

Planning Services

Gateway Determination Report

LGA	Port Macquarie Hastings
RPA	Port Macquarie Hastings Council
NAME	Town Square Road Reserve, Port Macquarie
NUMBER	PP_2018_PORTM_001_00
LEP TO BE AMENDED	Port Macquarie Hastings LEP 2011
ADDRESS	Port Macquarie Town Square, Horton street
DESCRIPTION	Proposed rezoning of land – Town Square Road Reserve
RECEIVED	5/12/17
FILE NO.	EF17/57839
QA NUMBER	IRF18/102
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

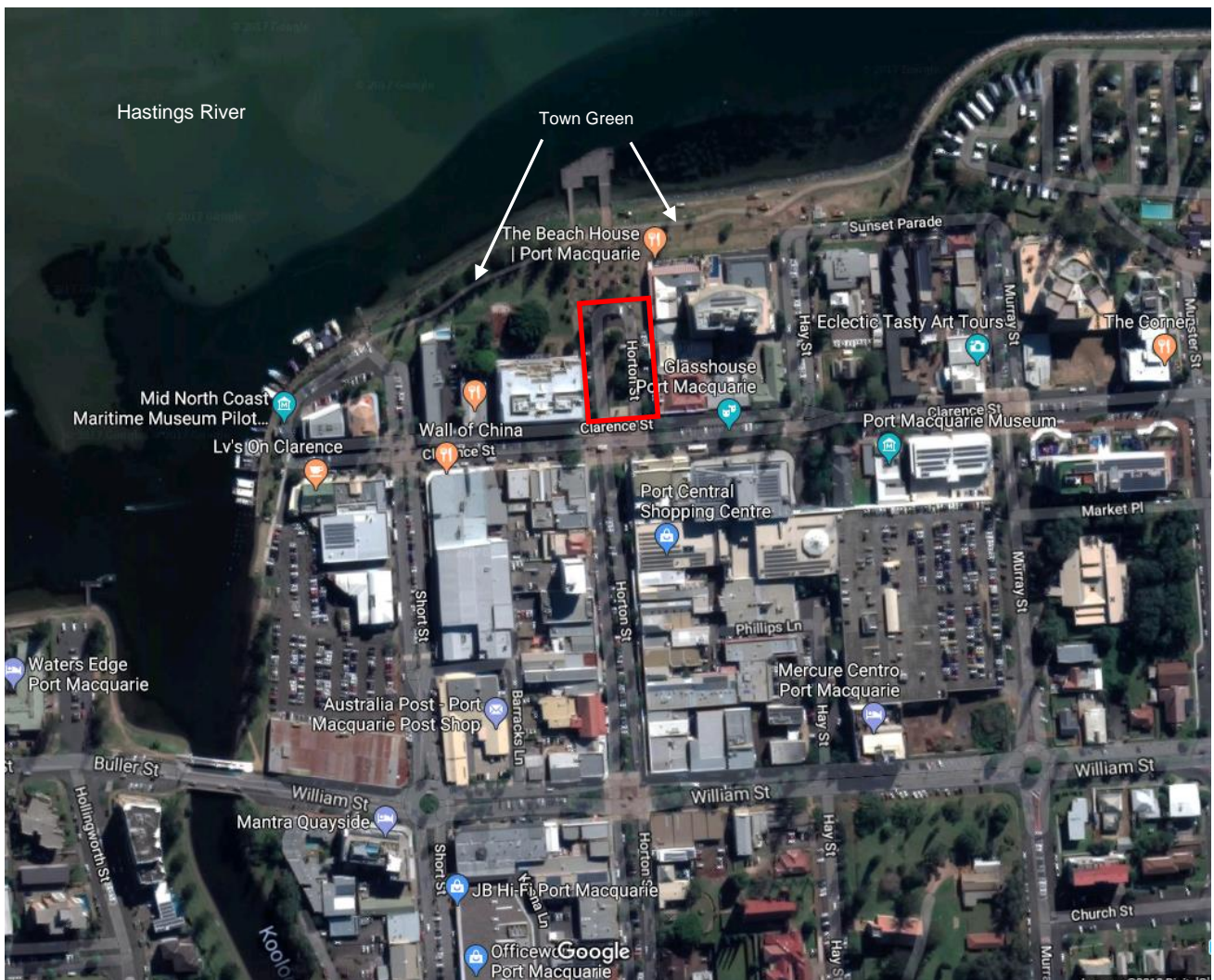
Description of Planning Proposal

To amend the Port Macquarie-Hastings Local Environment Plan 2011(LEP) by changing the land use zoning of the Town Square within the Horton Street road reserve, Port Macquarie from RE1 Public Recreation to B3 Commercial Core to enable food and drink premises, amongst other things, to be permitted with consent.

Site Description

The subject land is located within the public road reserve at the northern end of Horton Street Port Macquarie, between Clarence Street and the land known as the Town Green (part of the Hastings River foreshore). The subject land includes on street parking, a wide median with established street trees, smaller plantings, a grassed area and street lighting.

Port Macquarie is recognised as a regional city. The subject land is located within the town centre and is shown below.



Locality map showing the area subject to the proposal delineated in red and the surrounding land use.



The subject site

Surrounding Area

The subject land encompasses the northern extent of Horton street immediately south of the Town Green. Clarence street forms the southern boundary of the subject land and supports numerous commercial businesses including the Port Central Shopping Centre. Land to the east, west and south of the subject site is zoned Commercial Core and includes eateries, hotels (including accommodation), retail and shop top accommodation. Land to

the north of the subject land includes the Town Green and the Hastings River Foreshore zoned RE1 Public recreation. All vehicular access to and from the subject land is via Horton street to the south.

Summary of Recommendation

It is recommended that the Planning Proposal proceed as submitted to enliven the Town Square, draw people through to the Town Green and waterfront and be a gathering place for visitors and residents. The Planning Proposal will realise the Town Centre Master Plan (TCMP) which outlines improvements throughout the regional city.

PROPOSAL

Objectives or Intended Outcomes

To rezone the land within the road reserve at the northern end of Horton street from RE1 Public Recreation to B3 Commercial Core, consistent with the land zoning for adjoining businesses to permit alfresco (outdoor) dining.

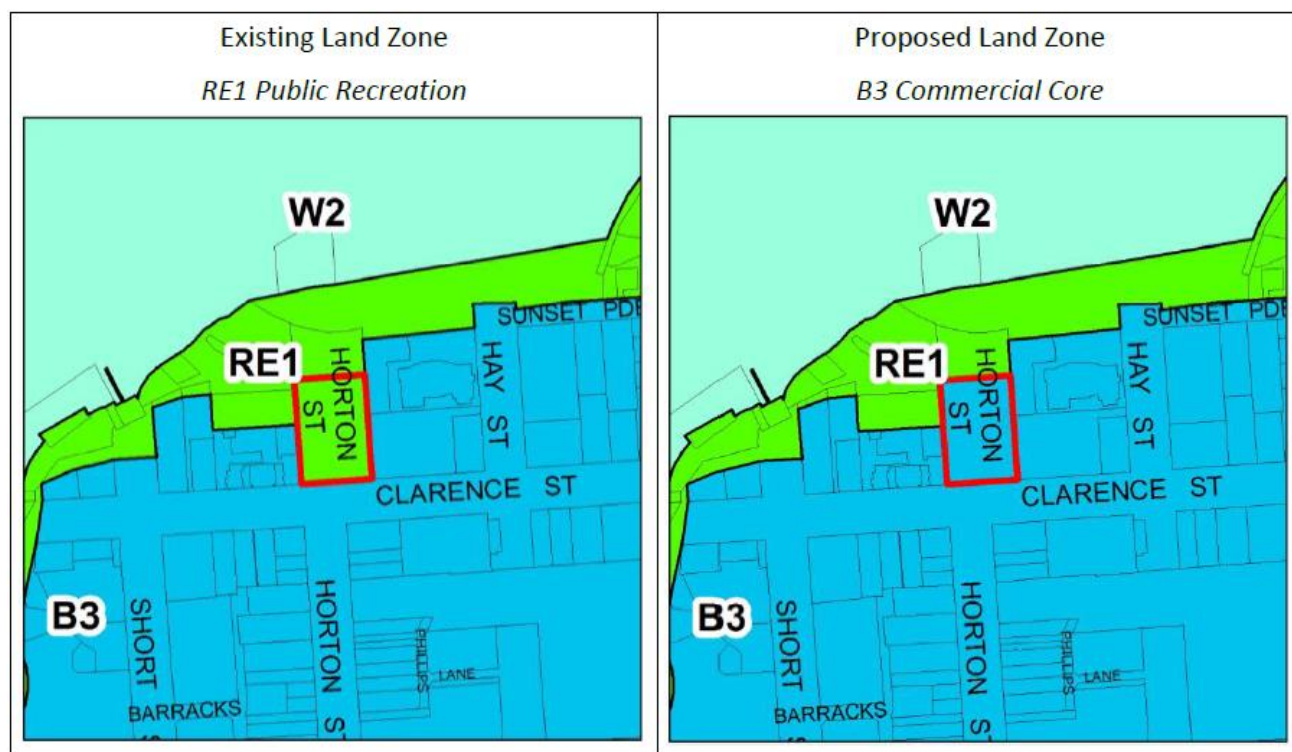
Explanation of Provisions

The Planning Proposal will amend the LEP Land Zoning Map to change the zoning of the subject land from RE1 Public Recreation to B3 Commercial Core as indicated below.

Mapping

Changes will be made to Land Zoning Map Sheet LZN_013FA contained within the Port Macquarie – Hastings LEP 2011

(Map identification number: 6380_COM_LZN_013FA_010_20170308)



The maps included in the Planning Proposal adequately identify the current and proposed controls.

NEED FOR THE PLANNING PROPOSAL

The Planning Proposal is a result of the TCMP which has guided the streetscapes of the CBD over the past 20 years. A review of the TCMP in 2013 identified the opportunity to create a Town Centre at the northern end of Horton Street to help realise the goals of the plan. Extensive community consultation was undertaken in relation to the proposal and results taken into account in the development of the Town Square Redevelopment.

In addition the Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031 (UGMS) aims to promote coordinated growth across the Local Government Area giving full consideration of constraints and community needs and values.

The UGMS identifies place making priorities and support for new development in the CBD to enhance the connections from the centre to the adjoining river foreshore and to promote a healthy and vibrant city. A number of projects have been identified by the UGMS including the Port Macquarie Town Centre and Hastings River Foreshore Project which includes the Town Square Redevelopment project and supports the Planning Proposal.

The UGMS also identifies the establishment of an entertainment precinct in the town centre which includes the integration of entertainment and cultural activities in the Glasshouse on Clarence street and the surrounding area. The Town Square Redevelopment project and the Planning Proposal support this initiative.

STRATEGIC ASSESSMENT

State

The Planning Proposal is not inconsistent with State strategic planning frameworks.

Regional

North Coast Regional Plan 2036

The Planning Proposal is not inconsistent with the North Coast Regional Plan 2036 (NCRP). Of particular relevance are the following Directions and Actions:

Direction 1: *The delivery of environmentally sustainable growth*

Action 1.1: *Focus future urban development in mapped urban growth areas.*

The Planning Proposal relates to land which is located within the mapped urban growth area.

Direction 6: *Develop successful centres of employment*

Action 6.3 *Reinforce centres through local growth management strategies and LEPS as primary mixed use location for commerce, housing, **tourism, social activity** and regional services.*

The Planning Proposal aims to enhance social activity for residents and tourists with outdoor dining and drawing people towards the Town Square and river foreshore.

Action 6.4 *Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres.*

The Planning Proposal supports the place-making Town Square Redevelopment and will continue to focus retail and commercial activity in the existing commercial centre.

Local

The proposed changes to the land zoning map are in keeping with the adjoining land zone mapping and consistent with the local character of the existing urban area.

The Planning Proposal is also consistent with the UGMS which identifies place-making priorities in the CBD including the Town Centre Redevelopment and the establishment of an entertainment precinct which will encompass the subject site.

Section 117(2) Ministerial Directions

The proposal is consistent with all Section 117 directions except in relation to the following;

Direction 2.2 Coastal Protection

This direction requires the Planning Proposal to give effect to the Coastal Policy, Design Guidelines and the Coastline Management Manual. As the proposal is consistent with SEPP71 and the NCRP, which gives consideration of the objective of this direction, any inconsistency with this direction is considered to be justified as being of minor significance.

Direction 4.1 Acid Sulfate Soils

The direction provides that a planning proposal shall not contain provisions that enable an intensification of land uses on land subject to acid sulfate soils.

The subject land is mapped as containing class 3 acid sulfate soils and the proposal seeks to rezone the land from RE1 Public Recreation to B3 Commercial Core to facilitate alfresco dining and enliven the Town Square. Any inconsistency with this direction is considered to be justified as being of minor significance as the land is already developed and urban in nature and the LEP contains provisions for the assessment of acid sulphate soils at the development application stage.

Direction 6.2 Reserving Land for Public Purposes

This direction provides that a planning proposal shall not create, alter or reduce zones or reservations of land for public purposes without the approval of the relevant public authority and the Secretary.

Any inconsistency with this direction is considered to be justified as being of minor significance as the proposal seeks to rezone only a small area of RE1 Public Recreation land to B3 Commercial Core and is consistent with the Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) and the Town Centre Master Plan. A large area of land zoned RE1 is provided by the Hastings Foreshore area, also known as the Town Green, and any loss of RE1 zoned land will have a minor impact on the overall amount of RE1 zoned land in the Port Macquarie town centre.

There are no outstanding inconsistencies with Section 117 directions. While the proposal is consistent, it is noted that the planning proposal does not address these Section 117 directions. The proposal should be updated prior to community consultation to address these matters.

State Environmental Planning Policies

The Planning Proposal is considered to be consistent with all relevant SEPPs.

SITE SPECIFIC ASSESSMENT

Social

No negative social impacts are likely to result from this Planning Proposal. The proposal will attract more people to the site during operating hours of the adjacent businesses. This will create a lively environment and a safer place for people to meet.

Social impacts from modifications to the site including alfresco dining and wider footpaths will be assessed with a future Development Application for that land but are unlikely to have a detrimental impact.

Environmental

The rezoning of the road reserve from RE1 Public Recreation to B3 Commercial Core will have minimal impact on the environment, as the subject land is substantially urban in character. Environmental impacts on the natural and built environment will be assessed with a future Development Application for the subject land but are unlikely to be detrimental in nature.

Economic

The Planning Proposal is being undertaken as part of the Town Square Redevelopment Proposal adopted by the Town Centre Master Plan Committee. The proposal will see economic benefits generated by adjacent businesses operating alfresco dining and a space for markets, festivals and public events bringing residents and visitors to the site and the LGA. The Planning Proposal will help generate resident and tourist spending.

Infrastructure

The provision of funding for state infrastructure is not necessary for this proposal. In terms of local infrastructure, it is not expected that the Planning Proposal will create any increase in demand for additional services as the subject site is already developed and adequately serviced.

CONSULTATION

Community

In accordance with the Department's *Guide to Preparing Local Environmental Plans* this proposal is considered a low impact proposal. As such a 14 day exhibition period is required. This does not prevent Council undertaking a longer period of consultation should they determine it necessary. Council will notify of the Planning Proposal in the local newspaper and notify adjoining landholders. The exhibition material will be made available on Council's website and the Port Macquarie Administration building for the duration of the exhibition period.

Agencies

No specific agency consultation as part of the Gateway determination will be required.

TIMEFRAME

Council have requested an eight-month time frame to process the Planning Proposal post Gateway determination.

A nine month time frame is considered appropriate to accommodate unexpected delays in the planning process.

DELEGATION

Council requested the use of plan making delegations. Council has submitted the evaluation criteria for the delegation of plan making functions and as this is a matter of local planning significance it is recommended that an authorisation to exercise plan making delegation be issued to Council.

CONCLUSION

The issue of a Gateway determination is recommended as the Planning Proposal:

- Will create a focal point for residents and visitors, help to enliven the Town Square and draw people toward to the Hastings River Foreshore and Town Green to access public recreation opportunities;
- Is in keeping with the character of adjacent land use in the existing B3 Commercial Core zone;
- Is not inconsistent with the NCRP 2036;
- Is consistent or justifiably inconsistent with all relevant Section 117 Directions and SEPPs;
- Is unlikely to have any detrimental impact on the socio-economic welfare of the local government area; and
- Meets the adequacy criteria.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Note that any inconsistency with Section 117 Directions 2.2 Coastal Protection, 4.1 Acid Sulfate Soils and 6.2 Reservation of Land for Public Purposes are justified as being of minor significance.

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

1. Prior to community consultation, the Planning Proposal is to be updated to include consideration of Section 117 Directions 2.2 Coastal Protection, 4.1 Acid Sulphate Soils and 6.2 Reserving Land for Public Purposes.
2. The Planning Proposal should be made available for community consultation for a minimum of 14 days.
3. The timeframe 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 authorised to exercise delegation to make this plan.



16/1/18

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