

Port Macquarie-Hastings LEP 2011 Amendment No 41 - Rezone Lot 7 DP 1142473, Reading St, Port Macquarie

Proposal Title :	Port Macquarie-Hastings LEP 2011 Amendment No 41 - Rezone Lot 7 DP 1142473, Reading St, Port Macquarie		
Proposal Summary :	The planning proposal relates to Lot 7 DP 1142473 the purpose of which is to facilitate residential development by: * rezoning the portion of the lot currently zoned R1 General Residential to E2 Environmental Conservation; * rezoning a portion of the lot currently zoned RU6 Transition and E2 Environmental conservation to R1 General Residential; and * amending the relevant lot size and floor space ratio of the subject land.		
PP Number :	PP_2016_PORTM_004_00	Dop File No :	16/12298

Planning Team Recommendation

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

S.117 directions:

- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 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 9 months;
4. Prior to exhibition Part 2 of the planning proposal be amended to remove references to the possible need for a savings provisions;
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 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, 2.2 and 3.1 are justified in accordance with the terms of the directions;
8. That consultation be undertaken with the Office of Environment and Heritage; and
9. A written authorisation to exercise delegation be issued to Port Macquarie – Hastings Council.

Supporting Reasons :

The reasons for the recommendation are as follows:

1. The proposal will not result in any detrimental impact on critical habitat, threatened species, populations or ecological communities or their habitat;
2. The proposal will result greater connectivity to adjoining wildlife corridors;
3. The proposal will allow for residential development on land better suited in regards to the provision of infrastructure, avoidance of flooding and connectivity to adjoining residential development;
3. The inconsistencies of the proposal with the S117 directions are of minor significance; and
4. The proposal is consistent with all relevant local and regional planning strategies and SEPP's.

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Panel Recommendation

Recommendation Date : **21-Sep-2016**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The proposal is considered to be of local significance and can be appropriately determined by the Director Regions, Northern.**

Gateway Determination

Decision Date : **21-Sep-2016**

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 public exhibition, Part 2 'Explanation of Provisions' of the planning proposal shall be amended to remove references to the proposed savings provision.**

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 Environment 2016) and 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 Environment 2016).

3. 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 Rural Fire Service**

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.

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.

Signature:



Printed Name:

Craig Diss

Date:

21/9/16