

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Port Macquarie Hastings
<b>RPA</b>	Port Macquarie Hastings Council
<b>NAME</b>	Adjust the B1 Zone Location at Litchfield Parkway, Thrumster, and amend associated development standards
<b>NUMBER</b>	PP_2017_PORTM_09_00
<b>LEP TO BE AMENDED</b>	Port Macquarie-Hastings LEP 2011
<b>ADDRESS</b>	Litchfield Parkway, Thrumster
<b>DESCRIPTION</b>	Part of Lots 220-222 DP 1230383 and Part of Lot 96 DP 1197050
<b>RECEIVED</b>	18 December 2017
<b>FILE NO.</b>	17/14479
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal OR include details of meetings or communications with registered lobbyists.

### INTRODUCTION

#### Description of Planning Proposal

Relocation of the B1 Zone location at Litchfield Parkway, Thrumster, to align with the subdivision layout and finalised cadastre boundaries within the surrounding residential area. This will also require an associated amendment to the minimum lot size map to apply no minimum lot size to the relocated B1 Zone area.

The former B1 Zone area outside the proposed footprint of the new location will be zoned R1 General Residential and have a minimum lot size of 450m<sup>2</sup> consistent with the surrounding residential area.

#### Site Description

The land is currently vacant and is located in the South Oxley residential release area which is currently under construction (Figure 1).

The land to which the B1 Zone is being relocated is currently zoned R1 General Residential and has a minimum lot size of 450m<sup>2</sup> (Figures 2, 3 and 4).





Figure 1 – Proposed Site

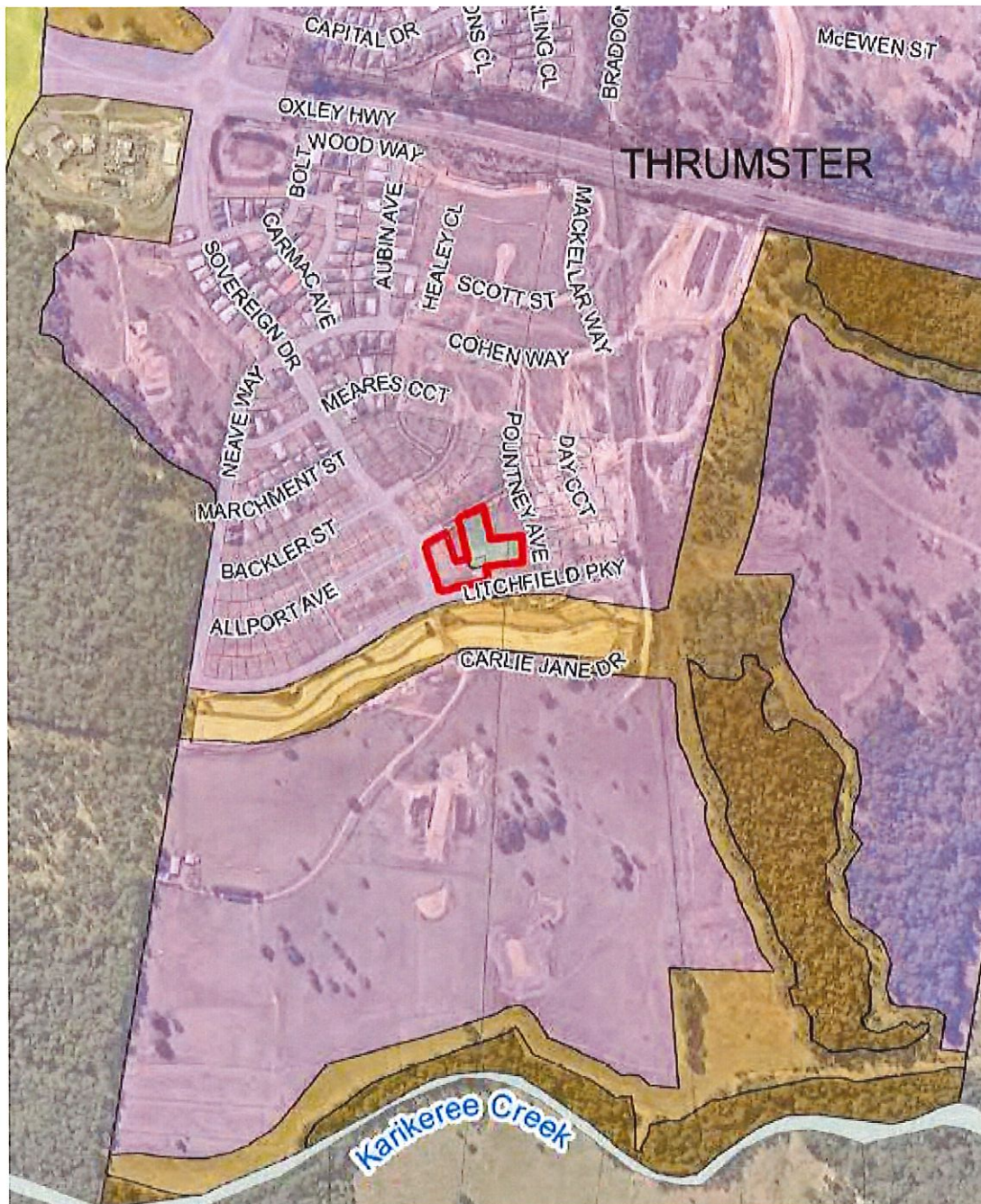


Figure 2 – Relocation Plan



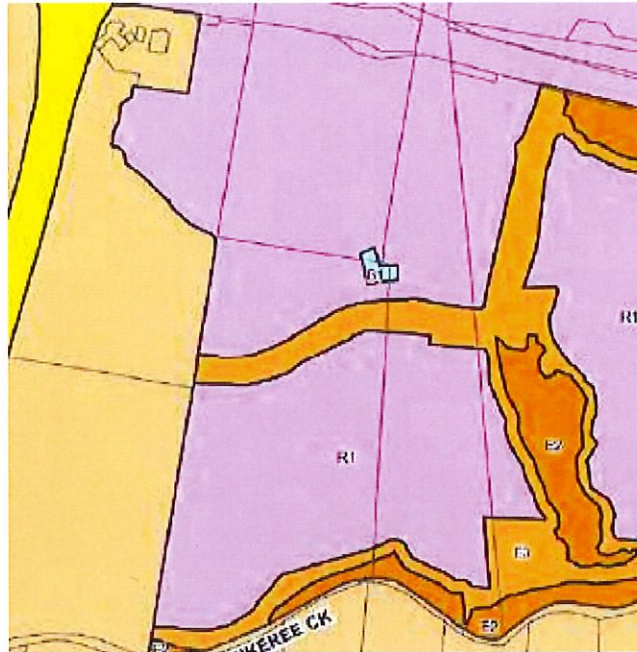


Figure 1 - Current zoning subject site

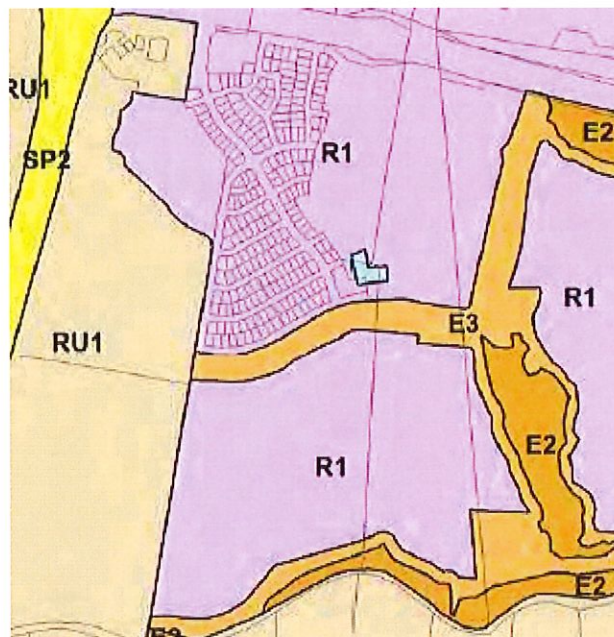


Figure 3 - Proposed zoning subject site

### Surrounding Area

The subject site is surrounded by the South Oxley residential release area which is currently under construction and too which this neighbourhood service area will provide important local services for the community.

### Summary of Recommendation

The proposed rezoning amendment should proceed subject to conditions. The planning proposal is only making a minor amendment to the location of the B1 Neighbourhood Centre in this area to take into account the final subdivision layout and cadastre. The former B1 Zone area will be zoned residential consistent with the surrounding land use.

## **PROPOSAL**

---

### **Objectives or Intended Outcomes**

The statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to:

- align the B1 Neighbourhood Centre Zone with the final subdivision layout and cadastre for the area; and
- amend the minimum lot size map to align with the relocated B1 Zone.

### **Explanation of Provisions**

The explanation of the provisions adequately addresses the intended changes to Port Macquarie-Hastings LEP 2011 to implement the proposal's objectives.

### **Mapping**

The planning proposal includes current and proposed LZN and MLS maps which adequately reflect the proposed amendments. These maps are suitable for exhibition purposes.

When making the final plan the maps will need to be consistent with the Standard Technical Requirements for Spatial Datasets and Maps.

## **NEED FOR THE PLANNING PROPOSAL**

---

The planning proposal is not the result of a strategic study or report. The proposal is required to reflect and align with the subdivision layout and finalised cadastre boundaries for the area.

The planning proposal is considered to be the best means for achieving the rezoning of the subject land.

## **STRATEGIC ASSESSMENT**

---

### **State**

The planning proposal does not contain any matters of state significance.

### **Regional**

The proposal is within the mapped Urban Growth Boundary for the area and is consistent with the vision and directions of the North Coast Regional Plan 2036, in particular in relation to successful centres of employment and providing great places to live and work.

### **Local**

The proposal is consistent with the aims and goals of the Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031 including the identified retail hierarchy for Port Macquarie.

### **Section 117(2) Ministerial Directions**

The proposal is considered to be consistent with all relevant s117 Directions except as follows (noting that the proposal does not currently refer to Direction 5.10 Implementation of Regional Plans and that this should be amended prior to consultation):

#### Direction 1.1 Business and Industrial Zones

The proposal is inconsistent with this direction as it does not retain areas and locations of existing business areas due to the relocation of the B1 Zone. The inconsistency with this Direction is considered to be of minor significance due to the minor distance involved in the relocation (60m) and as the business area will not be reduced in size.

#### Direction 4.1 Acid Sulfate Soils

The proposal is inconsistent with this Direction as the subject land contains class 5 acid sulfate soils and the proposal is not supported by an acid sulfate soils study. This inconsistency is considered to be of minor significance as Class 5 acid sulfate soils are a low risk class and as suitable provisions already exist within the Port Macquarie-Hastings LEP 2011 to address acid sulfate soils at development application stage.

#### **State Environmental Planning Policies**

The proposal is considered to be consistent with all applicable SEPPs.

### **SITE SPECIFIC ASSESSMENT**

---

#### **Social/Economic**

The provision of the B1 Neighbourhood Centre Zone is considered to have positive social and economic impacts for the area by helping to facilitate the provision of local services to the community.

#### **Environmental**

The site is cleared urban land and no adverse environmental impact is likely to result from the proposal.

#### **Infrastructure**

An existing State infrastructure contribution of \$2047 per residential lot was adopted by the former Director General of Planning for the Thrumster urban release area. The current proposal does not have any implications or impacts in regard to State infrastructure or the contribution.

### **CONSULTATION**

---

#### **Community**

The planning proposal has indicated a 14 day community consultation period. This is considered reasonable.

#### **Agencies**

Due to the minor nature of the proposal, no agency consultation is considered necessary.

### **TIMEFRAME**

---

The planning proposal includes a project time line which suggests a completion time within 3 months. It is considered that a 6 month period is appropriate to provide sufficient time to finalise the proposal noting the Christmas period absences.

## **DELEGATION**

---

As the proposal deals with only matters of local significance, it is recommended that an authorisation to exercise plan making delegation be issued to Council in regard to this matter.

## **CONCLUSION**

---

The planning proposal is supported as it:

- meets the adequacy criteria by providing appropriate objectives and intended outcomes; a suitable explanation of the provisions and justification for the proposal; outlines appropriate community consultation; provides a project timeline; and an evaluation for the delegation of plan making functions;
- is consistent or justifiably inconsistent with all relevant s117 directions and SEPPs;
- is consistent with the North Coast Regional Plan 2036; and
- is unlikely to have any adverse impact.

## **RECOMMENDATION**

---

It is recommended that the delegate of the Secretary:

1. agree the inconsistencies with Section 117 Directions 1.1 Business and Industrial Zones and 4.1 Acid Sulfate Soils are minor and justified.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to include consideration of s117 Direction 5.10 Implementation of Regional Plans.
2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. No consultation is required with public authorities under section 56(2)(d) of the Act.
4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.



20 December 2017

**Craig Diss**  
**Acting Director Regions, Northern**  
**Planning Services**