



17 July 2006

Our Ref: 6096
Your Ref:

The Director-General
Office of Sustainable Development Assessment & Approvals
GPO Box 39
SYDNEY NSW 2001

Attn: Mr Michael Woodland

Dear Michael,

Re: "Le Clos Verdun" – Proposed Rural Residential re-subdivision
of Lot 51 DP 775871, Lots 1-13, 15-66, 68, 70-72, 74-80, 83, 84, 86-88
DP 791199, Lots 90 - 95 DP 805549, Sancrox Road, Sancrox, Port
Macquarie.

Further to our discussions with Mr Nathan Wort, please find enclosed synopsis material to support a request for the Minister's Opinion under Clause 6 of SEPP (Major Projects) 2005, the completed Major Projects application form, request for DGR's and Application Fee of \$ 1000.

The land is subject to the provisions of SEPP 71 and includes land partly within a "Sensitive Coastal Location". It is located about 15 kilometres upstream of the Port Macquarie river mouth.

The enclosed Project Application is for Concept Approval, only and we seek delegation of authority to Port Macquarie-Hastings Council for the subsequent Development Applications.

Background

The existing subdivision is a legacy of a vineyard/rural residential estate ("Le Clos") developed by the Cassegrain family in the late 1980s. The housing lots in the "Le Clos" subdivision are too small for on adequate site effluent disposal and are in groups of about 25 lots averaging 1500 sqm. Further there is a complex array of easements, covenants and restrictions on the titles created as part of the Le Clos farm development, many of which cannot be extinguished until a re-subdivision is achieved. As such very few of the 84 dwelling entitlement lots have been built upon and all have individual owners anxious to proceed.

Directors

SYDNEY W HOPKINS

B Surv (Hons)
Registered Land Surveyor

MICHAEL S MOWLE

B E Civ (Hons)
Chartered Engineer

Associates

GERALDINE E HAIGH

B App Sc (Env Plng)
Senior Planner

GEOFFREY E HILL

B Surv
Registered Land Surveyor

DANIEL J BAKER

B Surv
Registered Land Surveyor



02 6583 6722 • 02 6584 9009

13 Peachtree Walk, Horton St

PO Box 1556, Port Macquarie 2444 NSW

Telephone: 02 6583 6722 • Facsimile: 02 6584 9009

Email: mail@hopcon.com.au

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An application to re-subdivide the land using SEPP 1 was lodged in the early 2000's. The Department of Planning declined to use that mechanism and instead advised that a rezoning would be required. This triggered a requirement to include the land within an adopted a Rural Residential Release Strategy prior to the rezoning being accepted.

The land was eventually included in the RRRS for Hastings Shire and the proponents were able to lodge a rezoning submission in January 2005.

The matter has proceeded through assessment and the relevant environmental studies have been completed and provided to Council. In May 2006 Public Exhibition of the rezoning was undertaken and Council Staff are presently preparing the relevant reports to progress the rezoning toward gazettal.

Please find enclosed a short submission addressing the Clause 6 matters, a preliminary assessment to support the request for DGR's together with the completed project application for concept approval and a cheque for the \$ 1000 fee.

If you require any further information or clarification please do not hesitate to contact the undersigned.

Yours faithfully,

Geraldine Haigh
Senior Planner

“LE CLOS VERDUN”

CLAUSE 6 MATTERS

The subject land comprises the “Le Clos Verdun” rural residential/vineyard development described as Lot 51 DP 775871, Lots 1-13, 15-66, 68, 70-72, 74-80, 83, 84, 86-88 DP 791199, Lots 90 - 95 DP 805549, Sancrox Road, Sancrox, Port Macquarie.

(a)

Figure 1 provides a locality plan and regional context.

Figure 2 shows the existing subdivision layout, private roads and adjoining lands with aerial background.

- (b) The proposal seeks to re-subdivide the former vineyard and rural residential development to rectify difficulties with undersized dwelling allotments and complex farm covenants, restrictions and easements. The re-subdivision would upsize the existing 84 dwelling lots and provide for an about 60 additional rural residential allotments within the estate.

Figure 3 shows the proposed re-subdivision layout, which is predetermined by the existing road network, ownerships and low lying areas.

Figure 4 seeks to illustrate key design principles.

- (c) Capital investment is difficult to estimate as there are extensive areas of existing road infrastructure and some water mains as well. Additional infrastructure services and upgrades of existing services are likely to occur. Employment generated stems from the flow on effects to the local industry once the allotments are released and the local villages. At this point in time, estimates of capital investment needed and flow on employment generation are not available.
- (d) The land is within the Port Macquarie- Hastings Rural Residential Release Strategy – Sancrox Area. Rezoning to part 1(r1) Rural Residential, part 6(a) Open Space and part 7(h) Environment Protection has progressed past public exhibition and is moving towards gazettal.

The exhibited rezoning plan is currently being reviewed to more accurately reflect the on site vegetation and riparian areas.

The land is within the Coastal Zone and is partly classified as a Sensitive Coastal Location under SEPP 71. The land is about 15 km upstream of the Hastings River mouth and is only a few kilometres downstream of Wauchope.

Figure 5 shows the SEPP 71 & Sensitive Coastal Location mapping.

“LE CLOS VERDUN”

PRELIMINARY ASSESSMENT

1. INTRODUCTION

“Le Close Verdun” is located about 2 ½ kilometres west of the Pacific Highway at Sancrox. It is part of the wider Sancrox Rural Residential area and is an existing rural residential development. It comprises some 84 dwelling entitlements and former vineyard “Clos Farm” allotments.

Refer Figure 1 – Locality and Regional Context.

The subject land holding is comprised of Lot 51 DP 775871, Lots 1-13, 15-66, 68, 70-72, 74-80, 83, 84, 86-88 DP 791199, Lots 90 - 95 DP 805549, Sancrox Road, Sancrox, Port Macquarie.

Figure 2 shows the existing conditions, including land titles, roads and adjoining properties on an aerial background.

The land is subject to the provisions of SEPP 71 and includes land partly within a “Sensitive Coastal Location”. It is located about 15 kilometres upstream of the Port Macquarie river mouth.

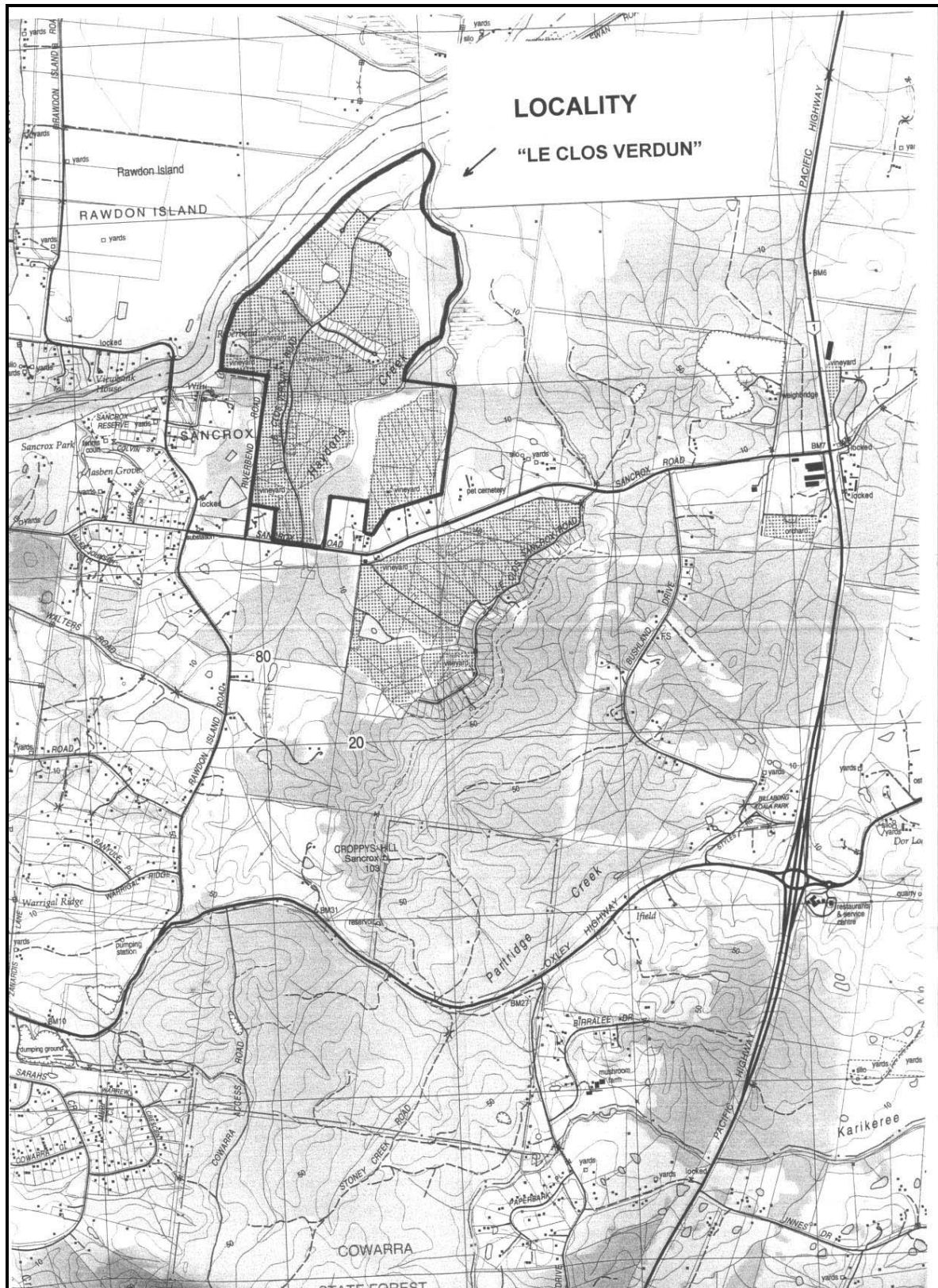
The existing subdivision is a legacy of a vineyard/rural residential estate (“Le Clos”) developed by the Cassegrain family in the late 1980s. The housing lots in the “Le Clos” subdivision are too small for on adequate site effluent disposal and are in groups of about 25 lots averaging 1500 sqm. Further there is a complex array of easements, covenants and restrictions on the titles created as part of the Le Clos farm development, many of which cannot be extinguished until a re-subdivision is achieved. As such very few of the 84 dwelling entitlement lots have been built upon and all have individual owners anxious to proceed.

The proposal seeks to re-subdivide the former vineyard and rural residential development to rectify difficulties with undersized dwelling allotments and complex farm covenants, restrictions and easements. The re-subdivision would upsize the existing 84 dwelling lots and provide for an about 60 additional rural residential allotments within the estate.

Figure 3 shows the proposed re-subdivision layout, which is predetermined by the existing road network, ownerships and low lying areas.

“LE CLOS VERDUN”

FIGURE 1 – LOCATION & REGIONAL CONTEXT

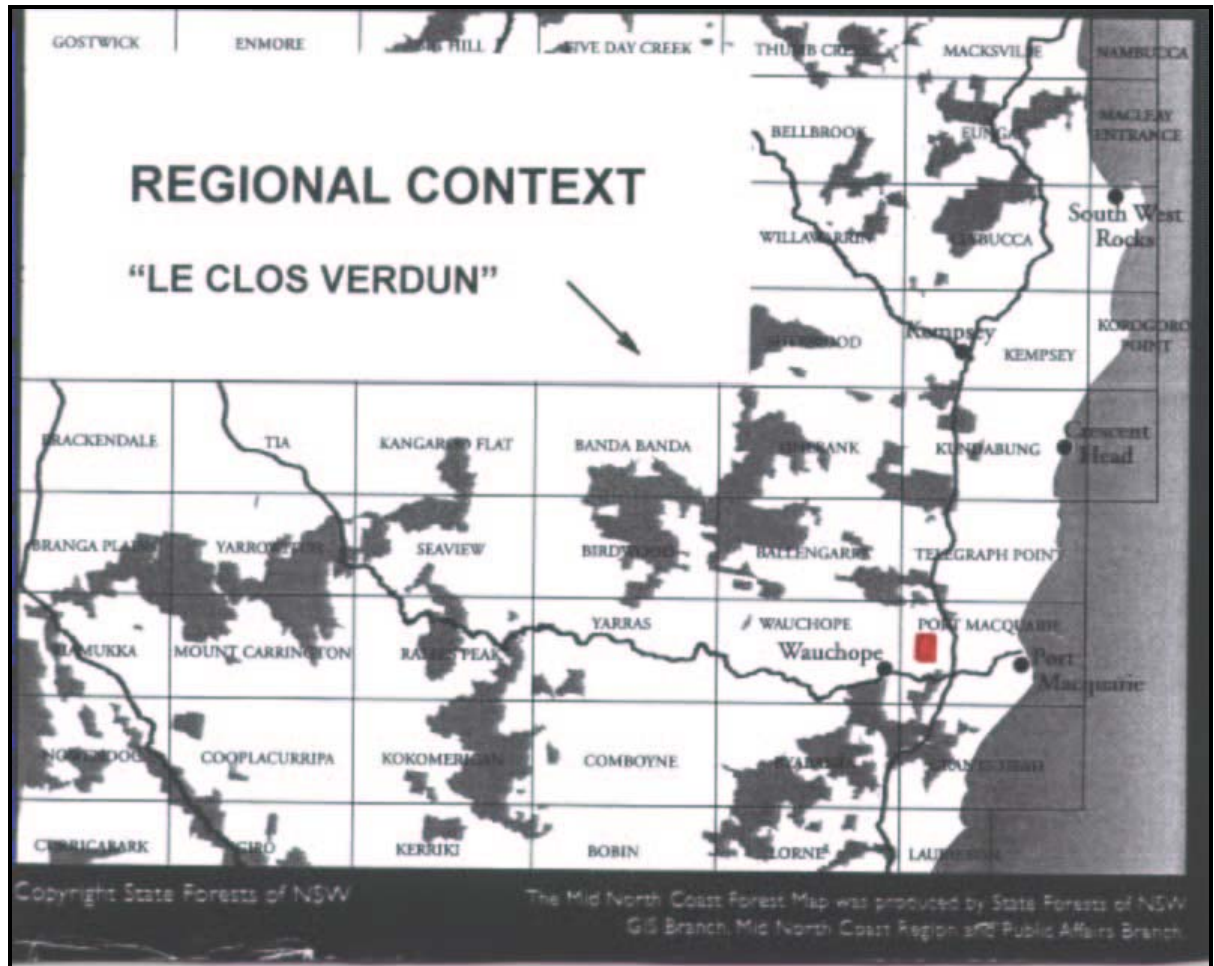


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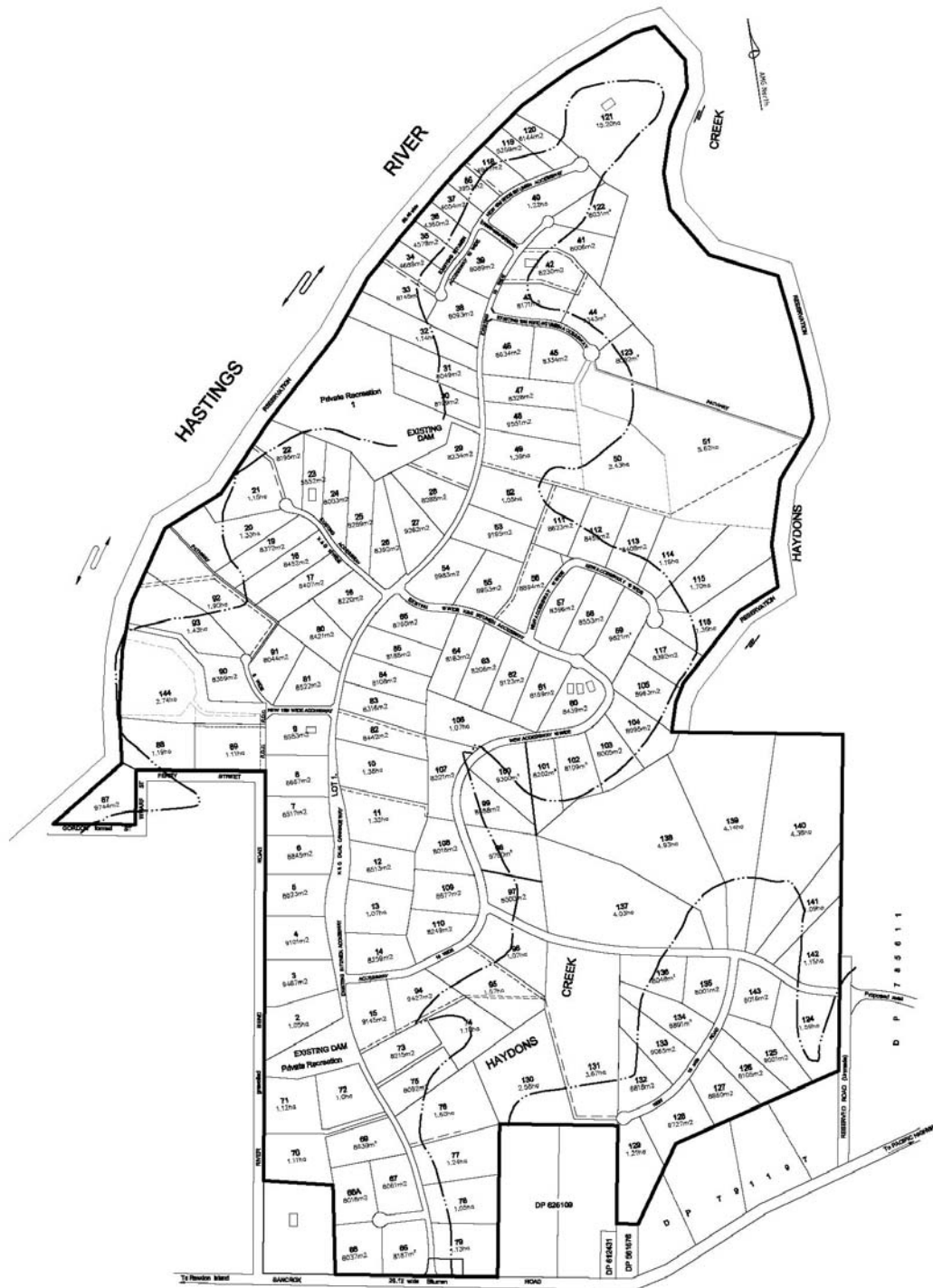
“LE CLOS VERDUN”

FIGURE 2 – EXISTING CONDITIONS



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FIGURE 3 – PROPOSED RE-SUBDIVISION



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2. KEY ISSUES

Key issues and considerations are:

2.1 DESIGN PRINCIPLES

The proponents seek to achieve a more attractive and environmentally sustainable development of the land by:

- Retaining the sweeping entry statement, dams/water features and the majority of existing driveway plantings established as part of the Clos Farm estate.
- Increasing dwelling lot sizes to improve on site effluent disposal, improved rural amenity and privacy between dwellings.
- Creating a series of pedestrian linkages from within the estate to the river front reserves.
- Provide for attractive on site recreational facilities in the proposed recreation reserve such as tennis courts, picnic areas and the like.
- Ensure stormwater drainage utilises grass swales and natural drainage lines, wherever possible.

Specific aspects of the re-subdivision layout include:

- Retention of existing private roads. Provision for Aus-pec standard road reserve widths will be made in the re-subdivision layout. This will provide opportunity for future reconstruction of the private roads to a public road standard, should the owners choose to do so. At this point in time, the roads will remain in private ownership and be maintained as part of a Community Titles Scheme for the estate.
- Location of existing buildings (4 residences, 3 clustered workers cottages and brick ‘office’) has been a consideration in the alignment of lot boundaries.
- Short sections of new road to provide better traffic circulation and looped roads.
- Formalised road link from east to west over Haydons Creek, generally in the location of the existing crossing.
- Low traffic speed environment on side roads, hierarchy relying on central spine road and east west link across Haydons Creek.site.
- Existing access point at Sancrox Road to be retained. No new entry points onto Sancrox Road proposed due to limited site distances.
- Pedestrian linkages to the Hastings River reserves and Haydons Creek reserves are proposed to be located from the end of the lower order access roads, wherever possible.

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- Public access to the Hastings River reserves is retained via River Bend Road, Ferry Street & Gordon Street. Access to the west of Gordon Street is also in place and will not be affected.

Figure 4 seeks to illustrate the above mentioned aspects.

2.2 ENVIRONMENTAL CONSIDERATIONS

- Ecology report identified a small area of Koala food trees near the southern end of Haydons Creek. These will be retained and protected as part of the re-subdivision.
- Stormwater drainage to be via grassed swales and utilise natural drainage patterns.
- Application of the 7(h) zone along riparian areas, including vegetated and some existing cleared areas in close proximity to Haydons Creek.
- Other cleared areas below flood level to be maintained in their current state for bushfire protection reasons.
- The Sancrox Rural Residential Area – Wastewater Study (Whitehead and Associates. Environmental Consultants Pty Ltd) has identified minimum average allotment size for the locality and identified areas requiring more targeted investigations for suitability for on site wastewater management. The Study identifies an 8000 sqm minimum lot size for on site treatment systems where those system produce effluent to the following standard:
 - Biochemical Oxygen Deman (BOD) = 20 mg/L
 - Total Suspended Solids (TSS) = 30 mg/L maximum.
- Targeted areas and areas proposing lots down to 4000 sqm minimum are to investigate cluster treatment systems or where alternate solutions are based on more detailed site specific investigations.
- The proponents are investigating the Ecomax systems in relation to the lots below 8000sqm and for larger lots within the targeted areas.

2.3 COMMUNITY TITLE OPTIONS

The application of Community Titles to parts of the estate will enable proper care, control and management of roads, bushfire asset protection zones & fire trails, parks, pathways, clustered on site effluent treatment systems, and landscape features.







2.4 STATUTORY MATTERS –RE ZONING & SEPP 71

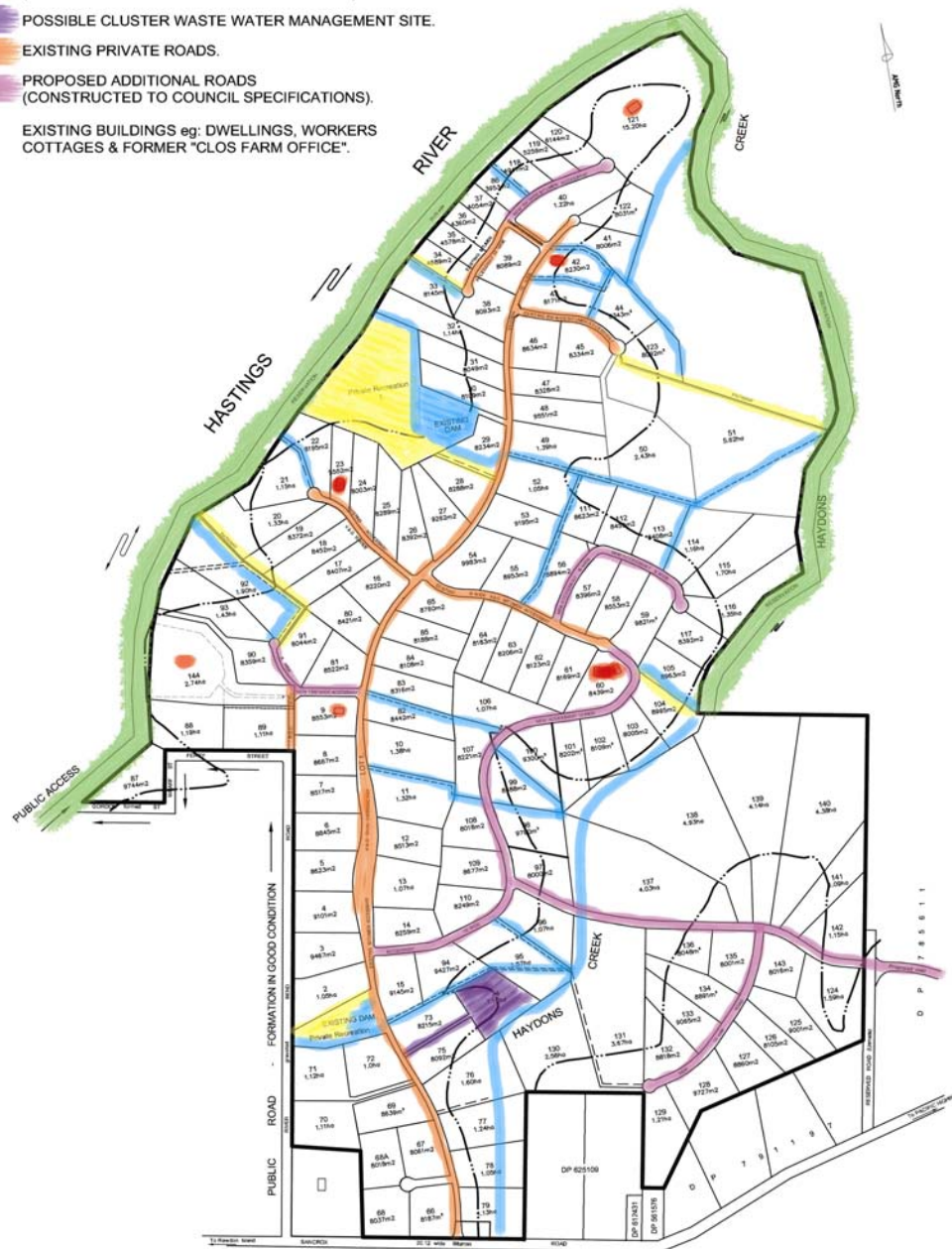
A rezoning of the land to permit the proposed re-subdivision is currently in progress and has recently concluded public exhibition. No public submissions were received.

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FIGURE 4 DESIGN PRINCIPLES

KEY

-  EXISTING CROWN/PUBLIC RESERVE.
-  PATHWAYS & RECREATION AREAS WITHIN ESTATE.
-  STORMWATER PATHWAYS & WATER COURSES.
(GRASSED SWALE DRAINS WHERE SUITABLE).
-  POSSIBLE CLUSTER WASTE WATER MANAGEMENT SITE.
-  EXISTING PRIVATE ROADS.
-  PROPOSED ADDITIONAL ROADS
(CONSTRUCTED TO COUNCIL SPECIFICATIONS).
- EXISTING BUILDINGS eg: DWELLINGS, WORKERS
COTTAGES & FORMER “CLOS FARM OFFICE”.



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It should be noted that a submission to Council was made on behalf of the proponents, drawing attention to some mapping anomalies in the 7(h) zone boundaries in relation to vegetated riparian areas. Council has been provided with a plan showing the exhibited zone boundaries over an aerial photograph of vegetation & contours to enable them to rectify any anomalies.

In relation to SEPP 71, the land is approximately 15 km upstream of the Hastings River mouth, and appears to have been captured under the Coastal Zone mapping due to the water levels this far upstream still being affected by tidal exchange.

The land fronts the Hastings River and is in part defined as a “Sensitive Coastal Location”.

Figure 5 illustrates the current statutory layers including Hastings LEP 2001 zones and SEPP 71 Sensitive Coastal Location mapping.

3. VIEWS OF OTHER AGENCIES, LOCAL COUNCIL, AND/OR COMMUNITY

Based on various meetings with Council officers, Mr Matthew Owens and Mr Anthony Deutchmann, Council is keen to see the matter progress to allow the existing land owners to re-subdivide and for some, finally construct their homes.

Council staff have also expressed a requirement for additional internal road linkages through the subdivision to improve traffic circulation and to provide connection to a proposed rural residential subdivision on adjoining land to the east. This has been allowed for in the re-subdivision layout at Figure 3.

As noted above, no submissions were received during public exhibition of the rezoning.

4. STRATEGIC PLANS, STUDIES OR INVESTIGATIONS

The land is part of the Sancrox Investigation area under the Port Macquarie - Hasting Rural Residential Release Strategy and the exhibited rezoning is consistent with the adopted strategy.

Your earliest attention to the matter would be most appreciated and should you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully

Geraldine Haigh
Senior Planner 0439 836711

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FIGURE 5 – STATUTORY ZONES & CONTROLS

