

Permit a Proposed Highway Service Centre at South Kempsey by inclusion in Schedule 2 of the Kempsey LEP 1987

Proposal Title : **Permit a Proposed Highway Service Centre at South Kempsey by inclusion in Schedule 2 of the Kempsey LEP 1987**

Proposal Summary : **The planning proposal seeks to include Lot 2454 DP 610363 into Schedule 2 of the Kempsey LEP 1987 in accordance with Clause 35 which allows development for additional purposes.**

This will allow the proposed construction of a highway service centre on rural-zoned land at South Kempsey to service users of the Pacific Highway.

PP Number : **PP_2012_KEMPS_001_00** Dop File No : **12/01332**

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
4.4 Planning for Bushfire Protection**

Additional Information : **It is recommended that:**

- 1. The planning proposal (relating to Lot 2454 DP 610 363 only) be supported;**
- 2. The planning proposal is to be exhibited for a period of 28 days;**
- 3. The planning proposal should be completed within 6 months;**
- 4. The Director General (or an officer of the Department nominated by the Director General) agrees that the inconsistencies with s117 Direction 1.2 Rural Zones, 1.5 Rural Lands are justified and accept that 4.4 will be resolved through consultation with the NSW Rural Fire Service before public exhibition;**
- 5. A stage 2 additional Ecological Review is required to be prepared addressing SEPP 44 provisions.**

Supporting Reasons : **The inclusion of Lot 2454 DP 610363 into Schedule 2 of the Kempsey LEP 1987 in accordance with Clause 35 and the insertion of 'Highway Service Centres' into Clause 5 - Definitions will allow the proposed construction of a highway service centre on rural-zoned land which would otherwise not be permissible in that zone.**

Lot 2452 DP 532245 (the adjoining lot, as sought to be added by Council resolution into the planning proposal) has been excluded from this proposal as there is no supporting information to make a clear assessment of that site and no indication of the intended land use(s). Lot 2452 DP 532245 could be dealt with through a separate Planning Proposal.

Panel Recommendation

Recommendation Date : **19-Jan-2012** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

- 1. In regards to the planning proposal's inconsistencies with the provisions of SEPP 44 Koala Habitat Protection, Council is to undertake a stage 2 additional Ecological Review and provide a copy to the Department's Regional Office prior to the finalisation of the amending LEP.**
- 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 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**

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publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

- Roads and Maritime Services
- Office of Environment and Heritage
- NSW Rural Fire Service

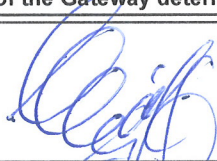
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

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 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 6 months from the week following the date of the Gateway determination.

Signature: _____



Printed Name: _____

Neil McCaffin

Date: _____

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