
08.02 ROADSIDE VEGETATION

Mr Raymond Griffiths, representing the Rollands Plains Community Group, addressed Council in regard to roadside vegetation and answered questions from Councillors.

REQUESTS TO SPEAK ON AN AGENDA ITEM

The Mayor advised of requests to speak on an agenda item, as follows:

Item 12.02 – Mr Anthony Thorne, King and Campbell Pty Ltd, in support of the recommendation.

Item 12.03 – Mr Peter Scott, Scott PDI Pty Ltd, in support of the recommendation.

Item 12.05 – Mr Geoff Perry in opposition of the recommendation.

Item 12.05 – Ms Sally Murphy in support of the recommendation.

MOTION: Dixon/Turner

That the requests to speak on an agenda item be acceded to.

CARRIED: 9/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

MOVED:

That Standing Orders be suspended to allow Items 12.02, 12.03 and 12.05 to be brought forward and considered next.

12.02 PLANNING PROPOSAL FOR DIAMOND DRIVE, PORT MACQUARIE

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 5:49pm.

Mr Anthony Thorne, King and Campbell Pty Ltd, addressed Council in support of the recommendation.

RESOLVED: Griffiths/Intemann

That Council:

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1. Prepare a draft planning proposal as described in this report in relation to Lot 22 DP 1229697 and Nos 19-31 Diamond Drive, Port Macquarie, pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979, for the amendment of Port Macquarie-Hastings Local Environmental Plan 2011.
 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 3.34, 3.35 and clause 4 of Schedule 1 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 3.36 of the Act in respect of the planning proposal.

CARRIED: 8/0

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

AGAINST: Nil

12.03 UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and remained out of sight during the Council's consideration.

Councillor Alley declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 5:51pm.

Mr Peter Scott, Scott PDI Pty Ltd, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Cusato/Dixon

That Council:

1. Note the current status of site specific Planning Proposal requests as described in this report.
2. Take the necessary steps to discontinue Planning Proposal request PP2009-1.1 in relation to Nos 302, 304 and 340 Ocean Drive, and 10 Mission Terrace, Lakewood, as the information required for Council to support an amendment to Port Macquarie Hastings LEP 2011 has not been provided.
3. Receive a further update in six months regarding the progress of all other site specific Planning Proposal requests.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 06:10pm.

Councillor Alley returned to the meeting, the time being 06:10pm.

Item: 12.02

Subject: PLANNING PROPOSAL FOR DIAMOND DRIVE, PORT
MACQUARIE

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

RECOMMENDATION

That Council:

1. Prepare a draft planning proposal as described in this report in relation to Lot 22 DP 1229697 and Nos 19-31 Diamond Drive, Port Macquarie, pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979*, for the amendment of *Port Macquarie-Hastings Local Environmental Plan 2011*.
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 3.34, 3.35 and clause 4 of Schedule 1 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 3.36 of the Act in respect of the planning proposal.

Executive Summary

Part of a previous 'Miscellaneous Amendments LEP' Planning Proposal included adjustments of LEP zone and other map boundary lines over some residential lots on Diamond Drive, Port Macquarie and part of the Emerald Downs Golf Course. At its meeting on 21 October 2015 Council considered a report relating to this Planning Proposal, and deferred this particular matter as it was associated with related Voluntary Planning Agreement negotiations.

The offer to enter into a planning agreement has now been withdrawn by the developer, who has advised that the 'development is now being completed in accordance with the original conditions issued with DA 89/477.'

On this basis, it is recommended that action be taken to complete the rezoning.

Discussion

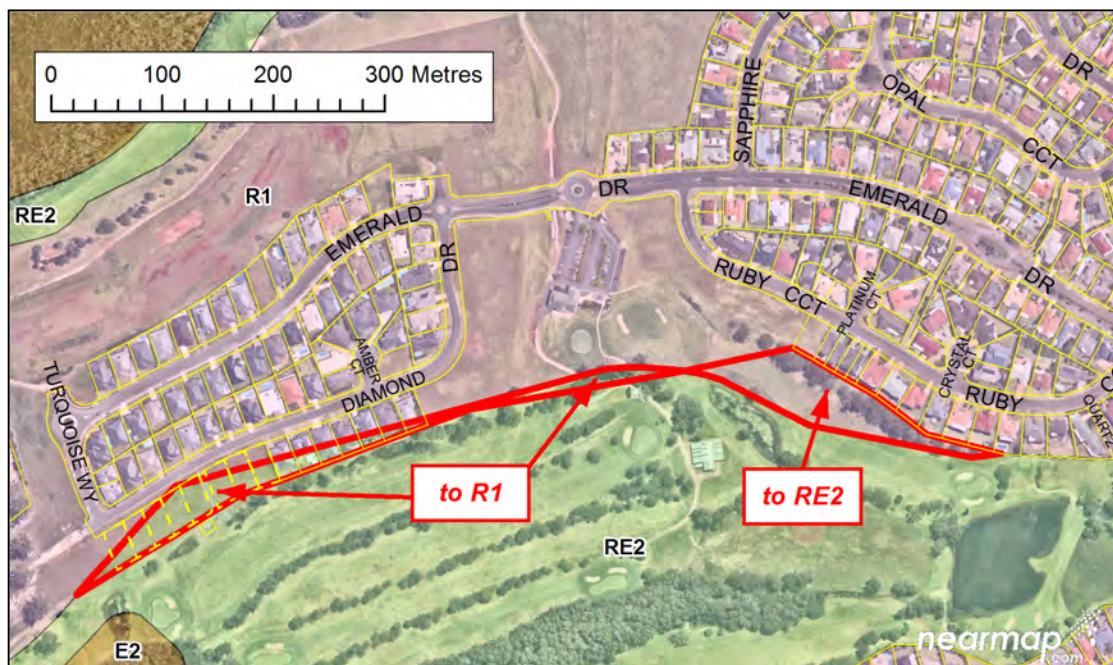
Development consent for the staged subdivision creating the Emerald Drive estate was originally granted in January 1990. Maps and subdivision plans were not

produced with the same precision as today, and over the years various anomalies have arisen, along with the need to clarify various conditions of consent.

In September 2013 King and Campbell Pty Ltd, acting for the developer wrote to Council proposing actions to resolve a range of issues with the development, including an adjustment to the boundary of several LEP maps affecting some current and proposed residential lots on Diamond Drive.

While negotiations proceeded on a Voluntary Planning Agreement relating to the other issues, the amendment to the LEP maps was included in a 'Miscellaneous Amendments LEP' Planning Proposal. This was exhibited in July 2015.

The exhibited zoning changes are shown below. Associated changes also applied to the Lot Size Map, Floor Space Ratio Map and Height of Buildings Map.



The post-exhibition report to Council's Ordinary Meeting on 21 October 2015 (refer Attachment 1) stated in part:

Issue 12, relating to split zonings on properties in Diamond Drive, Port Macquarie is also recommended to be deferred pending preparation and public exhibition of a related planning agreement. At that time, the proposed planning agreement and planning proposal to amend the zone boundaries will be reported to Council.

The planning agreement in question has been proposed by the proponent in conjunction with the rezoning of the lots in Diamond Drive to address development contribution payments for the remainder of the subdivision and infrastructure requirements associated with the original consent for the Emerald Downs subdivision. A draft agreement has been prepared for review.

The Council minutes record:

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 7.07pm.

Mr Robert Dwyer, representing the Laurieton United Services Club, addressed Council in support of the recommendation.

Ms Sonya Hume addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Paul Rowlandson, King and Campbell Pty Ltd, representing the applicant, addressed Council in opposition of the recommendation.

MOVED: Roberts/

That Council:

1. *Defer Issues 4 and 6 from the draft Local Environmental Plan 2011 (Amendment No 34).*
2. *Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 34) as outlined in the report.*

LAPSED FOR WANT OF A SECONDER

RESOLVED: Turner/Intemann

That Council:

1. *Defer Issues 4, 6 and 12 from the draft Local Environmental Plan 2011 (Amendment No 34).*
2. *Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 34) as outlined in the report.*
- w3. *Request the General Manager to provide a briefing to Councillors in relation to issue no. 12 during December 2015.*

CARRIED: 7/0

FOR: Besseling, Cusato, Hawkins, Intemann, Roberts, Sargeant and Turner

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 7:43pm.

Following lengthy negotiation regarding the proposed Planning Agreement and outstanding conditions of consent, King & Campbell has recently withdrawn the offer to enter into a planning agreement. King & Campbell has advised that the 'development is now being completed in accordance with the original conditions issued with DA 89/477.' (Refer Attachment 2).

Council staff have met with the landowner and King & Campbell regarding development consent conditions and contributions planning and agreed in principle to resolve a number of issues in future stages of subdivision.

In this context, it is recommended that Council now proceed with the proposed amendments to the Land Zoning Map and corresponding changes to the other maps:

Map	Residential area	Golf Course area
Land Zoning Map	R1 General Residential	RE2 Private Recreation
Lot Size Map	450 sqm minimum	40 ha minimum
Floor Space Ratio Map	0.65:1 maximum	No maximum
Height of Buildings Map	8.5 m maximum	No maximum

The Department of Planning & Environment has advised that, given the time elapsed, it will be necessary to commence a fresh planning proposal.

For efficiency, it is proposed to include this item as part of the new grouped LEP amendment reported to Council in February 2018.

Options

Council can opt to not proceed with the proposed amendments to the Land Zoning Map and other map changes or to proceed with the proposed amendments in a different form.

It is recommended that Council proceed with the proposed LEP changes, as discussed in this report.

Community Engagement & Internal Consultation

Ongoing consultation is proposed with the developer.

Community engagement will occur consistent with the requirements of the Act, the Gateway determination from DP&E, and Council's policies.

If objections are received a further report will be brought to Council.

Planning & Policy Implications

Apart from a minor correction and adjustment to LEP mapping boundaries, there are no planning and policy implications in relation to this report.

Please note that the recommendation in this report refers to recently updated section numbering in the Environmental Planning & Assessment Act.

Financial & Economic Implications

There are no financial and economic implications in relation to this report.

Attachments

1 [View](#). Council report and minutes, 21 October 2015

2 [View](#). King & Campbell letter, 15 January 2018