

Port Macquarie Hastings LEP 2011 Draft Amendment No 20 rezoning of 18 John Oxley Drive, Port Macquarie.

Proposal Title :	Port Macquarie Hastings LEP 2011 Draft Amendment No 20 rezoning of 18 John Oxley Drive, Port Macquarie.		
Proposal Summary :	The planning proposal seeks to amend the Port Macquarie Hastings LEP 2011 to rezone lots 12 and 13 DP 1088869, 18 John Oxley Drive from RU1 Primary Production to B5 Business Development to enable hardware and building supplies and bulky goods premises to be developed on the land. The planning proposal also intends to rezone the adjoining road reserve from RU1 to R1 General residential to remove slivers of rural zoned land from the urban area. The road reserve adjoins existing residentially zoned land.		
PP Number :	PP_2012_PORTM_007_00	Dop File No :	12/15166

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.1 Business and Industrial Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies
6.3 Site Specific Provisions**

Additional Information : **It is recommended that;**

1. The planning proposal should proceed as a 'routine' planning proposal.
2. That the following studies are completed and included with the material to be placed on exhibition with the planning proposal;
 - a. A flood impact assessment and assessment of the impact on storm water drainage from development of Lots 12 and 13 DP 1088869
 - b. A traffic impact and accessibility study that also considers the aims, objectives and principles of "The Right Place for Business and Services – Planning Policy" (DUAP 2001)
 - c. An independent review of the economic impact assessment prepared by MacroPlan Dimasi dated August 2012.
3. The material to be placed on exhibition is to be forwarded to the Regional Director, Northern Region of the Department of Planning and Infrastructure for review prior to exhibition.
4. The planning proposal is to be completed within 12 months.
5. That a community consultation period of 28 days is necessary.
6. That the RPA consult with the following State Agencies
 - a. Roads and Maritime Services
 - b. NSW Rural Fire Service (prior to exhibition as required by S117 Direction 4.4)
 - c. NSW Office of Environment and Heritage for comment on the flood study.
7. It is recommended that a delegate of the Director General agree that the inconsistency of the proposal with S117 Directions 1.2, 4.1, and 5.1 are justified in accordance with the provisions of the direction.

Supporting Reasons : **The reasons for the recommendation are as follows;**

1. The proposal is consistent with the broad strategic planning framework for the site however further investigation of specific site constraints and potential development impacts are necessary.

2. The inconsistencies of the proposal with the strategic planning framework are of minor significance.

Panel Recommendation

Recommendation Date : **04-Oct-2012**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. Council is to undertake the following studies to identify impacts that may result from the proposed rezoning of the subject land. This information is to be placed on public exhibition with the planning proposal:

- **A flood impact assessment and a study into the impact on storm water drainage resulting from the rezoning of the land for business purposes;**
- **An independent review of the economic impact assessment prepared by MacroPlan Dimasi dated August 2012; and**
- **A traffic impact and accessibility study that considers the aims, objectives and principles of 'The Right Place for Business Services – Planning Policy' (DUAP 2001). In undertaking the study, Council is also to determine consistency with S117 Direction 3.4 Integrating Land Use and Transport, and amend the planning proposal accordingly to address the requirements of the Local Planning Direction.**

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and**
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).**

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- **Transport for NSW – Roads and Maritime Services**
- **NSW Rural Fire Service**
- **Office of Environment and Heritage**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

5. Further to Condition 3 above, Council is to consult with the Office of Environment and Heritage in regards to flooding and proposed mitigation measures. In doing so, Council is to address the flood prone nature of the site and the level of fill required to mitigate flood effects. Council is to address the requirements of S117 Direction 4.3 Flood Prone Land and determine consistency with the Local Planning Direction prior to finalisation of the LEP.

6. Council is to provide a copy of the revised planning proposal to the department's regional team prior to public exhibition.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may

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otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

NEIL SELMAN

Date:

8/10/2012