

***PUBLIC EXHIBITION DATES***

**Friday 16 May to Friday 13 June 2014**

# **Planning Proposal under section 55 of the EP&A Act**

## **Port Macquarie-Hastings LEP 2011 (Amendment No 28)**

### ***LEP refinements***

Ccl ref: PP2013-8.1

DPI ref: PP\_2011\_PORTM\_\_001\_00 (14/01556)

Date: 13/05/2014





**Planning Proposal status (for this copy)**

Stage	Version Date (blank until achieved)
Adopted by Council & referred to Dept of Planning (sec 56 (1))	15/01/2014
Gateway Panel determination (sec 56 (2)) - 26/03/2014	
Revisions required: Yes. Completed:	7/04/2014
Public Exhibition version (sec 57)	13/05/2014
For Council review (sec 58 (1))	
Adopted by Council for final submission to Dept of Planning (sec 58 (2))	

**Council reference:** PP2013.8.1

(Amendment No will initially be blank) Port Macquarie-Hastings LEP 2011 (Amendment No 28)

**Department of Planning & Infrastructure reference:** PP\_2011\_PORTM\_\_001\_00 (14/01556)

Council Address	Contact Officer
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**Adoption of the Planning Proposal**

**1. For initial Gateway determination**

This Planning Proposal was endorsed on 15 January 2014 by the undersigned Council delegate:

Signed *Peter Cameron* .....

Name Peter Cameron

Position Group Manager Strategic Planning

**2. For section 58 finalisation**

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

Signed .....

Name .....

Position .....



## Exhibition information

### Content

Proposed amendments to Local Environmental Plans are exhibited in a descriptive form within a “Planning Proposal”.

Details of the amendments contained in this **Planning Proposal PP2013-8.1** are contained in **Appendix A**, found on pages 11 to 62. There are 28 separate issues, relating to both textual and mapping changes.

The specifics of how the LEP would be amended are described in **Appendix B**, found on pages 63 to 66. The Planning Proposal contains statements of the intent for changes to the LEP text, but not the specific wording.

The “Gateway Determination” from NSW Planning and Infrastructure, relating to this Planning Proposal, and a subsequent modification, are in **Appendix C**.

**Appendices D and E** review in more detail the implications of Issues 7 and 8 in relation to what is allowed as complying development.

The responses from public authorities consulted in regard to this Planning Proposal are contained in **Appendix F**.

The locations of the affected lands for Issues 9 to 28 (as described in **Appendix A**) are shown on the Site Identification Map sheets contained in **Appendix G**.

The formal map changes are contained in **Appendix H** - the Map Cover Sheet and the proposed replacement LEP Map sheets.

### Exhibition

The exhibition period is from **Friday 16 May to Friday 13 June 2014**, with the Planning Proposal available for inspection by any person at Council’s offices at Port Macquarie, Laurieton and Wauchope. The Exhibition material is also available on the website [pmhclisting.com.au](http://pmhclisting.com.au), and submissions can be made using that website.

### Submissions

Any person may make a written submission to Council up until the end of the exhibition period.

The submission should quote Council’s reference - **PP2013.8.1**, and be

emailed to [council@pmhc.nsw.gov.au](mailto:council@pmhc.nsw.gov.au) or posted to  
The General Manager,  
Port Macquarie-Hastings Council,  
PO Box 84,  
PORT MACQUARIE NSW 2444.

Submissions can also be made using the website [pmhclisting.com.au](http://pmhclisting.com.au). Note that any submission may be made public.

The provisions of section 147 (5) of the *Environmental Planning and Assessment Act 1979*, relating to reportable political donations, do not apply as this proposed amendment did not arise from a private request to amend the LEP.

### Further information

Please contact Stephen Nicholson on phone 6581 8111.



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## Planning Proposal

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This is a Planning Proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979*, in relation to a proposed amendment to *Port Macquarie-Hastings Local Environmental Plan 2011* (“LEP 2011”). It will be assessed by Port Macquarie-Hastings Council, the NSW Department of Planning and Infrastructure, and (depending on the Gateway determination) used for public participation on the proposed LEP amendment.

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## Background

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<b>Proposal</b>	It is proposed to make a range of fairly minor amendments to LEP 2011 to rectify anomalies, to update details, and to streamline the consideration of future development by removing unnecessary restrictions.
<b>Property Details</b>	Various properties, as detailed in by Issue in <b>Appendix A</b> .
<b>Applicant Details</b>	Port Macquarie-Hastings Council
<b>Land owner</b>	Numerous, as affected by each Issue.
<b>Brief history</b>	<p><i>Port Macquarie-Hastings Local Environmental Plan 2011</i> was prepared broadly as a straight conversion from previous LEPs to the ‘template-based’ format.</p> <p>Ongoing application of the LEP continues to bring to the attention of Council details which do or could unintentionally hinder the operation of the LEP. Broadly each year Council prepares a LEP which seeks to rectify the latest set of such Issues.</p>
<b>Location</b>	<p>The location of the land affected by Issues 9 to 28 in <b>Appendix A</b> is shown on the Site Identification Maps in <b>Appendix G</b>. Detailed maps are included in <b>Appendix A</b>.</p> <p>Issues 1 to 8 in <b>Appendix A</b> potentially apply more broadly, as described in that Appendix. No maps are provided for these Issues.</p>



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## Part 1 - Objectives or Intended Outcomes

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The Planning Proposal seeks to rectify anomalies, to update details, and to streamline the consideration of future development by removing unnecessary restrictions within *Port Macquarie-Hastings Local Environmental Plan 2011*. The 28 specific Issues are listed in Appendix A.

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## Part 2 - Explanation of Provisions

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The actual amendments to *Port Macquarie-Hastings Local Environmental Plan 2011* involve both textual and mapping changes.

The changes arising from the Issues described in Appendix A are summarised in Appendix B in a way that indicates the likely content of an amending LEP. Copies of the proposed new LEP maps referred to in Appendix B are contained in Appendix H.

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## Part 3 – Justification

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### A - Need for the planning proposal.

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

This planning proposal is not the result of any strategic study or report.

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

This planning proposal relates to several minor changes to *Port Macquarie-Hastings Local Environmental Plan 2011*, and the most appropriate means of amending an LEP is by using a planning proposal.

### B - Relationship to strategic planning framework.

#### 3. Is the planning proposal consistent with the objectives and actions of the Mid North Coast Regional Strategy 2006-31?

The matters addressed by this planning proposal are consistent with both the *Mid North Coast Regional Strategy* and the *Mid North Coast Farmland Mapping Project*.

#### 4. Is the planning proposal consistent with Council's Community Strategic Plan and Urban Growth Management Strategy 2010 – 2031?

The matters addressed by this planning proposal are consistent with both the *Community Strategic Plan* and the *Urban Growth Management Strategy 2010 – 2031*.

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

The matters addressed by this planning proposal are consistent with all relevant SEPPs.

Issue 6 provides for development consent to be possible for certain boundary adjustments that do not meet the criteria to be exempt development under Codes SEPP.

Issues 7 and 8 seek to clarify that certain land mapped by the LEP is classed as “excluded land identified by an environmental planning instrument” under the *Codes SEPP*.



**6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The matters addressed by this planning proposal are consistent with all applicable Ministerial Section 117 Directions.

**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?**

There is no likelihood that the matters addressed by this planning proposal would have any such adverse effect.

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

The matters addressed by this planning proposal are unlikely to have any adverse environmental effects.

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

The matters addressed by this planning proposal have negligible social and economic effects.

**D - State and Commonwealth interests.**

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

There is adequate public infrastructure for the matters addressed by this planning proposal.

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

Consultation with public authorities is relevant for the following Issues (as listed in Appendix A):

Issue No	Public Authorities (and comments)
11	Roads & Maritime Services - ongoing liaison to incorporate any updates regarding boundaries and acquisitions.
18	Department of Trade and Investment (Crown Lands)
18	NSW Department of Health
25	Office of Environment and Heritage
	NSW Rural Fire Service

Except in relation to Issue 11, the views of public authorities were not sought until after the Gateway determination.

Post Gateway consultation with these authorities brought comments from Department of Trade and Investment (Crown Lands) and Office of Environment and Heritage. **Appendix F** contains copies of their responses, with the comments on specific Issues addressed in conjunction with that Issue in **Appendix A**.





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## Part 4 – Mapping

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### A - Affected land

The land directly affected by the planning proposal is formally shown on the Site Identification Maps contained in **Appendix G**, except in relation to Issues 1 to 8 described in **Appendix A**, as those Issues apply on a general or Land Use Zone basis. The lands affected by Issues 7 and 8 are shown within **Appendices D** and **E** respectively.

More detail of the affected land for Issues 9 to 28 is contained in **Appendix A**. Map extracts show the current and the proposed mapping provisions for each issue. To view the (current) legal LEP maps, go to the NSW Legislation website - <http://www.legislation.nsw.gov.au/mapindex?type=epi&year=2011&no=84>.

### B - Draft LEP maps

If the Planning Proposal is approved then the current LEP map sheets will be updated by the changes listed in Part B of **Appendix B** (and in the Map Cover Sheet in **Appendix H**). The new map sheets are included in **Appendix H**.

Note that while these maps may appear like the legal LEP maps, the only LEP maps that have any legal status are those listed and viewable on the NSW Legislation website. The map name (at the bottom of the map legend), including the date (“YYYYMMDD”) at the end, is important. The date represents the date that version of the map was prepared, and not the date that it took effect (if at all).

If the Planning Proposal is approved then the final maps may be updated from the maps forming part of this Planning Proposal to include:

- any changes made by Council,
- formatting changes, and
- any applicable updates arising from other concurrent LEP amendments.

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## Part 5 – Community Consultation

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The proposal is considered to be a low impact proposal, as it:

- is consistent with the pattern of surrounding land use zones and/or land uses,
- is consistent with the strategic planning framework,
- presents no issues with regard to infrastructure servicing,
- is not a principal LEP, and
- does not reclassify public land.

On this basis generally a 14 day public exhibition period would be appropriate (if there were only limited issues). However the Gateway determination required a public exhibition for a minimum of 28 days.

Consultation in accordance with the Council’s Public Consultation Policy is proposed for the site. The proposed consultation strategy in conjunction with the public exhibition for this proposal will be:

- Notification in a locally circulating newspaper.
- Notification on Council’s website.
- Written notification to affected and adjoining landowners.



## Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays. Delegation to make the amending LEP under section 59 of the Act has been granted to Council’s General Manager or the Director of Development and Environmental Services.

Anticipated dates	2013						2014											
	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Commencement (date of Gateway determination)									X									
Timeframe for the completion of required technical information									X	X								
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)										X	X							
Commencement and completion dates for public exhibition period											X	X						
Dates for public hearing (if required)																		
Timeframe for consideration of submissions												X						
Timeframe for the consideration of a proposal post exhibition													X					
<del>Date of submission to the department to finalise the LEP Delegated</del>																		
Date Council will make the plan Under delegation														X				
Date Council will forward to the department for notification.														X				