

Planning Services

Gateway Determination Report

LGA	Port Macquarie-Hastings
PPA	Port Macquarie-Hastings Council
NAME	Administrative Review 2018 (8 homes, 0 jobs)
NUMBER	PP_2018_PORTM_003_00
LEP TO BE AMENDED	Port Macquarie-Hastings LEP 2011
ADDRESS	Port Macquarie-Hastings LGA
DESCRIPTION	Port Macquarie-Hastings LGA
RECEIVED	19 June 2018
FILE NO.	IRF18/3470
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

Proposed administrative amendments to Port Macquarie-Hastings LEP 2011 to undertake various corrections and refinements. The proposal includes the following seven amendments:

- Item 1 - alter clause 4.1 Minimum subdivision lot size to exclude access handles on battle axe lots from the lot size calculation to ensure an appropriate sized building envelope for a future dwelling;
- Item 2 - permit industrial retail premises with consent in Zones RU1 Primary Production, RU2 Rural Landscape, RU5 Village, B7 Business Park and IN4 Working Waterfront, and prohibit in Zone B2 Local Centre, to align with where industries and rural industries are permitted;
- Item 3 - apply a minimum lot size of 100ha to Lots 10 and 11, DP 11232850, 14 Misty Vale Road and 1497 Pappinbarra Road, Hollisdale which was formerly State Forest land that is now in private ownership;
- Item 4 - alter the RE1 Public Recreation Zone and heritage map to correctly identify Bain Park, Wauchope;
- Item 5 - remove Lots 56, 57, 69 & 70 DP 219719, Lot 27 DP 221558 and Lots 67 & 68 DP 754441, North Shore, from the Land Reservation Acquisition Map due to their recent acquisition;
- Item 6 - rezone Lot 31 DP 835708, 24 Yalumba Drive, Port Macquarie, from E3 Environmental Management to R1 General Residential and apply a minimum lot size of 450m² and floor space ratio of 0.65:1 to better reflect the

nature of the land and the surrounding residential development; and

- Item 7 - alter the zoning, lot size map, floor space ratio and height of building maps to correctly reflect the existing residential subdivision at Diamond Drive, Port Macquarie, and amend the flood, heritage, koala habitat and land reservation maps to update the cadastre for the area.

Site description

Items 1 and 2 apply across the relevant zones and Local Government Area. Maps for Items 3 to 7 are below (Figures 1 – 5).



Figure 1 - Item 3 - Lots 10 and 11, DP 11232850, 14 Misty Vale Road and 1497 Pappinbarra Road, Hollisdale



Figure 2 - Item 4 – Bain Park, Wauchope

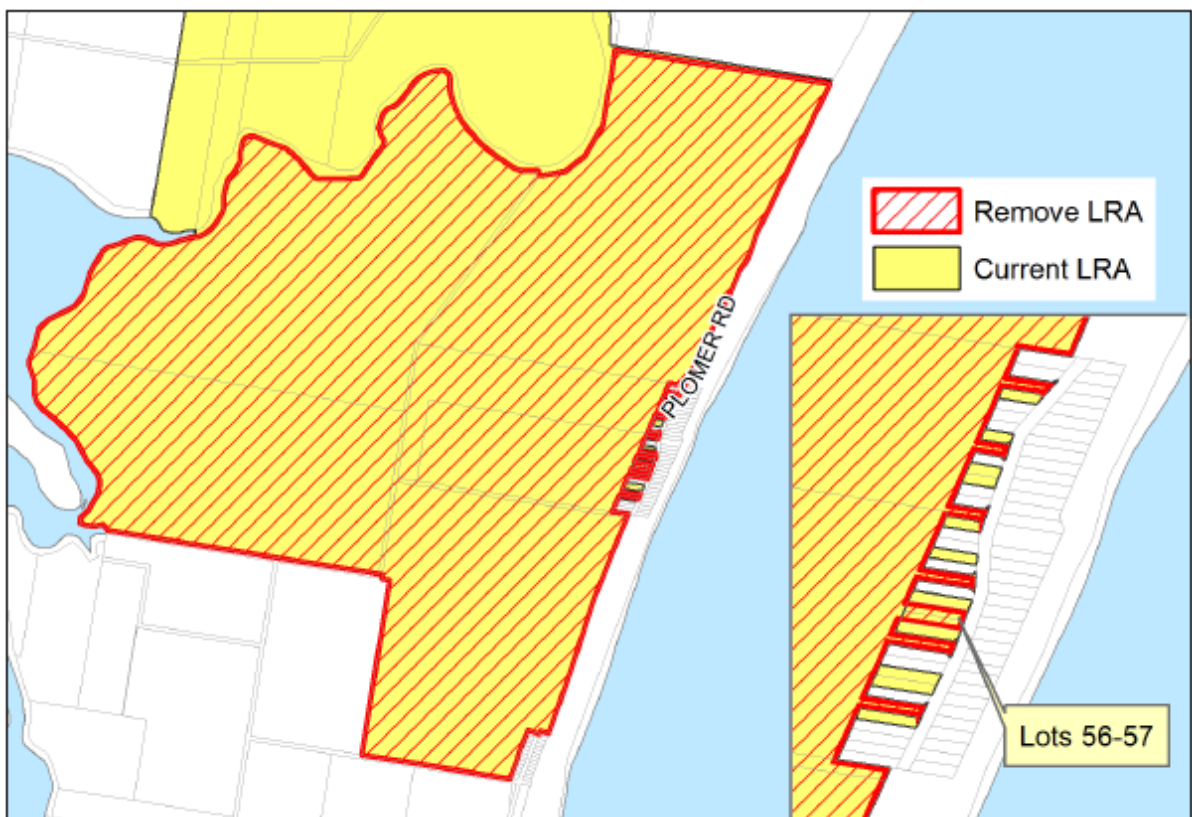


Figure 3 - Item 5 - Lots 56, 57, 69 & 70 DP 219719, Lot 27 DP 221558 and Lots 67 & 68 DP 754441, North Shore



Figure 4 - Item 6 - Lot 31 DP 835708, 24 Yalumba Drive, Port Macquarie

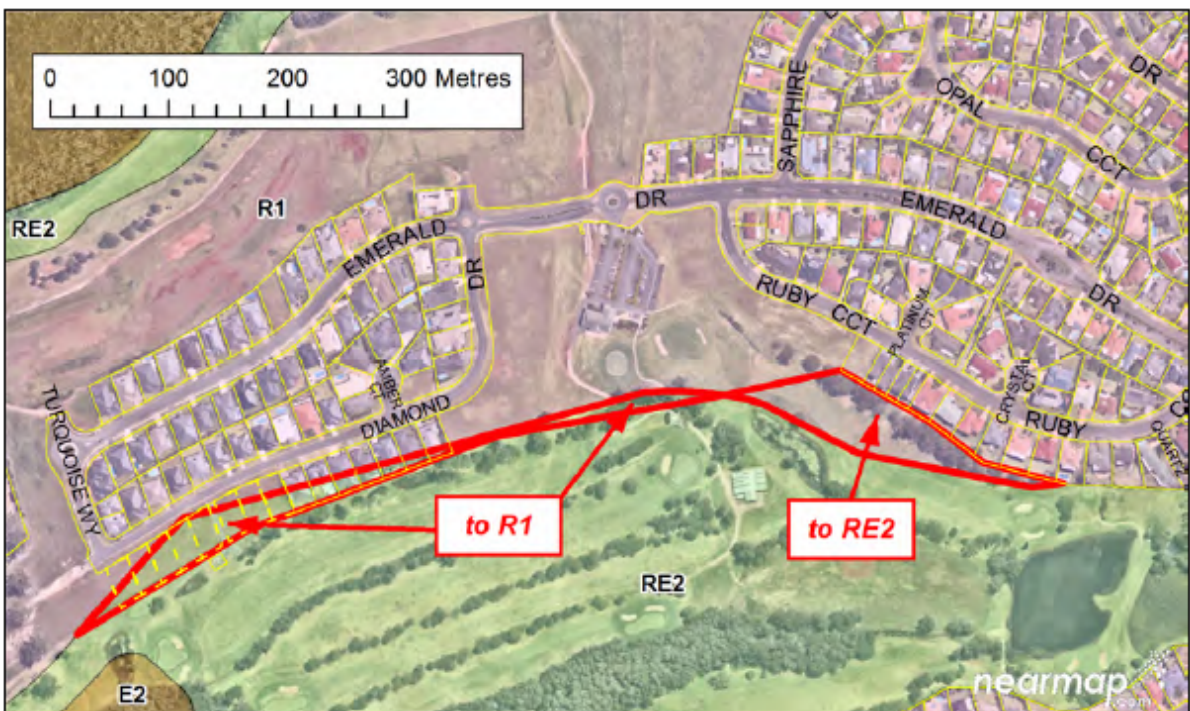


Figure 5 – Item 7 – Diamond Drive, Port Macquarie

Existing planning controls

The existing planning controls being amended by proposal are:

- Item 1 - clause 4.1 Minimum subdivision lot size which currently includes access handles on battle axe lots in the lot size calculation;

- Item 2 - industrial retail premises are currently prohibited in Zones RU1 Primary Production, RU2 Rural Landscape, RU5 Village, B7 Business Park and IN4 Working Waterfront and permitted with consent in Zone B2 Local Centre;
- Item 3 - Lots 10 and 11, DP 11232850, 14 Misty Vale Road and 1497 Pappinbarra Road, Hollisdale currently have no minimum lot size;
- Item 4 - parts of Bain Park, Wauchope, and the adjoining public footpath are incorrectly zoned RE1 Public Recreation or B2 Local Centre, and part of Bain Park is also not identified on the heritage map;
- Item 5 - Lots 56, 57, 69 & 70 DP 219719, Lot 27 DP 221558 and Lots 67 & 68 DP 754441, North Shore, are currently identified on Land Reservation Acquisition Map;
- Item 6 - Lot 31 DP 835708, 24 Yalumba Drive, Port Macquarie is currently zoned E3 Environmental Management with a minimum lot size of 0.5ha and no floor space ratio; and
- Item 7 - parts of the Diamond Drive residential area and adjoining golf course and incorrectly zoned either RE2 Private Recreation or R1 General Residential, with corresponding incorrect minimum lot size of 40ha and 450m², floor space ratio of nil or 0.65:1, and building height of nil or 8.5m.

Summary of recommendation

The proposal will undertake various minor corrections and refinements to the Port Macquarie-Hastings LEP 2011 to address a range of matters that have been identified by Council. It is considered these corrections and refinements are important in facilitating the effective and accurate on-going operation of the LEP and are supported.

It is noted that Council has requested that the Gateway require inclusion of the amendments to the heritage map to correctly identify Bain Park and the cadastre map changes for Diamond Road. Council has confirmed that these matters should have been included in the original proposal. No objection is raised to the inclusion of these minor matters.

The corrections and refinements are of local significance and it is considered that Council should be issued an authorisation to exercise its local plan making delegations.

PROPOSAL

Objectives or intended outcomes

The objectives and intended outcomes, and the proposed administrative amendments, are appropriately detailed in the proposal.

Explanation of provisions

The proposal provides a clear explanation of the intended provisions and map changes required to achieve the objectives and intended outcomes.

Mapping

While the amended LEP sheets have not been provided at this stage, the proposal includes a list of the LEP map sheets needing amendment, and is accompanied by appropriate identification maps of the existing and proposed site specific corrections

and amendments that are suitable for agency and community consultation.

NEED FOR THE PLANNING PROPOSAL

The proposal is needed to make corrections and refinements to the Plan that have been identified during its operation. These corrections and refinements are considered to be appropriate and are adequately justified in the planning proposal. The planning proposal is the only means possible to undertake the required corrections and refinements.

It is noted that Council has requested that the Gateway require that the amendments to the heritage map to correctly identify Bain Park, and the cadastre map changes for Diamond Road, be undertaken prior to agency or community consultation. Council has confirmed that these matters should have been included in the original proposal. No objection is raised to the inclusion of these minor matters.

STRATEGIC ASSESSMENT

State

The proposal is considered to be consistent with the State planning framework.

Regional / District

All the proposed corrections and refinements are considered to be consistent with the North Coast Regional Plan 2036.

Local

All the proposed corrections and refinements are considered to be consistent with Council's Department approved local strategy.

Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all relevant section 9.1 Directions except:

1.1 Business and Industrial Zones

The proposal is inconsistent with this Direction as it does not retain areas of existing business zones by rezoning land at Bain Park, Wauchope, from B2 Local Centre to RE1 Public Recreation (Item 4). The inconsistency is considered to be of minor significance as the land already forms part of Bain Park and is unlikely to ever be used for commercial purposes.

1.5 Rural Lands

The proposal is inconsistent with this Direction as it rezones E3 Environmental Management land in Yalumba Drive to R1 General Residential, and changes the minimum lot size, and is unable to satisfy all of the Rural Planning Principles in SEPP (Rural Lands) 2008 (Item 6). The inconsistency is considered to be of minor significance due to the location of the land within an existing developed residential area, and Council's confirmation that the zoning was originally applied to facilitate a ridge line of trees rather than any existing environmental or biodiversity significance (and also noting that site remains relatively cleared with minimal vegetation).

2.1 Environment Protection Zones

The proposal is inconsistent with this Direction as it reduces the environmental protection standards applying to land in Yalumba Drive by rezoning the land from E3 Environmental Management to R1 General Residential (Item 6). The inconsistency

is considered to be of minor significance as discussed above due to the location of the land within an existing developed residential area, and Council's confirmation that the zoning was originally applied to facilitate a ridge line of trees rather than any existing environmental or biodiversity significance (and also noting that site remains relatively cleared with minimal vegetation).

4.1 Acid Sulfate Soils

The proposal is inconsistent with this Direction as it rezones Class 5 Acid Sulfate Soil land in Diamond Drive from RE2 Private Recreation to R1 General Residential without an acid sulfate soils study (Item 7). The inconsistency with this Direction is considered to be of minor significance due to the small area of land involved, the low acid soil classification, and the existing provisions of Port Macquarie-Hastings LEP 2011 which enable this matter to be adequately considered and addressed at the development application if necessary.

4.4 Planning for Bushfire Protection

The proposal is currently inconsistent with this Direction as it applies to bushfire prone land and Council has not yet consulted with NSW Rural Fire Service (Items 3, 5 & 6). Consistency with this Direction is unable to be resolved until after consultation has been undertaken with the NSW Rural Fire Service.

6.2 Reserving Land for Public Purposes

The proposal is inconsistent with this Direction as it rezones land at Bain Park, Wauchope, from RE1 Public Recreation to B2 Local Centre, and from B2 Local Centre to RE1 Public Recreation, without approval from the Secretary of the Department of Planning and Environment (Item 4). The inconsistency is considered to be of minor significance as the rezoning only seeks to correctly identify the existing boundaries of Bain Park.

State environmental planning policies

The proposal is considered to be consistent with all relevant State Environmental Planning Policies.

SITE-SPECIFIC ASSESSMENT

Social

No adverse social impact from the proposed LEP corrections and refinements has been identified.

Environmental

No adverse environmental impacts from the proposed LEP corrections and refinements has been identified. As noted above, while the proposal is rezoning land in Yalumba Drive from E3 Environmental Management to R1 General Residential (Item 6), no adverse environmental impacts are anticipated due to the location of the land within an existing developed residential area, and Council's confirmation that the zoning was originally applied to facilitate a ridge line of trees rather than any existing environmental or biodiversity significance (and also noting that the site remains relatively cleared with minimal vegetation).

Economic

No adverse economic impact from the proposed LEP corrections and refinements has been identified.

Infrastructure

No adverse impacts to existing infrastructure, or the need for additional State or local infrastructure to serve the proposed LEP corrections and refinements, has been identified.

CONSULTATION

Community

The proposed corrections and refinements to the LEP are considered to be of a low impact nature and of local significance. A 14 day consultation period is considered appropriate.

Agencies

It is considered appropriate that Council consult with the following agencies and / or organisations:

- NSW Rural Fire Service

TIME FRAME

The planning proposal identifies a 7 month time line to finalise the proposal. It is recommended that a 9 month period be provided to ensure sufficient time for Council to undertake and complete the proposal.

LOCAL PLAN-MAKING AUTHORITY

The corrections and refinements are of local significance and it is considered that Council should be issued an authorisation to exercise its local plan making delegations.

CONCLUSION

The proposal will undertake corrections and refinements to the Port Macquarie-Hastings LEP 2011 to address a range of minor matters that have been identified by Council. It is considered these corrections and refinements are important in facilitating the effective and accurate on-going operation of the LEP and are supported.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 4.1 Acid Sulfate Soils and 6.2 Reserving Land for Public Purposes are minor; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

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

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service

3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to agency or community consultation, the proposal is to be amended to:
 - (a) identify all of Bain Park, Wauchope, as a local heritage item; and
 - (b) update the cadastre on the flood, heritage, koala habitat and land reservation maps for the Diamond Drive area at Port Macquarie.



27-6-2018

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