

Planning Services

Gateway Determination Report

LGA	Port Macquarie-Hastings
RPA	Port Macquarie-Hastings Council
NAME	Rezone land at Pioneer Street, North Haven for residential (6 dwellings) and environmental purposes and apply appropriate development standards
NUMBER	PP_2017_PORTM_004_00
LEP TO BE AMENDED	Port Macquarie-Hastings LEP 2011
ADDRESS	Pioneer Street, North Haven
DESCRIPTION	Lot 14 DP 240042
RECEIVED	08/09/2017
FILE NO.	17/08378
QA NUMBER	qA418634
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to amend the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 by rezoning land at Pioneer Street, North Haven for residential and environmental purposes and applying relevant development standards.

Site Description

The land applies to Lot 14 DP 240042, the north-western end of Pioneer Street, North Haven.

Surrounding Area

The site is zoned RU1 Primary Production and adjoins further rural land to the west, north and the Queens Lake Nature Reserve beyond that. To the south and east the site adjoins existing residential development. This site is situated in the Camden Haven urban area. The site is approximately 25km from Port Macquarie's town centre.

Summary of Recommendation

The proposed rezoning amendment should proceed subject to a number of conditions. The planning proposal is supported as it allows for infill development on land identified in Councils strategic planning framework.

PROPOSAL

Objectives or Intended Outcomes

The statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to enable future residential development (6 dwellings) with appropriate development standards and ensure a suitable zone is applied to the ecological components of the site.

Explanation of Provisions

The explanation of the provisions adequately addresses the intended changes to Port Macquarie-Hastings LEP 2011. The planning proposal seeks to:

- Rezone part of Lot 14 DP 240042 from RU1 Primary Production to partly R1 General Residential and partly E2 Environmental Conservation;
- Amend the lot size map for the proposed R1 zone from 40ha to a 450m² minimum lot size;
- Amend the lot size map for the proposed E2 Environmental Conservation and the retained RU1 Primary Production zone from 40ha to a 6ha minimum lot size;
- Apply a Height of Building restriction of 8.5m to the proposed R1 zoned land;
- Apply a Maximum Floor Space Ratio of 0.65:1 to the proposed R1 zoned land.

It is to be noted that the southern extent of Lot 14 will retain its RU1 Primary Production zoning. It will be the residual rural allotment.

Mapping

The planning proposal includes current and proposed Land Zoning, Minimum Lot Size (MLS), Height of Building (HOB) and Floor Space Ratio (FSR) maps which adequately reflect the proposed amendments. These maps are suitable for exhibition purposes.

Amendments to the Land Zoning, MLS, HOB and FSR maps are to be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps prior to finalisation of the LEP.

NEED FOR THE PLANNING PROPOSAL

The subject site has been under investigation for urban infill purposes for over 15 years. It has been included in Council's strategic planning policies as suitable as infill residential development.

The planning proposal is a direct result of the outcomes of the Port Macquarie Urban Growth Management Strategy 2011-2031 (UGMS) and the North Coast Regional Plan (NCRP) 2036.

The UGMS specifically identifies the site 'as small infill development currently being investigated by Council at Pioneer Street, North Haven'.

The majority of the proposed residential zone is also located within the Urban Growth Area (UGA) as identified in the NCRP 2036.

The proposal seeks to rezone the subject land from RU1 Primary Production to partly R1 General Residential and partly E2 Environmental Conservation to be consistent with the adjoining residential subdivision located directly to the east, whilst protecting the important glider habitat in the northern extent of the site. The minimum lot size (MLS), height of

building (HOB) restriction and the floor space ratio (FSR) that are proposed are consistent with the adjoining subdivision pattern.

The change to the minimum lot size for the remaining RU1 and E2 zones from 40ha to 6ha will allow the residual rural parcel to be created as a separate lot. The adjustment to the minimum lot size will also prevent further unsuitable subdivision in the rural and environmental zones.

The amendments to the zoning, MLS, HOB and FSR maps is the most appropriate mechanism to achieve the objectives and intent of the proposal.

Additional housing that will occur as a result of the rezoning proposal will contribute to Council's housing targets as set by the NCRP 2036.

STRATEGIC ASSESSMENT

Regional

The proposal is consistent with the North Coast Regional Plan (NCRP) 2036. Goal 1 of the NCRP is to deliver environmentally sustainable growth, enhance biodiversity and manage natural hazards. The proposal is consistent with this goal as some of the proposed residential zone is identified within mapped urban growth areas, the high conservation value land is seeking a separate environmental zone and Council consider that flooding can be managed through its flood policy.

A strip of land along the western and northern edges of the proposed residential zone is not included within the mapped UGA however does generally satisfy the Urban Growth Area Variation Principles. An assessment of the Urban Growth Area Variation Principles is provided in Appendix A of the planning proposal. This additional land is immediately adjacent and contiguous with the mapped UGA.

Direction 21 of the NCRP which seeks to co-ordinate local infrastructure delivery, is achieved. The proposed residential zone is adjacent to existing residential development which allows for existing infrastructure to be extended to service new development.

The proposal is consistent with Direction 22 as it supports 'great housing choice and lifestyle options' through the delivery of greater housing supply identified within Council's local growth management strategy.

Local

The proposal is consistent with Council's Urban Growth Management Strategy as the land has been identified for infill development. The proposal is not inconsistent with Council's Community Strategic Plan 2017.

Section 117(2) Ministerial Directions

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

Direction 1.2 Rural Zones

The proposal is inconsistent with this direction as it proposed to rezone land from a rural zone to a residential zone. This inconsistency is justified in accordance with the direction as the subject site is generally identified in the Port Macquarie-Hastings UGMS, has been determined to have limited agricultural value and is an extension of the existing zoned R1 General Residential area.

Direction 4.1 Acid Sulfate Soils

The Port Macquarie-Hastings LEP 2011 maps sheets identify the subject land as being substantially comprised of Class 3 Acid Sulfate Soils (ASS). The acid sulfate soil risk is low and Council has adequate controls to manage how future development is managed in ASS affected areas. This issue can be addressed during the DA process for any potential future subdivision. This inconsistency is considered to be of minor significance.

Direction 4.3 Flood Prone Land.

The proposal is inconsistent with this direction as it seeks to rezone land that is in a flood prone area to residential. The Flood Risk Assessment prepared for the proposal has identified how the site is considered 'high hazard flood storage'. The inconsistency with this direction is considered to be of minor significance as the proposed residential zoned land can, with limited filling (less than 900mm), reduce the risk to 'low hazard flood storage' and allow the proposal to be consistent with Council's Flood Risk assessment under the Urban Growth Strategy. Future development can further be considered by Council at the DA stage in accordance with the flood planning provision in Port Macquarie-Hastings LEP 2011. A referral to Office of Environment and Heritage (OEH) is recommended to confirm Council's assessment on this issue.

Direction 4.4 Planning for Bushfire Protection

This direction is applicable to the proposal as the subject land has been mapped as bushfire prone. It is noted that a detailed bushfire hazard assessment report has been prepared for the site which identified that the subject site can meet the requirements of Planning for Bushfire Protection 2006.

Consultation with the NSW Rural Fire Service is required after a Gateway Determination is issued and before public exhibition and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

State Environmental Planning Policies

The proposal is consistent with all applicable SEPP's. Although SEPP Rural Lands is consistent it is given specific consideration.

SEPP (Rural Lands) contains Rural and Subdivision Planning Principles to guide development on rural land. The proposal is consistent with the principles by providing additional opportunities for settlement and housing in the North Haven area and maintaining biodiversity and native vegetation for squirrel glider habitat. The Department consider that the proposal is consistent with the Rural and Subdivision Planning Principles and therefore the proposal is not inconsistent with S117 Direction 1.5 Rural Lands. The proposal is also in accordance with the intent of a Department approved local strategy.

SITE SPECIFIC ASSESSMENT

Social / Economic

Positive social and economic impacts can be expected from the proposal, providing additional residential housing within the North Haven area, which is consistent with Council's urban growth management strategy.

The proposed residential zone is adjacent to existing residential development which allows for existing infrastructure to be extended to service the new development.

Environmental

The rezoning of part of the land from RU1 Primary Production to R1 General Residential is not expected to pose any environmental impacts. The introduction of the E2 Environmental Conservation zone to the northern extent of the site is likely to provide a higher level of protection to the identified threatened species habitat (squirrel gliders).

The site does not contain any SEPP 14 Coastal Wetland or contain any of the triggers for SEPP44 - Koala Habitat Protection. Koalas have been identified in the ecological report as potentially occurring within the site however none were detected during the 2016 addendum survey. The ecological assessment determined that the site does not qualify as potential koala habitat. Any potential impacts to this species is likely to be mitigated by the ecological zoning and the proposed revegetation works undertaken as part of any future development. Offset planting of any koala food trees (to be removed) is proposed as part of any future development.

The Flood Risk Assessment recommendations for future residential development of the site consist of minor filling (up to 900mm) to achieve a low hazard flood storage area and therefore development of the site would be consistent with the Port Macquarie-Hastings Council strategic planning program and Council's interim Flood Policy. This allows for development to be considered for residential purposes through a DA process.

A preliminary site contamination assessment is to be undertaken prior to community consultation to ensure that the site does not pose any risk to future residents. This is to be completed prior to community consultation.

An Aboriginal Cultural Heritage assessment is to be undertaken to ensure adequate consideration is given to Aboriginal and cultural heritage. This is to be completed prior to community consultation.

CONSULTATION

Community

The planning proposal has indicated a 28 day community consultation period. This is considered acceptable.

Agencies

As the land has been identified as bushfire prone and to satisfy s117 directions regarding bushfire, referral to the NSW Rural Fire Service (RFS) will be required as part of the consultation process. Consultation with RFS is required after a Gateway Determination is issued and before public exhibition.

As the site contains threatened species habitat and the proposal indicates issues with flooding, referral to the Office of Environment & Heritage (OEH) is required as part of the consultation process. Consultation with OEH is required after a Gateway Determination is issued and before public exhibition.

The proposal has also indicated that Council will consult with the Local Aboriginal Land Council as part of the consultation process.

TIMEFRAME

The planning proposal includes a project time line which suggests a completion time within 9 months as the proposal is of a minor nature. It is considered that a 12 month period is appropriate.

DELEGATION

As the proposal deals with only matters of local significance, it is recommended that an authorisation to exercise plan making delegation be issued to Council in regard to this matter.

CONCLUSION

The preparation of the rezoning planning proposal is supported as it:

- rezones land for future residential development in accordance within Council's approved local strategy;
- applies appropriate development standards for future residential development; and
- applies an appropriate ecological zone that supports threatened species habitat.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistencies with Section 117 Directions 1.2 Rural Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are minor and justified; and
2. Note that the consistency with Section 117 Directions 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to include:
 - a) a preliminary Site Contamination assessment; and
 - b) an Aboriginal Cultural Heritage assessment.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities and organisations prior to community consultation:
 - NSW Rural Fire Service
 - Office of Environment & Heritage
 - Local Aboriginal Land Council
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

5. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.



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3/10/17



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