

Reclassification and rezoning of land for the purposes of a health services facility

Proposal Title : **Reclassification and rezoning of land for the purposes of a health services facility**

Proposal Summary : **Proposed amendment to Nambucca LEP 2010 by way of:**
1. Amend Schedule 4 to reclassify part Lot 1 DP 1004209 from 'community' to 'operational' land to allow for future disposal.
2. Rezone part Lot 1 DP 1004209 and part Lot 22 DP 1161807 from RE1 Public Recreation to SP2 Infrastructure to provide future use of the land for the purposes of a 'health services facility'.

PP Number : **PP_2013_NAMBU_003_00** Dop File No : **13/12667**

Planning Team Recommendation

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

S.117 directions: **1.3 Mining, Petroleum Production and Extractive Industries**
1.4 Oyster Aquaculture
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
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

Additional Information : **The Planning Proposal should proceed as a "routine" Planning Proposal.**

The Director-General's delegate should agree that the inconsistencies with s117 Directions 4.1 Acid Sulfate Soils and 6.2 Reserving Land for Public Purposes and the unresolved inconsistency with s117 Direction 4.4 Planning for Bushfire Protection are of minor significance. In relation to Direction 4.4, consultation with the NSW Rural Fire Service should be undertaken prior to public exhibition (as recommended below).

The Planning Proposal should proceed subject to the following conditions:

- 1. Prior to undertaking exhibition, maps which identify both the current and proposed zones for the site under the Nambucca LEP 2010 should be prepared and form part of any future exhibition package.**
- 2. Council is to ensure that the Planning Proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. The 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 2012).**

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4. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of s117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS 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. If necessary, the Planning Proposal is to be updated to take into consideration any comments made by RFS prior to undertaking exhibition.
5. A public hearing is required to be held into the matter in accordance with the Section 29 of the Local Government Act and the department's practice note PN009-003, given that the Planning Proposal involves a reclassification of land from community to operational.
6. Council is to prepare amended maps for the Section 59 submission that are compliant with the Departments Standard technical requirements for LEP maps. The following maps are to be amended:
 - (a) Land Use Zone Map
 - (b) Land Reclassification (Part Lot) Maps
7. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : The recommended conditions to the Gateway are required to provide adequate consultation and accountability.

Panel Recommendation

Recommendation Date : 05-Aug-2013

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the Regional Director. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 05-Aug-2013

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 9 months

Gateway Determination : The Planning Proposal should proceed subject to the following conditions:

1. Prior to undertaking exhibition, maps which identify both the current and proposed zones for the site and the extent of land to be reclassified under the Nambucca LEP 2010 should be prepared in accordance with the departments 'a guide to preparing a planning proposal' and form part of any future exhibition package.
2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. The 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 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

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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. 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.

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

Signature:



Printed Name:

STEPHEN MURRAY

Date:

5 AUGUST 2013