

### Rezoning land at Crescent Head for residential use

**Proposal Title :** Rezoning land at Crescent Head for residential use

**Proposal Summary :** The planning proposal intends to rezone land for residential use at Crescent Head. The land is currently zoned part 1(c) Rural (Small Holdings), part 7(d) Scenic Protection and part 1(a1) Rural. The planning proposal will amend either the existing Kempsey LEP 1987 or the new Kempsey Standard Instrument LEP, whichever is in operation at the time of finalisation of the planning proposal.

**PP Number :** PP\_2013\_KEMPS\_001\_00

**Dop File No :** 10/10988

### 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
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 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 :** It is recommended that:

- 1). The planning proposal is supported with conditions;
- 2). The planning proposal is to be exhibited for a period of 28 days;
- 3). The planning proposal should be completed within 18 months;
- 4). The following studies be required to be undertaken prior to exhibition:
  - ☐ Flora and Fauna
  - ☐ Water quality and stormwater management
  - ☐ Soils, groundwater and urban capability
  - ☐ Bushfire
  - ☐ Archaeological/Heritage Assessment
  - ☐ Visual/scenic quality
  - ☐ Traffic and Transport
  - ☐ Infrastructure and servicing capability and provision
  - ☐ Flood-free development footprint including access from the site to Crescent Head
- 5). 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, 2.1, 4.4 and 5.1 will need to be justified after the completion of the required studies or consultations;
- 6). The Director-General (or an officer of the Department nominated by the Director-General) agree that the inconsistencies with s117 Directions 2.3, 3.1, 3.4, 4.3 and 4.1 are justified; while all other S117 directions are consistent with the planning proposal;
- 7). Consultation be required with the following agencies and/or organisations:
  - ☐ Essential Energy

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- ☐ Ambulance Service of NSW
- ☐ Catchment Management Authority - Northern Rivers
- ☐ Department of Family and Community Services
- ☐ Department of Education and Communities
- ☐ Office of Environment and Heritage
- ☐ Office of Environment and Heritage - NSW National Parks and Wildlife Service
- ☐ Fire and Rescue NSW
- ☐ Department of Health and Ageing
- ☐ NSW Police Force
- ☐ NSW Rural Fire Service
- ☐ Origin Energy
- ☐ Transport for NSW - Roads and Maritime Services
- ☐ State Emergency Service
- ☐ Telstra
- ☐ Local Aboriginal Land Council
- ☐ Local Aboriginal Community

8). An authorisation to exercise delegation to make the plan not be issued to the RPA for this planning proposal.

Supporting Reasons : The planning proposal represents a continuance of a previous planning process. The proposal has a long history of strategic planning which supports its continued consideration despite the number of issues requiring further investigation and resolution.

The proposal is largely consistent with relevant strategies and is potentially capable of being consistent with relevant State policies subject to further studies.

It is recommended that authorisation to exercise delegation to make the plan not be issued to the RPA for this planning proposal, as the RPA's past record in completing planning proposals within the timeframe given is not satisfactory. This planning proposal has previously been discontinued by the Department due to ongoing delays with its completion and several further studies are yet to be undertaken.

### Panel Recommendation

Recommendation Date : 23-May-2013

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed lot size, height of buildings and (if required) scenic protection maps, which are at an appropriate scale and clearly identify the subject site. Council is to update the 'explanation of provisions' within the planning proposal to clearly advise the public of proposed land zones and development standards applying to the land.

2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:

- flora and fauna
- water quality and stormwater management
- soils, groundwater and urban capability
- bushfire
- archaeological/heritage assessment
- visual/scenic quality
- traffic and transport
- infrastructure and servicing capability and provision
- flood free development footprint (including access from the site to Crescent Head)

3. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other relevant policies:

- 1.2 Rural Zones

- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 5.1 Implementation of Regional Strategies
- State Environmental Planning Policy (SEPP) Rural Lands 2008
- North Coast Regional Environmental Plan
- Mid North Coast Regional Strategy

Council is to update the planning proposal accordingly prior to undertaking public exhibition, and provide a copy of the revised planning proposal to the department's regional office.

4. 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 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 & Infrastructure 2013).

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

- Essential Energy
- Ambulance Service of NSW
- Catchment Management Authority - Northern Rivers
- Department of Family and Community Services
- Department of Education and Communities
- Office of Environment and Heritage
- NSW National Parks and Wildlife Services
- Fire and Rescue NSW
- Department of Health and Ageing
- NSW Police Force
- Origin Energy
- Transport for NSW – Roads and Maritime Services
- State Emergency Service
- Telstra
- Local Aboriginal Land Council
- Local Aboriginal community
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

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.

6. 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).

7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

**Plan making delegations:**

Council has requested delegation for the making of this plan. The LEP Review Panel has recommended Council be issued with plan making delegation.

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Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

*Nest McGaffin*

Date: \_\_\_\_\_

*3.6.13*