
GENERAL MANAGER'S REPORT

ITEM 9.9 SF1541 270314 PLANNING PROPOSAL - COMMERCIAL ZONED LAND ADIN STREET SCOTTS HEAD, MACKSVILLE AND NAMBUCCA HEADS

AUTHOR/ENQUIRIES: Grant Nelson, Strategic Planner

SUMMARY:

The purpose of this report is for Council to consider a planning proposal to rezone Commercial land at Adin Street Scotts Head from B2 Local Centre to B4 Mixed Use and commence preparation of a planning proposal for a similar proposed amendment in Macksville and Nambucca Heads.

NOTE: This matter requires a "Planning Decision" referred to in Section 375A of the Local Government Act 1993 requiring the General Manager to record the names of each Councillor supporting and opposing the decision.

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RECOMMENDATION:

- 1 That Council support the preparation of a planning proposal to allow commercial zoned land at Scotts Head to be rezoned to B4 Mixed Use, with an appropriate Floor Space Ratio (FSR) reflecting existing development character and the surrounding FSR.**
- 2 That Council endorse the commencement of investigations and preparation of a planning proposal into a refinement of the commercial zones in both Nambucca Heads and Macksville. A further report would be presented for the endorsement of a planning proposal once the matter has been further investigated.**

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OPTIONS:

- 1 Council may resolve not to support any changes to zoning of the land; or
- 2 Council may resolve that an alternative zone would be more appropriate.

DISCUSSION:

Adin Street Scotts Head (Commercial Zone Amendment)

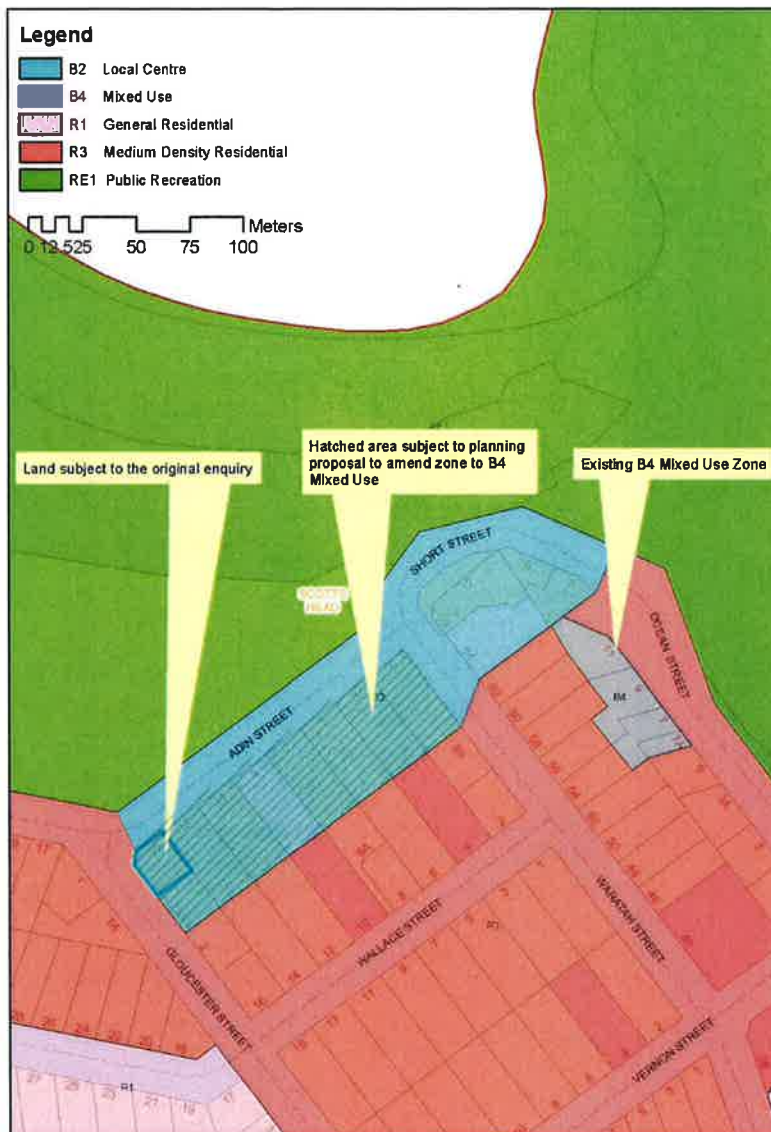
In mid 2013 Council received an enquiry regarding rezoning of land in Scotts Head. The land is located in Adin Street on an individual allotment within the area identified as B2 Local Centre on the below plan.

At present residential development is not permitted in a commercial zone unless it is *shop top housing*. The enquiry requested advice on an LEP amendment that would allow residential development without the requirement to have an associated business premises.

In considering a response to this enquiry the following was noted:

- Although identified as commercially zoned land a large proportion of the land in this area is residential in nature;
- New residential development is not permitted unless it is *shop top housing*;
- Residential dwellings in this area rely on existing use rights for redevelopment, extensions and like modifications;
- Should an existing dwelling change its use to a business premises, it cannot revert back to a residential dwelling;
- Other B4 Mixed Use zone exists in Ocean Street at Scotts Head.

ITEM 9.9 PLANNING PROPOSAL - COMMERCIAL ZONED LAND ADIN STREET SCOTTS HEAD, MACKSVILLE AND NAMBUCCA HEADS



There are a number of possibilities or actions that could be considered including those identified below:

- Do nothing – no changes made and the status quo is maintained;
- Consider an amendment to the land zoning or similar change on an individual property to allow a dwelling;
- Amend the land zoning in the area to B4 Mixed Use which would allow land owners to have either residential development or commercial development;
- Amend the zoning of part of the area outside existing commercial land uses to residential to reflect the existing character of the area.

Each of these options presents advantages and disadvantages, however the option that would most closely reflect the existing situation, legitimise the existing residential development and allow new residential development would be option 3 to amend the land use zone in the area to mixed use.

The main disadvantages of option 3 are:

ITEM 9.9 PLANNING PROPOSAL - COMMERCIAL ZONED LAND ADIN STREET SCOTTS HEAD, MACKSVILLE AND NAMBUCCA HEADS

- if a residential land use is provided as an alternative option to commercial, there is a risk that the future commercial growth of Scotts Head will be limited should residential development become the preferred landholder option. It is noted there is additional vacant commercial zoned land located on Scotts Head Road near the entrance to the village and the future growth areas may allow for commercial use.
- A mixed use zone is similar in nature to an RU4 Village zone (for instance Bowraville) and as such comes with the associated potential for land use conflicts between residents and businesses. However in this instance there is presently a mix of residential/ commercial land uses on the site and as such these conflicts may already occur.

To gauge local landholders thoughts on the matter a letter was sent to the residents of the commercial zoned land at Adin Street. Of the twelve (12) landholders consulted, four (4) responses were received each of these four (4) responses were in favour of the B4 Mixed Use zone.

In consultation with Councils Strategic Planner, planning consultants acting on behalf of the original enquiry have agreed to prepare a planning proposal on behalf of Council to amend the zoning to B4 Mixed Use over the subject land. This proposal will need to give appropriate consideration to the existing density of the area and adjoining land to develop a floor space ratio for the site.

It is proposed that Council staff will assist by providing advice and data to support the preparation of the proposal including relevant GIS information and economic studies that may be relevant to the land and Scotts Head and the current masterplan for the Scotts Head Crown Reserve.

Should Council resolve not to support this planning proposal, the applicant may request at site specific planning proposal for the individual property identified in the above figure, in which case appropriate fees and charges would be payable to Council.

Nambucca Heads and Macksville (Commercial Zone amendment)

The observation and opportunities report prepared by staff as part of the Past the Bypass strategies identified the following opportunities in relation to landuse zoning within the Macksville Area:

Observations

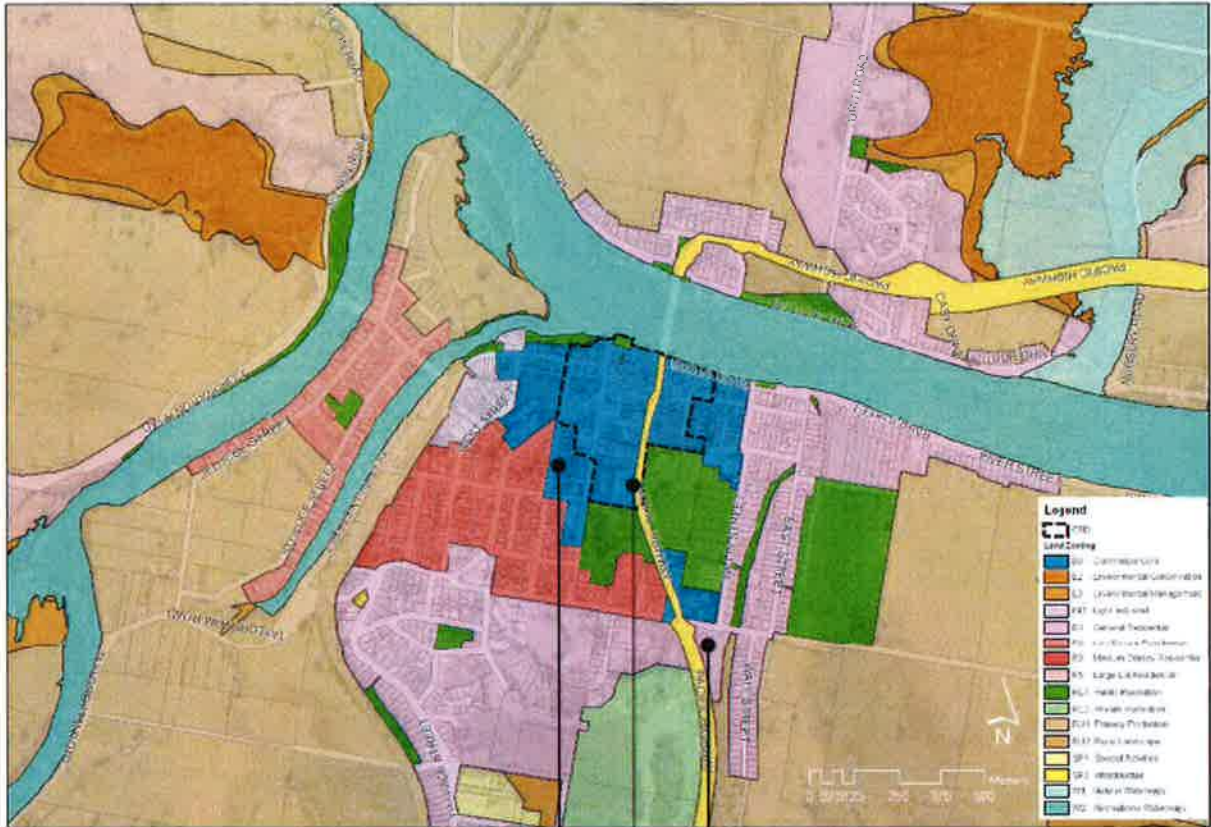
- The B3 Commercial Core Land use zone should be reconsidered in areas where the actual land use is predominately residential.
- An alternative may be to rezone the land B4 Mixed Use which allows either commercial or residential uses. Acknowledge the potential for landuse conflicts or the land could be rezoned to the predominate use in that area (an appropriate residential zone).

Opportunities

- *Landholders should be consulted or surveys conducted in these areas.*
- *The impending highway bypass will have a greater impact on businesses relying on passing highway traffic, service centres, highway eateries and motels. Consideration should be given to alternative uses and appropriate land uses zones in these areas.*
- *Landholders should be consulted; and*
- *Alternative zones and uses should be considered.*

An Extract from the Opportunities and Observations report is presented below.

ITEM 9.9 PLANNING PROPOSAL - COMMERCIAL ZONED LAND ADIN STREET SCOTTS HEAD, MACKSVILLE AND NAMBUCCA HEADS



Business zones extend into actual residential areas. A business looking to establish in these areas may be subject to landuse conflicts. Also reverting an approved business to a residential dwelling in these area may not be possible. Are these zones correct?

Councils Employment lands strategy identifies a number of businesses that may be affected by the Highway bypass including service stations, highway eateries and motels. Should these zones be reconsidered?

The extent to which the commercial zone covers predominately residential areas in Nambucca Heads is unknown but this will be examined further as the planning proposal is prepared for Council endorsement.

Other matters for consideration in all areas:

Other matters that will need to be considered during the preparation of each of the planning proposals include:

- Implications for rates;
- Implications for land values
- Land constraints (such as bushfire and flooding);
- Appropriate floor space ratios will also need to be provided should these areas allow standalone residential development.

CONSULTATION:

Nil

SUSTAINABILITY ASSESSMENT:

Environment

ITEM 9.9 PLANNING PROPOSAL - COMMERCIAL ZONED LAND ADIN STREET SCOTTS HEAD, MACKSVILLE AND NAMBUCCA HEADS

The proposal will not have any detrimental impacts on the Environment

Social

The issues regarding land use conflicts were identified in the body of the report, other social implications will be considered during the preparation of the planning proposals.

Economic

Potential loss of commercial land through landholder preference to develop the land for residential purposes is a possibility. Other potential economic impacts will be investigated as the planning proposals are prepared.

Risk

No obvious risks are identified other than those listed in the body of the report. The planning proposal will need to be exhibited at which time Council will gain the views of the broader Scotts Head community.

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current and future budgets**

Nil

Source of fund and any variance to working funds

Nil

Service level changes and resourcing/staff implications

The preparation of the planning proposal for Scotts Head will be undertaken by consultants acting on behalf of a landholder. Councils Strategic Planner will be required to assist in the preparation of the planning proposal and run LEP amendment process.

Councils Strategic Planner will progress investigations in regards to the Macksville and Nambucca amendments as time permits among current projects.

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ATTACHMENTS:

There are no attachments for this report.

FOR ACTION

COUNCIL

27/03/2014

TO: Strategic Planner (Grant Nelson)

Subject: Planning Proposal - Commercial Zoned Land Adin Street Scotts Head, Macksville and Nambucca Heads
Target Date: 10/04/2014
Notes:
Trim Reference SF1541 (7155/2014)

165/14 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That Council support the preparation of a planning proposal to allow commercial zoned land at Scotts Head to be rezoned to B4 Mixed Use, with an appropriate Floor Space Ratio (FSR) reflecting existing development character and the surrounding FSR.
- 2 That Council endorse the commencement of investigations and preparation of a planning proposal into a refinement of the commercial zones in both Nambucca Heads and Macksville. A further report would be presented for the endorsement of a planning proposal once the matter has been further investigated.

For the motion: Councillors Flack, Smyth, Finlayson, Ainsworth, MacDonald, South and Hoban
(Total 7)
Against the motion: Nil

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ACTION TAKEN BY OFFICER

ONGOING / COMPLETED

Completion date: _____

(Please update once item is actually completed)

Details:
