

(FUTURE) PUBLIC EXHIBITION DATES

(Start) to (Finish)

Administrative Review Planning Proposal

under section 55 of the EP&A Act

Port Macquarie-Hastings LEP 2011 (Amendment No 29)

Ccl ref: DD032.2016.00000007.001

DPI ref: PP_2017_PORTM_*

Date: 19/09/2017

Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Reported to Council (section 55)	15/02/2017
Adopted by Council & referred to Dept of Planning (sec 56 (1))	10/08/2017
Gateway Panel determination (sec 56 (2))	
Revisions required: Yes / No . Completed	
Public Exhibition (where applicable) (sec 57)	
For Council review (sec 58 (1))	
Adopted by Council for final submission to Dept of Planning (sec 58 (2))	

Council reference: DD032.2016.00000007.001
Port Macquarie-Hastings LEP 2011 (Amendment No 29)

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

Council Address	Contact Officer
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Adoption of the Planning Proposal

1. For initial Gateway determination

This Planning Proposal was endorsed on 10 August 2017 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".

Details of the amendments contained in this **Planning Proposal PP2016-0007** are detailed in **Appendix A**, found on pages 19 to 41. The amendments relate to the following Issues:

1. Clause 4.1A Exceptions to minimum lot sizes for certain residential development - minor change to the wording of the clause
2. Clause 7.6 Coastline hazards - addition of an advisory note regarding Codes SEPP
3. Schedule 1 Additional Permitted Uses - add Emergency services facility at Town Beach
4. Schedule 3 Complying Development - removal of items covered by the Codes SEPP
5. Dictionary - add definition of Australian Height Datum
6. 1 Cedar Cl, Wauchope - rezone to R1 General Residential, and associated changes to other map series
7. Kendall B1 Neighbourhood Centre zone - adjustment to zone boundary
8. Highway Service Centre, Thrumster - remove minimum lot size
9. Lindfield Park Rd, Port Macquarie - IN2 Light Industrial: apply a height limit and apply a Zone E3 buffer to Oxley Hwy
10. Majestic Dr, Port Macquarie - align LEP map boundaries with lot boundaries
11. Windmill Hill reserve, Port Macquarie - rezone to RE1 Public Recreation & E2 Environmental Conservation
12. Crestwood Dr, Port Macquarie - align LEP map boundaries with development lot boundaries
13. St Lucia Pl, Bonny Hills - replace RU1 Primary Production and associated changes to other map series adjoining Ocean Dr.

The specifics of how the LEP would be amended are described in **Appendix B**, found on pages 42 to 44. The Planning Proposal contains statements of the intent for changes to the LEP text, but not the specific wording. The location of specifically affected land is shown in **Part 4**.

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 haveyoursay.pmhc.nsw.gov.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 - DD032.2016.00000007.001, and be

emailed to council@pmhc.nsw.gov.au
lodged through haveyoursay.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 8111.

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Summary

This is a Planning Proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979*, 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	It is proposed to address 13 minor Issues in the LEP text and map series, to make refinements and adjustments to correct errors or anomalies that have been identified.
Property Details	Issues 1 to 2 and 4 to 5 involve textual corrections with no impact on specific properties. Issue 3 makes a textual change relating to a specific land parcel, while Issues 6 to 13 involve mapping changes for many properties. Refer to Appendix A for more details.
Applicant Details	Port Macquarie-Hastings Council
Land owner	There are many landowners for the diverse properties affected by Issues 3 and 6 to 13 . Port Macquarie-Hastings Council either owns or is involved in management of the land affected by Issues 3, 6, 7, 11 and 12 .
Brief history	The preparation of <i>Port Macquarie-Hastings Local Environmental Plan 2011</i> involved a complex conversion from the preceding <i>Hastings Local Environmental Plan 2001</i> , and errors were missed in some textual and mapping details. Recent decades have involved a transition from paper-based LEP maps and subdivision plans to computer-based systems, and some anomalies have resulted. For reasons such as these, a regular administrative review of the LEP seeks to resolve such matters in order to avoid complications in the future.
Location	Part 4 - Mapping includes location maps for Issues 3 and 6 to 13 . Appendix A describes each Issue, with more detailed maps as appropriate.

The Issues, as detailed in **Appendix A**, are:

- 1. Clause 4.1A Exceptions to minimum lot sizes for certain residential development**
Insertion of a missing word in the clause.
- 2. Clause 7.6 Coastline hazards**
Add an advisory note regarding relationship with Codes SEPP.
- 3. Schedule 1 Additional Permitted Uses**
Add Emergency services facility at Town Beach - relates to Marine Rescue NSW base.

4. Schedule 3 Complying Development

Removal of items covered by the Codes SEPP.

5. Definition of Australian Height Datum

Add a definition.

6. 1 Cedar Cl, Wauchope - correction to LEP maps

Land Zoning Map: to R1 General Residential.

Lot Size Map - to 'G' - 450 sqm minimum

Floor Space Ratio Map - 'G' - 0.65:1.

7. Kendall B1 Neighbourhood Centre zone

Land Zoning Map: alterations to zone boundaries between B1 Neighbourhood Centre and R1 General Residential.

8. Highway Service Centre, Thrumster

Lot Size Map: remove minimum lot size, and apply 450 sqm minimum to part of Oxley Highway.

9. Lindfield Park Rd, Port Macquarie - IN2 Light Industrial

Land Zoning Map: apply a 5m wide Zone E3 buffer to the Oxley Highway.

Height of Buildings Map: apply a 11.5m height limit.

10. Majestic Dr, Port Macquarie - alignment with subdivision boundaries

Affects Land Zoning Map, Lot Size Map, Floor Space Ratio Map and Height of Buildings Map.

11. Windmill Hill reserve, Port Macquarie

Land Zoning Map: change E3 Environmental Management to RE1 Public Recreation & E2 Environmental Conservation.

12. Crestwood Dr, Port Macquarie- alignment with subdivision boundaries

Affects Land Zoning Map, Lot Size Map, Floor Space Ratio Map and Height of Buildings Map.

13. St Lucia Pl, Bonny Hills - removal of RU1 Primary Production adjoining Ocean Dr

Affects Land Zoning Map, Lot Size Map, Floor Space Ratio Map and Height of Buildings Map.

Overview information required by the State Government for this Planning Proposal is contained in:

- Part 1 - Objectives or Intended Outcomes
- Part 2 - Explanation of Provisions
- Part 3 - Justification
- Part 4 - Mapping
- Part 5 - Community Consultation
- Part 6 - Project Timeline.

Where extensive detail is required, it is contained in the **Appendices**.

Acronyms, Glossary and References

- AHD - Australian Height Datum**, means the reference (or datum) surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971. This provides a consistent basis for defining heights, irrespective of (changes in) ground level.
- APZ - Asset Protection Zone**, in relation to bushfire protection, is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack. Refer to *Planning for Bushfire Protection 2006*.
- ASS - Acid sulfate soils**, means naturally occurring sediments and soils containing iron sulfides (principally pyrite) and/or their precursors or oxidation products. The exposure of the sulfides to oxygen by drainage or excavation leads to the generation of sulfuric acid. “Actual acid sulfate soils” have already become acidic, which can leach into other soils or into waterways. Either way, they can damage ecosystems (eg fish kills after rain) or buried pipes or foundations. “Potential acid sulfate soils” are soils which contain iron sulfides or sulfidic material which have not been exposed to air and oxidised.
- ASS Map** - means the **Acid Sulfate Soils Map**, one of the map series of *LEP 2011*. This is relevant to clause 7.1, which has an objective of ensuring that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The Map is relevant to some provisions of the *Codes SEPP*.
- BASIX** - A suite of sustainable planning measures to make all residential dwelling types in NSW energy and water efficient. Key components are [SEPP \(Building Sustainability Index: BASIX\) 2004](#) and certification of compliance with the BASIX targets are different stages of building approval and construction.
- [Coastal Design Guidelines 2003](#) are guidelines issued by the former Coastal Council, and which are referred to in Section 117 Ministerial Direction No 2.2.
- Codes SEPP**, or [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), contains State-wide provisions that identify certain types of development that can be carried out as **exempt development**, or with a simplified **complying development** approval process.
- DCP - Development Control Plan**, a policy document of Council given status under the EP&A Act to be a consideration in the determination of development applications. In this area this is [Port Macquarie-Hastings Development Control Plan 2013](#).
- DP&E** - the NSW **Department of Planning & Environment**, who have a significant role in under the EP&A Act, and who advise, and act under delegation for, the Minister of Planning.
- DSP - Developer Servicing Plan**, a document which details the developer charges to be levied on development areas which use a water utility’s water supply, sewerage infrastructure and/or stormwater infrastructure. This can be under either the *Local Government Act 1993* or the *Water Management Act 2000*.
- DWE Map** - the **Dwelling Opportunity Map**, one of the map series of *LEP 2011*. This is relevant to clause 4.2A, relating to requirements for erection of dwelling houses and dual occupancies in certain rural and environmental protection zones.

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

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

EP&A Reg - the [Environmental Planning and Assessment Regulation 2000](#), which contains supporting procedural requirements for the **EP&A Act**.

et - **equivalent tenement**, an infrastructure term for creating a standard measure of load for differing types of development, in relation to water and sewer services.

[Floodplain Development Manual 2005](#) - the supporting document to the NSW Flood Prone Land Policy. Relevant both to Section 117 Ministerial Direction No 4.3 and to assessment of development applications. To be read with a *Guideline on Development Controls on Low Flood Risk Areas* supplement issued in January 2007.

FSR Map - the **Floor Space Ratio Map**, one of the map series of LEP 2011. This is relevant to clauses 4.4 and 4.5 of the LEP text.

Gateway determination - the statement by the Minister, or his delegate, on the relevant steps and other requirements relating to the processing of a Planning Proposal - refer section 56 of the EP&A Act. The determination relevant to this planning proposal is contained in **Appendix C**.

[A guide to preparing Local Environmental Plans](#), DP&E August 2016 - provides guidance and information on the process for making local environmental plans under Part 3 of the EP&A Act, including an overview of the role of Planning Proposals.

[A guide to preparing planning proposals](#), DP&E August 2016 - provides guidance and information on the process for preparing planning proposals, in accordance with section 55 (3) of the EP&A Act.

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

HOB Map - the **Height of Buildings Map**, one of the map series of LEP 2011. This is relevant to clause 4.3 of the LEP text.

KHA Map - the **Koala Habitat Map**, one of the map series of LEP 2011.

KPoM - a **Koala Plan of Management**, prepared in accordance with the requirements of [SEPP No 44 - Koala Habitat Protection](#). Usually relates to the site of a development application, but can relate to a larger area.

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

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

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

LSZ Map - the **Lot Size Map**, one of the map series of LEP 2011. This is relevant to clauses 4.1 to 4.2C of the LEP text.

LZN Map - the **Land Zoning Map**, one of the map series of LEP 2011. This map identifies the Land Use Zone, which works with the Land Use Table within the LEP text to determine the permissibility of most development. It is also relevant to many clauses in the LEP text.

NCRP - [North Coast Regional Plan 2036](#), is the NSW Government's 20 year blueprint for the future of the North Coast. Related to this is the [North Coast Regional Plan 2036 - Implementation Plan 2017-2019](#). Local planning by Councils of the North Coast needs to be consistent with these documents.

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

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

- Gateway determination
- *A guide to preparing Local Environmental Plans*
- *A guide to preparing planning proposals*

PMHC - Port Macquarie-Hastings Council.

RMS - the NSW **Roads and Maritime Services**, who both own land partly within this release area, and who have a role in managing potential road and traffic impacts of changes to planning controls.

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

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

SPS - **sewerage pumping station**, which is used to move sewage to a sewage treatment plant when gravity sewer mains are inadequate. The sewage travels through a rising main under pressure, and then into a gravity main.

STP - **sewage treatment plant**, where sewage is treated and the waste water made fit for reuse or discharge.

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

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

[Towards 2030 Community Strategic Plan](#), PMHC June 2017 - Council's community strategic plan, as required by section 402 of the [Local Government Act 1993](#).

UGMS - Council's [Urban Growth Management Strategy 2011-2031](#), adopted in December 2010, and which sets the framework for major changes to the LEP and other actions to facilitate urban development within the Council area. It is related to Council's *Towards 2030 Community Strategic Plan*. An updated strategy will be released in 2017.

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

Planning Proposal

Part 1 - Objectives or Intended Outcomes

The Planning Proposal seeks to rectify anomalies, to update details, and to streamline the consideration of future development by removing unnecessary restrictions, applying relevant development provisions or rectifying errors within *Port Macquarie-Hastings Local Environmental Plan 2011*. The 13 specific Issues are listed in **Appendix A**.

Part 2 - Explanation of Provisions

The actual amendments to *Port Macquarie-Hastings Local Environmental Plan 2011* involve both textual and mapping changes.

The changes arising from the Issues described in **Appendix A** are summarised in **Appendix B** in a way that indicates the likely content of an amending LEP.

Part 3 - Justification

A - Need for the planning proposal.

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

No.

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

Amendments to the LEP require a planning proposal.

B - Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions of the North Coast Regional Plan 2036?

The proposed amendments in the planning proposal are consistent with the North Coast Regional Plan.

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

The proposed amendments in the planning proposal are consistent with Council's Community Strategic Plan and Urban Growth Management Strategy 2010 – 2031.

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

Assessment of consistency with all applicable SEPPs is contained in **Appendix E**.

Relevant SEPPs are:

- **SEPP No 14 - Coastal Wetlands**

Issue 12 applies to land partially mapped as subject to this SEPP, although old aerial imagery shows most of the relevant land as mown. Development consents for subdivision were granted more than 10 years ago. Subdivision work has filled and levelled the land, bordered by embankment to the perimeter road.

- **SEPP No 71 - Coastal Protection**

Issue 3 applies to land within the Coastal Zone, and relates to inserting a further Additional Permitted Use for land at Town Beach, Port Macquarie. This relates to a current land use. In the context of the site this is consistent.

Issue 11 applies to land within the Coastal Zone, and part is identified as Sensitive Coastal Location. The proposed RE1 Public Recreation & E2 Environmental Conservation zoning of the public land is consistent with the SEPP.

- **Codes SEPP**

Issue 2 clarifies the relationship of clause 7.6 with the SEPP.

Issue 4 removes Schedule 3 provisions in the LEP which are overridden by this SEPP.

The Planning Proposal is consistent with the applicable SEPPs.

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

Assessment of consistency with all applicable Ministerial Directions is contained in **Appendix F**. The areas of potential inconsistency are:

- **Direction 1.2 Rural Zones**

Issues 12 and **13** remove RU1 Primary Production zone from land on the urban fringe, in line with urban development boundaries. The land is not, and cannot be used from agricultural production. The change is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance.

- **Direction 1.5 Rural Lands**

Issue 8 relates to removing the minimum lot size provisions applying to the highway service centre at Thrumster on land zoned RU1 Primary Production. There is no impact on agricultural production. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance.

Issue 10 involves adjustments to the boundaries of E2 Environmental Conservation and R1 General Residential zones on urban fringe land, reflecting the edge of urban development based on old paper mapping. There is a 788 sq m reduction in E2 zone, offset by a 43 sq m increase. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance.

Issue 11 changes the zoning for public land from E3 Environmental Management to part RE1 Public Recreation and part E2 Environmental Conservation. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance.

Issue 12 removes 2.3 ha of RU1 Primary Production and E2 Environmental Conservation zone from urban fringe land, reflecting the edge of urban development based on old paper mapping. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance.

Issue 13 removes a strip of 0.25 ha of RU1 Primary Production zone along the Ocean Drive frontage of 7 lots otherwise zoned R1 General Residential. While removing the RU1 zone is inconsistent with the Direction, the DP&E can allow the inconsistency on the basis that it is of minor significance.

- **Direction 2.1 Environmental Protection Zones**

Issue 10 varies the boundary of the E2 Environmental Conservation zone on the urban fringe and on the edge of the floodplain. The boundary of residential subdivision does not align with the digital zone boundary. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance.

Issue 11 changes the zoning for public land from E3 Environmental Management to part RE1 Public Recreation and part E2 Environmental Conservation. In theory the RE1 zone does not maintain the environmental standards, but the proposed zones reflect the land characteristics. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance.

Issue 12 removes 0.63 ha of E2 Environmental Conservation zone from urban fringe land, reflecting the edge of urban development based on old paper mapping. This is inconsistent with the Direction. The urban development does include buffer measures to minimise impacts on the adjoining environmental lands. The DP&E can allow the inconsistency on the basis that it is of minor significance.

- **Direction 3.1 Residential Zones**

Issues 7, 10 and 12 vary an existing residential zone, and hence the Direction applies. This planning proposal is consistent with most requirements of the Direction, but is inconsistent with

'A planning proposal must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, ...'.

LEP 2011 already facilitates a broad choice of building types, and a detailed review is beyond the scope of this Administrative Review. The DP&E can allow the inconsistency on the basis that it is of minor significance.

- **Direction 3.4 Integrating Land Use and Transport**

This relates to having the right strategic framework between land use and transport networks. Broadly this applies to **Issues 6, 7, 9, 10, 12 and 13**, though the minor nature of these Issues does not warrant the level of strategic assessment inferred by this Direction.

If this is inconsistent with the Direction, the DP&E can allow the inconsistency on the basis that it is of minor significance.

- **Direction 3.5 Development near Licensed Aerodromes**

The direction applies where there are changes to zones or other provisions applying to land in the vicinity of a licensed aerodrome. **Issues 8, 9 and 10** are located 1.4 Km to 4 Km from the Port Macquarie Airport.

The Direction requires that there be consultation with the Commonwealth Department responsible for aerodromes and the lessee (being Council). This consultation will take place following issue of the Gateway determination - until then there is an inconsistency. The DP&E can allow the inconsistency on the basis that it is temporary and of minor significance.

- **Direction 4.1 Acid Sulfate Soils**

Issue 12 applies to land which is mapped as Class 3. The relevant land has been filled, and will not have the risk level of other land with Class 3. Most of the area

to be rezoned is or will be road or road batter, and this classification is no longer warranted. If it is considered that there is an inconsistency, the DP&E can allow the inconsistency on the basis that it is of minor significance.

- **Direction 4.3 Flood Prone Land**

Issue 10 relates to 5 residential lots on level ground on the edge of the flood planning area. Minimum floor levels will apply to new dwellings.

For **Issue 13** there has been filling which removes the risk of flooding.

The DP&E can allow the inconsistency on the basis that it is of minor significance.

- **Direction 4.4 Planning for Bushfire Protection**

This direction applies to planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. This relates to **Issues 7, 8, 12 and 13**.

Subclause (4) requires consultation with the Commissioner of the NSW Rural Fire Service. This will occur following receipt of the Gateway determination and prior to undertaking community consultation. Technically there is an inconsistency until that consultation is completed.

Subclause (6) requires certain bushfire safety measures 'where development is proposed'. If this subclause relates only to planning proposals applying to a specific development, there is no inconsistency. If the planning proposal is meant to anticipate development application level details without the benefit of DA plans, then the planning proposal is inconsistent with the Direction.

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?

No.

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

This LEP Administrative Review has only minor social and economic effects, and there are no effects that need to be addressed.

D - State and Commonwealth interests.

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

This Planning Proposal does not facilitate any new development that would lead to unforeseen demands on public infrastructure. Any associated development has already been approved or is infill development.

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

It is proposed to consult the following public authorities:

- (Commonwealth) Civil Aviation Safety Authority
- Office of Environment and Heritage
- Roads and Maritime Services.

- Rural Fire Service

Their comments will be added following that consultation - refer to **Appendix D**.

Part 4 - Mapping

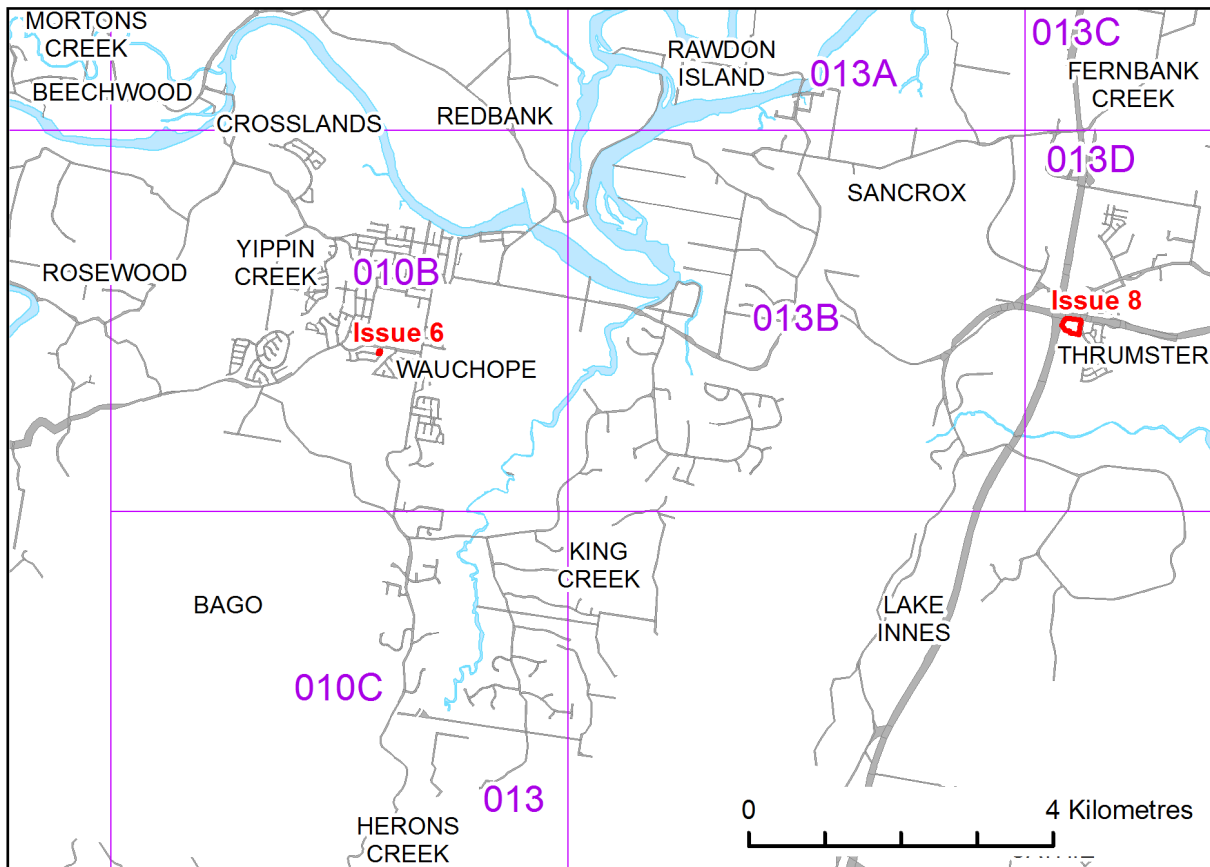
A - Affected land

The general location of the land directly affected by **Issues 3 and 6 to 13** (as described in **Appendix A**) of the planning proposal are shown on the maps on the following pages. The land affected by **Issues 1 to 2, 4 and 5** is not shown, as those Issues do not apply to specific land. Note that **Issue 3** does not involve any amendments to the LEP Map Series.

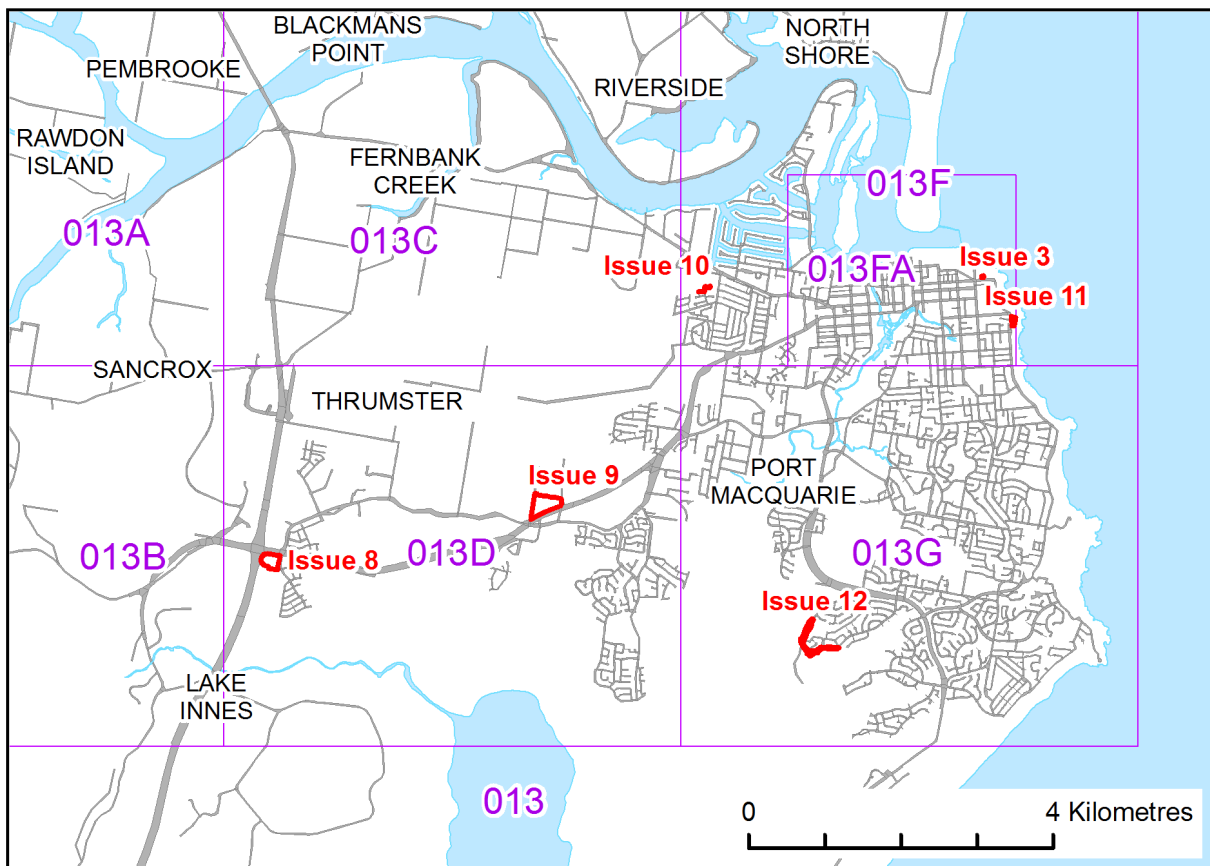
Based on the grid used for the LEP Maps, the relevant sheet numbers are:

Sheet No	Issue No - Appendix A	Map scale
<i>na</i>	4	<i>na</i>
10B	7	1:20,000
11B	8	1:20,000
013D	9 & 10	1:20,000
013F	11	1:20,000
013FA	12	1:20,000
013G	13	1:20,000
014B	14	1:20,000

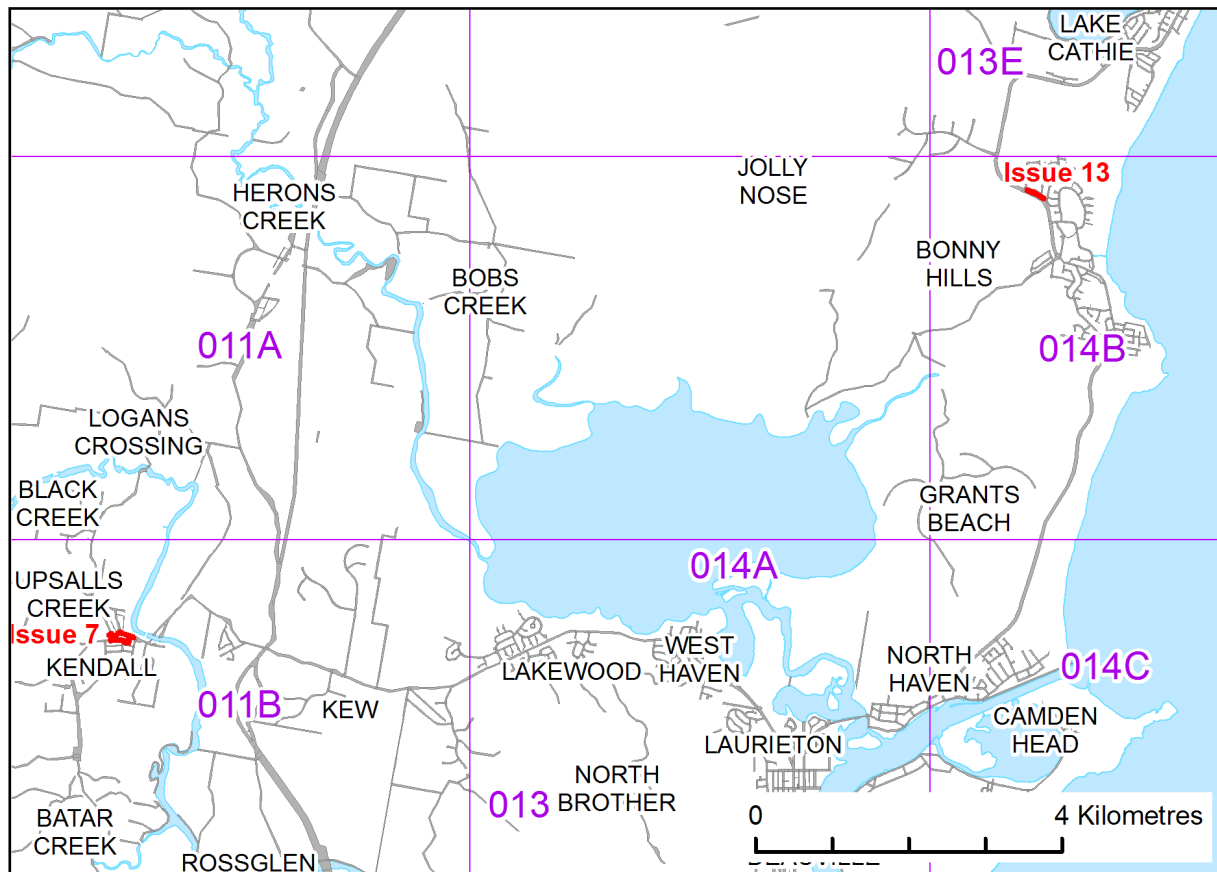
To view the (current) legal LEP maps, go to the NSW Legislation website - <https://www.legislation.nsw.gov.au/#/view/EPI/2011/84/maps>.



Location of Issues 6 and 8



Location of Issues 3 and 8-12



Location of Issues 7 and 13

B - Draft LEP maps

Issues 6 to 13 will require changes to the LEP map sheets as found on the NSW Legislation website.

Some map sheets will be revoked, and new map sheets adopted - an indicative list is provided in Part B of **Appendix B**.

Details of the changes are easier to view in the map extracts in **Appendix A**, including comparisons of the current mapping with proposed changes. This may be simplified from what is shown in the legal maps.

If the Planning Proposal is approved then the current relevant LEP map sheets will be replaced by the map sheets as listed in Part B of **Appendix B** - they will be included in **Appendix G** at the time of finalisation of this Planning Proposal.

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 will 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.

	2017						2018					
Anticipated dates	J	A	S	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	X					
Dates for public hearing (if required)												
Timeframe for consideration of submissions								X				
Timeframe for the consideration of the proposal post exhibition									X			
Date of submission to the department to finalise the LEP										X		
Date Council will make the plan (if delegated)										X		
Date Council will forward to the department for notification.										X		

Appendix A – Details of Issues being addressed

Following are details of 13 separate Issues identified for amendment by this Planning Proposal, as reported to Council on 15 February 2017. (The report to Council included an Issue 1 which has been withdrawn and Issue 11 which has been deferred - the Issues below have been renumbered.)

The amendments proposed are described and illustrated by the text and maps, though the key details are within the shaded text following the label **Proposal**.

1. Clause 4.1A Exceptions to minimum lot sizes for certain residential development - minor change to the wording of the clause
2. Clause 7.6 Coastline hazards - addition of an advisory note regarding Codes SEPP
3. Schedule 1 Additional Permitted Uses - add Emergency services facility at Town Beach
4. Schedule 3 Complying Development - removal of items covered by the Codes SEPP
5. Dictionary - add definition of Australian Height Datum
6. 1 Cedar Cl, Wauchope - rezone to R1 General Residential, and associated changes to other map series
7. Kendall B1 Neighbourhood Centre zone - adjustment to zone boundary
8. Highway Service Centre, Thrumster - remove minimum lot size
9. Lindfield Park Rd, Port Macquarie - IN2 Light Industrial: apply a height limit and apply a Zone E3 buffer to Oxley Hwy
10. Majestic Dr, Port Macquarie - align LEP map boundaries with lot boundaries
11. Windmill Hill reserve, Port Macquarie - rezone to RE1 Public Recreation & E2 Environmental Conservation
12. Crestwood Dr, Port Macquarie - align LEP map boundaries with development lot boundaries
13. St Lucia Pl, Bonny Hills - replace RU1 Primary Production and associated changes to other map series adjoining Ocean Dr.

Issue 1: Clause 4.1A Exceptions to minimum lot sizes for certain residential development - erratum

Subclause (3) should commence (underlining added):

'Development consent may be granted to a single development application for development to which this clause applies that is both of the following:'

however the word 'clause' is currently omitted.

Proposal: That the word 'clause' be inserted into clause 4.1A (3) following the word 'this'.

Issue 2: Clause 7.6 Coastline hazards - note regarding Codes SEPP

Both clause 7.5 *Koala Habitat* and clause 7.9 *Development subject to acoustic controls* include notes identifying that the land affected by these clauses is excluded from some types of complying development under the Codes SEPP [*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*].

Similarly land subject to clause 7.6 is excluded from the Housing Code, the Rural Housing Code and the Commercial and Industrial (New Buildings and Additions) Code due to the provisions of clause 19 of the Codes SEPP. There is no note to this effect included with clause 7.6.

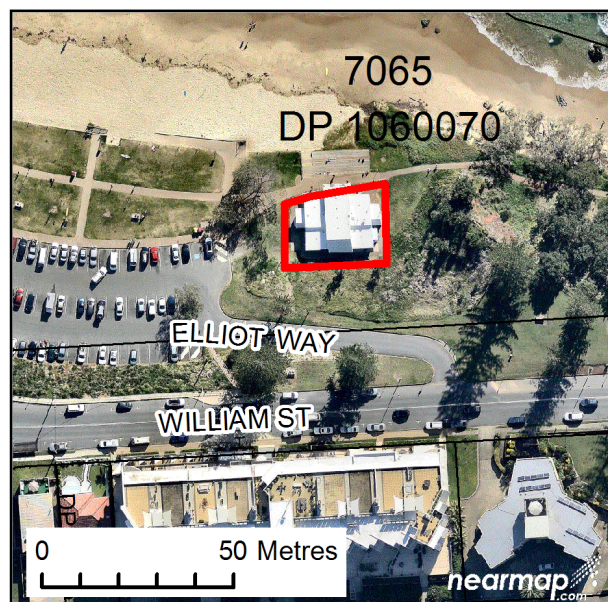
Proposal: That a note be added to clause 7.6 advising of associated restrictions on certain complying development codes under the Codes SEPP.

Issue 3: Schedule 1 Additional Permitted Uses - Town Beach Emergency services facility

A recent amendment to the LEP changed the zoning for the amenities and kiosk building at Town Beach, Port Macquarie to RE1 Public Recreation, while also allowing restaurant or cafe as a 'Schedule 1' Additional Permitted Use. The building also contains a Marine Rescue NSW radio base which also overlooks the Hastings River bar. Based on the Land Use Table, the Marine Rescue base is now a non-conforming use.

It is proposed that 'emergency services facilities' be added as a further 'additional permitted use' in Schedule 1.

Proposal: That Schedule 1 clause 7 (relating to Town Beach, Port Macquarie) be amended to include emergency services facilities as an additional permitted use.



Issue 4: Schedule 3 Complying Development - omit

When LEP 2011 was prepared there was limited complying development listed in the Codes SEPP, and in [Schedule 3](#) the following was listed as local complying development:

- Industrial buildings, warehouse or distribution centres
- Recreation facilities (hit-up walls)
- Recreation facilities (tennis courts)

Since then there have been extensive additions to the Codes SEPP which cover the above, and therefore override the local provisions. There is no reason to retain the local provisions. The default Schedule includes a standard condition which will remain.

Proposal: That the content of Schedule 3 be removed, with the exception of the mandatory condition in Part 2.

Issue 5: Definition of Australian Height Datum

The term Australian Height Datum is used in Clause 7.1 Acid Sulfate Soils and within the definitions of *building height*, *mean high water mark* and *Reduced Level (RL)*. However, there is no definition of what Australian Height Datum means within the LEP, the *Environmental Planning and Assessment Act 1979*, or the *Interpretation Act 1987*.

It is proposed to add a definition that refers to the definition in the *Surveying and Spatial Information Act 2002*.

Proposal: That the following definition be added to the LEP in an appropriate location:

Australian Height Datum has the same meaning as in the [Surveying and Spatial Information Act 2002](#).

Note. The term is defined as follows:

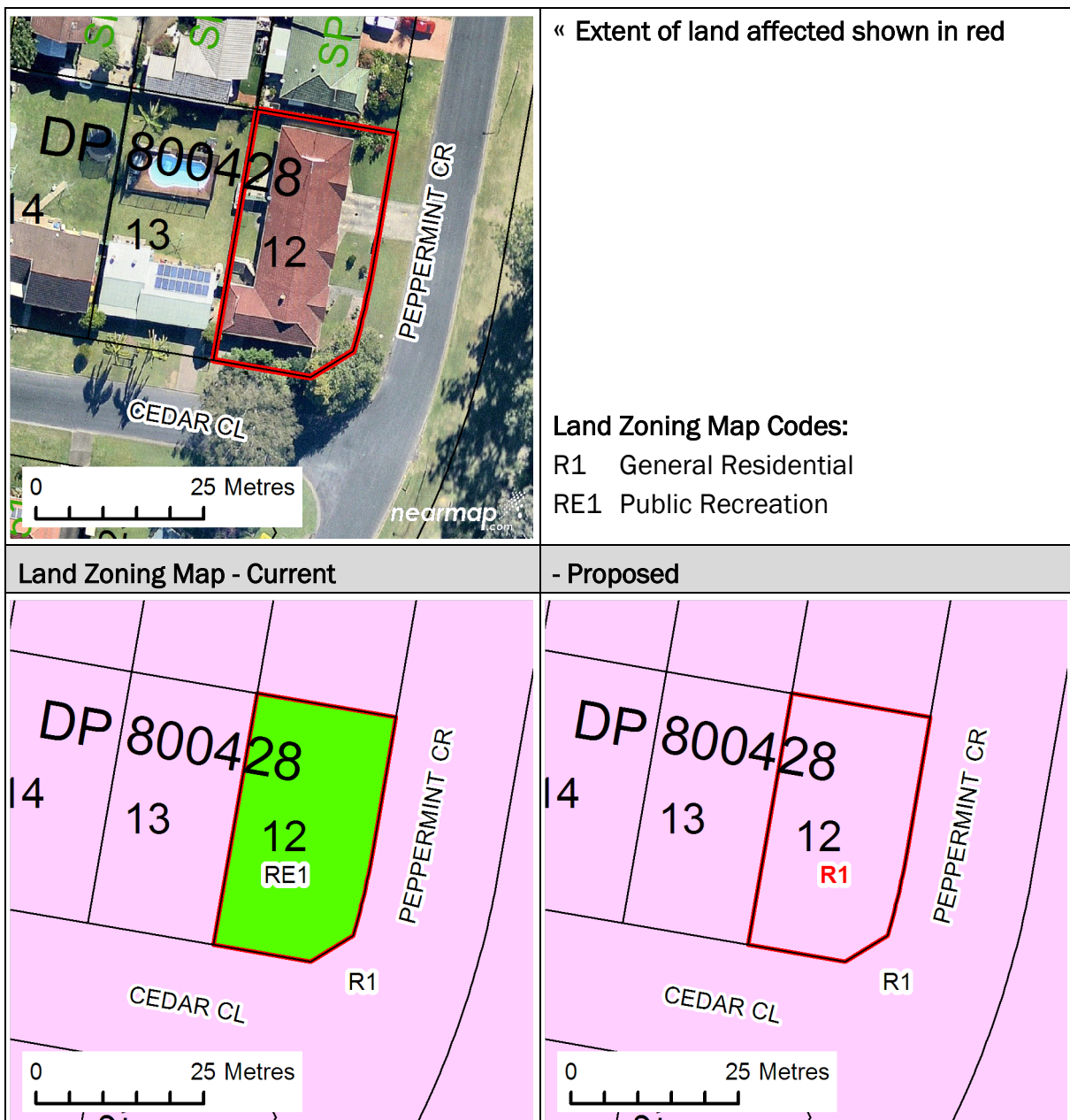
Australian Height Datum means the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

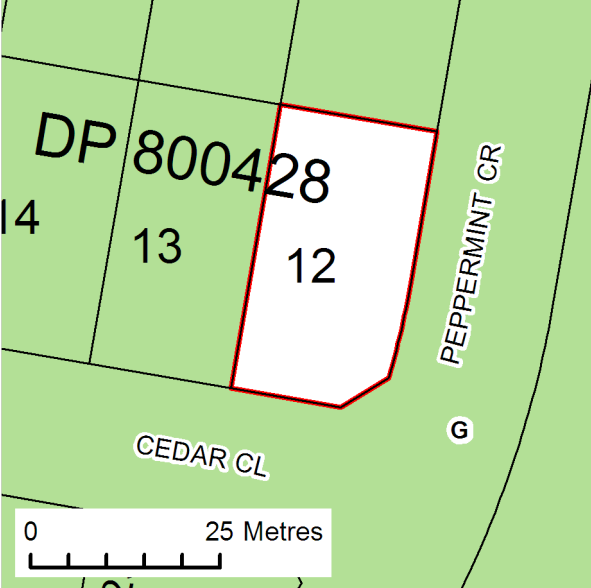
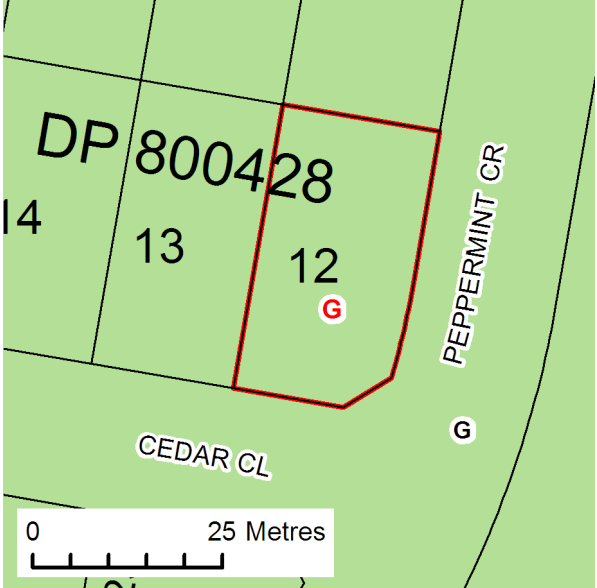
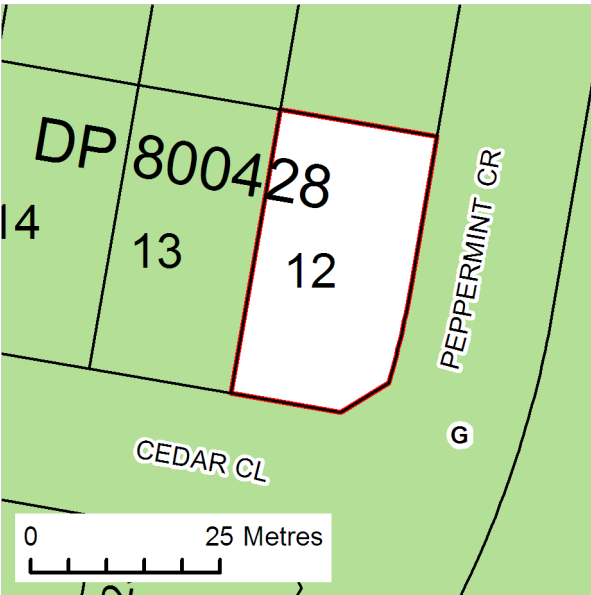
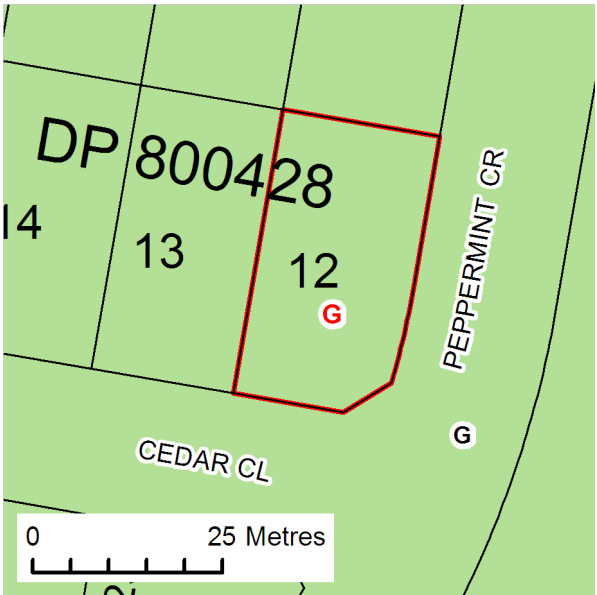
Issue 6: 1 Cedar Cl, Wauchope - rezone to R1 General Residential, etc

This property was incorrectly zoned 6(a) Open Space in *Hastings LEP 2001*, and with the commencement of *LEP 2011* the zone became RE1 Public Recreation. The property contains 3 villas, and it is appropriate to correct the zone and other mapping details to match adjoining lots. No change is required for the Height of Buildings Map.

Proposal: That for 1 Cedar Close, Wauchope, the LEP 2011 mapping be amended:

- Land Zoning Map - to R1 General Residential
- Lot Size Map - to 'G' - 450 sq m minimum
- Floor Space Ratio Map - 'G' - 0.65:1.

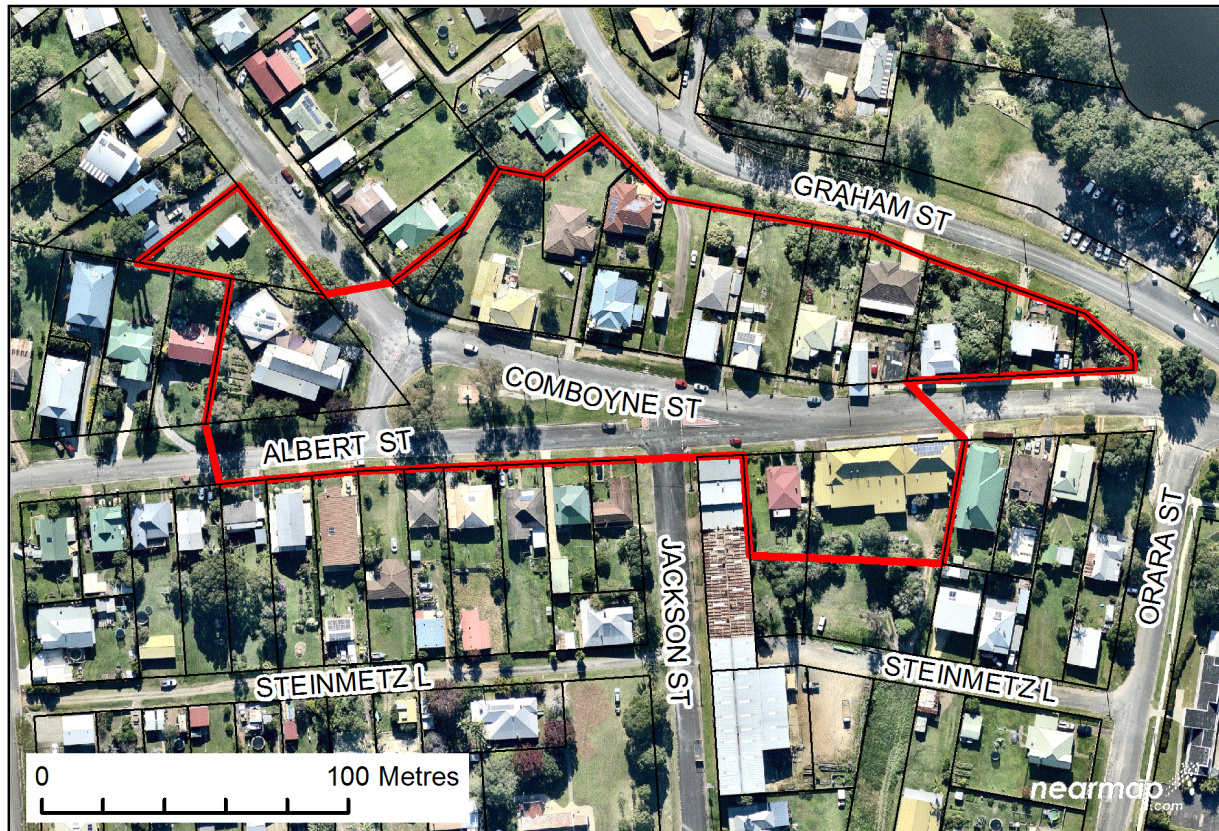


Lot Size Map - Current	- Proposed
	
Lot Size Map Code G 450 sq m minimum lot size	Floor Space Ratio Map Code G 0.65 : 1 maximum floor space ratio
Floor Space Ratio Map - Current	- Proposed
	

Issue 7: Kendall B1 Neighbourhood Centre zone - adjust boundary

The Kendall village centre contains a mix of existing residential and commercial uses, which were developed prior to the introduction of LEP 2011. Council applied a B1 Neighbourhood Centre zone in LEP 2011 to the lots on the northern side of Albert and Comboyne Streets, as shown on the extract from the current Land Zoning Map.

A recent review of this zone boundary has highlighted that some commercial uses are located to the south of the existing B1 zone. Also, there are residential properties within the B1 zone that are more appropriately contained in a residential zone.

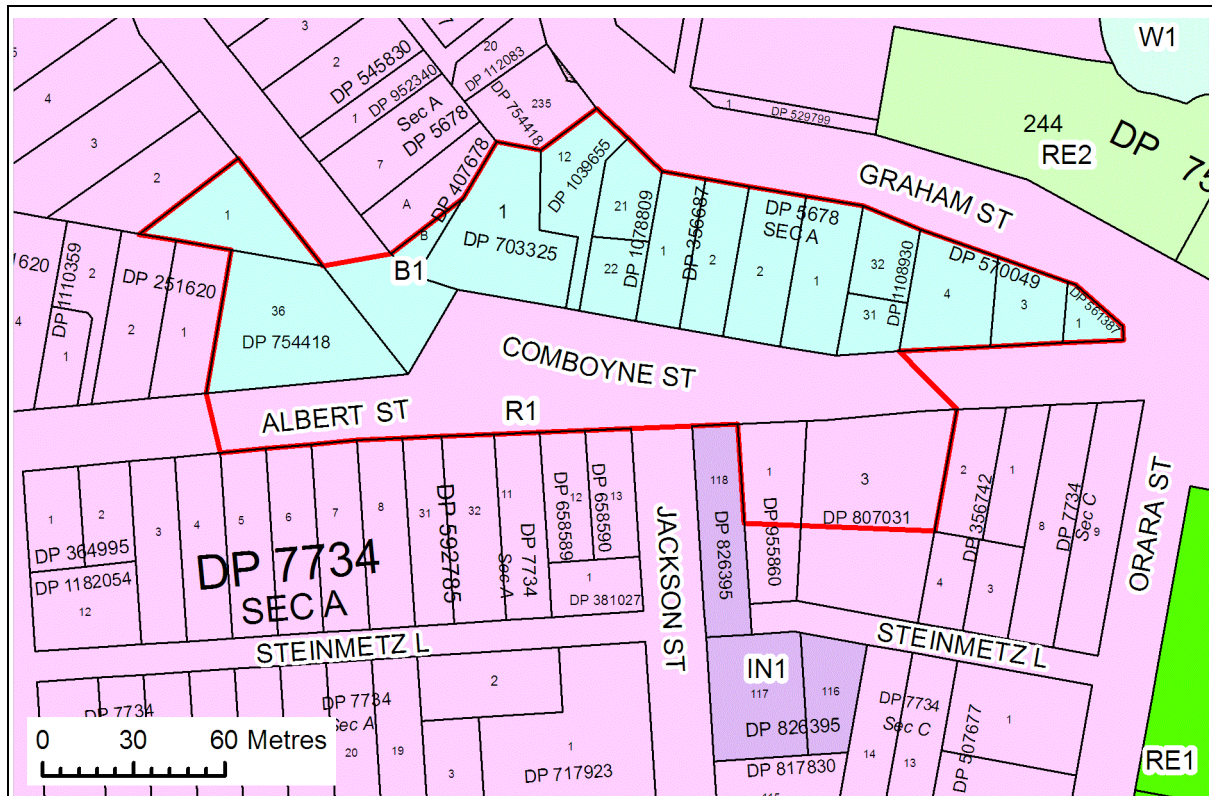


Extent of land affected shown in red

A reconfiguration of the existing B1 zone boundary is proposed to correct these anomalies, as shown on the map below. A dwelling house on the south side of Albert Street will be rezoned to B1 Neighbourhood Centre, but it is located between a general store and a factory building.

Uniform minimum lot size, maximum floor space ratio and maximum building height provisions apply, and no change is required to them.

Proposal: That the Land Zoning Map for Kendall be amended as shown.



Land Zoning Map - Current

B1 Neighbourhood Centre

RE1 Public Recreation

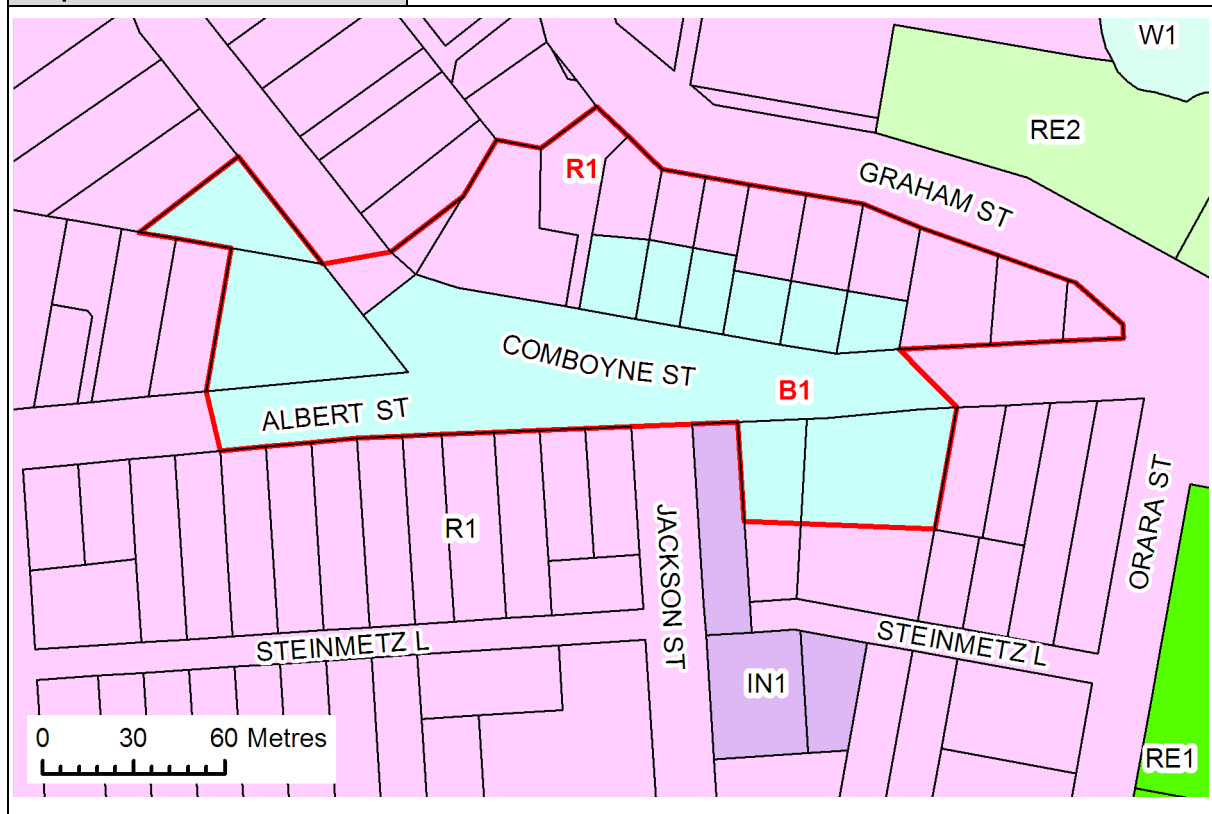
Land Zoning Map -
Proposed

IN1 General Industrial

RE2 Private Recreation

R1 General Residential

W1 Natural Waterways



Issue 8: Highway Service Centre, Thrumster - remove minimum lot size

The highway service centre on the south-eastern side of the intersection of the Pacific Highway and the Oxley Highway is permitted under the 'additional permitted use' provisions of the LEP, irrespective of the current RU1 Primary Production zone. Use of the site by different tenancies is facilitated by subdivisions to create lots for leasehold purposes, though this is complicated by the current 40 ha minimum lot size. It is proposed to remove any minimum lot size restriction from the property, and (for mapping continuity) to apply a minimum lot size of 450 sq m on the triangle of NSW Roads and Maritime Services land in the northeast corner.

Proposal: That the Lot Size Map be amended:

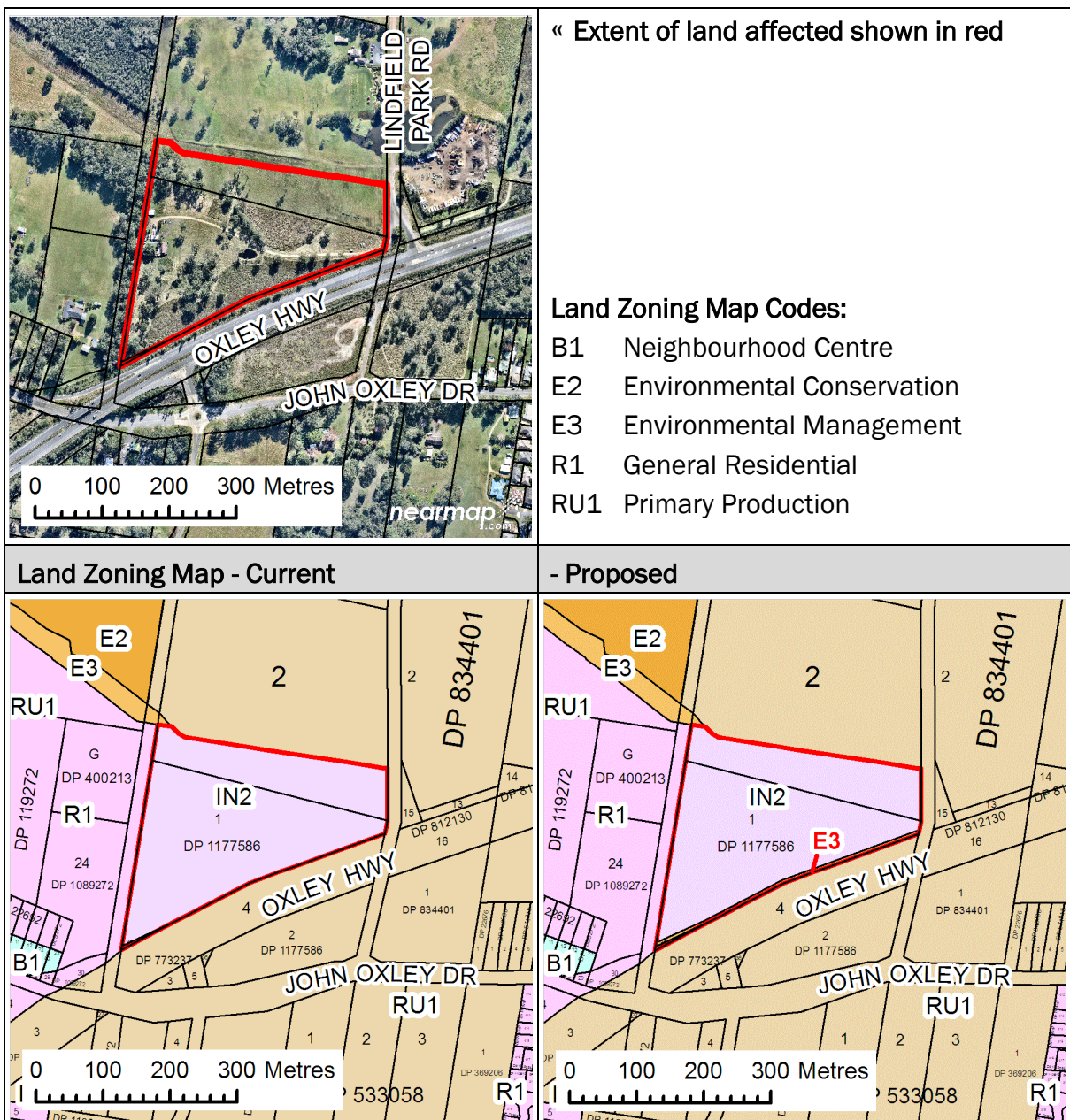
- to remove any minimum lot size for lots 7-11 DP 1137444, and
- to apply a minimum lot size of 450 sq m on Lot 53 DP 1130161.

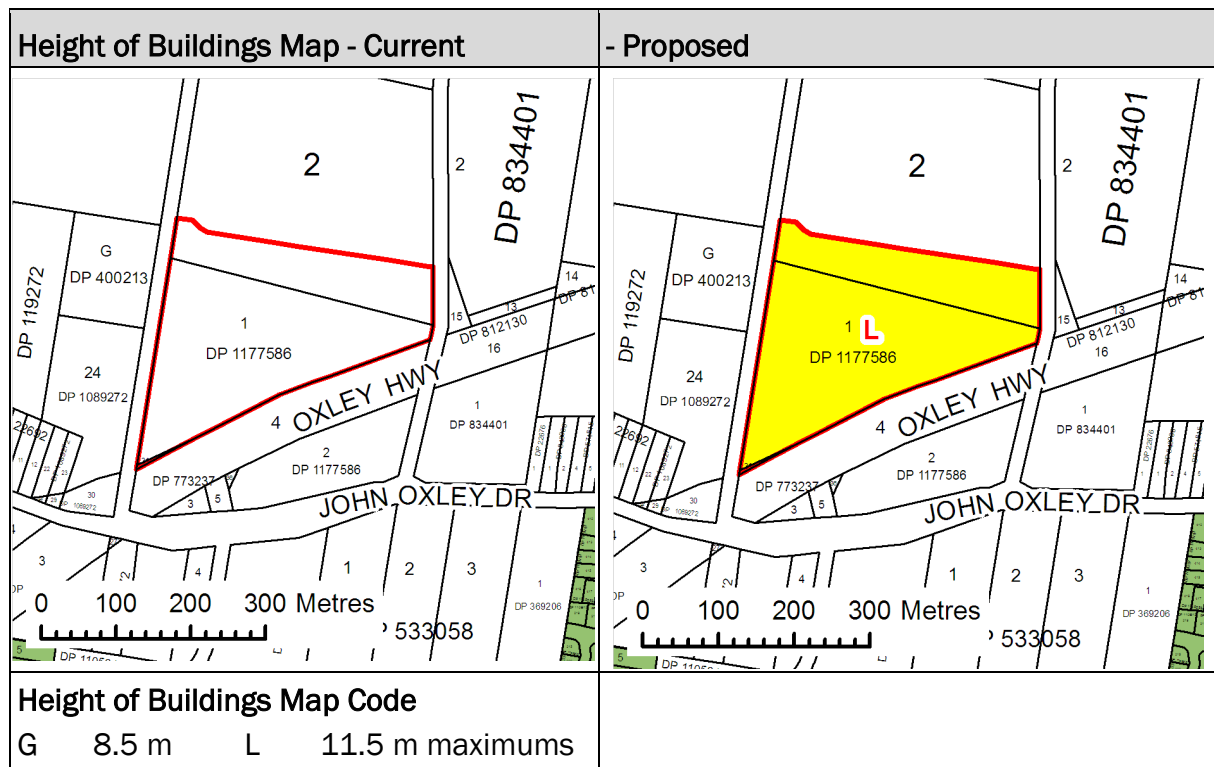


Issue 9: Lindfield Park Rd, Port Macquarie - IN2 Light Industrial: add height limit and add Zone E3 buffer to Oxley Hwy

The Thrumster urban release area includes an area zoned IN2 Light Industrial on the north-western corner of Oxley Highway and Lindfield Park Road. Being the approach to Port Macquarie, it is important that any development of the site does not visually detract from the entrance into Port Macquarie. One aspect of this will be height limits that will help ensure that development is not visible beyond a foreground landscape screen.

Any development of the land will be subject to consideration of the visual impact when viewed from the Oxley Highway. It is proposed to introduce a 5 m wide E3 Environmental Management zone buffer immediately adjoining the highway and to apply a maximum height limit of 11.5 m over the land. The E3 zone will also be applied to a thin sliver of land owned by the NSW Roads and Maritime Services in the southwest corner - Lot 31 DP 1089272. Otherwise a thin sliver of IN2 zone would remain.





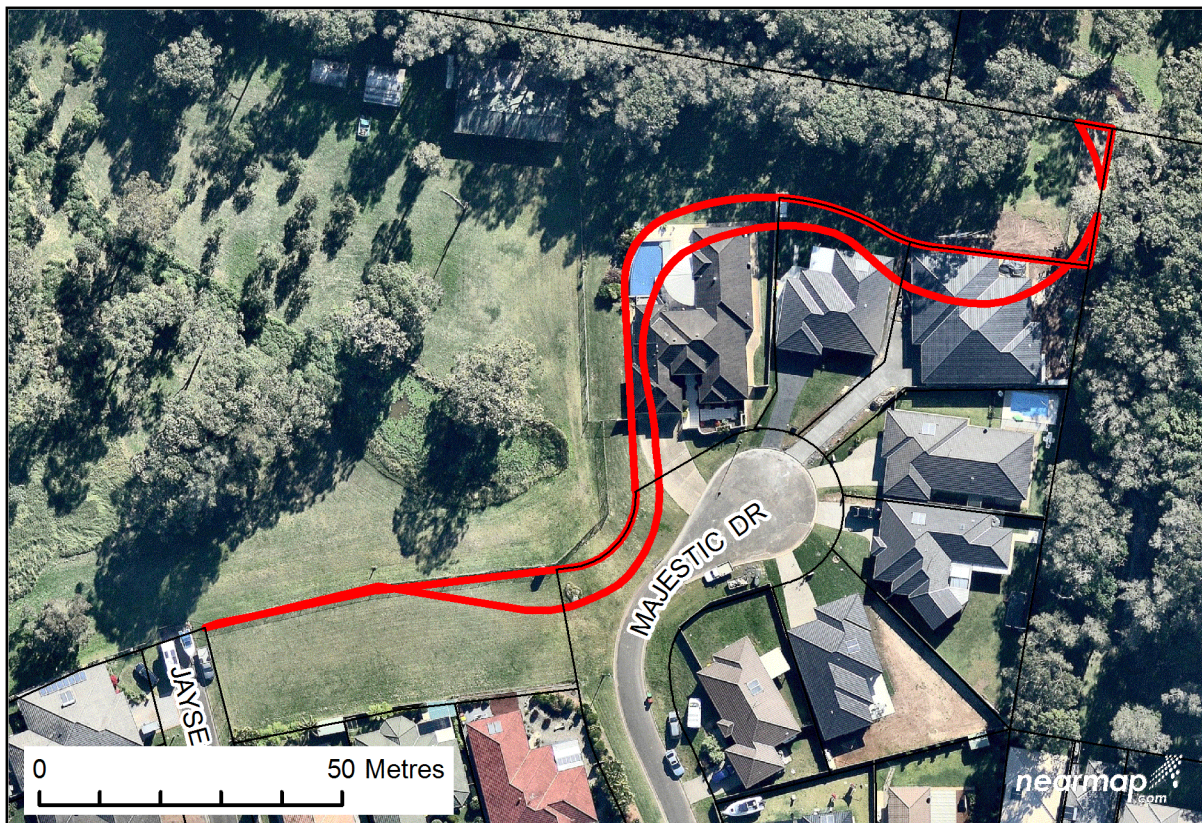
Proposal: That for that part of Lot 1 DP 1177586, Lot 2 DP 244442 and Lot 31 DP 1089272 that is within Zone IN2:

- (a) a 5m wide strip adjoining the Oxley Highway be rezoned to E3 Environmental Management, and
- (b) the Height of Buildings Map be amended by applying a maximum height limit of 11.5 m.

Issue 10: Majestic Dr, Port Macquarie - align LEP map boundaries with lot boundaries

The subdivision on Majestic Drive borders flood liable land, and there is a zone boundary between R1 General Residential and E2 Environmental Conservation upon fairly level ground. The staged subdivision has not always aligned with the zone boundary. It is proposed to adjust the following LEP map series:

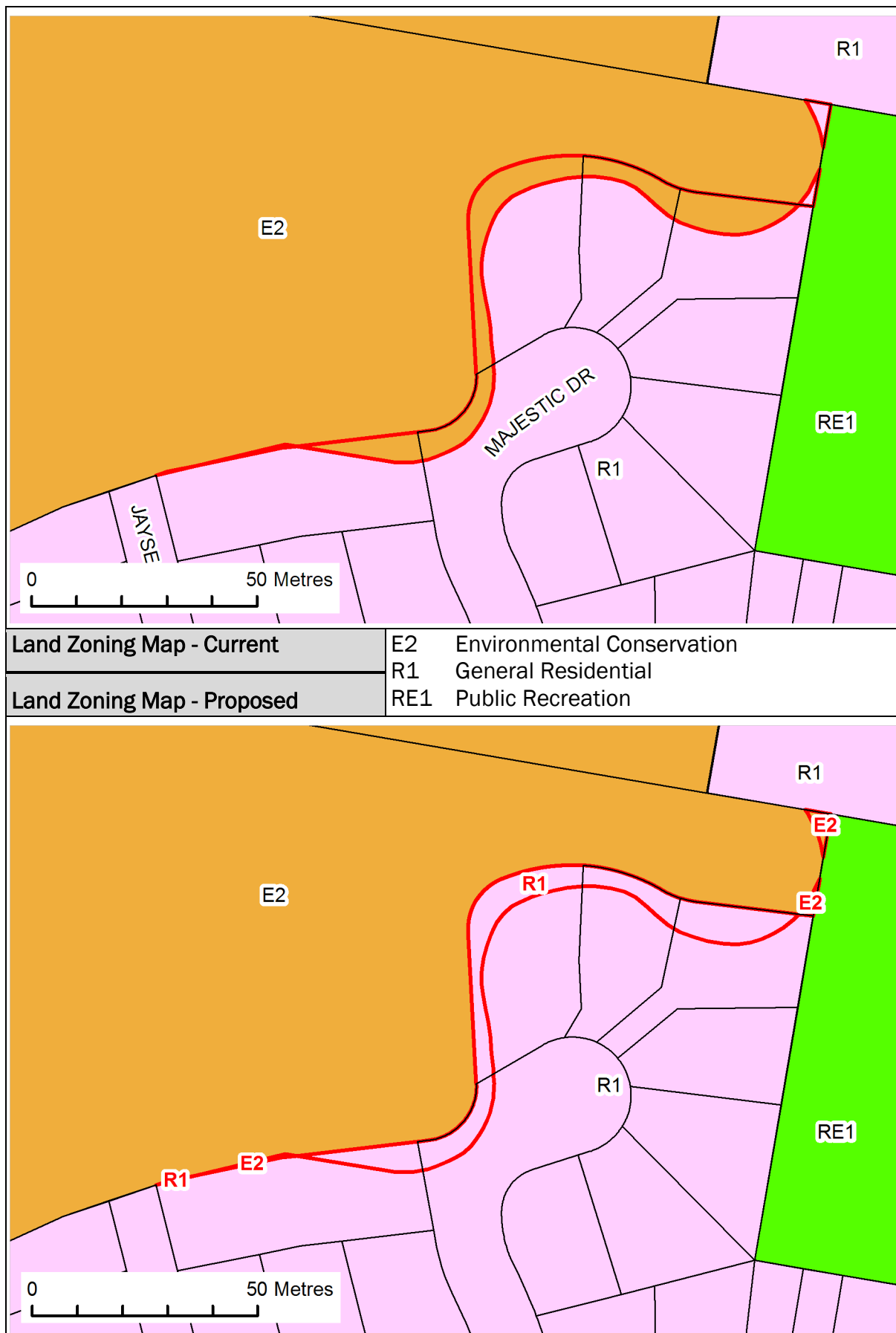
- Land Zoning Map
- Lot Size Map
- Floor Space Ratio Map
- Height of Buildings Map.

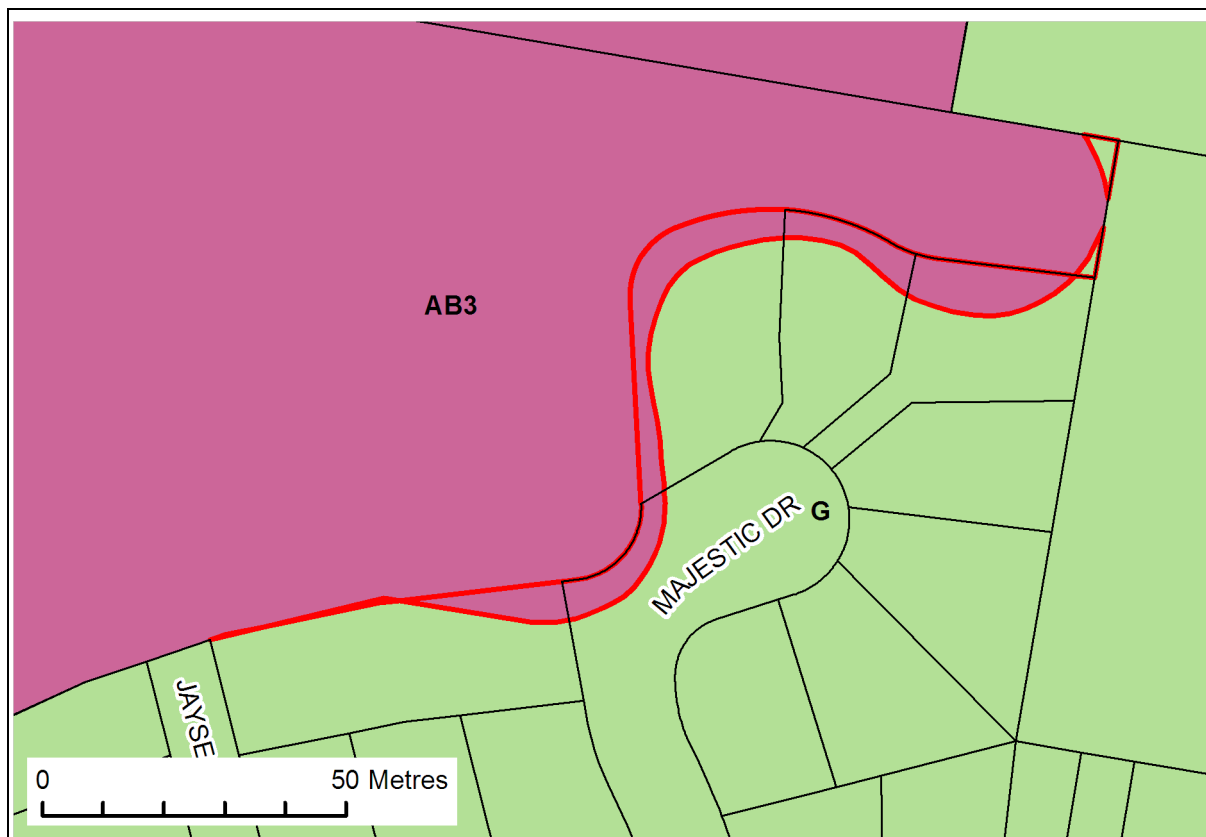


Extent of land affected shown in red

Proposal: That in relation to Lot 67 DP 1224835 and Lots 66-67 DP 1227481, Majestic Drive, Port Macquarie, the following LEP maps be amended to align as shown with the parcel boundaries:

- Land Zoning Map
- Land Zoning Map
- Floor Space Ratio Map
- Height of Buildings Map.





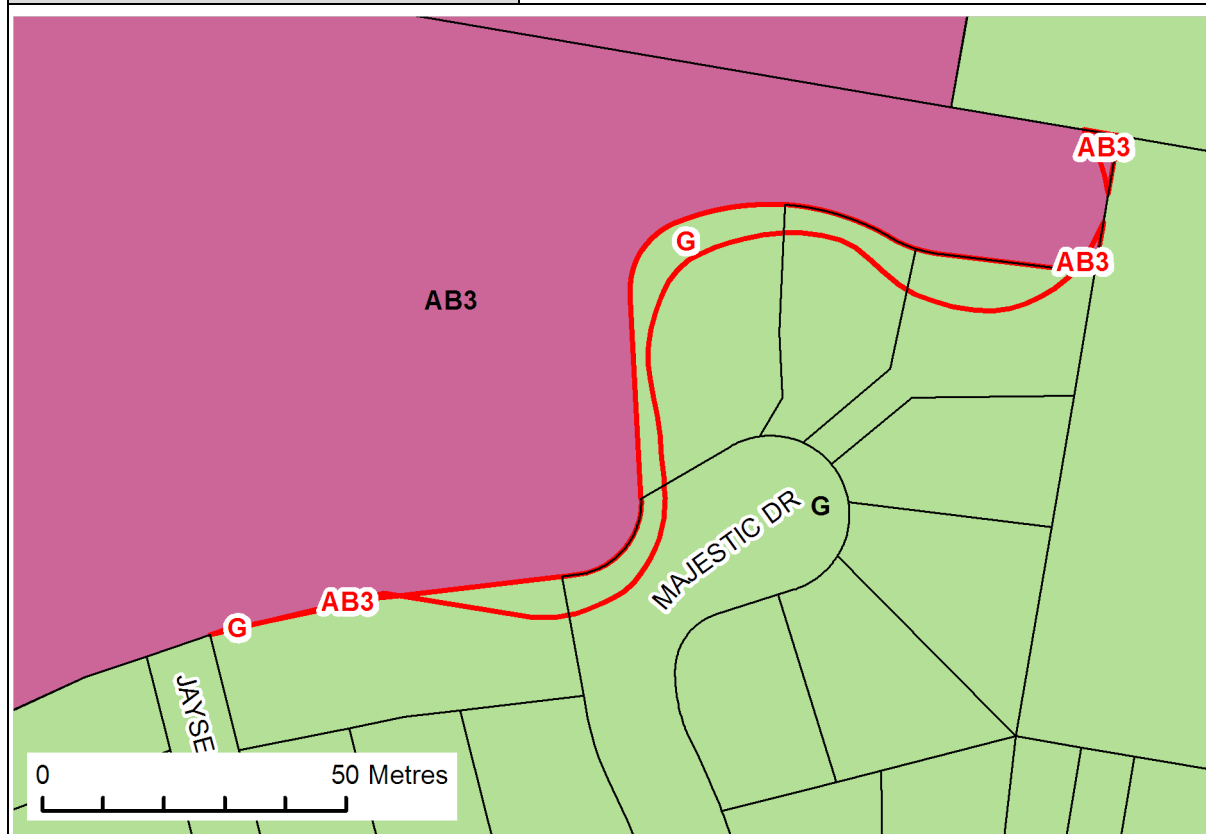
Lot Size Map - Current

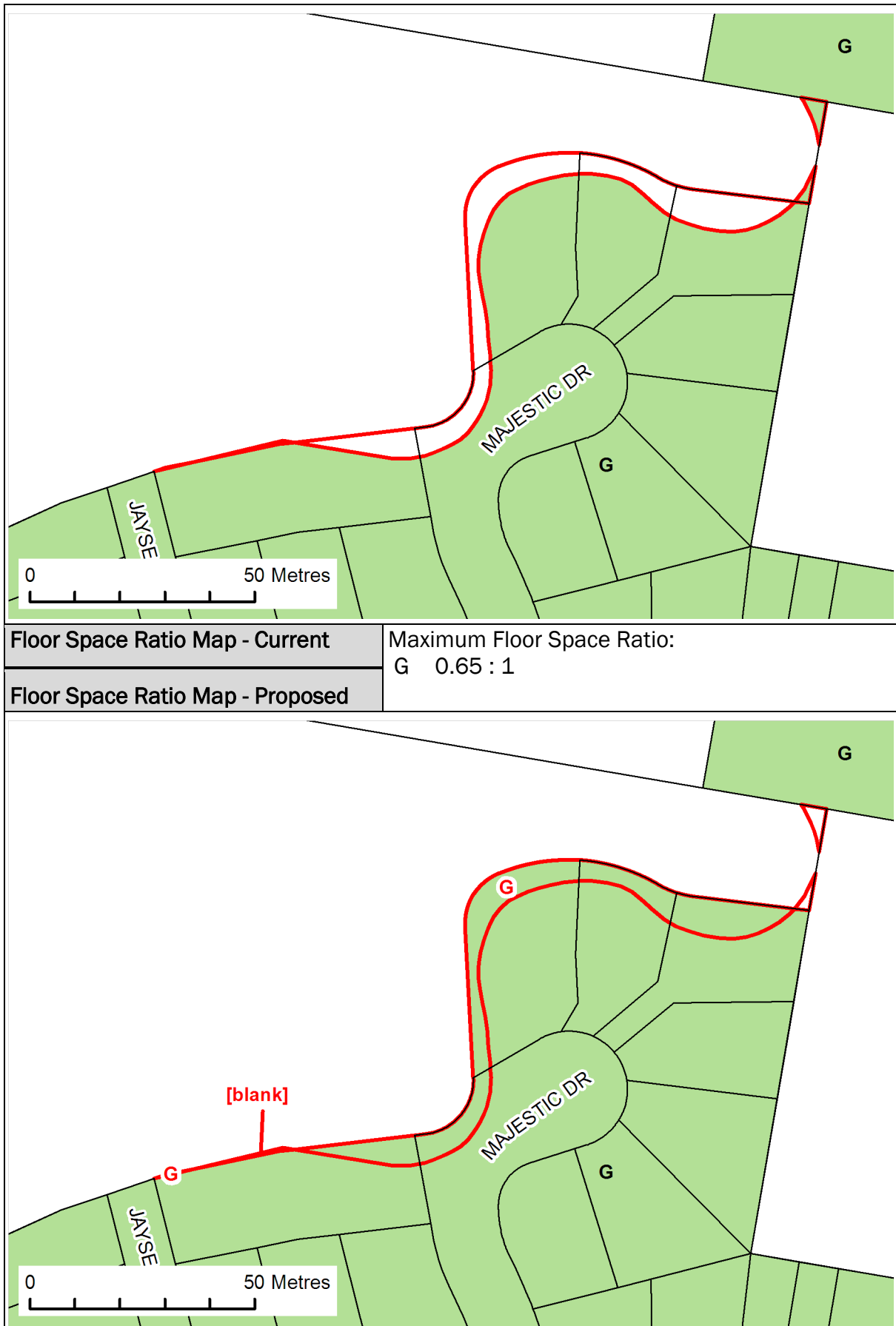
Minimum Lot Size:

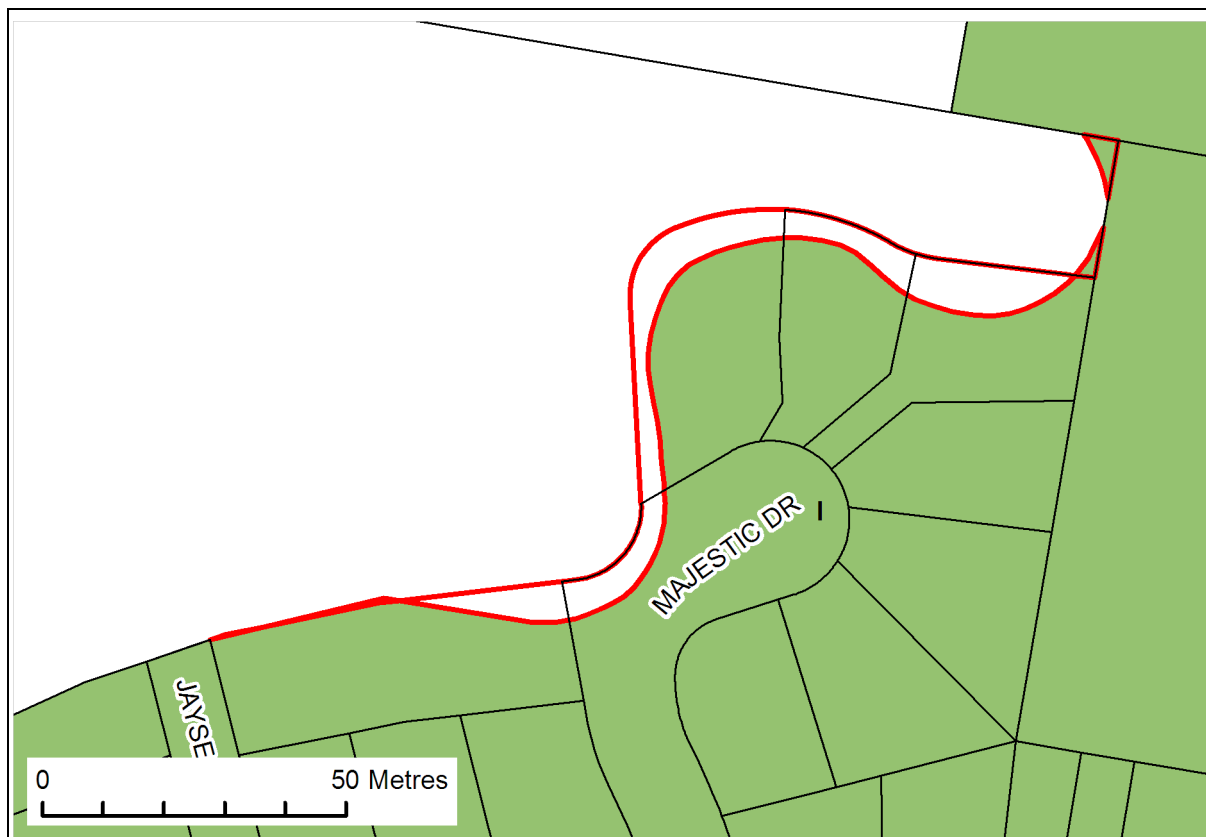
G 450 sq m

Lot Size Map - Proposed

AB3 40 ha



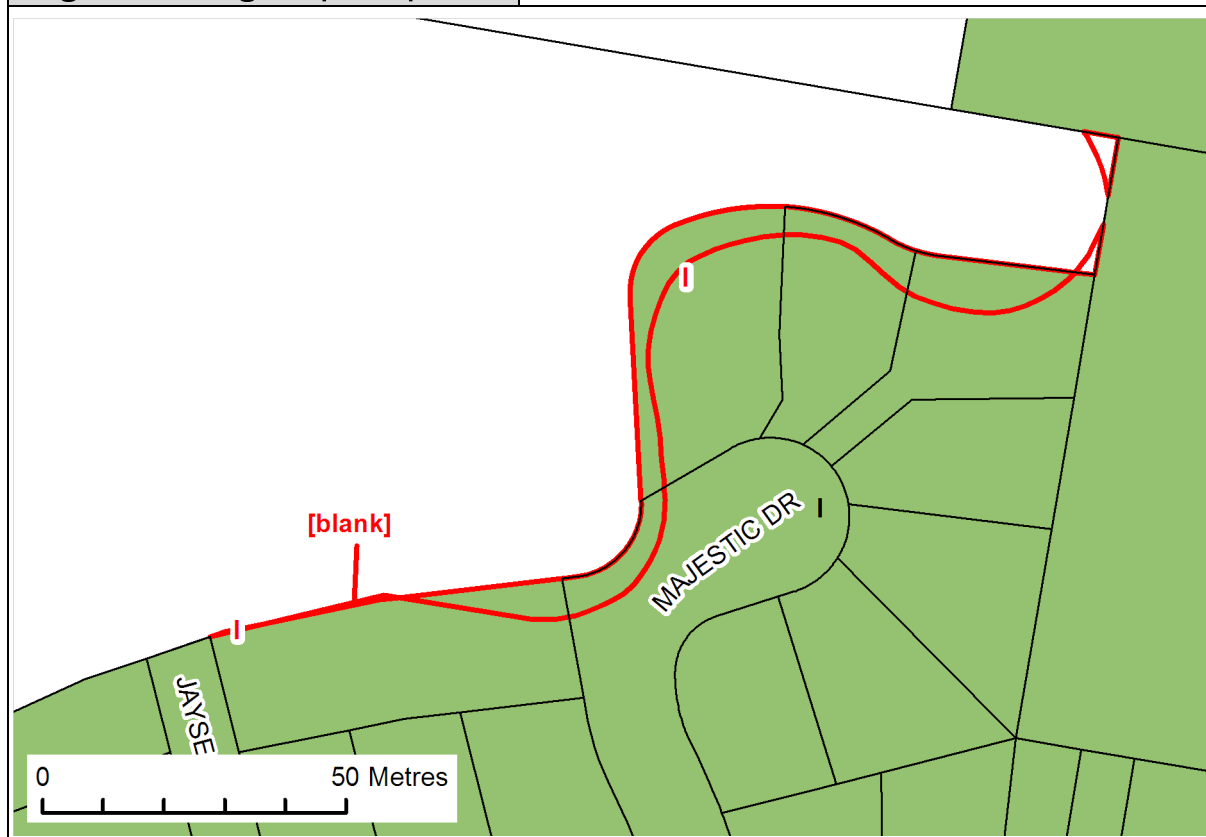




Height of Buildings Map - Current

Maximum height:
8.5 m

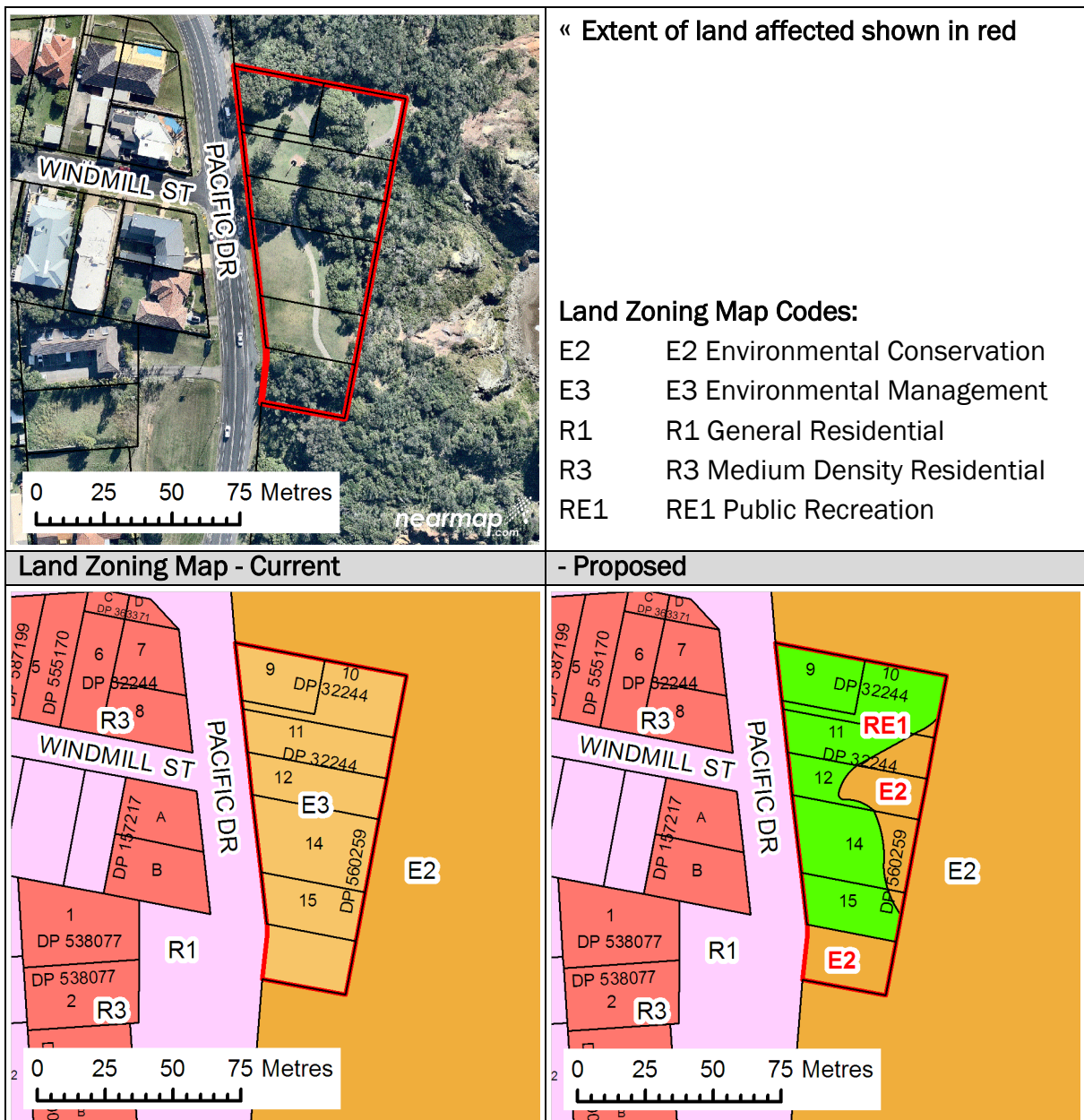
Height of Buildings Map - Proposed



Issue 11: Windmill Hill reserve, Port Macquarie - rezone to RE1 Public Recreation & E2 Environmental Conservation

The subject land on the eastern side of Pacific Drive at Windmill Hill, Port Macquarie previously had dwelling houses prior to acquisition by the State Government. An area at the southern end is public road. The balance is now Crown land with Council as trustee.

The land is zoned E3 Environmental Management, which permits dwelling houses. It is considered that this is no longer appropriate. Based on the site characteristics, it is proposed to zone it a mixture of RE1 Public Recreation and E2 Environmental Conservation, as shown. There is no need to amend other Map series.



Proposal: That Lots 9-12 DP 32244, Lots 14-15 DP 560259 and part road on the eastern side of Pacific Drive (opposite Windmill Street), Port Macquarie be rezoned RE1 Public Recreation and E2 Environmental Conservation, as shown.

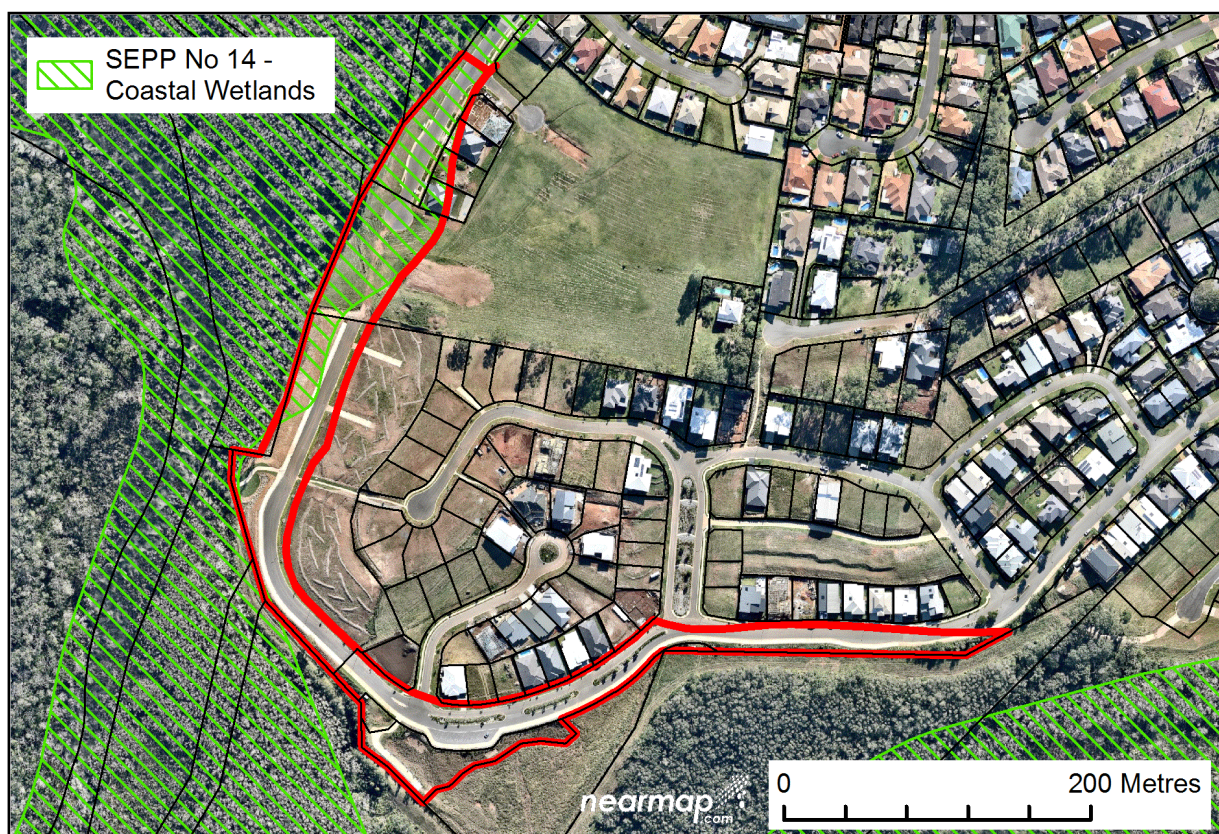
Issue 12: Crestwood Dr, Port Macquarie - align LEP map boundaries with lot boundaries

As subdivision has proceeded in the south-western section of Crestwood Drive, the final road alignment (including batters) has not aligned with the zone boundary, in some instances most likely due to differing interpretations of old hand-drawn zone mapping. Part of the affected land is mapped in SEPP No 14 - Coastal Wetlands, based on mapping considered indicative at a scale of 1:25,000, while the map below is at a scale of 1:5,000. Older aerial imagery shows this area as mown.

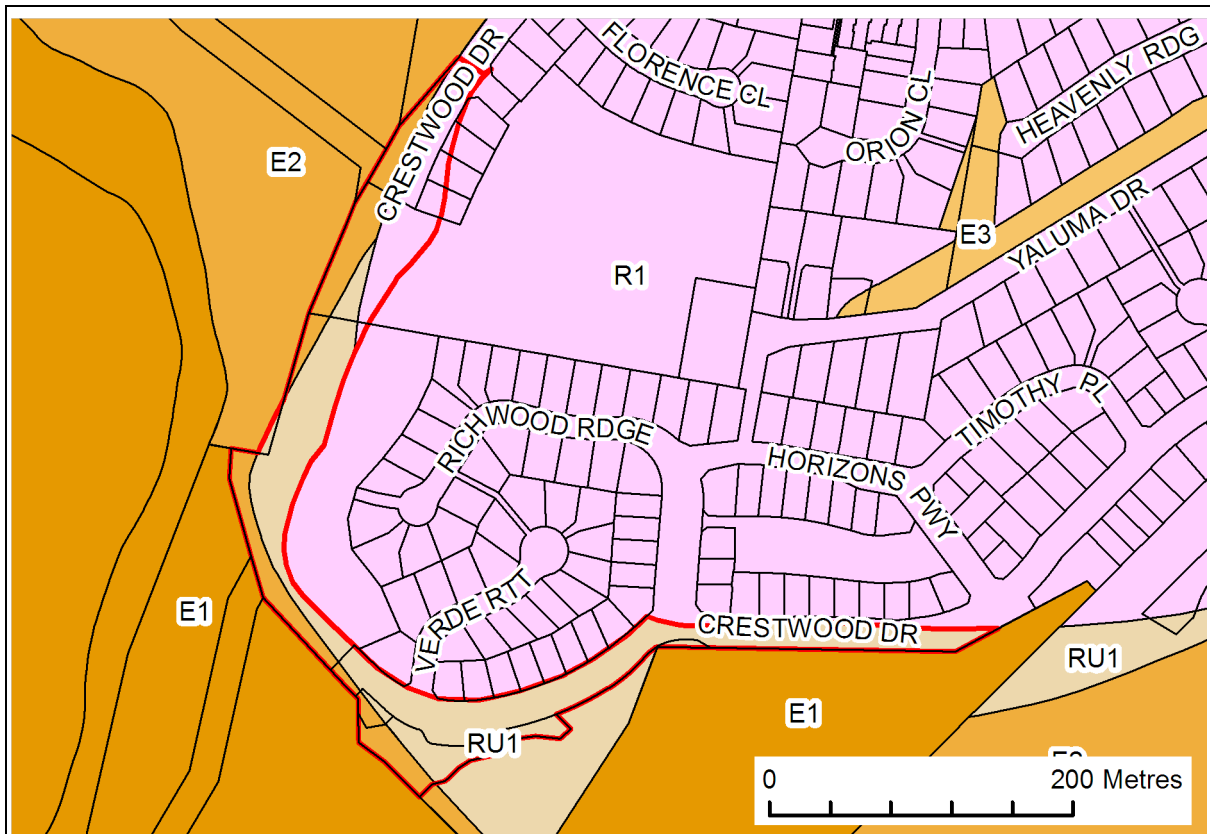
The following changes affect two properties being subdivided, and a 141 sq m corner of an adjoining parcel where it is proposed that a residue piece of zone RU1 Primary Production be changed to match the adjoining zone E2 Environmental Conservation.

The changes affect the Land Zoning Map, Lot Size Map, Floor Space Ratio Map and Height of Buildings Map in slightly differing ways. The changes will align the map series, other than in relation to an existing drainage reserve and a small proposed public reserve within R1 General Residential.

Proposal: That for the identified area at the south-western section of Crestwood Drive, Port Macquarie, the Land Zoning Map, Lot Size Map, Floor Space Ratio Map and Height of Buildings Map be amended as shown.



Extent of land affected shown in red



Land Zoning Map - Current

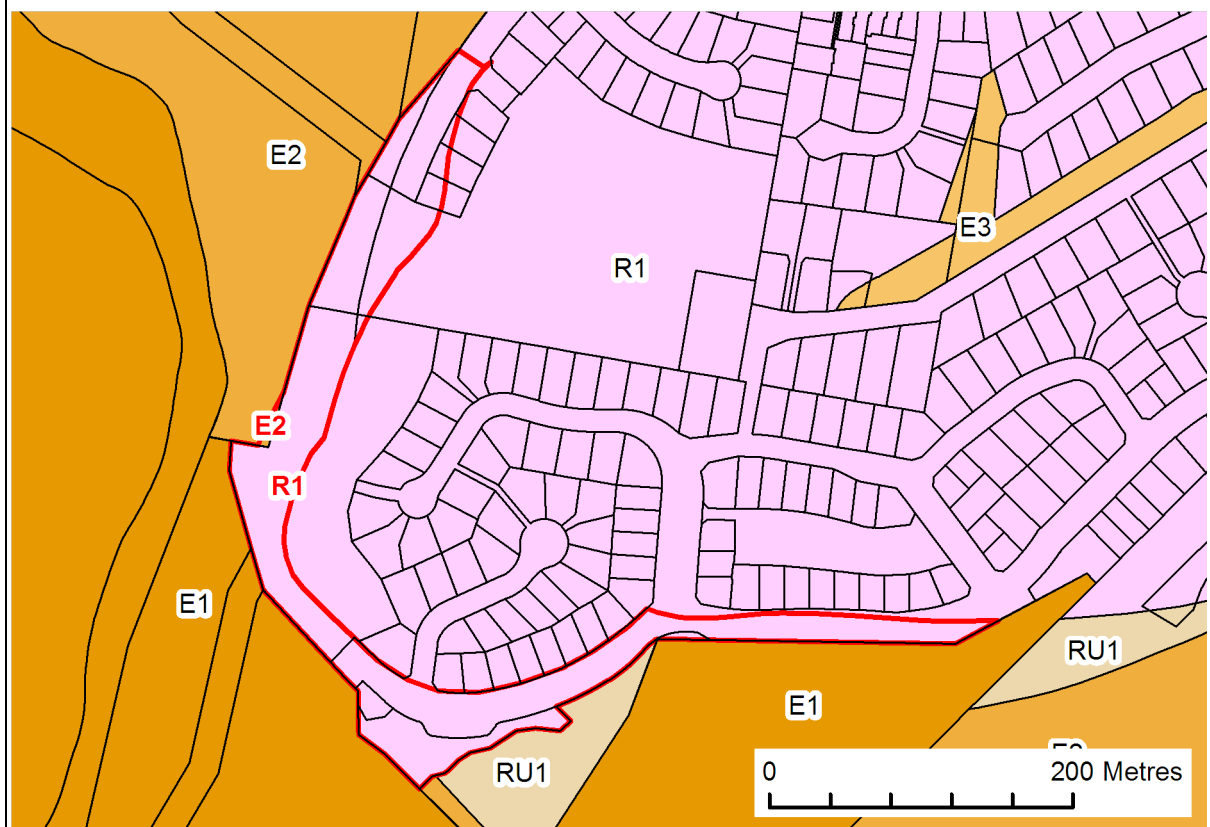
E1 National Parks and Nature Reserves

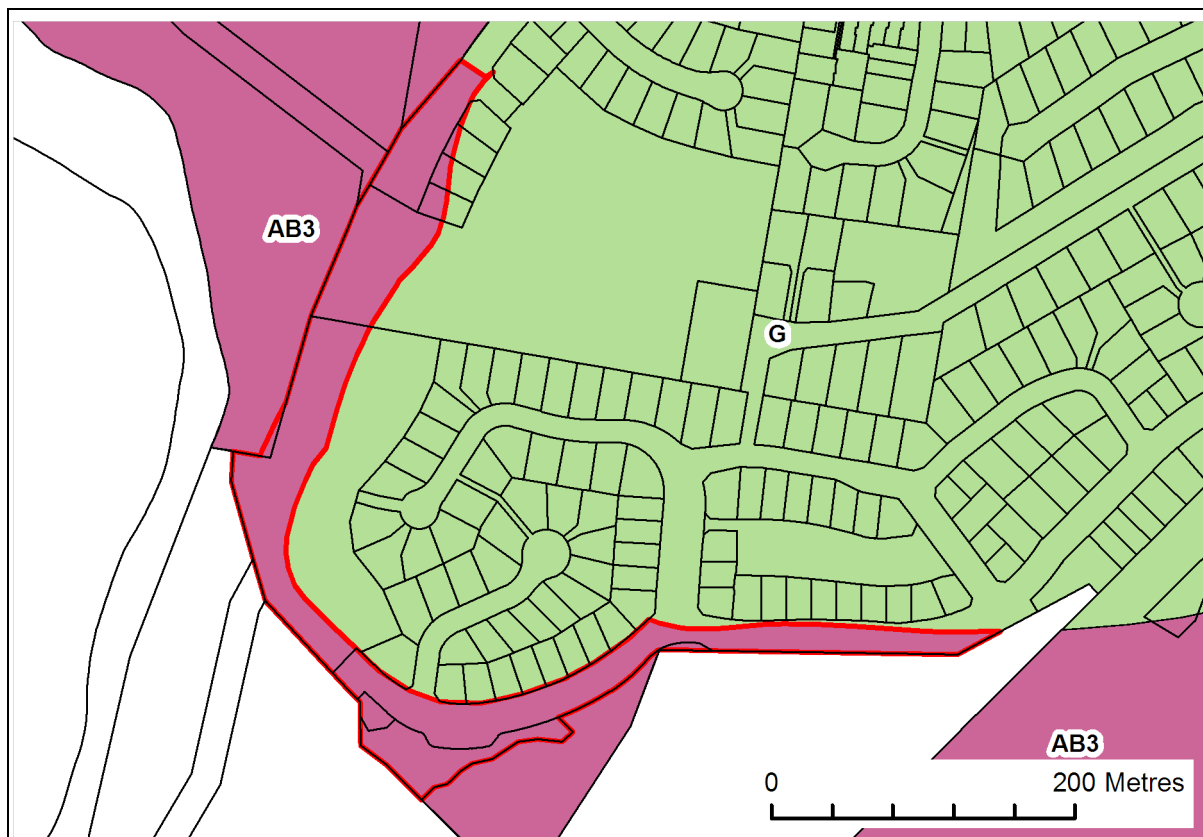
E2 Environmental Conservation

E3 Environmental Management

R1 General Residential RU1 Primary Production

Land Zoning Map - Proposed





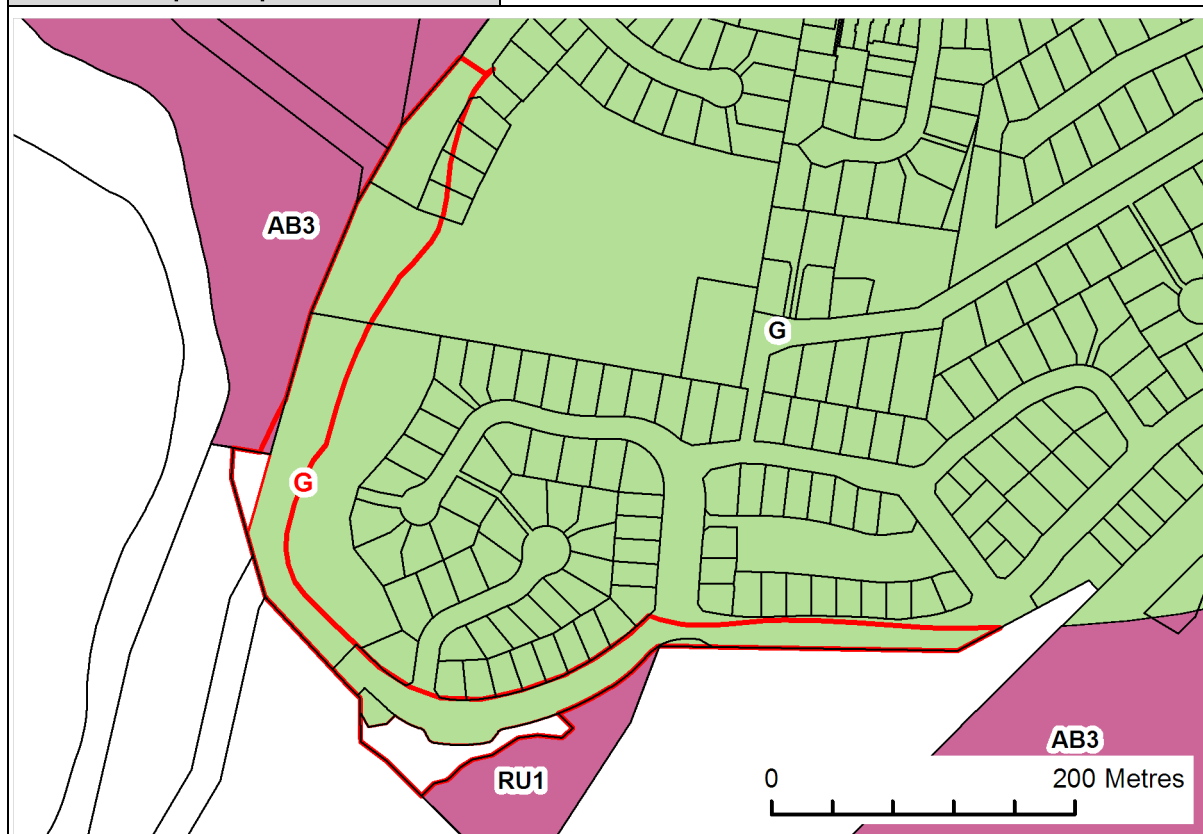
Lot Size Map - Current

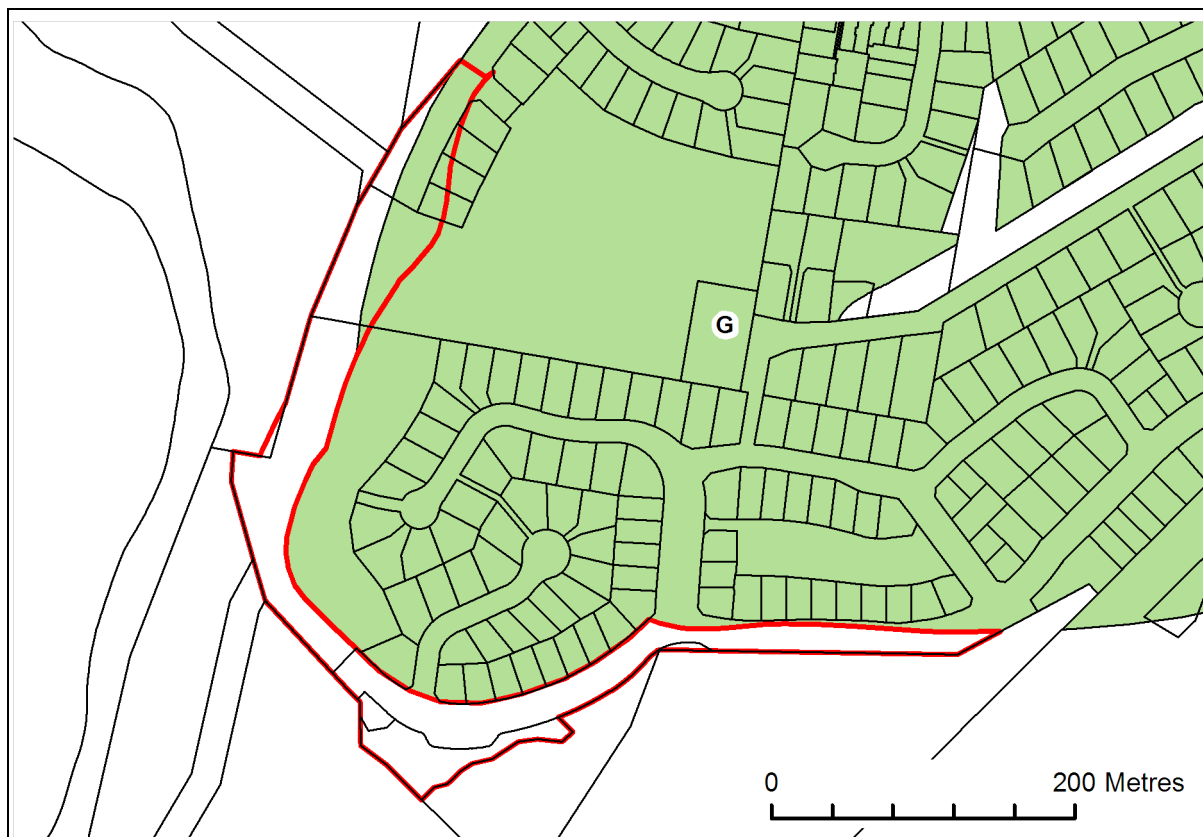
Minimum Lot Size:

G 450 sq m

Lot Size Map - Proposed

AB3 40 ha

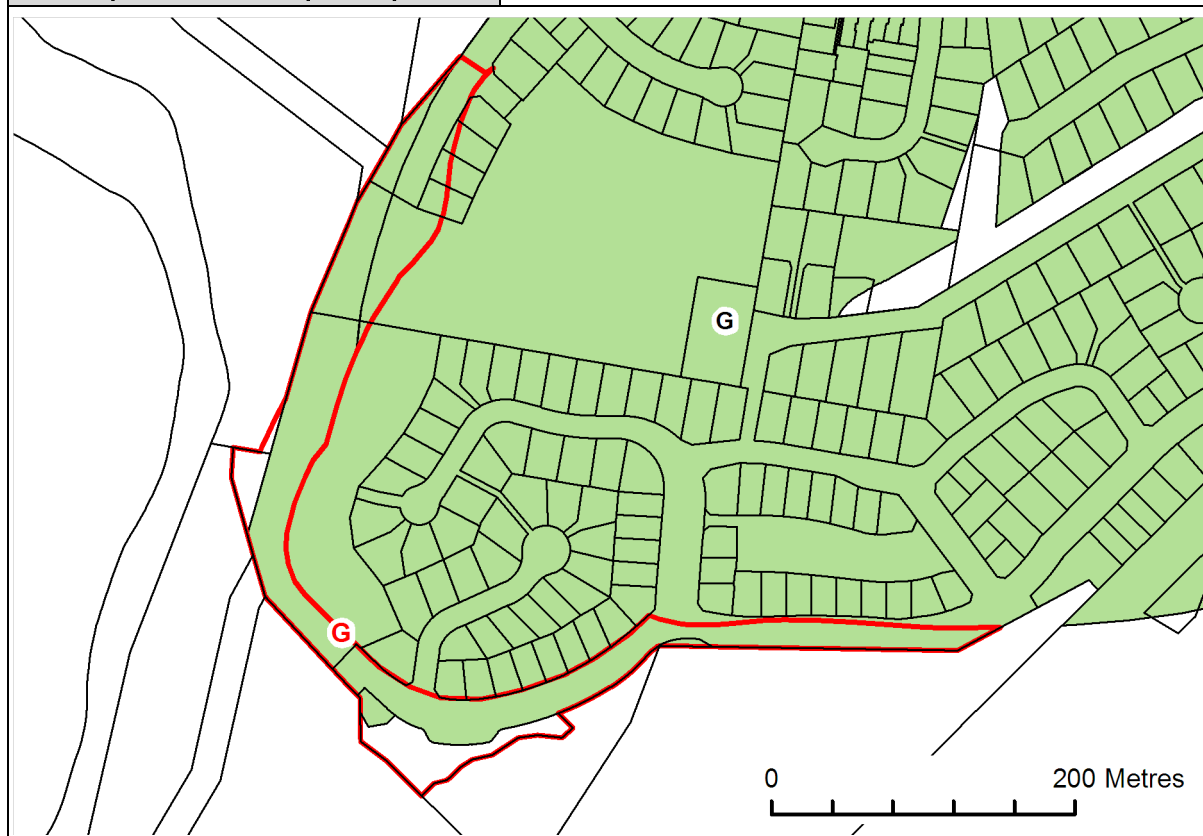




Floor Space Ratio Map - Current

Maximum Floor Space Ratio:
G 0.65 : 1

Floor Space Ratio Map - Proposed





Height of Buildings Map - Current

Maximum height:
1 8.5 m

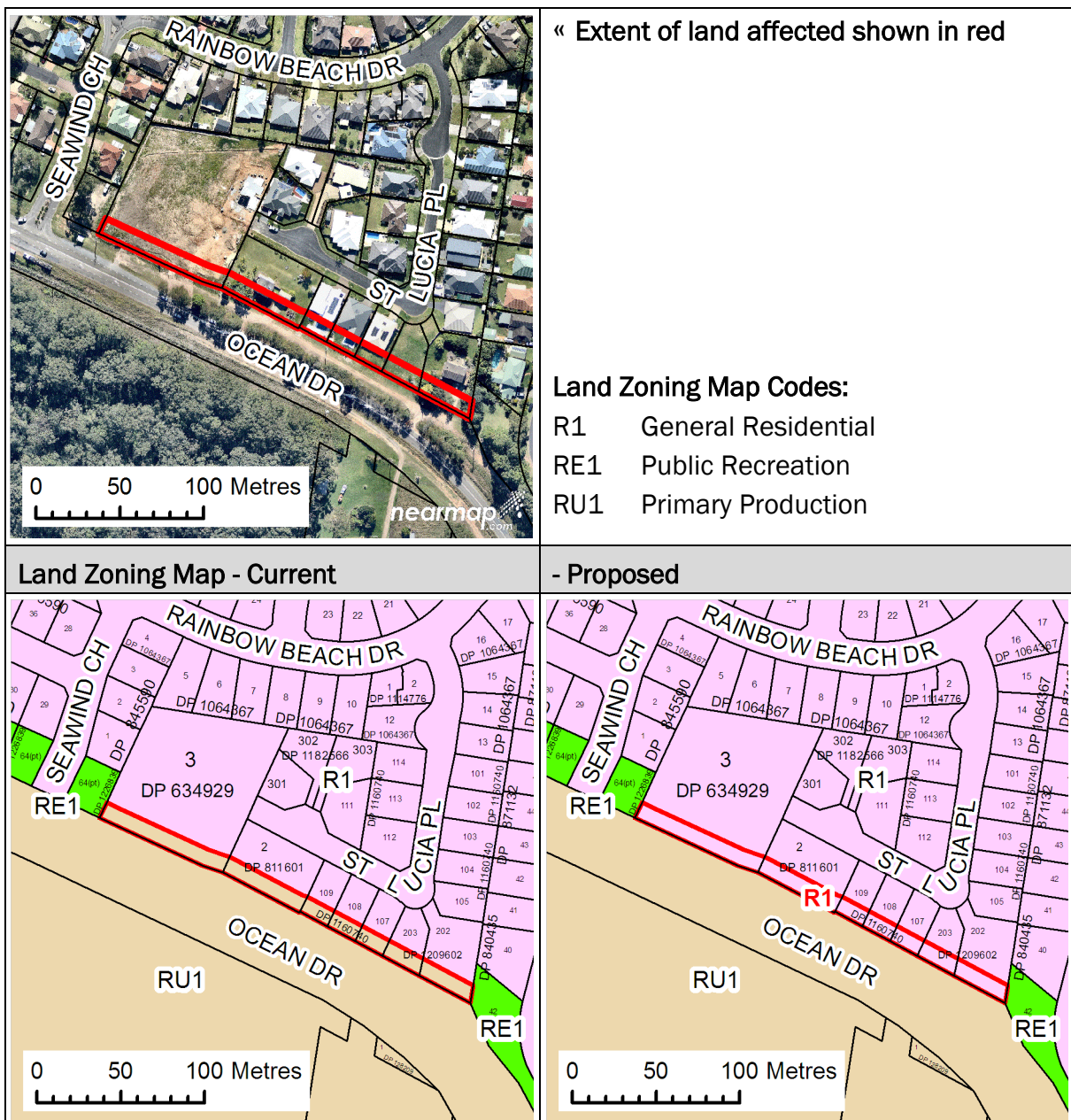
Height of Buildings Map - Proposed

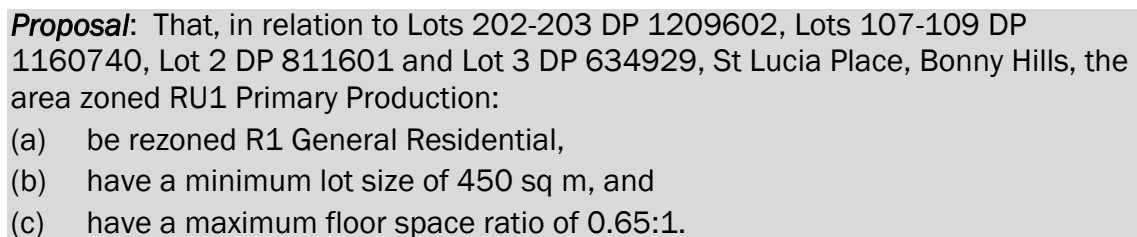


Issue 13: St Lucia Pl, Bonny Hills - replace RU1 Primary Production adjoining Ocean Dr

Currently there are 5 residential properties and 2 larger development sites which have a buffer to Ocean Drive, which is zoned RU1 Primary Production. The zone buffer was created to provide a buffer between residential development and the Ocean Drive road corridor. The Ocean Drive road reserve is over 40 m wide in this location, and the existing residential lots have been occupied.

The RU1 Primary Production zone is inappropriate in this location, and a R1 General Residential zone is proposed. The relationship of development to Ocean Drive is assessed in development applications. The Lot Size Map and Floor Space Ratio Map also need to be updated. The Height of Buildings Map already applies a 8.5 m height limit to the boundary of Ocean Drive.





Appendix B – List of proposed amendments

A. Changes to text

Note: The following textual changes are indicative, and the final wording will be determined by the NSW Parliamentary Counsel's Office.

Provision	Changes	Appendix A - Issue
CI 4.1A (3)	Clause 4.1A Exceptions to minimum lot sizes for certain residential development Insert in clause 4.1A (3) the word "clause" after the word "this".	1
CI 7.6	Clause 7.6 Coastline hazards Insert after clause 7.6: Note. Clause 1.19 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> prevents complying development specified for certain complying development codes from being carried out on land identified by an environmental planning instrument as being affected by a coastline hazard.	2
Sch 1	Schedule 1 Additional permitted uses Insert in clause 5 (2) after the word "cafe" the words "or emergency services facility".	3
Sch 3	Schedule 3 Complying Development Omit Part 1 and all of Part 2 other than the matter headed "General conditions".	4
	Insert in an appropriate location: Australian Height Datum has the same meaning as in the Surveying and Spatial Information Act 2002 . Note. The term is defined as follows: Australian Height Datum means the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.	5

B. Changes to Map Sheets

The following only relates to specific changes from each issue.

The following map sheets are revoked:

Map sheets	Map sheet identifier	Appendix A - Issue
Land Zoning Map		
LZN_010B	6380_COM_LZN_010B_020_20160627	6
LZN_011B	6380_COM_LZN_011B_020_20151030	7
LZN_013D	6380_COM_LZN_013D_020_20160627	9
LZN_013F	6380_COM_LZN_013F_020_20150106	10
LZN_013FA	6380_COM_LZN_013FA_010_20160121	11
LZN_013G	6380_COM_LZN_013G_020_20170105	12
LZN_014B	6380_COM_LZN_014B_020_20170420	13
Lot Size Map		
LSZ_010B	6380_COM_LSZ_010B_020_20160628	6
LSZ_013D	6380_COM_LSZ_013D_020_20160628	8
LSZ_013F	6380_COM_LSZ_013F_020_20160628	10
LSZ_013G	6380_COM_LSZ_013G_020_20170119	12
LSZ_014B	6380_COM_LSZ_014B_020_20170420	13
Floor Space Ratio Map		
FSR_010B	6380_COM_FSR_010B_020_20130809	6
FSR_013F	6380_COM_FSR_013F_020_20111011	10
FSR_013G	6380_COM_FSR_013G_020_20170105	12
FSR_014B	6380_COM_FSR_014B_020_20170420	13
Height of Buildings Map		
HOB_013D	6380_COM_HOB_013D_020_20160627	9
HOB_013F	6380_COM_HOB_013F_020_20150106	10
HOB_13G	6380_COM_HOB_013G_020_20161122	12

Note:

- These map sheet identifiers may need to be updated for the other amendments finalised prior to this amendment.
- The current map sheets can be accessed on the [NSW Legislation website](#).

The following map sheets are adopted:

Map sheets	Map sheet identifier	Appendix A - Issue
Land Zoning Map		
LZN_010B	6380_COM_LZN_010B_020_2017____	6
LZN_011B	6380_COM_LZN_011B_020_2017____	7
LZN_013D	6380_COM_LZN_013D_020_2017____	9
LZN_013F	6380_COM_LZN_013F_020_2017____	10
LZN_013FA	6380_COM_LZN_013FA_010_2017____	11
LZN_013G	6380_COM_LZN_013G_020_2017____	12
LZN_014B	6380_COM_LZN_014B_020_2017____	13
Lot Size Map		
LSZ_010B	6380_COM_LSZ_010B_020_2017____	6
LSZ_013D	6380_COM_LSZ_013D_020_2017____	8
LSZ_013F	6380_COM_LSZ_013F_020_2017____	10
LSZ_013G	6380_COM_LSZ_013G_020_2017____	12

Map sheets	Map sheet identifier	Appendix A - Issue
LSZ_014B	6380_COM_LSZ_014B_020_2017____	13
Floor Space Ratio Map		
FSR_010B	6380_COM_FSR_010B_020_2017____	6
FSR_013F	6380_COM_FSR_013F_020_2017____	10
FSR_013G	6380_COM_FSR_013G_020_2017____	12
FSR_014B	6380_COM_FSR_014B_020_2017____	13
Height of Buildings Map		
HOB_013D	6380_COM_HOB_013D_020_2017____	9
HOB_013F	6380_COM_HOB_013F_020_2017____	10
HOB_13G	6380_COM_HOB_013G_020_2017____	12

Notes:

- a) The map sheet identifiers will be completed when the map sheets are prepared.
- b) These maps may need to be updated for the other amendments finalised prior to this amendment.

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 is no Gateway Determination.

Appendix D – Public authorities' responses

Based on the assessment of the Planning Proposal by Council and the Department of Planning & Environment, consultation will be made with the following authorities:

- Civil Aviation Safety Authority [CASA]
- Office of Environment and Heritage [OEH]
- NSW Roads and Maritime Services [RMS]
- NSW Rural Fire Service [RFS]

Following receipt of their comments, those comments will be added to this Appendix.

Appendix E – Consistency with applicable State Environmental Planning Policies

Listed below are the SEPPs that apply to land within the Port Macquarie-Hastings Local Government Area. [As at 1/08/2017]

State Environmental Planning Policies	Consistency
14 Coastal Wetlands	Issue 12 applies to land partially mapped as subject to this SEPP, although old aerial imagery shows most of the relevant land as mown. Development consents for subdivision were granted more than 10 years ago. Subdivision work has filled and levelled the land, bordered by an embankment to the perimeter road.
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	NA
65 Design Quality of Residential Flat Development	NA
71 Coastal Protection (<i>c/l</i> 7-8)	Issue 3 applies to land within the Coastal Zone, and relates to inserting a further Additional Permitted Use for land at Town Beach, Port Macquarie. In the context of the site this is consistent. Issue 11 applies to land within the Coastal Zone, and part is identified as Sensitive Coastal Location. The proposed RE1 & E2 zoning of the public land is consistent with the SEPP.
(Affordable Rental Housing) 2009	NA
(Building Sustainability Index: BASIX) 2004	NA
(Exempt and Complying Development Codes) 2008	Issue 2 clarifies the relationship of clause 7.6 with the SEPP. Issue 4 removes Schedule 3 provisions in the LEP which are overridden by this SEPP.
(Housing for Seniors or People with a Disability) 2004	NA
(Infrastructure) 2007	NA
(Major Development) 2005	NA
(Mining, Petroleum Production and Extraction Industries) 2007	NA
(Miscellaneous Consent Provisions) 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

Appendix F – Consistency with applicable Section 117 Ministerial Directions

Listed below are the Section 117 (2) Directions (including Objectives) that apply to land within the Port Macquarie-Hastings Local Government Area. [As at 1/03/2017]

Copies of the full Directions are available on the Department of Planning & Environment [DP&E] 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.	Issue 7 relates to adjustments to the boundary of the B1 Neighbourhood Centre zone within the town of Kendall. This is consistent. Issue 8 relates to removing the minimum lot size provisions applying to the highway service centre at Thrumster. There is no change to the extent of land available for this use. This is consistent. This is not relevant to any other Issue.
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	Issues 12 and 13 remove RU1 Primary Production zone from land on the urban fringe, in line with urban development boundaries. The land is not, and cannot be used from agricultural production. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance.
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.	Consistent.
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.	Consistent.
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.	Issue 8 relates to removing the minimum lot size provisions applying to the highway service centre at Thrumster on land zoned RU1 Primary Production. There is no impact on agricultural production. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance. Issue 10 involves adjustments to the boundaries of E2 Environmental Conservation and R1 General Residential zones on urban fringe land, reflecting the edge of urban development based on old paper mapping. There is a 788 sq m

Section 117(2) Directions and Objectives	Consistency
	reduction in E2 zone, offset by a 43 sq m increase. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance. Issue 11 changes the zoning for public land from E3 Environmental Management to part RE1 Public Recreation and part E2 Environmental Conservation. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance. Issue 12 removes 2.3 ha of RU1 Primary Production and E2 Environmental Conservation zone from urban fringe land, reflecting the edge of urban development based on old paper mapping. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance. Issue 12 removes a strip of 0.25 ha of RU1 Primary Production zone along the Ocean Drive frontage of 7 lots otherwise zoned R1 General Residential. While removing the RU1 zone is inconsistent with the Direction, the DP&E can allow the inconsistency on the basis that it is of minor significance.
2 Environment and Heritage	
2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	Issue 10 varies the boundary of the E2 Environmental Conservation zone on the urban fringe and on the edge of the floodplain. The boundary of residential subdivision does not align with the digital zone boundary. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance. Issue 11 changes the zoning for public land from E3 Environmental Management to part RE1 Public Recreation and part E2 Environmental Conservation. In theory the RE1 zone does not maintain the environmental standards, but the proposed zones reflect the land characteristics. This is inconsistent with the Direction, but the DP&E can allow the inconsistency on the basis that it is of minor significance. Issue 12 removes 0.63 ha of E2 Environmental Conservation zone from urban fringe land, reflecting the edge of urban development based on old paper mapping. This is inconsistent with the Direction. The urban development does include buffer measures to minimise impacts on the adjoining environmental lands. The DP&E can allow the inconsistency on the basis that it is of minor significance.
2.2 Coastal Protection The objective of this direction is to implement the principles in the NSW Coastal Policy.	Issues 3 & 11 apply to land within the Coastal Zone, and involve permitting emergency services facilities or applying RE1 Public Recreation and E2 Environmental Conservation zones upon land owned or managed by Council. Consistent.

Section 117(2) Directions and Objectives	Consistency
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.	Issue 7 is the only issue that applies to land containing identified heritage items or other objects and areas referred to in this Direction. The proposed zoning change will not impact on the items which are in Council's ownership. Consistent.
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.	Consistent.
3 Housing, Infrastructure and Urban Development	
3.1 Residential Zones The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Issues 6 and 13 extend residential zones, and there is no inconsistency. Issues 7, 10 and 12 vary an existing residential zone, and hence the Direction applies. This planning proposal is consistent with most requirements of the Direction, but is inconsistent with 'A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, ...'. LEP 2011 already facilitates a broad choice of building types, and a detailed review is beyond the scope of this Administrative Review. The DP&E can allow the inconsistency on the basis that it is of minor significance.
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.	Identifying suitable zones, locations and provisions for caravan parks and manufactured home estates is beyond the scope of this Administrative Review planning proposal. Consistent.
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	As home occupations are already permitted without the need for development consent, there is no need for this planning proposal to address this. Consistent.
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.	The Direction relates to changes relating to urban land, including land zoned urban. It relates to having the right strategic framework between land use and transport networks. Broadly this applies to Issues 6, 7, 9, 10, 12 and 13 , though the minor nature of these Issues does not warrant the level of strategic assessment inferred by this Direction. If this is inconsistent with the Direction, the DP&E can allow the inconsistency on the basis that it is of minor significance.
3.5 Development Near Licensed Aerodromes The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and	The direction applies where there are changes to zones or other provisions applying to land in the vicinity of a licensed aerodrome. Issue 9 is 1.6 Km diagonally from the Port Macquarie Airport runway. The most relevant aspect is the Obstacle Limitation Surface [OLS],

Section 117(2) Directions and Objectives	Consistency
(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.	which is 47.5 m (RL) for the subject land. The ground level is below 8.0 m, and it is proposed to apply a building height limit of 11.5 m. This is consistent. Issue 10 is 1.45 Km perpendicular from the airport runway. The minor mapping changes are not affected by the OLS or the ANEF. This is consistent. Issue 8 is 4.1 Km diagonally from the airport runway, and the proposed removal of minimum lot size requirement is not relevant to the airport controls. This is consistent. The Direction requires that there be consultation with the Commonwealth Department responsible for aerodromes and the lessee (being Council). This consultation will take place following issue of the Gateway determination - until then there is an inconsistency. The DP&E can allow the inconsistency on the basis that it is of minor significance.
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.	The planning proposal does not change zones or other provisions applying to land adjacent to and/ or adjoining an existing shooting range. Consistent.
4 Hazard and Risk	
4.1 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Acid Sulfate Soil mapping classifications apply partly to: Issue 9 - Class 5. Class 5 is precautionary, and the alterations to the LEP zone etc boundaries will not increase the area having urban development. Issue 10 - Class 5. Class 5 is precautionary, and the alterations to the LEP zone etc boundaries will not increase the area having urban development. Issue 12 - Class 3. The relevant land has been filled, and will not have the risk level of other land with Class 3. Most of the area to be rezoned will be road or road batter, and this classification is no longer warranted. If it is considered that there is an inconsistency, the DP&E can allow the inconsistency on the basis that it is of minor significance.
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.	There are no mine subsidence districts within the Council area. The planning proposal does not permit development on land that has been identified as unstable. Consistent.
4.3 Flood Prone Land The objectives of this direction are:	There are minor adjustments of zone boundaries contrary to the Direction in relation to Issues 10 & 12.

Section 117(2) Directions and Objectives	Consistency
(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.	Issue 10 relates to 5 residential lots on level ground on the edge of the flood planning area. Minimum floor levels will apply to new dwellings. For Issue 13 there has been filling which removes the risk of flooding. The DP&E can allow the inconsistency on the basis that it is of minor significance.
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	Bush fire prone land Buffer applies to Issues 7, 8, 12 & 13. <u>Consistency with subclause (4)</u> There will be consultation with the Commissioner following receipt of the Gateway determination and prior to undertaking community consultation. Technically there is an inconsistency until that consultation is completed. <u>Consistency with subclause (5)</u> The proposal has had regard to <i>Planning for Bushfire Protection 2006</i>. The proposal relies on the current controls and assessment process, and technically is inconsistent by not introducing further controls. Clause 5.11 of the LEP currently authorises bushfire hazard reduction without consent. No change is proposed. <u>Consistency with subclause (6)</u> There is no specific development proposal, although development is anticipated, or, in relation to Issue 12, the development has already been approved and construction is nearing completion. Future development will be assessed in accordance with <i>Planning for Bushfire Protection 2006</i>, as part of the development application process. If this subclause relates only to planning proposals applying to a specific development, there is no inconsistency. If the planning proposal is meant to anticipate development application level details without the benefit of DA plans, then the planning proposal is inconsistent with the Direction. Approval for these inconsistencies is required.

Section 117(2) Directions and Objectives	Consistency
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 1997</i>), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for 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.	
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.	Issue 8 relates to this and is consistent.
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.	Consistent.
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.	Consistent.
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.	Consistent.

Section 117(2) Directions and Objectives	Consistency
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	This relates to a planning proposal that will allow a particular development to be carried out. Many of the Issues will facilitate development or regularise current development, but none relate to a particular development. Consistent.

Appendix G – 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.

It will not be prepared until that stage.

Where printed, the Map Cover Sheet and the draft map sheets to be adopted 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 B**.