

Planning and Providing Our Infrastructure

Item: 13.17

Subject: THRUMSTER NEIGHBOURHOOD PLANNING: MIXED ZONING CHANGES

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.2 Review planning instruments and strategies to ensure currency and facilitate sustainable development outcomes whilst acknowledging the impact on community affordability.

RECOMMENDATION

That Council:

- 1. Forward the attached planning proposal in relation to changes to the land zones at Thrumster to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the *Environmental Planning and Assessment Act 1979*.**
- 2. Request that the Director General of the Department of Planning and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 59 of the Act for the planning proposal.**

Executive Summary

On 16 April 2014, Council resolved to, among other things, prepare a planning proposal to make necessary changes to the local environmental plan to reflect recent neighbourhood planning at Thrumster.

The purpose of this report is to seek Council approval to send a Planning Proposal to the Minister for Planning seeking a Gateway Determination and to carry out subsequent state and community engagement.

On 15 August 2014, the Thrumster neighbourhood planning provisions for South Oxley came into effect. Neighbourhood planning for Thrumster is now complete, with the exception of part of the North Oxley neighbourhood (Barton Ridge East), which will be the subject of neighbourhood planning in 2014/15.

Much of the neighbourhood planning has occurred in the six years since the land zoning map was finalised and adopted.

Neighbourhood planning has identified new or revised locations for key facilities such as local centres and regional playing fields. As such, changes to the relevant land zoning map are needed to ensure the local environmental plan aligns with the desired neighbourhood structure at Thrumster.

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The proposed changes comprise a relocation of two neighbourhood centres, the transfer of regional playing fields from South Oxley to a consolidated position in North Oxley, and a minor extension of a residential development area in Partridge Creek.

The Strategic Land Use Planning team has prepared the attached draft Planning Proposal to facilitate these changes.

Council has three options available.

1. To forward the proposal as attached to the Minister.
2. To forward an amended proposal to the Minister.
3. Not to forward the proposal to the Minister.

Feedback on the proposed changes has been sought from key stakeholders. However no broad community engagement has been undertaken at this stage. Changes to the draft land zones have been made in response to the feedback received to date. It is recommended that Council proceed to exhibition of the draft Planning Proposal.

Discussion

On 16 April 2014, Council resolved as follows:

RESOLVED: Intemann/Levido

That Council:

1. *Publicly exhibit the attached draft Development Control Plan, incorporating revised planning controls for Thrumster and new planning controls for the South Oxley neighbourhood, for a minimum of 28 days in accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000.*
2. *Receive a further report including a review of any submissions made during the public exhibition and any necessary alterations to the draft Development Control Plan after completion of the exhibition period.*
3. *Prepare a planning proposal to make the necessary changes to the Port Macquarie-Hastings Local Environmental Plan 2011, as outlined in this report.*

CARRIED: 8/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

This report deals with item 3 above.

On 12 June 2008, Council adopted the Area 13 Thrumster Development Control Plan. This document sets the planning framework for six distinct neighbourhoods and provided guidance on preparing neighbourhood plans for each.

On 22 October 2008, neighbourhood plans for North Oxley and the Thrumster Town Centre were completed.

On 24 December 2008, the Land Zoning Map came into effect as part of the relevant local environmental plan. The zones remain unchanged today.

On 13 December 2013, neighbourhood plans for West Lindfield, and the Partridge Creek Residential and Industrial Neighbourhoods were completed.

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On 15 August 2014, the neighbourhood planning provisions for South Oxley came into effect as part of the refreshed and reformatted Development Control Plan chapter for Thrumster.

Apart from a precinct plan for Barton Ridge East, to be completed mid next year, neighbourhood planning for Thrumster is now complete.

Neighbourhood layout was looked at more closely as part of the planning work for the Partridge Creek, West Lindfield and South Oxley neighbourhoods, made since the land use zones were mapped. In particular, new or revised locations for playing fields and neighbourhood shops have been identified.

Changes to the land use zone maps are needed to ensure the local environmental plan maps align with the desired neighbourhood structure at Thrumster. The process to amend the local environmental plan is to first prepare a Planning Proposal, submit it to the Department of Planning for a Gateway Determination and then comply with the state and public consultation and any other requirements specified in the resulting determination. The proposal may be amended as necessary during this consultation process.

Staff have prepared the attached draft Planning Proposal (the proposal) in accordance with the department's *guide to preparing planning proposals* for Council's consideration prior to seeking a Gateway Determination (Attachment 1). The purpose of the proposal is to facilitate the desired zone changes and consequential changes to other local environmental plan maps.

The first draft mapping prepared for initial stakeholder consultation included zones for new local parks identified in the development control plan. After further analysis however, these were removed from the package. Their inclusion would be premature given the final subdivision layouts are not in place and the land needs to be accurately described in order to be acquired by Council later. There is sufficient guidance in the development control plan to identify the location, size and type of park required. Once a subdivision plan is approved and satisfactory arrangements are in place to dedicate the land to Council, the precise land boundary can be rezoned accordingly. This approach avoids further adjustment of zone boundaries later.

The issue of accuracy is of less importance for the village centre zones given there is some flexibility allowed under the local environmental plan.

The specific changes proposed are listed below.

1. Relocate the B1 Neighbourhood Centre Zone in the Partridge Creek Residential neighbourhood about 200 metres south, to align with boundaries identified in consultation with the relevant landowner during the neighbourhood planning phase.
2. Relocate the B1 Neighbourhood Centre Zone in the South Oxley neighbourhood about 130 metres north to align with boundaries identified in consultation with the relevant landowner during the neighbourhood planning phase.

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3. Remove the RE1 Public Recreation Zone in the South Oxley neighbourhood in response to a revised approach on delivery of regional playing fields.
4. Reconfigure the layout of the RE1 Public Recreation Zone and adjoining R1 General Residential Zone in the North Oxley neighbourhood to accommodate additional playing fields relocated from the South Oxley neighbourhood.
5. Reconfigure the R1 General Residential Zone and the R5 Large Lot Residential Zone in the Partridge Creek Residential area to facilitate an additional 5,600 square metres of development area.
6. Amend the Minimum Lot Size Map as necessary to reflect the above zone changes.

The zone changes are shown in the draft map at Part 4 of the attached proposal (Attachment 1).

Note that should the zone changes be approved, consequential changes will also be made to the relevant development control plan maps that show land use zones. These changes do not need public exhibition as they will only reflect the adopted local environmental plan zones.

Options

Council is the 'relevant planning authority' under the *Environmental Planning and Assessment Act 1979* (the Act) for making and amending the local environmental plan.

Under sections 55 and 56 of the Act, after preparing a Planning Proposal, Council may forward it to the Minister. As such, Council has three options available.

1. To forward the proposal as attached to the Minister.
2. To forward an amended proposal to the Minister.
3. Not to forward a proposal to the Minister.

Option 1 is the preferred option. The proposed changes outlined in the attached proposal help to align the land use zones with the strategic intent of the area and more recent neighbourhood planning.

Not forwarding the proposal to the Minister will leave the local environmental plan inconsistent with the preferred neighbourhood layout and risks confusion or delay for development proponents and development assessment staff.

On receiving the proposal, the Minister or her delegate will then determine, among other things, whether the matter should proceed and what state and public consultation is required. Should the Minister determine the proposal can proceed; the Gateway Determination will set out any such requirements as conditions on the determination.

Further to Option 1 above, Council approval is also sought to carry out any state or public consultation specified in the Gateway Determination. A report summarising the consultation, submissions and any proposed changes to the Planning Proposal will be presented to Council after state government and community engagement has been completed.

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Community Engagement & Internal Consultation

The purpose of this report is to seek Council's approval to forward the proposal to the Minister for a Gateway Determination. No broad community engagement has been undertaken at this stage; however key stakeholders have been consulted about the proposed changes.

On 6 August 2014, the first draft mapping changes were sent to Hopkins Consultants Pty Ltd and King and Campbell Pty Ltd, local planning firms that were involved in the planning for the relevant neighbourhoods, asking for feedback.

On the same day, Mr Tony Thorne, Director King and Campbell Pty Ltd, provided an email response relating to a proposed local park in the Partridge Creek Residential neighbourhood (Attachment 2). Mr Thorne, representing the interests of Council as a landowner, raised concern about the impact the timing of the proposed zone change. In particular, Mr Thorne was concerned about the impact on the potential offset value of Council-owned land in a pending bio-certification process. However as mentioned earlier, zones for local parks were removed in a subsequent draft of the proposal for reasons unrelated to Mr Thorne's comment. Mr Thorne's comment is therefore redundant and has not been considered further at this time.

On 8 August 2014, Mr Michael Mowle, Managing Director Hopkins Consultants Pty Ltd, provided an alternative layout for the proposed B1 Neighbourhood Centre Zone (Attachments 3 and 4). The alternative layout is considered acceptable and the draft mapping has been adjusted accordingly.

On 18 August 2014, King and Campbell Pty Ltd submitted an additional zone change request on behalf of Mr and Mrs Gray, owners of land on the eastern corner of John Oxley Drive and Thrumster Street (Attachments 5 and 6). The request relates to a proposed subdivision of land which is split zoned R1 General Residential with a minimum lot size of 450 square metres, and R5 Large Lot Residential with a minimum lot size of 8,000 square metres.

A pre-lodgement meeting relating to the future subdivision application was held with Council staff on 5 August 2014. The proposal seeks to extend the development area identified in the Thrumster development control plan provisions by about an additional 5,600 square metres to the north into what is now the R5 Large Lot Residential Zone portion of the lot. The proposed addition to the R1 General Residential Zone would accommodate a perimeter road and four additional dwelling lots. A layout is shown in Attachment 4.

In support of their request, King and Campbell have shown the following:

- The proposed R1 General Residential Zone would not result in the loss of significant trees.
- The remaining unconstrained land on the R5 Large Lot Residential Zone is of sufficient size to accommodate a dwelling without loss of significant trees. Ancillary structures and outbuildings can be accommodated within the bushfire protection area without loss of significant vegetation.
- Further subdivision of the remaining R5 lot would be prohibited by the local environmental plan.
- Future residential occupation of all proposed lots would not require further clearing in order to satisfy current bushfire protection guidelines.

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In addition, the Strategic Land Use Planning team notes the following:

- The proposed residential layout does not alter the strategic intent for development identified through the development control plan.
- The proposed residential area is within a mapped Core Koala Habitat area. The supporting information submitted by King and Campbell demonstrates residential development in the new area can comply with the relevant Koala Plan of Management provisions.
- The proposed layout facilitates efficient development of the area by maximising the use of otherwise unconstrained land.
- A restriction on the use of the new lot in the R5 Large Lot Residential Zone would be required to control the dwelling location. This is normally done as a condition of subdivision approval.

The request to include this zone change in the planning proposal is supported in principle by staff. However, including this matter in the planning proposal does not imply an approval of the subdivision application described earlier. This is a separate matter for development assessment.

Based on the assessment above, the proposed change has been incorporated in the draft mapping.

Broad community engagement and consideration of further submissions will be carried out as part of the standard Gateway process. A submissions report will be presented to Council on completion of all engagement activities, anticipated in February 2015.

The final draft park changes have been reviewed and endorsed by the Group Manager Recreation and Buildings.

As Council owns land in the area, a full description of Council's land interests will be included with the public exhibition material to ensure transparency and accountability.

Planning & Policy Implications

The relevant Community Strategic Plan action is 5.4 *Plan settlements to accommodate a range of compatible land uses and projected population growth*. The associated outcome is to have "employment and population growth that is clustered within urban centres". The proposal contributes to this outcome by fine tuning the alignment of land use zones to reflect the outcomes of more detailed neighbourhood planning.

The proposed zone changes remain consistent with Council's strategic land use planning framework, notably the Urban Growth Management Strategy and the Development Control Plan provisions for Thrumster.

There are no significant planning or policy implications arising from the proposed changes.

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Financial & Economic Implications

The preparation and implementation of local environmental plan amendments relating to Thrumster is identified in action 5.4.2.1 in Council's Operational Plan for 2014-2015. Completion of the work in the manner outlined in this report is able to be undertaken within Council's Strategic Land Use Planning section in consultation with other divisions of Council. The work is funded as a scheduled project within Council's Strategic Planning Program for 2014-2015. The anticipated completion date is November 2015.

If adopted, the zone changes will contribute to a suite of planning tools that aim to facilitate a vibrant place that will contribute to the positive economic outcomes throughout the ongoing development of Thrumster.

Attachments

- 1[View](#). Planning Proposal: Thrumster Mixed LEP changes
- 2[View](#). Email from Mr Tony Thorne, King and Campbell
- 3[View](#). Email from Mr Michael Mowle, Hopkins Consultants
- 4[View](#). Hopkins proposed zone change
- 5[View](#). Letter from King & Campbell - additional zoning request
- 6[View](#). King & Campbell proposed zone change