



Appendix F – Public authorities' responses

Prior to public exhibition, consultation was made with the following authorities:

- Office of Environment and Heritage
- Department of Trade and Investment (Crown Lands)
- NSW Department of Health
- NSW Roads & Maritime Services
- NSW Rural Fire Service

Responses were received from the first two, and copies of their responses follow.


The contents of the responses are included with each of the 28 Issues in **Appendix A**, as appropriate, together with Council's comments.



**Office of
Environment
& Heritage**

Your reference PP2013-8.1
Our reference: DOC14/46533
Contact John Martindale 02 6659 8222

The General Manager
Port Macquarie Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

 PORT MACQUARIE HASTINGS	
TRIM No	COMM NO
- 7 MAY 2014	
Keyword	
Activity	PP2013-8.1
Subject	PP13/10.
Folder	

Att: Mr Stephen Nicholson, Strategic Planning

Dear Mr Hayward

Re: LEP refinements – Amendment 28.

Thank you for Council's letter, dated 7 April 2014, requesting comment from the Office of Environment and Heritage (OEH) on 28 minor refinements to Council's Local Environmental Plan 2011. I appreciate the opportunity to provide comments on the Planning Proposal relating to these refinements.

OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management.

Following a review of the documents provided, OEH confirms that many of the proposed amendments are not of relevance to its responsibilities outlined above. However, comments on some of the proposed issues are provided in Attachment One in addition to those specifically requested by Council (issues 13 and 25).

In summary, OEH is in general agreement with the amendments proposed.

If you require further information or clarification, or should Council be in possession of information that suggests that OEH's statutory interests may be further affected, please contact Conservation Planning Officer, Mr John Martindale, on telephone 02 6659 8222.

Yours sincerely

Dimitri Young 5 May 2014

DIMITRI YOUNG
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Attachment One: Comments on issues of relevance to OEH.

(Issues as identified in Appendix A of the Planning Proposal).

Issue 5:

OEH supports the subdivision of land below the minimum lot size across split zones provided that any environmentally sensitive lands zoned for environmental protection (E2, E3 and E4) remain protected under a subdivision layout that is consistent with the E zone objectives. OEH's preference is that such layouts retain lands zoned for environmental protection in one allotment to avoid boundary fencing and associated impacts through such lands.

Issue 6:

OEH supports minor boundary adjustments under consent beyond those acceptable under the Codes SEPP provided that the relevant subdivision does not compromise the continued protection and maintenance of any land in Zone E2, E3 or E4. OEH's preference is that such adjustments retain lands zoned for environmental protection in one allotment to avoid boundary fencing and associated impacts through such lands.

Issue 7:

OEH supports the inclusion of "Koala habitat areas" in the definition of an "environmentally sensitive area" for the purposes of exclusion from complying development under the Codes SEPP. However, it is unclear whether the "habitat areas" will include those identified in any LGA wide comprehensive Koala Plan of Management (KPoM) as distinct to those addressed in any individual KPoMs. Council should consider making reference to the draft LGA wide KPoM in this definition.

Issue 10:

OEH supports the rezoning of RE1 (public recreation) lands to E4 (environmental living) and the increase in minimum lot size in the vicinity of Pead Street, Wauchope. However, consideration should be given to extending the E4 zone to protect the habitat linkage to the E2 lands to the north east.

Issue 12:

OEH supports the additions to the E2 and E3 zones in the vicinity of the Pacific Highway upgrade at Sancrox.

Issue 13:

OEH supports the revised mapping and zoning of the northern boundary to Lake Innes Nature Reserve which is consistent with previous formal survey advice provided by OEH to Council. OEH also supports the extension of the identified Koala habitat area on Lot 2 and the retention of the AB2 minimum lot size (40ha) on the RU1 lands surrounding the nature reserve.

Issue 18:

OEH supports the rezoning of crown land adjacent to Laurieton to E2 to reflect its conservation value, to prohibit construction of dwellings and to increase minimum lot size to AB2 (40ha).

Issue 19:

The introduction of the AB2 (40ha) minimum lot size is supported by OEH on lands adjacent to Dooragan National Park at Deauville.

Issue 24:

OEH supports the continued refinement to coastal erosion mapping using the latest risk modelling available to Council. However, it is somewhat unclear as to why portions of some other lots adjacent to 9 Kalang Street, Lake Cathie, remain included.

Issue 25:

OEH acknowledges that changes in Acid Sulphate Soil (ASS) risk mapping is proposed due to earthworks in the vicinity of Lake Innes Nature Reserve at Greenmeadows Drive, Colonel Barney Drive and Camilia Circuit, Port Macquarie. Whilst OEH acknowledges that the use of fill is one mechanism to address ASS risk it is noted that some areas apparently remain within the mapped flood planning area and that no amendments to the latter are proposed.

OEH does not support the extensive use of fill to promote development adjacent to its estate because of the potential for increased erosion, sedimentation and nutrification to detrimentally affect conservation values. Consequently, although OEH accepts the proposed ASS mapping amendments, it is likely to object to the use of further fill in order to raise land above planned flood levels next to the nature reserve.

Issue 27:

OEH supports the extension of core Koala habitat mapping at Lake Cathie and Bonny Hills given the increasing isolation of Koala populations in these areas by existing and proposed development.



File number: 07/2241-02

Attention: Stephen Nicholson
Senior Strategic Planner
Port Macquarie-Hastings Council
Email: stephen.nicholson@pmhc.nsw.gov.au

Dear Mr Nicholson

CROWN LANDS RESPONSE TO LEP REFINEMENTS – AMENDMENT NO 28

NSW Trade & Investment – Crown Lands (Crown Lands) is writing in response to your letter dated 7 April 2014, regarding the above mentioned LEP Amendment.

By way of general comment, Crown Lands seeks to improve or maintain the values held in Crown land, as well as maintaining and improving general environmental values, and therefore requests early consultation by Port Macquarie-Hastings Council (PMHC) with the Department, where developments are adjacent to or have the potential to impact on Crown land.

These general principles apply to all comments provided in table 1. Issues, non-exhaustively, which may affect Crown land can include:

- Altered hydrology and changed or increased run-off
- Impacts on future development options
- Planning for bushfire protection
- Biodiversity management
- Land use conflicts
- Weed incursion
- Soil erosion

Table one provides comments on the LEP Amendment issues, where Crown Land regards the matter as relevant. Where an issue is not listed, Crown Lands has no comment to make.

Table 1: Crown Lands comments on PMHC LEP Refinements – Amendment No 28

Issue number	Issue	Crown Lands comments
6	New Clause 4.2C – Boundary adjustments of land in certain rural, residential and environmental protection zones	<p>Crown Lands requests that any boundary adjustments do not affect Crown land, and that any boundary adjustments done only, where Crown land is impacted, in consultation from Crown Lands. In some cases, approval from Crown Lands, as the land owner, may be required.</p> <p>In relation to <i>bush fires</i>:</p> <p>a. All developments should be designed and sited with appropriate set-backs and fire breaks so that they do not impact upon adjoining Crown land.</p> <p>b. All bush fire protection measures (e.g. Asset protection zones, perimeter trails), whether proposed to meet the requirements of Planning for Bushfire Protection, 2006 (NSW Rural Fire Service) or not, are to be incorporated within the boundaries of proposed development sites.</p> <p>c. An easement to permit protection measures on adjoining Crown land may be considered in limited exceptional circumstances related to 'infill development' (as defined in Planning for Bushfire Protection, 2006). Such proposals need to be included as part of any DA – and would need the consent of Crown Lands as landowner.</p> <p>With regards to Crown Lands road reserves, Crown Lands requests that any uses proposed for Crown Lands road reserves are considered in relation to an acquisition of the road reserve by PMHC.</p> <p>Crown Lands notes that some Crown lands may be under an Aboriginal Land Claim, and that consultation by PMHC with claimants may also need to take place.</p> <p>Crown Lands also notes that Crown Lands, at times, acts as a land developer, and as such, will seek to protect future potential options on Crown Lands where a site may be suitable for future development.</p>
12	Mapping update for Sancrox Employment Precinct	<p>We note that a Crown Lands issued, enclosure permit is in place over reserves immediately to the:</p> <ul style="list-style-type: none"> • South of the western buffer, adjacent to Lot 2 DP574308 and • North of the eastern buffer, adjacent to Lot 2 DP222740 <p>No impacts are expected from the LEP amendment on these reserves or current uses.</p>
15	Mapping for Settlement Point Reserve	<p>Lot 413 DP 754434 is under management by the Settlement Point Public Recreation Reserve Trust (R79171), Managed by PMHC.</p>
18	Mapping for Crown land zoned E3 at Laurieton	<p>Crown Lands affected:</p> <p>2/31/758603 – Crown land currently zoned R1 and E3. Part of this site may be suitable for future residential development, identified Strategic Lands 2005. Crown Lands does not support the rezoning of this site.</p> <p>701//1024475 – Crown Reserve 36001 for access and drainage, currently zoned E3. Part of this site may be suitable for development e.g. for community purposes. Crown Lands does not support the rezoning of this site.</p> <p>701//1024476 – Crown Reserve 36002 for access and drainage, currently zoned E3. Part of this site may be suitable for development e.g. for community purposes. Crown Lands does not support the rezoning of this site.</p> <p>7022//1030558 – Crown Reserve 8223 for access and wharf, currently zoned E3. This site is waterfront and flood prone. Crown Lands supports the rezoning of this site to E2.</p> <p>7025-6//1056225 – Crown Reserve 27216 for access, and Crown Reserve 72544 for public utility, currently zoned R1 and E3. This site is used for drainage. Crown Lands</p>

		<p>would prefer this site remain zoned E3.</p> <p>1//1173590 – Crown land currently zoned R1 (in the north east) and E3. The north east of this site may be suitable for future residential development. Crown Lands does not support the rezoning of this site.</p> <p>2//1173590 – Crown land currently zoned E3. Crown Lands would prefer this site remain zoned E3.</p>
27	<i>Mapping of Koala Habitat at Lake Cathie and Bonny Hills</i>	Crown Lands notes that a Crown Lands Road reserve is affected by this amendment, however has no objection to this proposed LEP Amendment.

For any further enquiries, please do not hesitate to contact myself on 6591-3564 or Bob.Birse@crowland.nsw.gov.au

Yours faithfully



Bob Birse

Group Leader, Property Management
Crown Lands, Taree

24 September 2013