

(FUTURE) PUBLIC EXHIBITION DATES

31 July to 28 August 2019

Planning Proposal under section 3.33 of the EP&A Act

***Port Macquarie-Hastings LEP 2011
(Amendment No 55)***

Administrative Review

Ccl ref: PP2019 – 1.2

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Date: 22 June 2019



Planning Proposal status (for this copy)

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Adopted by Council for submission to Minister's delegate (sec 3.36 (2))	

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(Amendment No will initially be blank) Port Macquarie-Hastings LEP 2011 (Amendment No 55)

Department of Planning & Environment reference: PP_2019_PORTM_002_00

Council Address

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Contact Officer

Stephanie Baker
Strategic Land Use Planner
Email: stephanie.baker@pmhc.nsw.gov.au
Phone: 6581 8056

Adoption of the Planning Proposal**1. For initial Gateway determination**

The undersigned Council delegate endorsed this Planning Proposal on 17 June 2019:

Signed 

Name Peter Cameron

Position Group Manager Strategic Land Use Planning

2. For section 3.36 finalisation

This Planning Proposal was endorsed on by Port Macquarie-Hastings Council, or the undersigned Council delegate (delete one):

Signed

Name

Position

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Executive Summary

This is a Planning Proposal prepared under section 3.33 of the *Environmental Planning and Assessment Act 1979*, in relation to a proposed amendment to *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011). It will be assessed by Port Macquarie-Hastings Council, the NSW Department of Planning, Industry and Environment.

This proposal addresses seven minor issues in the LEP 2011 map series and seeks to make refinements and adjustments to correct errors or anomalies that have been identified.

The changes apply to various properties, and affect multiple landowners, as detailed in **Part 2**.

The issues are:

- 1) Lot 1 DP1185603 Heritage item I089 (Wauchope Railway Station group), Wauchope - map updates required.
- 2) Lot 203 DP 1112804, Laurieton (Council owned land) – rezone from E3 Environmental Management to E2 Environmental Conservation.
- 3) Phar Lap Circuit, Port Macquarie – remove Koala Habitat mapping from road.
- 4) Lot 4 DP1010172 Comboyne showground – rezoning from RU1 Primary Production to RE2 Private Recreation; apply the Height of Buildings map to the subject lands; and remove the Lot Size map from the subject lands
- 5) Lot 100 DP 1107348 and Lot 69 DP 1103700, Kew – Acoustic map to be reinstated.
- 6) Lot 39 DP 219719, Queens Grant subdivision, North Shore – update Land Reservation Acquisition Map.
- 7) Map tidy-ups for the Land Reservation Acquisition Map series.

Port Macquarie-Hastings Council is the applicant for this proposal.

Planning Proposal

Part 1 - Objectives or Intended Outcomes

To review and refine the Port Macquarie Hastings Local Environmental Plan 2011 (LEP 2011) to correct seven errors and/or anomalies that have been identified in a number of maps (further details in Part 2). This will facilitate efficient operation of the LEP and the development application process.

Part 2 - Explanation of Provisions

The intended outcomes are proposed to be achieved by making the following changes to the LEP 2011, Council's principle planning instrument. Details of the seven amendments, as reported to Council on 20 February 2019 (refer to Appendix B) are as follows:

Mapping Corrections

Issue 1. Lot 1 DP1185603 - Heritage item I089 (Wauchope Railway Station group), Wauchope

Heritage Item I089 forms part of the Wauchope Railway Station group, which is a Heritage Item of State Significance. The land subject to this proposal is formally known as Lot 1 DP 1185603. There is a minor cadastral anomaly on this item, meaning that the existing Heritage map partially encroaches onto Lot 2 DP 953945 to the north. The proposed changes follow the northern boundary of Lot 1 DP1185603, and are shown in **Part 4 Mapping**.

Proposal:

Amend the Heritage mapping as described for Heritage Items I085 Wauchope.

Issue 2. Lot 203 DP 1112804 - Bayside Circuit, Laurieton (Council owned land)

The subject land is located off Bayside Circuit in Laurieton and is owned by Council. The land formed part of DA 2017-956.1, which involved the Dunbogan Flood Access Road Upgrade.

As part of the above DA, the Office of Environment and Heritage (OEH) were consulted. OEH has a statutory responsibility in relation to biodiversity, Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management.

OEH raised the following issues relevant to the subject site: *'inadequacies with the proposed mechanism for establishing and managing the proposed offset site'*. The OEH recommended that, prior to determining the DA, that Council consider *'rezoning the proposed offset site from E3 (Environmental Management) to E2 (Environmental Conservation)'*.

The DA has been issued but the site is required for offsets. Subsequently, the rezoning is logical as it will provide additional protection to the biodiversity values on the land. The land to which the proposed rezoning applies is shown in **Figure 1** below.

This proposed map change responds to the OEH recommendation to rezone the subject offset site to E2 Environmental Conservation.



Figure.1 Offset site off Bayside Circuit

Proposal:

Remove the E3 Environmental Management zone from the subject site and apply the E2 Environmental Conservation zone as described above, and illustrated in Part 4 Mapping.

Issue 3. Phar Lap Circuit, Port Macquarie

The intent of Council's Koala Habitat mapping is to protect core koala habitat. In this instance, the mapping extends to Phar Lap Circuit, which is a road (refer to **Figure 2** for aerial of Phar Lap Circuit). In some instances the mapping minimally encroaches in to the residential lots on the opposite side of the road. In the areas where the map encroaches into these properties, further assessment is triggered at DA stage. It is proposed to remove the mapping from the road areas at Phar Lap Circuit.



Figure.2 Phar Lap Circuit vicinity

Proposal:

Amend the Koala Habitat mapping for Phar Lap Circuit, Port Macquarie, as described above and illustrated in Part 4 Mapping.

Issue 4. Lot 4 DP 1010172 - Comboyne showground

The Comboyne showground is currently zoned RU1 Primary Production. The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining uses.*

The current use of the land does not fulfil the objectives of the zone. Furthermore, minimum lot size for land in the RU1 Primary Production zone is 40ha. The total area of the site is approximately 4ha.

The subject land associated with the showground is privately owned. As such, it does not have a classification of either community or operational land and should therefore be zoned for private recreation rather than public recreation purposes.

Changing the zone of this Lot to RE2 Private Recreation would better reflect the existing use of the land. The RE2 Private Recreation zone has the following objectives:

- *To enable land to be used for private open space or recreational purposes.*

- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

As identified above, the showground is more closely aligned with the objectives of the RE2 Private Recreation zone. Further, there are additional permitted uses associated with a RE2 Private Recreation zoning, such as camping grounds, which may allow for an additional income generation opportunity on the land. This rezoning would be in line with other showgrounds within the Port Macquarie-Hastings Local Government Area as the Wauchope and Kendall showgrounds are both zoned RE2 Private Recreation.

Currently there is no Height of Building map applying to the subject site, however the Wauchope showground has a 14.5m height limit and Kendall showground has applied an 8.5m height limit. Given that the Comboyne showground is located within a village, it is considered reasonable to apply a 8.5m maximum, which would be consistent with the controls applied at Kendall showground. Conversely, neither the Kendall or Wauchope showground have a minimum lot size requirement, so it is proposed that the 40ha minimum lot size be removed from the subject site. Refer to **Table 1** below for a comparison of provisions across the three showgrounds.

Table 1 - Comparison of provisions

	Wauchope Showground	Kendall Showground	Comboyne Showground (Current)	Comboyne Showground (Proposed)
Zoning	RE2 Private Recreation	RE2 Private Recreation	RU1 Primary Production	RE2 Private Recreation
Floor Space Ratio	No maximum	No maximum	No maximum	No maximum
Height of Building	14.5m maximum	8.5m maximum	No maximum	8.5m maximum
Lot Size	No minimum	No minimum	40ha minimum	No minimum

Proposal:

Amend the Land Zoning map for Lot 4 DP1010172 Comboyne showground. Apply the Height of Buildings map to the subject lands; and remove the Lot Size map from the subject lands, as described in table 1 above and illustrated in Part 4 Mapping; and amend all maps in the Height of Building Map series to include the new HOB_007A in the map grid in the legend Bar.

Issue 5. Lot 100 DP 1107348 and Lot 69 DP 1103700, Kew

Amendment 11 to LEP 2011 commenced on 10 August 2012 and involved rezoning rural land to facilitate an expansion of Kew village.

As part of the State Government Agency consultation for Amendment 11, the NSW Environment Protection Authority raised concerns about the Noise Impact Assessment (prepared by SLR Global Solutions), noting that *‘two standards were used, one being the conditions applicable for hotel noise and the NSW Road Noise Policy (OEH 2011), for Pacific Highway noise’*.

Their concern was in relation to the impacts of noise from the proposed light industrial area on the adjoining block to the north east to the proposed residential section of the subject site (Refer to **Figure 3**). Furthermore, they acknowledged the lack of analysis around the cumulative impacts of all three noise sources on the subject sites, which were being proposed for residential and light industry purposes. Subsequently, as part of Amendment 11 Council introduced an Acoustic Control, which applied to Lot 100 DP 1107348 and Lot 69, DP 1103700, being the sites subject to this administrative amendment. This control ensures that adverse noise impacts and unnecessary land use conflict are avoided from the outset.

The Acoustic Control was detailed in both the Planning Proposal and gazette notice of Amendment 11, and was applied by way of an update to map sheet CL1_011B of the LEP 2011.



Figure. 3 Subject site and surrounding noise impacts

Amendment 16 subsequently commenced on 28 June 2013 and included, amongst other things, the introduction of an Acoustic Control at 2394 Oxley Highway in Wauchope. This involved creating a new map sheet, which is known as CL1_010B.

As part of the process in creating a new map sheet, all of the associated map sheets in the series (e.g. all other Acoustic Control maps in LEP 2011) need to be updated to reference this new map sheet. Therefore, map sheet CL_011B was updated to recognise this new map sheet being CL1_010B. Unfortunately, as part of this administrative process, the Acoustic Controls applying to the subject site (being Lot Lot 100 DP

1107348 and Lot 69 DP 1103700) were inadvertently omitted from the map. Refer to **Figure 4** for further details.

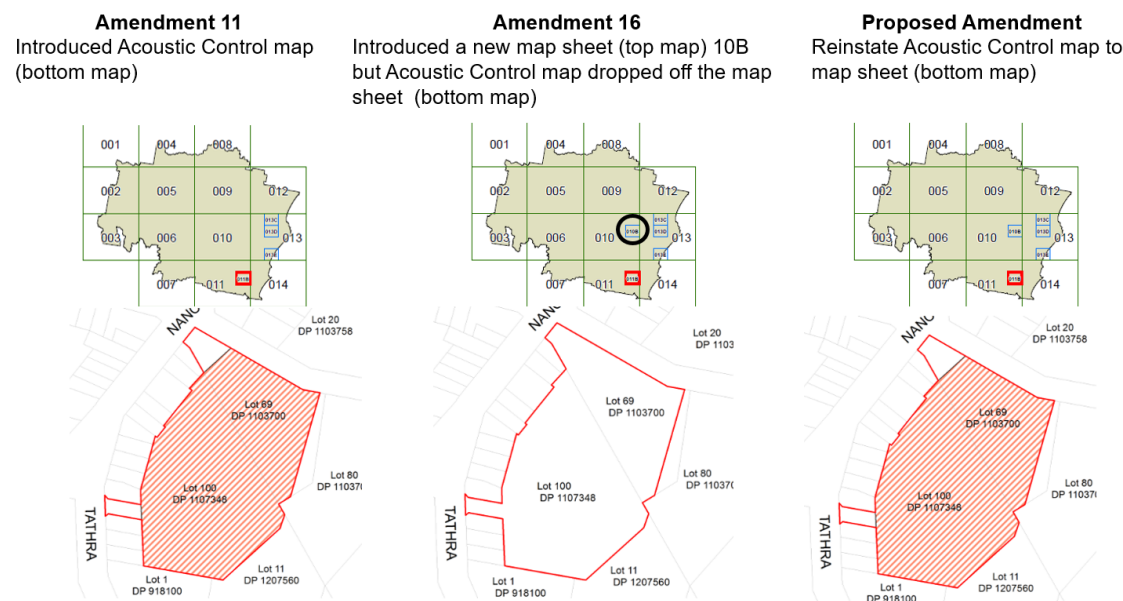


Figure. 4 Acoustic Controls

Proposal:

That the Acoustic Controls map CL1_011B be reinstated for Lot 100 DP 1107348 (12 Tathra Road) and Lot 69 DP 1103700 (2 Ocean Drive), Kew, as described above and illustrated in Part 4 Mapping.

Issue 6. Lot 39 DP 219719 - Queens Grant subdivision, North Shore

Council has recently acquired a Lot in the Queens Grant subdivision. This Lot is identified for acquisition on the LEP 2011 Land Reservation Acquisition (LRA) map. Now that the land has been acquired, it is appropriate that the designation for acquisition be removed.

This leaves 10 lots in the Queens Grant subdivision designated for future acquisition by Council (as initially considered by Council at its 20 July 2016 meeting).

Proposal:

That the LRA map be amended for the North Shore locality by removing the feature labelled 'Environment Conservation' (E2) from Lot 39 DP 219719, as described above and illustrated in Part 4 Mapping.

Issue 7. Map tidy-ups for the Land Reservation Acquisition Map Series

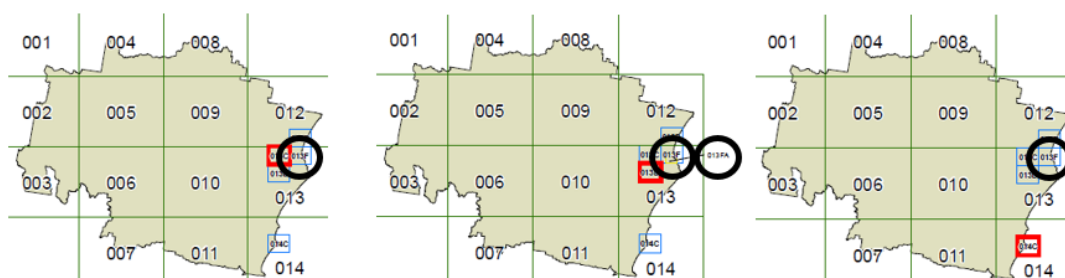
In the 2018 Administrative Amendment (Amendment 52), the LRA map was updated to remove a number of parcels in the Limeburners Creek National Park and Queens Grant Estate. This resulted in the maps being removed from the purchased properties, similarly to the properties above at Lot 39 DP 219719 (Issue 6). These updates meant that there was no remaining land designated for reservation within LRA_013F map sheet. However,

this map sheet is still referenced in a number of other map sheets in the series. This Proposal is to remove any remaining reference to the above map sheet.

LRA_013FA has also previously been removed from the series due to having no remaining land designated for reservation. However, this sheet is also still referenced in one of the maps in the series. It is proposed that any reference to LRA_013FA also be removed from the other map sheets in the Land Reservation Acquisition map series.

Refer to **Figure 5** below for details of the proposed changes.

Existing Land Reservation Acquisition Maps



Proposed Land Reservation Acquisition Maps

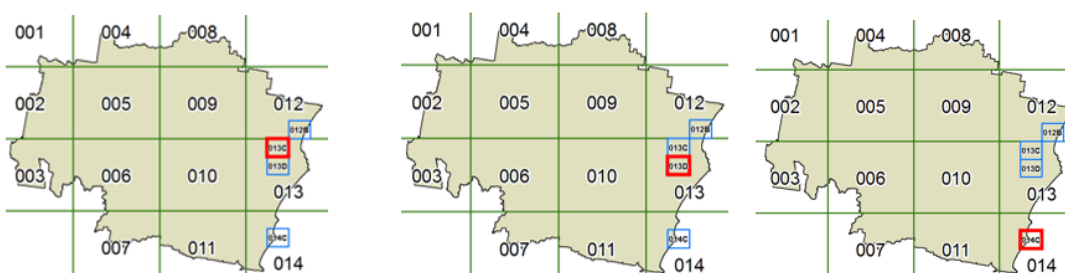


Figure. 5 Land Reservation Acquisition map sheet existing and proposed

Proposal:

Amend map sheets LRA_013C and LRA_014C to remove reference to LRA_013F and amend map sheet LRA_013D to remove reference to LRA_013F and LRA_013FA as described above and illustrated in Part 4 Mapping.

Part 3 – Justification

A - Need for the planning proposal.

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

As the Planning Proposal is to amend a number of small anomalies and errors in LEP 2011, it is not the result of a specific study.

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

The Planning Proposal is the only means to achieve the intended outcome as amendments to the LEP 2011 are required.

B - Relationship to strategic planning framework.

3. Will the planning proposal give effect to the objectives and actions of the North Coast Regional Plan 2036?

The proposed amendments are administrative in nature and the Planning Proposal aims to ensure quality outcomes for the long term benefit of Port Macquarie Hastings residents through ensuring the accuracy and consistency of its planning controls. The correction of minor anomalies and inconsistencies in LEP 2011 are not inconsistent with the objectives and actions of the North Coast Regional Plan, specifically:

Goal 1 - The most stunning environment in NSW

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 significance.

The land at Bayside Circuit in Laurieton (Issue 2) is a Council owned offset site which is currently zoned E3 Environmental Management. The planning proposal intends to rezone the land to E2 Environmental Conservation in accordance with OEH advice. This zoning will ensure the continued protection of the site.

Direction 3: Manage natural hazards and climate change

Action 3.1: Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.

Heritage Item 1089 (Issue 1), Bayside Circuit, Laurieton (Issue 2) and Lot 39 in Queens Grant subdivision (Issue 6) are all within the coastal environment area.

This proposal is to address mapping anomalies for these three issues. The map updates will not increase the chances or likelihood of a development consent on these properties.

Goal 2 - A thriving, interconnected economy

Direction 11: Protect and enhance productive agricultural lands

Action 11.4: Encourage niche commercial tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.

Comboyne Showground (Issue 4) is mapped by the State government as containing Regionally Significant Farmland (Mid North Coast Farmland Mapping Project) and

Biophysical Strategic Agricultural Land. The Direction of the State in relation to these lands is to protect them.

Where relevant, justification for the planning proposal must be considered under the *Important Farmland Interim Variation Criteria, North Coast Regional Plan 2036*.

Port Macquarie-Hastings Council considers this proposal is in accordance with action 11.4 as the Comboyne showground is a complementary activity within an agricultural area, which provides a recreational opportunity that generates income into the local economy by way of attracting people to the racing and associated activities on the subject site.

An assessment in accordance with the important farmland *Interim Variation Criteria* is provided in the following table.

Table 2 - Important Farmland Interim Variation Criteria Assessment

<p>Agricultural Capability</p> <ul style="list-style-type: none"> <i>Is the land isolated from other important farmland and is not capable of supporting sustainable agricultural production</i>
<p><u>Comment:</u></p> <p>Although the site is not isolated from other important farmland, it has a long standing existing use as a showground. It is considered that this use is a “supportive” agricultural use as horses need to graze. A rural showground such as this attracts people to Comboyne and therefore stimulates the local economy which is predominantly based on agriculture.</p> <p>Traditional standalone grazing operations are unlikely to be viable on this size plot, which is approximately 4ha. While small-scale agricultural activities such as horticulture may be plausible on the site, the surrounding farming activities are predominantly cattle grazing, which is the dominant agricultural activity in this area.</p>
<p>Land Use Conflict</p> <ul style="list-style-type: none"> <i>The land use does not increase the likelihood of conflict and does not impact on current or future agricultural activities in the locality</i>
<p><u>Comment:</u></p> <p>The recreational nature of the land has not contributed to the loss of productive agricultural potential in the locality or significantly limited or restricted the agricultural activities of adjoining owners of regionally significant farmland. This proposal does not change the existing use, it simply reflects what is on the ground and offers additional uses with consent e.g. camping grounds. Further, the proposal will assist the showground committee in diversifying the opportunities on the land to ensure it continues to be viable.</p>
<p>Infrastructure</p> <ul style="list-style-type: none"> <i>The provision of infrastructure (utilities, transport, open space, communications, and stormwater) required to service the land is physically and economically feasible at no cost to State and Local Government. Adverse impacts on adjoining farmland must be avoided</i>

Comment:

The proposal does not increase the use of the existing infrastructure. The infrastructure used to service the existing showground will not pose any additional costs to State or Local Government as the use is existing and has been in place for many years, providing a valuable community facility.

Environment and Heritage

- *The proposed land uses do not have an adverse impact on areas of high environmental value, and Aboriginal or historic heritage significance*

Comment:

The site is not identified as being of Aboriginal or historic heritage significance.

The Throne River runs along the sites western boundary. This river and its buffer are identified as being potentially of high environmental value in the North Coast Regional Plan.

Although, there is a small strip of vegetation running along the site's western boundary, the objectives of the RU1 Primary Production zone (current zoning on the site) are specifically relevant to promotion and protection of agricultural activities; the vegetation is not protected under this zone.

The proposal is not to intensify the existing uses on the land and it is submitted that proposed RE2 Private Recreation zone provides better protection for vegetation, with an objective specifically including the protecting and enhancement of the natural environment.

Avoiding Risk

- *Risks associated with physically constrained land are avoided and identified, including flood prone land, bushfire prone land, highly erodible land, severe slope and acid sulphate soils*

Comment:

Although the site and surrounds are only sparsely vegetated, the site is mapped as bushfire prone land, as is the whole of Comboyne village and surrounding land.

The site is not mapped as being subject to flooding or as having acid sulphate soils, but is identified as being a high soil loss erosion risk.

Council's initial assessment of these issues is that they do not limit the existing use of the site for private recreation as a showground.

Goal 3 - Vibrant and engaged communities

Direction 19: Protect historic heritage

Action 19.2: Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.

Although the updates to Heritage item 1089 (Issue 1) are not a result of a heritage study, the proposed cadastre update ensures that this item of State Significance is accurately mapped, and accurately reflected in local planning controls.

4. Will the planning proposal give effect to Council's Community Strategic Plan and Urban Growth Management Strategy 2017 – 2036?

The proposed amendments in the Planning Proposal are consistent with Council's Community Strategic Plan and Urban Growth Management Strategy 2017-2036.

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

Table 2 below considers the relevant SEPPs that apply to this Planning Proposal.

Table 3 – Assessment of the Planning Proposal against SEPPs of relevance

State Environmental Planning Policies	Consistency
SEPP 44 Koala Habitat Protection	<p>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.</p> <p>The applicable land at Issue 3, which is subject to the Koala Habitat mapping is a designated road within a R1 General Residential area. Roads are not safe havens for Koalas. Subsequently this land does not qualify as Potential Koala Habitat under the SEPP 44 assessment criteria. The proposal is <i>consistent</i> with the SEPP.</p>
SEPP (Coastal Management) 2018	<p>Promotes 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</p> <p>The lands at Issues 1, 2 and 6 is subject to this SEPP and all mapped as being in the Coastal Environment Area.</p> <p>Issue 1 is adjusting the LEP map to align with the cadastre. This will not result in any change to the development potential of the land.</p> <p>The proposal for Issue 2 is to strengthen the environmental protection of the land by changing the zone from E3 Environmental Management to E2 Environmental Conservation. This is a mapping change and will not increase development potential of the land.</p> <p>Issue 6 arises as a result of the land coming into public ownership. Conservation is the primary objective. The proposal is <i>consistent</i> with the SEPP.</p>
SEPP (Primary Production and Rural Development) 2019	<p>To facilitate the orderly and economic use and development of rural lands for primary production and to reduce land use conflict.</p> <p>Issue 4 is identified as being important farmland and therefore subject to this SEPP. In part 3B - 3 above, an</p>

State Environmental Planning Policies	Consistency
	<p>assessment against the <i>Important Farmland Interim Variation Criteria</i> has been undertaken, which provided the following conclusions:</p> <ol style="list-style-type: none"> 1. The site has a low long term potential for standalone agricultural production. 2. The existing use of the land as a showground does not result in a land use conflict and this is unlikely to change. 3. The rezoning won't place an added strain on the existing infrastructure. 4. The site is not identified as having Aboriginal or historic heritage; any vegetation of high environmental value along the creek line (sites western boundary) will be better protected by a RE2 zone than it currently is under a RU1 zone. 5. Bushfire risk does not limit the existing use of the land as a showground and therefore there won't be an increased risk as a result of the rezoning. <p>On this basis, it is considered that the proposal is <u>consistent</u> with the SEPP.</p>
SEPP 55 Remediation of Land	<p>Provides a Statewide approach to regulation of contaminated land and its remediation. Specific requirements for consideration of planning proposals seeking to rezone contaminated lands.</p> <p>None of the Issues in this proposal are identified on Council's contaminated land register. Subsequently, the Planning Proposal does not seek to materially change the development potential of any land that is known to be contaminated; and it is considered that the proposal is <u>consistent</u> with the SEPP.</p>

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 3 below considers the relevant s9.1 directions that apply to this Planning Proposal.

Table 3 – Assessment of the Planning Proposal against s9.1 directions of relevance

Section 9.1 Directions and Objectives	Consistency
1 Employment and Resources	
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	Issue 4 proposes to rezone the Comboyne showgrounds from RU1 Primary Production to RE2 Private Recreation. While this zone change makes the direction applicable as it affects an existing rural zone, it is considered that the proposal is <u>consistent</u> with the Direction as the rezoning to a recreational zone is to reflect the existing uses of the land as a showground and does not contain provisions that will increase permissible density of the land.
1.5 Rural Lands The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	Issue 4 is identified as being important farmland and therefore subject to this Direction. An assessment against the Important Farmland Interim Variation Criteria has been undertaken and the conclusions listed in Part 3B -3 of this Planning Proposal. Further, it is considered that Comboyne showground is a complementary activity within an agricultural area, which provides a recreational opportunity that generates income into the local economy by way of attracting people to the racing and associated activities on the subject site. On this basis, it is considered that the proposal is <u>consistent</u> with the aims of this Direction
2 Environment and Heritage	
2.1 Environmental Protection Zones The aim of this direction is to protect and conserve environmentally sensitive areas.	This proposal is to strengthen the environmental zoning at Issue 2 by rezoning the land from E3 Environmental Management to E2 Environmental Conservation. Therefore it is considered that the Proposal is <u>consistent</u> with this Direction.
2.2 Coastal Management The aim of this direction is to protect and manage coastal areas of NSW.	Issues 1, 2 and 6 relate to land subject to this Direction as the lands are identified as being in the Coastal Environmental Area. The proposed changes are addressing mapping anomalies and do not change the development potential of the land. The proposal is <u>consistent</u> with this Direction.
2.3 Heritage Conservation The aim is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Issue 1 realigns the heritage mapping. This mapping change is administrative in nature and does not impact on the conservation of the heritage item. Therefore it is considered that the Proposal is <u>consistent</u> with this Direction.
4 Hazard and Risk	
4.1 Acid Sulfate Soils The Direction applies to land that has been identified as containing potential Acid Sulfate Soils (ASS).	Issues 2 and 3 contain category 1 & 2, 3 & 4 ASS respectively. An ASS study has not been prepared.

Section 9.1 Directions and Objectives	Consistency
	This inconsistency is considered to be of minor significance as the proposed administrative changes will not result in disturbance of the lands.
4.3 Flood Prone Land This Direction seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Issues 1, 2, 3 and 6 are partly mapped as being flood prone. However this proposal is not making any changes to development potential on the land. Therefore it is considered that the proposal is <u>consistent</u> with this Direction.
4.4 Planning for Bushfire Protection This Direction seeks to discourage incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.	Issue 2 is situated in a category 1 and 2 bushfire area. The proposal is seeking to protect the land as an offset site and this rezoning is in accordance with OEH advice. The proposal does not make any changes to development potential on the land. Therefore, it is considered that the proposal is <u>consistent</u> with this Direction. Issue 4 is also in a bushfire prone area and similarly to above, the proposal does not increase the development potential on the land and therefore the risk is not increased. It is considered that this proposal is <u>consistent</u> with the Direction. The direction requires that Council consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued.

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?

All of the changes are minor or administrative in nature. Therefore, it is not considered that this Planning Proposal will have an adverse impact on ecological communities or threatened species habitat.

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

This proposal is administrative in nature and the changes are unlikely to result in detrimental environmental effects.

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

The Planning Proposal is not anticipated to have any negative social or economic impacts. The aim of the Planning Proposal is to ensure that the LEP is accurate and consistent with Council's strategic policy direction.

The proposed rezoning of the Comboyne Showground (Issue 4) will continue to encourage this venue as an economic generator within the Comboyne community. Further, it will provide additional options for income stream as camping is a use in the RE2 Private Recreation zone that is permitted with consent.

D - State and Commonwealth interests.

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

This Planning Proposal does not enable new development that would lead to unforeseen demands on public infrastructure.

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.

Part 4 – Mapping

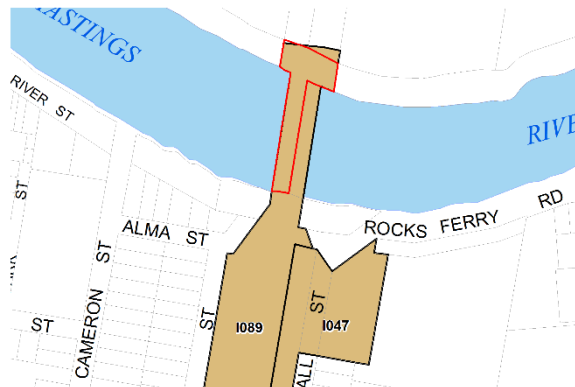
A - Affected land Current and Proposed

Proposed map amendments to the LEP 2011, as outlined in **Part 2** of this Planning Proposal are illustrated below. The site is shown in red outline.

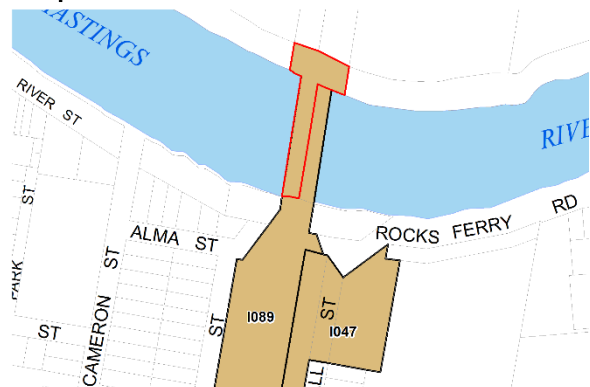
Issue 1. Lot 1 DP 1185603 Heritage item I089 (Wauchope Railway Station group), Wauchope

Heritage map (HER_010B)

Current



Proposed



Issue 2. Lot 203 DP 1112804 - Bayside Circuit, Laurieton (Council owned land)

Land Zone map (LZN_014A)

Current



Zones code

R1 - General Residential
E2 - Environmental Conservation
IN2 - Light Industrial

Proposed



W1 - Natural Waterways
RE1 - Public Recreation

Issue 3. Phar Lap Circuit, Port Macquarie

Koala Habitat map (KHA_013D)

Current



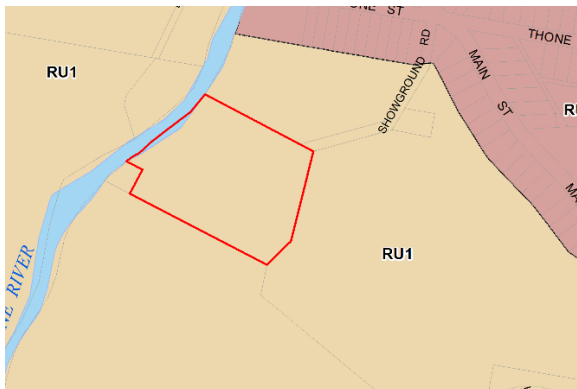
Proposed



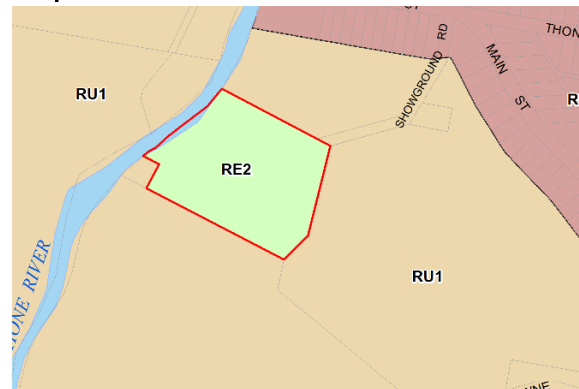
Issue 4. Lot 4 DP 1010172 - Comboyne showground

Land Zone map (LZN_007A)

Current



Proposed



Zones code

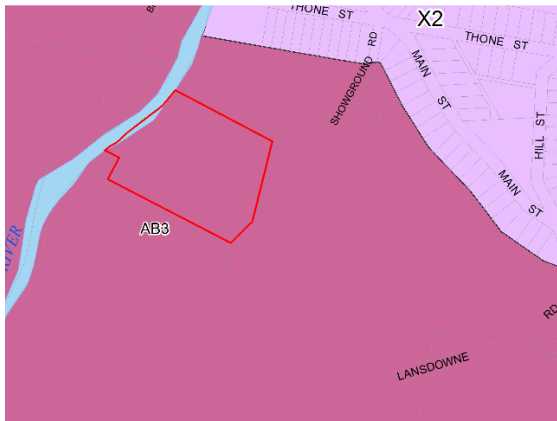
RU1 - Primary Production

RE2 - Private Recreation

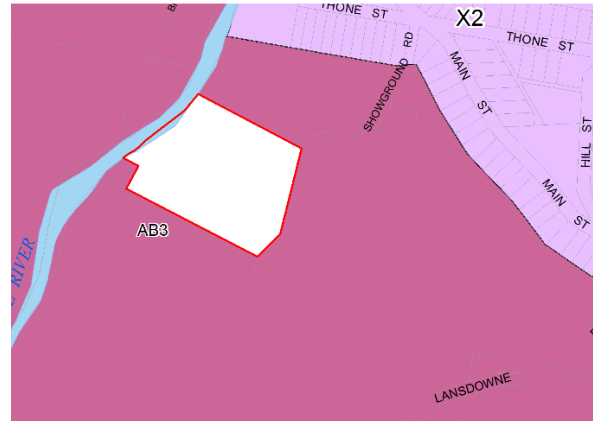
RU5 - Village

Lot Size map (LSZ_007A)

Current



Proposed



Minimum lot size code

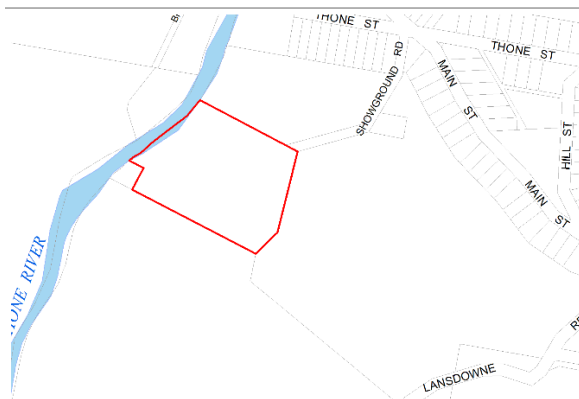
AB3 - 40ha

X2 - 8000sqm

Blank - no minimum

Height of Building map (HOB_007A)

Current



Proposed



Maximum height of buildings code

I - 8.5m

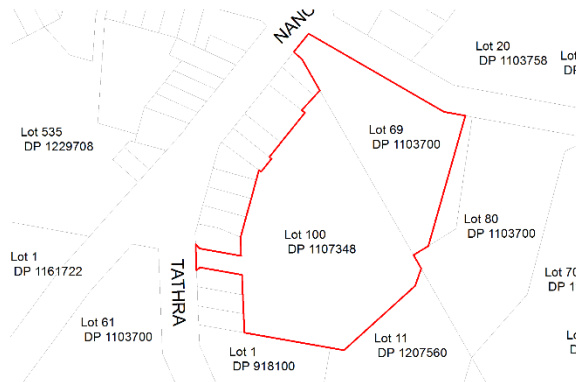
Blank - no maximum

Note: HOB_007 is a new map, therefore all of the maps in the Height of Building Map series will be amended to include the new HOB_007A in the map grid in the legend bar.

Issue 5. Lot 100 DP 1107348 and Lot 69 DP 1103700, Kew

Acoustic Control map (CL1_011B)

Current



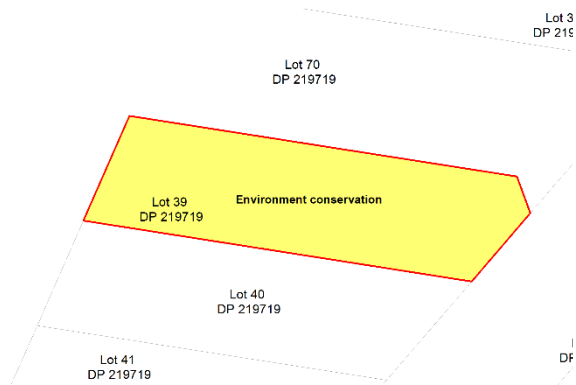
Proposed



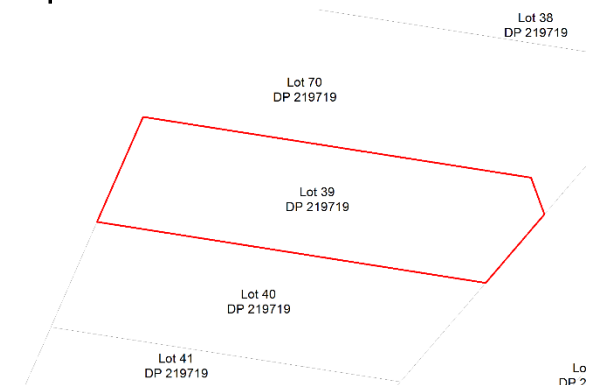
Issue 6. Lot 39 DP 219719 - Queens Grant subdivision, North Shore

Land Reservation Acquisition map (LRA_012B)

Current



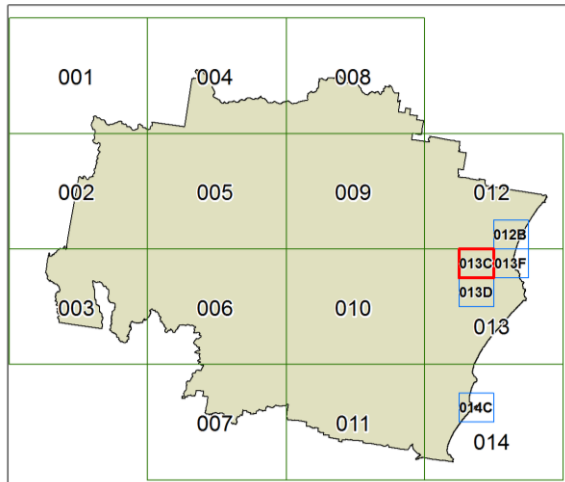
Proposed



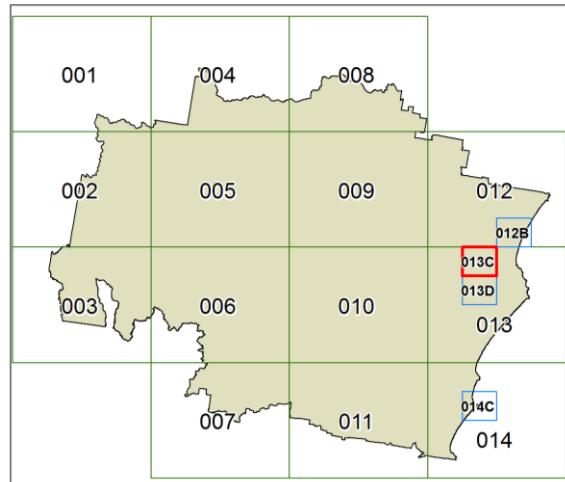
Issue 7. Map tidy-ups for the Land Reservation Acquisition Map Series

Land Reservation Acquisition map (LRA_013C)

Current

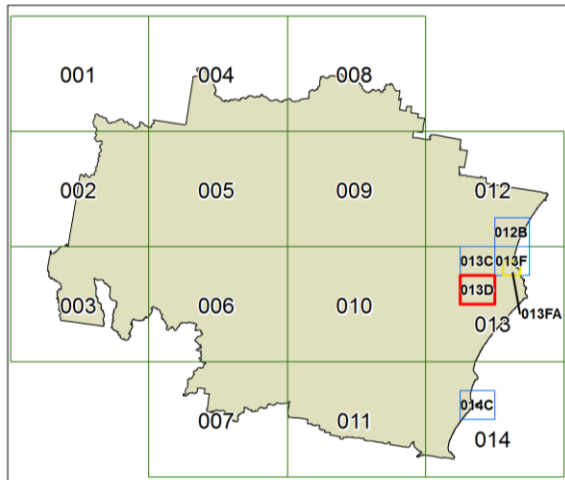


Proposed

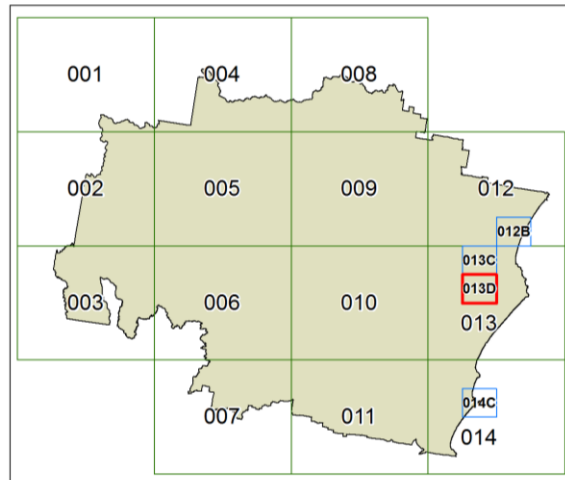


Land Reservation Acquisition map (LRA_013D)

Current

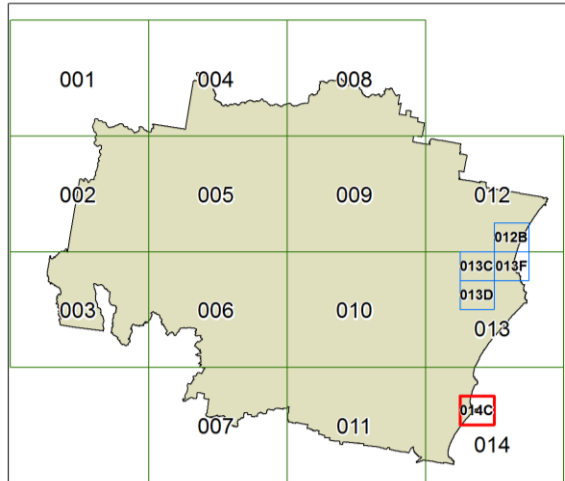


Proposed

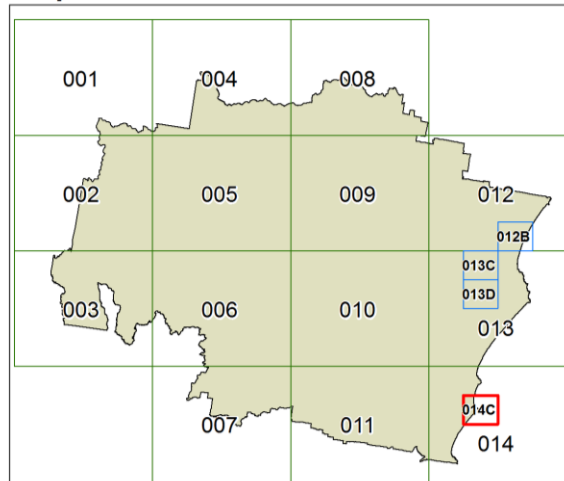


Land Reservation Acquisition map (LRA_014C)

Current



Proposed



Part 5 – Community Consultation

In accordance with 'A Guide to Preparing Local Environmental Plans' prepared by the Department of Planning and Environment (2013), the Planning Proposal will be exhibited for a minimum of 28 days. The exhibition includes:

Advertisement in local newspaper

An advertisement has been placed in local papers.

Consultation with affected owners and adjoining landowners

A letter to landowners and adjoining landowners for Issues 1 - 6 have been posted. Opportunities for one-on-one consultations to discuss the proposals are available at request.

Displays at the Council Head Quarters, Wauchope and Laurieton branch offices.

The Planning Proposal is displayed at the Council Head Quarters (17 Burrawan Street, Port Macquarie), Wauchope (49 High Street, Wauchope) and Laurieton (9 Laurie Street, Laurieton).

Exhibition on the Council website

The Planning Proposal is exhibited on the Council *haveyoursay* website (<https://haveyoursay.pmhc.nsw.gov.au/>) .

In addition, as issues 2 and 6 relate to Council owned land, statements to address the requirements specified in the Department of Planning and Environment's '*LEPs and Council Land Best Practice Guide 1997*' forms part of the public exhibition material (Appendix C). The Best Practice Guideline is also on display.

Direct contact

The contact officer for this proposal is Stephanie Baker (Strategic Landuse Planner)

Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays. It is assumed that Council will have authorisation to carry out certain plan-making functions. It is anticipated that authorisation will be exercised by Council's General Manager or the Director of Strategy and Growth.

Action	Timeframe
Commencement date (date of Gateway determination)	June 19
Timeframe for government agency consultation (if required)	July - Aug 2019
Public exhibition period	July - Aug 19
Dates of public hearing (if required)	Aug 19
Consideration of submissions	Sep 19
Timeframe for the consideration of a proposal post exhibition	Sep 19
Submissions to the Department for Parliamentary Counsel Opinion	Oct 19
Anticipated date Council will make the Plan (if authorised)	Nov 19
Anticipated date Council will forward to the Department for notification	Nov 19

Appendix A – Gateway Determination

A copy of the Gateway Determination for this Planning Proposal is provided on the following pages.

The Section 3.34 Gateway Determination processing requirements are as follows:

- (1) Prior to public exhibition, the planning proposal is to be amended to include:
 - a) reference in the Executive Summary for issue 4 that the change in the minimum lot size and height of buildings map is proposed for the Comboyne Showground
 - b) reference in Part 2 Explanation of Provisions and Part 4 Mapping for issue 4 that all the maps in the Height of Buildings Map series will be amended to include the new HOB_007A in the map grid in the legend bar; and
 - c) an assessment of consistency against State Environmental Planning Policy 55 - remediation of Land to be included in Table 2

Response: The above updates are described in the above sections of the Planning Proposal:

- Executive Summary - Issue 4, p.4.
- Part 2 - Explanation of Provisions - Issue 4, p.8
- Part 4 - Mapping - Issue 4, p.22.

- (2) Public exhibition is required for a minimum of 28 days.
- (3) Consultation is required with NSW Rural Fire Services NSW Office of Environment and Heritage for a minimum of 21 days
- (4) A public hearing is not required
- (5) Council is authorised as the local-plan making authority
- (6) The timeframe for completion is 9 April 2020

Appendix B - Council Meeting and Minutes

Appendix C - LEPs and Council Land Best Practice Guide 1997
