

PUBLIC EXHIBITION DATES

Wednesday 13 September 2023 to Wednesday 11 October 2023

Planning Proposal under section 3.33 of the EP&A Act

***Port Macquarie-Hastings LEP 2011
(Amendment No 63)***

Planning amendments for public land



**PORT MACQUARIE
HASTINGS
C O U N C I L**

Ccl ref: PP2022 – 6.1

DP&E ref: PP-2023-136

Date: Version 3. Public Exhibition - 13 September 2023

Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Reported to Council (section 3.33)	8 December 2022
Referred to Department under (sec 3.34 (1))	20 January 2022
Gateway Panel determination (sec 3.34 (2))	16 May 2023
Revisions required: Yes.	8 August 2023
Agency Referral (version completed 8/8/2023)	12 August 2023
Public Exhibition (Sch 1 cl 4)	13 Sept-11 Oct 2023
For Council review (sec 3.35 (1))	Oct-Nov 2023
Adopted by Council for submission to Minister's delegate (sec 3.36 (2))	

Council reference: PP2022 – 6.1

(Amendment No will initially be blank) Port Macquarie-Hastings LEP 2011 (Amendment No 63)

**Department of Planning & Environment Planning Portal
reference:** PP-2023-136

Council Address

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Contact Officer

Leanne Fuller
Strategic Planner
Email: leanne.fuller@pmhc.nsw.gov.au
Phone: 6581 8111

Adoption of the Planning Proposal

1. For initial Gateway determination

The Port Macquarie-Hastings Council, endorsed this planning proposal to rezone certain public land at the Ordinary Meeting of Council held on **8 December 2022**.

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

Table of Contents

Executive Summary.....	5
Planning Proposal	7
Part 1 - Objectives or Intended Outcomes.....	7
Part 2 - Explanation of Provisions.....	7
Matter 1. Mill Hill - Amendment to LEP Land Zoning Map at Map Series 013D	11
Matter 2. Mill Hill - Amendment to LEP Land Zoning Map at Map Series 013D	15
Matter 3. Red Ochre - Amendment to LEP Land Zoning Map at Map Series 013D	18
Matter 4. Ruins Way - Amendment to LEP Land Zoning Map at Map Series 013D	21
Matter 5. Shelly Beach - Amendment to LEP Land Zoning Map at Map Series 013G.....	24
Matter 6. Leaders Way, Wauchope - Amendment to LEP Land Zoning Map at Map Series 013D	27
Part 3 – Justification of strategic and site specific merit	30
Section A - Need for the planning proposal.	30
Section B - Relationship to strategic planning framework.....	30
Section C - Environmental, social and economic impact.	35
Section D - State and Commonwealth interests.....	35
Part 4 – Mapping.....	37
A - Affected Land - Current and Proposed.....	37
Matter 1. Mill Hill, Port Macquarie - Amendment to LEP Land Zoning Map at Map Series 013D	37
Matter 2. Mill Hill, Port Macquarie - Amendment to LEP Land Zoning Map at Map Series 013D	39
Matter 3. Red Ochre, Port Macquarie - Amendment to LEP Land Zoning Map at Map Series 013D	40
Matter 4. The Ruins Way, Port Macquarie - Amendment to LEP Land Zoning Map at Map Series 013D	41
Matter 5. Shelly Beach, Port Macquarie - Amendment to LEP Land Zoning Map at Map Series 013G	42
Matter 6. Leaders Way, Wauchope - Amendment to LEP Land Zoning Map at Map Series 013D	43
Part 5 – Community Consultation	44
Part 6 – Project Timeline	45
Appendix A – Council Report and Minutes.....	46
Appendix B - Gateway Determination	48
Appendix C - LEP MAPS (Draft for Agency Consultation)	50
Appendix D - North Coast Regional Plan Assessment	Error! Bookmark not defined.

Executive Summary

This is a Planning Proposal prepared under section 3.33 of the *Environmental Planning and Assessment Act 1979*, and the NSW Department of Planning & Environment's Local Plan Making Guideline (August 2023).

The proposal describes a proposed amendment to *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011). Port Macquarie-Hastings Council is the applicant for the proposal, and the delegated Local Plan Making Authority.

On **8 December 2022**, Port Macquarie-Hastings Council considered a planning report proposing to correct six identified zone and development standard anomalies affecting public land. After considering the report, Council determined to proceed with a planning proposal to correct the anomalies by rezoning and applying appropriate development standards to the land (refer to **Appendix A**).

The Planning Proposal relates to Council owned land that has been committed for conservation status under State approved Koala Plans of Management, and approved development consents, and planning agreements. Current zoning is inappropriate; R1 General Residential or RE1 Public Recreation, notwithstanding in-perpetuity environmental commitments under existing development approvals, and Koala Plans of Management (KPoMs) and or Vegetation Management Plans (VMPs).

The proposal involves map only amendments to the Port Macquarie-Hastings LEP 2011 map series; there are no changes proposed to the LEP text. The Director, Northern Region Local and Regional Planning has issued a Gateway Determination dated **16 May 2023** allowing the Planning Proposal to proceed. Port Macquarie-Hastings Council is authorised to exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is categorised as 'Standard' and is to be finalised six months from the date of Gateway determination. Council has consulted with the NSW Rural Fire Service to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act, 4.3 Planning for Bushfire Protection, and the Division of Biodiversity and Conservation (BCD) in relation to biodiversity matters pursuant to the Gateway Determination.

The subject lands are:

- 1) **Mill Hill, Port Macquarie - Lot 26 DP 1213714, Lot 318 DP 1080621 and Lot 1 DP 1248244**
 - a. rezone these lots from R1 General Residential to C2 Environmental Conservation and rezone Lot 1 DP 1248244 from part R1 General Residential, part RU1 Primary Production to C2 Environmental Conservation;
 - b. remove the Lot Size and Floor Space Ratio and apply the Height of Buildings map on all properties
- 2) **Mill Hill, Port Macquarie - Lot 316 DP 1080621, Lot 119 DP 0835923, Lot 147 DP 0840675, Lot 170 DP 0855808, Lot 237 DP 1009629, Lot 188 DP 0876081, Lot 210 DP 0883039 and Lot 257 DP 1035161**

- a. rezone Lot 316 DP 1080621 from RE1 Public Recreation to C2 Environmental Conservation;
 - b. remove the Floor Space Ratio and Lot Size map; and
 - c. rezone Lot 119 DP 0835923, Lot 147 DP 0840675, Lot 170 DP 0855808, Lot 237 DP 1009629, Lot 188 DP 0876081, Lot 210 DP 0883039 and Lot 257 DP 1035161 from RE1 Public Recreation to C2 Environmental Conservation
- 3) **Red Ochre, Port Macquarie - Lot 27 DP 1195164, Lot 224 DP 1208821, Lot 332 DP 1232716, Lot 215 DP 1212069**
- a. rezone these lots from R1 General Residential to C2 Environmental Conservation and remove the Floor Space Ratio and Lot Size map
- 4) **The Ruins Way, Port Macquarie - Lot 1140 DP 1248153**
- a. rezone this lot from R1 General Residential to C2 Environmental Conservation and remove the Floor Space Ratio and Lot Size map
- 5) **Shelly Beach, Port Macquarie - Lot 24 DP 1201683**
- a. rezone this lot from R1 General Residential to C2 Environmental Conservation and remove the Floor Space Ratio and Lot Size map
- 6) **Leaders Way, Wauchope - Lot 32 DP 1228142**
- a. - rezone this lot from R1 General Residential to C2 Environmental Conservation and remove the Floor Space Ratio and Lot Size map

Site details and further explanation is provided in **Part 2 of the Planning Proposal**.

Planning Proposal

Part 1 - Objectives or Intended Outcomes

The objective of the Planning Proposal is to update Port Macquarie-Hastings LEP 2011 by amending the LEP maps to apply appropriate and fit for purpose land use controls over conservation status land. This update incorporates zone corrections and new and or updated height of building, floor space ratio and height of building controls to certain Council owned land that has been identified and committed for environmental preservation (further details in Part 2).

Part 2 - Explanation of Provisions

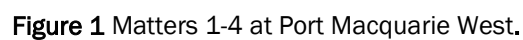
The intended outcome of the Planning Proposal will be achieved by making changes to the Land Zoning, Floor Space Ratio, Height of Building, and Lot Size Map series relating to Port Macquarie-Hastings LEP 2011.

The **location and context** of the land relating to the Planning Proposal is shown conceptually in **Figures 1 to 3** and detailed in **Matters 1 - 6 of this Part**.

The land included in **Matters 1 - 4** is located in **Port Macquarie West**, **Matter 5** is in **Port Macquarie East**, and **Matter 6** is located in **Wauchope**.

Explanation and legal status of the LEP Maps

The Port Macquarie-Hastings LEP 2011 and legally drafted maps comprise Council's principle planning instrument controlling development of land. This Planning Proposal is for a Map only amendment to the LEP, meaning there are no changes to the LEP text.



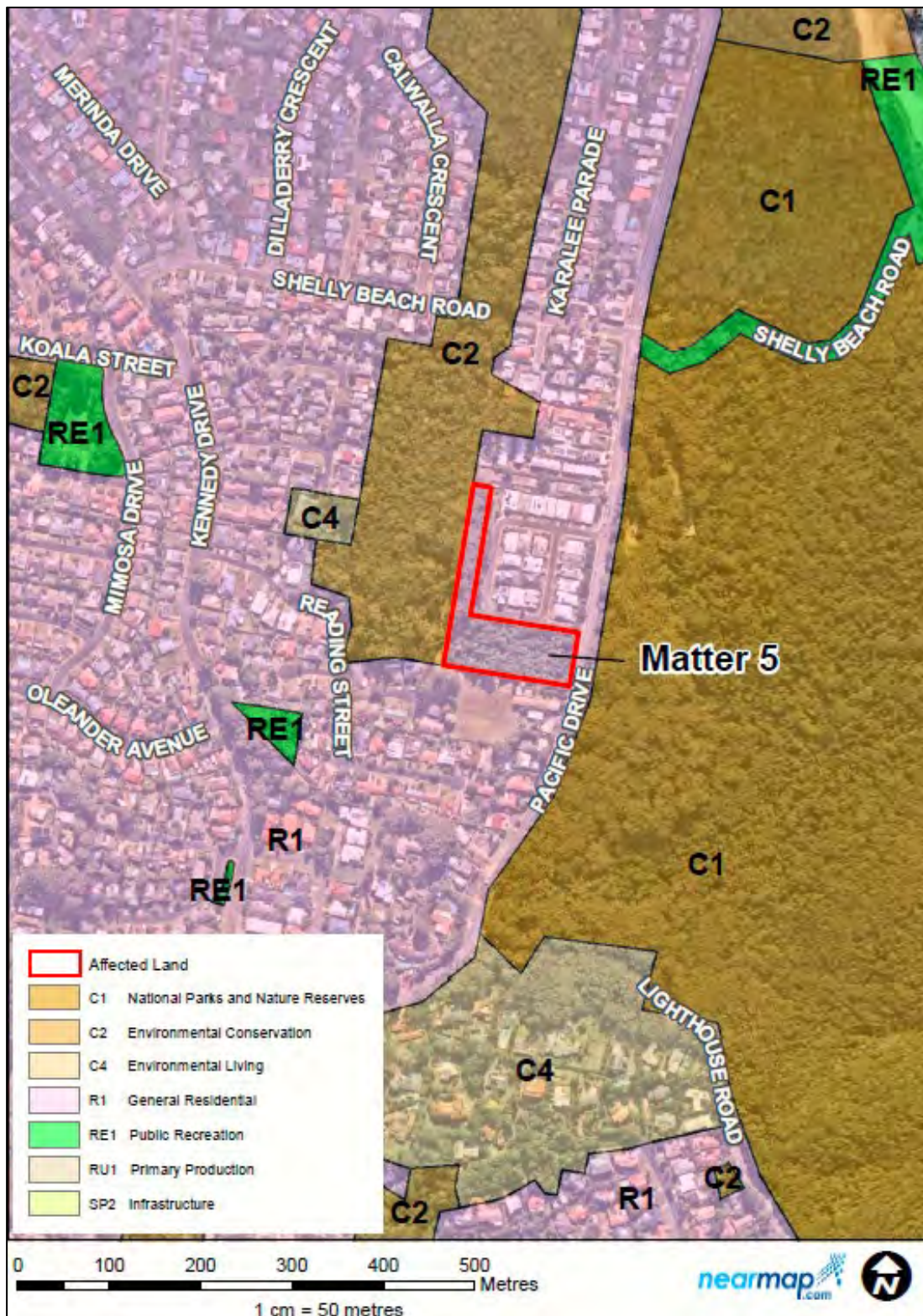


Figure 2: Matter 5, Port Macquarie East.

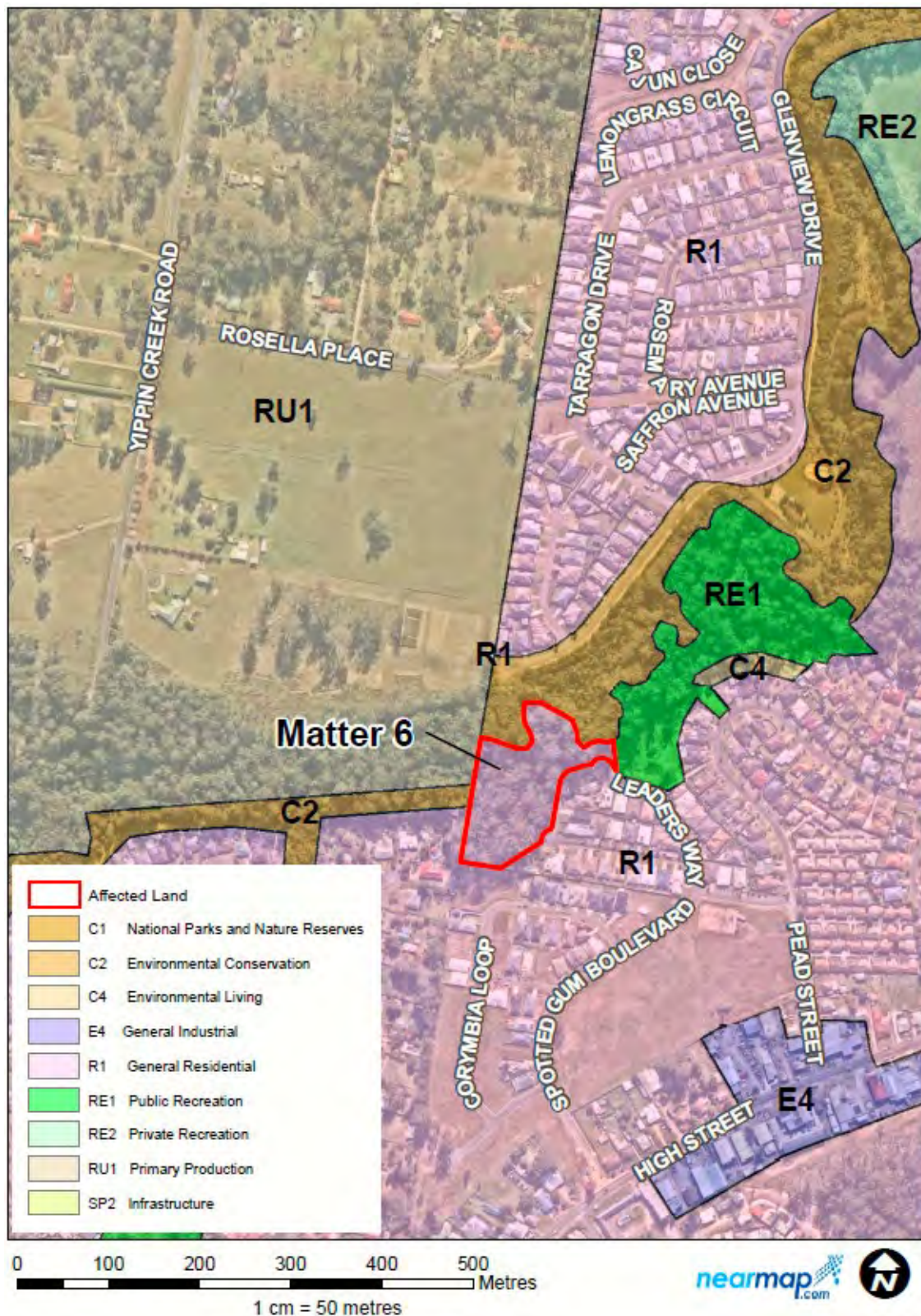


Figure 3: Matter 6, The Leaders Way Wauchape

Details of the proposed amendments (Matters) are:

Matter 1. Mill Hill - Amendment to LEP Land Zoning Map at Map Series 013D

The land in **Figures 4 - 7** forms part of a KPOM, approved under DA1999/775 and is identified as part of the wider area in **Figure 8**.



Figure 4: Lot 26 DP 1080621



Figure 5: Lot 318 DP 1080621



Figure 6: Lot 1 DP1248244



Figure 7: Composite Location Map of Figures 1-3



Figure 8: Area covered by Mill Hill KPOM ccl Ref:

The approved KPoM identified seven vegetation communities and fauna habitats in the area, including significant land as potential and core koala habitat.

The aims and objectives of the KPoM are:

- To maintain and improve the existing koala habitat in the area;
- Minimise any impacts the development may have on the population; and
- Provide for the long-term conservation of the koala population in the area

The associated development relating to the KPoM (DA 1999/775) included the subdivision of 12 hectares of the land into 91 residential blocks and three community title sites, associated infrastructure and open space. 11.8 hectares of vegetated land was retained as natural habitat.

The KPoM included ameliorative measures such as retention of koala trees within lots, and extension of the existing reserve network to link with vegetated land running east and north from the site (see **Figure 9** to offset development and minimise impacts on the local koala population). The reserved land was dedicated in part to Council to manage for the long term, and rezone as appropriate.

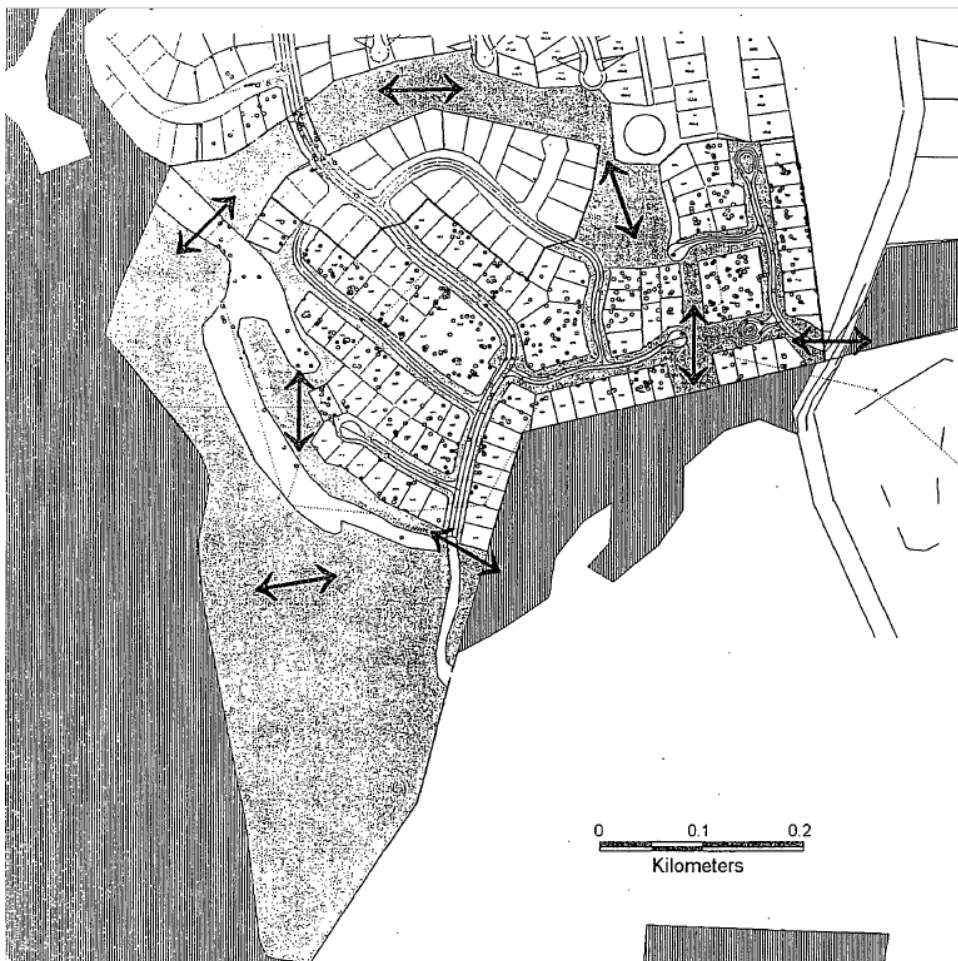


Figure 9: Open Space Areas and Koala Corridors identified in the KPoM

However, implementation of environmental or conservation zoning did not occur at the time. Port Macquarie-Hastings Council now seeks to correctly zone the reserve network to C2 Environmental Conservation to ensure consistency with approved KPOMs and appropriate land use outcomes.

Refer to **Table 1** below for the current and proposed LEP provisions relating to the land the subject to this Matter.

Table 1 Summary of Matter 1 Changes - Mill Hill - Amendment to LEP Land Zoning Map at Map Series 013D

Property Details	Zone		Floor Space Ratio		Height of Building		Lot Size	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
Lot 26 DP 1213714	R1 General Residential	C2 Environmental Conservation	0.65	Nil	8.5m	8.5m (no change)	450sqm	Nil
Lot 318 DP 1080621	R1 General Residential	C2 Environmental Conservation	0.65	Nil	8.5m	8.5m (no change)	450sqm	Nil
Lot 1 DP 1248244	Part R1 General Residential / part RU1 Primary Production	C2 Environmental Conservation	Part 0.65 / Nil	Nil	Part 8.5m/part Nil	8.5m	Part 450sqm / part 40ha	Nil

Proposal:

Proposal 1:

Rezone Lot 26 DP 1213714 and Lot 318 DP 1080621 from R1 General Residential to C2 Environmental Conservation and rezone Lot 1 DP 1248244 from part R1 General Residential, part RU1 Primary Production to C2 Environmental Conservation; remove the Lot Size and Floor Space Ratio and apply Height of Buildings provisions, to correspond with the zones, as described in Table 1 above and illustrated in Part 4 Mapping

Matter 2. Mill Hill - Amendment to LEP Land Zoning Map at Map Series 013D

The land depicted in **Figures 10 - 17** relates to the same KPoM as identified in Matter 1 above. However, the lands depicted in these figures formed part of the 'older public reserve' system; initially zoned for open space and transitioned to RE1 Public Recreation under the Standard Instrument adaptation of Port Macquarie-Hastings LEP 2001. A recent review of public land indicates that a recreational zoning is inappropriate due to the significant and inherent inconsistency with the intent and stated aims and objectives of the associated development consent and approved KPoM. A conservation zoning is the appropriate zoning. The Department of Planning and Environment zoning standard for land comprising high environmental values, conservation or significant environmental qualities is zone C2 Environmental Conservation. The Planning Proposal therefore seeks to rectify the zone anomalies to provide for long term mitigation and protection of the land in Council's ownership, consistent with the State approved Koala Plan of Management.

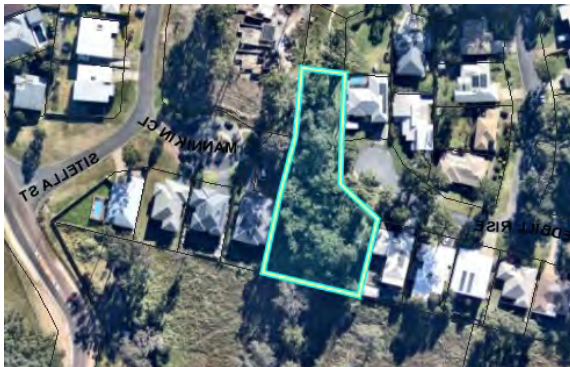


Figure 10: Lot 316 DP 1080621



Figure 11: Lot 119 DP 0835923

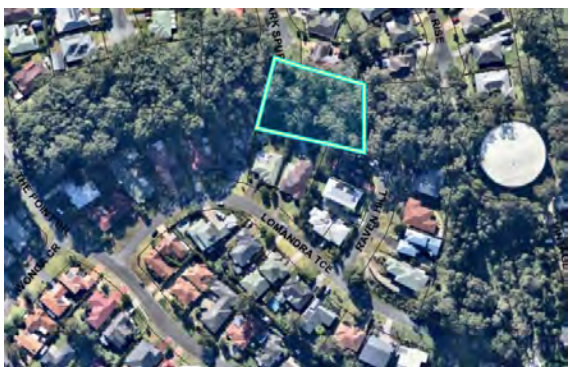


Figure 12: Lot 119 DP 0835923



Figure 13: Lot 170 DP 0855808

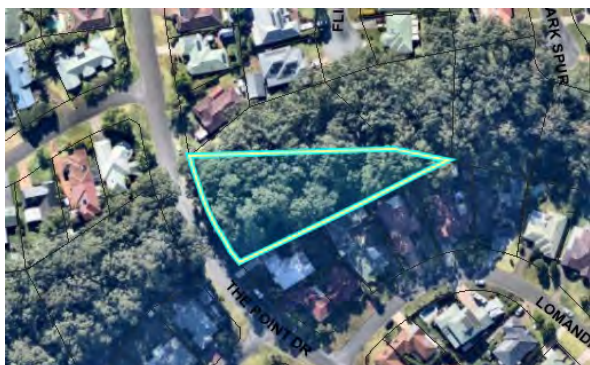


Figure 14: Lot 237 DP 1009629

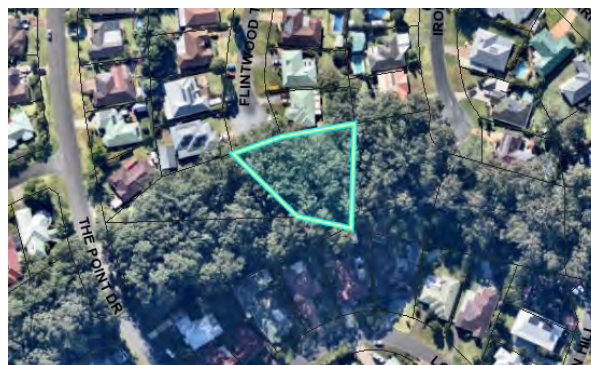


Figure 15: Lot 188 DP 0876081



Figure 16: Lot 210 DP 0883039



Figure 17: Lot 257 DP 1035161

Refer to **Table 2** below for the current and proposed LEP provisions relating to the land the subject of this Matter.

Table 2. Summary Matter 2 - Mill Hill, Amendment to LEP Land Zoning Map at Map Series 013D

Property Details	Zone		Floor Space Ratio		Height of Building		Lot Size	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
Lot 316 DP 1080621	RE1 Public Recreation	C2 Environmental Conservation	0.65:1	Nil	8.5m	8.5m	450sqm	Nil
Lot 119 DP 0835923	RE1 Public Recreation	C2 Environmental Conservation	Nil	Nil (No Change)	8.5m	8.5m (No Change)	Nil	Nil (No Change)
Lot 147 DP 0840675	RE1 Public Recreation	C2 Environmental Conservation	Nil	Nil (No Change)	8.5m	8.5m (No Change)	Nil	Nil (No Change)
Lot 170 DP 0855808	RE1 Public Recreation	C2 Environmental Conservation	Nil	Nil (No Change)	8.5m	8.5m (No Change)	Nil	Nil (No Change)
Lot 237 DP 1009629	RE1 Public Recreation	C2 Environmental Conservation	Nil	Nil (No Change)	8.5m	8.5m (No Change)	Nil	Nil (No Change)

Property Details	Zone		Floor Space Ratio		Height of Building		Lot Size	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
Lot 188 DP 0876081	RE1 Public Recreation	C2 Environmental Conservation	Nil	Nil (No Change)	8.5m	8.5m (No Change)	Nil	Nil (No Change)
	RE1 Public Recreation	C2 Environmental Conservation	Nil	Nil (No Change)	8.5m	8.5m (No Change)	Nil	Nil (No Change)
Lot 210 DP 0883039	RE1 Public Recreation	C2 Environmental Conservation	Nil	Nil (No Change)	8.5m	8.5m (No Change)	Nil	Nil (No Change)
Lot 257 DP 1035161	RE1 Public Recreation	C2 Environmental Conservation	Nil	Nil (No Change)	8.5m	8.5m (No Change)	Nil	Nil (No Change)
Road reserve adjoining Lot 257 and Lot 237 above	RE1 Public Recreation	C2 Environmental Conservation	Nil	Nil (No Change)	8.5m	8.5m (No Change)	Nil	Nil (No Change)

Note: these amendments incorporate the rezoning of the road section of The Point Drive that abuts the boundaries of Lot: 237 Plan No: DP1009629 to the east and Lot: 257 Plan No: DP1035161 to the west.

Proposal:

Proposal 2:

Rezone Lot 316 DP 1080621 from RE1 Public Recreation to C2 Environmental Conservation; and remove the Floor Space Ratio and Lot Size map as described in Table 3 above and illustrated in Part 4 Mapping

Rezone Lot 119 DP 0835923, Lot 147 DP 0840675, Lot 170 DP 0855808, Lot 237 DP1009629, Lot 188 DP 0876081, Lot 210 DP 0883039 and Lot 257 DP1035161 from RE1 Public Recreation to C2 Environmental Conservation map as described in Table 4 above and illustrated in Part 4 Mapping

Matter 3. Red Ochre - Amendment to LEP Land Zoning Map at Map Series 013D

The land included in Matter 3 (refer to **Figures 18 - 21**) was approved under DA 2009/126 for the subdivision of 77 residential lots and three open space and drainage reserve lots.



Figure 18: Lot 27 DP1195164



Figure 19: Lot 224 DP1208821



Figure 20: Lot 332 DP 122716



Figure 21: Lot 215 DP 1212069

The development of this site was supported by a KPOM, which identified three core koala habitat areas and an ameliorative requirement to retain, protect and enhance these habitat zones. To identify and manage these areas, a concept landscape management plan (see **Figure 22**) and concept VMP formed part of the approved development application. These management plans aimed to retain, enhance, and link the koala habitat on site to the adjoining bushland and neighbouring Lake Innes Nature

Reserve, as part of an identified and extensive east west and north-south open space/wildlife corridor within the larger development area. This work informed dedication of land to Council as designated corridors and open space reserves.



Figure 22: Landscape Management Plan

Refer to **Table 3** below for the current and proposed LEP provisions relating to the land subject to this Matter.

Table 3 Summary Matter 3 - Current and Proposed LEP Provisions for Lot 27 DP 1195164, Lot 224 DP 1208821, Lot 332 DP 1232716, Lot 215 DP 1212069

Pty Details	Zone		Floor space Ration		Height of Building		Lot Size	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
Lot 27 DP 1195164	R1 General Residential	C2 Environmental Conservation	0.65:1	Nil	8.5m	8.5m	450sqm	Nil
Lot 224 DP 1208821	R1 General Residential	C2 Environmental Conservation	0.65:1	Nil	8.5m	8.5m	450sqm	Nil
Lot 332 DP 1232716	R1 General Residential	C2 Environmental Conservation	0.65:1	Nil	8.5m	8.5m	450sqm	Nil
Lot 215 DP 1212069	R1 General Residential	C2 Environmental Conservation	0.65:1	Nil	8.5m	8.5m	450sqm	Nil

Proposal:

Proposal 3:

Rezone Lot 27 DP 1195164, Lot 224 DP 1208821, Lot 332 DP 1232716, Lot 215 DP 1212069 from R1 General Residential to C2 Environmental Conservation, and remove the Floor Space Ratio and Lot Size map as described in Table 6 above and illustrated in Part 4 Mapping

Matter 4. Ruins Way - Amendment to LEP Land Zoning Map at Map Series 013D

This matter relates to a development consent for approximately 110 residential lots (DA 2008/440). The linked KPoM identified vegetation communities, including the presence of Tallowood and Swamp Mahogany, both being primary koala browse trees, and Koala scats on the site. The site falls within a regional corridor and comprises known koala habitat.



Figure 23: Lot 1140 DP1248153

The KPoM included ameliorative measures to maintain the viability of the current Koala population via sufficient habitat retention to maintain lifecycle requirements; maintaining and enhancing linkages with other habitat adjacent to the site; increasing the net extent of primary browse species on the site to increase its carrying capacity and potentially allow population expansion in the medium to long term; and effectively mitigate development induced threats to the viability of Koalas dependant on the site in the medium to long term. The DA related land dedications to Council are shown in **Figure 23**, and the wider koala movement corridor indicated in the approved KPOM is depicted in **Figure 24**. Rezoning the dedicated land to reflect its intended environmental purpose following development and to recognise its high environmental value is outstanding.



Figure 24: Wider koala corridor

Refer to **Table 4** below for the current and proposed LEP provisions relating to Lot 1140 DP1248153.

Table 4: Summary Matter 4 - Current and proposed for LEP Provisions for Lot 1140 DP 1248153

Pty Details	Zone		Floor Space Ratio		Height of Building		Lot Size	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
Lot 1140 DP 1248153	R1 General Residential	C2 Environmental Conservation	0.65:1	Nil	8.5m	8.5m	450sqm	Nil

Proposal:

Proposal 4:

Rezone Lot 1140 DP 1248153 from R1 General Residential to C2 Environmental Conservation, and remove the Floor Space Ratio and Lot Size map as described in Table 7 above and illustrated in Part 4 Mapping

Matter 5. Shelly Beach - Amendment to LEP Land Zoning Map at Map Series 013G

The land subject to this matter is identified in **Figure 25**. The approved VMP linked to DA 2013/216 for a residential subdivision, identified three management units (MU's), which form the retained vegetation. Refer **Figure 26**.



Figure 25: Lot 24 DP 1201683

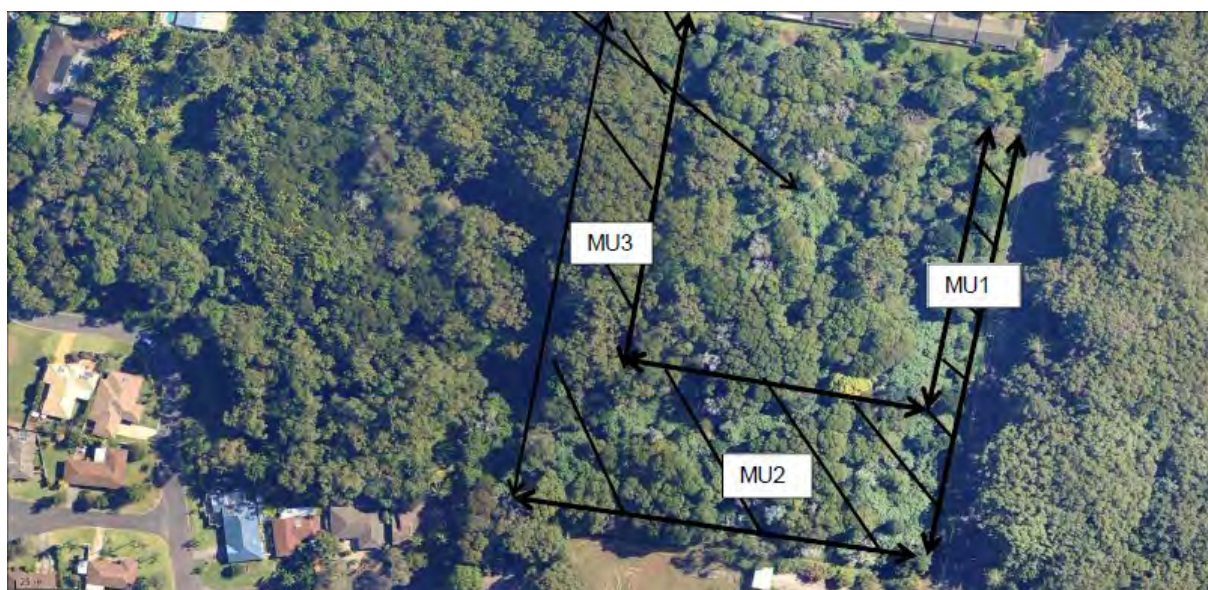


Figure 26: Management Units - retained vegetation subject to VMP

The approved VMP sets out specific management mechanisms to:

1. Provide suitable vegetation link between the Wrights Creek Reserve and Sea Acres Nature Reserve
2. Implement Regeneration treatments to establish and strengthen the vegetation link across the site between the Wrights Creek Reserve and Sea Acres Nature Reserve
3. Provide vegetative buffers to Pacific Drive using endemic species occurring within the immediate locality
4. Revegetate the vegetated link lands in a manner representative of the vegetation communities surrounding the site.

A Voluntary Planning Agreement is in place for this land. Clause 11.2 states that 'the Environmental Management Land is to be held by the Council for the purpose of the conservation and enhancement of the natural environment'. Implementation of an environmental conservation zoning is aligned with the intended purpose.

Refer to **Table 5** below for the current and proposed LEP provisions relating to the land subject to this Matter.

Table 5: Matter 5 Summary - Current and Proposed LEP Provisions for Lot 24 DP1201683

Pty Details	Zone		Floor Space Ratio		Height of Building		Lot Size	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
Lot 24 DP 1201683	R1 General Residential	C2 Environmental Conservation	0.65:1	Nil	8.5m	8.5m	450sqm	Nil

Proposal:

Proposal 5:

Rezone Lot 24 DP 1201683 from R1 General Residential to C2 Environmental Conservation, and remove the Floor Space Ratio and Lot Size map as described in Table 8 above and illustrated in Part 4 Mapping

Matter 6. Leaders Way, Wauchope - Amendment to LEP Land Zoning Map at Map Series 013D

An approved Vegetation Management Plan (VMP) prepared by Wild Things in 2015 formed part of the requirements of the development consent, allowing the adjacent residential subdivision. The VMP identified two Management Units (MU's), being Wet Sclerophyll Forest (Riverflat Eucalypt Forest Endangered Ecological Communities) and Dry Sclerophyll Forest (Blackbutt dominated) but also a high weed presence. (Refer Figure 27 and Figure 28)



Figure 27: Lot 32 DP1228142

The VMP sets out a plan of management for bush regeneration works and control and maintenance of weeds, with the developer to dedicate the land to Council and to protect, maintain and enhance the VMP site for 10 years. Council staff regularly monitor and report on such sites and the findings of the June 2021 monitoring report highlighted a lack of compliance with the VMP. Specifically, there had been no recent weed control measures taken and no nest boxes had been installed. The recommendations of the monitoring report included rezoning the land from R1 General Residential to C2 Environmental Conservation to ensure its continued protection.



Figure 28 Site as identified in VMP

Refer to **Table 6** below for the current and proposed LEP provisions relating to the land subject to this Matter.

Table 6 Summary - Current and proposed LEP Provisions for Lot 32 DP1228142

Property Details	Zone		Floor Space Ratio		Height of Building		Lot Size	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
Lot 32 DP 1228142	R1 General Residential	C2 Environmental Conservation	0.65:1	Nil	8.5m	8.5m	450sqm	Nil

Proposal:

Proposal 6:

Rezone Lot 32 DP 1228142 from R1 General Residential to C2 Environmental Conservation, and remove the Floor Space Ratio and Lot Size map as described in Table 5 above and illustrated in Part 4 Mapping

Part 3 – Justification of strategic and site specific merit

In accordance with the Department of Planning and Environment's *Local Environmental Plan Making Guideline August 2023*, 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

Section A - Need for the planning proposal.

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

The Planning Proposal seeks to amend six zoning anomalies and errors in Port Macquarie-Hastings LEP 2011. It is not the result of a specific study linked to the planning proposal. However, all of the matters are justified by approved and endorsed KPoMs and/or VMPs.

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.

Section 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. The Planning Proposal seeks to implement environmental protection outcomes for the long term benefit of Port Macquarie Hastings residents through accurate and consistent planning controls. Specifically, the implementation of appropriate zoning over the identified sites will deliver on the stated objectives of the associated management plans, and Objective 3 and Strategy 3.1 of the North Coast Regional Plan 2041 - to update biodiversity mapping in LEPs where appropriate and apply conservation zoning to protect set aside High Environmental Value (HEV) land.

Goal 1 - Liveable, sustainable and resilient

Objective 3: Protect regional biodiversity and areas of high environmental value

The sites included in the Planning Proposal have been dedicated to Council having been set aside in association with residential subdivision approvals and consequent Koala Plans of Management, Vegetation Management Plans and or Voluntary Planning Agreements for environmental purposes.

The proposed updates to the relevant Port Macquarie-Hastings LEP Map series will ensure appropriate legislative recognition and preservation of land that has been specifically studied, identified and designated as having high environmental value.

Strategy 3.1 of the regional plan requires local plans to consider opportunities to protect biodiversity. The planning proposal is consistent.

Objective 5: Manage and improve resilience to shocks and stresses, natural hazards and climate change

Due to their vegetated nature, all of the subject sites are identified as being bushfire prone. However, given the administrative nature of the proposed map amendments, the bushfire risk will not increase on the sites or their surrounding areas as a result of this rezoning. The status quo is maintained, noting that any bushfire risks were mitigate as part of the DA approval process.

Strategy 5.1 requires Council to be consistent with the principles outlined in the *Strategic Guide to Planning for Natural Hazards*. The proposal is broadly consistent.

Port Macquarie-Hastings Local Government Narrative:

The proposal aligns with the PMH Local Government Narrative, specifically to protect, conserve and enhance local biodiversity, natural areas, and areas of high environmental value, and to protect threatened and endangered species with a focus on protecting and growing the largest coastal koala population in NSW.

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

The proposed amendments are consistent with the intent and purpose of the Port Macquarie-Hastings Council's *Local Strategic Planning Statement (Shaping our Future 2040)*, specifically:

"Planning Priority 1 to protect, conserve and enhance our biodiversity and areas of high environmental value, and to increase resilience to the impacts and risks of natural hazards and environmental and climate change, the Imagine 2050 Community Strategic Plan and, Port Macquarie-Hastings Council Biodiversity Mangement Strategy to protect priority biodiversity areas for Koala, and to ensure appropriate investment in public lands for conservation."

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

Table 7 Assessment of the Planning Proposal against relevant SEPPs considers the relevant SEPPs that apply to this Planning Proposal.

Table 7: Assessment of the planning Proposal against relevant SEPPs

State Environmental Planning Policies	Consistency
Resilience and Hazards 2021	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

State Environmental Planning Policies	Consistency
	Lot 1 DP1248244 and Lot 318 DP1080621 in Matter 1 is subject to this SEPP and is mapped as being in the Coastal Environment Area or the Coastal Proximity Area. The proposed change here is to identify the site for its environmental values, ensuring that the maps truly reflect the environmental and conservation intent under existing commitment and approvals. The changes will reduce the development potential of the land and ensure its environmental protection into perpetuity.

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

Table 8 below considers the relevant s9.1 Directions that apply to this Planning Proposal.

Table 8: Assessment of the Planning Proposal against s9.1 Directions of relevance.

Direction 9.1 Directions and Objectives	Consistency
1 Planning Systems	
1.1 Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	Consistent. The planning proposal is consistent with the objectives of the North Coast Regional Plan to protect and enhance biodiversity, and to ensure that areas conserved for their environmental value are appropriately identified and zoned.
3 Biodiversity and Conservation	
3.1 Conservation Zones The aim of this direction is to protect and conserve environmentally sensitive areas.	Consistent. All of the land forming part of this proposal has been dedicated to Council for environmental protection and is considered to be of high environmental value. The proposed changes address current mapping irregularities and zone the lands to properly reflect their environmental status and purpose.
3.6 Strategic Conservation Planning The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.	Consistent. The purpose of the planning proposal is to confirm status of the identified lands as being set aside for environmental conservation and high biodiversity value.
4 Resilience and Hazards	
4.1 Flooding This Direction seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Justified. Lot 1 DP 1248244 - Matter 1 is partly mapped as being flood prone. However, this proposal is a mapping update to reflect the environmental status of the land. The changes do not increase the development potential on the land.
4.2 Coastal Management The objective of this direction is to protect and manage coastal areas of NSW.	Justified. Lot 1 DP 1248244 and Lot 318 DP 1080621- Matter 1 relates to land subject to this Direction as the land is identified as being in the Coastal Wetlands/ Proximity Area for Coastal Wetlands. The proposed changes are addressing mapping anomalies and protection of environmental assets on the land.
4.3 Planning for Bushfire Protection This Direction seeks to discourage incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.	Justified, pending consultation with the NSW Rural Fire Service. The identified sites, due to their existing, established environmental nature and offset value (Matters 1- 6) are situated in bushfire prone areas. The planning proposal will not increase the development potential on the land and there is no change to current bushfire risk, which has been assessed and mitigated as part of the development application process that approved the associated residential subdivisions, and or housing development.

Direction 9.1 Directions and Objectives	Consistency
	The Direction requires that Council consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Council will obtain the agreement of the Secretary to comply with the requirements of this Direction prior to the LEP being made, to ensure consistency with the terms of the Gateway Determination issued on 16 May 2023.
5 Transport and Infrastructure	
5.2 Reserving Land for Public Purposes The objectives of this direction are to: (a) facilitate the provision of public services and facilities by reserving land for public purposes	Consistent. The planning proposal, if finalised, will ensure appropriate zoning and conservation status of lands set aside in development related planning documents, including Koala Plans of Management and Vegetation Management Plans.
6 Housing	
6.1 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.	Justified. This proposal involves a perceived loss of residentially zoned land as the properties in Matters 1, 3, 4, 5 and 6 are currently zoned R1 General Residential zone. However, all of the properties are owned by Council and have been dedicated for their environmental protection. Therefore, they are not functioning as residential sites and not meeting the objectives of their current zone. The proposal is <u>consistent</u> with the Direction as the zone change will reflect the existing conditions on the site, therefore minimising any chance of an impact from residential development on environmental land.
9 Primary Production	
9.1 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	Justified and consistent. Lot 1 DP 1248244 - Matter 1 is partly zoned RU1 Primary Production. The land is being used as an environmental offset site. This rezoning to C1 Environmental Conservation is a mapping exercise to reflect the existing status of the land. The proposal is <u>consistent</u> with this Direction as it does not rezone land to residential, business, industrial, village or tourist.
9.2 Rural Lands The objectives of this direction are to: a) protect the agricultural production value of rural land, b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, c) assist in the proper	Consistent. Lot 1 DP 1248244 - Matter 1 is partly zoned RU1 Primary Production. The proposal is <u>consistent</u> with this Direction in that it identifies and protects environmental values, including maintaining biodiversity and native vegetation.

Direction 9.1 Directions and Objectives	Consistency
<p>management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</p> <p>d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</p> <p>e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</p> <p>f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</p>	

Section C - Environmental, social and economic impact.

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

No. The proposal is administrative in nature and outcome positive in terms of providing for long term protection of ecological communities, threatened species habitat or high environmental value land. The conservation of important habitat or offset land is consistent with approved management plans.

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

There are no other known, likely or anticipated negative effects on ecological value arising from the proposal.

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 accurately reflects the conservation nature and legal status of the Council land specified in the proposal.

Section D - State and Commonwealth interests.

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

This Planning Proposal does not enable new development and therefore will not result in additional demands on public infrastructure.

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

The Department of Planning and Environment's Gateway Determination specifies consultation with the Biodiversity Conservation Division of the Department of Planning and Environment, and the NSW Rural Fire Service. The views of these agencies are:

Biodiversity and Conservation Division (BCD) of the Biodiversity, Conservation and Science Directorate in the Environment and Heritage Group of the Department of Planning and Environment

Our review of the planning proposal documents and the desktop information indicates the land parcels in the areas of Port Macquarie, West (Matters 1 – 4) are land parcels that have been identified as core koala habitat in various individual Koala Plans of Management associated with previously enacted development applications.

Furthermore, all these land parcels have been identified as land with high biodiversity value on the NSW Government's Biodiversity Values Map.

The land in the area of Port Macquarie, East (Matter 5) and Wauchope (Matter 6) contain records of koalas on the NSW Bionet Threatened Species Atlas and has also been identified as land with high biodiversity value on the NSW Government's Biodiversity Values Map.

All the land parcels subject to the planning proposal align with the High Environmental Value land criteria specified in the North Coast Regional Plan 2041.

The planning proposal aims to protect the High Environmental Value land subject to the proposal with the application of C2 Environmental Conservation zones and hence accords with the North Coast Regional Plan (NRCR) 2041.

The BCD supports the planning proposal to amend the Port Macquarie-Hastings Local Environment Plan (2011) for the inclusion of C2 Environmental zones on all the lands (Matters 1 – 6) subject to the proposal.

NSW Rural Fire Service

The NSW RFS has considered the information submitted and provides the following comments.

The proposal is to correct existing inappropriate zoning and development controls currently applying to the land, by rezoning the land for environmental conservation

The NSW RFS has no objection to the Planning Proposal. Where the public lands share common boundaries with residential land, Council should ensure on-going vegetation management activities are occurring to reduce the potential of bushfire impacting on residential development.

There are no unresolved matters as a result of agency consultation.

Part 4 – Mapping

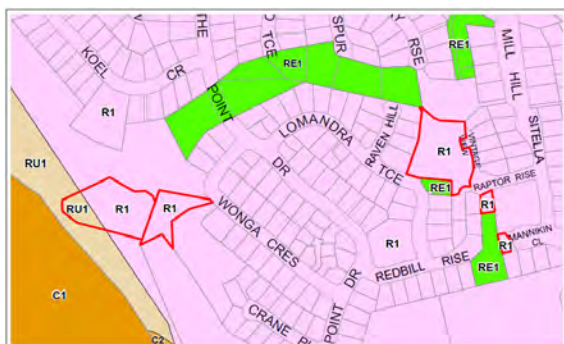
A - Affected Land - Current and Proposed

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.

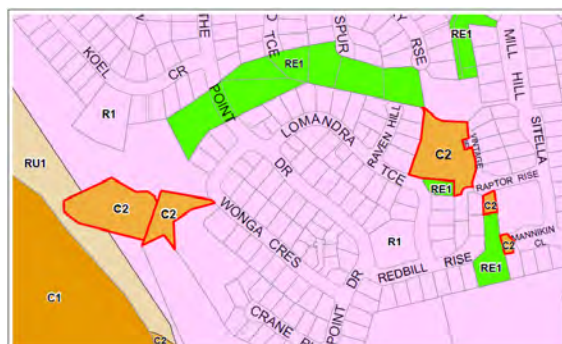
To ensure consistency with the proposed land zoning, the recommendation incorporates the rezoning of the road sections of The Point Drive that abuts the boundaries of Lot: 237 Plan No: DP 1009629 to the east and Lot: 257 Plan No: DP 1035161 to the west (refer to Matter 2 for recommended zoning map). These road sections are currently zoned R1 General Residential and are proposed to be zoned C2 Environmental Conservation in the Planning Proposal. This is in line with Principle 1.3 of the *Zoning for infrastructure in LEPs* practice note issued by the NSW Department of Planning in 2008.

Matter 1. Mill Hill, Port Macquarie - Amendment to LEP Land Zoning Map at Map Series 013D

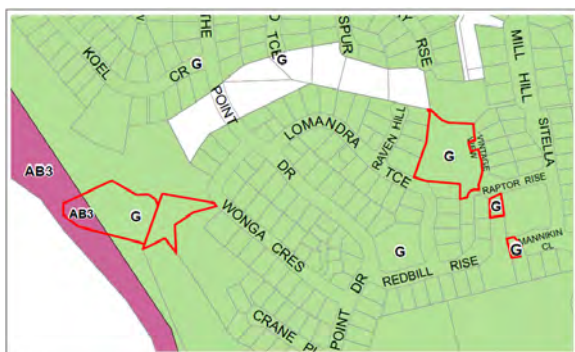
Existing Zone Map (LZN_013D)



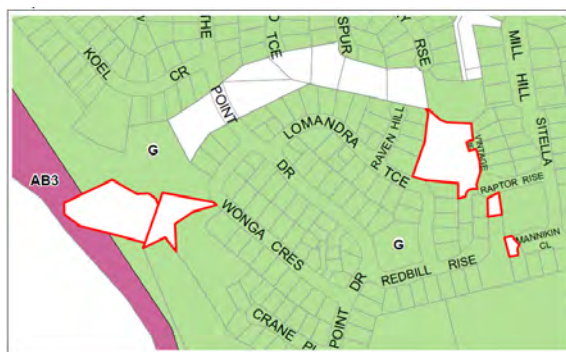
Proposed Zone Map (LZN_013D)



Existing Lot Size Map (LSZ_013D)



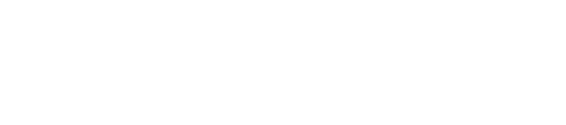
Proposed Lot Size Map (LSZ_013D)

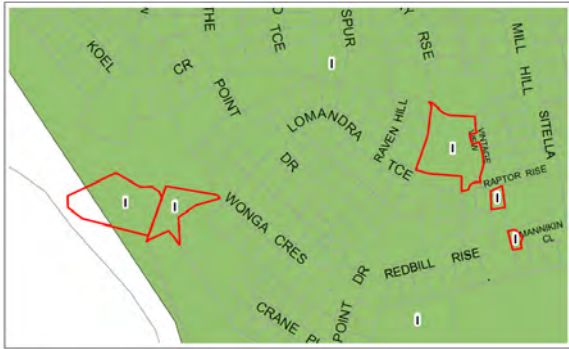


Existing Floor Space Ratio Map (FSR_013D)

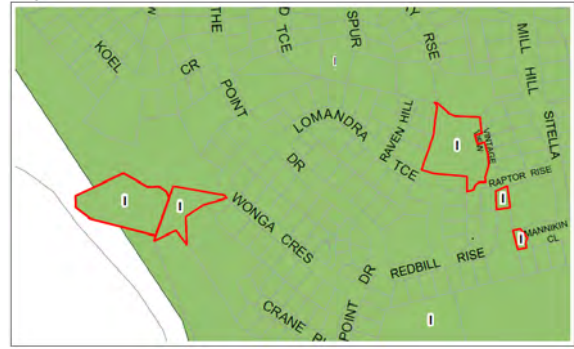


Proposed Floor Space Ratio Map (FSR_013D)





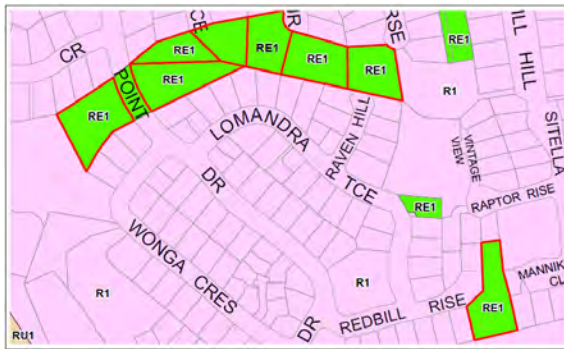
Existing Height of Building Map
(HOB_013D)



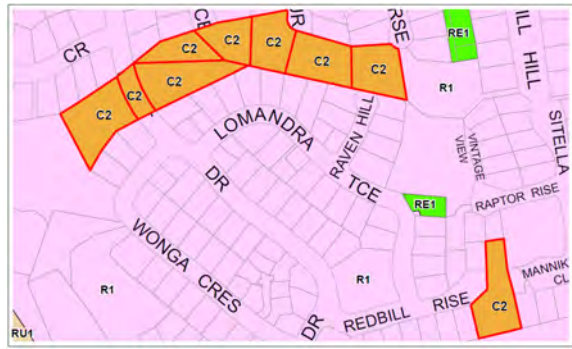
Proposed Height of Building Map
(HOB_013D)

Matter 2. Mill Hill, Port Macquarie - Amendment to LEP Land Zoning Map at Map Series 013D

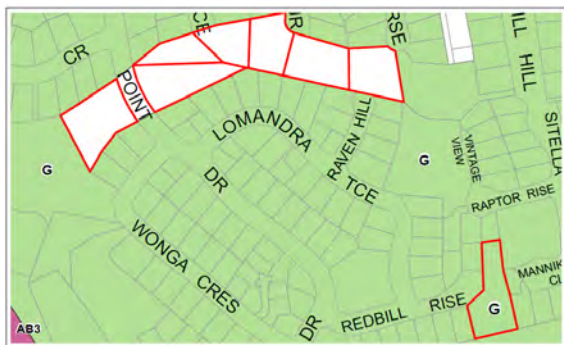
Existing Zone Map (LZN_013D)



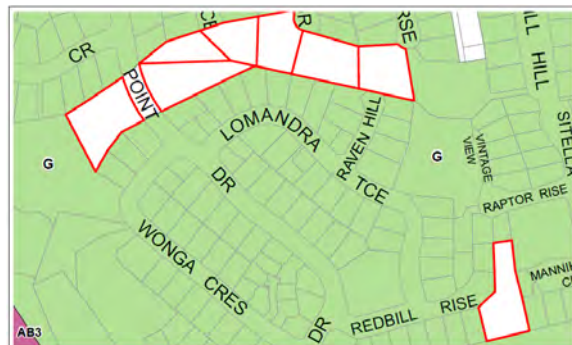
Proposed Zone Map (LZN_013D)



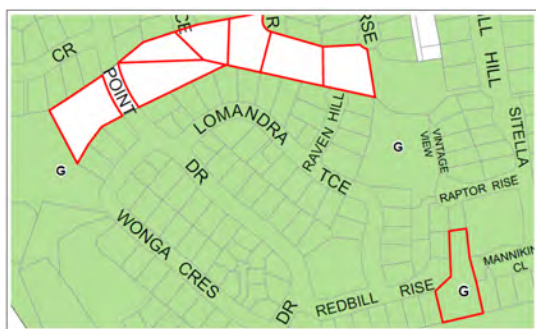
Existing Lot Size Map (LSZ_013D)



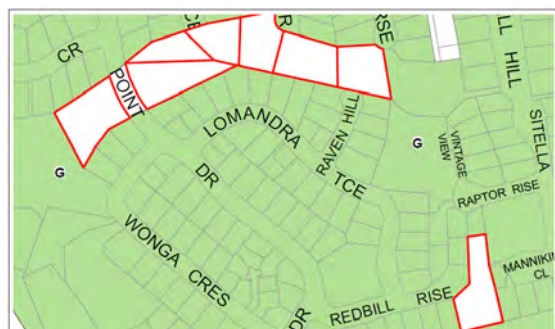
Proposed Lot Size Map (LSZ_013D)



Existing Floor Space Ratio Map (FSR_013D)



Proposed Floor Space Ratio Map (FSR_013D)



Note: The rezoning of the road section of The Point Drive that abuts the boundaries of Lot: 237 Plan No: DP1009629 to the east and Lot: 257 Plan No: DP1035161 to the west.

Matter 3. Red Ochre, Port Macquarie - Amendment to LEP Land Zoning Map at Map Series 013D

Existing Zone Map (LZN_013D)



Proposed Zone Map (LZN_013D)



Existing Lot Size Map (LSZ_013D)



Proposed Lot Size Map (LSZ_013D)



Existing Floor Space Ratio Map (FSR_013D)



Proposed Floor Space Ratio Map (FSR_013D)

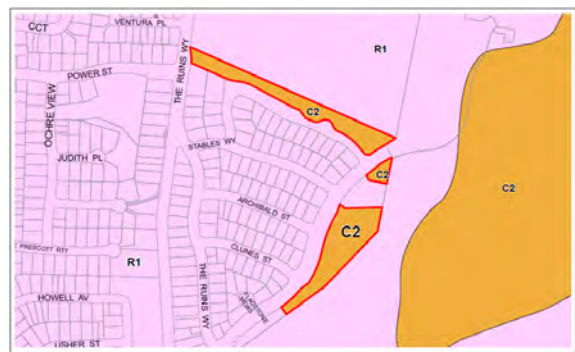


Matter 4. The Ruins Way, Port Macquarie - Amendment to LEP Land Zoning Map at Map Series 013D

Existing Zone Map (LZN_013D)



Proposed Zone Map (LZN_013D)



Existing Lot Size Map (LSZ_013D)



Proposed Lot Size Map (LSZ_013D)



Existing Floor Space Ratio Map (FSR_013D)



Proposed Floor Space Ratio Map (FSR_013D)



Matter 5. Shelly Beach, Port Macquarie - Amendment to LEP Land Zoning Map at Map Series 013G

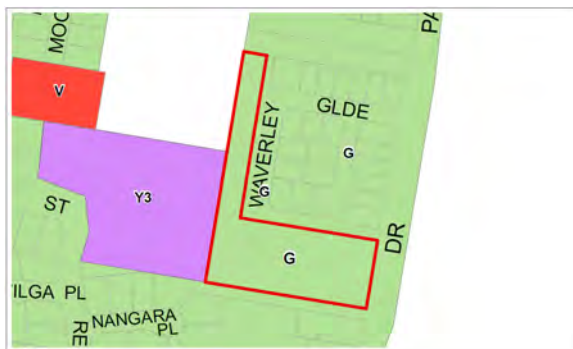
Existing Zone Map (LZN_013G)



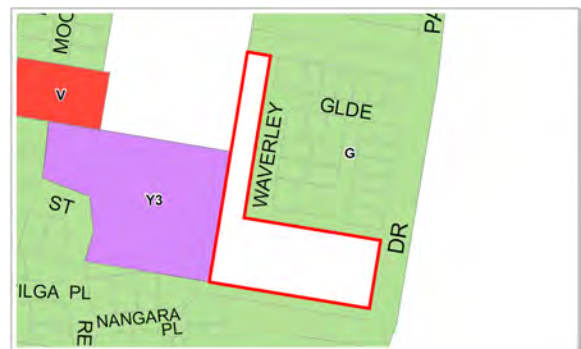
Proposed Zone Map (LZN_013G)



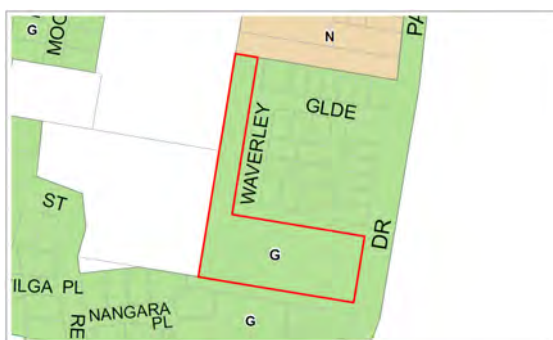
Existing Lot Size Map (LSZ_013G)



Proposed Lot Size Map (LSZ_013G)



Existing Floor Space Ratio Map (FSR_013G)

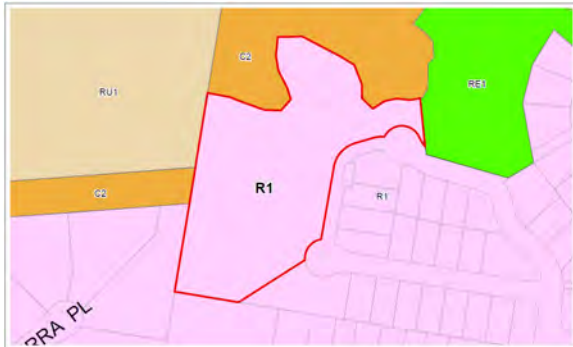


Proposed Floor Space Ratio Map (FSR_013G)

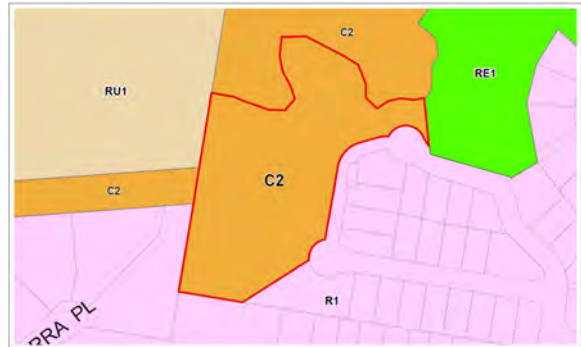


Matter 6. Leaders Way, Wauchope - Amendment to LEP Land Zoning Map at Map Series 013D

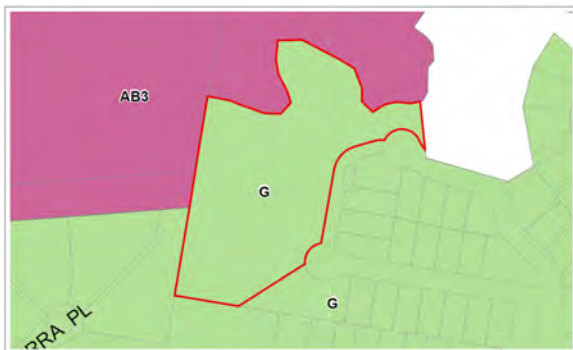
Existing Zone Map (LZN_010B)



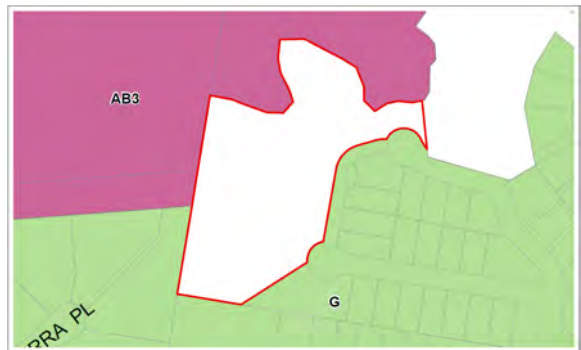
Proposed Zone Map (LZN_010B)



Existing Lot Size Map (LSZ_010B)



Proposed Lot Size Map (LSZ_010B)



Existing Floor Space Ratio Map (FSR_010B)



Proposed Floor Space Ratio Map (FSR_010B)



Part 5 – Community Consultation

Community engagement and agency consultation must be undertaken in accordance with the requirements of *the Environmental Planning and Assessment Act 1979*, the *Gateway Determination* issued by the delegate of the Minister, the *NSW Government Local Environmental Plan Making Guideline* August 2023, and Council's Community Participation Plan (2019).

The Gateway determination requires an exhibition period of 20 working days. Exhibition is via the NSW Planning Portal from 13/09/2023 to 11/10/2023.

Engagement during this period includes a dedicated Have Your Say web platform link to the NSW Planning Portal, hard copies at Council's office in Port Macquarie, and written advice to adjoining and adjacent landowners in proximity to the included sites.

Part 6 – Project Timeline

This project timeline is based on anticipated benchmark dates and timeframes for a 'Basic' Planning Proposal (*Department of Planning, Industry and Environment LEP Making Guideline September 2022*).

STAGE	Planning Proposal Benchmark T	On target Yes/No
1. Prelodgement	30 days	Yes
2. Planning Proposal	80 days	Yes
3. Gateway Determination	25 days	16 May 2023
4. Post Gateway	20 days	No
5. Public Exhibition and Assessment	70 days	
6. Finalisation	25 days	
Target	140 working days	
Total	220 days	

Council is the Local Plan Making Authority (LPMA) for the Planning Proposal under the Gateway Determination issued in May 2023 by the Director, Northern Region, Local and Regional Planning. The Timeframe for completion is 16 November 2023.

Appendix A – Council Report and Minutes

Item: 13.10

Subject: ENVIRONMENTAL LAND REZONING - COUNCIL OWNED LANDS

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area.

RECOMMENDATION

That Council:

- 1. Endorse the draft Planning Proposal (Attachment 1), for environmental lands prepared under section 3.33 of the Environmental Planning and Assessment Act 1979.**
- 2. Forward the draft Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.**
- 3. Delegate authority to the Chief Executive Officer to make any minor updates to the Planning Proposal prior to seeking a Gateway Determination, and/or as a result of the issue of Gateway Determination.**
- 4. Receive a report following the public exhibition period on any submissions received.**

Executive Summary

The purpose of this report is to prepare a Planning Proposal to apply environmental zonings of certain Council owned land only that has been identified for environmental preservation by way of Voluntary Planning Agreements, Koala Plans of Management and/or Vegetation Management Plans. The appropriate and intended zone is C2 Environmental Conservation.

This is an important piece of work that will remove 'perceived' residential land from Council's residential land supply analysis, which will make the overall data relating to undeveloped residential land supply more accurate.

This is an administrative rezoning, which ensures appropriate zoning of public land that is to be preserved in perpetuity for environmental purposes.

This piece of work is consistent with the council staff work program and addresses Operational Plan item: NRM 16.1

(ES 2.1) - Progress made towards incorporation of all High Environmental Value (HEV) areas into Conservation Zones by 2025 (ES 1.2) - Secure the future of our

areas of high environmental value (HEV) and our threatened ecological communities and species.

This proposal includes six matters in the LEP 2011 map series and seeks to make refinements and adjustments to ensure that land is correctly zoned for its intended purposes.

The applicable Council owned properties and their intended changes are tabled below:

	Location	Lot / DP	Current Zone	New Zone	LEP Map Changes
1	Mill Hill	Lot 26 DP 1213714 Lot 318 DP 1080621	Part R1 General Residential and part RU1 Primary Production	C2 Environmental Conservation	Remove the Lot Size and Floor Space Ratio and apply the Height of Buildings map on all properties
2	Mill Hill	Lot 316 DP 1080621	RE1 Public Recreation	C2 Environmental Conservation	Remove the Floor Space Ratio and Lot Size map
	Mill Hill	Lot 119 DP 0835923 Lot 147 DP 0840675 Lot 170 DP 0855808 Lot 237 DP1009629 Lot 188 DP 0876081 Lot 210 DP 0883039 Lot 257 DP 1035161	RE1 Public Recreation	C2 Environmental Conservation	No changes
3	Peard Street	Lot 32 DP 1228142	R1 General Residential	C2 Environmental Conservation	Remove the Floor Space Ratio and Lot Size map
4	Red Ochre	Lot 27 DP 1195164 Lot 224 DP 1208821 Lot 332 DP 1232716	R1 General Residential	C2 Environmental Conservation	Remove the Floor Space Ratio and

		Lot 215 DP 1212069			Lot Size map
5	Ruins Way	Lot 1140 DP 1248153	R1 General Residential	C2 Environmental Conservation	Remove the Floor Space Ratio and Lot Size map
6	Shelly Beach	Lot 24 DP 1201683	R1 General Residential	C2 Environmental Conservation	Remove the Floor Space Ratio and Lot Size map

This report contains an overview of each of the proposed administrative, map only amendments and the Draft Planning Proposal at Attachment 1 provides detailed information, including demonstration of strategic alignment and compliance with State Environmental Planning Policy and S9.1 Ministerial Directions.

The report recommends that Council forward the Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination.

Discussion

Details of the proposed amendments to LEP 2011 are provided below. They comprise of updates to LEP maps only.

Matter 1. Mill Hill - Amendment to LEP Land Zoning Map at Map Series 013D

The land in **Figures 1 and 2** forms part of a KPOM, approved under DA1999/775 and is identified as part of the wider area in **Figure 3**.



Figure 1: Lot 318 DP 1080621



Figure 2: Lot 318 DP 1080621



Figure 3. Area covered by Mill Hill KPoM

The KPoM identified seven vegetation communities and fauna habitats in the area, including significant land as potential and core koala habitat.

The aims and objectives of the KPoM are:

- To maintain and improve the existing koala habitat in the area;
- Minimise any impacts the development may have on the population; and
- Provide for the long-term conservation of the koala population in the area

The development that resulted in this KPoM included the subdivision of 12 hectares of the land into 91 residential blocks and three community title sites, associated infrastructure and open space. 11.8 hectares of vegetated land was retained in its current condition.

In ensuring that the development had a minimal impact on the local koala population, the KPoM provided ameliorative measures, including extending the existing reserve through the new development to link with vegetated corridor running east and north from the site (see **Figure 4**). The land was dedicated to Council to manage for environmental and community benefit.

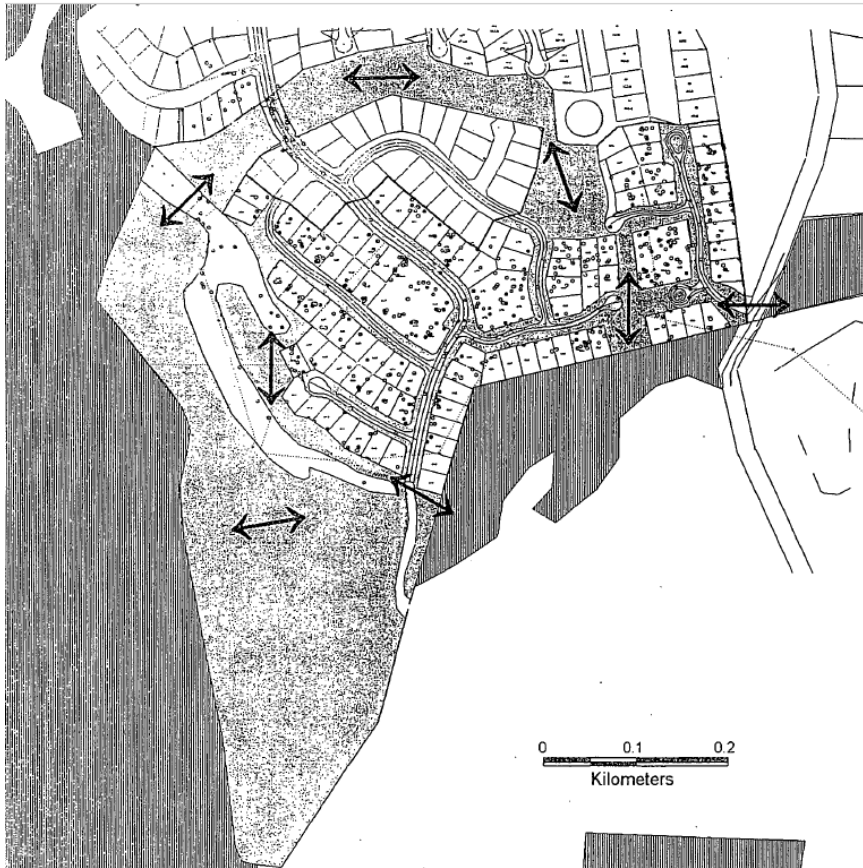


Figure 4. Open Space Areas and Koala Corridors identified in the KPoM

To ensure the protection of these environmental lands in perpetuity, they were dedicated to council as community land. The intention is to zone the subject land to C2 Environmental Conservation, consistent with the intent for the land and the objectives of the zone.

Proposal: Rezone Lot 26 DP 1213714 and Lot 318 DP 1080621 from R1 General Residential to C2 Environmental Conservation and rezone Lot 1 DP 1248244 from part R1 General Residential, part RU1 Primary Production to C2 Environmental Conservation; remove the Lot Size and Floor Space Ratio and apply the Height of Buildings map, to correspond with the zones.

Matter 2. Mill Hill - Amendment to LEP Land Zoning Map at Map Series 013D

The land in **Figures 5 - 12** forms part of the same KPoM as identified in Matter 1 above. However, the subject lands formed part of the 'existing reserve' and is therefore Council owned and zoned RE1 Public Recreation. Even so, this zone does not meet the objectives of the KPoM or provide the necessary protection afforded by the C2 Environmental zone; the intention is therefore to rezone these parcels to be consistent with the parcels identified in Matter 1.



Figure 5: Lot 119 DP 0835923



Figure 6: Lot 147 DP 0840675



Figure 7: Lot 170 DP 0855808

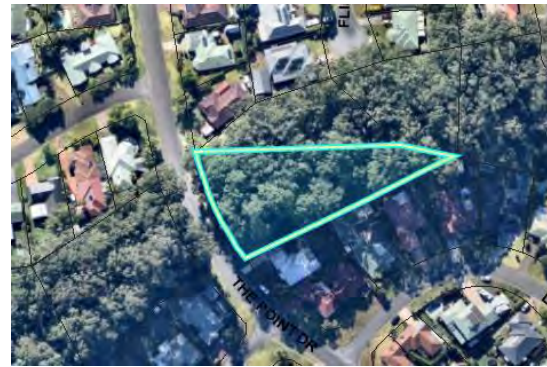


Figure 8: Lot 237 DP 1009629



Figure 9: Lot 188 DP 0876081



Figure 10: Lot 210 DP 0883039



Figure 11: Lot 257 DP 1035161

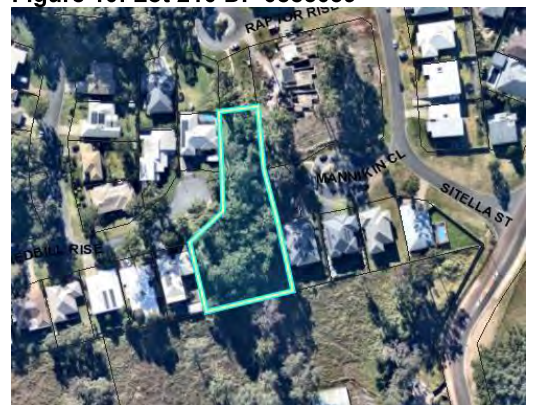


Figure 12: Lot 316 DP 1080621

Proposal: Rezone Lot 316 DP 1080621 from RE1 Public Recreation to C2 Environmental Conservation; and remove the Floor Space Ratio and Lot Size map

Rezone Lot 119 DP 0835923, Lot 147 DP 0840675, Lot 170 DP 0855808, Lot 237 DP1009629, Lot 188 DP 0876081, Lot 210 DP 0883039 and Lot 257 DP1035161 from RE1 Public Recreation to C2 Environmental Conservation map

Matter 3. Pead Street - Amendment to LEP Land Zoning Map at Map Series 013D

This site (see **Figure 13**) is supported by a VMP, prepared by Wild Things in 2015.



Figure 13: Lot 32 DP1228142

The VMP identified two Management Units (MU's), being Wet Sclerophyll Forest (Riverflat Eucalypt Forest Endangered Ecological Communities) and Dry Sclerophyll Forest (Blackbutt dominated) (see **Figure 14**) but also a high weed presence. The VMP sets out a plan of management for control and maintenance of weeds and bush regeneration works.

This undertaking formed part of the requirements of the development application, which allowed the adjacent lots. The land was dedicated to Council but the onus was on the developer to protect, maintain and enhance the VMP site for 10 years. Council staff regularly monitor and report on such sites and the findings of the June 2021 monitoring report highlighted a lack of compliance with the VMP. Specifically, there had been no recent weed control measures taken and no nest boxes had been installed. The recommendations of the monitoring report included rezoning the land from R1 General Residential to C2 Environmental Conservation to ensure its continued protection.

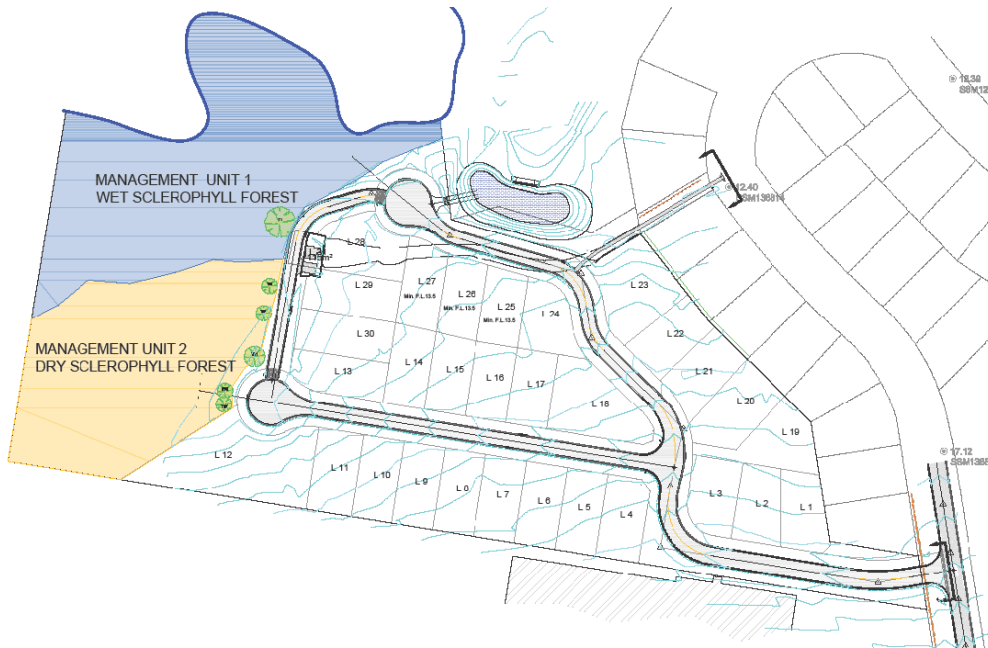


Figure 14: Site as identified in VMP

Proposal: Rezone Lot 32 DP 1228142 from R1 General Residential to C2 Environmental Conservation, and remove the Floor Space Ratio and Lot Size map

Matter 4. Red Ochre - Amendment to LEP Land Zoning Map at Map Series 013D

The subject land (refer to **Figures 15 - 18**) was approved under DA 2009/126 for the subdivision of 77 residential lots and three open space and drainage reserve lots.



Figure 15: Lot 27 DP1195164



Figure 16: Lot 224 DP1208821

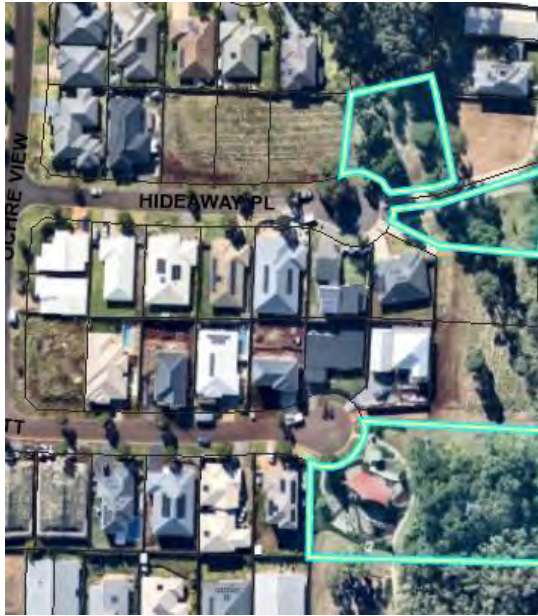


Figure 17: Lot 332 DP 1232716



Figure 18: Lot 215 DP 1212069

The development of this site was supported by a KPOM, which identified three core koala habitat areas and a requirement to retain, protect and enhance these habitat zones.

As part of the initial process to identify and manage these areas, a concept landscape management plan (see **Figure 19**) and concept VMP formed part of the approved development application. This concept plan identified that an extensive open space corridor is to be provided through the site in an east west and north-south direction. This work was undertaken to help identify the environmental land to be dedicated to Council.

The identified corridors have been provided within the designated open space reserves. The aim is to retain, enhance and link the koala habitat on the site and provide a wildlife corridor to the adjoining bushland and nearby Lake Innes Nature Reserve.

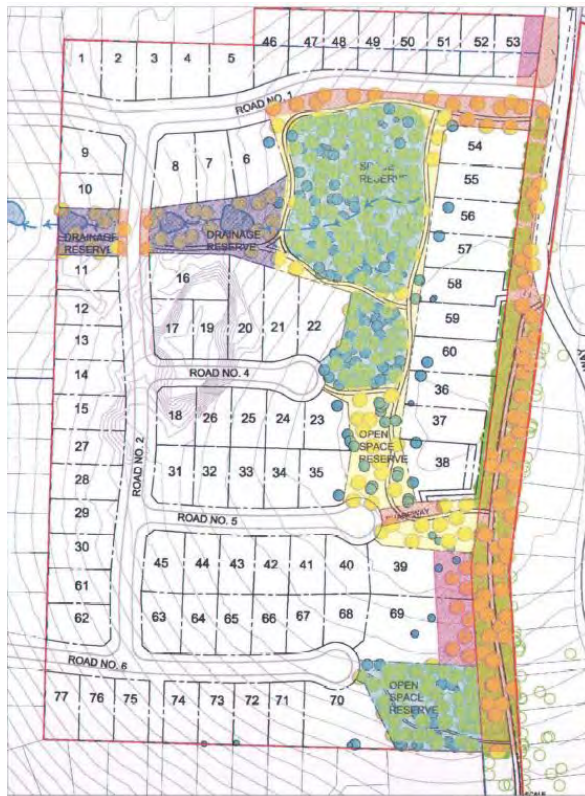
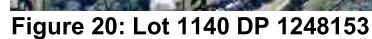


Figure 19: Landscape Management Plan

Proposal: Rezone Lot 27 DP 1195164, Lot 224 DP 1208821, Lot 332 DP 1232716, Lot 215 DP 1212069 from R1 General Residential to C2 Environmental Conservation, and remove the Floor Space Ratio and Lot Size map

Matter 5. Ruins Way - Amendment to LEP Land Zoning Map at Map Series 013D

The development of the land subject to this Matter (see **Figure 20**) allowed for approximately 110 residential lots. A KPoM was prepared to support the development application, which identified vegetation communities, including the presence of Tallwood and Swamp Mahogany, both being primary koala browse trees. Koala scats were also found on site. The site is identified as a key koala habitat as it falls within a regional corridor (refer to **Figure 21** for the wider koala movement corridor).



The purpose of the KPoM is: To maintain the viability of the current Koala population which occurs on site/ in the local area via: -

- retaining sufficient habitat on site to maintain lifecycle requirements;
- maintaining and enhancing linkages with other habitat adjacent to the site;
- increasing the net extent of primary browse species on the site to increase its carrying capacity and potentially allow population expansion in the medium to long term; and
- effectively mitigate threats to the viability of Koalas dependant on site induced by the proposal in the medium to long term.

The land has been dedicated to Council and rezoning to reflect its environmental purpose and value is timely.

Proposal: Rezone Lot 1140 DP 1248153 from R1 General Residential to C2 Environmental Conservation, and remove the Floor Space Ratio and Lot Size map

Matter 6. Shelly Beach - Amendment to LEP Land Zoning Map at Map Series

The land subject to this matter is identified in **Figure 22**. A VMP was prepared to support DA 2013/216, which was to provide a residential subdivision. The area associated with the VMP is identified in **Figure 23** and is split into three MU's, which form the retained vegetation.



Figure 22: Lot 24 DP 1201683

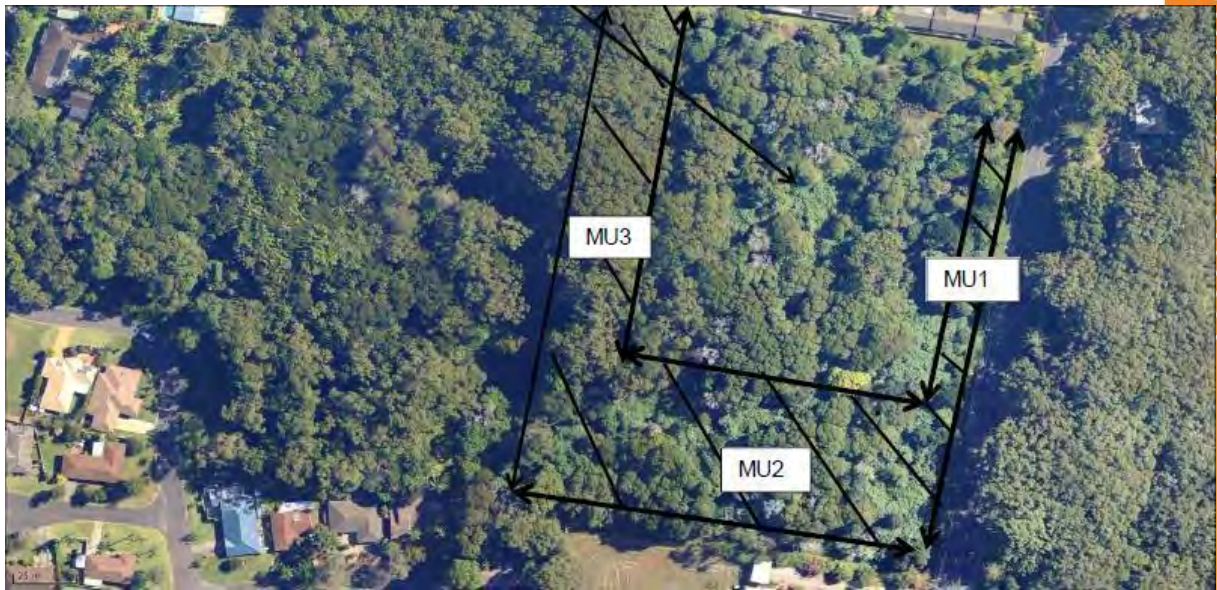


Figure 23: Management Units - retained vegetation subject to VMP

The VMP provides a mechanism to manage the identified environmental lands and to:

1. Provide suitable vegetation link between the Wrights Creek Reserve and Sea Acres Nature Reserve
2. Implement Regeneration treatments to establish and strengthen the vegetation link across the site between the Wrights Creek Reserve and Sea Acres Nature Reserve
3. Provide vegetative buffers to Pacific Drive using endemic species occurring within the immediate locality
4. Revegetate the vegetated link lands in a manner representative of the vegetation communities surrounding the site.

A Voluntary Planning Agreement is in place for this land and Clause 11.2 states that 'the Environmental Management Land is to be held by the Council for the purpose of the conservation and enhancement of the natural environment'. Subsequently, it is timely to rezone the land to confirm its said intent.

Proposal: Rezone Lot 24 DP 1201683 from R1 General Residential to C2 Environmental Conservation, and remove the Floor Space Ratio and Lot Size map

Options

This report addresses a number of proposed, administrative changes to Port Macquarie-Hastings LEP 2011, as discussed above. Council could opt to:

1. Do nothing (the matters raised would remain unresolved).
2. Omit or modify the Planning Proposal for any of the Matters raised.
3. Resolve to prepare a Planning Proposal to amend LEP 2011 for Matters one to six, as described in this report.

It is recommended that Council proceed with Option 3 as the land should be zoned to reflect its intent and removed from the 'perceived' undeveloped residential land supply area.

Community Engagement and Internal Consultation

There have been internal discussions with council's Natural Resource staff in the preparation of this report.

The DP&E's Gateway Determination will specify any further targeted consultation requirements.

Community consultation for Planning Proposals will be undertaken in accordance with Council's *Community Participation Plan 2019* and include notification on Council's website and notification to affected and adjoining for the duration of the exhibition. The exhibition material will also be available at all of Council's Customer Service Centres.

Planning and Policy Implications

The proposed amendments will:

- Ensure continuous improvement and accuracy of the LEP 2011.
- Facilitate the preservation of public environmental lands into perpetuity.

Financial and Economic Implications

The preparation of the Planning Proposal will be completed as part of Council's Land Use Planning program.

There are no expected economic impacts or financial impacts for Council in the proposed LEP 2011 amendments.

Attachments

1.  Draft Planning Proposal

13.07 POLICY REVIEW - CLIMATE CHANGE RESPONSE POLICY - POST PUBLIC EXHIBITION

RESOLVED: Sheppard/Intemann

That Council:

1. Note the submissions and feedback relating to the draft Climate Change Response Policy received during public exhibition period.
2. Adopt the revised draft Climate Change Response Policy to include minor amendment to, 1. Objective, Point 2, to insert the word “towards” before the words “net zero”.
3. Thank those people who provided feedback during public exhibition period and advise on the outcome of Council’s consideration of this matter.
4. Incorporate climate adaptation and resilience strategies in the development of the draft Sustainability Strategy (currently under development), with a view to expedite progress to action planning and implementation.
5. Request the Chief Executive Officer to provide a workshop with Councillors to work through the structure and focus of the draft Sustainability Strategy, in the first quarter 2023.

CARRIED: 5/4

FOR: Edwards, Griffiths, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

Item 13.08 Policy Review - Planning Proposal Policy, has been addressed previously within the meeting.

Item 13.09 Policy Review of Conflict of Interest - Council-related Development Applications. Post Exhibition Report., has been addressed previously within the meeting.

Councillor Slade left the meeting, the time being 03:01pm.

Councillor Lipovac left the meeting, the time being 03:01pm.

Councillor Maltman left the meeting, the time being 03:01pm.

Councillor Slade returned to the meeting, the time being 03:02pm.

Councillor Maltman returned to the meeting, the time being 03:03pm.

13.10 ENVIRONMENTAL LAND REZONING - COUNCIL OWNED LANDS

RESOLVED: Intemann/Griffiths

That Council:

1. Endorse the draft Planning Proposal (Attachment 1), for environmental lands prepared under section 3.33 of the Environmental Planning and Assessment Act 1979.
2. Forward the draft Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the

-
- Gateway Determination authorise Council to be the local plan-making authority.
3. Delegate authority to the Chief Executive Officer to make any minor updates to the Planning Proposal prior to seeking a Gateway Determination, and/or as a result of the issue of Gateway Determination.
 4. Receive a report following the public exhibition period on any submissions received.

CARRIED: 8/0

FOR: Edwards, Griffiths, Intemann, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

13.11 REGIONAL INTEGRATED TRANSPORT STRATEGY

RESOLVED: Intemann/Griffiths

That Council:

1. Endorse the draft Regional Integrated Transport Strategy 2022-2042 for the purpose of public exhibition.
2. Endorse the draft Engagement Plan, noting that it is intended to place on public exhibition together, the draft Blueprint for Generational Equity, the draft Infrastructure Strategy and the draft Regional Integrated Transport Strategy, if endorsed, in recognition of the strategic importance and inter-relationships between the documents.
3. Place the draft Regional Integrated Transport Strategy on public exhibition for a period of not less than 28 days in accordance with the Engagement Plan.
4. Note that three (3) further reports will be presented to the April 2023 Ordinary Council Meeting following the public exhibition period, detailing the submissions received and any recommended changes to the three (3) draft documents for consideration by Council.

CARRIED: 8/0

FOR: Edwards, Griffiths, Intemann, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

Councillor Lipovac returned to the meeting, the time being 03:05pm.

Councillor Sheppard left the meeting, the time being 03:06pm.

CONFIDENTIAL SESSION

RESOLVED: Roberts / Sheppard

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that items to be considered are of a confidential nature.

Appendix B - Gateway Letter to Council and Gateway Determination



Department of Planning and Environment

Dr Clare Allen
General Manager
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Our ref: PP-2023-136/IRF23/761

Via email: council@pmhc.nsw.gov.au
leanne.fuller@pmhc.nsw.gov.au

Dear Ms Allen

Planning proposal PP-2023-136 to amend Port Macquarie-Hastings Local Environmental Plan 2011

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) in respect of the planning proposal to zone certain Council owned properties for conservation purposes and apply appropriate development controls.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act, section 9.1 Directions 4.1 Flooding, 4.2 Coastal Management, 6.1 Residential Zones and 9.2 Rural Lands are justified in accordance with the terms of the Directions. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act, 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised six months from the date of Gateway determination.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Jenny Johnson to assist you. Ms Johnson can be contacted on 6643 6414.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

16/5/2023

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2023-136): to zone certain Council owned properties for environmental purposes and apply appropriate development controls.

I, the Director, Northern Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) that an amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 to zone certain Council owned properties for conservation purposes and apply appropriate development controls should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed in six months from the date of Gateway determination.

Gateway Conditions

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) include broad scale maps to show the context of the lands in the locality;
 - (b) include a map of Lot 1 DP 1248244; and
 - (c) correct the caption under Figure 1 to refer to Lot 26 DP 1080621.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Division of Biodiversity and Conservation
- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 16 day of May 2023.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces

Appendix C - LEP MAPS (Draft for Agency Consultation)



Port Macquarie - Hastings Local Environmental Plan 2011

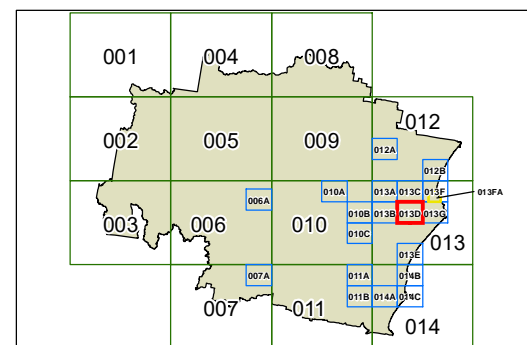
Land Zoning Map - Sheet LZN_013D

Zone

- C1** National Parks and Nature Reserves
- C2** Environmental Conservation
- C3** Environmental Management
- C4** Environmental Living
- E1** Local Centre
- E2** Commercial Core
- E3** Productivity Support
- E4** General Industrial
- E5** Heavy Industrial
- MU1** Mixed Use
- R1** General Residential
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU3** Forestry
- RU5** Village
- RU6** Transition
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- SP4** Enterprise
- W1** Natural Waterways
- W2** Recreational Waterways
- W3** Working Waterways
- W4** Working Waterfront

Cadastre

- Base data 1994 © Spatial Services
- Addendum data © PMHC 18/08/2023





Port Macquarie - Hastings Local Environmental Plan 2011

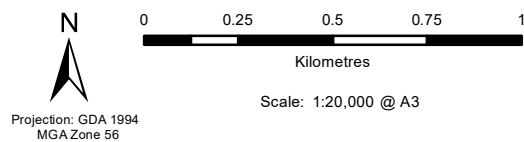
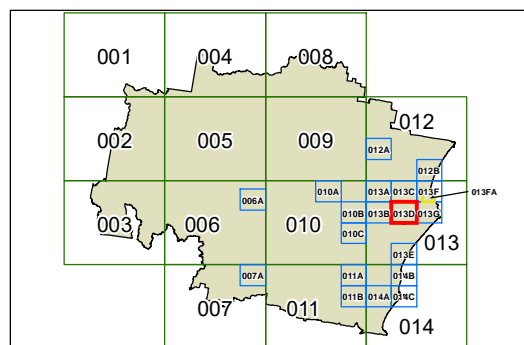
Lot Size Map Sheet LSZ_013D

Minimum Lot Size (sq m)

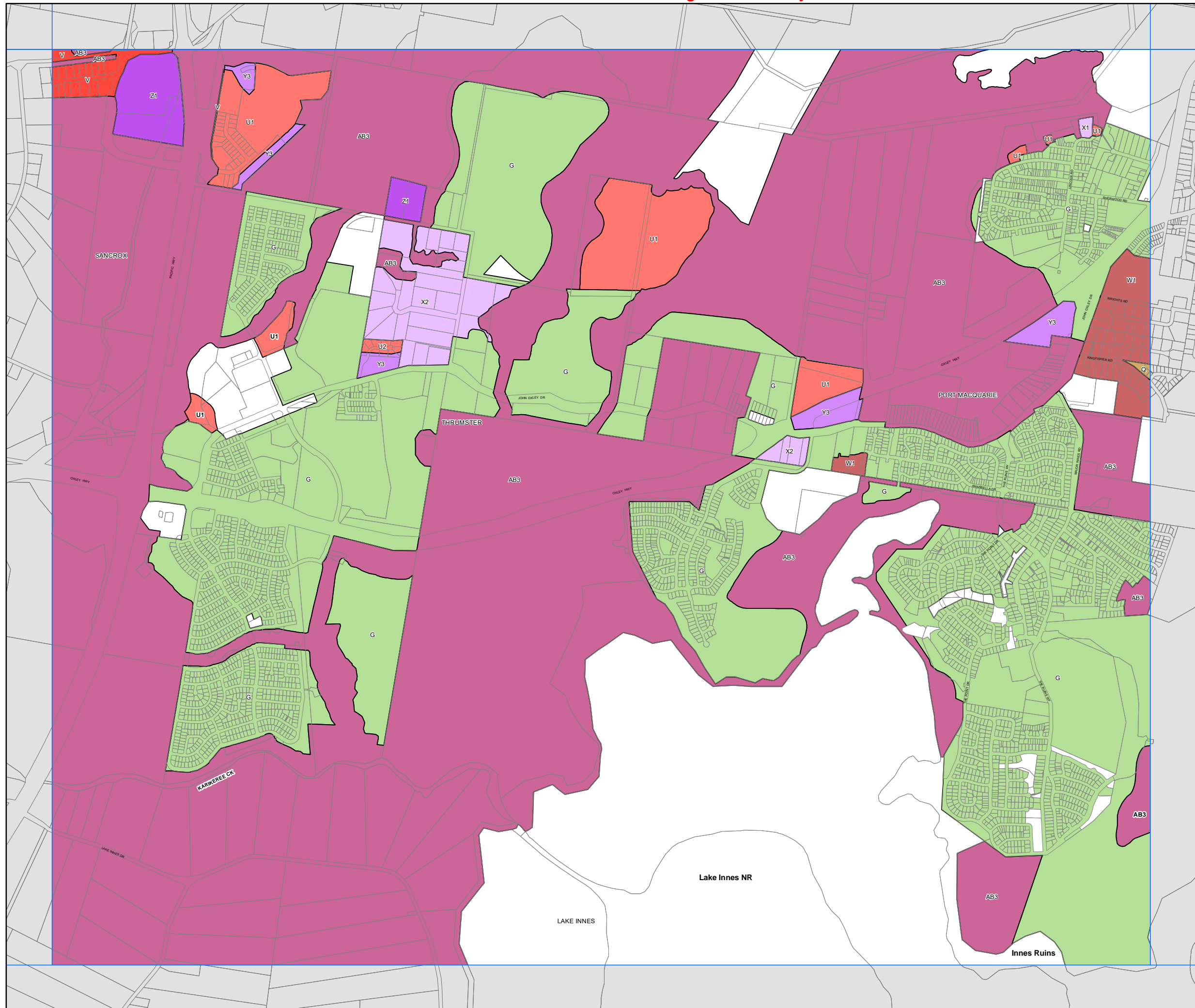
G	450
Q	700
U1	1000
U2	1800
V	2000
W1	3000
W2	4000
X1	5000
X2	8000
Y1	1.0 ha
Y2	1.2 ha
Y3	1.5 ha
Z1	2.0 ha
Z2	3.0 ha
AA	6.0 ha
AB1	10 ha
AB2	20 ha
AB3	40 ha
AD	100 ha
Area1	Area 1

Cadastre

Base data 1994 © Spatial Services
Addendum data © PMHC 22/08/2023



Map identification number: 6380_COM_LSZ_013D_020_20230822





Port Macquarie - Hastings Local Environmental Plan 2011

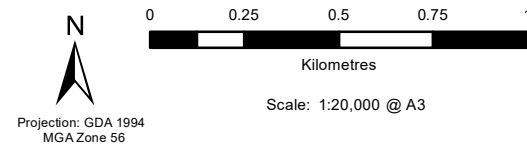
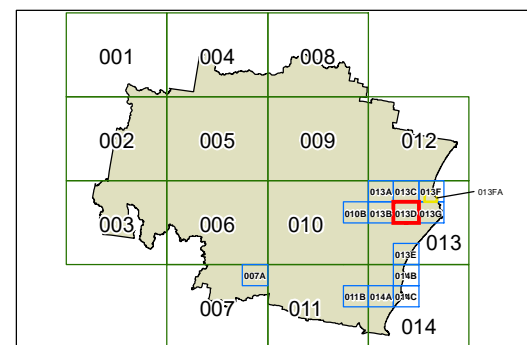
Height of Buildings Map Sheet HOB_013D

Maximum Building Height (m)

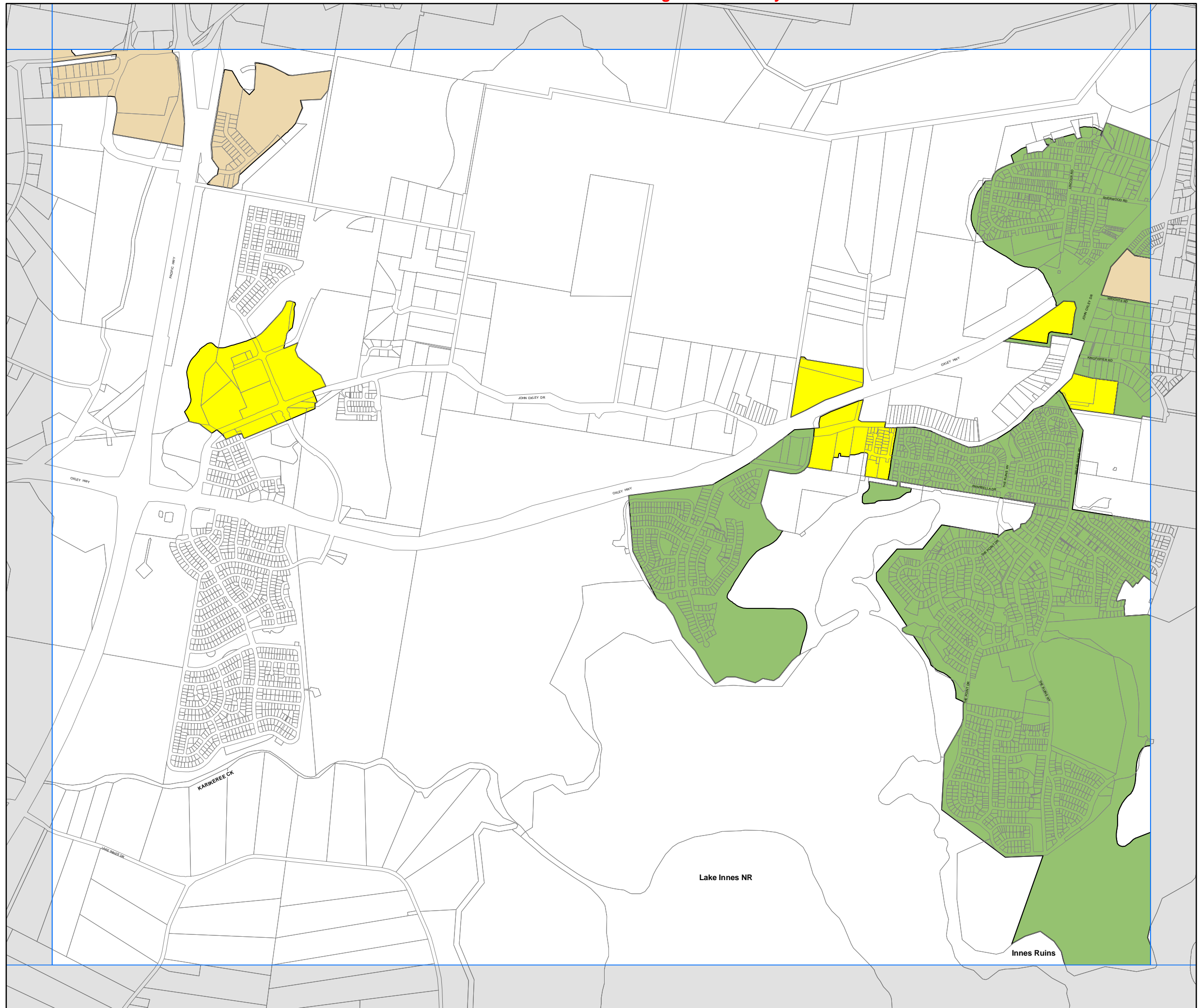
C	5.4
I	8.5
K	10.0
L	11.5
N1	13.0
N2	14.5
O	16.0
P	17.5
Q	19.0
R	22.0
T	26.5

Cadastre

Base data 1994 © Spatial Services
Addendum data © PMHC 18/08/2023



Map identification number: 6380_COM_HOB_013D_020_20230818





Port Macquarie -
Hastings Local
Environmental
Plan 2011

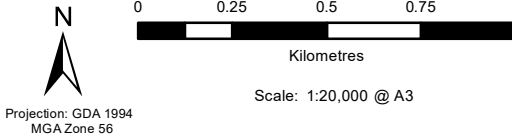
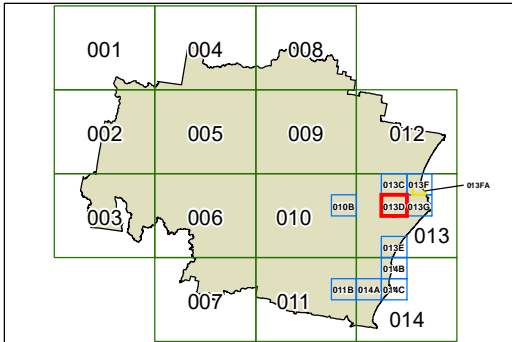
Floor Space Ratio Map
Sheet FSR_013D

Maximum Floor Space Ratio (n:1)

A	0.2
G	0.65
N	1.00
S1	1.50
S2	1.80
T	2.00
U	2.50
V	3.00
W	3.50

Cadastre

Base data 1994 © Spatial Services
Addendum data © PMHC 22/08/2023





Port Macquarie - Hastings Local Environmental Plan 2011

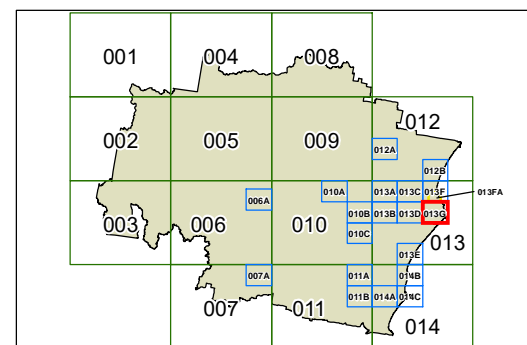
Land Zoning Map - Sheet LZN_013G

Zone

- C1** National Parks and Nature Reserves
- C2** Environmental Conservation
- C3** Environmental Management
- C4** Environmental Living
- E1** Local Centre
- E2** Commercial Core
- E3** Productivity Support
- E4** General Industrial
- E5** Heavy Industrial
- MU1** Mixed Use
- R1** General Residential
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU3** Forestry
- RU5** Village
- RU6** Transition
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- SP4** Enterprise
- W1** Natural Waterways
- W2** Recreational Waterways
- W3** Working Waterways
- W4** Working Waterfront

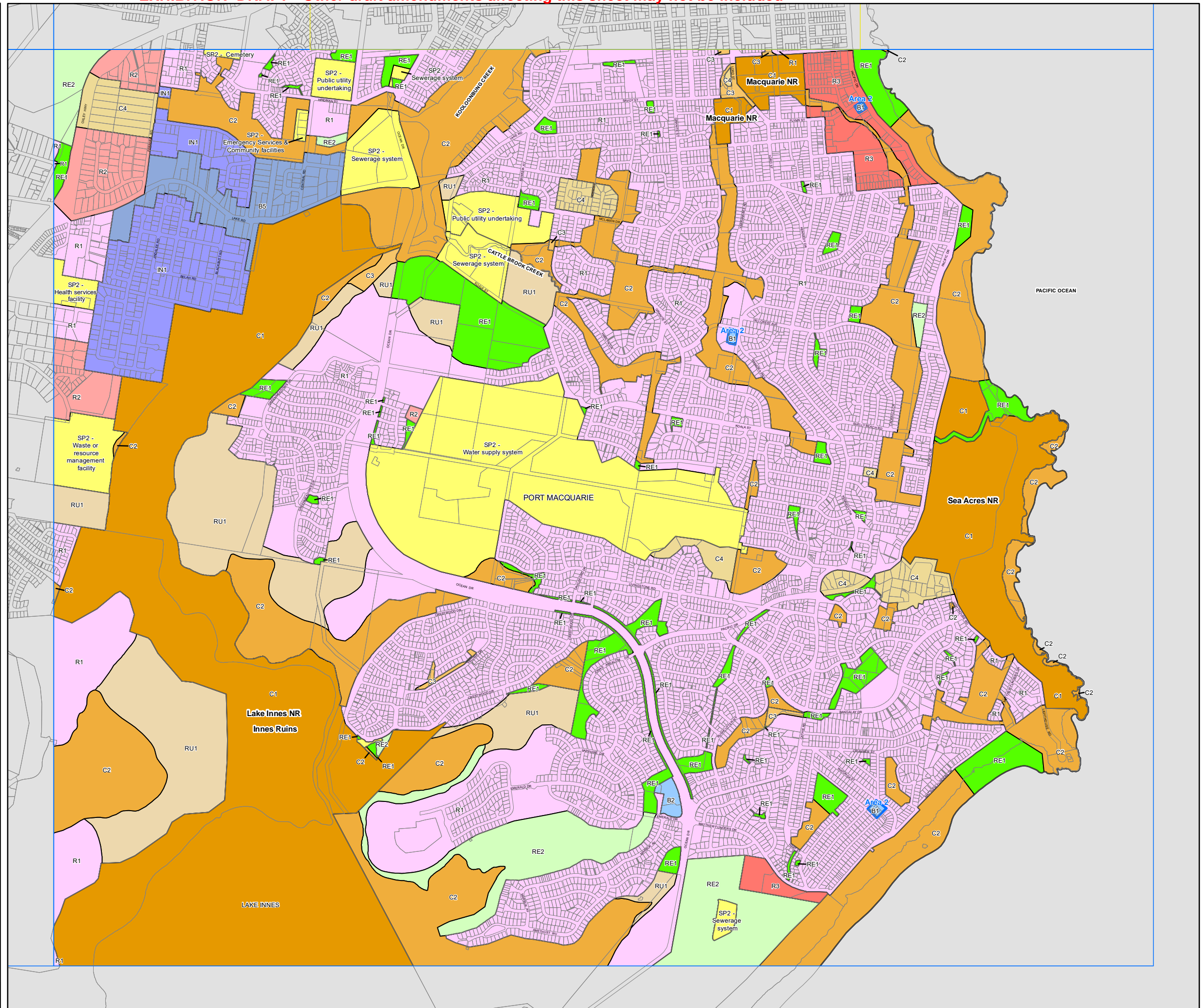
Cadastre

- Base data 1994 © Spatial Services
- Addendum data © PMHC 17/08/2023



Map identification number: 6380_COM_LZN_013G_020_20230817

EXHIBITION DRAFT - Other draft amendments affecting this sheet may not be included





Port Macquarie - Hastings Local Environmental Plan 2011

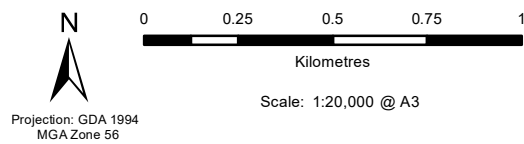
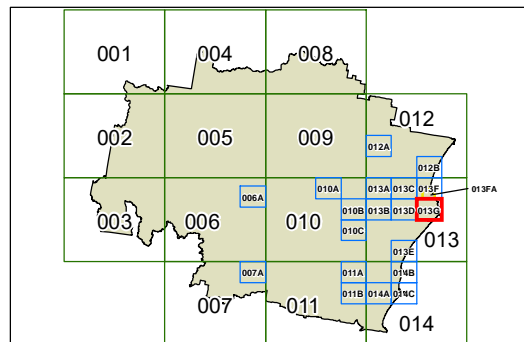
Lot Size Map Sheet LSZ_013G

Minimum Lot Size (sq m)

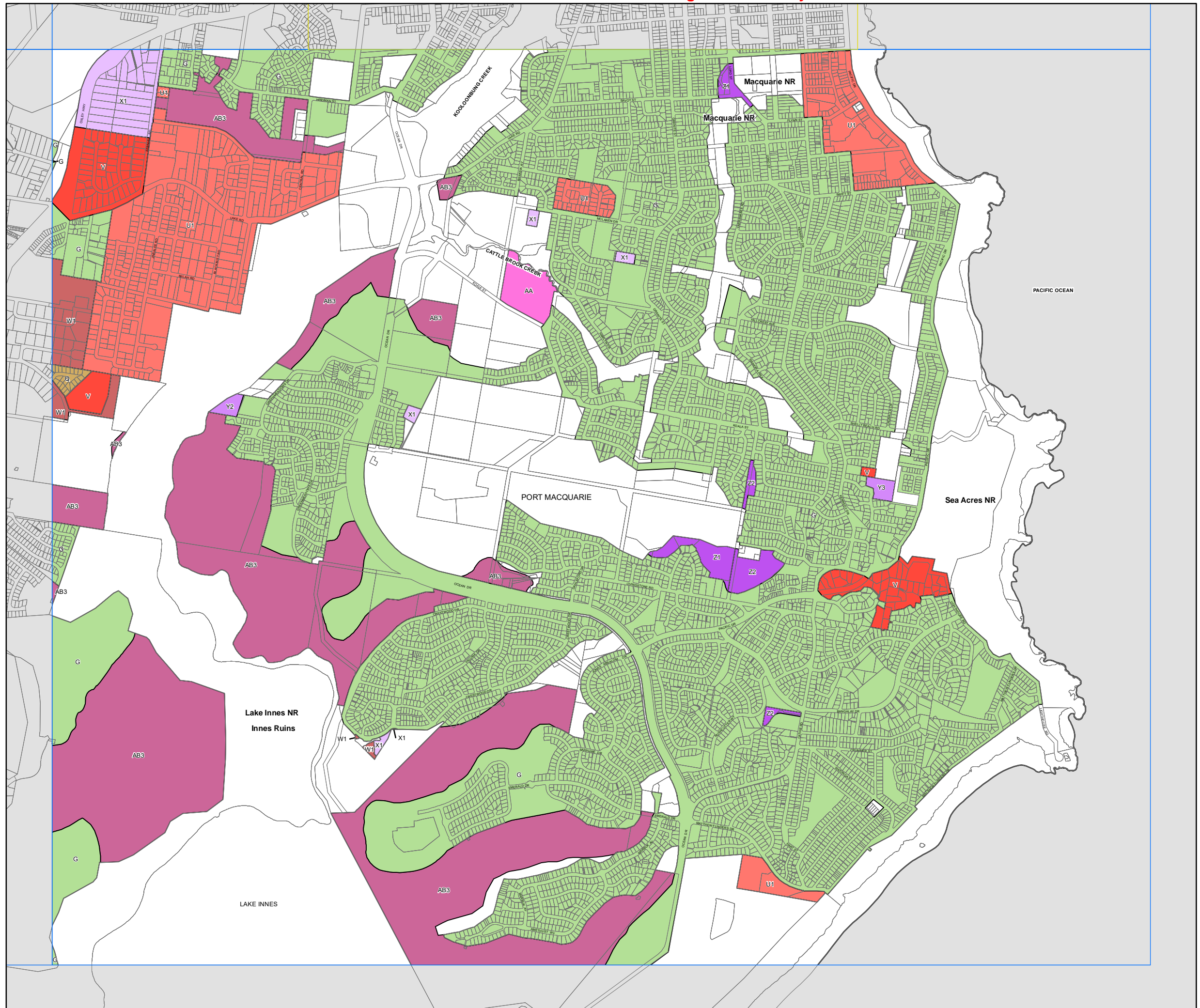
G	450
Q	700
U1	1000
U2	1800
V	2000
W1	3000
W2	4000
X1	5000
X2	8000
Y1	1.0 ha
Y2	1.2 ha
Y3	1.5 ha
Z1	2.0 ha
Z2	3.0 ha
AA	6.0 ha
AB1	10 ha
AB2	20 ha
AB3	40 ha
AD	100 ha
Area1	Area 1

Cadastre

Base data 1994 © Spatial Services
Addendum data © PMHC 18/08/2023



Map identification number: 6380_COM_LSZ_013G_020_20230818





Port Macquarie -
Hastings Local
Environmental
Plan 2011

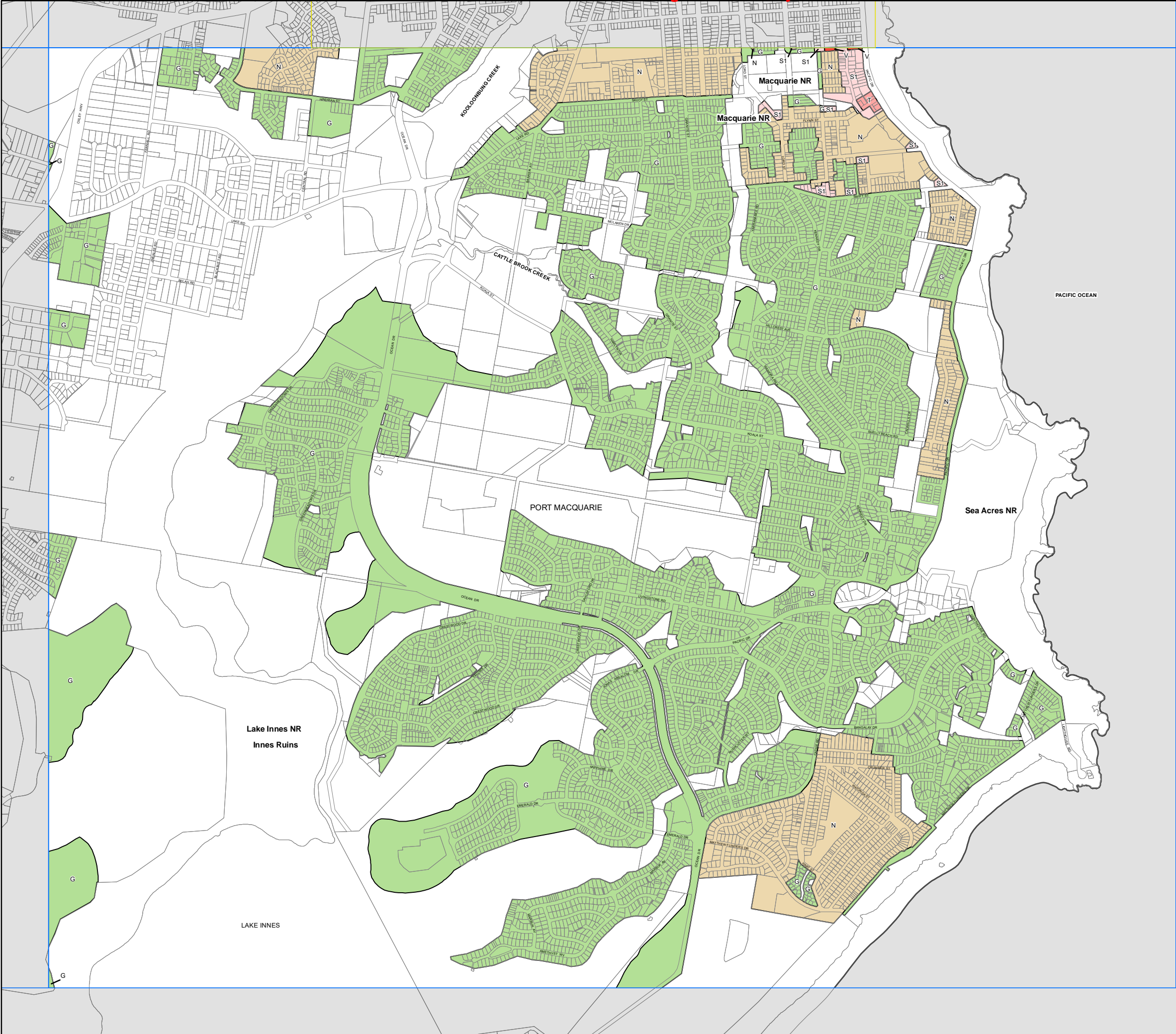
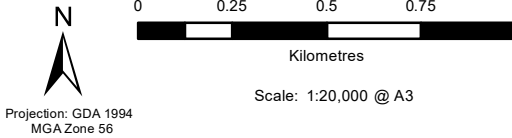
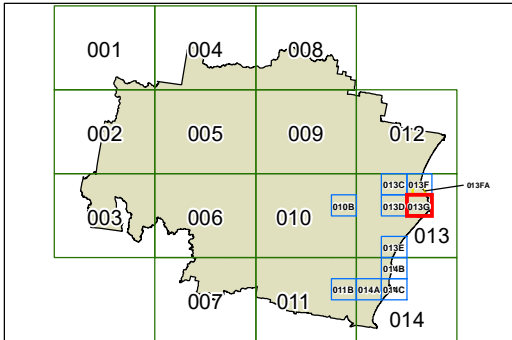
Floor Space Ratio Map
Sheet FSR_013G

Maximum Floor Space Ratio (n:1)

A	0.2
G	0.65
N	1.00
S1	1.50
S2	1.80
T	2.00
U	2.50
V	3.00
W	3.50

Cadastre

Base data 1994 © Spatial Services
Addendum data © PMHC 18/08/2023





Port Macquarie - Hastings Local Environmental Plan 2011

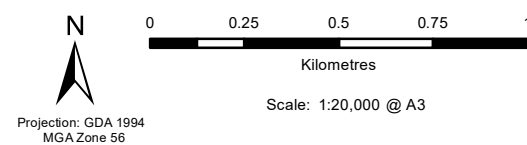
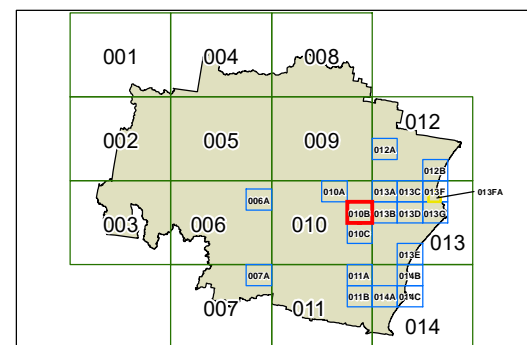
Land Zoning Map - Sheet LZN_010B

Zone

- C1** National Parks and Nature Reserves
- C2** Environmental Conservation
- C3** Environmental Management
- C4** Environmental Living
- E1** Local Centre
- E2** Commercial Core
- E3** Productivity Support
- E4** General Industrial
- E5** Heavy Industrial
- MU1** Mixed Use
- R1** General Residential
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU3** Forestry
- RU5** Village
- RU6** Transition
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- SP4** Enterprise
- W1** Natural Waterways
- W2** Recreational Waterways
- W3** Working Waterways
- W4** Working Waterfront

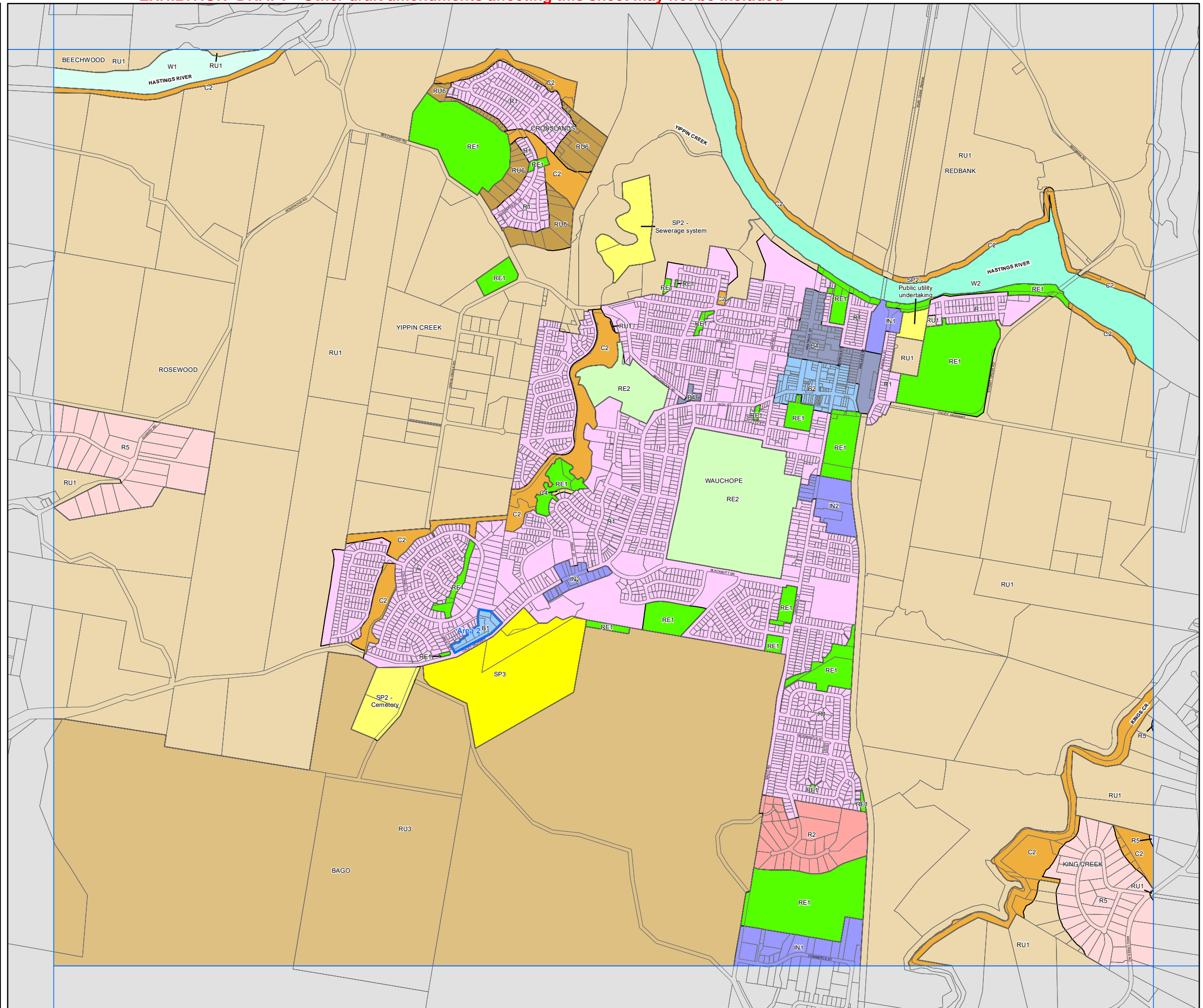
Cadastre

- Base data 1994 © Spatial Services
- Addendum data © PMHC 17/08/2023



Map identification number: 6380_COM_LZN_010B_020_20230817

EXHIBITION DRAFT - Other draft amendments affecting this sheet may not be included





Port Macquarie - Hastings Local Environmental Plan 2011

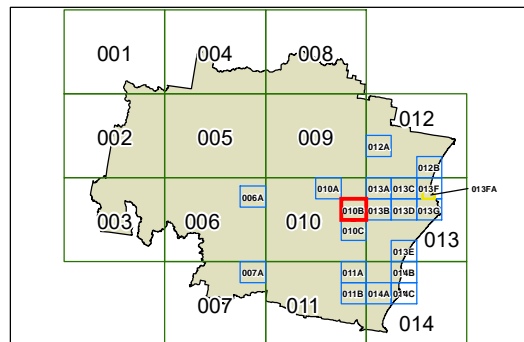
Lot Size Map Sheet LSZ_010B

Minimum Lot Size (sq m)

G	450
Q	700
U1	1000
U2	1800
V	2000
W1	3000
W2	4000
X1	5000
X2	8000
Y1	1.0 ha
Y2	1.2 ha
Y3	1.5 ha
Z1	2.0 ha
Z2	3.0 ha
AA	6.0 ha
AB1	10 ha
AB2	20 ha
AB3	40 ha
AD	100 ha
Area1	Area 1

Cadastre

Base data 1994 © Spatial Services
Addendum data © PMHC 18/08/2023

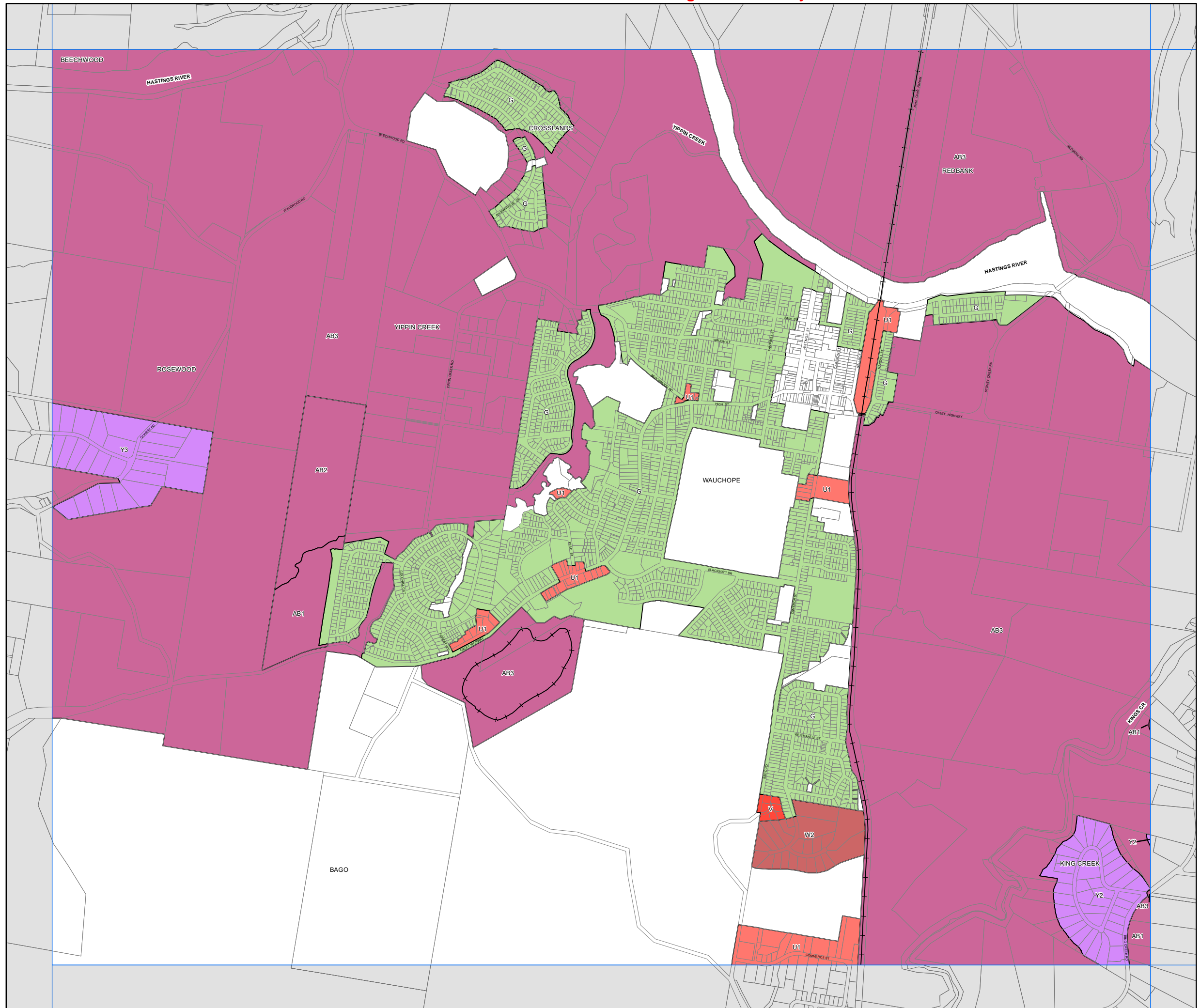


0 0.25 0.5 0.75 1
Kilometres

Scale: 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 6380_COM_LSZ_010B_020_20230818





Port Macquarie - Hastings Local Environmental Plan 2011

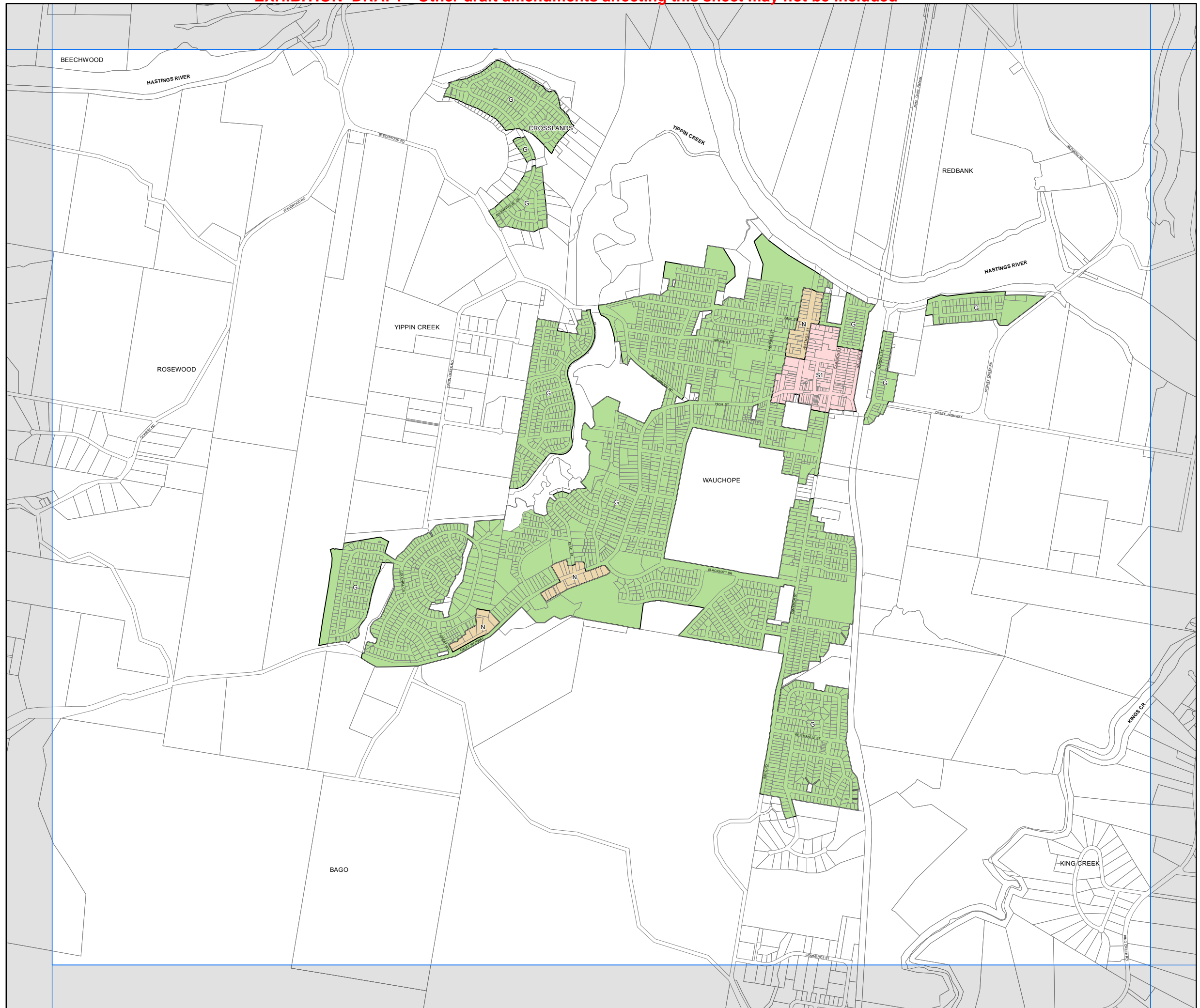
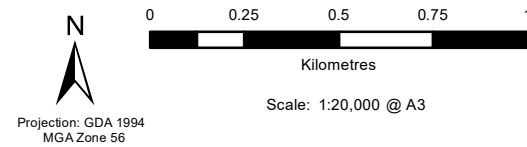
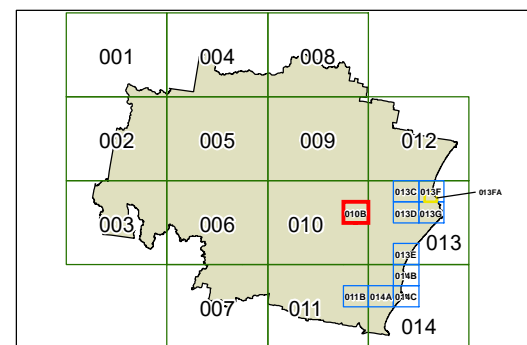
Floor Space Ratio Map Sheet FSR_010B

Maximum Floor Space Ratio (n:1)

A	0.2
G	0.65
N	1.00
S1	1.50
S2	1.80
T	2.00
U	2.50
V	3.00
W	3.50

Cadastre

Base data 1994 © Spatial Services
Addendum data © PMHC 18/08/2023



Appendix D - Agency Response and Feedback



Chief Executive Officer
Port Macquarie Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Attention: Ms Leanne Fuller

Dear Dr Allen

RE: Planning Proposal - Planning Amendments for Public Land in Port Macquarie and Wauchope (PP-2023-136)

Thank you for your referral through the NSW Planning Portal dated 23 August 2023 about the proposed planning amendments for public land in Port Macquarie and Wauchope seeking comments from the Biodiversity and Conservation Division (BCD) of the Biodiversity, Conservation and Science Directorate in the Environment and Heritage Group of the Department of Planning and Environment. I appreciate the opportunity to provide input.

We have reviewed the documents supplied including the planning proposal (PP2022 – 6.1 Version 2) and understand that the proposal is to amend the *Port Macquarie-Hastings Local Environment Plan* (2011) to rezone council-owned land parcels in the areas of Mill Hill, Red Ochre, Ruins Way (Matters 1 - 4) and Shelly Beach (Matter - 5) in Port Macquarie and Leaders Way (Matter – 6) in Wauchope, to C2 Environmental Conservation.

Our review of the planning proposal documents and the desktop information indicates the land parcels in the areas of Port Macquarie, West (Matters 1 – 4) are land parcels that have been identified as core koala habitat in various individual Koala Plans of Management associated with previously enacted development applications. Furthermore, all these land parcels have been identified as land with high biodiversity value on the NSW Government's Biodiversity Values Map.

The land in the area of Port Macquarie, East (Matter 5) and Wauchope (Matter 6) contain records of koalas on the NSW Bionet Threatened Species Atlas and has also been identified as land with high biodiversity value on the NSW Government's Biodiversity Values Map.

All the land parcels subject to the planning proposal align with the High Environmental Value land criteria specified in the North Coast Regional Plan 2041.

The planning proposal aims to protect the High Environmental Value land subject to the proposal with the application of C2 *Environmental Conservation* zones and hence accords with the North Coast Regional Plan (NRCP) 2041.

The BCD supports the planning proposal to amend the *Port Macquarie-Hastings Local Environment Plan* (2011) for the inclusion of C2 Environmental zones on all the lands (Matters 1 – 6) subject to the proposal.

If you have any questions about this advice, please do not hesitate to contact Mr Bill Larkin, Senior Conservation Planning Officer, at bill.larkin@environment.nsw.gov.au or 6659 8216.

Yours sincerely

A handwritten signature in blue ink that reads "Dimitri Young". The signature is fluid and cursive, with the first name "Dimitri" and the last name "Young" clearly distinguishable.

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

07/09/2023



NSW RURAL FIRE SERVICE

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Your reference: (REF-2371) PP-2023-136
Our reference: SPI20230824000107

ATTENTION: Carissa Hagenbach

Date: Monday 28 August 2023

Dear Sir/Madam,

**Strategic Planning Instrument
Rezoning – Planning Proposal
Rezoning the land for environmental conservation**

I refer to your correspondence dated 23/08/2023 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The proposal is to correct existing inappropriate zoning and development controls currently applying to the land by rezoning the land for environmental conservation

The NSW RFS has no objection to the Planning Proposal. Where the public lands share common boundaries with residential land, Council should ensure on-going vegetation management activities are occurring to reduce the potential of bushfire impacting on residential development.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
**Manager Planning & Environment Services
Built & Natural Environment**

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au