

Port Macquarie Hastings LEP 2011 Draft Amendment No 21 (Warlters, Bay and Park Streets -Settlement City, Port Macquarie)

Proposal Title :	Port Macquarie Hastings LEP 2011 Draft Amendment No 21 (Warlters, Bay and Park Streets -Settlement City, Port Macquarie)		
Proposal Summary :	The planning proposal seeks to amend the Height of Buildings and Floor Space Ratio map sheets for land at Warlters, Bay and Park Streets, Settlement City, Port Macquarie and introduce Precinct-wide Design Excellence Provisions for the Settlement City commercial and tourist zones.		
PP Number :	PP_2013_PORTM_002_00	Dop File No :	13/04068

Proposal Details

Date Planning Proposal Received :	26-Feb-2013	LGA covered :	Port Macquarie-Hastings
Region :	Northern	RPA :	Port Macquarie-Hastings Council
State Electorate :	PORT MACQUARIE	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Bay		
Suburb :	Settlement City	City :	Port Macquarie
		Postcode :	2444
Land Parcel :	Lot 1 DP 702484, Lot 1 DP 749597, Lot 2 DP 702484, Lot 3 DP 263340, Lot 2 DP 873770, Lot 4 DP 1018087, Lot 109 DP 1083464, Lot 1 DP 1163062		
Street :	Park		
Suburb :	Settlement City	City :	Port Macquarie
		Postcode :	2444
Land Parcel :	Lots 638 and 639 DP 257052, Lot 1 DP 1163062		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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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)	3.50	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	6,000.00	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	The Department of Planning Code of Practice in relation to communication and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	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 this proposal.		

Supporting notes

Internal Supporting Notes : Council has requested an Authorisation to exercise delegation for the plan making
functions in Section 59 of the Act.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The Statement of objectives adequately describes the intention of the planning proposal.
The proposal seeks to amend the Port Macquarie Hastings LEP 2011 to facilitate the
development of a Kmart discount department store, speciality shops, Kmart Auto and car
parking on Lot 2 DP 1163062. The proposal provides consistency with existing
development controls for land within the B3 Commercial Core zone at Settlement City and
will promote and encourage design excellence for buildings in the Settlement City
Shopping and Tourist Precinct.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions adequately addresses the intended method of achieving the
objectives of the planning proposal. The proposal will amend the Port Macquarie Hastings
LEP 2011 by:

- replacing the existing 013FA Height of Building (HOB) and Floor Space Ratio

(FSR) map sheets to allow an increase to the current 5.4m height limit on part of the site to 16m and allow a blanket 2:1 maximum FSR across the site.

- introducing Design Excellence provisions for land zoned B3 Commercial Core and SP3 Tourist in the Settlement City Precinct.

- including an additional map series (Significant Urban Areas) to identify the land area of the Settlement City Precinct subject to the provisions of the Design Excellence clause.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

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

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains maps which show the subject land, the existing and proposed built form controls (HOB and FSR), for the land. The mapping is adequate.**

Council notes that relevant map sheets will be prepared for public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Port Macquarie Hastings Council proposes a twenty-eight (28) day consultation period due to the scope of the proposed amendment. In addition to amendments to the HOB and FSR map sheets and the introduction of Design Excellence provisions, the exhibition will include an amended draft Settlement City Precinct DCP and Section 94 Contributions Plan to address the proposed Kmart development on the Warlters Street commercial land.**

Council also notes some public concern with the proposal with twenty-seven (27) public submissions received following an initial consideration of the Kmart proposal in December 2012.

Having regard to public concern and the range of amendments proposed, a 28 day consultation period is considered appropriate.

Project Time Line.

The planning proposal contains an estimated project time line for completion of the planning proposal. The time line is considered to be realistic and appropriate and it is anticipated that the proposal will be completed in July 2013.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

The planning proposal satisfies the adequacy criteria by;

- 1. Providing appropriate objectives and intended outcomes.**
- 2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.**
- 3. Providing an adequate justification for the proposal.**
- 4. Outlining a proposed community consultation program.**
- 5. Providing a suitable project time line**
- 6. Providing evaluation criteria for delegation to be issued to the Council to make the plan**

Delegation of plan making functions is considered to be appropriate in this instance, as the proposal is consistent with relevant strategic planning instruments.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The Port Macquarie Hastings LEP was made in November 2011. This planning proposal seeks an amendment to the Port Macquarie Hastings LEP 2011.

Assessment Criteria

Need for planning
proposal :

The planning proposal involves three (3) amendments to the LEP, being replacement of two map sheets and one amendment to the instrument.

1. and 2. The land at Warlters Street (Lot 2 DP 1163062) is zoned B3 Commercial Core. Kmart owns the land and seeks variation in the existing built form controls to facilitate development of the site.

The land is located within the Settlement City Precinct and provides for maximum building heights of 5.4, 11.5, 16.0 or 19 metres and maximum floor space ratio of 0.2:1 or 2:1 over parts the site.

The planning proposal would amend the 013FA Height of Buildings (HOB) and Floor Space Ratio (FSR) Maps to increase the permissible maximum building height on part of the land from 5.4 to 16m and the maximum floor ratio from 0.2:1 to 2:1.

3. Council has initiated the proposal to introduce Design Excellence provisions into the LEP in recognition of the importance of the Settlement City Precinct in the long-term growth of the Port Macquarie business and tourist sector. The proposed provisions will ensure that a range of urban design principles are addressed with new buildings and external alterations to existing buildings on land zoned B3 Commercial Core and SP3 Tourist. The extent of the land subject to these provisions will be identified on a significant urban areas map sheet.

The proposal to apply appropriate development controls through amendments to the maps in the LEP and the inclusion of a Design Excellence clause in the PMH LEP 2011 are the most appropriate means of achieving the intent of the planning proposal.

Net community benefit

**Port Macquarie Hastings LEP 2011 Draft Amendment No 21 (Warlters, Bay and Park Streets
-Settlement City, Port Macquarie)**

The development of the Kmart land will provide increased retail choice and employment opportunities. The proposed Design Excellence provisions aim to improve the quality and amenity of the public domain.

In these circumstances it is considered that the current proposal provides a clear net community benefit.

Consistency with
strategic planning
framework :

Mid North Coast Regional Strategy (MNCRS).

Port Macquarie is identified as a Major Regional Centre where the majority of economic and employment growth for the region will be located. The Settlement City Precinct forms part of the Greater Port Macquarie Central Business District and is recognised as a key area for its longer-term growth. The proposal to increase the development potential of the Warlters Street site and facilitate the proposed Kmart development is therefore consistent with the objectives of the MNCRS.

Port Macquarie Hastings Urban Growth Management Strategy 2011-2031(PMHUGMS)

The Strategy includes the preparation of an amendment to the LEP for the subject land to increase commercial land supply in the Greater Port Macquarie CBD. The planning proposal is therefore consistent with the PMHUGMS.

SEPPs

The planning proposal is consistent with all relevant SEPPs.

S117 Directions.

The proposal is consistent with relevant S117 Directions.

Environmental social
economic impacts :

The Kmart land is the site of a former high school and is cleared of significant vegetation. It has been zoned for commercial use since 2011.

Council notes that the change in building height and floor space ratio to accommodate the Kmart proposal raises a number of design and development issues which necessitate amendment and exhibition of the draft Settlement City Precinct DCP and Section 94 Contributions Plan. The initial exhibition of the draft DCP resulted in several public submissions in relation to perceived noise impact from proposed Kmart operations. A Noise Impact Assessment has been prepared to support the proposal.

The planning proposal will not result in any adverse environmental impact. Public exhibition of the planning proposal provides further opportunity for public examination and comment.

Assessment Process

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

Timeframe to make **9 Month** Delegation : **RPA**
LEP :

Public Authority **Transport for NSW - Roads and Maritime Services**
Consultation - 56(2)(d)

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

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

If no, provide reasons :

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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
Locality Map Port Macquarie CBD.pdf	Photograph	Yes
Kmart Site Lot 2 DP 1163062.pdf	Map	Yes
Current Zoning, HOB and FSR.pdf	Map	Yes
Planning Proposal Feb 2013.pdf	Proposal	Yes
Council Covering Letter 2013-02-26.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

Additional Information : **It is recommended that;**

1. The planning proposal should proceed as a 'Precinct' planning proposal.
2. Prior to public exhibition, Council is to provide existing and proposed maps, at an appropriate scale and in accordance with the Department's 'Standard Technical Requirements for LEP Maps', which clearly identify the subject site and the intent of the planning proposal. In particular, maps identifying the following attributes and development standards are to be prepared and placed on public exhibition:
 - a. Proposed Floor Space Ratio (FSR)
 - b. Proposed Height of Building (HOB)
 - c. Proposed Significant Urban Areas
3. A community consultation period of 28 days is necessary.
4. Council is to consult with NSW Transport - Roads and Maritime Services.
5. The planning proposal is to be completed within 9 months.
6. An Authorisation to exercise delegation to make the plan be issued to the Council for this planning proposal.

Supporting Reasons : **The reasons for the above recommendation for the planning proposal are as follows:**

1. The proposal will promote design excellence within the Settlement City Precinct to improve the quality and amenity of the public domain.
2. The proposed commercial development of the land will result in a net community benefit.

3. The proposal is consistent with all relevant local and regional planning strategies,
section 117 Directions and SEPPs.

Signature:

 (Acting Team Leader Local Planning)

Printed Name:

Carlie Boyd

Date:

1/3/2013