

Great Lakes LEP 2014 - Bluey's Estate Charlotte Bay

Proposal Title : Great Lakes LEP 2014 - Bluey's Estate Charlotte Bay

Proposal Summary : The subject land at Charlotte Bay is located between Pacific Palms and Smiths Lake villages with direct frontage to the Lakes Way and largely interfaces with land having environmental conservation and scenic amenity significance. The area is characterised by environmental conservation, residential, rural residential and tourism oriented land use and facilities.

The Proposal seeks to:

- * Rezone approximately 351 ha land currently zoned RU2 Primary Production to part R2 Low Density Residential (54 ha), E2 Environmental Conservation (257 ha), E3 Environmental Management (14 ha) and RE2 Private Recreation (32 ha). Final zone boundaries are proposed to be determined through further investigation and studies following Gateway Determination;
- * Amend the associated Land Zoning, Lot Size, Floor Space Ratio, Protection of Wildlife Corridors and Urban Release Area Maps;
- * Grow the community of Charlotte Bay by providing a permanent residential population to support existing and future local business;
- * Identify land with very high conservation values and establish mechanisms for its protection into perpetuity;
- * 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;
- * Improve the environmental condition of the site in conjunction with future development, including restoration of riparian land, improving or maintaining water quality and protecting habitat for native plants and animals; and
- * Provide for recreational activities where compatible with the land and adjoining land uses.

The Proposal is also to be progressed in conjunction with a Voluntary Planning Agreement (VPA) between landowners and Council to provide for the dedication of high value ecological land in order to protect these lands into perpetuity.

PP Number : PP_2015_GLAKE_002_00 **Dop File No :** 15/05237

Proposal Details

Date Planning Proposal Received :	24-Mar-2015	LGA covered :	Great Lakes
Region :	Hunter	RPA :	Great Lakes Council
State Electorate :	MYALL LAKES	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	The Lakes Way		
Suburb :	Charlotte's Bay	City :	Forster
		Postcode :	2428
Land Parcel :	Lot 112 DP 1091944, Lot 110 DP 1091944, Lot 122 DP 1163892, Lot 1 DP 1172370, Lot 111 DP 1091944, Lot 121 DP 1163892, Lot 7050 DP 1074972		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :	54.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	700
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The site in general terms adjoins vegetated land to the north zoned RU2 Rural Landscape and E2 Environmental, land to the east zoned E2 Environmental Conservation, land to the south zoned RU2 Rural Landscape (part owned by the Crown and subject to an environmental protection agreement) and beyond this between Smiths Lake and the coast, land generally zoned for environmental conservation.

To the south west, the site adjoins land zoned SP2 Infrastructure, which is proposed for a Midcoast Water Pacific Palms waste water treatment plant, an associated buffer and RU2 Rural Landscape which is partly heavily vegetated, partly cleared and subject to inundation. Along the western border, the site has direct frontage to The Lakes Way with

land on the western side of the road zoned R5 Large Lot Residential and RU5 Village which contains the existing Charlotte Bay Village.

The site is not identified within the Mid North Coast Regional Strategy nor is it within an endorsed Strategy. However, it has the potential to facilitate the protection and management of a significant area of ecologically sensitive conservation land, increasing the connectivity to other protected land from Wallis Lake to the Pacific Ocean and from Booti Booti National Park to Myall Lakes and Wallingat National Parks.

The Proposal is therefore considered to be in accordance with broader Government policy and appropriate for the General Manager, Hunter and Central Coast, to exercise their Gateway Delegations.

Given the proposal is tied to the requirement for the above mentioned VPA to be finalised prior to zoning, the need for further investigations to be undertaken and the likely time-frame required to complete the Proposal, it is considered that delegation to Council is not appropriate.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The statement of objectives adequately explains the intent of the Proposal to rezone land, to facilitate residential development, to grow the community of Charlotte Bay and to protect a significant area of land for environmental conservation and wildlife corridor purposes.

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

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

Comment : The Proposal seeks to amend Great Lakes LEP 2014 through changes to the Land Zoning, Lot Size, Floor Space Ratio, Protection of Wildlife Corridors and Urban Release Area Maps.

Prior to submitting the Proposal, Council prepared a Strategic Development and Conservation Concept Plan in consultation with the local community. The draft indicative Zoning Plan, submitted with the Proposal, generally reflects this Concept Plan.

The Concept Plan and Zoning Plan will be reviewed and refined as additional information from various environmental, Aboriginal heritage, infrastructure and water management investigations become available and Agency and land owner consultation is undertaken, following Gateway Determination and prior to public exhibition.

Given this context, it is considered the explanation of provisions is adequate for Gateway Determination.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 26—Littoral Rainforests
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008**

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

Additional studies / investigations and Agency consultations need to be undertaken and any necessary amendments made to the Proposal prior to the public exhibition. This will assist to determine consistency or otherwise with relevant s117 Directions and SEPPs.

The necessary studies / investigations and Agency consultations include:

- Ecological assessment;
- Cultural Heritage assessment;
- Preliminary contamination assessment - SEPP 55;
- Bushfire hazard assessment;
- Flood assessment;
- Access Transport Strategy;
- Integrated water management strategy;
- Utility Services Assessment (water / sewer, electricity and telecommunications); and
- Consultations with OEH, RFS, RMS, DPI.

It is anticipated, having regard to the information already provided, that any issues that may arise through this process can be addressed through an appropriate zoning response, the preparation of the associated VPA and / or through a subsequent Development Control Plan and Development Application process.

Providing a Gateway Determination, ahead of the preparation of the studies and investigations will give Council and the landowners the confidence to invest further resources, time and energy into the proposal and the preparation of the associated VPA.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Following Gateway Determination, additional studies / investigations and consultations with relevant Government Departments and Agencies will be undertaken and the Proposal amended as necessary, prior to it being placed on public exhibition. Following these actions, consistency with relevant Strategies, s117 Directions and SEPPs can be determined.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

An indicative future zoning map, based on existing local strategies and studies, is provided but is not adequate for public consultation. Following Gateway Determination and the undertaking of necessary additional studies / investigations and Agency consultations, exact zone boundaries will be determined. Land Zoning, Minimum Lot Size, Floor Space Ratio, Protection of Wildlife Corridors and Urban Release Area Map (if required) will need to be prepared, consistent with the Department's mapping standards and requirements for LEPs, prior to public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council advises that during the preparation of the Proposal and associated Strategic Concept Plan, preliminary consultation with affected landowners has been undertaken.

Due to the significance of the subject, the site and the strategic implication of the Proposal, the 28 day exhibition period proposed by Council is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The Proposal is considered adequate and represents sufficient information to consider issuing a Gateway determination. However, additional investigations and Agency consultation is required to determine exact zone boundaries and the Proposal will need to be updated prior to public exhibition.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Great Lakes LEP 2014 was made in April 2014.

Assessment Criteria

Need for planning proposal :

The Proposal is a result of extensive discussions and consideration by Council and the principal landowner over a number of years. Support for the Proposal will result in a significant environmental benefit with the dedication of large portions of land to provide and reinforce the habitat and wildlife corridor linkages between Booti Booti, Myall Lakes and Wallingat National Parks. It will also realise the potential of the disturbed and less environmentally valuable parts of the site to provide additional residential land, helping strengthen the Charlotte Bay, Pacific Palms and Smiths Lake village communities.

There is not a current shortage of residential land in the Great Lakes LGA. Support for this Proposal proceeding will result in identifiable community benefit and significant environmental benefits.

It is considered that the preparation of the Proposal to rezone the site and the associated VPA is the best means of facilitating the intended outcomes.

Consistency with
strategic planning
framework :

Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy (MNCRS) states that no new residential development will be permitted within the Coastal Area, other than development already zoned or in an approved current or future local growth management strategy (or rural residential land release strategy). The subject land is contained within the Coastal Area mapped in the MNCRS.

Council is yet to finalise its local growth management strategy. Following discussions with the principal landowner, Council commissioned preliminary ecological and water quality studies to determine the potential viability and scale of development and conservation outcomes for the site. Following this work and recent discussions with the Department's Regional Office, a Strategic Concept Plan was prepared to demonstrate how the subject land is central to the future planning of the broader Charlotte Bay, Pacific Palms and Smiths Lake area and the Proposals consistency with relevant principles and the sustainability criteria of the MNCRS.

In summary, Council notes that:

- * The proposed growth of the Charlotte Bay village will be contained within existing disturbed area and will protect environmentally fragile areas and preserve the scenic values of the coastal landscape;
- * The site's proximity to the coastal villages of Pacific Palms and Smiths Lake, which are identified as Growth Areas in the Strategy, will reduce the need to travel to major towns and will support the growth of these villages;
- * The site is affected by a range of natural hazards, including bushfire, flooding and steep land and has the potential to impact on ground water, local waterways and lake systems. Additional environmental and urban design investigations will clarify the zoning and development standards appropriate for the site, having regard to the identified constraints;
- * An Aboriginal heritage study will be undertaken to confirm if any items or sites of cultural significance can be identified and require protection; and
- * The site has direct frontage to the Lakes Way, a regionally significant collector road connecting the coastal towns and villages from Bulahdelah, Forster, Failford and the Pacific Highway.

Council has also assessed the Proposal against the Strategy's sustainability criteria to demonstrate its compliance. It is considered that the proposal, subject to the outcome of the detailed site investigations, will meet the Strategy's sustainability criteria. However, it is noted that the sustainability criteria does not apply to the coastal area including the subject land. It will facilitate the protection and management of a significant area of ecologically sensitive conservation land and strengthen the coastal village communities of Charlotte Bay, Pacific Palms and Smiths Lakes.

Although inconsistent with the Regional Strategy, it is considered that the Proposal has the potential to achieve the overall intent of the Regional Strategy. Further consideration of this matter should occur following the proposed investigations and consultation.

Local Strategies

Council is yet to prepare a whole of LGA Local Growth Management Strategy. However, Council has a number of existing local strategies which are focused on land release and conservation, notably for the primary growth areas of Forster / Tuncurry and Tea Gardens / Hawks Nest. Charlotte Bay is identified as a Stage 2 Investigation Area in the Forster / Tuncurry Conservation and Development Strategy 2003, noting that "detailed site investigations would be required to determine the suitability of land at this location". This strategy was not formally endorsed by the former Director General.

Following the recent making of the Great Lakes LEP 2014 and DCP, Council planners have indicated a desire to focus on the preparation of a Local Growth Management Strategy to consolidate the suite of existing local strategies and the development of an implementation staging and infrastructure plan for identified growth areas.

Ideally, this Proposal would follow the completion of this strategic work. Given the above circumstances and the site's history, it is considered this Proposal should now progress. However, given the amount of land currently zoned, or in the system to be rezoned, it is recommended that the Department not support any further land release amendments in the Great Lakes LGA until the Council finalises its local growth management strategy.

Ministerial Section 117 Directions

*** 1.2 Rural Zones**

Under clause 4, a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

Council contends that the inconsistency is of minor significance. The land is identified and is consistent with the Forster / Tuncurry Development and Conservation Strategy and the principles and sustainability criteria Mid North Coast Strategy have been addressed. Great Lakes LGA has no state or regionally significant agricultural land. The site is currently zoned RU2 Rural Landscape and the majority (289 ha) has been identified for rezoning for environmental and recreation purposes. Finally, the site has no history of intensive agricultural use or proximity to any strategic cluster of agricultural activities.

The inconsistency with the Direction is considered to be justified as it is of minor significance.

*** 1.3 Mining, Petroleum Production and Extractive Industries**

Under clause 4, the relevant planning authority must consult the Director General of the Department of Primary Industries (DPI) to, in summary, ensure the Proposal does not have a detrimental impact on the future coal mining or other extractive industry.

Council advises the subject land has not been identified on any State or Regional mineral and mining resource mapping available to Council. Given a large portion of the site is proposed to be zoned environmental protection, which would prohibit mining, Council intends to consult with the DPI as required by the s117 Direction.

Consistency with this Direction can be determined following consultation with the DPI.

***2.1 Environmental Protection Zones**

Under clause 4, a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Review of existing environmental information suggests that a significant portion of the site will warrant environmental zoning. Council proposes an E2 Environmental Conservation zoning for this land, consistent with the zoning of similar lands in the area. Additional ecological assessments are to be undertaken following Gateway Determination, to refine the exact boundaries of the E2 zone.

Consistency with this Direction can be determined when the ecological assessment and consultation with OEH is completed.

***2.2 Coastal Protection**

This Direction applies where a relevant planning authority prepares a planning proposal that applies to land in the coastal zone. The eastern part of the site is located in the coastal zone. Under clause 4, a planning proposal must include provisions that give effect to and are consistent with the NSW Coastal Policy 1997, Coastal Design Guidelines 2003 and the NSW Coastline Management Manual 1990.

Council advises the areas of the site located within the coastal zone are of high ecological value and are to be zoned E2 Environmental Conservation and dedicated for permanent protection. The existing Great Lakes DCP residential design provisions are consistent with the Coastal Design Guidelines 2003. Further Council advises that any site specific development controls, that may result from the proposed site investigations and consultation with Agencies, will be prepared in a manner consistent with the Coastal

Policy and Design Guidelines.

Given these circumstances, any apparent inconsistency with the Direction is considered to be justified as it is of minor significance.

***2.3 Heritage Conservation**

Under clause 4, a planning proposal must contain provisions that facilitate, in summary, the conservation of European heritage identified in a heritage study of the area and Aboriginal heritage protected under the National Parks and Wildlife Act 1974 or identified by an Aboriginal heritage survey.

Council advises that no items of European or Aboriginal heritage have been identified during preliminary consultation and investigation processes. It is intended to undertake an inspection of the site with the local Aboriginal Land Council and any necessary archaeological investigations shall be undertaken following the Gateway Determination.

Consistency with this s117 Direction can be determined following the proposed site inspection and any other necessary investigations.

***3.1 Residential Zones**

Under clause 4, a planning proposal must include provisions that encourage the provision of housing that will broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce consumption of land for housing on the urban fringe and be of good design.

Council advises that the Proposal will grow Charlotte Bay to support existing and future business and nearby villages of Smiths Lake and Pacific Palms, utilise land that is well located and capable of being serviced for attractive, affordable and low impact residential development, identify land of high conservation value, improve the environmental condition of the site and will ensure development occurs in a logical and cost effective manner and that infrastructure and services are provided in conjunction with new development.

***3.4 Integrating Land Use and Transport**

Under clause 4, a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice - Guidelines for planning and development (DUAP 2001); and
- (b) The Right Place for Business and Services - Planning Policy (DUAP 2001).

Council advises its Forster / Tuncurry Development and Conservation Strategy (2003) considered a hierarchy of centres and development precincts that give effect to the principles of integration of transport and land use, which will be implemented through this Proposal. Any associated masterplan or subdivision concept plan will also give effect to these principles and will form the basis of a site specific amendment to Great Lakes DCP 2014.

Consultation with the NSW Roads and Maritime Services (RMS) and other Agencies will be undertaken during the development of an access and transport strategy and to determine the infrastructure requirements of the site.

Consistency with this Direction can be determined following consultation with the RMS and other relevant agencies.

***4.1 Acid Sulphate Soils**

Under clause 5, a planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils (ASS) on the ASS maps unless the planning authority has considered an ASS study assessing appropriateness of the change of use given the presence of ASS.

Council advises the site is identified in Great Lakes LEP 2014 as containing

- * A very small amount of class 3 land 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.

An acid sulphate soil study is proposed to 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. Land identified for development through this process can then be managed as part of any future development process consistent with the recommendations of the study and the provisions within Clause 7.1 Acid Sulphate Soils of Greater Lakes LEP 2014.

Consistency with this Direction can be determined following the preparation of the acid sulphate soil and other associated environmental investigations.

*** 4.3 Flood Prone Land**

This Direction aims to ensure that provisions of a planning proposal (LEP) on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Council advises that some of the site identified for rezoning to residential, recreation and environmental protection purposes is affected by flooding. Preliminary flood modelling has been undertaken to assist in determining those areas appropriate for future development.

The Proposal will significantly increase the levels of development on part of the site and will need to consider the implementation of flood mitigation measures, infrastructure or services. Additional modelling, associated with the integrated water management strategy, is proposed be undertaken post Gateway Determination. This modelling and associated strategy development will be consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

Consistency with this Direction can be determined following the preparation of the integrated water management strategy and associated flood modelling.

*** 4.4 Planning for Bushfire Protection**

Under clause 3, this Direction applies if the Proposal will affect, or is in proximity to land mapped as bushfire prone land.

The land is identified as being bushfire prone. Consistent with the clause 7 requirements of this Direction, Council intends to have a bushfire assessment of the Proposal undertaken and to consult the NSW Rural Fire Service (RFS), following receipt of the Gateway Determination. Once a reply is received from the RFS, consistency with this Direction can be determined.

*** 5.1 Implementation of Regional Strategies**

The Proposal is inconsistent with s117 Direction 5.1 Implementation of Regional Strategies. The MNCRS states that no new residential development will be permitted within the Coastal Area, other than development already zoned or in an approved current or future local growth management strategy (or rural residential land release strategy). The subject land is contained within the Coastal Area mapped in the MNCRS.

As noted above, Council is yet to prepare its local growth management strategy. However, Charlotte Bay is identified as a Stage 2 Investigation Area in the Forster / Tuncurry Conservation and Development Strategy 2003 but this strategy has not been formally endorsed by the Director General. A previous rezoning application (lodged in 2007) proposing development of half of the site was considered by the Regional Office of the then Department of Planning but was not supported, given the status of Council's local

growth management strategy and the then draft MNCRS.

Following the preparation of preliminary environmental investigations and recent discussions with the Department's Regional Office, a Strategic Concept Plan was prepared to demonstrate the proposals strategic merit and consistency with relevant principles and the sustainability criteria of the MNCRS and the Direction consistency requirements.

The Proposal has the potential to deliver a significant environmental protection outcome, improving the habitat and wildlife corridor linkages between Booti Booti, Myall Lakes and Wallingat National Parks. It will also support and strengthen the coastal village communities of Charlotte Bay, Pacific Palms and Smiths Lake.

Given this context, it is considered the Proposal has the potential to achieve the overall intent of the Regional Strategy and not undermine the achievement of the Strategy's vision, land use strategy, policies, outcomes or actions. Further consideration of this matter should occur following investigation and consultation.

*** 6.2 Reserving Land for Public Purpose**

Council proposes that environmentally sensitive lands will be zoned for conservation and dedicated for protection into perpetuity. The proposed mechanism to secure the dedication, at the time of preparing the proposal, was for a Planning Agreement between the landowner and Council.

Given the significance of the environmental outcome and the habitat and corridor linkages to adjoining National Parks, Council should liaise closely with OEHL to determine if it would be more appropriate for the land to be dedicated to the National Parks estate.

Further consideration of this matter should occur following investigation and consultation.

State Environmental Planning Policies

*** SEPP 26 - Littoral Rainforest**

There are areas of littoral rainforest present on the extreme edge of the site that extend from the site towards the coast. Council advises that the areas of littoral rainforest are proposed to be zoned E2 Environmental Conservation.

***SEPP 44 Koala Habitat Protection**

The site is situated within the Great Lakes LGA which is listed in Schedule 1 of the SEPP. Council advises that koala habitat and characteristic scratches on tree trunks have been identified on site.

Following Gateway Determination, it is intended to undertake additional investigation to determine if core koala habitat exists. Appropriate zoning will be created over such areas to protect, and where necessary, enhance important koala habitat. Council should also confirm if a koala plan of management for the species is required following the completion of these investigations and prior to any development being approved.

*** SEPP 55 Remediation of Land**

The Proposal states that a small number of localised contamination sites associated with typical agricultural activities and the partially constructed golf course were identified during site inspections. These include the storage of agricultural equipment, sheds containing agricultural products and fill emplacement for dams.

Council intends to require the preparation of a preliminary site contamination report, consistent with the provisions of SEPP 55 and for the report findings to be considered prior to rezoning.

***SEPP 71 Coastal Protection.**

The site has no direct connection to the coast, however, the eastern part of the site is within the coastal zone. This area has high ecological value and is proposed to be zoned

E2 Environmental Conservation and dedicated for permanent protection, consistent with the objectives of SEPP 71.

Environmental social
economic impacts :

Environmental Impact

The Proposal, together with the proposed VPA, will bring positive environmental conservation and management benefits. As previously noted, a significant area of environmentally sensitive land will be dedicated for conservation purposes. The exact boundary of this area will be determined following additional ecological investigations of the site post Gateway.

Social and Economic Impact

The Proposal, together with the VPA and associated site investigations, will help:

- Promote the protection of ecosystem quality and functioning of the area;
- Minimise the urban footprint to disturbed areas and in response to site constraints;
- Reduce inefficient use of community and physical infrastructure; and
- Support the establishment of centrally located community facilities and services within the Charlotte Bay area.

On balance, it is therefore considered that the Proposal, together with the VPA, will result in a net community benefit.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **24 months** Delegation :

Public Authority Consultation - 56(2) (d) : **Essential Energy
NSW Aboriginal Land Council
Ambulance Service of NSW
Office of Environment and Heritage
Office of Environment and Heritage - NSW National Parks and Wildlife Service
Fire and Rescue NSW
NSW Police Force
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Telstra
Other**

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

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

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

**Flora
Fauna
Heritage
Bushfire
Flooding
Other - provide details below**

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If Other, provide reasons :

- Preliminary contamination assessment - SEPP 55;
- Access Transport Strategy;
- Integrated water management strategy; and
- Utility Services Assessment (water / sewer, electricity and telecommunications).

Council proposes these additional assessments and to address relevant s117 Directions and to ensure the protection of Wallis Lake water quality.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons :

Council proposes to identify the site as an urban release area on the URA map, should the need for State infrastructure be identified by the relevant public agencies during pre-exhibition consultation.

Documents

Document File Name	DocumentType Name	Is Public
Attachment to letter 19.3.15 - Bluey's Estate GLC Planning Proposal.pdf	Proposal	Yes
2015-03-19 Council Letter - Bluey's Estate Charlotte Bay Planning Proposal.pdf	Proposal Covering Letter	Yes
Attachment to letter 19.3.15 - PP Appendix 5 - Flora and Fauna.pdf	Study	Yes
Attachment to letter 19.3.15 - PP Appendix 6 - Working Draft - Water Sensitive Development Strategy.pdf	Study	Yes
Attachment to Letter 19.3.15 - GLC Strategic Report & Minute - Rezoning of Blueys Estate.pdf	Proposal	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions

Additional Information : **The Proposal should proceed subject to the following conditions:**

1. The following studies / investigations are to be undertaken prior to exhibition:
 - * Ecological assessment, including an assessment of potential koala habitat and the need for a koala plan of management to be prepared, prior to any development being approved;
 - * Cultural Heritage assessment;
 - * Preliminary contamination assessment;
 - * Bushfire hazard assessment;

- * Flood Assessment;
- * Access Transport Strategy;
- * Integrated water management strategy; and
- * Utility Services Assessment (water / sewer, electricity and telecommunications).

2. The Proposal should be amended prior to exhibition to incorporate:

- * The recommendations of the required additional studies / investigations;
- * The recommendations of relevant Government Agencies and to update consideration of relevant s117 Directions - 1.3 Mining Petroleum Production and Extractive Industries, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and SEPP 44 Koala Habitat Protection and SEPP 55 Remediation of Land; and
- * Draft LEP Land Zoning, Minimum Lot Size, Floor Space Ratio, Protection of Wildlife Corridors and Urban Release Area Maps (if required) consistent with the Department's mapping requirements for LEPs.

3. Copies of the amended Proposal should be provided to the Department for information and comment prior to exhibition.

4. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

- (a) The Proposal be made publicly available for a minimum 28 days, as requested by Council. A 28 day exhibition is supported because the local significance of the proposal; and
- (b) The relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing LEPs (Department of Planning & Infrastructure 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and / or to comply with the requirements of relevant S117 Directions:

- * Office of Environment and Heritage regarding the zone boundaries for residential environmental protection lands. Council should also liaise closely with OEH and the Department about the potential for these lands to be dedicated for addition to the National Park estate;
- * Office of Environment and Heritage and the Local Aboriginal Land Council regarding the assessment of Aboriginal Heritage;
- * Rural Fire Service of NSW regarding s117 Direction 4.4 Planning for Bushfire Protection;
- * DPI regarding s117 Direction 1.3 Mining Petroleum Production and Extractive Industries;
- * Roads and Maritime Services regarding the access transport strategy;
- * Roads and Maritime Services, Department of Education, Fire and Rescue, NSW Police and Ambulance Service of NSW regarding any State infrastructure requirements; and
- * Mid Coast Water, Essential Energy / Country Energy and Telstra regarding Utility Services Assessment.

Each public authority is to be provided with a copy of the Proposal and any relevant supporting material and given at least 21 days to comment on the Proposal. Once the consultation is undertaken with the public authorities and information is provided, Council is to update its consideration of relevant s117 Directions and SEPPs.

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

7. The Proposal is not to be finalised until the voluntary planning agreement in perpetuity protection of environmental lands is resolved to the satisfaction of Council and the Office of Environment and Heritage.

8. The time-frame for completing the LEP is to be 24 months following Gateway Determination. A 24 month time-frame is recommended because of the need to undertake the identified studies / investigations and resolve and exhibit a planning agreement

between Council, the proponents and possibly the Office of Environment and Heritage (OEH), for the dedication of ecological conservation lands.

Plan making delegation:

The Minister delegated their plan making powers to councils in October 2012. Council has accepted this delegation. However, Council should not be issued with plan making delegation in this instance due to the need for additional studies / investigations to be undertaken and for the Proposal to be amended and LEP maps prepared, prior to exhibition.

Supporting Reasons :

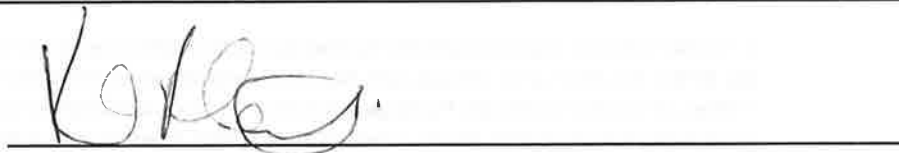
Supporting the Proposal, to enable the proposed residential and private recreation uses, will facilitate the protection and enhanced management of a significant area of environmentally sensitive land, providing habitat and corridor linkages between the Booti Booti, Myall Lakes and Wallingat National Parks.

The Proposal is also consistent with the Mid North Coast Strategy key aim "to protect high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that new urban development avoids these important areas and their catchments".

Providing a Gateway Determination ahead of the preparation of the identified studies and investigations will give Council, the landowner and OEH the confidence to invest further resources, time and energy into the Proposal and the preparation of the associated VPA.

Overall, it is considered that there is a clear net community benefit in the Proposal proceeding at this time, irrespective of there being a more than sufficient supply of zoned residential land in the Great Lakes LGA.

Signature:



Printed Name:

K O'Flaherty

Date:

17/4/15