

Rural Residential Subdivision Major Project No. MP-06-0212

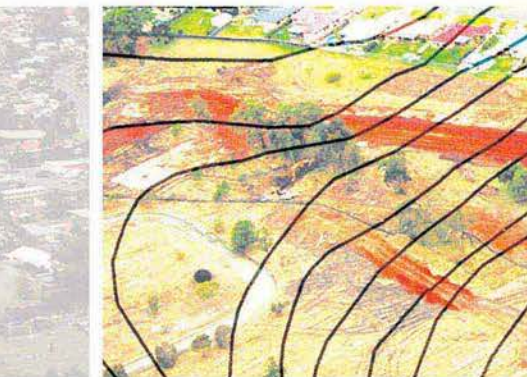
Le Clos Verdun Estate – Sancrox Road, Sancrox

SECTION 75W MODIFICATION ENVIRONMENTAL ASSESSMENT



Le Clos Pty Ltd

December 2013



HOPKINS CONSULTANTS

PTY LTD

STATEMENT OF VALIDITY

Submission of Environmental Assessment

Prepared under Part 3A of the Environmental Planning and Assessment Act 1979

Environmental Assessment & Preferred Project Report prepared by

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Applicant & Land Details

Applicant name: Le Clos Pty Ltd
Applicant address: C/- Hopkins Consultants Pty Ltd
PO Box 1556 - Port Macquarie NSW 2444
Major Project No. MP06-0212
Subject Land: Lot 51 DP775871, Lots 1-13, 15-66, 68, 70-72, 74-80, 83-84, 86-88 DP791199 & Lots 90-95 DP805549, Sancrox Road, Sancrox.

Environmental Assessment

This Environmental Assessment relating to a modification to an approved subdivision of the aforementioned land has been prepared in accordance with the Director-General's Environmental Assessment Requirements and related provisions of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000, the conditions of the original Concept & Project Approvals, and subsequent consultations with relevant Government agencies.

This Environmental Assessment includes information provided by Hopkins Consultants & Hastings Business Lawyers. To the author's knowledge, the information provided by Hopkins Consultants, by any of the third parties and/or otherwise reported within the application for a modification to the Concept & Project Approvals are correct and are neither false nor misleading.



Andrew Lister
18TH December 2013

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1 INTRODUCTION

1.1 INTRODUCTION

Application was made in April 2008 under Part 3A of the Environmental Planning and Assessment Act 1979, for part Concept and part Project Approval for the redevelopment of the Le Clos Verdun rural residential estate in Sancrox Road, Sancrox. A Preferred Project Report was subsequently lodged in April 2010 after consideration of the public consultation. The application was ultimately approved in December 2010.

An application is now being lodged to seek a minor modification to the staging and lot numbers of the approved subdivision.

1.2 BACKGROUND

The site is known as 'Le Clos Verdun' and is a rural residential estate located on Sancrox Road, Sancrox which is a rural locality approximately 15km west of Port Macquarie on the Mid North Coast of New South Wales. The site is located within the Port Macquarie-Hastings Council Local Government Area.

Le Clos Verdun was created in the late 1980's, and was registered in 1989 as a shared-lot viticulture/residential farming enterprise. The development failed as an agricultural venture and now fails to meet current health and building standards for the residential occupation of the land.

The Concept/Project comprises the re-subdivision of the subject site into 144 rural residential lots primarily under community title. The land lies within the Investigation Area of Port Macquarie-Hastings Council's Rural Residential Strategy document, and had been rezoned in January 2007 to enable this re-subdivision accordingly.

The re-subdivision of this site was determined to fall under the Major Project provisions of Part 3A of the Environmental Planning and Assessment Act 1979, and was lodged as per those requirements in April 2008. The application was approved in December 2010.

1.3 OUTLINE OF PROJECT APPLICATION APPROVED DECEMBER 2010

In determining this Major Project in December 2010 pursuant to Section 75P of the Environmental Planning and Assessment Act 1979, the Minister approved the following Concept/Project:

1. Boundary adjustment between Lot 51 in DP 775871, and the neighbouring parcels (Lots 22, 28, 52, 53, 56 and 86 in DP 791199 and Lot 92 DP 805549), under Torrens Title;
2. Re-subdivision of the remaining Le Clos Verdun estate into a total of 143 rural residential lots under Community Title;
3. Retention of existing residences within the estate;

4. Retention and augmentation of existing roads, water mains, telecommunication lines and electricity cables which currently service the estate, and construction of new infrastructure as necessary;
5. Establishment of a future vehicular access link to the adjacent rural land to the east identified under Council's Rural Residential Strategy for future investigation;
6. Minor filling for Lots 110-112, and Lots 87-90 in the community title subdivision;
7. Landscaping works, including the management of existing landscaping within the estate and re-planting within access and drainage routes, ridge-lines, gullies and the revegetation and rehabilitation of disturbed sections within the Haydons Creek Riparian Zone;
8. A 'Cluster System' for the treatment of effluent from proposed Lots 45-49 via a shared effluent disposal site located approximately 75m to the south-east (proposed Lot 1C);
9. An Integrated Surface and Stormwater Management strategy incorporating existing inter-allotment drainage, proposed bio-retention systems, culvert crossings for Haydons Creek road access, sediment control/detention dams to be located within community land, and a new dam structure to the north-east of the proposed cluster lots;
10. An integrated system of fire-trails within the rear of bushfire prone sites, acting as linkages within the proposed internal road system for emergency vehicle access;
11. Establishment of future nature walkways along the Hastings River and Haydons Creek Crown Reserves on the perimeter of the development site;
12. The establishment of Community Amenities including future tennis courts, a community building, amenities block, children's playground and associated passive and active recreation areas within the Community Open Space lot.

2 SUMMARY OF PROPOSED MODIFICATION

2.1 PROPOSED MODIFICATION

The intended modifications can be summarised as:

- Minor boundary re-alignments to the approved plan of subdivision. No additional lots or roads however are to be created, nor is the overall subdivision footprint changing in any negligible way;
- Re-ordering of the 13 stages of development, such that the "number of" lots being released in each stage will differ from that of the original approved plans;
- Shifting the entrance road some 25m west of its existing location. This is designed to increase sight distances at the intersection with Sancroix Road;

- Minor re-configuration of the pre-subdivision boundary adjustment (Stage A) to respond to the requirements of affected land-owners.

The “*Overlay of Approved Lots with New Layout*” plan dated 19th July 2013 and included in Appendix A, provides a direct comparison which illustrates the intended changes to lot and road boundaries. Also attached is a new sheet-set of plans which illustrate each individual stage of the subdivision (Appendices B & C).

Included with this application is a scanned copy of the signed Concept Approval and Project Approval documents with our suggested mark-ups of the conditions of approval that will require modification to reflect the new staging and lot numbering details. These are provided as a guide to assist with a comparison of the original approvals to the currently proposed layout (Appendices D & E).

Also included are copies of the draft Development Contract and draft Neighbourhood Management Statement as approved, but with the intended changes to lot numbers and stage details similarly annotated (Appendices F & G). These draft documents were prepared with the Preferred Project Report to assist Council and the Minister in assessing the intended management of the Community Title subdivision.

3 ENVIRONMENTAL IMPACTS

Access, Transport & Traffic	<p>The intended commercial use will have no detrimental impact on the local traffic environment.</p> <p>The re-location of the existing entry road some 25m to the west is intended to address sight distance issues which exist with the current intersection and improve local road safety for both the present Sancrox Road traffic and the future residents of this development.</p> <p>While the original approved layout did not propose this change, it was anticipated that compliance with the Minister's conditions relating to upgrading this intersection to comply with Austroads standards would necessitate this existing intersection to be relocated as now currently proposed.</p> <p>Hence, this intended modification has a positive impact on the local traffic network.</p>
Public Domain	<p>There will be no impact, or any disturbance to any areas of public reserve, local roads or other assets. A detailed intersection design was to be required (as per approvals) for the upgraded Sancrox Road vehicular entry. The shifted location will be documented in those plans.</p>

Utilities (Water Supply, Sewer)	All utilities are to be extended and augmented as per the conditions of the original Concept and Project approvals. The intended modifications do not alter the service provision or infrastructure design requirements for the development.
Heritage & Archaeology	<p>The proposed development site is not within the vicinity of a designated heritage item under Port Macquarie Hasting Council's LEP 2011.</p> <p>There are no items of heritage significance known to exist on the site, be it environmental, archaeological, cultural, spiritual, aboriginal or non aboriginal.</p> <p>Notwithstanding, the proposed modifications have no impact on the footprint of the development as approved.</p>
Air & Microclimate	<p>The modified subdivision would not have any greater impact upon air quality and microclimatic conditions in the locality.</p> <p>During construction, appropriate noise & dust management controls will be implemented, as has been conditioned for in the Concept and Project Approvals.</p>
Flora & Fauna	No vegetation is being disturbed by this modified proposal beyond the clearing previously approved in the Concept and Project approvals.
Natural Hazards - Flooding	The modification has no impact on the flooding safety or other aspects of the Concept &/or Project approvals related to flooding.
Natural Hazards - Slip or Subsidence	There are no known, nor likely slip or subsidence issues affecting the site.
Natural Hazards - Bushfire	The Bushfire risk is not exacerbated or otherwise affected by the intended modifications to the lot numbering of the subdivision.
Technological Hazards	The modified proposal will not give rise to any significant technological hazard, risk to people, property or the biophysical environment.
Cumulative Impacts	No detrimental cumulative impacts are anticipated as a result of the proposed modification.

Suitability of the site for development	<p>There are no reasons to suggest the modifications to the approved Concept/Project are unsuitable for the site. As evidenced by the original approvals, the rural residential site is suitable for this development and the intended modifications to lot numbers & various stages are minor and do not affect the integrity of the original development.</p> <p>Any necessary environmental management requirements associated with the re-subdivision of the site have been conditioned previously.</p>
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4 STATEMENT OF COMMITMENTS

The modifications to the original concept have not required any modifications to the approved Statement of Commitments other than for the references to individual lot/stage numbers that have changed since approval had been handed down.

The suggested changes to the conditions of the Concept, and Project Approvals which reflect the previously lodged Statement of Commitments are detailed in the amended documents contained in **Appendices D and E**.

5 CONCLUSION

This Environmental Assessment has been prepared to outline the proposed amendments to the original Project Application and accompanying Environmental Assessment that was granted Concept and Project Approval in December 2010. The modifications entail:

- Minor boundary re-alignments to the subdivision layout itself;
- Minor re-ordering of the release of stages;
- Minor re-location of the existing entry road 25m west; &
- A re-numbering of all lots (and stages) included in the Concept/Project approvals.

The modified development will contribute to achieving the strategic objectives for rural residential living within the Hastings as per the objectives of Council's Rural Residential Strategy. In this respect, it is considered the development as modified will still have a positive and beneficial environmental, social and economic impact in that it will:

- Provide land for high quality and sustainable housing in an area that is growing and experiencing realistic demand for new rural residential development;
- Confine the development footprint to areas which have been previously cleared for viticulture and presently used for grazing, thereby avoiding all areas of significant environmental sensitivity;

- Ensure that areas of significant environment value are protected and subject to long term restoration and management practices under the community management scheme;
- Provide for, and rehabilitate a riparian buffer to protect and enhance the Hastings River and Haydons Creek foreshores;
- Provide and improve on public access opportunities to coastal foreshore areas for the benefit of future residents and the wider community;
- Provide for improved traffic linkages between the site, local traffic routes, and adjoining lands identified for future development;
- Generate economic and employment opportunities during construction;
- Generate additional demand for local retail and business services; &
- Provide for the rationalisation of a historical residential/agricultural venture which failed, and which has burdened multiple land-owners with a costly and unusable land development.

The justification provided in this Environmental Assessment and the original Preferred Project Report presents a case for the rural residential estate to be developed in the manner proposed. This is based on the commitment that all measures relating to the mitigation of environmental impacts, the long-term rehabilitation, restoration and management of areas of environmental value, and the establishment of essential services are implemented appropriately.

These commitments have been encapsulated in the conditions of approval within the Concept and Project approval documents. The intended modification does not compromise the achievement of any of these outcomes.

To that end, the Minister's favourite determination of the modified project is respectfully requested.