



Ordinary Council

Business Paper

date of meeting: Wednesday, 10 August 2016

location: Council Chambers
17 Burrawan Street
Port Macquarie

time: 5:30pm

Note: Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

Planning and Providing Our Infrastructure

Item: 13.05

Subject: PROPOSED CHANGES TO THE PMH LOCAL ENVIRONMENTAL PLAN 2011 TO ACCOMMODATE URBAN GROWTH AT RAINBOW BEACH

Presented by: Development and Environment Services, 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 attached draft planning proposal, prepared 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 zoning and other related development controls for land identified as Precinct C at Rainbow Beach (Area 14).**
2. **Forward the draft planning proposal to the Department of Planning and Environment 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 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.**
4. **Publicly exhibit the draft Development Control Plan provisions as attached to the report, incorporating guidance to the above planning proposal, for a minimum of 28 days in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000.**

Executive Summary

The subject land is part of the Lake Cathie Bonny Hills Urban Growth Area identified in State Government's *Mid North Coast Regional Strategy 2006-2031* and Council's *Urban Growth Management Strategy 2011-2031*. It is currently zoned R1 General Residential and RU1 Rural.

In 2012, the State Government approved concept and project plans for the land as a major project under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979*.

A draft planning proposal to amend the *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP) has been prepared consistent with the Part 3A approvals and the landowner's subdivision plans. The planning proposal creates

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zones that will facilitate development of a village centre, including future Council community facilities, with adjoining medium density residential areas, and an environmental corridor. Corresponding changes are also proposed to the LEP's Height of Building, Floor Space Ratio and Minimum Lot Size maps. A portion of the area is to be mapped on the Acoustic Controls map.

An amendment to *Port Macquarie-Hastings Development Control Plan 2013* has also been prepared to provide additional development guidance and it is recommended that Council exhibit the draft DCP provisions with the draft planning proposal.

Council may decide to proceed with the attached planning proposal and draft DCP controls, with or without changes as Council sees fit, or decide not to proceed.

Discussion

The subject land is part of the Lake Cathie Bonny Hills Urban Growth Area identified in both the State Government's *Mid North Coast Regional Strategy 2006-2031* and Council's *Urban Growth Management Strategy 2011-2031*.

The land is zoned R1 General Residential and RU1 Rural.

In 2012, the State Government approved concept and project plans for the land as a major project under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. These approvals bind the landowner to delivering specific land use outcomes and a site layout for zoning and development control purposes. As a condition of approval, the landowner committed to supporting Council to facilitate a changes to LEP for the land to be consistent with the Part 3A approvals.

Council has previously approved two earlier versions of the planning proposal. Both were discontinued due to timing issues and delays experienced by the landowner.

Staff have been in consultation with representatives of the landowner since mid-2014 regarding a modification to their Part 3A approval and the proposed LEP and DCP changes.

The landowner has now lodged subdivision plans for Council approval. It is therefore important to commence the planning proposal process to ensure that sufficient guidance for future development is available in the LEP. A draft planning proposal (attached to this report) has been prepared consistent with the Part 3A approvals and subsequent modification application, and the landowner's subdivision plans.

In summary, the planning proposal creates zones that will facilitate development of a village centre, including future Council community facilities, with adjoining medium density residential areas, and an environmental corridor facilitating stormwater and groundwater management, habitat retention and fauna movement within and through the subject site. Corresponding changes are also proposed to the LEP's Height of Building, Floor Space Ratio and Minimum Lot Size maps consistent with typical development standards for the corresponding zones. A portion of the area is to be mapped on the Acoustic Controls map for the area consistent with information in the noise report in support of the landowner's subdivision application.

Additional development guidance to the LEP controls has been prepared as an amendment to the DCP, also attached. The need to incorporate development

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provisions for the subject land created an opportunity to reformat and update the Rainbow Beach DCP provisions from the DCP 2011 format into the newer DCP 2013 format. As such, the entire Rainbow Beach area based DCP section is included in the new format for exhibition.

The draft DCP changes comprise:

- A transfer of existing general provisions for the entire urban growth area and specific provisions for Precincts A and B.
- Inclusion of new development provisions for Precinct C (the subject site).
- A redrafting of controls relating to dwelling yields to reflect recent experience with the current controls.

Options

Council may decide to proceed with the attached planning proposal and draft DCP controls, with or without changes as Council sees fit, or decide not to proceed.

Should Council determine to proceed, the planning proposal will be forwarded to the Department of Planning for a Gateway Determination. Once the determination is received, staff will take the necessary steps to exhibit both the planning proposal and draft DCP concurrently for a period of at least 28 days.

The benefit of proceeding with the attached documents, with or without changes, is to ensure Council's LEP and DCP remain current and facilitate efficient development assessment processes and sustainable development outcomes at Rainbow Beach.

Should Council determine not to proceed, the LEP will not adequately reflect the Part 3A approvals and is contrary to a commitment made to amend the LEP accordingly. If Council does not proceed with the draft DCP, policy provisions will not exist to guide development on issues such as development yield, which could result in a shortfall in projected development contributions and rates to pay for necessary infrastructure.

Community Engagement & Internal Consultation

Staff have been facilitating a collaborative approach with landowner representatives to discuss and develop LEP zoning changes and the DCP controls through regular coordination meetings since mid-2014. The landowner representatives have reviewed the attached draft documents with no issues raised. The landowner will have further opportunity to comment should the planning proposal and draft DCP proceed to exhibition.

Internal consultation has comprised a review of the draft documents by key specialist staff, including:

- Environmental Projects Officer (flooding).
- Senior Stormwater Engineer.
- Engineering Planning Manager.
- Transport and Traffic Engineer.
- Environmental Health Officer - Public Health.
- Water and Sewer Modelling Officer.
- Group Manager Development Assessment.

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Should Council determine to proceed, broader community engagement will occur in accordance with a Gateway Determination, Council policy and generally as described earlier in this report.

Planning & Policy Implications

The proposed LEP and DCP changes are consistent with Council's Urban Growth Management Strategy.

Financial & Economic Implications

The Rainbow Beach Central Corridor Planning Agreement currently applies to the subject land. The main provisions of the Agreement relate to the establishment and maintenance of the central environmental corridor, provision of local open space and sporting fields and payment of development contributions. Council has received a request from the landowners to amend the Agreement with regard to:

- Timing of the provision of the sporting fields. Current provisions require the sporting fields to be dedicated 3 months after completion of the central environmental corridor establishment. It is proposed that the sporting fields will be provided within 6 months of the development consent for all urban areas (note DA has been lodged) or 31 December 2016 whichever is the later.
- A contribution towards the Houston Mitchell/Ocean Drive intersection.
- Contribution offsets for beach access and elevated boardwalk.
- Timing of development outside the fill zone. Current provisions of the Agreement restrict all development until the establishment of the central environmental corridor has been completed. It is considered reasonable to allow some development that does not rely on filling of the land to proceed without the need for the central environmental corridor establishment to be completed.

The amendment to the Agreement is currently being drafted. A further report on the amendments will be provided to Council following public notification of the amended Agreement.

Attachments

1[View](#). Draft Planning Proposal

2[View](#). Draft Development Control Plan