

Rezoning of Fernbank Creek Road (Sancrox Employment Lands Stage 2)

Proposal Title : **Rezoning of Fernbank Creek Road (Sancrox Employment Lands Stage 2)**

Proposal Summary : **The planning proposal seeks to rezone land at Fernbank Creek Road, Sancrox for industrial and environmental protection purposes.**

PP Number : **PP_2011_PORTM_005_00** Dop File No : **11/20432**

Proposal Details

Date Planning Proposal Received : **14-Nov-2011** 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 : **Fernbank Creek Road**

Suburb : **Sancrox** City : **Port Macquarie** Postcode : **2444**

Land Parcel : **Lot 101 DP 1106752, Lot 376 DP 754434 and Lot 6 DP 809161**

DoP Planning Officer Contact Details

Contact Name : **Denise Wright**

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RPA Contact Details

Contact Name : **Sandra Bush**

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

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**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	25.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The land is identified as proposed employment lands in the Mid North Coast Regional Strategy. Also Council's Port Macquarie Hastings Urban Growth Management Strategy (PMHUGMS) identifies the land as suitable for investigation as a major new dedicated site for export and larger businesses. The Director-General endorsed the PMHUGMS in May 2011.**

Adequacy Assessment

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

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

Comment : **The objective is to facilitate development of Stage 2 of the Sancrox Employment Lands and to provide certainty for retention and rehabilitation of local native vegetation.**

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

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

Comment : **The provisions propose to rezone land for industrial and environmental protection purposes**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

4.4 Planning for Bushfire Protection

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 55—Remediation of Land
SEPP (Rural Lands) 2008**

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The maps included with the proposal are not adequate for exhibition. Zoning maps (in amending LEP format) will be required together with a map showing current zoning.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Council considers that the proposal warrants a public exhibition period of 28 days. This is 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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Port Macquarie Hastings LEP 2011 was published February 2011**

Assessment Criteria

Need for planning proposal :

The planning proposal will allow development of land identified for employment purposes under the approved strategic planning framework. The proposal will also allow the retention and rehabilitation of native vegetation by appropriate environmental protection zoning.

The planning proposal is considered the best means of achieving the intended outcomes.

The land is presently zoned RU1 Primary Production by the Port Macquarie Hastings LEP 2011.

The proposed Pacific Highway overpass in conjunction with the upgrade of the Pacific Highway in this locality will provide access to the proposed employment lands. Council is presently involved in negotiations with the RTA, DTIRIS(Industry and Investment) and landowners to allow an early construction of the overpass. Council notes that the planning proposal has been prepared on the basis of a successful outcome to allow the early construction of the overpass which is fundamental to the rezoning of the land. Council intends that either the proposal would be deferred or restrictions on development of the employment precinct be applied until access is resolved.

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The proposal will contribute to the supply of land for employment purposes resulting in increased local employment opportunities and a general economic benefit to the local community and regional economy.

It is noted that an area of 2.49ha at the north-west corner of Lot 101 is excluded from the proposal. This area of cleared land will retain the current RU1 zoning for future rural residential purposes (single dwelling opportunity).

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Consistency with strategic planning framework :

Part of Lot 101 is identified as proposed employment lands in the Mid North Coast Regional Strategy and Council's Port Macquarie Hastings Urban Growth Management Strategy (PMHUGMS) identifies the land as suitable for investigation as a major new dedicated site for export and larger businesses. The Director-General endorsed the PMHUGMS in May 2011. (see map attached)

An adjustment to the area of Lot 101 beyond that identified in the MNCRS is proposed to provide suitable areas for road infrastructure and industrial vehicle access. This increase in land for industrial zoning is offset by proposed rehabilitation of cleared land on Lots 6 and 376. The approximate areas of land not included in the MNCRS are indicated on the attached map document.

The MNCRS provides for minor adjustments to a mapped growth area where justified. In this case, the adjustment will facilitate access to the industrial land and result in rehabilitation of vegetation in degraded areas. This is a preferable outcome to the requirement to comply rigidly to mapped growth boundaries.

This adjustment is considered minor and the planning proposal is therefore not inconsistent with the MNCRS and Council's endorsed growth management strategy.

The North Coast REP is a deemed SEPP relevant to the planning proposal. The proposal is not inconsistent with provisions of the REP.

SEPP 55 Remediation of Land. The applicant has completed a Contaminated Lands Assessment to provide appropriate advice to Council. The assessment concludes that the land has no evidence of contamination and is suitable for the proposed use. The planning proposal is consistent with SEPP 55.

SEPP (Rural Lands) 2008. See comments under s 117 direction 1.5 below.

Several S117 Directions are applicable to the planning proposal. The planning proposal is affected by the following Directions, although inconsistencies have been noted by Council only with Directions 1.2 and 1.5:

1.2 Rural Zones. Direction 1.2 provides that a planning proposal shall not rezone land from a rural zone to specific zones including an industrial zone, nor contain provisions which will increase the permissible density of land within a rural zone. The planning proposal seeks to rezone land from a rural zone to industrial. Direction 1.2 provides that a planning proposal may be inconsistent with this Direction if the provisions which are inconsistent are justified by a strategy, a study or a regional strategy, or are of minor significance. The inconsistency in this case is justified as the subject land is identified as 'Proposed Employment Lands' by the Mid North Coast Regional Strategy and for industrial purposes by the Port Macquarie Hastings Urban Growth Management Strategy 2010-2031, as endorsed by the Director-General.

1.3 Mining, Petroleum Production and Extractive Industries. This Direction applies where a planning proposal would have the effect of prohibiting the winning of extractive materials of, or restricting the potential development of extractive materials. Council advice is that part of Lot 101 is mapped by the Department of Primary Industries (DPI) (Mineral Resources), as a transitional area to the Sancrox Quarry (located on western side of Pacific Highway). Council intends to consult with the Director-General of DPI, consistent with the requirements of Direction 1.3. The Proposal is inconsistent with this direction until this consultation has taken place. However as only a "transitional" zone against a quarry is involved in this proposal, the inconsistency is considered of minor significance.

1.5 Rural Lands. Direction 1.5 provides that a planning proposal that affects land within an existing rural zone must be consistent with the Rural Planning Principles of SEPP Rural Lands 2008. The proposal has been assessed by Council against these principles and is considered consistent.

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4.4 Planning for Bushfire Protection applies as the land is mapped as bushfire prone land. A Bushfire Hazard Assessment has been prepared to support the proposal in accordance with the Planning for Bushfire Protection Guidelines and identifies mitigation measures to be implemented on the land. Council is required to consult with the NSW Rural Fire Service and the proposal remains inconsistent with the Direction until this occurs.

Environmental social
economic impacts :

The majority of the land to be investigated for employment purposes is cleared grassland. However about 8.30ha of dry sclerophyll forest is proposed for clearing to facilitate the construction of perimeter roads. Council advises that preliminary consultation with the Office of Environment and Heritage has identified vegetation offset requirements. These will be met through a combination of off-site vegetation adjoining Lot 101, within Lots 376 and 6 (includes revegetation of cleared land) and vegetation within Lot 101. Retained vegetation will be protected by environmental protection zoning.

Community benefit will be achieved with positive social and economic outcomes through employment generation, improved access to the Pacific Highway and retention and rehabilitation of native vegetation and habitat lands.

Assessment Process

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

Timeframe to make **12 Month** Delegation : **DDG**
LEP :

Public Authority **NSW Aboriginal Land Council**
Consultation - 56(2)(d) **Office of Environment and Heritage**
Department of Primary Industry (Mining)
NSW Rural Fire Service
Roads and Traffic Authority

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

The planning proposal is supported by the following studies:

Agricultural Lands Assessment

Cultural Lands Assessment

Bushfire Assessment

Traffic Statement

Flora and Fauna Impact Assessment

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 :

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Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Fernbank Creek Road Employment Lands.pdf	Proposal	No
Proposed Zoning Concept Plan. Fernbank Creek Road.pdf	Map	No
Site Locality Plan.pdf	Photograph	No
Approximate area proposed for rezoning not included in MNCRS.pdf	Map	No

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 4.4 Planning for Bushfire Protection**

Additional Information : **Preparation of the planning proposal is supported at this stage.**

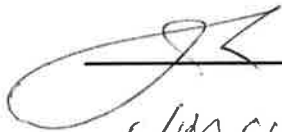
It is recommended that:

- 1. the planning proposal proceed as a routine planning proposal;**
- 2. the planning proposal be exhibited for 28 days;**
- 3. maps showing existing zoning and proposed zoning are to be exhibited with the planning proposal;**
- 4. the planning proposal should be completed in 12 months;**
- 5. consultation is required with the following public authorities under section 56(2)(d) of the EPA Act:**
 - Roads and Traffic Authority**
 - Office of Environment and Heritage**
 - Department of Primary Industry (mineral resources)**
 - NSW Rural Fire Service (required by section 117 direction 4.4); and**
 - Local Aboriginal Land Council; and**
- 6. The Director General's delegate agree that inconsistencies with section 117 Directions 1.2 and 1.3 are justified as being of minor significance.**

Supporting Reasons : **1. The planning proposal will generate new employment opportunities and allow native vegetation and habitat to be protected and retained by environmental protection zoning.**

2. The proposal is consistent with both State and local strategic framework and is likely to have positive social and economic benefits to the community and impacts on the locality.

Signature:



Printed Name:

JIM CLARK

Date:

18 November 2011