

Kempsey LEP 2013 – Rezoning of 622 Beranghi Road, Crescent Head

Proposal Title : **Kempsey LEP 2013 – Rezoning of 622 Beranghi Road, Crescent Head**

Proposal Summary : **The planning proposal seeks to amend the provisions of Kempsey LEP 2013 that relate to Lot 1 DP 196559, 622 Beranghi Road, Crescent Head. The planning proposal will rezone that part of Lot 1 zoned RU2 Rural Landscape to E2 Environmental Conservation and a separate part of Lot 1 zoned E2 Environmental Conservation to E3 Environmental Management. It also seeks to increase the minimum lot size from 40ha to 150ha across the entire lot.**

PP Number : **PP_2017_KEMPS_002_00** Dop File No : **17/03258**

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**
- 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 the planning proposal should proceed subject to the following;**

- 1. The planning proposal proceed as a 'routine' planning proposal.**
- 2. Prior to community consultation**
 - a. the planning proposal is to be updated to address the North Coast Regional Plan, and remove references to the Mid North Coast Regional Strategy; and**
 - b. an Aboriginal cultural heritage study is to be undertaken due to age of the current indigenous cultural heritage investigations, and placed on public exhibition with the planning proposal.**
- 3. A community consultation period of 14 days is necessary.**
- 4. The planning proposal is to be completed within 12 months.**
- 5. The RPA is to consult with the following State agencies and organisations;**
 - a. NSW Office of Environment and Heritage**
 - b. Rural Fire Service;**
 - c. The Local Aboriginal Land Council**
- 6. A written authorisation to exercise delegation be issued to Kemspey Shire Council.**
- 7. A delegate of the Secretary agree that the inconsistency of the proposal with S117 Directions 2.1 Environment Protection Zones and 4.1 Acid Sulfate Soils is justified in accordance with the terms of the directions.**
- 8. A delegate of the Secretary note that the inconsistency of the proposal with S117 Directions 2.3 and 4.4 cannot be resolved until further investigations and consultation have been undertaken.**

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

- 1. The proposal will improve the level of protection for identified high ecological value**

- vegetation while enabling a reduced but appropriate level of development on the site.
2. The proposal demonstrates that the constraints of the site can be managed to accommodate the expected level of development on the site.
 3. The proposal is not inconsistent with the strategic planning framework.

Panel Recommendation

Recommendation Date : **24-Mar-2017**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This proposal is considered to be of local significance and appropriately considered by the Acting Director Regions, Northern. Referral to the panel is not required.**

Gateway Determination

Decision Date : **24-Mar-2017**

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 community consultation:**

- (a) the planning proposal is to be updated to address the North Coast Regional Plan, and remove references to the Mid North Coast Regional Strategy; and
- (b) an updated Aboriginal cultural heritage study is to be undertaken to update the currency of the submitted archaeological investigations for indigenous cultural significance, and placed on public exhibition with the planning proposal.

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 Environment 2016).

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

- NSW Office of Environment and Heritage
- NSW Rural Fire Service
- Local Aboriginal Land Council

Each public authority and organisation 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. Any mapping material must meet the specifications in the current Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:

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Printed Name:

Craig Diss

Date:

24/3/17

