

Rural Residential rezoning at Blairs Lane, Kempsey

Proposal Title :	Rural Residential rezoning at Blairs Lane, Kempsey		
Proposal Summary :	The planning proposal seeks to amend Kempsey LEP 2013 by rezoning land at Blairs Lane, South Kempsey from RU2 Rural Landscape to R5 Large Lot Residential and applying a 1 hectare minimum lot size.		
PP Number :	PP_2016_KEMPS_002_00	Dop File No :	16/09541

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

Additional Information : It is recommended that the planning proposal should proceed subject to the following;

1. Prior to community consultation Council is to:

- a. amend the planning proposal maps to include Wedlock Close and Blairs Lane within the planning proposal and apply zoning and minimum lot sizes consistent with the adjoining land,
- b. include consideration of the proposed rezoning on the resource extraction potential of Church Hill Quarry,
- c. include Council's timeline for completing the LEP amendment into the planning proposal, and
- d. consider the vegetated land adjoining Pola Creek further and identify whether an alternate zone or other mechanism would be appropriate to provide the permanent protection recommended by the associated Flora and Fauna report and include the outcomes of these considerations into 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 14 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 local environmental plans (Planning and Infrastructure, 2013)'.

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

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

- a. Rural Fire Service;
- b. NSW Trade and Investment, and
- c. Office of Environment and Heritage

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5. A written authorisation to exercise delegation be issued to Kempsey Shire Council

6. It is recommended that:

- a. Consultation is required in relation to s117 Direction 1.3 with NSW Trade and Investment, and Direction 4.4 with the NSW Rural Fire Service, and
- b. The Secretary's delegate determine that the inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land are justified as they are consistent with the Mid North Coast Regional Strategy or are of minor significance.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. Release of the land for rural residential purposes will provide housing opportunity in line with the RPA's Rural Land Release Strategy.
2. The land is relatively unconstrained and has been identified as generally suitable for rural residential development through the strategic planning process.
3. There remain unresolved inconsistencies with s117 direction 4.4 Planning for Bushfire Protection and
4. The land is identified in a buffer area to a regionally significant mineral resource and any potential impacts should be explored prior to the proposal proceeding.

Panel Recommendation

Recommendation Date : 14-Jul-2016

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The proposal is considered to be of local significance and can be appropriately determined by the Director Regions, Northern without referral to the Panel.

Gateway Determination

Decision Date : 14-Jul-2016

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 12 months

Gateway

Determination :

1. Prior to community consultation Council is to:

- (a) amend the planning proposal and associated maps to include Wedlock Close and Blairs Lane within the planning proposal seeking to apply zoning and minimum lot sizes consistent with the adjoining land;
- (b) include consideration of the proposed rezoning on the resource extraction potential of Church Hill Quarry and consistency with Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;
- (c) include Council's timeline for completing the LEP amendment into the planning proposal; and
- (d) consider the vegetated land adjoining Pola Creek further and identify whether an alternate zone or other mechanism would be appropriate to provide the permanent protection recommended by the associated Flora and Fauna report and include the outcomes of these considerations into the planning proposal.

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 Infrastructure 2013) and must be made publicly available for a minimum of 14 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 Infrastructure 2013); 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).

3. Consultation is required with the following public authorities under section 56(2)(d) of

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the Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Rural Fire Service
- Office of Environment and Heritage
- NSW Trade and Investment (Department of Mineral Resources)

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 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:

14 July 2016