

All communications to be addressed to:

Headquarters  
NSW Rural Fire Service  
Locked Mail Bag 17  
GRANVILLE NSW 2142

Headquarters  
NSW Rural Fire Service  
15 Carter Street  
HOMEBUSH BAY NSW 2127

Telephone: (02) 8741 5555  
e-mail: [development.control@rfs.nsw.gov.au](mailto:development.control@rfs.nsw.gov.au)

Facsimile: (02) 8741 5550



Urban Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2000

Your Ref: MP 07\_0147  
Our Ref: S08/0030  
G08/1954  
DA08062452059 GB

Attention: Emma Hitchens

14.

2 July 2008

Dear Madam,

**RE: Environmental Assessment Exhibition – North Cooranbong – Major Project**

I refer to your letter dated 20 June 2008 seeking the NSW Rural Fire Service comments regarding bushfire protection for the above property in accordance with section 75F (4) of the *Environmental Planning and Assessment Act 1979*.

Based on the concept plans and information submitted, the RFS provides the following comments:

It is noted that there is a discrepancy between the land use zonings shown on the Concept Plan 2008 and the Asset Protection Zones Plan. A Conservation Zone and Residential Zone has been shown on the same area of land at the northern end of the site.

In preparing a final design layout for individual Lots, care should be taken to ensure that the proposed perimeter road reserve and building alignment can achieve the minimum Asset Protection Zone (APZ) required. The site specific effective slope and vegetation classification of the hazard needs to be assessed in determining the APZ.

Where no perimeter road is provided, the required APZ needs to be achieved within the boundary of the property. This may be the case at the southern end of the site where remnant vegetation occurs on the adjoining Lots.

For any enquiries regarding this correspondence please contact Garth Bladwell.

Yours faithfully,



per Nika Fomin  
**Development Control Co-ordinator**

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under *Planning for Bush Fire Protection 2006*.



28 July 2008

Our Ref: 2006-720  
Your Ref: MP 07\_0147

Department of Planning  
Strategic Assessment  
GPO Box 39  
**SYDNEY NSW 2001**

Att: Michael File

Dear Sir

**RE: ENVIRONMENTAL ASSESSMENT EXHIBITION – NORTH COORANBONG – MP  
07\_0147**

Thank you for your letter seeking comments on the Environmental Assessment carried out for the North Cooranbong development. Hunter Water values the opportunity to comment on the proposed development of this State significant site and accordingly offers the following comments.

### **1. Water Supply**

The proposed development is understood to comprise predominantly residential development ranging from 2,000 – 2,500 Equivalent Tenements (ET). Site elevation ranges from approximately RL5m to RL49m AHD. The site is located within the Morisset-Wyee water supply system. Currently the area can be serviced from the Dora Creek Reservoir which has a TWL of 51.4m and therefore is not adequately elevated to service the site. The proposed connection point for the development is to the Dora Creek Reservoir and adjacent DN375mm watermain.

Hunter Water has approved a water servicing strategy for the development prepared by the proponent which identifies the developer funded infrastructure required to provide services and adequate pressure to the site.

### **2. Wastewater Transportation**

The site is located within the Dora Creek Wastewater Treatment Plant (WWTP) catchment. The site generally falls to Cooranbong 7 Wastewater Pumping Station (WWPS), however, there are a further seven WWPS's between the site and the WWTP. The downstream wastewater transportation system has limited capacity to accept additional flows and planned upgrades do not include allowance for the proposed development. Hunter Water has indicated to the proponent that there is only spare capacity of 80 ET (8 L/s) in the downstream wastewater transportation system and not 120 ET as quoted in the Environmental Assessment Report.

Hunter Water understand that the developer may wish to construct on-site storage to allow connections in excess of 80 ET. In this regard, an Interim Sewer Servicing Strategy prepared by the proponent is currently under consideration by Hunter Water.

### **3. Wastewater Treatment**

The existing Stage 1 Dora Creek WWTP does not sufficient to treat the total additional load from a development of the size indicated.

However, the current growth projection for the Dora Creek WWTP catchment has included this development and it is anticipated that the initial stages of the development can be serviced by the existing plant.

An upgrade to the Dora Creek WWTP is planned to be commissioned by mid 2009 and will have sufficient capacity to treat the total additional load from this development.

#### **4. Recycled Water Delivery**

The Environmental Assessment Report mentions rainwater re-use as a water saving technique in addition to water recycling through dual reticulation and adoption of water saving devices. However it should be noted that dual reticulation and water saving devices alone are enough to satisfy the 40% water use reduction required under BASIX.

#### **5. General**

It is a requirement of Hunter Water that an application for a Section 50 "Notice of Requirements" be made for specific development proposals. Hunter Water would then formally assess the development, determine system capacity and nominate actual connection points to water and sewer. The Notice of Requirements would also nominate a number of actions to be completed by the developer. Completion of all actions in the Notice of Requirements triggers release of the Section 50 Compliance Certificate for the development.

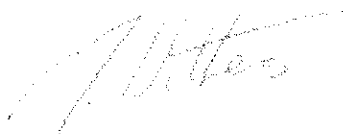
The completion of Hunter Water's requirements (usually works and payment of fees) is best achieved prior to issue of a Construction Certificate for other associated construction works.

To this end Hunter Water requests that appropriate wording be included in development consent conditions to reflect our needs.

Our Development Services team is available at short notice to discuss with Council or the development community their water and sewer servicing needs and I would encourage open communication between all stakeholders.

Should you require further clarification or assistance please contact Malcolm Withers on 4979 9545.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'B. Lewis', is written over a faint, larger signature that appears to read 'Malcolm Withers'.

Brett Lewis  
Manager Development Services



**NSW DEPARTMENT OF  
PRIMARY INDUSTRIES**

**FORESTS NSW**

ABN 42 141 857 613

Maier Street, Wauchope NSW 2446 (PO Box 168, Wauchope NSW  
2446)

[www.forest.nsw.gov.au](http://www.forest.nsw.gov.au) T 02 6585 3744 F 02 6585 2392

OUR REF: F2008/0305

YOUR REF: MP 07\_0147

DATE: 14 October 2008

Director – Strategic Assessments (MP07\_0147)  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

**Submission Re:**      **Project No.**      **MP 07\_0147**  
**Location:**          **North Cooranbong**  
**Proponent:**        **Johnson Property Group**  
**Council:**           **Lake Macquarie**

Following is a joint submission compiled by the Department of Primary Industries divisions of Agriculture, Forestry and Minerals.

### **Rural Resource lands**

The proposed development provides for population growth broadly in accord with the Lower Hunter Regional Strategy. NSW DPI, however, cautions that rural lands have inherent values and should not simply be considered as lands in waiting for future residential development. The extensive rural grazing lands and relatively large holdings affected by the current residential proposal contribute to the diversity of economic enterprises and lifestyle options within the Lake Macquarie. They additionally provided scope for future high value horticultural development. Protected cropping continues to rapidly expand in importance but are not specifically provided for within Lake Macquarie LGA. Rural resource lands additionally comprise important buffer areas and open spaces, which support adjoining forestry operations, define existing urban centres and adds to the quality of life for council residents.

The importance of such values was specifically recognised during Lake Macquarie Councils strategic planning and selected areas were zoned Rural 1(1) Agriculture in the LEP. NSW DPI is concerned that the extent of those lands and the associated primary industry development opportunities, has been significantly eroded by the cumulative impact of recent rezoning and development proposals across Lake Macquarie LGA. Strategic review of primary industry development options and rural resource lands is consequently encouraged.

*Contact:*

*Glenda Briggs Resource Management Officer, Hunter region  
Department of Primary Industries, Tocal Agricultural Centre,  
Paterson NSW 2421 Ph; 02 4939 8942 Email; [glenda.briggs@dpi.nsw.gov.au](mailto:glenda.briggs@dpi.nsw.gov.au)*

### **Forests NSW**

Although not listed as a Section 62 Stakeholder, Forests NSW concerns relating to the forest estate are noted under Agricultural resource impacts.

Forests NSW have reservations to any change in zoning and approval of large residential developments adjacent a sustainably managed, production forest.

### **2.4 Surrounding development**

This section notes the existence of State Forest in the area but not the implications of neighbouring a State Forest.

Any large development and/or consideration of a change in zoning of this area must account for the impacts a production forest may have on a residential area and the impacts a populous residential area may have on the productive forest estate.

The subject land adjoins Olney State Forest, which is actively managed for a range of forest uses including timber production. Sustainable timber harvesting operations include such activities as maintenance of forest roads, tree felling using chainsaws & heavy machinery, timber extraction using log trucks and hazard reduction burning. In this section of State Forest it is estimated that such activities will take place about every 5-10 years, however maintenance & service traffic will be continually using the forest roads at a low intensity.

The visual landscape may be subject to changes, as has been the case periodically over the last hundred years or so. In this proposal zone 2(1) adjoins Olney State Forest without any proposed buffer of vegetation. Visually there will be a direct line of sight from the urban area to the forest area, which will not be so visually appealing at the time of harvest. This may result in conflict with new residents who are unfamiliar with the workings of a production forest. "The most effective means of preventing conflicts is to plan for adequate separation between conflicting land uses" *Northern Rivers Catchment Management Authority, Living & Working in Rural Areas 2007*.

Forest roads in the area are open for use by the public however; an increase in residential properties adjoining the forest may increase the public use of these roads causing deterioration of the road surfaces. The financial impact to ForestsNSW, in increased road repair costs, is unacceptable. The Developer would need to undertake a contention plan to ensure the road system within the Forest are not degraded due to greater use by increased residency adjacent the forest and be prepared to undertake remedial action should this situation develop.

### **7.3.2 Conservation Offsets**

The biodiversity certified local and regional corridors proposed in this plan may create extra pressure on Forests NSW through increased environmental management responsibilities. There has been no liaison with Forests NSW about these offsets and corridors despite reliance on State Forest land. The implications of rezoning land as 7(1) adjacent to a production forest have also not been identified.

### **7.5.2 Contamination**

This section notes a number of car bodies that are to be removed from the proposed development site. As the area has been used as a dump for rubbish and car bodies, what measures will be undertaken to ensure this refuse dumping will not relocate to the adjoining forest. Residential areas that adjoin State Forests have historically resulted in large amounts of rubbish and garden refuse being dumped on the State Forest land. This is another area of great concern to ForestsNSW, should this development be approved ForestsNSW would require a guarantee from the developer/Council that ongoing initiatives will be undertaken to discourage this behaviour and remedial action will be undertaken should the initiatives fail.

### **7.5.7 Resource Implications**

This section makes no mention of the implications to the quite significant forests resource adjacent this project. As stated above in response to section 2.4 "The subject land adjoins Olney State Forest, which is actively managed for a range of forest uses including timber production."

This proposed large urban area also limits the prospects of future timber plantations in the area.

### **7.6 Bushfire Risk Assessment**

Forests NSW have concerns for the potential fire impacts of any development that may involve increased habitation or activity in areas close to State Forest. Ongoing assessment concerning bushfire risk, fuel management & fire response, in particular statutory building setbacks and other measures must all be achievable on the property

without impacting on adjoining State Forest. Any proposal should not view adjoining State Forest as part of any buffering proposal. The risk of fire escaping this development into the adjoining State Forest is of great concern to Forests NSW. It is essential that the bushfire strategy also address this prospect and ensure local fire authorities are adequately resourced to deal with a major development directly adjacent to the forest estate.

#### **7.6.1 APZ Ownership and Management**

Council and or the proponent will need to liaise with Forests NSW concerning ongoing management of asset protection zones. Who will manage the bush land areas zoned 7(d) and how would bushfire hazards, weeds, feral animals and anti-social behaviours be effectively managed to reduce the impact on Forest NSW management responsibilities. The boundaries of these zones need to be defined so the public knows where the protection zones end and the forest begins so they are aware of the differences between the bush land areas.

The escape of domestic pets from residential areas into forest areas has been a problem within the forest estate of NSW over a long period. Feral animals can be very destructive to native fauna and domestic stock in adjoining agricultural properties. Control of these pests is very expensive. Should this development be approved Forests NSW would also require a guarantee from the developer that initiatives will be undertaken to ensure this does not occur and that remedial action will be undertaken should the initiatives fail.

The following would alleviate some of the concerns of Forests NSW.

1. The developer undertakes measures to restrict access from the development to the forest area as this would reduce the impact, as stated in the points above.
2. Conditions are included in the section 149 certificates, issued by Council for this development, to ensure the initiatives and remedial action suggested will be undertaken.
3. A staged development of the project, with the areas adjacent the forest developed as the final stage. This would ensure time for ongoing consultation with Council as the development proceeds.

*Contact:*

*Jude Parr: Forests NSW: PO Box 168: Wauchope 2446: Ph 6586 9718. email: judep@sf.nsw.gov.au*

#### **Minerals comments as follows:**

The majority of the development site is located within EL 4443 and partly in CCL 762, which are both held by Centennial Mandalong Pty Ltd. The site is underlain by the Great Northern seam but thins to less than 1m along the western boundary of the EL, and much of the area is affected by igneous intrusions. The northern portion of the development site is located within the West Lake Mine Subsidence District. The Department has no objection to the Concept Plan and associated rezonings provided the Mine Subsidence Board is consulted and the proposed development conforms to Mine Subsidence parameters.

The subject area is also located within the Petroleum Exploration Licence (PEL) 267, held by Sydney Gas Pty Ltd.

*Contact:*

*Simon Francis, Geoscientist - Minerals and Land Use Assessment  
NSW Department of Primary Industries, PO Box 344  
Hunter Region Mail Centre, NSW, 2310  
[P] : (02) 4931 6707*





MINISTRY OF TRANSPORT

Level 21, 227 Elizabeth Street Sydney 2000  
GPO Box 1620 Sydney 2001

Telephone 9268 2800 Facsimile 9268 2900  
Internet [www.transport.nsw.gov.au](http://www.transport.nsw.gov.au)

ABN 25 765 807 817

25 JUL 2008

Mr Michael File  
Director, Strategic Assessments  
Department of Planning  
GPO BOX 39  
SYDNEY NSW 2001

Att: Ms Emma Hitchens

Dear Mr File,

**PUBLIC EXHIBITION  
MAJOR PROJECT 07-0147- NORTH COORANBONG**

I refer to your letter dated 20 June 2008 regarding the public exhibition of the major project application for North Cooranbong. The Ministry appreciates this opportunity to provide input to the environmental assessment of this application.

The Ministry has reviewed the accompanying Environmental Assessment and Transport Management Access Plan (TMAP). The Ministry has liaised extensively with the proponent and their transport consultant regarding the preparation of the TMAP. Preliminary comments previously provided by the Ministry to the proponent on the draft TMAP, are attached for your review.

The majority of the issues previously raised by the Ministry have been addressed, with exception for the following key matters that require further consideration:

1. The TMAP is lacking a sustainable mode share target supported by a specific package of transport measures to achieve this outcome;
2. The TMAP does not adequately address the capacity of bus and rail services to meet future projected demands. Analysis in the TMAP regarding current bus services is incorrect and may significantly understate the future cost of improving bus services;
3. The TMAP does not consider the proposed future development of Morisset as detailed in the Revised Draft Structure Plan, which is currently on public exhibition. The Structure Plan also needs to more fully consider the land use and transport implications of the proposal; and
4. The nominated trip containment rates (50% of journey to work trips as local trips) requires further justification as it has substantial influence on the provision of public transport services.

The Ministry acknowledges that North Cooranbong is identified as a future release area under the Lower Hunter Regional Strategy. The Ministry also understands that the Department of Planning is presently reviewing the future planning of North Wyong, which has direct relevance to the proposal including employment and retail linkages.

A joint study by State and Federal Governments is also underway to establish the specific transport needs of the Lower Hunter Region. Both studies will inform the planning of transport networks including the new integrated bus network for the Central Coast. The new network is anticipated for implementation during 2009 and will provide more direct services to major regional centres including Morisset.

The Major Project Assessment of North Cooranbong is likely to precede current regional planning and transport investigations. It is therefore essential that contributions for attributable infrastructure include realistic contributions for public transport. The ongoing cost to the NSW Government of additional bus and potentially rail services, as a result of development at North Cooranbong, is likely to be substantial and warrants a development contribution. The voluntary planning agreement, which has been submitted with the project, does not include costs for local and regional public transport.

The TMAP identifies that additional services and extension of existing bus routes will be necessary to achieve even a modest mode shift to public transport. It is also recommended that existing train capacity at Morisset be expanded from 2 to 8 carriages.

The TMAP notes that this increase in train length will necessitate longer platforms at both Greta and Morisset Stations. It is understood that Railcorp will provide a separate submission on rail infrastructure provision within the region.

The Ministry requests an infrastructure contribution for bus services of \$4,687,500 (equivalent to \$1,875 per allotment) with an additional amount for travel demand management (notionally \$350,000) as recommended in the TMAP. It is also expected that the provision of local bus stop infrastructure within the development will be provided either directly by the proponent or via Section 94 contributions to Council at construction certificate stage.

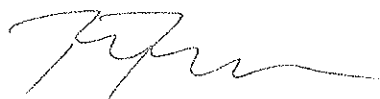
The Ministry, in determining likely bus servicing costs, has considered a range of factors, including:

- 2,500 lots x 2.4 = 6,000 additional population;
- 1 bus is required per 1,200 people = 5 buses;
- 5 buses @ \$250,000 per bus pa (acquisition and running cost);
- 75% of total cost paid by development (as per Infrastructure Circular); and
- A "start up" subsidy based on a minimum 5 year operating period.

The above methodology for determining bus service contributions has been accepted by the Department of Planning and Treasury for comparable developments.

If you would like to discuss this further, please contact Mr David Hartmann, Senior Transport Planner on 9268 2228 or [david.hartmann@transport.nsw.gov.au](mailto:david.hartmann@transport.nsw.gov.au).

Yours sincerely



Brendan Bruce  
**Director, Transport Planning**

cc: Mr Steve Brown, Regional Director – Hunter Region

TP07/05907  
DG08/03008



MINISTRY OF TRANSPORT

**Preliminary Comments – North Cooranbong Transport Strategy by Better Transport Futures - (draft February 2008)**

1. The Strategy contains numerous spelling and grammatical mistakes and would greatly benefit from detailed editing, which should also include a review of page numbering and the numbering of specific actions;
2. The Strategy requires an analysis of background travel demand, in particular, journey to work data which identifies the trip distribution and mode of transport by travel zone within the locality. This background trend analysis will further assist in justifying recommendations concerning the future transport needs of the North Cooranbong community;
3. The strategy should include a community profile of future residents and workers to North Cooranbong and their likely transport demands;
4. The prediction that 50% of journey to work trips will occur within the Morisset and North Cooranbong areas needs further justification based on analysis of journey to work trips and a community profile of future residents;
5. Morisset is at the interface between the Lower Hunter and Central Coast Regions. Future development within the Central Coast Region at Wyong and Warnervale will be important centres for the proposal. The Transport Strategy should also consider the objectives and requirements of the Draft Central Coast Regional Strategy;
6. The Strategy should consider the cumulative transport impacts of recent proposals for development within the immediate locality, which includes various proposals in Morisset, Catherine Hill Bay, Gwandalan and further south in Wyong and Wamervale;
7. Action Y under public transport, nominates the MoT as being responsible for information dissemination to potential future residents. This action needs to be specific regarding the information to be prepared and potentially responsible organisations. The Ministry together with the local bus service providers ensures that adequate timetabling and route information is publicly available. This information should be included within any new resident welcome kits, which is the responsibility of the proponent;
8. It is requested that Action K under public transport, be removed from the Strategy as marketing and promotion of bus services is the responsibility of the Ministry in consultation with service providers;
9. It is requested that Action T under Public Transport be removed, as the Ministry presently reviews education transport needs through annual contract service plans for Metropolitan and Non-Metropolitan areas, which includes the subject locality;
10. The Strategy identifies the need to improve the standard of facilities at Morisset Station, including a new bus and rail interchange and increased rail capacity on services to meet projected demands. These recommendations are not included in the proposed public transport actions under the Strategy or as items under Table 1 - Transport Contributions. The Strategy also indicates that a bus and rail interchange is a regional facility and therefore to be provided wholly by the State Government;

11. The Department of Planning's Circular regarding Infrastructure Contributions (PA 07-018) indicates that *"it will only be possible to levy for a range of infrastructure items where the need for that infrastructure arises from the development of the land"*. The proposed development at North Cooranbong creates the additional demand for infrastructure and services within Morriston. It is therefore appropriate that the proposal contribute toward the provision of additional rail services and station infrastructure together with a bus and rail interchange. The Ministry has forwarded a copy of the draft Transport Strategy to Railcorp for their consideration and comment;
12. The Strategy should include a thorough review of all travel demand management measures available to the subject site. Agreed measures should then form part of an overall contribution to public transport. Implementation of these measures should coincide and compliment the provision of transport infrastructure and services. The promotion of the Transport Information Line (131500) is one example of an innovative transport product that can be actively promoted to future residents; and
13. By avoiding the issue of mode share targets, the Strategy is unclear regarding what improvements are possible for non-car modes. The Strategy is not based on the outcomes of detailed transport modelling. The success of a model in determining likely mode share and means to achieve it is dependent on the quality of data used, study methodology and the adequacy of justifications for assumptions within the model. The Strategy does not provide analysis sufficient to undertake strategic transport modelling or adequately support all recommendations of the Strategy.

Agency Sub # 5a word  
email 25/07

Our reference : DOC08/34349  
Contact : Diane Crosdale, 4908 6825

Mr M File  
Director Strategic Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr File *Michael*

**North Cooranbong Residential Development - State Significant Site and Concept Plan Application (MP 07\_0147)**

I refer to the Environmental Assessment Report (EAR) for the North Cooranbong development that was exhibited from Wednesday 25 June 2008 to Monday 28 July 2008.

The review by the Department of Environment and Climate Change (DECC) of the EAR, as publicly exhibited, has identified that the EAR misrepresents comments provided by DECC. Accordingly, I am seeking your advice on possible courses of action in responding to this issue.

Section 7.3 of the EAR has misrepresented excerpts from a letter, dated 27 November 2007, written by DECC to the Department of Planning. On page 112 of the EAR, the DECC letter is quoted as:

*"Given the significant values exhibited on the site, it is important that adequate site scale data is available to inform any decision on final development footprints. In this regard, we note that the surveys which have been conducted to date **provide sufficient detail** to inform final negotiations on development areas."* (My bold and underlining)

The same paragraph from the original letter said:

*"Given the significant values exhibited on the site, it is important that adequate site scale data is available to inform any decision on final development footprints. The DECC **does not consider** that the surveys which have been conducted to date provide sufficient detail to inform final negotiations on development areas."* (Again, my bold and underlining).

Given that the sentence structure has been fundamentally revised and changes the intent of the original letter, it does not appear that this is a typographical error. The misrepresentation (deliberate or accidental) of DECC's correspondence is a serious matter and I am therefore seeking your advice on the options available under the *Environmental Planning and Assessment Act 1979* to address this matter.

The Department of Environment and Conservation NSW is now known as  
the Department of Environment and Climate Change NSW

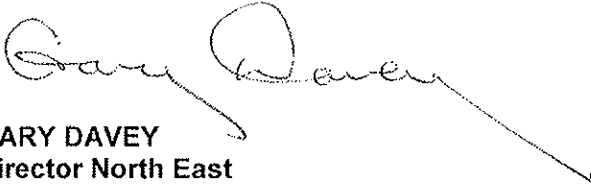
Locked bag 914  
Federation House, Level 7, 24 Moonee Street  
Coffs Harbour NSW 2450  
Tel: (02) 6651 5946 Fax: (02) 6651 6187

Department of **Environment and Conservation** NSW



I note that given the documentation has been publicly exhibited, as a minimum, a public notification process confirming the content of the original DECC letter should be undertaken by the proponent. Please contact me on 6659 8230 if you wish to discuss this further.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Gary Davey', with a long, sweeping horizontal stroke extending to the right.

30 JUL 2008

**GARY DAVEY**  
**Director North East**  
**Environment Protection and Regulation**

Agency SL # 5b  
1000 email 29/07

Your reference : MP 07\_0147  
Our reference : ED08/1209  
Contact : Diane Crosdale, 4908 6825

Mr M File  
Director, Strategic Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

*Michael*

Dear Mr File

**Environmental Assessment Exhibition - North Cooranbong - Major Project MP 07\_0147**

I refer to your letter dated 20 June 2008 requesting comments from the Department of Environment and Climate Change (DECC) in regards to the Environmental Assessment Report (EAR) for the North Cooranbong development. I appreciate the opportunity to comment and apologise for the delay in responding.

In relation to the EAR, and as you are aware, DECC has been involved in ongoing discussions with Johnson Property Group and your Department over the proposed development. These discussions resulted in amendments to the development footprint and an agreement to certain measures to reduce impacts to biodiversity.

These measures include the protection of riparian values and the establishment of a corridor on the site. In addition, it has been agreed that Johnson Property Group will acquire additional high conservation value lands to compensate for the impacts to biodiversity on the site which arose from the increase in the developable area.

These discussions have addressed a number of DECC's concerns and provided a basis for the proposal to move forward and enable finalisation of the EAR. In view of this, DECC will not be providing any additional comment on the exhibited EAR.

However, DECC does look forward to continuing to work with the Department of Planning to ensure that Johnson Property Group delivers an appropriate and timely offset package.

Yours sincerely

*Gary Davey*

30 JUL 2008

**GARY DAVEY**  
Director North East  
Environment Protection and Regulation

The Department of Environment and Conservation NSW is now known as  
the Department of Environment and Climate Change NSW

Locked bag 914  
Federation House, Level 7, 24 Moonee Street  
Coffs Harbour NSW 2450  
Tel: (02) 6651 5946 Fax: (02) 6651 6187

Department of **Environment and Conservation** NSW







28 July 2008

DIRECTOR STRATEGIC ASSESSMENTS  
DEPARTMENT OF PLANNING  
GPO Box 39  
SYDNEY NSW 2001

Attention : Emma Hitchens

Dear Madam,

**Subject            Submission on Major Project MP 07\_0147 – North Cooranbong**

I refer to your letter of 20 June 2008 in which you invited Council to make a submission on the above project.

A submission has been prepared and this was approved by the Council at its meeting on 28 July 2008, subject to amendments. The Council resolution along with the submission is attached.

Please contact me if you need further advice on any of the matters raised in the submission.

Yours faithfully

Greg Field  
**Chief Subdivision Engineer**  
**Development Assessment & Compliance**

Our Ref: PT/1/2008  
ABN 81 065 027 868

# Lake Macquarie City Council Submission

## North Cooranbong \_ Major Project & Concept Plan

### Council Resolution

Council considered the following submission at its meeting of 28 July 2008 and passed the following resolution:

Council supports the rezoning footprint as exhibited subject to the commitment made by the Johnson Property Group (JPG) to Council (and proposed to be included in a Voluntary Planning Agreement), to rehabilitate all the land zoned for conservation and:

- (a) JPG undertakes Works in Kind to the value of \$5,658,981.00 toward rehabilitating and maintaining the conservation lands;
- (b) JPG contributes \$1,081,725.00 to Council for an endowment fund to fund the ongoing maintenance of the conservation lands;
- (c) All the land proposed to be zoned conservation should be transferred progressively to Council at no cost, following the rehabilitation and maintenance of the land for five years, by JPG.
- (d) Council does not object to the mix of 7(1) and 7(2) Conservation zones as proposed in the Concept Plan;
- (e) Council does not support the need for any further heritage impact assessments nor the inclusion of the former airstrip as a heritage item within Council's LEP.

*The Council resolution overrides some of the comments in the following submission and should be accepted as Council's submission on those matters.*

### **Rezoning Proposal**

The Johnson Property Group lodged a submission with Council in March 2005 to rezone the North Cooranbong site. Council subsequently prepared a Local Environment Study and a draft amendment (Amendment No. 27) to the Lake Macquarie Local Environmental Plan. Council did not proceed with this amendment when the Minister of Planning identified that the site should be considered under Part 3A of the Environmental Planning and Assessment Act.

Council officers have investigated the North Cooranbong site in detail for the purposes of preparing Amendment No. 27. Council's submission is based on that earlier work as well as a review of the current Environmental Assessment Report.

### Lower Hunter Regional Strategy

The Concept Plan and Environmental Assessment Report estimate the site will accommodate approximately 2,500 new dwellings; this is largely consistent with the Lower Hunter Regional Strategy (LHRS), which identifies Cooranbong as a major priority release area with potential for up to 3,000 new dwellings. The LHRS states that urban release areas should aim to achieve an average yield of 12 dwellings per hectare. The Concept Plan proposes a density of 10 dwellings per hectare in the 2 (1) Zone with higher densities in the 2 (2) Zone. It is likely that the average density across the site will be consistent with the LHRS targets.

The LHRS Map identifies the site as being in close proximity to the Watagan Green Corridor, an area of high conservation value to be managed for conservation purposes. It is important that the Corridor be considered in the rezoning and Concept Plan assessment and that future development does not undermine the conservation value of the corridor.

### Lake Macquarie City Council Lifestyle 2020 Strategy

The Urban Structure Map in Lifestyle 2020 does not provide a clear strategy for future development in North Cooranbong. The Concept Plan and Environmental Assessment Report demonstrate general consistency with the Aims and Strategic Directions of Lifestyle 2020.

### Proposed Zones

A comparison of the zonings proposed in Amendment No. 27 and the Concept Plan are provided in the table below.

### Comparison between Amendment No.27 and the North Cooranbong Concept Plan – proposed zones (excludes 'town common' site):

Zone	Exhibited draft LEP Amendment No.27 (hectares)	North Cooranbong Concept Plan (hectares)	North Cooranbong Concept Plan compared to Exhibited Amendment No.27 (+/- hectares)
<b>Total conservation areas</b>	139.08	106.35	-32.73
<i>7 (1) Conservation (Primary) Zone</i>	128.57	37.50	-91.07
<i>7 (2) Conservation (Secondary) Zone</i>	0	68.85	+68.85
<i>7 (5) Environmental</i>	10.51	0	-10.51

<i>(Living) Zone</i>			
<b>6 (1) Open Space Zone</b>	7.10	10.8	+3.7
<b>2 (1) Residential Zone</b>	182.6	211.5	+28.9
<b>2 (2) Residential (Urban Living) Zone</b>	16.99	18.83	+1.84
<b>3 (1) Urban Centre (Core) Zone</b>	0.28	0	-0.28
<b>3 (2) Urban Centre (Support) Zone</b>	0	2.7	+2.7
<b>Total</b>	<b>346.05</b>	<b>350.18</b>	<b>+4.13</b>

#### *7 (1) Conservation (Primary) Zone*

Council endorsed draft Local Environmental Plan 2004 ( Amendment No 27) on the basis that there would be a trust fund set up to fund the management of the conservation lands. The area of land to be zoned Conservation Primary 7(1) was reduced during negotiations and preparation of the Local Environmental Study, on the assumption that a smaller area of conservation land would be adequate if it was well managed. The Johnson Property Group (JPG) was to provide a trust fund to re-establish, rehabilitate, enhance, and manage native vegetation on the site in the long term.

The offer of this trust fund was withdrawn in the latter stages of processing the draft Local Environmental Plan. As a result it is believed the balance of proposed conservation verses development area on the site needs to be reassessed, particularly in view of the findings of Council's LES and the further reduction by approximately 24% of land zoned for conservation in the proposed rezoning.

The land currently proposed to be zoned 7 (1) Conservation (Primary) Zone is contained within the north west triangular portion of the site (also known as Mason's Land). The proposed zone is reduced compared with the exhibited draft LEP Amendment No.27. The Assessment Report states that the site is subject to negotiations between Department of Environment and Climate Change (DECC), Department of Planning (DoP) and Johnson Property Group (JPG) for conservation offsets. Council supports the use of the 7 (1) Zone for this part of the site as proposed.

#### *7 (2) Conservation (Secondary) Zone*

The Concept Plan rezones the remaining conservation land to 7 (2) Conservation (Secondary) Zone. This is a variation to the exhibited draft LEP Amendment No.27, which

sought to rezone the land to Zone 7 (1) with a small portion set aside as 7 (5) Environmental (Living) Zone.

Council believes that the Conservation land should be Zone 7 (1) Conservation (Primary) and subject to ongoing conservation management (eg by a planning agreement or other legal arrangement). This is to ensure the zone adequately reflects the environmental qualities of the site, is not subject to any development in the future and will enable proper management of the conservation land. The Environmental Assessment Report states that DECC has indicated a compensatory package aimed to protect and manage the threatened species on conservation land within the region such that the concept plan provides a maintain or improve biodiversity solution. More details on this compensatory package and how management and protection of the conservation areas will be managed into the future needs to be provided.

The following general comments are provided:

- The objectives of the 7 (1) zone are to preserve significant vegetation and habitat and conserve, enhance and manage corridors for species movement, dispersal etc. The objectives of the 7 (2) zone land facilitate development that will not compromise the ecological, hydrological and scenic attributes of the land.
- In both zones, dwellings and bed and breakfast establishments are permissible. Community facilities, dual occupancies-attached, eco-tourism facilities and retirement villages are permissible in the 7 (2) Zone but not the 7 (1) Zone.
- The minimum area required for subdivision in both zones is 40 hectares. The potential for subdivision is limited by the land area available, the zone configuration and environmental constraints.

If the land is zoned 7(2), Council believes that there will be future pressure to develop this land for uses such as retirement villages, which would be permissible under Clause 41 of the Lake Macquarie Local Environment Plan 2004. The conservation land needs to be zoned 7(1) or a mechanism needs to be developed to ensure the long term protection and management of the land.

The Concept Plan proposes to partly rezone the Town Common site to 7 (2) Conservation (Secondary) Zone. This should also be zoned to 7(1) Conservation (Primary). The Environmental Assessment Report advises that the Town Common site will provide conservation offsets in conjunction with the provision of a compensatory package to DECC to demonstrate the 'improve or maintain' principle. The loss of native vegetation across the whole site is likely to be considerably greater under the proposed concept plan in comparison to the exhibited draft LEP Amendment No.27 thereby increasing the need for conservation offsets. The quantity and location of these offsets needs to be determined.

**Note:** Council at its meeting of 28 July 2008 resolved to not object to the mix of 7(1) and 7(2) zones proposed, provided that all the lands zoned for conservation are dedicated to Council at no cost.

*6 (1) Open Space Zone*

The Concept Plan proposes four areas of 6 (1) Open Space Zone (three on the main site and one on the Town Common site). The primary facility (sporting fields, skate park, cricket wickets etc) is positioned close to the existing school and proposed commercial and medium density residential areas. The Concept Plan provides conflicting information regarding the exact number / form of facilities and parking spaces that are proposed.

The location of the primary facility is not supported. Being located to the eastern edge of the development it will create a facility that is alienated from the main centre of the community and will offer only limited value for passive use or vicarious open space value. Creating multi functioning parkland/sports facilities in the right location in a community is critical as they will become a social hub for the community where neighbours and residents meet one another, while children play sport, adults exercise and dogs socialise. If this facility remains in its proposed location the facility will not offer these benefits to the community and will instead be simply a sports field used by organised sporting bodies. With such limited use and a lower sense of ownership by the entire community the area will have high potential for future conflict between adjoining residential properties and sports uses particular at peak times such as evenings and weekends.

The other two 6 (1) Open Space Zone areas on the main site will accommodate a neighbourhood park (with courts and playground facilities) and local park (playground facilities). These areas were not included in the exhibited draft LEP Amendment No.27.

The final 6 (1) Open Space Zone will support a neighbourhood park on the Town Common site. It appears this site will provide playground facilities rather than sporting fields, an option that was explored in previous discussions between Council and JPG.

Further detailed comments on the location and size of the open space areas are provided under the Community Infrastructure heading in the Concept Plan comments below.

#### *2 (1) Residential Zone*

The Concept Plan proposes a 2 (1) Residential Zone across approximately 51% of the site representing an increase of approximately 38.9 hectares compared with the exhibited draft LEP Amendment No.27. The Concept Plan proposes a lot yield of 10 dwellings per hectare in the 2 (1) Zone which is less than the Lower Hunter Regional Strategy target of 12 dwellings per hectare. Development in the 2 (2) Zone is likely to increase the average density of the overall site.

The Concept Plan proposes to locate bushfire asset protection zones and stormwater management facilities on land that Council previously identified as high conservation value, which is now proposed as Zone 2 (1). Council believes that these facilities should be located in areas of lower conservation value and the zonings adjusted accordingly.

#### *2 (2) Residential (Urban Living) Zone*

The Concept Plan proposes 2 (2) Residential (Urban Living) Zone across approximately 5% of the site representing an increase of just under 2 hectares compared with the exhibited draft LEP Amendment No.27. Council supports the proposal to accommodate a mix of housing forms and density on the site. The proposed zone configuration, which varies from

that of the exhibited draft LEP Amendment No.27, improves proximity (and encourages pedestrian activity) to the commercial and community centres, the school and open space areas for future medium density housing residents. The location of the 2 (2) Zone along higher order roads improves the viability of public transport services. The Concept Plan does not indicate the anticipated lot yield in terms of dwellings per hectare in the 2(2) Zone, but states that medium density housing will be provided in the form of dual occupancies and small lot housing. It should be noted that Lake Macquarie Local Environmental Plan 2004 does not permit dual occupancy-attached or dual occupancy-detached in Zone 2 (2). Other forms of residential development permitted in Zone 2 (2) include multiple dwelling housing and residential flat buildings.

### *3 (2) Urban Centre (Support) Zone*

The Concept Plan proposes to rezone approximately 2.7 hectares of land as 3 (2) Urban Centre (Support) Zone. The exhibited draft LEP Amendment No.27 proposed to rezone approximately 0.28 hectares to 3 (1) Urban Centre (Core) Zone. Council supports the proposal as the 3 (2) Zone objectives are more consistent with the likely scale and type of commercial premises on the site. However, the economic impact of this much larger commercial area on existing commercial areas needs to be investigated. Also, it is noted that all the information supplied in the Environmental Assessment Report is dated 2006 and does not include any update for the 2006 census material.

The 3 (2) Zone supports a range of uses such as mixed use development, general stores, medical centres and restaurants which will ensure the site is not simply a dormitory suburb. The commercial areas provide employment opportunities for the local community. The proposed location of the 3 (2) Zone along higher order roads improves the viability of public transport services and represents the logical clustering of high activity uses (i.e. medium density housing, open space areas and the school).

### **Ecological Impacts**

The reduction in the area of land zoned for conservation is not supported due to the ecological impacts of the proposal and the zoned conservation areas being part of a minimal requirement to provide for conservation offsets. The Environmental Assessment Report (EAR) states that DECC has indicated a compensatory package aimed to protect and manage the threatened species on conservation land within the region such that the concept plan provides a maintain or improve biodiversity solution. No details are provided in the EAR on the location and nature of any offsets in sufficient detail to address concerns and to demonstrate that the 'maintain or improve' offset principle has or will be met, and that management and protection of threatened species into the future will be adequate.

### **Threatened Flora Species**

The EAR states that DECC has indicated a compensatory package aimed to protect and manage the threatened species on conservation land within the region such that the concept plan provides a maintain or improve biodiversity solution. In order to sufficiently demonstrate that the concept plan meets the 'improve or maintain' biodiversity principle in regards to the threatened flora species recorded within the site there needs to be further targeted surveys in

regards to mapping the distribution / population within the development and conservation areas. This will assist in quantifying the losses under the current proposal.

#### *Tetratheca juncea*

Additional targeted surveys for *Tetratheca juncea* on the development and conservation areas was requested in the modified Director General's Requirements (DGR's) issued on the 9 January 2008. These additional surveys were undertaken by Anne Clements and Associates Pty Ltd (February 2008), and were undertaken in January and February 2008 outside of the peak flowering season for this species. Due to only one individual of the species being recorded during the targeted survey (Anne Clements and Associates Pty Ltd, February 2008) the estimate of the population size of *T. juncea* within the Threatened Species Survey January & February 2008 (Anne Clements and Associates Pty Ltd, February 2008) was reliant on past surveys of the site (Harper Somers (2002), Clements et al (December 2005), Clements et al (2004)). The only survey that appears to have traversed the entire site for this species was Harper Somers (2002) (this report has not been submitted with the EA), with the remainder of the surveys using the random meander technique, spot quadrats and transects. It is considered that these targeted surveys undertaken are inadequate to quantify the loss of this species. It is therefore requested that further targeted surveys for *T. juncea* are undertaken in accordance with the Lake Macquarie Flora and Fauna Guidelines to record the distribution / population of this species with the development and conservation areas to ensure that the concept plan results in an improve or maintain biodiversity solution.

#### *Angophora inopina*

The additional targeted survey for *A. inopina* by Anne Clements and Associates Pty Ltd (February 2008) was undertaken using 26 four metre wide line transects. The transects ran across the survey area north to south and were spaced at 100m intervals. The search area was only 4% of the study area. Therefore, all individuals of *A. inopina* that occur within the site were not recorded. It is recommended that targeted surveys across both the developable and conservation area of the site is traversed with individuals of *A. inopina* recorded and mapped. This will provide data to quantify the loss of this species due to the concept plan and ensure that the compensatory package meets the 'maintain or improve' offset principle.

#### *Melaleuca biconvexa*

*Melaleuca biconvexa* was recorded by Harper Somers O'Sullivan (2007) in the north-east of the Cooranbong Town Common within the proposed conservation area. It is unknown from review of the various ecological reports if targeted searches for this species occurred within potential habitat for this species in the remainder of the site.

### **Endangered Ecological Community**

The Endangered Ecological Community (EEC) that has been recorded within the southern section of the site requires a buffer (minimum of 30 metres) to be established between this EEC and proposed development. The proposed detention basin located at the bottom end of the EEC should be removed.

## **Drainage and Ecological Corridors**

There is a reduction of the conservation zone buffer around drainage and ecological corridors compared to the exhibited draft LEP Amendment No.27. This reduction in the width of the ecological corridors and drainage lines is not supported. Some reasons are as follows:

- The east–west corridor provides a linkage to an important corridor mapped by DECC in the Draft Lower Hunter Regional Conservation Plan (DECC, 2006).
- The corridors are to maintain and enhance connectivity across the site and adjoining remnant vegetation.
- Wider corridors provide for greater diversity, have less impacts from adjoining land uses and associated edge effects (eg; weeds, predators etc.) and provide habitat in their own right. The reduction in the width of the corridor would increase edge effects and therefore, the viability of the corridor.
- The creek lines are important both from an ecological, flooding and stormwater management perspective and should be protected.

The buffer zone between the drainage line and the area to be cleared in the triangular lot (Mason's land) includes two water control basins partly within Swamp Mahogany habitat. This will result in the additional loss of Swamp Mahogany.

Council does not support the reduction in the length of riparian corridors that are proposed to be zoned conservation. It is also important that the actual location of the watercourses should be accurately identified and shown in the correct location on the zoning plans, as the location in the current zoning plans varies from Amendment No. 27. It is recommended that a site survey be undertaken to plot the correct location of the creeklines.

## **Voluntary Planning Agreement**

Council and JPG are currently negotiating a Voluntary Planning Agreement (VPA) for the North Cooranbong site. A report was submitted to Council on 10 December 2007 that outlined the basis for the negotiations.

Council's current Section 94 Plan does not make provision for the North Cooranbong site. Council believes that the best mechanism for the provision of Open Space, Recreation Facilities, Community Facilities, Road Works and Traffic Facilities for North Cooranbong is by a VPA.

Council believes that it is imperative that prior to the rezoning gazettal and Concept Plan approval, that JPG enter into a VPA with Council for the provision of these facilities. Council does not support any approvals being issued until the VPA has been finalised and signed off.

## **Conservation Land Trust Fund**

As part of the VPA under negotiation, the JPG are proposing for the transfer of some conservation lands to Council following rehabilitation works. It is proposed that an endowment fund be set up to fund the ongoing maintenance of this land. It is not known at this stage what Conservation land, if any, may come into Council's ownership. Council is

currently negotiating these outcomes and believes that this issue needs to be finalised before the rezoning is gazetted.

If any conservation lands are to be transferred to Council, such lands should not contain bush fire Asset Protection Zones or stormwater facilities.

### **Summary**

There is a significant reduction in land zoned for conservation purposes in this proposal compared to the draft LEP (Amendment No.27). There is also a reduction in the width and extent of ecological and riparian corridors. Council does not support these outcomes as it has the potential to impact the environmental and conservation outcomes over the site and insufficient detail has been provided regarding proposed conservation offsets.

Council does not support the proposal to locate asset protection zones and stormwater detention facilities on land that Council previously identified with high environmental value.

The central park/sports facility should be centrally located to provide a town/village green type facility centrally locating active sporting facilities, which are supported by community based clubs with casual and passive recreation opportunities. A centrally located facility such as this one will offer a social hub immediately adjacent to the community facilities and the commercial area.

Council supports the proposed mix and location of low and medium density housing forms. The proposal to accommodate commercial activities within the site is also encouraged.

A VPA is currently being negotiated between JPG and Council. The rezoning should not be gazetted until the VPA has been executed.

Council believes that a mechanism (such as land dedication and the funding of an endowment fund) needs to be set up to ensure the preservation and long term viability of the conservation lands.

## **Concept Plan Submission**

The following comments are provided on the North Cooranbong Concept Plan.

### **Community Infrastructure**

#### Draft Voluntary Planning Agreement

On the 10 December 2007, Council endorsed an 'in principle' agreement (Agreement) with Johnson Property Group (JPG), which allows for the following facilities to be constructed and transferred to Council:

- Two Local Parks with a minimum area of 5,000m<sup>2</sup> each (known as Local Park North and Local Park South)
- A sports and neighbourhood park, including a dog exercise facility with a minimum size of 81,000 m<sup>2</sup> (on-site)

- A sports and neighbourhood park (known as the Town Common) with a minimum size of 76,000 m<sup>2</sup>,
- A cycleway system that connects the development to facilities and the Cooranbong Town Centre, as well as a contribution towards district cycleways,
- Multi-purpose Community Centre, and
- Traffic upgrades.

In addition to the above, the Agreement allows for a cash contribution towards the following:

- Multi courts,
- District Jetties,
- District open space,
- Library facilities,
- Community Bus and worker, and
- Administration.

Council is currently negotiating a Voluntary Planning Agreement (VPA) consistent with the Agreement. The scale and number of facilities included in the draft VPA, in particular the number of elements to be completed as works in kind, offers Council an ideal opportunity to ensure that facilities are provided in the North Cooranbong area to cater to the needs of new residents in a timely manner.

The facilities anticipated from the VPA are considered adequate for the development of 2,500 lots. Development beyond 2,500 lots would require additional facilities and services beyond those proposed in the VPA.

The following are some points of clarification between the Part 3A Environmental Assessment Report and Concept Plan (the Report) and the draft VPA currently being negotiated:

- The Report (Section 5, page 89) states that only the management of the facility (community facility) will be transferred to Council. It is Council's understanding that the multi-purpose community centre land and facility will be transferred to Council.
- The Report shows an area of 0.55ha for youth facilities, community facility and childcare facilities. An area of 0.558ha is required for the community facility to be provided as part of the proposed VPA. Additional land will be needed to provide the remaining facilities.
- The Report allows for 6ha of open space land at the Town Common. An area of 7.6ha is required for the facilities proposed in the VPA.
- With regard to open space facilities, the Report (Section 5, page 89) suggests that only the management of the facility will be transferred to Council. It is Council's understanding that all open space land and facilities will be transferred to Council.
- The Report identified the netball / tennis facilities to be provided in the Neighbourhood Park (known as Local Park North), see Figure 19 of the Report. It is Council's understanding that the netball / tennis are to be provided at either the Sports, Neighbourhood Park and Dog exercise facility or Town Common facility.

- The timeframes for the provision of facilities proposed in the VPA are currently being negotiated and may not be those as detailed in the Report.
- The Report details that a contribution is being made to Council for regional facilities. Cash contributions received by Council will be used for the provision of local and district facilities only.

### Open Space and Recreation

The proposed 8.1 hectare Sports / Neighbourhood / Dog Exercise facility is required to be located at the approximate intersection of the existing airport runways. This site has been determined as the most suitable due to its generally central location within the overall development site, and the flat topography of the land and subsequent reduced construction costs. This location remains in close proximity to the school, without inferring that the facility is an extension of the school's open space land and will provide a town/village green type facility centrally locating active sporting facilities and passive recreation opportunities. A centrally located facility such as this one will offer a social hub immediately adjacent to the community facilities and the commercial area.

A large proportion of the incoming community will have no affiliation with the Seventh Day Adventist community, and as such, the facility should have no physical links to the existing school.

The Sports / Neighbourhood / Dog Exercise facility is required to revert to Council ownership upon completion, as part of the development's open space contribution.

- In line with the draft VPA comments above, the netball / tennis facilities proposed in Local Park North are to be provided in the Sports / Neighbourhood / Dog Exercise facility, or at the Town Common facility, not in the Local Park North. This park is required to revert to Council ownership upon completion, as part of the development's open space contribution.
- Provision of the Local Park South is in line with previous discussions and is supported. Its footprint is required to be at least 5,000m<sup>2</sup>, and is required to be developed in line with the provisions of the proposed VPA. Upon completion the park is required to revert to Council ownership, as part of the development's open space contribution.

### Community Facilities

Given that the proposed VPA makes provision for a multipurpose centre, and a cash contribution towards library facilities, a community bus, and community worker (amongst others), Council is satisfied that provided the VPA is executed as currently proposed, that the proposal adequately caters for the social infrastructure and social needs arising from the development of up to a maximum of 2,500 lots. As indicated previously, management and ownership of the community/multipurpose facility and associated land will need to be transferred to Council upon completion of the facility.

However, the concept plan indicates that the community/multi-purpose facility is to be located within/adjacent to the Avondale School grounds. Council agrees with the findings of the

North Cooranbong: Local Environmental Study Report (Nesbitt July 2006) that this facility NOT be located adjacent to Avondale School (as recommended in the Social Impact Assessment undertaken by Key Insights). Using the same rationale for a town common of seeking to create opportunities for social networking and natural congregating places or 'hubs' the community facilities need to be located within the the 3(2) Urban Centre (support) zone adjacent to the centrally located park and sportsfields.

Locating the facility adjacent to the school would give the impression that it is a school facility, and given that a large proportion of the incoming community will have no affiliation with the Seventh Day Adventist community, they may then feel uncomfortable accessing this facility. This facility should be located separately from the school in order that it has its own unique identity, and to promote it as an all-of-community facility.

Council recommends that the facility be situated adjacent to the proposed relocated site for the sports/neighbourhood park/dog exercise facility (on-site) at the approximate intersection of the existing airport runways. This position will result in the community/multipurpose facility being more centrally located within the development, and remaining in close proximity to the school, without inferring that it is an extension of the school's facilities.

### **Stormwater Management**

The North Cooranbong site is located within the catchment of Dora Creek. Dora Creek is a predominantly natural creek system that drains into Lake Macquarie. There are currently serious flooding issues along Dora Creek and water quality issues are present within the creek and Lake Macquarie. A development of this scale has the potential to significantly impact on flooding and reduce water quality within the catchment.

The Concept Plan identifies the location of a number of stormwater basins. These basins are located generally within the lands zoned for Conservation or within riparian corridors. Council does not support the location of the basins in these areas.

The proposed stormwater and water quality measures are based on a system that includes on-site detention in rainwater tanks. However, it is understood that there is a proposal to provide a re-cycled water (dual reticulation) system for the development. There is a reference to this in the "5.5.1 Sustainability" section of the Environmental Assessment Report – the "third pipe" proposal. This would remove the necessity to install rainwater tanks, as the dual reticulation system would meet the potable water saving requirements of BASIX. Without suitable stormwater detention in rainwater tanks, the whole stormwater strategy is changed and requires re-design to meet Lake Macquarie's site discharge index. Dual reticulation would also alter the overall water budget for the site, changing draw-down from stormwater storages, and adding to dry-weather flows. There is no mention of the proposed dual reticulation scheme in the current documents. Is it part of the proposed development? If so, how will it change the proposed stormwater detention and treatment measures?

The Town Common proposal is difficult to assess from the information provided. There are several significant billabongs and floodways in the flood plain, but the scale of the drawings make it impossible to assess the effect of the proposed footprint on these features. The general land use and scheme is not in question, but the extent of the proposed sporting

fields, and their design, need to be assessed in detail before a judgement can be made as to whether they can be accommodated to the proposed extent without compromising the floodplain hydrology and its dependent eco-systems.

It is recommended that the following conditions be attached to any Concept Plan approval to ensure that the development does not increase flooding downstream or impact on water quality outcomes:

- All stormwater works shall be designed to satisfy a “regime in balance strategy” as set out in the manual – WSUD Basic Procedures For Source Control of Stormwater – A Handbook for Australian Practice -, Urban Water Resources Centre, University of South Australia, J R Argue (Editor), 2007.

No stormwater may be discharged to a natural watercourse until it satisfies the “regime in balance strategy”. The regime in balance strategy shall be designed for times of concentration between 30 minutes and 12 hours and for recurrence intervals between 1 year and 100 years and based on the current site conditions, but assuming that the airstrip is pervious.

- A detailed flood modelling assessment shall be submitted with each development application. The model shall identify the areas of the site that are affected by flooding in the 100 year storm event. No development or filling will be permitted within the areas identified within the 100 year flood limit. All stormwater treatment basins and stormwater management controls shall be located above the 100 year flood level.
- Stormwater quality shall meet the requirements set out in Table 1.2 of Australian Runoff Quality – A Guide to Water Sensitive Urban Design, Engineers Australia, 2006. All stormwater quality treatment controls shall be designed in accordance with the requirements of the above manual.
- No stormwater control facilities shall be constructed within areas of the site that are zoned for conservation or on land that is within 20 metres from the top of bank of natural watercourses.
- There should be no disturbance or land clearing, other than road crossings, within 20 metres of the top of bank of natural watercourses.

### **Bushfire Management**

It is anticipated that the Rural Fire Service will provide detailed comments on the Bushfire Management Plan. However, it is noted that the Bushfire Management Plan has been prepared for a different layout than that contained in the Concept Plan and is therefore not accurate. There are also inconsistencies in the documentation with regard to the location of the Asset Protection Zones. The Bushfire Report identifies that Asset Protection Zones are located either within the lands zoned for Conservation or within riparian corridors.

Council does not believe that this is an acceptable outcome as it defeats the purpose of zoning land for conservation or protecting riparian corridors. It is recommended that the following condition be placed on any Concept Plan approval:

1. Bushfire Asset Protection zones shall not be located within areas zoned for Conservation or within 20 metres from the top of bank of any natural watercourse.

### **Acid Sulphate Soils**

It has been identified that a small section of the site may be affected by acid sulphate soils. It is recommended that for parts of the site that are identified within the Department of Land's Acid Sulphate Planning Maps, that a geotechnical assessment of the acid sulphate soils be prepared and submitted with any development application. If any acid sulphate soils are identified on the site then an Acid Sulphate Soil Management Plan should be prepared and implemented.

### **Erosion and Sediment Control**

It is recommended that all erosion and sediment controls for the site should be designed in accordance with the requirements of the manual Managing Urban Stormwater published by Landcom and dated 2004. A detailed erosion and sediment control plan should be submitted with each development application.

### **Draft Development Control Plan**

The draft Development Control Plan for the site is totally inadequate for a development of this scale. The draft DCP also contains a number of errors and inconsistencies.

Council does not support a separate DCP for this site and believes that all future subdivision and development on the site must comply with Council's Development Control Plan No.1 and the associated Engineering Guidelines. Council would not object to a site specific Area Plan for North Cooranbong that could be incorporated into Council's DCP No. 1. The Area Plan could address site specific development outcomes but should not vary the General Principles of Development or Specific Principles of Development that are contained in Part 2 and 3 of Council's DCP No. 1.

### **Geotechnical and Soil Contamination**

A preliminary Geotechnical Assessment report has been prepared for the site. The report did not identify any slope stability issues on the site.

The Environmental Assessment Report, Appendix A, contained a Geotechnical/Site Contamination assessment prepared by Douglas Partners, reference 31720A .

The report prepared is a phase one contamination assessment as defined by the NSW DECC "Guidelines for Consultants Reporting on Contaminated Sites". It has identified many parcels which require further investigation, with a view to remediation and site validation, some of which are the former effluent/sludge ponds used by Sanitarium, the now disused chicken farm, general dumping areas, uncontrolled fill, orchard/farming, asbestos, buildings for demolition and workshops.

There is no indication or evidence of contamination which could not be remediated, and for this reason no objection is raised to the proposed rezoning and development.

Prior to the issue of any Subdivision Certificate, it should be a requirement that the applicant provide a phase two detailed site contamination assessment, dealing with potential contamination of the site.

The report is to be carried out by a recognised contaminated land consultant, and in accordance with the NSW Department of Environment and Climate Change guidelines.

It will be necessary for the contamination assessment report to be reviewed by a third party, independent contaminated site Auditor, accredited by the NSW Department of Environment and Climate Change, under the provisions of the NSW contaminated land management legislation.

Following this review, the site shall be remediated, validated and signed off by the Auditor, as suitable for its intended use.

### **Acoustics**

Acoustic report number 07-1194-R1 dated February 2008, prepared by Reverb Acoustics in relation to the potential traffic impact on the site from the F3 Freeway, has determined that the predicted average traffic noise levels for both day and night time will comply with the DECC/RTA criteria. There is therefore, not expected to be any special subdivision or building construction design requirements in relation to freeway or local traffic noise.

### **Traffic and Transport**

The transport improvements detailed in Table 13 on pages 106 and 107 of the main report and repeated as Table 8.1 on page 71 of the Transport Strategy do not include all the works currently being negotiated between Council and the Developer in the VPA. These works should be amended to reflect those negotiations.

The variances are as follows:

#### **Local Roadworks**

- Item 3 The intersection is proposed to be traffic signal controlled, not priority controlled as indicated in the table.

#### **Cycling Facilities (External to site)**

- Item 2 appears to be only a repeat of Item 1.
- Item 3 should be deleted.
- Item 5 appears to be only a repeat of Item 4?
- Item 6 should be deleted.
- Item 7. Reading item 8, it is unclear what Central Drive is supposed to be, but this item should be Town Centre to Avondale Road.
- Item 8. Following comments on item 7, this item should be Town Common towards Morisset as far as is determined after accounting for the deletion of Items 3 and 6.

The internal road layout needs to be designed to discourage the use of Alton Road to access the development.

The Transport Strategy dated March 2008 contains a number of errors, which need to be corrected and Council should be notified of any changes. For example, on P68 it states that the platforms at Greta and Morisset railway stations need elongating to take eight carriage trains. Greta Station is not applicable to this application and Council believes that Morisset Station can already take eight carriages.

Provided that the VPA between Council and JPG is executed before the rezoning is gazetted and the above amendments are made, Council is satisfied with the traffic outcomes.

### **European Heritage:**

The heritage impact assessment submitted does not specifically relate to the North Cooranbong Concept Plan prepared by HDP Town Planning Design. The applicant has submitted a Heritage Impact Assessment relating to a different scheme without having it updated to the current proposal.

The submitted Heritage Impact Assessment (HIA), prepared by Graham Brooks and Associates dated January 2005, relates to a Structure Plan prepared by Architectus Pty Ltd in October 2004. This particular plan incorporated the north south airstrip, which was identified in the HIA to have local significance over its entire length requiring it to be retained in its form.

Even though the site has no statutory heritage protection, local heritage significance of the aerodrome was identified in the Assessment of Heritage Significance in the above report.

The major roads indicated on the submitted concept plan do not incorporate the north south strip of the aerodrome and may adversely affect the ability to incorporate the airstrip as a major road in a future road pattern. There has been no revised Heritage Impact Assessment or input sought from Graham Brooks and Associates.

Graham Brooks and Associates' HIS makes recommendations for site specific future master planning and the preparation of a Heritage Interpretation Plan. Specific commitments in line with these recommendations need to be made, reviewed and adopted.

The submitted HIS indicates, that the NSW Heritage Office (NSW HO) reviewed a community nomination for state listing of the aerodrome and that it recommended the following to LMCC in August 2004:

- that on the basis of the submitted information the item did not meet the threshold of state significance at this stage
- that Council assess the Cooranbong Airstrip for listing in the LEP at the earliest available opportunity prior to any decisions on the redevelopment, demolition, alterations or maintenance programs for the property. (Council has not acted on this advice at this time).

The site should now be considered for inclusion in Appendix 1 of Council's LEP for local listing based on Graham Brooks and Associates assessment of heritage significance.

The Heritage Impact Assessment submitted by Graham Brooks and Associates dated January 2005 assessed the property to have local community heritage value primarily of social and historical association specifically relating to the north south airstrip. The airstrips are also considered to be of some aesthetic distinction in the general landscape as viewed from the air. Other associated elements of the site are given little heritage value.

The report establishes the essential conservation philosophy required for retaining the identified significance for the site including that the form of the north south strip in the evolving cultural landscape is to be retained in any future use of the site in the event of the operations ceasing.

The following recommendations are made:

- The applicant needs to provide a current updated and revised heritage impact assessment relevant to the current proposal.
- The proposal needs to address the identified cultural significance of the Cooranbong Aerodrome by making provisions to implement the conservation measures outlined in the report, i.e. retain the form of the north south strip as an identifiable and interpretable element in its entire length as part of the evolving cultural landscape.
- Provisions must be made either in the form of commitments by the applicant or by conditions of consent to ensure that future master planning incorporates the recommendations of an updated heritage assessment and that a Heritage Interpretation Management Strategy and Plan for the site is prepared and adopted.

**Note: Council at its meeting of 28 July 2008 resolved that Council does not support the need for any further heritage impact assessments or the inclusion of the former airstrip as a heritage item within Council's LEP.**

### **Aboriginal Heritage**

The report was carried out following the relevant guidelines and in consultation with the relevant Local Aboriginal Land Council. For the main part of the site there will be no impact on Aboriginal Places or Objects or Potential Aboriginal Deposits. There is no impediment to the proposed development for Aboriginal Cultural reasons.

Further investigation will be required for potential Archaeological Deposits in an area marked on Map 8 of the report which appears to be in the vicinity of the boundary running SW of the north western triangle of the property. Any proposed work within that area, e.g. the proposed Water Quality Control Basins will need to be based on an updated assessment.

### **Public Exhibition of Amendment 27 Rezoning**

As you would be aware, Council has exhibited draft LEP (Amendment 27) for the North Cooranbong rezoning. Approximately 100 submissions were received. The major issues identified are detailed below and are provided for your information.

- Objection to the size of the proposed 3(1) Urban Zone and the potential impact on the existing urban centre;
- Concern the character and amenity of the town will change;
- Impact of traffic generation on local roads, particularly at Dora Creek;
- Inadequacy of access points to the proposed development;
- Loss of biodiversity values and the need for greater protection of flora & fauna;
- The need for wider vegetation corridors;
- The need for greater protection of vegetation along creek lines;
- Concern the development will lead to an oversupply of residential land;
- Inadequate local infrastructure to support the development;
- Inadequate school facilities to support the development;
- Inadequate sporting facilities to support the development;
- Concern the development will increase flooding in Dora Creek and reduce water quality.

### **General Comments**

The following general comments are provided on matters that Council believes are not adequately addressed in the Concept Plan documentation.

- Whether there has been adequate conservation of significant vegetation communities including the Endangered Ecological Communities (Swamp Sclerophyll Forest on Coastal Floodplain), and Threatened Species habitat (*Grevillea parviflora subsp parviflora*, *Tetratheca juncea*, Squirrel Glider and Masked Owl).
- What arrangements are proposed for the rehabilitation of degraded areas with native vegetation (ie offset areas).
- There needs to be an assessment of the inconsistencies between the conservation areas proposed in the concept plan and those recommended in the North Cooranbong Local Environmental Study prepared by URS. These need to be explained and justified.
- There may be a need for the provision of additional offsets possibly in association with the Town Common area – where riparian and wetland areas will require rehabilitation.
- The Concept plan needs to incorporate perimeter roads for all edges where urban development is adjacent to native vegetation to be rehabilitated and/ or to be conserved.

- The Concept Plan needs to provide for solar orientation and energy efficiency in the subdivision layout.
- All road widths and design standards should comply with the Lake Macquarie City Council DCP No.1 and LMCC Engineering Guidelines. Where Water Sensitive Urban Design (WSUD) facilities are to be located within the road reserve, the width of road reserves will need to be widened to accommodate these facilities.
- A Landscape Strategy/Master Plan should be provided for the development which uses indigenous species.
- Building envelopes and building controls should be provided for development in sensitive areas and on slopes in excess of 15%.
- The land parcel with description Lot A DP 375386 (52 Alton Road) is listed amongst the properties affected by the JPG North Cooranbong proposal in Table 1 of the Environmental Assessment report by HDB, however this parcel lies outside the site boundary in all figures depicting the development sites.

Agency 47



252RZ19;1  
08/1628  
JF

Director, Strategic Assessments  
Department of Planning  
PO Box 39  
SYDNEY NSW 2001

**Attention: Mr Michael File**

**ENVIRONMENTAL ASSESSMENT EXHIBITION – NORTH COORANBONG – MAJOR PROJECT MP 07\_0147**

Dear Mr File

I refer to your letter dated 20 June 2008 (Your reference: MP 07\_0147) inviting the RTA to prepare a submission on the subject Major Project at North Cooranbong. Your letter was addressed to the RTA's General Manager – Development Programs in Sydney and was not referred to the RTA's Hunter Regional Office for a response until 28 July 2008. Please accept my apology for not responding earlier.

The RTA's primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road system, the security of property assets and the integration of land use and transport. With regard to the proposed rezoning, the RTA's main concerns are with the traffic generating impacts of the proposed development on the classified (State) road network.

The RTA has previously reviewed information about the traffic generating impacts of the proposed development and provided information to the Department of Planning (RTA letter dated 11 March 2008) on the State road works that would be required as a consequence of the development of land in the subject Major Project at North Cooranbong.

Subsequent to the RTA's previous response letter, the RTA and the Department of Planning (Gary Freeland) met with Johnson Property Group (JPG) to discuss the inclusion of the State road works in a Voluntary Planning Agreement (VPA) that would be funded by the owners of the proposed development. It was agreed at the meeting that JPG (on behalf of the owners) would undertake the required State road works as 'works-in-kind' in lieu of providing a monetary contribution per lot and enter into a Deed Containing Agreement (DCA) with the RTA.

The RTA is currently preparing a DCA between the RTA, the Australasian Conference Association Ltd and Avondale Greens Pty Ltd (the majority owners) that defines the road infrastructure works on the classified (State) road network that are required as a consequence of the development of land in the subject Major Project.



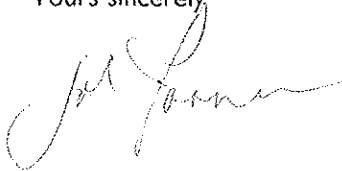
In general terms, the DCA obligates the owners to fund and undertake agreed road infrastructure works and to have the works completed by specified subdivision thresholds.

A final draft of the DCA is expected to be completed in August 2008. When finalised, a copy of the draft deed will be sent to the Department of Planning for comment.

The RTA would have no objections to the subject Major Project provided that an appropriate clause is included in any VPA or conditions of development consent that obligates the owners to comply with the conditions set out in the RTA's DCA.

For more information please contact me on (02) 4924 0240.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'John Farrell', written over a light blue horizontal line.

John Farrell  
A/Manager, Land Use Development  
Hunter Operations & Engineering Services

31 July 2008

Cc Mr Andrew Donald  
Lake Macquarie City Council



Early Childhood and Primary Education  
Secondary Education  
Technical and Further Education  
Vocational Education and Training  
Higher Education  
Adult and Community Education

DOC 08/31506

Mr Michael File  
Director, Strategic Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr File

I refer to your letter dated 20 June 2008, regarding the Environmental Assessment Exhibition of North Cooranbong (Major Project MP 07\_0147).

The Department of Education and Training (DET) notes the characteristics of the proposed 2,500-lot North Cooranbong concept plan and has no objection to the broad principles underlying the proposal as they appear consistent with the aims of the Lower Hunter Regional Strategy. The one issue of concern relates to the need to identify a government primary school site within the proposed release area.

It is noted that, in April 2008, the Infrastructure Levies Implementation Committee determined that - based on the proponent's application for 2,500 lots - land area of three hectares (valued at \$5.31 million) for Education, be included in the Voluntary Planning Agreement (VPA) for the North Cooranbong development.

From a Department of Education and Training perspective, only identification of a suitable primary school site within the Urban Release Area appropriately fulfils the logistical requirements in terms of consistency with the Department's planning principles and site selection guidelines. The mechanism by which a three-hectare school site might be dedicated to the Department is yet to be resolved, that is, whether it is identified as works-in-kind or as a monetary contribution (representing 75%) towards the cost of such site.

The need and timing for identifying a school site is dependent on the eventual scale of residential development. In consultations, the developers have raised their concern about a loss of potentially-developable residential land being dedicated to a government agency for a site that may eventually not be utilised for a government school.

Regardless of the infrastructure contribution mechanism, the Department reiterates to the Department of Planning that a three-hectare primary school site be provided in the release area, consistent with the requirements outlined in *Planning Circular PS 07-018*, the Department's criteria and subject to the identified site being agreed to by the Department. Note however that the Department of Education and Training cannot commit to constructing a school as this is outside its legal responsibilities and is subject to budgetary determinations made by the government of the day.

I trust that this information is of assistance.

Yours sincerely



4/8/08

Paul Culshaw  
**Director, Strategic Asset Planning**

07 AUG 2008  
06/08



Agency 56 #9 rec'd email  
06/08  
NSW Government  
Department of Water & Energy

Contact: Jeff Hunt  
Phone: 49042634  
Fax: 49042503  
Email: Jeff.Hunt@dnr.nsw.gov.au

The Director, Strategic Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Our ER Ref: ER20172

Your File Ref: MP07\_0147

06 August 2008

**Attention: EMMA HITCHENS**

Dear Sir / Madam

**PROPOSED REZONING - MAJOR PROJECT MP07\_0147  
NORTH COORANBONG**

I refer to your letter of 20 June 2008 concerning the exhibition of the above Major Project. The Department of Water and Energy (DWE) provides the following advice for your consideration, and apologises for the delay in responding.

The Environmental Assessment Report and Concept Plan have been reviewed and DWE is satisfied that the issues raised previously have been adequately addressed. Surface and groundwater aspects of the proposal, including the provision of an efficient and sustainable water supply, have been incorporated into the concept plan so as to minimise any impacts, and satisfy the legislative and policy requirements of this department.

Although Part 3A Major Projects are exempt from requiring a controlled activities approval (s91 of WMA), the final development plan will be required to take into account the objectives and provisions of relevant legislation and guidelines, particularly relating to the following recommended Core Riparian Zones (as applicable):

- Minimum of 10m for any intermittently flowing 1st order watercourse;
- 20m for any permanently flowing 1st order watercourse or any 2nd order watercourse;
- 20m to 40m (merit based assessment) for any 3rd order or greater watercourse.

Should you require any further information on any of the above water issues, please contact me on 49042634 (or Jeff.Hunt@dnr.nsw.gov.au).

Yours sincerely

Jeff Hunt  
Senior Project Planner  
Major Projects Mine Assessments and Planning



Your reference: MP 07\_0147  
Our reference: MD06H164  
Contact: Paul McBeath (02) 49 379302  
Date: 11 August 2008

The Director, Strategic Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attention: Ms Emma Hitchens

CROWN LANDS DIVISION  
Cnr New England Highway & Banks Street  
EAST MAITLAND NSW 2323  
(PO Box 6) EAST MAITLAND NSW 2323  
Contact Officer: Paul McBeath  
Phone: (02) 49 379 302  
Fax: 49 348 417  
E-mail: paul.mcbeath@lands.nsw.gov.au  
www.lands.nsw.gov.au

Dear Sir/Madam

**Re: North Cooranbong – Major Project MP 07\_0147**

I refer to your letter of 20 June 2008 regarding MP 07\_0417 for the proposed development by Johnson Property Group at North Cooranbong.

From an investigation of Departmental records at this office it appears there is no Crown land affected by the proposal subject site outlined in red on the Location Map Figure 1 supplied by HDB Town Planning dated March – June 2008.

It is unclear from the plans supplied whether any Crown roads are affected by the proposal.

However, if Crown roads are to become an integral part of the development, this Department is not a road authority funded or resourced in the specialised fields of road design, construction, maintenance and traffic management. This will influence the appropriate standards required for public road access to service any future subdivision plans and would activate the need for road transfer to the appropriate road authority being Lake Macquarie City Council.

If you have any further enquiries please contact Paul McBeath on 49 379302.

Yours sincerely

Paul McBeath  
for Anthony Signor  
Program Manager (Land Management)  
Central Coast/Hunter

