

Planning Proposal under section 55 of the EP&A Act

***St Vincents Foundation - correct URA
classification by Amendment No 8***

Ccl ref: PP2012-0004

DP&I ref:

Date: 12/06/2012



Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Draft within Council	11/06/2012
Lodged with Council	
Reported to Council [sec 55]	
Adopted by Council & referred to Dept of Planning [sec 56 (1)]	
Gateway Panel determination [sec 56 (2)]	
Revisions required [Yes No]. Completed	
Public Exhibition (where applicable) [sec 57]	
For Council review [sec 58 (1)]	
Adopted by Council for final submission & referred to Dept of Planning [sec 58 (2)]	

Council reference: PP2012-0004

Port Macquarie-Hastings LEP 2011 (Amendment No 18)

Department of Planning & *
Infrastructure reference:

Adoption of the Planning Proposal

1. For Initial Gateway determination

This Planning Proposal was endorsed on 12 June 2012 by Port Macquarie-Hastings Council delegate:

Signed Tony Hayward

Name Tony Hayward

Position General Manager

2. For section 58 finalisation (where applicable)

This Planning Proposal was endorsed on by Port Macquarie-Hastings Council, or the undersigned Council delegate:

Signed

Name

Position

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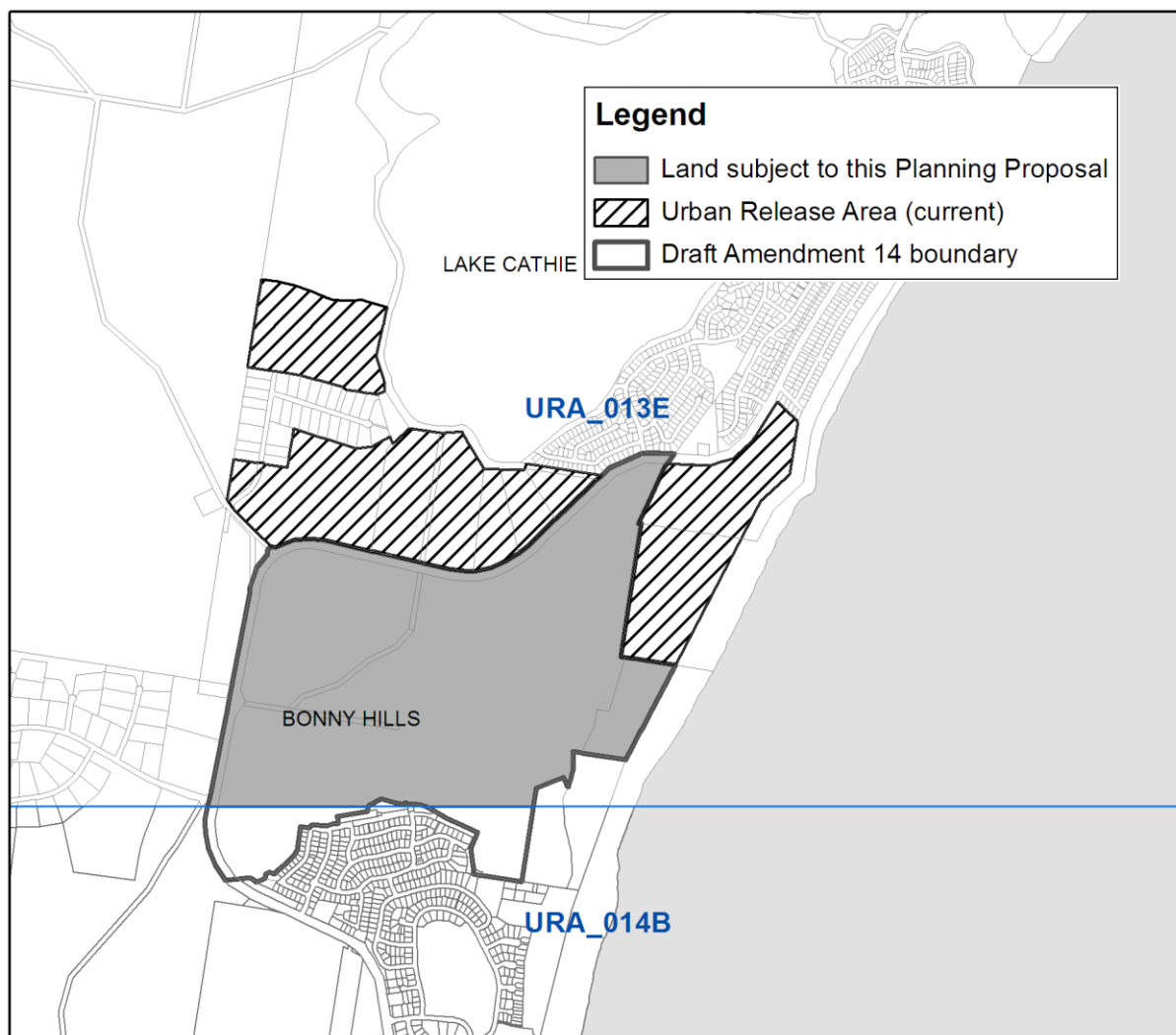
Planning Proposal

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*. It is submitted by Port Macquarie-Hastings Council for assessment by the NSW Department of Planning and Infrastructure.

Background

Proposal	It is proposed to remove classification of the subject land as an Urban Release Area, as this was erroneously applied by <i>Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 8)</i> , published on 20 April 2012.
Property Details	Part Lot 1232 DP 1142133, Lot 5 DP 25886, Lots 1-4 DP 1150758, and part of Ocean Drive, Lake Cathie and Bonny Hills. (The last 4 lots are parts of closed Crown roads.)

Location



Applicant Details	Port Macquarie-Hastings Council
Land owner	St Vincent's Foundation Pty Ltd
Brief history	The land is within the Lake Cathie – Bonny Hills (“Area 14”) Urban Growth Area. There have been two recent urban land releases for nearby land, in: • PM-H LEP 2011 (Amendment No 6), published 30 September 2011, and • PM-H LEP 2011 (Amendment No 5), published 2 March 2012. Those releases are identified in the LEP Urban Land Area Map. The subject land has been zoned residential since 1984, and is currently zoned part R1 General Residential and part RU1 Primary Production in PM-H LEP 2011. It has been subject to Part 3A approvals on 1 March 2012 for: • 06_0085 concept plan, and • 07_0001 stage 1 project application. Based on the Part 3A concept plan Council has prepared a Planning Proposal (PP2012-0002) to amend the LEP controls over the whole site (including all of Lot 1232) to reflect the proposed pattern of land use. Known as <i>Amendment No 14</i>, this has received a Gateway Determination (reference PP_2012_PORTM_001_00 (12/02891)) dated 27 February 2012. One requirement is that the site should be identified as an urban release area in the LEP. The landowners have sought consultation with Council staff regarding the content of Amendment No 14, and Council is currently seeking to undertake this consultation. Concurrently, PM-H LEP 2011 (Amendment No 8), for an urban land release at Kew, was published on 20 April 2012. It involved a new map sheet in the Urban Release Area Map series. This meant that the full map series needed to be amended to identify the additional map on the map index in the legend. Urban Release Area Map sheet URA_013E covers land within Amendment Nos 5 and 6, and part of the subject land. The final edition of this map sheet, 638_COM_URA_013E_020_20120327, erroneously showed the subject land (to the extent it is covered by sheet 013E) as being Urban Release Area, although: • it had not been included within the public exhibition, • it had never been part of the decisions of Council or previously submitted to the Department • it was not included in the Amendment No 8 GIS data supplied to the Department, and • if it was intended to apply it should also have been shown over the balance on Lot 1232 on (a new) map sheet URA_014B. On this occasion, checking of maps by Council and Departmental officers missed this error, and the map sheet became part of the published PM-H LEP 2011 on 20 April 2012.

Part 1 - Objectives or Intended Outcomes

The current Urban Release Area Map sheet 6380_COM_URA_013E_020_20120327 (URA_013E) was introduced by PM-H LEP 2011 (Amendment No 8) merely as an update to identify that the Urban Release Area Map series now had a map sheet URA_011B.

However, the final version of URA_013E erroneously included as urban release area some land that is proposed to be urban release area in a current planning proposal (reference PP_2012_PORTM_001_00 (12/02891)). This planning proposal has not yet completed the steps required prior to approval. In addition, the area shown as urban release area ends at the edge of URA_013E, although the relevant land extends onto map sheet URA_014B.

The intent of this Planning Proposal is to rectify this obvious error, and replace Urban Release Area Map sheet 6380_COM_URA_013E_020_20120327 with a map sheet that does not show the subject land as an urban release area.

The circumstances satisfy the criteria of section 73A of the Act, and it is requested that section 73A be used to expedite this amendment.

Part 2 - Explanation of Provisions

The provisions required for this LEP amendment are to amend *Port Macquarie-Hastings Local Environmental Plan 2011* Map Index by revoking Urban Release Area Map sheet 6380_COM_URA_013E_020_20120327, and adopting the attached Urban Release Area Map sheet 6380_COM_URA_013E_020_20120607.

Part 3 – Justification

Section 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?

The planning proposal is the best means of achieving the intended outcome.

3. Is there a net community benefit?

Yes.

Section B - Relationship to strategic planning framework.

1. Is the planning proposal consistent with the objectives and actions contained within the Mid North Coast Regional Strategy 2006-31?

The planning proposal corrects an error in LEP 2011, and is otherwise consistent.

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

The planning proposal corrects an error in LEP 2011, and is otherwise consistent.

3. Is the planning proposal consistent with applicable state environmental planning policies?

Yes.

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

Yes.

Section C - Environmental, social and economic impact.

1. 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?

Not applicable.

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

Not applicable.

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

Not applicable.

Section D - State and Commonwealth interests.

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

Not applicable.

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

Not applicable.

Part 4 – Community Consultation

The proposal is considered to satisfy the criteria of section 73A of the Act, and it is requested that section 73A be used to expedite this amendment.

It is considered that there is no need for further community consultation beyond that already undertaken in relation to the Part 3A approvals and that proposed in relation to Amendment No 14.

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Attachments:

Site Identification Map
[Am_18_Site_ID_20120608.pdf](#)

Map Cover Sheet
[6380_COM_MCS_20120608.pdf](#)

Updated Urban Release Area Map sheet URA_013E
[6380_COM_URA_013E_020_20120607.pdf](#)