

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, Thrumster 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

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;

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- 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.

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.

Panel Recommendation

Recommendation Date : 24-Dec-2013

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The Planning Proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include floor space ratio, building height, acoustic control, acid sulphate soil and land reservation acquisition maps affected by the proposal, as well as any maps for any land proposed to be zoned B4 Mixed Use and SP3 Tourist Zone located outside the Thrumster Town Centre that is affected by the proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
3. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Delegations:

Council has requested delegation for the making of this plan. The LEP Review Panel has recommended Council be issued with plan making delegation.

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

Signature:

M. Skinner

Printed Name:

M. Skinner

Date:

9/12/13