

Further Corrections and Refinements to Port Macquarie-Hastings LEP 2011 (Amd No.16)

Proposal Title :	Further Corrections and Refinements to Port Macquarie-Hastings LEP 2011 (Amd No.16)		
Proposal Summary :	To undertake a "housekeeping" amendment of further corrections and refinements to Port Macquarie-Hastings LEP 2011.		
PP Number :	PP_2012_PORTM_003_00	Dop File No :	12/06845

Planning Team Recommendation

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

S.117 directions :

- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

It is recommended that:

1. the planning proposal be supported;
2. that a 14 day community consultation period be undertaken;
3. that the following State agencies be consulted prior to community consultation being undertaken;
 - NSW Rural Fire Service
 - NSW Office of Environment and Heritage (Flooding and Biodiversity)
 - NSW Department of Primary Industries (Agriculture and Office of Water)
 - Transport for NSW (Railcorp)
 - Transport for NSW (Roads and Maritime Services)
4. that the planning proposal be completed within 9 months; and
5. the Director General's delegate agree to the inconsistencies to the following s117 Directions are justified as matters of minor significance:
 - 2.1 Environmental Protection Zones;
 - 3.1 Residential Zones;
 - 4.3 Flood Prone Land; and
 - 6.2 Reserving Land for Public Purposes

Supporting Reasons :

The planning proposal will undertake corrections and refinements to the Port Macquarie-Hastings LEP 2011. These corrections and refinements are considered as important in permitting the LEP to operate effectively and accurately.

The proposal is considered to be consistent with the strategic planning framework and either consistent or justifiably inconsistent with the relevant s117 Directions.

Panel Recommendation

Recommendation Date : **26-Apr-2012** Gateway Recommendation : **Passed with Conditions**

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

1. In relation to item 12 of the planning proposal, the use of Schedule 1 in this circumstance is not supported due to a lack of clarity and transparency surrounding the intended future use of the land and the relationship of the use to the objectives of the underlying zone. Therefore, Council is to rezone that portion of the land to be used for the recreation facility RE1 Private Recreation or RE2 Public Recreation to reflect the intended future use, and retain the RU1 zone over the vegetated and environmentally sensitive

portion of the site. Council is to amend the planning proposal to justify and explain how it determines the boundary of the split zoning.

2. The planning proposal is to be amended and a copy of the revised document provided to the Department's Regional team prior to the commencement of community consultation.

3. As per the requirements of S117 Direction 2.1 Environmental Protection Zones, Council is to consult with the Office of Environment and Heritage regarding Item 13 of the planning proposal, Port Macquarie Airport Expansion. Any comments made are to be reflected in the planning proposal prior to public consultation.

4. As per the requirements of S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

5. 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 2009) and must be made publicly available 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

- Office of Environment and Heritage
- NSW Department of Primary Industries – Agriculture
- NSW Rural Fire Service
- Transport for NSW – RailCorp
- Transport for NSW - Roads and Maritime Services

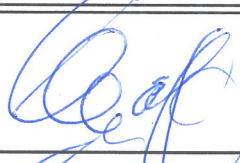
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may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

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 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 McGavin

Date: _____

8.5.12