

Planning Proposal under section 55 of the EP&A Act

Port Macquarie-Hastings LEP 2011 (Amendment No 32)

Mixed land zone changes relating to neighbourhood planning for Thrumster

Ccl ref: PP2014.06.1

DPI ref: PP_2011_PORTM_*

Date: 29 August 2014



Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Draft	29 August 2014
Reported to Council (section 55)	17 September 2014
Adopted by Council & referred to Dept of Planning (sec 56 (1))	17 September 2014
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Revisions required: Yes / No . Completed	
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For Council review (sec 58 (1))	
Adopted by Council for final submission to Dept of Planning (sec 58 (2))	

Council reference: PP2014.06.1

(Amendment No will initially be blank) Port Macquarie-Hastings LEP 2011 (Amendment No 32)

Department of Planning & *

Infrastructure reference:

Council Address

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Contact Officer

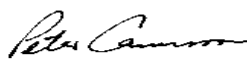
Steve Schwartz
Strategic Planner
Email steve.schwartz@pmhc.nsw.gov.au
Phone 02 6581 8111

Adoption of the Planning Proposal

1. For initial Gateway determination

This Planning Proposal was endorsed on 17 September 2014 by *Port Macquarie-Hastings Council*:

Signed



Name Peter Cameron

Position Group Manager Strategic Land Use Planning

2. For section 58 finalisation

This Planning Proposal was endorsed on by *Port Macquarie-Hastings Council*, or the undersigned Council delegate (delete one):

Signed

Name

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Planning Proposal

This is a Planning Proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979*, in relation to a proposed amendment to *Port Macquarie-Hastings Local Environmental Plan 2011*. It will be assessed by Port Macquarie-Hastings Council, the NSW Department of Planning and Infrastructure, and (depending on the Gateway determination) used for public participation on the proposed LEP amendment.

Background

Proposal	Mixed land zone changes relating to neighbourhood planning for Thrumster
Property Details	Lot 1 DP603648, Lot 62 DP1095861, Lot 1 DP1087368, Lot 3 DP565437, Lot 2 DP1185319, Lot 96 1197050.
Applicant Details	The proposed amendment was initiated by Port Macquarie-Hastings Council
Brief history	Recent comprehensive neighbourhood planning at Thrumster set out new or revised locations for future parks, playing fields and neighbourhood shops. This planning proposal is aimed at amending the land use zones to facilitate these outcomes.
Location	A location map is included in Part 4 - Mapping.

Part 1 - Objectives or Intended Outcomes

The intended outcome is that the land zones applicable in the Thrumster Urban Release Area match the preferred location for local centres, parks and playing fields identified through the recent comprehensive neighbourhood planning process.

Part 2 - Explanation of Provisions

The intended outcome is to be achieved by amending the Land Zone Mapping of the Port Macquarie-Hastings Local Environmental Plan 2011 in the following manner.

1. Relocate the B1 Neighbourhood Centre Zone in the Partridge Creek Residential neighbourhood about 200 metres south to better fit with the desired future neighbourhood layout.
2. Relocate the B1 Neighbourhood Centre Zone in the South Oxley neighbourhood about 130 metres north to better fit with the desired future neighbourhood layout.
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 R1 General Residential Zone and the RE1 Public Recreation Zone to accommodate additional regional playing fields relocated from the South Oxley neighbourhood.
5. Reconfigure the layout of the R1 General Residential Zone and the R5 Large Lot Residential Zone to facilitate approximately an additional 5,600 square metres of general residential development area.

Note that consequential changes to the corresponding Lot Size Map will also be needed to maintain consistency with the proposed zone changes.

The key changes are shown in the draft maps at Part 4 and Appendix E.

Part 3 – Justification

A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

No. The planning proposal relates to consequential changes arising from further detailed neighbourhood planning in the Thrumster Urban Release Area. Neighbourhood structure was looked at more closely during the planning for the Partridge Creek, South Oxley and West Lindfield neighbourhoods. The proposed changes reflect the preferred locations for the future local centres at South Oxley and Partridge Creek neighbourhoods, a revised approach to the location of regional playing fields in the area and an extension of a development area in the Partridge Creek Residential neighbourhood.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best means of achieving the objectives and intended outcome as they relate directly to a change in zones.

B - Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions of the Mid North Coast Regional Strategy 2006-31?

Thrumster is an urban release area identified in the Mid North Coast Regional Strategy. The planning proposal supports the development of the area in accordance with the Regional Plan's Neighbourhood Planning Principles by facilitating an improved neighbourhood zone layout.

4. Is the planning proposal consistent with Council's Community Strategic Plan and Urban Growth Management Strategy 2010 – 2031?

The planning proposal supports Council's Community Strategic Plan objective '*Our population growth is supported through public infrastructure, land use and development strategies that create a connected, sustainable and accessible community*' by facilitating an improved neighbourhood zone layout.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are no State Environmental Planning Policies which would prevent the proposed changes being made.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Fifteen Section 117 Ministerial Directions apply to the planning proposal. Responses on the planning proposal's consistency with each direction are set out below.

No 1.1 Business and Industrial Zones

This direction applies as the planning proposal will affect land within an existing business zone, including the alteration of existing business zone boundaries.

The proposal is inconsistent as it does not retain the areas and locations of existing business zones. In particular, changes are proposed to relocate and change the shape of the existing B1 Neighbourhood Centre Zone in the South Oxley and Partridge Creek Residential neighbourhoods.

The proposed changes are of minor significance as they:

- are a relocation of the same zone within the immediate vicinity of the current location, and
- do not reduce or significantly enlarge the zone areas.

No 2.1 Environment Protection Zones

This direction applies to all planning proposals.

The proposal is consistent as it does not alter the Local Environmental Plan provisions that facilitate the protection and conservation of environmentally sensitive areas.

No 2.2 Coastal Protection

This direction applies as the planning proposal applies to land in the coastal zone.

The proposal is consistent as it does not alter the Local Environmental Plan provisions that give effect to and are consistent with the:

- *NSW Coastal Policy 1997*
- *Coastal Design Guidelines 2003*, and
- *NSW Coastline Management Manual 1990*.

No 2.3 Heritage Conservation

This direction applies to all planning proposals.

The proposal is consistent as it does not alter the Local Environmental Plan provisions that facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

No 2.4 Recreational Vehicle Areas

This direction applies to all planning proposals.

The proposal is consistent as it does not enable land to be developed for the purpose of a recreational vehicle area.

No 3.1 Residential Zones

This direction applies as the planning proposal seeks to alter an existing residential zone boundary.

The proposal is consistent as it does not alter the Local Environmental Plan provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market, and
- make more efficient use of existing infrastructure and services, and
- reduce the consumption of land for housing and associated urban development on the urban fringe, and
- be of good design.

The planning proposal does not alter the Local Environmental Plan's requirements with regard to adequate servicing.

The planning proposal does not contain provisions which will reduce the permissible residential density of land.

No 3.2 Caravan Parks and Manufactured Home Estates

This direction applies to all planning proposals.

The planning proposal is consistent as it does not deal with identification of sites for caravan parks or manufactured home estates.

No 3.3 Home Occupations

This direction applies to all planning proposals.

The planning proposal is consistent as it does not alter the Local Environmental Plan provisions related to home occupations.

No 3.4 Integrating Land Use and Transport

This direction applies as the planning proposal seeks to alter a zone relating to urban land.

The planning proposal is consistent as it locates zones and includes provisions that are consistent with the aims, objectives and principles of:

- *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
- *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

No 4.1 Acid Sulfate Soils

This direction applies as the planning proposal applies to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Map, Sheet ASS_013D. The relocated B1 Neighbourhood Centre Zone in the South Oxley neighbourhood remains partly affected by the probability of Class 5 acid sulfate soils.

The planning proposal is consistent as it does not alter the Local Environmental Plan provisions regarding acid sulfate soils and does not propose a significant change or intensification of land uses on the portion of the study area identified on the Acid Sulfate Soils Map. The proportion of the B1 Zone that would be affected by acid sulfate soils by the proposed change remains about the same as present.

No 4.3 Flood Prone Land

This direction applies as the planning proposal alters a zone that affects flood prone land. The relocated B1 Neighbourhood Centre Zone in South Oxley and the reconfigured RE1 Public Recreation Zone are within the mapped Flood Planning Area.

The planning proposal is consistent as it does not alter the Local Environmental Plan provisions regarding Flood Prone Land and does not propose a significant change or intensification of land uses on the portion of the study area identified on the Flood Planning Map. The proportion of the B1 Zone that would be affected by the Flood Planning Area remains about the same as present, and the reconfigured RE1 zone improves the situation by replacing a residential zone with regional playing fields.

No 4.4 Planning for Bushfire Protection

This direction applies as the planning proposal affects land mapped as bushfire prone land.

The planning proposal is consistent as it accords with the principles described in *Planning for Bushfire Protection 2006*. In particular, the planning proposal does not:

- alter bushfire protection areas
- introduce new residential land in bushfire prone areas, or
- alter the Local Environmental Plan provisions relating to bushfire protection.

Should the Gateway Determination identify consultation with the NSW Rural Fire Service, Council will take into account any comments made.

No 5.1 Implementation of Regional Strategies

This direction applies as the Mid North Coast Regional Strategy applies to the area.

As described in Part 3, the planning proposal is consistent with the Mid North Coast Regional Strategy.

No 6.1 Approval and Referral Requirements

This direction applies to all planning proposals.

The planning proposal is consistent as it does not alter the Local Environmental Plan provisions relating to the concurrence, consultation or referral of development applications and does not identify development as designated development.

No 6.2 Reserving Land for Public Purposes

This direction applies to all planning proposals.

The planning proposal is consistent as it does not create, alter or reduce existing zonings of land for public purposes.

C - Environmental, social and economic impact.

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No.

- 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No.

- 9. How has the planning proposal adequately addressed any social and economic effects?**

Given the nature of the changes, no social or economic impacts are anticipated.

D - State and Commonwealth interests.

- 10. Is there adequate public infrastructure for the planning proposal?**

Yes.

- 11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

To be completed after any consultation required by the Gateway Determination.

Part 4 – Mapping

A - Affected land

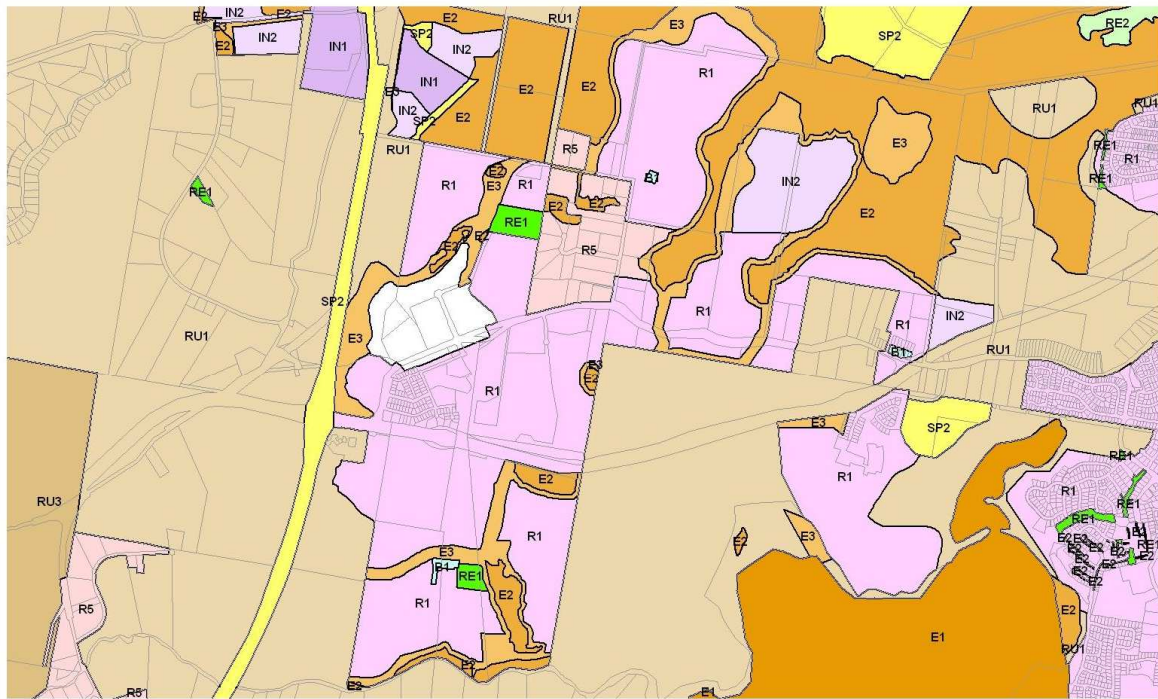
The land affected by the planning proposal is shown on the Site Identification Map contained in **Appendix C**.

B - Comparison of before and after

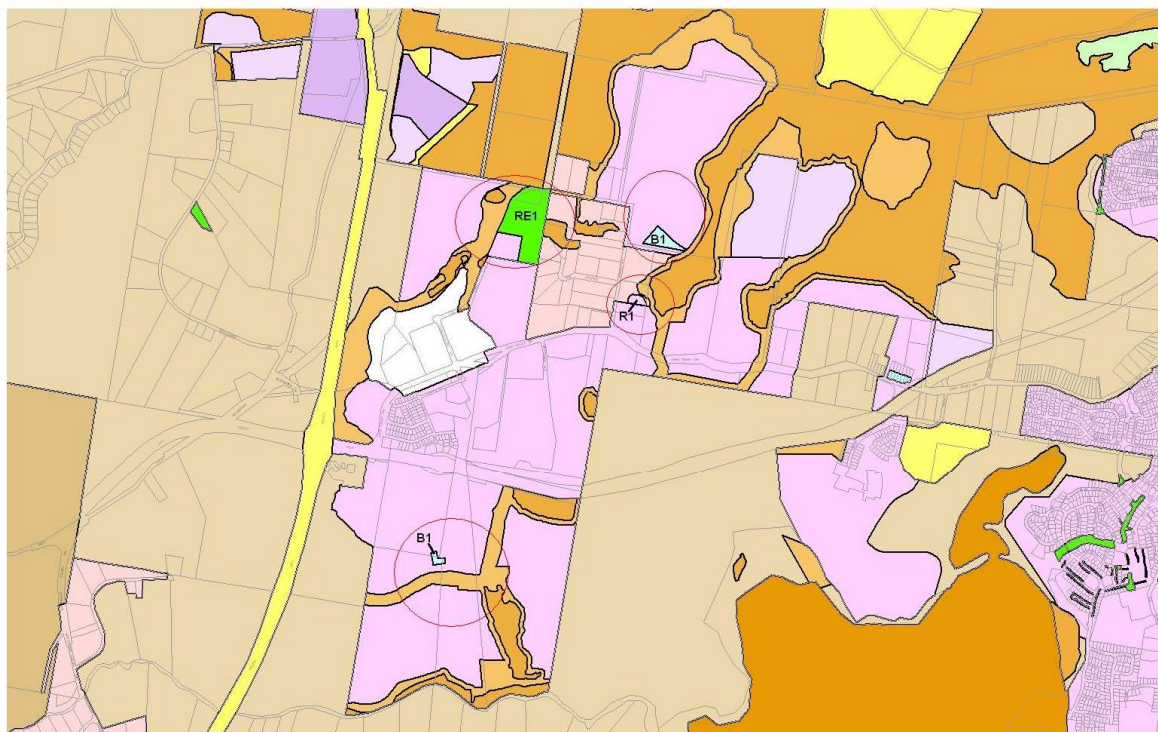
Below are map extracts showing the current mapping and proposed zone changes.

Land Zoning Map

Current



Proposed



Zone Codes

- R1 General Residential
- B1 Neighbourhood Centre
- RE1 Public Recreation

C - Draft LEP maps

If the Minister or delegate approves the Planning Proposal then the new map sheets will replace the current LEP map sheets.

Council may update the final maps from the maps forming part of this Planning Proposal to include:

- any changes made by Council,
- formatting changes, and
- any applicable updates arising from other concurrent LEP amendments.

Part 5 – Community Consultation

The proposal is considered to be a low impact proposal, as it:

- is consistent with the pattern of surrounding land use zones and/or land uses,
- is consistent with the strategic planning framework,
- presents no issues with regard to infrastructure servicing,
- is not a principal LEP, and
- does not reclassify public land.

On this basis a 14 day public exhibition period is appropriate.

Consultation in accordance with the Council's Public Consultation Policy is proposed for the site. The proposed consultation strategy in conjunction with the public exhibition for this proposal will be:

- Notification in a locally circulating newspaper.
- Notification on Council's website.
- Written notification to affected and adjoining landowners.

Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays. It is assumed that Council does have delegation to carry out certain plan-making functions. Delegation would be exercised by Council's General Manager or the Director of Development and Environmental Services.

	2014						2015										2016							
Anticipated dates	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
Commencement (date of Gateway determination)																								
Timeframe for the completion of required technical information																								
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)																								
Commencement and completion dates for public exhibition period																								
Dates for public hearing (if required)																								
Timeframe for consideration of submissions																								
Timeframe for the consideration of a proposal post exhibition																								
Date of submission to the department to finalise the LEP																								
Date Council will make the plan (if delegated)																								
Date Council will forward to the department for notification.																								

Appendix A – Gateway Determination

A copy of the Gateway Determination for this Planning Proposal will be included in this Appendix after it is issued.

The Determination will identify processing requirements, such as:

- community consultation, or
- possible changes to this proposal.

At the time of preparation of this version of the planning proposal there has been no Gateway Determination.

Appendix B – List of proposed amendments

Changes to Map Sheets

The following map sheets are proposed to be revoked:

Map sheets	Map sheet identifier
Land Zoning Map LZN_013D	6380_COM_LZN_013D_020_20140513
Lot Size Map LSZ_013D	6380_COM_LSZ_013D_020_20131004

Note: This list of current maps may need to be updated for the other amendments finalised prior to this amendment.

Appendix C – Site Identification Map

Appendix D – Map Cover Sheet

The Map Cover Sheet is a part of the submission of the draft LEP for formal approval by the Minister for Planning and Infrastructure or delegate.

It will not be prepared until that stage.

Appendix E – Map Sheets to be adopted

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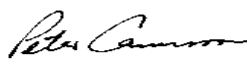
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- be of good design.

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- introduce new residential land in bushfire prone areas, or
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This direction applies as the Mid North Coast Regional Strategy applies to the area.

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This direction applies to all planning proposals.

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C - Environmental, social and economic impact.

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No.

- 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No.

- 9. How has the planning proposal adequately addressed any social and economic effects?**

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D - State and Commonwealth interests.

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Part 4 – Mapping

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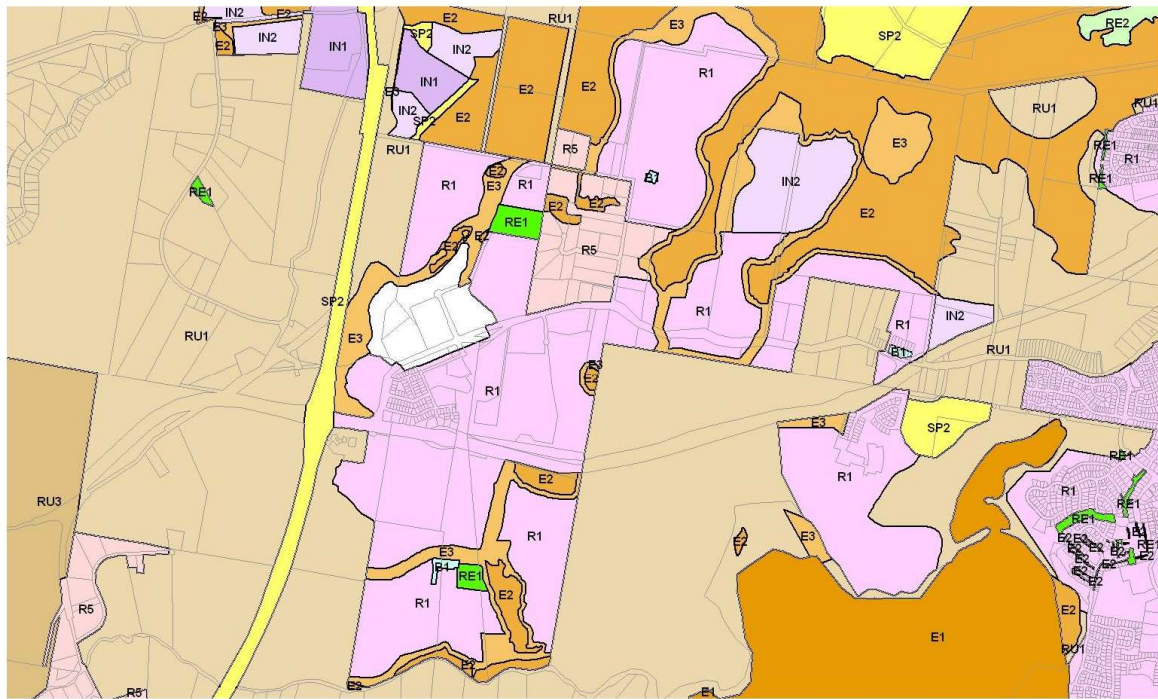
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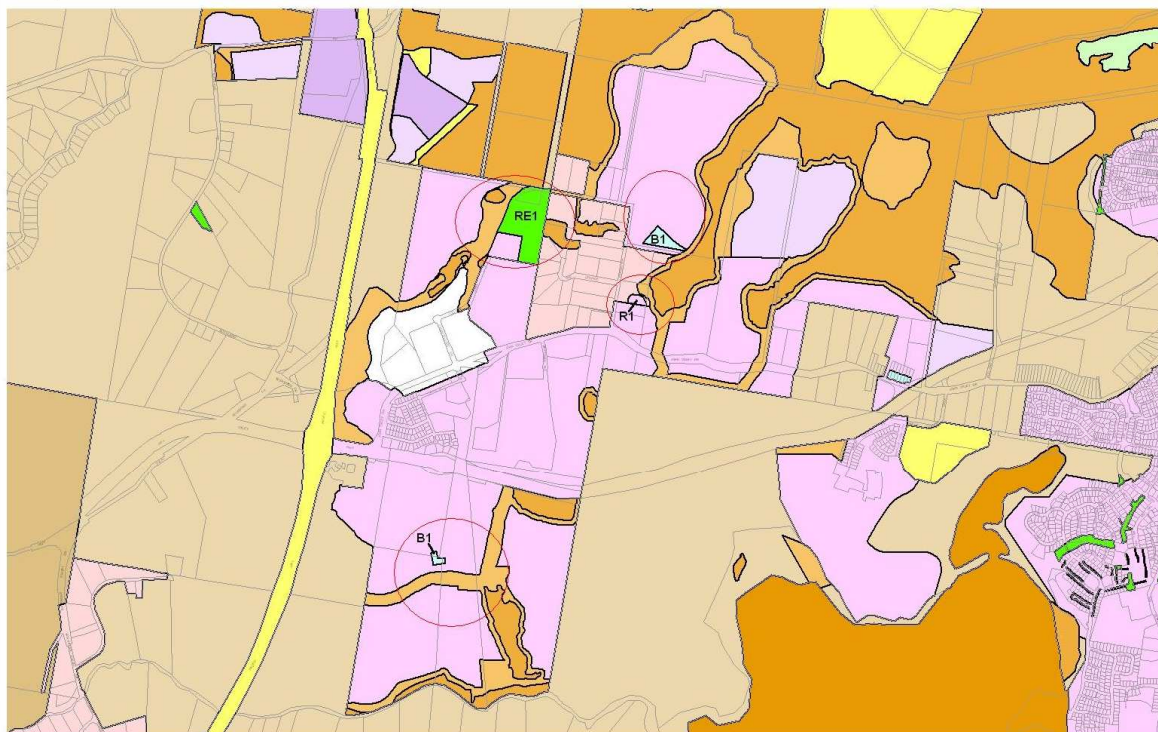
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Land Zoning Map

Current



Proposed



Zone Codes

- R1 General Residential
- B1 Neighbourhood Centre
- RE1 Public Recreation

C - Draft LEP maps

If the Minister or delegate approves the Planning Proposal then the new map sheets will replace the current LEP map sheets.

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- Written notification to affected and adjoining landowners.

Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays. It is assumed that Council does have delegation to carry out certain plan-making functions. Delegation would be exercised by Council's General Manager or the Director of Development and Environmental Services.

Anticipated dates	2014						2015												2016					
	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
Commencement (date of Gateway determination)																								
Timeframe for the completion of required technical information																								
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)																								
Commencement and completion dates for public exhibition period																								
Dates for public hearing (if required)																								
Timeframe for consideration of submissions																								
Timeframe for the consideration of a proposal post exhibition																								
Date of submission to the department to finalise the LEP																								
Date Council will make the plan (if delegated)																								
Date Council will forward to the department for notification.																								

Appendix A – Gateway Determination

A copy of the Gateway Determination for this Planning Proposal will be included in this Appendix after it is issued.

The Determination will identify processing requirements, such as:

- community consultation, or
- possible changes to this proposal.

At the time of preparation of this version of the planning proposal there has been no Gateway Determination.

Appendix B – List of proposed amendments

Changes to Map Sheets

The following map sheets are proposed to be revoked:

Map sheets	Map sheet identifier
Land Zoning Map LZN_013D	6380_COM_LZN_013D_020_20140513
Lot Size Map LSZ_013D	6380_COM_LSZ_013D_020_20131004

Note: This list of current maps may need to be updated for the other amendments finalised prior to this amendment.

Appendix C – Site Identification Map

Appendix D – Map Cover Sheet

The Map Cover Sheet is a part of the submission of the draft LEP for formal approval by the Minister for Planning and Infrastructure or delegate.

It will not be prepared until that stage.

Appendix E – Map Sheets to be adopted
