

Our reference: CRM PP2011 - 9.3
PIN: 69823

18 November 2021

Jeremy Gray
Director, Northern Region
Local and Regional Planning
Locked Bag 9022 Grafton NSW 2460

Dear Mr Gray

Planning Proposal to amend Port Macquarie-Hastings Council Local Environmental Plan 2011

At the Ordinary Meeting held 15 September 2021, Port Macquarie-Hastings Council determined as follows:

RESOLVED: Intemann/Hawkins

That Council:

1. *Note the long standing Planning Proposal P2011 - 9.3 for Lot 499, DP1258597, Blackwood St, Port Macquarie under the NSW Government's Public Spaces Legacy Program (PSLP) was not completed by 30 June 2021 as required under the funding program.*
2. *Note there have been extended negotiations between Council staff and the Proponent to achieve a supportable development outcome on Lot 499 DP1258597 since June 2019.*
3. *Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for a map only amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 for part Lot 499 DP1258597, Blackwood Street, Port Macquarie which rezones the subject land from RU1 Primary Production to part R1 General Residential and part E2 Environmental Conservation in accordance with Figure 2 of the report, and applies the following associated development standards to the land:*
 - a) *Minimum Lot Size of 450sqm for land to be zoned R1 General Residential,*
 - b) *A maximum Height of Buildings of 8.5m for land to be zoned R1 General Residential,*
 - c) *A maximum Floor Space Ratio of 0.65:1 for land to be zoned R1 General Residential,*
4. *Forward the Planning Proposal described in point 3 above to the NSW Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise the Minister to be the local plan-making authority.*
5. *Delegate authority to the Director Development and Environment to make any minor amendments to the Planning Proposal as a result of the issue of the Gateway Determination, prior to public exhibition of the Planning Proposal, if Council is authorised as the local plan-making authority.*

CARRIED: 6/0

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

AGAINST: Nil

Consistent with the Council resolution, staff have prepared a planning proposal under section 3.33 of the Environmental Planning & Assessment (EP&A) Act 1979 to rezone Lot 499 DP1258597, Blackwood Street, Port Macquarie, for residential and environmental purposes, and to amend associated development standards.

The planning proposal is based on the staff assessment report to Ordinary Council 15 September 2021, and agency advice, that the proponent proposal cannot be supported in the form submitted in January 2021, or as amended by the Proponent's revised layout submitted 25 May 2021 due to the expected impact on High Environmental Value land.

The Planning Proposal as submitted, represents a workable compromise between the Proponent's revisions in May 2021 and Council staff concerns. It provides an evidence base for revising the proposed residential developable area to approximately 2 hectares of land, and conserving immediate surrounding environmental values.

In accordance with section 3.34(1), a copy of the planning proposal was uploaded to the NSW Planning Portal on 18 October 2021, and reloaded on 22 October 2021.

The planning proposal is broadly consistent with the North Coast Regional Environmental Plan 2036, Council's Local Strategic Planning Statement Shaping Our Future 2040, Port Macquarie-Hastings Council Urban Growth Management Strategy (UGMS) 2036, and relevant State Environmental Planning Policies (SEPPs).

The planning proposal is for a map only amendment to Port Macquarie-Hastings LEP 2011 based on a variation of a request from Love Project Management Pty Ltd to rezone Lot 499 from RU1 Primary Production to R1 General Residential. A copy of the proponent's request and supporting information to Council has been uploaded to the Planning Portal.

The proposed amending local environmental plan (LEP) aims to complete implementation of the North Coast Regional Plan 2036 in this location. If finalised, the amending LEP will conserve important environmental values at the immediate site, including serious and irreversible impact species (SIIS) in zone E2 Environmental Conservation, and provide for new low density housing within identified limits to urban growth.

Consistent with the Council resolution of 15 September 2021, the Minister is requested to be the local plan-making authority.

Council requests that the Minister for Planning and Public Spaces review and make a determination in relation to the planning proposal under section 3.34(2) and 3.34(3) of the EP&A Act, 1979, together with agreement in relation to the planning proposals consistency with Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.2 Coastal Management, 2.6 Remediation of Contaminated Land, 3.1 Residential zones, 3.2 Caravan Parks and MHEs, 3.4 Integrating land use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flooding, 4.4 Planning for Bushfire Protection, and 5.10 Implementation of Regional Plans.

Please note that Port Macquarie-Hastings Council does not support further expansion of growth within the balance of Lot 499 due to its known environmental sensitivity and importance to the persistence of a viable local Koala population under approved Koala Plans of Management.

Should you have any questions or comments in relation to this matter, please contact Leanne Fuller on (02) 6581 8111 or email Leanne.Fuller@pmhc.nsw.gov.au

Yours sincerely



Melissa Watkins

Director Community, Planning and Environment