# Planning Proposal under section 55 of the EP&A Act

Port Macquarie-Hastings LEP 2011 (Amendment No 27)

Beechwood - reduced minimum lot sizes, associated with sewerage services

Ccl ref: PP2011-13.1 DPI ref: PP\_2011\_PORTM\_\* Date: 21/06/2013



#### Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)				
Draft					
Reported to Council (section 55)	15/05/2013				
Adopted by Council & referred to Dept of Planning (sec 56 (1))	Draft 20/06/2013				
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:	PP2011-13.1
	Port Macquarie-Hastings LEP 2011 (Amendment No 27)
Department of Planning &	*
Infrastructure reference:	

Council Address	Contact Officer				
Port Macquarie-Hastings Council	Stephen Nicholson				
PO Box 84	Senior Strategic Planner				
PORT MACQUARIE NSW 2444	Email stephen.nicholson@pmhc.nsw.gov.au				
	Phone 02 6581 8529				

# **Adoption of the Planning Proposal**

# **1.** For initial Gateway determination

This Planning Proposal was endorsed on 15 May 2013 by Port Macquarie-Hastings Council, or the undersigned Council delegate (delete one):

	$\Lambda$ $\Lambda$	
Signed	leter amon	
	1	

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

# 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".

Details of the amendments contained in this **Planning Proposal PP2011-13.1** are contained in Parts 1 and 2, found on page 7. The proposal is for a replacement Sheet 10A for the Lot Size Map series, to alter the minimum lot sizes for the land zoned RU5 Village at Beechwood, and for some adjacent land zoned R5 Large Lot Residential - the changes are shown in Part 4.

Further details of the map changes are contained in **Appendices D** to **F** - the Site Identification Map, the Map Cover Sheet and the proposed replacement LEP Map sheets.

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

#### 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 - PP2011-13.1, and be:

- \* emailed to <u>council@pmhc.nsw.gov.au</u> 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	To reduce the minimum lot size applying to subdivision of land at Beechwood where that land will shortly be serviced by reticulated sewerage services.						
Property Details	<ul> <li>The proposal relates to 113 land parcels at Beechwood, of which:</li> <li>101 lots are solely zoned RU5 Village,</li> <li>8 lots are zoned part RU5 Village and part RU1 Primary Production, and</li> <li>4 lots are zoned part RU5 Village, part R5 Large Lot Residential, and part RU1 Primary Production.</li> </ul>						
	<ul> <li>The proposal applies only to that land which is either:</li> <li>zoned RU5 Village (26.4 Ha), or</li> <li>zoned R5 Large Lot Residential and proposed to be serviced by a sewer line associated with the provision of sewerage services for Beechwood (31.5 Ha, affecting 46 proposed lots).</li> </ul>						
<b>Applicant Details</b>	Port Macquarie-Hastings Council						
Land owner	There are 100 different property ownerships. Council owns 4 RU5 Village lots totalling 3100 square metres in area.						
Brief history	Beechwood has traditionally been a village serving the local hinterland of Mortons Creek, Bellangry, Frazers Creek, Pappinbarra (including Upper and Lower), Hollisdale and Pipeclay.						
	It developed without reticulated sewerage services and problems with seepage of waste water have increasingly required attention.						
	Council is implementing a strategy to provide sewerage services to the RU5 Village-zoned area of Beechwood, and contracts have been let for the construction of this service, which should be operational by mid 2014. The effluent will be pumped to the Wauchope sewage treatment plant.						
	Economic design of the sewerage reticulation network for the local topography has located some of the mains upon adjoining land zoned R5 Large Lot Residential, and it is appropriate that where lots created within the R5 area contain sewer lines that they utilise the sewerage service, rather than have on-site effluent disposal.						
	The design capacity for the provision of reticulated sewerage						

	provides for additional load arising from subdivision of larger lots within the Beechwood village, subdivision of additional land rezoned as Village in late 2010, and for providing sewerage services to the proposed rural residential lots which will have the reticulation mains traverse them.
	The land is currently subject to <i>Port Macquarie-Hastings Local</i> <i>Environmental Plan 2011</i> , which commenced in February 2011. It applies minimum lot sizes of 8000 sq m for the land zoned RU5 Village zone and 1.5 Ha for the land zoned R5 Large Lot Residential.
	Under the previous <i>Hastings Local Environmental Plan 2001</i> , consent was granted for the rural residential subdivision of four lots now partly zoned R5, when there was no minimum lot size. For the proposed lots which would have sewerage services, the lot sizes generally range between 4000 sq m and 8000 sq m. (Refer to Development Application DA2007-701. An extract form the Development Application showing the proposed alignment of the sewer mains and the rural residential lot layout is contained in <b>Appendix C.</b> ) No construction of this subdivision has occurred, pending provision of sewerage services to part of the development area.
	Often construction of works associated with subdivisions leads to applications for modifications to the approved subdivision layout. If such an application was received for the rural residential lots, the existing lot layout would need to be modified to conform with the current 1.5 ha minimum lot size.
	Given the proposed alteration to the minimum lot size for the land within the Village zone, it is considered prudent to also reduce the minimum lot size for the rural residential lots served by the proposed sewerage reticulation scheme. This avoids delays in finalising any DA modification applications that may arise.
Location	A location map is included in <b>Part 4 - Mapping</b> .

# Part 1 - Objectives or Intended Outcomes

The objective is to reduce the minimum lot size applying to land to be served by reticulated sewerage services at Beechwood as it will no longer be necessary to require larger lot areas to accommodate on-site effluent disposal systems.

# **Part 2 - Explanation of Provisions**

For the relevant land, it is intended to amend (Sheet LSZ\_010A of) the Lot Size Map, so that:

- (a) for land zoned RU5 Village to reduce the minimum lot size from the current 8,000 square metres to 450 square metres, and
- (b) for that portion of land zoned R5 Large Lot Residential which will, as a consequence, also be served by the reticulated sewerage services to reduce the minimum lot size from the current 1.5 hectares to 5,000 square metres.

# Part 3 – Justification

## A - Need for the planning proposal.

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

The planning proposal arises from investigations into unsewered village areas, which concluded that they may have adverse environmental and public health impacts. Council decided that the best strategy for Beechwood was reticulating sewerage back to the Wauchope Sewerage Treatment Plant via a rising main. At its meeting on 20 March 2013 Council accepted a tender to construct the reticulation system and pumping station. Completion is anticipated in mid 2014.

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

Amendment of the Lot Size Map is considered the best means of achieving the objective.

## **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?

The proposal is consistent with 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?

A reduced minimum lot size within the RU5 Village zone is consistent with strategies within Council's *Urban Growth Management Strategy* 2010 – 2031, relating to infill development.

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

The planning proposal is consistent.

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

The only potentially applicable section 117 direction is *No 3.1 Residential Zones*. The planning proposal is consistent.

## 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.

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

The likely environmental effects are improved water quality.

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

The planning proposal will facilitate additional development at Beechwood, and it is considered that there will be no social or economic effects that need to be addressed.

## **D** - State and Commonwealth interests.

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

There is adequate water infrastructure, and there will be adequate sewerage infrastructure.

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

None consulted prior to Gateway determination.

Council is the water and sewer authority, and it is considered that no State and Commonwealth public authorities need to be consulted.

# Part 4 – Mapping

## A - Location of affected land

Map 1 shows the location of Beechwood, within most of the local government area.

Map 2 shows the subject land within the Beechwood district.

The proposed alignment of the sewer main through the approved rural residential lots is shown in **Appendix C**.

The subject land also affected by the planning proposal is formally shown on the Site Identification Map contained in **Appendix D**.



Planning Proposal under sec 55 of the EP&A Act Beechwood - reduced minimum lot sizes, associated with sewerage services

Map 1 Beechwood, within the Council area



Map 2 Beechwood district, showing Subject Land, Zoning, & 2010 aerial image

## **B** - Comparison of Lot Size Map before and after

Below are map extracts showing the current mapping and proposed changes to the Lot Size Map. This is modified from what is shown in the legal map.



## C - Draft LEP maps

If the Planning Proposal is approved then the current LEP Lot Size Map sheet 6380\_COM\_LSZ\_010A\_020\_20110614 will be replaced by the map sheet attached in Appendix F - 6380\_COM\_LSZ\_010A\_020\_20130614.

Note that while this map may appear like the legal LEP map, the only LEP maps that have any legal status are those listed and viewable on the NSW Legislation website - in this case at <a href="http://www.legislation.nsw.gov.au/mapindex?type=epi&year=2011&no=84">http://www.legislation.nsw.gov.au/mapindex?type=epi&year=2011&no=84</a> .

The map name (found at the bottom of the legend on each map), 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 or required by the State Government,
- 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 will be granted delegation to carry out certain planmaking functions. Delegation would be exercised by Council's General Manager or the Director of Development and Environmental Services.

Anticipated dates		2013						2014						
		Α	S	0	Ν	D	J	F	Μ	Α	Μ	J		
Commencement (date of Gateway determination)	х													
Timeframe for the completion of required technical information		х												
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)			x											
Commencement and completion dates for public exhibition period				х										
Dates for public hearing (only if required)														
Timeframe for consideration of submissions				Х										
Timeframe for the consideration of a proposal post exhibition					х									
Date of submission to the department to finalise the LEP					Х									
Date Council will make the plan (if delegated)						х								
Date Council will forward to the department for notification.						Х								

# **Appendix A – Report to Council meeting**

Following are copies of the report, initiating this Planning Proposal, to the Council meeting on 15 May 2013, and the relevant page from the minutes of that meeting.

# **Planning and Providing Our Infrastructure**

#### Item: 12.08

Subject: BEECHWOOD VILLAGE ZONE - MINIMUM LOT SIZE (PP2011-0013.1)(PIN 1556)

#### Presented by: Development & Environment, Matt Rogers

#### **Alignment with Delivery Program**

4.9.1 Strategically and financially plan for the infrastructure that will cater for population growth.

#### RECOMMENDATION

#### That Council:

- 1. Prepare a draft planning proposal, pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to reducing the minimum lot size at Beechwood for the RU5 Village zone and adjoining R5 Large Lot Residential land (which will have sewerage services) as described in this report.
- 2. Forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.
- 3. Request that the Director General of the Department of Planning & Infrastructure issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.

#### **Executive Summary**

At its meeting on 20 March 2013 Council considered a report (Item 12.01) on tenders to construct the Beechwood Sewerage Scheme.

Provision of sewerage services to Beechwood means that the minimum lot size applying to Beechwood village can be reduced as on-site waste management will no longer be required. This report proposes to commence the process of reducing the minimum lot size to 450 sq m.

Adjoining land to the north is zoned for rural residential development - some of the proposed sewer lines will be located within part of this land, and it is proposed to reduce the minimum lot size to 5,000 sq m for those parts.

#### Discussion

HASTINGS

# **Planning and Providing Our Infrastructure**

The land zoned RU5 Village at Beechwood currently relies on onsite wastewater management. As with other small rural village areas, the impact of failing onsite sewage systems in Beechwood has been well documented and resulted in Council pursuing a program of providing sewerage to the small villages. As a result of a detailed design and investigation process, in March 2013, Council resolved to accept a tender to construct the Beechwood Sewerage Scheme.

The land zoned RU5 Village (including some land rezoned in late 2010) has been subject to a minimum lot size of 8,000 square metres, pending provision of sewerage services. It is now proposed to amend the minimum lot size to the standard residential minimum lot size of 450 square metres.

The alignment of the northern sewer mains takes it through some adjoining land zoned R5 Large Lot Residential. In November 2009 development consent (DA2007-0701) was granted for rural residential subdivision of this land, including the land through which the sewer mains were proposed.

These proposed rural residential lots would connect to the reticulated sewerage system, with lot sizes ranging between 4000 sq m and 8000 sq m. However, in the absence of sewerage services at the time, under LEP 2011 the minimum lot size applied to these lots was 1.5 Hectares.

It is considered appropriate that the current amendment also reduce the minimum lot size for the proposed rural residential lots that will be connected to the reticulated sewerage system. A minimum lot size of 5000 sq m is proposed - this doesn't promote potential additional lots.



**Zoning**: blue lines and text. **Current Minimum lot size**: shading and black text **Proposed changes**: red line and text (boundary for 5000 m<sup>2</sup> area is preliminary).



# **Planning and Providing Our Infrastructure**

Note that the boundary for the proposed minimum of 5000 sq m within the R5 Large Lot Residential area is preliminary, and is subject to refinement based on the final design alignment of the sewer mains and review of the proposed lot layout (it is not uncommon for approval to be sought for minor modifications to subdivision layouts as detailed construction designs are prepared, with the current 1.5 Ha minimum lot size, this could cause delays and further work to make additional changes to the Lot Size Map).

The planned Beechwood Sewerage Scheme has a design load, and these proposed changes are compatible with that design load.

The recommendation requests delegation from the Department of certain functions under the Act - Council has previously delegated these functions (subject to delegation from the Department for specific LEP amendments) to the General Manager.

## Options

Alternative minimum lot sizes could be applied, but the proposal seeks to balance ensuring reasonable flexibility and ensuring that the design load will not be exceeded.

## **Community Engagement & Internal Consultation**

Implementation of the recommendation will involve submitting the proposed LEP changes for a "Gateway determination" by the delegate for the Minister for Planning and Infrastructure. The determination will specify the requirements (including duration) for public participation. It will be recommended that there be a 14 day exhibition period.

Following the exhibition the proposal and any submissions will be reported to Council for review.

### **Planning & Policy Implications**

The proposed LEP changes will facilitate further development at Beechwood.

### **Financial & Economic Implications**

The proposal has minimal financial impact on Council, though it is associated with funding committed to the provisions of the Beechwood Sewerage Scheme.

The proposed reduction in minimum lot size will facilitate development activity and additional housing at Beechwood.

### Attachments

Nil





#### 12.08 BEECHWOOD VILLAGE ZONE - MINIMUM LOT SIZE (PP2011-0013.1) (PIN 1556)

Councillor Justin Levido left the meeting, the time being 06:47pm.

#### RESOLVED: Roberts/Hawkins

That Council:

- Prepare a draft planning proposal, pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to reducing the minimum lot size at Beechwood for the RU5 Village zone and adjoining R5 Large Lot Residential land (which will have sewerage services) as described in this report.
- 2. Forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.
- 3. Request that the Director General of the Department of Planning & Infrastructure issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.

CARRIED: 6/0 FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann and Roberts AGAINST: Nil

Councillor Justin Levido returned to the meeting, the time being 06:48pm.

#### 12.09 DEFERRAL OF PAYMENT OF DEVELOPMENT CONTRIBUTIONS FOR SUBDIVISION - EXTENSION OF TRIAL PERIOD

RESOLVED: Levido/Intemann

That Council:

- 1. Extend the trial period for the deferral of payment of Development Contributions in relation to residential and rural residential subdivisions as resolved by Council at the meeting of 25 July 2012 (Item 12.07) for a further 12 month period, to including Subdivision Certificate Applications lodged by 31 July 2014.
- 2. Review the Policy framework for deferral of payment of Development Contributions in relation to residential subdivision prior to July 2014.
- 3. Delegate Authority to the General Manager to enter into and execute Deeds of Agreement, on terms acceptable to the General Manager regarding the protection of Council's financial position from a security point of view, for the deferral of payment of Development Contributions.

CARRIED: 7/0 FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido and Roberts AGAINST: Nil

# **Appendix B – 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 or preparation of this version of the planning proposal there has been no Gateway Determination.

# Appendix C – Plan of Sewer Alignment

Following is a reduced scale copy of the plan showing the proposed lot layout and the proposed alignment of the sewer mains for the approved rural residential subdivision in Development Application No 2007-701.



Planning Proposal under sec 55 of the EP&A Act Beechwood - reduced minimum lot sizes, associated with sewerage services

# **Appendix D – Site Identification Maps**

Where printed, the Site Identification Maps could follow this page. Where in electronic form, it is likely these pages will be separate documents.



# Appendix E – 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.

The key content of the Map Cover Sheet will be to this effect:

### The following map sheets are revoked:

Lot Size Map LSZ_010A 6380_COM_LSZ_010A_020_20110614							
The following map sheets are adopted:							
Lot Size Map LSZ_010A	6380_COM_LSZ_010A_020_20130614						

Where printed, the Map Cover Sheet will follow this page, just as the draft map sheet to be adopted will follow the introductory page for **Appendix F**.

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

# Appendix F – Map Sheet to be adopted

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

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

The map sheet to be adopted is listed in the Map Cover Sheet (see Appendix E).

**EXHIBITION DRAFT - Other draft amendments affecting this sheet may not be included** 

