

Nambucca LEP 2010 Amendment No 14 – Seniors Housing at 24 Coronation Drive Congarinni North.

Proposal Title :	Nambucca LEP 2010 Amendment No 14 – Seniors Housing at 24 Coronation Drive Congarinni North.		
Proposal Summary :	The planning proposal seeks to amend Schedule 1 of the Nambucca LEP 2010 to permit a seniors housing development on Lots 155 and 188 DP 755537, 24 Coronation Drive, Congarinni North.		
PP Number :	PP_2013_NAMBU_002_00	Dop File No :	13/10417

Planning Team Recommendation

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

- S.117 directions :
- 1.2 Rural Zones
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 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
 - 6.3 Site Specific Provisions

- Additional Information :
- It is recommended that;
1. The planning proposal should proceed as a 'routine' planning proposal.
 2. The following investigations are to be conducted and, in accordance with Section 57(2) of the Act, forwarded to the Department for the Director General's approval prior to being placed on public exhibition with the planning proposal;
 - a. A flood study which also addresses evacuation and gives consideration to the appropriateness of a seniors housing development that may be isolated in the event of a flood.
 - b. An aboriginal heritage assessment.
 - c. A preliminary contamination assessment as required by SEPP 55 Remediation of Land.
 - d. An infrastructure and servicing assessment which addresses what infrastructure is required to service the proposed development and includes consideration of pedestrian access from the subject site to the Macksville CBD.
 - e. Revised and updated, where necessary, flora and fauna reports and bushfire reports.
 - f. A land use conflict risk analysis
 3. The planning proposal is to be completed within 12 months.
 4. That a community consultation period of 28 days is necessary.
 5. Council is to consult with the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
 6. Council is to consult with the following State agencies once the investigations listed in condition 2 have been completed;
 - a. NSW Office of Environment and Heritage.
 - b. NSW Department of Primary Industries.
 - c. The Local aboriginal land council.
 - d. NSW Roads and Maritime Services.
 - e. NSW State Emergency Service.
 7. A written authorisation to exercise delegation is issued to Nambucca Council, and Council be required to address the inconsistency with S117 directions 2.3 and 4.3.
 8. That a delegate of the Director General agree that the inconsistency of the proposal with S117 Directions 1.5, 4.1 and 5.1 are justified in accordance with the terms of the

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direction.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The proposal to provide for seniors housing is consistent with the actions of the MNCRS however the site requires further investigation to confirm it is appropriate for such a development.
2. The inconsistencies of the proposal with the strategic planning framework are either of minor significance or require further investigation to assess the extent of the inconsistency.

Panel Recommendation

Recommendation Date : **04-Jul-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:

- flooding and evacuation
- Aboriginal heritage
- flora and fauna
- bushfire hazard
- land use conflict
- infrastructure and servicing (including pedestrian access to/from the site to Macksville CBD)

Once the above information has been obtained and consultation with public authorities has been undertaken, consideration of S117 Directions 2.3 Heritage Conservation, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection is to be updated to reflect the outcomes of the work and consultation undertaken.

2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

3. 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).

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 requirements of relevant S117 Directions:

- Office of Environment and Heritage
- NSW National Parks and Wildlife Services
- Department of Primary Industries - Agriculture
- NSW Aboriginal Land Council
- Transport for NSW - Roads and Maritime Services
- NSW State Emergency Service
- NSW Rural Fire Services (S11 Direction 4.4 Planning for Bushfire Protection)

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.

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

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may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

Signature:

M. Selman

Printed Name:

Mark Selman

Date:

9/7/17