

Port Macquarie-Hastings LEP 2011 (Amendment No.15) - Minor Corrections

Proposal Title : **Port Macquarie-Hastings LEP 2011 (Amendment No.15) - Minor Corrections**

Proposal Summary : **To undertake a housekeeping amendment of minor corrections to Port Macquarie-Hastings LEP 2011.**

PP Number : **PP_2012_PORTM_002_00** Dop File No : **12/05554**

Proposal Details

Date Planning Proposal Received : **23-Mar-2012** LGA covered : **Port Macquarie-Hastings**

Region : **Northern** RPA : **Port Macquarie-Hastings Council**

State Electorate : **OXLEY
PORT MACQUARIE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Port Macquarie-Hastings Local Government Area**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**
Contact Number : **0267019685**
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RPA Contact Details

Contact Name : **Stephen Nicholson**
Contact Number : **0265818529**
Contact Email : **stephen.nicholson@pmhc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**
Regional / Sub Regional Strategy : **Mid North Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :	n/a	Date of Release :	
Area of Release (Ha)	0.00	Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **To the best of the Regional Team's knowledge the NSW Government's Lobbyists Code of Conduct has been complied with.**

External Supporting Notes : **The proposed corrections are of a inconsequential or transitional nature and are likely to have no significant impact.**

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The objective and intended outcomes of the planning proposal are adequately expressed for the proposed amendment to Port Macquarie-Hastings LEP 2011.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **1.5 Rural Lands**
2.1 Environment Protection Zones

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **The planning proposal is considered to be consistent with the Mid North Coast Regional Strategy.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Council has identified that the planning proposal is consistent with all relevant s117 Directions. While the planning proposal states that it is consistent with all relevant section 117 Directions, it is considered that it is inconsistent with section 117 Direction 2.1 Environmental Protection Zones. This matter is discussed below in detail in relation to the strategic planning framework.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The mapping that has been provided with the planning proposal identifies the affected lands and the proposed map amendments appropriately.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment :

The planning proposal seeks to undertake minor housekeeping amendments to Port Macquarie-Hastings LEP 2011 and does not propose any consultation.

Given the nature of the planning proposal, and as the planning proposal identifies no adverse impact for any person as a consequence of the changes, the recommendation that no consultation be undertaken is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Port Macquarie-Hastings LEP 2011 was notified on 23 February 2011.

Assessment Criteria

Need for planning proposal :

The planning proposal is needed to make minor corrections to the Plan that have been identified since the Plan was made or due to transitional issues associated with the Standard Instrument LEP Order and the State Environmental Planning Policy Amendment (Standard Instrument) 2011. A total of four corrections have been identified as follows:

- 1. Correct property descriptions in Schedule 5 Environmental Heritage for heritage items I042 and I043, 50 and 54 Rollands Plains Road, Telegraph Point;**
- 2. Replace the existing 'Name of heritage conservation area' column heading in Part 4, Schedule 5 Environmental Heritage, with 'Name of Aboriginal object or place of heritage significance';**
- 3. Amend the existing map notations for three Council owned SP2 Infrastructure sites to provide consistency with the current Standard Instrument dictionary; and**
- 4. Remove the existing 40 hectare minimum lot size standard applying to land in Zone E1 National Parks and Nature Reserves within Woregore Nature Reserve, Port Macquarie, to**

be consistent with other National Parks and Nature Reserves in the LGA which have no specified minimum lot size under the Plan.

These corrections are considered to be appropriate and required to ensure that the LEP operates effectively and accurately.

Consistency with strategic planning framework :

The four items detailed above and in Appendix B of the planning proposal are considered to be consistent with the Mid North Coast Regional Strategy, the Standard Instrument LEP Order and relevant State Environmental Planning Policies and section 117 Directions, except in relation to the following:

Section 117 Direction 2.1 Environmental Protection Zones

Item 4, Change of minimum lot size at Woregore Nature Reserve, Port Macquarie. While the planning proposal states that it is consistent with all relevant section 117 Directions, it is considered that it is inconsistent with this Direction as it will modify the development standards that apply to the land.

The inconsistency is considered to be justified as a matter of minor significance as the modification of the minimum lot size development standard in this instance will not have any real effect in lessening the environmental protection standards as:

1. it is Crown land within an established nature reserve that can only be developed and managed in accordance with the National Parks and Wildlife Act, 1974;
2. the current 40 hectare development standard was applied to the land by Council in a mapping error and has no environmental protection basis; and
3. the removal of the 40 hectare minimum lot size standard is consistent with the treatment and level of protection for other National Park and nature reserve areas within the Plan.

Environmental social economic impacts :

No adverse environmental, social or economic impact has been identified as resulting from the proposal.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **Nil**

Timeframe to make LEP : **3 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Amendment No.15.pdf	Proposal	Yes
Planning Proposal - Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal - Council Report.pdf	Proposal	Yes
Site Identification Map 013D 013G.pdf	Map	Yes
Site Identification Map 012A.pdf	Map	Yes
Site Identification Map 013F 013FA.pdf	Map	Yes
Site Identification Map s 014A 014C.pdf	Map	Yes
Site Identification Map Sheet 012.pdf	Map	Yes
6380_COM_LZN_012_080_20120221.pdf	Map	Yes
6380_COM_LZN_013D_020_20120221.pdf	Map	Yes
6380_COM_LSZ_013F_020_20120221.pdf	Map	Yes
6380_COM_LSZ_013FA_010_20120221.pdf	Map	Yes
6380_COM_LZN_013G_020_20120221.pdf	Map	Yes
6380_COM_LZN_014A_020_20120222.pdf	Map	Yes
6380_COM_LZN_014C_020_20120222.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

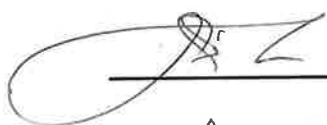
S.117 directions: **1.5 Rural Lands**
2.1 Environment Protection Zones

Additional Information : **It is recommended that:**
1. the planning proposal be supported;
2. that no community consultation be required;
3. that no Public Authority or internal consultation be required;
4. the planning proposal be completed within 3 months; and
5. the Director General's delegate agree to the inconsistency with s117 Direction 2.1 Environmental Protection Zones as a matter of minor significance.

Supporting Reasons : **The planning proposal will undertake minor corrections to Port Macquarie-Hastings LEP 2011. These corrections are considered as important in permitting the LEP to operate effectively and accurately.**

The proposal is considered to be consistent with the strategic planning framework in relation to the Mid North Coast Regional Strategy, the Standard Instrument LEP Order and relevant State Environmental Planning Policies. The proposal is also considered to be consistent or justifiably inconsistent with all relevant section 117 Directions.

Signature:



Printed Name:

JIM CLARK

Date:

27 March 2012

