

(FUTURE) PUBLIC EXHIBITION DATES

(Start) to (Finish)

Planning Proposal under section 55 of the EP&A Act

**Port Macquarie-Hastings LEP 2011
(Amendment No 42)**

Signage in public areas

Ccl ref: DD032.2015.00000008.001

DPI ref: PP_2016_PORTM_*

Date: 11/10/2016



PORT MACQUARIE
HASTINGS
C O U N C I L

Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Reported to Council (section 55)	10/08/2016
Adopted by Council & referred to Dept of Planning (sec 56 (1))	11/10/2016
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: DD032.2015.00000008.001

Port Macquarie-Hastings LEP 2011 (Amendment No 42)

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

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Adoption of the Planning Proposal

1. For initial Gateway determination

This Planning Proposal was endorsed on 11 October 2016 by the undersigned Council delegate:

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 _____

Exhibition information *(To be completed prior to Exhibition)*

Content

Proposed amendments to Local Environmental Plans are exhibited in a descriptive form within a “Planning Proposal”, which provides information in line with State Government requirements.

The objectives of this Planning Proposal are:

- to provide sporting organisations and teams and Marine Rescue some opportunity to erect sponsors' advertising on facilities they own or use under Council's control
- to expand the options for community and event signage within road reserves
- to simplify the controls for advertising signage on bus shelters and to expand this to include public seating
- to maintain permissibility of restaurants and cafes at the surf lifesaving buildings (which would otherwise be lost by the changes above).

The amendment includes:

- Proposed changes to the LEP text - refer to **Appendix A** for an illustration of what this may be like,
- In relation to some of the objectives, proposed changes to the LEP maps - refer to **Part 4** for details of this.

The proposed changes apply to public land and roads beyond just the land shown on the maps.

The “Gateway Determination” from the NSW Department of Planning and Environment, relating to this Planning Proposal, is in **Appendix C**.

Exhibition

The exhibition period is from **start** to **finish**, with the Planning Proposal available for inspection by any person at Council's offices at Port Macquarie, Laurieton and Wauchope, and on www.pmhclisting.com.au.

Submissions

Any person may make a written submission to Council up until the end of the exhibition period. The submission should quote Council's reference - DD032.2015.00000008.001, and be emailed to council@pmhc.nsw.gov.au or posted to

The General Manager,
Port Macquarie-Hastings Council,
PO Box 84,
PORT MACQUARIE NSW 2444.

Note that any submission may be made public.

Further information

Please contact Stephen Nicholson on phone 02 6581 8529.

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Planning Proposal

This is a Planning Proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979* [the Act], in relation to a proposed amendment to *Port Macquarie-Hastings Local Environmental Plan 2011*. It will be assessed by Port Macquarie-Hastings Council, the NSW Department of Planning and Environment, and (depending on the Gateway determination) used for public participation on the proposed LEP amendment.

Background

Proposal

Council is aiming to provide additional options for advertising on public land, with appropriate controls.

Broadly it is proposed to allow:

- (a) sponsors' advertising at sporting facilities (including Surf Lifesaving Club buildings) and on Marine Rescue buildings:
 - where facing inwards on sporting field fencing - as exempt development, or
 - otherwise - with consent,
- (b) community and event signage within road reserves as exempt development,
- (c) signage on public seating and bus shelters as exempt development (replacing the current requirements relating to bus shelters).

A development consent will be required except:

- at sporting fields - where the signage is mounted on fences and is facing across the sporting field
- where it is on street furniture otherwise controlled by Council
- in a coordinated programme of community and event signage managed by Council.

In relation to paragraphs (b) and (c) above, while development consent will not be required, this will be coordinated by Council, and, where within a road reserve, is subject to approval under the *Roads Act 1993*.

To permit sponsors' advertising at Surf Lifesaving Club buildings with consent, it is necessary to change the zoning to RE1 Public Recreation. This then makes restaurants and cafes prohibited land uses at those locations, so a further amendment will ensure this continues to be permitted with consent for those sites, but not generally within land zoned RE1 Public Recreation.

Property Details

The proposals apply broadly to public roads, public reserves, and to:

- 5 Surf Lifesaving Club buildings in Port Macquarie, Bonny Hills and North Haven, and
- 2 Marine Rescue buildings in Port Macquarie and Laurieton.

The proposed LEP amendments for the 7 buildings involve mapping changes shown in Part 4.

Applicant Details	Port Macquarie-Hastings Council proposes these changes.
Land owner	The affected land either is owned by Council or is Crown land managed by Council. It is anticipated that the relevant land will primarily be within urban areas. Some of the Crown Land is occupied by Marine Rescue. For classified public roads, the NSW Roads and Maritime Services has a concurrence role with approvals (for signage) under the <i>Roads Act 1993</i>.
Brief history	There have been differing planning controls over signage in recent years, with the focus being on business and product advertising. Currently most relevant are: (a) <i>State Environmental Planning Policy No 64—Advertising and Signage</i> [SEPP No 64] (b) the exempt development provisions in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> [the Codes SEPP] - refer to Part 2 Division 2 clauses 2.83 to 2.107 (c) the exempt development provisions in <i>State Environmental Planning Policy (Infrastructure) 2007</i> [the Infrastructure SEPP] - refer to Schedule 1. While these provisions do permit some community, event and sponsors' signage, the associated requirements are too restrictive for workable management of such signage. These provisions also restrict what alternative provisions Council may introduce. Appendix B contains more details of current controls. What is proposed has been drafted to be compatible with the provisions of the SEPPs.
Location	The locations where the proposed provisions will allow signage include: • Sporting fields • Road reserves • 5 Surf Lifesaving Club buildings in Port Macquarie, Bonny Hills and North Haven, and • 2 Marine Rescue buildings in Port Macquarie and Laurieton. The last 2 categories are identified on location maps included in Part 4 - Mapping.

(Photographs if helpful – with descriptions)

Part 1 - Objectives or Intended Outcomes

The objectives are:

- to provide sporting organisations and teams and Marine Rescue some opportunity to erect sponsors' advertising on facilities they own or use under Council's control
- to expand the options for community and event signage
- to simplify the controls for advertising signage on bus shelters and to expand this to include public seating.

It is proposed to allow such signage as exempt development except for sponsors' advertising which is not inwards facing on fencing around sporting fields.

One form of the community and event signage may be permanent structures with replaceable inserts and managed by Council. As permanent structures these can be designed and maintained to a high standard of presentation. It is envisaged that these may be within road reserves, where they will still require assessment and approval under section 138 of the *Roads Act 1993*. This approval will be by Council or, for classified roads, jointly with the Roads and Maritime Services.

To allow sponsors' advertising for surf lifesaving clubs and Marine Rescue, it will be necessary to amend the land use zones within LEP 2011, and, in order to continue to allow restaurants and cafes with consent at the surf lifesaving clubs, to make such uses an additional permitted land use at those locations. Section 7 of **Appendix B** provides further information on this.

Part 2 - Explanation of Provisions

Indicative provisions for an amendment to *Port Macquarie-Hastings Local Environmental Plan 2011* are contained in **Appendix A**. In summary the amendment proposes:

- (a) to amend the Land Use Table to permit advertising structures with consent within Zone RE1 Public Recreation - this will permit signage (where it is not exempt development in (b) below), subject to assessment of a development application;
- (b) to permit as exempt development:
 - i. sponsors' advertising facing inwards on fencing around sporting fields,
 - ii. community and event signage within road reserves,
 - iii. signage on public seating and bus shelters and to remove the current provisions for signage on bus shelters;
- (c) for the five surf lifesaving clubs at Port Macquarie, Bonny Hills and North Haven,
 - i. to change the zone from RE2 Private Recreation to RE1 Public Recreation,
 - ii. to permit as an additional permitted use 'restaurants or cafes';
- (d) for the Marine Rescue buildings at Buller Street, Port Macquarie and Tunis Street, Laurieton, to change the zoning to SP2 Infrastructure (Emergency services facility).

These provisions have been prepared to be compatible with State planning controls relating to advertising. More detail on this is contained in **Appendix B**. **Appendix B** also contains the current LEP provisions for bus shelter signage, which are not required as these are still subject to Council approval under the *Roads Act 1993*.

Part 3 – Justification

A - Need for the planning proposal.

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

The planning proposal is not the result of any strategic study or report. It is the result of an analysis of the opportunities and restrictions of relevant State and local planning controls - refer to **Appendix B** for an overview.

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

To achieve the objective requires an amendment to LEP 2011, which is achieved by a planning proposal.

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?

The *Mid North Coast Regional Strategy* does not have content relevant to signage. On this basis the planning proposal is consistent.

The *Mid North Coast Farmland Mapping Project* similarly is not relevant.

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

The *Urban Growth Management Strategy 2011-2031* does not have content relevant to signage. On this basis the planning proposal is consistent.

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

A summary of assessment of consistency is contained in **Appendix D**. The SEPPs of relevance are:

- SEPP No 64 - Advertising and Signage
- SEPP (Exempt and Complying Development Codes) 2008 - also known as Codes SEPP
- SEPP (Infrastructure) 2007 - also known as Infrastructure SEPP.

Relevant details of their requirements and the implications are provided in **Appendix B**.

The planning proposal has been drafted to operate in a manner consistent with the provisions of the applicable SEPPs.

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

A summary of assessment of consistency is contained in **Appendix E**.

Direction No 4.4 requires that Council must consult with the Rural Fire Service. Although this is not relevant in this case, there is an inconsistency with the Direction unless this occurs, though this cannot take place prior to the issue of the Gateway determination.

The only relevant Direction is No 6.3, relating to the site-specific amendments for the surf lifesaving clubs. The proposed change of zone to RE1 Public Recreation to make

sponsor's advertising permissible will lead to the prohibition of restaurants and cafes. To retain permissibility, under the Direction the options are assessed in the Table below.

Options	Response
(a) allow that land use to be carried out in the zone the land is situated on.	Kiosks are already permissible in the RE1 Public Recreation zone, and it is not considered appropriate to generally allow restaurants and cafes on public reserves zoned RE1 Public Recreation.
(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone.	The restrictions on advertisements in clause 10 of SEPP No 64 would require the surf lifesaving buildings to otherwise be zoned Business, Industrial, Infrastructure or Tourism. These zones are inappropriate in the circumstances.
(c) allow restaurants and cafes on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	In line with this option it is proposed to permit restaurants and cafes on the land containing the SLS club buildings with consent and no additional requirements. This is consistent with the Direction.

The planning proposal is consistent with all relevant directions.

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?

No.

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

There is potential for excessive or poor quality signage. The measures to minimise this are:

- (a) Sponsors advertising permitted as exempt development will only be permitted where it is inwards facing on fences surrounding sporting fields, restricted in height, and not illuminated. It will be in the interests of the sporting clubs to manage this well.
- (b) Other sponsors' advertising will require consent, allowing assessment by Council of visual impacts and limitations on the extent of such signage. This applies to the surf lifesaving clubs and Marine Rescue buildings.
- (c) Community and event signage within road reserves will be exempt development, but still subject to approval under the *Roads Act 1993* by Council, and as exempt development still required to be consistent with guidelines on outdoor advertising issued by the Department of Planning & Environment. While Council will be both

managing and approving the signage, it is in Council's interests to ensure the signage has a positive effect.

- (d) The advertising on public seats and bus shelters will be managed by Council, and again it is in Council's interests to ensure the signage has a positive effect.

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

Potential adverse effects are addressed for the exempt development by the associated requirements proposed.

D - State and Commonwealth interests.

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

Yes.

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

The NSW Roads and Maritime Services will have an interest in the proposed signage within road reserves, and will be consulted. It is noted that the RMS will have a future role in the approval of such signage on classified roads.

The proposed changes apply to some Crown land under Council's management. It is appropriate to consult with the Crown Lands Division of the NSW Department of Industry.

Part 4 – Mapping

A - Affected land

The locations where the proposed provisions will allow signage include:

- Sporting fields
- Road reserves
- 5 Surf Lifesaving Club buildings in Port Macquarie, Bonny Hills and North Haven, and
- 2 Marine Rescue buildings in Port Macquarie and Laurieton.

The last 2 categories are identified on location maps following.

The other categories could be anywhere within the Local Government Area, though it is anticipated that this will apply primarily to urban areas.

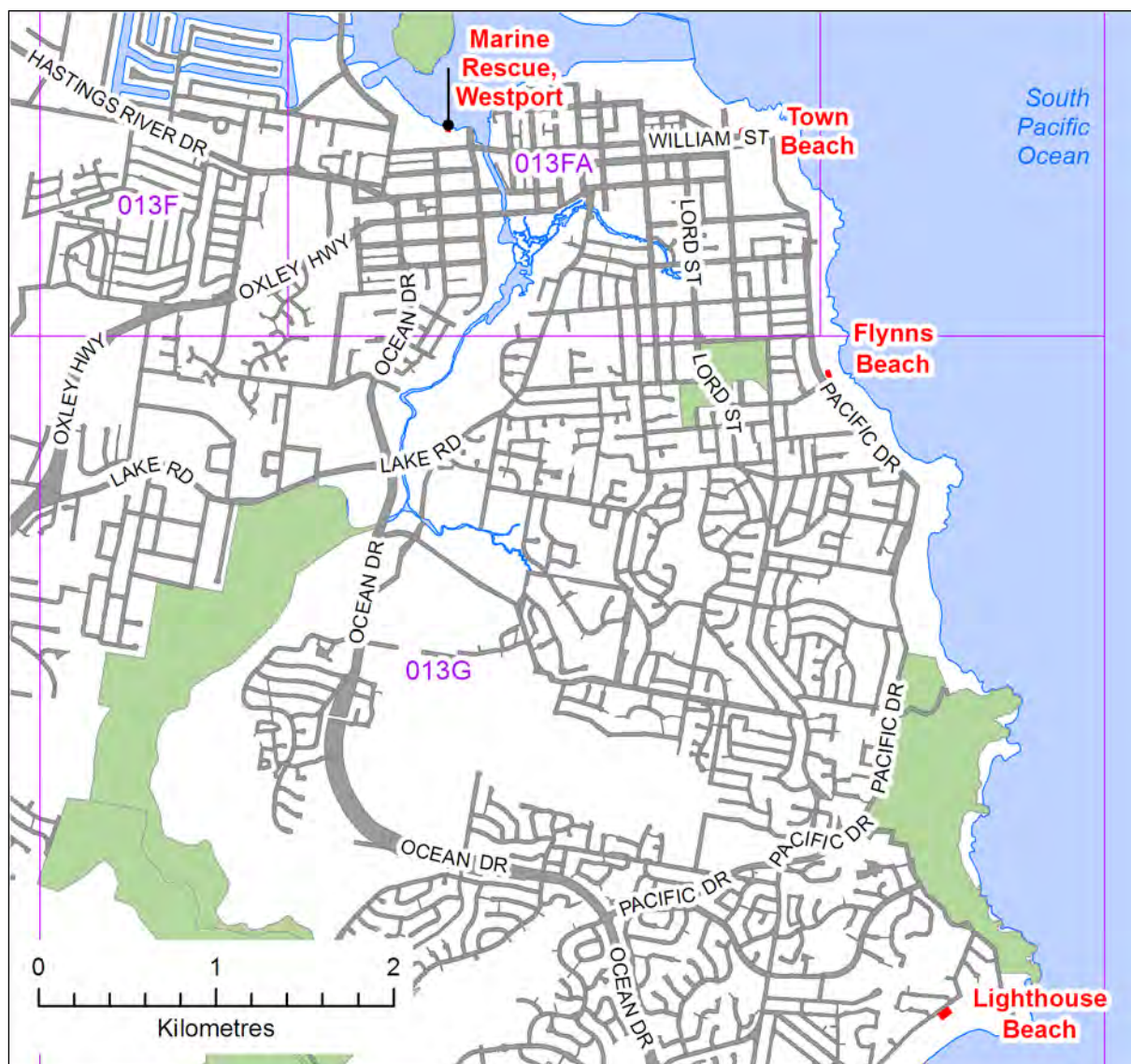


Figure 1 Mapping change locations - Port Macquarie

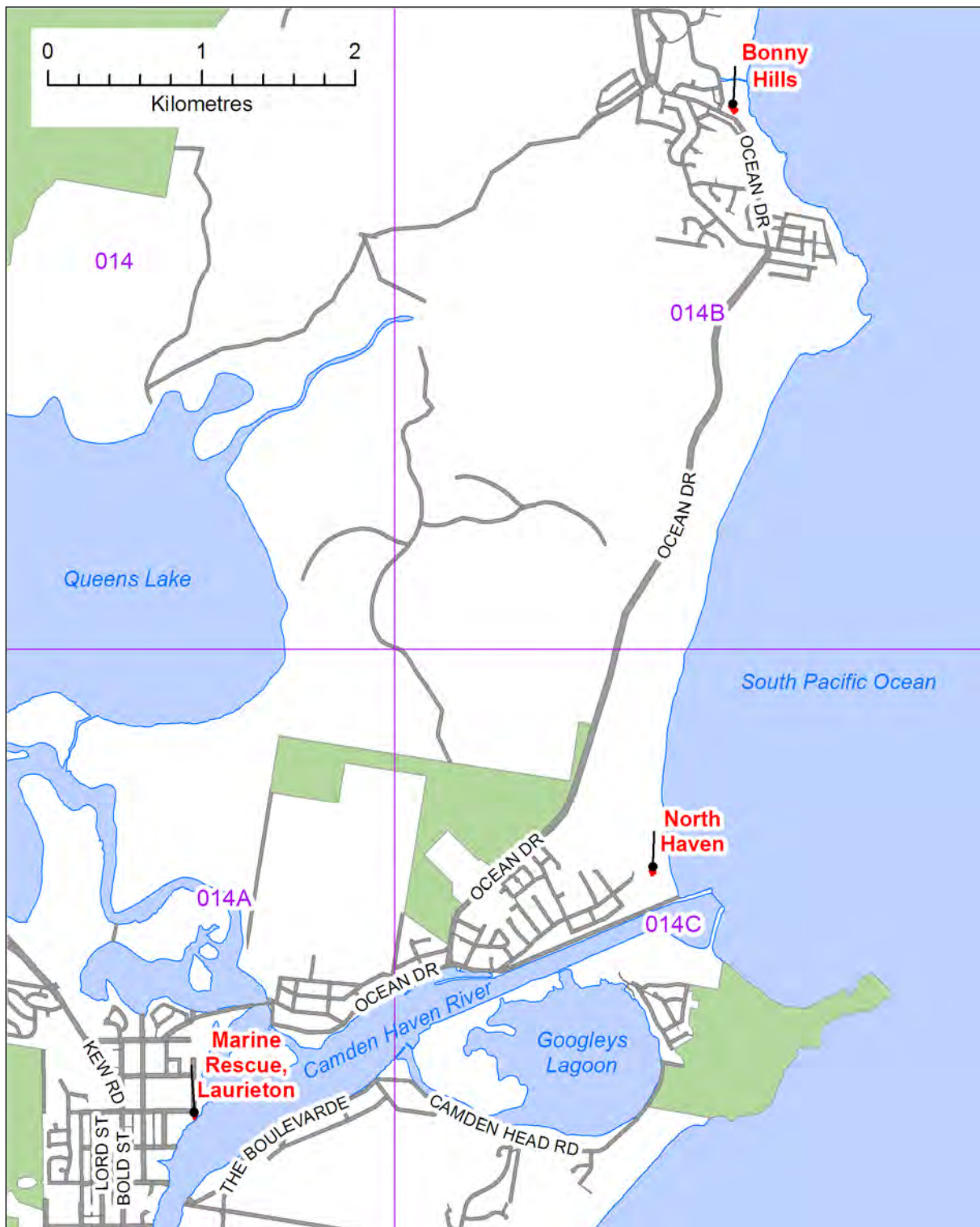


Figure 2 Mapping change locations - Bonny Hills and Camden Haven

The maps include the map grid, identifying the relevant sheets in the LEP map series: 013FA, 013G, 014A, 014B and 014C.

B - Draft LEP maps

If the Planning Proposal is approved then the current relevant LEP map sheets will be replaced by the map sheets containing the changes shown below.

The LEP maps will be prepared closer to finalisation of this Planning Proposal. They will be at a mapping scale of 1:10,000 or 1:20,000, while the following maps provide greater detail at a scale of 1:2,500.

Following are map extracts showing:

- the proposed additions to the Additional Permitted Uses Map, with background aerial imagery to provide content
- the current and proposed changes to the Land Zoning Map.

The proposed maps include a thick red outline, which shows the total area subject to change on the Land Zoning Map and/or the Additional Permitted Uses Map.

Town Beach, William Street, Port Macquarie

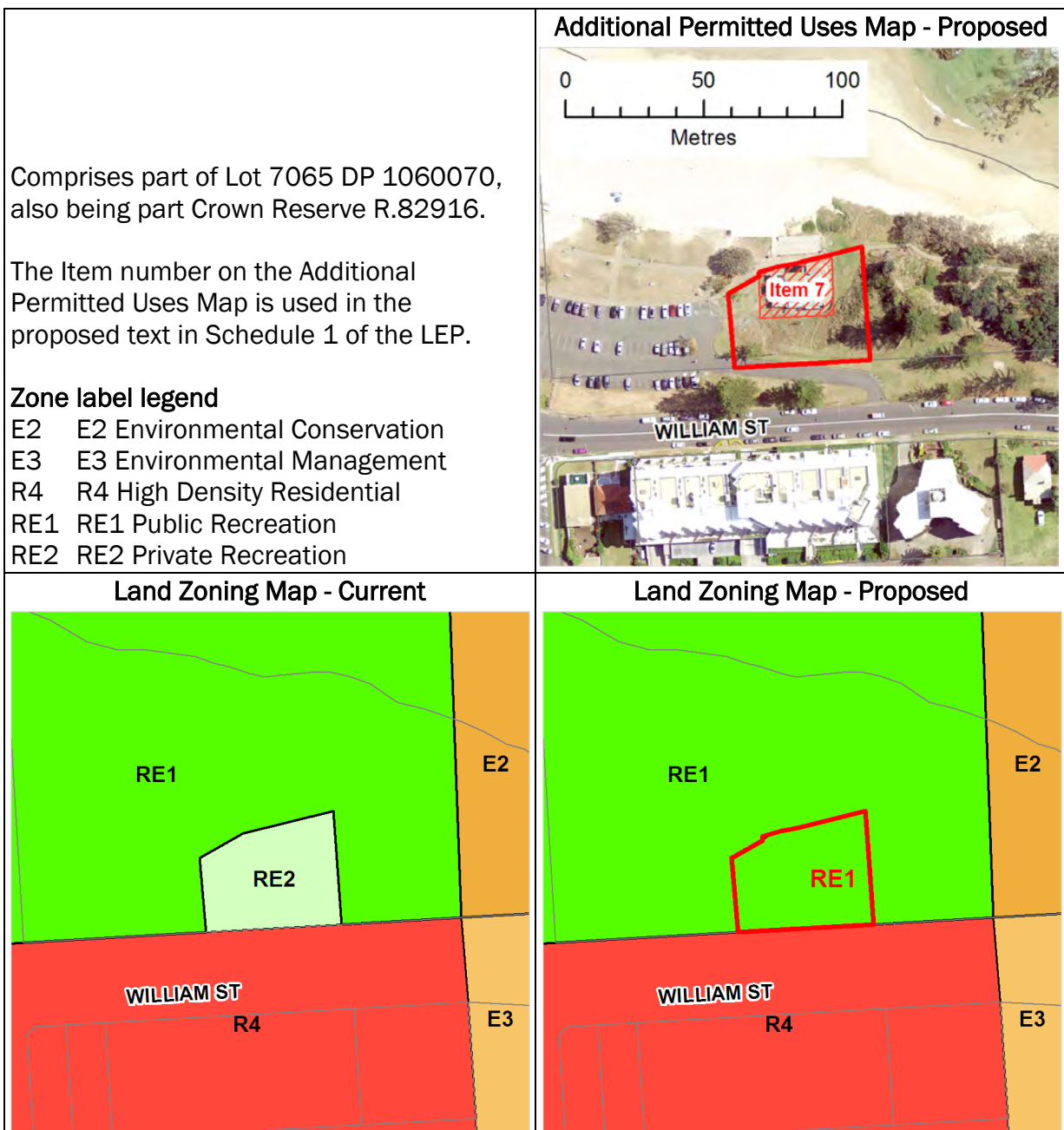


Figure 3 Mapping changes - Town Beach, Port Macquarie

Flynns Beach, Pacific Drive, Port Macquarie

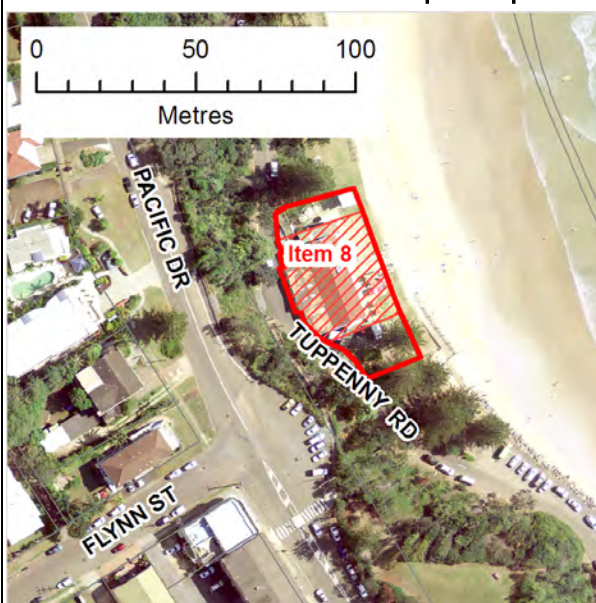
Comprises part of Lot 7052 DP 1121282, also being part Crown Reserve R.610024.

The Item number on the Additional Permitted Uses Map is used in the proposed text in Schedule 1 of the LEP.

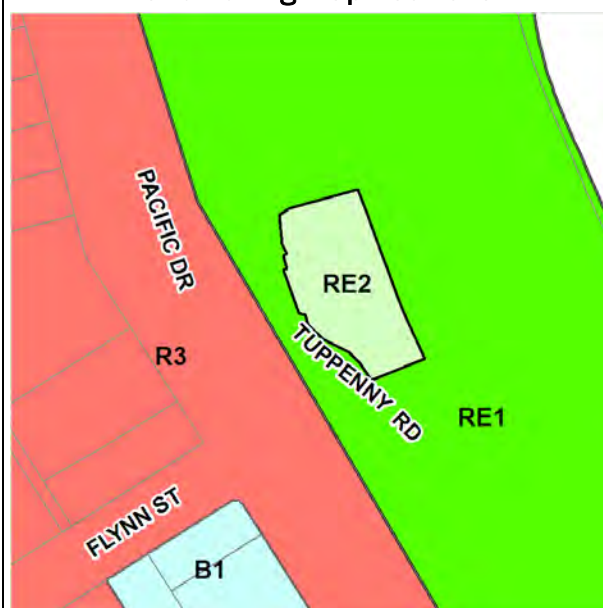
Zone label legend

- B1 B1 Neighbourhood Centre
- R3 R3 Medium Density Residential
- RE1 RE1 Public Recreation
- RE2 RE2 Private Recreation

Additional Permitted Uses Map - Proposed



Land Zoning Map - Current



Land Zoning Map - Proposed



Figure 4 Mapping changes - Flynns Beach, Port Macquarie

Lighthouse Beach, Matthew Flinders Drive, Port Macquarie

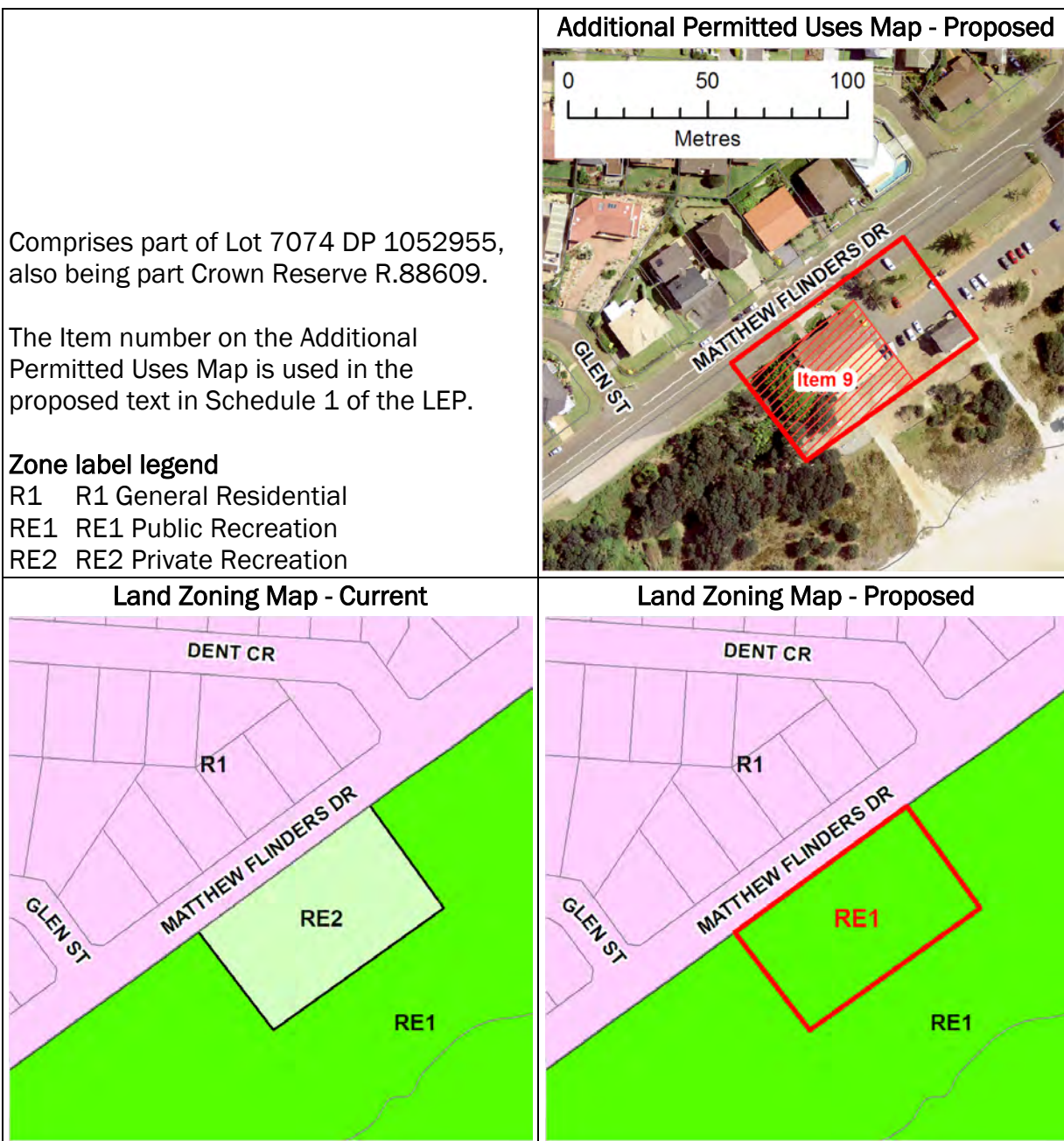


Figure 5 Mapping changes - Lighthouse Beach, Port Macquarie

Rainbow Beach, Beach Street, Bonny Hills

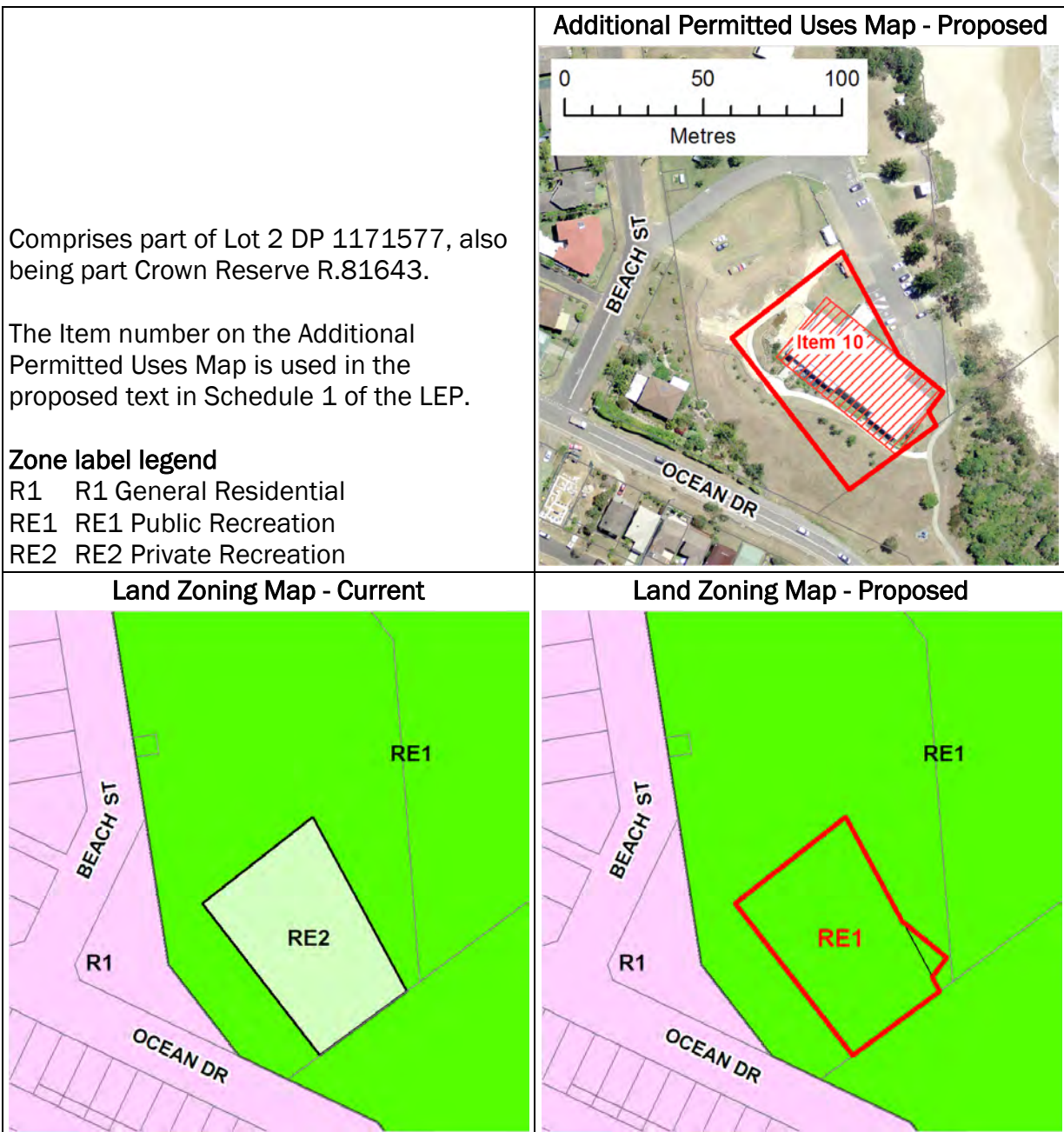


Figure 6 Mapping changes - Bonny Hills

North Haven Beach, 128 The Parade, North Haven

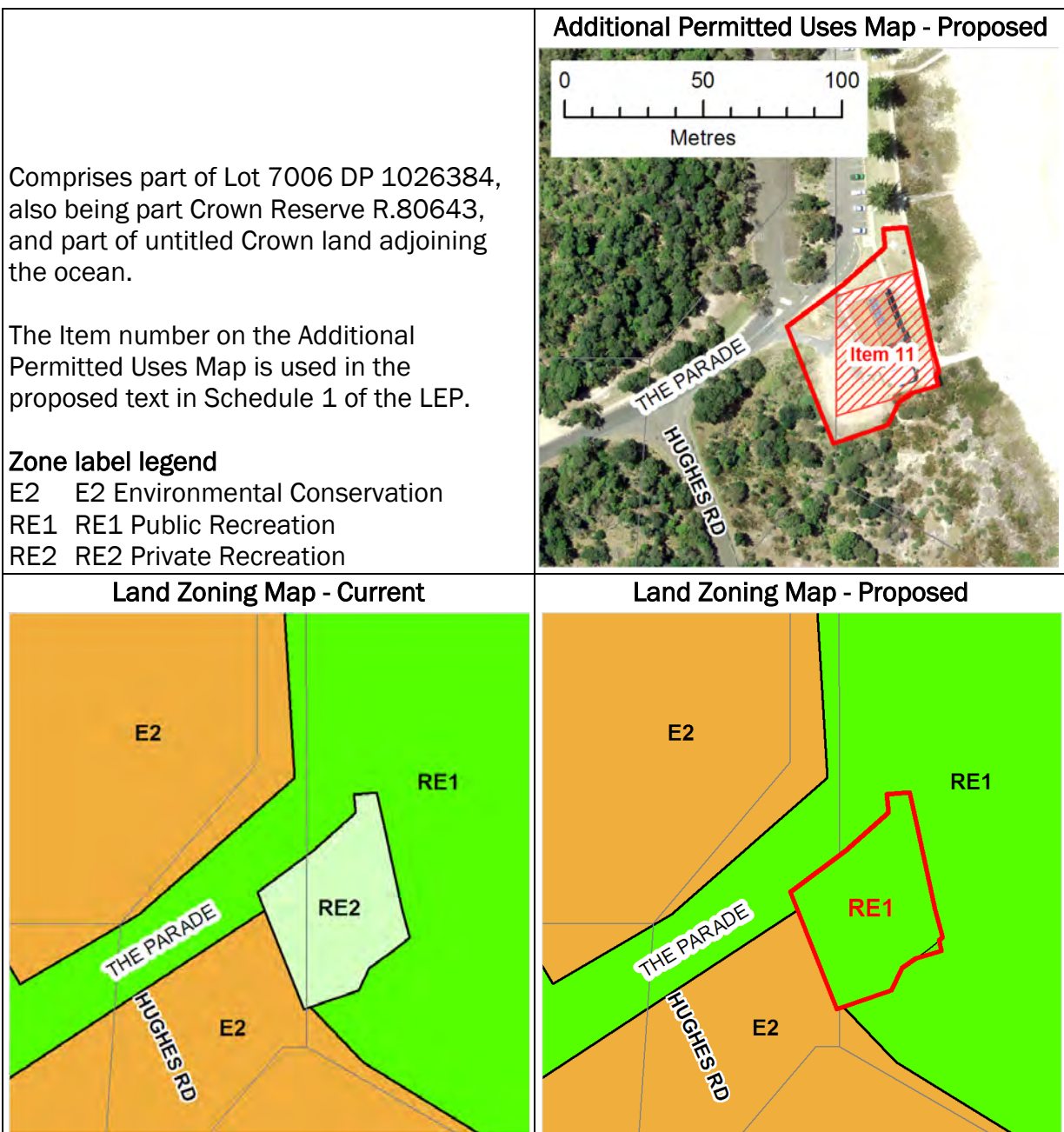


Figure 7 Mapping changes - North Haven

Marine Rescue Port Macquarie, 11A Buller Street, Port Macquarie

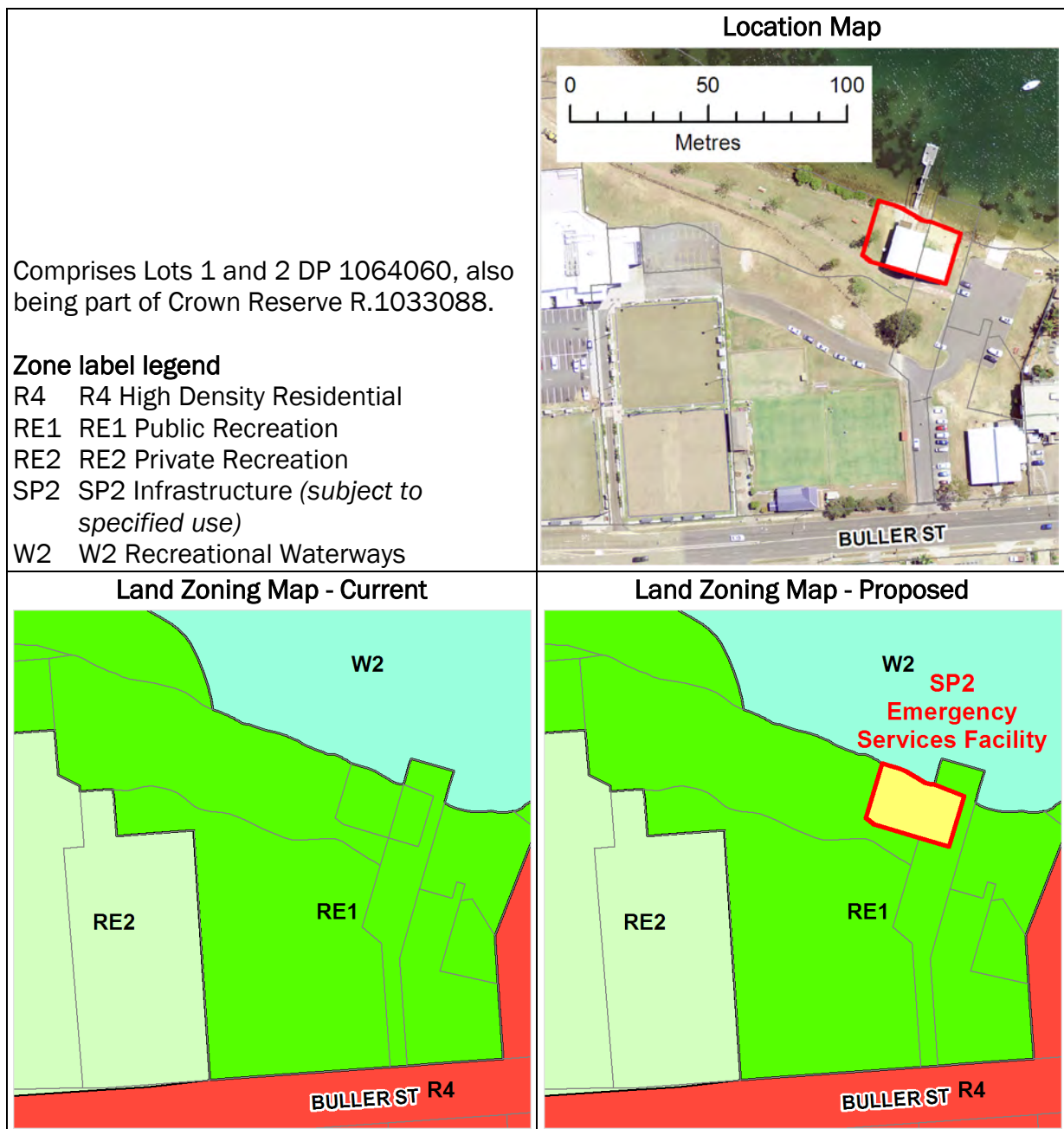


Figure 8 Mapping changes - Westport, Port Macquarie

Marine Rescue Camden Haven, Tunis Street, Laurieton

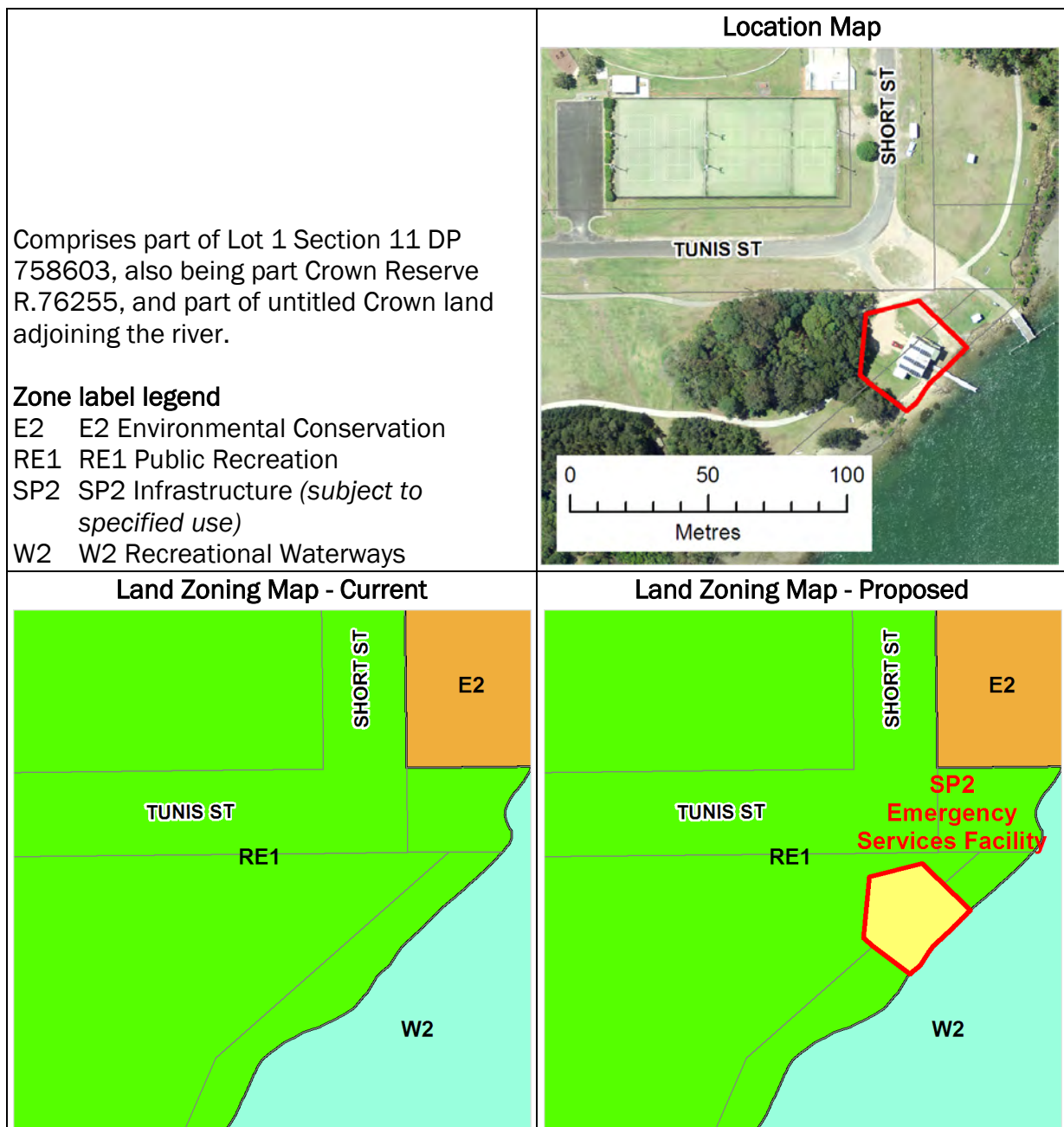


Figure 9 Mapping changes - Laurieton

Part 5 – Community Consultation

The proposal is considered to be a low impact proposal, as it:

- is consistent with the pattern of surrounding land use zones and/or land uses,
- is consistent with the strategic planning framework,
- presents no issues with regard to infrastructure servicing,
- is not a principal LEP, and
- does not reclassify public land.

On this basis a 14 day public exhibition period is appropriate.

Consultation in accordance with the Council's Public Consultation Policy is proposed for the site. The proposed consultation strategy in conjunction with the public exhibition for this proposal will be:

- Notification in a locally circulating newspaper.
- Notification on Council's website.
- Written notification to affected and adjoining landowners.

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 have delegation to carry out certain plan-making functions. Delegation would be exercised by Council's General Manager or the Director of Development and Environmental Services.

Anticipated dates	2016			2017					
	O	N	D	J	F	M	A	M	J
Commencement (date of Gateway determination)	X								
Timeframe for the completion of required technical information		X							
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)		X	X						
Commencement and completion dates for public exhibition period					X				
Dates for public hearing (if required)									
Timeframe for consideration of submissions						X			
Timeframe for the consideration of a proposal post exhibition							X		
Date Council will make the plan (if delegated)								X	
Date Council will forward to the department for notification.								X	

Appendix A – Content of amending LEP

A. Changes to text

The following are indicative of what the changes may be to the text of *Port Macquarie-Hastings Local Environmental Plan 2011*. The final version is prepared by the NSW Parliamentary Counsel's Office.

[1] Land Use Table

Insert "Advertising structures;" in alphabetical order in Item 3 of the matter relating to Zone RE1 Public Recreation.

Explanation: This makes advertising structures permissible with consent on land within Zone RE1 Public Recreation. Item [3] below proposes that in some cases consent will not be required.

[2] Schedule 1 Additional permitted uses

Insert at the end of the Schedule:

7 Use of certain land at Town Beach, William Street, Port Macquarie

- (1) This clause applies to land at Town Beach, William Street, Port Macquarie, being part of Lot 7055, DP 1060070, shown as "Item 7" on the Additional Permitted Uses Map.
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent.

8 Use of certain land at Flynn's Beach, Tuppenny Road, Port Macquarie

- (1) This clause applies to land at Flynn's Beach, Tuppenny Road, Port Macquarie, being part of Lot 7052, DP 11121282, shown as "Item 8" on the Additional Permitted Uses Map.
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent.

9 Use of certain land at Lighthouse Beach, Matthew Flinders Road, Port Macquarie

- (1) This clause applies to land at Lighthouse Beach, Matthew Flinders Road, Port Macquarie, being part of Lot 7074, DP 1052955, shown as "Item 9" on the Additional Permitted Uses Map.
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent.

10 Use of certain land at Rainbow Beach, Beach Street, Bonny Hills

- (1) This clause applies to land at Rainbow Beach, Beach Street, Bonny Hills, being part of Lot 2, DP 1171577, shown as "Item 10" on the Additional Permitted Uses Map.
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent.

11 Use of certain land at North Haven Beach, The Parade, North Haven

- (1) This clause applies to land at North Haven Beach, The Parade, North Haven, being foreshore Crown land adjoining Lot 7006, DP 1026384, shown as "Item 11" on the Additional Permitted Uses Map.
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent.

Explanation: These provisions work in conjunction with LEP clause 2.5 and the Additional Permitted Uses Map to enable consent to be granted to restaurants and cafes. The defined LEP term is 'restaurant or cafe', meaning either type can be approved, as there is no distinction by the definitions in the LEP.

[3] Schedule 2 Exempt development

Omit the matter headed "Signage, advertising structures and displays", and insert instead:

Signage - sponsors' advertising at sporting fields

- (1) The signs must be facing towards the field and mounted on the perimeter fencing.
- (2) The signs are at least 0.2 m above the ground level (finished), and no higher than 1.2 m above the ground level (finished).
- (3) The signs are not artificially illuminated.

Signage - within Council-owned public roads

- (1) The signs:
 - (a) relate to community information and events, or
 - (b) are advertising on public seats or bus shelters.
- (2) Must be consistent with road safety policies and guidelines on outdoor advertising approved by the Secretary of the Department for the purpose of Schedule 1 of the *Infrastructure SEPP* and published in the Gazette.

Note. Approval under section 138 of the *Roads Act 1993* is still required.

Explanation: These provisions specify the types of signage that is permitted as exempt development - ie, without consent.

B. Changes to Map Sheets

Part 4 contains map extracts illustrating the current and proposed LEP map content. This will be legally represented on map sheets on the [NSW Legislation website](http://www.legislation.nsw.gov.au). It is necessary to replace existing map sheets, and relevant changes to the list of map sheets is provided below. The Map sheet identifier identifies the Council (Code 6380), the LEP type (COMprehensive), Map Series (LZN or APU), map scale (1:10,000 or 1:20,000) and version date (YYYYMMDD). As the new map sheets are yet to be prepared, their version date is unknown.

The change of zoning for the five surf lifesaving club buildings and the two Marine Rescue buildings requires updates to five sheets of the Land Zoning Map.

Specifying restaurants and cafes as an additional permissible land use for the five surf lifesaving club buildings requires updates to two sheets of the Additional Permitted Uses Map, and creation of two new sheets.

The following map sheets to be revoked:

Map sheets	Map sheet identifier
Land Zoning Map	
LZN_013FA	6380_COM_LZN_013FA_010_20160121
LZN_013G	6380_COM_LZN_013G_020_20141208
LZN_014A	6380_COM_LZN_014A_020_20160627
LZN_014B	6380_COM_LZN_014B_020_20110124
LZN_014C	6380_COM_LZN_014C_020_20130813
Additional Permitted Uses Map	
APU_013FA	6380_COM_APU_013FA_010_20150428
APU_013G	6380_COM_APU_013G_020_20150428

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

The following map sheets to be adopted:

Map sheets	Map sheet identifier
Land Zoning Map	
LZN_013FA	6380_COM_LZN_013FA_010_2016____
LZN_013G	6380_COM_LZN_013G_020_2016____
LZN_014A	6380_COM_LZN_014A_020_2016____
LZN_014B	6380_COM_LZN_014B_020_2016____
LZN_014C	6380_COM_LZN_014C_020_2016____
Additional Permitted Uses Map	
APU_013FA	6380_COM_APU_013FA_010_2016____
APU_013G	6380_COM_APU_013G_020_2016____
APU_014B	6380_COM_APU_014B_010_2016____
APU_014C	6380_COM_APU_014C_020_2016____

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 B – Relevant planning controls

Information on relevant planning controls is provided below under the following sections:

1. LEP 2011 - signage definitions
2. LEP 2011 - current provisions for signage on bus shelters
3. SEPP No 64 - Advertising and Signage
4. Codes SEPP
5. Infrastructure SEPP
6. Roads Act 1993 - section 138 Works and structures
7. LEP 2011 - Differences for Zones RE1 and RE2

1. LEP 2011 - signage definitions

LEP 2011 is based on a standard LEP template that applies to the whole State. The relevant definitions are:

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note. Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and

- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note. Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

These definitions are also used by the *Codes SEPP* and *Infrastructure SEPP*. *SEPP No 64* predates the LEP and these SEPPs, and has slightly different definitions and doesn't provide a clear alignment of zone descriptions.

Implications

Advertisements or advertising are understood to refer to signage other than business or building identification signs

2. LEP 2011 - current provisions for signage on bus shelters

The following is listed in Schedule 2 of the LEP, and operates subject to clauses 3.1 and 3.3.

Signage, advertising structures and displays

- (1)–(11) (Repealed)
- (12) Signage on bus shelters must comply with the following:
 - (a) must not restrict access to the shelter,
 - (b) must not obscure or limit the view of the driver of a bus approaching, or departing from, the shelter,
 - (c) must not obscure or limit the view of an approaching bus by persons using the shelter,
 - (d) must not be more than 2 signs displayed on the shelter,
 - (e) must not reduce the safety of persons using the shelter or of pedestrians, cyclists or vehicles using any adjoining public road or footpath,
 - (f) must not be designed so as to imitate official regulatory signage (such as by using the image of a stop sign) or be capable of being confused with such official signage,
 - (g) must not include any directions to traffic (such as “turn left now” or “wrong way go back”),
 - (h) must not incorporate variable message signs (VMS) or digital displays.

Implications

Bus shelters within road reserves are also subject to assessment and approval under the *Roads Act 1993* - see below. These provisions are superfluous.

3. SEPP No 64 - Advertising and Signage

The key provisions in Part 3 do not apply to signage which is:

- (a) business identification signs,
- (b) building identification signs,
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,
- (d) signage on vehicles.

Therefore, Part 3 applies to advertisements which require consent.

Clause 10 (in Part 3) prohibits advertisements in a range of zones, including Residential, Open Space, Environmental, and National Park, with one exception - the prohibition does not apply to:

'the display of an advertisement at a public sporting facility situated on land zoned public recreation under an environmental planning instrument, being an advertisement that provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.'

Clause 25 permits with consent 'Special promotional advertisements', subject to:

- only on land zoned for business, commercial or industrial purposes
- limited to a total of 3 months in any 12-month period
- the display of the advertisement is consistent with the development control plan that has been made having regard to a public art policy of the consent authority
- any product image or corporate branding does not occupy more than 5% of the advertising display area and accords with the public art policy of the consent authority.

Implications

Advertisements that require consent are only permitted in some zones.

Advertisements which do not require consent can go in any zone, though this removes any planning oversight.

Sponsors' advertising at public sporting facilities can be permitted with consent on land zoned RE1 Public Recreation.

Special promotional advertisements are limited by zone and duration.

4. Codes SEPP

This is the short name for the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Division 2 of Part 2 contains the Advertising and Signage Exempt Development Code.

It does not address signage on public land, other than identifying that if (part of) a sign projects over a public road (including footpath), then an approval under section 138 of the *Roads Act 1993* is required.

There are provisions relating to community and event signage (clauses 2.100 to 2.103), but these relate to signage within properties.

The SEPP overrides any similar provisions in LEPs relating to exempt development or complying development. (Note that complying development is subject to the same LEP provisions as applies to development requiring development consent.)

Implications

If Council wishes to permit community and event advertising within properties beyond what is permitted by the Codes SEPP, then it has to require consent. However, SEPP No 64 limits the zones within which this is allowed.

The Codes SEPP does not preclude community and event signage as exempt signage within road reserves.

5. Infrastructure SEPP

This is the short name for the *State Environmental Planning Policy (Infrastructure) 2007*. Schedule 1 to the SEPP contains a further list of exempt development, including:

General provisions: signs

Identification, directional, community information or safety signs but not including roof-top signs or commercial advertising or signs associated with the use of road infrastructure (including signs associated with level crossings)

- Surface area must not exceed 3.5m².
- Must be located wholly within property boundary or be attached to existing boundary fence and not projecting more than 100mm from fence.
- Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, *Control of the obtrusive effects of outdoor lighting*.

Identification, directional, community information or safety signs associated with the use of road infrastructure

- Must be consistent with road safety policies and guidelines on outdoor advertising approved by the Director-General for the purpose of this provision and published in the Gazette.

Temporary signs advertising an event and associated relevant details including sponsorship of the event

- Surface area must not exceed 3.5m².
- Must be located wholly within property boundary.
- Must not be displayed earlier than 28 days before event and must be removed within 14 days after event.
- Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997 *Control of the obtrusive effects of outdoor lighting*.

In the first and third cases the community or event signage has to be within the property boundaries. Event signs are also subject a restriction on duration.

The second case relates to community information signs (and others) which are not required to be within properties, ie can be sited within road reserves. However, it does not cover combined community information and event signage.

The SEPP contains a provision stating that it prevails over any inconsistency in LEPs.

The reference to 'guidelines on outdoor advertising approved by the Director-General' means *Transport Corridor Outdoor Advertising and Signage Guidelines: Assessing Development Applications under SEPP 64*, July 2007, though a draft revised edition has been exhibited.

Implications

In relation to community information signs as exempt development the SEPP prevails over any LEP provision.

It appears that the LEP could contain exempt development provisions relating to event signage within road reserves, and relating to community and event signage within road reserves.

In relation to exempt signage within road reserves it would be appropriate to specify:

Must be consistent with road safety policies and guidelines on outdoor advertising approved by the Secretary [the current title] for the purpose of Schedule 1 of the Infrastructure SEPP and published in the Gazette.

6. Roads Act 1993 - section 138 Works and structures

Subsections (1) and (2) state:

(1) A person must not:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Maximum penalty: 10 penalty units.

(2) A consent may not be given with respect to a classified road except with the concurrence of RMS.

Council is the roads authority for all public roads within the Local Government Area other than freeways and Crown roads.

Classified roads within the area include:

- Pacific Highway
- Oxley Highway, and Gordon Street west of Horton Street
- Ocean Drive
- Hastings River Drive
- Comboyne Road
- Nancy Bird Walton Drive, Kew
- Kendall Road (from Kew) and River Street, Kendall.

Implications

For signage located within road reserves, an approval under the *Roads Act 1993* is required, irrespective of whether a consent is required under the *Environmental Planning and Assessment Act 1979*.

7. LEP 2011 - Differences for Zones RE1 and RE2

The 5 surf lifesaving club buildings and curtilages are currently zoned RE2 Private Recreation, and it is proposed to rezone them to RE1 Public Recreation.

The list of land uses permitted with consent under the LEP for each zone are:

Zone RE1 Public Recreation	Zone RE2 Private Recreation
Building identification signs	Building identification signs
Business identification signs	Business identification signs
Camping grounds	Camping grounds
Car parks	
Caravan parks	Caravan parks
	Charter and tourism boating facilities
Child care centres	Child care centres
Community facilities	Community facilities
	Emergency services facilities
Environmental facilities	Environmental facilities
Environmental protection works	Environmental protection works
Flood mitigation works	Flood mitigation works
Information and education facilities	Information and education facilities
Kiosks	Kiosks
Marinas	Marinas
Mooring pens	Mooring pens
Recreation areas	Recreation areas
Recreation facilities (indoor)	Recreation facilities (indoor)
Recreation facilities (major)	Recreation facilities (major)
Recreation facilities (outdoor)	Recreation facilities (outdoor)
	Registered clubs
Respite day care centres	Respite day care centres
	Restaurants or cafes
Roads	Roads
	Take away food and drink premises
Water recreation structures	Water recreation structures

Note that the permissibilities of these and other land uses can be affected by the provisions of SEPPs.

Relevant definitions are:

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note: Clause 5.4 of the LEP restricts the gross floor area of to no more than 80 square metres.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

One surf lifesaving club building already contains a restaurant, and there is scope for further restaurants. Kiosks can provide take away food - it is not necessary to consider whether to permit take away food and drink premises within Zone RE1 Public Recreation.

Implications

To maintain the permissibility of restaurants and cafes at the surf lifesaving club buildings when they are zoned RE1 Public Recreation, it will be necessary to make a further amendment to the LEP.

The options are discussed further under Item 6 of **Part 3**.

Appendix C – 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 D – Consistency with applicable State Environmental Planning Policies

Listed below are the SEPPs that apply to land within the Port Macquarie-Hastings Local Government Area.

State Environmental Planning Policies	Consistency
14 Coastal Wetlands	na
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
50 Canal Estate Development	na
55 Remediation of Land	na
62 Sustainable Aquaculture	na
64 Advertising and Signage	Relevant - yes
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	Relevant - yes
(Housing for Seniors or People with a Disability) 2004	na
(Infrastructure) 2007	Relevant - yes
(Major Development) 2005	na
(Mining, Petroleum Production and Extraction Industries) 2007	na
(Rural Lands) 2008	na (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
(Temporary Structures) 2007	na

Appendix E – 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.

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.	na
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.	na
2 Environment and Heritage	
2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	na
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	na

Section 117(2) Directions and Objectives	Consistency
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.	
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 (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.	na
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	na

Section 117(2) Directions and Objectives	Consistency
impacts from the use of land that has a probability of containing acid sulfate soils.	
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.	na
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 Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act</i>	Not relevant, although the direction requires Council to consult with the RFS. This is an inconsistency that cannot be satisfied until after the Gateway determination has been issued.

Section 117(2) Directions and Objectives	Consistency
1997), 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 firefighting 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.	na
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.	na
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.	na
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.	na
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Relevant to new Additional Permitted Uses items - Consistent.

Appendix F – Map Cover Sheet and new Map Sheets

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

The Map Cover Sheet and the new map sheets will not be prepared until that stage.

Where printed, the Map Cover Sheet and the map sheets will follow this page.

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 A**.