



Our Ref:BS:KL:239566

19 March 2019

The Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Emma Butcher

Dear Emma,

RE: MP 10_0088 MOD 1 – NORDS WHARF RESIDENTIAL DEVELOPMENT (SOUTHERN ESTATES)

Reference is made to various comments from government agencies following our Response to Submissions in relation to the amended development proposal for land at Nords Wharf.

While the 75W application seeks to amend the concept plan, it is important to note that Lake Macquarie Council has approved the subdivision of the land into 84 lots in September 2014. The comments from various agencies seem to ignore that there is already an approved development footprint and subdivision layout. We remain of the view that the impacts of the proposed amendment when compared to the approved development (and concept approval) are negligible for the following reasons.

- 1) A road reserve has been retained around the perimeter of the site notwithstanding that the location of internal roads has been amended.
- 2) The development footprint has not significantly changed noting that the shift in the road carriageway has only resulted from the removal of batters and inclusion of retaining walls so that all works are contained within the same development site.
- 3) The changes to the road layout allows a more efficient lot layout hence the increased lot yield noting that it is only 10 additional lots when compared to the Concept Approval.

We note that The Department has advised that at this stage they do not support:

- Removing the requirement for intersection upgrades; and
- Removing the requirement for the \$ 1 million dollar contribution and provision of 250K contribution instead.

ADW JOHNSON PTY LIMITED

ABN 62 129 445 398

Sydney

Level 35 One International Towers
100 Barangaroo Avenue
Sydney NSW 2000
02 8046 7411

sydney@adwjohnson.com.au

Central Coast

5 Pioneer Avenue, Tuggerah NSW 2259
PO Box 3717, Tuggerah NSW 2259
02 4305 4300

coast@adwjohnson.com.au

Hunter

7/335 Hillsborough Road,
Warners Bay NSW 2282
02 4978 5100

hunter@adwjohnson.com.au

www.adwjohnson.com.au

Intersection Upgrades

With respect to the intersection upgrades we have been advised that Roads and Maritime consider there are two options available to facilitate safe access as a result of the increased traffic associated with this subdivision:

- Maintain Condition 1.25 of MP10_0088, which requires the intersection of the Pacific Highway and Awabakal Drive to be upgraded to a signalised seagull intersection, or
- Amend the consent to require the upgrade of Nords Wharf Road to a signalised seagull, and require turn restrictions on Awabakal Drive at the Pacific Highway.

RMS has confirmed they provided a response to the Response to Submission for MP10_0088 MOD 1 on 14 January 2019. In this advice, Roads and Maritime recommended that the Department of Planning determine the appropriate intersection treatment from the two options above as the consent authority, in consultation with the local community and Council.

It is our preference that the Concept Approval be amended to provide for the upgrade of Nords Wharf Road to a signalised seagull intersection and provide turn restrictions on Awabakal Drive.

Additional developer contributions proposed in Statement of Commitments

In relation to the \$1 million contribution to works the Environmental Assessment Report prepared in support of the Concept Plan notes that Coal and Allied allocated funds for Nords Wharf from the \$5 million allocation for their Southern Estates. The assessment report states that "The \$5 million allocation is directed at initiatives that would not ordinarily be provide as part of the development of a new residential estate and accordingly, the initiatives identified are those that are considered "over and above" what is reasonably necessary to satisfy State and Local Government Approval requirements." It is on this basis we have sought to amend the condition.

Having reviewed the current owners position and The Departments position our client is prepared to increase the offer with respect to the additional contributions so as to fund those initiatives with direct benefit to the Nords Wharf community including the provision of additional parking at the Branter Road boat ramp up to 230K, contributing 100k to upgrade Gathercole Park and providing 85K for the pathway connecting to the nearest bus stop. This represents a total of 415K in additional to s7.11 (s94) contributions and other external road works to be funded by the developer.

Plan Amendments

As a result of the comments received particularly those is relation to Asset Protection Zones by Lake Macquarie City Council and the Rural Fire Service we have made some amendments to the proposed subdivision layout to ensure that adequate building envelope is provided within the BAL 29 or lower area. A copy of the amended plan is included as **Appendix A**.

An overlay of the approved and proposed concept plan was provided as part of the Modification request and is reproduced below. We also provide an overlay of our amended subdivision plan overlaid on the approved DA plan.

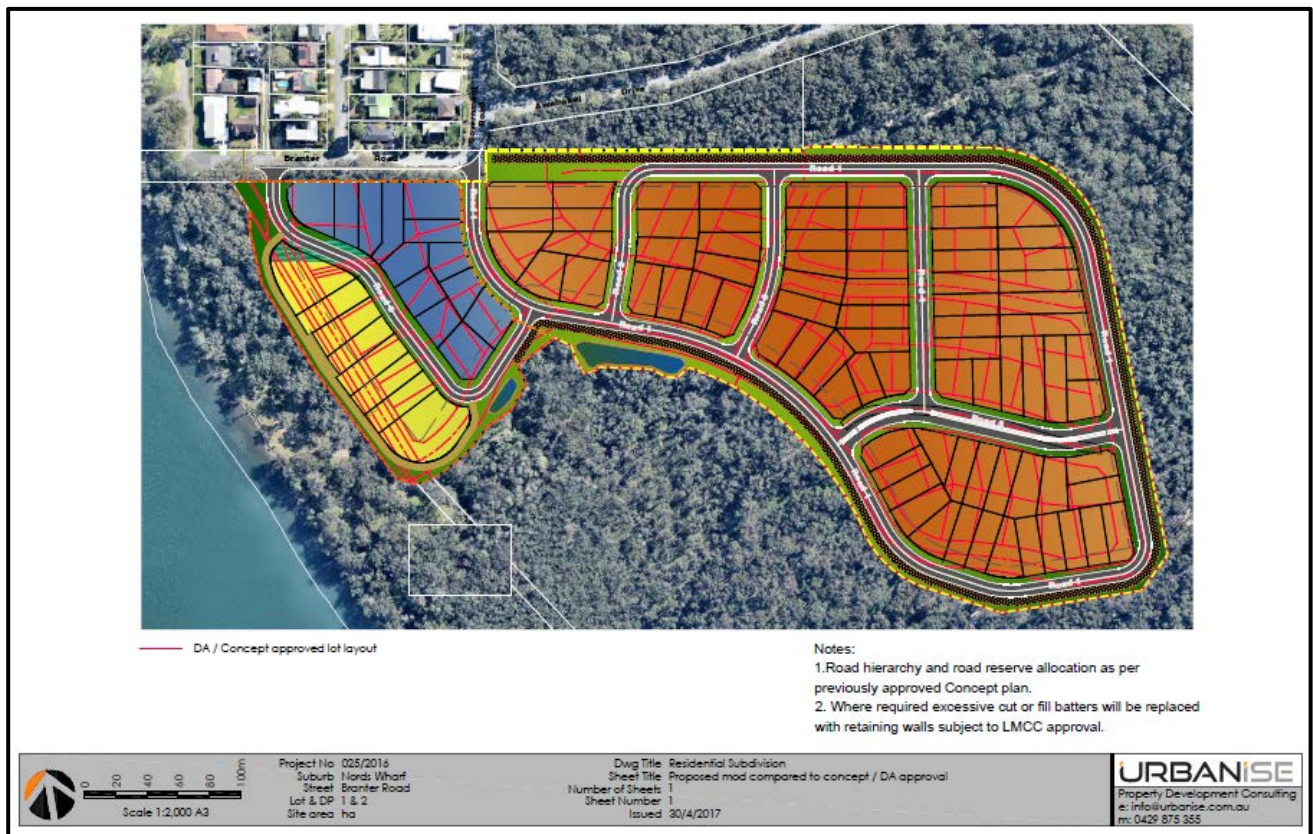


Figure 2: Overlay of proposed amendment to subdivision on original concept plan.

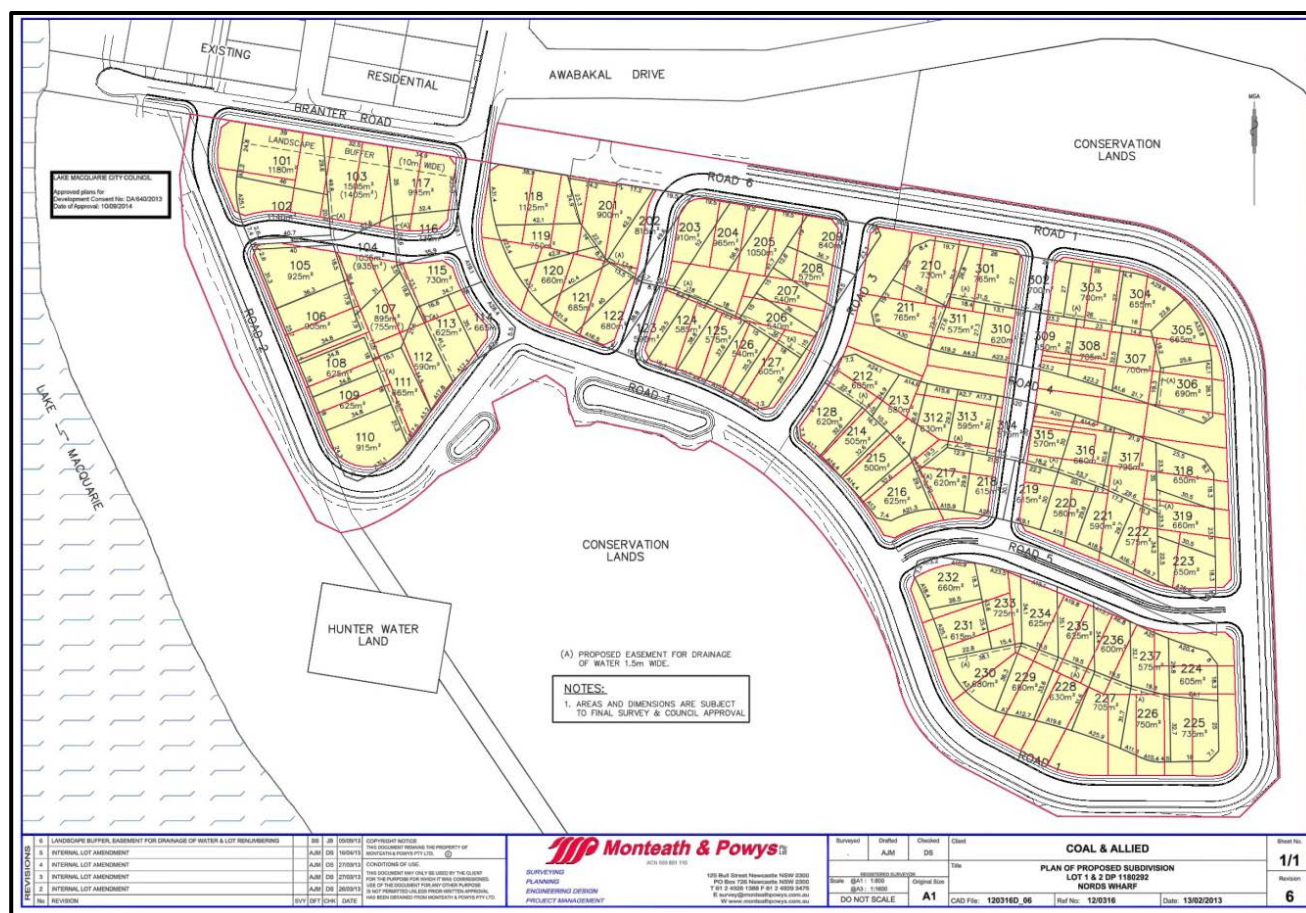


Figure 3: Overlay of amended subdivision plan on approved DA plan.

Direct and Indirect impact associated with proposed use of retaining walls - The use of retaining walls will provide a hard edge between the development and the national park thereby reducing the potential for indiscriminate access. A rock lined drain is proposed along the top of the wall to divert stormwater around the wall to the low point. This will require limited maintenance. The swale and wall provide a defined edge between the development and the bushland. Where batters were previously proposed opportunities for planting within the site will be reduced however this was only a minimal width and therefore will only have a small impact. The use of batters conflicts with the objective of providing a defined management edge between the development and the bushland.

Full Ring Road to ensure there is a defined management boundary between the development and bushland. The subdivision plan has been amended to reinstate a road on the northern side of the development.

Water Cycle Management Plan - The potential for increased runoff as a result of increased yield will not increase as the development footprint is largely the same. The increased yield has been achieved through smaller lot sizes. It can be reasonably expected that larger lot sizes result in larger houses and the amount of impervious area per lot would increase.

The development will intercept and redirect natural stormwater flows as a result of the OEH comments it proposed to amend the stormwater layout so that there increased opportunities to discharge water from the swale drain along the southern edge of the site into the bushland.

Coastal Management - A small area of the development in the south west corner of the site encroaches within the proximity area to the mapped littoral rainforest indicated on the following image. Stormwater will be discharged from the stormwater facilities located above the area of littoral rainforest maintaining flows in the same manner as in the approved development application. It should be noted that the SEPP was introduced after approval of the Concept Plan and the Development Application.

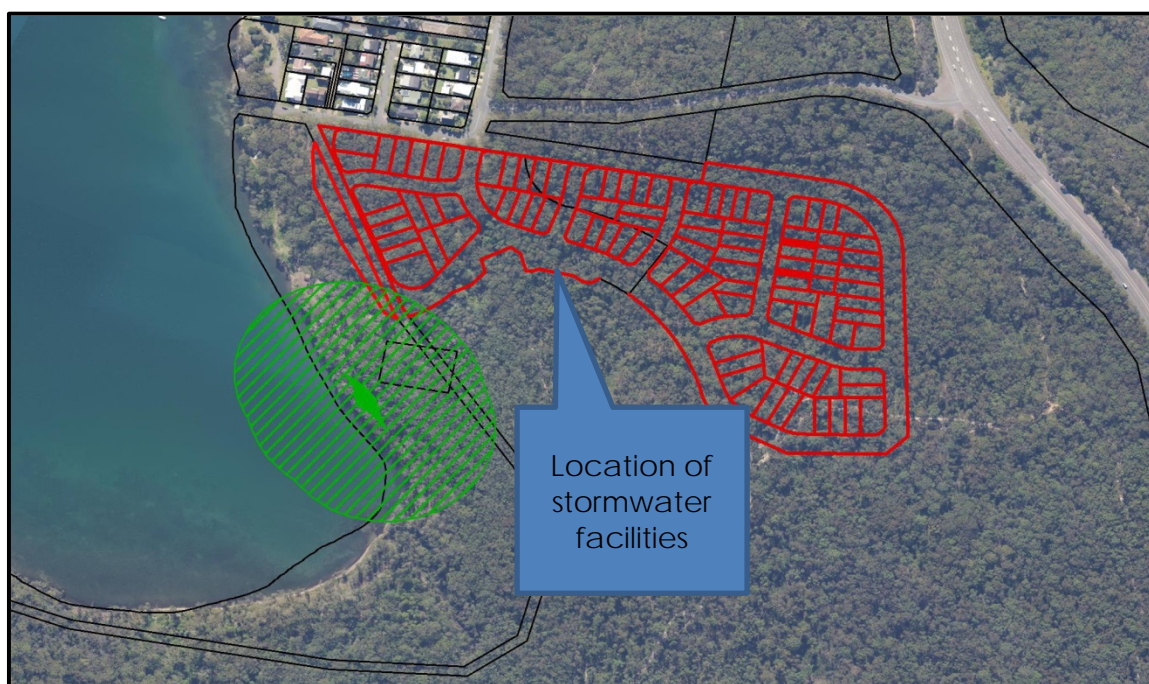


Figure 4: SEPP Coastal Management Littoral rainforest and subdivision layout.

There is some limited potential that runoff and sediment from the development site could impact this vegetation. These impacts are reduced in significance by the vegetation buffer between the development and the patch of rainforest.

At a minimum, standard erosion, and sediment and hydrological controls will need to be implemented to mitigate impact on the vegetation surrounding the development area. The easternmost portion of the site, being approximately 7.1 Ha of the proposed development, discharges to the mahogany swamp forest EEC. Catchment and watercourse mapping confirm that the majority of the EEC is not impacted by development. The development's outlet is positioned at the mahogany swamp forests downstream reaches, such that 0.09 Ha – approximately one percent – of the identified EEC is impacted by increased discharge arising from development.

Several sub-catchments external to the development drain towards the mahogany swamp forest as indicated in **Figure 5**.

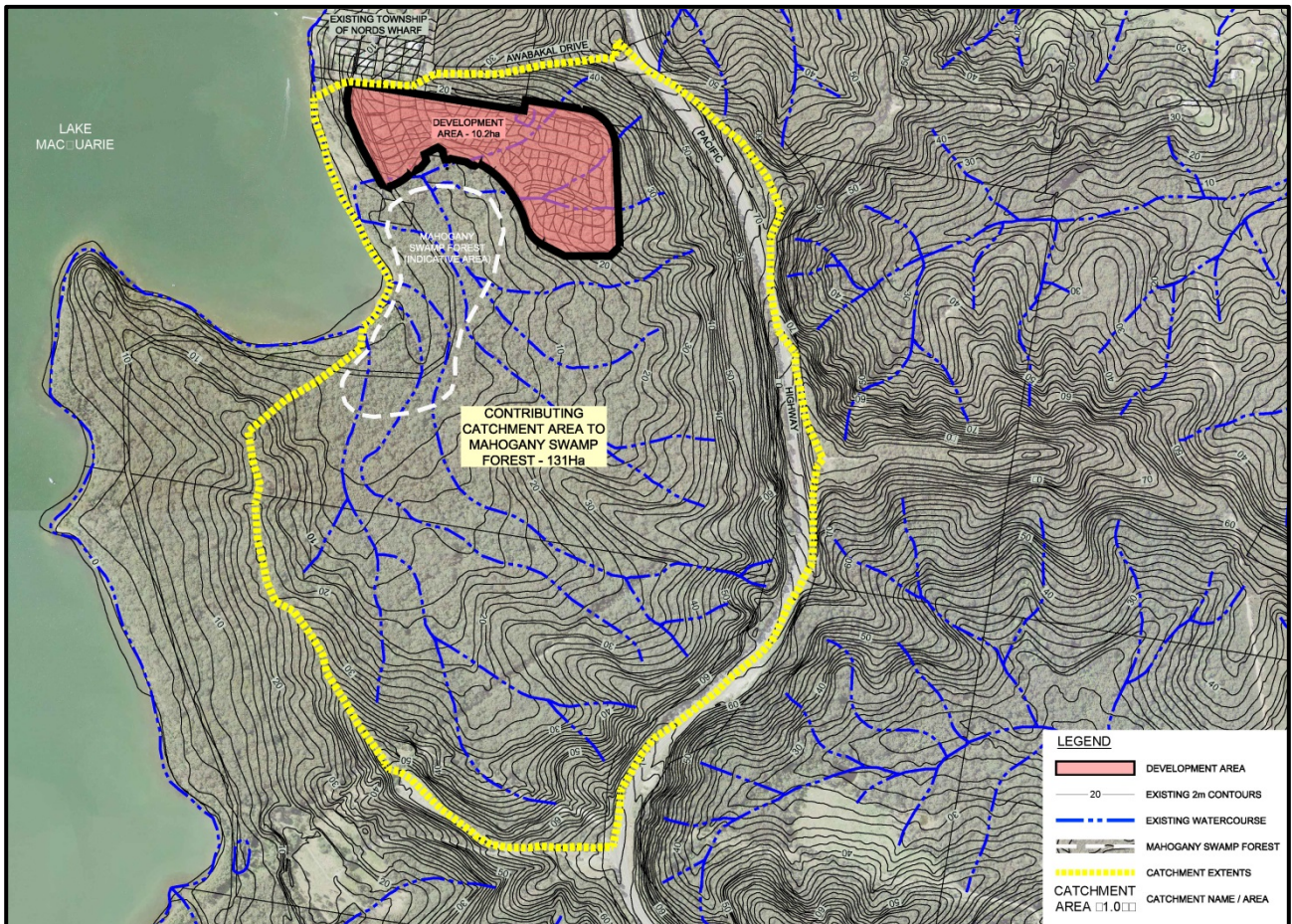


Figure 5: Overall catchment impacting Swamp Mahogany Forest.

At the site outlet location indicated in **Figure 6**, the EEC receives flow from the 7.1 Ha development area as well as 30.9 Ha of undisturbed upstream sub-catchments.

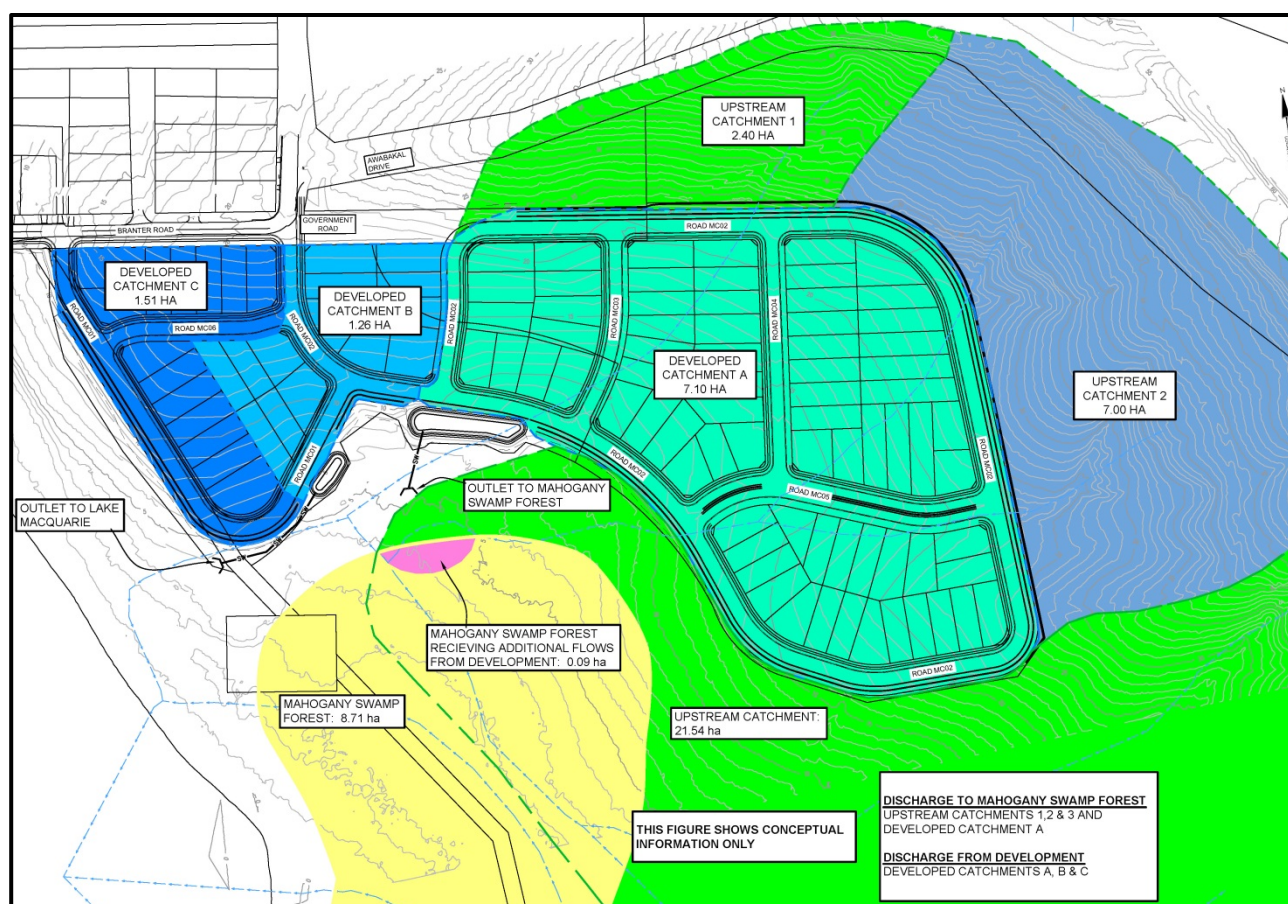


Figure 6: Swamp Mahogany Forest impacted by development.

MUSIC modelling has been revised to investigate the total flow volumes received by the affected portion of EEC, the results of which are presented below.

Configuration	Predeveloped	Developed		% Increase
		Unmitigated	Mitigated	
Flow (ML/year)	73.8	98.3	93.8	27%

From the Table above it is evident that the 0.09 Ha of swamp mahogany impacted by development is subject to a 27% increase in annual discharge. Given that Mahogany Swamp Forest is tolerant of increased run-on, it is unlikely that the flow increase will be meaningfully sensed by the EEC.

OEH's comments in relation to the volume of stormwater runoff entering into the EEC suggest there is a 135% increase in the volume of runoff. This value represents the increase in runoff from the development footprint compared to its existing state. It is emphasised that the westernmost portion of the site (≈ 2.77 Ha) discharges directly to Lake Macquarie, and that the site represents a small fraction of the EEC's contributing catchment.

Subsequently, ADW Johnson's correspondence dated January 2018 confirmed a 5% annual flow increase for the total contributing catchment (≈ 131 Ha) which was consistent with previous reporting (SMEC 2013).

Conclusion

We remain of the view that amending the concept approval to allow up to 100 lots will have a minimal impact given that the development footprint to accommodate the additional lots does not need to be increased beyond the site boundaries.

We also ask that the department supports all points within this response so not to delay the progress of the project anymore.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Brett Stein'.

Brett Stein
Senior Town Planner
ADW Johnson Pty Ltd

N:\239566\Planning\Documents\Response to Submissions 19 March 2019.docx

Appendix A

AMENDED SUBDIVISION PLAN



--- DENOTES APZ

ver.	date	comment	surveyed	drawn	checked	pm	co-ordinate information	level information	scale (A1 original size)	page
A	21/02/19	INITIAL ISSUE		AM	BS	DR	CO-ORDINATE SYSTEM: MGA 56 ORIGIN OF CO-ORDINATES: S.S.M./P.M. DATE OF SURVEY	DATUM: ??? ORIGIN OF LEVELS: S.S.M./P.M. CONTOUR INTERVAL: ???	0 20.0 40.0m SCALE: 1:800 (FULL)	1 OF 1

• project management • civil engineering • infrastructure • superintendency • economic analysis • social impact • town planning • surveying • development feasibility • visualisation • urban design

drawing title:

PROPOSED LOT
LAYOUT

location: NORDS WHARF

council: LAKE MACQUARIE

dwg ref: 239566-ESK-007-B

client:



central coast office ph: (02) 4305 4300
hunter office ph: (02) 4978 5100
sydney office ph: (02) 8046 7411

www.adwjohanson.com.au