

Administrative Amendment - Port Stephens LEP 2000

Proposal Title : **Administrative Amendment - Port Stephens LEP 2000**

Proposal Summary : **This Planning Proposal is an administrative amendment to Port Stephens LEP 2000. It aims to rezone and reclassify land.**

PP Number : **PP_2013_PORTS_001_00** Dop File No : **13/07803**

Planning Team Recommendation

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

S.117 directions : **2.2 Coastal Protection
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
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
6.2 Reserving Land for Public Purposes**

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

1. Support the Planning Proposal and proceed subject to the following conditions:

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

**(a) the Planning Proposal be made publicly available for 28 days.
(b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009)**

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

*** NSW Rural Fire Service
* Department of Defence**

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. The Director General (or delegate) agree with the following section 117 Direction inconsistencies –

2.2 Coastal Protection; 2.3 Heritage Conservation; 4.1 Acid Sulfate Soils; and 4.3 Flood Prone Land; as the inconsistency with the terms of the s.117 Direction are of minor significance

Consultation is required with the Department of Defence, and NSW Rural Fire Service to determine consistency with section 117 Directions – 3.5 Development Near Licensed Aerodromes and 4.4 Planning for Bushfire Protection respectively. Council is to amend the Planning Proposal, if necessary, to take into consideration any comments made prior

to undertaking public exhibition.

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 (for example, in response to submission if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the Gateway Determination.

7. Council not exercise their delegations under section 59(1) of the EP&A Act.

Supporting Reasons :

* Port Stephens Council has identified the need for this administrative amendment to meet the operational needs of Council. Council has determined through its review process and various strategies to rezone or reclassify the land. This land was either considered to be surplus to Council's needs, or required reclassification to operational land to facilitate greater flexibility in management of the site.

* A 12 month timeframe is appropriate as this PP includes reclassification and a public hearing is required.

* As the PP includes reclassification of public land that will require the Governor to discharge 'public reserve' status, trusts, interests etc from the land, Council should not exercise their delegations under section 59(1) of the EP&A Act.

Panel Recommendation

Recommendation Date : **31-May-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the A Guide to Preparing Planning Proposals. The project timeline is to provide a mechanism to monitor the progress of the 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 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 & Infrastructure 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:

- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Department of Defence (S117 Direction 3.5 Development Near Licensed Aerodromes)

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. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Administrative Amendment - Port Stephens LEP 2000

Signature:



Printed Name:

Sabina Miller

Date:

5.6.2013