
Item: 12.11

Subject: **PLANNING PROPOSAL - 2019 ADMINISTRATIVE REVIEW OF
PORT MACQUARIE - HASTINGS LEP 2011**

Presented by: **Strategy and Growth, Holly McBride**

Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

RECOMMENDATION

That Council:

- 1. Prepare a draft Planning Proposal as described in this report, pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979*, for the amendment of the provisions of *Port Macquarie-Hastings Local Environmental Plan 2011*, in relation to the seven issues as generally described in this report.**
- 2. Forward the draft Planning Proposal to the Department of Planning and Environment for a Gateway Determination pursuant to section 3.34 of the Act, and request that the Gateway Determination authorise Council to be the local plan-making authority.**
- 3. Upon receipt of the Gateway Determination, complete the relevant procedures under section 3.34 and clause 4 of Schedule 1 of the Act, including public exhibition of the Planning Proposal.**

Executive Summary

Council continually monitors the operation of *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011) to identify necessary refinements and adjustments to the LEP 2011 text and maps. This report considers a number of proposed administrative refinements to the LEP 2011.

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 1 DP 1073321, Lot 4 DP1010172 and Lot 1 DP 334728 Comboyne showground and Tennis Club – rezoning from RU1 Primary Production to RE2 Private Recreation.
5. Lot 100 DP 1107348 and Lot 69 DP 1103700, Kew – Acoustic map to be applied.
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

This report contains more detail on each of the proposed administrative amendments and recommends that Council prepare a Planning Proposal and forward to the Department of Planning and Environment requesting a Gateway Determination.

Discussion

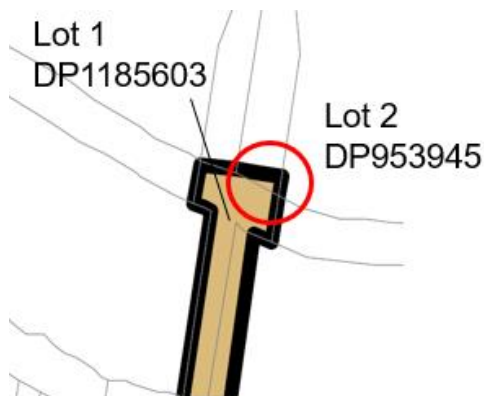
Details of the proposed amendments are provided below.

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 (HER_010B) partially encroaches onto Lot 2 DP 953945 to the north. The proposed changes, to be exhibited follow the northern boundary of Lot 1 DP1185603, are shown in **Figure 1** below.

Proposal: Amend the Heritage mapping as described for Heritage Items I089. Wauchope.

Existing Heritage Map (HER_010B)



Proposed Heritage Map (HER_010B)

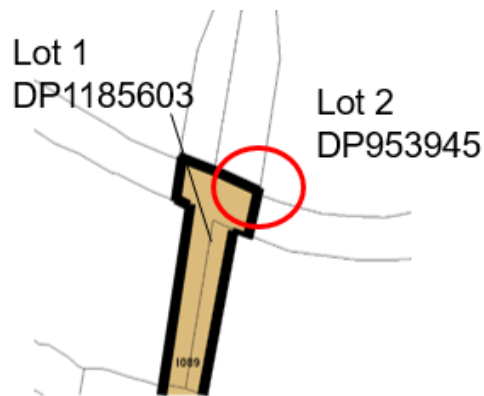


Figure.1 Heritage Item I089 existing and proposed

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 Development Application 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. The rezoning is therefore 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 2** below.

This proposed map change responds to the OEH recommendation to change the zoning of the above offset site to E2 Environmental Conservation.



Figure.2 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 demonstrated in **Figure 3** below.

Existing Zoning Map (LZN_014A)

Proposed Zoning Map (LZN_014A)

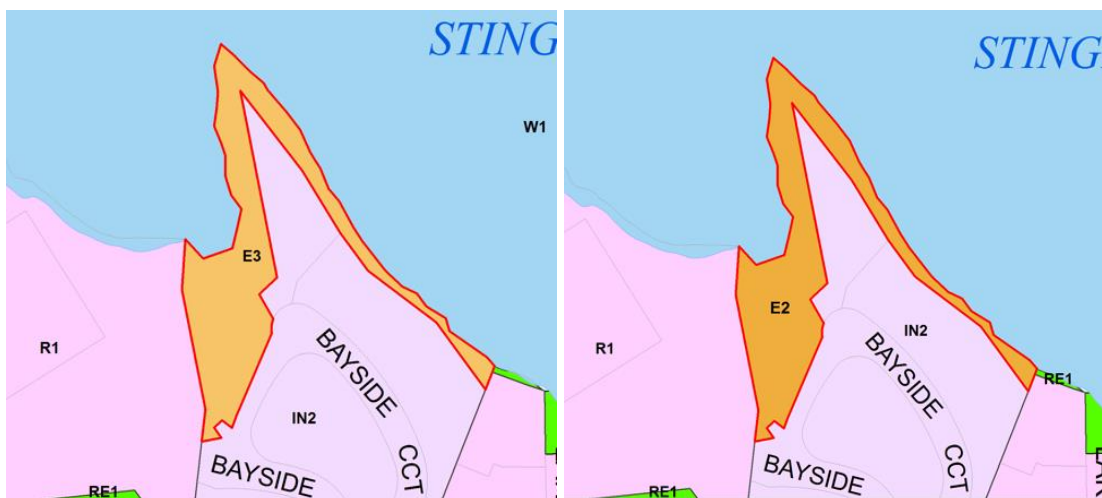


Figure.3 Zoning existing and proposed

3. Phar Lap Circuit, Port Macquarie

The intent of the 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 4** for aerial of Phar Lap Circuit). In some instances the mapping minimally encroaches

on the residential lots on the opposite site of the road. In the areas where the map encroaches into these properties, further assessment will be triggered at the DA stage. It is therefore proposed to remove the mapping from the road areas at Phar Lap Circuit.



Figure.4 Phar Lap Circuit vicinity

Proposal: Amend the Koala Habitat mapping for Phar Lap Circuit, Port Macquarie, as described above and demonstrated in **Figure 5** below.

**Existing Koala Habitat Map
(KHA_013D)**



**Proposed Koala Habitat
Map(KHA_013D)**



Figure.5 Koala Habitat existing and proposed

4. Lot 1 DP 1073321, Lot 4 DP 1010172 and Lot 1 DP 334728 - Comboyne showground and tennis club

The Comboyne showground and tennis club are 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 uses of the land do not fulfil the objectives of the zone. Furthermore, the minimum lot size for land in the RU1 Primary Production zone is 40ha. The combined total of the abovementioned properties is less than 20ha, meaning they do not meet the lot size requirements of the zone.

All of the land parcels associated with the showground and tennis court are privately owned. As such, they do not have a classification of either community or operational and should therefore be zoned for private recreation rather than public recreation purposes.

Changing the zone of these Lots to RE2 Private Recreation would better reflect the existing uses 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 and tennis courts are more closely aligned with the RE2 Private Recreation objectives. Further, there are additional permitted uses associated with a RE2 Private Recreation zoning, such as camping grounds, which may allow for an added 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.

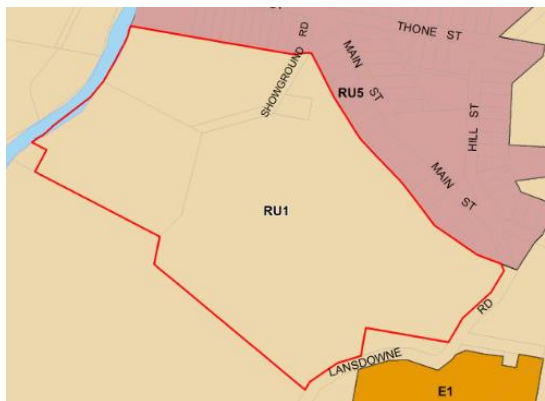
Currently there is no Height of Building map applying to the subject site, however the Wauchope showground has applied a 14.5m height limit and Kendall showground has applied an 8.5m height limit to the land. Given that the Comboyne showground is located within a village, it is considered reasonable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

Of note, the section of Showground Road, which is surrounded by the showground is also zoned RU1 Primary Production. To ensure consistency with the proposed land zoning of the showground and tennis court, the proposal incorporates the rezoning and associated map updates to this strip of Showground Road. This is in line with Principle 1.3 of the *Zoning for infrastructure in LEPs* practice note issued by the NSW Department of Planning in 2008.

	Wauchope Showground	Kendall Showground	Comboyne Showground and Tennis Courts (Current)	Comboyne Showground and Tennis Courts (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 1 DP 1073321, Lot 4 DP1010172 and Lot 1 DP 334728 Comboyne showground and tennis club, incorporating the section of Showground Road which is surrounded by the showground. Apply the Height of Building map to the subject lands; and remove the Lot Size map from the subject lands, as described above and demonstrated in **Figures 6, 7, 8** below.

Existing Zoning Map (LZN_007A)



Proposed Zoning Map (LZN_007A)

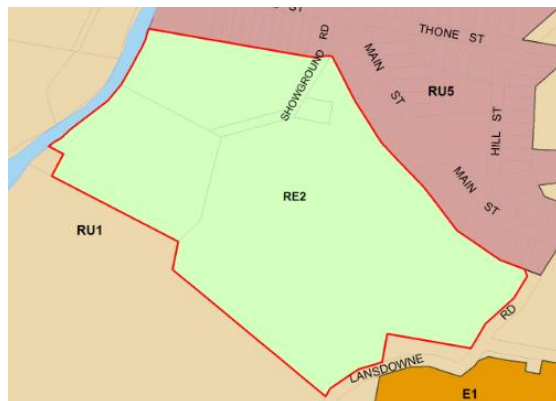


Figure.6 Zoning existing and proposed

Existing Height of Building Map (HOB_007A)



Proposed Height of Building Map (HOB_007A)



Figure.7 Height of building existing and proposed

Existing Lot Size Map (LSZ_007A)

Proposed Lot Size Map (LSZ_007A)

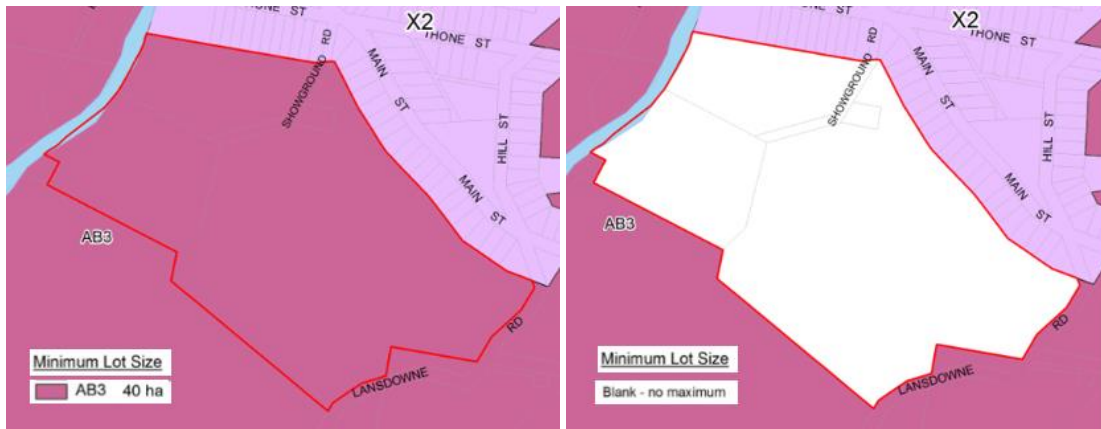


Figure.8 Lot size existing and proposed

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 the Kew village expansion.

As part of the Agency consultation for Amendment 11, 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 industry area on the adjoining block to the proposed residential section of the subject site (Refer to **Figure 9**). 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.



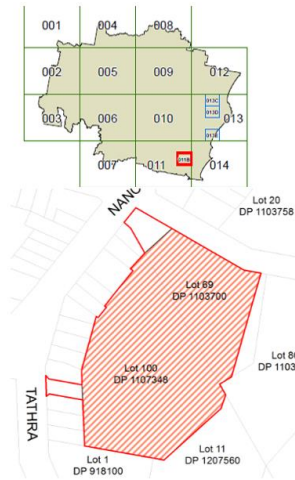
Figure. 9 Subject site and surrounding noise impacts

Amendment 16 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.

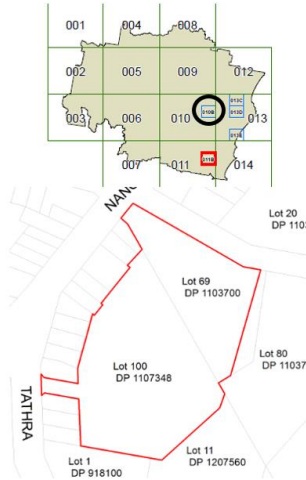
As part of the process in creating a new map sheet, all of the associated map sheets in the series (e.g. all other Acoustic Control maps in LEP 2011) need to be updated to reference this new map sheet. Therefore, map sheet CL_011B was updated to recognise this new map sheet being CL1_010B. Unfortunately, as part of this administrative process, the Acoustic Controls applying to the subject site (being Lot 100 DP 1107348 and Lot 69 DP 1103700) inadvertently dropped off the map. Refer to **Figure 10** for further details.

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 demonstrated in **Figure 10** below.

Amendment 11
Introduced Acoustic Control map
(bottom map)



Amendment 16
Introduced a new map sheet (top map) 10B
but Acoustic Control map dropped off the map
sheet (bottom map)



Proposed Amendment
Reinstate Acoustic Control map to
map sheet (bottom map)

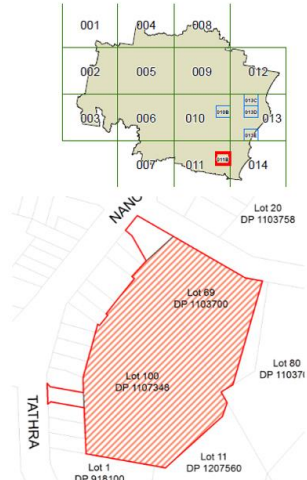


Figure. 10 Acoustic Controls

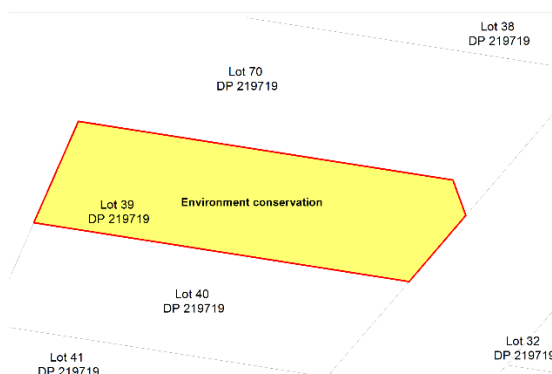
6. Lot 39 DP 219719 - Queens Grant subdivision, North Shore

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 be amended in the North Shore locality removing the feature labelled 'Environment Conservation' (E2) from Lot 39 DP 219719, as described above and demonstrated in **Figure 11** below.

Existing Land Reservation Acquisition Map (LRA_012B)



Proposed Land Reservation Acquisition Map (LRA_012B)

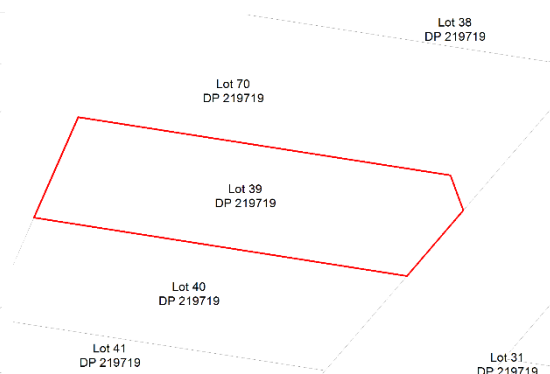


Figure.11 Queens Grant Estate - LRA existing and proposed

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

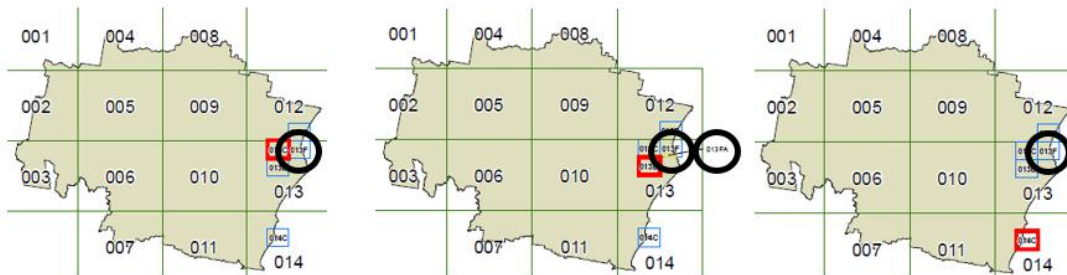
In the 2018 Administrative Amendment (Amendment 52), the LRA map was updated to remove a number of parcels in the Limeburners Creek National Park and Queens

Grant Estate. This resulted in the removal of the designation for acquisition from the purchased properties, as is now proposed 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.

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 demonstrated in **Figure 12** below.

Existing Land Reservation Acquisition Maps



Proposed Land Reservation Acquisition Maps

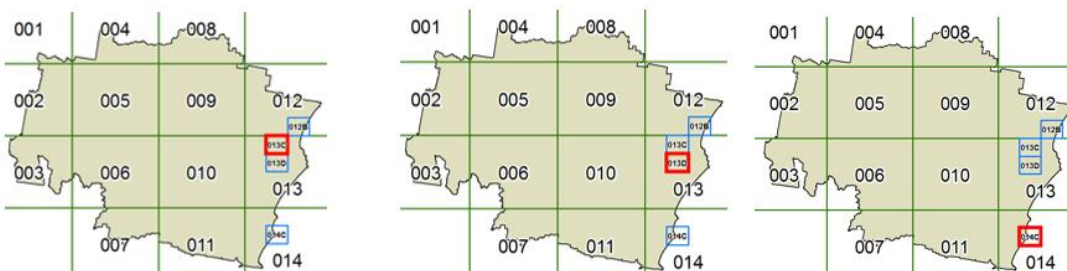


Figure.12 Land Reservation Acquisition map sheet existing and proposed

Options

This report addresses a number of proposed, minor administrative changes to Port Macquarie-Hastings LEP 2011, as discussed above. Council could opt to:

1. Do nothing (the Issues raised would remain unresolved).
2. Omit or modify the Planning Proposal for any of the Issues raised.
3. Resolve to prepare a Planning Proposal to amend LEP 2011 for issues one to seven, as described in this report.

As each of the matters are considered to be minor and administrative in nature, it is recommended that Council proceed with Option 3.

Community Engagement & Internal Consultation

There has been internal consultation with relevant Council staff in the preparation of this report.

The Department of Planning and Environment's Gateway Determination will specify consultation requirements.

Community consultation for Planning Proposals will include notification in a local newspaper, notification to adjoining landowners and on Council's website for the duration of the exhibition. In addition, the exhibition material will be available at all of Council's Customer Service Centres.

Planning & Policy Implications

There are no planning and policy implications in relation to this report.

The proposed minor amendments will:

- Facilitate future development through the refinement of the LEP 2011 provisions.
- Ensure continuous improvement of the LEP 2011.

Financial & Economic Implications

The preparation of the Planning Proposal will be completed as part of Council's Strategic Land Use Planning program.

The proposed LEP 2011 amendments apply to land owned by Council at Bayside Circuit, Laurieton and in the Queens Grant Estate, North Shore.

There are no expected economic impacts or financial impacts for Council in the proposed LEP 2011 amendments.

It is anticipated that there will be cost savings to the community in the future due to the removal of potential complications to development or simplification of the planning controls.

Attachments

Nil