining allotments nominated by Council as part of a strategic approach to the rezoning of land in this location.

The two nominated properties represent a significant holding of approximately 351.5 hectares located to the east of The Lakes Way, between the villages of Pacific Palms and Smith Lakes.

The application to rezone Lots 110 and 112 was been prepared on the basis of preliminary environmental, flooding and water quality management investigations and anticipates that the land which is currently zoned RU2 Rural Landscape, may be rezoned for residential development and environmental conservation purposes.

The application outlines a clear intention to dedicate high value ecological land in order to protect these lands into perpetuity. The dedication of these lands will be achieved through the preparation of a Planning Agreement.

In conjunction with the application to rezone Lots 110 and 112, Council is proposing to rezone five adjoining allotments which would otherwise represent isolated areas of land zoned RU2 Rural Landscape that are unsuitable for agricultural purposes due to the size of the allotments and site constraints. The total land area affected by the Proposal is approximately 359 hectares.

Lot 111 DP 1091944, Lot 122 DP 1163892, Lot 121 DP 1163892 and Lot 7050 DP 1074972 are located between the Bluey's Estate holding and The Lakes Way and range in size from 1 hectare to 1.8 hectares. Lot 1 DP1172370 is identified as a closed road within Lot 110 and is owned as part of the Bluey's Estate holding.

The five lots identified by Council have not been subject to the detailed environmental investigations associated with Lots 110 and 112 but preliminary investigations reveal they are affected by a range of natural hazards and development constraints including flooding, bushfire, slope, environmentally significant vegetation and restricted access to The Lakes Way.

This Proposal provides a detailed description of the subject land, existing land use strategies, preliminary investigations and other strategic and environmental matters that have been taken into consideration when nominating proposed zone and development controls that may be applied to the land in the future.

The Proposal has been prepared in accordance with the Department of Planning & Environment's (DP&E) *Guide to Preparing Planning Proposals* (October 2012) and with reference to DP&E *Guide to Preparing Local Environmental Plans* (October 2012). These guides outline the matters to be addressed in a planning proposal set out in Section 55(2) of the *Environmental Planning & Assessment Act 1979* (the Act).

This Proposal to rezone Lots 110 & 112 DP 1091944 was originally prepared by City Plan Strategy & Development (CPSD) on behalf Bluey's Holdings (SPV) Pty Ltd, the owner of the land, and submitted to Great Lakes Council as a proponent initiated planning proposal, in accordance with Council's *Procedure for Preparation and Processing of Planning Proposals* (June 2013).

Part 1 – Objectives and Intended Outcomes

(s.55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objectives and intended outcomes of the Planning Proposal are:

- To grow the community of Charlotte Bay in a manageable and logical manner by providing a permanent residential population that can support existing and future local business enterprise and which will complement and support the nearby villages of Smiths Lake and Pacific Palms.
- To utilise land that is well located and capable of being serviced for attractive, affordable and low impact residential development.
- To identify land with very high conservation values and establish mechanisms for its protection into perpetuity.
- To increase the connectivity of protected land from Wallis Lake to the Pacific Ocean and from Booti Booti National Park to Myall Lakes and Wallingat National Parks.
- To allow for recreational activities where compatible with the land and adjoining land uses.
- To improve the environmental condition of the site in conjunction with future development including the restoration of riparian land, improving or maintaining water quality and protecting habitat for native plants and animals.
- To ensure that development occurs in a logical and cost-effective manner and that infrastructure and services are provided in a conjunction with new development.

Part 2 – Explanation of Provisions

(s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

The objectives in Part 1 are to be achieved primarily by amending Great Lakes Local Environmental Plan (LEP) 2014. The information within this Part of the Proposal should be read in conjunction with LEP 2014, as only the proposed amendments are outlined and all other relevant provisions will continue to apply to the land.

The Planning Proposal is expected to result in several map layer amendments including those for the zone and development standards. A summary of the proposed Great Lakes LEP 2014 map layer amendments is provided below:

- Land Zoning Map
- Minimum Lot Size Map
- Floor Space Ratio Map
- Protection of Wildlife Corridors Map
- Urban Release Area Map

There is no proposed amendment to the Height of Buildings map layer. Additional map layer amendments may be identified through the detailed environmental investigations that are to be carried out following the Gateway Determination.

2.1 Zones and Development Yield

The Proposal includes a draft zoning plan with approximately:

- 54 hectares of land identified for rezoning to R2 Low Density Residential which would yield minimum of 770 new residential allotments if a density of 13 dwellings per hectare is applied (Forster Tuncurry Development and Conservation Strategy p.26);
- 257 hectares of land is identified for rezoning to E2 Environmental Conservation and dedication for permanent protection;
- 14 hectares of land, representing a potential yield of only two lots, has been identified for rezoning to E3 Environmental Management; and
- 32 hectares of land is identified for rezoning to RE2 Private Recreation to realise the partially constructed golf course and associated facilities.

The existing LEP 2014 land use tables for each of the proposed zones are provided in Appendix 1 and no change to the land use tables are proposed in conjunction with the Planning Proposal at this time.

2.2 Development Control Plan

The existing provisions of the Great Lakes DCP are considered to sufficiently address future subdivision and development on the subject site at this time.

However, site specific development control plan provisions or a master plan for the site may be prepared in response to additional ecological and environmental investigations, to show how the land can be subdivided in a logical and cost-effective manner, while respecting the site's environmental features.

Part 3 – Justification

(s.55(2)(c) Justification for the objectives, outcomes and provisions and the process for their implementation)

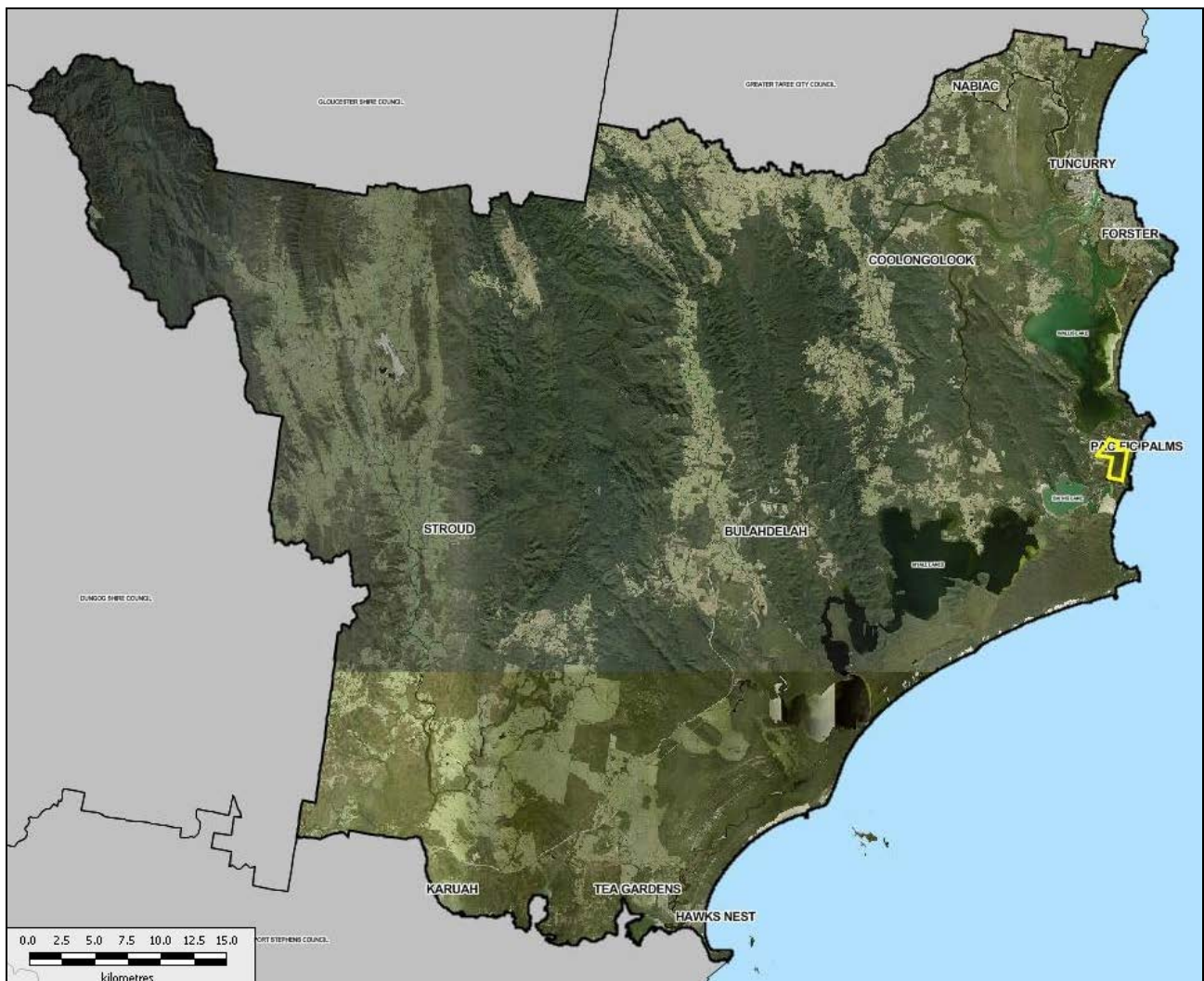
3.1 Overview of the Site

Location

Charlotte Bay and the Planning Proposal site are located between Pacific Palms and Smiths Lake village with direct frontage to The Lakes Way. The area is characterised by residential, rural residential and tourism orientated land uses and activities.

The site is 24km south of Forster-Tuncurry and 40km north of Bulahdelah. The Lakes Way connects to the Pacific Highway which provides access to the regional centres of Taree and Newcastle.

Figure 2: Aerial Locality Plan of the Planning Proposal Site



Locality character

Much of the immediate area is characterised by rural, rural residential, residential land uses within a bushland setting.

North: The northern boundary of the site adjoins land zoned RU2 Rural Landscape and E2 Environmental Conservation which is densely vegetated. Significant areas of which have been identified for future dedication to the National Parks and Wildlife Service and incorporation into the National Parks estate.

North-East: To the north-east there are also significant areas of heavily vegetated land zoned RU2 Rural Landscape and E2 Environmental Conservation, beyond which is Boomerang Drive. This road is a major thorough-fare providing access to the villages of Boomerang Beach, Bluey's Beach and Elizabeth Beach, which make up the Pacific Palms.

Services within Pacific Palms include a local supermarket, pharmacy, bakery, newsagency, café, caravan parks and tourist accommodation. Pacific Palms is predominantly zoned R2 Low Density Residential with small areas of R3 Medium Density Residential Development, B1 Neighbourhood Centre, RE1 Public Recreation and RE2 Private Recreation.

The urban areas of Pacific Palms are constrained by Booti Booti National Park, Elizabeth Beach, Boomerang Beach and Bluey's Beach.

East: The eastern side of the site borders Crown land zoned E2 Environmental Conservation which is densely vegetated with undulating to steep slopes and a distinct ridge. This land extends to the seaward extent of the Great Lakes local government boundary, forming the Bluey's Beach coast line with a cliff edge to the Tasman Sea.

South: The southern side of the site is bordered by two parcels land zoned RU2 Rural Landscape. One is owned by the Crown and subject to an environmental protection agreement while the other has been partially developed for low intensity tourism activities. Beyond this land is generally zoned for environmental conservation or management where it is located between Smiths Lake and the coast. Another small scale tourist-based development is located near the entrance to Smiths Lake.

South-West: The site of the proposed Midcoast Water Pacific Palms wastewater treatment plant is in the adjoining SP2 Infrastructure zone. A 400m buffer around the treatment plant was incorporated into its approval to reduce the potential for conflict between the operation of the treatment plant and any development that may be affected by odour or noise.

The buffer is heavily vegetated and has been identified by separate environmental studies as being of high ecological significance and is subject to an environmental protection agreement. The treatment plant is not due for construction until 2026/2027 and only an emergency storage pond to be constructed in 2015/2016.

Land located between the Midcoast Water site and The Lakes Way is zoned RU2 Rural Landscape zone. The properties within this area are subject to inundation. These lands are distinguished by some heavily vegetated properties to the south and cleared properties to the west.

The vegetated properties have been subject to minimal disturbance, with only one dwelling in this area. Previous investigations on adjoining sites suggest that there are likely to be endangered ecological communities within this area.

The cleared sites have each been developed for and are currently used for low intensity agricultural activities, each with an existing dwelling house and associated agricultural buildings and structures.

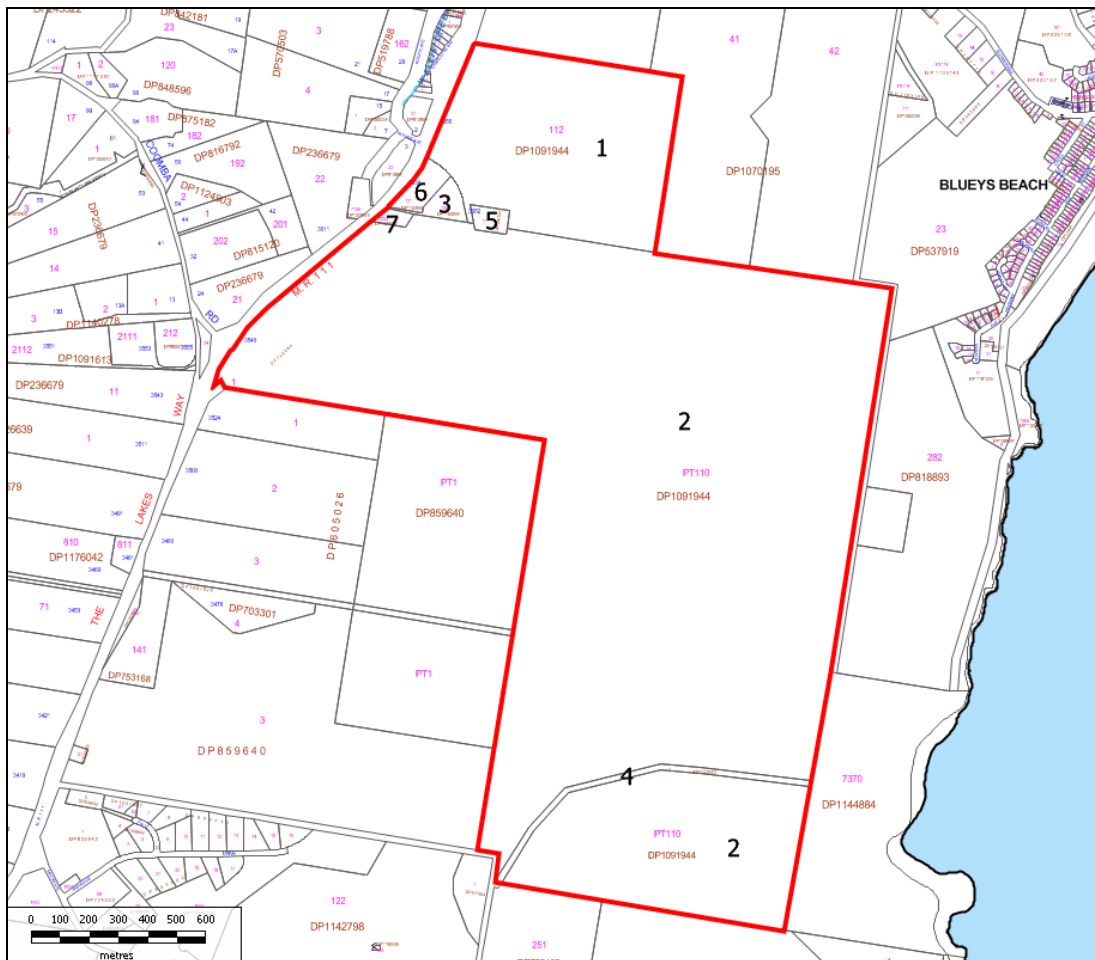
West: The westernmost part of the subject land borders The Lakes Way with approximately 1km of street frontage and two driveways. The Charlotte Bay village is zoned RU5 Village and some properties within this area have transitioned from residential to commercial premises.

Further west, immediately beyond the junction of The Lakes Way and Coomba Park Road land is zoned R5 Large Lot Residential for the purpose of rural residential dwellings and land uses. Some of these properties have also been developed for business purposes which service the communities of Pacific Palms, Smiths Lake and Coomba Park.

Beyond this are the southern extremities of Wallis Lake and Wallingat National Park.

3.2 Summary of Property Information

Figure 3: Property Identification Map



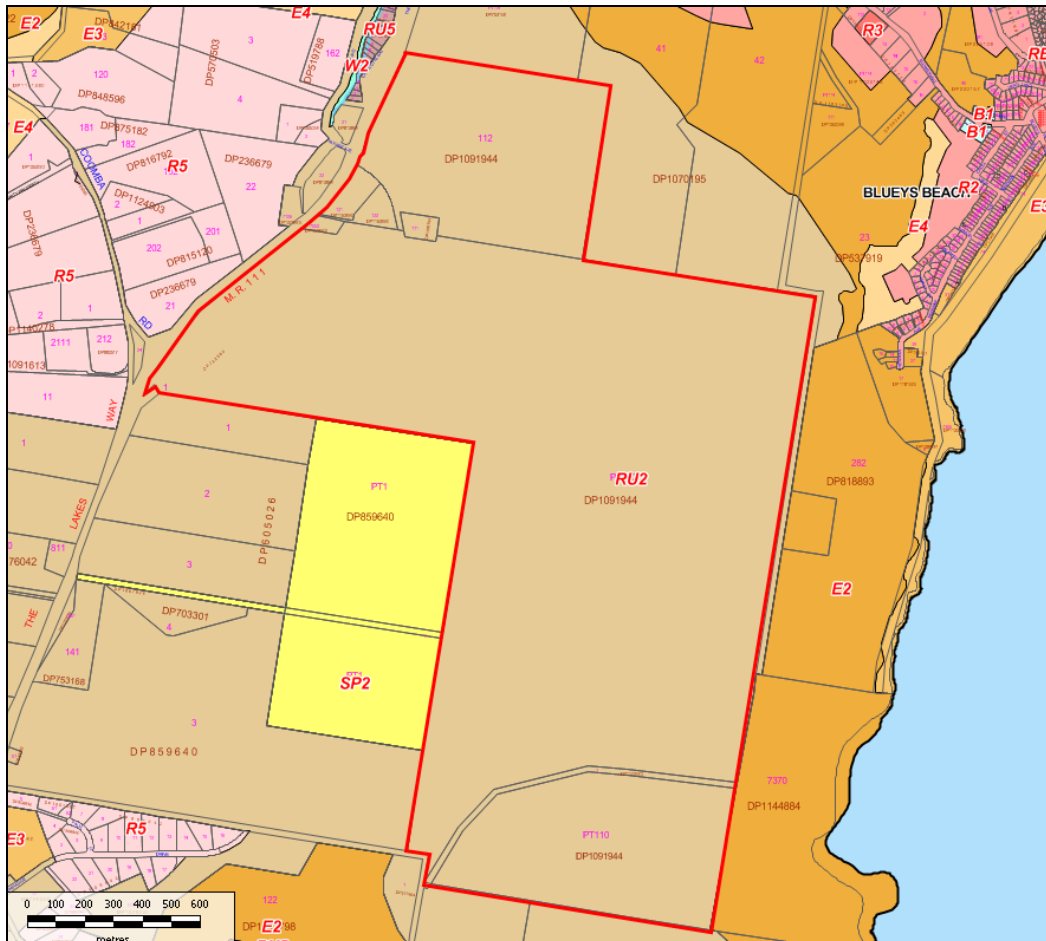
1. Lot 112 DP 1091944 forms part of Bluey's Estate and represents approximately 45 hectares of the Proposal site.
2. Lot 110 DP 1091944 forms part of Bluey's Estate and represents approximately 306 hectares of the Proposal site.
3. Lot 122 DP 1163892 is an undeveloped 1.5 hectare battle-axe allotment off The Lakes Way Charlotte Bay held in ownership with Bluey's Estate.
4. Lot 1 DP 1172370 held in ownership with Bluey's Estate is a closed road and has an area of approximately 2.7 hectares.
5. Lot 111 DP 1091944 has an area of approximately 1 hectare and is held in separate ownership. Access to the site from The Lakes Way is provided by a Right of Carriageway over Lot 112.
6. Lot 121 DP 1163892 has an area of approximately 1.8 hectares with direct frontage to The Lakes Way Charlotte Bay and is held in separate ownership.
7. Lot 7050 DP 1074972 is owned by NSW Trade and Investment with an adjacent property on the western side of The Lakes Way. The 1 hectare property is reserved for Water Rights.

The combined land area of the seven allotments is approximately 357 hectares

3.3 Existing Zone and Development Standards

All properties are currently zoned RU2 Rural Landscape under Great Lakes Local Environmental Plan 2014 (LEP 2014). The development standards that apply within the RU2 Rural Landscape zone include a minimum lot size for subdivision of 40 hectares, maximum floor space ratio of 0.4:1 and maximum building height of 8.5m.

Figure 4: Great Lakes Local Environmental Plan 2014 Land Use Zone - RU2 Rural Landscape



Great Lakes Local Environmental Plan 2014 Land Use Zones

Zone

B1	Neighbourhood Centre	R3	Medium Density Residential
B2	Local Centre	R4	High Density Residential
B4	Mixed Use	R5	Large Lot Residential
B5	Business Development	RE1	Public Recreation
E1	National Parks and Nature Reserves	RE2	Private Recreation
E2	Environmental Conservation	RU2	Rural Landscape
E3	Environmental Management	RU3	Forestry
E4	Environmental Living	RU5	Village
IN1	General Industrial	SP2	Infrastructure
IN2	Light Industrial	SP3	Tourist
IN4	Working Waterfront	W1	Natural Waterways
R2	Low Density Residential	W2	Recreational Waterways

3.4 Site Description and Existing Land Uses

Lot 112 DP 1091944 represents approximately 45 hectares of the Proposal site.

The eastern half of this allotment contains predominantly undisturbed vegetation. The north and western areas of this site also contain significant vegetation that has been subject to some disturbance and grazing, particularly evident within the understorey. The central portion of the site is cleared and currently used for cattle grazing. This site is subject to inundation and has some constructed drainage channels located within and on the perimeter of the grazed land.

Lot 110 DP 1091944 to the south represents approximately 306 hectares of the Proposal site.

Topographically, the site is quite variable, with steeply sloping land to the east and northeast and flat land to the west. The majority of the site contains large expanses of undisturbed vegetation, inaccessible due to topography and dense vegetation.

The western portion of Lot 110 has direct frontage to The Lakes Way and contains the first stage of a golf course with several fairways representing a disturbed area which is currently grazed by cattle. This area of the site is also affected by inundation evidenced by the constructed water hazards for the golf course. An existing dwelling and several outbuildings are located close to the northern boundary of this allotment.

Figure 5: Aerial Photograph of Subject Site



Lot 122 DP 1163892 is a battle-axe allotment off The Lakes Way which has an area of approximately 1.5 hectares. Lot 122 and Lot 121 were created in January 2013 following the approval of a boundary realignment subdivision. This property has an area of thick vegetation along its western boundary but is otherwise clear and undeveloped at the time of preparing this report.

Lot 1 DP 1172370 is a closed road held in ownership with the Bluey's Estate and represents approximately 2.7 hectares of relatively undisturbed land of high environmental value.

Lot 111 DP 1091944 has an area of approximately 1 hectare. Access to the site from The Lakes Way is provided by a Right of Carriageway over Lot 112. The property has been cleared and modified for rural residential living, with an existing dwelling, in-ground swimming pool and several outbuildings.

Lot 121 DP 1163892 has an area of approximately 1.8 hectares with direct frontage to The Lakes Way. Lot 122 and Lot 121 were created in January 2013 following the approval of a boundary realignment subdivision. This property has an area of thick vegetation along its western boundary but has been cleared and modified for rural residential living, with a substantial dam, existing dwelling and outbuildings.

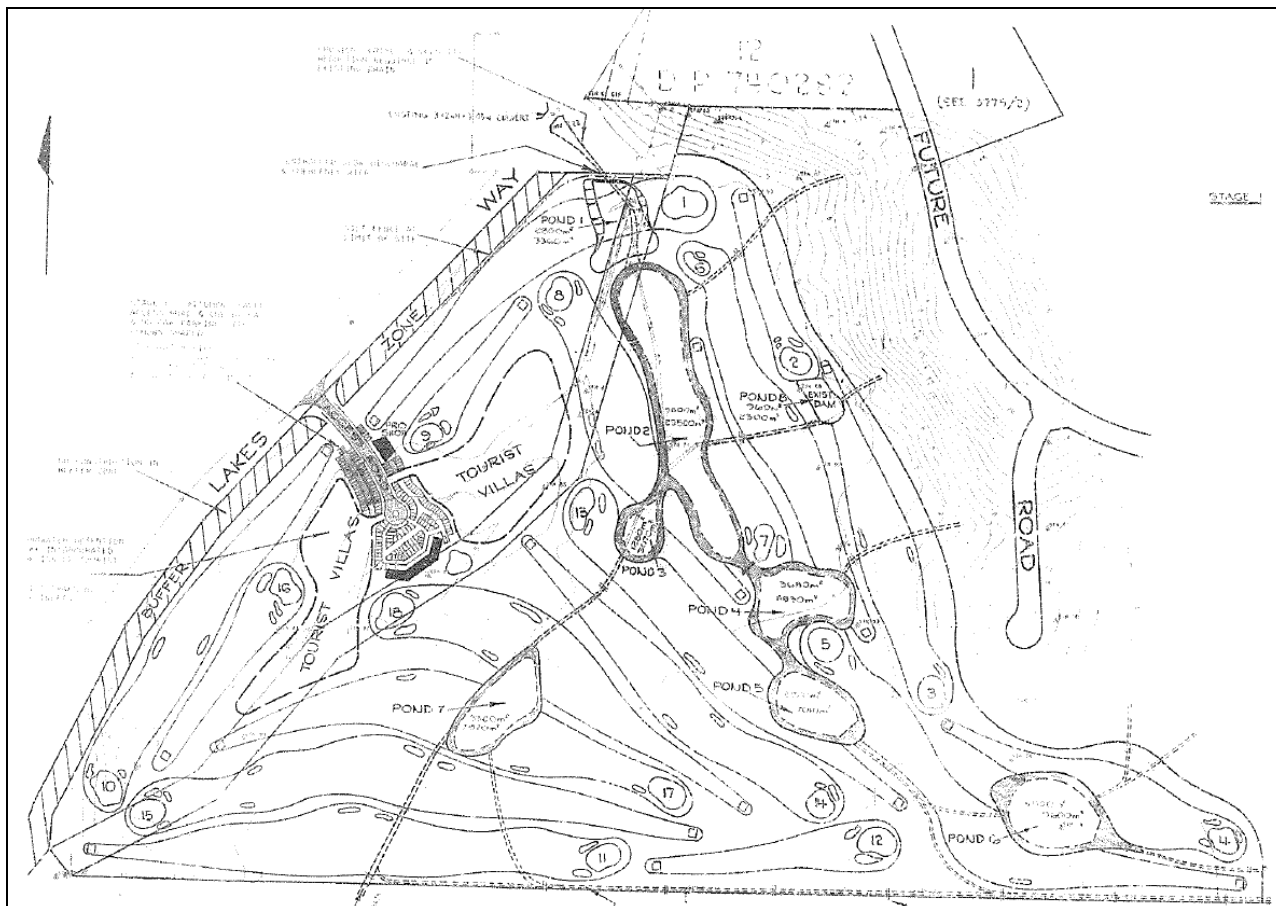
Lot 7050 DP 1074972 is owned by NSW Trade and Investment and identified as a property reserved for Water Rights. The 1 hectare property is heavily vegetated and held in ownership with an adjacent property on the western side of The Lakes Way.

Development History of Lot 110 DP 1091944

Development Application 5057/1991 - Golf Course and Clubhouse

Development Application DA 5057/1991 was granted deferred development consent on 28 May 1997 for the construction of Stage 1 of a nine-hole golf course and associated shop/clubhouse and car parking facilities. The deferred commencement conditions were satisfied and construction of the fairways and water hazards were commenced on the site.

Figure 6: Development Application 5057/1991: Plan of Golf Course, Clubhouse and Parking Facilities

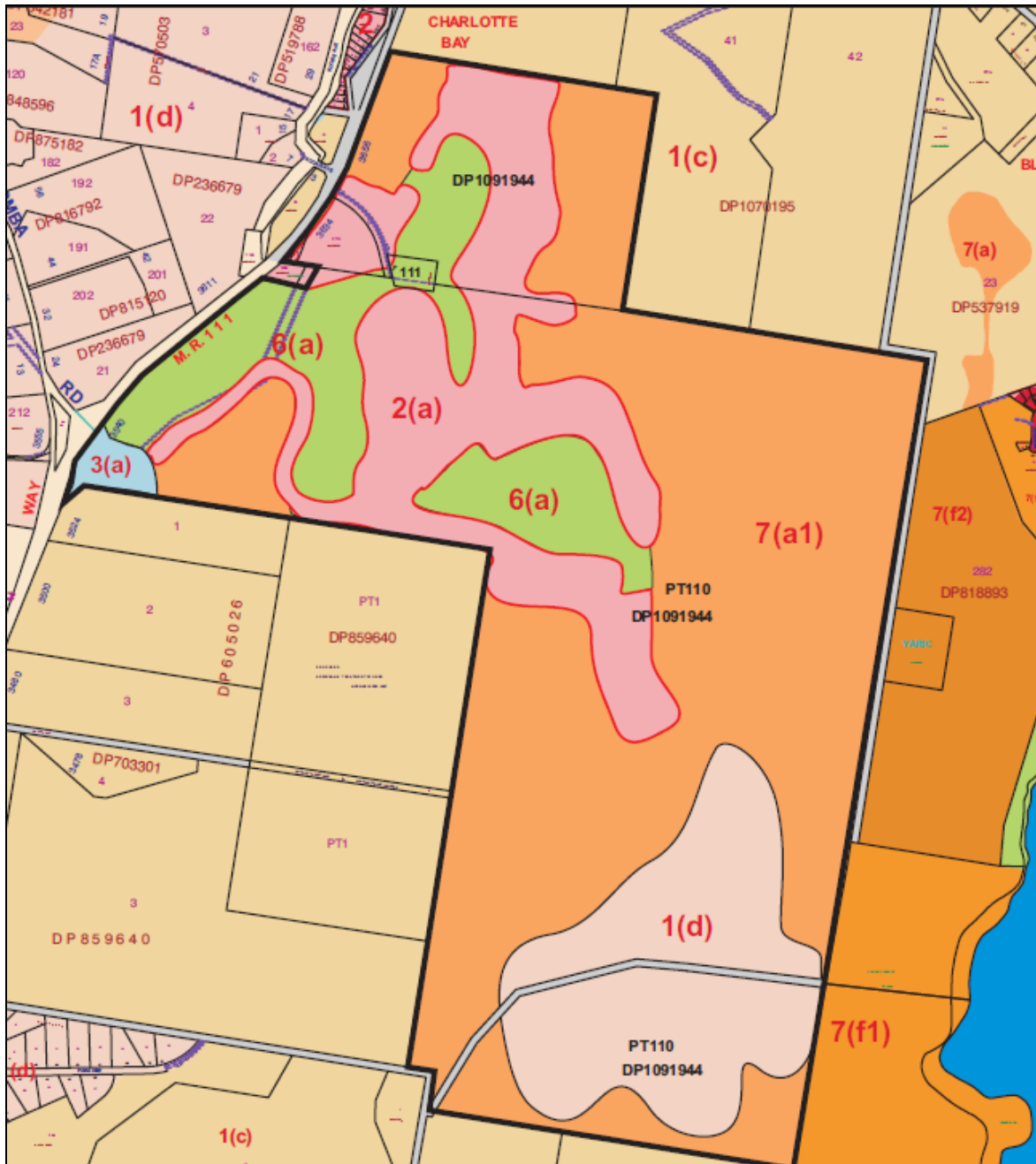


Rezoning Application SP-LEP-71

Council has considered the rezoning potential of the site for development and conservation purposes for some time. In November 2006 discussions were held between Council and the Citta Property Group and rezoning investigations were commenced as part of the Release Area Program.

A Rezoning Submission was lodged with Council in May 2007 by ERM on behalf of the Citta Property Group outlining the proposed rezoning and development of Lot 110.

Figure 7: Draft Great Lakes LEP 1996 Zoning Plan Amendment prepared by ERM (May 2007)

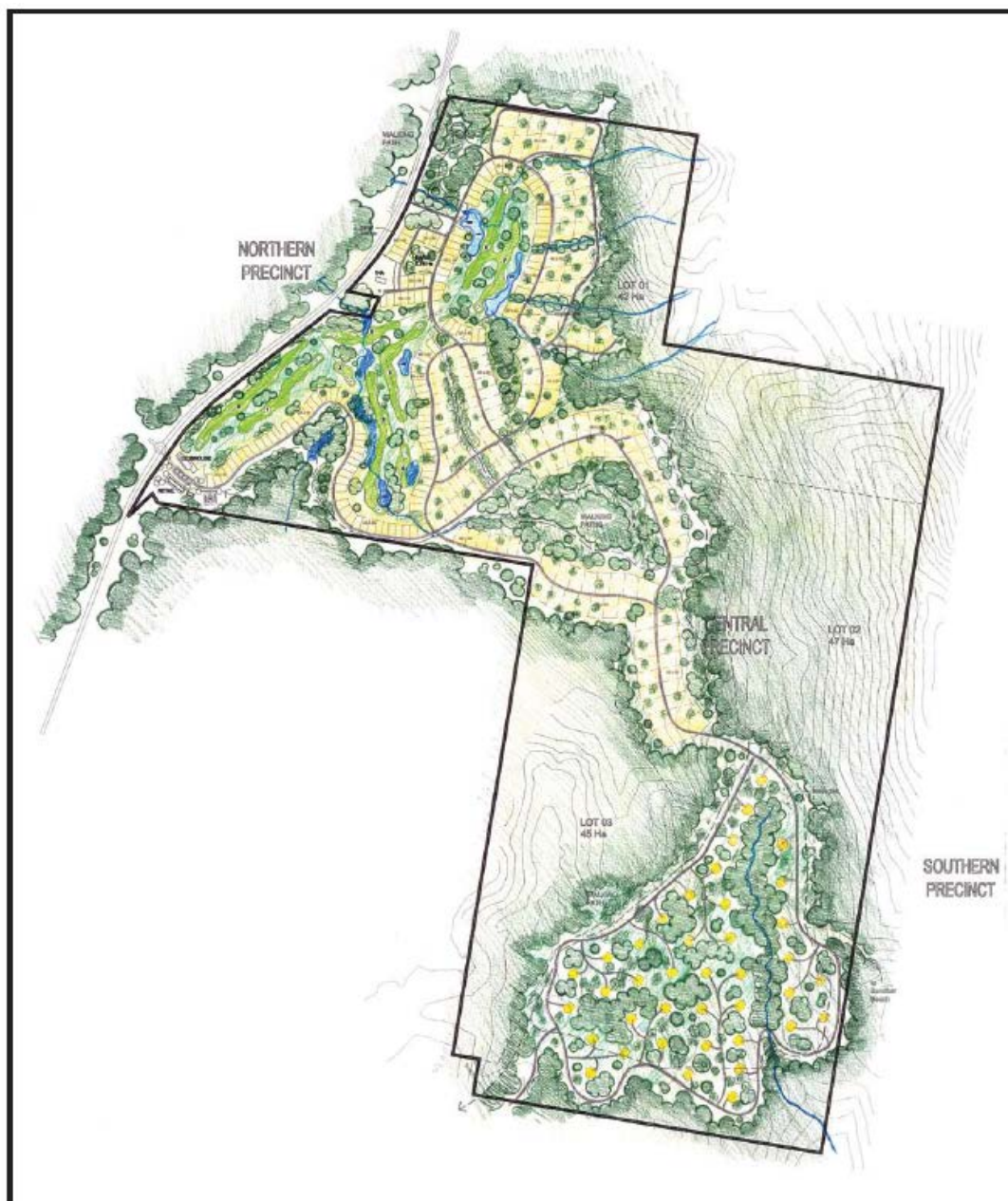


Great Lakes Local Environmental Plan 1996 Zones:

1(c) Future Urban Investigation
 1(d) Small Holdings
 2(a) Low Density Residential
 3(a) General Business
 6(a) Open Space and Recreation

7(a) Wetlands and Littoral Rainforest
 7(a1) Environmental Protection
 7(f1) Coastal Lands Protection
 7(f2) Coastal Lands Acquisition

Figure 8: Development Concept Plan prepared by ERM (May 2007)



This was reported at the Ordinary Meeting on 27th March 2007 where Council resolved to: *prepare a draft Local Environmental Plan over Lots 1 - 3 DP 605026, Lots 110 - 112 DP 1091944, Lot 12 DP 740282, Lot 1 DP 729771 and Lot 7050 DP 1074972 as identified in Forster/Tuncurry Conservation and Development Strategy so as to enable residential development, larger urban or rural residential lots, employment and environmental protection purposes.*

The resolution included advice that *Council will not proceed to the exhibition of a Local Environmental Plan unless catchment nutrient export and estuarine circulation modelling can conclusively indicate that there will be no net increase in pollutants discharged to Wallis Lake from the area the subject of the LEP; and that a Local Environmental Study will be required over the entire area and that the LES is to be prepared at no cost to Council.*

A Section 54 notification of a Council resolution to prepare an amendment to the local environmental plan was submitted to the Department of Planning & Environment on 22 May 2007 where the concept was summarised as follows:

The land to be investigated by the LES has an area of approximately 400ha. It is likely that at least half of this will be zoned for environmental protection. The remainder will be zoned for a combination of

residential, large lot urban, open space (or other appropriate zone to facilitate a golf course) and employment purposes. In the vicinity of 100ha could be zoned for residential/large lot urban purposes giving a possible population of about 1,500 - 2,000 people.

The Department of Planning and Environment responded on 5 September 2007 advising that the S54 application was not supported at that time given the status of the Growth Management Strategy for the Great Lakes and the draft Mid North Coast Regional Strategy.

Council subsequently resolved at the Ordinary Council meeting on 25th September 2007 to await the growth area maps that are to be produced as part of the Mid North Coast Regional Strategy before proceeding with any strategic investigations for the area.

The Mid North Coast Regional Strategy (2009) did not identify the subject site as a Growth Area or Proposed Future Urban Release Area.

Development Application 444/2011 - Subdivision of Lot 110 into 6 allotments

The development application lodged on 17 March 2011 proposed subdivision of Lot 110 into six allotments. During the process of assessing the application Council officers entered into discussions with the land owner regarding the environmental significance of the site for local and regional wildlife corridors and the development/conservation potential of the land.

Charlotte Bay was identified as a Stage 2 Land Release Area within the Forster/ Tuncurry Conservation and Development Strategy (2003) subject to resolution of water quality, stormwater management and ecological issues.

The discussions between the land owner and Council officers progressed to a stage where there was general agreement regarding the merits and possible scale of a development/conservation outcome to deliver on strategic land use outcomes, with commensurate and significant community environmental benefits.

It was determined during these discussions that there was a need for preliminary investigations to assist in defining the scale of potential development opportunities, the appropriateness and details of the conservation offset and the compatibility of the proposal with regards to the major over-riding site constraints, namely ecological and water quality constraints and opportunities.

These studies would comprise the first stage investigations and would assist inform the eventual preparation of a Planning Proposal. In this regard, a Flora and Fauna Brief and a Water Quality Brief were prepared to guide the necessary first stage investigations.

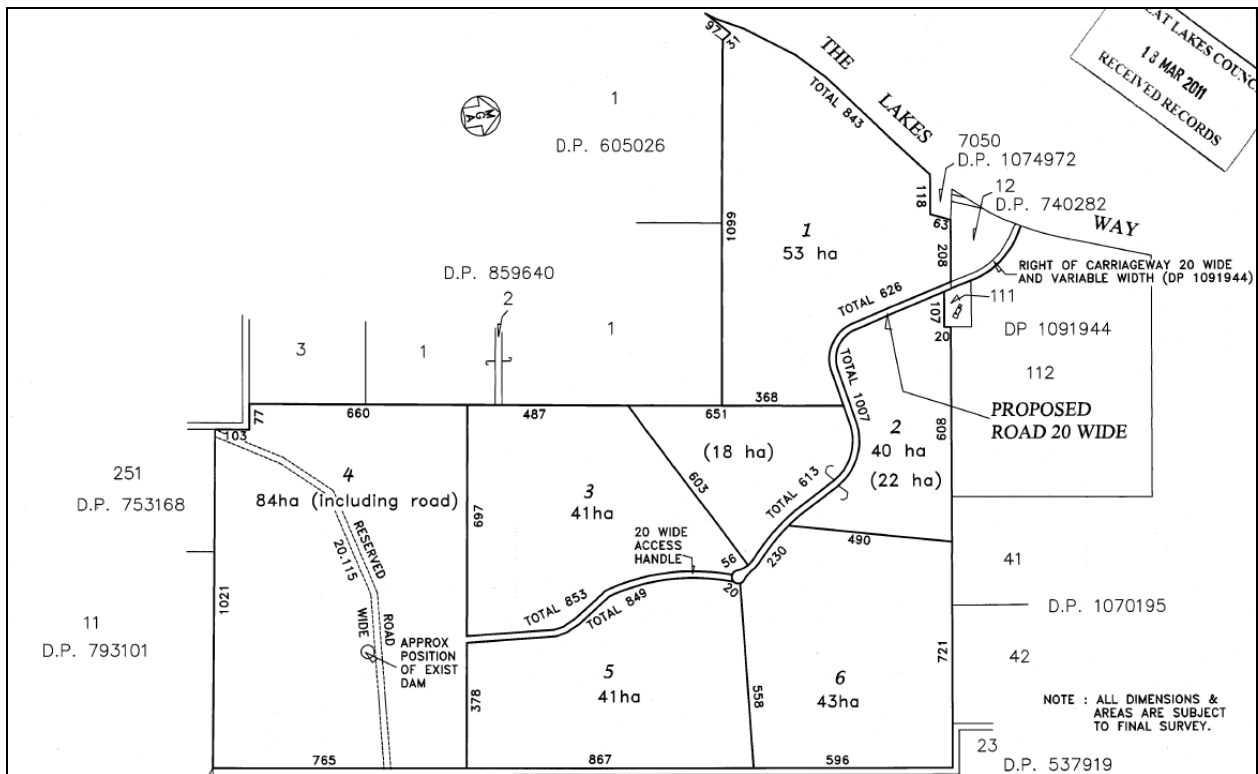
The matter was subsequently reported to Council on 12 August 2012 seeking Council's in-principle support for the commencement of these first stage investigations. Council subsequently resolved to:

- 1. Provide in-principle support to allow the advancement of appropriate ecological and water quality studies to investigate the potential viability and scale of development/ conservation offset outcomes for land at Lots 110 and 112 DP1091944 The Lakes Way, Pacific Palms as the first stage in ascertaining if the proposal is able to proceed to more detailed investigations as part of a Planning Proposal.*
- 2. Support the engagement of water quality consultant to undertake preliminary water quality assessment as per Council's brief to determine site constraints and suitability leading to a conceptual stormwater management strategy for the land and support the engagement of an ecological consultant to undertake preliminary flora and fauna investigations for land at Lots 110 and 112 DP1091944 The Lakes Way, Pacific Palms, on the basis that the studies are fully funded by the landowner and are managed by Council.*
- 3. Confirm that the in-principle support is subject to the same requirements as the Release Area Program and for the Lampo Holdings proposals whereby the landowner/developer is to fund all studies and investigations and any necessary staff/ planning consultant resources.*

The matter was progressed in accordance with this resolution and discussions between Council and the land owner have been on-going. A Planning Proposal to rezone the land known as Bluey's Estate was subsequently lodged on 17 April 2014.

Development Application 444/2011 was subsequently withdrawn on the 18 August 2014, following Council's acceptance of the current Planning Proposal on 17 August 2014.

Figure 9: Subdivision Plan lodged with Development Application 444/2011



The application was subsequently withdrawn on the 18 August 2014, following Council's acceptance of the current Planning Proposal on 17 April 2014.

Section A – Need for the Planning Proposal

3.4.A.1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal has not been produced as a direct result of any strategic study or report however the site is located and forms a considerable holding, within the Charlotte Bay precinct, identified as a Stage 2 Urban Release Area in the Forster Tuncurry Development and Conservation Strategy (2003).

Council has considered the rezoning potential of the site for development and conservation purposes on two occasions since the adoption of the Strategy in 2003.

At the Ordinary Council Meeting on 27th March 2007, Council resolved to *prepare a draft Local Environmental Plan over Lots 1 - 3 DP 605026, Lots 110 - 112 DP 1091944, Lot 12 DP 740282, Lot 1 DP 729771 and Lot 7050 DP 1074972 as identified in Forster/Tuncurry Conservation and Development Strategy so as to enable residential development, larger urban or rural residential lots, employment and environmental protection purposes.*

The resolution included advice that *Council will not proceed to the exhibition of a Local Environmental Plan unless catchment nutrient export and estuarine circulation modelling can conclusively indicate that there will be no net increase in pollutants discharged to Wallis Lake from the area the subject of the LEP; and that a Local Environmental Study will be required over the entire area and that the LES is to be prepared at no cost to Council.*

These investigations were subsequently deferred in accordance with a resolution at the Ordinary Council meeting on 25th September 2007 which recommended that *Council await the growth area maps that are to be produced as part of the Mid North Coast Regional Strategy before proceeding with any strategic investigations for the area.*

The Mid North Coast Regional Strategy (2009) did not identify the subject site as a 'Proposed Future Urban Release Area'.

In response to a development application lodged in 2011 and subsequent discussions between Council officers and the land owner, the matter was again reported to Council on 12 August 2012 where it resolved to:

1. *Provide in-principle support to allow the advancement of appropriate ecological and water quality studies to investigate the potential viability and scale of development/ conservation offset outcomes for land at Lots 110 and 112 DP1091944 The Lakes Way, Pacific Palms as the first stage in ascertaining if the proposal is able to proceed to more detailed investigations as part of a Planning Proposal.*
2. *Support the engagement of water quality consultant to undertake preliminary water quality assessment as per Council's brief to determine site constraints and suitability leading to a conceptual stormwater management strategy for the land and support the engagement of an ecological consultant to undertake preliminary flora and fauna investigations for land at Lots 110 and 112 DP1091944 The Lakes Way, Pacific Palms, on the basis that the studies are fully funded by the landowner and are managed by Council.*
3. *Confirm that the in-principle support is subject to the same requirements as the Release Area Program and for the Lampo Holdings proposals whereby the landowner/developer is to fund all studies and investigations and any necessary staff/ planning consultant resources.*

A copy of the Council reports and minutes referred to in this section are provided in Annexures 2, 3 and 4.

Therefore, while the planning proposal has not been prepared as a direct result of a strategic study or report, there have been extensive discussions between the owner of Lots 110 and 112 and

Council over a considerable period of time about the development and conservation potential of the site.

Realising the potential of the site is considered to be strategically important as it represents a significant area of land between the Pacific Palms and Smiths Lake villages which could accommodate additional residential and employment lands to make these villages socially and economically sustainable into the future.

In addition, the site is recognised as being environmentally significant for both flora and fauna, with locally and regionally significant wildlife corridors between the Wallingat, Booti Booti and Myall Lakes National Parks intersecting the site.

Therefore, there is considered to be strategic justification for the planning proposal and this is discussed in more detail in Sections 3.B and 3.C.

3.4.A.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amendments to Great Lakes Local Environmental Plan 2014 zone, development standards and environmental mechanisms are the best means of achieving the outcomes for the site.

The existing RU2 Rural Landscape zone has a minimum lot size of 40hectares and a previous subdivision application submitted to Council implementing this development standard was recognised as achieving poor development and conservation outcomes for the site.

The introduction of urban zones over a portion of the site will enable a higher development yield which has the potential to achieve long term social and economic benefits to the existing community of Charlotte Bay and the surrounding villages of Pacific Palms and Smiths Lake.

The introduction of environmental zones will also facilitate the protection of significant vegetation on the site. In particular, the identification of approximately 257 hectares of the site for rezoning and dedication and permanent protection is best achieved through a planning proposal process.

Therefore, this planning proposal is considered to provide the best means of achieving the intended outcomes of an appropriate balance between development and conservation for the subject site, and a strategic framework for other lands in the RU2 Rural Landscape zone adjoining this site.

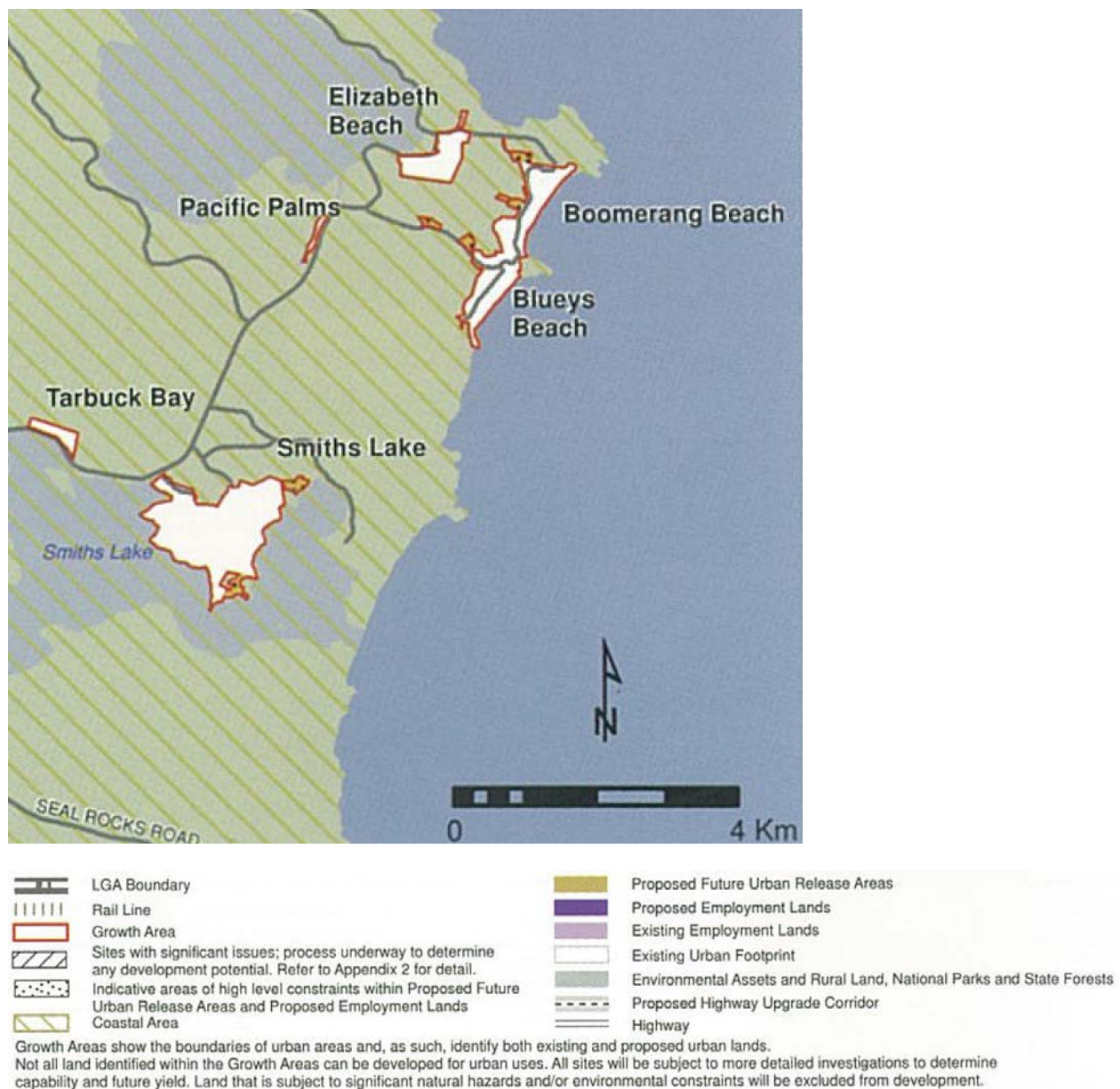
Section B – Relationship to strategic planning framework

3.4.B.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?

The Proposal is consistent the objectives and principles of the Mid North Coast Regional Strategy (2009) which aims to manage coastal growth and housing demands while still protecting coastal values. It identifies the population and employment capacity targets for the Region over the next 25 years and outlines the important actions to ensure the ongoing growth and prosperity of the region.

The Strategy predicts a population increase of over 28% by 2031 with the Region achieving a total population of 424,600 and identifies the growth areas and centres where this population growth may occur.

Figure 10: Excerpt of Mid North Coast Regional Strategy Growth Areas Map 9 - Great Lakes North



The subject site is identified as being in the Coastal Zone but is not identified as being a Growth Area or Potential Future Urban Release Area in the Strategy.

To address this issue, preliminary discussions with representatives from the Hunter-Central Coast Regional office of the Department of Planning and Environment (Department) were held.

The Department provided constructive feedback regarding the need for additional information on the strategic context of the proposal; its compliance with the Principles and Strategic Criteria of the Mid North Coast Regional Strategy (2009); and other local strategies. It is also important to note that the Mid North Coast Regional Strategy does not, and cannot, anticipate and provide for significant development/conservation that may arise, such as this proposal.

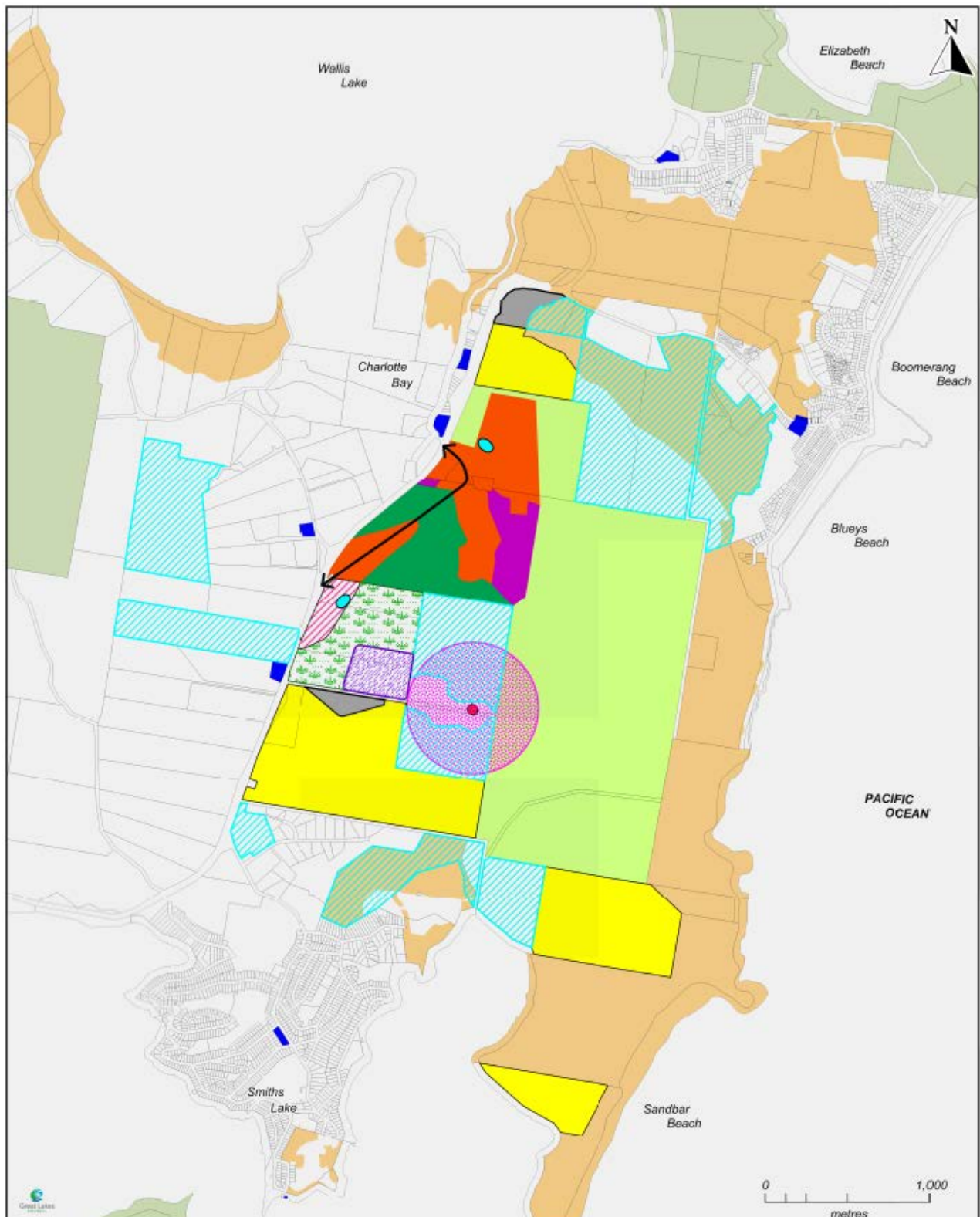
A Strategic Concept Plan was subsequently prepared to illustrate how this land is central to the future planning for the broader Charlotte Bay, Pacific Palms, Smiths Lake area and the Proposal's consistency with the relevant Principles of the Mid North Coast Regional Strategy.

In particular, the current Proposal and associated strategic framework reflected in the Concept Plan is considered to represent a significant opportunity to create a more socially, economically and environmentally sustainable community within Charlotte Bay that supports and complements the nearby Smiths Lake and Pacific Palms villages.

During the development of the Concept Plan, all adjoining land owners were invited to discuss the strategic planning opportunities available through this process. Two land owners responded and their preliminary feedback has been taken into consideration in the development of this Strategic Plan. The Plan will be reviewed and refined as additional information from environmental investigations, infrastructure and integrated water management strategies, agency and land owner consultation is undertaken following a Gateway Determination.

Consideration of rezoning the additional lands shown in the Strategic Concept Plan will only occur when land owners indicate they are prepared to fund the process, including all necessary studies. This works would then be undertaken in accordance with the Council Policy PL-PLN-003: Procedure for Preparation and Processing of Planning Proposals, as a developer/land owner-funded application.

Figure 11: Strategic Development and Conservation Concept Plan



Legend

- | | |
|---|---|
| Existing Rural Residential Property | Existing Commercial Land Uses and Zones |
| Development & Environmental Offset Investigation Area | Approx. location of MCW STP Inlet Works |
| Environmental Conservation (Planning Proposal) | 400m Buffer Zone surrounding MCW STP Inlet Works |
| Environmental Management (Planning Proposal) | Land subject to existing permanent protection measures |
| Private Recreation - Flood Prone (Planning Proposal) | LEP 2014 E2 Environmental Conservation Zone |
| Employment Land Investigation Area- flood free and outside STP buffer zone | Water Quality & Ecological Systems Rehabilitation Area (flood prone) |
| Public Recreation Investigation Area (approx - 0.5ha) | National Park and Reserve Estate |
| Residential Development Investigation Area - flood free and with buffer to Lakes | Access Link To Be Investigated |

Mid North Coast Regional Principles

The Proposal has been prepared in consideration and consistent with, the Principles of the Mid North Coast Regional Strategy and these are discussed in some detail below:

Settlement and Housing Principles

The site is identified as being part of Charlotte Bay, a small coastal village precinct surrounded by rural residential development. Charlotte Bay is located at between Pacific Palms and Smiths Lake villages which are predominantly residential settlements with emerging neighbourhood commercial centres. The site is also located at the juncture of Coomba Bay Road and The Lakes Way, the access point for residents in Coomba Park village and surrounds.

The proposed areas of residential development available on the site have been located in existing disturbed areas of the site and will support the existing and growing commercial centres of the locality. The development potential of the site is balanced by the potential rezoning and dedication of a significant area of high quality, largely undisturbed environmental land.

The proposed development areas are also located on the site in areas with direct access to The Lakes Way road network and existing services and infrastructure in this locality.

Settlement Character and Design Principles

The site's proximity to the coastal villages of Pacific Palms and Smiths Lake provides the opportunity to reduce travel to major towns and will support the urban growth of these villages which are identified as Growth Areas in the Strategy. A controlled population increase will also provide the opportunity to maximise use of existing infrastructure.

Land use and transport planning will be integrated into an infrastructure strategy and designed to minimise the need to travel and to encourage energy and resource efficiency. New public open space will be provided within the residential precincts that are accessible and provide opportunities for social interaction, visual enhancement and amenity.

The zoning of the site has been proposed to respond to opportunities and constraints and facilitate a wide range of housing choice within a growing area of the Great Lakes. The strategic planning of surrounding lands also provides a framework for expanding employment lands in the locality in conjunction with environmental protection and rehabilitation for improved ecological systems and water quality.

Economic Development and Employment Growth Principles

The land subject of the Planning Proposal does not incorporate any employment lands but does include an area identified for private recreation which provides an opportunity for diversification in this locality.

The strategic planning component of the Proposal also identifies a range of employment and development opportunities on lands surrounding the subject site. The conceptual plan allows for continued investigation to determine the extent of unconstrained land available in the locality for a range of employment, tourism and other non-residential land uses.

Environment and Natural Resource Principles

The current zoning of the land for RU2 Rural Landscape does not reflect the current land uses which include some single residences, golf course under construction and a small cattle grazing operation, or the extent of undisturbed vegetation on the subject or surrounding sites.

The site is surrounded by land with high biodiversity value already protected by environmental zones, permanent protection agreements, planning agreements for future dedication or identified as part of the National Park and Reserves Estate.

The land affected by the Proposal and identified within the strategic concept plan are in a location that is also identified as ecologically significant for local and regional wildlife corridors. These corridors are largely unaffected by the low level of residential and agricultural land use currently occurring on the site, but are identified for additional protection within the Proposal.

Therefore the rezoning of approximately 257 hectares of the 357 hectare site for environmental conservation and management is consistent with the principles of the Draft Mid North Coast Regional Conservation Plan (2011) and does not sterilise any land with high agricultural value.

Natural Hazard Principles

The land identified within the Proposal is affected by a range of natural hazards including bushfire, flood and steep land. In addition, any development has the potential to have significant impact on ground water, local waterways and lake systems.

The preliminary investigations indicate that additional stormwater and flood modelling will be required to develop an integrated water management plan for the site.

Additional environmental and urban design investigation will also clarify the zoning and development standards appropriate for the site in response to the topographical and vegetation constraints and bushfire hazards affecting the site.

Cultural Heritage Principles

The European heritage information available at the time of preparing this report indicates that the site does not contain any items of significance.

The Aboriginal heritage of the site does not appear to have been investigated at the time of preparing this report and therefore a site specific report will be required to confirm if any items or sites of cultural significance can be identified and require protection. This report will be undertaken following a Gateway Determination and will be used to inform the final zoning plan and any other relevant amendments to the local environmental plan.

Water and Energy Resource Principles

The land is not located within an identified drinking water catchment, but is in close proximity to sensitive receiving waterway, wetlands and lake systems.

Preliminary consultation with the local water and sewer provider (Midcoast Water) has been undertaken and no objections to the proposal have been raised.

Additional stormwater and flood modelling will be required to develop and integrated water management plan for the site and this will be undertaken in consultation with Midcoast Water.

The land will also be identified as an Urban Release Area, subject to the requirements of Part 6 of Great Lakes Local Environmental Plan 2014 regarding the provision of any public utility infrastructure.

Regional Transport Principles

The site has direct frontage to The Lakes Way which is a regionally significant collector road, connecting all coastal towns and villages from Bulahdelah to Failford, to the Pacific Highway.

The traffic generating impacts of the Proposal site will be considered and a transport strategy developed which may include improvements to the existing intersections of The Lakes Way between and including, Boomerang Drive Pacific Palms and Macwood Road Smiths Lake.

Mid North Coast Sustainability Criteria

The Proposal is not identified within the Mid North Coast Regional Strategy as a Growth Area or Potential Future Urban Release Area and is partially located within the Coastal Zone, as defined by State Environmental Planning Policy 71 - Coastal Protection. Therefore, the Proposal must document compliance with the Sustainability Criteria of the Mid North Coast Regional Strategy, as shown below:

Sustainability Criteria	Measurable explanation of Criteria
Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	Rezoning and future development of the site will require infrastructure upgrades to the road network, power, sewer and water infrastructure. This is anticipated and will be given additional consideration with the potential development yield once the zone and development standards for the site have been refined through additional environmental investigations. The need for additional public open space within the site has been indicated in the strategic concept plan and will also be refined in terms of area and location, during the additional environmental and urban design investigations.
Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided	The site has direct access to The Lakes Way and existing public transport services between Forster-Tuncurry and surrounding urban areas. The increased population generated by rezoning and development on the site may be expected to increase the supply and demand for these services. The traffic generation of the future development must be given additional consideration and a Traffic Impact Assessment undertaken to determine the extent of road and intersection improvements required to facilitate the safe movement of vehicles in and around the site.
Housing Diversity Provide a range of housing choices to ensure a broad population can be housed	The planning proposal incorporates significant areas of residential land, with the potential to yield minimum of 770 new residential allotments if a density of 13 dwellings per hectare is applied (Forster Tuncurry Development and Conservation Strategy p.26). The zone and development standards such as minimum lot size, floor space ratio and building height will be refined following additional environmental investigations. However, the land area available and location adjoining two existing urban areas and with good access to the Forster-Tuncurry Town Centre, indicates that housing diversity can be achieved and would be suitable for the site and adjoining lands identified in the strategic planning component of this proposal.
Employment Lands Provide regional/local employment	The land subject of this planning proposal does not contain any specifically identified employment lands however, as part of the strategic planning for this location additional employment land has

Sustainability Criteria	Measurable explanation of Criteria
opportunities to support the Mid North Coast's expanding role in the wider regional and NSW economics	been identified. The strategic component of this proposal identifies a pattern of emerging commercial activity within the existing villages of Pacific Palms and Smiths Lake and a predominance of home-based activity in this area. The small village precinct of Charlotte Bay has also evolved from a residential area to neighbourhood centre in the last decade. Therefore, the identification of an additional employment lands precinct, in close proximity to the subject land and with good access from The Lakes Way is expected to provide an opportunity in the future for an economic hub within this locality.
Avoidance of Risk Land use conflicts and risk to human health and life are avoided	Portions of the site are affected by flooding, but preliminary investigations indicate that residential development can be achieved outside of the 1:100 floodplain. The draft rezoning plan within this planning proposal also limits any encroachment into identified areas of steep or erodible land. Given the proximity of the site to urban and rural residential land uses, the proposed rezoning of the site from rural to residential and environmental purposes is not expected to generate any land use conflicts. Preliminary strategic planning for this site and adjoining properties located between Pacific Palms and Smiths Lake indicate that opportunities for increased connectivity between potential development areas are available and can be identified once the additional environmental investigations have been completed.
Natural Resources Natural resource limits not exceeded/ environmental footprint minimised	Preliminary investigations have also been undertaken to determine how the rezoning and future development of the site can be undertaken to achieve and integrated water management plan which minimises off-site run-off and a no-net increase of pollutants in the water cycle. The location of the site and the existing topography and extent of undisturbed vegetation precludes any significant agricultural activity being undertaken on the site. These factors, and the proximity of the site to the Pacific Palms and Smiths Lake villages and Forster-Tuncurry Town Centre, indicate that achieving a balance between development and environmental conservation on the site, and surrounding lands in the future, would be the most efficient and suitable use for these lands. Mains and alternative power is available to the site given its proximity to other urban areas with a regulated power supply.
Environmental Protection Protect and enhance biodiversity, air quality,	The Proposal identifies land with high ecological significance and opportunities for the rezoning and dedication of this land. Riparian and wildlife corridors have also been identified in

Sustainability Criteria	Measurable explanation of Criteria
heritage and waterway health	preliminary investigations and options for protection are available through existing Great Lakes LEP 2014 clause and mapping provisions. These matters are being considered in accordance with the Draft Mid North Coast Regional Conservation Plan principle that through strategic planning <i>'LEPs will protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal or corridor values for environmental protection'</i>. Preliminary investigations have identified endangered ecological communities and threatened species on the site. The proposal also outlines various means of protection for these areas including zones, development standards and protection of wildlife corridor provisions available through the local environmental plan. There is also a clear intention for a significant portion of the site to be rezoned and dedicated for the purposes of permanent protection. Preliminary investigations have also been undertaken to determine how the rezoning and future development of the site can be undertaken to achieve and integrated water management plan which minimises off-site run-off and a no-net increase of pollutants in the water cycle. Additional investigations are required to determine if any aboriginal artefacts or sites exist on the land and require protection through the environmental planning instrument or other mechanisms.
Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible	Local facilities in Pacific Palms and Forster/Tuncurry include a private hospital and specialist medical and community outreach services; local primary, middle and high school facilities; and local and regional sporting fields. The site is also located within an hour of Taree and 1.5 hours of Newcastle, identified as Major Regional Centres within the MNCRS with major hospitals, tertiary education, entertainment and sporting facilities.

3.4.B.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Proposal is consistent with the objectives and provisions of key local plans, policies and strategic documents, including:

- Great Lakes Community Strategic Plan 2030
- Great Lakes Rural Living Strategy (2004)
- Forster/ Tuncurry Conservation and Development Strategy (2003)
- Smiths Lake Planning Study (2000)

Great Lakes Community Strategic Plan 2030

The Proposal has been prepared in a manner that is consistent with the relevant Key Directions, Objectives and Strategies of the *Community Strategic Plan 2030* identified below:

Key Direction 1	Our Environment
Objectives	Protect and maintain the natural environment so it is healthy and diverse Ensure that development is sensitive to our natural environment
Strategies	Base strategic land use planning on ecologically sustainable principles

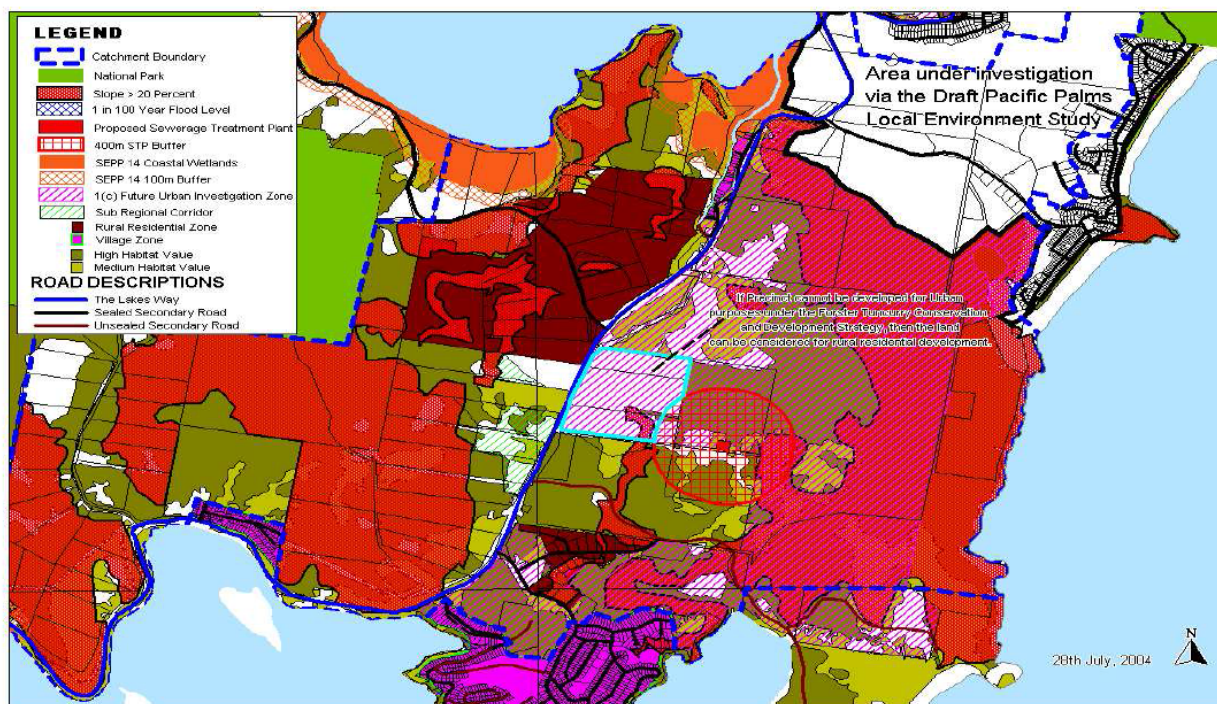
Key Direction 2	Strong Local Economies
Objectives	Promote the Great Lakes as an area that is attractive for residents and visitors Establish and maintain a supportive business environment that encourages job opportunities Provide transport infrastructure that meets current and future needs
Strategies	Identify transport network needs based on recognised asset management processes Maintain transport network infrastructure to current service standard Develop facilities that provide for safe pedestrian and cycle traffic

Key Direction 3	Vibrant and Connected Communities
Objectives	Provide the right places and spaces Plan for sustainable growth and development Develop and support healthy and safe communities Build on the character of our local communities and promote the connection between them
Strategies	Ensure community, sporting, recreational and cultural facilities and services reflect current and future needs Maintain community infrastructure to current service standard Manage growth to reflect current and future needs Manage urban development and ensure it respects the character of the area in which it is located Improve access to health services that meet local needs Encourage and promote healthy lifestyle choices Promote community safety as a shared responsibility

Great Lakes Rural Living Strategy (2004)

The Proposal is consistent with the land use precincts and parameters put forward in the Great Lakes Rural Living Strategy which identified broad indicative 'Rural Land Designations' based on a constraints and opportunity framework.

Figure 12: Rural Land Strategy Pacific Palms Rural Residential Constrains Map



The Rural Living Strategy, as the first significant land use strategy for the Great Lakes, incorporated the first broad Principles for Development that were applied to rezoning applications and are still relevant to the current Proposal.

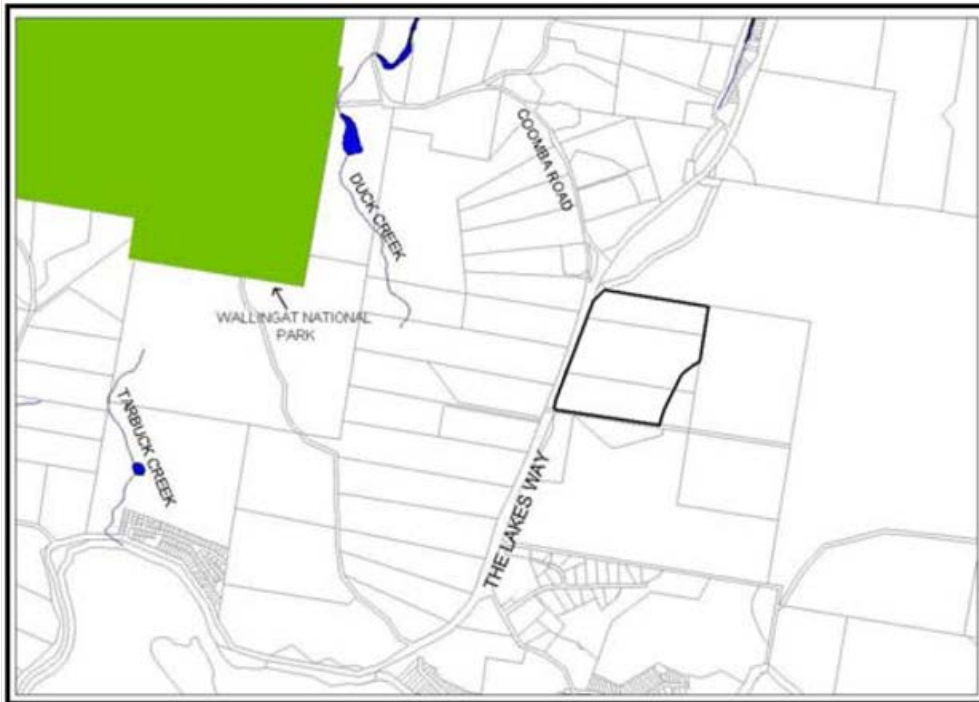
The Principles focus on assessing the environmental capacity of an area to ensure development is consistent with the land capability and include consideration of the following:

- Native vegetation.
- Proximity to water courses.
- Slope of the land.
- Providing a choice of living opportunities and types of settlement.
- Ensuring future development is within close proximity to established service centres
- Continued and improved social and economic wellbeing of the community.
- Protecting the water quality of the rivers, tributaries, lakes and Port Stephens.
- Where possible, improving water quality and habitat throughout the region.
- Having regard to the natural values and features of Great Lakes.
- Promoting a conservation philosophy for Great Lakes.

All of these general principles have been considered during the preparation of the Planning Proposal.

While the Rural Living Strategy did not identify the subject site as a development precinct it did identify several adjoining allotments as an area potentially suitable for urban or rural residential development.

Figure 13: Pacific Palms: The Lakes Way East Precinct



While identifying the precinct as a potential development area, the Strategy also recommended that areas with vegetation of high habitat value must be retained and any areas containing threatened fauna species should not be incorporated into future subdivisions.

Access to the site from The Lakes Way was also considered at that time one point with adequate sight lines in both directions was considered appropriate. This recommendation has been reviewed in consideration of the additional area of residential development identified within the Planning Proposal site. The Strategic Plan now includes an indicative location for an Access Link, which would provide two points of access and egress onto The Lakes Way.

It was also noted that while the development potential of the site would only be determined after additional environmental investigation, water quality is a significant issue requiring further detailed consideration given the land is *within a sensitive location and there are concerns in regard to possible nutrient load from water entering the southern end of Wallis Lake, which is poorly flushed.*

In this regard the water quality objective to be applied in the evaluation of management options for stormwater for the site was for “No net increase in pollutants (suspended sediments, pathogens, nitrogen and phosphorus) above that for the precinct in its present land use configuration”.

The issue have been addressed in preliminary investigations for the Proposal and addressed in the Strategic Plan through the identification of all flood-prone areas within The Lakes Way East Precinct being identified as suitable as a Water Quality and Ecosystems Rehabilitation Area.

Forster/ Tuncurry Conservation and Development Strategy (2003)

The Forster/ Tuncurry Conservation and Development Strategy was adopted by Council in September 2003. It had three main aims, being: the identification of environmental assets for a conservation outcomes; identification of land for future urban growth; and a framework for orderly growth.

The Strategy identified potential development precincts based on staged land release and outlined in some detail, the relevant matters for consideration and investigation for each nominated precinct. The Charlotte Bay Proposal is consistent with the Strategy, where it was identified as a Stage 2 Investigation Area with the notation that *detailed site investigations would be required to determine suitability of land at this location.*

Figure 14: Forster/Tuncurry Conservation and Development Strategy: Smiths Lake & Charlotte Bay Precincts



The notation on the Charlotte Bay Investigation Area states:

- Environmental assessment, water transport and estuarine circulation modelling required;
- Impact on The Lakes Way to be assessed; and
- Land use will only be decided on completion of these studies.

The Proposal has been prepared based on preliminary investigations including ecological significance, flooding and water management. Additional investigations and consultation with other agencies will be undertaken following the Gateway Determination to determine the final zone and development standards suitable for site.

This Proposal also supports the strategies for Charlotte Bay by protecting significant environmental assets and managing environmental impacts such as minimising vegetation clearing, for urban development.

The Forster Tuncurry Development and Conservation Strategy provides a high level of guidance for the strategic planning and rezoning of land within the Pacific Palms - Smiths Lake - Charlotte Bay and these have been summarised below:

The main land use envisaged for each area were identified is:

- *Mainly residential development at Smiths Lake;*
- *Mixed use development incorporating residential and tourism uses at Pacific Palms; and*
- *Mixed use development incorporating residential/tourism and commercial and light industrial at Charlotte Bay.*

Development of each area should:

- *Reinforce the existing character of each village, typified by small scale development within a natural setting.*
- *Include employment opportunities, such as retail and light industrial development, for residents.*
- *Contain residential development within the three areas identified.*

The Strategy also stated that *these areas should not be gradually linked through development*. The establishment of environmental conservation areas is therefore a significant component of any rezoning or strategic planning within this locality, in order to establish clear development precincts separated by protected vegetation.

The environmental constraints and management issues were also clearly identified within the Strategy:

Key habitat and corridors

Much of the precinct has been identified as of high conservation value by Council's vegetation mapping and as key habitat and corridor by the National Parks Service. Several threatened flora and fauna species have also been identified in the area. Any proposed development of this area will require further ecological assessment and it is likely that an eight-part test and Species Impact Statement will be required for development within or in close proximity to habitat.

During preparation of the Strategy, the National Parks Service had concerns with regards to development in certain parts of the Charlotte Bay area regarding long term sustainability and the inclusion of habitat areas in development precincts, where other alternative sites may exist.

Stormwater

Much of the area has been identified as having high water quality sensitivity. The Wallis Lake Catchment Management Plan identifies several water management issues in this area including management of riverine habitat and the potential for nutrient loading in the southern parts of Wallis Lake. The goal of any development in this area will be no nett increase of nutrients or pollutants to waterways. In order to achieve this goal, a stormwater management plan will be required which demonstrates the ability to meet this water quality objective.

MidCoast Water indicated that adequate treatment and hydraulic capacity is available at the existing Forster and the proposed Pacific Palms Waste Water Treatment Plants for development of in this precinct. It is noted that the additional urban development may require additional infrastructure such as pumping stations.

Transport and Access

The condition of The Lakes Way and its ability to cope with increased traffic volumes as a result of development in the Pacific Palms area was an issue of concern during preparation of the Strategy. The majority of residents in this area were considered likely to obtain employment and shopping opportunities in the Forster/Tuncurry area, and therefore it was considered likely that each occupied dwelling will use The Lakes Way for movement within the area and to Forster/Tuncurry at least once a day.

Although the potential impact of increased population could be mitigated to some degree by the provision of adequate shopping and some employment opportunities in the area, it is probable that the condition of The Lakes Way will continue to decline at current rates of funding. Improvements to The Lakes Way and increased vehicle movements were also considered to have the potential to adversely impact upon the habitat and corridor values in the area.

Scenic protection

The present character of the Pacific Palms-Smiths Lake area is predominantly natural, with some pockets of urban and rural residential development. The steep and hilly hinterland was considered to form an attractive backdrop to the village areas.

Community services and facilities

The range of community services and facilities available within the precinct was considered to be adequate at the time the Strategy was prepared. However, the area was considered deficient in open space and recreation facilities and these were to be provided in any rezoning in the area.

Desired Future Character

The priority for development of the Smiths Lake and Pacific Palms areas is to protect the natural environment and existing village character by encouraging small-scale infill development which supports residential and some tourist uses.

Development at Charlotte Bay area would make the Smiths Lake/Pacific Palms more self-sustaining with a range of facilities and services being provided to residents of the precinct, including retail facilities and employment opportunities. If suitable, development of this area should include:

- *Careful consideration of local physical characteristics and protection of ecosystem quality and functioning;*
- *Minimise urban footprint to reduce inefficient use of infrastructure and reduce car dependence; and*
- *Provide centrally located community facilities and services for at the Charlotte Bay area, including retail and light industry to reduce need to travel to Forster/Tuncurry.*

Relationship to the environment

Both Smiths Lake and Pacific Palms share strong links to the coast, lake and hinterland which should be protected to increase environmental and village amenity. Detailed environmental and planning assessment will provide greater information on development capability and means of integrating urban development with ecological values and functions

Development of Smiths Lake, Pacific Palms and Charlotte Bay were recommended to include:

- *Protection of significant ecological assets, such as the dunal and beach system, wetlands and native flora and fauna;*
- *Management of urban stormwater and its potential environmental impacts; and*
- *Reduced vegetation clearing through minimising urban sprawl and incorporation of natural features and significant ecological assets into open space and recreation opportunities.*

Urban character of Charlotte Bay

The Strategy encourages development that reduces urban sprawl, which makes most efficient use of infrastructure, community facilities and physical attributes of the precinct. In particular:

- *Development should respect natural topography, 'nestling' into the landscape.*
- *Urban design which is water sensitive and energy efficient.*
- *Maximise density where possible to reduce urban footprint and to make servicing and transport more efficient.*
- *Provide employment opportunities for residents.*
- *Provide for appropriate development uses, including residential, light industrial and mixed retail/residential.*
- *Heights in residential areas should be generally restricted to two storeys.*
- *A higher level will be more acceptable in a mixed retail/residential area, however should not dominate residential areas or from The Lakes Way. These areas should be restricted to a maximum of three storeys.*
- *Provide adequate recreation and open space facilities for the current and projected future population.*
- *Provide centrally located area of approximately 1 hectare for neighbourhood facilities, open space, play areas, general store and community hall.*
- *Use open space and recreational facilities to protect or enhance natural habitats and environments and urban bushland.*
- *Incorporate stormwater management systems into open space areas where possible.*
- *Encourage transport networks that reduce car dependence by providing adequate transport within and between neighbourhoods and their facilities.*
- *Locate community facilities in a convenient central location, with good accessibility for public transport, walking and cycling.*
- *Provide adequate public transport between Charlotte Bay and surrounding areas and Forster/Tuncurry.*
- *Encourage non-motorised transport, including cyclists, pedestrians, prams and wheelchairs, through the provision of an adequate footpath network.*
- *Prohibit direct access for lots to either the Pacific Highway or The Lakes Way. Implement 'green belts' along The Lakes Way and where possible along main roads in the precinct.*

The detailed information and recommendations within this Strategy have therefore been given a high level of consideration during the preparation of the Proposal. A mix of land uses including residential, private recreation and environmental conservation have been put forward as a result.

Commercial and light industrial activities have not been proposed as they are not considered suitable due to topographical and environmental constraints. These land uses have been given additional consideration in the Strategic Concept Plan prepared in conjunction with the rezoning plan.

Both Pacific Palms and Smiths Lake have established commercial precincts which have the capacity to expand. It is also noted that land on the western side of The Lakes Way, including the Charlotte Bay village area, currently zoned RU5 Village, is potentially more suitable for commercial and light industrial activities.

The residential areas within the Proposal have also been contained to the western side of the site to cluster the urban footprint in existing cleared and disturbed areas, with close proximity to The Lakes Way.

A large area of private recreation land is proposed, with two 0.5 hectare areas of public recreation also identified within the residential precincts which will significantly contribute to recreation facilities for the current and future population of the Pacific Palms - Smiths Lake locality.

The increase in a residential population in the Charlotte Bay area will enable new and additional local services to establish (such as retail, medical, community and recreation activities), and reduce the need to travel to Forster - Tuncurry or Regional Centres for these local needs. An increase to the permanent population of Charlotte Bay also has the potential to increase demand for new transport and access connections (bus routes, footpaths, and cycleways) to Pacific Palms, Smiths Lake and beyond.

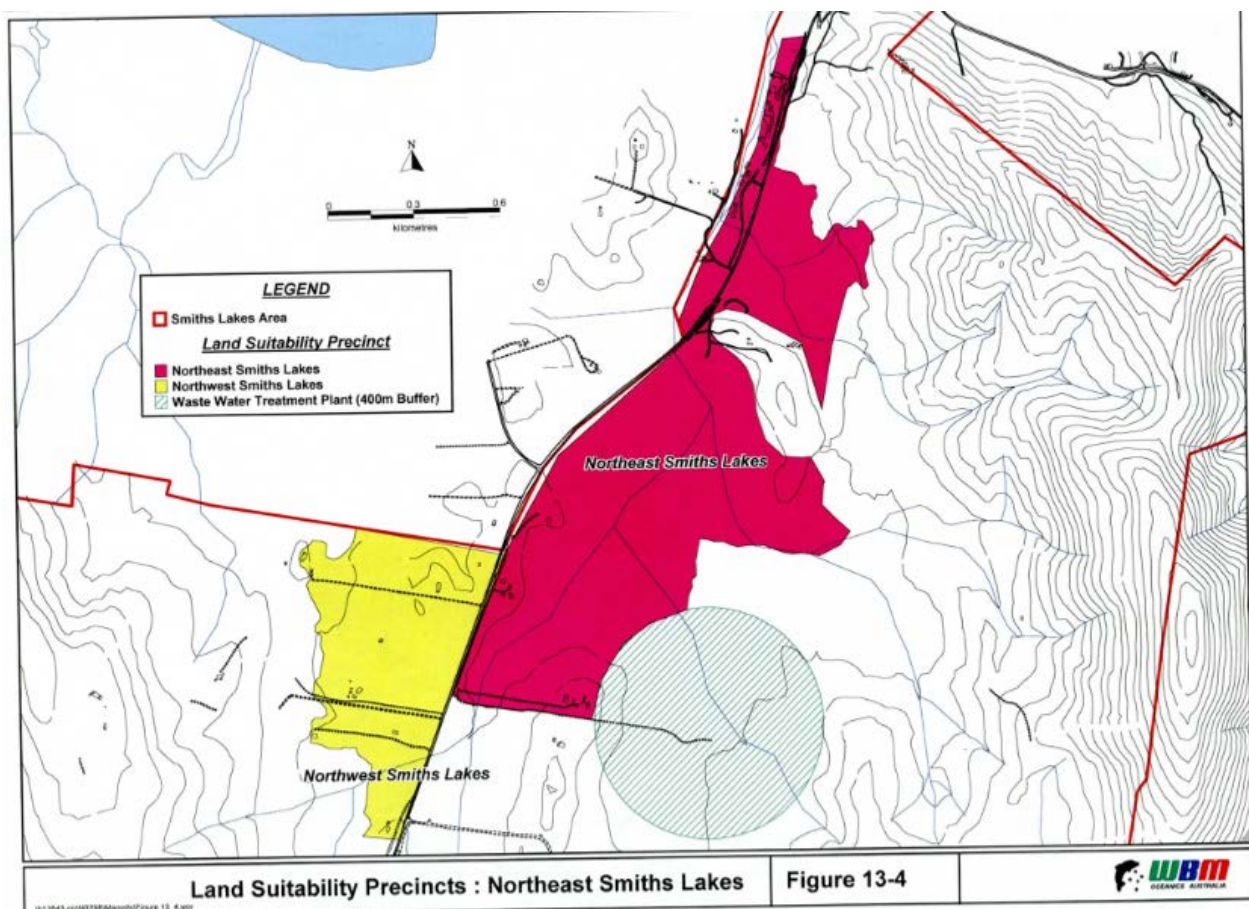
Smiths Lakes Planning Study (2000)

The Smiths Lake Planning Study was completed in February 2000 by WBM Oceanics Australia on behalf of Great Lakes Council. The objective was to investigate the villages of Smiths Lakes, Bluey's Beach, Charlotte Bay, Bungwahl and Tarbuck Bay to identify land with capability and suitability for urban development.

A Land Suitability Precinct was identified called Northeast Smiths Lake which includes the subject land. This precinct excluded land to accommodate a buffer to the future wastewater treatment plant and steep land with very high bush fire hazard and habitat values.

The Study concluded that the land to the east of The Lakes Way has some constraints but would provide opportunities for a range of development (p 147).

Figure 15: Smiths Lake Planning Study Northeast Smiths Lake Precinct Map



3.4.B.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The Proposal is consistent with the objectives and provision of the following relevant State Environmental Planning Policies (SEPPs):

State Environmental Planning Policy No. 26 – Littoral rainforest

The Proposal is consistent with the Littoral Rainforest SEPP which aims to preserve littoral (near to the sea, ocean or lake) rainforest.

Some areas of littoral rainforest are present on the extreme eastern edge of the site and extend from the site towards the coast. This is a particularly rugged part of the site and is proposed to be zoned E2 Environmental Conservation and dedicated for the purposes of permanent protection.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The Koala Habitat Protection SEPP aims to encourage the proper conservation and management of koala habitat areas in order to maintain the viability of koala populations and requires core koala habitat to be included in an environmental protection zone.

Koala habitat and characteristic scratches on tree trunks have been identified on the site during the most recent field surveys and two vegetation communities on site contain large numbers of food tree species for koalas. Additional investigations are required to determine if there is evidence of a koala population on site. Details about the koala habitat assessment are included in the Phase 1 Flora and Fauna Assessment in Appendix 2.

In accordance with clause 16 of SEPP 44, it is recommended that the additional investigations be undertaken following a Gateway determination. The Proposal will be amended following the completion of additional targeted investigations to identify if there is koala habitat on site to ensure the rezoning is consistent with SEPP 44.

State Environmental Planning Policy No. 55 – Remediation of Land

The Remediation of Land SEPP aims to promote the remediation of contaminated land for the purpose of reducing risks to people and the environment. Clause 6 specifically states that *Council must not allow the rezoning of this land for residential or environmental conservation purposes unless:*

- a) the planning authority has considered whether the land is contaminated, and*
- b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

A small number of localised contamination sites associated typical agricultural activities and the partially constructed golf course including: the storage of agricultural equipment; sheds containing agricultural products; and fill emplacement for dams, were identified during site inspections.

In accordance with the planning guidelines for managing land contamination, a preliminary investigation is required to identify any past or present potentially contaminating activities. It is proposed that these investigations are undertaken following the Gateway Determination and that the Proposal amended to reflect the findings and any recommendations for remediation have been made, to ensure that the site is suitable for residential and recreational use.

State Environmental Planning Policy No. 71 - Coastal Protection

This SEPP aims to encourage the proper conservation and management of coastal zone areas in order to maintain the viability of the coastal foreshore. The site has no direct connection to the coast however the eastern part of the site is within the coastal zone and matters in section 8 of the SEPP need to be taken into consideration for this Proposal.

The areas of the site that are located within the coastal zone are also of high ecological value and are to be zoned E2 Environmental Conservation and dedicated for permanent protection, consistent with the objectives of SEPP 71 – Coastal Protection.

State Environmental Planning Policy (Infrastructure) 2007

This SEPP aims to provide a consistent approach for infrastructure planning and provision across NSW and to support greater efficiency in the location of infrastructure and service facilities.

The Proposal is consistent with the aims of the Infrastructure SEPP. Consultation with the NSW Roads and Maritime Service and other agencies will be undertaken during the development of an access and transport strategy and to determine the infrastructure requirements for the site.

The site will be identified as a residential release area and the provisions of Part 6 Urban Release Area of the LEP 2014 will apply, should the need for State infrastructure be identified by the relevant public agencies during pre-exhibition consultation.

Any associated master plan or subdivision concept plan developed through these processes would also form the basis of a site specific amendment to the Great Lakes Development Control plan to guide development of the site following the rezoning process.

State Environmental Planning Policy (Rural Lands) 2008

This SEPP aims to facilitate the orderly and economic use and development rural lands for rural and related purposes, reduce land use conflicts and identify State significant agricultural land.

No State significant agricultural land is present on this site however the Proposal is considered to be consistent with the Rural Planning Principles of the SEPP. In particular, the Proposal is seeking to:

- balance the social, economic and environmental interests of the community, and
- identify and protect natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.

3.4.B.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

Section 117 of the Act enables the Minister to issue directions regarding the content of LEPs, by outlining objectives and policies that must be taken into consideration and achieved. The Proposal's consistency with all relevant Directions has been documented in the table below.

Summary of Section 117 Ministerial Directions	Consistency with Directions
1. Employment and Resources	
1.1 Business and Industrial Zones	Not Applicable. The Proposal does not affect any land within a business or industrial zone therefore the Direction does not apply. It is noted that the Proposal does include a Strategic Concept Plan which identifies 'investigation areas' where land may be considered for business or industrial purposes in the future.
1.2 Rural Zones	Inconsistent - minor significance. The Proposal is inconsistent with aim of the Direction which states that <i>"a planning proposal must not rezone land from a rural zone to a residential, business, industrial, and village or tourist zone."</i> The Proposal's inconsistency is considered to be of minor significance for the following reasons: - the affected land has been identified in local strategies; - the Proposal has been prepared in a manner consistent with the specific recommendations of the Forster Tuncurry Development and Conservation Strategy (2003); - the Principles and Sustainability Criteria of the Mid North Coast Regional Strategy (2009) have been addressed and can be satisfied; - the Great Lakes local government area has no state or regionally significant agricultural land; - the land is all currently zoned RU2 Rural Landscape and the majority of the 357 hectares has been identified for rezoning to recreation and environmental purposes; and - the site has no history of intensive use or proximity to any strategic cluster of agricultural activities.
1.3 Mining, Petroleum Production and Extractive Industries	Consistent This Direction aims to ensure that inappropriate development does not compromise the future extraction of coal or other extractive materials. At the time of preparing the Proposal as the site has not been identified as a potential resource of coal, petroleum or other extractive material in any state or regional mapping available to Council. Additional consultation with the Department of Primary Industries

Summary of Section 117 Ministerial Directions	Consistency with Directions
	will be undertaken following the Gateway Determination to confirm the status of the land given that a significant portion of the site is to be rezoned for environmental purposes which would prohibit the mining of coal or other extractive minerals.
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Inconsistent - minor significance This Direction aims to protect the agricultural production value of rural land and to facilitate the development of rural land for rural purposes. This Proposal will result in changes to the rural zone and the minimum lot size for subdivision currently applying to the land. The Proposal's inconsistency is considered to be of minor significance for the following reasons: • the affected land has been identified in local strategies; • the Proposal has been prepared in a manner consistent with the specific recommendations of the Forster Tuncurry Development and Conservation Strategy (2003); • the Principles and Sustainability Criteria of the Mid North Coast Regional Strategy (2009) have been addressed and can be satisfied; • the Great Lakes local government area has no state or regionally significant agricultural land; • the land is all currently zoned RU2 Rural Landscape and the majority of the 357 hectares has been identified for rezoning to recreation and environmental purposes; and • the site has no history of intensive use or proximity to any strategic cluster of agricultural activities; and • the Proposal is consistent with the relevant Rural Planning Principles of State Environmental Planning Policy (Rural Lands) 2008. Specifically, the Forster Tuncurry Development and Conservation Strategy (2003) considered identified the site as a preferred development precinct, and has determined that the loss of rural land is acceptable. One of the objectives of this Proposal is to grow the community of Charlotte Bay and provide a permanent residential population to support existing local business, infrastructure and services, which will contribute to the welfare of the community.
2. Environment and Heritage	
2.1 Environment Protection Zones	Consistent The objective of this Direction is to protect and conserve environmentally sensitive areas and Clause 4 requires that a Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

Summary of Section 117 Ministerial Directions	Consistency with Directions
	This Proposal has identified that the majority of the site is environmentally significant and will be rezoned E2 Environmental Conservation and dedicated for the purposes of permanent protection. The amendments to Great Lakes Local Environmental Plan 2014 resulting from additional environmental investigations of the site will also include amendments to the Protection of Wildlife Corridors map layer, facilitating the protection and conservation of environmentally sensitive riparian and remnant vegetation areas located outside of the environmental conservation and management zones.
2.2 Coastal Protection	Consistent The object of this Direction is to implement the principles of the NSW Coastal Policy and is applicable to the eastern part of the site located within the coastal zone. The areas of the site that are located within the coastal zone are of high ecological value and are to be zoned E2 Environmental Conservation and dedicated for permanent protection, consistent with the objectives of SEPP 71 – Coastal Protection and the NSW Coastal Protection Policy. The existing residential design provisions of the Great Lakes Development Control Plan are consistent with the Coastal Design Guidelines 2003 and are not expected to be amended as a result of the Proposal. Should any additional site investigations or consultation with public agencies result in the preparation of any site specific DCP controls, these will also be prepared in a manner consistent with the NSW Coastal Protection Policy and Coastal Design Guidelines
2.3 Heritage Conservation	Consistent This Direction aims to conserve items and places of heritage significance and provides that a rezoning proposal must contain provisions that facilitate the conservation of Aboriginal areas, objects or places which have heritage significance to Aboriginal culture and people. No items or sites of European or aboriginal heritage have been identified during the preliminary consultation and investigation processes. To ensure that the Proposal remains consistent with this Direction an inspection of the site by the local Aboriginal Land Council and any necessary archaeological investigations shall be undertaken following the Gateway Determination. Any sites or items of significance identified through these

Summary of Section 117 Ministerial Directions	Consistency with Directions
	processes will be identified for permanent protection through the relevant provisions of Great Lakes LEP 2014 or sections of the National Parks and Wildlife Act 1974 as appropriate.
2.4 Recreation Vehicle Areas	Not Applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent This Direction aims to encourage a range of housing that efficient utilised land and services with minimal impact on the natural environment and its resources. The Proposal has been prepared on the basis of the following objectives consistent with this Direction: • To grow the community of Charlotte Bay in a manageable and logical manner by providing a permanent residential population that can support existing and future local business enterprise and which will complement and support the nearby villages of Smiths Lake and Pacific Palms. • To utilise land that is well located and capable of being serviced for attractive, affordable and low impact residential development. • To identify land with very high conservation values and establish mechanisms for its protection into perpetuity. • To increase the connectivity of protected land from Wallis Lake to the Pacific Ocean and from Booti Booti National Park to Myall Lakes and Wallingat National Parks. • To allow for recreational activities where compatible with the land and adjoining land uses. • To improve the environmental condition of the site in conjunction with future development including the restoration of riparian land, improving or maintaining water quality and protecting habitat for native plants and animals. • To ensure that development occurs in a logical and cost-effective manner and that infrastructure and services are provided in a conjunction with new development. The site will be identified as a residential release area and the provisions of Part 6 Urban Release Area of the LEP 2014 will apply, if relevant public agencies identify the need for state public infrastructure during pre-exhibition consultation.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.3 Home Occupations	Consistent The Proposal does not reduce or restrict the existing provisions of Great Lakes LEP 2014 which enables the establishment of home occupations in any zone (where an existing lawful dwelling exists) without consent.

Summary of Section 117 Ministerial Directions	Consistency with Directions
	The Proposal does not reduce or restrict the existing provisions of State Environmental Planning Policy (Exempt and Complying Development) 2008 which enables the establishment of home occupations in any zone (where an existing lawful dwelling exists) as exempt development.
3.4 Integrating Land Use and Transport	Consistent The purpose of this Direction is to ensure that development achieves objectives with regard to the improvement of access by walking, public transport and other means that reduce dependence on private car travel. Council's Forster Tuncurry Development and Conservation Strategy (2003) considered a hierarchy of centres and development precincts that give effect to the principles of integration of land use and transport and these recommendations are to be implemented through this Proposal. Consultation with the NSW Roads and Maritime Service and other agencies will be undertaken during the development of an access and transport strategy and to determine the infrastructure requirements for the site. Any associated master plan or subdivision concept plan developed through these processes would also form the basis of a site specific amendment to the Great Lakes Development Control plan to guide development of the site following the rezoning process.
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Inconsistent - minor significance The purpose of the Direction is to avoid significant adverse environmental impact from the use of land that has a probability of containing acid sulphate soils. The site is identified in Great Lakes LEP 2014 as containing: • a very small amount of Class 3 adjoining The Lakes Way, identified for rezoning to E2 Environmental Conservation, with limited earthworks; • Class 4 areas will be within the R2 Low Density Residential area and management will be required as construction occurs for access and residential development; and • Class 5 areas will be located within environmental and residential zones. Great Lakes LEP 2014 contains the model provisions for the management of acid sulphate soils.

Summary of Section 117 Ministerial Directions	Consistency with Directions
	In accordance with the requirements of the Direction an acid sulphate soil study will be undertaken in conjunction with additional environmental investigations and the development of an integrated water management strategy given the intensification of development that will result from the Proposal.
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Land	Inconsistent - minor significance The purpose of this Direction is to ensure that Proposals on flood prone land are commensurate with flood hazard and include consideration of the potential of the flood impacts both on the subject land and surrounding areas. The land is identified for rezoning to residential, recreation and environmental purposes and is affected by flooding and preliminary flood modelling has been undertaken to assist in determining those areas appropriate for future development. The Proposal significantly increases the level of development on the land and therefore will consider the implementation of flood mitigation measures, infrastructure or services. However, the Proposal does not: • propose development in floodway areas; • propose development that will result in significant flood impacts to other properties; or • permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. Therefore additional modelling associated with the integrated water management strategy that will be prepared after the Gateway Determination will give effect to and be consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).
4.4 Planning for Bushfire Protection	Consistent The land is identified as being bushfire prone and therefore a bush fire hazard report and consultation with the NSW Rural Fire Service will be required and taken into consideration in the finalisation of the Proposal and any associated site specific development controls in accordance with the Direction.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Inconsistent - minor significance This Direction requires a Proposal to be consistent with the Mid

Summary of Section 117 Ministerial Directions	Consistency with Directions
	North Coast Regional Strategy. The proposal is inconsistent in that the site is not identified within the Mid North Coast Regional Strategy. As discussed in Section B the Proposal and the Strategic Concept Plan for land surrounding the Proposal, have been prepared in a manner consistent with the Principles and Sustainability Criteria of the Strategy. In this regard the Proposal is consistent with the Direction in that it achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions
5.2 Sydney Drinking Water Catchments	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008. See amended Direction 5.1
5.7 Central Coast	Revoked 10 July 2008. See amended Direction 5.1
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable
5.9 North West Rail Link Corridor Strategy	Not Applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent The Proposal does not introduce any concurrence requirements for assessment or designated development on the land.
6.2 Reserving Land for Public Purposes	Consistent The Proposal includes the identification of environmentally sensitive lands for rezoning and dedication for protection into perpetuity. The preferred mechanism of dedication at the time of preparing the Proposal was for a Planning Agreement between the land owner and Council.

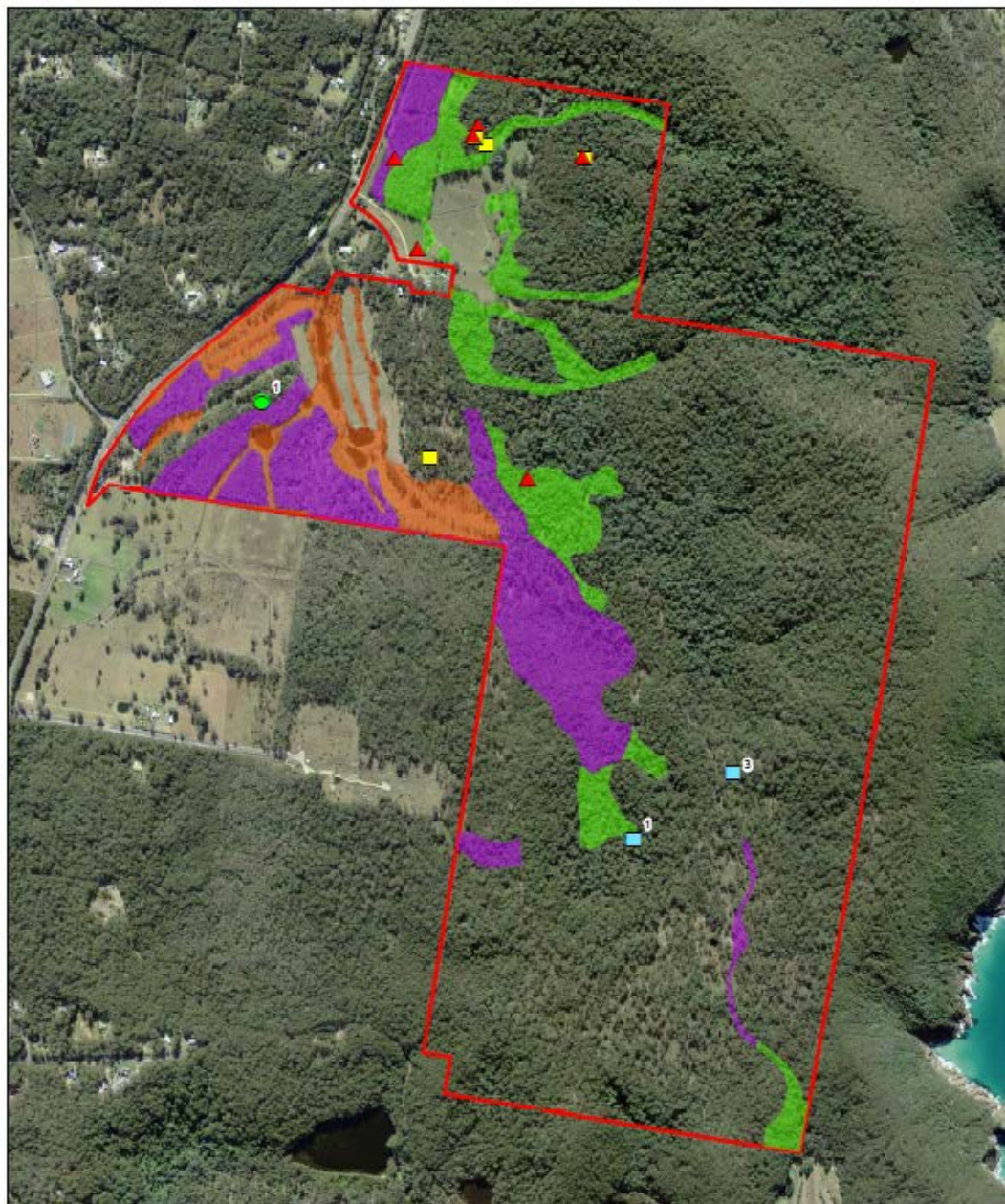
Summary of Section 117 Ministerial Directions	Consistency with Directions
	The Strategic Concept Plan which forms part of this proposal also identifies potential locations for public recreation and other land which may be suitable for environmental protection or management. The land identified in the Proposal for reservation for public and protection purposes, are not reservations for the purposes of acquisition and do not require a public hearing to be held during the public exhibition of the Proposal.
6.3 Site Specific Provisions	Consistent The Proposal will amend Great Lakes Local Environmental Plan (LEP) 2014 and may result in amendments to the Great Lakes Development Control Plan DCP). The amendments to LEP 2014 at the time of preparing this Proposal, have been prepared in accordance with the Direction so that the existing: • zone land use tables; • zone and development standards; and • environmental protection clauses and mapping are being implemented. The existing provisions in the DCP are also considered sufficient at this time. The only exception may be the preparation of a site specific master plan outlining the potential subdivision and staging of future development on the site, in accordance with the infrastructure strategy implementation plan to be prepared following the Gateway Determination.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Not Applicable

Section C – Environmental, social & economic impact

3.4.C.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An *Ecological Constraints Study* was prepared by Cumberland Ecology, September 2005 in conjunction with a previous development proposal. The *Phase 1 Studies - Lots 110 and 112, DP1091944 Investigation of Flora and Fauna* was prepared by GHD on behalf of Great Lakes Council, April 2013. A copy is provided in Appendix 2.

Figure 16: Preliminary Investigation Map of Threatened Biota and Habitat Resources, GHD (2013)



LEGEND

- | | | | |
|--------------|-----------------------|--------------------------|--|
| Subject Land | Glossy Black-Cockatoo | Koala scratch marks | Subtropical Coastal Floodplain Forest |
| Habitat tree | Little Lorikeet | Swamp Sclerophyll Forest | Swamp Sclerophyll Forest (low condition) |

Note: Point labels indicated number of individuals observed.

Flora

Two endangered ecological communities (EECs) were identified on the subject land: Subtropical Coastal Floodplain Forest of the NSW North Coast Bioregion; and Swamp Sclerophyll Forest on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions.

There is an area of approximately 26.83ha of Subtropical Coastal Floodplain Forest and the Swamp Sclerophyll Forest covers an area of approximately 54.8ha.

The locations of these EECs are illustrated in the 'Preliminary Investigation map of Threatened Biota and Habitat Resources' prepared by GHD (2013). The Study notes that the local occurrences of these EECs are continuous with extensive local populations outside the subject land (p29).

No threatened flora species were recorded within the site.

Fauna

Two threatened fauna species were recorded during the site surveys: Little Lorikeet; and Glossy Black-Cockatoo.

Koala scratches on tree trunks and suitable feed tree species were also observed and the location of these sightings and habitat trees are shown in the 'Preliminary Investigation map of Threatened Biota and Habitat Resources' below.

In addition to the threatened flora and endangered ecological communities on the site outlined in the previous section, the Study made the following key points with regard to the environmental value and characteristics of the site:

- A total of 274 flora species from 88 families were recorded, comprising of 236 natives and 38 exotic species.
- Up to 75 terrestrial fauna species were recorded, all of which are natives. Three threatened fauna species were reported as occurring on the site:
 - o Koala: Characteristic scratches on tree trunks were identified observed during the site survey and suitable feed tree species present. However, the property owner maintains there have been no sightings of Koalas on the site during 28 years of site ownership. Additional investigations are required in accordance with SEPP 44 - Koala Habitat Protection.
 - o Little Lorikeet: Present on site with up to 3 individuals recorded at separate locations within the site; and
 - o Glossy Black-Cockatoo: Present on site. 1 individual recorded on 2 separate occasions.

Database searches identified 14 threatened flora species have previously been recorded or are predicted to occur in the locality:

- 6 can be discounted as unlikely to occur on the site as they are associated with specific habitats that were not found within the subject area; and
- The subject land contains suitable habitat for the remaining 10 species and additional target surveys for these areas is recommended.

Both the vegetated and cleared areas provide habitat for some terrestrial and arboreal mammals and birds, though mostly for foraging purposes with nesting limited to small hollow-dependent fauna.

Identified Impacts

Impacts from loss or change of native vegetation and habitat, fragmentation of habitat, fauna injury and edge effects have been considered and several protection measures have been incorporated within the Proposal to mitigate these impacts.

A significant portion of the ecologically sensitive land on the site will be protected through the

application of an environmental zoning. In those riparian corridors located within the proposed residential zone will also be protected through the application of the Protection of Wildlife Corridors provisions within Great Lakes LEP 2014

In addition, those areas identified within the proposed E2 Environmental Conservation zoning are to be protected into perpetuity through a Planning Agreement (VPA), to be entered into between the landowner and Council/Office of Environment and Heritage. These areas are located on the eastern portion of the site and represent a significant linkage for local and regional wildlife corridors extending between Booti Booti, Wallingat and Myall Lakes National Parks.

The principle outcome of the Planning Agreement will be to transfer an area of high ecological value land to public ownership (Council or State government) so that the land is protected in perpetuity. The Agreement will specify the amount, location and extent of land to be protected, the statutory mechanisms and requirements for ongoing maintenance and protection of the area.

Bio-certification under Part 7AA of the Threatened Species Conservation Act 1995 may also be pursued for the site.

In other areas of the site, additional information is required to determine the most appropriate mechanisms for protection: zoning restrictions, development standards that facilitate protection or careful site planning through development control provisions. It is recommended that this additional assessment be undertaken following a Gateway Determination and in consultation with the Office of Environment and Heritage, consistent with Section 34A of the Environmental Planning & Assessment Act 1979.

Further assessment in accordance with *State Environmental Planning Policy 44 - Koala Habitat Protection* is also required to determine if there is a likelihood of significant impact of the proposal on any koalas on the site.

Ecological Framework

To assist in the visual representation of the strategic importance of the subject site and adjoining lands to local and regional flora and fauna, a diagram of environmental protection areas and corridors over an aerial photograph of the locality has been prepared.

The additional ecological investigations undertaken after a Gateway Determination will assist Council in identifying the final areas to be zoned for environmental management or conservation and quantification of the development/ environmental off-set of the Proposal. The findings will also be used to inform the planning agreement which will provide a legal mechanism for the future dedication and management of those areas of high environmental value that require protection into perpetuity.

In this regard the preliminary Ecological Studies are considered to provide intuitive and semi-quantitative evidence that an appropriate environmental outcome is being achieved in relation to the ratio of vegetation/ habitat potentially lost, versus that which is retained, protected and managed in accordance with conservation principles.

The next phases of the ecological investigation will need to validate the biodiversity outcomes of the proposal using a scientifically-accepted, rigorous and appropriate method. As such, the proposal will be assessed using a quantitative and acceptable tool, such as (but not confined to), the:

- Biobanking Assessment Methodology (BBAM); or the
- Environmental Outcomes Assessment Methodology (EOAM); or the
- Bio-certification Assessment Methodology (BCAM).

The biodiversity assessment tool will be determined with advice from the Department of Planning and Environment and the NSW Office of Environment and Heritage. The biodiversity assessment tool (once determined) will be performed by accredited users, in a manner that is fully compliant

with the rules associated with the particular tool. As such, the proposal will be fully tested by way of a valid, rigorous and scientific assessment methodology. Biodiversity outcomes achieved will be at least to the minimum standards required by the particular biodiversity assessment tool and potentially the biodiversity outcomes may achieve higher than required standards for biodiversity protection and long-term conservation.

Figure 17: Environmental Protection Areas and Wildlife Corridors in the Locality of Charlotte Bay



Legend

- National Park Estate
- Great Lakes Council LEP 2014 E2 Zone
- Land subject to existing permanent vegetation protection measures



Regional Wildlife Corridor

Local Wildlife Corridor

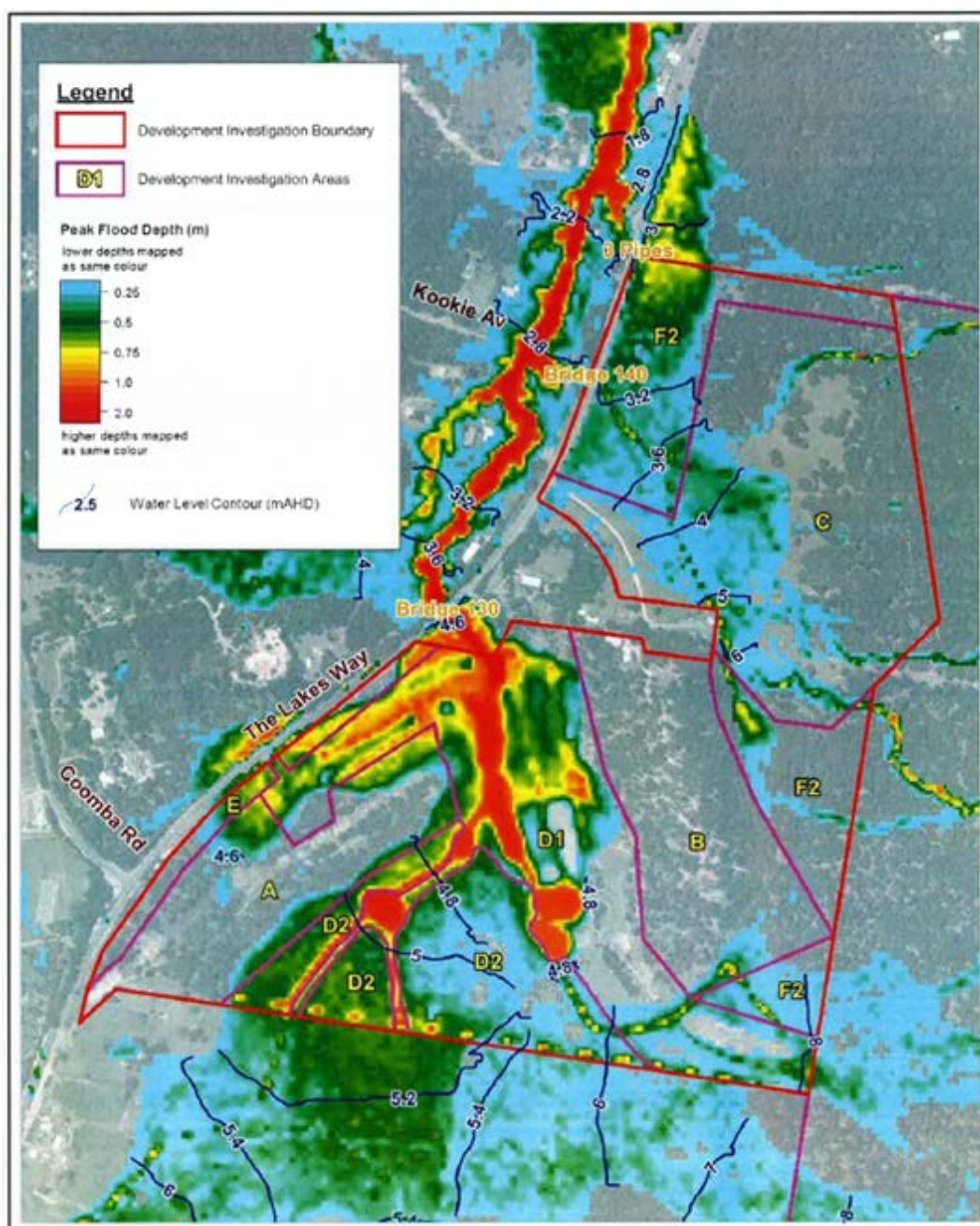
3.4.C.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

A Draft Water Sensitive Development Strategy was prepared by BMT WBM on behalf of Great Lakes Council (January 2013), to assist with identifying the potential development area for the site, and to better understand the local flooding, riparian corridors and water quality characteristics. A copy of the strategy is included in Appendix 3.

Flooding

These preliminary investigations indicate that flooding within the site is influenced by stormwater runoff, with the higher parts of the site draining towards the lower, flatter central parts of the site. The stormwater then drains out of the site, via culverts under The Lakes Way. Both sets of culverts appear to be undersized and are currently blocked by trees and debris which results in longer periods of inundation within the site. The depth of stormwater is approximately 0.5 – 0.8m, with deeper flooding in the drainage lines.

Figure 18: Existing 1% AEP Peak Flood Depths and Levels, BMT WBM (2013)



Preliminary modelling indicates that filling and re-sized culverts would significantly reduce the extent of stormwater flooding across the site. Some mitigation measures would also need to be applied including channel widening, drain rehabilitation and rock lining of the drain bed. The draft zoning included in the Proposal has been based on the extent of flooding on completion of these works, with the expectation that drainage lines within the residential areas would remain flood prone in 1% AEP stormwater events.

Additional flood investigations will be required to refine the zone boundaries, determine the extent of fill and infrastructure work required to ensure residential development is located on flood free land.

Council has also exhibited amended Great Lakes LEP 2014 Flood Planning Area mapping and Development Control Plan provisions for flood-prone land, which would affect future development applications to subdivide and develop the site and will therefore be taken into consideration following the Gateway Determination.

Figure 19: Draft Great Lakes Local Environmental Plan 2014 Flood Planning Area over Aerial Imagery



Riparian Corridors

Important riparian corridors have been identified on site and generally coincide with the flood affected parts of the site. These riparian corridors are not identified as watercourses in Great Lakes LEP 2014. Given the identification of significant flora and koala habitat trees within these areas, the application of the Protection of Wildlife Corridors provisions will ensure that the riparian corridors and vegetation are conserved. Additional environmental investigation will confirm whether additional protection measures are required.

Water quality

Further investigation is required to determine the impacts of future development on water quality and potential mitigation measures. These investigations must be considered in conjunction with assessment of the development capacity of the site and the ability of the site to achieve no net increase of stormwater runoff and water pollutants.

An integrated water management approach to the site will minimise impacts of increased stormwater or pollutants as well as reduce the demand for potable water. Strategies to achieve these benefits may include rainwater harvesting for non-potable domestic use (toilet flushing, laundry) and irrigation of the golf course and landscaped areas. The integrated water management strategy will also identify whether these mitigation measures are incorporated into the infrastructure strategy or site specific development controls.

Aboriginal heritage

No items or sites of cultural significance have been identified on land affected by the Proposal however the presence of nearby significant Aboriginal artefacts has been taken into account. Preliminary consultation with the CEO of the Forster Local Aboriginal Land Council (LALC) has occurred and a site inspection and ongoing advice will follow the Gateway Determination.

Contamination

Due to the previous use of the land the site has potential for some isolated areas of contamination. Further investigation is required and if contamination is detected then remediation action plans would need to be completed and approved before development could commence, in accordance with *State Environmental Planning Policy No 55 – Remediation of Land*.

Other matters to be investigated

Preliminary investigations have helped to determine the objectives of the Proposal and potential amendments to Great Lakes LEP 2014. Additional investigation into other environmental constraints such as bushfire and the need for vegetated buffers to The Lakes Way will be taken into consideration and the Proposal amended to reflect these requirements following the Gateway Determination.

3.4.C.3 Has the Planning Proposal adequately addressed any social and economic effects?

The Proposal has been developed with the objective of a net social and economic benefit to the Charlotte Bay, Pacific Palms and Smiths Lake communities, as envisaged within the Forster Tuncurry Development and Conservation Plan (2003).

Desired Future Character

The development potential outlined within the Proposal and associated strategic concept plan for surrounding lands make the Charlotte Bay-Smiths Lake-Pacific Palms area more self-sustaining and has:

- Considered local environmental constraints and promoted the protection of ecosystem quality and functioning;
- Proposed a minimise urban footprint in response to constraints and to reduce inefficient use of infrastructure; and
- Supports the establishment of centrally located community facilities and services within the Charlotte Bay area, including employment lands, to reduce need to travel to Forster, Tuncurry or other regional centres.

Urban character of Charlotte Bay

In particular, the Proposal and associated strategic concept plan encourage development that reduces urban sprawl, which makes most efficient use of infrastructure, community facilities and physical attributes of the precinct as recommended in the Strategy.

The detailed information and recommendations within the Strategy have been given a high level of consideration during the preparation of the Proposal. A mix of land uses including residential, private recreation and environmental conservation have been put forward as a result.

Commercial and light industrial activities have not been proposed as they are not considered suitable due to topographical and environmental constraints. These land uses have been given additional consideration in the Strategic Concept Plan prepared in conjunction with the rezoning plan.

Both Pacific Palms and Smiths Lake have established commercial precincts which have the capacity to expand. It is also noted that land on the western side of The Lakes Way, including the Charlotte Bay village area, currently zoned RU5 Village, is potentially more suitable for commercial and light industrial activities.

The residential areas within the Proposal have also been contained to the western side of the site to cluster the urban footprint in existing cleared and disturbed areas, with close proximity to The Lakes Way.

A large area of private recreation land is proposed, with two 0.5 hectare areas of public recreation also identified within the residential precincts which will significantly contribute to recreation facilities for the current and future population of the Pacific Palms - Smiths Lake locality.

The increase in a residential population in the Charlotte Bay area will enable new and additional local services to establish (such as retail, medical, community and recreation activities), and reduce the need to travel to Forster - Tuncurry or Regional Centres for these local needs.

An increase to the permanent population of Charlotte Bay also has the potential to increase demand for new transport and access connections (bus routes, footpaths, and cycleways) to Pacific Palms, Smiths Lake and beyond.

Section D – State and Commonwealth Interests

3.4.D.1 Is there adequate public infrastructure for the planning proposal?

The Proposal involves the rezoning of approximately 54ha of land for residential development, which has the potential yield of up to 1200 new residential allotments based on a minimum 450sqm development standard.

A minimum of 1 hectare of passive open space will also be provided, 0.5 hectares within each residential precinct.

The site will be identified as an Urban Release area in accordance with Part 6 of Great Lakes Local Environmental Plan 2014 and an infrastructure strategy will be prepared for the site following a Gateway Determination to consider utility, social, recreational, local and State infrastructure needs.

Provisions requiring designated State public infrastructure and essential utility infrastructure will apply to the site. These provisions will ensure that there is specific consideration of infrastructure needs, and that suitable arrangements are made for the infrastructure to be provided to the site, or in the case of State infrastructure, a contribution made for the infrastructure to be provided in the most efficient location.

3.4.D.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

During the preparation of the Proposal, preliminary consultation has occurred with representatives of:

- NSW Department of Planning and Environment;
- NSW Office of Environment and Heritage;
- MidCoast Water; and
- Forster Local Aboriginal Land Council.

The following public agencies have already been identified for additional consultation during the preparation of the Proposal following the Gateway Determination and prior to any public exhibition:

- NSW Department of Planning and Environment;
- NSW Office of Environment and Heritage;
- MidCoast Water;
- Forster Local Aboriginal Land Council;
- NSW Road and Maritime Services;
- NSW Office of Water;
- NSW Office of Environment and Heritage;
- Country Energy;
- NSW Office of Trade and Investment;
- NSW National Parks and Wildlife Service;
- NSW Office of Trade and Investment;
- NSW Department of Primary Industries; and
- NSW Rural Fire Service
Local Land Services

The Proposal will be revised and amended as required, in response to matters raised by the relevant public authorities. Should the Proposal be significantly amended, it may be reported back to Council and the Department of Planning and Environment for additional consideration and adoption prior to public exhibition.

Part 4 - Mapping

(s.55(2)(d) Maps to be adopted by the proposed instrument.

The objectives in Part 1 are to be achieved primarily by amending Great Lakes Local Environmental Plan (LEP) 2014. The information within this Part of the Proposal should be read in conjunction with LEP 2014, as only the proposed amendments are outlined and all other relevant provisions will continue to apply to the land.

4.1 Local Environmental Plan Map Amendments

The Planning Proposal is expected to result in several map layer amendments:

- Land Zoning Map
- Minimum Lot Size Map
- Floor Space Ratio Map
- Protection of Wildlife Corridors Map
- Urban Release Area Map

Additional map layer amendments may be identified through the detailed environmental investigations and agency consultation to be carried out following the Gateway Determination.

Land Use Zone Map Amendments

The Proposal includes a draft zoning plan with approximately:

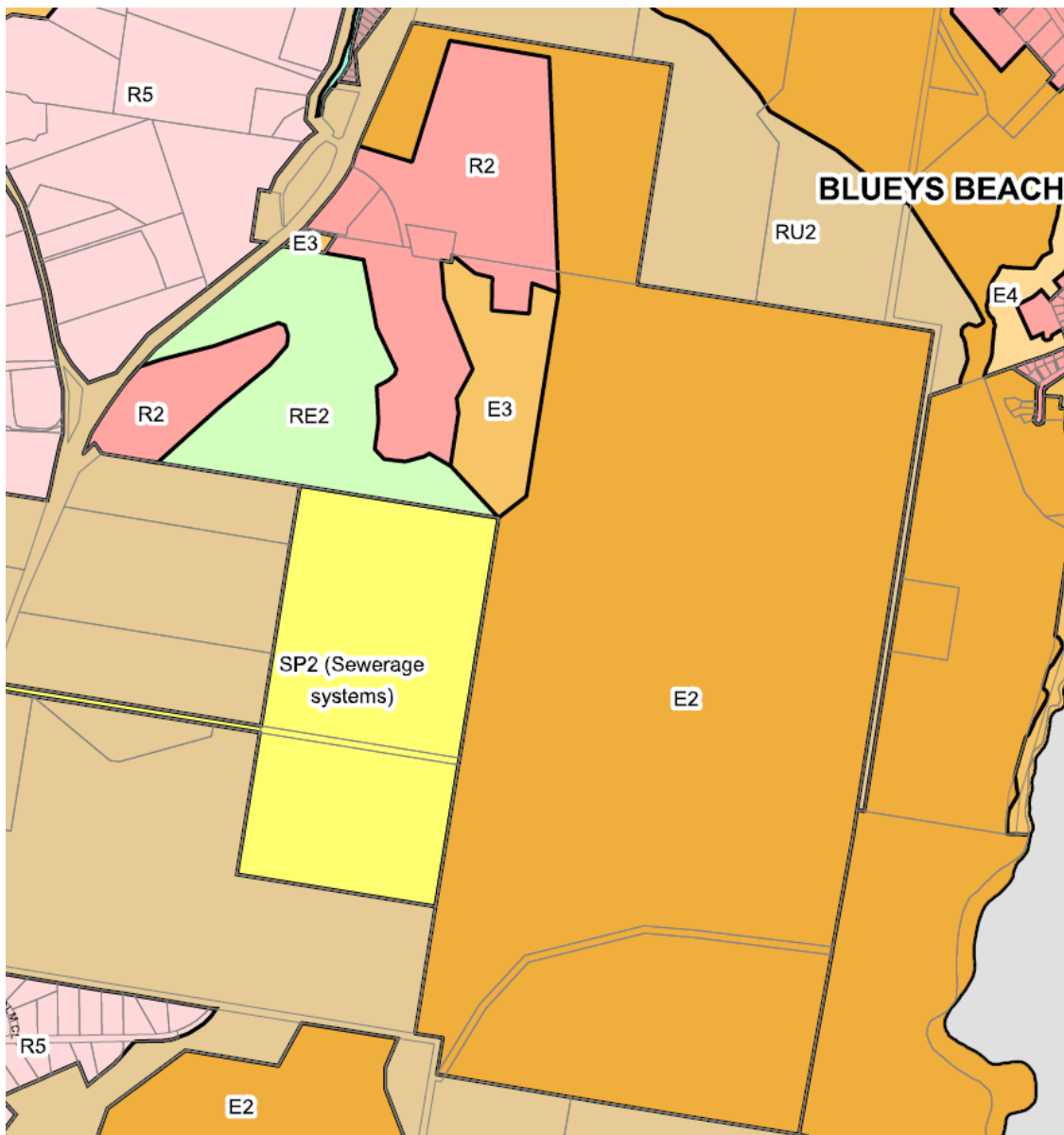
- 54 hectares of land identified for rezoning to R2 Low Density Residential which would yield a maximum of 1200 new residential allotments if a minimum 450sqm development standard is applied;
- 25 hectares of land is identified for rezoning to E2 Environmental Conservation and dedication for permanent protection;
- 14 hectares of land, representing a potential yield of only two lots, has been identified for rezoning to E3 Environmental Management; and
- 32 hectares of land is identified for rezoning to RE2 Private Recreation to realise the partially constructed golf course and associated facilities.

The existing LEP 2014 land use tables for each of the proposed zones are provided in Appendix 1 and no change to the land use tables are proposed in conjunction with the Planning Proposal at this time.

The application of the new zones means that the consent authority must have regard to the objectives of these zones when determining a development application. Each zone has a land use table which specifies what development may be carried out without development consent, with development consent or that is prohibited.

Some other types of development may be permitted in these zones under State Environmental Planning Policies.

Figure 20: Draft Land Use Zone Map Amendment



Great Lakes Local Environmental Plan 2014 Land Use Zones

Zone

B1	Neighbourhood Centre	R3	Medium Density Residential
B2	Local Centre	R4	High Density Residential
B4	Mixed Use	R5	Large Lot Residential
B5	Business Development	RE1	Public Recreation
E1	National Parks and Nature Reserves	RE2	Private Recreation
E2	Environmental Conservation	RU2	Rural Landscape
E3	Environmental Management	RU3	Forestry
E4	Environmental Living	RU5	Village
IN1	General Industrial	SP2	Infrastructure
IN2	Light Industrial	SP3	Tourist
IN4	Working Waterfront	W1	Natural Waterways
R2	Low Density Residential	W2	Recreational Waterways

Proposed Land Uses

Subject to the findings of more detailed and comprehensive studies being undertaken it is proposed that the following land uses and development standards would apply to the land:

- The R2 Low Density Residential zone would be predominantly developed for residential purposes.
- The RE2 Private Recreation zone may be developed to realise the partially constructed golf course and other facilities that service the adjoining residential population.
- The 1 hectare site adjoining The Lakes Way has been identified for a potential area of E3 Environmental Management to reflect the heavily vegetated nature of the site and is current identification as a site reserved for Water Rights.
- The southern area of E3 Environmental Management may provide a transitional area between the development and conservation lands and continue to be subject to limited cattle grazing, or transitioned into low-impact land uses compatible with the environmental sensitivity of the site.
- The areas identified within the E2 Environmental Conservation zone have been identified as having high ecological value and would be transferred into public ownership to ensure environmental conservation and management into perpetuity. The proposed mechanism to achieve dedication is a Planning Agreement between the land owner and Council.

Minimum Lot Size Map Amendments

The minimum size of lots created by a subdivision for this land under its current RU2 Rural Landscape zone is 40 hectares. This development standard will only be retained in those areas nominated for rezoning to E2 Environmental Conservation.

The R2 Low Density Residential zone has an existing minimum lot size within LEP 2014 of 450sqm. The site will be developed for a range of lot sizes varying from 450m² to approximately 700m².

A site specific lot size can be allocated to lands zoned E3 Environmental Management to reflect the environmental or existing lot size constraints. The eastern portion of E3 Environmental Management may for example, achieve a minimum lot size of 10 hectares, while the eastern site would only achieve 1 hectare, reflecting the exiting size of the allotment.

Land zoned RE2 Private Recreation within Great Lakes LEP 2014 is not currently subject to any minimum lot size development standard, however a minimum lot size of 10 hectares may also be appropriate on the subject site to ensure appropriate environmental and development outcomes over this land.

The final minimum lot sizes to be applied to the site will be determined following detailed ecological and environmental investigations and will be aimed at ensuring future allotments are of a size and shape to accommodate development in keeping with the desired character of the location, site constraints and available services, facilities and infrastructure.

A number of clauses in the LEP 2014 apply to the subdivision of land based on minimum lot sizes and no change is proposed to these clauses in conjunction with this Planning Proposal at this time.

Floor Space Ratio Map Amendments

A floor space ratio sets a limit on the size of a building or buildings, relative to the size of the development lot. This acts to ensure that buildings are compatible with the environmental qualities of an area or the desired future urban character of a locality.

A low ratio is proposed across this site, reflecting the open character of the area, the desire for green space and protection of the natural environment.

The existing floor space ratio standard of 0.4:1 will continue to apply to land rezoned E2 Environmental Conservation and E3 Environmental Management. A floor space ratio of 0.5:1 applies to all land zoned R2 Low Density Residential and there is currently no floor space ratio applied to land zoned RE2 Private Recreation under Great Lakes LEP 2014.

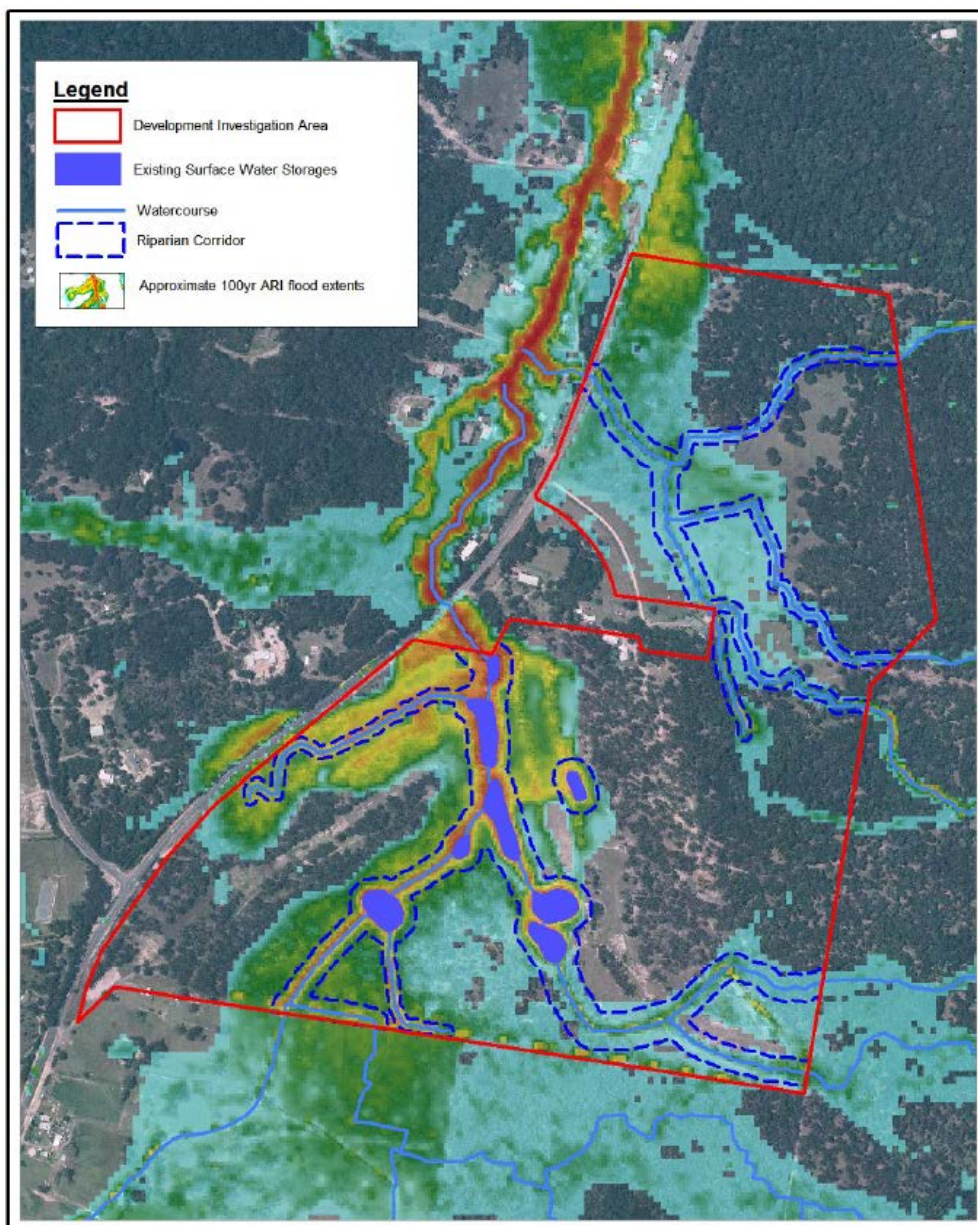
A number of clauses in the LEP 2014 apply to the calculation of floor space ratios and no change is proposed to these clauses in conjunction with this Planning Proposal at this time.

Protection of Wildlife Corridor Map Amendments

A Protection of Wildlife Corridors map layer in LEP 2014 was established in conjunction with significant land rezoning in the Pacific Palms and connects with the proposed E2 Environmental Conservation zone on the subject site.

The extension of these Corridors through the development zones of the site may be identified in response to the detailed ecological and environmental investigations. Preliminary investigations reveal this would be appropriate in those areas already characterised as containing threatened biota, habitat resources and riparian lands.

Figure 21: Preliminary Investigations Map of Flooding, Watercourses and Riparian Corridors



Urban Release Area Map Amendments

The site will be identified as a residential release area and the provisions of Part 6 Urban Release Area of the LEP 2014 will apply, if required by the relevant public agencies during pre-exhibition consultation.

Part 6 requires that monetary contributions for public infrastructure may be required by the State government before development consent can be granted by Council. This Part of the LEP also allows for the preparation of a site specific development control plan however the provisions of the Great Lakes DCP are considered to be sufficient at this time.

4.2 Development Control Plan

As previously stated, the existing provisions of the Great Lakes DCP are considered to sufficiently address future subdivision and development on the subject site at this time.

However, site specific development control plan provisions or a master plan for the site may be prepared in response to additional ecological and environmental investigations, to show how the land can be subdivided in a logical and cost-effective manner, while respecting the site's environmental features.

Any such plan would also be required to include a lot layout map showing road networks, landscaping, key vehicle and pedestrian connections as they response to the site characteristics. The plan would also include site specific urban design controls where necessary.

Part 5 – Community Consultation

Pre-exhibition Consultation

During preparation of the Proposal and associated Strategic Concept Plan, preliminary consultation with affected land owners has been undertaken. During this process two of the land owners participated in this process and their comments have been taken into consideration.

Additional and targeted consultation will continue to be undertaken with affected land owners, particularly the land owners of the five allotments nominated by Council for rezoning as part of the Proposal, or located within the strategic planning diagram.

Public Exhibition

Given the significance of the subject site and strategic implications of the Proposal it is anticipated that a minimum public exhibition period of 28 days would be appropriate, in accordance with the Environmental Planning and Assessment Act 1979 and Regulations 2000. The Gateway Determination may include additional conditions regarding community consultation required for this Proposal.

The supporting information placed on public exhibition with the Planning Proposal will include all reference documents, site studies and draft maps amending the relevant map layers of Great Lakes Local Environmental Plan (LEP) 2014. Any amendments to the clauses of Great Lakes LEP 2014 or development controls within the Great Lakes Development Control Plan will also be included in the exhibition materials.

A proposed Planning Agreement regarding the dedication of the ecological off-set and any other relevant matters that may be identified during the additional investigations undertaken after the Gateway Determination will also be exhibited with the Proposal.

All relevant information will be available in hard copy at the Great Lakes Administration Building, Breese Parade Forster and the Pacific Palms Library. Information will also be provided on Council's website throughout the exhibition period.

All adjoining land owners will be notified in writing of the public exhibition, a public information session is likely to be held and at least one notice will be placed in the local newspaper regarding the exhibition. It is not anticipated that a public hearing will be required in relation to this Proposal, pursuant to section 56(2)(e) of the Act.

Part 6 – Project Timeline

The Planning Proposal to rezone Lots 110 and 112 DP 1091944 was lodged on 17 April 2014. The preliminary assessment was undertaken and consultation with the applicant, land owner and the Department of Planning and Environment was undertaken prior to the formal acceptance of the Planning Proposal was issued on 2 September 2014.

The draft project timeline for the remainder of the project is as follows:

Task	Responsibility	Timeframe
Lodge Planning Proposal with Department Planning & Environment	Great Lakes Council	March 2015
Gateway Determination issued with conditions	Department Planning & Environment	May 2015
Fee Agreement for Stage 2 (Gateway Determination to Gazettal)	Great Lakes Council and Applicants/Land Owner	July 2015
Gateway Determination Conditions addressed e.g. additional investigations, inter-agency consultation, preparation of Planning Agreement	Great Lakes Council	August - December 2015
Exhibition of Amendment Planning Proposal, inter-agency consultation and community engagement	Great Lakes Council	December 2015 - January 2016
Review of Submissions	Great Lakes Council	February 2016
Report and Amended Planning Proposal adopted by Council	Great Lakes Council	March 2016
Planning Proposal lodged with Department Planning & Environment	Great Lakes Council	April 2016
Plan Made by Minister of Planning and Infrastructure	Department Planning & Environment	May 2016

Note: the timeframe to satisfy the Gateway Determination Conditions, is indicative only and additional time may be required, particularly with regards to the preparation of the following additional investigation studies and reports:

- Complete ecological assessment of the site;
- Koala habitat and species report in accordance with the SEPP 44;
- Contamination and remediation assessment in accordance with SEPP 55;
- A transport and infrastructure strategy;
- Integrated water management strategy;
- Aboriginal heritage assessment report;
- Acid sulphate soil assessment report; and
- Bush fire hazard assessment report.

Conclusion

The proposal to rezone land from RU2 Rural Landscape to E2 Environmental Conservation, E3 Environmental Management, RE2 Private Recreation and R2 Low Density Residential, with associated LEP provisions, has been considered in detail throughout this Proposal document and the attached reports and studies.

The Proposal is considered to have significant environmental merit through the dedication of substantial areas of regionally-significant conservation land for protection into perpetuity. Assessments indicate that any potential detrimental environmental impacts can be appropriately mitigated through sensitive development controls implemented through the local environmental plan, development control plan and design phase of future development.

The Proposal also provides a significant opportunity to provide social and economic benefits to the existing Charlotte Bay community through the creation of additional residential development areas that could accommodate an expanded permanent population. These benefits can be extended to increase the economic and social sustainability of the Pacific Palms and Smiths Lake villages, through the implementation of an appropriate strategic framework for future development and conservation within this locality, as outlined within this proposal.

Appendix

Appendix I - Land Use Tables of Existing and Proposed Zones

Great Lakes Local Environmental Plan 2014

Current version for 15 August 2014 to date (accessed 2 February 2015 at 09:45)

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.
- To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Airstrips; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Helipads; Heliports; Home-based child care; Home businesses; Hotel or motel accommodation; Industrial training facilities; Industries; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Marinas; Mooring pens; Moorings; Neighbourhood shops; Offensive storage establishments; Open cut mining; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Sewerage systems; Signage; Timber yards; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Helipads; Home-based child care; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Medical centres; Moorings; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Seniors housing; Sewerage systems; Shop top housing; Water recreation structures; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide for caravan parks and camping grounds and ancillary activities.

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Roads; Sewerage systems; Signage; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Community facilities; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Home-based child care; Home businesses; Information and education facilities; Research stations; Roads; Sewerage systems; Water supply systems

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Car parks; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Helipads; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Recreation areas; Research stations; Roads; Roadside stalls; Sewerage systems; Water recreation structures; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Appendix 2 - Great Lakes Council Report and Minutes 27 March 2007

Item:	D3
Subject:	Commencement of Rezoning Process : Land at Charlotte Bay
Index:	SP-LEP-71, Land Use Planning / Rezoning / Charlotte Bay
Author:	Release Area Manager : Roger Busby

SUMMARY OF REPORT:

Council has received a request for it to commence the rezoning process for land on the eastern side of The Lakes Way generally in the vicinity of Charlotte Bay village and the Coomba Road intersection.

This report examines the appropriateness of commencing the rezoning (draft Local Environmental Plan) process over the area.

SUMMARY OF RECOMMENDATION:

It is recommended that Council:

- A. Resolve, under s54 of the Environmental Planning and Assessment Act, 1979, to prepare a draft Local Environmental Plan over Lots 1 - 3 DP 605026, Lots 110 - 112 DP 1091944, Lot 12 DP 740282, Lot 1 DP 729771 and Lot 7050 DP 1074972 (as shown in Annexure "E") as identified in Forster/Tuncurry Conservation and Development Strategy so as to enable residential development, larger urban or rural residential lots, employment and environmental protection purposes.
- B. Inform the Director-General of the Department of Planning of Council's decision to prepare a draft Local Environmental Plan in accordance with clause 9 of the Environmental Planning and Assessment Act Regulation.
- C. Advise the Department that Council believes a Local Environmental Study is required.
- D. Undertake consultation with relevant State Government agencies and other interested parties in accordance with s62 of the Environmental Planning and Assessment Act, 1979.
- E. Advise Citta Property Group that:
 1. Council will not proceed to the exhibition of a Local Environmental Plan unless catchment nutrient export and estuarine circulation modelling can conclusively indicate that there will be no net increase in pollutants discharged to Wallis Lake from the area the subject of the LEP, and
 2. That a Local Environmental Study will be required over the entire area the subject of Council's s54 resolution and that the LES is to be prepared at no cost to Council, and
 3. The rezoning may be undertaken in stages in accordance with the development intentions of the landowners and the demand for the types of development permitted by the final zones and that the rezoning of the land in which they have an interest is likely to be able to proceed as stage 1 subject to demonstrated demand for the development.
- F. Indicate that in the event that any of the landowners advise that they don't want their land to be rezoned, that Council will proceed with rezoning of the balance of the area covered by the LES.

FINANCIAL/RESOURCE IMPLICATIONS:

The proponent is contributing to the cost of the Local Environmental Study (LES) and the administration of the LES / draft Local Environmental Plan (LEP) process.

POLICY IMPLICATIONS:

The future LEP, based upon future environmental studies, will set the legal framework for future growth and conservation of lands within the North Shearwater Development Precinct in a manner consistent with the:

- Draft Mid North Coast Regional Strategy;
- Forster/Tuncurry Conservation and Development Strategy; and the

LEGAL IMPLICATIONS:

There are no direct legal implications resulting from the commencement of draft Local Environmental Plan process, should Council resolve as recommended.

LIST OF ANNEXURES:

- “A” - Map showing location of the Charlotte Bay Precinct
 - “B” - Land over which rezoning is sought
 - “C” - Development proposal
 - “D” - Proponents rezoning proposal
 - “E” - Land recommended for s54 resolution
-

BACKGROUND

Council, in late 2003, adopted the Forster/Tuncurry Conservation and Development Strategy (CDS) and referred it to the Department of Infrastructure, Planning and Natural Resources. The document provides a strategy for growth in the region for the next 20 – 30 years.

A key component of the Strategy was the nomination of future urban precincts and the identification of guiding principles for the rezoning and development of each precinct. The Strategy nominates areas as Category 1 or Category 2 based on the complexity of the issues associated with rezoning. One such precinct was the Charlotte Bay precinct which lies nearly mid way between Smiths Lake and Pacific Palms on the eastern side of The Lakes Way. The Charlotte Bay area has been identified as a Category 2 precinct as there are some issues to be resolved with the rezoning.

The Charlotte Bay area was not defined in the Strategy, rather there was a notation on a map in the Strategy that land in the locality could be suitable for development subject to resolution of water quality and traffic issues. Specific properties were also referred to as shown on the plan contained in Annexure “A”.

In response to Council’s request for endorsement of the Strategy the then Department of Infrastructure Planning and Natural Resources (DIPNR), now known as the Department of Planning (DoP) advised that if Council wishes to commence implementing the strategy the Department is prepared to accept draft rezoning plans for s65 certification for exhibition. The Department, however, required Council to prepare a Housing Strategy before any draft rezoning plan could be finalised.

Consultants, ERM Australia Pty Ltd, have made a submission on behalf of the Citta Property Group requesting Council to commence the rezoning process for the land in which Citta has an interest. This land is shown in Annexure “B”.

SUBJECT LAND

Under Great Lakes Local Environmental Plan 1996 the study area is zoned 1(a) Future Urban Investigation. The land immediately to the east of the site is zoned 7(f2) Coastal Lands Acquisition.

The land in which the Citta Property Group has an interest comprises about 386 hectares and is only part of the land identified in the Charlotte Bay Precinct. Towards The Lakes Way much of the land is relatively flat and cleared while it becomes steeper and more forested to the east. The more forested area has been disturbed by logging and by partial clearing to promote pasture growth for grazing and removal of weeds.

The remainder of the Charlotte Bay Precinct (Lots 1, 2 and 3 DP 60526 to the south of the Citta land), as identified in the Forster/Tuncurry Conservation and Development strategy, is mostly cleared and generally undulating, although there are some low lying poorly drained areas in the north east.

PREVIOUS APPROVALS

In May 1997 Council approved the construction of a nine-hole golf course, access road, car park and temporary clubhouse on the land. Construction of the golf course has commenced in the terms of the Environmental Planning and Assessment Act and the owner is entitled to complete the development in accordance with the approval.

In July 2006 Council considered a report on whether to issue a Notice to Complete the development within two years. Citta, in response to the report, requested that they be given five years to complete the golf course. This request was on the basis that the rezoning process was likely to commence shortly and it would be reasonable for sufficient time to be allowed for the rezoning process to be resolved before there was an ultimatum for the development to be completed.

Council resolved that the matter be deferred to two (2) years at the request of the applicant.

PROPOSED DEVELOPMENT

The Citta Property Group proposes to undertake a joint venture development in conjunction with the current owners, C and Dries. According to the ERM submission:

“The proponents are seeking to create a unique and sustainable residential community that integrates and compliments the environmental attributes of the site. The proposed development will involve the construction of approximately 324 residential/rural residential lots, a nine hole golf course and clubhouse and a small village centre incorporating community/recreational facilities and convenience shops. It is envisaged that the development will be constructed in three stages. Individual residential lots will be Torrens Title. Common areas such as recreation and community facilities will be owned and managed by a Community Association in accordance with Community Titles legislation”.

Various controls are proposed to manage environmental impacts and urban design.

A concept plan of the development is contained in Annexure “C”. Citta has commissioned some studies over the land and these have lead to an indicative zoning proposal. The proposed rezoning corresponds to the layout of the proposed development and includes residential, rural residential, general business, open space and environmental protection zones. The suggested rezoning plan is shown in Annexure “D”. ERM has outlined the following in relation to the proposed zoning plan:

Zone 2(a) – Low Density Residential

This zone will accommodate proposed low density residential development in the northern and central precincts.

Zone 6(a) – Open Space and Recreation

It is proposed to include the proposed golf course and connecting passive open space areas in a 6(a) – Open Space and Recreation zone.

Zone 1(d1) – Rural Residential

It is proposed to apply a 1(d1) - Rural Residential zone over the southern precinct which will accommodate the proposed larger ‘woodland’ lots. One of the objectives of the 1(d1) zone is to enable cluster rural residential development that is unlikely to detract from the scenic or rural character of the area or the ecological or conservation values of the area.

Zone 3(a) – General Business

It is proposed to create a small village centre in the south-western corner of the site adjacent to The Lakes Way entrance to the estate. The village centre will provide a key focal point and establish neighbourhood services and facilities to serve the needs of future residents of both the immediate and the broader community. A 3(a) – General Business zone is considered appropriate for this area which will include the proposed golf clubhouse, local park, tennis courts, convenience shops, Community Association office and carparking areas.

Zone 7(a1) – Environmental Protection

The remainder of the site is proposed to be rezoned to 7(a1) – Environmental Protection. The 7(a1) zone allows the subdivision of land into lots of not less than 40 hectares, with a dwelling entitlement on each lot.

In order to protect the integrity of ecologically sensitive areas and ensure significant vegetation, key habitats and/or corridors are preserved, preferred building envelopes will be identified within each lot and a long-term environmental management strategy will be prepared addressing the ongoing management of these areas.

Whilst the above may be an indicative proponents rezoning proposal no studies have been submitted to Council in support of the proposal. If Council decides to commence the rezoning process the final zones can only be determined after all relevant studies have been prepared by Council. In the case of the proponent's studies, these studies will have to be accepted by Council after independent review.

FORSTER/TUNCURRY CONSERVATION AND DEVELOPMENT STRATEGY

Council adopted the Forster/Tuncurry Conservation and Development Strategy (CDS) in late 2003 and referred it to the Department of Infrastructure, Planning and Natural Resources. The Strategy is the blue print that Council uses to balance the social, economic and ecological interests in the Forster/Tuncurry locality for the next 20-30 years.

A key component of the CDS is the nomination of future urban precincts and the identification of guiding principles for the rezoning and development of each precinct.

Specific Comments in Forster/Tuncurry Strategy (CDS) on the Charlotte Bay Precinct

The Strategy states that land at Charlotte Bay will be considered as category 2 to the Strategy, subject to:

- Detailed environmental assessment including catchment nutrient export and estuarine circulation modelling;
- Determine whether any potential developable area identified as a result of the investigations above is economically feasible; and
- What impact this development will have on The Lakes Way.

This is an area for which there is in-principle support, subject to further detailed assessment. The effective management of stormwater and water quality discharge into the receiving waters of Wallis Lake will be essential. Presently this part of the Lake is suffering stress from pollutant loads and Council's Water Quality objective will therefore be no net increase in pollutants into the receiving water. Ideally, an improvement in water quality from the site should be sought.

The Strategy indicates that development at Charlotte Bay area would make the Smiths Lake/Pacific Palms more self sustaining with a range of facilities and services being provided to residents of the precinct, including retail facilities and employment opportunities. If suitable, development of this area should:

- ☐ Give careful consideration of local physical characteristics and
- Protect ecosystem quality and functioning;
- ☐ Minimise urban footprint to reduce inefficient use of
- Ensure adequate infrastructure and reduce car dependence
- Provide centrally located community facilities and services, including at the Charlotte Bay area, retail and light industry to reduce the need to travel to Forster/Tuncurry.

While some of the land at Charlotte Bay could be rezoned for industrial/employment or commercial the Strategy proposed the release of land for residential purposes should only occur once land at Pacific Palms becomes exhausted. The Strategy indicates that the Charlotte Bay area could be reconsidered once the yield from the Pacific Palms area has been determined. Now that the Pacific Palms LEP is nearing completion and it is evident that it will make minimal contribution to the land supply in the region it is reasonable for the Charlotte Bay area to come under greater scrutiny for rezoning.

Relationship of Citta Land to CDS Land

The main difference between the Strategy and the Citta proposal is the area of land affected. The Citta proposal does not include some key land identified in the Strategy, this being Lots 1, 2 and 3 DP 60526 to the south of their land.

The inclusion of this primarily cleared land in the rezoning process will be essential so that a holistic approach is taken to the planning of the broader Charlotte Bay area. In the Forster/Tuncurry Strategy adopted by Council this land is central to the future planning for the broader Charlotte Bay, Pacific Palms, Smiths Lake area.

The Charlotte Bay Precinct, as discussed in the CDS, presents the opportunity for the creation of a more sustainable and self reliant community that supports and complements the nearby Smiths Lake and Pacific Palms villages. In this regard the inclusion of Lots 1 – 3 to the south is likely to be a crucial factor in consideration of the long term development of this area by the Department of Planning.

In meetings with Citta it was suggested that they fund or include this land in the various studies and investigations that will have to be undertaken. Council has allocated no budget for a LES over any land at Charlotte Bay. The request by Citta is an opportunity to investigate the Charlotte Bay area as a whole.

Consideration of the area at this time has only come about because of Citta's desire to commence the rezoning process in advance of Council allocating funds. Consequently it would be reasonable for Council to only commence the rezoning process if the Charlotte Bay area is considered in a holistic manner and if it is at no cost to Council. Once the LES has been completed the actual zoning of the land may be staged in accordance with the intentions of the landowners and according to demand for the type of development permitted in the proposed zones.

DRAFT MID NORTH COAST REGIONAL STRATEGY

The Draft Mid North Coast Regional Strategy (Draft MNCRS) was released in January 2007. The purpose of the draft regional strategy is to ensure that the Mid North Coast can continue to prosper over the next 25 years, accommodating an expected population growth of 27%, while ensuring protection for its natural assets. To accommodate the expected population increase, there is a requirement for an additional 58,400 new dwellings in the region by 2031. The Strategy suggests that 60% of this housing be located in Greenfield sites.

The Draft MNCRS does not identify specific areas for future urban development, however subregional dwelling projections are set out. The Manning Valley – Great Lakes subregion is subject to consumer demand to live near the coast. A growth area planning process is also specified, whereby Councils and the Department of Planning (DoP) will determine the appropriate share and location of housing for each settlement based on the settlement planning principles from the Draft MNCRS. Council will then identify the growth areas in the local growth management strategy in this case being the CDS. The agreed growth areas will then be identified in the Regional Strategy when it is released as a final draft and future zonings in the LEP will reflect the Strategy.

The draft strategy states that "... opportunities for settlement expansion will be limited to those areas identified within agreed growth areas in local growth management strategies or where the proposal meets the Sustainability Criteria set out in Appendix 1." The land in which Citta has an interest has been identified as an investigation area for urban development consistent with Councils Conservation and Development Strategy for Forster/Tuncurry.

Development within the Charlotte Bay area is likely to satisfy the settlement planning principles of the Draft Regional Strategy (p17) as follows:

- *'Development within all centres, towns and villages will respect and respond to the character of the area'.* This is an opportunity to apply sound principles of urban design so as to create a well designed urban area that will complement the under serviced Smiths Lake and Pacific Palms localities while conserving natural features, such as riparian areas and habitat corridors.
- *'Planning for new settlement will respect the environmental, coastal and cultural heritage values of the landscape. Key environmental, cultural and coastal features will be protected, while settlement will be directed towards less valuable areas. Any growth of coastal towns and villages will protect*

environmentally fragile areas and preserve the scenic values of the coastal landscape'. The proposed rezoning will comply with this principle by protecting the key features of the site. It is proposed to conserve the most significant forested and habitat areas and fauna corridors that form north – south link. This will protect the environmentally fragile areas and preserve the scenic values of the landscape.

- *'New settlement areas will be located so as to enable the integration of transport services with the provision of community services and retail activity'*. The rezoning of the Charlotte Bay area in a holistic way will enable the Smiths Lake – Pacific Palms locality to be more self sustaining by the provision of employment and community services and facilities by increasing the population to the level where these facilities, that are currently lacking, can be supported. The Charlotte Bay rezoning will meet the principle of facilitating growth in an area where extra population is needed to make existing services more viable while ensuring the risk of environmental degradation is low
- *'Settlement areas will be appropriately located and designed to maximise the affordability of housing, as well as to provide the type of housing styles and dwelling mixes that are appropriate to the ageing of the population'*. There is potential to provide a range of housing styles and dwelling mixes, with lot sizes ranging from low to medium density. This will allow for a variety of housing to meet all budgets and user needs, including single dwellings, dual occupancies and apartment style living.

CONSULTATION

The following authorities / agencies will be consulted with respect to the preparation of the LES and Draft LEP:

- Department of Planning
- Department of Environment and Conservation
- Department of Natural Resources
- Department of Primary Industries
- Roads and Traffic Authority
- Catchment Management Authority
- NSW Fisheries
- NSW Rural Fire Service
- MidCoast Water
- Forster Local Aboriginal Land Council
- Telstra
- Country Energy
- Mid North Coast Area Health Service
- Department of Education and Training

Main Issues

The ERM submission indicates that some baseline studies were undertaken in 2005. These included vegetation, habitat and bushfire assessment. The vegetation assessment has concluded that a complex array of forest communities occur on the land and that three of these have higher conservation significance. Endangered ecological communities are also present. Department of Environment and Conservation mapping indicates that the land lies within a regional fauna movement corridor.

Various threatened species have been recorded in the locality and at least some of these will occur on the land. In summary, the submission concludes that some of the vegetation types are of such significance that they should be retained and conserved while the more extensively cleared and disturbed areas could be developed.

Other issues include:

- drainage / water quality / flooding
- access and services
- implications for The Lakes Way

- Aboriginal heritage
- urban design
- staging of rezoning
- urban design
- acid sulphate soils

It is recommended that Council support the commencement of the draft LEP process for the Charlotte Bay area. Should Council resolve to commence the process, information for consideration by the Department of Planning LEP Review Panel will be prepared. The Panel will also provide advice as to the nature of studies required, including requirements for an LES and other matters relating to LEP preparation. Council should advise the Department that the release of the Charlotte Bay area is a long term project and that Council needs to commence the process now so that the various studies and modeling can be started and so formal consultation with Government Agencies can occur.

At a recent meeting with the Department of Planning, they advised that Council, wherever possible, should include rezonings as identified in its Conservation and Development Strategy in the new Great Lakes Principal LEP. This is a logical approach where the timing of investigations for the rezonings will coincide with the Principal LEP.

In cases where the timing is likely to extend beyond the Principal LEP, then Council can commence the rezoning process now. Commencement should include obtaining formal advice from the Department as to specifications for a Local Environmental Study and an indication from the Department as to whether there are any concerns with the rezoning proposal. Such information is important at this stage so that the proponent can decide with some degree of confidence, whether to continue to fund the investigations and the rezoning process.

Another reason that the Charlotte Bay precinct should proceed separately to the new Principal LEP is that it is likely to attract considerable community interest. Transparency would be best achieved by doing the rezoning as a separate LEP. Also, if the Charlotte Bay rezoning is included in the Principal LEP, then this could result in the Principal LEP being delayed because of unresolved issues with the Charlotte Bay site.

CONCLUSION

Consideration of the area at this time has only come about because of Citta's desire to commence the rezoning process in advance of Council allocating funds.

Consequently it would be reasonable for Council to only commence the rezoning process now if the Charlotte Bay area is considered in a holistic manner and if it is at no cost to Council. Once the LES has been completed the actual zoning of the land may be staged in accordance with the intentions of the landowners and according to demand for the type of development permitted in the proposed zones. If any of the landowners within the study area indicate that they don't want their land rezoned, this should not prevent Council from proceeding with the rezoning of the balance of the area. It is always open to Council to proceed with the rezoning regardless of the desires of the landowners.

The land over which it is recommended that Council commence the rezoning process is shown in Annexure "E".

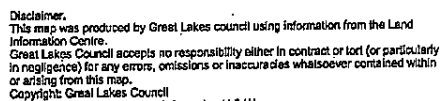
RECOMMENDATION: DIRECTOR PLANNING & ENVIRONMENTAL SERVICES

It is recommended that Council:

- A. Resolve, under s54 of the Environmental Planning and Assessment Act, 1979, to prepare a draft Local Environmental Plan over Lots 1 - 3 DP 605026, Lots 110 - 112 DP 1091944, Lot 12 DP 740282, Lot 1 DP 729771 and Lot 7050 DP 1074972 (as shown in Annexure "E") as identified in Forster/Tuncurry Conservation and Development Strategy so as to enable residential development, larger urban or rural residential lots, employment and environmental protection purposes.

- B. Inform the Director-General of the Department of Planning of Council's decision to prepare a draft Local Environmental Plan in accordance with clause 9 of the Environmental Planning and Assessment Act Regulation.
- C. Advise the Department that Council believes a Local Environmental Study is required.
- D. Undertake consultation with relevant State Government agencies and other interested parties in accordance with s62 of the Environmental Planning and Assessment Act, 1979.
- E. Advise Citta Property Group that:
 - 1. Council will not proceed to the exhibition of a Local Environmental Plan unless catchment nutrient export and estuarine circulation modelling can conclusively indicate that there will be no net increase in pollutants discharged to Wallis Lake from the area the subject of the LEP, and
 - 2. That a Local Environmental Study will be required over the entire area the subject of Council's s54 resolution and that the LES is to be prepared at no cost to Council, and
 - 3. The rezoning may be undertaken in stages in accordance with the development intentions of the landowners and the demand for the types of development permitted by the proposed zones and that the rezoning of the land in which they have an interest is likely to be able to proceed as stage 1 subject to demonstrated demand for the development.
- F. Indicate that in the event that any of the landowners advise that they don't want their land to be rezoned, that Council will proceed with rezoning of the balance of the area covered by the LES.

Charlotte Bay Precinct



24th November 2006

GLC



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ANNEXURE "C"

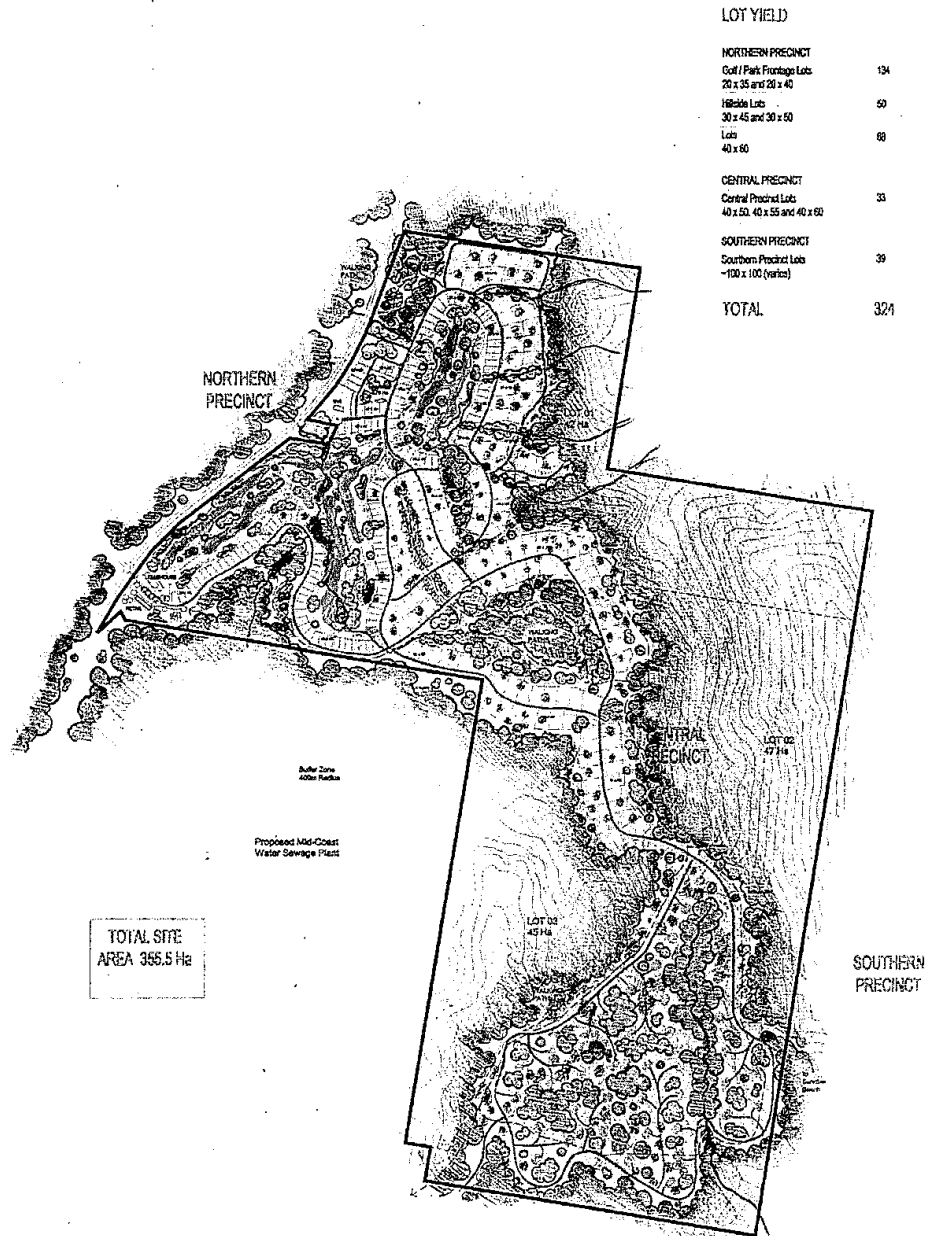


Figure 1.3

Concept Development Plan

Client:	Citta Property Group		
Project:	Charlotte Bay LES		
Drawing No:	0060905hv_02		
Date:	01/03/07	Drawing size:	A4
Drawn by:	SP	Reviewed by:	CM
Source:	Cox Richardson		
Scale:	Refer to Scale Bar		

Environmental Resources Management Australia Pty
53 Bonville Avenue, Thornton, NSW 2322
Telephone +61 2 4964 2150



0 200 400m



ANNEXURE "D"

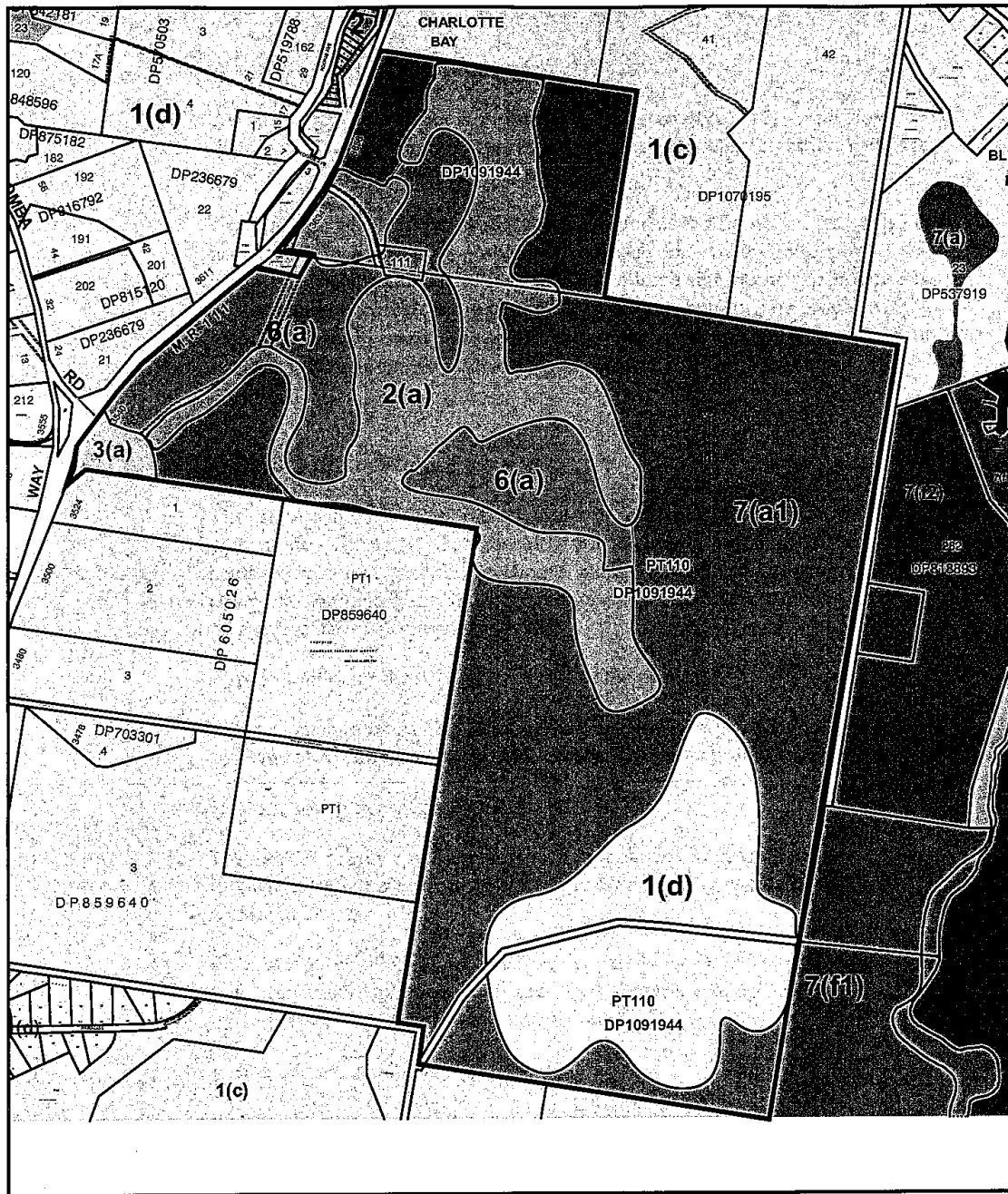


Figure 2.2

Legend

- | | | |
|---------------|------|-------|
| Reserves | 1(a) | 7(a) |
| Crown land | 1(c) | 7(b) |
| Road Polygons | 1(d) | 7(f1) |
| Not Matched | 2 | 7(f2) |
| Sea | 3(a) | |
| | 6(a) | |

Client: Citta Property Group

Project: Charlotte Bay LES

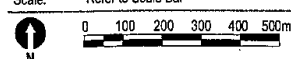
Drawing No: 0060905hv_04

Date: 05/03/07 Drawing size: A4

Drawn by: SP Reviewed by: CM

Source: Great Lakes Council LEP

Scale: Refer to Scale Bar



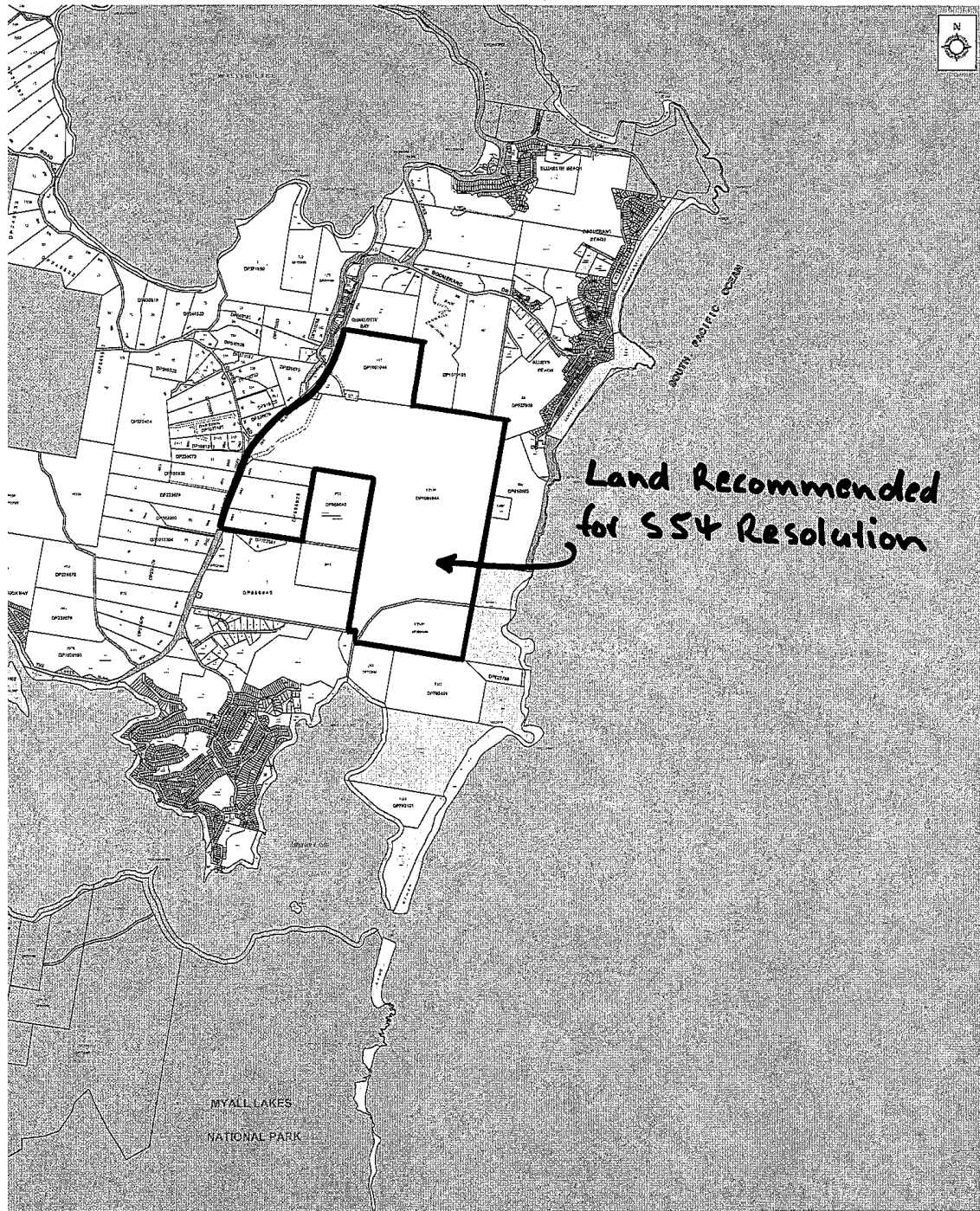
Proposed Zoning Plan

Environmental Resources Management Australia Pty Ltd
53 Bonville Avenue, Thornton, NSW 2322
Telephone +61 2 4964 2150



ANNEXURE "E"

GLC



12/3/2007

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RESOLVED that Council:

- A. Resolve, under s54 of the Environmental Planning and Assessment Act, 1979, to prepare a draft Local Environmental Plan over Lots 1 - 3 DP 605026, Lots 110 - 112 DP 1091944, Lot 12 DP 740282, Lot 1 DP 729771 and Lot 7050 DP 1074972 (as shown in Annexure "E") as identified in Forster/Tuncurry Conservation and Development Strategy so as to enable residential development, larger urban or rural residential lots, employment and environmental protection purposes.
- B. Inform the Director-General of the Department of Planning of Council's decision to prepare a draft Local Environmental Plan in accordance with clause 9 of the Environmental Planning and Assessment Act Regulation.
- C. Advise the Department that Council believes a Local Environmental Study is required.
- D. Undertake consultation with relevant State Government agencies and other interested parties in accordance with s62 of the Environmental Planning and Assessment Act, 1979.
- E. Advise Citta Property Group that:
 - 1. Council will not proceed to the exhibition of a Local Environmental Plan unless catchment nutrient export and estuarine circulation modelling can conclusively indicate that there will be no net increase in pollutants discharged to Wallis Lake from the area the subject of the LEP, and
 - 2. That a Local Environmental Study will be required over the entire area the subject of Council's s54 resolution and that the LES is to be prepared at no cost to Council, and
 - 3. The rezoning may be undertaken in stages in accordance with the development intentions of the landowners and the demand for the types of development permitted by the proposed zones and that the rezoning of the land in which they have an interest is likely to be able to proceed as stage 1 subject to demonstrated demand for the development.
- F. Indicate that in the event that any of the landowners advise that they don't want their land to be rezoned, that Council will proceed with rezoning of the balance of the area covered by the LES.

(Weate/McWilliams)

(Note that this Resolution was recommitted and Condition F amended).

Clr Gill requested that her name be recorded against the resolution.

Appendix 3 - Great Lakes Council Report & Minutes 25 September 2007

Item:	D5
Subject:	Advice from Department Planning, Preparation of Draft Local Environmental Plan, Charlotte Bay
Index:	SP-LEP-71
Author:	Release Area Manager: Roger Busby

SUMMARY OF REPORT:

Council in March of this year resolved to prepare a draft Local Environmental Plan for land at Charlotte Bay. The Department of Planning was notified of Council's decision, and this report addresses the response from the Department.

SUMMARY OF RECOMMENDATION:

That in relation to the draft Local Environmental Plan for the Charlotte Bay Precinct that:

- A. Council await the growth area maps that are to be produced as part of the Mid North Coast Regional Strategy before proceeding with any strategic investigations for the area.
- B. That confirmation be sought from the Department of Planning that Council, if it relies upon its s54 resolution for the new Great Lakes Principle LEP to progress LES's and strategic investigations for new release areas:
 - (i) Council can defer, under s68 (5) of the EP&A Act unresolved urban release areas, such as the Charlotte Bay precinct, from the new Great Lakes Principle LEP.
 - (ii) there are no specifications to be issued for the release areas, by the Director General, other than for those issued for the LES for the Principle LEP.

FINANCIAL/RESOURCE IMPLICATIONS:

The rezoning is accommodated in the Release Area work program and is to be fully funded by the proponents.

POLICY IMPLICATIONS:

Any rezoning of the area will establish Council's broad policy position on the future development of the land.

LEGAL IMPLICATIONS:

None.

LIST OF ANNEXURES:

"A" - Charlotte Bay Precinct – subject of Council's resolution to prepare draft LEP

"B" - Reply from Department of Planning

BACKGROUND

Council, at its meeting of 27 March 2007 in considering a report on a request for the commencement of the rezoning process for the land shown in Annexure 'A' resolved the following:

- A. *Resolve, under s54 of the Environmental Planning and Assessment Act, 1979, to prepare a draft Local Environmental Plan over Lots 1 - 3 DP 605026, Lots 110 - 112 DP 1091944, Lot 12 DP 740282, Lot 1 DP 729771 and Lot 7050 DP 1074972 (as shown in Annexure "E") as identified in Forster/Tuncurry Conservation and Development Strategy so as to enable residential development, larger urban or rural residential lots, employment and environmental protection purposes.*

- B. *Inform the Director-General of the Department of Planning of Council's decision to prepare a draft Local Environmental Plan in accordance with clause 9 of the Environmental Planning and Assessment Act Regulation.*
- C. *Advise the Department that Council believes a Local Environmental Study is required.*
- D. *Undertake consultation with relevant State Government agencies and other interested parties in accordance with s62 of the Environmental Planning and Assessment Act, 1979.*
- E. *Advise Citta Property Group that:*
1. *Council will not proceed to the exhibition of a Local Environmental Plan unless catchment nutrient export and estuarine circulation modelling can conclusively indicate that there will be no net increase in pollutants discharged to Wallis Lake from the area the subject of the LEP, and*
 2. *That a Local Environmental Study will be required over the entire area the subject of Council's s54 resolution and that the LES is to be prepared at no cost to Council, and*
 3. *The rezoning may be undertaken in stages in accordance with the development intentions of the landowners and the demand for the types of development permitted by the proposed zones and that the rezoning of the land in which they have an interest is likely to be able to proceed as stage 1 subject to demonstrated demand for the development.*
- F. *Indicate that in the event that any of the landowners advise that they don't want their land to be rezoned, that Council will proceed with rezoning of the total area covered by the LES.*

The Department of Planning was notified of Council's decision in accordance with the Environmental Planning and Assessment Act 1979.

The Department has now provided a reply and a copy of this is contained in Annexure 'B'.

REPLY FROM DEPARTMENT OF PLANNING

The following are the main elements of the Department's response

1. Draft Mid North Coast Regional Strategy (DMNCRS) - Growth Area Maps

The Department has advised that the draft Local Environmental Plan is not supported as the future role of land needs to be determined having regard to the outcomes of the Growth Management Strategy required from the draft Mid North Coast Regional Strategy. They have further advised that there are some concerns with the suitability of the site for more intense development and that Council will need to demonstrate the suitability of the land for urban purposes before any proposed rezoning could be supported.

They have also advised that given the adequacy of short to medium term land supply in this locality to cater for current growth, that any rezoning of the land should await the outcomes of the further strategic work. Council is encouraged to complete the further work as soon as possible.

The Department seems to be saying that Council must do further work to justify inclusion of the land in the DMNCRS and that if this information is provided the land may be considered as a longer-term release area. A problem is that there is now insufficient time for such work to be done before the Growth Area Maps are finalised for exhibition. More importantly, the cost of such work is likely to be considerable and Council and the proponent would like some demonstration of support from the Department for the rezoning before these resources are committed.

The main implication of the Department's advice that Council should now await the production of the growth area maps to see whether the Charlotte Bay Precinct is identified as a growth area. Council has requested that the Charlotte Bay area be nominated as a growth area. No further strategic investigations should be undertaken until this is confirmed one way or the other by the Department.

The Department has indicated that it hopes to place the growth area maps on exhibition in early to mid October of this year.

2. Procedure for Rezoning

The Department of Planning has also advised that Council's resolution to prepare its new principle LEP enables it to proceed with investigation of areas for rezoning. Such areas, according to the Department, would be those indicated in the Growth Area Maps as being needed within the next 10 years.

The situation is that Council has made a separate s54 resolution to prepare a draft LEP for the land. Council has also made a s54 resolution to prepare a new Principle LEP for all of Great Lakes.

The Department's advice seems to be that that Council can proceed on the basis of the s54 resolution for the new Principle LEP notwithstanding that the Council has also made a separate section 54 resolution to prepare a draft LEP for the Charlotte Bay Precinct. This raises some procedural issues for the Charlotte Bay land if it is shown on the Growth Area maps and Council wishes to proceed with the rezoning.

The difficulty is that detailed investigations for the Charlotte Bay area will not be completed in time for it to be included in the Principle LEP. Consequently the land will have to be shown as an appropriate zone from the model LEP template when the Principle LEP is exhibited. Most likely this would be a RU2 Rural Landscape zone. After the exhibition the land would have to be formally deferred from the Principle LEP, under s68 of the EP&A Act, and then finalised at some later date. Deferral would mean that the current 1(c) zone would have to be retained until the future zones are resolved. The Department may object to the deferral of areas from the Principle LEP.

Confirmation should be sought from the Department of Planning that this is a reasonable interpretation of their advice. It is also important for the Department's position to be clarified so that Council knows whether it has to separately seek specifications from the Department as to any matters that should be included in a LES for the land.

This same situation will apply to some of the other release areas currently under investigation.

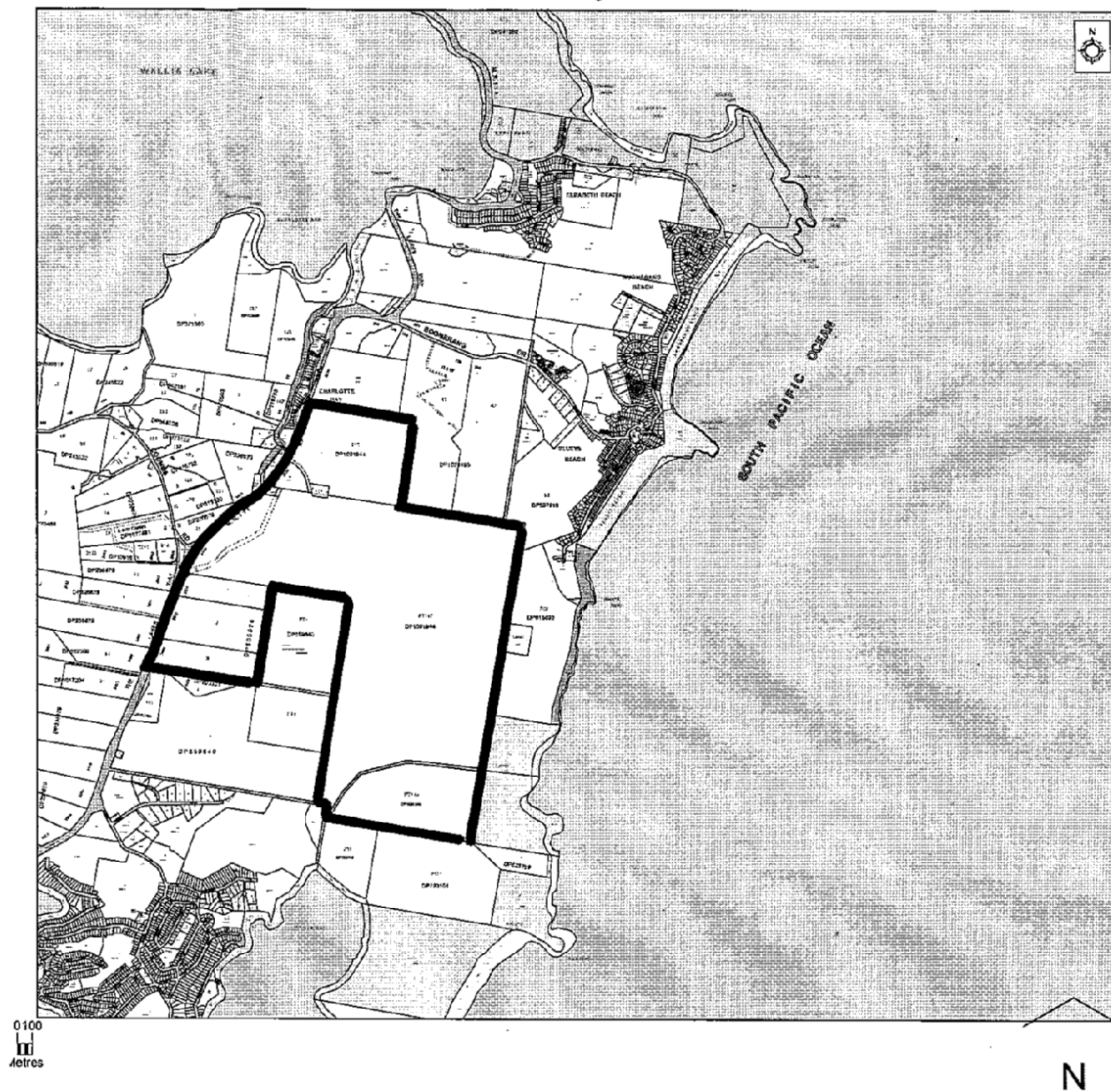
RECOMMENDATION: DIRECTOR PLANNING & ENVIRONMENTAL SERVICES

That in relation to the draft Local Environmental Plan for the Charlotte Bay Precinct that:

- A. Council await the growth area maps that are to be produced as part of the Mid North Coast Regional Strategy before proceeding with any strategic investigations for the area.
- B. That confirmation be sought from the Department of Planning that Council, if it relies upon its s54 resolution for the new Great Lakes Principle LEP to progress LES's and strategic investigations for new release areas:
 - (i) Council can defer, under s68 (5) of the EP&A Act unresolved urban release areas, such as the Charlotte Bay precinct, from the new Great Lakes Principle LEP.
 - (ii) there are no specifications to be issued for the release areas, by the Director General, other than for those issued for the LES for the Principle LEP.

ANNEXURE “A ”

Charlotte Bay Precinct



Data Fields

ANNEXURE " B "



NSW GOVERNMENT
Department of Planning

Office of the Director General

Mr Keith O'Leary
General Manager
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Dear Mr O'Leary

Contact: Darren Holloway
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Darren.Holloway@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle 2300

Our ref: N07/00079-1
Your ref: SP-STRAT-1, SP-LEP-72 RB

GREAT LAKES COUNCIL

05 SEP 2007

RECEIVED RECORDS

Re: Section 54(4) Notification – Draft Amendment 71 to Great Lakes LEP 1996

I am writing in response to Council's letter dated 22 May 2007 advising, pursuant to section 54(4) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), of the Council's decision to prepare a draft local environmental plan ('LEP') to rezone land zoned 1(c) Future Urban Investigation to a combination of residential, large lot residential, employment and environmental conservation.

The proposed draft amendment is not supported as the future role of this land needs to be determined having regard to the outcomes of the Growth Management Strategy required by the Draft Mid North Coast Regional Strategy. The Department is currently working with the Council to complete Agreed Growth Area maps for exhibition.

There is also some concern about the suitability of the site for more intense development given the significant environmental constraints that apply. If it is proposed to be included in Growth Management Strategy, Council will also need to demonstrate the suitability of the site for urban purposes before a proposal to rezone the site for that use would be supported.

Given the adequacy of short to medium term land supply in this locality to cater for current growth, the Department considers that any rezoning of this land should await the outcomes of that work. Council is therefore urged to complete this important strategic work as soon as possible.

As previously advised Council's resolution to prepare the comprehensive LEP enables it to proceed with investigation and inclusion of suitable areas in that plan. These would be areas which are indicated in the Growth Management Strategy as being needed within the next 10 years. Separate section 54 resolutions are not necessary in these circumstances.

Council is further advised that, given requirements of the Draft Mid North Coast Regional Strategy, the advice provided above and other recent correspondence from the Department regarding other draft amendments, the advice of 24 December 2003 referred to in Council's section 54 Notification Advice for this draft LEP is no longer contemporary advice.

For the above reasons I have determined that an Authorisation will not be issued in this instance and therefore the Council will not be able to exercise any functions under the delegation in respect of the draft LEP referred to above.

Bridge Street Office: 23-33 Bridge Street Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website: planning.nsw.gov.au

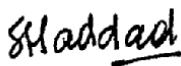
ANNEXURE " B "

2

Should the Council decide to proceed with the draft LEP in the terms proposed, you should be aware that I am unlikely to certify the draft plan pursuant to section 65(1) of the EP&A Act.

Should you have any queries in regard to this matter please contact Ms Lois Gray, LEP Review Panel on (02) 9228 6204.

Yours sincerely


Sam Haddad
Director General

16-8-07

Item: D5

Subject: Advice from Department Planning, Preparation of Draft Local Environmental Plan, Charlotte Bay

111 RESOLVED that in relation to the draft Local Environmental Plan for the Charlotte Bay Precinct that:

- A. Council await the growth area maps that are to be produced as part of the Mid North Coast Regional Strategy before proceeding with any strategic investigations for the area.
- B. That confirmation be sought from the Department of Planning that Council, if it relies upon its s54 resolution for the new Great Lakes Principle LEP to progress LES's and strategic investigations for new release areas:
 - (i) Council can defer, under s68 (5) of the EP&A Act unresolved urban release areas, such as the Charlotte Bay precinct, from the new Great Lakes Principle LEP.
 - (ii) there are no specifications to be issued for the release areas, by the Director General, other than for those issued for the LES for the Principle LEP.

(Hutchinson/McCaskie)

Appendix 4 - Great Lakes Council Report and Minutes 12 August 2012

Subject: PES - Proposed Investigations before Planning Proposal - Blueys Estate
Index: NS - Blueys Estate
Author: Manager Natural Systems - Gerard Tuckerman
Ordinary Meeting: 14 August 2012

SUMMARY OF REPORT:

Lots 110 and 112 DP1091944, The Lakes Way, Pacific Palms (hereafter referred to as the "*subject land*") has an area of approximately 340 hectares and is owned by Blueys Holdings (SPV) Pty Ltd. The subject land is currently zoned 1(c) Future Urban Investigation under the Great Lakes Local Environmental Plan 1996.

The subject land contains an approved, but not yet completed, golf course as well as two (2) separate single dwellings. Recently, the registered proprietor has lodged a Development Application with Council for a six (6) lot rural subdivision of the land.

The subject land is not shown on the Mid North Coast Regional Strategy, but was identified as Stage 2 land within the Forster/ Tuncurry Conservation and Development Strategy. This was subject to resolution of water quality, stormwater management and ecological issues.

Discussions between the landholder and Council staff have been undertaken. As a consequence, there is general agreement between the landholder and Council staff with regards to the merits and possible scale of a development/conservation outcome within the subject land. This may deliver on strategic land use outcomes, with commensurate and significant community environmental benefits.

In order to progress the matter, there is a need for preliminary investigations to assist define the scale of potential development opportunities, the appropriateness and details of the conservation offset and the compatibility of the proposal with regards to the major over-riding site constraints, namely ecological and water quality constraints and opportunities. These studies would comprise the first stage investigations and would assist inform the eventual preparation of a Planning Proposal.

In this regard, a Flora and Fauna Brief and a Water Quality Brief have been prepared to guide the necessary first stage investigations.

This Report seeks Council's in-principle support for the commencement of these first stage investigations.

Prior to any formal commencement of the preparation of a Planning Proposal, the matter would be referred to Council for further detailed briefing and direction.

SUMMARY OF RECOMMENDATION:

That Council:

1. Provide in-principle support to allow the advancement of appropriate ecological and water quality studies to investigate the potential viability and scale of development/conservation offset outcomes for land at Lots 110 and 112 DP1091944 The Lakes Way, Pacific Palms as the first stage in ascertaining if the proposal is able to proceed to more detailed investigations as part of a Planning Proposal.
2. Support the engagement of water quality consultant to undertake preliminary water quality assessment as per Council's brief to determine site constraints and suitability leading to a conceptual stormwater management strategy for the land and support the engagement of an ecological consultant to undertake preliminary flora and fauna investigations for land at Lots

110 and 112 DP1091944 The Lakes Way, Pacific Palms, on the basis that the studies are fully funded by the landowner and are managed by Council.

3. Confirm that the in-principle support is subject to the same requirements as the Release Area Program and for the Lampo Holdings proposals whereby the landowner/developer is to fund all studies and investigations and any necessary staff/planning consultant resources.

FINANCIAL/RESOURCE IMPLICATIONS:

There are no direct financial implications associated with this project to Council. The funding of the necessary investigations is proposed to be fully funded by the landowner and would be similar to the Release Area Program and process established for the Lampo Holdings proposals.

However, proceeding with the preliminary investigations as set-out in this report would require in-kind contributions of time by various Council staff, including Council's Manager – Strategic Planning, Manager – Natural Systems and Senior Ecologist. These would need to be accommodated within the broader delivery of work programs and positional commitments. The potential to deliver strategic land use outcomes with a substantive community environmental benefit afforded by way of the conservation offset would suggest that the staffing commitment is reasonable and appropriate.

The commencement of preliminary planning investigations of this subject land may result in additional requests for planning assessments of other landholders in the southern Pacific Palms area, and particularly those identified as Stage 2 lands in the Forster/Tuncurry Conservation and Development Strategy and the Great Lakes Rural Living Strategy. This may result in further demands on staff time. Any consideration of these landholdings would require commensurate opportunities for delivering strategic land use outcomes together with significant public environmental benefit.

POLICY IMPLICATIONS:

The project has the potential to deliver on Stage 2 strategic land use outcomes as identified in the Forster/Tuncurry Conservation Development Strategy. This is combined with the ability to deliver a conservation offset that is associated with the proposal that, on preliminary assessment, is of outstanding community environmental benefit (water quality, environmental services provisions, nature-based recreation and amenity, biodiversity conservation, etc). The project would assist deliver outcomes identified in the adopted Wallis Lake Wetland Strategy.

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

A: Locality Plan

LIST OF ATTACHMENTS:

Nil.

REPORT:

Lots 110 and 112 DP1091944 The Lakes Way, Pacific Palms (hereafter referred to as the "*subject land*") has an area of approximately 340-hectares and is owned by Blueys Holdings

(SPV) Pty Ltd. The subject land is currently zoned 1(c) Future Urban Investigation under the Great Lakes Local Environmental Plan 1996.

The subject land contains an area over which there is a 1997 approval for a golf course. This is located in the western portion of the lot, fronting The Lakes Way. The golf course has physical commencement, but has not been fully constructed. The subject land also contains two (2) separate single dwellings.

This subject land was subject to preliminary investigations pertaining to the lodgement of a SEPP Major Projects development application for a master-planned rural residential community on the land (sixty proposed 1-hectare lots within a wider 316-hectare development footprint). This was proposed by Citta Property Group and will no longer proceed.

More recently, the registered proprietor of the subject land has lodged a Development Application with Council for a six (6) lot rural subdivision of the land. This comprised five (5) 40-hectare and one (1) 80-hectare proposed lots. This DA is currently on-hold pending the outcomes of the deliberations set-out in this report. The rural subdivision may not represent the best opportunity for development and conservation outcomes across this subject land.

Council's receipt of the DA for the six-lot rural subdivision provided a catalyst for discussions between the landholder and Council staff concerning a more effective development and conservation outcome for this subject land.

The subject land is not shown on the Mid North Coast Regional Strategy.

The Forster/Tuncurry Conservation Development Strategy for the Charlotte Bay area identified that the subject land had potential value to provide opportunities for services to support the surrounding Smiths Lake, Pacific Palms and Coomba Park Villages and to make these areas more self sustaining so as to reduce the reliance upon Forster Tuncurry for some key services and facilities. Consequently, the Strategy identifies the subject land as Stage 2 land, with some potential for development subject to water quality and ecological modelling and examination.

Parts of the subject land possess significant ecological values. These values include, but are not limited to:

- Provision of the core of a key regional corridor that links Myall Lakes National Park with Booti Booti National Park and Wallingat National Park
- A range of endangered ecological communities (EEC), including Lowland Rainforest, Littoral Rainforest and Swamp Sclerophyll Forest on Coastal Floodplain
- A range of regionally significant vegetation communities, including moist sclerophyll forest, rainforest, dry sclerophyll forest and swamp sclerophyll forest types
- Habitat for a range of known and potential threatened flora and fauna species, including the Spotted-tailed Quoll, Koala, Squirrel Glider, Powerful Owl, Stephens Banded Snake and Wallum Froglet
- Outstanding scenic amenity values (coastal lands)
- Potentially important Aboriginal cultural heritage values
- Significant environmental services provision values (water protection, biodiversity, carbon sequestration, etc)
- Natural utilitarian values (walking trails, nature-based recreation).

The subject land abuts significant public coastal lands and adjoins land that is identified for public conservation dedication (Lots 41 and 42 Boomerang Drive, Pacific Palms) and public or private conservation (Tropic Gardens Drive, Smiths Lake). It also adjoins a MidCoast Water holding in which some areas of significant natural assets occur.

With due recognition of the above recognised land use opportunities provided for within the Forster/Tuncurry Conservation Development Strategy as well as the significant natural values, discussions between the landholder, their planning representatives and Council staff have been

undertaken. This has focussed on whether there is scope for a development outcome on a suitably appropriate and targeted part of the land, with a commensurate dedication of an area of land to the public conservation estate for conservation management purposes.

As a consequence of these discussions, there is general agreement between the landholder and Council staff with regards to the possible scale of the conservation offset and the scale and location of the potential developable footprint.

The land would need to be rezoned to facilitate both the development and the conservation outcomes.

In order to progress the consideration of this matter, there is a need for formal preliminary investigations to assist define the scale of potential development opportunities, the appropriateness and details of the conservation offset and the compatibility of the proposal with regards to the major over-riding site constraints, namely ecological and water quality constraints and opportunities.

These studies would comprise the first stage investigations and would assist inform the eventual preparation of a Planning Proposal for the subject land.

In this regard, a Flora and Fauna Brief and a Water Quality Brief have been prepared to guide the necessary first stage investigations.

This Report seeks Council's in-principle support for the commencement of investigations and formal progress towards evaluating and defining appropriate development and conservation outcomes for the subject land. As mentioned, these investigations may lead to strategic land use outcomes identified within the Forster/Tuncurry Conservation and Development Strategy as well as water quality, conservation and environmental services outcomes of outstanding community benefit.

The in-principle support for preliminary studies sought in this report constitutes the first formal stage of investigations following considerable negotiation and consultation and consequent agreement on the likely direction of the strategic process. Prior to any formal commencement of the preparation of a Planning Proposal, the matter would be put to Council for briefing and further direction.

A decision by Council to progress the proposal should be subject to the same requirements as the Release Area Program and for the Lampo Holdings proposals, whereby the landowner/developer is to fund all studies and investigations and any necessary staff resources.

RECOMMENDATION:

That Council:

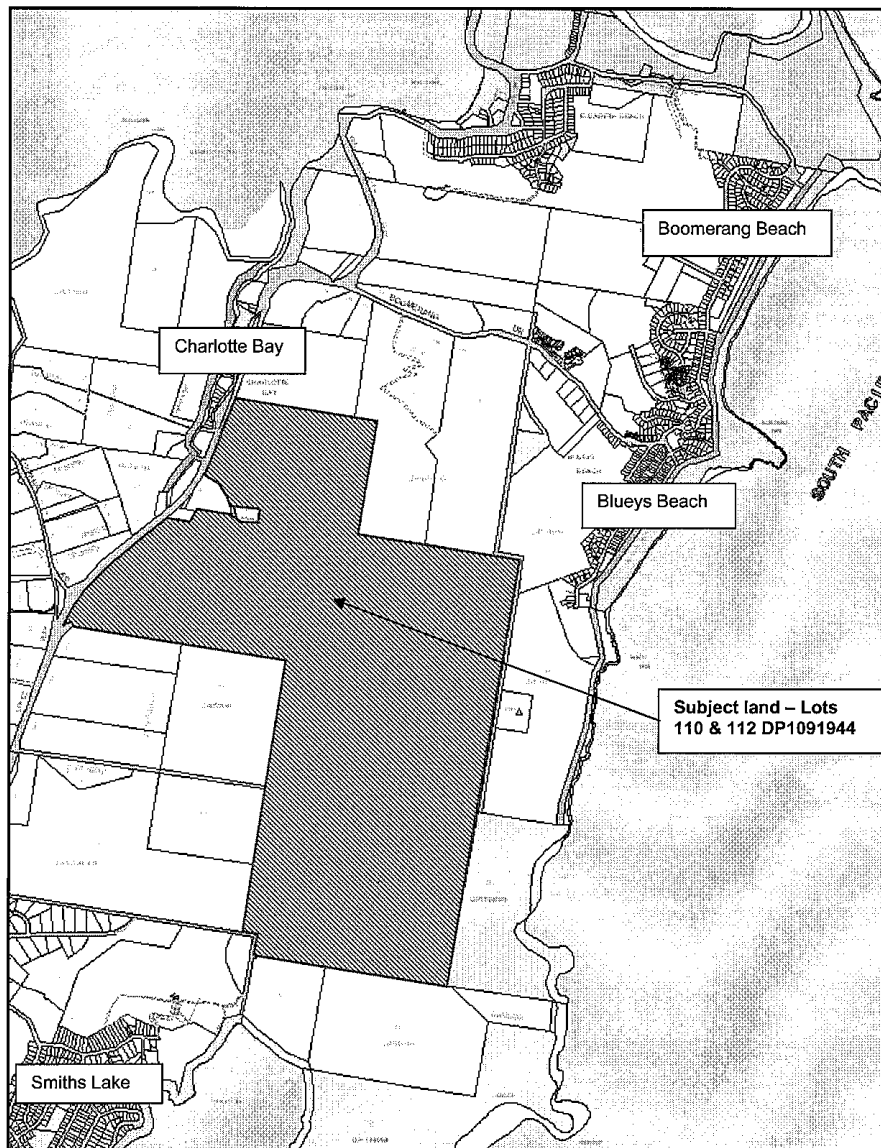
1. Provide in-principle support to allow the advancement of appropriate ecological and water quality studies to investigate the potential viability and scale of development/ conservation offset outcomes for land at Lots 110 and 112 DP1091944 The Lakes Way, Pacific Palms as the first stage in ascertaining if the proposal is able to proceed to more detailed investigations as part of a Planning Proposal.
2. Support the engagement of water quality consultant to undertake preliminary water quality assessment as per Council's brief to determine site constraints and suitability leading to a conceptual stormwater management strategy for the land and support the engagement of an ecological consultant to undertake preliminary flora and fauna investigations for land at Lots 110 and 112 DP1091944 The Lakes Way, Pacific Palms, on the basis that the studies are fully funded by the landowner and are managed by Council.

Confirm that the in-principle support is subject to the same requirements as the Release Area Program and for the Lampo Holdings proposals whereby the landowner/developer is to fund all studies and investigations and any necessary staff/ planning consultant resources.

ANNEXURES:

A: Locality Plan

Locality Plan



[Agenda Report](#)

User Instructions

If necessary to view the original Report, double-click on the 'Agenda Report' blue hyperlink above.

Resolved Items Action Statement

Action is required for the following item as per the Council Decision or Resolution Under Delegated Authority.

Subject: PES - Proposed Investigations before Planning Proposal - Blueys Estate
Index: NS - Blueys Estate
Author: Manager Natural Systems - Gerard Tuckerman
Ordinary Meeting: 14 August 2012

RECOMMENDATION:

That Council:

3. Provide in-principle support to allow the advancement of appropriate ecological and water quality studies to investigate the potential viability and scale of development/ conservation offset outcomes for land at Lots 110 and 112 DP1091944 The Lakes Way, Pacific Palms as the first stage in ascertaining if the proposal is able to proceed to more detailed investigations as part of a Planning Proposal.
4. Support the engagement of water quality consultant to undertake preliminary water quality assessment as per Council's brief to determine site constraints and suitability leading to a conceptual stormwater management strategy for the land and support the engagement of an ecological consultant to undertake preliminary flora and fauna investigations for land at Lots 110 and 112 DP1091944 The Lakes Way, Pacific Palms, on the basis that the studies are fully funded by the landowner and are managed by Council.

Confirm that the in-principle support is subject to the same requirements as the Release Area Program and for the Lampo Holdings proposals whereby the landowner/developer is to fund all studies and investigations and any necessary staff/ planning consultant resources.

RESOLUTION

(Moved L Roberts/Seconded J Stephens)

That the above recommendation be adopted.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Cr J McWilliams, Cr C McCaskie, Cr L Roberts, Cr J Stephens, Cr K Hutchinson, Cr L Gill, Cr L Vaughan, Cr J Weate
ABSENT. DID NOT VOTE - Cr M Tuffy

**Appendix 5 - Phase I Studies - Lots 110 and 112, DP1091944 Investigation
of Flora and Fauna, GHD April 2013**

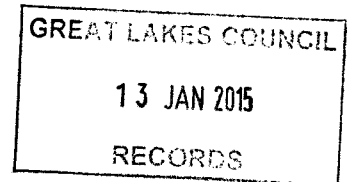
Appendix 6 - Bluey's Estate Working Draft Water Sensitive Development Strategy, BMT WBM January 2013

Appendix 7 - Letter of Intention to enter into a Planning Agreement, January 2015

Attn: Alexandra MacVean
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Blueys Holdings (SPV) Pty Ltd
c/o Blueys Estate Pty Ltd
170 Newman Avenue
Blueys Beach NSW 2428

8th January 2015



Dear Alex

RE: Voluntary Planning Agreement - Lots 110 & 112, DP 1091944 3540 & 3556, The Lakes Way, Charlotte Bay

As the owner of Lots 110 & 112, DP 1091944 3540 & 3556, The Lakes Way, Charlotte Bay, please accept this letter in good faith ('without prejudice') as confirmation of my intention to enter into a planning agreement, regarding the dedication of land for environmental conservation as part of the rezoning of the site.

I understand that following Gateway Determination detailed ecological studies will be undertaken to confirm the biodiversity credits associated with the offset.

Yours sincerely

A handwritten signature in cursive script that reads "Carl Dries". To the right of the signature, the word "DIRECTOR" is printed in a small, sans-serif font.

Carl Dries
Director
Blueys Holdings (SPV) Pty Ltd
c/o Blueys Estate Pty Ltd