



IRF 22/160

Gateway determination report – PP-2021-7457

Housekeeping Amendment

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal (Attachment A)
North Coast Regional Plan 2036

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Port Macquarie-Hastings
PPA	Port Macquarie-Hastings Council
NAME	Housekeeping Amendment
NUMBER	PP-2021-7457
LEP TO BE AMENDED	Port Macquarie Hastings LEP 2011 (PMH LEP)
ADDRESS	Various addresses
RECEIVED	22/12/2021
FILE NO.	IRF22/160
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to undertake housekeeping amendments to correct six errors and/or anomalies that have been identified within the PMH LEP 2011 and associated maps.

The objectives of the proposal are to:

1. Amend the Lot Size Map and Koala Habitat Map at map tile 013G to align with standard mapping practice by adding labels for nature reserves;
2. Update Schedule 1 Additional Permitted Uses (APU) Item 12 - Use of certain land at 1179 Oxley Highway, Sancrox, the associated map and LEP Clause 7.17 Development on land at 1179 Oxley Highway, Sancrox, to cater for the subsequent subdivision of the land;
3. Rezone Lot 5 DP 21713, 46 Cooperabung Drive, Telegraph Point, from SP2 Infrastructure (Classified Road) to RU1 Primary Production zone;
4. Rezone Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains, from RU1 Primary Production zone to RE1 Public Recreation zone and amend the Lot Size map to remove the minimum lot size;
5. Rezone part of Lots 3, 21 and 65 DP 286585, Provence Close, Sancrox, from C2 Environmental Conservation to R5 Large Lot Residential and amend the Lot Size map to correspond with the amended zone boundaries (It is noted that the lots affected are 'part' lots. It is therefore recommended that as a condition of the Gateway determination the planning proposal be amended to note the lots as 'part of' lots); and

6. Rezone part of Lot 2 DP 1250767, Sovereign Drive, Thrumster, from R1 General Residential to B1 Neighbourhood Centre to remove split zoning on the land and amend the Lot Size map to remove the lot size corresponding to the amended B1 zone (It is noted that the rezoning is only a 'part' of the subject lot. It is therefore recommended that as a condition of the Gateway determination the planning proposal be amended to note the lot as 'part of' lot).

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to make housekeeping amendments to the PMH LEP 2011 as follows:

1. Amend the Lot Size Map and Koala Habitat Map at map tile 013G to align with standard mapping practice by adding labels for nature reserves.

Include identification labels to Macquarie, Sea Acres and Lake Innes Nature Reserves, which are currently not labelled, in accordance with the Department's published Standard Technical Requirements for Spatial Datasets and Maps on the lot size and koala habitat map sheets 013G.
2. Amend the Additional Permitted Use Map (APU), amend LEP Clause 7.17 Development on land at 1179 Oxley Highway, Sancrox and Schedule 1 Item 12 - Use of certain land at 1179 Oxley Highway, Sancrox, to align the correct addressing for Lot 1 DP 1261690 and removing Lot 2 DP 1261690.

In 2019, an LEP amendment was gazetted to include an Additional Permitted Use (APU), Item 12 in Schedule 1 of the PMH LEP 2011, for the purpose of a highway service centre at 1179 Oxley Highway, Sancrox (Lot 11 DP 1029846). The amendment also permitted a two lot subdivision of Lot 11 DP 1029846 to excise the highway service centre as an additional permitted use. The subdivision of Lot 11 DP 1029846 has now been completed. The new site of the proposed highway service centre is to be on Lot 1 DP 1261690 and the remaining portion of the lot where a dwelling exists as Lot 2 DP 1261690.

Amendments will be required as follows:

- amend the APU map to apply only to Lot 1 DP 1261690;
- amend Item 12 of Schedule 1 to correct the address for Lot 1 DP 1261690; and
- amend the description in Clause 7.17 aligning to the correct addressing for Lot 1 DP 1261690 and associated changes to the clause to reflect the subdivision of the original Lot 11 DP 1029846.

It is recognised the final clause 7.17 will be drafted by Parliamentary Counsel to ensure it is legally consistent with the intent of the proposal and the PMH LEP.

3. Rezone Lot 5 DP 21713 from SP2 Infrastructure (Classified Road) to RU1 Primary Production zone

Transport for NSW (TfNSW) has requested that Council review the zoning for Lot 5 DP 21713, Cooperabung Drive, Telegraph Point, as the land has been identified as residue land and is not required for future road purposes. The adjacent land is currently zoned RU1 Primary Production.
4. Rezone Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600 from RU1 Primary Production zone to RE1 Public Recreation zone and amend the Lot Size map to remove the minimum lot size for the subject lots.

Rollands Plains Showground, 19 Bril Bril-Belangray Road, Rollands Plains, is owned by the Crown and is administered by the *Crown Lands Management Act (2016)*. The Showground comprises part Reserve 35451 Public Recreation, gazetted 6 December 1902, for the purpose of Public Recreation (Figure 1).

The zone objectives of RE1 Public Recreation are:

- to enable the land to be used for public open space or recreational purposes;
- provide a range of recreational settings and activities and compatible land uses; and
- to protect and enhance the natural environment for recreational purposes.

The current use of the land is more closely aligned with these objectives. Other uses permitted with consent in the RE1 zone that could potentially be a further advantage for the local community are camping grounds which are currently prohibited in the RU1 zone.

The planning proposal notes that DP&E - Crown Lands has confirmed their support to Council for the rezoning of the Showground land. However, there is no evidence of this included with the planning proposal. It is therefore recommended as a condition of the Gateway determination that consultation is undertaken with the DP&E - Crown Lands to confirm the suitability of the proposal.



Figure 1 – Crown Land and Reserve 35451
Source – Planning Proposal

It is also noted that Item 4 seeks to apply a HOB of 8.5m to the RE1 Public Recreation zone. The planning proposal discusses the application of the HOB to be in line with other similar showgrounds within the LGA. The Rollands Plains Showground however differs to those showgrounds as it is not within a village zone, is owned by the Crown and has a Public Reserve Status. This has been discussed with Council who have advised they agree that a HOB would serve no positive benefit to the rezoned area in this particular instance. It is therefore recommended that as a condition of the Gateway determination the planning proposal is amended to remove all references to applying a HOB to Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600.

5. Rezone part of Lots 3, 21 and 65 DP 286585 from C2 Environmental Conservation to R5 Large Lot Residential and amend the Lot Size map to correspond with the amended zone boundaries.

(It is noted effective from 1 December 2021, the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021, amended environmental protection zones are to be referred to as Conservation Zones. New maps will be required to refer to C2 Environmental Conservation. It is therefore recommended as a condition of the Gateway determination that references in the proposal to E2 Environmental Conservation be amended to read C2 Environmental Conservation).

Council has received a request from Hopkins Consultants to review the extent of the current C2 Environmental Conservation Zone at Provence Close in the Le Clos Verdun Estate, Sancro. The subject C2 Environmental Conservation zone is classified as consisting of a strip of large Blackbutt Trees along Provence Close. It is not identified as Core Koala Habitat.

An area on the western edge of the current C2 Environmental Conservation zone appears to be open grassland when viewed via aerial imagery (Figure 2). The planning proposal notes there have been issues caused by the C2 zoning for landowners when building new homes.

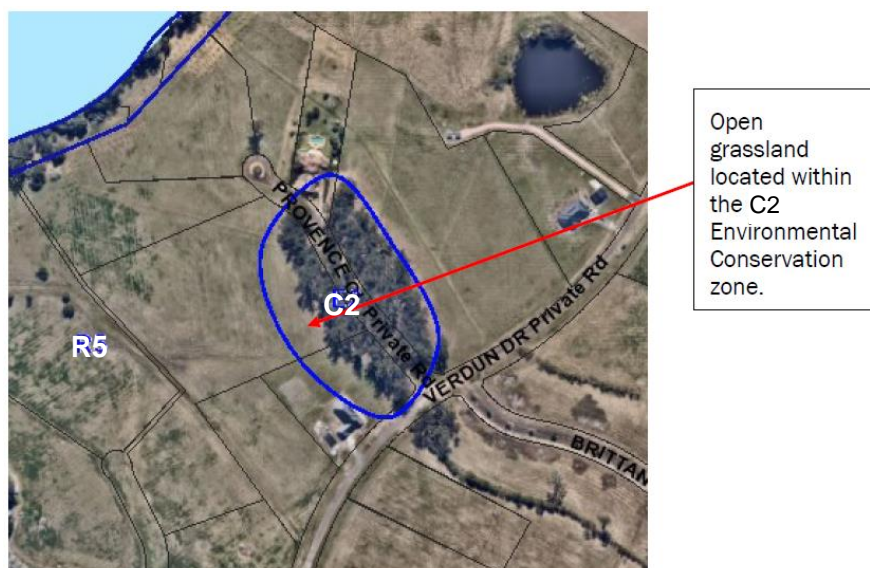


Figure 2 – Zoning for Provence Close, Le Clos Verdun Estate

Source – Planning Proposal (note E2 references updated to C2)

Several studies supported a rezoning in 2007 including an Ecological Study prepared by B Salter in February 2004 and addendums in May 2004 and January 2008 where it was recommended that *'building sites, access driveways, bushfire buffers can and should be located to avoid the need for tree removal'* (B Salter, 2008:10).

A Vegetation Management Plan (VMP) for the Le Clos Verdun Estate was also supported by a Fauna and Flora Study in 2008. The study confirmed the presence of four hollow bearing trees within this parcel, which are numbered and identified as (14) *Eucalyptus pilularis* Blackbutt, (15) *Eucalyptus microcorys* Tallowwood, (16) *Eucalyptus pilularis* Blackbutt, (17) *Eucalyptus pilularis* Blackbutt (Figure 3). The study recommended that *'driveways and other structures on the central ridge are to avoid conflict with the tree protection zones of the hollow-bearing trees'* (E Ashby, 2008:49).

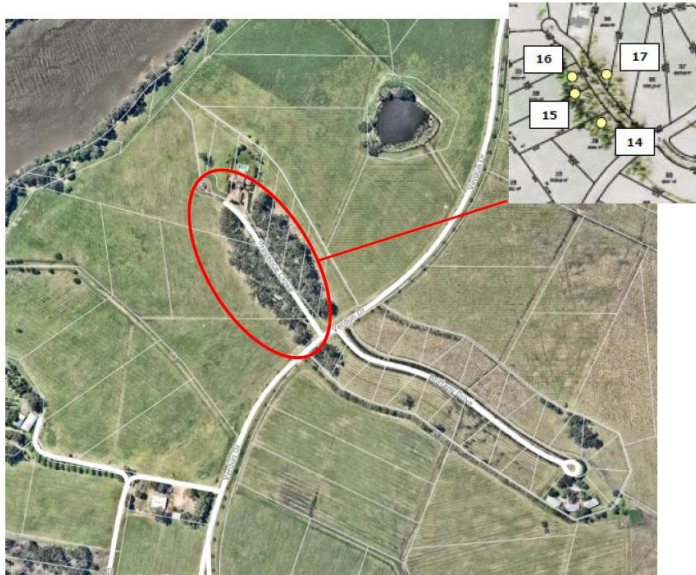


Figure 3 – Identified hollow bearing trees
Source – Planning Proposal

The approved VMP provides for the effective management of the fauna and flora in this estate and in relation to the current subject C2 Environmental Conservation zoned land, and states that it *'consists of established trees only and is isolated from any corridors linking it to any other Management Units.*

The planning proposal advises the proposed reduced C2 Environmental Conservation zone boundary will extend 2m beyond the tree dripline and will include Tree Protection Zones (TPZ) in accordance with AS4970 (Protection of Trees on Development Sites) and Council's Development Control Plan along with associated tree hazard zones (Figure 4).



Figure 4 – 2m dripline, TPZ and THZ
Source – Planning Proposal

6. Rezone part of Lot 2 DP 1250767 from R1 General Residential to B1 Neighbourhood Centre to remove split zoning on the land; and amend the Lot Size map to remove the lot size corresponding to the amended B1 zone.

A modification to DA2017.664 has resulted in Lot 2 DP 1250767 becoming dual zoned as B1 Neighbourhood Centre and R1 General Residential (Figure 5).

Approximately 431m² of Lot 2 is zoned R1 General Residential. It is considered that a residential use of that land between the future “commercial” use of Lot 2 and the adjoining approved childcare centre on Lot 1 DP 1250767 would not be a desirable urban planning outcome. The intention is to zone the residue R1 General Residential land on Lot 2 to B1 Neighbourhood Centre consistent with the remainder of the Lot.

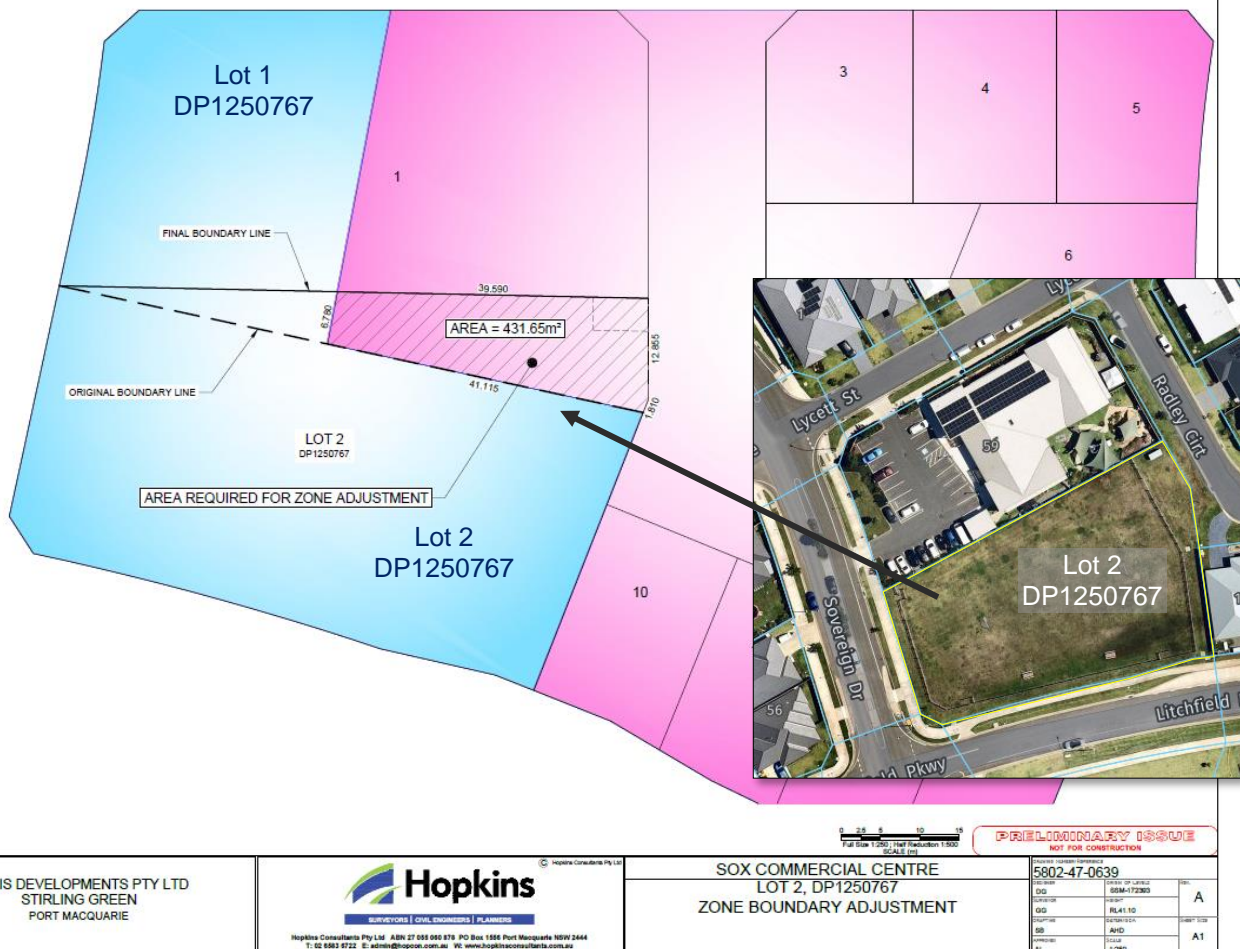


Figure 5 – DA2017.664 modification showing current dual zone
Source – Planning Proposal & NearMap

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

Item 1 is in relation to a specific map tile for the Lot Size and Koala Habitat Maps.

Item 2 relates to Lot 1 DP 1261690, 1179 Oxley Highway, Sancro (Figure 6), approximately 10km from the Port Macquarie CBD. The lot is predominantly cleared of vegetation except along the eastern and northern boundaries. The Pacific Highway runs along the eastern boundary and the Oxley Highway along the northern boundary. Within proximity to the site is the Billabong Wildlife Zoo to the north and the existing southbound highway service centre on the south east corner of the interchange.

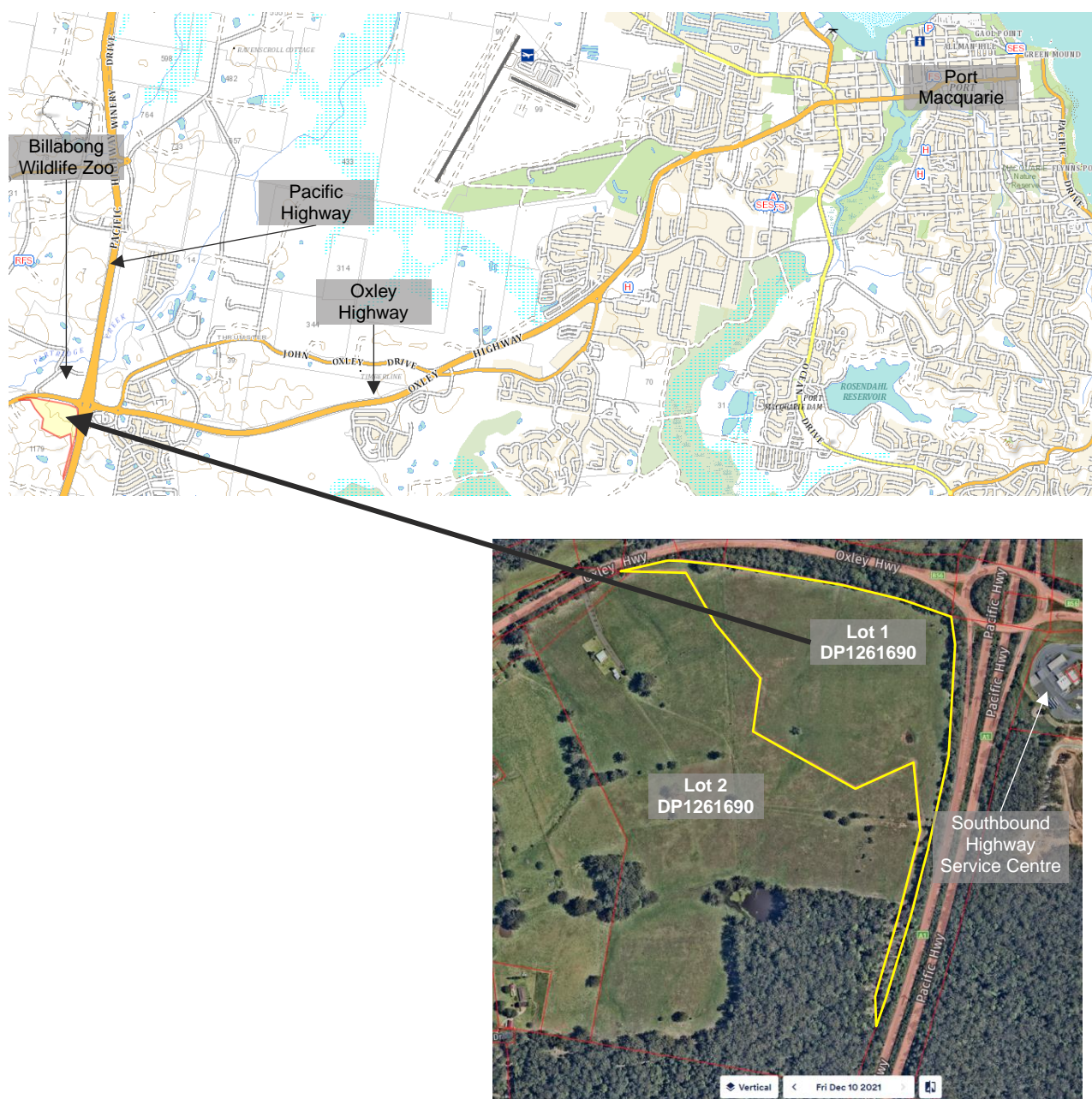


Figure 6 – Lot 1 DP 1261690, 1179 Oxley Highway, Sancro

Source – NearMap

Item 3 relates to Lot 5 DP 21713, Cooperabung Drive, Telegraph Point (Figure 7).

Telegraph Point is approximately 24km north west of Port Macquarie. The lot is on the northern side of the Old Pacific Highway, has no dwelling and is adjacent to a vacant lot. The lots on the opposite side of Cooperabung Drive have dwellings.



Figure 7 – Lot 5 DP 21713, Cooperabung Drive, Telegraph Point

Source – NearMap & Six Maps

Item 4 relates to Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains.

Rollands Plains is approximately 40km north west of Port Macquarie. The Rollands Plains Showground is surrounded predominantly by agricultural land and farmhouses (Figure 8). The showground comprises the ring, associated stock yards, dressage arena, buildings and tennis court. There are a few dwellings to the north on the opposite side of Bril Bril-Belangray Road, including the local School of Arts Hall. The local Rural Fire Service is located adjacent the southern boundary of the subject lots and further south the local cemetery.

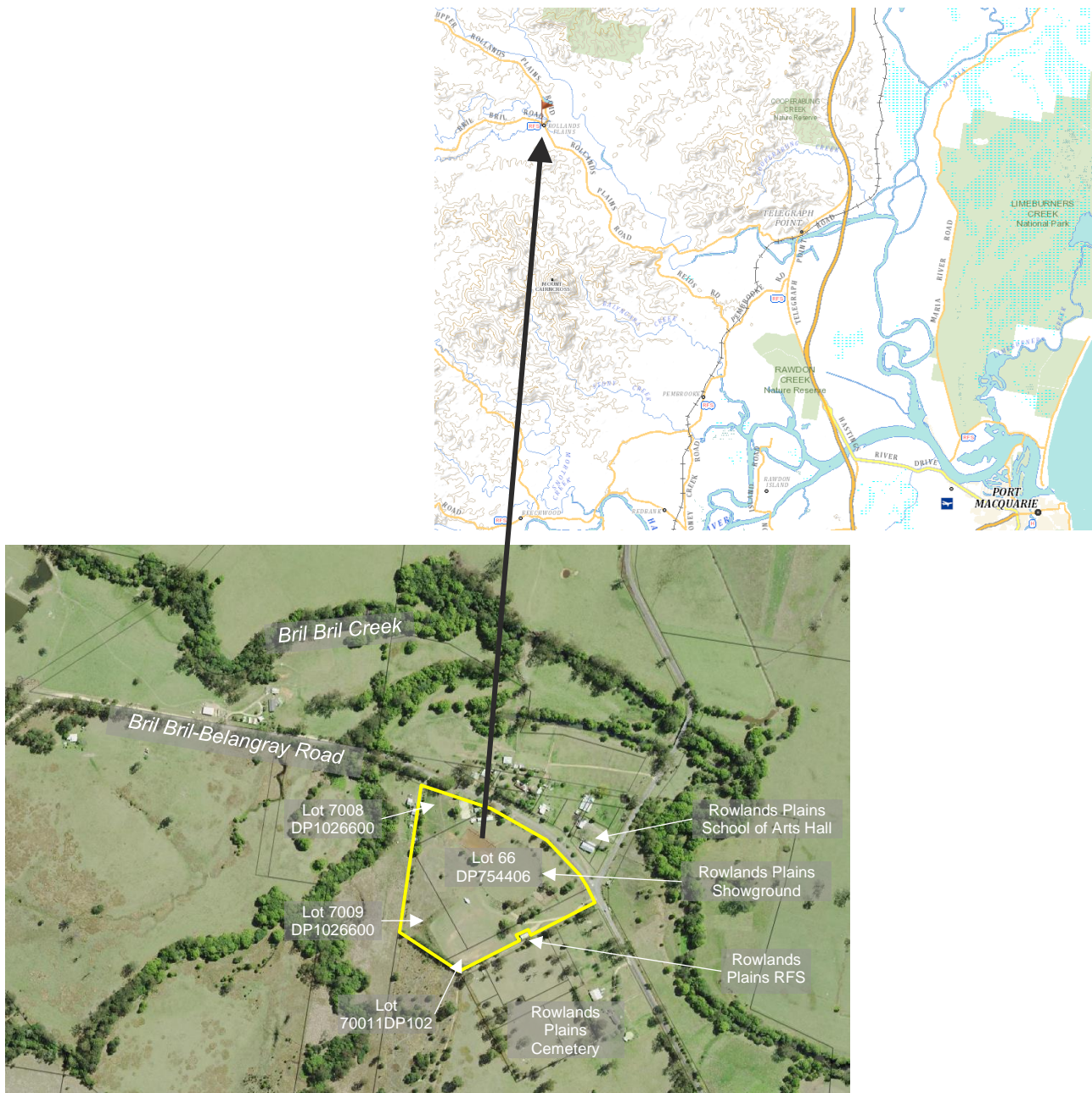


Figure 8 – Rollands Plains Showground - Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains

Source – ePlanning Spatial Viewer & Six Maps

Item 5 Part of Lots 3, 21 and 65 DP 286585 at Provence Close in the Le Clos Verdun Estate, Sancrox (Figure 9), approximately 18km west of Port Macquarie. The lots are within approximately 200m of the Hastings River and are part of a land release area which is predominantly cleared land except for the strip of large Blackbutt Trees along Provence Close.



Figure 9 – Part of Lots 3, 21 and 65 DP 286585 at Provence Close in the Le Clos Verdun Estate, Sancrox
Source – NearMap & Six Maps

Item 6 Part of Lot 2 DP 1250767, Sovereign Drive, Thrumster

The subject lot is approximately 3000m², of which 431m² is proposed to be rezoned. The lot is within the Thrumster urban release area which is approximately 10km south west of Port Macquarie (Figure 10).



Figure 10 – Part of Lot 2 DP 1250767, Sovereign Drive, Thrumster

Source – NearMap & Six Maps

1.5 Existing Planning Controls

Item 2 Lot 1 DP 1261690, 1179 Oxley Highway, Sancrox

Lot 1 is approximately 13.6ha, is zoned RU1 Primary Production, has a minimum lot size (MLS) of 40ha, is identified as bushfire prone land, has associated Additional Permitted Uses as a highway service centre, potential high environmental land (HEV) identified in the North Coast Regional Plan (NCRP) 2036 and is within the NCRP 2036 Urban Growth Boundaries for Port Macquarie (Figure 11).

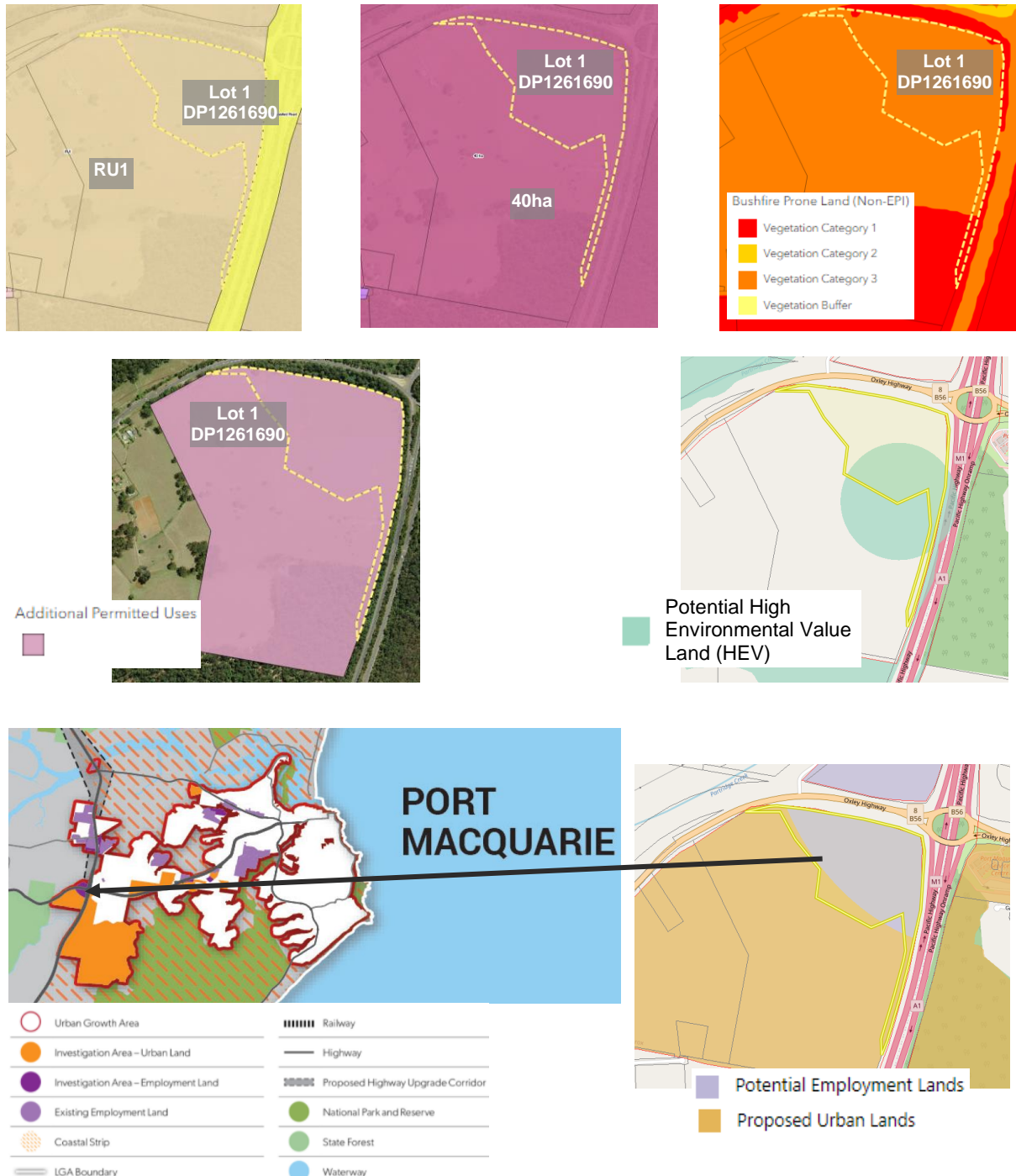


Figure 11 – Lot 1 DP 1261690, 1179 Oxley Highway, Sancrox – Existing Planning Controls
Source – ePlanning Spatial Viewer & NCRP 2036

Item 3 Lot 5 DP 21713, Cooperabung Drive, Telegraph Point

Lot 5 is approximately 617m², currently zoned SP2 Infrastructure (Classified Road), has a MLS of 40ha, is classified bushfire prone land and is within the Coastal Environment Area under State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP) (Figure 8).

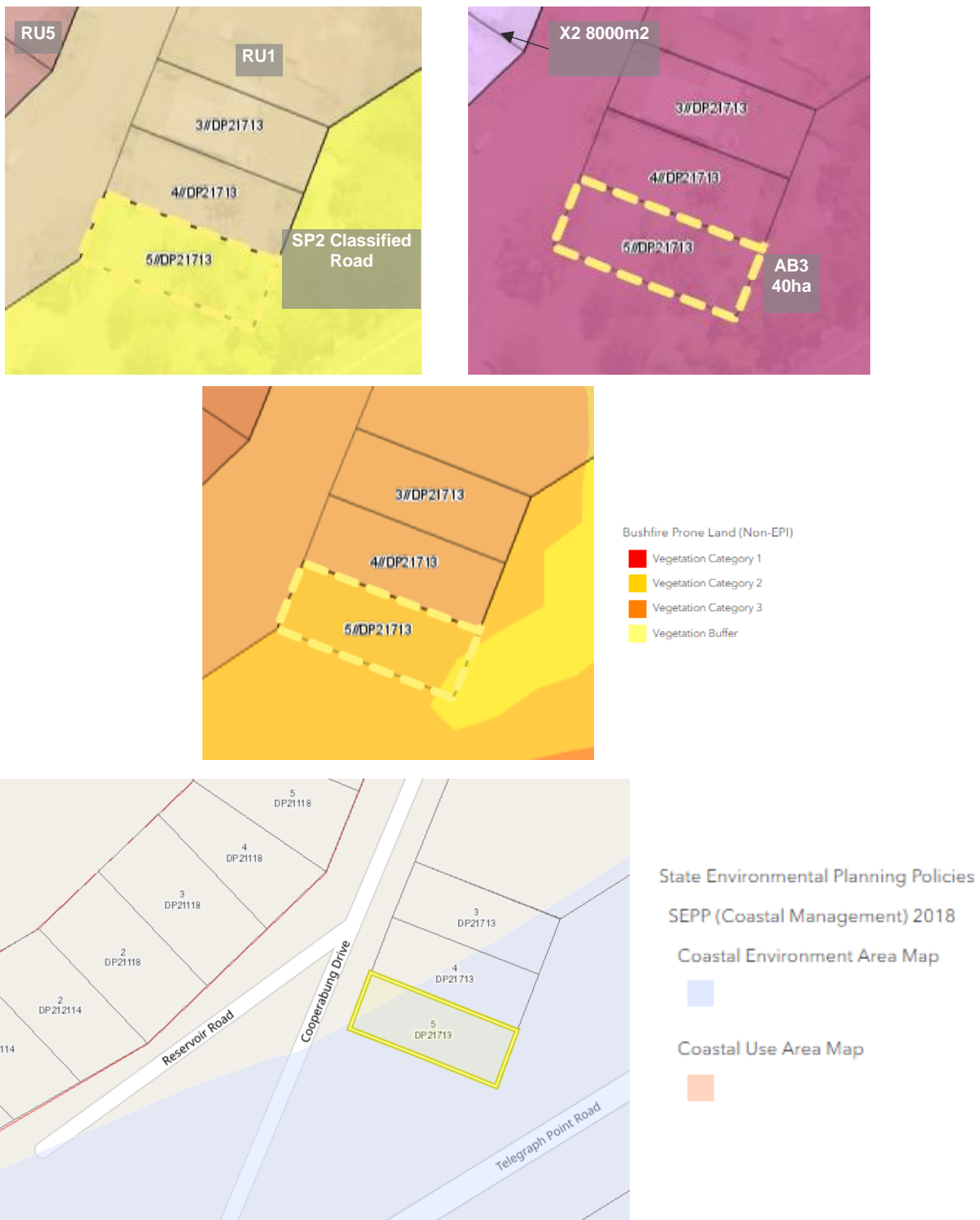


Figure 12 – Lot 5 DP 21713, Cooperabung Drive, Telegraph Point – Existing Planning Controls

Source – ePlanning Spatial Viewer & NCRP 2036

Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains

The subject lots are approximately 7ha, part of the Crown Reserve (R35451)(Figure 1), are zoned RU1, have a MLS of 40ha, are classified as being bushfire prone land and have potential high environmental land identified in the NCRP 2036 (Figure 13).

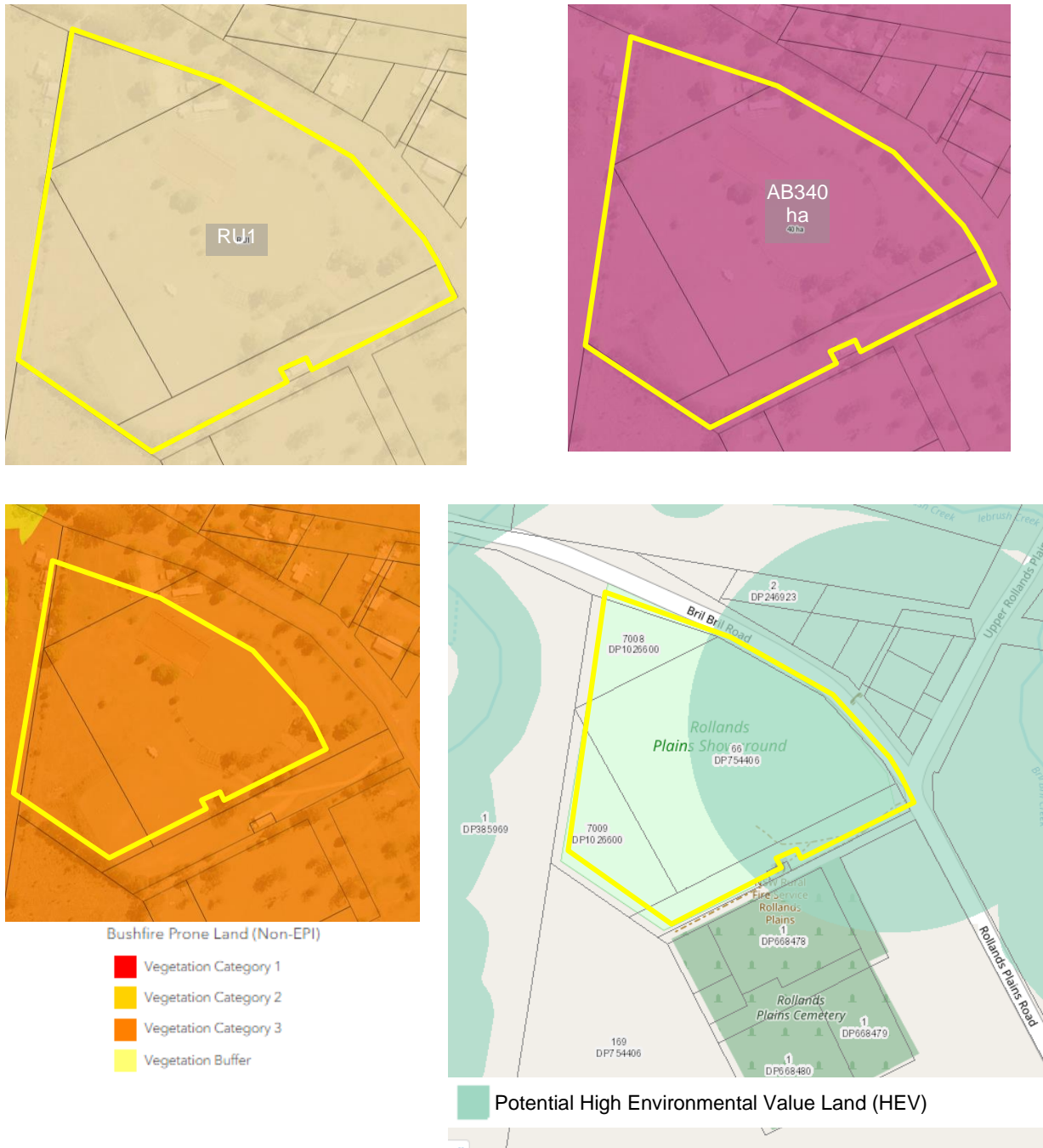


Figure 13 – Rollands Plains Showground – Existing Planning Controls

Source – ePlanning Spatial Viewer & NCRP 2036

Item 5 Part of Lots 3, 21 and 65 DP 286585, Provence Close in the Le Clos Verdun Estate

The subject lots are part of an estate zoned part R5 Large Lot Residential and part C2 Environmental Conservation, have a 40ha and 8000m² MLS, identified as having bushfire prone land and is within the Coastal Environment and Coastal Use Areas identified in the Coastal SEPP (2018) (Figure 14).

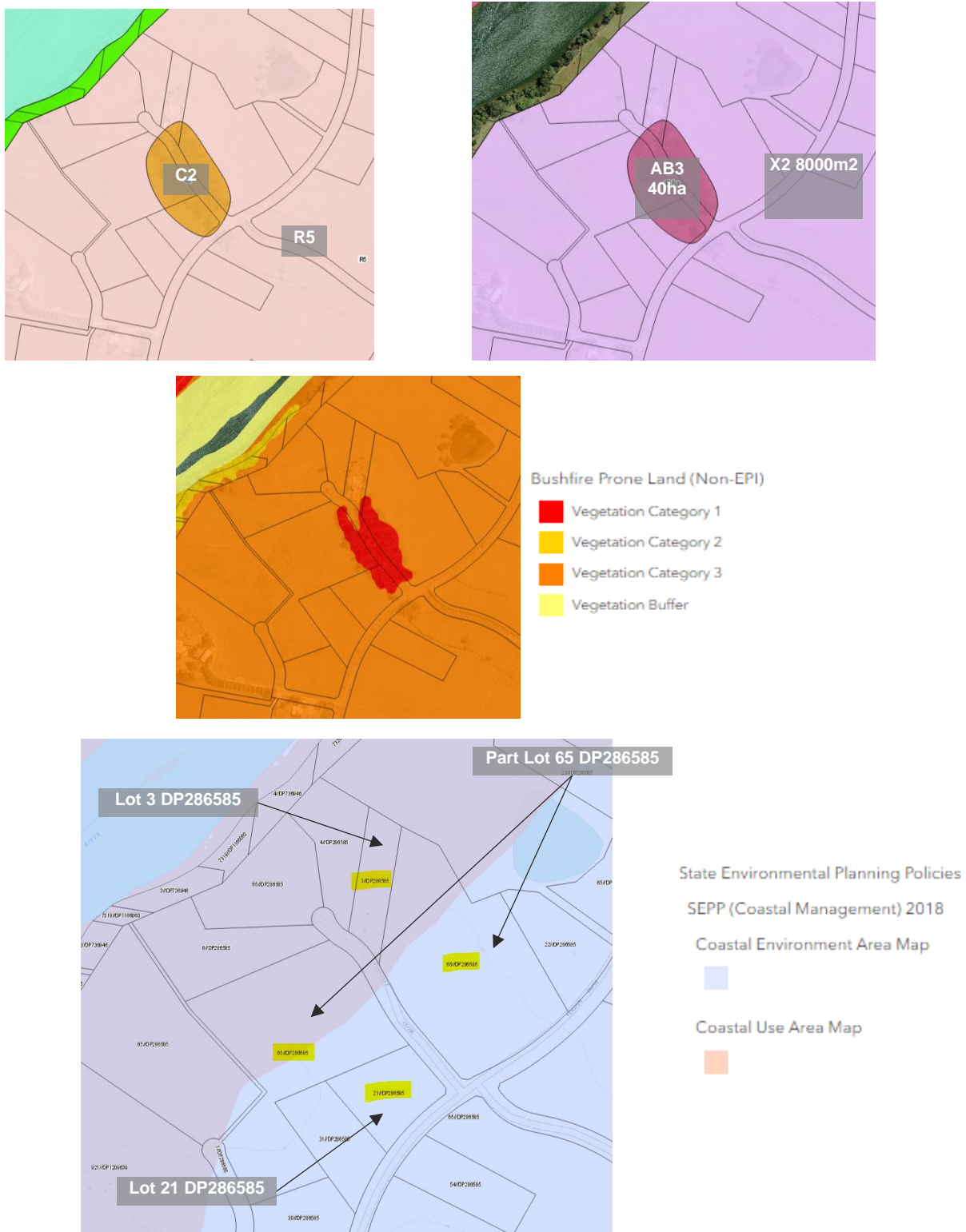


Figure 14 – Part of Lots 3, 21 and 65 DP 286585 at Provence Close in the Le Clos Verdun Estate – Existing Planning Controls

Source – ePlanning Spatial Viewer

Item 6 Part of Lot 2 DP 1250767, Sovereign Drive, Thrumster

The subject lot is zoned part R1 General Residential and part B1 Neighbourhood Centre, has a MLS of part 450m², identified bushfire prone land (buffer area), within a flood planning area, has Class 5 Acid Sulfate Soil, is within the NCRP 2036 coastal strip east of the Pacific Highway and within the Urban Growth Boundaries for Port Macquarie (Figure 15).



Figure 15 – Part Lot 2 DP 1250767, Sovereign Drive, Thrumster –
Existing Planning Controls
Source – ePlanning Spatial Viewer

1.6 Mapping

The planning proposal includes site specific maps, which are suitable for community consultation showing the existing and proposed changes to the following maps:

Item 1

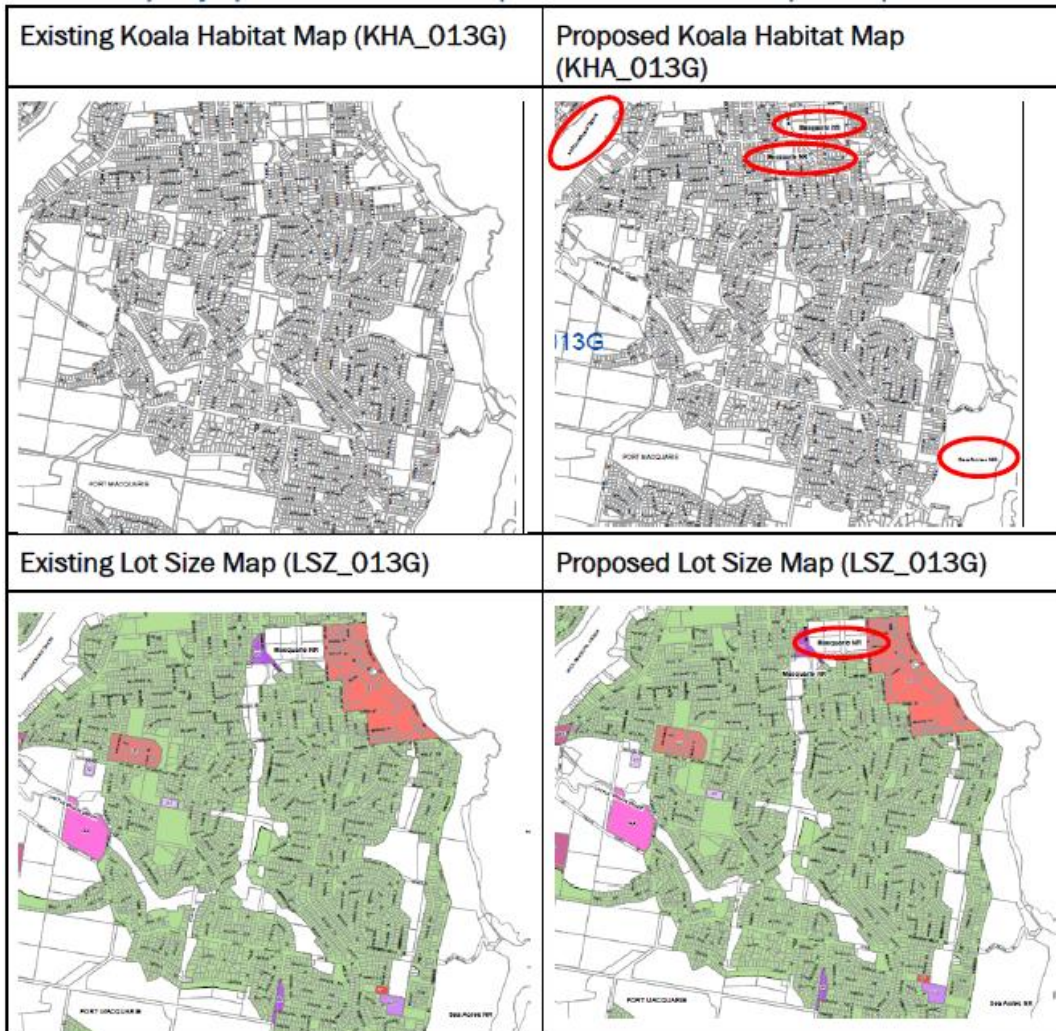


Figure 16 – Item 1 Existing and proposed map amendments

Source – Planning proposal

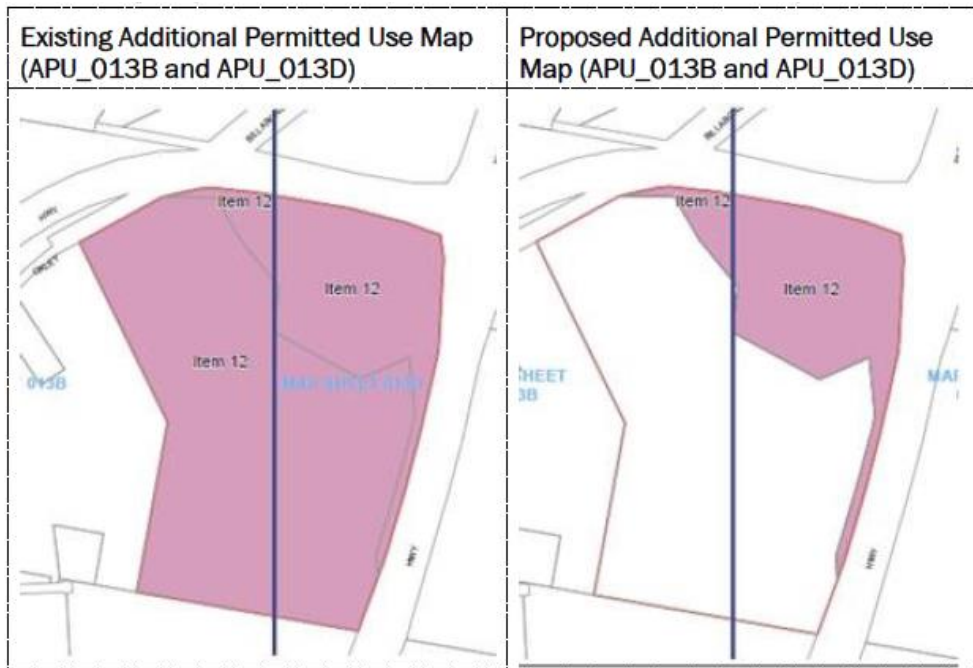
Item 2 – Lot 1 DP 1261690, 1179 Oxley Highway, Sancro

Figure 17 – Item 2 Existing and proposed map amendments

Source – Planning proposal

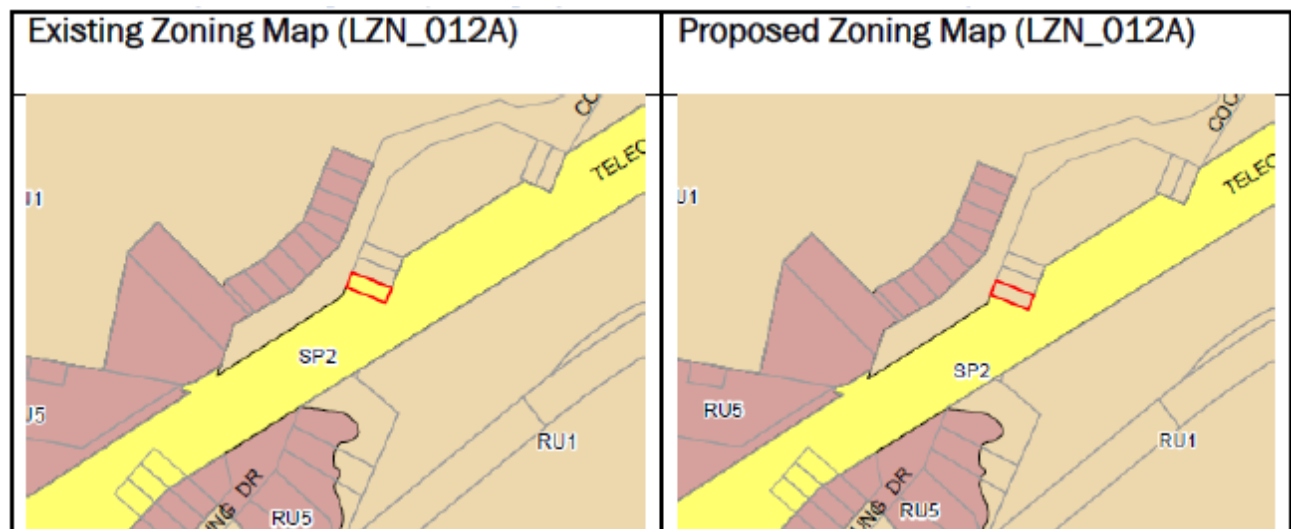
Item 3 Lot 5 DP 21713, Cooperabung Drive, Telegraph Point

Figure 18 – Item 3 Existing and proposed map amendments

Source – Planning proposal

Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains

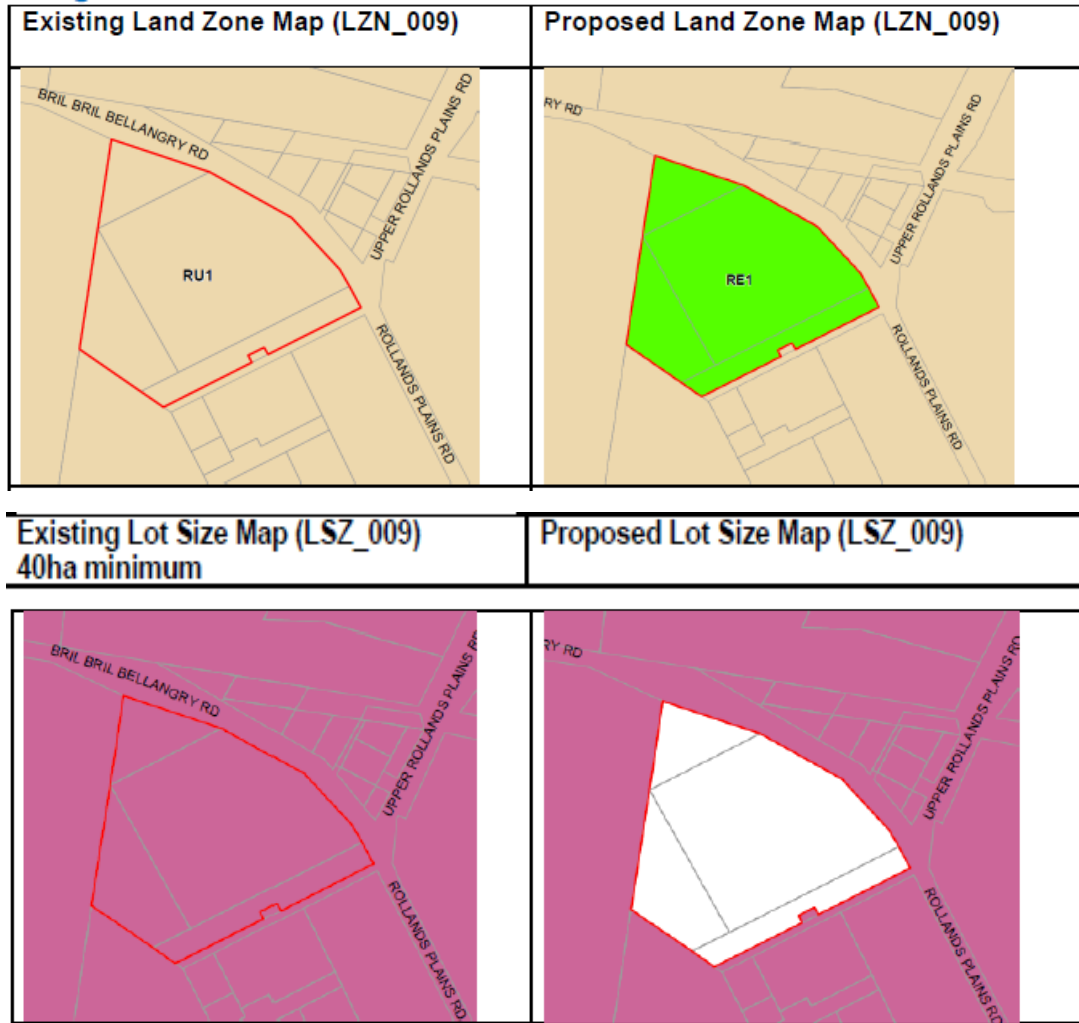


Figure 19 – Item 4 Existing and proposed map amendments

Source – Planning proposal

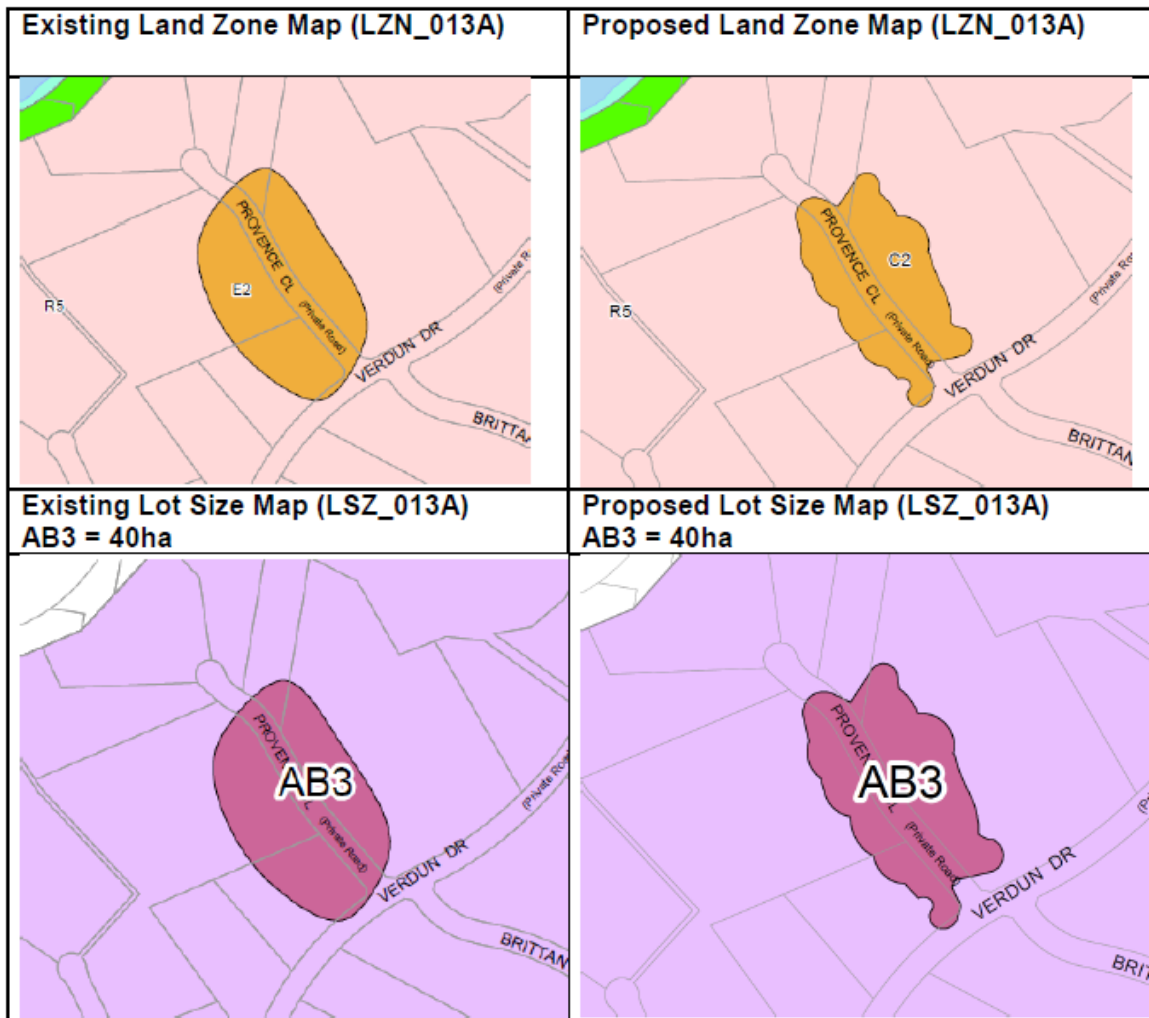
Item 5 Part of Lots 3, 21 and 65 DP 286585 at Provence Close in the Le Clos Verdun Estate

Figure 20 – Item 5 Existing and proposed map amendments
Source – Planning proposal

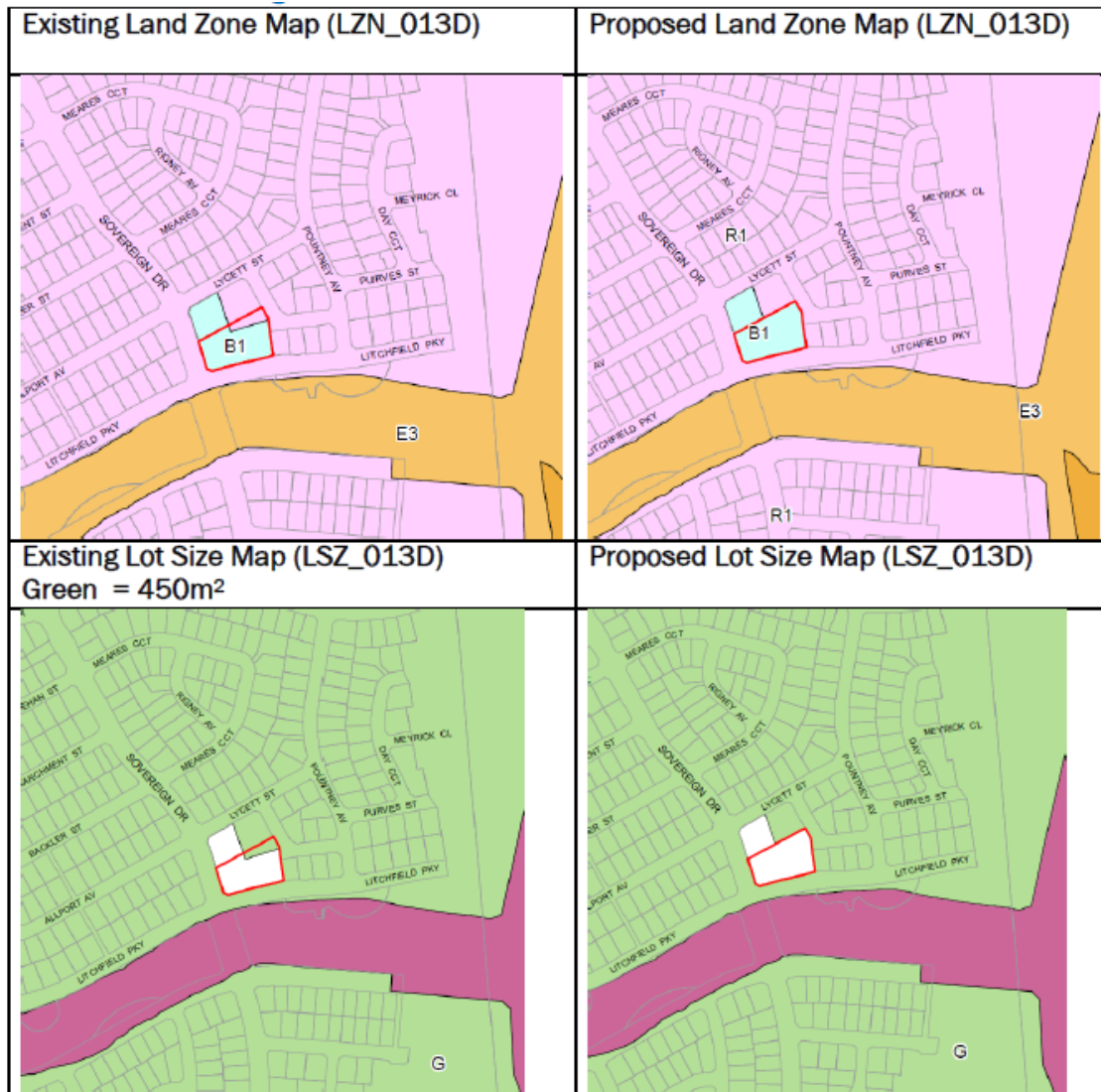
Item 6 Part of Lot 2 DP 1250767, Sovereign Drive, Thrumster

Figure 21 – Item 6 Existing and proposed map amendments

Source – Planning proposal

Maps consistent with the Standard Technical Requirements will need to be prepared before the making of the LEP amendment.

2 Need for the planning proposal

The planning proposal is an administrative review and a general housekeeping measure to ensure the continued effective operation of the PMH LEP 2011. Site specific details are discussed in Section 1.3 Explanation of Provisions above.

It is considered the planning proposal is the best means for achieving the objectives and intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan 2036 (NCRP).

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
<p>Direction 1: Deliver environmentally sustainable growth</p>	<p>This Direction aims to manage growth by directing development to mapped urban growth areas in order to better distribute growth and to avoid pressure on the sensitive coastal environment.</p> <p>The planning proposal is not inconsistent with this Direction.</p> <p>Item 2 Lot 1 DP 1261690, 1179 Oxley Highway, Sancrox</p> <p>Lot 1 DP1261690 is within the Urban Growth Boundary and has been identified as having potential employment uses in the NCRP 2036. Whilst the site has identified potential HEV (Figure 17), a LEP amendment for the existing highway service centre APU was gazetted in 2019.</p> <p>Item 3 Lot 5 DP 21713, Cooperabung Drive, Telegraph Point</p> <p>The subject lot is being rezoned to RU1 Primary Production from SP2 Infrastructure to align with the adjoining zone and land use. The lot is within the coastal environment area (Coastal SEPP 2018) and is approximately 617m² which is under the MLS of 40ha and outside the urban growth boundary. There is no increase in development potential associated with this lot.</p> <p>Item 5 Part of Lots 3, 21 and 65 DP 286585 at Provence Close in the Le Clos Verdun Estate</p> <p>The Le Clos Verdun Estate was established in the late 1980s. The zone boundary between the existing C2 Environmental Conservation land and R5 Large Lot Residential is being adjusted to more accurately reflect the drip line of the group of trees, thereby increasing the R5 zoned area of the lots by a small margin. There is no increase to development potential.</p>
<p>Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments</p>	<p>The Direction advocates for development to be appropriately located to limit any adverse impact on the region's biodiversity and water catchments, and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of HEV. The NCRP identifies areas of potential HEV which help protect important natural assets, maintain diversity and habitat for flora and fauna, including the region's koala population.</p> <p>The planning proposal is not inconsistent with this Direction.</p> <p>As noted above, Item 2 and Item 4 both have areas of potential HEV land. Neither area has any identified core koala habitat.</p> <p>Item 2 Lot 1 DP 1261690, 1179 Oxley Highway, Sancrox</p> <p>Has previously been approved for a highway service centre and is not altering the current zoning or development standards, rather reducing the APU area to the</p>

	<p>newly created lot. The lot is predominantly cleared of vegetation other than the northern boundary.</p> <p>Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains</p> <p>The Rollands Plains showground area is being rezoned to RE1 to better align with its current land use and Public Reserve status (Figure 1). The subject lots are cleared, other than a few scattered trees and the surrounding area is predominantly cleared grazing and trees limited to creek lines.</p>
Direction 6: Develop successful centres of employment	<p>The Direction aims to manage cities and centres as the principal centres of employment for commerce and retail sectors. The planning proposal is not inconsistent with this Direction.</p> <p>Item 2 Lot 1 DP 1261690, 1179 Oxley Highway, Sancroix</p> <p>As noted above the site is within the NCRP 2036 Urban Growth Boundaries and identified as Potential Employment Land. The adjustment of the APU Item 12 consistent with the new Lot 1 DP 1261690 boundary will ensure consistency with the NCRP 2036.</p> <p>Item 6 Part Lot 2 DP 1250767, Sovereign Drive, Thrumster</p> <p>This part lot is rezoning approximately 431m² and is a result of a DA modification which has resulted in the lot becoming dual zoned. It is considered unlikely that rezoning this small area will have a detrimental impact on the Port Macquarie or Wauchope CBDs or other local surrounding centres.</p>
Direction 15: Develop healthy, safe, socially engaged and well-connected communities	<p>The planning proposal is not inconsistent with this Direction as it promotes the local community's enjoyment of being outdoors and being active by zoning the Rollands Plains Showground as a public recreation area, promoting community needs and creating a focal point for social participation.</p>

3.2 Local

The planning proposal is consistent with the themes and planning priorities contained within the PMH Local Strategic Planning Statement (LSPS) (Shaping our Future 2040); the Towards 2030 Community Strategic Plan and the Urban Growth Management Strategy 2017-2036.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 4 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Inconsistent - Justified	<p>This Direction applies as the planning proposal will affect land within a business zone.</p> <p>The proposal is inconsistent with this Direction as the existing B1 Neighbourhood Centre will slightly increase by approximately 431m²</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		and this increase is not identified in a strategy approved by the Secretary. It is considered this change is of minor significance as it is unlikely to have a detrimental impact on either the Port Macquarie or Wauchope CBD's or other surrounding local centres.
1.5 Rural Lands	Inconsistent – Justified	<p>The planning proposal is inconsistent with this Direction as it affects land that is within a rural or conservation zone and is unable to satisfy all the requirements of the Direction in regard to:</p> <p>Item 3 Lot 5 DP 21713, Cooperabung Drive, Telegraph Point – is rezoning the lot from SP2 Infrastructure to RU1 Primary Production consistent with surrounding lots.</p> <p>Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains – is rezoning the lots from RU1 Primary Production to RE1 Public Recreation</p> <p>Item 5 Part of Lots 3, 21 and 65 DP2 86585 at Provence Close in the Le Clos Verdun Estate – rezoning land from C2 Environmental Conservation to R5 Large Lot Residential.</p> <p>This inconsistency is considered to be of minor significance as the changes are being undertaken to better reflect the existing characteristics and future uses of the land.</p>
2.1 Environmental Protection Zones	Inconsistent – Justified	<p>The planning proposal is inconsistent with this Direction as Item 2 and 4 have identified areas of potential HEV and Item 5 is reducing the area of C2 Environmental Conservation.</p> <p>The inconsistency is considered to be of minor significance for the reasons discussed below.</p> <p>Item 2 Lot 1 DP 1261690, 1179 Oxley Highway, Sancroix</p> <p>As noted above in section 3, this lot is within the urban growth boundary, and an LEP amendment for the APU was gazetted in 2019, and the proposed change does not provide any additional development potential to the land.</p> <p>Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains</p> <p>As noted above in Section 3, the Rollands Plains showground area has identified potential HEV area. The subject lots are cleared other than for a few scattered trees and the proposed rezoning represents a continuation of the current land use and alignment with the Public Reserve status.</p> <p>Item 5 Part of Lots 3, 21 and 65 DP 286585 at Provence Close in the Le Clos Verdun Estate – the planning proposal proposes to make an adjustment to reduce the C2 zone to align with a 2m offset from the dripline of all trees. The adjustments are in line with associated Ecological Studies and the VMP.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.2 Coastal Management	Inconsistent – Justified	<p>The planning proposal is inconsistent with this Direction as it includes land mapped in the Coastal SEPP and does not include provisions which give effect to the objectives of the <i>Coastal Management Act 2016</i>, and other documents specified by the Direction.</p> <p>The inconsistency is considered to be of minor significance for the reasons discussed below.</p> <p>Item 3 Lot 5 DP 21713, Cooperabung Drive, Telegraph Point, is within the Coastal Environment Area and is zoned SP2 Infrastructure (Classified Road). TfNSW has identified the lot residual land. The planning proposal only seeks to rezone the SP2 land to RU1 Primary Production land to align the lot with the surrounding land zoning. The rezoning will not increase development potential or allow more intensive land use.</p> <p>Item 5 Part of Lots 3, 21 and 65 DP 286585 at Provence Close in the Le Clos Verdun Estate, is within the Coastal Environment and Coastal Use Areas. The new C2 Environmental Conservation zone will match a boundary extending 2m beyond the dripline of all trees slightly increasing the R5 Large Lot Residential zone. The zone adjustment does not increase development potential or allow more intensive land use.</p>
3.1 Residential Zones	Inconsistent – Justified	<p>The planning proposal is inconsistent with this Direction as it is proposing to rezone an area of R1 General Residential land and R5 Large Lot Residential.</p> <p>The inconsistency is considered to be of minor significance for the reasons discussed below.</p> <p>Item 5 Part of Lots 3, 21 and 65 DP 286585 at Provence Close in the Le Clos Verdun Estate – the R5 zone is increasing marginally for the affected lots. The land is part of an existing rural residential subdivision and is adequately serviced.</p> <p>Item 6 Part of Lot 2 DP 1250767, Sovereign Drive, Thrumster – is rezoning approximately 431m² to B1 Neighbourhood Centre. As noted above in this report, the lot has become dual zoned and the proposed amendment will ensure the whole lot has one zone applied. The portion of the lot that is zoned R1 is between the established childcare centre and the B1 portion of Lot 2, is below the minimum lot size, is irregular in shape and is wedged between two B1 portions of land.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.1 Acid Sulfate Soils	Inconsistent – Justified	<p>The planning proposal is inconsistent with this Direction as it may allow an intensification of land use on acid sulfate soils and it is not supported by an acid sulfate soils study.</p> <p>The inconsistency is considered to be of minor significance for the reasons discussed below.</p> <p>Item 6 Part of Lot 2 DP 1250767, Sovereign Drive, Thrumster – has Class 5 acid sulfate soils identified, which are considered to be a low risk class. The PMH LEP 2011 also contains suitable provisions to ensure that this matter can be appropriately considered and addressed at the development application stage if required.</p>
4.3 Flood Prone Land	Inconsistent – Justified	<p>The planning proposal is inconsistent with this Direction as it potentially creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>The inconsistency is considered to be of minor significance for the reasons discussed below.</p> <p>Item 6 Part of Lot 2 DP 1250767, Sovereign Drive, Thrumster – is identified within a flood planning area. The PMH LEP 2011 contains suitable provisions to ensure that this matter can be appropriately considered and addressed at the development application stage if required.</p>
4.4 Planning for Bushfire Protection	Unresolved	<p>The proposal is inconsistent with this Direction as the proposal has several items that have identified bushfire prone land. The Direction provides that the Council must consult with the Commissioner of the NSW Rural Fire Service (RFS) following the issue of a Gateway determination and prior to community consultation. Until this consultation has occurred the inconsistency with the Direction is unresolved.</p>
6.2 Reserving Land for Public Purposes	Inconsistent – Justified	<p>The planning proposal is inconsistent with this Direction as it is altering existing zoning of land reserved for public purposes without the approval of the Director General of the Department of Planning or a nominated officer of the Department.</p> <p>The inconsistency is considered to be of minor significance for the reasons discussed below.</p> <p>Item 3 Lot 5 DP 21713, Cooperabung Drive, Telegraph Point.</p> <p>The existing SP2 Infrastructure (Classified Road) zoning is being removed at the request of TfNSW who have identified the lot as surplus to their needs.</p> <p>Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains</p> <p>The planning proposal advises the DPE – Crown Lands is supportive of the rezoning to RE1 Public Recreation as it reflect the existing and</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		likely future use of the land. As no supporting evidence has however been included with the planning proposal, it is recommended that consultation be undertaken with DPE – Crown Lands to confirm the suitability of the proposal.

3.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all relevant SEPPs, except for the following as discussed in the Table 5 below.

Table 5 Assessment of Planning proposal against relevant SEPPs

SEPP	Requirement	Consistent	Reasons for Consistency or Inconsistency
Coastal Management SEPP (2018)	The proposal has areas that are identified Coastal Environment and Coastal Use Areas under the SEPP.	Justifiably Inconsistent	As discussed under Direction 2.2.

It is noted that the planning proposal refers to the State Environmental Planning Policy - Rural Lands 2008. This SEPP was repealed by cl 8 (1) of the State Environmental Planning Policy (Primary Production and Rural Development) 2019 (137) with effect from 28 February 2019. It is recommended as a condition of the Gateway determination that reference to the Rural Lands SEPP 2008 is removed from the planning proposal.

4 Site-specific assessment

4.1 Environmental

There are no known critical habitat or threatened species, populations or ecological communities or their habitats currently identified across any of the items in the planning proposal.

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 6 Environmental impact assessment

Environmental Impact	Assessment
Coastal Environment and Coastal Use Areas	The planning proposal has identified areas as discussed above under Direction 2.2. The SEPP contains appropriate provisions that allow this issue to be adequately addressed if necessary, at a development application stage. It is considered the amendments proposed for Items 3 and 5 do not allow for any further intensification in development.
Acid Sulfate Soils	As discussed above under Direction 4.1, Item 6 has Class 5 acid sulfate soils. The PMH LEP 2011 contains suitable provisions to ensure that this matter can be appropriately considered and addressed at the development application stage.

Environmental Impact	Assessment
Flooding	Item 6 is within a flood planning area, discussed under Direction 4.3 above. The PMH LEP 2011 contains suitable provisions to ensure that this matter can be appropriately considered and addressed at the development application stage.
Bushfire	Bushfire prone land has been identified in relation to Items 2, 3, 4, and 5. Direction 4.4 above outlines the requirement for RFS to be consulted on the planning proposal.

4.2 Social and economic

The planning proposal is promoting social and economic benefits to the community by:

- updating anomalies and/or errors within the PMH LEP 2011 to ensure the effective operation of the LEP;
- enhancing the public reserve status by rezoning the Rollands Plains Showground to RE1 Public Recreation; and
- improving the site specific environmental boundaries of the Blackbutt trees at Provence Close, Sancrox.

4.3 Infrastructure

The planning proposal is proactively rezoning land that TfNSW have identified as residual to requirements from SP2 Infrastructure (Classified Road) to RU1 Primary Production to align with adjoining land uses.

5 Consultation

5.1 Community

Council has not proposed a community consultation period. It is considered that a 28 day consultation period is appropriate and will form part of the conditions of the Gateway Determination.

5.2 Agencies

The planning proposal does not specifically identify which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- NSW Rural Fire Service
- Department of Planning and Environment – Crown Lands

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

A time frame of 6 months is considered adequate to ensure it is completed in line with the Department's commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the proposal deals only with matters of local significance, it is recommended that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the planning proposal is not inconsistent with the North Coast Regional Plan; and
- will amend anomalies and/or errors identified in the PHM LEP 2011 to enable the effective operation of the LEP.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- amend all references to E2 Environmental Conservation to read C2 Environmental Conservation;
- amend the planning proposal to remove all references to applying a HOB to Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600;
- amend Items 5 and 6 to refer to 'Part of' lots;
- delete reference to the State Environmental Planning Policy - Rural Lands 2008 SEPP.

9 Recommendation

It is recommended the Director, as delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones; 1.5 Rural Lands; 2.1 Environmental Protection Zones; 2.2 Coastal Management; 3.1 Residential Zones; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are minor or justified and
- Note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the Director, as delegate of the Minister:

- **note** the planning proposal (**Attachment A**);
- **determine** that the planning proposal should proceed subject to the following conditions:
 1. Prior to agency and community consultation the planning proposal is to be updated to:
 - amend all references to E2 Environmental Conservation to read C2 Environmental Conservation;
 - amend the planning proposal to remove all references to applying a HOB to Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600;
 - amend Items 5 and 6 to refer to 'Part of' lots;
 - delete reference to the State Environmental Planning Policy - Rural Lands 2008 SEPP.
 2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - Department of Planning and Environment – Crown Lands

3. The planning proposal should be made available for community consultation for a minimum of 28 days.
 4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
 5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.
- **Sign** the Gateway Determination (**Attachment B**) noting that Port Macquarie Hastings Council is the local plan-making authority and the letter to Council (**Attachment C**).



(Signature)

27/1/21

(Date)

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Local and Regional Planning

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