

Port Macquarie Hastings LEP 2011 Amendment No 39 - South Lindfield Urban Release Area

Proposal Title : Port Macquarie Hastings LEP 2011 Amendment No 39 - South Lindfield Urban Release Area

Proposal Summary : Port Macquarie Hastings LEP 2011 Amendment No 39 - South Lindfield Urban Release Area.

The purpose of the Planning Proposal is to rezone land at South Lindfield, south west of Port Macquarie, to enable the land to be developed for residential and industrial purposes. The land is identified as Future Urban Release Area in the Mid North Coast Regional Strategy (MNCRS) 2006-31 and as Urban Investigation Area in Council's Urban Growth Management Strategy (UGMS) 2010-2031. The proposal will rezone the land from RU1 Primary Production to a mixture of R1 General residential, IN2 Light Industrial, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living.

This will also necessitate changes to the following map sheets;
Land Zoning (LZN),
Lot Size Map (LSZ),
Dwelling Opportunity (DWE),
Floor Space Ratio (FSR),
Height of Buildings (HOB),
Koala Habitat (KHE).

PP Number : PP_2016_PORTM_002_00 Dop File No : 16/04252

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 3.1 Residential Zones
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 3.5 Development Near Licensed Aerodromes
 - 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
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions

- Additional Information :
- 1. The Planning Proposal be supported;
 - 2. The Planning Proposal be exhibited for 28 days;
 - 3. The Planning Proposal be completed within 12 months;
 - 4. That the RPA consult with the Department of the Commonwealth responsible for aerodromes in accordance with the requirements of S117 Direction 3.5 Development Near Licensed Aerodromes;
 - 5. That the RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;
 - 6. That the Secretary (or her delegate) note the current inconsistency with section 117 Direction 3.5 Development Near Licensed Aerodromes and 4.4 Planning for Bushfire Protection and that this inconsistency will need to be resolved prior to the proposal being finalised;
 - 7. It is recommended that a delegate the Secretary agree that the inconsistency of the

proposal with S117 Directions 1.2, 2.1 and 4.3 are justified in accordance with the terms of the directions.

8. That consultation be undertaken with the following agencies:

- Roads and Maritime Services
- Environment Protection Authority
- Office of Environment and Heritage
- Essential Energy

9. Prior to undertaking public exhibition, Council is to complete a targeted survey of the presence of the endangered Green and Golden Bell Frog on the site to support the planning proposal. This material should be placed on public exhibition with the planning proposal;

10. A written authorisation to exercise delegation not be issued to Port Macquarie – Hastings Council in this instance until the koala plan of management for the subject land has been approved by the Secretary.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The proposal is the result of the MNCRS 200-31 and PMHUGMS 2010-2031.
2. The proposal will result in the provision of additional housing in a major regional centre.
3. The inconsistencies of the proposal with the S117 directions are of minor significance.
4. The proposal is consistent with all relevant local and regional planning strategies, and SEPPs.

Panel Recommendation

Recommendation Date : **22-Mar-2016**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the Acting Director Regions, Northern. Therefore the planning proposal will not be considered by the panel.**

Gateway Determination

Decision Date : **23-Mar-2016**

Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **28 Days**

LEP Timeframe : **12 months**

Gateway
Determination :

1. Council is to consult with:

(a) The department of the Commonwealth responsible for aerodromes as per the requirements of section 117 Direction 3.5 Development Near Licensed Aerodromes; and

(b) The NSW Rural Fire Service as per the requirements of section 117 Direction 4.4 Planning for Bushfire Protection.

The planning proposal shall be amended, if necessary, to take into consideration any comments made prior to undertaking community consultation.

2. Prior to undertaking community consultation, Council is to complete the targeted survey for the presence of the endangered Green and Gold Bell Frog on the site and include this information with the planning proposal for community consultation.

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; 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 2013).

4. Consultation is required with the following public authorities and organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Office of Environment and Heritage
- NSW Roads and Maritime Services
- NSW Environmental Protection Authority
- Essential Energy

Each public authority or organisation 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.

5. 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).

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

Signature:



Printed Name:

Craig Diss

Date:

23 March 2016