

Kempsey LEP 2013 - Rezone land from zone RU1 Primary Production and RU2 Rural Landscape to R5 Large Lot Residential for the purpose of a 14 lot subdivision at Gowings Hill Road, Dondingalong

Proposal Title :	Kempsey LEP 2013 - Rezone land from zone RU1 Primary Production and RU2 Rural Landscape to R5 Large Lot Residential for the purpose of a 14 lot subdivision at Gowings Hill Road, Dondingalong		
Proposal Summary :	The planning proposal seeks to amend the Kempsey Local Environmental Plan (LEP) 2013 by rezoning land at Gowings Hill Road, Dondingalong, from zone RU1 Primary Production and RU2 Rural Landscape to zone R5 Large Lot Residential and to amend the Lot Size Map from 40ha to 1 hectare to facilitate a future 14 lot rural residential subdivision.		
PP Number :	PP_2017_KEMPS_004_00	Dop File No :	17/06409

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
 - 3.1 Residential Zones
 - 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
 - 6.3 Site Specific Provisions

Additional Information : It is recommended that the Acting Director Regions, Northern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Kempsey LEP 2013 to rezone part of Lot 6 DP18216 and Lot 1 DP 1111175, Gowings Hill Road, Dondingalong from RU1 Primary Production and RU2 Rural Landscape to R5 Large Lot Residential and reduce the minimum lot size from 40ha to 1ha, should proceed subject to the following conditions:

- 1) The planning proposal is required to be updated prior to community consultation to complete the Project Time-line.
- 2) Community consultation is required under section 56(2) and 57 of the Environmental Planning and Assessment Act 1979(EP&A Act) as follows:
 - a) the planning proposal must be publicly available for 14 days; and
 - b) the relevant planning authority must comply with the notice for public exhibition of planning proposals and the specifications for material that must be made available along with the planning proposal as identified in section 5.5.2 of A guide to preparing a local environmental plans (Planning and Environment 2016).
- 3) Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - Local Aboriginal Land Council
- 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 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), and

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

It is also recommended the Acting Director Regions, Northern as delegate of the Secretary agrees:

1) That the planning proposal's inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land being justified as of minor significance, and notes the inconsistency with 4.4 Planning for Bushfire Protection is still outstanding pending consultation; and

2) Delegation to finalise the planning proposal be issued to Kempsey Shire Council as the proposal is of local planning significance.

Supporting Reasons :

The proposed rezoning of the site is a sound planning outcome rezoning land identified as suitable for rural residential purposes generally within Council's approved local strategy.

The proposal will provide flexibility for housing provision in Dondingalong and ensure a sufficient supply of rural residential land is maintained within the locality.

Panel Recommendation

Recommendation Date : 18-May-2017

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This proposal is considered to be of local planning significance and is appropriately considered by the A/ Director Regions, Northern. Referral to the panel is not required.

Gateway Determination

Decision Date : 19-May-2017

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 12 months

Gateway

Determination :

1. The planning proposal is required to be updated prior to community consultation to complete the project timeline.

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

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

3. 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 Rural Fire Service
- Office of Environment and Heritage
- Local Aboriginal Land Council

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 by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may

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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:

Craig Diss

Date:

19/5/17