

(FUTURE) PUBLIC EXHIBITION DATES

(Start) to (Finish)

Planning Proposal under section 3.33 of the EP&A Act

***Port Macquarie-Hastings LEP 2011
(Amendment No 52)***

Administrative Review

Ccl ref: DD032.2017.00000012.001

DP&E ref: PP_2018_PORTM_*

Date: 15/06/2018



PORT MACQUARIE
HASTINGS
COUNCIL

Planning Proposal status (for this copy)

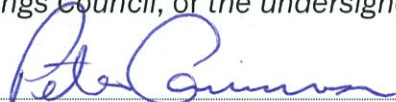
Stage	Version Date (blank until achieved)
Reported to Council (section 3.33)	21/02/2018 & 21/03/2018
Adopted by Council & referred to DP&E (sec 3.34 (1))	15/06/2018
Gateway Panel determination (sec 3.34 (2))	
Revisions required: Yes / No . Completed	
Public Exhibition (where applicable) (Sch 1 cl 4)	
For Council review (sec 3.35 (1))	
Adopted for submission to Local Plan-making Authority (sec 3.36 (2))	

Council reference: DD032.2017.00000012.001

Port Macquarie-Hastings LEP 2011 (Amendment No 52)

Department of Planning & *
Environment reference:**Council Address**Port Macquarie-Hastings Council
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PORT MACQUARIE NSW 2444**Contact Officer**Stephanie Baker
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Phone 02 6581 8539**Adoption of the Planning Proposal****1. For initial Gateway determination**This Planning Proposal was endorsed on by Port
Macquarie-Hastings Council, or the undersigned Council delegate (delete one):

Signed



Name Peter Cameron

Position Group Manager Strategic Land Use Planning

2. For section 3.35 finalisationThis 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 PP2017-0012** are contained in **Part 2**, found on pages 6 to 15. The amendments relate to the following issues:

1. Clause 4.1 Minimum subdivision lot size - Insertion of an additional subclause to clarify that the area of any 'battle-axe' access to the lot is not included in determining compliance with the minimum lot size.
2. Land Use Table - Aligning the permissibility of Industrial retail outlets with the permissibility of associated Industry and Rural industry.
3. Lot 10 & 11 DP 1232850 (14 Misty Vale Way & 1497 Pappinbarra Road) Hollisdale - correction to - Lot Size Map: Applying a minimum lot size of 100ha
4. Bain Park, Wauchope - adjustment of boundaries - Affects Land Zoning Map and Floor Space Ratio Map
5. Land Reservation Acquisition Map - Updating map to remove identification for land on the North Shore now acquired by the National Parks and Wildlife Service and by Council.
6. 24 Yaluma Drive, Port Macquarie - rezone to R1 (General Residential) - Affects Land Zoning Map, Lot Size Map, Floor Space Ratio Map
7. Lot 22 DP DP1229697 and Nos 19-31 Diamond Drive, Port Macquarie - adjustment of boundaries - Affects Land Zoning Map, Lot Size Map, Floor Space Ratio Map and Height of Buildings Map

The specifics of how the LEP would be amended are described in **Part 2**, found on pages 6 to 15. The Planning Proposal contains statements of the intent for changes to the LEP text, but not the specific wording. Further details of the map changes are contained in **Part 4**, and **Appendix A (Part B)**.

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

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 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 - **DD032.2017.00000012.001**, and be

emailed to council@pmhc.nsw.gov.au or posted to
lodged through 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. Authorisation to make the LEP **has been issued to** Council.

Further information

Please contact Stephanie Baker on phone 02 6581 8539

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Summary

This is a Planning Proposal prepared under section 3.33 of the *Environmental Planning and Assessment Act 1979*, in relation to seven proposed amendments 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	This proposal addresses seven (7) minor issues in the LEP text and map series, and seeks to make refinements and adjustments to correct errors or anomalies that have been identified.
Property details	The changes apply to various properties, as detailed in part 2.
Applicant details	Port Macquarie-Hastings Council.
Land owner	There are multiple landowners affected by these changes.
Brief history	Port Macquarie-Hastings Council has initiated this process (refer to Council resolutions on items No.12.07 of 21/02/18 and No.12.02 of 21/03/18) as part of an ongoing review of <i>Port Macquarie-Hastings Local Environmental Plan 2011</i> to maintain currency, remove errors and anomalies, and to facilitate efficient operation of the LEP and the development application process.
Location	Part 2 – Explanation of provisions - describes the location of each issue. Part 4 – Mapping - includes location maps for Issues 3, 4, 5, 6 and 7.

Planning Proposal

Part 1 - Objectives or Intended Outcomes

To review and refine the Port Macquarie Hastings Local Environmental Plan 2011 (LEP 2011) to correct seven errors and/or anomalies that have been identified (further details in Part 2). This will facilitate efficient operation of the LEP and the development application process.

Part 2 - Explanation of Provisions

Details of seven amendments, as reported to Council on 21 February 2018, and (for the seventh) on 21 March 2018 follow:

Amendments to the written instrument

Issue 1. Clause 4.1 Minimum subdivision lot size - 'battle-axe' area

Clause 4.1 of the Standard Instrument does not alter the minimum lot size requirement where the lot relies on a 'battle-axe' access.

A Development Application for a lot which meets the required minimum can be lodged, even though the usable area is far smaller than the 'minimum' once an area for access has been provided.

This proposal seeks to exclude the access handle from the lot size calculation to ensure that each enclosed lot contains an adequate site area. This requirement is found in a number of other LEPs. More specifically, clause 3.9 of the Housing Code (Codes SEPP) aims to achieve a similar outcome, with the wording being: "*when calculating the lot size of a battle-axe lot, the area of the access laneway is excluded*".

Proposal:

That clause 4.1 be amended by adding the following:

- (4A) if a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included when calculating the size of the lot for the purposes of this clause.

Amendments to the land use table

Issue 2. Land Use Table – Industrial retail outlets.

An **Industrial retail outlet** is defined as

... a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located, but does not include a warehouse or distribution centre.

In LEP 2011 clause 5.4, the retail floor area of an industrial retail outlet is restricted to the lesser of:

- (a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
- (b) 400 square metres.

As defined above, an Industrial retail outlet can only operate in conjunction with industry or a rural industry. Consequently, the permitted uses in the Land Use Table should be aligned with this e.g. only allow industrial retail outlets to operate in conjunction with industry/rural industry. This is not currently the case.

As demonstrated in the hierarchies of land uses table (as defined in the LEP dictionary) below, the land use terms include defined sub-types, which can have separate permitted uses - the suitability of which can be assessed with a development application.

The hierarchies of land uses are:

Industries

- General industries
- Heavy industries
 - Hazardous industry
 - Offensive industry
- Light industries
 - High technology industries
 - Home industry

Rural industries

- Agricultural produce industries
- Livestock processing industries
- Sawmill or log processing industries
- Stock & sale yards

At present, the permissibility of industrial and rural industry for relevant zones is as follows:

Relevant Zones	Industry			Rural industry	Industrial retail outlet
	General	Heavy	Light		
RU1 Primary Production	N	N	N	Y	N
RU2 Rural Landscape	N	N	N	Y	N
RU5 Village	N	N	Y	N	N
B1 Neighbourhood Centre	N	N	N	N	N
B2 Local Centre	N	N	N	N	Y
B3 Commercial Core	N	N	N	N	N
B4 Mixed Use	N	N	N / Y	N	Y
B5 Business Development	N	N	Y	N	Y
B7 Business Park	N	N	Y	N	N
IN1 General Industrial	Y	N	Y	Y	Y
IN2 Light Industrial	N	N	Y	Y	Y
IN3 Heavy Industrial	Y	Y	N	N	N
IN4 Working Waterfront	Y	N	Y	N	N

As demonstrated above, in the B2 (local centre) zone, industry (be it general, heavy or light) or rural industry is not allowed in the zone but an industrial retail outlet is. Given that an industrial retail outlet is only allowed in conjunction with industry, this is an anomaly and the land use table should be amended to ensure industrial retail outlets are not allowed in the B2 zone.

Conversely, there are instances (refer to the above table) in the RU1 (Primary Production), RU2 Rural Landscape), RU5 (Village), B7 (Business Park) and IN4 (Working Waterfront) where either industry (be it general or light) or rural industry is permitted within the zone but industrial retail outlets are not permissible. According to the definition above, industrial retail outlets are permissible in conjunction with these industries. Subsequently, this too is an anomaly and the land use table should be amended to ensure industrial retail outlets are permitted in the RU1, RU2, RU5, B7 and IN4 zones. In each of these zones, the suitability of any proposed industrial retail outlet would be assessed as part of a development application.

Of note, this proposal does not make any changes to the permitted use of an industrial retail outlet in the IN3 (Heavy Industry) zone. It is not appropriate to allow an industrial retail outlet in conjunction with heavy industry. These are conflicting uses and could potentially create a dangerous situation.

Proposal:

That the Land Use Table be amended in relation to industrial retail outlets:

- (a) to be permissible with consent in Zones RU1 Primary Production, RU2 Rural Landscape, RU5 Village, B7 Business Park, and IN4 Working Waterfront,
- (b) to be prohibited in Zone B2 Local Centre.

Mapping Corrections

Issue 3. Lot 10 & 11 DP 1232850, 14 Misty Vale Way & 1497 Pappinbarra Road, Hollisdale – applying a minimum lot size

The land is located on Pappinbarra Road, within the village of Hollisdale. **Figure.1** provides a locality overview of where the subject site is situated.

Immediately to the east fronting Pappinbarra Road are the Hollisdale Rural Fire Service shed and the Hollisdale Hall.

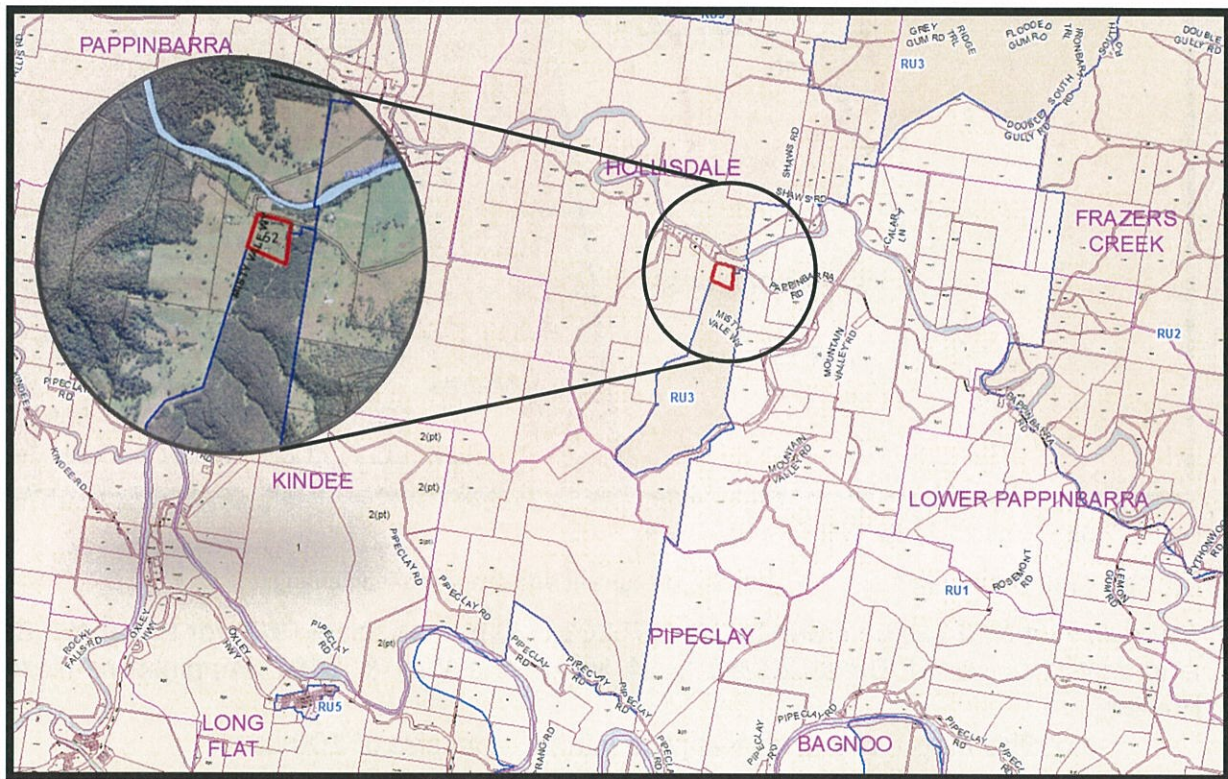


Figure.1. Locality context

The relevant land (as outlined red in **Figure.2**) is zoned RU2 Rural Landscape, and consists of:

- Lot 10 DP 1232850 - 4.9 ha and privately owned
- Lot 11 DP 1232850 - 495 sqm and owned by Port Macquarie-Hastings Council, in conjunction with the adjoining Hollisdale Bush Fire station, and adjacent to Hollisdale Hall.

The Lot Size Map does not apply a minimum lot size on these parcels. It is within an area where a 100 ha minimum applies to adjoining land.

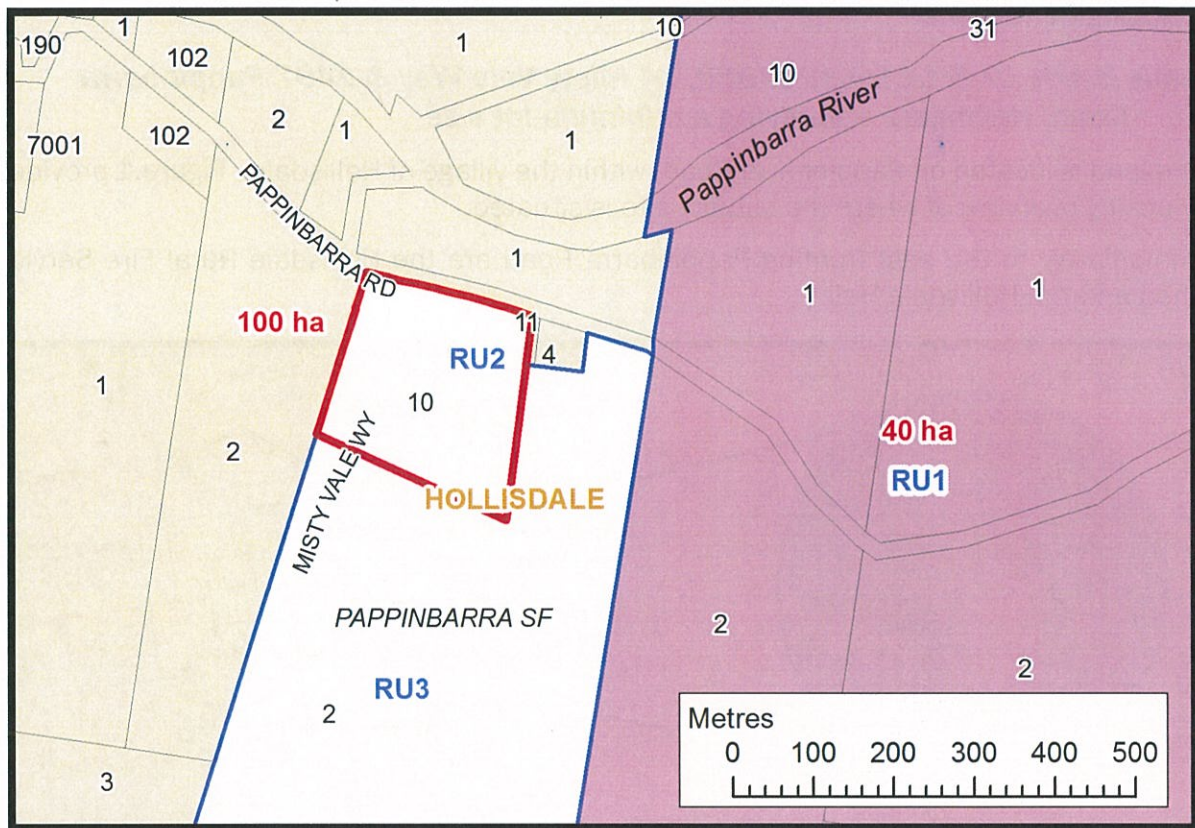


Figure.2. Site context – Misty Vale Way, Hollisdale

Proposal (*Refer to Part 4 – Mapping (p.22) for current and proposed map changes):

The following changes be made to the LEP 2011 map (map sheet 009) for the above B2 land at Lot 10 & 11 DP 11232850, 14 Misty Vale Way & 1497 Pappinbarra Road, Hollisdale:

- Lot Size Map – changed to apply a minimum lot size of 100 ha

Issue 4. Bain Park, Wauchope – adjustment of boundaries

There are anomalies with the zoning of the northern portion of Bain Park, as shown at **Figure.3**. The red outline and text identifies the proposed changes, involving Zones B2 (Local Centre) and RE1 (Public Recreation).

Essentially, the part of Bain Park which is currently in the B2 (Local Centre) zone should be in the RE1 (Public Recreation) zone (refer to the area labelled RE1 below) to reflect its public recreation use as a park.

The footpath is zoned for Public Recreation (RE1). This is inconsistent with the zoning for the footpaths in the rest of the strip, which are all zoned B2 (Local Centre). Subsequently, this anomaly should be rectified to ensure that the footpath is zoned B2 (Local Centre), consistent with the surrounding footpath network.

This mapping anomaly also affects the floor space ratio map, which requires associated changes being 1:5:1 (code S1) for the proposed B2 zone and no FSR for the proposed RE1 zone. The height of buildings map is the same across both parcels and will remain unchanged at 11.5m.



Figure.3. Site context – Bain Park

Proposal (*Refer to Part 4 – Mapping (p.23) for current and proposed map changes):

The following changes be made to the LEP 2011 map series for part of the above land currently zoned RE1 at Bain Park, High Street, Wauchope:

- Land Zoning Map – changed from RE1 to B2
- Floor Space Ratio Map – maximum 1:5:1 (code S1)

The following changes be made to the LEP 2011 map series for part of the above land currently zoned B2 at Bain Park, High Street, Wauchope:

- Land Zoning Map – changed from B2 to RE1
- Floor Space Ratio Map – none

Issue 5. Land Reservation Acquisition Map - Removing identifications on the North Shore

Recently the NSW National Parks and Wildlife Service purchased an area identified for acquisition on the LEP 2011 Land Reservation Acquisition Map. This land is to be added to Limeburners Creek Nature Reserve. Consequently, the designation for acquisition should be removed (Refer to **Figure.4** for details).

There are several parcels of land in the adjoining Queens Grant Estate identified for acquisition by Council (refer to map insert). Lots 56-57 have recently been purchased and it is appropriate to update the Land Reservation Acquisition Map for these parcels too. This leaves 11 lots in the Queens Grant subdivision designated for future acquisition by Council (This was considered by Council at its 20 July 2016 meeting).

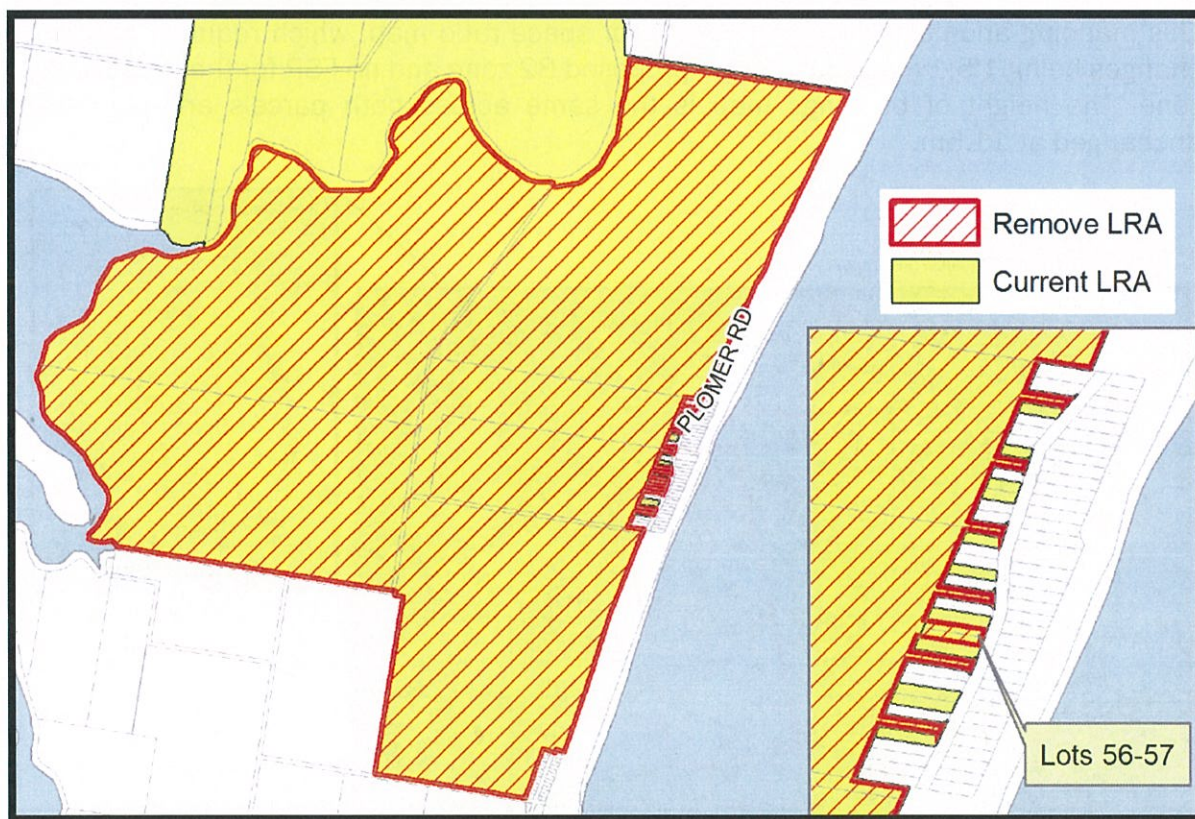


Figure.4. Land to be added to Limeburners Creek Nature Reserve and insert showing land to be acquired by Council

Proposal (*Refer to Part 4 – Mapping (p.24) for current and proposed map changes):

That the Land Reservation Acquisition Map be amended in the North Shore locality by removing the feature labelled:

- (a) 'National Park (E1)' from Lots 69 & 70 DP 219719, Lot 27 DP 221558 and Lots 67 & 68 DP 754451, and
- (b) 'Environment Protection (E2)' from 56 & 57 DP 219719.

Issue 6. 24 Yaluma Drive, Port Macquarie – Amend map series

This 0.47 ha property located at 24 Yaluma Drive, Port Macquarie (as outlined in red at **Figure.5**) is zoned E3 Environmental Management with a minimum lot size of 0.5 ha, no maximum floor space ratio and a maximum building height limit (as applies to adjacent land) of 8.5m. This zoning was initially applied to facilitate a ridge-top line of trees, though this privately-owned lot is below the most prominent section of the ridgeline. Retention of these provisions does not achieve the original objectives and it is proposed that standard residential controls be applied.

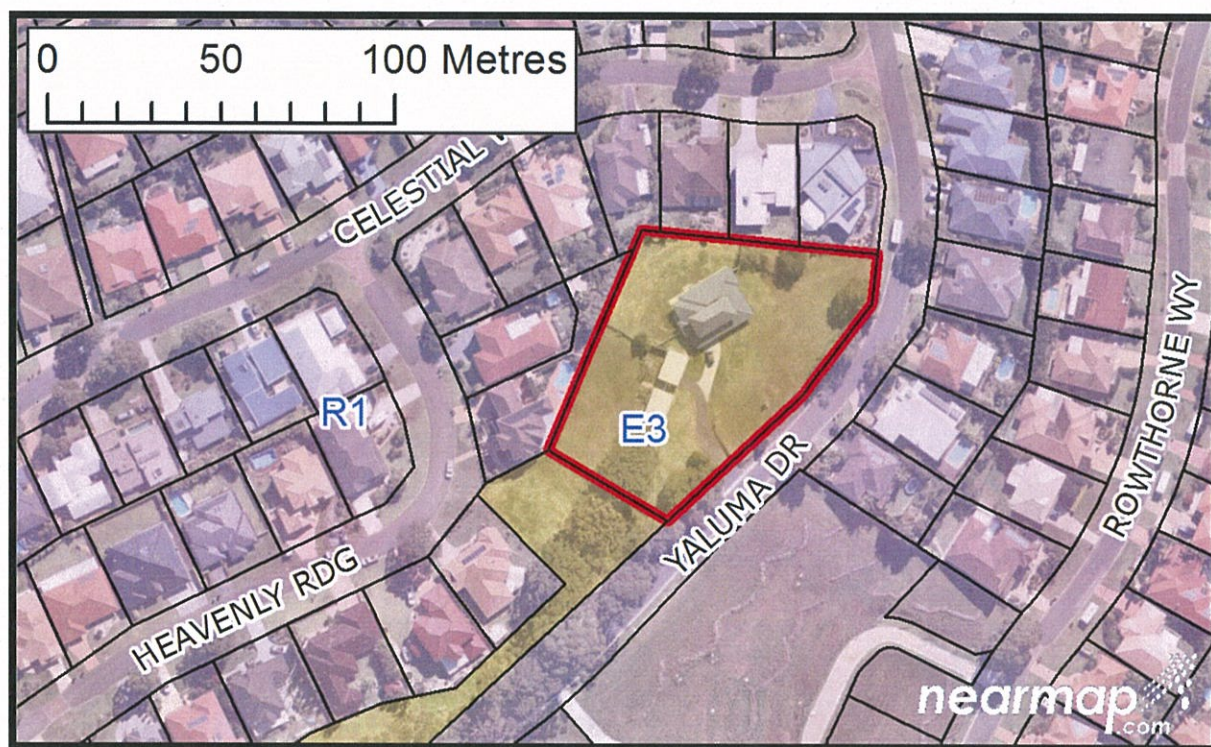


Figure. 5. Site context map – 24 Yaluma Drive

Proposal (*Refer to Part 4 – Mapping (p.26) for current and proposed map changes):

The following changes be made to the LEP 2011 map series (map sheet 013G) for Lot 31 DP 835708 No 24 Yaluma Drive, Port Macquarie:

- Land Zoning Map – Zone R1 General Residential
- Lot Size Map - minimum lot size of 450 sqm
- Floor Space Ratio Map - maximum 0.65:1.

Issue 7. Lot 22 DP DP1229697 and Nos 19-31 Diamond Drive, Port Macquarie – adjustment of boundaries

Development consent for the staged subdivision creating the Emerald Drive estate was originally granted in January 1990. Maps and subdivision plans were not produced with the same precision as today. Over the years various LEP map anomalies have arisen in relation to the boundary of residential subdivision and the Emerald Downs Golf Course. The proposed changes apply to the map series as shown in the proposal below, and affect map Sheet 013G. The areas proposed to be changed are shown in **Figure. 6** below.

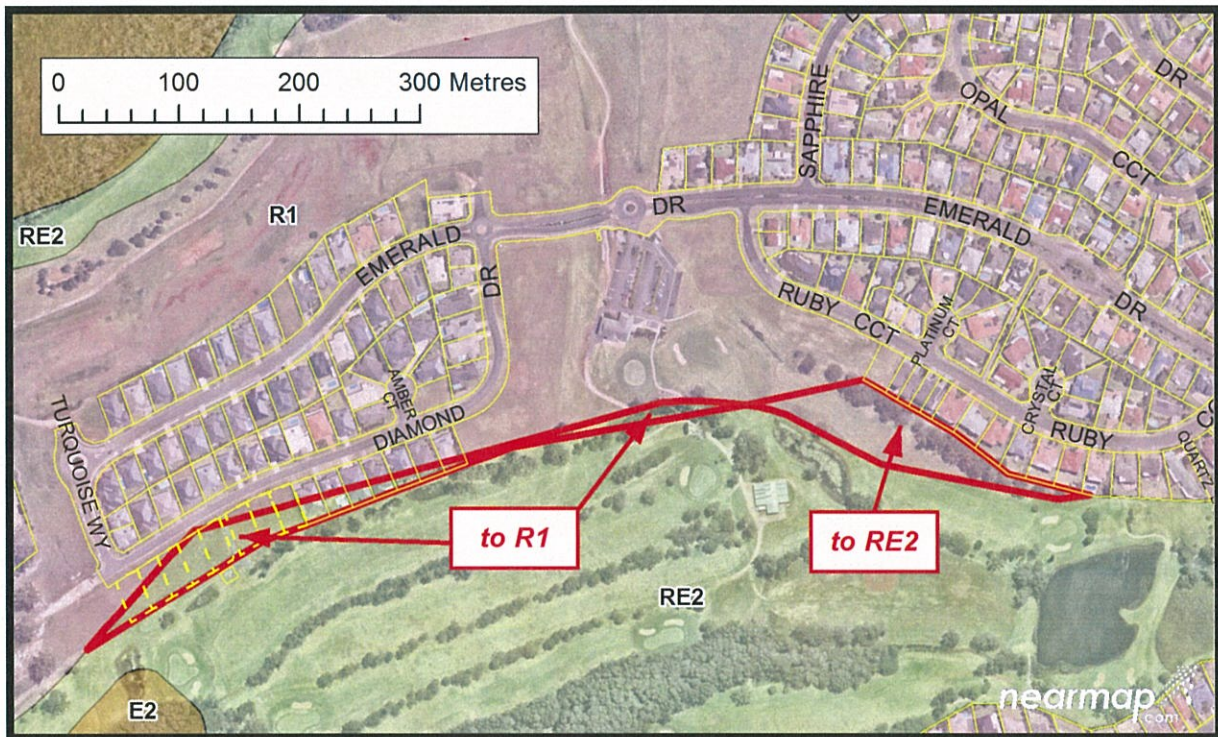


Figure. 6. Context map – Diamond Drive

Note: the eight western residential lots are yet to be registered.

Proposal (*Refer to Part 4 – Mapping (p.28) for current and proposed map changes).

The following changes be made to the LEP 2011 map series (map sheet 013G) for Nos 19-31 Diamond Drive and parts of Lot 22 DP DP1229697, Port Macquarie:

- Land Zoning Map – change existing R1 (General Residential) to RE2 (Private Recreation) as referenced in Figure 6 above and further clarified in mapping on p.28.
- Land Zoning Map – change RE2 (Private Recreation) to R1 (General Residential) as referenced in Figure 6 above and further clarified in mapping on p.28.
- Lot Size Map - minimum lot size 40ha (for land being zoned RE2)
- Lot Size Map – minimum lot size 450sqm (for land being zoned R1)
- Floor Space Ratio Map - no maximum (for land being zoned RE2)
- Floor Space Ratio Map – maximum 0.65:1 (for land being zoned R1)
- Height of Buildings Map - no maximum (for land being zoned RE2)
- Height of Buildings Map –maximum height limit 8.5m (for land being zoned R1)

Part 3 – Justification

A - Need for the planning proposal.

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

As the planning proposal is to amend a number of small anomalies and errors, it is not the result of a specific study.

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

The planning proposal is the only means to achieve the intended outcome as amendments to the Port Macquarie-Hastings LEP 2011 are required.

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 are predominantly administrative in nature and the planning proposal aims to ensure quality outcomes for the long term benefit of Port Macquarie Hastings residents through ensuring the accuracy and consistency of its planning controls. The correction of minor anomalies and inconsistencies in the LEP are not inconsistent with the objectives and actions of the North Coast Regional Plan, specifically:

Goal 1 the most stunning environment in NSW

Direction 2: enhance biodiversity, coastal and aquatic habitats, and water catchments

Action 1.1: Focus development to areas of least biodiversity sensitivity in the region and implement the “avoid, minimise, offset” hierarchy to biodiversity, including areas of high environmental significance.

Response

The planning proposal intends to remove a land reservation acquisition map from a parcel of land dedicated to be Nature Reserve. This will ensure the continued protection of the area which is unsuitable for development.

Direction 3: Manage natural hazards and climate change

Action 2.1 Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.

Response

This planning proposal demonstrates that the proposed development at Diamond Drive will occur over 60 metres from the nearby coastal wetlands. This is explained further in Appendix E, section 2.1 (Environment Protection Zones) and 2.2 (Coastal Management).

24 Yaluma Drive is within the bushfire hazard zone and this matter has been addressed further in **Appendix D**, section 4.4 (Planning for Bushfire Protection).

Goal 3 vibrant and engaged communities*Direction 21: Coordinate local infrastructure delivery*

Action 21.2 Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.

Response

The planning proposal will allow infill development of land at 24 Yaluma Drive and approved residential development at Diamond Drive which will make use of existing infrastructure.

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 C**. Relevant SEPPs are:

- **Coastal Management SEPP 2018**

Issue 5 relates to land subject to this SEPP. The proposed changes relating to the Land Reservation Acquisition Map to reflect that the land is now in public ownership is generally designated as being within the Coastal Wetlands (refer to **Figure.7**), while the lots 56 & 57 is designated as Coastal Environment Area (refer to **Figure 7**). .

There is no intention for the land on which the Land Reservation Acquisition Map is to be used for anything other than public land. The land will become part of the Limeburners Creek Nature Reserve. Subsequently, there is no inconsistency with the SEPP.

Similarly, there is no intent to develop lots 56 and 57, now owned by Council. Council has purchased these land parcels because of their unsuitability for any form of development. The land is now in public ownership. There is no inconsistency with the SEPP.



Figure.7. Coastal mapping – North Shore

Part of the land affected by **Issue 7** is mapped as 'Proximity Area for Coastal Wetlands' in the SEPP (refer to **Figure. 8**). The relevant area is around 1110 sqm, is cleared and separated from the 'Coastal Wetlands' by over 65m of golf course fairway, which is zoned either RE2 Private Recreation or E2 Environmental Conservation.

The subject land has a consent from 1990 for creation of residential lots (as part of a staged development); it would be an anomaly to retain the current zoning and development standards. A separate Planning Proposal is not considered necessary due to the minor significance of this matter and its distance from the wetlands.

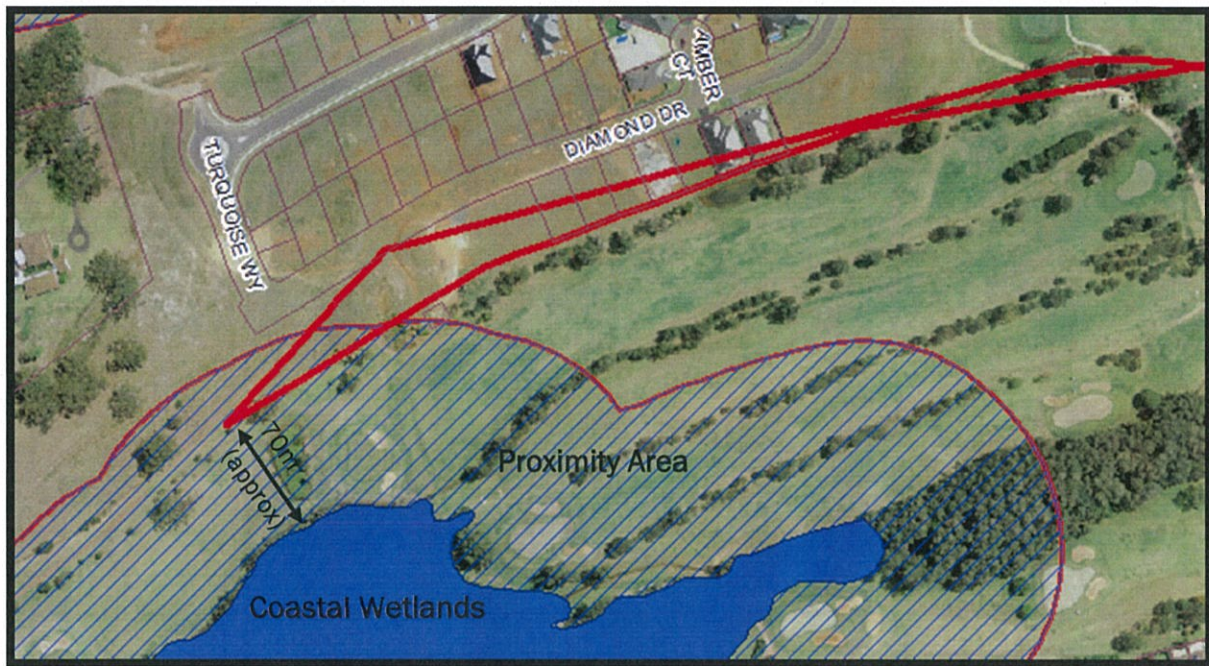


Figure.8 Coastal mapping – 24 Yaluma Drive

- **Rural Lands SEPP**

Issue 3 applies a minimum lot size to 2 small rural parcels to which no minimum applies. There is no proposed change in the land use and the proposal is consistent with the SEPP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Assessment of consistency is contained in **Appendix D**. The areas of potential inconsistency are:

- **Direction 1.1 Business and Industrial Zones**

Issue 2 adjusts the permissibility of Industrial retail premises within Business and Industrial zones. The changes align permissibility's with the associated Industries and Rural Industries. There is no inconsistency.

- **Direction 1.2 Rural Zones**

Issue 3 applies a minimum lot size on two small rural parcels to which no minimum currently applies. It is consistent.

- **Direction 1.5 Rural Lands**

Issue 1 impacts on the minimum lot size for lots within any zone where there is a 'battle-axe' access. It is considered to be consistent with this Direction.

Issue 3 applies a minimum lot size to land zoned RU2 Rural Landscape. It is considered to be consistent with this Direction.

Issue 6 replaces an E3 Environmental Management zone for land within an urban area. The land has minimal environmental value, and its rezoning to R1 General Residential will be of minor significance.

- **Direction 2.1 Environmental Protection Zones**

Issue 5 relates to environmentally sensitive areas. In this case they have environmental zonings, and the proposed change is merely reflecting their change to public ownership. There is no inconsistency.

Issue 6 relates to land currently zoned E3 Environmental Management, though it is not environmentally sensitive. It is proposed that it:

- be rezoned to R1 General Residential
- have a minimum lot size of 450 sqm (in lieu of 5000 sqm)
- have a maximum floor space ratio of 0.65:1 (in lieu of none).

The relevant land is 4700 sqm, is situated within a residential area, and is a virtually cleared site with an existing dwelling on it. It has minimal environmental value. A separate Planning Proposal is not considered necessary due to the minor significance of this environmental value.

- **Direction 2.2 Coastal Management**

Issue 5 applies to land subject to this Direction. This issue arises as a result of the land coming into public ownership. Conservation of the land is the primary objective. Part of land included in **Issue 7** is also subject to this Direction, as explained in the Coastal Management SEPP earlier, the historical subdivision already exists and this is a mapping exercise to align the development with the zoning. The proposed lots are more than 65m from the wetland and only marginally located in the 'proximity area' for the wetlands.

Subsequently, considering the above and the details provided in the aforementioned Coastal Management SEPP there is no inconsistency with this Direction.

Direction 3.1 Residential Zones

Issue 6 proposes to rezone the land at 24 Yaluma Drive, Port Macquarie (from E3 Environmental Management to R1 General Residential), which becomes subject of this direction. The land parcel is situated within a residential area and future residential development will take advantage of the existing infrastructure. The land is of minor environmental significance and the purpose of the existing zone no longer applies. The proposal is consistent with this Direction.

- **Direction 4.4 Planning for Bushfire Protection**

Issue 3, 5 and 6 are all within the bushfire mapping areas. Issue 3 and 5 are mapping changes. **Issue 3** (at 14 Misty Vale Way, Hollisdale) is located within a category 3 bushfire area. The proposal applies to the minimum lot size for an area that has been overlooked. There is an existing dwelling on the site and this amendment does not result in any additional development potential. **Issue 5** (in the North Shore locality) is located in category 1 and 2 bushfire areas. The proposal removes the Land Acquisition Mapping for an area in

public ownership, designated as Nature Reserve. There is no development proposed on this site now or in the future. Subsequently, these changes do not result in any inconsistency.

Issue 6 is situated within a bushfire prone area. The vast majority of the site is designated to be within the vegetation buffer, with a small area in the southern corner designated as category 1 (refer to image below). The subject site is within an established residential area. While there is a small ridgeline of trees in the vicinity, the significance of these trees has diminished over time creating less of a bushfire risk. A separate Planning Proposal is not considered necessary due to the minor significance of this matter and it being an infill development. Consultation with the NSW Rural Fire Service will form part of this planning proposal.

For further details on this direction, refer to **Appendix D**, section 4.4 (p.43).

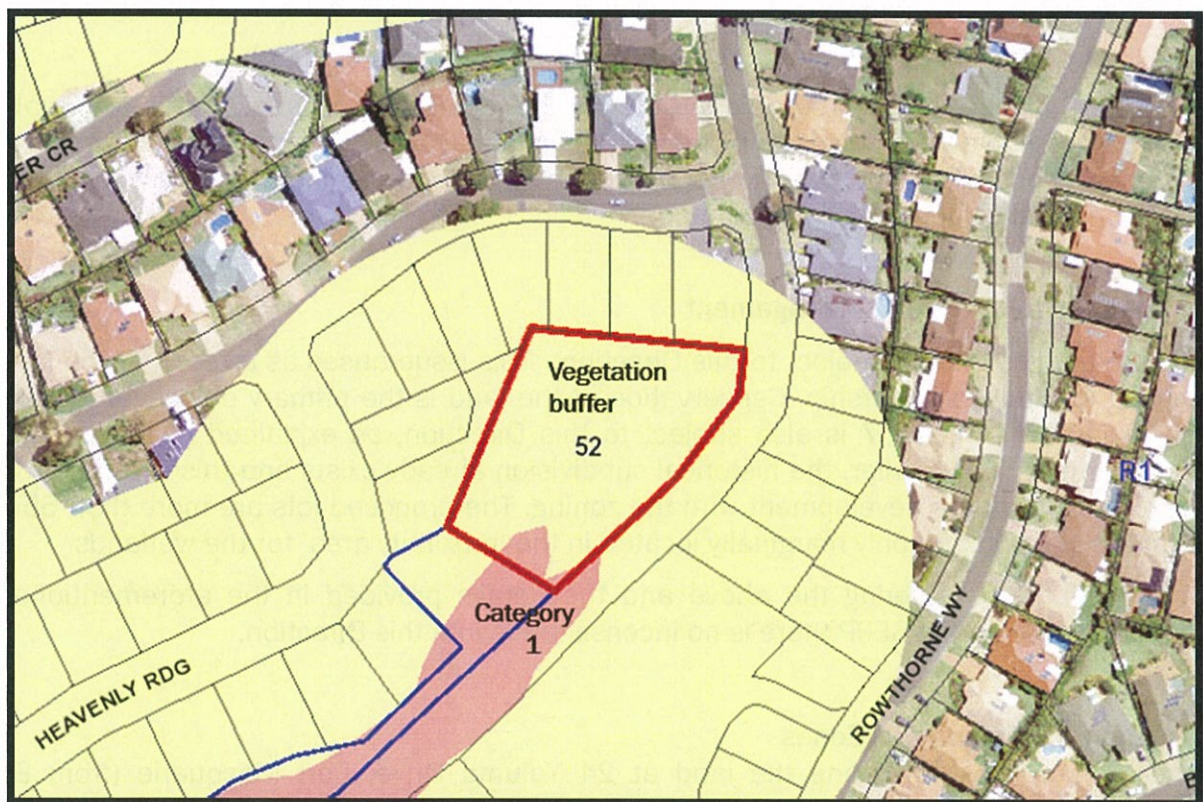


Figure.9 – Bushfire mapping 24 Yaluma Drive

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?

It is considered that this planning proposal will not have an adverse impact on EECs or threatened species habitat. Most of the changes are minor or administrative in nature and none of these sites are within an EEC area.

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

Most of the changes are minor or administrative in nature and unlikely to result in environmental effects.

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

The planning proposal is not anticipated to have any negative social or economic impacts. The aim of the planning proposal is to ensure that the LEP is accurate and consistent with Council's strategic policy direction.

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?

Should the proposal be supported, the Department of Planning and Environment's Gateway Determination will specify consultation requirements.

The views of relevant State and commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

It is anticipated that the Office of Environment and Heritage, the Rural Fire Service and the Department of Industry-Crown Lands will be consulted as part of this process.

Part 4 – Mapping

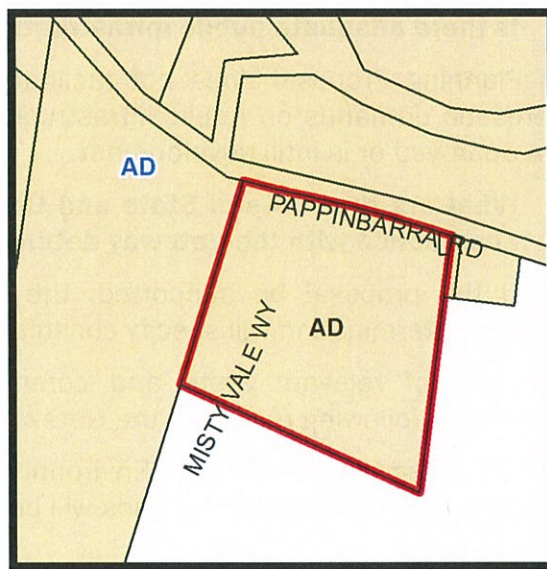
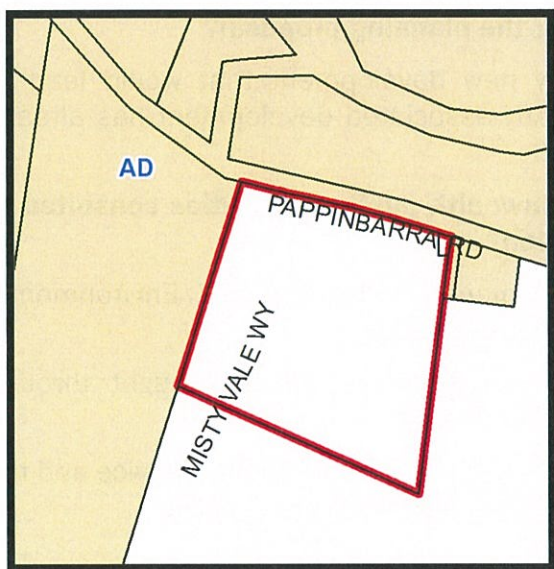
The following changes to maps are proposed:

Issue 3. Lot 10 & 11 DP1232850, 14 Misty Vale Way, Hollisdale

Minimum Lot size map (LSZ_009)

Current minimum lot size - none

Proposed minimum lot size – (AD) 100 ha
(applied to both lots to correct a mapping anomaly)

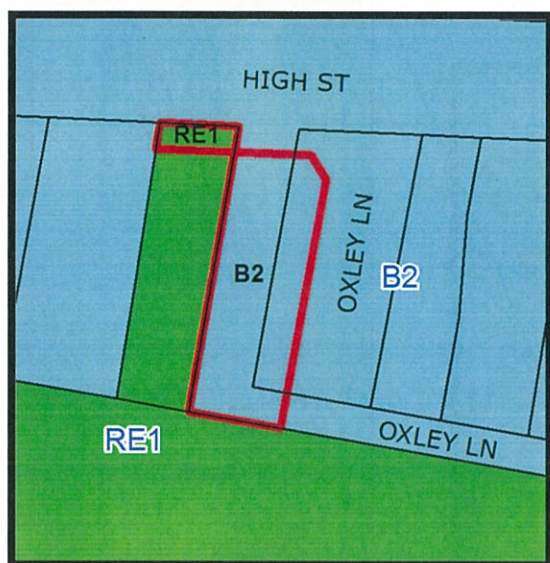


Issue 4. Bain Park, High Street, Wauchope

Land zoning map (LZN_010B)

Current zone – B2 Local Centre (Bain Park)
Current zone – RE1 Public Recreation

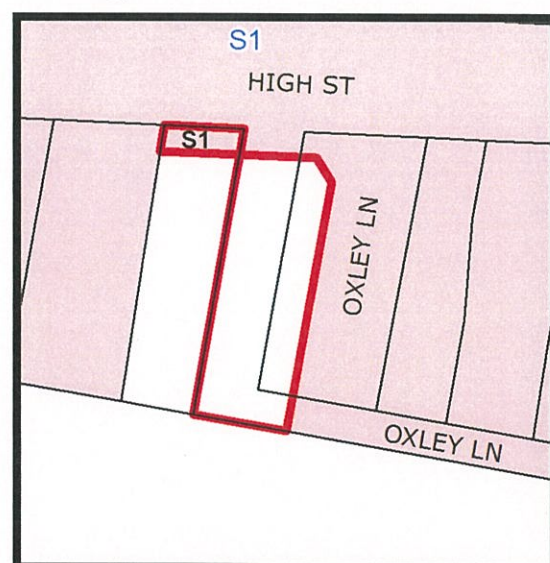
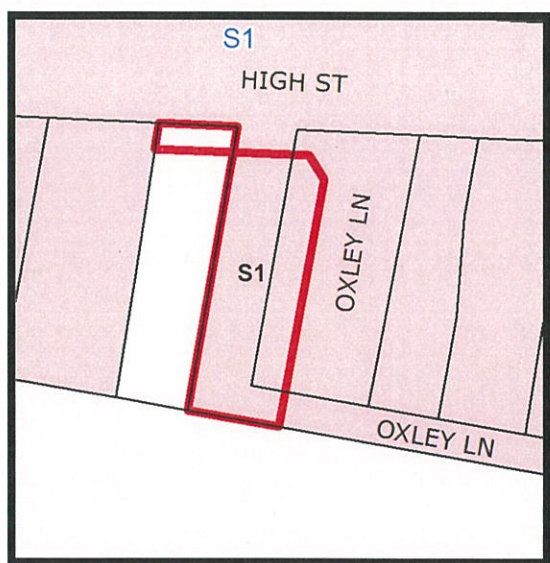
Proposed zoning – RE1 Public Recreation
Proposed zoning – B2 Local Centre (applied to correct a mapping anomaly)



Floor space ratio map (FSR_010B)

Current FSR for B2 – S1 (1.50)
Current FSR for RE1 – nil

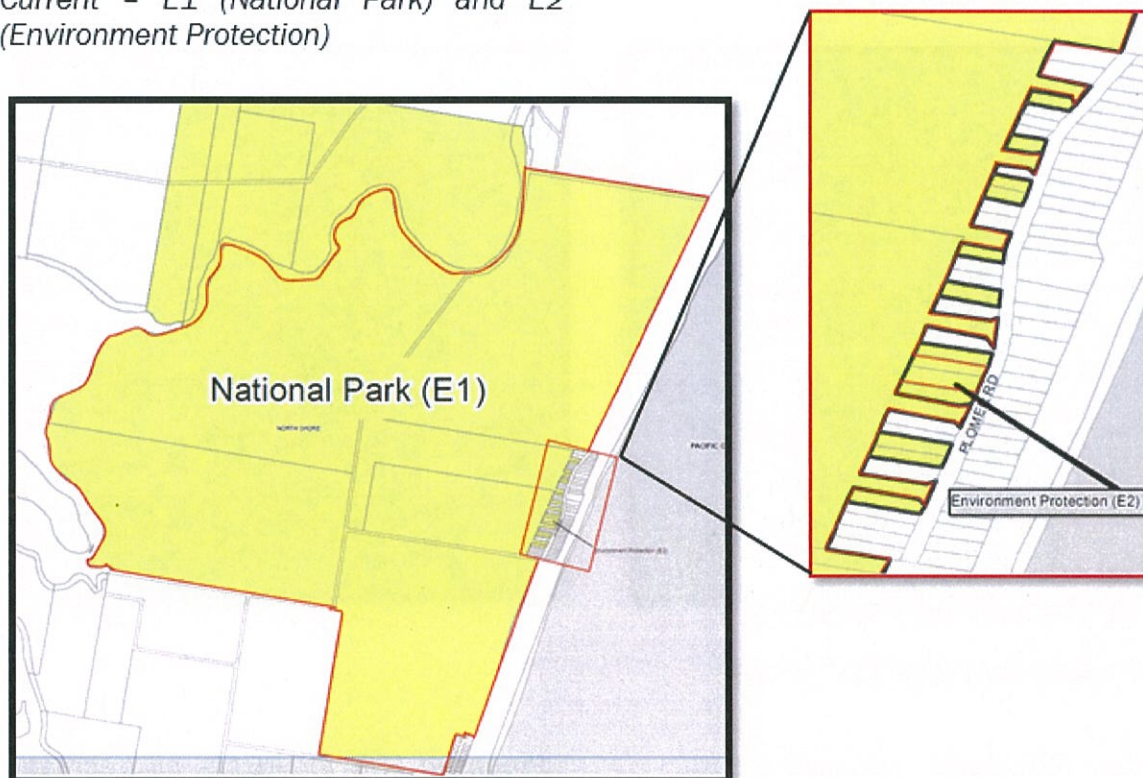
Proposed FSR for RE1 – nil (recreation land does not require a FSR)
Proposed FSR for B1 – S1 (1.50:1) consistent with the surrounding B2 zoning)



Issue 5. Removing identifications on the North Shore Lots 69 & 70 DP 219719, Lot 27 DP 221558 and Lots 67 & 68 DP 754451, and from 56 & 57 DP 219719.

Land Reservation Acquisition Map (LRA_12B)

Current - E1 (National Park) and E2 (Environment Protection)



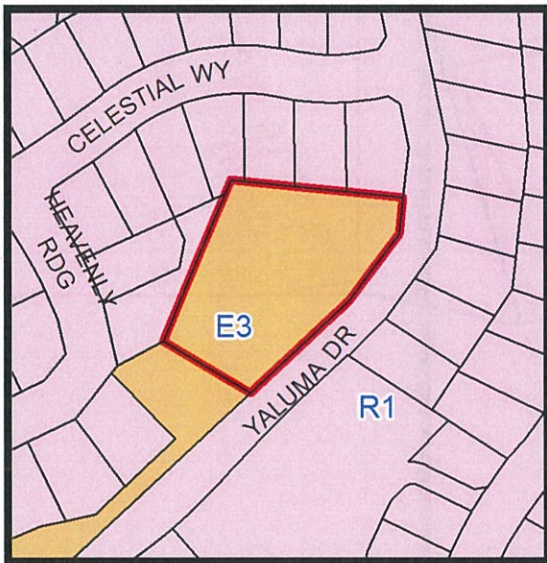
Proposed -E1 removed as the land has been acquired for said purpose E2 removed on lots 56 and 57 as the land has been acquired by Council



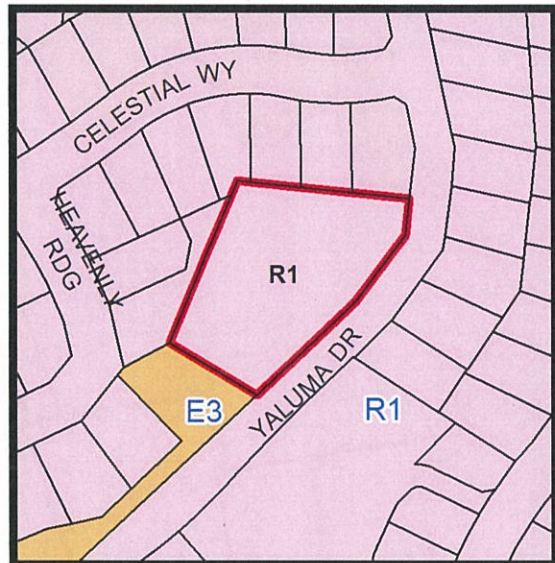
Issue 6. Lot 31 DP 835709 - 24 Yaluma Drive, Port Macquarie

Land zoning map (LZN_013G)

Current zone – E3 Environmental Management

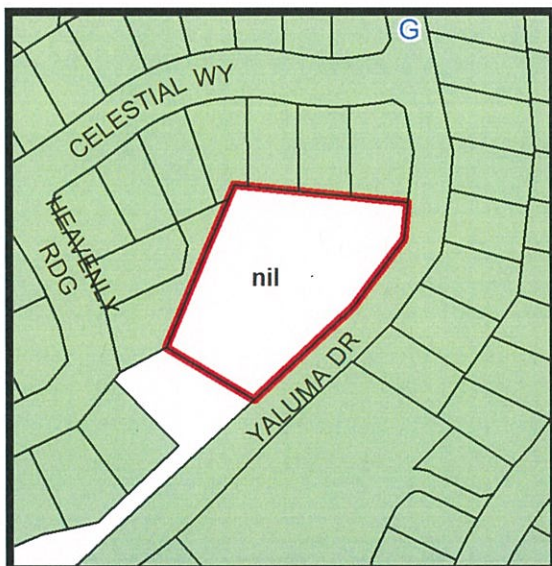


Proposed zoning – R1 General Residential (applied as the purpose of the existing zone no longer applies)



Floor space ratio map (FSR_013G)

Current FSR – nil

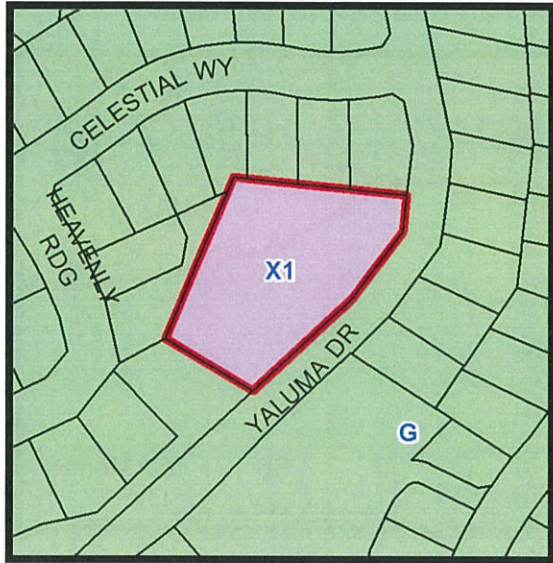


Proposed FSR – G (0.65:1) (consistent with the surrounding R1 zoning)

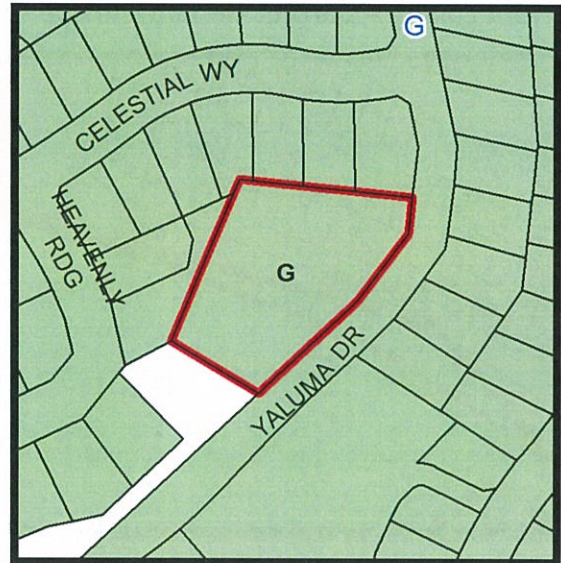


Lot size map (LSZ_13G)

Current LSZ - (X1) 0.5 ha



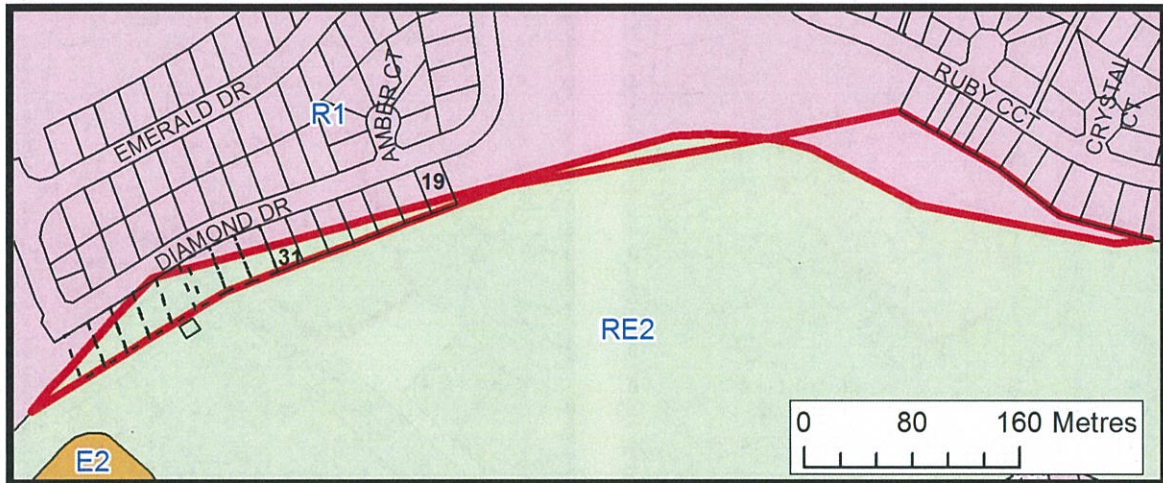
Proposed LSZ - (G) 450sqm (consistent with the surrounding R1 zoning)



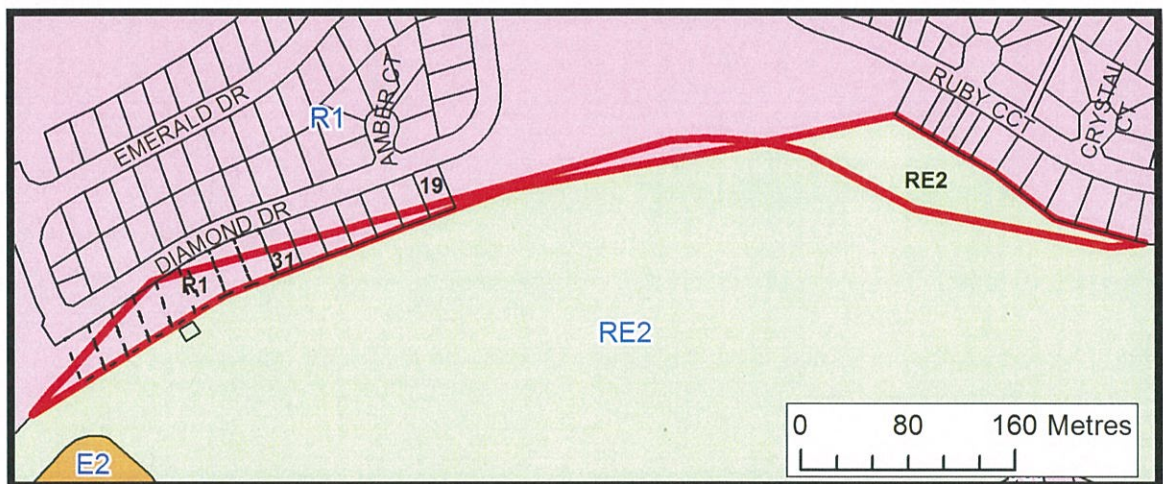
Issue 7. Lot 22 DP DP1229697 and Nos 19-31 Diamond Drive, Port Macquarie

Land zoning map (LZN_013G)

Current zoning – part R1 General Residential and part RE2 Private Recreation

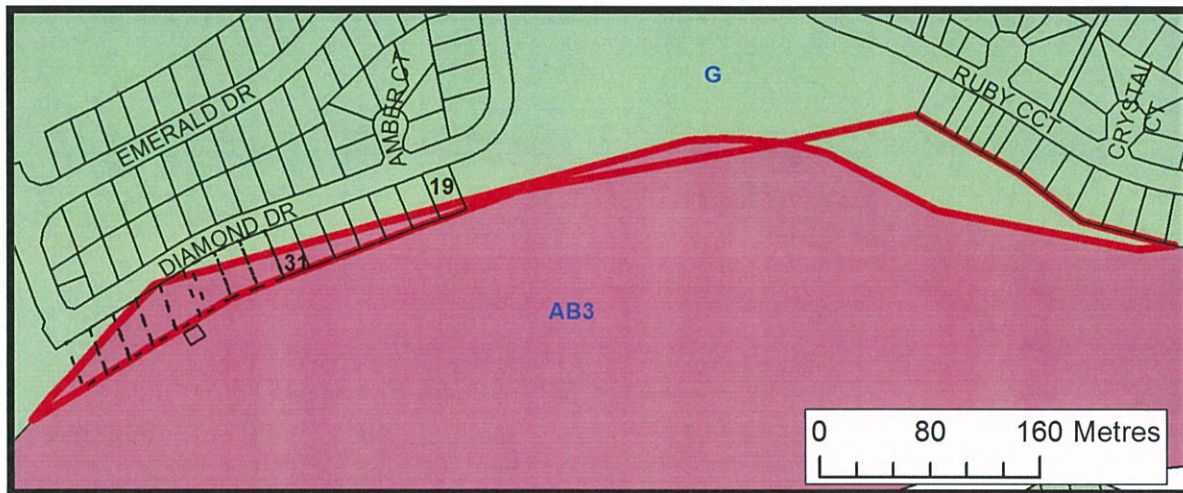


Proposed zoning – part R1 General Residential and part RE2 Private Recreation (applied to correct existing mapping anomaly)

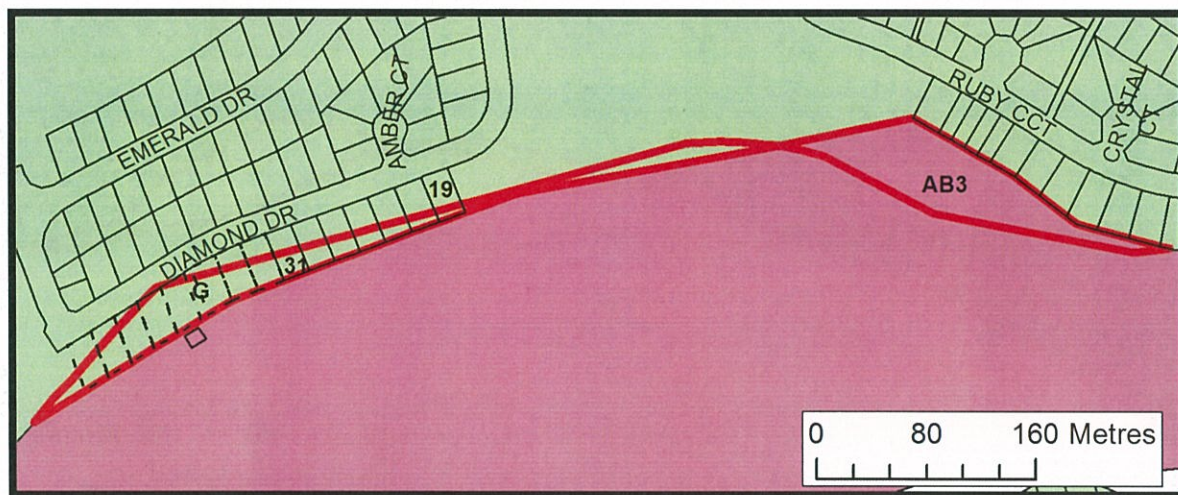


Lot size map (LSZ_013G)

Current lot size – part (AB3) 40 ha (land currently in RE2 zone) and part 450sqm (land currently in R1 zone)

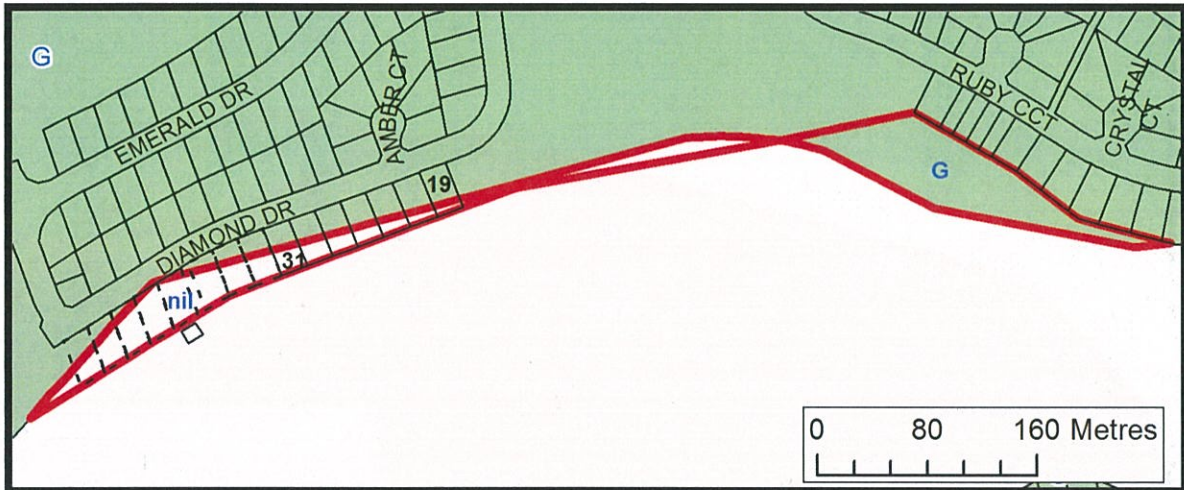


Proposed lot size – part (G) 450sqm (land proposed to be rezoned R1) and part (AB3) 40 ha (for land proposed to be rezoned RE2)

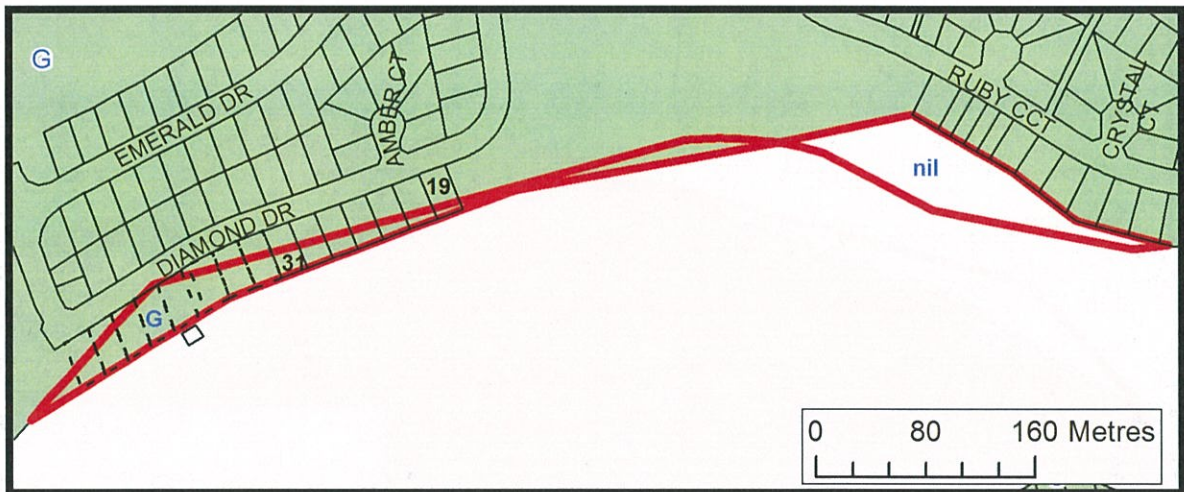


Floor space ratio (FSR_013G)

Current FSR – part nil (for land currently zoned RE1) and part (G) 0.65:1 (for land currently zoned R1)

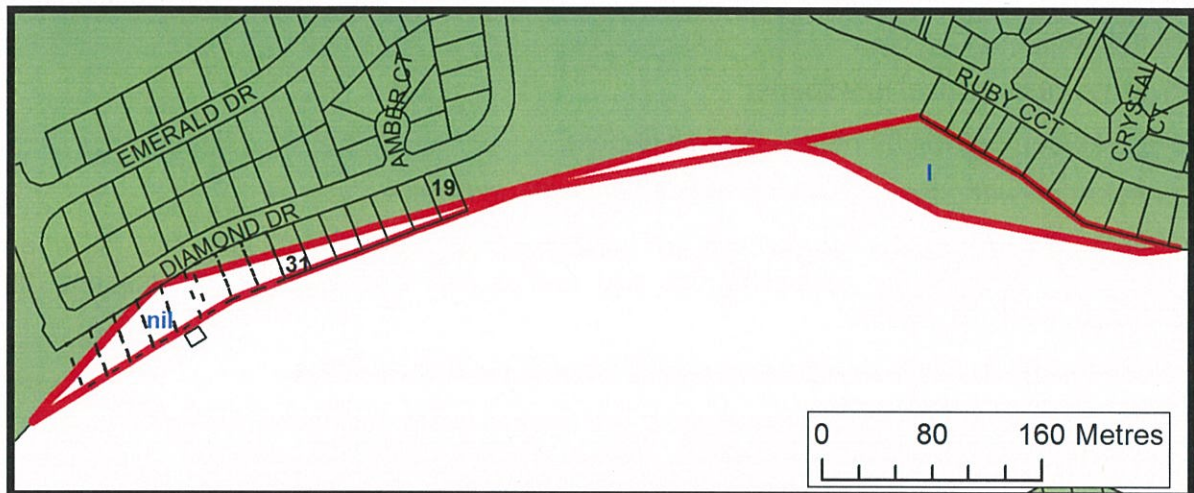


Proposed FSR – part nil (for land proposed to be zoned RE1) and part (G) 0.65:1 (for land proposed to be zoned R1)

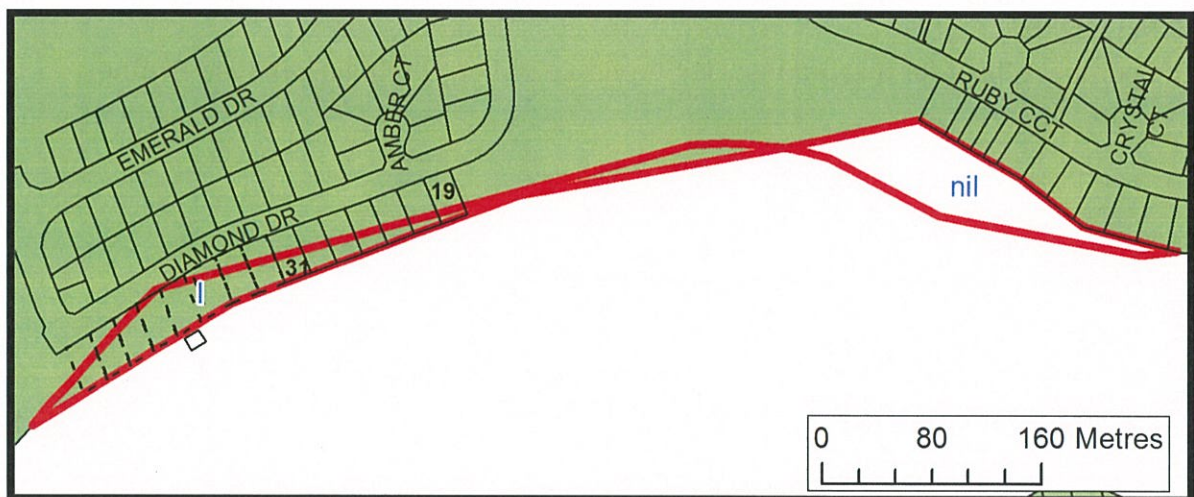


Height of building (HOB_013G)

Current HOB – part nil (for land currently zoned RE1) and part (l) 8.5m (for land currently zoned R1)



Proposed HOB – part nil (for land proposed to be zoned RE1) and part (l) 8.5m (for land proposed to be zoned R1)



Part 5 – Community Consultation

In accordance with 'A Guide to Preparing Local Environmental Plans' prepared by the Department of Planning and Environment (2013), the Planning Proposal will be exhibited for a period as specified in the Gateway Determination. It is proposed that the exhibition will include:

Advertisement in local newspaper

An advertisement will be placed in local papers.

Consultation with affected owners and adjoining landowners

A letter will be sent to landowners for issues 3-7, and adjoining landowners, where considered appropriate. Opportunities for one-on-one consultations to discuss the proposals will be available.

Displays at the Council Head Quarters and Wauchope branch office.

The planning proposal will be displayed at the Council Head Quarters (17 Burrawan Street, Port Macquarie) and Wauchope branch office (49 High Street, Wauchope).

Exhibition on the Council website

The planning proposal will be exhibited on the council have your say website (<https://haveyoursay.pmhc.nsw.gov.au/>)

Direct contact

The contact officer for this proposal is Stephanie Baker (Strategic Landuse Planner).

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. It is anticipated that delegation would be exercised by Council's General Manager or the Director of Strategy and Growth.

Anticipated dates	2018							2019	
	J	J	A	S	O	N	D	J	F
Commencement (date of Gateway determination)		X							
Timeframe for the completion of required technical information		X	X						
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)			X	X					
Commencement and completion dates for public exhibition period				X					
Dates for public hearing (if required)									
Timeframe for consideration of submissions					X				
Timeframe for the consideration of a proposal post exhibition						X			
Date Council will make the plan (if authorised)							X		
Date Council will forward to the department for notification.								X	

Appendix A – List of proposed amendments

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

A. Changes to text

Provision	Changes	Part 2 – Issue reference
Clause 4.1	Insert: '(4A) if a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included when calculating the size of the lot for the purposes of this clause'.	1
Land Use Table	That the Land Use Table be amended in relation to industrial retail outlets: (a) to be permissible with consent in Zones RU1 Primary Production, RU2 Rural Landscape, RU5 Village, B7 Business Park, IN3 Heavy Industry and IN4 Working Waterfront, (b) to be prohibited in Zone B2 Local Centre.	2

B. Changes to Map Sheets

The following map sheets are revoked:

Map sheets	Map sheet identifier	Part 4 – Issue reference
Land Zoning Map		
LZN_010B	6380_COM_LZN_010B_020_20171129	4
LZN_013G	6380_COM_LZN_013G_020_20170822	6, 7
Lot Size Map		
LSZ_009	6380_COM_LSZ_009_080_20160722	3
LSZ_013G	6380_COM_LSZ_013G_020_20170823	6, 7
Floor Space Ratio Map		
FSR_010B	6380_COM_FSR_010B_020_20130809	4
FSR_013G	6380_COM_FSR_013G_020_20170912	6, 7
Height of Building Map		
HOB_013G	6380_COM_HOB_013G_020_20161122	6, 7
Land Reservation Acquisition Map		
LRA_012B	6380_COM_LRA_012B_020_20141210	5
LRA_013F	6380_COM_LRA_013F_020_20141210	5

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

The following map sheets are adopted:

Map sheets	Map sheet identifier	Part 4 – Issue reference
Land Zoning Map		
LZN_010B	6380_COM_LZN_010B_020_2018....	4
LZN_013G	6380_COM_LZN_013G_020_2018....	6, 7
Lot Size Map		
LSZ_009	6380_COM_LSZ_009_080_2018....	3
LSZ_013G	6380_COM_LSZ_013G_020_2018....	6, 7
Floor Space Ratio Map		
FSR_010B	6380_COM_FSR_010B_020_2018....	4
FSR_013G	6380_COM_FSR_013G_020_2018....	6, 7
Height of Building Map		
HOB_013G	6380_COM_HOB_013G_020_2018....	6, 7
Land Reservation Acquisition Map		
LRA_012B	6380_COM_LRA_012B_020_2018...	5

Note that there is no replacement sheet for LRA_013F as there is no remaining land designated for reservation within this sheet.

These map sheets may need to be updated prior to finalisation, to incorporate separate amendments that may have commenced since the map sheets were prepared. Such changes have no significance to this Planning Proposal.

Appendix B – Gateway Determination

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

The Section 3.34 Gateway Determination addresses processing requirements:

- (a) whether the matter should proceed (with or without variation),
- (b) whether the matter should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal),
- (c) the minimum period of public exhibition of the planning proposal (or a determination that no such public exhibition is required because of the minor nature of the proposal),

Note. Under Schedule 1 of the Act, the mandatory period of public exhibition is 28 days if a determination is not made under paragraph (c).
- (d) any consultation required with State or Commonwealth public authorities that will or may be adversely affected by the proposed instrument,
- (e) whether a public hearing is to be held into the matter by the Independent Planning Commission or other specified person or body,
- (f) the times within which the various stages of the procedure for the making of the proposed instrument are to be completed,
- (g) if the planning proposal authority is a council — whether the council is authorised to make the proposed instrument and any conditions the council is required to comply with before the instrument is made.

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

Appendix C – Consistency with applicable State Environmental Planning Policies

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

State Environmental Planning Policies	Consistency
21 Caravan Parks	Not applicable
30 Intensive Agriculture	Not applicable
33 Hazardous and Offensive Development	Not applicable
36 Manufactured Home Estates	Not applicable
44 Koala Habitat Protection	Not applicable
50 Canal Estate Development	Not applicable
55 Remediation of Land	Not applicable
62 Sustainable Aquaculture	Not applicable
64 Advertising and Signage	Not applicable
65 Design Quality of Residential Flat Development	Not applicable
(Affordable Rental Housing) 2009	Not applicable
(Building Sustainability Index: BASIX) 2004	Not applicable
(Coastal Management) 2018	Issue 5 applies to land subject to this SEPP. This issue arises as a result of the land coming into public ownership. Conservation is the primary objective. This is consistent with the SEPP. Part of land included in Issue 7 is subject to the SEPP, being identified as 'Proximity Area for Coastal Wetlands'. The subject land has a consent from 1990 for creation of residential lots (as part of a staged development), and it would be an anomaly to retain the current zoning and development standards.
(Educational Establishments and Child Care Facilities) 2017	Not applicable
(Exempt and Complying Development Codes) 2008	Not applicable
(Housing for Seniors or People with a Disability) 2004	Not applicable
(Infrastructure) 2007	Not applicable
(Mining, Petroleum Production and Extraction Industries) 2007	Not applicable
(Miscellaneous Consent Provisions) 2007	Not applicable
(Rural Lands) 2008	Issue 3 applies a minimum lot size to 2 small rural parcels to which no minimum applies. There is no proposed change in the land use and the proposal is consistent with the SEPP.
(State and Regional Development) 2011	Not applicable
(State Significant Precincts) 2005	Not applicable
(Vegetation in Non-Rural Areas) 2017	Not applicable

Appendix D – Consistency with applicable Section 9.1 Ministerial Directions

Listed below are the Section 9.1 (2) Directions (including Objectives) that apply to land within the Port Macquarie-Hastings Local Government Area.

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

Section 9.1 (2) Directions and Objectives	Consistency
1 Employment and Resources	
1.1 Business and Industrial Zones The objectives of this direction are to: <ul style="list-style-type: none"> (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 1 adjusts the permissibility's of Industrial retail premises within Business and Industrial zones. The changes align permissibility's with the associated Industries and Rural Industries. The proposal is consistent with this direction.
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	Issue 3 applies a minimum lot size to 2 small rural parcels to which no minimum applies. The proposal is consistent with this direction.
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.	Not applicable
1.4 Oyster Aquaculture The objectives of this direction are: <ul style="list-style-type: none"> (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. 	Not applicable
1.5 Rural Lands The objectives of this direction are to: <ul style="list-style-type: none"> (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes. The Direction applies when: <ul style="list-style-type: none"> (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. 	Issue 2 impacts on the minimum lot size for lots within any zone where there is a 'battle-axe' access. The proposal is consistent with this Direction. Issue 3 applies a minimum lot size to land zoned RU2 Rural Landscape. The proposal is consistent with this Direction. Issue 6 replaces an E3 Environmental Management zone for land within an urban area, replacing it with the adjoining R1 General Residential. The land has minimal environmental value, and its rezoning will be of minor significance.

Section 9.1 (2) Directions and Objectives	Consistency
2 Environment and Heritage	
<p>2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas. The associated requirements are:</p> <p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p>	<p>Issue 5 relates to environmentally sensitive areas. In this case they have environmental zonings. The proposed change is merely reflecting their change to public ownership. The proposal is consistent with this direction.</p> <p>Issue 6 relates to land currently zoned E3 Environmental Management, though it is not environmentally sensitive. It is proposed that it:</p> <ul style="list-style-type: none"> • be rezoned to R1 General Residential • have a minimum lot size of 450 sqm (in lieu of 5000 sqm) • have a maximum floor space ratio of 0.65:1 (in lieu of none). <p>The relevant land is 4700 sqm and is situated within a residential area. The land has minimal environmental value. A separate Planning Proposal is not considered necessary due to the minor significance of this environmental value.</p>
<p>2.2 Coastal Management The objective of this direction is to protect and manage coastal areas of NSW. It applies to land within the coastal zone, which is land identified within <i>SEPP (Coastal Management) 2018</i>.</p>	<p>Issue 5 relates to land subject to this Direction. The proposed changes merely update the Land Reservation Acquisition Map to reflect that the land is now in public ownership. The proposal is consistent with this direction.</p> <p>Part of the land affected by Issue 7 is mapped as 'Proximity Area for Coastal Wetlands' in the SEPP. The relevant area is around 1110 sqm, is cleared, and separated from the 'Coastal Wetlands' by over 65 m of golf course fairway which is zoned either RE2 Private Recreation or E2 Environmental Conservation.</p> <p>The subject land has a consent from 1990 for creation of residential lots (as part of a staged development), and it would be an anomaly to retain the current zoning and development standards. A separate Planning Proposal is not considered necessary due to the minor significance of this matter and its distance from the wetlands.</p>
<p>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.</p>	Not applicable
<p>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.</p>	Not applicable
3 Housing, Infrastructure and Urban Development	
<p>3.1 Residential Zones The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p>	<p>Issue 6 becomes subject of this direction. The land parcel is situated within a residential area and future residential development will take advantage of the existing infrastructure. The land is of minor environmental significance and the purpose of the existing zone no longer applies. The proposal is consistent with this direction.</p>

Section 9.1 (2) Directions and Objectives	Consistency
(c) to minimise the impact of residential development on the environment and resource lands.	
3.2 Caravan Parks and Manufactured Home Estates The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	Not applicable
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Not applicable
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.	Not applicable
3.5 Development Near Licensed Aerodromes The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	Not applicable
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.	Not applicable

Section 9.1 (2) Directions and Objectives	Consistency
4 Hazard and Risk	
<p>4.1 Acid Sulphate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>	<p>Issue 5. Is within an area of Class, 2, 3 and 5 Land. Clause 7.1 of PMHLEP 2011 aims to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. This amendment is an administrative mapping exercise, not creating any development opportunity. Therefore there will be no adverse environmental impacts as a result of this proposal.</p> <p>Issue 7. Is partially mapped as Class 5 Land. The subject site has an existing development consent on it and development will occur in accordance with the existing consent and the requirements of clause 7.1 of the PMHLEP 2011. This amendment is purely a mapping exercise and does not make any changes to existing consents or create any additional development opportunity.</p>
<p>4.2 Mine Subsidence and Unstable Land</p> <p>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.</p>	Not applicable
<p>4.3 Flood Prone Land</p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (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. 	Not applicable
<p>4.4 Planning for Bushfire Protection</p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (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. <p><i>Further details:</i></p> <p>When this direction applies</p> <p>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.</p> <p>What a relevant planning authority must do if this direction applies</p> <ul style="list-style-type: none"> (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 	<p>Issue 3 is situated in a category 3 bushfire area. The proposal is not making any changes to development potential on the land, it is just introducing a minimum lot size for a parcel of land where the minimum lot size has been overlooked.</p> <p>Issue 5 is situated in a category 1 and 2 bushfire area. This site is a rural setting and is a nature reserve in public ownership. The proposal is not for development of any kind.</p> <p>Issue 6 is situated within a bushfire prone area, being part category 1 and remainder vegetation buffer. The subject site is within an established residential area. While there is a small ridgeline of trees in the vicinity, the significance of these trees has diminished over time creating less of a bushfire risk. A separate Planning Proposal is not considered necessary due to the minor significance of this matter and it being an infill development. Consultation with the NSW Rural</p>

Section 9.1 (2) Directions and Objectives	Consistency
<p>57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <ul style="list-style-type: none"> (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. <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 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. 	<p>Fire Service will form part of this planning proposal.</p> <p><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 consultations completed.</p> <p><u>Consistency with subclause (5)</u> If this subclause relates only to planning proposals applying to a specific development, there is no inconsistency.</p> <p>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.</p>
<p>5 Regional Planning</p>	
<p>5.4 Commercial & Retail Development along the Pacific Hwy, North Coast</p> <p>The objectives for managing commercial and retail development along the Pacific Highway are:</p> <ul style="list-style-type: none"> (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; 	<p>Not applicable</p>

Section 9.1 (2) Directions and Objectives	Consistency
(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.	
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.	Not applicable
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.	
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.	Not applicable
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Not applicable

Appendix E – Acronyms, Glossary and References

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 9.1 (2) Ministerial Direction No 2.2.

NSW Coastal Management Manual (2018) 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 9.1 (2) 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 *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 9.1 (2) 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 3.34 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.

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 9.33 (3) of the EP&A Act.

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.

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.

This proposal addresses seven (7) minor issues in the LEP text and map series, and seeks to make refinements and adjustments to correct errors or anomalies that have been identified.

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 9.1 (2) Ministerial Directions [previously 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 9.1 (2) Ministerial Directions is in **Appendix E**.

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 D**.

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 strategy was released in 2017, with an updated strategy expected later this year (2018).

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 F – Map Cover Sheet and new Map Sheets

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 local plan-making authority.

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 B Changes to Map Sheets within **Appendix A**.

