

Kempsey LEP 2013 – Rezone 30 hectares land from zone RU1 Primary Production to zone R5 Large Lot Residential for the purpose of a 23 lot subdivision at Mary's Bay Road, Euroka

Proposal Title : **Kempsey LEP 2013 – Rezone 30 hectares land from zone RU1 Primary Production to zone R5 Large Lot Residential for the purpose of a 23 lot subdivision at Mary's Bay Road, Euroka**

Proposal Summary : **To rezone land at 262 Marys Bay Road, Euroka, known as Bradbury's Mountain, from zone RU1 Primary Production to zone R5 Large Lot Residential and to amend the Lot Size Map from 40 hectares to 1 hectare to facilitate a future 23-lot rural residential subdivision.**

PP Number : **PP_2017_KEMPS_003_00** Dop File No : **17/05671**

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 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**
- 6.3 Site Specific Provisions**

Additional Information :

- 1. The Planning Proposal be supported.**
- 2. The Planning Proposal be exhibited for 14 days.**
- 3. The Planning Proposal be completed within 9 months.**
- 4. The Planning Proposal be amended prior to consultation to include an updated project timeline.**
- 5. The Secretary (or her delegate) note the current unresolved inconsistencies with Direction 4.4 Planning for Bushfire Protection.**
- 6. The Secretary (or her delegate) agree that the inconsistency of the proposal with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the terms of the directions.**
- 8. That consultation be undertaken with the following agencies:**
 - NSW Rural Fire Service;**
 - Roads and Maritime Services; and**
 - Office of Environment and Heritage;**
- 9. A written authorisation to exercise delegation be issued to Kempsey Shire Council.**

Supporting Reasons : **The proposed rezoning of the site is a sound planning outcome rezoning land identified as suitable for residential purposes within Council's Department approved local strategy. The proposal will provide flexibility for housing provision in Euroka and ensure a sufficient supply is maintained within the locality.**

Panel Recommendation

Recommendation Date : **24-Apr-2017** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The proposal is considered to be of local significance and can be appropriately considered by the Director Regions, Northern**

Gateway Determination

Kempsey LEP 2013 – Rezone 30 hectares land from zone RU1 Primary Production to zone R5 Large Lot Residential for the purpose of a 23 lot subdivision at Mary's Bay Road, Euroka

Decision Date : **24-Apr-2017** Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **14 Days** LEP Timeframe : **9 months**

Gateway Determination : **1. Prior to the commencement of community consultation, the planning proposal is to be amended to include an updated timeline consistent with the community consultation and completion dates in Conditions 4 and 7.**

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 Environment 2016).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

(a) NSW Roads and Maritime Services
(b) NSW Rural Fire Service
(c) Office of Environment and Heritage

Each public authority 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).

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:

Craig Diss

Date:

24 April 2017