

Planning and Providing Our Infrastructure

Item: 12.08

Subject: REZONING OF LAND AT DUNBOGAN FROM ZONE E2 ENVIRONMENTAL CONSERVATION TO ZONE E3 ENVIRONMENTAL MANAGEMENT (PIN 03468, 03469, 03470, 21855, 26603, 40332)

Presented by: Development & Environment Services, Matt Rogers

Alignment with Delivery Program

5.4.3 Review planning framework for decisions regarding land use and development.

RECOMMENDATION

That Council:

1. Prepare a draft planning proposal in relation to the following lots at Dunbogan, to change that part of the lots which is zoned *E2 Environmental Conservation* to *E3 Environmental Management*, consistent with section 55 of the *Environmental Planning and Assessment Act, 1979*:
Lot 6 DP 734429
Lot 7 DP 734429
Lot 8 DP 734429
Lot 21 DP 835388
Lot 1 DP 270065
Lot 1 DP 1055417
2. Forward the draft Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination consistent with Section 56 of the *Environmental Planning and Assessment Act, 1979*.

Executive Summary

The purpose of this report is to advise in relation to preliminary planning investigations to rezone privately owned land at Dunbogan from *E2 Environmental conservation* to zone *E3 Environmental Management*.

Council endorsement is sought to prepare and forward a planning proposal to the Department of Planning and Infrastructure seeking a Gateway Determination pursuant to section 56 of the *Environmental Planning and Assessment Act, 1979* to amend the zone map series for E2 zoned areas for the nominated properties.

The properties in question have been assessed as having had a higher level of environmental protection zoning applied during transition to the new LEP than is appropriate for privately owned land or than is consistent with the application of environmental protection zoning of other private land in the area.

The proposed amendment is consistent with recent planning by Council in relation to application of environment protection zones.

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Discussion

In September 2010, Council endorsed submission of the final draft of the Port Macquarie-Hastings LEP (PMH LEP 2011) based on the NSW Government's Standard Template for LEPs to the NSW Department of Planning and Infrastructure for finalisation.

The LEP was largely a conversion document rationalising existing planning policy into a new format prescribed by the state government. It was not intended to facilitate significant land use change in the new LEP and while Council staff sought to ensure that the new LEP best reflected local circumstances, the process has inevitably resulted in some inconsistent changes to planning provisions.

In relation to the land in question at Dunbogan, the result of the new LEP was a change in zone from *7(f1) Environmental protection – Coastal* under Hastings LEP 2001 to zone *E2 Environmental Conservation* under Port Macquarie-Hastings Local Environmental Plan 2011 as this was considered to be the most comparable of the new zones available.

Discussion

Following recent submissions from a number of landowners at Dunbogan querying an apparent disparity in the application of environmental protection zones between privately owned land off Prince of Wales Drive and land in the vicinity of Seaview Avenue, Council's strategic land use planning staff have reviewed the circumstances and LEP provisions applying to properties in the area.

As a result of this review and more recent directions from the NSW Department of Planning, it is apparent that zone *E2 Environmental conservation* is generally not appropriate for privately owned land. As a result, it is recommended that Council prepare a planning proposal to apply zone *E3 Environmental Management* to the affected land in place of the current zone *E2 Environmental Conservation*, as part of the ongoing review of the new LEP.

Options

Council could opt to not prepare a planning proposal in relation to the affected sites at Dunbogan.

Consultation/Submissions

There has been preliminary internal consultation in relation to preparation of a planning proposal for affected sites.

Should Council resolve to prepare a planning proposal to amend the zone maps in relation to the nominated properties under the Gateway process, further consultation would occur with affected land owners.

Subject to a Gateway Determination, consultation would occur with relevant state agencies.

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Planning & Policy Implications

The proposal is consistent with current planning best practice in the use of Environment Protection Zones. A resolution of Council is required to prepare a planning proposal to amend the Port Macquarie-Hastings Local Environmental Plan 2011 to amend the land zoning map sheets for identified sites. The amendment is considered reasonable to ensure consistency in application of environment protection zones in the locality.

Financial & Economic Implications

The preparation of a planning proposal in the manner outlined in the report is able to be undertaken by Council's Strategic Planning section in consultation with other divisions of Council and can be funded as ancillary task within Council's Strategic Planning Program.

Attachments

Nil