

Port Macquarie Hastings LEP 2011 - Rezoning of land for residential and environmental purposes in the Lincoln Road, Castle Court and Marian Drive area of Port Macquarie

Proposal Title :	Port Macquarie Hastings LEP 2011 - Rezoning of land for residential and environmental purposes in the Lincoln Road, Castle Court and Marian Drive area of Port Macquarie		
Proposal Summary :	This Planning Proposal aims to rezone land in the Lincoln Road, Castle Court and Marian Drive area of Port Macquarie from RU1 Primary Production and E2 Environmental Conservation to R1 General Residential, E2 Environmental Conservation and E3 Environmental Management. It also proposes to amend the development provisions of the land relating to minimum lot sizes, height of buildings and floor space ratios.		
PP Number :	PP_2016_PORTM_005_00	Dop File No :	16/12597

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:

1. That the proposal be supported.
2. Prior to agency consultation, the planning proposal shall be amended to
 - a. amend the residential zone in Castle Court to align with the mapped SEPP wetland boundary, with the resulting residue of the mapped SEPP wetland to be zoned E3 Environmental Management; and
 - b. include the outcomes from the land contamination assessment for the Council owned land.
3. Prior to 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:
 - NSW Office of Environment and Heritage
 - NSW Rural Fire Service
 - Birpai Aboriginal Land Council
 - NSW Aboriginal Land Council
 - NSW Police Firearms Registry
 - Department of Primary Industries - Lands
 - Essential Energy
 - Telstra

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

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- (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).

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.

8. That the Secretary's delegate determine that the inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 3.6 Shooting Ranges and 4.1 Acid Sulfate Soils are justified as being of minor significance.

9. The Secretary's delegate note the outstanding inconsistency of the proposal with s117 Directions 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection.

10. That a written authorisation to exercise plan making delegations be issued Council.

Supporting Reasons :

The rezoning of the subject land will provide additional infill residential development adjoining an established residential area and provide for the conservation of significant environmentally constrained land.

Panel Recommendation

Recommendation Date : **29-Sep-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 : **29-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 agency consultation, the planning proposal shall be amended to:**

- (a) alter the residential zone in Castle Court to align with the mapped SEPP wetland boundary, with the resulting residue of the mapped SEPP wetland to be zoned E3 Environmental Management; and
- (b) include the outcomes from the land contamination assessment for the Council owned land.

2. Prior to 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:

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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:

Craig Diss

Date:

29/9/16