

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**

Proposal Details

Date Planning Proposal Received :	09-Mar-2017	LGA covered :	Kempsey
Region :	Northern	RPA :	Kempsey Shire Council
State Electorate :	OXLEY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	622 Beranghi Road		
Suburb :	Crescent Head	City :	Postcode : 2440
Land Parcel :	Lot 1 DP 196559		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub	Consistent with Strategy :
Regional Strategy :	

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of
Conduct has been
complied with :

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.**

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment : **The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **The land is the subject of an existing development consent for an eleven lot community title subdivision. The eleven rural residential lots are zoned RU2 Rural Landscape. The proposal seeks to rezone the RU2 zoned land to E2. Dwelling houses are prohibited in the E2 zone so therefore in order to enable an appropriate level of development on the site the proposal intends to rezone 12 hectares of land along the eastern boundary of the site from E2 to E3 to enable dwellings to be constructed on this portion of the site.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Statement of objectives describes the intention of the planning proposal. The proposal intends to amend Kempsey LEP 2013 to protect environmentally sensitive areas of the land by rezoning them from RU2 to E2 and enable the development of three rural allotments by rezoning approximately twelve (12) hectares of land along the frontage of Beranghi Road from E2 and RU2 to E3.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to amend the Land Zoning Map, to apply an E2 to that part of the subject land which has environmentally sensitive areas and an E3 zone to land along the Beranghi Road frontage of the site to enable dwellings to be constructed in this area. The planning proposal also intends to amend the Lot Size Map to apply a 150 hectare minimum lot size (MLS) to enable a three lot subdivision of the land.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

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

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **See the assessment section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal contains maps which adequately show the subject land and the current and proposed zones and MLSs. These maps are adequate for exhibition purposes. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal does not nominate a community consultation period however notes that community consultation will be in accordance with the requirements of the Gateway determination.

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is considered that the planning proposal is a low impact planning proposal as it is consistent with the strategic planning framework and the surrounding land zoning pattern. The proposal does not reclassify land. The Guide also suggests written notification to the affected and adjoining land owners. It is therefore considered that a community consultation period of 14 days is appropriate and affected and adjoining properties should be notified in writing. However there is no impediment to Council conducting a longer community consultation.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Time Line

The covering letter to the planning proposal includes a project timeline which estimates the completion of the planning proposal in five (5) months concluding in July 2017. To

ensure the RPA has adequate time to complete the additional site investigations, exhibition, reporting, and legal drafting, it is recommended that a time frame of 12 months is appropriate.

Delegation.

The RPA has requested an Authorisation to exercise delegation for this proposal. An Evaluation Criteria For the Delegation of Plan Making Functions has been provided. The proposal is considered to be of local planning significance since it applies to a single lot of land and seeks to rectify a historic zoning arrangement relating to a specific development consent which is no longer considered to be appropriate for the site. It is recommended that an Authorisation for the exercise of delegation be issued to the RPA in this instance.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal satisfies the adequacy criteria by;

1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Providing a project time line
6. Completing the evaluation criteria for the delegation of plan making functions.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Kempsey LEP 2013 is in force. This planning proposal seeks an amendment to the Kempsey LEP 2013.

Assessment Criteria

Need for planning proposal :

The proposal is not the result of a specific study or report. The land owner has requested Council to rezone the land and amend the minimum lot size. The land is approximately 470 hectares in size and comprises extensive native vegetation. The land is bordered on all sides by similarly vegetated rural land in larger land holdings and is bordered by Beranghi Road on its eastern boundary. The subject land is approximately 12km from Crescent Head and 14km from Kempsey. The area is characterised by rural and rural residential land holdings.

The land is the subject of an existing community title subdivision approval which created eleven (11) five hectare lots zoned RU2 Rural Landscape scattered across the middle of a larger community lot which is zoned E2 Environmental Conservation. The site has not been developed in the manner envisaged by the current community title approval and remains heavily vegetated.

The proposal seeks to enable the surrender of the existing 11 lot community title consent and the subdivision of the land to create three lots of a minimum of 150 hectares in size. To achieve this the proposal seeks to rezone the majority of the RU2 zoned land to E2 and create a strip of E3 zoned land over vegetation of lesser ecological significance along the road frontage in the east of the site, which would accommodate the dwelling envelopes of each of the three lots. The E2 zone in Kempsey LEP 2012 currently prohibits dwelling houses while the E3 zone permits dwelling houses with consent.

The proposal also seeks an amendment to the minimum lot size map to change the minimum lot size from 40 hectares to 150 hectares.

The proposal will reduce the development potential of the land from 11 dwellings to 3. This is considered to be appropriate in the circumstances as the land is considered to have high ecological significance however it also has existing residential development potential. The current 460 hectare lot size and the 40 hectare MLS development standard applying to the land could potentially yield eleven lots of approximately 40 hectares. This has the potential to have adverse impacts on the ecological significance of the site as discussed later in this report.

The proposal to rezone the land and amend the minimum lot size is the best means of achieving the intent of the proposal which is to enable the development of the land in a manner suited to its ecological qualities.

Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS).

The proposal is not inconsistent with the actions and outcomes in the MNCRS. The land is not identified for rural residential purposes in a local strategy. The proposal seeks to reduce the rural dwelling potential of the site from eleven to three. The proposal is therefore consistent with the MNCRS which requires LEPs to include provisions to limit dwellings in rural and environmental zones, include minimum lot sizes for subdivision in rural and environmental zones, and requires rural residential land to be identified in a local growth management strategy.

The ecological assessments of the site have identified it as containing significant value for threatened species. The proposal is therefore also consistent with the actions of the MNCRS that require LEPs to zone land with high environmental, vegetation, habitat, riparian, aquatic coastal or corridor values for environmental protection, and encourage habitat and corridor establishment in future zoning of land.

Draft North Coast Regional Plan

The proposal is consistent with the Draft North Coast Regional Plan (the 'Draft RP'). The Draft RP maps potential high environmental value vegetation which includes the subject land. The ecological assessments for the site confirm the vegetation has significant value for threatened species. The Draft RP recognises that strategic planning can assist in protecting these values by implementing controls to avoid or minimise impacts to these values from the outset. The proposal to reduce the dwelling potential on the land from eleven to three and set a 150 hectare minimum lot size will minimise the impacts on the vegetation of the site from potential rural residential land uses. This is also consistent with the action to implement appropriate planning controls to protect areas of high environmental value.

North Coast Regional Plan

The North Coast Regional Plan was announced during assessment of this planning proposal, as the draft plan was not addressed in the proposal it is appropriate that the proposal be updated prior to exhibition to address the new plan. The proposal is consistent with this plan as it focuses development to areas of least biodiversity sensitivity (Action 2.1). It is not inconsistent with any other provisions of this plan.

The site is not identified for rural residential development in Councils Rural Residential Release Strategy and the reduction in the rural dwelling potential of the site is consistent with the actions of the Draft RP to limit rural residential development to land identified in a strategy agreed between Council and the Department.

Consistency with Council's Local Strategies.

Kempsey Shire Council Rural Residential Land Release Strategy 2014 (the 'RRLRS')

The proposal is not inconsistent with the RRLRS. The RRLRS does not identify the subject land or land in the immediate vicinity of the subject land as potential rural residential land and does not identify the subject land for release for rural residential purposes. Therefore the proposed rezoning of the five hectare parcels of RU2 zoned land which would have been used for rural residential purposes, will not be inconsistent with provision of rural residential land as proposed by the RRLRS.

SEPPs

The proposal lists the State environmental planning policies (SEPPs) applicable to the land. Many SEPPs apply to the subject land and the proposal is not inconsistent with these SEPPs.

SEPP 44 Koala Habitat Protection

The proposal indicates that the land is subject to the Kempsey Comprehensive Koala Plan of Management. The ecological assessment concludes that all koala food trees within the proposed E3 zone have been identified and building envelopes, of approximately one hectare in size, can be located in a manner which will not require the removal of any koala feed trees to provide for buildings, access roads, asset protection zones or wastewater disposal areas. The removal of the 11 areas of RU2 zoned land and the rezoning to E2 across the middle of the site will reduce the likelihood of potential

development of these areas having an adverse effect on koala habitat or koala populations in the area.

SEPP 55 Remediation of Land

The proposal states that a preliminary contaminated land assessment has been undertaken and found that the land has not been used for any purpose listed in the guidelines which may have resulted in contamination of the land.

SEPP (Rural Lands) 2008

SEPP Rural Lands (the RLSEPP) contains Rural Planning Principles to guide development on rural land. The proposal includes an assessment of the proposal against the Rural Planning Principles. The proposal is not considered to be inconsistent with the Rural Planning Principles.

The extent of rural zoned land on the site comprises eleven disconnected one hectares parcels intended for rural residential purposes. The rezoning of these parcels will not have any adverse impact on any potential agricultural use of the land. The site contains regionally significant farmland along the river in the west of the site. This land will not be rezoned as part of this planning proposal and will retain the existing E2 zone.

The proposal effectively reduces the potential for fragmentation of the land and reduces the extent of rural housing that can be accommodated on the land in response to the ecological significance of the vegetation on the site. This reduction in potential for rural housing will also reduce the potential impacts on the provision of infrastructure and services for rural dwellings.

The proposal does not significantly reduce the opportunities for rural living as the Kempsey LGA has extensive areas of land identified for rural residential development (an approximate yield of 1225 lots) in its Rural Residential Land Release Strategy 2014.

The Rural Lands SEPP also contain Rural Subdivision Principles with which a proposal must be consistent when changing the minimum lot size for rural land. The proposal is not considered to be inconsistent with the Rural Subdivision Principles. The proposal will not contribute to further fragmentation of rural land as it will facilitate the consolidation of eleven community title lots into three Torrens title lots. The aggregation of the proposed three dwellings along the Beranghi Road frontage on a portion of the lot that is approximately 12ha in size will minimise the potential for land use conflict. The proposal is not inconsistent with the planned supply of rural residential land and the siting of the proposed E3 zone and the dwelling envelopes takes into account the natural and physical constraints of the site and plans for the proposed dwelling opportunities accordingly.

The proposal is consistent with other State environmental planning policies.

S117 Directions.

The following S117 directions are applicable to the proposal, 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 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, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions.

Of the above s117 Directions the proposal is considered to be inconsistent with Directions 2.1, 2.3, 4.1 and 4.4.

Direction 1.2 Rural Zones is relevant to the proposal. The proposal is not considered to be inconsistent with this direction as it does not proposed to rezone rural land to an urban zone. The rezoning of the land from RU2 to E2 will effectively reduce the potential residential density of the land.

Direction 1.5 Rural Land is relevant to the planning proposal. As discussed previously in

this report, the proposal is not inconsistent with the Rural Planning Principles or Rural Subdivision Principles in the Rural Lands SEPP and therefore the proposal is not considered to be inconsistent with the direction.

Direction 2.1 Environmental Protection Zones is relevant to the planning proposal. The direction provides that a planning proposal must not reduce the environment protection standards that apply to land. The planning proposal will rezone land comprising existing dwelling envelopes zoned RU2 to E2 while rezoning an area of E2 zoned land to E3 (and thus reduce the environmental protection standards for land formerly in the E2 Zone).

Ecological assessments of the site concluded that the subject land has significant value for threatened species. This is due to the large extent of the site, proximity to other large tracts of habitat, relatively intact nature of the site's vegetation, the mosaic of varying vegetation types and habitats including a small river, abundance of tree hollows and tree ages, and hence range of habitat opportunities. For this reason it is considered to be appropriate to rezone the RU2 land in the middle of the site to E2 as should the community title subdivision on the RU2 land eventuate then its location within the middle of the vegetated site could compromise the integrity of the vegetation and introduce indirect negative impacts and hence have an adverse impact on the ecological significance of the site. The proposal to reduce dwelling opportunities from 11 to 3 and restrict these to the eastern most portion of the site where disturbance from Beranghi Road already exists is considered to be appropriate.

Ecological assessments of the site have also concluded that the land proposed to be zoned E3 is of lesser ecological value than the remainder of the land and therefore the E3 zone is appropriate. The assessments also concluded that there is sufficient area within the proposed E3 zone for a building envelope for each lot to accommodate a dwelling, asset protection zones and wastewater disposal areas while minimising the need to clear key habitat components.

The proposal therefore applies appropriate provisions to protect environmentally sensitive areas while enabling a reduced level of development potential. The proposal's inconsistency with the direction is therefore considered to be of minor significance.

Direction 2.3 Heritage Conservation is relevant to the planning proposal. The direction provides that a planning proposal must contain provisions which facilitate the conservation of items and places of heritage significance. The proposal states that the Aboriginal Heritage Information Management System shows no records of Aboriginal sites or places on the site and an archaeological investigation was done in 2002.

Given the length of time since the archaeological investigation was completed and advances in recognition of matters of Aboriginal cultural heritage it is considered that a revised Aboriginal Cultural Heritage assessment should be undertaken for the land prior to public exhibition and the Local Aboriginal Land Council consulted on the proposal. It is therefore considered that any inconsistency of the proposal with this direction cannot be resolved until the heritage assessment has been completed.

Direction 4.1 Acid Sulfate Soils is relevant to the planning proposal. The direction provides that a planning proposal must not propose an intensification of land uses on land contain acid sulfate soils unless investigations have been undertaken to determine the appropriateness of the rezoning in relation to the presence of acid sulfate soils.

The proposal seeks to rezone part of the land from E2 to E3. A small portion of the land to be rezoned, in the north of the proposed E3 zone is mapped as Class 3 acid sulfate soils. The Class 3 classification is a low risk classification and the E3 zoning does not permit a significantly wider range of land uses. The Kempsey LEP 2013 already contains an acid sulfate soils clause which requires investigation at development application stage. The intention of the proposal is to enable a dwelling house on the land proposed to be zoned E3 and therefore it is considered that the inconsistency is of minor significance and is therefore justified in accordance with the terms of the direction.

Direction 4.3 Flood Prone Land is relevant to the planning proposal. The direction provides that a planning proposal must not permit a significant increase in the development of flood prone land. The proposal seeks to rezone part of the land which is flood prone from RU2 and E2 to E3. The portion of E3 zoned land is located on the edge of the flood planning area. The planning proposal indicates that there is a minimum of 1000m² of land within the proposed E3 portions of the site and above the 1:100 year flood level that would be suitable to accommodate dwellings on each lot. The proposed E3 zoning of the flood prone land being is not likely to result in a significant increase in the development potential of the land.

The suggested building envelope for proposed lot 3, which is located to avoid significant vegetation, appears to be located within the flood planning area. This area of the site is currently zoned part RU2 in which dwelling houses are permitted. Therefore the rezoning to E3 will not increase the development potential of this land. Additionally, a dwelling located on the fringe of the flood planning area could be designed and constructed to avoid flood affectation and therefore is not considered to be a significant flood risk. The proposal is therefore considered to be consistent with the terms of the direction.

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. The subject land is identified as being bush fire prone. The direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after a Gateway Determination is issued and before public exhibition and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

The proposal is otherwise consistent with S117 Directions.

Environmental social
economic impacts :

The proposal is not expected to have an adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats.

An ecological assessment was conducted in 2014, and was reviewed in 2015. These reports concluded that the subject land has significant value for threatened species, with confirmation of at least 6 (possibly 8) occurring, and another 22 potentially occurring at some time. This is due to the large extent of the site, proximity to other large tracts of habitat, relatively intact nature of the site's vegetation, the mosaic of varying vegetation types and habitats including a small river, abundance of tree hollows and tree ages, and hence range of habitat opportunities.

For this reason it is considered to be appropriate to rezone the RU2 land in the middle of the site to E2 as to protect the integrity of the vegetation and avoid introduction of indirect adverse impacts on the ecological significance of the site. The proposal to reduce dwelling opportunities from 11 to 3 and restrict these to the eastern most portion of the site where disturbance from Beranghi Road exists is considered to be appropriate.

Ecological assessments of the site have also concluded that the land proposed to be zoned E3 is of lesser ecological value than the remainder of the land and therefore the E3 zone is appropriate. The assessments also concluded that there is sufficient area within the proposed E3 zone for a building envelope for each lot to accommodate a dwelling, asset protection zones and wastewater disposal areas while minimising the need to clear key habitat components. At most approximately 5 hollow bearing trees may need to be removed to enable dwellings to be constructed though hollow bearing trees are common across the 4ha of proposed E3 zone for each lot. Similarly some Allocasuarinas may need to be removed to accommodate asset protection zones for dwellings though the ecological assessments concluded that the expected loss is not expected to significantly affect the local population of Glossy Black Cockatoos.

The assessments also concluded that the proposal is not considered to be inconsistent with the Kempsey Shire Council Comprehensive Koala Plan of Management and no offsets are required.

In summary the assessment concluded that the order of magnitude of the net negative impacts of the proposal are considered unlikely to place a local viable population at risk of extinction. It is therefore considered that the proposal will have a better ecological

outcome than the existing zoning configuration of eleven RU2 zoned parcels of land across the middle of the site.

Part of the subject land is flood prone and contains acid sulfate soils. Parts of the site are bush fire prone. A preliminary assessment of these constraints has indicated that there is sufficient land within the proposed E3 zoned areas of each lot to enable the erection of a dwelling in a manner which can avoid these constraints.

Agency Consultation.

The planning proposal does not indicate whether consultation with State agencies is proposed. It is considered that Council should consult with the following State agencies and organisations:

1. Rural Fire Service;
2. Office of Environment and Heritage, and,
3. Local Aboriginal Land Council in relation to matters of Aboriginal cultural heritage.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Rural Fire Service		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Aboriginal Cultural Heritage Assessment

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
i) Beranghi Road - DOP Gateway Determination Request.docx	Proposal Covering Letter	Yes
2017-03-07 Planning Proposal Beranghi Road PP V3.pdf	Proposal	Yes
2017-03-07 Planning Proposal Beranghi Road 0023 BER V3 APP A.pdf	Proposal	Yes

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2017-03-07 Planning Proposal Beranghi Road 0023 BER V3 APP B.pdf	Study	Yes
2017-03-07 Planning Proposal Beranghi Road 0023 BER V3 APP C.pdf	Proposal	Yes
2017-03-07 Planning Proposal Beranghi Road 0023 BER V3 APP D.pdf	Proposal	Yes
2017-03-07 Planning Proposal Beranghi Road 0023 BER V3 APP E.pdf	Proposal	Yes

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 Kempsey 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.

Signature:



Printed Name:

Craig Diss

Date:

24/3/17