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Item: 12.07

Subject: TOWN SQUARE PORT MACQUARIE PLANNING PROPOSAL

Presented by: Strategy and Growth, Jeffery Sharp

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#### Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

#### RECOMMENDATION

##### That Council:

1. Prepare a planning proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of *Port Macquarie-Hastings Local Environmental Plan 2011* in respect to the Port Macquarie Town Square, Horton Street Port Macquarie to change the zoning of the land to B3 commercial Core, as described in this report.
2. Forward the planning proposal to the NSW Department of Planning and Environment requesting a gateway determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.
3. Request that the Secretary of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.
4. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal as a result of the Section 56 Gateway Determination, prior to public exhibition of the proposal.
5. Undertake community consultation in accordance with the Gateway Determination.
6. Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.

#### Executive Summary

The Port Macquarie Town Square has recently been refurbished, and is contained within the public road reserve of Horton Street Port Macquarie, between Clarence Street and the Hastings River. The purpose of this report is to consider a planning proposal to rezone part of the Town Square to Commercial Core, to permit all fresco dining within the Town Square, consistent with the Port Macquarie Town Centre Master Plan.

It is recommended that Council proceed with a planning proposal as described in this report and seek a gateway determination from the NSW Department of Planning and Environment pursuant to section 56 of the Environmental Planning and Assessment Act 1979.

**Discussion**The Site

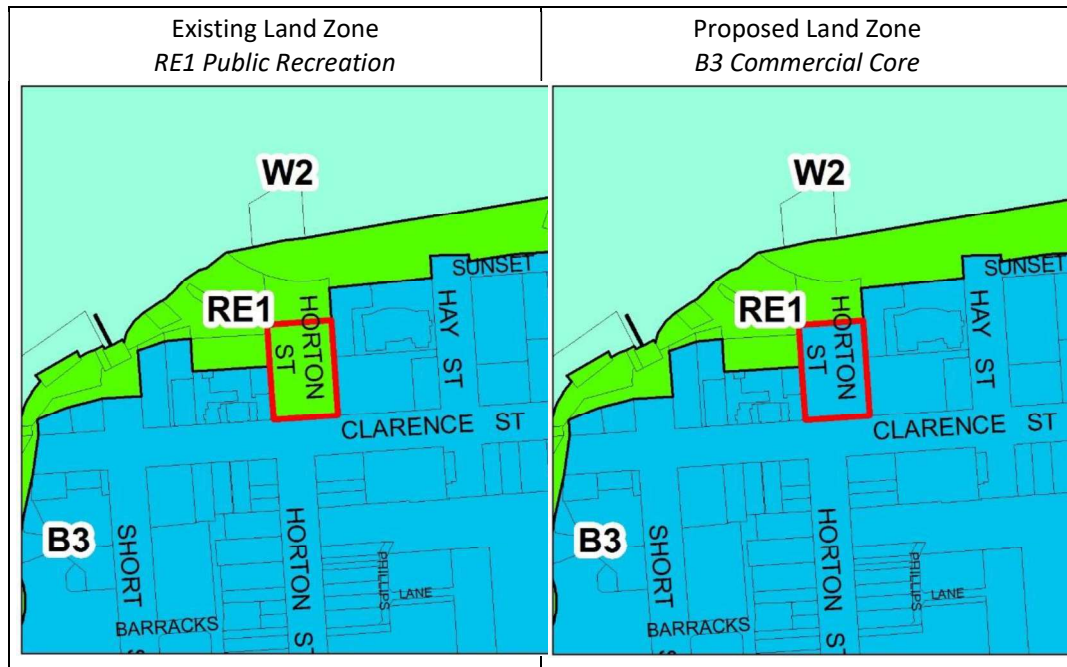
The site is within the public road reserve of Horton Street Port Macquarie, between Clarence Street and the Hastings River. Adjoining land to the east, south and west is zoned B3 Commercial Core and developed for commercial purposes. Land to the north is known as the town Green and is zoned RE1 Public recreation.

The location of the site in relation to existing zoned land and commercial development in the surrounding locality is shown below.

The Proposal

The proposal involves an amendment to the Port Macquarie-Hastings Local Environmental Plan (PMHLEP) 2011 to rezone part of the road reserve from RE1 Public Recreation to B3 Commercial Core, consistent with the surrounding development.

The existing and proposed zones are shown below.



### Assessment

A draft planning proposal (see Attachment 1) has been prepared by Council's Strategic Land Use Planning section. Key consideration is the recent Town Square Redevelopment.

### Town Square Redevelopment

Over the last 20 years the streetscape and landscape in the CBD have been upgraded significantly due to the implementation of the Town Centre Master Plan (TCMP) which outlines improvements throughout the town.

The 2013 review of the TCMP identified the northern end of Horton Street as an opportunity to create a Town Square that could enliven the streets, draw people through to the Town Green and waterfront and be a gathering space for visitors and residents.

Key changes included significantly wider footpaths to encourage al fresco dining.

The use of the footpath within the road reserve for outdoor dining is Exempt development where it is associated with a lawful food and drink premises. However, recent development proposals have highlighted that, where the outdoor dining is associated with a pub, the development requires consent. The existing zone of RE1 Public Recreation prohibits pubs, meaning that alfresco dining areas associated with a pub are prohibited within the Town Square.

Having regard to the existing zones adjoining the land, it is considered that the B3 Commercial Core zone should include the area of the Town Square redeveloped to encourage al fresco dining.



**Options**

Council's options are to:

1. Do nothing (the land would remain as public recreation zone).
2. Resolve to prepare a planning proposal based on the information contained in this report and to send it to the NSW Department of Planning and Environment for a gateway determination.
3. Resolve to prepare a planning proposal differently to that described in this report and send it to the NSW Department of Planning and Environment for a Gateway determination.

Option 2 is the preferred option as it is considered that the land is capable of providing for minor infill residential development as proposed.

**Community Engagement & Internal Consultation**

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

**Community consultation for planning proposals will normally include notification in a local newspaper, to adjoining landowners and on Council's website for the duration of the exhibition. In addition, the exhibition material will be available at the Port Macquarie Administration building.**

**Planning & Policy Implications**

The Town Square Redevelopment is nearing completion. It is considered a matter of priority to amend the zoning to permit all types of al fresco dining within the Town Square, consistent with the Port Macquarie Town Centre Master Plan.

**Financial & Economic Implications**

The preparation of the planning proposal is being undertaken as part of the strategic planning program.

**Attachments**

- 1 [View](#). Port Macquarie Town Square Planning Proposal