



**Planning Proposal**

**KLEP 2013 Amendment No. 27**

**‘Housekeeping’ Amendments**

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# 1. PART 1 – OBJECTIVES OR INTENDED OUTCOMES

## 1.1 Introduction

This planning proposal has been prepared by Kempsey Shire Council ('Council') and is draft Kempsey Local Environmental Plan (KLEP) 2013 Amendment No. 27. This planning proposal comprises 'housekeeping' amendments to:

- Remove an identified portion of the mapped urban release area within *Urban Release Area Map Sheet URA\_013B* to enable the assessment of future development applications for dwellings/buildings within Stage 1 of the Malbec Part 3A approval (otherwise prohibited by clause 6.3 of Kempsey Local Environmental Plan (KLEP) 2013);
- Amend zone and minimum lot size mapping in response to a *Notice of Reservation under the National Parks & Wildlife Act 1974* received from the Office of Environment & Heritage (OEH); and
- Amend building height, land use zone and minimum lot size mapping for a small portion of R5-Large Lot Residential zone to standardise these values with the adjacent R1-General Residential zone in a single land parcel (currently the subject of a residential subdivision identified as the *Seascope Grove Residential Estate*, located at South West Rocks).

The planning proposal will be submitted to the Department of Planning and Environment (DP&E) for a Gateway determination.

## 1.2 Aim and Objectives

The aim of this planning proposal is:

- To make minor and reasonable amendments to KLEP 2013 mapping through a housekeeping amendment.

The objectives of the planning proposal are:

- To facilitate Stage 1 of the Malbec Part 3A approval through a minor amendment to the KLEP2013 Urban Release Area Map sheet;
- To amend mapping in KLEP 2013 in response to a *Notice of Reservation under the National Parks & Wildlife Act 1974* received from the OEH; and
- To consolidate and establish consistent building height, land zone and minimum lot size mapping within a single large land parcel known as the *Seascope Grove Residential Estate* which is located at South West Rocks.



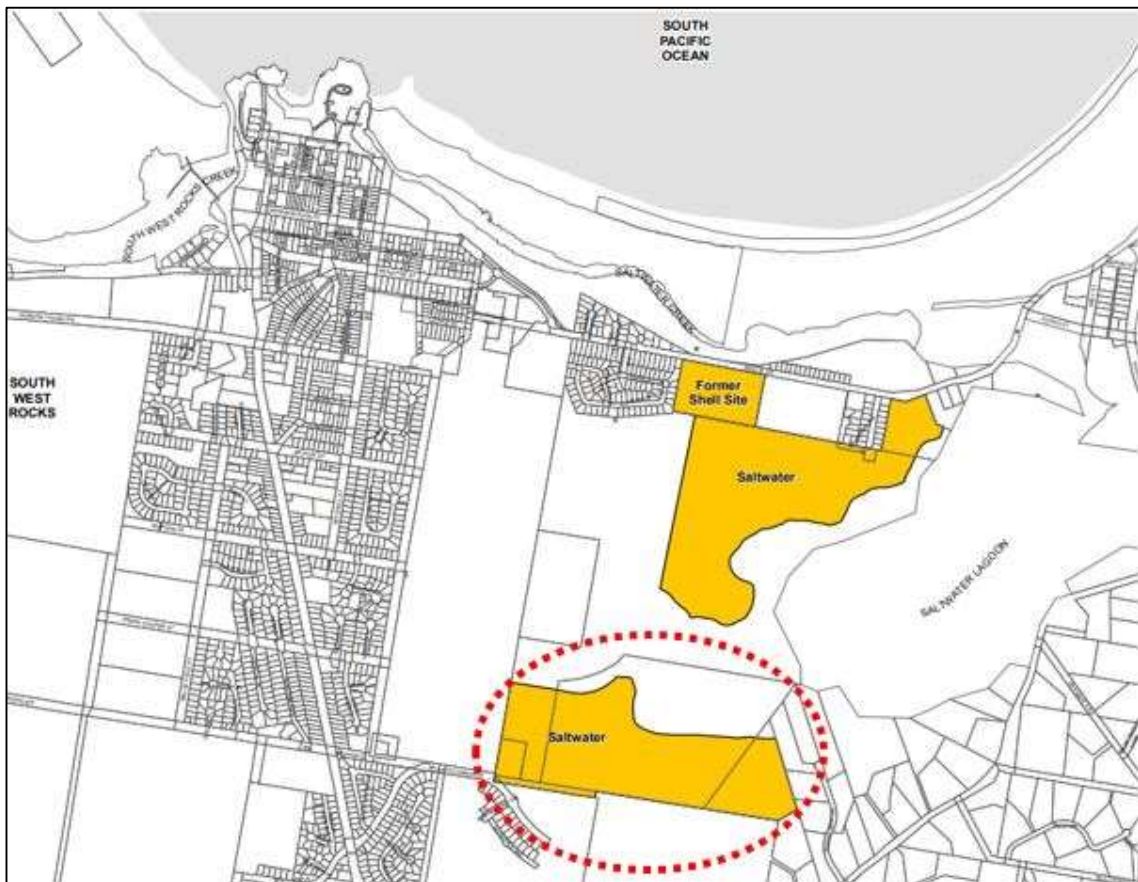
## 2. PART 2 – EXPLANATION OF PROVISIONS

This housekeeping amendment comprises amendments in relation to:

- a residential and seniors living subdivision approval at South West Rocks, known as the Malbec Part 3A approval;
- the reservation of land under the *National Parks and Wildlife Act 1974* for a portion of Limeburners Creek National Park and Willi Willi National Park; and
- a residential subdivision identified as the *Seascope Grove Residential Estate*, located at South West Rocks.

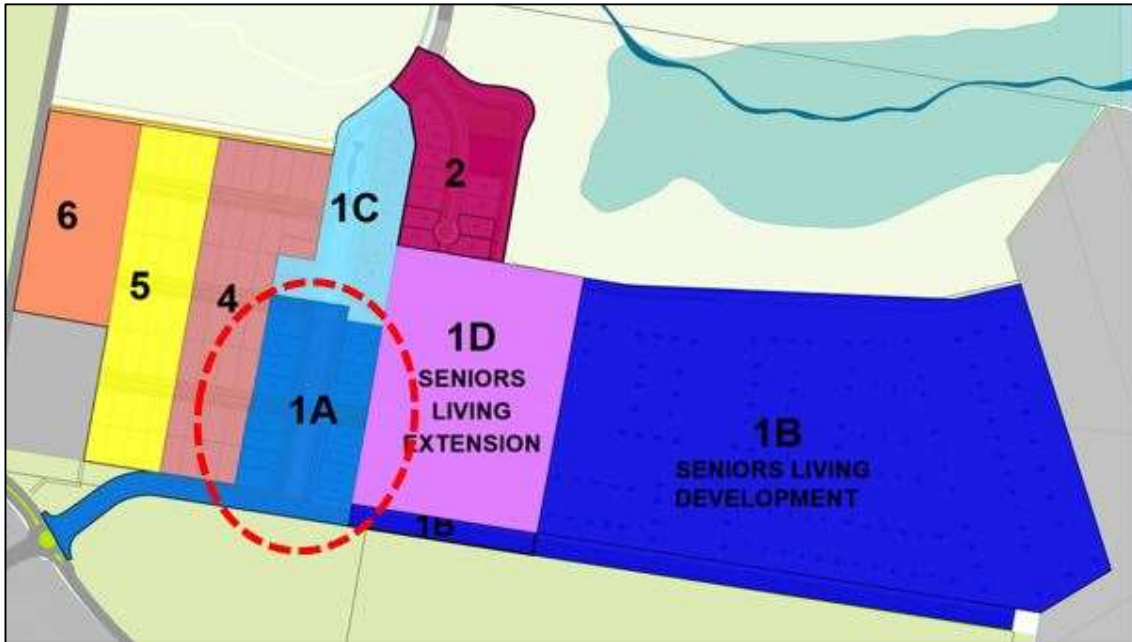
### 1. Malbec Part 3A residential subdivision approval - South West Rocks

The *Malbec Part 3A residential subdivision approval* is a portion of the Urban Release Area highlighted in Figure 1 below, (comprising Lots 1 and 2 DP1229162, Belle O'Connor Street, South West Rocks). The site is located approximately 3km south of the centre of South West Rocks and 30 km north east of Kempsey.



**Figure 1: Image taken from the KLEP 2013 Urban Release Area Map Sheet URA\_013B with the urban release areas coloured orange and the amendment location circled in red**

The portion of the above Urban Release Area that forms this amendment is identified as Stage 1A in Figure 2 (below). The proposed amendment will excise an area of approximately 1.7 hectares from the urban release area mapping (which will be subdivided from the surrounding parcels).



**Figure 2: Proposed staging plan for the urban release area identified in Figure 1 above. The portion the subject of this proposal is identified as Stage 1A and circled in red.**

On 3<sup>rd</sup> June 2011, Part 3A application no.: 08\_0617 (known as the Malbec Part 3A approval but identified in the urban release area mapping as the southern portion labelled “Saltwater”) was approved under section 75J(2) of the *Environmental Planning and Assessment Act 1979*. The Malbec Part 3A approval provides for a 269-lot low density residential subdivision and 1 medium density residue lot located in South West Rocks. This site is mapped as an Urban Release Area in KLEP 2013 with an underlying land zone of R1-General Residential and a minimum lot size of 500m<sup>2</sup>.

Clause 6.3 of KLEP 2013 states that development consent must not be granted for development on land in an urban release area unless a DCP addressing the matters in that clause (which is provided below in full) has been prepared. There isn’t such a DCP currently in place which would give rise to the situation that Council can’t grant consent to a DA for a dwelling/building on one of the newly created lots or within the seniors living development.

The suggested way forward is to remove the Urban Release Designation for the referred site. It is noted that the matters required in Clause 6.3(3) of the KLEP 2013 have already been provided as part of the Part 3A approval or are required to be addressed as per the conditions of approval. Therefore, imposing the Clause 6.3 requirements is considered unnecessary duplication in this particular instance (related KLEP 2013 clauses 6.1-*Designated State Public Infrastructure* and 6.2-*Public Utility Infrastructure* do not present any issues for this matter). Notwithstanding, Council’s intention is to draft the referred DCP, which will enable successive stages of the development to proceed without the need for future amendments to the urban release mapping in KLEP 2013.

The provisions of clause 6.3 of KLEP 2013 are stated below:

### **6.3 Development control plan**

*(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.*

*(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*

*(3) The development control plan must provide for all of the following:*

*(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*

*(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*

*(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*

*(d) a network of active and passive recreation areas,*

*(e) stormwater and water quality management controls,*

*(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*

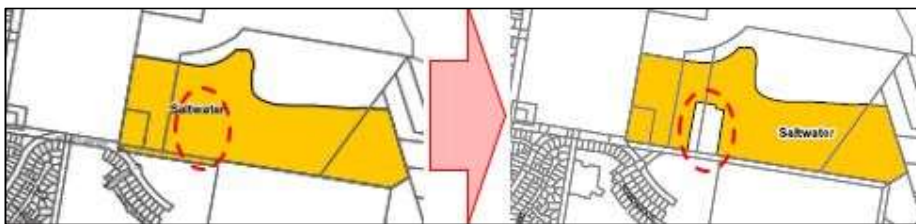
*(g) detailed urban design controls for significant development sites,*

*(h) measures to encourage higher density living around transport, open space and service nodes,*

*(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*

*(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

In summary, Figure 3 below, identifies the extent of the amendment proposed to the relevant Urban Release Area mapping in KLEP 2013.



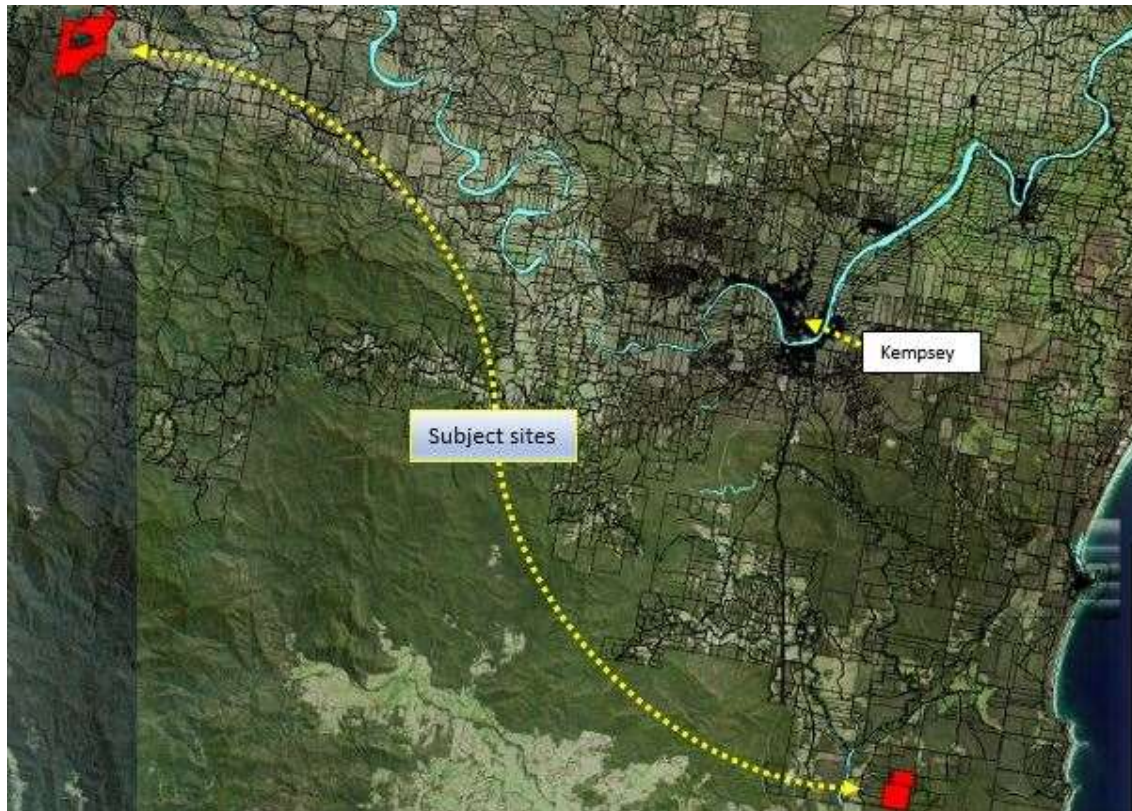
**Figure 3: Portion of Urban Release Area mapping (circled in red) proposed to be removed**



## 2. Reservation of land - Limeburners Creek National Park and Willi Willi National Park

The OEH has forwarded Council a *Notice of Reservation of a National Park* issued under the provisions of Section 30A(1) of the *National Parks and Wildlife Act 1974*. The notice identifies land parcels and road reserves that have been incorporated into the stated national parks. The implication for the KLEP 2013 is amendment to the land zone and minimum lot size mapping for the identified land parcels.

The Limeburners Creek National Park parcels are located approximately 35 kilometres south of Kempsey while the Willi Willi National Park parcels are located approximately 48 kilometres northwest of Kempsey. The locality of the subject land captured by the referred Notice of Reservation is identified in Figure 4 below.



**Figure 4: Subject land parcels highlighted in red: Limeburners Creek National Park locality bottom right and Willi Willi National Park locality top left.**

The land parcels captured by the *Notice of Reservation of a National Park* issued under the provisions of Section 30A(1) of the *National Parks and Wildlife Act 1974* comprise:

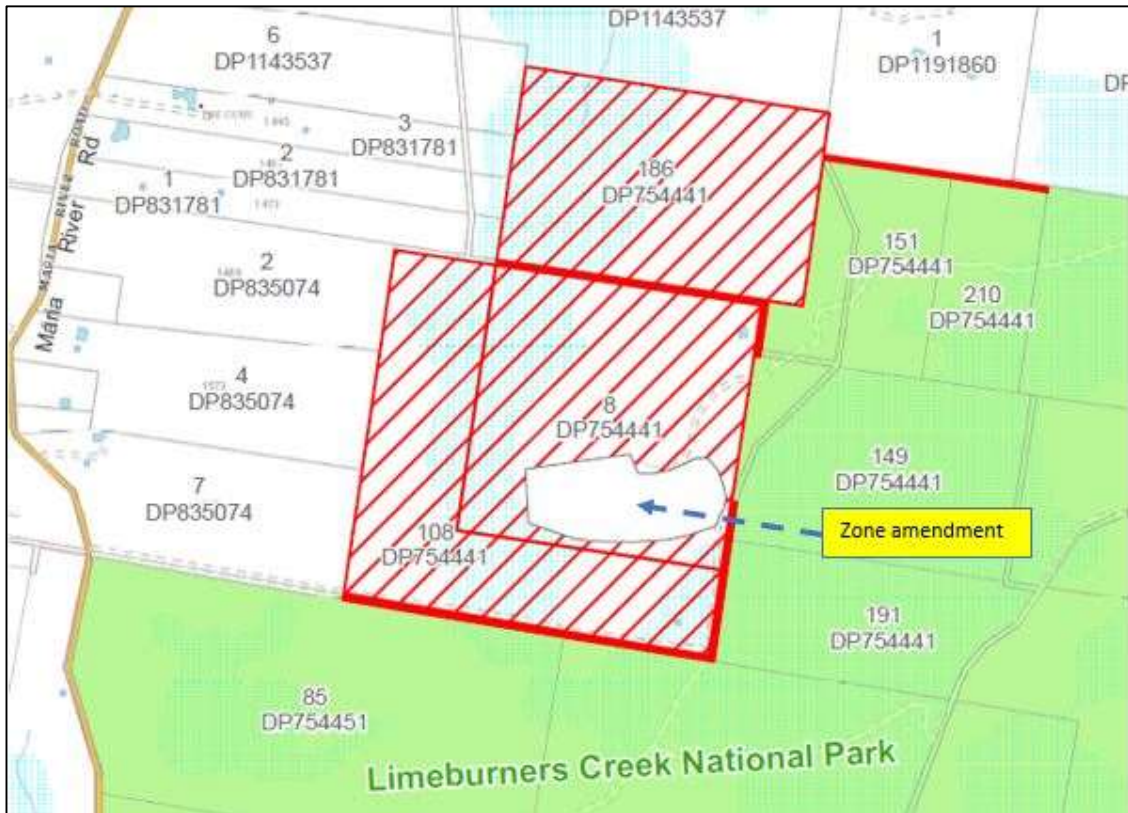
- *Limeburners Creek National Park* – Lot 8, 108 & 186 DP754441 (approximately 471 hectares); and
- *Willi Willi National Park* – Lot 42, 43 & 49 DP752424; Lot 1 DP594173; and Lot 113 & 114 DP752431 (approximately 198 hectares).

The existing land zones and minimum lot sizes for the land parcels captured in the *Notice of Reservation of a National Park* and the nature of the mapping amendments proposed are identified in Table 1 below:

**Table 1: Existing and proposed land zoning and minimum lot sizes (\*lots already zoned as per Notice of Reservation)**

<b>Limeburners Creek National Park</b>		
<b>Lot/DP</b>	<b>Current Zone/Min Lot Size</b>	<b>Proposed Zone/Min Lot Size</b>
8/754441	E1-National Parks/Nil	Portion (see Figure 5 below) to be amended to RU2-Rural Landscape/40ha
*108/754441	E1-National Parks/Nil	E1-National Parks/Nil
*186/754441	E1-National Parks/Nil	E1-National Parks/Nil
<b>Willi Willi National Park</b>		
1/594173	E3-Env Management/RU2-Rural Landscape/40ha	E1-National Parks and Nature Reserves/Nil
42/752424	E3-Env Management/RU2-Rural Landscape/40ha	E1-National Parks and Nature Reserves/Nil
43/752424	E3-Env Management/RU2-Rural Landscape/40ha	E1-National Parks and Nature Reserves/Nil
49/752424	E3-Env Management/RU2-Rural Landscape/40ha	E1-National Parks and Nature Reserves/Nil
113/752431	E3-Env Management/RU2-Rural Landscape/40ha	E1-National Parks and Nature Reserves/Nil
114/752431	E3-Env Management/RU2-Rural Landscape/40ha	E1-National Parks and Nature Reserves/Nil

As identified in Table 1 above, an irregular portion of Lot 8 DP754441 (approximately 15.9ha) is proposed to be excised from Limeburners Creek National Park. Aerial photography suggests that this land has been utilised for the extraction of material, possibly road aggregate. Figure 5 (below) identifies this portion of land which is to be rezoned from E1-National Parks back to RU2-Rural Landscape (which was the previous land use zone for the site).



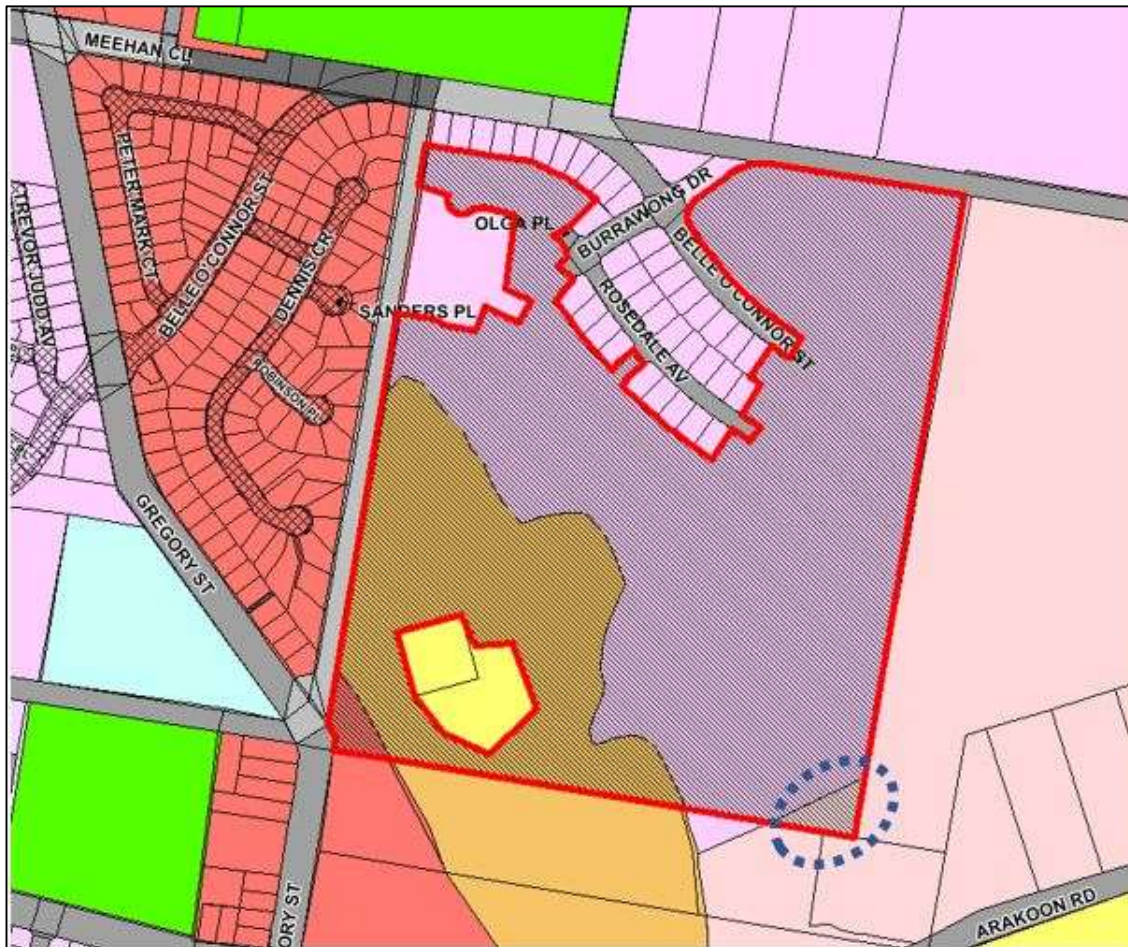
**Figure 5: Portion of Lot 8 DP754441 (identified above) to be amended as per Table 1 above**

### 3. Seascope Grove Residential Estate - South West Rocks

The subject lot has an area of approximately 23.84ha which comprises various land use zones, minimum lot sizes and building height controls. There is a small triangular portion of this lot (in the south-eastern corner), with an area of approximately 2,200m<sup>2</sup>, with KLEP 2013 mapping layers which restrict development potential for no obvious purpose. The proposal is to revise the mapping controls for this portion of land to be consistent with the balance of the site and its development potential. It is considered that these minor amendments will have no significant detrimental impacts on adjoining land parcels to the south and east.

This subject site comprises a single lot identified as Lot 332 DP1220901 which is accessible from Belle O'Conner Street. The affected lot and the extent of the amendment is identified in Figure 6 (below).





**Figure 6: The Seascope Grove Residential Estate site at South West Rocks is bounded in red with hatching above. The portion of the site the subject of this Planning Proposal is circled with a blue dashed line.**

The land portion and mapping the subject of this Planning Proposal is expanded on below (with appropriate surrounding site context identified). The three relevant mapping layers comprise:

- *Land Zone*

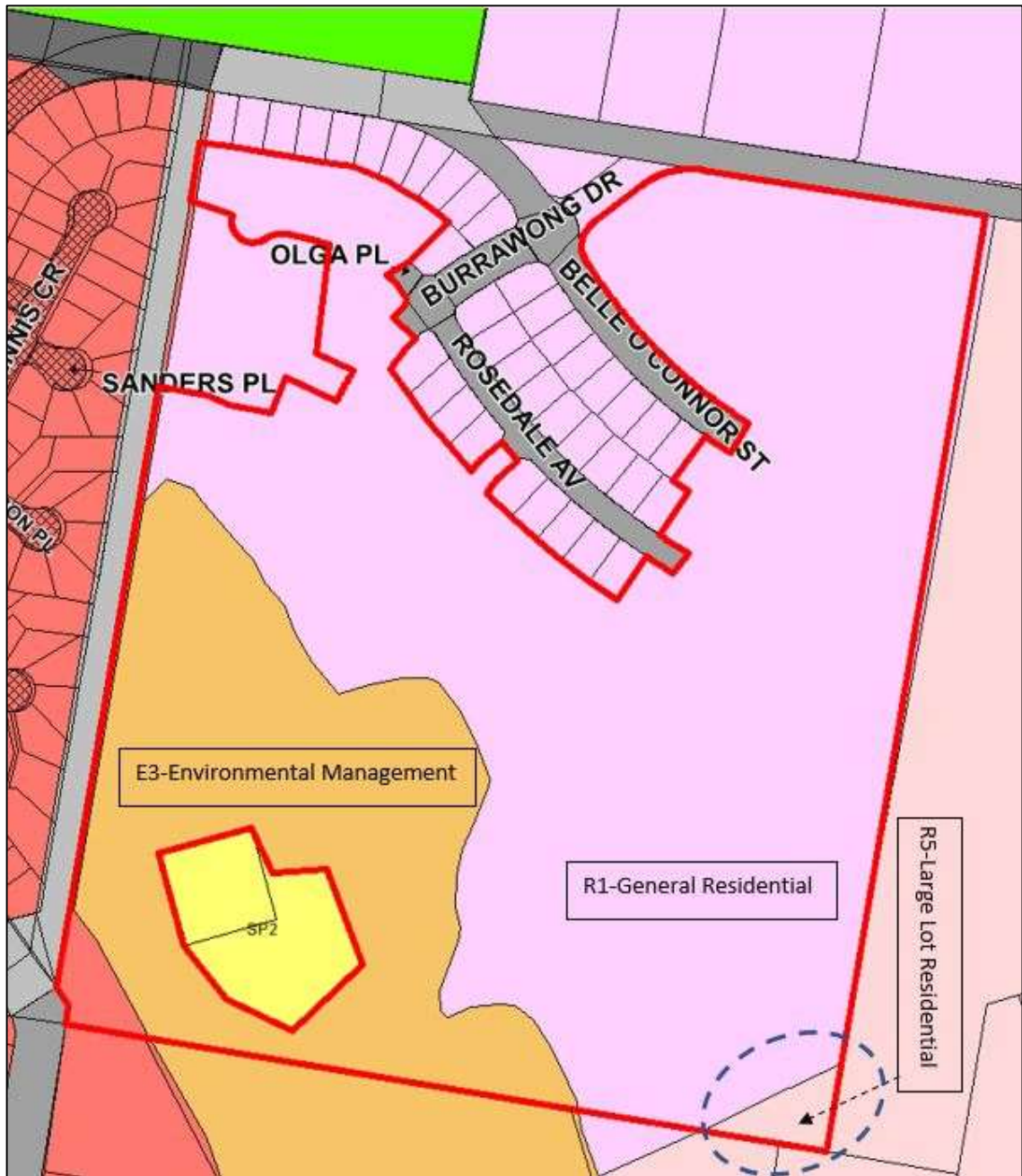
As identified in Figure 7 below, the south east portion of Lot 332 DP1220901 is currently zoned R5- Large Lot Residential and is proposed to be zoned R1-General Residential.

- *Minimum Lot Size*

As identified in Figure 8 below, the south east portion of Lot 332 DP1220901 is currently subject to a minimum lot size control of 1ha which is proposed to be amended to a minimum lot size control of 500m<sup>2</sup>.

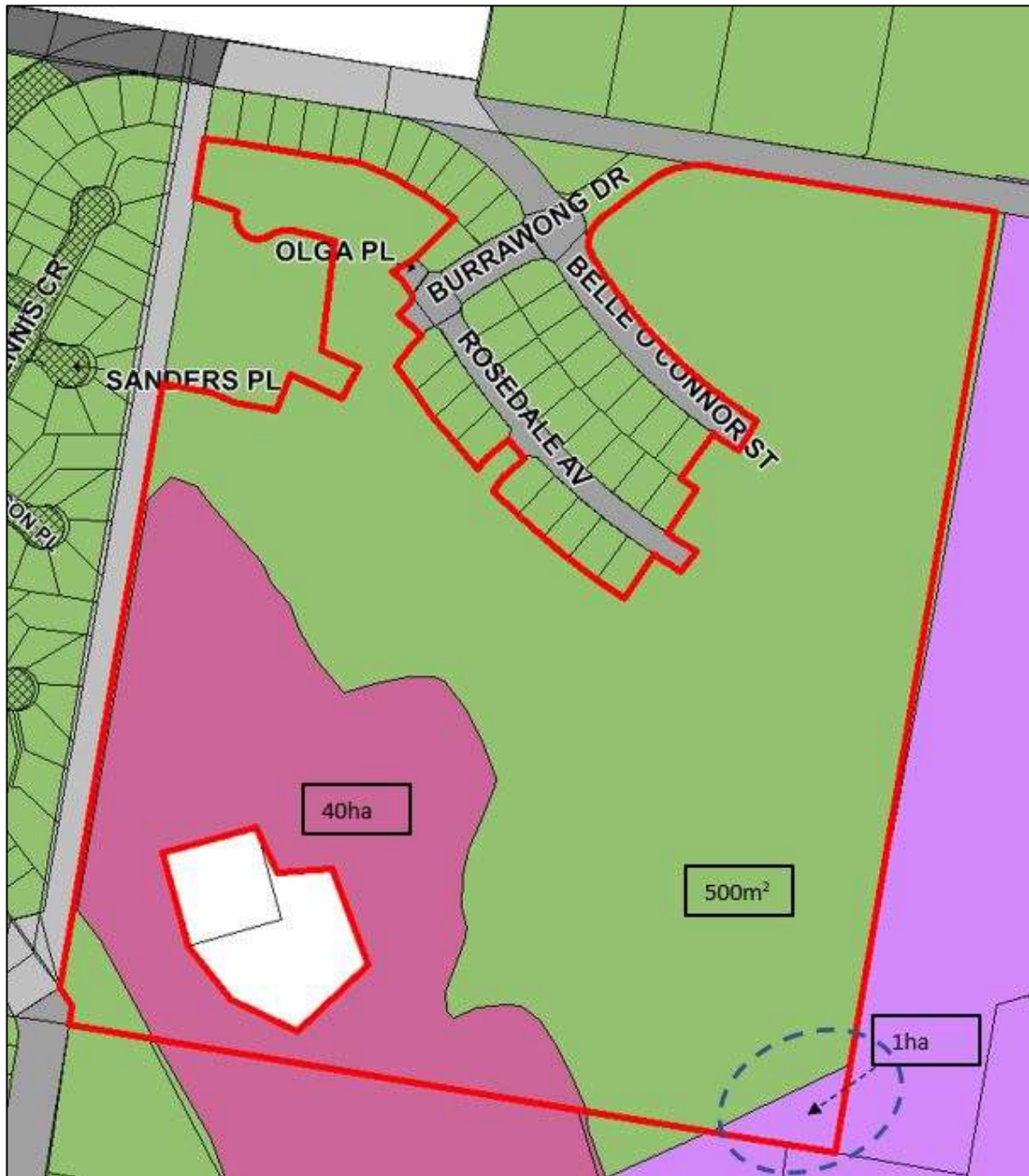
- *Maximum Building Height*

As identified in Figure 9 below, the south east portion of Lot 332 DP1220901 is not currently subject to a maximum building height control. It is considered appropriate to restrict building height at this locality to 8.5m.

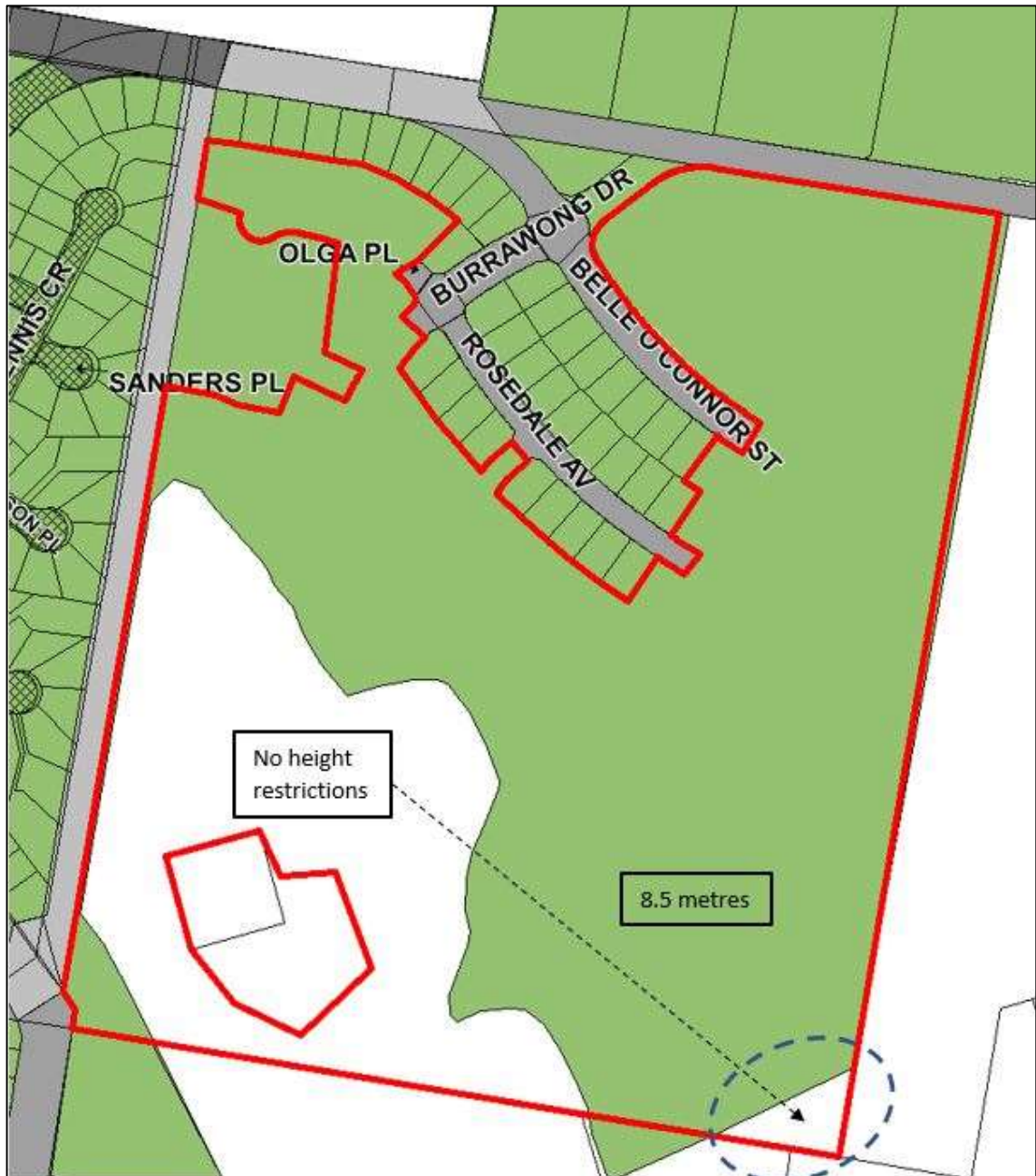


**Figure 7: Land use zones are shown for the subject lot (with property boundaries in red). The portion of site the subject of this planning proposal, circled in blue, is currently zoned R5-Large Lot Residential**





**Figure 8: Minimum lot size controls are shown for the subject lot (with property boundaries in red). The portion of site the subject of this planning proposal, circled in blue, is currently subject to a minimum lot size control of 1ha**



**Figure 9: Maximum building height controls are shown for the subject lot (with property boundaries in red). The portion of site the subject of this planning proposal, circled in blue, is not currently subject to a maximum building height control**

### **3. PART 3 – JUSTIFICATION**

#### **3.1 Section A – Need for the Planning Proposal**

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

The planning proposal is not a result of any specific strategic study or report.

##### **3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

This Planning Proposal is the only means of achieving the objectives and intended outcomes for the 'housekeeping' amendments proposed.

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

##### **3.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

###### ***North Coast Regional Plan 2036***

In March 2017 the NSW Government published the *North Coast Regional Plan 2036* (NCRP). Consistency with the NCRP is discussed below.

The NCRP is a State Government strategic document that outlines a vision for the North Coast area over next two decades. It identifies opportunities and priorities for the Kempsey LGA, including a projected population of 30,850 by 2036.

In responding to these opportunities and priorities, the NCRP sets out nine specific goals:

###### *Regional priorities*

- *Foster stronger strategic relationships with Port Macquarie and the Nambucca Valley.*
- *Develop opportunities to grow local jobs associated with increased connectivity provided by the upgraded Pacific Highway.*
- *Support the growth and diversification of the shire's agricultural base by leveraging the strength of the dairy and cattle sector to encourage new opportunities for agribusiness and associated manufacturing and transport.*

###### *Economy and employment*

- *Support new and emerging job opportunities associated with Kempsey District Hospital and the Kempsey TAFE campus.*
- *Develop employment land at South Kempsey and Frederickton.*
- *Protect important farmland in the Macleay Valley.*
- *Identify opportunities to expand nature-based, adventure and cultural tourism by leveraging the area's environmental and iconic assets such as Trial Bay Gaol and Smoky Cape Lighthouse.*

## *Housing*

- *Deliver housing in Kempsey, Crescent Head and South West Rocks.*
- *Support the unique character of the area's towns and villages, and deliver rural residential housing opportunities at Collombatti, Frederickton, Yarravel, Euroka, Dondingalong, Verges Creek, Crescent Head, South Kempsey, Kundabung and Yarrahapinni.*

The planning proposal is consistent with the relevant opportunities and priorities of this plan, including the support for residential housing delivery at South West Rocks and the expanded opportunity for nature-based and adventure tourism through the expansion of the local National Park's estate.

### **3.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?**

#### ***Macleay Valley 2036 Community Strategic Plan June 2017***

The following core values are identified in the *Macleay Valley 2036 Community Strategic Plan June 2017* (Macleay Valley 2036 CSP).

- being healthy;
- being wealthy;
- being connected; and
- being safe.

Under each of the above core values the Macleay Valley 2036 CSP identifies matters that impact upon the core values, such as education, biodiversity, environment, earnings and self-esteem. The Macleay Valley 2036 CSP provides strategies and goals to be used to achieve the core values of the plan in the Kempsey LGA.

The proposed 'housekeeping' amendments are consistent with the core values of the Macleay Valley 2036 CSP.

### **3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs). Comments are provided in *Appendix A* in regard to each SEPP.

### **3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (S 9.1 Directions)?**

The planning proposal is consistent with all applicable s9.1 Directions. A detailed evaluation of the consistency of the planning proposal in relation to the s9.1 Directions is provided in *Appendix B*.

## **3.3 Section C – Environmental, Social and Economic Impact**

### **3.3.2 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. Under this planning proposal no critical habitat, threatened species, populations, ecological communities, or their habitats, has been identified that would likely to be adversely impacted.

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

No other likely environmental effects, as a result of this 'housekeeping' amendment, have been identified or are required to be mitigated.

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

No negative social or economic effects have been identified for this planning proposal. The amendments proposed will provide certainty for current and future landholders at the sites identified.

**3.4 Section D – State and Commonwealth interests**

**3.4.1 Is there adequate public infrastructure for the planning proposal?**

Due diligence for each of the amendments suggests that these 'housekeeping' amendments are unlikely to directly result in any substantial demand for public infrastructure that has not already been considered.

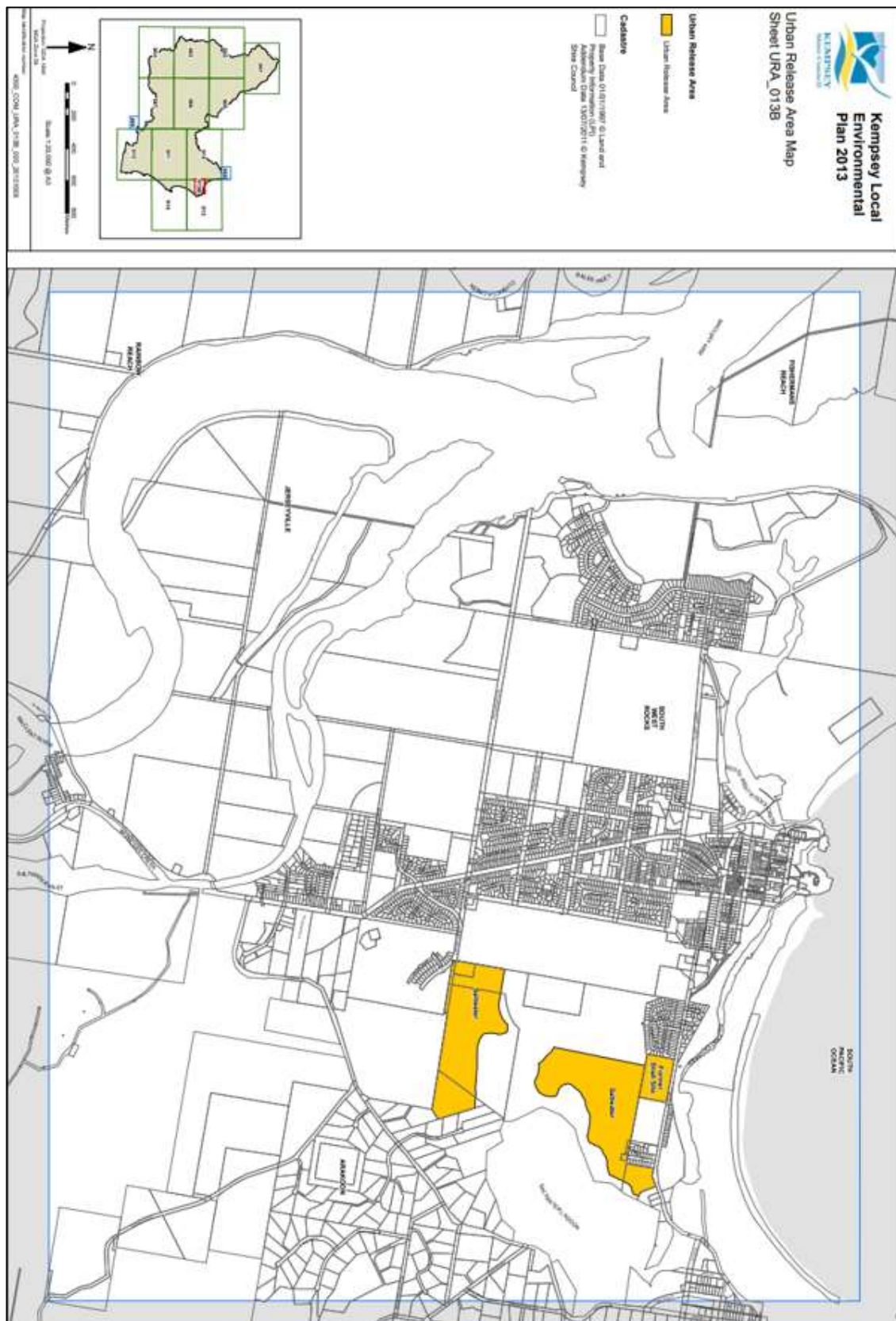
**3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

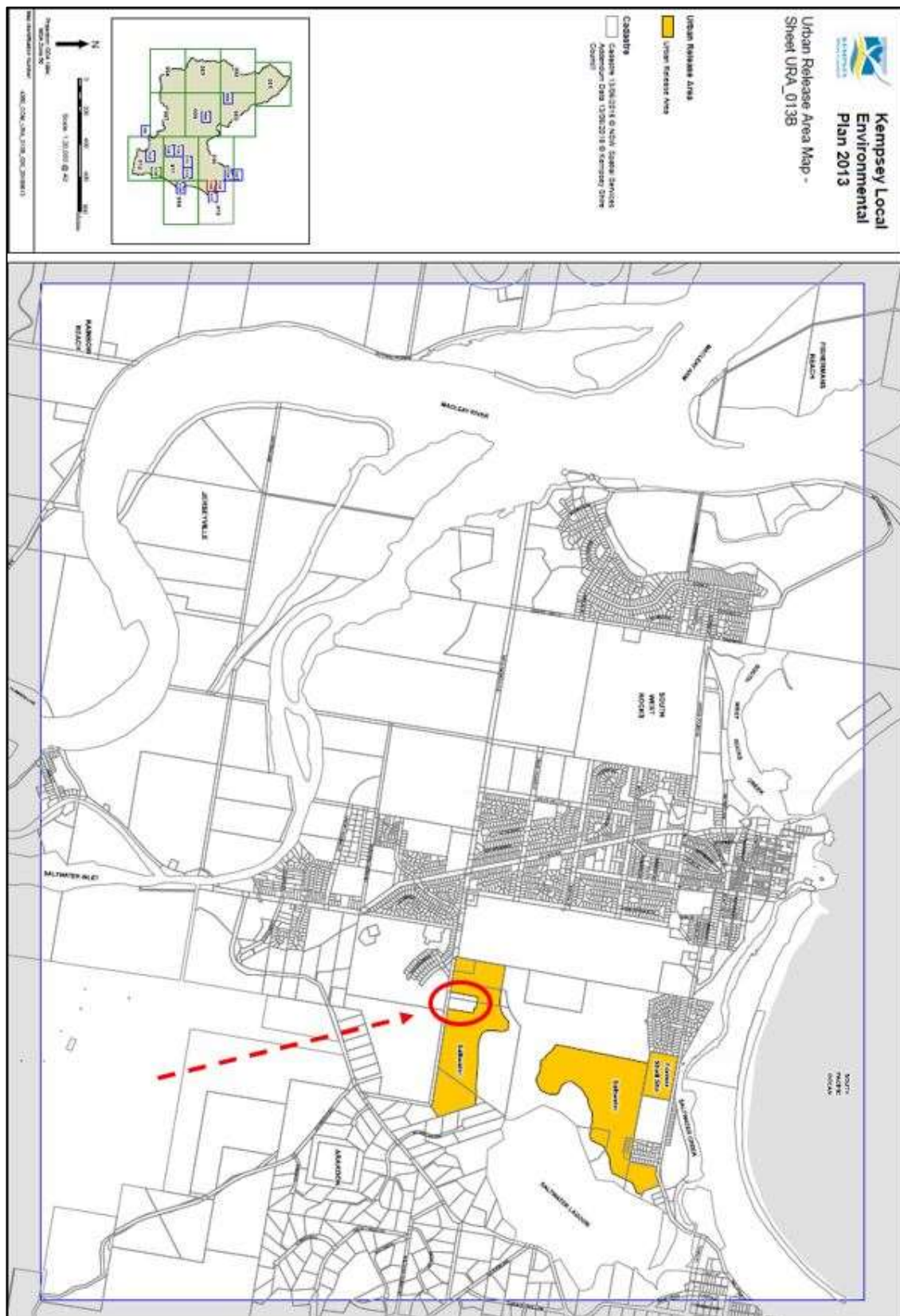
State and Commonwealth public authorities have not been formally involved in this planning proposal as it is yet to receive Gateway approval. Relevant public authorities will be consulted during formal consultation and exhibition of the planning proposal, and as directed by the Gateway determination, should Planning and Environment issue a determination to proceed.

There are no identified issues associated with this planning proposal that are likely to be of interest to Commonwealth Authorities.

## **4. PART 4 – MAPPING**

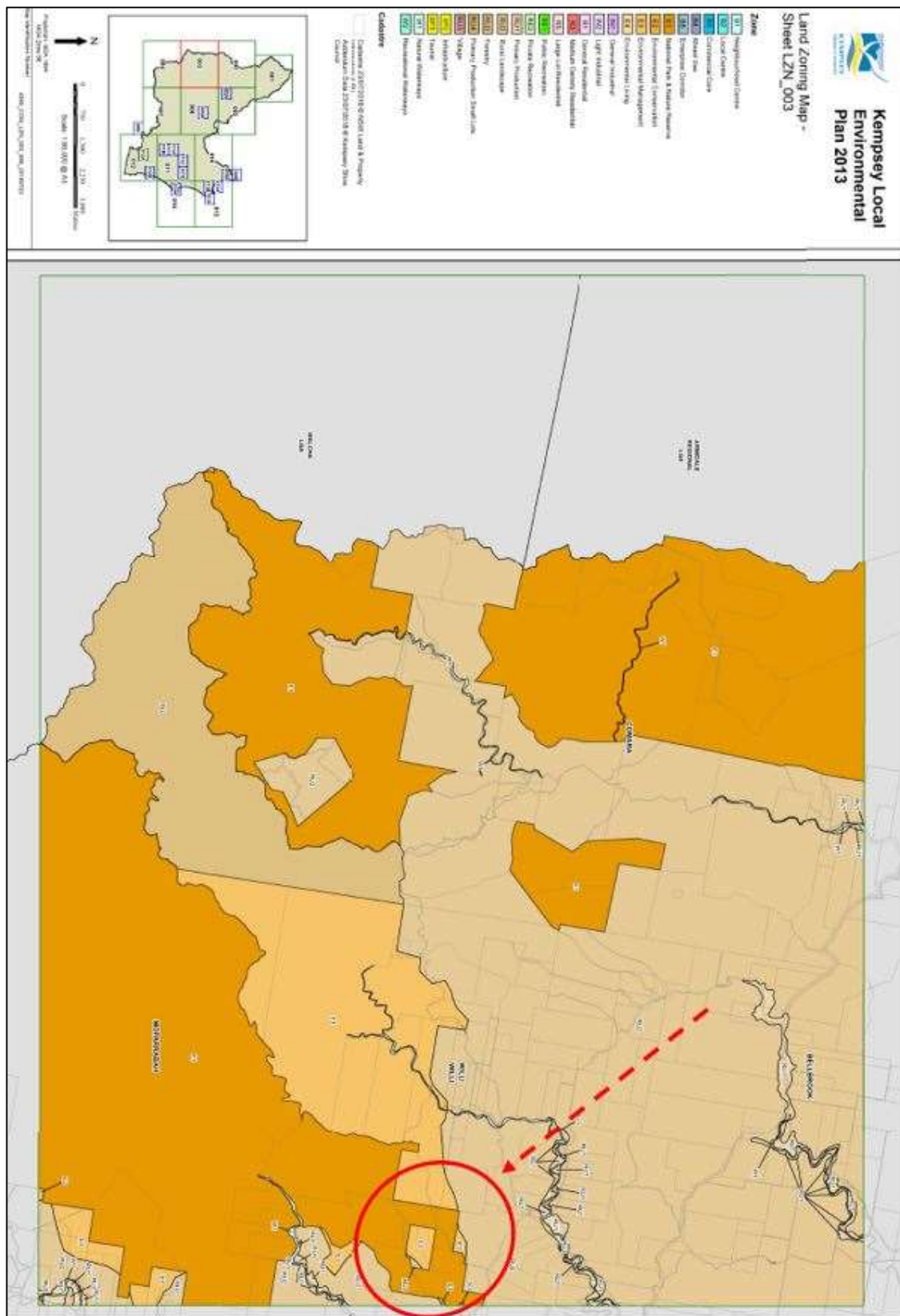




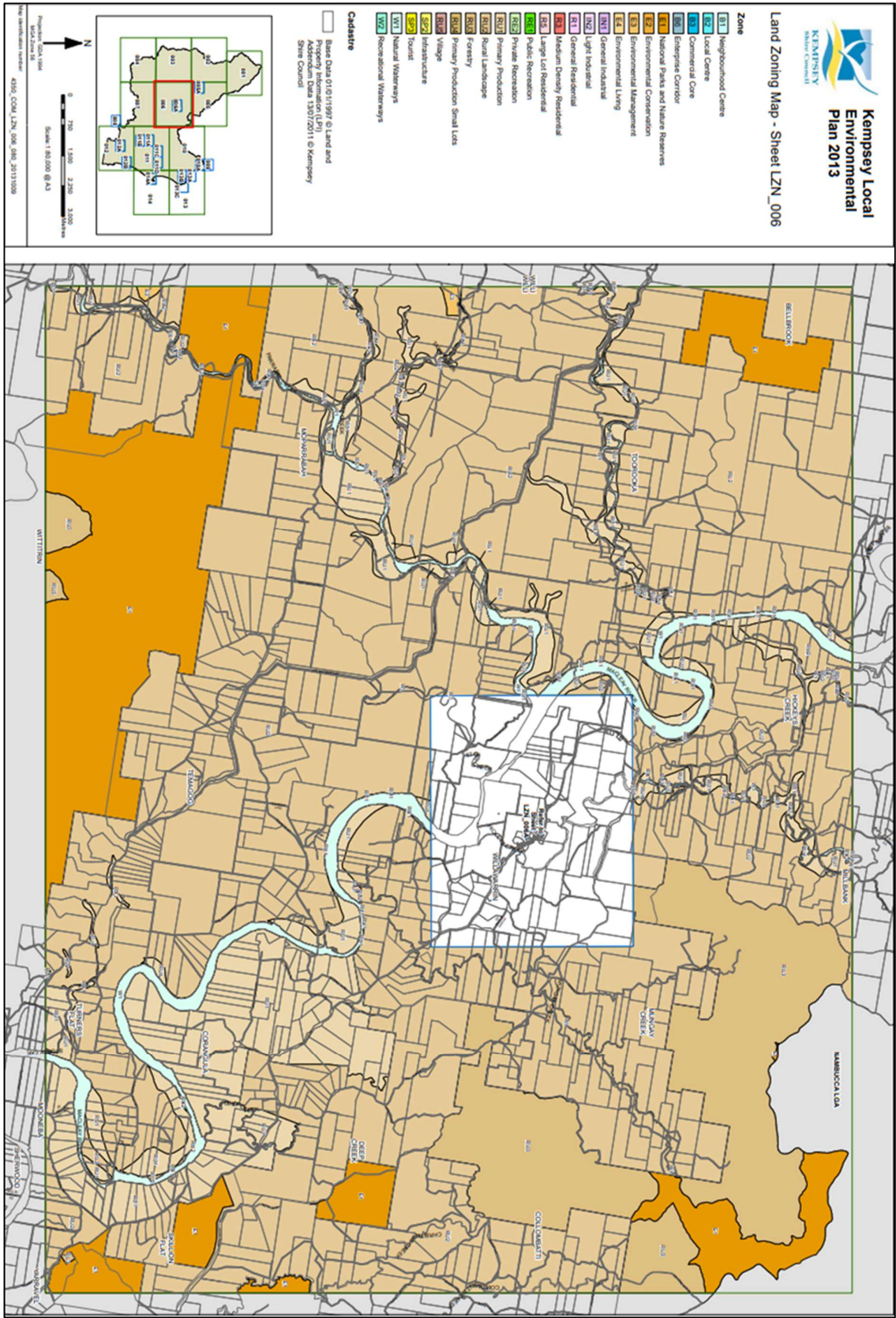




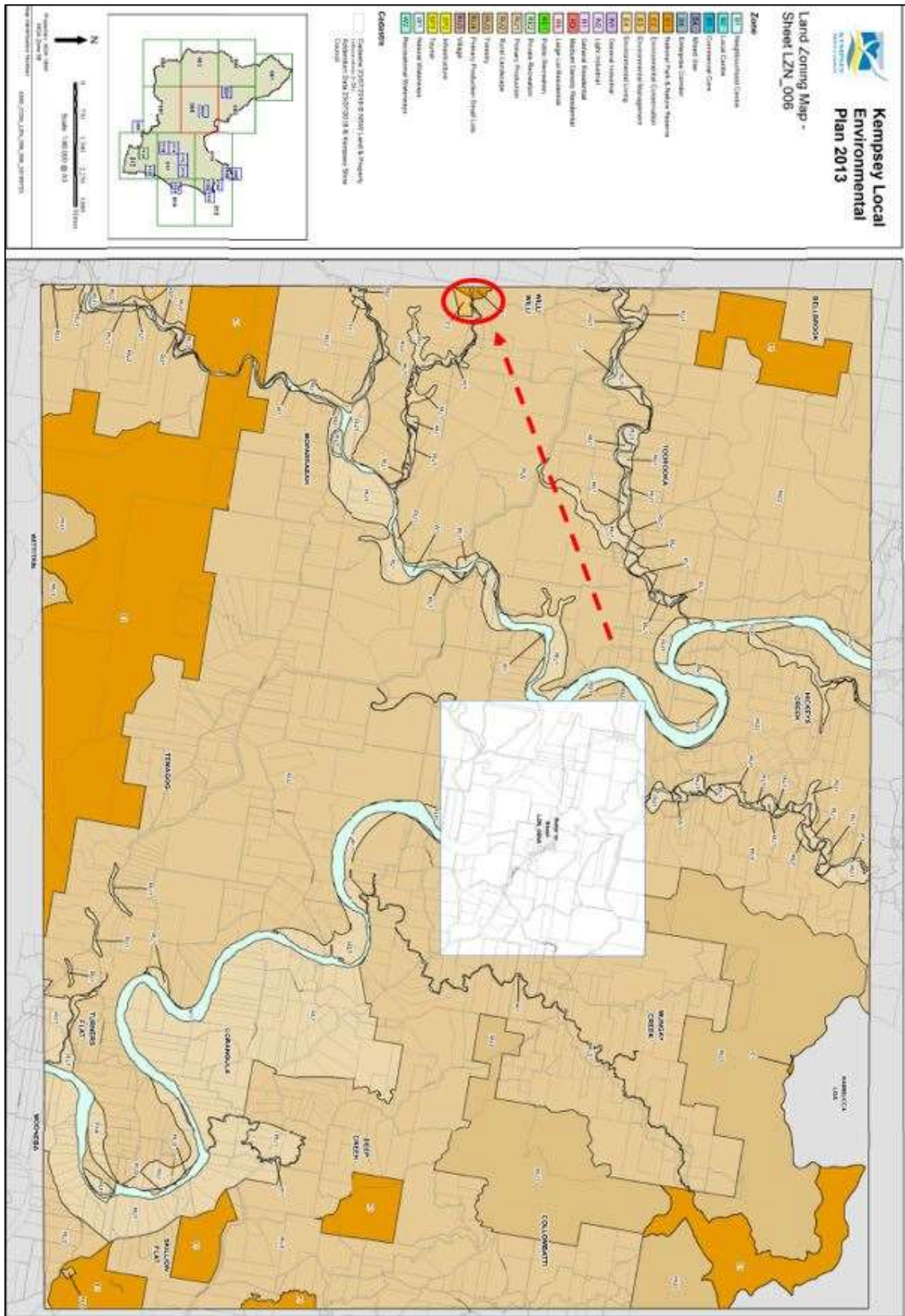






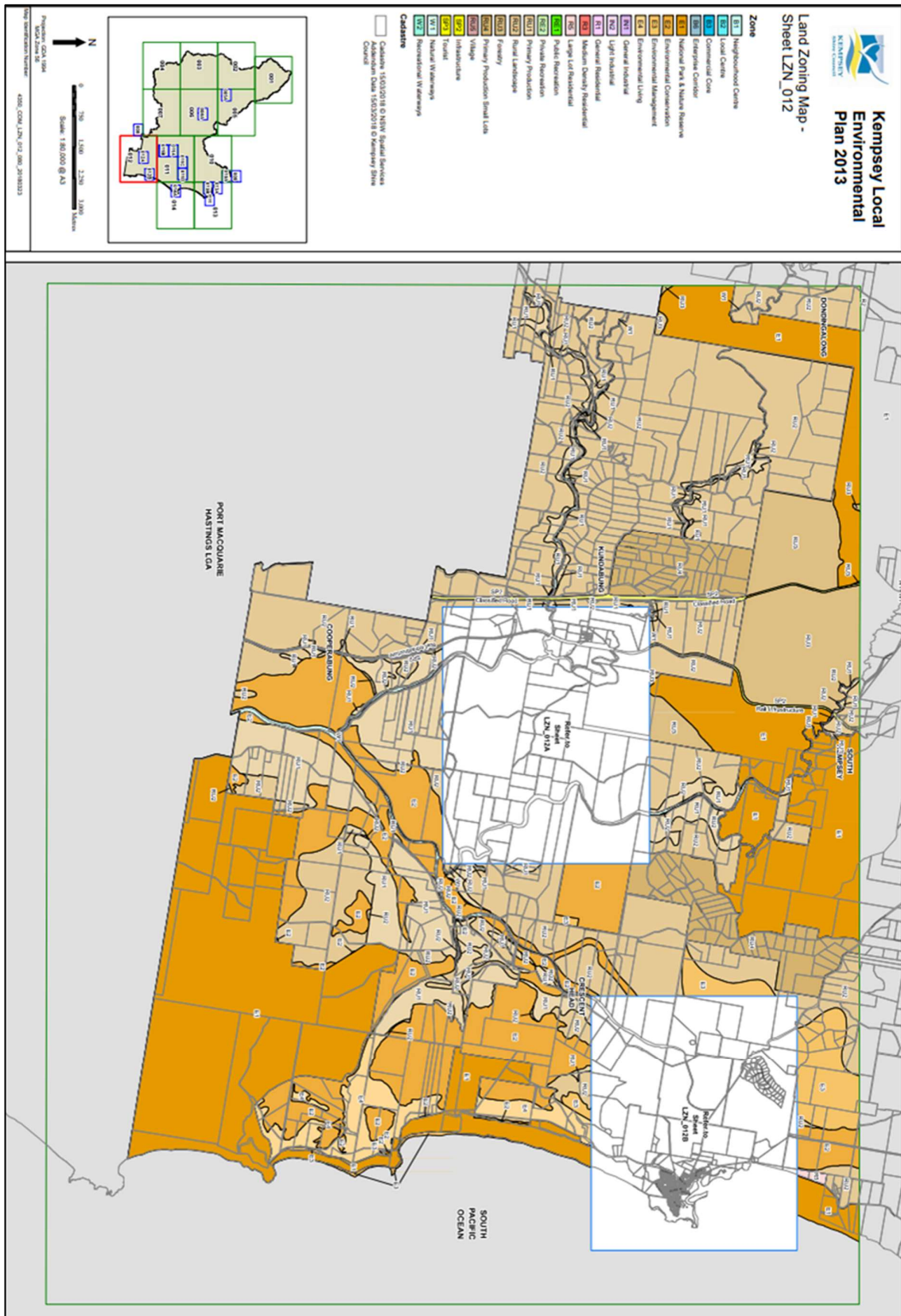


Current KLEP 2013 Land Zoning Map LZN\_006

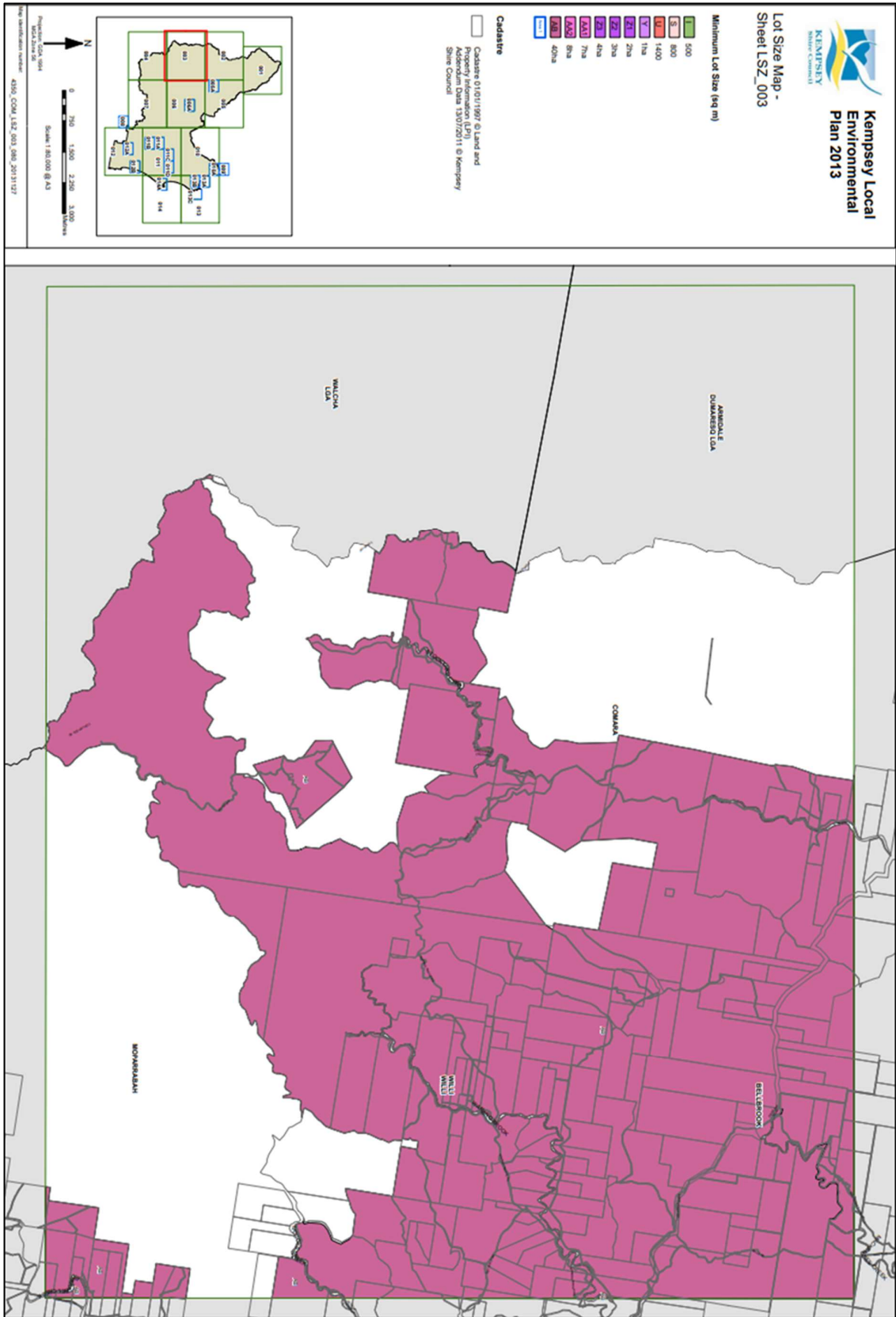


Draft amendment proposed to KLEP 2013 Land Zoning Map LZN\_006 (area of amendment identified)



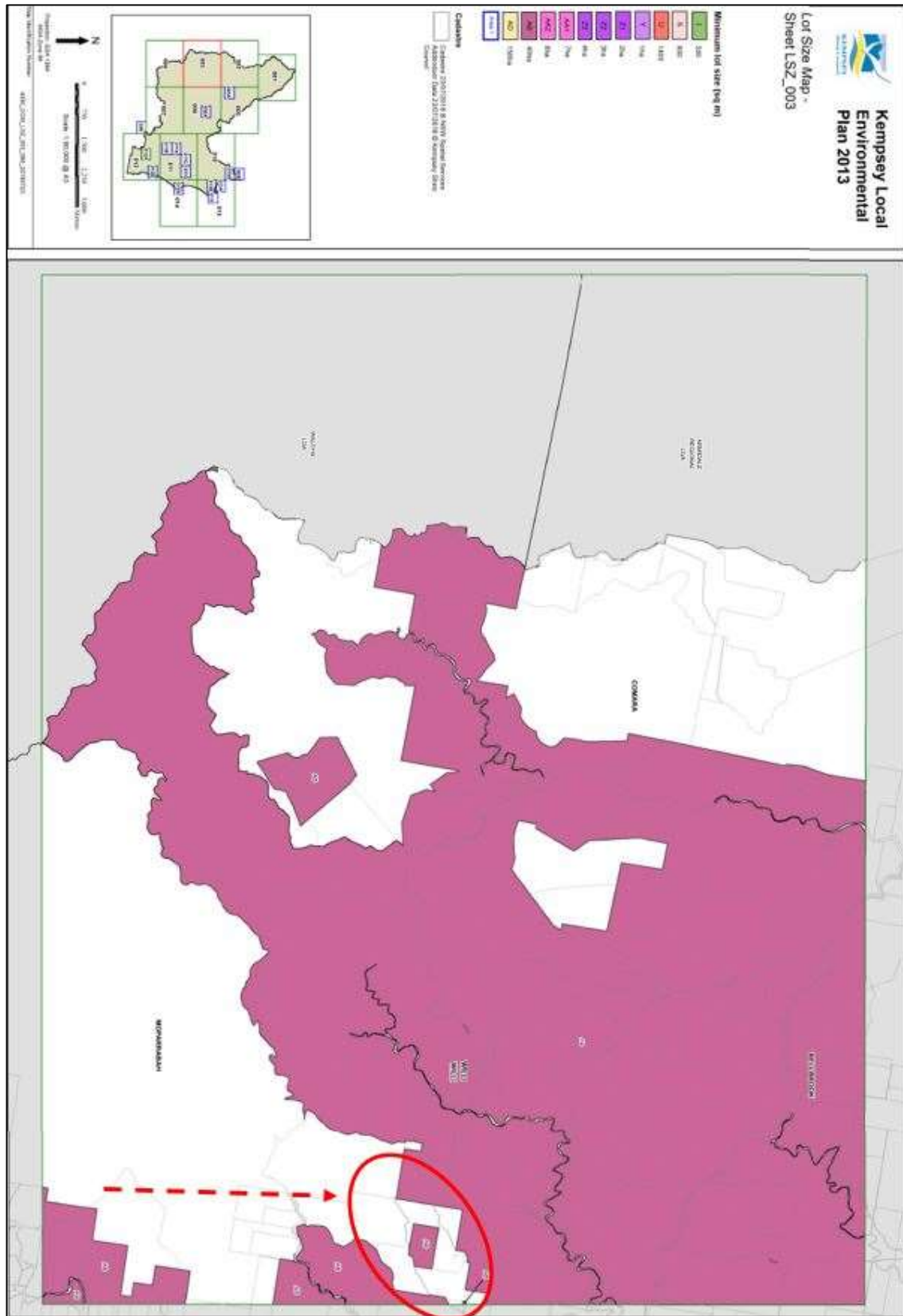




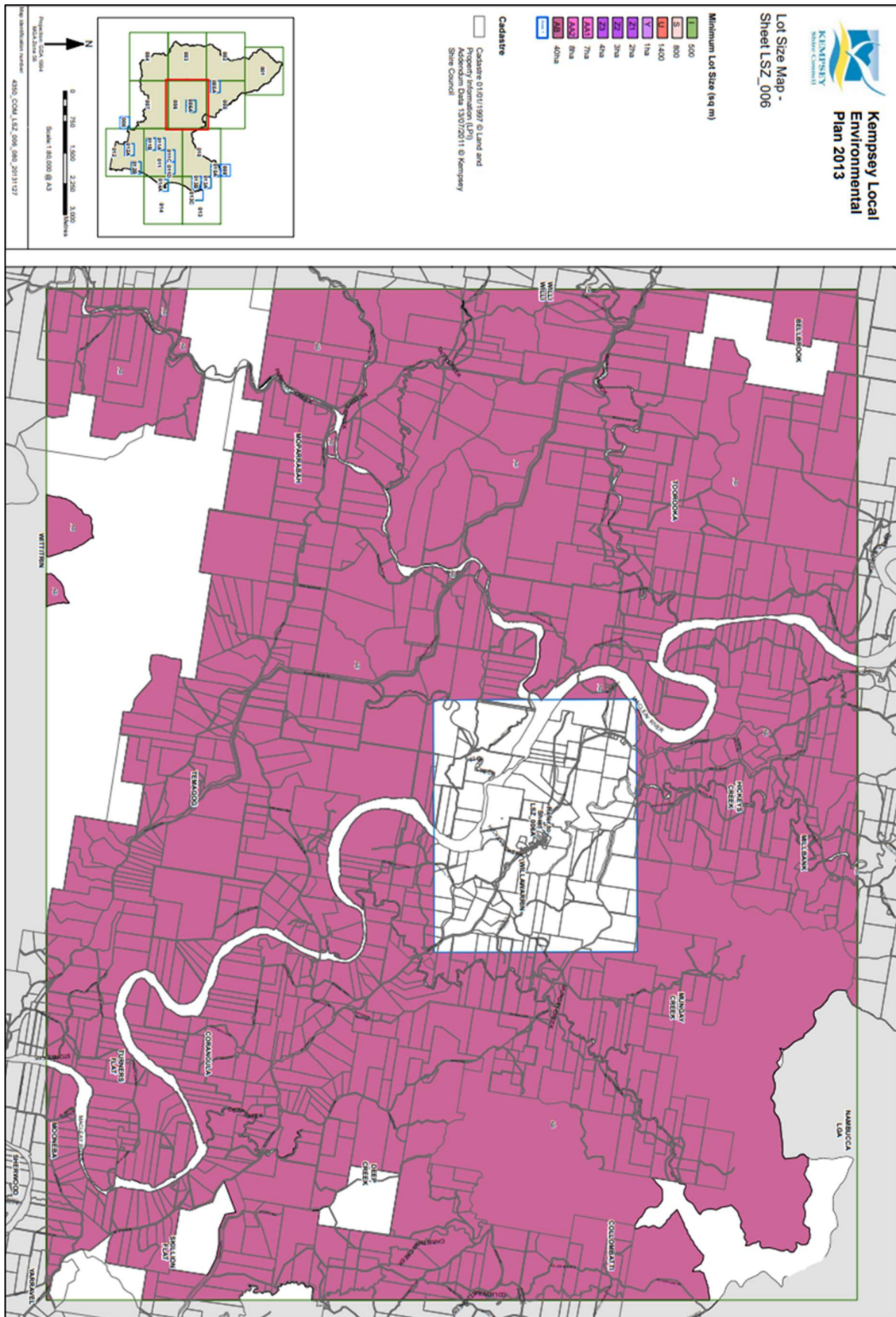


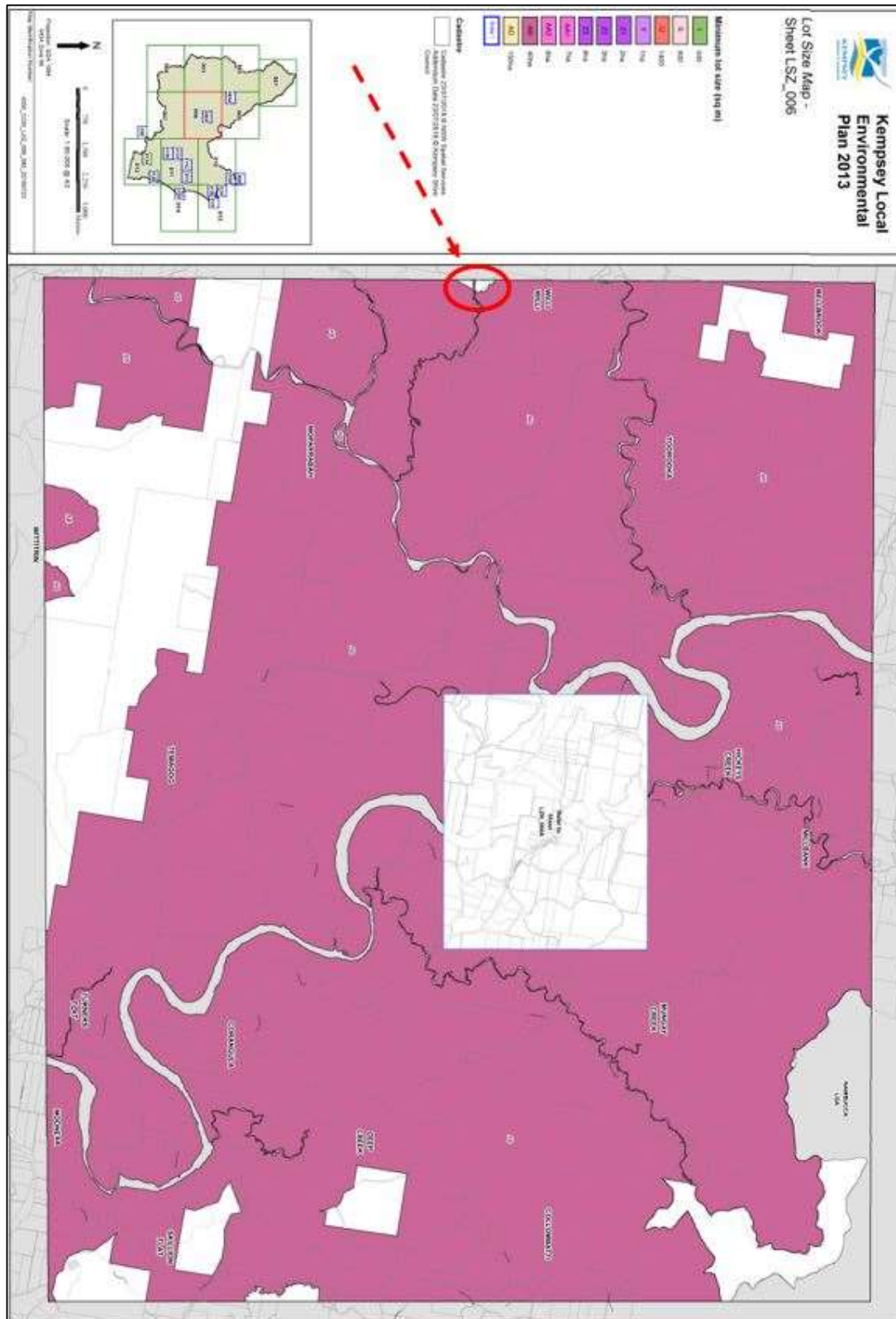
Current KLEP 2013 Lot Size Map LSZ\_003

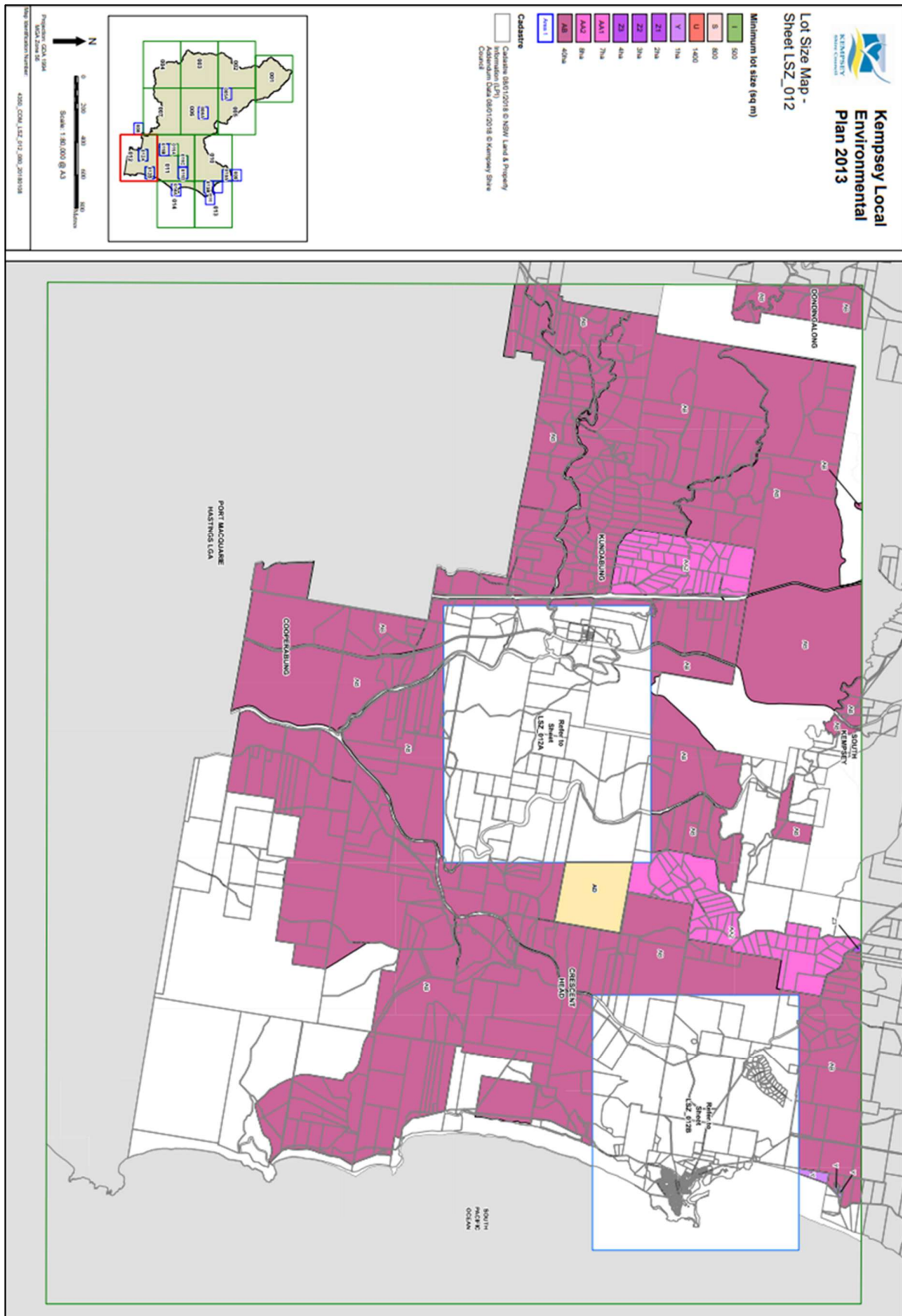




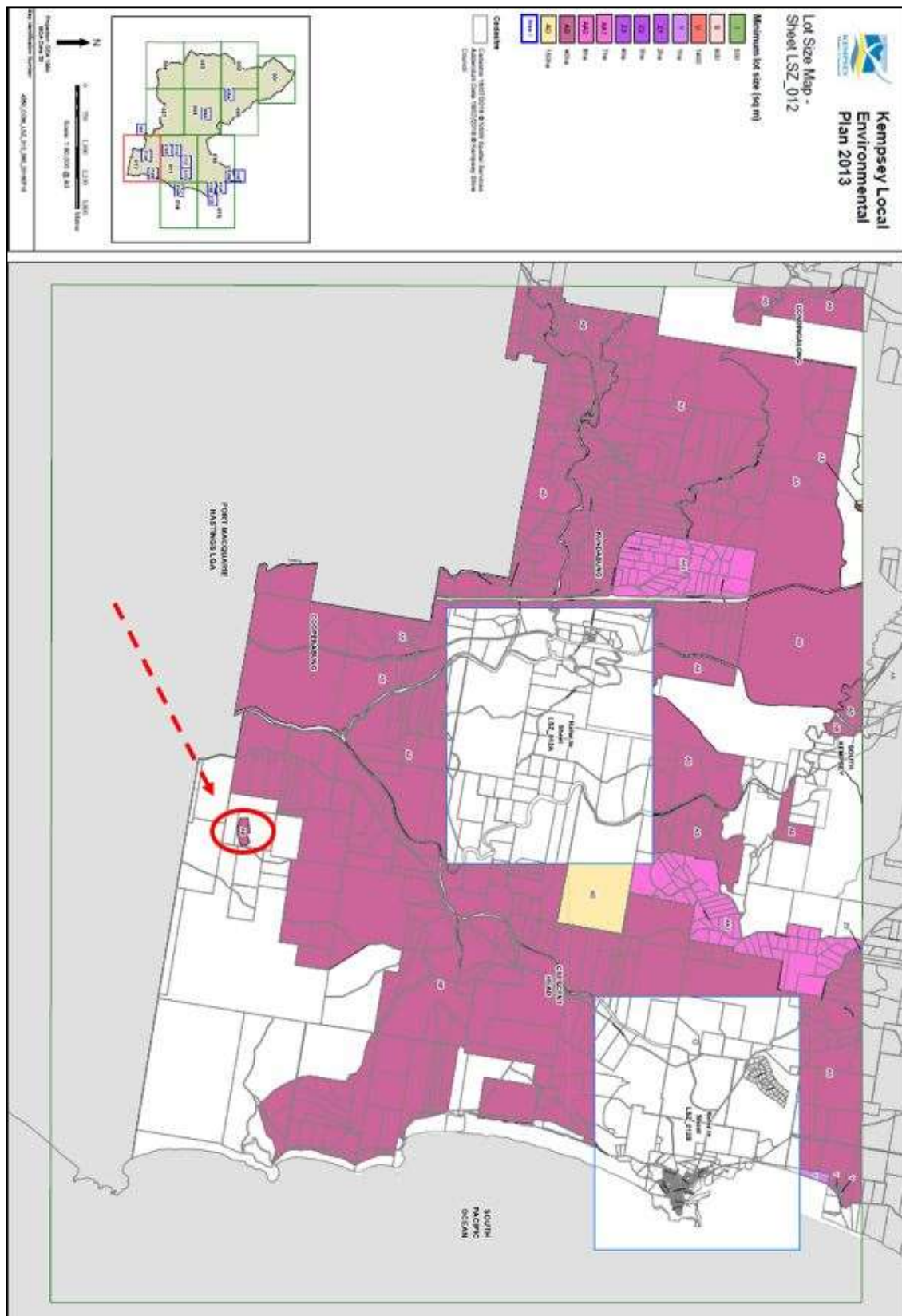


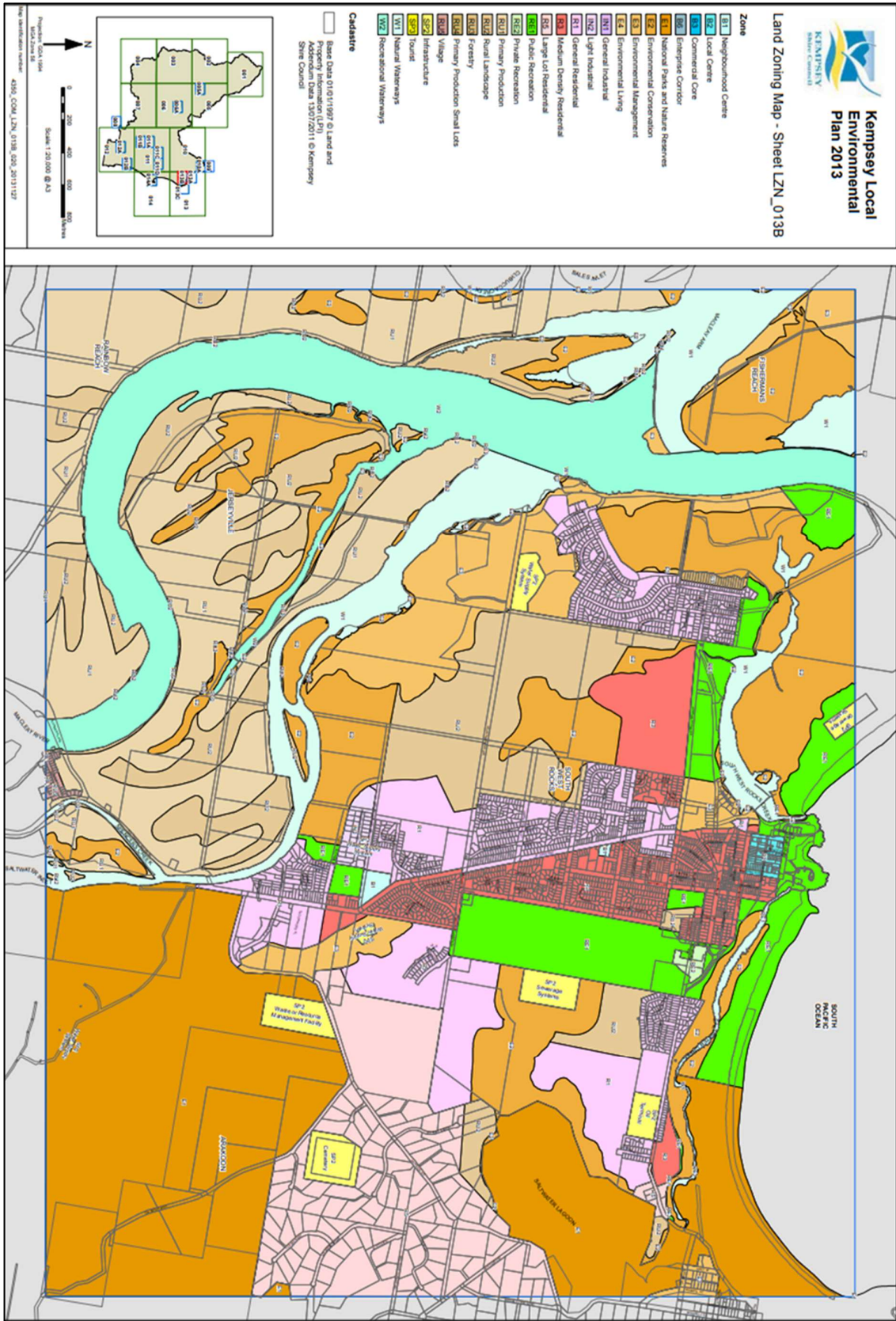






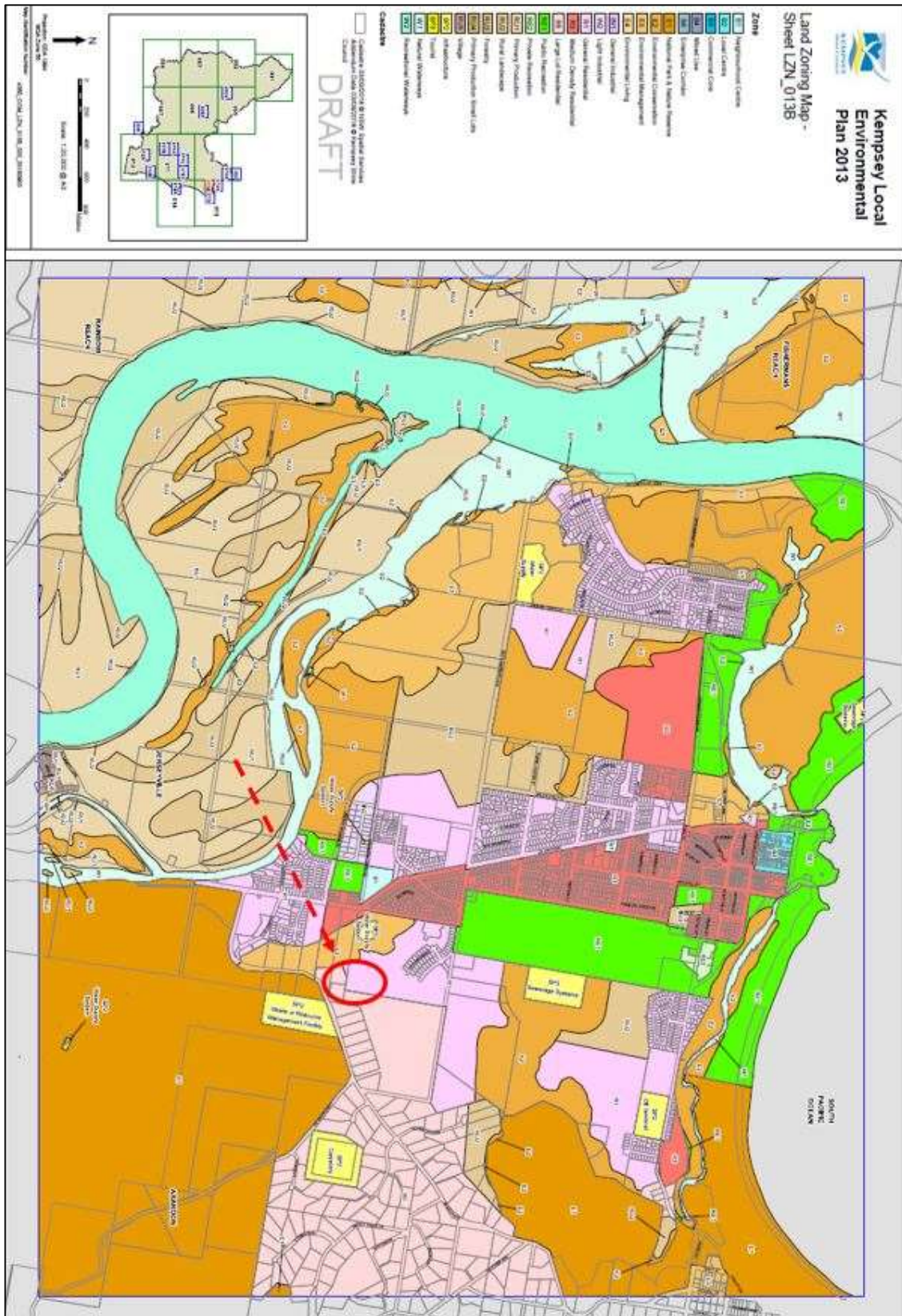




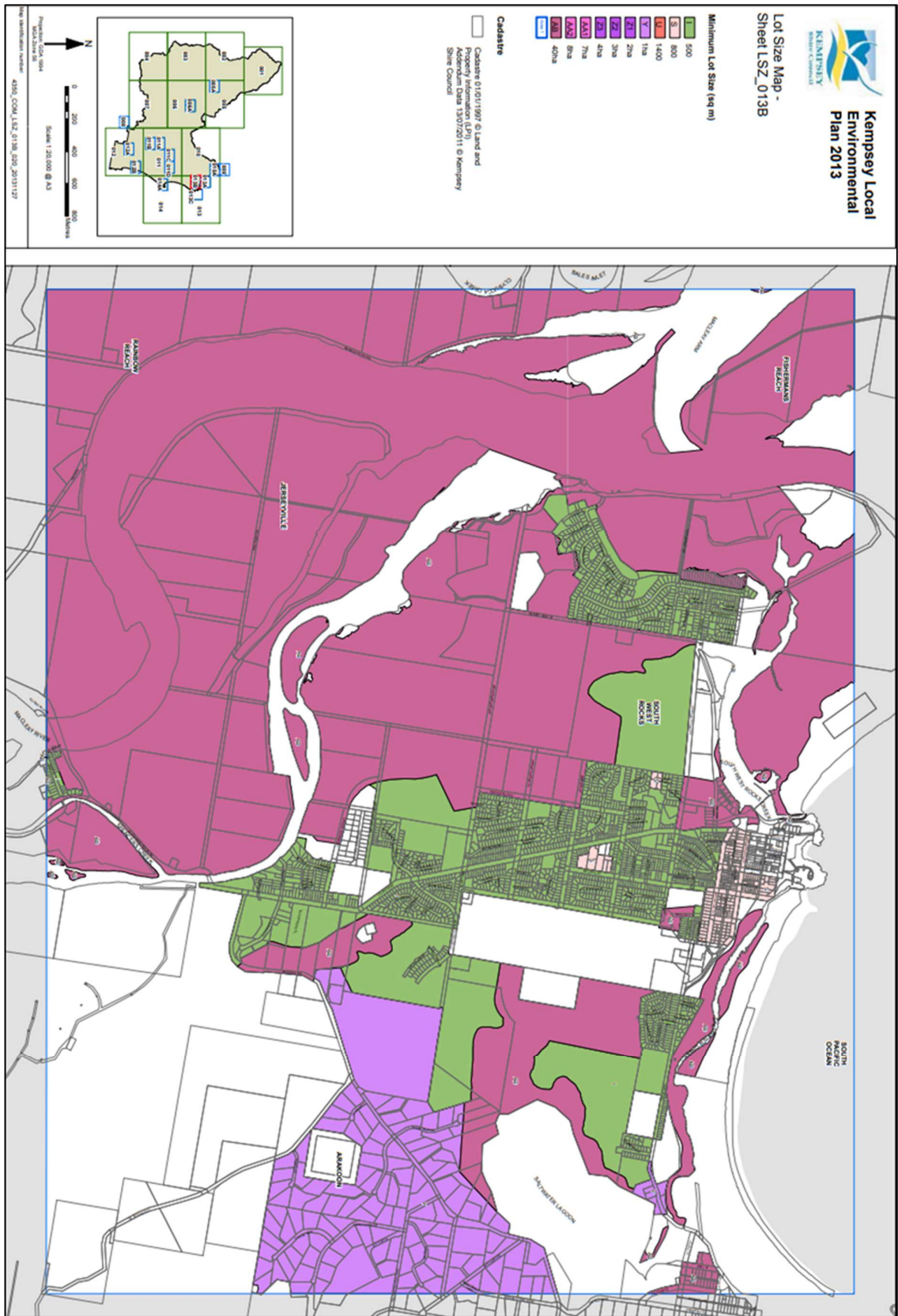


Current KLEP 2013 Land Zoning Map LZN\_013B



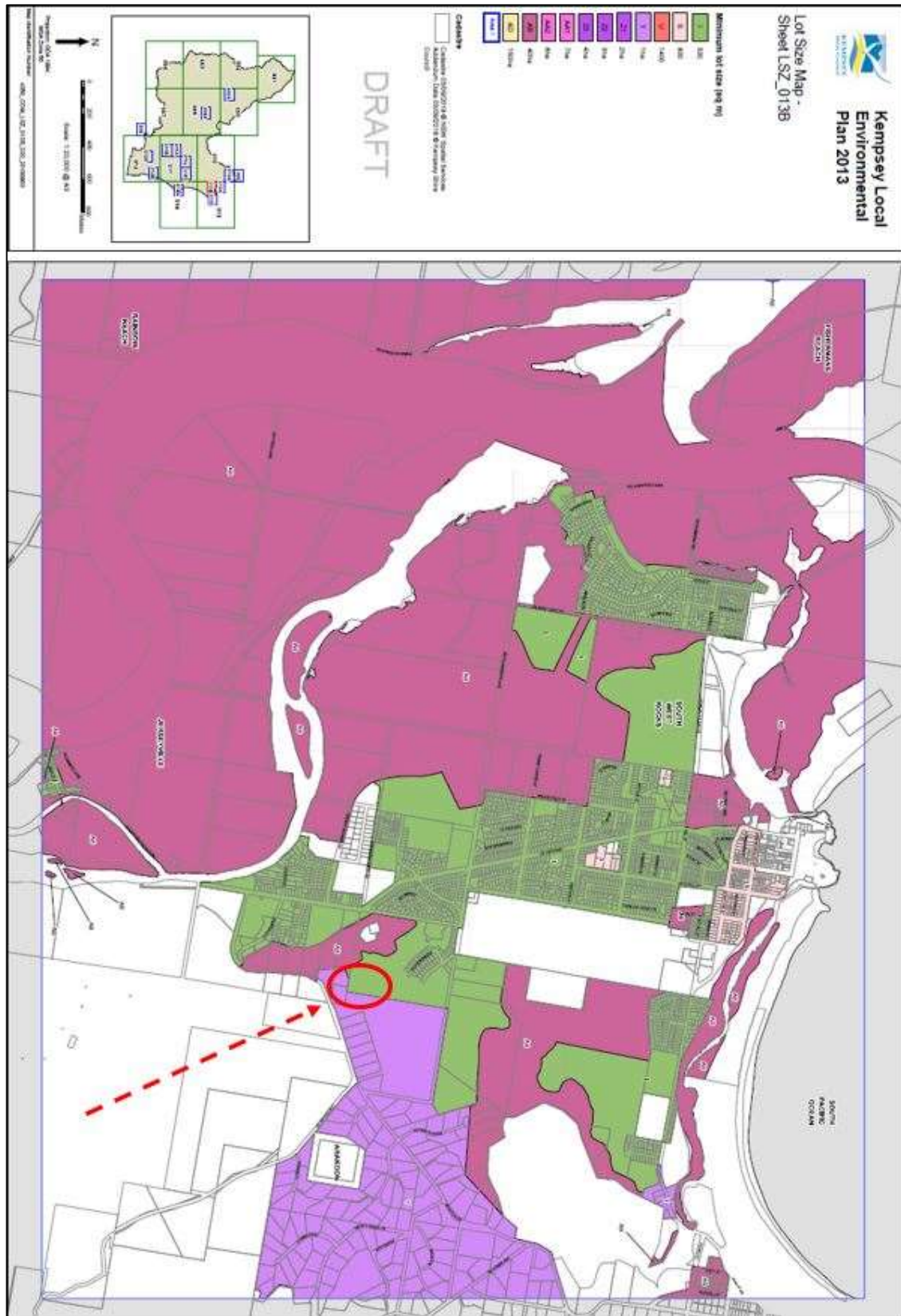


Draft amendment proposed to KLEP 2013 Land Zoning Map LZN\_013B (area of amendment identified)



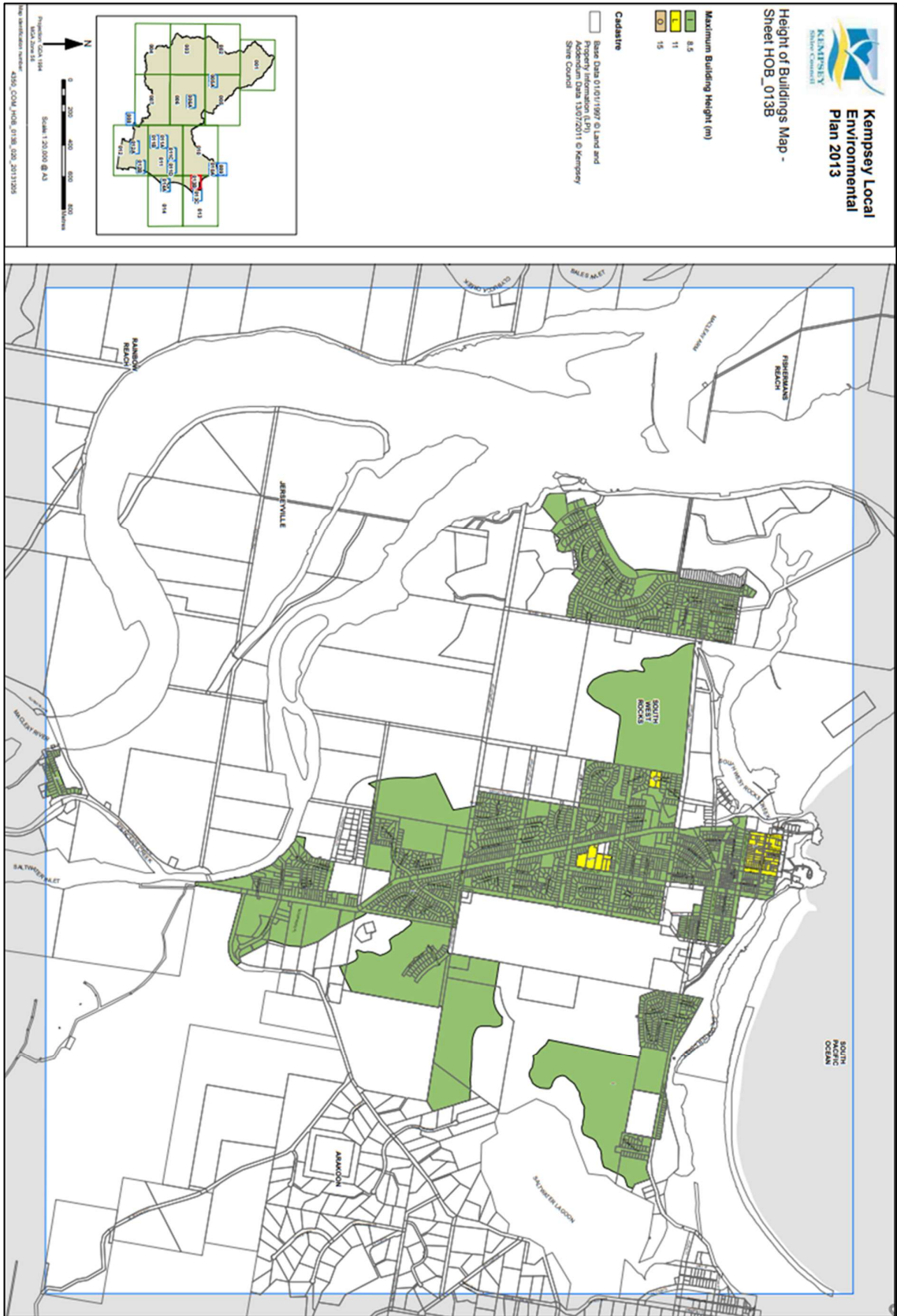
Current KLEP 2013 Lot Size Map LSZ\_013B



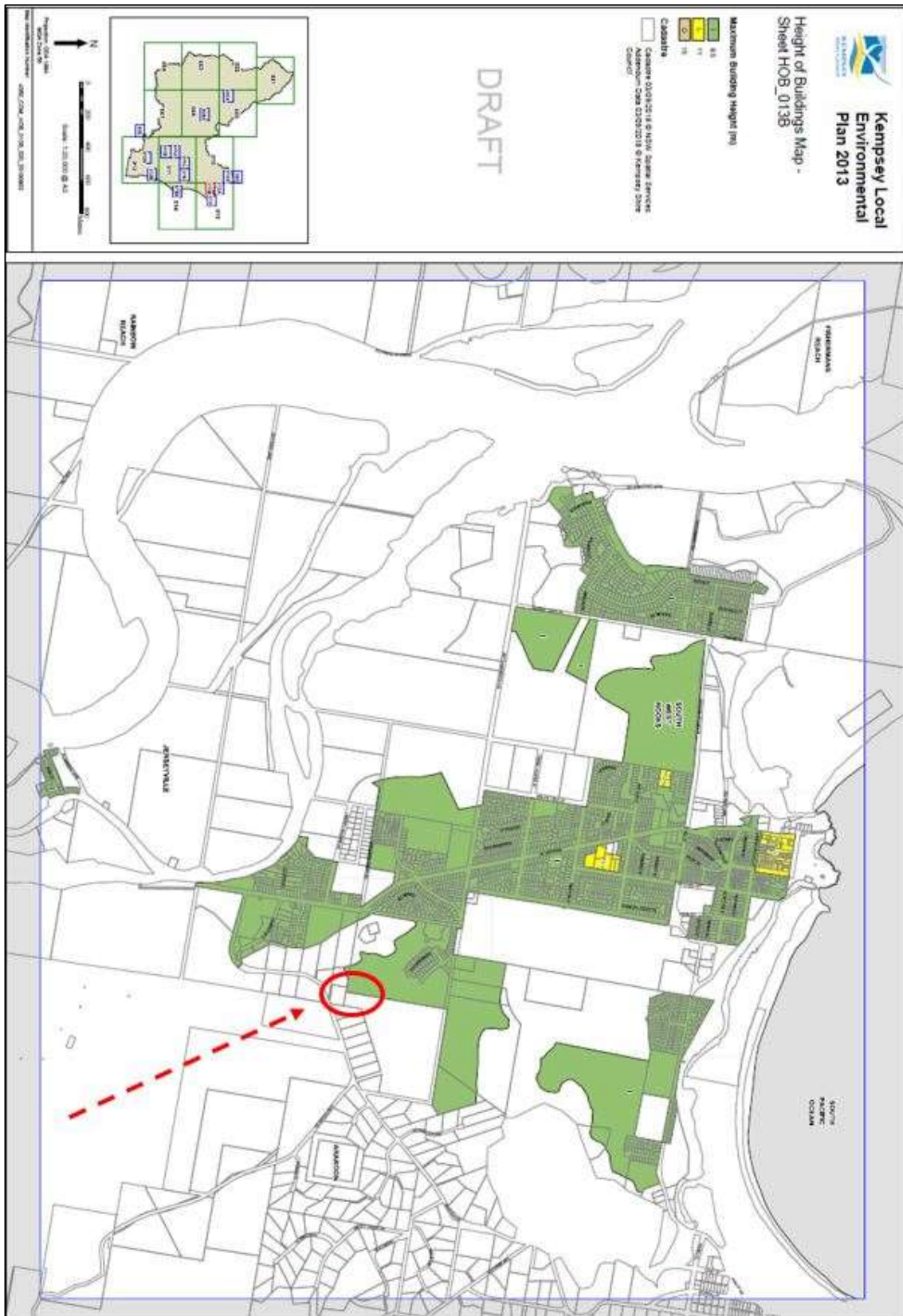


Draft amendment proposed to KLEP 2013 Lot Size Map LSZ\_013B (area of amendment identified)





Current KLEP 2013 Height of Buildings Map HOB\_013B



Draft amendment proposed to KLEP 2013 Height of Buildings Map HOB\_013B (area of amendment identified)

## **5. PART 5 - COMMUNITY CONSULTATION**

Community consultation will be undertaken following the Gateway determination. Community consultation will be carried-out in accordance with the conditions specified in the Gateway Determination, as well as Kempsey Shire Council's Public Notification Policy.

Public exhibition of the Planning Proposal would include notification on the Kempsey Shire Council website, Department of Planning and Environment website and a public notice in the newspapers that circulate in the LGA.

Information relating to the Planning Proposal would also be displayed at Kempsey Shire Council's Customer Service Centre located on Tozer Street, West Kempsey and Libraries within the Shire.

## 6. PART 6 – PROJECT TIMELINE

An approximate project timeline is provided at *Table 6.1* below. It is estimated that this amendment to the KLEP 2013 will be complete by January 2019.

Council requests delegation to carry out certain plan making functions in relation to this planning proposal. Delegation would be exercised by Council's General Manager or Director Operations.

**Table 6.1 – Project Timeline**

<b>LEP Amendment Steps</b>	<b>Estimated Project Timing</b>
Submit Planning Proposal to DP&E	November 2018
Receive Gateway determination	November 2018
Authority consultation - pre-exhibition*	
Preparation of materials for public exhibition & authority consultation	
Public exhibition of Planning Proposal & government authority consultation	December/January 2019
Review and consideration of submissions	January/February 2019
Council report preparation	
Public submissions report and draft LEP amendment to Council for adoption	February/March 2019
Submission to the department to finalise the LEP	March/April 2019
Submit request for drafting of LEP to Parliamentary Counsel's Office^	April 2019
Forward to the department for notification	May 2019
* If required	
^ If delegated	

# Appendix A

## Consistency with State Environmental Planning Policies



No.	SEPP Title	Summary	Consistency
19	Bushland in Urban Areas	Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1	Kempsey Shire Council is not identified in Schedule 1 (areas to which the policy applies)
21	Caravan Parks	Seeks to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long-term residents.	The planning proposal is not for a caravan park and will not impact on any existing caravan parks.
30	Intensive Agriculture	Requires development consent and additional requirements for cattle feedlots and piggeries.	Proposal does not provide for Intensive Agricultural uses
33	Hazardous and Offensive Development	Seeks to provide additional support and requirements for hazardous and offensive development	The planning proposal will not facilitate hazardous or offensive development
36	Manufactured Home Estates	Seeks to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	The proposal does not involve a manufactured home estate
44	Koala Habitat Protection	Seeks to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	The mapping amendments sought through this proposal will not directly result in additional impact on Koala habitat or Koala feed trees
50	Canal Estate Development	Prohibits canal estate development	No canal estate development is proposed
55	Remediation of Land	Provides a State-wide planning approach for the remediation of contaminated land.	No potential or contaminated land has been identified at the subject sites
62	Sustainable Aquaculture	Seeks to encourage and regulate sustainable aquaculture development	Aquaculture land uses do not form part of this proposal

64	Advertising and Signage	Seeks to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	Neither advertising nor signage forms part of this planning proposal
65	Design Quality of Residential Flat Development	Seeks to improve the design qualities of residential flat building development in New South Wales.	The housekeeping amendments proposed are not for the purposes of enabling additional residential flat building development
	Affordable Rental Housing 2009	To provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	This housekeeping amendment is not to facilitate development that would otherwise conflict with the objectives of this SEPP.
	Building Sustainability Index: BASIX 2004	The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State	The planning proposal does not seek to amend the application of the BASIX SEPP on the sites.
	Coastal Management 2018	The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area	The planning proposal does not enable future development contrary to the objectives of this SEPP.
	Educational Establishments and Child Care Facilities 2017	The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State	The planning proposal does not propose educational establishments or early education and care facilities.
	Exempt and Complying Development Codes 2008	Seeks to provide streamlined assessment processes for development that complies with specified development standards.	The planning proposal does not seek to amend the application of the Exempt and Complying Development Codes SEPP on the subject sites.

	Housing for Seniors or People with a Disability 2004	Seeks to encourage the provision of housing to meet the needs of seniors or people with a disability.	The planning proposal does not seek to amend the application of this SEPP as it would currently apply to these sites.
	Infrastructure 2007	The aim of this policy is to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	The housekeeping amendments proposed will not enable development to proceed which would otherwise conflict with the objectives of this SEPP
	Mining, Petroleum and Extractive Industries 2007	Seeks to provide for the proper management and development of mineral, petroleum and extractive material resources	The planning proposal does not seek to amend the application of the Mining, Petroleum and Extractive Industries SEPP on the sites.
	Rural Lands 2008	Seeks to facilitate the orderly and economic use and development of rural lands for rural and related purposes	The housekeeping amendment involves the rezoning of rural land to environmental land (national park) consistent with the issued <i>Notice of Reservation of a National Park</i> .
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	The <i>Malbec Part 3A residential subdivision approval</i> is subject to the jurisdiction of the joint regional planning panel. The housekeeping amendments proposed will not diminish the effect of development consent requirements already imposed on this site, rather the amendments proposed will facilitate the commencement of the initial stage of an approved state significant development.
	Vegetation in Non-Rural Areas 2017	The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	The housekeeping amendments proposed will not of themselves diminish the protections afforded biodiversity at the subject sites.

## Appendix B

### Consistency with Section 9.1 Directions

Direction	Objectives	Application	Consistency
<b>1. Employment and Resources</b>			
<b>1.1 Business and Industrial Zones</b> Issued 1 May 2017	<ul style="list-style-type: none"> <li>To encourage employment growth in suitable locations</li> <li>To protect employment land in business and industrial zones, and support the viability of identified strategic centres.</li> </ul>	Applies when a planning proposal is prepared that affects land within an existing or proposed business or industrial zone (includes alteration of boundary of any existing business or industrial zone)	N/A - this planning proposal does not apply to land with an existing or proposed business or industrial land zoning.
<b>1.2 Rural Zones</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>To protect the agricultural production value of rural land.</li> </ul>	Applies when a planning proposal is prepared that affects land within an existing or proposal rural zone (includes alteration of any existing rural zone boundary)	The housekeeping amendment will facilitate the rezoning of rural land to environmental land (National Park) in compliance with the <i>Notice of Reservation of a National Park</i> received from OEH.
<b>1.3 Mining, Petroleum Production and Extractive Industries</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</li> </ul>	Applies when planning proposal is prepared that would prohibit or restrict the mining or potential development of coal, other minerals, petroleum production or obtaining extractive minerals of State or regional significance permitting incompatible land use.	This planning proposal will have no material impact on the quality, function or extraction of any significant resource reserve.



<b>1.4 Oyster Aquaculture</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>To protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</li> </ul>	Applies to Priority Oyster Aquaculture Areas as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006)	The site is located inland and not in proximity of, nor will it impact on, any identified Priority Oyster Aquaculture Areas.
<b>1.5 Rural Lands</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>To protect the agricultural production value of rural land and facilitate the orderly and economic development of rural land.</li> </ul>	Applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies	As identified above, the housekeeping amendment will facilitate the rezoning of rural land to environmental land (National Park) in compliance with the <i>Notice of Reservation of a National Park</i> received from OEH.
<b>2. Environment and Heritage</b>			
<b>2.1 Environment Protection Zones</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>To protect and conserve environmentally sensitive areas.</li> </ul>	Applies when a planning proposal is prepared.	The housekeeping amendment will facilitate the rezoning of rural land to environmental land (National Park) in compliance with the <i>Notice of Reservation of a National Park</i> received from OEH.
<b>2.2 Coastal Management</b> Issued 3 April 2018	<ul style="list-style-type: none"> <li>To protect and manage coastal areas of NSW</li> </ul>	Applies to the Coastal Zone as defined in the Coastal Management Act 2016	While the northern portion of the urban release area for the <i>Malbec Part 3A residential subdivision approval</i> is within a Coastal Wetlands Proximity Area, the portion of the urban release area proposed to be excised is not located within the Coastal Management constraint mapping area.
<b>2.3 Heritage Conservation</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</li> </ul>	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The sites the subject of this housekeeping amendment are not identified as containing any objects or located in a place of environmental, historical or indigenous heritage significance.

<b>2.4 Recreation Vehicle Areas</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</li> </ul>	Limits the development of land for the purpose of a recreational vehicle area.	The land the subject of this planning proposal is not proposed to be developed for the purpose of a recreational vehicle area.
<b>3. Housing, Infrastructure and Urban Development</b>			
<b>3.1 Residential Zones</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>To encourage a variety and choice of housing types to provide for existing and future housing needs</li> <li>To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>To minimise the impact of residential development on the environment and resource lands.</li> </ul>	Applies when a planning proposal affects land within an existing or proposed residential zone (including the alteration of any existing zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.	Components of this housekeeping amendment apply to residential zones located within South West Rocks. These two localities each have the capacity to provide reticulated services and other urban infrastructure consistent with residential zones in an urban setting. There are no identified constraints which would preclude the provision of the identified services.

<b>3.2 Caravan Parks and Manufactured Home Estates</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>• To provide for a variety of housing</li> <li>• types and opportunities for caravan parks and manufactured home estates</li> </ul>	Applies when a planning proposal is prepared. Does not apply to Crown land reserved or dedicated for any purposes under the Crown Lands Act 1989 (except Crown land reserved for accommodation purposes) or land dedicated or reserved under the NP&W Act 1974.	The planning proposal does not relate to any existing or proposed caravan parks or manufactured home estates.
<b>3.3 Home Occupations</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>• To encourage the carrying out of low-impact small businesses in dwelling houses.</li> </ul>	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	There has been no indication that home occupation uses are proposed in any future subdivision of the site. Notwithstanding, the intent of the housekeeping amendment is not to prevent the operation of appropriate home operations within residential dwelling housing.
<b>3.4 Integrating Land Use and Transport</b> Issued 14 April 2016	<p>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>• improve access to housing, jobs and services by walking, cycling and public transport,</li> <li>• increase transport choice and reduce travel demand and reducing dependence on cars,</li> <li>• reduce travel demand including distances travelled, especially by car,</li> <li>• support the efficient and viable operation</li> </ul>	Applies to planning proposals that create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	This housekeeping amendment includes two sites that have been the subjects of Part 3A approvals for residential subdivisions. These Part 3A approvals were the subject of rigorous assessment to ensure that the residential subdivisions were functional including having effective transport arrangements in place. The amendments proposed will not negatively impact on these arrangements.

	<p>of public transport services, and</p> <ul style="list-style-type: none"> <li>• Provide for the efficient movement of freight.</li> </ul>		
<p><b>3.5 Development Near Licensed Aerodromes</b> Issued 14 April 2016</p>	<ul style="list-style-type: none"> <li>• To ensure the effective and safe operation of aerodromes</li> <li>• To ensure that the operation of aerodromes is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</li> <li>• To ensure development for residential purposes or human occupation incorporates appropriate mitigation measures</li> </ul>	<p>Applies to a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>The housekeeping amendment sites are not in close proximity to any licensed aerodrome nor are they impacted by any OLS restrictions.</p>
<p><b>3.6 Shooting Ranges</b> Issued 16 February 2011</p>	<ul style="list-style-type: none"> <li>• To maintain appropriate levels of public safety and amenity and reduce land use conflict when rezoning land adjacent to an existing shooting range.</li> </ul>	<p>Applies to a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.</p>	<p>The planning proposal locations are not in proximity of any existing shooting ranges.</p>



4. Hazard and Risk			
<b>4.1 Acid Sulfate Soils</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</li> </ul>	Applies to planning proposal on land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	<p>One of the residential sites the subject of this housekeeping amendment is identified as containing Class 4 ASS. Notwithstanding, the site is the subject of a rigorous Part 3A consent for a residential subdivision which includes considerations for this aspect of the approval.</p> <p>This housekeeping amendment will not change the terms of the existing approval nor amend the development proposed. The housekeeping amendment in terms of this approval is merely to facilitate Council approval of dwellings and building proposed for the 1<sup>st</sup> stage of the proposal.</p>
<b>4.2 Mine Subsidence and Unstable Land</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</li> </ul>	Applies to planning proposal on land within a mine subsidence district or that has been identified as unstable in a study, strategy or other assessment	<p>The subject sites and surrounds are not identified as being unstable land nor in a Mine Subsidence District.</p>
<b>4.3 Flood Prone Land</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>To ensure that development of flood prone land is consistent with the <i>NSW Government's Flood Prone Land Policy</i> and the principles of the <i>Floodplain Development Manual</i> 2005; and</li> <li>To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</li> </ul>	Applies to a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	<p>The housekeeping amendments proposed will not modify approved development in terms of built outcome nor any flood considerations within existing approvals.</p>

<b>4.4 Planning for Bushfire Protection</b> Issued 1 July 2009	To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and encourage sound management of bush fire prone areas.	Applies when Council prepares draft LEP that affects or is in proximity to land mapped as bushfire prone land.	The two residential sites the subject of this housekeeping amendment are located on bushfire prone land. Notwithstanding, the amendments proposed will not alter bushfire threat levels or undermine bushfire arrangements currently in place. Any future development at these sites will be subject to a bushfire assessment.
<b>5. Regional planning</b>			
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b> Issued 21 August 2015	To manage commercial and retail development along the Pacific Highway.	Applies to council areas on the North Coast that the Pacific Highway traverses between Port Stephens Shire Council and Tweed Shire Council, inclusive	The sites the subject of this housekeeping amendment are not located near the existing or proposed alignment of the Pacific Highway and do not comprise commercial or retail development.
<b>5.10 Implementation of Regional Plans</b> Issued 14 April 2016	This direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	Applies to land to which a Regional Plan has been released by the Minister for Planning.	The development at the subject sites remain consistent with the <i>North Coast Regional Plan 2036</i> .
<b>6. Local Plan Making</b>			
<b>6.1 Approval and Referral Requirements</b> Issued 1 July 2009	To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Applies when planning proposal prepared. A planning proposal must minimise or prohibit provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority or the nomination of designated development.	This planning proposal will not impose any restrictions that would be inconsistent with this direction.

<p><b>6.2 Reserving of Land for Public Purposes</b> Issued 1 July 2009</p>	<p>To facilitate the provision of public services and facilities by reserving land for public purposes and the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>Applies when a planning proposal is prepared. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority.</p>	<p>The planning proposal will not remove the reservation of land for public purposes. One of the outcomes sought by this housekeeping amendment is to include appropriate zoning and minimum lot sizes for land parcels captured by the issued <i>Notice of Reservation of a National Park</i> for the Limeburners Creek and Willi Willi national park reservation expansions.</p>
<p><b>6.3 Site Specific Provisions</b> Issued 1 July 2009</p>	<p>To discourage unnecessarily restrictive site specific planning controls.</p>	<p>A planning proposal to amend an environmental planning instrument must either:</p> <ul style="list-style-type: none"> <li>• allow that land use to be carried out in the zone the land is situated on, or</li> <li>• rezone the site to an existing zone that allows that land use without imposing any development standards, or</li> <li>• allow that land use on the relevant land without imposing any development standards in addition to those already contained in the principal environmental planning instrument being amended.</li> </ul>	<p>This housekeeping amendment is consistent with the Direction as one of the subject residential sites is proposed to have the zone and minimum lot size mapping within the KLEP 2013 amended to enable land at the identified site to be more effectively utilised for a future residential subdivision.</p>

## Appendix C

*OEH - Notice of Reservation*





General Manager  
Kempsey Shire Council  
PO Box 3078  
West Kempsey NSW 2440

Email: [ksc@kempsey.nsw.gov.au](mailto:ksc@kempsey.nsw.gov.au)

Dear Sir/Madam

**Notice of Reservation under the National Parks & Wildlife Act 1974**

**Limeburners Creek National Park  
Willi Willi National Park**

Please find attached Government Gazette published 18 May 2018 in regard to the above for your information and records.

CATHY JOHNSON  
Project Officer  
Reserve Establishment  
Office of Environment and Heritage  
Phone (02) 9585 6377 Fax (02) 9585 6402

25 May 2018

David Hurley  
Governor,  
By His Excellency's Command,  
  
Gabrielle Upton  
Minister for the Environment.

GOD SAVE THE QUEEN

Land District – Metropolitan LGA – Ku-ring-gai and Ryde

**SCHEDULE**

County Cumberland, Parishes Hunters Hill and Gordon, 28.36 hectares being Lot 1 DP1193230 and Lot 102 DP1106135

*Papers* OEH EF14/11085; EF14/7269

[n2018-1627]

**NATIONAL PARKS AND WILDLIFE ACT 1974**

**NOTICE OF RESERVATION OF A NATIONAL PARK**

I, General The Honourable David Hurley AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedules 1-3 below as part of **Limeburners Creek National Park**, under the provisions of Section 30A(1) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 7th day of March, 2018.

David Hurley  
Governor,  
By His Excellency's Command,  
  
Gabrielle Upton  
Minister for the Environment.

GOD SAVE THE QUEEN

Land District – Port Macquarie LGA – Kempsey and Port Macquarie-Hastings

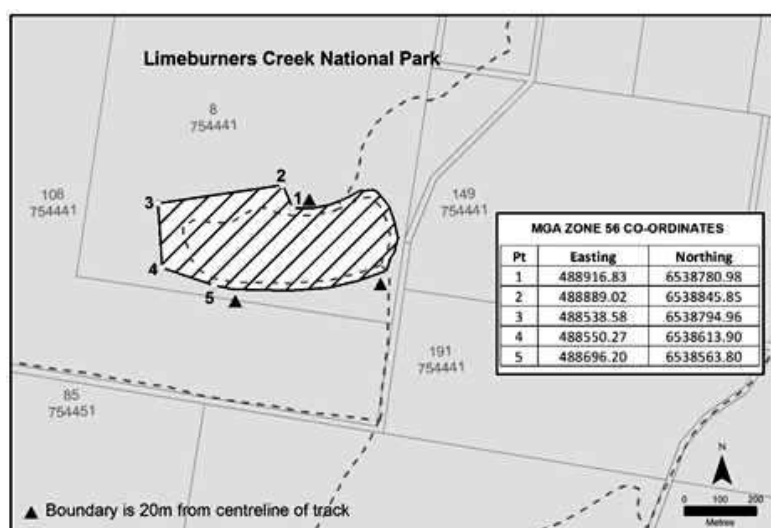
County Macquarie, an area totalling 920.91 hectares.

**Schedule 1**

Parish Torrens, 713.94 hectares being Lots 69 and 70 DP 219719, Lot 27 DP 221558 and Lots 67 and 68 DP754451.

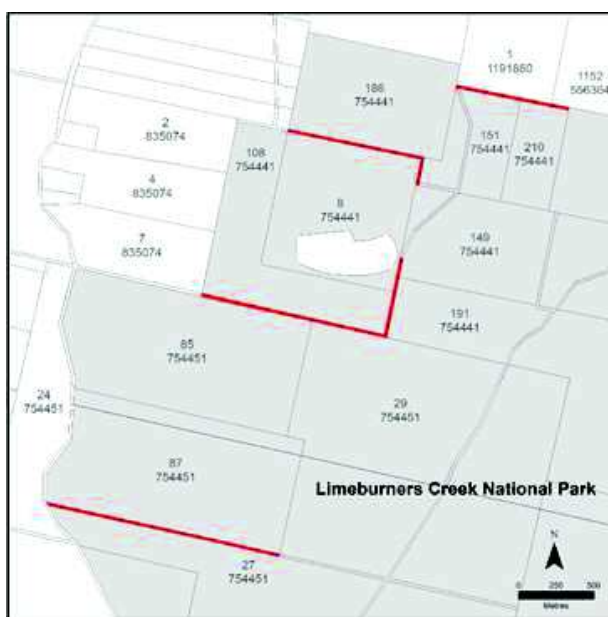
**Schedule 2**

Parish Palmerston, about 197.37 hectares being Lots 8, 108 and 186 DP754441 exclusive of the about 15.9 hectares within Lot 8 DP754441 shown hatched in the diagram below.



### Schedule 3

Parish Palmerston and Torrens, about 9.6 hectares being the Crown roads shown red in the diagram below



*Papers* OEH/EF14/7110 and EF14/7115

[n2018-1628]

### NATIONAL PARKS AND WILDLIFE ACT 1974

#### NOTICE OF RESERVATION OF A NATURE RESERVE

I, General The Honourable David Hurley AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as part of **Rawdon Creek Nature Reserve**, under the provisions of Section 30A(1) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 7th day of March, 2018.

David Hurley  
Governor,  
By His Excellency's Command,  
Gabrielle Upton  
Minister for the Environment.

GOD SAVE THE QUEEN

Land District – Port Macquarie LGA – Port Macquarie-Hastings

#### SCHEDULE

County Macquarie, Parish Cairncross, about 5.117 hectares being Lot 1 DP1195477 and Lot 2 DP591726; excluding a strip 20m wide over the centreline of Forest Hut Road within Lot 2 DP591726 required for access.

*Papers* OEH/EF14/9418.

[n2018-1629]

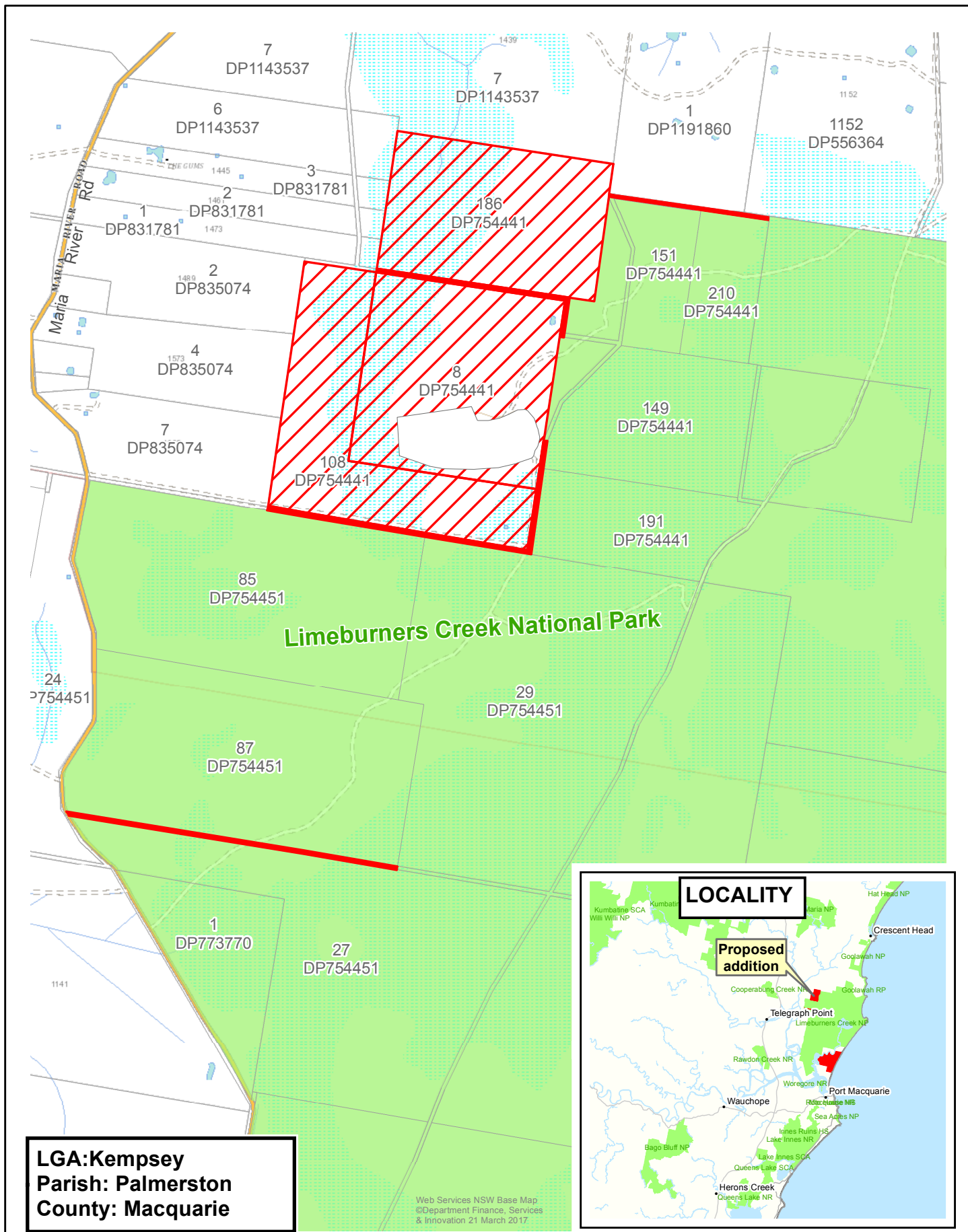
### NATIONAL PARKS AND WILDLIFE ACT 1974

#### NOTICE OF RESERVATION OF A NATURE RESERVE




I, General The Honourable David Hurley AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in Schedule 1 below as part of **South West Woodland Nature Reserve**, under the provisions of Section 30A(1) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 7th day of March, 2018.

David Hurley  
Governor,  
By His Excellency's Command,



## Legend

-  Addition
-  NPWS Reserves
-  Lot and DP

## Addition to Limeburners Creek National Park



Office of  
Environment & Heritage  
NSW National Parks & Wildlife Service



0 0.25 0.5 1  
Kilometres

DOC15/355054  
EF14/7115

Sheet 1 of 2

Printed by RET  
21 March 2017

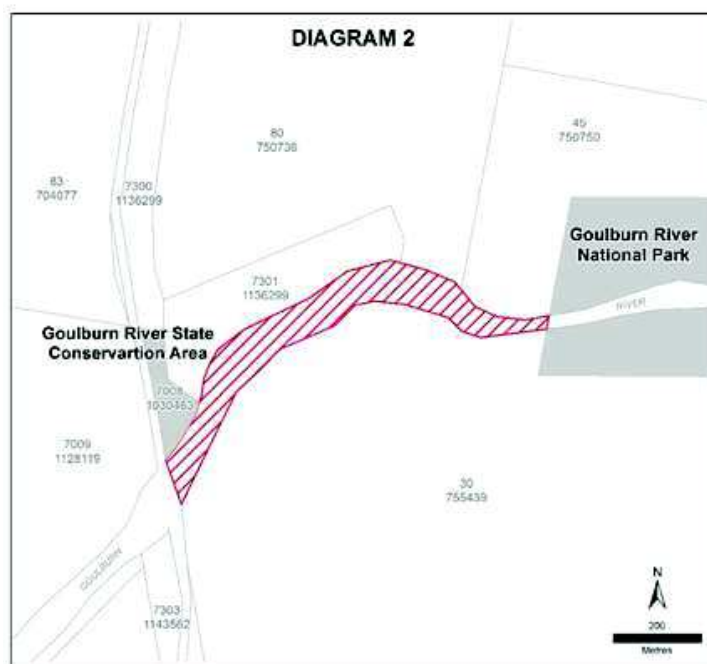




## Schedule 2

### Goulburn River State Conservation Area

Counties Bligh and Phillip, Parishes Ulan, Bobadeen, Durridgere and Lennox, about 9.7 hectares being Lot 7008 DP1030463 and the bed of the Goulburn River shown by hatching on Diagram 2 below.



Note: The above reservation is restricted to a depth of 50 metres below the surface of the land.

*Papers* OEH/ EF14/9381, EF15/1051, EF15/10168, EF14/7311

[n2018-1623]

## NATIONAL PARKS AND WILDLIFE ACT 1974

### NOTICE OF RESERVATION OF A NATIONAL PARK

I, General The Honourable David Hurley AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as part of **Willi Willi National Park**, under the provisions of Section 30A(1) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 7th day of March, 2018.

David Hurley  
Governor,  
By His Excellency's Command,

Gabrielle Upton  
Minister for the Environment.

GOD SAVE THE QUEEN

Land District – Kempsey LGA – Kempsey

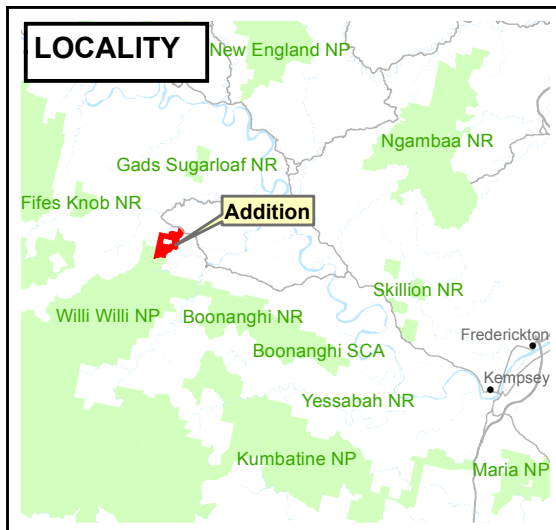
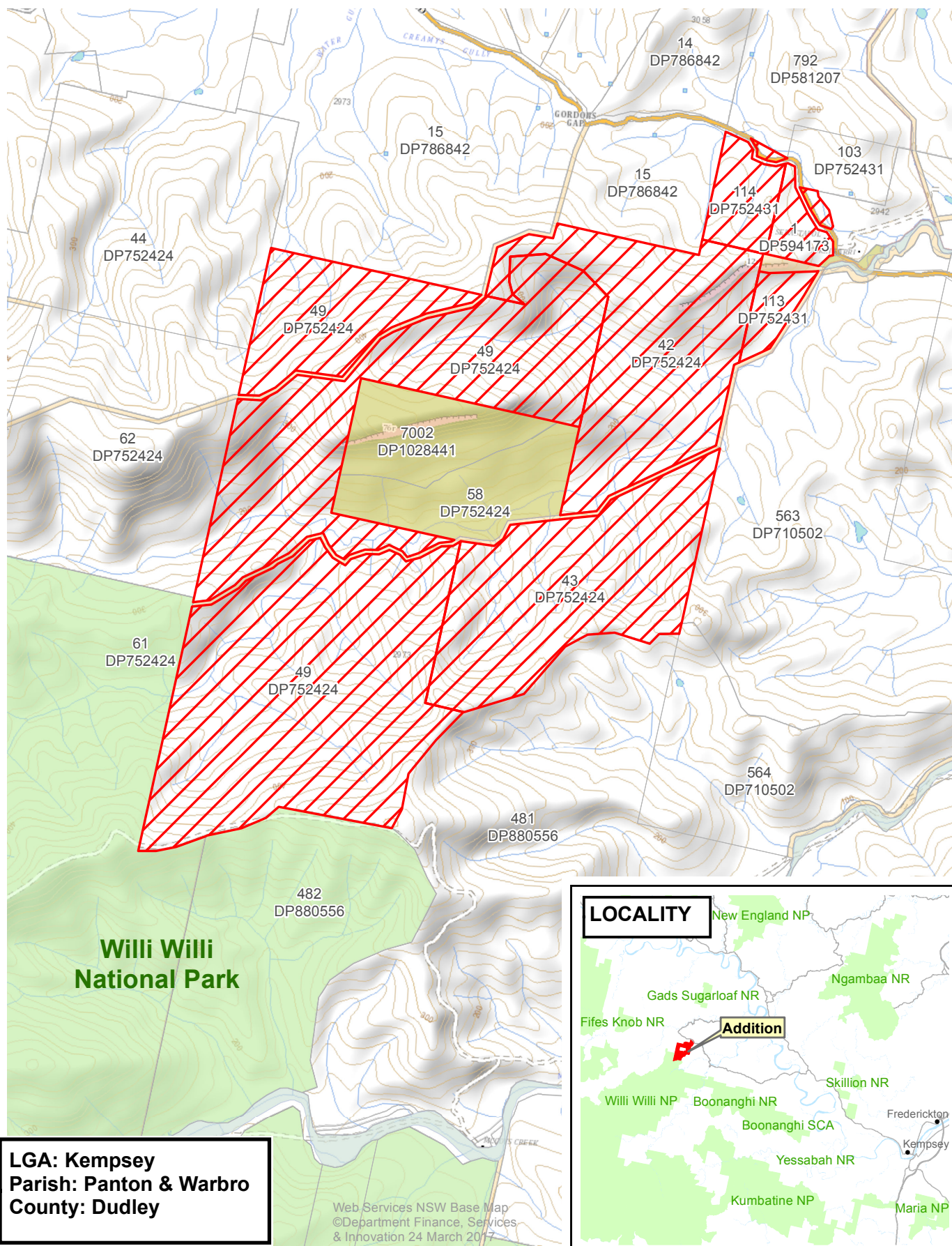
### Schedule

County Dudley, Parishes Warbro and Panton, 468.4 hectares being Lots 42, 43, 49 DP752424; Lots 113 and 114 DP752431 and Lot 1 DP594173.





*Papers* OEH/ EF14/6990

[n2018-1624]





## Legend

-  Addition
-  NPWS Reserve
-  Crown Land
-  Lot and DP

## Addition of land to Willi Willi National Park



Office of  
Environment & Heritage  
NSW National Parks & Wildlife Service



DOC15/131700

Printed by RET  
24 March 2017

0 125 250 500  
Metres