

Kempsey LEP Amendment 9 - Additional Permitted Development with consent: 'information and education facilities', 'restaurants or cafes' and 'tourist and visitor accommodation'.

Proposal Title :	Kempsey LEP Amendment 9 - Additional Permitted Development with consent: 'information and education facilities', 'restaurants or cafes' and 'tourist and visitor accommodation'.		
Proposal Summary :	The intent of the planning proposal is to amend the land use provisions prescribed within Kempsey LEP 2013 to allow 'information and education facilities' and 'restaurants or cafes' as uses that are permitted with consent in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones, as well as permit 'tourist and visitor accommodation' with consent in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and R5 Large Lot Residential zones.		
PP Number :	PP_2015_KEMPS_006_00	Dop File No :	15/17843

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 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
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
- 6.1 Approval and Referral Requirements
- 3.6 Shooting Ranges

Additional Information : It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that the proposal to amend the land use provisions prescribed within Kempsey LEP 2013 to allow 'information and education facilities' and 'restaurants or cafes' as uses that are permitted with consent in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones, as well as permit 'tourist and visitor accommodation' with consent in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and R5 Large Lot Residential zones under the Kempsey Local Environmental Plan 2013 should proceed as a routine planning proposal subject to the following conditions:

1. 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)'.

2. Consultation with the following agencies and organisations should be required prior to public exhibition:

- NSW Rural Fire Service;
- NSW Department of Primary Industries - Agriculture

3. No public hearing is required to be held into the matter under section 56(2)(e) of the

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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).

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

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. Section 117 Directions - It is recommended that:

(a) The Secretary's delegate agrees that the Planning Proposal's inconsistencies with S117 Directions 3.6 Shooting Ranges, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 5.4 Commercial and Retail Development along the Pacific Highway, North Coast are of minor significance.

(b) The unresolved inconsistency with s117 Direction 4.4 be noted.

Supporting Reasons :

The reasons for the above recommendations for the Planning Proposal are as follows:

1. The planning proposal is supported in this instance as the land-uses proposed for the RU1, RU2, RU4 and R5 zones are considered to be compatible with the relevant zones and therefore the risk of land-use conflict is considered to be low in many cases.
2. The proposal will also enable certain rural, particularly those incompatible with agriculture, and large lot residential areas to utilise the land for a range of other commercial uses. This in turn will help to diversify the rural economy and provide additional income streams for rural landholders.
3. The inconsistencies with the strategic planning framework are of minor significance.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation :

This Planning Proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 18-Dec-2015

Gateway Determination : **Passed with Conditions**

Decision made by : **General Manager, Northern Region**

Exhibition period : **14 Days**

LEP Timeframe : **12 months**

Gateway Determination : I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) that an amendment to the Kempsey Local Environmental Plan (LEP) 2013 to allow 'information and education facilities' and 'restaurant or cafes' as uses that are permitted with consent in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots, as well as 'tourist and visitor accommodation' in RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and R5 large lot residential zones should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Environment 2013) 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 Infrastructure 2013).

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2.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 relevant S117 Directions:

- NSW Rural Fire Service
- NSW Department of Primary Industry - Agriculture

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.

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 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).

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

Signature:



Printed Name:

STEPHEN MURRAY

Date:

18 December 2015