
11.01 TASTINGS ON HASTINGS - PREVIOUS EVENT COMPARISONS

RESOLVED: Turner/Hawkins

That Council:

1. Note the information in the Tastings on Hastings - Previous Event Comparisons report.
2. Request the General Manager to bring a report back on the 2016 Tastings on Hastings event to the December 2016 Council Meeting.

CARRIED: 8/0

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

AGAINST: Nil

12.01 NOTICE OF MOTION - RECYCLING SERVICES FOR MULTI-UNIT DWELLINGS

RESOLVED: Intemann/Levido

That Council request the General Manager to provide a report to the August 2016 Council Meeting on progress and plans for improving recycling services for multi-unit dwellings.

CARRIED: 8/0

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

AGAINST: Nil

12.02 LOT 7 AND NO 40 READING ST, PORT MACQUARIE - REZONING AND DEVELOPMENT APPLICATION FOR SUBDIVISION

RESOLVED: Intemann/Griffiths

That Council:

1. Prepare a draft planning proposal as described in this report, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to amendments to the Land Zoning Map, Lot Size Map and Floor Space Ratio Map for Lot 7 DP 1142473, Reading Street, Port Macquarie.
2. 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.
3. Request that the Director General 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.

CARRIED: 8/0

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

AGAINST: Nil

12.03 SUBMISSION ON THE NSW BIODIVERSITY REFORMS

RESOLVED: Besseling/Cusato

That Council forward a submission to the NSW Government in response to the public exhibition of the NSW Biodiversity Reforms.

CARRIED: 8/0

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

AGAINST: Nil

Item - 13.01 Question from Previous Meeting - Council Stockpiling of Road Materials
- has been moved to another part of the document.

13.02 CONCEPT DESIGN FORESHORE WALKWAY - BREAKWALL

RESOLVED: Hawkins/Griffiths

That Council:

1. Note the information contained in the report relating to the preparation of the Concept Plan for the Foreshore Walkway - Breakwall.
2. Place the Concept Design for the Foreshore Walkway - Breakwall on public exhibition for the period from 7 July 2016 to 19 August 2016.

CARRIED: 8/0

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

AGAINST: Nil

13.03 CONCEPT DESIGN FOR THE UPGRADE OF JOHN OXLEY DRIVE - WRIGHTS ROAD TO THE RUINS WAY

RESOLVED: Griffiths/Turner

That Council:

1. Note the information contained in this report relating to the preparation of the Concept Plan for the Upgrade of John Oxley Drive from Wrights Road to The Ruins Way.
 2. Note that the prepared concept design will be used as a corridor plan for decision making relating to activities or proposals that will impact upon the current and proposed John Oxley Drive corridor.
-

Looking After Our Environment

Item: 12.02

Subject: LOT 7 AND NO 40 READING ST, PORT MACQUARIE - REZONING
AND DEVELOPMENT APPLICATION FOR SUBDIVISION

Presented by: Development and Environment Services, Matt Rogers

Alignment with Delivery Program

4.9.2 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That Council:

1. Prepare a draft planning proposal as described in this report, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*, for the amendment of the provisions of *Port Macquarie-Hastings Local Environmental Plan 2011*, in relation to amendments to the Land Zoning Map, Lot Size Map and Floor Space Ratio Map for Lot 7 DP 1142473, Reading Street, Port Macquarie.
2. 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.
3. Request that the Director General 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.

Executive Summary

Lot 7 Reading Street, Port Macquarie straddles the upper reaches of Wrights Creek, and is zoned R1 General Residential, E2 Environmental Conservation and RU6 Transition. An eastern portion zoned R1 General Residential is both difficult to development, and has high environmental values, while a western portion zoned E2 Environmental Conservation is simpler to develop and has lower environmental values.

Following discussions with the owners, they have submitted a combined Development Application and Rezoning Application for alteration of the zoning and associated residential subdivision for Lot 7, involving:

1. The western area of 2745 sqm being:
 - a) zoned R1 General Residential.
 - b) minimum lot size of 450 sqm.
 - c) maximum floor space ratio of 0.65:1.
 - d) creation of 3 lots (plus boundary adjustment with adjoining No 40).

Looking After Our Environment

2. The residue 1.497 Ha being:
 - a) zoned E2 Environmental Conservation.
 - b) minimum lot size of 1.5 Ha.
 - c) no maximum floor space ratio.
 - d) dedication to Council of the land.

This report initiates the rezoning processes.

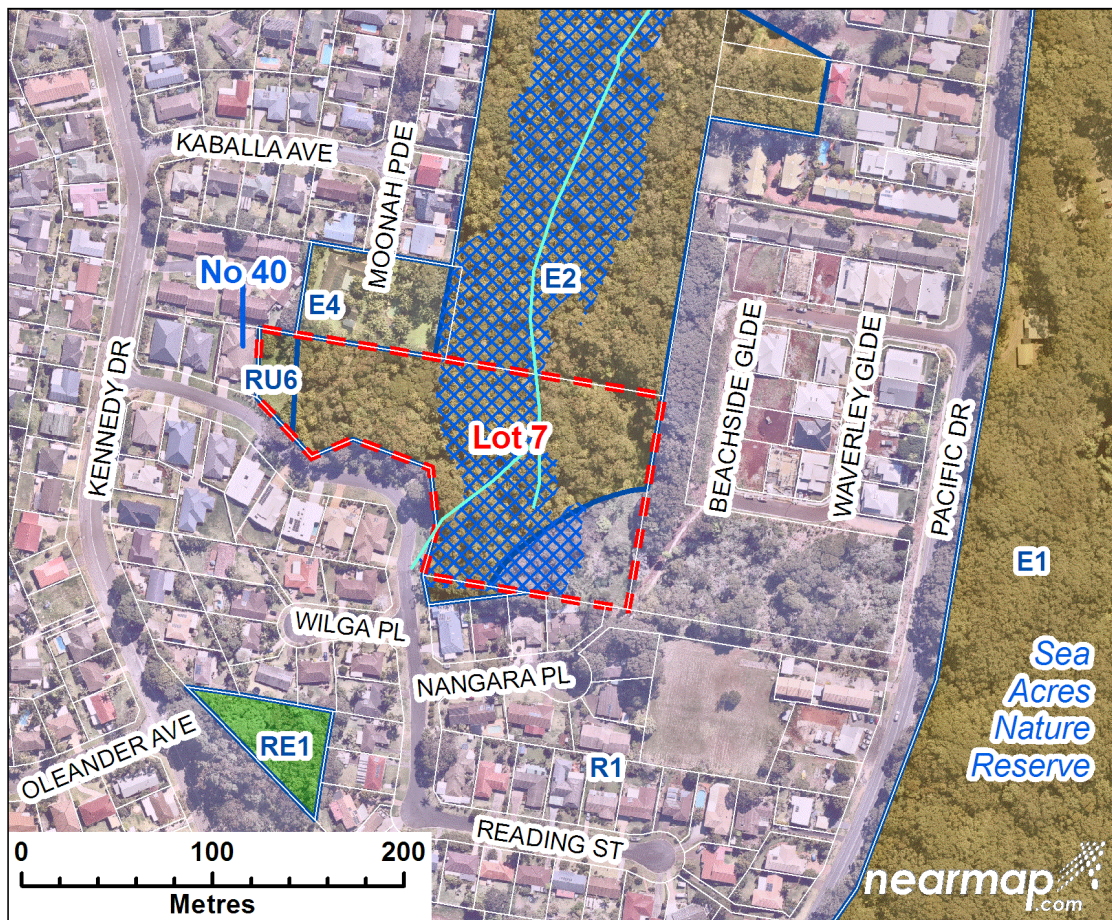
Following public exhibition, a report will be submitted relating to decisions on:

- Finalisation of the rezoning (PP2016-0003.1).
- Determination of Development Application (DA2016-0053.1).
- Approval to sign a Voluntary Planning Agreement relating to dedication of the residue land.

Any consent will not commence until the LEP amendments come into force.

Discussion

Lot 7 DP 1142473 is the residue of the subdivision of the northern section of Reading Street, Port Macquarie. It is on the upper reaches of Wrights Creek, and part of it is vulnerable to local flooding:



Looking After Our Environment

The only part of the lot not vegetated is the western 20 m wide asset protection zone strip adjoining No 40 Reading Street, and it is subject to a restriction as to user preventing the erection of buildings. This part is zoned RU6 Transition.

The bulk of the lot is zoned E2 Environmental Conservation, though the south-eastern corner is zoned R1 General Residential. Vehicular access to that land is not possible from Nangara Place and impractical along a steep narrow 'paper road' from Pacific Drive.

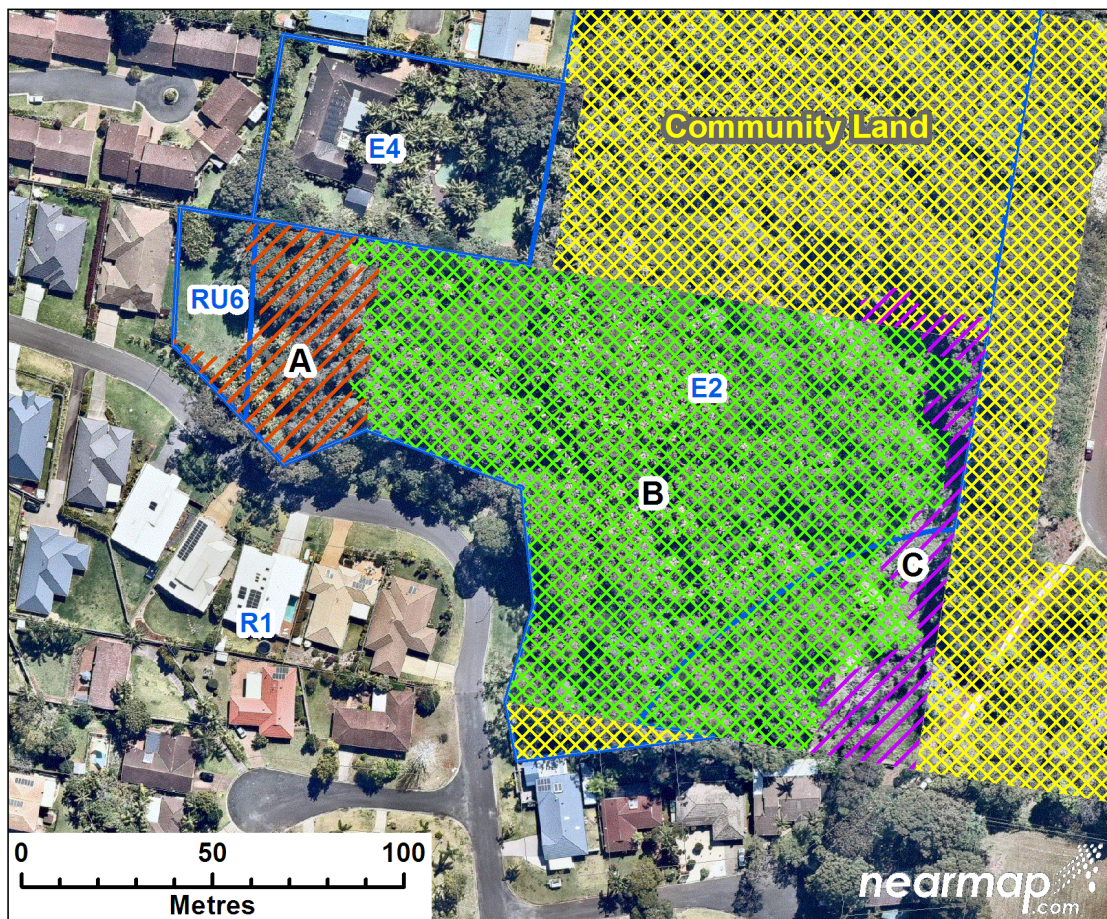
Ecological Assessment

Broadscale mapping of vegetation indicates that the bulk of the lot is covered with either:

- Broad-leaved Paperbark - Bangalow Palm Swamp Rainforest or
- Flooded Gum Moist Riparian and Gully Forest

and most of this is identified as endangered ecological communities

In 2014, a detailed ecological assessment based on a site inspection was made, and is summarised below:



Looking After Our Environment

Code	A	B	C
Type	Wet Sclerophyll Forest	Palm Swamp Rainforest	Palm Swamp Rainforest; Lowland Subtropical Rainforest; Biconvex Paperbark
Significance	One Biconvex Paperbark: listed as a threatened species under EPBC & TSCA	Listed as an endangered ecological community under EPBC & TSCA. Many Biconvex Paperbark: listed as a threatened species under EPBC & TSCA. Multiple large hollow bearing trees.	Rainforest types: listed as endangered ecological communities under EPBC & TSCA. Paperbark: listed as a threatened species under EPBC & TSCA
Condition	Highly degraded	Very good	Degraded
Conservation value	Low	Very high,	High - with rehabilitation, will contribute to connectivity.
Connectivity value	Low	Very high	Very high

As described below, a development application has been lodged, and is accompanied by a more detailed *Statutory Ecological Assessment - Proposed Subdivision of Lot 7 DP 1142473, Reading Street, Port Macquarie*, by NatureCall Environmental, 2015. Key details recorded are:

“The site vegetation consists of a swamp rainforest community which is fringed by Flooded Gum dominated wet sclerophyll forest. The former community was found to be in good condition with little evidence of weed invasion and other disturbances. Weeds and other edge effects were however common in the wet sclerophyll forest which has been subject to previous clearing and underscrubbing, especially in the development envelope in the west of the site and in a highly disturbed patch of this community in the east.

The site forms part of the upper reaches of Wrights Creek which has a narrow floodplain extending through the centre of the site. The vegetation within the floodplain qualified as the EEC *Lowland Rainforest on Floodplain*. Rainforest vegetation occurring on site outside this floodplain also qualified as the EEC *Lowland Rainforest*. The entire swamp rainforest community on site qualified as the nationally listed EEC *Lowland Rainforest of Subtropical Australia*.

The survey detected a large population of the threatened flora species *Melaleuca biconvexa* in the study area. This species is listed as Vulnerable under both State and Federal legislation. This species mainly occurred in the central portion of the site and extended into adjacent habitat to the north. A small patch of this species is located in the development envelope.

The fauna survey did not detect any threatened fauna species, but the limited survey techniques undertaken is acknowledged as a limitation. A number of threatened fauna species were considered potential occurrences on the basis of

Looking After Our Environment

habitats present in the study area and local records. These were mainly wide ranging species that would only have potential to use the site/study area as a small part of their larger range.

The site did not qualify as Potential Koala Habitat due to the lack of primary browse species and no Koalas were detected during the survey. Consequently, a Koala Plan of Management is not required for the proposal. A Koala was however previously observed on the site by a nearby resident, and the site is considered to have refuge and linkage values via being part of the Wrights Creek remnant and being surrounded by urban woodland which contains primary browse species.

The proposal is for a residential development in the west of the site which will see four Lots created and an APZ with an access to Reading St. A fifth residual Lot is proposed which encompasses the remainder of the site. This Lot will be dedicated to Council as a reserve and protected under via E2 zoning. As such, the proposed development will only see the removal/modification of about 1800m² of modified wet sclerophyll forest vegetation in the west of the site. This includes the patch of *Melaleuca biconvexa* and four low value hollow-bearing trees.

For the EECs, and known and potentially occurring threatened flora and fauna, the overall impacts of the proposal (while negative and contributing to threatening processes) are considered unlikely to be significant as:

- The vegetation to be removed represents the marginal fringe of a much larger patch of habitat and has an evident disturbance history which has limited its values.
- About 90% of the site habitat will be retained and dedicated to Council as a reserve, and managed under a VMP. This habitat contains all of the site's EECs, along with most of the site's hollow-bearing trees and the overwhelming majority of the population of *Melaleuca biconvexa* on site.
- The local population of *Melaleuca biconvexa* extends well off site and the study area, and the loss of the relatively minor sub-population in the development envelope has no capability of undermining the genetic integrity or evolutionary potential of the species in the study area or locality.
- The Koala and fauna species considered to be potentially occurring on the site are unlikely to significantly rely on the habitats present in the study area due to their ecology, habitat limitations of the site, and the limited extent of the site; hence critical lifecycle stages are not likely to be restricted to the site or study area.
- Fragmentation impacts on habitats and local corridors will be minimal and no new barriers for the subject species will be created
- A range of mitigation measures will be implemented to ensure potential indirect impacts can be managed, including treating the new edge to minimise edge effects, and mitigating weed invasion over the residual."

This is consistent with the initial assessment by Council staff.

Looking After Our Environment

Future use

Development of the portion of Lot 7 currently zoned R1 is difficult and undesirable due to:

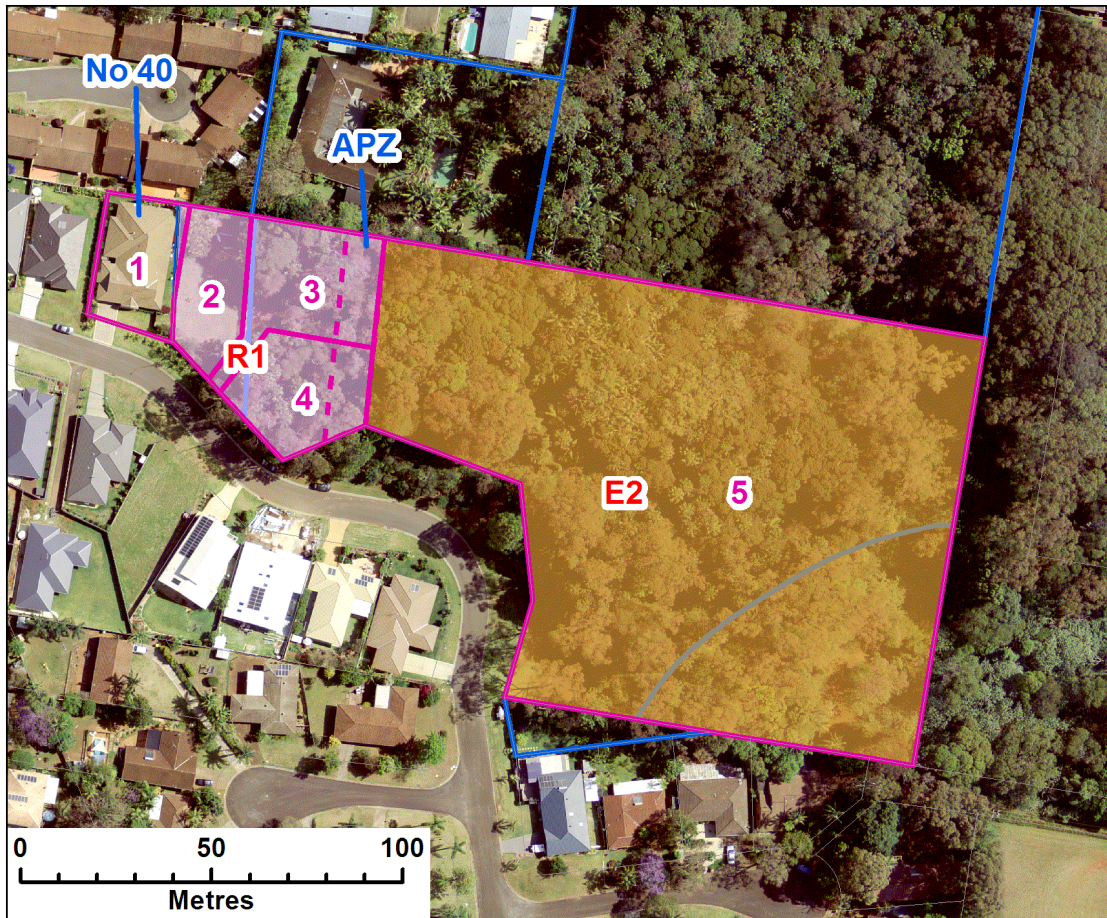
- Vehicular access is not possible from Nangara Place and impractical along a steep narrow 'paper road' from Pacific Drive.
- The R1 area has ecosystem significance as a link in strengthening a wildlife corridor between Sea Acres Nature Reserve and the vegetated Wrights Creek corridor. Note that the recent Waverley Glade subdivision resulted in the southern area being dedicated to Council for environmental management. The proposed area of dedication will form an extension of this corridor.
- It is partly flood liable.

Discussions have taken place with the owners, R & A Little, in relation to a change of zoning to preserve the south-eastern area, and in lieu to permit subdivision of the western area. This also provides advantages to the owner due to the lower cost of providing infrastructure.

As any rezoning is closely aligned with details of the proposed development, it was proposed that the owners submit a combined application for amendment of the LEP together with a development application dependent on the LEP amendment commencing. This is provided for in Part 3 Division 4B of the *Environmental Planning and Assessment Act 1979*.

The owners have submitted the combined application, which includes a boundary adjustment involving the adjoining property (No 40) to the west. The proposed rezoning does not involve that lot. The map below shows the proposed subdivision layout and proposed new zone boundaries:

Looking After Our Environment



It is also appropriate to make corresponding changes to the Lot Size Map and the Floor Space Ratio Map.

The long term future of the area to be zoned E2 Environmental Conservation (proposed Lot 5) has been discussed with the owners. It is proposed that as part of this proposal that the land be dedicated to Council at no cost. This cannot be required as a consent condition, and the owners have offered to enter into a Planning Agreement to require dedication of proposed Lot 5 with the first linen release involving Lot 7. The Planning Agreement is currently being drafted, and it is intended that it be exhibited concurrently with the rezoning and development application.

The dedicated land will be incorporated into the Wrights Creek corridor public reserve management as part of Council's public bushland management programme.

Options

Council could take no action on the rezoning. This would imply refusal of consent for the development application, and provide no certainty over rehabilitation and long-term maintenance of the endangered ecological community vegetation. It would also leave the developer with a substandard development option that will effectively sever an important habitat linkage between the Wrights Creek Corridor and Sea Acres.

Looking After Our Environment

Community Engagement & Internal Consultation

There have been discussions with the owners, and also with two neighbours. At the appropriate stage in the rezoning process, there will be a combined exhibition for at least 28 days of, and opportunity for public input on:

- The rezoning Planning Proposal.
- The Development Application.
- The draft Voluntary Planning Agreement.

Relevant Council staff have been involved in consideration of this matter.

Planning & Policy Implications

This proposal is consistent with improved development and environmental outcomes, Council's *Urban Growth Management Strategy 2011-2031* and the *Looking After Our Environment & Planning & Providing Our Infrastructure* Focus Areas of the Delivery Plan.

There are no specific policy implications.

Financial & Economic Implications

Council will be accepting responsibility for ongoing maintenance of the E2 Environmental Conservation area that is proposed to be dedicated. Due to its location and relatively good condition, it is anticipated that with limited work on weed control, that this area will improve naturally. Costs of maintaining this area would be absorbed into the operational costs of the bushland management and weed control teams and are not considered significant.

The proposed subdivision will make available three residential lots that are unlikely under the current zoning. The development of these lots will have a positive economic impact.

Attachments

Nil