

Port Macquarie Hastings LEP 2011 Amendment No 24 Cassegrain Winery Fernbank Creek

Proposal Title : **Port Macquarie Hastings LEP 2011 Amendment No 24 Cassegrain Winery Fernbank Creek**

Proposal Summary : **Rezone land at Cassegrain Winery, Fernbank Creek Road, Fernbank Creek from RU1 Primary Production to part SP3 Tourist to facilitate the development of a tourist precinct and an environmental protection zone to preserve areas of residual vegetation.**

PP Number : **PP_2013_PORTM_006_00** Dop File No : **13/07573**

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
2.3 Heritage Conservation
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
6.3 Site Specific Provisions**

Additional Information : **It is Recommended that:**

- 1. The planning proposal should proceed as a 'minor' planning proposal.**
- 2. A community consultation period of 28 days is necessary.**
- 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
 - Office of Environment and Heritage**
 - NSW Rural Fire Service**
 - Transport for NSW - Roads and Maritime Services**
- 4. The planning proposal is to be completed in 12 months.**
- 5. The Director General's delegate agree that the inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified as of minor significance.**
- 6. The Director General note that the inconsistency with Direction 4.4 Planning for Bushfire Protection will be resolved through consultation with the NSW Rural Fire Service before or during exhibition.**
- 7. Delegation to finalise the planning proposal be issued to the Council.**

Supporting Reasons : **The reasons for conditions to the Gateway Determination are as follows:**

- 1. The proposed tourist related development of the land and protection of areas of important native vegetation, will result in a net community benefit.**
- 2. The inconsistencies of the proposal with the S117 Directions are of minor significance.**
- 3. The proposal is otherwise consistent with all relevant local and regional**

Panel Recommendation

Recommendation Date : **09-May-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The planning proposal should proceed subject to the following conditions:**

- 1. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning maps, which are at an appropriate scale and clearly identify the subject land.**
- 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 a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**
- 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:**
 - Office of Environment and Heritage**
 - Transport for NSW – Roads and Maritime Services**
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)**

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.
- 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 12 months from the week following the date of the Gateway determination.**

Signature:



Printed Name:



Date:

