

# Plan of management for Westport Park



Adopted by the Minister under Section 114(1)  
of the *Crown Lands Act 1989* on 30 July 2012.

Title: Plan of Management for Westport Park

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#### Disclaimer

The information contained in this publication is based on knowledge and understanding at the time of writing (January 2012). However, because of advances in knowledge, users are reminded of the need to ensure that information on which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent advisor.

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## Foreword

The Plan of Management for Westport Park delivers on the NSW Government's commitment to keep the foreshore asset as public space.

The government has dedicated Westport Park for public recreation to ensure that it remains an open space for the public and has the highest form of protection against development.

This commitment followed a long period of public debate about the future of Westport Park and the outcome is clearly supported by a majority of the community.

It was developed in partnership with Port Macquarie-Hastings Council and the Foreshore Lands Advisory Group (FLAG) which was established to represent the views of the community.

The overriding objective of the plan is to protect Westport Park for the enjoyment of the community and to outline permissible activities that will enhance the park as a community asset.

The plan includes an analysis and assessment of the site's physical, cultural, environmental, historical, recreational and economic values and opportunities in relation to current and future uses.

It identifies key community objectives for the future management of Westport Park as open space.

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### ***List of Abbreviations and Acronyms***

CBD	Central Business District
DA	Development Application
DCP	Development Control Plan
DECCW	NSW Department of Environment, Climate Change and Water
EOI	Expression of Interest
FLAG	Foreshore Lands Advisory Group
GAO	Government Architect's Office, Public Works, NSW Department of Services, Technology and Administration
HRCR	Hastings Regional Crown Reserve
LEP	Local Environmental Plan
LGA	Local Government Area
LPMA	Land and Property Management Authority
CL	Crown Lands Division, Department of Primary Industries (formerly part Land and Property Management Authority and NSW Department of Lands)
PMHC	Port Macquarie- Hastings Council
PMM	Port Macquarie Marina
PoM	Plan of Management
SCPSP	Settlement City Precinct Structure Plan
SEPP	(NSW) State Environmental Planning Policy

# INTRODUCTION

## 1.1. Overview

Westport Park is land owned by the Crown and dedicated under Section 82 of the Crown Lands Act 1989 for the public purpose of *Public Recreation*. That dedication, ie Dedication 1033088, was notified in Government Gazette 29 July 2011 (folio 5089) and automatically revoked a number of long standing existing Crown reserves (and additions to those reserves) and rendered void the 1998 Plan of Management for Westport Park.

The Westport Park (R54279) Reserve Trust was appointed the trustee of the Park under Section 92 of the Crown Lands Act 1989 by notification published in Government Gazette 26 August 2011 (folio 5300).

This document will provide the sole Plan of Management for Westport Park and will supersede consideration affecting Westport Park within the former LPMA's 2010 Draft Plan of Management, Precinct A, Hastings Regional Crown Reserve.

## 1.2. Westport Park

The Westport Park dedication covers approximately 6.2 hectares of waterfront Crown land above a modified Mean High Water Mark running along the waterfront of the Hastings River generally between two public boatramps in Park and Buller Streets, Port Macquarie. The dedication is formally identified in Annexure "A".

## 1.3. Plans of Management under the Crown Lands Act 1989

A Plan of Management (PoM) is a document that provides the framework for future management and direction of a Crown Reserve or Dedication.

Plans of Management ensure that Crown lands remain relevant to the needs of modern local communities and fulfils the commitment to making land available for the people of NSW.

### ***Management/ Administration***

The *Crown Lands Act 1989* provides for the management of dedicated Crown reserves, including by Reserve Trusts. The Act further provides that management by a Trust may be undertaken by corporate Reserve Trust Managers. Westport Park is under the trust management of Port Macquarie-Hastings Council.

A Reserve Trust Manager may, with the approval of the Minister for Lands, delegate any of its functions as Reserve Trust Manager to any other person or body.

The Reserve Trust Manager will be required to implement this Plan of Management upon its adoption by the Minister. Alteration of the adopted Plan of Management may be undertaken from time to time and may be required after a period of five years. This will ensure the Plan remains relevant by catering for the changing expectations and requirements of the community, and by keeping up to date with government policy.

## **1.4. The Plan of Management Vision**

The development of this PoM is guided by the commitment of the NSW Government (see *Appendix 2*) as stated on 25 July 2011 ie :-

***“to guarantee that Westport Park remains as open space for the use of the public.”***

The vision and associated management principles seek to always retain Westport Park as aesthetically inviting popular open space riverside parkland catering for passive and tourism based recreation.

Key points of difference between this PoM and the broader foreshore planning undertaken by PMHC (2009) and Crown Lands (2010) L include:

- The PoM has a narrow Vision and focus specific to Westport Park.
- A clear focus not to support any further permanent development in Westport Park and therefore a corresponding focus on social benefits rather than economic sustainability.

## **1.5. Aims and Objectives**

Aims of this PoM are:

- to respond to NSW Government's expectations and community needs
- to better prepare Westport Park as a major passive recreational space.
- to address PMHC's Settlement City Structure Plan (SCSP) p. 45 which provides for consideration of the consequential corresponding development offset into Westport Park.

In addition to working within the specific Management Objectives of the broader Hastings Regional Crown Reserve (see *page 24*) Key Objectives of this PoM are:

- to improve and integrate pedestrian and visual links to and along the waterfront and associated areas of open space;
- to provide an Open Space environment to support and enhance the demand for retail, accommodation and hospitality in the area by increasing opportunities, attractions and services for residents and tourists;
- to better utilise valuable river front lands for local and tourism orientated land and water-based recreation, major events, entertainment and related purposes;
- to prepare and progress Westport Park as a major events centre.



The management framework of this PoM builds on and responds to:

- An analysis and assessment of the site's physical, cultural, environmental, historical, recreational and economic values and opportunities in relation to current and future uses.
- A review of relevant legislation and planning documents.
- Master planning work undertaken on behalf of the then Department of Lands, by Integrated Site Design (2006) and the NSW Government Architect's Office (2010).
- Master planning work included in the *Waterfront Consultation Report, Port Macquarie October 2006* (Port Macquarie Chamber of Commerce)
- Master planning work, including exhibition plans, completed in 2009 for the Port Macquarie foreshore and the Settlement City Precinct by GMU, MacroPlan Australia and UrbanHorizon for PMHC and incorporating extensive public consultation.
- Consultations with key reserve users and neighbours including lessees and licensees.
- Consultation with and feedback from the Port Macquarie Foreshore Lands Advisory Group (FLAG) appointed by the Minister for Lands.

## 1.6. Planning Principles

In 2006, Crown Lands (then the Department of Lands) and PMHC held a shared vision with the Port Macquarie Chamber of Commerce for waterfront CBD Crown lands, as follows:

*“to develop the Port Macquarie CBD waterfront as vibrant and interactive, that is recognised as an Australian icon and strengthens the local economy.”*

The PoM Vision for Westport Park is now an integral part of a broader revitalisation process to realise the potential of Crown lands (including waterways) in and adjacent Port Macquarie's CBD as a sustainable social, environmental and economic hub that will better cater for the future needs of the permanent population of Port Macquarie/Hastings area and its visitors.

Further, Crown Lands has identified the need to place the planning and landscaping upgrading of Westport Park into an integrated foreshore plan building on the prior design and landscaping work by Integrated Site Design, the GAO, MacroPlan, PM Chamber of Commerce and PMHC. The area has current and future potential to provide a range of recreational and tourism related experiences contributing to the social and economic development of the local area. The need to support and, if required, to improve public boating facilities has been included in this earlier master planning.

The overarching PoM principles must, however, remain the PoM Vision ie

*“to guarantee that Westport Park remains as open space for the use of the public”*

followed by the principles of Crown Land Management, Section 11, *Crown Lands Act 1989*.

Supporting Principles include:

- a) improve people movement, pedestrian/cycleway promenades to encourage walking and cycling.
- b) encourage a healthy lifestyle
- c) consider Climate Change issues in pursuing and designing an active waterfront and ongoing management of Crown assets.
- d) promote water based activities
- e) offer a range of experiences and opportunities for all residents and visitors..
- f) promoting tourist and recreational facilities/ opportunities

## **2. SITE DESCRIPTION**

### **2.1. History**

Port Macquarie was first established as a secondary penal settlement in 1821, following favourable reports on the potential of the natural port, the waterways and agricultural potential of the area.

Prior to European settlement, the area was occupied by at least five Aboriginal tribes who would have had access to food sources provided by the area's waterways, as well as abundant wildlife.

The Port Macquarie waterfront has been an area of key importance from the outset of settlement. It was here where both convicts and essential provisions from Sydney arrived to supply the settlement and where buildings such as stores and granaries were constructed in order to securely store food.

In 1831, Port Macquarie was opened for private settlement. From here on the waterfront came to be used for commercial purposes and associated facilities such as boat sheds, wharves, repair yards and warehouses.

After the opening of the settlement to private settlers, the layout of the town was reconfigured into the formal grid layout that generally persists today. Many of the earliest structures and penal buildings had followed the shoreline of the Hastings River were demolished in the process.

Subsequently, Port Macquarie has grown to become a major regional coastal centre. It is considered to be of strategic importance to the long term social and economic well being of the people of the Mid North Coast of NSW. It is also one of the few centres located directly on the water's edge. As a result, it has also developed into a prime tourist destination.

### **2.2. Modified Environment**

The Port Macquarie area is known for having a warm temperate climate, with the mean maximum temperature ranging between 18°C in July to 26°C in February. Maximum daily temperatures rarely range above 30°C or below 15°C. Mean annual rainfall is about 1,500 mm.

The local topography ranges from coastal wetlands and beaches to dunes and rocky headlands. It also includes the floodplain of the Hastings River which has been modified through urban development and associated filling and land reclamation, significantly altering the original shoreline. That floodplain still includes part of Westport park as can be seen by the extent of the 1 in 100 year flood event mapping (refer Illustration "B").

The bulk of Westport Park, until 1970's, was within the bed of the Hastings River and its intertidal flats. The Park is an artificial and highly modified environment reclaimed to its current

presentation through extensive reclamation and land filling with sediment dredged from the adjacent channel (Back Channel) and from building waste.

Westport Park is not subject to mapped SEPP14 wetlands. Apart from the wetlands and native vegetation communities in the adjacent Pelican Island, little of the original vegetation remains in close proximity to the Park. There are seagrass beds in the waterway fronting the Park which are significant in the context of the distribution of seagrass within the lower Hastings River.

The low-lying areas along the Hastings River, including Westport Park, are mapped as potential acid sulphate soils.

## **2.3. Current Land Use and Facilities**

Westport Park currently supports a variety of recreational and community uses. Major infrastructure and land uses on the Park includes:-

- training wall
- 2 public boatramps and associated car/trailer parking
- public access paths and open space improvements such as seating, fish cleaning tables, playgrounds, landscaping/ cultural plantings and public amenities
- events servicing,
- a number of structures/ buildings with community uses including the, the Maritime Rescue NSW and the Croquet Club.
- A bitumen access road and car parking servicing the Westport Park Bowling Club.

Land uses adjoining the Park include commercial, maritime, recreation, community, tourism and accommodation. Examples of such uses are Country Comfort Inn, Westport Club (recreation and bowling club), Sea Scouts and Port Macquarie Marina.

The following sections provide a more detailed description of current land uses and facilities on the Park (also refer Illustration "A").

The Park is popular with local residents and visitors who enjoy a range of basic active and passive recreation activities. There are also a limited number of adjoining commercial interactive experiences involving retail, restaurant/ hospitality and tourism. However, growing levels of patronage of the foreshore is placing increased demands on existing public infrastructure, particularly during holiday periods. Much of the recreational infrastructure is in need of rehabilitation and enhancement.

To the west of the Park the Port Macquarie Marina is privately managed under lease from Crown Lands. The marina includes a small harbour, limited parking and commercial outlets along Park Street. While not required to, PMM houses without commercial consideration, a number of community clubs including the Game Fishing Club, the Port Macquarie Blue Water Fishing Club

and the Outriggers Club. The marina provides storage facilities, including some dry-stacking of recreation vessels and of dinghies used to access swing moorings in the Hastings River.

At the western edge of the Park is a large boat trailer car park associated with a public boat ramp offering the major facility for launching vessels close to the Hastings River entrance. Foreshore facilities include fish cleaning tables, a playground, seating and pathways linking to the CBD. Westport Park is an open grassed area which caters for large commercial and community events e.g. Ironman Triathlon, annual family carnivals, circuses, markets, firefighting championships, classic car show etc.. Short comings are evident in the suitability of Westport Park for major events eg Ironman Triathlon and this needs to be analysed. An amenities block is situated along Park Street.

Located on freehold land along Buller Street and in the centre of Westport Park is the Westport Park Bowling Club, a bowling and recreation club that dates back to the late 1950's. It features three bowling greens, a structured car park along its western boundary and —additional parking on one of the former bowling greens. Another car park located to the east also services the Club and is used by club patrons and deliveries via an “unofficial” access. Most of that car park and the whole of the access road are on Crown land with no commercial arrangements between the Club and Crown Lands.

At the eastern edge of Westport Park is a Croquet Clubhouse and rinks, the Maritime Rescue NSW building, public boat ramp, car park and an access road servicing those facilities.

To the east of the Park are the Country Comfort Inn and the Port Macquarie Sea and Boy Scouts building. This latter building is available for hire and is not specific to water related uses. Use of the building is mainly for the holding of group meetings and limited storage of canoes. The principle site for storage of sailing craft and related sailing activities is at the PMHC owned McInherney Park reserve, approximately two kilometres to the west.

### **3. PLANNING CONTEXT**

#### **3.1. Overview**

The planning Context for Precinct A is provided by a large number NSW legislation, statutory and policy documents, as well as and local planning documents, policies and plans. They include the following documents:

##### **NSW Planning and Policy Framework**

- Crown Lands Act 1989 and Crown Lands Regulations 2006 (as amended)
- Commonwealth Native title Act 1993
- Aboriginal Land Rights Act 1983 No 42
- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- National Parks and Wildlife Act 1974 (as amended)
- NSW Heritage Act 1977
- Fisheries Management Act 1994
- The NSW Threatened Species Conservation Act 1995
- Water Management Act 2000
- Protection of the Environment Operations Act 1997
- Maritime Services Act 1935
- SEPP 1 Development Standards
- SEPP 14 Coastal Wetlands
- SEPP 71 Coastal Protection
- SEPP (Major Projects) 2005
- SEPP (Infrastructure) 2007

##### **Port Macquarie Hastings Council Planning Framework**

- Port Macquarie-Hastings Local Environmental Plan 2011 and Port Macquarie-Hastings Development Control Plan 2011
- Settlement City Precinct Structure Plan 2009
- Draft Port Macquarie-Hastings Development Control Plan 2011 – Settlement City Precinct Provisions

- Port Macquarie Foreshore Vision and Masterplan 2009
- Draft POM Precinct A Hastings Regional Crown Reserve 2010

### **Other Documents**

- Waterfront Consultation Report, Port Macquarie Chamber of Commerce October 2006
- Westport Park Plan of Management (Adopted 22 April 1998)

## **3.2. NSW Planning and Policy Framework**

### **3.2.1. Crown Lands Act 1989 and Crown Lands Regulations 2006**

The *NSW Crown Lands Act 1989*, together with the *Crown Lands Regulation*, provides for the administration and management of Crown Land in the Eastern and Central Division of the State.

Crown land must be managed in accordance with the principles of Crown land management, as defined in Section 11 of the *Crown Lands Act 1989*. These principles provide the overarching principles for the management framework for Crown lands in the PoM.

### **3.2.2. Environmental Planning and Assessment Act 1979**

The *Environmental Planning and Assessment Act 1979* has established the current system of environmental planning and assessment in New South Wales. The objects of the Act are detailed in *Appendix 1*.

## **3.3. Port Macquarie Hastings Council Planning Framework**

### **3.3.1. Port Macquarie - Hastings Local Environment Plan 2011**

The *Port Macquarie-Hastings Local Environment Plan 2011* (LEP) remains the main planning document regulating the development and use of land in the Port Macquarie-Hastings LGA. It has consolidated previous planning documents into a single LEP for the whole LGA. The objectives relevant to this PoM are:

- to provide a legal basis for development control plans which provide more detailed local planning policies,
- protect areas which are environmentally sensitive, and
- manage the urban areas of the local government area by strengthening retail hierarchies, promoting appropriate tourism development, guiding urban form, providing for the protection of heritage items and precincts and controlling the development of flood liable land.

Subject to general and special provisions, development of land is controlled by zoning.

Westport Park is zoned *RE1 Public Recreation*. Objectives of the *RE1 Public Recreation* zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*

- *To protect and enhance the natural environment for recreational purposes.*

The LEP also identified heritage items, including items of state and local significance. Items of (local) heritage significance are:

- Training Walls

### **3.3.2. Settlement City Precinct Structure Plan 2009**

The “Settlement City Precinct Structure Plan” (SCPSP) provides a concept structure plan and associated development controls for the Settlement City Precinct. Although it is not a statutory planning document or Environmental Planning Instrument under the *Environmental Planning and Assessment Act 1979*, it clearly communicates PMHC’s intent with respect of the desired future for the land covered by the Plan. The SCPSP provides a guideline and planning framework for future development which encompasses land uses, road hierarchy and function, built form design, views, open spaces, and public realm.

Importantly the plan also considers potential local and foreshore issues related to Climate Change which, for the purposes of this PoM, have been interpreted across the whole of the study area, adjusted to current State and Federal government guidelines.

It is intended that the SCPSP will be incorporated into a comprehensive LEP for the LGA, as well as be included as part of a comprehensive DCP. It includes a section of Westport Park west of Park Street.

In 2011, an LEP amendment was made to implement part of the SCPSP ( the former St Josephs High School and current primary school sites) with future amendments to be considered for the remained of the precinct. A draft DCP relating to the LEP amendment has been exhibited, but not yet adopted by PMHC.

It identifies two key views critical to this PoM being existing view corridors along Park Street towards the Hastings River, and from Walters Street towards the Port Macquarie Marina.

#### *Related Issue: Port Macquarie Marina*

The marina is a key regional commercial site on Crown land returning revenue to Government. However, the provisions of the SCPSP have impacted upon this return.

The Structure Plan removes sections of the current commercial shopping complex within the Port Macquarie Marina lease for the creation of open space i.e. the “Marina Square”. The Plan also identifies removal of further commercial Crown lands from within the lease for public access in the form of foreshore boardwalks.

This will reduce the commerciality of these Crown lands and the return to government. In particular, this reduces the capacity of the marina to support growth in maritime and tourism related activities.



In recognition of these concerns, Council's *Settlement City Precinct Structure Plan* provides that

*“where public access benefits are secured in any redevelopment of the marina site in accordance with this Plan, PMHC will consider the consequential corresponding offset onto the adjacent EOI site, subject to a Plan of Management, and only where such offset is not at odds with other objectives of this Plan” (p. 45).*

This principle has been considered in assessing future land uses in redevelopment opportunities for the area, including Port Macquarie Marina and within Westport Park.

However until such time that there is agreement between Crown Lands and PMHC to the release of commercial lands from the marina site for public Open Space this PoM will provide for the routing of any principal public access to within Westport Park and away from the marina site to ensure the commercial viability of the marina site and to avoid conflicts between public access and the essential operating needs of an active working marina waterfront.

### **3.3.3. Port Macquarie Foreshore Vision and Masterplan 2009**

The Port Macquarie Foreshore Vision and Masterplan acknowledges and incorporates elements from the large number of previous studies prepared for various foreshore areas, as well as community feedback received during the exhibition phases of the plan. It applies to foreshore areas between the Port Macquarie Marina and Flagstaff Hill.

The “Port Macquarie Foreshore - Final Vision and Masterplan” report outlines the proposed vision and character statements. It provides PMHC’s basis for discussions with the LPMA.

The Masterplan identifies the following Vision

*“The foreshore of Port Macquarie, from Town Beach to Settlement City including Kooloonbung Creek is iconic, vibrant, safe and a connected foreshore area. It provides nodes of interest and activity that creates a foreshore promenade which is a major coastal destination that locals and tourist are proud of because of its environmental and social sustainable amenity” (p31).*

This vision is essentially compatible with Crown Lands’ Vision, including within its Draft POM, Precinct A, Hastings Regional Crown Reserve.

## **3.4. Other Documents**

### **3.4.1. Waterfront Consultation Report, Port Macquarie Chamber of Commerce October 2006**

A consultation project by the Port Macquarie Chamber of Commerce and the Greater Port Macquarie Tourism Association was undertaken to identify possible outcomes for the Port Macquarie waterfront.

The key findings, widely supported by the participants, provide a consistent picture of waterfront improvements considered important to the local economy as well as the whole community. A vision was developed that

*“the waterfront should be developed as vibrant and interactive, that is recognised as an Australian icon and that strengthens our local economy”.*

Key opportunities were identified for the waterfront and are detailed in *Appendix 2*.

The report also identifies the need to secure the vision and potential outcomes through a clear mandate that protects the waterfront and foreshore area from over-development, including development that would be contradictory to the realisation of a vibrant waterfront.

This Report’s vision and key opportunities are essentially compatible with the vision and management objectives identified in this PoM.

## **BASIS FOR PLANNING**

The basis for planning is derived from two sources:

- **Community Values**  
Issues and values identified within the Vision for this PoM and through a review of earlier studies, including relevant aspects of recent planning by both PMHC ( Port Macquarie foreshore and the Settlement City Precinct) and Crown Lands (draft PoM Precinct A, Hastings Regional Crown Reserve).
- **Site Analysis, Issues and Opportunities**  
Issues and opportunities derived from a review of the PoM objectives and a site analysis (partly derived from the work undertaken by the GAO) .

Together they form the basis of the strategic framework, including the conceptual direction and management framework.

### **3.5. Community Values**

Community Values, as summarised, include

- The PoM Vision
- Visual Quality and Views
- Continuous Foreshore Access
- Activation of the Foreshore
- Sense of Place
- Play, Social and Recreation Opportunities
- Improved Boating and Water Access
- Opportunity for Special Events
- Improved Landscape Setting
- Sustainability and Responsiveness to Climate Change

### **3.6. Site Analysis, Issues and Opportunities**

In addition to the PoM key objectives, and issues identified through the review of recent planning, an analysis of the study area has identified a series of site values, issues and opportunities. The following provides a summary of the key findings of the analysis.

#### **3.6.1. Views**

A balance in providing and maintaining views to and along the foreshore is of key importance in communicating the presence and proximity of the waterfront to both locals and visitors to the area. Without clear view lines to the foreshore, there would be little sense of the proximity of the

waterfront. Views along the foreshore and across the Hastings River are also important as they connect Westport Park its larger landscape setting.

Maintaining and, where possible, improving view lines to the foreshore is therefore considered to be of great importance.

### **3.6.2. Play Facilities**

The Port Macquarie waterfront currently features a number of playgrounds to cater for children's play. Opportunities for future improvement has been identified by recent planning. Specific to Westport Park planning should:

- Support the concept of a hierarchy of play grounds around the PM waterfront, catering for all ages (including older children) and abilities and offering a wide range of equipment/ play opportunities. Note: Any Regional Park, within that hierarchy, should be more focused at Town Beach which is well served with car parking and would complement the existing skate park.
- Promote any playground to take advantage of nearby facilities (creating synergies).
- Promote opportunities for safe and easily accessible water play/ interaction.

### **3.6.3. Landscape Character and Vegetation**

The waterside and modified setting of Westport Park has been described in detail earlier. In general terms the Park has limited landscape character, as defined by its vegetation, with some cultural plantings and sparsely planted shade trees. The residue is void of any remnant vegetation or landscaping.

Opportunities in terms of the landscape character require a consistent foreshore planting theme, incorporating existing significant cultural plantings such as rows of Norfolk Island Pines. Other options include rainforest species such as Red Cedar and White Beech.

### **3.6.4. Art and Interpretation**

Art and interpretation installations are an obvious and popular means to communicate, interpret and share an area's sense of place. The Port Macquarie Waterfront already features a number of art and interpretation facilities, including memorials, plaques, plantings, museums and community artworks. Potential sources of inspiration for future art, interpretation or celebratory elements within Westport Park including:

- The alignment of the original shore line, including Westport Park to Kooloonbung Creek

### **3.6.5. Temporary Event Facilities**

Westport Park provides the premier site along the Port Macquarie waterfront where events can be held. Key opportunities to encourage greater event use are:

- Servicing sites : including power, sewerage and water
- Improving the potential for events by identifying and setting apart such sites from further landscaping or other general reserve improvement works.

- Flexible events i.e. not constructing permanent stages, instead allowing event organisers to bring in their own facilities
- Identifying and implementing remedial works to provide for events at Westport Park

### **3.6.6. Commercial Uses**

Foreshore lands, including Westport Park, are integral to the economy of Port Macquarie as they support commercial, maritime and tourism related activities that contribute to the social and economic well-being of Port Macquarie, by providing job opportunities and revenue for both local business and the broader local community.

Planning by PMHC and Crown Lands has previously identified potential for the provision of additional commercial uses that can further support the sustainable economic development of Port Macquarie. Commercial developments are also a key source of funding to provide additional port and recreational infrastructure including Crown improvements to the foreshore. Commercial opportunities considered include:

- Development in the area of the Port Macquarie Marina to maximise commercial potential and activation with Westport Reserve
- Provision of an outdoor seating and dining area to the Westport Club
- Provision of a kiosk (temporary or permanent) associated with waterside activities such as boating, swimming and playground facilities.
- Crown Lands/Trust to limit and license exclusivity of mobile commercial operators such as kayak schools, fitness activities, personal trainers, vendors etc by a formal tender process which also identifies areas limited for such operations
- Major events, circuses and the like.
- Commercial licensing of the Westport Bowling Club's ongoing use of the eastern access and car park within the Park.

### **3.6.7. Water-Based Uses and Recreation**

The Port Macquarie waterfront plays an ongoing and important role as a safe harbour for recreational and tourism related boating activities. It also maintains a role in commercial fishing and ports operations, although commercial fishing is generally declining in the area.

There are also a number of clubs and community facilities with a focus on the waterway. Those operating on lands neighbouring Westport Park include the Game Fishing Club, the Port Macquarie Blue Water Fishing Club and the Outrigger Club (operating from the Port Macquarie Marina) and the Sea Scouts. A part of the Marine Rescue's operations are actually housed within Westport Park.

Opportunities to improve or expand boating and other water-based recreation include:

- Security of tenure for community facilities and clubs. Opportunities are limited to multiple use only of existing facilities to avoid any further development with the Park and resultant loss of open space.
- Maximising the public boating, kayaking and touring potential of the Hastings River, including at Westport Park, by providing a publicly accessible wharf/pontoon fronting the Park, as part of a network of such pontoons around the lower Hastings River.
- Creating mooring opportunities on public pontoons/wharves to meet increasing demand for access to waterside commercial destinations (including Westport Bowling Club) by boat.
- Consolidating boat launching facilities (including ramps and trailer parking) in Westport Park.
- Increase safe opportunities for the launching of small watercraft (kayaks etc).
- Increase opportunities for accessing and interacting with the water's edge, including wading, swimming, splashing or other related interaction with the water's edge such as fishing.

### **3.6.8. Parkland Interface**

Public land in and along the waterfront is influenced to a large degree by the nature of the interface with adjoining lands. The nature of adjoining buildings can significantly affect the perception of waterfront land. Of particular importance is the nature of building facades fronting onto public land, and the degree to which they are activated. There is also a concern about commercialisation of public land without return to the Crown.

An active building edge features openings (windows and doors) that encourage direct physical and visual links between the building and parkland. It can help to generate activity and movement through the parkland as well as provide passive surveillance, increasing the actual and perceived safety of open space through over-looking.

The major opportunity for the Park is to direct new adjoining development or redevelopment towards addressing the parkland and waterfront respectively. By increasing interaction with the public domain, these areas (active nodes) could develop into more attractive destinations that offer a greater variety of recreational opportunities and uses to visitors. Associated with this is the potential for synergistic benefits (see Illustration "C").

This activation would consist of an extended node incorporating a primary, more strongly commercially-oriented node, and a secondary activity node with community and recreation facilities and a lesser commercial component. Movement between the primary and secondary node would also increase activation of the foreshore, contributing to a vibrant waterfront.

At Westport Park the primary node would be focused at the Port Macquarie Marina precinct and would involve sympathetic development of a commercial eastern edge to provide an active frontage to Westport Park incorporating commercial, retail, and maritime related shopping such as boating or fishing supplies (or other shops based on commercial demand and viability).

The secondary node would be focused on the Westport Bowling Club, opening onto the park providing a greater degree of interaction and surveillance of the park

### **3.6.9. Pedestrian Access and Linkages**

While the pedestrian network generally is fairly low key, there is already continuous public access along the foreshore within Westport Park, with the exception of the Marine Rescue complex which denies public access along the waterfront and detracts from that *waterfront promenade* experience.

Major opportunities for improved pedestrian access are :

- Integrating the foreshore link with the larger “Port Macquarie Coastal Walk” and the former LPMA’s Coastal Walk to Crescent Head.
- Designing improved connections between individual sections of paths/ promenades along the foreshore and extending that connection to Settlement City through Westport Park along the common south eastern boundary with Port Macquarie Marina.
- Support the provision of safe pedestrian crossing points from adjoining lands into public open space areas. (Note: these are outside the study and beyond the scope of this PoM).

### **3.6.10. Bicycle Access and Parking**

There are currently a few paths along the Port Macquarie waterfront that are suitable for bicycle use (refer Illustration “D”). However, there are opportunities at Westport Park to improve bicycle access and encourage greater bicycle use as a sustainable mode of transport. These are:

- Catering for off-road paths through reserve areas only where the potential for conflict with other reserve users can be minimised.
- Upgrading the foreshore bicycle link between Westport Park and both the Plaza Car Park Site and Settlement City.
- Restricting bicycle use in narrow foreshore areas with increased potential for conflict with other users.

### **3.6.11. Vehicular Access and Parking**

A significant portion of the Park is currently dedicated to car parking and access ways. Parts of these facilities are actively used as parking by CBD workers. The use of the foreshore land for parking affects the visual quality of the foreshore and diminishes the recreational and commercial potential of valuable foreshore land.

A number of opportunities have been identified that would improve the amenity and recreational potential of public foreshore land within Westport Park , in particular with regard to improved pedestrian access and connectivity and an improved visual character along the foreshore :

- Prohibiting further expansion of paved parking areas into parklands.
- Review options to increase car parking capacity through improved layout efficiency of existing parking/ paved areas.
- Consolidating parking in key locations to reduce paved areas in public open space.

- Removing car parks and roads not covered by existing agreements such as the Westport Club eastern car park.
- Restricting vehicular access to and through foreshore lands.
- Catering for increased parking demand during special events through the use of grassed areas for overflow parking. This would need to be managed and arranged individually for each event by the events' organisers.
- Monitoring the need for long term parking by mooring holders, in particular with regard to the impact long-term parking has on car parking capacity. There may be a need to limit or control the parking duration to ensure fair and equal access for all users.



## 4. MANAGEMENT FRAMEWORK

### 4.1. Overarching Principles

Planning and implementing the PoM Vision ie

***“to guarantee that Westport Park remains as open space for the use of the public.”***

must be managed in accordance with the Principles of Crown Land Management. These principles are defined under Section 11 of the *Crown Lands Act 1989*, as follows:

- a) that environmental protection principles be observed in relation to the management and administration of Crown land,
- b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible,
- c) that public use and enjoyment of appropriate Crown land be encouraged,
- d) that, where appropriate, multiple use of Crown land be encouraged,
- e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

In addition the Supporting Principles, as stated on page 9, are also relevant in the outcomes of this PoM.

### 4.2. Specific Management Objectives – Precinct A, HRCR

Specific management objectives were identified by Crown Lands along the Port Macquarie waterfront building on the statutory principles of Crown land management and the overall objectives for the HRCR. They are:

- to better utilise valuable lands with frontage to the Hastings River for tourism, hospitality, entertainment, accommodation, recreation and related purposes;
- to improve and integrate pedestrian and visual links to and along the waterfront and associated areas of open space;
- to support and enhance the demand for retail, accommodation and hospitality in the area by increasing opportunities, attractions and services for residents and tourists; and
- to improve boat moorings and boating facilities in the Hastings River and to open sections of the water body for active water based recreation.

While Westport Park now sits outside the HRCR the Objectives above are uniform across the whole of the Crown lands interests along the waterfront between Settlement Point and Town Beach. The dedicating of Westport Park does not in itself restrict development or the granting of commercial leases etc over the Park. The controlling factor is solely the *intent of government behind that dedication* ie as reflected in the PoM Vision.

### **4.3. PoM Vision v Prior Planning**

The Vision provides the direction and sets the final outcomes for the use of Crown foreshore lands within Westport Park. Any development proposed in Westport Park must be consistent with the Vision, as well as the PoM's management objectives and the overarching principles of Crown Land Management.

Both Crown Lands and PMHC have, through their respective consultation processes, promoted initiative and development concepts for Westport Park. This PoM has assessed those initiatives against the PoM Vision, in particular. All initiatives and developments are generally listed below. Those that put at risk the guarantee of Government to retain Westport Park as Open Space have been eliminated in the final outcomes.

#### **4.3.1. Initiatives and Enhancements**

Past planning by PMHC and Crown Lands during 2009/10 has worked to support the concept initially documented by the Chamber of Commerce ie to create the Port Promenade, a continuous and improved foreshore promenade linking the Port Macquarie waterfront from Settlement City through Westport Park to Town Beach. The Westport Park link within the promenade would involve the upgrading and widening of the existing path system.

While there has been plans to reroute the promenade around the harbour within a redevelopment Port Macquarie Marina this is not yet supported by Crown Lands due to the loss of commercial integrity of a working commercial waterfront site value and therefore a loss in return to government. Any link to Settlement City should continue to be accommodated within Westport Park thereby preserving the integrity of the PMM site as an active working waterfront and not compromised by public access.

The following provides more detail on the desired development outcomes and future uses within Westport Park.

##### **4.3.1.1. Westport Park – The Focal Areas**

This focal area encompasses the Crown land between the Port Macquarie Marina and Hollingsworth Street. The adjacent Port Macquarie Marina will provide the key hub servicing recreational, tourism, commercial and maritime activity. The secondary hub is provided by the Westport Bowling Club as a centre for community activity and recreation, operating on a commercial basis from freehold land. These two hubs frame Westport Park and will, through redevelopment within their existing boundaries, assist in activation of the Park, as well as increased safety through passive surveillance. Other points of community interest and activity include the boat ramp and trailer car park, the Westport Park playground and the croquet club

along Buller Street. These facilities will combine in realising the potential of Westport Park to function as a vibrant centre of activity along the Port Macquarie foreshore.

Accordingly, the desired future use of this area is to cater for a wide range of users and activities, while minimising the potential for conflict. Uses will include maritime uses (boating, fishing and, to a lesser extent due to the potential for conflict, informal swimming/ wading/ water play), formal and informal active recreation (including organised sports, walking, personal training, croquet, etc), children's play, passive recreation (reading, relaxing, enjoying the view) and low key commercial activities and tourism related uses (dining at the Club, accessing shops in the Port Macquarie Marina, tourism accommodation, etc). They will also include special events such as the Iron Man Championship. Users will encompass all age groups and levels of physical ability.

Key Initiatives previously considered and PoM Outcomes:

- *Initiative:* Redevelopment of the Port Macquarie Marina into a modern functional facility to cater for current and future trends including commercial, retail, tourist accommodation, conference facilities and public access.

*Outcome:* Port Macquarie Marina is outside the area of this PoM. Encourage the activation of the marina's frontage to the Westport Park sympathetically to the location.

- *Initiative:* Any redevelopment of the precinct shall be structured in line with MacroPlan's research for the Settlement City Structure Plan. This includes limited development adjoining the marina. It should also consider that Plan's allowance for land based offsets encroaching into EO1 Site 1 in return for realising public open space and community needs identified within adjoining Crown commercial lands i.e. the Port Macquarie Marina lease.

*Outcome:* Initiative proposes development within Westport Park which is not supported by the PoM Vision.

- *Initiative:* Funding of public benefit works through expansion of commercial opportunities and provision of multi use community facilities (housing local community based clubs) as well as the funding of improvements to and upgrading of existing Crown infrastructure.

*Outcome:* In implementing the PoM Vision the focus to source funding must generally come from external sources and from within ie revenue from events and opportunities licensed over the Park

- *Initiative/Outcome:* Redesigned and consolidated boat launching and associated parking at the existing boat ramp and trailer car park. Peak boat launching demand could be met through widening of the existing boat ramp. Parking demand could be improved through a more efficient trailer parking layout that minimises the area of parkland taken up by parking infrastructure/ hard pavements while maximising capacity. Paved surfaces limited to core trailer parking demand, accommodating peak demand/ overflow parking on grassed areas.
- *Initiative:* Activation of the Westport Club frontage onto Westport Park through limited areas of outdoor dining overlooking the Park and foreshore.

*Outcome:* Initiative proposing permanent and/or fixed improvements within Westport Park is not supported by the PoM Vision.

- *Initiative/Outcome:* Consolidation of Westport Park user parking within Westport Bowling Club's western (structured) car park, utilising the existing public access covenant. Provision of a link path to the foreshore promenade from both car parks.
- *Initiative:* Removal of the existing eastern service road and car park to the Westport Club and return the area to Park use.

*Outcome:* Current arrangements to be phased out and the reserve rehabilitated. In the interim CL to issue a Commercial Licence to Westport Bowling Club.

- *Initiative/Outcome:* Continued provision of a children's playground.
- *Initiative/Outcome:* A continuous foreshore planting strategy to create an avenue effect and provide shade and protection on the foreshore, balanced with the need to maintain key view corridors to the water.
- *Initiative/Outcome:* Increased shade through additional plantings of shade trees or the provision of shade over the playground. Planting needs to be strategically located in order to maintain the ability of the Park to stage large special events, and in order to maintain key views to the waterfront
- *Initiative/Outcome:* Improved Park facilities including fish cleaning tables and increased opportunities for seating and access to the beach/ water's edge.
- *Initiative/Outcome:* Short-term retention of the Croquet Club in its existing configuration to allow for continued synergies between the Croquet Club and Westport Club. Potential relocation (in the long term) of the club building from the Buller Street to improve views from Buller Street to Westport Park and the foreshore. Croquet Club parking needs to be met by current arrangements and the Westport Club structured car park.
- *Initiative:* Retention of the boat ramp adjacent to the Sea Rescue and associated parking. Use of the boat ramp is to focus on small craft including canoe and kayak launching by provision of platforms to assist such usage. Car parking adjoining the Port Macquarie Boys Scouts would be retained. If a suitable alternative location can be found, there may be benefits in considering the phasing out of the boat ramp in this location.

*Outcome:* This CL initiative varies from that in the PMHC planning. Current arrangements as identified by PMHC be allowed to continue and facilities upgraded by the Trust.

#### **4.4. Management Roles**

Management of Crown reserves, tenures and infrastructure within the reserve is largely undertaken either directly by Crown Lands or by its Reserve Trust.

The Westport Park (R54279) Reserve Trust is the appointed trustee of Westport Park dedication and PMHC is the manager for the Trust.

As Westport Park is dedicated Crown lands the Trusts is responsible for the management of the park and will need to implement recommendations of this PoM in accordance with its Vision and Objectives and Strategies. The strategies and actions contained in the Management Action Plan provide guidance in respect of implementing the PoM.

Crown Lands, subject to receiving the approval of the Minister for Lands also has the statutory capacity, under the provisions of Section 34A of the Crown Lands Act 1989, to issue leases, licenses and permits for commercial and other activities on the Crown lands.

#### **4.5. Sale, Leases and Licences**

Sale of waterfront Crown land is generally not favoured by Crown Lands. Leasing, licensing and reservation are Crown Lands' preferred options.

#### **4.6. Authorised Uses under the Crown Lands Act 1989**

Subject to an amending application to the relevant determining authority future development and use of the various Crown reserves covered by this Plan are restricted to:

- a) those permissible uses under the *Hastings Local Environment Plan 2011*;
- b) the existing declared purposes under the Dedication and issued tenures;
- c) purposes additional to the declared purpose if authorised by this Plan of Management (see sec. 112, *Crown Lands Act 1989*);
- d) purposes additional to the declared purpose if authorised by the Minister by order published in the NSW Government Gazette (see sec. 121A of the *Crown Lands Act 1989*)

Under section 34A of the *Crown Lands Act 1989* the Minister may also grant a lease, license or permit in respect of a Dedication for the purposes of any facility or infrastructure or for any other purpose the Minister thinks fit provided he is satisfied that it is in the public interest to do so and has had due regard to the principles of Crown land management.

A Trust may, in respect of the whole or any part of a dedication, grant a temporary (maximum one year) licences for any of the purposes referred to at sec 108 *Crown Lands Act 1989* and sec 31 *Crown Lands Regulation 2006*):

##### **4.6.1. Existing License to Maritime Rescue NSW**

Marine Rescue NSW currently holds a licence for a jetty, pontoon and slipway adjoining its headquarters at Westport Park adjoining Lot 1 DP 1064060.

This body provides an important community function. There has been an approach from a representative of the local Marine Rescue to consolidate its activities from Town Beach to its facilities in Westport Park. In so doing it may need to expand its current footprint at Westport Park which would create additional development in Westport Park and conflict with the PoM Vision.

#### **4.7. Additional Purposes Authorised on Adoption of this Plan**

The PoM seeks no additional purposes outside the dedicated public purpose of Public Recreation.

#### **4.8. Funding**

Funding arrangements need to address recurrent costs of management and maintenance together with capital costs for upgrading works.

Identified sources of funding for work under this Plan could include:

- Development contributions and funding arrangements as identified by PMHC in its Port Macquarie Final Vision and Masterplan 2009 (9.2 Funding and Partnerships -page 45).
- Public Reserve Management Fund (LPMA)
- Specialised funding or grants from both State and Federal Governments e.g. Commonwealth Enviro fund etc.
- Contributions/ sponsorship from the private sector.

All work will need to be staged having regard to funding availability and funding priorities.

#### **4.9. Management Action Plan**

The Management Action Plan identifies strategies and actions aimed at implementing this PoM.- For the purposes of the Action Plan, the objectives have been further shortened and refined, as follows:

- a) improve people movement, pedestrian/cycleway promenades to encourage walking and cycling.
- b) encourage a healthy lifestyle
- c) consider Climate Change issues in pursuing and designing an active waterfront and ongoing management of Crown assets.
- d) promote water based activities
- e) offer a range of experiences and opportunities for all residents and visitors..
- f) promoting tourist and recreational facilities/ opportunities

The timeframe columns indicate the degree of urgency and priority of the action. In broad terms, indicative timeframes are:

- Short        0 – 3 years
- Medium     3 – 6 years
- Long        7 > years

**4.9.1.1. Hastings Regional Crown Reserve - Objective 1:**

***To better utilise valuable lands with frontage to the Hastings River for tourism, hospitality, entertainment, accommodation, recreation and related purposes.***

Strategy (Westport Park)	Action (Westport Park)	Timeframe
Support redevelopment of neighbouring commercial and community sites and facilities to maximise their potential to contribute to tourism, hospitality, entertainment, accommodation, recreation and related purposes. Consider Climate Change issues and initiatives	1. CLD and Trust to support redevelopment of neighbouring commercial sites that encourage the activation of the common boundary with Westport Park provided such is progressed sympathetically to the location and reserve Park activities.  CLAct Licensing of any commercial advantage to be considered at all times	Ongoing
	2. Reconfigure existing trailer and car park east of PMM	Medium
Improve the public domain along the foreshore	3. Provide more park furniture throughout foreshore reserves, including seating, picnic tables, and lighting.	Ongoing
	4. Future playground upgrades to provide for a variety of play equipment and experience i.e. for various ages and abilities.	Ongoing

Strategy (Westport Park)	Action (Westport Park)	Timeframe
Enhance continuous public foreshore access in the form of the "Port Promenade".	5. Support and assist in the progressive implementation of the "Port Promenade" i.e. an enhanced landscaped foreshore promenade/boardwalk within the Park and connecting outside the Park to Settlement City and Town Beach.	Short/Ongoing
	6. Encourage the Westport Club to remove its eastern car park and associated service road located on Crown land. In the interim the occupation be authorised by a Commercial License issue by Crown Lands.	Short
Reduce the areas of foreshore land and other public land used for car parking	7. Accommodate public parking demand for accessing Westport Park within the reconfigured car park adjacent to Port Macquarie Marina and within the Westport Club's structured car park.  Further redeveloped of the car park adjacent to PMM to include traffic engineering review to ensure safe intersection design, including safety of turning movements into and out of Park Street.	Ongoing
	8. Allow use of grassed areas in foreshore reserves for the purposes of accommodating increased parking demand generated by special events. Management of such use would be the responsibility of event organisers/ managers. Such use is only to occur on a temporary basis and will be subject to agreement by the reserves' managers and Council approval processes, where applicable.	Short/Ongoing
Balance access to and use of the Precinct with the protection of the area's visual, environmental and recreation values		



Strategy (Westport Park)	Action (Westport Park)	Timeframe
Provide improved bicycle access	<p>9. Identify and work to provide, within the Park, a foreshore bicycle link (as part of a wider network of cycle ways) based on current best practice guidelines for accommodating shared use with pedestrians and minimising potential for conflict.</p> <p>Support installation of signage to identify the foreshore as a low speed environment and to indicate pedestrians have priority.</p>	Medium
Develop Reserve areas to maintain flexibility of use and maximise the range of activities that can take place there.	<p>10. Where practical allow existing hard paved and parking areas to provide for youth activities during periods of low use/ demand.</p>	Short to medium
Provide for increased tourism and recreation interest through the interpretation of the site's history and natural environment	<p>11. Ensure any development (including for interpretation and public art) along the foreshore recognises, integrates and maximises opportunities for interpreting the area's history and cultural heritage.</p>	Ongoing

<b>Strategy (Westport Park)</b>	<b>Action (Westport Park)</b>	<b>Timeframe</b>
Work with agencies and organisations to coordinate and integrate planning for tourism, recreation and associated facilities	12. Work with Council and other relevant agencies to ensure the foreshore promenade links to and integrates with larger regional pedestrian networks.	Ongoing
Ensure the Park continues to meet the current and future needs of both the permanent population and visitors to the Port Macquarie area.	13. Review this Plan of Management after a maximum of five years.	Ongoing
Ensure the intended status of Westport Park is corrected	14. Negotiate with PMHC to correct the land status of what is perceived to be Westport Park (see Illustration "E".	Short

**4.9.1.2. Hastings Regional Crown Reserve - Objective 2:**

***To improve and integrate pedestrian and visual links to and along the waterfront and associated areas of open space.***

Strategy (Westport Park)	Action (Westport Park)	Timeframe
Improve visual links to the waterfront and integrate them with enhanced pedestrian linkages	15. As part of any future works within the Park provide publicly accessible pedestrian links to the foreshore and foreshore promenade. This would need to consider issues such as security and public safety.	Ongoing
	16. Balance the provision of views towards the water with the need for activity (outside seating), shade/ user amenity. The importance of views should not totally preclude planting along the foreshore. In turn, foreshore planting densities and species to give consideration to the importance of views.	Ongoing
Reduce and minimise the visual and physical impacts of car parking on foreshore public lands	17. For any development on or adjoining public foreshore that includes the provision of car parking, encourage the provision of structured car parks i.e. all new car parking will be integrated with the building design (either underground or on parking decks) and not visible from the public domain.	Short and ongoing

**4.9.1.3. Hastings Regional Crown Reserve - Objective 3:**

***To support and enhance the demand for retail, accommodation and hospitality in the area.***

Strategy (Westport Park)	Action (Westport Park)	Timeframe
Increase opportunities, attractions and services for residents and tourists including through supporting adjoining commercial uses such as activities with a focus on retail, accommodation, hospitality and tourism/ recreation	18. Promote Westport Park to neighbouring businesses (and tourism interests generally) as an enjoyable and active Open Space area to meet and recreate.	Ongoing
Encourage increased public access and use through activation of developments fronting foreshore lands.	19. Support redevelopment of neighbouring commercial sites that encourage commercial activation of the common boundary with Westport Park provided such is progressed sympathetically to the location, access needs and reserve Park activities. Redevelopments to be allow to develop active frontages to the Park, in the form of shops, offices (including related to marina administration) or commercial premises that are accessed from and overlook the park.	Medium
Establish a unique and iconic identity for the Precinct.	20. Trust to develop/implement a suite of detail for a foreshore promenade and foreshore open space.	Short and ongoing
Ensure equality of access.	21. Support the provision of dedicated parking spaces to cater for users with special needs.	Short

Strategy (Westport Park)	Action (Westport Park)	Timeframe
Use short term commercial events and opportunities as a key mechanism for raising the funds required for recreational infrastructure and other improvements to the Park.	22. Commercial mobile activities such as fitness activities, vendors etc be restricted both in numbers and areas of operation through a competitive tendering process. This will include a review of the existing arrangements including the terms of existing consents already issued by Council/ reserve trust managers.	Ongoing
Ensure maintenance is consistent with the importance of the land	23. Undertake regular maintenance and repair of the Park's landscape and infrastructure based on level of use/demand.	Ongoing

**4.9.1.4. Hastings Regional Crown Reserve - Objective 4:**

***To improve boat moorings and boating facilities in the Hastings River and to open sections of the water body for active water based recreation.***

Strategy (Westport Park)	Action (Westport Park)	Timeframe
Extend the network of public pontoons and short-term moorings	24. Investigate and provide additional public wharves fronting focal areas along the waterfront as well as a limited number of short-term public moorings.	Medium
Maximise and improve boating and fishing facilities	25. Provide/upgrade accessories for recreational fishing such as fishing platforms and cleaning tables. Reconfigure and regulate the car parks supporting the two public ramps	Short to medium
Maximise opportunities for water-based activities other than boating	26. Allow increased safe opportunities for the launching of small watercraft including canoes and (sea) kayaks. Locations to include the Sea Rescue boat ramp.	Short to medium

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## 6. Appendix 1 – Planning Context

### NSW Local Government Act 1993

The *Local Government Act* provides for local government, by providing the legal framework for the system of local government in NSW, including regulation of the relationships between the people and bodies comprising the NSW system of local government. It further seeks to encourage and assist the effective participation of local communities in the affairs of local government. It also requires councils, councillors and council employees to have regard to the principles of ecologically sustainable development in carrying out their responsibilities. Finally, the Act provides Councils with

- the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and of the wider public
- the responsibility for administering some regulatory systems under the Act, and
- a role in the management, improvement and development of the resources of their areas.

The *Local Government Act* (and associated Regulation) also outline requirements of the preparation of Plans of Management for community land.; However, Crown land is excluded from the definition of public land, unless it has been vested in a council. Therefore, Crown land under council care and control must be assessed and managed in accordance with the provisions of the *Crown Lands Act 1989*.

### SEPP 71 Coastal Protection

*SEPP 71 Coastal Protection* is the main law regulating coastal development in NSW. It came into force in 2002 and is legally enforceable.

The Policy aims to further the implementation of the *NSW Coastal Policy 1997*. It specifies additional matters that must be considered in the preparation of Local Environmental Plans, as well as in determining development applications. It also requires the preparation of masterplan for certain subdivisions in the sensitive coastal zone, and identifies the requirements for those masterplans. Finally, it specifies certain development applications in sensitive coastal locations that need to be referred to the Director-General for comment.

### Native Title

Native title issues are regulated by both the Commonwealth *Native Title Act 1993* and the NSW *Native Title Act 1994*.

Native title legislation recognises the right of Indigenous people to interests in their traditional lands. It was only introduced in Australia following the *Mabo v Queensland* case in the High Court in 1992. the High Court held that the rights of Aboriginal people and Torres Strait

Islanders in respect of a particular piece of land are recognised by common law as native title. This is provided that Aboriginal people and Torres Strait Islanders can show that they are descended from the original inhabitants of the land in question and that they have maintained their traditional laws and customs. It is also contingent upon their title not having been extinguished by the grant of an inconsistent interest.

Following the adoption of the Commonwealth *Native Title Act* after the *Mabo* case, each state passed complementary legislation that validated past acts of the states that created interests in land. The NSW *Native Title Act 1994* adopts all other measures of Commonwealth legislation, while confirming and applying its precepts to relevant acts of the Crown in NSW. That is, the Act validates past acts, confirms that previous non-exclusive possession burdens native title to the extent of inconsistency between the different rights and interests.

Native Title legislation makes provision for Aboriginal and Torres Strait Islanders to lodge claims over Crown land. The legislation also sets out the requirements for the Crown and appointed Crown Reserve Trusts in dealing with Crown land in the future unless it can be clearly established that any native title rights and interests that may have existed have been extinguished.

Native title may have been extinguished over parts or the whole of Precinct A by the construction of authorised public works or by lawful use of the land that is wholly inconsistent with the continuation of native title rights and interests. It will be the responsibility of the reserve managers to ensure that, prior to any works being undertaken, the issue of native title is addressed.

### **Port Macquarie- Hastings Local Environmental Plan 2011**

The *Port Macquarie-Hastings Local Environment Plan 2011* (LEP) remains the main planning document regulating the development and use of land in the Port Macquarie-Hastings LGA. It has consolidated previous planning documents into a single LEP for the whole LGA. The objectives relevant to this PoM are:

- to provide a legal basis for development control plans which provide more detailed local planning policies,
- protect areas which are environmentally sensitive, and
- manage the urban areas of the local government area by strengthening retail hierarchies, promoting appropriate tourism development, guiding urban form, providing for the protection of heritage items and precincts and controlling the development of flood liable land.

Subject to general and special provisions, development of land is controlled by zoning.

Westport Park is zoned *RE1 Public Recreation*. Objectives of the *RE1 Public Recreation* zone are:

- *To enable land to be used for public open space or recreational purposes.*

- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Development permitted in this zoning without consent is:

*Nil*

Development permitted in this zoning with consent:

*Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures*

Prohibited development

*Any development not specified.*

## **7. Appendix 2– Commitment of Government**



# **The Hon Barry O'Farrell MP**

## **Premier of NSW**

### **Minister for Western Sydney**

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## **MEDIA RELEASE**

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Monday 25 July 2011

### **COMMUNITY WIN ON WESTPORT PARK**

The NSW Liberals & Nationals Government has delivered on an important election commitment by announcing that Westport Park in Port Macquarie will be dedicated as a public recreation reserve.

Premier Barry O'Farrell, Deputy Premier Andrew Stoner, Minister for Primary Industries Katrina Hodgkinson and Member for Port Macquarie Leslie Williams made the announcement at Westport Park today.

"Leslie Williams committed before the election that a NSW Liberals & Nationals Government would dedicate Westport Park as public open space and we are here today to do exactly that," Mr O'Farrell said.

"To guarantee that it remains as an open space for the use of the public, we have directed that Crown Lands administrators ensure it is now given the highest level of protection by dedication under the Crown Lands Act 1989."

Andrew Stoner declared today's announcement a win for people power.

"The NSW Government is committed to re-empowering local communities by involving people in the decisions that affect them," Mr Stoner said.

"I congratulate the local community and the Port Macquarie-Hastings Foreshore Protection Association for sticking to their guns despite the former NSW Labor Government's indifference."

Leslie Williams made representations to all the Ministers involved to honour her election commitment.

"The community clearly regards Westport Park as a prized area of land within the Port Macquarie city area -there were overwhelming community requests for this change," Mrs Williams said.

"I thank the Deputy Premier Andrew Stoner and the Minister for Primary Industries and Small Business Katrina Hodgkinson for their work in overseeing the administrative arrangements that allows Westport Park to be dedicated as land for public purpose."

The NSW Liberals & Nationals Government believes it is most appropriate for the Port Macquarie Hastings Council to remain as trustee of the reserve.

Katrina Hodgkinson has directed that Crown Lands work with the Council and stakeholder groups, including the Foreshore Lands Advisory Group (FLAG), to complete a draft plan of management that identifies the key community objectives for the management of Westport Park as public open space.

Ms Hodgkinson also announced a representative of the Foreshore Protection Association would be on FLAG, ensuring input on behalf of the whole community.

"The draft plan of management will then be made available to the community of Port Macquarie for comment and feedback," Ms Hodgkinson said.

"When the consultation is completed and the plan is finally adjusted to reflect community feedback, the plan can be formally adopted and it will become the statutory framework that will bind the future management and operations of Westport Park."

## **8. Appendix 3 - Illustrations**



# WESTPORT PARK

Red Edge : Dedication for Public Recreation  
as gazetted 26 August 2011 (Westport Park)





# WESTPORT PARK

FLOODPRONE LANDS



FLOOD MAPPING ADAPTED FROM  
HASTINGS RIVER FLOODPLAIN RISK MANAGEMENT STUDY  
OCTOBER 2011  
WORLEY PARSONS



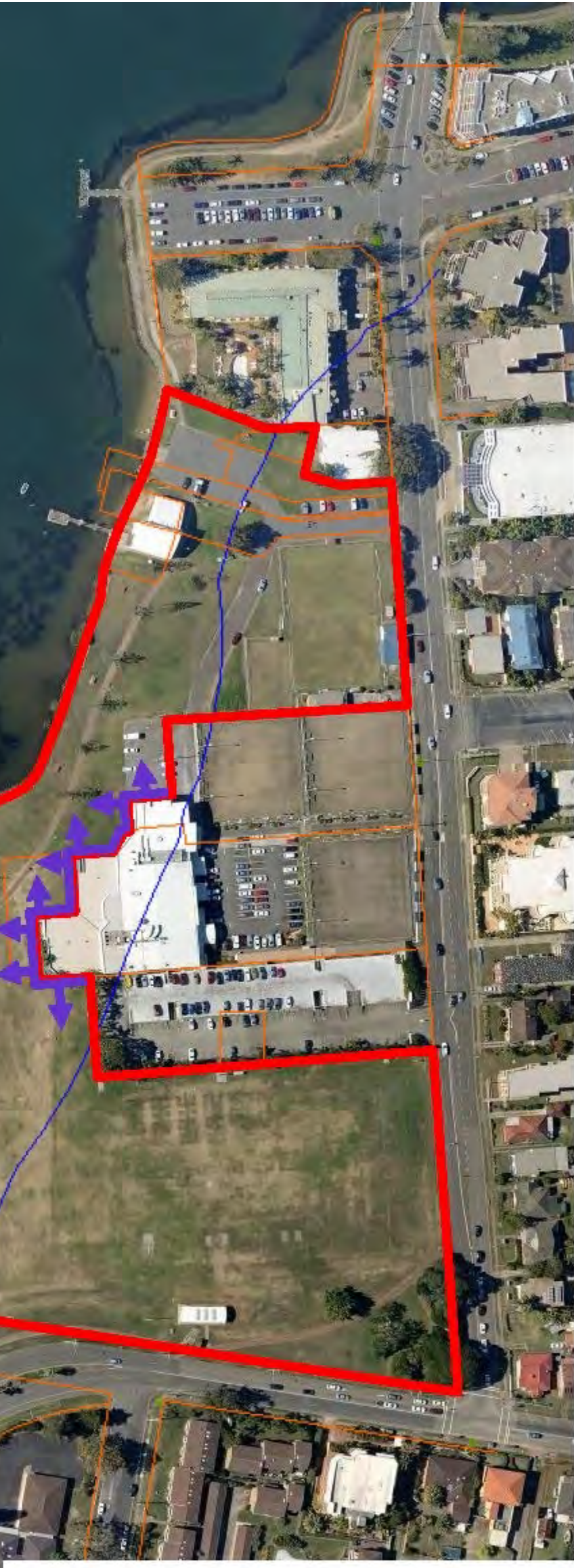
ILLUSTRATION "C"

# WESTPORT PARK

ACTIVE AND INACTIVE EDGES



New opportunities for  
Active Edges





# WESTPORT PARK

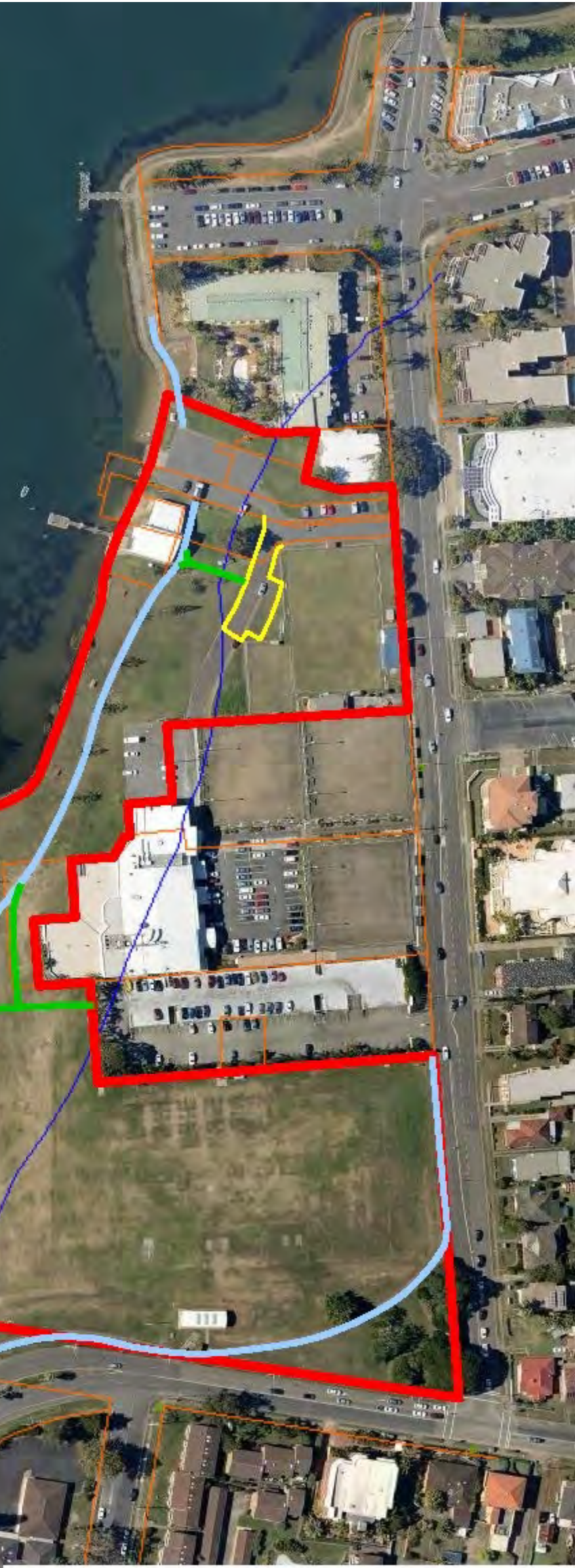
## PEDESTRIAN AND BICYCLE ACCESS & LINKAGES

Existing

Proposed

Secondary extension

Reshape of low capacity  
reserve parking





# WESTPORT PARK

D1033088 for Public Recreation

Gazette 26 August 2011 folio 5300

Lot 1 sec 69 DP758853; Lot 7002 DP96365; Lot 572 DP754434 excluding south east corner; Lot 7001 DP1060069; Lot 7066 DP1060068 Lot 1 DP1064060; Lot 2 DP1064060; Lot 3 DP1064060 area above mean high water mark of Hastings River; Lot 7004 DP1060067; Lot 7085 DP1116240; Lot 1 DP807023

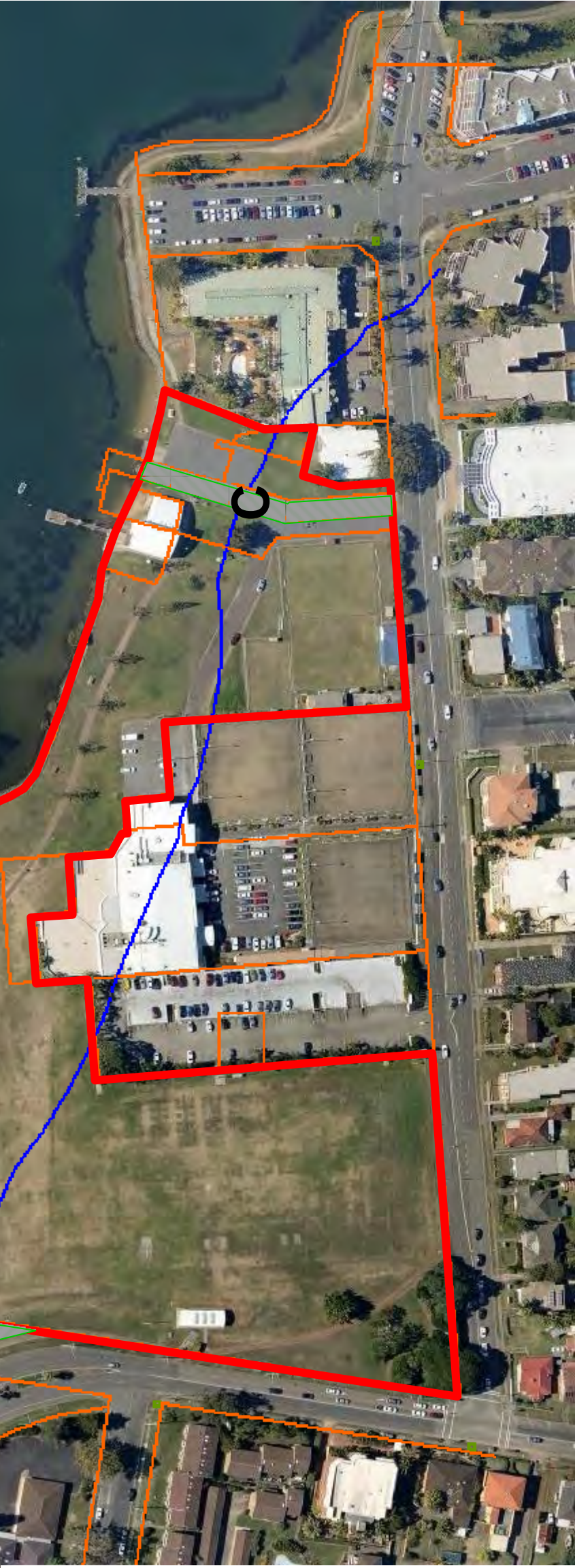


## AMENDMENTS REQUIRED TO RESOLVE BOUNDARY ISSUES

### ACTIONS

- A - Part dedication to be acquired by PMHC for roadway (Park Street) - Part Lot 7002 DP96362
- B - Part road to be closed and added to dedication
- C - Part remains lot 601 DP754434 and hiatus not included in dedication (cadastral errors relating to DP1064060)

Blue line is location of original mean high water.  
Land outside is reclaimed from Hastings River





# WESTPORT PARK

## CONCEPT PLAN

1. Existing pathway widened and resurfaced
2. Upgrade boat ramp for small craft launching
3. Reshape as low capacity car park for reserve users
4. Access to car park, ramp and Marine Rescue
5. Phase out Westport Bowling club eastern access
6. Shared pedestrian bicycle pathway with new tree planting, shelters and landscaping (Port Promenade)
7. Activation to Westport Park edge
8. Existing Croquet lawns
9. New access from car parks to foreshore promenade
10. Upgrade/relocate 'all age' playground
11. Improve Westport Park for events
12. Relocate public amenities closer to need (eg near boat ramp and playground)



13. Upgrade public wharf and boat ramp to meet demands
14. Existing car park reconfigured to provide more effective parking
15. Information signage