

# **Planning Proposal under section 55 of the EP&A Act**

***Further corrections (no public effect)  
to Port Macquarie-Hastings Local  
Environmental Plan 2011***

Ccl ref: PP2011-0015

DPI ref: 12/05554

Date: 10/07/2012



**PORT MACQUARIE  
HASTINGS**

**Planning Proposal status (for this copy)**

Stage	Version Date (blank until achieved)
Draft within Council	30/01/2012
Reported to Council [sec 55]	15/02/2012
Adopted by Council & referred to Dept of Planning [sec 56 (1)]	20/03/2012
Date of Gateway Panel determination [sec 56 (2)]	05/04/2012
Revisions required: Yes [ Y ] No [ ]. Completed	16/04/2012
Public Exhibition (where applicable) [sec 57]	16/04/2012
For Council review [sec 58 (1)]	
Adopted by Council for final submission & referred to Dept of Planning [sec 58 (2)]	10/07/2012

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Council reference: PP2011-0015

Port Macquarie-Hastings LEP 2011 (Amendment No 15)

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Department of Planning & PP\_2012\_PORTM\_002\_00 (12/05554)

Infrastructure reference:

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## **Adoption of the Planning Proposal**

### **1. For initial Gateway determination**

The details of this Planning Proposal, as contained in Appendix B, were endorsed on 15 February 2012 by Port Macquarie-Hastings Council.

Signed  [P Cameron]

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Name Peter Cameron

Position Group Manager Strategic Planning

### **2. For section 58 finalisation**

This Planning Proposal was endorsed on 10 July 2012 by the undersigned Council delegate.

Signed  

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Name Peter Cameron

Position Group Manager Strategic Planning

## Exhibition information

### 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 (PP2011-0015)** are contained in Appendix B, found on pages 10 to 13.

The specifics of how the LEP would be amended are described in Appendix A, found on page 9. The Planning Proposal contains statements of the intent for changes to the LEP text, but not the specific wording.

The affected land is shown on the Site Identification Map sheets contained in Appendix C, following page 14.

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

The Map Cover Sheet and the proposed replacement LEP Map sheets follow in Appendices E and F respectively.

### Exhibition

The exhibition period is from Friday 20 April 2012 to Friday 4 May 2012, with this Planning Proposal available for inspection by any person at Council's offices at Port Macquarie.

### 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 - PP2011-0015 - and be emailed to [council@pmhc.nsw.gov.au](mailto: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.

Section 147 (5) of the *Environmental Planning and Assessment Act 1979* states in part:

"A person who makes a relevant public submission to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council,
- (b) all gifts made to any local councillor or employee of that council."

If further information is required on this, ask Council's Customer Service staff.

### Further information

Please contact Stephen Nicholson on phone 6581 8529.

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## Planning Proposal

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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*. It has been assessed by Port Macquarie-Hastings Council, the NSW Department of Planning and Infrastructure, and (based on the Gateway determination) been used for public participation on the proposed LEP amendment.

### Background

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<b>Proposal</b>	To make further minor corrections (with no public effect) to <i>Port Macquarie-Hastings Local Environmental Plan 2011</i> ,
<b>Property Details</b>	The corrections apply to specific locations – refer to the details in Appendix B.
<b>Applicant Details</b>	Port Macquarie-Hastings Council
<b>Land owner</b>	Various
<b>Brief history</b>	<p>PM-H LEP 2011 was prepared over 5 years, and is a much more complex LEP than previous LEPs, due to:</p> <ul style="list-style-type: none"><li>• ongoing changes to the LEP template upon which it is based, and</li><li>• the indirect relationships between the multiple map series.</li></ul> <p>The refinements relate to:</p> <ul style="list-style-type: none"><li>• resolving errors in the LEP text,</li><li>• resolving anomalies in the LEP maps.</li></ul>

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## **Part 1 - Objectives or Intended Outcomes**

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The intended outcomes are to make the following minor corrections to *Port Macquarie-Hastings Local Environmental Plan 2011*:

1. In Schedule 5 Environmental Heritage, correct the property descriptions and Item numbers for two heritage items.
2. In Schedule 5 Environmental Heritage, correct a column heading.
3. On the Land Zoning Map, update the Purpose for three land parcels which are zoned SP2 Infrastructure to the relevant defined terms. In one case the SP2 zone is split into 2 areas, with different Purposes.
4. On the Lot Size Map, remove minimum lot size requirements for land within a Nature Reserve.

Full details for each of the above are contained in Appendix B.

## **Part 2 - Explanation of Provisions**

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The relevant changes to the LEP text and to Map Index are detailed in Appendix A.

## **Part 3 – Justification**

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### **Section A - Need for the planning proposal**

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

The planning proposal does not result from 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?**

The planning proposal seeks to correct errors in *Port Macquarie-Hastings Local Environmental Plan 2011*. For Council to rectify these errors it is necessary for Council to include the corrections within a planning proposal.

It is considered that this is the best means to achieve the correction of the errors in the LEP.

#### **3. Is there a net community benefit?**

There is a net community benefit in removing errors that would otherwise confuse and complicate future planning actions that would be affected by the errors if they remained.

### **Section B - Relationship to strategic planning framework.**

#### **1. Is the planning proposal consistent with the objectives and actions contained within the Mid North Coast Regional Strategy 2006-31?**

The planning proposal is consistent with the *Mid North Coast Regional Strategy 2006-31* and the *Mid North Coast Farmland Mapping Project*.

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

The planning proposal is consistent with Council's *Community Strategic Plan* and *Urban Growth Management Strategy 2010 – 2031*.

**3. Is the planning proposal consistent with applicable state environmental planning policies?**

The planning proposal is consistent with all applicable state environmental planning policies.

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

The planning proposal is consistent with all applicable section 117 directions.

**Section C - Environmental, social and economic impact.**

**1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No.

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

No.

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

Yes – the only relevant social or economic effects are reducing the potential confusion and inefficiencies that could arise if the errors were allowed to remain.

**Section D - State and Commonwealth interests.**

**1. Is there adequate public infrastructure for the planning proposal?**

Yes.

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

The Gateway determination (refer Appendix D) stated that consultation with public authorities was not required.

Notwithstanding this, as in part this Planning Proposal applies to land under the management of the Office of Environment and Heritage (OEH), relevant extracts of the Planning Proposal were forwarded to OEH. Their response dated 2 May 2012 advises that they have no objection to the removal of lot size restrictions over the Woregore Nature Reserve.

In addition, the OEH response mistakenly interprets the Proposal as removing lot size restrictions from Crown land zoned E2, and does not support this. This is not the case, and no action is required.

**Part 4 – Community Consultation**

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The changes in this proposal will have negligible impact, other than removing some minor errors and updating SP2 Infrastructure purposes to the defined terms. No adverse impact is expected for any person as a consequence of the proposed changes. Of the land affected by the changes, only two properties are privately owned (refer Item 1 in Appendix B), and the corrections will be inconsequential to the owners.

The Gateway Determination (refer to Appendix D) from the NSW Department of Planning & Infrastructure requires community consultation for 14 days.

The Planning Proposal was public exhibited from 20 April to 4 May 2012 in accordance with the Gateway requirements. Written notice was given to the landowners of the two privately owned land parcels at Telegraph Point.

No submissions were received.

## **Contact Details**

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Stephen Nicholson  
Senior Strategic Planner  
Port Macquarie-Hastings Council  
PO Box 84  
PORT MACQUARIE NSW 2444

Email: [stephen.nicholson@pmhc.nsw.gov.au](mailto:stephen.nicholson@pmhc.nsw.gov.au)

Phone: (02) 6581 8529

## Appendix A – List of proposed amendments

### A. Changes to text

Provision	Changes	Appendix B - details reference									
Sch 5 Environmental Heritage Part 1	Correct Property Descriptions and Item Nos for two shops in Rollands Plains Rd, Telegraph Point as follows: <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Address</th> <th>Property Description</th> <th>Item No</th> </tr> </thead> <tbody> <tr> <td>50 Rollands Plain Road</td> <td>Lot 9, DP 243959</td> <td>I043</td> </tr> <tr> <td>54 Rollands Plain Road</td> <td>Part Lot 1, DP 335676</td> <td>I042</td> </tr> </tbody> </table>	Address	Property Description	Item No	50 Rollands Plain Road	Lot 9, DP 243959	I043	54 Rollands Plain Road	Part Lot 1, DP 335676	I042	1
Address	Property Description	Item No									
50 Rollands Plain Road	Lot 9, DP 243959	I043									
54 Rollands Plain Road	Part Lot 1, DP 335676	I042									
Sch 5 Environmental Heritage Part 4	Omit heading to first column of the table, and insert instead: "Name of Aboriginal object or place of heritage significance"	2									

### B. Changes to Map Sheets

#### The following map sheets are revoked:

Map sheets	Map sheet identifier	Appendix B - details reference
<b>Land Zoning Map</b>		
LZN_012	6380_COM_LZN_012_080_20110202	3.1
LZN_013D ‡	6380_COM_LZN_013D_020_20110524	3.2
LZN_013G	6380_COM_LZN_013G_020_20111207	3.2
LZN_014A	6380_COM_LZN_014A_020_20111208	3.3
LZN_014C	6380_COM_LZN_014C_020_20110202	3.3
<b>Lot Size Map</b>		
LZN_013F	6380_COM_LSZ_013F_020_20110614	4
LSZ_013FA	6380_COM_LSZ_013FA_010_20110630	4

‡ LZN\_013D is also subject to another Planning Proposal, though it is yet to be publicly exhibited. No conflict in completion is anticipated. There are no other amendments pending that affect these sheets.

#### The following map sheets are adopted:

Map sheets	Map sheet identifier	Appendix B - details reference
<b>Land Zoning Map</b>		
LZN_012	6380_COM_LZN_012_080_20120221	3.1
LZN_013D ‡	6380_COM_LZN_013D_020_20120221	3.2
LZN_013G	6380_COM_LZN_013G_020_20120221	3.2
LZN_014A	6380_COM_LZN_014A_020_20120222	3.3
LZN_014C	6380_COM_LZN_014C_020_20120222	3.3
<b>Lot Size Map</b>		
LSZ_013F	6380_COM_LSZ_013F_020_20120221	4
LSZ_013FA	6380_COM_LSZ_013FA_010_20120221	4

‡ LZN\_013D is also subject to another Planning Proposal, though it is yet to be publicly exhibited. No conflict in completion is anticipated. There are no other amendments pending that affect these sheets.

## Appendix B – Details of proposed amendments

### Item No 1 – Schedule 5 Environmental Heritage: Part 1

#### Issue

The listing of heritage items I042 and I043 at Nos 54 and 50 Rollands Plains Road, Telegraph Point within Part 1 of Schedule 5 contains errors in relation to:

- The Property descriptions and Item numbers have been swapped, and
- In one case the property description has not been updated (as had been assumed) following partial acquisition for highway upgrade in 1973, and that title is not in force.

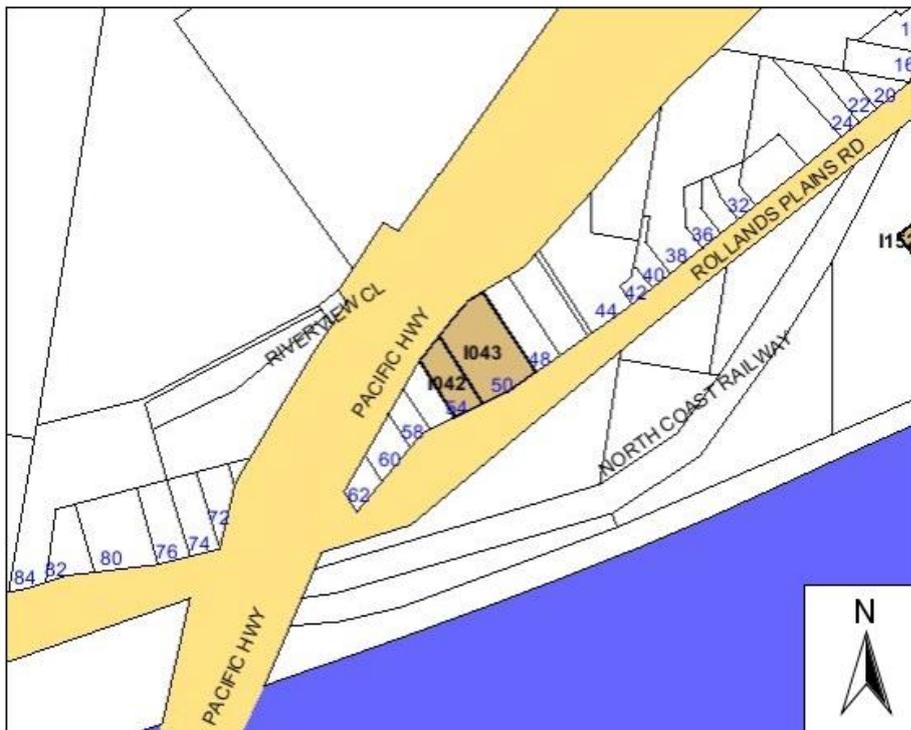
#### CURRENT

Suburb	Item name	Address	Property description	Significance	Item no
Telegraph Point	Shop	50 Rollands Plains Road	Lot 8, DP 243959	Local	I042
Telegraph Point	Shop	54 Rollands Plains Road	Lot 9, DP 243959	Local	I043

The proposed corrections are shown in the recommendation. No change is required to the Heritage Map.

#### Affected land

In practical terms, no land is affected by the change of the column heading in the table. The relevant land is shown below. Council has no interest in the land.



#### Recommendation

In Part 1 of Schedule 5 Environmental Heritage, omit from the table the entries at Telegraph Point relating to Items I042 and I043 and substitute instead:

Telegraph Point	Shop	50 Rollands Plains Road	Lot 9, DP 243959	Local	I043
Telegraph Point	Shop	54 Rollands Plains Road	Part Lot 1, DP 335676	Local	I042

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## Item No 2 – Schedule 5 Environmental Heritage: Part 4

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### Issue

The Standard LEP template was amended so that Aboriginal places of heritage significance were no longer a type of Heritage Conservation Area. Four Aboriginal places of heritage significance are listed in Schedule 5 of the LEP. An amendment in July 2011 moved this list within Schedule 5 from *Part 2 Heritage conservation areas* to a new *Part 4 Aboriginal objects and places of heritage significance*.

That amendment erroneously retained a column heading of “Name of heritage conservation area”. It is proposed to update this heading.

### Affected land

In practical terms, no land is affected by the change of the column heading in the table.

### Recommendation

In Part 4 of Schedule 5 Environmental Heritage, omit heading to first column of the table, and insert instead: “Name of Aboriginal object or place of heritage significance”.

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## Item No 3 – Land Zoning Map and SP2 Infrastructure “Purpose”

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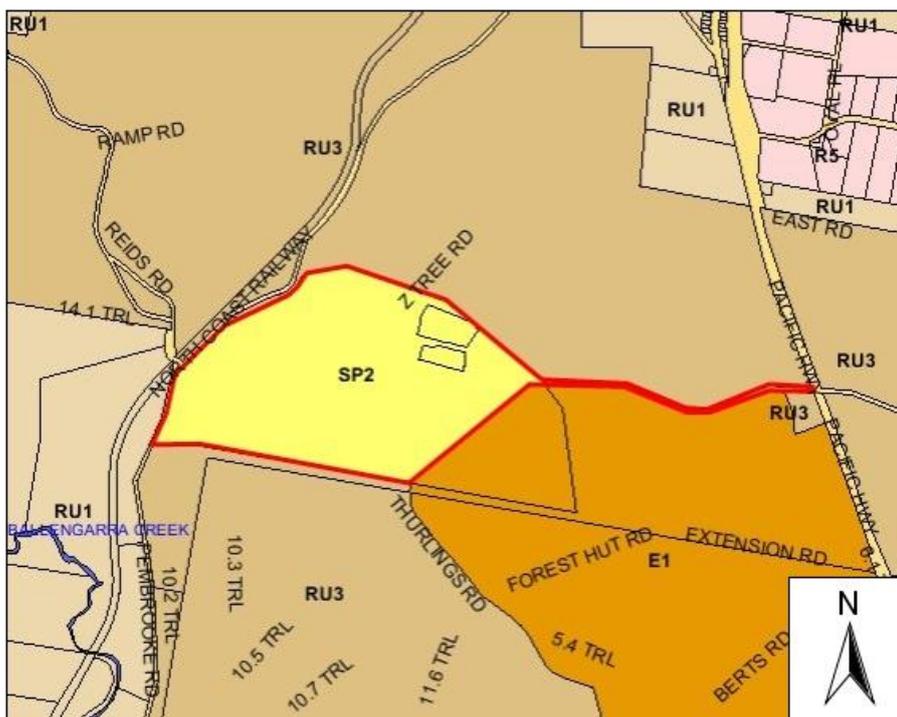
### Issue

Where land is zoned SP2 Infrastructure, the Land Zoning Map is also meant to show the relevant Purpose. There are three locations where the “Waste management facility” Purpose shown on the map is not a currently defined term from the LEP Dictionary, due to deletion of the term that was used when the LEP originally came into force.

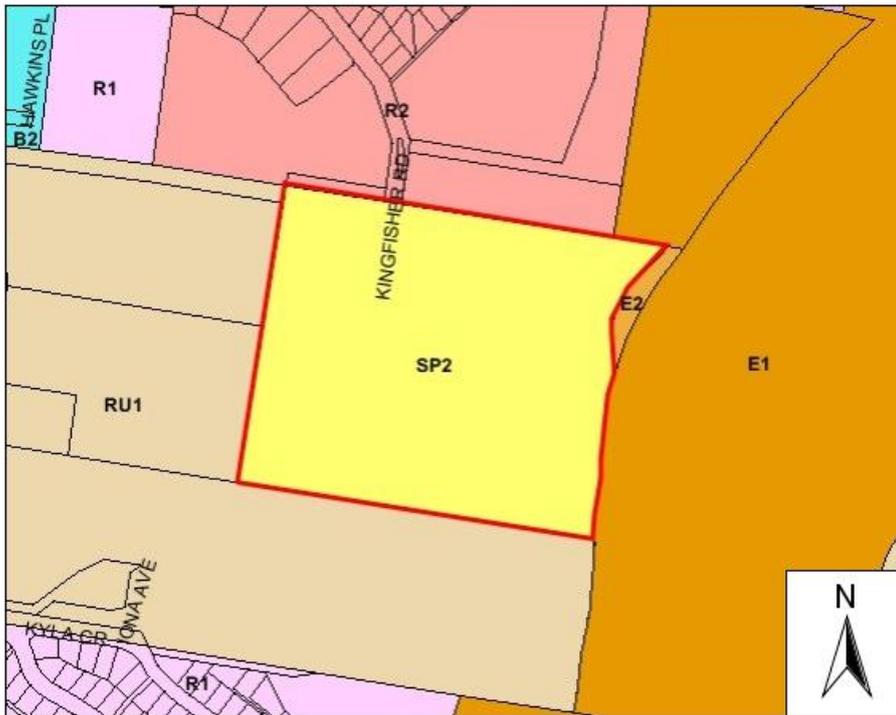
In the first two cases it is proposed to substitute the defined term of “Waste or resource management facility”. For Dunbogan it is proposed to substitute the defined terms of “Waste or resource management facility and Sewerage system”.

### Affected land

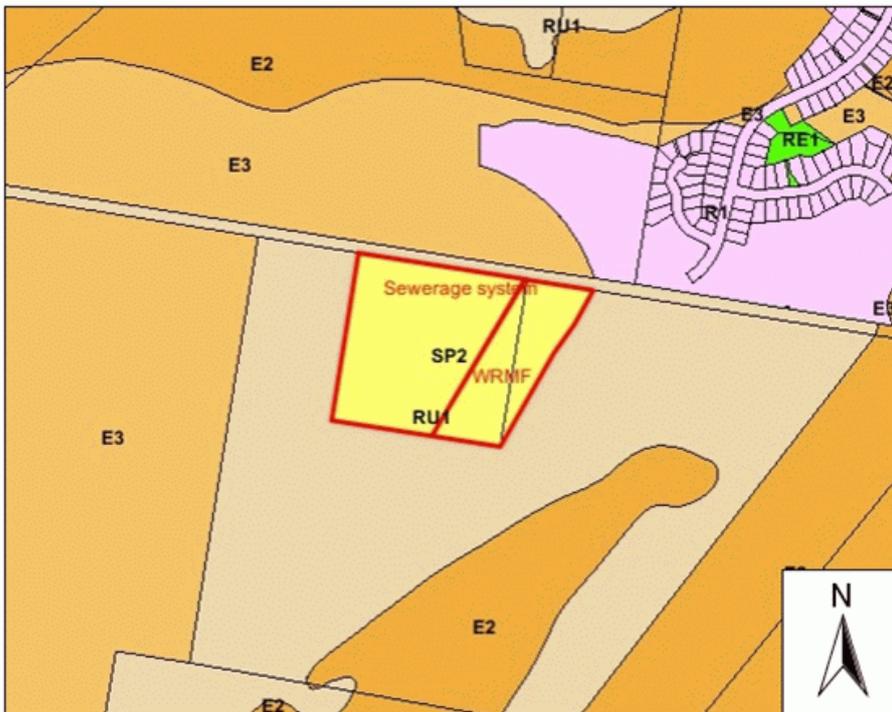
1. Cairncross (Map sheet 012) – owned by Council



2. Kingfisher Road, Port Macquarie (Map sheets 013D & 013G) – owned by Council.



3. Dunbogan (Map sheets 014A and 014C) – Crown land managed by Council.



### Recommendation

That, in relation to land zoned SP2 Infrastructure and Purpose “Waste management facility”, the Land Zoning Map be amended by changing the Purpose:

- on map sheets 012, 013D & 013G to “Waste or resource management facility”, and
- on map sheets 014A & 014C to “Sewerage system” and “Waste or resource management facility”.

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## Item No 4 – Woregore Nature Reserve, Park Street, Port Macquarie

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### Issue

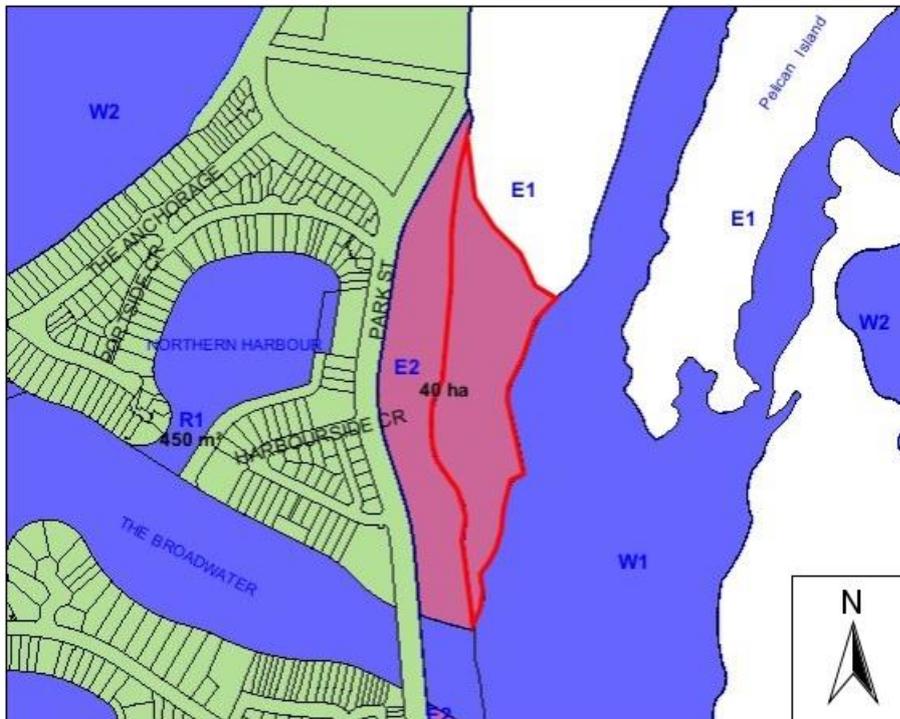
On the eastern side of Park Street, north of The Broadwater canal, is Crown land zoned E2 Environmental Conservation and part of Woregore Nature Reserve, zoned E1 National Parks and Nature Reserves.

On the Lot Size Map part of the land within the Nature Reserve is subject to a minimum lot size of 40 ha – this area is outlined in red on the map below.

Normally no minimum lot size is applied to National Parks or Nature Reserves, and it is considered appropriate to remove the minimum lot size requirement from this land.

### Affected land

The affected land (on LEP map sheets LSZ\_013F and LSZ\_013FA) is outlined in red on the map below. Council has no interest in this land, which is Nature Reserve.



The minimum lot size of 40 ha will be retained for the Crown land zoned E2, being the land between the red outline and Park Street.

### Recommendation

That the minimum lot size requirement over part of Woregore Nature Reserve, east of Park Street, Port Macquarie (map sheets LSZ\_013F and LSZ\_013FA) be removed.

## Appendix C – Site Identification Maps

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

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

Site Identification Map name	Sheet Nos	Item No (Appendix B)
SID Am 15 Sheet 012	012	3.1
SID Am 15 Sheet 012A	012A	1
SID Am 15 Sheets 013D 013G	013D 013G	3.2
SID Am 15 Sheets 013F 013FA	013F 013FA	4
SID Am 15 Sheets 014A 014C	014A 014C	3.3

Note that Item 1, while relating to two parcels of land at Telegraph Point, does not involve any map changes.

SID 012

SID 012A

SID 013D 013G

SID 013F 013FA

SID 014A 014C

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## **Appendix D – Gateway Determination**

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Following is a copy of the Gateway Determination for this Planning Proposal.

[Gateway determination, page 1]

[Gateway determination, page 2]

## **Appendix E – Map Cover Sheet**

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

Where printed, the Map Cover Sheet will follow this page, just as the new map sheets to be adopted could follow the introductory page for Appendix F.

Where in electronic form, it is possible the Map Cover Sheet will be separate documents.

Note that the Map Cover Sheet will reflect the final content of the Part B Changes to Map Sheets within Appendix A.

Following is a draft Map Cover Sheet, based on current map sheet details. It will be finalised as part of the submission for formal approval of the Planning Proposal.

Map cover sheet

## **Appendix F – Map Sheets proposed for adoption**

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Where printed, the relevant Map Sheets submitted for adoption could follow this page.

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

The map sheets to be adopted are listed in the Map Cover Sheet (see Appendix E) and in Appendix A - Part B Changes to Map Sheets.

Note that there may be revisions to the map sheets prior to the formal approval of the Planning Proposal. The map sheets in this appendix are indicative of what may be approved.