



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

12th September 2006

DSDS1	PROPOSED REZONING - NICHOLSON STREET, SOUTH KEMPSEY DRAFT KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987 (AMENDMENT NO 98) FILE: T5-98 GAN
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SUMMARY:

Reporting that Council has received a request to recommence the process 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
Zone:	Residential 2A

Background

Council received an application to rezone the subject land from Zone No. 2(a) (Residential 'A' Zone) to Zone No 3(a) (Business (General) 'A'). Council resolved to support the rezoning at its meeting of 12 July 2005. The draft plan was prepared and exhibited in October 2005.

On 30 September 2005, the Minister for Planning introduced a new procedure for the making of draft LEPs. The procedure introduced the LEP Review Panel, which was a new step in the process. Essentially, the new procedure is intended to reduce the number of LEPs being processed by the Department of Planning by avoiding as many spot rezonings as possible. The new procedure allowed a transitional period up until 31 January 2006. The draft plan was submitted for gazettal on 10 January 2006, however the Department of Planning advised Council by letter dated 17 May 2006 that the Minister had decided not to make the draft plan.

Subsequent discussion with the Department of Planning indicated that the rezoning may be supported by the Minister if the Review Panel could be convinced of the merits of the proposal, thereby requiring Council to start the process again.

Description of Proposal

The rezoning will result in a minor extension to the South Kempsey General Business zone, (see map below). A development application has been lodged for the redevelopment of Southside Cellars, including additional shop and/or commercial floor space and car parking. The redevelopment incorporates 3 lots, including Southside cellars, the former motorbike sales yard and the subject land in Nicholson Street which is currently occupied by a single storey weatherboard dwelling.



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 to 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 retail commercial or business development and is located immediately adjacent to business zoned land.

The reasons for the Minister previously deciding not to proceed with the draft plan included Council not considering the future commercial needs of the area, and the impact of extension of the business zone into the existing residential area.

It is considered that the area of land to be rezoned (about 550m²) is not significant in terms of the total area of commercial land in South Kempsey, is a reasonable and logical minor extension to the South Kempsey

commercial area, and will facilitate a redevelopment that will predominately service the South Kempsey community.

It is considered that whilst there is potential traffic and noise impacts associated with the proposal, such impacts can be controlled through careful design. The applicant should be required to provide an assessment of traffic and noise impacts to support the rezoning, and this should form part of the supporting information for public exhibition.

REPORT IMPLICATIONS:

- ***Environmental***

There are no environmentally sensitive areas affected by the rezoning. The means of addressing potential noise and traffic impacts should be assessed prior to proceeding to exhibition.

- ***Social***

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

- ***Economic (Financial)***

The proposal is to allow for redevelopment of a 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.***

RECOMMENDATION:

1. That, in accordance with section 54 of the Environmental Planning and Assessment Act, Council prepare a draft LEP to rezone Lot 3 DP 337328 No 5 Nicholson Street, South Kempsey to Zone No 3(a) (Business (General) 'A')
2. That the LEP Review Panel be notified of Council's decision.

3. That if the LEP Review Panel supports the rezoning, the applicant be required to submit, for inclusion with the exhibition documents:
- a. A Noise Report prepared by an appropriately qualified person assessing the likely impact of the rezoning on the adjoining property and the means of controlling likely impacts;
 - b. A Traffic Impact Assessment detailing the means of controlling traffic generated by the development.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES