

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.**