

Kempsey LEP 2013 Amendment 7 - Rezone Land at West Kempsey from B1 Neighbourhood Centre to R1 General Residential

Proposal Title :	Kempsey LEP 2013 Amendment 7 - Rezone Land at West Kempsey from B1 Neighbourhood Centre to R1 General Residential		
Proposal Summary :	The proposal seeks to rezone Lot 34 DP261268 in West Kempsey from B1 Neighbourhood Center to R1 General Residential to allow for a greater range of residential development to be permissible on the land.		
PP Number :	PP_2015_KEMPS_005_00	Dop File No :	15/17616

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.5 Development Near Licensed Aerodromes
 - 4.1 Acid Sulfate Soils
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
 - 6.1 Approval and Referral Requirements
 - 3.6 Shooting Ranges

- Additional Information :
- It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that the proposal to rezone Lot 34 DP261268 from B1 to R1 under the Kempsey Local Environmental Plan 2013 should proceed as a minor planning proposal subject to the following conditions:
1. Prior to undertaking community consultation the Planning Proposal is to be amended to include maps which show the current and proposed planning controls for Zoning, Floor Space Ratio, Height of Building and Minimum Lot Size.
 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 14 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 local environmental plans (Planning and Infrastructure, 2013)'.
 3. No public hearing is required to be held into the matter 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).
 4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.
 4. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

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5. Section 117 Directions - It is recommended that:

(a) The Secretary's delegate agree that the Planning Proposal's inconsistency with s117 Directions 1.1 Business and Industrial Zones is of minor significance.

(b) Council consult with the Commissioner of the NSW Rural Fire Services in accordance with S117 Direction 4.4 Planning for Bushfire Protection.

Supporting Reasons :

The reasons for the above recommendations for the Planning Proposal are as follows:

1. Rezoning the land from B1 to R1 will allow for the logical residential development of unused land whilst retaining opportunities for development that suits the needs of those who live or work in the surrounding area.
2. The inconsistencies with the strategic planning framework are of minor significance.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation :

This Planning Proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date :

11-Dec-2015

Gateway Determination :

Passed with Conditions

Decision made by :

General Manager, Northern Region

Exhibition period :

14 Days

LEP Timeframe :

12 months

Gateway
Determination :

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (the Act) that an amendment to the Kempsey Local Environmental Plan (LEP) 2013 to rezone Lot 34 DP 261268, North Street, West Kempsey, from B1 Neighbourhood Centre to R1 General Residential and amend the Floor Space Ratio, Maximum Building Height, and Minimum Lot Size for the land should proceed subject to the following conditions:

1. Prior to undertaking community consultation the planning proposal is to be amended to include maps which show the current and proposed planning controls for Zoning, Floor Space Ratio, Height of Building and Minimum Lot Size.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013) and must be made publicly available for a minimum of 14 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 Commissioner of the NSW Rural Fire Service in accordance with S117 Direction 4.4 Planning for Bush Fire 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 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).

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Neighbourhood Centre to R1 General Residential**

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

11 December 2015