

Port Macquarie - Town Centre Fringe Urban Consolidation

Proposal Title :	Port Macquarie - Town Centre Fringe Urban Consolidation		
Proposal Summary :	To facilitate redevelopment and urban consolidation within the Port Macquarie town centre fringe area.		
PP Number :	PP_2014_PORTM_002_00	Dop File No :	14/12433

Proposal Details

Date Planning Proposal Received :	31-Jul-2014	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 :	Precinct		

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Port Macquarie town centre fringe area as shown on p10 of the Planning Proposal**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**
Contact Number : **0267019685**
Contact Email : **craig.diss@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Steve Schwartz**
Contact Number : **0265818632**
Contact Email : **Steve.Schwartz@pmhc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

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) :

Type of Release (eg
Residential /
Employment land) :

N/A

No. of Lots : 0

No. of Dwellings
(where relevant) : 1,150

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment : The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.

Have there been
meetings or
communications with
registered lobbyists? : No

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives adequately describes the intention of the Planning Proposal to make various zoning, floor space and building height amendments to Port Macquarie-Hastings LEP 2011 to promote redevelopment and urban consolidation in the Port Macquarie town centre fringe area.

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

Is an explanation of provisions provided? Yes

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

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

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

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- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA Identified? **N/A**

e) List any other matters that need to be considered : **The planning proposal is considered to be consistent with the Mid North Coast Regional Strategy and relevant SEPPs.**

The inconsistencies with relevant section 117 Directions are considered to be of minor significance as discussed below.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **The submitted Planning Proposal does not identify any inconsistencies with relevant section 117 Directions. A review of the Planning Proposal has identified the inconsistencies, which are considered to be of minor significance as discussed below.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **While the amended LEP map sheets have not been provided at this stage, the Planning Proposal includes maps identifying the current and proposed zoning, floor space and building height changes. The maps provided are considered sufficient for the Planning Proposal to proceed and for public exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The RPA has identified the proposal as being 'low impact' and has recommended a 14 day exhibition period.**

While the supporting Liveable Neighbourhoods report has undergone considerable public consultation in its preparation, due to the number of proposed zoning, floor space and building heights changes (including a decrease in building height and/or floor space provisions for a small number of sites) it is considered appropriate that a 28 day notification period be undertaken to provide affected landowners with an adequate opportunity to review the proposal.

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 : **The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:**
1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining a proposed community consultation program; and

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5. Providing a project time line.

Council is seeking an authorisation to exercise its plan making delegations. As the proposal deals only with matters of local significance and is considered to be consistent with the Mid North Coast Regional Strategy and Council's Director General approved urban growth management strategy, it is recommended that an authorisation to exercise its plan making delegations be issued to Council in regard to this matter.

The RPA has provided a project time line which estimates that the LEP will be ready for notification in June 2015. To ensure an adequate period for finalisation of this matter, a 12 month time frame for completion of the proposal is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Port Macquarie-Hastings comprehensive LEP 2011 was made in February 2011.

Assessment Criteria

Need for planning
proposal :

The need for the Planning Proposal is a result of Council's Urban Growth Management Strategy 2011-2031 which identified the town centre fringe area for review 'to promote urban consolidation in central, well-connected locations that provides a range of services or recreation opportunities for residents'. This review has now been undertaken by Council with the completion of the Liveable Neighbourhoods report. The Planning Proposal seeks to implement a number of recommendations from this report to the zoning, floor space and building height provisions of the LEP to help promote the economic feasibility of urban consolidation in the area. The amended controls will also resolve a current mismatch between building and floor space ratio provisions on a small number of sites and encourage better urban design outcomes with more opportunities for building articulation and appropriate transition areas between higher and lower building density areas.

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Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with the Mid North Coast Regional Strategy, applicable SEPPs and Council's Director General approved Urban Growth Management Strategy. In particular, the proposal is considered likely to promote achievement of Mid North Coast Regional Strategy goals of increasing residential density in key centres and having 40 percent of new dwellings delivered in an attached format.

While the Planning Proposal states that it is consistent with all relevant s117 Directions, it is considered that the proposal is inconsistent with the following Directions:

1.1 Business and Industrial Zones

The proposal is considered to be inconsistent with this Direction as it seeks to rezone a small area of land on the northern side of Ackroyd St from R1 General Residential to B2 Local Centre in the absence of a local strategy approved by the Director General. This inconsistency is considered to be of minor significance due to the small quantity of land involved (2ha) and as it is a logical minor extension or 'rounding off' to Ackroyd St of the Gordon St business area that is identified in Council's Director General approved urban growth management strategy.

2.3 Heritage Conservation

The proposal is considered to be inconsistent with this Direction as it does not include any provisions to facilitate the conservation of heritage items or precincts of heritage significance. The proposal contains 2 local heritage items, 1 archaeological site and directly adjoins 1 State heritage item (First (Allman Hill) Burying Ground, Clarence St). The inconsistency of this proposal is considered to be of minor significance as Port Macquarie-Hastings LEP 2011 contains the model heritage provisions of the Standard Instrument LEP (clause 5.10 Heritage Conservation). Due to the heritage and archaeological items located within the subject area, and the adjoining State heritage item, it is recommended that Council consult with Office of Environment and Heritage - Heritage Branch on the proposal.

3.1 Residential Zones

The proposal is considered to be inconsistent with this Direction as it rezones land from R1 General Residential to B2 Local Centre, and also reduces the permissible height and/or floor space ratio provisions applying to a small number of parcels, thereby reducing the land available for housing. This inconsistency is considered to be of minor significance due to:

- the small area proposed to be rezoned from R1 General Residential to B2 Local Centre (2ha) representing a logical minor extension or 'rounding off' to Ackroyd St of the Gordon St business area which is identified as a key business location within Council's Director General approved growth management strategy; and
- the reduction of permissible height and/or floor space ratio provisions applying to a small number of parcels is likely to have negligible impact on the actual existing development potential of the land. Council's review identified that a small number of sites had inappropriate or mismatched height and/or floor space provisions, that did not reflect the site characteristics and made the theoretical development potential generally unachievable.

4.1 Acid Sulfate Soils

The proposal is considered to be inconsistent with this Direction as it allows for an intensification of land uses on land identified as having a probability of containing acid sulfate soils without the preparation of an acid sulfate soils study. This inconsistency is considered to be of minor significance as the land is already zoned for residential use, the small area of acid sulfate soils involved (located in close proximity to the Hastings River and Kooloonbung Creek) and as Port Macquarie-Hastings LEP 2011 contains the model acid sulfate soils provisions (clause 7.1 Acid Sulfate Soils) to ensure that this matter can be adequately addressed if required at development application stage.

4.3 Flood Prone Land

The proposal is considered to be inconsistent with this Direction as it allows for an intensification of development on land located within an identified flood planning area. This inconsistency is considered to be of minor significance as the land is already zoned

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for residential use, the small area of flood prone land involved (located in close proximity to the Hastings River and Kooloonbung Creek) and as Port Macquarie-Hastings LEP 2011 contains the model flood planning provisions (clause 7.3 Flood Planning and 7.4 Flood Risk Management) to ensure that this matter can be adequately addressed if required at development application stage. As the proposal does include flood prone land it is recommended that Council consult with the Office of Environment and Heritage.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social
economic impacts :

The Planning Proposal applies to a developed urban area and no significant adverse environmental impacts have been identified as likely to result from the proposal.

While the increase in development potential is likely to have positive economic impact for landowners, the future character of the area is also likely to change if redevelopment and increased urban density. This is however considered to be consistent with the intent of Council's Director General approved Urban Growth Management Strategy and with the existing nature of the area, with many medium and higher density residential developments already situated in the locality.

Assessment Process

Proposal type : Precinct Community Consultation 28 Days
Period :

Timeframe to make 12 months Delegation : RPA
LEP :

Public Authority Office of Environment and Heritage
Consultation - 56(2) NSW Rural Fire Service
(d) :

Is Public Hearing by the PAC required? No

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

If no, provide reasons : It is recommended that the proposal proceed for public comment subject to consultation with:

- NSW Rural Fire Service
- Office of Environment and Heritage (Heritage Branch)
- Office of Environment and Heritage (flooding)

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover letter PP2011-5-1.pdf	Proposal Covering Letter	Yes
Planning Proposal LiveableNeighbourhoods Town Centre Fringe mapping changes v3.pdf	Proposal	Yes
PP2011-5-2 SID Map.pdf	Map	Yes
PP2011-5_2 FSR Map.pdf	Map	Yes
PP2011-5_2 HOB Map.pdf	Map	Yes
PP2011-5_2 LZN Map.pdf	Map	Yes
Council Agenda May 2014.pdf	Proposal	Yes
Council Minutes May 2014.pdf	Proposal	Yes
Liveable Neighbourhoods Part 1.0 Purpose and Background.pdf	Study	Yes
Liveable Neighbourhoods Part 2.0 Neighbourhood Structure.pdf	Study	Yes
Liveable Neighbourhoods Part 3.0 Westport Neighbourhood.pdf	Study	Yes
Liveable Neighbourhoods Part 4.0 Aston Hill Neighbourhood.pdf	Study	Yes
Liveable Neighbourhoods Part 5.0 Town Beach West Neighbourhood.pdf	Study	Yes
Liveable Neighbourhoods Part 6.0 Planning Provision Recommendations.pdf	Study	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 2.4 Recreation Vehicle Areas
 - 3.1 Residential Zones
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes

Additional Information : It is recommended that:

- 1. The Planning Proposal be supported;
- 2. The Planning Proposal be exhibited for 28 days;
- 3. The Planning Proposal be completed within 12 months;
- 4. That the RPA consult with:
 - NSW Rural Fire Service
 - Office of Environment and Heritage (Heritage Branch)
 - Office of Environment and Heritage (flooding)
- 5. That the Director General (or his delegate) agree to the inconsistencies with section 117 Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land as matters of minor significance;

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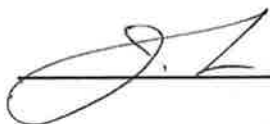
Supporting Reasons :

6. That the Director General (or his delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that it is anticipated this inconsistency will need to be resolved prior to the proposal being finalised; and
7. That an authorisation to exercise delegation be issued to Council.

The Planning Proposal is supported as:

- the proposal will promote achievement of Mid North Coast Regional Strategy goals of increasing residential density in key centres and having 40 percent of new dwellings delivered in an attached format;
- it is consistent with Council's Director General approved Urban Growth Management Strategy 2011-2031;
- it will amend a number of zoning, floor space and building height provisions in the LEP to help promote the economic feasibility of urban consolidation within the identified area along with housing delivery and increasing housing type choice;
- the amended controls will resolve a current mismatch between building and floor space ratio provisions on a small number of sites; and
- the proposal will encourage better urban design outcomes with more opportunities for building articulation and appropriate transition areas between higher and lower building density areas.

Signature:



Printed Name:

JIM CLARK

Date:

7 August 2014