

Port Macquarie Hastings LEP 2011 - rezoning of land at Dunbogan from E2 Environmental Conservation to E3 Environmental Management.

Proposal Title : **Port Macquarie Hastings LEP 2011 - rezoning of land at Dunbogan from E2 Environmental Conservation to E3 Environmental Management.**

Proposal Summary : **The planning proposal seeks to amend the Port Macquarie Hastings LEP 2011 to rezone land from E2 Environmental Conservation to E3 Environmental Management. The subject land is located over six separate lots. The lots are privately owned and partly zoned R1 General Residential. Only that part of the land zoned E2 will be rezoned to E3. The R1 zoned part of the land will not change.**

PP Number : **PP_2013_PORTM_001_00** Dop File No : **13/03064**

Planning Team Recommendation

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

- S.117 directions :
- 1.5 Rural Lands**
 - 2.1 Environment Protection Zones**
 - 2.2 Coastal Protection**
 - 4.1 Acid Sulfate Soils**
 - 4.4 Planning for Bushfire Protection**
 - 5.1 Implementation of Regional Strategies**

- Additional Information :
- It is recommended that;**
- 1. The planning proposal should proceed as a 'routine' planning proposal.**
 - 2. The planning proposal is to be completed within 9 months.**
 - 3. That a community consultation period of 14 days is necessary.**
 - 4. That the RPA consult with the NSW Rural Fire Service(prior to exhibition as required by S117 Direction 4.4)**
 - 5. It is recommended that a delegate of the Director General agree that the inconsistency of the proposal with S117 Directions 2.1 and 4.1 are justified in accordance with the provisions of the direction.**
 - 6. An Authorisation to exercise delegation to make the plan be issued to the RPA for this planning proposal.**

- Supporting Reasons :
- The reasons for the recommendation are as follows;**
- 1. The land does not contain vegetation which warrants an E2 Environmental Conservation zoning and is used in conjunction with residential purposes**
 - 2. The current E2 zoning of the land is inconsistent with Council's strategic approach to applying environmental zones in the local government area. The proposed E3 zone is consistent with Council's strategic approach.**
 - 3. The inconsistencies of the proposal with the S117 directions are of minor significance.**

Panel Recommendation

Recommendation Date : **21-Feb-2013** Gateway Recommendation : **Passed with Conditions**

- Panel Recommendation :
- The Planning Proposal should proceed subject to the following conditions:**
- 1. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.**
 - 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012) and must be made publicly available**

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for 14 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

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

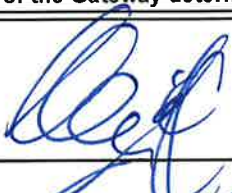
- NSW Rural Fire Service

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

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McCreary

Date:

4.3.12