

Kempsey LEP 2013 – Administrative amendments to Clause 4.2A and 4.2C for Boundary Alterations and Rural Dwellings.

Proposal Title : **Kempsey LEP 2013 – Administrative amendments to Clause 4.2A and 4.2C for Boundary Alterations and Rural Dwellings.**

Proposal Summary : **The planning proposal seeks to amend Kempsey LEP 2013 to make changes to the provisions of clauses 4.2A and 4.2C to better address boundary alteration proposals and the recognition of dwelling entitlements on rural lots.**

PP Number : **PP_2016_KEMPS_004_00** Dop File No : **16/11378**

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**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 3.6 Shooting Ranges**

Additional Information : **It is recommended that;**

- 1. The planning proposal proceed as a 'routine' planning proposal.**
- 2. The planning proposal is to be completed within 9 months.**
- 3. That a community consultation period of 14 days is necessary for the planning proposal.**
- 4. 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.**

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

- 1. The proposed provisions will clarify the provisions relating to boundary alterations and rural dwellings.**
- 2. The principles of the proposed provisions are supported and are not considered to be inconsistent with the intent of the Standard LEP.**

Panel Recommendation

Recommendation Date : **21-Sep-2016** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The proposal is considered to deal with matter of local significance that can be appropriately considered by the Director Regions, Northern.**

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Gateway Determination

Decision Date : **21-Sep-2016** 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 undertaking community consultation the planning proposal is to be amended to clarify:**

- (a) Table 2 of the Explanation of Provisions that the provisions of Kempsey LEP 2013 Clause 4.2C(3)(c) and (d) are to be incorporated into a revised subclause 4.2C(4);
- (b) the proposed subclause 4.2C(4) will also include a new consideration of the natural and physical constraints of the land and the need for continued protection and long term maintenance of any land in an E2 zone; and
- (c) that a new provision preventing boundary changes that will facilitate new lots which can be further subdivided will be included in a new subclause 4.2C(5).

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 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 Infrastructure 2016).

3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. The NSW Rural Fire Service 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:

21/9/16