

Nambucca LEP 2010– Amendment No 18 Reclassification of multiple land parcels.

Proposal Title : Nambucca LEP 2010– Amendment No 18 Reclassification of multiple land parcels.

Proposal Summary : The planning proposal seeks to reclassify 18 parcels of land from “community” to “operational” pursuant to section 25 of the Local Government Act 1993. Of the 18 parcels to be reclassified, 15 contain Council owned pump stations, one contains a bore pump, one contains a water reservoir and one is public recreation land that is being developed for a health services facility.

PP Number : PP_2014_NAMBU_001_00 Dop File No : 14/09696

Planning Team Recommendation

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

S.117 directions:

Additional Information : It is recommended that the planning proposal proceed subject to the following conditions.

1. Prior to public exhibition, Council is to amend the planning proposal as follows;
 - a. Remove the reference to Lot 1 DP 790002, 92A Mann Street, Nambucca Heads as Council has advised that this land is already classified “operational”.
 - b. Amend the map for Lot 12 DP 598325 for Uriti Road, Macksville to clearly indicate which part of the lot is to be reclassified.
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 and Environment 2013).
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. 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 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. 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.
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : The reasons for the recommendation are as follows;

1. The proposed amendment will rectify anomalies in the classification of Council owned land.
2. The reclassification of part of Lot 1 DP 1004209 Fred Brain Ave will enable its disposal and development for a health services facility.

Panel Recommendation

Nambucca LEP 2010– Amendment No 18 Reclassification of multiple land parcels.

Recommendation Date :

Gateway Recommendation :

Panel Recommendation : **This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the General Manager, Northern Region. Therefore the planning proposal will not be considered by the Panel.**

Gateway Determination

Decision Date : **24-Jun-2014**

Gateway Determination : **Passed with Conditions**

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

Exhibition period : **28 Days**

LEP Timeframe : **9 months**

Gateway Determination : **The planning proposal to amend the Nambucca Local Environmental Plan (LEP) 2010 to reclassify multiple land parcels from community to operational, should proceed subject to the following conditions:**

1. Prior to public exhibition, Council is to amend the planning proposal as follows;
 - (a) Remove the reference to Lot 1 DP 790002, 92A Mann Street, Nambucca Heads as Council has advised that this land is already classified "operational".
 - (b) Amend the map for Lot 12 DP 598325 for Uriti Road, Macksville to clearly indicate which part of the lot is to be reclassified.
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 and Environment 2013).
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. 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 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).
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: _____

Date: _____