

(FUTURE) PUBLIC EXHIBITION DATES

(Start) to (Finish)

Planning Proposal

Amendment to Port Macquarie-Hastings LEP 2011

REZONING AND RECLASSIFICATION OF COUNCIL OWNED LAND -

Lot 52 DP 1035553, Lot 2 DP 1118155 and
Lots 11 & 12 DP 855941, Wauchope.

PROPOSED REGIONAL SPORTS FIELDS WAUCHOPE

Ccl ref: PP2016-9.1

DPI ref: PP_2016_PORTM_*

Version: 1.0 - Gateway

Date: Dec 2016



Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Reported to Council (section 55)	16 Nov 2016
Adopted by Council & referred to Dept of Planning (sec 56 (1))	23 Dec 2016
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: DD032.2016.9.2

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

**Department of Planning & *
Environment reference:**

Council Address

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Adoption of the Planning Proposal

1. For initial Gateway determination

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

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 and reclassify Lot 52 DP 1035553, Lot 2 DP 1118155 and Lots 11 & 12 DP 855941, Wauchope.

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 Wauchope to permit future public recreation uses and development of a multi use regional sports facility.

It is also proposed to change the classification of the land under the Local Government Act.

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

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

For any enquiries relating to the planning agreement, please contact Leanne Fuller on 6581 8111 or via email

leanne.fuller@pmhc.nsw.gov.au

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Planning Proposal Background

This Planning Proposal has been prepared to rezone Council owned land at Lot 52 DP 1035553, Lot 2 DP 1118155 and Lots 11 & 12 DP 855941 Wauchope for future sports and recreation development.

The 20.7 hectare site is vacant Council owned land that adjoins residential and rural land fronting the eastern Oxley Highway, east of Wauchope. The location of the site relative to surrounding and adjoining land at Wauchope is shown below.



Figure 1 Site Context & Location

The plan proposes to change the zone of the subject land in Port Macquarie-Hastings Local Environmental Plan 2011 from RU1 Primary Production to RE1 Public Recreation and to reclassify the land from 'operational land' under the Local Government Act to 'community land, ensuring that it will be retained as public land for recreational uses.

The proposed RE1 Public Recreation zoning generally permits a range of typical uses and activities compatible with recreation on public land.

Where land is reserved for public recreation uses such as local or regional open space, the land is shown on the Land Reservation Maps that form part of the local environmental plan for the local government area (LGA). Locally this is Port Macquarie-Hastings Local Environmental Plan 2011. Clause 5.1 of the LEP provides additional detail in relation to who is responsible for land that is reserved for public purposes.

The planning proposal has been prepared in accordance with the requirements of the state government including guidelines for preparing planning proposals and amending

LEPs. Port Macquarie-Hastings Council is the applicant on behalf of the Port Macquarie-Hastings community.

The purpose of the Planning Proposal is to facilitate an LEP amendment to progress planning for development of a multi use sports and recreational precinct on the Oxley Highway at Wauchope consistent with Council's identified plans for meeting the future recreational needs of the Port Macquarie-Hastings LGA (Port Macquarie-Hastings Council Recreation Action Plan 2015-2025).

This Planning Proposal makes reference to a range of documents that can be accessed on the internet. The internet locations for these documents are listed below for the purpose of exhibition of this planning proposal:

Port Macquarie-Hastings Local Environmental Plan 2011 text and Maps

<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+84+2011+cd+0+N>

Environmental Planning and Assessment Act 1979

<http://www.legislation.nsw.gov.au/viewtop/inforce/act+203+1979+FIRST+0+N/>

State Environmental Planning Policies (SEPPs) - *list relevant to the Port Macquarie-Hastings Council area, with links*

<http://www.pmhc.nsw.gov.au/Building-Planning/Planning-Development-Controls/State-Environmental-Planning-Policies-SEPPs>

Part 1 - Objectives or Intended Outcomes

The Planning Proposal seeks to amend the Port Macquarie-Hastings Local Environmental Plan 2011 by rezoning and reclassifying LOT: 52 DP: 1035553, Lot 2 DP1118155 and Lots 11 & 12 DP855941 Oxley Highway, WAUCHOPE to permit future development of a multi-use sporting facility. It is also intended to ensure that the land will remain as a public asset, having been identified by Council as a site for Sports Fields to meet the community's current and future sporting needs.

Part 2 - Explanation of Provisions

To achieve the intended outcomes, the planning proposal seeks to amend Port Macquarie-Hastings Local Environmental Plan 2011 by:

- Amending the Land Zoning Map from RU1 Primary Production to RE1 Public Recreation.
- Adding a Land Reclassification Map to show that the site is proposed to be reclassified from 'operational land' to community land'.
- Amending Schedule 4 (Part 3) to list the proposed site as reclassified land 'community land' to ensure the land is retained in the ownership and care of Council on behalf of the community.

No change the current minimum lot size, height of buildings or floor space ratio provisions is proposed, consistent with the controls applied elsewhere to recreational land.

Part 3 – Justification

In accordance with the Department of Planning and Environment's 'A guide to preparing planning proposals, this section provides a response to the following matters:

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental Social and economic impact, and
- Section D: State and commonwealth interests

Section A - Need for the planning proposal.

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

The planning proposal is the result of long term planning for recreational and sporting facilities for the Port Macquarie-Hastings LGA as set out in Port Macquarie-Hastings Recreational Plan.

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

The preparation of a planning proposal is required to amend an LEP in accordance with the NSW Environmental Planning & Assessment Act 1979 (as amended). In this case,

the planning proposal provides for the rezoning of land to permit uses which are currently prohibited on the land. The proposed RE1 Public Recreation zone is the most appropriate zone to permit the range of uses proposed for the site.

Section B - Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions of the Mid North Coast Regional Strategy 2006-31 and the draft North Coast Regional Plan?

The Mid North Coast Regional Strategy seeks to provide a healthy environment, lifestyle and economy and physical well being of the residents of the region. Building on the vision of the regional strategy, the Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031 recognises the important role of physical and social infrastructure such as open space in enhancing liveability of our communities.

The planning proposal is consistent with the Implementation Actions of the growth strategy to undertake long term planning for open space infrastructure commensurate with population growth and community demand for regional sports fields as identified in the Port Macquarie-Hastings Recreation Action Plan.

Regionally Significant Farmland

The site is mapped by the State government as containing Regionally Significant Farmland (Mid North Coast Farmland Mapping Project) and Biophysical Strategic Agricultural Land.

The aim of the State in relation to these lands is to protect them. However, where the identified land is unlikely to contribute to future agricultural production, there is some flexibility for Council's to make minor variations to the mapped farmland and strategic agricultural land boundaries. When proposing minor variations such as described in this planning proposal, Council is required to consider Interim Variation Criteria.

Following an assessment of the Criteria (included below), and taking into account the location of the site on the fringe of the floodplain, current ownership, nature of existing vegetation (managed grassland) and the long term use of the land, it is concluded that a relatively minor variation of the farmland mapping boundaries is justified in this case.

Additionally, a significant community benefit will likely be derived from development of a multiuse regional sports and recreational precinct in this location. For these reasons it is concluded that the site is better suited to accommodate the future open space needs of Wauchope and the broader Port Macquarie-Hastings community.

Agricultural Capability

- Is the land isolated from other important farmland and is not capable of supporting sustainable agricultural production

Comment: The subject land is effectively separated from surrounding areas of significant farmland in this location due to road frontages and adjoining urban uses. Therefore, there is minimal risk that that the proposed future use of the subject site for sports and recreation will adversely impact on existing or future agricultural productivity of adjoining regionally significant farmland; or on rural and agricultural activities undertaken by owners of adjoining regionally significant farmland.

Land Use Conflict The land use does not increase the likelihood of conflict and does not impact on current or future agricultural activities in the locality.
Comment: The proposed changes to the use of the land are unlikely to contribute to the loss of productive agricultural potential in the locality or significantly limit or restrict the agricultural activities of adjoining owners of regionally significant farmland. It is proposed to consult further with NSW Department of Primary Industries in relation to the proposed change of zone. An evaluation may be required in accordance with the Department's Land Use Conflict Risk Assessment Guide 2011
Infrastructure 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.
Comment: Infrastructure required to service the proposed sporting fields is available to adjoining urban land and is able to be extended to serve the proposed recreation area by Council on behalf of the community.
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 proposed sports and recreation use is not expected to have a significant impact on environmental or heritage values, given the history of agricultural use on the land. It is proposed to consult with NSW Office of Environmental and Heritage and the Local Aboriginal Land Council in relation to Aboriginal cultural heritage and the National Parks and Wildlife Act 1974.
Avoiding Risk Risks associated with physically constrained land are avoided and identified, including flood prone land, bushfire prone land, highly erodible land, sever slope and acid sulphate soils. The site is not mapped as bushfire prone land. It is however subject to flooding and mapped as potentially erodible land with low level acid sulphate soil risk consistent with its location adjacent the Hastings River. The initial assessment of these issues by Council is that they will not significantly limit the potential use of the site for public recreation. See comments below under relevant headings.

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

Yes. The planning proposal is consistent with the vision of the Port Macquarie-Hastings Community as set out in the Community Strategic Plan and Urban Growth Management Strategy that population growth is supported through public infrastructure, land use and development outcomes, in particular to develop and enhance quality open space and recreational facilities.

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

Detailed assessment of consistency is contained in **Appendix D**.

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

The matters addressed by this planning proposal are consistent with the applicable Ministerial Section 117 Directions. Detailed assessment of consistency is contained in **Appendix E**.

Section 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?

The site is cleared of native vegetation and it is therefore expected that the planning proposal will not result in any adverse impact on the habitat, species and or communities referenced here. The subject site has been maintained as managed pasture for an extensive time period.

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

Flooding hazard

The Hastings River Floodplain Risk Management Study (2012) classifies the land as Flood Storage and Flood Fringe. The greater part of the site is subject to flooding in the event of a 1 in 100 year flood.

The 1 in 100 year flood level is estimated to be 7.3 metres Australian Height Datum (AHD) and the flood planning level is 8.2 metres AHD (i.e. 1 in 100 year flood level + 400 mm climate change allowance + 500 mm freeboard). Filling of the flood plain to the necessary flood planning level is not required for non-residential land uses such as sporting facilities. However, earthworks, filling and levelling are expected to be undertaken to facilitate the proposed future use for sports fields and compatible development. This will be assessed in detail at the project assessment stage and will include consideration of stormwater management requirements.

Acid sulphate soils

The site is identified as containing a small area of low risk Class 4 Acid Sulfate Soils in the south west of the site. Future works that are or will be 2 metres below the natural ground surface will need to address potential risk. This will be assessed in detail at the project assessment stage and will include consideration of necessary mitigation and management requirements under clause 7.1 of the LEP. Clause 7.1 currently requires an

acid sulfate soils management plan for any proposed works (with some specified exemptions) that may impact on acid sulfate soils.

Soil Erosion

The site is mapped as having a high soil erosion risk consistent with its location within the Hastings River floodplain. The intended future use will require appropriate assessment and management that will be addressed in detail at the project assessment stage. It is expected that appropriate mitigation strategies will be able to be incorporated into the development to minimise future soil erosion risk.

Archaeological, Aboriginal and Cultural Heritage

The proposed sports and recreation use is not expected to have a significant impact on environmental or heritage values, given the history of agricultural use on the land.

It is proposed to consult with NSW Office of Environmental and Heritage and the Local Aboriginal Land Council in relation to Aboriginal cultural heritage and the National Parks and Wildlife Act 1974.

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

The planning proposal will enable approximately 20 hectares of public recreational development consistent with Council's strategic planning for regional sporting facilities. A net positive impact cumulative social and economic outcome is expected. Any costs associated with future development of the land will be managed within Council's overall budgetary framework.

Section D - State and Commonwealth interests.

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

Future recreational development of the site will require upgrade and extension of public infrastructure. Sewer and water services are available to adjoining land and electricity and telecommunications infrastructure exists in the locality. It is expected that adequate public infrastructure is able to be physically and economically extended by Council to service the proposed future use for sporting facilities. Road access from the Oxley Highway is expected to be limited in order to satisfy Roads and Maritime Services requirements. However, access is available from Stoney Creek Road and Princess Avenue and this is expected to be satisfactory to address access requirements.

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

Consultation with the following public authorities is relevant should a Gateway Determination be issued:

- Roads and Maritime Services NSW
- NSW Office of Environment and Heritage
- NSW Aboriginal Land Council
- Transgrid
- Essential Energy

Part 4 – Mapping

Proposed Map amendments to the Port Macquarie-Hastings Local Environmental Plan 2011 as described in Part 2 of the planning proposal are illustrated following.

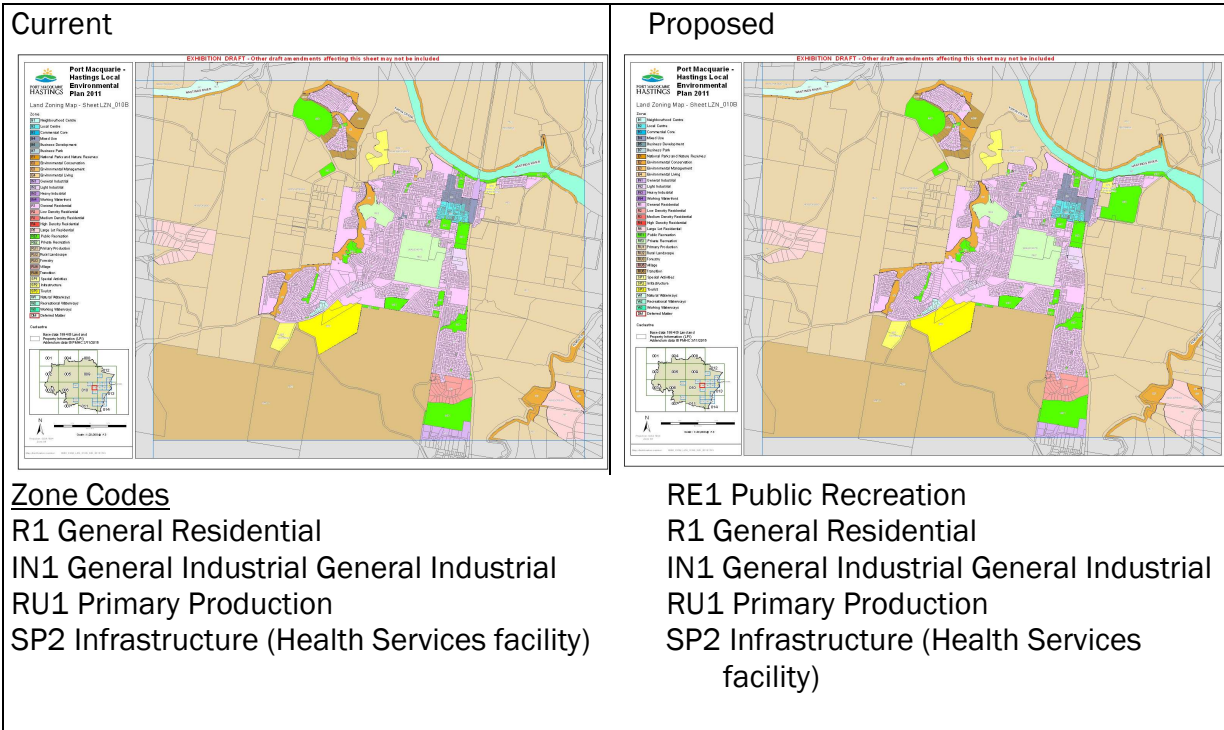


Figure 2 Land Zoning - existing & proposed



Figure 3 Community Land Reclassification - proposed

If the Planning Proposal is approved then the current relevant LEP map sheets shown on the NSW Legislation website will be replaced by replacement map sheets. Maps only attain legal status when shown on the website. The map name (at the bottom of the map legend), including the date (“YYYYMMDD”) represents the date that version of the map was prepared, and not the date that it took effect (if at all).

Final maps may be updated from the maps forming part of this Planning Proposal to include:

- any changes made by Council,
- formatting changes, and
- any applicable updates arising from other concurrent LEP amendments.

Part 5 – Community Consultation

The proposal is not considered to be a low impact proposal, as it reclassifies public land.

On this basis a 28 day public exhibition period is appropriate.

Consultation in accordance with the Council's Public Consultation Policy is proposed for the site.

If endorsed by the Government Gateway Panel, the planning proposal is proposed to be advertised in the Port Express, Wauchope Gazette and the Camden Haven Courier. Government agencies, adjoining owners and other bodies as specified in the Gateway Determination will be notified in writing in relation to the exhibition period and invited to review the exhibition material and make submissions.

The Planning proposal and supporting material will be available on Council's website and at Council's port Macquarie, Wauchope and Laurieton offices for the duration of the proposed exhibition period.

To assist the community in understanding Council's interest in the land and the reasons for the proposal, statements to address the requirements specified in the Department of Planning and Environment's LEPs and Council Land Best Practice Guideline 1997 and LEP practice note PN 09-003 Classification and reclassification of public land through a local environmental plan, form part of the exhibition material. The Best Practice Guideline and Practice Note will also be on public display.

All submissions received during the exhibition period will be reported to a future meeting of Council for consideration prior to making a final decision in relation to the proposal.

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 does not have delegation to carry out certain plan-making functions. Where appropriate Delegation would be exercised by Council's General Manager or the Director of Development and Environmental Services.

Planning proposal process outline	Nov/Dec 2016 - August 2017											
	N	D	J	F	M	A	M	J	J	A		
Commencement (date of Gateway determination)		X										
Timeframe for the completion of required technical information		X	X	X								
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)		X	X	X								

Planning proposal process outline	Nov/Dec 2016 - August 2017											
	N	D	J	F	M	A	M	J	J	A		
Commencement and completion dates for public exhibition period					X	X						
Dates for public hearing (Not required; Local Govt Act 1993)												
Timeframe for consideration of submissions						X	X					
Timeframe for the consideration of a proposal post exhibition							X	X				
Date of submission to the department to finalise the LEP									X			
Date Council will make the plan (if delegated)											X	
Date Council will forward to the department for notification.											X	

Appendix A – Gateway Determination

A copy of the Gateway Determination for this Planning Proposal will be included in this Appendix after it is issued.

The Determination will identify processing requirements, such as:

- community consultation, or
- possible changes to this proposal.

At the time of preparation of this version of the planning proposal there has been no Gateway Determination.

Appendix B – List of proposed amendments

if required for detailed background information

A. Changes to Map Sheets

The following map sheets are proposed to be revoked:

Map sheets	Map sheet identifier	Appendix B - details reference
Land Zoning Map LZN_010B	6380_COM_LZN_010B_020_20160627	

Note: This list of current maps may need to be updated for the other amendments finalised prior to this amendment.

New additional map sheets proposed:

Land Reservation Map LZRA_010B	6380_COM_LRA_0 (New additional map sheet proposed)
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The following map sheets are adopted:

Map sheets	Map sheet identifier	Appendix B - details reference
Land Zoning Map LZN_0	6380_COM_LZN_0#_020_201*	
Land Reservation Map LRA_0	6380_COM_LRA_0#_020_201*	

Note: The Map Sheet Identifiers will be updated with dates when the sheets are prepared.

These map sheets may need to be updated prior to finalisation, to incorporate separate amendments that may have commenced since the map sheets were prepared. Such changes have no significance to this Planning Proposal.

Appendix C – Assessment of consistency with applicable State Environmental Planning Policies

Listed below are the SEPPs that apply to land within the Port Macquarie-Hastings Local Government Area. As at 2/10/2106.

State Environmental Planning Policies	Consistency
14 Coastal Wetlands	NA. The SEPP provides for conservation and protection of coastal wetlands. The site does not contain coastal wetlands or otherwise adjoin land affected by coastal wetlands.
21 Caravan Parks	NA
26 Littoral Rainforests	NA
30 Intensive Agriculture	NA
33 Hazardous and Offensive Development	NA
36 Manufactured Home Estates	NA
44 Koala Habitat Protection	NA. The subject site comprises managed pasture and therefore does not contain vegetation consistent with the SEPP.
50 Canal Estate Development	NA
55 Remediation of Land	NA. The site has historically been used for grazing and pasture production. No indication of site contamination exists.
62 Sustainable Aquaculture	NA
64 Advertising and Signage	NA
65 Design Quality of Residential Flat Development	NA
71 Coastal Protection (c/l 7-8)	NA
(Affordable Rental Housing) 2009	NA
(Building Sustainability Index: BASIX) 2004	NA
(Exempt and Complying Development Codes) 2008	NA
(Housing for Seniors or People with a Disability) 2004	NA
(Infrastructure) 2007	The SEPP provides consistency, flexibility, efficiency and clarification around the delivery of infrastructure in NSW, including in relation to development of parks and other public reserves. Dedication by Council of the land as a future public reserve will facilitate application of the SEPP in relation to future development of the land for playing fields. Consultation regarding development of land adjacent to the Oxley Highway road corridor (Roads and Maritime Services NSW) is necessary.
(Major Development) 2005	NA
(Mining, Petroleum Production and Extraction Industries) 2007	NA
(Rural Lands) 2008	Relevant as the land is zoned RU1 Primary Production. The SEPP Rural Lands provides for the orderly and economic use and development of rural lands for rural and related purposes. The SEPP contains 'Rural Planning Principles' that must be considered in preparing planning proposals affecting rural land.

State Environmental Planning Policies	Consistency
	The 20 hectare site is identified as Regionally Significant Farmland consistent with its location within the Hastings River Flood Plain. The site has been maintained as managed pasture for a number of years and is considered to have limited agricultural value for current and potential future productive and sustainable agriculture due to its: • location within the urban fringe and Hastings River flood plain, • separation from other contiguous areas of regionally significant farmland • lack of natural resources, native vegetation, biodiversity and water resources. In planning for development of the land for sporting facilities it is considered that the loss of any potential economic contribution of around 20 hectares of state significant farmland in this location is outweighed by long term community interests and social well being. (Note: clause 9 of the SEPP does not apply to the Council area - instead refer to clauses 1.9 and 4.2 of PMH LEP 2011.)
(State and Regional Development) 2011	NA. Major recreation facilities with a capital investment value exceeding \$30 million are identified as State significant development under the SEPP. The proposed sporting faculties are not expected to exceed \$30 million in value.
(Temporary Structures) 2007	NA

Appendix D – Assessment of consistency with applicable Section 117 Ministerial Directions

Listed below are the Section 117 (2) Directions (including Objectives) that apply to land within the Port Macquarie-Hastings Local Government Area. **As at 5/08/2016**

Copies of the full Directions are available on the Department of Planning & Environment website.

Section 117(2) Directions and Objectives	Consistency
1 Employment and Resources	
1.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	NA
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	The proposal is inconsistent with the SEPP. However, any inconsistency is considered justified on the basis that the rural production value. The land is located on the fringe of the Wauchope urban area, has limited potential and reclassification of the land is required for community sporting facilities. See commentary above in relation to SEPP Rural Lands (2008)
1.3 Mining, Petroleum Production and Extractive Industries The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	NA
1.4 Oyster Aquaculture The objectives of this direction are: (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	NA
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.	The Direction provides for protection of the agricultural value of rural land and to facilitate orderly and economic development of rural land for rural and associated uses. Refer commentary above in relation to Direction 1.2 Rural Zones.
2 Environment and Heritage	
2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	NA

Section 117(2) Directions and Objectives	Consistency
2.2 Coastal Protection The objective of this direction is to implement the principles in the NSW Coastal Policy.	NA
2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	NA
2.4 Recreation Vehicle Areas The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	NA
3 Housing, Infrastructure and Urban Development	
3.1 Residential Zones The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	NA
3.2 Caravan Parks and Manufactured Home Estates The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	NA
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	NA
3.4 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	NA
3.5 Development Near Licensed Aerodromes The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and	NA

Section 117(2) Directions and Objectives	Consistency
(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	
3.6 Shooting Ranges The objectives are: (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	NA
4 Hazard and Risk	
4.1 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Inconsistent. The site is identified as containing a small area of Class 4 Acid Sulfate Soils in the south west of the site. Relevant where works are or will be 2 metres below the natural ground surface. Clause 7.1 of the LEP currently requires an acid sulfate soils management plan for any proposed works (with some specified exemptions) that may impact on acid sulfate soils. Any inconsistency with the Section 117 Direction is considered justifiable on the basis of operation of Clause 7.1.
4.2 Mine Subsidence and Unstable Land The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	NA
4.3 Flood Prone Land The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Inconsistent. 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. The planning proposal is inconsistent with clause (6) (c) of this direction because it is proposed to allow an increase in the development of the land. The subject site is within the flood planning area and is further affected by the probable maximum flood. The inconsistency is considered justified on the basis of Clauses 7.3 and 7.4 of the LEP which currently contain provisions relating to development within the flood planning area, and

Section 117(2) Directions and Objectives	Consistency
	to some forms of development of further land below the level of the probably maximum flood. Appropriate assessment and action is triggered by clauses 7.3 and 7.4.
4.4 Planning for Bushfire Protection The objectives of this direction are: (a) 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 (b) to encourage sound management of bush fire prone areas. <i>Further details:</i> When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. What a relevant planning authority must do if this direction applies (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made, (5) A planning proposal must: (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit	NA. The site is not identified as Bushfire Prone Land.

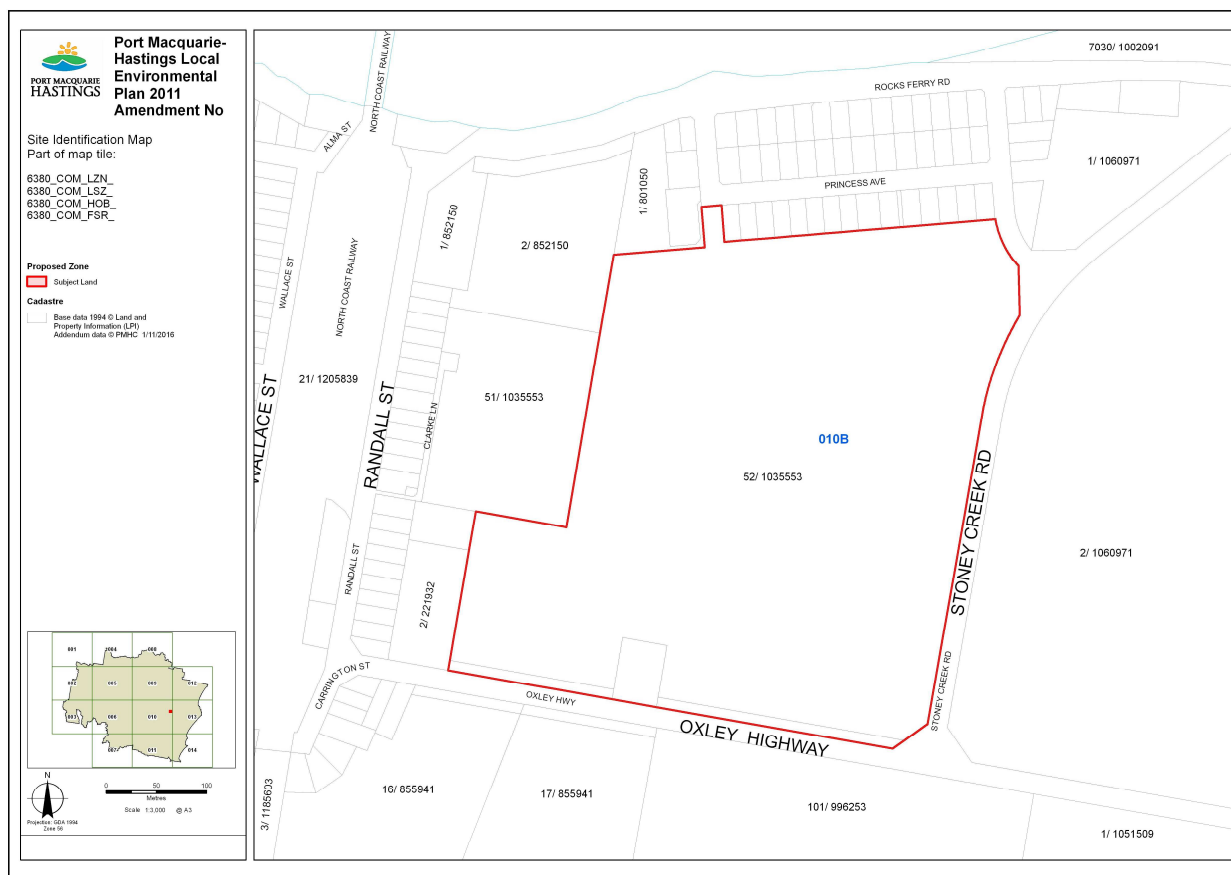
Section 117(2) Directions and Objectives	Consistency
Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for fire fighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.	
5 Regional Planning	
5.1 Implementation of Regional Strategies The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	It is considered that the planning proposal is consistent with the overall intent, vision, policy direction and outcomes of the regional strategy
5.4 Commercial & Retail Development along the Pacific Hwy, North Coast The objectives for managing commercial and retail development along the Pacific Highway are: (a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route; (b) to prevent inappropriate development fronting the highway; (c) to protect public expenditure invested in the Pacific Highway; (d) to protect and improve highway safety and highway efficiency; (e) to provide for the food, vehicle service and rest needs of travellers on the highway; and (f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.	NA
5.10 Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The planning proposal is consistent with the Draft North Coast Regional Plan.
6 Local Plan Making	
6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal is consistent with this direction.
6.2 Reserving Land for Public Purposes The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The planning proposal is consistent with the Direction.
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	NA

Appendix E – Site Identification Maps

Where printed, the Site Identification Maps could follow this page.

Where in electronic form, it is likely these pages will be separate documents.

Site Identification Map name	Sheet Nos	Item No (Appendix B)
6380_ (TBA)	(TBA)	



Appendix F – Map Cover Sheet

The Map Cover Sheet is a part of the submission of the draft LEP for formal approval by the Minister for Planning or delegate.

It will not be prepared until that stage.

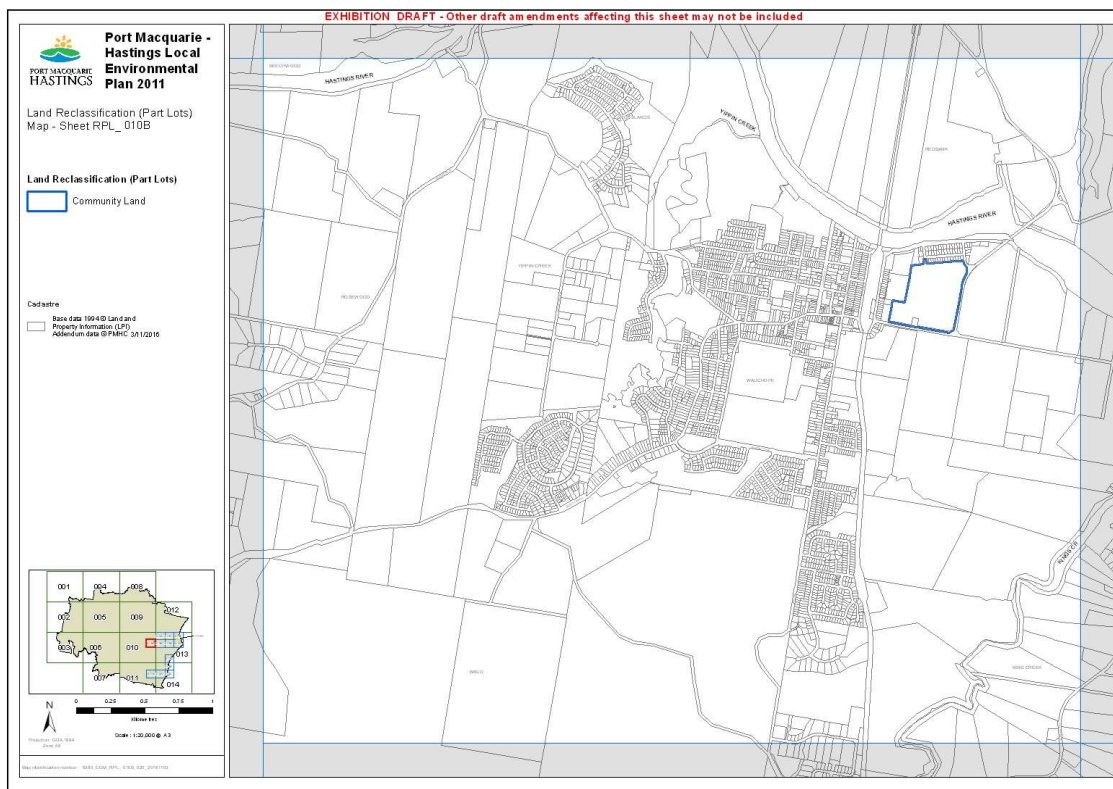
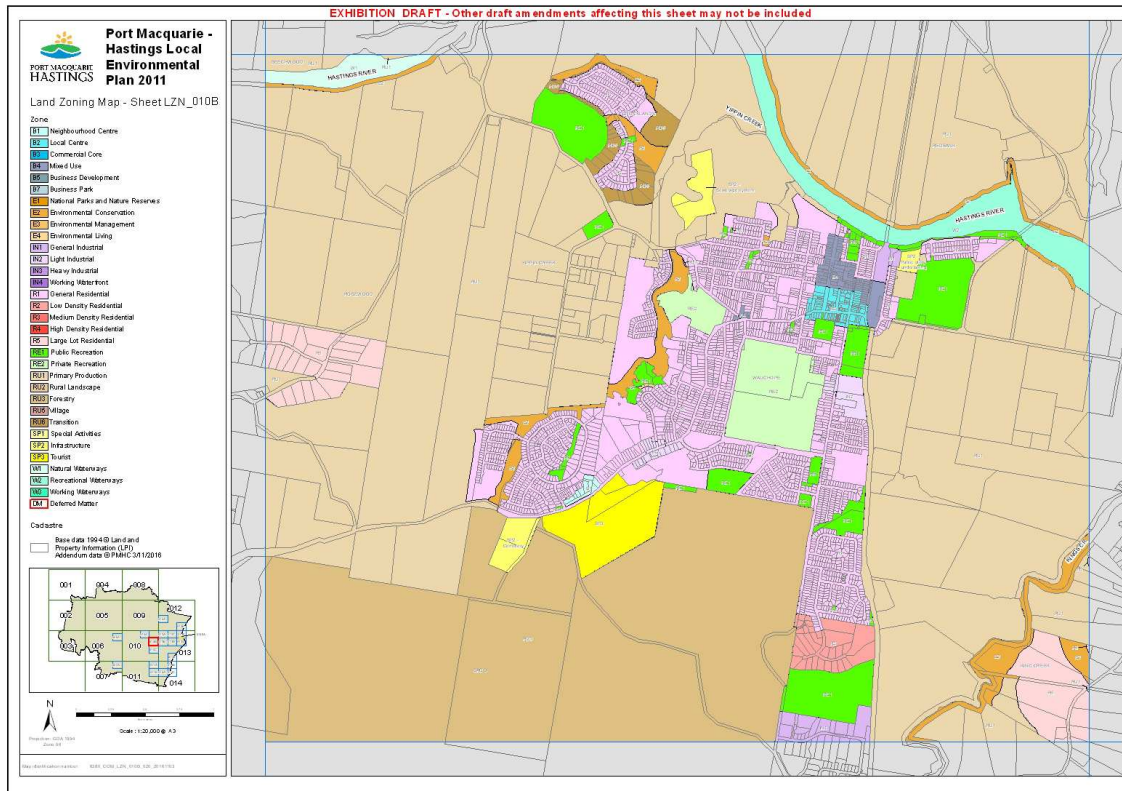
Where printed, the Map Cover Sheet could follow this page, just as the draft map sheets to be adopted could follow the introductory page for **Appendix H**.

Where in electronic form, it is likely these pages will be separate documents.

Note that the Map Cover Sheet will reflect the final content of the Part B Changes to Map Sheets within **Appendix C**.

Appendix G – Map Sheets proposed to be adopted

Draft Map Sheets will be finalised prior to public exhibition of the planning proposal.



Acronyms, Glossary and References

AHD - Australian Height Datum, means the reference (or datum) surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971. This provides a consistent basis for defining heights, irrespective of (changes in) ground level.

APZ - Asset Protection Zone, in relation to bushfire protection, is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack. Refer to *Planning for Bushfire Protection 2006*.

ASS - Acid sulfate soils, means naturally occurring sediments and soils containing iron sulfides (principally pyrite) and/or their precursors or oxidation products. The exposure of the sulfides to oxygen by drainage or excavation leads to the generation of sulfuric acid. **Actual acid sulfate soils** have already become acidic, which can leach into other soils or into waterways. Either way, they can damage ecosystems (eg fish kills after rain) or buried pipes or foundations. **Potential acid sulfate soils** are soils which contain iron sulfides or sulfidic material which have not been exposed to air and oxidised.

ASS can also mean the **Acid Sulfate Soils Map**, one of the map series of *LEP 2011*. Refer to **Part 4 – Mapping**.

BASIX - A suite of sustainable planning measures to make all residential dwelling types in NSW energy and water efficient. Key components are [SEPP \(Building Sustainability Index: BASIX\) 2004](#) and certification of compliance with the BASIX targets are different stages of building approval and construction.

[Coastal Design Guidelines 2003](#) are guidelines issued by the former Coastal Council, and which are referred to in Section 117 Ministerial Direction No 2.2.

DCP - Development Control Plan, a policy document of Council given status under the EP&A Act to be a consideration in the determination of development applications. In this area this is [Port Macquarie-Hastings Development Control Plan 2013](#).

DP&E - the NSW **Department of Planning & Environment**, who have a significant role in under the EP&A Act, and who advise, and act under delegation for, the Minister of Planning.

EPBC Act - the Commonwealth [Environment Protection and Biodiversity Conservation Act 1999](#), the Australian Government's key piece of environmental legislation.

EEC - endangered ecological community, one of the categories of species and habitats subject to protections under the [Threatened Species Conservation Act 1995](#).

EP&A Act - the [Environmental Planning and Assessment Act 1979](#), the relevant NSW Act providing the framework for controlling planning and development within New South Wales. Refer also to **EP&A Reg** for supporting details.

EP&A Reg - the [Environmental Planning and Assessment Regulation 2000](#), which contains supporting details to the EP&A Act.

[Floodplain Development Manual 2005](#) - the supporting document to the NSW Flood Prone Land Policy. Relevant both to Section 117 Ministerial Direction No 4.3 and to

assessment of development applications. To be read with a *Guideline on Development Controls on Low Flood Risk Areas* supplement issued in January 2007.

FSR Map - the **Floor Space Ratio Map**, one of the map series of LEP 2011. Refer to **Part 4 – Mapping**.

Gateway determination - the statement by the Minister, or his delegate, on the relevant steps and other requirements relating to the processing of a planning proposal - refer section 56 of the EP&A Act. The determination relevant to this planning proposal is contained in **Error! Reference source not found..**

[*A guide to preparing Local Environmental Plans*](#), DP&E April 2013 - provides guidance and information on the process for making local environmental plans under Part 3 of the EP&A Act.

[*A guide to preparing planning proposals*](#), DP&E October 2012 - provides guidance and information on the process for preparing planning proposals, in accordance with section 55 (3) of the EP&A Act.

[*Guidelines for Preparing Coastal Zone Management Plans*](#) is the current manual relating to the management of the coastline for the purposes of section 733 of the *Local Government Act 1993*, as referred to in Section 117 Ministerial Direction No 2.2.

HOB Map - the **Height of Buildings Map**, one of the map series of LEP 2011. Refer to **Part 4 – Mapping**.

LEP - a **Local Environmental Plan** under the EP&A Act, providing Council-level planning controls over development, subject to any overriding SEPP controls. It consists of written text (based on the *Standard Instrument (Local Environmental Plans) Order 2006*), and several map series, the most important of which is the Land Zoning Map.

A LEP is made or amended by the processing of a Planning Proposal (such as this) in accordance with Part 3 (particularly Division 4) of the EP&A Act.

The LEP for this Council area is [*Port Macquarie-Hastings Local Environmental Plan 2011*](#) (sometimes abbreviated to **LEP 2011**).

LSZ Map - the **Lot Size Map**, one of the map series of LEP 2011. Refer to **Error! Reference source not found..**

LZN Map - the **Land Zoning Map**, one of the map series of LEP 2011. This map identifies the Land Use Zone, which works with the Land Use Table within the LEP text to determine the permissibility of most development. Refer to **Part 4 – Mapping**.

MNCRS - [*Mid North Coast Regional Strategy 2006-31*](#), guides local planning for the Councils of the Mid North Coast. A replacement [*Draft North Coast Regional Plan*](#) was placed on exhibition in March 2016.

[*NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*](#) is referred to in Section 117 Ministerial Direction No 2.2.

[*Planning for Bushfire Protection 2006*](#) is a publication from the NSW Rural Fire Service outlining the required bush fire protection measures for development applications located on land that has been designated as bush fire prone.

Planning Proposal - a document containing relevant background information about a proposed LEP or LEP amendment. The minimum requirements are set out in printed guidelines from the DP&E, though can be subject to requirements of a Gateway determination.

PMHC means Port Macquarie-Hastings Council.

Section 117 Ministerial Directions - these are directions issued by the Minister of Planning, and which specify State-wide requirements for planning proposals. If a proposal is inconsistent with a requirement of a Direction, then the Secretary of DP&E (or his delegate) may still permit the planning proposal to proceed if the inconsistency is justified in the particular circumstances. Assessment of this proposal in relation to the Section 117 Ministerial Directions is in **Appendix C**.

SEPP - a **State Environmental Planning Policy**, made under Part 3 of the EPA& Act, and overruling LEPs where there is any inconsistency. Refer to the list of SEPPs relevant to this Council area on [Council's website](#). Assessment of this proposal in relation to the SEPPs is in **Appendix B**.

Standard Instrument (Local Environmental Plans) Order 2006 - the specification of the mandatory and discretionary content of LEP text.

Standard Technical Requirements for Spatial Datasets and Maps, DP&E November 2015 - describes the technical specifications for LEP maps and the associated digital mapping data, particularly in relation to introduction of LEP mapping into the DP&E [Planning Portal](#).

TSCA - the [Threatened Species Conservation Act 1995](#), the key piece of legislation relating to protecting species, populations and ecological communities threatened with extinction in NSW. Protection of threatened fish and marine vegetation comes under the *Fisheries Management Act 1994*.

Towards 2030 Community Strategic Plan, PMHC June 2011 - Council's community strategic plan, as required by section 402 of the [Local Government Act 1993](#).

UGMS - Council's [Urban Growth Management Strategy 2011-2031](#), adopted in December 2010, and which sets the framework for major changes to the LEP and other actions to facilitate urban development within the Council area. It is related to Council's *Towards 2030 Community Strategic Plan*.

VPA - **Voluntary Planning Agreements** between Council and landowners under Division 6 of Part 4 of the EP&A Act. Through negotiation, they allow for flexibility in infrastructure provision or for other public purposes, which can be hard to achieve with fixed Council-wide requirements relating to infrastructure provision or funding or other implications of development.