

9th March 2009

Director
Coastal Assessments
NSW Department of Planning
23-33 Bridge Street
Sydney NSW 2000

Attention: Mark Schofield

Subject: Moruya East Village MP 06_0322 - Response to Submissions for Preferred Project Report (PPR)

Dear Mark

I attach for your consideration the response to the submissions for the Preferred Project Report for the Moruya East Village Project.

Eurobodalla Shire Council

I firstly and most importantly draw your attention to the resolution of Eurobodalla Shire Council of 24 February 2009 in relation to the above project.

That Council inform the NSW Minister for Planning that after reviewing all the issues associated with the Moruya East Village Project as exhibited from December 2008 until 9th February 2009, the Council supports the project as proposed noting the following:

1. The height, bulk and scale of the Village Square and Botanica buildings are considered acceptable given the unique design of the project and the particular site on which the project is to be developed and indicates that in accepting this variation Council conveys that it should not be considered as establishing a precedent for other projects in the shire generally and in Moruya particularly;

2. After reviewing the list of comments made by Council staff as indicated in correspondence to the Department of Planning dated 9th February 2009 and workshopping these issues with the proponent on 18th February 2009, that there are no issues of concern that would preclude it from supporting the project in the form proposed;

3. The access into the project exclusively via South Head Road is not the preferred option for Council as this will over time cause unacceptably high volumes of traffic movements through the existing street network of Keightly and Maunsell Streets and add to the traffic problems currently being experienced at the junction of the Princes Highway and South Head Road;

4. The Minister for Planning be asked to consult with the NSW Minister for Roads to review the previous decision to deny the previously proposed access from the Princes Highway into the Moruya East Village. The Ministers be asked to consider that the preferred access point from the Princes Highway would be a shared entrance for the Moruya TAFE College and the Moruya East Village development at the adjoining Crown Reserve road with either a reduction in the speed limited in this location from 80km/h to 50km/h or an extension of the 80km/h zone;

5. That the Minister note that the project continues to receive the overwhelming support of the business and commercial sector in Moruya, the unanimous support of the Moruya Chamber of Commerce and is supported by a significant number of residents in the Shire most noticeably in Moruya itself;

6. Council has noted the proponents comment that the Village will be developed in stages over time and thus believes that the social impact of the proposed development such as the provision of health and aged care services will need to evolve over that staged timeframe;

7. In the event that the owner at any subsequent time seeks to pass ownership of the private internal roads to Council that it only be agreed to if the roads are to a standard acceptable to Council at that time should it occur;

8. Access points for the collection of waste and recyclable material from the site be provided so that the vehicles used for this collection are not required to reverse on site;

9. The proponent be requested to contribute to the provision of a footpath linking the Village along the highway to the already constructed footpath ending at the entrance to the Moruya TAFE;

10. Council asks that the Minister expedite the approval process and in so doing ensure the creation of both short term and long term jobs that will be come about as a result of this project proceeding. Council considers this is a desirable outcome in this time of national economic

emergency in which both Federal and State Governments have funded significant projects designed to stimulate the Australian economy. This project will assist this process within the Moruya community particularly and in the wider Eurobodalla community generally.

It can reasonably be said that the community has been widely consulted and the proposal in its amended form robustly debated. The Eurobodalla Shire Council, which implements the plans under which the application is made and represents the Communities and Stakeholders benefitted and burdened by the proposal has unequivocally supported the proposal.

The reconsideration of the Princes Highway access, is a matter that the applicant has removed at the RTA and Department of Planning's request and the applicant would raise no issue with its reinstatement or with the proposal going ahead in the amended form with access from South Head Road and the local neighbourhood streets.

It is considered that the submission of the Council, properly resolved by that body is the most resounding endorsement of the project and it is considered should carry significant weight in the positive determination of the application.

Roads and Traffic Authority

The submission of the RTA calls for the applicant to fund the upgrade works to the Princes Highway and South Head Road Intersection. It is considered that this Agency is being opportunistic where the existing intersection has been assessed at having a current level of service of F. This is a State Road intersection and the responsibility for the current shortcomings in its performance must rest with that Agency and it can be reasonably argued that the proponent's share of the costs should be no more than proportional to the additional increases in traffic volumes.

Greater Southern Area Health Service

The comments provided by the Greater Area Health Service do not seem to have taken into account the additional information provided in the additional Sphere Property Corporation report addressing the impact of the proposal on services. The proposal and the supporting reports and submissions demonstrate that the proposal provides a breadth and depth of services which will relieve some of the pressure on local health services rather than increase it.

The intended residents of the proposed development are predominantly existing part time and full time residents of the area. This is a situation that has long existed where retirees from Sydney and Canberra retire to their holiday homes on the South Coast where they have a connection and community from years of part time residence. The existing health services are of a character which requires all ailments serious

and otherwise to be treated in the centralised facilities. The proposal will relieve much of this burden by treating a high proportion of these on-site and through improved health and wellness regimes. It is currently common place for older residents who require nursing home care to be treated for extended periods in public hospital beds. This is unsatisfactory for both the health system and the recipients of its care. The proposal will redress this situation through its innovative model of care and the breadth and depth of services and facilities provided to the residents.

Department of Environment and Climate Change

Department of Water and Energy

The matters raised in the submissions of these two Agencies are dealt with in a detailed and comprehensive report by the applicant's consultants on Ecology, Bushfire Management and Hydrology. This report deals with each matter raised in the submissions. These two submissions are dealt with together as the issues raised are interrelated.

The essential issue relates to the treatment of the riparian corridors within the developed part of the site. These corridors contain ephemeral watercourses with their being little or no evidence of any defined banks. They are first order drainage lines located at the top of their catchments and currently presenting as no more than grassy swales. The land through which they pass has been grazed and slashed for decades and the only relatively lush growth relate to a man-made dam of less than 3m wide.

The Agencies requirement is for these watercourses to be incorporated within a 20m corridor and for all development to be outside of this corridor. The proposal satisfies this requirement. The Agencies require the corridors to be fully regenerating communities. This is not the proposal which calls for a planting regime which achieves the functional objectives of maintenance of bank stability and enhancement of water quality. It is proposed that the core riparian zone and the buffer edge planting will be an open ephemeral watercourse community and managed to reduce bushfire hazard fuel loadings. The proposal seeks to achieve a balanced outcome that provides substantial benefits in terms of ecological, riparian and water quality objectives even though it is unable to achieve all of the outcomes deemed desirable in the submissions.

It is considered that in making an assessment of the proposal one needs to balance the urban residential zoning of the land and the current character of it being largely denuded of vegetation in the vicinity of the drainage lines through years of grazing and slashing. In making a balanced planning assessment this character together with the planning framework which has identified this land for urban growth for the past ten years should be taken into account. If the riparian corridors are managed in the manner proposed by the Agencies their character could give rise to a serious bushfire risk by introducing a "fire wick" into the depth of the Aged Care Development.

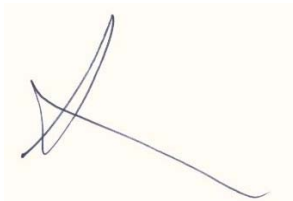
When one gives consideration to the proposal on balance, when the benefits of the development are considered for the community, when the fact that in excess of two thirds of the site is conserved and regenerated that a requirement for fully regenerated corridors within this urban setting is not appropriate. The proposal is considered to meet the objectives of the Category 3 riparian corridors without introducing an unnecessary and possibly debilitating fire risk.

It is considered that the matters raised in the Agencies' responses have been satisfactorily addressed and the treatment of the riparian corridors is an on-balance acceptable solution.

Conclusion

In conclusion, the project in its amended form has satisfactorily resolved the matters which have been raised during the course of the assessment process. Where some tension remains between certain Agencies desires and the requirements of the project's operational needs it is considered that on balance the resulting compromise achieve a satisfactory outcome for all of the parties. The purpose of the Part 3a provisions is to allow the Minister the opportunity to weigh the requirements of all interest groups and where a project is of high significance to provide the flexibility to accommodate innovation and special operational requirements. This project is of that type and the amended proposal is now at a stage where it satisfies those balances and is worthy of support. It is of significant weight that the Eurobodalla Shire Council has after such lengthy and detailed consideration resolved to support the application in its current form.

Yours sincerely
Mersonn Pty Limited

A handwritten signature in blue ink, appearing to read 'Andrew Darroch', is written over a light yellow rectangular background.

Andrew Darroch
Consultant Planner