

Port Macquarie Hastings LEP 2011 - Rainbow Beach Precinct C

Proposal Title : **Port Macquarie Hastings LEP 2011 - Rainbow Beach Precinct C**

Proposal Summary : **This Planning Proposal aims to to rezone land at Rainbow Beach from RU1 Primary Production and R1 General Residential to B2 Local Centre, B4 Mixed Use, R1 General Residential, R3 Medium Density Residential, RE1 Public Recreation, E3 Environmental Management and E2 Environmental Conservation.**

PP Number : **PP_2016_PORTM_003_00** Dop File No : **16/11080**

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
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 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

Additional Information : **It is recommended that:**

1. The Planning Proposal be supported.
2. Prior to public exhibition, the planning proposal shall be amended to:
 - a. include reference to part of the land being rezoned to B4 Mixed Use in the Background and anywhere else as required to be consistent with Part 4 of the proposal;
 - b. rectify the following mapping errors:
 - 40ha minimum lot size is to be applied to all land proposed to be zoned E3 Environmental Management;
 - no height of building standard is to be applied to land proposed to be zoned E3 Environmental Management; and
 - no floor space ratio standard is to be applied to land proposed to be zoned E3 Environmental Management.
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 under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- NSW Rural Fire Service
- NSW Roads and Maritime Service
- Crown Lands
- Department of Education and Training

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.

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.

7. That the Secretary's delegate determine that the inconsistencies with s117 Directions 1.5 Rural Lands and 4.1 Acid Sulfate Soils are justified for the reasons set out above.

8. The Secretary's delegate note the outstanding inconsistency of the proposal with s117 Direction 4.4 Planning for Bushfire Protection.

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

Supporting Reasons : The proposal is supported as it rezones land and applies development controls in accordance with a Concept Plan and Project Approval under Part 3A of the Act in 2012 and is consistent with local and regional strategic planning for the area.

Panel Recommendation

Recommendation Date : **01-Sep-2016**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : This is a matter of local planning significance that can be appropriately determined by the Acting Director Regions, Northern.

Gateway Determination

Decision Date : **02-Sep-2016**

Gateway Determination : **Passed with Conditions**

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

Exhibition period : **28 Days**

LEP Timeframe : **12 months**

Gateway Determination : 1. Prior to public exhibition, the planning proposal shall be amended to:

- include reference to the land being rezoned to B4 Mixed Use in the Background and anywhere else as required to be consistent with Part 4 of the proposal; and
- rectify the following mapping errors:
 - 40ha minimum lot size is to be applied to all land proposed to be zoned E3 Environmental Management;
 - no height of building standard is to be applied to land proposed to be zoned E3 Environmental Management; and
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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 Dess

Date:

2/9/16