



New South Wales

# **Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 14)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

**MATTHEW ROGERS, DIRECTOR DEVELOPMENT AND ENVIRONMENT,  
PORT MACQUARIE-HASTINGS COUNCIL**  
As delegate for the Minister for Planning

## **Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 14)**

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Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 14)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to all of the land to which *Port Macquarie-Hastings Local Environmental Plan 2011* applies.

## **Schedule 1      Amendment of Port Macquarie-Hastings Local Environmental Plan 2011**

### **[1] Land Use Table**

Insert “Eco-tourist facilities;” in alphabetical order in item 3 of the matter relating to each of the following zones:

Zone RU1 Primary Production

Zone RU2 Rural Landscape

Zone SP3 Tourist

Zone E4 Environmental Living

### **[2] Land Use Table**

Omit “Eco-tourist facilities;” wherever occurring in item 4 of the matter relating to each of the following zones:

Zone R1 General Residential

Zone R5 Large Lot Residential

### **[3] Clause 5.13**

Omit the clause. Insert instead:

#### **5.13 Eco-tourist facilities**

- (1) The objectives of this clause are as follows:
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and

- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

**[4] Clause 7.14**

Insert after clause 7.13:

**7.14 Eco-tourist facilities—additional provisions**

- (1) The objective of this clause is to ensure that eco-tourist facilities have an appropriate scale without compromising the future extraction of significant mineral resources.
- (2) Development consent must not be granted to development for the purposes of an eco-tourist facility unless:
  - (a) the area of the subject land is at least the minimum lot size specified for that land by the Lot Size Map, and
  - (b) the gross floor area of the eco-tourist facility and any ancillary permanent accommodation for owners or managers does not exceed 1,000 square metres, and
  - (c) the consent authority is satisfied that the development does not cause unfunded increased demand for the provision or maintenance of local infrastructure, and
  - (d) the consent authority is satisfied that the development will not compromise the future extraction of State or regionally significant reserves of coal or other minerals or petroleum or extractive industries.