
Item: 06.02

Subject: MAYORAL MINUTE - PLAZA SITE AND ADJOINING LANDS - URBAN DESIGN

Mayor, Peter Besseling

RECOMMENDATION

That Council:

- 1. Note the urban design significance of the Plaza site and adjoining lands and the intent of the Port Macquarie Foreshore Final Vision & Master Plan (2009), the Hastings Regional Crown Reserve Precinct A Plan of Management (2014), Development Control Plan 20 Port Macquarie Town Centre (2009) and Port Macquarie-Hastings Development Control Plan 2013, to support excellence in urban design for this land.**
- 2. Prepare a draft planning proposal, pursuant to section 55 of the Environmental Planning and Assessment Act 1979, to amend the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to Lot 701 DP1026899, Lot 2 Sec 70 DP 758852 & Lot 7084 DP 1105463 Short Street, Port Macquarie and Lot 7003 DP 1026692 William Street, Port Macquarie and Lot 702 DP 729806, Lot 703 DP729806, Lot 704 DP 729806 & Lot 705 DP 729806 Clarence Street, Port Macquarie to:**
 - a) Include the land in the Significant Urban Areas Map so that Clause 7.11A Design Excellence applies.**
 - b) Amend Clause 7.11A to include provisions that require the consent authority to have regard to the activation of foreshore frontages.**
- 3. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.**
- 4. 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 59 of the Act in respect of the planning proposal.**
- 5. Note that Development Control Plan 20 Port Macquarie Town Centre (2009), which is the basis for the Port Macquarie Town Centre provisions in Port Macquarie-Hastings Development Control Plan 2013, was prepared with assistance from the Department of Planning's Urban Design Advisory Service (UDAS) and GM Urban Design and Architecture Pty Ltd.**

Discussion

The lands in the vicinity of the Plaza Carpark, on the foreshore of the Kooloonbung Creek entrance, are of particular significance for the community. The lands are highly visible from our foreshore reserves and form part of the eastern gateway to the Port Macquarie CBD.

The urban design significance of these lands has been recognised by numerous plans for our town including the Port Macquarie Foreshore Final Vision & Master Plan (2009), the Hastings Regional Crown Reserve Precinct A Plan of Management (2014), Development Control Plan 20 Port Macquarie Town Centre (2009) and Port Macquarie-Hastings Development Control Plan 2013. Each of these plans includes extensive community engagement processes.

Planning controls that aimed to facilitate high quality urban design outcomes for these lands were originally developed and adopted by Council through Development Control Plan 20 Port Macquarie Town Centre (2009) and were later incorporated into Port Macquarie-Hastings Development Control Plan 2013. However, it is noted that changes to the Environmental Planning & Assessment Act 1979 effectively reduced the weight of planning controls in a development control plan to have a guidance effect only. As a consequence, amendments to Port Macquarie-Hastings Local Environmental Plan 2011 are needed to ensure that urban design outcomes can be appropriately considered as part of the assessment of any application for future development of the land.

It is proposed to amend the Port Macquarie-Hastings Local Environmental Plan 2011 so that Clause 7.11A Design Excellence applies. Clause 7.11A states:

7.11A Design excellence

- (1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Port Macquarie-Hastings.*
- (2) This clause applies to development involving the erection of a new building, or external alterations or additions to an existing building, on land identified as "Significant Urban Area" on the [Significant Urban Areas Map](#).*
- (3) This clause does not apply to development that the consent authority considers to be minor.*
- (4) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
 - (c) whether the development detrimentally impacts on view corridors,*
 - (d) whether the development incorporates active frontages to key streets and to pedestrian thoroughfares,*
 - (e) how the development addresses the following matters:*
 - (i) the suitability of the land for development,*
 - (ii) existing and proposed uses and use mix,*
 - (iii) heritage issues and streetscape constraints,*
 - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) bulk, massing and modulation of buildings,*
 - (vi) street frontage heights,*
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

- (viii) *the achievement of the principles of ecologically sustainable development,*
- (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
- (x) *the impact on, and any proposed improvements to, the public domain.*

It is also proposed to amend Clause 7.11A to include a provision relating to the activation of foreshore frontages to ensure that, in addition to achieving high quality design outcomes, any development of the lands effectively relates to the foreshore which is such an important community asset.

Attachments

Nil

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RESOLVED: Besseling

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CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Sargeant

That Council determine that an attachment to Item Number 09.03 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil