

10 August 2019

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

**Subject: Nords Wharf Residential Development (Southern Estate)
Modification Of Concept Plan (MP10_0088)
Lot 1 & 2 DP 1180292
2 & 12 Branter Road, Nords Wharf**

Thank you for your correspondence dated 20 June 2019 and the opportunity for Council to provide comment on the proponents response to submissions. Council has included its previous comments from 23 June 2017(normal text) and 5 October 2018 (italics) for clarity and provided new comments in bold italics.

Council has reviewed the application documentation and offers the following comments:-

1. Bushfire – Figure 5 of the Anderson Bushfire Threat Assessment indicates an Asset Protection Zone (APZ) extending inwards from the edge of the parent lot boundary. Note that this generally corresponds with the BAL – FZ. Much of the APZ is proposed to be located on the future Public road reserve. Council does not have an issue with APZ located on road reserves but Council will not maintain APZ's. ie Council will not maintain APZ's where they extend into bushland areas. APZ's shall not start until the area of the road reserve that Council maintains in its normal duties such as the carriageway and associated drainage swales. This will impact the location of the APZ and will in many instances force the APZ inwards onto the lots. Currently many of the lots have BAL 40 within their front setback and then BAL 29 where future dwellings would be. By moving the APZ the likely dwelling location will be BAL 40 or FZ. RFS is very unlikely to support this. An example of this would be lots 115,126 – 129 7 168 – 180. These lots all rely on an APZ extending into batter areas beyond the roadside swale.
 - a. *As indicated previously, the APZ's include the drainage swales. Whilst these swales will be maintained by Council, Council cannot be relied upon to maintain the swales such that there is no fuel load within them. It is possible that they may get periodically overgrown during their maintenance cycle. As such this potential fuel load should be included in any assessment of bushfire risk.*
 - b. *The lots along southern and western extent of the proposed layout are still impacted significantly such that for normal front setbacks to be achieved the dwellings would be required to be constructed to BAL 40.*

The Bushfire Threat Assessment (BTA) dated June 19 by Anderson Environment & Planning includes APZ's that range from 20 – 25m in width. These appear to be contained within the road carriageway and lot front/side setbacks. Council accepts that this is a workable solution.

The BTA includes a recommendation that a perimeter road be included. Council notes that the road fronting lots 19 – 23 is not a perimeter road through as it does not connect to Government Road. Council is not in favour of this road linking to Government Road due to the close proximity of Awabakal Drive. A gated fire trail access would be acceptable though.

2. Crown Road – Council understands that the applicant does not have tenure of the crown road reserve (proposed lots 301 - 306). In the current Concept Plan and approved DA this crown road reserve becomes a public road. It is not transferred to private ownership.
 - a. *The revised layout incorporates the crown road into a proposed public road. This is satisfactory.*
3. Cut / Fill - There is no detail as to proposed cut and fill nor any other preliminary civil works details. This lack of information compromises Council's ability to provide constructive comments.
 - a. *A cut/fill diagram has been provided. Ideally preliminary long sections of the proposed roads should be provided.*

Council notes that no further information has been received in this regard except within the ADW Johnson letter (19 March 2019) that advises that batters are to be replaced with retaining walls. Council accepts that they can work with the applicant at CC stage to achieve satisfactory outcomes for the civil infrastructure on the site.

4. Traffic - The modification proposes to limit the intersection of Awabakal Dr and the Pacific Hwy to Left in / Left out. This will significantly alter the local road traffic flows. The application does not sufficiently address the impact on the local road network as a result of the proposed modified access /egress arrangements from the Pacific highway. In particular, the impact on the intersection of Nords Wharf Road and Government Road, should be addressed.
 - a. *The Response to Submissions by adw Johnson does appears to still include the Pacific Highway / Awabakal Drive as a left in / left out configuration whereas the Intersect traffic assessment assesses the intersection in its current "all movements" configuration. Council favours maintaining the "all movements" configuration of this intersection as it provides for the least impact on the local roads.*

Council notes that the developer's preferred option is to upgrade the intersection of the Pacific Hwy and Nords Wharf Road and to restrict movements at the Pacific Hwy / Awabakal Drive intersection. Council does not wish to advise on the best option for the Pacific Highway except to say

that any final solution shall consider any additional impact on local roads and make provision for mitigation measures for this impact.

5. Landscape buffer – The current concept plan includes for large lots where the lots are impacted by the Branter Road landscape buffer. The revised lot layout includes proposed lots that are much smaller. Council's experience with successfully achieving landscaping buffers on smaller lots has not been positive.
 - a. *The proposed revised Urban Design Guidelines include a revised treatment for the Branter Road landscape buffer. Council supports the proposed widening of the road reserve by 4 metres to include additional plantings. Council notes that this "buffer is narrower (by 6 metres) than previously approved.*

It is unclear in the current proposal how the Concept Plan requirement contained in Condition 1.11 regarding a "landscape buffer" is to be achieved.

6. Urban Design Guidelines – the proposed modifications to the concept lot layout are inconsistent with the Urban Design Guidelines approved for the site. The Department should consider whether revised Urban Design Guidelines are required.
 - a. *Council notes that the Urban Design Guidelines are proposed to be updated to meet the proposed lot layout.*
7. Attached are 3 submissions that were received by Council and are being forwarded for your consideration.
8. *Part 3 of the Response to Submissions by adw Johnson relating to Development Contributions indicates that the proposed additional 10 lots will be levied in accordance with the Belmont Contributions Plan. . This is correct but Council will in fact levy the entire development in accordance with this new plan and not just the additional lots.*
9. *The application should include an updated revised Concept Approval to reflect the current proposed changes.*
10. *The modification now appears to include an offer of \$250,000 that is over and above the developer contributions (and in lieu of the portion of the \$5,000,000 that was offered by Coal & Allied). The details of this \$250,000 and what it is proposed to be spend on, and by whom, should be further detailed.*
 - a. ***Council notes that the current offer is for \$415,000 to be spent on infrastructure (over and above Council's current Developer Contributions). The developer has outlined 3 projects for this spend. Notably the proposal to spend up to \$230,000 at the Branter Road boat ramp for additional parking. Council requests that this offer be expanded to be for the upgrade of parking at the Branter Road and / or Cams Wharf Road boat ramps. With the distribution of these funds to be decided by Council based on Council's planning for these facilities.***

Any information received in support of your application will be publicly available on the City's website. Third parties may access any information under the Government Information (Public Access) Act 2009. Council may also reproduce information in Council reports or in Court proceedings.

Should you require further information, please contact the undersigned on 4921 0455 or by e-mail on dpavitt@lakemac.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'David Pavitt', with a stylized flourish at the end.

David Pavitt
Principal Development Engineer
Development Assessment and Certification