

# Planning Proposal

## Background

**Proposal** Proposal to Rezone land from 1(a1) Rural to 2(a1) Residential

**Property Details** Lot 100 on DP1101027  
 John Fraser Place, Port Macquarie

**Applicant Details** Hopkins Consultants

**Land owner** Lahey Constructions Pty Ltd

The site is 4.244 Ha in area and is located 2.0 kilometres from Port Macquarie's CBD and less than 1.0 kilometre from a major industrial area. The site is relatively steep - ranging from 35.5m AHD at Banksia Place to 9.5m AHD at Lake Road and there is a gully that runs through the site. The lot adjoins a disused gravel quarry on a lot that is currently used as a nursery and landscaping supplies. The Port Macquarie Sewage Treatment Plant is in close proximity to the site however it is outside the Council's designated buffer to this plant.



Figure 1: Location of site in relation to Port Macquarie CBD and Industrial Area.

The lot has good access to buses and there is a dedicated on-road cycle lane and sealed pedestrian path for most of the journey along Lake Road towards the CBD. The site is also well serviced by utilities.

The subject land, Lot 100, is the result of the previous subdivision of Lot 6 DP 618027 and Lot 51 DP 746181, registered in 2004. The subject lot is that part of the original land holding that was not used for quarrying and outside of the Council's sewage treatment works buffer. The subject land has been identified in the Mid North Coast Regional Strategy as suitable for rezoning to residential as an infill site.

At the 22 April 2009 Port Macquarie-Hastings Council meeting the strategic planning program was presented. In the report the subject land (and another parcel of land at Major Innes Drive) were described as:

*Both properties contain areas of relatively low constraint approximately 5 hectares in size. These areas are identified as isolated growth areas in the Mid North Coast Regional Strategy and are located in areas that are already predominantly zoned and / or developed for residential purposes, in close proximity to existing centres.*

At the meeting Council resolved to write to the owners of Proposed Future Urban Release Areas in Lake Rd and Major Innes Drive to invite them to lodge proposals for LEP amendments in the 2009/10 financial year and that a report then be presented to Council to consider the merits of the proposed LEP amendments, pursuant to Section 54 of the Environmental Planning & Assessment Act.

Changes to the Act in relation to applications to rezone land now require the planning authority to prepare a planning proposal under clause 55 of the Act.

The draft planning proposal was presented to Council at its meeting on 28 October 2009 and it resolved:

1. That Council prepare a Planning Proposal under s55 of the EP&A Act to rezone land at Lot 100 DP1101027 John Fraser place, Port Macquarie from 1(a1) Rural to 2(a1) Residential.
2. That Council undertake community consultation in accordance with the s56 Gateway Determination.

This submission explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument.





Plate 1: View from north eastern corner of the site



Plate 3: End of formed Banksia Place.

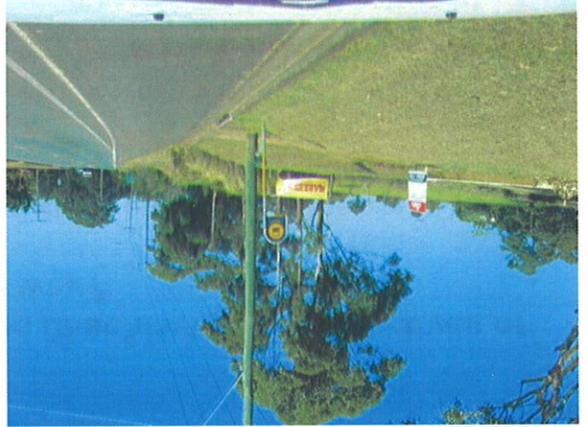


Plate 5: View of bus stop in front of 126 Lake Road.



Plate 2: View from north eastern corner of the site



Plate 4: View from north eastern corner of the site

## **Part 1 - Objectives or Intended Outcomes**

To enable the development of land at John Fraser Place, Port Macquarie and described as Lot 100 on DP1101027 for residential and compatible land uses.

## **Part 2 - Explanation of Provisions**

Amendment of the Hastings LEP 2001 Land Zoning Map affecting the area nominated as 'proposed urban release area' as illustrated with on the attached plan.

## **Part 3 – Justification**

### ***Section A - Need for the planning proposal.***

#### **Is the planning proposal a result of any strategic study or report?**

The site is specifically identified in the Mid North Coast Regional Strategy as Proposed Future Urban Release Area (refer attachment B).

Urban consolidation and infill within the existing urban footprint is recognised in both the Hastings Urban Growth Strategy (HUGS) and the Mid North Coast Regional Strategy as a contributory mechanism to meeting the expected housing demand in the region.

Moreover, the Council at its meeting on the 22 April 2009 identified the site as an isolated growth area that has a low level of constraints.

#### **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The site is currently zoned 1(a1) Rural which prohibits the subdivision of the site for lots less than 40Ha. The proposal will cause the zone for the site to be consistent with the adjoining land.

#### **Is there a net community benefit?**

There is a positive community benefit from the proposed rezoning.

It is an expectation of the community that the site will be rezoned for residential purposes. It is in close proximity to the key employment nodes and well serviced by public transport and will provide additional housing within 2.0km of the CBD. It has reasonable access to on road cycle lanes and pedestrian paths which may be further augmented by s94 contributions derived from the development.

As an infill site it is well-served by existing infrastructure and utilities and is relatively free from constraints.

There are no other spot rezoning proposals in the locality that need to be considered as part of this proposal.



## Section B - Relationship to strategic planning framework.

**Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Mid North Coast Regional Strategy identifies the site as a proposed future release area.

**Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Urban consolidation and infill within the existing urban footprint is recognised in both the Hastings Urban Growth Strategy (HUGS) and the Mid North Coast Regional Strategy as a contributory mechanism to meeting the expected housing demand in the region.

The site is not specifically identified in the Hastings Urban Growth Strategy but will be included in any future iterations of that strategy.

**Is the planning proposal consistent with applicable state environmental planning policies?**

SEPP 71 – Coastal Protection

The site falls within the coastal zone due to the intrusion of Kooloonbung Creek (a tributary of the Hastings River) into the area. Kooloonbung Creek drains part of the Lake Innes Nature Reserve and is the approved discharge point for Council's Sewerage Treatment Plant.



Figure 2: Coastal Protection Zone

**This State Environmental Planning Policy 71 – Coastal Protection aims:**

- a) To protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and
- b) To protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- c) To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- d) To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and
- e) To ensure that the visual amenity of the coast is protected, and
- f) To protect and preserve beach environments and beach amenity, and
- g) To protect and preserve native coastal vegetation, and
- h) To protect and preserve the marine environment of New South Wales, and
- i) To protect and preserve rock platforms, and
- j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and
- k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
- l) To encourage a strategic approach to coastal management.

The site is identified as future urban land because it is unconstrained by natural, cultural and recreational assets. It is an appropriate land use for the site and consistent with the adjoining area. There is no opportunity to affect public access to the foreshore in this location and it does not contribute to the aesthetic qualities of the coastline.

Risks to Kooloonbung Creek from erosion and sediment, pollution and stormwater will be managed in accordance with State and Council policies during the relevant phases of any development of the site.

**SEPP - Rural Lands**

Clause 7 of the SEPP sets out 8 "Rural Planning Principles" that must be considered in preparing any LEP amendments affecting Rural Lands.

- a) The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- c) Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- d) In planning for rural lands, to balance the social, economic and environmental interests of the community,
- e) The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- g) The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- h) Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.



The proposed rezoning is assessed in against these principles as follows:

- The site has not been identified in any planning document, including the NSW Mid North Coast Farmland Mapping document, as being "prime" agricultural land or of regional significance for farming activities;
- No natural resources or areas of significant biodiversity or native vegetation would be adversely impacted by the proposal;
- The site has no forestry value or forestry industry potential;
- The site is not identified as being significant, or potentially significant in terms of its agricultural value;
- The site is within an established residential location and is surrounded by other urban, non-rural land-uses;
- The proposed to apply a residential zoning is consistent with the Mid North Coast Regional Strategy 2009.

#### Mid North Coast Farmland Mapping Project

This Mid North Coast farmland mapping document has sought to map and help protect the region's most significant agricultural land. It identifies significant farmland parcels on a regional level in the local government areas of the Mid North Coast area, including the Port Macquarie - Hastings Shire.

The site is identified future urban land in the under the mapping project.

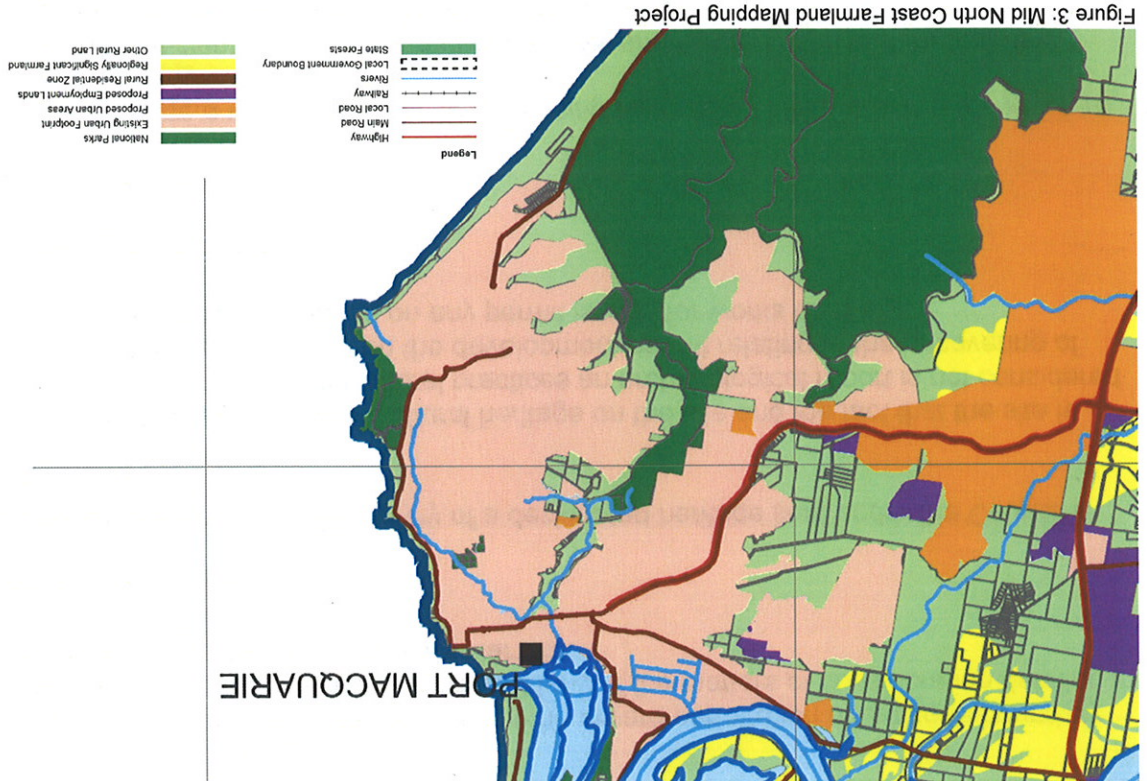


Figure 3: Mid North Coast Farmland Mapping Project

## Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant s117 directions are:

### No 1.2 – Rural Zones

This direction states that land shall not be rezoned from rural purposes without the land being identified in a strategy approved by Council and approved by the Director General. The site is identified in the Mid North Coast Regional Strategy as land categorised as proposed future urban release area.

### No 2.2 – Coastal Protection

The site is mapped as part of the coastal zone.

A draft LEP shall include provisions that give effect to and are consistent with:

- (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997;
- (b) the Coastal Design Guidelines 2003; and
- (c) the Manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990)

An assessment against the provisions of the SEPP71 (Coastal Protection) has been provided above.

The site is within the coastal zone because of the inward penetration of the zone boundary caused by the Kooloonbung Creek tributary. Many of the matters of consideration detailed in the SEPP are not applicable to this particular site.

### No 2.3 – Heritage Conservation

The subject site is not within the vicinity of a designated heritage item under the Council's LEP 2001.

In the absence of any evidence of cultural heritage on the site and the fact that the site is highly disturbed by previous agricultural practices an archaeological report is not considered necessary. A standard condition on the development permit relating to the uncovering of archaeological items will be placed on any permit issued for works on the site.

### No 3.1 – Residential Zones

The objectives of this direction are:

- a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c) to minimise the impact of residential development on the environment and resource lands.

The proposed rezoning will facilitate the use of an identified urban infill site for residential purposes. The applicants will be required to justify the proposed development in terms of housing diversity at the detailed application stage.



### No 3.4 - Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) improving access to housing, jobs and services by walking, cycling and public transport, and
- b) increasing the choice of available transport and reducing dependence on cars, and
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d) supporting the efficient and viable operation of public transport services, and
- e) providing for the efficient movement of freight.

The site is an infill site within the existing urban footprint. The site is 2.0 kilometres from the Port Macquarie CBD, it is well serviced by buses and there is a dedicated cycle lane and a pedestrian walkway along Lake Road (for most of the journey between the site and the CBD).

The site is less than 1.0 kilometre from the main industrial area in the Hastings.

Despite the significant opportunities for residents to use more sustainable transport options it is unlikely that the development of the site will have any significant impact on travel behaviour in the absence of more powerful constraints or incentives.

### No. 4.4 – Planning for Bushfire Protection

The western most boundary of Lot 100 is partially mapped as bushfire prone land buffer. Examination of the land adjoining Lot 100 to the west shows two substantial road corridors. These are the Ocean Drive arterial road and a section of the former Ocean Drive now known as John Fraser Place. These roads provided substantial physical separation from bushland vegetation in the Kooloonbung Creek Corridor to the site. A bushfire assessment will be sought in the detailed design phase of this application.

### No. 5.1 - Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The proposal is consistent with the Mid North Coast Regional Strategy that identifies the site as Future Urban Release Area.

The site is designated as Proposed Urban Area in the Mid North Coast Farmland Mapping Project.

### No 6.1 - Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The planning proposal will not be referred to any Minister or Public Authority or be exhibited prior to the gateway determination being issued under clause 56 of the Environmental Planning and Assessment Act 1979.

## 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

It is considered appropriate to specifically zone this site because of the acknowledgement of the site in the Mid North Coast Regional Strategy and the Council's resolution of 22 April 2009.

### ***Section C - Environmental, social and economic impact.***

**Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. The site has been cleared of native vegetation and the small number of trees on the site are not ecological significant.

The site has been assessed by the Council's Ecological Officer who has confirmed that the site is of little ecological importance.

### ***Section D - State and Commonwealth interests.***

**Is there adequate public infrastructure for the planning proposal?**

A detailed infrastructure assessment has not been provided at this initial stage of the application process. However, the initial assessment of infrastructure supports the use of the site for residential purposes subject to further detailed investigation. Apart from some augmentation of water infrastructure and a traffic impact assessment will be required to assess the implication of the development on Lake Road, no other issues have been raised. The site is 2.0kilometres from the Port Macquarie CBD and is close proximity to the public park between Bellangry Road and Pappinbarra Parade and Wayne Richards Regional Sporting Complex on Koala Street.

**What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

No consultation with State Departments has been undertaken at this initial stage of the proposal. This is consistent with Ministerial Direction 6.1.  
The site is identified for urban purposes in the Mid North Coast Regional Strategy which is endorsed by the Department of Planning.