



Ordinary Council

Business Paper

date of meeting: Wednesday, 21 May 2014

location: Council Chambers
17 Burrawan Street
Port Macquarie

time: 5.30pm

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Planning and Providing Our Infrastructure

Item: 13.10

Subject: LIVEABLE NEIGHBOURHOODS - TOWN FRINGE: SUBMISSIONS REPORT

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.2 Review planning instruments and strategies to ensure currency and facilitate sustainable development outcomes whilst acknowledging the impact on community affordability.

RECOMMENDATION

That Council:

- 1. Note the matters raised in submissions as summarised in this report and attached and thank all those who made a submission in writing for their contribution.**
- 2. Prepare a draft planning proposal as described in this report, 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 changing the Land Use Zoning Map, the Height of Buildings Map and the Floor Space Ratio Map as they relate to the identified Town Fringe areas of Port Macquarie.**
- 3. Forward the draft planning proposal to NSW Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.**
- 4. Request that the Director General of the Department of Planning and Environment 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.**
- 5. Prepare a draft amendment to the Port Macquarie-Hastings Development Control Plan 2013 to incorporate the changes described in this report and publicly exhibit the draft for a minimum of 28 days in accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000.**

Executive Summary

The purpose of this report is to inform Council of the submissions received during the public exhibition of the Liveable Neighbourhoods urban design report for the Port Macquarie Town Centre Fringe. The report includes recommended changes to planning provisions for the study area. Endorsement from Council is sought to proceed to make the recommended changes to the Local Environmental Plan and Development Control Plan.

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On 18 December 2013, Council resolved to publicly exhibit the urban design report.

The draft urban design report was publicly exhibited for 30 days from 17 February 2014. Three submissions were received and the key points raised include:

- General support for the project and for increased densities and building heights in the nominated neighbourhoods.
- Suggestions for further increases to building heights in certain areas.
- A suggestion to do away with Floor Space Ratio controls.
- Some criticism over the language of the documents and that the urban design work was carried out by a non-local consultant.

One change is recommended in response to the points raised in submissions as follows:

- Increasing maximum height of buildings in the Aston Hill neighbourhood from three storeys to four storeys.

It is recommended that Council proceed to prepare draft amendments to the Local Environmental Plan and Development Control Plan, incorporating the change listed above, for exhibition.

Discussion

Background

The Port Macquarie-Hastings Urban Growth Management Strategy identifies areas surrounding the Port Macquarie CBD as suitable for encouraging higher densities (urban consolidation).

In 2013, Council's Strategic Planning section coordinated the preparation of an Urban Design Report for the CBD Town Fringe urban consolidation area, including recommendations for changes to the Local Environmental Plan and Development Control Plan.

On 18 December 2013, Council resolved as follows:

RESOLVED: *Roberts/Cusato*

That Council:

1. *Note the recommended changes to Council's Local Environmental Plan and Development Control Plan described in the Urban Design Report.*
2. *Publicly exhibit the Urban Design Report for a period of 28 days in accordance with the attached community engagement plan.*
3. *Thank the members of the Community Reference Group for their enthusiastic participation and valuable advice.*

CARRIED: 9/0

FOR: *Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner*

AGAINST: *Nil*

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On 5 February 2014, the Mayor sent a letter of thanks to the members of the Community Reference Group.

On 17 February 2014, the Urban Design Report was publicly exhibited with a closing date for submissions of 19 March 2013.

The report and related information sheets were available for viewing during the public exhibition period at Council's online community engagement website, pmhclisting.com.au (Listening), and also made available at Council offices and libraries. The online information included the opportunity to take a short survey.

A total of three submissions were received, detailed later in this report.

Recommended changes to planning provisions

Should Council resolve to proceed with the project, the next step will be to make the necessary changes to the Local Environmental Plan and the Development Control Plan as set out in the following sections.

Local Environmental Plan

A Planning Proposal will be prepared in order to make changes to the following maps of the Port Macquarie-Hastings Local Environmental Plan 2011, as described in the attached Planning Provision Recommendations except where alternative changes are suggested in response to submissions and described later in this report:

- Land Zoning Map 013FA
- Floor Space Ratio Map 013FA
- Height of Buildings Map 013FA

The Planning Proposal will be forwarded to the Department of Planning and Environment to seek a Gateway Determination. Once a determination is received, the Planning Proposal will undergo State and public consultation in accordance with the conditions of the Gateway Determination. A submissions report will be presented to Council prior to proceeding to make the plan.

Development Control Plan

A draft amendment to the Port Macquarie-Hastings Development Control Plan 2013 will be prepared to incorporate the recommended changes set out in the attached Planning Provision Recommendations with regard to current area based provisions for:

- Westport Precinct
- Town Beach Precinct
- Gordon Street Commercial Area

Proposed changes include place-specific guidance on:

- New streets and laneways
- Lot size and frontage
- Building heights
- Streetscape and front setback
- Side and rear setback
- Interface with Kooloonbung Creek and Dixie Park
- Building separation
- Communal open space

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- Deep soil
- Fences and retaining walls

In making the above changes, the area based provisions listed above will be reformatted for inclusion in the current version of the Development Control Plan.

In addition, changes are proposed to the general provisions of the Development Control Plan as described in the attached Planning Provisions Recommendations for the following provisions:

- Building depth
- Energy conservation and solar access
- Private open space
- Acoustic privacy
- Accessibility
- Entries and corridors
- Balconies

Options

After considering the submissions made, Council is asked to decide whether to:

1. Proceed with the project in the manner proposed including preparation and exhibition of draft changes to the Local Environmental Plan and Development Control Plan, or
2. Proceed with the project subject to specific changes, or
3. Not proceed further with the project.

Given there has been no significant opposition to the project as described later in the report, it is recommended Council proceed in accordance with Option 1.

Community Engagement & Internal Consultation

Internal consultation was completed prior to community engagement. The primary purpose of this report is to inform Council of the results of the community engagement.

A community reference group was formed in the initial stages of the project. The group's involvement in the project is now complete. Details of the group and its function were included in the previous report to Council on this matter.

The actions described in the Community Engagement Plan for this project were followed during the recent public exhibition. In particular,

- Fact sheets explaining the changes in plain English were prepared and made available with the exhibition documents.
- Two short surveys were prepared for registered participants of Council's Listening website, one for residents of the study area and one for those living outside the study area.
- On 12 February 2014, letters were sent to all landowners in the study area advising of the public exhibition and community information session.
- On 17 February 2014, a media release was issued, resulting in coverage on local television news on 19 February 2014, including an interview with the Director Development and Environment.

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- Public notices advertising the exhibition period were published in local newspapers in Port Macquarie, Wauchope and Camden Haven during the week beginning 17 February 2014.
- A community information session was held at the Port Macquarie Library on the evening of 24 February 2014. The associated presentation was added to the documents available to download from Council's website.
- The Listening website was kept open after the closing date to allow late submissions.

Three submissions were received and are set out in the following table.

Submission Liveable Neighbourhoods Urban Design Report		Issue
1.	Peter Holmes (by email)	General support for the principles and favourable comments on the presentation material. Building heights along Warlters Street should go to 4 storeys to allow views over proposed Kmart site.
	Response/ Comment: Support and feedback noted. In regard to building height, Warlters Street forms the northern edge of the Aston Hill Precinct. The current controls allow a maximum building height in the precinct up to 11.5 metres or about three storeys. The current maximum height across the proposed Kmart site is generally 16 metres or about four to five storeys but allows for two significant view corridors about 20 and 30 metres wide from Aston Hill and Warlters Street to the foreshore. The corner of Warlters and Park Streets has a maximum height of 19 metres. The urban design report recommends retaining a consistent height of three storeys for most of the precinct with the specific aim to protect view sharing on the northern slope of Aston Hill as illustrated in the report. Since this recommendation was developed however, the Planning Proposal for the Kmart site has advanced to near completion and can be considered as imminent and certain. The Planning Proposal will amend the Local Environmental Plan Height of Buildings map to remove the current view corridors through the Local Environmental Plan; these will be provided through voluntary planning agreement with the developer and the guidelines in the Development Control Plan. It should be noted however that the height of the Kmart site generally is not otherwise changed. <u>Change proposed:</u> Given the potential for some reduction in view sharing across the Kmart site from the reduced controls, it is considered reasonable to increase the maximum building height in Aston Hill by 3 metres or	

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		one storey to 14.5 metres or four storeys. This is the same height as the existing apartment building at 22 Mort Street (at the top of Aston Hill). The proposed height will also ensure Warlters Street retains a consistent streetscape height on both sides of the street.
2.	Michelle Chapman (by email) All About Planning PO Box 2196 Port Macquarie 2444	Further additional height in the Buller Street/Westport/Gore Street precincts should be considered and would better reflect more recent developments in the area and act as better stimulus to development.
	Response/ Comment:	As set out in the exhibited urban design report, it is recommended to change the zone in this precinct from R3 Medium Density to R4 High Density Residential, with corresponding addition to maximum building height of between one and three storeys up to a maximum height of six storeys. This recommendation has regard to local topography and the height provisions of adjoining development and will provide for a higher density of dwellings within a generally medium rise built form of four to six storeys. A development feasibility analysis, described in the previous report to Council, tested the recommended changes. The analysis found that further modest increases in development potential of sites over that recommended did not vary the profitability significantly and that it would take a considerably larger increase in development potential to have a positive effect on project feasibility. The feasibility report notes that there is generally low demand for apartments in the area at this time, which may not increase until other projects such as the hospital expansion and university are well established. Low demand for apartments was identified as the largest impediment to development. To increase the height of buildings further than that recommended may not necessarily create stimulus to development given the low demand, alternatively it may result in development of high rise buildings that are not in keeping with the preferred built form for the area. Increased development potential in the urban consolidation areas is not needed to accommodate population growth, only as an incentive to encourage development. The 2011 residential population of the part of the Westport neighbourhood identified by the submitter is estimated to be about 1,000 persons, well short of the theoretical maximum population capacity under the current planning rules of more than 6,000 persons. The proposed changes would increase the theoretical population capacity by about 10%. No change proposed.
3.	Malcolm McNeil (by email) McNeil Architects 94 William St Port Macquarie 2444	1. Yet another example of outside consultants being engaged that have very poor local knowledge. 2. The language is "fluffy" planning

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		speaking that contains several factual errors and many misleading comments. 3. I generally support the concept of achieving higher densities in the CBD fringe. 4. I find no reason to continue with FSR limitations. Development has sufficient controls by way of height, setbacks and car parking limitations. 5. I also note that any FSR controls proposed are inconsistent with FSR's for existing buildings, usually being less and thus not in any way supportive of the type of development that the documents purport to encourage.
Response/ Comment:	1. Council's urban design consultant has been working on the project since 2012. This includes several visits to the area and attending all meetings with the Community Reference Group who provided additional local knowledge through their feedback at various stages of the project such as opportunities and constraints analysis, site testing and draft recommendations. 2. It is unclear which documents are being referred to as containing 'fluffy' language, the technical urban design report or the plain English information sheets and community information presentation. These latter documents were kept relatively jargon-free and expressed in general terms to give the community general knowledge of the project. Similarly, no examples of errors or misleading statements were provided and can't be checked. 3. Support for higher densities is noted. 4. Floor Space Ratios are used throughout New South Wales in conjunction with height controls. Floor Space Ratio is a measure used to control building bulk and scale for amenity reasons as well as to regulate development density. It is an optional component of the State's standardised planning instrument. The same floor space ratio can produce very different built form outcomes ranging from short, fat buildings to tall, thin buildings and as such is not a good predictor of what buildings will look like. Ultimate built form is predominantly driven by setback distances, maximum building heights and other specific design requirements such as the amount of open space or parking required on a site. A primary aim in producing the Urban Design Report was to bring Floor Space Ratios in the study area into line with the amount of development typically possible as a result of	

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		height and setback provisions. The recommended Floor Space Ratio changes have been determined on this basis. Floor space ratio are more important on larger sites, with fewer setback restrictions and as a cross check when assessing proposed development if variations are sought on aspects such as height and setback. For example, if a proposed building exceeds the maximum building height, an estimated floor space ratio also over the prescribed maximum may help to determine whether proposal is an overdevelopment of the site. The removal of Floor Space Ratio controls from the study area, as suggested, would have broader implications and needs review in other areas as well as the Port Macquarie Town Centre Fringe. Having recommended Floor Space Ratios in line with other controls in the Town Centre Fringe, it is recommended that this issue be considered more broadly as part of Council's ongoing urban consolidation planning. It is proposed that Council facilitate informed discussion on the use of Floor Space Ratios at relevant engagement opportunities for the Liveable Neighbourhoods projects. 5. Refer to above.
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Planning & Policy Implications

The project is consistent with Council's strategic planning framework, notably the Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031. The project directly responds to the planning principle for housing "to promote urban consolidation in central, well-connected locations that provides a range of services or recreation opportunities for residents".

The Project contributes to particular outcomes sought by the Community Strategic Plan:

- "looking after our people" outcome to have "community hubs which provide access to services and social connections" by taking a place-based approach in planning at the neighbourhood level;
- "looking after our environment" outcome to have "development outcomes that are ecologically sustainable and complement our natural environment" by encouraging infill and redevelopment of already zoned land; and
- "planning and providing our infrastructure" outcome to have "employment and population growth that is clustered within urban centres" by encouraging higher density development close to the Port Macquarie CBD.

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Financial & Economic Implications

The project is partly funded through the State Government's Planning Reform Fund with a total of \$40,000 provided through the Department of Planning and Environment.

The project has been coordinated by the Strategic Planning Team as a priority in Council's Operational Plan for 2013-14 and the draft Operational Plan for 2014-15. Completion of the project in the manner outlined in the report is able to be undertaken within Council's Strategic Planning Section in consultation with other divisions of Council. The work is funded as a scheduled project within Council's Strategic Planning Program.

Attachments

1. Liveable Neighbourhoods Town Fringe Draft Planning Provision Recommendations
2. Submission from Mr Peter Holmes
3. Submission from Ms Michelle Chapman
4. Submission from Mr Malcolm McNeil