

Kempsey LEP 2013 Amendment No 12 to rezone certain land at Crescent Head to E1 National Parks and Nature Reserves

Proposal Title : Kempsey LEP 2013 Amendment No 12 to rezone certain land at Crescent Head to E1 National Parks and Nature Reserves

Proposal Summary : Kempsey LEP 2012 Amendment No 12 aims to:

- * rezone Lots 8, 108 and 186 DP 754441, Crescent Head from E2 Environmental Conservation and RU2 Rural Landscape to E1 National Parks and Nature Reserves;
- * rezone part of Lot 1 DP 1191860, Illa Langhi Road, Crescent Head from RU2 Rural Landscape and E2 Environmental Conservation to E1 National Parks and Nature Reserves;
- * amend the Land Reservation Acquisition Map by adding the part of Lot 1 DP 1191860 being rezoned; and
- * amend the Minimum Lot Size Map to show no minimum lot size applies to Lots 8, 108 and 186 DP 754441 and part of Lot 1 DP 1191860.

PP Number : PP_2016_KEMPS_003_00 **Dop File No :** 16/09421

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
- 2.4 Recreation Vehicle Areas
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 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

Additional Information : It is recommended that:

1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 14 days;
3. The Planning Proposal be completed within 12 months;
4. The planning proposal is to be updated prior to exhibition to:
 - remove section '2.1 Existing Planning Controls';
 - add further explanation of the intended changes to the lot size and land reservation acquisition map as outlined in the statement of objectives;
 - include additional current and proposed zoning and lot size maps that clearly highlight the subject land;
5. That the Secretary (or her delegate) agree that the inconsistencies with section 117 Directions 1.3 and 6.2 are of minor significance;
6. That the Secretary (or her delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection;
7. That the RPA consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;
8. That consultation be undertaken with the following agencies:
 - Office of Environment and Heritage (NSW National Parks and Wildlife Service);
 - NSW Department of Industry (Mineral Resources); and
9. A written authorisation to exercise delegation is issued to Kempsey Shire Council in this instance.

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Supporting Reasons : The reasons for the recommendation is that the proposed amendments to KLEP 2013 are the direct result of a request from the Office of Environment and Heritage to identify existing and future land that will be added to the National Park estate in the locality.

Panel Recommendation

Recommendation Date : **26-Jul-2016** Gateway Recommendation : **Passed with Conditions**
Panel Recommendation : The proposal is considered to be of local significance and can be appropriately assessed and determined by the Director Regions.

Gateway Determination

Decision Date : **26-Jul-2016** Gateway Determination : **Passed with Conditions**
Decision made by : **Regional Director, Northern Region**
Exhibition period : **14 Days** LEP Timeframe : **12 months**
Gateway Determination : 1. Prior to exhibition, the planning proposal is to be amended to:

- (a) remove from Part 2, section 2.1 Existing Planning Controls;
 - (b) add to Part 2, further explanation of the intended changes to the zoning, lot size and land reservation acquisition provisions as outlined in the statement of objectives; and
 - (c) include additional current and proposed zoning and lot size maps that clearly identify and highlight the subject land.
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;
 - (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) Any mapping material must meet the specifications in the current Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).
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:
- Office of Environment and Heritage (NSW National Parks and Wildlife Service)
 - NSW Department of Industry (Resources and Energy)
 - 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.

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 12 months from the week following the date of the Gateway determination.

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Signature:



Printed Name:

Craig Diss

Date:

26 July 2016

