

**(FUTURE) PUBLIC EXHIBITION DATES**

**(Start) to (Finish)**

# **Planning Proposal under section 55 of the EP&A Act**

**Draft Port Macquarie-Hastings LEP 2011  
(Amendment No \*)**

**Proposed rezoning of land  
Lot 14 DP 240042  
Pioneer Street North Haven**

PMHC ref: PP2014 - 9.1  
DP&E ref: PP\_2017\_PORTM\_\*  
Date: 06/02/2017



## Planning Proposal status (for this copy)

| Stage                                                                    | Version Date<br>(blank until achieved) |
|--------------------------------------------------------------------------|----------------------------------------|
| Reported to Council (section 55)                                         | 17 May 2017                            |
| Referred to Dept of Planning (sec 56 (1))                                | 29 May 2017                            |
| 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 to Dept of Planning (sec 58 (2)) |                                        |

**Council reference:** PP2014 - 9.1

(Amendment No will initially be blank) Port Macquarie-Hastings LEP 2011 (Amendment No \*)

**Department of Planning & \***

**Environment reference:**

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## Adoption of the Planning Proposal

### 1. For initial Gateway determination

This Planning Proposal was endorsed on 08/09/2017 by the undersigned Council delegate:

Signed 

Name Peter Cameron

Position Group Manager Strategic Land Use 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 .....

## Executive Summary & Exhibition information

*(Details to be included prior to Exhibition)*

### Planning Proposal

This is a planning proposal to rezone part Lot 14 DP240042, Pioneer Street, North Haven from rural zoned land to part urban and part environmental conservation.

### What is a planning proposal?

A planning proposal is a document that is prepared by a Council when it is intended to make changes to a local environmental plan and it sets out the justification for the proposed changes. It is used and read by a wide audience including government agencies responsible for deciding whether the proposed changes should proceed, as well as the general community.

Preparation of a planning proposal is the first step in preparing to make changes to the local environmental plan. This proposal is set out in the manner required by the state government and it contains information required by the state government when Council's prepare changes to their local environmental plans.

### What is the intent of this planning proposal?

The intent of this planning proposal is to amend Port Macquarie-Hastings Local Environmental Plan 2011 to change the zone of the above land at North Haven to permit future development of around 6-7 residential lots to complete Pioneer Street (west). The balance of Lot 14 will retained as part rural zoned land and part environmental conservation.

The normal mechanism for making changes to our local environmental plan (LEP) is to prepare a 'Planning Proposal' and an amending LEP that will replace the relevant sections of text and or maps in the principle LEP for an area.

The planning proposal will be publicly exhibited for a period that is set out in the document. Hard copies of this planning proposal will be available for the duration of the specified exhibition period at Council's offices between 8.30am and 4.30pm on normal business days. The planning proposal will also be available on Council's website:

[www.pmhc.nsw.gov.au](http://www.pmhc.nsw.gov.au)

Agencies and the general public can comment on the planning proposal during the exhibition period. All comments received during the exhibition period will be reported to Council for a final decision. Note that any submission may be made public.

Written submission can be made using the tab below or send your submission by email or post to:

The General Manager  
Port Macquarie-Hastings Council  
PO Box 84  
Port Macquarie NSW 2444  
Email [council@pmhc.nsw.gov.au](mailto:council@pmhc.nsw.gov.au)

For any enquiries relating to the planning agreement, please contact Leanne Fuller on 6581 8111 or via email [leanne.fuller@pmhc.nsw.gov.au](mailto:leanne.fuller@pmhc.nsw.gov.au)

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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 (PMHLEP) 2011*. It will be assessed by Port Macquarie-Hastings Council, the NSW Department of Planning and Environment and used for public participation on the proposed LEP amendment.

## Background

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|                          |                                             |
|--------------------------|---------------------------------------------|
| <b>Proposal</b>          | Rezoning of land                            |
| <b>Property Details</b>  | Lot 14 DP 240042 Pioneer Street North Haven |
| <b>Current Land Zone</b> | RU1 Primary Production                      |
| <b>Applicant Details</b> | King and Campbell PL                        |
| <b>Land owner</b>        | RD & ML Tate & Tate Developments PL         |

*This section of the planning proposal will be updated prior to public exhibition.*

## Part 1 - Objectives or Intended Outcomes

The intended outcomes of this planning proposal are:

- 1) To permit future residential development of part Lot 14 DP 240042 Pioneer Street North Haven (the site), for housing and to protect ecological values on the site.
- 2) To ensure residential development is carried out in a manner that addresses environmental hazards of flooding and bushfire, and to ensure protection of ecological values.

The site adjoins developed zoned residential land to the south and east and rural land to the west, north and north-east.

Figure 1 below shows the location of the site in context of the Camden Haven urban area. The plan at figure 2 shows the location of the site in relation to existing zoned residential land and dwellings in the surrounding locality.

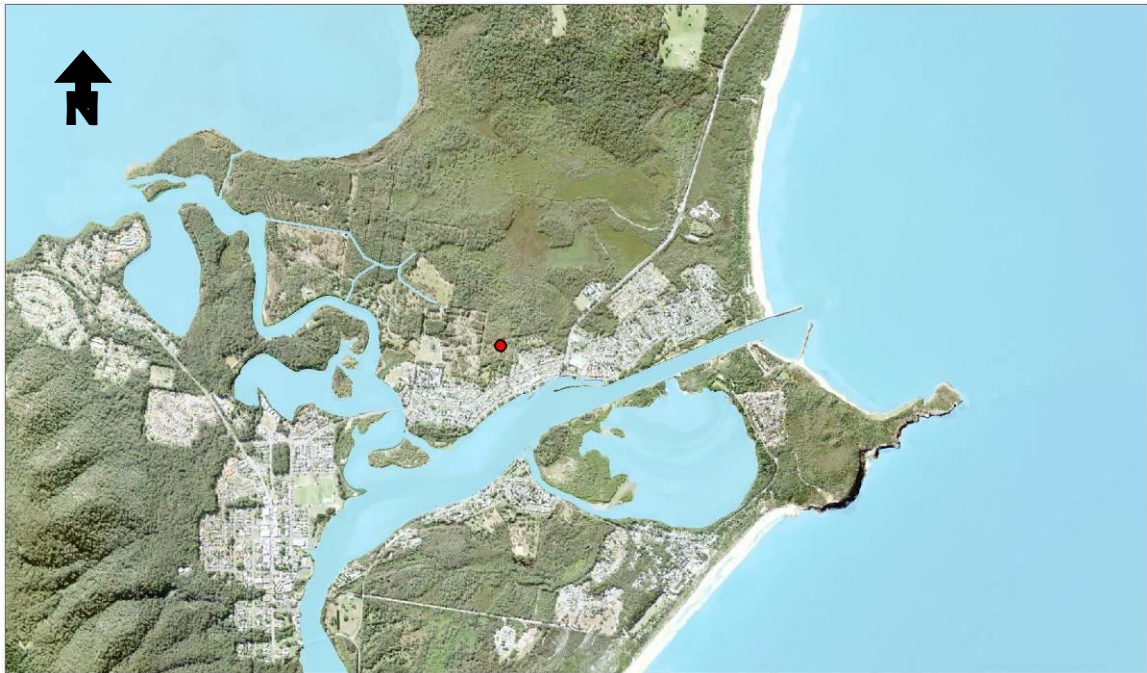


Figure 1: Locality context

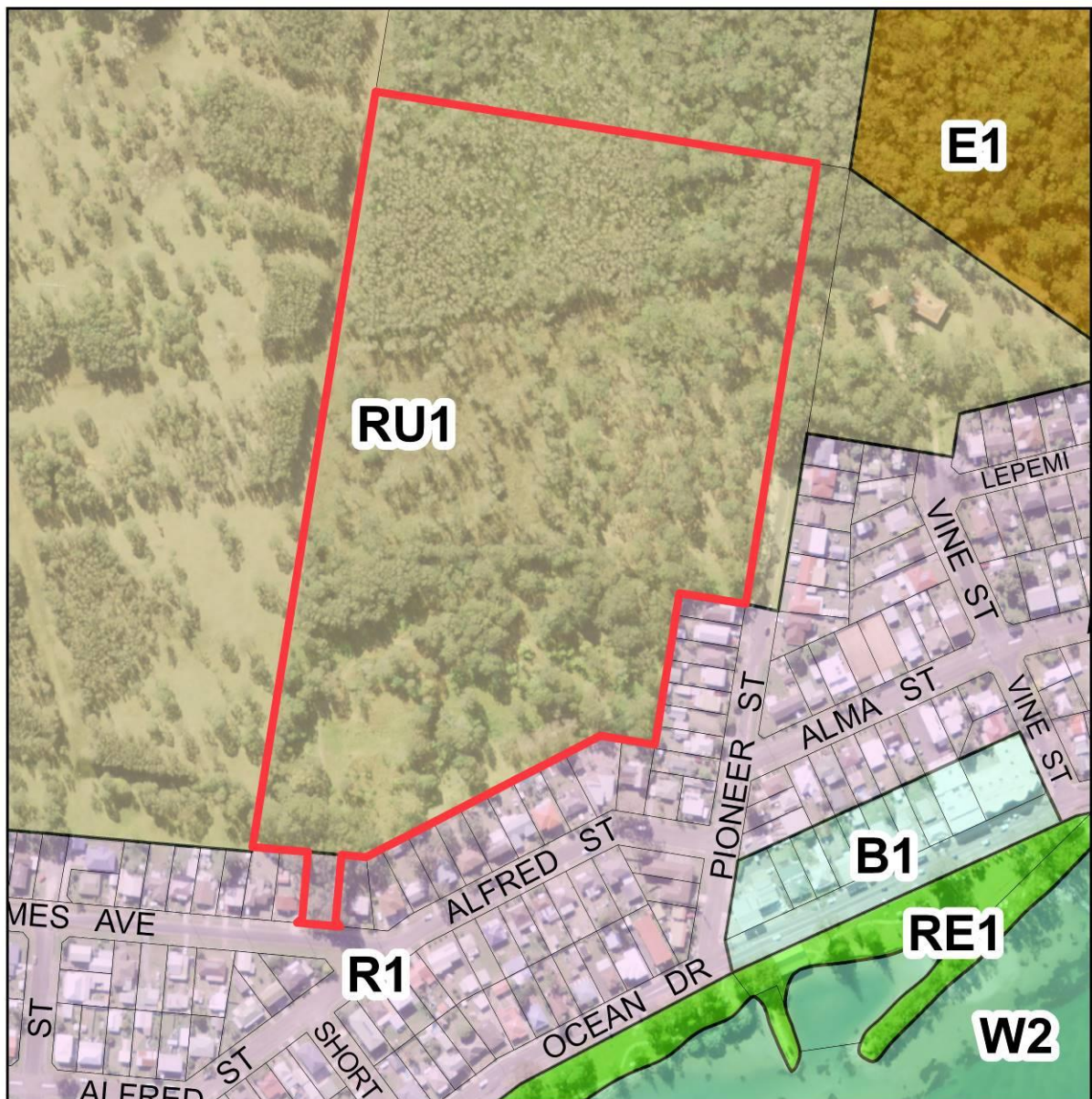


Figure 2: Site context

## Part 2 - Explanation of Provisions

The intended outcomes are proposed to be achieved by making the following changes to Council's principle planning instrument, *Port Macquarie-Hastings Local Environmental Plan (PMHLEP) 2011*:

- Amendment to the PMHLEP 2011 **Land Zoning Map** to change the zoning of the site from RU1 Primary Production to part R1 General Residential, part RU1 Primary Production and part E2 Environmental Conservation, as indicated in Figure 3.
- Amendment to the PMHLEP 2011 **Lot Size Map** to allow a minimum lot size of 450 square metres for the residential zone land and minimum 6 hectare lot size for the proposed rural and environmental lands, as indicated in Figure 4.
- Amendment to the PMHLEP 2011 **Height of Building Map** to allow a maximum height of 8.5 metres for the residential zone land, as indicated in Figure 5.
- Amendment to the PMHLEP 2011 **Floor Space Ratio Map** to allow a maximum floor space ratio of 0.65:1 for the residential zone land, as indicated in Figure 6.

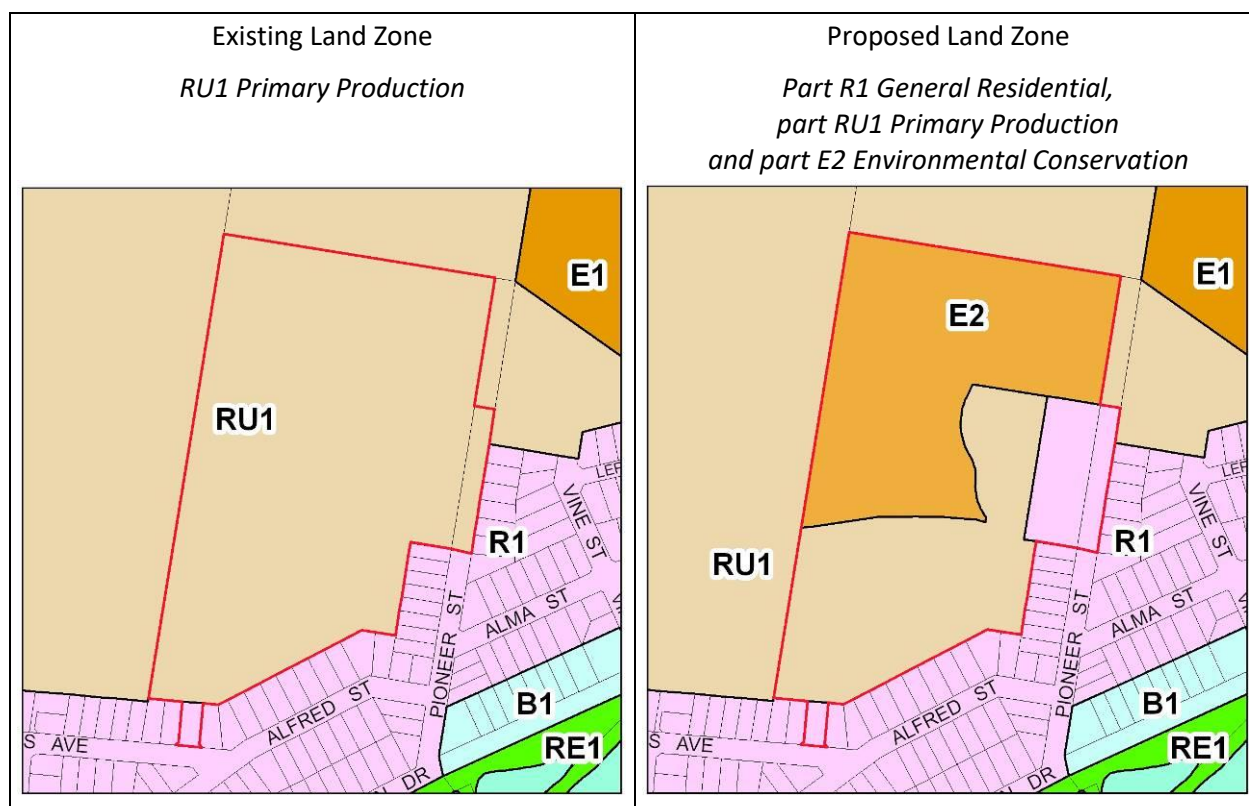


Figure 3: Land zone - existing & proposed

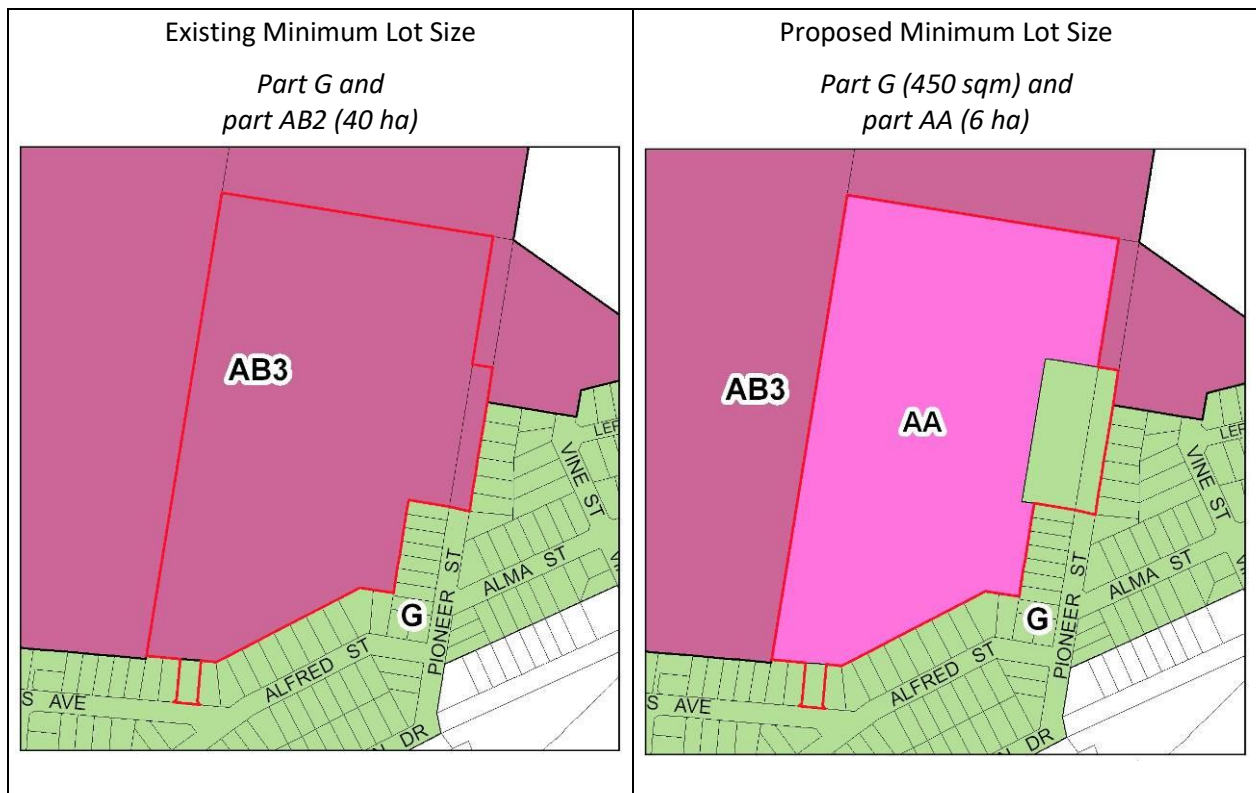


Figure 4: Lot size - existing & proposed

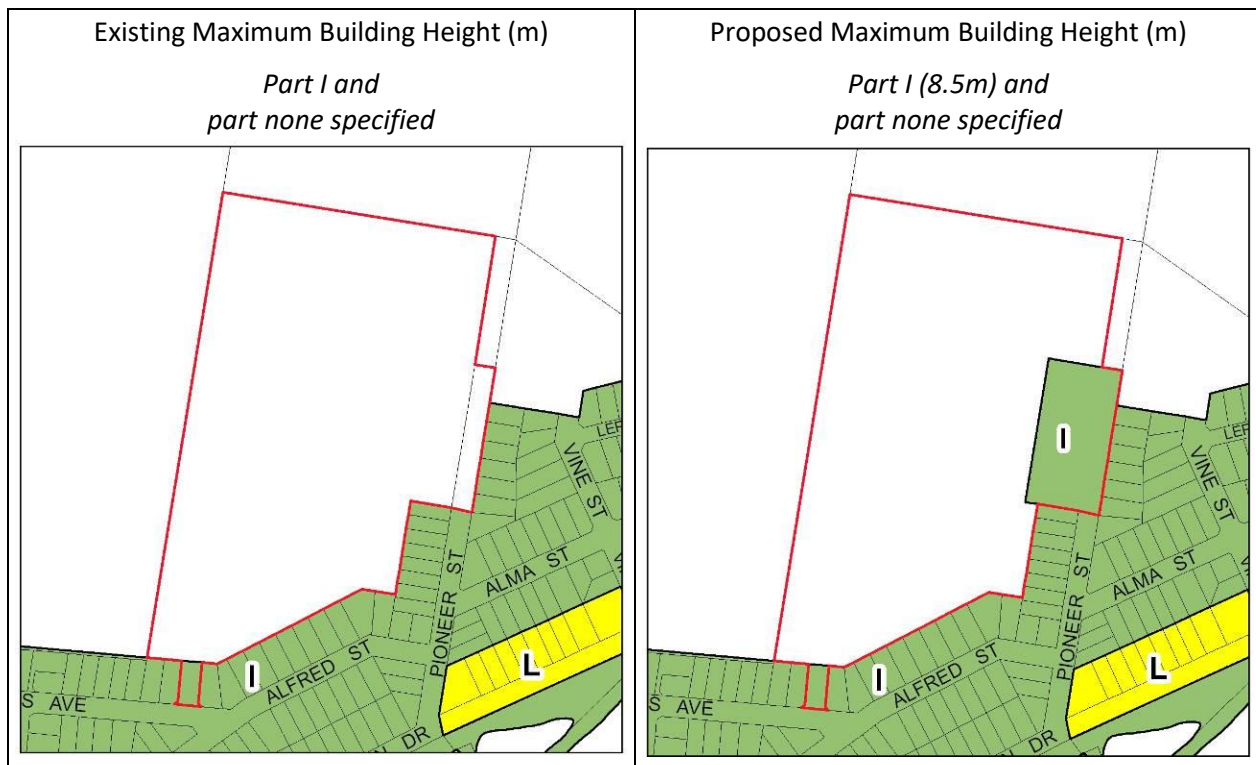


Figure 5: Height of buildings - existing & proposed

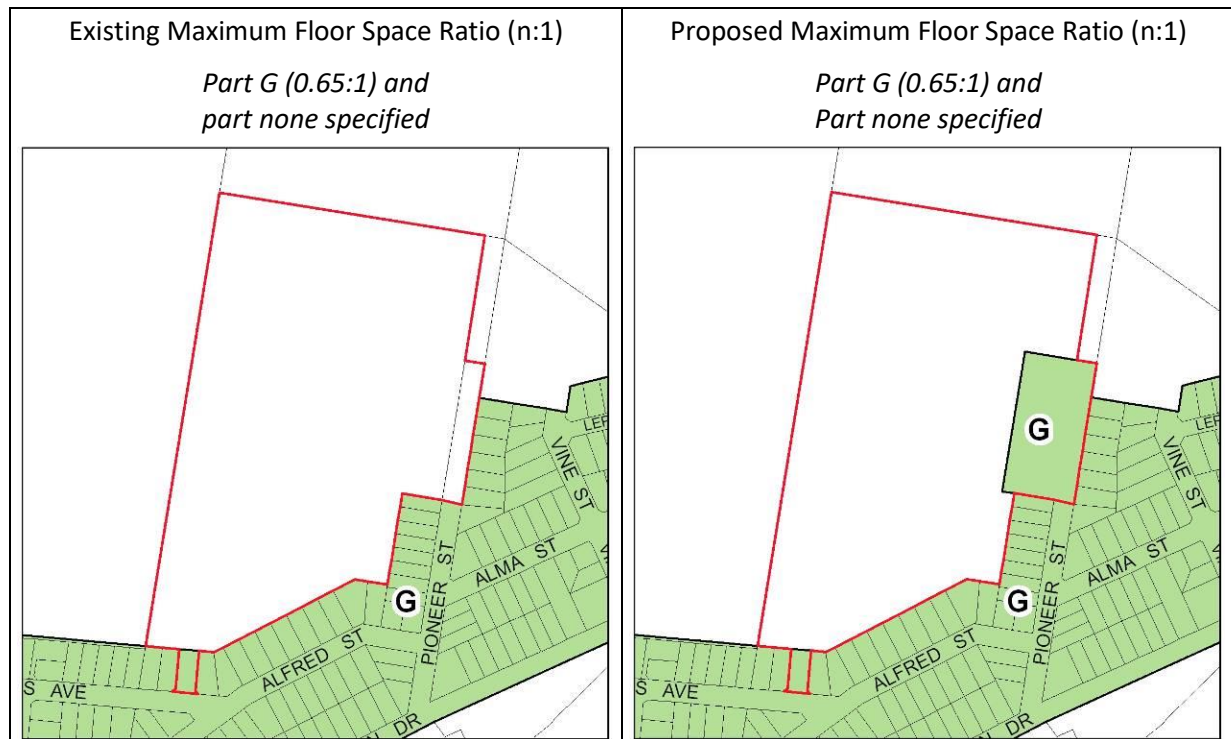


Figure 6: Floor space ratio - existing & proposed

## Part 3 – Justification

### Section A - Need for the planning proposal.

#### 1. Is the planning proposal a result of any strategic study or report?

The site has been the subject of investigations for urban infill development since before 2002, being identified in the Camden Haven Urban Growth Strategy 2002-2022, the Mid North Coast Regional Strategy 2006-31 and within the mapped Urban Growth Area under the North Coast Regional Plan 2036.

The Port Macquarie Urban Growth Management Strategy 2011 – 2031 (the UGMS) provides the strategic framework for residential, rural residential, retail, industrial and tourism development in the Port Macquarie-Hastings local government area.

The UGMS specifically identifies that “Council will continue to investigate opportunities for infill development across the LGA, such as the small infill LEP amendments that are currently being investigated by Council at Pioneer St (North Haven)” (page 142).

The UGMS seeks to achieve a “sustainable high quality of life for all”. To achieve this, it recognises the expected demand for significant population growth and seeks to identify suitable land to meet this growth. Suitable land is identified by recognising the value of the natural environment, seeking to protect natural resources and managing natural constraints.

The UGMS seeks to ensure urban growth avoids significant environmental impacts. The land owner commissioned an ecological impact assessment with the original rezoning request (Darkheart, February 2008). An addendum to the ecological assessment (NatureCall, 28 September 2016) was submitted in support of the current rezoning proposal.

Council is satisfied that the proposed zoning of the site, including E2 Environmental Conservation over valuable ecological resources, ensures the proposed rezoning achieves the aim of the UGMS to avoid significant environmental impacts.

The UGMS requires consideration of environmental hazards including bushfire and flooding.

The applicant has provided a Bushfire Constraints Assessment (ABPP, 26.04.2017) that identifies required asset protection zones and access requirements for the proposed area of R1 General Residential zone.

Council is satisfied that the development of the proposed residential zone is capable of satisfying Planning for Bushfire Protection 2006 without significant loss of ecological values of the land.

As a general principle, the UGMS avoids intensifying land use in areas subject to coastal and flooding risks.

Substantial areas of North Haven are subject to flooding and a range of state government policies have required detailed flood planning investigations to be undertaken before any decision is made to rezone flood prone land for urban development.

The Floodplain Development Manual (April 2005) required the completion of catchment based flood studies to provide the context for planning decisions of land within flood prone areas.

The land owner commissioned a Flood Impact Assessment Report (Patterson Britton & Partners, now Worley Parsons) for the site in 2006, which was based on a 1989 flood study of the Camden Haven River system.

Council deferred rezoning of the site until a more contemporary flood study was completed for the Camden Haven River.

The Camden Haven River and Lakes System Flood Study (CHRFS) commenced in 2008 and was finally adopted by Council in November 2013.

In 2016, an updated Flood Risk Assessment Report (Worley Parsons) was prepared, based on the CHRFS.

The Flood Risk Assessment Report provides satisfactory demonstration that the site is suitable for filling and development for residential purposes, subject to certain development controls.

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

The UGMS aims to promote coordinated growth in proposed urban release areas, on land that is suitable for development, having regard to environmental, resource and hazard constraints.

Key housing strategies include the timely release of adequate and appropriately located land, achievement of coordinated outcomes between landowners and the public interest, and to maximise the efficiency of infrastructure and services.

Implementation actions, include both the release of new urban areas and the continued planning of infill areas for residential development, in the immediate to short term.

The planning proposal supports the timely release of appropriately located land, and is a reasonable outcome for the landowners and the public interest.

The planning proposal achieves the avoidance of significant ecological impacts and will allow appropriate development that will manage environmental hazards. The site is capable of connection to existing water and sewerage services without significant costs.

It is considered the planning proposal, and proposed zone boundaries is the best way to achieving the objectives of the UGMS.

## **B - Relationship to strategic planning framework.**

### **3. Is the planning proposal consistent with the objectives and actions of the Mid North Coast Regional Plan 2036 (MNCRP).**

#### **Goal 1 The most stunning environment in NSW**

Direction 1: The delivery of environmentally sustainable growth.

Action 1.1: "Focus future urban development in mapped urban growth areas.

Response

The Planning Proposal site is within the mapped Urban Growth Area in the MNCRP.

Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments.

Action 1.1: Focus development to areas of least biodiversity sensitivity in the region and implement the “avoid, minimise, offset” hierarchy to biodiversity, including areas of high environmental areas.

Response

The Planning Proposal intends to rezone the least sensitive areas of the site for residential development, and protect the valuable areas of the site by applying an environmental conservation zone. In addition, the site will provide for offsetting of some tree removal on the proposed residential zone, achieving both the minimise and offset hierarchy to biodiversity.

Direction 3: Manage natural hazards and climate change

Action 2.1 Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.

Response

Assessment of bushfire hazard and flooding hazard has been undertaken and demonstrated that residential development of the proposed r1 zone will comply with Planning for Bushfire protection 2006 and satisfy Council's adopted flood policy.

**Goal 3 Vibrant and engaged communities**

Direction 21: Coordinate local infrastructure delivery

Action 21.2 Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.

Response

The Planning Proposal will allow development of land that will make use of existing infrastructure.

**Goal 4 Great housing choice and lifestyle options**

Direction 22: Deliver greater housing supply

Action 22.1 Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.

Response

The rezoning of the land is consistent with the planned delivery of supply of residential land in the UGMS.

#### 4. Is the planning proposal consistent with Council's Community Strategic Plan and Urban Growth Management Strategy 2010 – 2031?

The PMHC Towards 2030 Community Strategic Plan 2017 (CSP) identifies the following overarching vision of the community:

*A sustainable high quality of life for all.*

Objective 4 of CSP is "A connected, sustainable, accessible community and environment that is protected now and into the future.

Key strategies include:

4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area

The 2017-2021 Delivery Plan and Operational Plan provides Objective 4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development. Actions include the implementation of high priority actions under the UGMS.

As noted above, the UGMS specifically identifies that "Council will continue to investigate opportunities for infill development across the LGA, such as the small infill LEP amendments that are currently being investigated by Council at Pioneer St (North Haven)" (page 142).

#### 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of consistency with State Environmental Planning Policies (SEPPs) of relevance is below.

| SEPP                             | Consistent | Reason for inconsistency or comment                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No 14 – Coastal Wetlands         | Yes        | <i>Ensures coastal wetlands are preserved and protected for environmental and economic reasons.</i><br>There are no SEPP 14 wetlands near to the site.                                                                                                                                                                                                                                                   |
| No 44 - Koala Habitat Protection | Yes        | <i>Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</i><br>The site was assessed as not qualifying as Potential Koala Habitat under the SEPP 44 assessment criteria.                                                                                      |
| No 55 - Remediation of Land      | No         | <i>Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.</i><br>Initial examination of historical aerial imagery provides no indication of site contamination. Phase 1 investigation is recommended to be undertaken following a gateway determination. |
| Rural Lands (2008)               | Yes        | <i>The aim of this policy is to facilitate the orderly and economic use and</i>                                                                                                                                                                                                                                                                                                                          |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                    |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <p><i>development of rural lands for rural and related purposes. The SEPP contains a number of 'Rural Planning Principles' that must be considered in preparing any planning proposals affecting rural land.</i></p> <p>The site has not been identified as regionally significant farmland and is considered to have limited agricultural value due to its size and location.</p> |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of consistency with Ministerial Directions of relevance is below.

### 1. Employment and Resources

| <i>S117 Direction</i> | <i>Consistent</i> | <i>Reason for inconsistency or comment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No 1.2 - Rural Zones  | No                | <p><i>The objective of this direction is to protect the agricultural production value of rural land.</i></p> <p>The proposal is inconsistent with the terms of this direction because a proposal must not rezone land from a rural zone to a residential zone.</p> <p>As indicated in consideration of SEPP Rural Land (2008) above, this inconsistency is justifiable on the basis that the rural production value of the land is not considered to be a limiting factor in a rezoning of the land as proposed.</p> |
| No - 1.5 Rural Lands  | No                | <p><i>This direction aims to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.</i></p> <p>The land is not considered to provide significant agricultural production land.</p>                                                                                                                                                                                                                            |

### 2. Environment and Heritage

| <i>S117 Direction</i>                   | <i>Consistent</i> | <i>Reason for inconsistency or comment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No 2.1 - Environmental Protection Zones | Yes               | <p><i>The objective of this direction is to protect and conserve environmentally sensitive areas.</i></p> <p>It is proposed to protect remnant vegetation (approx 5.6ha) in the northern area of the site in an E2 Environmental Conservation zoning. The applicant has offered to enter into a VPA to prepare a Vegetation Management Plan to ensure long term management and maintenance of the E2 lands. This is intended to be negotiated at development application stage, following completion of the rezoning.</p> |
| No 2.3 - Heritage Conservation          | Yes               | <p><i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p> <p>An assessment report by Lindsay Moran, from Birpai Local Aboriginal</p>                                                                                                                                                                                                                                                                     |

|  |  |                                                                                                                                                                                                                                                                           |
|--|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | Land Council, dated 26 10 2006 did not identify any evidence of Aboriginal occupation of the site, but recommended monitoring of any future earthworks during development of the site. It is proposed to consult with the LALC and OEH following a Gateway determination. |
|--|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### 3. Housing, Infrastructure and Urban Development

| <i>S117 Direction</i>                       | <i>Consistent</i> | <i>Reason for inconsistency or comment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No 3.1 - Residential Zones                  | Yes               | <p><i>The objectives of this direction are to provide for existing/future housing needs, make efficient use of existing infrastructure and minimise the impact of residential development on the environment and resource lands.</i></p> <p>The proposal relates to a small amount of residential infill (approx 0.8ha), with potential benefits associated with compact urban form and efficient use of existing infrastructure. Natural resources and identified areas of native vegetation are expected to be protected by the proposal.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| No 3.3 - Home Occupations                   | Yes               | <p><i>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</i></p> <p>No change is proposed to the current provisions of PMHLEP 2011 which permit home occupations to be carried out in dwelling houses without the need for development consent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| No 3.4 - Integrating Land Use and Transport | Yes               | <p><i>This direction aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i><br/> <i>(b) increasing the choice of available transport and reducing dependence on cars, and</i><br/> <i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i><br/> <i>(d) supporting the efficient and viable operation of public transport services, and</i><br/> <i>(e) providing for the efficient movement of freight.</i></p> <p>There is an existing bus service that connects Kendall with Port Macquarie via Laurieton and North Haven. The route is along Ocean Drive, and the nearest bus stop is about 250m from the proposed R1 Zone area. There is an existing walkway/cycleway along the river foreshore, also within 250m of the site.</p> <p>There is a neighbourhood business centre less than 250m from the site, and North Haven Public School is less than 1km from the site, with an existing cycleway/walkway along Ocean Drive from the intersection with Alma St.</p> |

### 4. Hazard and Risk

| <i>S117 Direction</i>                     | <i>Consistent</i> | <i>Reason for inconsistency or comment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No 4.1 - Acid Sulfate Soils               | Yes               | <p><i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</i></p> <p>The site is mapped as Class 3 Land, meaning acid sulfate soils may be encountered beyond 1m below natural surface level.</p> <p>Clause 7.1 of PMHLEP 2011 aims to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Therefore, at the time of applying to develop the site, consent will be required for the Class 3 land where any works are proposed to be more than 1m below the natural ground surface, or the water table is likely to be lowered more than 1 m below the natural ground surface. .</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| No 4.3 - Flood Prone Land                 | No                | <p><i>This direction aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</i></p> <p>The 'Camden Haven River &amp; Lakes System Flood Study', was completed in July 2013 and adopted by Port Macquarie-Hastings Council on 20th November 2013.</p> <p>A Flood Risk Assessment (Worley Parsons, 7<sup>th</sup> March 2016) concluded that the land proposed for rezoning would be classified as high hazard flood storage. However, the site would be considered as infill residential development and consequently the report considers that the site can be modified by relatively minor filling to enable the site to be classified as low hazard flood storage area.</p> <p>This would allow the rezoning to be consistent with Council's Interim Flood Policy and Council's Flood Risk requirements under the Urban Growth Strategy.</p> <p>To avoid significant difference in ground levels from existing residential development in the street, the report recommends the site to be filled to a depth of up to 900mm, to RL 2.23m AHD, and for future dwellings to achieve a minimum floor level of RL4.14m AHD.</p> <p>The proposed residential zone is small in area and it is considered that the inconsistency with this direction is of minor significance.</p> |
| No 4.4 - Planning for Bushfire Protection | No                | <p><i>The objectives of this direction are 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 to encourage sound management of bush fire prone areas.</i></p> <p>The site is mapped bushfire prone land.</p> <p>A detailed bushfire hazard assessment report has been prepared for the site. The report recommends APZs that are to be contained</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <p>within proposed residential lots by specifying building envelopes within each proposed lot.</p> <p>It is considered that the planning proposal:</p> <ul style="list-style-type: none"> <li>a) has regard to Planning for Bushfire Protection 2006, and</li> <li>b) introduces controls to avoid placing inappropriate developments in hazardous areas. Controls will be introduced through the proposed VPA and subsequent development consent conditions, and</li> <li>c) ensures bushfire hazard reduction is permissible within the required APZs, and</li> <li>d) will allow for adequate APZs to be provided, and</li> <li>e) will provide for a perimeter fire trail around the proposed residential lots,</li> <li>f) allows development that will have access to adequate water supply for fire fighting purposes, and</li> <li>g) reasonably minimises the perimeter of the area of land and the hazard interface, and</li> <li>h) will enable consent conditions to control placement of combustible materials in the Inner Protection Area.</li> </ul> <p>Consultation with the RFS is proposed after a Gateway determination, as required by the Direction.</p> |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 5. Regional Planning

| <i>S117 Direction</i>                          | <i>Consistent</i> | <i>Reason for inconsistency or comment</i>                                                                                                                                                                                                                                                                     |
|------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No 5.1 - Implementation of Regional Strategies | Yes               | <p><i>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</i></p> <p>The site is within the area identified for future urban development in the <i>Mid North Coast Regional Strategy 2006-2031</i>.</p> |

## 6. Local Plan Making

| <i>S117 Direction</i>                       | <i>Consistent</i> | <i>Reason for inconsistency or comment</i>                                                                                                                                                               |
|---------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No 6.1 - Approval and Referral Requirements | Yes               | <p><i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p> <p>The proposal is consistent with this direction.</p> |

## **C - Environmental, social and economic impact.**

### **7. 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?**

A detailed ecological assessment of the proposal (Darkheart 2008, and addendum by NatureCall 2016) identified the EEC Dry Sclerophyll Forest/swamp forest on the site and habitat for threatened Squirrel Glider.

The extent and disturbance status of the EEC boundary was assessed and the key habitat areas identified on the site. It is proposed to protect the relatively undisturbed areas of EEC through the proposed E2 zone.

Trees providing habitat for Squirrel Glider are able to be retained, either within the RU1 zone, E2 zone or the future rear yards of the R1 zone.

It is considered that the proposed rezoning will not have a significant adverse impact on EECs or threatened species habitat, and the minor impact on heavily disturbed areas will be adequately offset by the revegetation works to be undertaken as part of any future development proposal.

A description of how the zone boundaries were defined is provided below.

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

#### Ecology

The rezoning request proposed the zone boundaries shown in Figure 7.

The request identified the more important ecological value land at the northern end of the site to be zoned E2, and an additional area to be revegetated to offset some losses of trees and vegetation in the proposed R1 zone.

The rezoning request foreshadowed a VPA is to be negotiated at development application stage to ensure the offset planting is undertaken and to provide for ongoing maintenance of the E2 zone land.

Consideration of the rezoning request and a more conservative assessment of bushfire hazard by Council resulted in a larger APZ being identified for clearing to allow future development.

Following discussion with the rezoning proponent, it was agreed to extend the E2 zone (and future offset area to be replanted) generally to coincide with the line identified as “change of grade” on Figure 7. This was considered to provide a logical natural boundary to define the zone boundary.

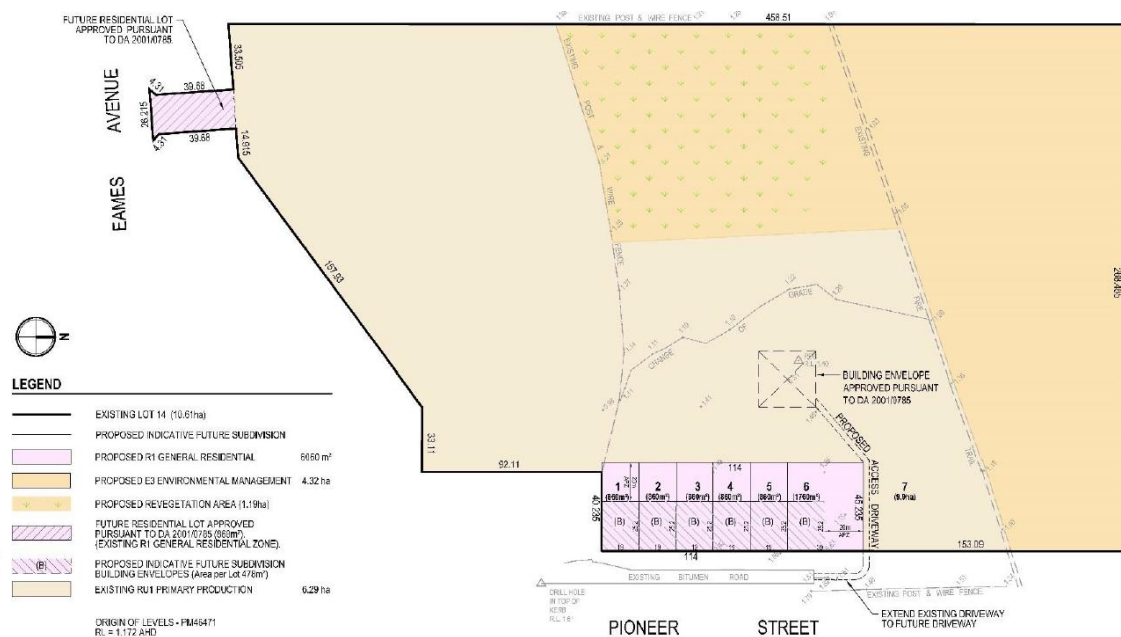


Figure 7 Rezoning Request Proposed Boundaries

### Bushfire Hazard

Bushfire hazard, as discussed above, was assessed and a conservative approach to the identification of an adequate APZ for future development was identified, being and APZ of 27m.

The rezoning request foreshadowed a subdivision design with building envelopes and a 20m APZ included in the proposed lots and within the R1 Zone.

The Planning Proposal has extended the R1 zone a further 7m to the west to accommodate 27m APZs within the future lots.

### Flooding

Review of the Flood Impact Assessment (Worley Parsons 2016) by Council concluded that:

- The site is an 'infill' rezoning that provides no further rezoning opportunities.
- The limited impacts due to the proposed filling only occurs on the remaining land owned by the applicant.
- At development application stage, flood hazard can be adequately manage by requiring a section 88b or similar instrument be put in place to require two (2) story dwellings with:
  - the ground floor to be non-habitable (garages or laundry) and
  - the second floor to be above 4.15m AHD.

### Stormwater Drainage

A Stormwater Concept Plan identifies practical disposal for stormwater flows, treatment and infiltration facilities. It is considered that water quality targets will be

achieved and minimise any environmental impacts on water quality as a result of the development.

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

The proposal will enable a small area of residential infill development on the site (approx 0.8ha) consistent with existing and future surrounding residential development. Social and economic impacts are expected to be negligible.

**D - State and Commonwealth interests.**

**10. Is there adequate public infrastructure for the planning proposal?**

Direct vehicular access is available to Pioneer Street.

Sewer and water services are available and considered satisfactory to service future residential infill development of the site.

Electricity and telecommunications infrastructure is expected to be satisfactory. Consultation will occur with Essential Energy and Telstra regarding this aspect of the proposal prior to public exhibition.

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

Should the proposal be supported, the Department of Planning and Environment's gateway determination will specify consultation requirements.

Consultation with State agencies is expected to occur with the NSW Office of Environment and Heritage, the NSW Rural Fire Service and the Birpai Aboriginal Land Council. As noted above, consultation will also occur with relevant electricity and telecommunications providers.

*This section of the planning proposal will be updated prior to public exhibition.*

## **Part 4 – Mapping**

Proposed map amendments to PMHLEP 2011 are described in Part 2 of this planning proposal.

## **Part 5 – Community Consultation**

It is proposed to undertake community consultation for 28 days including notification in a local newspaper and written notification to adjoining landowners. In addition, the exhibition material will be available on Council's website and at the Port Macquarie Administration building for the duration.

To assist the community in understanding Council's financial interests in the proposal, certain requirements are summarised in a NSW Department of Planning and Environment *Local Environmental Plan Practice Note* (PN 09-003). A copy of Council's response to these requirements, together with a copy of the practice note is required to be part of the material displayed during public exhibition of the planning proposal.

*This section of the planning proposal will be updated following public exhibition.*

## Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays.

| Planning proposal process outline                                                                              | 2017 |   |   |   |   |   |   |   |
|----------------------------------------------------------------------------------------------------------------|------|---|---|---|---|---|---|---|
|                                                                                                                | O    | N | D | J | F | M | A | M |
| Commencement<br>(date of Gateway determination)                                                                | X    |   |   |   |   |   |   |   |
| Timeframe for the completion of required additional information                                                |      | X |   |   |   |   |   |   |
| Timeframe for government agency consultation<br>(pre and post exhibition as required by Gateway determination) |      |   | X |   |   |   |   |   |
| Commencement and completion dates for public exhibition period                                                 |      |   |   | X |   |   |   |   |
| Dates for public hearing<br>(if required)                                                                      |      |   |   |   |   |   |   |   |
| Timeframe for consideration of submissions                                                                     |      |   |   |   | X |   |   |   |
| Timeframe for the consideration of a proposal post exhibition                                                  |      |   |   |   | X |   |   |   |
| Date of submission to the department to finalise the LEP                                                       |      |   |   |   |   | X |   |   |
| Date Council will make the plan<br>(if delegated)                                                              |      |   |   |   |   |   |   | X |
| Date Council will forward to the department for notification                                                   |      |   |   |   |   |   |   | X |

