

Nambucca LEP 2010 – Policy and Housekeeping Amendments

Proposal Title : Nambucca LEP 2010 – Policy and Housekeeping Amendments

Proposal Summary : The proposal seeks to undertake 14 policy and housekeeping amendments to the Nambucca LEP 2010. The proposal requires amendments to the maps and written instrument.

The mapping changes relate to the application of land use zones and development standards to land in accordance with its ownership and / or primary use.

The proposed policy amendments are intended to improve the operation and accuracy of the Plan and also permit new development opportunities throughout the LGA.

PP Number : PP_2016_NAMBU_001_00 Dop File No : 16/03132

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 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
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is **RECOMMENDED** that the Acting Director Regions, Northern as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Nambucca Local Environmental Plan 2010 to undertake various policy and housekeeping amendments should proceed subject to the following conditions:

1. Prior to the commencement of community consultation, Council is to update the planning proposal to:
 - (a) remove any reference to 'minor anomalies' and 'minor amendments' from the Planning Proposal and replace with 'housekeeping' and 'policy amendments';
 - (b) incorporate the sections under Sub Heading 1.2 – 1.14 into Part 2 – Explanation of Provisions of the Planning Proposal and chronologically number each proposed LEP amendment;
 - (c) include maps that identify the existing and proposed zones and development standards or heritage listing as relevant for each site;

Council is to provide the Department with a copy of the updated material prior to community consultation.

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

- Office of Environment and Heritage;

- National Parks & Wildlife Service;
- Nambucca Heads Aboriginal Land Council; and
- NSW Rural Fire Service.

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.

3. 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;
- (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); and
- (c) Council must notify all affected and adjoining landowners of the Planning Proposal's public exhibition. This is in relation to the proposed LEP amendments that relate to a specific site.

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.

6. Section 117 Directions - It is recommended that:

- (a) The Secretary's Delegate determine that inconsistency with s117 Direction 2.1 Environment Protection Zones, 3.1 Residential Zones, 3.4 Integrated Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes is justified in accordance with the terms of the Directions.
- (b) The Secretary's Delegate note that consistency with s117 Direction 4.4 Planning for Bushfire Protection will be reviewed following consultation with public agencies.

7. Plan making functions should be delegated to Council given that the proposal relates to local planning matters and is consistent with the strategic planning framework.

Supporting Reasons :

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

1. The proposed amendments will generally improve the operation of the Nambucca LEP 2010.
2. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.

Panel Recommendation

Recommendation Date : **06-Apr-2016**

Gateway Recommendation : **Passed with Conditions**

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

Gateway Determination

Decision Date : **06-Apr-2016**

Gateway Determination : **Passed with Conditions**

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

Exhibition period : **28 Days**

LEP Timeframe : **9 months**

Gateway Determination : **1. Prior to the commencement of community consultation, Council is to update the Planning Proposal to:**

- (a) remove any reference to 'minor anomalies' and 'minor amendments' from the Planning

Proposal and replace with 'housekeeping' and 'policy amendments';

(b) incorporate the sections under Sub Heading 1.2 – 1.14 into Part 2 – Explanation of Provisions of the Planning Proposal and chronologically number each proposed LEP amendment; and

(c) include maps that identify the existing and proposed zones, development standards or heritage listing as relevant for each site.

Council is to provide the Department with a copy of the updated material prior to community consultation.

2. 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) Office of Environment and Heritage
- (b) NSW Rural Fire Service;
- (c) Nambucca Heads Aboriginal Land Council; and
- (d) National Parks and Wildlife Service

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.

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- (a) the Planning Proposal must be made publicly available for a minimum of 28 days;
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- (c) Council must notify all affected and adjoining landowners in writing of the Planning Proposal's public exhibition. This is in relation to the proposed LEP amendments that relate to a specific site.

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:

6 April 2016

