



## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

July 12 2005

**DSDS9      PROPOSED REZONING - NICHOLSON  
STREET, SOUTH KEMPSEY  
DRAFT KEMPSEY LOCAL ENVIRONMENTAL  
PLAN 1987 (AMENDMENT NO 98)  
FILE: T5-98**

### **SUMMARY:**

Reporting that Council has received an application to rezone land in Nicholson Street, South Kempsey adjacent to Southside Cellars to facilitate redevelopment.

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**Applicant:** Leith Ducat  
**Owners:** Hat Head Enterprises  
**Subject Property:** Lot 3 DP 337328 No 5 Nicholson Street,  
South Kempsey and adjoining road reserves  
**Zone:** Residential 2A

Council has received an application to rezone the subject land from Zone No. 2(a) (Residential 'A' Zone) to Zone No 3(a) (Business (General) 'A').

The rezoning will result in a minor extension to the South Kempsey General Business zone, (see map below) and this will enable redevelopment of Southside Cellars, the former motorbike sales yard and the subject land are currently occupied by a weatherboard cottage. A Development Application has been lodged for Staged Redevelopment of the land.



## RELEVANT PLANNING POLICIES

Clause 39 of the North Coast Regional Environmental Plan requires draft plans that provide for the establishment of significant retail commercial or business development must be in accordance with a commercial retail expansion strategy prepared by the Council. However, this proposal is not considered to provide for a significant increase in development and is located immediately adjacent to business zoned land.

It is considered that issues of access, parking and noise are able to be satisfied through the development application process.

## REPORT IMPLICATIONS:

- **Environmental**

*There is no significant environmentally sensitive areas affected by the rezoning. It is expected that noise can be managed as part of the development application process.*

- **Social**

*Redevelopment of the site will provide opportunity for improvements in traffic management around this section of the Pacific Highway.*

- *Economic (Financial)*

*The proposal is to allow for a substantial redevelopment of a rundown section of retail area in South Kempsey. The redevelopment represents a substantial financial commitment to development in South Kempsey.*

- *Policy or Statutory*

*Section 54 of the Environmental Planning and Assessment Act 1979 considerations:*

- *The draft LEP does not raise issues of State or Regional significance.*
- *Consultation with RTA will occur prior to public exhibition.*
- *No environmental study is considered necessary.*
- *It is proposed to exercise delegation under Section 65 of the Act, to allow exhibition of the draft LEP.*
- *Council owns the adjoining roadways to be rezoned, however, there is no intention to dispose of this land.*

**RECOMMENDATION:**

That Council in accordance with the provisions of the Environmental Planning and Assessment Act, prepare and exhibit draft Kempsey Local Environmental Plan 1987 (Amendment No 98). [\(Appendix T\)](#)

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**K J Ward**  
**ACTING DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**