

FOR GATEWAY DETERMINATION

MARCH 2015

Planning Proposal under section 55 of the EP&A Act

Port Macquarie-Hastings LEP 2011 (Amendment No 33)

Liveable Neighbourhoods: East Port mapping changes

Council ref: PP2011.05.3

DPE ref: *

Date: 20 March 2015



**PORT MACQUARIE
HASTINGS**

Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Referred to Dept of Planning (sec 56 (1))	20 March 2015
Gateway Panel determination (sec 56 (2))	
Revisions required: Yes / No . Completed	
Public Exhibition (where applicable) (sec 57)	
For Council review (sec 58 (1))	
Adopted by Council for final submission to Dept of Planning (sec 58 (2))	

Council reference: PP2011.05.3

Port Macquarie-Hastings LEP 2011 (Amendment No 33)

**Department of Planning &
Environment reference:**

Council Address

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

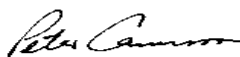
Contact Officer

Steve Schwartz
Strategic Planner
Email steve.schwartz@pmhc.nsw.gov.au
Phone 02 6581 8632

Adoption of the Planning Proposal

1. For initial Gateway determination

This Planning Proposal was endorsed on 18 February 2015 by *Port Macquarie-Hastings Council*:

Signed 

Name Peter Cameron

Position Group Manager Strategic Land Use Planning

2. For section 58 finalisation

This Planning Proposal was endorsed on by *Port Macquarie-Hastings Council*, or the undersigned Council delegate (delete one):

Signed _____

Name _____

Position _____

Table of Contents

Planning Proposal	4
Background	4
Part 1 - Objectives or Intended Outcomes.....	5
Part 2 - Explanation of Provisions.....	5
Part 3 – Justification.....	5
A - Need for the planning proposal.....	5
B - Relationship to strategic planning framework.	6
C - Environmental, social and economic impact.....	9
D - State and Commonwealth interests.	10
Part 4 – Mapping.....	11
A - Affected land.....	11
B - Comparison of before and after	12
C - Draft LEP maps.....	15
Part 5 – Community Consultation	15
Part 6 – Project Timeline	17
Appendix A – Gateway Determination	18
Appendix B – List of proposed amendments.....	19
Changes to Map Sheets	19
Appendix C – Site Identification Map	20
Appendix D – Map Cover Sheet.....	21
Appendix E – Draft maps	22

Planning Proposal

This is a Planning Proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979*, in relation to a proposed amendment to *Port Macquarie-Hastings Local Environmental Plan 2011*. It will be assessed by Port Macquarie-Hastings Council, the NSW Department of Planning and Infrastructure, and used for public participation on the proposed LEP amendment.

Background

Proposal	Liveable Neighbourhoods: East Port mapping changes
Property Details	Various
Land owner	Various
Brief history	The <i>Mid North Coast Regional Strategy 2006-31</i> includes a desired outcome to increase the proportion of attached dwellings to 40 per cent of all new dwellings. An increase in building height is suggested as key to increasing development densities. Council's <i>Urban Growth Management Strategy 2010 – 2031</i> (UGMS) aims to achieve this outcome through the Urban Consolidation policy and associated implementation actions; in particular 'to promote urban consolidation in central, well-connected locations that provides a range of services or recreation opportunities for residents'. The relevant UGMS implementation action is to 'prepare place-based planning policy for urban consolidation in the Port Macquarie Greater CBD fringe'. This action is being delivered through the Liveable Neighbourhoods Project. Council endorsed the Liveable Neighbourhoods Framework document for East Port, including recommended changes to the Local Environmental Plan maps, on 18 February 2015. This planning proposal reflects the recommended changes from the endorsed report.
Location	A location map is included in Part 4 - Mapping.

Part 1 - Objectives or Intended Outcomes

The intended outcome is to facilitate redevelopment and urban consolidation within the identified study area and to increase the proportion of attached dwellings in new development.

The objective of the draft Local Environmental Plan is to improve the relationship between Floor Space Ratio and Height of Buildings controls in the identified study area and to refine or adjust zones and building heights in accordance with Council's strategic intent for future development.

Part 2 - Explanation of Provisions

The objective and intended outcomes are to be achieved by amending the Port Macquarie-Hastings Local Environmental Plan Land Zoning Map, Floor Space Ratio Map and Height of Buildings Map relating to the identified study area and as detailed in Appendix B.

Part 3 – Justification

A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is consistent with the *Mid North Coast Regional Strategy 2006-31* desired outcome to increase the proportion of attached dwellings to 40 per cent of all new dwellings over the life of the Regional Strategy. An increase in building height is suggested in the strategy as key to increasing development densities.

Council's *Urban Growth Management Strategy 2010 – 2031* (UGMS) reflects the Regional Strategy outcome through the Urban Consolidation policy and associated implementation actions; in particular 'to promote urban consolidation in central, well-connected locations that provides a range of services or recreation opportunities for residents'.

The relevant UGMS implementation action is to 'prepare place-based planning policy for urban consolidation in the Port Macquarie Greater CBD fringe'. This action is being delivered through the Liveable Neighbourhoods Project. Council endorsed the Liveable Neighbourhoods Framework document for the Town Fringe, including recommended changes to the Local Environmental Plan maps, on 21 May 2014. The associated planning proposal is nearing completion. Council endorsed the Liveable Neighbourhoods framework document for East Port on 18 February 2015. This planning proposal reflects the recommended changes from the endorsed report.

The changes described in this planning proposal differ from those recommended in the urban design report in some aspects. In particular, a 'best fit' approach has been used with height of buildings and floor space ratio to match the recommendations made by Council's urban design consultant. The urban design report bases its recommendations on revised floor space ratios and height of buildings in metres. Such changes would result in LEP-wide changes that have not been considered as part of this project. The most practicable alternatives from the current height of buildings and floor space ratio tables have been used to achieve the recommended outcome.

In addition, Council has not accepted the recommendation to increase building heights along the eastern end of Burrawan Street (Windmill Hill) due to concerns raised in submissions and the potential visual impact of taller buildings on the ridge line when viewed from nearby public open space. The original intent of the increased height was to create more attractive development opportunities. However, this opportunity was considered insufficient to balance against the loss of visual amenity.

Council decided to further investigate the matter of building height at Windmill Hill through the planning proposal phase. As part of the anticipated public exhibition of the planning proposal, visual representations of the proposed 'no change' scenario, the height limit recommended by Council's consultant and potentially an alternative, will be used as supporting information during public exhibition to encourage further community discussion and feedback.

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

The planning proposal is the best means of achieving the objective. Specific changes to the Local Environmental Plan maps have been identified through Council's Liveable Neighbourhoods Project. The proposed changes form one of several measures to achieve the intended outcomes.

B - Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions of the Mid North Coast Regional Strategy 2006-31?

As described above, the planning proposal is consistent with, and consequential to, the Mid North Coast Regional Strategy's settlement and housing outcomes.

4. Is the planning proposal consistent with Council's Community Strategic Plan and Urban Growth Management Strategy 2010 – 2031?

The planning proposal is consistent with Council's Community Strategic Plan, in particular to 'plan settlements to accommodate a range of compatible land uses and projected population growth' with a desired outcome of 'employment and population growth that is clustered within urban centres'.

As described above, the planning proposal is consistent with and identified in the UGMS.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are no State Environmental Planning Policies which prevent the proposed map changes being made.

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

Thirteen Section 117 Ministerial Directions apply to this planning proposal. Responses on the planning proposal's consistency with each direction are set out below.

No 1.1 Business and Industrial Zones

This direction applies as the planning proposal will affect land within an existing business zone, including the alteration of existing business zone boundaries.

The proposal is consistent as it:

- gives effect to the objectives of the direction by encouraging population growth around the identified strategic centre of Port Macquarie.
- retains the areas and locations of existing business and industrial zones
- expands the total potential floor space area for employment uses and related public services in business zones, notably a net increase of 2153m² through adjustment of the B4 Mixed Use Zone boundaries on Lord Street and Gordon Street.
- does not affect industrial zones, and
- the proposed changes are in accordance with the Mid North Coast Regional Strategy and the Port Macquarie-Hastings Urban Growth Management Strategy.

No 2.1 Environment Protection Zones

This direction applies to all planning proposals.

The proposal is consistent as it does not alter the Local Environmental Plan provisions that facilitate the protection and conservation of environmentally sensitive areas.

No 2.2 Coastal Protection

This direction applies as the planning proposal relates to land in the coastal zone.

The proposal is consistent as it does not alter the Local Environmental Plan provisions regarding development within the coastal zone.

No 2.3 Heritage Conservation

This direction applies to all planning proposals.

The proposal is consistent as it does not alter the Local Environmental Plan provisions that facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

No changes are proposed to land containing items of heritage significance or adjacent properties.

No 2.4 Recreational Vehicle Areas

This direction applies to all planning proposals.

The proposal is consistent as it does not enable land to be developed for the purpose of a recreational vehicle area.

No 3.1 Residential Zones

This direction applies as the planning proposal seeks to alter an existing residential zone boundary.

The proposal is consistent as it will encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market, and
- make more efficient use of existing infrastructure and services, and
- reduce the consumption of land for housing and associated urban development on the urban fringe, and
- be of good design.

The planning proposal does not alter the Local Environmental Plan's requirements with regard to adequate servicing.

The planning proposal does not contain provisions which will reduce the permissible residential density of land.

No 3.2 Caravan Parks and Manufactured Home Estates

This direction applies to all planning proposals.

The planning proposal is consistent as it does not deal with identification of sites for caravan parks or manufactured home estates.

No 3.3 Home Occupations

This direction applies to all planning proposals.

The planning proposal is consistent as it does not alter the Local Environmental Plan provisions related to home occupations.

No 3.4 Integrating Land Use and Transport

This direction applies as the planning proposal seeks to alter a zone relating to urban land.

The planning proposal is consistent as it locates zones and includes provisions that are consistent with the aims, objectives and principles of:

- *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
- *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

No 4.3 Flood Prone Land

This direction applies as the planning proposal alters a zone that affects flood prone land.

The planning proposal is consistent as it does not alter the Local Environmental Plan provisions regarding Flood Prone Land and does not propose a significant change or intensification of land uses on the portion of the study area identified on the Flood Planning Map.

No 5.1 Implementation of Regional Strategies

This direction applies as the Mid North Coast Regional Strategy applies to the area.

As described earlier, the planning proposal is consistent with the Mid North Coast Regional Strategy.

No 6.1 Approval and Referral Requirements

This direction applies to all planning proposals.

The planning proposal is consistent as it does not alter the Local Environmental Plan provisions relating to the concurrence, consultation or referral of development applications and does not identify development as designated development.

No 6.2 Reserving Land for Public Purposes

This direction applies to all planning proposals.

The planning proposal is consistent as it does not create, alter or reduce existing zonings of land for public purposes.

C - Environmental, social and economic impact.

7. 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 planning proposal deals with existing urbanised areas.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No other likely environmental effects are envisaged.

9. How has the planning proposal adequately addressed any social and economic effects?

Social and economic effects are not likely to be significantly different from those that could be expected if the area was fully developed under the current provisions. The planning proposal will not significantly alter the future character of the affected area in terms of the type of development proposed compared to that currently permissible.

The strategic intent of development in the area remains unchanged. That is, generally medium rise residential buildings of between four and six storeys in height tapering to lower rise residential area in the south with predominantly detached dwellings and a mixed use business district along Lord Street and Gordon Street. The key changes

primarily involve adjustments to floor space ratios and heights to improve consistency and minimise economic barriers to development arising from development controls, with some corresponding zone changes.

D - State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal deals with an established urban area in a near CBD location that is well-serviced by public infrastructure.

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

To be advised.

Part 4 – Mapping

A - Affected land

Land affected by a proposed change is shown at Figure 1.

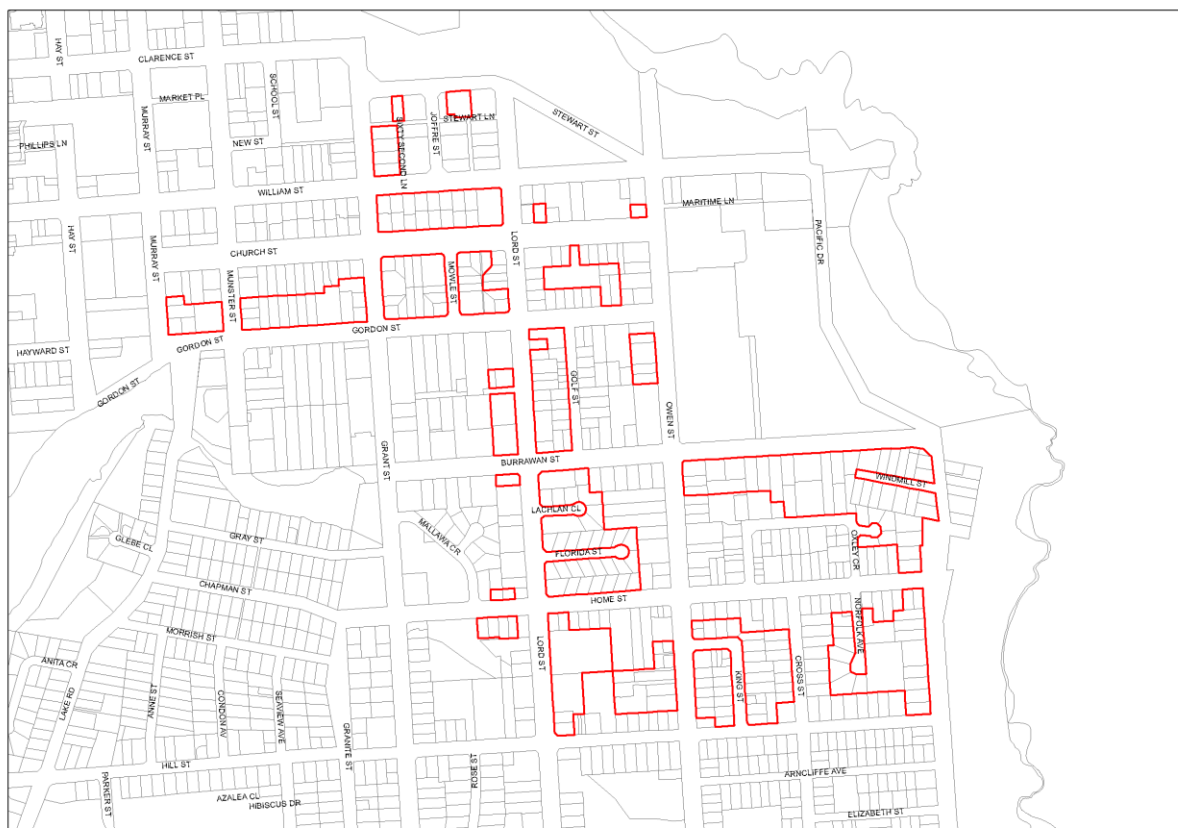
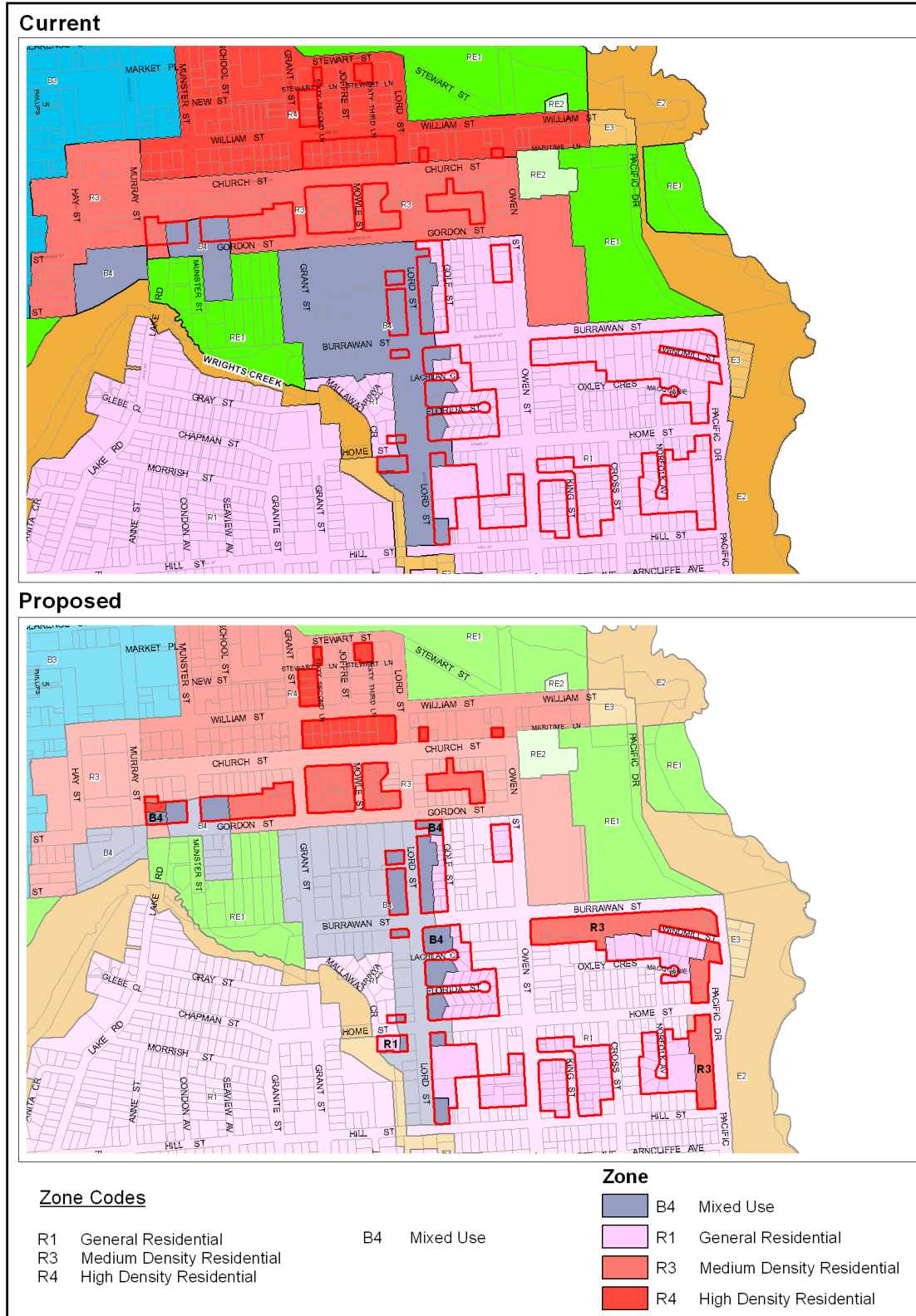


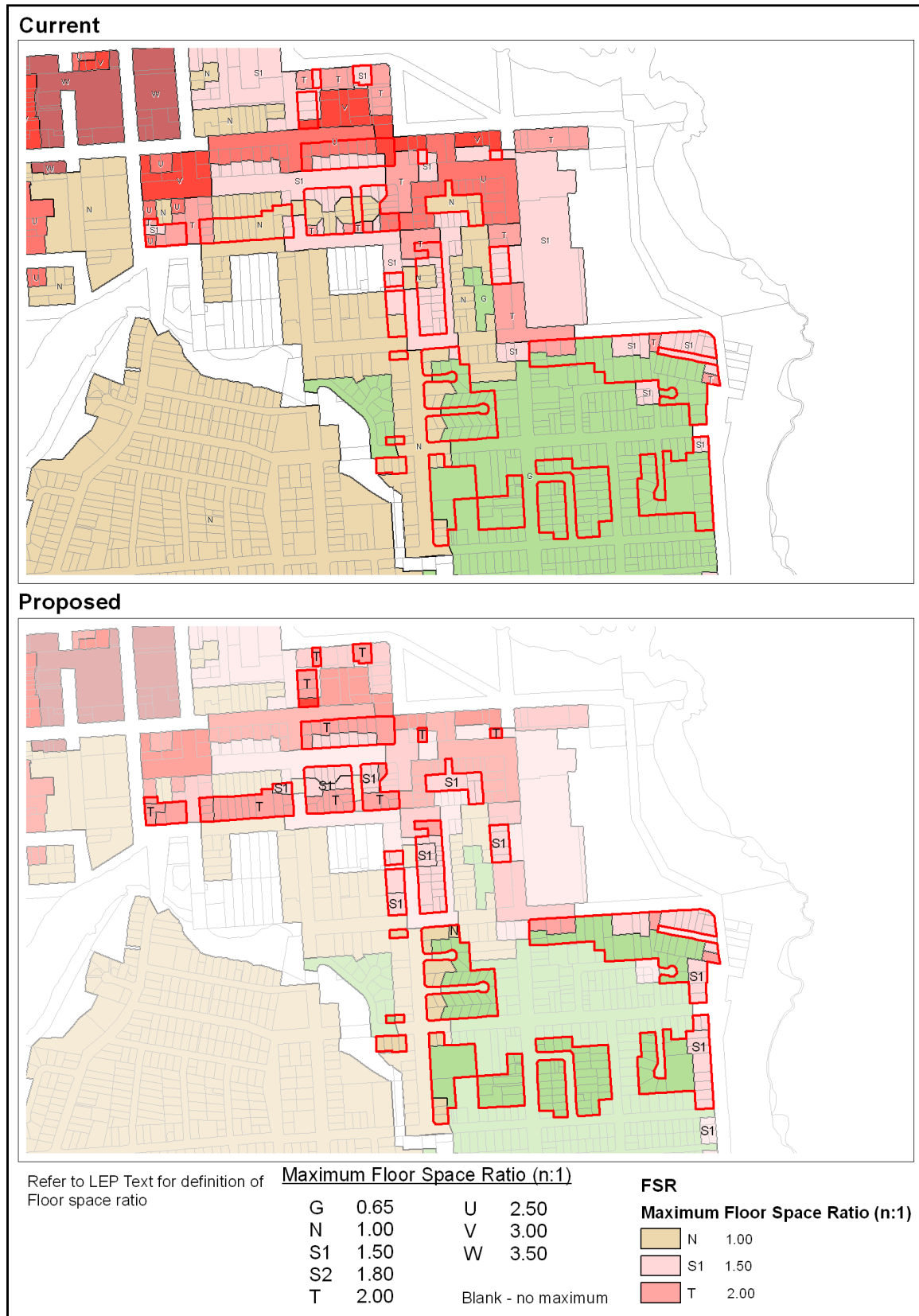
Figure 1: Land affected by proposed changes

B - Comparison of before and after

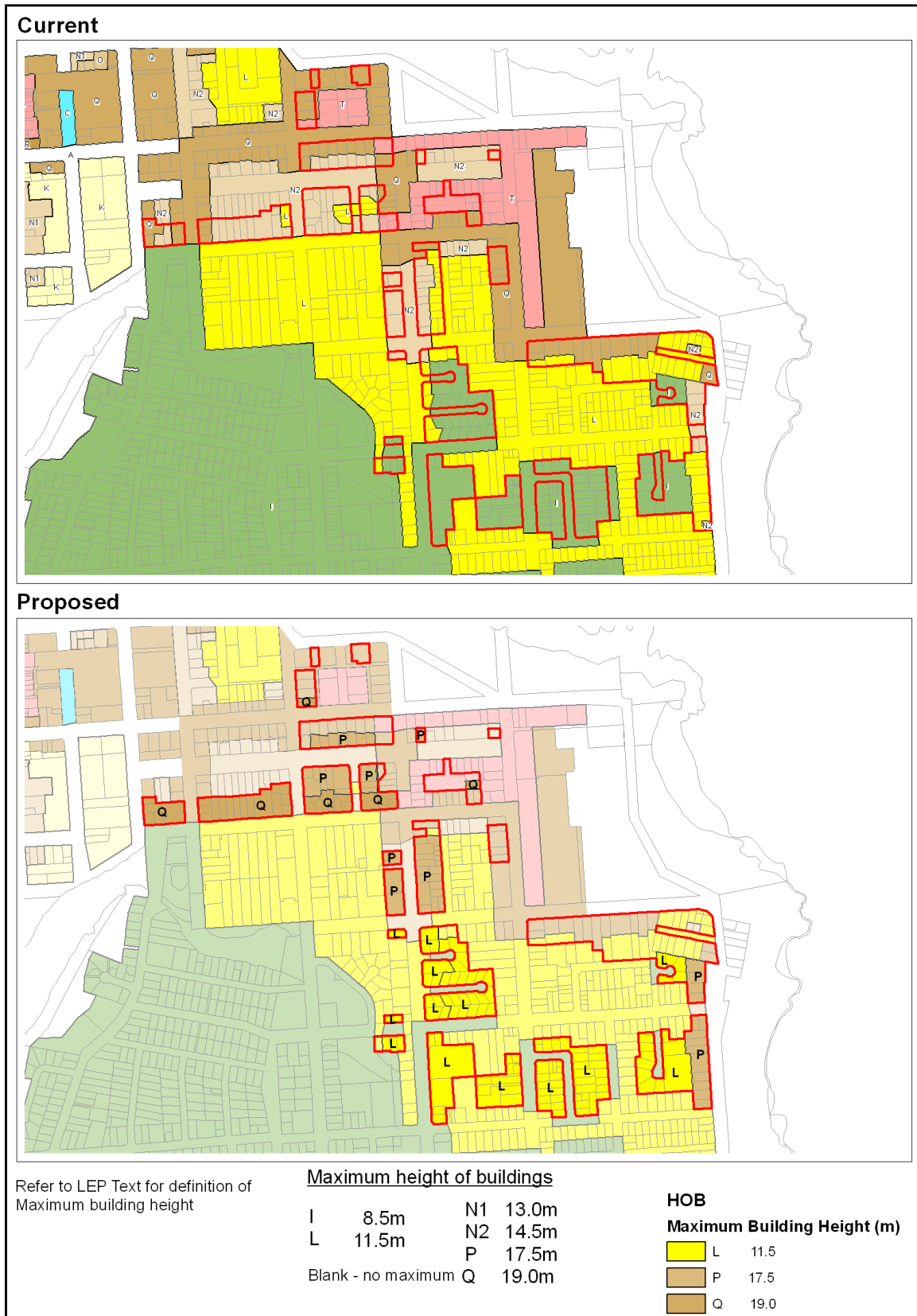
Land Zoning Map



Floor Space Ratio Map



Height of Buildings Map



C - Draft LEP maps

If the Planning Proposal is approved then the current relevant LEP map sheets will be replaced. Draft maps will be prepared following state consultation and attached in **Appendix E** prior to public exhibition.

If the Planning Proposal is approved then the final maps may be updated from the maps forming part of this Planning Proposal to include:

- any changes made by Council,
- formatting changes, and
- any applicable updates arising from other concurrent LEP amendments.

Part 5 – Community Consultation

As mentioned above, the proposed changes are consistent with the recommendations made in an urban design report prepared for Council other than as noted earlier, and have already been subject to community engagement activities and made available for public feedback. Community engagement for the Liveable Neighbourhoods project has been ongoing since 2012 and has included:

- A community reference group during 2012 and 2013.
- Information made available on Council's community engagement website.
- Letters to landowners.
- Media release and television exposure.
- Face to face information sessions and 'pop-up' information stalls.

The community engagement plan for this project sets out four stages as summarised below:

- Stage 1: Initial community engagement - August/September 2014
- Stage 2: Community feedback on draft report and recommendations - October/November 2014
- Stage 3: Public exhibition of draft changes to the planning provisions - April/July 2015
- Stage 4: New planning provisions in effect - by December 2015

Stage 1 formally ended on 15 October 2014 with Council's consideration of community feedback and approval to proceed to Stage 2.

Stage 2 engagement ran from 27 October to 28 November 2014.

On 14 November 2014, about 500 brochures were mailed to all landowners in the study area. As well as the brochure, 24 landowners potentially affected by a proposed zoning change or reduction in height or floor space were also sent a letter pointing out the nature of the recommended change and how to provide their feedback. Three of these landowners contacted Council staff for more information. None made a submission.

Council received nine submissions from the community via email or Council's community engagement website. While a variety of issues are raised, the most prominent issues can be summarised as follows.

- Need for traffic calming or reduced traffic speeds in the area (5 out of 8 submitters).
- Need for more pedestrian and cyclist crossings of busy roads, particularly Gordon Street (3 out of 8 submitters).
- Make better use of wide road reserves for the local community (e.g. seating) or parking (2 out of 8 submitters).

Other issues raised include concern at building heights on Pacific Drive, various suggestions for traffic improvements, need for koala-friendly street trees, opposition to street tree planting near businesses and a need for better playground equipment.

The only submission relating to the proposed local environmental plan amendments was regarding concern at increased building heights at Windmill Hill. After review and consideration of the potential visual impact when viewed from nearby public open space, the proposed height increase in this area was removed. However, to acknowledge the desired built form outcome in this area, the zone is proposed to change from R1 General Residential to R3 Medium Density Residential.

To encourage further community feedback on building heights at Windmill Hill, additional information material will be made available prior to public exhibition to help residents understand the implications of the current height limit and some alternatives. Should a clear preference other than that proposed in this planning proposal emerge, Council will vary the planning proposal prior to public exhibition.

The proposal is consistent with the Department's criteria for low impact proposals set out in *A guide to preparing local environmental plans (April 2013)*, as it:

- is consistent with the pattern of surrounding land use zones and land uses,
- is consistent with the strategic planning framework,
- presents no issues with regard to infrastructure servicing,
- is not a principal LEP, and
- does not reclassify public land.

Consultation in accordance with the Council's Public Consultation Policy is proposed for the proposed changes. Given the additional feedback sought on the proposed height limits at Windmill Hill, a minimum of 28 days public exhibition is considered suitable. The proposed consultation strategy in conjunction with the public exhibition for this proposal will comprise:

- Notification in a locally circulating newspaper.
- Notification on Council's website.
- Written notification to affected and adjoining landowners.

Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays. It is assumed that Council will have delegation to carry out certain plan-making functions. Delegation will be exercised by Council's General Manager or the Director of Development and Environmental Services.

	2015												2016					
Anticipated dates	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
Commencement (date of Gateway determination)																		
Timeframe for the completion of required technical information																		
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)																		
Commencement and completion dates for public exhibition period																		
Timeframe for consideration of submissions																		
Timeframe for the consideration of a proposal post exhibition																		
Date of submission to the department to finalise the LEP																		
Date Council will make the plan (if delegated)																		
Date Council will forward to the department for notification.																		

Appendix A – Gateway Determination

A copy of the Gateway Determination for this Planning Proposal will be included in this Appendix after it is issued.

The Determination will identify processing requirements, such as:

- community consultation, or
- possible changes to this proposal.

At the time of preparation of this version of the planning proposal there has been no Gateway Determination.

Appendix B – List of proposed amendments

Changes to Map Sheets

The following map sheets are proposed to be replaced:

Map sheets	Map sheet identifier
Land Zoning Map LZN_013FA	6380_COM_LZN_013FA_010_20120814
Floor Space Ratio Map LZN_013FA	6380_COM_FSR_013FA_010_20130905
Height of Buildings Map HOB_013FA	6380_COM_HOB_013FA_010_20130920

Note: This list of current maps may need to be updated for the other amendments finalised prior to this amendment.

Appendix C – Site Identification Map

Draft maps will be prepared for public exhibition. Prior to this time, refer to Part 4 - Mapping in this report for a description of proposed map changes.

Appendix D – Map Cover Sheet

The Map Cover Sheet is a part of the submission of the draft LEP for formal approval by the Minister for Planning and Infrastructure or delegate.

It will not be prepared until that stage.

Appendix E – Draft maps

Draft maps will be prepared for public exhibition. Prior to this time, refer to Part 4 - Mapping in this report for a description of proposed map changes.