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**12.05 PLANNING PROPOSAL: BUNDALEER AGED CARE CENTRE, 4-8  
JOHNSTONE STREET AND 67 HIGH STREET, WAUCHOPE**

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Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in this matter and remained in the room during the Council's consideration.

Mr Gareth Norman, Bundaleer Care Services, addressed Council in opposition of the recommendation and answered questions from Councillors.

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

**MOTION**

*MOVED: Intemann/Alley*

That Council:

3. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 to permit development of the land for the purpose of residential care facilities to exceed the maximum height of building and maximum floor space ratio controls applying to land in Wauchope, as follows:
  - a) In respect to Lot 1 DP 603483, 4-8 Johnstone St:
    - i) maximum height of 11.5m for the area labelled "A" and 14.5m to the area labelled "B" shown in Figure 17 of this report
    - ii) maximum floor space ratio of 1.30:1,
  - b) In respect to Lot A DP 157092, being 67 High St:
    - i) maximum height of 11.5m for the area labelled "A" in Figure 17 of this report,
    - ii) maximum floor space ratio of 1.00:1.
  - c) The flexibility provisions of Clause 4.6 Exceptions to development controls, and 5.6 Architectural roof features, will not apply to the additional permitted height limits.
4. Forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.
5. Prepare a draft Development Control Plan in respect to the land, and exhibit concurrently with the Planning Proposal, incorporating the provisions described in the report.
6. Request that the Secretary of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 3.36 of the Act in respect of the Planning Proposal.
7. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Section 3.34 Gateway Determination, prior to public exhibition of the proposal.
8. Undertake community consultation in accordance with the Gateway Determination.
9. Receive a report following the public exhibition period to demonstrate

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compliance with the Gateway Determination and to assess any submissions received.

#### AMENDMENT

*MOVED: Turner/Hawkins*

That Council:

1. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 to permit development of the land for the purpose of residential care facilities to exceed the maximum height of building and maximum floor space ratio controls applying to land in Wauchope being Lot 1 DP 603483, 4-8 Johnstone St and Lot A DP 157092, 67 High St, as follows:
  - a) maximum height of 14.5m for the area shown blue in Figure 4 of this report
  - b) maximum floor space ratio of 1.4:1
2. Forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.
3. Request that the Secretary of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 3.36 of the Act in respect of the Planning Proposal.
4. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Section 3.34 Gateway Determination, prior to public exhibition of the proposal.
5. Undertake community consultation in accordance with the Gateway Determination.
6. Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.

*CARRIED: 6/3*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Pinson and Turner*

*AGAINST: Alley, Intemann and Levido*

#### THE AMENDMENT BECAME THE MOTION AND WAS PUT

*RESOLVED: Turner/Hawkins*

That Council:

1. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 to permit development of the land for the purpose of residential care facilities to exceed the maximum height of building and maximum floor space ratio controls applying to land in Wauchope being Lot 1 DP 603483, 4-8 Johnstone St and Lot A DP 157092, 67 High St, as follows:
  - a) maximum height of 14.5m for the area shown blue in Figure 4 of this report
  - b) maximum floor space ratio of 1.4:1

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2. Forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.
  3. Request that the Secretary of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 3.36 of the Act in respect of the Planning Proposal.
  4. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Section 3.34 Gateway Determination, prior to public exhibition of the proposal.
  5. Undertake community consultation in accordance with the Gateway Determination.
  6. Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.

*CARRIED: 6/3*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Pinson and Turner*  
*AGAINST: Alley, Intemann and Levido*

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#### **12.06 PLANNING PROPOSAL: PROPOSED HIGHWAY SERVICE CENTRE, 1179 OXLEY HIGHWAY, SANCROX**

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Councillor Intemann declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:23pm.

Councillor Cusato left the meeting, the time being 07:23pm.  
Councillor Cusato returned to the meeting, the time being 07:25pm.

Mr Michael Mowle, Hopkins Consultants, addressed Council in support of the recommendation.

*RESOLVED: Alley/Cusato*

That Council:

1. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 to permit development of Lot 11 DP 1029846, 1179 Oxley Highway, Sancrox:
  - a) To permit development for the purpose of a Highway Service Centre, including ancillary hotel or motel accommodation for heavy vehicle drivers, and
  - b) to permit subdivision to excise the Highway Service Centre from the balance of the site, despite the minimum lot size provisions.
  - c) To permit subdivision, following construction of the Highway Service Centre, without being subject to the minimum lot size shown in the lot size map.
  - d) To retain a dwelling entitlement on the residue lot.
2. Forward the Planning Proposal to the NSW Department of Planning and

