

(FUTURE) PUBLIC EXHIBITION DATES

(Start) to (Finish)

Planning Proposal under section 3.33 of the EP&A Act

Port Macquarie-Hastings LEP 2011 (Amendment No 54)



Ccl ref: PP2014-14.1
DP&E ref: PP_2018_PORTM_
Date: 17 June 2019



Planning Proposal status (for this copy)

Stage	Version Date (blank until achieved)
Draft	1 April 2019
Reported to Council (section 3.33)	17 April 2019
Referred to Dept of Planning & Environment (sec 3.34 (1))	17 June 2019
Gateway Panel determination (sec 3.34 (2))	
Revisions required: Yes / No.	
Public Exhibition (Sch 1 cl 4)	
For Council review (sec 3.35 (1))	
Adopted by Council for submission to Minister's delegate (sec 3.36 (2))	

Council reference: PP2014-14.1

Port Macquarie-Hastings LEP 2011 (Amendment No 54)

Department of Planning & Environment reference: PP_2018_PORTM_*

Council Address

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Contact Officer

Stephanie Baker
Strategic Land Use Planner
Email: stephanie.baker@pmhc.nsw.gov.au
Phone: (02) 6581 8056

Adoption of the Planning Proposal

1. For initial Gateway determination

The undersigned Council delegate endorsed this Planning Proposal on 17 June 2019:

Signed 

Name Peter Cameron

Position Group Manager Strategic Land Use Planning

2. For section 3.36 finalisation

This Planning Proposal was endorsed on by Port Macquarie-Hastings Council, or the undersigned Council delegate (delete one):

Table of Contents

Background	4
Planning Proposal	7
Part 1 - Objectives or Intended Outcomes.....	7
Part 2 - Explanation of Provisions.....	7
Part 3 – Justification.....	7
A - Need for the planning proposal.	7
B - Relationship to strategic planning framework.	8
C - Environmental, social and economic impact.....	17
D - State and Commonwealth interests.	21
Part 4 – Mapping.....	23
Part 5 – Community Consultation	26
Part 6 – Project Timeline	27
 Appendix A – Gateway Determination	 28
Appendix B – Draft Site Specific Development Control Plan provisions	29
Appendix C – Draft Bushfire (Clause 2.4.3.4) DCP updates.....	30
 Attachment 1 - Concept Plan	 31
Attachment 2 - Flood Impact Assessment 2010	32
Attachment 3 - Flood Impact Assessment 2019	33
Attachment 4 - Ecological Assessment	34
Attachment 5 - Addendum to the Ecological Report	35
Attachment 6 - Ecological Assessment as per BAM methodology.....	36
Attachment 7 - Email relating to ecological assessment	37
Attachment 8 - Bushfire Hazard Assessment.....	38
Attachment 9 - Aboriginal Cultural Heritage Assessment	39

Background

This Planning Proposal has been prepared under section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's *A Guide to Preparing Planning Proposals*.

The Planning Proposal explains the intended effects of a proposed amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) to rezone rural land in Bonny Hills for light industrial and environmental purposes.

The site is identified in the Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) 2017 – 2036 for investigation in the immediate/short-term for service industrial development.

The site (refer to **Figure 1**) includes private land comprising Lot 10 DP 615775 (8.96ha) and Lot 1 DP 1117908 (0.62ha), corner Ocean Drive and Houston Mitchell Drive, Bonny Hills. The Proposal also includes rezoning of the adjoining public road reserves. Refer to **Figures 2 - 5** site images.

The site adjoins environmental living zoned land to the north (separated by Houston Mitchell Drive) and residential zoned land to the east (separated by Ocean Drive). The adjoining lands to the east are currently undergoing development as part of the Lake Cathie/Bonny Hills Urban Release Area. Queens Lake Nature Reserve directly adjoins the site to the west. The rural zoned lands adjoining the site to the south are identified in the UGMS for further investigation for light industry or school uses.



Figure. 1 Subject site and locality context

The site is currently zoned RU1 Primary Production under the LEP 2011 and has a minimum subdivision lot size requirement of 40ha.

Site features include:

- Four dams
- One dwelling house
- Sheds
- A patch of core Koala habitat in the northern part of the site
- Four hollow bearing trees.



Figures 2 - 5: Site Photos

The Proposal involves an amendment to the Port Macquarie-Hastings LEP 2011 to enable future development for approximately 29 light industrial lots, including a residue that is proposed as environmental lands.

The proponent, King & Campbell, has submitted a subdivision concept plan (at **Attachment 1**) to demonstrate a possible future subdivision layout.

Specialist studies in support of the Proposal include ecological, bushfire, traffic, flooding, and heritage. These studies, which are based on an earlier concept, indicate that the Proposal can be accommodated on the subject site.

There is currently an area in the north of the site which is considered to be core Koala habitat; there are four large hollow bearing trees on the property and the site is potentially subject to flooding in storm surge events. These matters are key considerations of this Planning Proposal.

Council resolved to prepare this Planning Proposal on 17 April 2019.

This Planning Proposal is accompanied by draft site specific development control (DCP) provisions for future development of the land (at **Appendix B**) and an update to Chapter 2.4.3.4 (Bushfire hazard management) of the general provisions of PMH DCP 2013 (at **Appendix C**). The intention is for these draft provisions to go on public exhibition for community consultation in conjunction with the Planning Proposal.

Planning Proposal

Part 1 - Objectives or Intended Outcomes

This Planning Proposal seeks to amend the *Port Macquarie Hastings Local Environmental Plan 2011* to rezone the subject land to enable development for light industrial purposes, to conserve areas of environmental significance and to maintain a landscaped buffer to prevent the visual prominence of future development from the road.

Part 2 - Explanation of Provisions

The Planning Proposal seeks to amend the LEP by:

- Amending the Land Zoning map, as described in this Planning Proposal, from RU1 Primary Production to:
 - Part IN2 Light Industrial
 - Part E2 Environmental Conservation
 - Part E3 Environmental Management
- Amending the Lot Size map to permit a minimum lot size of:
 - 1000 m2 on the part of the site proposed to be IN2 Light Industrial.
 - 3 hectares for the proposed E2 Environmental Conservation, and
 - 1800sqm for the proposed E3 Environmental Management residue lands
- Amending the Height of Building map to introduce a maximum building height of:
 - 11.5m for the proposed IN2 Light Industrial land

Note: these amendments incorporate the rezoning and associated map updates to the road sections of Houston Mitchell and Ocean Drive that abut the boundaries of the subject site to the north and east.

Part 3 – Justification

In accordance with the Department of Planning and Environment's *Guide to Preparing Planning Proposals*, this section provides a response to the following issues:

- Section A: Need for the Planning Proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact, and
- Section D: State and Commonwealth interests

A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The site has been identified for investigation in the North Coast Regional Plan (NCRP) 2036 as an investigation area for employment lands.

The site has also been identified as an investigation area for light industry in Council's UGMS since 2011, noting that the site presents an opportunity to meet the future local

service based industrial needs of the Lake Cathie/Bonny Hills Urban Release Area population.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The aim of Council's UGMS is *'to achieve well-planned growth in the right places, to create a more diverse and prosperous economy and maintain a healthy environment and great places to live'* (Vol 2:7).

Action 17 of the UGMS 2017 identifies this site for investigation in Year 1-5:

'Investigate the capacity of land at the intersections of Ocean Drive with Houston Mitchell Drive and Bonny View Drive for service industrial development' (Vol 1:25).

The site is recognised in the UGMS as being a suitable industrial investigation area as it is centrally located in terms of access to planned development in Lake Cathie and Bonny Hills Urban Release Area. The subject site is likely to yield approximately 5.65ha of light industrial land, which is around 70% of the required industrial land supply in the UGMS in this locality. This is strategically important as there is no certainty that any other land in the Lake Cathie/Bonny Hills area will be suitable for light industrial development.

The site specific investigations carried out to date support the use of the land for future industrial use, which will also include the rezoning of approximately 3.7ha for future environmental conservation. This ensures that the rezoning achieves the aim of the UGMS to avoid significant environmental impacts. The Planning Proposal achieves the avoidance of significant ecological impacts and will allow appropriate development that will manage environmental hazards. The site is capable of connection to existing water and sewerage services without significant costs.

It is considered the Planning Proposal is the best way to achieve the objectives of the UGMS 2017- 3036.

B - Relationship to strategic planning framework.

3. Will the planning proposal give effect to the objectives and actions of the North Coast Regional Plan 2036?

Consideration of the Planning Proposal in the context of the relevant goals, directions and actions of the State Government Regional Plan is provided below:

Goal 1 - The most stunning environment in NSW

Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments

Action 2.1: Focus development to areas of least biodiversity sensitivity in the region and implement the "avoid, minimise, offset" hierarchy to biodiversity, including areas of high environmental value.

This Proposal is to protect approximately one third of the most valuable areas of the site for regeneration and future preservation. This will be achieved by applying an E2 Environmental Conservation zone to these areas.

The Applicants 2018 ecological assessment confirms that any vegetation within the proposed IN2 Light Industrial zone, which is proposed to be cleared, can be offset within the E2 Environmental Conservation zoned areas of the site. Through the DA process, the

clearing is to be offset using the Biodiversity Offset Scheme and the retirement of biodiversity credits.

Direction 3: Manage natural hazards and climate change

Action 3.1: Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.

An assessment of bushfire hazard and flooding hazard has been undertaken, which demonstrates that industrial development will comply with Planning for Bushfire protection 2006 and satisfy Council's adopted flood policy.

Goal 2 - A thriving, interconnected economy

Direction 6: Develop successful centres of employment

Action 6.6 Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support growth.

The subject site has been identified in Council strategies for light industry for many years because it is:

- Easily accessible from main roads
- In proximity to an urban release area to the east of Ocean Drive, currently undergoing development, which will result in significant population growth generating demand for new local business services and employment over time
- In proximity to another possible light industrial area or school to the south of the site (as identified in UGMS).

Goal 3 - Vibrant and engaged communities

Direction 16: Collaborate and partner with Aboriginal communities

Action 16.2: Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.

The Planning Proposal is supported by an Aboriginal Cultural Heritage Assessment (**Attachment 9**) prepared by the Birpai Local Aboriginal Land Council, who have advised that there is no reason that the rezoning cannot proceed in respect to Aboriginal Cultural Heritage issues.

Direction 21: Coordinate local infrastructure delivery

Action 21.2: Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure

The site is identified for employment purposes and can be connected to reticulated services by way of an existing sewer stub, which will need to be extended to reach the subject site for future connection. Further, there is opportunity to connect to the existing water main off Ocean Drive with a link through to the water main located on Houston Mitchell Drive.

By way of road connections, the corner location of the site will enable the future use to utilise the existing road infrastructure.

Urban Growth Area Maps

The Regional Plan identifies the site on the Urban Growth Area Map for Port Macquarie-Hastings as Investigation Area - Employment Lands

- The site is identified as Investigation Area - Employment Lands.
- It will rezone the least sensitive areas of the site for industrial development, and protect the valuable areas of the site by applying an environmental management zone. In addition, the site will provide for offsetting of some tree removal within the future environmental zone, achieving both the minimise and the offset hierarchy to biodiversity.
- Assessment of bushfire hazard and flooding hazard has been undertaken and demonstrated that industrial development will comply with Planning for Bushfire protection 2006 and satisfy Council's adopted flood policy.
- It will allow development of land that will make use of existing infrastructure.

4. Will the planning proposal give effect to Council's endorsed local strategic planning statement, or another endorsed local strategic plan?

The Proposal will give effect to the following endorsed Council strategies:

UGMS 2017

The UGMS is the local response to the NCRP and is closely integrated with Council's *Towards 2030 Community Strategic Plan* (discussed below).

The site is identified in this Strategy for investigation in the immediate/short-term for *service industrial development*.

A key aim of the UGMS for *Economic Development and Employment* is:

... to promote economic development and employment to create a prosperous and diversified economy.

The UGMS recognises that there is currently no zoned land for local service industry in the Lake Cathie/Bonny Hills locality and that the site will provide approximately half of the required land area to satisfy this existing shortfall.

The current Proposal has approximately 5.65ha of proposed industrial zone, which represents around 70% of the required industrial land supply in the UGMS in this locality. This is strategically important as there is no certainty that any other land in the Lake Cathie/Bonny Hills area will be suitable for light industrial development.

Towards 2030 Community Strategic Plan

The Proposal for the subject site satisfies the key strategies of this Plan for both *business and industry* and *natural and built environment*. The Planning Proposal will:

- Provide for industrial zoned lands in close proximity to existing urban areas, assisting residents to live and work in close proximity
- Attract investment to create jobs
- Provide for effective management and maintenance of urban services (water, sewer)

- Assist in minimising the impact of natural events and climate change (floods, bushfires), through appropriate environmental zoning and mitigation measures; and
- Facilitate development that is compatible with the natural and built environment.

Draft Bonny Hills Community Plan 2018

The Draft Bonny Hills Community Plan, which was endorsed by Council on 19 August 2018 and has been subject to community consultation, acknowledges that the village will experience significant population growth over the next 20 years; and that this growth will generate demand and opportunities for a range of new local business services and employment.

There are a number of goals identified, by the community, in the plan with supporting statements relating to the subject site and/or its proposed use:

Goal 1 – Maintain and enhance the village character of Bonny Hills

Supporting Statement: Ocean Drive recognised as a scenic landscaped route, not a light industry corridor with appropriate landscaping planned for the villages of Bonny Hills and Lake Cathie.

Goal 2 – Maintain the natural environment – including beaches, coastline, bushland and hinterland

Supporting Statement: Consider ‘Habitat Protection’ zonings in the Local Environment Plan to ensure long term viability of corridors.

Goal 4 – Manage future growth and development to be consistent with the above

Supporting Statement: Create an area for local light industry area that is discreet and out of sight, possibly off Houston Mitchell

The Planning Proposal is considered to satisfy these goals as follows:

- Provides a landscaped buffer along Ocean Drive - the intent of the environmental strip is as a buffer to mitigate the visual prominence of the future development from the road. It is proposed that the strip will be planted with suitable vegetation to ensure that this buffer is effectively achieved. It is considered that the buffer should have a minimum depth of five metres to provide sufficient space for trees and shrubs of varying sizes and densities. This will provide effective landscaping to mitigate the visual prominence of any future development. Furthermore, the landowner has offered to enter into a Voluntary Planning Agreement with Council. While the terms of this Agreement are yet to be finalised, one of the matters to be included will be dedication of a 5m wide strip of land along the future IN2 Light Industrial eastern edge of the site for use as a landscaped buffer. It is anticipated that a draft Agreement will be exhibited concurrently with the Planning Proposal, when it is fully negotiated, in accordance with Council’s Planning Agreement Policy.
- A draft DCP has been prepared (at **Appendix B**), which includes development provisions to ensure that the landscaped buffer is planted to effectively shield future development from the road.

- Ensures the preservation of the core Koala habitat by way of an E2 Environmental Conservation zone in the north of the site. Providing this space for revegetation will ensure retention of the existing habitat and that the future development of the site will be screened from the Ocean Drive/Houston Mitchell Drive intersection.
- Maintains and restores the habitat corridor in the southern part of the site by way of an E2 Environmental Conservation zoning.

2017 - 2021 Delivery Program and 2018 - 2019 Operational Plan

The subject rezoning is identified in Council's Delivery Program to 2021. Operational Action 3.1.2.2 is *'to investigate the capacity of land at the intersection of Ocean Drive and Houston Mitchell Drive, Lake Cathie, for potential service industrial development'*.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 1 considers the relevant SEPPs that apply to this Planning Proposal.

Table 1 – Assessment of the Planning Proposal against relevant SEPPs

SEPP	Relevance	Reason for inconsistency or comment
44 Koala Habitat Protection	Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	<p>Consistent</p> <p>During the field survey undertaken in 2016 (to support the Ecological Assessment by FloraFauna at Attachment 4), 22 Koala Food Trees were recorded. The assessment identified that <i>several trees showed signs of Koala activity</i> (p.6). The assessment however concluded that the site would be unlikely to comprise core koala habitat due to the lack of evidence of a resident koala population or breeding females.</p> <p>Further, a federal referral assessment was undertaken as part of the abovementioned Ecological Assessment, which determined that a federal referral would not be required.</p> <p>The Biodiversity Australia ecological assessment, prepared in 2018 (Attachment 6) to comply with the changes to the Biodiversity Conservation Act 2016, recognised that species surveys for Koalas (amongst other things) were undertaken during previous ecological studies. During the Koala surveys <i>'none of these species were confidently recorded on the site and as such, there is no species credit requirement for the development site'</i> (p.23).</p> <p>Correspondence with Biodiversity Australia dated 28 November 2018 (Attachment 7) confirmed that <i>'core Koala habitat may be present'</i> and that a Koala Plan of Management will be prepared at a future DA stage.</p> <p>Considering the above information, Council has worked closely with the Applicant to ensure the best possible concept layout for the site that allows the proposed use, while protecting the core Koala habitat.</p>

SEPP	Relevance	Reason for inconsistency or comment
		Subsequently, it is considered that the Proposal is consistent with this direction.
55 Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.	Consistent The site is not registered on Councils contaminated lands register nor does it have a history that includes a use that would preclude a future industrial use.
(Coastal Management) 2018	The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016	Consistent The site is not mapped as being in the Coastal Wetlands or the Proximity Area for Coastal Wetlands.
(Infrastructure) 2007	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State	Consistent The site has frontage to Ocean Drive, which is a classified road. However, access to the site is proposed to be via Houston Mitchell Drive. Draft site specific DCP provisions have been prepared for public exhibition with this Proposal that make special provision for site access to be from Houston Mitchell and not Ocean Drive (refer to Appendix B). Subsequently, it is considered that the future industrial use will be compliant with this Direction.
(Primary Production and Rural Development) 2019	A key aim of this policy is to facilitate the orderly and economic use and development of lands for primary production and to reduce land use conflict	Consistent The Proposal to rezone the land to IN2 Light Industry is justified as follows: <ul style="list-style-type: none"> • The land is not mapped as regionally significant farmland • The location of the site is not suitable agricultural land with residential development to the north and east, a possible light industry/school site to the south and a nature reserve to the west • The subject land is identified as 'future industrial lands' in the UGMS • The subject land is identified in the NCRP as being an investigation area for light industry

1. Is the planning proposal consistent with applicable (s.9.1 directions) Ministerial Directions?

Table 2 below considers the relevant s9.1 Directions that apply to this Planning Proposal.

Table 2 – assessment of the proposal against relevant s9.1 Directions

Section 9.1 (2) Directions and Objectives		Reason for inconsistency or comment
1	Employment and Resources	
1.1	Business and Industrial Zones	<p>Consistent</p> <p>The location of the site for the proposed industrial lands is in accordance with an approved strategy, being Council's UGMS</p>
1.2	Rural Zones	<p>Inconsistent</p> <p>The Proposal is inconsistent with this Direction as it seeks to rezone land from RU1 Primary Production to IN2 Light Industrial.</p> <p>The inconsistency is considered justifiable on the basis that the site is identified in Councils UGMS for investigation in the next 1-5 years for <i>service industrial development</i> (Action 17, Vol: 1: 25).</p> <p>Further, due to the size of the site, it is not economically or environmentally sustainable to use the land for primary production now or in the future.</p>
1.5	Rural Lands	<p>Inconsistent</p> <p>Commentary regarding the consistency of the Proposal in relation to SEPP (Rural Lands) is provided in Table 1 above.</p> <p>The inconsistency is considered justifiable as the land is identified as '<i>proposed employment lands</i>' in the NCRP. This is in addition to its identification for <i>service industrial development</i> in the UGMS, as mentioned above.</p>
2	Environment and Heritage	
2.1	Environmental Protection Zones	<p>Consistent</p> <p>The Proposal seeks to preserve approximately 3.7ha of the land for environmental protection. The intent is for the proposed E2 Environmental Conservation on the site to become a stewardship site, which will enable the landowner to meet their biodiversity offset obligations.</p>
2.2	Coastal Management	<p>Consistent</p> <p>The site is not mapped as being within Coastal Wetlands or the Proximity Area for Coastal Wetlands under the <i>Coastal Management Act 2016</i>.</p>
2.3	Heritage Conservation	<p>Consistent</p> <p>The Proposal is consistent with this Direction as the Birpai Local Aboriginal Land Council, in their 2018 Assessment, did not identify any evidence of Aboriginal occupation and confirmed that the rezoning Proposal can continue, subject to monitoring of any future earthworks during development of the site (refer to Attachment 9 for the Aboriginal Cultural Heritage Assessment report).</p>

Section 9.1 (2) Directions and Objectives		Reason for inconsistency or comment
3	Housing, Infrastructure and Urban Development	
3.4	Integrating Land Use and Transport	<p>Consistent</p> <p>The site is located on the corner of Ocean Drive (a classified road) and Houston Mitchell Drive, making it a location that is easily accessible, a key consideration for industrial areas.</p> <p>Further, there is a bus stop on Ocean Drive, approximately 600m from the site.</p>
4	Hazard and Risk	
4.1	Acid Sulfate Soils	<p>Consistent</p> <p>Part of the site is mapped as Class 5 Land. Under cl 7.1 of PMH LEP 2011, works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land will require consent.</p> <p>In this regard, the adjacent Class 4 lands are located to the east of the Ocean Drive road corridor and for a distance of 500m, are currently above 5m AHD. These adjoining lands have been approved to be finished to a level of approximately 6m AHD, to provide district sporting fields and residential lots. Therefore, it is considered that the Proposal is consistent with this Direction.</p>
4.3	Flood Prone Land	<p>Consistent</p> <p>The Proposal is supported by a 2010 Flood Impact Assessment (Pensini, 2010) (Attachment 2) and an updated 2019 Flood Impact Assessment (Advision, 2019) (Attachment 3), which established the peak 100-year recurrence flood level at the site. The information was used to inform the initial indicative layout for the site, including the extent of proposed fill to support the future industrial subdivision and use of the land. Given the increase in potential storm-water runoff and the possible reduction in flood storage as a result of the required fill, the draft site specific DCP (Appendix B) has been prepared to include development provisions, which will ensure appropriate management of stormwater.</p>
4.4	Planning for Bushfire Protection	<p>Inconsistent</p> <p>The site is mapped bushfire prone.</p> <p>A site specific Bushfire Hazard Assessment (Attachment 8) has been prepared. The report concluded that ‘<i>subject to the implementation of the bushfire threat reduction measures and consideration of the recommendations in the report, bushfire risk is manageable</i>’ (p.31). The assessment also indicates that requirements for future Asset Protection Zones can be adequately provided within the site to mitigate bushfire threats.</p> <p>It is considered that this Proposal:</p> <p>a) Has regard to Planning for Bushfire Protection 2006, and</p>

Section 9.1 (2) Directions and Objectives	Reason for inconsistency or comment
	<ul style="list-style-type: none"> b) Achieves an outcome whereby all bushfire protection measures will be managed within the future IN2 zone c) Will provide a sufficient space within the IN2 zone for a perimeter road to be provided around the future lots; and d) Reasonably minimises the perimeter of the area of land and the hazard interface <p>A draft site specific DCP has been prepared (Appendix B) and an update to Chapter 2.4.3.4 (Bushfire hazard management) of Part 2 - General provisions in DCP 2013 (Appendix C). Both of these DCP updates include development provisions to ensure the above outcomes are achieved at a future DA stage.</p> <p>The Direction requires that Council consult with the Commissioner of the NSW Rural Fire Service (RFS) after a Gateway Determination has been issued.</p>
5 Regional Planning	
5.10 Implementation of Regional Plans	<p>Consistent</p> <p>The site is identified for investigation within the NCRP (Investigation Area - Employment Lands).</p>
6 Local Plan Making	
6.1 Approval and Referral Requirements	<p>Consistent</p> <p>None of the provisions in the Proposal will create excessive concurrence, consultation or referral requirements. Further, the Proposal does not identify any development as designated development.</p>

C - Environmental, social and economic impact.

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A detailed ecological assessment and addendum assessment relating to this Proposal were prepared by FloraFauna Consulting in 2016 and 2017 (**Attachments 4 and 5**).

A subsequent Ecological Assessment (Biodiversity Australia, 2018) (**Attachment 6**) was prepared to meet the principles of the *Biodiversity Conservation Act 2016* and in accordance with stage 1 and 2 of the Biodiversity Assessment Method. The assessment confirms that there are no endangered ecological communities on site. A credit summary report was calculated, which concludes that approximately 3.73 ha of lands will be required to offset the loss of vegetation and habitat. The credit summary report calculated that there is likely to be sufficient land to provide the necessary offsets onsite.

Native vegetation and species habitat

The abovementioned 2016 assessment notes that most of the land has been cleared of native vegetation and is maintained as managed grassland with retained ‘paddock’ trees. The report also acknowledges the two areas of mapped vegetation, being a ‘*disjunct remnant patch in the north part of the site and a patch in the southwest corner of the site that forms part of the eastern margin of a large area of vegetation within the Queens Lake State Conservation Area that extends into the Queens Lake Nature Reserve*’ (p. 68).

Council has been working to develop a Coastal Koala Plan of Management (CKPoM), which is one of a suite of proposed policy changes to provide a comprehensive set of planning controls to manage the impacts of development on Koala habitat in the Port Macquarie Hastings area, and is designed to help reduce the overall impact of habitat loss.

The draft CKPoM was publically exhibited in April – May 2018 and reported to Council at Item 12.04 on 19 September 2018. At the meeting, this item was deferred pending further consideration. However, in accordance with the draft CKPoM, Council considers that the abovementioned ‘remnant patch’ of vegetation in the north part of the site is core Koala habitat (refer to **Figure 6**).

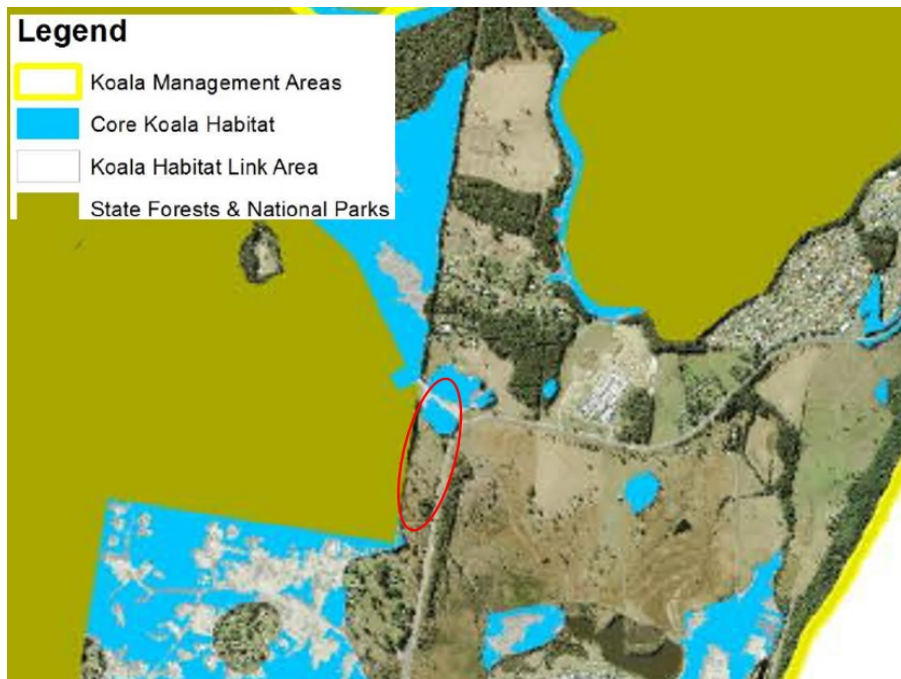


Figure 6 Mapping from Draft CKPoM (Feb 2018, p. 31). Subject site highlighted red.

It is considered that further assessment pursuant to SEPP 44 should be undertaken at the subsequent development application stage, which may determine the need for a Koala Plan of Management to be prepared for the subject site.

The ecological assessment reports submitted in support the proposal, recommended a number of ameliorative measures to mitigate potential impacts. These include pre-tree removal inspections, nest boxes, compensatory plantings of Koala food trees and non-koala food trees, regeneration of the native groundcover and understorey layers, retention of three dams and weed management.

While it is acknowledged that these reports are based on an earlier concept, it is considered that the current concept effectively considers the remnant patch of vegetation in the north by proposing an E2 Environmental Conservation zone over that section of the site; which provides a suitable balance for the future development and protection of the Koala food trees on the site.

The Applicant is proposing to use the E2 Environment Conservation zoned land in the north and south of the site to retire biodiversity credits.

Hollow bearing trees

Four hollow bearing trees have been recorded on the site, which are between 12m - 25m in height.

There have been a number of iterations of the concept to try to achieve the best outcome in terms of a useable industrial footprint, while achieving the avoid and minimise principles of the *Biodiversity Conservation Act 2016*. The concept plan supporting this Proposal retains two of the four hollow bearing trees.

It is considered that a further hollow bearing tree assessment can be undertaken, as required, in a subsequent ecological assessment with a future DA.

Summary

As identified, there have been a number of variations to the Proposal since it was submitted in June 2018 to ensure that the natural environment, including significant values and hazards have been sufficiently considered. While this has resulted in inconsistencies between the final concept plan and the specialist studies prepared to support this Proposal, it is considered that the studies are of sufficient detail for the purposes of a rezoning. The Proposal has taken considerable steps to ensure a balanced approach that achieves the strategic objectives of the site for light industry with consideration of the environmental values and hazards on the land as follows:

- Approximately one third of the site (3.7ha) is included for future environmental conservation by way of an E2 Environmental Conservation zoning
- Retaining the Koala food trees in the north of the site in the proposed E2 Environmental Conservation zone. As identified in **Figure 6**, the northern area of the site is recognized as a remnant patch in the ecological studies and is mapped by Council as core Koala habitat. This habitat is part of a much larger territory extending north, north-west and west of the site.
- Retaining two of the four hollow bearing trees in the E2 Environmental Conservation zone.
- Including a draft site specific DCP (refer to **Appendix B**), which provides objectives and development provisions that contain the following natural environment protection measures:
 - The provision of a fauna fence to discourage Koalas from crossing the adjacent busy roads.

If a Gateway determination is issued, consultation with the NSW Office of Environment and Heritage will be required and can provide further expert guidance on the suitability of the biodiversity assessment, its' methods and findings.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Flood

A Flood Impact Assessment was initially prepared by Worley Parsons in 2010 (**Attachment 2**) to establish the peak 100-year recurrence flood level at the site. This level was estimated to be 7.6 m AHD. The information contained in this initial report was then used to develop an indicative layout for the site, including an indicative extent of proposed fill to support the future industrial subdivision and use of the land.

The approximate extent of land to be filled is noted on the attached concept layout. The required volume of fill equates to approximately 5,000m³. This will lead to an increase in potential storm-water runoff and the likelihood of reduced flood storage as a result of the required fill. Subsequently, Worley Parsons were engaged to carry out additional investigations to characterise the existing flood conditions and to document the magnitude and extent of the impact as a result of the necessary fill.

The 2010 assessment concludes the following:

The results of the modelling indicate that filling for the proposed development will have minimal impact on the peak 100 year ARI flood level. The peak 100 year ARI

flood level at the site is predicted to increase by 10mm due to the filling and will lead to no increase in the reported 100 year ARI flood level for the site. A minor increase in the peak flood discharge through the culvert system is predicted to occur. However, this increase is less than 2% of the pre-development flow and is not considered to present any concerns for the site located downstream.

Worley Parsons conclude that Council can be satisfied that the 2010 assessment provides satisfactory demonstration that the site is suitable for development for industrial purposes.

An updated Flood Impact Assessment has recently been prepared (**Attachment 3**). As a result of the findings, the draft site specific DCP provisions, which have been prepared to support this Proposal, include water quality development provisions relating to stormwater. (**Appendix B**).

Bushfire

The accompanying Bushfire Hazard Assessment (Pensini, 2018) (**Attachment 8**) concludes that subject to the implementation of appropriate bushfire threat reduction measures, bushfire risk is manageable.

The recommended measures, including adequate defendable space, appropriate road design and access have been accommodated within the indicative industrial subdivision layout to support the Planning Proposal. Detailed design will be dealt with at a future development application stage.

Subsequently any future development in the proposed industrial zone is capable of satisfying *Planning for Bushfire Protection 2006*.

As an extra precaution, draft site specific DCP provisions (see **Appendix B**) have been prepared, which include, amongst other things, provisions for a perimeter road around the industrial interface. Further, it is proposed to update the bushfire provisions of Clause 2.4.3.4 of the General Provisions of DCP 2013 (refer to **Appendix C**), to ensure that this clause is applicable to industrial development, not just residential development.

Summary

The Proposal has considered the site in the context of bushfire risk and flood hazard by:

- Reasonably minimising the perimeter of the area of land and the hazard interface.
- Providing sufficient space within the proposed IN2 Light Industrial zone for a perimeter road to be provided around the majority of future lots.
- The Proposal is supported by a Flood Impact Assessment, which established the peak 100-year recurrence flood level at the site. The information from the assessment was used to inform the initial indicative layout for the site, including the extent of proposed fill to support the future industrial subdivision and use of the land.

9. How has the planning proposal adequately addressed any social and economic effects?

Social

The applicant's Aboriginal Cultural Heritage Assessment (**Attachment 9**) provides an assessment of cultural heritage values on the site and concludes that there is no reason for the rezoning not to proceed.

The proposed environmental zones and DCP provisions will ensure that there is an effective buffer to screen the future light industrial development from view. This addresses community concerns and mitigates social effects.

Economic

The subject site is expected to yield approximately 5.65ha of light industrial land, which is around 70% of the required industrial land supply nominated in the UGMS for this locality. This is strategically important as there is no certainty that any other land in the Lake Cathie/Bonny Hills area will be suitable for light industrial development.

The rezoning of the site will be consistent with a key economic and employment aim of Council's UGMS, to provide industrial/employment lands in close proximity to the Area 14 Urban Growth Area, at a location that is well serviced and accessible and where there is currently no zoned land for local service industry. The site will provide approximately half of the land area recognised as being needed in the Lake Cathie Bonny Hills locality.

Summary

The proposed rezoning will:

- more appropriately reflect the local planning strategies for the area and complement the existing land uses in the locality;
- provide employment opportunities for existing and future residents within walking distance to their place of residence (given proximity of the Lake Cathie/Bonny Hills Urban Release Area)
- manage the environmental constraints (flooding, bushfire, ecological)
- create an opportunity to facilitate a wildlife linkage; and
- provide landscaping treatments to buffer future development from Ocean Drive.

Accordingly, social impacts are expected to be negligible and economic impacts will be positive.

D - State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

Access and Traffic

This site is well located from an accessibility point of view, being located on the corner of Houston Mitchell Drive and Ocean Drive. In this regard, the light industrial area can be established in a manner that ensures that there will be a minimal number of trips generated by industrial based traffic through future residential areas. The proposed access to and from the site is via Houston Mitchell Drive, ensuring the safety of traffic by avoiding an additional direct entry/exit via Ocean Drive.

Additionally, Houston Mitchell Drive provides a direct link to the Pacific Highway, and Ocean Drive provides a direct link to the southern end of Port Macquarie and Laurieton to the south.

It is considered that this site, for future light industry, takes advantage of the road accessibility to both the surrounding area and beyond.

Stormwater

The Proposal is for a stormwater drainage system which incorporates the following:

- End-of-line stormwater detention and water quality treatment facilities to treat runoff from proposed road reserve areas within the subdivision, and
- Privately owned/maintained on-site water quality treatment and detention within each of the individual industrial allotments to treat site stormwater discharge from each of these lots.

It is considered that stormwater facilities generally in accordance with the above can be accommodated within the development site subject to the submission of modelling and concept plans, which support a future DA. The draft site specific DCP has been prepared to include development provisions, which will ensure appropriate future management of stormwater (**Appendix B**).

Sewer

An Infrastructure Construction Certificate (ICC) has been approved for a sewer pump station on the adjoining property. This provides a 225mm sewer stub, which will need to be extended to reach the subject site for future connection.

The site can be serviced with a connection to the existing 300mm water main off Ocean Drive with a link through to the 200mm water main located on Houston Mitchell Drive.

On this basis, the infrastructure is considered satisfactory to service future light industrial development of the site.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

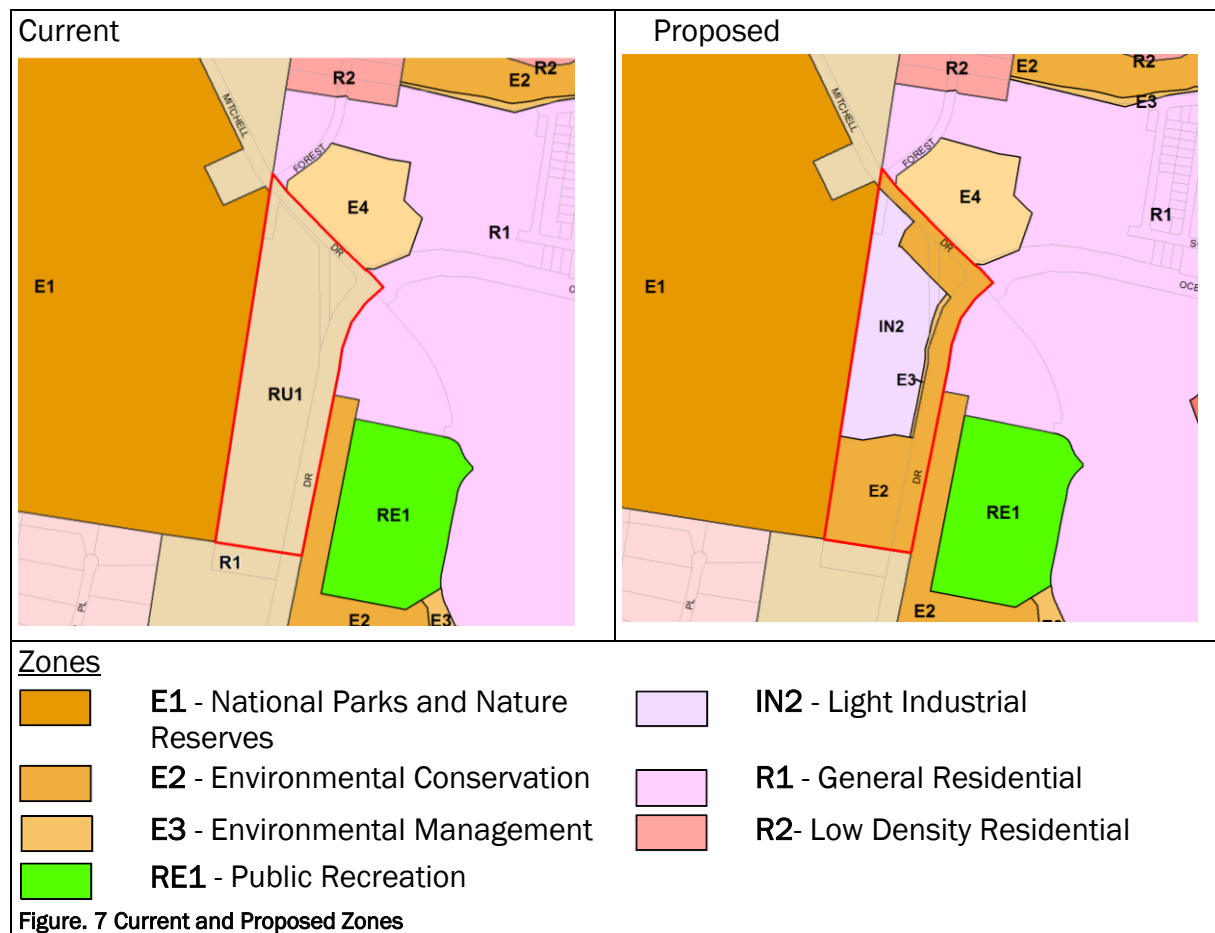
Should the Proposal be supported, the Department of Planning and Environment's gateway determination will specify consultation requirements.

Part 4 – Mapping

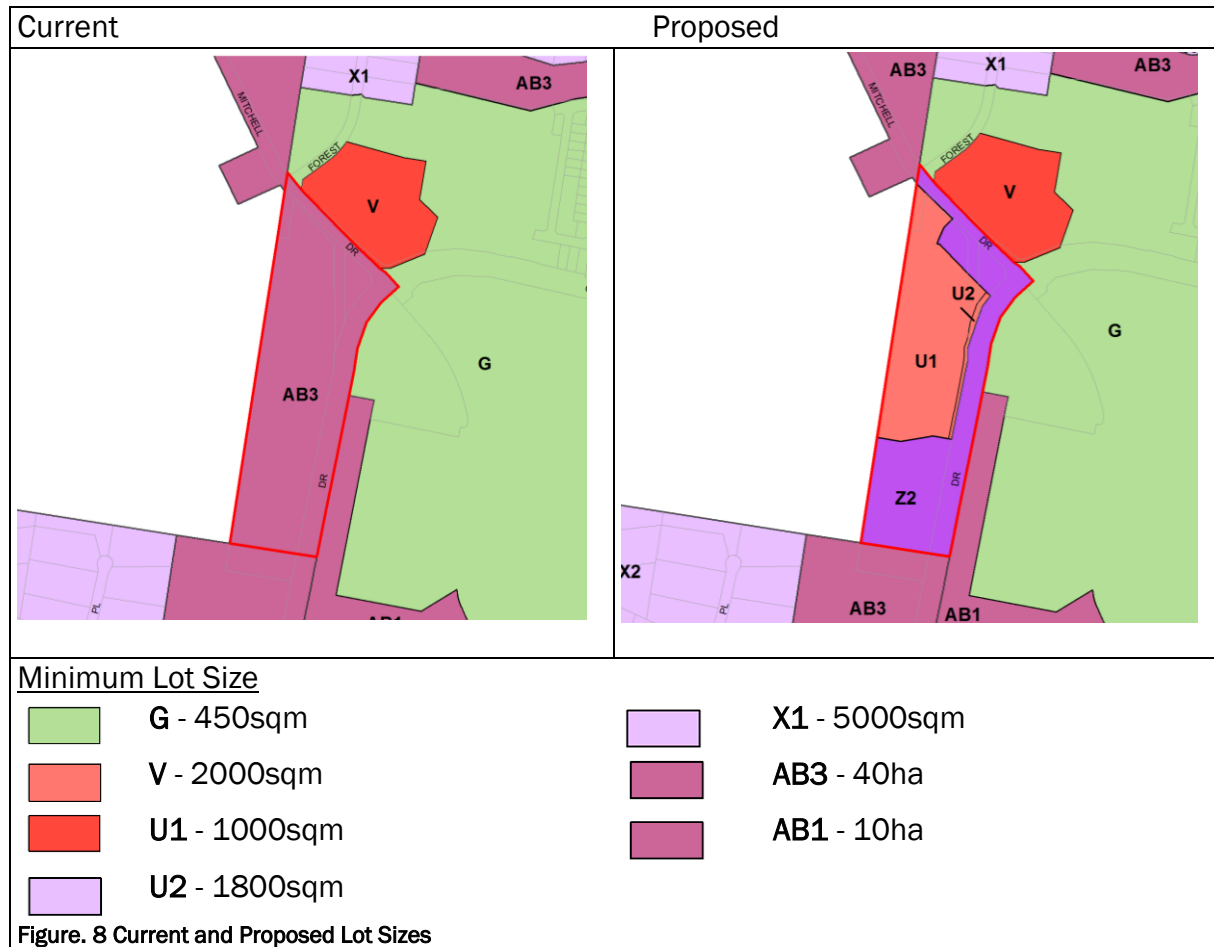
Proposed map amendments to the PMH LEP 2011, as outlined in Part 2 of this Planning Proposal, are illustrated in **Figures 8 - 10** below. The subject land is shown in red outline.

To ensure consistency with the proposed land zoning, the recommendation incorporates the rezoning and associated map updates to the road sections of Houston Mitchell and Ocean Drive (refer to **Figures 7 - 9** for recommended zoning map) that abut the boundaries of the subject site to the north and east. These road sections are currently zoned RU1 Primary Production and are proposed to be zoned E2 Environmental Conservation in the Planning Proposal. This is in line with Principle 1.3 of the *Zoning for infrastructure in LEPs* practice note issued by the NSW Department of Planning in 2008.

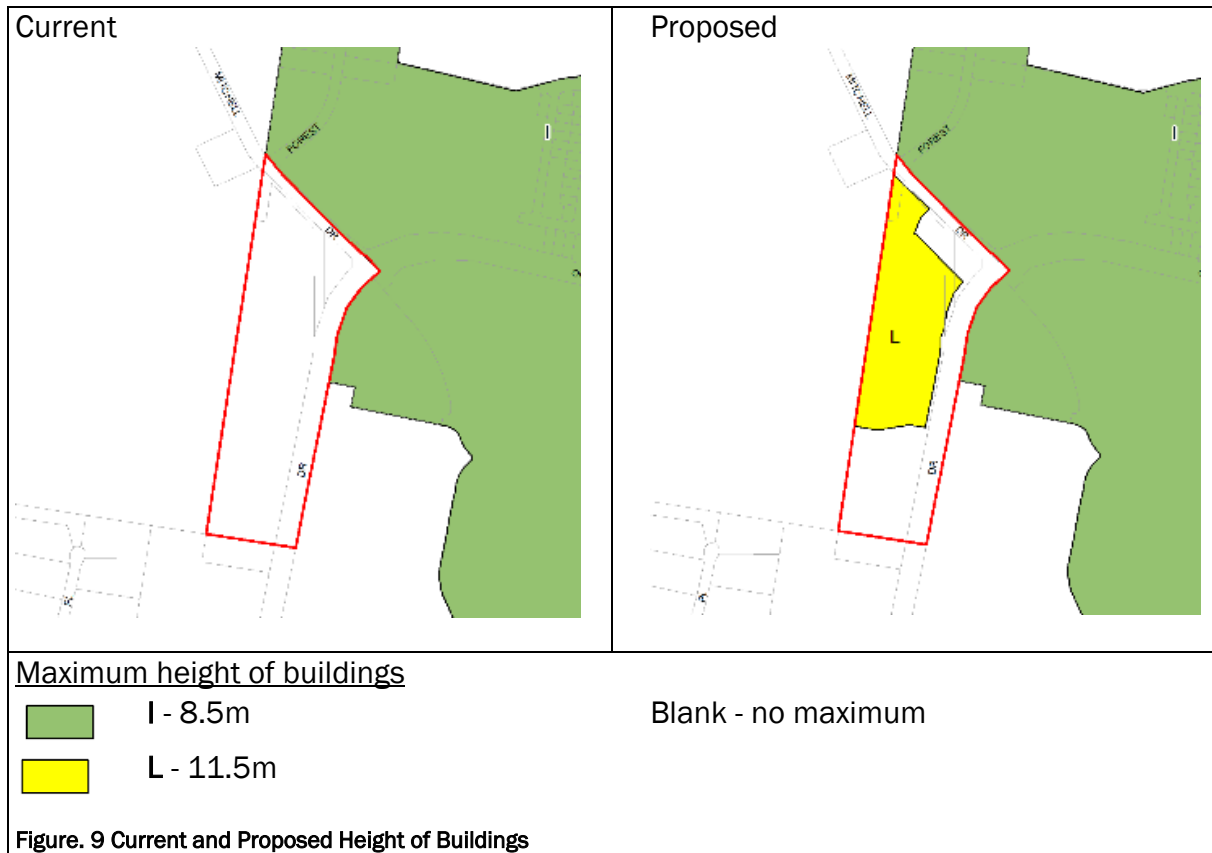
Land Zoning Map



Lot Size Map



Height of Buildings Map



Part 5 – Community Consultation

The Planning Proposal will be exhibited for a period as specified in the Gateway Determination. It is proposed that the exhibition will include:

Advertisement in local newspaper

An advertisement will be placed in local papers.

Consultation with affected owners and adjoining landowners

A letter will be sent to the landowner and adjoining landowners. Opportunities for one-on-one consultations to discuss the proposals will be available upon request.

Displays at the Council Head Quarters

The Planning Proposal will be displayed at the Port Macquarie (17 Burrawan Street) and Laurieton (9 Laurie Street) Council Head Quarters.

Exhibition on the Council website

The Planning Proposal will be exhibited on the Council *haveyoursay* website (<https://haveyoursay.pmhc.nsw.gov.au/>)

Direct Contact

The contact officer for this Proposal is Stephanie Baker (Strategic Land Use Planner).

Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays. It is assumed that Council will have authorisation to carry out certain plan-making functions. It is anticipated that authorisation will be exercised by Council's General Manager or the Director of Strategy and Growth.

Action	Timeframe
Commencement (date of Gateway determination)	June 2019
Timeframe for completion of required technical information	July 2019
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Aug 2019
Public exhibition period	Sep 2019
Timeframe for the consideration of submissions	Oct 2019
Timeframe for the consideration of a proposal post exhibition	Nov 2019
Date of submission to the Department for Parliamentary Council Opinion	Dec 2019
Anticipated date Council will make the Plan	Jan 2020
Anticipated date Council will forward to the Department for notification	Jan 2020

Appendix A – Gateway Determination

A copy of the Gateway Determination for this Planning Proposal will be included in this Appendix after it is issued.

The Section 3.34 Gateway Determination addresses processing requirements:

- (a) whether the matter should proceed (with or without variation),
- (b) whether the matter should be resubmitted for any reason (including for further studies or other information, or for the revision of the Planning Proposal),
- (c) the minimum period of public exhibition of the Planning Proposal (or a determination that no such public exhibition is required because of the minor nature of the Proposal),

Note. Under Schedule 1, the mandatory period of public exhibition is 28 days if a determination is not made under paragraph (c).

- (d) any consultation required with State or Commonwealth public authorities that will or may be adversely affected by the proposed instrument,
- (e) whether a public hearing is to be held into the matter by the Independent Planning Commission or other specified person or body,
- (f) the times within which the various stages of the procedure for the making of the proposed instrument are to be completed,
- (g) if the Planning Proposal authority is a council – whether the council is authorised to make the proposed instrument and any conditions the council is required to comply with before the instrument is made.

At the time of preparation of this version of the Planning Proposal there has been no Gateway Determination.

Appendix B – Draft Site Specific Development Control Plan provisions

Appendix C – Draft Bushfire (Clause 2.4.3.4) DCP updates

Attachment 1 - Concept Plan

Attachment 2 - Flood Impact Assessment 2010

Worley Parsons, 2010

Attachment 3 - Flood Impact Assessment 2019

Advison, 2019

Attachment 4 - Ecological Assessment

FloraFauna Consulting, 2016

Attachment 5 - Addendum to the Ecological Report

FloraFauna Consulting, 2017

Attachment 6 - Ecological Assessment as per BAM methodology

Biodiversity Australia, 2018

Attachment 7 - Email relating to ecological assessment

Biodiversity Australia, 28/11/18

Attachment 8 - Bushfire Hazard Assessment

David Pensini, 2018

Attachment 9 - Aboriginal Cultural Heritage Assessment

Birpai Local Aboriginal Land Council, 2018