

Environment

Meeting Date: 15/02/2012 - Environment

Item 36

**Subject LEP AMENDMENTS - FURTHER REFINEMENTS,
PP2011-0012 & PP2011-0015
Director MATT ROGERS (DES)**

Port Macquarie-Hastings Local Environmental Plan 2011 commenced in February 2011, providing LEP provisions for the whole of the Port Macquarie Hastings Local Government Area. Given the complexity and scope of the LEP, Council has foreshadowed the need for a series of administrative amendments, the first of which was recently signed-off by the State Government.

A further group of minor amendments have now been identified by Council staff based on the application of LEP 2011. It is proposed that Council initiate the process of further amendments in 2 groups, having regard to the nature and effect of the amendments, as described in this report.

RECOMMENDATION

That Council:

- 1. Submit planning proposal PP2011-0012, relating to the further refinements as outlined in this report, to the Department of Planning and Infrastructure for Gateway determination.**
- 2. Submit planning proposal PP2011-0015, relating to the further minor corrections with minor public effect as outlined in this report, to the Department of Planning and Infrastructure for Gateway determination.**

Discussion

Port Macquarie-Hastings LEP 2011 commenced in February 2011, after complex preparation, including revisions to accommodate changing requirements from the State Government. Some errors were detected quite quickly and a LEP to correct these has recently been finalised.

Some further matters requiring correction or refinement have been identified. It is proposed to include these LEP amendments in 2 groups, as shown below:

Group 1

PP2011-0012 Further minor refinements

- 1 Land Use Table: Airstrips
- 2 Land Use Table: Helipads
- 3 Land Use Table: Home-based child care
- 4 Land Use Table: Home industries
- 5 Land Use Table: Horticulture
- 6 Land Use Table: Roadside stall

- 7 Land Use Table: Vehicle repair station
 - 8 Clause 5.6 Architectural roof features
 - 9 Schedule 2 Exempt Development: farm dams
 - 10 47 Cowarral Circ, Wauchope
 - 11 Tennis complex, Orara St, Kendall ©
 - 12 Pacific Highway upgrade, north of Oxley Highway
 - 13 Pacific Parkway, Lake Innes: recreation facilities (outdoor) ©
 - 14 Port Macquarie Airport expansion: LEP update ©
 - 15 Sunset Parade, Port Macquarie ©
 - 16 2394 Oxley Highway, Wauchope
 - 17 Floor Space Ratio Map anomalies, Port Macquarie ©
- Further details are contained in:



PP2011_0012DescriptionIssues.pdf

Group 2

PP2011-0015 Further minor corrections with no public effect

These are minor corrections to text and maps of a technical nature.

- 1 Schedule 5 Environmental Heritage: Part 1
- 2 Schedule 5 Environmental Heritage: Part 4
- 3 Land Use Zoning Map and SP2 Infrastructure "Purpose" ©
- 4 Woregore Nature Reserve, Park Street, Port Macquarie

Further details are contained in:



PP2011_0015DescriptionIssues.pdf

© - This identifies issues where Council has an interest in land that is affected. In each case, the effect of the proposed amendment is minor, as detailed in the attachments above. For Group 1 matters, it is proposed to include a statement regarding Council's interests and the expected effect of the changes for Council as part of the planning proposal.

The single Group 2 matter which concerns Council land is merely a change in the special use purpose (i.e. the specific use/s allowed in the SP2 Infrastructure zone applying to the land) to match the current land use definitions in PMH LEP 2011. The intention is to make clear the types of uses that are permitted in the zone under the relevant definition and there is therefore no substantive effect for Council as a landowner.

Alignment With Delivery Program

The recommendations in this report are consistent with Council's Delivery Program objectives, particularly "Review planning framework for decisions regarding land use and development".

Consultation

The Gateway determination will specify the public consultation to be carried out.

In relation to PP2011-0015, which is considered to have no significant impact public impact, it will be suggested that no public consultation be required as the matters are simply technical corrections.

For PP2011-0012, the exhibition period may be 14 or 28 days, in accordance with statutory requirements and as specified by the Gateway Panel of the NSW Department of Infrastructure & Planning.

Planning and Policy Impact

The proposed changes will remove potential problems or delays for planned or possible future development.

Financial & Economic Implications

There are negligible financial and economic implications.

Options

Council may opt to defer or omit some or all of the items detailed in this report.

COUNCIL RESOLUTION: ADOPTED:

- 1. Submit planning proposal PP2011-0012, relating to the further refinements as outlined in this report (excluding Item No 12 - Pacific Highway upgrade, north of Oxley Highway), to the Department of Planning and Infrastructure for Gateway determination.**
- 2. Submit planning proposal PP2011-0015, relating to the further minor corrections with minor public effect as outlined in this report, to the Department of Planning and Infrastructure for Gateway determination.**
- 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.**

Further minor corrections to Port Macquarie-Hastings LEP 2011

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 following partial acquisition for highway upgrade in 1973, and the assumed title is not in force.

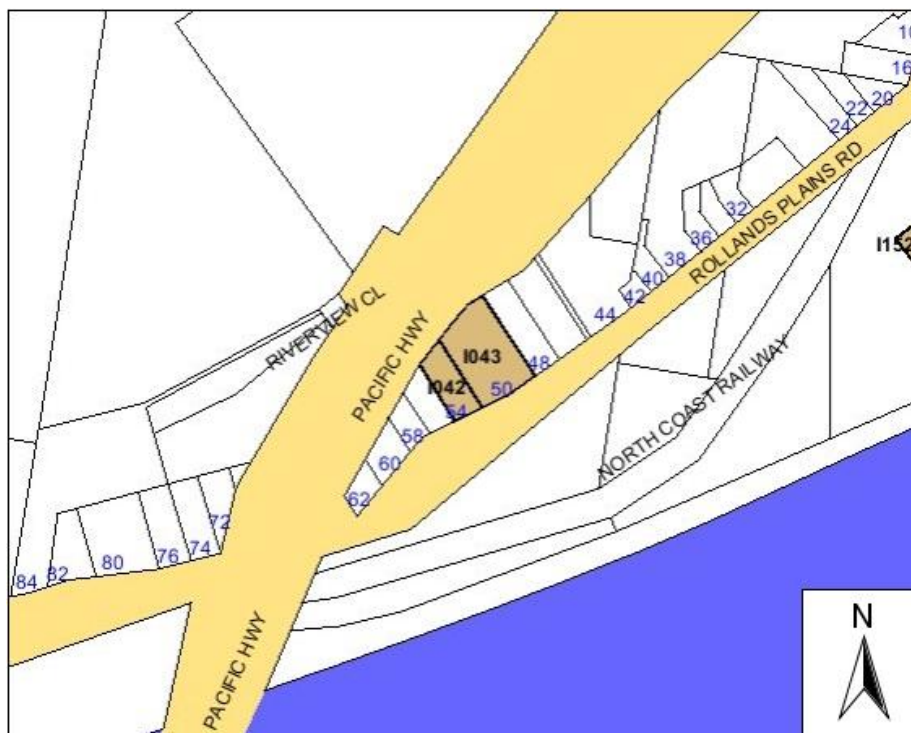
CURRENT

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

Item No 2 – Schedule 5 Environmental Heritage: Part 4

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.”

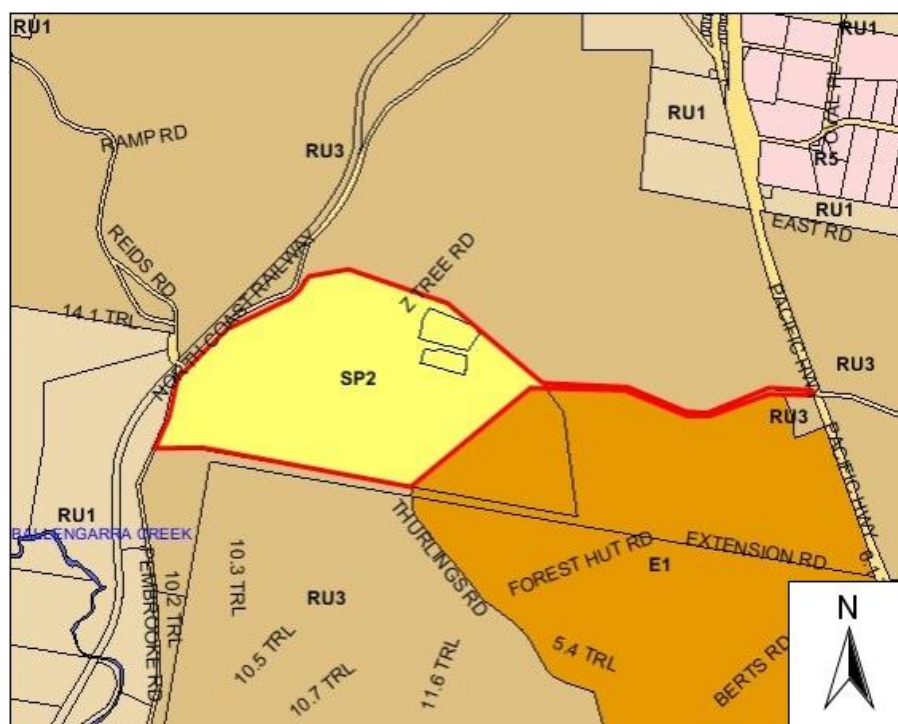
Item No 3 – Land Zoning Map and SP2 Infrastructure “Purpose”

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.

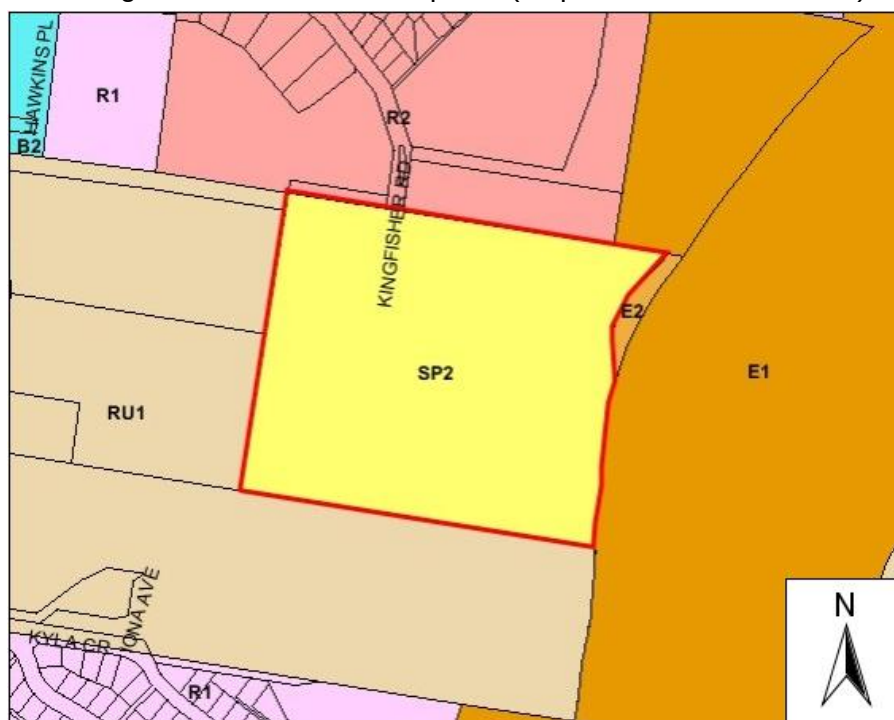
In the first two cases it is proposed to substitute the defined term of “Waste or resource management facility”. For Dunbogan it is proposed to substitute the defined terms of “Waste or resource management facility and Sewerage system”

Affected land

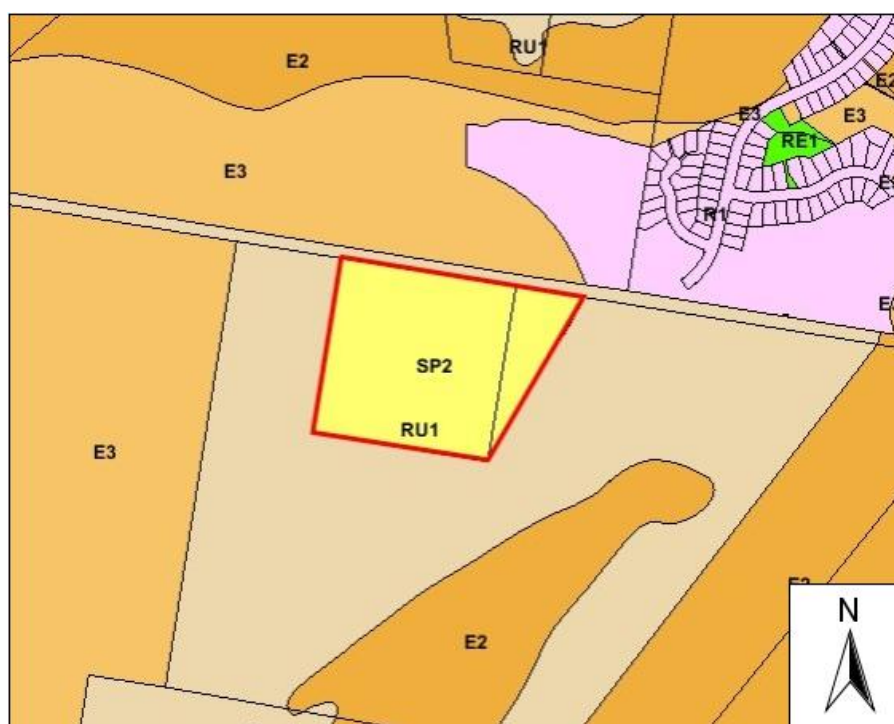


1. Cairncross (Map sheet 012) – owned by Council

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 “Waste or resource management facility and Sewerage system”.

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

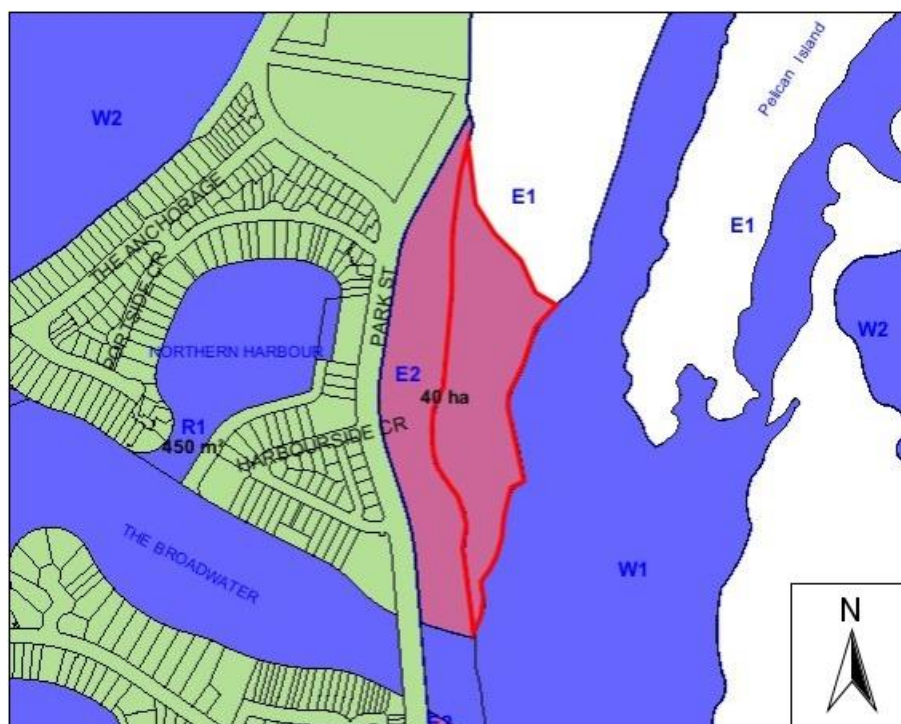
Issue

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.

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



Council has no interest in this land, which is Nature Reserve.

Recommendation

That the minimum lot size requirement over part of Woregore Nature Reserve, east of Park Street, Port Macquarie (map sheet LSZ_013FA) be removed.