

**(FUTURE) PUBLIC EXHIBITION DATES**

**(Start) to (Finish)**

# **Planning Proposal under section 3.34 of the EP&A Act**

**Draft Port Macquarie-Hastings LEP 2011  
(Amendment No \*)**

**Proposed Increased in  
Building Height and Floor Space Ratio  
Lot 1 DP 603483 and Lot A DP 157092  
4-8 Johnstone Street and 67 High Street  
Wauchope**

PMHC ref: PP2017 - 6.1  
DP&E ref: PP\_2017\_PORTM\_\*  
Date: 5/06/2018



**Planning Proposal status (for this copy)**

Stage	Version Date (blank until achieved)
Reported to Council (section 3.33)	16 May 2018
Referred to Dept of Planning (sec 3.34 (1))	
Gateway Panel determination (sec 3.34 (2))	
Revisions required: Yes/No. Completed	
Public Exhibition (where applicable) (Schedule 1 s4)	
For Council review (sec 3.35 (1))	
Adopted by Council for final submission to Dept of Planning (sec 3.35 (2))	

**Council reference:** PP2017 - 6.1  
 (Amendment No will initially be blank) Port Macquarie-Hastings LEP 2011 (Amendment No \*)

**Department of Planning & \*  
 Environment reference:**

**Council Address**

Port Macquarie-Hastings Council  
 PO Box 84  
 PORT MACQUARIE NSW 2444

**Contact Officer**

Carina Gregory  
 Land Use Planning Manager  
 Email: carina.gregory@pmhc.nsw.gov.au  
 Phone: 6581 8111

**Adoption of the Planning Proposal**

**1. For initial Gateway determination**

This Planning Proposal was endorsed on 05/06/2018 by the undersigned Council delegate:

Signed  .....

Name Peter Cameron .....

Position Group Manager Strategic Land Use Planning .....

**2. For section 3.35 finalisation**

This Planning Proposal was endorsed on ..... by Port Macquarie-Hastings Council, or the undersigned Council delegate (delete one):

Signed .....

Name .....

Position .....

## Executive Summary & Exhibition information

### Planning Proposal

This is a Planning Proposal to permit development of certain land in Wauchope, being Lot 1 DP 603483, 4-8 Johnstone St and Lot A DP 157092, being 67 High St, for the purpose of residential care facilities to exceed the maximum height of building and maximum floor space ratio controls applying to land, as follows:

- a maximum height of 14.5m for specific parts of the site, and
- a maximum floor space ratio of 1.40:1.

### What is a Planning Proposal?

A Planning Proposal is a document that is prepared by a Council when it is intended to make changes to a local environmental plan and it sets out the justification for the proposed changes. It is used and read by a wide audience including government agencies responsible for deciding whether the proposed changes should proceed, as well as the general community.

Preparation of a Planning Proposal is the first step in preparing to make changes to the local environmental plan. This proposal is set out in the manner required by the state government and it contains information required by the state government when Council's prepare changes to their local environmental plans.

### What is the intent of this Planning Proposal?

The intent of this Planning Proposal is to amend Port Macquarie-Hastings Local Environmental Plan 2011 to allow development for the purpose of a residential care facility to exceed the maximum height limit and floor space ratio to enable redevelopment of Bundaleer Aged Care residential accommodation on 4-8 Johnstone Street and development of a Sub Acute Care Facility on 67 High St Wauchope.

The normal mechanism for making changes to the local environmental plan (LEP) is to prepare a 'Planning Proposal' and an amending LEP that will replace the relevant sections of text and or maps in the principle LEP for an area.

The Planning Proposal will be publicly exhibited for at least the minimum period that is set out in the Gateway Determination. Hard copies of this Planning Proposal will be available for the duration of the specified exhibition period at Council's offices between 8.30am and 4.30pm on normal business days. The Planning Proposal will also be available on Council's website:

[www.pmhc.nsw.gov.au](http://www.pmhc.nsw.gov.au)

Agencies and the general public can comment on the Planning Proposal during the exhibition period. All comments received during the exhibition period will be reported to Council for a final decision. Note that any submission may be made public.

Written submission can be made using the tab below or send your submission by email or post to:

The General Manager  
Port Macquarie-Hastings Council  
PO Box 84  
Port Macquarie NSW 2444  
Email [council@pmhc.nsw.gov.au](mailto:council@pmhc.nsw.gov.au)

For any enquiries relating to the Planning Proposal, please contact Carina Gregory on 6581 8111 or via email [carina.gregory@pmhc.nsw.gov.au](mailto:carina.gregory@pmhc.nsw.gov.au)

**Table of Contents**

---

**Summary of Planning Proposal ..... 1**

**Background ..... 1**

    Part 1 - Objectives or Intended Outcomes..... 5

    Part 2 - Explanation of Provisions..... 5

    Part 3 – Justification..... 7

        Section A - Need for the Planning Proposal. .... 7

        Section B - Relationship to strategic planning framework..... 8

        Section C - Environmental, social and economic impact. ....13

        Section D - State and Commonwealth interests.....14

    Part 4 – Mapping..... 15

    Part 5 – Community Consultation ..... 16

    Part 6 – Project Timeline ..... 17

    Appendix A – Gateway Determination ..... ..

    Appendix B – Consistency with State Environmental Planning Policies..... ..

    Appendix C – Consistency with Ministerial Directions..... ..

    Attachment 1 Report to Council 16 May 2018 ..... ..

    Attachment 2 Council Meeting Minutes 16 May 2018 ..... ..

    Attachment 3 Planning Proposal Request..... ..

    Attachment 4 Planning Proposal Plans ..... ..

    Attachment 5 Traffic Impact Assessment ..... ..

    Attachment 6 Stormwater Drainage Plan..... ..

    Attachment 7 High Street Elevation and Visual Analysis ..... ..

    Attachment 8 Development and Design Statement..... ..

    Attachment 9 Urban Design Review Report ..... ..

## Summary of Planning Proposal

<b>Proposal</b>	Allow residential care facilities to exceed the permitted maximum building height and maximum floor space ratio controls applying to the land.
<b>Property Details</b>	Lot 1 DP 603483 and Lot A DP 157092 4-8 Johnstone Street and 67 High Street Wauchope
<b>Current Land Zone</b>	R1 General Residential
<b>Applicant Details</b>	Love Project Management
<b>Land owner</b>	Wauchope District Memorial Hospital

## Background

This is a Planning Proposal prepared in accordance with the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment’s *A guide to preparing planning proposals 2016* and *A guide to preparing local environmental plans 2016*.

This Planning Proposal explains the intended effects of a proposed amendment to the *Port Macquarie-Hastings Local Environmental Plan (PMHLEP) 2011* to increase the maximum floor space ratio and maximum building height for an aged care facility on Lot 1 DP 603483 being 4-8 Johnstone Street and Lot A DP 157092 being 67 High Street, Wauchope.

The land is the subject of a request to prepare a Planning Proposal lodged by Love Project Management on behalf of Bundaleer Care Services, a not-for-profit residential care provider located in Wauchope. The request is to accommodate a concept design for redevelopment of both lots, requiring an increase in the maximum height limit from 8.5m to 14.5m for specific areas of both lots and an increase in the maximum floor space ratio applying to both lots from 0.65:1 to 1.40:1.

There is an existing nursing home on 4-8 Johnstone Street constructed c.1978, which requires complete demolition and reconstruction to satisfy current nursing home standards. No.67 High Street is a vacant site.

Bundaleer Care Services are seeking to provide a 140 bed aged care facility on 4-8 Johnstone St and a Sub-Acute care facility on 67 High St. Bundaleer Care Services have indicated that grant funding is being sought for the aged care facility subject to specific timeframes for the construction of the development.

The proposed Residential Care Facility is a significant development in Wauchope and it is acknowledged that there are social and economic benefits associated with the proposal. The key question is to what extent Council should vary the established building height and floor space ratio (FSR) provisions for the land on which the Residential Care Facility is proposed, having regard to the impacts on surrounding land and the character of Wauchope generally.

An independent urban design review was completed by Architectus Pty Ltd (March 2018), on behalf of Council. The urban design review provides expert advice on appropriate maximum height and floor space ratio (FSR) controls to ensure the development does not significantly impact on adjoining properties or the character of the Wauchope Township and provides justification for an inconsistency with the North Coast Urban Design Guidelines.

The urban design review provides support for a significant increase in height and FSR above that currently permitted on the subject land, in recognition of the beneficial outcomes for the provision of additional aged care facilities in Wauchope.

The recommendations provided by Architectus did not support the full increase in height and FSR being sought by Bundaleer Care Services.

On 16 May 2018, Council considered a planning report on the Planning Proposal (**Attachment 1**). Council gave consideration to representations from Bundaleer Care Services at the meeting. Having regard to the benefits of the development to the community, and the indication that the development would not proceed if the height limit was not increased in line with the Applicant's request, Council resolved (Minutes at **Attachment 2**) to support the full increase in height and FSR sought by Bundaleer Care Services.

### The Site

The site has a total area of 10,052m<sup>2</sup> and is comprised of two land parcels: Lot 1 DP 603483 being 4-8 Johnstone Street and Lot A DP 157092 being 67 High Street Wauchope. The site is within the residential area of Wauchope.

Under Port Macquarie-Hastings LEP 2011, the site is zoned R1 General Residential and is subject to a maximum height limit of 8.5m and a floor space ratio of 0.65:1.

#### Lot 1 DP 603483, 4-8 Johnstone Street

This lot has an area of 7,712m<sup>2</sup> with its northern boundary having a frontage of about 67m to Johnstone St. There is an existing single storey nursing home on the site, constructed c.1978.

Land adjoining to the west contains a single storey dwelling house with detached single storey structures. Land to the south contains Wauchope District Hospital, which is a single storey weatherboard and fibro building with a metal hipped roof.

Land adjoining to the north east forms part of the grounds of Wauchope Public School. Part of the eastern boundary adjoins 41 Campbell St, which is the site of the Wauchope Presbyterian Church, a locally listed heritage item.

Lot A DP 157092, 67 High Street

This lot has an area 2,340m<sup>2</sup> with its southern boundary having a frontage of about 24.8m to High St and is currently vacant.

The western boundary adjoins Wauchope District Hospital, with the rear section of the western boundary adjoining 4-8 Johnstone St.

The eastern side boundary adjoins land containing a single storey dwelling house currently adapted for use as a dentist clinic. The rear boundary adjoins the site of the Wauchope Presbyterian Church.

Figure 1 below shows the location of the site in context of the Wauchope urban area. The plan at Figure 2 shows the location of the site in relation to existing zones.



Figure 1: Locality Context



Figure 2: Site Context



## Part 1 - Objectives or Intended Outcomes

The intended outcome of this Planning Proposal is to permit development of certain land in Wauchope for the purpose of residential care facilities to exceed the maximum height of building and maximum floor space ratio controls applying to land, as follows:

- a maximum height of 14.5m for the area labelled “A” shown in Figure 3,
- a maximum floor space ratio of 1.40:1.

## Part 2 - Explanation of Provisions

The intended outcome is to allow residential care facilities on the land to achieve building heights and floor space ratios greater than any other form of development on the site.

It is proposed to allow the following increase in the maximum height of buildings and the maximum floor space ratio, but only for development for the purposes of residential care facilities:

- for the areas labelled “A” in Figure 3 (Proposed), a maximum height limit of 14.5m, and
- for the entire site, edged in red in Figure 4 (Proposed), the floor space ratio shall not exceed 1:40:1.

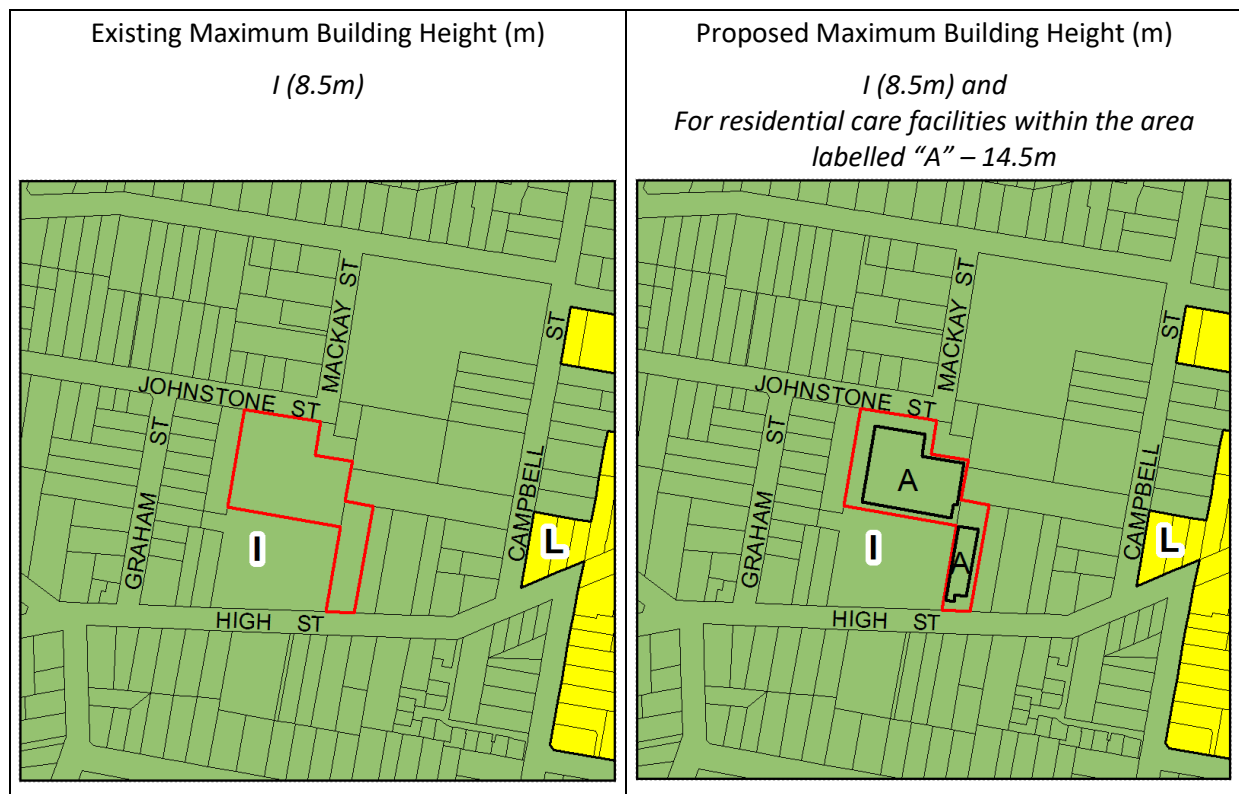


Figure 3: Heights - existing & proposed

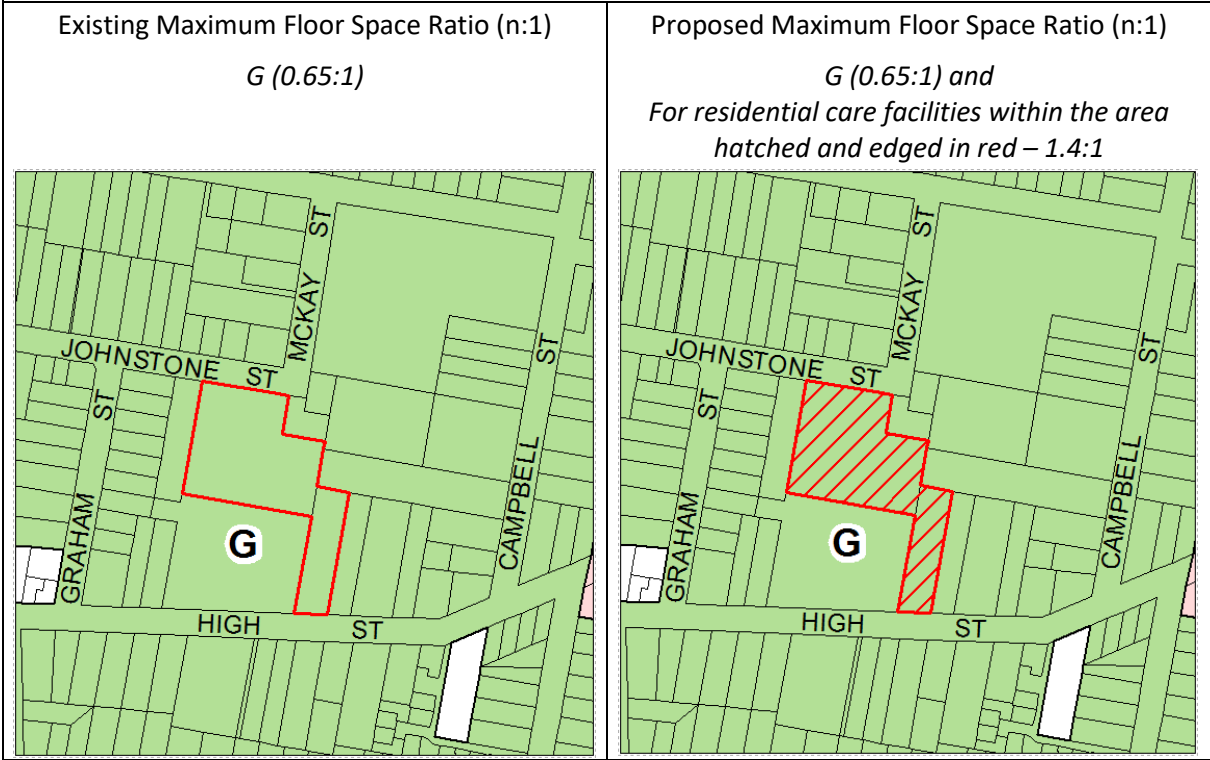


Figure 4: Floor space ratio - existing & proposed

## Part 3 – Justification

### Section A - Need for the Planning Proposal.

#### 1. Is the Planning Proposal a result of any strategic study or report?

The land is the subject of a rezoning request lodged on behalf Bundaleer Care Services, a not-for-profit residential care provider located in Wauchope. There is an existing nursing home on 4-8 Johnstone Street constructed c.1978, and requires complete reconstruction to satisfy current nursing home standards.

Bundaleer Care Services are seeking to provide a 140 bed aged care facility on 4-8 Johnstone St and a Sub-Acute care facility on 67 High St. Bundaleer Care Services have indicated that grant funding is to be made available for the development subject to specific timeframes for the construction of the development.

Plans and reports submitted in support of the rezoning request were:

- Planning Proposal request prepared by Love Project Management (December 2017) (**Attachment 3**),
- Planning Proposal Plans prepared by ADG Architects (December 2017) (**Attachment 4**),
- Traffic Impact Assessment, SECAsolution (20 November 2017) (**Attachment 5**),
- Stormwater Drainage Plan, Lindsay Dynan (15 December 2017) (**Attachment 6**),
- High Street Elevation and Visual Analysis by ADG Architects (20 April 2018), (**Attachment 7**)
- Development and Design Statement by ADG Architects (May 2018) (**Attachment 8**).

An Urban Design Review report (Architectus Pty Ltd, March 2018) (**Attachment 9**) was commissioned by Council to review the requested changes in height limits and floor space ratios for the site, and to provide recommendations for appropriate controls having regard to the Wauchope Framework Plan and the North Coast Urban Design Guidelines.

The brief for the Urban Design Review required the recognition of the social benefits of the proposed additional aged care facilities proposed and to make recommendations for increases in the building heights and floor space ratio controls that could reasonably be achieved on the land without significant impact on adjoining properties or on the character of the locality and Wauchope generally.

The recommendations of the Urban Design Review were considered by Council. Following representations from Bundaleer Care Services indicating that the development would not proceed if the recommendations of Architectus were adopted, Council resolved to support the full extent of increase in height limit and floor space ratio requested.

#### 2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Applicant initially sought Council advice about using clause 4.6 of Port Macquarie-Hastings LEP 2011 for a variation in the height of buildings and floor space ratio controls. Council development control staff advised that a variation of up to 10% may be able to be

supported, however, a greater variation should be pursued through an amendment to the LEP.

To achieve the proposed yield without change to the planning controls would require the acquisition of additional land by Bundaleer Care Services. Council is prepared to consider the proposed increase in height of building and floor space ratio controls to assist the development to proceed without the additional costs of land acquisition.

It is noted that an increased floor space ratio of up to 1:1 is permissible for residential care facilities under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. However, the SEPP does not provide for an increased height limit on the site.

It is considered that the Planning Proposal is the best way to achieve the intended outcomes.

## **Section B - Relationship to strategic planning framework.**

### **3. Is the Planning Proposal consistent with the objectives and actions of the North Coast Regional Plan 2036 (NCRP).**

#### **Goal 1 The most stunning environment in NSW**

Direction 1: The delivery of environmentally sustainable growth.

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

#### Response

The Planning Proposal site is within the mapped Urban Growth Area in the NCRP.

Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments.

Action 2.1: Focus development to areas of least biodiversity sensitivity in the region and implement the “avoid, minimise, offset” hierarchy to biodiversity, including areas of high environmental areas.

#### Response

The Planning Proposal applies to existing developed land that has minimal biodiversity value and is consistent with Action 2.1.

Direction 3: Manage natural hazards and climate change

Action 3.1 Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.

#### Response

The site is not subject to any natural hazards.

### Goal 3 Vibrant and engaged communities

#### Direction 20 Maintain the region's distinctive built character

Action 20. 1 Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009).

#### Response

The North Coast Urban Design Guidelines provides categorisation of different urban settlements. Under the Guidelines, Wauchope would be categorised as a Major Town. Chapter 10 provides settlement growth guidelines.

Relevant principles to apply to all future development are:

- Ensure development responds sensitively to the density and scale of the existing settlement,
- Concentrate new development and increased heights and densities in town centres and in areas of greatest public amenity/services/infrastructure that have already been influenced by urban development

The Guidelines provide urban design guidelines for various built forms. Residential care facilities are not included in the built form typologies.

The Guidelines emphasise the need to carefully manage the impacts of development.

It is acknowledged that the development will have some localised impacts on adjoining land and the density and scale are inconsistent with the density and scale of existing development.

However, Council has supported the proposal due to the social, health and economic benefits that will accrue through the grant funding that will be secured for the development, and the increased health and aged care services that will be provided within Wauchope.

Given the specific circumstances associated with the proposal, it is unlikely that the development will be followed by further 4 storey development proposals and the overall character of Wauchope will be maintained.

Having regard to the benefits, Council considers any inconsistencies with the North Coast Urban Design Guidelines and Regional Plan are justified.

#### **4. Is the Planning Proposal consistent with Council's Community Strategic Plan and Urban Growth Management Strategy 2011 – 2031?**

The PMHC Towards 2030 Community Strategic Plan 2017 (CSP) identifies the following overarching vision of the community:

*A sustainable high quality of life for all.*

Objective 4 of the CSP is "A connected, sustainable, accessible community and environment that is protected now and into the future.

Key strategies include:

4.3 Facilitate development that is compatible with the natural and built environment

4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area

The 2017-2021 Delivery Plan and Operational Plan provides Objective 4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development. Actions include the implementation of high priority actions under the UGMS.

The Port Macquarie Urban Growth Management Strategy 2011 – 2031 (the UGMS) provides the strategic framework for residential, rural residential, retail, industrial and tourism development in the Port Macquarie-Hastings local government area.

The UGMS acknowledges the fundamental role social infrastructure plays in creating and enhancing towns and villages. It is through the connections and services that are facilitated in the physical places and facilities that well being, capacity and resilience are promoted within communities. The use and embellishment of existing infrastructure as well as the timing and placement of new infrastructure is an important contributing driver to the determination of settlement patterns and maintaining social sustainability.

Table 7.3 of the UGMS identifies the need for the expansion of Wauchope Hospital (which immediately adjoins the site of the Planning Proposal) in the medium term.

The UGMS also notes (p.131) that

*“There will be areas without social infrastructure and given financial constraints, it will be difficult to provide facilities in a timely fashion even in well located communities.*

*All levels of Government, the community and the private sector will need to enter into partnerships to provide social infrastructure to facilitate sustainable growth.*

Bundaleer Care Services aim to meet the need for social infrastructure of aged care services through federal grant funding. In this respect, the proposed Planning Proposal is consistent with the UGMS.

The UGMS provides Urban Consolidation Planning Principles, including:

- To promote urban consolidation in central, well-connected locations that provides a range of services or recreation opportunities for residents.
- To provide a mix of housing types and facilitate an increased supply of affordable and adaptable housing.
- To improve the streetscape and amenity of the public domain in and around areas of urban consolidation.
- To encourage good urban design, including mixed use development.

The site is relatively centrally located, and will provide a supply of residential care housing.

The proposed amended development controls will assist in the supply of residential care accommodation in Wauchope.

It is considered that the proposal is generally consistent with the UGMS.

## 5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of consistency with State Environmental Planning Policies (SEPPs) of relevance is below. Appendix B provides a detailed list.

SEPP	Consistent	Reason for inconsistency or comment
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	<p><i>This Policy aims to encourage the provision of housing (including residential care facilities) that will:</i></p> <ul style="list-style-type: none"> <li><i>(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</i></li> <li><i>(b) make efficient use of existing infrastructure and services, and</i></li> <li><i>(c) be of good design.</i></li> </ul> <p>Any development application for residential care facilities will be required to be assessed under the SEPP.</p> <p>The Planning Proposal is not inconsistent with the SEPP.</p>
State Environmental Planning Policy (Infrastructure) 2007	Yes	<p><i>The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:</i></p> <ul style="list-style-type: none"> <li><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i></li> <li><i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i></li> <li><i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i></li> <li><i>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i></li> <li><i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i></li> <li><i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.</i></li> </ul> <p>Clause 101 – Development with frontage to classified road will apply to development of the High St site. Primary access to the site is proposed to be from Johnstone Street. The Traffic Impact Assessment (<b>Attachment 5</b>) has adequately demonstrated that operation of the Oxley Highway (High ST0 will not be adversely affected by the development. The design of the development will be required to address road traffic noise, which will be required at development application stage. It is expected that there are building design features capable of ameliorating noise and vehicle emissions.</p>

State and Regional Development 2011	Yes	<p><i>The aims of this Policy are as follows:</i></p> <p><i>(a) to identify development that is State significant development,</i></p> <p><i>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</i></p> <p><i>(c) to identify development that is regionally significant development.</i></p> <p>The development may exceed the threshold of \$30million capital investment and would become regionally significant development. In this case, the development will be determined by the Joint Regional Planning Panel.</p>
-------------------------------------	-----	--

### 6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of consistency with Ministerial Directions of relevance is below. Appendix C provides a detailed list.

### 3. Housing, Infrastructure and Urban Development

<i>S117 Direction</i>	<i>Consistent</i>	<i>Reason for inconsistency or comment</i>
No 3.1 - Residential Zones	Yes	<p><i>The objectives of this direction are to provide for existing/future housing needs, make efficient use of existing infrastructure and minimise the impact of residential development on the environment and resource lands.</i></p> <p>The Planning Proposal will allow the provision of an increase in residential care housing. The site is relatively centrally located to the centre of the township of Wauchope and will make efficient use of existing infrastructure. There will be no impact on environment or resource lands.</p>
No 3.4 - Integrating Land Use and Transport	Yes	<p><i>This direction aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight.</i></p> <p>The site is relatively centrally located to the centre of Wauchope, enabling increased access to public transport, and reducing travel demand for trips generated from the development. There is a local bus service in High St.</p>



## 5. Regional Planning

<i>S117 Direction</i>	<i>Consistent</i>	<i>Reason for inconsistency or comment</i>
No 5.10 - Implementation of Regional Plans	Yes	<i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i> The site is within the area identified for future urban development in the <i>North Coast Regional Plan 2036</i> .

## 6. Local Plan Making

<i>S117 Direction</i>	<i>Consistent</i>	<i>Reason for inconsistency or comment</i>
No 6.1 - Approval and Referral Requirements	Yes	<i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i> The proposal is consistent with this direction.
6.3 - Site Specific Provisions	Yes	<i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i> The Planning Proposal intends to allow a particular type of development on a specific site to exceed the existing development standards applying to the land. Consequently, the site specific controls do not increase the restrictions on development but allow specific development to exceed the controls.

## Section C - Environmental, social and economic impact.

### 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?

There will be no impact on significant ecological resources.

### 8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The future development of the site will require the removal of a number of trees. These are not considered to be significant, and will be assessed as part of any future development application.

### 9. How has the Planning Proposal adequately addressed any social and economic effects?

The proposal seeks to facilitate the provision of a significant increase in residential care housing and sub acute care accommodation. The provision of the accommodation is considered to be a priority need in the area, and will attract government funding.

## **Section D - State and Commonwealth interests.**

### **10. Is there adequate public infrastructure for the Planning Proposal?**

Vehicular access is available. Traffic impacts have been assessed (Traffic Impact Assessment, SECA solution, 20 November 2017) (**Attachment 5**) and can be addressed at development application stage.

Sewer and water services are available and considered satisfactory to service redevelopment of the site.

Electricity and telecommunications infrastructure is expected to be satisfactory.

### **11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

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

*This section of the Planning Proposal will be updated prior to public exhibition.*

## **Part 4 – Mapping**

Proposed map amendments to PMHLEP 2011 are generally described in Part 2 of this Planning Proposal. The method of implementing the changes will be determined in consultation with the Department of Planning and Environment and the Parliamentary Counsel's Office.

## **Part 5 – Community Consultation**

It is proposed to undertake community consultation consistent with the requirements of the Gateway Determination. Consultation will include notification in a local newspaper and written notification to adjoining landowners. In addition, the exhibition material will be available on Council's website and at the Port Macquarie Administration building and Wauchope Branch office for the duration.

*This section of the Planning Proposal will be updated following public exhibition.*

## Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays.

Planning Proposal process outline	2018							2019	
	J	J	A	S	O	N	D	J	F
Commencement (date of Gateway determination)	X								
Timeframe for the completion of required additional information		X							
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)									
Commencement and completion dates for public exhibition period			X						
Dates for public hearing (if required)									
Timeframe for consideration of submissions				X					
Timeframe for the consideration of a proposal post exhibition					X				
Date of submission to the Department to finalise the LEP						X			
Date Council will make the plan (if delegated)							X		
Date Council will forward to the Department for notification								X	

## **Appendix A – Gateway Determination**

A copy of the Gateway Determination for this Planning Proposal will be included in this Appendix after it is issued.

The Determination will identify processing requirements, such as:

- community consultation, or
- possible changes to this proposal.

At the time of preparation of this version of the planning proposal there has been no Gateway Determination.

## Appendix B – Consistency with State Environmental Planning Policies

Listed below are the State Environmental Planning Policies (SEPPs) that currently apply to land within the Port Macquarie-Hastings Local Government Area.

State Environmental Planning Policies	Consistency
21 Caravan Parks	Not applicable
30 Intensive Agriculture	Not applicable
33 Hazardous and Offensive Development	Not applicable
36 Manufactured Home Estates	Not applicable
44 Koala Habitat Protection	Not applicable
50 Canal Estate Development	Not applicable
55 Remediation of Land	Not applicable
62 Sustainable Aquaculture	Not applicable
64 Advertising and Signage	Not applicable
65 Design Quality of Residential Flat Development	Not applicable
Affordable Rental Housing 2009	Not applicable
Building Sustainability Index: BASIX 2004	Not applicable
Coastal Management 2018	Not applicable
Educational Establishments and Child Care Facilities 2017	Not applicable
Exempt and Complying Development Codes 2008	Not applicable
Housing for Seniors or People with a Disability 2004	Any development application for residential care facilities will be required to be assessed under the SEPP. The Planning Proposal is not inconsistent with the SEPP.
Infrastructure 2007	Clause 101 – Development with frontage to classified road will apply to development of the High St site. Primary access to the site is proposed to be from Johnstone Street. The Traffic Impact Assessment ( <b>Attachment 5</b> ) has adequately demonstrated that operation of the Oxley Highway (High St) will not be adversely affected by the development. The design of the development will be required to address road traffic noise, which will be required at development application stage. It is expected that there are building design features capable of ameliorating noise and vehicle emissions.
Mining, Petroleum Production and Extraction Industries 2007	Not applicable

State Environmental Planning Policies	Consistency
Miscellaneous Consent Provisions 2007	Not applicable
Rural Lands 2008	Not applicable
State and Regional Development 2011	The development may exceed the threshold of \$30million capital investment and would become regionally significant development. In this case, the development will be determined by the Joint Regional Planning Panel.
State Significant Precincts 2005	Not applicable
Vegetation in Non-Rural Areas 2017	Not applicable



## Appendix C – Consistency with Ministerial Directions

Listed below are the Section 9.1 (2) Directions (including Objectives) that currently apply to land in the Port Macquarie-Hastings Local Government Area.

Copies of the full Directions are available on the Department of Planning & Environment website.

Ministerial Directions and Objectives	Consistency
<b>1 Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b> The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Not applicable.
<b>1.2 Rural Zones</b> The objective of this direction is to protect the agricultural production value of rural land.	Not applicable
<b>1.3 Mining, Petroleum Production and Extractive Industries</b> The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Not applicable.
<b>1.4 Oyster Aquaculture</b> The objectives of this direction are: (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	Not applicable
<b>1.5 Rural Lands</b> The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	Not applicable
<b>2 Environment and Heritage</b>	
<b>2.1 Environmental Protection Zones</b> The objective of this direction is to protect and conserve environmentally sensitive areas.	Not applicable.
<b>2.2 Coastal Protection</b>	Not applicable

Ministerial Directions and Objectives	Consistency
The objective of this direction is to implement the principles in the NSW Coastal Policy.	
<p><b>2.3 Heritage Conservation</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	Adjoining land to the east contains a heritage item. However, the proposal is not considered to have a potential for significant impact on the item.
<p><b>2.4 Recreation Vehicle Areas</b></p> <p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p>	Not applicable.
<p><b>3 Housing, Infrastructure and Urban Development</b></p>	
<p><b>3.1 Residential Zones</b></p> <p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	The proposal will increase the availability of residential care facilities in Wauchope.
<p><b>3.2 Caravan Parks and Manufactured Home Estates</b></p> <p>The objectives of this direction are:</p> <p>(a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p>	Not applicable.
<p><b>3.3 Home Occupations</b></p> <p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	Not applicable.
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p>	The site is relatively centrally located to the centre of Wauchope, enabling increased access to public transport, and reducing travel demand for trips generated from the development. There is a local bus service in High St.

Ministerial Directions and Objectives	Consistency
<p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	
<p><b>3.5 Development Near Licensed Aerodromes</b></p> <p>The objectives of this direction are:</p> <p>(a) to ensure the effective and safe operation of aerodromes, and</p> <p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	Not applicable.
<p><b>3.6 Shooting Ranges</b></p> <p>The objectives are:</p> <p>(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	Not applicable.
<p><b>4 Hazard and Risk</b></p>	
<p><b>4.1 Acid Sulfate Soils</b></p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	Not applicable.
<p><b>4.2 Mine Subsidence and Unstable Land</b></p> <p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	Not applicable.
<p><b>4.3 Flood Prone Land</b></p> <p>The objectives of this direction are:</p>	Not applicable.

Ministerial Directions and Objectives	Consistency
<p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	
<p><b>4.4 Planning for Bushfire Protection</b>  The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p> <p><i>Further details:</i></p> <p><b>When this direction applies</b>  This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p><b>What a relevant planning authority must do if this direction applies</b></p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <p>(a) have regard to <i>Planning for Bushfire Protection 2006</i>,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes</p>	<p>Not applicable.</p>

Ministerial Directions and Objectives	Consistency
<p>the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
<p><b>5 Regional Planning</b></p>	
<p><b>5.4 Commercial &amp; Retail Development along the Pacific Hwy, North Coast</b></p> <p>The objectives for managing commercial and retail development along the Pacific Highway are:</p> <p>(a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;</p> <p>(b) to prevent inappropriate development fronting the highway;</p> <p>(c) to protect public expenditure invested in the Pacific Highway;</p> <p>(d) to protect and improve highway safety and highway efficiency;</p> <p>(e) to provide for the food, vehicle service and rest needs of travellers on the highway; and</p> <p>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</p>	<p>Not applicable.</p>

Ministerial Directions and Objectives	Consistency
<p><b>5.10 Implementation of Regional Plans</b> The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	<p>The site is within the area identified for future urban development in the North Coast Regional Plan 2036.</p>
<p><b>6 Local Plan Making</b></p>	
<p><b>6.1 Approval and Referral Requirements</b> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The proposal is consistent with this direction.</p>
<p><b>6.2 Reserving Land for Public Purposes</b> The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>Not applicable.</p>
<p><b>6.3 Site Specific Provisions</b> The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>The Planning Proposal intends to allow a particular type of development on a specific site to exceed the existing development standards applying to the land. Consequently, the site specific controls do not increase the restrictions on development but allow specific development to exceed the controls.</p>

**Attachment 1 Report to Council 16 May 2018**





**Attachment 2 Council Meeting Minutes 16 May 2018**



**Attachment 3 Planning Proposal Request**



**Attachment 4 Planning Proposal Plans**



**Attachment 5 Traffic Impact Assessment**





**Attachment 6 Stormwater Drainage Plan**



**Attachment 7 High Street Elevation and Visual Analysis**



**Attachment 8 Development and Design Statement**



**Attachment 9 Urban Design Review Report**