

Minor Land Zoning Changes at Thrumster, Port Macquarie

Proposal Title : **Minor Land Zoning Changes at Thrumster, Port Macquarie**

Proposal Summary : **The proposal seeks to implement detailed neighbourhood planning undertaken by Council in the Thrumster urban release area by amending the following zonings (and any associated lot sizes or land reservations):**

- relocate the B1 Neighbourhood Centre Zone in the Partridge Creek precinct 200m south;
- relocate the B1 Neighbourhood Centre Zone in the South Oxley Precinct 130m north;
- relocate the RE1 Public Recreation Zone from the South Oxley Precinct to the North Oxley Precinct; and
- rezone a small area of existing R5 Large Lot Residential land in the Partridge Creek precinct to R1 General Residential.

PP Number : **PP_2014_PORTM_003_00**

Dop File No :

14/16025

Proposal Details

Date Planning
Proposal Received : **22-Sep-2014**

LGA covered : **Port Macquarie-Hastings**

Region : **Northern**

RPA : **Port Macquarie-Hastings Council**

State Electorate : **PORT MACQUARIE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : **Thrumster**

City : **Port Macquarie**

Postcode : **2444**

Land Parcel : **Lot 1 DP 603648, Lot 62 DP 1095861, Lot 1 DP 1087368, Lot 3 DP 565437, Lot 2 DP 1185319 and Lot 96 DP 1197050**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**

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RPA Contact Details

Contact Name : **Steve Schwartz**

Contact Number : **0265818632**

Contact Email : **steve.schwartz@pmhc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Minor Land Zoning Changes at Thrumster, Port Macquarie

Land Release Data

Growth Centre :	Other	Release Area Name :	
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.56	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	4
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 and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Port Macquarie-Hastings LEP 2011.**

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? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

2.1 Environment Protection Zones

2.2 Coastal Protection

Minor Land Zoning Changes at Thrumster, Port Macquarie

2.3 Heritage Conservation
2.4 Recreation Vehicle Areas
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **Mid North Coast Regional Strategy**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Refer to discussion below regarding section 117 Directions.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal includes maps which show the subject land along with the existing and proposed zoning changes. Council staff have confirmed that amendments to the lot size and land reservation maps associated with these zoning changes will also be required. It is also noted that the site identification map prepared by Council that accompanies the proposal does not include the 0.56ha area proposed to be rezoned from R5 Large Lot Residential to R1 General Residential in the Partridge Creek precinct.**

To ensure that the public is fully informed and provided an opportunity to comment on the proposal, it is recommended that an amended site identification map and lot size and land reservation maps be prepared consistent with the Department's technical requirements and included in the public exhibition material.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council identifies this matter as a low impact proposal and recommends a 14 day exhibition period. As the proposal seeks to implement existing detailed neighbourhood planning outcomes for the Thrumster urban release area that have already been negotiated with key stakeholders, a 14 day exhibition period is considered as appropriate.**

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 a suitable explanation of the provisions proposed for the LEP to achieve

Minor Land Zoning Changes at Thrumster, Port Macquarie

the outcomes.

3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Advising that Council seeks delegation to make the plan in this instance.
6. Providing a proposed time line to complete the proposal.

It is considered appropriate that a written authorisation to exercise plan making delegations be issued to Council (if a Gateway Determination is granted) as the proposal is consistent with the Mid North Coast Regional Strategy and is essentially a local planning issue.

It is noted that the project time line included in the proposal estimates that it will be finalised by December 2015. If a Gateway Determination is granted, an 18 month period to complete the Planning Proposal is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Port Macquarie-Hastings LEP 2011 was made in February 2011.

Assessment Criteria

Need for planning
proposal :

The proposal is required to implement detailed neighbourhood planning undertaken by Council in the Thrumster urban release area. Negotiations with developers and landowners within the Thrumster urban release area has required some minor zoning changes to better align them with the proposed subdivision pattern and layout of the area and to facilitate its development and release.

Consistency with
strategic planning
framework :

The proposal is considered to be consistent with the Mid North Coast Regional Strategy, Council's Secretary approved Urban Growth Management Strategy 2011-2031 and relevant SEPPs. The proposal is also considered to be consistent with all relevant s117 Directions except the following:

1.1 Business and Industrial Zones

The proposal is inconsistent with this Direction as it does not retain areas and locations of existing business areas due to the relocation of B1 Neighbourhood Centres in the South Oxley and Partridge Creek precincts. This inconsistency is considered to be of minor significance as the business areas will not be reduced in size and are only being relocated slightly to accommodate the proposed subdivision pattern and layout of the area.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

6.2 Reserving Land for Public Purposes

The proposal is inconsistent with this Direction as it alters an existing RE1 Public Recreation Zone in the South Oxley precinct by relocating it to adjoin other public open space in the North Oxley precinct without the Secretary's approval. This inconsistency is considered to be of minor significance as the total area of public open space serving the release area will not be reduced in size and the relocation will assist Council in managing and maintaining the public open space into the future.

Environmental social
economic impacts :

No adverse environmental, social or economic impacts associated with the zoning changes have been identified.

Minor Land Zoning Changes at Thrumster, Port Macquarie

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **18 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

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 :

No additional studies have been identified as being necessary.

Identify any internal consultations, if required :

Residential Land Release (MDP)

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **An existing State infrastructure contribution of \$2047 per residential lot was adopted by the former Director General for the Thrumster urban release area. The current proposal does not have any implications in regard to State infrastructure or the contribution.**

Documents

Document File Name	DocumentType Name	Is Public
Cover letter to Dept of Planning- request for gateway Thrumster mixed changes.pdf	Proposal Covering Letter	Yes
PMHC Planning Proposal (Amendment32) - Thrumster Misc LEP changes signed.pdf	Proposal	Yes
Thrumster Mixed LEP changes Amendment 32 SID.pdf	Map	Yes
September Council report Thrumster LEP.pdf	Proposal	Yes
September Council resolution Thrumster LEP.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**

Minor Land Zoning Changes at Thrumster, Port Macquarie

3.3 Home Occupations
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6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes

Additional Information : It is recommended that:

1. The Planning Proposal be supported;
2. Council shall prepare and include in the public exhibition material an amended site identification map , together with lot size and land reservation maps prepared in accordance with the Department's technical requirements;
3. Consultation with the NSW Rural Fire Service be undertaken;
4. The Planning Proposal be exhibited for 14 days;
5. The Planning Proposal be completed within 18 months;
6. That the Secretary's delegate determine that the inconsistencies with s117 Direction 1.1 Business and Industrial Zones and 6.2 Reserving Land for Public Purposes are justified as the matters are of minor significance;
7. The Secretary's delegate note the outstanding inconsistency of the proposal with s117 Direction 4.4 Planning for Bushfire Protection; and
8. That a written authorisation to exercise plan making delegations be issued to Council.

Supporting Reasons : The proposal is supported as it will implement detailed neighbourhood planning undertaken by Council in the Thrumster urban release area which will better align the zoning pattern with the proposed subdivision layout of the area and will help facilitate its development.

Signature:



Printed Name:

JIM CLARK

Date:

26 September 2014