

(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 61)***

Administrative Review

Ccl ref: PP2021 – 2.1

DPI&E PP_2019_PORTM_*
ref: _____



Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
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Adoption of the Planning Proposal**1. For initial Gateway determination**

The undersigned Council delegate endorsed this Planning Proposal on 21 December 2021:

Signed 

Name Carina Gregory

Position Manager Land Use Planning

2. For section 3.36 finalisation

This Planning Proposal was endorsed on by Port Macquarie-Hastings Council, or the undersigned Council delegate (delete one):

Signed

Name

Position

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Executive Summary

This is a Planning Proposal prepared under section 3.33 of the *Environmental Planning and Assessment Act 1979*, the NSW Department of Planning, Industry and Environment's Local Plan Making Guideline (2021), and Port Macquarie-Hastings Council Planning Proposal Policy (2020).

The proposal is in relation to an amendment to *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011).

On 3 November 2021, Council considered a planning report on the proponent's Planning Proposal and resolved to proceed with its preparation (refer to **Appendix A**).

This proposal addresses six minor issues in the LEP 2011 map series and seeks to make refinements and adjustments to correct errors or anomalies that have been identified.

The changes apply to various properties, and affect multiple landowners, as detailed in **Part 2**.

The issues are:

- 1) Map tidy-ups for the Lot Size Map and Koala Habitat Map at Map Series 013G - Insert labels for the Macquarie, Sea Acres and Lake Innes Nature Reserves to align with standard mapping practice.
- 2) Lot 1 DP 1261690, Highway Service Centre - Amend the Additional Permitted Use Maps, LEP Clause 7.17 and Schedule 1 for "Item 12" - *Use of certain land at 1179 Oxley Highway, Sancrox* to update the legal description of the land on which the proposed highway service centre will be situated.
- 3) Lot 5 DP 21713, 46 Cooperabung Drive, Telegraph Point - Transport for NSW request to rezone site from SP2 Infrastructure zone to RU1 Primary Production zone.
- 4) Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains - Rezone the Rollands Plains Showground from RU1 Primary Production zone to RE1 Public Recreation zone; apply an 8.5m maximum building height; and remove the Lot Size map from the subject lands.
- 5) Lot 3, 21 and 65 DP 286585 Provence Close, Sancrox - Amendment to the E2 Environmental Conservation zone and corresponding amendment to the Lot Size map.
- 6) Lot 2 DP 1250767, Sovereign Drive, Thrumster - Rezone 431sqm of R1 General Residential zone to B1 Neighbourhood Centre zone to remove split zoning on the land and corresponding amendment to the Lot Size map.

Port Macquarie-Hastings Council is the applicant for this proposal.

Planning Proposal

Part 1 - Objectives or Intended Outcomes

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

Part 2 - Explanation of Provisions

The intended outcomes are proposed to be achieved by making the following changes to the LEP 2011, Council's principle planning instrument. Details of the six amendments are as follows:

Mapping Corrections

Issue 1. Map tidy-ups for the Lot Size Map and Koala Habitat Map at Map Series 013G

In 2017, the NSW Department of Planning and Environment (now known as Department of Planning, Industry and Environment DPI&E) published *Standard Technical Requirements for Spatial Datasets and Maps* to guide Councils on the preparation and presentation of the maps contained within the planning instruments. *'These standard technical requirements have been determined by the Secretary of the Department of Planning and Environment under Section 158E(3) of the Environmental Planning and Assessment Act 1979'* (DP&E 2017:5) and it is the responsibility of the Council to implement them.

It has been identified that the subject nature reserves have not been labelled on the Lot Size and Koala Habitat maps in map series 013G. The abovementioned technical requirements state that the cadastral layer for LEP maps should show, amongst other things, national parks and nature reserves (labelled). This is the intention of this administrative update.

Proposal:

Insert labels at the Koala Habitat and Lot Size maps for the Macquarie, Sea Acres and Lake Innes Nature Reserves to align with standard mapping practice, as described above and demonstrated in *Part 4 Mapping*.

Issue 2. Highway Service Centre, Sancrox - Amendment to LEP map and Schedule 1

In 2019, an LEP amendment was gazetted to allow development for the purpose of a highway service centre on No 1179 Oxley Highway, Sancrox (Lot 11 DP 1029846), located on the south-western corner of the Pacific and Oxley Highways. The amendment incorporated ancillary hotel or motel accommodation to permit overnight accommodation for heavy vehicle drivers.

The amendment allowed for the lot to be subdivided into two lots, with one lot to contain the highway service centre site and the other lot containing the existing dwelling house, facilitated through incorporating this property at Schedule 1 of the LEP, identification on the Additional Permitted Use (APU) mapping and enforcement of a planning agreement.

This land has now been subdivided to exclude the house site. The new legal description for the site of the proposed highway service centre is Lot 1, DP 1261690. Subsequently, Schedule 1 of the LEP needs to be updated to accurately reflect the legal description of the lot, and the APU map removed from the lot containing the existing dwelling house.

Table 1 below provides details on the proposed LEP 2011 Schedule 1 updates

Table 1 - Current and Proposed Wording for LEP 2011 - Schedule 1

Schedule 1		
	Current wording	Proposed wording
Title	12 - Use of certain land at 1179 Oxley Highway, Sancrox	12 - Use of certain land at Lot 1, DP 1261690 Oxley Highway, Sancrox
Clause(1)	This clause applies to land at 1179 Oxley Highway, Sancrox, being Lot 11, DP 1029846, shown as "Item 12" on the Additional Permitted Uses Map.	This clause applies to Lot 1, DP 1261690, Oxley Highway, Sancrox shown as "Item 12" on the Additional Permitted Uses Map.

Clause 7.17 of the LEP (Development on land at 1179 Oxley Highway, Sancrox) will also require updating. These updates will include the new legal description for the site of the proposed highway service centre and carry across the current local provision which allows the subdivision of the highway service centre into smaller lots/ tenancies when it is constructed.

Proposal:

Amendment to Schedule 1 "*Item 12 - Use of certain land at 1179 Oxley Highway, Sancrox*" to update the legal description for the proposed highway service centre site, as described in Table 1 and Clause 7.17 description above; and to remove the APU map from the existing dwelling, and only apply it to the site of the proposed highway service centre, as illustrated in *Part 4 Mapping*.

Issue 3. Cooperabung Drive, Telegraph Point - Rezone to Primary Production

The landowner, Transport for New South Wales (TfNSW), has requested that Council review the zoning and associated development standards of Lot 5 DP 21713, Cooperabung Drive, Telegraph Point.

The land identified in **Table 2** is currently zoned SP2 Infrastructure (Classified Road). TfNSW has advised that this parcel consists of residue land, located outside of its dedicated road boundary and is not required for future road purposes. Therefore, the current SP2 zoning is not accurate.

TfNSW has requested a review of the SP2 zone with a view to rezone the land to be consistent with the surrounding land, which is RU1 Primary Production.

Table 2 - Lot 5 DP 21713 Current and Proposed LEP Provisions

Zoning	Current LEP 2011	Proposed LEP 2011
	SP2 Infrastructure	RU1 Primary Production
Floor Space Ratio	Nil	Nil
Height of Building	Nil	Nil
Lot Size	40ha	No change (40ha)

The LEP Practice Note, *Zoning for Infrastructure in LEPs*, outlines six principles that should be followed for zoning infrastructure.

Taking direction from the fifth principle, '*where surplus public land is currently zoned 'special use', the land should be rezoned as a compatible land use, (e.g. to a prescribed zone)*', changing the zone on Lot 5 DP 21713 would be the recommended approach. The land is vacant and no changes are proposed to the minimum Lot Size applying to the land which is 40ha.

Proposal:

Rezone Lot 5 DP 21713 from SP2 Infrastructure to RU1 Primary Production, as described in Table 2 above and illustrated in *Part 4 Mapping*.

Issue 4. 19 Bril Bril-Belangray Road, Rollands Plains - rezoning Rollands Plains Showground

The Rollands Plains Showground is currently zoned RU1 Primary Production. The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*

- *To minimise conflict between land uses within this zone and land uses within adjoining uses.*

The current uses of the land do not fulfil the objectives of the zone. Furthermore, the minimum lot size for land in the RU1 Primary Production zone is 40ha. The combined total of the abovementioned properties is less than 20ha, meaning they do not meet the lot size requirements of the zone.

The Wauchope, Kendall and Comboyne showgrounds are all zoned RE2 Private Recreation as they are not classified as being either community or operational.

Rollands Plains Showground differs in that it is owned by the Crown and is administered by the *Crown Lands Management Act (2016)*. It comprises part Reserve 35451, gazetted 6 December 1902, for the purpose of Public Recreation. The Reserve is managed by Rollands Plains Recreation Reserve Land Manager. Subsequently, a RE1 Public Recreation zone is more appropriate and consistent with the public reserve purpose of the land. While the showground operates on this site, the property is left unlocked and includes a maintained walking track for public purposes. The DPI&E - Crown Lands has confirmed their support for this rezoning.

Amending the zone of Lots 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600 to RE1 Public Recreation would better reflect the existing uses of the land. The RE1 Public Recreation zone has the following objectives:

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

As identified above, the showground is more closely aligned with the RE1 Public Recreation objectives. Further, there are additional permitted uses associated with a RE1 Public Recreation zoning, such as camping grounds, which may allow for an added income generation opportunity on the land.

Currently there is no Height of Building map applying to the subject site, however the Kendall and Comboyne showgrounds have applied an 8.5m height limit to the land. Given that the Rollands Plains showground is located within a village, it is considered reasonable to apply the 8.5m maximum building height, which would be consistent with the controls applied at two of the other three showgrounds in this local government area. These villages are smaller than Wauchope and more similar in size to the village of Rollands Plains. Conversely, none of the other showgrounds have a minimum lot size, so it is proposed that the 40ha minimum lot size be removed from the subject site.

Refer to **Table 3** below for a comparison of LEP zoning provisions between the showgrounds.

Table 3 - Comparison Table with Current and Proposed LEP Provisions

	Wauchope Showground	Kendall Showground	Comboyne Showground	Rollands Plains Showground	Rollands Plains Showground
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			and Tennis Courts	and Tennis Courts (Current)	(Proposed)
Zoning	RE2 Private Recreation	RE2 Private Recreation	RE2 Private Recreation	RU1 Primary Production	RE1 Public Recreation
Floor Space Ratio	Nil	Nil	Nil	Nil	Nil
Height of Building	14.5m maximum	8.5m maximum	8.5m maximum	Nil	8.5m maximum
Lot Size	Nil	Nil	Nil	40ha minimum	Nil

Proposal:

Amend the Land Zoning map on Lot 66 DP 754406, Lots 7008, 7009 and 7011 DP 1026600; apply a Height of Building Map and remove the Lot Size map from the subject lands, as described in Table 4 above and illustrated in Part 4 Mapping.

Issue 5. Provence Close, Sancrox - Amendment to the E2 Environmental Conservation zone

Council has received a request from Hopkins Consultants to review the extent of the E2 Environmental Conservation Zone at Provence Close in the Le Clos Verdun Estate, Sancrox.

Aerial imagery shows that there is an area on the western edge of the E2 Environmental Conservation zone that appears to be open grassland (refer to **Figure 1**), which is creating difficulties now that the first stages of this subdivision have been released and new land-owners are being faced with the problem an E2 zone boundary presents for new home-building.

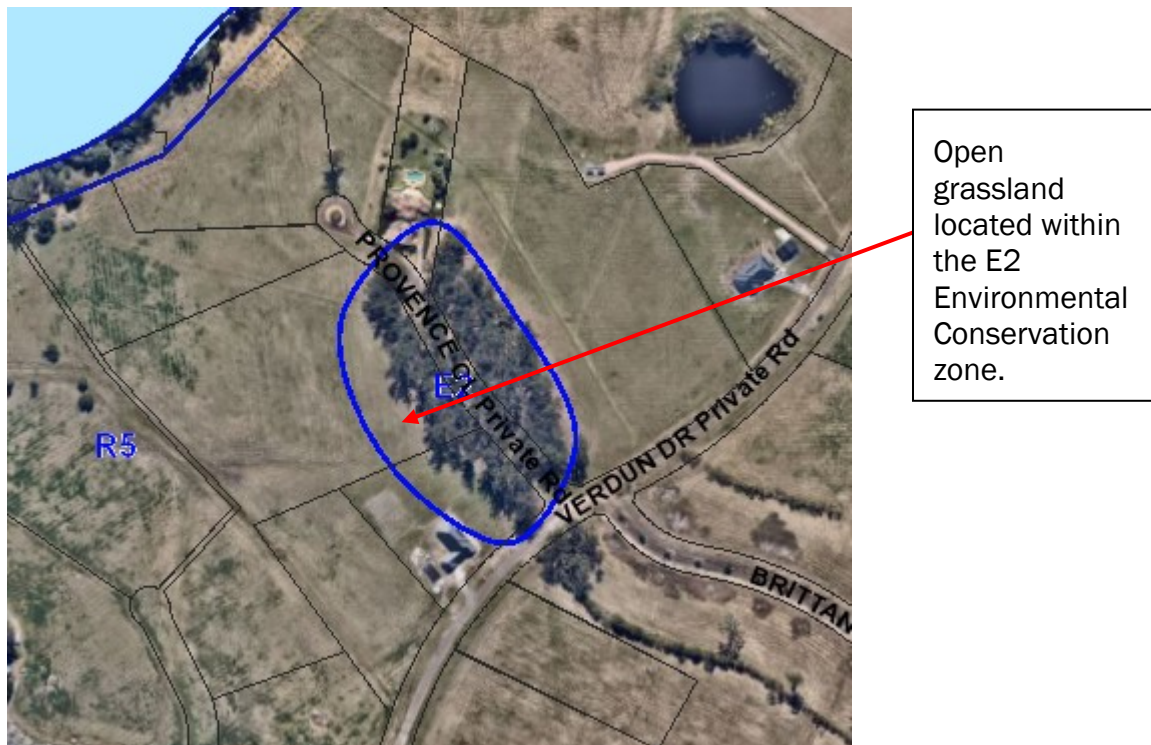


Figure.1 Subject site and zoning

This land was rezoned in 2007 and was supported by a number of studies, including an Ecological Study prepared by B Salter in February 2004, which includes Addendums, published in May 2004 and January 2008. These studies helped to inform the environmental sensitivities across the Estate. The subject E2 Environmental Conservation zone is classified as consisting a strip of large Blackbutt Trees along Provence Close. It is not identified as Core Koala Habitat. The 2008 Addendum report recommended that *'building sites, access driveways, bushfire buffers can and should be located to avoid the need for tree removal'* (B Salter, 2008:10).

In 2008 a Fauna and Flora Study was prepared by Keystone Ecological to assist with the preparation of the Vegetation Management Plan (VMP) for the Le Clos Verdun Estate. This study confirms 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 (refer to **Figure 2**). This 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.2 Subject site and location of hollow bearing trees

The approved VMP provides for the effective management of the fauna and flora in this estate and in relation to the subject E2 Environmental Conservation zoned land, states that it *'consists of established trees only and is isolated from any corridors linking it to any other Management Units. It has no understory or 'weed' growth, does not require any works in the form of revegetation or fencing and is subject to the following:*

1. *Collection of firewood will be prohibited through the Neighbourhood Management Statement.*
2. *It is to be monitored within the inspections and reporting to Council in accordance with this plan.*
3. *Driveways are to be located, or adapted, to minimise interference with existing tree protection zones.*
4. *No APZ around this Management Unit as this is not required in accordance with the Bushfire Risk Assessment by Mid-coast Environmental Services (page 22 of this VMP document).*
5. *No hollow-bearing trees are to be removed.*
6. *The Applicant will undertake sediment & erosion control during construction of driveways in this Management Unit.*

7. *Ecological burns in this Management Unit are not required or desirable.*
8. *Understorey maintenance and clearing may be undertaken at the discretion of the land owner' (G.H. Milne Home, 2016:21).*

The E2 Environmental Conservation zone boundary inaccurately extends over cleared grassland and this proposal is to rationalise the western edge of the zone. The community does not contain any ground-level or middle-storey habitat elements, or any other floristic assemblage other than the remnant trees. The physical canopy extent, and thus drip-line of these trees thereby represents the extent of land with any floristic or habitat value in this location.

To ensure that the recommendations of the 2008 Salter Addendum Report and 2008 Ashby Report are not dismissed and the trees continue to receive appropriate ongoing protection, Tree Protection Zones (TPZ) in accordance with AS4970 and Council's Development Control Plan relating to TPZ's for Hollow Bearing Trees will be applied, as will the associated tree hazard zones (refer to **Figure 3** below). This will be in addition to the E2 Environmental Conservation zone extending 2m beyond the tree dripline of all associated trees.



Figure 3 illustrating 2m dripline, TPZ and THZ

Proposal:

Amend the Land Zoning map at Lots 3, 21 and 65 DP 286585 to rezone part of the abovementioned E2 Environmental Conservation zoned land to R5 Large Lot Residential and update the Lot Size map to correspond with the zones, as described above and illustrated in *Part 4 Mapping*.

Issue 6. Certain land at Sovereign Drive, Thrumster - Rezone from R1 General Residential to B1 Neighbourhood Centre Zone

As a result of the modification to consent of DA2017.664, Lot 2 DP 1250767 has become dual zoned as B1 Neighbourhood Centre and R1 General Residential (refer to **Figure 4**).

Currently 431m² of Lot 2 is zoned R1 General Residential, however it is considered that a residential use of that land (which is below the minimum lot size of 450m²) annexed between the future “commercial” use of Lot 2, and the adjoining approved Child Care Centre on Lot 1 DP 1250767, would not be a desirable urban planning outcome. The intention is to zone the residue R1 General Residential zoned land on this parcel to B1 Neighbourhood Centre, consistent with the zoning on the rest of the Lot.

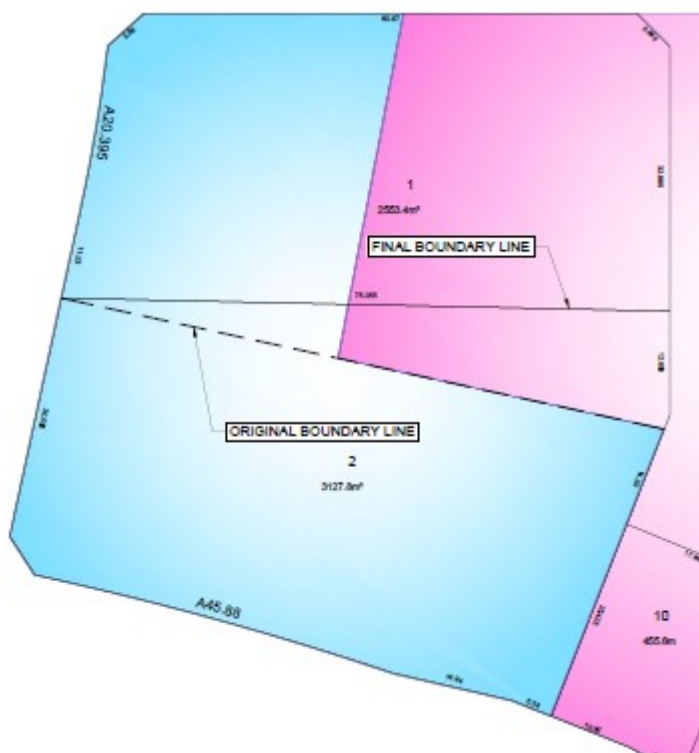


Figure 4. Modified plan (stamped)

Proposal

Amend the Land Zoning map at Lot 2 DP 1250767 to rezone that part of the site zoned R1 General Residential to B1 Neighbourhood Centre Zone and remove the Lot Size map, consistent with the zoning on the rest of the property, as described above and illustrated in Part 4 Mapping.

Part 3 – Justification of strategic and site specific merit

In accordance with the Department of Planning, Industry and Environment's *Local Environmental Plan Making Guideline*, this section provides a response to the following issues:

- Section A: Need for the Planning Proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact, and
- Section D: State and Commonwealth interests

A - Need for the planning proposal.

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

As the Planning Proposal is to amend a number of small anomalies and errors in LEP 2011, 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 LEP 2011 are required.

B - Relationship to strategic planning framework.

3. Will the planning proposal give effect to the objectives and actions of the North Coast Regional Plan 2036?

The proposed amendments are 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 LEP 2011 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.

Part of the land at Bril Bril-Belangray Road, Rollands Plains (Issue 4) is identified in the NCRP as being 'potentially high in environmental values'. This proposal is to ensure that the land is zoned according to its existing use, being a showground. The map updates will not change the existing uses on the land and therefore won't impose an additional impact on any environmental values.

Direction 3: Manage natural hazards and climate change

Action 3.1: Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.

The land at Provence Close in Sancrox (Issue 5) is the coastal environment area, and the land at Sovereign Drive in Thrumster (Issue 6) is identified in the NCRP as being within the coastal strip.

This proposal is to address mapping anomalies for these two issues. The map updates will not change the likelihood or outcome of a development application on these properties.

Goal 2 - A thriving, interconnected economy

Direction 6: Develop successful centres of employment:

Action 6.5 Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls.

As identified, the proposal is to rezone a slither of R1 General Residential land at Sovereign Drive in Thrumster (Issue 6) to B1 Neighbourhood Centre. This residue residential land is wedged between two “commercial” lots, which is not a desirable outcome. The proposal to rezone this land to B1 Neighbourhood Centre is consistent with the surrounding land uses and will avoid any encroachment of sensitive uses on employment land.

Direction 8: Promote the growth of tourism

Action 8.2: Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.

Rolland’s Plains Showground (Issue 4) is currently zoned RU1 Primary Production although it is not used for agricultural purposes. As outlined above, part of the land is an official reserve (Reserve 35451), making a RE1 Public Recreation zone more accurate for its existing use. The land is managed by Rollands Plains Recreation Reserve Land Manager and is used as a showground. This use provides a recreational opportunity that generates income into the local economy by way of attracting people to the racing and associated activities on the subject site. Further, there are additional permitted uses associated with a RE1 Public Recreation zoning, such as camping grounds, which will attract tourists and may allow for an added income generation opportunity on the land.

Urban Growth Area Maps

As identified in **Figure 5**, the proposed Highway Service Centre, Sancrox (Issue 2) is mapped in the NCRP as being an Investigation Area for Employment Land (purple) and an Investigation Area for Urban Land (orange).



Figure 5. NCRP Urban Growth Area Maps

This mapping update facilitates the identified uses as the land has been subdivided to allow for a highway service centre on the employment land Lot and future residential on the urban land Lot.

4. Will the planning proposal give effect to Council's endorsed local strategic planning statement, or another local strategic plan?

The proposed amendments in the Planning Proposal are consistent with the intent behind Council's *Local Strategic Planning Statement (Shaping our Future 2040)*, the *Towards 2030 Community Strategic Plan* and the *Urban Growth Management Strategy 2017-2036*.

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

Table 4 considers the relevant SEPPs that apply to this Planning Proposal.

Table 4 – Assessment of the Planning Proposal against relevant SEPPs

State Environmental Planning Policies	Consistency
Coastal Management 2018	<p>Promotes an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016</p> <p>The land at Issue 5 is subject to this SEPP and is mapped as</p>

State Environmental Planning Policies	Consistency
	being in the Coastal Environment Area. The proposed change here is to addresses a mapping error and will not result in any change to the development potential of the land.
Rural Lands 2008	<p>The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The SEPP contains a number of 'Rural Planning Principles' that must be considered in preparing any Planning Proposals affecting rural land.</p> <p>Issues 2 and 4 are on rural zoned land, which have not been identified as regionally significant farmland and are considered to have limited agricultural value due to their existing uses.</p>
Infrastructure 2007	<p>One of the aims of this policy is to allow for the efficient development, redevelopment or disposal of surplus government owned land.</p> <p>Issue 3 proposes to rezone SP2 Infrastructure zoned land to RU1 Primary Production. This is at the request of Transport for New South Wales who have identified this parcel as being surplus to their requirements for future road purposes. This makes the current zoning inaccurate and will enable the above aim to be met.</p>

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

Table 5 below considers the relevant s9.1 directions that apply to this Planning Proposal.

Table 5 – Assessment of the Planning Proposal against s9.1 directions of relevance

Section 9.1 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 sustainable locations (b) Protect employment land in business and industrial zones, and (c) Support the viability of identified centres. 	<p>Issue 6 applies as the proposal will increase the B1 Neighbourhood Centre zone by approximately 431sqm, which is currently an unusually shaped slither of R1 General Residential zoned land wedged in-between two B1 Neighbourhood Centre zoned Lots.</p> <p>It is considered that this Planning Proposal is <u>consistent</u> with the Direction as this proposal will facilitate a constant zone across the site, which will enable appropriate employment growth and protect the employment land from sensitive uses.</p>
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	<p>Issue 2 RU1 Primary Production zoned land, which has an APU overlay permitting non-agricultural uses and future development of a highway service centre. The inconsistency with this Direction is allowed to occur if it is in accordance with the relevant Regional Plan. In this regard, the Planning Proposal is in accordance with the North Coast Regional Plan 2036, which identifies the site for a HSC.</p> <p>Issue 4 proposes to rezone the Rollands Plains showgrounds from RU1 Primary Production to RE1 Public Recreation. Although this makes the Direction applicable as an existing rural zone is affected, it is considered that the proposal is <u>consistent</u> with the Direction for the following reasons:</p> <ul style="list-style-type: none"> 1) Rezoning to a recreational zone is reflective of the existing uses on the land (a showground) 2) No provisions to increase permissible density of the land are proposed 3) The land is not being used for agricultural production.
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. 	<p>Issues 2 and 4 are not identified as regionally significant farmland and are considered to have limited agricultural value. The inconsistency of the proposal with this Direction is considered to be of minor significance as both of these issues have existing, permissible non-agricultural land uses on the land.</p>
2 Environment and Heritage	
2.1 Environmental Protection Zones The aim of this direction is to protect and conserve environmentally sensitive areas.	<p>Issues 3 and 5 are identified in the UGMS as a High Value Environmental Areas and Issue 4 is identified in the NCRP as 'potential high environmental values'. The proposed changes are addressing mapping anomalies and do not change the development potential of the land. The proposal is <u>consistent</u> with this Direction.</p>
2.2 Coastal Management	<p>Issue 5 relates to land subject to this Direction as the land is</p>

Section 9.1 Directions and Objectives	Consistency
The aim of this direction is to protect and manage coastal areas of NSW.	identified as being in the Coastal Environmental Area. The proposed changes are addressing mapping anomalies and do not change the development potential of the land. The proposal is <u>consistent</u> with this Direction.
3 Housing, Infrastructure and Urban Development	
3.1 Residential Zones The Direction seeks to encourage a variety of housing choice, make efficient use of infrastructure and minimise the impact of residential development on environmental and resource land.	<p>Issue 5 results in a minor increase in R5 Large Lot Residential due to rationalising the E2 Environmental Conservation zone. While this proposal reduces the E2 Environmental Conservation zoned land in the west, it is marginally increasing it in the north and around the HBT in the east, ensuring that the E2 Environmental Conservation zone is providing protection in the right places and not providing an imposition to future residential development where it is not necessary. Subsequently, it is considered that the proposal is <u>consistent</u> with the Direction.</p> <p>Issue 6 involves a loss of approximately 431sqm residentially zoned land on a dual zoned site, which occurred from a modification of consent. The modification created a subdivision with a small slither of R1 General Residential zoned land in an otherwise B1 Neighbourhood Centre zoned parcel.</p> <p>The proposal is <u>consistent</u> with the Direction as the existing R1 General Residential zoned land is below the minimum lot size for the zone, an irregular shape, and is wedged between two B1 Neighbourhood Centre zoned parcels, making it a poor location for residential development.</p>
4 Hazard and Risk	
4.1 Acid Sulfate Soils The Direction applies to land that has been identified as containing potential Acid Sulfate Soils (ASS).	<p>Issue 6 contains category 5 ASS. An ASS study has not been prepared.</p> <p>This inconsistency is considered to be of minor significance as the proposed administrative changes will not result in disturbance of the lands. Any future development of the site would need to address this matter as part of the Development Assessment process.</p>
4.3 Flood Prone Land This Direction seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	<p>Issue 6 is partly mapped as being flood prone. However this proposal is not making any significant changes to development potential on the land.</p> <p>This inconsistency is considered to be of minor significance as the proposed administrative changes will not result in disturbance of the lands. Any future development of the site would need to address this matter as part of the Development Assessment process.</p>
4.4 Planning for Bushfire Protection This Direction seeks to discourage incompatible land uses in bushfire prone	<p>Issues 2, 3 and 5 are situated in bushfire prone areas. The proposals do not make any changes to development potential on the land. Therefore, it is considered that the proposal is <u>consistent</u> with this Direction.</p>

Section 9.1 Directions and Objectives	Consistency
areas and to encourage sound management of bushfire prone areas.	<p>Issue 6 is in the bushfire prone vegetation buffer. The additional 431sqm of B1 Neighbourhood Centre zone, which is being added to the existing B1 Neighbourhood Centre zone, results in a slight increase of development potential.</p> <p>Any future development of the site would need to address this matter as part of the Development Assessment process. Subsequently the inconsistency is considered to be of minor significance.</p> <p>The Direction requires that Council consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued.</p>
5 Regional Planning	
5.10 Implementation of Regional Plans	The Planning Proposal is <u>consistent</u> with this Direction.
6 Local Plan Making	
6.1 Approval and Referral Requirements	The Planning Proposal is <u>consistent</u> with this Direction.

C - Environmental, social and economic impact.

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

All of the changes are minor or administrative in nature. Therefore, it is not considered that this Planning Proposal will have an adverse impact on ecological communities or threatened species habitat.

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

This proposal is administrative in nature and the changes are unlikely to result in detrimental 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.

The proposed rezoning of Rollands Plains Showground (Issue 6) will continue to encourage this venue as an economic generator within the Rollands Plains community. Further, it will provide additional options for income stream as camping is a use in the RE1 Public Recreation zone that is permitted with consent.

D - State and Commonwealth interests.

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

This Planning Proposal does not enable new development of a scale that would lead to unforeseen demands on public infrastructure.

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


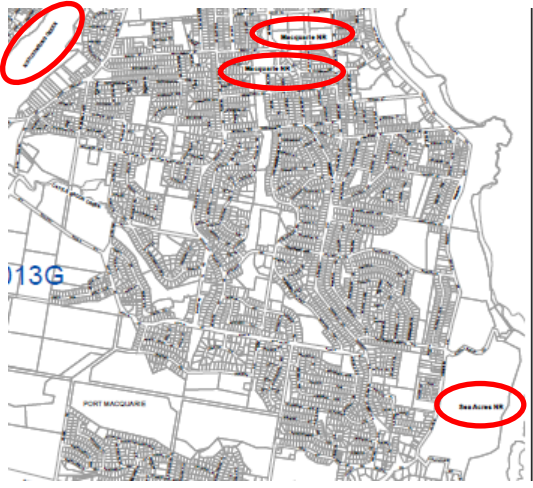
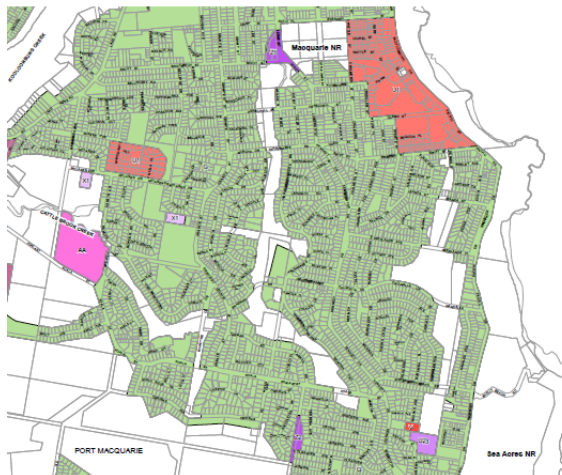
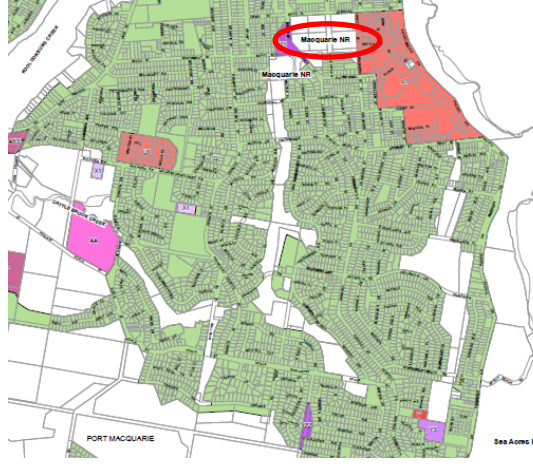
Unknown. Should the proposal be supported, the Department of Planning Industry and Environment's Gateway Determination will specify consultation requirements.

Part 4 – Mapping

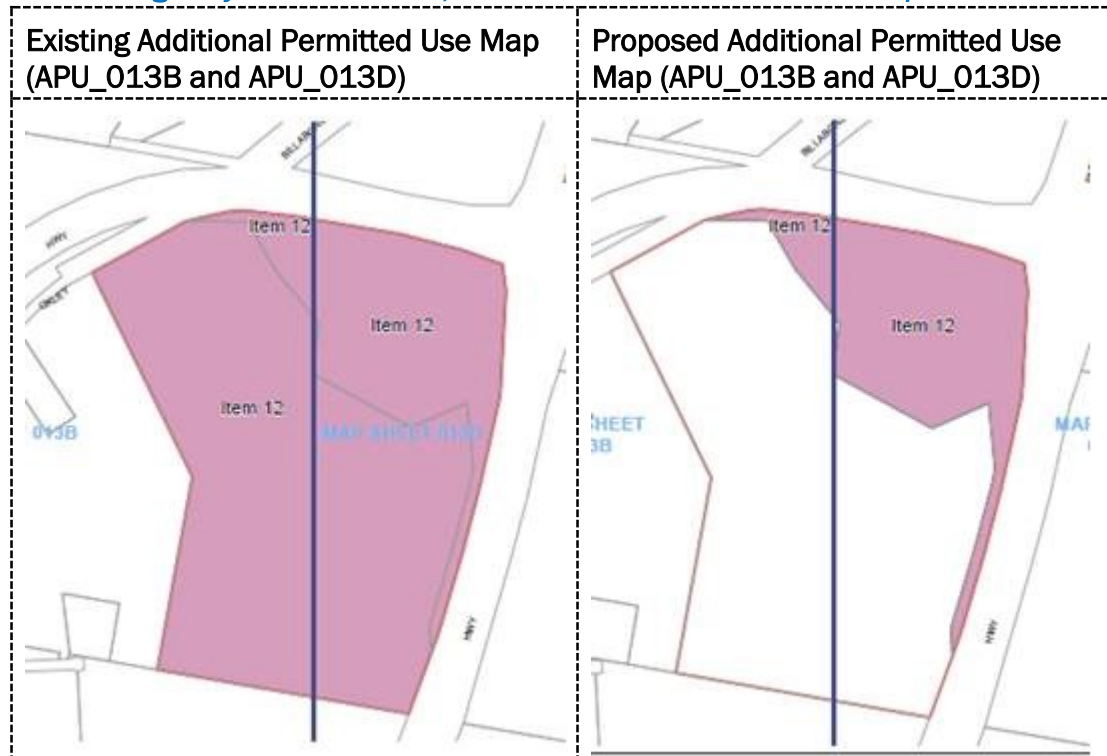
A - Affected land Current and Proposed

Proposed map amendments to the LEP 2011, as outlined in **Part 2** of this Planning Proposal are illustrated below. The site is shown in red outline.

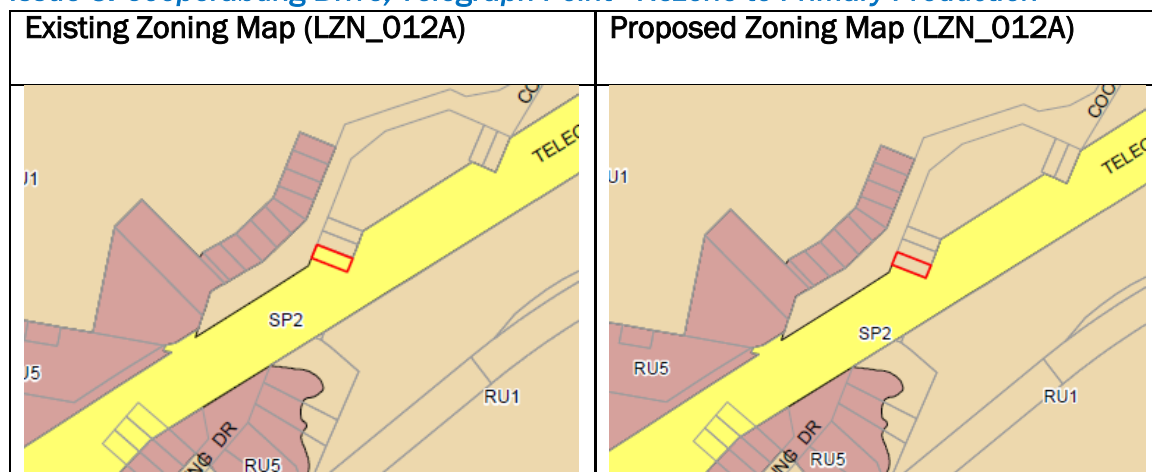
Issue 1. Map tidy-ups for the Lot Size Map and Koala Habitat Map at Map Series 013G

Existing Koala Habitat Map (KHA_013G)	Proposed Koala Habitat Map (KHA_013G)
	
Existing Lot Size Map (LSZ_013G)	Proposed Lot Size Map (LSZ_013G)
	

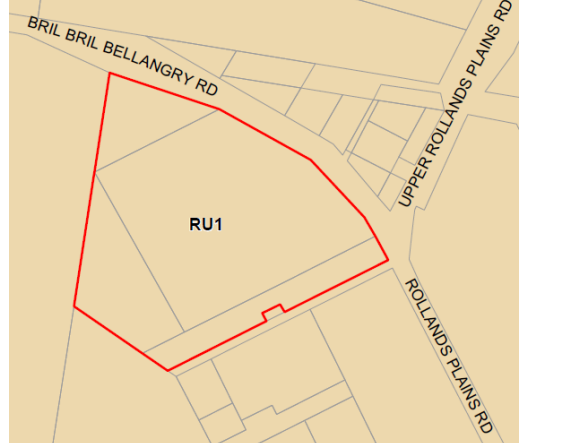
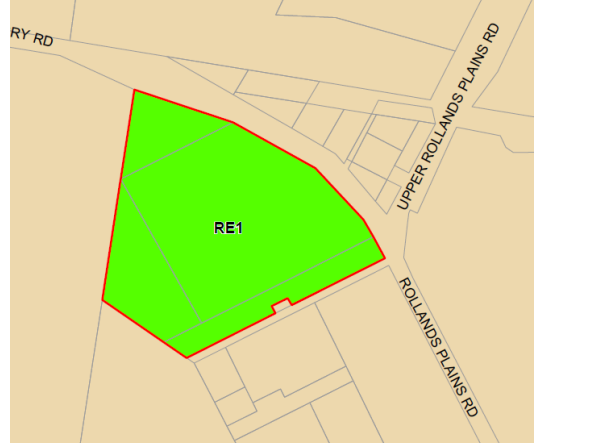
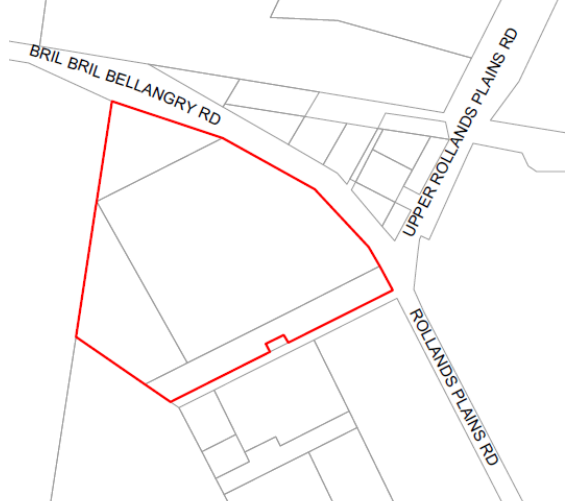
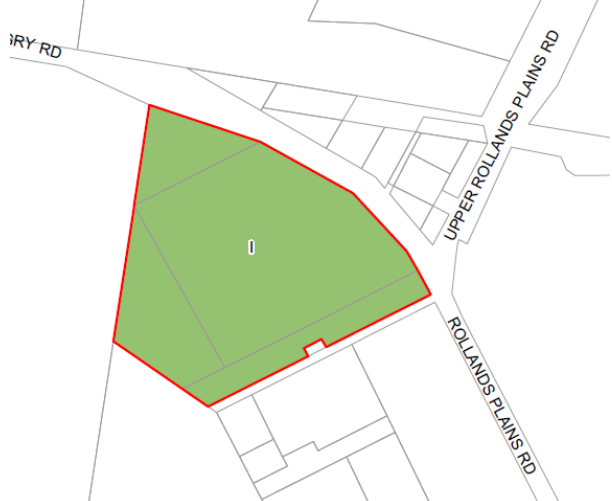
Issue 2. Highway Service Centre, Sancro - Amendment to LEP map and Schedule 1

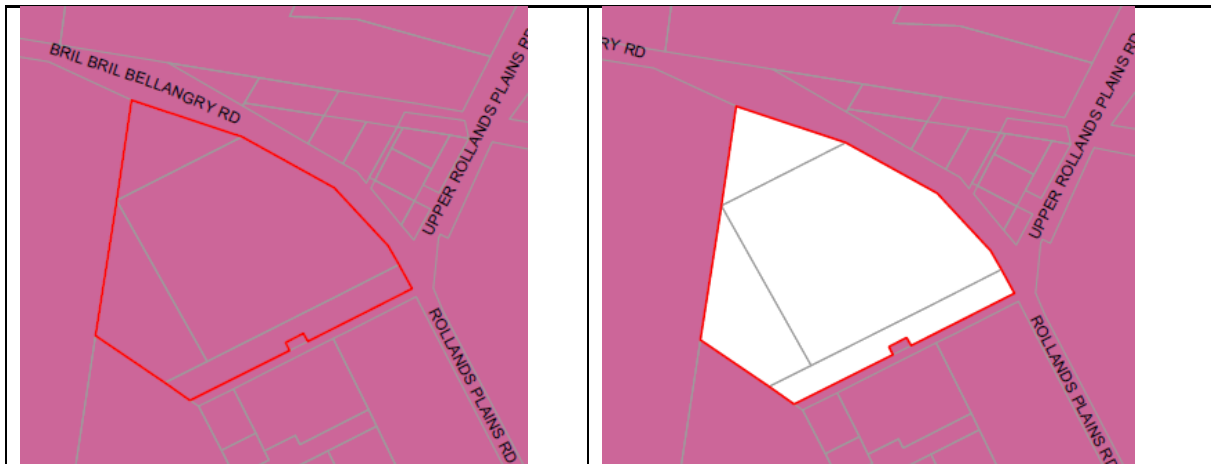


Issue 3. Cooperabung Drive, Telegraph Point - Rezone to Primary Production

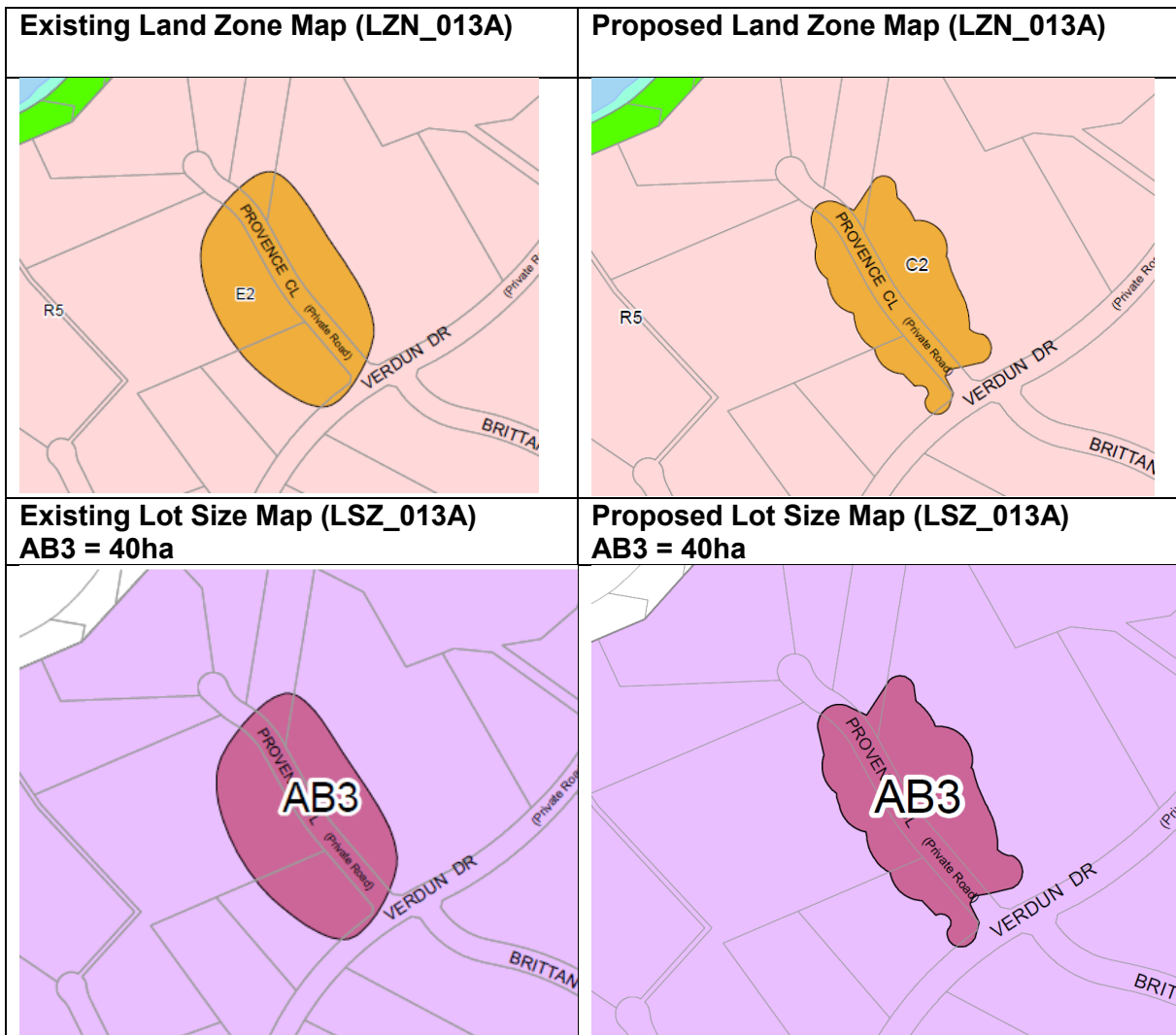


Issue 4. 19 Bril Bril-Belangry Road, Rollands Plains - rezoning Rollands Plains Showground

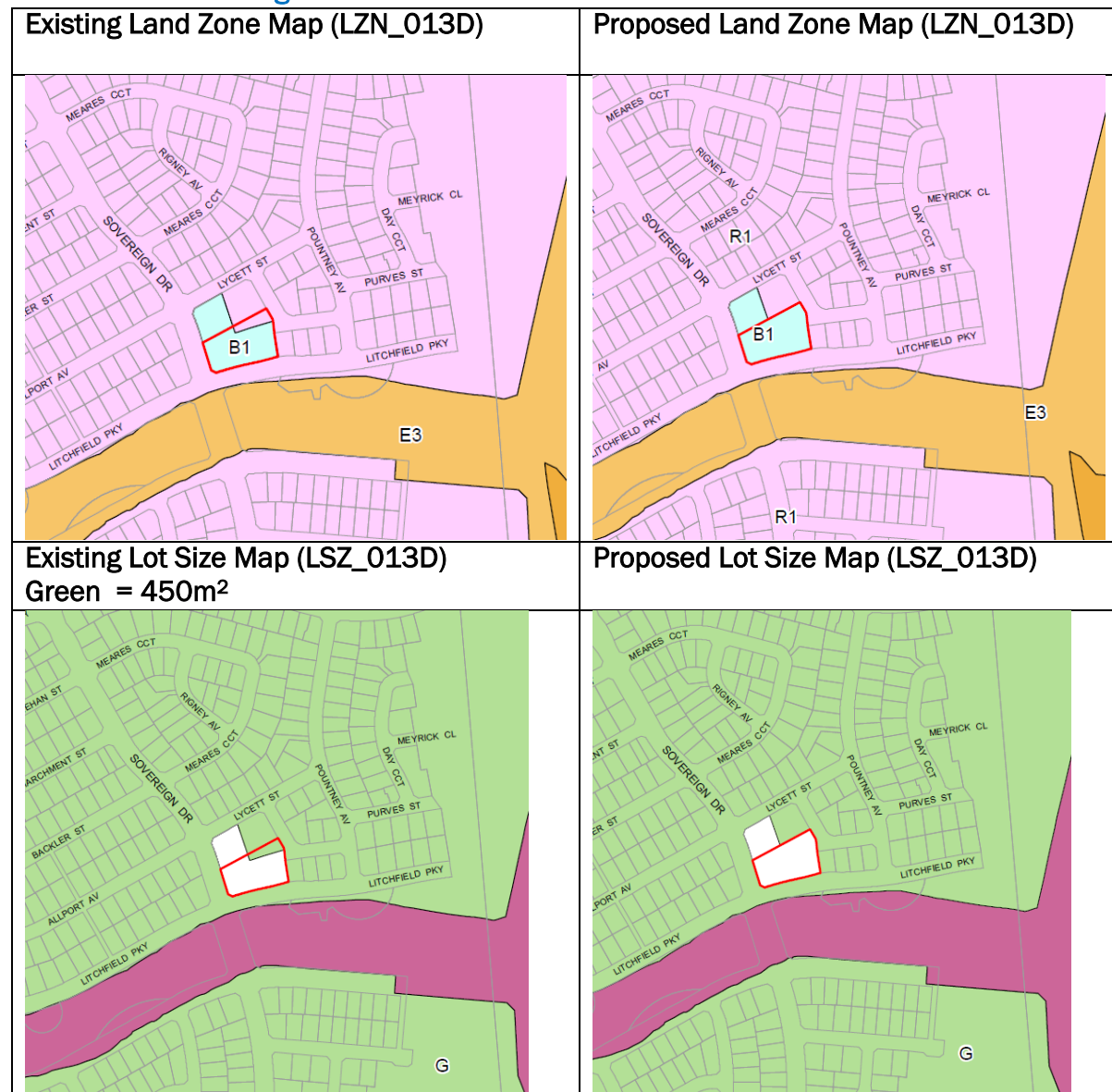
Existing Land Zone Map (LZN_009)	Proposed Land Zone Map (LZN_009)
	
Existing Height of Building Map (HOB_009)	Proposed Height of Building Map (HOB_009) I = 8.5m
	
Existing Lot Size Map (LSZ_009) 40ha minimum	Proposed Lot Size Map (LSZ_009)



Issue 5. Provence Close, Sancrox - Amendment to the E2 Environmental Conservation zone



Issue 6. Certain land at Sovereign Drive, Thrumster - Rezone from R1 General Residential to B1 Neighbourhood Centre Zone



Part 5 – Community Consultation

Community engagement and agency consultation will occur in accordance with the Gateway Determination, the requirements of *the Environmental Planning and Assessment Act 1979* and Council's Community Participation Plan (2019).

The consultation and public exhibition will include notification on Council's website and written notification to all affected and adjoining landowners.

The contact officer for this proposal is Stephanie Baker (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 authorisation to carry out certain plan-making functions. It is anticipated that authorisation will be exercised by Council's Director Community, Planning and Environment.

Action	Timeframe
Commencement date (date of Gateway determination)	Mid Jan 2022
Timeframe for government agency consultation (if required)	Feb 2022
Public exhibition period	Feb/Mar 2022
Dates of public hearing (if required)	Mar 2022
Consideration of submissions	Mar/April 2022
Timeframe for the consideration of a proposal post exhibition	April/May 2022
Submissions to the Department for Parliamentary Counsel Opinion	May 2022
Anticipated date Council will make the Plan (if authorised)	June 2022
Anticipated date Council will forward to the Department for notification	June/July 2022

Appendix A – Council Report and Minutes

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, 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.