

**(FUTURE) PUBLIC EXHIBITION DATES**

**(Start) to (Finish)**

# **Planning Proposal under section 55 of the EP&A Act**

**Port Macquarie-Hastings LEP 2011  
(Amendment No 48)**

***Adjust B1 Zone location, Litchfield  
Parkway, Thrumster***

Ccl ref: DD032.2017.00000013.001

DPI ref: PP\_2017\_PORTM\_

Date: 15/12/2017



**PORT MACQUARIE  
HASTINGS  
COUNCIL**

### Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Reported to Council delegate (section 55)	15/12/2017
Referred to Dept of Planning & Environment (sec 56 (1))	15/12/2017
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:** DD032.2017.00000013.001  
Port Macquarie-Hastings LEP 2011 (Amendment No 48)

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

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Phone 02 6581 8111

## Adoption of the Planning Proposal

### 1. For initial Gateway determination

This Planning Proposal was endorsed under section 55 on 15 December 2017 by the undersigned, exercising delegation from Port Macquarie-Hastings Council:

Signed Dan Croft

Name Dan Croft

Position Acting Director, Development and Environment

### 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** *(If required, 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 PP2017-0013** are contained in **Part 1 and Part 2**, found on pages **# to #**

The specifics of how the LEP would be amended are described in **Part 2**, found on pages **# to #**. Details of the map changes are contained in **Part 4** and **Appendix E** - the Map Cover Sheet and the proposed replacement LEP Map sheets respectively.

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

### **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](http://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 - DD032.2017.00000013.001, and be emailed to [council@pmhc.nsw.gov.au](mailto:council@pmhc.nsw.gov.au) or posted to  
lodged through [haveyoursay.pmhc.nsw.gov.au](http://haveyoursay.pmhc.nsw.gov.au),  
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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## Introduction to the Planning Proposal

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.

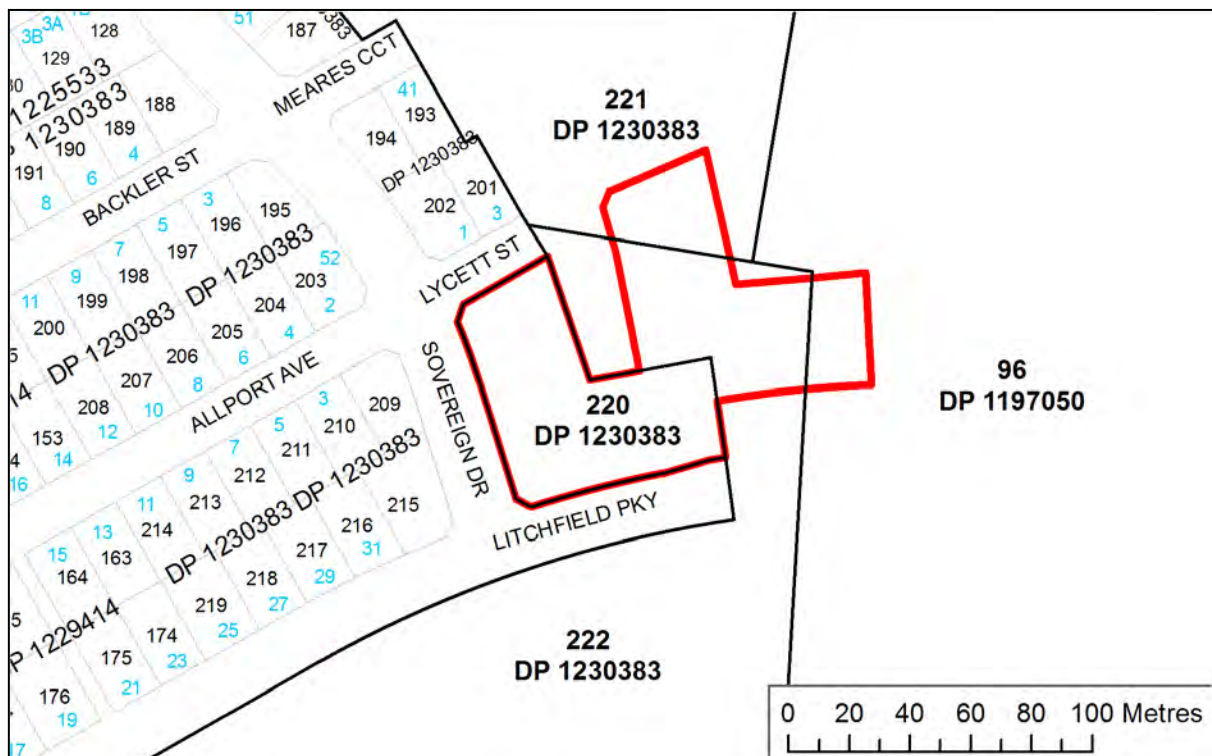
## Background

### Proposal

The proposal relates to the repositioning of a B1 Neighbourhood Centre zone in southern Thrumster, to align with the subsequent approved subdivision plan which places the relevant lot about 60 metres away. The Lot Size Map also requires associated amendment.

### Property Details

Parts of Lots 220-222 DP 1230383 and part of Lot 96 DP 1197050, Corner of Litchfield Parkway and Sovereign Drive, Thrumster, as shown below. The location is shown on the following page.



### Applicant Details

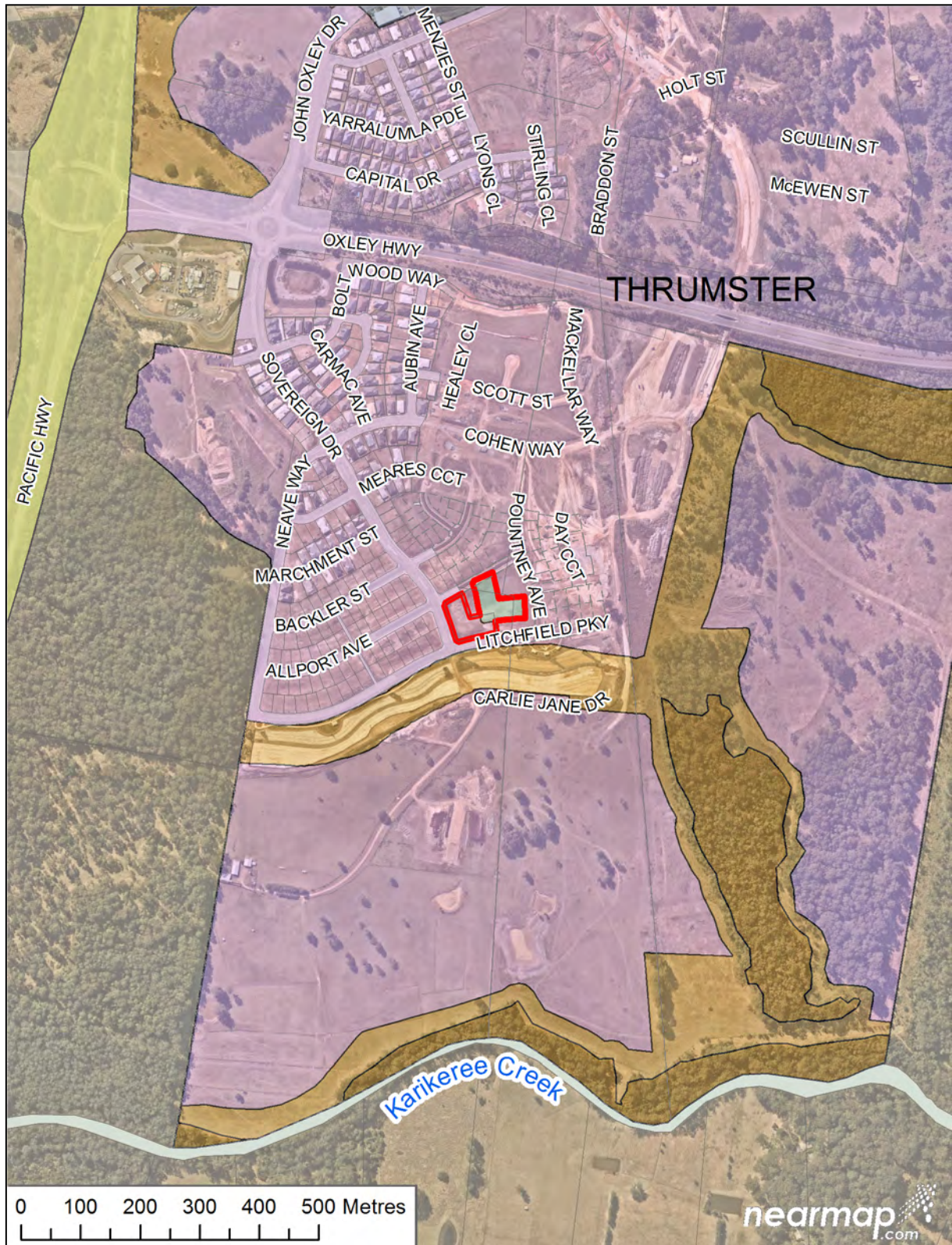
Port Macquarie-Hastings Council

### Land owner

PM Land Pty Ltd



### Location Map



Aerial imagery: 22 August 2017

### History

23/12/2008 - part of the Thrumster urban land release in *Port Macquarie-Hastings (Area 13 Thrumster) Local Environmental Plan 2008*. At that time the location of the B1 zone was on the southern side of the drainage line south of where Litchfield Parkway is now located.

23/02/2011 - came under *Port Macquarie-Hastings Local Environmental Plan 2011*, with the same mapping details.

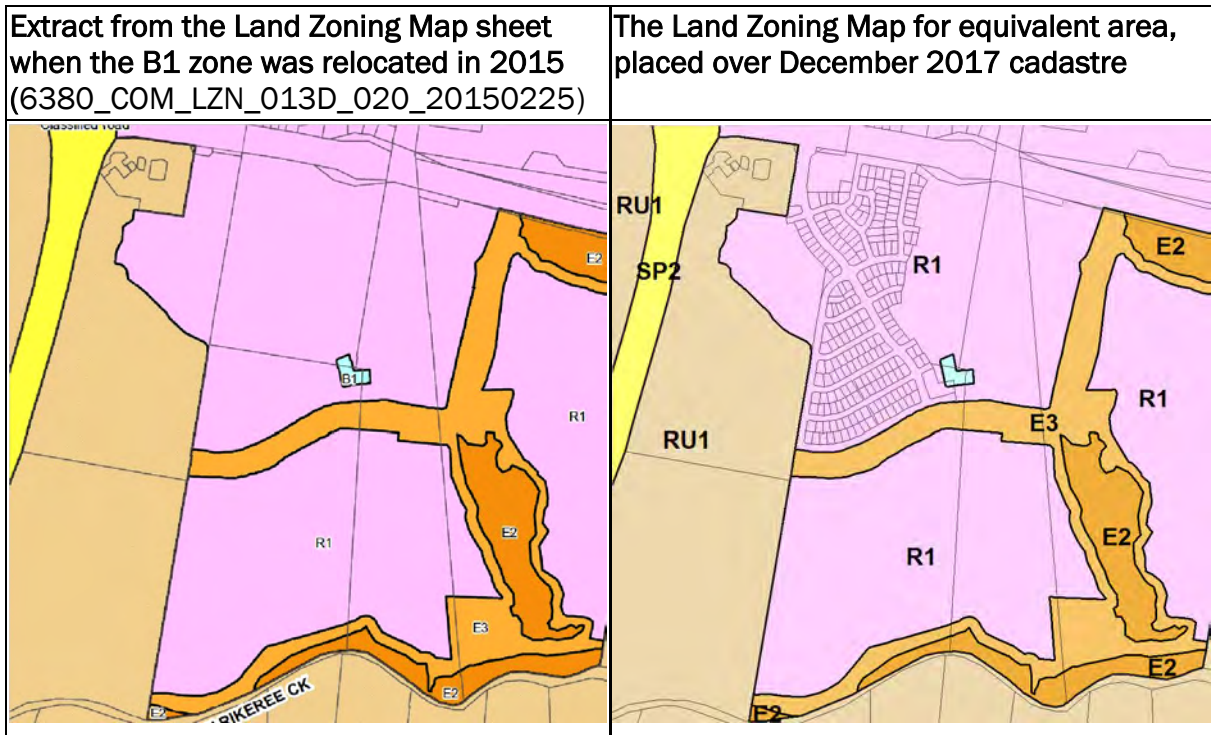
10/04/2015 - *Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 32)* altered the zone boundaries, including relocating the Zone B1 Neighbourhood Centre north of the drainage line, to where it was understood the future subdivision layout would create a corner lot. The mapping available to Council to locate the new B1 Neighbourhood Centre zone is shown below - it did not place in relation to the cadastre of the day. (Council reference: DD032.2014.00000006.001; DP&E reference: PP\_2014\_PORTM\_003\_00, 14/16245)



12/09/2017 - registration of Deposited Plan 1230383, which created the lot for the neighbourhood centre, offset about 60 m from the B1 zone.



The following maps are at a scale of 1:20,000, which is the scale for the relevant Land Zoning Map sheet.



Panorama from north-west over lot intended to be zoned B1 Neighbourhood Centre



# Planning Proposal

## Part 1 - Objectives or Intended Outcomes

The objective of the Planning Proposal is to correct the location of a B1 Neighbourhood Centre zone and associated Lot Size Map detail in south Thrumster. The outcome will:

- align the B1 Neighbourhood Centre zone and associated detail on the Lot Size Map with the location of the relevant registered Lot 220 DP 1230383, and
- apply a R1 General Residential zone and a minimum lot size of 450 square metres over the land from which the B1 zoning is removed.

## Part 2 - Explanation of Provisions

The relevant provisions will be to substitute updated map sheets in the Land Zoning Map and Lot Size Map, being LZN\_013D and LSZ\_013D. Details of these changes are shown in Part 4 - refer to pages 13-14.

## 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?**

Yes - the LEP mapping does not align with the subdivision pattern.

### 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 proposal is consistent with the *North Coast Regional Plan*. It is within an existing release area.

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

The proposal is consistent with Council's Community Strategic Plan and *Urban Growth Management Strategy 2010 – 2031*. It is part of the Thrumster urban release area.

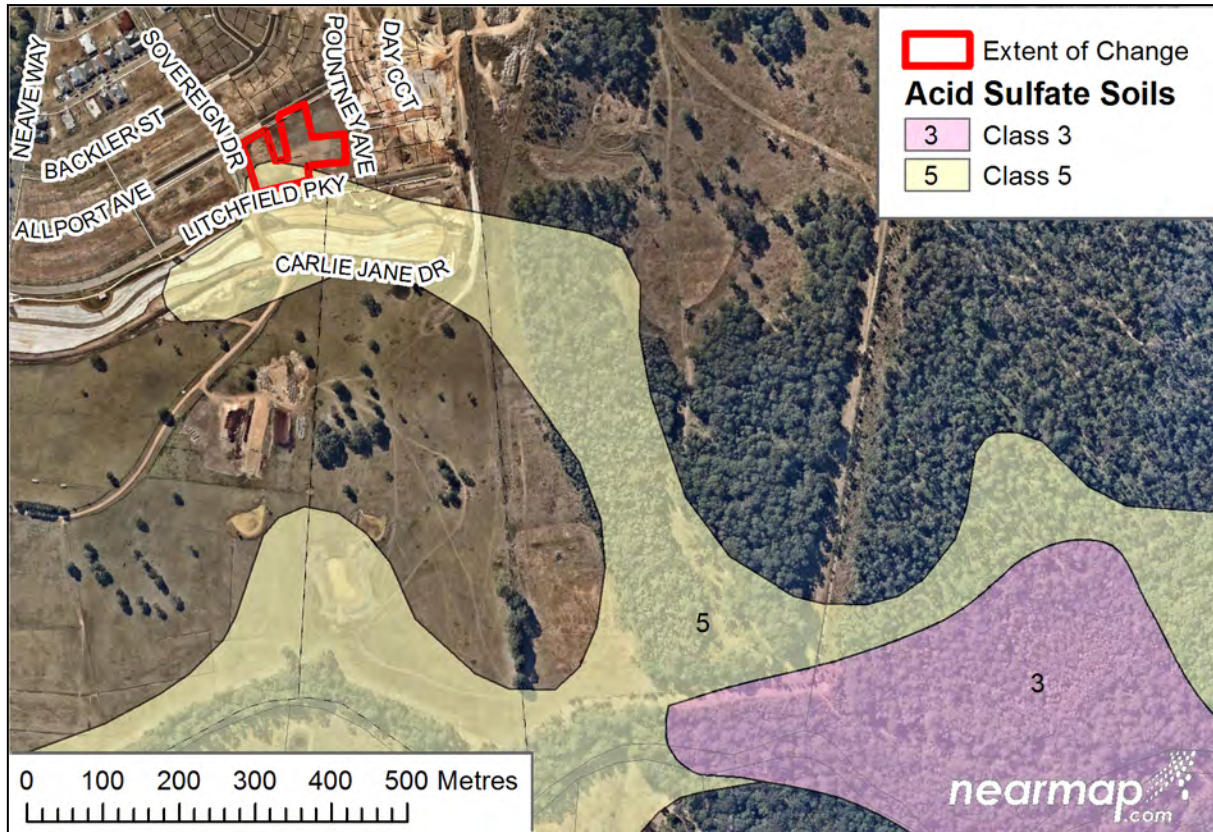
**5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Detailed assessment of consistency is contained in **Appendix B**. The proposal is consistent.

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

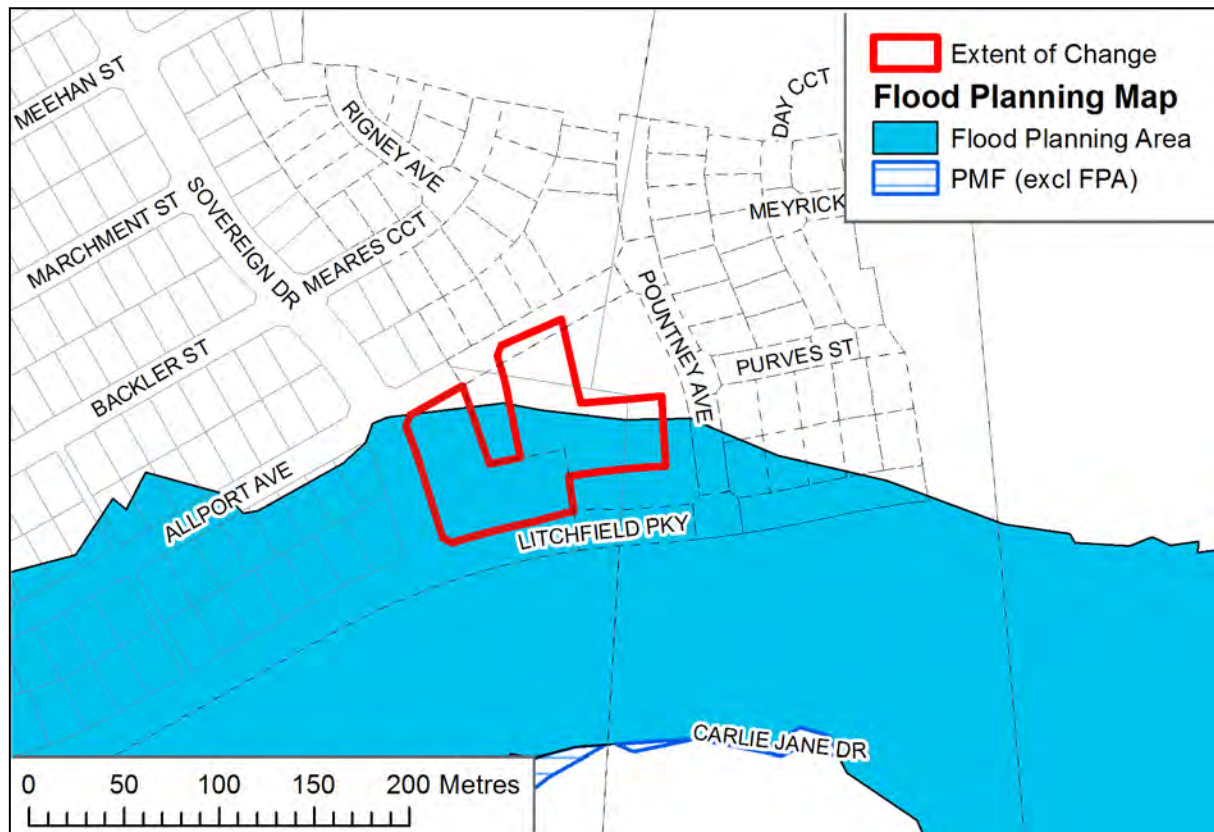
Detailed assessment of consistency is contained in **Appendix C**. The relevant points are:

Part of Lot 220 is mapped as Acid Sulfate Soil Class 5 - it is 900 m to the nearest Class 3, and does not give grounds for concern. Class 5 is only relevant under clause 7.1 of the LEP text when there are works within 500 m of adjacent Class 1, 2, 3 or 4. Refer to the map following.



Extract of Acid Sulfate Soils Map over aerial imagery

Most of the current area zoned B1, and almost all of Lot 220 are mapped as Flood Planning Area - refer to map following. As part of the subdivision construction works the land has been filled, and the drainage line has been upgraded to improve local drainage.



Extract of Flood Planning Map

The proposal is consistent with the applicable Ministerial 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?**

No.

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

For this planning proposal there are no effects to address.

### 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?**

For this Planning Proposal, there are no relevant public authorities to consult. It is noted that the land is not within a bushfire prone area.

## **Part 4 – Mapping**

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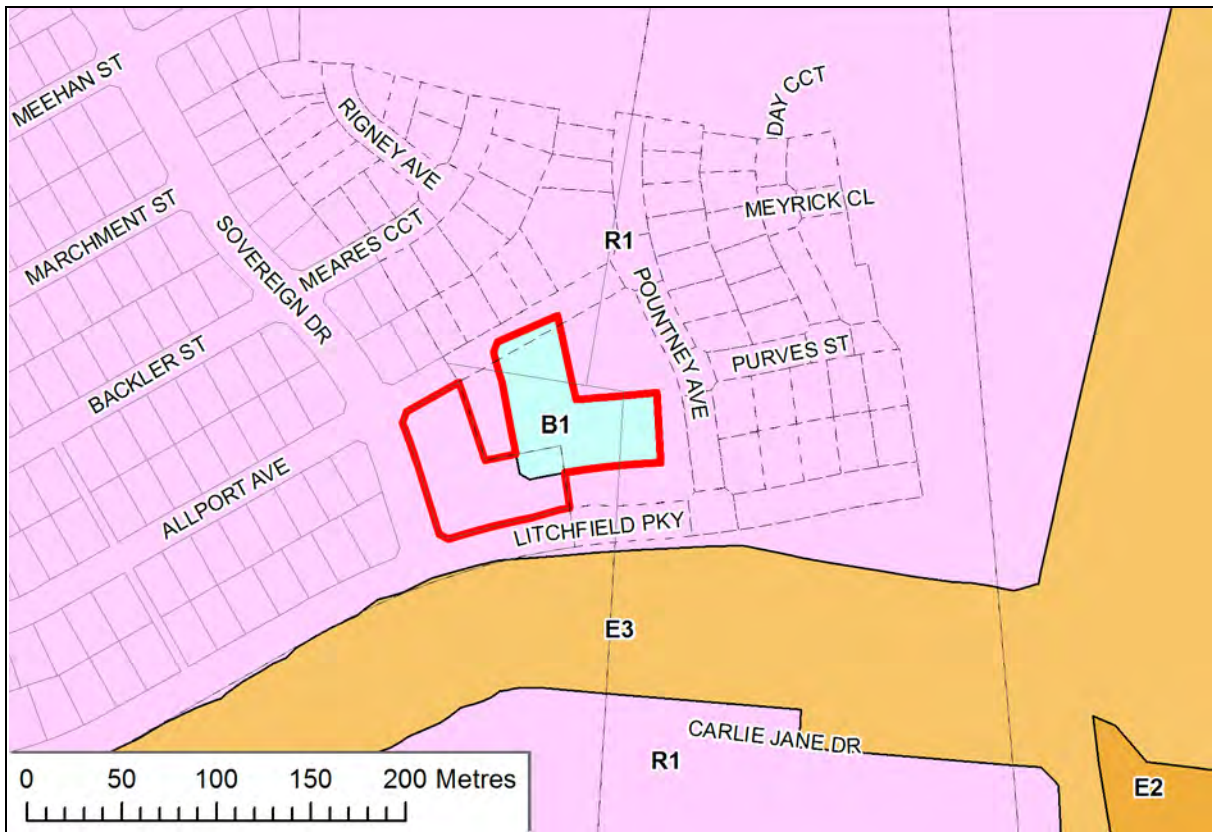
### **A - Affected land**

The location and extent of the land directly affected by the planning proposal is shown in the Background - refer to page 6.

### **B - Comparison of before and after**

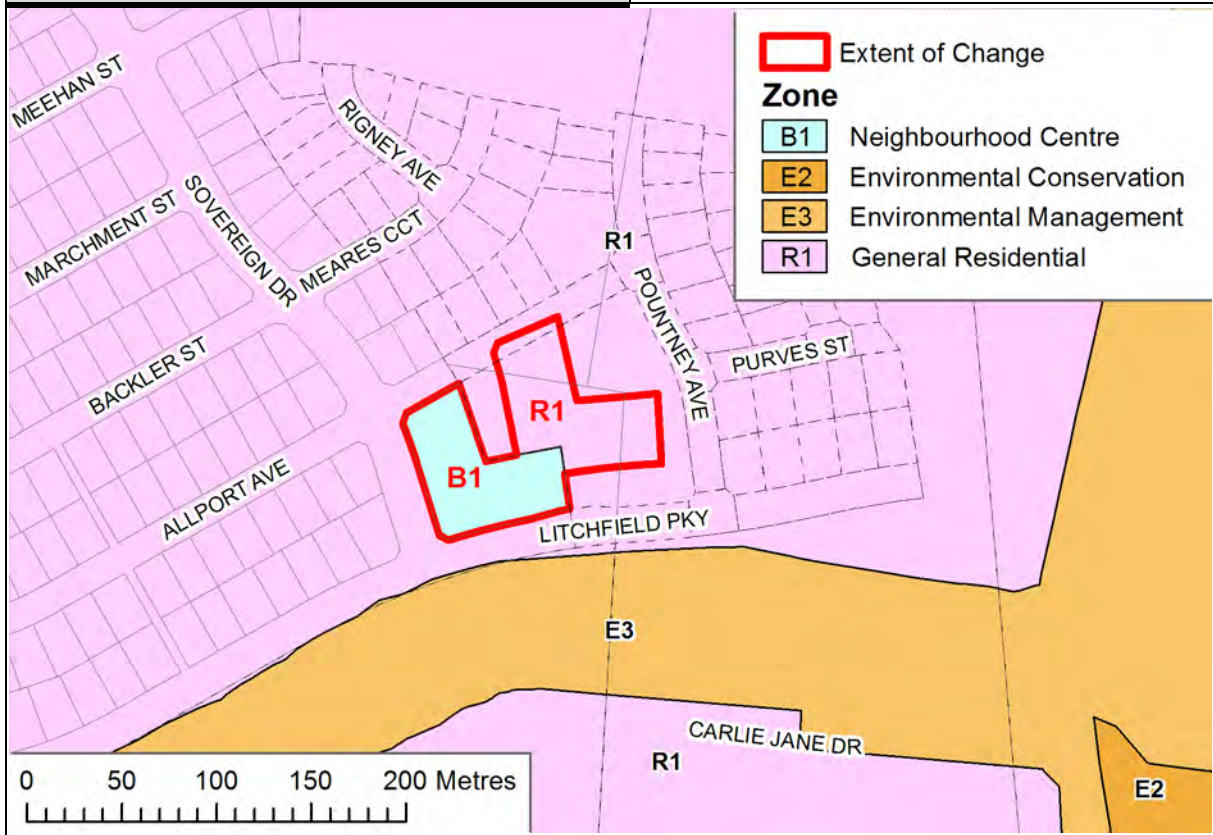
Below are map extracts showing the current mapping and proposed changes. This may be simplified from what is shown in the legal maps. Proposed subdivision lots are also shown using dashed lines.

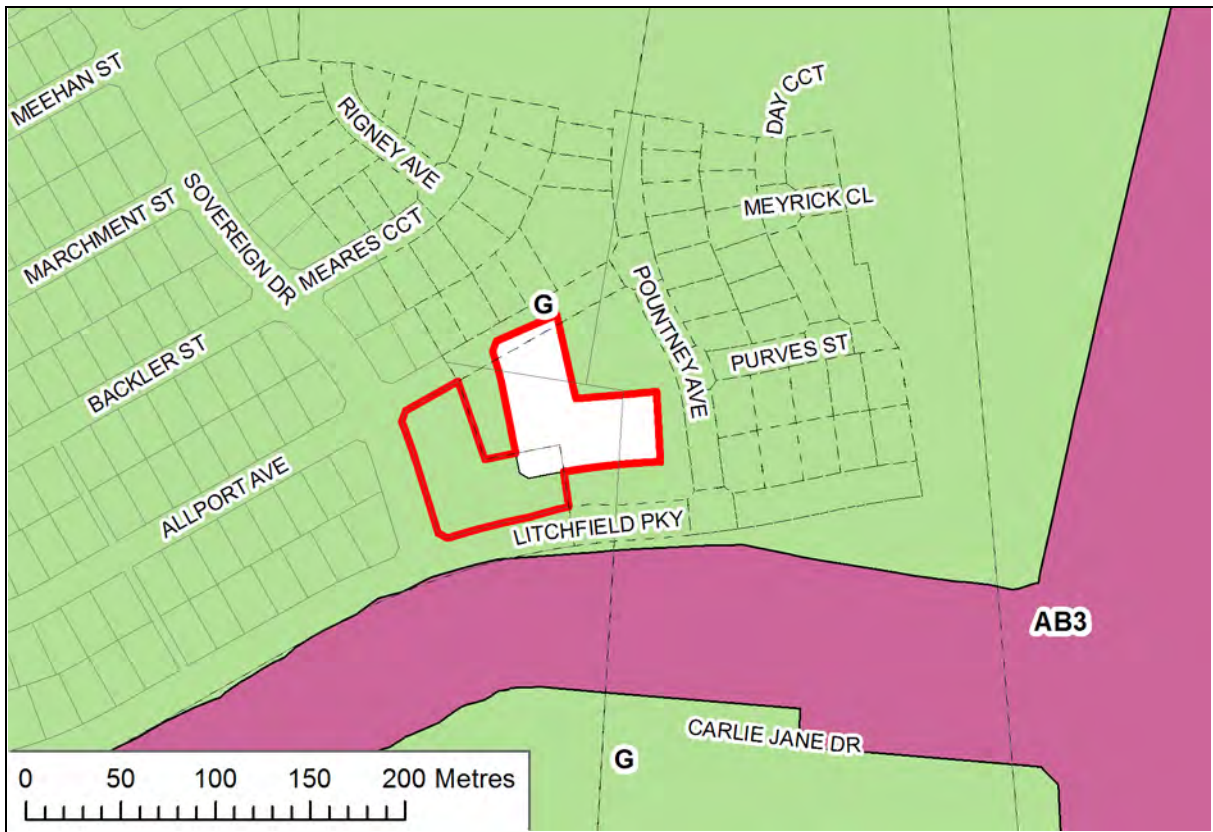




Land Zoning Map - Current ▲

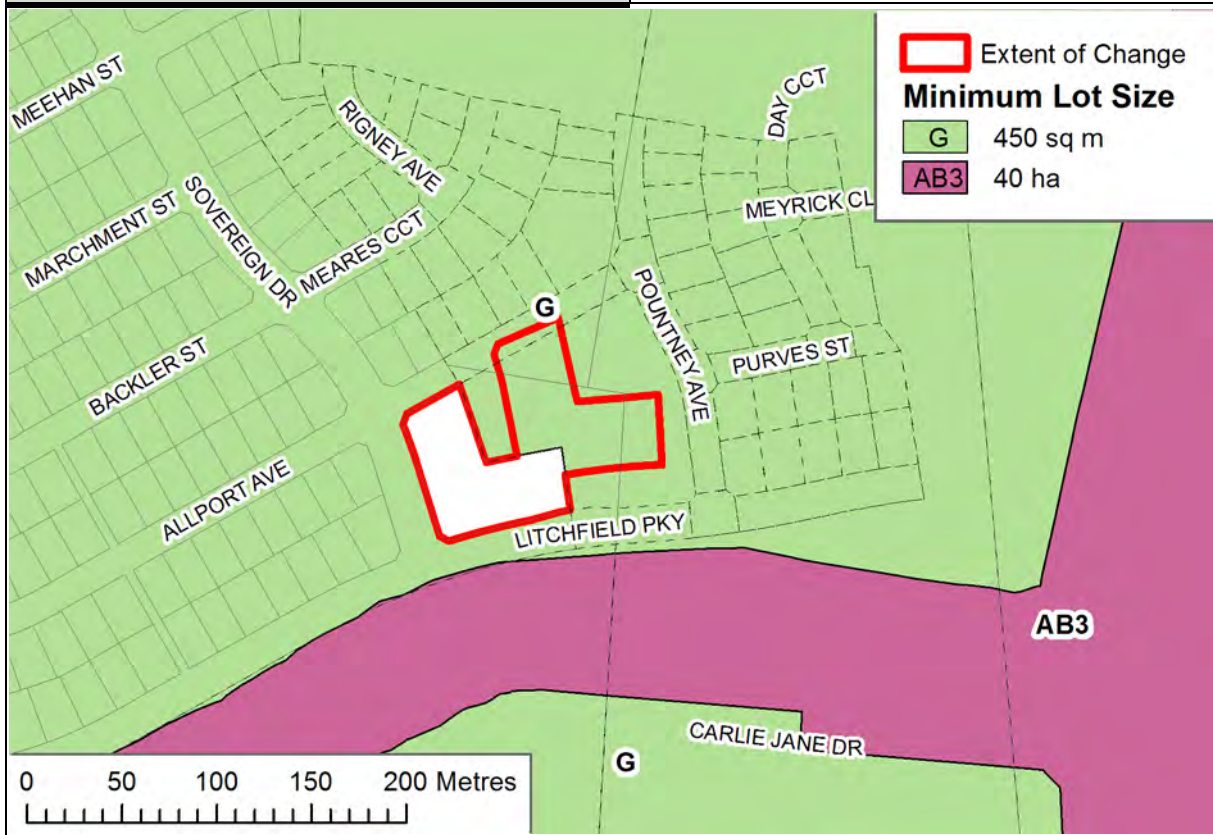
▼ Land Zoning Map - Proposed





Lot Size Map - Current ▲

▼ Lot Size Map - Proposed



## C - Draft LEP maps

If the Planning Proposal is approved then the following current LEP map sheets will be replaced:

- Land Zoning Map - Sheet **LZN\_013D** - 6380\_COM\_LZN\_013D\_020\_20170726
- Lot Size Map - Sheet **LSZ\_013D** - 6380\_COM\_LSZ\_013D\_020\_20170911

by the map sheets containing the changes shown on pages 13-14.

These substitute map sheets will be prepared close to finalisation of the planning proposal process, and at that time will be added to **Appendix E**.

Note that while these maps may appear like the legal LEP maps, the only LEP maps that have any legal status are those listed and viewable on the NSW Legislation website. The map name (at the bottom of the map legend), including the date (“YYYYMMDD”) at the end, is important. The date represents the date that version of the map was prepared, and not the date that it took effect (if at all).

If the Planning Proposal is approved then the final maps may be updated from the maps forming part of this Planning Proposal to include:

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



## Part 5 – Community Consultation

The proposal is 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.

Given the nature of the LEP correction, it is considered that, under section 56 (2)(d), the Minister (or delegate) could waive the requirement for community consultation. Alternatively, if it is determined that community consultation is required, a 14 day public exhibition period is appropriate.

If consultation is required, then it would occur in accordance with the Council’s Public Consultation Policy - the proposed consultation strategy in conjunction with the public exhibition for this proposal would 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.

Anticipated dates	2018					
	J	F	M	A	M	J
Commencement (date of Gateway determination)	X					
Timeframe for the completion of required technical information	-					
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	-					
Commencement and completion dates for public exhibition period	-					
Dates for public hearing (if required)	-					
Timeframe for consideration of submissions	-					
Timeframe for the consideration of a proposal post exhibition	-					
Date of submission to the department to finalise the LEP	-					
Date Council will make the plan (if delegated)		X				
Date Council will forward to the department for notification.		X				



## **Appendix A – Gateway Determination**

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

The Determination will identify processing requirements, such as:

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

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

## Appendix B – 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 1/9/2017.

State Environmental Planning Policies	Consistency
14 Coastal Wetlands	Yes
21 Caravan Parks	Yes
26 Littoral Rainforests	Yes
30 Intensive Agriculture	Yes
33 Hazardous and Offensive Development	Yes
36 Manufactured Home Estates	Yes
44 Koala Habitat Protection	Yes
50 Canal Estate Development	Yes
55 Remediation of Land	Yes
62 Sustainable Aquaculture	Yes
64 Advertising and Signage	Yes
65 Design Quality of Residential Flat Development	Yes
71 Coastal Protection ( <i>c/l</i> 7-8)	Yes
(Affordable Rental Housing) 2009	Yes
(Building Sustainability Index: BASIX) 2004	Yes
(Educational Establishments and Child Care Facilities) 2017	Yes
(Exempt and Complying Development Codes) 2008	Yes
(Housing for Seniors or People with a Disability) 2004	Yes
(Infrastructure) 2007	Yes
(Mining, Petroleum Production and Extraction Industries) 2007	Yes
(Miscellaneous Consent Provisions) 2007	Yes
(Rural Lands) 2008	Yes (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	Yes
(State Significant Precincts) 2005	Yes
(Vegetation in Non-Rural Areas) 2017	Yes

## Appendix C – Consistency with applicable Section 117 Ministerial Directions

Listed below are the Section 117 (2) Directions (including Objectives) that apply to land within the Port Macquarie-Hastings Local Government Area. As at 5/08/2017

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

Section 117(2) Directions and Objectives	Consistency
<b>1 Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b> 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.	Yes
<b>1.2 Rural Zones</b> The objective of this direction is to protect the agricultural production value of rural land.	Yes
<b>1.3 Mining, Petroleum Production and Extractive Industries</b> 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.	Yes
<b>1.4 Oyster Aquaculture</b> 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.	Yes
<b>1.5 Rural Lands</b> 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.	Yes
<b>2 Environment and Heritage</b>	
<b>2.1 Environmental Protection Zones</b> The objective of this direction is to protect and conserve environmentally sensitive areas.	Yes
<b>2.2 Coastal Protection</b> The objective of this direction is to implement the principles in the NSW Coastal Policy.	Yes
<b>2.3 Heritage Conservation</b> The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Yes
<b>2.4 Recreation Vehicle Areas</b>	Yes

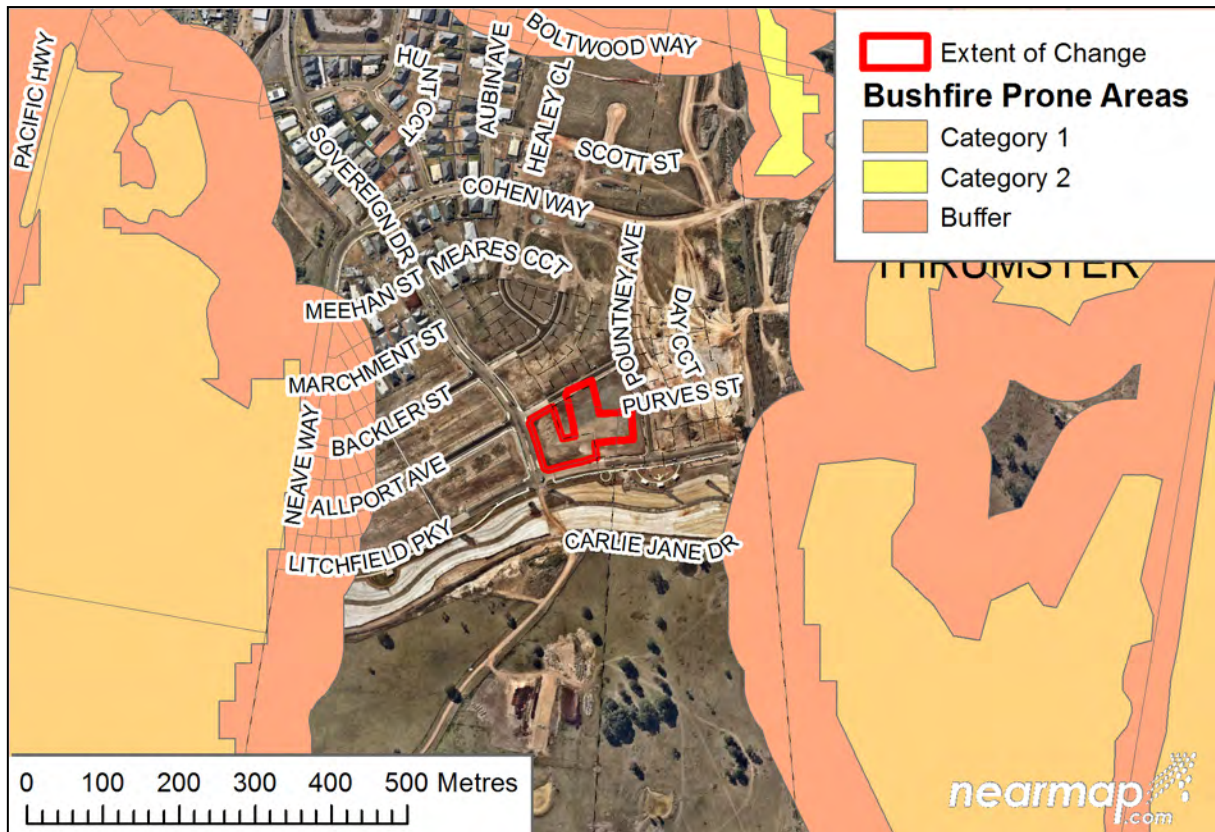
Section 117(2) Directions and Objectives	Consistency
<p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p>	
<p><b>3 Housing, Infrastructure and Urban Development</b></p>	
<p><b>3.1 Residential Zones</b>                      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.</p>	Yes
<p><b>3.2 Caravan Parks and Manufactured Home Estates</b>                      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.</p>	Yes
<p><b>3.3 Home Occupations</b>                      The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	Yes
<p><b>3.4 Integrating Land Use and Transport</b>                      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.</p>	Yes
<p><b>3.5 Development Near Licensed Aerodromes</b>                      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.</p>	Yes
<p><b>3.6 Shooting Ranges</b>                      The objectives are:                      (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p>	Yes



Section 117(2) Directions and Objectives	Consistency
(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.	
<b>4 Hazard and Risk</b>	
<b>4.1 Acid Sulfate Soils</b> 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.	Part of Lot 220 is mapped as Class 5 - refer to the map in Part 3
<b>4.2 Mine Subsidence and Unstable Land</b> 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.	Yes
<b>4.3 Flood Prone Land</b> 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.	Most of the land currently zoned B1 and nearly all of Lot 220 are within the Flood Planning Area - refer to the map in Part 3. However, the land has been filled, and the nearby drainage line upgraded to handle urban stormwater flows.
<b>4.4 Planning for Bushfire Protection</b> 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> <b>When this direction applies</b> 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. <b>What a relevant planning authority must do if this direction applies</b> (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.	Yes - the land is not within a bushfire prone area. Refer to map at end of this Appendix.

Section 117(2) Directions and Objectives	Consistency
<p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> <li>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:                             <ul style="list-style-type: none"> <li>(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</li> <li>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</li> </ul> </li> <li>(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 1997</i>), the APZ provisions must be complied with,</li> <li>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</li> <li>(d) contain provisions for adequate water supply for firefighting purposes,</li> <li>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</li> <li>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</li> </ul>	
<b>5 Regional Planning</b>	
<p><b>5.4 Commercial &amp; Retail Development along the Pacific Hwy, North Coast</b></p> <p>The objectives for managing commercial and retail development along the Pacific Highway are:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) to prevent inappropriate development fronting the highway;</li> <li>(c) to protect public expenditure invested in the Pacific Highway;</li> <li>(d) to protect and improve highway safety and highway efficiency;</li> <li>(e) to provide for the food, vehicle service and rest needs of travellers on the highway; and</li> <li>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</li> </ul>	Yes
<p><b>5.10 Implementation of Regional Plans</b></p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	Yes
<b>6 Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	Yes

Section 117(2) Directions and Objectives	Consistency
The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	
<p><b>6.2 Reserving Land for Public Purposes</b>                      The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	Yes



Bushfire Prone Area mapping

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## Appendix D - Acronyms, Glossary and References

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**ACC Map** - the **Acoustic Controls Map**, one of the map series of *LEP 2011*. This is relevant to clause 7.9, which, for land identified as 'Subject to acoustic controls', has an objective of ensuring that development for residential or tourist purposes, or for any other purpose involving regular human occupation, on land subject to significant exposure to noise (including road traffic noise or extractive industry crushing plant operation noise) incorporates appropriate mitigation measures.

**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.

**APU Map** - the **Additional Permitted Uses Map**, one of the map series of *LEP 2011*. This is relevant to clause 2.5 and Schedule 1, which permit the specified development (usually subject to consent) for the specified land, notwithstanding anything to the contrary in the Land Use Table.

**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, for land identified by Class 1 to Class 5 on the Map, 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.

[Biodiversity Conservation Act 2016](#) provides the basis for the listing of endangered and threatened species and ecological communities and of key threatening processes. Protection of threatened fish and marine vegetation comes under the *Fisheries Management Act 1994*.

**COA Map** - the **Coastal Erosion Map**, one of the map series of *LEP 2011*. This is relevant to clause 7.6, which, for land identified as 'Coastal Erosion Risk', seeks to avoid significant adverse impacts from coastal hazards, to enable evacuation in an



emergency and to ensure uses are compatible with the coastal risks. The Map is relevant to some provisions of the *Codes SEPP*.

[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. Refer to **Error! Reference source not found.** 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 [Biodiversity Conservation Act 2016](#).

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

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

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

**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.

**FLD Map** - the **Flood Planning Map**, one of the map series of *LEP 2011*. This identifies some land as 'Flood Planning Area', which is subject to clause 7.3, introducing considerations relating to risk, hazard and avoiding significant adverse impacts. Such land is 'Flood control lots' in terms of the *Codes SEPP*. The Map also identifies some land within the area subject to the Probable Maximum Flood but outside the Flood Planning Area as subject to clause 7.4 - this focuses on developments with particular evacuation or emergency response issues and the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.

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

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

[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.

[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.

**HER Map** - the **Heritage Map**, one of the map series of *LEP 2011*. This is relevant to clause 5.10 and Schedule 5, relating to heritage items, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. This is relevant to some provisions of the *Codes SEPP*. Note clause 5.10 (5) applies also to land within the vicinity of heritage items.

**HOB Map** - the **Height of Buildings Map**, one of the map series of LEP 2011. Refer to **Part 4 – Mapping**. 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. This is relevant to clause 7.5 of the LEP text.

**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.

**LAP** - the **Land Application Map**, one of the map series of LEP 2011. Clause 1.3 of the LEP text states that the LEP applies to the land identified on the Land Application Map - in this case the whole Port Macquarie-Hastings Local Government 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**).

**LRA Map** - the **Land Reservation Acquisition Map**, one of the map series of *LEP 2011*.

This is relevant to clauses 5.1 and 5.1A, relating to land identified by a public authority as reserved for acquisition for a public purpose. Clause 5.1 identifies the relevant authority for action under the *Land Acquisition (Just Terms Compensation) Act 1991*. Clause 5.1A limits the permitted new land uses pending acquisition.

**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. Refer to **Part 4 – Mapping**.

**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. Refer to **Part 4 – Mapping**.

*Native Vegetation Act 2003* has been superseded by the *Biodiversity Conservation Act 2016* and Part 5A of the [Local Land Services Act 2013](#). Also relevant is *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

**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.

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

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

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

**PMHC** means Port Macquarie-Hastings Council.

**RMS** - the NSW **Roads and Maritime Services**, who have a role in managing potential road and traffic impacts of changes to planning controls.

**RPL Map** - the **Land Reclassification (Part Lots) Map**, one of the map series of *LEP 2011*. This is relevant to clause 5.2 and Schedule 4, regarding the reclassifications under the Local Government Act 1993 of part(s) of a lot by the LEP.

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

**SEPP** - a **State Environmental Planning Policy**, made under Part 3 of the 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 B**.

**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](#).

**SUA Map - the Significant Urban Areas Map**, one of the map series of *LEP 2011*. This identifies Significant Urban Areas, which are subject to clause 7.11A. The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Port Macquarie-Hastings.

*Threatened Species Conservation Act 1995* has been superseded by the *Biodiversity Conservation Act 2016* and Part 5A of the [Local Land Services Act 2013](#).

[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*. A draft updated strategy has been exhibited in late 2017.

**URA Map - the Urban Release Area Map**, one of the map series of *LEP 2011*. This identifies Urban Release Areas, which are subject to clauses 6.1 and 6.2. These clauses relate to ensuring subdivision adequately provides satisfactory arrangements to be made for the provision of designated State public infrastructure; and for Council to generally be satisfied that the essential public utility infrastructure is available for development prior to granting consent.

**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.

**VSL Map - the Visually Sensitive Land Map**, one of the map series of *LEP 2011*. This is relevant to some local exempt development in Schedule 2, and some local complying development in Schedule 3 of the LEP.

## **Appendix E – Map Cover Sheet and new Map Sheets**

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The Map Cover Sheet and associated Map Sheets to be adopted are part of the submission of the draft LEP for formal approval by the Minister for Planning or delegate.

They will not be prepared until that stage.

Where printed, the Map Cover Sheet and associated Map Sheets will follow this page.

Where in electronic form, they may be in separate documents.

Note that the Map Cover Sheet will reflect the final content of the Part 4 - refer to page 15.