

Reclassification of Council owned land from community to operational

Proposal Title : **Reclassification of Council owned land from community to operational**

Proposal Summary : **The planning proposal seeks to reclassify council owned land at four locations within the Kempsey LGA from "community" to "operational" pursuant to section 27 of the Local Government Act 1993 and amend Kempsey Local Environmental Plan (LEP) 2013 Schedule 4 Classification and Reclassification of Public Land.**

PP Number : **PP_2015_KEMPS_001_00** Dop File No : **15/10563**

Planning Team Recommendation

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

S.117 directions: **4.4 Planning for Bushfire Protection**

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

- 1) The planning proposal be completed within nine (9) months;**
- 2) The Secretary (or an officer nominated by the Secretary) accept that 4.4 Planning for Bushfire Protection should be resolved through consultation with the NSW Rural Fire Service prior to exhibition;**
- 3) That a community consultation period of 28 days is necessary;**
- 4) A public hearing be held into the reclassification of the proposed lots in accordance with the requirements of section 29 of the Local Government Act 1993; and**
- 5) Delegation to finalise the planning proposal be issued to Kempsey Shire Council.**

Supporting Reasons : **The proposal by Council to reclassify land within Kempsey LGA from community to operational to reflect the existing and future uses of the land that no longer suit a community classification is appropriate to proceed.**

The issue of delegation to Council to finalise the planning proposal is appropriate in this instance. The proposal will not result in the discharge of any interests applying to the land and therefore the Governor's approval will not be required.

Panel Recommendation

Recommendation Date : **21-Jul-2015** 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 General Manager, Northern Region. Therefore the planning proposal will not be considered by the Panel.**

Gateway Determination

Decision Date : **21-Jul-2015** 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. 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 Environment 2013).**
- 2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the**

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Act. 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.

3. 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).

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

Signature: _____



Printed Name: _____

JAMES MATTHEWS

Date: _____

21 JULY 2015 .