

Kempsey LEP 2013 - Rezone land from RU1 Primary Production to R5 Large Lot Residential for the purposes of a 36 lot subdivision at Old Station Road, Verges Creek

Proposal Title :	Kempsey LEP 2013 - Rezone land from RU1 Primary Production to R5 Large Lot Residential for the purposes of a 36 lot subdivision at Old Station Road, Verges Creek		
Proposal Summary :	The planning proposal seeks to amend the Kempsey Local Environmental Plan (LEP) 2013 by rezoning land at Old Station Road, Verges Creek, from zone RU1 Primary Production to zone R5 Large Lot Residential and to amend the Lot Size Map from 40ha to 1 hectare to facilitate a future 36 lot rural residential subdivision.		
PP Number :	PP_2017_KEMPS_005_00	Dop File No :	17/07539

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 is to be amended prior to consultation to include the following:
 - * a discussion on the consistency of the planning proposal with section 117 Direction 5.10 Implementation of Regional Strategies and removal of references to section 117 Direction 5.1 Implementation of Regional Strategies and the Mid North Coast Regional Strategy ;
 - and
 - * an updated project timeline.
 5. The Secretary (or her delegate) note the current unresolved inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Strategies.
 6. The Secretary (or her delegate) agree that the inconsistency of the proposal with S117 Direction 4.1 Acid Sulfate Soils is justified in accordance with the terms of the directions.
 8. That consultation be undertaken with the following agencies prior to community consultation:
 - NSW Rural Fire Service
 - NSW Department of Primary Industries - Agriculture
 - Office of Environment and Heritage
 - Local Aboriginal Land Council
 9. A written authorisation to exercise delegation be issued to Kempsey Shire Council.

Supporting Reasons : The proposed rezoning is generally consistent with Council's Department approved local strategy, and will help ensure a sufficient supply of rural residential land is maintained within the Verges Creek locality.

Panel Recommendation

Kempsey LEP 2013 - Rezone land from RU1 Primary Production to R5 Large Lot Residential for the purposes of a 36 lot subdivision at Old Station Road, Verges Creek

Recommendation Date : 07-Jun-2017

Gateway Recommendation : Passed

Panel Recommendation : This matter is considered to be of local significance and can be appropriately considered by the A/Director Regions, Northern.

Gateway Determination

Decision Date : 07-Jun-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 public authority or community consultation the planning proposal is to be updated to:

- (a) include a discussion of the proposal's consistency with s117 direction 5.10 Implementation of Regional Plans and remove references to direction 5.1 Implementation of Regional Strategies and the Mid North Coast Regional Strategy; and
(b) include an updated project timeline.

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 prior to community consultation:

- NSW Rural Fire Service
- Office of Environment and Heritage
- NSW Department of Primary Industries – Agriculture
- the Local Aboriginal Land Council

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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2016) 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).

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:

Cray Diss

Date:

7/6/17