

PUBLIC EXHIBITION DATES

3 March 2021 to 31 March 2021

Revised Planning Proposal under section 3.33 of the EP&A Act

Port Macquarie-Hastings LEP 2011 (Amendment No 54)



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Date: **3 March 2021**



**PORT MACQUARIE
HASTINGS
COUNCIL**

Version: **V2.2**

Planning Proposal status (for this copy)

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For Council review (sec 3.35 (1))	
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Port Macquarie-Hastings LEP 2011 (Amendment No 54)

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Environment reference:

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Adoption of the Planning Proposal

1. For initial Gateway determination

The undersigned Council delegate endorsed this Planning Proposal on [XX] [XXX] 2021:

Signed

Name Dan Croft

Position Group Manager Development Assessment

2. For section 3.36 finalisation

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

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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 6 DP 1210904 (0.62ha, being part of former Lot 1 DP 1117908), 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 and include the Lake Cathie Primary School, PMHC district sports fields and residential subdivision. Queens Lake State Conservation Area (SCA) 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.

Public exhibition of the Planning Proposal, which included State agency consultation with NSW Roads and Maritime Services (RMS), NSW Rural Fire Service (RFS) and Office of Environment and Heritage (OEH), took place from 20 November to 18 December 2019. A total of 28 submissions were received to the exhibition. A meeting was held with the proponent, Council staff and Office of Environment and Heritage - Biodiversity Conservation Division on 24 January 2020 to discuss biodiversity matters raised by their submission.

Since the time of the public exhibition, the Proponent undertook further work including a revised concept plan and traffic impact assessment in response to the submissions. The work was submitted on 28 September 2020 and reviewed by Council staff.

The Planning Proposal has been identified as part of the *NSW Public Spaces Legacy Program* and scheduled for completion by 30 June 2021. A number of amendments have been made to the Planning Proposal to respond to submissions from the community and State agencies, and therefore a revised Planning Proposal (together with associated Development Control Plan provisions) is being re-exhibited for 28 days.

The Subject Site

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.

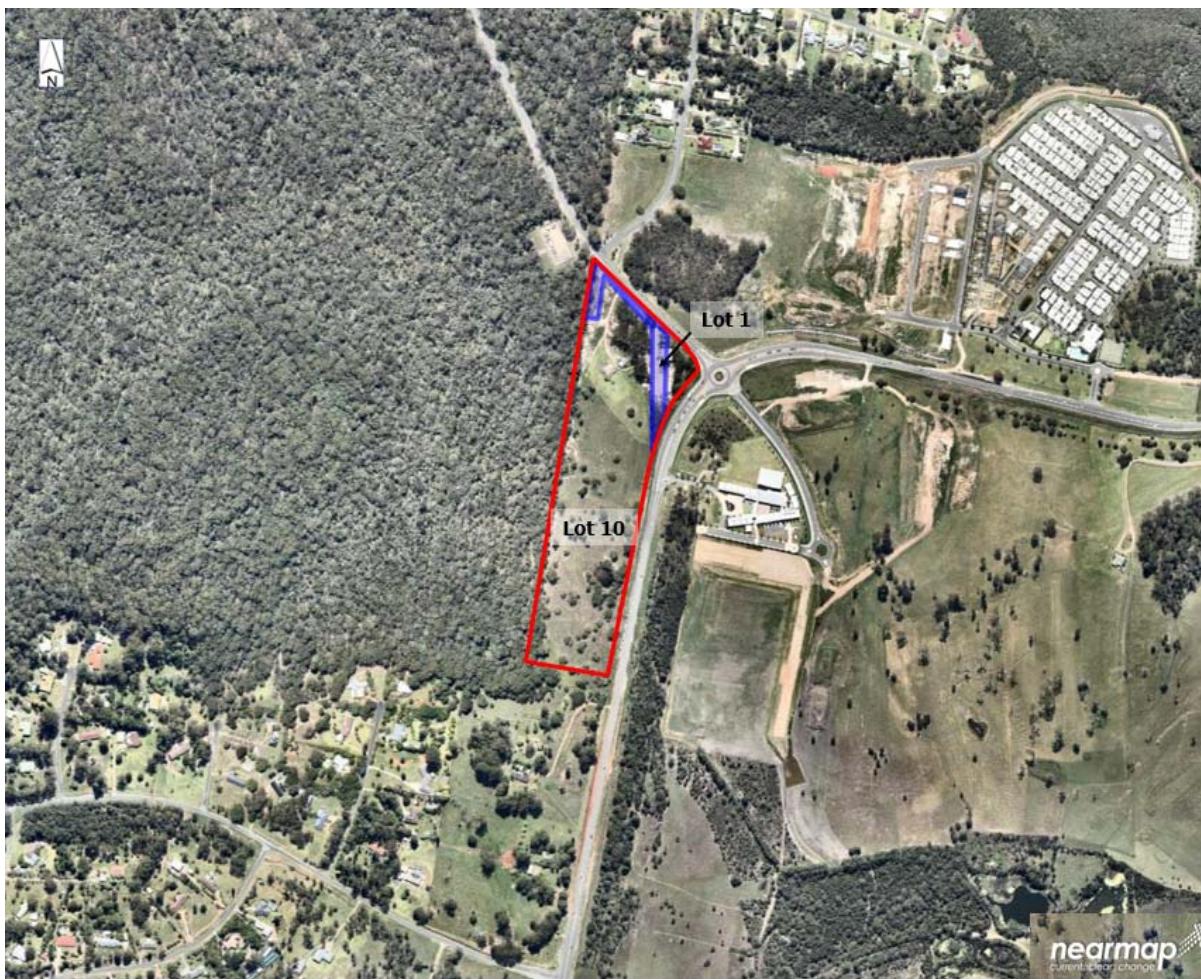


Figure. 1 Subject site and locality context



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 revised 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.

Summary of Changes to Planning Proposal

There have been a number of changes made to the Planning Proposal since the public exhibition and agency consultation took place from 20 November to 18 December 2019.

The changes reflect the feedback received from the community, state agencies and Council staff and further supporting information provided by the proponent.

Changes include:

Figure 7 - Land Zoning Map - the proposed map has been replaced with a revised zone layout. The IN2 Industrial zone has been increased in area at the north- eastern part of the site and reduced at the southern end compared with the previous map. A strip of E2 Environmental Conservation land extends along part of the western boundary. The E3 zone that was proposed along Ocean Drive boundary has been replaced by an E2 zoning. The E3 zone is no longer used.

- Figure 8 - Lot Size Map - the proposed map has been replaced with a revised map to reflect change to the zone layout.
- Figure 9 - Height of Buildings Map - the proposed map has been replaced with a revised map to reflect the zone layout and the maximum height of buildings for the IN2 zone has been changed from 11.5m to 10m.

This Planning Proposal is accompanied by draft site specific development control (DCP) provisions for future development of the land (refer to **Appendix B**) and an update to Section B3 - 18 Bushfire Hazard management of the general provisions of PMH DCP 2013 (at **Appendix C**). The draft provisions will go on public exhibition for community consultation in conjunction with the revised Planning Proposal.

Note: Changes to the Planning Proposal document made after the report to Council on 17 February 2021 (Item 13.13) are shown in yellow highlight.

An updated Traffic Impact Assessment has been included at Attachment 11. A new Biodiversity Assessment Report has been included at Attachment 12.

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
- 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
- Amending the Height of Building map to introduce a maximum building height of:
 - 10m for the proposed IN2 Light Industrial land

Note 1: The existing 40ha minimum lot size applying to the size is proposed to remain on the section of the land identified as future E2 Environmental Management.

Note 2 : The 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.

Extracts from PMHC LEP 2011 Land Use Table

Zone IN2 Light Industrial

1 Objectives of zone

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses*

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pubs; Roads; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; Function centres; Hazardous storage establishments; Health services facilities; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Marinas; Mooring pens; Offensive storage establishments; Passenger transport facilities; Places of public worship; Pond-based aquaculture Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Rural industries; Schools; Sewerage systems; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water storage facilities; Wharf or boating facilities

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- To protect coastal wetlands and littoral rainforests.*
- To protect land affected by coastal processes and environmentally sensitive land.*
- To prevent development that adversely affects, or would be adversely affected by, coastal processes.*
- To enable development of public works and environmental facilities where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values.*

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environmental protection works; Oyster aquaculture; Recreation areas; Research stations; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

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 5.5ha 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 4ha 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 proponent’s 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. Future development is required to comply with Planning for Bushfire Protection 2019 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.
- An assessment of bushfire hazard and flooding hazard has been undertaken. Future development is required to comply with Planning for Bushfire Protection 2019 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:

Local Strategic Planning Statement 2020 - Shaping Our Future 2040

Council adopted a local strategic planning statement (LSPS) in November 2020. The LSPS will be used by Council to assess planning proposals within a strategic framework as part of the strategic merit test as outlined in the NSW DPIE guidelines for preparing planning proposals and LEPs. The LSPS includes 19 Planning priorities across the themes of: Our Environment, Places, Connections, Economy, and Enabled by Infrastructure.

The following Planning Priorities relate to the subject site and/or its proposed land use:

Priority 1 - Protect, conserve and enhance our biodiversity areas of high environmental value and our scenic and cultural landscapes while cultivating sustainable growth and development.

The Planning Proposal provides for the restoration of a habitat corridor in the southern part of the site by application of an E2 Environmental Conservation zoning to the site. The preservation of the environmental land is balanced with the provision of employment land in the northern part of the site.

Priority 2 - Manage Growth sustainably

The site is identified as Investigation Area, Employment Lands in the NCREP 2036. The site is located at the western edge of the Rainbow Beach (Area 14) Urban Growth Area that provides for a new residential development, town centre, primary school, sports fields and an environmental corridor. The site is expected to cater for 70% of the employment lands needs for the broader Lake Cathie and Bonny Hills urban area through to 2036.

Priority 16 - Plan for a future economy which is diverse, resilient and inclusive.

The proposed employment land is located at the intersection of the Ocean Drive and Houston Mitchell Drive between Lake Cathie and Bonny Hills and has access to the Pacific Highway via Houston Mitchell Drive. The Planning Proposal will provide for a range of light industrial land uses, service industries and employment opportunities for the residents of the adjacent neighbourhoods.

Urban Growth Management Strategy 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 5.5ha 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.

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 and Houston Mitchell Drive within the subject site - 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.
- A draft DCP has been prepared (at **Appendix B**), which includes development provisions to ensure that the landscaped buffer within the subject site is planted to effectively shield future development from the road.
- Maintains and restores the habitat corridor in the southern part of the site by way of an E2 Environmental Conservation zoning. In accordance with Part B2 Environmental Management 8(c) of the Port Macquarie-Hastings DCP 2013, A

Vegetation Management Plan (VMP) will be required to outline how the environmental lands are to be protected and managed. The intention is for the VMP to be required to be prepared prior to any clearing works and before issuing the construction certificate.

2017 - 2021 Delivery Program and 2020 - 2021 Operational Plan

The subject rezoning is identified in Council's Delivery Program to 2021. Operational Plan Action 4.5.1.11 includes to '*Investigate the capacity of land at the intersection of Ocean Drive and Houston Mitchell Drive for light industrial use..*'.

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 Flora Fauna 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 proponent and BCD to ensure the best possible concept layout for the site that allows the proposed use. Subsequently, it is considered that the Proposal is consistent with this direction.</p>

SEPP	Relevance	Reason for inconsistency or comment
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.	<p>Consistent</p> <p>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.</p> <p>The Gateway determination required that a preliminary contamination assessment be undertaken. The Assessment, prepared by Regional Geotechnical Solutions (refer to Attachment 10) concluded that <i>‘the site is likely to be suitable for the proposed industrial and environmental land use with regard to the presence of soil contamination provided the recommendations and advice of the report are adopted, and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements’</i> (RGS 2019:12)</p> <p>The following recommendations were included in the assessment:</p> <p>Collection of domestic and miscellaneous waste and disposal of it in accordance with Council and NSW EPA requirements.</p> <ul style="list-style-type: none"> • Undertake a hazardous Material Inspection prior to site demolition works associated with the existing dwelling and sheds to determine if hazardous materials including asbestos are present. • Collection of the various containers of chemicals present within the sheds and disposal of those containers in accordance with Council and NSW EPA requirements prior to the demolition works. • Following completion of the above actions undertake a Stage 2 Contamination Assessment. <p>Council’s environmental health officer has assessed the above report and considers it unlikely that there will be any issues in having the land remediated to an acceptable level for the proposed land zones and is comfortable that the abovementioned recommendations can be undertaken at DA stage.</p>
(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	<p>Consistent</p> <p>The site is not mapped as being in the Coastal Wetlands or the Proximity Area for Coastal Wetlands.</p>
(Infrastructure) 2007	The aim of this Policy is to facilitate the effective	<p>Consistent</p>

SEPP	Relevance	Reason for inconsistency or comment
	delivery of infrastructure across the State	<p>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).</p> <p>Subsequently, it is considered that the future industrial use will be compliant with this Direction.</p>
(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	<p>Consistent</p> <p>The Proposal to rezone the land to IN2 Light Industry is justified as follows:</p> <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

6. 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>

Section 9.1 (2) Directions and Objectives	Reason for inconsistency or comment
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 4ha of the land for environmental conservation/management. Part B2 Environmental Management 8(c) of the Port Macquarie-Hastings Council DCP 2013 requires environmental areas to be appropriately protected and managed. The intention is to achieve this through a VMP, which will be required to be prepared prior to any clearing works and before issuing the construction certificate.</p> <p>Further, site specific DCP provisions have been prepared to support this Planning Proposal, which outlines requirements for landscaping of the E2 Environmental Conservation vegetated buffer along Houston Mitchell Drive and Ocean Drive.</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>
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 to the regional and State road network, a key consideration for industrial areas.</p> <p>A Traffic Impact Assessment has been prepared by the Proponent to support the Planning Proposal and a copy is provided at Attachment 11. The TIA includes details of estimated traffic generation and access and servicing arrangements for the largest vehicles requiring access to the</p>

Section 9.1 (2) Directions and Objectives	Reason for inconsistency or comment
	<p>site. The report includes detailed analysis for a proposed 4-way priority-controlled intersection at Forest Parkway and Houston Mitchell Drive to serve the industrial land. Council staff consider the proposed 45° angle approach to Houston Mitchell Drive from the site would result in an unsafe intersection and that a roundabout is the appropriate intersection type for the location. The proponent has agreed to undertake further to resolve the matter.</p> <p>Note: The proponent has submitted an updated Traffic Impact Assessment (King & Campbell March 2021 v2). A copy of the report is provided at Attachment 11)</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 (Worley Parsons, 2010) (Attachment 2) and an updated 2019 Flood Impact Assessment (Advison, 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>Consistency with this Direction cannot be resolved until consultation with the Commissioner of the NSW Rural Fire Service (RFS) has occurred. Subsequently, RFS has been consulted as part of the public exhibition period and their views will be taken into consideration.</p> <p>Notwithstanding, 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</p>

Section 9.1 (2) Directions and Objectives	Reason for inconsistency or comment
	<p>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> <ul style="list-style-type: none"> a) Has regard to Planning for Bushfire Protection 2006, and b) Achieves an outcome whereby all bushfire protection measures will be managed within the future IN2 zone & E2 zone adjacent to Queens Lake State Conservation Area. 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 Part B3 Hazards Management 18 (Bushfire hazard management) of the 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 NSW RFS will be consulted as part of the exhibition period and their comments will be reported to a future Council meeting. Prior to finalising the Planning Proposal, Council will seek to obtain the agreement of the Secretary to comply with this Direction.</p>
5 Regional Planning	
5.10 Implementation of Regional Plans	<p>Consistent</p> <p>The planning proposal is consistent with the North Coast Regional Plan 2036. The majority of the site is within the mapped urban growth area (Investigation Area - Employment Lands), and the small variation is consistent with the Urban Growth Area Variation Principles contained in Appendix A of the North Coast Regional Plan 2036. Refer to Appendix D for justification of this inconsistency.</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.

Note: The proponent has submitted a new Biodiversity Development Assessment Report (Biodiversity Australia, October 2020). A copy of the report is provided at Attachment 12.

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).

Prior to public exhibition of the original Planning Proposal in 2019, Council had been working to develop a draft 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. At that time, the abovementioned ‘remnant patch’ of vegetation in the north part of the site was identified as core Koala habitat (refer to **Figure 6**).

The CKPoM was considered at the Council meeting of 12 August 2020 (Item 13.05) Council determined to not proceed with to finalisation of the draft document.

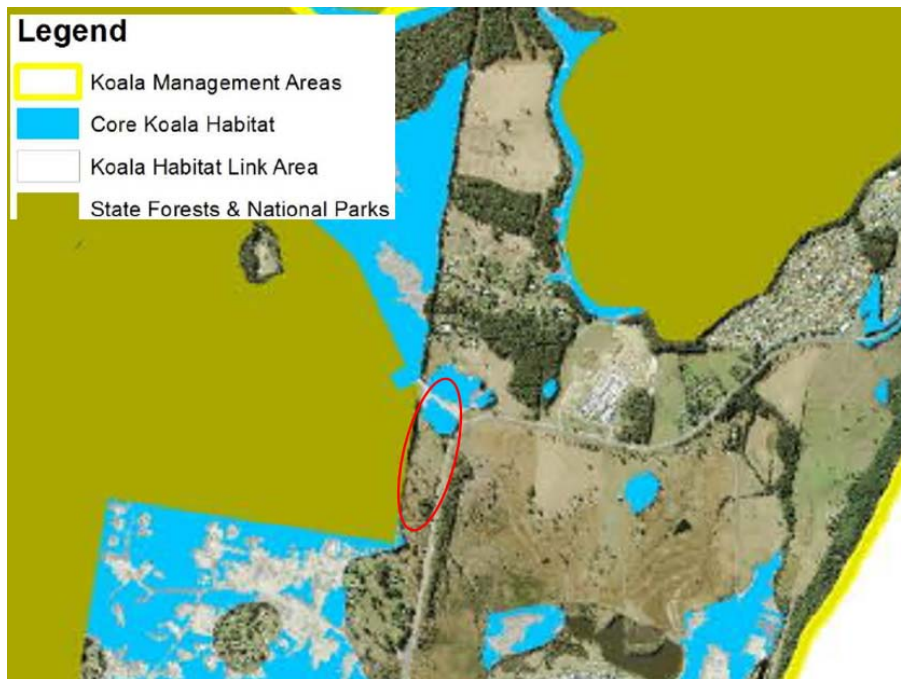


Figure. 6 Mapping from Draft CKPoM (Feb 2018, p. 31). Subject site highlighted red.

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 the reports are based on the previous development concept, it is considered that the current concept provides a suitable balance for the future development and protection of some of the Koala food trees on the site.

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 current concept plan supporting this revised Planning Proposal retains three of the four hollow bearing trees (Trees 835, 872 & 873).

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

Note: The proponent has submitted a new Biodiversity Development Assessment Report (Biodiversity Australia, October 2020). A copy of the report is provided at Attachment 12.

Consultation with Office of Environment & Heritage - Biodiversity Conservation Division

The Gateway determination requires consultation with the Office of Environment & Heritage (OEH) of the NSW Department of Planning, Industry and Environment for a minimum of 21 days. OEH (the Biodiversity and Conservation division) were consulted as part of the exhibition of the Planning Proposal in 2019 and a copy of their submission is provided at **Appendix E**.

The BCD did not raise issues in connection with flood risk management or Aboriginal cultural heritage at the rezoning stage. BCD did recommend that prior to determining a development application that a more thorough Aboriginal cultural heritage investigation be carried out, and that the impacts arising from changes to the location of floodwaters and frequency of inundation on endangered ecological communities, including the adjoining SCA, as a result of filling be addressed.

Several issues were raised in connection with biodiversity including threatened species and ecological communities or their habitats and the adjacent NPWS estate (Queens Lake SCA). BCD requested that before configuration of the E2 and IN2 zones in the north were finalised that further consideration be given to the following matters:

- The viability of the proposed E-zoned land in the north and its connectivity with other vegetated areas
- Retaining more of the mature important remnant trees in these parts of the planning area
- Potential impacts on koalas and locations for fauna exclusion fencing
- The need to ensure that direct impacts on the adjoining State Conservation Area of future development in the planning area can be adequately mitigated and buffered
- Possible dedication of the E-zoned land to NSW NPWS or Council after it has been revegetated. *Note: Council staff have recommended against dedication of the E-zoned land to Council.*
- Once the footprint is resolved, biodiversity credits should be determined applying Stage 1 of the Biodiversity Assessment Method (BAM)
- A planning agreement is recommended that commits the landowner to providing the biodiversity offsets and preparation of a vegetation management plan (VMP) for the E-zoned land and any vegetated buffers to the SCA with the plan prepared prior to any clearing works or issue of a construction certificate.

Note: Council staff have declined an offer by the proponent to enter into a VPA.

The Proponent met with BCD and Council representatives in January 2020 to discuss the above matters. It was agreed that it was preferable to consolidate the areas of high environmental value land and that existing vegetation surrounding the existing shed near the intersection of Houston Mitchell Drive would be isolated from other areas, and as such was less desirable to be retained between the proposed employment lands and the intersection.

As a result the following changes have been made to the Planning Proposal:

- The area of E2 zoned land adjacent to the existing shed has been reduced and is proposed as IN2.
- The southern E2 land area has been enlarged (near the larger dam) that provides for retention of additional trees and will reduce the extent of fill required for future development and reduces need for retaining walls.
- An E2 zoned landscape/visual buffer minimum 10m wide to the Houston Mitchell and Ocean Drive frontages, excepting the proposed access point at the north-west corner of the site, that provides for retention of trees.
- An increased E2 zoned landscaped splay width to the Ocean Drive and Houston Mitchell Drive corner to provide for a wider vegetated buffer at the intersection.
- An E2 zoned 10m wide landscaped buffer on part of the western boundary with the SCA that varies up to 13.5m to ensure retention of two hollow bearing trees.
- The proposed location of the fauna fence has been changed to exclude fauna from the employment lands and avoid fauna being directed onto roads.

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 4ha is included for future environmental conservation by way of an E2 Environmental Conservation zoning.
- Retaining three 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 including the provision of a fauna fence located to discourage Koalas from crossing the adjacent busy roads, entering the employment lands or landscape buffer area adjacent to Ocean Drive.
- It may be appropriate for the developer to use the proposed E2 Environment Conservation zoned land in the south of the site to meet their DCP offsetting obligations. The proposed E2 zoned landscape buffer along Ocean Drive and Houston Mitchell Drive should not be used for Koala food tree offset planting. Any biodiversity credits will have to be retired prior to vegetation clearing or issue of a construction certificate, whichever occurs first.

BCD will be consulted again as part of the exhibition of the revised Planning Proposal.

Note: The proponent has submitted a new Biodiversity Development Assessment Report (Biodiversity Australia, October 2020). A copy of the report is provided at Attachment 12.

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 defensible 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*. The Rural Fire Service (RFS) was consulted as part of the exhibition of the Planning Proposal in 2019 and a copy of their submission is provided at **Appendix E**.

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 Part B3 Hazards Management 18 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.

The RFS and will be consulted again as part of the exhibition of the revised Planning Proposal.

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 5.5ha 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. Direct entry/exit via Ocean Drive will not be permitted.

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.

The Roads & Maritime Service (RMS) now known as Transport for NSW (TfNSW) was consulted as part of the exhibition of the Planning Proposal in 2019 and a copy of the TfNSW submission is provided at **Appendix E**.

TfNSW suggested that the Planning Proposal include a Traffic Impact Assessment (TIA) to identify the likely traffic impacts on the classified road network. A TIA is required to be prepared in accordance with the Austroads Guide to Traffic Management Part 12 and complementary TfNSW and RTA guidelines. TfNSW also advised that a strategic design drawing be prepared to demonstrate access can be safely achieved to the employment lands at the location proposed including any environmental constraints or constructability issues and identify any portion of the adjoining land is needed to achieve the access proposed.

TfNSW supports the DCP amendment to restrict access from Ocean Drive.

A TIA has been prepared by the Proponent to support the Planning Proposal and a copy is provided at **Attachment 11. (Refer to Note below)** The TIA includes details of estimated traffic generation and access and servicing arrangements for the largest vehicles requiring access to the site.

The report includes detailed analysis for a proposed 4-way priority-controlled intersection at Forest Parkway and Houston Mitchell Drive to serve the industrial land. Council staff consider the proposed 45° angle approach to Houston Mitchell Drive from the site would result in an unsafe intersection. Intersections with severe skew angles (i.e. less than 75°) often experience operational or safety problems. The constraints of the site make it very

difficult to achieve a much safer 90° approach. It is also important the intersection be as far away from the Ocean Drive intersection as possible. The Proponent has advised that the prospect of acquiring part of the adjoining State Conservation Area to the west for road widening is limited.

Council staff consider a roundabout the preferred layout for an intersection in this situation where a right-angle approach cannot be achieved. This may require the slight realignment of Forest Parkway to achieve better geometry and may also involve land acquisition of Lot 2 DP1263561.

It is noted that TfNSW has an interest in any works that are proposed in connection with Houston Mitchell Drive. TfNSW will be consulted again as part of the exhibition of the revised Planning Proposal.

An opportunity to provide improved connectivity for active transport modes such as walking and cycling has been identified. A direct walking/cycling link to Ocean Drive could now be incorporated because the fauna exclusion fence does not extend along the whole boundary of the site with Ocean Drive.

Note: The proponent has submitted an updated Traffic Impact Assessment report (King & Campbell Pty Ltd March 2021 Version 2) A copy of the updated report is provided at Attachment 11.

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, at the cost of the developer.

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?

The Gateway Determination requires consultation with the following public authorities/organisations under section 3.34 (2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Roads and Maritime Services (RMS)
- NSW Rural Fire Service (RFS)
- Biodiversity and Conservation division of the NSW Department of Planning, Industry and Environment (previously Office of Environment and Heritage)

The above agencies were consulted as part of the exhibition period from 20 November to 18 December 2019. A copy of agency feedback is provided at **Appendix E**.

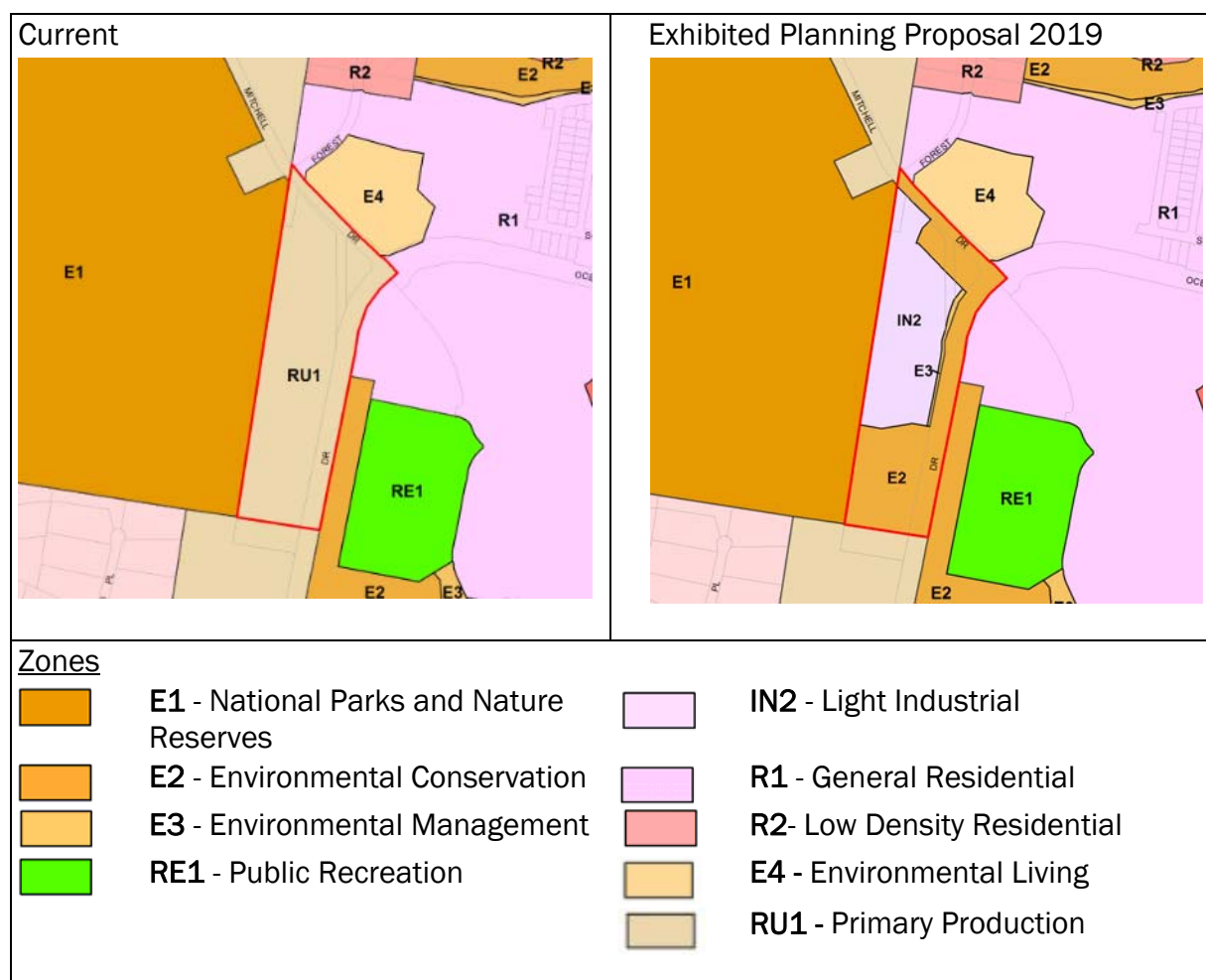
The three agencies will be consulted again as part of the exhibition of the revised Planning Proposal. Any additional agency feedback will be reported to a future Council meeting.

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.

Figure 7 - Land Zoning Map



Revised Land Zone Map

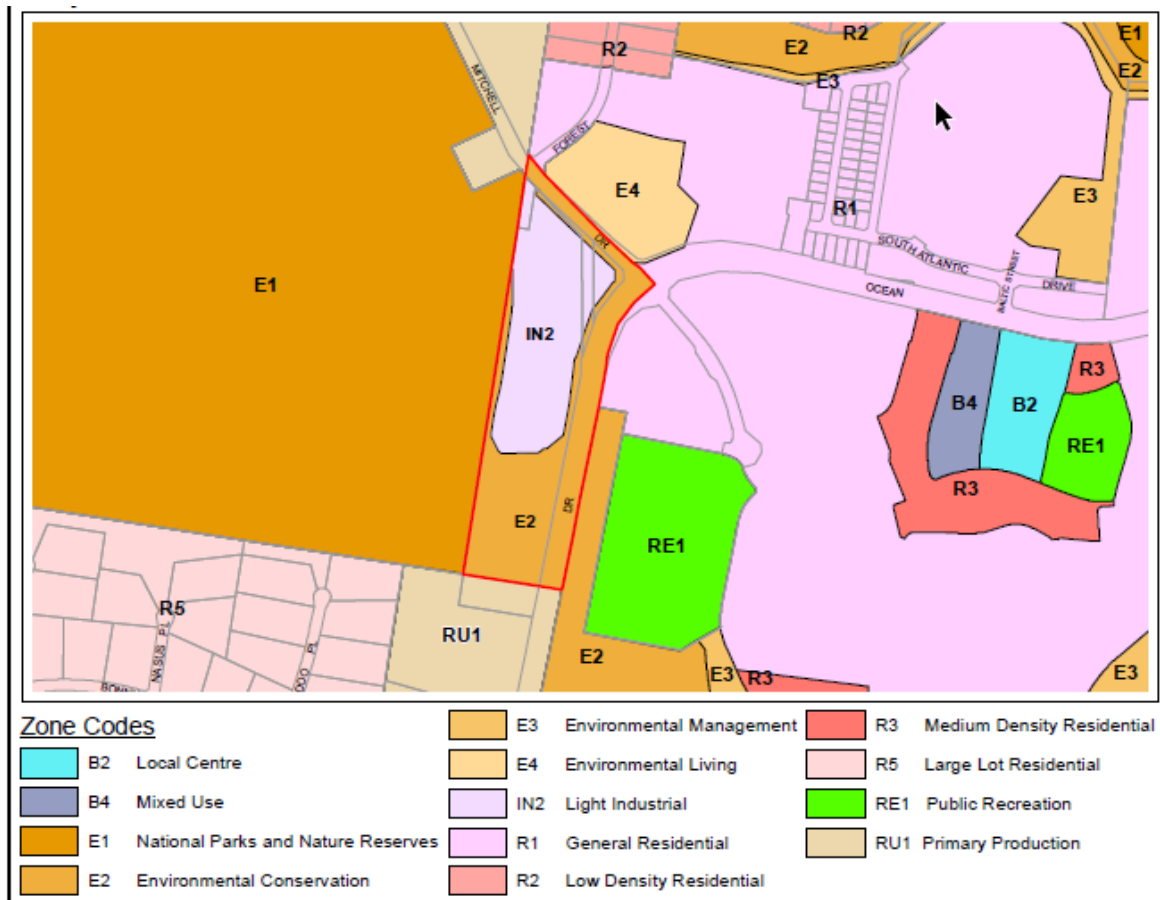
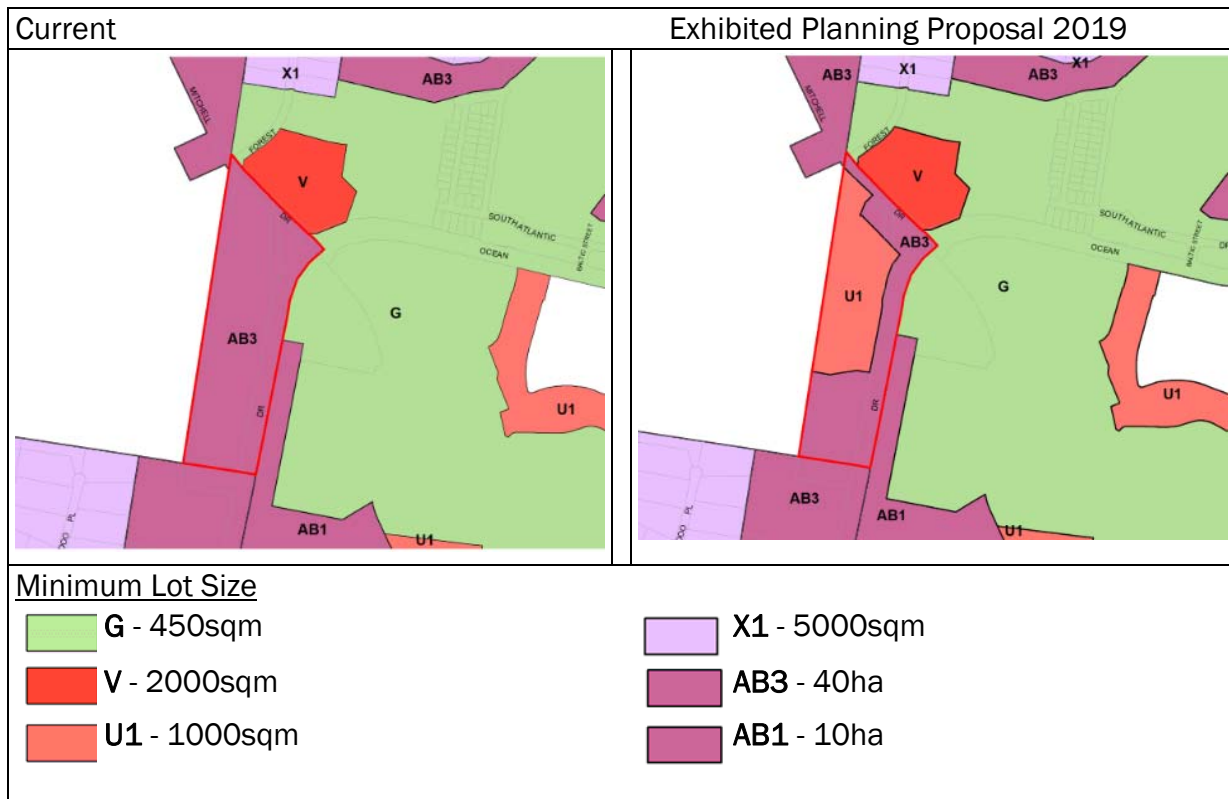


Figure 8 - Lot Size Map



Revised Lot Size Map

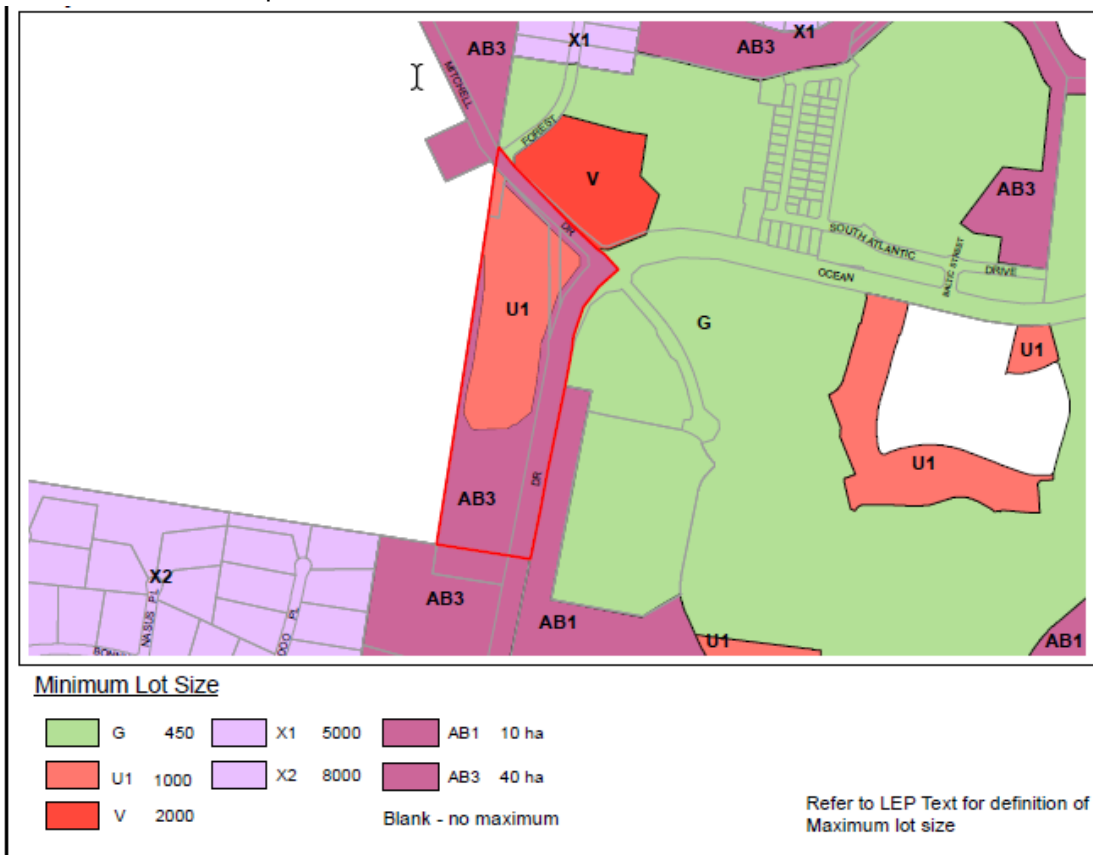
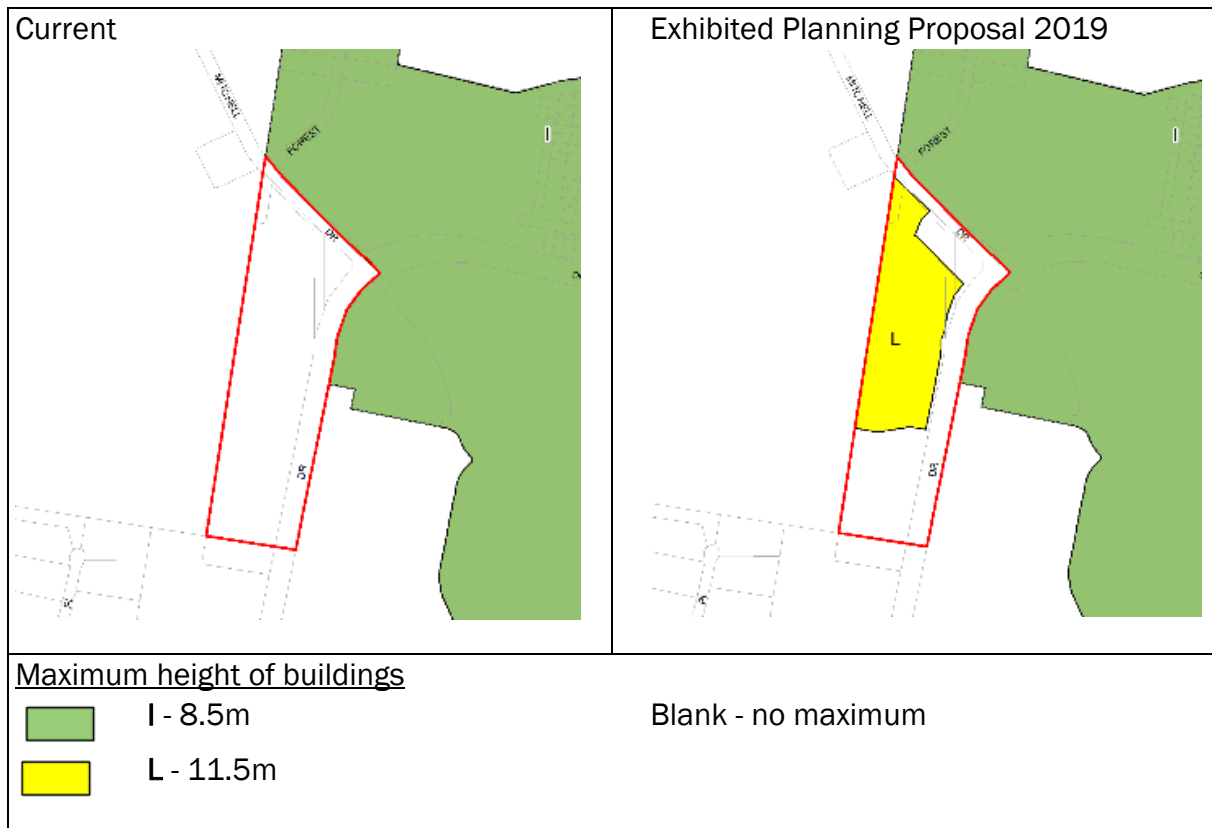
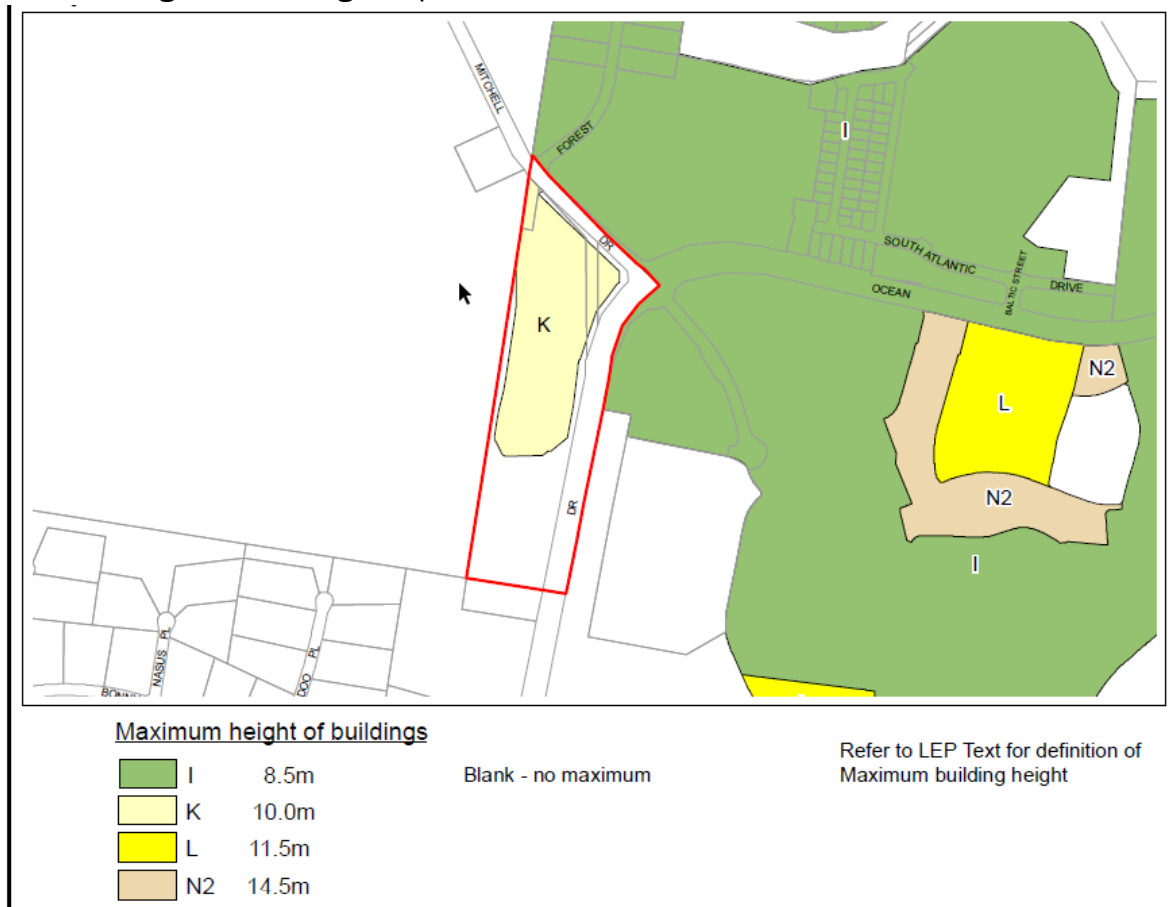


Figure 9 - Height of Buildings Map



Revised Height of Buildings Map



Part 5 – Community Consultation

The Gateway specifies that the Planning Proposal be exhibited for at least 14 days with a minimum of 21 days provided for consultation with state agencies. The original Planning Proposal and draft DCP provisions were placed on public exhibition from 20 November to 18 December 2019. Due to the community interest in this matter, Council staff consider a 28 day consultation period to be more appropriate for the revised Planning Proposal.

The revised Planning Proposal and Draft amended Development Control Plan provisions will be placed on Public Exhibition from 3 March 2021 to 31 March 2021.

It is proposed that the exhibition will include:

Advertisement via Council On-Line Public Notices

Due to Covid-19, public notices, including notice of planning proposals, are published on Council's Community Now web page at <https://www.pmhc.nsw.gov.au/About-Us/News-Hub/Public-Notices>

Consultation with affected owners and adjoining landowners

A letter was sent to the landowner and adjoining landowners as part of the public exhibition in 2019. Opportunities for one-on-one consultations to discuss the proposals were also available upon request. Those people who have made a written submission as part of the first exhibition will be advised of the public exhibition of the revised Planning Proposal and associated documents.

Consultation with Stage Agencies

Consultation with TfNSW (formerly RMS), NSW Rural Fire Service (RFS) and Office of Environment and Heritage (OEH) will be undertaken in accordance with the Gateway Determination.

Displays at the Council Head Quarters

The Planning Proposal will be available is displayed at the Port Macquarie (17 Burrawan Street), Wauchope (49 High Street) and Laurieton (9 Laurie Street) Council Head Quarters.

Exhibition on the Council website

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

Direct Contact

The contact officer for this Proposal is Vanessa Penfold (Land Use Planner).

Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays. In accordance with the Gateway, Council has authorisation to carry out certain plan-making functions. This authorisation will be exercised by Council's General Manager or the Director of Development & Environment.

Action	Timeframe
Commencement (date of Gateway determination)	June 2019
Timeframe for completion of required technical information	Oct 2019
First Public exhibition and government agency consultation period	Nov - Dec 2019
Timeframe for the consideration of submissions	Dec - Jan 10/20
Timeframe for the consideration of a proposal post (1st) exhibition	Feb 2020
Timeframe for completion of further technical information	Jan 2020 - Jan 2021
Second Public exhibition and government agency consultation period	Feb-March 2021
Timeframe for consideration of submissions	April 2021
Timeframe for consideration of proposal post (2 nd) exhibition	April 2021
Date of submission to the Department for Parliamentary Counsel Opinion	Early May 2021
Anticipated date Council will make the Plan	June 2021
Anticipated date Council will forward to the Department for notification	June 2021

Appendix A – Gateway Determination

A copy of the Gateway Determination for this Planning Proposal is included in this Appendix.

The Section 3.34 Gateway Determination addresses processing requirements are as follows:

1. Prior to public exhibition, the planning proposal shall be amended to:
 - (a) include a preliminary contaminated land assessment
 - (b) include specific justification for the variation to the urban growth area boundary detailed in the North Coast Regional Plan 2036 in accordance with Appendix A of the Plan
 - (c) update Figure 7 to:
 - i. correctly reference land zoned to the south of the subject site as RU1 rather than R1; and
 - ii. include E4 Environmental Management in the key
1. A minimum 14 day exhibition period
2. Consultation with NSW Roads and Maritime Services (RMS), NSW Rural Fire Service (RFS) and Office of Environment and Heritage (OEH) and provide at least 21 days to comment
3. Council is authorised as the local plan-making authority
4. The timeframe for completion is 9 April 2020

On 27 November 2020, the Department of Planning, Industry & Environment issued an Alteration to Gateway that provides for completion of the LEP by 30 June 2021.

Appendix B – Draft Site Specific Development Control Plan provisions

Refer to Council Report 17 February 2021 - Attachment 4

Appendix C – Draft DCP Update - Part B3 Hazards Management, 18 Bushfire Hazard Management

Refer to Council Report 17 February 2021 - Attachment 3

Appendix D - North Coast Regional Plan 2036 Urban Growth Area Variation Principles

Appendix E - State Agency Submissions

Attachment 1 - Concept Plan

Refer to Council Report 17 February 2021 - Attachment 1

Attachment 2 - Flood Impact Assessment 2010

Worley Parsons, 2010 - As previously exhibited

Attachment 3 - Flood Impact Assessment 2019

Advison, 2019 - As previously exhibited

Attachment 4 - Ecological Assessment

FloraFauna Consulting, 2016 - As previously exhibited

Note: The proponent has submitted a Biodiversity Development Assessment Report (Biodiversity Australia, October 2020). A copy of the report is provided at **Attachment 12**.

Attachment 5 - Addendum to the Ecological Report

FloraFauna Consulting, 2017 - As previously exhibited

Note: The proponent has submitted a Biodiversity Development Assessment Report (Biodiversity Australia, October 2020). A copy of the report is provided at **Attachment 12**.

Attachment 6 - Ecological Assessment as per BAM methodology

Biodiversity Australia, 2018 - As previously exhibited.

Note: The proponent has submitted a Biodiversity Development Assessment Report (Biodiversity Australia, October 2020). A copy of the report is provided at **Attachment 12**.

Attachment 7 - Email relating to ecological assessment

Biodiversity Australia, 28/11/18 - As previously exhibited.

Attachment 8 - Bushfire Hazard Assessment

David Pensini, 2018 - As previously exhibited.

Attachment 9 - Aboriginal Cultural Heritage Assessment

Birpai Local Aboriginal Land Council, 2018 - As previously exhibited.

Attachment 10 - Stage 1 Site Contamination Assessment

Regional Geotechnical Solutions, 2019 - As previously exhibited.

Attachment 11 - Traffic Impact Assessment

King and Campbell **March 2021 v2**

Note: The proponent has submitted an updated Traffic Impact Assessment (King & Campbell March 2021 v2).

Attachment 12 - NEW Biodiversity Development Assessment Report

Biodiversity Australia October 2020

Note: The proponent has submitted a new Biodiversity Development Assessment Report (Biodiversity Australia, October 2020).