



LandDynamics
AUSTRALIA

PLANNING PROPOSAL

Proposed Rezoning

Le Clos Sancrox

Lots 1, 3-12, 14-48 & 50-52 DP 776681

Sancrox Road, Sancrox

On behalf of

LCS Estates Pty Ltd

December 2019

Rev A – February 2021

Prepared for:
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Disclaimer

This report was prepared in accordance with the scope of works set out in correspondence between the client and Land Dynamics Australia. To the best of Land Dynamics Australia's knowledge, the report presented herein accurately reflects the Client's intentions when the report was printed. However, it is recognised that conditions of approval at time of consent, post development application modification of the proposals design, and the influence of unanticipated future events may modify the outcomes described in this report.

Land Dynamics Australia used information and documentation provided by external persons, companies and authority. Whilst checks were completed by Land Dynamics Australia to ensure that this information and/or documentation was accurate, it has been taken on good faith and has not been independently verified. It is therefore advised that all information and conclusions presented in this report apply to the subject land at the time of assessment, and the subject proposal only.

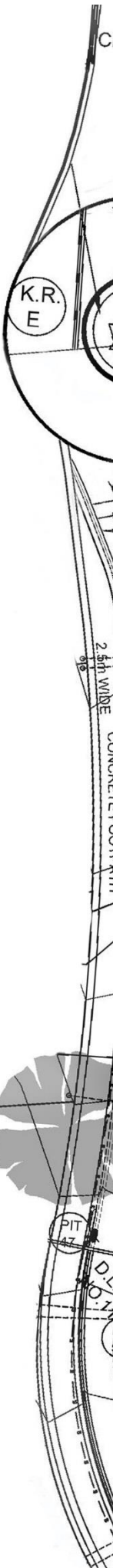
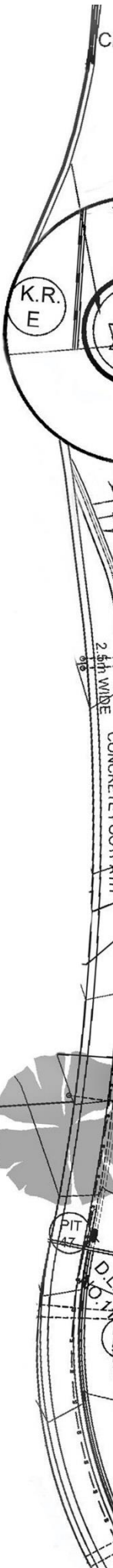


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PRELIMINARY

This Planning Proposal has been drafted in accordance with 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" dated December 2018.

This Planning Proposal seeks to amend the Port Macquarie Hastings Local Environmental Plan 2011 (LEP 2011) to rezone land comprising a number of landholdings collectively known as Le Clos Sancrox from RU1 Primary Production to a range of urban uses including R1 General Residential, R3 Medium Density, B2 Local Centre and environmental zones including E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living. The request is to develop a variety of residential and supporting uses and to conserve areas of environmental value.

The intended effect of the Planning Proposal request is to amend planning controls including zone, lot size and height of building controls, on the subject land. This will allow for an on-going issue of a Moratorium of development on the site being resolved, which has been identified as being a priority to be rectified.

The site has been identified as areas subject to Outline Planning in Council's Urban Growth Management Strategy (UGMS). Further, the UGMS allows for site specific planning proposals as part of the overall strategic planning program. This Planning Proposal is not considered to be premature before the Structure Planning for the wider area given the history of the site with respect to a consent for dwellings in place on the site and that the site is located west of the Pacific Highway, outside of the coastal strip, as well as being identified for investigation.

As part of this Planning Proposal, specialist review has been taken with respect to ecology, bushfire, traffic, servicing, demand, social, economic, aboriginal, acoustic, land contamination, servicing and urban design.

The subject site is likely to yield approximately 75.5 ha of residential land (R1 and R3) or approx. 680 lots, which is important for the future growth as identified in the UGMS in this locality. This is strategically important as the Regional Plan encourages a supply of land in the local government area, whilst ensuring that environmentally sensitive areas are avoided and acknowledging that some Councils may not have sufficient capacity in their urban growth areas to satisfy the demand. Given the length of time for a rezoning to occur, it is important to commence area wide planning, as well as site specific planning when an opportunity arises such as Le Clos Sancrox.

Proactive consultation in relation to this proposal has been undertaken with representatives of the Department of Planning, Industry and Environment's Planning Division, as well as the Biodiversity and Conservation Division. As a result of this consultation, biodiversity certification is being investigated to achieve certainty with respect to the ecological outcome.

This Planning Proposal document must be read in conjunction with the following accompanying Appendices:

- A. Proposed Local Environmental Plan Map Set
- B. Ecological Assessment
- C. Vegetation Offsets Plan
- D. Bushfire Assessment
- E. Bushfire APZ Plan
- F. Traffic Assessment
- G. Overall Sewer Strategy
- H. Development Lots Servicing Strategy
- I. Stormwater Quality Assessment, Onsite Detention Modelling & Flooding Review
- J. Contamination Report
- K. Aboriginal Cultural Heritage Assessment
- L. Land Supply and Demand Assessment
- M. Social Impact Assessment
- N. Economic Impact Assessment

- O. Acoustic Review
- P. Subdivision Concept Layout Overall
- Q. Subdivision Concept Layout Detailed
- R. Urban Design Guidelines
- S. Vegetation Management Plan
- T. Voluntary Planning Agreement Request Letter
- U. Landowners Report & Deed

The Planning Proposal provides a balanced outcome for the subject land in that it provides future residential opportunities on predominantly cleared land, protection and embellishment of land with environmental value and addresses the on-going issue of a Moratorium imposed on the landowners, restricting legal development of their land.

The Planning Proposal has both strategic and site specific merit and is consistent with the Regional Plan and local UGMS, as demonstrated in this document and the assessment against the Urban Growth Area Variation Principles and S9.1 Ministerial Directions.

SUBJECT SITE

The subject site is located on the Mid North Coast within the Port Macquarie-Hastings local government area, and forms part of the Greater Sancrox Area, as identified by Council. The subject land comprises a number of landholdings and is collectively known as Le Clos Sancrox (Lots 1, 3-12, 14-48 & 50-52 DP 776681) and has an area of approx. 104ha. The plan below in Figure 1 details the extent of the boundaries of the properties included and Figures 2 to 4 provide the context of Le Clos Sancrox with respect to the greater Sancrox Area, Wauchope and Port Macquarie.

Le Clos Sancrox is part of the previous wider Cassegrain vineyards. To the north of the site is Verdun Estate which was also part of the previous vineyard land and has recently been rezoned by Council to large lot residential. To the north is a range of rural-residential dwellings and an animal boarding and breeding establishment. To the north-east of the site is Sancrox Quarry and further along Sancrox Road is Expressway Spares, which is part of a future industrial land investigations area. The site is generally surrounded by rural land, noting that extensive clearing has occurred on the land to the east recently.

The site is located on the southern side of Sancrox Road, approximately 1.3km from the Pacific Highway to the east, which links with Brisbane to the north and Sydney to the south. Sancrox Road also links to Port Macquarie to the east and Wauchope to the west. The site is relatively cleared, with vegetation in fingers through the site and around the edges. A number of drainage lines dissect the site falling towards Sancrox Rd.

The Greater Sancrox Area is located approximately 6.4km north east of the Wauchope town centre and 13km west of the Port Macquarie town centre and contains a land area of approximately 1,400 hectares. The region is bound by the Oxley Highway to the south, the Pacific Highway to east and rural lands to the west and the Hastings River to the north. The predominate land use is rural, including agriculture and rural-residential. In general, lot sizes range between 1 to 10ha, with only four lots greater than 50 ha. The majority of small land parcels are located in the areas off Rawdon Island Road and Sancrox Road.

The subject site is subject of a Moratorium of development on the site, which will be resolved by way of this Planning Proposal. Council has resolved to proceed with a site specific Planning Proposal for the subject site in parallel with the wider Outline Planning for the Fernbank Creek – Sancrox area. The planning undertaken as part of this Planning proposal will inform the greater area planning, whilst allowing the development of the site to occur earlier to resolve the Moratorium issue.

The site and surrounding area has been subject of extensive Structure Planning in 2015, which was delayed pending Council's Urban Growth Management Strategy and the change in strategy from rural-residential to residential zoning of the area. The site has been identified as areas subject to Outline Planning in Council's Urban

An aerial photograph of the site and surrounds is shown below, with the subject site outlined in blue.

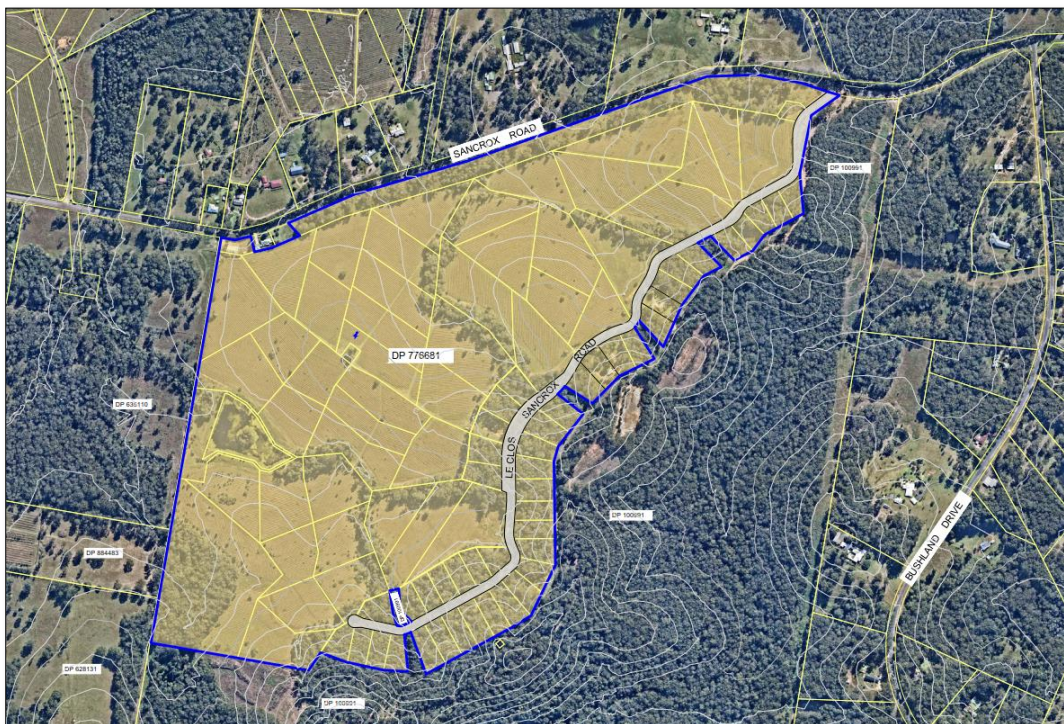


Figure 1 – Location of Extent of Le Clos Sancroix Highlighted Yellow

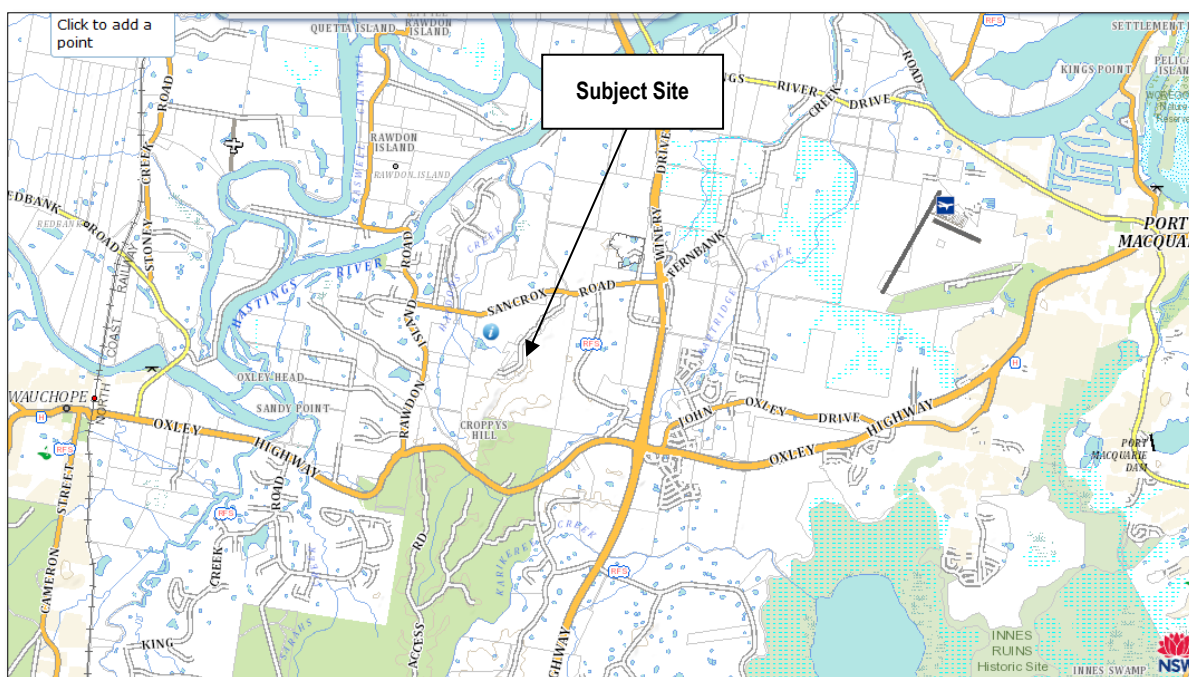


Figure 2 - Contextual Location of the subject land (source: www.sixmaps.nsw.gov.au)



Figure 3 - Close Up Aerial Map of the subject land (source: www.nearmap.com)

The site is currently zoned RU1 Primary Production under the LEP 2011, as too is immediately surrounding land. The site includes the following features:

- Storage building in north-west corner.
- Le Clos Sancrox Road along the eastern boundary.
- 46 residential building blocks with frontage to Le Clos Sancrox Road.
- 46 bush blocks, each connected to a residential building block.
- 3 dwellings on residential building blocks.
- Previous viticulture infrastructure and small outbuildings associated with the rural use of the land.
- The remainder of the site not containing dwellings is primarily cleared and currently utilised for grazing of cattle.
- EEC in three areas of the site, one being along the northern boundary in the central area of the site and the other two along the western boundary in the vicinity of the existing dam.
- A number of watercourses traverse the site from the upper areas down towards the dam and northern boundary in the central area of the site.
- Rights of way on title for access to Le Clos Sancrox Road for the adjoining land to the east and south being Lot 1 DP 1009991.

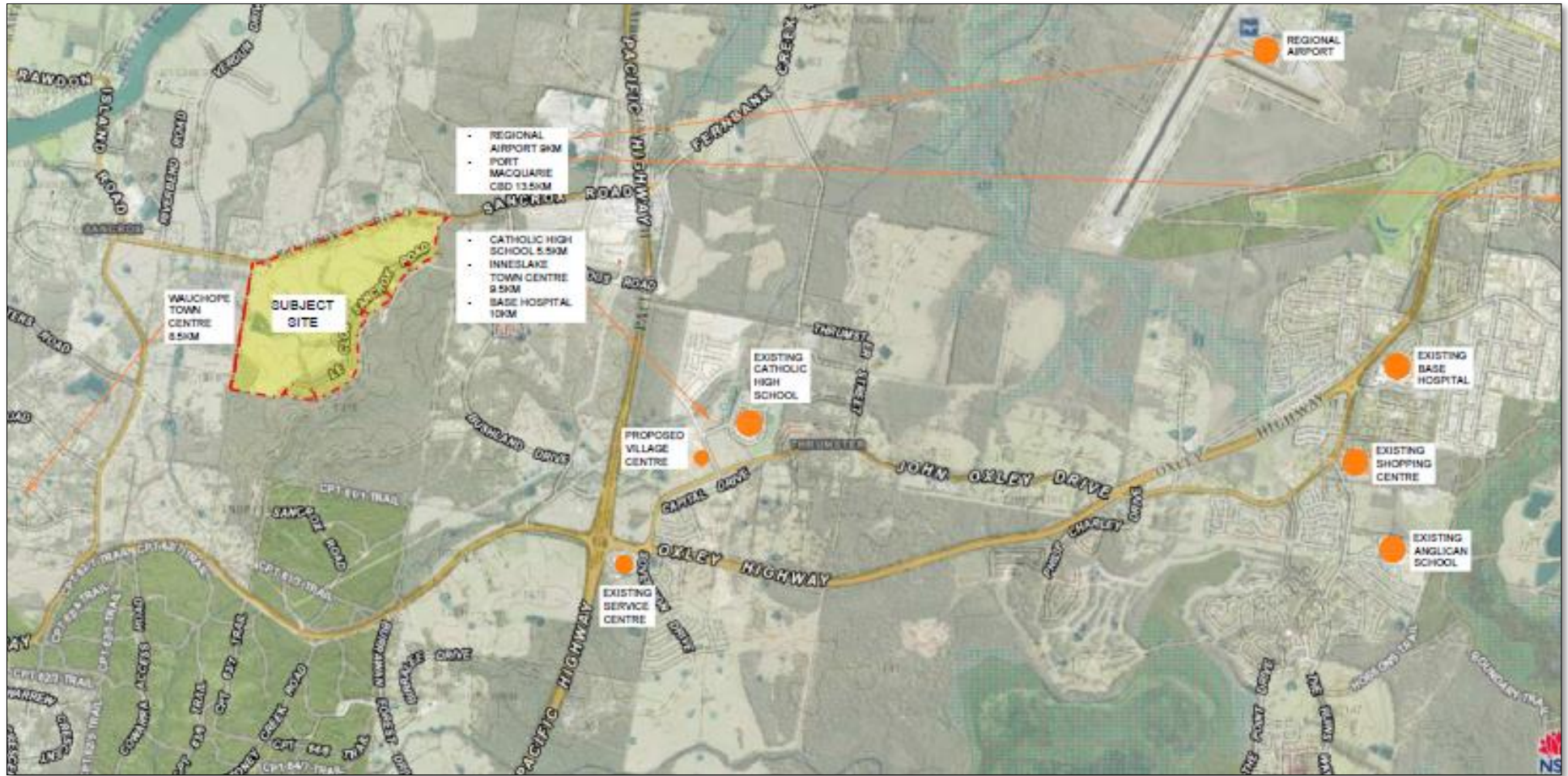


Figure 4 - Broadscale Analysis Extract

Below are photographs of the site:







Figure 5 – Photographs of the Site

BACKGROUND

For many years, Claude Cassegrain (the then landowner) championed for an area wide development to control urban sprawl westwards from Port Macquarie. The area extended from the Airport westwards to Rawdon Island. Notably, Hastings 2000 Project was developed, which had the support of landowners in the area, Council and the State Government.

Le Clos Sancrox specifically has a long history with Council in being identified for rezoning from rural to rural-residential in the since 2006. Council support has been provided and then dismissed, and development opportunities limited by way of a Moratorium being imposed 13 years ago, and then investigations shelved. This has been a constant source of frustration for the numerous landowners and no opportunity provided to legally develop their land, contrary to the development approval in place in 1987. Currently, the site is subject of a Moratorium imposed by Council on 9 October 2006 until the site is rezoned from rural.

Council has acknowledged in the Structure Planning for Sancrox and by way of recent resolutions dated 19 September 2018 and 20 February 2019 that this situation needs to be resolved as a priority and remove the Moratorium for Le Clos Sancrox by way of rezoning of the site and invited a Planning Proposal submission.

Below is a summary of the key approvals and resolutions, and regular liaison with Council in the preparation of the Planning Proposal.

1991 – Hastings 2000 Project

The figure below is an extract from a submission to the State Government in June 1991 regarding Hastings 2000 Project which details the initial background of Le Clos Sancrox and surrounds, as well as acknowledging an award for Le Clos Sancrox. Hastings 2000 Project had a broader focus and included technology and jobs to support the

increasing residential area and supported growth away from the coast and in the logical area between Port Macquarie and Wauchope. It also included health and education, including a university.

4.1 Background

In 1975, Gerard Cassegrain & Co Pty Ltd (G.C. & Co) were offered assistance by the then Department of Decentralisation and Development to expand their manufacturing activities. During the course of investigating methods of assistance, it became clear to Claude Cassegrain that the Hastings Valley had fundamental economic problems which were not being effectively addressed. The problems were subsequently to be aggravated due to the polarisation of sectional interest. Developers versus conservationists, bureaucracy versus private enterprise, and the growth of conflicting industries.

1.3 Planning Basis

Hastings 2000 is, in part, a Regional Development Plan for the Port Macquarie area. The existing Port Macquarie area has a population of approximately 27,000 people on a land area of 2,100 hectares. The Hastings 2000 Project proposes to utilise an additional 1,750 hectare of land immediately to the west of the existing township for an additional 70,000 persons over the next 15 to 20 year period. It will, in that time frame, create approximately 16,500 permanent wealth creating jobs and an additional 18,800 permanent support jobs in the Hastings region. It will establish in the region an economically sustainable total population of 100,000 persons.

In 1979 the Port Macquarie Council was informed of the need to encourage the re-direction of the economic base of the Hastings. In 1980 the Cassegrains convened an informal private group consisting of local professional leaders to prepare a sustainable land use plan, limited to the Cassegrain land holding. The group received input from national and international town planning organisations. The result of this work identified the need to aggregate a larger land holding and the requirements of substantial funds to carry out the detailed studies. 1987 saw the first stage and practical application of the H2000 ideology, the building of Le Clos Sancrox – a clos is a system of sub-division of rural land into small individual farms which presents a contiguous area, allowing them to be developed and managed effectively as one farm. Le Clos Sancrox received a National 1988 Bi-Centennial Heritage Award.

Figure 6 – Extracts from Hastings 2000 Project

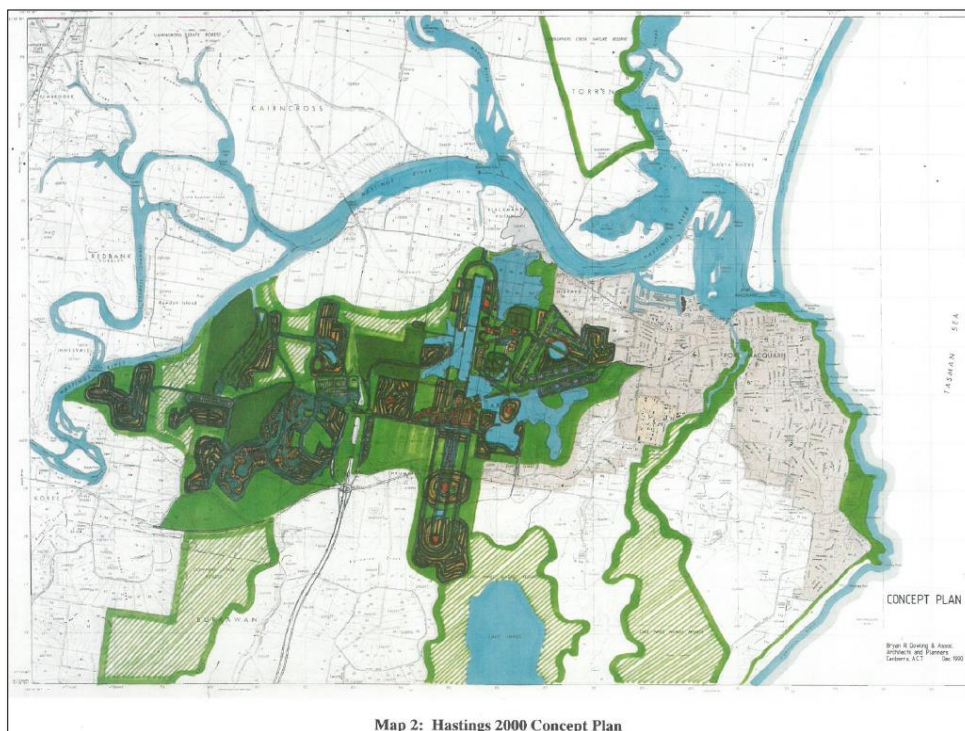


Figure 7 – Concept Plan Extract from Hastings 2000 Project

1987 - Development Consent DA 50/87 Overall Estate

Council granted consent to DA 50/87 on 8 April 1987 subject to conditions, for the creation of 46 rural home site and viticulture allotments and support allotments. The restrictions on the titles of the allotments has occurred in accordance with this consent and a separate development application is required for a dwelling on any allotment.

2006 - DA 2006/0312 relating to Lot 9 & Moratorium

In 2006, Council granted consent for a dwelling house on Lot 9. As part of the approval of DA 2006/0312 relating to Lot 9, Council also resolved to impose a Moratorium on all development in Le Clos Sancrox and Le Clos Verdun Estate, with the rezoning to Rural-Residential of the latter being gazetted 3 months later. There is a Moratorium on development *"because the inadequate size of the existing lots to meet current standards for effluent disposal and bushfire protection when constructing a dwelling. It is proposed that Council resolve this situation as a priority, if possible, having regard to other co-ordination issues in the GSA."* (source: Greater Sancrox Structure Plan, p41). The site is considered unconstrained as discussed above in relation to the outlined key issues in the Structure Plan and Le Clos Verdun has been rezoned.

The report to Council on 9 October 2006 indicated that *"the only viable option for appropriate development of the Le Clos farms is re-configuration to combine the vineyard lot and the house lot into one larger house lot. Given the non-viability of the Estate for its intended purpose and the fact that Council's Rural Residential Strategy 2004 identifies this area as an investigation area, redevelopment is supported"*. The report also states that *"Council could justify accepting a rezoning proposal for Le Clos Sancrox prior to the completion of the new LEP.... However, the environmental investigations and necessary studies would need to be financed by the existing landowners"*.

Further, Council has also resolved at the time of imposing the Moratorium, to review it in November 2008 or if not before if rezoning or reconfiguration occurs. This did not occur and there is a record of various letters from landowners to Council around this time, with particular reference to a letter dated 14 April 2008 from Le Clos Pty Ltd writing on behalf of the land owners on Le Clos Sancrox to express concern regarding the status of Le Clos Sancrox in the Sancrox Structure Plan and requesting an urgent rezoning and indicating they would facilitate the studies or to reverse the Moratorium it placed on development so the owners can build on their present blocks, and allow appropriate bush fire hazard reduction measures to take place. Neither of these options occurred.

2011 – UGMS 2011-2031

Below is an extract from the previous UGMS 2011-2031 which identified Le Clos Sancrox as an immediate action to commence in 2010/11. The Structure Planning followed by development of an Issues Paper and formation of a Reference Group.

Key Housing Strategies	Implementation Actions	Timing	Notes / Map References
<ul style="list-style-type: none"> Rural residential development will be planned as part of total dwelling targets. 	<ul style="list-style-type: none"> Prepare a Structure Plan for the Sancrox area, including Gateway sites adjacent to the Pacific and Oxley Highways at Sancrox to establish a long term planning framework for staged development in the Sancrox area. Planning investigations for the rural residential investigation area to the east of Logans Crossing Rd., Kendall. 	Immediate	<ul style="list-style-type: none"> Council will concurrently consult with landowners in the Le Clos Sancrox subdivision regarding possible future reconfiguration of that subdivision. See Strategy Summary Map for Structure Plan boundary (Reference 24), which includes Gateway sites (References 10 & 11), urban investigation areas (References 25 & 26) and Reference 29. Reference 25 requires investigation, and Council to seek a revision to the Mid North Coast Regional Strategy, prior to any rezoning. Council will also review funding options for infrastructure provision in the Sancrox area, including development contributions plans and planning agreements.
		Short-term	See Strategy Summary Map Reference 27.

Immediate = Commenced or to commence 2010/11
Short Term = Commence investigations 2011/12 – 2014/15 (timing to be determined in annual works program by Council)
Medium term = Approximate commencement 2015 – 2025 (subject to review)
Long term = Approximate commencement 2025+ (subject to review)



18 February 2015 Resolution of Council

On 18 February 2015, Council resolved as follows relating to the Sancrox Structure Plan:

"That Council:

1. *Note the revised Greater Sancrox Area Structure Plan as described in this report.*
2. *Include as part of Council's current review of the Port Macquarie-Hastings Urban Growth Management Strategy 2011, consideration/investigations;*
 - a. *to determine whether urban development relating to Port Macquarie should be permitted to the west of the Pacific Highway with such consideration/investigations to include the potential urban capability/serviceability/capacity of lands between Oxley Highway to the north, Pacific Highway to the west and Houston Mitchell Drive to the south in reaching any conclusion or conclusions; and*
 - b. *as to the viability of rural residential development in the Greater Sancrox area.*
3. *Request the General Manager report to a Council Meeting promptly after the aforesaid review is completed and endorsed/adopted by Council with respect to the Greater Sancrox Area focusing on the implications of the review on that Area.*
4. *Defer this matter until after consideration of the report dealt with in 3 above."*

The Structure Plan was noted but not formally endorsed by Council due to the UGMS review commencing and the potential change in future planning of the area to residential rather than rural-residential.

Point 3 of the above resolution required a further report promptly after the above review. This did not occur.

20 June 2018 – Report to Council on Urban Growth Management Strategy

Council considered a report on the Urban Growth Management Strategy on 20 June 2018 and resolved as follows:

"That Council:

1. *Note the submissions received and recommended amendments to the draft Urban Growth Management Strategy contained in the attached Consultation Report.*
2. *Adopt the revised Urban Growth Management Strategy attached to this report.*
3. *Submit the revised Urban Growth Management Strategy to the Director General of the NSW Department of Planning for approval.*
4. *Delegate to the General Manager the authority to make minor amendments and corrections to the Strategy during referral to the Department of Planning.*
5. *That Council receive an annual update report in relation to the implementation and status of the Urban Growth Management Strategy actions during preparation of Council's annual Operational Plans.*
6. *That Council amend the revised Urban Growth Management Strategy attached to this report to address an ambiguity and ensure the body of the Strategy is consistent with Key Action #6, as follows: Page 62 be updated to reflect the combination of Fernbank Creek and Sancrox such that the wording is amended as follows: "The priority order for long term investigations around Port Macquarie in terms of land capability and suitability is Fernbank Creek and Sancrox, and then Lake Innes."*
7. *Note the resolution from the Ordinary Council Meeting of February 2015 that the General Manager is to provide a report to Council on the Greater Sancrox Area after the Urban Growth Management Strategy is endorsed/adopted by Council.*
8. *Request that the report be presented at or before the Council Meeting of September 2018 and that the report consider in more detail the timing of investigations and the resourcing requirements to achieve an earlier commencement."*

Point 6 confirms that Sancrox is the priority for investigations and this was re-iterated as part of the discussion at the Council meeting where it was acknowledged that the UGMS was already one year in and that the investigations

were to occur in the first 1-2 years, and as such were to commence immediately to avoid further delay and meet the identified timing. Point 7 refers to the resolution of Council from February 2015 above relating to Le Clos Sancrox.

The report to Council on 20 June 2018 includes the following section of Le Clos Sancrox:

"The Le Clos Sancrox subdivision was approved by Council in 1986 to permit cooperative viticulture, including approximately 46 house lots with an average size of 3200 sqm. Unfortunately, it has proven very difficult to resolve on-site effluent disposal, bushfire protection and access arrangements for these house lots. In 2006, Council resolved to 'impose a Moratorium on all development of properties in the Le Clos Sancrox and Le Clos Verdun Estates until such time that appropriate rezoning and reconfiguration of the Estate has been finalised'.

In 2009, the Le Clos Verdun estate was rezoned to rural residential, following coordinated investigations by landowners in that estate. Similar investigations have not been undertaken for the Le Clos Sancrox estate to date. The Sancrox area was proposed for rural residential and there have been structure plan investigations by Council. However, the Sancrox area has now been proposed generally for future urban development in the draft UGMS and the landowners are looking for a clear direction to provide certainty regarding development on their lots.

Council planners have met with landowner representatives from the Le Clos Sancrox estate on two occasions since exhibition of the draft UGMS. The discussion with landowners has included an overview of the land supply and long term growth context in the draft UGMS, as discussed above, as well as the need for coordinated infrastructure and environmental planning from Council's and the community's perspective.

The landowner representatives have indicated a willingness to coordinate a reconfiguration of the existing Le Clos subdivision. This will need to include preparation of support studies, funding for key infrastructure and coordination of delivery, including environmental management. A number of options may exist for rezoning and reconfiguration and it is proposed to consider this in more detail in a separate report to Council as soon as possible, in accordance with Part 3 of the resolution of Council in February 2015 (shown earlier in this part of the report)."

Point 8 requires the preparation of a report on Le Clos Sancrox now that the UGMS has been adopted.

We do however note that there was an error in the report extract quoted above. The rezoning of Verdun was gazetted on 12 January 2007, not 2009.

Discussions have been held by the landowners with Peter Cameron, Council's then Manager – Strategic Planning after the June 2018 Council meeting and they were invited to prepare this submission. The discussions held with Council were generally positive. A subsequent meeting was held with Council on 13 August 2018 to provide an update on the recent investigations and to confirm that the report will be finalised and submitted to form part of the upcoming report to Council.

16 August 2018 – Submission to Council Special Case for Rezoning & Preliminary Investigations – Le Clos Sancrox

Land Dynamics Australia prepared a letter to Council on behalf of the landowners at Le Clos Sancrox, following on from discussions with Council and the support to progress the rezoning of Le Clos Sancrox on its own, as a special case. The submission included:

1. Preliminary Planning Report for Rezoning
2. Broadscale Planning Analysis
3. Preliminary Constraints Mapping
4. Preliminary Sewer Planning Concept Plan
5. Preliminary Future Services Plan
6. Preliminary Concept Plan Option A

7. Preliminary Concept Plan Option B
8. Moratorium Letter
9. Extract Greater Sancrox Structure Plan
10. Preliminary Bushfire Assessment
11. Preliminary Ecology Assessment
12. Electricity Email
13. NBN Email
14. Minutes of Sancrox Quarry Community Consultative Committee meeting of 6 July 2018

Council has a copy of this background and details of the preliminary investigations should they be required during the consultation, however as the reports have been explored further, they have not been provided as an appendix in order to avoid confusion.

19 September 2018 – Further Report to Council

On 19 September 2018, Council considered a report in relation to the proposed Fernbank Creek and Sancrox Outline Plan and resolved as follows:

“That Council:

- 1. Request that the General Manager commence Stage 1 planning for the Fernbank Creek and Sancrox areas in 2018/19.*
- 2. Request that the General Manager commence a review of planning for the West Lindfield deferred land in 2018/19, to potentially supplement the supply of residential land in the short term.*
- 3. Write to the Le Clos Sancrox landowner representatives seeking confirmation from the landowner group that the landowners can act as one coordinated legal entity.*
- 4. Subject to confirmation of 3 above, invite the landowner group to submit a proposal which can be considered by Council in parallel with, but not before completion of the preparation of the Outline Plan in 2 above.*
- 5. Note the additional resource requirements as a result of recommendations 1 to 4 above and allow the General Manager to resource this increased program appropriately.*
- 6. Submit an update report on all the above actions to the February 2019 meeting of council.”*

This resolution allowed the Planning Proposal for Le Clos Sancrox to be considered by Council in parallel with, but not before completion of the preparation of the Outline Plan.

In accordance with Point 3, on 17 October 2018 Council wrote to Land Dynamics:

“In accordance with part 3 of Council’s resolution, would you please provide confirmation that all of the Le Clos Sancrox landowners are in agreement to act as one co-ordinated legal entity. Please provide further detail regarding the terms of that agreement which will enable the landowners to plan for and deliver coordinated outcomes.”

Following on from discussions with Council to progress the Planning Proposal for Le Clos Sancrox in January 2019, information was submitted to Council on 31 January 2019 that advised “as at this date there is 100% agreement on the formation of the Coordinated Legal Entity via Deed of Participation and Power of Attorney” and included a report on the Formation of the Le Clos Sancrox Lot Owners (LCSLO) Coordinated Legal Entity (CLE).

20 February 2019

Council at its meeting of 20 February 2019 resolved:

“That Council:

- 1. Note the information in the February 2019 Strategic Land Use Planning - Fernbank Creek and Sancrox Report.*



2. Note that a Greater Sancrox Area Structure Plan was tabled at the Council Meeting in February 2015 and deferred pending adoption of the UGMS.
3. Note that according to landowner representatives, the Le Clos Sancrox owners have all now committed to acting as a single entity to achieve a co-ordinated planning outcome.
4. Immediately commence Stage 1 planning to prepare an Outline Plan for Sancrox-Fernbank Creek as detailed in the UGMS.
5. Invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process.
6. Allow the General Manager to adequately resource this program.
7. Include regular updates on this matter in the biannual Site Specific LEP Amendments Update Report in March and September of each year."

This resolution resolved to:

- Immediately commence Outline Planning for Sancrox-Fernbank Creek as detailed in the UGMS and provided resources to do so.
- Invite a Planning Proposal from Le Clos Sancrox in parallel with the outline planning. Importantly, this resolution allows Le Clos Sancrox planning to progress before the wider planning.

6 March 2019 – Commencement of Planning Proposal preparation

Discussions commenced between Council, Land Dynamics and the representative from Le Clos Sancrox regarding the preparation of the Planning Proposal.

12 April 2019 – Pre-lodgement Meeting

A pre-lodgement meeting was held between Land Dynamics and Peter Cameron, Council's then Manager – Strategic Planning and Jeffery Sharp, Council's Director Infrastructure.

The discussions included the documentation required for submission with the Planning Proposal and included an intent that once Gateway determination is achieved for the rezoning that a Development Application will be prepared, which will run concurrently with the rezoning and allow Council to have greater detail. This removed the need for a Development Control Plan.

21 June 2019 - Sewer & Water Discussions with Council

Discussions with Sam Rooney, Council's then Acting Water and Sewer Planning Manager Water and Sewer Strategic Planning Engineer Infrastructure, regarding the future sewer and watermain works that will be associated with the Planning Proposal.

5 July 2019 - Initial Regular Meeting with Council

Initial regular catch up with Council to ensure that we are on track and working in parallel with Council's Outline planning for Sancrox held. Planning and traffic was primarily discussed.

23 July 2019 - Regular Meeting with Council

Regular catch up with Council to ensure that we are on track and working in parallel with Council's Outline planning for Sancrox held. Stormwater and water quality primarily was discussed.

30 September 2019 - Regular Meeting with Council

Regular catch up with Council to ensure that we are on track and working in parallel with Council's Outline planning for Sancrox held. Ecology primarily was discussed and preliminary zoning and layout plans were tabled. Initial discussions regarding a Voluntary Planning Agreement, buffer to the quarry and the previous resolutions of Council were also discussed.

Note: the regular catch up was delayed in August 2019 due to the Manager – Strategic Planning departing Council and no leadership of the project temporarily. The meetings re-commenced in September 2019.

17 October 2019 – Meeting with Department of Planning, Industry and Environment's Planning Division

Below is a summary of the key discussions:

- Review need for land, land supply may be zoned but not necessarily developable.
- Address UGMS, variation principles and s9.1 Ministerial Directions.
- The Department identified this area for investigation.
- Explain the merits and how it fits in with the wider planning.
- Address inconsistency regarding the quarry.

18 October 2019 – Submission of Draft Documentation to Council

The Planning Proposal and suite of accompanying documentation was submitted to Council for review prior to the second pre-lodgement meeting with Council.

28 October 2019 – On-site Meeting with Department of Planning, Industry and Environment's Biodiversity and Conservation Division

Below is a summary of the key discussions:

- Address North Coast Regional Plan and avoid High Environmental Value.
- Explain how the proposal maximises avoidance and how the layout has evolved with respect to ecology. Look at constraints and opportunities, avoid HEV and form an argument which supports the proposed land uses.
- Consider Bio-certification at Planning Proposal stage.
- Consider aboriginal heritage.
- Consider impacts from basins, pathways and road edges in ecological assessment.
- Identify recreational open space, not just conservation.

A letter was received after the site visit with the Department of Planning, Industry and Environment's Biodiversity and Conservation Division which provided further information regarding biodiversity conservation, including how to apply and determination, as well as discussing consistency with the North Coast Regional Plan. These comments have been considered and incorporated into this document. Biodiversity Certification will be sought post Gateway.

1 November 2019 – Pre-lodgement with Council Prior to Lodgement

A second pre-lodgement meeting was held with Council's Planner and various technical officers. Detailed notes were provided regarding planning, ecology, bushfire, traffic, design guidelines, supply and demand, social impact economic impact, acoustics, Voluntary Planning Agreement and Vegetation Management Plan. Further information was provided separately regarding water and sewer.

PRE-LODGE

As a result of the pre-lodgement meeting on 12 April 2019, Council provided information to assist in relation to preparation of this submission including identification of the required documentation. Below is a summary of the information that is to be addressed, as advised by Council.

- Planning report supporting the proposal including indicative zone boundaries, lot sizes, lot layout and proposed development staging. This is part of the planning proposal which needs to address DP&E guidelines, as noted below.
- Land supply and demand assessment.
- Current ecology survey and impact assessment. Stage 1 BAM report - requires registered assessor. Consideration of the Avoid, Minimise, Offset test. Early consultation with OEH recommended to ensure delivery offsets feasible and acceptable. Identify how proposed zones will allow achievement of the requirements of the BAM recommendations/outcomes.

- Bushfire assessment. Incorporate recommendations of bushfire assessment into lot layout/subdivision design noting preference for perimeter roads and ensuring APZs do not conflict with BAM requirements. Consider water supply issues, emergency/evacuation routes, etc.
- Infrastructure Servicing Strategy (water, sewer, stormwater, roads, footpaths and cycleways, electricity NBN etc). The Outline Plan is important here to determine the infrastructure needs for the area as a whole.
- Traffic assessment and modelling. The Outline Plan is important here to determine the infrastructure needs for the area as a whole.
- Aboriginal Archaeology. Including the need to consult the Local Aboriginal Land Council.
- Heritage if applicable – can be incorporated within the planning report.
- Flooding. Catchment based flood modelling. Floodplain management planning - Floodplain Development Manual process. Identification of Flood Planning Levels. Flood evacuation routes.
- Stormwater Quality and Onsite Detention Modelling. Concept stormwater quality and quantity management plan. Plan to be consistent with Council design specifications. Management facilities - long term ownership and management costs to be considered.
- Geotechnical / contamination. Address State Environmental Planning Policy No 55. Council's Contaminated Land Policy 2017.
- Urban design / development yield analysis. The Outline Plan is important here to determine the design for the area as a whole.
- Acoustic assessment. Potential noise sources: Traffic and adjoining land uses.
- Draft Planning Proposal prepared in accordance with the DPE Guidelines.
- Any proposal for a VPA – letter of offer if necessary only required at time of lodgement of PP.
- Quarry buffer review.
- Social Impact Assessment.
- Economic Impact Assessment.

A second pre-lodgement meeting was held with Council's Planner and various technical officers on 1 November 2019. Detailed notes were provided regarding planning, ecology, bushfire, traffic, design guidelines, supply and demand, social impact economic impact, acoustics, Voluntary Planning Agreement and Vegetation Management Plan. Further information was provided separately regarding water and sewer.

The cover letter contains a response to the issues raised as the second pre-lodgement meeting and appropriate changes made to the documentation before lodgement of this Planning Proposal.

This Planning Proposal has provided the requested information, including within accompanying Appendices.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES SITE ANALYSIS

This Planning Proposal seeks to amend the Port Macquarie Hastings Local Environmental Plan 2011 to rezone the subject land to enable development for residential purposes; development for local business purposes; and to conserve areas of environmental significance. This planning proposal is seeking re-zoning to allow for future urban development. A subdivision concept layout has been developed to demonstrate future subdivision layout and inform the proposed zones.



The key objectives of this Planning Proposal is to:

- Achieve residential development of the site, complementary to the surrounding future desired character of the emerging residential area of Sancrox, whilst having regard to the existing characteristics of the area and the constraints of the site.
- Allow for a range of densities of residential development, as well as allowing for complimentary uses within residential zones including educational establishments.
- Enable commercial purposes, specifically a Local Centre to complement the proposed residential estate and provide supporting services for the residents.
- Conserve areas of environmental significance.

This Planning Proposal is accompanied by draft site specific Guidelines which includes provisions for future development of the land and sets standards for the entire estate.

PART 2 - EXPLANATION OF PROVISIONS

To facilitate development on the land, the following amendments to the Port Macquarie Local Environment Plan 2011 are proposed with the outcomes to be achieved by:

- Amending the Port Macquarie – Hastings Local Environmental Plan 2011 Land Zoning Map 13B on land comprising a number of landholdings collectively known as Le Clos Sancrox from RU1 Primary Production to:
 - R1 General Residential,
 - R3 Medium Density,
 - B2 Local Centre,
 - E2 Environmental Conservation,
 - E3 Environmental Management, and
 - E4 Environmental Living.
- Amending the Port Macquarie – Hastings Local Environmental Plan 2011 Lot Size Map 13B on land comprising a number of landholdings collectively known as Le Clos Sancrox to permit a minimum lot size of:
 - 450m² for the proposed R1 General Residential,
 - 450m² for the proposed R3 Medium Density,
 - No minimum lot size for the proposed B2 Local Centre,
 - 40 ha for the proposed E2 Environmental Conservation,
 - 40ha for the proposed E3 Environmental Management, and
 - 2000m² for the proposed E4 Environmental Living.
- Amending the Port Macquarie – Hastings Local Environmental Plan 2011 Floor Space Ratio Map 13B on land comprising a number of landholdings collectively known as Le Clos Sancrox to permit a maximum floor space ratio of:
 - 0.65:1 for the proposed R1 General Residential,
 - 1:1 for the proposed R3 Medium Density,
 - 1:1 for the proposed B2 Local Centre, and
 - 0.65:1 for the proposed E4 Environmental Living.

- Amending the Port Macquarie – Hastings Local Environmental Plan 2011 Height of Buildings Map on land comprising a number of landholdings collectively known as Le Clos Sancrox to permit a maximum height of:
 - 8.5m for the proposed R1 General Residential,
 - 11.5m for the proposed R3 Medium Density,
 - 11.5m for the proposed B2 Local Centre, and
 - 8.5m for the proposed E4 Environmental Living.

Existing Zoning

Under Council's principle planning instrument, Port Macquarie-Hastings Local Environmental Plan 2011, the subject site is zoned RU1 Primary Production with a minimum subdivision lot size of 40 hectares. This reflects the previous use of the area before residential rezoning and development and is no longer the appropriate zone.

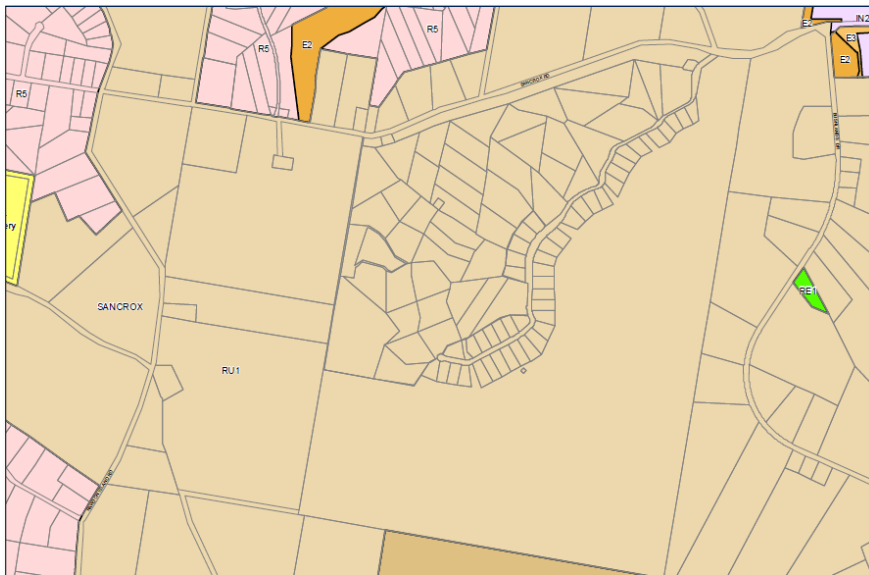


Figure 9 - Zoning Extract from PMHLEP 2011

The maps accompanying the current LEP do not identify the site as being affected by flooding, acid sulphate soils, heritage, koala habitat or height or floor space controls.

The site is immediately adjoined by rural zoned land, however pockets of R5 Large Lot Residential are distributed to the north and west and to the east is the Pacific Highway and areas of land zoned for industrial purposes.

Proposed Zone Changes

The existing zoning for rural purposes has not been appropriate for the site for numerous years and identified at the time of imposition of the Moratorium in 2006 that rezoning would be supported, however at the cost of the landowners. The Structure Planning work undertaken up to 2015 also identified the rezoning of the site as a priority. Subsequently Council has resolved over the past 18 months to rectify the situation and on the basis of the adopted UGMS, the invitation for the site specific rezoning was forthcoming.

The current UGMS has changed the thinking for the Sancrox planning, with a desire for residential rather than rural-residential, in order to satisfy the future planning demands for the wider area.

The R1 General Residential zoning table states:

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.

- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Boat building and repair facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water storage facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

It is important that educational establishments and dwelling houses can be achieved in R1 General Residential zone.

The R3 Medium Density zoning table states:

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Dual occupancies; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Semi-

detached dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies

It is important that educational establishments and dwelling houses can be achieved in R3 Medium Density zone. It is also envisaged that a low scale form of retail premises would operate to support the residential area.

The B2 Local Centre zoning table states:

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies

The proposed B2 zoning allows for a variety of land uses which would complement the emerging residential and existing rural-residential land uses nearby, as has been achieved by way of other local and neighbourhood centres such as Watonga and Waniora Shops.

The E2 Environmental Conservation zoning table states:

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

The E3 Environmental Management zoning table states:

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Home-based child care; Home businesses; Horticulture; Information and education facilities; Kiosks; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Research stations; Roads; Tank-based aquaculture; Water recreation structures

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The E4 Environmental Living zoning table states:

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Backpackers' accommodation; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Home-based child care; Home businesses; Horticulture; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Research stations; Respite day care centres; Roads; Tank-based aquaculture; Water recreation structures

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

PART 3 – JUSTIFICATION

Consistent with the Department of Planning and Environment's publication "A guide to preparing planning proposals", this section includes:

- 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

In addition, the strategic merit test has been reviewed with respect to the Planning Proposal. Circular PS 16-004 by Department of Planning & Environment dated 30 August 2016 states:

"The key factor in determining whether a proposal should proceed to a Gateway determination should be its strategic merit. The Department has strengthened the Strategic Merit Test and proposals will now be assessed to determine if they are:

- *consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *consistent with a relevant local strategy that has been endorsed by the Department; or*
- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.*

A proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.

...

Having met the Strategic Merit Test, the relevant Planning Panel or the Commission must then determine if the proposal has site-specific merit, having regard to:

- *the natural environment (including known significant environmental values, resources or hazards);*
- *the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Proposals that do not reasonably meet the assessment criteria above in the opinion of the Planning Panel or Commission will not be able to proceed to a Gateway determination."

Section B demonstrates that the strategic merit test has been achieved.

The proposal has been assessed having regard for all State Environmental Planning Policies, Ministerial s.117 Directions and the relevant guidelines set out within the regional plans

Section A - Need for the Planning Proposal

3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is the result of a strategic study, namely an outcome of the resolution of Council when adopting Urban Growth Management Strategy 2017-2036. Refer to discussion in background earlier. The subject site is subject of a Moratorium of development on the site, which will be resolved by way of this Planning Proposal. Council has resolved to proceed with a site specific Planning Proposal for the subject site in parallel with the wider

Outline Planning for the Fernbank Creek – Sancrox area. The planning undertaken as part of this site specific Planning Proposal will inform the greater area planning, whilst allowing the development of the site to occur earlier to resolve the long-standing Moratorium issue, which has been identified as a priority for resolution since its imposition in 2006.

The previous UGMS 2011-2031 identified Le Clos Sancrox as an immediate action to commence in 2010/11. The Structure Planning followed by development of an Issues Paper and formation of a Reference Group in 2011. A Structure Plan was developed and exhibited and finalised in 2015, but not adopted by Council. It is understood that the extensive Structure Planning in 2015 was delayed pending Council's Urban Growth Management Strategy and the change in strategy from rural-residential to residential zoning of the area.

The site has been identified as areas subject to Outline Planning in Council's Urban Growth Management Strategy. Rezoning the land is considered the most suitable and transparent way of achieving the objectives of this proposal.

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

The planning proposal is the only legal method of amending LEP 2011 to permit development applications to be submitted, considered and determined for a change of use of the site.

Council's UGMS 2017-2036 aims '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' and the housing priorities for Port Macquarie housing choice strategies include:

"Preparation of an Outline Plan (Stage 1 investigations) for the Fernbank Creek and Sancrox potential future growth areas (Action 6), taking into account the significant environmental values and mineral resources transition areas (Action 6)."

Action	Description	Indicative timing
6	Preparation of an Outline Plan (Stage 1 investigations) for the Fernbank Creek and Sancrox potential future growth areas	Preliminary Stage 1 planning for potential future growth at Fernbank Creek and Sancrox Year 2-4

Based on this, the timing is Year 2 (2018) to Year 4 (2020). This is consistent with the resolution of Council in 2018 and 2019 to commence Stage 1 planning for the Fernbank Creek and Sancrox areas in 2018/19 and most recently the resolution of 20 February 2019 to immediately commence Stage 1 investigations and invite the Planning Proposal from Le Clos Sancrox, which could occur in parallel, and if before, will inform the wider Stage 1 investigations.

The Planning Proposal avoids significant ecological impacts and will allow appropriate development that will manage environmental hazards and achieve housing choice in Sancrox. The site is capable of connection to existing water and sewerage services, without reliance on adjoining properties.

Section B - Relationship to strategic planning framework

3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The North Coast Regional Plan 2036 identifies that the greatest population growth pressure will be experienced around the regional cities like Tweed Heads, Coffs Harbour and Port Macquarie. As such bringing greater opportunities for housing choice to meet the growing and changing population. The Strategy encourages accommodation of coastal growth whilst protecting coastal values and locating within an existing main settlement. In doing so, the site is considered suitable for residential purposes, with a small component of business zoned land to accommodate the information centre, for the following reasons:

- The site is already serviced and the future development can easily be serviced by extension of existing services and provision of a SPS in an unformed road reserve, which does not rely upon adjoining

landowners. The SPS would service a wider catchment than the subject site, which assists with Council's wider planning.

- Notwithstanding the zoning, there will be no loss of agricultural land as it has not been successfully utilised for agricultural purposes and is not identified as significant farmland. agricultural purposes and is not identified as significant farmland.' Whilst the lack of success of past agricultural pursuits is not a clear indication that the land is unviable for agriculture, there is already a development consent in place which includes a form of housing on this site. It is acknowledged that there will be a loss of primary production land, however the highest and best use is as proposed within this Planning Proposal given that the land has not been identified as significant farmland and does not facilitate any existing agricultural production. Further, given the relatively small lot sizes and isolation from mapped important agricultural land and buffers due to vegetation corridors, it is unlikely that this area will be used for productive agricultural purposes in the future and the proposal does not increase the likelihood of conflict or impact on current adjoining land due to the current absence of agricultural land use or future agricultural activities in the locality due to the current constraints and surrounding land uses.
- The site is not subject to flooding or acid sulfate soils.
- The site is located within close proximity of the settlements of Port Macquarie and Wauchope, providing good services and facilities for the future residents.
- The small commercial portion of land will complement the residential area and provide a service for existing and future local residents, which is not currently provided in the area.

The Regional Plan acknowledges Port Macquarie as "a regional city with a thriving cultural and civic centre, accommodating a distinctive mix of retail, commercial, tourism, entertainment and cultural activities. Coastal and rural centres, such as Lake Cathie, Bonny Hills, Laurieton and Wauchope, will continue to provide local jobs and lifestyle housing options that support their character. The area has a diverse and vibrant economy as a result of ongoing investment in the health, education, agriculture and aviation sectors. The Port Macquarie Base Hospital; the development of the new Charles Sturt University Campus; and the ongoing delivery of tertiary education by other providers, including the University of Newcastle and North Coast TAFE, will increase local opportunities and deliver jobs."

North Coast Settlement Planning Guidelines have been reviewed to provide a framework to ensure adequate supply of housing is provided to meet the population needs. In reviewing, the constraints planning has been undertaken and areas of high environmental value have been excluded. The guidelines indicates that "Future settlement, where permitted by the regional strategies and outside the agreed growth areas, must be located to minimise environmental impacts and be sustainable. Such settlement must satisfy the sustainability criteria contained in Appendix 1 of the Regional Strategies." The site is located outside of the urban investigation area boundaries identified in the plan, however this is addressed below, and the assessment criteria considered to demonstrate the merit of this Planning Proposal.

In response to the need for additional housing stock identified in the Regional Strategy, this site is a prime opportunity to accommodate additional housing without adverse environmental impacts or loss of agricultural land given this site has not been utilized as a vineyard for approximately 30 years. The use of cleared land adopts the sustainable land use principles, rather than utilizing land which is currently used for agricultural purposes or contains ecological features.

The proposal is consistent with the Regional Plan goals as follows:

- Settlement planning principles indicates urban growth areas off the Pacific Highway.
- Enhances areas of high environmental value. This has been reflected in the large areas of environmental zoned land recommended, which was informed by the ecological assessment and the desire to create corridors and enhance the connectivity through the site and into adjoining large areas of ecological value.

- Developable areas have been focused on areas of least biodiversity sensitivity and the “avoid, minimise, offset” principles adopted.
- Reduce the risk from natural hazards as the site is not flood prone and bushfire constraints have been managed through the subdivision concept plan and will comply with Planning for Bushfire Protection 2006 and Draft 2018 plan.
- Transport corridors are utilised and strengthened. Sancrox Road provides direct access to the Pacific Highway and planning has had regard to the future high speed rail to the east.
- The local economy will thrive with the addition of residents and creation of a local commercial centre to assist with the day to day needs of the existing and future residents.
- A safe and efficient transport network is identified, which will service the development of the subject site and connect into the wider area planning, including provision of a Collector Road through the site and connection to the highway via the existing good connections.
- Productive agricultural lands are protected. The subject site is a failed viticulture use and is not identified as important farmland under the plan.
- The proposed planning of the subject site can be used to plan the wider Sancrox urban expansion, coordinate development and infrastructure, protect the local character and environment of an area, and establish stronger relationships between communities.
- Provides housing, services and facilities that are within walking distance of each other, including housing of varying densities and forms, as well as an opportunity for a school and child care centre, all connected via a series of pathways which facilitates walking and cycling. The housing diversity may also include seniors' living housing to assist with the aging population.
- Engagement with Aboriginal communities has occurred during the planning process and a report is contained in an appendix.
- The distinct character of the site and the North Coast has been considered in the concept subdivision plan, which respects the landform, ecological features and views from the site.
- The site and the concept layout takes advantage of both existing and new road, water, sewer and stormwater infrastructure and does not rely upon adjoining landowners for connections or extensions.
- The housing will assist Council to achieve the minimum housing supply each local government area should plan to deliver over the next 20 years to meet population growth.

The Regional Plan states:

“Figure 10 shows the minimum housing supply each local government area should plan to deliver over the next 20 years to meet population growth. Certain councils may not have sufficient capacity in their urban growth areas to satisfy demand. As a priority, councils should work with their local communities to identify appropriate locations to provide an adequate supply of residential land. The delivery of housing in significant release areas can be accelerated by identifying where upfront investment in local infrastructure can assist land release. The NSW Government's Housing Acceleration Fund offers funding for new infrastructure projects that support housing supply.”

The area specific portion of Figure 10 referenced within the Regional Plan indicates an increase of 8,800 additional dwellings between 2016 and 2036.

It is considered that the Planning Proposal is consistent with the Regional Plan as it satisfies the Variation Criteria required for development outside the Urban Growth Area and has merit. These criteria form the basis of the strategic merit and site-specific merit assessment for the rezoning review process.

Appendix A of the Regional Plan contains the Urban Growth Area Variation Principles, which are stated below and a comment provided.

Urban Growth Area Variation Principles		Comment
Policy	The variation needs to be consistent with the objectives and outcomes in the North Coast Regional Plan 2036 and any relevant Section 117 Directions and State Environmental Planning Policies, and should consider the intent of any applicable local growth management strategy.	Consistent. Refer to discussion within this Planning Proposal document.
Infrastructure	The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government. The variation should only be permitted if adequate and cost-effective infrastructure can be provided to match the expected population.	The road network, transport and servicing of the site and the wider area has been considered in the specialist reports and plans. Upgrades can be provided without relying upon adjoining private landowners and will service the wider area.
Environmental and farmland protection	The variation should avoid areas: <ul style="list-style-type: none"> • of high environmental or heritage value; and • mapped as important farmland, unless consistent with the interim variation criteria prior to finalising the farmland mapping review. 	The ecological assessment of the subject site has informed the proposed zoning and embraced the avoid principle in particular. In doing so, large areas of ecological value will be enhanced and corridors created, to provide good connection to large areas of ecological significance on adjoining land. The ecological outcome is far superior to that envisaged in the Structure Planning undertaken in 2015. The maps accompanying the current LEP do not identify the site as being affected by heritage. Further commentary is provided in Section 3.7 regarding consistency with the Regional Plan in terms of biodiversity and high environmental lands, and the reasoning behind the current layout and how the 'avoid, minimise, offset' hierarchy has been achieved.
Land use conflict	The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities and productive resource lands.	<p>The quarry located to the north-east of the site is the main incompatible land use. It is to be noted that Council's position with respect to the quarry for a number of years is that any required buffer must be accommodated on site and this is reflected in the Structure Planning for the wider area. This is consistent with a regional wildlife corridor indicated in Council's Development Control Plan (shown green in Figure 11 in Section 3.7 below relating to ecology), based on their ecological work undertaken. This corridor provides a clear vegetated barrier between the quarry and subject site.</p> <p>A current State Significant Development proposal has been exhibited from 30 October 2019 to 27 November 2019 for an expansion of the quarry westwards into the regionally significant ecological corridor. There is no certainty regarding approval of this application and given that this application extends into the regional significant ecological</p>

	<p>corridor, extends the life beyond previous agreements under DA 2012/305 and associated Planning Agreement and associated restrictions on development of adjoining industrial land until 2018, to allow for the quarry to be exhausted. Regular contact has occurred with the assessing officer for the proposal and no response has been forthcoming from the applicant with request to the letters requesting information and a response to submissions dated 18 December 2109, 22 January 2020 and 26 February 2020. The partial response which includes a Blast Management Plan has been provided, which addresses how safety and minimisation of impact at neighbouring sites will be achieved and maintained, as well as detailing the blast clearance being well within their boundaries and away from LCS.</p> <p>The DCP plan had a clear delineation of the industrial land from other land to the east, with the ecological corridor as a buffer. The proposed Le Clos Sancrox zoning and concept layout further increases this ecological corridor within the site to provide a larger buffer to the existing quarry and any expansion, should it be approved.</p> <p>The wider area of Sancrox surrounding the site is currently zoned rural, as is the subject site currently. Given the progression of the wider Outline Planning and the outcomes of the 2015 Structure Plan, it is reasonable to expect that the adjoining land to the north and west will be rezoned in the coming years, with a short period of time in transition between the rezoning of this site. The land to the south and west is of high environmental value and identified by Council in previous investigations as being a significant ecological corridor. The proposed zonings and concept layout provides for a vegetated corridor along these two boundaries which will provide a buffer to the environmentally significant land to the south and east, assisting with reducing any potential land use conflict.</p> <p>The proposed vegetated buffer has also been extended to the north-east corner of the site and along Sancrox Road to further enhance the wider ecological buffer, retain vegetation and assist with land use conflict between the existing quarry further to the east and the potential high speed rail.</p> <p>Notwithstanding the current rural zoning, there will be no loss of agricultural land as it has not been successfully utilised for agricultural purposes and is not identified as significant farmland or for agricultural purposes and is not identified as significant farmland.' Whilst the lack of success of past agricultural pursuits is not a clear indication</p>
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		<p>that the land is unviable for agriculture, there is already a development consent in place which includes a form of housing on this site. It is acknowledged that there will be a loss of primary production land, however the highest and best use is as proposed within this Planning Proposal given that the land has not been identified as significant farmland and does not facilitate any existing agricultural production. Further, given the relatively small lot sizes and isolation from mapped important agricultural land and buffers due to vegetation corridors, it is unlikely that this area will be used for productive agricultural purposes in the future and the proposal does not increase the likelihood of conflict or impact on current adjoining land due to the current absence of agricultural land use or future agricultural activities in the locality due to the current constraints and surrounding land uses.</p>
Avoiding risk	<p>The variation must avoid physically constrained land identified as:</p> <ul style="list-style-type: none"> • flood prone; • bushfire-prone; • highly erodible; • having a severe slope; and • having acid sulfate soils. 	<p>The site is bushfire prone land and bushfire constraints have been managed through the subdivision concept plan and will comply with Planning for Bushfire Protection 2006 and Draft 2018 plan. The zonings have been developed having regard to the necessary Asset Protection Zones. A Bushfire Assessment and associated APZ plans accompanies this Planning Proposal.</p> <p>A Strategic Bushfire Study will form part of the Planning Proposal post Gateway. It is however noted that the level of detail provided in the planning proposal will support and reinforce the matters required for consideration in the Strategic Bushfire Study as the Planning Proposal report will include sufficient information for its use as a subdivision scale bushfire hazard report. Therefore, the proposed bushfire report will contain a greater level of information than contemplated by a Strategic Bushfire Study.</p> <p>Buffers to areas of public infrastructure will reflect the assessed level of bushfire hazard for the areas. The assessed level of bushfire threat will consider existing and plant vegetation characteristics and management.</p> <p>APZ's will be in accordance with Planning for Bush Fire Protection 2006 as this is the relevant compliance standard. Provision will however be made for compliance with Planning for Bush Fire Protection 2018 although uncertainty exists regarding the nature of compliance required under Planning for Bush Fire Protection 2018.</p> <p>Council is required to consult with the Rural Fire Service after a Gateway Determination has been issued. Planning for Bushfire Protection 2019 has</p>

		<p>been released and the RFS website indicates “It is expected that PBP 2019 will be legislatively adopted on 1 March 2020. The NSW RFS has committed that a minimum two month period will be provided between the time notification of the adoption date is given and the adoption date of PBP 2019”. During the current period, either the existing 2006 or proposed 2019 version can be used.</p> <p>With respect to LEP preparation, PBP 2019 states “As part of the consultation process with the NSW RFS, a bush fire assessment is required to be submitted to demonstrate compliance with the s9.1(2) Directions and PBP. Where the proposal is of a strategic nature, this should take the form of a Strategic Bush Fire Study particularly if this PP is proposed to progress concurrently with a development application.” PBP 2019 also requires an indicative development layout where residential, which demonstrates APZ.</p> <p>An indicative subdivision layout, with APZ clearly demonstrated, has been provided. The bushfire assessment provided is sufficient for Gateway determination and can be amended based on Gateway determination and feedback from the RFS.</p> <p>No other hazards are applicable to the site.</p>
Heritage	The variation must protect and manage Aboriginal and non-Aboriginal heritage.	<p>The Planning Proposal is supported by an Aboriginal Cultural Heritage Assessment prepared by the Birpai Local Aboriginal Land Council. The assessment advised that there is no reason that the rezoning cannot proceed in respect to Aboriginal Cultural Heritage issues. The rezoning can continue, subject to monitoring of any future earthworks during development of the site. An AHIMS search has not revealed aboriginal heritage on the site or within 50m of the site and a copy of the search forms an attachment to this report. In accordance with the NSW Office of Environment and Heritage’s “Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales” and flowchart in Section 8, no further investigation is required and it is standard practice if any item of heritage significance is revealed during construction of the development works will cease immediately and the appropriate authorities will be contacted.</p> <p>The maps accompanying the current LEP do not identify the site as being affected by heritage, nor the surrounding land. No State listed items are located within the vicinity of the site. Council’s website indicates that “During the early settlement of the Hastings valley, a customs post was situated</p>

		at Sancrox to collect duties on the freight transported on the Hastings River. It is said that a Frenchman was the first person in charge of the customs station and various names were bestowed on the area, including the name St Croix. It is believed that the name Sancrox was derived from this early settlement name." There is a strong French history of ownership in the area, which has strong connections to the Cassegrain family in the recent 50 or so years. There is no evidence of European heritage significant on the Le Clos Sancrox site, which is removed from the waterfront.
Coastal area	Only minor and contiguous variations to urban growth areas in the coastal area will be considered due to its environmental sensitivity and the range of land uses competing for this limited area.	The site is located west of the Pacific Highway, therefore not applicable.

The Planning Proposal is considered to have planning merit for the following reasons:

- It gives effect to the Regional Plan.
- It gives effect to local Urban Growth Management Strategy.
- It responds to a change in circumstances with respect to the 2015 Structure Plan created for Sancrox and now reflects a desire for residential rather than rural-residential.
- It has site-specific merit, having regard to the unconstrained nature of the site; the retention and enhancement of the natural environment; the unique situation of a Moratorium being placed on the current development consent on the site, which prevents any development; and that services and infrastructure are readily available or easily extended to the site to facilitate the Planning Proposal.

3.4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Urban Growth Management Strategy 2017-2036

The UGMS identifies areas of growth and investigation. Within the previous Urban Growth Management Strategy (UGMS) 2010-2031, the re-subdivision of the Le Clos farms at Sancrox was mentioned heavily, with immediate timing for investigations which was indicated as commencing in 2010/11. The Structure Planning work did occur to satisfy a key objective of the UGMS in force at that time and was reported to Council for adoption in 2015 and delayed pending the revised UGMS.

UGMS 2017-2036, as exhibited did not support investigations at Sancrox, however as a result of public interest, with a large number of submissions to the exhibited documents from landowners of Le Clos Sancrox, the UGMS was amended prior to adoption and Le Clos Sancrox included in the Structure Plan for Sancrox in the adopted UGMS 2017-2036. The Strategy did however identify Sancrox as a "new residential investigation area" and a key action to be implemented.

The report to Council on 20 June 2018 was detailed with respect to Le Clos Sancrox, as touched on above and indicated that Council could support investigation areas outside of the urban growth boundary in the Regional Plan, such as Le Clos Sancrox, and that Outline plans are to be prepared. The adopted UGMS includes Le Clos Sancrox as part of Outline Plan areas, as shown below highlighted yellow in the figure below.

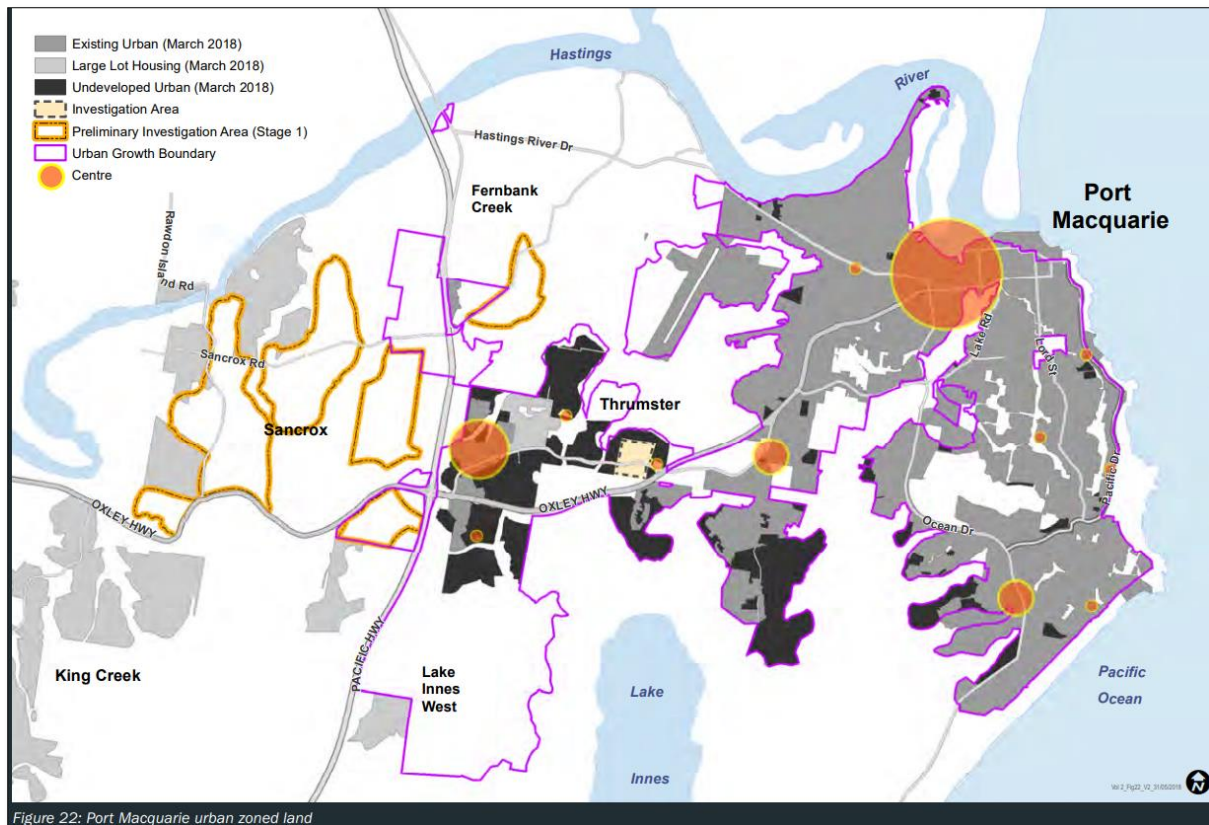


Figure 10 - UGMS Outline Plan Areas Identified yellow (source: www.pmhc.nsw.gov.au)

The UGMS report stated:

"In addition to planning for the West Lindfield deferred area, it is proposed that Council commence Stage 1 investigations for the Fernbank Creek and Sancrox areas, as discussed above, commencing in year 2 of this Strategy.

This is proposed to involve:

- Consideration of the structure planning work already done for the Sancrox area,
- Consult landowners regarding future growth and the investigation process,
- Preparation of an Outline Plan for urban development in the Fernbank Creek and Sancrox areas, to identify precincts and areas where the coordination of development can be achieved,
- State government endorsement of the Outline Plan as proposed in the DP&E submission (see Part 2A of this report), and
- Commencement of more detailed investigations in one or more of those precincts, subject to the outcomes of the Outline Plan.

The preparation of an Outline Plan is an important step given the high level of fragmentation in the Sancrox area and the need for coordinated infrastructure and environmental management outcomes. Isolated, ad hoc proposals on individual properties will not result in a coordinated outcome.

The aim of the Outline Plan will be to create a plan for long term growth, including sustainable local communities and urban environments. There will need to be consultation with multiple landowners, State agencies and the community, similar to the planning undertaken by Council for the Thrumster and Rainbow Beach urban release areas.

The Outline Plan will provide a framework for more detailed precinct plan investigations, and then local environmental plan, development control plan and contributions planning for individual precincts. It will not result in the rezoning of all potential future growth areas in the Fernbank Creek and Sancrox areas significantly ahead of the supply principles in the UGMS.

Infrastructure funding will be a key issue and the expected sequence of development in these areas is generally east to west given the need for sewerage infrastructure from Fernbank Creek to Sancrox.

Environmental management will also be a key issue. Current known areas of high environmental value or hazard (e.g. flooding) are not proposed be investigated for urban development and the focus of investigations will therefore be on potential future growth A and B, as shown in the long term growth analysis in this report.

The preliminary consultation and investigation will consider the need for support studies to address key matters, such as:

- Urban design
- Heritage values
- Environmental issues
- Hazards such as bushfire, flooding and buffers between uses
- Transport planning and infrastructure
- Water, sewerage and stormwater infrastructure
- Social and recreational opportunities

More detailed follow up investigations are expected to be proposed in stages for specific precincts following completion of the Outline Plan."

It was clearly identified that servicing and environmental considerations would be key. These have been considered in detail as part of the accompanying specialist reports including ecology, which demonstrates that Le Clos Sancrox has no unmanageable constraints and is ideal for progression to the site specific Planning Proposal. This information will compliment and inform the wider Outline Planning for the greater Fernbank Creek – Sancrox area. Further, the united and committed group of landowners at Le Clos Sancrox will ensure that the Outline Planning will occur in a timely manner and with less issues than a group of unrelated landowners, as with the remainder of Sancrox.

A Key Action of the UGMS2017-2036 relating to Housing Choice states:

6	Preparation of an Outline Plan (Stage 1 investigations) for the Fernbank Creek and Sancrox potential future growth areas	Preliminary Stage 1 planning for potential future growth at Fernbank Creek and Sancrox	Year 2-4
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Council has resolved in February 2019 to make Le Clos Sancrox a priority in their planning and allow the site specific planning to proceed on its own and will compliment and inform the wider Outline Planning. This is consistent with the Key Action above.

The site specific planning has had regard to the previous Structure Planning work with respect to environmental considerations, road network, identified developable land and servicing. The change of land use from rural-residential to residential to reflect the desires of the UGMS 2017-2036 will continue the previous Structure Planning work and the investigations for this site specific Planning Proposal has had regard to the UGMS Outline Plan Areas Identified yellow, in particular with respect to traffic impacts.

UGMS also identified that the planning for rural-residential at Sancrox has been deferred given the supply at Beechwood, Kendall and surrounds.

UGMS specifically states (p.62):

"The Sancrox area (areas B1 to B4) has been investigated by Council since adoption of the 2011 Urban Growth Management Strategy, including significant consultation with local residents and landowners. There are areas of existing rural residential development and fragmented ownership, areas of high biodiversity

vegetation, preferred koala habitat and environmental corridors. There is also a high speed rail corridor identified by the Federal government and a need for buffers to extractive resources and industry. Despite these constraints, there are large relatively unconstrained areas, including the Le Clos Sancrox estate, which have considerable potential for future residential development."

We note the letter dated 2 November 2018 from the Department of Planning & Environment which approved the UGMS, subject to certain requirements. We note the second dot point allows individual planning proposals outside of the regional plan urban growth area boundaries where *"individual planning proposals can demonstrate consistency with the regional plan and the urban growth area variation principles"*. This document demonstrates this consistency.

The UGMS allows for site specific planning proposals as part of the overall strategic planning program, as detailed below.



Community consultation

Site-specific planning proposals

Council will aim to ensure that the focus remains on delivering large-scale, coordinated planning for growth.

In addition, Council considers requests to amend zones and other planning controls in existing urban areas. Such proposals often involve isolated properties, which can be considered independently, without any significant impact on Council's overall planning for urban growth.

Council will continue to prioritise these smaller, site-specific proposals as a part of its overall strategic planning program, based on the following criteria:

- > Is the proposal within the Urban Growth Area, as shown in the North Coast Regional Plan? If not:
 - Is the proposal consistent with the North Coast Regional Plan Variation Principles?
 - Is it consistent with the principles of this Strategy?
 - Will the proposal limit options for coordinated long term growth?
- > Is the proposal small scale and able to be considered independently of planning for future growth? Where a proposal adds significantly to the supply of vacant urban land, the timing of investigations should be prioritised in the successive reviews of this Strategy.
- > Does it involve high value environmental land? If so, can this be addressed using

the 'avoid, ameliorate, offset' principle in the Regional Plan.

- > Does the proposal involve significant infrastructure issues (e.g. highway access)? If so, can these be addressed?
- > Is the proposal in the public interest (e.g. is there an expected benefit to the community)

Figure 11 - UGMS Site Specific Planning Proposal Extract (source: www.pmhc.nsw.gov.au)

This Planning Proposal is not considered to be premature before the Structure Planning for the wider area given the history of the site with respect to a consent for dwellings in place on the site and that the site is located west of the Pacific Highway, outside of the coastal strip, as well as being identified for investigation.

The Planning Proposal provides a balanced outcome for the subject land in that it provides future residential opportunities on predominantly cleared land, protection and embellishment of land with environmental value and addresses the on-going issue of a Moratorium imposed on the landowners, restricting legal development of their land.

The Planning Proposal has both strategic and site specific merit and is consistent with The Regional Plan and principles of the UGMS, as demonstrated in this document and the assessment against the Urban Growth Area Variation Principles and S9.1 Ministerial Directions.

The Planning Proposal does not add significantly to the supply, with approx. 683 residential lots in total. Approx. 500 dwellings per year are provided in the LGA based on recent building approval data, which equates to an additional year of land supply for the LGA. This would be absorbed in the current UGMS figures given the areas within the current residential zoning that are significantly constrained and unlikely to be developed, as discussed in the land supply and demand report. Noting that development of this size is generally staged, the supply of the

650 lots would occur over a number of years (estimated to be 50 per stage based on our experience of other local subdivisions), full development of the site could be 10-15 years away.

The Residential Land Supply & Demand Assessment accompanying this report has considered the future growth of Sancrox, the impact of population growth on dwelling demand (and hence lot demand), the adequacy of land presently zoned or identified for development at Sancrox and the broader state of supply and demand in the Port Macquarie Hastings area. The key conclusions and findings of the report are:

- Sancrox is an important growth area in the context of the Port Macquarie Hastings market and is identified as an residential investigate area.
- A key factor to note that coastal subdivisions were granted approval by the State Government on a large scale in the LGA around 2009. Many of these consent have been in place for a large number of years and only have been constructed and available in the market in recent years and continuing currently. This however will dry up in the coming years and there is a need to commence the rezoning process now for future areas of housing given the length of time to undertake a rezoning.
- Subdivisions are usually staged over a number of years and do not provide this instant boost of land into the economy at one time. Noting that development of this size is generally staged, the supply of the 650 lots would occur over a number of years (estimated to be 50 per stage based on our experience of other local subdivisions), full development of the site could be 10-15 years away. Further, land release is often market driven.
- A further consideration relates to a large amount of land zoned for residential purposes but being highly constrained due to ecological value and unlikely to result in approval being granted for subdivision. This skews some of the housing projections undertaken by Council as part of the UGMS.
- The relative ease of extending services and roads and the lack of available land in Sancrox, the identified land is suitable for rezoning ahead of Council's Structure Plan for the wider area. This additional land will reduce the demand on existing housing and lot stock.

The land does contain limited areas of high environmental value, however the principles of avoid, minimise and offset have been adopted.

The infrastructure requirements of the Planning Proposal have been considered and are manageable.

Consideration of the Public Interest has occurred as part of the Social Impact Assessment. There is further opportunity for additional consultant when the Planning Proposal, and subsequent Development Application, are exhibited. Noting that the feedback was generally positive and the amenity impacts such as noise from the nearby animal boarding establishment and quarry have been addressed in the design of the concept subdivision plan.

This Planning Proposal gives effect the UGMS and associated resolutions of Council.

Towards 2030 Community Strategic Plan


The key strategies of Towards 2030 Community Strategic Plan for both business and industry and natural and built environment are satisfied by this Planning Proposal. The Planning Proposal will:

- Provide for business zoned lands in close proximity to existing and proposed urban areas, assisting residents with their day to day needs.
- Provide for effective management and maintenance of urban services (water, sewer)
- Assist in minimising the impact of natural events, through appropriate environmental zoning and mitigation measures; and
- Facilitate development that is compatible with the natural and built environment.

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

In assessment against the relevant State Environmental Planning Policies (SEPP) is shown in the following table.

SEPP	Comment
State Environmental Planning Policy (Koala Habitat Protection) 2020	<p>This policy encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent wild populations will be maintained over their present range.</p> <p>The site contains Potential Koala Habitat, but a combination of a grid-based SAT survey, spotlighting and call playback failed to detect any Koalas. This is confirmed by the ecological assessment undertaken and included as an appendix. There are no other statutory considerations required under KSEPP 2020 for Potential Koala Habitat (PKH). Majority of PKH retained and PKH losses are offset via planting with Tallowwood-dominated vegetation. Connectivity for koalas around and through the site is maintained and enhanced.</p> <p>It is important to note at the time of preparation of this PP, SEPP 44 was in force and now KSEPP 2020 is in force, which essentially is the same as SEPP 44, hence the site remains as Potential Koala Habitat only.</p> <p>The Ecological Assessment indicates:</p> <ul style="list-style-type: none"> • The site contains Potential Koala Habitat (e.g. Lot 48), but a combination of a SAT survey, spotlighting and call playback in the breeding seasons failed to detect any Koalas, despite adjacent land to the south and east being identified as Core Koala Habitat (low density Koala population). • A KPoM is thus not required. • Notwithstanding this, the proposed development concept considers the potential for long term recovery of the local Koala population via: <ul style="list-style-type: none"> ○ Converting the majority of the currently heavily forested parts of the site (much of which is currently zoned for large lot residential) to an Environmental zoning to protect it in perpetuity. ○ Infill planting with native forest dominated by Koala food trees in the existing cleared area in the southwest to reinforce local and regional linkage values. ○ Retaining and augmenting riparian zones to maintain local corridor values. ○ Utilising best practice for road crossings of riparian zones to provide for Koalas to pass under the roads. <p>Extensive ecological investigations were undertaken by Biolink as part of the Structure Plan in 2015. Those investigations identified a sub-regional connection in a north-south direction to the east of the site and a local connection through the centre of the site. The indicative concept plan prepared for this Planning Proposal have been more environmental conscious and avoided larger areas than indicated in the Structure Planning and has created additional corridors and linkages than envisaged. Following the ecological investigations and discussions with Council, the footprint of the future residential subdivision and associated proposed zonings was reduced to allow for increased koala food tree retention and creation of corridor links.</p> <p>It is considered that the Planning Proposal is consistent with this direction.</p>
(Coastal Management) 2018	<p>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, including the management objectives for each coastal management area, by:</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose</p>

SEPP	Comment
	<p>of the definitions in the Coastal Management Act 2016.</p> <p>Below is an extract of the SEPP mapping which identified a small portion along the central portion of the northern boundary as being affected by wetlands proximity area mapping. Development is not precluded from the mapped area but rather is Designated Development at the Development Application stage. Given the location on Sancrox Road, opposite an unformed road and as it is a low point on the site and will exceptional sight distance, this area cannot be avoided by development. The environmental qualities in this area have been considered in the Subdivision Concept plan.</p>  <p>Figure 12 – Coastal Management SEPP extract</p> <p>It is considered that the Planning Proposal is consistent with this direction.</p>
(Primary Production and Rural Development) 2019	<p>The aims of the Policy are to facilitate orderly economic use and development of lands for primary production.</p> <p>The land is not mapped as regionally significant farmland and the history of the site and the location of the site is not suitable agricultural land.</p> <p>Whilst the site is currently zoned for rural purposes, the development consent in place allows for a use which allows for 46 dwellings in close proximity and is not the traditional agricultural or rural-residential use of the land. As such, the proposed rezoning for urban purposes is not inconsistent and does not result in loss of ideal rural land.</p> <p>Notwithstanding the zoning, there will be no loss of agricultural land as it has not been successfully utilised for agricultural purposes and is not identified as significant farmland or agricultural purposes and is not identified as significant farmland.' Whilst the lack of success of past agricultural pursuits is not a clear indication that the land is unviable for agriculture, there is already a development consent in place which includes a form of housing on this site. It is acknowledged that there will be a loss of primary production land, however the highest and best use is as proposed within this Planning Proposal given that the land has not been identified as significant farmland and does not facilitate any existing agricultural production. Further, given the relatively small lot sizes and isolation from mapped important agricultural land and buffers due to vegetation corridors, it is unlikely that</p>


SEPP	Comment
	this area will be used for productive agricultural purposes in the future and the proposal does not increase the likelihood of conflict or impact on current adjoining land due to the current absence of agricultural land use or future agricultural activities in the locality due to the current constraints and surrounding land uses.
BASIX 2004	This SEPP will apply to the development residential land if rezoned. It is considered that the Planning Proposal is consistent with this direction.
No. 55—Remediation of Land	SEPP 55 requires consideration to be given prior to rezoning land, as to whether or not the site is contaminated. Council will confirm where further investigation is required, however this has occurred as part of the overall development Le Clos Sancrox Road, Sancrox. The site is not registered on Council's contaminated lands register nor does the Contamination Assessment indicate that the previous use would preclude the proposed residential use. It is considered that the Planning Proposal is consistent with this direction.
(Infrastructure) 2007	The aim of this Policy is to facilitate the effective delivery of infrastructure. The site has frontage to Sancrox Road, which has access to the east to the Pacific Highway and Oxley Highway to the south via Rawdon Island Road. The traffic assessment accompanying this Planning Proposal does not identify the need for intersection upgrades at these major roads. It is considered that the Planning Proposal is consistent with this direction.
(Housing for Seniors or People with a Disability) 2004	Seniors housing or aged care facilities, whilst permissible land uses within the proposed residential zones, are not known if they will be established within the site. The proposed zonings allow for seniors living and the provision of a small business zone will assist with proximity to facilities and services.
(Educational Establishments and Child Care Facilities) 2017	Education facilities, whilst permissible land uses within the proposed residential zones, are not known if they will be established within the site. The proposed residential zoning will support an educational establishment or child care facility, consistent with the SEPP.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (S9.1 directions)?

The below table is a review of the proposal against the relevant S9.1 Ministerial Directions.

Direction	Comment
1. Employment and Resources 1.1 Business and Industrial Zones 1.2 Rural Zones 1.3 Mining, Petroleum Production and Extractive Industries 1.4 Oyster Aquaculture 1.5 Rural Lands	<p><i>1.1 - Business and Industrial Zones</i></p> <p>This proposal includes a small parcel of commercially zoned land to facilitate the provision of a small component of retail/business. This facility will be primarily for the surrounding residents and visitors to the school and child care centre or any other complimentary uses in the residential areas and is appropriately located. The objectives of this direction are to encourage growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres.</p> <p>The addition of this small pocket of business land will not alter the hierarchy of commercial land within the Port Macquarie area, will not impact upon existing employment land and does not alter the viability of the identified strategic centres. This facility is smaller than a Neighbourhood Centre and the total potential floor space area for employment lands in the area is not expected to be reduced by this proposal. This proposed business zone will increase the liveability of the development of Sancrox, whilst still allowing for the nearby town centres of Thrumster (Sovereign Place) and Wauchope to be the main attracters. This</p>

Direction	Comment
	<p>inconsistency is justified by the economic assessment accompanying Proposal is consistent with this direction.</p> <p><i>1.2 - Rural Zones</i></p> <p>The proposal is inconsistent with the direction as it rezones land from rural to residential and business purposes. This inconsistency is permitted by the Direction given that it <i>"is of minor significance"</i>. The objective of this direction is to protect the agricultural production value of rural land. The land is not currently being used for rural purposes and is not economically viable to continue in a state of limbo with a development application unable to be acted upon and a Moratorium in place. Further, the inconsistency is considered justifiable on the basis that the site is identified in Council's UGMS for investigation and by resolution of Council.</p> <p>Notwithstanding the rural zoning, there will be no loss of agricultural land as it has not been successfully utilised for agricultural purposes and is not identified as significant farmland or agricultural purposes and is not identified as significant farmland.' Whilst the lack of success of past agricultural pursuits is not a clear indication that the land is unviable for agriculture, there is already a development consent in place which includes a form of housing on this site. It is acknowledged that there will be a loss of primary production land, however the highest and best use is as proposed within this Planning Proposal given that the land has not been identified as significant farmland and does not facilitate any existing agricultural production. Further, given the relatively small lot sizes and isolation from mapped important agricultural land and buffers due to vegetation corridors, it is unlikely that this area will be used for productive agricultural purposes in the future and the proposal does not increase the likelihood of conflict or impact on current adjoining land due to the current absence of agricultural land use or future agricultural activities in the locality due to the current constraints and surrounding land uses.</p> <p><i>1.3 Mining, Petroleum Production and Extractive Industries</i></p> <p>This applies where there is potential to restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. The existing quarry to the north-east has in the recent years had plans to expand, and is currently on exhibition for comment. The plan is shown below, with the existing quarry on the eastern portion of the site and the expanded quarry shown in orange, extending in a westerly direction.</p>

Direction	Comment
	 <p>Figure 13 – Extract from EIS for Quarry Expansion (source: https://www.planningportal.nsw.gov.au/major-projects/project/9946)</p> <p>The quarry has ample room to accommodate any necessary buffers on the site, which coupled with Sancrox Road and any proposed mounding and planting along the road frontage, will provide ample separation and should not prevent operations to continue or expand in some form. There is ample room within the quarry site to contain any buffers to be contained within the quarry site to minimise impacts to the investigation area of Sancrox.</p> <p>This is consistent with a regional wildlife corridor indicated in Council's Development Control Plan (shown green in Figure 14 in Section 3.7 below relating to ecology), based on their ecological work undertaken. This corridor provides a clear vegetated barrier between the quarry and subject site.</p> <p>A current State Significant Development proposal has recently been exhibited for an expansion of the quarry westwards into the regionally significant ecological corridor. There is no certainty regarding approval of this application and given that this application extends into the regional significant ecological corridor, extends the life beyond previous agreements under DA 2012/305 and associated Planning Agreement and associated restrictions on development of adjoining industrial land until 2018, to allow for the quarry to be exhausted. Whilst the application is still awaiting additional information to allow the assessment of the expansion to continue, a partial response which includes a Blast Management Plan has been provided, which addresses how safety and minimisation of impact at neighbouring sites will be achieved and maintained, as well as detailing the blast clearance being well within their boundaries and away from LCS. This document provides certainty that LCS is some 550m away from the outer edge of the blast clearance and this land is well vegetated.</p> <p>The EIS for the Quarry Expansion also considered noise and the findings of their assessment and concluded that there was a need for mitigation measures to ensure compliance with relevant construction and operational noise levels. The measures relate primarily to operational controls such as hours of operation, limiting idling of engines, regular maintained machines, movements to occur in a forward direction to avoid reversing alarms, control of complaints, management</p>

Direction	Comment
	<p>plans and most importantly bunding. Implementation of these measures will prevent any impacts from the Quarry for Le Clos Sancrox with respect to noise or vibration.</p> <p>The EIS for the Quarry Expansion also considered air quality and the findings of their assessment and identified some air quality exceedances. The measures relate primarily to operational controls such as roads being sealed, dust extraction, water sprays, mobile sprinklers, watering, storage of dry product and delivery of product to the quarry and installation of vapour balancing system. Implementation of these measures will prevent any impacts from the Quarry for Le Clos Sancrox with respect to air quality.</p> <p>The EIS for the Quarry Expansion also considered air quality and the findings of their assessment and indicated that there is unlikely to be visual impacts due to the landform and topography and existing vegetation screening</p> <p>The DCP plan had a clear delineation of the industrial land from other land to the east, with the ecological corridor as a buffer. The proposed Le Clos Sancrox zoning and concept layout further increases this ecological corridor within the site to provide a larger buffer to the existing quarry and any expansion, should it be approved.</p> <p>The proposed Le Clos Sancrox zonings and concept layout provides for a vegetated corridor along these two boundaries which will provide a buffer to the environmentally significant land to the south and east, assisting with reducing any potential land use conflict. The proposed vegetated buffer has also been extended to the north-east corner of the site and along Sancrox Road to further enhance the wider ecological buffer, retain vegetation and assist with land use conflict between the existing quarry further to the east.</p> <p>It is clear that whilst the expansion of the quarry is not ideal, this Planning Proposal has taken measures to ensure that there is adequate separation between uses and screening by retention of existing vegetation. Given that Sancrox is expanding and is the logical extension between Port Macquarie and Wauchope and has been supported via Structure Plans, Urban Growth Management Plans and Development Control Plans, for urban expansion, further increase in the quarry in this location appears to be at odds with the planning to date.</p> <p>A review of quarries on the mid-coast has indicated an existing availability, coupled with approval of a new quarry at Bago, which indicates this quarry in not a scarce resource.</p> <p>This inconsistency is of minor significance as there is no certainty regarding the expansion and the site has room to accommodate buffers.</p> <p><i>1.5 - Rural Lands</i></p> <p>The purpose of this SEPP (Rural lands) is to prevent the loss of rural lands and maintain the rural settlements and lifestyle. The site, whilst zoned RU1, does not form part of a rural settlement or contribute to the rural lifestyle given it is a failed viticulture and development application for a form of housing which varies from the surrounding rural-residential. This inconsistency is permitted by the Direction given that it "is of minor significance" and is complies with the objectives of the SEPP. Further, the inconsistency is considered justifiable on the basis that the site is identified in Council's UGMS for investigation and by resolution of Council.</p>

Direction	Comment
<p>2. Environment and Heritage</p> <p>2.1 Environment Protection Zones</p> <p>2.2 Coastal Protection</p> <p>2.3 Heritage Conservation</p> <p>2.4 Recreation Vehicle Areas</p> <p>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</p>	<p>2.1 Environment Protection Zones</p> <p>This Planning Proposal includes 1 ha of E2 land, 24.5 ha of E3 land and 1.5 ha of E4 zoned land. The principles of “avoid, minimise and offset” have been adopted in determining the environmental zones and developable area, minimising impacts upon areas of high environmental value.</p> <p>Proposal is consistent with this direction.</p> <p>2.2 Coastal Protection</p> <p>The Planning Proposal does not affect the natural attributes of the NSW coast. Whilst the site is largely cleared, the SEPP mapping which identified a small portion along the central portion of the northern boundary as being affected by wetlands proximity area mapping. Development is not precluded from the mapped area but rather is Designated Development at the Development Application stage. Given the location on Sancrox Road, opposite an unformed road and as it is a low point on the site and will exceptional sight distance, this area cannot be avoided by development. The environmental qualities in this area have been considered in determining the zonings and Subdivision Concept Plan. Proposal is inconsistent with this direction, however, the Consistency Criteria within the Direction could be met.</p> <p>2.3 Heritage Conservation</p> <p>The Planning Proposal is supported by an Aboriginal Cultural Heritage Assessment prepared by the Birpai Local Aboriginal Land Council. The assessment advised that there is no reason that the rezoning cannot proceed in respect to Aboriginal Cultural Heritage issues. The Recommendations of the report state:</p> <p><i>“Based on the Site Inspection and other investigations, there is no reason for an Aboriginal Cultural and Heritage perspective that this rezoning cannot proceed, subject to the following:</i></p> <ol style="list-style-type: none"> <i>1. An Aboriginal Sites office be present when excavation or clearing commences.</i> <i>2. At such time as development site works start, should any artefacts be turned up or located, Birpai LALC Aboriginal Site Officers are to be contacted immediately and work on site stopped pending further assessment.”</i> <p>The rezoning can continue, subject to monitoring of any future earthworks during development of the site. An AHIMS search has not revealed aboriginal heritage on the site or within 50m of the site and a copy of the search forms an attachment to this report. In accordance with the NSW Office of Environment and Heritage’s “Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales” and flowchart in Section 8, no further investigation is required and it is standard practice if any item of heritage significance is revealed during construction of the development works will cease immediately and the appropriate authorities will be contacted.</p> <p>The maps accompanying the current LEP do not identify the site as being affected by heritage, nor the surrounding land. No State listed items are located within the vicinity of the site. The proposal is consistent with the Direction.</p>

Direction	Comment
<p>3. Housing, Infrastructure and Urban Development</p> <p>3.1 Residential Zones</p> <p>3.2 Caravan Parks and Manufactured Home Estates</p> <p>3.3 Home Occupations</p> <p>3.4 Integrating Land Use and Transport</p> <p>3.5 Development Near Regulated Airports and Defence Airfields</p> <p>3.6 Shooting Ranges</p> <p>3.7 Reduction in non-hosted short term rental accommodation period</p>	<p><i>3.1 Residential Zones</i></p> <p>The objective of this direction is to broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design. The proposal to rezone the subject land to allow residential development is considered to be efficient use of existing land and services and given that the site is largely cleared and not significant farmland, it does not result in substantial environmental impacts such as large scale loss of trees or impacts upon threatened species. The services provided to the site can be extended to the proposed residential zoned land. A variety of housing forms may result given the proposed R1 and R3 zones, in accordance with the Direction. The proposal does not contain any provisions which will reduce the permissible residential density of the land. The proposal is consistent with the Direction.</p> <p><i>3.4 Integrating Land Use and Transport</i></p> <p>As this proposal creates urban land, this Direction applies. The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts improve access to housing, jobs and services by walking, cycling and public transport, reduce dependence on cars, and travel demand including the number of trips, especially by car. The Sancrox area is serviced by Busways Route 335W, which provides access into the centre of Port Macquarie and Wauchope. Provision has been made within the Concept Subdivision Plan for upgrade of Sancrox Road to include cycleway and pathways and a Collector Road through the site, with a roundabout on the western boundary which allows for bus turn arounds until such time as the adjoining land is developed and a through connection established. It is expected that as the wider Sancrox area develops, Busways will provide services via the Collector Road system.</p> <p>In determining the appropriate zonings for the site, the constraints were determined and a concept layout developed, which includes an upgrade of Sancrox Road, Collectors Roads through the site and creation of on-road and off-road alternate transport such as walking or cycling both within and between the adjoining sites. Ultimately as the area develops, Sancrox Road would provide pedestrian and cycling connections to the employment land further to the east, a future high speed rail is that progresses and the surrounding residential development once the wider planning is finalised. Further, the traffic assessment indicates that two round-a-bouts are required on Sancrox Rd at Road 1 and 2. And that the provision of bus bays at these intersections is necessary. Bus stops will also be incorporated into the future Collector Roads through the site to allow for future connections. The proposal is consistent with the Direction.</p>
<p>4. Hazard and Risk</p> <p>4.1 Acid Sulfate Soils</p> <p>4.2 Mine Subsidence and Unstable Land</p> <p>4.3 Flood Prone Land</p> <p>4.4 Planning for Bushfire Protection</p>	<p><i>4.4 Planning for Bushfire Protection</i></p> <p>A Bushfire report has been prepared and accompanies this Planning Proposal with respect to the bushfire impacts as the site is mapped as bushfire prone land. Appropriate APZ can be accommodated on site and has informed the environmental zoned land boundaries. The required APZ will be contained in residentially zoned land.</p> <p>The Direction requires that Council consult with the Rural Fire Service after a Gateway Determination has been issued. Planning for Bushfire Protection 2019</p>

Direction	Comment
	<p>has been released and the RFS website indicates “It is expected that PBP 2019 will be legislatively adopted on 1 March 2020. The NSW RFS has committed that a minimum two month period will be provided between the time notification of the adoption date is given and the adoption date of PBP 2019”. During the current period, either the existing 2006 or proposed 2019 version can be used.</p> <p>With respect to LEP preparation, PBP 2019 states “As part of the consultation process with the NSW RFS, a bush fire assessment is required to be submitted to demonstrate compliance with the s9.1(2) Directions and PBP. Where the proposal is of a strategic nature, this should take the form of a Strategic Bush Fire Study particularly if this PP is proposed to progress concurrently with a development application.” PBP 2019 also requires an indicative development layout where residential, which demonstrates APZ.</p> <p>A Strategic Bush Fire Study has been prepared.</p> <p>An indicative subdivision layout, with APZ clearly demonstrated, has been provided. The bushfire assessment provided is sufficient for Gateway determination and can be amended based on gateway determination and feedback from the RFS.</p> <p>The Development Application will not be lodged until after Gateway determination.</p> <p>The proposal is consistent with the Direction.</p>
<p>5. Regional Planning</p> <p>5.1 Implementation of Regional Strategies</p> <p>5.2 Sydney Drinking Water Catchments</p> <p>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</p> <p>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</p> <p>5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)</p> <p>5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)</p> <p>5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)</p> <p>5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)</p> <p>5.9 North West Rail Link Corridor Strategy</p> <p>5.10 Implementation of Regional Plans</p> <p>5.11 Development of Aboriginal Land Council land</p>	<p>5.1 Implementation of Regional Strategies</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. In accordance with North Coast Regional Plan 2036, this site is a prime opportunity to accommodate additional housing without adverse environmental impacts or loss of agricultural land. The small commercial component does not impact upon the strategies. Consistency of this planning proposal with the North Coast Regional Plan 2036 is demonstrated within Section 3.3.</p>
<p>6. Local Plan Making</p> <p>6.1 Approval and Referral Requirements</p>	<p>6.1 Approval and Referral Requirements</p> <p>The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public</p>

Direction	Comment
6.2 Reserving Land for Public Purposes 6.3 Site Specific Provisions	authority.

It is acknowledged that additional information may be required after a Gateway determination has been issued, to demonstrate consistency with a direction or enable the Secretary to agree to an unresolved inconsistency.

Section C - Environmental, social and economic impact

3.7 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?

The planning proposal does not impact on threatened species, populations or ecological communities of the habitat. The site is highly disturbed with areas of ecological value and no serious or irreversible flora, fauna or environmental impacts are anticipated. Having regard to the high level of disturbance and absence of biodiversity values identified for the site, it is considered unlikely that any threatened species, populations or ecological communities would be adversely affected because of the proposal. Refer to the accompanying Ecological Assessment which is an appendix to this report.

The principles of avoid and minimising have been employed and the tree removal has been limited and the areas of importance have been incorporated into the proposed E3 zones. Along the eastern boundary of the site, in the area which accommodates dwelling sites, vegetation has been retained and an appropriate zoning of E4 recommended to accommodate the existing dwelling and vegetation retention. The original development footprint was larger in size and extended into the cleared southern area and along the eastern boundary where the current arrangement allows for dwelling sites. During the ecological review and discussions with Council, these two key areas along the southern and eastern boundaries were expected from future development and an environmental zoning proposed in order to create a corridor along the entire eastern and south boundary, with the exception of the two dwellings in existence in this area. The existing Le Clos Sancrox Road, which will need to be upgraded, will form the buffer between the new development and the corridor being created. This corridor will significantly enhance the regional corridor on the adjoining land, which continues in a northward direction, as shown below.

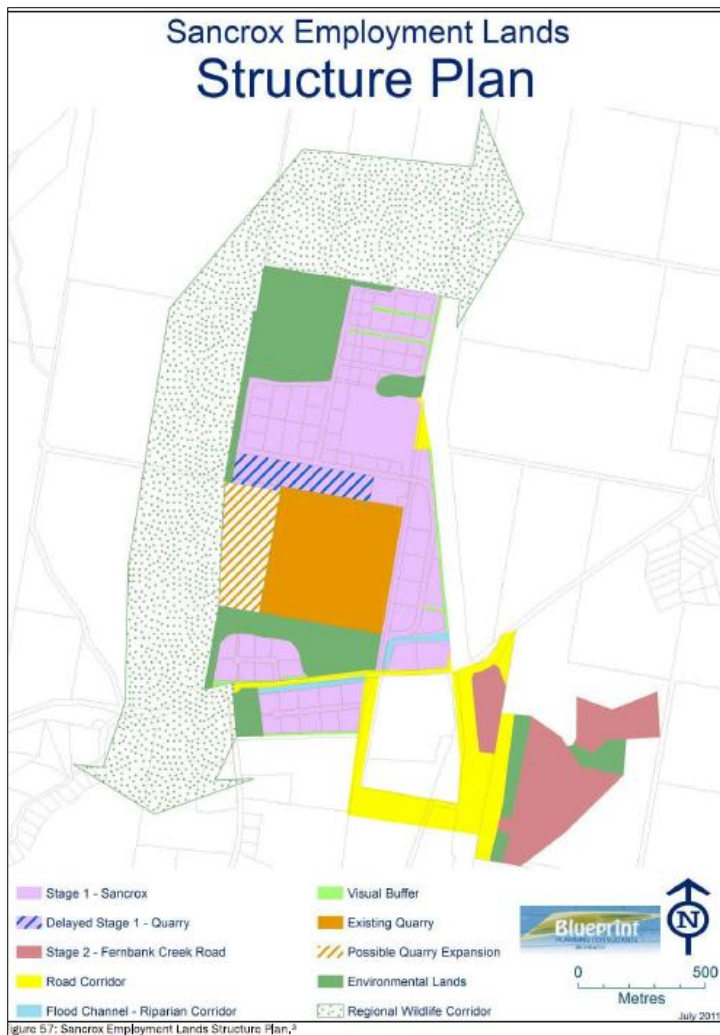


Figure 14 - Regional Wildlife Corridor (shown green dotted) – PMHC Development Control Plan (source: www.pmhc.nsw.gov.au)

As an extension of this corridor and to minimise vegetation removal, a vegetated corridor has now been retained along Sancrox Road. This will assist visually and acoustically, in addition to its key function from an ecological perspective. Further, it provides a buffer to the quarry further to the east.

The preliminary ecological advice addresses the principles of avoid, minimize offset under the *Biodiversity Conservation Act 2016*. The figure below indicates the vegetation is being removed by the likely development based on the concept plan, and that considerably more area is available for offset planting. This offset planting is in addition to existing vegetation being retained.

The assessment confirms that there is EEC in three areas of the site, one being along the northern boundary in the central area of the site and the other along the western boundary in the vicinity of the existing dam.

A draft Vegetation Management Plan is being developed for the overall development, based on the concept and a draft accompanies this document and shown below. It is proposed that the environmental lands be dedicated to Council and the VMP ensures maintenance.

The design has allowed for wider road reserves within the R1 land in order to accommodate the drainage swales throughout the site, but this will have a due purpose from an ecological perspective to provide an increased buffer to the areas of environmental value.

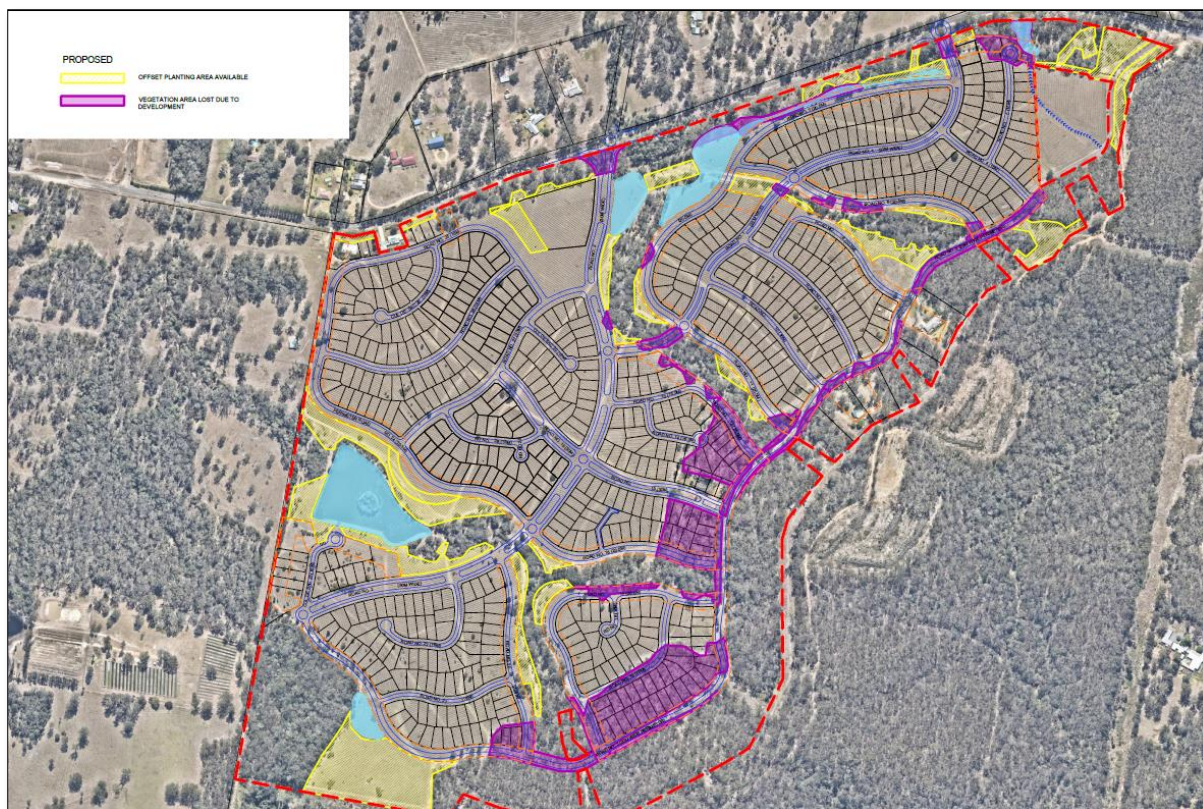


Figure 15 – Amount of Vegetation Removed & Offset Planting area available

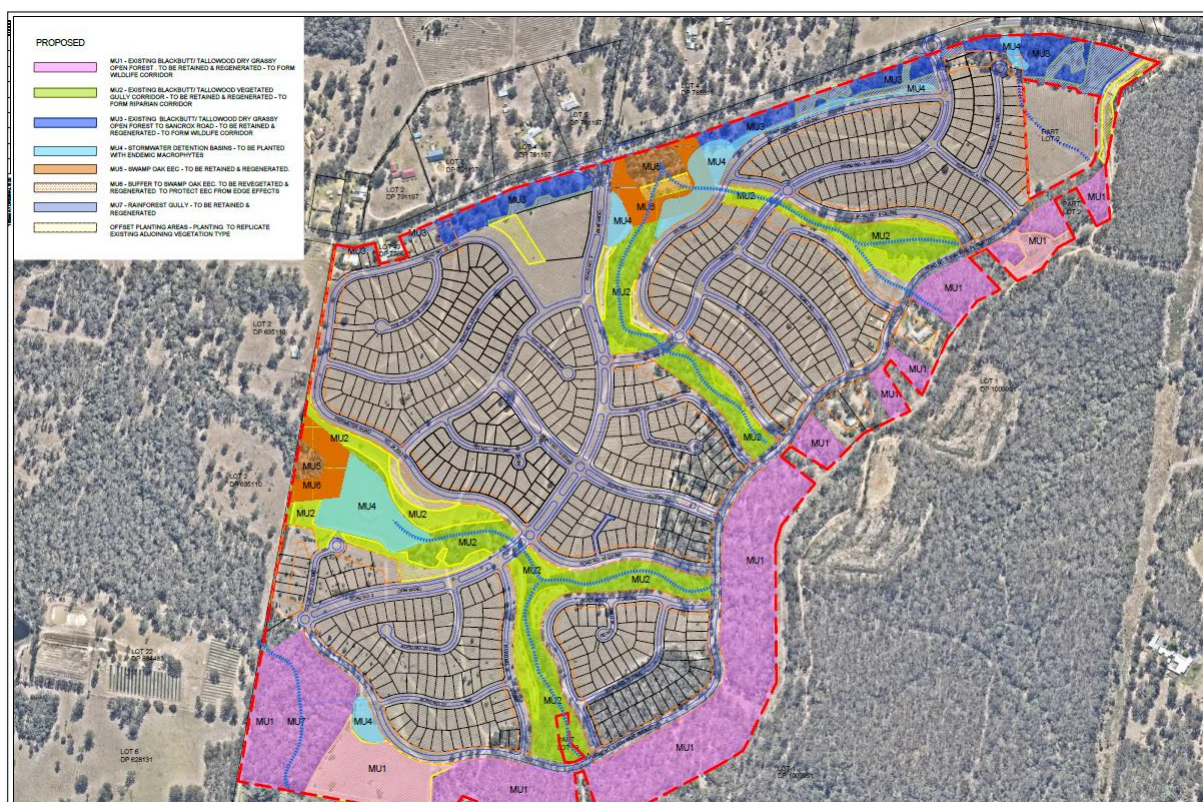


Figure 16 – Draft Vegetation Management Plan

Based on discussions with Council's Ecologist, the key consideration is the overall ecological benefit rather than numbers of replacement planting that has been achieved. Preliminary discussions have been undertaken with Department of Planning, Industry and Environment's Biodiversity and Conservation Division. Below is a summary of the key discussions:

- Address North Coast Regional Plan and avoid High Environmental Value.
- Explain how the proposal maximises avoidance and how the layout has evolved with respect to ecology.
- Look at constraints and opportunities, avoid HEV and form an argument which supports the proposed land uses.
- Consider Bio-certification at Planning Proposal stage.

A letter was received following the site visit which explained biodiversity certification.

Further consultation after Gateway determination is issued can occur with the NSW Office of Environment and Heritage regarding the of the biodiversity assessment, its' methods and findings if necessary.

Biodiversity certification is to be pursued with the aim of exhibition of documentation concurrently with the Planning Proposal documentation.

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

Bushfire

The site is identified as being bushfire prone land and the vegetation being retained creates a threat for the future development. The indicative lot layout and road design has incorporated perimeter roads and Asset Protection Zones into the design and within residential zones and not environmental zones. Refer to the accompanying Bushfire Assessment which concludes that subject to the implementation of appropriate bushfire threat reduction measures, bushfire risk is manageable.

Appropriate APZ can be accommodated on site and has informed the environmental zoned land boundaries. The required APZ will be contained in residentially zoned land.

Council is required to consult with the Rural Fire Service after a Gateway Determination has been issued. Planning for Bushfire Protection 2019 has been released and the RFS website indicates *"It is expected that PBP 2019 will be legislatively adopted on 1 March 2020. The NSW RFS has committed that a minimum two month period will be provided between the time notification of the adoption date is given and the adoption date of PBP 2019"*. During the current period, either the existing 2006 or proposed 2019 version can be used.

With respect to LEP preparation, PBP 2019 states *"As part of the consultation process with the NSW RFS, a bush fire assessment is required to be submitted to demonstrate compliance with the s9.1(2) Directions and PBP. Where the proposal is of a strategic nature, this should take the form of a Strategic Bush Fire Study particularly if this PP is proposed to progress concurrently with a development application."* PBP 2019 also requires an indicative development layout where residential, which demonstrates APZ.

A Strategic Bush Fire Study has also been prepared.

An indicative subdivision layout, with APZ clearly demonstrated, has been provided. The bushfire assessment provided is sufficient for Gateway determination and can be amended based on Gateway determination and feedback from the RFS.

Any future development on the site is capable of satisfying bushfire requirements and will be subject to individual assessment at the Development Application stage.

Residential Amenity

The proposed zoning which was informed by the indicative layout, has had regard to the residential amenity of the future residents within the estate, as well as the adjoining land uses.

Amenity Impacts from Quarry

To the north-east of the site is a quarry and consideration has been given to the potential impacts with respect to their operations and the need for a buffer. The extract below from the UGMS indicates a resource transition area which appears to extend onto the north-east corner of the site, as circled green on the image.

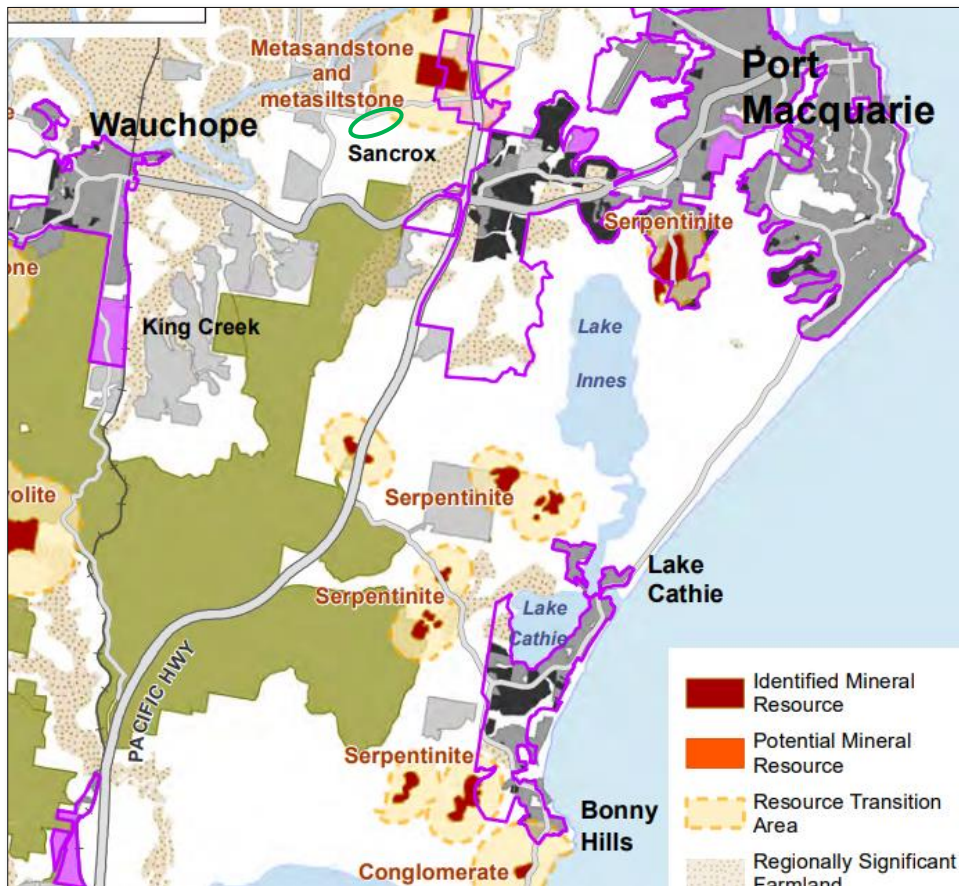


Figure 17 - Natural resource locations UGMS (source: www.pmhc.nsw.gov.au)

The Secretary's requirements have been sought in 2015 and again in 2017 for an expansion of Sancrox Quarry (SSD-7293). An Environmental Impact Statement has now been prepared and an application lodged for State Significant Development. The quarry has ample room to accommodate any necessary buffers on the site, which coupled with Sancrox Road and any proposed mounding and planting along the road frontage, will provide ample separation and should not prevent operations to continue or expand in some form. There is ample room within the quarry site to contain any buffers to be contained within the quarry site to minimise impacts to the investigation area of Sancrox. This is consistent with a regional wildlife corridor indicated in Council's Development Control Plan (shown green in Figure 14 in Section 3.7 relating to ecology), based on their ecological work undertaken. This corridor provides a clear vegetated barrier between the quarry and subject site.

A current State Significant Development proposal has recently been exhibited for an expansion of the quarry westwards into the regionally significant ecological corridor. There is no certainty regarding approval of this application and given that this application extends into the regional significant ecological corridor, extends the life beyond previous agreements under DA 2012/305 and associated Planning Agreement and associated restrictions on development of adjoining industrial land until 2018, to allow for the quarry to be exhausted. The DCP plan had a clear delineation of the industrial land from other land to the east, with the ecological corridor as a buffer. The

proposed Le Clos Sancrox zoning and concept layout further increases this ecological corridor within the site to provide a larger buffer to the existing quarry and any expansion, should it be approved.

The proposed Le Clos Sancrox zonings and concept layout provides for a vegetated corridor along these two boundaries which will provide a buffer to the environmentally significant land to the south and east, assisting with reducing any potential land use conflict. The proposed vegetated buffer has also been extended to the north-east corner of the site and along Sancrox Road to further enhance the wider ecological buffer, retain vegetation and assist with land use conflict between the existing quarry further to the east.

It is clear that whilst the expansion of the quarry is not ideal, this Planning Proposal has taken measures to ensure that there is adequate separation between uses and screening by retention of existing vegetation. Given that Sancrox is expanding and is the logical extension between Port Macquarie and Wauchope and has been supported via Structure Plans, Urban Growth Management Plans and Development Control Plans, for urban expansion, further increase in the quarry in this location appears to be at odds with the planning to date.

Representatives from Le Clos Sancrox are part of the Community Consultative Committee with Hanson. Hanson has advised the Sancrox Quarry Community Consultative Committee at the meeting of 6 July 2018, in Item 6 of the Minutes, in response to a question in respect to the impact of future development upon adjoining properties that *"there are policies in place that trigger when land acquisition is required. Hanson are engineering the project according, to avoid this trigger"*. This is consistent with Council's request for buffers to remain on site.

The comments below also have regard to the potential acoustic impacts from the quarry, as discussed below.

Acoustic & Vibration

An Acoustic review has occurred and accompanies this report, which considers the adjoining land uses and traffic noise. These include Sancrox Road, the quarry, the animal boarding and breeding establishment, potential high speed rail to the west and existing adjoining land uses. It is to be noted that in order to retain trees along Sancrox Road, there is a considerable setback to Sancrox Rd, which can also be embellished with mounding or landscaping to assist further with acoustic qualities.

An Acoustic Review was undertaken with respect to the existing nearby land uses including the quarry, as well as the proposed residential land use and potential for educational establishment. The conclusion states:

"Concerning traffic noise:

- *Noise from existing significant roads will comply at the development due to the large distance. The site is approximately 1500 m from the Pacific Highway.*
- *Traffic noise generated by the development on Sancrox Road is expected to comply at existing Receptors. Those existing residences are generally setback 40 m from the road.*
- *Traffic noise generated by the development is expected to comply at future Receptors within the development itself.*
- *If the school is located on site, traffic noise into the school should be assessed. Depending on the location of the school, minor noise mitigation is may be required.*

Concerning noise from industrial facilities external to the site:

- *The Sancrox Quarry S Assessment was used to show that noise from the Quarry will comply with appropriate noise trigger levels at all locations and all times. Noise from blasting and vibration will also comply.*
- *Noise from the existing kennel north of the site may be audible at some lots. It is recommended that noise from the kennel be assessed and if mitigation is necessary and agreement be reached with the operator of the kennel.*

Concerning noise from the proposed High Speed Rail:

- *Given that the distance from the alignment to the nearest proposed lots, and that the railway line may be in cut at this location, it is probable that noise from the railway will comply with guidelines at residential lots.*
- *HSR noise to a school, particularly if the school is located in the north-east corner of the site, may need to be considered. While noise to playgrounds will generally be satisfactory, noise to classrooms may require closed windows and therefore consideration of ventilation."*

No major acoustic impacts have been identified and at the development Application stage, individual ameliorative measures can be imposed.

The EIS for the Quarry Expansion also considered noise and the findings of their assessment and concluded that there was a need for mitigation measures to ensure compliance with relevant construction and operational noise levels. The measures relate primarily to operational controls such as hours of operation, limiting idling of engines, regular maintained machines, movements to occur in a forward direction to avoid reversing alarms, control of complaints, management plans and most importantly bunding. Implementation of these measures will prevent any impacts from the Quarry for Le Clos Sancrox with respect to noise or vibration.

Air Quality

The EIS for the Quarry Expansion also considered air quality and the findings of their assessment and identified some air quality exceedances. The measures relate primarily to operational controls such as roads being sealed, dust extraction, water sprays, mobile sprinklers, watering, storage of dry product and delivery of product to the quarry and installation of vapour balancing system. Implementation of these measures will prevent any impacts from the Quarry for Le Clos Sancrox with respect to air quality.

Visual Impacts

The site has frontage to Sancrox Road and will be visible to passers-by. It is also noted that Urban Design Guidelines have been developed for the estate which maintains a consistent and acceptable visual appearance of the overall development and landscape buffer provide screening to Sancrox Rd.

The EIS for the Quarry Expansion also considered air quality and the findings of their assessment and indicated that there is unlikely to be visual impacts due to the landform and topography and existing vegetation screening.

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

Social

A Social Impact Assessment was undertaken, which included a letterbox drop to surrounding properties and survey questions to be completed.

The concept design for the site provides opportunities for pedestrian and cycle connectivity throughout the entire development, which reduces the dependency on vehicles. A site has been identified for a potential school and child care centre in the western portion of the site in the vicinity of the local business centre. The portion of R3 zoned land also allows for increased densities and variety of housing form, in walking distance of the local centre and bus stops on the proposed Collector Road.

With respect to the wider context, discussions with Council Officers have identified the need for a pathway and/or cycleway along Sancrox Road, which will provide connection to the future development in Sancrox, as well as the existing industrial area to the east, future high speed rail to the east and existing recreational areas further to the west.

The environmental constraints of the site are managed and embellished and a buffer including mounding and landscaping in addition to fencing has been provided to Sancrox Road.

The proposal includes potentially positive social and economic benefits through employment generation within the small retail zone, as well as through the construction process for all zones.



It is not considered that the business component will be a major attractor in its own right due to its small size and will complement the developing residential areas, as well as the existing population of Sancrox.

It is concluded in the Social Impact Assessment that negative impacts associated with the proposed rezoning to allow for the subdivision can be mitigated as part of the development application design and assessment process, as well as through appropriate ongoing site management and as part of a refinement of certain aspects of the site design. None of the issues identified in the consultation would prevent the rezoning from occurring.

This Social Impact Assessment has sought to identify any issues relating to the rezoning and corresponding subdivision. A positive social benefit is gained for the future residents and the wider Sancrox area.

Economic

Based on the Concept Subdivision Plan, the yield of the site is expected as follows:

- Residential – approx. 638 lots in R1 zoned land (73.2 ha), 42 lots in R3 zoned land (2.3 ha) and 3 lots in E4 land (existing dwellings on 1.5ha)
- Business - approx. 1 ha of commercially zoned land

It is expected that this yield will bring a boost to the centre of Wauchope in particular.

During the Social Impact Assessment survey, a response was received from Hanson who operate the quarry to the north-east of the site. Beyond the amenity impacts discussed elsewhere, there could be a perceived economic impact upon the quarry with the addition of new residents into the area. However, the proposed zoning and concept subdivision layout has incorporated a vegetated buffer, which in combination with the upgrades Sancrox Road and the ecological corridor and buffers within the quarry site are sufficient, and any economic impacts are not directly resulting from the subject Planning Proposal.

In most instances, business zoned land is determined at the time of the overall zoning of a growth area and the population would follow. However, in this instance, there is already a demand established from the recent residential growth of Sancrox and neighbouring estates. The development of a new state in Sancrox contributes significantly to the need for business in this area to provide for the day to day conveniences of the existing and proposed residents and visitors and nearby workers.

In keeping with the strategies, development of Le Clos Sancrox and the wider Sancrox area, along with the identified continued population growth, further strengthens the need for business land and a local or neighbourhood centre.

The business growth within Wauchope and Thrumster has considerable need and the subject site is identified as a prime location to accommodate the ever increasing demand and given that Le Clos Sancrox is emerging as the first development within the area.

Below is a summary of the key findings of this Economic Impact Assessment:

- There is unlikely to be an adverse impact upon the retail hierarchy of Port Macquarie given the small scale proposed.
- There is a strong need for a neighbourhood or local centre between Thrumster and Wauchope and the proposed zoning addresses a shortfall of the lower end of the hierarchy since the closure of Sancrox corner store.
- The local or neighbourhood centre will service existing residents, as well as the new population from Le Clos Sancrox and the remainder of the Sancrox area once developed.
- The potential economic impact will not threaten the viability or level of service presently enjoyed by residents and visitors, but will enhance the overall level of service by providing a facility not presently

available in the region. Any potential impacts are likely to be in the short term and would be made good through the provision of a new local centre.

- Will reduce car dependency due to its planned integration into the development of the new Le Clos Sancrox estate with good connectivity for walking and cycling and public transport.
- The net benefit to the community in providing a local or neighbourhood centre within Le Clos Sancrox residential development is the key contribution to provision of a liveable community.
- There will be an economic injection will be experienced by the businesses who operate from the proposed business land and the location and connections ensure easy access.

Section D - State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

Road Network

From an accessibility viewpoint, the subject site is well located with respect to major roads and the traffic network. The site has frontage to Sancrox Road, which has access to the east to the Pacific Highway and Oxley Highway to the south via Rawdon Island Road. The traffic assessment accompanying this Planning Proposal identifies the need for road upgrades to Sancrox Road and addition of round-a-bouts at the two new roads. There is no need for intersection upgrades at existing intersections with Sancrox Road, however has recommended minor intersection works as the development progresses, in order to improve road safety, but not directly related to the Le Clos Sancrox development. This provides a wider public benefit for the area.

The upgrade works to Sancrox Road would allow for bus stops, pedestrian pathways and Cycleway, which all assist with connections into the future subdivision and connection from Le Clos Sancrox to the wider community.

A Traffic Impact Assessment accompanies this Planning Proposal.

Servicing

The existing infrastructure is adequate to serve or meet the needs of the proposal, with additional upgrades required by way of road works, new intersections, a new Sewer Pump Station (in public road) and extension of services within the public road to the site. The investigations undertaken have concluded that the upgrades would be funded by the developer of the site and there is no expected shortfall in service provision. The provision and funding of State infrastructure is not necessary for this proposal.

Given the previous Structure Plan investigations and the updated current investigations, scale of the planning proposal is not expected to place additional unreasonable demand on the road network, open space, waste facilities or local emergency services. The area is already serviced with all necessary public infrastructure in place.

Essential infrastructure currently available to the subject site is water, electricity and telecommunications. A number of the services may need to be upgraded to ensure capacity is met and this will require further investigation. Discussions were held with Council officers in August 2018 in regard to future sewer and water servicing requirements and it was confirmed that the site 'is unconstrained' in relation to servicing. The accompanying plans show preliminary future servicing concepts for the subject site.

Stormwater & Water Quality

The site naturally drains towards Sancrox Road and the western boundary with a number of first and second order streams dissecting the site. A large dam is located to the central western boundary of the property capturing a large portion of the runoff from the subject property and adjoining property to the south and west. The intent would be to provide bioretention in the gullies, utilizing the natural topography of the site.

Water qualities measures are included in the stormwater design to treat the water as it traverses the site via a series of swales, to avoid the need for large basins.

The design has allowed for wider road reserves within the R1 land in order to accommodate the drainage swales throughout the site. The wider road reserve will have many additional benefits in addition to accommodating the drainage infrastructure, but will also increase the openness of the overall development, provide further buffer to the areas of environmental value and allow for asset protection zones.

Sewer

Sewer is not currently available to the site but is located to the eastern end of Sancrox Rd, adjoining Expressway Spares. Preliminary discussions with Council's Sewer & Water Manager at a meeting on 7 August 2018 have indicated that numerous options are available, and constraints are minimal in providing sewer to the site. These discussions were progressed further in July 2019.

A new sewer pump station will be required to service the site. The preferred option would be to provide a 'centralised' sewer pump station to the north of the site allowing greater flexibility to service a larger surrounding area. A rising main would be required along Sancrox Road feeding back into the existing sewer pump station located at the intersection of Sancrox Rd and the Pacific Highway. This would then discharge into the existing gravity fed network. Sewer servicing of the subject site can alternatively be managed by way of a 'self-servicing' sewer pump station upon the site itself with a sewer rising main leading back to the existing SPS at Pacific Highway intersection. Although not the preferred option it would be considered if time and landowner consent issues delayed or prevented the 'centralised' option from occurring within a reasonable timeframe.

Land Dynamics have prepared preliminary calculations to ensure the provision of a gravity sewer system within the site and leading to a 'self-servicing' pump station is feasible. These calculations have also been extended to include a 'centralised' pump station option including a larger surrounding catchment area. The below figure shows indicative gravity fed sewer options within an extended catchment highlighting approximate invert levels and the ability for this system to be a workable option.

Water

Although the UGMS mentions a very limited water supply from the existing Sancrox Reservoir to the Sancrox area for domestic and firefighting purposes (UGMS, p.111), a new 20 mega litre reservoir has been constructed. This reservoir caters for the current and future demands of urban development and Urban growth areas including the Sancrox area.

The current water supply network to the site is shown in the diagram below. The existing 100mm diameter and 150mm diameter watermain are located along Sancrox Road and within the development site. It is envisaged however that the 300mm water main near to Expressway Spares to the east will need to be upgraded in the future along Sancrox Road to the subject site. This was confirmed by Council's Sewer & Water Manager who highlighted that any upgrades would be a requirement of any future development.

Telecommunications

A Dial Before You Dig search shows that telecommunications already exists to the site servicing the smaller existing lots along the Le Clos Sancrox Road. This network will be upgraded to service any future lots and development sites.

Confirmation has been received from NBN Co in 2018 that NBN can be made available to the development site. Discussions have occurred directly with NBN and they have provided an email confirming availability and likely costs.

Electricity

A Dial Before You Dig search shows that an electrical network already exists to the site servicing the smaller existing lots along the Le Clos Sancrox Road. This network will be upgraded to service any future lots and developments sites. An email was received from Essential Energy in 2018 confirming that the site can be serviced, subject to staging.

Railway

Wauchope station is located approximately 6km to the west of the site and provides access to Sydney to the south and Brisbane to the north.

The map below is an extract from the Phase 2 investigations that depicts the relevant portion of the provisional rail corridor for the proposed high-speed rail alignment from north to south commencing at Brisbane and finishing at Melbourne, noting the indicated alignment is outside of the subject site.

Having regard to the possible location of the Port Macquarie station to the east of the site, and within walking distance of the site, provides opportunities for greater public transport use by the residents and less car dependency, which is a good planning outcome around railway stations.

Council's advice to date has indicated that there is no certainty that the high speed rail will proceed, and this may in fact be correct given its location through heavily vegetated and ecologically significant land to the east, as well as the quarry land to the north-east. Notwithstanding this, the design has had regard to the corridor and there is the ability to extend the pedestrian connectivity to the station in the future should it eventuate.

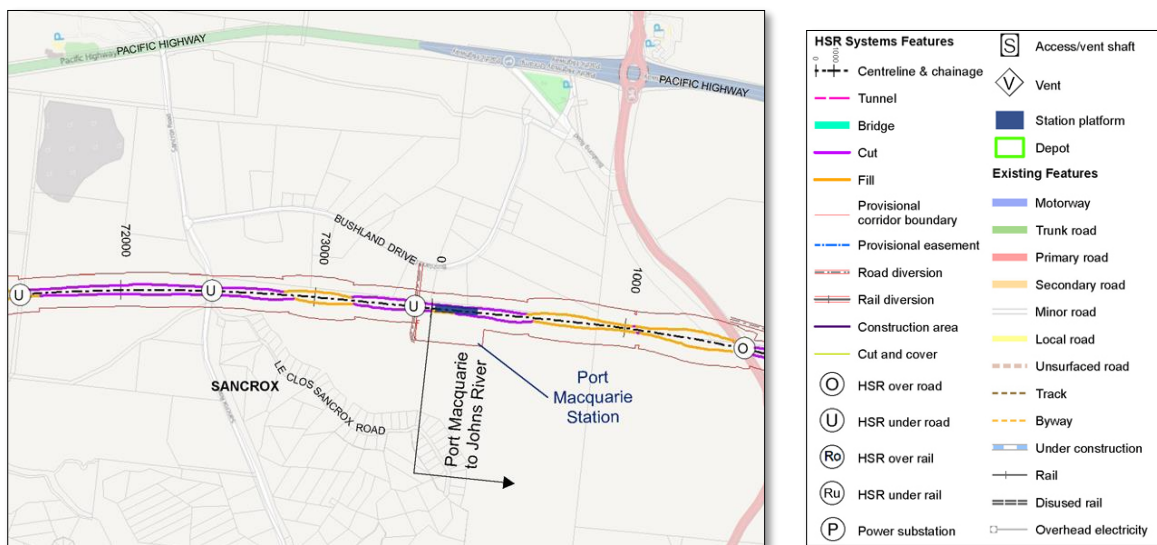


Figure 18 - Phase 2 Investigations - High-speed rail alignment Extract (source: www.infrastructure.gov.au/rail/publications/high-speed-rail-study-reports)

3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation in relation to this proposal will be undertaken in accordance with relevant statutory requirements as part of the planning process, which occurs post-Gateway determination.

Proactive consultation in relation to this proposal has been undertaken with representatives of the Department of Planning, Industry and Environment's Planning Division, as well as the Biodiversity and Conservation Division. Below is a summary of the key discussions with both divisions.

Department of Planning, Industry and Environment's Planning Division

- Review need for land, land supply may be zoned but not necessarily developable.
- Address UGMS, variation principles and s9.1 Ministerial Directions.
- The Department identified this area for investigation.
- Explain the merits and how it fits in with the wider planning.
- Address inconsistency regarding the quarry.

Department of Planning, Industry and Environment's Biodiversity and Conservation Division

- Address North Coast Regional Plan and avoid High Environmental Value.

- Explain how the proposal maximises avoidance and how the layout has evolved with respect to ecology. Look at constraints and opportunities, avoid HEV and form an argument which supports the proposed land uses.
- Consider Bio-certification at Planning Proposal stage.
- Consider aboriginal heritage.
- Consider impacts from basins, pathways and road edges in ecological assessment.
- Identify recreational open space, not just conservation.

A letter was received after the site visit with the Department of Planning, Industry and Environment's Biodiversity and Conservation Division which provided further information regarding biodiversity conservation, including how to apply and determination, as well as discussing consistency with the North Coast Regional Plan. These comments have been considered and incorporated into this document. Biodiversity Certification will be sought post Gateway.

As part of the informing planning work, discussions were held with the Department of Education to ascertain whether a public school would be appropriate in this location, who advised that they did not feel there was a need. This is not a view shared given the lack of existing schools in the area and the current demand on existing local schools, including private schools. Discussions have occurred with a private school provider who has expressed considerable interest and the north-west corner of the site has been earmarked as a possible future location, noting that R1 zone allows educational establishments. To date, no agreement has been reached and as such the planning proposal is progressing on a residential zoning.

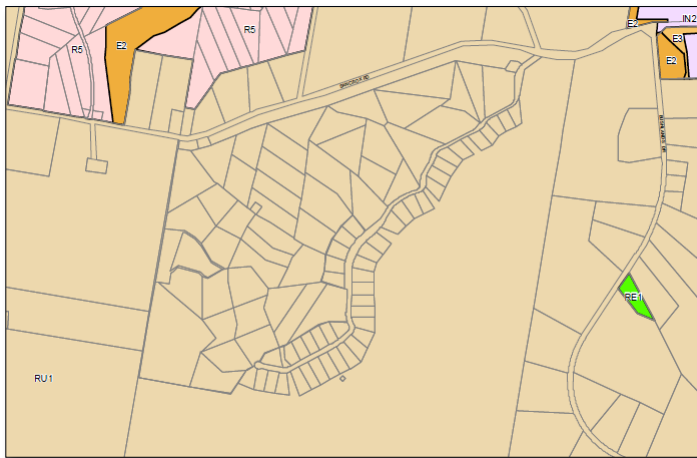
A pre-lodgement meeting has been held with Council to discuss the Planning Proposal following the resolutions of Council to invite a site specific Planning Proposal. Council has advised that the Planning proposal has merit and requested a formal submission to Council for inclusion within Council's Strategic Planning Program. The requested documentation at the pre-lodgement has been provided.

PART 4 – MAPPING

The proposed LEP map amendments are indicated below, with a comparison between the existing and proposed maps Map 13B on land comprising a number of landholdings collectively known as Le Clos Sancrox.

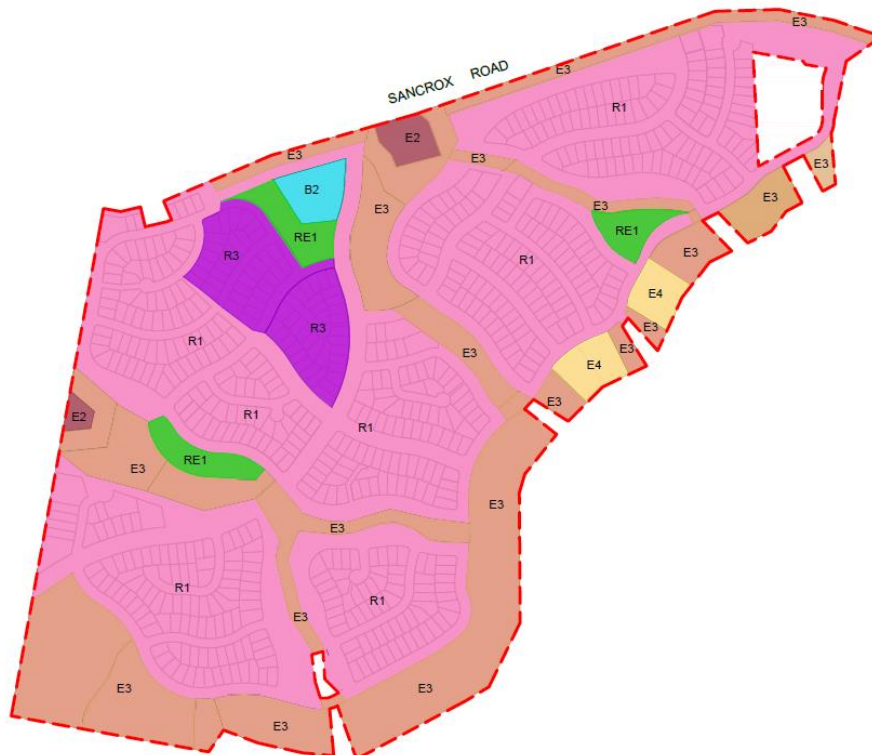
Zoning Map

Current



RU1 Primary Production

Proposed



- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- E4** Environmental Living
- R1** General Residential
- R3** Medium Density Residential
- B2** Local Centre

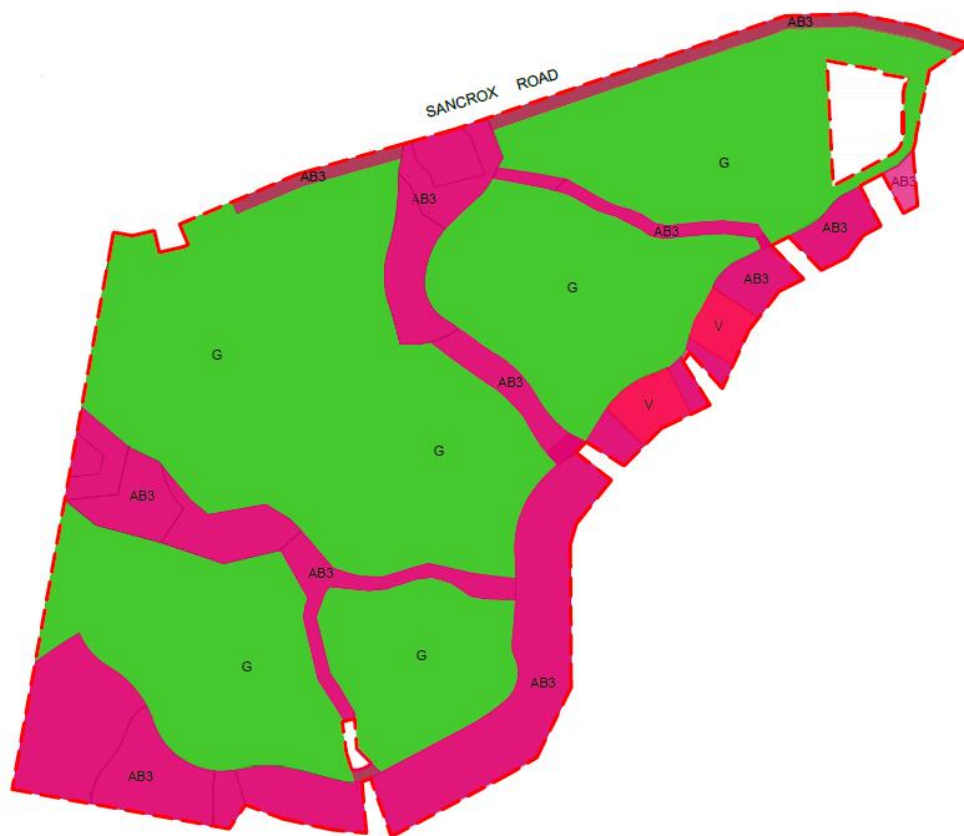
Lot Size Map

Current



AB3 40 ha

Proposed



G 450 V 2000 AB3 40 ha

Floor Space Ratio Map

Current

N/A

Proposed



Height of Buildings Map

Current



Proposed

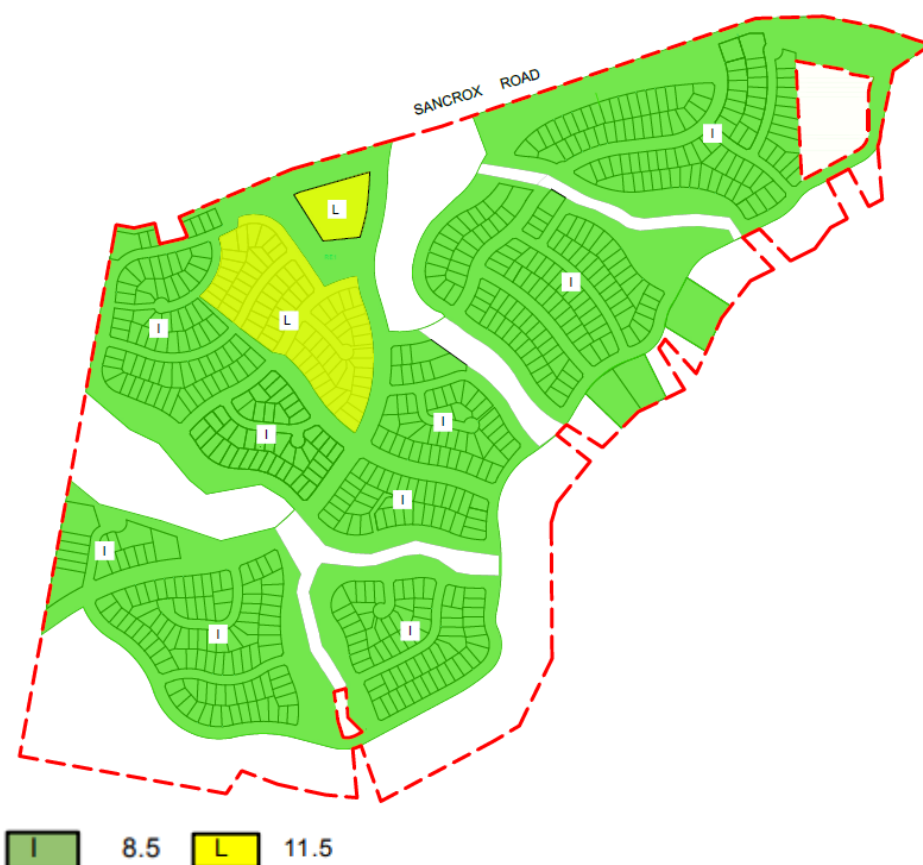


Figure 19 – Existing & Proposed LEP maps

To ensure consistency with the technical requirements when preparing LEP plans, it is expected that prior to exhibition, Council will prepare the accurate plans.

PART 5 – COMMUNITY CONSULTATION

The planning proposal will be placed on public exhibition by Council in accordance with the Department of Planning and Environment's "A guide to preparing local environmental plans". The proposal is considered to be 'low' impact. Whilst the subject land and surrounding land is zoned primarily for rural uses, the area is under investigation as part of Council's wider strategic planning to transition to smaller lot residential. The proposed pattern of surrounding land use zones and/or land uses will complement the large lot residential which is prevalent in the area and the wider small lot residential in the adjacent Thrumster; is consistent with the strategic planning framework; presents minimal issues with regard to infrastructure servicing which is capable of extension and the additional requirements will be identified and addressed through the planning proposal process; is not a principal LEP; and does not reclassify public land. Rezoning of the land was invited over 13 years ago, Structure Planning had commenced and finalised in 2015 and the latest UGMS 2017-2036 indicated outline planning could occur on this site.

The proposal to rezone the subject land to allow residential development is considered to be efficient use of existing land and services and given that the site is largely cleared and not significant farmland, it does not result in substantial environmental impacts such as large scale loss of trees or impacts upon threatened species. The services provided to the site can be extended to the proposed residential zoned land. The wider area of Sancrox surrounding the site is currently zoned rural, as is the subject site currently. Given the progression of the wider Outline Planning and the outcomes of the 2015 Structure Plan, it is reasonable to expect that the adjoining land to the north and west will be rezoned in the coming years, with a short period of time in transition between the rezoning of this site. The land to the south and west is of high environmental value and identified by Council in previous investigations as being a significant ecological corridor. The proposed zonings and concept layout provides for a vegetated corridor along these two boundaries which will provide a buffer to the environmentally significant land to the south and east, assisting with reducing any potential land use conflict. The proposed vegetated buffer has also been extended to the north-east corner of the site and along Sancrox Road to further enhance the wider ecological buffer, retain vegetation and assist with land use conflict between the existing quarry further to the east and the potential high speed rail.

The future development presents no significant issues with regard to infrastructure servicing, acknowledging that that there will be additional infrastructure and service requirements, but that these additional requirements have been identified and addressed within the appendices accompanying the Planning Proposal.

As part of the Social Impact Assessment, a survey was conducted of surrounding properties and overall the response to rezoning was positive. One of surveys returned indicated they did not support a change in zoning, due to a perceived impact upon the operations of the quarry. Since that time, a State Significant Development for expansion of the quarry has been placed on exhibition, noting that there is no certainty regarding approval of this application.

Council will exhibit the Planning Proposal after Gateway determination and is likely to include an advertisement in the local paper, consultation with adjoining landowners, display at Council and on Council's website.

PART 6 – PROJECT TIMELINE

There is desire for this rezoning to occur concurrently with a Development Application being lodged once Gateway determination is received. This will allow the development of the land to occur immediately after the land is rezoned.

Based on the resolutions of Council, this site specific Planning Proposal will occur in parallel with Outline Planning for wider Fernbank Creek – Sancrox area. The resolutions indicate that the plan under this proposal will inform the wider planning but does not require this proposal to be delayed. Council at its meeting of 20 February 2019 resolved:

"That Council:

- 1. Note the information in the February 2019 Strategic Land Use Planning - Fernbank Creek and Sancrox Report.*
- 2. Note that a Greater Sancrox Area Structure Plan was tabled at the Council Meeting in February 2015 and deferred pending adoption of the UGMS.*
- 3. Note that according to landowner representatives, the Le Clos Sancrox owners have all now committed to acting as a single entity to achieve a co-ordinated planning outcome.*
- 4. Immediately commence Stage 1 planning to prepare an Outline Plan for Sancrox-Fernbank Creek as detailed in the UGMS.*
- 5. Invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process.*
- 6. Allow the General Manager to adequately resource this program.*
- 7. Include regular updates on this matter in the biannual Site Specific LEP Amendments Update Report in March and September of each year."*

Below is an indicative timeframe.

March 2019	Anticipated commencement date (date of Gateway determination)
April 2020	Anticipated timeframe for the completion of required technical information
May 2020	Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)
June 2020	Commencement and completion dates for public exhibition period
July 2020	Timeframe for consideration of submissions
August 2020	Timeframe for the consideration of a proposal post exhibition
September 2020	Date of submission to the Department to finalise the LEP
October 2020	Anticipated date the local plan-making authority will make the plan (if authorised)
November 2020	Anticipated date the local plan-making authority will forward to the PCO for publication

CONCLUSION

This report recommends 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 3.34 of the *Environmental Planning and Assessment Act 1979*.

To facilitate development on the land, the following amendments to the Port Macquarie Local Environment Plan 2011 are proposed with the outcomes to be achieved by:

- Amending the Port Macquarie – Hastings Local Environmental Plan 2011 Land Zoning Map 13B on land comprising a number of landholdings collectively known as Le Clos Sancrox from RU1 Primary Production to:
 - R1 General Residential,
 - R3 Medium Density,
 - B2 Local Centre,
 - E2 Environmental Conservation,
 - E3 Environmental Management, and
 - E4 Environmental Living.

- Amending the Port Macquarie – Hastings Local Environmental Plan 2011 Lot Size Map 13B on land comprising a number of landholdings collectively known as Le Clos Sancrox to permit a minimum lot size of:
 - 450m² for the proposed R1 General Residential,
 - 450m² for the proposed R3 Medium Density,
 - No minimum lot size for the proposed B2 Local Centre,
 - 40 ha for the proposed E2 Environmental Conservation,
 - 40ha for the proposed E3 Environmental Management, and
 - 2000m² for the proposed E4 Environmental Living.
- Amending the Port Macquarie – Hastings Local Environmental Plan 2011 Floor Space Ratio Map 13B on land comprising a number of landholdings collectively known as Le Clos Sancrox to permit a maximum floor space ratio of:
 - 0.65:1 for the proposed R1 General Residential,
 - 1:1 for the proposed R3 Medium Density,
 - 1:1 for the proposed B2 Local Centre, and
 - 0.65:1 for the proposed E4 Environmental Living.
- Amending the Port Macquarie – Hastings Local Environmental Plan 2011 Height of Buildings Map on land comprising a number of landholdings collectively known as Le Clos Sancrox to permit a maximum height of:
 - 8.5m for the proposed R1 General Residential,
 - 11.5m for the proposed R3 Medium Density,
 - 11.5m for the proposed B2 Local Centre, and
 - 8.5m for the proposed E4 Environmental Living.

Progression of this Planning Proposal to Gateway for determination to enable the rezoning will allow for additional residential housing stock for the area, with ancillary business uses and environmental land.

The site has a development consent in place which allows for housing, however it is not considered to be the most suitable outcome for the site. Further, the Moratorium on development on the site has been in place for an extended period of time and Council has resolved to deal with this site specific Planning Proposal as a priority in this regard.

The environmental qualities of the site have led the way for formation of the proposed zoning and the concept subdivision plan has provided for a high standard of liveability for the further residents.

The Guidelines developed for the site will ensure a high standard of development results, which will set the tone for the quality development expected in the emerging Sancrox area.

The Planning Proposal is considered appropriate and allows a sustainable use of the land and provision of additional housing for the locality, consistent with regional and local plans.

APPENDICES

- A. Proposed Local Environmental Plan Map Set
- B. Ecological Assessment
- C. Vegetation Offsets Plan
- D. Bushfire Assessment
- E. Bushfire APZ Plan
- F. Traffic Assessment
- G. Overall Sewer Strategy
- H. Development Lots Servicing Strategy
- I. Stormwater Quality Assessment, Onsite Detention Modelling & Flooding Review
- J. Contamination Report
- K. Aboriginal Cultural Heritage Assessment
- L. Land Supply and Demand Assessment
- M. Social Impact Assessment
- N. Economic Impact Assessment
- O. Acoustic Review
- P. Subdivision Concept Layout Overall
- Q. Subdivision Concept Layout Detailed
- R. Urban Design Guidelines & Building Guidelines
- S. Vegetation Management Plan
- T. Voluntary Planning Agreement Request Letter
- U. Landowners Report & Deed