



New South Wales

Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 28)

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 28)

under the

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1 Name of Plan

This Plan is *Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 28)*.

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 certain land to which the *Port Macquarie-Hastings Local Environmental Plan 2011* applies.

4 Maps

The maps adopted by *Port Macquarie-Hastings Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

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

[1] Clause 1.2 Aims of Plan

Insert after clause 1.2 (2) (j):

- (k) to ensure that new urban development makes a positive contribution to the public domain and streetscape,
- (l) to facilitate efficient use of urban land and infrastructure by appropriate staging of development and ensuring appropriate density of development.

[2] Land Use Table, Zone RU1

Insert “Rural industries;” in alphabetical order in item 3.

[3] Land Use Table, Zone RU1

Omit “; Sawmill or log processing works” from item 3.

[4] Land Use Table, Zone R1

Insert “Building identification signs;” in alphabetical order in item 3.

[5] Land Use Table, Zone B7

Omit “Self storage units;” from item 3.

[6] Land Use Table, Zone B7

Omit “Airports;” and “Storage premises;” from item 4.

[7] Clause 4.2C

Insert after clause 4.2B:

4.2C Boundary adjustments of land in certain rural, residential and environment protection zones

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU6 Transition,
 - (d) Zone R5 Large Lot Residential,
 - (e) Zone E2 Environmental Conservation,
 - (f) Zone E3 Environmental Management,
 - (g) Zone E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more

resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that:

- (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
 - (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (d) the subdivision will not result in any increased bush fire risk to existing buildings, and
 - (e) if the land is in Zone RU1 Primary Production or Zone RU2 Rural Landscape, the agricultural viability of the land will not be adversely affected as a result of the subdivision.
- (4) Before granting development consent to development to which this clause applies, the consent authority must be satisfied that the subdivision will not compromise the continued protection and long-term maintenance of any land in Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

[8] Clause 7.5 Koala habitat

Insert after the note:

- (5) Land shown as “Koala habitat area” on the Koala Habitat Map is identified as being within an ecologically sensitive area for the purposes of clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Note. Clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* prevents complying development specified for certain complying development codes from being carried out on land identified by an environmental planning instrument as being within an ecologically sensitive area.

[9] Clause 7.9 Development subject to acoustic controls

Omit clause 7.9 (3) (a) (i). Insert instead:

- (i) *NSW Road Noise Policy* published by the Department of Environment, Climate Change and Water in March 2011, and

[10] Clause 7.9 (4)

Insert after clause 7.9 (3):

- (4) Land identified as “Subject to acoustic controls” on the Acoustic Controls Map is identified as being within a buffer area for the purposes of clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Note. Clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* prevents complying development specified for certain complying development codes from being carried out on land identified by an environmental planning instrument as being within a buffer area.

[11] Schedule 5 Environmental heritage

Omit “Norfolk Island Palms” from the matter relating to item no 1004 in Part 1.

Insert instead “Norfolk Island Pines”.