

## Planning and Assessment

IRF19/5161

### Gateway determination report

<b>LGA</b>	Port Macquarie-Hastings
<b>PPA</b>	Port Macquarie-Hastings
<b>NAME</b>	Port Macquarie Airport Business Park (0 homes, 550 jobs)
<b>NUMBER</b>	PP_2019_PORTM_003_00
<b>LEP TO BE AMENDED</b>	Port Macquarie-Hastings LEP 2011
<b>ADDRESS</b>	Boundary Street, Port Macquarie
<b>DESCRIPTION</b>	Various sites as shown in Figure 1 of the planning proposal
<b>RECEIVED</b>	25/10/2019
<b>FILE NO.</b>	IRF19/5161
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

This planning proposal seeks to amend the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) to:

- reconfigure and expand the existing B7 Business Park zone on Council owned land on the eastern side of Boundary Street at the Port Macquarie Airport;
- rezone the majority of the current B7 Business Park zone on the western side of Boundary Street to SP2 Infrastructure (Air transport facility);
- apply building height and minimum lot size standards to the Newman Senior Technical College which is within the existing B7 Business Park zone on the western side of Boundary Street;
- rezone Council's airport and adjoining Thrumster lands to reflect the biodiversity certification assessment outcomes for the area approved by the NSW Minister for the Environment on 7 September 2018; and
- identify all land in the Local Government Area that has been biodiversity certified.

## 1.2 Site description

The land to which the planning proposal applies (Figures 1, 2, 9, 13 and 14) is approximately 760 hectares (ha) in area and includes:

- the Port Macquarie airport lands,
- the Port Macquarie airport business park;
- Council's adjacent landholdings within the Thrumster Area 13 Urban Release Area;
- the Newman Senior Technical College; and
- all land in the Local Government Area that has been biodiversity certified.

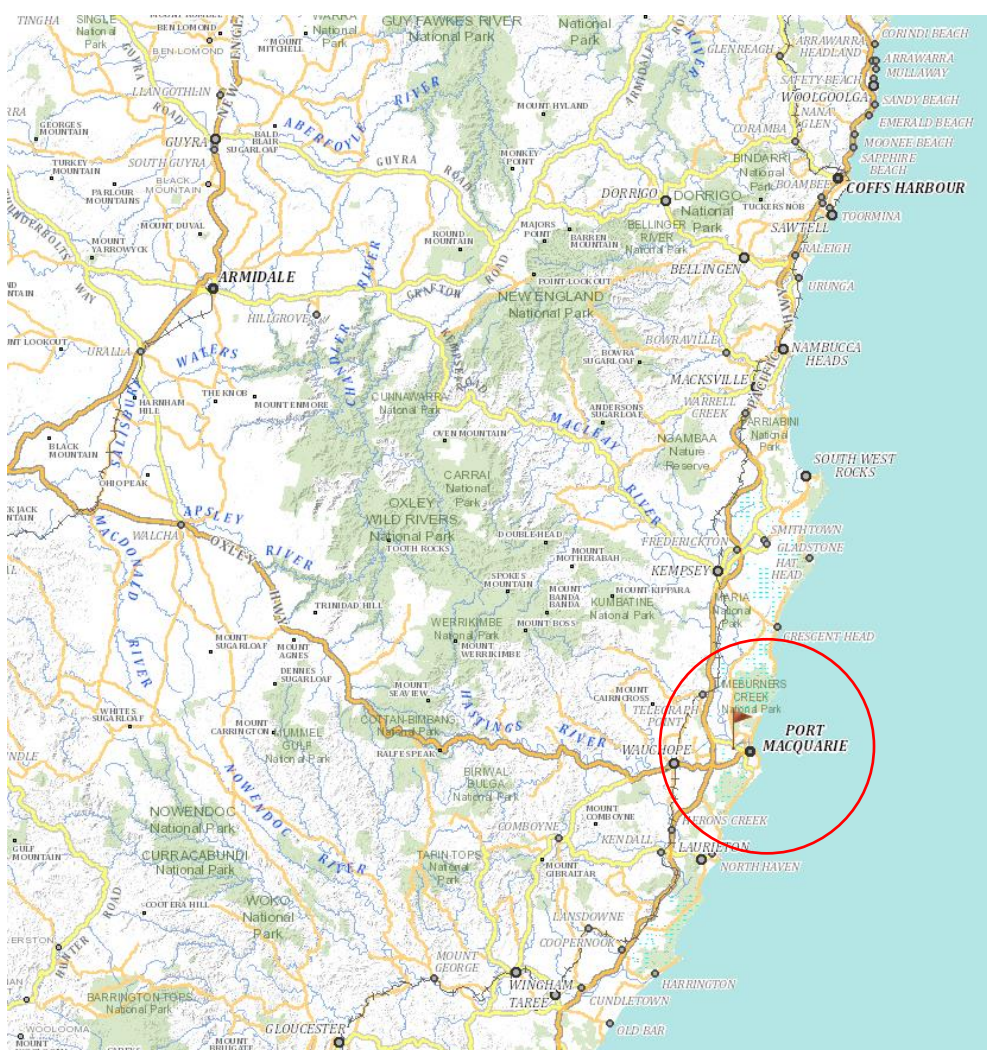


Figure 1: Locality Map (Source: SixMaps)





Figure 2: Site Plan (Source: Planning Proposal)\*

\*Airport Business Park: Blue, Airport Lands: Yellow, Thrumster Lands: Red, Biodiversity Certification Assessment Area: White

### 1.3 Existing planning controls

Pursuant to the Port Macquarie-Hastings LEP 2011, the land:

- contains multiple zones (Figures 3 and 5);
- contains multiple minimum lot sizes (Figure 6);
- has a maximum building height of 11.5m for part of the land (Figure 7);

- has a floor space ratio of 0.65:1 for part of the land (Figure 8);
- contains classes 2, 3 and 5 acid sulfate soils; and
- is affected by the flood planning area on part of the land.

Additionally, Council's Thrumster Lands (Figure 4):

- is an Urban Release Area;
- contains koala habitat; and
- contains Aboriginal places of heritage significance.

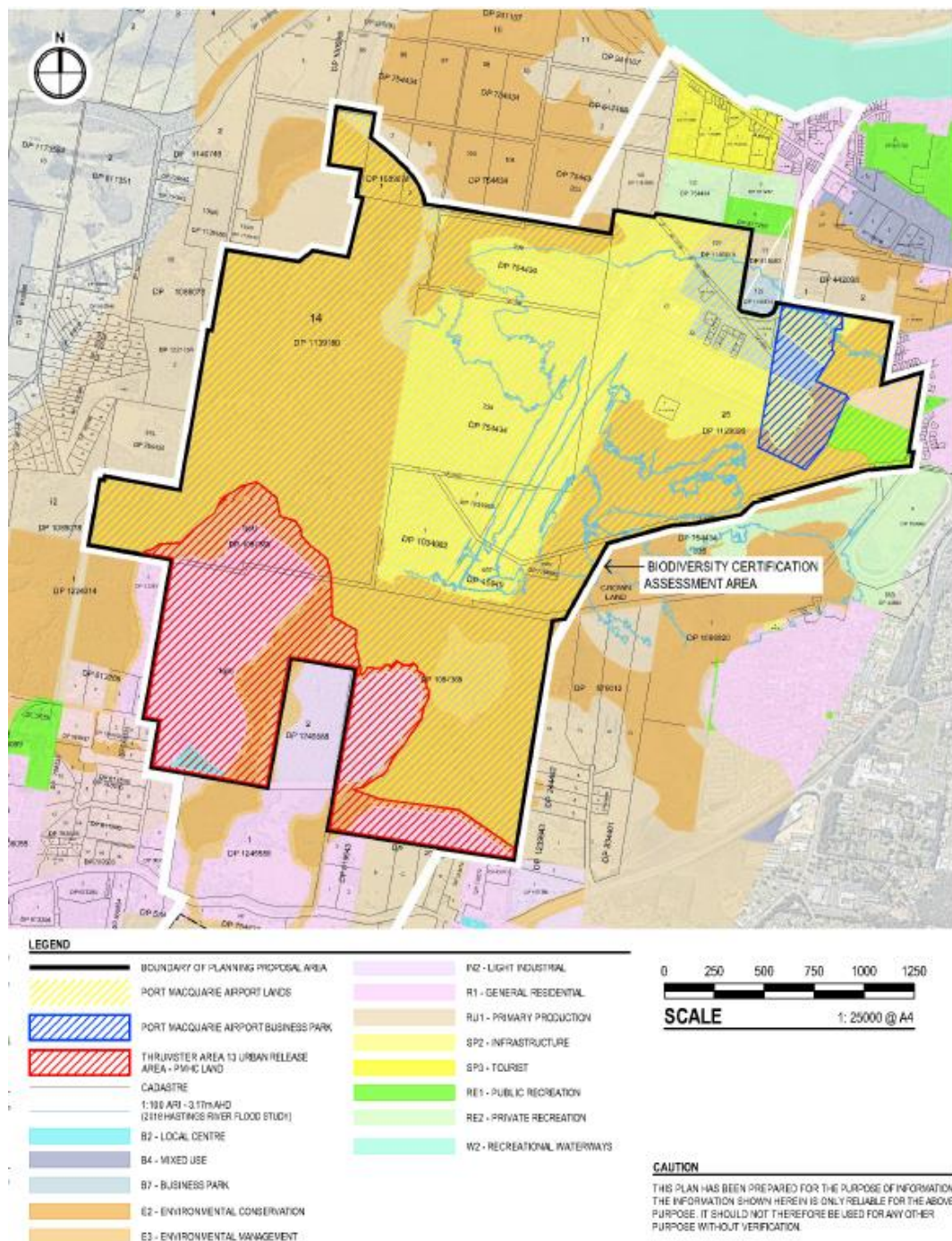


Figure 3: Existing Zoning and Context (Source: King & Campbell)



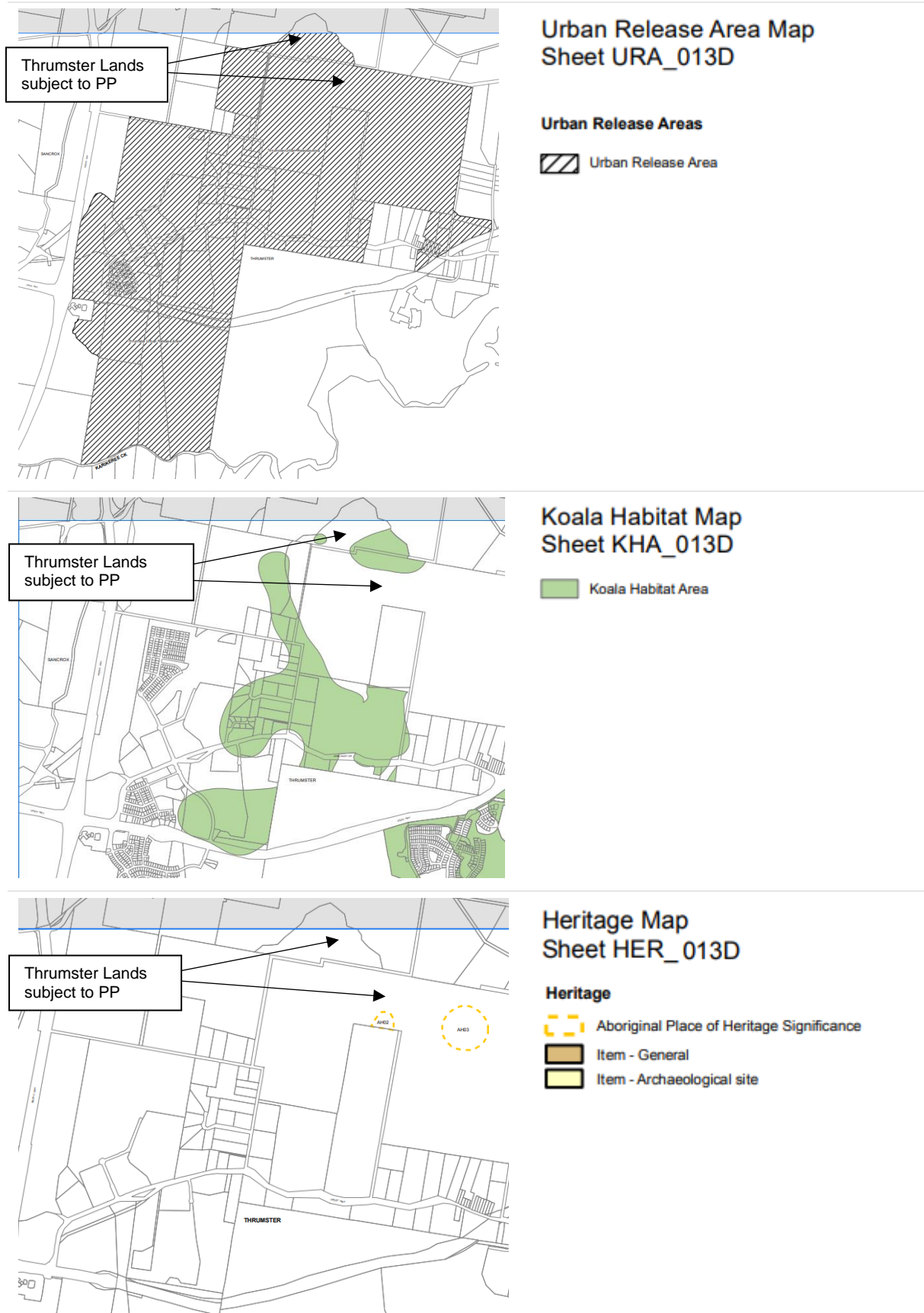


Figure 4: Extracts of Urban Release Area, Koala Habitat and Heritage Maps (Source: NSW Legislation)

#### **1.4 Surrounding area**

The surrounding area comprises a broad range of land uses, including existing residential development to the south-east and north-east within the R1 General Residential zone.

There is an area of undeveloped land zoned IN2 Light Industrial and a substantial quantity of land in Zones E2 Environmental Conservation and E3 Environmental Management to the south and south-west. These areas comprise part of the biodiversity certification area.

To the south-east, there is existing rural residential development within the RU1 zone and the Port Macquarie shooting range and race club that are both within the RE2 Private Recreation zone.

There are various recreational facilities including the Port Macquarie Regional Stadium, Hibbard Sports Club, hydro golf and putt-putt and the Tuffins Lane playing fields to the north.

To the west, the land is predominately used for agriculture and is zoned RU1.

#### **1.5 Summary of recommendation**

It is considered that the planning proposal has merit to proceed to Gateway for the following reasons:

- the proposal is consistent with the North Coast North Coast Regional Plan 2036;
- the proposal is consistent with Council's Department approved Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 which identifies the business park as a key action and recognises its continued expansion under the Port Macquarie Airport Master Plan 2010 and the opportunities for business, technology, aviation-related businesses and service industry;
- the proposal is consistent with the biodiversity certification order – Port Macquarie Airport and surrounding land published in the NSW Government Gazette on 7 September 2018 and supports the permanent management and protection of the conservation lands;
- the proposal is consistent with the Port Macquarie-Hastings Economic Development Strategy 2017-2021 which supports the growth of the Port Macquarie Airport Precinct;
- the proposal is consistent with the requirements of the Commonwealth Government Civil Aviation Safety Authority (CASA) for operation of a Code 4C aerodrome; and
- the proposal will not adversely impact on the business centres hierarchy of the Port Macquarie-Hastings Local Government Area.

It is recommended that this planning proposal be supported with conditions.

## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

The objectives and intended outcomes of this planning proposal are to:

- provide a reconfigured and expanded business park area (23.75ha) east of Boundary Street to reflect the importance of the Port Macquarie Airport as a regional hub;
- consolidate existing airport infrastructure with future airside and general aviation land uses west of Boundary Street;
- rezone the land to reflect the biodiversity certification assessment and strategy outcomes for clearing and conservation of native vegetation within the Port Macquarie Airport and adjoining Council-owned Thrumster lands;
- identify all land in the locality that are subject to the Port Macquarie airport and surrounding lands biodiversity certification assessment and strategy; and
- apply lot size and height of buildings controls to the Newman Senior Technical College site for consistency with the proposed business park lands.

The objectives and intended outcomes of the planning proposal are adequately described and do not require amendment prior to community consultation. However, it would be helpful for Council to provide a table that clearly shows all of the proposed zone changes and an estimate of the areas affected. It is recommended that a condition of the Gateway determination require that the planning proposal be amended prior to community consultation to include this component.

### **2.2 Explanation of provisions**

The following amendments are proposed to the Port Macquarie – Hastings LEP 2011 to achieve the intended outcomes:

- include additional B7 Business Park zone objectives to confirm the strategic intent of the proposed business park and recognise its place in the commercial / retail hierarchy for the region;
- revise the permitted land uses in the B7 Business Park zone to ensure that the proposed business park will support a range of land uses that are consistent with the zone objectives;
- amend the Land Zoning Map to apply Zone B7 Business Park to 19.1ha of land on the eastern side of Boundary Street, increasing the total area of Business Park zone to 23.75ha;
- amend the Land Zoning Map to apply Zone SP2 Infrastructure (Air transport facility) to the Airport Lands that are:
  - required to be cleared to satisfy CASA Code 4C aerodrome standards for the OLS; and
  - west of Boundary Street to incorporate existing airport infrastructure with future airside and general aviation uses.
- amend the Land Zoning Map to apply Zone E2 Environmental Conservation to the biodiversity certified conservation lands within the Airport and identified Thrumster lands. This includes areas identified for clearing and / or conservation cropping adjacent to the Airport runway and areas identified for essential infrastructure as permitted by the biodiversity certification approval;

- amend the Land Zoning Map to apply Zone E3 Environmental Management to the northern extent of the Partridge Creek Residential Precinct in Thrumster to reflect the intended use of this land for asset protection zones and public open space consistent with existing zoning in the Thrumster Urban Release Area;
- amend the Lot Size, Floor Space Ratio and Height of Buildings Maps for the proposed B7 zone to permit:
  - a minimum lot size of 2,000m<sup>2</sup> to encourage large scale/format developments consistent with the revised Zone B7 objectives;
  - a maximum floor space ratio of 0.65:1 to ensure consistency with the traffic studies undertaken in support of the business park; and
  - a maximum building height of 11.5m to support the desired outcome for large scale/format developments.
- amend the Lot Size and Height of Buildings Maps applying to the existing zoned B7 Newman Senior Technical College site to permit:
  - a minimum lot size of 2,000m<sup>2</sup>;
  - a maximum building height of 11.5m, for consistency with the proposed B7 Business Park area;
- amend the Lot Size Map applying to the Airport Lands and Thrumster Lands to permit a minimum lot size of 40ha for the Zone E2 and Zone E3 environmental lands; and
- include an additional clause to Part 7 Additional Local Provisions and create a Biodiversity Certified Land Map to identify all land that is subject to the Port Macquarie Airport and surrounding lands biodiversity certification assessment approved on 7 September 2018.

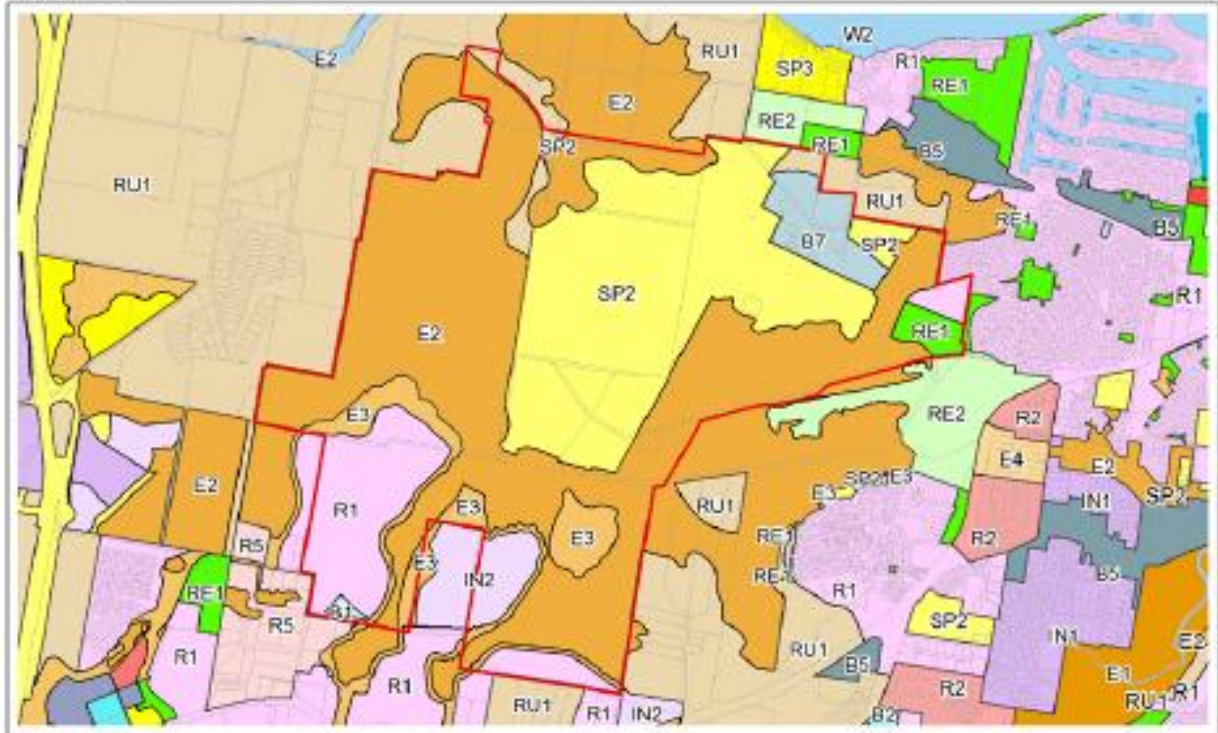
The proposed amendments are considered an acceptable means of achieving the intended outcomes.

### **2.3 Mapping**

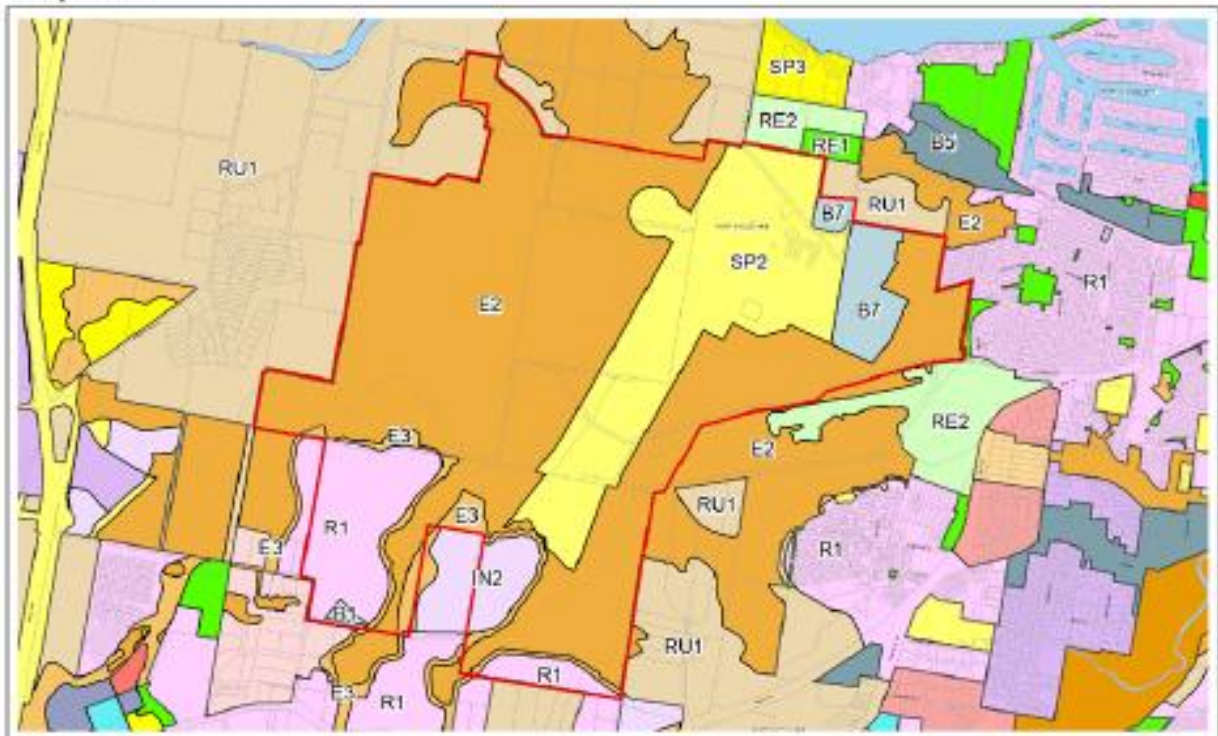
The planning proposal includes maps that show the existing and proposed controls and the biodiversity certified land. The current Figure 1 in the planning proposal identifying the land to which the proposal applies does not include the Newman Senior Technical College site. This map should be amended prior to exhibition to clarify the land to which the proposal applies. Otherwise the maps are considered adequate for exhibition. It is also noted that the maps, including the proposed Biodiversity Certified Land Map, will need to be prepared to the Department's Standard Technical Requirements prior to the plan being finalised.



## Current



## Proposed

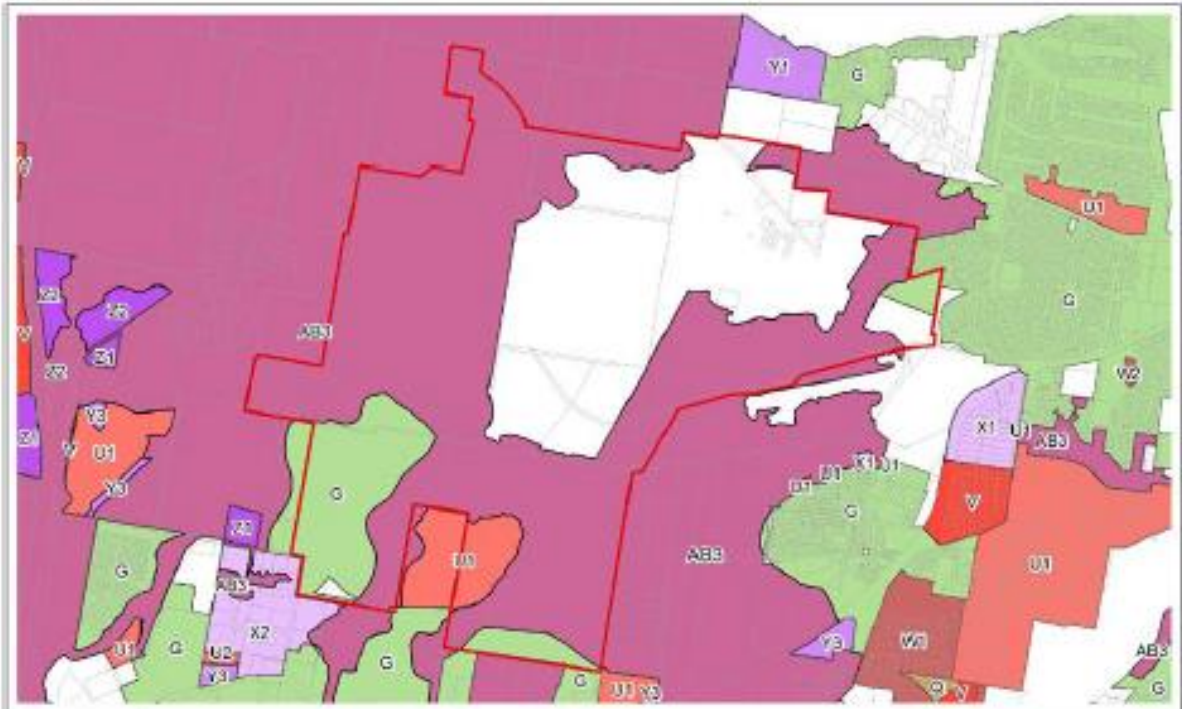


### Zone Codes

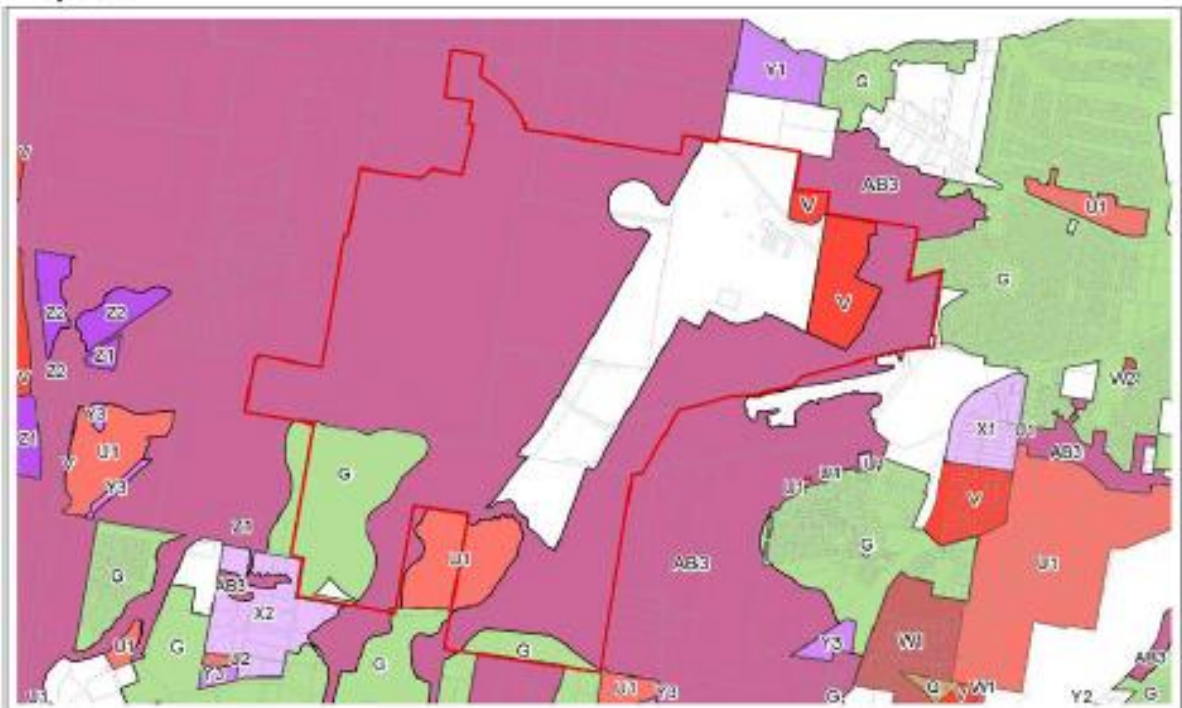
B1 Neighbourhood Centre	E3 Environmental Management	RU1 Primary Production
B7 Business Park	IN2 Light Industrial	SP2 Infrastructure
E2 Environmental Conservation	R1 General Residential	

Figure 5: Land Zoning Maps (Source: Planning Proposal)

## Current



## Proposed



### Minimum Lot Size

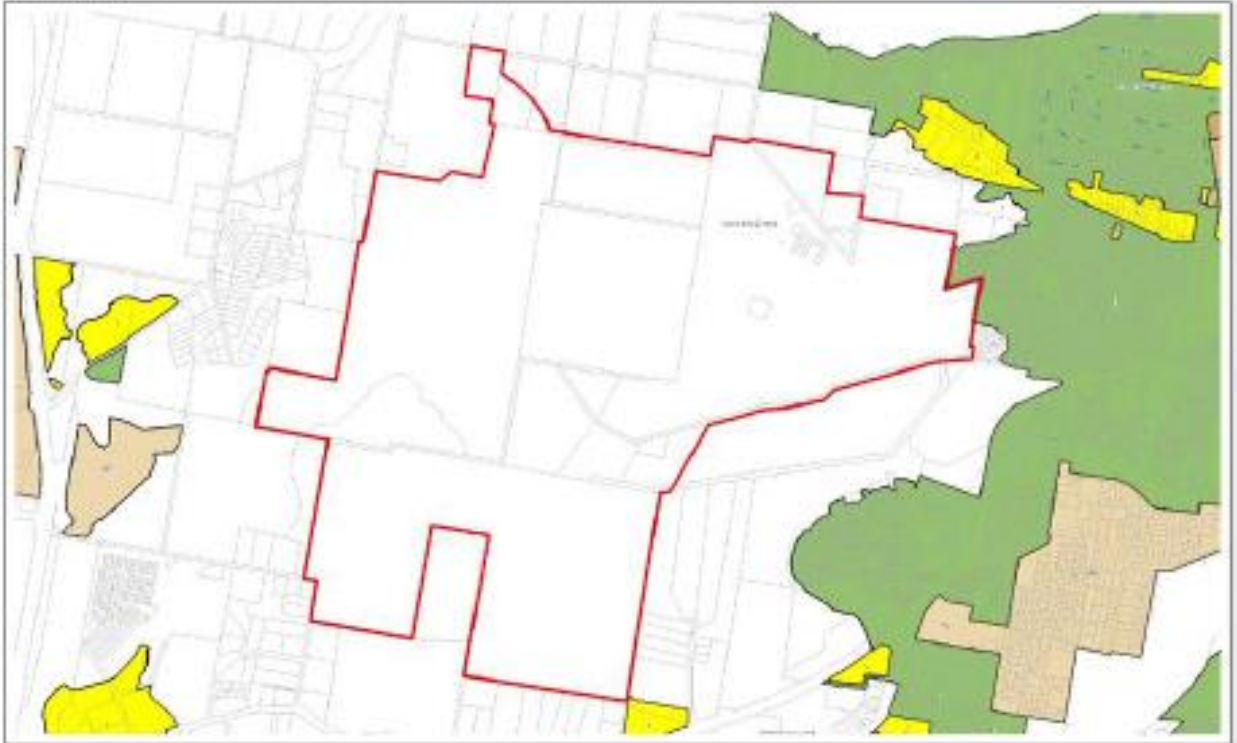
V	2000 sqm	U1	1000 sqm
G	450 sqm		
AB3	40 ha		
Blank	no maximum		

Refer to LEP Text for definition of Maximum lot size

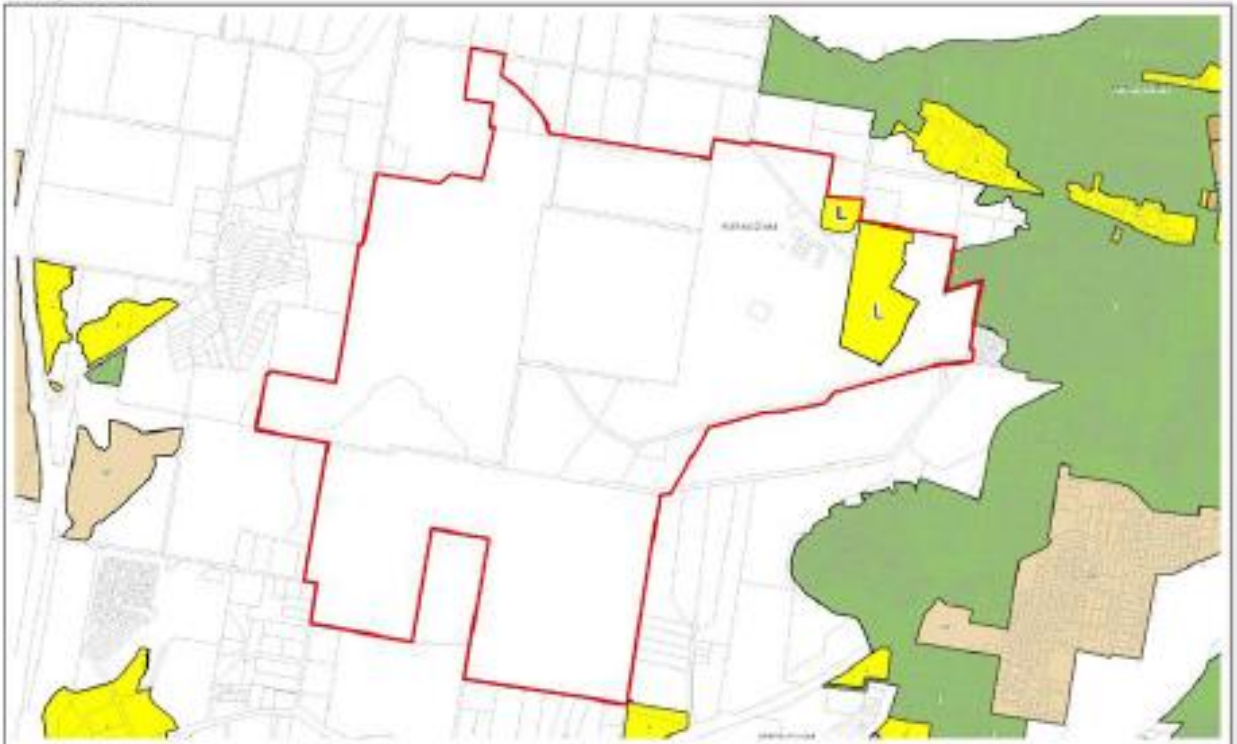
Figure 6: Lot Size Maps (Source: Planning Proposal)



## Current



## Proposed



### Maximum height of buildings

 L 11.5m

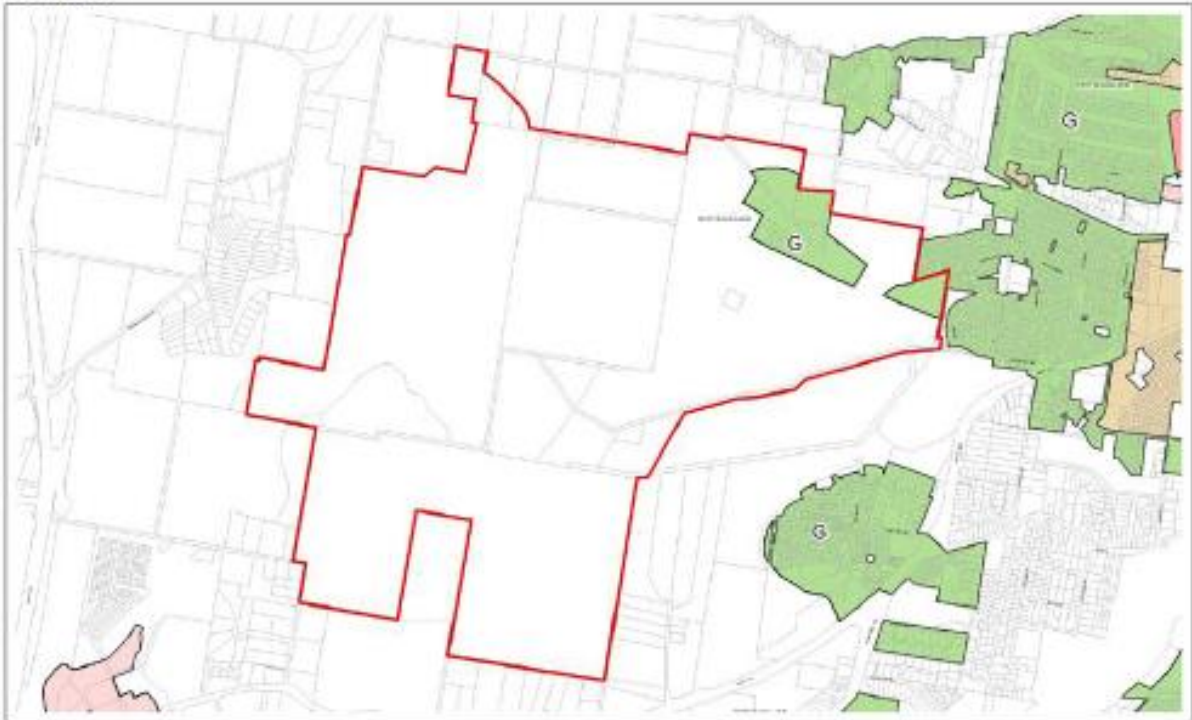
Blank - no maximum

Refer to LEP Text for definition of  
Maximum building height

Figure 7: Maximum Height of Buildings (Source: Planning Proposal)




## Current



## Proposed



**Maximum Floor Space Ratio (n:1)**

 G 0.65

Refer to LEP Text for definition of  
Floor space ratio

Blank - no maximum

Figure 8: Floor Space Ratio Map (Source: Planning Proposal)

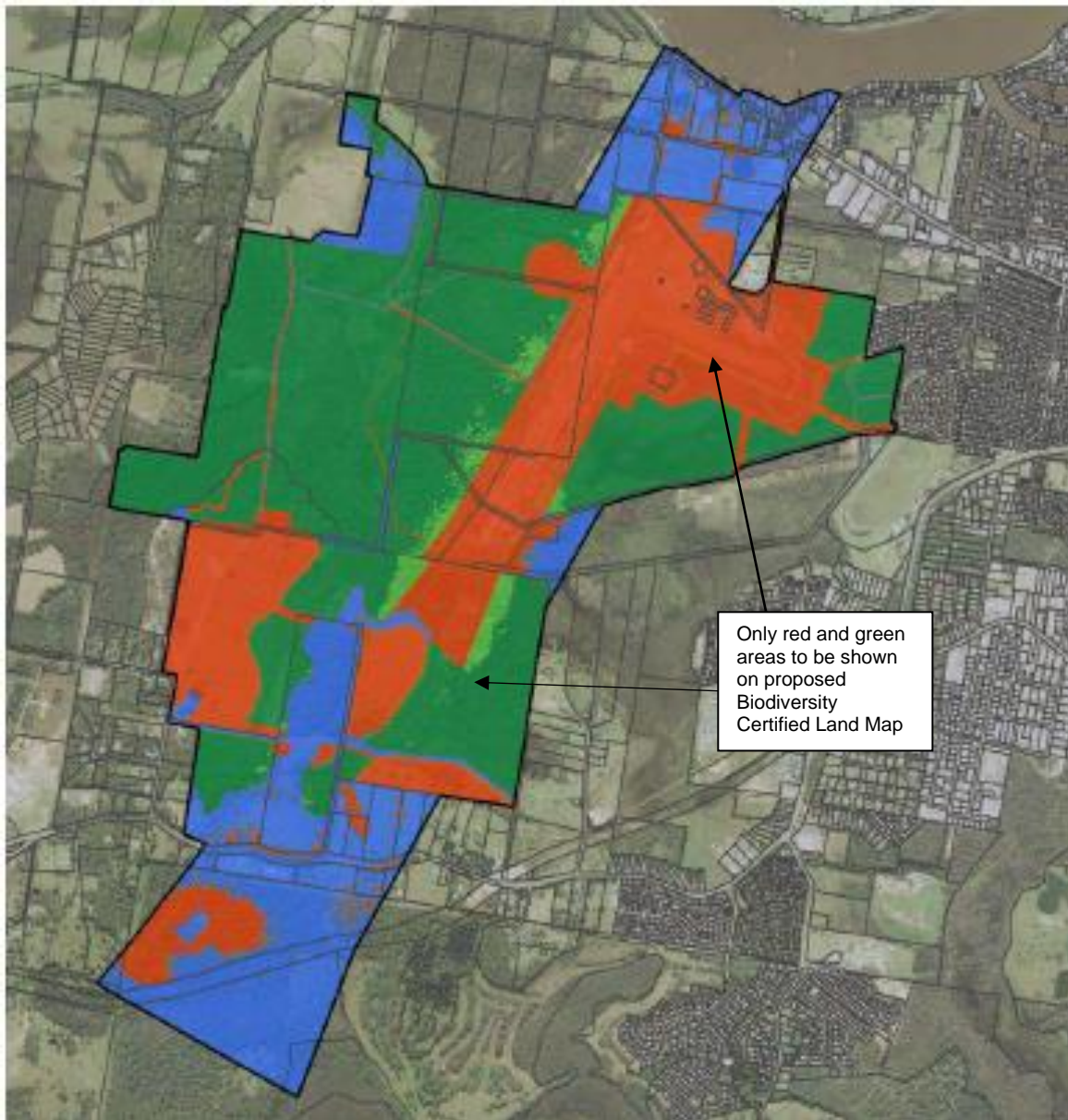


Figure 9: Biodiversity Certification Area (Source: Planning Proposal)

### 3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is the outcome the North Coast Regional Plan 2036 and Council's Department approved Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 which both identify the importance of supporting a strong and growing airport precinct at Port Macquarie.

Council has undertaken an assessment of all land within the Airport Precinct Investigation area against a set of their own planning criteria to determine which areas of the precinct should be prioritised for detailed rezoning investigations.

The precinct investigation area included the existing B7 land and adjoining Council land to the south and the east, together with privately owned land to the north with frontage to Boundary Street.

The detailed rezoning investigations incorporated a number of comprehensive studies including economic impact, traffic impact, Aboriginal archaeology,

geotechnical, servicing (sewer/stormwater/water), contamination, flooding and the biodiversity certification.

Council's investigations identified the need to amend the zoning and development standards on certain lands to support the on-going and long term growth of the airport and adjoining employment lands. The planning proposal is required to introduce suitable provisions for the identified lands.

In addition, the Port Macquarie Airport and Surrounding Lands Biodiversity Certification Assessment and Strategy, approved on 7 September 2018 by the NSW Minister for the Environment, provides a strategic approach to ongoing operational, development and biodiversity issues related to the Port Macquarie Airport.

The planning proposal includes the rezoning of the remaining Airport and Thrumster lands which comprise part of the biodiversity certified land. Although it is not essential that this section be rezoned to ensure the outcomes of the approved biodiversity certification, it is Council's preference that the future use of the land is accurately reflected by the zoning.

It is considered that the proposal is appropriate and is the best means for achieving the intended outcomes.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 State**

The planning proposal does not contain any matters of State or regional significance.

### **4.2 Regional / District**

The North Coast North Coast Regional Plan 2036 is relevant as follows:

#### *Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments*

This Direction requires that new development should be appropriately located to limit any adverse impact on the region's biodiversity, coastal and aquatic habitats and water catchments. The land is identified as containing potential high environmental value land (Figure 10). However, as the planning proposal has been informed by the approved biodiversity certification assessment and strategy it is considered to be consistent with Action 2.1 which requires that development focus on areas of least biodiversity sensitivity and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.

#### *Direction 6: Development successful centres of employment*

This Direction requires that new commercial precincts, outside of centres, be of an appropriate size and scale relative to the area they will be servicing to deliver positive social and economic benefits for the wider community and maintain the strength of the regional economy. Economic impact assessments have been undertaken which identify that the proposed business park will not have a negative impact on the business centres hierarchy of the Port Macquarie LGA. The planning proposal also aligns with Action 6.1 which recommends that in planning for economic growth around airports, councils consider new infrastructure needs and introduce planning controls that encourage clusters of related activity.

#### *Direction 7: Coordinate the growth of regional cities*

This Direction identifies that regional cities have employment, health, education, residential and airport precincts that are capable of promoting employment growth on the North Coast. Port Macquarie is identified as a regional city.



This planning proposal supports Action 7.1 by promoting new job opportunities that complement existing employment nodes around airport precincts. The proposed retention of the SP2 zone for airport related uses west of Boundary Street, and consolidation of B7 Business Park uses east of Boundary Street, also recognises the close linkage between the existing and proposed airport lands and the current and future airport operations.

*Direction 10: Facilitate air, rail and public transport infrastructure*

This Direction nominates that airport precinct plans will be developed to investigate opportunities for compatible and complementary transport related industry and business uses on land adjoining airports. The planning proposal is consistent with Action 10.1 which includes delivery of an airport precinct for Port Macquarie that capitalises on opportunities to diversify and maximise the potential of value adding industries. The proposed business park is identified as 'Investigation Area – Employment Land' in the North Coast Regional Plan 2036 (Figure 11).

*Direction 22: Deliver greater housing supply*

Part of the Thrumster lands affected by the proposal are within the urban growth boundaries for the area identified in the North Coast Regional Plan 2036 (Figure 12). This land has been assessed through the biodiversity certification approval (Figures 9, 13 and 14) and it is proposed to be rezoned to E2 Environmental Conservation and E3 Environmental Management consistent with the certification. This is considered satisfactory as it is consistent with the existing environmental values of the land and the biodiversity certification for the area approved by the NSW Minister for the Environment in September 2018.

*Local Government Narratives: Port Macquarie Hastings*

The planning proposal is consistent with the Local Government Narrative which includes managing and supporting growth in Port Macquarie and protecting environmental assets. The planning proposal aims to facilitate a business park and reflect the outcomes of the approved biodiversity certification.

Subject Site



Figure 10: Potential High Environmental Value (Source: DPIE GIS)

Subject Site



Figure 11: Investigation Area – Employment Land (Source: DPIE GIS)

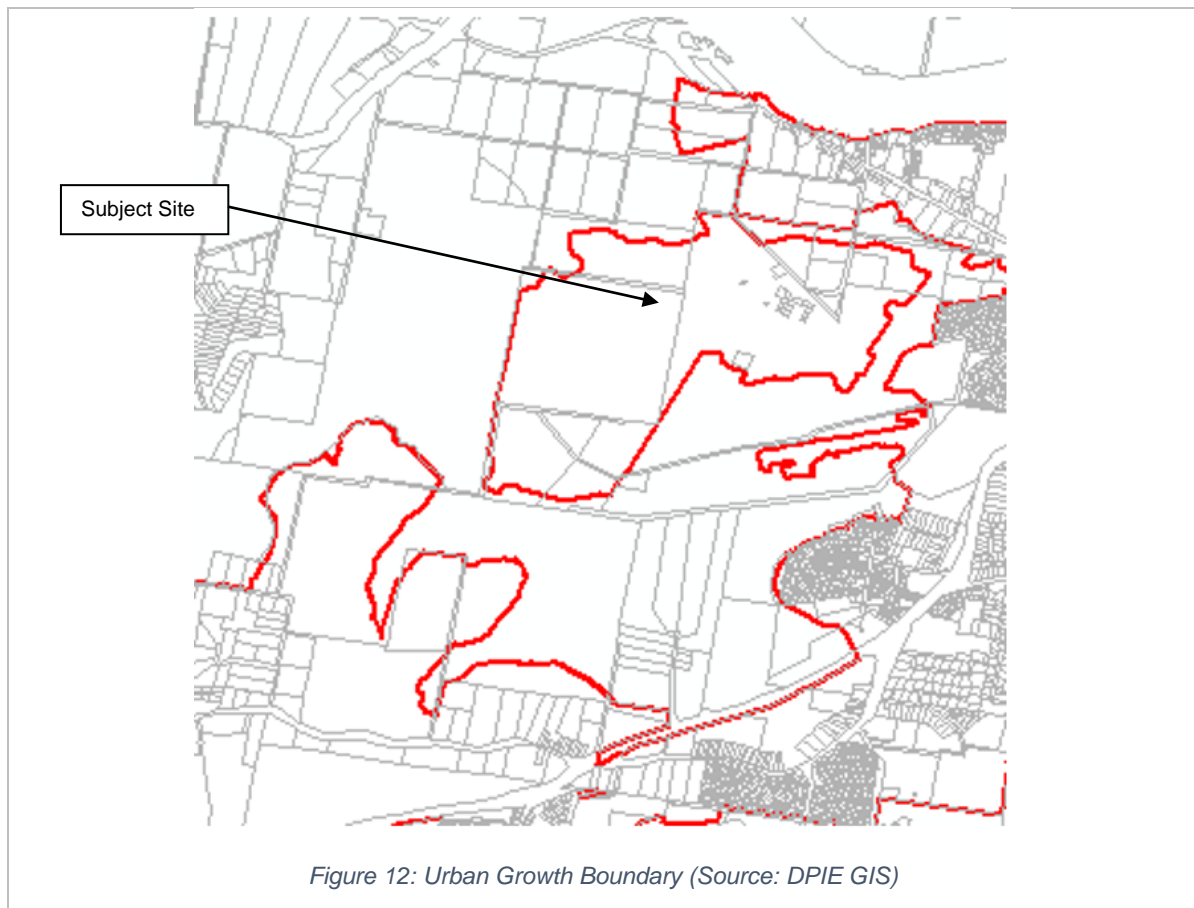


Figure 12: Urban Growth Boundary (Source: DPIE GIS)

### 4.3 Local

The Towards 2030 Community Strategic Plan is applicable to the planning proposal, and Council confirms that it satisfies the key strategies for both business and industry and natural and built environment in that it will:

- provide for employment lands in close proximity to a transport hub;
- attract investment to a location that is well serviced and connected to the greater Port Macquarie area;
- provide for effective management and maintenance of urban infrastructure and services;
- facilitate development that is compatible with the natural and built environment;
- provide for the effective integration of transport systems; and
- restore and protect natural areas, consistent with the approved Biodiversity Certification of the Port Macquarie Airport and surrounding lands.

The Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 was approved by the Department in 2018.

Action 15 of the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 identifies an expanded business park at the Port Macquarie Airport as a priority economic development action to create opportunities for technology and airport related businesses.



A key aim in the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 is to maintain the dominance of the Port Macquarie CBD and the existing hierarchy of centres in the Port Macquarie-Hastings region. This aim aligns with Direction 6 of the North Coast Regional Plan 2036 which is to ensure that new commercial precincts outside of centres are an appropriate size to maintain the strength of the regional economy.

Council has an adopted centre's hierarchy and the planning proposal has been informed and supported by economic impact assessments that consider the likely future uses, suitable zones and potential impacts on the business centres hierarchy of the Port Macquarie LGA. It is considered that the planning proposal will not adversely impact on the retail hierarchy of the Port Macquarie-Hastings LGA and that the proposed business park will have positive impacts for the regional economy.

#### **4.4 Section 9.1 Ministerial Directions**

The planning proposal is consistent with relevant 9.1 Directions except for the following:

##### *Direction 1.1 Business and Industrial Zone*

The planning proposal is inconsistent with this Direction as it reduces employment land by rezoning existing B7 Business Park land to SP2 Infrastructure. The inconsistency is considered to be of minor significance as:

- additional B7 land on the eastern side of Boundary Street is being rezoned;
- the additional B7 land on the eastern side of Boundary Street is anticipated sufficient to cater for employments needs in the locality for the foreseeable future; and
- the proposed SP2 Infrastructure will still cater and facilitate various aviation employment land uses.

##### *Direction 1.3 Mining, Petroleum Production and Extractive Industries*

The planning proposal is inconsistent with this Direction as extractive industries will become prohibited on land currently zoned RU1 Primary Production land when it is rezoned to SP2 Infrastructure or E2 Environmental Conservation. The inconsistency is considered to be of minor significance as the land is highly unlikely to be suitable for extractive industries given that it is constrained by airport operations and the biodiversity certification.

##### *Direction 1.5 Rural Lands*

The planning proposal is inconsistent with this Direction as it rezones rural land and changes planning provisions that apply to rural land and is unable to satisfy all the requirements of the Direction such as supporting farmers in exercising their right to farm. The inconsistency is considered to be of minor significance as the changes are unlikely to increase the likelihood of rural land use conflict and do not result in the loss of any important farmland identified under the North Coast Regional Plan 2036.

##### *Direction 2.1 Environmental Protection Zones*

The planning proposal is inconsistent with this Direction as it will reduce the environmental protection standards applying to certain lands by rezoning them from E2 Environmental Management to SP2 Infrastructure or B7 Business Park. The inconsistency is considered to be of minor significance as the proposal is consistent with the biodiversity certification for the area approved by the NSW Minister for the Environment in September 2018.

### *Direction 2.2 Coastal Management*

The planning proposal is inconsistent with this Direction as it includes land mapped in the State Environmental Planning Policy (Coastal Management) 2018 and does not include provisions which give effect to the objectives of the Coastal Management Act 2016, the NSW Coastal Management Manual, the NSW Coastal Design Guidelines 2003 and any coastal management program or coastal zone management plan. The planning proposal is justified because it is consistent with the North Coast Regional Plan 2036 and the SEPP contains provisions to address these matters as part of any future development application.

### *Direction 2.3 Heritage Conservation*

The planning proposal is inconsistent with this Direction as it does not contain specific provisions to facilitate the conservation of the Aboriginal places of heritage significance identified in the LEP at Thrumster. The inconsistency is considered to be of minor significance as the LEP already contains provisions for their conservation and no additional or increased development that would impact on the identified items is anticipated as a result of the proposal. It is also recommended that the Gateway determination require consultation with the Biripai Local Aboriginal Lands Council and NSW Department of Premier and Cabinet – Heritage Division to confirm the suitability of the proposal.

### *Direction 3.1 Residential Zones*

The planning proposal is inconsistent with this Direction as it will rezone land from R1 General Residential to E3 Environmental Management and does not encourage housing that will broaden the choice of building types available in the housing market or be of good design. The inconsistency is considered to be of minor significance as the proposal is consistent with the biodiversity certification for the area approved by the NSW Minister for the Environment in September 2018.

### *Direction 3.5 Development near Regulated Airports*

The planning proposal is inconsistent with this Direction as it will create, alter and remove a zone and a provision relating to land near a regulated airport. This Direction requires that consultation must be undertaken with the lessee/operator of the airport (noting that council is the owner/operator in this instance). Port Macquarie Airport is not a core regulated airport as defined by section 7 of the Airports Act 1996, and therefore consultation with the Department of the Commonwealth responsible for airports is not required. Regardless, Council has advised that consultation will be undertaken with CASA. Consultation with the lessee/operator is required after a Gateway Determination is issued. Until consultation has been undertaken the Direction remains unresolved.

### *Direction 3.6 Shooting Ranges*

The planning proposal is inconsistent with this Direction as it alters zones and provisions on land adjoining an existing shooting range and will permit an intensification of land use. Council has confirmed that consultation with NSW Police will be undertaken with respect to the planning proposal. Consultation is required after a Gateway Determination is issued. Until consultation has been undertaken the Direction remains unresolved.

### *Direction 4.1 Acid Sulfate Soils*

The planning proposal is inconsistent with this Direction as it relates to land that contains acid sulfate soils on which an intensification of land use will be possible and is not supported by an acid sulfate soils study. The inconsistency is considered to be of minor significance as it is supported by a groundwater study which assesses the

actual and/or potential presence of acid sulfate soils and the LEP already contains suitable provisions to ensure that this matter can be appropriately considered and addressed at development application stage.

#### *Direction 4.3 Flood Prone Land*

The planning proposal is inconsistent with this Direction because it facilitate an intensification of land use on certain lands within the flood planning area, involves 1800m<sup>3</sup> of filling for a small area of flood prone land in the proposed business park, and does not give effect to the NSW Flood Prone Land Policy and the principals of the Flood Plan Development Manual 2005. This inconsistency is considered to be of minor significance as the proposal is supported by a flood impact assessment which concludes that the magnitude of changes is minor and within the allowable tolerances specified within the Port Macquarie-Hastings Flood Policy 2018.

#### *Direction 4.4 Planning for Bushfire Protection*

The planning proposal is potentially inconsistent with this Direction as it applies to land that is bush fire prone. The Direction provides that the Council must consult with the Commissioner of the NSW Rural Fire Service (RFS). Consultation with the RFS is required after a Gateway Determination is issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

#### *Direction 6.2 Reserving Land for Public Purposes*

The planning proposal is inconsistent with this Direction as it reduces land identified for public purposes without the approval of the Secretary by rezoning land from RE1 Public Recreation to E2 Environmental Conservation. The inconsistency is considered to be of minor significance as it is understood that the land is currently and in the future unlikely to be used for public open space purposes and the proposed environmental zoning is consistent with the existing characteristics of the land and the biodiversity certification for the area approved by the NSW Minister for the Environment in September 2018.

### **4.5 State environmental planning policies (SEPPs)**

The planning proposal is considered to be consistent with all relevant SEPPs.

With respect to State Environmental Planning Policy No. 55 - Remediation of Land, a Phase 1 Site Contamination Assessment was undertaken to assess all potentially contaminating activities, contamination types and confirm whether the property was suitable for an industrial use.

Per- and poly-fluoroalkyl (PFAS) substances that have historically been used in firefighting foam at airports were not included in the assessment, because Council advised the consultant that there was no record of PFAS use on the site. The site soils testing results revealed contaminant concentrations for lead and asbestos at two locations above the guidelines for industrial development.

The assessment concludes that the proposed business park site satisfies Clause 6(1)(b) of SEPP No. 55 in that the land is suitable in its contaminated state (or will be suitable after remediation) for its intended use. It is also noted that further detailed contamination work will be considered and addressed at the development application stage.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

Environmental and economic matters are discussed in detail in sections 5.2 and 5.3 of this report. These matters are also relevant social considerations, specifically



protecting the integrity and viability of existing centres within the Port Macquarie-Hastings LGA and the environmentally sensitive areas within the airport and its surrounds. Having regard to the supporting information, it is considered that the planning proposal will deliver positive social benefits for the wider community and maintain the strength of the regional economy.

Another social consideration is the location of the proposed business park on a gateway entry to Port Macquarie. The Council recognise the gateway status of the airport and propose to introduce a development control plan that guides future development of the business park with the aim to facilitate higher amenity office and commercial uses.

It is intended that the development control plan will include design controls for components such as streetscape and building form, building setbacks, landform, vehicle access and landscaping. It is considered that a development control plan will minimise any potential negative social impacts as a consequence of the location.

## **5.2 Environmental**

The key environmental considerations for the planning proposal relate to biodiversity and flooding.

With respect to biodiversity, the land was part of a biodiversity certification assessment (Figures 13 and 14), meaning that the biodiversity impacts associated with future development within the site have already been assessed and offset.

The purpose of the assessment was to obtain biodiversity certification of:

- the land required for the ongoing operational use of the existing airport (maintenance of the runway strip and associated obstacle limitation surface);
- the land affected by the existing and expanded obstacle limitation surface and the extension and/or relocation of critical aviation related infrastructure and facilities in accordance with the revised CASA aerodrome standards;
- future residential and light industrial development in the Partridge Creek Residential, Partridge Creek Industrial, and West Lindfield neighbourhoods of the Thrumster Urban Release Area, and their associated roads, asset protection zones, easements and fire trails; and
- future employment and airport related accommodation facilities within the airport business park precinct and the establishment of flood-free road access to the airport consistent with the airport master plan.

The biodiversity certification assessment area comprised 1024.48 ha of land. The biodiversity certification will permanently protect and manage an area of 444.17 ha of Council owned operational land and some private land for conservation and an additional 40-50 ha off-site off-set areas to provide additional koala protection.

The site that is the subject of this planning proposal represents a footprint of approximately 759.7 ha, or 74% of the biodiversity certification assessment area. The conservation areas that are proposed to be zoned E2 Environmental Conservation under this planning proposal will be registered as a Biobank Site (Figure 13) under Part 7A of the Threatened Species Conservation Act 1995, consistent with the terms specified by the biodiversity certification agreement. This will provide conservation protection and management on the land title in perpetuity.

The biodiversity assessment recognises the following vegetation works that will be undertaken on the lands included in this planning proposal:

- clearing of vegetation for the widening (and ongoing maintenance) of the existing Code 3C 150m wide runway strip to a code 4C 300m wide runway strip;
- ongoing establishment and maintenance of existing Code 3C 2% OLS at each end of runway 03/21 (150m approach and 180m take-off surfaces), which includes clearing and lopping of vegetation on land within and surrounding the airport property;
- widening and ongoing maintenance of existing Code 3C 2% OLS at each end of runway 03/21 to comply with CASA Code 4C aerodrome standards which includes clearing and lopping of vegetation on land within and surrounding the airport property
- potential future development/extension and/or relocation of critical aviation related infrastructure and facilities within the aviation uses precinct of the airport to comply with CASA Code 4C aerodrome standards and cater for forecast growth in air services and passenger numbers, including (though not limited to) a potential new regular public transport apron, passenger terminal building and car parking, and a future parallel taxiway to the east of the runway;
- clearing of native vegetation for the establishment of a business park (new employment lands);
- clearing of native vegetation for the establishment of flood free road access to the existing airport between the Oxley Highway and Hastings River Drive via Port Macquarie Airport and the business park and an upgrade to Boundary Street (the current access road to the airport);
- clearing of native vegetation to allow future residential and light industrial development on Council owned land within the Partridge Creek Residential, Partridge Creek Industrial, and West Lindfield neighbourhoods of the Thrumster Urban Release Area and establishment of associated roads and asset protection zones;
- future development would provide for a village centre, residential areas of up to 820 lots (700 in Partridge Creek and 120 in West Linfield) bordered by environmental lands, conventional residential development, and an employment hub containing a diverse range of employment generating uses for the Thrumster Urban Release Area; and
- clearing of vegetation to allow the establishment of water and sewer easements to meet expected future needs of the Thrumster Urban Release Area and fire trails within the conservation areas to aid in strategic fire and conservation management.

The biodiversity assessment process has addressed all of the potential impacts on biodiversity, and the planning proposal incorporates appropriate zones for the preservation and management of environmentally sensitive areas. As such, there will be no negative impacts on biodiversity as a consequence of the planning proposal.

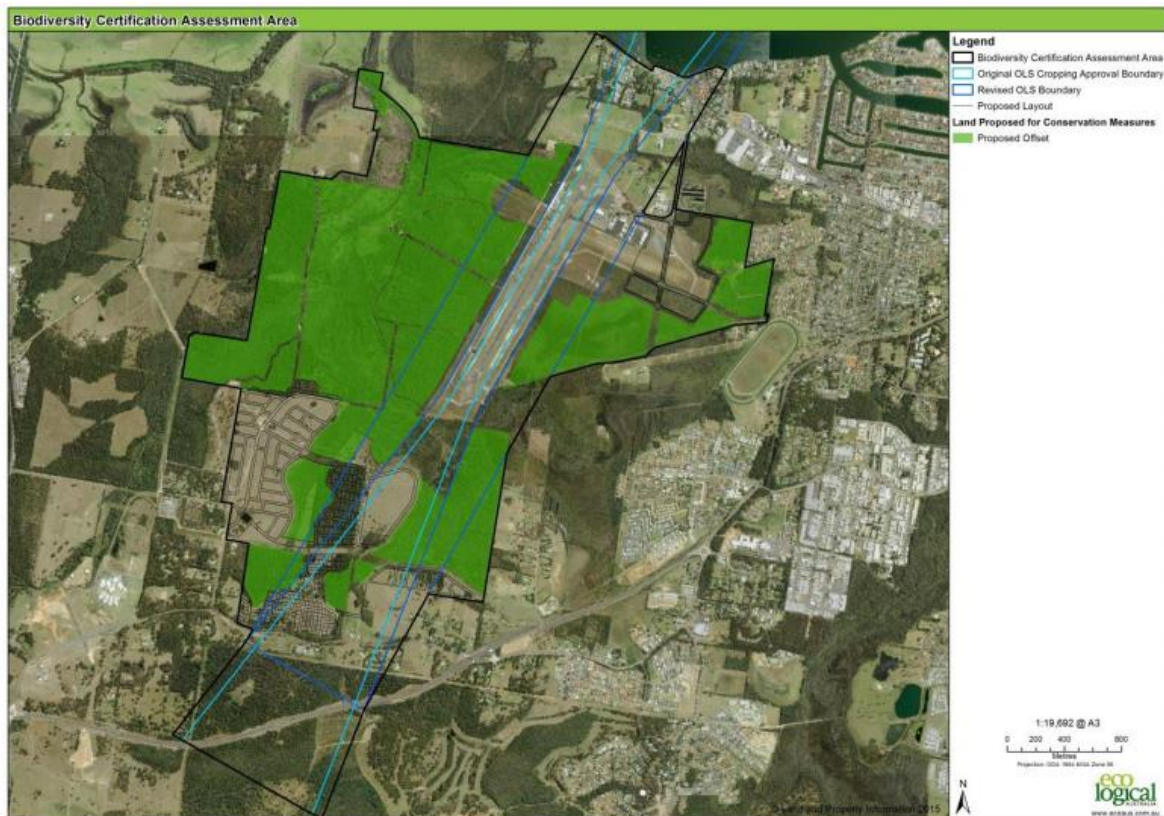


Figure 9: Proposed Off-Set Area (Source: Government Gazette 07-09-2018)

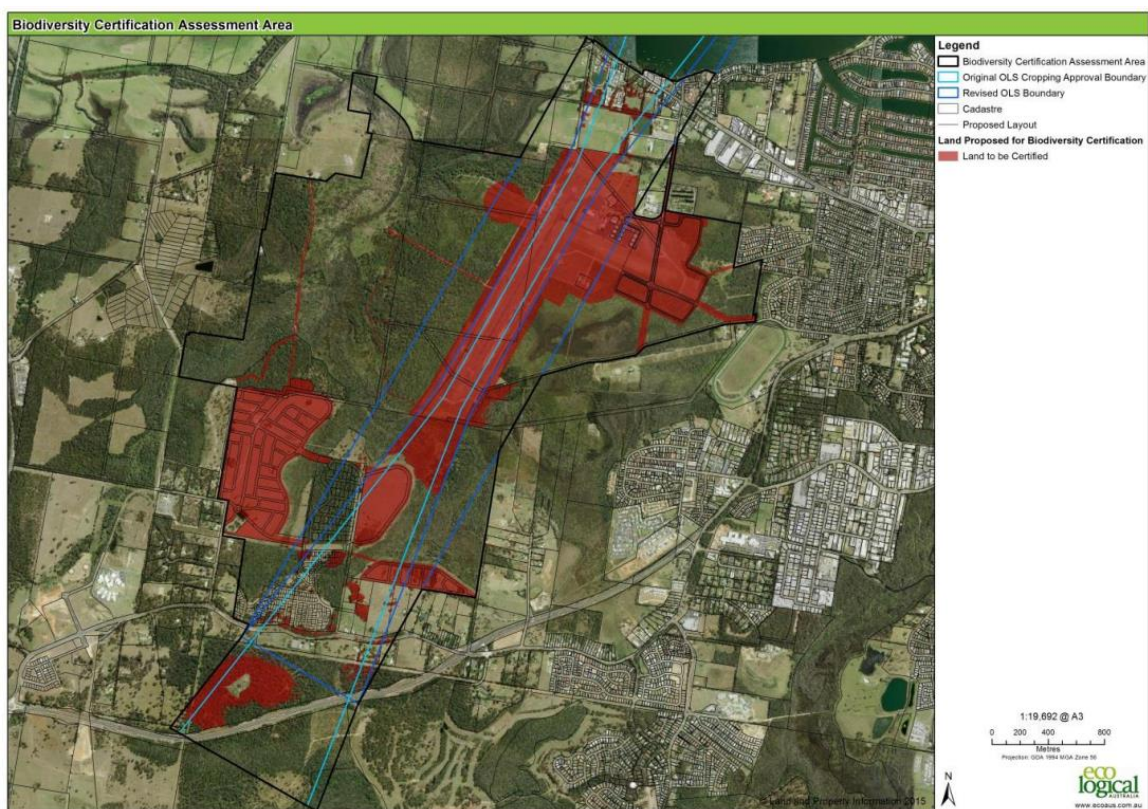


Figure 10: Land to be Certified (Source: Government Gazette 07-09-2018)



The site (including the existing extent of Boundary Street) is identified on the Flood Planning Map contained within the Port Macquarie-Hastings LEP 2011. An area of approximately 6,000m<sup>2</sup> of the proposed B7 lands is identified within the mapped Flood Planning Area. The remaining proposed B7 lands are above the Flood Planning Area but identified within the mapped Level of Probable Maximum Flood.

A Flood Impact Assessment was undertaken to determine the flood impacts that could arise as a result of land filling. The assessment found that the 1800m<sup>3</sup> filling required to facilitate the proposed business park, which is within a flood storage area, will have the following impacts (based on a volumetric calculation in estimating impacts on peak 1% AEP flood levels):

- the increase in flood levels will not be more than 0.005m, noting that Port Macquarie-Hastings Flood Policy 2018 allows for increases up to 0.010;
- changes to peak 1% AEP flow velocities are expected to be less 0.01m/s noting that the maximum allowable increase by the Port Macquarie-Hastings Flood Policy 2018 is 0.1m/s; and
- a reduction in the available peak 1% AEP flood storage volume of only 0.26%.

As such, it is concluded that the planning proposal will not have any detrimental impacts to the environment as a consequence of flooding.

### **5.3 Economic**

Goal 2 of the North Coast Regional Plan 2036 is a thriving and interconnected community. Within that goal there are a number of key economic actions which are facilitated by this planning proposal, including an airport precinct for Port Macquarie Airport. The Port Macquarie Airport is major economic asset that will help underpin economic growth, and one of the three busiest airports in Regional NSW.

A range of studies have been undertaken to determine appropriate planning controls for the proposed business park, including economic impact assessments that consider the likely future uses, suitable zones and potential impacts on the business centres hierarchy of the Port Macquarie LGA.

In this regard, the planning proposal seeks to reinforce the unique location and characteristics of the airport business park, while ensuring that the potential impacts on the centre's hierarchy are mitigated by:

- amending the B7 Business Park objectives to place greater emphasis on large-scale floorplate development;
- changing the land uses permitted with consent in the B7 zone to ensure that the precinct functions as a business park and different to a town centre;
- specifying a minimum lot size of 2000m<sup>2</sup> which is larger than typically provided in other commercial and industrial zones; and
- specifying a maximum floor space ratio of 0.65:1 to ensure traffic generation is within the capacity of the existing road network.

Council has formed the view that the combination of the revised permitted uses, strengthened B7 objectives and the proposed lot sizes and floor space ratio controls for the proposed 23.7 ha of B7 zoning at the airport will not result in any significant economic impacts on the centres hierarchy.

Further, it is considered that the B7 land is of an appropriate size to maintain and build on the strength of the local economy. Therefore, it is anticipated that the planning proposal will have positive economic impacts for both the local and regional economies.

#### **5.4 Infrastructure**

The provision and funding of State infrastructure is not necessary for this proposal. With respect to local infrastructure:

##### *Roads*

Traffic modelling has been undertaken to support the planning proposal. The model assumed that all access to the proposed business park would be from Boundary Street and the modelled traffic generation assumed a hypothetical business park mix of uses across the total investigation area.

The traffic assessments concluded that the constraining factor for development was the capacity of the Boundary Street/Hastings River Drive intersection, with the outcome being that the upgraded intersection would have capacity to provide for 50% (i.e. 20.5ha) of the investigation area for business park development.

The planning proposal requests rezoning of an expanded business park footprint of 23.75 ha on the basis that it is not likely to have unacceptable impacts on the capacity of the existing road infrastructure because a floor space ratio of 0.7:1 was assumed for the traffic modelling and a floor space ratio of 0.65:1 is proposed.

The Council has accepted that the increased footprint of B7 Business Park zone is within the accuracy limits that can be expected to be achieved with the modelling of future traffic outcomes. However, it has been identified that the Hastings River Drive/Boundary Street intersection will need to be upgraded in addition to improvements to Boundary Street to accommodate the likely traffic associated with the Business Park.

These works are a fundamental requirement for the proposed business park, which will generate a significant proportion of demand for the upgrade. Specific requirements for road infrastructure will be determined at the development application stage. It is also recommended that the proposal be referred to Transport for NSW (Roads and Maritime Services) to confirm the suitability of the changes.

##### *Stormwater*

A stormwater treatment train approach is proposed, primarily using a bio-retention basins/swale centrally located within the road network. Council has indicated that this is a suitable method to manage stormwater from the proposed business park. Servicing requirements will be a consideration at the development application stage.

##### *Sewer*

Two options for a sewerage supply have been presented. The first option is a gravity sewerage scheme and the second a low-pressure sewerage scheme. Council has advised that either option is an acceptable arrangement, and that further consideration will be given to sewer servicing requirements at the development assessment stage.

##### *Water*

The Port Macquarie Airport and existing developed business park lands are currently serviced by a reticulated water supply. Preliminary modelling has been undertaken which has determined that the proposed business park can be serviced by the

existing water supply. The specific requirements will be determined at the development assessment stage.

## **6. CONSULTATION**

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### **6.1 Community**

Council have nominated a 28-day public exhibition period for the planning proposal in accordance with LEPs, A guide to preparing local environmental plans (Department of Planning and Environment, 2018). This is considered an appropriate timeframe.

Consultation and public exhibition are proposed to include notification in a locally circulating newspaper, notification on Council's website and written notification to affected and all adjoining landowners, including the three adjoining landowners within the airport precinct investigation area.

Written notification will also be provided to those who raised concerns during the biodiversity certification process to ensure any actual or perceived overlapping or outstanding issues can be considered and addressed. This is a recommendation of a probity report that Council commissioned to review the planning process and make recommendations on statutory procedures involved with this planning proposal.

It is also proposed during public exhibition that Council will undertake further engagement with representatives of Newman Senior Technical College regarding the lot size and height of buildings controls proposed for the College site and with NSW Crown Lands who own some small areas affected by the proposal.

Finally, Council has advised that a Statement of Council Interest will be included in the planning proposal, consistent with the Department of Planning Industry and Environment's Best Practice Guideline - LEPs and Council Land 1997.

### **6.2 Agencies**

It is recommended that Council consult with the following agencies:

- Biripai Local Aboriginal Lands Council
- Civil Aviation Safety Authority
- NSW Department of Industry, Planning and Environment (Crown Lands)
- NSW Department of Industry, Planning and Environment (Division of Biodiversity & Conservation)
- NSW Police Service
- NSW Rural Fire Service
- NSW Transport (Roads and Maritime Services)

This requirement is included as a condition of the Gateway determination.

## **7. TIME FRAME**

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Council has nominated a project timeframe of 9-10 months in the planning proposal. Having regard to the timeframe nominated by Council and that those contained within the Local Environmental Plans, a guide to preparing local environmental plans, 12 months is considered to be a practical and realistic timeframe for this planning proposal.



## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has not sought delegation from the Department of Planning, Industry and Environment to be the local plan-making authority for the planning proposal because they are both the landowner and the proponent and are concerned as to issues of probity. This is considered appropriate.

## **9. CONCLUSION**

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It is considered that the planning proposal has merit to proceed to Gateway for the following reasons:

- the proposal is consistent with the North Coast North Coast Regional Plan 2036;
- the proposal is consistent with Council's Department approved Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 which identifies the business park as a key action and recognises its continued expansion under the Port Macquarie Airport Master Plan 2010 and the opportunities for business, technology, aviation-related businesses and service industry;
- the proposal is consistent with the biodiversity certification order – Port Macquarie Airport and surrounding land published in the NSW Government Gazette on 7 September 2018 and supports the permanent management and protection of the conservation lands;
- the proposal is consistent with the Port Macquarie-Hastings Economic Development Strategy 2017-2021 which supports the growth of the Port Macquarie Airport Precinct;
- the proposal is consistent with the requirements of the Commonwealth Government Civil Aviation Safety Authority (CASA) for operation of a Code 4C aerodrome; and
- the proposal will not adversely impact on the business centres hierarchy of the Port Macquarie-Hastings Local Government Area.

It is recommended that this planning proposal be supported with conditions.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.2 Coastal Management, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are minor or justified; and
2. note that the inconsistencies with section 9.1 Directions 3.5 Development Near Regulated Airports, 3.6 Shooting Ranges and 4.4 Planning for Bushfire Protection are unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - Biripai Local Aboriginal Lands Council
  - Civil Aviation Safety Authority
  - NSW Department of Industry, Planning and Environment (Crown Lands)
  - NSW Department of Industry, Planning and Environment (Division of Biodiversity & Conservation)
  - NSW Police Service
  - NSW Rural Fire Service
  - NSW Transport (Roads and Maritime Services)
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be the local plan-making authority to make this plan.
5. Prior to community consultation, the proposal shall be amended to include:
  - (a) a table that identifies the proposed changes between zones and the approximate area of the changes; and
  - (b) an amended Figure 1 that includes Newman Senior Technical College within area affected by the proposal.



18/11/19

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20/11/2019

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