
GENERAL MANAGER'S REPORT

ITEM 10.7 SF2532 151118 NLEP 2010 AMENDMENT 24 - REZONE RURAL LAND TO RESIDENTIAL

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment; Michael Coulter, General Manager

Summary:

This report seeks Council approval to proceed with a planning proposal to amend the Nambucca Local Environmental Plan 2010 (LEP) by rezoning Lot 2 DP 514920, Lot 11 DP 1017408 & Lot 12 DP 1017408 - Giinagay Way, Nambucca Heads from RU1 Primary Production to a combination of R1 General Residential and E3 Environmental Management.

The planning proposal has been included within **attachment 1**.

NOTE: This matter requires a "Planning Decision" meaning a decision made in the exercise of a function of the council under the Environmental Planning and Assessment Act 1979 including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan. Under Section 375A of the Local Government Act 1993 it requires the General Manager to record the names of each Councillor supporting and opposing the decision.

RECOMMENDATION:

- 1 Council staff forward the planning proposal contained within attachment 1 to the Minister for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.**
- 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the planning proposal.**

OPTIONS:

- Proceed with the planning proposal with or without amendments.
- Not proceed with the planning proposal.

DISCUSSION:

Lot 2 DP 514920, Lot 11 DP 1017408 & Lot 12 DP 1017408 (the land) is located on Giinagay Way, Nambucca Heads between Pelican Park and The Nambucca Motel. Council has sought to rezone the land from rural to residential on two occasions, with the last attempt in 2011. As part of these attempts, Council commissioned the Lower Nambucca Local Environmental Study in 2004, which found that the land was suitable for residential development.

The NSW Department of Planning's justification in 2011 for not supporting the planning proposal was that there was insufficient strategic planning merit to proceed with the rezoning and that the proposal was inconsistent with a number of Ministerial directions.

However, since then the land has been included as an urban land investigation area within the North Coast Regional Plan 2036. Having regard to this, the findings of the Lower Nambucca Local Environmental Study, and the justification within the attached planning proposal; it is considered that there is now sufficient strategic planning merit to proceed with the rezoning of the land and sufficient detail which demonstrates the proposals consistency with the relevant Ministerial directions.

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It is proposed to rezone the land from RU1 Primary Production to a combination of R1 General Residential and E3 Environmental Management. The proposed R1 General Residential zoned section of the land will have an area of approximately 1.4ha.

The planning proposal has been included within **attachment 1**.

CONSULTATION:

Coordinator Strategic Planning & Natural Resources

SUSTAINABILITY ASSESSMENT:**Environment**

The land is cleared. Also the constrained land within the property is not proposed to be zoned R1 General Residential. There are minimal environmental impacts.

Social

There are no significant social implications.

Economic

The land has a superior location and its subdivision is likely to attract considerable investment. It will have a positive economic impact.

Risk

It is considered that there is minimal risk associated with the proposal.

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

Nil.

Working funds – justification for urgency and cumulative impact

N/A.

Service level changes and resourcing/staff implications

N/A.

ATTACHMENTS:

1 40957/2018 - Planning Proposal