

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: *

Date: 20/03/2012



Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Draft within Council	30/01/2012
Lodged with Council	
Reported to Council [sec 55]	15/02/2012
Adopted by Council & referred to Dept of Planning [sec 56 (1)]	20/03/2012
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 & referred to Dept of Planning [sec 58 (2)]	

Council reference: PP2011-0015

Port Macquarie-Hastings LEP 2011 (Amendment No 15)

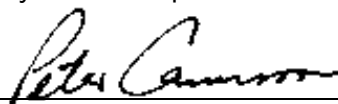
Department of Planning & *

Infrastructure reference:

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 

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 (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 sheet contained in Appendix C, following page 14.

Any "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 {date} to {date}, 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 - PP2011-0015 - 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.

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 {name} on phone 6581 {ext #}.

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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*. 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	To make further minor corrections (with no public effect) to <i>Port Macquarie-Hastings Local Environmental Plan 2011</i> ,
Property Details	The corrections apply to specific locations – refer to the details in Appendix B.
Applicant Details	Port Macquarie-Hastings Council
Land owner	Various
Brief history	PM-H LEP 2011 was prepared over 5 years, and is a much more complex LEP than previous LEPs, due to: • ongoing changes to the LEP template upon which it is based, and • the indirect relationships between the multiple map series. The refinements relate to: • resolving errors in the, • resolving anomalies in the LEP maps.

Part 1 - Objectives or Intended Outcomes

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

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

Part 3 – Justification

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. Given their minor technical nature, it is considered unhelpful for there to be any community consultation. Therefore it is proposed that they be processed separately from any planning proposal that requires community consultation.

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?

No views of public authorities have been sought, and none are considered necessary.

Part 4 – Community Consultation

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.

Community consultation in relation to this planning proposal is considered to be unnecessary having regard to the principles of public participation in the NSW planning system.

Therefore no community consultation is proposed.

If it is determined that there should be consultation, it is proposed that there be:

- One notification of the exhibition in a locally circulating newspaper.
- No written notification of the exhibition to landowners of the affected or adjoining sites.
- An exhibition period of 14 days.

Contact Details

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PORT MACQUARIE NSW 2444

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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"> <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
Land Zoning Map		
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
Lot Size Map		
LZN_013F	6380_COM_LSZ_013F_020_20110614	4
LSZ_013FA	6380_COM_LSZ_013FA_010_20110630	4

Note: 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
Land Zoning Map		
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_20120221	3.3
LZN_014C	6380_COM_LZN_014C_020_20120221	3.3
Lot Size Map		
LSZ_013F	6380_COM_LSZ_013F_020_20120221	4
LSZ_013FA	6380_COM_LSZ_013FA_010_20120221	4

Note: There are no other amendments pending that affect these sheets. In relation to these sheets, refer to Appendix F.

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

CURRENT

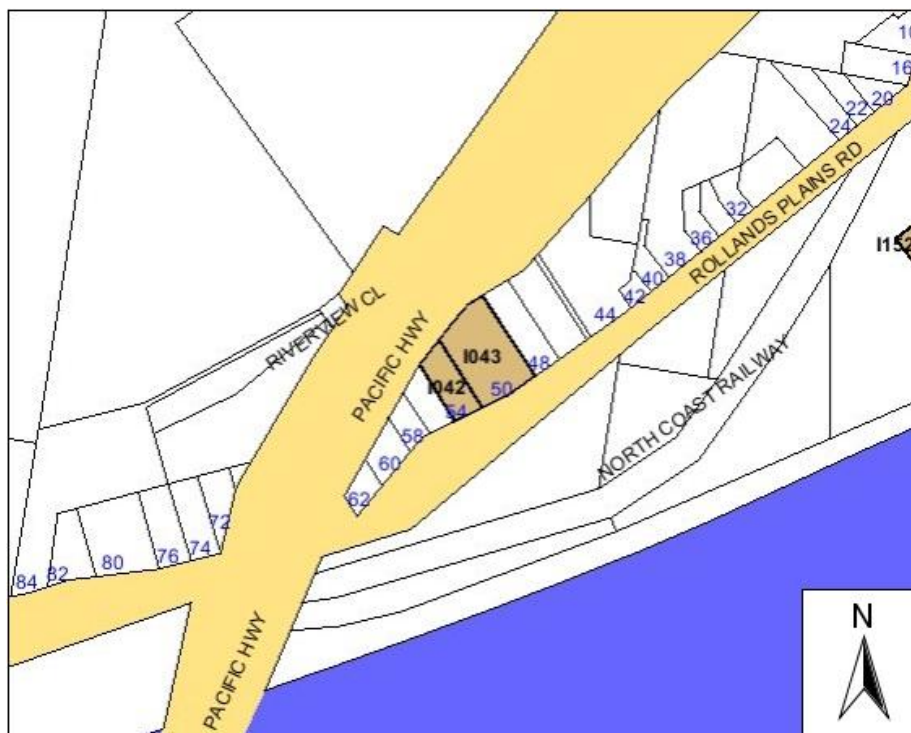
Suburb	Item name	Address	Property description	Significance	Item no
Telegraph Point	Shop	50 Rollands Plains Road	Lot 8, DP 243959	Local	I042
Telegraph Point	Shop	54 Rollands Plains Road	Lot 9, DP 243959	Local	I043

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”

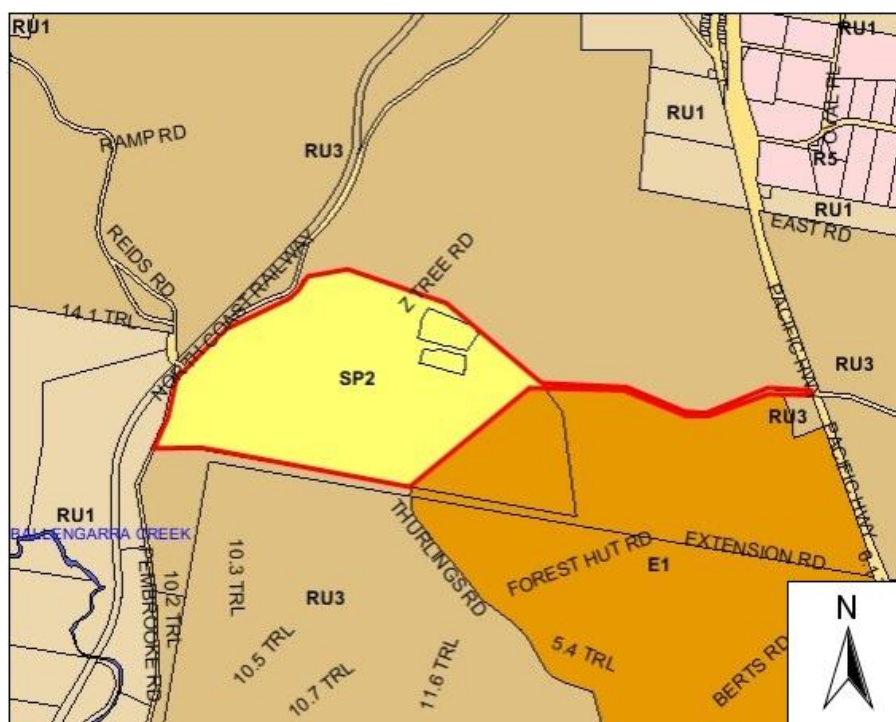
Issue

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.

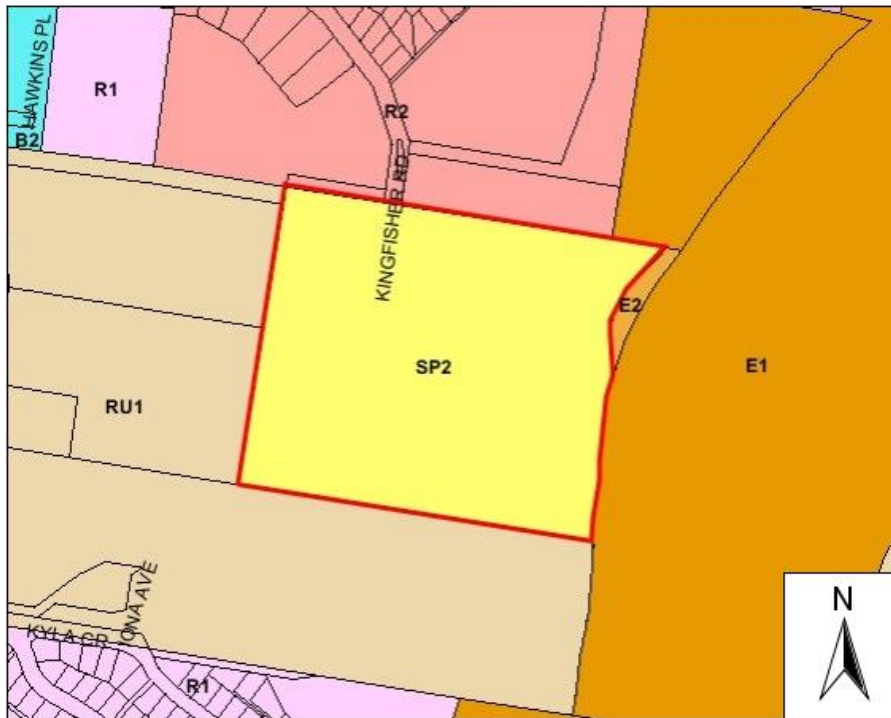
In the first two cases it is proposed to substitute the defined term of “Waste or resource management facility”. For Dunbogan it is proposed to substitute the defined terms of “Waste or resource management facility and Sewerage system”

Affected land

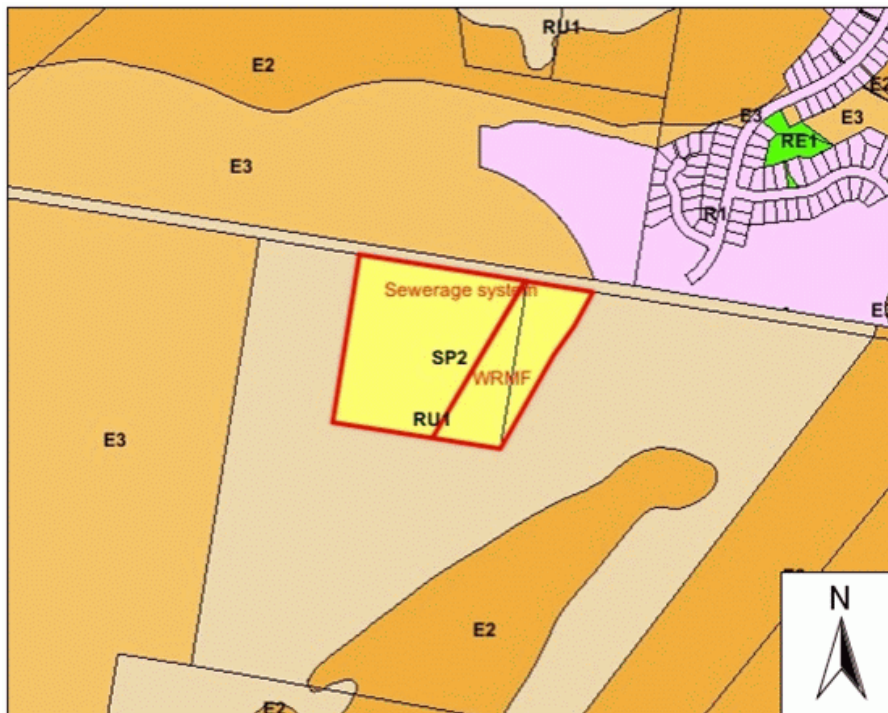
1. Cairncross (Map sheet 012) – owned by Council



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 “Sewerage system” and “Waste or resource management facility”.

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 sheets LSZ_013F and LSZ_013FA) be removed.

Appendix C – 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.

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.

Appendix D – Gateway Determination

A copy of the Gateway Determination for this Planning Proposal will be included in this Appendix if the Determination (when issued) requires:

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

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

Appendix E – Map Cover Sheet

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.

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

Where in electronic form, it is likely these pages 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.

Appendix F – Map Sheets to be adopted

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 D) and in Appendix A - Part B Changes to Map Sheets.