

{FUTURE} PUBLIC EXHIBITION DATES

{Start} to {Finish}

Planning Proposal under section 55 of the EP&A Act

Port Macquarie-Hastings LEP 2011 (Amendment No 25)

Rezone Major Innes Rd, Port Macquarie (Lots 6-8 and St Columba Anglican School)

Ccl ref: PP2011.14.1

DPI ref: PP_2011_PORTM_*

Date: 4/03/2013



**PORT MACQUARIE
HASTINGS**

Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Reported to Council (section 55)	20/02/2013
Adopted by Council & referred to Dept of Planning (sec 56 (1))	4/03/2013
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: PP2011.14.1
Port Macquarie-Hastings LEP 2011 (Amendment No 25)

**Department of Planning & *
Infrastructure reference:**

Council Address	Contact Officer
Port Macquarie-Hastings Council PO Box 84 PORT MACQUARIE NSW 2444	S J Nicholson Senior Strategic Planner Email stephen.nicholson@pmhc.nsw.gov.au Phone 6581 8529

Adoption of the Planning Proposal

1. For initial Gateway determination

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

Signed _____

Name _____

Position _____

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 _____

Exhibition information *{To be completed prior to Exhibition}*

Content

Proposed amendments to Local Environmental Plans are exhibited in a descriptive form within a "Planning Proposal".

The affected land is shown on the Site Identification Map sheet contained in **Appendix B**, following page 17.

Details of the amendments contained in this **Planning Proposal PP2011-0014** are contained in *Part 2 Explanation of Provisions* (page 7) - no changes to the LEP text, but some amendments to LEP maps. Further details of the map changes are contained in *Part 4 Mapping*, with the legal details in *Appendices C and D* - the Map Cover Sheet and the proposed replacement LEP Map sheets respectively.

The "Gateway Determination" from the NSW Department of Planning and Infrastructure, relating to this Planning Proposal, is in **Appendix A**.

Exhibition

The exhibition period is from {date} to {date}, with the Planning Proposal available for inspection by any person at Council's offices at Port Macquarie, Laurieton and Wauchope.

Submissions

Any person may make a written submission to Council up until the end of the exhibition period.

The submission should quote Council's reference - **PP2011.14.1**, and be emailed to

council@pmhc.nsw.gov.au

or posted to

The General Manager,
Port Macquarie-Hastings Council,
PO Box 84,
PORT MACQUARIE NSW 2444.

Note that any submission may be made public.

Section 147 (5) of the *Environmental Planning and Assessment Act 1979* states in part:

"A person who makes a relevant public submission to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council,
- (b) all gifts made to any local councillor or employee of that council."

If further information or forms are required, ask Council's Customer Service staff.

Further information

Please contact Stephen Nicholson on phone 6581 8529.

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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 (depending on the Gateway determination) used for public participation on the proposed LEP amendment.

Background

Proposal	The 3 northern lots have been identified for urban land release in the <i>Mid North Coast Regional Strategy 2006-31</i> and urban investigation in Council's Urban Growth Management Strategy 2011-2031. The 2 southern lots are used by a private school and associated pre-school. The proposal seeks to replace the current RU1 Primary Production zone with appropriate residential zones, subject to application of Zones E2 Environmental Conservation and E3 Environmental Management for land which is subject to flooding, acid sulfate soils, significant vegetation or inadequate buffers.
Property Details	Lots 6- 8 DP 1094444, Major Innes Road, and Lots 102- 102 DP 1134660, Iona Avenue, Port Macquarie. Plus a Crown road adjoining to the north, and parts of Major Innes Road, Iona Avenue and Kyla Crescent adjoining to the west and south.
Applicant Details	All About Planning
Land owner	Port Macquarie-Hastings Council, C J Scaysbrook, Innes Downs Pty Ltd, Corporate Trustees of Diocese of Grafton, and St Columba Anglican School Council.
Brief history	The northern lots have not been included in past urban land releases due to: • an active waste disposal facility - now a waste or resource transfer station, • some constraints affecting the lower eastern portions of the lots, and • uncertainty for a time whether the land may be affected by the corridor for a proposed road link across Kooloonbung Creek. St Columba Anglican School and the associated Columba Cottage Pre-School were approved and built under old planning controls that permitted schools on land zoned rural. Further development of the school is no longer possible under the current RU1 Primary Production zone, even under the Infrastructure SEPP.
Location	The subject land is located within the south-western part of Port Macquarie, and is roughly halfway between the central business district (slightly over 5 kilometres) and the Pacific Highway (slightly under 6 kilometres). Westport Primary School and Westport High School are 3.5

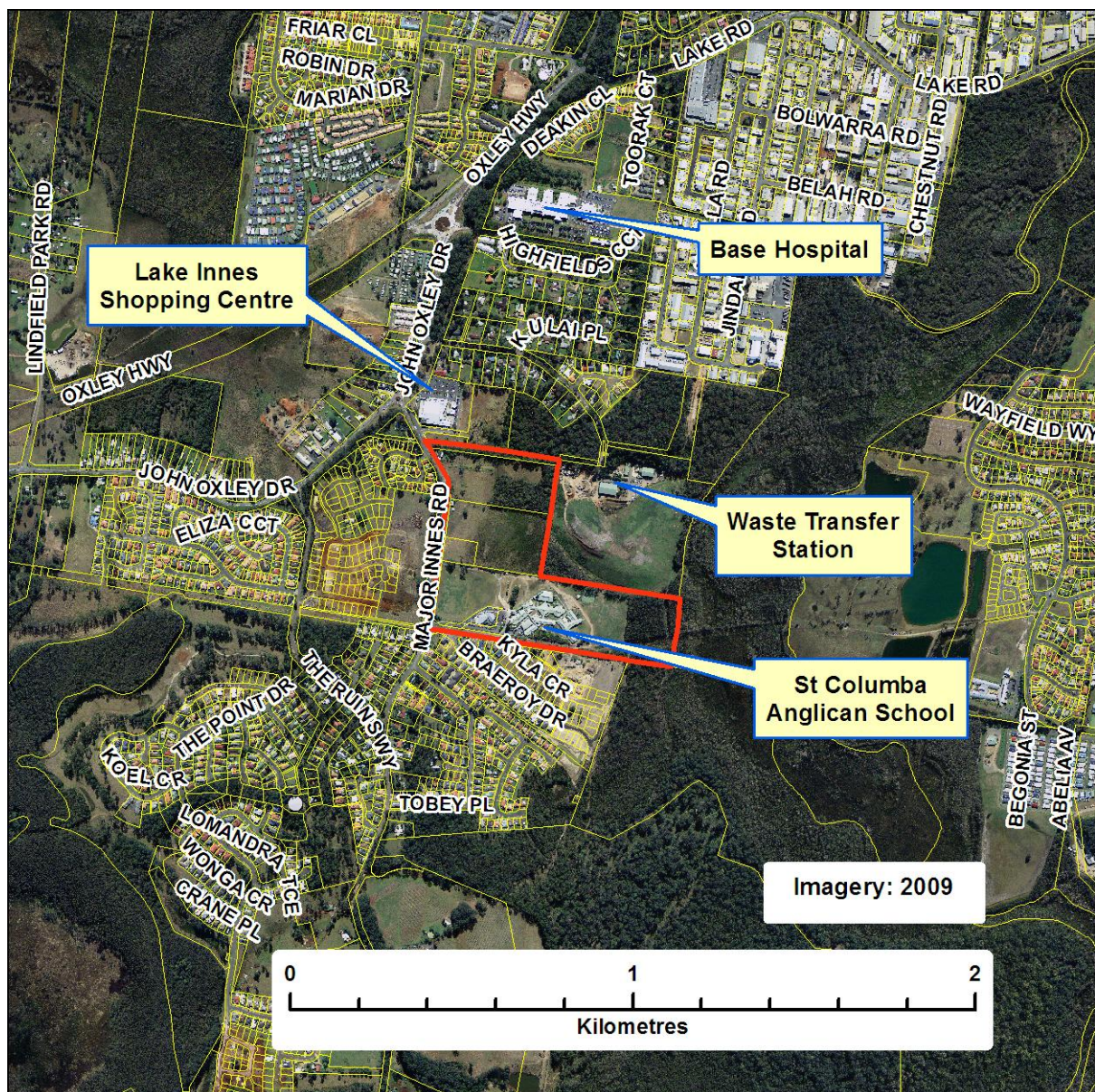
kilometres and 4 kilometres respectively to the north.

The land fronts Major Innes Road, one of two collector roads to the Lake Innes peninsula neighbourhood. Major Innes Road connects with John Oxley Drive - a sub-arterial road that until early 2012 was the Oxley Highway.

Immediately to the north is the Lake Innes Shopping Centre, with Coles as the anchor tenant, and land purchased by Charles Sturt University for a local campus. Port Macquarie Base Hospital is located 1 kilometre to the north.

Adjoining to the north and east is Council's waste transfer station, on a site previously used for waste disposal.

The southern part of the site contains St Columba Anglican School, catering for Kindergarten to Year 12, and the associated Columba Cottage Pre-school.



Part 1 - Objectives or Intended Outcomes

The intended outcomes are:

- to enable residential or compatible development upon the 3 northern lots, and
- to enable ongoing development of the private school and pre-school under residential planning controls rather than rural controls,
- to enable relocation of the Council's drainage reserve (currently within Lot 6) to facilitate optimal development layout,
- to limit or prevent urban development upon constrained land within the subject land,
- to avoid residual rural or other incompatible mapping features upon adjoining roads, and
- to remove a superseded designation of land on the Land Reservation Acquisition Map.

While the relocation of the stormwater detention basin to an alternate site will require a land swap involving a drainage reserve owned by Council, there will not be any need for reclassification of public land under the Local Government Act 1993.

Part 2 - Explanation of Provisions

The intended outcome can be achieved by amendments to the LEP maps as described in Part 4 - Maps. The changes to the Map Index will affect:

- Land Zoning Map sheet LZN_013D,
- Lot Size Map sheet LSZ_013D,
- Floor Space Ratio Map sheet FSR_013D,
- Height of Buildings Map sheet HOB_013D, and
- Land Reservation Acquisition Map sheet LRA_013D.

No amendments to the LEP text are required.

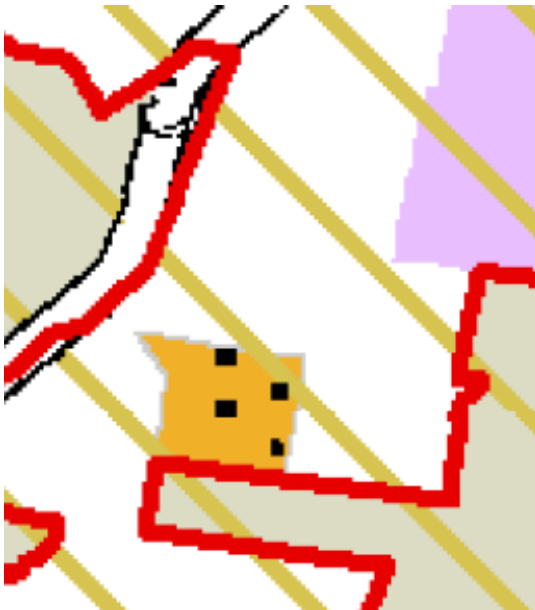
Part 3 – Justification

A - Need for the planning proposal.

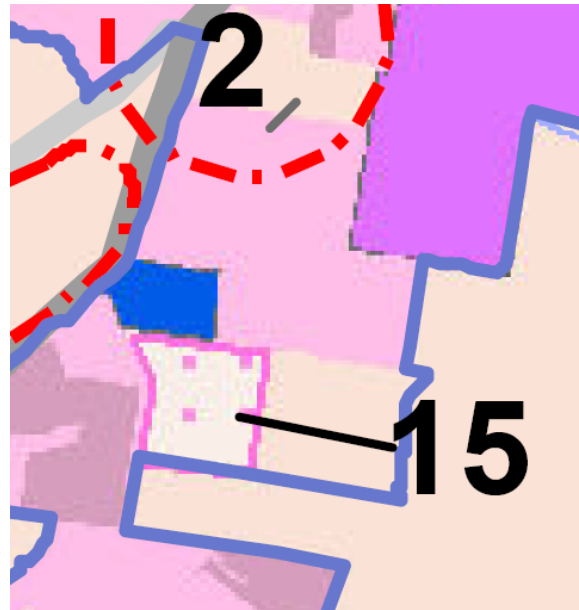
1. Is the planning proposal a result of any strategic study or report?

The *Mid North Coast Regional Strategy 2006-31* identifies the 3 northern lots as “Proposed Future Urban Release Area” with “Indicative areas of high level constraints”.

Extract from:
Mid North Coast Regional Strategy 2006-31



Extract from:
Urban Growth Management Strategy 2011-2031



Council's *Urban Growth Management Strategy 2010 – 2031* identifies the 3 northern lots as an “Urban Investigation” area. Within the Implementation Summary Table of the Strategy, this land is listed under Implementation Action No 41 - “Continue planning of infill areas for residential development”.

The proposed changes for St Columba Anglican School are not related to any strategy, but are appropriate as further development of the school is prohibited under current planning controls.

The proposed changes for adjoining roads are unrelated to any strategy, but seek to avoid rural residues within urban areas and avoid slivers of inconsistent mapping features.

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

This planning proposal is the best means of achieving 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?

Yes - as discussed in Item 1 above, the rezoning for residential development is identified in the *Mid North Coast Regional Strategy*.

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

Yes - as discussed in Item 1 above, the rezoning for residential development is identified in Council's *Urban Growth Management Strategy 2010 – 2031*.

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

The Planning Proposal includes R1 General Residential and R3 Medium Density Residential zones, with proposed maximum heights of 11.5 m and 14.5 m. Clause 28 of SEPP No 65 - *Design Quality of Residential Flat Development* states that the proposed LEP “should include provisions in the instrument ... to ensure the achievement of design quality in accordance with the design quality principles and have regard to the publication *Residential Flat Design Code* (a publication of the Department of Planning, September 2002)”.

Provisions to achieve design quality are contained in that SEPP, and Council’s Development Control Plan 2011. It is considered that it is unnecessary to seek to include additional provisions in the proposed LEP.

The Planning Proposal is consistent with SEPP No 65, and with other SEPPs that may apply.

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

The relevant section 117 directions (as at February 2011) are listed below, with their objectives and commentary in relation to this Planning Proposal.

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 R3 Medium Density Residential zone, together with the proposed maximum Floor Space Ratio of 1.5:1, and the proposed maximum building height of 14.5 m, facilitate a range of densities in proximity to a shopping centre, proposed university campus and private school catering for Kindergarten to Year 12.

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 proposed density controls facilitate better utilisation of land situated near a shopping centre, proposed university campus and school, in conjunction with associated bus services.

4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

The parts of the site affected by Class 2 Acid Sulfate Soils will not have any urban development upon them. A stormwater detention basin will probably be located over some of this land, but to be effective will not require any excavation.

4.3 Flood Prone Land

The objectives of this direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Parts of the site are affected by the Flood Planning Area and the probable maximum flood extent as mapped in LEP 2011.

In line with Council's *Interim Flood Policy* (adopted 24 March 2010), residential development land is to be located above the revised 100 year flood level for 2100, plus a further freeboard allowance of 500 mm for the floor level of dwellings. Based on the adopted *Hastings River Floodplain Risk Management Study 2012* for this site the 2100 1% AEP is 3.2 m AHD and the Flood Planning Level is 3.7 m AHD. Land proposed to be zoned R1 or R3 is all above the 3.5 m contour to minimise associated fill requirements.

4.4 Planning for Bushfire Protection

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) to encourage sound management of bush fire prone areas.*

Potential bush fire risk arises from:

- Vegetation on site proposed to be zoned E2 Environmental Conservation, as this coastal swamp forest (*Melaleuca quinquenervia*) is an endangered ecological community.
- Similar vegetation in the eastern portion of the St Columba Anglican School site.
- Similar vegetation located in the south-western corner of Council's waste or resource transfer station adjoining to the northeast.
- Wet sclerophyll forest (*Eucalyptus microcorys*) on undeveloped land to the northeast and zoned R2 Low Density Residential.

Bush fire buffers for the northern area proposed to be zoned R3 is expected to be provided by an eastern perimeter road.

Bush fire buffers for the St Columba Anglican School are provided within their site.

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.

This Planning Proposal gives effect to the *Mid North Coast Regional Strategy 2006-31* through the proposed R3 zone over parts of the 3 northern lots.

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?

Council has commissioned biodiversity mapping within the Council area, involving classification of vegetation types and identifying endangered ecological communities and rating vegetation in terms of koala habitat. This work has involved extensive field verification. Following is a map of vegetation types within the locality - note that minimum mapping unit is 0.25 hectares.

The area covered by this Planning Proposal includes 2 areas of *Swamp Sclerophyll Forest on Coastal Floodplains* endangered ecological community: coastal swamp forest (*Melaleuca quinquenervia*). Both areas (within Lot 8, and in the eastern portion of St Columba Anglican School) are proposed to be zoned E2 Environmental Conservation.

Some vegetation along the northern boundary has been identified as Secondary (A) Koala Habitat, and all but a small fringe is proposed be zoned E3 Environmental Management.

Given the ownership patterns, site characteristics and proposed zonings, it is unlikely that any development could be approved that ignored protection of these areas.



Vegetation mapping - Endangered Ecological Communities and Koala Habitat

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

There are unlikely to be any other environmental effects, as development will be subject to the appropriate requirements in relation to waste and stormwater management.

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

The proposal will not have any adverse social or economic effects. It is expected that there will be positive effects by the provision of residential accommodation in proximity to the Lake Innes Shopping Centre, proposed university campus and an existing school.

D - State and Commonwealth interests.

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

There is adequate public infrastructure for the planning proposal. Some local augmentation will be associated with consent for any residential subdivision.

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

[Consultation yet to occur]

Part 4 – Mapping

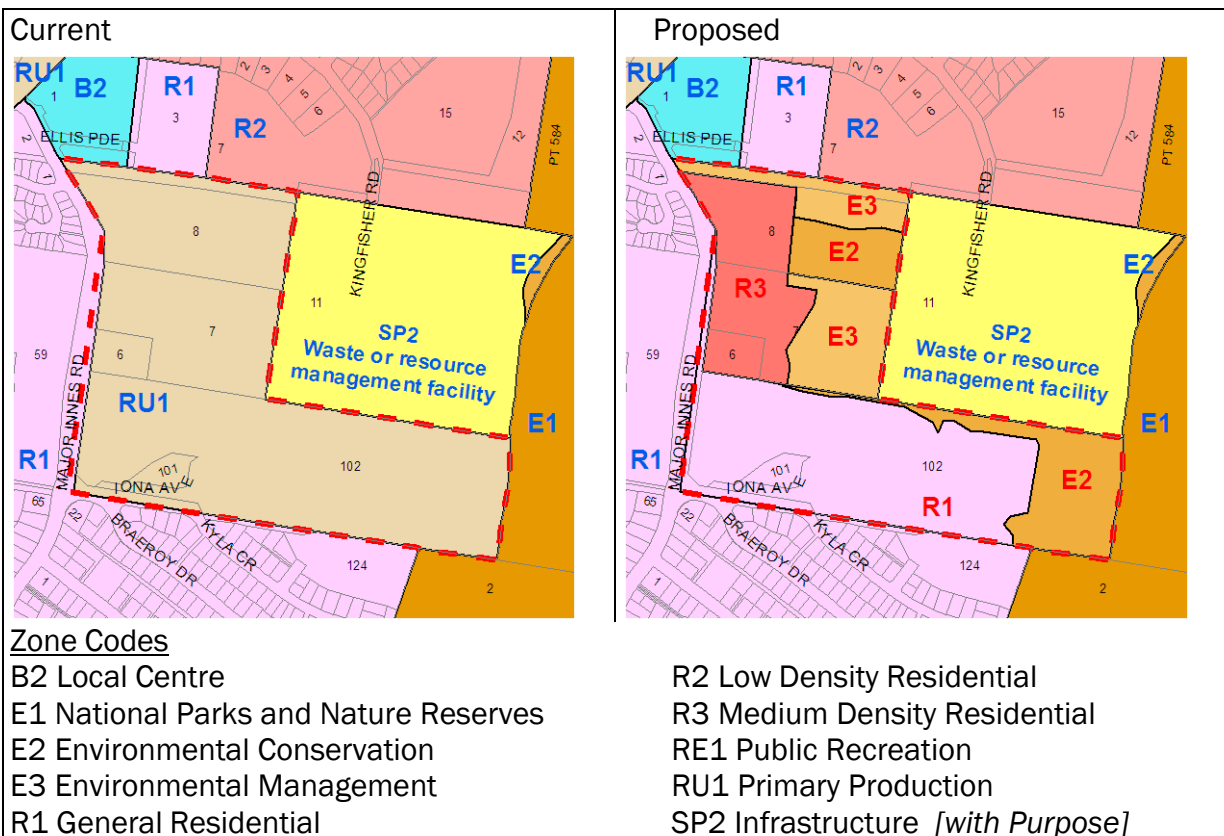
A - Affected land

The land directly affected by the planning proposal is formally shown on the Site Identification Map contained in **Appendix B**.

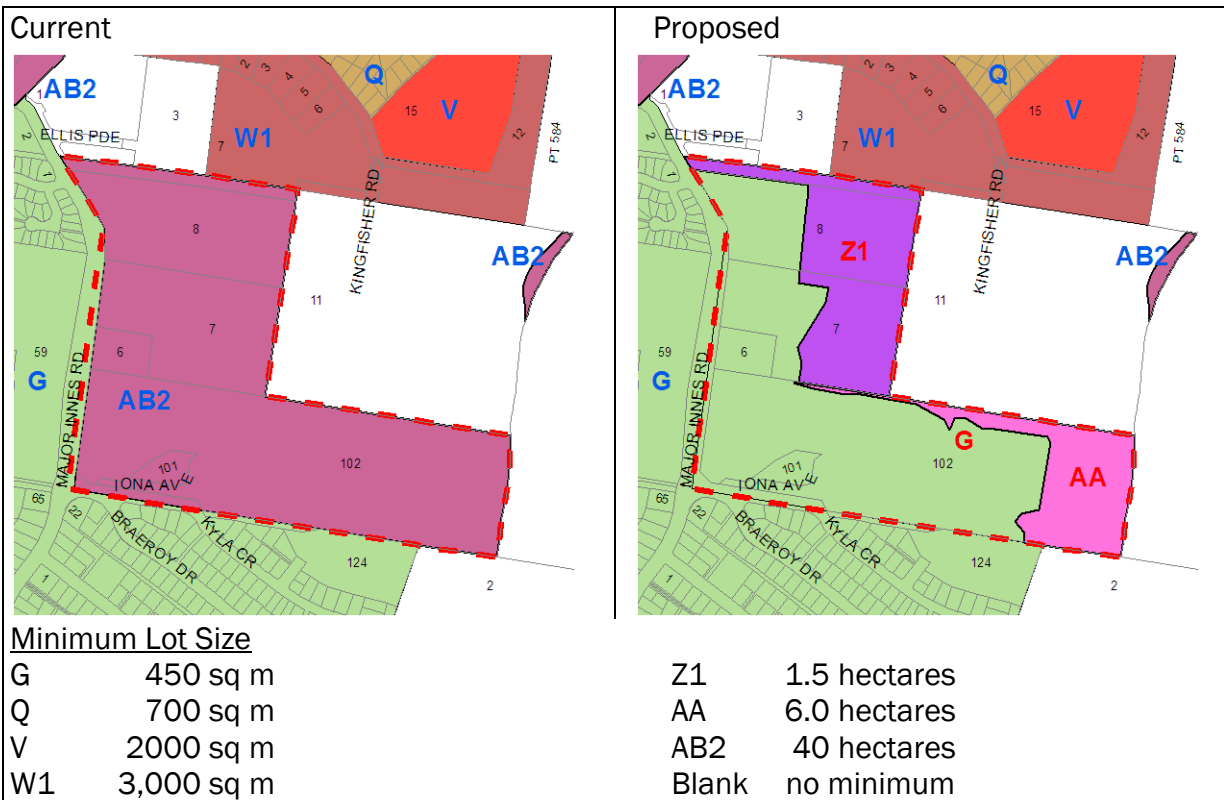
B - Comparison of before and after

Below are map extracts showing the current mapping and proposed changes. This is slightly different from what is shown in the legal maps.

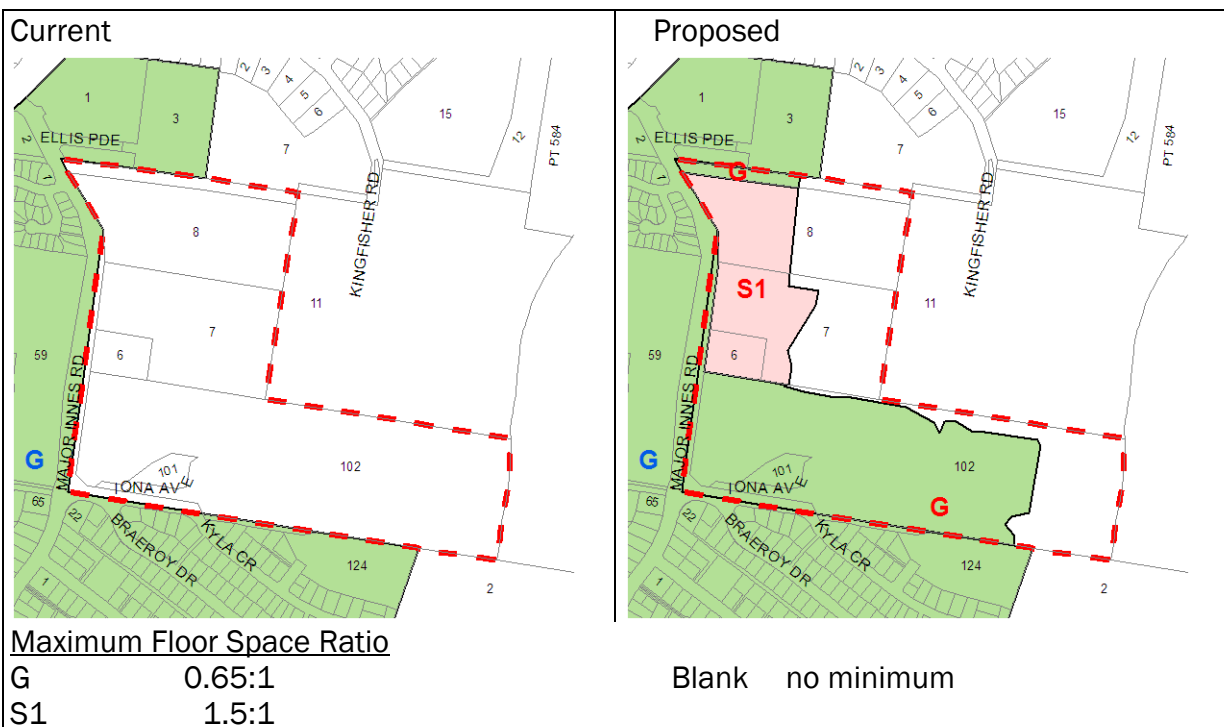
Land Zoning Map



Lot Size Map



Floor Space Ratio Map





4/03/2013

Note that while the maps in the Appendix may appear like the legal LEP maps, the only LEP maps that have any legal status are those listed and viewable on the NSW Legislation website. The map name (at the bottom of the map legend), including the date (“YYYYMMDD”) at the end, is important. The date represents the date that version of the map was prepared, and not the date that it took effect (if at all).

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

The proposal is considered to be a low impact proposal, as it:

- is consistent with the pattern of surrounding land use zones and/or 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.

On this basis a 14 day public exhibition period is appropriate.

Consultation in accordance with the Council’s Public Consultation Policy is proposed for the site. The proposed consultation strategy in conjunction with the public exhibition for this proposal will be:

- 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 does have delegation to carry out certain plan-making functions. Delegation would be exercised by Council’s General Manager or the Director of Development and Environmental Services.

Anticipated dates, 2013	J	F	M	A	M	J	J	A	S	O	N	D
Commencement (date of Gateway determination)			x									
Timeframe for the completion of required technical information				xxxx	xxxx							
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)						xxxx						
Commencement and completion dates for public exhibition period							xx					
Dates for public hearing (if required)												

Anticipated dates, 2013	J	F	M	A	M	J	J	A	S	O	N	D
Timeframe for consideration of submissions								xx				
Timeframe for the consideration of a proposal post exhibition								x				
Date of submission to the department to finalise the LEP												
Date Council will make the plan (if delegated)								x				
Date Council will forward to the department for notification.								x				

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 – Site Identification Maps

Where printed, the Site Identification Map could follow this page.

Where in electronic form, it is likely the page will be a separate document.

Site Identification Map name
6380_LEP2011_AM25_SID_20130301

Appendix C – 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.

Where printed, the Map Cover Sheet could follow this page, just as the draft map sheets to be adopted could follow the introductory page for **Appendix D**.

Where in electronic form, it is likely the Map Cover Sheet will be a separate document.

The final Map Cover Sheet will indicate how the draft LEP will amend the Map Index of LEP 2011, and it is expected to be in the manner as shown below.

The following map sheets are revoked:

Land Zoning Map	
LZN_013D	6380_COM_LZN_013D_020_20110822
LZN_013G	6380_COM_LZN_013G_020_20120821
Lot Size Map	
LSZ_013D	6380_COM_LSZ_013D_020_20110620
LSZ_013G	6380_COM_LSZ_013G_020_20111011
Floor Space Ratio Map	
FSR_013D	6380_COM_LSZ_013D_020_20110517
FSR_013G	6380_COM_FSR_013G_020_20120207
Height of Buildings Map	
HOB_013D	6380_COM_HOB_013D_020_20110610
HOB_013G	6380_COM_HOB_013G_020_20110519
Land Reservation Acquisition Map	
LRA_013D	6380_COM_LRA_013D_020_20110209

Note: The map sheet references reflect the current map sheet identifiers, and may be updated in line with any concurrent LEP amendments.

The following map sheets are adopted:

Land Zoning Map	
LZN_013D	6380_COM_LZN_013D_020_2013*
LZN_013G	6380_COM_LZN_013G_020_2013*
Lot Size Map	
LSZ_013D	6380_COM_LSZ_013D_020_2013*
LSZ_013G	6380_COM_LSZ_013G_020_2013*
Floor Space Ratio Map	
FSR_013D	6380_COM_LSZ_013D_020_2013*
FSR_013G	6380_COM_FSR_013G_020_2013*
Height of Buildings Map	
HOB_013D	6380_COM_HOB_013D_020_2013*
HOB_013G	6380_COM_HOB_013G_020_2013*
Land Reservation Acquisition Map	
LRA_013D	6380_COM_LRA_013D_020_2013*

Note: The map sheet references will be updated to reflect the map sheet identifiers for the latest version of the proposed new map sheets. The identifier ends with a date of production of the map sheet.

Appendix D – Map Sheets to be adopted

Where printed, the relevant Map Sheets submitted for adoption could follow this page.

Where in electronic form, these pages will be separate documents.

The map sheets to be adopted are listed in the Map Cover Sheet (see **Appendix C**).