

Port Macquarie-Hastings LEP 2011 Amendment No. 42 - Signage in Public Areas

Proposal Title : Port Macquarie-Hastings LEP 2011 Amendment No. 42 - Signage in Public Areas

Proposal Summary : The Planning Proposal seeks to amend the Port Macquarie-Hastings LEP 2011 to facilitate a greater range of signage in public areas by:

- permitting 'advertising structures' with consent within Zone RE1 Public Recreation;
- including additional exempt signage provisions;
- rezoning five (5) surf lifesaving clubs from RE2 Private Recreation to RE1 Public Reserve and permitting 'restaurant or cafes' as an additional permitted use to recognise the existing use of the buildings for this purpose; and
- rezoning two (2) marine rescue buildings from RE1 Public Recreation to SP2 Infrastructure (emergency services facility).

PP Number : PP_2016_PORTM_006_00

Dop File No :

16/13421

Proposal Details

Date Planning 11-Oct-2016

Proposal Received :

LGA covered :

Port Macquarie-Hastings

Region : Northern

RPA :

Port Macquarie-Hastings Council

State Electorate : PORT MACQUARIE

Section of the Act :

55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : Town Beach, William Street

Suburb : Port Macquarie

City : Port Macquarie

Postcode : 2444

Land Parcel : Lot 7065 DP 1060070

Street : Flynn's Beach, Pacific Drive

Suburb : Port Macquarie

City : Port Macquarie

Postcode : 2444

Land Parcel : Lot 7052 DP 1121282

Street : Lighthouse Beach, Matthew Flinders Drive

Suburb : Port Macquarie

City : Port Macquarie

Postcode : 2044

Land Parcel : Lot 7074 DP 1052955

Street : Rainbow Beach, Beach Street

Suburb : Bonny Hills

City : Port Macquarie

Postcode : 2445

Land Parcel : Lot 2 DP 1171577

Street : North Haven Beach, The Parade

Suburb : North Haven

City : Port Macquarie

Postcode : 2443

Land Parcel : Lot 7006 DP 1026384

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Street :	11A Buller Street				
Suburb :	Port Macquarie	City :	Port Macquarie	Postcode :	2444
Land Parcel :	Lot 1 & 2 DP 1064060				
Street :	Tunis Street				
Suburb :	Laurieton	City :	Port Macquarie	Postcode :	2443
Land Parcel :	Lot 1 Section 11 DP 758603				
Street :	Tunis Street				
Suburb :	Laurieton	City :	Port Macquarie	Postcode :	2443
Land Parcel :	Lot 1 Section 11 DP 758603				
Street :					
Suburb :		City :		Postcode :	
Land Parcel :	Public roads and sporting fields, Zone SP2 and Zone RE1				

DoP Planning Officer Contact Details

Contact Name : **Luke Blandford**
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RPA Contact Details

Contact Name : **Stephen Nicholson**
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DoP Project Manager Contact Details

Contact Name : **Tamara Prentice**
Contact Number : **0266416610**
Contact Email : **Tamara.Prentice@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	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) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :

If No, comment : **The Department of Planning Code of Practice in relation to communication and meetings
with lobbyists has been complied with to the best of the Region's knowledge.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists 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 describes the intention of the Planning Proposal. The proposal intends to amend the PM-H LEP 2011 to facilitate a greater range of signage in public areas.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **4.4 Planning for Bushfire Protection
6.3 Site Specific Provisions**

* May need the Director General's agreement

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 64—Advertising and Signage
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007**

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Refer to discussion below regarding S117 Directions**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal contains maps which adequately show the subject land, the current and proposed zone. These maps are satisfactory for exhibition purposes. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Planning Proposal has indicated a timeframe of fourteen (14) days for community consultation. In accordance with, "A Guide to Preparing Local Environmental Plans" (the Guide), it is considered that the Planning Proposal is a low impact matter.**

It is therefore considered that a community consultation period of fourteen (14) days is 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 has requested an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise plan making delegations be issued to Council.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for notification in May 2017. To ensure an adequate period to complete the proposal a 9 month timeframe is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Port Macquarie Hastings LEP was made in November 2011. This Planning Proposal seeks an amendment to the Port Macquarie Hastings LEP 2011.**

Assessment Criteria

Need for planning proposal : **Signage in Port Macquarie-Hastings is currently controlled by the provisions of the Port Macquarie-Hastings LEP 2011, the Codes SEPP, the Infrastructure SEPP and SEPP No 64 Advertising and Signage. Council has identified a number of issues associated with these provisions that currently limit appropriate community and sponsorship signage.**

To rectify the current issues, the proposal seeks to:

- permit 'advertising structures' with consent within Zone RE1 Public Recreation;**
- including additional exempt signage provisions for sponsor's advertising at sporting fields, community and event signage within road reserves, and signage on public seating and bus shelters;**

Consistency with strategic planning framework :

- rezone five (5) surf lifesaving clubs from RE2 Private Recreation to RE1 Public Reserve and permit 'restaurant or cafes' as an additional permitted use; and
- rezone two (2) marine rescue buildings from RE1 Public Recreation to SP2 Infrastructure (emergency services facility).

The proposal is needed to make the necessary changes to Port Macquarie-Hastings LEP 2011.

The Planning Proposal is not the result of any strategic study or report. It is the result of analysis of the opportunities and restrictions of relevant State and local planning controls relating to signage.

While the the Mid North Coast Regional Strategy, the draft North Coast Regional Plan and Council's Department approved local growth management strategy do not contain specific provisions relating to signage, the proposal is considered not to be inconsistent with intent of these documents.

SEPPs

A number of SEPPs apply to the Planning Proposal. The proposal is considered to be consistent with all relevant SEPPs as it does not attempt to reduce the permissibility of any existing signage permitted by the SEPPs, and only seeks to broaden the current permissibility. The Department's Codes Team was consulted in regard to this matter and raised no objection to the proposal.

SECTION 117 DIRECTIONS

A number of S117 Directions apply to this Planning Proposal. The proposal is considered to be consistent with all relevant s117 Directions except in relation to the following:

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. 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.

6.2 Reserving Land for Public Purposes

While not identified by the RPA, the proposal is inconsistent with this Direction as it seeks to apply a RE1 Public Recreation Zone to 5 existing surf lifesaving clubs without the approval of the Secretary. This inconsistency is considered to be of minor significance as the surf clubs are under the care and control of Council and the land is already currently zoned RE2 Private Recreation.

Environmental social economic impacts :

Environmental

The Planning Proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

Social and Economic

The Planning Proposal is considered to be of positive social and economic benefits providing signage for community and event purposes, sponsorship and business advertising purposes. It is noted that any significant signage not included within the exempt provisions will require Council consent to ensure that the signage is properly designed, sited and assessed to avoid any adverse scenic impacts.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **While all the land affected by the proposal is under the care and control of Council, as some Crown land is involved it is considered appropriate that Department Of Industry (Lands) be consulted.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2016-10-11 Dept of Planning & Environment, correspondence to - Sec 56 submission - Planning Proposal for Signage in public areas - LEP Am 42.pdf	Proposal	Yes
2016-10-11 Ordinary Council Minutes and Agenda - Item 13.06 Planning Controls over Signage.pdf	Proposal	Yes
2016-10-11 PLANNING PROPOSAL PP2015-8.1 LEP Amend 42 Signage - 2016-10-11.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **4.4 Planning for Bushfire Protection
6.3 Site Specific Provisions**

Additional Information : **It is recommended that:**

- 1. That the proposal be supported.**
- 2. Consultation is required with the following public authorities under section 56(2)(d) of**

the Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Department of Industry (Lands)
- NSW Rural Fire Service

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the Planning Proposal must be made publicly available for a minimum of 14 days;
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

6. That the Secretary's delegate determine that the inconsistency with s117 Direction 6.2 Reserving Land for Public Purposes is justified as being of minor significance.

9. The Secretary's delegate note the outstanding inconsistency of the proposal with s117 Direction 4.4 Planning for Bushfire Protection.

10. That a written authorisation to exercise plan making delegations be issued Council.

Supporting Reasons :

The reasons for the above recommendation for the planning proposal are as follows:

- The proposal is of positive social and economic benefits providing signage for community and event purposes, sponsorship and business advertising purposes.
- Supports, expands and simplifies signage controls limited to public facilities and reserves.
- The proposal is consistent with strategic planning framework, SEPPs and section 117 Directions.

Signature:



Printed Name:

Craig Duss

Date:

20/10/16

