



MIDCOAST
council

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

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 60 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.

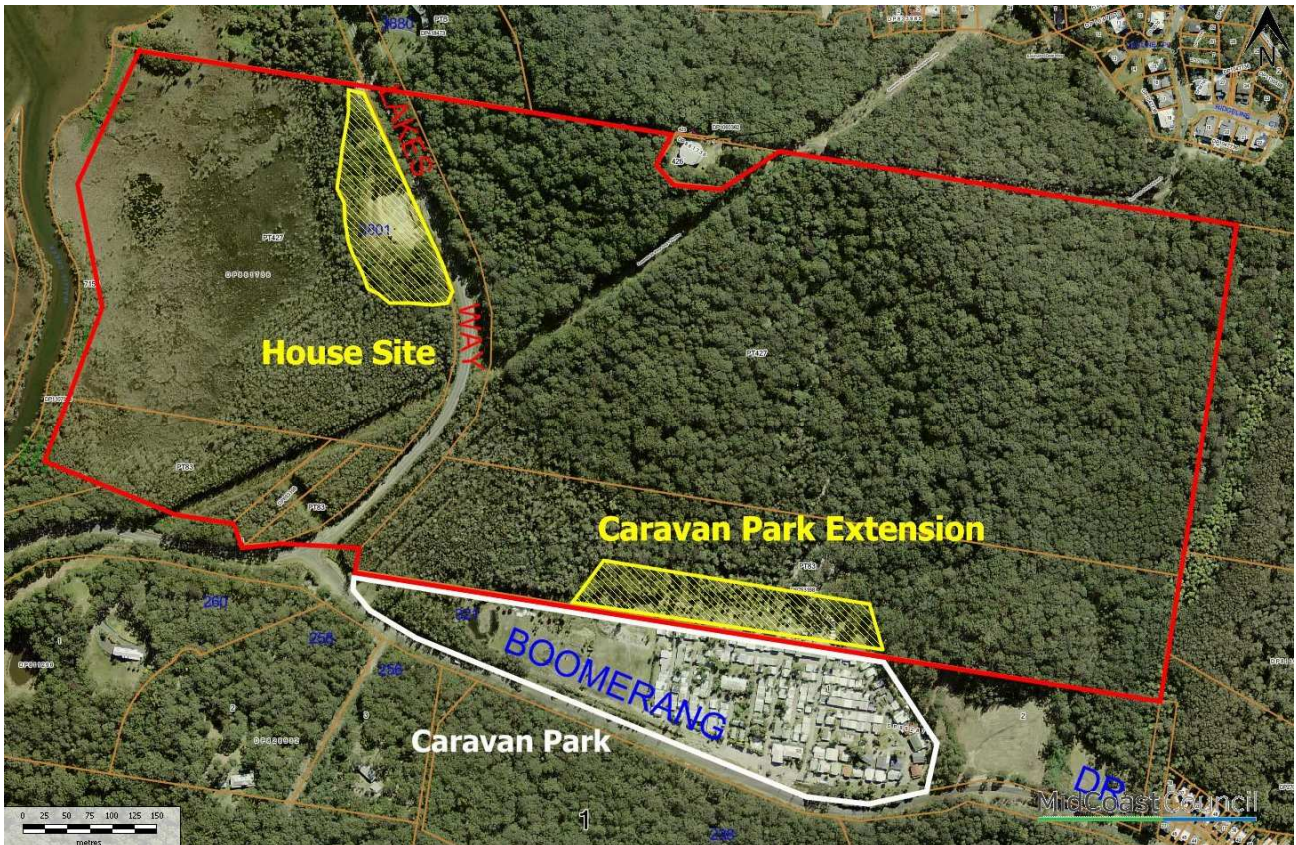


Figure: 1. Representation of Planning Proposal site and potential areas of affect

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 60 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.

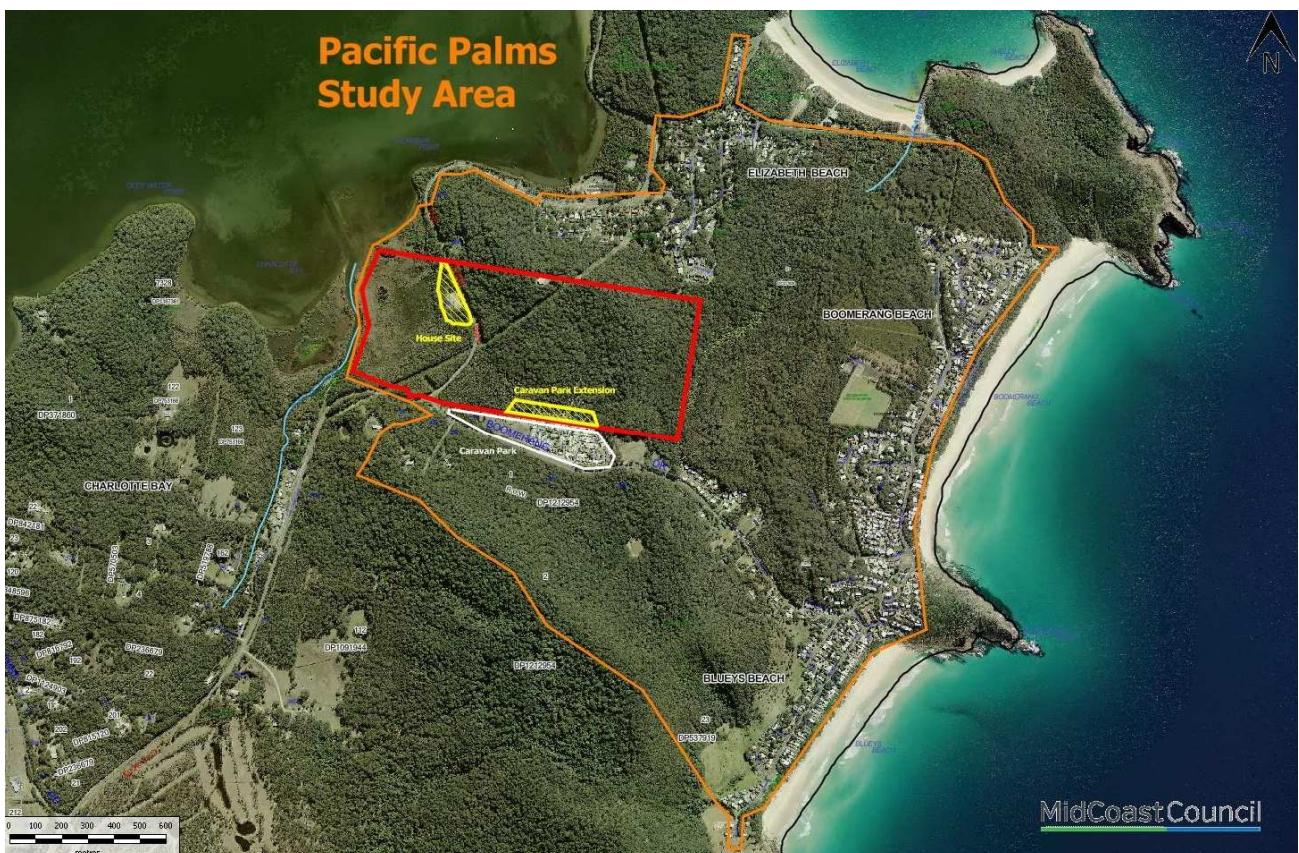


Figure 2. Planning Proposal site in relation to Pacific Palms Study Area

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.

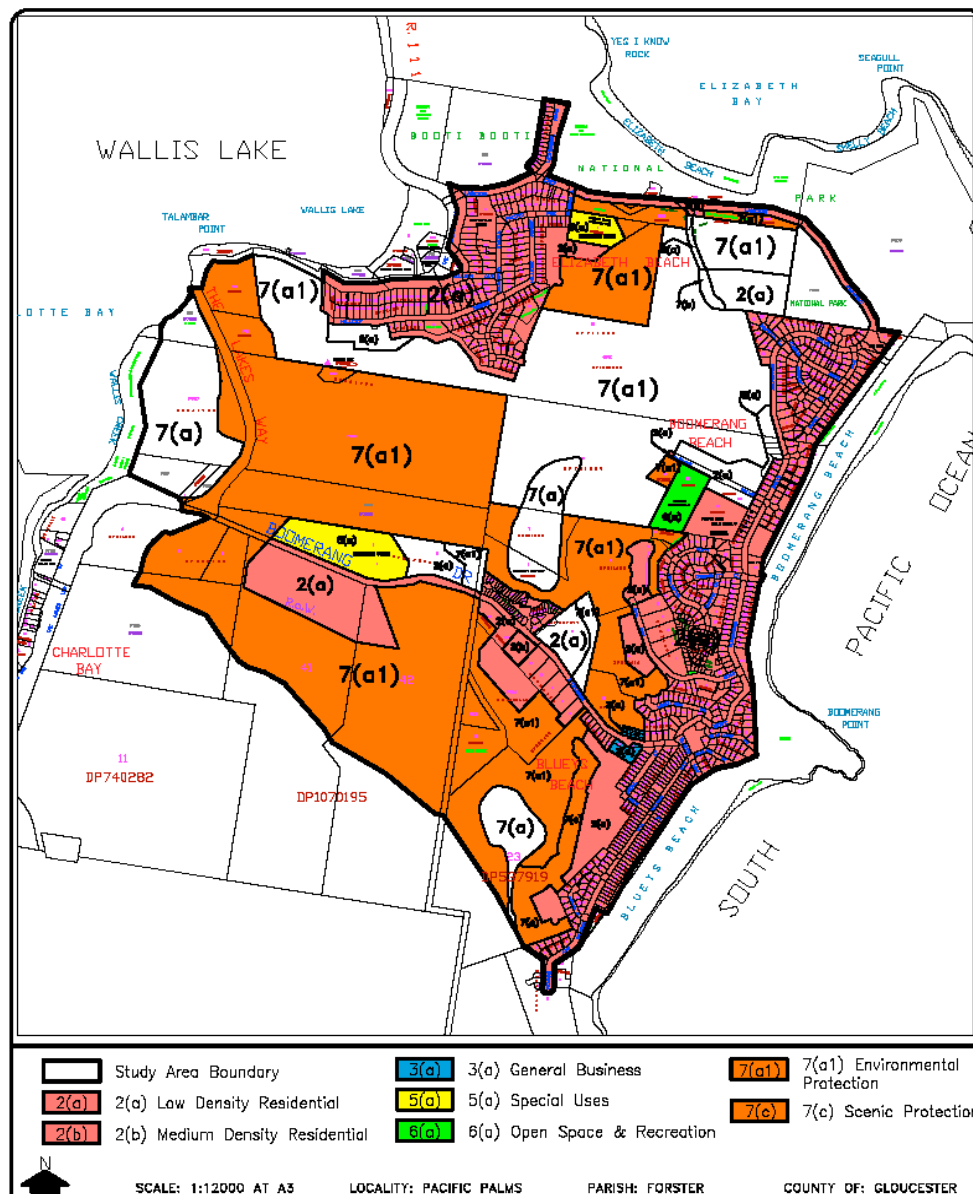
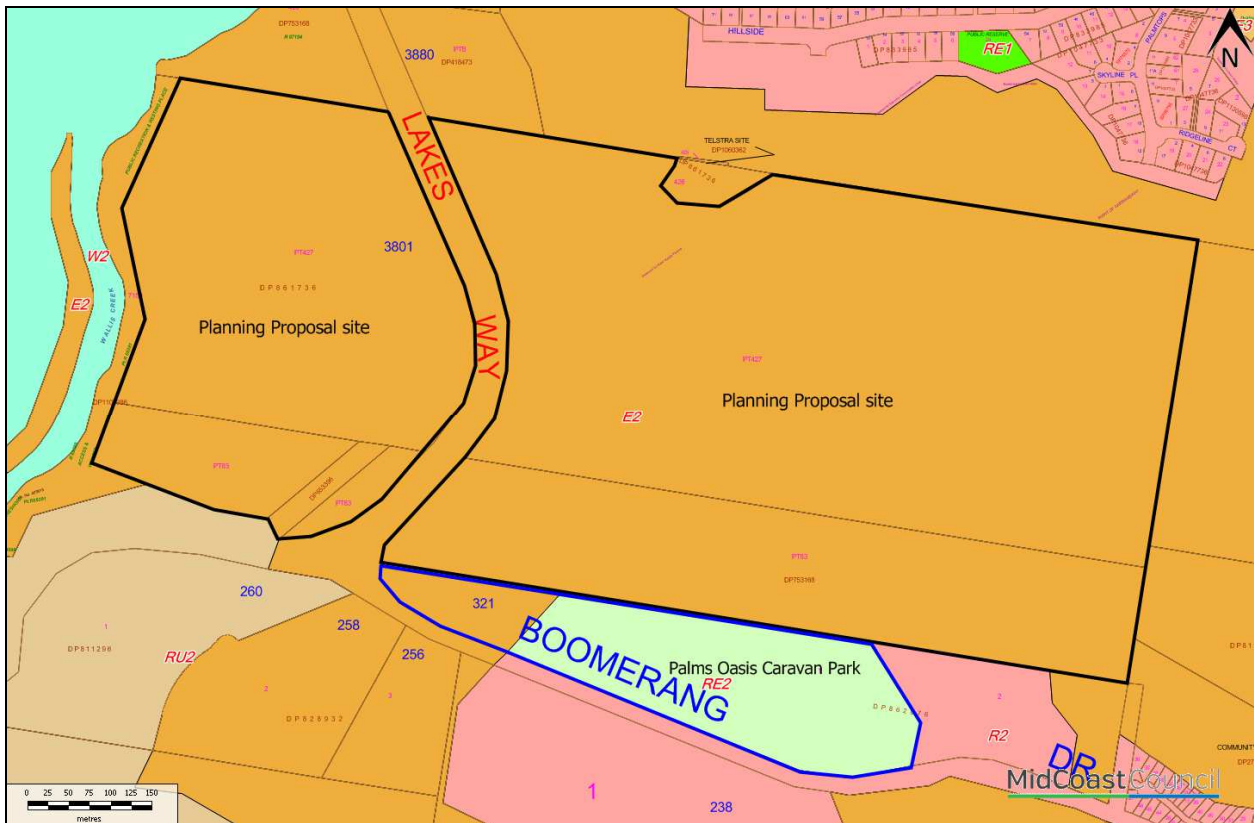


Figure 3. Pacific Palms Study Area Zone Amendments to Great Lakes LEP 1996

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 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

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.

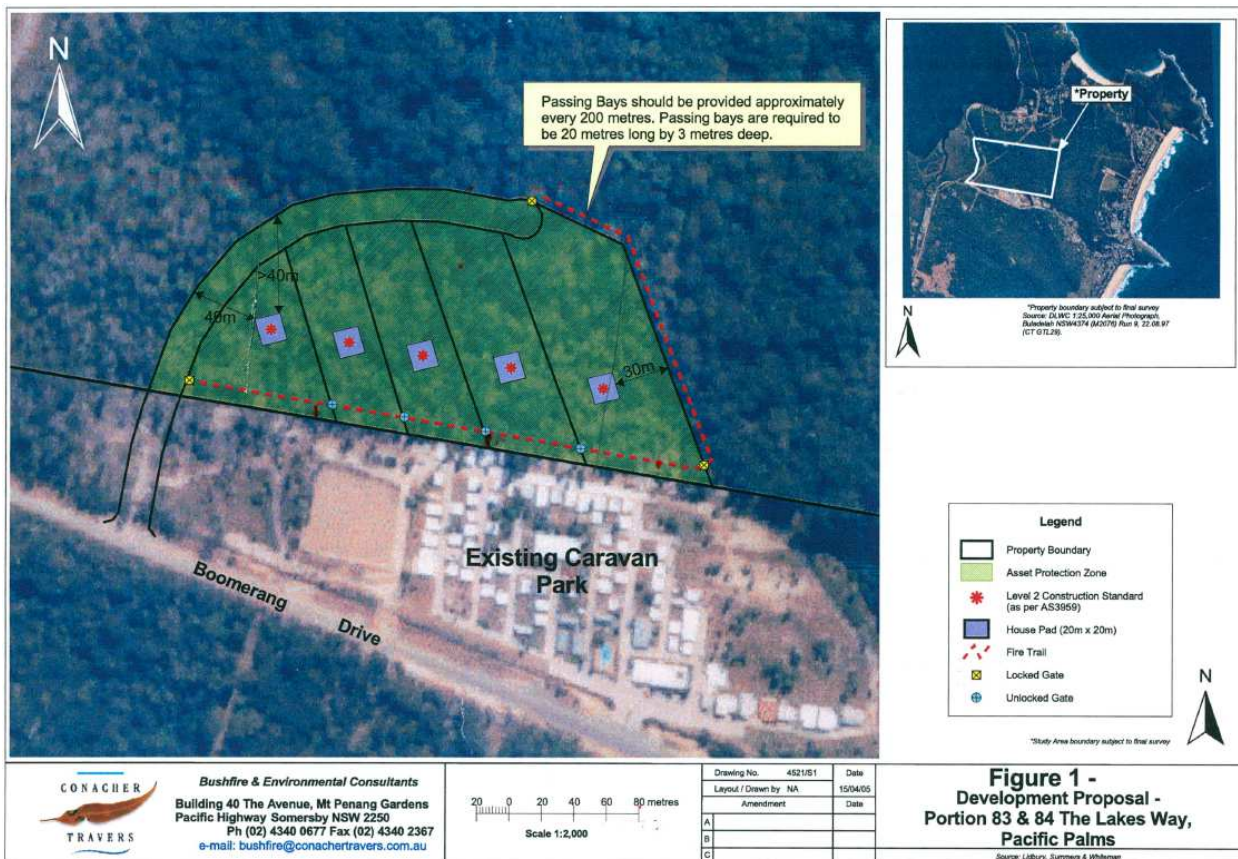


Figure 5. Area of Flora and Fauna Assessment of Part of Portion 83 and (Part) 84 The Lakes Way, Pacific Palms. Conacher Travers, April 2005

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(a) 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.

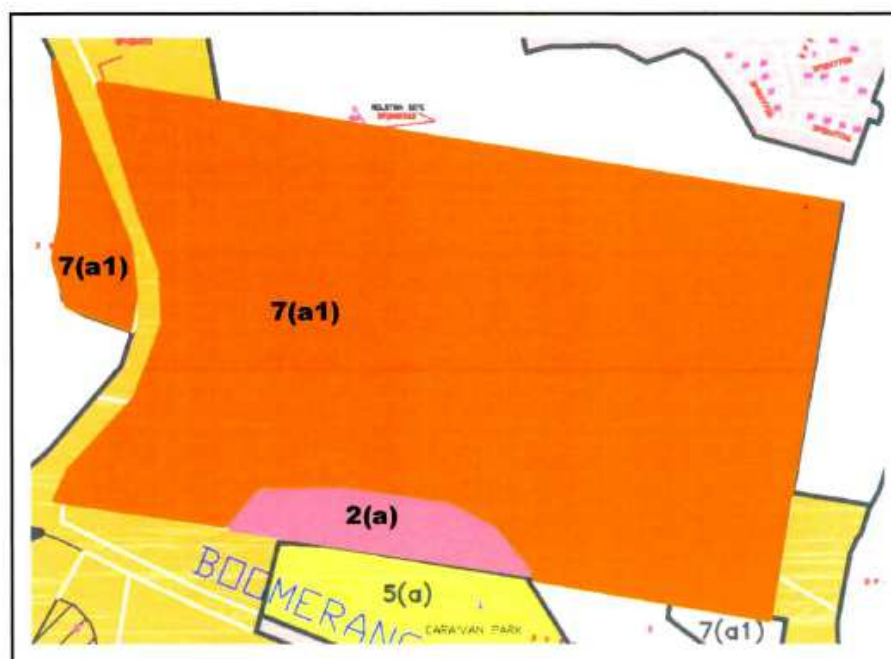
Proposed development scenario mentions a community title arrangement allowing for flexibility of location of dwellings, provision for on-going environmental control with the development of a management plan, and ensuring a custodian for the lot is living on site.

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

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

On the basis of the 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 placement of zoning boundaries are as shown on the map above.

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

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

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

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

"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 60 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, OEHL 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 60 hectare remainder of the site. This report also outlines and 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 60 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:

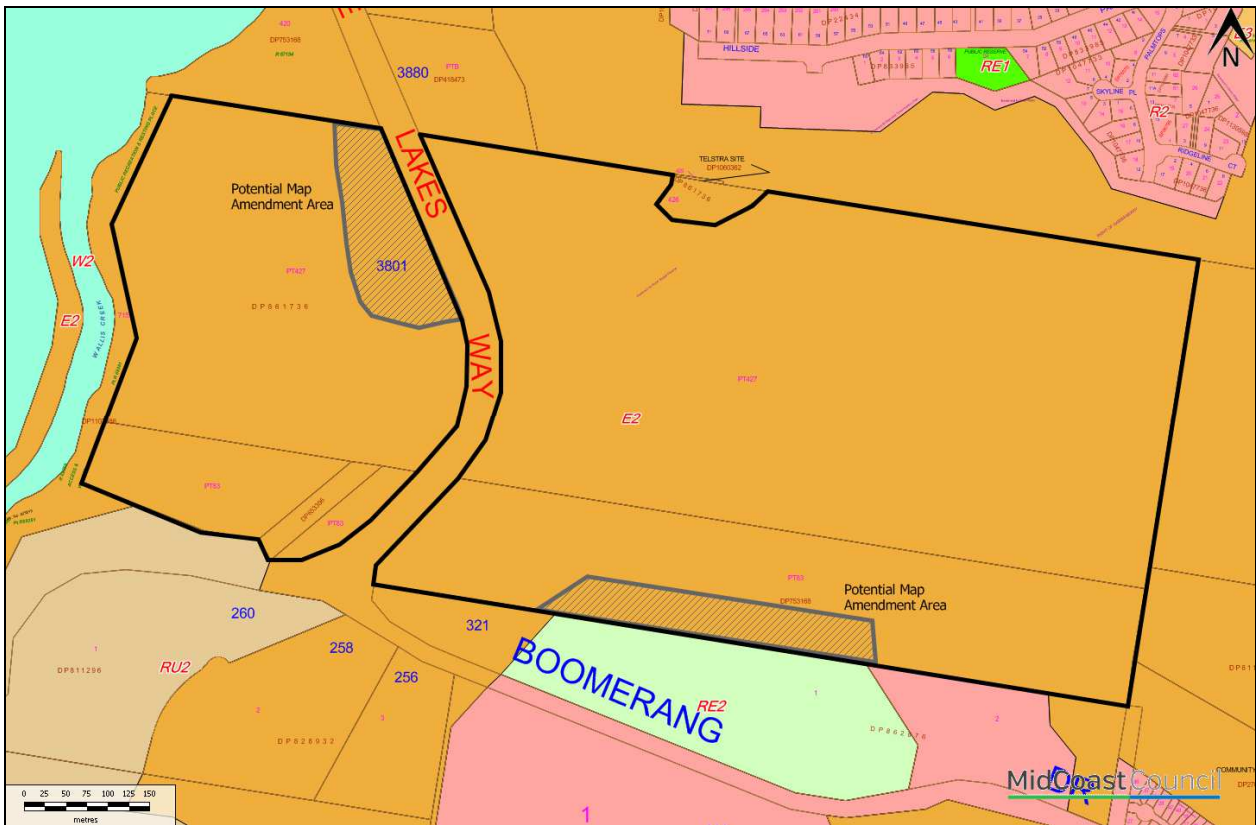
- An amendment to the Minimum Lot Size map for Lot 427 to enable the subdivision of the existing dwelling house, ancillary structures and associated bush fire asset protection zones from the remainder of the site

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:


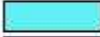










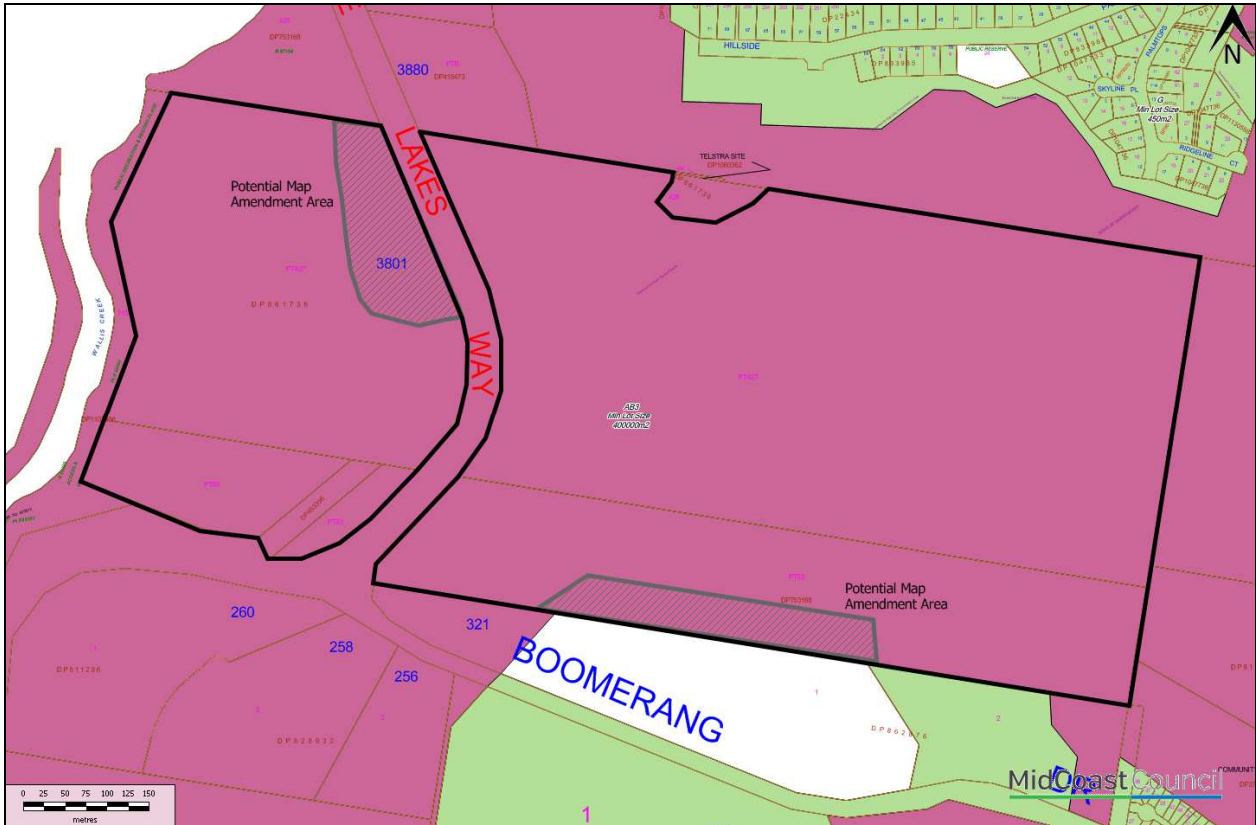
	B1 Neighbourhood Centre		R3 Medium Density Residential
	B1 Neighbourhood Centre		R4 High Density Residential
	B2 Local Centre		R5 Large Lot Residential
	B4 Mixed Use		RE1 Public Recreation
	B5 Business Development		RE2 Private Recreation
	E1 National Parks and Nature Reserves		RU2 Rural Landscape
	E2 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

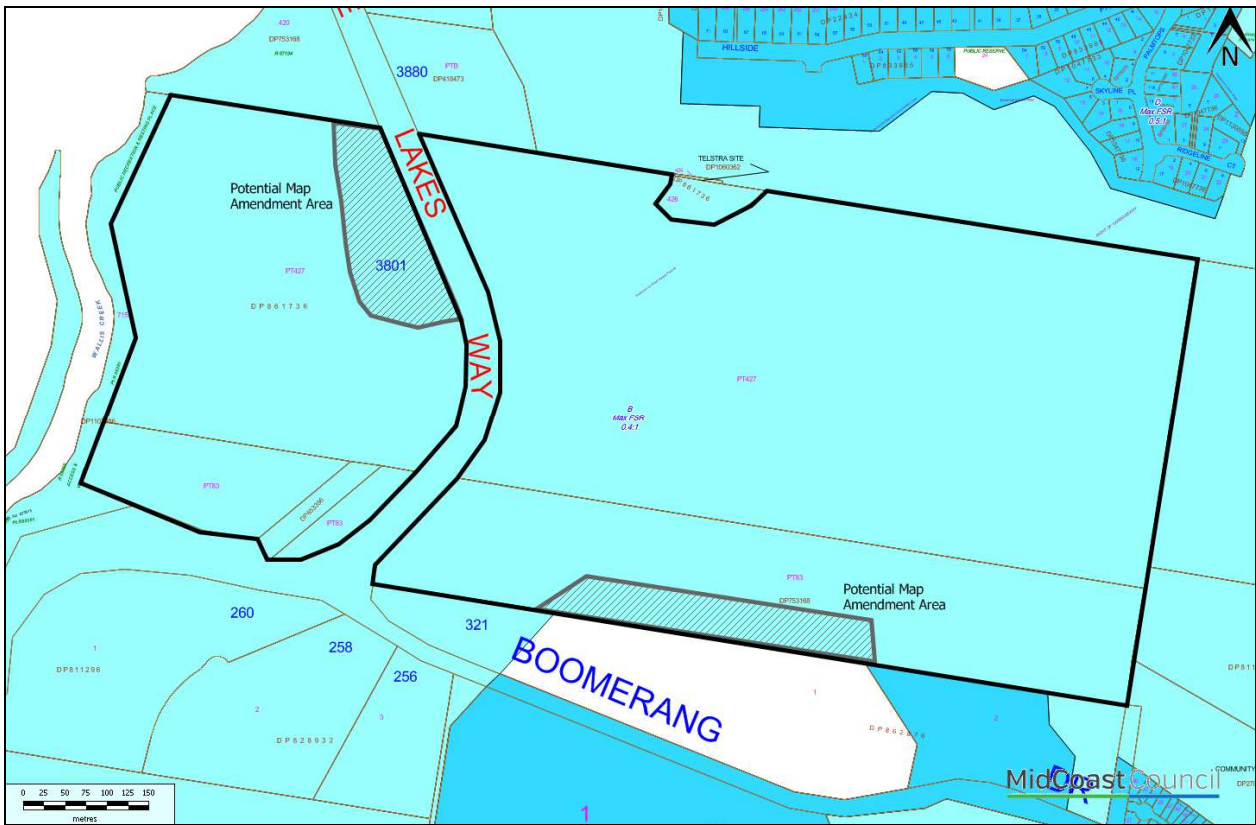


Note: Final lot sizes for hatched areas to be determined at time of more accurate survey

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:

	B = FSR 0.4		T = FSR 2
	D = FSR 0.5		V = FSR 3
	N = FSR 1		

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.

In accordance with Council's adopted consultation protocols the following will also be undertaken:

- Notices in applicable local newspapers
- Direct mail notification to the owners of the land, adjoining landholders and other stakeholders advising of the planning proposal and inviting comment
- Exhibition material and all relevant documents will be available at Council's Administrative Office in Forster
- Exhibition material and all relevant documents will be available on Council's website.

Any further consultation required by the Gateway Determination will also be undertaken.

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 2017
Lodgement of Planning Proposal (with any amendments as a result of submissions)	Council	-	December 2017
Making of local environmental plan	Minister for Planning and Infrastructure	6 – 8 weeks	December 2017 - January 2018

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 60 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 A – Independent Report on Preliminary Bio-Banking Calculations

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 / Tallowood 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."

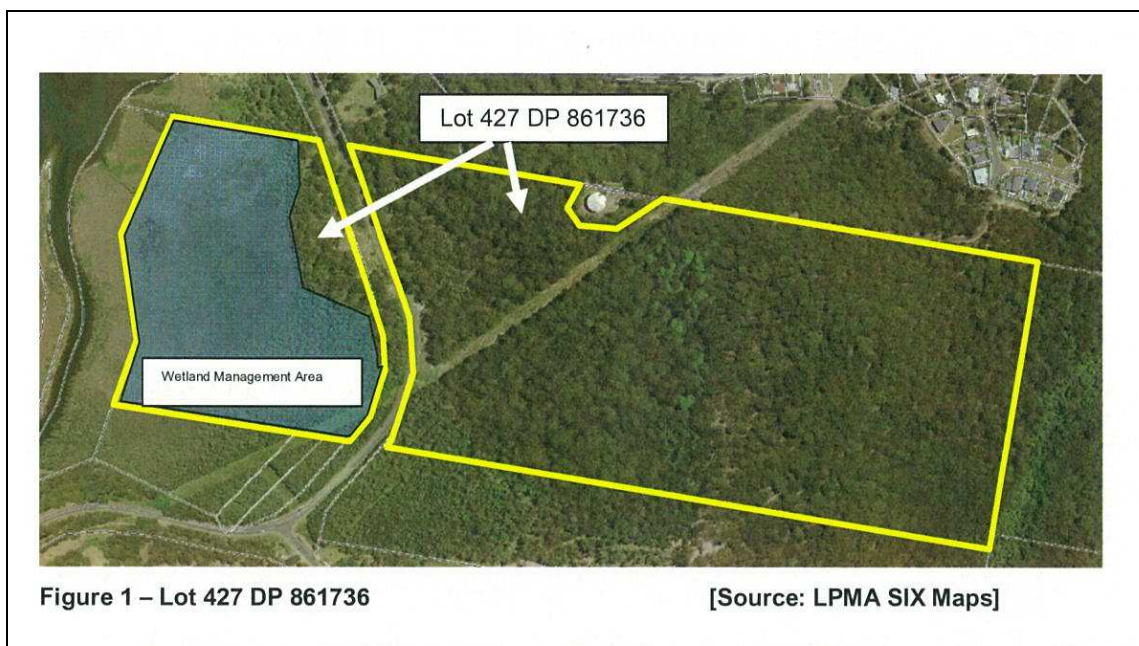


Existing Resources

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).

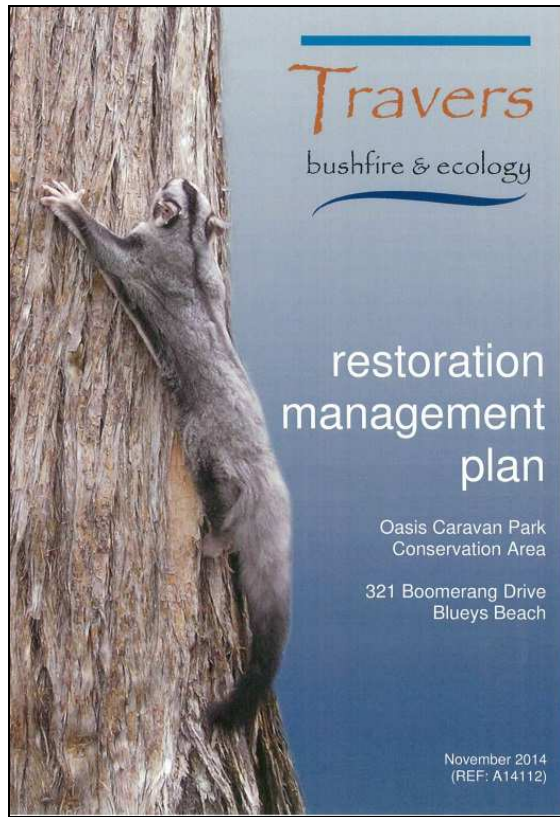


Figure 1 – Proposed Development and Conservation Area, 321 Boomerang Drive, Blueys Beach

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 style="text-align: center;"><i>Grey Gum/ Tallowwood Forest</i> <i>Grey Gum/ Spotted Gum/ Blackbutt Forest</i></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	Not applicable

State Environmental Planning Policy (SEPP)	Consistency with SEPP
Development	
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 60 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</p>

State Environmental Planning Policy (SEPP)	Consistency with SEPP
	developed for Housing for Seniors or People with a Disability in accordance with the SEPP. The expansion of 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 60 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 60 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>
2.3 Heritage Conservation Aims to conserve items and places of heritage significance and indigenous heritage significance.	Not applicable
2.4 Recreation Vehicle Areas Aims to protect sensitive lands with significant vegetation value from the adverse impacts of recreational vehicles	Not applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones 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	Not applicable

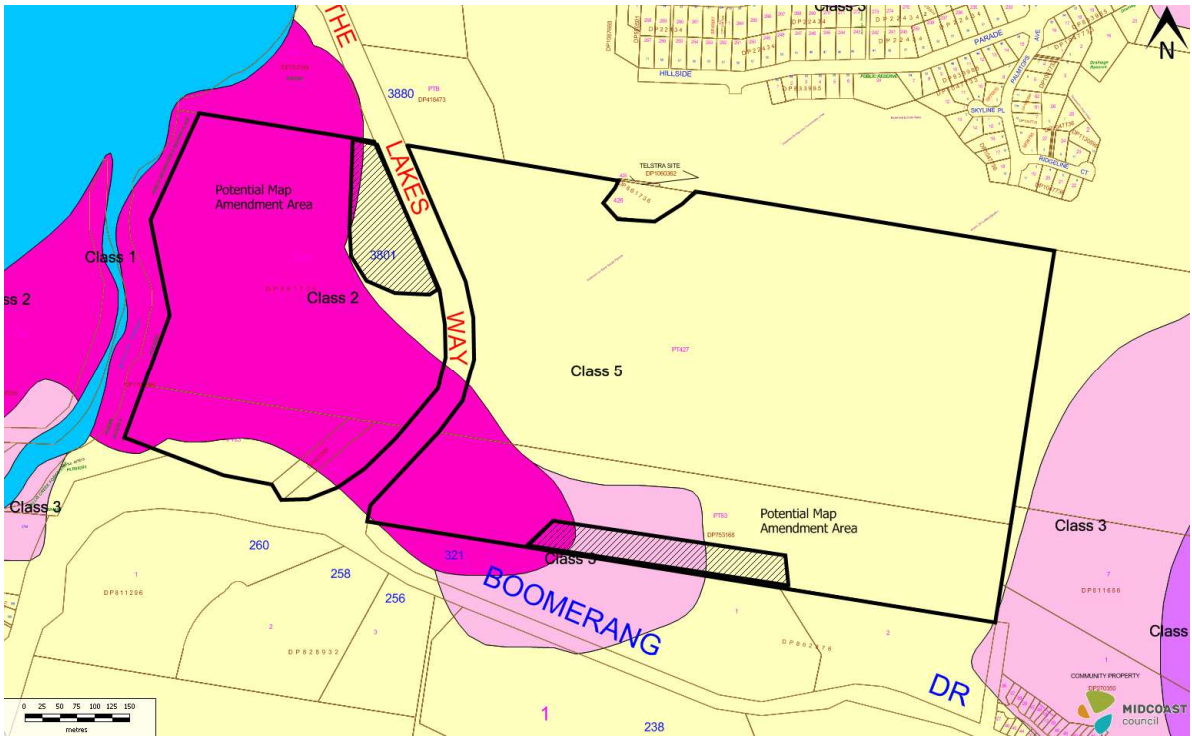
S117 Ministerial Direction	Consistency with S117
lands.	
<p>3.2 Caravan Parks and Manufactured Home Estates</p> <p>Aims to provide a variety of housing types including opportunities for caravan parks and manufactured home estates.</p>	<p>Consistent</p> <p>The Planning Proposal identifies land for the 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>

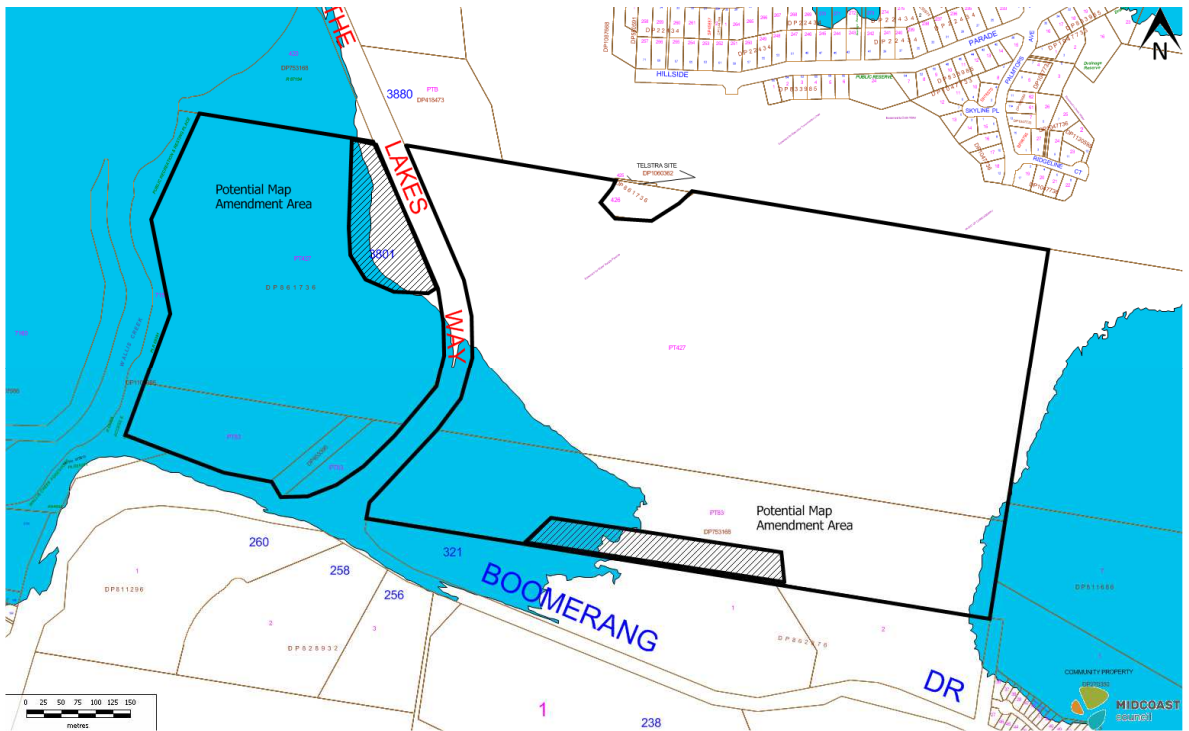
S117 Ministerial Direction	Consistency with S117
	visitors to the region.
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
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 60 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