

Port Macquarie-Hastings LEP 2011 - Rezoning land at Beach Street, Bonny Hills (approx 14 residential allotments / dwellings, 0 employment)

Proposal Title : Port Macquarie-Hastings LEP 2011 - Rezoning land at Beach Street, Bonny Hills (approx 14 residential allotments / dwellings, 0 employment)

Proposal Summary : The planning proposal seeks to rezone land at Beach Street, Bonny Hills from RU1 Primary Production to R1 General Residential and E2 Environmental Conservation, and amend the minimum lot size and floor space ratio maps to apply appropriate planning controls to the land.

PP Number : PP_2017_PORTM_003_00 Dop File No : 17/07964

Planning Team Recommendation

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

- S.117 directions:
- 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements

Additional Information : It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to the commencement of community consultation, Council is to update the planning proposal to:
 - (a) delete discussion on consistency with the Mid North Coast Regional Strategy and replace with discussion on the consistency with the North Coast Regional Plan 2036 including assessment of the proposal against the Urban Growth Area Variation Principles;
 - (b) delete discussion on S117 Direction 5.1 Implementation of Regional Strategies and include discussion on Direction 5.10 Implementation of Regional Plans; and
 - (c) include relevant supporting background studies that have informed the planning proposal.
2. After the planning proposal has been updated in accordance with condition (1) and prior to commencement of community consultation, consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

The proposal is to be updated prior to community consultation to incorporate any necessary changes arising from consultation with State agencies or organisations.

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3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days;
- (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 Environment 2016);
- (c) a letter is to be sent to the landowner advising of the proposal and seeking comment.

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 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.

It is also recommended that:

6. The Secretary's delegate determines that the inconsistencies with s117 Directions 1.2 Rural Zones and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the directions.

7. The Secretary's delegate note the outstanding inconsistency of the proposal with s117 Direction 4.4 Planning for Bushfire Protection and;

8. That a written authorisation to exercise plan making delegations be issued to Port-Macquarie Hastings Council.

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

- 1. The proposal will contribute to the identified demand for R1 zoned land in the Port Macquarie - Hastings LGA which is identified in the Port Macquarie - Hastings Growth Management Strategy 2011-2031.
- 2. The land proposed to be zoned residential is relatively unconstrained and serviced by existing infrastructure and the existing rural zone is considered inappropriate given the location and intrinsic ecological values.
- 3. The proposal is inconsistent with the strategic planning framework, however the inconsistencies are considered to be of minor significance.

Panel Recommendation

Recommendation Date : 16-Jun-2017

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This proposal is considered to be of local significance and can be appropriately considered by the A/ Director Regions, Northern. Referral to the panel is not required.

Gateway Determination

Decision Date : 19-Jun-2017

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 9 months

Gateway Determination : 1. Prior to the commencement of community consultation, Council is to update the planning proposal to:

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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:

Craig Diss

Date:

19/6/17