

Kempsey LEP 2013 Amendment No 4 - Dual Occupancy (detached) and secondary dwellings in the RU1, RU2, RU4 and R5 Zones

Proposal Title : Kempsey LEP 2013 Amendment No 4 - Dual Occupancy (detached) and secondary dwellings in the RU1, RU2, RU4 and R5 Zones

Proposal Summary : This Planning Proposal seeks to amend the Kempsey LEP 2013 to permit with consent dual occupancy (detached) and secondary dwellings in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and R5 Large Lot Residential zones and apply development controls relating to their location.

PP Number : PP_2015_KEMPS_003_00 **Dop File No :** 15/11731

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
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information : It is recommended that:

1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 28 days;
3. The Planning Proposal be completed within 9 months;
4. That the RPA consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;
5. The potential unresolved inconsistency with s117 Direction 4.4 Planning for Bushfire Protection be noted;
6. That an authorisation to exercise delegation be issued to Council;
7. That the Secretary's delegate determine that the inconsistencies with s117 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified as the matters are of minor significance;
8. That prior to community consultation the Planning Proposal be amended to replace the proposed clause with a plain english explanation of the proposed development controls and where they are to apply.

Supporting Reasons : The Planning Proposal seeks to amend the Kempsey LEP 2013 for the purpose of permitting detached dual occupancies and secondary dwellings in the RU1, RU2, RU4 and R5 Zones as well as providing development controls via a local clause in the LEP. This will help address housing choice issues in these zones that better meets the needs of all the community.

Panel Recommendation

Recommendation Date : 02-Sep-2015 **Gateway Recommendation :** Passed with Conditions

Panel Recommendation : This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the Acting General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Kempsey LEP 2013 Amendment No 4 - Dual Occupancy (detached) and secondary dwellings in the RU1, RU2, RU4 and R5 Zones

Decision Date :	02-Sep-2015	Gateway Determination :	Passed with Conditions
Decision made by :	General Manager, Northern Region		
Exhibition period :	28 Days	LEP Timeframe :	9 months
Gateway Determination :	1. Prior to community consultation, Council is to amend the Planning Proposal to replace the proposed development control clause with a plain english explanation. 2. 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; 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). 3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. The 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. 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 9 months from the week following the date of the Gateway determination.		

Signature:



Printed Name:

Craig Diss

Date:

2 September 2015