

Proposed Residential Land Release, Gilbert Cory Drive, South West Rocks

Proposal Title : Proposed Residential Land Release, Gilbert Cory Drive, South West Rocks

Proposal Summary : To rezone land at South West Rocks from 1(d) Rural Investigation to 2(a) Residential; 7(a) Wetlands Protection and 7(b) Environmental Protection (Habitat) under Kempsey LEP 1987.

PP Number : PP_2012_KEMPS_002_00 Dop File No : 11/17920

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
- 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

Additional Information :

It is recommended that:

1. The Planning Proposal be supported;
2. The Planning Proposal is to be exhibited for a period of 28 days;
3. The Planning Proposal should be completed within 24 months;
4. The Director General (or an officer of the Department nominated by the Director General) agree that the inconsistencies with s117 Directions 1.2, 1.5 and clause 38 of the SEPP - North Coast REP are justified as the proposal is located within a conditional growth area under the Mid North Coast Regional Strategy;
5. The Director General note that the inconsistency between the Planning Proposal and s117 direction 4.4 will be justified when the Council consults with the NSW Rural Fire Service;
6. Council is to address the following issues in collaboration with the Office of Environmental Heritage:

A. The proponent direct further attention to the Scribbly Gum Forest areas identified within the Kempsey LGA;

B. The proponent confirm the actual availability of lands proposed for use as offsets by undertaking further investigation of other tenure, land use management factors and land owner attitudes. These factors may influence the future conservation value of these lands and their availability and consequently limit their suitability as offsets under the OEH offset principles;

C. The proponent consult further to determine a mutually acceptable quantum of offset required. This may involve the provision of additional data to refine the accuracy of the current notional outcome; and

D. Appropriate offset be secured for conservation in perpetuity; and

7. Council to consult also with the NSW Rural Fire Service, the Northern Rivers Catchment Management Authority, the Local Aboriginal Land Council and Department of Primary Industries - Fisheries.

Supporting Reasons : Sufficient consideration of biodiversity issues and offsets in compensation for potential loss of key habitats has been undertaken in collaboration with the Office of Environment

and Heritage to resolve concern expressed previously and to allow the proposal to proceed to the next stage of investigation. In other respects the land is appropriately located to provide accommodation for future residents of South West Rocks.

Panel Recommendation

Recommendation Date : 27-Sep-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Aboriginal Lands Council
- Catchment Management Authority – Northern Rivers
- Office of Environment and Heritage
- NSW Department of Primary Industries – Fishing and Aquaculture
- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

4. Further to Condition 2 above, Council is to collaborate with the Office of Environment and Heritage (OEH) to address the following issues:

- (a) The proponent is to direct further attention to Scribbly Gum Forest areas within the Kempsey LGA. It would be more appropriate to find offset locations within the LGA than other areas on the Northern Coast,
- (b) The proponent should confirm the actual availability of lands proposed for use as offsets by undertaking further investigations of tenure, land use management factors and land owner attitudes. These factors may influence the future conservation value of these lands and their availability, and consequently limit their suitability as offsets under the OEH offset principles,
- (c) The proponent is to consult further to determine a mutually acceptable quantum of offset required. This may involve the provision of additional data to refine the accuracy of the current notional outcome; and
- (d) Appropriate offsets are to be secured for conservation in perpetuity.

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. 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).

6. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

Proposed Residential Land Release, Gilbert Cory Drive, South West Rocks

Signature:

M. Simon

Printed Name:

NEU Simon

Date:

5/10/12