

**Rezoning and Amendment to Floor Space Ratio, Adin Street, Scotts Head**

|                    |                                                                                                                                                                                                                                                                              |               |          |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|
| Proposal Title :   | Rezoning and Amendment to Floor Space Ratio, Adin Street, Scotts Head                                                                                                                                                                                                        |               |          |
| Proposal Summary : | The planning proposal rezones land in the business area of Scotts Head from B2 Local Centre to B4 Mixed Use in accordance with other business areas in the town, with an appropriate floor space ratio (FSR) reflecting existing development character and surrounding FSRs. |               |          |
| PP Number :        | PP_2014_NAMBU_002_00                                                                                                                                                                                                                                                         | Dop File No : | 14/16318 |

**Proposal Details**

|                                   |             |                      |                        |
|-----------------------------------|-------------|----------------------|------------------------|
| Date Planning Proposal Received : | 26-Sep-2014 | LGA covered :        | Nambucca               |
| Region :                          | Northern    | RPA :                | Nambucca Shire Council |
| State Electorate :                | OXLEY       | Section of the Act : | 55 - Planning Proposal |
| LEP Type :                        | Precinct    |                      |                        |

**Location Details**

|               |                                                                                    |        |                 |
|---------------|------------------------------------------------------------------------------------|--------|-----------------|
| Street :      | Adin Street and Gloucester Street                                                  |        |                 |
| Suburb :      | Scotts Head                                                                        | City : | Postcode : 2447 |
| Land Parcel : | Lots 10, 11 and 13-16 Sec F DP20823; Lots 1, 2 and 3 SP39823; Lots 91, 92 DP854122 |        |                 |

**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 :                    | N/A                               | Release Area Name :        |     |
| Regional / Sub Regional Strategy : | Mid North Coast Regional Strategy | Consistent with Strategy : | Yes |

## Rezoning and Amendment to Floor Space Ratio, Adin Street, Scotts Head

MDP Number :

Date of Release :

Area of Release  
(Ha) :

Type of Release (eg  
Residential /  
Employment land) :

**Both**

No. of Lots : **0**

No. of Dwellings  
(where relevant) : **6**

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government Lobbyists Code of  
Conduct has been  
complied with : **Yes**

If No, comment :

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

If Yes, comment :

### Supporting notes

Internal Supporting  
Notes :

External Supporting  
Notes :

## Adequacy Assessment

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

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

Comment :

**The objectives and intended outcomes are clearly explained:-**

**to rezone land at Adin Street Scotts Head from B4 to B2 and apply a floor space ratio of 1:1 over that land.**

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

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

Comment :

**The explanation of intended provisions is clear:-**

**- to amend the maps supporting Nambucca LEP to rezone land in Adin Street Scotts Head (between Gloucester and Ocean Streets) from B2 Local Centre to B4 Mixed Use; and to impose a floor space ratio of 1:1 over that 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 :

\* May need the Director General's agreement

**1.1 Business and Industrial Zones**

**2.2 Coastal Protection**

**3.1 Residential Zones**

**3.4 Integrating Land Use and Transport**

**4.1 Acid Sulfate Soils**

**6.1 Approval and Referral Requirements**

**6.2 Reserving Land for Public Purposes**

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land  
SEPP No 71—Coastal Protection**

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 :

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **The mapping provided is not consistent with the Technical Guidelines but adequately shows the land to be rezoned. The Planning Proposal indicates that a floor space ratio of 1:1 will be imposed over the land , but there is no FSR map. A FSR map will be needed for exhibition purposes.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **A 14-day exhibition period is proposed. As the proposal makes only minimal alteration to the land use zoning, mostly to reflect existing land uses, it would not be expected to attract significant community concern.**

**14 days is acceptable.**

**Additional Director General's requirements**

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

If Yes, reasons :

**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 for the LEP to achieve the outcomes;**  
**3) Providing an adequate justification for the proposal;**  
**4) Allowing a suitable proposed community consultation program;**  
**5) Providing a time line for the completion of the proposal. Council has suggested a time line of seven(7) months, which includes the Christmas holiday period. A completion time of nine(9) months would be appropriate to allow for unforeseen delays.**

**Council has requested delegations to finalise the proposal and provided a checklist. This is a minor local matter and delegation is acceptable.**

**Proposal Assessment**

**Principal LEP:**

Due Date :

Comments in  
relation to Principal  
LEP :

**This proposal amends Nambucca LEP 2010, which is a Standard Instrument LEP.**

**Assessment Criteria**

Need for planning  
proposal :

**The planning proposal does not relate to any strategic study or report. Rather it arises from an expressed wish of a local landholder to construct a house on his land - a use prohibited by the current zoning. Council has looked at the "bigger picture", being the whole street block rather than singling out an individual allotment.**

**A planning proposal is the only method of altering the zoning to accommodate the request.**

Consistency with  
strategic planning  
framework :

**The land is covered by the Mid North Coast Regional Strategy. There is no conflict with any strategic requirements.**

**Council has nominated a number of section 117 directions. However there are inconsistencies only with:**

**1.1 Business and Industrial Zones**

**Dwellings are prohibited in the B2 Local Centre zone (except shop top housing). The proposed change from B2 to B4 Mixed Use would allow up to three dwellings on the land, in addition to the six dwellings which already exist there. There is potential "loss" to business therefore of up to six allotments. This is not significant in relation to business opportunities elsewhere in Scotts Head and there is no reason to think the two existing businesses on the land will be affected. The inconsistency is justified as of minor significance.**

**4.1 Acid Sulfate Soils.**

**The land is mapped as potential Class 5 ASS, and future development needs to have regard for this. The proposal does not specifically cater for ASS issues and this is inconsistent with the direction. However the comprehensive Nambucca LEP 2010 contains appropriate ASS provisions (clause 7.1) and the inconsistency is justified as of minor significance.**

**4.4 Planning for Bushfire Protection.**

**The planning proposal does not address this direction. While no statement to that effect is made, the land is almost certainly bushfire prone due to its location opposite a reserve and in an area of recent fire history. Contact with Council has subsequently confirmed this (see map in Documents). Consultation with the NSW Rural Fire Service is required by the direction and there is an inconsistency with this direction until consultation occurs.**

Environmental social  
economic impacts :

**The land is already developed for urban purposes and there is little of environmental significance on the site. The proposed change in zoning increases the flexibility of the site to cater for a range of land uses. The alteration also gives existing dwelling owners security for their developments without having to rely on existing use rights in the case of additions or alterations.**

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### Assessment Process

Proposal type : Community Consultation  
Period :

Timeframe to make LEP : **9 months**  
Delegation :

Public Authority **NSW Rural Fire Service**  
Consultation - 56(2)  
(d) :

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. :

If Other, provide reasons :

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 |
|--------------------|-------------------|-----------|
|--------------------|-------------------|-----------|

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**  
**2.2 Coastal Protection**  
**3.1 Residential Zones**  
**3.4 Integrating Land Use and Transport**  
**4.1 Acid Sulfate Soils**  
**6.1 Approval and Referral Requirements**  
**6.2 Reserving Land for Public Purposes**

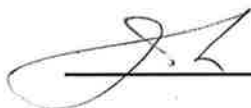
Additional Information : **It is recommended that:**  
**1) the planning proposal should proceed as a routine planning proposal;**  
**2) the Secretary (or an officer nominated by the Secretary) agrees that the inconsistencies with s117 Directions 1.1 Business and Industrial Development, and 4.1 Acid Sulfate Soils are justified as of minor significance;**  
**3) the officer note that the inconsistency with 4.4 Planning for Bushfire Protection will be resolved through consultation prior to exhibition with the NSW Rural Fire Service;**

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- 4) the planning proposal be considered as low impact and be exhibited for 14 days;
- 5) the planning proposal be completed in nine(9) months; and
- 6) delegation be issued to Council to finalise the planning proposal.

Supporting Reasons : **The planning proposal is a minor local issue largely reflecting existing land uses and is unlikely to result in significant impact on business opportunities in Scotts Head.**

Signature:



Printed Name:

JIM CLARK

Date:

1 October 2014