

19 June 2018

Emma Butcher
Modification Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Ref: MP10-1036
Enquiries: Bruce Moore

Dear Sir

Riverside, Tea Gardens (MP10_0136 MOD1) - Comment on the Concept Plan Modification

I refer to the Departments request for comment in relation to the above proposal. MidCoast Council reviewed the proposed modification to the concept plan and provides the following:

Strategic Planning

Council has no objection to the proposed changes to the Myall Road Commercial Precinct and the boundaries of the R2, B2 and B4 zones. Council considers that will have benefits in:

- Rationalisation of zone footprints;
- Potential to reduce conflict between residential and commercial uses near zone boundaries; and
- More uses are likely to be suitable on the land adjacent to Myall St than would otherwise be permitted in a residential zone (e.g. for residential development part of the land is likely to be sterilised to accommodate a landscaped buffer for noise and visual amenity between Myall St and any dwelling).

Council has previously given support to a planning proposal seeking similar changes.

Traffic

The tea gardens district s94 contributions plan collects monies for the upgrade of Myall Way between the Toonang Drive intersection and Myall Quay Boulevard intersection (1.68M). The plan has also identified an upgrade of the Toonang Drive / Myall Way intersection (Seagull intersection - 500K). Contrary to the applicants submission the plan does not identify or collect monies for the intersection upgrades required at Myall Street / Second Access and Myall Street / Myall Quay Boulevard. The reason as to why the signalised intersection as are not within the contributions plan is because they formed part of the original 3A approval.

No other contributions have been identified beyond the section 94 plan.

No works in kind are required

There are no agreements/outstanding issues between Council and the RMS

The conceptual road widths are consistent with Council requirements

Biobanking Site and Boardwalk

Council would be willing to accept dedication of the proposed biobank site and boardwalk.

Council owns and manages other conservation lands in this locality, and there is community and ecological advantage in these reserves being collectively-managed. Further, Council administration is likely to be more effective and more assured, in our opinion, than if the long-term management of the conservation lands was managed by a community association.

As such, Council would accept dedication of the biobank site subject to the biobank site management funds flowing to Council for Council administration in order that the obligations set-out in the Biobanking Statement are achieved. In this manner, Council is not faced with a financial burden over the long-term management of this land.

In relation to the boardwalk, it would be a community asset and it would not be contradictory to the management objectives of the wider conservation area. It may represent an opportunity for interpretation and enhancement of stewardship of the area. However the Biobanking statement needs to be amended to reflect that the boardwalk corridor is not counted as conservation lands.

Dedication of the boardwalk would be accepted subject the developer maintaining the facility for a period of seven years from the date of construction being finalised.

Stormwater Management and Flooding

Council is concerned about the proposal on Page 16 of the water sensitive design report that shows an area of cut -1 to -2 below natural surface (coloured in blue through the middle of the development). This area will almost certainly pond water for extensive periods of time and there is a high risk of shallow lakes such as these becoming algal dominated and overrun with aquatic weeds and present the development with mosquito issues. . It is imperative that the groundwater recharge areas do not intercept groundwater. It is believe that the proposed excavation will result in permanent or prolonged surface exposure of groundwater due to the known high groundwater tables in the area. Any excavation that results in window lakes which are permanent or semi-permanent is a major departure from the Master Plan and provides an unacceptable risk and maintenance burden for the community title association.

Council is willing to accept the roads reserves and the various assets that they contain as an asset for ongoing maintenance. Bioretention systems will have a 2 year establishment period and 3 year maintenance period post establishment. It is also considered that Bioretention systems should not come online until 80% of houses have been constructed in anyone contributing catchment to avoid clogging and subsequent replacement of filter material.

Keeping of Cats

There is increasing evidence of the significant negative impacts of free-ranging domestic cats on vulnerable native wildlife. Council is accepting that a blanket exclusion across all of the development area is not necessarily required, however it is preferred that cats be excluded by application of a relevant instrument in any development lot that occurs within 200-metres of the outer boundary of the conservation area.



Earthworks/Erosion and Sedimentation Management

The proposal to create a borrow pit (from a later stage of the development) to win fill for excavate part of the development site to win fill is accepted in principle. However as there is still need to import fill to the site, it would be preferred that excavations not commence until absolutely necessary to prevent the borrow pit from being open and exposed unnecessarily. Should it be acceptable to establish the borrow pit with the first stage of the development conditions should be applied to address stormwater management, erosion and rehabilitation.

Yours faithfully

A handwritten signature in black ink, appearing to read 'B Moore'.

Bruce Moore
Manager Development Assessment
Planning & Natural Systems

