

Port Macquarie-Hastings LEP 2011 - Amendment No 38 Housekeeping amendments of corrections and refinements

Proposal Title :	Port Macquarie-Hastings LEP 2011 - Amendment No 38 Housekeeping amendments of corrections and refinements		
Proposal Summary :	The purpose of the Planning Proposal is to undertake the following amendments to Port Macquarie-Hastings LEP 2011: 1. amend landuse table for the B5 Business Development zone to allow veterinary hospitals with consent; 2. include a provision to permit with consent Eco-tourism on land zoned RU1 Primary Production and RU2 Rural Landscapes where a dwelling is permissible or where a dwelling currently exists on an undersized lot (within certain zones only); 3. amend the minimum lot size map to permit subdivision of an area of Lot 2 DP 1083711, Diamond Head Rd, Dunbogan for the purpose of a 'Men's Shed' (existing); 4. inclusion of additional permitted uses (with consent) associated with Cassegrain Winery at 764 Fernbank Creek Road, Fernbank Creek. Proposed uses are 'Agricultural produce industries', 'Cellar door premises' and 'Light industry'. 5. rezone several properties at the intersection of High St and Beechwood Rd, Wauchope, from IN2 Light Industrial to B4 Mixed Use; 6. rezone specific land at Mill Hill from E2 Environmental Conservation to R1 General Residential and apply appropriate lot size, building height and floor space ratio controls; 7. rezone a larger portion of Lot 123 DP 1148180, Bronzewing Terrace, Lakewood from E3 Environmental Management to R1 General Residential and apply appropriate lot size, building height and floor space ratio controls; 8. amend the minimum lot size map to permit subdivision of Lot 2 DP 1036844, Oxley Highway, Wauchope, in line with Council's 'Urban Growth Management Strategy 2011-2031'.		
PP Number :	PP_2016_PORTM_001_00	Dop File No :	16/02289

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.3 Site Specific Provisions

Additional Information : It is recommended that:

1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 14 days;
3. The Planning Proposal be completed within 12 months;
4. 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;
5. That the Secretary (or her delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that this inconsistency will need to be resolved prior to the proposal being finalised;
6. It is recommended that a delegate the Secretary agree that the inconsistency of the proposal with S117 Directions 1.2, 1.5, 2.1, 4.1 and 4.3 are justified in accordance with the terms of the directions.
7. That consultation be undertaken with the following agencies:
 - Roads and Maritime Services
 - Environment Protection Authority

Port Macquarie-Hastings LEP 2011 - Amendment No 38 Housekeeping amendments of corrections and refinements

- Office of Environment and Heritage

8. A written authorisation to exercise delegation is issued to Port Macquarie – Hastings Council in this instance to enable Council to make the plan.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The proposed amendments will ensure an accurate and current LEP for Port Macquarie – Hastings which will provide confidence and clarity in the planning controls.
2. The inconsistencies of the proposal with the S117 Directions are of minor significance

Panel Recommendation

Recommendation Date : 03-Mar-2016

Gateway Recommendation : Passed with Conditions

Panel Recommendation :

This proposal is considered to be of local significance and it is therefore appropriate that it be considered by the Director Regions, Northern, rather than the LEP Panel

Gateway Determination

Decision Date : 04-Mar-2016

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 12 months

Gateway

Determination :

1. Council is to consult with the NSW Rural Fire Service as per the requirements of section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary to take into consideration any comments made prior to undertaking community consultation.

2. Community consultation is required under sections 56(2)(c) and 57 of the 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 2013) and must be made publicly available for a minimum of 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 2013).

3. 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:

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

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 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.

**Port Macquarie-Hastings LEP 2011 - Amendment No 38 Housekeeping amendments of
corrections and refinements**

Signature:



Printed Name:

Craig Diss

Date:

4 March 2016