

Design Excellence Provisions, Short Street, Port Macquarie

Proposal Title : **Design Excellence Provisions, Short Street, Port Macquarie**

Proposal Summary : **The proposal seeks to:**
- apply clause 7.11A Design Excellence of Port Macquarie-Hastings LEP 2011 to land on the corner of Short Street and William Street, Port Macquarie; and
- include an additional matter of consideration to clause 7.11A Design Excellence of Port Macquarie-Hastings LEP 2011 relating to the activation of foreshore frontages.

PP Number : **PP_2015_PORTM_003_00** Dop File No : **15/11808**

Proposal Details

Date Planning Proposal Received :	31-Jul-2015	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 :	Policy		

Location Details

Street :
 Suburb : City : Postcode :
 Land Parcel : **Land identified on the Site Identification Map contained in the Planning Proposal (p21)**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**
 Contact Number : **0267019685**
 Contact Email : **craig.diss@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Steve Schwartz**
 Contact Number : **0265818632**
 Contact Email : **steve.schwartz@pmhc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
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 : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

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 in relation to changes to clause 7.11A Design Excellence of Port Macquarie-Hastings LEP 2011 and its application to additional land located at the corner of Short Street and William Street, Port Macquarie.**

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

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

Comment : **The explanation of provisions adequately addresses the intended changes to Port Macquarie-Hastings LEP 2011 and the inclusion of the additional land at the corner of Short Street and William Street, Port Macquarie, on the Significant Urban Areas Map of Port Macquarie-Hastings LEP 2011 (being land to which clause 7.11A Design Excellence of the LEP applies).**

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

**1.1 Business and Industrial Zones
2.1 Environment Protection Zones
2.2 Coastal Protection
2.4 Recreation Vehicle Areas**

- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

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

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

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **The planning proposal is considered to be consistent with the Mid North Coast Regional Strategy along with relevant SEPPs and section 117 Directions.**

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

If No, explain : **No inconsistencies with the Mid North Coast Regional Strategy or with relevant SEPPs and section 117 Directions have been identified.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **While the amended LEP map sheet has not been provided at this stage, the Planning Proposal includes maps identifying the land that are considered sufficient for public exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The RPA has identified the proposal as being 'low impact' and has recommended a 14 day exhibition period. This is considered to be appropriate.**

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 and accompanying documentation are considered to satisfy the adequacy criteria by:**

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the proposal deals with matters of local significance and is considered to be consistent all relevant policy, it is recommended that an authorisation to exercise its plan making delegations be issued to Council in regard to this matter.

The RPA has provided a project time line which estimates that the LEP will be ready for notification in June 2016. To ensure an adequate period for finalisation of this matter, a

12 month time frame for completion of the proposal is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Port Macquarie-Hastings comprehensive LEP 2011 was made in February 2011.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal is needed to ensure that an appropriate level of detail and assessment is undertaken in the redevelopment of a prominent foreshore area in the Port Macquarie CBD. A public car park and the former Food For Less building currently occupy the majority of the site on the corner of Short Street and William Street, Port Macquarie.

Port Macquarie-Hastings DCP 2011 identifies the subject site for future tourist / retail / civic / maritime redevelopment that will require 'high quality design and care of the public domain'. The DCP also recommends that the site be the subject of an 'architectural design competition' due to the prominent nature of the site. The importance of the site is also identified in the Port Macquarie Foreshore Final Vision and Masterplan (2009) and the Hastings Regional Crown Reserve Precinct A Plan of Management (2014).

The proposal will apply the existing design excellence provisions contained in Port Macquarie-Hastings LEP 2011 to the subject land and will ensure these provisions include an appropriate consideration of foreshore frontage activation.

Consistency with
strategic planning
framework :

The Planning Proposal is considered to be consistent with the Mid North Coast Regional Strategy, applicable SEPPs, relevant section 117 Directions and Council's Director General approved Urban Growth Management Strategy. The proposal will not affect or alter the existing development potential of the lands identified on the Significant Urban Areas Map and will only require additional design excellence consideration of any future development on the subject lands.

While Council has nominated a number of section 117 directions, there are no inconsistencies. Some of the land in the proposal is flood-prone and / or within acid sulfate soil management areas. However the proposal does not directly increase development intensity, nor disturb acid sulfate soils and in any case there are flood prone and ASS provisions already existing in Port Macquarie-Hastings LEP 2011.

Environmental social
economic impacts :

The land at the corner of Short Street and William Street, Port Macquarie, is identified as being flood prone, containing acid sulphate soils and partly within a archaeological heritage site.

It is considered that the application of the design excellence provisions will not have any significant adverse environmental or economic impacts and will likely have a positive social impact if the future development of the prominent foreshore site is integrated successful with the wider CBD.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Other**

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

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

If no, provide reasons : **As the proposal affects Crown Land, it is recommended that the Department of Primary Industries - Lands be consulted.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are considered necessary to support the proposal.

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
Covering Ltr- Sec 56 initial submission to Dept of Planning of Planning ~ Planning Proposal Plaza Car Park site.pdf	Proposal Covering Letter	Yes
Planning Proposal - Plaza Car Park site Short Street (Amendment 37) Endorsed Edition for Gateway Determination.pdf	Proposal	Yes
2015-07-15 Ordinary Council Item 06.02 - Mayoral Minute - Plaza Site and Adjoining Lands - Urban Design.pdf	Proposal	Yes
Council resolution Plaza car park site 15 July 2015.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**

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3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes

Additional Information : It is recommended that:

1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 14 days;
3. The Planning Proposal be completed within 12 months;
4. Council consult with the Department of Primary Industries - Lands; and
5. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons : The Planning Proposal is supported to ensure that an appropriate level of detail and assessment relating to design excellence and foreshore activation is undertaken in the future redevelopment of a prominent foreshore area in the Port Macquarie CBD.

Signature:



Printed Name:

JIM CLARK

Date:

3 August 2015

Team leader Local Planning