



NSW GOVERNMENT
Department of Planning

20 SEP 2007

Contact: Sally Laing
Phone: 02 9228 6498
Fax: 02 9228 6540
E-mail: sally.laing@planning.nsw.gov.au

Our ref: MP06_0212
Your ref: 6096
File: S06/00402

Mr Andrew Lister
Town Planner
PO Box 1556
Port Macquarie NSW 2444

Dear Mr Lister

Subject: "Le Clos Verdun" Proposed Rural Residential Re-Subdivision, Sancrox Road, Sancrox, Port Macquarie (MP06_0212)

Thank you for your letter dated 3 August 2007 regarding the above-mentioned Major Project application.

The Department has considered your request to have this project declared as having only 'local environmental planning significance', in accordance with Schedule 2 Clause 1(1A) of the *Major Projects State Environmental Planning Policy 2005 (Amendment No.16)*.

The new provisions under Amendment No.16 of the MP SEPP do not apply to existing Major Project applications. The application would need to be withdrawn and a new Major Project application lodged with the Department for this provision to apply.

In this instance, however, we do not support this approach as we do not believe that this project is only of local environmental planning significance, for the following reasons:

- The site is partly classified as a 'sensitive coastal location' and is therefore considered to have state significance in terms of its environmental characteristics and location with potential risks to environmental and conservation values;
- The site is a significant size, covering approximately 231 hectares of rural residential land, and involves approximately 80 individual landholders, and is therefore considered to be regionally significant;
- There are a range of environmental constraints associated with the site, including riparian buffers and flooding, bushfire, acid sulfate soils and threatened species; and,
- A concept plan approach under Part 3A will enable constraints mapping to be undertaken allowing a suitable framework for development on the site to be achieved and an appropriate site layout to be determined, taking into account the number of landowners involved and the range of significant environmental constraints.

It is therefore considered appropriate for the Minister to remain as the consent authority for this proposal.

Furthermore, as the proposal has already been delegated to Port-Macquarie Hastings Council for assessment under Part 3A, Council will take a lead role in assessing the application and making a recommendation to the Minister.

Should you have any questions regarding this matter, please contact Sally Laing, Senior Environmental Planner, on 02 9228 6498 or by email at sally.laing@planning.nsw.gov.au.

Yours sincerely,

Heather Warton
Director
Coastal Assessments



NSW GOVERNMENT
Department of Planning

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Phone: 02 9228 6498
Fax: 02 9228 6540
E-mail: sally.laing@planning.nsw.gov.au

Our ref: MP 06_0212
File: S06/00402-1

Ms Geraldine Haigh
Hopkins Consultants
PO Box 1556
Port Macquarie NSW 2444

22 JAN 2007

Dear Geraldine

**Director General's Requirements for an Environmental Assessment of a
Proposed Rural Residential Subdivision at Sancrox Road, Sancrox, Port Macquarie**

I refer to the Director-General's Environmental Assessment Requirements (DGRs) issued by the Department on 12 January 2007 for the above Major Project application. The DGRs were prepared in consultation with all relevant government agencies, including Port Macquarie-Hastings Council. Copies of responses from government agencies to the Department's request for key issues and assessment requirements are enclosed at **Attachment 1**.

Please note that these responses have been provided to you for information only and do not form part of the DGRs for the Environmental Assessment.

If you have any enquiries regarding this application, please contact Sally Laing, Acting Senior Planner, Coastal Assessments, on (02) 9228 6498 or via e-mail at sally.laing@planning.nsw.gov.au

Yours sincerely,

15/01/07

Michael Woodland
Acting Director
Urban and Coastal Assessments

Attachment 1
Agency Responses to Request for Key Issues
- For Information Only



NSW GOVERNMENT
Department of Planning

Contact: Sally Laing
Phone: 02 9228 6498
Fax: 02 9228 6540
E-mail: sally.laing@planning.nsw.gov.au

Our ref: MP 06_0212
File: S06/00402-1

Ms Geraldine Haigh
Hopkins Consultants
PO Box 1556
Port Macquarie NSW 2444

19 JAN 2007

Dear Ms Haigh

**Director General's Requirements for an Environmental Assessment of a
Proposed Rural Residential Subdivision at Sancrox Road, Sancrox, Port Macquarie**

The Department has received your application for the above Major Project (MP 06_0212) and has reviewed the supporting Preliminary Assessment.

I am writing to advise you that the Minister for Planning formed the opinion on 9 January 2007 that your proposal is a Major Project and that Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act) applies. Pursuant to Section 75M of the Act, the Minister also authorised submission of a Concept Plan for the proposed rural residential subdivision.

The Director-General's Environmental Assessment Requirements (DGR's) for the Environmental Assessment of the Major Project are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with all relevant government agencies, including Port Macquarie-Hastings Council.

Attachment 2 lists the relevant plans and documents which are likely to be required upon submission of your proposal, however, this should be confirmed with the Department before lodgement.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

As discussed with Sally Laing, Coastal Assessments, on 11 January 200⁷, Port Macquarie-Hastings Council has requested that the Director-General delegate all assessment powers and functions to Council for this concept application. The delegation would allow Council to undertake exhibition and assessment of the proposal. The Minister remains as the consent authority. The Department is currently pursuing the delegation of this application to Council and will advise you of the outcome.

Should the application be delegated to Council, we recommend that you contact Port Macquarie-Hastings Council at least two weeks before you propose to submit the Environmental Assessment (EA) for the project to determine:

- the fees applicable to the application;
- relevant land owner notification requirements;
- number and format (hard-copy or CD-ROM) of the EAs that will be required.

A list of relevant technical and policy guidelines which may assist in the preparation of the EA are enclosed at **Attachment 3**.


Prior to exhibiting the EA, Council will review the document to determine if it adequately addresses the DGR's. Council may consult with other relevant government agencies in making this decision. If Council, as delegate for the Director-General, considers that the EA does not adequately address the DGR's, Council may require the proponent to revise the EA to address these matters.

Following this review period the EA will be made publicly available for a minimum period of 30 days. The DGRs will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, the Department would appreciate it if all documents that are subsequently submitted to Council are in a suitable format for the web, and if requested, you would arrange for an electronic version of the EA to be hosted on a suitable website with a link to the Department's website.

Finally, if your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an approval under the *Commonwealth Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (02 6274 1111 or www.deh.gov.au).

If you have any enquiries about these requirements, please contact Sally Laing, Environmental Planner, Coastal Assessments, on (02) 9228 6498 or via e-mail at sally.laing@planning.nsw.gov.au.

Yours sincerely


Yolande Stone 12/1/07
A/Executive Director
Major Project Assessments
as delegate for the Director General

Attachment 1

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	06_0212
Project	Concept Plan application for a 144 lot rural residential subdivision
Location	Lot 51 DP 775871, Lots 1-13, 15-66, 68, 70-72, 74-80, 83-84, 86-88 DP 791199 and Lots 90-95 DP 805549, Sancrox Road, Sancrox, Port Macquarie
Proponent	Le Clos Pty Ltd
Date issued	12 January 2007
Expiry date	2 years from date of issue
General requirements	<p>The Environmental Assessment (EA) for the Concept Plan must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A description of the proposal including: <ul style="list-style-type: none"> - description of the site and surrounds; - suitability of the site for the proposed development; - likely environmental, social and economic impacts; - justification for undertaking the project; and - alternatives considered. 3. A thorough site analysis and description of the existing environment; 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans. The assessment is to include the nature, extent, and justification for any non compliance, particularly where non compliance results in environmental impacts; 5. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 6. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise potential impacts of the project; 7. The plans and documents outlined in Attachment 2; 8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and, 9. A detailed assessment of the key issues specified below and a table outlining how and where in the EA document these key issues and the above general requirements have been addressed.
Key issues	<p>The Environmental Assessment must address the following key issues:</p> <ol style="list-style-type: none"> 1. Subdivision Layout, Desired Future Character and Sustainability <ol style="list-style-type: none"> 1.1 Assess the suitability of the proposed development with the surrounding area; subdivision design; pedestrian & bicycle movement to, within and through the site, having regard to the <i>Coastal Design Guidelines for NSW</i>, SEPP 71 – Coastal Protection and Port Macquarie - Hastings Council's <i>Subdivision DCP</i>; 1.2 Provide details of proposed staging and assessment of

	implications in terms of impact on subdivision design and infrastructure provision.
1.3	Identify the nature of subdivision proposed, including any areas of community title management.
2.	Water Cycle Management
2.1	Address potential impacts on the water quality of the Hastings River, Haydons Creek and groundwater, having regard to the relevant State Groundwater, Rivers, Wetlands and Estuary Policies.
2.2	Submit an Integrated Surface Stormwater Management Plan which demonstrates the means and adequacy of managing stormwater within the site, in particular detailing measures to show how Water Sensitive Urban design principles will be incorporated into the development, there will be no net increase in pollutant loads entering waterway systems (Hastings River and Haydons Creek) and no change to the existing stormwater drainage patterns/regime.
2.3	Identify whether any proposed works will intersect the watertable and therefore require dewatering. If necessary, submit a Groundwater Management Plan that demonstrates how groundwater quality will be protected.
3.	Flooding
3.1	Provide an assessment of the risk of flooding at the site due to proximity of the Hastings River and Haydons Creek.
4.	Flora and Fauna
4.1	Provide an assessment of all threatened or vulnerable flora and fauna species, including the Koala and highly mobile species such as birds and bats, which may be present on the site. Identify any measures to protect or mitigate for any adverse impacts. The impact on potential endangered ecological communities (EEC), corridor links and wildlife movement should also be addressed.
4.2	Address any proposed native vegetation clearing and responsibilities under the <i>Native Vegetation Act 2003</i> .
4.3	Identify areas suitable for rehabilitation and revegetation, including the riparian corridor along the Hastings River and Haydons Creek.
4.4	Provide mapping of all proposed buffer zones surrounding waterways and wetlands.
5.	Aboriginal and Cultural Heritage
5.1	Submit an Aboriginal and European cultural heritage assessment, if relevant. The report should detail the nature and extent of impacts on Aboriginal and European cultural heritage values across the project area and identify measures to avoid or mitigate adverse impacts on cultural heritage values.
6.	Contamination and Remediation
6.1	Identify any areas of contamination on site and provide details of measures to ensure these can be managed, taking into consideration the <i>Managing Land Contamination: Planning Guidelines – SEPP 55 – Remediation of Land</i> .
6.2	Provide evidence of soil investigations which identify whether the site contains acid sulfate soils (ASS). If necessary, provide an ASS Management Plan.
6.3	Submit appropriate remediation plans for soil, gully and landscape features including remediation associated with existing roads, proposed road works and drainage lines.

	<p>7. Wastewater Management</p> <p>7.1 Submit a geotechnical assessment report that details appropriate geotechnical investigations to establish certainty in terms of site stability and on-site effluent disposal.</p> <p>7.2 Demonstrate consistency with the Port Macquarie – Hastings 'Sancrox Rural Residential – Wastewater Management Policy'.</p> <p>7.3 Submit a wastewater management strategy and risk assessment for effluent disposal including the potential impacts and relevant mitigation measures in the event of a failure of the effluent disposal system through flood or other events.</p> <p>8. Bushfire</p> <p>8.1 Provide a bushfire risk assessment and management plan in accordance with <i>Planning for Bushfire Protection (PBP) 2001</i> (or other relevant policy).</p> <p>9. Agriculture</p> <p>9.1 Provide an agricultural suitability assessment addressing the suitability of the site as "prime agricultural land".</p> <p>9.2 Demonstrate consideration of the Mid North Coast Farmland Mapping Project.</p> <p>10. Mineral Resources</p> <p>10.1 Submit an assessment of the potential impact on the sustainability of construction material supply in the district, likely primary sources for construction materials, and the feasibility of developing alternative sources of supply to meet expected demands arising from the proposed development.</p> <p>11. Traffic & Access</p> <p>11.1 Provide an appropriate traffic assessment against the criteria within Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i>, addressing site access, internal traffic movement / hazards, the road system capacity, local traffic speed, environment and facilities for pedestrians, cyclists (internal and external connections) and public transport.</p> <p>11.2 Address potential for conflicts between increased residential traffic and trucks serving the quarry or other existing industrial sites on the Bushland Drive – Pacific Highway segment of Sancrox Road, the unsatisfactory nature of road access to the Pacific Highway from Sancrox Road and the uncertainty of access following the Pacific Highway upgrade.</p> <p>11.3 Assess any impacts on any new or existing junctions with Sancrox Road</p> <p>12. Riparian Corridor & Foreshore Access</p> <p>12.1 The EA must consider protection of and access to the riparian corridor and foreshore of the Hastings River and Haydons Creek. Issues to consider include:</p> <ul style="list-style-type: none"> - securing public access to the river and creek foreshores; - providing an adequate buffer to the riparian corridor; and, - maintenance, protection and ownership of the foreshore and riparian corridor. <p>12.2 Address potential impacts on the shoreline including, but not limited to, bank erosion, and public access and demonstrate management of the coastal zone is in accordance with the principles of ecologically sustainable development and the NSW Coastal Policy.</p>
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	<p>13. Provision of public service and infrastructure</p> <p>13.1 Address the existing capacity and requirements of the development for water, electricity, waste disposal (including stormwater and sewage) and telecommunications. Identify staging, if any, of infrastructure works.</p> <p>14. Planning Agreements and/or Developer Contributions</p> <p>14.1 Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.</p>
Consultation	<p>During the preparation of the Environmental Assessment, you should undertake an appropriate and justified level of consultation with the following:</p> <p>(a) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> • Department of Natural Resources; • Department of Environment and Conservation; • Roads and Traffic Authority; • Department of Primary Industries; • NSW Department of Lands; • Port Macquarie-Hastings Council; • Northern Rivers Catchment Management Authority; • NSW Rural Fire Service; and, • Local Aboriginal Land Council/s. <p>(b) <i>Public</i></p> <p>Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>
Deemed refusal period	60 days

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted.</p> <ol style="list-style-type: none"> 1. An existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> • the location of the land, the measurements of the boundaries of the land, size of the land and north point; • the existing levels of the land in relation to buildings and roads; and • location and height of existing structures on the site. 2. A Site Analysis Plan which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation and view corridors. 3. A locality/context plan drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space, water courses and heritage items; • the location and uses of existing buildings, shopping and employment areas; and • traffic and road patterns, pedestrian routes and public transport nodes. 4. The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1. 5. Conceptual Subdivision plans that show the following:- <ul style="list-style-type: none"> • Dimensions of proposed and/or existing allotments; • Location of all structures retained on site; • Vegetation retention and rehabilitation; • Any easements, covenants or other restrictions either existing or proposed on the site; and • Access points. 6. A Water Cycle Management Plan illustrating the overall concept for management of stormwater quality and quantity on the site. 7. A Landscape Concept Plan or drawing that shows the basic detail of rehabilitation areas, planting design and plant species to be used, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc).
Specialist advice	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practicing consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Flora and Fauna; • Stormwater/drainage; • Bushfire; • Flooding; • Traffic; • Landscaping;

	<ul style="list-style-type: none"> • Geotechnical and/or hydrogeological (groundwater, ASS); • Urban Design; and, • Contamination in accordance with the requirements of SEPP 55.
Documents to be submitted	<ul style="list-style-type: none"> • 1 hard copy of the Environmental Assessment; • 1 set of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below). <p>Note: 10 to 15 additional hard copies of the Environmental Assessment and associated plans may be requested for distribution to agencies once the document is deemed to be adequate.</p>
Electronic Documents	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. • File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. • Graphic images will need to be provided as [.gif] files. • Photographic images should be provided as [.jpg] files. • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order. <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>

Attachment 3

Technical and Policy Guidelines

Aspect	Policy /Methodology
Biodiversity	
Flora and Fauna	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Planning 2005)
	Guidelines for Threatened Species Assessment (DEC, 2004) <i>Draft</i>
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (DEC, Dec, 2004) <i>Draft</i>
Fisheries / Aquatic Habitats	NSW Fisheries (1999) Policy and Guidelines – Aquatic Habitat Management and Fish Conservation, NSW Fisheries
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, UAB, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, March 2003
	Planning guidelines for walking and cycling, DIPNR, Dec 2004
Community Consultation	
	Community Involvement Practice Notes and Resource Manual (RTA, 1998)
	Best Practice Community Consultation and Involvement (Commonwealth DEH, 1995, ISBN 0 642 19421 1)
Heritage	
Aboriginal	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (Planning 2005)
	Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC, 2005) <i>Draft</i>
	Aboriginal Cultural Heritage Standards & Guidelines Kit (DEC, 1997)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	Assessing Heritage Significance (NSW Heritage Office, 2001)
Noise	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Environmental Noise Management Manual (RTA, 2001)
	Environment Noise Control Manual - Chapter 171 Noise Control Guideline, Construction site Noise (DEC, 1994)
Soils	
Acid Sulfate Soils	Acid Sulfate Soil Manual (ASSMAC)
	Soil Survey Standard Test Methods (DIPNR 2003)
Agricultural Land	Policy for Protection of Agricultural Land (DPI, 2004)
	Policy for Sustainable Agriculture in New South Wales (DPI, 1998)
Contaminated Land	Managing Land Contamination: Planning Guidelines – SEPP 55 – Remediation of Land (DUAP & NSW EPA, 1998)
	Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997)
	Contaminated Sites – Guidelines on Significant Risk of Harm and Duty to Report (EPA, 1999)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)

Aspect	Policy /Methodology
Traffic & Transport	
	Bus lane/pedestrian/cycleway standards (Austroads/RTA guidelines)
	Traffic Control at Worksites guidelines (RTA, Sept, 2003)
	Guide to Traffic Generating Development (RTA, 1993)
	RTAs Road Design Guide (RTA, 1996)
Urban Design	
	Neighbourhood Character: An Urban Design Approach for Identifying Neighbourhood Character (PlanningNSW, 1998)
	Residential Densities: A Handbook Illustrating the Urban Design Characteristics of Different Densities (PlanningNSW, 1998)
	Mixed Use in Urban Centres, Guidelines for Mixed Use Development, (PlanningNSW, 2001)
	Better Urban Living: Guidelines for Urban Housing in NSW, (Urban Design Advisory Service & Department of Urban Affairs and Planning, 1998)
Wastewater	
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC, 1997)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC, 2000)
	Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households (1998) (Silver Book)
Water	
Flooding	NSW Floodplain Development Manual (DIPNR, 2005)
	Australian Rainfall and Runoff (Institution of Engineers, revised edition 1997)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
	Stormwater Outlet Structures to Streams (for pipes, culverts, drains and spillways – Version 1) (DIPNR)
	Managing Urban Stormwater: Construction Activities (EPA, 1988)
	Managing Urban Stormwater: Source Control (DEC, 1998)
	Managing Urban Stormwater: Treatment Techniques (DEC, 1998)
	Better Drainage: Guidelines for the Multiple Use of Drainage Systems (DoP, 1993)
	Draft Australian Runoff Quality (Institution of Engineers, 2003)
	Constructed Wetlands Manual (DLWC, 1998)
Waterways	Estuary Management Manual (DLWC, 1992)

Port Macquarie-Hastings Council
PO Box 84
Port Macquarie NSW 2444
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Email: council@pmhc.nsw.gov.au
Website: www.pmhc.nsw.gov.au
Fax: 6581 8788
ABN: 11 236 901 601

16 October 2006

Department of Planning
GPO Box 39
SYDNEY NSW 2001

URBAN ASSESSMENTS
RECEIVED

16 OCT 2006



PORT MACQUARIE
HASTINGS

Our ref: 2004/14

PN: 12178

Re Ltr 19/10
to Michael
Woodward

Attention: Sally Laing

Re: REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND ASSESSMENT REQUIREMENTS – Rural Residential Re-Subdivision at Sancrox Road, Sancrox, Port Macquarie and Concept Plan Authorisation – Major Project 06_0212

I refer to your undated letter received at Council on 4 October 2006 regarding the abovementioned Major Project.

The development of the estate is consistent with Council's Rural Residential Release Strategy. Since April 2005 Council has been dealing with the landowner consortium for the estate regarding rezoning of the estate to 1(r1) Rural Residential. On 29 September 2006 Council made a Section 68(4) submission to the Department of Planning requesting that a report be sent to the Minister recommending making the draft LEP. Most of Council's key issues have been partially addressed during the rezoning process. However, the key issues and assessment requirements identified by Council are as follows:

Consistency with draft LEP

Please find attached a copy of the draft LEP recently sent to the Department of Planning for gazettal. The 7(h) Environment Protection – Habitat zone has been located, based on specialist studies undertaken during the rezoning process, in order to provide for protection of riparian and other vegetation whilst providing for incorporation of APZ buffers outside the 7(h) zone. Council would be keen to ensure that the 7(h) zoned land remains intact and is not effectively reduced by "edge effects" and encroachment from the adjoining development.

The 6(a) Open Space zone is located on land identified as Crown Reserve. Council is also keen to ensure that this land is made available for general public use and not adversely affected by adjoining development.

On-Site Effluent Disposal.

Attached is a copy of Council's recently adopted "Sancrox Rural Residential – Wastewater

A sustainable high quality of life for all

Management Policy". This Policy was developed to document the requirements and options for wastewater management within the rural residential investigation area in Sancrox, which contains the subject estate. The future re-subdivision of the Le Clos estates was a specific consideration in the development of this Policy (specifically Clause 6. Cluster Systems and Clause 7. Alternate Solutions). Council would expect that any concept development plan would incorporate the provisions of this Policy.

Overall Subdivision Layout

The site is generally cleared of significant vegetation with the exception of the areas shown as 7(h) zone on the attached draft LEP. The site is also partially flood prone. Council has no specific issues with the proposed development of the site provided the following points are addressed:

- Development should maintain the integrity of the proposed 7(h) zoned land,
- Access to the foreshore land is enhanced and maintained,
- Any proposed bushfire APZ buffers are provided wholly within any development site and are located outside the 7(h) zoned land,
- Council's Wastewater Management Policy is followed. This is particularly related to a number of smaller proposed allotments in the northern part of the estate adjacent to the river. Any proposed cluster effluent system must be owned and maintained by the affected properties. Council does not want the ownership or maintenance responsibility for these systems.

It is noted that the applicant is seeking a Concept Approval only & is requesting that the Port Macquarie-Hastings Council be the delegated Authority for the subsequent development applications. Council supports this proposal and is happy to be delegated the subsequent development applications.

Should you require further information please do not hesitate to contact the undersigned on telephone number 6581 8111 or by e-mail on matt.owens@pmhc.nsw.gov.au.

Yours faithfully



P M Owens
Planning Manager



Policy Approved

Last Updated 04/04/2006

Precis: Sancrox Rural Residential Investigation Area - Wastewater Management Policy (D&E)

Responsible Officer:

Document:

Adopted: ORD 27/03/06

Amended: *

Responsible Division: Development & Environment Services

1. LAND THIS POLICY APPLIES TO

This Policy applies to the Sancrox Investigation Area, as shown in the *Hastings Rural Residential Strategy 2004*.

2. AIMS

This Policy aims to document the requirements and options for wastewater management for any future rural residential development proposals for the Sancrox investigation area. The requirements of this Policy operate in conjunction with the requirements of any other environmental planning issue.

3. BACKGROUND

This Policy is based on the investigations and conclusions of *Wastewater Management Study: Sancrox Rural Residential Area*, February 2006, by Whitehead & Associates Environmental Consultants Pty Ltd.

4. OUTLINE OF WASTEWATER MANAGEMENT OPTIONS

4.1 The options for wastewater management are:

- a) as set out in Clause 5 - on-site management with a minimum lot size of 8,000 square metres for the land shown as suitable for such development, or
- b) as set out in Clause 6 - a cluster system with a minimum lot size of 4,000 square metres for the land shown as suitable for such development, or
- c) as set out in Clause 7 - approval by Council of alternate solutions, based on more detailed site-specific investigations.

4.2 As this Policy is based on an overview of soil characteristics in this area with limited field checking, it will still be necessary for individual Development Applications to include standard site and soil assessment from a suitably qualified consultant.

5. ON-SITE MANAGEMENT

- 5.1 Subject to the other requirements of this Policy, land which can have rural residential subdivision with a minimum lot size of 8,000 square metres is marked as "Targeted for Development" on Figure 11 of the *Wastewater Management Study: Sancrox Rural Residential Area*.
- 5.2 On-site treatment systems should produce effluent to at least the following standard:
- | | |
|---------------------------------|--------------------|
| Biochemical Oxygen Demand (BOD) | = 20 mg/L maximum |
| Total Suspended Solids (TSS) | = 30 mg/L maximum. |
- 5.3 This effluent shall be reused on-site, including where necessary shallow subsurface or surface land applications systems. (Due to the shallow, low permeability soils, traditional absorption trenches and evapo-transpiration beds are not acceptable).

6. CLUSTER SYSTEMS

- 6.1 Subject to the other requirements of this Policy, land which can have clustered rural residential subdivision with a minimum lot size of 4,000 square metres is marked as "Suitable Land for Cluster Wastewater Servicing" on Figure 13 of the *Wastewater Management Study: Sancrox Rural Residential Area*.
- 6.2 Such systems will be consistent with the principles outlined in that Study. Generally these involve an integrated system with remote monitoring and control, and including:
- a) on-site 4,500 litre septic/interceptor tanks with outlet filters or screens, connected using gravity or pumps (as required) to
 - b) a modified low-cost effluent drainage system, connecting to
 - c) a central location for further handling and reuse.
- This is based on septic tank effluent gravity or septic tank effluent pump systems (STEG and STEP). If grinder pump or vacuum sewer systems are proposed, then while the details will vary, the outcome should still satisfy the same principles.
- 6.3 Subdivision associated with such a system should utilise Community Title or the like, to handle ongoing ownership and maintenance of the common components of such a cluster system. Council will not accept ownership or maintenance of such systems.

7. ALTERNATE SOLUTIONS

- 7.1 Rural residential subdivision may be acceptable on a basis other than under Clauses 5 or 6 where supported by more detailed site-specific investigations and design, addressing the requirements of Council's *Code for On-Site Sewage Management*.

8. MAPS

Figure 11 of the Wastewater Management Study: Sancrox Rural Residential Area (C15)

Land Suitability for Future Rural Residential Development Option 1: On-site Wastewater Management Sancrox Rural Residential Area

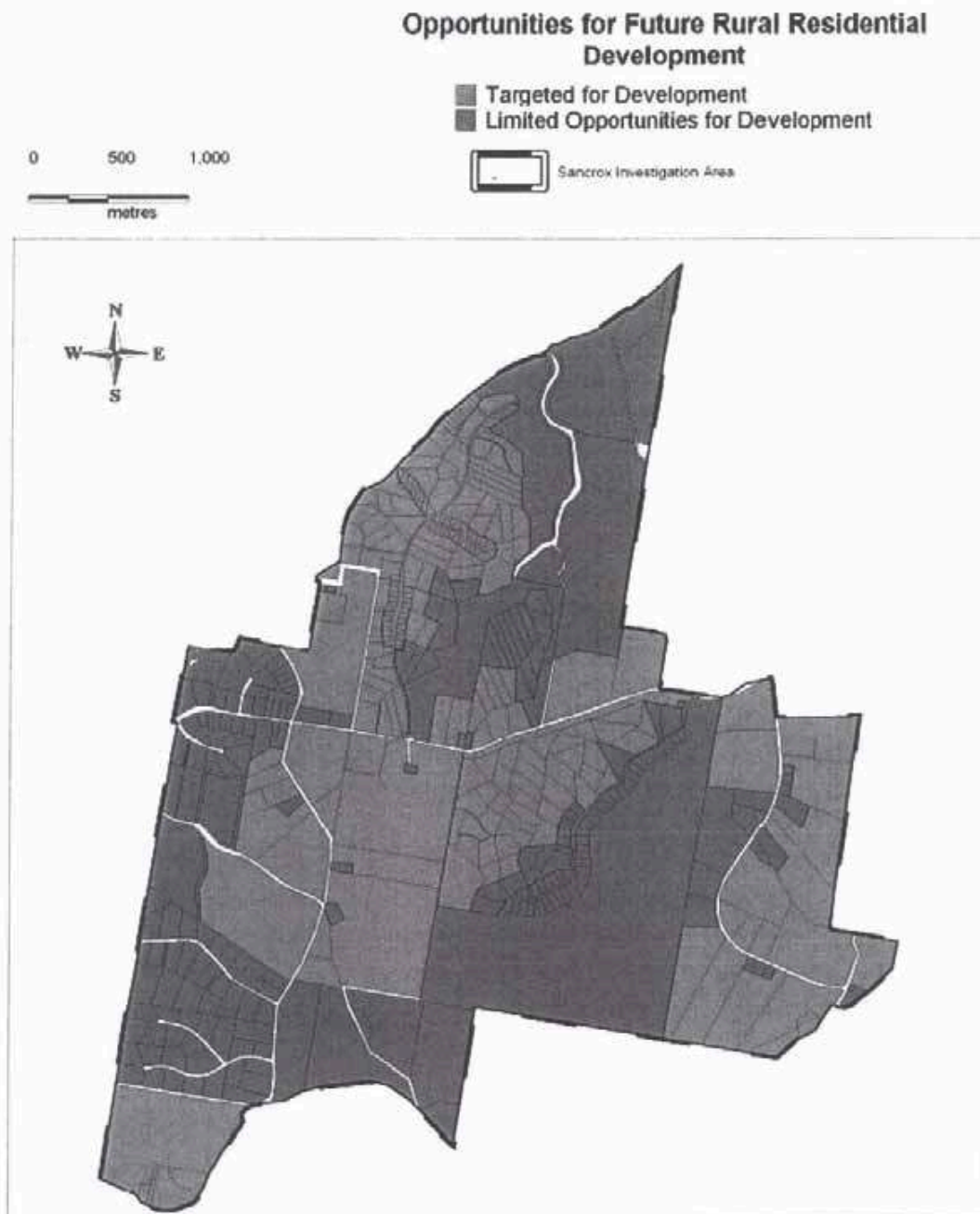
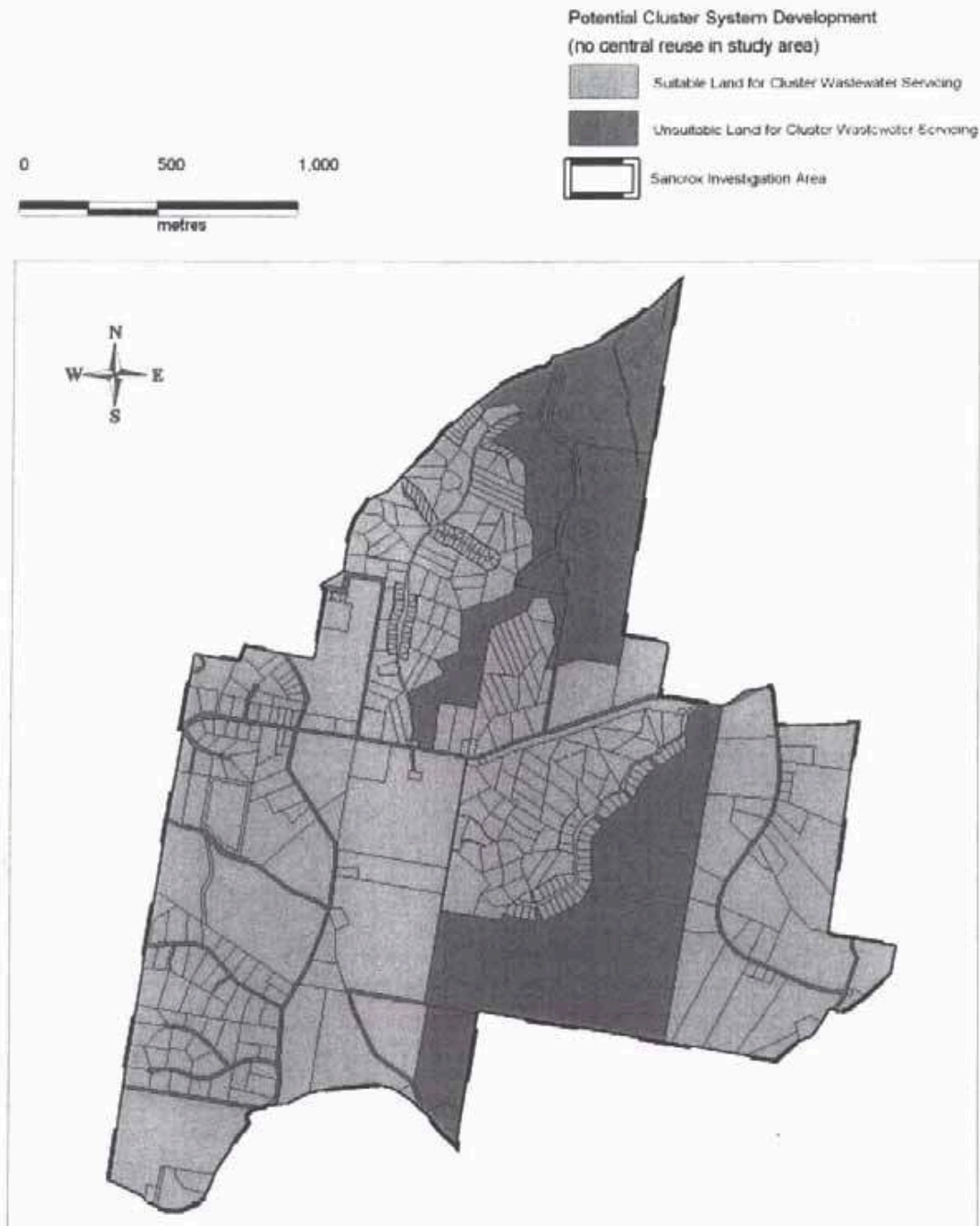


Figure 13 of the Wastewater Management Study: Sancrox Rural Residential Area (C1 6)
Land Suitability for Rural Residential Development
Option 2: Cluster Wastewater System (no reuse in study area)
Sancrox Rural Residential Area





New South Wales

Hastings Local Environmental Plan 2001 (Amendment No 42)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (GRA6323420/PC;
32.2004.0014.01)

Minister for Planning

Hastings Local Environmental Plan 2001 (Amendment No 42)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 42)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 1 (a1) Rural to partly Zone 1 (r1) Rural Residential, partly Zone 6 (a) Open Space and partly Zone 7 (h) Environment Protection—Habitat under *Hastings Local Environmental Plan 2001*.

3 Land to which plan applies

This plan applies to Lots 1–13, 15–66, 68, 70–72, 74–80, 83–88, DP 791199, Lots 90–95, DP 805549, Lot 51, DP 775871 and Lot 5, DP 785611, Le Clos Verdun Estate, Sancroix, as shown distinctively coloured, edged heavy black and lettered “1 (r1)”, “6 (a)” or “7 (h)” on the map marked “Hastings Local Environmental Plan 2001 (Amendment No 42)” deposited in the office of Port Macquarie-Hastings Council.

4 Amendment of Hastings Local Environmental Plan 2001

Hastings Local Environmental Plan 2001 is amended by inserting in appropriate order in Part 2 of Schedule 6 the following words:

Hastings Local Environmental Plan 2001 (Amendment No 42)

All communications to be addressed to:

Development Control Services
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Telephone: (02)8741 5555

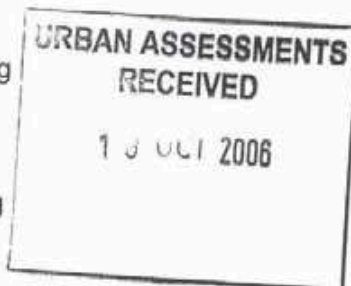
Development Control Services
NSW Rural Fire Service
15 Carter Street
Homebush Bay NSW 2127

Facsimile: (02)8741 5433



Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Sally Laing



Your Ref: 06_0212

Our Ref: S06/0060
G06/3041

DA06100634415 CS

Date: 10-Oct-2006

Noted
AM 18/10
to .

Michael
Woodward

Dear Sally,

**RE: Request for provision of Key Issues and Assessment Requirements –
51/775871, 1-13, 15-66, 70-72, 74-80 83 84 86-88/791199 90-95/805549,
SANCROX ROAD, SANCROX NSW 2446**

I refer to your letter dated 28-Sep-2006 seeking our key issues and assessment requirements under Section 75F (4) for the above Project Application pursuant to Part 3A of the Environmental Planning and Assessment Act 1979.

The RFS advises that the following key issues and assessment requirements in relation to bushfire matters be included in the Director-Generals Environmental Assessment Requirements:

1. The NSW Rural Fire Service (RFS) notes that the subject site has significant bush fire issues and is identified as bush fire prone. Future residential or Special Fire Protection Purpose developments are likely to be subject to the requirements of Section 100B of the Rural Fires Act 1997 and Section 79BA of the Environmental Planning and Assessment Act 1979.
2. Minimising the impact of radiant heat and direct flame contact by separating the development from the bushfire hazard by identifying the extent to which future development can provide for asset protection zones in accordance with Planning for Bushfire Protection 2001. Setbacks will depend on proximity to vegetation, vegetation type and slope.
3. The ability to provide for adequate egress/access to the proposed development as outlined within Section 4.3 of Planning for Bushfire Protection 2001
4. The ability to site and provide for adequate future water supplies for bushfire suppression operations.
5. Minimising the vulnerability of buildings to ignition from radiation and ember attack by addressing the construction of assets in accordance with Australian Standard 3959 Building in Bush Fire Prone Areas.
6. The future management regimes for any areas of hazard remaining within the

subject area. This should focus on the level of hazard posed to future development by the land or adjacent land and how the hazard may change as a result of development.

For any enquiries regarding this correspondence please contact Corey Shackleton.

Yours faithfully,


for Lew Short
Manager, Development Control

REC-111
23/10



NSW Government

DEPARTMENT OF NATURAL RESOURCES

E-MAILED
18-10-06

TO

Michael

Woodward

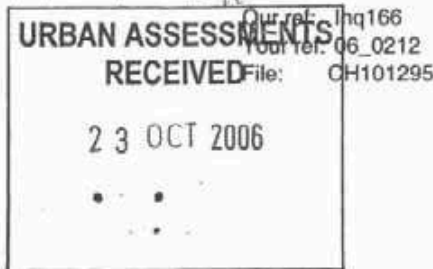
→ Sally Laing MW 24/10

Contact: Linden Bird
Phone: (02)6653 0121
Fax: (02) 6653 0144
Email: linden.bird@dnr.nsw.gov.au

Ms Heather Warton
Direction Urban Assessments
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Sally Laing

18 October 2006



Dear Ms Warton

Subject: REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND ASSESSMENT REQUIREMENTS - Rural Residential Re-Subdivision at Sancrox Road, Sancrox, Port Macquarie and Concept Plan Authorisation - Major Project 06_0212

Thank you for your letter of 28 September received in this office on 13 October 2006. It is noted that the proponent is proposing the re-subdivision of the former vineyard and 84 lot rural residential subdivision development to rectify difficulties with undersized dwelling allotments and complex farm covenants, restrictions and easements. The re-subdivision would upsize the existing 84 lots and provide for approximately 60 additional rural residential allotments.

The Department of Planning needs to be aware that the land in question is in a state of neglect which has resulted in gully erosion associated with the existing vineyard's waterways and roads. This is particularly relevant given the proponent's proposal to retain much of the existing infrastructure.

Therefore the following key issues and assessment requirements to be addressed in any proposal needs to include details on:

- Remediation plans for soil, gully and landscape features including remediation associated with existing roads, proposed road works and drainage lines.
- Demonstrated Integrated Surface Stormwater Management Plans for the site that ensures the water quality of associated adjacent waterways are maintained and enhanced.
- Effluent disposal with regard to surface water and ground water implications. Please note it is DNR's North Coast policy that groundwater quality is to be maintained. A Groundwater Management Plan may be required if the proposed development intersects the groundwater table. DNR's North Coast policy is not supportive of direct groundwater disposal of untreated stormwater or sewage. A Groundwater Licence under Part 5 of the Water Act (1912) may be required if the groundwater table is intersected. Information would be required from the proponent on measures to ensure groundwater quality is retained if excavations intersected the groundwater table.

- A Vegetation Management Plan for the site including the riparian zone of the adjacent waterways and associated landscaping plans. It is noted that the majority of the waterfrontage is in Crown Reserve.
- Demonstrated vegetated buffers to environmental assets in addition to any bushfire asset protection zones. This could be demonstrated as part of any landscaping plans.
- Detailed engineering designs for any waterways crossings. A Part 3A Permit under the Rivers and Foreshores Improvement Act (1948) may be required for any additional, or changes to, waterway crossings.
- Consistent with the objectives and outcomes of the Port Macquarie Hastings Council (PMHC) Hastings River Estuary Management Plan.
- Floodplain Risk Management Comments

As the proposed development area is affected by flooding and/or has the potential to affect flood behaviour, it will need to be considered by the approval authority in accordance with the NSW Government's Flood Prone Land Policy (Policy) as set out in the Floodplain Development Manual, 2005 (Manual). The Policy outlines that primary responsibility for floodplain risk management rests with the relevant local government, in this case PMHC. The primary objective of the Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce the private and public losses resulting from flooding, utilising ecologically positive methods wherever possible.

The approval authority should consider:

- the development control plans or policies of PMHC in relation to the management of flood risk;
- the best available flood information for the area from PMHC;
- the PMHC's requirements for flood investigations to support development, whether flood information is currently available or not;
- the full range of flood events, up to and including the probable maximum flood (PMF);
- the flood hazard in the area (including the hydraulic hazard, flood readiness, flood warning time, rate of rise of floodwater, flood duration and type of development);
- the flood hazard of the flood access and evacuation route;
- the implications of climate change in estimating flood planning levels;
- the impact of flooding on the proposed development;
- the impact of the development on flood behaviour including any management measures to mitigate adverse flood impacts; and,
- the impact of flooding on the safety of people/users of the development.

The DNR is not the approval authority for this development proposal as it relates to flooding nor is it a repository of the latest flood information for the area.

PMHC is aware of the flood behaviour in the general area based upon a recent flood study of the lower Hastings River, however additional information may be required to fully assess the proposed development.

DOP should note that the DNR does not consider itself to have either the responsibility or has it been provided with resources to manage flood risk management issues for development proposals under part3A of the Environmental Planning and Assessment Act (1979). This role rests with the DOP as the approval authority.

Should you have any further queries please do not hesitate to contact me on the above numbers.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'L Bird', written in a cursive style.

Linden Bird
Regional Planner, Coffs Harbour Office
Natural Resource Planning



Rec'd 31/11/06.
to Michael → Sally Laing
Woodward MW 6/11

Ms Heather Warton
Director, Urban Assessments
GPO Box 39
SYDNEY NSW 2001

24 October 2006

Attention: Ms Sally Laing

Dear Ms Laing

Re: Key Issues and Assessment Requirements MP06-0212, Rural Residential Re-subdivision at Sancrox Rd, Sancrox Port Macquarie

Thank you for your letter of 28 September 2006 requesting the Department of Primary Industries (DPI) outline assessment requirements for the above mentioned proposal.

Fisheries Habitat Issues

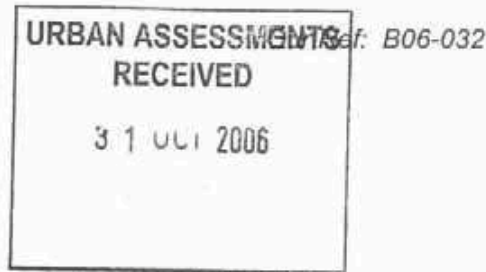
The Aquatic Habitat Protection Unit (AHPU) within DPI has an interest in contributing to the assessment of the proposal to ensure sustainable outcomes for fish and fish habitat.

Buffer Zones

The proposed development is immediately adjacent to the Hastings River, its tributaries and associated wetlands. It should also be noted that there is also a seagrass bed downstream of the development. Accordingly details of the proposed buffer zones surrounding the waterways and wetlands should be mapped and included in the environmental assessment. This assessment should also identify these key environmental assets that are being protected, and outline how these assets are to be protected during the construction phase of the development. DPI AHPU advocate incorporation of 50 metre wide buffer zones consistent with the Department's policy on buffer zones which aims to minimise the impacts of development on aquatic habitats by requiring:

"Terrestrial areas adjoining freshwater, estuarine and coastal habitats should be carefully managed in order to minimise land-use impacts on these aquatic habitats. As a precautionary approach, foreshore buffer zones at least 50 m wide should be established and maintained, with their natural features and vegetation preserved. Such buffer zones may need to be fenced or marked by signs. The width of these buffer zones may need to be increased to 100 m or more where they are adjacent to ecologically sensitive areas."

Asset Protection Zones are generally inconsistent with the habitat buffer provisions described above, accordingly the assessment process should identify how well habitat buffer requirements are met and identify any inconsistencies with these recommendations.



Stormwater Management

One of the key concerns that need to be addressed is the design of the stormwater system and whether nutrients and pollutants will be discharged directly into the Hastings River or its tributaries. DPI AHPU expects the proponent demonstrate that the development can achieve no net increase in nutrient/pollutant loads entering waterway systems, and that discharge points be located no closer than 50 metres to seagrass beds. The assessment should include details of the stormwater treatment system such as gross pollutant traps, stormwater detention ponds and swales. Maintenance of stormwater control systems and an associated management plan is an important issue that needs to be addressed in the assessment process, as does stringent monitoring of the water quality of the receiving waters, particularly after rainfall events.

Another important component of stormwater treatment systems is that all gross pollutant traps, etc are offline rather than being placed in creek or drainage systems where they are likely to block the free passage of fish. Section 219 of the *Fisheries Management Act 1994* states that the free passage of fish in a waterway is not to be blocked.

If you have any further enquiries regarding fisheries issues please contact Mr Patrick Dwyer on (02) 6626 1397.

Mineral Resources Issues

DPI Mineral Resources has no direct concerns with the subject development. However, it could consume considerable quantities of construction materials during its implementation. Consequently, DPI Mineral Resources considers that future studies related to the subject development (including any EIS or REF) should:

- Estimate the construction material requirements for the proposed upgrade,
- Indicate their likely primary sources (not just intermediate suppliers),
- State whether the proposed construction material uses are appropriate (e.g., use of high quality materials as fill may be inappropriate),
- Assess the potential impact on the sustainability of construction material supply in the district that could arise from obtaining any of those requirements from existing sources, and
- Assess the feasibility of developing alternative sources of supply to meet expected demands arising from the proposed upgrade.

Moreover, DPI Mineral Resources is concerned with the potential for landuse conflict in the Sancrox area generally which could limit operations at nearby Sancrox Quarry. These concerns arises because of:

- The importance of the quarry and its potential for expansion,
- The number of recent development proposals affecting the Sancrox area,
- The potential for conflict between increased residential traffic and trucks serving the quarry or other existing industrial sites on the Bushland Drive-Pacific Highway segment of Sancrox Road.
- The unsatisfactory nature of road access to the Pacific Highway from Sancrox Road, and uncertainty of future access once the highway is upgraded.

- The lack of integrated planning for development of the Sancrox area in contrast with the extensive and detailed assessments arising from Port-Macquarie-Hastings Shire's Coastal Urban Planning Strategy (e.g. nearby Area 13 at Thrumster on the eastern side of the Pacific Highway).

Consequently, DPI Mineral Resources considers that all of the above issues be addressed as key issues for assessment in any Part 3A application. DPI Mineral Resources also recommend that the Sancrox area be subject to appropriate strategic planning investigations and assessments, comparable to that covering Area 13, before further development be permitted.

Please contact Mr Jeff Brownlow on (02) 6738 8513 should you wish to clarify issues for mineral resources or extractive industries.

Agricultural Issues

The Hopkins submission concerning the proposed re-subdivision is not accurate in stating that no public submissions were received with regard the rezoning. Attached is a copy of the NSW DPI response of 23 December 2005 to the planned change of zoning.

The main agricultural issues pertaining to any future re-development of this land are covered in the letter to Council dated 23 December 2005 (attached). The NSW DPI expects that these matters to have been addressed in the rezoning and/or re-subdivision proposal. The application for re-subdivision and the assessment of same appears to be contingent upon finalisation and gazettal of the rezoning.

The application by Hopkins Consultants would appear to have been made on behalf of the property owners though this is not entirely clear. All current owners of the subject lands should formally indicate their endorsement or otherwise of the proposed re-subdivision to ensure there is no misunderstanding as to the wishes of the current land owners.

For completeness, the Mid North Coast Farmland Mapping Project should be taken into account in the assessment given the completed farmland mapping for the Northern Rivers has application to the future rezoning and development of rural land for urban and rural residential land uses via Section 117 Direction No. 14. The contact for this mapping and project is Ms Claire Aman at DoP Grafton.

For further information contact Mr Rik Whitehead, Resource Management Officer on (02) 6626 1349.

Yours sincerely



Marcus Riches
Senior Fisheries Conservation Manager (North)



Our Ref: OUT05/3697 05/5254
Your Ref: 032.2004.00000014.001

23 December 2005

110 p-23/12/05
65818786

The General Manager
Port Macquarie Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Attention: Ms Jennifer Intemann-Doran

Dear Ms Intemann-Doran

Proposed change to zoning – Le Clos Verdun Estate, Sancrox

I refer to your letter of 5 December 2005 to the Wollongbar Office of NSW DPI requesting the views of this Department on the proposed rezoning of land known as Le Clos Verdun Estate.

The NSW Department of Primary Industries has been formed by the merger of NSW Fisheries, Mineral Resources NSW, State Forests NSW and NSW Agriculture. This is a coordinated response from NSW DPI.

NSW DPI has a broad range of interests and responsibilities. Specialists and specific branches within the organisation may need to be contacted as detailed below should you wish to clarify the issues of interest or requirements relevant to NSW DPI.

Fisheries Issues

Of major interest is the protection of the habitat and riverine values of the foreshore areas. All future development should be sympathetic to the river. No major structures should be allowed in the 1% ARI zone or within 50 metres of the river bank, whichever is the lesser. Septic type waste systems should not be allowed due to potential risks to downstream oyster leases.

The publication "NSW Fisheries (1999) Policy and Guidelines – Aquatic Habitat Management and Fish Conservation NSW Fisheries" may be of use as part of any future planning of the site. The document can be accessed via the DPI web site – www.dpi.nsw.gov.au.

Please contact Mr Scott Carter of the Aquatic Habitat Protection Unit on (02) 4916 3931 should further information on fisheries issues be required.

Minerals & Extractive Industries Issues (draft words only – pending final words CR)

DPI Mineral Resources has no direct concerns with the area of proposed rural residential development in the Le Clos Verdun site provided that such development is confined to the area shown in Hastings LEP 2001 (Amendment No. 42) zoning map dated 20/07/2005 being land generally west of Haydons Creek and north of Sancrox Road. However, DPI Mineral resources may have concerns with any future proposals for development to the east of the subject area because of proximity to Sancrox quarry.

The subject proposal does raise significant potential for conflict with quarry traffic and other industrial traffic on the Bushland Drive-Pacific Highway segment of Sancrox Road. It also raises the issue of future road access to the Pacific Highway at the Sancrox Road intersection. DPI Mineral Resources considers that these issues should be resolved before permitting the subject development, and would seek to have further opportunity to comment on any relevant traffic analysis or traffic management proposal.

Please contact Mr Jeff Brownlow on (02) 6776 0300 should you wish to clarify issues for mineral resources or extractive industries.

State Forests Issues

There are no obvious issues arising for the interests of Forests NSW from the proposal submitted. Please contact Mr John Fulton of DPI Forests NSW on (02) 6585 3744 should any clarification be required.

Agricultural Issues

The immediate land use history of the site involving some 80 dwelling lots and 1.2 ha vineyard lots is relatively unique. The Department in advice to Council in 2003 believed that some of this history may have been able to be preserved through the incorporation of some agricultural allotments as part of any future plans for rural residential development so as to preserve the origins of the viticulture development, the better agricultural lands and agricultural infrastructure where achievable.

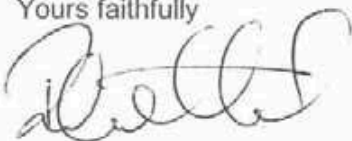
Better quality agricultural lands within coastal environments can provide future opportunities for food and fibre production as well as waste utilisation. The agricultural landscapes of the subject site may have multiple values including sustainable use of rural lands and maintaining future options for local land use and waste management. These factors should be considered in the design process.

The Department has previously pointed out that better quality agricultural lands are likely to occur within the site though these have not been identified in the agricultural study. The soil landscape mapping undertaken by DLWC and covering the area (Soil Landscapes of the Kempsey 1:100,000 Sheet, G. Atkinson, DLWC 1999) indicates that the site contains at least two, albeit limited in extent, landscapes that comprise higher quality agricultural lands. These are the Austral Eden and Long Flat soil landscapes. This information should be incorporated in the design process.

The Department has also previously recommended that the rezoning process describe the adjoining land uses, particularly the agricultural uses of adjoining land to ensure that the rezoning and future development is compatible with the land uses of the locality. No serious risk of conflict is obvious though this requires checking.

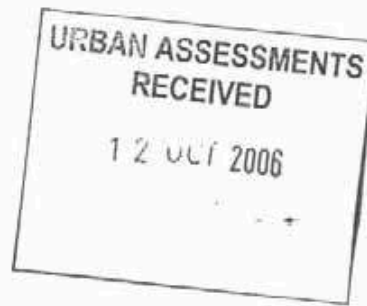
Please contact me (02) 6626 1349 or email: rik.whitehead@agric.nsw.gov.au if you require assistance.

Yours faithfully



Rik Whitehead
Agricultural Environment Officer
NORTH COAST

File No. 196.5351 06/1748
Your Reference: 06_0212



Director
Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Port Macquarie Hastings Council. Major Project 02_0212.
Proposed Rural Residential Re-Subdivision, Sancrox Road, Sancrox.

Dear Sir

Reference is made to your letter received on 5 October 2006 requesting the provision of key issues and assessment requirements.

Attached is a copy of letter that was sent to Port Macquarie Hastings Council previously setting out the issues that need to be addressed in relation to road safety and traffic management.

For any further information please contact Mr Greg Sciffer (Development Assessment Officer-Northern Region) on 02 66401344 or by email at land_use_northern@rta.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Collins'.

Peter Collins
Regional Manager, Northern Region

13 OCT 2006





05/1993 N00519

Your Reference: 032.2004.00000014:001

COPY

General Manager
Port Macquarie Hastings Council
DX 7415
PORT MACQUARIE NSW

Port Macquarie Hastings Council. Proposed Rezoning. Le clos Verdun Estate. Sancrox

Dear Sir

Reference is made to your letter dated 1 November 2005 and the Roads and Traffic Authority (RTA) apologises for the delay in responding.

The traffic generation from a rural residential development has a significant impact by introducing new trips to the overall road network. Due to the lack of public transport it is highly dependant on private transport.

Current planning for the Pacific Highway upgrade proposes to restrict some of the turning movements at the Sancrox Road intersection in the medium term and finally to close it. This needs to be taken into consideration for the management of the local road network, alternative routes and contribution arrangements.

A traffic impact study that addresses the criteria set out in the attached Table 2.1 should be undertaken as early as possible to identify road infrastructure requirements. The design of the subdivision and the contributions arrangements needs to address the following issues:

- i. Access and junctions should be located where adequate safe intersection sight distances are available.
- ii. If there is any possibility of the adjoining land being subdivided, then provisions need to be made for future internal road connections to reduce travel on the road network.
- iii. The road network should be designed so that the speed environment is self enforcing or supported by an appropriate traffic management scheme.
- iv. The impact on any new or existing junctions with Sancrox Road should be assessed to identify any improvements required to maintain the safety and efficiency of the road network in accordance with AUSTROADS guidelines, especially for sheltered right and left turning lanes.
- v. Cross intersections and junctions with minimal offsets should be avoided.
- vi. Consideration should be given to the impact of road traffic noise in accordance with DEC guidelines.
- vii. Preferably no lots should be allowed to directly access Sancrox Road.
- viii. Facilities such as lay bays, a turn around or a circulating road network needs to be provided for public transport such as school buses.
- ix. An internal pedestrian/cycle path should be provided that forms a link between areas and the overall bicycle network.



- x. Individual driveways should be constructed to AUSTROADS or RTA standards for rural access in order to provide the safest entrance arrangements. This should include sloping headwalls on drainage structures and the indenting of gates.

A copy of this letter has also been forwarded to the Department of Planning (DOP) for their information.

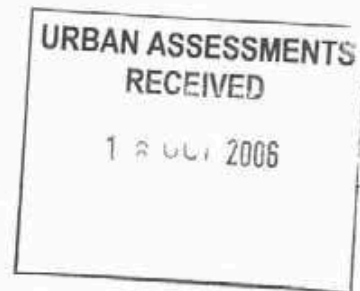
Yours faithfully

Signed
Greg Sciffer
21/2/06

Peter Collins
Regional Manager, Northern Region

Heather Warton
Director, Urban Assessments
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Our Ref: IN06/1506



Attention: Sally Laing

Dear Sally,

**Re: Rural residential Re-Subdivision at Sancrox Road, Sancrox, Port Macquarie and
Concept Plan Authorisation – Major Project 06_0212**

The Northern Rivers Catchment Management Authority has no key issues and requirements regarding this apparently failed "Clos" concept and the proposal to alter it to standard rural residential allotments.

Yours sincerely,



Michael Pitt
General Manager
Northern Rivers CMA

11 October 2006

Your reference : 06_0212
Our reference : DOC 06/25750 File: 273357A2
Contact : Steve Lower, (02) 4908 6814



Noted
an
18/10.
To Michael
Woodward.

Ms Heather Warton
Director - Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

17 OCT 2006

Attention: Ms Sally Laing

Dear Madam

Part 3A - Request for details of key issues and assessment requirements – 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 via Port Macquarie

I refer to your request of 4 October 2006 for the Department of Environment and Conservation's (DEC) requirements for the environmental assessment (EA) for this proposal.

The DEC understands that the matter has been determined to be a Part 3A matter by virtue of the Major Projects SEPP, identifying re-subdivision of rural/residential land into more than 5 lots in the coastal zone (Major Project No. 06_0212).

The DEC has reviewed the details of the project as provided in the preliminary assessment report. To make a reliable appraisal of the impacts of the proposal on the key issues the DEC will require EA to address the following:

- the impact on threatened species, in particular the Koala (including its habitat) and highly mobile species, such as birds (e.g. Black Bittern, Black-necked Stork, Glossy Black-cockatoo, Masked, Owl, Osprey and Square-tailed Kite) and bats (e.g. Grey-headed Flying Fox and Little Bent-wing Bat);
- the impact on potential endangered ecological communities (EEC), such as the 'Swamp sclerophyll forest on coastal floodplains' EEC;
- the impact on corridor links and wildlife movement; and
- the impacts on Aboriginal cultural heritage values.

Threatened species (including their habitat) and ecological communities:

To address likely impacts on threatened species (including their habitat), populations and ecological communities, the proponent will need to engage a suitably qualified environmental consultant to conduct an appropriate flora and fauna survey and provide an assessment report. This report will need to evaluate and mitigate against (where applicable) any adverse impacts on such species, populations and communities.

Surveys are required to be undertaken during optimal climatic and seasonal conditions for all likely species (flora and fauna) and need to consider issues such as migratory species movements, the availability of shelter, breeding / pollination patterns and prerequisites, and also the relative availability of food resources and habitat.

Surveys should be undertaken in accordance with '*Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities*' (DEC – November 2004), available at: http://www3.environment.nsw.gov.au/pdfs/tbsa_guidelines_draft.pdf

Aerial photograph interpretation indicates that the vegetation on the proposal (essentially within the north-south corridor in the eastern part of the proposal) is located on the Hastings River floodplain and it is mapped as "moist eucalypt forest" (Eastern Bushland Database). This potentially matches the definition of the "Swamp sclerophyll forest on coastal floodplains Endangered Ecological Community". An appropriate flora and fauna survey, as detailed above, will determine whether the EEC is present.

The preliminary assessment report indicates that a 'small area of Koala feed trees' are present near the southern end of Haydens Creek, though the species are not identified. The DEC 'Atlas of NSW Wildlife' supports this, with a Koala record noted for the southern part of the proposal within a narrow north-south corridor associated with Haydens Creek. The preliminary assessment indicates that this area is part of the re-subdivision (near the proposed cluster waste water management site). The DEC will require the proponent to provide ameliorative measures to mitigate against any significant impact on the Koala and its habitat, including areas of feed trees and provision of suitable vegetated buffers / habitat. The proponent should also assess the impact the proposed cluster waste water management site may have on the Koala, given the nearby known record.

Aboriginal cultural heritage values

To address and document any potential impacts on Aboriginal cultural heritage the DEC will require the proponent to engage a suitably qualified Aboriginal cultural heritage consultant to assess the occurrence of Aboriginal objects or sites on the proposed development.

If Aboriginal objects or sites are likely to be found on the proposed development site then the proponent should undertake surveys to determine the cultural heritage values of the site, and report how those values may be impacted by the development and provide appropriate avoidance, mitigation or compensatory measures. The EA needs to clearly demonstrate that effective community consultation with Aboriginal communities has been undertaken in determining and assessing the impacts, developing mitigation options and finalisation recommendations.

In carrying out the assessment the proponent may wish to refer to the following guidelines:

- Interim Community Consultation Requirements for Applicants, available at: http://www3.environment.nsw.gov.au/PDFs/interim_consultation_guidelines.pdf
- Aboriginal Cultural Heritage Standards and Guidelines Kit, available at: http://www3.environment.nsw.gov.au/PDFs/aboriginal_heritage_guidelines_kit_final.pdf

Other environmental considerations:

Other broad environment protection or conservation issues of concern that also need to be addressed in the EA include the direct and indirect impacts of the proposal on:

- the narrow north-south corridor associated with Haydens Creek which occurs along the eastern boundary and adjoining property. Although this corridor is disturbed in its southern extent it still provides connective importance to the adjacent vegetated remnants,

particularly as a 'stepping-stone' platform for more mobile species, such as birds and microchiropteran bats.

The current proposal indicates that the entire southern half of the corridor will be subdivided and therefore its future connective link with adjoining vegetation is in jeopardy, through possible cumulative clearing of small lots.

The Koala is identified as occurring in this area and DEC will require provisions for its conservation and for wildlife in general. Additionally, parts or all of the vegetation associated with this corridor may represent an EEC (as detailed above), which will need to be addressed under the threatened species component of the EA.

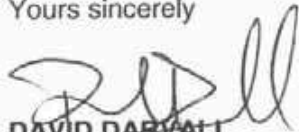
In general, the DEC will require the retention of suitable vegetated buffers to facilitate wildlife movement and preserve wildlife habitat. Vegetation buffers should not include any part of an Asset Protection Zone (APZ) and should be managed to control exotic perennial weeds listed as key threatening process.

- foreshores and floodplain of the Hasting River, including impacts on riparian vegetation, acid sulphate soils and potential increase in sediment / nutrient loads via increased ground disturbance during the construction of infrastructure phase (e.g. roads and building envelopes).

The DEC requests that 2 copies of the EA be provided for assessment and should be lodged at Department of Environment and Conservation, 117 Bull St, Newcastle West 2302.

If you have any queries regarding this matter please contact me on 4908 6814.

Yours sincerely



DAVID DARVALL
Head Regional Operations Unit
North East Branch
Environment Protection and Regulation Division

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6581 8788
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15 January 2007

19 JAN 2007

File: 32.2004.0014.01

Hopkins Consultants Pty Ltd
PO Box 1556
PORT MACQUARIE NSW 2444

Dear Sir/Madam

**Re: Notification Of Gazettal Of Amendment No. 42 To Hastings Local
Environmental Plan 2001 – To Zone Le Clos Verdun To 1(r1) Rural
Residential**

I write in relation to the above changes to zone controls for the Le Clos Verdun Estate at Sancrox. Please be advised that the plan has been made by the Minister for Planning.

The amended Local Environmental Plan took effect on 12 January 2007. A copy of the gazetted plan is attached for your records.

Acrobat files containing the updated Hastings Local Environmental Plan 2001, text and map sheets are available shortly on Council's website page:

www.hastings.nsw.gov.au

Please contact Jennifer Intemann-Doran on telephone number 6581 8603, or Email Jennifer.Intemann-Doran@pmhc.nsw.gov.au should you wish to discuss this matter further.

Yours faithfully

Stephen Nicholson
Acting Planning Manager

Enc

A sustainable high quality of life for all

Department of Planning



New South Wales

Hastings Local Environmental Plan 2001 (Amendment No 42)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (GRA6323420/PC; 32.2004.0014.01)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 42)

Hastings Local Environmental Plan 2001 (Amendment No 42)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 42)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 1 (a1) Rural to partly Zone 1 (r1) Rural Residential, partly Zone 6 (a) Open Space and partly Zone 7 (h) Environment Protection—Habitat under *Hastings Local Environmental Plan 2001*.

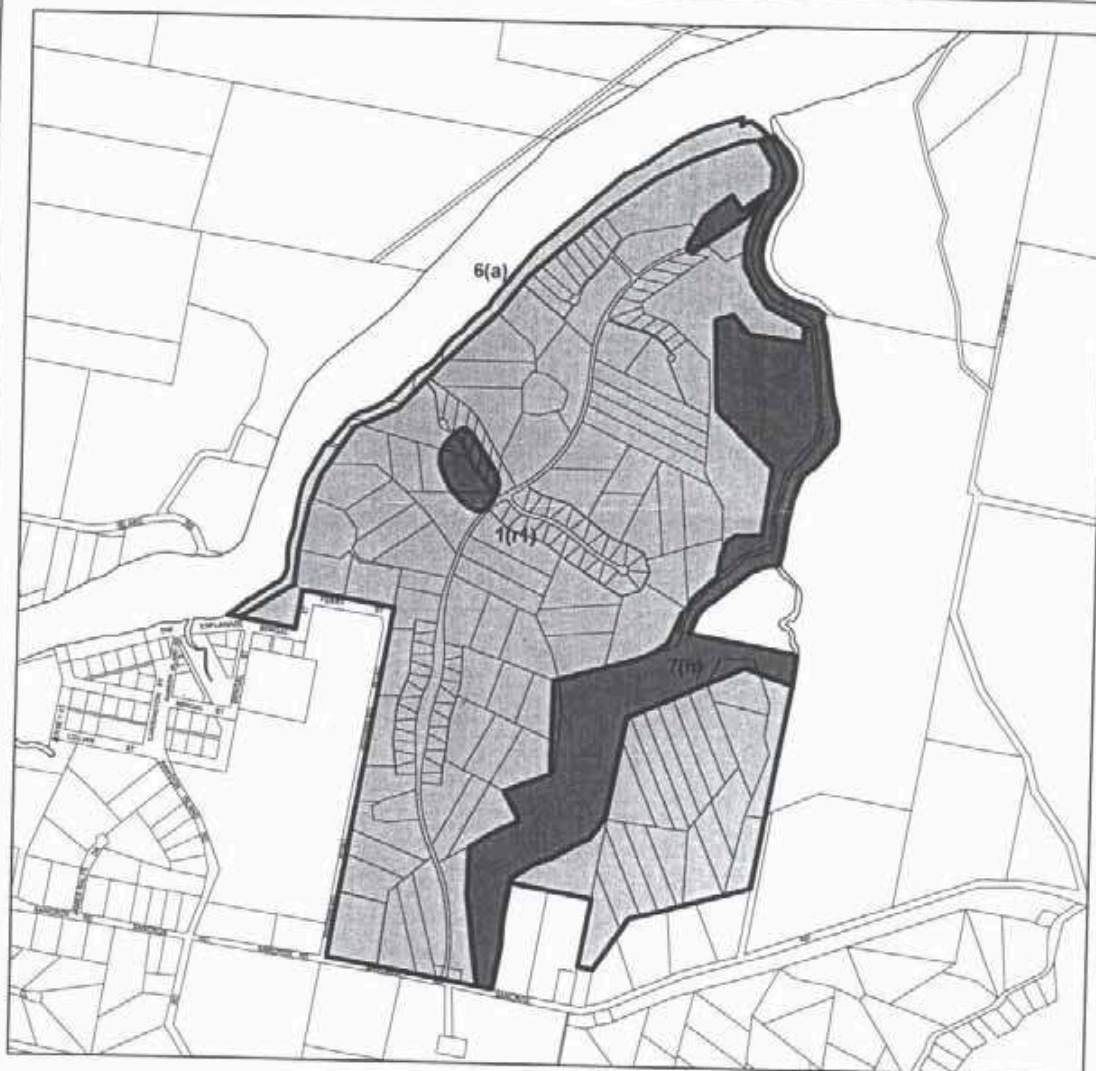
3 Land to which plan applies

This plan applies to Lots 1–13, 15–66, 68, 70–72, 74–80, 83–88, DP 791199, Lots 90–95, DP 805549, Lot 51, DP 775871 and Lot 5, DP 785611, Le Clos Verdun Estate, Sancrox, as shown distinctively coloured, edged heavy black and lettered “1 (r1)”, “6 (a)” or “7 (h)” on the map marked “Hastings Local Environmental Plan 2001 (Amendment No 42)” deposited in the office of Port Macquarie-Hastings Council.

4 Amendment of Hastings Local Environmental Plan 2001

Hastings Local Environmental Plan 2001 is amended by inserting in appropriate order in Part 2 of Schedule 6 the following words:

Hastings Local Environmental Plan 2001 (Amendment No 42)



SCALE 1:12,000 LOCALITY: Sancrox



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
HASTINGS
LOCAL ENVIRONMENTAL PLAN 2001
(Amendment No. 42)

PLANNING OFFICER	Jennifer Intemann-Doran	STATEMENT OF RELATIONSHIP WITH OTHER PLANS Amends Hastings Local Environmental Plan 2001
COUNCIL FILE No.	032.2004.0014	
DEPT FILE No.	GRA6323420	
ENDORSED FOR S65 CERTIFICATE	James Clark	GOVERNMENT GAZETTE 12 January 2007
DATE CERTIFICATE ISSUED UNDER SEC.65 EP&A ACT 1979	18 April 2006	COMPILED BY Alex Boardman 20/07/2005
ENDORSED FOR S68(4) SUBMISSION	29 September 2006	NOTES Cadastral Base copyright Land & Property Information NSW 2001