

MINUTES

Planning Proposal Pre-Lodgement Meeting held on Tuesday 14 December 2022

Present

Duncan Coulton (Chair)	Port Macquarie-Hastings Council
Tracy Sharp	Port Macquarie-Hastings Council
Michelle Love	Love Project Management
Trevor Groeneveld	GHG Development

Consideration of Pre-Lodgement Proposal

Applicant:	Thrumster Business Park
Proposal:	Rezone part of subject site from IN2 Light Industrial to MU1 Mixed Use
Meeting Time:	2.00pm
Location:	Lot 2 DP 1245588, 314 John Oxley Drive Thrumster
Parcel/s:	67868
Pre-Lodgement Reference:	DD032.2022.00000001.001
Relevant Strategies, Policies & Plans:	State Environmental Planning Policies (Various) Ministerial Directions under EP&A Act, Section 9.1 North Coast Regional Plan 2041 Local Strategic Planning Statement 2040 Urban Growth Management Strategy 2036 PMH Local Environmental Plan 2011 PMH Development Control Plan 2013 Development Contribution Plans DPE Environmental Plan Making Guide, September 2022 Council's Planning Proposal Policy (2019) DPE Employment Land Reforms Port Macquarie Airport Master Plan 2010, Addendum Report, December 2013

The following comments are provided in response to the discussions within the pre-lodgement meeting:

SITE DESCRIPTION AND LOCALITY

The subject site is known as 314 John Oxley Drive Thrumster and legally described as lot 2 DP 1245588.

The site subject to this application is located on the western side of an unnamed Crown Road which is off the northern side of John Oxley Drive. The site has a frontage of 619.22m to this Crown Road. The subject site has an overall site area of 21.25ha. Vehicle access to the site is over Lot 1 DP 1245588, 344 John Oxley Drive, to Thrumster Street. Though, the Deposited Plan indicates that legal access to the site is via right of carriageway over Lot 1 DP 1245588, 344 John Oxley Drive, to John Oxley Drive.

The site subject to this application is currently vacant of structures, with a significant portion of vegetation, with earthworks being undertaken for an approved 63 lot industrial subdivision, which is part of DA2014-114. This development consent comprised a staged subdivision comprising 207 residential lots and 63 industrial lots which was approved on 29 October 2015, and has been modified several times.

The surrounding properties are characterised as undeveloped industrial and residential land, with conservation and rural land in proximity to the subject site.

The subject site has been identified as being split zoned IN2 Light Industrial, C2 Environmental Conservation and C3 Environmental Management.

The subject site has been identified as being bushfire prone, part flood prone, contains class 2 and 5 acid sulphate soils, contains part of a coastal wetland and is partly located within the proximity area of a coastal wetland. In addition, the subject site is located within the obstacle limitation surface (OLS) and Australian noise exposure forecast (ANEF) of the airport.

BACKGROUND

Area 13 Rezoning

The subject land was rezoned industrial as part of the Area 13 rezoning (PP2002-25.1), known as Port Macquarie-Hastings (Area 13 Thrumster) Local Environmental Plan 2008, Gazetted 24 December 2008.

Subdivision

The subject allotment was created as part of DA2014-114 for a staged subdivision comprising 207 residential lots and 63 industrial lots, approved on 29 October 2015, and as modified 21 September 2017, 3 March 2021, 5 October 2021, 4 April 2022, 17 August 2022 and 21 November 2022.

PROPOSAL

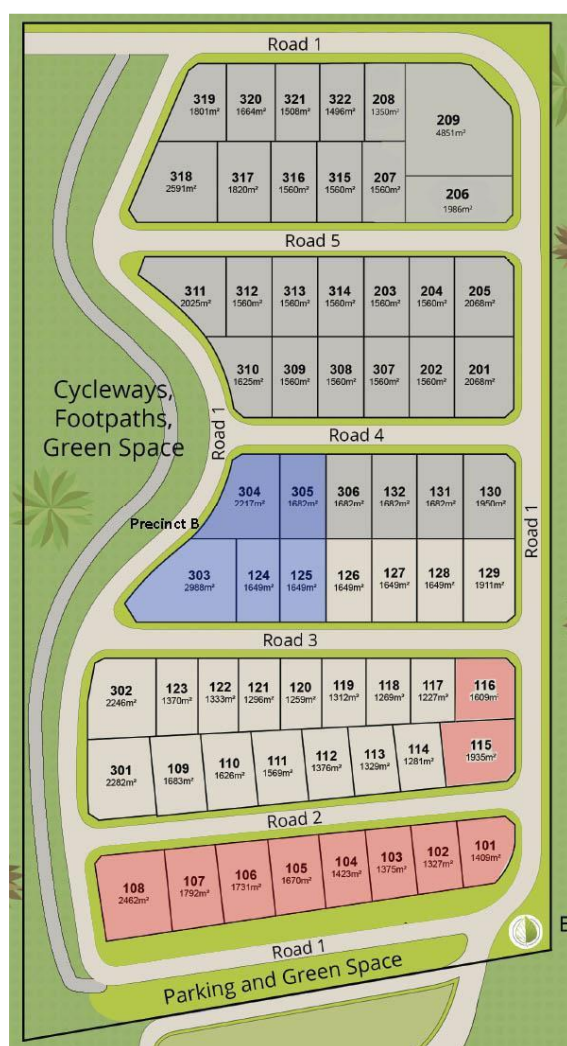
The pre-lodgement meeting was convened to discuss the proposed rezoning of part of the subject land, Lot 2 DP 1245588, 314 John Oxley Drive Thrumster, from IN2 Light Industrial to MU1 Mixed Use.

The following is a summary of information provided by Love Project Management's scoping proposal:

- An amendment is proposed to the PMH LEP 2011 to change the zoning of several lots within the Thrumster Business Park (Estate) from IN2 Light Industrial to a MU1 Mixed Use zone. This Planning Proposal (PP) is in response to businesses that have purchased

land within the Estate and demand for land uses that are better served by the MU1 Mixed Use zone.

- The land proposed to be rezoned includes:
 - proposed Lots 101–108 and 115-116 (16,733m²) in Precinct A; and
 - proposed Lots 303-305, 124 and 125 (10,185m²) in Precinct B, as indicated in figure 1 below:



- The northern area of the Estate has been identified for warehouses, distribution centres, self-storage, hardware / building supplies, factory unit complexes and motor vehicle sales or hire. The southern area is to be occupied by businesses seeking to establish artisan food and drink premises, medical centres, breweries, recreational facilities (gyms), take away food and drink premises, etc. All of these land uses are permissible with consent.
- The following business operations are envisaged for both of the Mixed Use Precincts:

Area A	Area B
Cafes	Art and music spaces
Cellar door	Artisan food hub
Hotel	Bespoke commercial
Meeting lounges	Creative industries
Neighbourhood shops	Health and wellness industries

Office space	Shop top housing
Open gardens / courtyards	Specialised retail
Restaurants	Studio apartments
Retail	Theatre
Serviced apartments	
Serviced office	
Specialised retail	

- The PP does not seek to alter maximum building heights permitted in proximity to the Port Macquarie Airport OLS mapping
- The proposed MU1 Zone is consistent with DPEs Employment Land Reforms, as well as facilitating emerging businesses and innovation in employment and business operations within industrial estates.
- It is proposed to adopt a place-making methodology for the development of these Precincts to support the mixed use zone and incorporate the new trends within industrial estates such as:
 - Industrial lifestyle by incorporating a residential urban village component;
 - Making industrial estates places with a rich life beyond their normal 9 to 5 work pattern; and
 - Opportunities to support and compliment new residential development and the broader medical and educational precincts of Port Macquarie.

RECORD OF ADVICE

Summary of Issues

In summary, the two main issues with the proposal are as follows:

- Proximity to the Port Macquarie Airport, and the impact of OLS and ANEF on any future development proposed as part of the MU1 Mixed Use zone, such as shop top housing; and
- The retail hierarchy and any potential impact upon other employment lands in proximity to the proposal eg Sovereign Hills;

The following matters will need to be addressed as part of any future planning proposal:

Strategic Land Use Planning

1. Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011)

a. Zoning

The subject land has been identified as being partly zoned IN2 Light Industrial, C2 Environmental Conservation and C3 Environmental Management under the LEP 2011.

The proposal is to amend the current Land Zone Map from IN2 Light Industrial to DPE's proposed MU1 Mixed Use, proposed as part of the DPE's Employment Land Reform, which is address further within these minutes.

There are no changes proposed to the Height of Building Map.

An assessment of the proposal against the objectives of the LEP, and justification for nominated land use zones will be required.

b. Flooding

Part of the subject land is flood prone and clauses 5.21 Flood planning and 7.4 Floodplain risk management of LEP 2011 apply to the land.

It is acknowledged that earthworks have commenced under Development Consent DA2014-114 which has altered the existing natural ground level and condition B (20) requires the following to be addressed Prior to issue of the Subdivision Works Certificate:

(B199) The minimum level of all residential and industrial lots and roads are to be a minimum of 400mm above the 1 in 100 year flood levels as specified in the Maunsell Aecom Integrated Water Management Plan 2007. Prior to release of the Construction Certificate finished ground levels satisfying this requirement shall be clearly illustrated on the plans.

Note: The finished floor levels of all future residential dwellings will be required to be a minimum of 900mm above the 1 in 100 year flood levels as specified in the Maunsell Aecom Integrated Water Management Plan 2007.

As such, the PP will need to address:

- The provisions of the PMHC Flood Policy (2018) and what if any requirement have changes from when the consent was issued on 29 October 2015 and if any additional requirements will need to be addressed for the proposed MU1 Mixed Use zoned land the proposed land uses.
- PPs will not be considered unless a Flood Study (including a Flood Impact Assessment and Flood Risk Assessment) has been undertaken or investigations are completed to confirm potential impacts of the full range of floods (including the Probable Maximum Flood (PMF)) on the future development of the rezoned land are minimal (i.e. development is of minor significance).
- The PP will address if the flood hazard level has changed from when development consent was issued compared to the 2018 Flood Policy.
- Flood Impact Assessments and Flood Risk Assessments (and any other Flood studies or reports as required by Council) are to be prepared by a suitably qualified hydrologic / hydraulic engineer with a demonstrated experience in flood assessment and management of land Development proposals.
- Council may only support residential or commercial / industrial PPs if the land is located at or above FPL2. Refer to Table 4 of the PMHC Flood Policy for details.

c. Acid Sulphate Soils

The subject land has been identified as containing Class 2 and Class 5 Acid Sulphate Soils and the provisions of clause 7.1 of LEP 2011 apply.

d. Port Macquarie Airport

Council's mapping indicates that the subject site is impacted by the OLS and ANEF of the Port Macquarie Airport and the provisions of clauses 7.7 Airspace operations and of LEP 2011 apply to the land.

As such, a report is to be prepared by a suitably qualified consultant as to the impacts of the OLS and ANEF and if any specific requirements are to be addressed by any future development.

In addition, due to the proximity of the Port Macquarie Airport to the subject site, a noise impact assessment report is to be undertaken addressing noise from airport operations and identify any specific requirements that are to be addressed by any future development.

2. Employment Land Reform

DPE's Employment Land Reforms propose the following new business and industrial zones:

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industry
- MU1 Mixed Use

The draft permissible uses within the proposed E4 General Industrial and MU1 Mixed Use zones are as follows:

- E4 General Industrial Zone

3 Permitted with consent

Depots; freight transport facilities; funeral homes; garden centres; general industries; goods repair and reuse premises; hardware and building supplies; industrial retail outlets; industrial training facilities; kiosks; landscaping material supplies; light industries; local distribution premises; medical centres; neighbourhood shops; oyster aquaculture; plant nurseries; pubs; rural supplies; take away food and drink premises; tank-based aquaculture; timber yards; vehicle sales or hire premises; warehouse or distribution centres; any other development not specified in item 2 or 4.

4 Prohibited

Advertising structures; agriculture; air transport facilities; airstrips; amusement centres; animal boarding or training establishments; camping grounds; caravan parks; cemeteries; centre-based child care facilities; commercial premises; eco-tourist facilities; entertainment facilities; exhibition homes; exhibition villages; farm buildings; function centres; hazardous storage establishments; health services facilities; heavy industries; highway service centres; home-based child care; home businesses; home occupations; home occupations (sex services); information and education facilities; marinas; mooring pens; offensive storage establishments; passenger transport facilities; public administration buildings; recreation areas; recreation facilities (major); recreation facilities (outdoor); registered clubs; residential accommodation; respite day care centres; schools; tourist and visitor accommodation; water recreation structures; water storage facilities; wharf or boating facilities.

- MU1 Mixed Use Zone

3 Permitted with consent

Amusement centres; boarding houses; car parks; centre-based child care facilities; commercial premises; community facilities; entertainment facilities; function centres; hostels; information and education facilities; light industries; local distribution premises; medical centres; oyster aquaculture; passenger transport facilities; places of public worship; recreation areas; recreation facilities (indoor); registered clubs; residential flat buildings; respite day care centres; restricted premises; shop top housing; tank-based aquaculture; tourist and visitor accommodation; vehicle repair stations; 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 training facilities; industries; marinas; mooring pens; mortuaries; open cut mining; research stations; residential accommodation; rural industries; sewerage systems; sex services premises; storage premises; transport depots; truck depots; vehicle body repair workshops; waste or resource management facilities; wharf or boating facilities.

DPE's employment zones implementation is nearing completion, with the first of the three legislative amendments completed.

An amendment to the Standard Instrument LEP Order (Amending Order) and Transport and Infrastructure SEPP Amendment (Prescribed Zones SEPP) was made on 30 November 2022 with

immediate commencement.

Six Land Use SEPPs, amending 134 LEPs to introduce employment zones was made on 16 December 2022 and will commence on 26 April 2023.

A housekeeping SEPP to update certain LEP maps and to make consequential amendments in various instruments is intended to be made in February 2023 and to commence on 26 April 2023.

As such, the PMH LEP 2011 will not be updated to introduce these amendments until they come into effect on 26 April 2023.

As the proposal intends to utilise the provisions within the new MU1 Mixed Use zone, which will enable additional employment land uses, which will require strategic justification by way of an economic study to assess if there will be any impact upon the retail hierarchy, is to be submitted with the PP.

It should be noted that GHD consultants, on behalf of Council completed a high level review of employment lands (2021). This report is public and a copy can be made available to you.

Recommended changes to the scope and content of the PP as required by the new Department of Planning and Environment LEP Making Guidelines, September 2022 are provided further within these minutes.

3. North Coast Regional Plan 2041

The subject land is located within the Urban Growth Area (UGA) boundary identified in the regional plan, and is mapped for urban investigation.

The planning proposal is to provide an assessment against the relevant Planning Principles and Directions in the regional plan.

The subject land is located in the Coastal Strip and contains areas of potential High Environmental Value. Biodiversity matters and requirements for the PP are considered further below in these minutes.

4. Local Strategic Planning Statement - Shaping Our Future 2040

Provide an assessment of the proposal against the vision, planning principles, and actions in the Statement.

5. Urban Growth Management Strategy (UGMS) 2017-2036

The subject land is located within the Urban Growth Area boundary in the UGMS.

The subject land contains High Value Environmental areas and biodiversity matters and requirements for the PP are considered further within these minutes.

The planning proposal is to provide an assessment of the proposal against the goals and objectives, as well as the settlement planning guidelines of the Strategy, with particular reference to the following:

- Objective 3 - Protect regional biodiversity and areas of high environment value.
- Objective 5 - Manage and improve resilience to shocks and stresses, natural hazards and climate change.
- Objective 11 - Support cities and centres and coordinate the supply of well-located employment land.
- Objective 12 - Create a diverse visitor economy.
- Objective 14 - Deliver new industries of the future.

6. Land Use Conflicts

The MU1 Mixed Use zone permits the following land uses that have the potential to be impacted by noise generated by the proposed industrial uses:

- hostels;
- residential flat buildings;
- shop top housing;
- tourist and visitor accommodation;

In addition, the subject site is located within the airport flight path, of which the proposed residential uses may be impacted.

A noise impact assessment by a suitably qualified consultant, will be required to address the potential noise from future industrial uses and airport flight path on any future residential development.

7. Other Council strategies and guidelines

Provide an assessment of the proposal against relevant Council strategies including:

- Draft Local Housing Strategy 2021 - 2040
- Site-specific DCP provisions are required for the subject land are to be prepared and submitted with the PP.

8. Bushfire

The subject land is mapped as bushfire prone land. A strategic bushfire report prepared in accordance with Planning for Bushfire Protection (PBP) 2019 is to be submitted with the PP. As the proposal indicates the potential development of various types of residential land uses, this report shall address any specific requirements for this type of land use, as well as the new mixed use land uses.

9. Traffic

A traffic assessment is to be undertaken by a suitably qualified consultant addressing if the proposed MU1 Mixed Use zone will have any additional impact on the transport network and articulate the difference between the proposed industrial development and the addition of the MU1 Mixed Use zone.

10. Existing Planning Agreement

Lot 3 DP 565437 and Lot 206 DP 754434 is subject to the Area 13 Environmental Land Management Planning Agreement executed on 18 June 2008 (160.2011.8.1).

Any change to the existing planning agreement to facilitate the PP will be subject to a further offer and Council acceptance to either modify the existing agreement or enter into a new agreement.

Any voluntary planning agreement offer should be made in connection with the PP and will be considered as part of the assessment of the proposal.

11. Council's Planning Proposal Policy 2019

If a PP Application is lodged, it must be prepared in accordance with the *Environmental Planning and Assessment Act 1979*, the Department's current Local Environmental Plan Making Guideline September 2022 and Council's Planning Proposal Policy 2019.

Council's Planning Proposal Policy includes requirements for the consideration of applications and the circumstances in which they will be prioritised in the Land Use Planning Program. Any Planning Proposal Application must demonstrate how it is consistent with Section 3.6 of the Policy to be considered by Council.

Please note that currently on exhibition is the Draft Planning Proposal Policy, of which a copy can be obtained on Council's 'Have Your Say' page.

12. SEPP (Resilience and Hazards) 2021

The subject site has been identified as containing part of a coastal wetland and is partly located within the proximity area of a coastal wetland.

Chapter 2 of this SEPP is to be addressed especially in terms of demonstrating that the proposal will not significantly impact on (a) the biophysical hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest; or (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetlands or littoral rainforest.

13. DPE Local Environmental Plan Making Guidelines, September 2021 (Guideline)

a. Information to be addressed

Section 2 and Attachment C of the Guideline will need to be addressed as part of the PP.

b. Recommended changes to the PP scope

- Mapping:
 - Mapping included in the PP document is to be of a standard that when zoomed in remains legible
 - Mapping data is to be supplied in a georeferenced format, compatible with standard GIS software (e.g. georeferenced CAD file (dwg etc.)).
- Proposed Zoning:
 - MU1 Mixed Use Zone - demonstration that the inclusion of this zone will have minimal impact upon the retail hierarchy.

c. Planning Proposal Category: Standard

- Council assessment fees:
 - Refer to Other LEP Amendments of Council's fees and charges, Stage 1: Lodgement and review fee is to be paid at the time of lodgement. Current 2022/23 fee is \$16,490.
 - Future Stage 2: Exhibition and finalisation fee will be payable prior to public exhibition commencing. Note: Proponents should confirm with Council the Stage 2 fee payable.
- Planning Proposal Application studies and investigations required
 - The following supporting specialist studies and reports are to be submitted with the PP:
 - * Concept Plans of the intended development outcomes which show the nature and scale of future development envisaged for the site, and its relationship to the surrounding area and zones;
 - * Traffic and transport assessment;
 - * Biodiversity assessment report;
 - * Acid Sulphate Soils report;
 - * Flood Study (including a Flood Impact Assessment and Flood Risk Assessment);

- * Strategic bushfire report in accordance with Planning for Bushfire Protection (PBP) 2019;
- * Aboriginal cultural heritage assessment;
- * Economic / retail analysis for the proposed MU1 Mixed Use zone; to consider impact on Council's employment land needs for Thrumster and Port Macquarie.;
- * Draft DCP site-specific provisions.

Note: The Guideline requires that where a proponent does not respond to a specific requirement in these minutes, justification is required in the PP submitted to Council.

The proponent is required to ensure that the assumptions, key findings and recommendations of any technical studies and reports are consistent with one another, and that they are integrated into the Section 3.33 planning proposal.

14. Other

Any Planning Proposal Application lodged is required to demonstrate how the issues raised and information identified at the Pre-lodgement Meeting have been addressed in the application.

ADDITIONAL MATTERS RAISED DURING THE MEETING

Acoustic Measures for The Sanctuary Residential Subdivision

The Sanctuary is a residential subdivision to the south of the Thrumster Business Park, of which both development sites were included within the same development consent being DA2014-114.

Part of The Sanctuary is impacted by the OLS and ANEF of the Port Macquarie Airport.

A question was asked as to the acoustic measures that have been included on those lots that are impacted by the OLS and ANEF.

A review of the development consent reveals that the only acoustic requirements relating to The Sanctuary are in relation to road traffic noise intrusion. Refer to Section E - Prior to the Issue of Subdivision Certificate, condition (19) of the development consent.

Employment Lands Reform

It was mentioned that DPE have indicated that MU1 will have a minimum floor space ratio.

The Draft Employment Lands LEP amendment provided by DPE indicates that there are no changes to clause 4.4 Floor Space Ratio of the LEP 2011.

Discussions Sovereign Hills

It was indicated that there have been discussions between Thrumster Business Park and Sovereign Hills.

It is considered very important to have dialogue between the two businesses to discuss future businesses with Thrumster Business Park to minimise the impact on the existing and future retail businesses within Sovereign Hills and to maintain the retail hierarchy.