

Nambucca LEP 2010 (Amendment No 13) Reclassification of land from community to operational - 11 Kent Street, Nambucca Heads

Proposal Title : **Nambucca LEP 2010 (Amendment No 13) Reclassification of land from community to operational - 11 Kent Street, Nambucca Heads**

Proposal Summary : **To reclassify (under section 27 of the Local Government Act) land at Lot 2 DP 330678, 11 Kent Street Nambucca Heads as operational to allow for the disposal of the property.**

PP Number : **PP_2013_NAMBU_001_00** Dop File No : **13/06375**

Proposal Details

Date Planning Proposal Received : **08-Apr-2013** LGA covered : **Nambucca**

Region : **Northern** RPA : **Nambucca Shire Council**

State Electorate : **OXLEY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **Kent Street**

Suburb : City : **Nambucca Heads** Postcode : **2448**

Land Parcel : **Lot 2 DP 330678**

DoP Planning Officer Contact Details

Contact Name : **Jennifer Vallis**

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RPA Contact Details

Contact Name : **Grant Nelson**

Contact Number : **0265680248**

Contact Email : **grant.nelson@nambucca.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **James Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Mid North Coast Regional Strategy** Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **The Department of Planning Code of Practice in relation to communication 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 : **Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **Section 27 of the Local Government Act provides that reclassification of land from community to operational occurs by means of a local environmental plan. Section 29 requires a public hearing to be held into the proposed reclassification.**

The land is occupied by a building including a Senior Citizens Centre.

Adequacy Assessment

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

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

Comment : **The objectives and intended outcomes of the planning proposal are adequately expressed for the proposed amendment.**

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

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

Comment : **The planning proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones
2.2 Coastal Protection**

* May need the Director General's agreement

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 71—Coastal Protection**

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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 :

There are no inconsistencies with the S117 Directions listed by the RPA. The subject land is zoned B3 Commercial Core and while S117 Direction 1.1 Business and Industrial zones applies to the proposal as it affects land within the zone it is not considered to be inconsistent with the direction. The reclassification is not intended to amend the zoning, floor space ratio or building heights on the land or affect the potential density. Following the proposed transfer of the land to the Senior Citizen Club Inc, it will be owned by an incorporated body with a public focus.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

No changes are proposed to the zoning or building height maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council does not consider this to be a low impact proposal and has advised that a 28 day exhibition period is appropriate. This is acceptable.

After the close of the exhibition period a public hearing is also required for the reclassification of land from community to operational (S29 of the LG Act).

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 suitable explanation of the provisions proposed for the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining the community consultation proposed;**
- 5. Providing a project timeline which suggests completion in 6 months; and**
- 6. Completing the evaluation criteria for the delegation of plan making functions.**

However, delegation of plan making function is not appropriate in this case as the reclassification involves Schedule 4 of the Nambucca LEP - Part 2 with interests changed. This also requires approval by the Governor.

Council has not provided any details and a request to do so is part of the recommendation to the Gateway.

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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Nambucca LEP 2010 was published in July 2010. This planning proposal seeks an amendment to the Nambucca LEP 2010.**

Assessment Criteria

Need for planning proposal :

Nambucca Council has undertaken investigations to help to reduce expenditure on infrastructure throughout the LGA and has prepared a Delivery Program and Plan for 2012-2016 with a number of measures, including the transfer of the Senior Citizens Centres to Incorporated committees.

The reclassification of the land from community to operational is required to allow Nambucca Council to transfer the land at 11 Kent Street, Nambucca Heads to Nambucca Senior Citizens Inc. Following Council's transfer of the property it will no longer be responsible for maintenance of the building. Depreciation costs will also be removed from Council's accounts, in part helping to reduce services to a more sustainable level.

Consistency with strategic planning framework :

The land and single storey, timber building with extensions situated on the subject land (11 Kent Street) are zoned B3 Commercial Core under the provisions of the Nambucca LEP 2010 and the property is used as the Nambucca Senior Citizen Centre. Under the provisions of the Nambucca LEP the building has a maximum potential building height of 8.5 metres.

Part of the subject land lies within the coastal zone and Nambucca Council has considered the natural, cultural, recreational and economic attributes of the land. As the proposal does not result in any development and is an existing urban allotment no adverse impacts have been identified.

Environmental social economic impacts :

Initially, in the 1980s, Crown land in Nambucca Heads was proposed as a site for the construction of a senior citizens centre. The Government Gazette of 18 July 1986 identified land off Riverside Drive, however, this did not proceed. On 21 July 1994 Nambucca Council resolved to acquire the property at No 11 Kent Street for this purpose. The Nambucca Senior Citizens Club funded \$141,000 of the \$221,000 required for the property and extensions. This Club, therefore, holds substantial equity in the premises having provided a large proportion of the funds for acquisition and subsequent extensions.

However, Council's resolution did not include the classification of the property as community or operational, therefore, by default it is classified as community land.

The Nambucca Senior Citizens Inc is appointed as a Section 355 Committee of Management under the Local Government Act 1993 with delegated powers.

Nambucca Council has indicated that support can still be provided for the Club through the Council's Grants office and Donations Policy.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**
 Timeframe to make LEP : **6 Month** Delegation : **DG**
 Public Authority Consultation - 56(2)(d) : **Other**

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 Proposal Amendment 13 Lot 2 DP 330678 11 Kent St Nambucca Heads.pdf	Proposal	Yes
LEP Practice Note - Public Land.pdf	Proposal	Yes
Council meetings Amendment 13 Lot 2 DP 330678 11 Kent St Nambucca Heads.pdf	Proposal	Yes
Nambucca Shire Council_08-04-2013_Amendment 13 Lot 2 DP 330678 11 Kent St Nambucca Heads - s56_.pdf	Proposal Covering Letter	Yes
Nambucca LEP 2010 Amendment No 13 - Information Sheet.pdf	Proposal	No
Nambucca LEP 2010 Amendment No 13 - Project Timeline.pdf	Proposal	No
Nambucca LEP 2010 Amendment No 13 - Evaluation Criteria for Delegation.pdf	Proposal	No

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

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Additional Information : **It is recommended that:**

- 1) The planning proposal be supported subject to conditions;**
- 2) The planning proposal be publicly exhibited, in accordance with the department's LEP practice note PN09-003, for a period of 28 days and that a public hearing be arranged in accordance with the requirements of section 29 of the Local Government Act 1993;**
- 3) A copy of a land title search for the lot is to be provided with Council's request to make the plan. The title search is required to show what interests exist over the land. Council is to advise which interests are to be discharged to ensure correct legal drafting of the amendment occurs.**
- 4) The planning proposal is to be completed within 6 months;**
- 5) Delegation is not to be given to Council as as the reclassification involves an approval by the Governor.**

Supporting Reasons : **The recommended conditions to the Gateway are required to provide adequate consultation and accountability.**

Signature:  _____

Printed Name: JIM CLARK Date: 11 April 2013