

Port Macquarie - Hastings LEP 2011 – Rezoning of land at Homedale Road, Kew

Proposal Title : **Port Macquarie - Hastings LEP 2011 – Rezoning of land at Homedale Road, Kew**

Proposal Summary : **The planning proposal seeks to amend Port Macquarie – Hastings LEP 2011 by rezoning Lot 202 DP 1133171 and the adjoining Crown road reserve, Homedale Road, Kew to part R1 General Residential, part E2 Environmental Conservation and part E3 Environmental Management. A 450m2 minimum lot size, 8.5m maximum building height and 0.65:1 Floor Space Ratio are also proposed for the land being rezoned R1 consistent with the adjoining residential land.**

PP Number : **PP_2017_PORTM_002_00** Dop File No : **17/03590**

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 the planning proposal should proceed subject to the following;**
- 1. The planning proposal proceed as a 'routine' planning proposal.**
 - 2. Prior to community consultation the following site investigations are to be undertaken and placed on public exhibition with the planning proposal:**
 - a. A noise assessment report addressing traffic noise from Kendall Rd and the the adjacent rural industry.**
 - b. A bushfire assessment**
 - 3. Prior to community consultation the planning proposal is to be amended as follows:**
 - a. To incorporate any necessary changes to the proposal arising from the additional site investigations or consultation with State agencies or organisations.**
 - 4. A community consultation period of 28 days is necessary.**
 - 5. The planning proposal is to be completed within 12 months.**
 - 6. The RPA is to consult with the following State agencies and organisations;**
 - a. NSW Rural Fire Service;**
 - b. NSW Department of Primary Industries - Agriculture;**
 - c. NSW Office of Environment and Heritage;**
 - d. Roads and Maritime Services**
 - e. The Local Aboriginal Land Council;**
 - f. NSW Aboriginal Land Council;**
 - g. Department of Industry - Lands**
 - 7. A written authorisation to exercise delegation be issued to Port Macquarie - Hastings Council.**
 - 8. A delegate of the Secretary agree that the inconsistency of the proposal with S117 Directions 1.2, 1.5, 3.1, and 4.3 are justified in accordance with the terms of the direction.**
 - 9. The Secretary's delegate note the unresolved consistency with S117 Directions 2.3 and 4.4.**

Supporting Reasons : **The reasons for the recommendation are as follows;**

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1. The proposal will contribute to the identified demand for R1 zoned land in the Port Macquarie - Hastings LGA which is identified in the Port Macquarie - Hastings Growth Management Strategy 2011-2031.
2. The land proposed to be zoned residential is relatively unconstrained and the existing agricultural land has been identified as economically and environmentally unsustainable.
3. The proposal is inconsistent with the strategic planning framework, however the inconsistencies are considered to be of minor significance.

Panel Recommendation

Recommendation Date : **13-Mar-2017**

Gateway Recommendation : **Passed with Conditions**

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

Gateway Determination

Decision Date : **13-Mar-2017**

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 community consultation the following site investigations are to be undertaken and placed on public exhibition with the planning proposal:**

- (a) noise assessment report addressing traffic noise from Kendall Rd and the the adjacent rural industry; and
- (b) bushfire assessment

2. Prior to community consultation the planning proposal is to be amended as follows:

(a) to incorporate any necessary changes to the proposal arising from the additional site investigations or consultation with State agencies or organisations.

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

- NSW Rural Fire Service;
- NSW Department of Industries – Agriculture;
- NSW Office of Environment and Heritage;
- Roads and Maritime Services;
- NSW Aboriginal Land Council;
- Local Aboriginal Land Council; and
- Department of Industry - Lands.

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:

- (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 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).

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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: Cony Diss Date: 13/3/17

