

Thrumster Town Centre and Supporting and Consequential Changes to the B4 Mixed Use and SP3 Tourist Zones

Proposal Title :	Thrumster Town Centre and Supporting and Consequential Changes to the B4 Mixed Use and SP3 Tourist Zones		
Proposal Summary :	The Planning Proposal seeks to: - consolidate the two LEPs that currently apply in the Port Macquarie-Hastings Local Government Area (Port Macquarie-Hastings (Area 13 Thrumster) LEP 2008 and Port Macquarie-Hastings LEP 2011) by incorporating land at the Thrumster Town Centre into Port Macquarie-Hastings LEP 2011; - rezone land in the Thrumster Town Centre from B2 Local Centre, B4 Mixed Use and B5 Business Development to B2 Local Centre, B4 Mixed Use, B5 Business Development, R3 Medium Density Residential and SP3 Tourist; - rezone land adjoining the Thrumster Town Centre from R1 General Residential to B4 Mixed Use and applying minimum lot size, floor space ratios and building height provisions consistent with the other B4 Zone land in the Thrumster Town Centre; - introduce a minimum lot size of 1000sqm for land within the Thrumster Town Centre proposed as Zone R3 Medium Density Residential; - introduce a floor space ratio of 1:1 for land zoned B2 in the Thrumster Town Centre and a floor space ratio of 0.65:1 for all remaining land in the Thrumster Town Centre; - introduce a height limit of 11.5m for the Thrumster Town Centre; - amend the urban release area map in LEP 2011 to include the areas proposed as Zone R3 Medium Density Residential in the Thrumster Town Centre; - amend the acoustic control, acid sulphate soils and land reservation acquisition maps in LEP 2011 to transfer the appropriate provisions from LEP 2008 for the Thrumster Town Centre; - amend the flood planning map to transfer the appropriate provisions from LEP 2008 for the Thrumster Town Centre and to incorporate an amended flood planning area based on Council's latest flood planning information; - Amend Schedule 1 Additional Permitted Uses and associated map of LEP 2011 to include Item 2 Use of Certain land at 1002 Oxley Highway, Thumster from Schedule 1 of LEP 2008; - include a new local clause limiting bulky goods premises, hardware and building supplies or shops in the B4 Mixed Use Zone to a maximum gross floor area of 250sqm; - amend the B4 Mixed Use Zone land use table to permit 'high technology industries' and 'home industries' with consent; and - amend the land use tables for the B4 Mixed Use and SP3 Tourist Zones to prohibit 'car parks'.		
PP Number :	PP_2013_PORTM_008_00	Dop File No :	13/15617

Proposal Details

Date Planning Proposal Received :	15-Oct-2013	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 :		City :	Postcode :
Land Parcel :	Thrumster Town Centre as shown on the Site Identification Map accompanying the Planning Proposal		

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Street :

Suburb :

City :

Postcode :

Land Parcel : Land zoned B4 Mixed Use and SP3 Tourist in the Port Macquarie-Hastings LGA

DoP Planning Officer Contact Details

Contact Name : Craig Diss

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RPA Contact Details

Contact Name : Steve Schwartz

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : N/A

Release Area Name : N/A

Regional / Sub
Regional Strategy : Mid North Coast Regional
Strategy

Consistent with Strategy : Yes

MDP Number : 0

Date of Release :

Area of Release
(Ha) : 0.00

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 Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment : The Department of Planning and Infrastructure'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 : The Thrumster Town Centre was deferred from Port Macquarie LEP 2011 due to issues associated with a local clause in LEP 2008 that limited the combined total gross floor area in the Thrumster Town Centre of all shops, neighbourhood shops and takeaway food and

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drink premises to 7500sqm, and bulky goods retail premises to 5000sqm. The Planning Proposal seeks to incorporate and translate the existing Thrumster Town Centre and its provisions into LEP 2011 by implementing a new zoning pattern with associated development controls such as height and floor space ratios. The aim of the proposal is to provide certainty to the landowners while maintaining a scale of retail development that is consistent with Council's adopted retail centres hierarchy.

It is noted that during the preparation of the Planning Proposal by Council, the landowner submitted an alternate Planning Proposal for the Thrumster Town Centre to Council for consideration in June 2013. Council has advised that the landowners current aspirations for the Thrumster Town Centre include:

- removing the retail floor cap or allowing at least 15,000sqm of gross lettable floor area; and
- no restrictions on bulky goods retail floor space in the Thrumster Town Centre.

Council resolved in August 2013 to support their own Planning Proposal in favour of the landowners. Council's Planning Proposal generally maintains the current status quo with a small potential increase in commercial floorspace, insufficient to match the landowners current aspirations.

External Supporting
Notes :

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 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 :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 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
- 6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

**SEPP No 22—Shops and Commercial Premises
North Coast REP 1988**

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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 : **Refer to discussion below.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal has included mapping that clearly identifies the Thrumster Town Centre and the proposed planning provisions, and are prepared at an appropriate scale and contain sufficient information to explain the effect of the proposal. It is noted that no mapping of the B4 Mixed Use Zone or the SP3 Tourist Zone areas outside the Thrumster Town Centre that are affected by the Planning Proposal have been included. It is recommended that these areas be mapped and included in the Planning Proposal prior to public exhibition to better help inform the community of the implications of the Planning Proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has identified the Planning Proposal as a 'low impact' proposal.**

While a 14 day consultation period is normally applied to low impact proposals, due to the significant zoning and LEP provision changes being proposed to the Thrumster Town Centre, and the implications of the proposed changes for land zoned B4 Mixed Use and SP3 Tourist across the LGA, it is considered that a 28 day notification period be undertaken.

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 and accompanying documentation are considered to satisfy the adequacy criteria by:**

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal is considered to be consistent with both the Mid North Coast Regional Strategy and Council's Director General approved local growth management strategy, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council.

The RPA has provided a project time line which estimates that the LEP will be ready for finalisation and notification in September 2014. The submitted project time line is considered as reasonable and a 12 month time frame for completion of the proposal is recommended.

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Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Port Macquarie-Hastings LEP 2011 was notified on 23 February 2011.

Assessment Criteria

Need for planning
proposal :

The proposal to amend the LEP is not the result of any specific strategic study or report.

The need for the Planning Proposal arose due to the deferral of the Thrumster Town Centre from Port Macquarie LEP 2011. The Thrumster urban release area is located west of Port Macquarie and is the major release area in the Port Macquarie Hastings LGA. When developed, Thrumster will accommodate approximately 4200 dwellings, 10,000 people, a town centre, a mixed use area, a business development area and three neighbourhood centres. The current Thrumster Town Centre consists of approximately 29 hectares of land. The Town Centre is currently zoned part B2 Local Centre (9.5ha), B4 Mixed Use (8.7ha) and B5 Business Development (11ha).

The Thrumster Town Centre was deferred from LEP 2011 due to issues associated with a local clause in Port Macquarie-Hastings (Area 13 Thrumster) LEP 2008. Despite the Thrumster Town Centre having 29.2 hectares of business land, the local clause limited the combined total gross floor area in the Thrumster Town Centre of all shops, neighbourhood shops and takeaway food and drink premises to 7500sqm, and bulky goods retail premises to 5000sqm. The clause was designed to allow commercial activities to a scale consistent with Council's economic impact assessment for the release area. Council's economic impact assessment had identified the specified floor areas as appropriate to serve the local shopping needs of Thrumster's ultimate population, while not undermining the existing retail hierarchy of the LGA and the primacy of the Port Macquarie central business district. The clause was needed as the business zones in the Thrumster Town Centre were made intentionally large, to provide maximum flexibility for developers in establishing an integrated residential / commercial town centre.

During the preparation of LEP 2011, it was identified that the existing Thrumster Town Centre clause potentially created a sub zone contrary to the provisions of the Standard Instrument LEP. Council requested that the Thrumster Town Centre be deferred from LEP 2011 to allow sufficient time for them to undertake further strategic planning work. The strategic work would examine how the area could be transferred into the Standard Instrument LEP format without potentially undermining the retail hierarchy of the entire LGA due to the large quantities of zoned business land in the Thrumster Town Centre. The Minister agreed to Council's request and deferred the Thrumster Town Centre when making LEP 2011.

Council has now completed its further strategic planning work and is seeking to incorporate and translate the Thrumster Town Centre into LEP 2011. This translation has resulted in a reduction in the size of the business zones, an increase in residential and tourist land and various changes to the B4 Mixed Use and SP3 Tourist Zones. The Planning Proposal generally aims to maintain the current status quo in terms of Council's adopted retail hierarchy and allows only a small potential increase in the commercial floorspace in the Thrumster Town Centre.

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Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS)

The Planning Proposal is considered to be consistent with the MNCRS.

The MNCRS recognises the existing retail and service functions of centres in the region and identifies that additional commercial floor space maintains and reflects this hierarchy. It also recognises that some new commercial development will be needed to service new release areas such as Thrumster, and that these areas will need to be consistent in scale with the commercial hierarchy.

The MNCRS requires councils to explore opportunities and development potential of their commercial centres in local growth management strategies. The Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031 was approved by the Director General in May 2011. The Strategy adopts a retail hierarchy for Port Macquarie that identifies the primacy of the Greater Port Macquarie CBD. It also identifies the Thrumster Town Centre for the provision of 'convenience retail services to local residents' with a potential retail floor space of 7500sqm, and that the best location for a significant expansion of bulky goods retailing was along the Oxley Highway between the Pacific Highway and Lake Innes.

Council has subsequently prepared the John Oxley Drive Structure Plan that was approved by the Director General in November 2012 as an amendment to the strategy. The Structure Plan identifies additional land for bulky goods retailing between the existing and former Oxley Highway alignments at Lake Innes, east of Thrumster. Council is currently processing a Planning Proposal for a major bulky goods retail development on this land.

As the Planning Proposal seeks to maintain the adopted retail hierarchy as outlined in Council's Director General approved Local Growth management Strategy, the proposal is considered to be consistent with the MNCRS.

SEPPs

The Planning Proposal identifies SEPP 22 – Shops and Commercial Premises and the North Coast Regional Environmental Plan (deemed SEPP) as being relevant to the Planning Proposal. The proposal is considered to be consistent with the provisions of both SEPPs.

S117 Directions.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions except the following;

1.1 Business and Industrial Zones

The Planning Proposal is inconsistent with this Direction as it seeks to reduce the areas and locations of existing business zones in the Thrumster Town Centre. The proposal seeks to reduce the current B2 Local Centre (9.5ha), B4 Mixed Use (8.7ha) and B5 Business Development (11ha) zones to B2 Local Centre (5.5ha), B4 Mixed Use (16.4ha), B5 Business Development (1.3ha), SP3 Tourist (2.5ha) and R3 Medium Density Residential (5.5ha). This results in an overall reduction in business zoned land from 29.2ha to 23.2ha. This reduction is considered to be of minor significance as:

- the Thrumster Town Centre is currently limited under Clause 6.5 of LEP 2008 to a combined total gross floor area of all shops, neighbourhood shops and takeaway food and drink premises to 7500sqm, and bulky goods retail premises to 5000sqm. The reduction in business zone land will not reduce the future potential floor space to below the existing maximum limits resulting in no loss of actual commercial potential;
- the proposal's aim to maintain the current status quo in terms of Council's adopted retail hierarchy and the potential commercial floorspace in the Thrumster Town Centre are consistent with the MNCRS and Council's Director General approved local growth management strategy.

3.1 Residential Zones

The Planning Proposal is inconsistent with this Direction as it reduces the residential development potential of the land by rezoning it from R1 General Residential to B4 Mixed Use and by also applying building heights and a floor space ratio to the land. This

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reduction in residential development potential is considered to be of minor significance as certain forms of residential accommodation are still permissible within the B4 Mixed Use Zone and the loss of the R1 General Residential land is more than offset by a 5.5ha increase in R3 Medium Density Residential land in the Thrumster Town Centre.

3.2 Caravan Parks and Manufactured Home Estates

The Planning Proposal is inconsistent with this Direction as it reduces the area and locations in which caravan parks and manufactured home estates are permissible by rezoning a small area of land from R1 General Residential to B4 Mixed Use. This reduction in area and possible location of caravan parks and manufactured home estates is considered to be of minor significance due to the small area of R1 General Residential land being rezoned and due to the large quantities of land that still remains within the LGA on which they are permissible.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal affects 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.

Environmental social
economic impacts :

No adverse environmental or social impact has been identified as likely due to the Planning Proposal.

The potential economic impact of the Thrumster Town Centre has been analysed extensively by both Council and the landowner.

As noted previously, it is understood that the landowners current aspirations based on their economic review and assessment for the Thrumster Town Centre include:

- removing the retail floor cap or allowing at least 15,000sqm of gross lettable floor area; and

- no restrictions on bulky goods retail floor space.

These current aspirations vary significantly to Council's assessment and approach to the issue. Council's assessment supporting the original rezoning of Thrumster concluded that a combined total gross floor area in the Thrumster Town Centre of all shops, neighbourhood shops and takeaway food and drink premises to 7500sqm, and bulky goods retail premises to 5000sqm, was the maximum that would not adversely affect Port Macquarie's desired retail hierarchy.

Council's most recent economic review of the Thrumster Town Centre by Hill PDA concluded that an appropriate retail centre size for the Thrumster Town Centre is approximately 8,000sqm. Hill PDA also conclude that up to 12,000sqm of lettable shop front space would be tolerable, but that 15,000sqm or more would be capable of including a discount department store, which could potentially create a retail centre at Thrumster that would undermine Council's desired retail hierarchy.

It is noted that Hill PDA suggested that a minimum site area of 2.5-3.0ha would be required to accommodate 8,000sqm of lettable retail floor space. It is understood that Council's assessment has concluded that the proposed 5.5 hectares of B2 Zone could accommodate an increase in the lettable retail floor space above the current 7,500sqm floor cap (depending on design, non retail uses, etc), but not above the level that has been identified which would have an adverse impact on the retail hierarchy. Council has also proposed development controls such as prohibiting car parks in the B4 Mixed Use and SP3 Tourist Zones to limit the potential of, maximising through design, a retail development greater than 15,000sqm on the adjoining B2 Zoned land that could accommodate a discount department store. A local clause limiting certain commercial premises in the B4 Mixed Use Zone to a maximum gross floor area of 250sqm has also been included to limit the scale of potential retail development in the Thrumster Town Centre to appropriate levels.

In terms of bulky goods retailing, it is understood that the proposed B5 Zone will have the potential to accommodate a small increase above the current 5,000sqm floor cap. Hill PDA

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has concluded that the provision of even 8,400sqm of bulky goods retailing at Thrumster would have minimal impact on Council's centres or retail hierarchy.

As the proposal is consistent with Council's Director General approved local growth management strategy, and Council's economic impact assessment, no adverse economic impact to the retail hierarchy of the LGA has been identified. It is noted that the Planning Proposal will also go some way towards creating additional commercial potential in the Thrumster Town Centre closer to the current aspirations of the landowner than is possible under the current planning controls. It is understood that the landowner is however unlikely to be satisfied with this outcome, particularly in relation to the reduction of the B5 Business Development Zone and the associated floor space restriction on bulky goods premises, hardware and building supplies and shops in the B4 Mixed Use Zone. The landowners position is supported by their economic assessment and review which they believe confirms that the Thrumster Town Centre could be expanded to a 'district' level centre (contrary to Council's strategy for retail centres) that would still not adversely affect the primacy of the Port Macquarie CBD.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 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 : **It is recommended that this matter proceed and that consultation be undertaken with the NSW Rural Fire Service.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons : **Resubmission of the Planning Proposal prior to exhibition is not considered necessary.**

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies have been identified as needed to support the proposal.

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons : **The Director General in January 2009 agreed to collect a State Infrastructure Levy of \$2047 (\$1365 discounted rate) per residential lot within the residentially zoned areas of the Thrumster urban release area. This levy has since been collected for all residential subdivisions that have occurred within the Thrumster urban release area.**

Due to the proposed change of part of the Thrumster Town Centre from business zones to Zone R3 Medium Density, the collection of the existing State Infrastructure Levy will now be extended to apply to these new residential areas.

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Documents

Document File Name	DocumentType Name	Is Public
Area 13 Town Centre Planning Proposal_Appendix 1_Evaluation Criteriafor the delgation of plan making functions.pdf	Proposal	Yes
Area 13 Town Centre Planning Proposal_Appendix 3_Assessment against NC REP.pdf	Proposal	Yes
Area 13 Town Centre Planning Proposal_Site Identification Map.pdf	Map	Yes
Sheet 1 - 6380_COM_LZN_013D_020_20131015.pdf	Map	Yes
Sheet 2_6380_COM_LSZ_013D_020_20130812.pdf	Map	Yes
Sheet 3_6380_COM_FSR_013D_020_20131015.pdf	Map	Yes
Sheet 4_6380_COM_HOB_013D_020_20130813.pdf	Map	Yes
Sheet 5_6380_COM_URA_013D_020_20130812.pdf	Map	Yes
Sheet 6_6380_COM_CL1_013D_020_20130812.pdf	Map	Yes
Sheet 7_6380_COM_ASS_013D_020_20130812.pdf	Map	Yes
Sheet 8_6380_COM_FLD_013D_020_20130812.pdf	Map	Yes
Sheet 9_6380_COM_APU_013D_020_20130812.pdf	Map	Yes
Area 13 Town Centre Planning Proposal_Appendix 4_Hill PDA ThrumsterTown Centre Planning Advice June 2012.pdf	Proposal	Yes
Area 13 Town Centre Planning Proposal Oct 2013.pdf	Proposal	Yes
Sheet 10_6380_COM_LRA_013D_020_20131015.pdf	Map	Yes
Sheet 11_6380_COM_LAP_001_320_20131014.pdf	Map	Yes
Area 13 Town Centre Planning Proposal_ Council meeting report.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
 - 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
 - 6.3 Site Specific Provisions

- Additional Information :
- It is recommended that the Planning Proposal be supported subject to the following conditions:
- 1) The Planning Proposal be exhibited for a period of 28 days;
 - 2) The Planning Proposal should be completed within 12 months;
 - 3) Agency consultation be undertaken with the NSW Rural Fire Service;
 - 4) The Director General's delegate agree that the inconsistencies with s117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones and 3.2 Caravan Parks and Manufactured Home Estates are justified;
 - 5) That the Planning Proposal be amended prior to public exhibition to include maps of the B4 Mixed Use and SP3 Tourist Zones areas located outside the Thrumster Town Centre that are affected by the proposal;
 - 6) The potential unresolved inconsistency with s117 Directions 4.4 Planning for Bushfire Protection be noted; and
 - 7) That an authorisation to exercise plan making delegations be issued to Council.

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Supporting Reasons :

The Planning Proposal seeks to incorporate and translate the existing Thrumster Town Centre and its provisions into Port Macquarie-Hastings LEP 2011 by implementing a new zoning pattern with associated development controls. The incorporation of the Thrumster Town Centre into LEP 2011 has also necessitated some changes to the LEP provisions applying to the B4 Mixed Use and SP3 Tourist Zones that will affect land in other parts of the LGA.

The aim of the proposal is to provide certainty to the landowners while maintaining a scale of retail development that is consistent with Council's adopted retail centres hierarchy.

Signature:



Printed Name:

Craig Diss

Date:

17/10/13