



23 December 2019

Refers to: D2019/428837

The Hon. Robert Stokes MP
Minister for Planning and Public Spaces
GPO Box 5341
SYDNEY NSW 2001

Dear Minister

Planning Proposal for Bundaleer Aged Care, Johnstone Street and High Street, Wauchope

I am writing to you regarding a Planning Proposal submitted to Port Macquarie-Hastings Council by Bundaleer Aged Care Services Pty Ltd.

The Planning Proposal was lodged in December 2017 and requested an increase to the maximum building height and floor space ratio controls to enable development of the land for a residential care facility. A Gateway Determination was issued by the Minister's delegate in July 2018 for the proposal to proceed subject to conditions.

Since the time the Gateway Determination was issued, land ownership issues have arisen with the Johnstone Street property, which is owned by the Wauchope District Memorial Hospital. Council formally requested the land owners consent to be provided in December 2018, however this was never received. Further to this, Bundaleer Care Services lodged a Development Application in July 2019 for a proposed 140-bed Aged Care Facility at another site in Wauchope (211 High Street). This DA is currently under assessment and will be determined by the Northern Joint Regional Planning Panel.

The Planning Proposal was formally withdrawn by the Proponent on 29 November, 2019. At Council's Ordinary Meeting on 11 December 2019, a report was considered which provided an update on Site Specific Planning Proposal requests in the Local Government Area, and in relation to this matter it was resolved that Council:

3. *"Request the General Manager write to the Minister for Planning and Open Spaces, in relation to the Planning Proposal for Bundaleer Aged Care, Wauchope (PP2017-6.1) requesting that pursuant to Section 3.35(4) of the Environmental Planning & Assessment Act 1979, the Planning Proposal not proceed."*

A copy of the Council Report and Minutes (Item 13.10) are enclosed for your reference, including the Proponent's letter withdrawing the Planning Proposal.

Council looks forward to your consideration of this matter.

Refers to: D2019/428837

If you require any further background regarding this Planning Proposal, please do not hesitate contact Council's Land Use Planning Manager, Carina Gregory on 6581 8576 or Carina.Gregory@pmhc.nsw.gov.au

Yours sincerely



Melissa Watkins
Director
Development & Environment

Encl. Ordinary Council Meeting Report and Minutes 11 December 2019 - Item 13.10

Item: 13.10

Subject: UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the current status of site specific Planning Proposal requests as described in this report.
2. Having regard to the deferral of the assessment report on the Planning Proposal Request for Ruins Way, Port Macquarie (PP2011-9.3) at the June 2019 Ordinary Council meeting, advise the Proponent that:
 - a) A revised Planning Proposal and supporting information describing proposed modifications to the proposal to achieve positive environmental outcomes is to be submitted to Council by 28 February 2020, and
 - b) If a revised Planning Proposal is not submitted to Council within the timeframe referred to in a.) above, the Council report (June 2019) recommending the proposal not be supported, be presented to Council for a decision in March 2020.
3. Request the General Manager write to the Minister for Planning and Open Spaces, in relation to the Planning Proposal for Bundaleer Aged Care, Wauchope (PP2017-6.1) requesting that pursuant to Section 3.35(4) of the Environmental Planning & Assessment Act 1979, the Planning Proposal not proceed.
4. Receive a further update report in six months regarding the progress of site specific Planning Proposal requests.

Executive Summary

The purpose of this report is to provide Council with an update on the current status of site specific Planning Proposal requests and to determine whether to progress all of these requests in the context of the Council's Strategic Land Use Planning Program and priorities.

Council at its Ordinary Meeting on 17 April 2019, considered a report on the status of twelve (12) site specific Planning Proposal requests (Item 12.08) and resolved to continue assessing all of these requests. In relation to the Mission Terrace, Lakewood Planning Proposal (PP2016-11.1), Council resolved to provide the Proponent with a further 3 months to resolve NSW Rural Fire Service concerns with the proposal. The RFS advised of its support for Planning Proposal in July 2019

subject to conditions, and following public exhibition, this Planning Proposal was reported to Council in November 2019 and is being finalised.

It is recommended that Council continue to assess all the Planning Proposal requests to amend the Port Macquarie-Hastings Local Environmental Plan 2011 as outlined in this report, excepting the Bundaleer Aged Care Planning Proposal (PP2017-6.1), which the Proponent has advised is to be withdrawn. As this Planning Proposal has received a Gateway Determination, Council will need to write to the Minister for Planning and Open Spaces, requesting the Minister to determine, pursuant to Section 3.35(4) of the *Environmental Planning & Assessment Act 1979*, that the matter not proceed.

It is also recommended in light of the deferral by Council in June 2019 of the assessment report on the Ruins Way Planning Proposal (PP2011-9.3) for further negotiations to take place on proposed modifications to the proposal to achieve positive environmental outcomes, that the Proponent be given until 28 February 2020 to submit a revised Planning Proposal and supporting information to Council. If a revised proposal is not submitted to Council within this timeframe, it is proposed that, as recommended in the June 2019 Council report, the Planning Proposal be presented to Council for a decision in March 2020.

Council will receive individual reports on each of these Planning Proposal requests at key stages of the process. A further update report on the progress of site specific proposals will be presented to Council in June 2020.

Discussion

Context - Council's Strategic Land Use Planning Program

Council's Strategic Land Use Planning Program is directed and based on the priorities and actions identified in the Operational Plan 2018-2019 and the 2017-2036 *Port Macquarie Hastings Urban Growth Management Strategy* (UGMS). The UGMS was adopted by Council in June 2018 and approved as the local planning strategy by the NSW Department of Planning & Environment in November 2018.

Projects currently being prioritised in the program include:

- Yippin Creek Urban Release Area
- Airport Business Park Precinct - Planning Proposal/LEP and DCP
- Implementation of the Port Macquarie Health and Education Precinct Master Plan
- Comprehensive review of Council's Development Control Plans
- Review of housing related LEP and DCP provisions to promote housing choice
- Outline Plan for Fernbank Creek and Sancrox areas
- Preparation of a new policy for Planning Proposals
- Input to development of a Regional City Action Plan (Priority action under the North Coast Regional Plan 2036)
- Administrative reviews and update of Port Macquarie Hastings LEP 2011
- Local Strategic Planning Statement

In addition to the above projects, the review, assessment and reporting of Planning Proposal requests to amend the LEP 2011 are undertaken by Council's Strategic Planning staff. These Planning Proposals are predominately initiated by proponents (being land owners, consultants, developers and/or their representatives) and seek to amend the planning controls applying to their land (for e.g. the land use zone, height of buildings, floor space ratio or minimum lot size).

There is a need to balance and prioritise the amount of staff resources allocated to progress site specific Planning Proposals, against the need to progress the major strategic planning projects identified in the UGMS, which are important to deliver coordinated community, economic, social or environmental outcomes to the Port Macquarie-Hastings community.

Site Specific Planning Proposal requests

Council, at its meeting on 17 April 2019, considered a report on the status of twelve (12) site specific Planning Proposal requests (Item 12.08) and resolved:

That Council:

1. *Note the current status of site specific Planning Proposal requests as described in this report.*
2. *In relation to the Planning Proposal Request (PP2016-11.1) for Lot 2 DP 771931, Mission Terrace Lakewood, provide the Proponent with a further 3 months (to 17 July 2019) to resolve the NSW Rural Fire Service concerns with the Planning Proposal, and if this is not able to be achieved that the matter be reported back to Council to determine the next steps.*
3. *Receive a further update report in six months regarding the progress of site specific Planning Proposal requests.*

This report provides an update on twelve (12) current Site Specific Planning Proposal requests as listed below.

1. Part Lot 245 DP 1227796 and Part Lot 399 DP1241278, Ruins Way, Port Macquarie
2. Nos. 11 and 33 Mumford Street, Port Macquarie
3. Part Lot 500, DP 1237901, Crestwood Drive, Port Macquarie
4. Part Lot 1 DP 1087368, Partridge Creek, Thrumster
5. Bundaleer Aged Care, 4-8 Johnstone Street and 67 High Street, Wauchope
6. Proposed Highway Service Centre: 1179 Oxley Highway, Sancrox
7. Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancrox
8. Lot 2 DP 1091253, Beach Street, Bonny Hills
9. Lot 10 DP 615755, Houston Mitchell Drive, Bonny Hills
10. The Chimneys, Lot 1 DP1161722, Homedale Road, Kew
11. Lot 202 DP 1133171 and Crown Land, Homedale Road, Kew
12. Lot 2 DP 771931, Mission Terrace, Lakewood

Council also resolved at its meeting on 20 February 2019, that an update be included in this bi-annual status report on the Le Clos, Sancrox Planning Proposal and this has been included in the Discussion section of this report.

Since the April 2019 Council report, two Planning Proposals have been finalised (Proposed Highway Service Centre, Sancrox and Homedale Road, Kew), and a new

Planning Proposal request has been lodged for Council-owned land at Partridge Creek, Thrumster.

Table 1 below provides a summary, by locality, of the status of each site specific Planning Proposal request to amend the LEP 2011. Please note that a key to the Status Category is provided in Table 2 below.

Table 1: Status of Site Specific Planning Proposal requests (December 2019)

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (April 2019)	Status Category (Dec 2019)	Fees Paid
Port Macquarie					
PP2011-9.3	Lot 245 DP 1227796 and Part Lot 399 DP1241278 Ruins Way, Port Macquarie	Rezone land from RU1 Primary Production to R1 General Residential	6	6 (Assessment report deferred by Council June 2019. Under negotiation)	Yes (Stage 1: 2011 Fees & Charges)
PP2014-10.1	Nos 11 and 33 Mumford Street, Port Macquarie	Rezone land from R1 General Residential and part E2 Environmental Conservation to Business Zone	5	5 (Additional information received June 2019. Under assessment)	Yes (Stage 1)
PP2017-4.1	Part Lot 500, DP 1237901 Crestwood Drive, Port Macquarie	Rezone land from RU1 Primary Production to B2 Local Centre and include 'Storage premises' as an additional permitted land use in the zone (Revised request)	5	5 (Revised PP lodged July 2019. Under assessment)	Yes (Stage 1)
Thrumster					
PP2019 - 7.1	Part Lot 1 DP 1087368, Partridge Creek, Thrumster <i>Council-owned land</i>	Amend location, rezone land and reduce the size of the current B1 Neighbourhood Centre zoned land to provide an improved location for the neighbourhood centre.	New	5 Planning Proposal lodged 26 August 2019. Under assessment	Yes (Stage 1)
Wauchope					

AGENDA

ORDINARY COUNCIL
11/12/2019

YOUR NATURAL AND
BUILT ENVIRONMENT

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (April 2019)	Status Category (Dec 2019)	Fees Paid
PP2017-6.1	Bundaleer Aged Care, Nos 4-8 Johnstone Street and No 67 High Street, Wauchope	Increase maximum building height from 8.5m to 14.5m and increase floor space ratio from 0:65:1 to 1:1.4 to enable redevelopment of the site for aged care development and a new Sub-Acute Care Centre	8	8 (Pending receipt of land owners consent since Dec. 2018)	Yes (Stage 1)
Sancrox					
PP2017-10.1	Proposed Highway Service Centre, 1179 Oxley Highway, Sancrox	Amendment to Schedule 1 (Additional permitted uses) to permit development for the purpose of a highway service centre	9	14 (Published NSW Legislation website 30 August 2019)	Yes (Stages 1 & 2)
PP2017-3.1	Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancrox	Rezone land from RU1 Primary Production to IN1 General Industrial for employment purposes	5	5 (Pending consideration of draft CKPoM and planning process for Sancrox)	Yes (Stage 1)
Bonny Hills					
PP2016-10.1	Lot 2 DP 1091253, Beach Street, Bonny Hills	Rezone land from RU1 Primary Production to part E2 Environmental Conservation and part R1 General Residential	12	12 (Submissions under review and updated studies. Proponent to revise PP)	Yes (Stage 1)
PP2014-14.1	Lot 10 DP 615755 and Lot 1 DP 1117908, corner Ocean Drive and Houston Mitchell Drive, Bonny Hills	Rezone land from RU1 Primary Production to Light Industrial and environmental purposes	5	11 (On public exhibition from 20 Nov. - 18 Dec 2019)	Yes (Stage 1)
Kew					



File No.	Property	Summary of requested amendments to LEP 2011	Status Category (April 2019)	Status Category (Dec 2019)	Fees Paid
PP2017-11.1	The Chimneys – Lot 1 DP1161722, Homedale Road, Kew	Rezone land from RU1 Primary Production to part R1 General Residential, part RE1 Public Recreation, part E2 Environmental Conservation and part E3 Environmental Management	5	5 (Since May 2019, pending lodgement of revised Planning Proposal)	Yes (Stage 1)
PP2014-12.1	Lot 202 DP 1133171 and Crown Land, Homedale Road, Kew	Rezone land from RU1 Primary Production to R1 General Residential and E2 Environmental Conservation	13	14 (Published NSW Legislation website 31 May 2019)	Yes (Stages 1 & 2)
Lakewood					
PP2016-11.1	Lot 2 DP 771931, Mission Terrace, Lakewood	Rezone land from RU1 Primary Production to part R1 General Residential and part E3 Environmental Management and amend associated development standards	9	13 (Nov. 2019 Council resolved to finalise the PP)	Yes (Stages 1 & 2)

Table 2: Key to Status Category

Category	Stage in the Planning Process
1	Written request received
2	Internal review and discussion with proponent
3	Report to Council for decision whether to include in Strategic Land Use Planning Program for the coming year
4	If included, Pre-lodgement meeting held; additional information or amended requirements
5	Planning Proposal lodged, under assessment and negotiation with Proponent
6	Assessment report to Council for decision on whether or not to support a Planning Proposal to proceed to the Gateway
7	Submitted to Department of Planning & Environment (DPIE) for Gateway determination
8	Gateway determination issued by DPIE
9	Government agency consultation; additional studies/ investigations (required by conditions of the Gateway determination)

Category	Stage in the Planning Process
10	Preparation for public exhibition
11	Public exhibition of Planning Proposal
12	Post-exhibition report to Council to consider submissions and for decision on whether or not to proceed to finalise the Planning Proposal
13	Finalisation of Planning Proposal/ LEP Amendment
14	LEP Amendment made and published on NSW Legislation website

1. Overview

Since the time of the April 2019 Council report, there has been significant progress on some site specific Planning Proposals as outlined in this report. This has included the finalisation of LEP amendments for the proposed Highway Service Centre (including a Planning Agreement and DCP provisions) and Homedale Road, Kew (including DCP provisions).

A large amount of work has also been undertaken by Council staff in relation to Planning Proposals for The Ruins Way, Port Macquarie, Crestwood Dr, Port Macquarie, Houston Mitchell Drive, Bonny Hills and Mission Terrace, Lakewood.

A report was presented in the November 2019 Council Business Paper on the Planning Proposal for Mission Terrace Lakewood following the recent public exhibition, and Council resolved to finalise the Planning Proposal. Also, the Houston Mitchell Drive Planning Proposal commenced public exhibition on 20 November for 28 days until 18 December 2019.

As shown in Table 1 above, four (4) out of the twelve (12) Site Specific Planning Proposal requests have progressed to the next stage in the planning process since this matter was last reported to Council on 17 April, 2019. These are:

- **PP2014-12.1 – Homedale Road, Kew:** Completed. LEP Amendment published NSW Legislation website 31 May 2019;
- **PP2017-10.1 – Proposed Highway Service Centre, Sancroix:** Completed. LEP Amendment published NSW Legislation website 30 August 2019;
- **PP2014-14. – Corner Ocean Drive and Houston Mitchell Drive, Bonny Hills:** Planning Proposal and DCP provisions on public exhibition from 20 November to 18 December 2019;
- **PP2016-11.1 - Mission Terrace, Lakewood -** Planning Proposal being finalised following the post-exhibition report on submissions received at the November Ordinary Council Meeting.

Although not as many Planning Proposal requests have progressed to the next stage of the process since the time of the April 2019 Council report (approximately 33%), a large amount of work has been undertaken by Council staff on a number of the Planning Proposals that have remained in the same Status Category (refer Table 2).

Actions have been undertaken by Council staff in relation to five (5) Planning Proposal requests since April 2019 which includes Ruins Way, Port Macquarie; Mumford Street, Port Macquarie; Crestwood Drive, Port Macquarie; Beach Street, Bonny Hills and The Chimneys, Kew. These proposals still remain in the same Status Category for a range of reasons including proponents lodging additional information requiring internal review/ referral, revised Planning Proposals to be

lodged (The Chimneys and Crestwood Drive), review and negotiations with proponents, and the need for supporting studies to inform and respond to submissions received (Beach Street, Bonny Hills).

For the remaining two (2) Planning Proposal requests which have remained in the same Status Category since April 2019 (Bundaleer Aged Care and Frogs Road, Sancrox), these applications require further actions to occur prior to proceeding to the next stage, as outlined in Table 1 to this report.

An update is provided below on specific Planning Proposals for Council's information.

2. PP2017 - 6.1 - Bundaleer Aged Care, 4-8 Johnstone Street and 67 High Street, Wauchope

As reported in the status update report to Council in April 2019, the Proponent has been requested to provide the land owner's consent for Lot 1 DP 603483 (4-8 Johnstone Street), in accordance with Council's resolution of 12 December 2018, provided below:

That Council:

1. *Note the information contained within this update report.*
2. *Request the General Manager write to the Mid North Coast Local Health District seeking to be removed from the current Lease S228374 and the subsequent Deed dated 20 March 1984.*
3. *Seek from the proponent, Love Project Management, the land owners consent for Lot 1 DP 603483 situated 4-8 Johnstone Street, Wauchope prior to further consideration of the Planning Proposal.*

The land owner's consent for Lot 1 DP 603483 has not been received to date. The Proponent has advised that the ownership of the land is a complex matter and that Council's resolution has been noted and further investigations have been undertaken. In terms of point 2 of Council's resolution, Council has requested to be removed from the current Lease and subsequent Deed; however, no response has been received from Mid North Coast Local Health District.

Since the time of status update report to Council in April 2019, Bundaleer Care Services lodged a Development Application (DA2019-481) in July 2019 for a proposed 140-bed Aged Care Facility at another site in Wauchope at 211 High Street. Council staff are currently assessing the DA, which will be determined by the Northern Joint Regional Planning Panel.

The proponent has now advised Council that the Planning Proposal has been withdrawn (Attachment 1). As the Planning Proposal has received a Gateway determination to proceed (11 July 2018), Council as the Planning Proposal Authority, has to request the Minister for Planning to determine that the matter not proceed under Section 3.35(4) of the EP&A Act, as Council itself does not have the power to do this.

In light of the Proponent's advice, lodgement of the DA and land ownership issues for the Johnstone Street site, it is recommended that Council write to the Minister for Planning and Open Spaces to request the Planning Proposal not proceed.

3. PP2011 - 9.3 - Ruins Way, Port Macquarie

Council at its Ordinary Meeting on 19 June 2019 considered an assessment report on the Planning Proposal request for Ruins Way, Port Macquarie and resolved:

That Council:

1. *Defer consideration of this item.*
2. *Request the General Manager schedule a Councillor briefing on the proposal as soon as practical.*
3. *Request the General Manager convene a meeting with the proponent and their representatives and relevant Council staff for the purpose of working towards potential modifications to the planning proposal that seek to achieve optimal outcomes for all parties, including protection of koala habitat under SEPP 44 and other positive environmental outcomes.*
4. *Request the General Manager provide a report back to Council regarding the outcomes of this meeting and any amendments to the Planning Proposal, once Council staff are in a position to finalise this review."*

The staff Recommendation of this report was that Council not support the Planning Proposal for the following reasons:

"Recommendation:

- a) The proposed development resulting from the Planning Proposal is considered unacceptable in terms of environmental impact, specifically:
 - i) up to 100% loss of existing Core Koala habitat within the proposed development precincts to satisfy Planning for Bushfire Protection requirements.
 - ii) loss of a significant corridor / habitat linkage between key foraging areas, with significance for genetic dispersal, and recovering vulnerable species, including koala.
 - iii) Incremental and cumulative habitat and connectivity loss, through ineffective offsets, barriers to movement, vehicle strike, and increased risk of dog attack and disease.
- b) The Planning Proposal is inconsistent with *North Coast Regional Plan 2036, Urban Growth Management Strategy 2017-2036, State Environmental Planning for Koala Habitat Protection and Coastal Management 2018, and the Biodiversity Conservation Act 2016.*
- c) The outcomes of the Planning Proposal do not have strategic merit and the request proposes development of land which is inconsistent with the Strategic Merit Test as outlined in the Department of Planning & Environment's Guidelines for Strategic and Site-Specific Merit Assessment Criteria for Planning Proposals.
- d) The request proposes development of land which, if supported, would be inconsistent with Object (b) and Object (e) of the *Environmental Planning and Assessment Act, 1979.*"

In accordance with Council's resolution, Council staff met with the proponent and land owner on-site on 17 July 2019, and following this the proponent submitted correspondence to Council (16 August 2019) regarding koala habitat offsetting. A Councillor briefing on this matter was held on 14 August 2019. Following Council's

letter of 19 September 2019, a further meeting was held between Council staff, the land owner and their representatives on 23 October 2019 in an effort to work towards potential modifications to the Planning Proposal to achieve positive environmental outcomes for the land holdings.

As Council is aware, this Planning Proposal has a lengthy history which commenced in April 2011, and a detailed chronology was included in the June 2019 Council report. Excluding the June report and this report, updates on the proposal have been reported to Council on eight (8) separate occasions (27 July 2011; 28 March 2012; 20 August 2014; 15 March 2017; 16 August 2017; 21 March 2018; 19 September 2018 and 17 April 2019). On two of these dates (15 March and 16 August 2017), the reports recommended that the proposal be discontinued as the information to support the preparation of a Planning Proposal had not been provided by the Proponent.

To date, the proponent has not submitted any modifications to the Planning Proposal which Council staff are able to assess and report back to Council. In light of the deferral of this matter by Council in June 2019, and the need for the Planning Proposal to be reconsidered by Council in a timely manner, it is recommended that the Proponent be given until the 28 February 2020 to submit a revised Planning Proposal and supporting information to Council for assessment.

If a revised proposal is not submitted to Council within this timeframe, it is proposed that the deferred June 2019 Council report, which recommended the Planning Proposal not be supported, be presented to Council for a decision in March 2020.

4. Le Clos, Sancrox

In accordance with Council's resolution at its Ordinary Meeting of 20 February 2019, regular updates will be included in this biannual update report on the progress of the Le Clos Sancrox Planning Proposal. Council at its meeting in February 2019 considered a report on future planning for the Fernbank Creek and Sancrox areas and resolved to, *"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."*

At the time of finalising this report, a Planning Proposal had not been formally lodged, however a preliminary Pre-Lodgement meeting was held between the planning consultants and Council staff in late October 2019. Following this meeting, Council staff provided detailed comments on the draft Planning Proposal and supporting technical studies to the planning consultants. This documentation is being reviewed by staff in parallel with the progression of a Structure Plan for the Fernbank Creek and Sancrox areas, in accordance with Council's resolution of 20 February 2019.

A separate report has been included in the December 2019 Business Paper in relation to the progress of planning investigations for Fernbank Creek and Sancrox, which includes the land known as Le Clos Sancrox.

Options

Council could opt to continue with all of the Site Specific Planning Proposal requests detailed in this report or discontinue any of them. In relation to the Planning Proposal for Bundaleer Aged Care, in light of the advice from the proponent that it will be withdrawn, Council will need to write to the Minister for Planning and Open Spaces,

requesting a determination under Section 3.35(4) of the EP&A Act that the matter not proceed any further.

Requests for Site Specific Planning Proposals are considered by Council as part of the Strategic Land Use Planning Program, and further reports are expected in 2020/21 to determine priorities.

Community Engagement & Internal Consultation

Consultation has been undertaken between Council staff and proponents in relation to each Site Specific Planning Proposal request and in some cases, there has also been consultation with State agencies.

Further community consultation consistent with the requirements of the *Environmental Planning and Assessment Act 1979* and the Department's – *A guide to preparing local environmental plans* and Council's adopted Community Participation Plan will occur where a Planning Proposal is supported by Council and a Gateway determination is received.

Planning & Policy Implications

Council's consideration of requests for Planning Proposals is governed by the *Environmental Planning & Assessment Act 1979*, EP&A Regulations, various state policies and Department of Planning & Environment guidelines.

As discussed earlier in this report, the assessment of site specific proposals is a part of Council's Strategic Planning Work Program which needs to be balanced against the need to progress key projects in the recently approved *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036*. An assessment report will be required on each Planning Proposal request for Council's decision as to whether or not to support an amendment being made to the LEP, and the forwarding of the Planning Proposal to the Department for a Gateway Determination.

In relation to the Planning Proposal Policy, a draft Policy has recently completed public exhibition (23 October to 20 November 2019), and a report is presented in the current Business Paper on the submissions received. Upon approval of the Policy by Council and commencement of the Policy, the requirements will need to be considered by proponents in the preparation and lodgement of Planning Proposal Applications to amend the LEP.

Financial & Economic Implications

Council fees consistent with current Fees and Charges will apply to each of the Planning Proposal requests to amend the LEP 2011.

Attachments

1 [View](#). Bundaleer Aged Care Planning Proposal - Formal Withdrawal



Love Project Management

PO Box 161 Wauchope NSW 2446

Phone: 0400953101

ABN: 26 108 622 745

Attachment

Director Strategy and Growth
Mr Jeffery Sharp
Port Macquarie – Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

29th November, 2019

Sent via email

Dear Jeff,

**RE: Planning Proposal for Bundaleer Aged Care Centre and
Sub-Acute Care Centre, Wauchope – Increase to Maximum Height Limits
4-8 Johnstone Street (Lot 1 DP 603483) and 67 High Street (Lot A DP 157092)**

Reference is made to the abovementioned property and the Planning Proposal lodged with Council in December 2017.

Please be advised that this Planning Proposal is formally withdrawn effective from today's date.

Please don't hesitate to contact the undersigned if you require any further information regarding this matter.

Regards

Michelle Love

Cc:

Louise Roberts
Chief Executive Officer
Bundaleer Care Services

Attachment

-
4. Receive a further report on any submissions to the Draft Development Control Plan following the public exhibition period.

CARRIED: 7/0

FOR: Alley, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

13.08 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT

Ms Cathy Eggert addressed Council in support of the recommendation and answered questions from Councillors.

Ms Lynda Binskin addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Griffiths/Alley

That Council note the information presented in the Kooloonbung Creek Flying-Fox Camp Management Plan quarterly update report.

CARRIED: 7/0

FOR: Alley, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

13.10 UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS

Councillor Alley declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:41pm.

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:41pm.

Ms Michelle Love, Love Project Management, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Turner/Hawkins

That Council:

1. Note the current status of site specific Planning Proposal requests as described in this report.
2. Having regard to the deferral of the assessment report on the Planning Proposal Request for Ruins Way, Port Macquarie (PP2011-9.3) at the June 2019 Ordinary Council meeting, advise the Proponent that:
 - a) A revised Planning Proposal and supporting information describing proposed modifications to the proposal to achieve positive environmental outcomes is to be submitted to Council by 28 February 2020, and

-
- b) If a revised Planning Proposal is not submitted to Council within the timeframe referred to in a.) above, the Council report (June 2019) recommending the proposal not be supported, be presented to Council for a decision in March 2020.
3. Request the General Manager write to the Minister for Planning and Open Spaces, in relation to the Planning Proposal for Bundaleer Aged Care, Wauchope (PP2017-6.1) requesting that pursuant to Section 3.35(4) of the Environmental Planning & Assessment Act 1979, the Planning Proposal not proceed.
4. Receive a further update report in six months regarding the progress of site specific Planning Proposal requests.

CARRIED: 5/0
FOR: Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

Councillor Alley returned to the meeting, the time being 8:43pm.

Councillor Levido returned to the meeting, the time being 8:43pm.

13.12 SANCROX QUARRY STATE SIGNIFICANT DEVELOPMENT PROPOSAL

Councillor Griffiths declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:44pm.

Mayor Pinson declared a Pecuniary Interest in this matter, vacated the Chair and left the room and was out of sight during the Council's consideration, the time being 8:44pm.

Deputy Mayor Intemann assumed the Chair.

Mr Frank Dennis addressed Council in opposition of the recommendation and answered questions from Councillors.

The Director of Development and Environment tabled Council's submission of concerns dated 11 December 2019 to the Department of Planning Industry and Environment in relation to the State Significant Development Proposal SSD 7293 Sancrox Quarry Expansion Project.

RESOLVED: Hawkins/Alley

That Council:

1. Note the information contained within the Sancrox Quarry State Significant Development Proposal report.
2. Request the General Manager table Council's submission of concerns dated 11 December 2019 to the Department of Planning Industry and Environment in relation to the State Significant Development Proposal SSD 7293 Sancrox Quarry Expansion Project and make it public on Council's website.