

(FUTURE) PUBLIC EXHIBITION DATES

(Start) to (Finish)

Planning Proposal under section 55 of the EP&A Act

Port Macquarie-Hastings LEP 2011 (Amendment No 28)

LEP refinements

Ccl ref: PP2013-8.1

DPI ref: PP_2011_PORTM_*

Date: 15/01/2014





Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Adopted by Council & referred to Dept of Planning (sec 56 (1))	15/01/2014
Gateway Panel determination (sec 56 (2))	
Revisions required: Yes / No . Completed	
Public Exhibition (where applicable) (sec 57)	
For Council review (sec 58 (1))	
Adopted by Council for final submission to Dept of Planning (sec 58 (2))	

Council reference: PP2013.8.1

(Amendment No will initially be blank) Port Macquarie-Hastings LEP 2011 (Amendment No 28)

Department of Planning & *

Infrastructure reference:

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Adoption of the Planning Proposal

1. For initial Gateway determination

This Planning Proposal was endorsed on 15 January 2014 by the undersigned Council delegate:

Signed

Name Peter Cameron

Position Group Manager Strategic Planning

2. For section 58 finalisation

This Planning Proposal was endorsed on by *Port Macquarie-Hastings Council, or the undersigned Council delegate (delete one):*

Signed

Name

Position



Exhibition information *(To be completed prior to Exhibition)*

Content

Proposed amendments to Local Environmental Plans are exhibited in a descriptive form within a "Planning Proposal".

Details of the amendments contained in this **Planning Proposal PP2013-8.1** are contained in **Appendix A**, found on pages 11 to 50. There are 28 separate issues, relating to both textual and mapping changes.

The specifics of how the LEP would be amended are described in **Appendix B**, found on pages 51 to 54. The Planning Proposal contains statements of the intent for changes to the LEP text, but not the specific wording. The formal map changes are contained in **Appendix F** - the Map Cover Sheet and the proposed replacement LEP Map sheets.

The locations of the affected lands are shown on the Site Identification Map sheets contained in **Appendix E**, following page 57.

The "Gateway Determination" from the NSW Department of Planning and Infrastructure, relating to this Planning Proposal, is in **Appendix C**.

Exhibition

The exhibition period is from **start** to **finish**, with the Planning Proposal available for inspection by any person at Council's offices at Port Macquarie, Laurieton and Wauchope.

Submissions

Any person may make a written submission to Council up until the end of the exhibition period.

The submission should quote Council's reference - **PP2013.8.1**, and be

emailed to council@pmhc.nsw.gov.au

or posted to

The General Manager,
Port Macquarie-Hastings Council,
PO Box 84,
PORT MACQUARIE NSW 2444.

Note that any submission may be made public.

The provisions of section 147 (5) of the *Environmental Planning and Assessment Act 1979*, relating to reportable political donations, do not apply as this proposed amendment did not arise from a private request to amend the LEP.

Further information

Please contact Stephen Nicholson on phone 6581 8529.



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Planning Proposal

This is a Planning Proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979*, in relation to a proposed amendment to *Port Macquarie-Hastings Local Environmental Plan 2011* (“LEP 2011”). It will be assessed by Port Macquarie-Hastings Council, the NSW Department of Planning and Infrastructure, and (depending on the Gateway determination) used for public participation on the proposed LEP amendment.

Background

Proposal	It is proposed to make a range of fairly minor amendments to LEP 2011 to rectify anomalies, to update details, and to streamline the consideration of future development by removing unnecessary restrictions.
Property Details	Various properties, as detailed in by Issue in Appendix A .
Applicant Details	Port Macquarie-Hastings Council
Land owner	Numerous, as affected by each Issue.
Brief history	<i>Port Macquarie-Hastings Local Environmental Plan 2011</i> was prepared broadly as a straight conversion from previous LEPs to the ‘template-based’ format. Ongoing application of the LEP continues to bring to the attention of Council details which do or could unintentionally hinder the operation of the LEP. Broadly each year Council prepares a LEP which seeks to rectify the latest set of such Issues.
Location	The location of the land affected by Issues 9 to 28 in Appendix A is shown on the Site Identification Maps in Appendix E. Detailed maps are included in Appendix A. Issues 1 to 8 in Appendix A potentially apply more broadly, as described in the Appendix. No maps are provided for these Issues.



Part 1 - Objectives or Intended Outcomes

The Planning Proposal seeks to rectify anomalies, to update details, and to streamline the consideration of future development by removing unnecessary restrictions within *Port Macquarie-Hastings Local Environmental Plan 2011*. The 28 specific Issues are listed in **Appendix A**.

Part 2 - Explanation of Provisions

The actual amendments to *Port Macquarie-Hastings Local Environmental Plan 2011* involve both textual and mapping changes.

The changes arising from the Issues described in **Appendix A** are summarised in **Appendix B** in a way that indicates the likely content of an amending LEP. Copies of the proposed new LEP maps referred to in **Appendix B** are contained in **Appendix F**.

Part 3 – Justification

A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

This planning proposal is not the result of any strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal relates to several minor changes to *Port Macquarie-Hastings Local Environmental Plan 2011*, and the most appropriate means of amending an LEP is by using a planning proposal.

B - Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions of the Mid North Coast Regional Strategy 2006-31?

The matters addressed by this planning proposal are consistent with both the *Mid North Coast Regional Strategy* and the Mid North Coast Farmland Mapping Project.

4. Is the planning proposal consistent with Council's Community Strategic Plan and Urban Growth Management Strategy 2010 – 2031?

The matters addressed by this planning proposal are consistent with both the *Community Strategic Plan* and the *Urban Growth Management Strategy 2010 – 2031*.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The matters addressed by this planning proposal are consistent with all relevant SEPPs.

Issue 6 provides for development consent to be possible for certain boundary adjustments that do not meet the criteria to be exempt development under Codes SEPP.

Issues 7 and 8 seek to clarify that certain land mapped by the LEP is classed as “excluded land identified by an environmental planning instrument” under the *Codes SEPP*.



6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The matters addressed by this planning proposal are consistent with all applicable Ministerial Section 117 Directions.

C - Environmental, social and economic impact.

7. 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?

There is no likelihood that the matters addressed by this planning proposal would have any such adverse effect.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The matters addressed by this planning proposal are unlikely to have any adverse environmental effects.

9. How has the planning proposal adequately addressed any social and economic effects?

The matters addressed by this planning proposal have negligible social and economic effects.

D - State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure for the matters addressed by this planning proposal.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with public authorities is relevant for the following Issues (as listed in Appendix A):

Issue No	Public Authorities (and comments)
11	Roads & Maritime Services - ongoing liaison to incorporate any updates regarding boundaries and acquisitions.

Except in relation to Issue 11, the views of public authorities will not be sought until after the Gateway determination.



Part 4 – Mapping

A - Affected land

The land directly affected by the planning proposal is formally shown on the Site Identification Maps contained in **Appendix D**, except in relation to Issues 1 to 8 described in **Appendix A**, as those Issues apply on a general or Land Use Zone basis.

More detail of the affected land for Issues 9 to 28 is contained in **Appendix A**.

B - Draft LEP maps

If the Planning Proposal is approved then the current LEP map sheets will be updated by the changes listed in Part B of **Appendix B** (and in the Map Cover Sheet in **Appendix F**). The new map sheets are included in **Appendix F**.

Note that while these maps may appear like the legal LEP maps, the only LEP maps that have any legal status are those listed and viewable on the NSW Legislation website. The map name (at the bottom of the map legend), including the date (“YYYYMMDD”) at the end, is important. The date represents the date that version of the map was prepared, and not the date that it took effect (if at all).

If the Planning Proposal is approved then the final maps may be updated from the maps forming part of this Planning Proposal to include:

- any changes made by Council,
- formatting changes, and
- any applicable updates arising from other concurrent LEP amendments.

Part 5 – Community Consultation

The proposal is considered to be a low impact proposal, as it:

- is consistent with the pattern of surrounding land use zones and/or land uses,
- is consistent with the strategic planning framework,
- presents no issues with regard to infrastructure servicing,
- is not a principal LEP, and
- does not reclassify public land.

On this basis a 14 day public exhibition period is appropriate.

Consultation in accordance with the Council’s Public Consultation Policy is proposed for the site. The proposed consultation strategy in conjunction with the public exhibition for this proposal will be:

- Notification in a locally circulating newspaper.
- Notification on Council’s website.
- Written notification to affected and adjoining landowners.



Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays. It is assumed that Council will have delegation to carry out certain plan-making functions. Delegation would be exercised by Council's General Manager or the Director of Development and Environmental Services.

	2013						2014											
Anticipated dates	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Commencement (date of Gateway determination)							X											
Timeframe for the completion of required technical information								X										
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)								X	X									
Commencement and completion dates for public exhibition period											X							
Dates for public hearing (if required)																		
Timeframe for consideration of submissions												X						
Timeframe for the consideration of a proposal post exhibition												X						
Date of submission to the department to finalise the LEP																		
Date Council will make the plan (if delegated)													X					
Date Council will forward to the department for notification.													X					

Appendix A – Details of Issues being addressed

Following are details of the 28 separate issues identified for amendment in this Planning Proposal. Issues 1 to 27 were listed in the report to Council on 16 October 2013. Issue 28 was part of a resolution of Council on 20 February 2013, but has been brought into this amendment to combine two separate amendments to the Land Reservation Acquisition Map sheet LRA_013D within one amending LEP.

The amendments proposed are described and illustrated by the text and maps, though the key details are within the shaded text under the heading *Proposal*.

Issue 1: Clause 1.2 Aims of Plan

Changes to the planning legislation mean that provisions in Development Control Plans have to be linked back to the LEP aims, to Zone objectives, or to facilitating development that is permissible. Initial review of DCP 2011 and the initial drafting of DCP 2013 suggest that it would be desirable for the LEP aims to be expanded to include refer to urban development having a positive impact on public areas, including streetscapes, and to staging and development yields facilitating efficient use and timing of infrastructure and urban land (release).

Land affected

This change potentially affects all land within the Council area, though is only relevant when a development application under LEP 2011 is being assessed.

Proposal:

That the following paragraphs be added into clause 1.2 (2):

- (k) to ensure that new urban development makes a positive contribution to the public domain and streetscape,
- (l) to facilitate efficient use of urban land and infrastructure provision by staging development and achieving appropriate development yields.

Note: The wording is indicative, and is subject to final drafting by the Parliamentary Counsel's Office.

Issue 2: Zone RU1 - make Rural Industries permissible with consent

The LEP definition is:

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.



The original standard definitions within the LEP were confusing in relation to Industry and Rural Industry. While this was rectified by amendments to the LEP Standard Instrument template in 2011, LEP 2011 has continued on the basis that Rural Industries are permissible with consent in Zone RU2 Rural Landscape, but prohibited in Zone RU1 Primary Production (except in relation to sawmill or log processing works).

Note that by making Rural industry permissible means both:

- a) inserting it into Item 3 Permitted with Consent, and
- b) consequently removing from Item 3 the “child” term “Sawmill or log processing works”.

Land affected

This change potentially affects all land zoned RU1 Primary Production, however only a small proportion of such land would be affected by proposals for rural industries.

Proposal:

That Rural industries be permissible with consent in Zone RU1 Primary Production.

Issue 3: Zone R1 - make Building identification signs permissible with consent.

Under the Codes SEPP Building identification signs and Business identification signs are permitted as exempt development subject to various requirements - refer to the Advertising and Signage Exempt Development Code. They can also be part of complying development under clauses 5.13 to 5.16 of the Commercial and Industrial Alterations Code. This supersedes the similar provisions in Schedule 2 of the LEP.

If such signs do not comply with those requirements, they may be permissible with development consent, subject to the LEP provisions, particularly the Land Use Table.

An anomaly in the LEP Land Use Table prohibits Building identification signs within Zone R1 General Residential, though not in other signs. It is proposed to make them permissible with consent.

Note: the above is based on amendments to the Codes SEPP that commenced on 22 February 2014.

Land affected

This change potentially affects all land zoned R1 General Residential, however it is expected that proposed building identification signs would need development consent only occasionally.

Proposal:

That Building identification signs be permissible with consent in Zone R1 General Residential.

Issue 4: Zone B7 - make Airports and Storage premises permissible with consent

The B7 Business Park zone overlaps some of the Port Macquarie Airport, for areas where Council leases out hangers.



The currently permitted uses for Zone B7 include Light industries, Office premises, Passenger transport facilities, Self storage units and Warehouse or distribution centres. It is considered that the permissible uses should be extended to include Airports, and Storage premises. The two terms are defined as:

airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

Note that by making Storage premises permissible means both:

- a) removing it from Item 4 Prohibited - this makes it permissible with consent, as Item 3 Permitted with consent includes “Any other development not specified in item 2 or 4”, and
- b) consequently removing from Item 3 the “child” term “Self storage units”.

Land affected

This change potentially affects all land zoned B7 Business Park. At present this zone only applies to part of the Port Macquarie Airport land (being land owned by Council), and some adjoining land fronting Boundary Street.

Proposal:

That Airports and Storage premises be permissible with consent in Zone B7 Business Park.

Issue 5: Clause 4.1B Minimum subdivision lot sizes for certain split zones - revise key provisions

Properties sometimes contain a mix of zones, reflecting the land characteristics. A single parcel to be subdivided could include:

- Unconstrained land which could have a Residential (or other urban) zone,
- Environmentally sensitive land which could have an Environment Protection Zone, and
- Other constrained land which could be zoned RU1 Primary Production (due to the lack of suitable alternatives in the list of standard zones).

An urban subdivision may therefore result in a residue lot which is less than the minimum lot size for the non-urban zones.

Prior to the Standard LEP, unless it was appropriate for that land to go into public ownership, the approach was for that residue land to be added to the adjoining urban lots in a practical arrangement for the particular site characteristics.

When LEP 2011 was finalised, a model local clause from the NSW State Government was used as the basis for:



4.1B Minimum subdivision lot sizes for certain split zones

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an original lot) that contains:
 - (a) land in a residential, business or industrial zone, and
 - (b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU6 Transition, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:
 - (a) one of the resulting lots will contain:
 - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land, and
 - (ii) all the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU6 Transition, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

The effect of subclause (3) is to require that all the non-urban residue land is consolidated with one of the urban lots, other than proposed non-urban lots which meet the relevant minimum lot requirement. Given the variability of topography and other constraints, this is likely to force the creation of impractical and fragmented lots.

It is proposed to seek approval for alteration to the clause.

Land affected

This change potentially affects (subdivision of) any land which contains:

- some land within a residential, business or industrial zone, and
- some land within (one or more of) RU1 Primary Production, RU2 Rural Landscape, RU6 Transition, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living zone.

Proposal:

That Clause 4.1B be amended to permit residue land within the non-urban zones to be added to urban lots irrespective of the minimum lot requirements for that residue land, subject to the subdivision layout being consistent with the relevant zone objectives.

This could mean a substitute subclause (3) like this:



- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:
- (a) each lot in a residential, business or industrial zone:
 - (i) has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to the portion so zoned, and
 - (ii) may include land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU6 Transition, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living, but only where the subdivision layout is consistent with the applicable zone objectives; and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

Issue 6: New Clause 4.2C - Boundary adjustments of land in certain rural, residential and environment protection zones

Until recently minor subdivision changes such as boundary adjustments were covered by LEPs. Now boundary adjustments are classed as exempt development under clause 2.75 of the Codes SEPP, on this basis:

- (b) a realignment of boundaries:
 - (i) that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and
 - (ii) that will not create additional lots or the opportunity for additional dwellings, and
 - (iii) that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (unless a lot or lots whose boundaries are being realigned is or are already smaller than the minimum size and that lot or those lots will only increase in size at the completion of the subdivision), and
 - (iv) that will not adversely affect the provision of existing services on a lot, and
 - (v) that will not result in any increased fire risk to existing buildings, and
 - (vi) if located in Zone RU1, RU2, RU3, RU4, RU6, E1, E2, E3 or E4—that will not result in more than a minor change in the area of any lot, and
 - (vii) if located in any other zone—that will not result in a change in the area of any lot by more than 10%,

Note: the above is based on amendments to the Codes SEPP that commenced on 22 February 2014.

If a boundary adjustment fails to meet these requirements then it requires development consent under the LEP. However, such a consent in relation to some zones (especially rural) under the LEP may be problematic if the lots are significantly under the required minimum lot size. These concerns have already arisen for some situations within the LGA.

It is considered that there should be scope for boundary adjustments that may not meet the requirements of the Codes SEPP. If this flexibility is made available, it should be



subject to development consent assessment. The other checks or the Codes SEPP are broadly still in place. In particular, this should not provide an opportunity for new dwellings.

Land affected

This change potentially affects all land which is within (one or more of) RU1 Primary Production, RU2 Rural Landscape, RU6 Transition, R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living zone, and which is less than the applicable minimum lot size.

Proposal:

That a new clause be inserted in LEP 2011 in the following manner:

4.2C Boundary adjustments of land in certain rural, residential and environment protection zones

- (1) The objective of this clause is to facilitate boundary adjustments between lots if one or more lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in any of the following zones:
 - (a) Zones RU1, RU2 and RU6,
 - (b) Zone R5,
 - (c) Zone E2, E3 and E4.
- (3) Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, where the consent authority is satisfied that:
 - (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
 - (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (d) the subdivision will not result in any increased bush fire risk to existing buildings, and
 - (e) if the land is in Zone RU1 or RU2, the agricultural viability of the land will not be adversely affected as a result of the subdivision.
- (4) Before granting consent to development to which this clause applies the consent authority must be satisfied that the subdivision will not compromise the continued protection and long-term maintenance of any land in Zone E2, E3 or E4.



Issue 7: Clause 7.5 Koala habitat and ecologically sensitive areas in the Codes SEPP

For development applications, clause 7.5 of the LEP and the associated Koala Habitat Map trigger special consideration of the applicable Koala Plan of Management (“KPoM”).

Land is identified as Koala habitat area on the Koala Habitat Map only following review of what land has been classified as significant koala habitat in adopted KPoMs. It only applies to some land within KPoMs.

The purpose of the clause is to avoid the potential for subsequent development to ignore the requirements of an existing KPoM relating to land containing significant koala habitat. However, complying development under the *Codes SEPP* can proceed without regard to existing KPoMs.

Clause 1.19 of the Codes SEPP states, in part, that:

- for the General Housing Code and the Rural Housing Code - in subclause (1)(e), and
- for the Commercial and Industrial (New Buildings and Additions) Code - in subclause (5)(f),

complying development must not be carried out on land identified by an environmental planning instrument as being:

- (i) within a buffer area, or
- (ii) within a river front area, or
- (iii) within an ecologically sensitive area, or
- (iv) environmentally sensitive land, or
- (v) within a protected area, or

An “ecologically sensitive area” is not defined, but would seem to include Koala habitat areas on the LEP 2011 Koala Habitat Map. However, as this is not explicitly stated, there are alternate views on whether clause 7.5 should be viewed as triggering this exclusion.

Note: the above is based on amendments to the Codes SEPP that commenced on 22 February 2014.

Land affected

This change applies to all land identified as Koala habitat area on the Koala Habitat Map.

Proposal:

That clause 7.5 be amended to clarify that it is an “ecologically sensitive area” for the purposes of the *Codes SEPP*.

Issue 8: Clause 7.9 Development subject to acoustic controls - buffer areas in the Codes SEPP; and document reference update

For development applications, clause 7.9 of the LEP and the associated Acoustic Controls Map triggers special consideration of the mitigation measures for noise coming from nearby arterial and sub-arterial roads or from a noise generating development (e.g. a crushing plant associated with a quarry). Otherwise, there is the potential for subsequent development to proceed, with future occupants being subject to excessive noise. The content of the clause is:



7.9 Development subject to acoustic controls

- (1) The objective of this clause is to ensure that development for residential or tourist purposes, or for any other purpose involving regular human occupation, on land subject to significant exposure to noise (including road traffic noise or extractive industry crushing plant operation noise) incorporates appropriate mitigation measures.
- (2) This clause applies to the land identified as “Subject to acoustic controls” on the Acoustic Controls Map.
- (3) Before granting development consent to development on land to which this clause applies, the consent authority must:
 - (a) consider the location of the development in relation to the relevant criteria set out in:
 - (i) *Environmental Criteria for Road Traffic Noise* published by the NSW Environment Protection Authority in May 1999, and
 - (ii) *NSW Industrial Noise Policy* published by the NSW Environment Protection Authority in January 2000, and
 - (b) be satisfied that the occupants of the development will not be subject to excessive noise, and
 - (c) be satisfied that appropriate noise mitigation measures will be incorporated into the development to reduce noise to an acceptable level.

However, complying development under the *Codes SEPP* can proceed without regard to the need for noise mitigation measures - unless in relation to aircraft noise, as recorded on ANEF mapping.

On the same basis as in Issue 7 above, the provisions of clause 1.19 of the *Codes SEPP* could be applied to preclude complying development under the General Housing Code, the Rural Housing Code, and the Commercial and Industrial (New Buildings and Additions) Code. In this case it would be appropriate to amend clause 7.9 to identify that land mapped as “Subject to acoustic controls” is buffer area - refer to the details in Issue 7 above.

Note: the above is based on amendments to the *Codes SEPP* that commenced on 22 February 2014.

Clause 7.9 (3)(a)(i) includes a superseded reference to the relevant Policy for assessing road noise and measures to mitigate such noise - this should be updated also.

Land affected

This change applies to land identified as “Subject to acoustic controls” on the Acoustic Controls Map.

Proposal:

That clause 7.9 be amended to:

- a) clarify that land mapped as “Subject to acoustic controls” is buffer area for the purposes of the *Codes SEPP*, and
- b) update subclause (3)(a)(i) to refer to the *NSW Road Noise Policy* published by the Department of Environment, Climate Change and Water NSW in March 2011.

Issue 9: Schedule 5 Heritage items - Item I004 listing of St Thomas The Apostle Anglican complex - correction

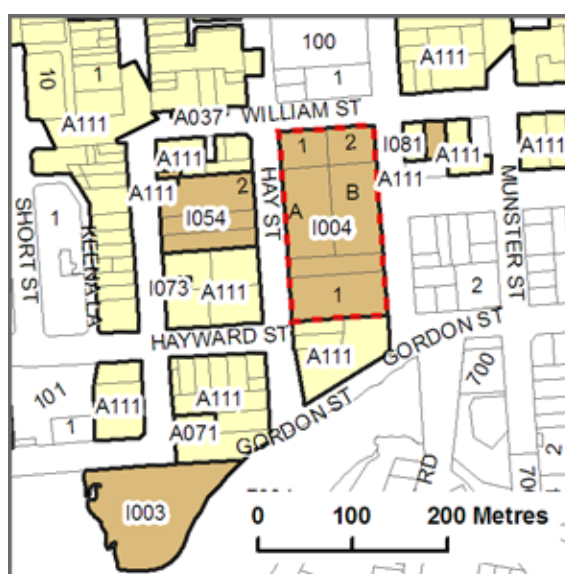
The listing of Heritage items in Schedule 5 Environmental heritage in LEP 2011 includes:

Suburb	Item name	Address	Property description	Significance	Item no
Port Macquarie	St Thomas The Apostle Anglican complex, including Church building, Colonial Chapel of Christ the Healer building, Office (former Surgeons Residence and Rectory), Norfolk Island Palms, original access paths and convict retaining walls	Hay Street	Lots A and B, DP 420667; Lot 2, DP 507730; Lot 1, DP 662989; Lot 1, Section 7, DP 758852; Lot 1, Section 7A, DP 758852	State	I004

The reference under Item name to “Norfolk Island Palms” should instead be “Norfolk Island Pines”.

Land affected

The relevant land is listed under Property Description, in Schedule 5, as shown in the extract above. It is also identified on the Heritage Map, as shown by the dashed red line on the map adjoining.



Proposal:

That in Schedule 5, in relation to the Item No I004 listing of St Thomas The Apostle Anglican complex, the words “Norfolk Island Palms” be replaced with “Norfolk Island Pines”.

Issue 10: Mapping for 38 to 42 Pead St, Wauchope

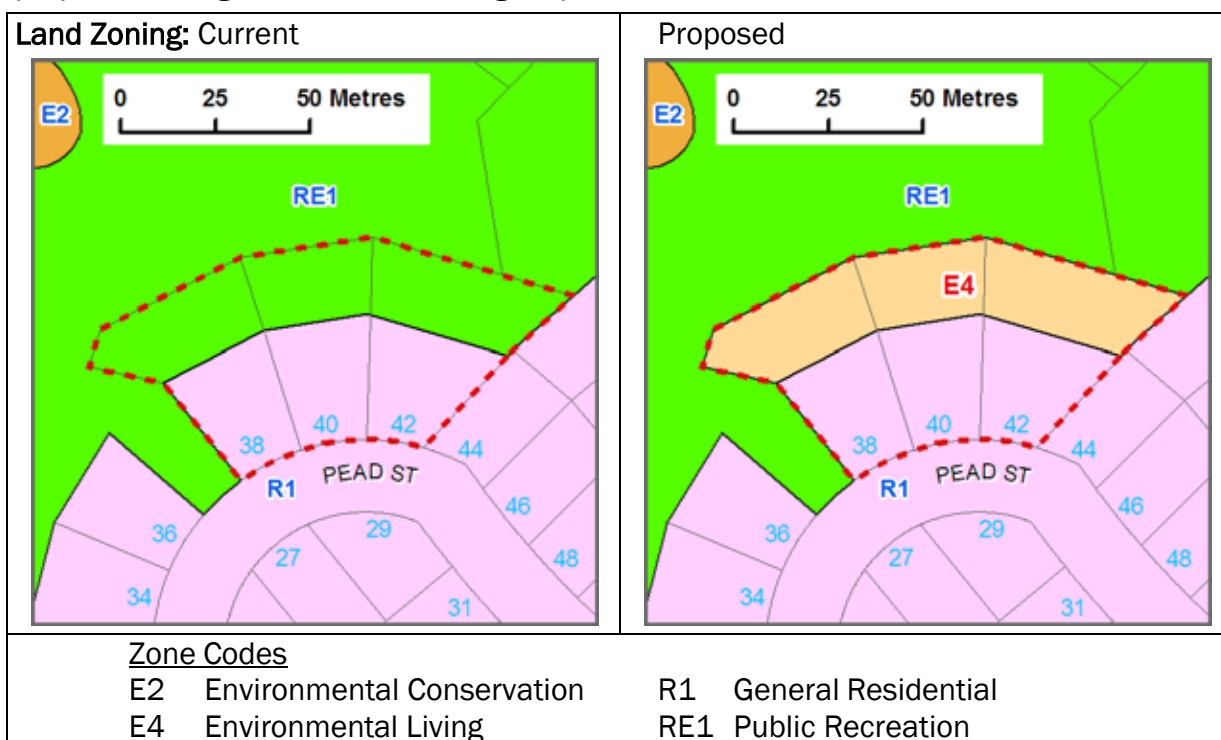
Preparation of the LEP 2011 maps missed revisions to the lot boundaries of the above properties, which now have the legal titles of Lots 1-3 DP1130958. This has left the rear of the privately-owned lots zoned RE1 Public Recreation.

The rear of the lots is subject to bushfire asset protection zone controls and as such a residential zone is not appropriate. The E4 Environmental Living zone will allow for the maintenance required from an asset protection perspective and facilitate appropriate residential open space uses.

The lot sizes range from 1379 to 1727 sq m, and it would be appropriate to apply a minimum lot size that flags that creation of additional lots is not possible.

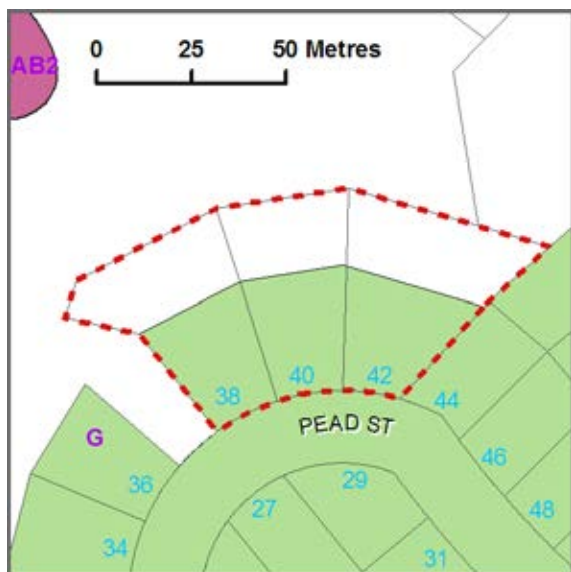
Land affected and proposed map changes

The changes relate to Nos 38-42 Lots 1-3 DP1130958, Pead St, Wauchope. The proposed change to the Land Zoning Map sheet LZN_010B is shown in the extract below.

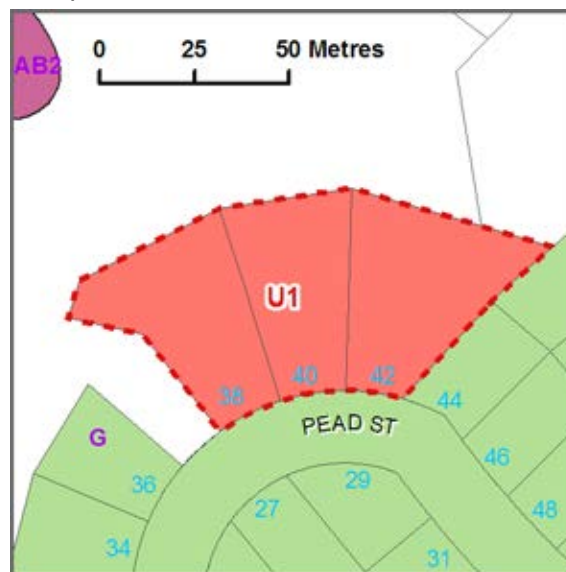


The change to the Lot Size Map sheet LSZ_010B is shown in the extract below.

Lot Size: Current



Proposed



Minimum Lot Size

G 450 sq m

U1 1000 sq m

AB2 40 hectares

Blank no minimum

Proposal:

That for Lots 1-3 DP1130958, Pead St, Wauchope:

- on the Land Zoning Map (sheet LZN_010B) - replace the part RE1 zone with Zone E4 Environmental Living, and
- on the Lot Size Map (sheet LSZ_010B) - apply a minimum lot size for the full lots of U1 (1000 sq m).



Issue 11: Mapping for Pacific Highway upgrade

At its meeting on 15 February 2012 Council considered a report (Item 36) which proposed a previous list of LEP refinements. Issue 12 stated:

During the preparation of LEP 2011 a submission from the Roads and Traffic Authority (048 06.04.10) stated in part, in relation the Pacific Highway route:

“The RTA requests that a SP2 Infrastructure Zone for the Oxley Highway to Kempsey Upgrade be included in the final LEP, with the RTA nominated as the acquisition authority in this case.”

At the time when LEP was being finalised the RTA were unable to release final route details to Council, so LEP 2011 was completed without these details.

At the time of the February 2012 report, some of the landowners of affected land at Sancrox were seeking revisions to the boundaries of the land required for the highway upgrade. In relation to the recommendation to apply a SP2 infrastructure “Classified road” zone, and associated identification of land on the Land Reservation Acquisition Map, Council resolved:

3. Submit planning proposal PP2011-0012.2, relating to the further refinements as outlined in this report for Item No 12 - Pacific Highway upgrade, north of Oxley Highway, to the Department of Planning and Infrastructure for Gateway determination, following consultation with NSW Roads & Maritime Services regarding the extent of required land acquisition.

The review of the proposed boundaries has been completed and Council now has the relevant route details. It is appropriate to follow through on that resolution. However, this matter is associated with part of the next issue (Issue 12), and it is proposed to deal with this in the same LEP amendment.

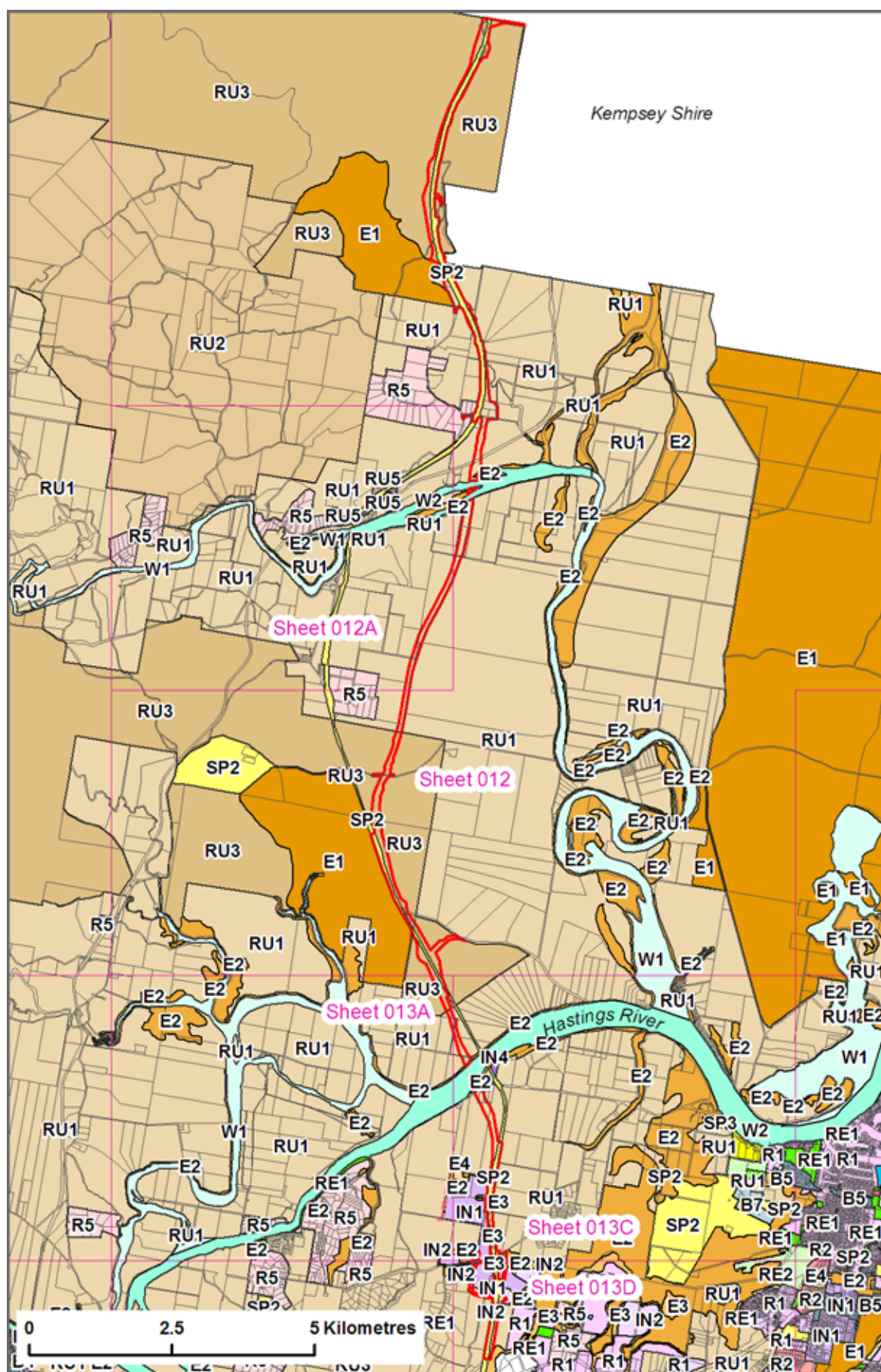
Note that for the highway upgrade work the Roads and Maritime Services (RMS) also acquires land for additional land for connecting road links and for adjoining local access roads. For simplicity it is appropriate to apply the SP2 zone over all the land required for the upgrade, particularly in relation to land for which acquisition provisions are appropriate. This means that following completion of the highway upgrade, in addition to removal of any Land Reservation Acquisition Map designations, it will be appropriate to redefine the boundaries of the SP2 zone.

It is desirable that Council staff are able to readily identify land which is affected by the proposed highway upgrade, and be able to inform the public, whether through direct contact, Planning Certificates, or the availability of the LEP maps on the NSW Legislation website.

The LEP text already contains the relevant acquisition provisions once the land is identified on the Land Reservation Acquisition Map with a “Classified road (SP2)” designation. This will require creation of Map Sheets LRA_012, LRA_012A and LRA_013A, with the map series index and legend on the existing LRA map sheets needing to be updated.

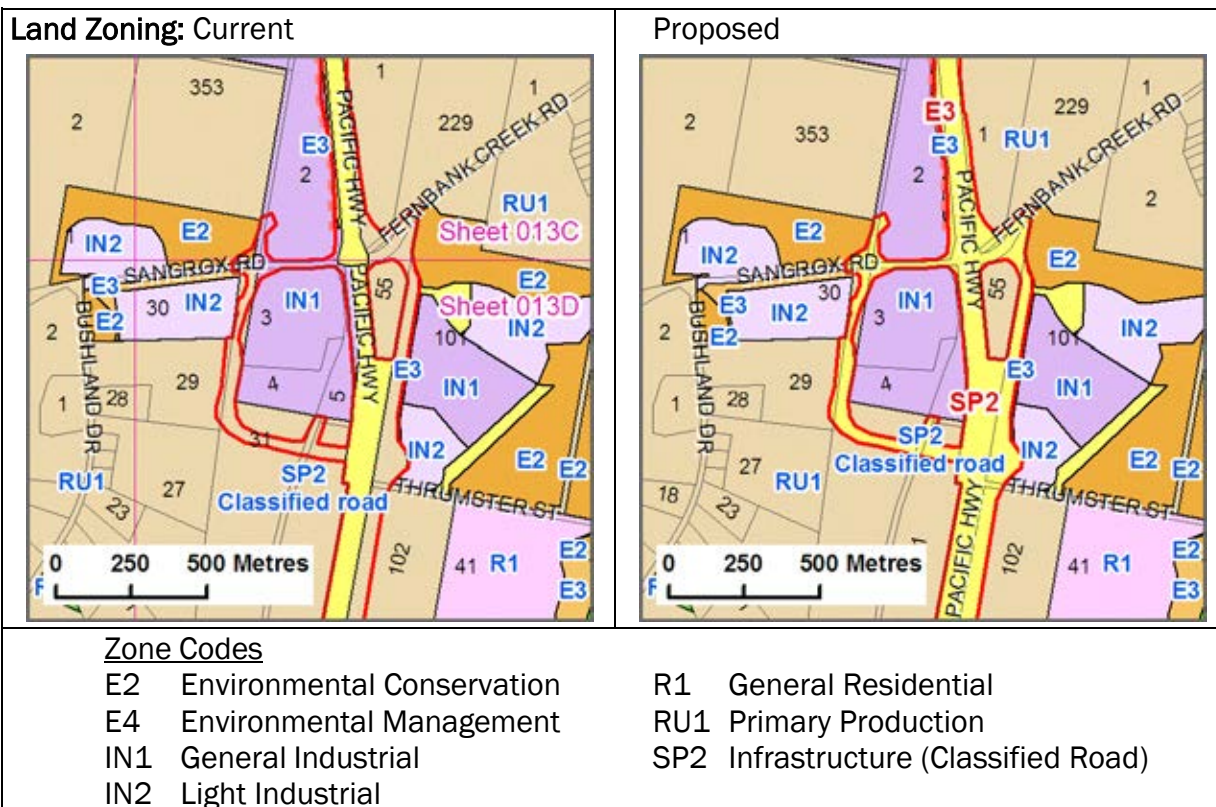
Land affected and proposed map changes

The red boundaries on the map following show the overall corridor within the Council area.



During processing of this LEP amendment there will be ongoing consultation with the NSW Roads and Maritime Services over the extent of mapping, especially the land to be mapped for acquisition by the RMS - they are already acquiring some of the required corridor.

The most complex part of the rezoning is at Sancrox, and relevant details are shown on the maps following.

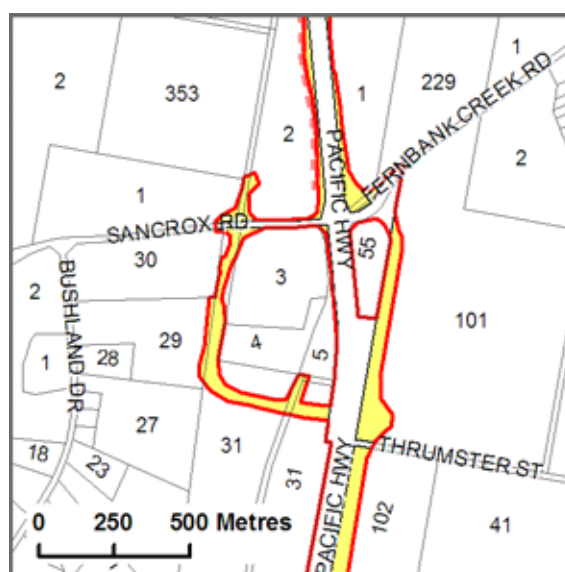


The equivalent area for the Land Reservation Acquisition Map is shown on the adjacent map, but is subject to updates for acquisitions prior to finalisation.

Proposal:

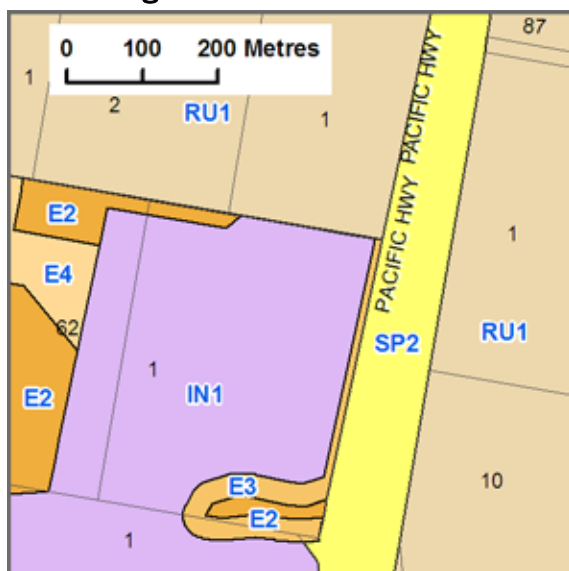
That in relation to the upgrade of the Pacific Highway between Oxley Highway and Kempsey LGA:

- on the Land Zoning Map (sheets LZN_012, LZN_012A, LZN_013A, LZN_013C and LZN_013D) - apply a SP2 Infrastructure “Classified road” zone, and
- on the Land Reservation Acquisition Map (sheets LRA_012, LRA_012A, LRA_013A, LRA_013C and LRA_013D) - for the relevant land apply a “Classified road (SP2)” designation.

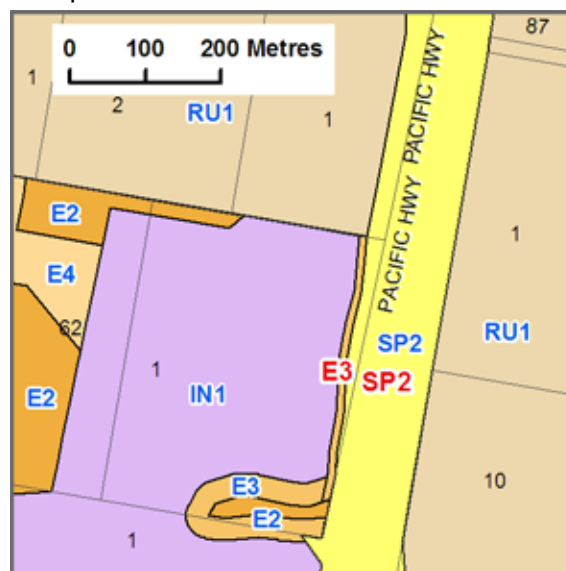




Land Zoning - north east: Current



Proposed

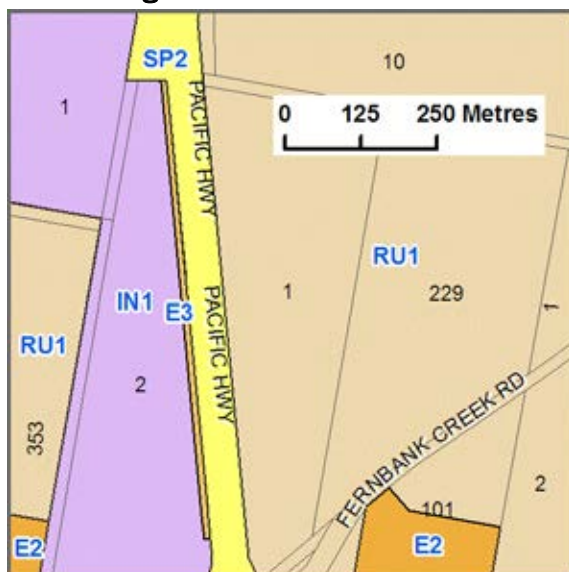


Zone Codes

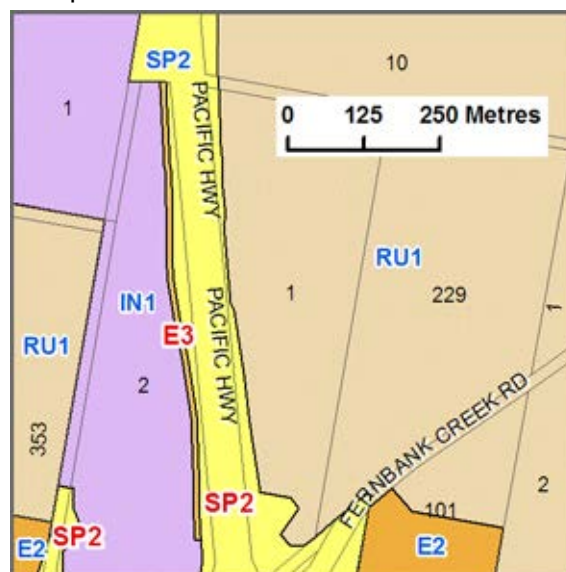
E2 Environmental Conservation
E3 Environmental Management
E4 Environmental Living

IN1 Public Recreation
RU1 Primary Production
SP2 Infrastructure (Classified road)

Land Zoning - south east: Current



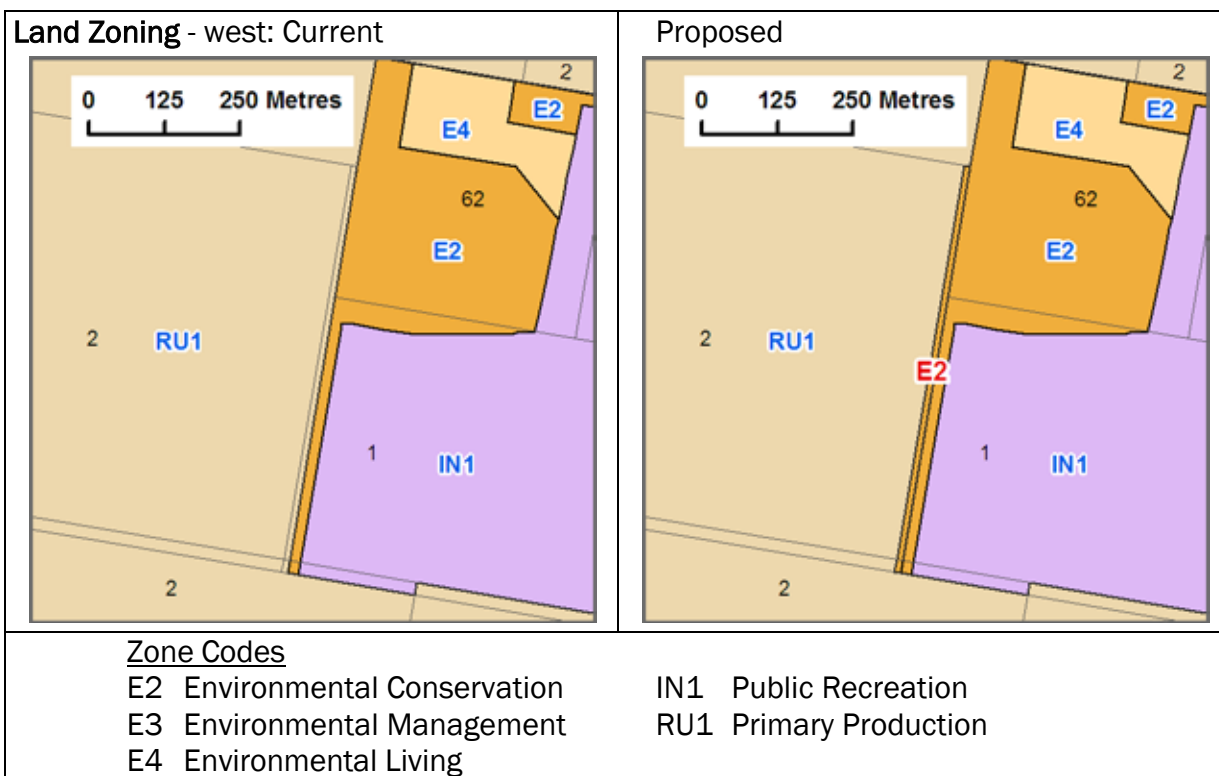
Proposed



Zone Codes

E2 Environmental Conservation
E3 Environmental Management
IN1 Public Recreation

RU1 Primary Production
SP2 Infrastructure (Classified road)



Proposal:

That in relation to the Sancrox Employment Precinct on the Land Zoning Map:

- sheet LZN_013C - adjust the 10m wide E3 buffers to the Pacific Highway in line with the revised highway boundaries, and
- sheet LZN_013A - apply an E2 zone to Lot 1 DP 1131036 and part of Lot 1 DP 1144490.

Issue 13: Mapping update in line with corrections to cadastral boundaries for part of Lake Innes Nature Reserve, Port Macquarie

Land affected and proposed map changes

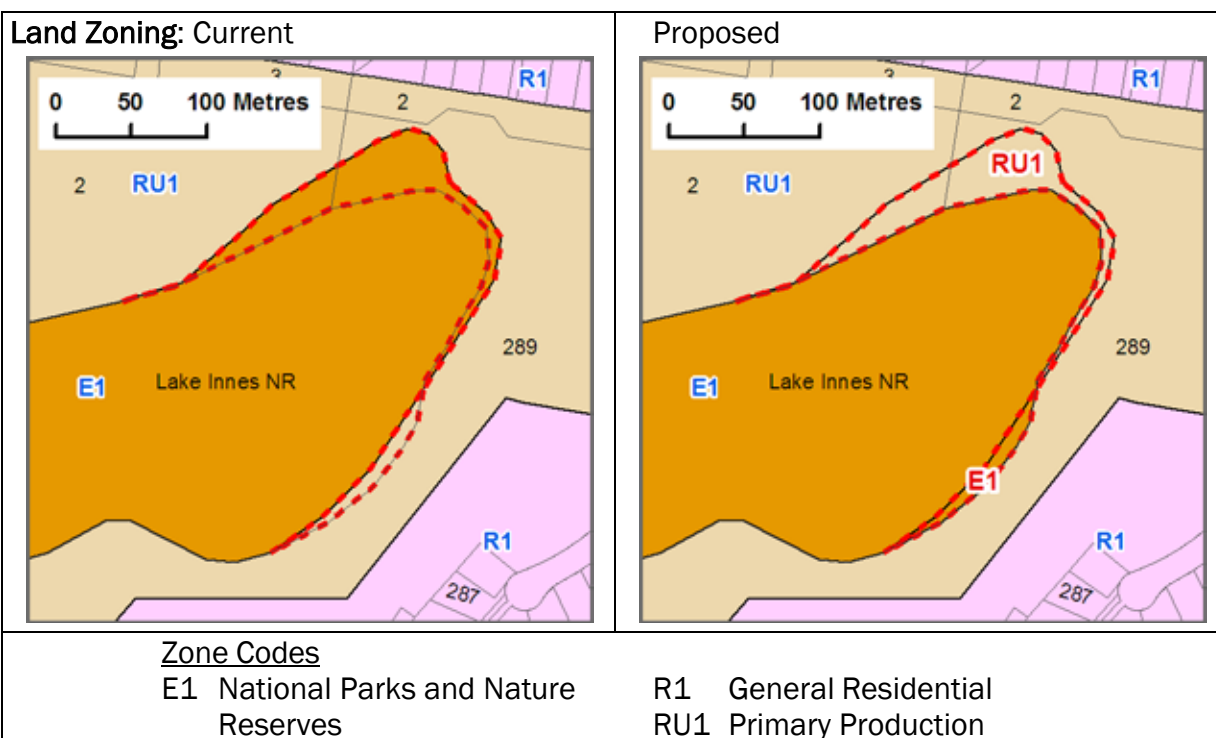
The location of part of the boundary between Lake Innes Nature Reserve and land owned by Vilro Pty Ltd and Charley Brothers Pty Ltd has been corrected in consultation with the Office of Environment and Heritage. The Department of Planning and Infrastructure advise that, given the extent of the change, a formal map amendment is required.

The affected land is outlined in the dashed red line, and relates to parts of:

- Lake Innes Nature Reserve,
- Lot 289 DP 1184284, The Ruins Way, and
- Lot 2 DP 1190501, Blackwood Street.

The changes apply planning controls for private rural land over the northern area which previously had been thought to be within the nature reserve, and for the southeastern area replace the controls for private rural land with those applicable to a nature reserve.

Lot 2 is subject to mapping of *Koala habitat area*, and this should be extended over the area now recognised as being within Lot 2.



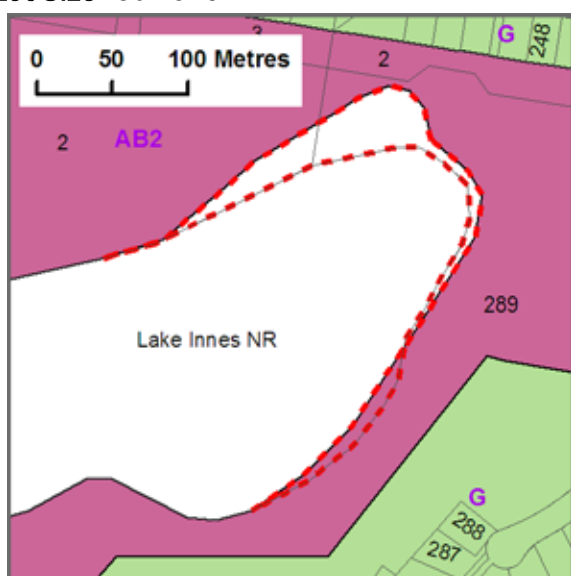
Proposal:

That, for land in the vicinity of the common boundaries of Lot 2 DP1190501, Lot 289 DP 1184284 and Lake Innes Nature Reserve, Philip Charley Dr, Port Macquarie, updates in line with corrections to cadastral boundaries be made (as shown on the map):

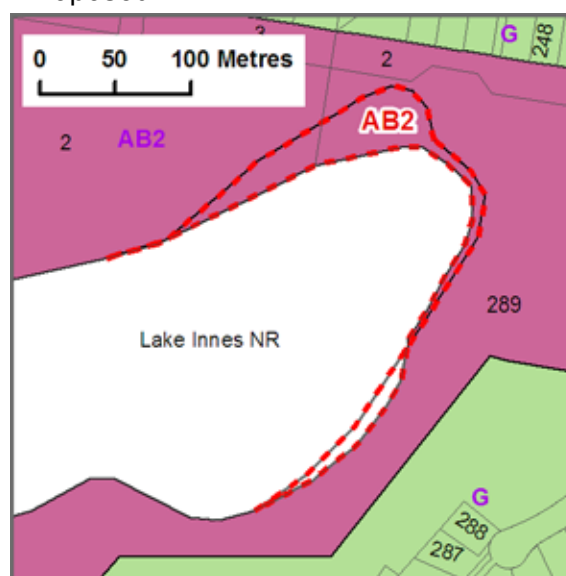
- on the Land Zoning Map (sheet LZN_013D) - rezone the areas within Lots 2 and 289 to RU1 Primary Production, and the area within the Nature reserve to E1 National Parks and Nature Reserves, and

- b) on the Lot Size Map (sheet LSZ_013D) - apply to the areas within Lots 2 and 289 a minimum lot size of AB1 (40 Ha), and remove any minimum for the area labelled E1, and
- c) on the Koala Habitat Map (sheet KHA_013D) - apply Koala habitat area to the area within Lot 2.

Lot Size: Current



Proposed



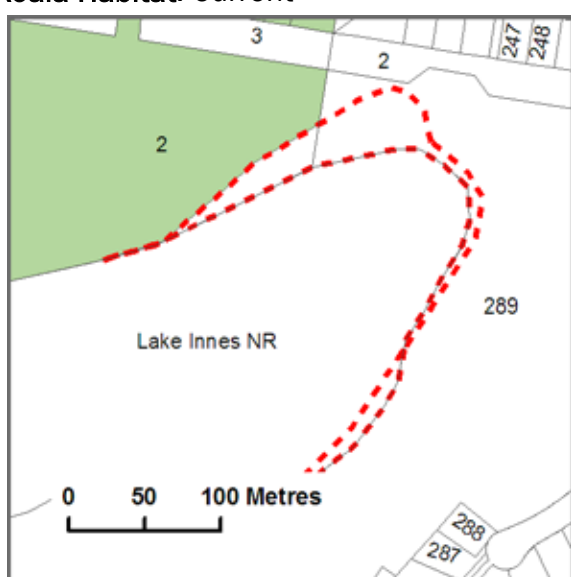
Minimum Lot Size

G 450 sq m

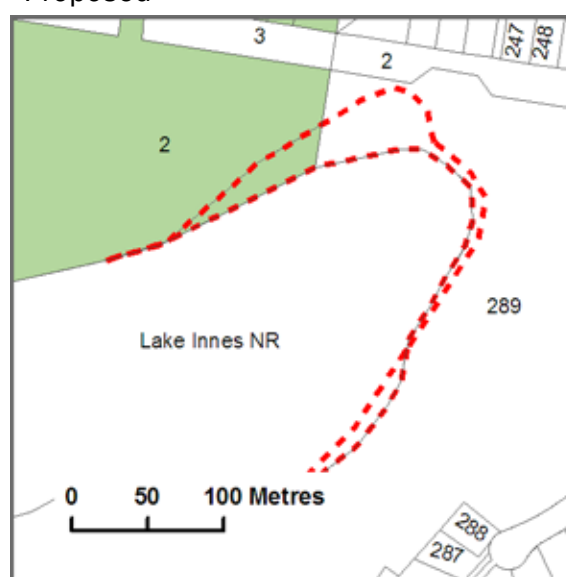
AB2 40 hectares

Blank no minimum

Koala Habitat: Current



Proposed



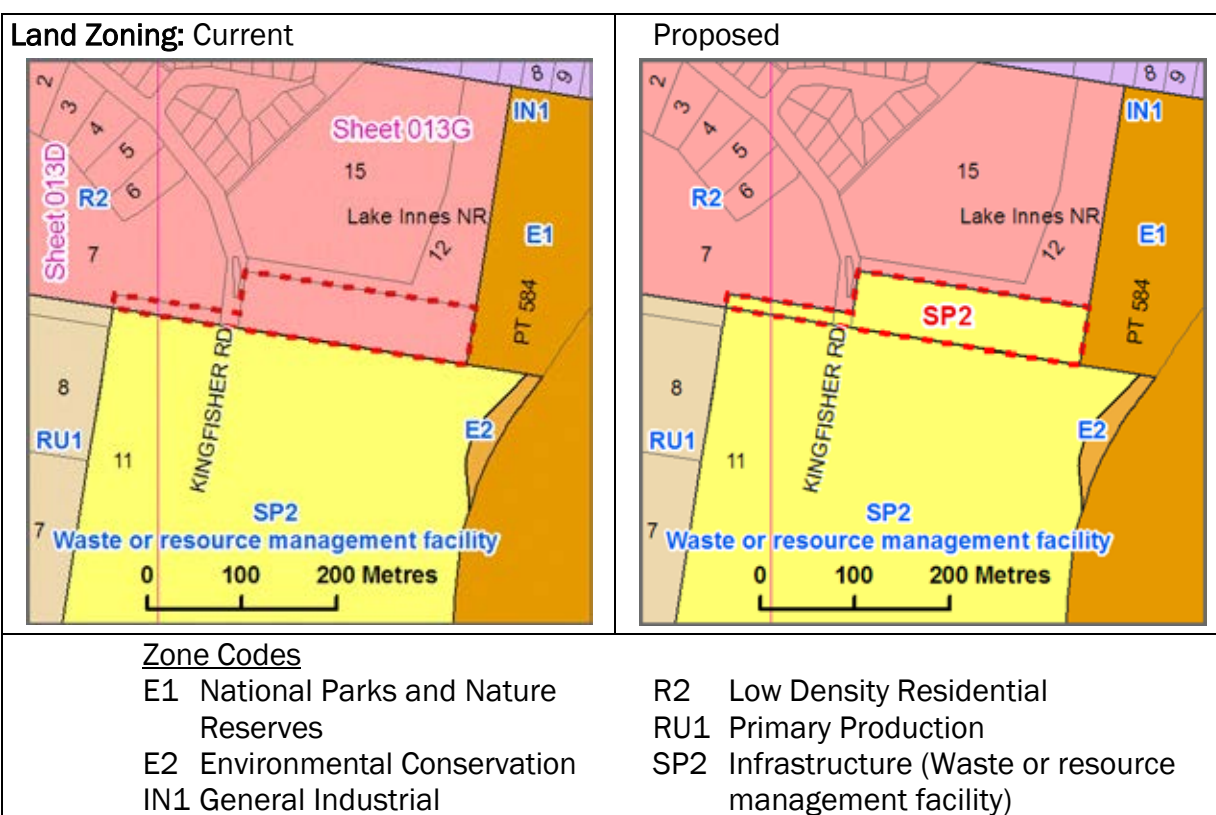
Issue 14: Mapping for part of Waste Transfer Station, Kingfisher Rd, Port Macquarie

Land affected and proposed map changes

The affected land is part of Council's Port Macquarie waste transfer station, relating to:

- part of Lot 11 DP 875998 (on the eastern side),
- Lot 9 DP 876001 (the smaller western area), and
- part of Kingfisher Road.

The aim of the proposed changes is to extend the current planning controls applying to the bulk of the site to the northern area of the waste transfer station. This involves changes to the Land Zoning Map, Lot Size Map and Height of Buildings Map.



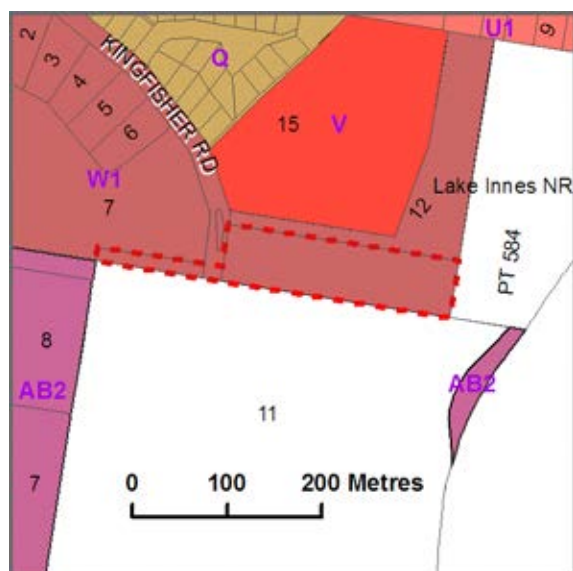
Proposal:

That, for Lot 9 DP 876001 and part Lot 11 DP875998, Kingfisher Rd, Port Macquarie (as shown on the map):

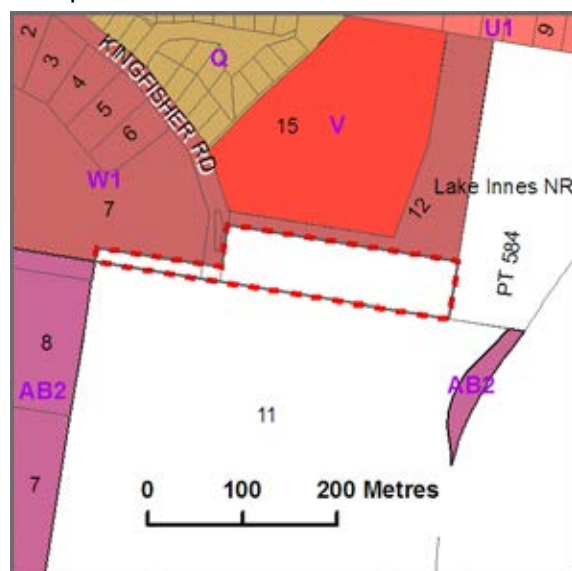
- on the Land Zoning Map (sheets LZN_013D and LZN_013G) - rezone to SP2 Infrastructure (Waste or resource management facility),
- on the Lot Size Map (sheets LSZ_013D and LSZ_013G) - remove the minimum, and
- on the Height of Buildings Map (sheets HOB_013D and HOB_013G) - remove the current maximum.



Lot Size: Current



Proposed



Minimum Lot Size

Q 700 sq m

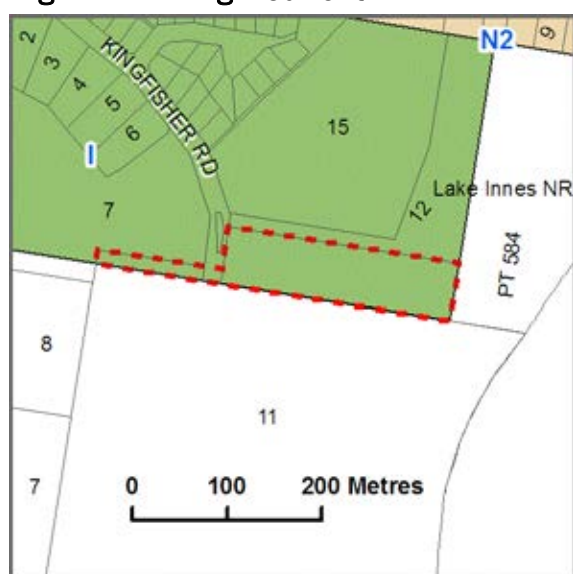
V 2,000 sq m

W1 3,000 sq m

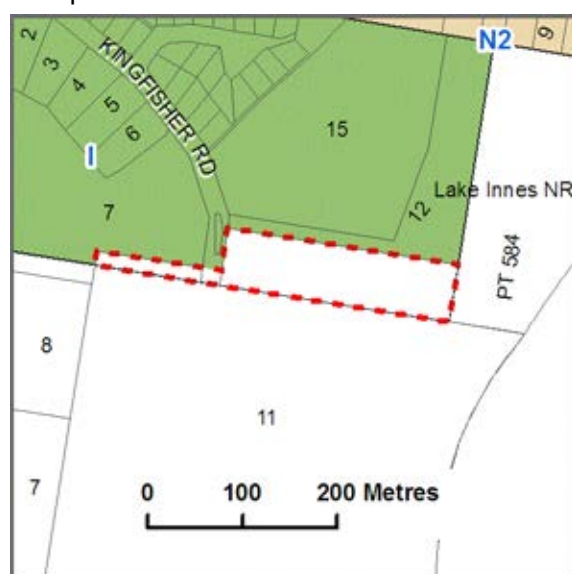
AB2 40 hectares

Blank no minimum

Height of Buildings: Current



Proposed



Maximum building height

I 8.5 m

N2 14.5 m

Blank no maximum

Refer to LEP Text for definition of Building height.

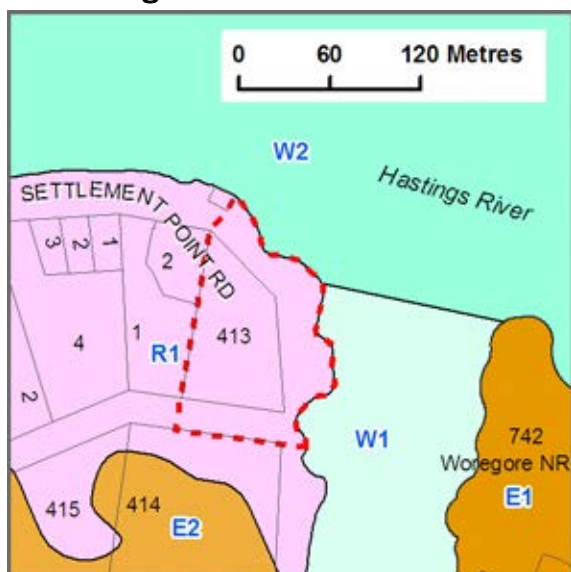
Issue 15: Mapping for Settlement Point Reserve

Land affected and proposed map changes

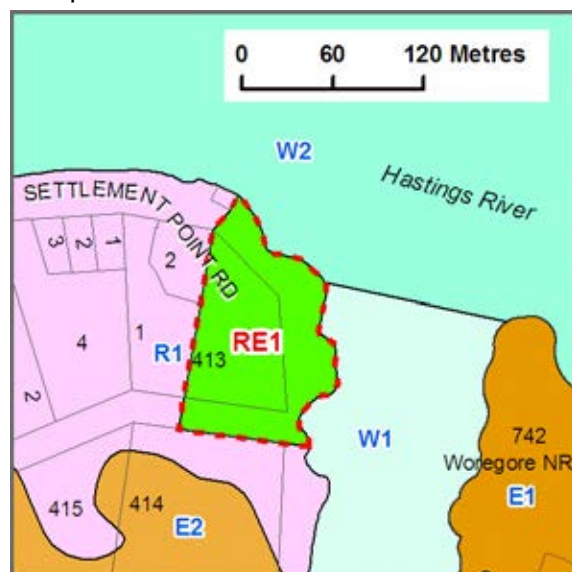
The Settlement Point Reserve is currently zoned R1 General Residential, and it is proposed to rezone it to RE1 Public Recreation to reflect the existing and proposed future use of the site.

The reserve applies to Lot 413 DP754434 and parts of Crown road reserves.

Land Zoning: Current



Proposed



Zone Codes

E1 National Parks and Nature Reserves
E2 Environmental Conservation
R1 General Residential

RE1 Public Recreation
W1 Natural Waterways
W2 Recreational Waterways

Proposal:

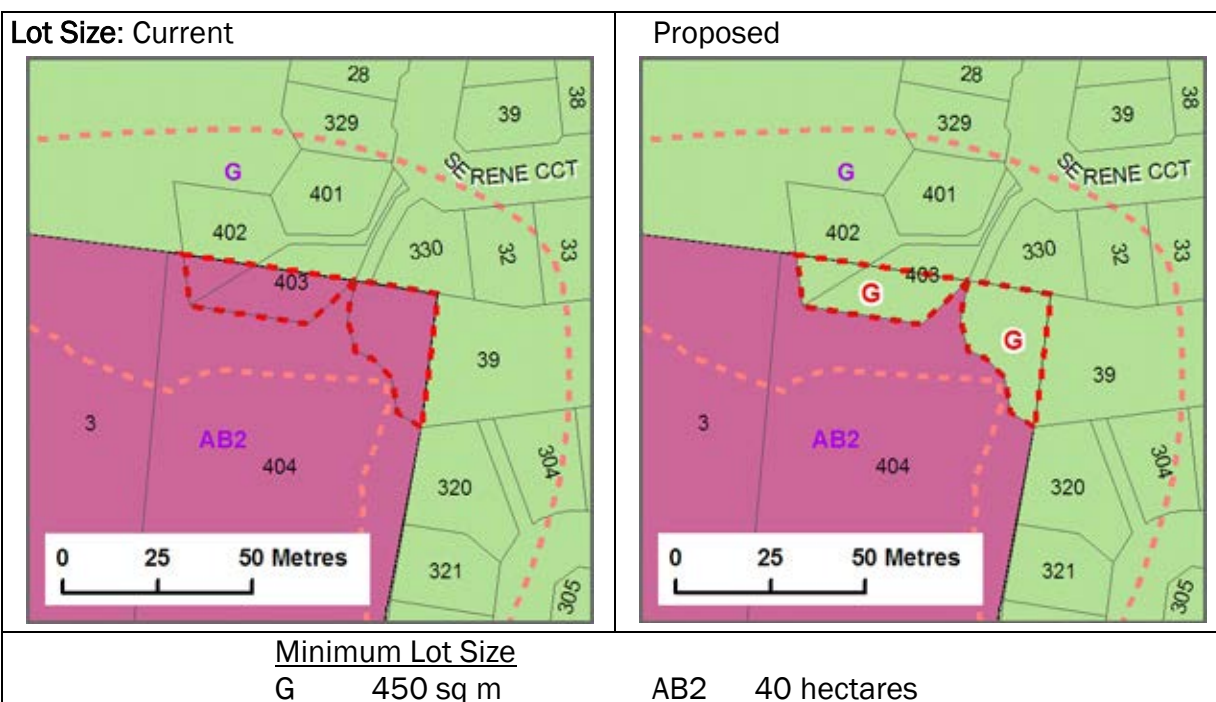
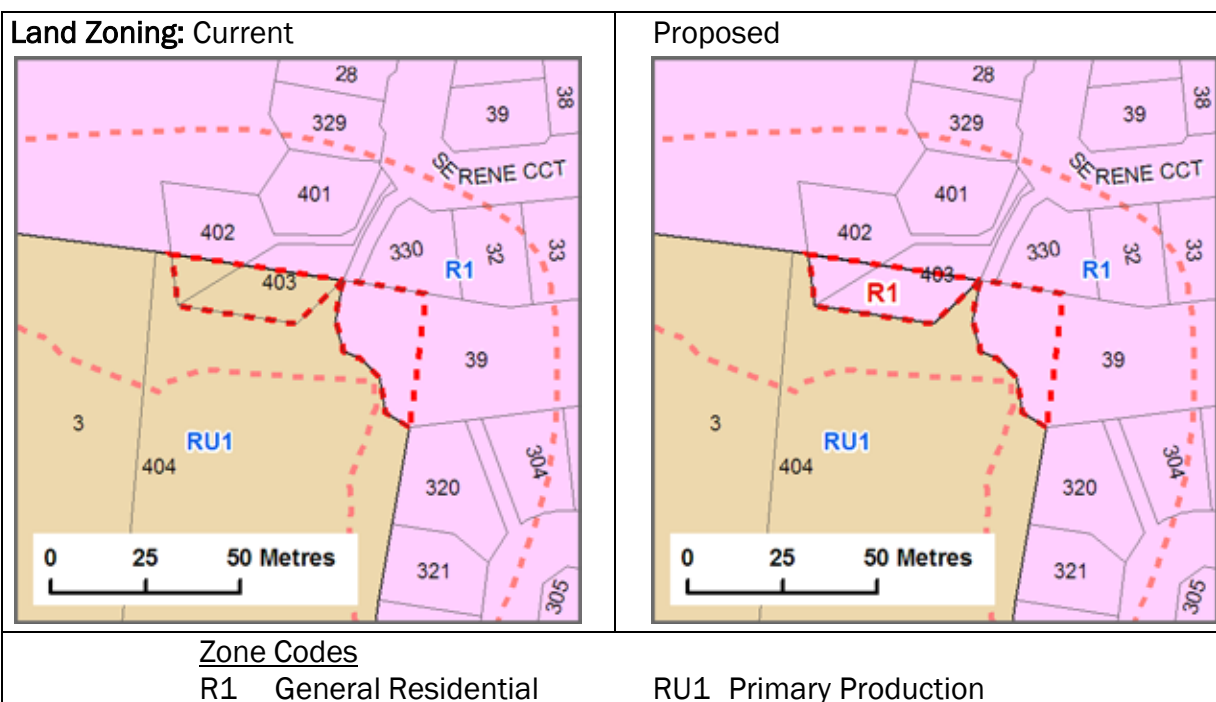
That, for Settlement Point Reserve, Settlement Point Road, Port Macquarie (as shown on the map) on the Land Zoning Map (sheet LZN_013F) - rezone to RE1 Public Reserve.

Issue 16: Mapping for Lots 402-403 DP 1171416 and Lot 39 DP 1093707, Serene Circuit, Port Macquarie

Land affected and proposed map changes

Final lot layouts in part of the Greenmeadows subdivision included flexibility in lot boundaries, leading to some lots straddling boundaries for LEP zones and other controls.

This proposal relates to Lots 402-403 DP 1171416 (Nos 11B & 11A) and Lot 39 DP 1093707, Serene Circuit, Port Macquarie.

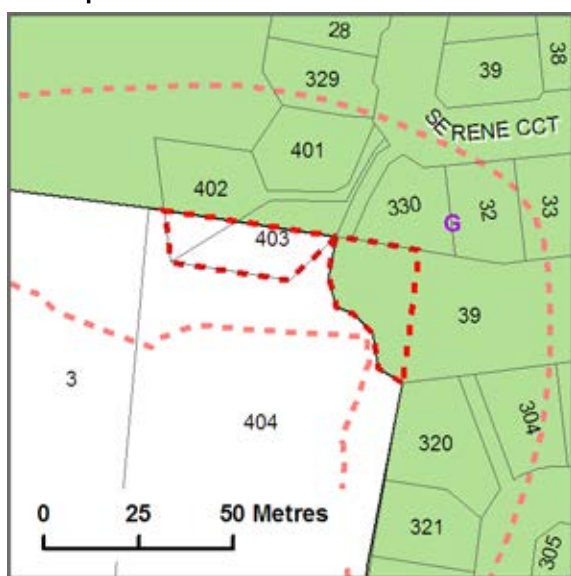


Note that Lot 39 is a Council drainage reserve, and while the change (to the Lot Size Map only) is less relevant, it is preferable to align LEP mapping with cadastre unless other factors prevail.

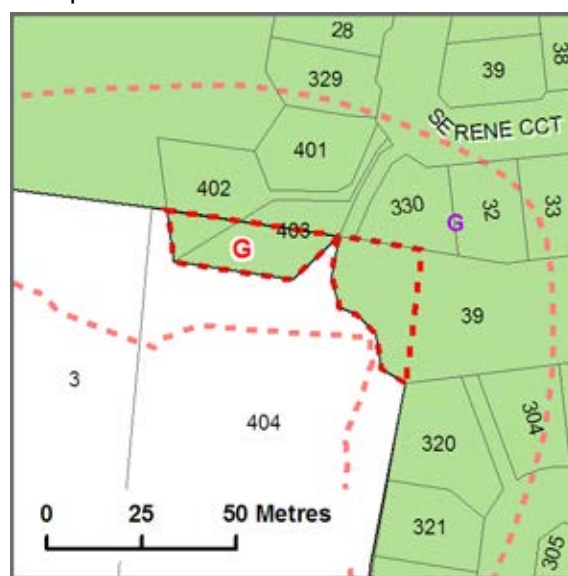
It is appropriate to remove the split controls.

Adjustments are required to Land Zoning Map, Lot Size Map, Floor Space Ratio Map, and Height of Buildings Map. The pale dashed line relates to separate changes in Issue 25.

Floor Space Ratio: Current



Proposed

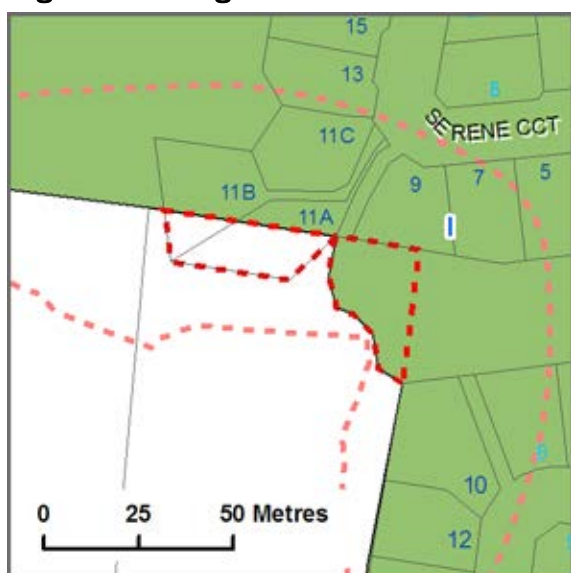


Maximum floor space ratio

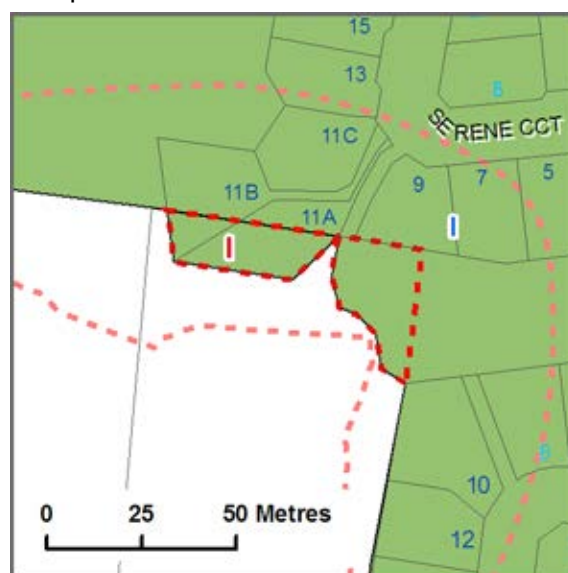
G 0.65:1

Blank no maximum

Height of Buildings: Current



Proposed



Maximum building height

I 8.5 m

Blank no maximum

Refer to LEP text for definition of Building height.

Proposal:

That for parts of Lots 402-403 DP 1171416 and Lot 39 DP 1093707, Serene Circuit, Port Macquarie (as shown on the map):

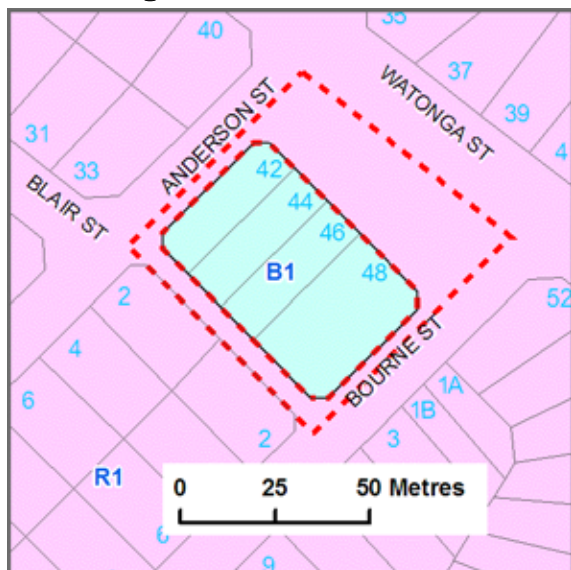
- a) on the Land Zoning Map (sheet LZN_013G) - change part RU1 to R1 General Residential,
- b) on the Lot Size Map (sheet LSZ_013G) - change AB (40 Ha) to G (450 sq m),
- c) on the Floor Space Ratio Map (sheet FSR_013G) - apply G (0.65:1), and
- d) on the Height of Buildings Map (sheet HOB_013G) - apply I (8.5 m).

Issue 17: Mapping for Lighthouse Beach shopping centre.

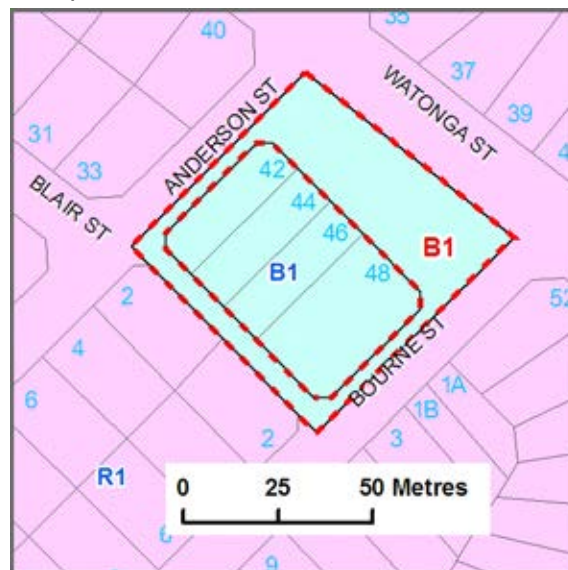
Land affected and proposed map changes

The properties within the Lighthouse Beach shopping centre on Watonga Street are zoned B1 Neighbourhood Business, with a R1 General Residential zone applying to the surrounding area, including the adjoining streets and parking area.

Land Zoning: Current



Proposed

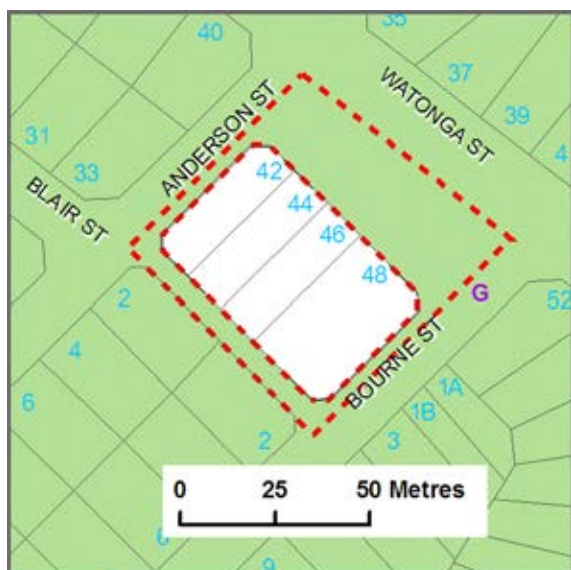


Zone Codes

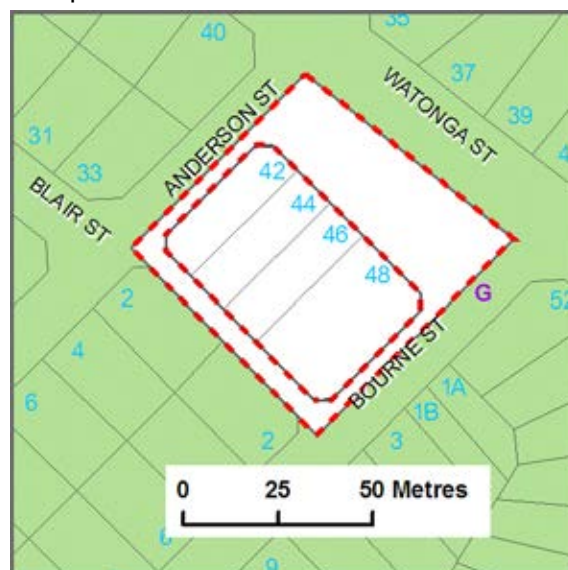
B1 Neighbourhood Centre

R1 General Residential

Lot Size: Current



Proposed



Minimum Lot Size

G 450 sq m

Blank no minimum

The R1 zone makes it difficult to approve proposed footpath tables associated with food and drink premises. It is therefore proposed that Council rezone the footpaths, the car

park and the rear lane surrounding the shopping centre to B1, as shown in the plan below. It is also proposed to remove the current 450m² minimum lot size for the area surrounding shopping centre, to ensure that this is also consistent with that applying to the shopping centre.

The proposed LEP changes are not expected to increase the retail capacity other than by permitting ancillary footpath dining etc.

Proposal:

That in relation to the footpaths, car park, and rear lane surrounding the Lighthouse Beach shopping centre:

- a) on the Land Zoning Map (sheet LZN_013G) - rezone to B1 Neighbourhood Business,
- b) on the Lot Size Map (sheet LSZ_013G) - apply no minimum lot size.

Issue 18: Mapping for Crown land zoned E3 at Laurieton

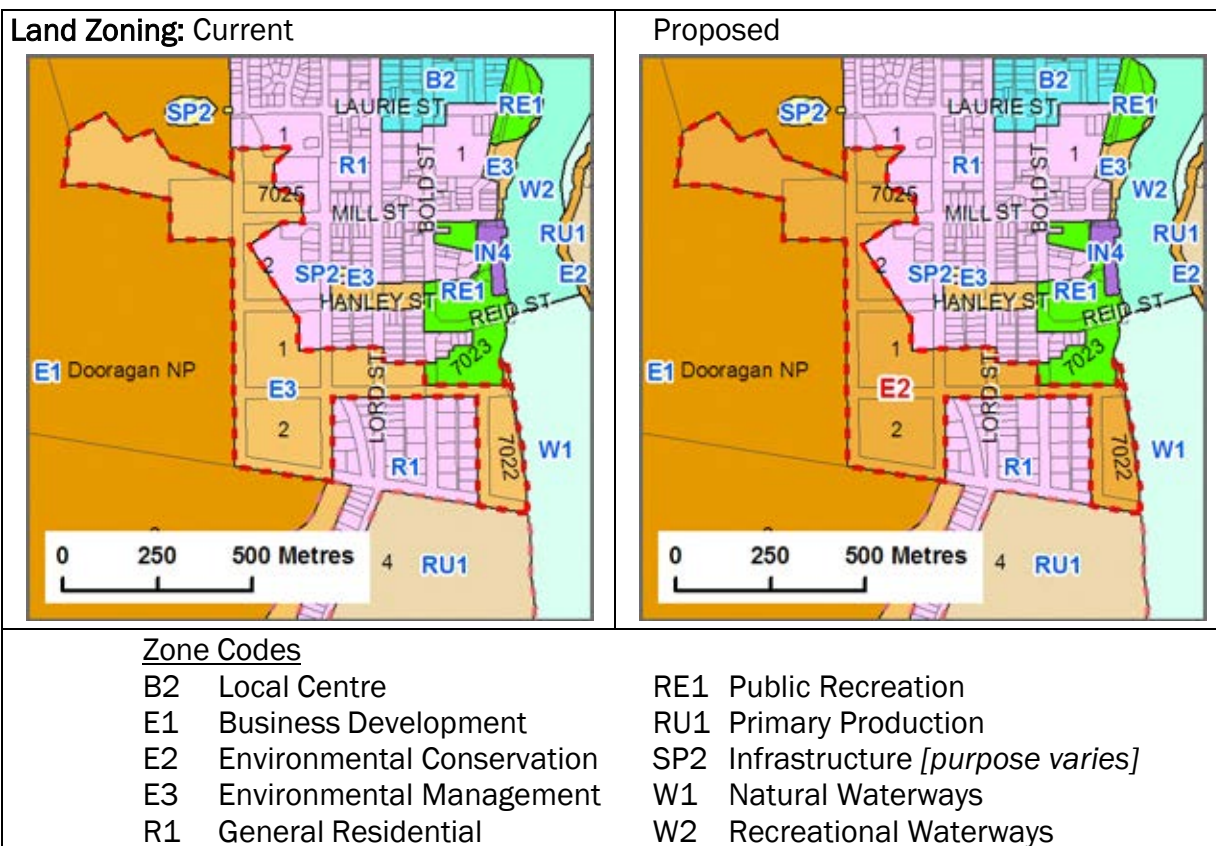
Land affected and proposed map changes

Around the fringes of Laurieton is some Crown land zoned E3 Environmental Management, being land which is not suitable of urban development, due to being steep, large storm runoff gullies, flood liable or environmental sensitive.

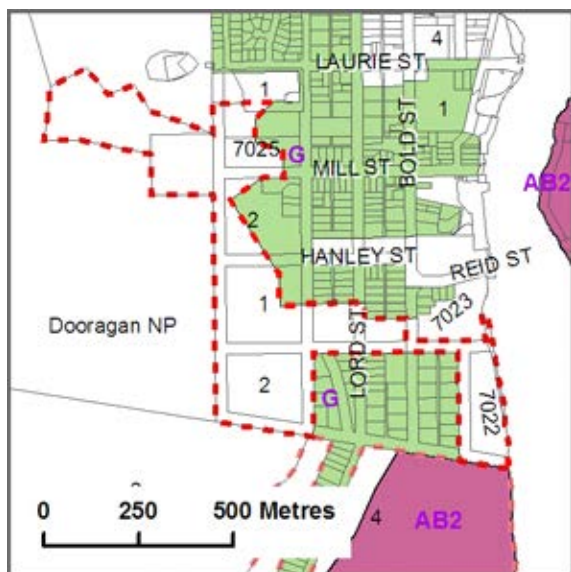
The E3 zone permits dwelling houses, and it is proposed that this be changed to E2, which does not permit dwelling houses, and to also apply a 40 Ha minimum lot size.

A small portion of the E3 zone in the northeast corner is within land owned by the Health Administration Corporation. For consistency, the change will apply to this land as well.

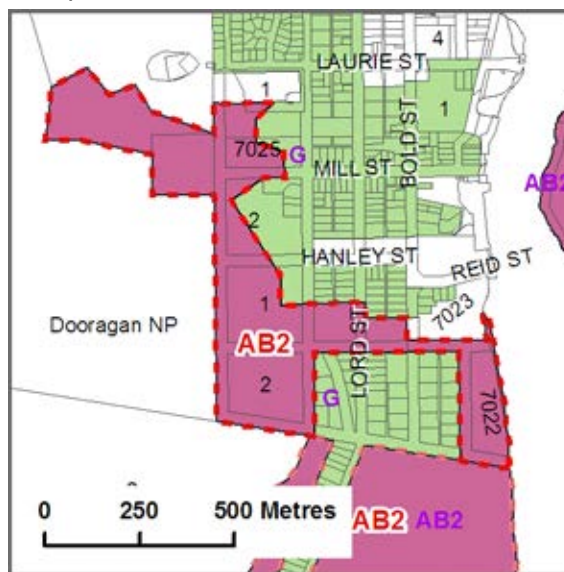
Note: adjoining land to the south (shown by the pale dashed line) is affected by Issue 19.



Lot Size: Current



Proposed



Minimum Lot Size

G 450 sq m

AB2 40 hectares

Blank no minimum

Proposal:

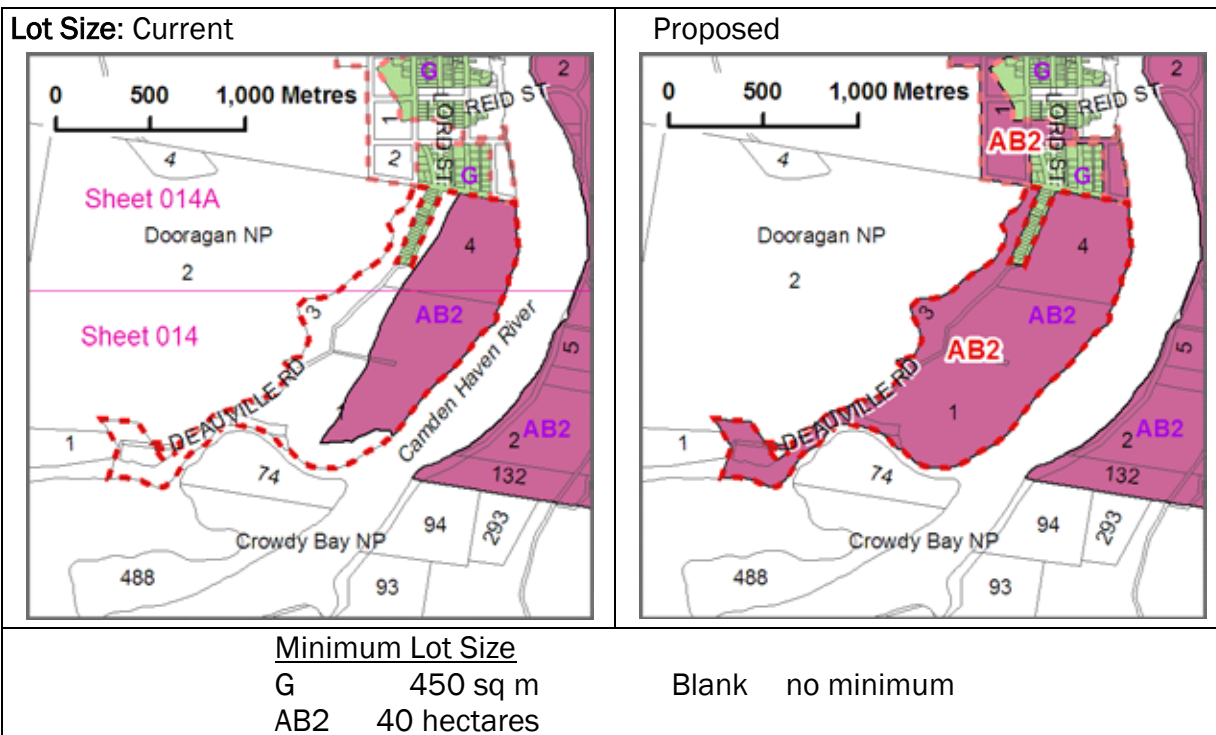
That for the Crown land zoned E3 at Laurieton (as shown on the map):

- on the Land Zoning Map (sheet LZN_014A) - rezone to E2 Environmental Conservation,
- on the Lot Size Map (sheet LSZ_014A) - apply AB (40 Ha) minimum.

Issue 19: Mapping of land zoned RU1 or E3 at Deauville

Land affected and proposed map changes

This land is privately owned (Lot 1 DP 543002, Lot 1 DP 408757, Lots 3-4 DP 774850), with no minimum lot size applying to most of it at present.



Proposal:

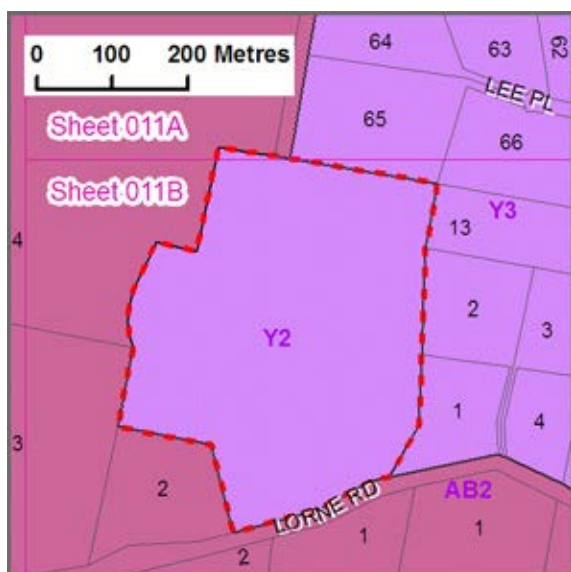
That for Lot 1 DP 543002, Lot 1 DP 408757 and Lots 3-4 DP 774850 zoned RU1 or E3 at Deauville (as shown on the map) on the Lot Size Map (sheets LSZ_014 & LSZ_014A) - apply AB2 (40 Ha) minimum.

Issue 20: Mapping for part of Lot 4 DP 631582, Lorne Rd, Kendall and zoned R5

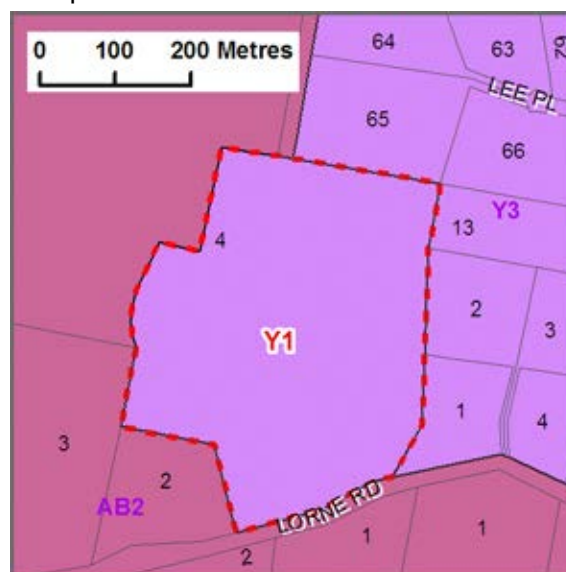
Land affected and proposed map changes

The relevant land was granted a development consent for rural residential subdivision while LEP 2011 was nearing completion. The subdivision included lots 1 ha in size, while the LEP applied a minimum lot size of 1.2 Ha. This anomaly makes it difficult to consider or approve any variations to the lot layout.

Lot Size: Current



Proposed



Minimum Lot Size

Y1	1.0 hectare
Y2	1.2 Hectares
Y3	1.5 hectares

AB2	40 hectares
Blank	no minimum

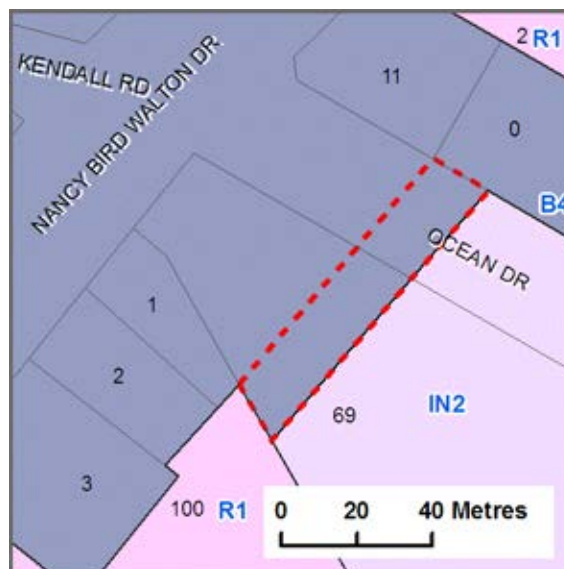
Proposal:

That for part of Lot 4 DP 631582, Lorne Rd, Kendall and zoned R5 - on the Lot Size Map (sheets LSZ_011A & LSZ_011B) apply Y1 (1 Ha) minimum.

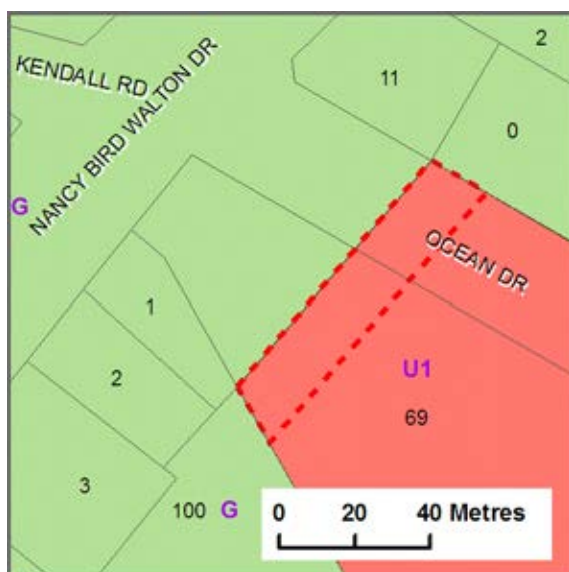
Issue 21: Mapping for part Lot 69 DP 1103700 and part Ocean Drive at Kew and zoned B4

Land affected and proposed map changes

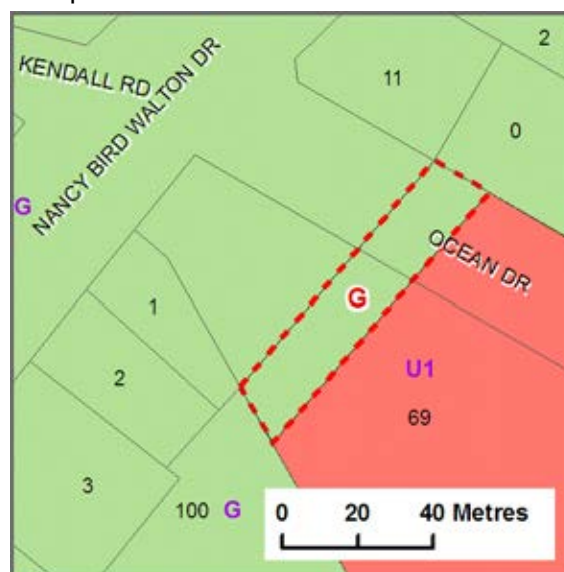
In August 2012 land at Kew was rezoned for urban development. A split zoning was applied to Lot 69, and during finalisation of the LEP, the zone boundary was repositioned. The associated Lot Size Map change in the final LEP didn't reflect this change, leaving the portion zoned B4 Mixed Use subject to minimum lot sizes in parts of 450 sq m and 1000 sq m.



Lot Size: Current



Proposed



Minimum Lot Size

G 450 sq m

U1 1,000 sq m

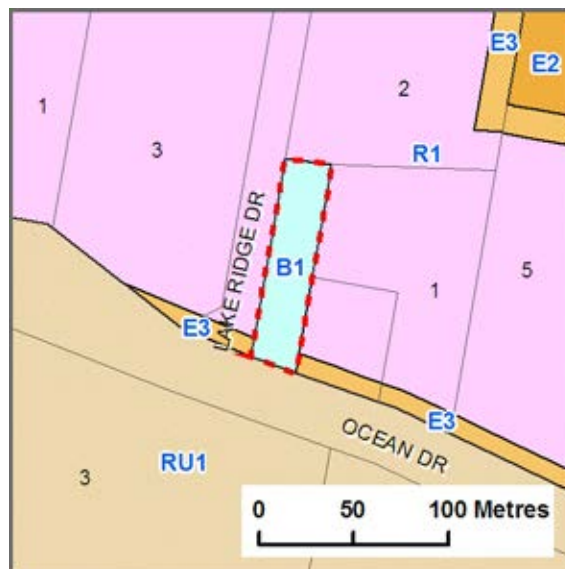
Proposal:

That for Lot 69 DP 1103700 and part Ocean Drive at Kew and zoned B4 - on the Lot Size Map (sheet LSZ_011B) - apply G (450 sq m) minimum.

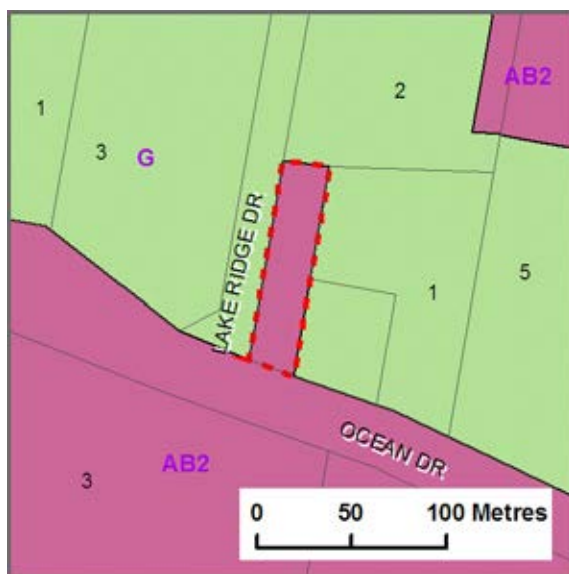
Issue 22: Mapping for part Lot 2 DP 504042, Ocean Dr, Kew and zoned B1

Land affected and proposed map changes

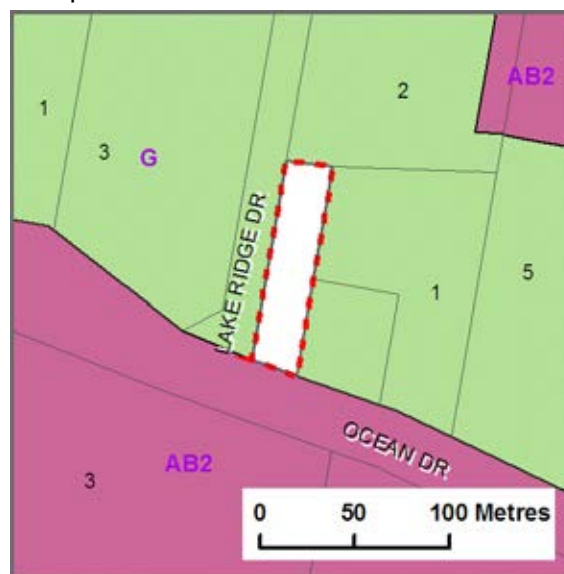
The urban release of “Area 15” land at Kew in early 2012 included part of Lot 2 being zoned B1 Neighbourhood Centre. The intention was to have no minimum lot size for the B1 land, but a drafting error on the final edition of the map sheet left the old 40 ha minimum applying.



Lot Size: Current



Proposed



Minimum Lot Size

G 450 sq m
AB2 40 hectares

Blank no minimum

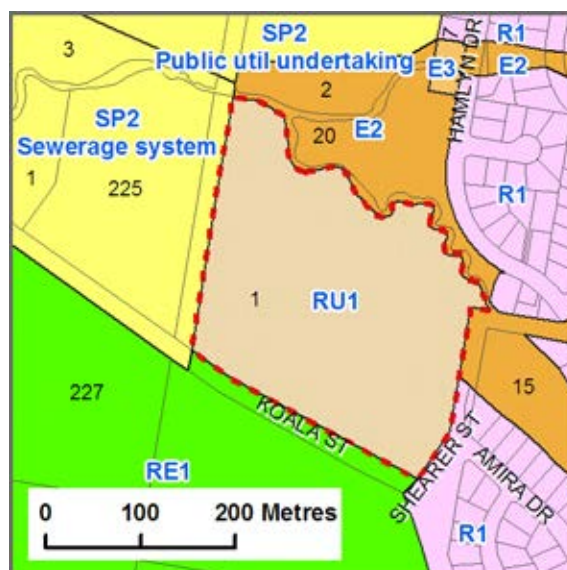
Proposal:

That for part Lot 2 DP 504042, Ocean Dr, Kew and zoned B1 - on the Lot Size Map (sheet LSZ_011B) - apply no minimum lot size.

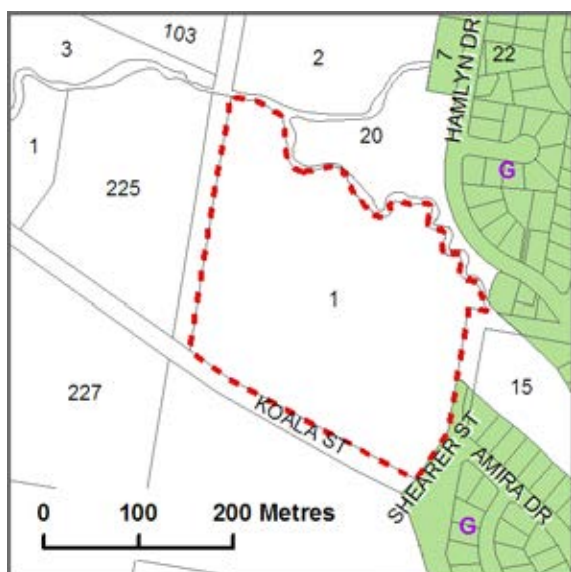
Issue 23: Mapping for Lot 1 DP 828014, Koala St, Port Macquarie

Land affected and proposed map changes

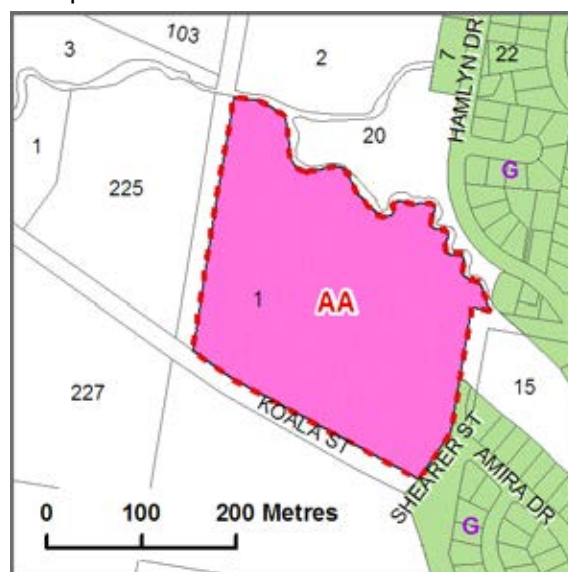
The subject privately-owned 7.3 Ha lot adjoins the Port Macquarie Sewerage Treatment Plant, and is zoned RU1 Primary Production. Not minimum lot size applies, and it is appropriate to apply a minimum - 6 Ha is proposed.



Lot Size: Current



Proposed



Minimum Lot Size

G 450 sq m

AA 6 hectares

Blank no minimum

Proposal:

That for Lot 1 DP 828014, Koala St, Port Macquarie - on the Lot Size Map (sheet LSZ_013G) - apply AA (6 Ha) minimum.

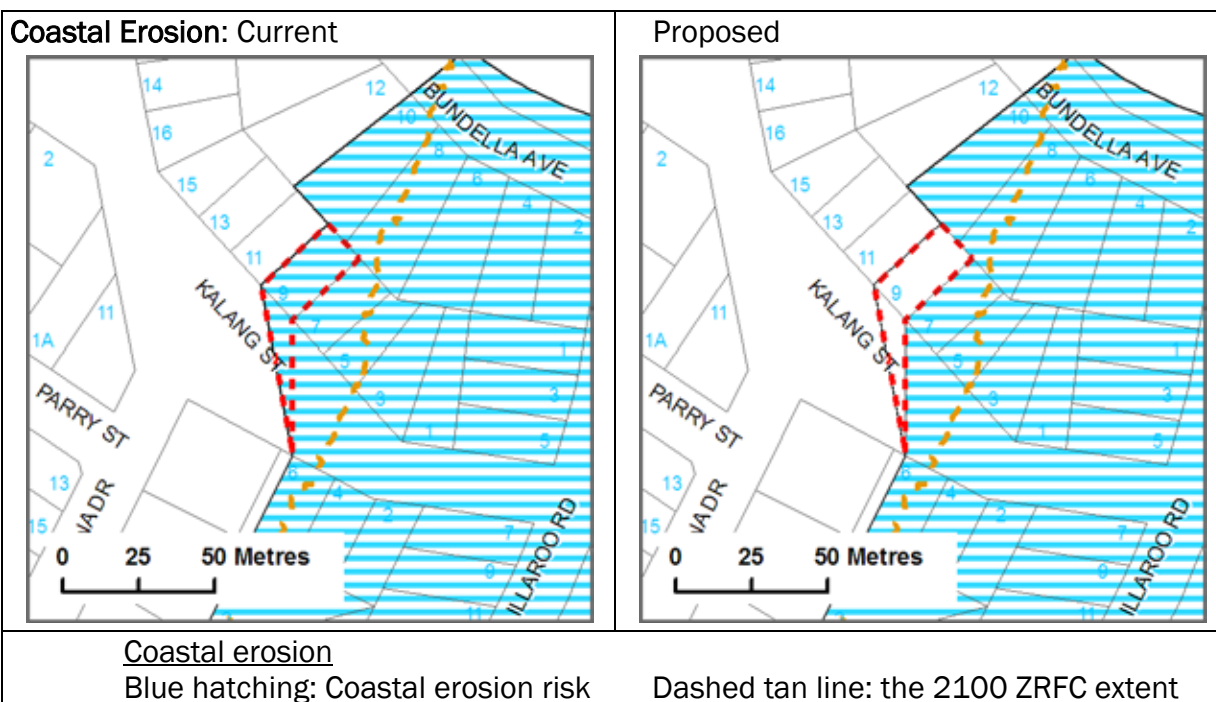
Issue 24: Mapping for Lot 17 DP 24185, 9 Kalang St, Lake Cathie

Part of Council's long-term planning responsibilities is to avoid new development in areas at risk, such as land at Lake Cathie identified as at risk from coastal erosion. Such land is shown as "Coastal Erosion Risk" on the Coastal Erosion Map, using modelling based on extrapolation of historic trends.

In this case the land identified as vulnerable to "coastal erosion risk" is that identified as within the Zone of Reduced Foundation Capacity in 2100 (2100 ZRFC). Note that such modelling will be updated over time using updated records for erosion etc. Refer to the *Lake Cathie Coastal Zone Management Plan 2013* for further information on this.

Land affected and proposed map changes

Review of the mapping shows that No 9 Kalang Street and some of the adjacent roadway have been incorrectly designated as subject to this risk.



Proposal:

That for Lot 17 DP 24185, 9 Kalang St, Lake Cathie - on the Coastal Erosion Map (sheet CL1_013E) - remove Coastal erosion risk designation

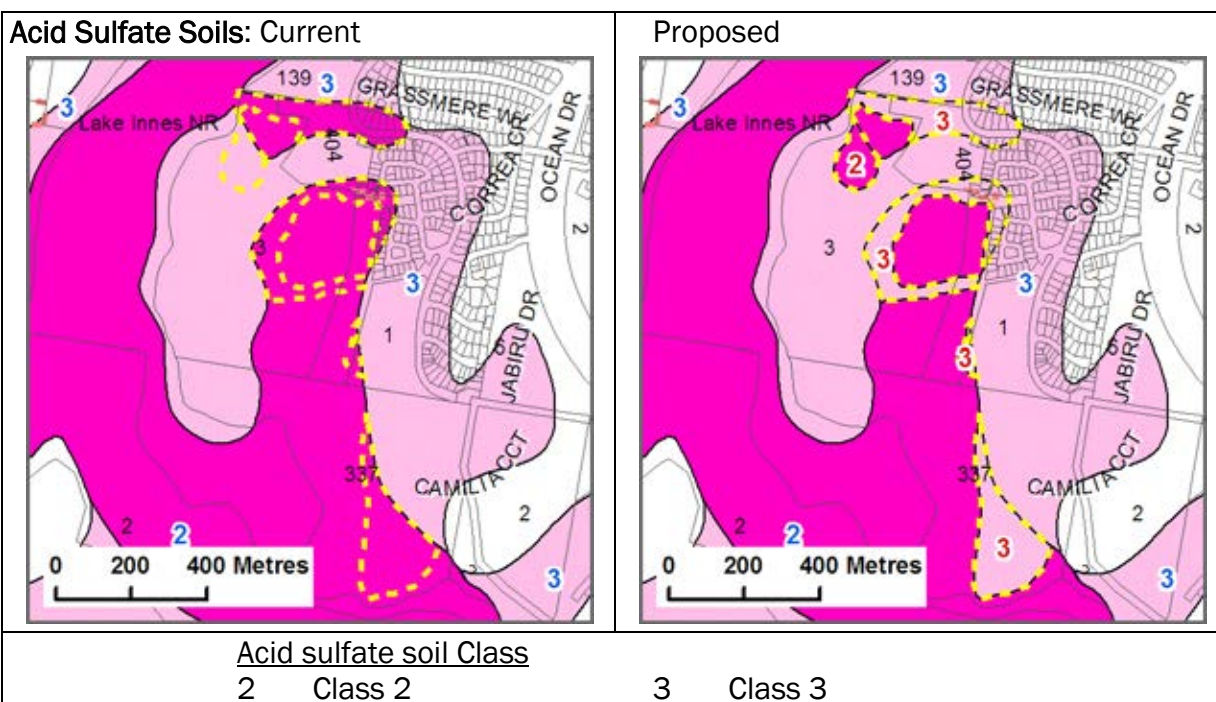
Issue 25: Mapping of Acid sulfate soils in the vicinity of Greenmeadows Dr and Colonel Barney Dr and Camilia Cct, Port Macquarie

Within the low lying coastal areas acid sulfate soils are common. If these are disturbed without careful management, there can be subsequent adverse impacts on building footings, buried infrastructure, and the natural environment, including fish kills.

Clause 7.1 of the LEP and the associated Acid Sulfate Soils Map identify areas containing (or in proximity to) acid sulfate soils, using 5 Classifications to distinguish the depths of ground disturbance that can be allowed without special consideration: Class 1 and 2 are subject to more stringent controls, including being excluded from the General Housing Code, the Rural Housing Code and the Commercial and Industrial (New Buildings and Additions) Code under the Codes SEPP.

Land affected and proposed map changes

Earthworks associated with development in the southern Greenmeadows area have made the LEP mapping of Acid Sulfate Soils classifications out of date, due to changes in ground levels. The dashed yellow lines on the map below outline the areas where a change is appropriate: a change from Class 3 to Class 2, or from Class 2 to Class 3.



Some similar restrictions apply if land is designated as within a Flood Planning Area, and it has been suggested that similar changes are appropriate to the Flood Planning Map as well. However, the current Flood Planning Map is based on post development contours, and the designations for some properties are due to portions of the properties still being within the Flood Planning Area. No change is justified in relation to the Flood Planning Map.

Proposal:

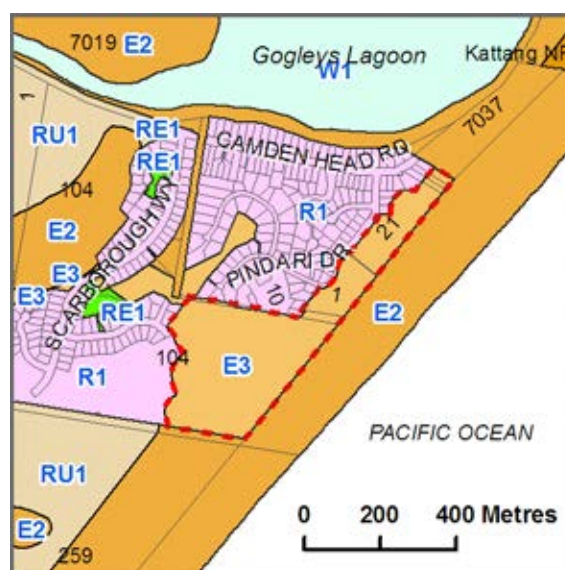
That in relation to land in the vicinity of Greenmeadows Dr and Colonel Barney Dr and Camilia Cct, Port Macquarie - on the Acid Sulfate Soils Map (sheet ASS_013G) - adjust the boundaries for Class 2 and Class 3 as shown on the map above.

Issue 26: Mapping of height limits for land zoned E3 at Dicks Hill

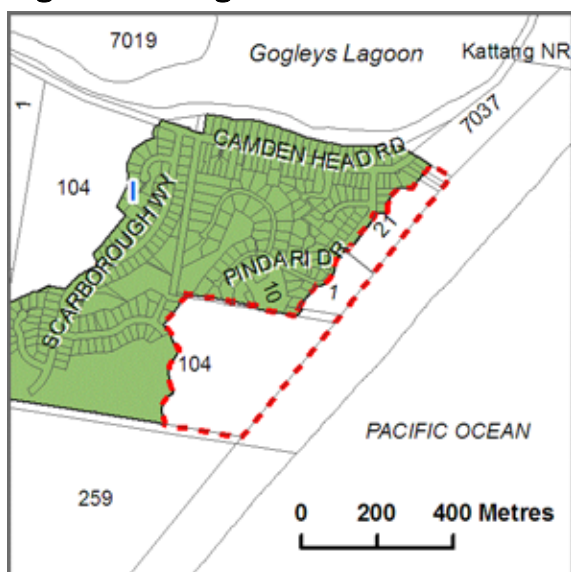
Land affected and proposed map changes

Some privately-owned land at Dicks Hill near the beach is zoned E3. The E3 Environmental Management zone permits dwelling houses. The balance of Dicks Hill is subject to a building height limit of 8.5 m, and it is appropriate to also apply it to the E3 land.

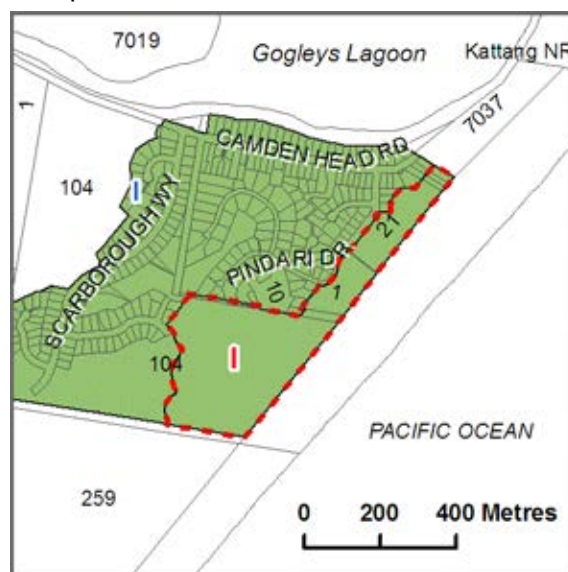
Note: This change will include a small area of land (150 m²) zoned R1 General Residential.



Height of Buildings: Current



Proposed



Maximum building height

I 8.5 m
Blank no maximum

Refer to LEP Text for definition of Building height.

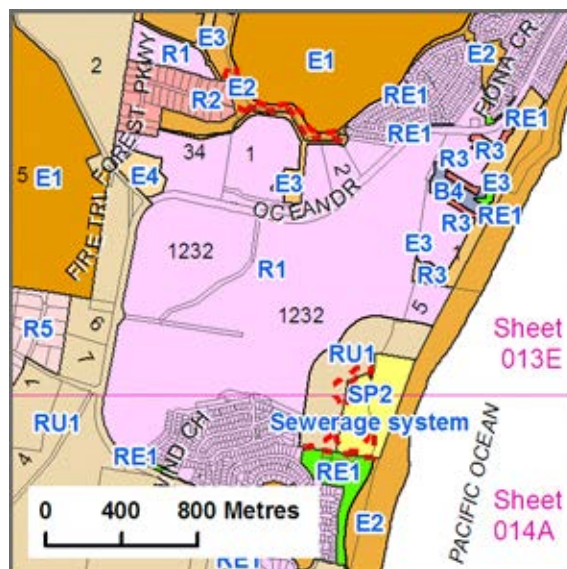
Proposal:

That in relation to land zoned E3 at Dicks Hill - on the Height of Buildings Map (sheet HOB_014C) - apply I (8.5 m) maximum.

Issue 27: Mapping of Koala Habitat at Lake Cathie and Bonny Hills

Ongoing work in planning and rezoning and development at Lake Cathie and Bonny Hills has led to adoption of a Koala Plan of Management, which identifies core koala habitat.

Currently the Koala Habitat Map identifies one Koala habitat area at Lake Cathie - as shown on the extract from the current Koala Habitat Map below. Based on the latest KPoM it is proposed to add the two areas outlined in on the adjacent map. This is consistent with Council's mapping of Core Koala Habitat in LEP 2011 in other parts of the local government Area (e.g. at Thrumster).

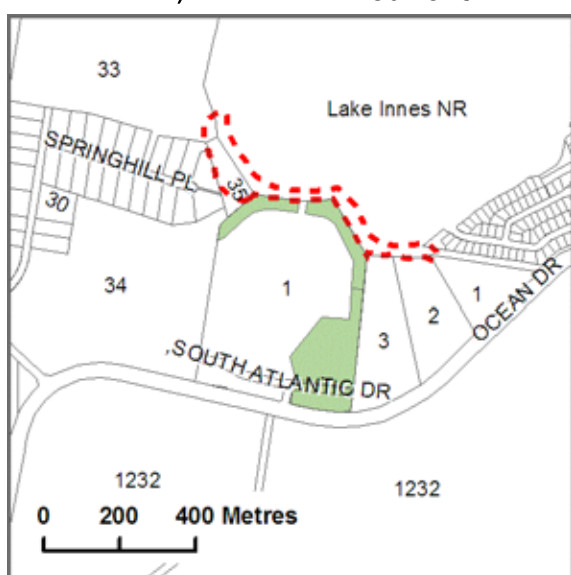


Land affected and proposed map changes

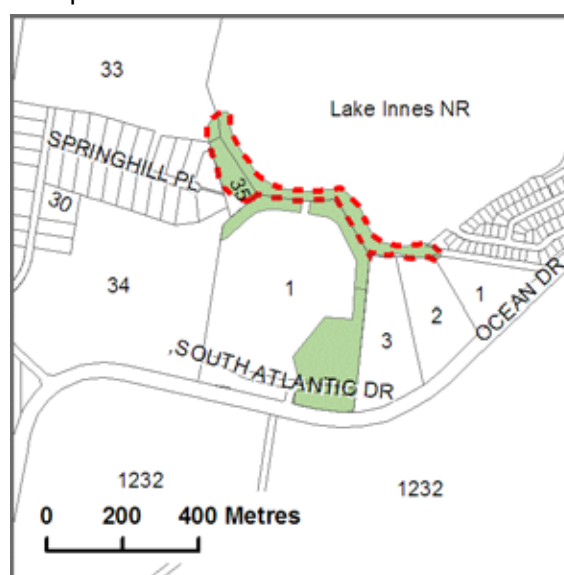
The subject land at Lake Cathie comprises parts of Lot 323 DP 1055384, Lot 1 DP 255923, Lot 2 DP 706357, Lots 33 & 35 DP 803801 and Crown land, in the vicinity of Ocean Drive and Springhill Place. Lot 323 on the eastern side is owned by Council and contains a sewage pumping station. Lot 35 on the western side is a public reserve owned by Council. Both lots are zoned E2 Environment Conservation as part of the buffer to the adjoining Nature Reserve.

The subject land at Bonny Hills comprises parts of Lot 11 DP 629025 and Lot 1232 DP 1142133, in the vicinity Magellan Place. Lot 11 is owned by Council, and is part of the Bonny Hills Sewage Treatment Plant.

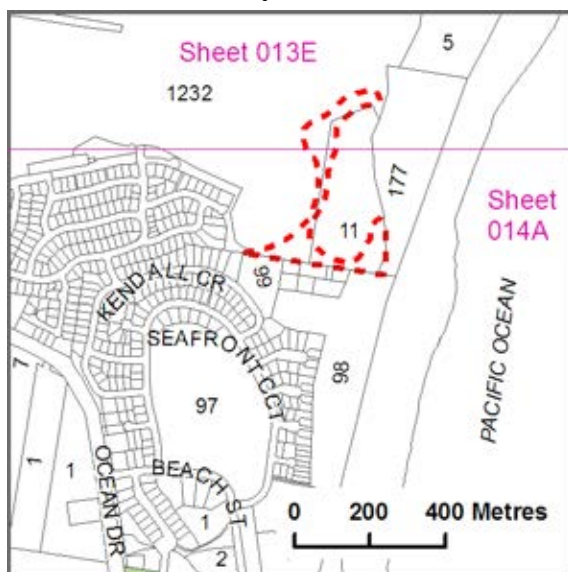
Koala Habitat, Lake Cathie: Current



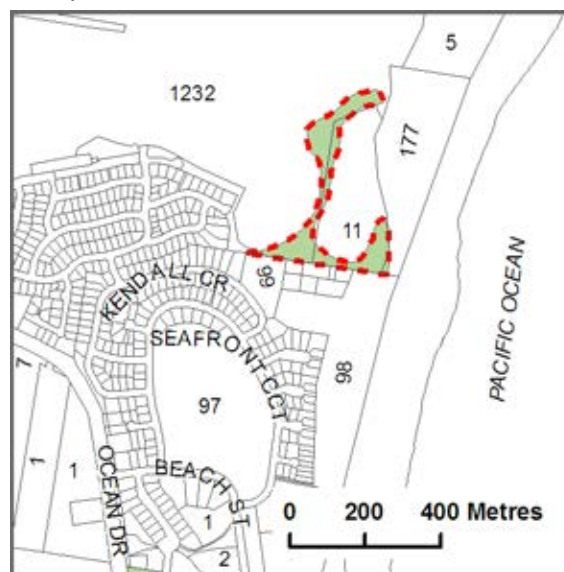
Proposed



Koala Habitat, Bonny Hills: Current



Proposed



Proposal:

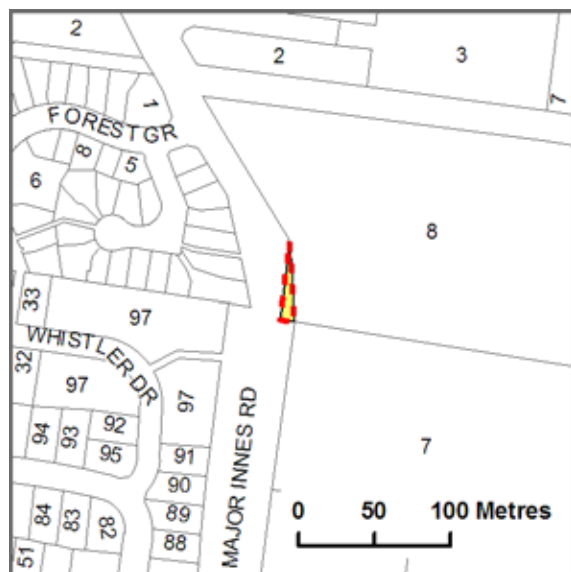
That in relation to land at Lake Cathie and Bonny Hills - on the Koala Habitat Map (sheets KHA_013E & KHA_014B) - add the additional core habitat identified in the Koala Plan of Management (as shown on the maps above).

Issue 28: Mapping - removal of Land Reservation Acquisition designation over part of Major Innes Road, Port Macquarie

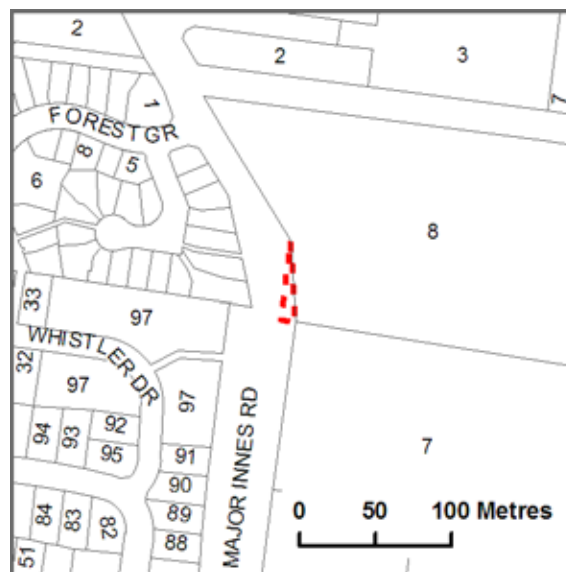
Land affected and proposed map changes

When LEP 2011 was originally prepared, it included designation of land adjoining Major Innes Road for acquisition for road widening. This acquisition has now occurred, and it is appropriate to remove this designation from the Land Acquisition Map.

Land Reservation Acquisition: Current



Proposed



Proposal:

That in relation to that part of Major Innes Road, Port Macquarie identified on the Land Reservation Acquisition Map (sheet LRA_013D) - remove this designation.



Appendix B – List of proposed amendments

A. Changes to text

Note: The following textual changes are indicative, and the final wording will be determined by the NSW Parliamentary Counsel's Office.

Provision	Changes	Appendix A - Issue
Clause 1.2	Insert at the end of subclause (2): (k) to ensure that new urban development makes a positive contribution to the public domain and streetscape, (l) to facilitate efficient use of urban land and infrastructure provision by staging development and achieving appropriate development yields.	1
Land Use Table: Zone No RU1	• Omit “; Sawmill or log processing works” from item 3 of the matter relating to Zone RU1 Primary Production. • Insert “Rural industries;” in alphabetical order in item 3 of the matter relating to Zone RU1 Primary Production.	2
Land Use Table: Zone No R1	Insert “Business identification signs;” in alphabetical order in item 3 of the matter relating to Zone R1 General Residential.	3
Land Use Table: Zone No B7	• Omit “Self storage units;” from item 3 of the matter relating to Zone B7 Business Park; and • Omit “Airports;” and “Storage premises;” from item 4 of the matter relating to Zone B7 Business Park.	4
Clause 4.1B	Omit subclause (3) and insert instead: (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if: (a) each lot in a residential, business or industrial zone: (i) has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to the portion so zoned, and (ii) may include land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU6 Transition, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living, but only where the subdivision layout is consistent with the applicable zone objectives; and (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.	5
Clause 4.2C (new)	Insert after clause 4.2B the following clause: 4.2C Boundary adjustments of land in certain rural, residential and environment protection zones (1) The objective of this clause is to facilitate boundary adjustments between lots if one or more lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved. (2) This clause applies to land in any of the following zones: (a) Zones RU1, RU2 and RU6, (b) Zone R5, (c) Zone E2, E3 and E4. (3) Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, where the consent authority is satisfied that: (a) the subdivision will not create additional lots or the opportunity for	6



Provision	Changes	Appendix A - Issue
	additional dwellings, and (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and (c) the potential for land use conflict will not be increased as a result of the subdivision, and (d) the subdivision will not result in any increased bush fire risk to existing buildings, and (e) if the land is in Zone RU1 or RU2, the agricultural viability of the land will not be adversely affected as a result of the subdivision. (4) Before granting consent to development to which this clause applies the consent authority must be satisfied that the subdivision will not compromise the continued protection and long-term maintenance of any land in Zone E2, E3 or E4.	
Clause 7.5	Insert after the Note following subclause (4) the following: (5) Land that is shown as “Koala habitat area” on the Koala Habitat Map is environmentally sensitive land for the purposes of clause 1.19 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> - the “Codes SEPP”.	7
Clause 7.9	• Omit subparagraph (3)(a)(i) and insert instead: (i) <i>NSW Road Noise Policy</i> published by the Department of Environment, Climate Change and Water NSW in March 2011, and • Insert after subclause (3) the following: (4) Land that is identified as “Subject to acoustic controls” on the Acoustic Controls Map is buffer area for the purposes of clause 1.19 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> - the “Codes SEPP”.	8
Schedule 5 Part 1	In the matter relating to St Thomas The Apostle Anglican complex, Hay Street, Port Macquarie (Item No I004), omit the words “Norfolk Island Palms” and insert instead the words “Norfolk Island Pines”.	9

B. Changes to Map Sheets

The following map sheets are revoked:

Map sheets	Map sheet identifier	Appendix A - Issue
Land Zoning Map		
LZN_010B	6380_COM_LZN_010B_020_20130419	10
LZN_012	6380_COM_LZN_012_080_20120821	11
LZN_012A	6380_COM_LZN_012A_020_20110124	11
LZN_013A	6380_COM_LZN_013A_020_20110523	11, 12
LZN_013C	6380_COM_LZN_013C_020_20130418	11
LZN_013D	6380_COM_LZN_013D_020_20130418	11, 13, 14
LZN_013F	6380_COM_LZN_013F_020_20110124	15
LZN_013G	6380_COM_LZN_013G_020_20120821	14, 16, 17
LZN_014A	6380_COM_LZN_014A_020_20120821	18
Lot Size Map		
LZN_010B	6380_COM_LSZ_010B_020_20130418	10
LSZ_011A	6380_COM_LSZ_011A_020_20111010	20
LSZ_011B	6380_COM_LSZ_011B_020_20120717	20, 21, 22
LSZ_013D	6380_COM_LSZ_013D_020_20120814	13, 14
LSZ_013G	6380_COM_LSZ_013G_020_20111011	16, 17, 23



Map sheets	Map sheet identifier	Appendix A - Issue
LSZ_014 LSZ_014A	6380_COM_LSZ_014_080_20110614 6380_COM_LSZ_014A_020_20111110	19 18, 19
Acoustic Controls Map, Coastal Erosion Map, Visually Sensitive Land Map CL1_013E	6380_COM_CL1_013E_020_20120814	24
Acid Sulfate Soils Map ASS_013G	6380_COM_ASS_013G_020_20101215	25
Floor Space Ratio Map FSR_013G	6380_COM_FSR_013G_020_20130419	16
Height of Buildings Map HOB_013D HOB_013G HOB_014C	6380_COM_HOB_013D_020_20110610 6380_COM_HOB_013G_020_20110519 6380_COM_HOB_014C_020_20110519	14 14, 16 26
Koala Habitat Map KHA_013D KHA_013E KHA_014B	6380_COM_KHA_013D_020_20110201 6380_COM_KHA_013E_020_20110201 6380_COM_KHA_014B_020_20110201	13 27 27
Land Reservation Acquisition Map LRA_012B ‡ LRA_013C LRA_013D LRA_013F ‡ LRA_013FA ‡ LRA_013G ‡ LRA_014C ‡	6380_COM_LRA_012B_020_20110209 6380_COM_LRA_013C_020_20110209 6380_COM_LRA_013D_020_20110209 6380_COM_LRA_013F_020_20110209 6380_COM_LRA_013FA_010_20110209 6380_COM_LRA_013G_020_20110209 6380_COM_LRA_014C_020_20110209	11 11 11, 28 11 11 11 11

Notes: This list of current maps may need to be updated for the other amendments finalised prior to this amendment.

‡ The only change on these map sheets is to update the legend to show additional map sheets in the Series.

The following map sheets are adopted:

Map sheets	Map sheet identifier	Appendix A - Issue
Land Zoning Map LZN_010B LZN_012 LZN_012A LZN_013A LZN_013C LZN_013D LZN_013F LZN_013G LZN_014A	6380_COM_LZN_010B_020_2014* 6380_COM_LZN_012_080_2014* 6380_COM_LZN_012A_020_2014* 6380_COM_LZN_013A_020_2014* 6380_COM_LZN_013C_020_2014* 6380_COM_LZN_013D_020_2014* 6380_COM_LZN_013F_020_2014* 6380_COM_LZN_013G_020_2014* 6380_COM_LZN_014A_020_2014*	10 11 11 11, 12 11 11, 13, 14 15 14, 16, 17 18



Map sheets	Map sheet identifier	Appendix A - Issue
Lot Size Map		
LZN_010B	6380_COM_LSZ_010B_020_2014*	10
LSZ_011A	6380_COM_LSZ_011A_020_2014*	20
LSZ_011B	6380_COM_LSZ_011B_020_2014*	20, 21, 22
LSZ_013D	6380_COM_LSZ_013D_020_2014*	13, 14
LSZ_013G	6380_COM_LSZ_013G_020_2014*	14, 16, 17, 23
LSZ_014	6380_COM_LSZ_014_080_2014*	19
LSZ_014A	6380_COM_LSZ_014A_020_2014*	18, 19
Acoustic Controls Map, Coastal Erosion Map, Visually Sensitive Land Map		
CL1_013E	6380_COM_CL1_013E_020_2014*	24
Acid Sulfate Soils Map		
ASS_013G	6380_COM_ASS_013G_020_2014*	25
Floor Space Ratio Map		
FSR_013G	6380_COM_FSR_013G_020_2014*	16
Height of Buildings Map		
HOB_013D	6380_COM_HOB_013D_020_2014*	14
HOB_013G	6380_COM_HOB_013G_020_2014*	14, 16
HOB_014C	6380_COM_HOB_014C_020_2014*	26
Koala Habitat Map		
KHA_013D	6380_COM_KHA_013D_020_2014*	13
KHA_013E	6380_COM_KHA_013E_020_2014*	27
KHA_014B	6380_COM_KHA_014B_020_2014*	27
Land Reservation Acquisition Map		
LRA_012	6380_COM_LRA_012_080_2014*	11
LRA_012A	6380_COM_LRA_012A_020_2014*	11
LRA_012B ‡	6380_COM_LRA_012B_020_2014*	11
LRA_013A	6380_COM_LRA_013A_020_2014*	11
LRA_013C	6380_COM_LRA_013C_020_2014*	11
LRA_013D	6380_COM_LRA_013D_020_2014*	11, 28
LRA_013F ‡	6380_COM_LRA_013F_020_2014*	11
LRA_013FA ‡	6380_COM_LRA_013FA_010_2014*	11
LRA_013G ‡	6380_COM_LRA_013G_020_2014*	11
LRA_014C ‡	6380_COM_LRA_014C_020_2014*	11

Notes: These map sheets may need to be updated prior to finalisation, to incorporate separate amendments that may have commenced since the map sheets were prepared. Such changes have no significance to this Planning Proposal.

* The Map Sheet Identifiers will be updated with dates when the sheets are prepared.

‡ The only change on these map sheets is to update the legend to show additional map sheets in the Series.

Appendix C – Gateway Determination

A copy of the Gateway Determination for this Planning Proposal will be included in this Appendix after it is issued.

The Determination will identify processing requirements, such as:

- community consultation, or
- possible changes to this proposal.

At the time of preparation of this version of the planning proposal there has been no Gateway Determination.

Appendix D – Public authorities' responses

Any responses will be included here following their receipt.



Appendix E – Site Identification Maps

Where printed, the Site Identification Maps could follow this page.

Where in electronic form, it is likely these pages will be separate documents.

The Site Identification Maps consolidate the Issues onto maps at a scale of 1:80,000, including combining relevant parts of the 011 and 014 sheets. Details of the actual map sheets affected by each issue are provided in the second and third columns in the table below.

Site Identification Map name	Sheet Nos	Appendix A Issues
6380_COM_Am28_SID_010_080_20140113	SID_010B	10
6380_COM_Am28_SID_011&014_080_20140113	SID_011A SID_011B	20 20, 21, 22
	SID_014 SID_014A SID_014B SID_014C	19 18, 19 27 26
6380_COM_Am28_SID_012_080_20140113	SID_012 SID_012A	11 11
6380_COM_Am28_SID_013_080_20140113	SID_013A SID_013C SID_013D SID_013E SID_013F SID_013G	11, 12 11, 12 11, 13, 14, 28 24, 27 15 14, 16, 17, 23, 25

Note: While Issue 11 in this Planning Proposal involves substitute Map Sheets LRA_012B, LRA_013F, LRA_013FA, LRA_13G and LRA_014C, that is only to introduce updates to the map index in the legend - there is no change to the map content. No Site Identification Maps are required for those sheets in relation to this Issue.

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**Port Macquarie-
Hastings Local
Environmental
Plan 2011
Amendment No 28**

**Site Identification Map
SID_010**

Relates to amendments by
Issue No 10
to Map sheet
010B.

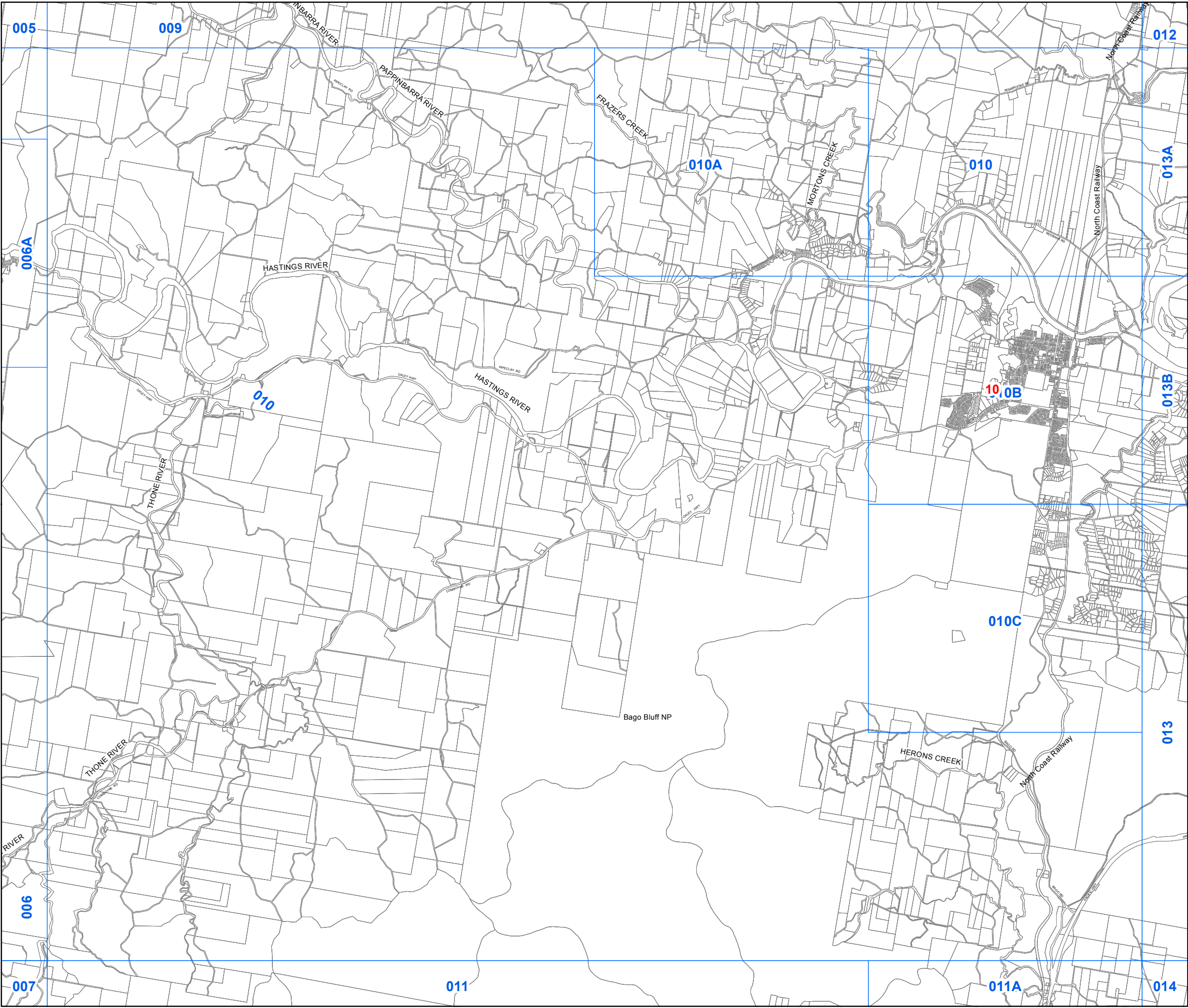
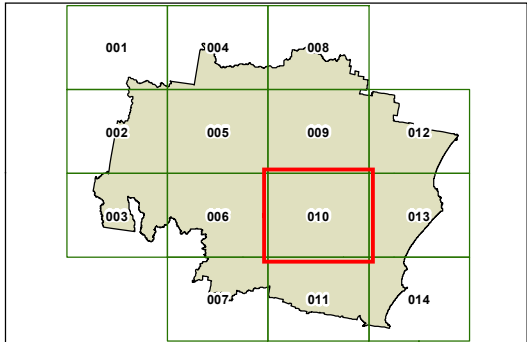
- Notes:
- 1) Items 1 to 8 are not mapped as they relate to provisions in the text with potential widespread though minor impact.
 - 2) While Item 9 has a spatial location, it does not involve any map amendments.

SID Issues 9-28

-  Issues 11 & 25
-  Other Issues

Cadastre

-  Base data 1994 © Land and Property Management Authority of NSW (LPMA)
-  Addendum data © 13/01/2014 PMHC





**Port Macquarie-
Hastings Local
Environmental
Plan 2011
Amendment No 28**

**Site Identification Map
SID_011&014**

Relates to amendments by
Issue Nos 18-22 & 26-27
to Map sheets
011A, 011B, 014, 014A, 014B & 014C.

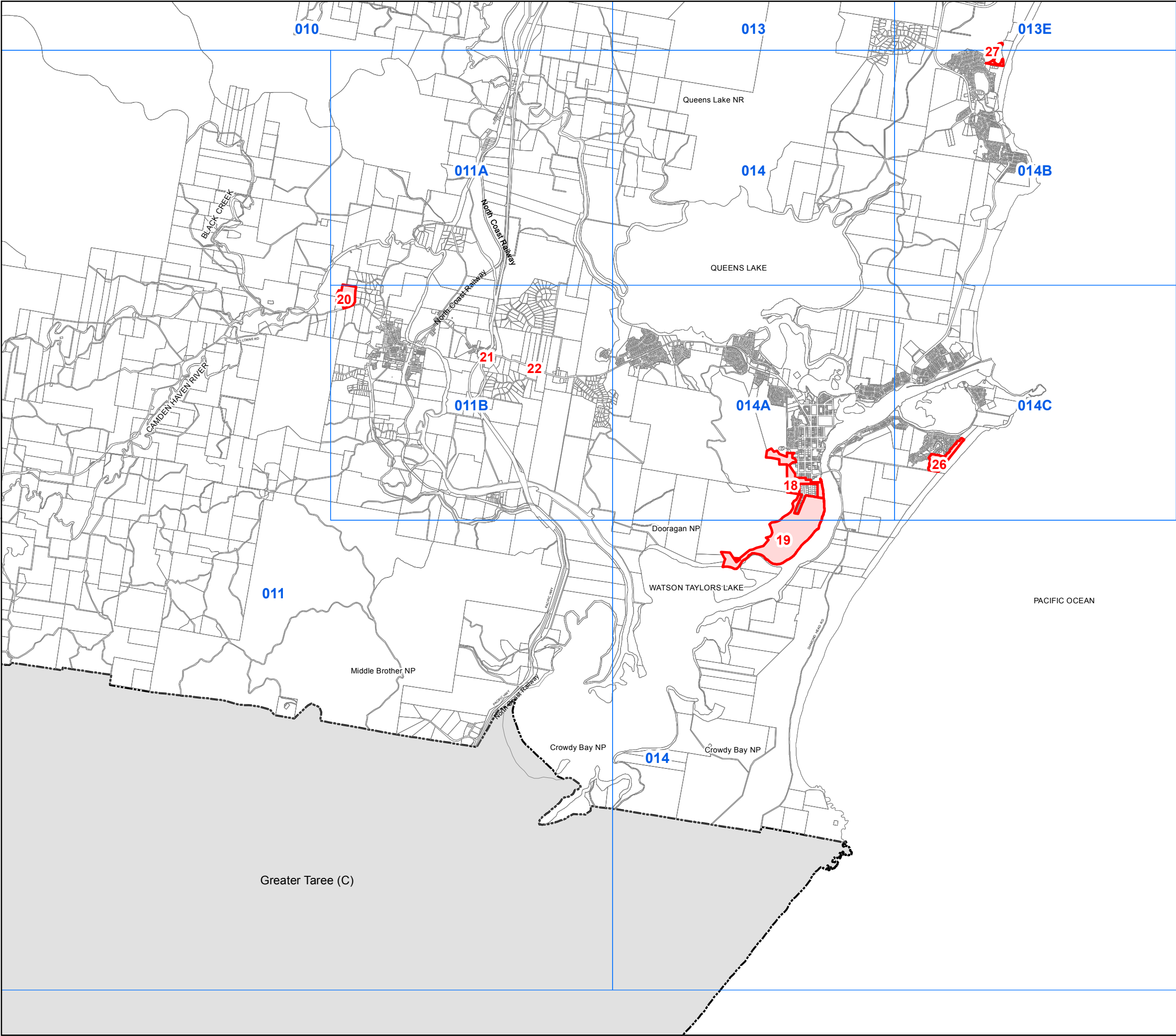
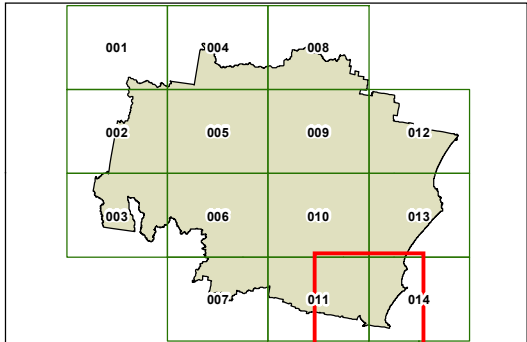
- Notes:
- 1) Items 1 to 8 are not mapped as they relate to provisions in the text with potential widespread though minor impact.
 - 2) While Item 9 has a spatial location, it does not involve any map amendments.

SID Issues 9-28

- Issues 11 & 25
- Other Issues

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Port Macquarie-
Hastings Local
Environmental
Plan 2011
Amendment No 28

Site Identification Map
SID_012

Relates to amendments by
Issue No 11
to Map sheets
012 and 012A.

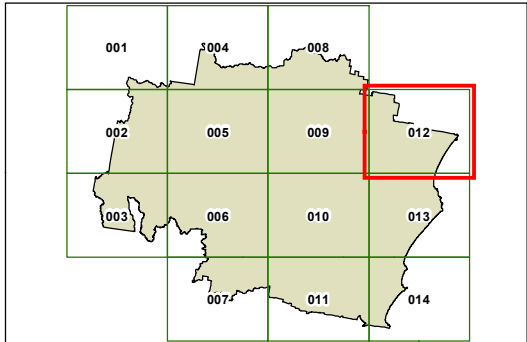
- Notes:
- 1) Items 1 to 8 are not mapped as they relate to provisions in the text with potential widespread though minor impact.
 - 2) While Item 9 has a spatial location, it does not involve any map amendments.

SID Issues 9-28

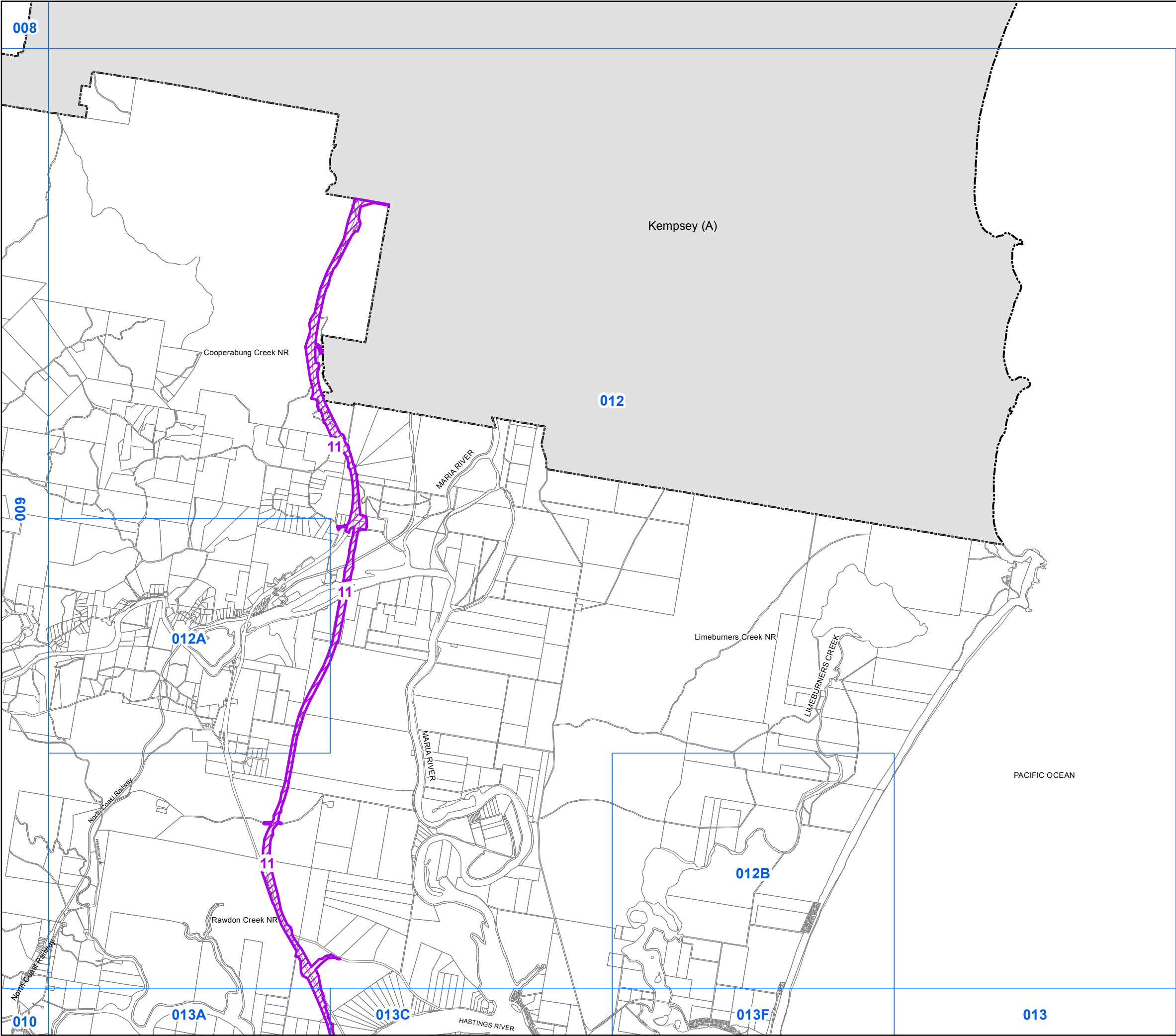
- Issues 11 & 25
- Other Issues

Cadastre

Base data 1994 © Land and Property
Management Authority of NSW (LPMA)
Addendum data © 13/01/2014 PMHC



6380_COM_Am28_SID_012_080_20140113





**Port Macquarie-
Hastings Local
Environmental
Plan 2011
Amendment No 28**

**Site Identification Map
SID_013**

Relates to amendments by
Issue Nos 11-17, 23-25 & 27-28
to Map sheets
013A, 013C, 013D, 013E, 013F & 013G.

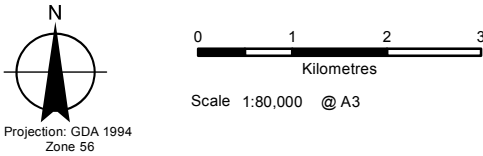
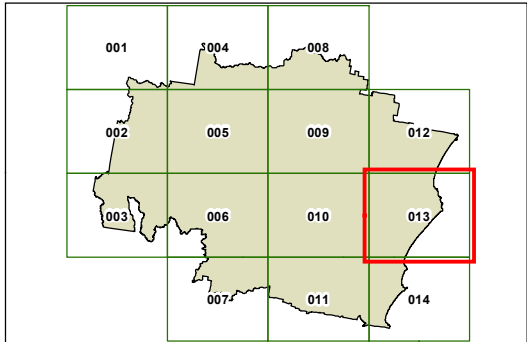
- Notes:
- 1) Items 1 to 8 are not mapped as they relate to provisions in the text with potential widespread though minor impact.
 - 2) While Item 9 has a spatial location, it does not involve any map amendments.

SID Issues 9-28

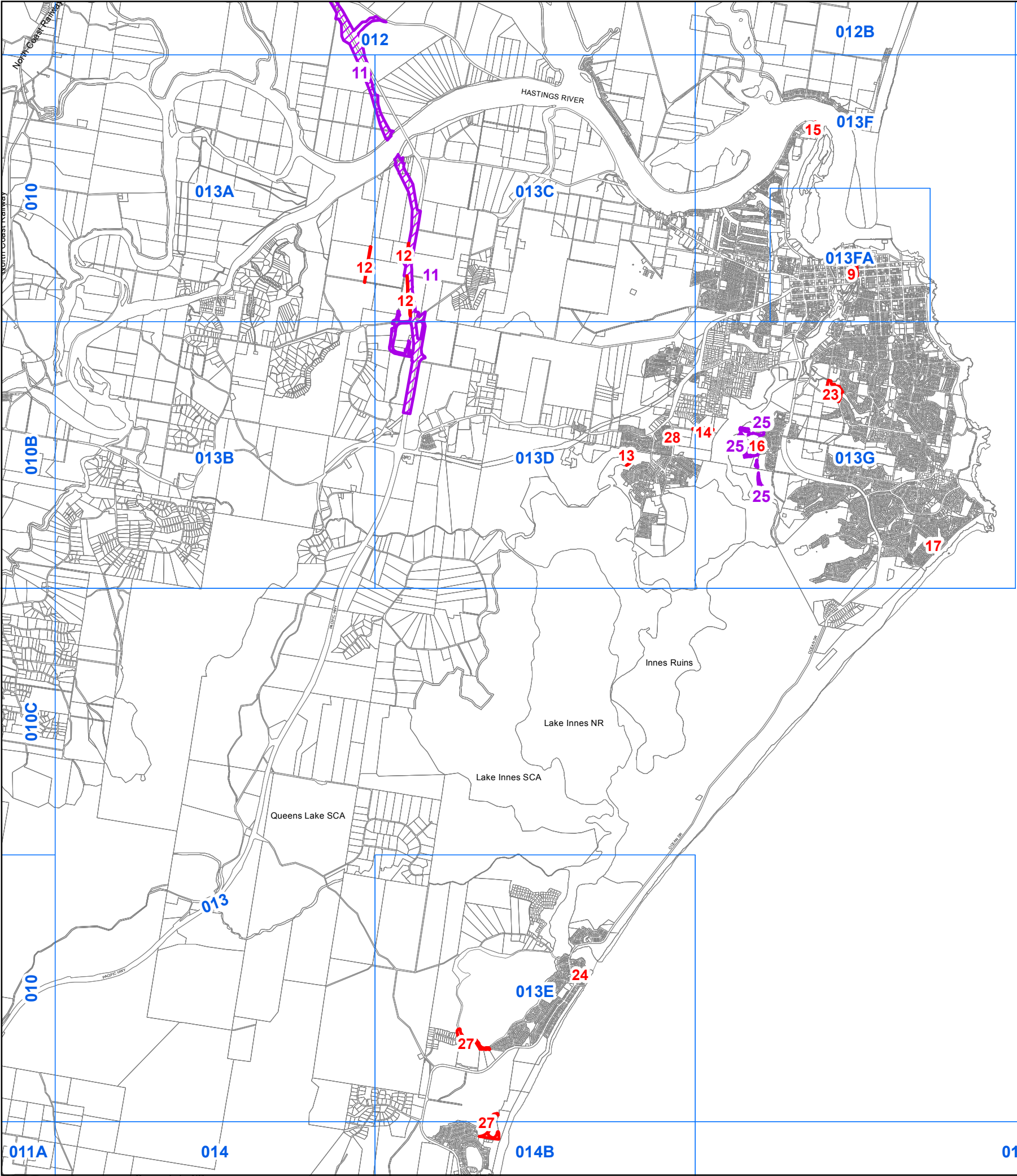
-  Issues 11 & 25
-  Other Issues

Cadastre

-  Base data 1994 © Land and Property Management Authority of NSW (LPMA)
-  Addendum data © 13/01/2014 PMHC



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012

PACIFIC OCEAN

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Appendix F – Map Cover Sheet and LEP Maps

The Map Cover Sheet is a part of the submission of the draft LEP for formal approval by the Minister for Planning and Infrastructure or delegate.

It will not be prepared until that stage. However, the Map Cover Sheet will reflect the final content of the Part B Changes to Map Sheets within **Appendix B**.

Where printed, the Map Cover Sheet will follow this page. After the Map Cover Sheet will be the map sheets proposed to be adopted, as described in the Map Cover Sheet and Part B of **Appendix B**.

Where in electronic form, it is likely these pages will be separate documents.