



Extra-Ordinary Council

Business Paper

date of meeting: Wednesday, 6 February 2013

location: Council Chambers, Port Macquarie

time: 5.30pm

Note: Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.



**PORT MACQUARIE
HASTINGS**

Council's Vision

A sustainable high quality of life for all.

Council's Mission

To provide regional leadership and meet the community's needs in an equitable and inclusive way that enhances the area's environmental, social and economic qualities.

Council's Corporate Values

- ★ Sustainability
- ★ Excellence in Service Delivery
- ★ Consultation and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

Council's Guiding Principles

- ★ Ensuring Good Governance
- ★ Looking after our people
- ★ Helping our community prosper
- ★ Looking after our environment
- ★ Planning & providing our infrastructure



**PORT MACQUARIE
HASTINGS**

How Members of the Public Can Have Their Say at Council Meetings

Council has a commitment to providing members of the public with an input into Council's decision making. The Council's Code of Meeting Practice provides two (2) avenues for members of the public to address Council on issues of interest or concern at the Ordinary Council Meeting. These are:

Addressing Council on an Agenda Item:

If the matter **is** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak on an Agenda Item at a Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- Telephoning your request through to Council's Call Centre on (02) 6581 8111.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2924-addressing-a-council-meeting-in-relation-to-an-agenda-item.asp?intSiteID=1>

Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.

Council's Code of Meeting Practice sets out the following guidelines for addressing Council:

- Addresses will be limited to 5 minutes.
- If you wish any written information, drawings or photos to be distributed to the Council to support the address, two (2) copies should be provided to the Manager Executive Services (Governance) prior to the commencement of the meeting.
- Where speakers wish to make an audio visual presentation, a copy is to be provided to the Manager Executive Services (Governance) by 12 noon on the day of the Council Meeting.
- Council will permit only two (2) speakers "Supporting" and two (2) speakers "Opposing" the *Recommendation* contained in the Business Paper. If there are more than two speakers supporting and opposing, the Mayor will request the speakers to determine who will address Council.

Addressing Council in the Public Forum:

If the matter **is not** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak in the Public Forum at Ordinary Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- Telephoning your request through to Council's Call Centre on (02) 6581 8111.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2926-addressing-council-in-the-council-meeting-public-forum.asp?intSiteID=1>

Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.

A maximum of eight (8) speakers will be heard in the Public Forum. Each speaker will be limited to 5 minutes. Council may ask questions of speakers but speakers **cannot** ask questions of Council.

Council will not determine matters raised in the Public Forum session, however may resolve to call for a further report, when appropriate.

Speakers will be allowed to address Council in the Public Forum on the same issue no more than three (3) times in each calendar year. (Representatives of incorporated community groups may be exempted from this restriction).



**PORT MACQUARIE
HASTINGS**

Extra-Ordinary Council Meeting

Wednesday, 6 February 2013

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**PORT MACQUARIE
HASTINGS**

Item: 01**Subject: ACKNOWLEDGEMENT OF COUNTRY**

"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

Item: 03
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:

Meeting Date:

Item Number:

Subject:
.....

I, declare the following interest:

Pecuniary:

Take no part in the consideration and voting and be out of sight of the meeting.

Non-Pecuniary - Significant Conflict:

Take no part in the consideration and voting and be out of sight of the meeting.

Non-Pecuniary - Insignificant Conflict:

May participate in consideration and voting.

For the reason that:

.....

Signed: Date:

(definitions are provided on the next page)

Definitions

(Local Government Act and Code of Conduct)

Pecuniary

An interest that a person has in a matter because of a reasonable likelihood or expectation or appreciable financial gain or loss to the person or another person with whom the person is associated. (*LG Act s442 and s443*).

A Councillor or member of a Council Committee who is present at a meeting and has a pecuniary interest in any matter which is being considered must disclose the nature of that interest to the meeting as soon as practicable.

The Councillor or member of a Council Committee must not take part in the consideration and voting on the matter and be out of sight of the meeting. (*LG Act s451*)

Non-Pecuniary

An interest that is private or personal that the Councillor or member of a Council Committee has that does not amount to a pecuniary interest as defined in the LG Act.

If you have declared a non-pecuniary interest you have a number of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature and significance of your interest. You must deal with a non-pecuniary interest in one of the following ways.

Non Pecuniary – Significant Interest

(For example; family, a close friendship, membership of an association, sporting club, corporation, society or trade union).

- Have no involvement by absenting yourself from and not taking part in any consideration or voting on the issue as if the provisions in the LG Act s451(2) apply.
- A future alternative is to remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).

Non Pecuniary – Less than Significant Interest

- It may be appropriate that no action is taken. However, you must provide an explanation of why you consider that the conflict does not require further action.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

| | |
|---|---|
| By <i>[insert full name of councillor]</i> | |
| In the matter of <i>[insert name of environmental planning instrument]</i> | |
| Which is to be considered at a meeting of the <i>[insert name of meeting]</i> | |
| Held on <i>[insert date of meeting]</i> | |
| PECUNIARY INTEREST | |
| Address of land in which councillor or an associated person, company or body has a proprietary interest (<i>the identified land</i>) ⁱ | |
| Relationship of identified land to councillor <i>[Tick or cross one box.]</i> | <input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land. |
| MATTER GIVING RISE TO PECUNIARY INTEREST ⁱⁱ | |
| Nature of land that is subject to a change in zone/planning control by proposed LEP (<i>the subject land</i>) ⁱⁱⁱ <i>[Tick or cross one box]</i> | <input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land. |
| Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i> | |
| Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i> | |
| Effect of proposed change of zone/planning control on councillor <i>[Tick or cross one box]</i> | <input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss. |

Councillor's Signature: **Date:**

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

-
- i. Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative^{iv} or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
 - ii. Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
 - iii. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section 448 (g) (ii) of the *Local Government Act 1993*.
 - iv. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Looking After Our Environment

What are we trying to achieve?

We understand and manage the impact that the community has on the natural environment. We protect the environment now and in the future.

What will the result be?

- Accessible and protected waterways, foreshores, beaches and bushlands.
- Renewable energy options.
- Clean waterways.
- An environment that is protected and conserved for future generations.
- Development outcomes that are ecologically sustainable and complement our natural environment.
- Residents that are environmentally aware.
- A community that is prepared for natural events and climate change.

How do we get there?

- 4.1 Protect and restore natural areas.
- 4.2 Ensure service infrastructure maximises efficiency and limits environmental impact.
- 4.3 Implement total water cycle management practices.
- 4.4 Continue to improve waste collection and recycling practices.
- 4.5 Provide community access and opportunities to enjoy our natural environment.
- 4.6 Create a culture that supports and invests in renewable energy.
- 4.7 Increase awareness of and plan for the preservation of local flora and fauna.
- 4.8 Plan and take action to minimise impact of natural events and climate change.
- 4.9 Manage development outcomes to minimise the impact on the natural environment.



Looking After Our Environment

Item: 07.01

Subject: LAKE CATHIE COASTAL ZONE MANAGEMENT PLAN

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

4.8.1 Carry out a range of studies to determine the likely extent of natural events and the impact of climate change, develop relevant mitigation strategies.

RECOMMENDATION

That Council note the progress of coastal management planning for Lake Cathie.

Executive Summary

Following consideration of a report on the Lake Cathie Coastline Management Study, Council resolved to proceed with the preparation of the Lake Cathie Coastal Zone Management Plan (CZMP) incorporating a revetment and beach nourishment as the management option for Illaroo Road. As part of the process for preparing the CZMP a peer review has been undertaken of the Lake Cathie Coastal Hazard Study. The peer review found the approach adopted by Council's consultants to be appropriate.

Discussion

Lake Cathie Coastal Hazard Study

On 25 July 2012, Council considered a report on the exhibition of the Lake Cathie Coastline Management Study (CMS) and resolved to proceed with the preparation of the Lake Cathie Coastal Zone Management Plan (CZMP) incorporating a revetment and beach nourishment as the management option for Illaroo Road.

Submissions received to the CMS exhibition in 2012 questioned assumptions in the Hazard Study regarding the rate of erosion and the extent of the Zone of Reduced Foundation Capacity (the area behind the dune face where the capacity of the sand to support building foundations is reduced because of the sloping dune escarpment).

To deal with these issues as raised in the submissions, a peer review has been undertaken of the Lake Cathie Coast Hazard Study (CHS).

A copy of the peer review undertaken by Haskoning Australia is attached.

The peer review found the approach adopted by SMEC (Council's consultants who prepared the CHS) to be reasonable given the available information and rejected the arguments in the submissions in respect of:

Looking After Our Environment

- adoption of a lower value of storm erosion of 70m³/m for the beach fronting the Chepana Street properties,
- adoption of a lower recession rate of 0.1m/yr for the beach fronting the Chepana Street properties,
- the contention of double counting of recession due to sea level rise,
- over conservatism in the sea level rise projections adopted for purposes of estimating future recession due to sea level rise, for planning purposes, and
- inappropriate application of the Bruun Rule.

The peer review agrees with one contention in the submissions, that the erosion schema should be reassessed due to the existence of indurated sand (Coffee Rock), but found insufficient information currently exists on the extent and strength of the coffee rock.

The Peer Review recommended:

- Additional geotechnical investigation be undertaken in respect of the elevation, landward extent, and insitu strength of the indurated sand layer, including consideration of the natural variability of these factors.
- Investigation of the feasibility of undertaking further photogrammetric analysis to plot the plan position over time of the seaward edge of the indurated sand layer and, if this is considered feasible, complete this task and interpret the information as a further guide to the historical shoreline recession rate in the study area.
- Development of a (quantified) conceptual model of the main sedimentary processes and pathways for the study area which could serve as the framework for interpretation of the results of the existing and any future photogrammetric analysis.

Council has previously resolved to include geotechnical investigations (recommendation (i) above) in the CZMP. The additional two recommendations ((ii) and (iii) above) are also proposed to be included in the CZMP actions.

S149 Planning Certificate Notations

Council has received representations from some landowners in relation to the wording of S149 Planning Certificate notations about coastal recession risk at Lake Cathie. To confirm council's position, legal advice has been sought on the appropriateness of the current S149 Planning Certificate Notations. At the time of writing the report, Council's Lawyer was still reviewing aspects of the advice including the most appropriate location for the advice to be included in the certificates.

Wording is proposed to be included that will be more specific as to the restrictions on development relating to Council's resolution of 25 July 2012. That resolution being that the following interim controls apply pending the adoption of the Lake Cathie Coastal Zone Management Plan:

1. *For properties forward (seaward) of the 2050 zone of wave impact and slope adjustment.*
Additions to existing dwellings (excluding detached garages and outbuildings) be limited to a maximum 10% increase in floor area.
Any redevelopment or reconstruction above 10% being undertaken as relocatable structures.
New detached garages and outbuildings being relocatable structures.
No subdivision including strata subdivision.

Looking After Our Environment

2. *For properties behind the (landward) 2050 zone of wave impact and slope adjustment and forward of the 2050 zone of reduced foundation capacity.*
Additions to existing dwellings (excluding detached garages and outbuildings) be limited to a maximum 10% increase in floor area or provide for foundation footings to extend into the stable foundation zone.
All new buildings (that are not relocatable) be subject to a requirement for foundation footings to extend into the stable foundation zone.

NOTE: No controls currently apply to land behind (landward) of the 2050 zone of reduced foundation capacity

Under the Lake Cathie Coastal Hazard Study - Revised November 2010, Coastal Risk Assessment was undertaken for three planning periods; present day, 2050 and 2100. For each planning period the erosion hazard has been defined as:

- a line delineating the limit of wave impact and dune slumping (Zone of Wave Impact and Slope Adjustment); and
- a line delineating the limit of the area behind the dune face where the capacity of the sand to support building foundations is reduced because of the sloping dune escarpment (Zone of Reduced Foundation Capacity).

The proposed wording will also be more specific to the timeframe associated with the coastal hazard, i.e. present day, 2050 or 2100 year risk.

Revised S149 Certificate notations do not require a resolution of Council to implement and will therefore be applied immediately following finalisation.

Draft Coastal Zone Management Plan

A draft of the CZMP has been received by Council and is currently being reviewed by staff and officers from the Office of Environment and Heritage. It is anticipated that a report on the draft CZMP will be presented to Council's Coasts and Estuaries Sub-Committee in March 2013 and then to the following Ordinary Meeting of the Council.

Options

Council will have the option to review the final CZMP following public exhibition.

Community Engagement & Internal Consultation

A report on the exhibition process for the CZMP will presented to Council following a review of the draft CZMP by Council's Coast and Estuaries Sub Committee.

Planning & Policy Implications

The project is consistent with the NSW *Coastal Management Policy 1997* and the *NSW Coastline Management Manual*.

Looking After Our Environment

Financial & Economic Implications

The Guidelines for Preparing Coastal Zone Management Plans require that a CZMP must contain proposed funding arrangement for all actions, including any private sector funding.

It is proposed that the draft CZMP include funding options for the works including from State Government, rate payers and residents benefiting from the works.

As a major component of funding for the actual implementation of the Management Plan will rely on grants, approaches to State and Federal Governments will be required.

Attachments

1. Peer Review Lake Cathie Coastline Management Study

Planning and Providing Our Infrastructure

What are we trying to achieve?

Our population growth is supported through public infrastructure, land use and development strategies that create a connected, sustainable and accessible community.

What will the result be?

- Supported and integrated communities.
- Infrastructure provision and maintenance that respects community expectations and needs.
- A natural environment that can be accessed by a network of footpaths, cycleways, coastal and hinterland walkways.
- Accessible, convenient and affordable public transport.
- Employment and population growth that is clustered within urban centres.

How do we get there?

- 5.1 Create and maintain integrated transport system that eases access between population centres and services.
- 5.2 Ensure transport options are safe, functional and meet access needs across the Local Government Area.
- 5.3 Develop and enhance quality open space and recreational facilities.
- 5.4 Plan settlements to accommodate a range of compatible land uses and projected population growth.

Planning and Providing Our Infrastructure

Item: 08.01

Subject: WATER RESTRICTION TRIGGER LEVELS AND UPDATE ON CURRENT WATER SUPPLY

Presented by: Infrastructure Services, Jeffery Sharp

Alignment with Delivery Program

5.5.7 Deliver water and sewerage supply services to ensure public health and safety and environmental protection.

RECOMMENDATION

That Council:

- 1. Adopt trigger levels for water restrictions for the Port Macquarie-Hastings LGA as follows:**

| Restriction Level | Trigger Point |
|--|---|
| Level 1 Mandatory Water Conservation Measures | Combined total storage in Cowarra & Port Macquarie Dams above 80% capacity |
| Level 2 Not used by Port Macquarie-Hastings Council | |
| Level 3 | Combined total storage in Cowarra & Port Macquarie Dams below 80% capacity & river flows causing nil or sporadic pumping from Hastings River |
| Level 4 | Combined total storage in Cowarra & Port Macquarie Dams below 70% capacity & river flows causing nil or sporadic pumping from Hastings River |
| Level 5 | Combined total storage in Cowarra & Port Macquarie Dams below 60% capacity & river flows causing nil or sporadic pumping from Hastings River |
| Level 6 | Combined total storage in Cowarra & Port Macquarie Dams below 50% capacity & river flows causing nil or sporadic pumping from Hastings River |

- 2. Delegate to the General Manager the power to implement (lift or ease) water restrictions in line with the adopted trigger levels.**
- 3. Implement Level 4 Water Restrictions from Monday, 11 February 2013 for the Port Macquarie-Hastings LGA as discussed in this report.**
- 4. Be provided with a monthly update on water storage levels and water management practices during periods of water restrictions.**
- 5. Undertake a media campaign to inform the community of the reasons for the changed water restrictions.**

Planning and Providing Our Infrastructure

Executive Summary

This report discusses trigger levels for water restrictions and proposes that Level 4 restrictions be implemented due to river flows over the latter part of 2012 and the intermittent nature of flows in the river reducing the opportunity for extraction, declining dam storage levels and the forecast for ongoing dry climatic conditions.

Discussion

Council as the designated water utility for the Port Macquarie-Hastings area is charged with supplying water of adequate volume for the community to a standard which meets or exceeds the Australian Drinking Water Guidelines. To ensure the above is achieved, measures to control water usage and demands are required. These measures are varied and include education, water saving initiatives, mandatory water conservation measures and, in times of low water availability, water restrictions. At its meeting of 14 November 2012 Council resolved to continue mandatory water conservation measures in accordance with the requirements of the Local Government Act, 1993 and the Local Government (General) Regulation 2005 specifically clause 137 (Attachment 1) which allows Council to restrict consumption of water, based on the storage and availability of water within a scheme.

Water restrictions are designed to lower water demands to conserve the amount of water currently in storage, while attempting to share the responsibility for saving water across the whole community as fairly and equitably as possible. Water restriction triggers for the Port Macquarie-Hastings Council area have not been reviewed since the Cowarra Dam has been introduced into service, hence the need for the review of triggers as noted in the report to Council 14 November 2012.

Drinking water for the main population centres in the Port Macquarie-Hastings area is stored in Port Macquarie Dam - 2,500ML (off Ocean Dr in Port Macquarie) and in Cowarra Dam - 10,000ML (King Creek area, East of Wauchope). Water from the Hastings River at Council's extraction point Koree Island, west of Wauchope, is pumped to the 2 dams when the flow is above the adopted minimum environmental target (80th percentile flow) and water quality readings for nutrients and turbidity are satisfactory.

Basis for determining water restriction trigger levels

In order to determine the trigger levels, usable storage within each dam, ability to refill the dams from the river and daily demands of the customers must be ascertained.

Based on previous observation, when storage in the Port Dam becomes less than 50% the water quality is compromised to a point where it is not considered suitable due to taste and odour issues. In addition, it is envisaged that Cowarra Dam water quality will be compromised below 30% storage.

Dam levels are most sensitive to falling when river levels and water quality prohibit extraction from the river. Therefore, the worst case scenario of an inability to pump from the river has been assumed for these calculations, meaning that usage relies solely on the amount of water in storage.

Planning and Providing Our Infrastructure

Metered usage records have been used to model average demands for water usage on each restriction level which are summarised below. A leakage factor of 10% has been used and while this is conservative, it accounts for the summer seasonal increase on the average.

| Restriction Level | Target % saved | Metered Usage out of PM Dam (ML) | Leakage (ML) | Total (ML) | Metered Usage for Wauchope System (ML) | Leakage (ML) | Total (ML) | Metered Total (ML) | Leakage (ML) | Total (ML) |
|-------------------|----------------|----------------------------------|--------------|------------|--|--------------|------------|--------------------|--------------|------------|
| 1 | Base | 13.6 | 1.4 | 14.9 | 2.23 | 0.2 | 2.5 | 15.83 | 1.6 | 17.4 |
| 3 | 5% | 12.9 | 1.3 | 14.2 | 2.1 | 0.2 | 2.3 | 15.0 | 1.5 | 16.5 |
| 4 | 10% | 12.2 | 1.2 | 13.4 | 2.0 | 0.2 | 2.2 | 14.2 | 1.4 | 15.6 |
| 5 | 15% | 11.5 | 1.2 | 12.7 | 1.9 | 0.2 | 2.1 | 13.4 | 1.3 | 14.8 |
| 6 | 20% | 10.9 | 1.1 | 11.9 | 1.8 | 0.2 | 2.0 | 12.7 | 1.3 | 13.9 |

Note: Restriction Level 2 is not used by Port Macquarie-Hastings Council. Refer to Summary of Restriction Levels and Proposed Trigger Levels for further information.

Generally the accepted level to implement water restrictions is when storage falls below the volume equivalent to 1 year or 365 days water usage. This value has been used as the start point for Level 3 restrictions with elevated restrictions implemented as the available supply diminishes at 10% storage level reductions. For the modelling, as Port Dam is the “Supply Dam” i.e. reservoirs are directly filled from it, water from Cowarra Dam is transferred to buffer reduction in Port Dam for as long as possible until minimum level in Cowarra Dam (30%) is reached.

The tables below show the relationship between total volume and usable volume based on minimum levels required for water quality in each dam (Port Dam - 50% & Cowarra Dam - 30%) and the outcomes for water usage at the different restriction levels on the Days of Storage available in the system. Each of the water restriction triggers have been assigned a yellow-orange shading and as an example of how to read the table, the current volume in storage of 7916ML (63% capacity) falls in the region shaded in blue and corresponds to approximately 211 days of available storage at Level 1 demands.

| | Days Storage based on combined limited Usable Dam Capacity (% , ML) | | | | | | | |
|------------|--|-------|-------|------|------|------|------|------|
| Total % | 100% | 90% | 80% | 70% | 60% | 50% | 40% | 34% |
| Total Vol | 12500 | 11250 | 10000 | 8750 | 7500 | 6250 | 5000 | 4250 |
| Usable Vol | 8250 | 7000 | 5750 | 4500 | 3250 | 2000 | 750 | 0 |
| Usable % | 100% | 85% | 70% | 55% | 39% | 24% | 9% | 0% |

| Restriction Level | Daily Demand (ML/d) | Days Storage available in both dams | | | | | | | |
|-------------------|---------------------|-------------------------------------|------|-----|-----|-----|-----|-----|-----|
| | | 1 | 17.4 | 475 | 403 | 331 | 259 | 187 | 115 |
| 3 | 16.5 | 500 | 424 | 348 | 273 | 197 | 121 | 45 | 0 |
| 4 | 15.6 | 527 | 448 | 368 | 288 | 208 | 128 | 48 | 0 |



Planning and Providing Our Infrastructure

| | | | | | | | | | |
|---|------|-----|-----|-----|-----|-----|-----|----|---|
| 5 | 14.8 | 558 | 474 | 389 | 305 | 220 | 135 | 51 | 0 |
| 6 | 13.9 | 593 | 503 | 414 | 324 | 234 | 144 | 54 | 0 |

Restriction Levels & Proposed Trigger Levels

Attachment 2 is a table of Restriction Levels & Proposed Trigger Levels. It shows the currently adopted restriction policy for each level of restrictions (previously adopted by Council as part of regional initiative to align restriction levels for the North Coast) along with the proposed new trigger level based on storage capacity and the ability to extract water from the Hastings River to refill the dams as determined by the modelling discussed above.

It is proposed that the General Manager be delegated the power to implement water restrictions in line with the adopted trigger levels with advice provided to the next Council meeting. This will allow required actions to be undertaken at appropriate times without the need for calling of extraordinary Council meetings or waiting until the next scheduled Council meeting.

Lifting/easing of restrictions

Lifting of restrictions (i.e. a return to Level 1 Mandatory Water Conservation Measures) is recommended when the total storage has recovered to 85% capacity, the level and flow in the Hastings River at the Koree Island extraction point allows for consistent pumping and climatic conditions are favourable.

Easing of harsher level restrictions (i.e. from Level 5 back to Level 4) may be considered if storage levels are improving, a change to more favourable climatic conditions is evident and consistent pumping is entrenched and likely to continue.

Sufficient scope must be allowed for judgements to be made by the General Manager in any lifting/easing of restrictions to ensure “yoyo-ing” of restrictions does not occur.

Current Situation

River levels and water quality at the Koree Island intakes allowed only 120 days of extraction in 2012 for filling of Cowarra and Port Macquarie Dams. Extraction from the river to both dams ceased on 27 September 2012 as the river flow dropped below the 80th percentile and has since remained inadequate to allow filling of the dams to recommence. From this date the drought storage capacity of Cowarra Dam has been relied upon for water demands. Without Cowarra Dam, water restrictions would have been required from early in October 2012 and would have increased in severity based on the climatic conditions experienced in the last 4 months.

Extraction has continued to supply the Wauchope scheme as required, however as the river level declines, extraction for Wauchope will need to cease due to the physical location of the pump intakes not having enough depth of flow to operate without vortexing and drawing air into the system, causing damage to the pumps. If this situation occurs the water requirements for the Wauchope scheme (avg 2-3 ML/day) will need to be met by backfeeding from the dams.



Planning and Providing Our Infrastructure

As the inability to replenish stored water supplies in the dams has persisted, the total volume of stored water has declined which is further exacerbated by higher usage due to drier/hotter climatic conditions. The current storage levels as at 21 January 2013 are summarised below.

| | Total Volume (ML) | Stored Volume (ML) | Percentage Stored | Minimum Volume (ML - %) in dam below which water quality is compromised |
|----------------|-------------------|--------------------|-------------------|---|
| Port Dam | 2500 | 2088 | 84% | 1250 - 50% |
| Cowarra Dam | 10000 | 5828 | 58% | 3000 - 30% |
| Combined Total | 12500 | 7916 | 63% | 4250 - 34% |

The projected weather forecast is also an important factor to consider. The Bureau of Meteorology on 23 January 2013 released the following climatic forecast in relation to rainfall:

The southeast Australian outlook for February to April 2013 indicates that a drier than normal season is likely for central agricultural regions of SA and northeast NSW.

The chances of receiving above median rainfall during February to April are between 35 and 40% over central parts of SA and northeast NSW. Such odds mean that for every ten years with similar ocean patterns to those currently observed, about four years would be expected to be wetter than average over these areas, while about six years would be drier.

As outlined by the Bureau, it is unlikely that a major break in the ongoing dry conditions will occur in the next 3 months.

It is also worth noting that rainfall does not directly correlate to an increase in river level. Much summer rainfall is coastal in nature and rainfall in the upper catchment is required to impact river levels at Koree Island. Also, once river levels are sufficient for pumping, water quality targets for nutrients and turbidity in the river water must be met before pumping to the dam can commence.

Based on the water restriction trigger modelling as discussed in this report, storage levels indicate approximately 211 days supply remaining at modeled Level 1 demands. The trigger to implement Level 3 restrictions has already been surpassed and the current storage is within the Level 4 range.

Under the current circumstances, the need to implement water restrictions is apparent. It is recommended that Council implement Level 4 water restrictions commencing 7 February 2013.

Current Situation - 3 Villages – Comboyne, Long Flat & Telegraph Point

While the 3 Villages (**Comboyne, Long Flat & Telegraph Point**) water supply systems are separate from the main Hastings water supply system, low flows are also being experienced at their respective extraction points on the Thone, Hastings

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and Wilson Rivers. Any recommendation for water restrictions at this time would be on the basis of implementing them for the entire Port Macquarie Hastings local government area. This would allow clarity in communicating the water restriction message without including areas which are included/excluded.

This is not to rule out that in different circumstances that one (two or three) of the villages may require restrictions in isolation due to localised issues.

Current Situation Update 29 January 2013 following Australia Day Long weekend rainfall event

The Australia Day Long weekend rainfall event saw 323mm of rain fall in Port Macquarie over the 3 days. In the upper catchment of the Hastings River, 365mm fell at Mount Seaview and 400mm at Comboyne.

The rainfall is a welcome relief, however from a water supply perspective it will not have an immediate positive impact on storage levels as the Port and Cowarra Dams are "off creek" dams and require extraction from the Hastings river to fill them. While water usage over the weekend and the coming days has and will be lower than expected due to the rainfall, the inability to extract water to replenish the supply in the dams now exists due to poor water quality, rather than low flows as previously experienced.

Minor flooding was evident in the Hastings River with flow at the Council's Koree Island extraction point above automated reading levels. The dramatic increase in flow has also corresponded with increased turbidity and nutrient (Phosphorus & Nitrogen) loading well above maximum accepted levels for extraction. Until the water quality improves (turbidity below 5 ntu (nephelometric turbidity units), Total Phosphorus below 30 parts per billion & Total Nitrogen below 3 parts per million) extraction to the dams cannot recommence. It is expected that this may take between 7-14 days and is dependent on further continuation of the current rain event.

Due to the current poor water quality, backfeeding to supply the Wauchope system from Cowarra Dam is expected to be required into early next week (5-7 days) until such time as turbidity at Koree Island falls below 30 ntu. This level of water quality can be treated successfully via filtration at the Wauchope Water Treatment Plant. This will put additional strain on the water storage level in Cowarra Dam.

A significant amount of uncertainty still exists on when water quality will improve to a level to allow river extraction to the dams and on the timing, amount and intensity of any follow-up rainfall to secure river flows and allow consistent extraction. With storage levels in Port and Cowarra Dams at 86% and 57% respectively and 210 days of water available (well within the Level 4 Restrictions band), based on the above, the recommendation to proceed with implementation of Level 4 restrictions is still relevant.

It is also important to note that in order to replenish the volume of water stored in the dams to 100% from the current levels while meeting usage demands under Level 1 Mandatory Water Conservation Measures, it would take approximately 86 consecutive days of extraction utilising the maximum output of the Koree No.3 pumping station (2 pumps, 18 hours per day). This scenario also relies on sufficient rainfall to maintain river levels above the environmental flow limit as well as turbidity & nutrient level remaining acceptable for extraction. Extended periods of extraction

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(in excess of 12 weeks) such as this are rare and it is envisaged that recovery of the dam storage volumes will take place over a longer period of time.

Implementation Actions

If Level 4 restrictions are implemented, it is important to ensure awareness within the community of the details of actions which are allowed. The measures under Level 4 restrictions are set out in Attachment 3 and will be included as a Fact Sheet to underpin all information to be disseminated.

Plans to inform the community of the introduction of Level 4 Water Restrictions include a media campaign spearheaded by the Mayor, Peter Besseling. A follow-up of weekly advertising to highlight the restriction levels will incorporate the current dam levels and days of water supply left in storage. The Council website and social media will also link to this information and reinforce the Level 4 Restrictions along with a Q&A (and Fact Sheet) to help inform the community of how they can confidently use water under restrictions. Town entry signage has been installed to draw attention to the current level of restrictions and schools will be targeted in a bid to broadly reinforce the message across the community.

Community information material to be disseminated as per the Level 4 Water Restrictions Communication Plan (included as Attachment 4) which includes Fact Sheet, Questions & Answer document, Media Release/Media Opportunity following Extraordinary Meeting, Radio, Newspaper Advertising, Council Website, Social Media (Twitter/Facebook), Community Newsletters, Call Centre Messages on Hold, Electronic Billboard display on Gordon St Bus Terminal and additional school visits by Whizzy The Waterdrop.

It is important to note that the restrictions are targeted towards residential use of water which accounts for 80-85% of all water used from Council's reticulated supply. It is intended that Level 3 & 4 restrictions impose no impediment to business or trade. However, water saving initiatives are encouraged for all users of water regardless of its origin.

Further measures with respect to businesses will need to be considered by Council should the need arise to increase the level of water restrictions.

No restriction is placed on reclaimed water, rainwater or bore water use. Signage to denote alternate water use is available upon application from Council Offices and must be displayed.

Discretionary public water usage proposed to remain under Levels 3 & 4 Water restrictions include beach showers, fish cleaning tables and public space irrigation, although many open space areas are already irrigated with reclaimed water.

Under the relevant provisions of the Local Government Act & Regulations, water users who fail to comply with Council's water restrictions can face "On-The-Spot" fines of \$220, and/or up to \$2,200 fines, if prosecuted through the local district court.

It is intended that fines will be used as a last resort however enforcement of restrictions is required to reinforce the severity of the current situation.

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Options

Council may adopt the triggers levels for water restrictions as proposed or opt to amend them.

Council may implement Level 4 water restrictions as proposed or opt to amend the measures under Level 4.

Community Engagement & Internal Consultation

As part of Council's ongoing demand management program, community education and awareness activities have been focused on the theme 'Valuing our Water', with school visits and a calendar launch during Water Week October 2012 to reinforce this theme. Since October 2012, there has been a strong push to reintroduce and refresh the water conservation message in the lead-up to summer by reminding residents of their responsibilities under the mandatory requirements. With the re-adoption of Mandatory Water Conservation Measures in November 2012, a series of positive radio messages from Whizzy the Water Drop were aired promoting these measures and tips on how to save water. This was the start of a media campaign that incorporated advertising, a regular profile in Council Matters, a strong social media campaign on the internet and an insert reminder sent out with all Council rates notices. In the lead up to Christmas all tourism accommodation facilities were approached and provided with educational material to remind tourists and holiday makers of the need to be aware of our water. This message to holiday makers was reinforced with visits by Whizzy the Water Drop to beaches, pools and shopping centres. Also as part of Council's partnership with the Save Water Alliance, television advertisements promoting water conservation were run during December 2012/January 2013.

Ongoing community awareness will be promoted through information and material as per the communication plan as discussed above in the Implementation Actions section of this report.

Internal consultation has occurred with Council's Water & Sewer section, Communications Team, Rangers, Call Centre staff and Buildings & Recreation section to ensure a consistent approach to this matter.

Planning & Policy Implications

The proposed water restrictions align with Council's resolution 14th November 2012 to continue mandatory water conservation measures in accordance with the requirements of the Local Government Act, 1993 and the Local Government (General) Regulation 2005 specifically clause 137 which allows Council to restrict consumption of water based on the storage and availability of water within a scheme.

Water restrictions are necessary to ensure the ability of Council to conserve the water currently stored in the Port Macquarie and Cowarra Dams until climatic conditions improve allowing the dams to be refilled.

The water restrictions proposed align with Council's planning and policy for water supply.

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Financial & Economic Implications

Water restrictions will cause a fall in water consumption charges collected by the water fund, however the restrictions are necessary to ensure continuity of supply.

Attachments

1. Local Government (General) Regulation 2005 Clause 137
2. Restriction Levels & Proposed Trigger Levels
3. Level 4 Restrictions Fact Sheet
4. Level 4 Water Restriction Communications Plan February 2013

Planning and Providing Our Infrastructure

Item: 08.02

Subject: PUBLIC EXHIBITION OF AREA-BASED DEVELOPMENT PROVISIONS FOR RAINBOW BEACH (AREA 14): SUBMISSIONS REPORT

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

5.4.2 Undertake planning for a series of prioritised residential land releases including urban consolidation initiatives in major centres.

RECOMMENDATION

That Council:

1. Adopt the Rainbow Beach (Area 14) Development Control Plan, as shown in this report, as an addition to the area specific provisions in Port Macquarie-Hastings Development Control Plan 2011.
2. Adopt the Area 14 Koala Plan of Management dated October 2012, as shown in this report.
3. Forward a copy of the approved plans to the Director General of the Department of Planning and Infrastructure within 28 days with a request that the Director General approve the Koala Plan of Management.
4. Publish a public notice of this decision within 28 days.

Executive Summary

The purpose of this report is to advise Council of the matters raised in submissions received during the recent public exhibition of the draft area-based development provisions for Rainbow Beach (Area 14) (the draft plan) (**Attachment 1**) and an associated Koala Plan of Management (KPoM) exhibited concurrently (**Attachment 2**). The draft provisions are proposed to be included in the *Port Macquarie-Hastings Development Control Plan 2011* (PMHC DCP).

Concerns raised by the community have been addressed in an attachment to this report with key issues addressed in the body of the report. It is recommended Council adopt the draft DCP as altered in response to these submissions and KPoM as exhibited.

Discussion

On 24 August 2011, Council resolved to prepare and exhibit draft development control plan provisions for Rainbow Beach (Area 14). The draft plan affects the area either side of Ocean Drive, between Lake Cathie and Bonny Hills, as shown in Figure 1 of the DCP (Attachment 1).

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This area is strategically important for the future development in the Port Macquarie-Hastings local government area and has been identified for future urban development since Council adopted the *Hastings Urban Growth Strategy* in 2001, with a significant portion of the land being zoned for residential purposes since the mid-1980s.

The draft plan was publicly exhibited from Friday 16 November to Wednesday 19 December 2012. The public exhibition period was notified on Council's website and in the 'Council Matters' advertising page of the following newspapers:

- Port Macquarie News
- Camden Haven Courier
- Wauchope Gazette

Copies of the draft plan were made publicly available for the public exhibition period through Customer Service Centres at Port Macquarie, Wauchope and Laurieton and for download from Council's website.

A media release advising public exhibition details and inviting public comment was issued by Council's Communications team on 16 November 2012.

A total of seven submissions were made. Three submissions were made on or before the end of the public exhibition period, three were made after the end of the exhibition period with prior agreement and one was one day late. Two submissions were made by representatives of landowners within the plan area, two submissions were from local community groups - the Bonny Hills Progress Association and the Bonny Hills Youth and Community Projects Group (BHYCPG), and three submissions were from private individuals. Three submissions can be described as being opposed to the draft plan, while the remaining four have requested changes to specific sections. All submissions were accepted and given equal consideration.

A comprehensive summary of all matters raised in submissions is provided as **Attachment 3** to this report, including details of the persons and groups who made a submission. The submissions are also provided as **Attachments 5 to 11**.

In total, 59 separate comments were made regarding various aspects of the draft plan. More than 60% of these comments resulted in changes being made.

Key issues raised included:

- Water quality in Duchess Creek
- Infrastructure capacity
- A recommended local road
- Previous State Government approvals
- The KPOM

These issues are discussed in summary below.

Water quality in Duchess Creek

Several comments from individuals and community groups highlighted concern with the water quality in Duchess Creek, flowing past the Bonny Hills Sewage Treatment Plant (STP) to Rainbow Beach. Concerns related to both existing water quality and the impacts on water quality from future development.

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The draft plan deals only with controlling the water quality impacts from future development. To this extent, objectives 15 to 18 and the associated development provisions deal with water cycle management and are informed by several technical studies carried out by Council and others over the last six years. Objective 18 deals specifically with the protection of water quality within Duchess Creek.

The STP was extensively upgraded in 2009 in anticipation of future residential development in the area and is operating under capacity.

On the matter of existing water quality, the BHYCPG's detailed complaints were forwarded to Council's Water and Sewer Process Manager who wrote to the group on 21 January 2013 describing the STP upgrade and providing a history of water quality tests carried out in Duchess Creek by Council since late 2008. Of note in this response is that since the augmentation of the STP the effluent quality has complied with all licence conditions with the exception of a slight pH non-compliance in September 2009 (**Attachment 4**).

No alterations to the draft plan are proposed in response to this issue.

Infrastructure capacity

Several comments from individuals and community groups raised concerns regarding the greater demand on infrastructure as a result of the increased population envisaged by the draft plan, including Ocean Drive as well as community facilities such as schools and hospitals. Some comments also referred to the inability of Council to fund infrastructure as the area develops.

The plan area has been the subject of various planning analyses, particularly at local and state government level, for the last decade. These planning activities are reflected in the area's identification in the State Government's Mid North Coast Regional Strategy and the PMHC Urban Growth Management Strategy, both of which factor in projected population growth for the Port Macquarie-Hastings area. The expected population growth has also influenced infrastructure investment and coordination at other levels of government, including the \$110M upgrade to the Port Macquarie Base Hospital.

The identification of the area for future population growth has specifically influenced:

- a new State School to be located within the plan area.
- Council's upgrade of Ocean Drive and Houston Mitchell Drive.
- Council's upgrade to capacity of the Bonny Hills Sewerage Treatment Plant

The DCP includes provisions for further upgrades to Ocean Drive. It should also be noted that the original modelling used for the Ocean Drive concept design is under review.

In addition, Council's developer contributions plans will be updated to allow for the additional infrastructure required to service the development.

No alterations to the draft DCP are proposed in response to this issue.

Recommended Local Road

The draft plan recommends the use of a local or service road as a design solution for a short section of Ocean Drive associated with the proposed new village centre. A

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representative of the landowner of Precinct C has expressed opposition to the proposal.

The intent of the provision is that development should address Ocean Drive for part of its length adjacent to the new village centre and is based on recommendations from urban design advice provided to Council in early 2012. The draft plan provides for a local road or alternative adjacent to the proposed village centre on Ocean Drive to provide some activation of the Ocean Drive Corridor at that key location. It is important that significant corner sites and approaches to the new village centre are addressed by development to achieve a well designed, safe and vibrant community north and south of Ocean Drive.

At present, the requirement for development to address Ocean Drive has been confined to major intersections and within a 'Special Treatment Area' (STA) around the village centre. The STA includes a small section of residential land on the southern side of Ocean Drive adjacent to the centre subject to more specific design provisions. Overall, nearly 80% of this part of Ocean Drive is proposed to be landscaped.

The local road is one design solution to achieve these outcomes but there may be others. Sufficient flexibility is drafted into DP8.2 and DP8.3 to allow an alternative solution that meets these objectives to be developed and assessed on merit.

While the recommendation for a local road design solution remains in the draft plan, alterations have been made to DP8.2 for enhanced flexibility and clarity of purpose.

Previous State approvals

Several comments from landowner representatives related to inconsistencies between the requirements of the draft plan and previously issued State Government approvals.

Precincts B and C are subject to Concept and Project Approvals issued by the State Government under the repealed Part 3A of the *Environmental Planning and Assessment Act 1979* (Part 3A). These site-specific approvals are subject to conditions and further requirements issued by the Department of Planning and Infrastructure as well as Statements of Commitment made by the proponents and are supported by various technical studies.

The draft plan is written to be broadly consistent with the State approvals. However, it does not presume that the Part 3A approvals will be carried out and seeks to provide a framework for development in the event alternative applications are lodged, for example if land ownership changes. In some cases, the draft plan sets out the scope for preliminary investigation on matters already dealt with in some detail through the Part 3A approval and subsequent development applications. The status of these later studies was not clearly stated. Alterations have been made to the draft plan to clarify that the Part 3A approvals prevail when there is inconsistency with the draft plan.

In addition, comments were received from community members regarding matters already approved by the State under Part 3A, notably the effectiveness of the proposed ecological corridors. Given the plan is drafted to be broadly consistent with the Part 3A approvals and that Council is unable to alter the approvals, no alterations are proposed on this point.

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Koala Plan of Management

The representative of the landowner of Precinct C provided detailed comments regarding the KPoM. In particular, issues regarding the general drafting and layout as well as consistency with the draft plan. The submitter suggests relocating the management provisions from the KPoM into a new section in the draft plan.

The KPoM that applies to Area 14 is one of numerous KPoMs that apply to land across the local government area. It is not practical to duplicate the working provisions of all KPoMs in the PMHC DCP 2011. However, there is an opportunity to identify the key provisions and reference the relevant KPoM in this instance. Several aspects of the management provisions are already incorporated into the draft plan including subdivision layout, ecological corridors and associated landscape buffers.

Locality name

In addition to the matters raised above, one submission commented that the locality should have its own name. Council has previously considered names for this area. As a result of a public naming competition in 2008, the name 'Ngamba' was recommended and endorsed by Council. The name was forwarded to the Geographical Names Board (GNB) which advertised the proposal. In May 2009, the GNB advised Council that there had been 17 submissions against the proposal. Council determined not to pursue the renaming at that time.

The draft plan is using 'Rainbow Beach' in the title to differentiate it from other area-based provisions in the DCP and to discontinue with 'Area 14' as the primary identifier. The draft plan does not change the locality name as this can only be done through application to the GNB as described above. Council may wish to consider revisiting this process a future time.

Options

Pursuant to section 21 of the *Environmental Planning and Assessment Regulation 2000*, after considering the submissions described below, Council:

- may approve the draft plan in the form in which it was publicly exhibited, or
- may approve the draft plan with such alterations as the council thinks fit, or
- may decide not to proceed with the draft plan.

It is recommended that the Plan be adopted as described in this report. Not proceeding with the Plan will prevent the determination of development applications for the area (one development application has been assessed and is awaiting the adoption of the DCP to enable determination).

Community Engagement & Internal Consultation

A total of seven submissions were received as described in the body of the report above (summarised in **Attachment 3**, individual submissions are included at **Attachments 5 to 11**).

Planning & Policy Implications

The recommended adoption of the draft plan and its formal incorporation into the PMHC DCP 2011 will allow development applications in the identified Urban Growth Areas to be determined by Council. Further work is required to finalise development

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provisions for Precinct C. This work will be largely guided by the existing Part 3A concept approval for Precinct C and is to be coordinated with the planning proposal to amend the *Port Macquarie-Hastings Local Environmental Plan 2011*, anticipated to be finalised by early 2014.

Financial & Economic Implications

The recommended adoption of the draft plan is a key step in the establishment of future urban development of Port Macquarie-Hastings, providing a guiding framework for the anticipated population growth of the area. Draft amendments to existing developer contributions plans will be prepared following completion of revised traffic modelling for the Ocean Drive road corridor. The developer contributions plans will provide for the establishment of essential infrastructure in conjunction with development of the Area 14 urban release area.

Attachments

1. Draft Rainbow Beach DCP amendment as altered in response to submissions
2. Area 14 KPoM
3. Summary of submissions
4. Correspondence from the Water and Sewer Process Manager
5. Submission from Darren & Susan Gill
6. Submission from Bonny Hills Progress Association
7. Submission from King and Campbell
8. Submission from Beau Bennett
9. Submission from Paul Thompson
10. Submission from Bonny Hills Youth & Community Projects Group
11. Submission from Tierney Property Services