

Kempsey LEP 2013 - South Kempsey Village Precinct

Proposal Title : **Kempsey LEP 2013 - South Kempsey Village Precinct**

Proposal Summary : **The planning proposal seeks to amend the Kempsey Local Environmental Plan (LEP) 2013 by extending the village business precinct of South Kempsey.**

The proposal includes:

- inclusion of a new B4 Mixed Use business zone increasing the range of permitted uses;
- increase the residential density of the precinct by increasing the amount of land zoned R3 Medium Density Residential; and
- amend Schedule 1 to remove an item that will become a permitted use.

PP Number : **PP_2017_KEMPS_001_00**

Dop File No : **16/15407**

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones**
 - 2.3 Heritage Conservation**
 - 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 extend and rezone the village business precinct of South Kempsey, should proceed subject to the following conditions:**

1) 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 28 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 Infrastructure 2013).

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

- NSW Rural Fire Service

3) 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).

4) The Secretary's delegate agree to the planning proposal's inconsistencies with s117 Directions 1.1 Business and Industrial Zones and 4.1 Acid Sulfate Soils. The inconsistency with 4.4 Planning for Bushfire Protection is still outstanding pending consultation. The agreement of the Secretary of the Department of Planning and Environment is to be obtained for the inconsistency with this direction prior to the plan being made.

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

6) Delegation to finalise the planning proposal be issued to Kempsey Shire Council.

Supporting Reasons :

The proposal by Council to extend and rezone the village precinct of South Kempsey is appropriate to proceed as it is consistent with the Mid North Coast Regional Strategy and the RPAs Local Strategies.

The issue of delegation to Council to finalise the planning proposal is appropriate in this instance due to the minor nature of the proposal.

Panel Recommendation

Recommendation Date : 19-Jan-2017

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the Acting Director Regions, Northern. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 24-Jan-2017

Gateway Determination : **Passed with Conditions**

Decision made by : Regional Director, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 12 months

Gateway Determination : The planning proposal should proceed subject to the following conditions:

1. 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;
- (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); and
- (c) Any mapping material must meet the specifications in the current Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).

2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. NSW Rural Fire Service 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.

3. 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).

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

Signature:

T Rertile

Printed Name:

Tomato Rertile

Date:

24 January 2017