



John Oxley Drive Precinct

Structure Plan

July 2012



PORT MACQUARIE
HASTINGS

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Table of Contents

1	Summary	5
2	Background	6
3	Site description.....	7
4	Development Considerations	8
4.1	Locational context	8
4.2	Existing land uses.....	9
4.2.1	Sub-precincts.....	9
4.2.2	Northeast sub-precinct	9
4.2.3	Western sub-precinct.....	11
4.3	John Oxley Drive	12
4.3.1	Role and future upgrade.....	12
4.3.2	Access.....	14
4.4	Flooding.....	16
4.5	Drainage and soil capabilities	18
4.6	Natural environment	20
4.7	Bush fire	21
4.8	Social impacts	21
4.8.1	Housing.....	21
4.8.2	Access.....	22
4.8.3	Community services.....	22
4.8.4	Employment.....	22
4.8.5	Amenity.....	23
4.9	Infrastructure.....	23
4.9.1	Water	23
4.9.2	Sewer.....	23
5	Planning Framework.....	24
5.1	Port Macquarie-Hastings LEP 2011.....	24
5.2	Strategies	24
5.2.1	Mid North Coast Regional Strategy 2006-31.....	24
5.2.2	Urban Growth Management Strategy 2011-2031.....	25
5.3	Financing infrastructure	26
5.3.1	General	26
5.3.2	Specific local infrastructure.....	27
5.3.3	Planning Agreements.....	27
6	Structure Plan.....	29
6.1	Principles	29
6.2	Proposed Land Use Outcomes	29
6.3	Implementation	31
7	Glossary	33

Maps

Map 1 John Oxley Drive Precinct.....	7
Map 2 Location of Precinct.....	8
Map 3 Sub-precincts	9
Map 4 Northeast sub-precinct.....	10
Map 5 Western sub-precinct	11
Map 6 Location of access options 2 to 5 described in Table	15
Map 7 Flooding.....	17
Map 8 Vegetation Mapping and Endangered Ecological Communities	20
Map 9 Bush Fire Prone Land.....	21
Map 10 Extract from UGMS Summary Map 1.....	25
Map 11 Structure Plan Proposals	29

Figures

Figure 1 John Oxley Drive - Typical Section, planned upgrade north of Major Innes Drive	12
Figure 2 John Oxley Drive - Typical Section, planned upgrade west of The Ruins Way.....	13

1 SUMMARY

The John Oxley Drive Precinct has developed incrementally over many years on the fringe of Port Macquarie. Development pressures within Port Macquarie have now grown to surround the precinct, which remains zoned for rural use.

The redevelopment of the Oxley Highway to the north of the precinct provides an opportunity to review its future development, having regard to land uses, transport connections and natural constraints.

The purpose of this Structure Plan is to provide a planning framework, against which future land use decisions can be assessed and as a basis for coordinated outcomes in the long term.

Its location and accessibility make it potentially suitable for both further residential development, and for some employment-generating uses, including bulky goods retailing (as proposed in Council's *Urban Growth Management Strategy 2011-2031*).

Future development plans need to address issues such as:

- flooding,
- conservation of endangered ecological communities,
- future requirements for the safe function of John Oxley Drive,
- managing traffic noise from the new Oxley Highway,
- managing potential conflicts between land uses,
- promoting connectivity to surrounding uses,
- accommodating population growth sustainably, and
- facilitating redevelopment in a financially responsible manner for Council.

This Structure Plan paper reviews the relevant issues affecting redevelopment in the precinct, and proposes a course that seeks to address the competing issues.

2 BACKGROUND

The area identified as the John Oxley Drive Precinct traditionally was on the approach road to Port Macquarie – the original subdivisions around 1950 were approved by the former Hastings Shire for land fronting the then Pacific Highway as it approached Port Macquarie (Municipality).

The properties hugged the old highway along a low saddle, just above wetlands and floodplain.

Over the following 60 years Port Macquarie has grown from a population of around 3,500 people to over 40,000 people. The precinct is no longer simply a rural area on the final approach to Port Macquarie, but has seen the town grow around it and been bypassed by the highway – initially with the Pacific Highway being relocated, and in February 2012 with the Oxley Highway being relocated.

However, the newly-named John Oxley Drive will retain a sub-arterial traffic role, and care will be needed with any new development to manage traffic safety and flows.

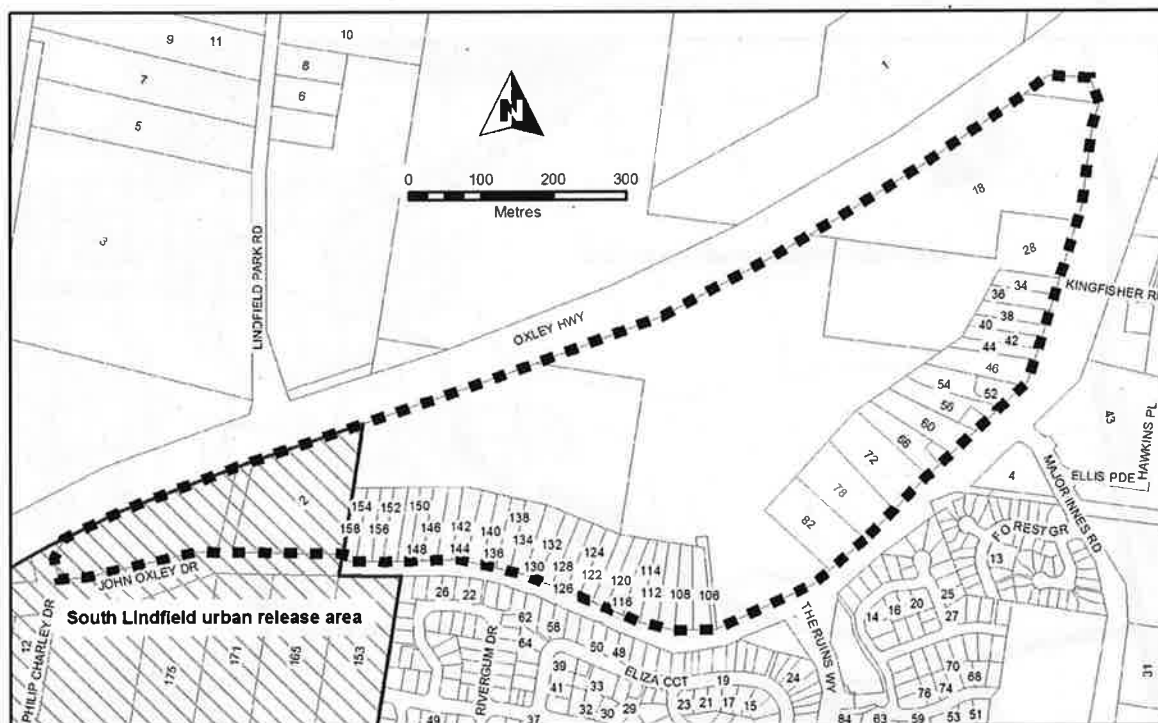
Associated with the growth of the area are regional and local strategies for future growth. Council's *Urban Growth Management Strategy 2011-2031* proposes that this precinct could contain bulky goods development.

This plan uses the new John Oxley Drive street name and property numbering, as shown on Map 1.

3 SITE DESCRIPTION

The John Oxley Drive Precinct is bounded on the north-west by the new alignment of the Oxley Highway, and on the east and south by the former alignment, now known as John Oxley Drive. The north-eastern corner is a roundabout for the Oxley Highway, John Oxley Drive and Wrights Road (which provides access to the Port Macquarie Base Hospital). The south-western corner is where Philip Charley Drive crosses John Oxley Drive and links to the new Oxley Highway.

The western end, comprising two lots separated by the southern end of Lindfield Park Road, is also part of an urban release area now known as South Lindfield, which also includes land on the southern side of John Oxley Drive, west to the new Oxley Highway (Council reference PP2002-0006).



Map 1 John Oxley Drive Precinct

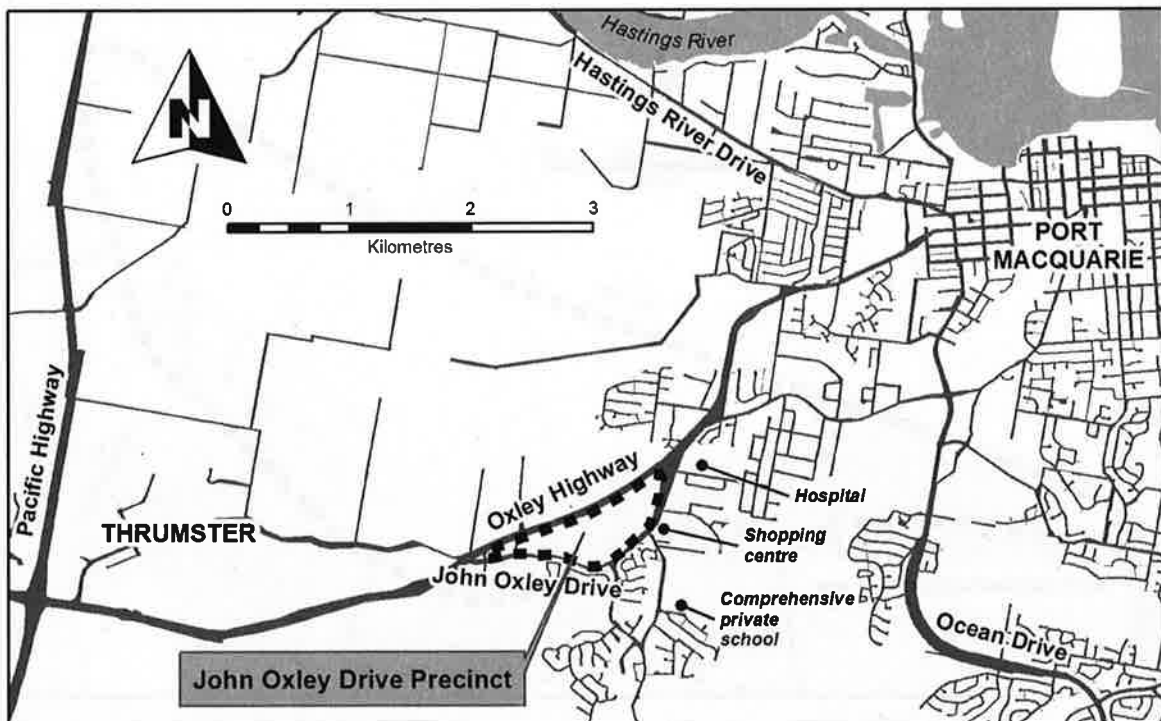
4 DEVELOPMENT CONSIDERATIONS

4.1 Locational context

The precinct is located 4.5 to 6.5 kilometres from the Port Macquarie town centre. It is on the route to the new urban area of Thrumster, to the Pacific Highway, and to Wauchope, although it can be bypassed using the new Oxley Highway.

The 4,500 square metre Lake Innes Shopping Centre is located on the corner of John Oxley Drive and Major Innes Road. The Port Macquarie Base Hospital and associated medical precinct is located just east of the northeast corner of the John Oxley Drive Precinct.

A comprehensive private school is within walking distance, and Government schools are located towards town, off the Oxley Highway.

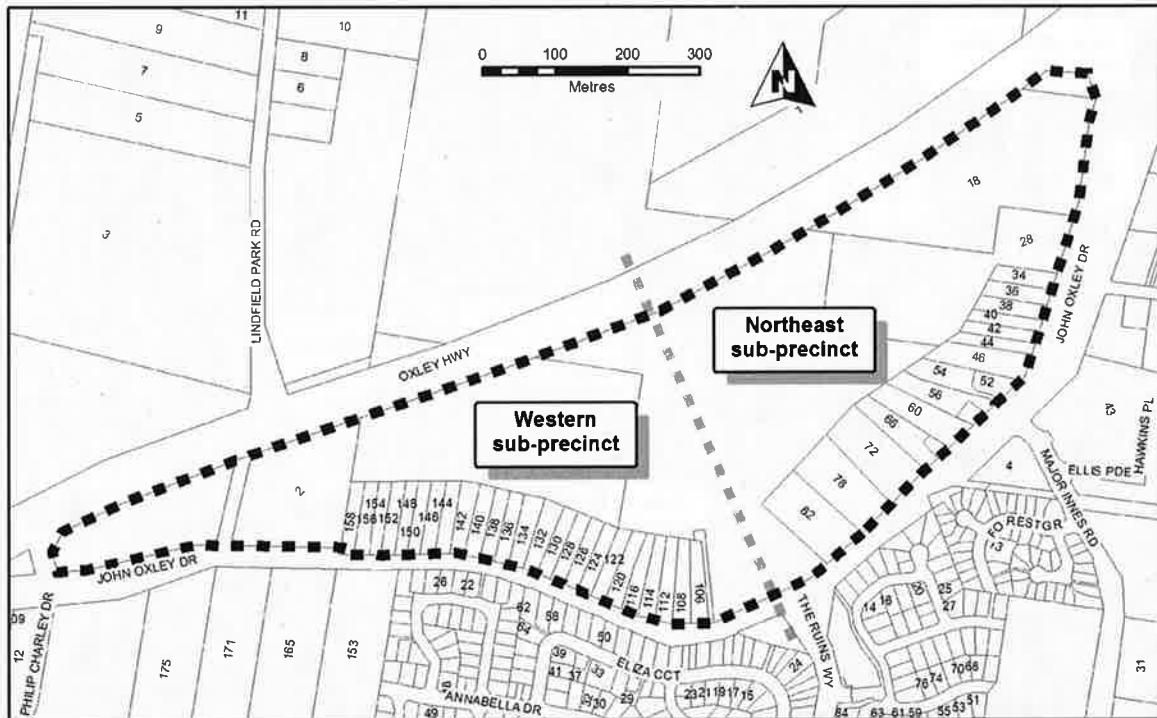


Map 2 Location of Precinct

4.2 Existing land uses

4.2.1 Sub-precincts

The precinct is broadly split in two by a low lying natural drainage path from The Ruins Way to the new Oxley Highway. This land is undeveloped, along with low lying land adjacent to the new Oxley Highway.



Map 3 Sub-precincts

Given the physical separation of the area it is appropriate to focus on the two areas separately, as shown in Map 3.

4.2.2 Northeast sub-precinct

A detailed aerial view of the northeast sub-precinct is in Map 4. The John Oxley Drive road reserve is wider, although the constructed road pavement currently has only two traffic lanes.

In the northeast corner, next to the Wrights Road roundabout is the Port Gateway Residential Park, which is a mobile home and caravan park providing low-cost accommodation. The owners have advised that it will be closed in August 2012 and have submitted concept plans for future bulky goods commercial development. Note at the time of preparation of this Structure Plan, this proposal had not been considered in detail or approved by Council.

The newest development is the Sienna Grange retirement village, which is being constructed in stages. When complete it will have 68 units.

South of Sienna Grange are a series of 12 residential lots, ranging in size from 1,660 m² to 8,095 m², interspersed with 3 smaller lots, two with dwelling houses, and one with a vehicle body repair workshop. At the south-western end are two lots containing a mix of light industrial or warehouse uses.

Apart from Sienna Grange and the vehicle body repair workshop the established land uses appear to have some capacity for redevelopment.



Map 4 Northeast sub-precinct

Due to the construction of the new Oxley Highway close to the Port Gateway Residential Park and Sienna Grange, an acoustic noise barrier wall has been placed along the highway boundary with this sub-precinct.

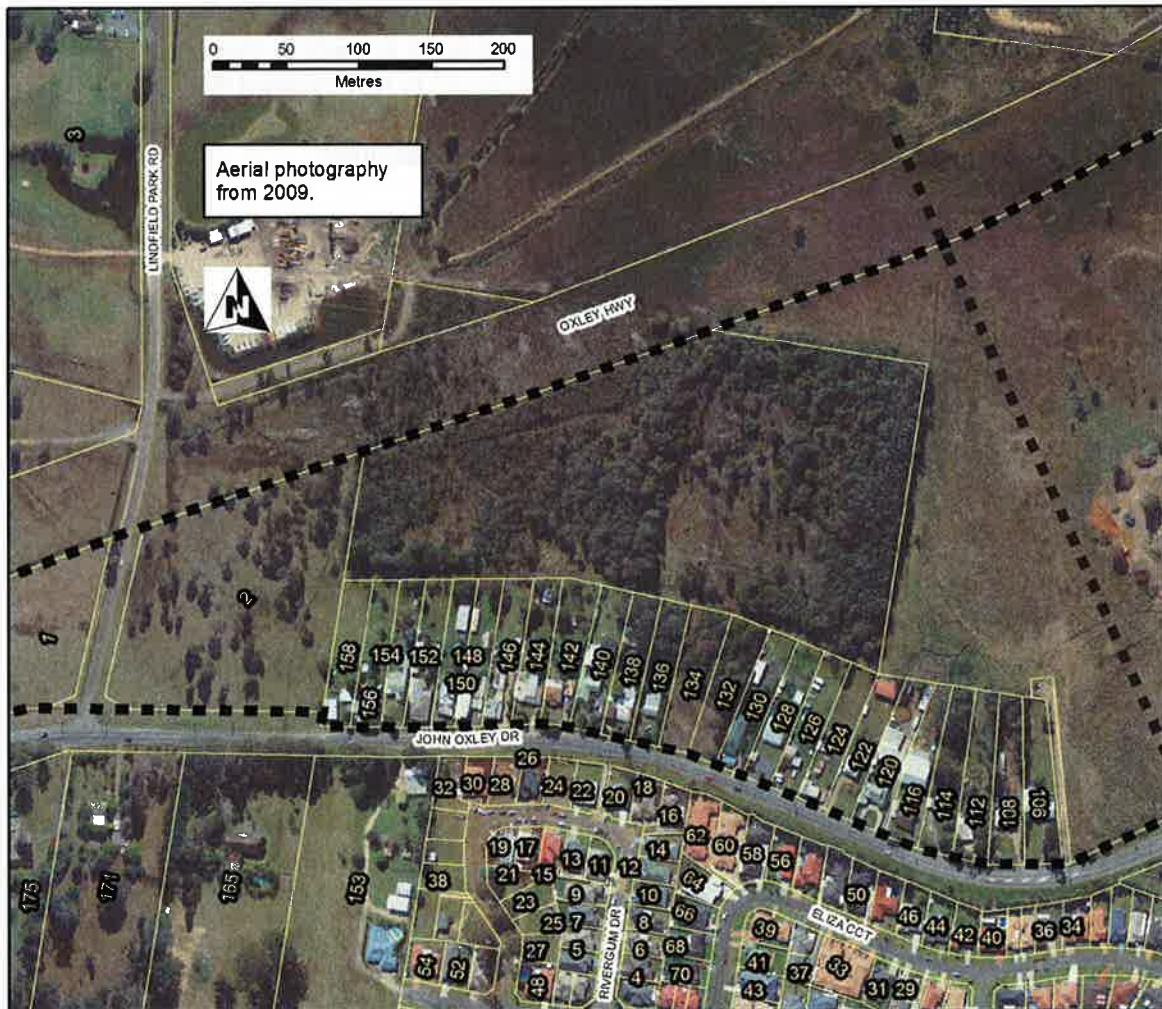
Public stormwater drainage systems traverse Nos 18 & 54 John Oxley Drive. These systems service both John Oxley Drive itself and adjoining land to the east.

Any redevelopment of these properties (or downstream) will need to have regard for these existing drainage lines.

4.2.3 Western sub-precinct

A detailed aerial view of this sub-precinct is in Map 5.

In this sub-precinct the John Oxley Drive road reserve is narrower, ranging from approx 70m down to 20m, with most of the adjoining development close to the front boundary, complicating any plans to improve traffic flow and safety by road widening.



Map 5 Western sub-precinct

Fronting the road are 25 lots, ranging in area from 1,735 m² to 2,510 m², and generally around 20 m wide and 100 m deep. All but two have dwelling houses and some also contain home businesses or home-based support for off-site employment.

To the north of the 25 lots is a large undeveloped lot, which is discussed further under the Natural Environment. This undeveloped lot contains a natural drainage path for the local drainage catchment of approximately 28 Ha of land which is predominantly developed.

Additionally, given the alignment of the new Oxley Highway, there is a need for this upstream development to drain via the culverts beneath the new Oxley Highway.

To the west are two vacant lots, split by the southern stub of Lindfield Park Road. Given their proximity to the new Oxley Highway alignment, traffic noise generally would limit

future residential use. Recently the western lot has been used as a works depot for the construction of the new Oxley Highway, but will be available for land uses following remediation.

Future planning for these two lots is being assessed in the South Lindfield urban release area. Regard needs to be given to potential future land use conflicts between No 2 Lindfield Park Road, and No 158 John Oxley Drive. While the *Urban Growth Management Strategy 2011-2031* suggests investigation for bulky goods development in this area, no decisions have been made at this stage.

There is no acoustic barrier along this section of the new Oxley Highway. The provisions of clause 7.9 Acoustic Controls in *LEP 2011* apply (at least in part) to the lots from No 140 John Oxley Drive westward. This requires Council to be satisfied that any proposed noise-sensitive development will not be subject to excessive noise from the new Oxley Highway (eg through the use of noise mitigation measures).

4.3 John Oxley Drive

4.3.1 Role and future upgrade

After the removal of through traffic onto the new Oxley Highway, John Oxley Drive between Wrights Road and Philip Charley Drive will still retain a role as a sub-arterial road, carrying traffic to and from:

- the residential areas of Innes Peninsula area via Major Innes Road or The Ruins Way,
- the Lake Innes Shopping Centre,
- Council's Waste Transfer Station and the Grace Church on Kingfisher Road,
- St Columba Anglican School via Major Innes Road, and
- the crematorium and future development of Mahers Headland (via Philip Charley Drive).

Traffic studies undertaken by traffic consultants SMEC Australia Pty Ltd for the Thrumster land releases project by the year 2036 up to 21,000 daily vehicle movements in John Oxley Drive north of Major Innes Road and around 11,000 daily movements west of the Ruins Way.

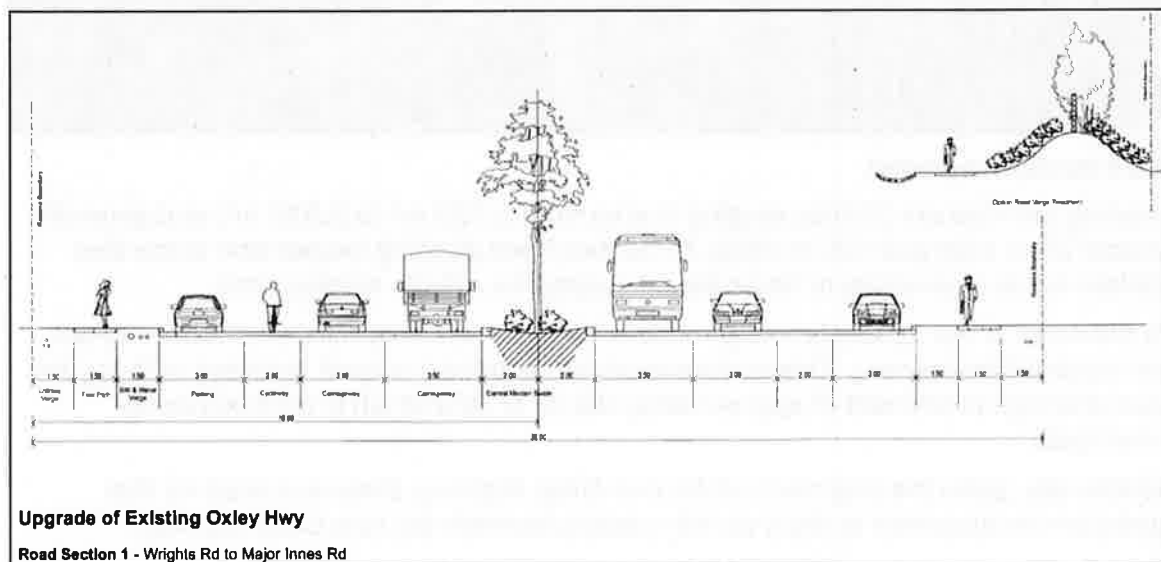


Figure 1 John Oxley Drive - Typical Section, planned upgrade north of Major Innes Drive

The 2036 forecasted traffic volumes (SMEC 2012) for John Oxley Drive will require upgrades of the existing road formation to provide:

- Wrights Rd to The Ruins Way – four lane divided carriageway, on road cycleway, parking lanes and footpaths;
- The Ruins Way to Oxley Highway overbridge – two lane undivided carriageway, on road cycleway, footpath where residential lots front John Oxley Drive.

The existing road reserve width varies from 105 m south of Wrights Road to 20 m west of The Ruins Way. Some road widening may be required between 78 to 82, and 106 to 158 John Oxley Drive.

Figure 1 shows a typical proposed cross-section across John Oxley Drive, Wrights Road to Major Innes Road, and is based on a minimum 36 m width. An optional noise barrier mound would require extra width.

Figure 2 shows a typical proposed cross-section across John Oxley Drive to the west of The Ruins Way, and is based on a minimum 25.5m road reserve width. Only 20 m road reserve width is available in some locations and widening for the road upgrade will be required, particularly the western section, with potentially 6 to 10 m widening required.

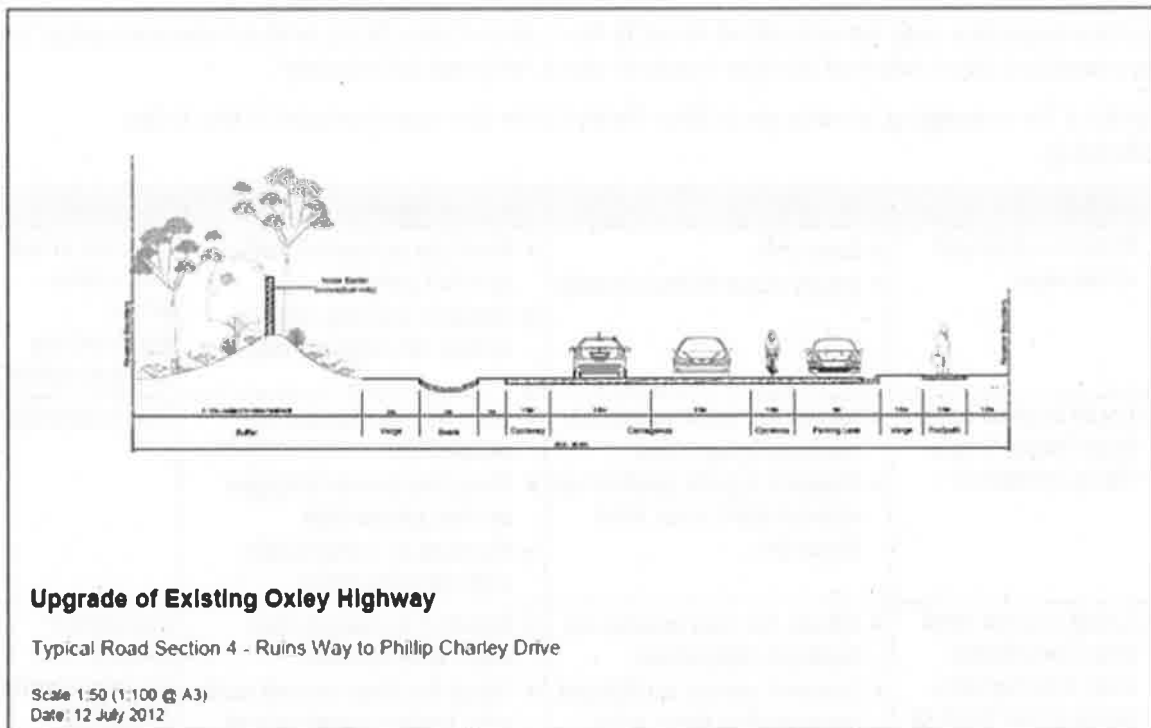


Figure 2 John Oxley Drive - Typical Section, planned upgrade west of The Ruins Way

Note that the dimensions shown on Figures 1 and 2 above are indicative only and subject to detailed investigation and design to be carried out in conjunction with future development proposals for the area.

The timing of the planned road upgrades will essentially be driven by traffic generated from land developments within the John Oxley Drive precinct, the Innes Peninsula and Thrumster. Based on the traffic forecasts provided by SMEC Australia Pty Ltd, the road upgrades are predicted to occur initially with intersection upgrades followed by upgrades of the existing roads between each intersection, commencing at Wrights Road and working west towards Phillip Charley Drive. It is not possible at this stage to forecast with accuracy when the upgrades will commence. Often a major commercial development or

large scale subdivision will bring forward the need for road upgrades. Road widening to facilitate major road upgrades is not likely to occur in the John Oxley Drive precinct within the next 10 to 15 years, unless a major development proposal that warrants these works is approved by Council. In the meantime it is anticipated some intersection improvements may occur.

Funding of the planned road upgrades will generally be sourced from Council's Regional Roads Contribution Plan as well as any roads servicing plan developed as part of the John Oxley Drive precinct planning

It is also noted that this precinct lies within the area subject to Council's *Innes Peninsula Contributions Plan - Road Works Version 1.3*. Development contributions will be required from applicable development towards road works within the area. These works include the intersection upgrades on John Oxley Drive at Major Innes Road and The Ruins Way.

4.3.2 Access

Part of the precinct planning requires Council to ensure safe and functional vehicle and pedestrian access is provided to each property.

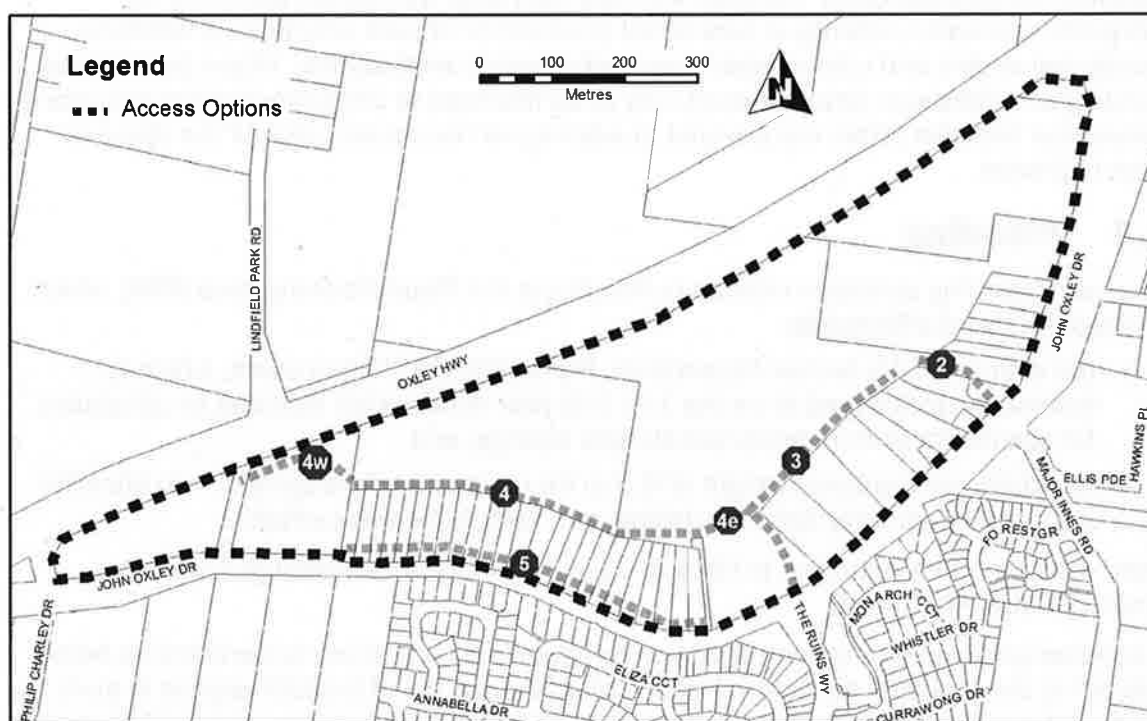
Vehicle Access

Some properties may be accessed directly from John Oxley Drive and others may need to be accessed from internal access roads or via a "shared accessway".

Options for managing access onto John Oxley Drive are summarised in the table following.

Access option	Advantages	Disadvantages	Supported?
1. Retain individual driveways	• Low cost • easily done incrementally	• Multiple potential traffic conflict points • Doesn't provide access where no road frontage	Only for small lots where other alternatives are not viable
2. Local access road from Major Innes Rd roundabout	• Allows for rear access to multiple properties • Doesn't create additional intersection onto John Oxley Dr.	• Cost of resumption of properties • Requires some linkages across properties • Needed in conjunction with development	Not supported
3. Local access road from The Ruins Way intersection, around the back of properties to NE	• Allows for rear access to multiple properties • Doesn't create additional intersection onto John Oxley Dr. • Located on land with some development potential	• Needed in conjunction with development • Partly located on soft soil with higher construction cost • Potential environmental impact on endangered species	Supported (only if environmental impact is minimal)
4. Rear access road for western lots (from east or west)	• Channels increased vehicle movements from redevelopment via single intersection (possibly existing or suggested under option 3) • Provides bushfire buffer	• Needed in conjunction with development • Conflict with endangered species • Located on soft soil with higher construction cost • Possible cost of resumption of properties	Not supported

Access option	Advantages	Disadvantages	Supported?
5. Western lots – local service road at front	- Manageable in stages - Avoids significant acquisitions, construction costs and endangered species - Doesn't require co-ordination of Option 6	- Still several access points to/from John Oxley Drive - Additional road widening may be required	Possible, but requires more land for road purposes.
6. Western lots – limited access points (eg 6) shared by (eg 12) consolidated lots	- Minimises acquisitions and construction costs - Avoids endangered species - Reduces potential vehicle conflict points on John Oxley Drive	- Consolidation of lots and shared access points requires co-ordination of redevelopment of adjoining lots. - Still some (6) access points onto John Oxley Drive	Supported



Map 6 Location of access options 2 to 5 described in Table

Map 6 shows access options 2 to 5 diagrammatically.

The proposed new road (numbered 3 on Map 6) from the Ruins Way intersection will require upgrade of this intersection (possibly construction of a roundabout) and a “lead in” road to access the rear of the existing lots. The works would be funded from new developments within this precinct that benefit from the road, with partial funding for the intersection upgrade from current section 94 road contributions schemes.

For the western lots the local service road option will depend in part on the pattern of consolidation of the lots in that section, and on whether continuing current use of some lots blocks provision of a local service road.

The choice for the western sub-precinct comes down to three options for road access:

4. New road to the rear of the lots, also providing access to the adjoining low land and sewer pumping station.
5. A 4 m wide service access road, separate from any road upgrades within John Oxley Drive and contained within the front section of the existing lots.
6. Consolidation of lots for redevelopment, with predetermined common access locations (say 4 to 6 combined accessways).

Options 4 and 5 are likely to be cost prohibitive and difficult to implement due to existing fragmentation of ownership, although they provide the safer and more functional level of service. Option 6, although not as desirable, is likely to provide a practical and function level of service. Option 6 is preferred at this stage and will require more detailed investigation and design in conjunction with further planning required for the precinct.

Pedestrian Access

Safe and functional pedestrian access to individual properties, particularly to key destinations such as the local neighbourhood shopping centre, schools, church and base hospital, must be planned. The planned road upgrades will include provision for footpaths and safe crossings at functional locations to ensure connectivity between residential origins and commercial/community facility destinations. Major commercial building or subdivision developments may drive the need to bring forward the provision of pedestrian facilities within the precinct in advance of the construction of the planned road upgrades.

4.4 Flooding

The main planning control in relation to flooding is the Flood Planning Area (FPA), which incorporates land affected by:

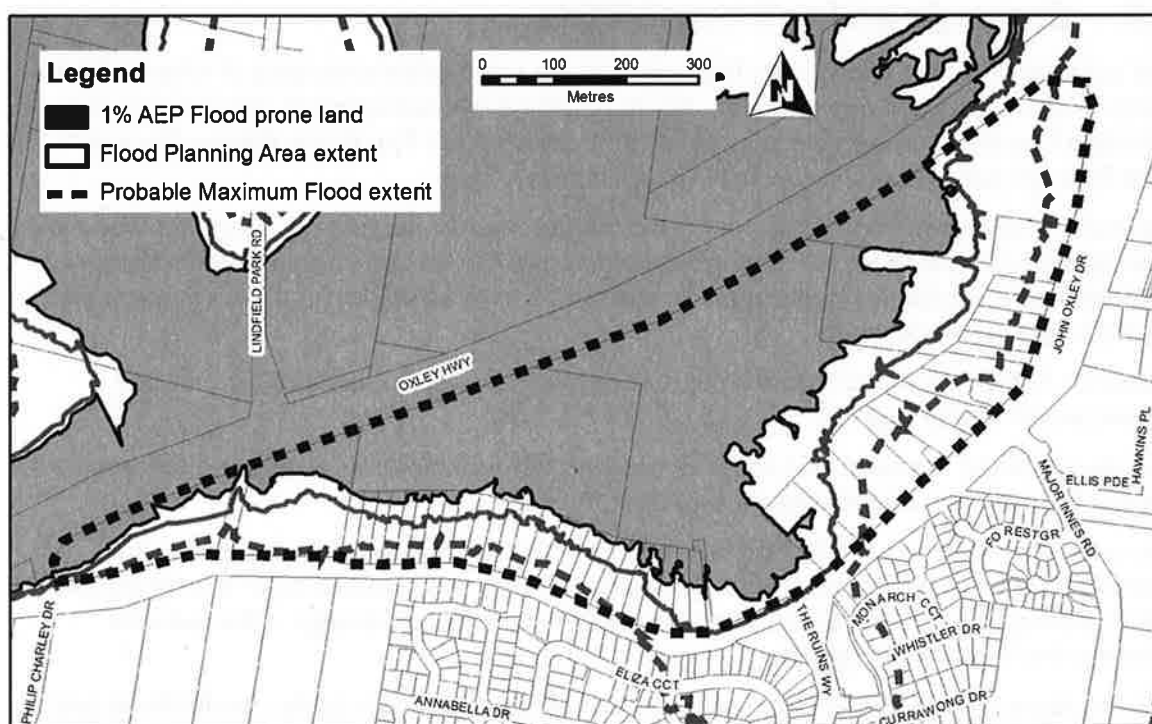
- the estimated 1% Annual Exceedance Probability (AEP) flood event, which is commonly understood to be the 1 in 100 year flood, which includes an allowance for sea level rise from predicted climate change, and
- an additional freeboard height of 0.5 m for residential development – to allow for errors in topographic data, modelling, and buffers for wave effects.

Land within the FPA is subject to clause 7.3 of *Port Macquarie-Hastings Local Environmental Plan 2011*.

A supplementary planning control relates to additional land which is identified as being subject to the Probable Maximum Flood (PMF). Clause 7.4 of the LEP applies to such land, and is used to ensure that emergency services and evacuation-critical development are accessible even in extreme flood events.

Map 7 shows the land subject to:

- the 1% AEP event,
- the Flood Planning Area, and
- the Probable Maximum Flood.



Map 7 Flooding

Current mapping of the extent of flooding does not take into account any impacts from the construction of the new Oxley Highway alignment. The planning and design by Roads and Maritime Services (previously known as Roads and Traffic Authority) was based on having no impact on flooding. In theory this means that the extent of flooding is not affected by the new road, except that the land filled for the new road should now be flood free.

Note that there are a series of culverts under the new highway which would allow free flow of flood waters, even for flood fringe storage from a major flood on the Hastings River.

Broadly within the precinct, the land subject to the 1% AEP and FPA excludes all existing development fronting John Oxley Drive. The impact of some approved filling in this area has not been incorporated in the flood mapping. This particularly applies to two larger properties in the northeast corner.

While most of the precinct is within the PMF area, this only becomes significant for a limited range of development and is addressed by LEP provisions. It is not considered to be significant to the Structure Plan for this precinct.

It is important to be aware that, in relation to flooding, planning seeks to compromise protection from flooding impacts and the severity and frequency. Land that is classed as "flood free" may not be immune from extremely rare flood events, or localised storm impacts.

It may be possible for some development to take place within land subject to flooding, where it is assessed that the development is above the flood planning level (eg due to land filling) and there are no adverse impacts elsewhere (ie from increased flood levels or water velocities). Council does not propose to investigate this. However, there is scope for landowners to fund professional assessments that could allow consideration of development of land excluded here.

4.5 Drainage and soil capabilities

The culverts under the new Oxley Highway serve a total catchment area of around 90 Ha, most of which is already developed. While not the only drainage line, the primary natural drainage line runs through the middle of the precinct from The Ruins Way to the north-west through culverts under the new Oxley Highway.

For water quality, environmental and flood management reasons, the approach used with new development is to ensure that new development does not intensify water flows nor degrade water quality to downstream areas, and where possible, improves those flows through new drainage works.

Council's AUS-SPEC Specifications set standards for water quality and quantity for development in this regard.

Developments to the east and south of the precinct include their own detention basins to control the rate of water discharge into this precinct.

Plans for the proposed South Lindfield residential land release include stormwater detention basins. Discharge from this upstream basin will need to drain via the subject development precinct to the common point of stormwater discharge – the culverts beneath the new Oxley Highway.

The key issue for the site is to ensure that the existing drainage paths are retained and function in accordance with current best practice. Drainage of the site will need to be managed generally in accordance with Council's DCP 2011 Stormwater objectives as follows:

- To control and manage all stormwater generated within the development.
- To control and manage all stormwater passing through the development from the surrounding catchment.
- To provide an effective legal point of discharge for all collected stormwater, from the development to a natural watercourse, Council's drainage system or approved outfall.
- To achieve these objectives without detrimentally affecting the environment, surface and subsurface water quality, groundwater infiltration characteristics, the adjoining landowners and other landowners downstream of the development.
- To provide a safe and convenient environment for pedestrians and traffic.
- To incorporate principles of ecological sustainable development.
- To provide detailed design provisions in line with ecologically sustainable development, water sensitive urban design and total water cycle management and principles.
- To provide an effective major and minor stormwater system that is cost effective and incorporates life cycle costs of investigation, design, operation, maintenance and replacement of stormwater infrastructure.

Any redevelopment within the precinct will need to address the impacts of the development on downstream water quality and flows, with a likely result being the need for the provision of stormwater quality control and detention facilities.

Individual developments can provide on-site water quality treatment and detention within the development footprint.

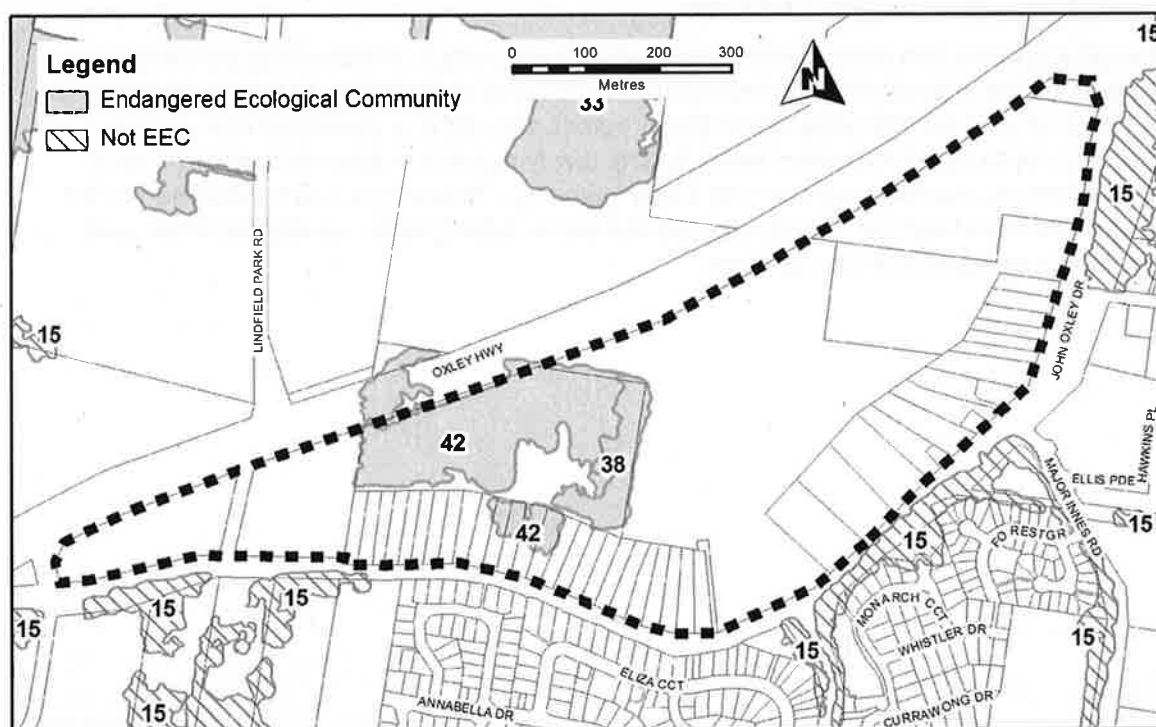
An alternative is a shared water quality treatment and detention basin. The most suitable location appears to be at the downstream end of the catchment close to the culverts under the Oxley Highway. Council has no current plans to provide such a facility, and it would be necessary to determine design concepts, costing, funding and construction timing prior to any relevant development occurring.

The low lying land running from The Ruins Way, and adjoining the Oxley Highway also has a high water table. This provides a poor quality base for any construction and significantly higher construction costs.

Low lying ground can also contain acid sulfate soils, which, if disturbed, can lead to damage to the environment, infrastructure and building footings. In this case there are no mapped acid sulfate soils within the precinct, though it is identified that care is required not to lower the water table for the low lying land in case this disturbs acid sulfate soils to the north-west of the Oxley Highway. This will be a consideration in the design and construction of any required detention basin/water quality facilities, and associated excavations for pipelines.

4.6 Natural environment

Council has completed systematic mapping of vegetation communities across the Council area. As shown on Map 8 this mapping has identified that the parcel of land to the north of 124-158 John Oxley Drive contains Swamp Oak Open Forest and a Flax-leaved Paperbark - mixed Eucalypt Forests Complex. Both vegetation communities are endangered ecological communities under the *Threatened Species Conservation Act 1995*.



Map 8 Vegetation Mapping and Endangered Ecological Communities

Swamp Sclerophyll Forest on Coastal Floodplains EEC

33 - Broad-leaved Paperbark Woodlands & Forests

38 - Swamp Oak Open Forests

42 - Flax-leaved Paperbark - Mixed Eucalypt Forests Complex

Not EEC

15 - Tallowood - Grey Gum Open Forests

For this land any rezoning or development application will require an assessment of the likely impacts. Given the status as endangered ecological communities of these areas, it is highly unlikely that there relevant approvals could be obtained.

There are indications that the low-lying land through the middle of the precinct may contain endangered frog species (Wallum Froglet and Green and Golden Bell Frog) which would also require an assessment of the impact of any proposed change.

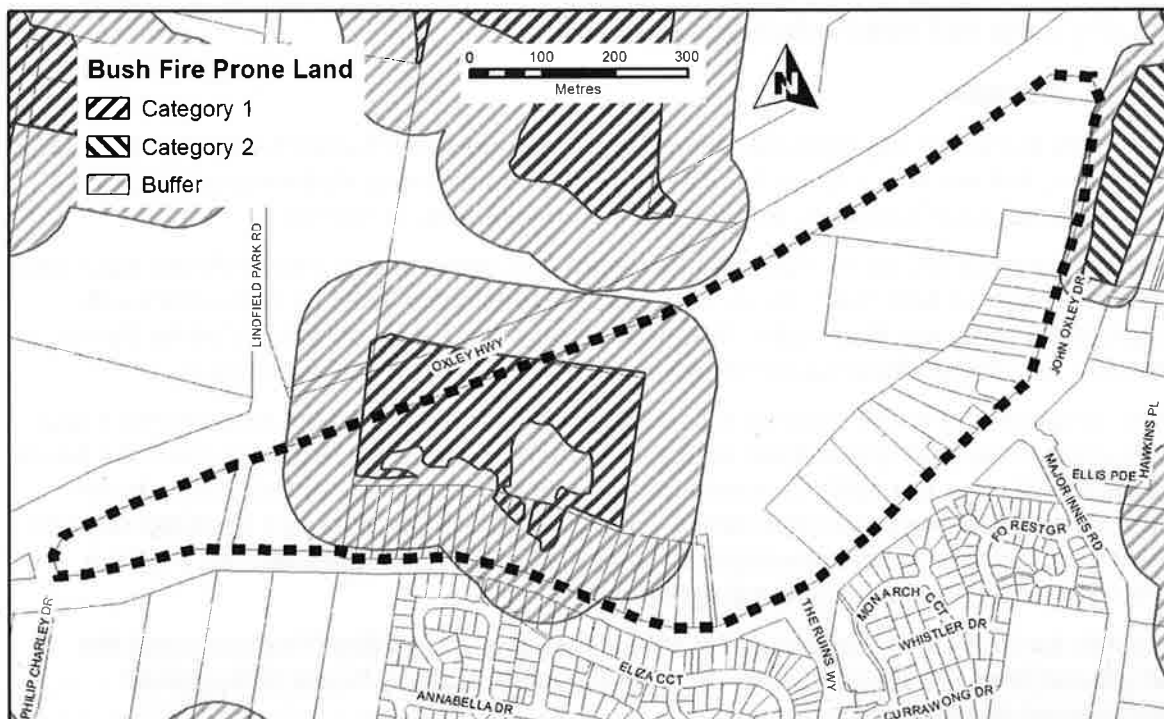
These assessments would be required in conjunction with any planning proposal to rezone the land.

The Structure Plan for the precinct avoids development in these areas. However, if specific proposals are supported by environmental, flooding and drainage investigations that the land can be developed without adverse environmental impacts, then Council may consider amendment to this Structure Plan.

4.7 Bush fire

Map 9 shows that the vegetated land to the north of 124-158 John Oxley Drive is identified as Category 1 bush fire prone land on the bush fire prone land mapping under section 146 of the *Environmental Planning and Assessment Act 1979*. Land adjoining within 100 metres (including Nos 112-158 John Oxley Drive) is identified as buffer on that mapping.

This triggers a requirement that development conforms with *Planning for Bush Fire Protection* (NSW Rural Fire Service, 2006). It is understood that construction of the new Oxley Highway alignment is not expected to modify this mapping when it is next reviewed.



Map 9 Bush Fire Prone Land

4.8 Social impacts

4.8.1 Housing

The owner, of the Port Gateway Residential Park at 18 John Oxley Drive, has advised Council that the Park will be closed in August 2012. The owner proposes to redevelop the site for bulky goods retail and has assisted residents at the Park to find alternative accommodation. The proposed redevelopment is yet to be considered by Council.

Closure of the Park will lead to the loss of affordable, low cost housing stock in the Port Macquarie area, which is likely to be only partially offset by new residential development in the Precinct. Council does not have control over the operation of the Park. Nevertheless, Council must assess the social impact of the loss of affordable housing in the preparation of this Structure Plan.

The State government is the primary authority for the provision of affordable housing. Council has an affordable housing strategy and is committed reviewing its policies to encourage affordable housing outcomes.

Council has reviewed a preliminary Social Impact Assessment from the owners of the Port Gateway and Council staff have met with representatives of State and community Housing during preparation of the Structure Plan. The initiatives that the proponent has taken to find alternative accommodation for existing residents have been supported by the Housing NSW and community housing.

Whilst there are no similar suppliers of affordable housing nearby, the assessment of constraints and opportunities by Council in this Structure Plan leads to a conclusion that the site is not ideal for residential development. In addition, there is significant development potential for non-residential uses on the site and bulky goods retail is likely to be an appropriate outcome in the circumstances.

Council will continue to work with other agencies towards the provision of affordable housing in the Port Macquarie-Hastings.

4.8.2 Access

Both with Sienna Grange and with some housing projects on the western side of the Oxley Highway there are concentrations of older people (some using motorised chairs) who require good public transport and footpaths and safe road crossings.

The relocation of the Oxley Highway has meant that some bus services will no longer pass the properties on John Oxley Drive, however, the precinct will still be served by local services for the Innes Peninsula, Thrumster and (in the future off Philip Charley Drive) Maher's Headland. Road upgrades will need to make provision for bus bays.

New development in the precinct will increase pedestrian and cyclist movements along John Oxley Drive, with pedestrian movements being particularly related to the Lake Innes Shopping Centre. Council's concepts for the upgrade of John Oxley Drive provide for constructed pathways and cycle lanes – the timing of construction will be dependent on what is included with new development work and when road upgrades can be given priority in Council's construction programme.

A particular need will be provision for safe crossing of John Oxley Drive to access the shops and links required between the existing shops and any future bulky goods commercial developments.

There may be a need to monitor the amount of pedestrian traffic crossing the Oxley Highway at the northern end of (or beyond) the precinct, as this could be unsafe, particularly for older pedestrians.

4.8.3 Community services

There are no community, recreational or sporting facilities in the vicinity.

While there is likely to be an increased demand for community facilities and services, the increased demand from within the precinct will not warrant the provision of the facilities within the precinct. Overall demand needs to be assessed by Council in planning for community facilities within Port Macquarie.

4.8.4 Employment

The proposed provision of land for business investigation development will lead to increased employment within the precinct. This could be at the short-term expense of other employment within the area, but will add to the long-term total employment within the area.

4.8.5 Amenity

The plans for road upgrade will make a significant improvement to the precinct, although there is no certainty when this will occur. The rate of redevelopment of the western end of the precinct will affect when the upgrade can occur there with least adverse impact on existing housing.

The other key amenity issue is the impact between different adjoining land uses, such as where commercial uses (eg bulky goods commercial development) adjoin residential areas.

Residents of Sienna Grange have expressed concern that their quality of life will be affected by the proposed bulky goods commercial development, due to loss of privacy, noise, fumes and large buildings close to their boundary.

Conflict between adjoining land uses will need to be addressed in the design of proposed developments and through appropriate zonings, Development Control Plan provisions, and/or conditions of any development consent.

4.9 Infrastructure

Earlier sections discussed issues relating to:

- John Oxley Drive role and future upgrade – Section 4.3.1, and
- Drainage – Section 4.5.

4.9.1 Water

There are no difficulties expected with provision of water services to new development within the precinct.

4.9.2 Sewer

Sewage from existing development within the precinct currently drains to a sewage pumping station within the precinct, in the vicinity of The Ruins Way. From there the sewage travels via a rising main to the larger Wangi Place pumping station and eventually to the Port Macquarie Sewage Treatment Plant off Koala Street.

It is anticipated that the increased sewage loads from the ultimate development within the precinct can be managed by the existing infrastructure, with some increase in the capacity of the sewage pumping station. The key is ensuring the system is not infiltrated by wet weather flows.

Note that 18 John Oxley Drive can connect to a different part of the reticulation network.



5 PLANNING FRAMEWORK

5.1 Port Macquarie-Hastings LEP 2011

The primary legislation that governs future development of the precinct is the *Environmental Planning and Assessment Act 1979*, and associated environmental planning instruments (EPIs), such as State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs).

Land within the precinct is currently zoned RU1 – Primary Production in *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011), and has a minimum lot size restriction of 40 hectares. This reflects the situation decades ago when the precinct was beyond the outskirts of Port Macquarie, together with a reluctance to intensify land use while John Oxley Drive was still the arterial Oxley Highway.

Implementation of the Structure Plan would primarily involve amending the LEP, with particular attention to appropriate changes to:

- the Land Zoning Map,
- the Lot Size Map (and associated updates to the Dwelling Opportunity Map),
- Floor Space Ratio Map,
- Height of Buildings Map, and
- potentially the Land Acquisition Reservation Map.

Amendments to the LEP have to be approved by the State Government. Council can also have supporting policy requirements in a Development Control Plan (DCP).

Other relevant statutory provisions that apply to lesser degrees include:

- Roads Act 1993,
- Threatened Species Conservation Act 1995,
- State Environmental Planning Policies.

5.2 Strategies

5.2.1 Mid North Coast Regional Strategy 2006-31

Council's strategic land use planning is required to be consistent with the *Mid North Coast Regional Strategy 2006-31*, which was released by the State Government in 2009.

The land within the precinct is not shown within any existing urban or proposed growth area, although these are shown to the east, south and west.

The Strategy does provide:

Where demonstrated through the local growth management strategy or rezoning process that a reasonable adjustment to a growth area boundary is desirable and is consistent with the Regional Strategy, then a variation of the boundary may be considered. In determining the extent of any variation, consideration will be given to the efficient use of infrastructure/services, avoidance of significant environmental constraints and natural resources, and reinforcement of the regional settlement hierarchy. Any variation will be determined through a joint analysis undertaken between the Department of Planning and the local council.

MNCRS Chapter 4 Settlement and Housing – page 18.

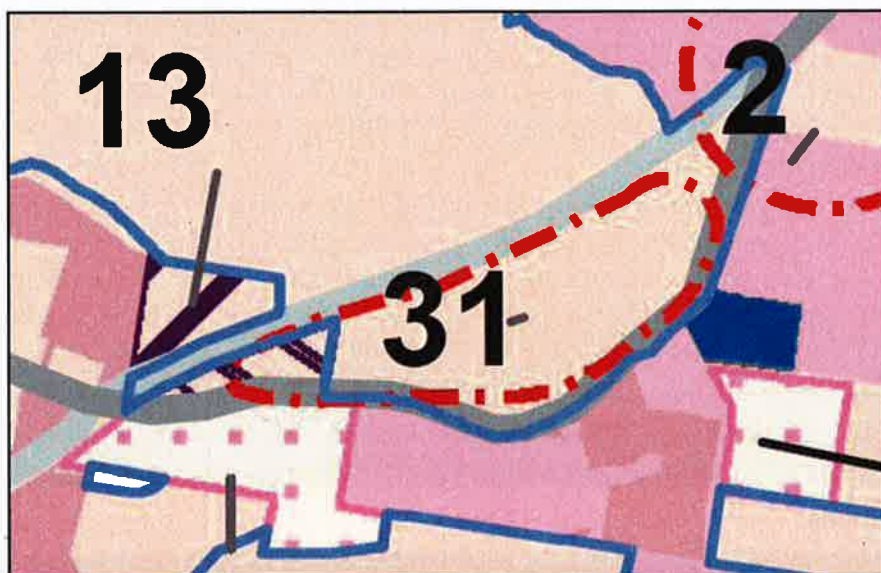
It is anticipated that the proposals of this Structure Plan will satisfy the requirements for a variation to the growth area boundary.

5.2.2 Urban Growth Management Strategy 2011-2031

The Regional Strategy requires Councils to prepare more detailed local growth management strategies. In May 2011 the NSW Department of Planning and Infrastructure approved Council's *Urban Growth Management Strategy 2011-2031* (UGMS). Specific matters relating to this precinct and surrounding land include:

- 15. Establish a medical services cluster, centred on the Port Macquarie Base Hospital. [Dashed red line and "2" on Map 10]
- 33. Consider potential for bulky goods development at Lindfield Park Road and between the old and new Oxley Highway alignments. [Dashed red line and "31" on Map 10]

The UGMS mapping (see extract in Map 10) shows the whole precinct as an area for economic initiatives, with the Lindfield Park Road section as an 'Employment Investigation' area.



Map 10 Extract from UGMS Summary Map 1

The provisions relevant to this precinct occur in *Chapter 5 Economic Development and Employment* under the heading **Bulky Goods Retail**, and extensively quote from the background *Port Macquarie Hastings Retail Strategy Review 2010* study prepared for Council by Hill PDA.

Relevant provisions from that study quoted in the UGMS are:

"There is a shortage of sites for future growth of bulky goods retailing. In the Port Macquarie market the usual form for bulky goods retailing is low cost single storey construction with outdoor at grade car parking. Parking under the retail level in a semi-basement car park is possible but the feasibility becomes questionable in non-metropolitan areas. Since parking is provided outdoors the FSR is usually no more than around 0.4:1."

"Demand for bulky goods in Port Macquarie will increase at around 1,000sqm to 1,200sqm (GLA) every year which translates to a required land area of around 1ha every four years. Around 24,000sqm is required between 2009 and 2031."

"Notwithstanding that demand increases gradually, supply often steps up in quantum increases due to the large formats of bulky goods retailers. A super centre with one or two anchor tenants and 15 to 20 specialties could be say 20,000sqm."

A scenario like this would have strong impacts on existing bulky goods retailers but the impacts on centres are not necessarily significantly adverse. A super centre of this scale would also attract more expenditure from Kempsey and Greater Taree which could have some minor positive benefits with day trippers doing dual shopping in the Port Macquarie CBD."

"Furthermore a single retailer such as the new Woolworths hardware house concept requires a significant floor area of 13,500sqm and site area of around 3ha. A large proportion of the building is used for storage of home building supplies and a significant proportion of trade relates to wholesale trade. This is a model which blurs the boundary between retailing and industrial use."

"An ideal model is a super centre with the Woolworths hardware house (13,500sqm), a large furniture retailer (such as Domayne or Nick Scali of 3,000sqm) and around 15 specialties including bedding stores, electrical appliances and home entertainment, outdoor furniture and barbeques, indoor furniture stores, floor coverings, curtains, kitchens, lighting, tiles, etc. Total floor area would be around 25,000sqm. The supercentre need not be in single ownership but it should be in a cluster thereby enabling or encouraging shoppers to walk, rather than drive, between stores. Around 6-8ha would be required to accommodate this option."

"Given that there are very few, if any, remaining opportunities in Lake Road and Hastings River Drive the best location for a significant expansion of bulky goods (super centre or cluster) is along Oxley Highway between the Pacific Highway and Innes Lake. This is the main entry point to Port Macquarie from the highway. The site has considerable visual exposure from the road and accessibility is very good.

Bulky goods would also provide a buffer between the main road and residential. Furthermore bulky goods contribute little problem to traffic on working days. Generally the majority of trade is weekend trade." (Hill PDA, 2010; p.30)

The UGMS continues:

Land at Lindfield Park Rd has been zoned IN2 Light Industrial in recognition of the need for service industrial uses in conjunction with development at Thrumster (Area 13). The development of this industrial land for bulky goods retail would require an amendment to the Local Environmental Plan and would result in some loss of zoned industrial land supply.

There is some potential for bulky goods development to the south of the Lindfield Park Rd intersection with the new Oxley Highway alignment, on land that is affected by highway noise. Bulky goods retail would potentially provide a buffer between the main road and residential development in this location. A draft local environmental plan is currently in preparation for this area in consultation with affected land owners and will have an opportunity to consider the relationship between uses in this location in the short term.

5.3 Financing infrastructure

5.3.1 General

Planning for redevelopment within the precinct is not sustainable if the supporting infrastructure for that redevelopment is not available when required.

Various statutory systems are available to co-ordinate the financing of infrastructure, though ultimately the cost is usually borne by the end user, even if payment is formally made by the developer.

In relation to water and sewer, the most common arrangements are Developer Servicing Plans (DSPs) under the *Water Management Act 2000*. In relation to other infrastructure the most common arrangements are Development Contribution Plans (CPs) under section 94 of the *Environmental Planning and Assessment Act 1979*.

Primarily these are used for large scale infrastructure with broadly predictable costs which are then apportioned across the future users on a standardised dwelling (or 'tenement') basis, with adjustments for the passage of years. Some CPs cover:

- Major road improvements
- Local parks and regional sporting facilities
- Precinct-based facilities (eg roads, community facilities, car parking).

Council also applies section 94A levies on commercial and industrial development towards the cost of local public facilities.

There are a range of DSPs, CPs and section 94A levies that would be applicable for likely development in the precinct, covering:

- Water Supply
- Sewerage Services
- Major Roads
- Innes Peninsula Road Works (covers intersection upgrades at Major Innes road and The Ruins Way)
- Open Space
- Community, Cultural & Emergency Service Facilities

Note that the contribution rates are adjusted quarterly in line with movements in the Consumer Price Index.

5.3.2 Specific local infrastructure

There is a need for the following specific local infrastructure within the precinct to facilitate redevelopment:

- drainage (in particular a detention basin/water quality facilities - or an alternative system approved by Council),
- local access road in the north-east sub-precinct, and
- provision of co-ordinated access within the western sub-precinct.

These are not currently covered in any of the DSPs or CPs or section 94 levies.

Council is unlikely to accept the use of a Development Contributions Plan to fund the proposed local access roads and major stormwater drainage facilities because Council is not in a position to expend the money to provide the service ahead of collecting the associated contributions or levy.

5.3.3 Planning Agreements

Since 2005 there has been another approach, called Planning Agreements (or Voluntary Planning Agreements – VPAs), as set out in sections 93F to 93L of the *Environmental Planning and Assessment Act 1979*.

In simplified terms a planning agreement is a voluntary agreement, between a Council and a person:

- (a) who has sought a change to an environmental planning instrument, or
- (b) who has made, or proposes to make, a development application,

under which the person may dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, to be used for a public purpose.

The preparation of planning agreements can be complex (particularly when there are multiple parties each with their own agreement), and is subject to statutory processes to ensure transparency and equity.

However, planning agreements can still facilitate relatively quick and flexible arrangements to suit a small area, and can reduce expenditure on infrastructure before it is needed.

Planning agreements have been used elsewhere by Council to resolve similar issues.

Arrangements for the funding for the provision of the local infrastructure will need to be resolved prior to any rezoning being finalised.

Planning agreements could be one option for managing the funding and timing of the construction of the required local infrastructure.

More information on utilising planning agreements is in Council's *Planning Agreements Policy*, adopted June 2006.

6 STRUCTURE PLAN

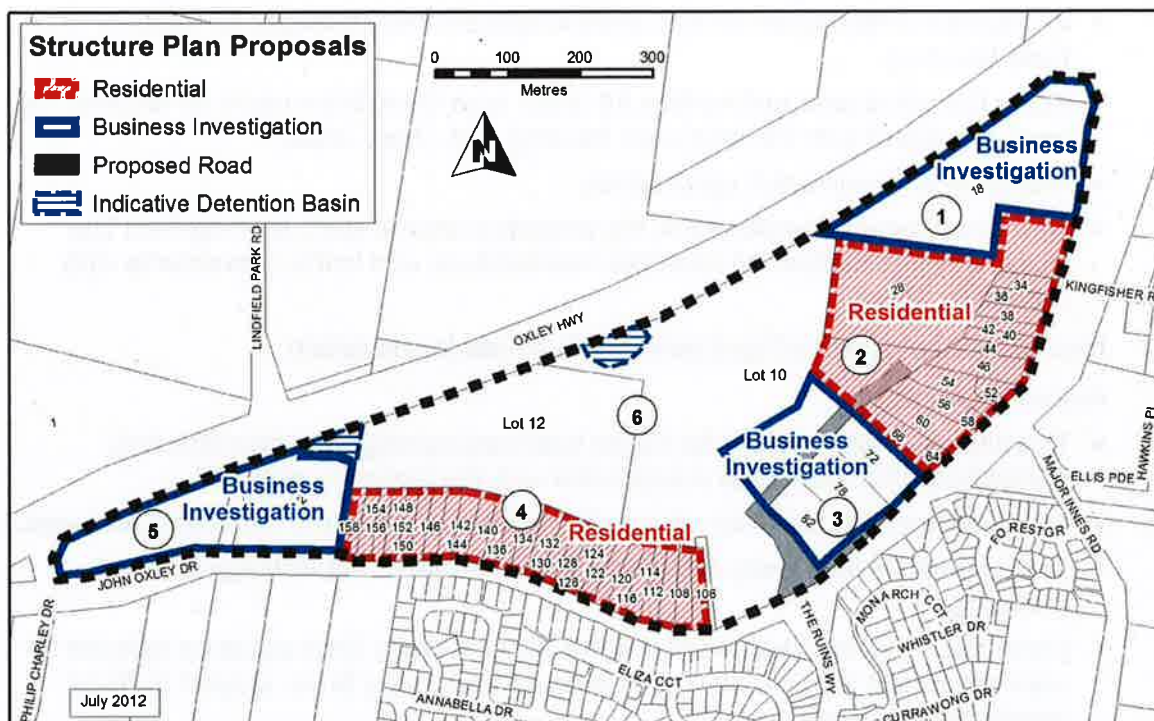
6.1 Principles

Key guiding principles in the implementation of the Structure Plan are:

- Consider options for business investigation development (or other economic initiative), as proposed in Council's *Urban Growth Management Strategy 2011-2031*,
- Recognise the intended function of John Oxley Drive as a sub-arterial road,
- Minimise potential land use conflicts (e.g. through development control measures),
- Provide for compatible land uses within existing fragmented lots,
- Avoid urban development on land subject to environmental hazards or other significant constraints,
- Enhance Lake Innes Shopping Centre as a neighbourhood hub,
- Facilitate good urban design,
- Facilitate co-ordinated and efficient provision of infrastructure,
- Assume all properties, excluding Sienna Grange Retirement Village, are available for redevelopment. (This does not presume that all owners wish to redevelop in the near future).

6.2 Proposed Land Use Outcomes

The recommended development structure plan proposed for John Oxley Drive Precinct is shown on Map 11 Structure Plan Proposals (July 2012).



Map 11 Structure Plan Proposals

The map shows three potential locations labelled Business Investigation (ie for bulky goods or other appropriate commercial development) and two areas, which can accommodate future redevelopment for residential use, in locations where existing

residential development and fragmentation of ownership makes alternative uses unlikely and undesirable.

These proposed outcomes are summarised below:

1. No 18 – Business Investigation (eg Zone B5 for bulky goods development)

Key considerations:

- Isolated from the balance of the precinct by Sienna Grange.
- Proposed Residential Park closure in August 2012.
- Must be subject to development controls in relation to noise, access, privacy and overshadowing to protect the residential amenity of residents of No 28 John Oxley Drive.
- Relationship to adjoining arterial and sub-arterial roads.
- Urban design – The site is visually prominent.
- Road and pedestrian access.
- Connectivity to neighbourhood centre and other surrounding uses.

2. Nos 28 to 66 plus part of land behind – residential development (eg Zone R3)

Key considerations:

- Promote increased density residential development density to take advantage of proximity to neighbourhood hub.
- Maximum development height (eg 11.5 metres).
- Coordinated access points required to John Oxley Drive.
- Limit further fragmentation into single dwelling lots.
- Encourage consolidation of lots, (redevelopment should ideally consolidate at least two lots).
- Some flood-free land behind Nos 46 to 82 John Oxley Drive could be rezoned for uses consistent with the land uses fronting John Oxley Drive.
- Review of environmental significance.
- New development should utilise the proposed access road, starting from The Ruins Way intersection, to minimise intersections and traffic movements with John Oxley Drive.

3. Nos 72 to 82 plus part of land behind – Business Investigation

Key considerations:

- This site also has potential for future business investigation development, particularly if the total area is expanded with the inclusion of No 72.
- Minimise land use conflicts with residential land uses to the north-east and west.
- The upgrade of John Oxley Drive may require some of the frontage for road widening.
- Some flood-free land behind Nos 46 to 82 John Oxley Drive could be rezoned for uses consistent with the land uses fronting John Oxley Drive, subject to flood impact assessment.
- Review of environmental significance.
- New development should utilise the proposed access road, starting from The Ruins Way intersection, to minimise intersections and traffic movements with John Oxley Drive.

4. Nos 106 to 158 – residential development (eg Zone R1)

Key considerations:

- Promote increased residential development density.
- Maximum development height (eg 8.5 metres).
- Subject to road upgrade (including possible widening) and controls over access points onto John Oxley Drive. Coordinated access points required (preferred option outlined previously under - Infrastructure – Roads).
- Limit further fragmentation into single dwelling lots.
- Encourage consolidation of lots, (redevelopment should ideally consolidate at least two lots).
- Revised bushfire hazard assessment required.

5. Lots west of No 158 John Oxley Drive - Business Investigation

Key considerations:

- Outcomes of the current planning process for the South West Lindfield Urban Investigation Area.
- Satisfactory resolution of stormwater management issues.
- Address potential impacts upon adjoining residential uses and appearance from the Oxley Highway.
- Noise attenuation requirements.
- Development interface with the Oxley Highway and John Oxley Drive.
- Review of environmental significance.

6. Lot 12 and part lot 10

Key considerations for the residue area within the precinct:

- These areas appear to have major constraints over development, particularly flooding and environmental conservation. As such no development is proposed.
- The owners would like to achieve development. Accordingly there is the option for submission of detailed proposals that demonstrate satisfactory outcomes in relation to the constraints and development of the land. Filling may be possible west of areas 2 and 3, allowing extension of these areas.
- Council will consider whether to amend the Structure Plan to incorporate such proposals where acceptable solutions to the constraints are provided.

6.3 Implementation

Following adoption of a Structure Plan by Council, implementation will require the resolution of key issues, as described above, and the amendment of planning controls to facilitate new development.

The amendment of planning controls will include amendments to *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011), which includes the zones applying to the precinct and the preparation of Development Control Plan (DCP) provisions for the precinct. The Structure Plan, LEP 2011 and DCP will be prepared to inform the preparation and assessment of development applications.

LEP amendments will be undertaken for the parts of the John Oxley Drive precinct described in 6.2.2 above to ensure that the key issues for consideration are satisfactorily addressed in each case.

Note that a proposal has been lodged with Council for rezoning of No 18 John Oxley Drive to allow a bulky goods development (with a hardware and building supplies major tenant) in anticipation of Council's completion of this Structure Plan.

In relation to the two lots west of No 158 John Oxley Drive, more detailed planning has been carried out within the South Lindfield release study area. This work is nearing completion, and changes to planning controls for those lots may be part of the implementation of that strategy.

A Prerequisites to approval of LEP amendment

1. Agreement from the Department of Planning and Infrastructure to permit a minor variation to the growth area boundary in the Mid North Coast Regional Strategy as proposed in this Structure Plan (particularly for zoning of residential land).
2. Satisfactory resolution of the design, timing and funding for management of local stormwater. Council requires a coordinated approach which minimises the number of facilities to be maintained by Council in the long term.
3. Where appropriate, preparation of road improvement design for John Oxley Drive sufficient to identify the extent of any road widening required, to establish boundary levels, and firm up details for road access locations.
4. Satisfactory resolution of the design, timing and funding of local road access and streetscape improvements, consistent with long term road upgrade proposals by Council.
5. Determining appropriate methods of achieving:
 - consolidations of small or narrow lots,
 - medium density residential development, and
 - co-ordinated access points onto John Oxley Drive.

This may be by LEP provisions, planning agreements or other means.

6. Preparation of draft amendments to the Development Control Plan to supplement the draft LEP amendments. The DCP will contain provisions relating to the prerequisites above, and that aid mitigation of any adverse land use conflicts in the determination of development applications.
7. Completion of statutory processes, including public exhibition and review by Council. It is expected that the draft LEP and DCP amendments would be exhibited together.

B Prerequisites to approval of development applications

7. Commencement of precinct-specific amendments to *Port Macquarie-Hastings Local Environmental Plan 2011* and *Port Macquarie-Hastings Development Control Plan 2011* by Council.

The formal initial steps are for Council to resolve to prepare a "Planning Proposal" under Section 55 of the *Environmental Planning and Assessment Act 1979*, which explains the intended effect of the proposed draft LEP and sets out the justification for making the proposed draft LEP. This will commence the process of investigations and negotiations to that will lead to specific draft LEP changes and associated draft DCP changes that are exhibited for public comment.

Resolution of the prerequisites may proceed at different rates for differing areas within the precinct, with the Planning Proposal being split into parts for separate finalisations. Rezoning for bulky goods development on No 18 John Oxley Drive is likely to satisfy the relevant requirements and could proceed prior to the balance of the precinct.

7 GLOSSARY

Further information on most of the following can be found on (or through links on) Council's website - www.pmhc.nsw.gov.au.

Arterial road – road that predominantly carries through traffic from one region to another, forming the principal avenue of communication for traffic movements.

AUS-SPEC – the series of standard technical engineering design, construction, drawing and information documents used by Port Macquarie-Hastings Council, based on a national template. More information is available on Council's website.

Bulky goods development – a generic term encompassing land uses defined in the LEP, such as Bulky goods premises*, Garden centres, Hardware and building supplies*, Landscaping material supplies, Plant nurseries, Timber yards, and Vehicle sales or hire premises. (* See definitions included here.)

Bulky goods premises – this is defined in LEP 2011 as:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note. Bulky goods premises are a type of retail premises—see the definition of that term in the Dictionary.

Business Investigation - These areas may be suitable for future business use such as bulky goods retail and light industry, as defined in *Port Macquarie-Hastings LEP 2011*. The types of land use permitted will be determined in future LEP amendments with regard to site characteristics and constraints, existing and future development on adjoining land and an economic assessment of supply and demand for business uses at the time the LEP is prepared.

Council will consider the use of a B6 Business Enterprise zone, subject to the LEP aims, which include: “to ensure that development does not conflict with the hierarchy of business and retail centres in the Port Macquarie-Hastings area and the role of the Greater Port Macquarie Central Business District as the focus for sub-regional functions and service delivery”.

CP – see Development Contribution Plan.

DCP – see Development Control Plan. Depending on context, may instead refer to Development Contribution Plan.

Department of Planning and Infrastructure (or DP&I) – the NSW Government department most associated with administering the EP&A Act and Government approvals associated with implementation of any adopted structure plan for the John Oxley Drive Precinct.

Development Contribution Plan (or CP) – a Council prepared and adopted plan for the funding and provision of specified public services, involving payments from relevant developments. There are several local CPs, and the preparation and operation is tightly

regulated under the EP&A Act. Contributions for water, sewer and drainage services are managed under Development Servicing Plans.

Development Control Plan (or DCP) – a Council prepared and adopted planning control to supplement the provisions of LEPs. The relevant DCP for the precinct is *Port Macquarie-Hastings Development Control Plan 2011*, commonly referred to as DCP 2011.

Development Servicing Plan (or DSP) – a Council prepared and adopted plan for the funding and provision of water, sewer and drainage services, involving payments from relevant developments. The operation of CPs is tightly regulated under the *Water Management Act 2000*.

DSP – see Development Servicing Plan.

Endangered Ecological Community (or EEC) – one component of threatened species, populations and ecological communities, which are subject to conservation requirements under the *NSW Threatened Species Conservation Act 1995*. (Fish and marine plants have similar protection under the *Fisheries Management Act 1994*.)

EP&A Act – the *Environmental Planning and Assessment Act 1979*, which is the primary legislative control over planning and development in New South Wales.

Hardware and building supplies – this is defined in LEP 2011 as:

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of retail premises—see the definition of that term in the Dictionary.

LEP – see Local Environmental Plan.

Local Environmental Plan (or LEP) – a Council-prepared and State Government-approved environmental planning control under the EP&A Act. The operation of LEPs is subject to the provisions of the Act and SEPPs. The relevant LEP for the precinct is *Port Macquarie-Hastings Local Environmental Plan 2011*, commonly referred to as LEP 2011.

Medium density residential – designation of residential development or areas characterised by villas, town houses and walk-up flats, as opposed to detached dwelling houses or high-rise areas utilising lifts.

Mid North Coast Regional Strategy 2006-31 – Released by the NSW Government in 2009, it sets a framework for development to 2031 for the Mid North Coast – from Great Lakes to Clarence Valley. It is used as part of the assessment by the NSW Department of Planning & Infrastructure of proposals for new urban and rural residential land releases within the region.

SEPP – see State Environmental Planning Policy.

State Environmental Planning Policy (or SEPP) – a State Government prepared and approved environmental planning control under the EP&A Act. There are 27 SEPPs applying in varying ways to the Council area – they are listed on Council's website.

Sub-arterial road – road which connects arterial or main roads to areas of development within a region, or which carry traffic directly from one part of a region to another part.

UGMS – see Urban Growth Management Strategy 2011-2031.

Urban Growth Management Strategy 2011-2031 (or UGMS) – part of Council's Towards 2030 Community Strategic Plan (as required under the *Local Government Act 1993*) and

also approved by the NSW Department of Planning and Infrastructure as satisfactorily expanding on the local provisions under the Department's *Mid North Coast Regional Strategy 2006-31*.

Zoning – a primary form of control over the location of land uses within LEPs, through classification of land to various subtypes of rural, residential, business, industrial, recreational, environmental etc zones.

