

**Planning Proposal under
section 55 of the EP&A Act
(LEP 2011 Amendment No 20),
and**

**Draft
Development Control Plan**

relating to

***Business zoning,
18 John Oxley Drive,
Port Macquarie***

Ccl ref: PP2011-0007.02

DP&I ref:

Date: 19/09/2012



**PORT MACQUARIE
HASTINGS**

Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Reported to Council [sec 55]	25/07/2012
Adopted by Council & referred to Dept of Planning [sec 56 (1)]	19/09/2012
Gateway Panel determination [sec 56 (2)]	
Revisions required Yes [] No []. Completed	
Public Exhibition (where applicable) [sec 57]	
For Council review [sec 58 (1)]	
Adopted by Council for final submission & referred to Dept of Planning [sec 58 (2)]	

Council reference: PP2011-0007.02

Port Macquarie-Hastings LEP 2011 (Amendment No 20)

Department of Planning & *
Infrastructure reference:

Adoption of the Planning Proposal

1. For initial Gateway determination

This Planning Proposal was endorsed on 19 September 2012 by the undersigned Council delegate:

Signed 

Name Peter Cameron

Position Group Manager, Strategic 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 _____

Position _____

Exhibition information {To be completed prior to Exhibition}

Content

Proposed amendments to Local Environmental Plans (LEP) are exhibited in a descriptive form within a "Planning Proposal".

Details of the proposed LEP amendments are described and reviewed in the Part headed Planning Proposal, and in the Appendices.

Details of the associated draft Development Control Plan provisions are in the part headed Draft Development Control Plan.

The affected land is shown on the Site Identification Map sheet contained in Appendix A.

The "Gateway Determination" from the NSW Department of Planning and Infrastructure, relating to this Planning Proposal, is in Appendix B.

An outline of the Map Cover Sheet and the proposed replacement LEP Map sheets are in Appendices E and F respectively.

Exhibition

The exhibition period is from {date} to {date}, with the Planning Proposal and draft Development Control Plan available for inspection by any person at Council's offices in Port Macquarie.

Submissions

Any person may make a written submission to Council up until the end of the exhibition period. The submission should quote Council's reference, **PP2011-0007.02**, and be:

emailed to council@pmhc.nsw.gov.au or posted to The General Manager,
Port Macquarie-Hastings Council,
PO Box 84,
PORT MACQUARIE NSW 2444.

Note that any submission may be made public.

Section 147 (5) of the *Environmental Planning and Assessment Act 1979* states in part:

"A person who makes a relevant public submission to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council,
- (b) all gifts made to any local councillor or employee of that council."

If further information is required on this, ask Council's Customer Service staff.

Further information

Please contact Stephen Nicholson on phone 6581 8529.

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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 The proposed development is a bulky goods development, comprising an anchor *hardware and building supplies* business, with ancillary *bulky goods premises*.

This requires a change of planning controls from the current RU1 Primary Production zoning in *Port Macquarie-Hastings Local Environmental Plan 2011*.

Property Details Lots 12 and 13 DP 1088869, No 18 John Oxley Drive, Port Macquarie.

In addition, the Planning Proposal extends over adjoining road so that residual slivers of rural zoning do not remain within otherwise urban zones in the LEP.

Note: Some documents refer to the property as No 498 Oxley Highway, which was its street address until a new alignment of the Oxley Highway opened in early 2012.

Applicant Details PMQ Investments Pty Ltd

Land owner Beachcatch Pty Ltd and Alphabound Pty Ltd

Oxley Highway is classified road, with NSW Roads and Maritime Services as the Roads Authority. The John Oxley Drive section will revert to local road, with Council as the Roads Authority.

Brief history The subject land has been zoned non-urban or rural since 1968, and fronted the Oxley Highway until February 2012, when a new alignment for the highway opened on the western side of the property.

Retail strategy work, in conjunction with Council's *Urban Growth Management Strategy 2011-2031*, identified that the precinct of rural-zoned land fronting the soon-to-be bypassed Oxley Highway appeared to be the most suitable location to provide future growth in bulky goods retailing.

On 25 July 2012 Council adopted a *John Oxley Drive Precinct Structure Plan* that identifies this property for business investigation.

Location The site adjoins the Oxley Highway, roughly half way between the Pacific Highway and the Port Macquarie Town Centre, and adjoins a major roundabout on the Oxley Highway. Access is obtained via John Oxley Drive, which, until the beginning of 2012, was the Oxley Highway.



Figure 1: Location of site. (Aerial image – March 2012)

Part 1 - Objectives or Intended Outcomes

The intended outcome is to amend Port Macquarie-Hastings Local Environmental Plan 2011 so as to permit *hardware and building supplies* and ancillary *bulky goods premises* upon the subject land, while not opening up the range of permissible uses in a manner that could undermine Council's retailing hierarchy or lead to inappropriate uses on the site.

It is noted that adjoining the subject land is *Sienna Grange*, a retirement village development. Accompanying the proposed LEP change are proposed DCP provisions designed to ensure that any development will not adversely affect the amenity of the residents of Sienna Grange.

An ancillary objective is to

Part 2 - Explanation of Provisions

The amending LEP will modify the LEP Map Index by introducing substitute map sheets:

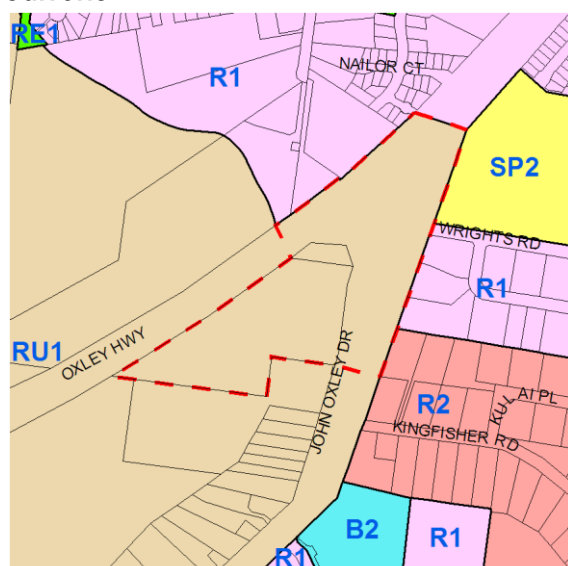
- LZN_013D – zone the development site B5 Business Development, and the road R1 General Residential.
- LSZ_013D – removing the minimum lot size for the site.
- HOB_013D – introducing a maximum building height of 11.5 metres.

Refer to Appendix E for information about the Map Cover Sheet, and Appendix F for the proposed Map Sheets.

Extracts of the map changes are shown below.

Land Zoning Map

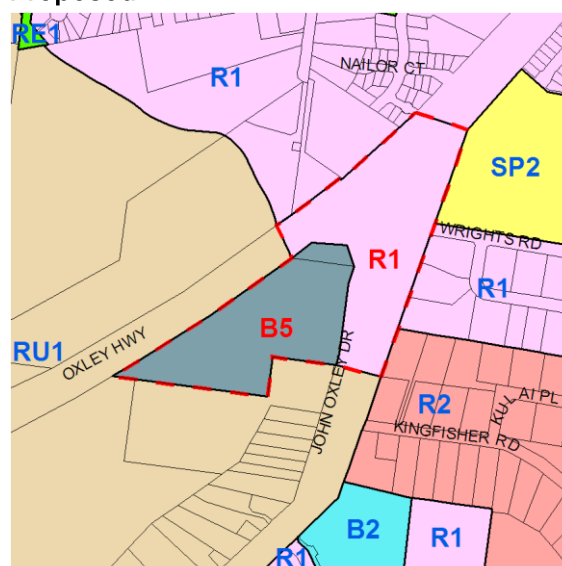
Current



Zone Codes

B2 Local Centre
B5 Business Development
R1 General Residential
R2 Low Density Residential

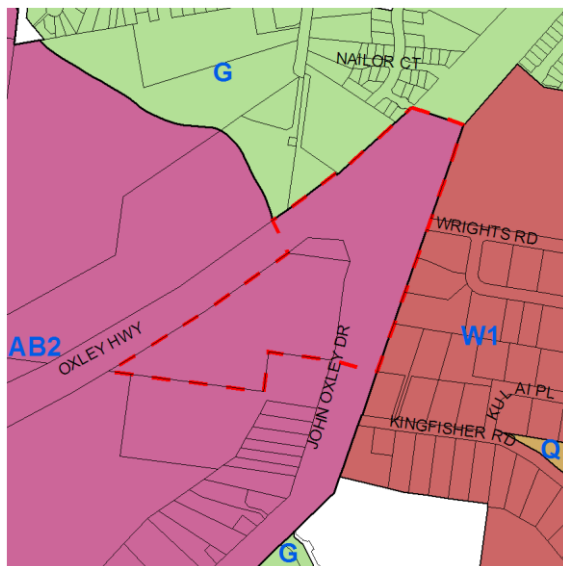
Proposed



RE1 Public Recreation
RU1 Primary Production
SP2 Infrastructure (Health Services facility)

Lot Size Map

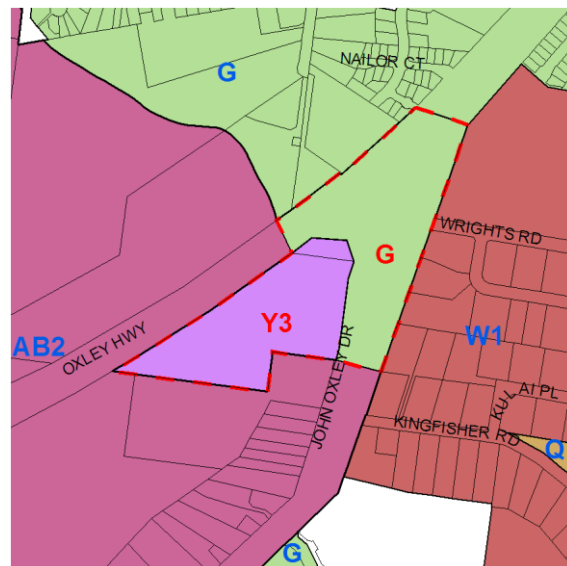
Current



Minimum Lot Size

G	450 sq m
Q	700 sq m
W1	3,000 sq m

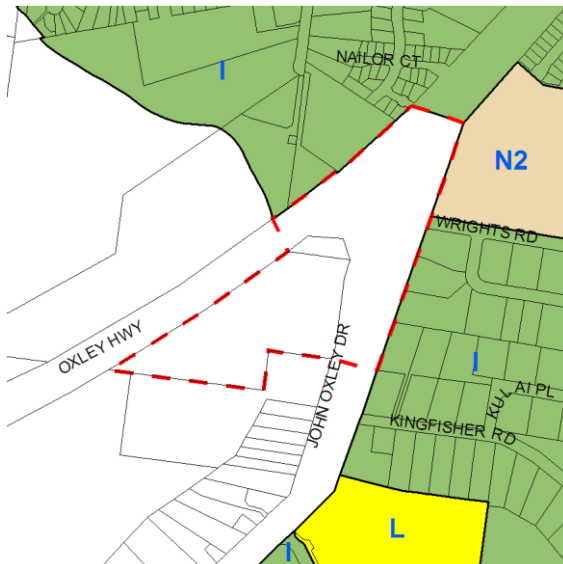
Proposed



Y3	1.5 hectares
AB2	40 hectares
Blank	no minimum

Height of Buildings Map

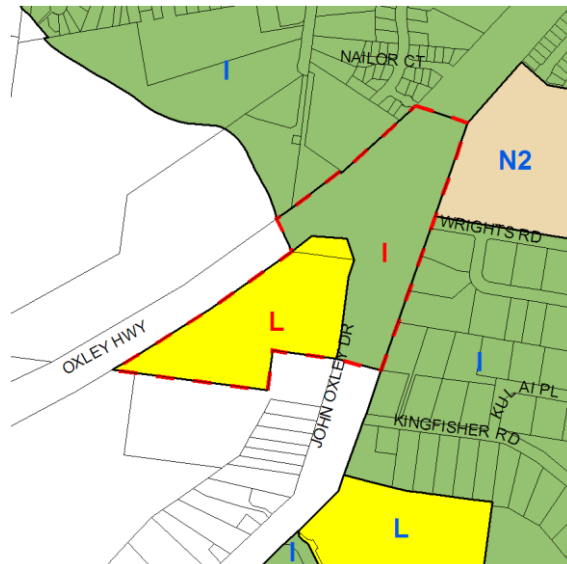
Current



Maximum building height

I	8.5 m
L	11.5 m

Proposed



N2	14.5 m
Blank	no maximum

Refer to LEP Text for definition of Building height.

No amendments to the LEP text are required.

Part 3 – Justification

Section A - Need for the planning proposal.

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

The planning proposal is an outcome of the John Oxley Drive Precinct Structure Plan, which was an action arising from Council's *Urban Growth Management Strategy 2010 – 2031*, which was prepared under the provisions of the *Mid North Coast Regional Strategy 2006-31*.

The Structure Plan seeks to reconcile the provision of land for bulky goods and similar development upon the larger lots within the precinct, with rezoning for more intensive residential development upon fragmented rural-zoned land currently occupied by single dwelling development. (One exception - adjacent to the subject site is a seniors' housing development.) The Structure Plan identifies the need for appropriate measures to protect residential amenity where commercial development occurs on neighbouring or nearby land.

Council has received a request to amend the LEP provisions for this specific site, as an initial action in implementation of the Structure Plan.

For other land covered by the Structure Plan further preliminary work is required prior to making changes to the LEP.

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

A change to the zoning etc within LEP 2011 is the best way to achieve the objectives.

3. Is there a net community benefit?

In relation to answering this question, *A guide for preparing planning proposals*, July 2009 (NSW Dept of Planning) states in part:

The assessment should only include costs and benefits that have a net impact on community welfare (i.e. welfare effects). Impacts that simply transfer benefits and costs between individuals and businesses in the community (i.e. transfer effects) should not be included, since they result in no net change in community benefits.

Questions of impacts on competing retailers are not relevant, nor are they valid considerations for Councils under National Competition Principles Agreement.

The proponent has submitted *18 John Oxley Drive, Port Macquarie – Economic Impact Assessment of Development Proposal*, August 2012, prepared by MacroPlan Dimasi. A copy is included with this Planning Proposal in Appendix D.

This analyses current and increased household expenditures and market capacities and concludes (in part):

There is strong economic evidence indicating there is a market gap for additional bulky goods retail floorspace within Port Macquarie, which would result in a net community benefit to residents and businesses within the main trade area. In large part, this gap reflects the continuing emergence of new players in this market, most recently Masters Home Improvement superstores.

We have identified an existing gap of around 14,200 sq.m. of bulky goods/homemaker floorspace for the main trade area at present and this gap is

expected to increase to be almost 20,000 sq.m by 2016. The proposed development would bring the market back to a level of general equilibrium.

Council commissioned Hill PDA to undertake an independent review of retail, industrial and bulky goods retail development within the Port Macquarie-Hastings local government area, during preparation of the Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031 and finalisation of the Structure Plan for the John Oxley Drive Precinct.

It is proposed that a further independent economic review be undertaken on behalf of Council for the MacroPlan Dimasi report, and that this review be exhibited with the planning proposal.

Section B - Relationship to strategic planning framework.

1. Is the planning proposal consistent with the objectives and actions contained within the Mid North Coast Regional Strategy 2006-31?

The proposal is consistent with the Mid North Coast Regional Strategy, particularly in relation to economic development and employment growth.

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

The proposal is consistent with the Council's *Urban Growth Management Strategy 2011-2031*, particularly in relation to economic development and employment.

3. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is consistent with applicable SEPPs.

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

The relevant section 117 directions are:

- 1.1 Business and Industrial Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions.

The planning proposal is consistent with these Directions.

Section C - Environmental, social and economic impact.

1. 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. The site is cleared, with limited trees.

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

In addition to current stormwater drainage across the site, there will be increased surface run-off in storm events.

Part of the site is within the mapped Flood Planning Area.

Appropriate management of these matters will be addressed in the assessment and determination of any development application.

3. How has the planning proposal adequately addressed any social and economic effects?

In recent years the subject land has contained the Port Gateway Residential Park, which has provided affordable accommodation in a range of older style types of movable housing. In August 2011 the residents were advised by the owner of the Park that the Park would be closing in August 2012. The proponent has provided assistance to the long-term residents living in their own relocatable dwellings to move to alternative accommodation that suited them. Further financial assistance from the proponent has been distributed by Australian Residential Park Residents' Association (ARPRA) to other residents who had been living there for over 12 months.

There is a loss of the affordable housing on the subject land. The John Oxley Drive Precinct Structure Plan, which covers this site, proposes new residential development within the precinct. While there are no specific measures for affordable housing, this will provide for an increase in the local housing stock.

In other respects the proposal will increase retail choice and employment opportunities.

Section D - State and Commonwealth interests.

1. Is there adequate public infrastructure for the planning proposal?

The site is located within the western growth area of Port Macquarie, and adequate public infrastructure is available.

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

[Not sought prior to Gateway Determination]

Part 4 – Community Consultation

This proposal follows on from public consultation in relation to the John Oxley Drive Precinct Structure Plan. However, given the need to allow residents of the adjoining Sienna Grange to input and to ensure that their interests are protected by the Planning Proposal and associated draft Development Control Plan provisions, it is proposed that the exhibition period be 28 days.

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

- Exhibition in a locally circulating newspaper.
- Notification of those landowners adjoining the site.
- Notification to the residents of the adjoining Sienna Grange Retirement Village.

Contact Details

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Phone: 02 6581 8529

Draft Development Control Plan

In conjunction with the Planning Proposal to amend *Port Macquarie-Hastings Local Environmental Plan 2011*, it is proposed that *Port Macquarie-Hastings Development Control Plan 2011* be amended to contain site-specific provisions, particularly written to ensure that any development of 18 John Oxley Drive will not have any adverse impacts on the quality of life for the residents of Sienna Grange retirement village, at 28 John Oxley Drive.

When adopted, the proposed provisions following will be added to *Port Macquarie-Hastings Development Control Plan 2011*, which already contains some relevant provisions. These draft provisions add specific requirements.

[Draft DCP provisions to be inserted prior to public exhibition]

Appendix A – Site Identification Map

Where printed, the Site Identification Map could follow this page.

Where in electronic form, it is likely the page will be a separate document.

Site Identification Map name
6380_LEP2011_AM18_SID_013D_020_20120914

[A3 map]

Appendix B – Gateway Determination

A copy of the Gateway Determination for this Planning Proposal will be included in this Appendix if the Determination (when issued) requires:

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

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

Appendix C – Development Concept Plan

The Planning Proposal relates to proposed changes to planning controls, and does not imply that any specific development proposal will be approved.

The plan following is a concept plan, which may or may not be the same as a future development application submitted for Council consent.

It is not included for to assist in reviewing and commenting on the proposed planning controls, including draft Development Control Plan changes. At this stage comments on the specifics of the concept plan are otherwise irrelevant.

[A3 site concept plan]

Appendix D – Economic Impact Assessment

Following is *18 John Oxley Drive, Port Macquarie - Economic Impact Assessment of Development Proposal*, August 2012, prepared by MacroPlan Dimasi Pty Ltd, on behalf of the proponent.

It provides background on aspects of the implications of the proposed change in planning controls.

The term “development proposal” should not be interpreted as meaning that Council is currently considering approving a specific development application.

Appendix E – 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.

The key content of the Map Cover Sheet is to identify which LEP map sheets are to be replaced, and which new LEP map sheets are to be adopted - this information is shown below. Other details are identification of the LEP amendment, and signatures of approval by representatives of Council and the Minister for Planning and Infrastructure.

The following map sheets are revoked:

Land Zoning Map

LZN_013D	6380_COM_LZN_013D_020_20110524
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Lot Size Map

LSZ_013D	6380_COM_LSZ_013D_020_20110620
----------	--------------------------------

Height of Buildings Map

HOB_013D	6380_COM_HOB_013D_020_20110610
----------	--------------------------------

Note: The map sheet references reflect the current map sheet identifiers, and may be updated based on other relevant LEP amendments.

The following map sheets are adopted:

Land Zoning Map

LZN_013D	6380_COM_LZN_013D_020_2012*
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Lot Size Map

LSZ_013D	6380_COM_LSZ_013D_020_2012*
----------	-----------------------------

Height of Buildings Map

HOB_013D	6380_COM_HOB_013D_020_2012*
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Note: The map sheet references will be updated to reflect the map sheet identifiers for the latest version of the proposed new map sheets. The identifier ends with a date of production of the map sheet.

Appendix F – Map Sheets to be adopted

Where printed, the relevant Map Sheets submitted for adoption could follow this page.

Where in electronic form, these pages will be separate documents.

The map sheets to be adopted are listed in the Map Cover Sheet (see Appendix E).