

Amendment to Port Macquarie Hastings LEP 2011 - Changes to the Minimum Lot Size Maps for certain Zone R5 Large Lot Residential Land at King Creek

Proposal Title :	Amendment to Port Macquarie Hastings LEP 2011 - Changes to the Minimum Lot Size Maps for certain Zone R5 Large Lot Residential Land at King Creek		
Proposal Summary :	Planning Proposal to amend Port Macquarie Hastings LEP 2011 Lot Size Maps for certain land at King Creek zoned R5 Large Lot Residential to permit rural residential subdivision to a minimum lot size of 1.2ha consistent with surrounding land.		
PP Number :	PP_2012_PORTM_004_00	Dop File No :	12/09784

Proposal Details

Date Planning Proposal Received :	06-Jun-2012	LGA covered :	Port Macquarie-Hastings
Region :	Northern	RPA :	Port Macquarie-Hastings Council
State Electorate :	PORT MACQUARIE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	King Creek Road		
Suburb :	King Creek	City :	Postcode : 2446
Land Parcel :	Lot 4 DP 808933, Lot 3 DP 602384, Lot 4 DP 602384		
Street :	Sarah's Crescent		
Suburb :	King Creek	City :	Postcode : 2446
Land Parcel :	Lot 1 DP 816181, Lot 45 DP 260125		
Street :	Old King Creek Road		
Suburb :	King Creek	City :	Postcode : 2446
Land Parcel :	Lot 1 DP 593025, Lot 2 DP 597448, Lot 1 DP 625406, Lot 2 DP 625406, Lot 22 DP 816135		

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Craig Diss**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

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

If Yes, comment : **No meetings or other communications have been held with Registered Lobbyists in regards to this Planning Proposal.**

Supporting notes

Internal Supporting Notes : **The Department of Planning Code of Practice in relation to communications and meetings with Lobbyists has been complied with to the best of the Region's knowledge. Northern Region has not met any Lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other departmental officers and Lobbyists concerning the proposal.**

External Supporting Notes :

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Adequacy Assessment

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

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

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

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Council identifies that nine of the ten sites contain areas of flood affected land. S117 Direction 4.3 Flood Prone Land applies to the proposal. The direction is further considered in the Assessment section of this report.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping is provided to identify the land. Draft amending Lot Size Maps for the subject land are also provided. The mapping is suitable for exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The RPA suggests a 28 day consultation period would be adequate. The proposal is consistent with the regional planning framework, is consistent with the surrounding land use pattern, presents no issues with regard to infrastructure provision, is not a principal LEP, and does not reclassify public land. The proposed 28 day exhibition period is therefore considered suitable.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Published in February 2011**

Assessment Criteria

Need for planning
proposal :

Council has adequately justified the planning proposal and that it is of minor significance.

The Planning Proposal will amend the minimum lot size applying to the subject land zoned R5 Large Lot Residential for further rural residential subdivision.

The 1.2 ha lot size is proposed to be applied to presently unsubdivided large lots within the King Creek rural residential precinct. The proposed 1.2 ha minimum lot size to be applied to the subject lands is consistent with adjoining and adjacent existing rural residential development.

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Consistency with strategic planning framework :

The proposal is consistent with all relevant local and regional planning strategies, including the Mid North Coast Regional Strategy and the approved Port Macquarie Hastings Urban Growth Management Strategy 2011-31.

Council completed extensive investigation of the King Creek area in the 1990's with the preparation of a structure plan, Koala Plan of Management, Development Control Plan and Developer Contributions Plan. Site specific LEP amendments (supported by detailed landowner commissioned/funded site specific studies) have enabled much of the area to be developed for rural residential use. Council has continued this process for the remaining unsubdivided parts of the King Creek Rural Residential precinct, consistent with the adopted Structure Plan and DCP, over many years. In 2007, advice from the Department was that a more strategic approach to the development of the area would be appropriate (rather than the historical piecemeal approach).

Council has now undertaken preliminary planning investigations to finalise rural residential zoning at King Creek and minimum lot sizes for existing R5 Large Lot Residential zoned land. Priorities for development of the King Creek rural residential precinct are identified in the approved Port Macquarie Hastings Urban Growth Management Strategy. As a result of this review, Council intends to finalise rural residential rezoning at King Creek in two stages. The first stage involves amending the minimum lot size for specific R5 land with low level constraints in the current Planning Proposal. Stage 2 will involve finalisation of rural residential zoning as part of a scheduled review of the Urban Growth Management Strategy in 2014/15. This planning proposal involves 10 sites that meet Council's criteria and are likely to be suited to further subdivision.

Council has identified six s117 Directions and SEPP-Rural Lands as being relevant to the proposal. One further direction is also relevant.

The Planning Proposal is consistent with all relevant s117 Directions and SEPP Rural Lands with the exception of Directions 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection. These inconsistencies may be justified for the following reasons:

4.3 - Flood Prone Land, is relevant as the Planning Proposal alters a provision affecting flood prone land. The direction provides that a PP may be inconsistent with the direction if a flood risk management plan has been prepared or the provisions of the Planning Proposal that are inconsistent are of minor significance. The Flood Planning Maps of the Port Macquarie Hastings LEP 2011 identify the 'flood planning area' subject to LEP Clause 7.3 Flood planning, which requires consideration of potential flood impacts both on and off the subject land. Preliminary assessment of the subject land indicates that each of the ten sites contain sufficient flood free R5 zoned land suitable for further subdivision to the proposed 1.2ha minimum lot size. The inconsistency with Direction 4.3 is considered to be justified as being of minor significance.

4.4 - Planning for Bushfire Protection, requires the council to consult with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway Determination. To ensure this consultation occurs a recommendation has been included to this effect. While currently inconsistent, a check will be undertaken at s59 to ensure Council has received written advice that the Commissioner does not object to the Planning Proposal proceeding, and that the Planning Proposal is therefore consistent with this direction before the Plan is made.

While Council has identified a number of other relevant directions, there are no further inconsistencies.

Environmental social economic impacts :

There are no significant environmental issues that would affect the proposed use of the land or likely social economic impacts resulting from the proposal.

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Assessment Process

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

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority : **Office of Environment and Heritage**
Consultation - 56(2)(d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
King Creek Locality.pdf	Map	Yes
Planning Proposal.pdf	Proposal	Yes
Council Covering Letter.pdf	Proposal Covering Letter	Yes
6380_COM_LSZ_010C_20120606.pdf	Map	No
6380_COM_LSZ_013B_20120606.pdf	Map	No

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Additional Information : **It is recommended that:**
1) the proposal proceed as a minor Planning Proposal;

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2) the Planning Proposal is publicly exhibited for 28 days;

3) the Planning Proposal is completed within 12 months;

4) the Director General's delegate agree that the inconsistency with s117 Direction 4.3 Flood Prone Land is justified as being of minor significance;

5) Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- NSW Rural Fire Service

Supporting Reasons :

The reasons for the above recommendation are as follows:

1) The proposed rural residential use of the land is consistent with all relevant local and regional planning strategies.

2) The Planning Proposal introduces a 1.2ha minimum lot size to facilitate rural residential subdivision to meet identified demand.

3) The proposed minimum lot sizes will be consistent with the surrounding development and will produce lots that can be economically serviced with adequate existing infrastructure available to the land.

Signature:



Printed Name:

Craig Diss

Date:

13/6/2012

