

| | Port Macquarie-Hastings LEP 2011 - Amendment No 38 Housekeeping amendments of corrections and refinements | | | |
|---|---|---|--|--|
| Proposal Summary : | Macquarie-Hastings LEP 2011 | : | following amendments to Port | |
| | amend landuse table for the with consent; | e B5 Business Development | zone to allow veterinary hospitals | |
| | include a provision to perm Production and RU2 Rural Lan currently exists on an undersi amend the minimum lot size Diamond Head Rd, Dunbogan inclusion of additional perm 764 Fernbank Creek Road, Fer industries', 'Cellar door premise rezone several properties a from IN2 Light Industrial to B4 rezone specific land at Mill Residential and apply appropr 7. rezone a larger portion of L Environmental Management to building height and floor spac 8. amend the minimum lot siz | adscapes where a dwelling i ized lot (within certain zone e map to permit subdivisior for the purpose of a 'Men's nitted uses (with consent) a rnbank Creek. Proposed us ses' and 'Light industry'. It the intersection of High S Mixed Use; Hill from E2 Environmental riate lot size, building heigh tot 123 DP 1148180, Bronzey o R1 General Residential an re ratio controls; e map to permit subdivisior | s permissible or where a dwelling s only); of an area of Lot 2 DP 1083711, Shed' (existing); ssociated with Cassegrain Winery at es are 'Agricultural produce t and Beechwood Rd, Wauchope, Conservation to R1 General it and floor space ratio controls; wing Terrace, Lakewood from E3 d apply appropriate lot size, | |
| PP Number : | PP_2016_PORTM_001_00 | | | |
| | FF_2010_FORTM_001_00 | Dop File No : | 16/02289 | |
| roposal Details | | Dop File No : | 16/02289 | |
| roposal Details Date Planning Proposal Received : | 19-Feb-2016 | Dop File No : LGA covered : | 16/02289 Port Macquarie-Hastings | |
| - Date Planning | | | | |
| Date Planning Proposal Received : | 19-Feb-2016 | LGA covered : | Port Macquarie-Hastings | |
| Date Planning Proposal Received : Region : | 19-Feb-2016 Northern | LGA covered : RPA : | Port Macquarie-Hastings Port Macquarie-Hastings Counci | |
| Date Planning Proposal Received : Region : State Electorate : LEP Type : | 19-Feb-2016 Northern OXLEY | LGA covered : RPA : | Port Macquarie-Hastings Port Macquarie-Hastings Counci | |
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| Proposal Received : Region : State Electorate : LEP Type : Location Details | 19-Feb-2016 Northern OXLEY | LGA covered : RPA : | Port Macquarie-Hastings Port Macquarie-Hastings Counci | |

DoP Planning Officer Contact Details

| Contact Name : | Gina Davis |
|------------------|--------------------------------|
| Contact Number : | 6400227903 |
| Contact Email : | gina.davis@planning.nsw.gov.au |

RPA Contact Details

| Contact Name : | Stephen Nicholson |
|------------------|-----------------------------------|
| Contact Number : | 0265838529 |
| Contact Email : | stephen.nicholson@pmhc.nsw.gov.au |

DoP Project Manager Contact Details

| Contact Name : | Gina Davis |
|------------------|--------------------------------|
| Contact Number : | 6400227903 |
| Contact Email : | gina.davis@planning.nsw.gov.au |

Land Release Data

| Growth Centre : | Other | Release Area Name : | N/A |
|--|--|--|-------------|
| Regional / Sub Regional Strategy : | Mid North Coast Regional Strategy | Consistent with Strategy : | Yes |
| MDP Number : | | Date of Release : | |
| Area of Release (Ha) | 0.92 | Type of Release (eg Residential / Employment land) : | Residential |
| No. of Lots : | 0 | No. of Dwellings (where relevant) : | 12 |
| Gross Floor Area | 0 | No of Jobs Created : | 0 |
| The NSW Government Lobbyists Code of Conduct has been complied with : | Yes | | |
| If No, comment : | The Department of Planning & Er and meetings with Lobbyists has knowledge. | | |
| Have there been meetings or communications with registered lobbyists? | Νο | | |
| If Yes, comment : | Northern Region has not met any Region been advised of any mee concerning this proposal. | | • |
| Supporting notes | | | |
| Internal Supporting Notes : | | | |
| External Supporting Notes : | | | |

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The statement of objectives adequately describes the proposed outcomes of the planning proposal.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The amendments proposed to Port Macquarie Hastings are adequately described.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.5 Rural Lands 2.1 Environment Protection Zones

- 2.3 Heritage Conservation
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.3 Site Specific Provisions

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

Refer to the the assessment section of his report. Any inconsistency is considered to be of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The Planning Proposal relates to eight (8) individual issues. Issues 1 & 2 require amendments to be made to the EPI only. Issues 3 - 8 (inclusive) will require the alteration of the following map sheets; LZN, LSZ, FSR, MLS, HoB and APU. "Thumbnail" maps have been provided in the planning proposal to illustrate the amendments required as a result of issues 3 - 8. These are considered adequate for exhibition purposes.

Prior to seeking a Parliamentary Counsel opinion for the Plan, LEP mapping prepared in accordance with the Department's technical mapping guidelines will need to be prepared.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

Council believe the proposal to be low impact in nature and as such have indicated a

14 notification period for exhibition. This timeframe is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

| If No, comment | The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by: |
|----------------|--|
| | 1. Providing appropriate objectives and intended outcomes; |
| | 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes; |
| | 3. Providing an adequate justification for the proposal; |
| | 4. Outlining a proposed community consultation program; and |
| | 5. Providing a project time line. |
| | Council is seeking an authorisation to exercise its plan making delegations and has provided an evaluation checklist. As the Planning Proposal deals only with matters of local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council. |
| а 1 | The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for notification in September 2016. Due to the number of issues addressed in the Planning Proposal and to ensure an adequate period to complete the proposal, a 12 month time frame is recommended. |

Principal LEP:

Due Date :

Comments in relationPort Macquarie Hastings (PMH) LEP 2011 was notified 23 February 2011. This proposalto Principal LEP :amends PMH LEP 2011.

Assessment Criteria

| Need for planning proposal : | The majority of issues dealt with in the planning proposal do not result from any strategic study or report but have arisen as a result of continued monitoring of the accuracy of the LEP and/or specific requests from the public. Issue 8 in relation to the alteration of the MLS for the subject land is however a direct result of Council's 'Urban Growth Management Strategy 2011-2031. |
|---------------------------------|---|
| | The following amendments to PMH LEP 2011 are proposed; |
| | 1. amend landuse table for the B5 Business Development zone to allow veterinary hospitals with consent; |
| | 2. include a provision to permit with consent Eco-tourism on land zoned RU1 Primary Production and RU2 Rural Landscapes where a dwelling is permissible or where a |
| | dwelling currently exists on an undersized lot (within certain zones only); 3. amend the minimum lot size map to permit subdivision of an area of Lot 2 DP 1083711, |
| | Diamond Head Rd, Dunbogan for the purpose of a 'Men's Shed' (existing); 4. inclusion of additional permitted uses (with consent) associated with Cassegrain Winery |
| | at 764 Fernbank Creek Road, Fernbank Creek. Proposed uses are 'Agricultural produce industries', 'Cellar door premises' and 'Light industry'. |
| | 5. rezone several properties at the intersection of High St and Beechwood Rd, |
| | |

Wauchope, from IN2 Light Industrial to B4 Mixed Use;

6. rezone specific land at Mill Hill from E2 Environmental Conservation to R1 General Residential and apply appropriate lot size, building height and floor space ratio controls; 7. rezone a larger portion of Lot 123 DP 1148180, Bronzewing Terrace, Lakewood from E3 Environmental Management to R1 General Residential and apply appropriate lot size, building height and floor space ratio controls;

8. amend the minimum lot size map to permit subdivision of Lot 2 DP 1036844, Oxley Highway, Wauchope, in line with Council's 'Urban Growth Management Strategy 2011-2031'.

As the proposal intends to make changes to the principal plan, an amendment such as this is the best way to achieve such changes.

| corrections and renni | ementa |
|--|--|
| Consistency with strategic planning | There is no inconsistency with the Council's strategic planning (HUGS 2010-2031) or the Mid North Coast Regional Strategy. |
| framework : | SEPP 44 Koala Habitat Protection Issue 6 (Mill Hill rezoning of E2 to R1) contains Koala Feed Trees hence the original purpose of the E2 zoning. Many of these trees have however been removed legally over the years to accommodate for the surrounding residential development. Given this fact, the planning proposal is unlikely to impact on koala habitat and as such is considered to be consistent with SEPP 44. |
| | SEPP 55 Remediation of Land applies to Issues 1,2, 4 & 5 within the Planning Proposal. Whilst some of these sites contain known contaminated land and the potential for contaminated land due to past and present use, Council is of the belief that any changes to permissible uses or zoning would be suitable (upon remediation if required) for the uses proposed in the Planning Proposal. |
| | The Planning Proposal is therefore not considered to be inconsistent with the SEPP's identified by Council. |
| | In regards to section 117 directions, the following assessment has been made; |
| | 1.1 Business and Industrial Zones This Direction applies to Issues 1 and 5 as the proposed amendments will affect Business and Industrial zoned land. |
| | Issue 5 - rezone several properties at the intersection of High St and Beechwood Rd, Wauchope, from IN2 Light Industrial to B4 Mixed Use. Any inconsistency with this Direction can be justified as being of minor significance as the land will be rezoned to B4 Mixed use thus enabling continued employment generating land uses on the site, and existing industrial uses may continue to operate. |
| | 1.2 Rural Zones This Direction applies to Issues 2, 3 and 8 as the proposed amendments will affect land Rural zoned land. |
| | Issue 3 - The proposed amendment will reduce the minimum lot size for the subject lot to allow for the subdivision of an existing leased area of land 8661 sqm for the Laurieton Men's Shed. No loss of agricultural value will occur as the site is already fully developed. Any inconsistency is therefore considered to be of minor significance. |
| | Issue 8 - Whilst this amendment will affect Rural zoned land, any change in MLS and future subdivision is in accordance with an approved strategy (HUGS 2011-2031) and reflects consent granted for a manufactured home estate, and therefore the inconsistency of the proposal with the Direction is considered to be justified in accordance with the terms of the direction. |
| | 1.5 Rural Lands This Direction applies to Issues 2,3 and 8 and provides that a planning proposal should not affect land within a rural or environmental protection zone or reduce the minimum lot size applying to land unless consistent with the Rural Planning Principles or Rural Subdivision Principles in SEPP (Rural Lands). |
| | Issue 2 & 3 - These two proposed amendments are considered to be consistent with this Direction as they are consistent with the Rural Subdivision and Rural Planning Principles in the SEPP for teh following reasons: - they promote opportunities for productive use of rural land; - they contribute to the social and economic welfare of rural communities; - they take into consideration the existing land uses on the land. |
| | |

Issue 8 - Whilst this proposed amendment aims to reduce the MLS for the subject land, any inconsistency with this Direction is considered justified as future subdivision of the site is in accordance with an approved strategy (HUGS 2011-2031).

2.1 Environment Protection Zones

This Direction applies to the amendments proposed in Issue 6 and 7 as they apply to land within an environmental protection zone.

Issue 6 -The land zoned E2 in this area is confined to very narrow slivers along the front building setbacks of a well developed residential area. The original purpose was to protect Koala Feed Trees located along street frontages. As a result however of clearing necessary to facilitate urban development, many of these trees have been lost, and as a consequence the E2 zoning is no longer appropriate for the land. New approaches to the protection of Koala habitat over the years has also meant that the intended outcome of this zoning has not been achieved, and the Koala Plan of Management will continue to provide the most appropriate protection for koala habitat in the area. For these reasons it is considered that any inconsistency with this Direction is considered to be of minor significance.

Issue 7 - The E3 Environmental Management zone was originally placed over this land to deal with issues of inadequate water pressure over 30 AHD in relation to residential development at Lakewood. Consent was granted for this development in 2012 and the owners are now wishing to proceed with the development on that part of the lot zoned E3. Any inconsistency with this Direction is considered to be of minor significance as the original intent of the E3 zoning did not relate to the protection of environmentally sensitive areas and has since been resolved.

2.3 Heritage Conservation

This Direction is applicable as a heritage item listed in PMH LEP 2011 is situated on one of the lots to be rezoned In Issue 5. Whilst the zoning of the specific lot will change, the heritage item is protected by the relevant heritage provisions contained in PMH LEP 2011. Any inconsistency therefore is considered to be of minor significance.

4.1 Acid Sulfate Soils

This direction states that any possible intensification of land use will need to be considered given the presence of acid sulfate soils. Proposed amendments detailed in Issues 2, 3 & 4 are potentially affected by Acid Sulfate Soils. The proposed amendments will not result in a significant intensification of land uses and therefore any inconsistency with this Direction is considered to be of minor significance, as PMH LEP 2011 currently contains provisions requiring an acid sulfate soils management plan for proposed works on such land.

4.3 Flood Prone Land

This Direction applies as land contained within the proposed amendments of Issues 1, 2, 3 & 4 is located within a flood planning area or affected by a PMF. Given the proposal only allows limited additional land uses on the land or the land is already developed, and considering Port Macquarie-Hastings (PMH) LEP 2011 contains provisions relating to development within a flood planning area, any inconsistency with section 117 direction 4.3 (Flood Prone Land) is considered to be of minor significance. Consultation with Office of Environment and Heritage is however recommended.

Note: Whilst the land contained with Issue 8 is traversed by Yippin Creek, it is not officially mapped as flood prone land. Relevant provisions contained within PMH LEP 2011 are able to address any potential flooding issues at the development assessment stage.

4.4 Planning for Bushfire Protection

This Direction applies to the proposed amendments detailed in Issues 1, 2, 3, 4, 6, 7 & 8 as land is classified as bushfire prone.

The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire

Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

6.3 Site Specific Provisions

Whilst the Planning Proposals refers to this Direction as being applicable, no restrictive site specific planning controls will be included as a result of the proposed amendments.

Environmental social The planning proposal will not have any direct adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats. Despite portions of E2 Environmental Conservation zoned land being rezoned in Issue 6, the potential impact on Koalas is considered negligible as the area is already highly disturbed as a result of residential development.

The proposed amendments which enable an intensification of development potential over land, have the potential for indirect effects on the natural and socioeconomic environments. Individual developments may have an impact on the natural environment as a result of clearing for access and bush fire protection, and effluent disposal. The impacts on the built environment will include land use conflict, traffic impacts and amenity. It is expected that these matters can be addressed by the development assessment process on a case by case basis.

In regards to the socio-economic environment, the relevant amendments have the potential to provide positive impacts from an increase in housing availability and choice as well as stimulating commercial activity from a broadening of permissible landuses within certain zones.

Assessment Process

| Proposal type : | Routine | | Community Consultation Period : | 14 Days |
|---|---|----------------|------------------------------------|---------|
| Timeframe to make LEP : | 9 months | | Delegation : | RPA |
| Public Authority Consultation - 56(2)(d) | Office of Environn NSW Rural Fire Se Transport for NSV Other | ervice | ritage d Maritime Services | |
| Is Public Hearing by the | PAC required? | No | | |
| (2)(a) Should the matter | proceed ? | Yes | | |
| If no, provide reasons : | | | | |
| Resubmission - s56(2)(b | o) : No | | | |
| If Yes, reasons : | | | | |
| Identify any additional st | tudies, if required. | ÷. | 5 | |
| If Other, provide reason | s : | | | |
| Identify any internal con | sultations, if required | 1: | | |
| No internal consultatio | n required | | | |
| Is the provision and fund | ding of state infrastru | icture relevar | nt to this plan? No | |
| If Yes, reasons : | | | | |

| uments | | | |
|---|---|--|--|
| Document File Name | | DocumentType Name | Is Public |
| 2016-02-19_Planning Proposal V2.pdf 2016-02-19_PMHC PP Cover Letter.pdf 2016-02-19_Att 4 Eval Crit for Delegations_complete.pdf | | Proposal Proposal Covering Letter Determination Document | Yes Yes Yes |
| nning Team Recomn | nendation | - 4 | |
| Preparation of the plannir | ng proposal supported at this stage:Reco | mmended with Conditions | |
| S.117 directions: | 1.1 Business and Industrial Zones 1.5 Rural Lands 2.1 Environment Protection Zones 2.3 Heritage Conservation 4.1 Acid Sulfate Soils 4.3 Flood Prone Land 4.4 Planning for Bushfire Protection 6.3 Site Specific Provisions | | |
| Additional Information : | It is recommended that: | | |
| Supporting Possons | The Planning Proposal be supporte The Planning Proposal be exhibited The Planning Proposal be complete That the RPA consult with the Com accordance with the requirements of That the Secretary (or her delegate) Direction 4.4 Planning for Bushfire Pr resolved prior to the proposal being f It is recommended that a delegate to proposal with S117 Directions 1.2, 1.5 terms of the directions. That consultation be undertaken with Roads and Maritime Services Environment Protection Authority Office of Environment and Heritage A written authorisation to exercise Council in this instance to enable Court | I for 14 days; ed within 12 months; missioner of the NSW Rural Fire S S117 Direction 4.4 Planning for Bu note the current inconsistency wi otection and that this inconsistency inalised; he Secretary agree that the incons , 2.1, 4.1 and 4.3 are justified in ac th the following agencies: delegation is issued to Port Macqu uncil to make the plan. | shfire Protection; th section 117 :y will need to be sistency of the cordance with the |
| Supporting Reasons : | 1.The proposed amendments will ens – Hastings which will provide confide 2. The inconsistencies of the proposa | ure an accurate and current LEP f nce and clarity in the planning cor | ntrols. |
| Signature: | PAUL CARNETY Date | 29 2 2016 | |
| 1 | PAUL CAPNETY Date Acting leaves Leader Northern Regions | | |