

LIVEABLE COMMUNITIES

ATTACHMENT A

**LAND ADJOINING PALMS OASIS CARAVAN
PARK – PLANNING PROPOSAL AND
PLANNING AGREEMENT**

ORINDARY MEETING

18 DECEMBER 2019

Planning Proposal to amend Great Lakes Local Environmental Plan 2014:

Land Use Zone, Minimum Lot Size and Floor Space Ratio map layers affecting Lot 1 DP 653396, Lot 83 DP 753168 & Lot 427 DP 861736 The Lakes Way, Pacific Palms to enable:

- Subdivision of Lot 427 DP 861736 to excise a site for an existing dwelling house, ancillary structures and bush fire asset protection areas;
- Subdivision of Lot 83 DP 753168 to excise a site for the expansion and bush fire asset protection of development at the adjoining Palms Oasis Caravan Park;
- Permanent protection of the remaining ecologically significant land on Lot 1 DP 653396, Lot 83 DP 753168 & Lot 427 DP 861736 The Lakes Way, Pacific Palms

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Version	Purpose of Document	Author	Date
1	For Gateway Determination	AM	23 Nov 2016
2	Amendments to reflect Gateway Determination issued 6 February 2017	AM	22 August 2017
3	Final exhibition version with GD amendments accepted	AM	10 October 2017
4	Post-exhibition version with agency submissions attached and amendments in response to public and agency submissions in blue text	AM	20 November 2019

INTRODUCTION

The Planning Proposal has been prepared by the Forster Office of MidCoast Council in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment (Department) Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The Planning Proposal seeks to amend Great Lakes Local Environmental Plan 2014 to:

1. Rezone approximately 2 hectares of Lot 83 DP 753168 adjoining the northern boundary of the Palms Oasis Caravan Park from E2 Environmental Conservation to RE2 Private Recreation to facilitate expansion of the existing caravan park and accommodate associated bush fire hazard asset protection zones.
2. Amend the Minimum Lot Size map to facilitate the subdivision of Lot 83 DP 753168 to excise approximately 2 hectares comprising the caravan park extension and associated bushfire asset protection zone, from the remainder of the allotment.
3. Amend the Floor Space Ratio map as it affects Lot 83 DP 753168 to ensure the land rezoned from E2 Environmental Conservation to RE2 Private Recreation for the purposes of the caravan park has development standards consistent with the adjoining RE2 Private Recreation land.
4. Amend the Minimum Lot Size map to facilitate the subdivision of Lot 427 DP 861736 to excise approximately 1.5 hectares comprising an existing dwelling house, ancillary structures and associated bushfire asset protection zone, from the remainder of the allotment
5. Facilitate a Planning Agreement for the permanent protection of approximately 62 hectares of ecologically sensitive land within the existing E2 Environmental Conservation zone of Lot 1 DP 653396, Lot 83 DP 753168 and Lot 427 DP 861736, with the exception of the land required for the caravan park, dwelling house and respective bushfire asset protection zones.

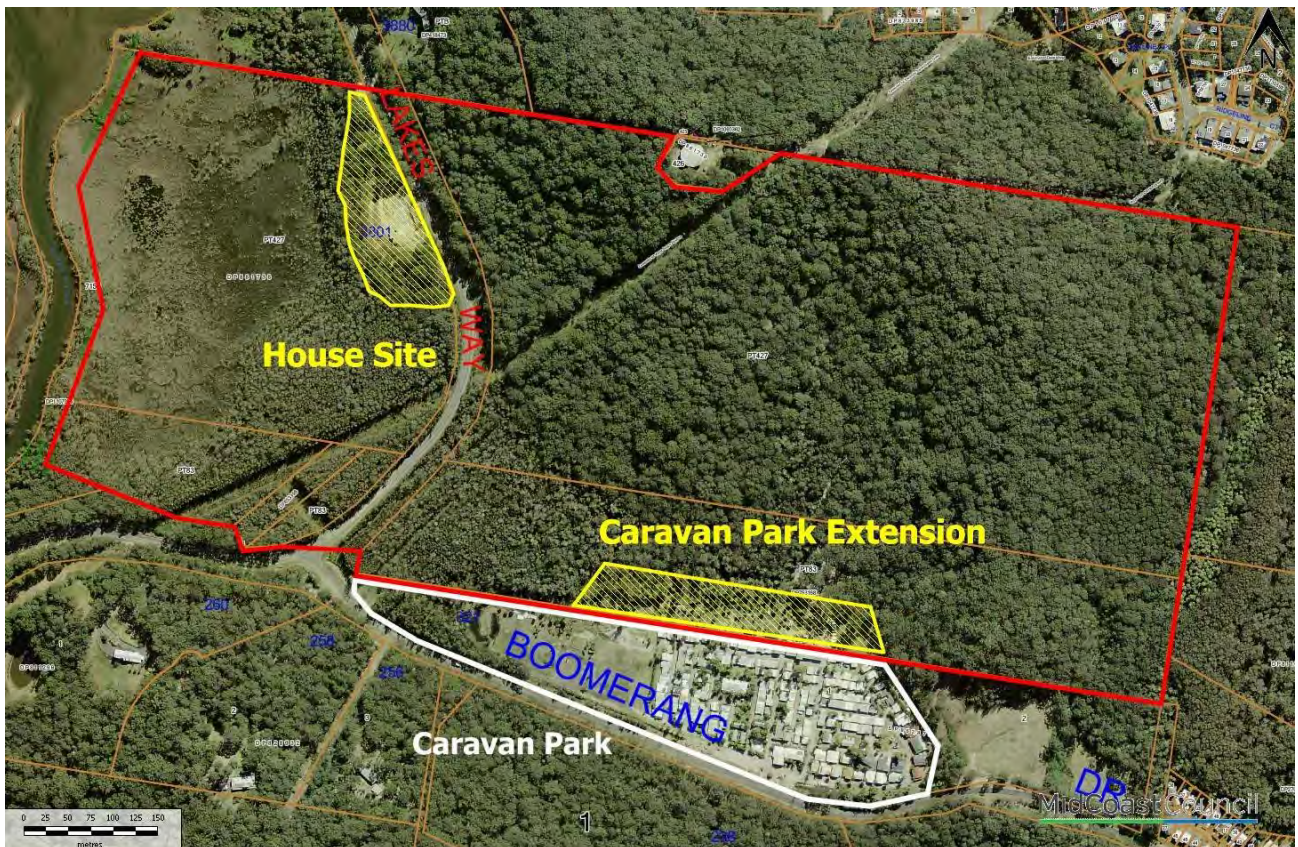


Figure: 1. Representation of Planning Proposal site and potential areas of affect

Figure 1 above is a representation of both the site and potential areas of affect of the Planning Proposal. This is a diagrammatic representation only and any map amendments to Great Lakes LEP 2014 would be undertaken only after the boundaries are confirmed by way of a survey or GPS verification.

This Planning Proposal outlines the intended effect of and justification for the proposed amendments to Great Lakes Local Environmental Plan 2014.

The proposed amendments were the subject of a report to the Ordinary Council Meeting on 14 December 2016. The report, annexures and resolution relevant to this Planning Proposal are available on MidCoast Council's website www.midcoast.nsw.gov.au.

The proclamation of 12 May 2016 ratified the merger of the Local Government Areas of Gloucester Shire, Greater Taree and Great Lakes Council into Midcoast Council. Great Lakes Local Environmental Plan 2014 still stands as a separate environmental planning instrument.

Council is not seeking to exercise delegations for this Proposal given the potential conflict of interest with the proposed dedication of ecological land identified as a conservation off-set and payment of associated funds for the restoration and management of that land, to MidCoast Council via a Planning Agreement.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

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

The objective of the Planning Proposal is to deliver a satisfactory development/conservation offset arrangement whereby part of the land is rezoned to permit a reasonable level of development while, at the same time, appropriate conservation mechanisms are put in place to protect the remainder of the land that is of high environmental value

The intended outcomes of the Planning Proposal are to amend the Land Use Zone, Minimum Lot Size and Floor Space Ratio map layers of Great Lakes Local Environmental Plan (LEP) 2014 affecting Lot 1 DP 653396, Lot 83 DP 753168 & Lot 427 DP 861736 The Lakes Way, Pacific Palms to enable:

- a) Subdivision of Lot 427 DP 861736 to excise a site for an existing dwelling house, ancillary structures and bush fire asset protection areas;
- b) Subdivision of Lot 83 DP 753168 to excise a site for the expansion and bush fire asset protection of development at the adjoining Palms Oasis Caravan Park;
- c) The application of the RE2 Private Recreation zone and associated development standards to part of Lot 83 DP 753168, to enable the expansion and bush fire asset protection of the adjoining Palms Oasis Caravan Park on Lot 1 DP 862876;
- d) Permanent protection of the remaining ecologically significant land on Lot 1 DP 653396, Lot 83 DP 753168 & Lot 427 DP 861736 The Lakes Way, Pacific Palms

PART 2 - EXPLANATION OF PROVISIONS

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

The Planning Proposal seeks to amend the Land Use Zone, Minimum Lot Size and Floor Space Ratio map layers of Great Lakes Local Environmental Plan (LEP) 2014 to:

- a) Rezone approximately 2 hectares of Lot 83 DP 753168 adjoining the northern boundary of the Palms Oasis Caravan Park from E2 Environmental Conservation to RE2 Private Recreation to facilitate expansion of the existing caravan park and accommodate bush fire hazard asset protection zones.
- b) Amend the Minimum Lot Size map to facilitate the subdivision of Lot 83 DP 753168 to excise approximately 2 hectares comprising the caravan park extension and associated bushfire asset protection zone, from the remainder of the allotment.
- c) Amend the Floor Space Ratio map as it affects Lot 83 DP 753168 to ensure the land rezoned from E2 Environmental Conservation to RE2 Private Recreation has development standards consistent with the adjoining RE2 Private Recreation land in the same ownership and currently developed for the purposes of a caravan park.
- d) Amend the Minimum Lot Size map to facilitate the subdivision of Lot 427 DP 861736 to excise approximately 1.5 hectares comprising an existing dwelling house, ancillary structures and associated bushfire asset protection zone, from the remainder of the allotment
- e) Facilitate a Planning Agreement for the permanent protection of approximately 62 hectares of ecologically sensitive land within the existing E2 Environmental Conservation zone of Lot 1 DP 653396, Lot 83 DP 753168 and Lot 427 DP 861736, with the exception of the land required for the caravan park, dwelling house and respective bushfire asset protection zones.

PART 3 - JUSTIFICATION

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

Section A – Need for the Planning Proposal

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

The Planning Proposal affects land known as Lot 1 DP 653396, Lot 83 DP 753168 and Lot 427 DP 861736 which lie adjacent to the Palms Oasis Caravan Park (Lot 1 DP 862876), Boomerang Drive Pacific Palms. All of the land, including the Palms Oasis Caravan Park, is in the same ownership.

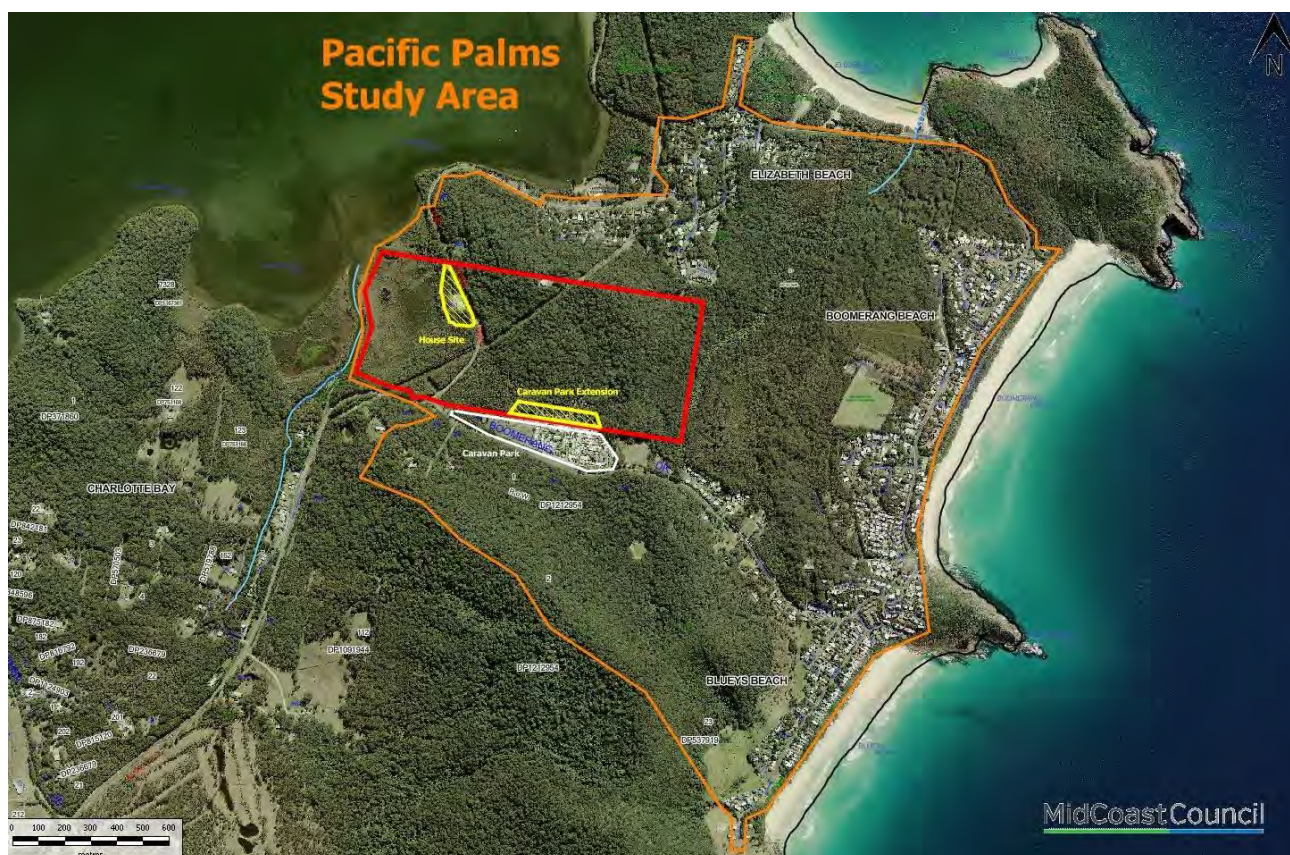


Figure 2. Planning Proposal site in relation to Pacific Palms Study Area

The three allotments subject of the Planning Proposal and the adjoining Palms Oasis Caravan Park were originally included within the Pacific Palms Study Area rezoning process. This was an exhaustive rezoning process and took some 25 years to complete. Figure 2 above represents the location of the Planning Proposal site in relation to the broader Pacific Palms Study Area.

The Pacific Palms Study Area was the subject of numerous ecological investigations and negotiations between Council, National Parks and multiple land owners over two decades. These investigations and negotiations resulted in ecologically significant lands being protected into perpetuity by way of dedication to the National Park Estate, as environmental off-sets for urban release areas adjoining Elizabeth, Boomerang and Blueys Beach. The primary benefit of dedicating these environmental off-sets was to solidify natural linkages between the Pacific Palms area and the adjoining Booti Booti and Wallingat National Parks.

However, a change in the ownership of the three allotments and Palms Oasis Caravan Park coupled with a failure to reach a suitable negotiated development/conservation off-set agreement, resulted in the three allotments being rezoned to 7(a) Wetlands and Littoral Rainforest and 7(a1) Environmental Protection under Great Lakes Local Environmental Plan (LEP) 1996.

The western end of the adjoining caravan park site was also partly rezoned to 7(a1) Environmental Protection to preserve a fauna corridor, with the majority of the site remaining in the 5(a) Special Uses zone.

The rezoning process for the Pacific Palms Study Area was completed in March 2013 with the publishing of Amendment No.82 to Great Lakes LEP 1996 in the NSW Gazette. The complete rezoning plan for the Pacific Palms Study Area as at 2013 is illustrated in Figure 3 below.

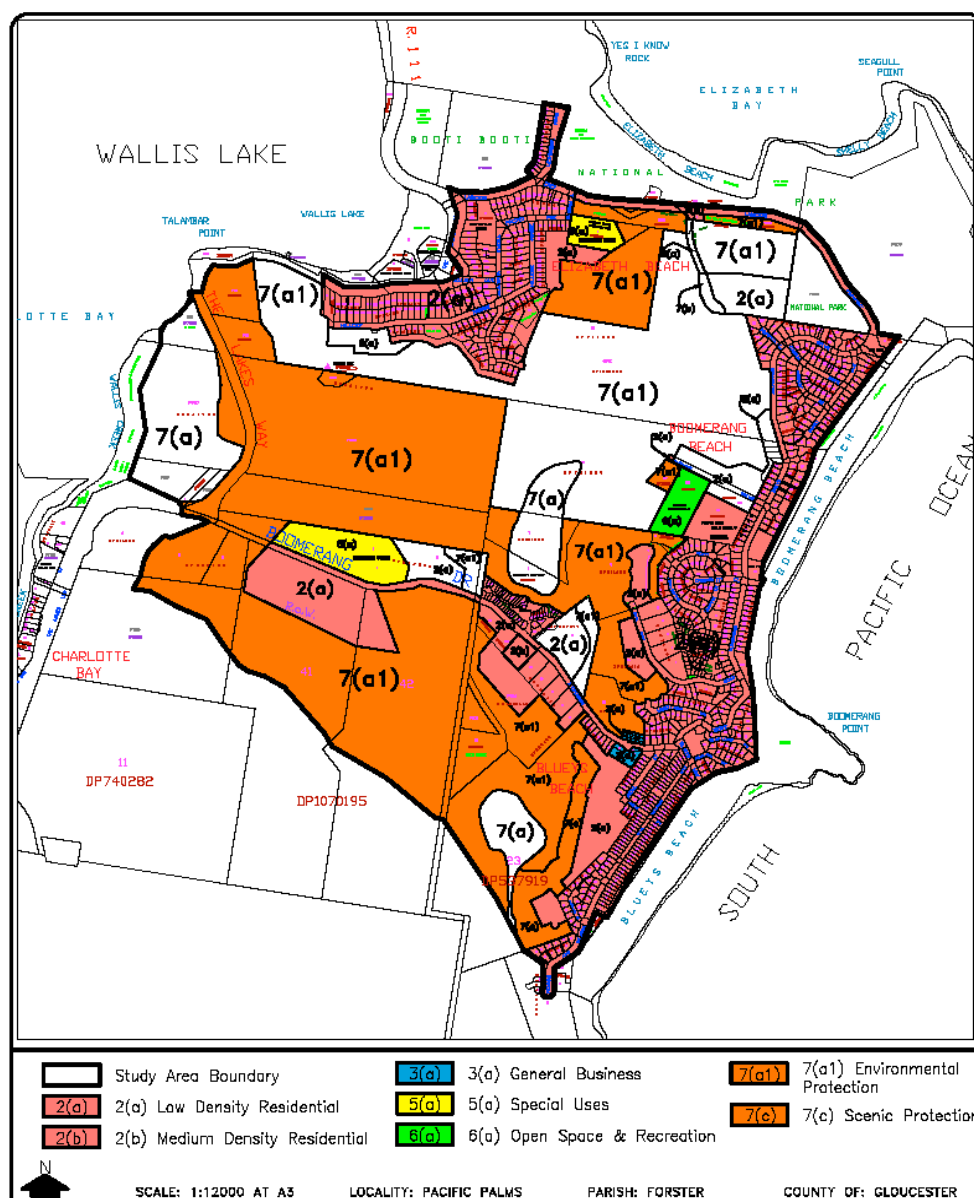
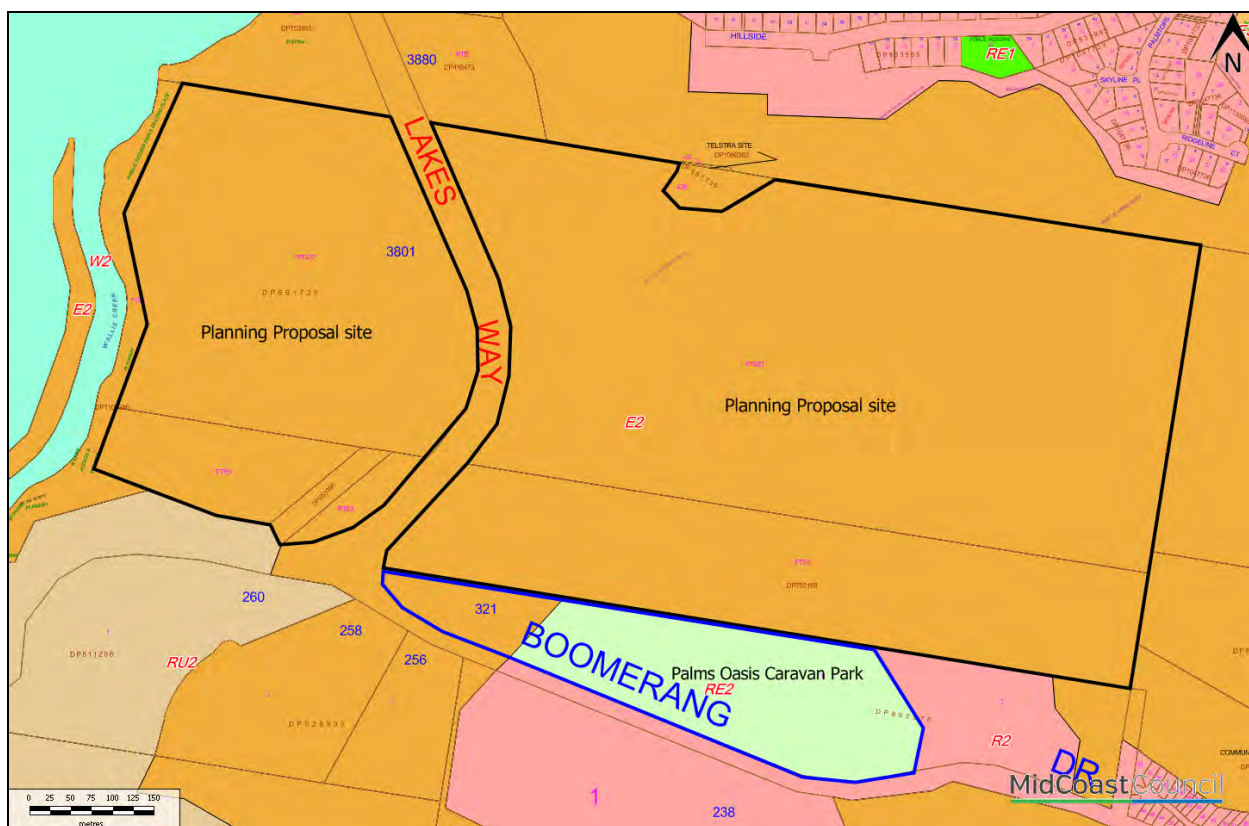


Figure 3. Pacific Palms Study Area Zone Amendments to Great Lakes LEP 1996

The three allotments were then transitioned from the 7(a) Wetlands and Littoral Rainforest and 7(a1) Environmental Protection zones into the E2 Environmental Conservation zone with the gazettal of Great Lakes LEP 2014 in April 2014.

During this process, the adjoining Palms Oasis Caravan Park site was also transitioned to part E2 Environmental Conservation and part RE2 Private Recreation zone, under Great Lakes LEP 2014.

The current zones for the Planning Proposal and Palms Oasis Caravan Park sites are shown below in Figure 4.



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

Figure 4. Planning Proposal and Palms Oasis Caravan Park zones Great Lakes LEP 2014

In 2015 a development application was approved to develop a portion of Lot 427 DP 861736 for private use of a single dwelling and swimming pool. The dwelling house and access have been constructed.

In 2015 a Planning Proposal was also submitted that proposed very similar outcomes to the current Proposal:

- The retention in private ownership of an existing dwelling site on the western side of The Lakes Way on Lot 427 covering an area of approximately 1.5 ha. The site would remain in the E2 Environmental Protection zone but have an amended Minimum Lot Size to enable the house lot to be excised from the remainder of the lot.

- *The rezoning of approximately 2ha of land to the north of the existing caravan park to RE2 Private Recreation. The land is already disturbed and would allow for future expansion and accommodate bushfire asset protection zones for the caravan park.*
- *Maintenance of 61ha of ecologically sensitive land in the E2 – Environmental Conservation Zone, which will be transferred to the Office of Environment and Heritage as National Park. A Planning Agreement between Council, The Minister for the Environment and the landowners would be executed to give effect to the transfer of the land to National Park.*

This Proposal and a draft Planning Agreement for the dedication of the ecologically sensitive land progressed through Gateway Determination and public exhibition. However, the planning proposal was discontinued when the landowner failed to execute the planning agreement which would have facilitated the dedication of off-set land to the National Park Estate.

The current Planning Proposal is generally consistent with Council's land use strategy for the Pacific Palms Study Area and with the previously exhibited Planning Proposal (2015).

Preliminary discussions with both the NSW Office of Environment & Heritage (OEH) and the Department of Planning & Environment (the Department) established that these agencies are willing to progress the current proposal, on the understanding that the area of protection and the area of development are not significantly different to the 2015 proposal.

The agencies are also adamant that there must be certainty that the offset will be delivered this time given the owner, on two previous occasions, has failed to execute a Planning Agreement to dedicate the off-set land.

Progression of the planning proposal was therefore conditional on the provision of the following additional information:

1. OEH requested that a preliminary bio-banking calculation report to be prepared prior to any application for a Gateway Determination. The report is required to confirm whether or not there are sufficient environmental credits over the E2 Environmental Conservation land to off-set the proposed RE2 Private Recreation development area.

OEH and Council representatives have determined that this assessment report is to be undertaken by an independent assessing consultant. Niche Environment and Heritage Pty Ltd were commissioned to prepare this assessment, which forms Appendix A of this Planning Proposal.

2. OEH also requested that written justification of the validity of previous environmental studies and investigations be provided. The subject studies were prepared between 2004 and 2009. OEH generally require studies that have been prepared no less than 5 years prior to the lodgement of such a rezoning application.

However, given the circumstances of this Proposal and the environmental and community benefits of the potential dedication of the E2 Environmental Conservation lands to a public authority; OEH have agreed that it will be sufficient at this time to:

- provide a preliminary bio-banking calculation report,
 - copies of the previous studies and
 - a report from Council regarding the validity of these studies,
- prior to any Gateway Determination.

The preliminary bio-banking calculation report is provided in Appendix A and the Council report regarding validity of these studies is provided in Appendix B to this Proposal. The file size of the studies means that these documents are provided separate to the Planning Proposal document.

3. Representatives of the Department and Council advised the applicant that a Planning Agreement, signed by the land owner and any other party with an ownership-interest in the

land, will also be required prior to the commencement of any public exhibition period, as a condition of any Gateway Determination that may be issued. In this regard, the signed Planning Agreement and Explanatory Note are provided as part of the public exhibition material for community and public agency review.

All parties acknowledge that the construction of the existing dwelling house on Lot 427 does impact on the potential value of the environmental lands as a parcel for dedication to the National Park Estate.

Therefore, the 2016 Planning Proposal also provides for a variation to the Minimum Lot Size LEP 2014 maps to enable the future subdivision of Lot 427 to excise an allotment that contains the existing dwelling and sufficient land for appropriate bushfire asset protection zones, from the remainder of Lot 427.

Therefore, the dedication of this land to Council, is considered to be a viable form of protection for the sensitive environmental land zoned E2 Environmental Conservation zone. The Planning Agreement will be executed between Council and the landowner to ensure this protection occurs.

The dedication of land to a public authority for protection and management into perpetuity is contingent upon the payment of sufficient funds to ensure the ongoing protection and management of the off-set land. The Planning Agreement will be executed between Council and the landowner to ensure this also occurs.

In this regard, Council's Senior Ecologist provided a preliminary report *Evaluation of Restoration Activities and Draft Costings for the Long-term Public Conservation Management of Biodiversity Lands at Palms Oasis, Pacific Palms*, in anticipation of the potential dedication to MidCoast Council for protection into perpetuity. This report is documented in Appendix C of this Planning Proposal.

The original principles of the Planning Agreement are documented within the cover letters submitted with the Planning Proposal, copies of which are provided in Appendix D. One copy was signed by the existing land owners and another by a representative for the purchasers of the lots affected by the Planning Proposal and the adjoining Palms Oasis Caravan Park.

The signed Planning Agreement and Explanatory Note are also provided as part of the public exhibition material for community and public agency review.

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

Great Lakes Local Environmental Plan 2014 became effective on 4 April 2014 and allows for a limited range of development and activities within the E2 Environmental Conservation and RE2 Private Recreation zones.

However, all of the subject allotments are currently in single ownership and the separate allotments are not clearly distinguished one from the other. This has resulted in the encroachment of development and bush fire hazard management activities on the northern boundary of the Palms Oasis Caravan Park site, encroaching into environmentally sensitive areas of the other allotments.

One of the E2 Environmental Conservation allotments also had an area of greater than 40 hectares which allowed for the development of a dwelling house, ancillary structures and clearing for bush fire asset protection zones to the west of The Lakes Way, impacting on the environmental value of this area of the site.

It is also acknowledged that while existing provisions of Great Lakes LEP 2014 could facilitate subdivision of the dwelling house from the remainder of the environmental lands and additional development on the Palms Oasis Caravan Park site, the outcomes would intensify existing environmental impacts and result in the long-term degradation and fragmentation of the ecologically significant land.

Therefore, it can be demonstrated that while the current zonings of Great Lakes LEP 2014 do not permit any substantial development outcomes for the individual parcels, they also do not provide sufficient incentives for the ongoing protection and management of the majority of the site.

As a result, the Planning Proposal recommends changes to both the zoning and minimum lot size provisions to excise existing disturbed and developed areas from the remainder of the site and the creation of a permanent protection mechanism over the remaining ecologically significant lands.

Therefore, Council is of the opinion that the Planning Proposal and associated Planning Agreement remain the most effective means of facilitating planning outcomes that have strategic merit. Specifically, the Proposal and Agreement will achieve suitable development and conservation off-set outcomes for the entirety of the site that are generally consistent with the original objectives of the Pacific Palms Study Area.

Section B – Relationship to Strategic Planning Framework

3.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 Planning Proposal is considered to be consistent with the Hunter Regional Plan which recognises that there is a need to ensure the protection and management of a biodiversity-rich natural environment; and the need to provide affordable and diverse housing options for low-income residents and visitors to the region. The relevant sections of this plan are documented below:

GOAL 4 – A biodiversity-rich natural environment

The Hunter's diverse natural environment includes some of the most unique ecological systems in Australia. Within the region there are three terrestrial bioregions – the Sydney Basin, North Coast and Brigalow Belt South, and the Hawkesbury and Manning Shelf marine bioregions. The natural environment sustains important terrestrial and aquatic ecological systems and good habitat connections, including part of a national corridor extending from Victoria to Far North Queensland.

Pristine natural areas are conserved in a network of protected areas, from the World Heritage values of the Greater Blue Mountains to the Port Stephens–Great Lakes Marine Park. Residents and visitors are fortunate to have ready access to many of the region's natural areas – and an array of unique experiences. These areas contribute to the region's identity and the health of its communities. They are also important for recreational and tourism activities, as a focus for investment and a factor in where people choose to live.

The Hunter contains two major water catchments, the Hunter and the Manning River, which provide water that sustains the region. Good planning and design will be fundamental to protecting the environment and building greater resilience to natural hazards and climate change.

Barrington Tops to Myall Lake Link

This link encompasses fauna corridors first identified in the Mid North Coast Regional Strategy (2006). It is located between Barrington Tops National Park and large patches of existing vegetation in the Myall Lakes and Port Stephens areas.

The aim of conservation planning will be to protect landscape-scale connections. It will be achieved through private land incentive programs and other measures such as land use planning and biodiversity offsetting.

Direction 14: Protect and connect natural areas

Investing in conservation (including biodiversity offsets) that protects, and where possible, enhances habitat connections will deliver multiple benefits to the environment and the community. Modelling that identifies habitat connectivity is the first step to identifying and protecting existing habitat links and then establishing new links to support the movement of animals across the landscape.

Many of the region's natural features are already subject to a high level of regulation to protect their environmental values. Strategic land use planning should identify and take account of the location and extent of these areas of high environmental value.

Actions

14.1 Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.

14.2 Identify and strengthen biodiversity corridors as places for priority biodiversity offsets.

14.3 Improve the quality of, and access to, information relating to high environmental values.

14.4 Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas; implementing appropriate measures to conserve validated high environmental value areas; developing local strategies to avoid and minimise the impacts of development on areas of high environmental value and biodiversity corridors; and identifying offsets or other mitigation measures for unavoidable impacts.

14.5 Secure the long term protection of regionally significant biodiversity corridors.

GOAL 4 - Greater housing choice and jobs

Housing supply will be influenced by growth and change in the population across the region, and by the community's desire for greater housing choice. By 2036, the percentage of people aged over 65 years is projected to increase from 19 per cent to 25 per cent.

Direction 22: Promote housing diversity

Trends that will shape housing demand in the Hunter region to 2036 include an increase in the ageing population. There are also discrete sectors of the community that are seeking particular types of housing; for example, students, older people, short term visitors, visitors accessing health services and low income households. Better understanding of the needs of these groups and how they differ across the region will help inform strategic and infrastructure planning and delivery.

By 2036, the Hunter is expected to be home to around 69,500 more people aged over 65 years. While the majority of these people are expected to live in Greater Newcastle, coastal communities in Port Stephens and the MidCoast, and many rural towns are also expected to age more rapidly than other parts of the Hunter.

Weekend and seasonal visitors will continue to influence local housing markets in coastal locations, driving demand for short term accommodation and holiday homes.

Similarly, social and affordable housing will be necessary to meet the needs of people on low incomes. Each community will have different housing needs and local solutions will have to be developed. Increasing the overall supply of housing will help to reduce pressure on the cost of housing.

Actions

22.1 Respond to the demand for housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel.

22.2 Encourage housing diversity, including studios and one and two-bedroom dwellings, to match forecast changes in household sizes.

22.5 Include guidance in local land use strategies for expanding rural villages and rural-residential development so that such developments will:

- not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;
- not impact on drinking water catchments;
- not result in greater natural hazard risk;
- occur on land that is unlikely to be needed for urban development;

- *contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and*
- *facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.*

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

The Planning Proposal is consistent with the following values, objectives and actions from the MidCoast Community Strategic Plan 2030:

We value our unique, diverse and culturally rich communities

Our diverse communities offer active and social opportunities, are safe and are places where we work together with a creative focus acknowledging our rich history and culture.

- We are a diverse community that works together to care for all our members
 - Support a diverse housing mix that provides choice and meets the needs of our community.

We value our environment

Our natural environment is protected and enhanced, while we maintain our growing urban centres and manage our resources wisely.

- We protect maintain and restore our natural environment
 - Value, protect, monitor, and manage the health and diversity of our natural assets, wildlife and ecosystems.
 - Protect, maintain and restore water quality within our estuaries, wetlands and waterways.
 - Ensure our natural assets are maintained to a standard appropriate to their use.
- We balance the needs of our natural and built environments
 - Ensure growth and new development complements our existing natural assets, cultural assets and heritage sites.
 - Optimise land use to meet our environmental, social, economic and development needs.

The Planning Proposal is consistent with the former Great Lakes Council's *Community Strategic Plan 2010-2030 (Great Lakes 2030)*. The Community Plan represents the long term aspirations for the area and encompasses an overarching vision developed by the community and objectives and strategies to achieve community goals namely:

Vision: a unique and sustainably managed environment balanced with quality lifestyle opportunities created through appropriate development, infrastructure and services.

To this end the Planning Proposal is also considered to be consistent with:

1. the Forster/Tuncurry Conservation and Development Strategy (CDS) which recognised that within the Pacific Palms Study Area, development outcomes would require the identification of significant conservation off-sets; and the subsequent
2. Pacific Palms Local Environment Study and Local Environmental Plans, which identified the specific areas suitable for urban expansion adjoining the existing villages of Elizabeth Beach, Blueys Beach and Boomerang Beach and the extent of ecologically sensitive land that should be off-set for protection into perpetuity.

Great Lakes Community Strategic Plan 2010 - 2030

The Planning Proposal is closely linked with three of the four Key Directions of the Community Plan and its objective of protecting the natural environment while addressing the challenges of population growth.

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

2.1 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*

Strategies

5.1 Market the Great Lakes as an area that offers a range of opportunities for all

key direction 3 - vibrant and connected communities

objectives

- *Provide the right places and spaces*
- *Plan for sustainable growth and development*

Strategies

9.1 Manage growth to reflect current and future needs

9.2 Manage urban development and ensure it respects the character of the area in which it is located

In particular, the Planning Proposal will provide a significant environmental benefit to the local and regional community while also providing an opportunity for an alternative, affordable form of accommodation for both residents and visitors to the Great Lakes region of the MidCoast local government area.

Forster/Tuncurry Conservation and Development Strategy

In 2003 the former Great Lakes Council adopted the Forster Tuncurry Conservation and Development Strategy (CDS). The Strategy identified development opportunities within Pacific Palms, but the numerous environmental issues that were also identified put these potential areas of development into dispute.

The Strategy indicated that future demand for urban land could not be provided in the area without significant impacts on sensitive flora and fauna habitat. Therefore, unless substantial conservation offsets were provided, it was unlikely that there would be any further development opportunities in the Pacific Palms Study Area.

The Pacific Palms Study Area Local Environment Study which had already commenced and the subsequent Local Environmental Plan amendments were the mechanism Council used to resolve both the development and conservation outcomes for the region.

This Planning Proposal is therefore consistent with the original findings and recommendations of the Forster Tuncurry CDS in that a substantial conservation off-set is being proposed to ascertain additional development outcomes, in doing so the Proposal will also finally resolve the development and conservation outcomes for this controversial area.

Pacific Palms Local Environment Study and Local Environmental Plans

The Pacific Palms Local Environment Study (LES) was commenced in 1995 for the former Great Lakes Council and was the subject of a long process in determining development and conservation areas within the Pacific Palms Study Area.

Numerous ecological investigations and negotiations between Council, National Parks and multiple land owners resulted in ecologically significant lands being protected in perpetuity by way of dedication to the National Park Estate, as environmental off-sets for urban release areas adjoining Elizabeth, Boomerang and Blueys Beach.

In completing this rigorous scientific investigation and strategic assessment process, quantifiable development outcomes were achieved in return for the protection and dedication of conservation off-set lands to the National Park Estate.

The Planning Proposal site itself has been the subject of extensive investigations, including an independent review of all ecological studies and an independently facilitated dispute resolution session (facilitated by Council) as part of this original strategic planning process.

This Planning Proposal reiterates the results of extensive community consultation, site investigations and the outcomes from the LES and independent reviews which indicated that there was suitable land identified on Lot 83, adjacent to the Palms Oasis Caravan Park, which would be suitable for residential or similar development, subject to protection/dedication of the remaining lands.

The original area of Lot 83 that was subject to ecological investigation is shown in Figure 5 below.

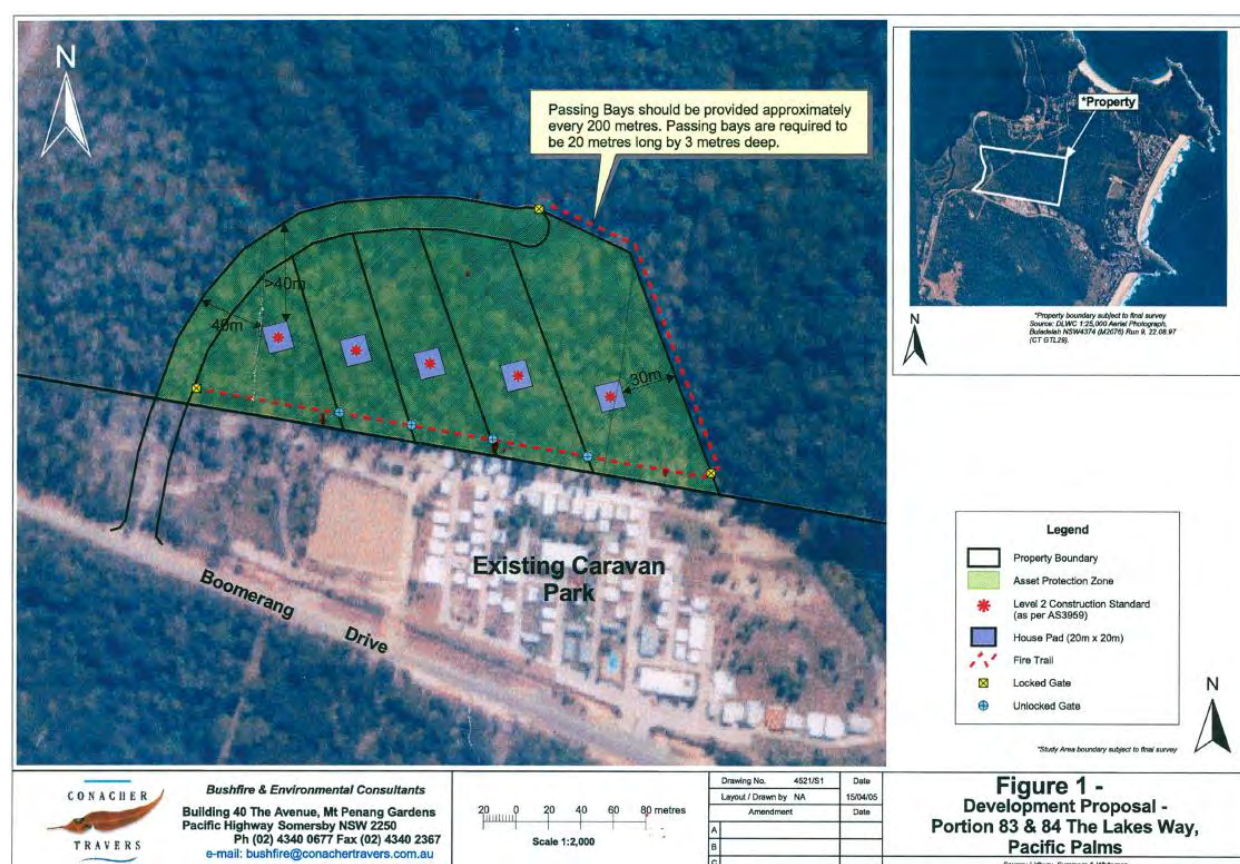


Figure 5. Area of Flora and Fauna Assessment of Part of Portion 83 and (Part) 84 The Lakes Way, Pacific Palms. Conacher Travers, April 2005

The subsequent independent dispute resolution (DRS) report undertaken by SMEC Australia (2007) indicates the anticipated development outcomes and conservation off-sets required on the land adjoining Palms Oasis Caravan Park. The following are extracts from the DSR:

"Issues Raised - Lidbury, Summers and Whiteman submission on behalf of Mr A F Newbold:

- *Objection to the DLEP which shows all of the area east of the Lakes Way as 7(a1) Environmental Protection. The owner believes this decision to be unreasonable considering the costs that would be emanated in order to maintain the area as a conservation lot, particularly considering a single owner would have to bare the full cost.*

- *Lidbury, Summers and Whiteman on behalf of the owner have proposed a 5 lot development west of the Lakes Way that would take up approximately 2.25ha out of a possible 64ha, which would leave a 58ha conservation lot once roads and APZ's were installed.*
- *They predict that the proposed development would meet the necessary requirements for flooding, bushfire and conservation management (see Conacher Travers assessment).*
- *Additionally the proposed development is expected to provide a definitive and managed edge to the sub-regional habitat corridor and would not impinge on the small fauna corridor at eastern edge of the caravan park.*
- *It is suggested that the costs to maintain the integrity of the conservation would be carried by the five lots as a community association scheme.*

Comment:

High conservation rating of lot results from multiple ecological features of value, including:-

- *Habitat for the following threatened fauna:-*
 - *Yellow-bellied Glider;*
 - *Squirrel Glider;*
 - *Spotted-tailed Quoll;*
 - *Koala;*
 - *Eastern Chestnut Mouse;*
 - *Greater Broad-nosed Bat;*
 - *Eastern Freetail Bat;*
 - *Eastern Bent-wing Bat;*
 - *Little Bent-wing Bat;*
 - *Osprey;*
 - *Wallum Froglet; and*
 - *Glossy Black-Cockatoo.*
- *The presence of Endangered Ecological Communities within the lot - Swamp Sclerophyll Forest on Coastal Floodplains and Saltmarsh.*
- *Wildlife corridor value for the above species.*
- *Proximity to a number of SEPP 14 Wetland Areas.*

Conclusion/Recommendation:

A Flora and Fauna Impact Assessment was considering the proposed subdivision, essentially justifying the development on the basis that the remainder of the lot would be conserved, and concluding that the development would not have a significant impact on the ecology of the area.

Proposed development scenario mentions a community title arrangement allowing for flexibility of location of dwellings, provision for on-going environmental control with the development of a management plan, and ensuring a custodian for the lot is living on site.

Information presented at the Dispute Resolution Session (DRS) highlights that the area represents potential Koala habitat, and as such SMEC would recommend further and specific management actions to ensure the needs of this species area considered if any future development be allowed.

SMEC support the proposed development scenario on the ground that some sort of formal agreement is made as to the conservation status and on-going management responsibilities (and associated costs) of the lot are to be conserved, to the north, and management of relevant threatened species, such as the Koala.

On the basis of the DRS, it is recommended that the relevant landholding be rezoned as shown in Section 4.14, and further planning guidelines be developed (within the format of a DCP or similar) to detail management actions required to address the issue of wildlife corridor functionality."

4.14 Newbold - Lot 427 DP 861736 (Boomerang Drive)



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

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

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

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

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

"CONCLUSIONS

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

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

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

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

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

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

It is important to stress that further detailed ecological assessment and targeted management practices must be developed as part of the development application process to mitigate potential impacts resulting from future development.

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

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

In addition, it is also important to stress that although SMEC, in this document, have made clear recommendations for each relevant land site; these suggestions have been developed independently from Council, based on an ecological importance and protection viewpoint. SMEC has determined a position for each subject landholding on the basis of SMECs understanding of identified ecological constraints of the study area, with a strong focus on the ecological protection needs of the area, and after consideration of arguments and submissions reviewed as part of the DRS.

The location of and consideration of areas for conservation versus areas for potential development has not been on the basis of equal areas or any equalising. The "balancing" refers to identified ecological constraints versus potential development which does not substantially compromise such ecological constraints. Detailed assessment would be required for any development at a later Development Application stage, and indicative potential development is only considered here.

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

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

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

The Planning Proposal is considered to be generally consistent with applicable state environmental planning policies.

A summary of the Planning Proposal's consistency with applicable State Environmental Planning Policies is provided in Appendix D of this Planning Proposal.

3.B.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is inconsistent with S117 Ministerial Direction 2.1 Environmental Protection Zones which aims to conserve and protect environmentally sensitive areas. The inconsistency is however considered to be of minor significance and the endorsement of the Director-General of the Department of Planning or the Director-General's delegate is sought.

The Planning Proposal is inconsistent with the S117 Direction in that approximately 2 hectares of E2 Environmental Conservation land is proposed for rezoning to RE2 Private Recreation to enable the expansion of the adjoining caravan park. The subject lands have been disturbed and degraded through development and bushfire hazard reduction activities associated with the adjoining caravan park held in the same ownership.

Approximately 1.5 hectares of the site zoned E2 Environmental Conservation is also in a disturbed state as the result of the construction of a dwelling house, ancillary structures and bushfire hazard reduction. This area of the site is to be excised from the ecologically significant land to be protected into perpetuity.

The reduction in protection of approximately 3.5 hectares of land zoned E2 Environmental Conservation is to be offset by the dedication or another permanent protection mechanism, of approximately 62 hectares of significant ecological lands also currently zoned E2 Environmental Conservation.

This Proposal is consistent with adopted local and regional strategic plans as detailed within Section B of this document. The Proposal also provides significant environmental benefits and alternative housing options for the Pacific Palms community of both permanent residents and visitors as detailed within Section C of this document.

Therefore, the inconsistency with this S117 is considered to be of minor significance and the endorsement of the Director-General of the Department of Planning or the Director-General's delegate is sought.

A summary of the Planning Proposal's consistency with all other relevant s.117 Ministerial Directions is provided in Appendix E of this Planning Proposal.

Section C – Environmental, Social and Economic Impact

3.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?

Since 1995, Council has undertaken exhaustive investigations into the ecology of the Pacific Palms Study Area which culminated in a Local Environmental Study (LES).

In addition, Council engaged consultants, SMEC Australia, to undertake an independent review of the ecological investigations and to review submissions to the previously exhibited draft Local Environmental Plan.

SMEC was also subsequently engaged by Council to facilitate a negotiated Dispute Resolution Session in an endeavour to resolve the conflict that had arisen with the main landowners in the study area.

SMEC, after completing the review of the LES, concluded that "although the LES and ecological studies supporting it are not flawless, it is more than adequate for its purpose and gives a good and accurate indication of the ecological nature and value of the study area".

SMEC further commented that the peer review endorsed the suitability of the LES to underpin the draft LEP and that a thorough review of concerns raised by landowners, individuals and others does not alter the basis on which their recommendation is made.

This endorsement by SMEC gave Council the confidence to progress to a Dispute Resolution Session with the main landowners including, the then owner of Lots 83 and 427. The session was facilitated by Dr Carleton of SMEC who was a Commissioner with the Office of Commissioners of Inquiry for Environment and Planning.

Dr Carleton prepared a report on the Dispute Resolution Session which made recommendations on each of the properties involved. In essence, Dr Carleton concluded that, notwithstanding the environmental constraints, some development could occur if the balance of the land was protected into perpetuity. Council was of the view that protection into perpetuity could only be ensured if lands were dedicated to the National Park Estate.

Considerable negotiations then occurred between Council and the Office of Environment & Heritage as to whether OEH would accept the land and, if so, the mechanism to ensure the transfer occurred. OEH, in submissions to the draft LEP, expressed the view that much of the Pacific Palms area was of high habitat value and was a crucial regional fauna movement corridor between Booti Booti and Wallingat National Parks. Consequently, OEH agreed to accept the land if it was offered to them as part of a development - conservation off-set arrangement.

Ecological investigations undertaken by SMEC identified that the subject site has a high biodiversity value. The lots contain a number of regionally significant vegetation communities which incorporate primary koala habitat and endangered ecological communities, support threatened species and provide fauna movement corridors.

The SMEC dispute resolution report takes into account the site's development potential and considers all limiting environmental factors. The resulting recommendation was that a portion of Lot 83 immediately adjacent to the Palms Oasis Caravan Park be rezoned to 2(a) – Low Density Residential, with the remainder of the land to be zoned 7(a1) – Environmental Protection.

The planning proposal makes only minor variations to the recommendations made by the SMEC dispute resolution report with regards to Lot 83 and includes a new area on Lot 427 to reflect the construction of a dwelling house, approved in 2013.

The proposed rezoning on Lot 83 expands the original area recommended in the SMEC Dispute Resolution Session in an easterly direction by approximately 70 metres to provide and maintain adequate bushfire asset protection zones for the existing caravan park on the land adjoining the Planning Proposal site, in accordance with NSW Rural Fire Service Guidelines *Planning for Bush Fire Protection 2006*.

In preliminary discussions between Council and representatives of the Department of Planning & Environment and NSW Office of Environment & Heritage, OEH have agreed that it will be sufficient at this time to:

- provide a preliminary bio-banking calculation report,
 - copies of the previous studies and
 - a report from Council regarding the validity of these studies,
- prior to any Gateway Determination.

The preliminary bio-banking calculation report is provided in Appendix A and the Council report regarding validity of these studies is provided in Appendix B to this Proposal. The file size of the studies means that these documents are provided separate to the Planning Proposal document.

In summary, the preliminary bio-banking calculation report found that the development site would require 158 ecosystem credits and the bio-banking site would generate 412 ecosystem credits. In addition, *"should the land to be retained be established as a BioBank site, it would likely satisfy the impacts of the development as it contains the required number of ecosystem credits for each vegetation type that may be impacted. The proposed BioBank site would also likely satisfy the Koala offset requirement should it be required."* The full report is provided in Appendix A.

Council's Senior Ecologist, also confirmed that *"The planning proposal can be positively determined, in my opinion, on the basis of the totality of the ecological information compiled on the subject land in the period 2004 - 2016 because all of that information confirms that the planning proposal is:*

- *Ecologically appropriate, and*
- *Consistent with relevant statutes, plans and policies, and*
- *Results in appropriate land development with appropriate and positive ecological conservation and management outcomes that will benefit biodiversity as well as the broader community."* The full report is provided in Appendix B.

Therefore, the Planning Proposal and associated Planning Agreement to ensure that the ecologically significant land is protected in perpetuity, are supported as the optimal mechanisms to ensure the existing impacts of development and bushfire hazard management are not exacerbated in relation to known critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The proposed RE2 area is already disturbed and partially cleared as a result of existing activities associated with the Palms Oasis Caravan Park and associated bushfire asset protection zones. The expansion of the Caravan Park facility within the 2 hectares would result in the disturbance of remaining vegetation within this area.

The proposed 1.5 hectares to the west of The Lakes Way is already disturbed and partially developed as a result of the construction of the existing dwelling and associated bushfire asset protection zones.

The *Evaluation of Restoration Activities and Draft Costings for the Long-term Public Conservation Management of Biodiversity Lands at Palms Oasis, Pacific Palms* report prepared by Council's Senior Ecologist identify other areas of disturbance and activity within the 62 hectare remainder of the site. This report also outlines a 10 year protection, restoration and management plan that would be funded in association with the dedication of this ecologically significant land and is provided in full in Appendix C of this Proposal.

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

The Planning Proposal will provide for enhanced social and economic outcomes by providing for a greater range of housing types within the Pacific Palms. In particular, the proposal to rezone lands adjacent to the existing Palms Oasis Caravan Park to RE2 Private Recreation will allow the future expansion of the facility, providing increased tourist accommodation and potential affordable housing options. This is consistent with the following recommendation from the Forster/Tuncurry Housing Strategy that was adopted by Council in 2005:

"With the intent of preserving affordable housing options, consider rezoning caravan parks in key locations to a Special Uses zone."

The retention of the RE2 Private Recreation zone is also consistent with s117 Direction 3.2 by facilitating the retention of the caravan park. Within the provisions of SEPP 36 the caravan park, which adjoins an R2 Low Density Residential zone, may also be redeveloped in the future for the purposes of a manufactured home estate.

The Planning Proposal also has the potential to have positive economic affects within the Pacific Palms and broader Great Lakes region of the MidCoast Council local government area. The MidCoast is recognised as a significant tourism location because of the high quality of the natural environment - terrestrial and aquatic, within the region. The protection into perpetuity of the nominated 62 hectares creates a significant local and regional environmental corridor between Booti Booti and Wallingat National Parks, through the Pacific Palms villages.

Therefore, the Planning Proposal is expected to provide both medium and long term social and economic benefits to the immediate Pacific Palms area, but also the wider MidCoast region.

Section D – State and Commonwealth Interests

3.D.1 Is there adequate public infrastructure for the planning Proposal?

There are no public infrastructure implications with the planning proposal.

3.D.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Council has undertaken preliminary consultation with representatives of the Hunter-Central Coast office of the Department of Planning & Environment and NSW Office of Environment & Heritage.

The current Planning Proposal is generally consistent with Council's land use strategy for the Pacific Palms Study Area and with the previously exhibited Planning Proposal (2015).

Preliminary discussions with both the NSW Office of Environment & Heritage (OEH) and the Department of Planning & Environment (the Department) established that these agencies are willing to progress the current proposal, on the understanding that the area of protection and the area of development are not significantly different to the 2015 proposal.

The agencies are also adamant that there must be certainty that the offset will be delivered this time given the owner, on two previous occasions, has failed to execute a Planning Agreement to dedicate the offset land.

Progression of the planning proposal was therefore conditional on the provision of the following additional information:

1. OEH requested that a preliminary bio-banking calculation report to be prepared prior to any application for a Gateway Determination. The report is required to confirm whether or not there are sufficient environmental credits over the E2 Environmental Conservation land to off-set the proposed RE2 Private Recreation development area.

OEH and Council representatives have determined that this assessment report is to be undertaken by an independent assessing consultant. Niche Environment and Heritage P/L were commissioned to prepare this assessment, which forms part of the Planning Proposal attached to this report.

2. OEH also requested that written justification of the validity of previous environmental studies and investigations be provided. The subject studies were prepared between 2004 and 2009. OEH generally require studies that have been prepared no less than 5 years prior to the lodgement of such a rezoning application.

However, given the circumstances of this application and the environmental and community benefits of the potential dedication of the E2 Environmental Conservation lands to a public authority; OEH have agreed that it will be sufficient at this time to:

- a. provide a preliminary bio-banking calculation report,
- b. copies of the previous studies and
- c. a report from Council regarding the validity of these studies,

prior to any Gateway Determination.

3. Representatives of the Department and Council advised the applicant that a Planning Agreement, signed by the land owner and any other party with an ownership-interest in the land, will also be required prior to the commencement of any public exhibition period, as a condition of any Gateway Determination that may be issued. In this regard, the signed Planning Agreement and Explanatory Note are provided as part of the public exhibition material for community and public agency review

All parties acknowledge that the construction of the existing dwelling house on Lot 427 does impact on the potential value of the environmental lands as a parcel for dedication to the National Park Estate.

Therefore, the 2016 Planning Proposal also provides for a variation to the Minimum Lot Size LEP 2014 maps to enable the future subdivision of Lot 427 to excise an allotment that contains the existing dwelling and sufficient land for appropriate bushfire asset protection zones, from the remainder of Lot 427.

Therefore, the dedication of this land to Council is considered to be a viable form of protection for the sensitive environmental land proposed to be zoned E2 Environmental Conservation zone. A Planning Agreement will be executed between Council and the landowner to ensure this protection occurs.

The dedication of land to a public authority for protection and management into perpetuity is contingent upon the payment of sufficient funds to ensure the ongoing protection and management of the offset land. The Planning Agreement will be executed between Council and the landowner to ensure this also occurs.

The signed Planning Agreement and Explanatory Note are also provided as part of the public exhibition material for community and public agency review.

The Gateway Determination requires consultation with the NSW Office of Environment & Heritage and NSW Rural Fire Service.

PART 4 - MAPPING

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

The Planning Proposal will require the amendments to the existing Land Use Zone, Minimum Lot Size and Floor Space Ratio mapping of Great Lakes Local Environmental Plan (LEP) 2014, over the affected land.

It is expected that the map amendments would result in amendments to the following map layers over existing Lot 427:

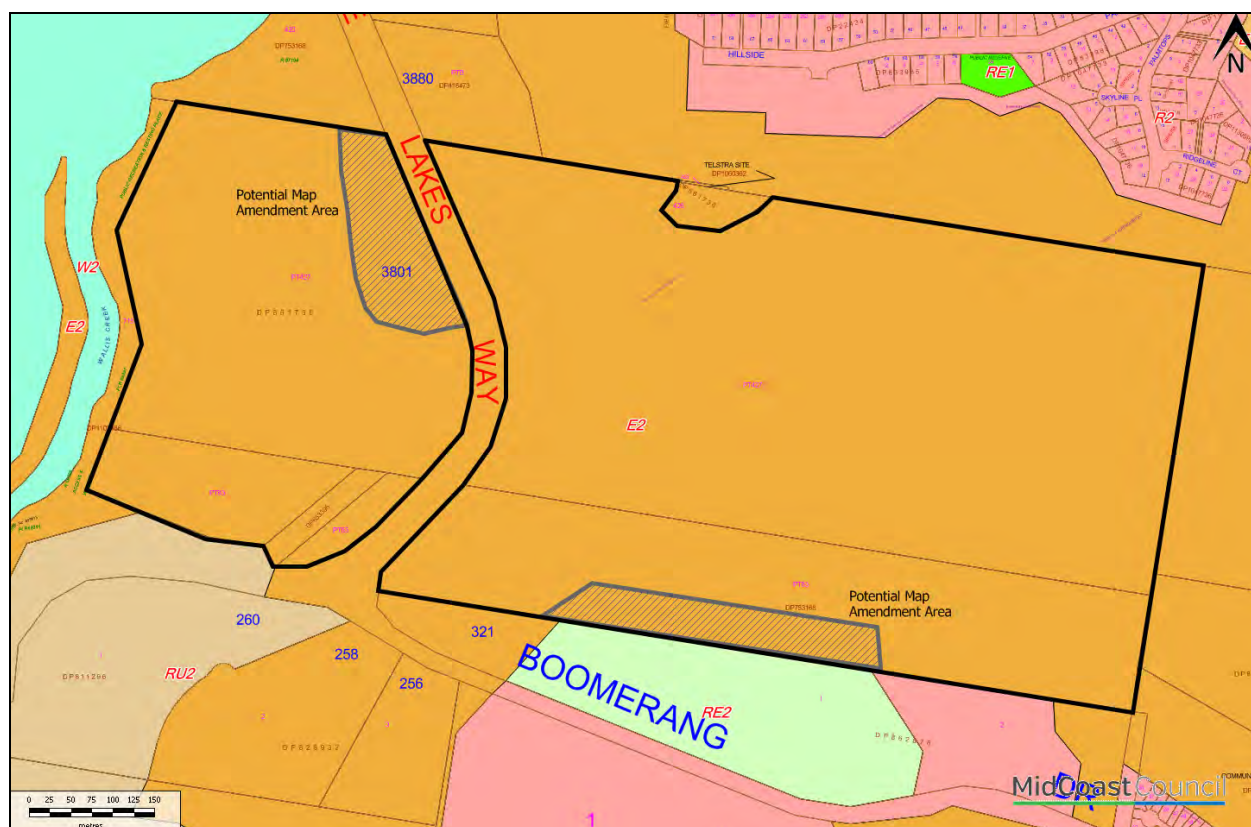
- An amendment to the Minimum Lot Size map for Lot 427 to enable the subdivision of the existing dwelling house, ancillary structures and associated bush fire asset protection zones from the remainder of the site

It is also expected that the map amendments would result in amendments to the following map layers over existing Lot 83:

- A rezoning of approximately 2 hectares of E2 Environmental Conservation to RE2 Private Recreation on Lot 83 adjoining the existing Palms Oasis Caravan Park site
- An amendment to the Minimum Lot Size map for Lot 83 to enable the subdivision of the RE2 Private Recreation land from the remainder of the allotment
- An amendment to the Floor Space Ratio map, associated with the change of zoning of approximately 2 hectares of E2 Environmental Conservation to RE2 Private Recreation on Lot 83 adjoining the existing Palms Oasis Caravan Park site

Council will prepare mapping associated with this amendment in accordance with the Standard Technical Requirements for LEP Maps.

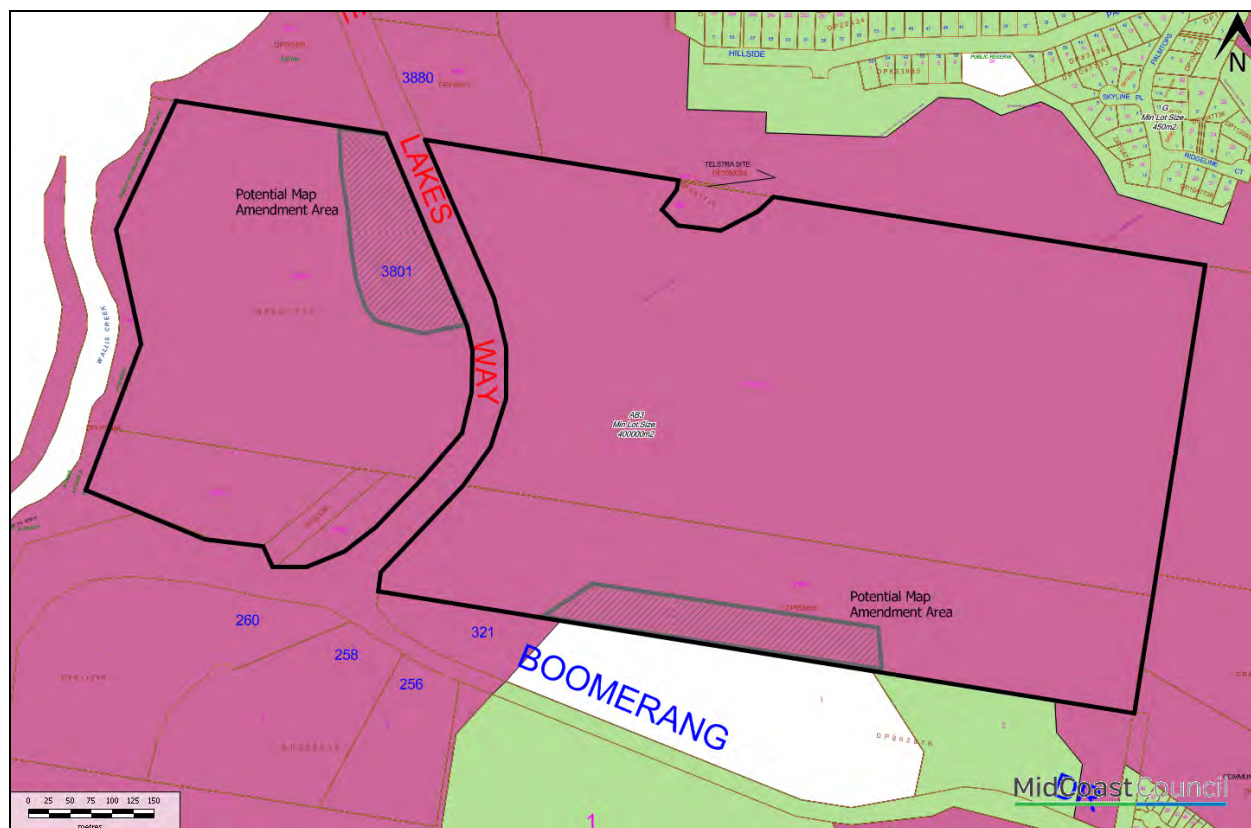
Figure 6. Potential Land Use Zone Map Amendment Areas



Great Lakes LEP 2014 Land Use Zones:

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

Figure 7. Potential Minimum Lot Size Map Amendment Areas

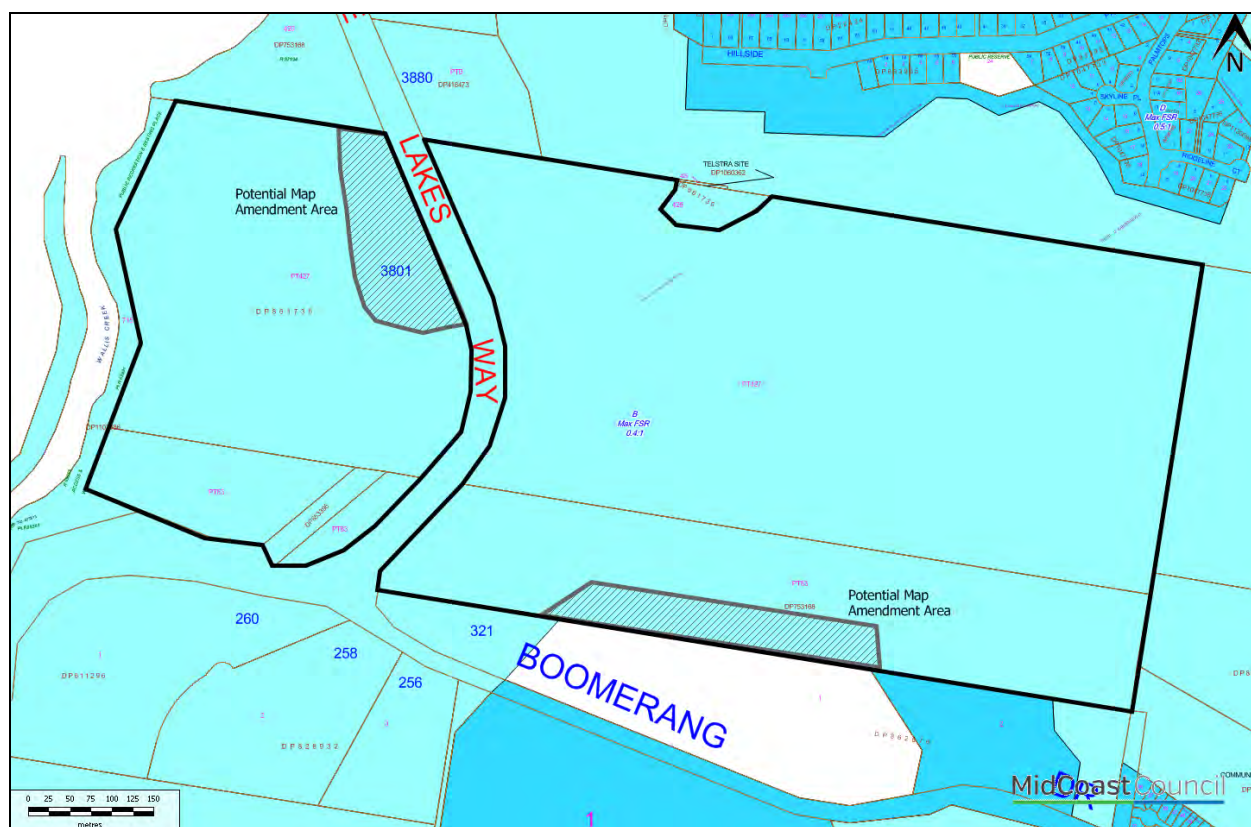


Note: Final lot sizes for hatched areas to be determined at time of more accurate survey

Great Lakes LEP 2014 Minimum Lot Size Classes:

	G = Min Lot Size 450m ²		X = Min Lot Size 5000m ²
	I = Min Lot Size 500m ²		Y = Min Lot Size 10000m ²
	Q = Min Lot Size 700m ²		Z1 = Min Lot Size 25000m ²
	U = Min Lot Size 1000m ²		Z2 = Min Lot Size 30000m ²
	V = Min Lot Size 2000m ²		AA = Min Lot Size 50000m ²
	W1 = Min Lot Size 3000m ²		AB1 = Min Lot Size 100000m ²
	W2 = Min Lot Size 4000m ²		AB2 = Min Lot Size 150000m ²
			AB3 = Min Lot Size 400000m ²

Figure 8. Potential Floor Space Ratio Map Amendment Areas



Note: Final FSR for hatched areas to be determined at time of more accurate survey

Great Lakes LEP 2014 Floor Space Ratio Classes:

<div style="display: flex; flex-direction: column; align-items: center;"> <div style="width: 30px; height: 15px; background-color: #e0f7fa; border: 1px solid black; margin-bottom: 5px;"></div> <div style="width: 30px; height: 15px; background-color: #bbdefb; border: 1px solid black; margin-bottom: 5px;"></div> <div style="width: 30px; height: 15px; background-color: #fff176; border: 1px solid black;"></div> </div> <div style="margin-top: 5px;"> <p>B = FSR 0.4</p> <p>D = FSR 0.5</p> <p>N = FSR 1</p> </div>	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="width: 30px; height: 15px; background-color: #ffcdd2; border: 1px solid black; margin-bottom: 5px;"></div> <div style="width: 30px; height: 15px; background-color: #f44336; border: 1px solid black;"></div> </div> <div style="margin-top: 5px;"> <p>T = FSR 2</p> <p>V = FSR 3</p> </div>
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PART 5 - COMMUNITY CONSULTATION

In accordance with Section 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979*, this Planning Proposal will be made publically available for a minimum of 28 days.

Copies of the Planning Proposal, Planning Agreement and associated information were placed on public exhibition from 18 October to 24 November 2017 inclusive. Documentation was made available at MidCoast Council's Administration Office, Breese Parade Forster; the Pacific Palms Library during opening hours and on Council's website throughout the exhibition. The exhibition materials remain available on Council's website.

A drop-in information session was also held on Thursday 2 November 2017 at the Pacific Palms Community Hall, between 3.00pm and 6.00pm. Twelve (12) people from the Pacific Palms community, including residents of the Palms Oasis Caravan Park, attended the information session.

Public Information Session Notes

During the public information session eight (8) attendees completed an attendance form and provided a summary of the issues of interest with this proposal. These issues included: any development in the Pacific Palms; wanting a complete overview of the proposal; interest as a resident of the caravan park; and support for the concept particularly, the provision of bushfire asset protection to existing buildings in the caravan park.

Public Submissions

Two public submissions were received in objection to the proposal during the public exhibition. The matters raised in objection are as follows:

- The land should be kept as an environmental protection zone for lake, fauna and flora protection;
- The existing zone is for environmental protection and any incremental reduction will only create a precedent, sanctioning further degradation;
- The land in question is identified as ecologically significant and the acceptance of money to off-set losses in biodiversity contradicts the natural ecological attraction of Pacific Palms, which heavily influences the local economy; and
- The reliance on the Conacher Tracers (2005) ecological study by Niche does not reflect the decline in coastal koala populations as a result of deforestation since 2005.

Response to Public Submissions

These submissions highlight the fact that the 2 hectares adjoining the caravan park, nominated for rezoning, is located within the E2 Environmental Protection zone and the RE2 Private Recreation would enable development within this area.

Within the environmental reports attached to the Planning Proposal it is noted that the 2 hectare area has been extensively degraded by encroachment of buildings and structures associated with the caravan park; and vegetation removal associated with providing suitable bushfire hazard reduction areas for existing buildings within the adjoining Palms Oasis Caravan Park. This degradation and clearing has occurred over an extended period of time while the caravan park and adjoining site were held in private ownership.

Likewise, the dwelling site is also within the E2 Environmental Protection zone and 1.5 hectares of the original Lot 427 (over 40 hectares) has already been extensively cleared and developed for the purpose of the dwelling, associated access, structures and bushfire protection requirements.

The *Evaluation of Restoration Activities and Draft Costings for the Long-term Public Conservation Management of Biodiversity Lands at Palms Oasis, Pacific Palms* report prepared by Council's Senior Ecologist also identifies other areas of disturbance and activity within the remainder of the

three allotments: Lot 1 DP 653396, Lot 83 DP 753168 and Lot 427 DP 861736; identified for dedication and protection into perpetuity.

The *Preliminary Bio-banking Calculation Report* found that the 2 hectare development site would require 158 ecosystem credits and the bio-banking/environmental off-set site would generate 412 ecosystem credits. The report goes on to state that the environmental off-set site *"contains the required number of ecosystem credits for each vegetation type that may be impacted" by development within the 2 hectare site and "would also likely satisfy the Koala offset requirement, should it be required."* The full report formed part of the exhibition material and is provided as an Appendix to the Planning Proposal in Attachment A.

Council's Senior Ecologist, outlines a 10 year protection, restoration and management plan that would be funded in association with the dedication of the ecologically significant land and confirmed that *"The planning proposal can be positively determined, in my opinion, on the basis of the totality of the ecological information compiled on the subject land in the period 2004 - 2016 because all of that information confirms that the planning proposal is:*

- *Ecologically appropriate, and*
- *Consistent with relevant statutes, plans and policies, and*
- *Results in appropriate land development with appropriate and positive ecological conservation and management outcomes that will benefit biodiversity as well as the broader community."*

This assessment and the proposed restoration, management and protection program have been endorsed by the Department and OEH.

Therefore, while the objections are noted, the long-term restoration, protection and management of the 62 hectares is considered to represent the final and an essential component of the development and conservation program commenced in the 1990s that has resulted in significant ecological areas and biodiversity corridors being protected in perpetuity as environmental off-sets for development adjoining existing urban areas in the Pacific Palms.

Figures 9 & 10 below, illustrate the location and significance of the land affected by the Planning Proposal, in relation to the Pacific Palms Study Area conservation and development outcomes.

Figure: 9. Pacific Palms Study Area – Conservation & Development Areas in 1990



Legend

Pacific Palms Study Area



7(a) Wetlands and Littoral Rainforest Zone

1(C) Future Urban Investigation Zone

2 Village Zone

Figure: 10. Pacific Palms Study Area – Conservation & Development Areas in 2019



Legend

Pacific Palms Study Area



Areas with additional conservation measures

- Dedicated to National Parks
- MidCoast Council ownership
- Registered Conservation Management Plan
- Registered Planning Agreement in place
- Community Title management



Conservation offset area identified in Planning Proposal



Residential Areas



Business Areas



Recreation Areas



Environmental Zones

The subdivision and dedication of this land to a public authority also ensures that the potential for ongoing and incremental degradation of this area, including the wetland and adjoining waterways, can be significantly reduced.

Government Agency Submissions

Three agency submissions were received from the Office of Environment & Heritage (OEH), NSW Rural Fire Service (RFS) and Department of Industry.

The Office of Environment and Heritage provided the following submission in support of the planning proposal:

- *"the inconsistency with s117 Ministerial Direction 2.1 Environment Protection Zones is of minor significance because of the improvement in conservation outcomes for the remaining 62 hectares of land*
- *the Preliminary Bio-Banking Assessment Report indicates the offset lands are likely adequate to meet any offsetting obligation of the development lands*
- *previous environmental studies undertaken over the site are adequate to progress the planning proposal*
- *high conservation values are present across the offset lands and the offset lands are strategically located as part of a regional biodiversity corridor*
- *the offset lands are transferred to Council with suitable funding arrangements and in-perpetuity conservation management commitments in place."*

The NSW Rural Fire Service *"has no objection to the planning proposal proceeding and provides the following comments:*

- *Asset protection zones (APZ) as detailed in the planning proposal are to be included in the proposed lots for the existing dwelling and expanded caravan park.*
- *Nominated asset protection zones shall be included within a S88B instrument over said subdivided lots. The S88B instrument shall incorporate a requirement that no habitable buildings shall be permitted within the APZ.*

The Department of Industry noted that *"the land implicated in the proposal is adjoined by the following Crown land:*

- *Lot 7159 DP1107986 which forms Reserve 69391 for recreation, resting place notified 26 July 1940. MidCoast Council is the appointed manager of the Elizabeth Beach (R69391) Reserve Trust which is charged with management of R69391.*
- *Lot 420 DP753168 which forms Reserve 87194 for rubbish depot notified 23 May 1969. The Department considers that management of R87194 devolves to Council under S48 of the Local Government Act.*

The Department of Industry - Crown Lands & Water (the Department) has assessed the proposal against the principles of Crown Land Management under Section 11 of the Crown Lands Act 1989 (NSW). The Department does not object to the proposal, providing that the Crown reserves described above are not adversely impacted by the proposal - that is the proposal does not facilitate unauthorised access or other unauthorised activities on Crown land.

Any requirements under Planning for Bushfire Protection 2006 for Bush Fire Asset Protection Zones or other bush fire protection measures associated with the proposed subdivision of Lot 427 DP 861736 are to be contained entirely within the development site and must not impact on the adjoining Crown land. Compliance with Planning for Bushfire Protection 2006 must be achieved."

Response to Government Agency Submissions

Dedication of the environmental land to Council means that this land and the Crown reserves which are also under the care, control and management of Council, can be managed in a coordinated, time and financially efficient manner.

The proposed minimum lot size amendments are proposed to accommodate bushfire asset protection zones for the existing dwelling house on Lot 427 DP 861736; and existing buildings and structures on Lot 83 DP 753168 associated with the caravan park.

PART 6 - PROJECT TIMELINE

In accordance with the Department of Planning and Environment guidelines, the following timeline is provided, which includes the tasks deemed necessary for the making of this local environmental plan.

Task	Responsibility	Timeframe	Date (approximate)
Council resolution to support the Planning Proposal	Council	-	December 2016
Lodgement of Planning Proposal for Gateway Determination	Council	-	December 2016
Gateway Determination Issued	Minister for Planning	-	February 2017
Consultation with Public Authorities in accordance with Gateway Determination	Council	Minimum 21 days	October - November 2017
Public exhibition of Planning Proposal	Council	Minimum 28 days	October - November 2017
Report to Council	Council	-	December 2019
Lodgement of Planning Proposal (with any amendments as a result of submissions)	Council	-	January 2020
Making of local environmental plan	Minister for Planning and Infrastructure	6 – 8 weeks	March 2020

PART 7 - CONCLUSION

The primary aims of the Planning Proposal are to amend the existing development standards of Great Lakes Local Environmental Plan (LEP) 2014 to:

1. Rezone approximately 2 hectares of Lot 83 DP 753168 adjoining the northern boundary of the Palms Oasis Caravan Park from E2 Environmental Conservation to RE2 Private Recreation to facilitate expansion of the existing caravan park and accommodate associated bush fire hazard asset protection zones.
2. Amend the Minimum Lot Size map to facilitate the subdivision of Lot 83 DP 753168 to excise approximately 2 hectares comprising the caravan park extension and associated bushfire asset protection zone, from the remainder of the allotment.
3. Amend the Floor Space Ratio map as it affects Lot 83 DP 753168 to ensure the land rezoned from E2 Environmental Conservation to RE2 Private Recreation for the purposes of the caravan park has development standards consistent with the adjoining RE2 Private Recreation land.
4. Amend the Minimum Lot Size map to facilitate the subdivision of Lot 427 DP 861736 to excise approximately 1.5 hectares comprising an existing dwelling house, ancillary structures and associated bushfire asset protection zone, from the remainder of the allotment
5. Facilitate a Planning Agreement for the permanent protection of approximately 62 hectares of ecologically sensitive land within the existing E2 Environmental Conservation zone of Lot 1 DP 653396, Lot 83 DP 753168 and Lot 427 DP 861736, with the exception of the land required for the caravan park, dwelling house and respective bushfire asset protection zones.

The Proposal is considered to have significant environmental and economic merit and is consistent with adopted local and regional land use planning and development strategies.

Appendix B – Senior Ecologist Report on Validity of Existing Ecological Studies

Background and Objective

MidCoast Council is considering the lodgement of a Planning Proposal with the Department of Planning & Environment for a Gateway Determination and a public exhibition process for the subject land at Boomerang Drive, Boomerang Beach.

There has been a lengthy history of strategic planning and ecological investigations of this land, including a previous Planning Proposal, which lapsed due to the failure to execute a Planning Agreement.

Consultations have occurred with the NSW Office of Environment (hereafter referred to as "OEH") regarding the currently proposed Planning Proposal.

OEH have requested that written justification be provided of the validity of previous environmental studies and investigations on the subject land and their instructiveness in informing the Planning Proposal now sought. OEH recognised that some ecological studies have been prepared (especially between 2004 and 2009). OEH generally require studies to be less than 5-years old to inform planning proposals.

However, OEH have recognised that the circumstances of this application and the environmental and community benefits of the potential dedication of the E2 Environmental Conservation lands to a public authority, that it will be sufficient at this time to provide the following prior to any Gateway Determination:

- A bio-banking calculation report,
- Copies of the previous studies, and
- A report from Council regarding the validity of these studies.

Niche Environment and Heritage P/L have been engaged to prepare a Preliminary BioBanking Calculation Report, which will seek to demonstrate that the proposed conservation area is a satisfactory offset for the vegetation and habitat potentially removed from the additional RE2 area sought in the Planning Proposal.

Further, copies of all previous ecological studies have been collated by Council and submitted to OEH for their review.

This memo seeks to address the requirement to provide a Council report on the validity of these previous studies in informing the Planning Proposal now sought.

Ecological Studies

A number of previous ecological investigations and studies have been undertaken on the subject land and are listed below:

- Great Lakes Council. 2004, *Pacific Palms Local Environmental Study*.
- Conacher Travers. 2005, *Flora and Fauna Assessment of Part of Portions 83 and (Part) 84 The Lakes Way, Pacific Palms*.
- SMEC. 2006, *Review of Pacific Palms LES and LEP 2004*. Prepared for Great Lakes Council.
- Coastplan. 2013, *Wetland Management Plan - Lot 427 DP861736 The Lakes Way Boomerang Beach*.
- Travers Bushfire & Ecology. 2014, *Restoration Management Plan - Oasis Caravan Park Conservation Area 321 Boomerang Drive, Blueys Beach*.
- MidCoast Council. 2016, *Evaluation of Restoration Activities and Draft Costings for the Long-term Public Conservation Management of Biodiversity Lands at Palms Oasis, Pacific Palms*.
- MidCoast Council. 2016, *Vegetation Community Mapping of Palms Oasis Lands, Pacific Palms*.

In addition, there has been a range of inspections and audits conducted on the land by Council and OEH staff. This includes an investigation of potentially unlawful clearing of land in March 2012 by Council staff, as well as agency investigations for the 2012 Planning Proposal.

Ecological Values of the Subject Land - a summary

Recent local-scale mapping to update the vegetation community mapping of the subject lands presented in Great Lakes Council (2004) identified nine (9) separate native vegetation community types:

- Blackbutt / Tallowwood coastal dry sclerophyll forest
- Brushbox wet sclerophyll forest
- Cabbage Tree Palm rainforest
- Broad-leaved Paperbark/ Swamp Oak/ Swamp Mahogany/ Cabbage Tree Palm swamp sclerophyll forest
- Broad-leaved Paperbark/ swamp Oak swamp sclerophyll forest and woodland
- Swamp Oak swamp forest and woodland
- Mangrove woodland
- Juncus saltmarsh rushland
- Baumea saltmarsh Sedgeland

There are also areas of cleared land, residential land and an area of mixed freshwater meadow - derived on the subject land.

Each of the above-referenced studies and assessments has contributed to the ecological knowledge of the subject land.

The general and specific ecological investigations consistently identify and illustrate the significant ecological value of parts of the subject land in relation to:

- Known occurrences of threatened ecological communities (Coastal Saltmarsh, Lowland Rainforest and Swamp Sclerophyll Forest EECs)
- Known occurrences of threatened fauna species (Spotted-tailed Quoll, Yellow-bellied Glider, Squirrel Glider, Koala, Grey-headed Flying-fox, Eastern Freetail-bat, Greater Broadnosed-bat, Little Bentwing-bat, Eastern Chestnut Mouse, Wallum Froglet, Glossy Black Cockatoo and Varied Sitella)
- Potential occurrences of additional threatened flora and fauna species
- The presence of local and sub-regional wildlife corridors
- The presence of state and regionally-significant remnant native vegetation that is in very good ecological condition and function, with over-mature trees, few weeds, relatively high floristic diversity and well-developed habitat resources (logs, rocks, hollows).
- The presence of mapped SEPP14 Coastal Wetlands
- The presence of ecological communities that provide important ecosystem services provisions

One area of the subject land of demonstrated ecological significance is preserved under the terms of development consent for a single dwelling and pool (in DA74/ 2013). This is the wetland and swamp forest habitats west of The Lakes Way on Lot 427 DP861736. This area is preserved by s88 instrument (*Conveyancing Act 1919*) and management in accordance with a Wetland Management Plan.

The Validity of Compiled Studies to inform the 2016 Planning Proposal

It is my professional opinion that the totality of compiled ecological studies from 2004 to the present provide a satisfactory basis on which the current planning proposal can proceed. Other than the Preliminary BioBanking Assessment also attached to the Planning proposal, it is my opinion that no additional ecological studies are required to support the current planning proposal.

In this regard, other than some minor under-scrubbing and clearing work in some discrete areas, there has not been substantive change or variation to the vegetation and habitats present on the subject land since the 2004 investigations.

Further, the studies can be compiled to demonstrate the ecological attributes and values of the subject land, including the range of threatened species, ecological communities and populations that are known to occur

or which may occur in the habitats present. It is on the basis of this compiled data that the planning proposal can be assessed.

In 2012, a planning proposal (now discontinued) was proffered by Coastplan Consulting and which proposed development in two key areas:

- An eastward extension of a possible development envelope on part of Lot 83 that lies to the north of the existing Palms Oasis Caravan Park
- Retention of the area around the approved dwelling on Lot 427 to the west of The Lakes Way.

I provided a detailed commentary of the 2012 planning proposal in a Council report at that time. The current planning proposal is based on that 2012 proposal. Of that planning proposal I noted:

- *A balanced development and ecological outcome would be achieved if the development area [to the north of the Palms Oasis Caravan Park] of about 2ha was offset by dedication of the balance of the land... This is because most of the primary Koala habitat would be protected and the main fauna movement corridors would be retained. Transfer of the remainder of the holding ... would also ensure the ecological integrity of much of the land would be maintained and ultimately enhanced. This would avoid the gradual environmental degradation that would inevitably occur over the longer term if the land stayed in private ownership.*
- *Generally, the subject land possesses a very high level of ecological constraint, which includes the known presence of endangered ecological communities, threatened species, regionally significant native vegetation communities and primary Koala habitat. The SMEC recommendation arising from the Dispute Resolution Process considered these ecological features and values. It determined independently the constraints and opportunities to further development of the land and identified the necessary conservation/ development balance, in their opinion, that was reasonable and appropriate.*
- *The ecological question to be resolved relates to whether the proposed development envelope extensions put forward by Coastplan Consulting are reasonable and appropriate and that subsequent development within those envelopes would likely be lawfully permissible. I have attended the subject land on a number of occasions, which included a joint site meeting on the 6 March 2012, and which was attended by the land owner, OEH Officer, Coastplan Consulting and Council Officers.*

The approved dwelling footprint on Lot 427, to the west of The Lakes Way, has been partially formed in accordance with the conditional requirements.

I am content that it would be reasonable and appropriate to extend the SMEC development footprint in the manner described in the Coastplan Consulting submission as well as to retain the area of the existing dwelling consent on Lot 427 (together with its surrounding APZ and inclusive of its accessway and service corridors).

I am of the opinion that future development within these extended areas is most likely to be lawfully permissible.

I do not think that these extensions represent or would cause a significant or unreasonable ecological impact beyond that which SMEC had identified. While there are cumulative worsening associated with the loss of habitat and native vegetation, it is unlikely that such worsening of loss would cause a catastrophic loss of threatened biodiversity or an unreasonable impact on environmental services provisions and native vegetation.

However, this critically depends on the timely delivery of the conservation of the nominated residue to public conservation.

It is proactive and positive that as a consequence of this outcome that some 59.5-hectares or so of very high conservation value lands in the Pacific Palms area, including EEC, wetland, threatened species habitat and significant vegetation would be transferred to the public conservation estate. It is this balanced outcome that satisfies me that the proposal put forward by Coastplan Consulting in their submission of the 9 July 2012, can be supported.

While the development footprints cause a lengthening of the private development interface with the conservation land, I am content that this would not be associated with unreasonable management implications or impacts. The conservation land can be appropriately physically separated and defined from the development land (by fencing and signage) and edge-effects can be managed. All APZ, services and access would be confined to the development envelope areas.

As such, I accept the submission of Coastplan Consulting dated 9 July 2012 and believe that it represents an appropriate and reasonable outcome for balancing development and conservation. It extends the SMEC outcomes in a manner that I do not believe is unreasonable. Importantly, it delivers 59.5-hectares of very high conservation land to the public conservation estate, which is a positive and proactive conservation management outcome.

Given the ecological importance of the land and the importance of having the land protected it is considered that the [proposed] development areas can be supported without unreasonably compromising the land's inherent environmental values.

No information is available to me and no statutory requirements have changed such that my opinion expressed in 2012 is any different within this current planning proposal.

The level of existing information supports the pursuit of the current planning proposal. The need for additional, supplementary or renewed ecological information (other than the Preliminary BioBanking Assessment) would not be further instructive and would further delay and add costs to the proposal unreasonably.

The planning proposal can be positively determined, in my opinion, on the basis of the totality of the ecological information compiled on the subject land in the period 2004 - 2016 because all of that information confirms that the planning proposal is:

- Ecologically appropriate, and
- Consistent with relevant statutes, plans and policies, and
- Results in appropriate land development with appropriate and positive ecological conservation and management outcomes that will benefit biodiversity as well as the broader community.

Evaluation of Restoration Activities and Draft Costings for the Long-term Public Conservation Management of Biodiversity Lands at Palms Oasis, Pacific Palms

**Prepared by Senior Ecologist - MidCoast Council
For Discussion Purposes**

12 October 2016

Background

In 2012, a Planning Proposal for land associated with the Palms Oasis Caravan Park at Pacific Palms was granted a Gateway Determination by the NSW Department of Planning and Environment. The Planning Proposal was informed by a range of investigations and studies, including the SMEC dispute resolution project for the Pacific Palms Draft LEP Amendment. The Planning Proposal was associated with a

- A proposed change in zoning of a specific area to accommodate a future Caravan Park extension (RE2 zone);
- A proposed change in the minimum lot size provisions of a specific area to provide for the subdivision of the land for an existing residential dwelling-house; and
- Associated permanent conservation and management of an environmentally significant area to offset the residual ecological impacts of development associated with the rezoning and to protect lands of high ecological constraint/ biodiversity value.

The Planning Proposal was not progressed as a consequence of the lack of execution of a Planning Agreement.

There has been recent discussion in relation to the further development of the existing or a new Planning Proposal for the Palms Oasis land.

Such discussions have included a consideration of the possible range of mechanisms that would be associated with the permanent and effective conservation and management of the environmentally significant area.

Within the initial Planning Proposal, I understand that the preferred conservation mechanism was via dedication to the Minister for the Environment as part of the National Parks estate. I understand now that the National Park dedication is no longer a viable option.

One potentially satisfactory option for the management of the conservation area is via dedication to the MidCoast Council as a Public Reserve (community land).

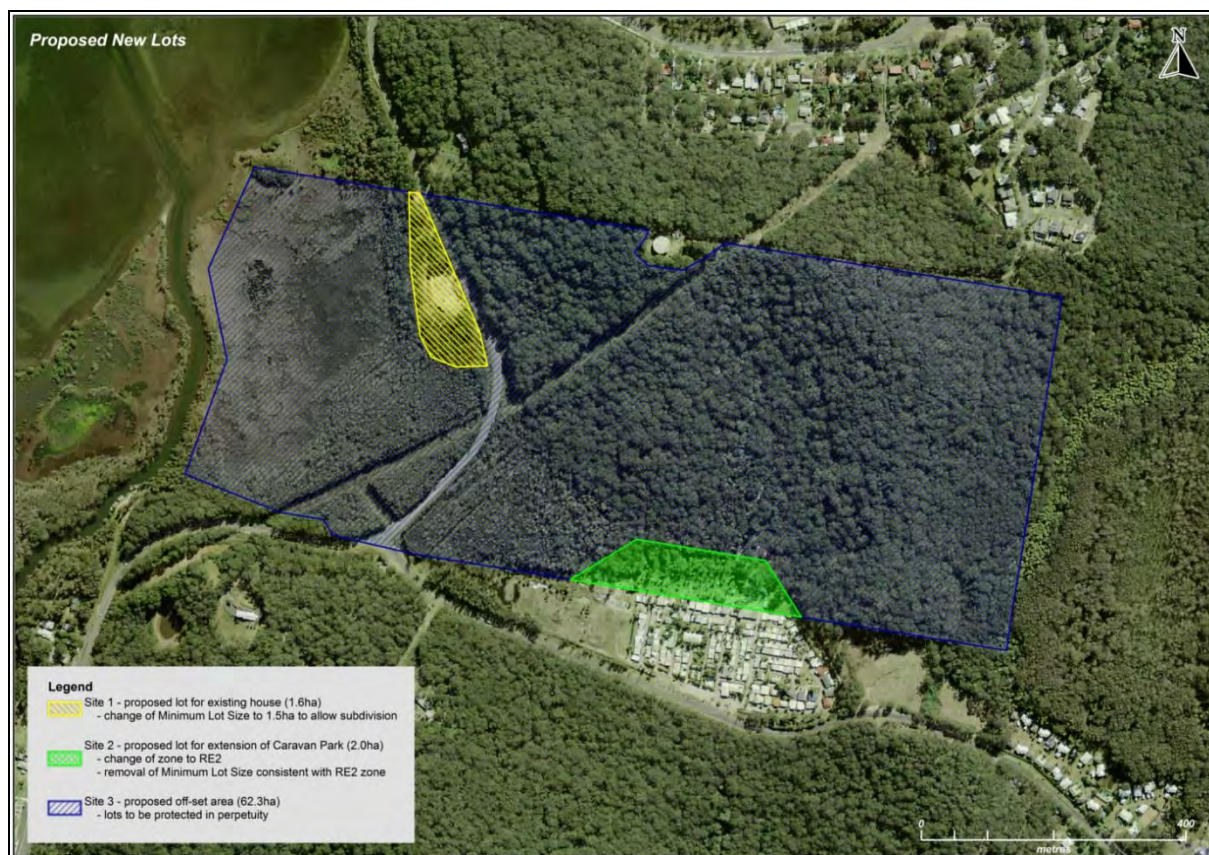
This mechanism has been utilised in other similar projects (such as the North Shearwater gazetted LEP Amendment).

This however requires that Council does not incur any unreasonable financial burden in acquiring or managing the land. As such, the usual practice in any such Council dedication is for sufficient funds being provided by the landholder/ applicant to Council as part of the dedication of the land from which Council utilises to implement conservation management actions on the land over a reasonable timeframe.

This memo has been prepared to investigate and describe the actions required for long-term conservation management of the environmentally significant area of the Palms Oasis holdings and to formulate and present a costing of those management actions.

Subject Land

The area investigated for this memo includes the parts of Lot 427 DP861736, Lot 1 DP653396 and Lot 83 DP753168 outside the area identified in the 2012 Planning Proposal as Site 1 (proposed Lot for existing house) and Site 2 (proposed Lot for extension of Caravan Park). The area is shown below as Site 3. This area is hereafter referred to as the "Conservation Area."

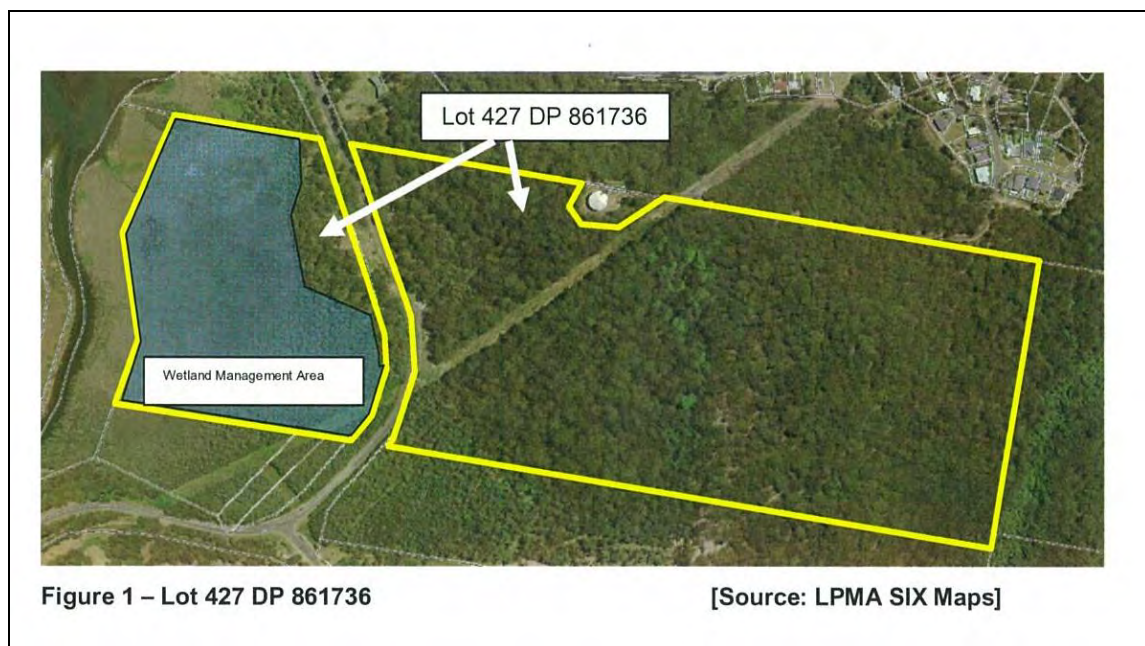


Existing Resources

In preparing this memo, I accessed the following published/ documented reports:

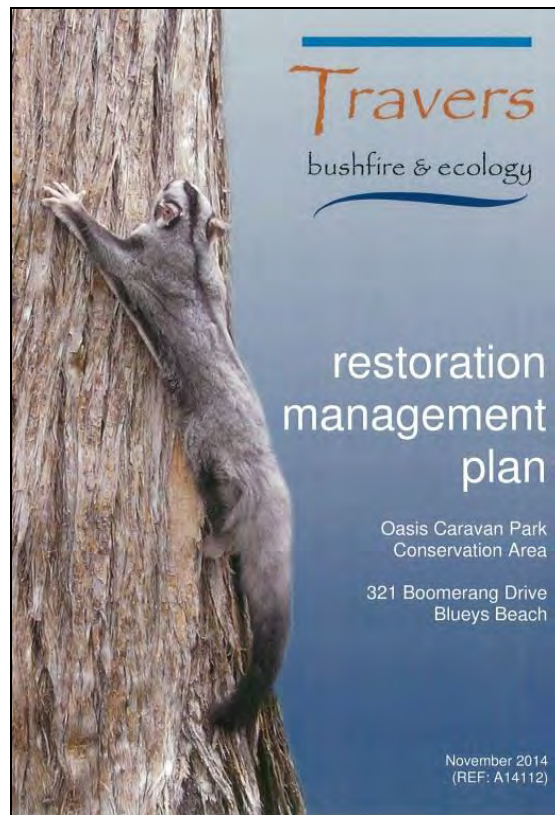
- Great Lakes Council. 2004, *Pacific Palms Local Environmental Study*.
- Conacher Travers. 2005, *Flora and Fauna Assessment of Part of Portions 83 and (Part) 84 The Lakes Way, Pacific Palms*.
- SMEC. 2006, *Review of Pacific Palms LES and LEP 2004*. Prepared for Great Lakes Council.
- Coastplan. 2013, *Wetland Management Plan - Lot 427 DP861736 The Lakes Way Boomerang Beach*.
- Travers Bushfire & Ecology. 2014, *Restoration Management Plan - Oasis Caravan Park Conservation Area 321 Boomerang Drive, Blueys Beach*.

It is a condition of development consent for DA74/ 2013 that the registered proprietor implement the *Wetland Management Plan* prepared by Coastplan (2013) for the 15-ha of wetland habitats on Lot 427 DP861736. The actions in this Wetland Management Plan were not costed.



The existence of s88E instruments requiring wetland protection and the need for the Registered Proprietor to implement the Wetland Management Plan for the specified area probably reduces the ability of the use of this part in a BioBanking Statement through additionality provisions.

It is also a condition of development consent for DA685/ 2007 that the registered proprietor implement the *Restoration Management Plan* prepared by Travers Bushfire & Ecology (2014) for the 1.27-ha western portion of the adjoining Lot 1 DP 862876 (outside but adjoining the Conservation Area as defined in this memo). A preliminary estimate of costs of restoration works as set-out in this Plan was \$94,001 (comprising weed control: \$34,346, replanting: \$55,106, nest box installation: \$2,800, feral pest animal control: \$1,750 and contingencies: \$13,418).



This area of conservation should logically be managed as part of a broader Conservation Area for the Palms Oasis holding.

Site Inspection

I have had a history of site inspections, evaluations and assessment of the subject land.

Most recently, I attended the land on the 14 September 2016. I commenced from the north-east corner and walked over the Conservation Area in a zig-zag manner, concluding my inspection at The Lakes Way in the south-west. I did not inspect the part of the land to the west of The Lakes Way, as I am familiar with this area from the determination of development application DA685/ 2007.

During my inspection, I recorded details of relevant conservation and land management issues and the nature of any required management interventions.

Intent of this Memo

This memo seeks to identify the require management interventions and activities to:

- Protect and restore natural vegetation communities and ecosystem functions on the Conservation Area;
- Address and remediate existing pressures that are operating to impair and degrade the native vegetation, biodiversity and/ or ecosystem functions of the Conservation Area; and
- Allow the Conservation Area to attain a positive ecological trajectory and resilient state.

It also seeks to provide a costing for each management action or intervention to achieve these outcomes.

The cost value of the works identified in this Memo would be that reasonable cost sought by Council (subject to the confirmation of Council) to provide that the Conservation Area is appropriately secured, restored and managed in a manner that does not invoke a significant and unreasonable cost burden for Council.

In the event that the Conservation Area was dedicated to Council and appropriate arrangements were made for the payment of the identified funds, then this would constitute an appropriate conservation outcome associated with the offset area. No other conservation mechanism would, in that event, be required.

It must be noted that alternate conservation/ offsetting arrangements may also be considered to be acceptable.

Ecological Integrity of the Conservation Area

Great Lakes Council (2004) and SMEC (2006) have mapped seven (7) vegetation community types over the Conservation Area:

- Grey Gum/ Tallowwood Forest
- Grey Gum/ Spotted Gum/ Blackbutt Forest
- Palm Forest
- Swamp Mahogany/ Paperbark Forest
- Paperbark Forest
- Saltmarsh/ Sedgeland
- Cleared land (powerline easement and road corridors)

A range of threatened fauna species have been identified in the Conservation Area from previous studies, namely:

- Spotted-tailed Quoll
- Yellow-bellied Glider
- Squirrel Glider
- Koala
- Grey-headed Flying-fox
- Eastern Freetail-bat

- Greater Broadnosed-bat
- Little Bentwing-bat
- Eastern Chestnut Mouse
- Wallum Froglet
- Glossy Black Cockatoo
- Varied Sitella

Feeding evidence of the Glossy Black-cockatoo was observed in the Conservation Area (west of the Reservoir) during this inspection.

Three (3) Endangered Ecological Communities occur on the Conservation Area:

- Swamp Sclerophyll Forest on Coastal Floodplain EEC
- Coastal Saltmarsh EEC
- Lowland Rainforest

There are also mapped areas of SEPP14 Coastal Wetlands in the Conservation Area.

The Conservation Area is generally of very high ecological quality and function. Some parts are of outstanding quality, with over-mature/ old-growth trees, few weeds, high floristic diversity and well-developed habitat resource attributes (logs, rocks, hollows, etc).

My investigations of the vegetation community types of the Conservation Area are generally in agreement with the maps provided in Great Lakes Council (2004) and SMEC (2006).

In relation to threatening processes operating on the Conservation Area, I noted the following:

Priority environmental and noxious weeds

Priority environmental and noxious weeds are the most significantly influential threat to the ecological health and function of the Conservation Area.

Densities of priority environmental and noxious weeds vary across the Conservation Area from mostly absent to moderate. Different vegetation community types have differing levels of weed burden:

Vegetation Community Type	Weed Occurrence
<p>Grey Gum/ Tallowwood Forest Grey Gum/ Spotted Gum/ Blackbutt Forest</p>	<p>Weed occurrence in this vegetation type ranges from functionally absent through to moderate. Mostly, weeds are sparse to moderate in cover density and restricted to the mid-storey vegetation layer. Priority environmental and noxious weeds recorded in this community include:</p> <ul style="list-style-type: none"> • Bitou Bush • Lantana • Crofton Weed • Wild Tobacco Bush • Narrow-leaved Cotton Bush <p>The more severe infestations of priority weeds occur:</p> <ul style="list-style-type: none"> • At the edge of the Reservoir Access Road (off Palmtops Avenue) (dense Lantana) • Along the northern boundary fence line west of the Reservoir (dense Lantana, Senna and Bitou Bush) • Along the edges of the cleared powerline easement (Lantana) • In the vicinity of eastern verge of The Lakes Way in dry sclerophyll forest west of the Reservoir (unidentified vine weed, Senna, Lantana). <p>Priority environmental and noxious weeds are exerting negative pressures on ecosystem health and function, which requires sustained control.</p>

Vegetation Community Type	Weed Occurrence
<i>Palm Forest</i>	Weed occurrence in this vegetation type ranges from functionally absent to sparse. Sparse occurrences of Lantana were observed, but the community is in good condition and resilient due to shading, leaf-litter accumulation and natural resilience.
<i>Swamp Mahogany/ Paperbark Forest</i> <i>Paperbark Forest</i>	Weed occurrence in this vegetation type ranges from functionally absent to sparse. The community has good inherent resilience. Some sparse Lantana is present, along with minor Senna, Narrow-leaved Cotton Bush and Crofton Weed. The most degraded areas of this type are at the interface with existing development (such as The Lakes way road verge and the area west of the dwelling on Lot 427). The area west of the dwelling on Lot 427 contains occurrences of vine weeds, such as Coastal Morning Glory.
<i>Saltmarsh/ Sedgeland</i>	Weeds in this type are generally functionally absent due to inherent natural resilience.
<i>Cleared Land</i>	The area around the perimeter of the Reservoir contains notable infestations of Bitou Bush, Lantana, Crofton Weed, Wild Tobacco Bush, Whiskey Grass, Vasey Grass and Senna. The cleared powerline easement contains a mix of native and exotic groundcover plant species, including Whiskey Grass. The powerline easement is routinely maintained.

Feral pest animals

Evidence of one priority feral pest animal, the Fox, was observed during the site inspection. Droppings were observed on the track below the cleared powerline easement. The control of feral pest animals is unlikely to be a significant management burden for the conservation of this land, at the present time. This is due to the inherent resilience of the landscape.

Unauthorised access

Unauthorised vehicle access does not appear to be a significant management issue at the present time and is exerting minimal negative impact.

There are two (2) areas of unauthorised vehicle access to the Conservation Area that should be addressed.

The gravel road from Palmtops Avenue through to Palms Oasis Caravan Park is a practical and valuable management trail. It is inherently stable and of good formation. However, this trail is accessible to unauthorised vehicles via an ungated section of trail of Palmtops Avenue and (for 4WDs) through the former quarry on the adjoining Lot.

Unauthorised vehicle can also access the Conservation Area (to the east of The Lakes Way) via the powerline easement. A gravel track is present off The Lakes Way at this location.

Locked gates need to be installed at several locations for access controls.

Bushfire regimes

A bushfire history of the Conservation Area is not recorded, but there is evidence of bushfire, which probably arose from both planned and unplanned events. Parts of the Conservation Area need to be excluded from fire (Saltmarsh/ Sedgeland) and other parts should be managed for appropriate bushfire thresholds/ intervals to ensure ecological health. Over-frequent or under-frequent fire does not appear to be a significant feature of the Conservation Area at the present time.

Disturbed areas

One disturbed natural area was identified during the inspection. This was an area of 1,215m² located to the north of the Palms Oasis Caravan Park. It had been recently disturbed by bladed machine, which had removed all natural vegetation and exposed the ground surface. The felled vegetation had been heaped and additional solid waste had been added to the pile. No sediment and erosion controls were in place. The disturbance had affected dry sclerophyll forest at the edge of a Cabbage Tree Palm closed forest.

To the south of the recently disturbed area, there is a vehicle track and a BMX track present.

Remediation works for this area of disturbance is required.

Habitat degradation or simplification

An area of dry sclerophyll forest in the south-east corner of the Conservation Area has been under-scrubbed and is routinely maintained by slashing. This area is of good natural resilience and would recover if the disturbance regime is ceased.

Some areas have reduced natural habitat furniture features (hollows, logs, etc), but these are not required to be actively supplemented.

Actively eroding areas

No actively eroding areas were observed during the site inspection.

Existing tracks on the land are of reasonable quality and formation and require only moderate maintenance and enhancement work (roadside drainage; etc).

Unlawfully deposited waste

The only occurrences of unlawfully deposited waste were observed in the pile of felled vegetation within the recently disturbed area (discussed above).

No other occurrences of unlawfully deposited waste were observed in the Conservation Area.

Altered hydrology

No areas of altered hydrology were observed during this site inspection (ie. artificial drains, unauthorised filling).

Management Actions and Preliminary Costing

It is my opinion that if applied remediation and conservation actions were deployed on the land for a period of ten (10) years, then the Conservation Area would be restored to a state of natural resilience and positive ecological trajectory. Ongoing (in-perpetuity) maintenance would be of minimal cost and labour-intensity after this period.

The ten-year actions and their preliminary costing for the Conservation Area is tabled below:

Action	Description	Costing
Management Planning	A Conservation Area Management Plan would be prepared to prescriptively guide all restoration and conservation management actions. This Plan could be prepared by Council Officers in-kind. Monitoring, evaluation and review of the Plan would also be an in-kind contribution undertaken by MCC Officers.	MCC in-kind

Action	Description	Costing
Weed Control	<p>Weed controls are the most significant management burden for the Conservation Area:</p> <p>Primary (year one) control of priority weeds across the Conservation Area (based on 0.5-ha per day of control over 48-ha of dry sclerophyll and swamp sclerophyll forest) would require 96-days @ \$48/ hour = \$36,800</p> <p>Year two follow-up control of priority weeds across the Conservation Area (based on 1.0-ha per day of control over 48-ha of dry sclerophyll and swamp sclerophyll forest) would require 48-days @ \$48/ hour = \$18,400</p> <p>Year three follow-up control of priority weeds across the Conservation Area (based on 2.0-ha per day of control over 48-ha of dry sclerophyll and swamp sclerophyll forest) would require 48-days @ \$48/ hour = \$9,200</p> <p>Years four - ten follow-up control of priority weeds across the Conservation Area: \$4,600 per year for six (6) years = \$27,600</p>	\$92,000
Feral Animal Control	Feral animal control does not appear a significant issue. Ongoing controls can probably be implemented by in-kind contributions of MCC staff or external grants for broader landscape programs.	MCC in-kind
Fencing	Erection of post and wire boundary fencing on the northern edge of the Palms Oasis Caravan Park and around the western edge of the existing dwelling west of The Lakes Way. This requires 580-metres and 315-metres at \$15 per linear metre.	\$13,425
Access Control	Gates and minor fencing are required on the powerline trail off The Lakes Way and off Palmtops Avenue.	\$2,500
Management Trails	Minor re-surfacing and installation of roadside drainage and sediment and erosion controls is required on the existing management trails of the land.	\$8,000
Bushfire Regimes	Bushfire regimes can be installed over the Conservation Area by MCC liaison with the NSW Rural Fire Service.	MCC in-kind
Revegetation	<p>Revegetation of the 1,215m² area of recent disturbance/ clearing north of Palms Oasis is required, along with the BMX track area.</p> <p>Direct planting is not recommended as natural recruitment sources are satisfactory. The revegetation would require the solid waste/ lawn clippings to be removed from the heaped and felled vegetation pile and for the felled vegetation to be re-spread by machinery over the disturbance area to provide for ground stabilisation. Natural seed fall would provide for plant recruitment. Weed control needs to be effected. Sediment and erosion control is required until the ground surface is stabilised.</p>	\$10,000
Regeneration	<p>The regeneration of the currently under-scrubbed area in the south-east corner of the Conservation Area simply requires the cessation of slashing activities combined with weed controls (see above). There is no cost associated with on-site regeneration.</p> <p>There is no requirement to artificially embellish habitat furniture in the Conservation Area as natural recruitment processes are satisfactory.</p>	\$0
Removal of Solid Waste	Solid wastes need to be removed and adequately disposed from one area of recent disturbance north of the Palms Oasis Caravan Park. It is estimated that less than 1m ³ of waste material is present here. Disposal costs would include landfilling fees.	\$3,500

Thus, one satisfactory method of permanent protective management of the Conservation Area is via consolidation through subdivision and dedication to Council (at no cost to Council) and the provision of funds (either up-front or staged) to the value of **\$129,425** for required actions and interventions for long-term conservation management.

Council may be also able to source external funds to allow for the development of public infrastructure through the Conservation Area; such as walking trails, signage, seating to positively contribute to the local community and the residents/ occupiers of the Palms Oasis development.

This is a preliminary evaluation for discussion purposes and issued on a without prejudice basis.

Appendix E – Consistency with State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Consistency with SEPP
SEPP No 1—Development Standards	SEPP 1 does not apply to land affected by Great Lakes LEP 2014.
SEPP No 14—Coastal Wetlands	<p>Wetlands within the Planning Proposal site are already protected by provisions of the E2 Environmental Conservation zone and a S88E instrument enforced Wetland Management Land over the undeveloped portion of Lot 427 DP 861736.</p> <p>The Planning Proposal would result in the permanent protection of these wetlands via a Planning Agreement for dedication, bio-banking or other suitable mechanism.</p>
SEPP No 19—Bushland in Urban Areas	Not applicable
SEPP No 21—Caravan Parks	The Planning Proposal identifies land for the rezoning and application of development standards of approximately 2 hectares of Lot 83 DP 753168 for the potential expansion of the existing Palms Oasis Caravan Park on an immediately adjoining allotment Lot 1 DP 862876 Boomerang Drive Pacific Palms.
SEPP No 26—Littoral Rainforests	Not applicable
SEPP No 30—Intensive Agriculture	Not applicable
SEPP No 33—Hazardous and Offensive Development	Not applicable
SEPP No 36—Manufactured Home Estates	The Planning Proposal identifies land for the rezoning and application of development standards of approximately 2 hectares of Lot 83 DP 753168 for the potential expansion of the existing Palms Oasis Caravan Park on an immediately adjoining allotment Lot 1 DP 862876 Boomerang Drive Pacific Palms. Manufactured home estates are generally permissible on lands where a caravan park is permissible Under SEPP 36.
SEPP No 44—Koala Habitat Protection	The Planning Proposal provides for protection of the most environmentally significant parts of the land which includes potential koala habitat, therefore the Proposal is consistent with the provisions of SEPP 44.
SEPP No 47—Moore Park Showground	Not applicable
SEPP No 50—Canal Estate Development	Not applicable

State Environmental Planning Policy (SEPP)	Consistency with SEPP
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No 55—Remediation of Land	The application of SEPP 55 will not be affected by this planning proposal.
SEPP No 62—Sustainable Aquaculture	Not applicable
SEPP No 64—Advertising and Signage	Not applicable
SEPP No 65—Design Quality of Residential Apartment Development	Not applicable
SEPP No 70—Affordable Housing (Revised Schemes)	Not applicable
SEPP No 71—Coastal Protection	<p>The Planning Proposal is consistent with the aims of SEPP 71 - Coastal Protection in that the potential rezoning of approximately 2 hectares of E2 Environmental Conservation land to RE2 Private Recreation to enable the expansion of the adjoining caravan park, is to be offset by the dedication or another permanent protection mechanism, of approximately 62 hectares of significant ecological lands already zoned E2 Environmental Conservation.</p> <p>This is consistent with adopted strategic plans and provides both economic and environmental benefits to the Pacific Palms community of both permanent residents and visitors.</p>
SEPP (Affordable Rental Housing) 2009	The application of the Affordable Rental Housing SEPP will not be affected by this planning proposal.
SEPP (Building Sustainability Index: BASIX) 2004	The application of the Building Sustainability Index: BASIX SEPP will not be affected by this planning proposal.
SEPP (Exempt and Complying Development Codes) 2008	The application of the Exempt and Complying Development Codes SEPP will not be affected by this planning proposal.
SEPP (Housing for Seniors or People with a Disability) 2004	<p>The Planning Proposal identifies land for the rezoning and application of development standards of approximately 2 hectares of Lot 83 DP 753168 for the potential expansion of the existing Palms Oasis Caravan Park on an immediately adjoining allotment Lot 1 DP 862876 Boomerang Drive Pacific Palms.</p> <p>The Palms Oasis Caravan Park adjoins an R2 Low Density Residential zone which would enable the site to be developed for Housing for Seniors or People with a Disability in accordance with the SEPP. The expansion of</p>

State Environmental Planning Policy (SEPP)	Consistency with SEPP
	the RE2 Private Recreation zone could therefore extend this development opportunity to include the additional area of approximately 2 hectares on Lot 83.
SEPP (Infrastructure) 2007	The application of the SEPP (Infrastructure) 2007 will not be affected by this planning proposal.
SEPP (Integration and Repeals) 2016	The application of the Integration and Repeals SEPP will not be affected by this planning proposal.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The application of the Mining, Petroleum Production and Extractive Industries SEPP will not be affected by this planning proposal.
SEPP (Miscellaneous Consent Provisions) 2007	The application of the Miscellaneous Consent Provisions SEPP will not be affected by this planning proposal.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	The Planning Proposal is consistent with the Rural Subdivision Principles and Rural Planning Principles of the SEPP (Rural Lands) 2008.
SEPP (State and Regional Development) 2011	The application of the State and Regional Development SEPP will not be affected by this planning proposal.
SEPP (State Significant Precincts) 2005	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Appendix F – Consistency with S117 Ministerial Directions

S117 Ministerial Direction	Consistency with S117
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable
1.2 Rural Zones Aims to protect the agricultural production value of rural lands.	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands Aims to protect the agricultural production value of rural lands and facilitate orderly and economic development of rural lands for rural and related purposes.	Not applicable
2. Environment and Heritage	
2.1 Environmental Protection Zones Aims to conserve and protect environmentally sensitive areas.	<p>Minor Inconsistency</p> <p>The Planning Proposal is inconsistent with the S117 Direction in that approximately 2 hectares of E2 Environmental Conservation land is proposed for rezoning to RE2 Private Recreation to enable the expansion of the adjoining caravan park. The subject lands have been disturbed and degraded through development and bushfire hazard reduction activities associated with the adjoining caravan park held in the same ownership.</p> <p>Approximately 1.5 hectares of the site zoned E2 Environmental Conservation is also in a disturbed state as the result of the construction of a dwelling house, ancillary structures and bushfire hazard reduction.</p> <p>This reduction in protection of approximately 3.5 hectares of land zoned E2 Environmental Conservation is to be offset by the dedication or another permanent protection mechanism, of approximately 62 hectares of significant ecological lands also currently zoned E2 Environmental Conservation.</p> <p>This Proposal is consistent with adopted local and regional strategic plans as detailed within Section B of this document. The Proposal also provides both economic and environmental benefits to the Pacific Palms community of</p>

S117 Ministerial Direction	Consistency with S117
	<p>both permanent residents and visitors.</p> <p>Therefore the inconsistency with this S117 is considered to be of minor significance and the endorsement of the Director-General of the Department of Planning or the Director-General's delegate is sought.</p>
2.2 Coastal Protection	<p>Consistent</p> <p>The Planning Proposal will affect land within the coastal zone, as defined in the Coastal Protection Act 1979 and is consistent with the provisions of the S117.</p> <p>While the Proposal will result in approximately 2 hectares of E2 Environmental Conservation land being rezoned to RE2 Private Recreation to enable the expansion of the adjoining caravan park. The subject lands have been disturbed and degraded through development and bushfire hazard reduction activities associated with the adjoining caravan park held in the same ownership.</p> <p>The development opportunities provided by the rezoning are to be offset by the dedication or another permanent protection mechanism, of approximately 62 hectares of significant ecological lands also currently zoned E2 Environmental Conservation.</p> <p>This Proposal is consistent with adopted local and regional strategic plans as detailed within Section B of this document. The Proposal also provides both economic and environmental benefits to the Pacific Palms community of both permanent residents and visitors as detailed within Section C of this document.</p>
<p>2.3 Heritage Conservation</p> <p>Aims to conserve items and places of heritage significance and indigenous heritage significance.</p>	Not applicable
<p>2.4 Recreation Vehicle Areas</p> <p>Aims to protect sensitive lands with significant vegetation value from the adverse impacts of recreational vehicles</p>	Not applicable
3. Housing, Infrastructure and Urban Development	
<p>3.1 Residential Zones</p> <p>Aims to encourage a range of housing that makes efficient use of existing infrastructure and service that does not impact on the environment or resource</p>	Not applicable

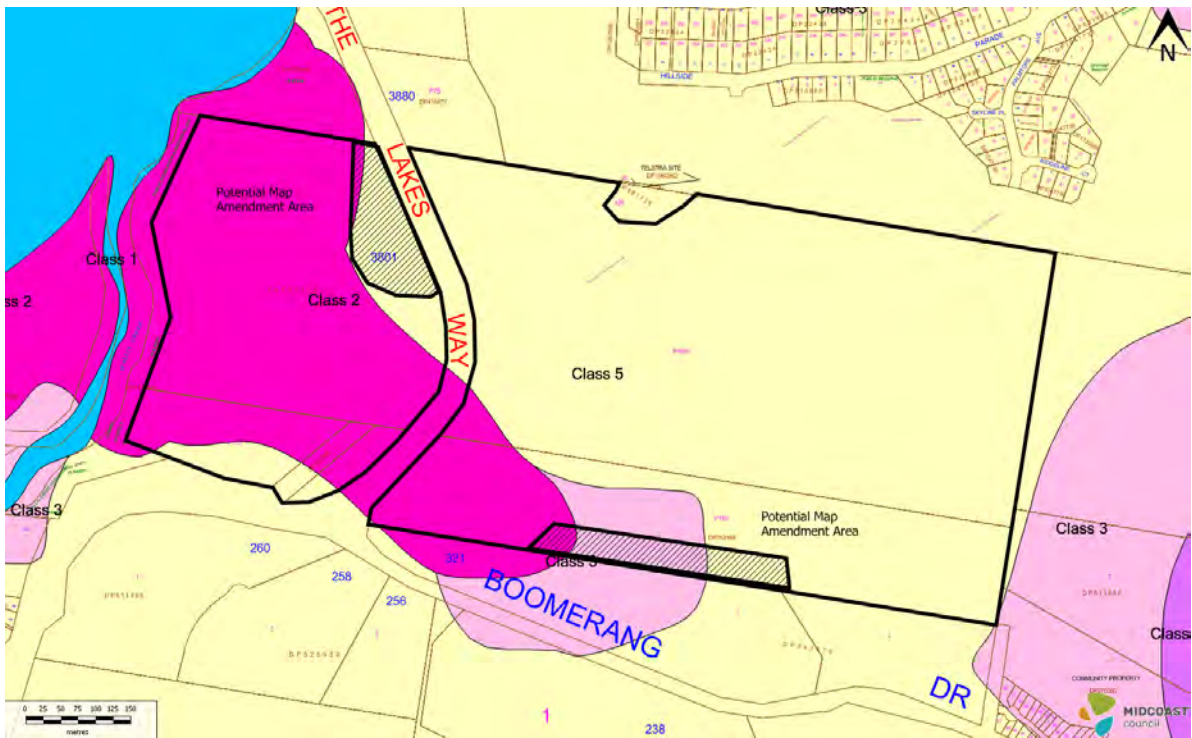
S117 Ministerial Direction	Consistency with S117
lands.	
<p>3.2 Caravan Parks and Manufactured Home Estates</p> <p>Aims to provide a variety of housing types including opportunities for caravan parks and manufactured home estates.</p>	<p>Consistent</p> <p>The Planning Proposal identifies land for the rezoning and application of development standards of approximately 2 hectares of Lot 83 DP 753168 for the potential expansion of the existing Palms Oasis Caravan Park on an immediately adjoining allotment Lot 1 DP 862876 Boomerang Drive Pacific Palms.</p> <p>Manufactured home estates are also generally permissible on lands where a caravan park is permissible Under SEPP 36.</p>
<p>3.3 Home Occupations</p> <p>Aims to encourage low impact businesses in dwelling houses.</p>	<p>Not applicable.</p>
<p>3.4 Integrating Land Use & Transport</p> <p>Aims to improve access by walking, public transport and other means that reduce private car travel dependencies.</p>	<p>Consistent</p> <p>The Planning Proposal identifies land for the rezoning and application of development standards of approximately 2 hectares of Lot 83 DP 753168 for the potential expansion of the existing Palms Oasis Caravan Park on an immediately adjoining allotment Lot 1 DP 862876 Boomerang Drive Pacific Palms.</p> <p>Existing transport services and infrastructure are available to the existing and potentially expanded caravan park site.</p>
<p>3.5 Development Near Licensed Aerodromes</p> <p>Aims to ensure that Aerodromes operate safely and effectively and that development within the vicinity of aerodromes is suitable for occupation and does not compromise aerodrome operations.</p>	<p>Not applicable</p>
<p>3.6 Shooting Ranges</p>	<p>Not applicable</p>
<p>4. Hazard & Risk</p>	
<p>4.1 Acid Sulfate Soils</p>	<p>Minor Inconsistency</p> <p>The Planning Proposal does propose the rezoning of approximately 2 hectares from an E2 Environmental Conservation zone to the RE2 Private Recreation zone, within land classified as Acid Sulfate Soils Class 2, 3 and 5, as illustrated in a map provided at the end of this table.</p> <p>Great Lakes LEP 2014 Clause 7.1 Acid Sulfate Soils</p>

S117 Ministerial Direction	Consistency with S117
	<p>requires that development consent and an appropriate Acid Sulfate Soils management plan is required on the affected lands.</p> <p>While the rezoning of these lands will facilitate the intensification of development, appropriate management is required and therefore this is considered to represent a minor inconsistency with this S117 Direction.</p> <p>The Planning Proposal's facilitation of subdivision of the existing Dwelling House Lot from the Biodiversity Lot does not require rezoning or facilitate the intensification of development on the Dwelling House Lot.</p> <p>Therefore while there are Acid Sulfate Soils present on the Dwelling House Lot, this aspect of the Planning Proposal is not considered to be inconsistent with the S117 Direction.</p> <p>The majority of Class 2 and Class 3 Acid Sulfate Soils present on the land subject are located within the proposed Biodiversity Lot which will be subject to restoration, management and permanent protection measures outlined within the Planning Proposal and associated Planning Agreement.</p> <p>The overall intent and purpose of the Planning Proposal will therefore result in a significantly reduced likelihood of disturbance within the identified areas of Class 2 and 3 Acid Sulfate Soils on the land, consistent with the objective of the S117 Direction.</p>
4.2 Mine Subsidence and Unstable Land	Not applicable
<p>4.3 Flood Prone Land</p> <p>The purpose of this Direction is to ensure the provisions of the LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential of the flood impacts both on and off the subject land.</p>	<p>Minor Inconsistency</p> <p>.</p> <p>The Planning Proposal does propose the rezoning of approximately 2 hectares from an E2 Environmental Conservation zone to the RE2 Private Recreation zone. The proposed rezoning of the land is not inconsistent with the S117 Direction.</p> <p>Approximately 0.4 hectares of the rezoned land is located within the Flood Planning Area identified in Great Lakes LEP 2014, which represents a flood planning level of a 1% AEP (annual exceedance probability) flood event estimated using an ocean water level 0.9 metres above the 1990 mean sea level, plus a 0.5 metre freeboard.</p> <p>An illustrative map of the subject land as it relates to the</p>

S117 Ministerial Direction	Consistency with S117
	<p>Flood Planning Area, is provided at the end of this table.</p> <p>Great Lakes LEP 2014 Clause 7.3 Flood Planning requires that consent for development on flood affected land is only issued if the development is designed and located in a way that is responsive to the identified flood hazard and minimizes the risk to life and property.</p> <p>While the rezoning of these lands will facilitate the intensification of development, appropriate management is required by Clause 7.3 and by additional Flood Planning controls in the Great Lakes Development Control Plan.</p> <p>The development controls that would be applicable to this area of the site are therefore consistent with the principles of the Floodplain Development Manual 2005 and the Guideline on Development Controls on Low Flood Risk Areas, consistent with the S117 Direction.</p> <p>The Planning Proposal's facilitation of subdivision of the existing Dwelling House Lot from the Biodiversity Lot does not require rezoning or facilitate the intensification of development on the Dwelling House Lot.</p> <p>Therefore while land is identified within the Flood Planning Area on the Dwelling House Lot, this aspect of the Planning Proposal is not considered to be inconsistent with the S117 Direction.</p>
<p>4.4 Planning for Bushfire Protection</p> <p>The objectives of this Direction are to encourage the sound management of bushfire prone areas, and to protect life, property and the environment from bushfire hazards.</p>	<p>Consistent.</p> <p>The Planning Proposal will amend the Minimum Lot Size provisions that apply to the affected land. The Minimum Lots Sizes of approximately 1.5 hectares for the dwelling house on Lot 427 and approximately 2 hectares for the expanded caravan park provide for the accommodation of sufficient bushfire asset protection zones for the existing and expanded development.</p> <p>Consultation with the NSW Rural Fire Service will be undertaken concurrent with the public exhibition period to ensure the asset protection zones are sufficiently accommodated.</p>
<p>5. Regional Planning</p>	
<p>5.1 Implementation of Regional Strategies</p>	<p>Consistent.</p> <p>The Planning Proposal is consistent with the Hunter Regional Plan which recognises that there is a need to ensure the protection and management of a biodiversity-rich natural environment; and the need to provide affordable and diverse housing options for low-income residents and</p>

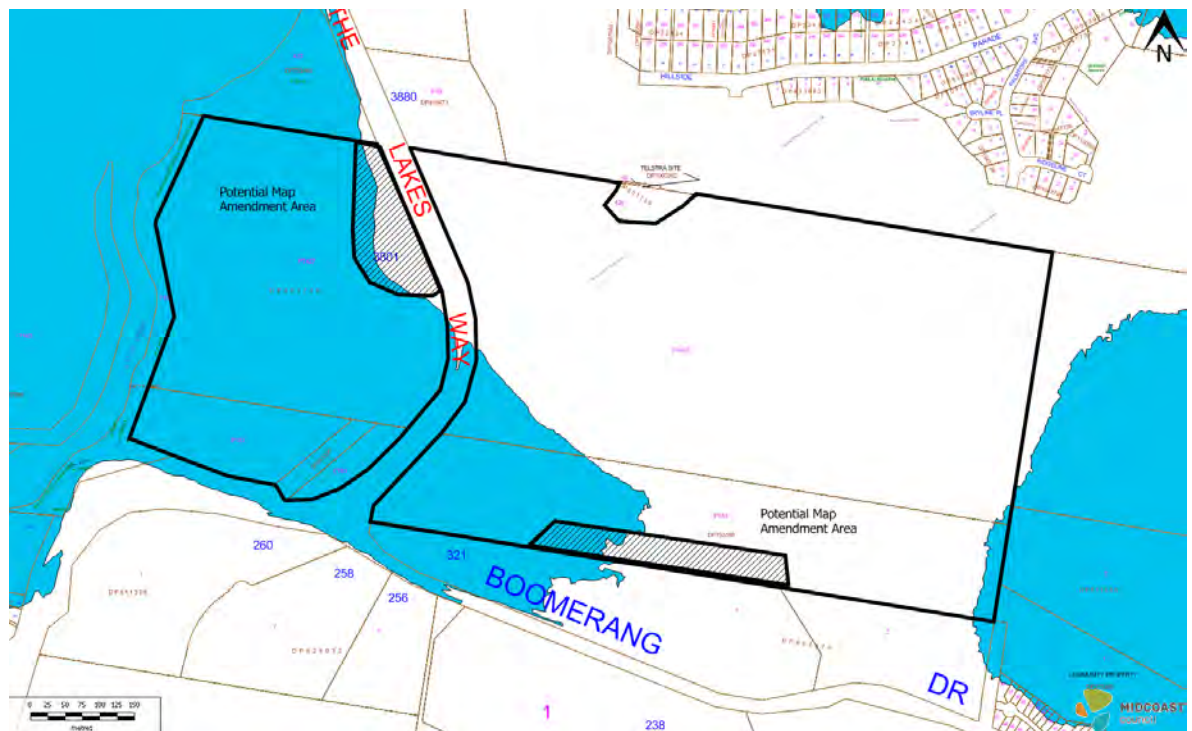
S117 Ministerial Direction	Consistency with S117
	visitors to the region.
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5 Revoked	Not applicable
5.6 Revoked	Not applicable
5.7 Revoked	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	<p>Consistent.</p> <p>The Planning Proposal does not increase the requirements for provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p>
6.2 Reserving Land for Public Purposes	<p>Consistent.</p> <p>The Planning Proposal does not affect any land currently reserved for public purposes.</p> <p>Approximately 62 hectares of land in the E2 Environmental Conservation zone is proposed to be dedicated into public ownership or protected into perpetuity under another mechanism such as a bio-banking agreement.</p>
6.3 Site Specific Provisions	Not applicable
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not applicable

Figure 1: Land affected by Planning Proposal and S117 Ministerial Direction 4.1 Acid Sulfate Soils:



Great Lakes LEP 2014 Clause 4.1 Acid Sulfate Soils (Classification) Map

Figure 2: Land affected by Planning Proposal and S117 Ministerial Direction 4.3 Flood Prone Land:



Great Lakes LEP 2014 Clause 7.3 Flood Planning Area Map

Appendix G – Agency submissions received in response to exhibition



Our Ref: 17/11080
Your Ref: SP-PP 26

P: 02 6642 9214
E: andrew.petroeschevsky@crowntland.nsw.gov.au

24 November 2017

The General Manager
MidCoast Council
PO Box 450
Forster, NSW 2428
Sent via email to: council@midcoast.nsw.gov.au

Dear Sir / Madam

SP-PP-26: Planning Proposal to amend Great Lakes Local Environmental Plan 2014 – Land adjoining Palms Oasis Caravan Park, Boomerang Drive Pacific Palms. Planning Agreement to dedicate ecologically sensitive land to Council for permanent protection.

I refer to Council's letter dated 12 October 2017 regarding the exhibition of the above Planning Proposal and associated Planning Agreement.

The land implicated in the proposal is adjoined by the following Crown land:

- a) Lot 7159 DP 1107986, which forms Reserve 69391 for recreation, resting place notified 26 July 1940. MidCoast Council is the appointed manager of the Elizabeth Beach (R69391) Reserve Trust which is charged with management of R69391.
- b) Lot 420 DP 753168, which forms Reserve 87194 for rubbish depot notified 23 May 1969. The Department considers that management of R87194 devolves to Council under S48 of the *Local Government Act*.

The Department of Industry – Crown Lands & Water (the Department) has assessed the proposal against the principles of Crown Land Management under Section 11 of the *Crown Lands Act 1989* (NSW). The Department does not object to the proposal, providing that the Crown reserves described above are not adversely impacted by the proposal – this that the proposal does not facilitate unauthorised access or other unauthorised activities on Crown land.

Any requirements under *Planning for Bushfire Protection 2006* for Bush Fire Asset Protection Zones or other bush fire protection measures associated with the proposed subdivision of Lot 427 DP 861736 are to be contained entirely within the development site and must not impact on the adjoining Crown land. Compliance with *Planning for Bushfire Protection 2006* must be achieved.

For any further enquiries, please do not hesitate to contact Andrew Petroeschevsky using the details provided.

Yours sincerely

Andrew Petroeschevsky
Acting Natural Resource Management Project Officer - Taree
NSW Department of Industry – Crown Lands & Water Division

98 Victoria Street, TAREE NSW 2430
Tel: 1300 886 235 www.crownland.nsw.gov.au ABN: 33 537 762 019

DOC17/522454-18
SP-PP-26

Alexandra Macvean
Senior Strategic Planner
MidCoast Council
alexandra.macvean@midcoast.nsw.gov.au

Dear Alexandra

Planning proposal – land adjoining Palms Oasis Caravan Park, Pacific Palms

I refer to your letter dated 16 October 2017 seeking advice from the Office of Environment and Heritage (OEH) in relation to the above mentioned planning proposal. It is understood that the proposal seeks to amend the Great Lakes Local Environmental Plan 2014 and includes a planning agreement between MidCoast Council and the landowner to dedicate 60 hectares of high conservation value land to Council for conservation in perpetuity. It is noted that a positive Gateway Determination was made in relation to this proposal on 6 February 2017.

OEH provided advice to Council regarding this proposal dated 8 September 2017. It is understood that the proposal has not changed since this time. As stated in the September advice, OEH recommends that:

- the inconsistency with s117 Ministerial Direction 2.1 Environment Protection Zones is of minor significance because of the improvement in conservation outcomes for the remaining 60 hectares of land
- the preliminary BioBanking assessment report indicates the offset lands are likely adequate to meet any offsetting obligation of the development lands
- previous environmental studies undertaken over the site are adequate to progress the planning proposal
- high conservation values are present across the offset lands and the offset lands are strategically located as part of a regional biodiversity corridor
- the offset lands are transferred to Council with suitable funding arrangements and in-perpetuity conservation management commitments in place.

OEH has no further comments to make on this planning proposal. If you require any further information regarding this matter please contact Anne Browett, Conservation Planning Officer, on 4927 3160.

Locked Bag 1002 Dangar NSW 2309
Level 4, 26 Honeysuckle Drive Newcastle NSW 2300
rog.hcc@environment.nsw.gov.au
ABN 30 841 387 271
www.environment.nsw.gov.au

Page 2

Yours sincerely



STEVEN COX
Senior Team Leader - Planning
Hunter Central Coast Branch
Regional Operations Division

23 November 2017



NSW RURAL FIRE SERVICE



General Manager
MidCoast Council
PO Box 450
FORSTER NSW 2428

Your Ref: SP-PP-26

Our Ref: R16/1641
DA18071814059 AB

ATTENTION: Alexandra Macvean

20 September 2018

Dear Ms Macvean

Agency Comment: - Planning Proposal to Amend Great Lakes LEP 2014; Lot 1 DP 653396, Lot 83 DP 753168 & Lot 427 DP 861736 The Lakes Way, Pacific Palms

I refer to your letter dated 17 July 2018 seeking advice for the above Planning Instrument in accordance with the 'Environmental Planning and Assessment Act 1979'.

The NSW Rural Fire Service (NSW RFS) understands the planning proposal will amend Great Lakes LEP 2014 in the following manner:

- Subdivision of Lot 427 DP 861736 to excise a site for an existing dwelling house, ancillary structures and bush fire asset protection areas;
- Subdivision of Lot 83 DP 753168 to excise a site for the expansion and bush fire asset protection of development at the adjoining Palms Oasis Caravan Park;
- Permanent protection of the remaining ecologically significant land on Lot 1 DP 653396, Lot 83 DP 753168 & Lot 427 DP 861736 The Lakes Way, Pacific Palms

The NSW RFS notes the subject lands are mapped bush fire prone land by Council

The NSW RFS has no objection to the planning proposal proceeding and provides the following comments:

- Asset protection zones (APZ) as detailed in the planning proposal are to be included in the proposed lots for the existing dwelling and expanded caravan park.

Postal address

Records
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
Planning and Environment Services (North)
Suite 1, 129 West High Street
COFFS HARBOUR NSW 2450

T (02) 6691 0400
F (02) 6691 0499
www.rfs.nsw.gov.au
Email: pes@rfs.nsw.gov.au

- Nominated asset protection zones shall be included within a S88B instrument over said subdivided lots. The S88B instrument shall incorporate a requirement that no habitable buildings shall be permitted within the APZ.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours Sincerely



Paul Creenaune

Acting Team Leader – Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Attention: Mathew Bell

Senior Ecologist

MidCoast Council

Breese Parade

PO Box 450, Forster NSW 2428

Via email: Mathew.Bell@MidCoast.nsw.gov.au

16 November 2016

Dear Mathew

RE: Pacific Palms – Preliminary BioBanking Assessment

As requested, Niche Environment and Heritage Pty Ltd (Niche) has completed this preliminary BioBank assessment report for Lot 1 DP 653396, Lot 83 DP 753168 & Lot 427 DP 861736 Boomerang Drive, Pacific Palms (study area) (Figure 1 and Figure 2).

The purpose of the preliminary assessment is to assist MidCoast Council in future planning for the site.

It is our understanding that the Planning Proposal for the Pacific Palms Study Area is to maintain approximately 62.3 hectares of land in E2 Environmental Protection, and rezone approximately 3.6 hectares to the north of the existing caravan park to RE2 Private Recreation to allow for future caravan park expansion and provide for a subdivision to excise an existing dwelling on Lot 427 from the remainder of the E2 land.

Likely impact

The area has been subject to a number of ecological studies. These studies have identified the following as potentially occurring within the study area

- Threatened Ecological Communities (TECs): River-Flat Eucalypt Forest on Coastal Floodplains, Swamp sclerophyll forest on coastal floodplains, Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner Bioregions, and Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions
- Threatened fauna: Koala habitat, Grey-headed Flying Fox and Glossy Black Cockatoo
- Threatened flora: none recorded to date.

The area of potential development impact to the north of the caravan park was assessed by Conacher Travers (2005). This assessment recorded the Koala, Grey-headed Flying Fox and Glossy Black Cockatoo which concluded non-significant impacts.

In addition, the record of the Stephens Banded Snake from Blueys Beach (Niche 2016) requires consideration in the context of this study area.

Based on the proposed plan, the proposed development may impact approximately 2.51 hectares of native vegetation with the following considerations:

- Indirect impacts (increase sedimentation, runoff, noise etc.) into surrounding bushland.
- Approximately 2.51 hectares of fauna habitat.
- Approximately 2.51 hectares of Koala habitat.
- Potential impact to hollow-bearing trees - potential impacts on hollow using species credit species including the Eastern Pygmy-Possum (*Cercartetus nanus*) and Stephens Banded Snake (*Hoplocephalus stephensi*).

Preliminary BioBank assessment

To assist council in understanding potential offsetting and conservation outcomes for the site, a preliminary BioBank assessment has been completed using two BioBanking scenarios using the latest version of the BioBanking Credit Calculator (BBCC) (version 4.0):

1. BioBank scenario: Estimate of the credits per hectare should the vegetation types in the study area be managed in perpetuity.
2. Development Scenario: Estimate of the credits per hectare should the vegetation types in the study area be cleared as in the Planning Proposal.

The BBCC was run by Luke Baker, Accredited BioBanking Assessor based on Council's detailed vegetation mapping. A summary of the two scenarios is provided in Table 1.

Details of the entries into the calculator for both scenario are provided in Attachment A.

The BioBanking Credit Profile Report for each scenario is provided in Attachment B.

Table 1. Preliminary BioBank calculations

Biometric Vegetation Type	Area	Credits required/generated	Credits per hectare
Development site			
HU931, Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and lower North Coast	0.07	5	71
HU783, Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	0.34	24	70.5
Not native vegetation	1.20	-	-
HU770, Tallowwood - Smooth-barked Apple - Blackbutt grassy open forest of the Central and lower North Coast	2.10	151	72
Total (native vegetation)	2.51	158	
BioBank site			
HU770, Tallowwood - Smooth-barked Apple - Blackbutt grassy open forest of the Central and lower North Coast	37.4	278	7
HU783, Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	3.22	24	7
HU931, Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and lower North Coast	11.01	62	6

HU941, Swamp Oak - Sea Rush - <i>Baumea juncea</i> swamp forest on coastal lowlands of the Central Coast and lower North Coast	4.57	26	6
HU960, Saltmarsh Estuarine Complex	3.92	22	6
HU961, Mangrove woodland	0.06	0 – BBCC did not produce a result.	-
Non-native	1.59	-	-
Total (native vegetation)	60.18	412	

Species Credits

Should Koala habitat be deemed to be impacted as a result of the 2.51 hectares of vegetation clearing then approximately 65 Koala credits may need to be retired. Assuming 51.63 ha of Koala habitat occurs within the conservation area, this would generate 367 Koala credits, which would satisfy the development offset requirement.

Two other species are considered likely to be present and can be considered for species credits, should they be determined to be present on the site. These are the Eastern Pygmy-Possum and Stephens Banded Snake. Calculations for these species are dependent on accurate hollow counts on which to base the calculations.

Offset requirement

In summary, the development would require 158 ecosystem credits.

Should the land to be retained be established as a BioBank site, it would likely satisfy the impacts of the development as it contains the required number of ecosystem credits for each vegetation type that may be impacted.

The proposed BioBank site would also likely satisfy the Koala offset requirement should it be required.

Recommendations

The following are recommended to consider in association with this report:

- Should a BioBank assessment be deemed a suitable approach by council, floristic plot data to meet the requirements of the BBAM would need to be collected at both the BioBank site and development site.
- The vegetation zones may need to be further refined to take into consideration areas of weed intensity, particularly along the edges of the site.
- OEH may require further fauna surveys within the development area given the previous surveys were completed in 2005. In particular, for threatened fauna that are not predicted species that would require offsetting under the BBAM.
- OEH may require further floristic surveys to confirm the absence of threatened flora within the proposed development area given previous surveys were completed in 2005.

- Further consultation with OEH should be undertaken in regards to 'Additionally' given the site is currently zoned E2. If compulsory management actions (landholder must control weeds, retain logs etc) and/or prohibition of certain activities (no removal of logs) are required by the landholder under the zoning requirements, such actions may discount the credits generated if the site is used as BioBank site. It is unclear at this stage what discount OEH would accept for any additionally. This should be discussed with OEH.
- Red flag variation would be required in accordance with the BBAM for impacts to any TECs and threatened biodiversity.

I trust the information provided in this report is sufficient for your purposes. Should you require any further information please do not hesitate to contact me as required.

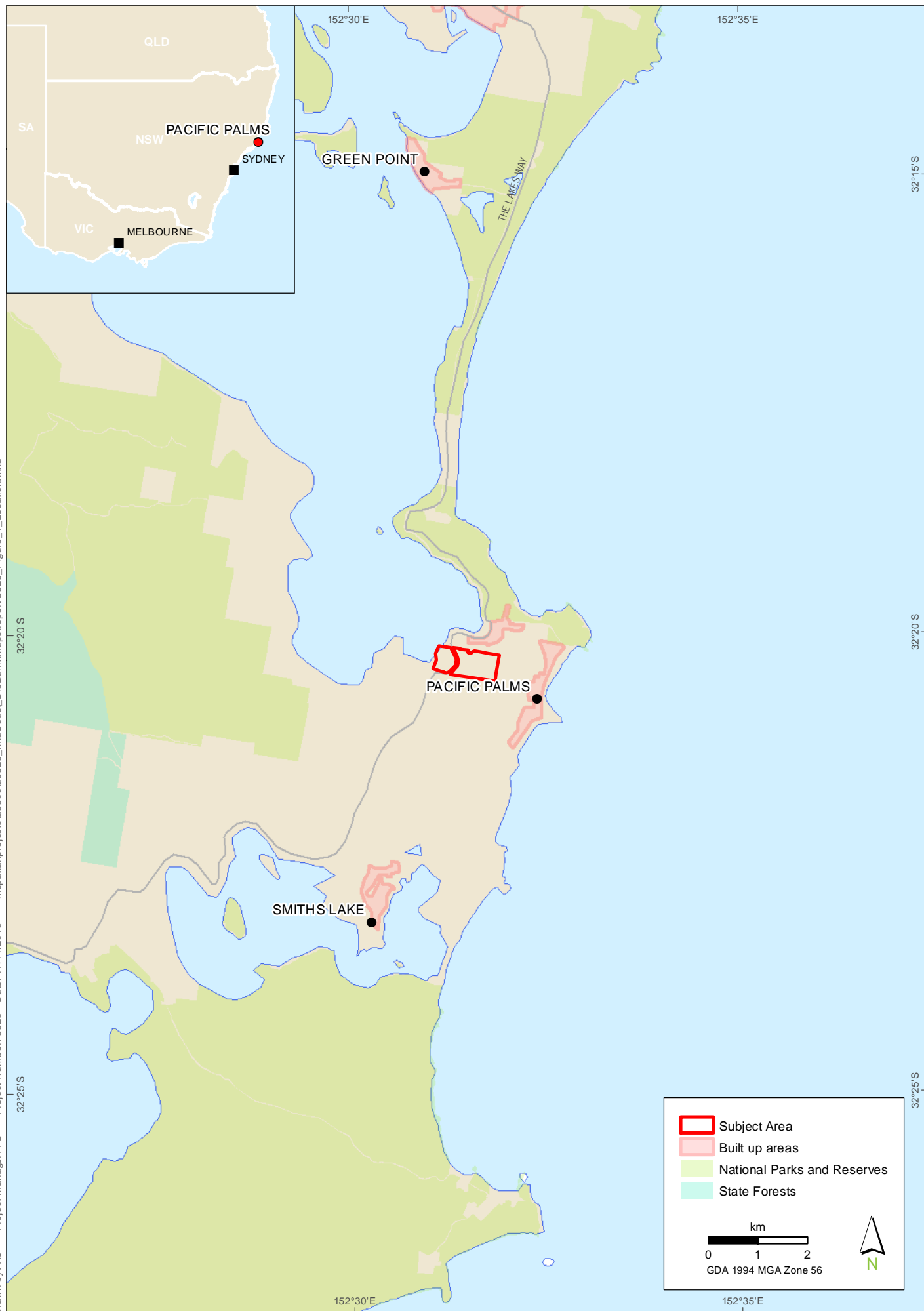
Yours sincerely,



Luke Baker

Senior Ecologist and Accredited BioBanking Assessor

Niche Environment and Heritage Pty Ltd

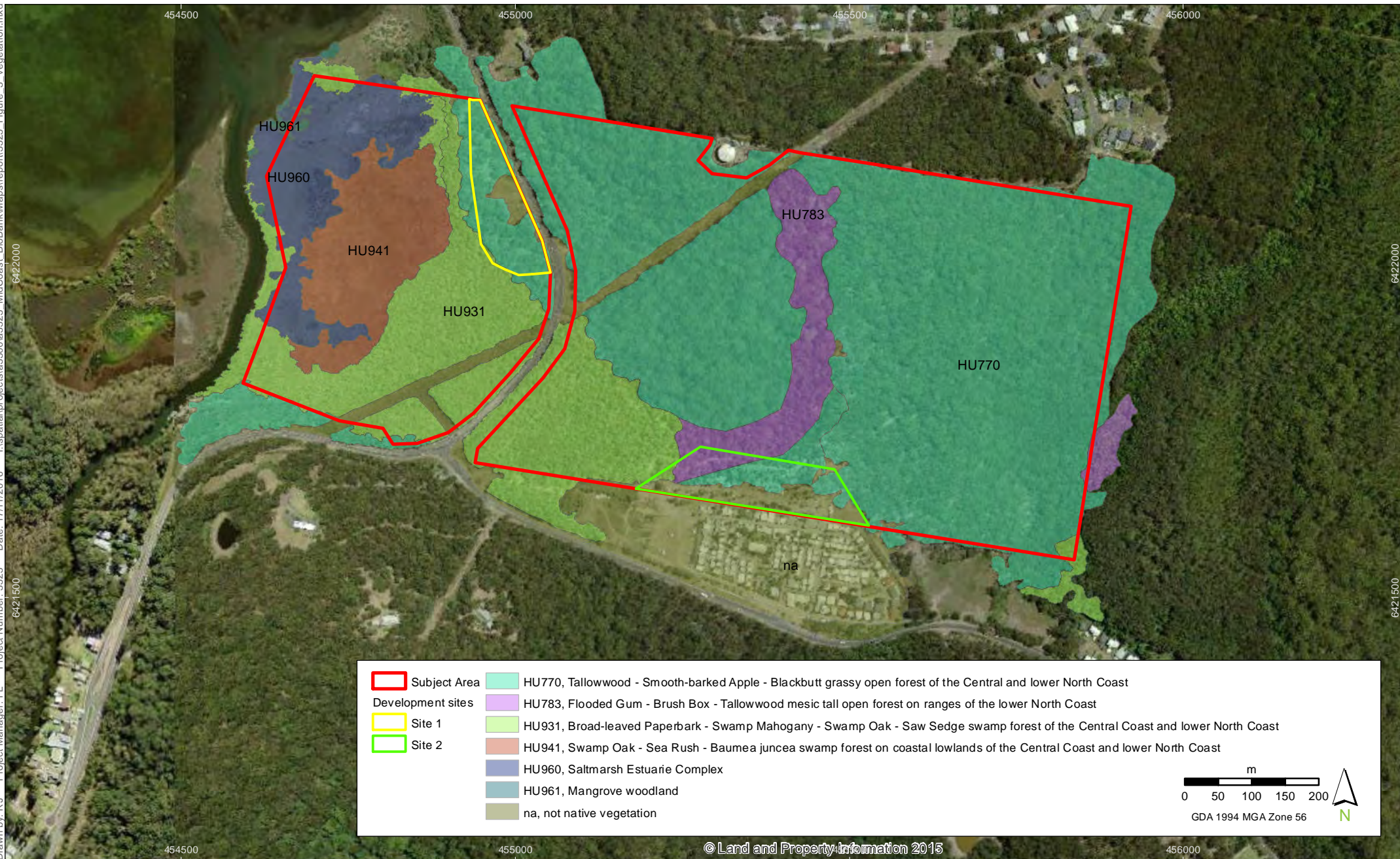


Location map

Pacific Palms BioBank Assessment

FIGURE 1





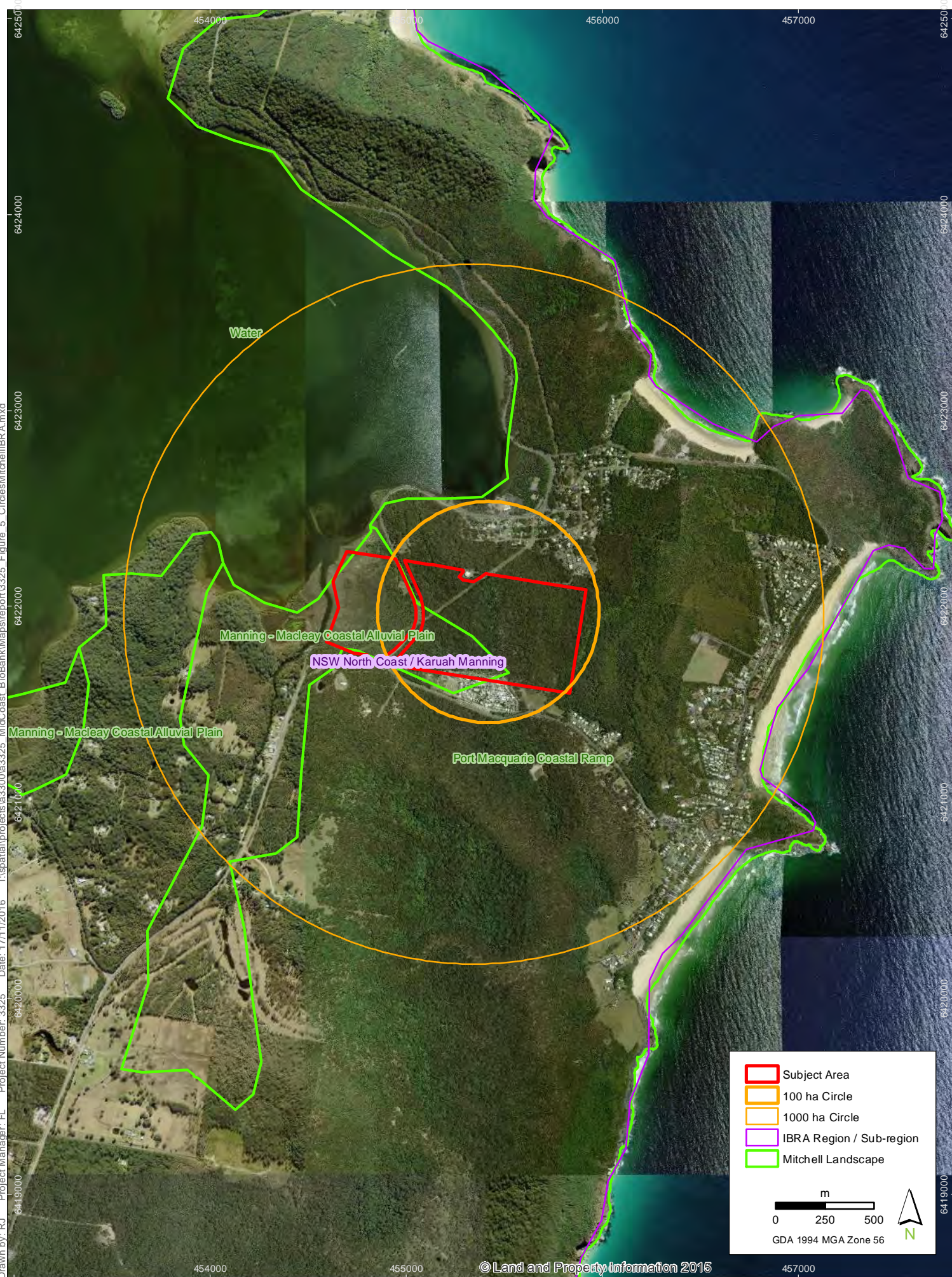


Landscape Assessment: CMA regions and patch size

Pacific Palms BioBank Assessment

FIGURE 4

Imagery: (c) LPI Aug 2013



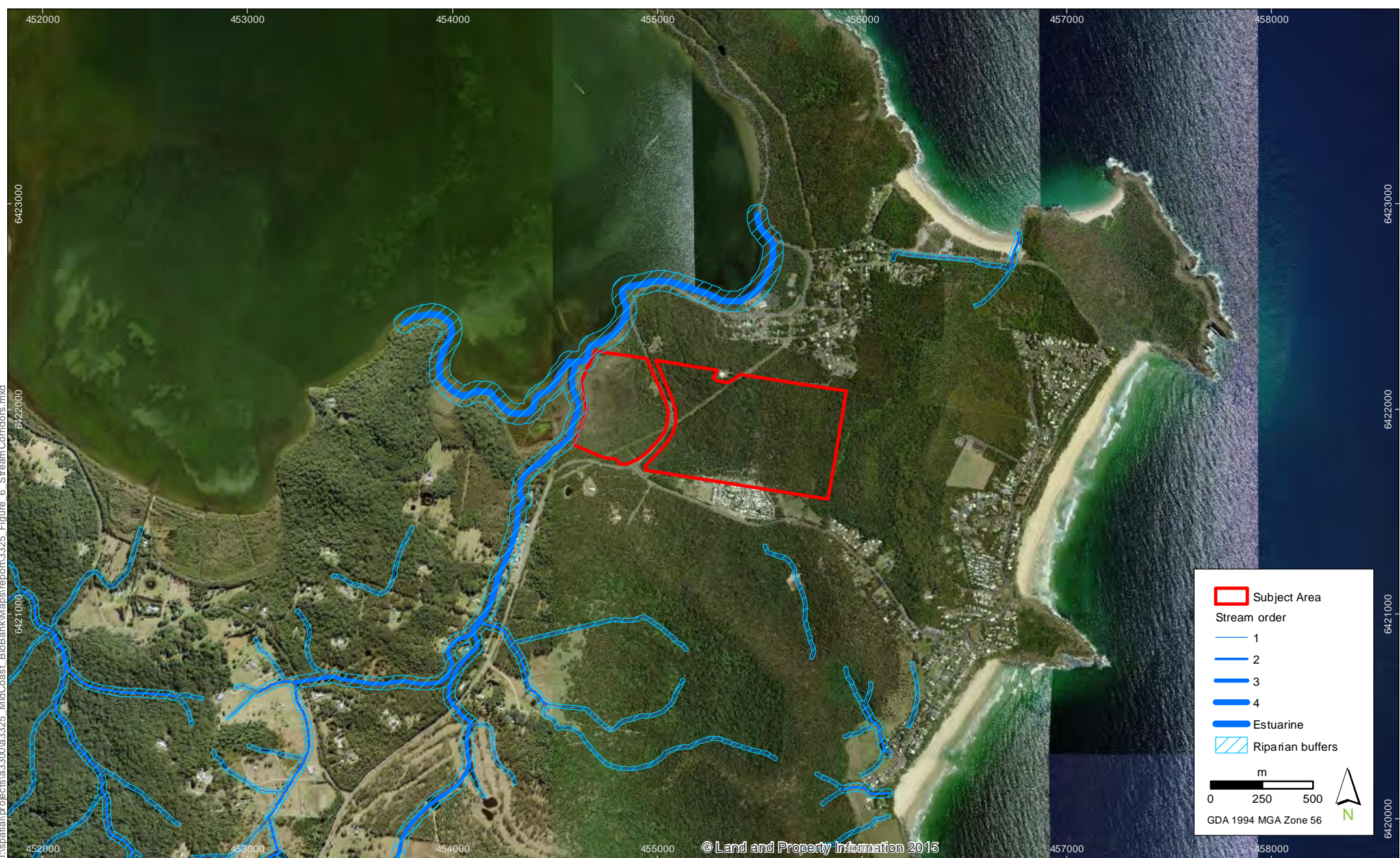
Landscape assessment circles: Mitchell Landscapes and IBRA sub-region

Pacific Palms BioBank Assessment

FIGURE 5

Imagery: (c) LPI Aug 2013

Drawn by: R.J. Project Manager: FL Project Number: 3325 Date: 17/11/2016
T:\spatial\projects\3325\3325_MidCoast_BioBank\Map\report\3325_Figure 6_StreamCorridors.mxd



ATTACHMENT A - CREDIT CALCULATOR INPUTS

Site details

The opening tabs of the BBCC include details of the site location. The site is located in the Hunter-Central Rivers CMA. The proposed site is shown in Figure 4.

Landscape value

Assessment circles

The FBA specifies the layout of the Assessment Circles. To assess the current and future extent of native vegetation cover for the development/BioBank site, the assessor must:

1. Identify an inner and an outer assessment circle in the ratio of 1:10 from the following combinations;

Inner assessment circle (ha)	Outer assessment circle (ha)
100	1,000
200	2,000
300	3,000
400	4,000
500	5,000
1,000	10,000

2. Centre the inner and outer assessment circles on the area of the development site that will involve the greatest decrease in native vegetation cover; and
3. Using a GIS, calculate the current and future extent of native vegetation cover in the inner and outer assessment circles in hectares and convert these to a five per cent threshold increment from zero to 100 (i.e. 0-5, 6-10, 11-15...96-100). The future extent is based on the likely decreased cover within the development site itself.

Assessment circles

A single 1,000 hectare outer circle and a 100 hectare inner circle were utilised for this assessment and centred on the area of greatest increase on the BioBank site and decrease in cover over the potential development site (Figure 5).

The native vegetation cover scores are provided in Table 2.

Given the study area is already vegetated, no change in vegetation cover would occur as a result of the BioBank site. Based on the disturbance to 2 hectares as per the sites Planning Proposal, this too would not result in any change to native vegetation cover at a 100 hectare or 1,000 hectare circle.

Table 2 is a summary of the native vegetation cover assessment.

Table 2. Assessment of landscape native vegetation cover

Landscape factor	Entry	
IBRA subregion	NSW North Coast / Karuah Manning	
Mitchell Landscape	Port Macquarie Coastal Ramp (used in assessment due to most of site occurring within this Mitchell Landscape), and Manning - Macleay Coastal Alluvial Plain	
Patch size	2,000 ha	
	Before BioBank	After BioBank
% Native Vegetation Cover in 1000ha Circle	66-70 %	66-70 % (no change)
% Native Vegetation Cover in 100ha Circle	81-85 %	81-85 % (no change)
	After development (2 ha clearing)	After Development (2 ha clearing)
% Native Vegetation Cover in 1000ha Circle	66-70 %	66-70 % (no change)
% Native Vegetation Cover in 100ha Circle	81-85 %	81-85 % (no change)

The landscape assessment resulted in a Landscape Score of 12.00 for both scenarios after a patch size of 2,000 hectares was entered, and the vegetation zone was given a 'Moderate to Good' condition.

Connectivity assessment

Strategic location

A development site is in a strategic location if it includes land that is:

1. An area identified by the Assessor as being part of a state significant biodiversity link and in a plan approved by the Chief Executive of OEH, or
2. An area identified by the Assessor as being part of a regional significant biodiversity link and in a plan approved by the Chief Executive of OEH, or
3. Streams of the following orders and buffers;
 - A riparian buffer of 50 metres on one or both sides of a 6th order stream or higher, or
 - A riparian buffer of 40 metres on one or both sides of a 4th or 5th order stream, or
 - A riparian buffer of 30 metres on one or both sides of a 3rd order stream, or
4. Wetlands;
 - A riparian buffer of 50 metres for an important wetland as mapped in the DIWA database, or
 - A riparian buffer of 50 metres for an estuarine area.
 - A riparian buffer of 20 metres for a local wetland.

An assessment of the stream order (Appendix 2 of BBAM 2014) of the local creeks and rivers was made with GIS by examining a combination of the NSW Hydrological Database and digital 1:25,000 topographic maps.

Figure 6 demonstrates that the site occurs immediately to the east of a strategic location.

Assessment of primary connecting link

A connectivity width value of >30-100 m was entered into the calculator as the primary connecting link occurs off the site. Given the site is already vegetated, no change to the primary connectivity link would occur and therefore no change to this score would occur as a result of the establishment of the BioBank site. Similarly, no change would occur should only 2 hectares be cleared as proposed in the current planning proposal for the site.

Assessment of patch size

The final component of the landscape assessment is the patch size to which the development site belongs. Patch size is defined in the BBAM (2014) as an area of native vegetation that:

- a) occurs on the BioBank Site;
- b) is in moderate to good condition; and
- c) includes clumps of wooded vegetation no more than 100 metres apart, also in moderate to good condition.

The patch may extend beyond the BioBank site and onto adjoining land.

The patch size of the native vegetation on the study area extends into the surrounding bushland. This area is greater than 1000ha, and thus a nominal patch size of 1,100 hectares, which is greater than the 1,000 hectare maximum allowed by the FBA has been chosen (i.e. the maximum score for patch size is applicable).

Predicted threatened species

Geographic and habitat features

The geographic and habitat features tab in the BBCC is designed to further filter threatened fauna whose habitats cannot be reliably predicted by PCTs as surrogates and also for all threatened flora.

Answers to the geographic questions in the BBCC and those species predicted to occur on-site are provided in the tables below.

Table 3. Geographic questions

Impact?	Common name	Scientific name	Feature
<input checked="" type="checkbox"/>	Big Nellie Hakea	<i>Hakea archaeoides</i>	land containing open forest on rocky, sheltered slopes or in deep gullies
<input checked="" type="checkbox"/>	Stuttering Frog	<i>Mixophyes balbus</i>	rainforest or tall open wet forest with understorey and/or leaf litter and within 100 m of streams

Impact?	Common name	Scientific name	Feature
<input checked="" type="checkbox"/>	Giant Barred Frog	<i>Mixophyes iteratus</i>	land below 1000 m in altitude and within 40 m of rainforest or eucalypt forest with deep leaf litter
<input checked="" type="checkbox"/>	Large-eared Pied Bat	<i>Chalinolobus dwyeri</i>	land containing escarpments, cliffs, caves, deep crevices, old mine shafts or tunnels
<input checked="" type="checkbox"/>	Pale-headed Snake	<i>Hoplocephalus bitorquatus</i>	land within 40 m of watercourses, containing hollow-bearing trees, loose bark and/or fallen timber
<input checked="" type="checkbox"/>	Rufous Bettong	<i>Aepyprymnus rufescens</i>	land north of Gloucester in Karuah Manning CMA subregion
<input checked="" type="checkbox"/>	Brush-tailed Rock-wallaby	<i>Petrogale penicillata</i>	land within 1 km of rock outcrops or clifflines
<input checked="" type="checkbox"/>	Common Planigale	<i>Planigale maculata</i>	rainforest, eucalypt forest, heathland, marshland, grassland or rocky areas
<input checked="" type="checkbox"/>	Green-thighed Frog	<i>Litoria brevipalmata</i>	land within 100 m of semi-permanent or ephemeral ponds or depressions containing leaf litter
<input checked="" type="checkbox"/>	Biconvex Paperbark	<i>Melaleuca biconvexa</i>	swamps, swamp margins or creek edges
<input checked="" type="checkbox"/>	Wallum Froglet	<i>Crinia tinnula</i>	land within 40 m of swamps, wet or dry heaths or sedge grasslands
<input checked="" type="checkbox"/>	Black Bittern	<i>Ixobrychus flavicollis</i>	land within 40 m of freshwater and estuarine wetlands, in areas of permanent water and dense vegetation or emergent aquatic vegetation
<input checked="" type="checkbox"/>	Eastern Osprey	<i>Pandion cristatus</i>	land within 40 m of fresh/brackish/saline waters of larger rivers or creeks; estuaries, coastal lagoons, lakes and/or inshore marine waters
<input checked="" type="checkbox"/>	Giant Dragonfly	<i>Petalura gigantea</i>	land within 100 m of coastal or upland swamps, bogs or wetlands
<input checked="" type="checkbox"/>	Black-necked Stork	<i>Ephippiorhynchus asiaticus</i>	land within 40 m of freshwater or saline wetlands (eg saltmarsh, mangroves, mudflats, swamps, billabongs, floodplains, watercourse pools, wet heathland and/or farm dams)
<input checked="" type="checkbox"/>	<i>Eucalyptus parramattensis subsp. decadens</i>	<i>Eucalyptus parramattensis subsp. decadens</i>	land within northern section of sub-region, associated with poorly drained sand deposits within 10km radius of Kurri Kurri in Wyong CMA subregion
<input checked="" type="checkbox"/>	Green and Golden Bell Frog	<i>Litoria aurea</i>	land within 100 m of emergent aquatic or riparian vegetation
<input checked="" type="checkbox"/>	<i>Maundia triglochoides</i>	<i>Maundia triglochoides</i>	swamps or shallow fresh water on clay
<input checked="" type="checkbox"/>	Charmhaven Apple	<i>Angophora inopina</i>	land within 5 km of Wallaroo Nature Reserve in Upper Hunter CMA subregion
<input checked="" type="checkbox"/>	Australasian Bittern	<i>Botaurus poiciloptilus</i>	land east of Cessnock in Hunter CMA subregion
<input checked="" type="checkbox"/>	Terek Sandpiper	<i>Xenus cinereus</i>	Mangroves and intertidal mudflats or sandflats within inlets, bays, harbours, estuaries, lagoons, ocean beaches and/or sandy spits
<input checked="" type="checkbox"/>	Pied Oystercatcher	<i>Haematopus longirostris</i>	land within 40 m of high water mark on beaches, sandbars, margins of estuaries or lagoons

Impact?	Common name	Scientific name	Feature
<input checked="" type="checkbox"/>	Greater Sand-plover	<i>Charadrius leschenaultii</i>	intertidal mudflats or sandflats within inlets, bays, harbours, estuaries, lagoons or ocean beaches or sandy spits
<input checked="" type="checkbox"/>	Lesser Sand-plover	<i>Charadrius mongolus</i>	intertidal mudflats or sandflats within inlets, bays, harbours, estuaries, lagoons or ocean beaches or sandy spits
<input checked="" type="checkbox"/>	<i>Zannichellia palustris</i>	<i>Zannichellia palustris</i>	land containing freshwater bodies
<input checked="" type="checkbox"/>	Little Tern	<i>Sternula albifrons</i>	land within 40 m of inshore coastal waters or shallow waters of estuaries, coastal lagoons and/or lakes
<input checked="" type="checkbox"/>	Beach Stone-curlew	<i>Esacus magnirostris</i>	Sheltered areas in mangroves, estuaries or sand surrounded by short grass or scattered shrubs.
<input checked="" type="checkbox"/>	Broad-billed Sandpiper	<i>Limicola falcinellus</i>	intertidal mudflats or sandflats within inlets, bays, harbours, estuaries, lagoons, ocean beaches and/or sandy spits

Table 4. Predicted threatened species

Common name	Scientific name *	TS offset multiplier
Australian Painted Snipe	<i>Rostratula australis</i>	1.3
Barking Owl	<i>Ninox connivens</i>	3.0
Black-tailed Godwit	<i>Limosa limosa</i>	2.6
Bush Stone-curlew	<i>Burhinus grallarius</i>	2.6
Common Blossom-bat	<i>Syconycteris australis</i>	1.2
Eastern False Pipistrelle	<i>Falsistrellus tasmaniensis</i>	2.2
Eastern Freetail-bat	<i>Mormopterus norfolkensis</i>	2.2
Eastern Grass Owl	<i>Tyto longimembris</i>	1.3
Gang-gang Cockatoo	<i>Callocephalon fimbriatum</i>	2.0
Glossy Black-Cockatoo	<i>Calyptrorhynchus lathami</i>	1.8
Great Knot	<i>Calidris tenuirostris</i>	2.6
Greater Broad-nosed Bat	<i>Scoteanax rueppellii</i>	2.2
Little Eagle	<i>Hieraaetus morphnoides</i>	1.4
Little Lorikeet	<i>Glossopsitta pusilla</i>	1.8
Long-nosed Potoroo	<i>Potorous tridactylus</i>	1.3

Masked Owl	<i>Tyto novaehollandiae</i>	3.0
Powerful Owl	<i>Ninox strenua</i>	3.0
Red-legged Pademelon	<i>Thylogale stigmatica</i>	2.6
Rose-crowned Fruit-dove	<i>Ptilinopus regina</i>	1.3
Sanderling	<i>Calidris alba</i>	2.6
Scarlet Robin	<i>Petroica boodang</i>	1.3
Sooty Owl	<i>Tyto tenebricosa</i>	3.0
Spotted Harrier	<i>Circus assimilis</i>	1.4
Spotted-tailed Quoll	<i>Dasyurus maculatus</i>	2.6
Square-tailed Kite	<i>Lophoictinia isura</i>	1.4
Squirrel Glider	<i>Petaurus norfolcensis</i>	2.2
Superb Fruit-dove	<i>Ptilinopus superbus</i>	1.3
Swift Parrot	<i>Lathamus discolor</i>	1.3
Turquoise Parrot	<i>Neophema pulchella</i>	1.8
Varied Sittella	<i>Daphoenositta chrysoptera</i>	1.3
White-fronted Chat	<i>Epthianura albifrons</i>	0.8
Wompoo Fruit-dove	<i>Ptilinopus magnificus</i>	1.3
Yellow-bellied Glider	<i>Petaurus australis</i>	2.3
Yellow-bellied Sheath-tail-bat	<i>Saccolaimus flaviventris</i>	2.2

Identified populations

No 'identified populations', as defined in the BBAM, have yet been defined. Note that 'identified populations' are wholly different from threatened populations or species as listed on the TSC Act.

Vegetation Zones

Plant Community Types and condition

Council's vegetation mapping has utilised in this assessment. Council's mapping has been provided in Figure 3, with amendments to the occurrence of Brush Box Wet Sclerophyll Forest (HU783, Flooded Gum - Brush Box - Tallowwood mesic tall open forest) which extended through the gully of the study area. Each vegetation community was aligned to the best fit Biometric Vegetation Type (BVT) used in the BBAM (Table 4). Alignment to Threatened Ecological Communities (TECs) listed under the NSW Threatened Species Conservation Act 1995 has also been provided in the table below.

Table 5. Vegetation alignment

Council vegetation mapping	Best fit BVT	Alignment to TECs
Blackbutt/ Tallowwood coastal dry sclerophyll Forest	HU770, Tallowwood - Smooth-barked Apple - Blackbutt grassy open forest of the Central and lower North Coast	River-Flat Eucalypt Forest on Coastal Floodplains
Mangrove forest	HU961, Mangrove woodland	-
Cabbage Tree Palm rainforest	HU783, Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast (best fit)	Possible Lowland Rainforest in NSW North Coast and Sydney Basin Bioregion
Swamp Oak swamp forest and woodland	HU931, Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and lower North Coast	Swamp sclerophyll forest on coastal floodplains
Broad-leaved Paperbark/ Swamps Oak swamp forest and woodland	HU931, Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and lower North Coast	Swamp sclerophyll forest on coastal floodplains
Broad-leaved Paperbark/ Swamps Oak/ Swamps Mahogany/ Cabbage Tree Palm swamp sclerophyll forest		
Juncus saltmarsh rushland	HU960, Saltmarsh Estuarine Complex	Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner Bioregions
Mixed freshwater Meadow – derived	Possibly the adjacent vegetation communities - HN	-
Baumea saltmarsh sedgeland	HU941, Swamp Oak - Sea Rush - <i>Baumea juncea</i> swamp forest on coastal lowlands of the Central Coast and lower North Coast	Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions

No BioBanking plot and transect data was collected during the brief site inspection by Niche. It is likely however, that the vegetation would be within, or toward the lower range of benchmark condition. A score within benchmark for each BioBanking attribute was therefore entered into the BBCC for each of the vegetation types for both scenarios. The scores are provided below.

Table 6. BioBanking attribute scores

Plot Name	NPS	NOS	NMS	NGCG	NGCS	NGCO	EPC	NTH	OR	FL
HU770	44	30	30	15	15	15	2	2	1	20
HU783	44	30	20	15	7	20	3	1	1	12
HU941	15	25	25	12	7	20	1	0	1	12
HU960	5	0	0	0	2	50	0	0	1	0
HU931	24	30	30	20	20	20	4	1	1	10
HU961	2	60	0	0	0	0	0	0	1	0

Attribute Codes: *NPS* – Native Plant Species Richness, *NOS* – Native Over-storey cover, *NMS* – Native Mid-storey cover, *NGCG* – Native Groundcover Grasses, *NGCS* – Native Groundcover Shrubs, *NGCO* – Native Groundcover Other, *EPC* – Exotic Plant Cover, *NTH* – Number of Trees with Hollows, *OR* – Over-storey Regeneration, *FL* – Length of Fallen Logs.

Site values

The default scores for site values were allowed for each of the BioBanking attributes for each scenario.

Ecosystem Credits

The approximate credits generated should the site be established as a BioBank site is provided in Table 7.

Table 7. Ecosystem credits generate (BioBank site scenario)

Biometric Vegetation Type	Area	Credits required/ generated	Credits per hectare
HU770, Tallowwood - Smooth-barked Apple - Blackbutt grassy open forest of the Central and lower North Coast	37.4	278	7
HU783, Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	3.22	24	7
HU931, Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and lower North Coast	11.01	62	6
HU941, Swamp Oak - Sea Rush - <i>Baumea juncea</i> swamp forest on coastal lowlands of the Central Coast and lower North Coast	4.57	26	6
HU960, Saltmarsh Estuarine Complex	3.92	22	6
HU961, Mangrove woodland	0.06	0 – BBCC did not produce a result.	-
Non-native	1.59	-	-
Total (native vegetation)	60.18	412	

The approximate credits required should the development proceed is provided in Table 8 below.

Table 8. Ecosystem credits generate (Development site scenario)

Biometric Vegetation Type	Area	Credits required	Credits per hectare
Development site			
HU931, Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and lower North Coast	0.07	5	71
HU783, Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	0.34	24	70.5
Not native vegetation	1.20	-	-

HU770, Tallowwood - Smooth-barked Apple - Blackbutt grassy open forest of the Central and lower North Coast	2.10	151	72
Total (native vegetation)	2.51	158	

Species Credits

Approximately 65 Koala Species Credits may be required should the development site contain 2.51 hectares of Koala habitat.

Assuming 51.63 of Koala habitat occurs within the proposed BioBank site, this would generate 367 Koala credits.

An additional two species credit species are also considered likely to be on-site at this time, the Stephens Banded Snake and Eastern Pygmy Possum. Attempting to calculate credits for these two species is dependent on the numbers of hollows present and is likely to require more detailed mapping of hollow-bearing trees to be confident in the calculations.

ATTACHMENT B - CREDIT PROFILE REPORT

BioBanking credit report



Office of
Environment
& Heritage

This report identifies the number and type of credits required at a BIOBANK SITE

Date of report: 17/11/2016

Time: 9:54:25PM

Calculator version: v4.0

Biobank details

Proposal ID: 0112/2016/4072B
Proposal name: 3325 Pacific Palms BioBank
Proposal address:

Proponent name: MidCoast Council
Proponent address:
Proponent phone:

Assessor name: Luke Baker
Assessor address:
Assessor phone:
Assessor accreditation: 0112

Additional information required for approval:

- ☐ Use of local benchmark
- ☐ Expert report...
- ☐ Request for additional gain in site value

Ecosystem credits summary

Plant Community type	Area (ha)	Credits created
Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast	11.01	62.00
Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	3.22	24.00
Grey Mangrove low closed forest	0.06	0.00
Saltmarsh Estuarine Complex	3.92	22.00
Swamp Oak - Sea Rush - Baumea juncea swamp forest on coastal lowlands of the Central Coast and Lower North Coast	4.57	26.00
Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast	37.40	278.00
Total	60.18	412

Credit profiles

1. Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast, (HU770)

Number of ecosystem credits created	278
IBRA sub-region	Karuah Manning

2. Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast, (HU783)

Number of ecosystem credits created	24
IBRA sub-region	Karuah Manning

3. Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast, (HU931)

Number of ecosystem credits created	62
IBRA sub-region	Karuah Manning

4. Swamp Oak - Sea Rush - Baumea juncea swamp forest on coastal lowlands of the Central Coast and Lower North Coast, (HU941)

Number of ecosystem credits created	26
IBRA sub-region	Karuah Manning

5. Saltmarsh Estuarine Complex, (HU960)

Number of ecosystem credits created	22
IBRA sub-region	Karuah Manning

6. Grey Mangrove low closed forest, (HU961)

Number of ecosystem credits created	0
IBRA sub-region	Karuah Manning

Species credits summary

Common name	Scientific name	Extent of impact Ha or individuals	Number of species credits created
Koala	Phascolarctos cinereus	51.63	367

Additional management actions

Additional management actions are required for:

Vegetation type or threatened species	Management action details
Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast	Exclude commercial apiaries
Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast	Exclude miscellaneous feral species
Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast	Feral and/or over-abundant native herbivore control
Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast	Fox control
Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast	Slashing
Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	Exclude commercial apiaries
Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	Exclude miscellaneous feral species
Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	Feral and/or over-abundant native herbivore control
Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	Fox control
Grey Mangrove low closed forest	Control exotic pest fish species (within dams)
Grey Mangrove low closed forest	Control of feral pigs
Grey Mangrove low closed forest	Exclude miscellaneous feral species
Grey Mangrove low closed forest	Feral and/or over-abundant native herbivore control
Grey Mangrove low closed forest	Fox control
Grey Mangrove low closed forest	Maintain or re-introduce natural flow regimes
Koala	Exclude miscellaneous feral species
Koala	Slashing
Saltmarsh Estuarine Complex	Control exotic pest fish species (within dams)
Saltmarsh Estuarine Complex	Control of feral pigs
Saltmarsh Estuarine Complex	Exclude miscellaneous feral species

Saltmarsh Estuarine Complex	Feral and/or over-abundant native herbivore control
Saltmarsh Estuarine Complex	Fox control
Saltmarsh Estuarine Complex	Maintain or re-introduce natural flow regimes
Swamp Oak - Sea Rush - Baumea juncea swamp forest on coastal lowlands of the Central Coast and Lower North Coast	Exclude miscellaneous feral species
Swamp Oak - Sea Rush - Baumea juncea swamp forest on coastal lowlands of the Central Coast and Lower North Coast	Feral and/or over-abundant native herbivore control
Swamp Oak - Sea Rush - Baumea juncea swamp forest on coastal lowlands of the Central Coast and Lower North Coast	Fox control
Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast	Exclude commercial apiaries
Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast	Exclude miscellaneous feral species
Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast	Feral and/or over-abundant native herbivore control
Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast	Fox control
Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast	Slashing

BioBanking credit report



Office of
Environment
& Heritage

This report identifies the number and type of credits required at a DEVELOPMENT SITE.

Date of report: 17/11/2016

Time: 9:52:29PM

Calculator version: v4.0

Development details

Proposal ID: 0112/2016/4075D

Proposal name: 3325 Pacific Palms Development

Proposal address:

Proponent name: MidCoast Council

Proponent address:

Proponent phone:

Assessor name: Luke Baker

Assessor address:

Assessor phone:

Assessor accreditation: 0112

Improving or maintaining biodiversity

An application for a red flag determination is required for the following red flag areas

Red flag	Reason
Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast	Vegetation type being > 70% cleared; or it contains an endangered ecological community;
Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast	Vegetation type being > 70% cleared; or it contains an endangered ecological community;
Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	Vegetation type being > 70% cleared; or it contains an endangered ecological community;

The application for a red flag determination should address the criteria set out in the BioBanking Assessment Methodology. Please note that a biobanking statement cannot be issued unless the determination is approved.

Additional information required for approval:

- ☐ Change to percent cleared for a vegetation type/s
- ☐ Use of local benchmark
- ☐ Change negligible loss
- ☐ Expert report...
- ☒ Request for additional gain in site value
- ☐ Predicted threatened species not on site
- ☐ Change threatened species response to gain (Tg value)

Ecosystem credits summary

Plant Community type	Area (ha)	Credits required	Red flag
Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast	0.07	5.46	Yes
Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	0.34	24.00	No
Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast	2.10	151.00	Yes
Total	2.51	180	

Credit profiles

1. Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast, (HU770)

Number of ecosystem credits created 151
IBRA sub-region Karuah Manning

Offset options - vegetation types	Offset options - CMA sub-regions
<p>Tallowwood - Smooth-barked Apple - Blackbutt grass tall open forest of the Central and lower North Coast, (HU770)</p> <p>Tallowwood - Small-fruited Grey Gum - Kangaroo Grass grassy tall open forest on foothills of the lower North Coast, (HU762)</p> <p>Pink Bloodwood - Thin-leaved Stringybark - Grey Ironbark shrub - grass open forest on ranges of the lower North Coast, (HU772)</p> <p>White Mahogany - Spotted Gum - Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley, (HU798)</p>	<p>Karuah Manning</p> <p>and any IBRA subregion that adjoins the IBRA subregion in which the development occurs</p>

2. Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast, (HU783)

Number of ecosystem credits created 24
IBRA sub-region Karuah Manning

Offset options - vegetation types	Offset options - CMA sub-regions
<p>Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast, (HU783)</p> <p>Blackbutt - Turpentine - Sydney Blue Gum mesic tall open forest on ranges of the Central Coast, (HU782)</p>	<p>Karuah Manning</p> <p>and any IBRA subregion that adjoins the IBRA subregion in which the development occurs</p>

3. Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast, (HU931)

Number of ecosystem credits created 5
IBRA sub-region Karuah Manning

Offset options - vegetation types	Offset options - CMA sub-regions
<p>Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast, (HU931)</p> <p>Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion, (HU633)</p> <p>Prickly-leaved Paperbark forest on coastal lowlands of the Central Coast and Lower North Coast, (HU930)</p> <p>Swamp Mahogany - Flax-leaved Paperbark swamp forest on coastal lowlands of the Central Coast, (HU932)</p> <p>Melaleuca biconvexa - Swamp Mahogany - Cabbage Palm swamp forest of the Central Coast, (HU937)</p>	<p>Karuah Manning</p> <p>and any IBRA subregion that adjoins the IBRA subregion in which the development occurs</p>

Swamp paperbark - Baumea juncea swamp shrubland on coastal lowlands of the Central Coast and Lower North Coast, (HU944)	
Swamp Oak - Weeping Grass grassy riparian forest of the Hunter Valley, (HU945)	

Species credits summary

Common name	Scientific name	Extent of impact Ha or individuals	Number of species credits created
Koala	Phascolarctos cinereus	2.51	65

Suite 4, 11 Manning St
TUNCURRY NSW 2428

PO Box 568
FORSTER NSW 2428

Phone: 02) 6555 2178
Fax: 02) 6555 2741

27 October 2016

MidCoast Council
PO Box 450
Forster NSW 2428

Attention: Alexandra Macvean

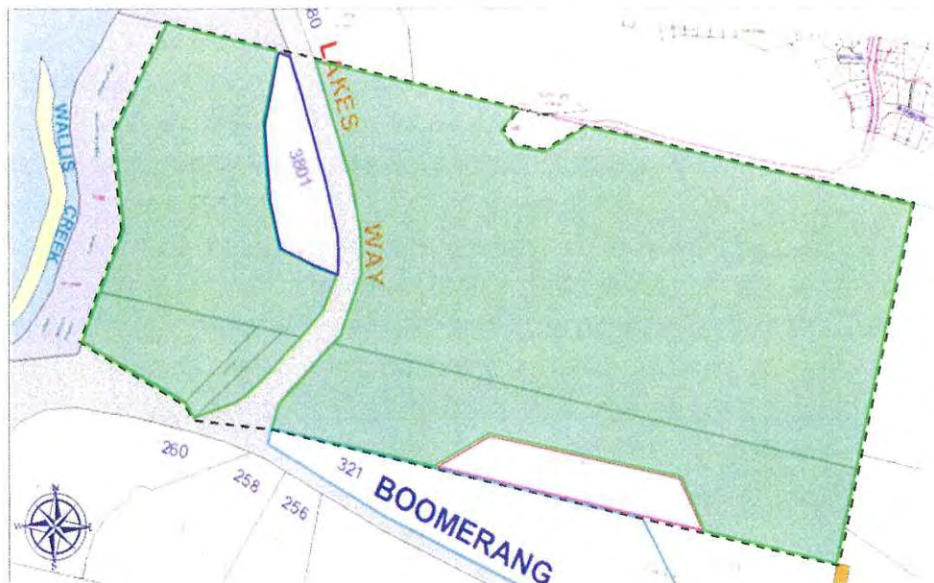
Our Ref: 6184

Dear Alexandra,

RE: PLANNING PROPOSAL FOR LAND ADJACENT TO PALMS OASIS CARAVAN PARK

I refer to our recent discussions in regard to the above matter and note that an updated planning proposal has been submitted to Council.

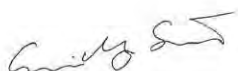
As per our discussions, this letter is to detail commitments made by the current landowners and prospective purchasers to enter into a planning agreement as part of the planning proposal that provides for the ongoing protection and conservation of lands as identified in the planning proposal. The land areas involved are shown in the map below, with the area depicted in green being the land identified for ongoing protection and conservation.



The parties signed below (other than Coastplan Group Pty. Ltd) agree that to enter into a planning agreement (where the relevant owner at the time) prepared in accordance with Section 93F of the *Environmental Planning and Assessment Act 1979*. This agreement will which provide for conservation and management of the areas identified in the planning proposal in a manner acceptable to Council, such as dedication of the land into public ownership, registration of a bio-banking agreement over the land or such other similar conservation agreement. This agreement is based on the outcomes identified in the planning proposal being achieved.

Please feel free to contact me on if you require any further information.

Yours faithfully



GAVIN MABERLY-SMITH
BAppSci(Env. Health) GradDip(UrbRegPlanning)
Coastplan Group Pty Ltd
email: gavin@coastplan.com.au



NORM LYONS
Palms Oasis Pty Ltd

Date: 27/10/2016

NARELLE LYONS
Palms Oasis Pty Ltd

Date:


27-10-16.

PETER GIBSON
Ingenia Communities

Date:



- Development Applications
- Engineering
- Town and Environmental Planning
- Rezoning
- Local Government Liaison
- Building Code of Australia Advice
- Bushfire Assessments and Management Plans

Suite 4, 11 Manning St
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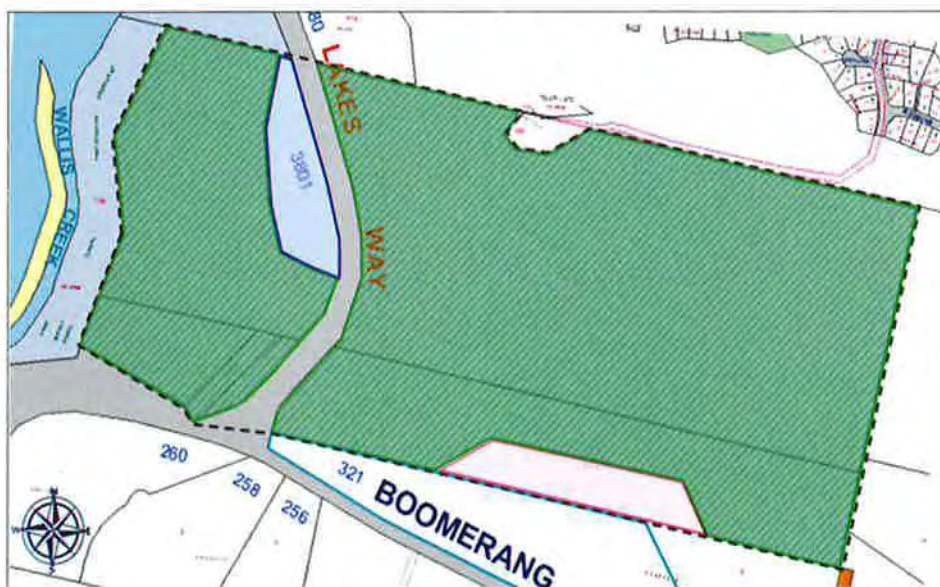
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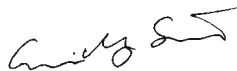
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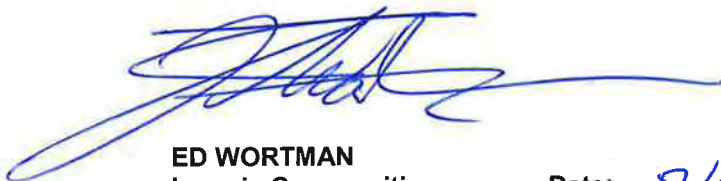
GAVIN MABERLY-SMITH
BAppSci(Env. Health) GradDip(UrbRegPlanning)
Coastplan Group Pty Ltd
email: gavin@coastplan.com.au

NORM LYONS
Palms Oasis Pty Ltd

Date:

NARELLE LYONS
Palms Oasis Pty Ltd

Date:



ED WORTMAN
Ingenia Communities

Date:

3/11/16

Form: 13RPA
Licence: 01-05-079
Licensee: LEAP Legal Software Pty
Limited
Firm name: Barraclough Jones & Associates

**RESTRICTION ON THE
USE OF LAND BY A
PRESCRIBED AUTHORITY**



AI489233S

New South Wales

Section 88E(3) Conveyancing Act 1919

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) **TORRENS TITLE**

4271861736 part Auto Consol 4251-83 being lot 427 in DP861736

(B) **LODGED BY**

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any V. J. RALPH & CO 123786S 1089X Reference: 1402444 BOON CITY LEGAL SERVICES	CODE RV
-------------------------	---	-------------------

(C) **REGISTERED PROPRIETOR**

Of the above land
PALMS OASIS PTY LIMITED ACN 063 839 029

(D) **LESSEE MORTGAGEE or CHARGE**

Of the above land agreeing to be bound by this restriction		
Nature of Interest	Number of Instrument	Name
NOT MORTGAGE APPLICABLE	N.A. AQ72987	N.A. NATIONAL AUSTRALIA BANK

(E) **PRESCRIBED AUTHORITY**

Within the meaning of section 88E(1) of the Conveyancing Act 1919
GREAT LAKES COUNCIL

(F) The prescribed authority having imposed on the above land a restriction in the terms set out in annexure "A" hereto applies to have it recorded in the Register and certifies this application correct for the purposes of the Real Property Act 1900.

DATE 12-2-2014

(G) I certify that an authorised officer of the prescribed authority who is personally known to me or as to whose identity I am otherwise satisfied signed this application in my presence.

Signature of witness:

Name of witness:

Address of witness:

Signature of authorised officer:

Name of authorised officer:

Position of authorised officer:

Refer
Annexure "A1"
hereto

(G) Execution by Registered Proprietor

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the corporation named below by the authorised person(s) whose signature(s) appears(s) below

Corporation: PALMS OASIS PTY LIMITED

Authority: section 127 of the Corporations Act 2001

Signature of authorised person:

Signature of authorised person:

Name of authorised person: Norman Leslie Lyons

Office held: Director

Name of authorised person: Narelle Joan Lyons

Office held: Secretary

(H) The N.A. under N.A. No. N.A., agrees to be bound by this restriction.

I certify that the above N.A. who is personally known to me or as to whose identity I am otherwise satisfied signed this application in my presence.

Signature of witness:

Name of witness:

Address of witness:

See Annexure "A2"

Signature of N.A.:

RELODGED

27 MAY 2014

TIME: 16:30

* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.

ALL HANDWRITING MUST BE IN BLOCK CAPITALS.

Prod 19/3/14
75A RV ✓

ANNEXURE 'A'

Terms of Restrictions(s) on the Use of Land

(a). No clearing, removal, harming, modification, damage and grazing of all native vegetation from all vegetative strata present shall be permitted in that part of the land shown by hatching on the plan marked ANNEXURE 'B', with the exception of the existing powerline or water supply corridors or corridors for proposed services. This area shall be allowed to naturally regenerate and mature. The provisions of the instrument shall not preclude the removal of invasive noxious or environmental weeds from the area, provided that such weeds are removed in accordance with best practice management and do not negatively impact upon natural vegetation.

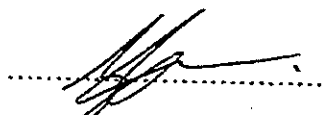
(b). The proprietors of Lot 427, DP 861736 shall manage and maintain that part of the land shown by hatching on the plan marked ANNEXURE 'B', in accordance with the Wetland Management Plan prepared by Coastplan Group, reference number 9233, dated July 2013, marked ANNEXURE 'C'.

Name of person empowered to release, vary or modify the Restrictions(s) on the Use of Land

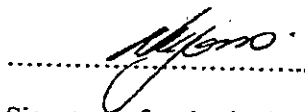
Great Lakes Council

Signatures and Seals

Executed by Palms Oasis Pty Ltd A.B.N. 66 063 839 029
pursuant to section 127 of the Corporations Act 2001
by its directors :



Signature of authorised person :



Signature of authorised person :

Norman Leslie Lyons

Name of authorised person :

Director

Narelle Joan Lyons

Name of authorised person :

~~Director~~ Secretary

ANNEXURE "A1"

Signed on behalf of GREAT LAKES
COUNCIL A.B.N. 60 343 393 217

) Glenn Handford
Signature of Officer

In the presence of
[Signature]
Signature of Witness

Glenn Handford
Name of authorised officer

ANNE GAMBRILL
Name of Witness

General Manager
Position of officer

Breeze Parade Forster NSW 2428
Address of Witness

C/- Great Lakes Council
Address of officer
Breeze Parade
Forster NSW
2428



THIS IS AN ANNEXURE TO RESTRICTION ON THE USE OF LAND BY A PRESCRIBED
AUTHORITY WITH PALMS OASIS PTY LIMITED ACN 063 839 029 AS REGISTERED
PROPRIETOR AND GREAT LAKES COUNCIL AS PRESCRIBED AUTHORITY
DATED 12/02/2014

Torrens Title: 427/861736

NATIONAL AUSTRALIA BANK LIMITED ABN 12 004 044 937 as mortgagee by virtue of
Mortgage Registered No. AG72987 hereby consents to the within Restriction on the Use of Land
by a Prescribed Authority but without prejudice to and reserving all its rights powers and
remedies under its Security.

DATED at FREE BUSINESS CENTRE this 18th day of MARCH 2014

SIGNED SEALED AND DELIVERED for)
and on behalf of NATIONAL)
AUSTRALIA BANK LIMITED ABN 12)
004 044 937 by its Attorney)
who holds the position of)
Level 2 Attorney under)
Power of Attorney Registered No. 39)
Book 4512 in the presence of:)
)

Witness Signature

JUDITH DIANE WELLS

Print Name

Attorney Signature

RILEY HAWKINS

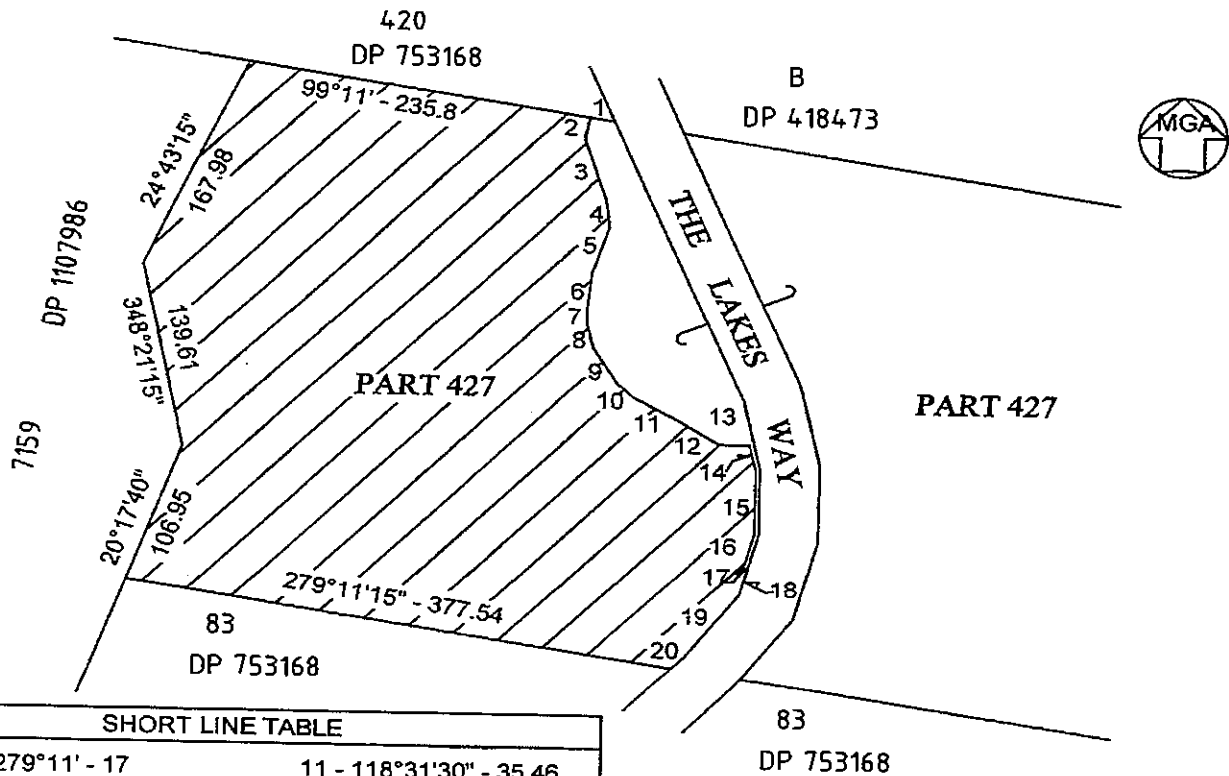
Print Name

ANNEXURE 'B'

PLAN OF RESTRICTION ON THE USE OF LAND OVER PART LOT 427, DP 861736

AREA AFFECTED BY RESTRICTION
 SHOWN BY HATCHING - Abl 13.4 ha

LGA: GREAT LAKES
 Locality: PACIFIC PALMS
 Parish: FORSTER
 County: GLOUCESTER



SHORT LINE TABLE

1 - 279°11' - 17	11 - 118°31'30" - 35.46
2 - 192°20'30" - 16.06	12 - 121°06'40" - 31.84
3 - 161°42'45" - 47.09	13 - 89°40' - 21.02
4 - 170°54'40" - 20.93	14 - 166°46'30" - 19.28
5 - 199°06'20" - 35.85	15 - 180°19'15" - 47.17
6 - 186°47'40" - 30.37	16 - 195°32'15" - 26.6
7 - 179°17' - 9.92	17 - 105°32' - 3.0
8 - 164°47'30" - 18.33	18 - 195°32'15" - 20.35
9 - 148°11'20" - 30.65	19 - 217°31'55" - 58.91
10 - 132°20'30" - 16.48	20 - 223°04'55" - 14.43

Signatures

[Handwritten signatures]

NOTATIONS:

Plans Used

DP 861736, DP 843491
 R 30393-1603

SURVEY METHOD
 Cadastral Traverse

0 100 200
 Lengths are in metres
 Ratio : 1:5000

Signature:

[Handwritten signature]

Dated: 22-7-2013

GEOFFREY ALLAN COLLEDGE

PO Box 132, MAITLAND NSW 2320

surveyor registered under the Surveying and Spatial Information Act 2002

Surveyors Reference : 196.13 (File 2010M7100(1924))

" C "

Wetland Management Plan

Lot 427 DP 861736

**The Lakes Way
Boomerang Beach**

July 2013

**Prepared for
Mr Norm Lyons**

Project: 9233

Forster Office
2/32 West Street Forster
PO Box 568 Forster NSW 2428
Phone (02) 6555 2178
Fax (02) 6555 2741
Email forster@coastplan.com.au

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CERTIFIED PRACTISING PLANNER

Page 6 of 36 *Norm Lyons*

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PART 1

1.1 Introduction

This Wetland Management Plan (WMP) has been prepared pursuant to Condition 15 of Development Application 74/2013 which was approved by Great Lakes Council on 5 February 2013. The relevant aspects of Condition 15 are as follows:

15. Preparation of a Wetland Management Plan

Where the portion of land currently identified as Coastal Wetlands, as described by SEPP No 14, to the south, west and north of the dwelling site is not transferred to the ownership of Great Lakes Council or the NSW Office of Environment and Heritage, an appropriately trained and qualified ecological consultant shall prepare a Wetland Management Plan that is to be submitted to Council for review and endorsement prior to the issuing of the Construction Certificate.

The responsibilities for the implementation of each specific aspect of the Plan shall be specified and the Plan shall incorporate monitoring, evaluation and review. The Plan shall outline the techniques to be used to protect the wetland from any harm or damage associated with the construction and occupation of the approved dwelling and to manage the wetland and its buffer such that it is conserved and restored.

This Plan shall consider and outline weed control and removal works. It shall clearly outline the full range of known and potential threats to the wetland, devise and document actions to address these identified threats and to maintain, restore and enhance the integrity and persistence of the wetland. The Plan shall incorporate techniques that minimise the risk of bushfire affecting the wetland.

Reason: To document and plan the best care for the coastal wetland.

The subject Development Application grants consent for the construction of a dwelling house within the western portion of the overall site, approximately 15 metres west of The Lakes Way. Although the dwelling house is not located within an area that comprises "wetland", this WMP has been prepared to ensure that the construction and on-going occupation of the land does not have a detrimental impact on the ecologically significant wetland areas existing throughout the western portion of the site and within close proximity to the proposed dwelling.

Page 8 of 36

1.2 Objectives of the Plan

The objectives of the WMP are to fulfil the requirements of Condition 15 of DA 74/2013 and to maintain the long-term ecological integrity of the wetland and its buffer during and following construction of the proposed dwelling house. The objectives of the WMP can, therefore, be summarised as follows:

1. to outline the full range of known and potential threats to the wetland;
2. to devise and document actions to address the identified threats;
3. to outline protocols for monitoring, evaluation and review of management actions; and
4. to ensure that the wetland and its buffer is resilient to impacts and requires minimal on-going management.

The objectives of this WMP are intended to reflect the overriding principles of the Draft Wallis Lakes Wetland Strategy (WLWS). Through adoption of the principles below, this WMP will contribute to the achievement of the WLWS objective "to protect and enhance existing natural wetlands".

The overriding principles of the WLWS are as follows:

Principle 1 Wetlands shall be valued as significant and important parts of the catchment landscape.

Principle 2 Wetlands shall be recognised as part of critical water quality protection and management systems for the rivers, estuaries and lake.

Principle 3 Wetlands shall be recognised as places with important cultural and social values, especially as an important part of "country" for Aboriginal people;

Principle 4 Wetlands shall be effectively protected, managed and, where required, restored. Natural wetlands shall not be knowingly destroyed or degraded. If significant social or economic imperatives in the wider public interest result in a wetland being degraded or destroyed, the establishment and protection of a wetland offset area that supports similar biodiversity and ecological functions shall be required. Wetlands that possess very high or unique conservation values that cannot be compensated or offset shall be preserved and protected free from any harm or degradation.

Principle 5 Land use and management practices shall maintain or rehabilitate wetland habitats, ecosystem services and cultural values.

Principle 6 General and specific risks and threats to wetlands shall be identified and managed.

Page 9 of 36

Principle 7 Degraded wetlands shall be rehabilitated and their ecological processes reinstated, as far as is possible. Priority for restoration shall be directed to high conservation value wetlands, wetlands that discharge acid sulfate outflows or wetlands that strategically protect estuarine or riverine assets or values.

Principle 8 Wetland management and conservation shall include actions to establish, protect, manage or restore adequate wetland buffers and wildlife corridors/ movement avenues into and out of that wetland.

Principle 9 The conservation and management of wetlands shall include and consider the management of the wetland catchment.

Principle 10 Developments and activities upstream of wetlands shall implement no net biological, physical, chemical or hydrological impact on any wetland.

Principle 11 Water quality and quantity regimes and hydrological processes needed to maintain, protect or restore the ecological resilience of wetlands shall be maintained, provided or reinstated.

Principle 12 Floodplains shall be managed to maintain or restore the natural distribution of water to and from wetlands.

Principle 13 Privately-owned wetlands and wetland buffers shall, at every possible opportunity, be transferred to public ownership. High conservation value wetlands shall be, wherever possible, gazetted as part of the public conservation estate (national reserve system), especially where such wetlands consolidate or expand existing reserves.

Principle 14 The potential impacts of climate change shall be considered in planning for wetland conservation and management.

Principle 15 Research into wetland ecology shall be encouraged to better support water and land use planning and management and ecological restoration.

Principle 16 Partnerships shall be essential for effective wetland management. This shall include cooperation and shared effort by land managers, government authorities, catchment management authorities, non-government organisations and the general community.

Principle 17 Regular reporting of wetland extent and condition shall be used to assess performance, to understand wetland dynamics and to contribute to adaptive management systems for wetlands.

1.3 Existing Environment

The subject land is identified Lot 427 DP 861736, The Lakes Way, Boomerang Beach (The Land). The land comprises two (2) portions of land separated by The Lakes Way. A plan of the subject land is provided in Figure 1 below:

Page 10 of 36

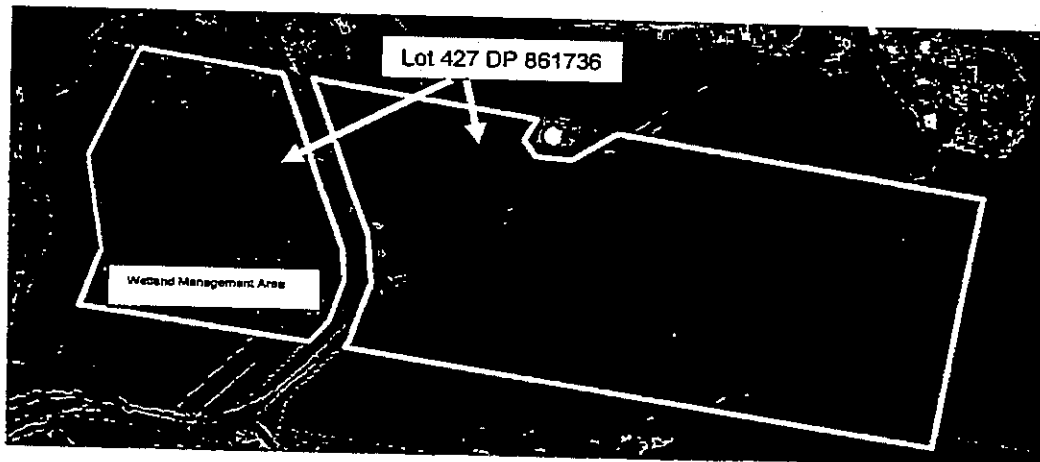


Figure 1 – Lot 427 DP 861736

[Source: LPMA SIX Maps]

The eastern portion of the land comprises the largest portion with an area of approximately 30 hectares and is characterised by native vegetation comprising a mix of forest vegetation types. A small area of wetland exists adjacent to The Lakes Way, within the southern portion.

The western portion of the land contains an area of approximately 15 hectares and contains two (2) distinct vegetation communities. In the areas of higher elevation (generally adjacent to The Lakes Way) the vegetation comprises open forest which is dominated by Tallowood and Grey Gum, with Blackbutt, Iron Bark, Spotted Gum, Casuarina and Allocasuarina existing in lesser proportions.

The remainder of the western portion of the land comprises coastal wetland with forested wetland and expansive sedge land vegetation types existing throughout the western portion of the site where inundation from Wallis Lake and Wallis Creek is frequent and the soils are permanently waterlogged (ie areas of low relief and poor drainage). This part of the land is identified as 'the site' to which the wetland Management Plan applies. The general distribution of Wetland over the site is depicted in Figure 2 below.

Parts of the site are mapped as "Coastal Wetlands" pursuant to State Environmental Planning Policy No. 14 (SEPP 14). The boundary of the land mapped under SEPP 14 is depicted in Figure 2 below. Despite the mapped boundary of wetlands pursuant to SEPP 14, it should be noted that the actual ecological boundary is unlikely to accurately correspond to the mapped SEPP 14 boundary due to the

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generic methods utilised in the formulation of the SEPP 14 boundaries. In this respect, the site has been further delineated on-site by inspection and the area to be covered by this Wetland Management Plan has been surveyed, and a copy of the area is provided in Figure 3 which is also the plan which identified the area in the covenant required by condition 16 of the consent.

The subject wetland forms part of a greater expanse of wetland existing generally around the entrance to Wallis Creek and encompasses a total area of approximately 20 hectares. The area of wetland contained within Lot 427 DP 861736 has an area of approximately 14 hectares and represents approximately 75% of the total wetland area which exists within foreshore reserve and private land. Although the WMP only applies to the area contained within Lot 427, the outcomes of this WMP are likely to have positive effects on the integrity and resilience of the greater area of wetland.

The subject wetlands are located at the entrance to Wallis Creek and also represent the foreshore vegetation of Wallis Lake. As such, the subject wetlands represent an important component of the Wallis Lake aquatic ecosystem and have important functions for the maintenance of water quality within Wallis Lake. The wetlands are therefore likely to have broader environmental, social, cultural and economic values.

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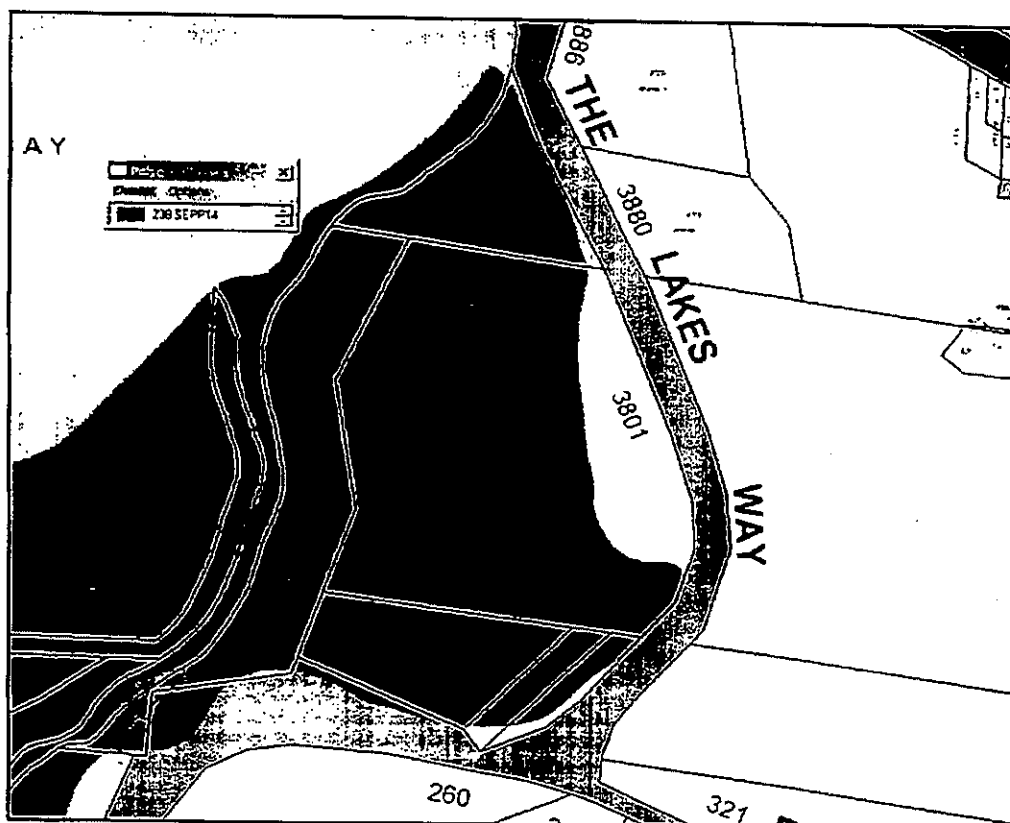


Figure 2: Mapped boundaries of SEPP 14 wetlands

[Source: Great Lakes Council]

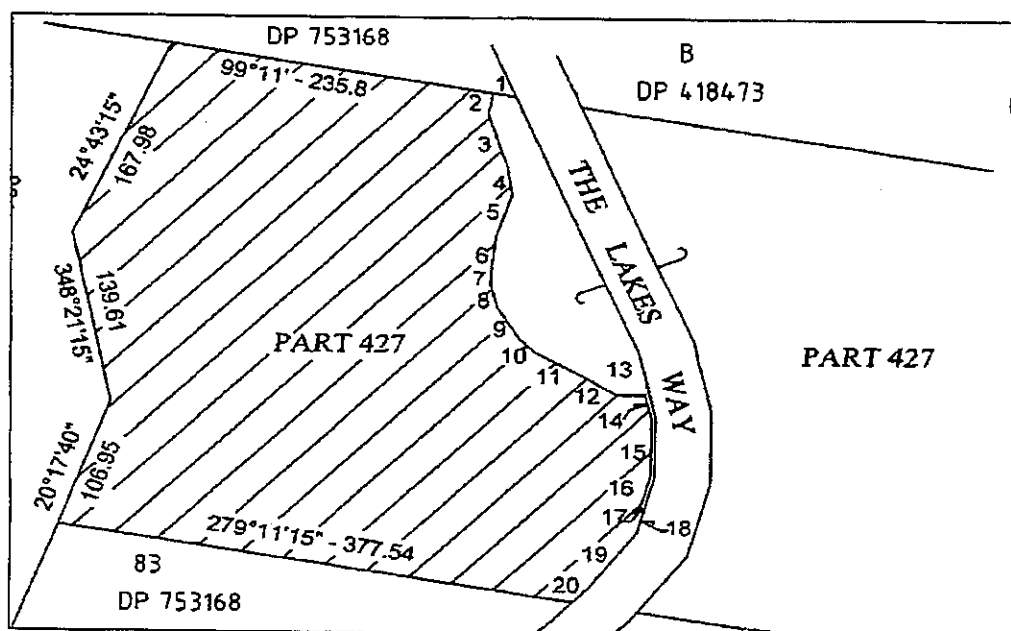


Figure 3: Extent of Wetland Management Area [Source: Great Lakes Council]

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Photograph 1: Wetland (sedge land) community existing north west of dwelling site

1.4 Potential Impacts and Threats

The subject wetland is located adjacent to public and private land which is unable to be managed by the owner/occupier of the subject site. As such, there are a large range of threats and impacts that threaten the subject wetland which are unable to be controlled by the owner of Lot 427. Generally, the range of threats to the wetland can be classified as "internal" or "external" threats. While the "internal" threats are able to be managed and controlled through the WMP protocols, the "external" threats are largely uncontrollable and the scope of the WMP is limited to reducing the impact of those threats on the wetland, where possible. Generally, this is only realistically achievable through the maintenance of wetland integrity, and reduction in wetland stressors, such that the wetland has the greatest possible resilience to uncontrollable external threats.

Internal threats

- Inappropriate activities;
- Vehicle and machinery access;
- Landform and/or hydrological disturbance;
- Clearing and harm to vegetation
- Invasion and spread of exotic and environmental weeds;
- Changed hydrological regimes;
- Introduction of nutrient and/or sediment;

- Introduction and spread of disease;
- Inappropriate fire regimes; and
- Acidification through exposure of Acid Sulfate Soils.

External threats

- Inappropriate activities;
- Invasion and spread of exotic and environmental weeds from adjoining sites;
- Changed hydrological regimes (including changes in lake levels and flooding frequency);
- Introduction of nutrient and/or sediment;
- Introduction and spread of disease;
- Feral animals (including pigs);
- Inappropriate fire regimes; and
- Acidification through exposure of Acid Sulfate Soils.

1.5 Summary of Management Commitments

The WMP has considered the full range of known and potential threats to the wetland and the following management commitments have been identified as being integral to the achievement of the WMP objectives:

1. Grazing of stock will not be undertaken within the wetland area or any part of the site located west of The Lakes Way.
2. The existing land form and hydrological regime will be maintained unless otherwise approved by Council.
3. There will be no excavation of soil disturbance within the areas of the site containing wetland, or within areas of the site identified as containing Acid Sulfate Soil risk below the surface level of the land (Figure 4).
4. Weed removal and suppression works will be undertaken in accordance with the schedule identified at Section 2.2.
5. The owner/occupier of the land will not undertake any burning activities within areas characterised by wetland species.
6. The owner of the land will remove existing refuse that has resulted from illegal dumping over the land.
7. The owner/occupier of the land will not undertake any vegetation clearing activities outside of the area approved by DA 74/2013 (except with the

consent of Great Lakes Council), and especially within the area of the wetland and it's buffer.

8. No additional access roads and/or tracks will be created through the site.
9. The approved effluent disposal system will be maintained in a good working order and in accordance with the manufacturer's recommendations.
10. Monitoring of vegetation condition and weed prevalence will be undertaken in accordance with the schedule identified at Section 2.2.
11. The wetland will be managed for the purposes of conservation and its condition and function shall be protected and restored.

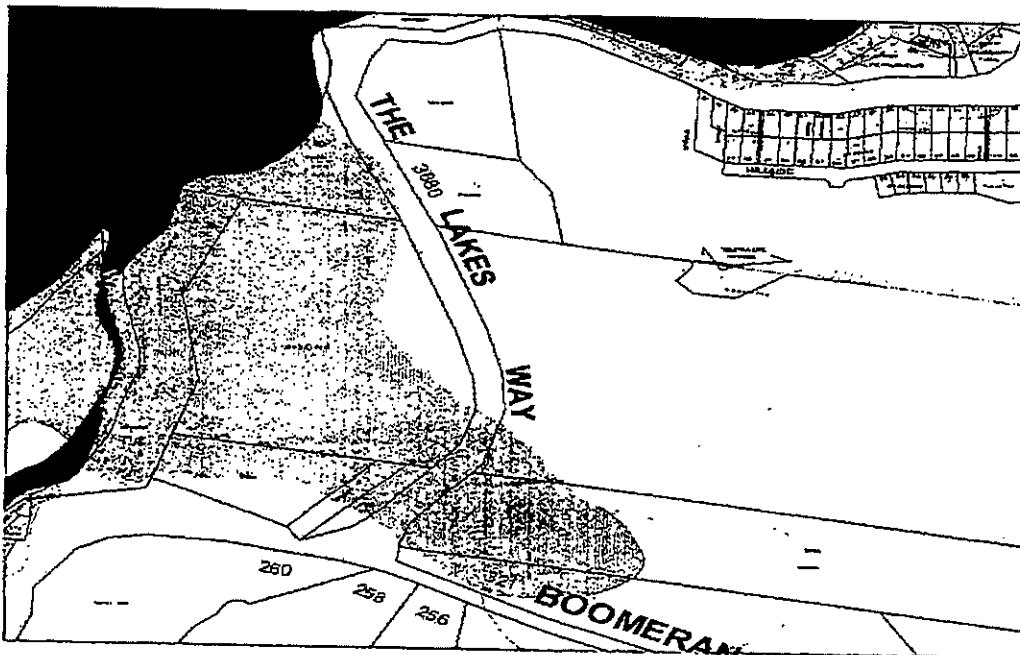


Figure 4 – Acid Sulfate Soils Map

[Source – Great Lakes Council]

PART 2 – Management of Wetland Threats: Action Plan

The Action Plan for the protection and management of the wetland and its buffer has adopted the following key themes/ issues:

1. Protection/ conservation mechanism
2. Weed control and monitoring
3. Native vegetation restoration and management
4. Pest animal control and monitoring
5. Bushfire management
6. Access control
7. Management of pollution threats
8. Waste dumping clean-up and prevention
9. Management of hydrological regimes and acid sulfate soils
10. Prevention of disease risk
11. Monitoring and adaptive management

The Table 2.1 (Schedule of Works) identifies the objectives, methods, responsibilities, indicative cost and timing of actions associated with each of the key themes/ issues.

Activities within this WMP commence on the date that the first Construction Certificate for DA74/ 2013 is issued.

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Table 2.1 Schedule of Works

None of the works set out in this table obviate the need for strict compliance with the requirements of the conditions of consent for DA74/ 2013.

The Registered Proprietor of the land shall ensure that the actions set-out in the following Schedule of Works are implemented on the land at the appropriate timeframes:

Code	Action	Responsibility	Timing	Performance Criteria	Costing Detail
Key Theme 1: Protection/ conservation mechanism					
1-1	Protect the wetland and its buffer through the establishment of the s88E instrument as required in DA74/ 2013	Registered Proprietor/ Surveyor	Prior to issuing of first CC for DA74/ 2013	Conservation instrument created	Survey and registration of instrument
Key Theme 2: Weed control and monitoring					
<p><i>Tagelapate Lantana, Bitou Bush, Morning Glory, Black-eyed Susan, Wandering Jew, other noxious weeds, weeds of national significance and priority invasive environmental weeds</i></p> <p>The existing wetland is generally in very good condition and is able to naturally resist invasion by weeds. The wetland buffer however does contain infestations of priority, invasive environmental weeds. The invasion and spread of weeds presents one of the greatest threats to the wetland and its buffer. Effective weed control is necessary to maintain the natural species assemblage and maintain native fauna habitat. Most weeds are opportunistic and readily colonise disturbed areas, edges of disturbed areas and areas where altered nutrient or hydrological regimes favour weed growth over native species. The effective long-term control of weeds is therefore reliant on the continuing adherence to the other aspects of the WMP.</p> <p>Priority weed management areas are: edges of the approved APZ, edges of tracks and easements, drainage lines and existing infestations. Weed evaluation and possible control is also important should there be a bushfire event on the land. The site of the approved dwelling and APZ represents the greatest base level of weed infestation.</p>					
2-1	Prepare a current baseline weed density map and divide the Wetland and Wetland Buffer and all of the subject land west of The Lakes Way into strategic weed management zones, based on physical boundaries, weed presence, invasion/ re-invasion risk and access. Submit the weed density map and weed management zone plan to Council for approval	Qualified Bushland Regenerator	<3-months of commencement date	Weed density map and weed management zone map	Bushland Regenerator contract

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Code	Action	Responsibility	Timing	Performance Criteria	Costing Detail
2-2	<p>Conduct (year 1) primary controls of all target weeds strategically across all weed management zones of the Wetland and Wetland Buffer and all of the subject land west of The Lakes Way utilising best practice management methods that minimise damage to native plants. Removed weeds must be disposed of at an authorised landfill and not mulched and placed on the land</p> <p>Prepare report on primary controls explaining methods, effort and outcomes and provide to Council</p>	Qualified Bushland Regenerator	<6-months of commencement date	Target weeds cover density reduced by 90% across all weed management zones	Bushland Regenerator contract
2-3	<p>Conduct (year 2) secondary controls of all target weeds strategically across all weed management zones of the Wetland and Wetland Buffer and all of the subject land west of The Lakes Way</p> <p>Prepare report on secondary controls explaining methods, effort and outcomes and provide to Council</p>	Qualified Bushland Regenerator	Year 1 after commencement date	Target weeds cover density reduced by 95% across all weed management zones; weed seedlings removed	Bushland Regenerator contract
2-4	<p>Conduct annual follow-up controls of all target weeds strategically across all weed management zones of the Wetland and Wetland Buffer and all of the subject land west of The Lakes Way over years 2 – 20</p> <p>Undertake annual sweeps of the entire Wetland and Wetland Buffer and all of the subject land west of The Lakes Way to identify any new weed incursions/ outbreaks over years 2 – 20. New incursions/ outbreaks are to be immediately eradicated after detection</p> <p>Prepare annual report on methods, effort, outcomes and findings across all of the Wetland and Wetland Buffer and provide to Council</p>	Qualified Bushland Regenerator	Years 2 – 20 (after commencement date)	Target weeds removed entirely and continuously suppressed No new target weed incursions established	Bushland Regenerator contract
Key Theme 3: Native vegetation restoration and management					

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Code	Action	Responsibility	Timing	Performance Criteria	Costing Detail
3-1	Conduct an audit of the Wetland and Wetland Buffer following the secondary weed control work and after each annual follow-up controls of target weeds to ascertain the need for management interventions to permit facilitated natural restoration of the Wetland and Wetland Buffer Outline the management intervention works required in a report and provide to Council	Qualified Bushland Regenerator	Year 1 (after commencement) and annually in Years 2 - 20 after commencement date	Management audit completed annually	Bushland Regenerator contract
3-2	Undertake those identified actions in Action 3-1 as required	Qualified Bushland Regenerator	Years 3 - 20 (after commencement date)	Wetland and Wetland Buffer stable, functional and naturally-resilient	Management interventions cost
Key Theme 4: Pest animal control and monitoring					
4-1	Conduct an annual pest animal audit to identify pest animal (including free-ranging domestic pets) presence and determine their ecological effects in the Wetland and Wetland Buffer. Where pest animals are present and (in the opinion of the project Ecologist or Council) causing overt impacts on biodiversity and ecological processes, management interventions shall be adopted within an Annual Pest Animal Management Plan. Pest animal control programs will be undertaken on a cooperative basis with adjoining landholders, where possible. The Plan shall be submitted annually to Great Lakes Council for approval	Ecologist	Years 1 - 20 (after commencement date)	Annual pest audits and control actions report	Feral animal control contract
4-2	Pest animal control actions identified in any Annual Pest Animal Management Plan is undertaken in accordance with the Plan	Ecologist	As required (above)	Annual pest control actions as required	Management interventions costs
4-3	Domestic pets introduced to the land must at all times be kept confined to the area of the approved APZ for the dwelling referred to in DA74/ 2013 and shall be actively prevented from accessing the Wetland and Wetland Buffer	Registered Proprietor	At all times	Domestic pets precluded from the Wetland and Wetland Buffer	N/A

(9273) Statement of Environmental Effects: Proposed Dwelling
 Lot 1 DP1140921 Locketts Crossing Road

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Code	Action	Responsibility	Timing	Performance Criteria	Costing Detail
<p>Key Theme 5: Bushfire management</p> <p><i>An appropriate fire regime is an important aspect of maintaining the biodiversity values of natural habitats. An inappropriate fire regime has the potential to cause shift in the ecological assemblage and, potentially, simplify the structure of the vegetation communities through exceedance of either the minimum or maximum fire intervals. The site contains a range of vegetation communities. In the context of this plan, it is considered appropriate to implement a fire management plan which is focussed on providing the most appropriate fire management regime for the wetland communities and their buffer. In regards to various wetland vegetation types, Kenny et al (2004) recommends an exclusion of fire. This is in contrast with dry sclerophyll and swamp sclerophyll forest communities, which require a 50-year and 35-year maximum fire interval respectively.</i></p> <p><i>Maintenance of an appropriate burning regime is difficult to implement over a private landholding. This site is also relatively isolated from larger expanses of habitat and it would be difficult to maintain an appropriate burning mosaic across the entire site without causing local decline or extinction of species which are unable to recolonise from adjoining habitats.</i></p>					
5-1	Fire shall be actively suppressed and excluded from the Wetland and Wetland Buffer. Outbreaks of wildfire in the Wetland and Wetland Buffer shall be controlled and extinguished, wherever possible	Registered Proprietor/ NSW RFS	At all times	Bushfire managed and controlled	N/A
6-1	No tracks are to be created and no machinery shall be permitted to enter the Wetland or Wetland Buffer for any purposes. Access to the Wetland and Wetland Reserve shall be restricted to pedestrian activity only The Registered Proprietor of the land shall act to preclude and prevent any vehicular or machinery access to the wetland and will not undertake any activity to fill, form or otherwise create vehicular access points within any part of the Wetland or Wetland Buffer	Registered Proprietor	At all times	No tracks created Foot-based access only	N/A
6-2	No material shall be stockpiled or stored in any part of the Wetland or Wetland Buffer for any purpose	Registered Proprietor	At all times	No vehicles or machinery in wetland	N/A
6-3	Permanent markers indicative of the eastern edge of the Wetland and Wetland Buffer shall be erected on the land so as to identify the area protected by this WMP. Markers shall be of a style approved by Council	Registered Proprietor	At all times	No materials stored	N/A
6-4		Registered Proprietor	<3-months of commencement date	Markers established	Marker establishment

(9273) Statement of Environmental Effects: Proposed Dwelling
 Lot 1 DP1140921 Locketta Crossing Road

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Code	Action	Responsibility	Timing	Performance Criteria	Costing Detail
Key Theme 7: Management of pollution threats					
<i>Wetlands provide an important function in removing nutrient and sediment from receiving waters. Artificially increasing the nutrient input to the wetland, however, will facilitate the establishment of weeds as well as prevent the wetland from otherwise removing nutrient from receiving waters, such as Wallis Lake and Wallis Creek. External inputs of nutrient and sediment are largely uncontrollable and are generally a result of poor catchment management practices. The construction of a dwelling has the potential to increase local nutrient or sediment inputs, including through discharge from effluent management, application of fertilisers and the keeping of livestock.</i>					
7-1	Fertiliser use on those parts of the land to the west of The Lakes Way shall be strictly minimised and applied as per manufacturers recommendations.	Registered Proprietor	At all times	Fertiliser use controlled	N/A
7-2	No fertiliser shall be applied to the Wetland or Wetland Buffer for any reason.	Registered Proprietor	At all times	Erosion controls implemented	N/A
7-3	Any areas of the land that are exposed shall be subject to physical sediment and erosion control measures	Registered Proprietor	At all times	No livestock west of The Lakes Way	N/A
7-4	No livestock shall be introduced to or kept on that part of the land to the west of The Lakes Way, for any purpose	Registered Proprietor	At all times	No barbed wire	Management of effluent system
7-4	The effluent disposal areas will be maintained in good working order at all times and operated in full compliance with the manufacturers instructions	Registered Proprietor	At all times	Effluent disposal system managed	
Key Theme 8: Waste dumping/clean-up and prevention					
8-1	Undertake a clean-up of waste in the Wetland and Wetland Buffer and all land west of The Lakes Way. Collect and remove all instances for disposal at an approved waste management facility. The removal of waste sites shall be conducted by hand in a manner that protects native vegetation	Registered Proprietor or Appropriate Contractors	<3-months of commencement	All waste removed from land west of The Lakes Way	Handling, transport and waste disposal costs

(9273) Statement of Environmental Effects: Proposed Dwelling
 Lot 1 DP1140921 Locketts Crossing Road

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Code	Action	Responsibility	Timing	Performance Criteria	Costing Detail
8-2	No waste, including garden waste, shall be dumped in the Wetland or Wetland Buffer at any time. Any waste so dumped in the Wetland or Wetland Buffer shall, within 1-week of detection, be removed and disposed of at an approved waste management facility. The removal of waste sites shall be conducted by hand in a manner that protects native vegetation	Appropriate contractor with Ecologist	At all times	No waste dumped All waste removed	Handling, transport and waste disposal costs
Key Theme 9: Management of hydrological regimes and acid sulfate soils					
9-1	Stormwater from the approved dwelling shall not be disposed of in a manner that increases volumes of run-off or directs point-source run-off to the Wetland or Wetland Buffer. Overflow from the dwelling's rainwater tanks must be directed to a level spreader or sub-soil disposal area that is to be located 20-metres from the edge of the Wetland Buffer, within the APZ area. The disposal system of run-off shall be inspected and maintained for correct function. Stormwater shall not be directed to the effluent disposal area.	Registered Proprietor	At all times	Stormwater managed	N/A
9-2	The pre-development (natural) landform and hydrological regime within the Wetland and Wetland Buffer shall be protected and maintained. There shall be no filling, draining or ground surface disturbance of any kind within the Wetland and Wetland Buffer	Registered Proprietor	At all times	Landform protected and maintained	N/A
9-3	No groundwater extraction shall occur within any part of the land within 100-metres of the Wetland and Wetland Buffer for any purpose	Registered Proprietor	At all times	No groundwater extracted	N/A
9-4	There shall be no excavation or soil disturbance within the areas of the Wetland and Wetland Buffer or those areas identified as ASS risk below surface level of the land on maps held by Council, for any purpose	Registered Proprietor	At all times	No soil disturbance to ASS areas	N/A
Key Theme 10: Prevention of disease risk					

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Code	Action	Responsibility	Timing	Performance Criteria	Costing Detail
10-1	<p>Management of disease risk will be facilitated by:</p> <ul style="list-style-type: none"> All machinery shall be washed-down prior to being introduced to any part of the land Plants, soil and other garden products introduced to the land shall be sourced from commercial suppliers and shall be certified to be free of Phytophthora and Myrtle Rust by the supplier 	Registered Proprietor	At all times	Disease risk managed	N/A
10-2	Any suspected outbreaks of Phytophthora and Myrtle Rust (or other relevant disease or pathogen) shall be reported to the relevant authority and a disease control plan shall be prepared and implemented immediately	Registered Proprietor	At all times	Disease control plan prepared and implemented	N/A
11. Annual Implementation Report					
11-1	An Annual Implementation Report prepared by a Contract Ecologist shall be prepared and provided to Great Lakes Council. The AIR shall outline the methods, outputs and outcomes of all actions implemented pursuant to this Plan, including certification of completion of the requirements of this Plan	Qualified Consultant	Annually: years 1 – 20 after commencement	Annual Implementation Report prepared	Consultant report

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PART 3 – Administration

The Registered Proprietor of the land of the Wetland and Wetland Buffer is responsible for implementing the actions set-out in this WMP, utilising contracted professional personnel as required. The Plan sets-out actions for a 20-year period, after which the Wetland and Wetland Reserve is expected to be natural, self-sustaining and of sound ecological function. The Plan is scheduled for review at 5-years post commencement.

3.1 Performance Criteria

The performance criteria for each of the restoration and management stages are outlined in Table 3-1 below.

Table 3-1: Performance criteria

Timing	Performance Measure
Prior to issuing of first CC for DA74/ 2013	1-1 Wetland and Wetland Buffer conserved through the establishment of the s88E instrument
<3-months of commencement date	2-1 Baseline weed density map and weed management zone map for the Wetland and Wetland Buffer prepared and reported to Council
	6-4 Wetland and Wetland Buffer marked in the field in a style of marker approved by Council
	8-1 All wastes cleaned up from all land to the west of The Lakes Way. Cleaned-up waste disposed at approved waste management facility. No harm to native vegetation during clean-up
<6-months of commencement date	2-2 Primary controls of all target weeds across all of the Wetland and Wetland Buffer and all land west of The Lakes Way conducted. Weeds disposed at an approved facility. Report provided to Council
Year 1 after commencement date	2-3 Secondary controls of all target weeds across all of the Wetland and Wetland Buffer and all land west of The Lakes Way conducted. Weeds disposed at an approved facility. Report provided to Council
Annually for 20-year life of plan	3-1/ 3-2 Wetland and Wetland Buffer audited to determine the need for management interventions to facilitate the natural restoration of the habitats. Report provided to Council. Identified management interventions undertaken (Years 1 – 20)
	4-1/ 4-2 Annual pest audit of the Wetland and Wetland Buffer conducted and necessary interventions implemented (Years 1 – 20). Report provided to Council
	11-1 Annual Implementation Report prepared to outline the methods, outputs and outcomes associated with the implementation of the Plan of Management (Years 1 – 20)

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	2-4	Follow-up controls of all target weeds, including annual sweeps of the Wetland and Wetland Buffer for new weed incursions conducted. Annual weed control report prepared (Years 2 – 20)
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Timing	Performance Measure	
At all times	4-3	Domestic pets confined to the APZ area of DA74/ 2013 and domestic pets actively prevented from entering the Wetland and Wetland Buffer
	5-1	Fire actively suppressed and excluded from the Wetland and Wetland Buffer. Wildfires in the Wetland and Wetland Buffer extinguished, where possible
	6-1	No tracks created in Wetland and Wetland Buffer. No machinery entered the Wetland and Wetland Buffer
	6-2	Vehicles or machinery prevented from entering the Wetland or Wetland Buffer
	6-3	No materials stockpiled or stored in the Wetland or Wetland buffer
	7-1	Fertiliser use in APZ strictly minimised and as per manufacturers instructions. No fertiliser applied anywhere in the Wetland or Wetland Buffer
	7-2	Any parts of the land that are exposed were subject to sediment and erosion control measures
	7-3	No livestock introduced or kept on any part of the land west of The Lakes Way at any time. No barbed wire used in any fencing
	7-4	Effluent disposal areas maintained in good working order and operated in compliance with manufacturers instructions
	8-2	No waste, including garden waste, dumped in Wetland or Wetland Buffer at any time. Any waste on the Wetland or Wetland Buffer immediately collected and adequately disposed in a manner that protects native vegetation
	9-1	Stormwater from approved dwelling be disposed of in a manner that does not harm the Wetland or Wetland Buffer. Stormwater from dwelling spread by level spreader or sub-soil disposal located at least 20-metres from the Wetland and Wetland Buffer. Stormwater disposal system maintained for correct function. Stormwater not to be directed to effluent disposal area
	9-2	The natural landform and hydrological regime of the Wetland protected and maintained. No filling, draining or ground surface disturbance within the Wetland or Wetland Buffer

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	9-3	No groundwater extraction within 100-metres of the Wetland or Wetland Buffer on the land
	9-4	No excavation or soil disturbance within the Wetland or Wetland Buffer or areas of ASS risk below ground surface level anywhere on the land
	10-1	Machinery washed down prior to introduction to the land. Plants, soils and other garden products introduced to the land only from commercial suppliers and certified to be free of pathogens and disease
	10-2	Suspected outbreaks of plant diseases investigated, reported to authorities and subject to disease control plan immediately

3.2 Reporting

Reporting on the management of the Wetland and Wetland Buffer will be conducted after each intervention or action in order to measure actual performance against the obligations set-out in the Plan for the 20-year life of the project. The Registered Proprietor of the land will engage the relevant contractors to complete the required monitoring and report all findings to Great Lakes Council. The annual reporting requirements are set-out in Action 11-1 in this Plan.

3.3 Responsibility and Accountability

The responsibility for managing, funding and administering this WMP lies with the Registered Proprietor of the land.

Failure to act in accordance with this WMP may result in compliance actions.

The Registered Proprietor is expected to engage the services of qualified and experienced professionals to assist with specific issues in their sphere of knowledge, as required. It is the responsibility of the Registered Proprietor to call in and utilise relevant technical expertise or authorities from a range of other organisations, as required.

The Registered Proprietor together with the approval of Great Lakes Council is responsible for reviewing the Plan and its implementation, performance and review.

The Registered Proprietor shall prepare annual implementation reports (as per the implementation of the Plan) and these shall be tabled to Council. This shall include details of effort as well as the results of auditing and performance assessment. A standard template for the annual report should be developed and utilised.

3.4 Effective Life

This WMP has an initial life of five-years at which time it shall be reviewed and critically evaluated.

The responsibility for the review and amendment of this WMP shall remain with Great Lakes Council and the Registered Proprietor of the subject land.

3.5 Feedback and the Plan of Management

It is important to note that the WMP is a dynamic and evolving document, and thereby shall incorporate feedback gained through the ongoing implementation of the activities set-out herein. As mentioned, it shall be reviewed and revised at five-years post adoption.

Consequently, feedback and adaptive management remain important components of this Plan. It remains a dynamic plan, designed to evolve to fit efficiently within the activity to ensure that all required performance targets are achieved. Actions should be of a scale that are appropriate and should be efficient to implement and cost-effective. Through feedback, the Plan should be able to further reflect the environmental experience such that optimal environmental actions are achieved, within rational inputs of time, labour and cost.

3.6 Auditing

The actual on-ground works will be achieved by the Registered Proprietor undertaking or directing specified works using their funds. Auditing, administration and record-keeping will be critical for performance management.

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PART 4 – Conclusion

The above WMP has been prepared with the aim of fulfilling the requirements of Condition 15 of DA 74/2013. The WMP relates specifically to the area of wetland contained within Lot 427 DP861736 which is mapped under SEPP 14 as a "coastal wetland".

The WMP has outlined the full range of threats which are likely to affect the subject wetland and has devised actions to address these threats. In particular, the WMP has outlined weed control works as well as outlining techniques to minimise bush fire from affecting the wetland.

Part 1 of the WMP identifies a range of management commitments which, if adhered to, will ensure that the ecological integrity and resilience of the wetland is maintained.

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References

Great Lakes Council, (2009). Draft Wallis Lake Wetlands Strategy.

Great Lakes Council, Draft Development Control Plan No. 34 – Acid Sulfate Soils.

Kenny B, Sutherland E, Tasker E, Bradstock R (2004) *Guidelines for Ecologically Sustainable Fire Management*. NSW Biodiversity Strategy.

Infection of native plants by *Phytophthora cinnamomi* - Priority actions
http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas_ktp_profile.aspx?id=20026.

Primefact 1017, Myrtle Rust – *Uredo rangelii*, NSW Department of Industry and Investment 2010.

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Appendix 1 - Identified Weed Infestations

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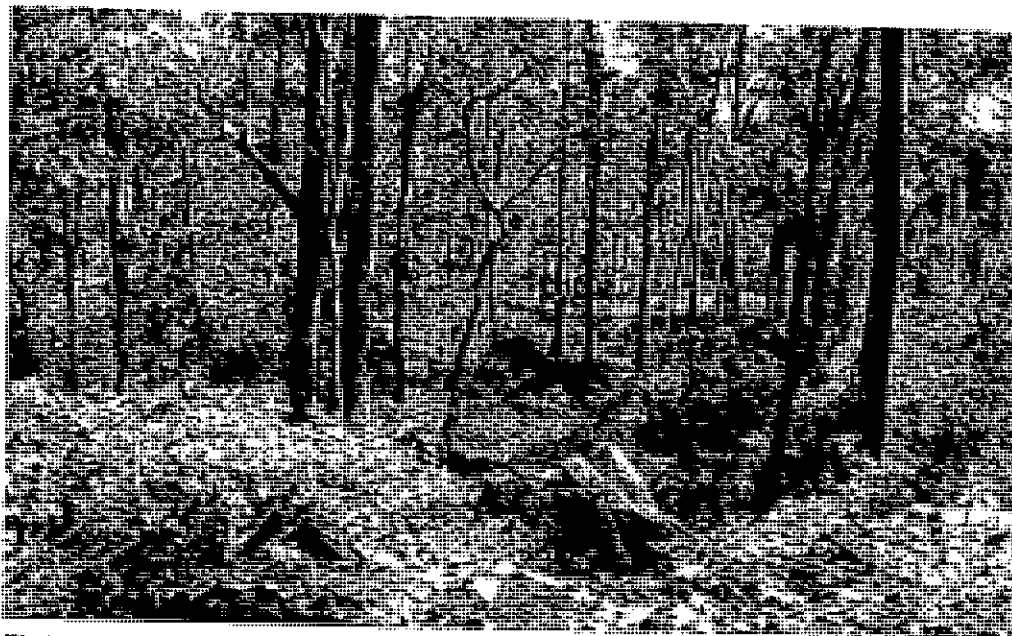


Photograph 1: Existing weed infestations (mainly Lantana) on western side of access track



Photograph 2: Existing Infestation of *Ipomoea Indica* (Morning Glory) and *Lantana camara* (Lantana) on western side of APZ, adjacent to existing perimeter track

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Photograph 3: Existing Infestation of *Thumbergia alata* (Black-eyed Suzan) on western side of APZ, adjacent to existing perimeter track. Note Lantana existing further toward edge of the wetland.



Photograph 4: Existing Infestation of *Tradescantia albiflora* (Wandering Jew) on western side of APZ within existing perimeter track.

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Photograph 5: Existing Infestation of *Thumbergia elata* (Black-eyed Suzan) and *Ipomoea indica* (Morning Glory) strangling native vegetation on western side of APZ.

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Photograph 6: Lantana beginning to establish within power easement



Photograph 7: Bitou Bush beginning to establish adjacent to wetland, north-west of dwelling site.



Firebird ecoSultants Pty Ltd
ABN-16 105 985 993

28 June 2018

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

ATTENTION: ALAN BAWDEN

Dear Alan,

**RE: Planning Proposal to Amend Great Lakes LEP 2014 - Lot 1 DP 653396,
Lot 83 DP 753168 & Lot 427 DP 861736 The Lakes Way, Pacific Palms
Your Ref: R16/1641**

Please find herewith additional information as requested in the NSW Rural Fire Service (RFS) request for further information dated the 28 November 2017.

The NSW RFS additional information requested is in **BOLD** with the response following:

- 1. The Planning Proposal is required to demonstrate that the required Asset Protection Zone(s) around the existing dwelling on Lot 427 DP 861736, will be wholly located within the proposed allotment and maintained in perpetuity, within a E2 Environment Conservation zone.**

The required Asset Protection Zone(s) (APZs) of 21m to the north, east and south of the existing dwelling and the 27m APZ to the west of the existing dwelling, will be wholly located within the proposed allotment. Refer to Attachment 1 showing APZs around the existing dwelling. These APZs will be maintained in perpetuity through an 88b Instrument.

- 2. The Planning Proposal is required to demonstrate that proposed expansion of the caravan park and required Asset Protection Zone(s) (APZ) on Lot 83 DP 753168, will be wholly located within the proposed allotment. The Planning Proposal also makes reference to Planning for Bush Fire Protection 2001. Any APZ modelling shall be undertaken using Planning for Bush Fire Protection 2006 and/or method 2 of AS3959-2009 Construction of Buildings in Bushfire Prone Areas.**

The proposed expansion of the caravan park and the required APZ of 21m in accordance with AS3959-2009 from the Open Forest to the north, east and west of any future habitable building within the site, is able to be wholly located within the proposed allotment. This will be maintained via an 88b instrument.



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Refer to Attachment 2 showing 21m APZ around the northern, eastern and western boundaries of the proposed expansion area.

We trust that the additional information provided is satisfactory. If you want to discuss any of the above matters further, please do not hesitate to contact the undersigned.

Yours faithfully
Firebird EcoSultants Pty Ltd

Sarah Jones
B.Env.Sc., G.DIP.DBPA (Design for Bushfire Prone Areas)
BAAS18020 Accredited Assessor, as required by the Biodiversity Conservation Regulation 2017 and accredited to apply the BAM
Ecologist / Bushfire Planner



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Attachment 1 – APZ Map around the Existing Dwelling

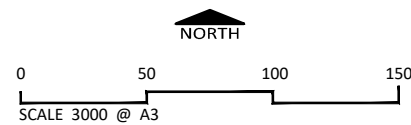


FIGURE 1-1: APZ BASED ON A BAL-29
IN ACCORDANCE WITH AS3959-2009

CLIENT Ingenia Communities
SITE DETAILS No.3880 The Lakes Way Boomerang Beach
DATE 28 June 2018

Legend

- Planning Proposal Area containing APZ
- 27m APZ
- 21m APZ



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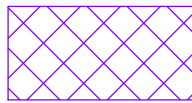
Attachment 2- APZ Map for the Planning Proposal Area



Planning Proposal area
"Development Lot" APZ's calculated in
accordance with method 1 of
AS3959-2009" Construction of Buildings in
Bush Fire Prone Areas to obtain a BAL-29

Existing Park
"Palms Oasis"

BOOMERANG DRIVE



APZ



PLANNING PROPOSAL AREA - DEVELOPMENT LOT

PLANNING PROPOSAL AREA - DEVELOPMENT LOT
CLIENT: INGENIA COMMUNITIES
SITE DETAILS No 321 BOOMERANG DRIVE BLUEYS BEACH



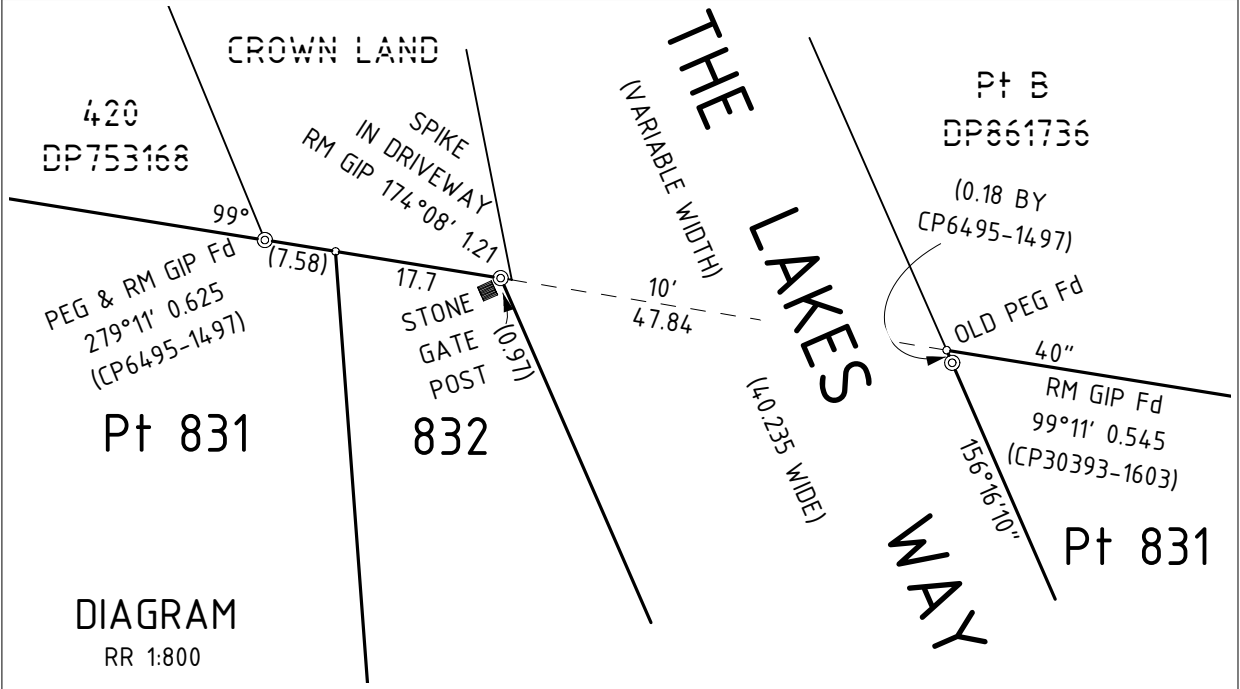
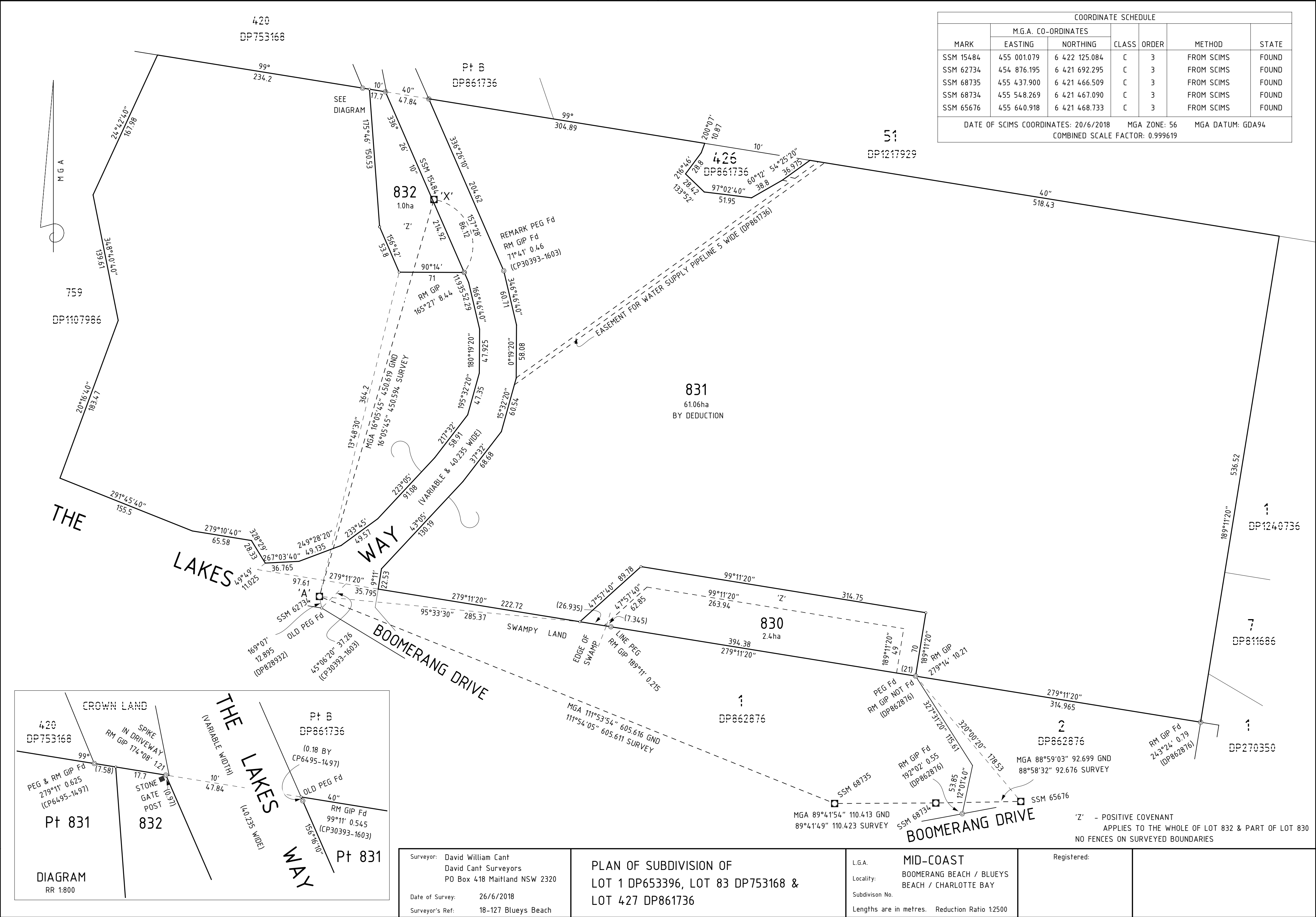
Firebird ecoSultants Pty Ltd
level 1 146 Hunter Street
Newcastle NSW 2300
Phone: 0414465990

TITLE:
PALMS OASIS
BLUEYS BEACH

APZ PLAN

Date: 28.06.18		Scale: 1:1500 A3	
Cad Ref:			
1	DA ISSUE	KU	28.06.18
No	Amendment	Drawn	Date

Project No		PALMS OASIS	
Drawing No	Revision		
1-1	1		



Surveyor: David William Cant
David Cant Surveyors
PO Box 418 Maitland NSW 2320

Date of Survey: 26/6/2018

Surveyor's Ref: 18-127 Blueys Beach

PLAN OF SUBDIVISION OF
LOT 1 DP653396, LOT 83 DP753168 &
LOT 427 DP861736

L.G.A. MID-COAST
Locality: BOOMERANG BEACH / BLUEYS
BEACH / CHARLOTTE BAY
Subdivision No.
Lengths are in metres. Reduction Ratio 1:2500

Registered:

INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A PRENDRE INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING ACT 1919.

(Sheet 1 of 3 Sheets)

Plan:

Plan of Subdivision of Lot 1 DP63396 and
Lot 83 DP753168 and Lot 427 DP861736
covered by Subdivision Certificate No
of

**Full name and address
of owner of the land:**

INA OPERATIONS PTY LTD
(ACN 159 195 632)
Level 9 115 Pitt St
SYDNEY NSW 2000

PART 1 (Creation)

Number of item shown in the intention panel on the plan.	Identity of easement, profit a prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), roads(s), bodies or Prescribed Authorities:
1	POSITIVE COVENANT ('Z')	830 832	MID-COAST COUNCIL

PART 2 (Terms)

TERMS OF POSITIVE COVENANT NUMBERED 1 IN THE PLAN

The registered proprietor of the burdened Lot shall manage the land within the maintenance area designated 'Z' as an Inner Protection Area in accordance with Section 4.1.3 of Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's production Standards for Asset Protection Zone.

Name of person empowered to release, vary or modify restriction or positive covenant numbered 1 in the plan.

MID-COAST COUNCIL

.....
Initial of Witness

Plan:

Plan of Subdivision of Lot 1 DP63396 and
Lot 83 DP753168 and Lot 427 DP861736
covered by Subdivision Certificate No
of

EXECUTED by INA OPERATIONS PTY
LTD (ACN 159 195 632)
in accordance with section 127 of the
Corporations Act

)
)
)
)

.....
Sole / Director / Secretary

.....
Director / Secretary

.....
Name (please print)

.....
Name (please print)

Executed by Mortgagee

Plan:

Plan of Subdivision of Lot 1 DP63396 and
Lot 83 DP753168 and Lot 427 DP861736
covered by Subdivision Certificate No
of

Executed by **MID-COAST Council**)
by its authorised delegate pursuant to s.377)
Local Government Act 1993)

.....

Signature of Delegate

.....

Name of Delegate (BLOCK LETTERS)

I certify that I am an eligible witness and
that the delegate signed in my presence

.....

Signature of Witness

.....

Name of Witness (BLOCK LETTERS)

.....

Address of Witness

.....

Initial of Witness