

Kempsey LEP 2013 Amendment No 8 - Neville Morton Drive, Crescent Head

Proposal Title : **Kempsey LEP 2013 Amendment No 8 - Neville Morton Drive, Crescent Head**

Proposal Summary : **The Planning Proposal aims to rezone Lot 3 DP 1164661, Neville Morton Drive, Crescent Head to facilitate a rural residential development. Specifically, the Planning Proposal involves the following:**

- * Rezoning 4.6ha of land currently zoned RU2 Rural Landscape to R5 Large Lot Residential and amending the minimum lot size to 1ha;**
- * Rezoning 7.7ha of land currently zoned E3 Environmental Management to R5 Large Lot Residential and amending the minimum lot size to 1ha;**
- * Rezoning 37.9 ha of land zoned E3 Environmental Management to E2 Environmental Conservation; and**
- * Amending the Kempsey LEP 2013 Scenic Protection Map which identifies part of the site as having scenic values.**

The Planning Proposal estimates the creation of 14 lots which will cover an area of approximately 12.3ha.

PP Number : **PP_2016_KEMPS_005_00** Dop File No : **15/16696**

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**
 - 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 28 days;**
 - 3. The Planning Proposal be completed within 9 months;**
 - 4. The Planning Proposal be amended prior to exhibition to include an updated project timeline and inclusion of the existing Scenic Protection Land Map.**
 - 5. That the RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;**
 - 6. That the Secretary (or her delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that this inconsistency will need to be resolved prior to the proposal being finalised;**
 - 7. It is recommended that a delegate the Secretary agree that the inconsistency of the proposal with S117 Directions 1.2 Rural Zones, 2.1 Environment Protection Zones and 2.3 Heritage Conservation are justified in accordance with the terms of the directions;**
 - 8. That consultation be undertaken with the following agencies:**
 - Office of Environment and Heritage;**
 - Kempsey Local Aboriginal Land Council;**
 - Department of Primary Industries (Agriculture); and**
 - 9. A written authorisation to exercise delegation be issued to Kempsey Shire Council**

Supporting Reasons : **The reasons for the recommendation are as follows:**

- 1. The proposal will allow for residential development on land that additional studies**

have shown is suitable in regards to the provision of infrastructure, avoidance of flooding and impacts on SEPP 14 wetlands, connectivity to adjoining residential development and ability to offset vegetation clearing and therefore minimise any potential long term environmental harm;

3. The inconsistencies of the proposal with the S117 directions are of minor significance; and

4. The proposal is consistent with all relevant local and regional planning strategies and SEPP's.

Panel Recommendation

Recommendation Date : **19-Oct-2016** Gateway Recommendation : **Passed with Conditions**

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

Gateway Determination

Decision Date : **19-Oct-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 community consultation Council is to amend the planning proposal to:**
 - (a) **update the project timeline in the planning proposal to accurately reflect the conditions of the Gateway; and**
 - (b) **include the current Scenic Protection Land Map.**
 2. **Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:**
 - (a) **the planning proposal is to 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 and Infrastructure 2013).**
 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:**
 - **NSW Rural Fire Service**
 - **Office of Environment and Heritage**
 - **NSW Department of Primary Industries (Agriculture)**
 - **Kempsey 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.

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:

14/10/16

