

**Redevelopment and urban consolidation - East Port Macquarie Area**

Proposal Title : **Redevelopment and urban consolidation - East Port Macquarie Area**

Proposal Summary : **To make various zoning, floor space and building height changes to promote redevelopment and urban consolidation in the East Port Macquarie Area**

PP Number : **PP\_2015\_PORTM\_001\_00**      Dop File No : **15/05317**

**Proposal Details**

Date Planning Proposal Received : **20-Mar-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 : **Precinct**

**Location Details**

Street :

Suburb :      City :      Postcode :

Land Parcel : **East Port Macquarie area as shown on p11 of the Planning Proposal**

**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 :      Release Area Name :

Regional / Sub      Consistent with Strategy :

Regional Strategy :

## Redevelopment and urban consolidation - East Port Macquarie Area

MDP Number :

Date of Release :

Area of Release  
(Ha) :

Type of Release (eg  
Residential /  
Employment land) :

No. of Lots : 0

No. of Dwellings  
(where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment : **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 to make various zoning, floor space and building height amendments to Port Macquarie-Hastings LEP 2011 to promote redevelopment and urban consolidation in the East Port Macquarie area.**

### 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.**

### 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**

**2.3 Heritage Conservation**

**2.4 Recreation Vehicle Areas**

**3.1 Residential Zones**

**3.2 Caravan Parks and Manufactured Home Estates**

## Redevelopment and urban consolidation - East Port Macquarie Area

- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 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? **Yes**

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 and relevant SEPPs.**

**The inconsistencies with relevant section 117 Directions are considered to be of minor significance as discussed below.**

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **The submitted Planning Proposal does not identify any inconsistencies with the relevant section 117 Directions. A review of the Planning Proposal has identified the inconsistencies, which are considered to be of minor significance as discussed below.**

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **While the amended LEP map sheets have not been provided at this stage, the Planning Proposal includes maps identifying the current and proposed zoning, floor space and building height changes. The maps provided are considered sufficient for the Planning Proposal to proceed and for public exhibition purposes.**

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **While the RPA has identified the proposal as being 'low impact', they have also recommended a 28 day exhibition period to allow extra community feedback on a possible increase in building heights in the Windmill Hill area of East Port Macquarie (the Planning Proposal currently retains the existing permissible building heights within this area).**

**While the supporting Liveable Neighbourhoods report has undergone considerable public consultation in its preparation, due to the number of proposed zoning, floor space and building heights changes (including a decrease in building height and/or floor space provisions for a small number of sites), and due to the need to consult on any possible future changes to the building heights in the Windmill Hill area, it is considered appropriate that a 28 day notification period be undertaken to provide affected landowners with an adequate opportunity to review the proposal.**

### 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?

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**

## Redevelopment and urban consolidation - East Port Macquarie Area

- 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 with the Mid North Coast Regional Strategy and Council's Director General approved urban growth management strategy, 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 January 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 need for the Planning Proposal is a result of Council's Urban Growth Management Strategy 2011-2031 which identified the need to review options 'to promote urban consolidation in central, well-connected locations that provide a range of services or recreation opportunities for residents'. The Planning Proposal also aims to establish a planning framework to help increase the proportion of new attached dwellings being constructed to help achieve the 40 percent target in the Mid North Coast Regional Strategy.

Council has now completed its Liveable Neighbourhoods Framework (LNF) report (Stages 1 and 2). Stage 1 involved the CBD fringe area and is nearing completion under LEP Amendment No. 31. The current proposal is Stage 2 and involves the East Port Macquarie area.

The Planning Proposal seeks to implement a number of recommendations from the LNF report to the zoning, floor space and building height provisions of the LEP to help promote the economic feasibility of urban consolidation in the area. The amended controls will also resolve a current mismatch between building and floor space ratio provisions on a small number of sites and encourage better urban design outcomes with more opportunities for building articulation and appropriate transition areas between higher and lower building density areas.

## Redevelopment and urban consolidation - East Port Macquarie Area

Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with the Mid North Coast Regional Strategy, applicable SEPPs and Council's Director General approved Urban Growth Management Strategy. In particular, the proposal is considered likely to promote achievement of the Mid North Coast Regional Strategy goals of increasing residential density in key centres and having 40 percent of new dwellings delivered in an attached format.

While the Planning Proposal states that it is consistent with all relevant s117 Directions, it is considered that the proposal is inconsistent with the following Directions:

### 1.1 Business and Industrial Zones

The proposal is considered to be inconsistent with this Direction as it seeks to:

- rezone small areas of land north of Gordon St and south of Home Street from B4 Mixed Use to R3 Medium Density Residential and R1 General Residential respectively; and
- reduce the floor space ratio on one small site north of Gordon St proposed to be zoned B4 Mixed Use from 2.5:1 to 2.0:1.

This inconsistency is considered to be of minor significance due to the small quantity of land involved and as the changes represent logical minor extensions and alterations or 'rounding off' of the land uses and floor space ratios in the area as described in the Liveable Neighbourhoods Framework recommendations.

### 3.1 Residential Zones

The proposal is considered to be inconsistent with this Direction as it proposes reduce the floor space ratio on one small site north of Gordon St proposed to be rezoned from R3 Medium Density Residential to B4 Mixed Use from 2.5:1 to 2.0:1.

While various types of residential accommodation will still be permissible in the B4 Mixed Use Zone, the proposal will in reduce the land available for housing due to the reduction in permissible floor space. This inconsistency is considered to be of minor significance due to the small decrease proposed, the small size of the site involved, and the change in floor space ratio controls will make the site consistent with the adjoining B4 zoned lands.

Environmental social economic impacts :

The Planning Proposal applies to a developed urban area and no significant adverse environmental impacts have been identified as likely to result from the proposal.

While the increase in development potential is likely to have positive economic impact for landowners, the future character of the area is also likely to change if redevelopment and increased urban density occurs. This is however considered to be consistent with the intent of Council's Director General approved Urban Growth Management Strategy and with the existing nature of the area, with many medium and higher density residential developments already situated in the locality.

## Assessment Process

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

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

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

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

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

If no, provide reasons : **It is recommended that the proposal proceed for public comment. No agencies have been identified that need to be consulted.**

## Redevelopment and urban consolidation - East Port Macquarie Area

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 |
|------------------------------------------------------------------------------------|--------------------------|-----------|
| Planning Proposal.pdf                                                              | Proposal Covering Letter | Yes       |
| Council Business Paper and Minutes_18 February 2015.pdf                            | Proposal                 | Yes       |
| Planning Proposal Cover Letter.pdf                                                 | Proposal Covering Letter | Yes       |
| Liveable Neighbourhoods Framework_EastPort_Report_Draft_for_discussion_Part 1_.pdf | Study                    | Yes       |
| Livable Neighbourhood Framework_EastPort_Report_Draft_for_discussion_Part 2_.pdf   | Study                    | 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
- 2.3 Heritage Conservation
- 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
- 4.3 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 28 days;
3. The Planning Proposal be completed within 12 months;
4. No agency consultation be required;
5. That the Secretary (or her delegate) agree to the inconsistencies with section 117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones as matters of minor significance; and
6. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons : **The Planning Proposal is supported as:**  
- the proposal will promote achievement of Mid North Coast Regional Strategy goals of increasing residential density in key centres and having 40 percent of new dwellings

## Redevelopment and urban consolidation - East Port Macquarie Area

delivered in an attached format;

- it is consistent with Council's Director General approved Urban Growth Management Strategy 2011-2031;
- it will amend a number of zoning, floor space and building height provisions in the LEP to help promote the economic feasibility of urban consolidation within the identified area along with housing delivery and increasing housing type choice;
- the amended controls will resolve a current mismatch between building and floor space ratio provisions on a small number of sites; and
- the proposal will encourage better urban design outcomes with more opportunities for building articulation and appropriate transition areas between higher and lower building density areas.

Signature:



Printed Name:

Jim Clark

Date:

27 March 2015

*Team leader Local Planning*

