

Planning and Providing Our Infrastructure

Item: 13.08

Subject: PLANNING PROPOSAL FOR COUNCIL LAND - GREENMEADOWS DRIVE, PORT MACQUARIE

Presented by: Development & Environment Services, Matt Rogers

Alignment with Delivery Program

5.4.3 Review the planning framework for decisions regarding land use and development.

RECOMMENDATION

That Council:

- 1. Prepare a planning proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 for a proposed rezoning of Council land, Lot 139 DP 815514, Greenmeadows Drive, Port Macquarie for partly residential and partly environmental protection purposes including reclassification of the proposed environmental lands from 'operational' to 'community' land as described in this report.**
- 2. Forward the planning proposal to the NSW Department of Planning and Environment requesting a gateway determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.**
- 3. Undertake community consultation in accordance with the gateway determination.**

Executive Summary

The purpose of this report is to consider a planning proposal for a proposed rezoning of Council land for partly residential and partly environmental protection purposes and reclassification of the proposed environmental area from 'operational land' to 'community land'.

The 2.8 hectare site is vacant land in Greenmeadows Drive located opposite and adjoining developed and developing residential areas. The rear of the site, which is heavily timbered, is not proposed to be developed for residential purposes.

It is recommended that Council proceed with a planning proposal as described in this report and seek a gateway determination from the NSW Department of Planning and Environment pursuant to section 56 of the *Environmental Planning and Assessment Act 1979*.

Discussion

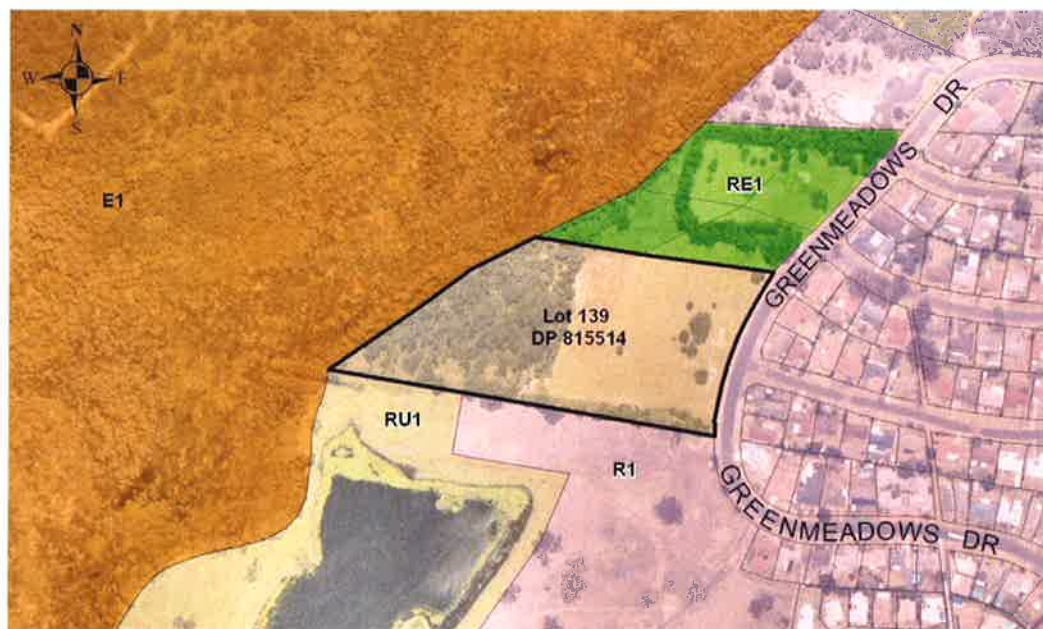
The Proposal

The proposal involves an amendment to the *Port Macquarie-Hastings Local Environmental Plan (PMHLEP) 2011* to rezone Lot 139 DP 815514, Greenmeadows Drive, Port Macquarie (the site) from RU1 Primary Production to R1 General

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Residential, consistent with surrounding residential development. Bushland at the rear of the site is proposed to be rezoned to E2 Environmental Conservation and reclassified from 'operational land' to 'community land'.

The site adjoins vacant zoned residential and rural land to the south, Greenmeadows Park to the north, Lake Innes Nature Reserve to the west and residential housing to the east. The map extract below shows the site and location of existing zoned residential land and dwellings in the surrounding locality.



Assessment

A draft planning proposal has been prepared by Council's strategic landuse planners in with regarding a minor residential infill proposal with input from Council's Property Section staff.

Given that the proposal relates to Council land, additional details regarding Council's financial interests in the site will be included as part of any community engagement in relation to the planning proposal. This approach is consistent with best practice as specified in the Department of Planning and Environment's practice note (PN 09-003).

In preparing a draft planning proposal for the site (see Attachment 1), key considerations have included flooding hazard, stormwater drainage, native vegetation and bushfire hazard, as discussed below.

- Flooding hazard

The *Hastings River Flood Management Study (2012)* classifies the site as Flood Fringe. By its nature, flood fringe areas are a low hazard flood category.

Development of the proposed residential area of the site, excluding the open stormwater drain on the southern boundary (as discussed below), is expected to have minimal impact on the floodplain. Therefore, in accordance with Council's

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Interim Flood Policy, a flood study focusing on riverine flooding impacts is not required to support the proposal.

As noted below however, local flooding impacts (stormwater) from the open drainage channel on the southern site boundary is a key concern and any proposal to fill and pipe this channel will require an assessment of the stormwater characteristics of the locality at a future development application stage.

- Stormwater drainage

The site is affected by an open stormwater channel which is recognised as a major drainage path and subject to localised flooding. The proponent has advised that it is intended to pipe stormwater and provide a road over the drain to increase the development potential of the land.

Council's stormwater engineer has advised that for future residential use, the pipe would need a 1:5 year storm capacity and road over the drain would require a 1:100 year capacity for overland flow. Modelling of the drainage channel is able to occur at a future development application stage.

The deposited plan for the site currently shows a 2m wide easement for stormwater drainage along the full length of the southern boundary. The existing drainage channel however, is approximately 15m wide (max) and diverts across the front of the bushland at the western end of the site before draining into the adjoining Kooloonbung Creek.

If the drainage channel is rezoned to residential with the existing 2m wide easement, the risk to Council is that it may be required to acquire a drainage reserve from a future purchaser/developer. This situation can be avoided by widening the easement to cover the full width of the drainage channel as part of the planning proposal, with any reduction able to be considered at DA stage at the time of piping the drain.

Council's Property Section has agreed to engage a surveyor to amend the width of the easement to 15m along the southern boundary up to the point where it enters the proposed environmental lands. This easement is to be made in favour of Council as the drainage authority and will need to be in place prior to rezoning the land. As the remainder of the channel traverses the proposed environmental lands which is to be retained in public ownership, extension of the easement over this area is not necessary.

- Native vegetation

The subject site is generally cleared of timber with a small number of individual eucalypt trees scattered towards the front of the site and more dense forest located to the west. The remnant eucalypt trees in the cleared area are not Koala habitat and do not contain hollows.

The drainage line is identifiable by a line of remnant vegetation of Broad-leaved Paperbark - Mixed Eucalypt Swamp Forest Complex. This vegetation does not provide any strategic links on a local or regional scale given that the site itself is largely cleared as is land to the south.

Future clearing of the eucalypts in the cleared area of the site and drainage channel will need to be provided as environmental offset on the proposed 'community land'.

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As noted in the planning proposal, this has been agreed by the Property Section upfront so that clearing is able to occur at the time of developing the land.

A monetary contribution will be required for the establishment of the proposed environmental lands (which will involve bush regeneration) and on-going management to cover a 20-year maintenance period. As Council is unable to enter into a Planning Agreement with itself, the Property Section has offered to pay for the establishment and maintenance of the 'community lands' for a 20 year period from the proceeds of future sale. Based on this arrangement, it is recommended that Council proceed with the planning proposal subject to satisfactory arrangements for funding via a resolution of Council prior to rezoning.

Future residential development adjacent to the remnant bush has the potential for edge effects to adversely affect the bushland. These impacts can be mitigated with the provision of a perimeter road to the edge of the remnant vegetation as per the requirements of *Port Macquarie-Hastings Development Control Plan 2013*.

- Bushfire hazard

The site is mapped as subject to bushfire due to the hazard to future residential from the bushland at the rear of the site.

A road will be required along the eastern edge of the remnant vegetation, as part of future development, to manage bushfire hazard and edge effects. Council's bushfire management officer has advised that an Asset Protection Zone (APZ) of 33m is likely to be required to future dwellings, which could include road reserve.

In addition, the potential for APZ clearing to encroach into the bushland at the rear of the site as a result of the 10/50 vegetation clearing code, will be avoided through reclassification of this area of the site from 'operational land' to 'community land'.

The aim is to avoid any responsibility to manage APZs for private development on adjoining Council land.

Outstanding information - potential for site contamination

When considering a planning proposal for a rural to residential rezoning, Council must be satisfied that there is no contamination of the site that poses any risk to future residents. If a preliminary site investigation indicates such a risk may be present, a detailed site contamination investigation and remediation plan is required to support a proposal.

Council's Property Section has advised that a preliminary site investigation is currently being prepared and is expected to be completed by the end of March 2015. This information will be required before the planning proposal can progress to public exhibition.

Options

Council's options are:

1. To resolve to prepare a planning proposal based on the information contained in this report and to send it to the NSW Department of Planning and Environment for a gateway determination. Unresolved matters, as discussed

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in this report, are assumed to be capable of being satisfactorily addressed through the lodgement of additional information.

2. To resolve to prepare planning proposal differently to that described in this report and send it to the NSW Department of Planning and Environment for a gateway determination.
3. To resolve not to support the preparation of a planning proposal for the site.

Option 1 is the preferred option.

Community Engagement & Internal Consultation

Should the proposal be supported, the Department of Planning and Environment's (DP&E's) Gateway determination will specify consultation requirements.

It is proposed to undertake community consultation for 28 days including notification in a local newspaper, to adjoining landowners and on Council's website for the duration. In addition, the exhibition material will be available at the Port Macquarie Administration building.

To assist the community in understanding Council's financial interests in the proposal, certain requirements are summarised in a DP&E Local Environmental Plan practice note (PM 09-003). A copy of Council's response to these requirements, together with a copy of the practice note is required to be part of the material displayed during public exhibition of the planning proposal.

Consultation with State agencies is likely to be required with the NSW Office of Environment and Heritage, NSW Rural Fire Service and Birpai Aboriginal Land Council.

In preparing the planning proposal to date, internal consultation has occurred with staff of Council's flooding, transport & stormwater, bushfire, environment, contributions, parks, water and sewer sections.

Planning & Policy Implications

The site was considered and prioritised with other site specific proposals in a report to Council dated 20 August 2014.

The proposal is considered to be consistent with the Port Macquarie-Hastings Urban Growth Management Strategy as an infill proposal representing a minor amendment to the R1 General Residential zone in this location of the LGA.

Reclassification of the proposed environmental lands from 'operational land' to 'community land' will require that a Plan of Management be prepared for this area of the site upon reclassification.

As discussed in this report, subject to the provision of additional information by Council's Property Section to satisfactorily address the potential for site contamination, it is considered that the proposal will not have any adverse planning and policy impact.

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Financial & Economic Implications

Preparation of the planning proposal is being funded by Council's Property Section in accordance with Council's Schedule of Fees and Charges for amendments to the *Port Macquarie-Hastings Local Environmental Plan 2011*.

As noted in the 'Discussion' section of this report, the Property Section has offered that costs associated with the establishment and ongoing management of the proposed environmental lands be funded through the future sale of the proposed residential lands. In this regard, a resolution of Council will be required prior to rezoning.

Attachments

1 [View](#). Planning Proposal

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- should be permitted to the west of the Pacific Highway with such consideration/investigations to include the potential urban capability/serviceability/capacity of lands between Oxley Highway to the north, Pacific Highway to the west and Houston Mitchell Drive to the south in reaching any conclusion or conclusions; and
- b) as to the viability of rural residential development in the Greater Sancroix area.
3. Request the General Manager report to a Council Meeting promptly after the aforesaid review is completed and endorsed/adopted by Council with respect to the Greater Sancroix Area focusing on the implications of the review on that Area.
4. Defer this matter until after consideration of the report dealt with in 3 above.

CARRIED: 6/2

FOR: Besseling, Cusato, Hawkins, Intemann, Levido and Turner

AGAINST: Roberts and Sargeant

Councillor Griffiths returned to the meeting, the time being 7:31pm.

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Mr Tony Thorne, of King and Campbell Pty Ltd, and representing J Newton Construction Pty Ltd, addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Turner

That Council:

1. Prepare a planning proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 for a proposed rezoning of Council land, Lot 139 DP 815514, Greenmeadows Drive, Port Macquarie for partly residential and partly environmental protection purposes including reclassification of the proposed environmental lands from 'operational' to 'community' land as described in this report.
2. Request the General Manager finalise proposed zone boundaries following consultation with the adjoining land owners to the south and then forward the planning proposal to the NSW Department of Planning and Environment requesting a gateway determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.
3. Undertake community consultation in accordance with the gateway determination.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil