



Explanation of Intended Effect

North Tuncurry Urban Release Area



Version	Purpose of document	Author	Date
1	Preliminary drafting	P Maher	30 Sept 2021
2	Drafting for Director review	P Maher	
3	Director's draft		21 February 2022

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: North Tuncurry URA Explanation of Intended Effect

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1.0 INTRODUCTION

The North Tuncurry Urban Release Area was first identified in the Department of Planning and Environment's *Mid North Coast Regional Strategy 2006* as a growth area to meet the future housing needs of Forster-Tuncurry. The strategy noted the need for future investigation to determine where housing could occur within the site and how environmental values would be managed. The Department's current regional plan, the *Hunter Regional Plan 2036*, continues to recognise the site for housing subject to addressing environmental values.

In 2010, Landcom entered into an agreement with the NSW Department of Industry - Crown Lands and Water to develop the site.

In 2011, the site was declared a State Significant Precinct under Part 3A of the *Environmental Planning and Assessment Act 1979* and State Significant Study (SSS) requirements were issued by the Department. However, when Part 3A was repealed in June 2011 the Part 3A North Tuncurry Urban Release Area Concept Plan was revoked.

In March 2020, the Department approved a request by Landcom to allow the potential rezoning of the site to be considered under a State-led self-repealing State Environmental Planning Policy. Through that process it was agreed the previous SSS study requirements issued in 2011 would be used as a guide for the study requirements to support the proposed rezoning.

The Explanation of Intended Effect (EIE) sets out the proposed changes to the *Great Lakes Local Environmental Plan 2014* arising from the **Rezoning Study** (dated November 2021) and supporting technical studies. The EIE will be exhibited in accordance with Section 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to allow the community to make submissions to be considered in the assessment of the proposed planning controls.

The Rezoning Study has been prepared by Landcom and shows how the site would be developed under a staged masterplan. The masterplan was informed by community engagement undertaken in 2013-14, which identified the site's guiding principles and community outcomes as discussed in the Urban Design Report (**Appendix B**).

Landcom and MidCoast Council have worked together to identify local infrastructure needs for the proposed development and a Statement of Intent has been prepared setting out Landcom's commitments. The Statement of Intent will form the basis for a future planning agreement between Landcom and Council.

Landcom has responded to submissions from Council and Government agencies in relation to the technical studies throughout 2020-21. The adequacy for exhibition of matters raised is summarised in the Test of Adequacy (**Attachment B**). Council and agencies provided detailed and valuable feedback on this work that has been reflected in the development of the final Rezoning Study for North Tuncurry.

1.1 North Tuncurry Urban Release Area

The North Tuncurry Urban Release Area (NTURA) is a 615 hectare parcel of land located on the eastern side of The Lakes Way, directly to the north of, and adjoining, the Tuncurry town centre. It is an irregular shaped waterfront parcel of land situated on a peninsula between The Lakes Way to the west and the Pacific Ocean to the east. The NTURA has ocean beach frontage of more than 4.5 kilometres and has road frontages to The Lakes Way and Northern Parkway.

The site is low lying (RL 3-6 metres AHD) and undulating due to its coastal location. The existing development is Forster-Tuncurry Golf Course, an electricity power line along the western edge.

The site has road and pedestrian access via The Lakes Way and a number of east-west tracks traverse the site and provide informal beach access.

The majority of the site is zoned RU2 Rural Landscape Zone and the golf course is zoned RE1 Public Recreation Zone under *Great Lakes Local Environmental Plan 2014* (Great Lakes LEP 2014).



Figure 1: North Tuncurry URA

Landcom's vision for the NTURA is a mix of low density and low rise medium density coastal community with approximately 2,123 dwellings centred around a new local centre, reconfigured golf course and new open space areas that will integrate with the existing Tuncurry-Forster urban area (Figure 2).

The proposed number of lots is indicative at this stage and detailed design is required to determine the final yield as part of future planning processes. New housing and a neighbourhood supermarket and specialty stores are proposed to support residents.

The study requirements agreed to by the Department in 2020, set out the scope and approach to investigations and matters to be addressed by the Rezoning Study which has informed the draft development control plan (**Appendix A**) that will control and enable development in NTURA.

The Rezoning Study (**Appendix AA**) and draft development control plan for NTURA have now been prepared by Landcom.

NTURA is proposed to be delivered in 18 stages which reflect the likely development sequence. Development stages have been planned to respond to market demand and to provide a mix of housing types. Delivery of open space, roads and drainage infrastructure will be staged to align with housing delivery.

Employment lands and a new local centre is proposed to be delivered in the latter stages of the development pipeline, unless market demand supports the acceleration of these uses, in which case they will be brought forward.

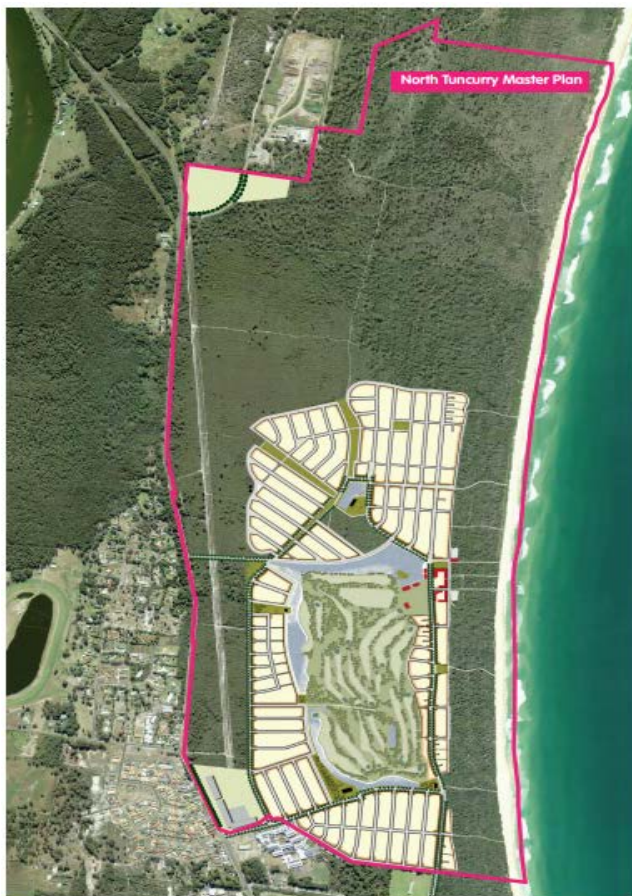


Figure 2: North Tuncurry Master Plan



Figure 3 North Tuncurry Staging Plan

1.2 Purpose

This EIE has been prepared to set out the proposed planning controls for NTURA in the Great Lakes LEP 2014.

The proposed planning controls will enable the delivery of:

- new homes, jobs and services close to Tuncurry town centre including:
 - approximately 13.24 hectares of employment lands for industrial and business development uses to facilitate 126 full time equivalent workers; and
 - approximately 4,500 residents (2.2 persons per household) based on 1.8 per dwelling (**Appendix T**);
- Public access connections to Nine Mile Beach;
- New active transport connections linking with the Tuncurry town centre through new and improved pedestrian and cycling links;
- Improved transport options by:
 - all collector roads will be capable of accommodating standard buses;
 - network of cycling and pedestrian paths within the site and connecting to key destinations; and
 - linear street grid, regular cross streets and footpaths to encourage pedestrian activity;
- Nine interconnecting parks providing 6.1 hectares of new open space;
- Reconfiguration of the existing golf course;
- 327 hectares of land to be managed for biodiversity conservation (60% of site); and
- Central community local centre, co-locating daily convenience services with the beach access, a new golf clubhouse, community centre, cultural centre, mobile surf club and public gathering places.

The planning controls would be complemented by proposed development control plan provisions. These provisions will set out built form and urban design provisions to ensure the NTURA achieves high quality outcomes for built form, public domain and heritage and seek to improve the amenity of NTURA and its surrounds.

This planning framework will enable the site to be developed consistent with the *Hunter Regional Plan 2036*. A mix of housing types will be provided to support the growth of Forster-Tuncurry while ensuring lands with environmental values are conserved and any impacts offset. The provision of a local centre, active transport connections and employment lands align with direction 21 to provide a compact settlement and direction 14 to protect and connect natural areas.

1.3 Proposed planning instrument amendments

A SEPP is proposed to be prepared to amend Great Lakes LEP 2014. The proposed self-repealing SEPP amendment will apply to the NTURA as mapped in Figure 1.

To implement NTURA, it is proposed to amend Great Lakes LEP 2014 by:

- rezoning land to R2 Low Density Residential, R3 Medium Density, B2 Local Centre, RE2 Private Recreation, B5 Business Development, IN1 General Industrial, E2 Environmental Conservation, E3 Environmental Management and associated zone objectives and permitted land uses based on section 2.1 of this EIE;
- amending the maximum height, minimum lot size and floor space ratio controls;
- identifying the NTURA development footprint on the Key Sites Map to support the site-specific provisions in relation to Floor Space Ratio and Minimum Lot Size site-specific provisions.

- amending clause 4.1A Exceptions to Minimum Lot Sizes for Certain Residential Development to allow subdivision of land identified as NTURA on the Key Sites Map to be equal to or greater than 200 square metres if the land adjoins:
 - land within the RE2 Private Recreation zone, or
 - land within the B2 Local Centre zone, or
 - land within the RE1 Public Recreation zone or has been identified as future open space in the development control plan;
- amending the dwelling density controls by identifying the R3 Medium Density Residential zoned land on the Minimum Dwelling Density Map to require 35 dwellings per hectare to ensure suitable densities in accordance with the urban design principles.
- Identifying the site on the Urban Release Area map to apply the satisfactory arrangements clause.

Draft maps are attached to this EIE and these will replace the existing maps in the Great Lakes LEP 2014:

- Amendments to the Land Zoning Map (LZN_011 and LZN_11C);
- Amendments to the Maximum Height of Buildings Map (HOB_011 and HOB_11C);
- Amendments to the Maximum Floor Space Ratio Map (FSR_011 and FSR_11C);
- Amendments to the Minimum Lot Size Map (LSZ_011 and LSZ_11C);
- Amendments to the Minimum Dwelling Density Map;
- Amendments to the Urban Release Area Map; and
- New Key Sites Map.

1.4 Objectives or intended outcomes

The objectives of the rezoning are to facilitate an integrated extension to the Tuncurry township and conserve in perpetuity the biodiversity values of the landscapes contiguous with Darawank Nature Reserve. The changes are intended to deliver the proposed rezoning by giving effect to the statutory controls recommended in the Rezoning Study prepared by Landcom.

The intended outcomes of the rezoning will be a new neighbourhood connected to the existing community and integrated with the natural landscape. The development will provide a mix of housing types, a local centre for daily needs and a legible local street network. The rezoning will facilitate development seeking to leverage the amenity of its proximity to the beach and the golf course, and to encourage healthy living through well-designed active transport linkages.

Should the rezoning occur, and the development is delivered, the project will deliver a range of quality housing products suitable to the NSW coastal community, including affordable diverse housing typologies and housing for seniors. Local employment opportunities will be made available in the local centre and industrial area of a magnitude that will not detract from the higher order services in Tuncurry CBD.

The intended community outcomes will facilitate activation and enhance public domain through landscaping, pedestrian pathways and public art. The proposal will also deliver community uses such as a new golf clubhouse, community centre, cultural centre, mobile surf club and public gathering places. It will also enable the delivery of significant site-wide benefits including strengthening connections to Nine Mile Beach and the foreshore. The development outcome will present community facilities integrated with the established golfing and beach going community. Landcom will investigate cultural heritage interpretation within the public domain as part of its ongoing collaboration with the traditional owners of the land, the Worimi and Biripai People of Forster Tuncurry.

Biodiversity and Conservation

The NTURA contains important biodiversity values. The vegetation communities within the site are Blackbutt – Smooth-barked Apple open forest, Banksia dry shrubland and Coast Banksia – Coast Wattle dune scrub. One flora species recorded on the site and within an area immediately to the north of the site, *Genoplesium littorale* (Tuncurry Midge Orchid), is listed as Critically Endangered under the *Biodiversity Conservation Act 2016* (NSW) and is Critically Endangered under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth). A total of fourteen (14) threatened fauna species have been recorded on site.

A BioBanking Agreement Application submitted for the NTURA was required to be conferred by 24 August 2021. The timeframe lapsed and therefore the BioBanking Agreement Application was unable to be determined.

In order for biocertification to proceed with securing the proposed offset site, the BioBanking Agreement Application was withdrawn and a Biodiversity Stewardship Agreement (BSA) will be made with the Biodiversity Conservation Trust.

The *Biodiversity Certification Assessment Report and Strategy* (BCAR) (**Appendix Q**) confirms the application to register a Biodiversity Stewardship Agreement over 327.71 hectares of Crown land at North Tuncurry will be submitted for registration. The application will include a minimum of 312.70 ha of mapped vegetation and will generate 2,964 BCAM ecosystem credits after exclusion of existing tracks and electricity easements. This will permanently protect and secure over 50% of the required offset for the entire development in the first 12 months and generate all of the ecosystem and species credits required to offset the first 12 stages of residential development and the E1 Business Park.

In addition to the 'on-site' conservation measure, an area of approximately 380-400 hectares at Nabiac, owned by Council (formerly Mid Coast Water), may also be registered as a Biodiversity Stewardship site. The proposed offset area includes the required matching vegetation types and confirmed habitat for appropriate fauna as well as further records and habitat for the Tuncurry Midge Orchid (TMO). Preliminary ecological studies indicate this area will meet the remaining offset requirements for Stages 13-22, the E2 Industrial Land, Village Centre and the redeveloped golf course.

Landcom has entered into discussions and reached in principle agreement with Council to make this area available for the proposal if or when required.

The Environmental, Energy and Science Group (EES) of the Department have not provided full endorsement of the BCAR. However, the updated biocertification report is sufficient to proceed to public exhibition. It is proposed to place the EIE, Rezoning Study and BCAR on exhibition simultaneously to secure the conservation outcomes.

Provision of local infrastructure

The rezoning would enable the development of a new local community which needs to be serviced by a range of infrastructure. Landcom has committed to enter into a Voluntary Planning Agreement (VPA) with the MidCoast Council. The VPA would include works in kind, monetary contributions and land dedication for roads and transport, recreation, and social infrastructure, and would also provide for registration of land as Biodiversity Stewardship sites for conservation purposes under the *Biodiversity Conservation Act 2016*.

A Statement of Intent (Sol) has been prepared to outline the aims, purposes and proposed outcomes of the future VPA. It has been negotiated between Landcom and Council and sets out Landcom's obligations with respect to local development contributions via a combination of monetary contributions and the carrying out of works in kind, dedication of land free of cost, and provision of material public benefits.

The proposed objectives of the VPA will be to facilitate:

- the physical delivery of the Applicant's contributions towards the provision of nominated local infrastructure;
- the dedication of land for local roads and local open space; and
- dedication and the payment of monetary contributions towards the ongoing management and protection of land for conservation purposes.

Discussions between Landcom and Council on the possibility of a special rate variation request towards ongoing operating, maintenance and replacement liabilities for water quality and drainage infrastructure

above what is typically required for new residential development. The approval of a rate variation is not in the control of Landcom or Council, but through an IPART application.

The VPA is intended to be entered into prior to the submission of the first development application on the Subject Land. This will ensure the VPA is in place and the contributions regime understood by both parties prior to any development proceeding.

The identified local development contributions are intended to replace, in part, any development contributions that may otherwise be imposed by the Council pursuant to Section 7.11 of the Act.

2.0 EXPLANATION OF PROVISIONS

2.1 Land use zones

Land use zones have been identified based on those in the *Great Lakes LEP 2014* which would best support the vision for NTURA. The Rezoning Study envisages NTURA will provide housing, protect environmental values, and better connect the Tuncurry settlement to the Nine Mile Beach foreshore.

To deliver on this vision, the current land use zones of R2 Low Density Residential, RU2 Rural Landscape, RE1 Public Recreation, E2 Environment Conservation and SP2 Infrastructure zones will be arranged and replaced with zones to facilitate a new low to medium density residential coastal community with a local centre and supporting employment land compatible with the coastal township of Tuncurry and surrounds.

It is proposed to amend the Land Zoning Map (Map Sheet LZN_011) to introduce land uses, zone objectives, and a range of permissible and prohibited uses for each proposed zone across the entire NTURA, with the exception of minor site-specific variations as described below.

Draft land use zoning maps have been prepared to reflect these zoning changes. The proposed changes to land zoning for NTURA are illustrated in Figure 3.

The proposed rezoning will include site-specific provisions to realise the intent of the Master Plan.

R2 Low Density Residential

The R2 Low Density Residential zone is proposed to apply to most of the residential development areas on the basis this zone is most commonly used by Council for its residential housing supply. The R2 Low Density zone is broad based, allows for and encourages the provision of a diverse range of housing and allows for maximum flexibility for subdivision and development over time.

The R2 Low Density Residential zone is intended to apply to proposed local parks and water management basins. This provides flexibility, noting exact locations and layouts for these uses will not be understood until the development application stage where detailed design and further survey work will have occurred.

It is intended to provide a range of dwelling typologies in the R2 Low Density Residential zones, including strata title studio dwellings via inclusion of an additional land use term as permissible with consent. The definition of a studio dwelling being a dwelling that:

- is established in conjunction with another dwelling (the principle dwelling); and
- is on its own lot of land; and
- is erected above a garage that is on the same lot of land as the principle dwelling.

This may take the form of an additional permitted use or an additional local provision in the *Great Lakes LEP 2014*.

R3 Medium Density

The R3 Medium Density zone is proposed in nominated locations to ensure the minimum dwelling targets and required housing diversity are delivered. Minimum dwelling targets will be achieved through the proposed Minimum Dwelling Density control. The R3 Medium Density zone permits a broader range of

housing types, including medium density dwellings and residential flat development, and is proposed for areas of greater amenity adjacent to Nine Mile Beach, the local centre and central green space.

B2 Local Centre

The B2 Local Centre Zone is proposed to facilitate a local centre on the basis that it reflects the range of shops and services intended to support the NTURA.

The extent of the B2 Local Centre Zone has been carefully considered to ensure supply of commercial and retail floor space aligns with local retail and employment demand will support the Forster and Tuncurry CBD. The local centre will provide flexibility to accommodate a range of mixed activities.

RE2 Private Recreation

The reconfigured golf course is proposed to remain as RE2 Private Recreation as it is privately managed. 'Tourist and visitor accommodation' is proposed to be added to the list of land uses permitted with consent to facilitate the potential development of short-term accommodation affiliated with the reconfigured golf course.

B5 Business Development

The B5 Business Development zone is considered the best fit for the proposed employment lands in the south east of the site to facilitate employment generating uses, such as offices, warehouses, retail premises (including those with large floor areas). It is suitable for this location because of its proximity to The Lakes Way as the main arterial road servicing Tuncurry and its capacity to support the Tuncurry CBD.

The B5 Business Development zone is also a prescribed zone under the *State Environmental Planning Policy (Infrastructure) 2007* under which development for the purposes of educational establishments and health care facilities are permitted with consent. The B5 Business Development zone therefore provides an opportunity for the extension of the existing school and TAFE should this be desired in the future. It would also allow for the expansion of the sports clubs and facilities immediately south of the site.

IN1 General Industrial

The application of the IN1 General Industrial zone is proposed to provide for a modest amount of future industrial growth to accommodate a wider range of employment opportunities. Industrial uses are considered compatible with the adjoining Tuncurry Waste Management Centre and their provision in this location ensures future uses would not impact on residential uses elsewhere in the NTURA.

E2 Environmental Conservation

Land outside the development footprint is proposed to be zoned E2 Environmental Conservation zone. These areas are ecologically sensitive and are to be managed for conservation in perpetuity.

E3 Environmental Management

The E3 Environmental Management zone is to apply to land with environmental or scenic values located immediately east of the B2 Local Centre zone and north of the southern R3 Medium Density site. This land is in the dunes area, which is orientated along a north-south alignment, parallel to the coast and is shoreward of the 2100 coastal hazard line.

A minimum lot size of 40 hectares will apply to these areas and they will be suitable to accommodate a limited range of sympathetic development including a mobile surf club, beach car parks, viewing platforms, and dedicated pedestrian and cycle paths, and provide beach access.

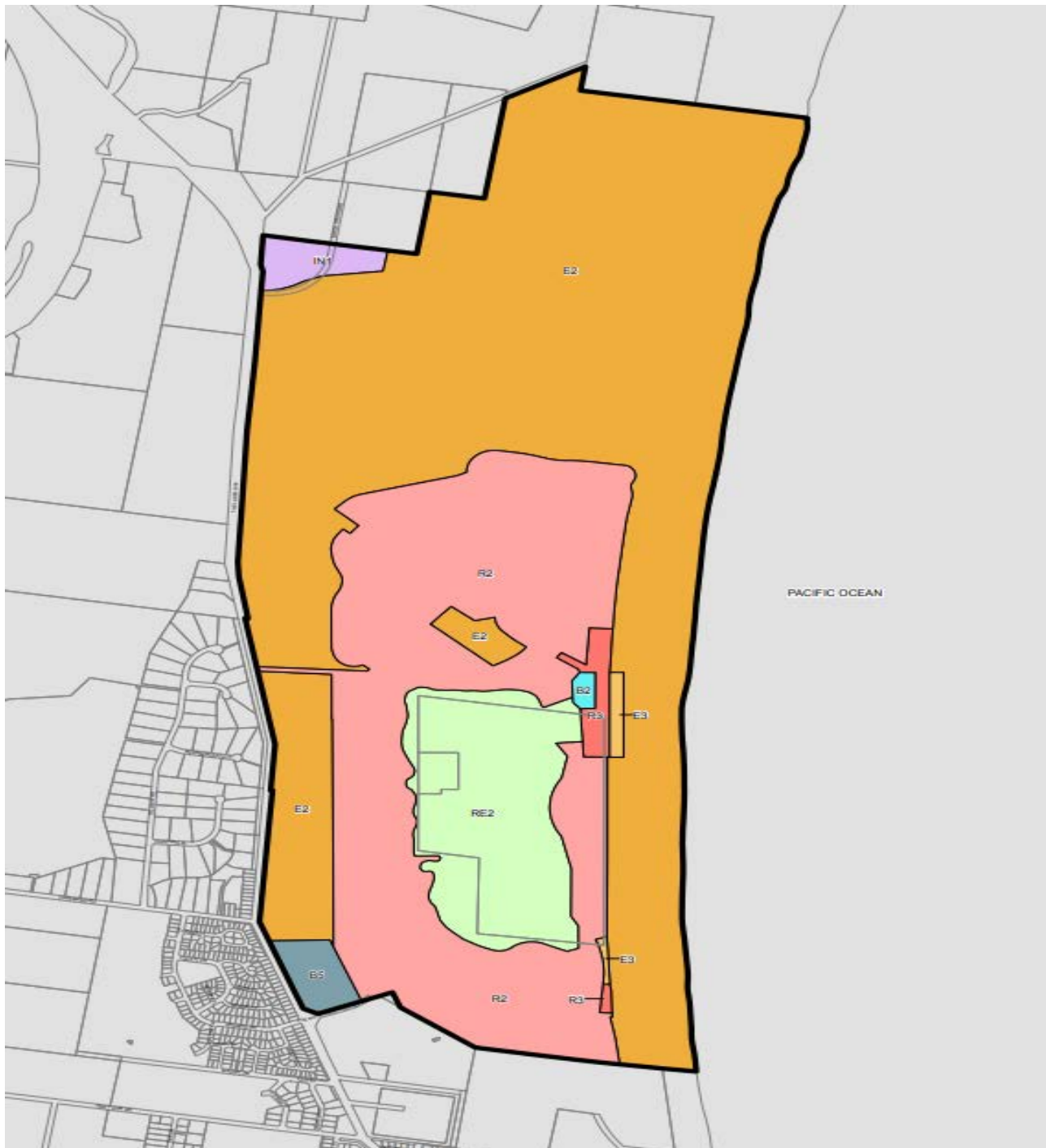


Figure 4: Proposed zoning

2.2 Maximum height, floor space and minimum lot size

The SEPP proposes to amend the following principal development standards under the Great Lakes LEP 2014 for the NTURA, each of which is described in further detail below:

- maximum height of buildings in the R2 Low Density, R3 Medium Residential Density and B2 Local Centre;
- replacement of the existing floor space ratio controls with a new minimum density target in the R3 Medium Residential Density to ensure the minimum yield is achieved; and
- minimum lot sizes for residential development, employment land and set aside for conservation purposes.

The changes to planning controls will be stipulated in the Great Lakes LEP 2014 by either amending the:

- following local environmental plan maps:
 - Height of Building Map (Sheets HOB_011 and HOB_011A);
 - Floor Space Ratio Map;
 - Minimum lot size map (Sheets FSR_011 and FSR_008); and
 - Dwelling Density Map;
- or, including them in a site-specific provision with land identified on the Key Sites Map.

Table 1: Proposed maximum building height, floor space ratio and minimum lot size controls

Land use zone	Proposed HOB (m)	Proposed FSR (n:1)	Proposed MLS (m ²)
R2 Low Density Residential	8.5	DCP ₁	450m ² *200m ² **800m ²
IN1 General Industrial	10	DCP ₂	40 ha
B2 Local Centre	12	DCP ₃	nil
RE2 Private Recreation	12	nil	nil
B5 Business Development	12	DCP ₂	450m ²
R3 Medium Density Residential	20	DCP	1,000m ²
E2 Environmental Conservation	8.5m	nil	40 ha
E3 Environmental Management	8.5m	nil	40 ha

1. R2 and R3 zones: development control plan controls: setbacks, building footprints, solar access and landscape area controls to set building form

2. B5 and IN1 zones: existing development control plan controls

3. Great Lakes LEP 2014 clause 4.4(2A) – all B2 Local Centre zones are subject to a maximum FSR of 1:1

* 200m² -- land within or immediately adjoining public open space and the proposed local centre subject to the consent authority being satisfied the proposed lots can accommodate a dwelling.

** 800m² – on land capable of accommodating vegetation stands and where the lot size would contribute to the protection of environmental attributes. This would be limited to, the northern most portions of the land proposed to be rezoned to the R2 Low Density Residential Zone.

Floor space ratio

It is proposed to amend the Floor Space Ratio map to remove the application of the 0.4:1 FSR control. Rather, the building footprint limits, minimum landscape area, solar access controls and minimum rear setbacks in the development control plan will be applied to manage development outcomes.

In addition to the changes to the Floor Space Ratio map outlined in Table 1, an amendment to Clause 4.4(2A) Floor Space Ratio of Great Lakes LEP 2014 is proposed which identifies that B2 Local Centre, as subject to a maximum floor space ratio control of 1:1, does not apply to the NTURA site through the Key Sites map.

Future development will be subject to the extent of the land use zones and the proposed development control plan.

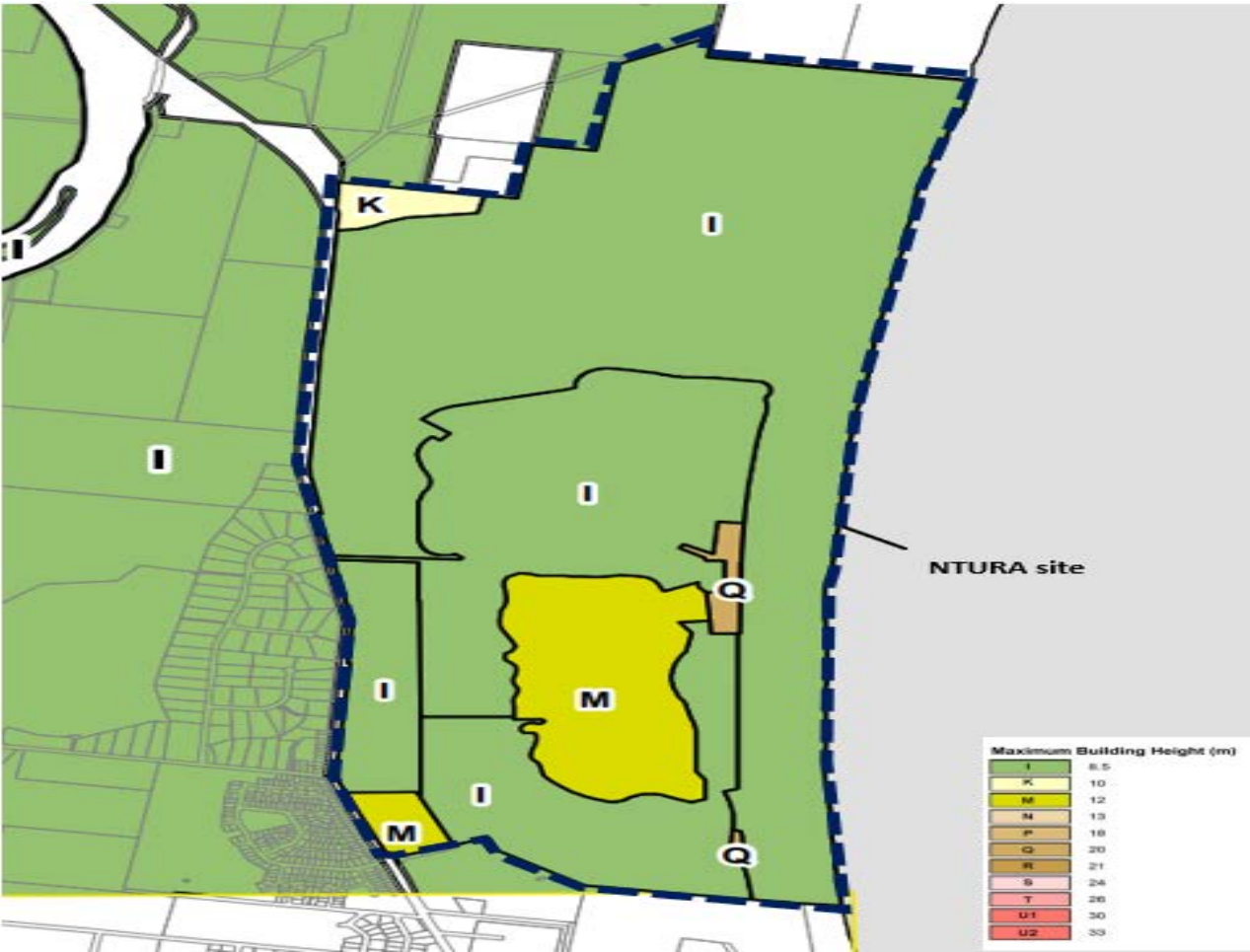


Figure 5: Proposed height of building

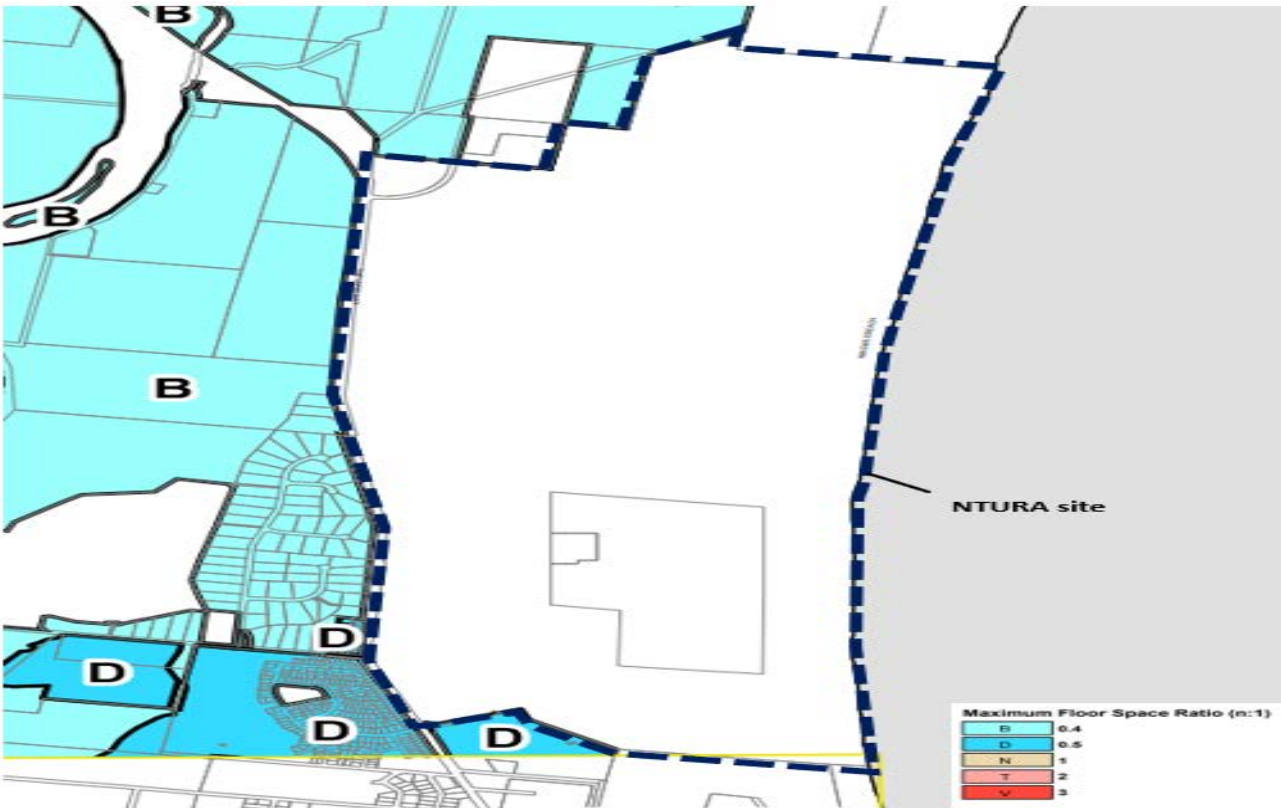


Figure 6: Proposed floor space ratio map

Minimum Lot Size

In addition to the proposed changes to the Lot Size Map outlined in Table 1, an amendment to Clause 4.1A Exceptions to Minimum Lot Sizes for Certain Residential Development is proposed. The amendment will allow subdivision of land identified as NTURA on the Key Sites Map to be equal to or greater than 200 square metres if the land adjoins:

- land within the RE2 Private Recreation zone, or
- land within the B2 Local Centre zone, or
- land within the RE1 Public Recreation zone or has been identified as future open space in the development control plan.

This will not apply to land mapped as having a minimum lot size of 800m².

Subdivision proposals seeking to create residential lots less than 250m² will be underpinned by development control plan requirements to submit a detailed dwelling design with the subdivision application. The dwelling design will be included in the section 88B instrument attached to the created lot.

Proposed lots between 250-450m² will need to be supported by a building envelope at subdivision stage indicating how the design principles of the development control plan can be achieved.

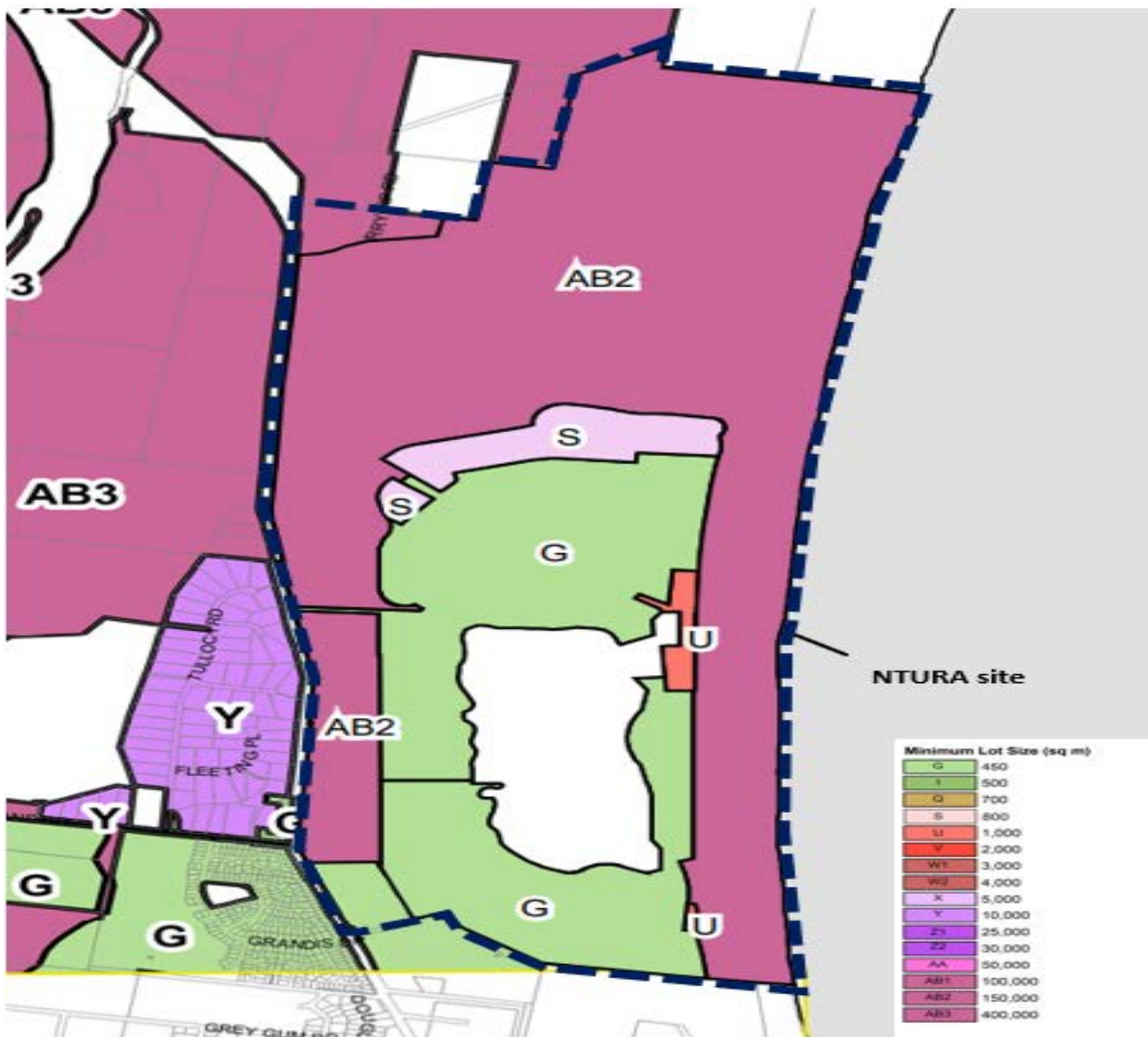


Figure 7: Proposed minimum lot size map

2.3 Site specific provision

Minimum Dwelling Density Map

The NTURA will be identified on the Minimum Dwelling Density Map, which under clause 7.23 seeks to ensure green field sites contribute toward the efficient use of land by ensuring a minimum dwelling density is achieved. Identifying certain parts of the NTURA will require 35 dwellings per hectare on R3 Medium Density Residential Zone to ensure suitable densities in accordance with the urban design principles.

The potential to subdivide land to create a residential lot with a minimum lot size of 200m² is proposed to be facilitated through Clause 7.23 of the *Great Lakes LEP 2014*. The Dwelling Density Map will be amended to include a new map (Map Sheet DWD_011) to identify the extent of the site to which the 200m² minimum lot size is proposed to apply.



Figure 8: Proposed Minimum dwelling density map

Key Sites Provisions

The site identified on the Key Site map enables the Floor Space Ratio [Clause 4.4 (2A)] and Minimum Lot Size (Clause 4.1A) clauses to operate over the development portion of the site.

Urban Release Area

The site will be subject to the Urban Release Area provisions contained in clauses 6.1-6.4 of Great Lakes LEP 2014 which require satisfactory arrangements to be made for the provision of designated State infrastructure prior to subdivision.



Figure 9: Proposed Key sites map

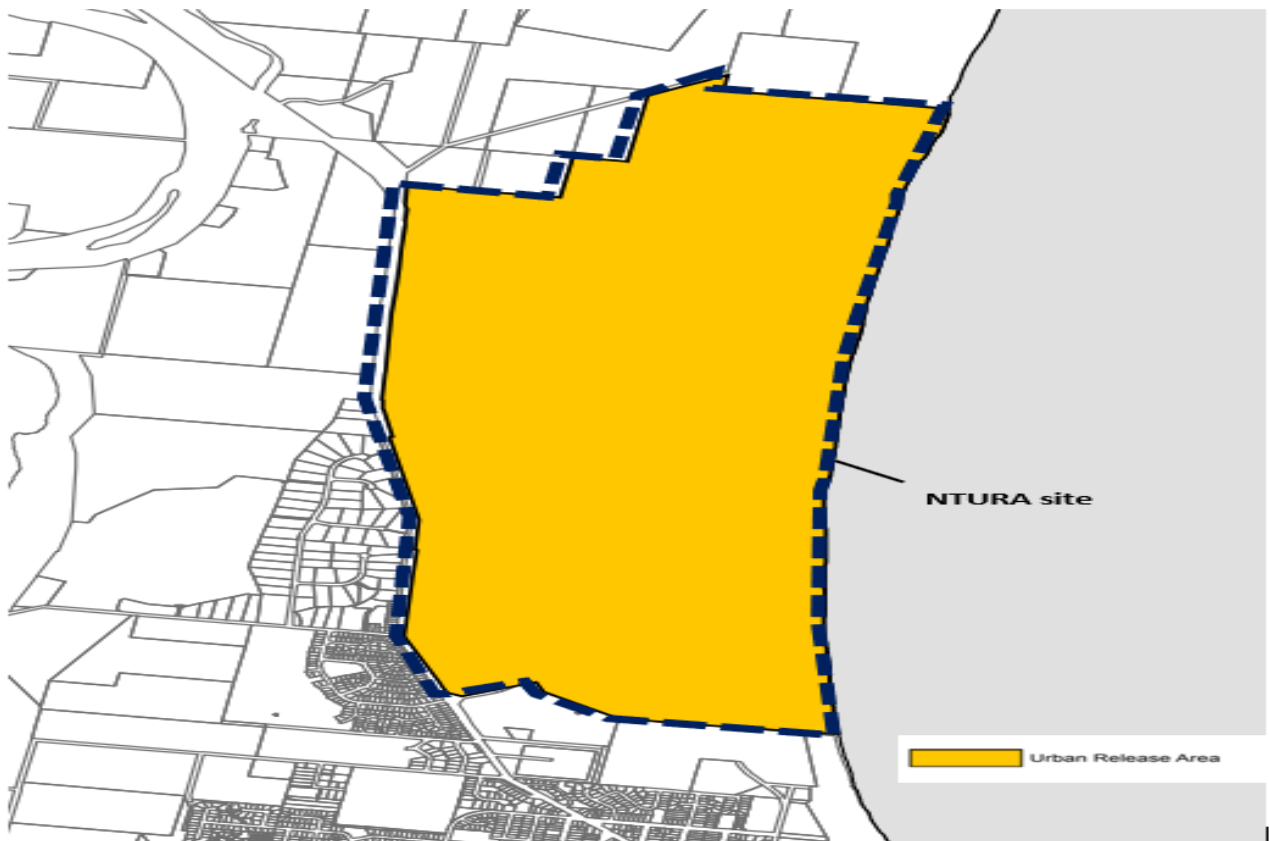


Figure 10: Proposed Urban Release Area map

3.0 NEXT STEPS

Following public exhibition, the department will consider all matters raised in submissions and prepare a submissions report, outlining key issues and how the department has addressed or responded to them.

The department will make any necessary amendments to the draft planning controls in a final planning instrument. If substantial changes are required to the plan, the department will re-exhibit the plan before a final decision is made.

The final proposed changes will then be forwarded to the Minister for Planning and Homes for further consideration and determination. If the amendments are approved, they will come into force and enable the future development of the NTURA.

Pending the extent of valued feedback, the plan is expected to be finalised in 2022.