

Rezone and Reclassify Land in Greenmeadows Drive, Port Macquarie

Proposal Title :	Rezone and Reclassify Land in Greenmeadows Drive, Port Macquarie		
Proposal Summary :	The proposal seeks to rezone and reclassify Lot 139, DP 815514, Greenmeadows Drive, Port Macquarie, as follows: - rezone the land from RU1 Primary Production to Part R1 General Residential and Part E2 Environmental Conservation; - amend the current 40ha minimum lot size to 450m2 for the proposed R1 General Residential area and 1.2ha for the proposed E2 Environmental Conservation area; - apply a maximum building height of 8.5m to the proposed R1 General Residential area; - apply a maximum floor space ratio of 0.65:1 to the proposed R1 General Residential area; and - reclassify the proposed E2 Environmental Conservation area from operational to community land.		
PP Number :	PP_2015_PORTM_004_00	Dop File No :	15/17823

Proposal Details

Date Planning Proposal Received :	16-Dec-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 :	Spot Rezoning		

Location Details

Street :	Greenmeadows Drive		
Suburb :	City :	Port Macquarie	Postcode : 2444
Land Parcel :	Lot 139 DP 815514		

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 :	Sandra Bush
Contact Number :	0265818025
Contact Email :	sandra.bush@pmhc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Rezoning and Reclassify Land in Greenmeadows Drive, Port Macquarie

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	1.50	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	25
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives adequately describes the intention of the Planning Proposal in relation to proposed changes to land in Greenmeadows Drive, Port Macquarie.**

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

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

Comment : **The explanation of provisions adequately addresses the intended changes to Port Macquarie-Hastings LEP 2011 in relation to the subject land in Greenmeadows Drive, Port Macquarie.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **1.2 Rural Zones**

* May need the Director General's agreement **1.5 Rural Lands**

Rezoning and Reclassify Land in Greenmeadows Drive, Port Macquarie

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Port Macquarie Urban Growth Management Strategy 2011-2031

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Consistency with the Mid North Regional Strategy, the Port Macquarie Urban Growth Management Strategy 2011-2031 and relevant s117 Directions is discussed in detail 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 land and the proposed changes. These are considered adequate for public exhibition purposes.

It is noted that the proposed reclassification involves a part lot. The planning proposal should therefore be amended to include a Land Reclassification (Part Lots) Map showing the land proposed to be reclassified to community prior to exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The RPA has identified a 28 day community consultation period for the proposal. As the proposal includes a reclassification of Council owned land, this is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:
1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;

Rezone and Reclassify Land in Greenmeadows Drive, Port Macquarie

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 only matters of local significance, 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 July 2016. To ensure an adequate period to finalise this matter, a 9 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 proposal is not the result of any strategic study or report.

It is understood that the proposal has resulted from a Council review of its property holdings that identified the undeveloped rural zoned land as surplus to Council needs.

The eastern half of the site is predominantly cleared while a significant stand of native vegetation is located on the western half of the land. A major stormwater channel is also located along the southern boundary of the site.

Council's review of the site has identified that the eastern half of the site is suitable for rezoning for residential purposes. The western vegetated half of the site is proposed to be retained in Council ownership, reclassified to community land and zoned E2 Environmental Conservation to better reflect its nature and characteristics. Council has also identified the need to widen the current 2m stormwater easement along the southern boundary to 15m to ensure all future overland drainage flows can be adequately contained within the easement. A R1 General Residential Zone, a maximum building height of 8.5m, and a maximum floor space ratio of 0.65:1, consistent with the adjoining land to the south and east is proposed.

The Planning Proposal is needed to make the necessary changes to Port Macquarie-Hastings LEP 2011 to facilitate the intended outcomes.

Consistency with strategic planning framework :

The proposal is located outside the growth area boundaries identified in the Mid North Coast Regional Strategy. The land is also not identified as a release area within the Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031 approved by the Director General in May 2011.

Council has identified the proposal to be a minor 'infill' development that can be considered consistent with the provisions of its approved Urban Growth Management Strategy. The Mid North Coast Regional Strategy also permits 'reasonable adjustments' to the identified urban growth boundaries through a rezoning process. As the proposal involves only a minor variation to the growth area boundary (which directly adjoins the site to the north, south and east) to include an additional 1.5ha of land, and the land can utilise the existing infrastructure within the area and no adverse environmental impact has been identified, the proposal is considered to be consistent with the Mid North Coast Regional Strategy.

The proposal is considered to be consistent with all relevant SEPPS and s117 Directions except in relation to the following:

1.2 Rural Zones

The proposal is inconsistent with this Direction as it seeks to rezone land from RU1 Primary Production to R1 General Residential. This inconsistency is considered to be of minor significance due to the small area of land involved (1.5ha) and as the land is not currently or likely to be used in the future for agricultural purposes due to the adjoining residential and environmental areas and its isolation from other farmland.

1.5 Rural Lands

The proposal is inconsistent with the Direction as it unable to satisfy all the principles contained with the SEPP (Rural Lands). This inconsistency is considered to be of minor significance due to:

- the small area of land involved (1.5ha);
- as the land is not currently or likely to be used in the future for agricultural purposes due to the adjoining residential and environmental areas;
- its isolation from other farmland; and
- its consistency with some of the SEPP principles such as the provision of appropriate opportunities for housing and settlement.

4.1 Acid Sulfate Soils

The proposal is inconsistent with this Direction of the site contains Class 3 acid sulfate soils and an acid sulfate soils study as not yet been prepared. This inconsistency is considered to be of minor significance as this matter can be adequately addressed at development application stage and as Port Macquarie-Hastings LEP 2011 already contains appropriate provisions requiring the consideration of acid sulfate soils at the development stage.

4.3 Flood Prone Land

The proposal is inconsistent with this Direction as it seeks to rezone land within the flood planning area from RU1 Primary Production to R1 General Residential. This inconsistency is considered to be of minor significance as:

- Council has identified the site as 'flood fringe' with only a low to medium hazard category and that development of the land can be undertaken in accordance with council's adopted flood policy;
- the area of the site being rezoned to R1 General Residential will require only minimal filling to enable development to occur above Council's adopted flood planning level (which is the 1%AEP event plus 900mm freeboard. It is noted that this flood planning level is 400mm higher than the 500mm freeboard recommended in the Floodplain Development Manual and adopted by most councils). Council has estimated that the filling will range from nil at the Greenmeadows Drive road frontage to only 400mm maximum at the rear of the proposed R1 General Residential zone; and
- local overland flooding (stormwater) can be adequately addressed at the development application stage within the 15m easement being provided along the southern boundary. It is also recommended that Council consult with OEH in regard to this matter to confirm the suitability of the site for rezoning and development.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social
economic impacts :

The site is affected by acid sulfate soils and is identified as being flood prone and bushfire prone (as discussed above). A preliminary contamination report has been completed confirming that the site is suitable for rezoning as no indication of potential contamination has been identified.

The eastern half of the site is predominantly cleared while a significant stand of native vegetation is located on the western half of the land. A major stormwater channel is located along the southern boundary of the site. The Lake Innes Nature Reserve and a SEPP 14 wetland adjoin the site along on its western boundary. The SEPP 14 wetland slightly encroaches into the subject land on the north west corner of the site and will be contained fully with suitable buffers within the area to be zoned E2 Environmental Conservation.

Council proposes to rezone the western half of the site to E2 Environmental Conservation to reflect its existing nature. This zoning would be consistent with other similar lands in the locality adjoining the Lakes Innes Reserve. The western half of the site will also be used as an offset area should it be needed in relation to the clearing of any trees on the eastern portion of the site being rezoned to R1 General Residential.

The scattered vegetation on the eastern portion of the site has not been identified as containing any endangered ecological communities or koala habitat. It is also not considered to constitute any strategic link to significant vegetation. No adverse impact environmental impact has therefore been identified subject to consultation with the Office of Environment and Heritage.

No adverse social or economic impacts have been identified as likely to result from the proposal.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
-----------------	----------------	---------------------------------	----------------

Timeframe to make LEP :	9 months	Delegation :	RPA
-------------------------	-----------------	--------------	------------

Public Authority Consultation - s56(2)(d) :	NSW Aboriginal Land Council Office of Environment and Heritage NSW Rural Fire Service
---	--

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

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

If no, provide reasons : **Due to the nature of the proposal it is recommended that the following agencies / groups be consulted:**
- Office of Environment and Heritage;
- NSW Rural Fire Service; and
- NSW Aboriginal Land Council.

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

If Yes, reasons :

Rezoned and Reclassify Land in Greenmeadows Drive, Port Macquarie

Identify any additional studies, if required. :

If Other, provide reasons :

No further studies are currently considered necessary subject to review of the proposal by the Office of Environment and Heritage, NSW Rural Fire Service and NSW Aboriginal Land Council.

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
Council Letter Requesting a Gateway Determination.pdf	Proposal Covering Letter	Yes
Council report and resolution.pdf	Proposal	Yes
Planning Proposal - Greenmeadows Drive .pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported;**
- 2. Consultation with the Office of Environment and Heritage, NSW Rural Fire Service and NSW Aboriginal Land Council be undertaken;**
- 4. The Planning Proposal be exhibited for 28 days;**
- 5. The Planning Proposal be completed within 9 months;**
- 6. That the Secretary's delegate determine that the inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulfate Soils, and 4.3 Flood Prone Land are justified as the matters are of minor significance;**
- 7. The Secretary's delegate note the outstanding inconsistency of the proposal with s117 Direction 4.4 Planning for Bushfire Protection;**
- 8. Prior to public exhibition, the planning proposal shall be amended to include a Land Reclassification (Part Lots) Map showing the land proposed to be reclassified to community; and**
- 9. That a written authorisation to exercise plan making delegations be issued to Council.**

Supporting Reasons : **The proposal is supported as it rezones and reclassifies land in accordance with its site characteristics and consistent with the adjoining land uses.**

Rezone and Reclassify Land in Greenmeadows Drive, Port Macquarie

Signature:



Printed Name:

Craig Diss

Date:

18/12/15