

Nambucca LEP 2010 (Amendment No 13) Reclassification of land from community to operational - 11 Kent Street, Nambucca Heads

Proposal Title :	Nambucca LEP 2010 (Amendment No 13) Reclassification of land from community to operational - 11 Kent Street, Nambucca Heads		
Proposal Summary :	To reclassify (under section 27 of the Local Government Act) land at Lot 2 DP 330678, 11 Kent Street Nambucca Heads as operational to allow for the disposal of the property.		
PP Number :	PP_2013_NAMBU_001_00	Dop File No :	13/06375

Planning Team Recommendation

Preparation of the planning proposal supported at this stage :	Recommended with Conditions		
S.117 directions :	1.1 Business and Industrial Zones 2.2 Coastal Protection		
Additional Information :	It is recommended that: 1) The planning proposal be supported subject to conditions; 2) The planning proposal be publicly exhibited, in accordance with the department's LEP practice note PN09-003, for a period of 28 days and that a public hearing be arranged in accordance with the requirements of section 29 of the Local Government Act 1993; 3) A copy of a land title search for the lot is to be provided with Council's request to make the plan. The title search is required to show what interests exist over the land. Council is to advise which interests are to be discharged to ensure correct legal drafting of the amendment occurs. 4) The planning proposal is to be completed within 6 months; 5) Delegation is not to be given to Council as as the reclassification involves an approval by the Governor.		
Supporting Reasons :	The recommended conditions to the Gateway are required to provide adequate consultation and accountability.		

Panel Recommendation

Recommendation Date :	18-Apr-2013	Gateway Recommendation :	Passed with Conditions
Panel Recommendation :	The Planning Proposal should proceed subject to the following conditions: 1. Prior to undertaking public exhibition, Council is to update the planning proposal to address matters under Section 2.3 Part 3 'Justification' in A Guide to Preparing Planning Proposals. 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 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 2012). 3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act. 4. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.		

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5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:

M. Simon

Printed Name:

NEU Simon

Date:

19/4/2013