

**Amendment to Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 - various matters**

|                    |                                                                                                                                                                               |               |          |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|
| Proposal Title :   | Amendment to Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 - various matters                                                                |               |          |
| Proposal Summary : | This Planning Proposal (PP) aims to amend various matters in the Port Stephens LEP (Kings Hill, North Raymond Terrace) 2010 relating to existing and new provisions and maps. |               |          |
| PP Number :        | PP_2012_PORTS_009_00                                                                                                                                                          | Dop File No : | 11/05691 |

**Planning Team Recommendation**

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

S.117 directions :      **2.1 Environment Protection Zones  
4.4 Planning for Bushfire Protection**

Additional Information :

- 1. Support the Planning Proposal, with the removal of manufactured home estates as an additional permitted use on the R1 zoned area of Lot 481 DP 804971 and Lot 4822 DP 852073.**
- 2. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of s117 Direction 4.4 Planning for Bushfire Protection.**
- 3. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979, as follows:**
  - a. The Planning Proposal be made publicly available for 14 days;
  - b. The relevant authority must comply with the notice requirements for public exhibition of planning proposal and the specifications for material that must be publicly available along with planning proposal as identified in section 4.5 of "A guide to preparing LEPs" (Department of Planning, 2009).
- 4. Consultation is required with the Office of Environment and Heritage under section 56(2) of the EP&A Act. The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.**
- 6. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination.**
- 7. Council should exhibit the Planning Proposal with sufficient information and maps to inform the community how the proposal will amend both the existing Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 and the draft Standard instrument Port Stephens Local Environmental Plan 2012, and is to liaise with the Regional Team regarding the changes to the Planning Proposal.**

Supporting Reasons :      **The PP will assist with delivery of housing in the Kings Hill urban release area, which has potential for up to 4,500 dwellings over a 20 year period.**

**The additional permitted use is not supported as there is no supporting information**

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regarding the identification of the sites and the consideration of alternative zones or land use table changes. Council is reviewing the provision of caravan parks and manufactured home estates as part of the preparation of the principal LEP and these sites could be considered as part of that process.

**Panel Recommendation**

Recommendation Date : **26-Jul-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council's proposed provision to include 'manufactured home estates' as an additional permitted uses on land in Kings Hill is not supported. Council is to consider zoning the site appropriately to reflect the intended land use, as part of a future planning proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

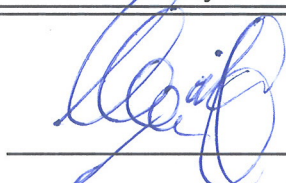
- NSW Rural Fire Services
- Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 EP&A 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.

Signature:



Printed Name:

Neil McGarfin

Date:

1.8.12