

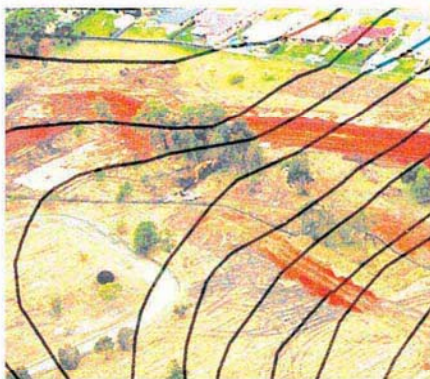
# **Rural Residential Subdivision Major Project No. MP-06-0212**

Le Clos Verdun Estate – Sancrox Road, Sancrox

## **PREFERRED PROJECT REPORT**



**Le Clos Pty Ltd**  
February 2009



**HOPKINS CONSULTANTS**  
PTY LTD

## STATEMENT OF VALIDITY

### Submission of Environmental Assessment

Prepared under Part 3A of the Environmental Planning and Assessment Act 1979

### Environmental Assessment & Preferred Project Report prepared by

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### Applicant & Land Details

Applicant name: Le Clos Pty Ltd  
Applicant address: C/- Hopkins Consultants Pty Ltd  
PO Box 1556  
Port Macquarie NSW 2444  
Major Project No. MP06-0212  
Subject Land: Lot 51 DP775871, Lots 1-13, 15-66, 68, 70-72, 74-80, 83-84, 86-88 DP791199 & Lots 90-95 DP805549, Sancrox Road, Sancrox.

### Environmental Assessment

This Preferred Project Report relating to the proposed re-subdivision of the aforementioned land has been prepared in accordance with the Director-General's Environmental Assessment Requirements and related provisions of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000, the issues raised during exhibition of the original Environmental Assessment Report on this project, and subsequent consultations with relevant Government agencies.

The Preferred Project Report includes information provided by Hopkins Consultants, specialist sub-consultants and relevant government agencies. To the author's knowledge, the information provided by Hopkins Consultants, by any of the third parties and/or otherwise reported within the Preferred Project Report is correct and is neither false nor misleading.



Andrew Lister  
26th February 2009

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# **1 INTRODUCTION**

## **1.1 INTRODUCTION**

Application was made in April 2008 under Part 3A of the Environmental Planning and Assessment Act 1979, for part Concept and part Project Approval for the redevelopment of the Le Clos Verdun rural residential estate in Sancrox Road, Sancrox.

During exhibition of the Project, a number of submissions were made. Further consultations with relevant Government Agencies, including Port Macquarie-Hastings Council (PMHC) and the Department of Planning (DoP) resulted in modifications to the project. Largely, this was in respect to the level of detail provided in support of the re-subdivision. However, minor changes to the lot layout of the subdivision also occurred.

The Department and PMHC have determined that these changes are sufficient to warrant the submission of a Preferred Project Report under the provisions of Section 75H(6) of the Environmental Planning and Assessment Act 1979.

## **1.2 BACKGROUND**

The site is known as 'Le Clos Verdun' and is a rural residential estate located on Sancrox Road. Sancrox is a rural locality approximately 15km west of Port Macquarie on the Mid North Coast of New South Wales, and is located within the Port Macquarie-Hastings Council Local Government Area.

Le Clos Verdun was created in the late 1980's, and was registered in 1989 as a shared lot viticulture/residential farming enterprise. The development failed as an agricultural venture and now fails to meet current health and building standards for the residential occupation of the land. Some 80 land-owners invested in this enterprise, but have not seen any return on this investment. They are now burdened with the ongoing costs associated with the unusable land in its current state.

The project comprises the re-subdivision of the subject site into 144 rural residential lots primarily under community title. The land lies within the Investigation Area of Port Macquarie-Hastings Council's Rural Residential Strategy document, and has been rezoned in January 2007 to enable this re-subdivision accordingly.

The Environmental Assessment Report for the redevelopment of this rural residential estate was lodged with PMHC in April 2008. PMHC has been granted delegation to undertake the assessment phase of the Major Project assessment, including preparation of the Environmental Assessment Report to the Minister on behalf of the Director-General.

All arrangements for Government agency referrals, public exhibition and notification of neighbouring land-owners have been undertaken by PMHC. On behalf of the Director-General therefore, PMHC have provided copies of public submissions to the proponent.

### **1.3 OUTLINE OF PROJECT APPLICATION LODGED APRIL 2008**

In lodging this application in April 2008, the proponent sought the Minister's approval pursuant to Section 75P of the Environmental Planning and Assessment Act 1979 for the concept plan which comprised the following:

1. Boundary adjustment between Lot 51 in DP 775871, and the neighbouring parcels (Lots 22, 28, 52, 53, 56 and 86 in DP 791199 and Lot 92 DP 805549), under Torrens Title. Proposed Lot 144 (the present Lot 51) in the proposed subdivision layout is not to form part of the Community Title subdivision, nor does it form part of the Community Association;
2. Re-subdivision of the remaining Le Clos Verdun estate into a total of 143 rural residential lots under Community Title;
3. Retention of existing residences within the estate;
4. Retention and augmentation of existing roads, water mains, telecommunication lines and electricity cables which currently service the estate, and construction of new infrastructure as necessary;
5. Establishment of a future vehicular access link to the adjacent rural land to the east identified under Council's Rural Residential Strategy for future investigation;
6. Minor filling for Lots 110-112, and Lots 87-90 in the community title subdivision;
7. Landscaping works which include the management of existing landscaping within the estate and re-planting within access and drainage routes, ridge-lines, gullies and the revegetation and rehabilitation of disturbed sections within the Haydons Creek Riparian Zone;
8. An Integrated Surface and Stormwater Management strategy incorporating existing inter-allotment drainage, proposed bio-retention systems, culvert crossings for Haydons Creek road access, sediment control/detention dams to be located within community land, and a new dam structure to the north-east of the proposed cluster lots;
9. A 'Cluster System' for the treatment of effluent from proposed Lots 45-49 via a shared effluent disposal site located approximately 75m to the south-east (proposed Lot 1C);
10. An integrated system of fire-trails within the rear of bushfire prone sites, acting as linkages within the proposed internal road system for emergency vehicle access;
11. Establishment of future nature walkways along the Hastings River and Haydons Creek Crown Reserves on the perimeter of the development site;
12. The establishment of Community Amenities including future tennis courts, a community building, amenities block, children's playground and associated passive and active recreation areas within the Community Open Space lot.

The proponent sought the Minister's declaration under Section 75P(1)(c) of the Act that no further application, report, studies or assessment is necessary for the Items numbered 1 – 10 in the project summary above. This was to enable those components of the project to proceed directly to construction certificate and/or subdivision certificate without further approvals being required under Parts 3A, 4, or 5 of the Environmental Planning and Assessment Act 1979.

The proponent also sought the Minister's determination as to the environmental assessment requirements for approval to carry out Items numbered 11 – 12 in the aforementioned project summary pursuant to Section 75P(1)(a) of the Act.

## **2 PUBLIC EXHIBITION**

### **2.1 PUBLIC EXHIBITION**

The Project Application was placed on public exhibition from 30<sup>th</sup> April to 30<sup>th</sup> May 2008. A number of submissions were received by PMHC from the general public. A number of submissions from Government agencies were also received during and/or shortly after the official close of the exhibition period.

### **2.2 SUBMISSIONS RECEIVED**

The submissions received relating to public exhibition included:

- Port Macquarie-Hastings Council's formal response dated 13<sup>th</sup> June 2008;
- 6 letters from the general public;
- Department of Planning – Coastal Assessments Branch (DoP), dated 23<sup>rd</sup> May 2008;
- Department of Environment and Climate Change (DECC), undated;
- Department of Primary Industries – North Coast (DPI), dated 30<sup>th</sup> May 2008;
- Department of Primary Industries – Mineral Resources Division, dated 3<sup>rd</sup> June 2008;
- Department of Primary Industries – Fisheries Management Division, dated 3<sup>rd</sup> June 2008;
- Department of Lands, dated 6<sup>th</sup> May 2008;
- Northern Rivers Catchment Management Authority (CMA), dated 2<sup>nd</sup> June 2008;
- Roads and Traffic Authority (RTA), dated 18<sup>th</sup> May 2008;
- Department of Water and Energy (DWE), dated 16<sup>th</sup> June 2008; &
- NSW Rural Fire Service (RFS), dated 14<sup>th</sup> May 2008.

Copies of all submissions received during public exhibition are contained in **Appendix A** to this report.

### **2.3 RESPONSE TO SUBMISSIONS**

A range of issues were raised in these submissions. In addressing these matters, the proponents have held extensive consultations, meetings and on-site inspections with relevant Government Departments and Council representatives.

These have included:

- Meetings with Port Macquarie-Hastings Council technical staff at Council's offices on 26<sup>th</sup> June, 9<sup>th</sup> July, 18<sup>th</sup> September, 22<sup>nd</sup> October and 23<sup>rd</sup> January 2009;
- Site meeting with DECC and PMHC officers on 20<sup>th</sup> August 2008;
- Site meeting with Birpai Aboriginal Land Council representative on 8<sup>th</sup> October 2008;
- Meeting with Department of Lands officers in Taree on 30<sup>th</sup> October 2008;
- Meeting with Sally Munk of Department of Planning in Sydney on 14<sup>th</sup> November 2008;
- Site meeting with PMHC Infrastructure staff on 4<sup>th</sup> February 2009;
- Numerous emails and phone conversations with officers of PMHC, DECC, DPI and the Department of Planning.

Copies of all correspondence relating to these post-exhibition consultations are contained in **Appendix B** to this Preferred Project Report.

It is important to note that the complexities of this particular project relating to the existing lot layout, the community title scheme under which it's redevelopment is proposed, and the need to now stage the release of lots within the scheme, has resulted in a number of amendments to lot numbering. Lot numbers in the original Environmental Assessment have been amended during the post-exhibition consultation phase a number of times. Even in our last formal correspondence to Port Macquarie-Hastings Council on 23<sup>rd</sup> December 2008, lot numbers quoted differ from those in this Preferred Project Report.

In the event of any inconsistency, or confusion regarding lot numbers within the proposed subdivision layout, the references made in this Preferred Project Report and accompanying subdivision plans contained in **Appendix C** are to take precedence.

A summary of all consultations, and the responses to each issue raised in the post-exhibition submissions are represented in **Table 2.1** that follows. Note that the column headed "Reference" relates to the Section &/or Appendice within this report at which the particular issue is addressed and/or further commented upon.

**Table 2.1 Response to Submissions made during public exhibition of MP06-0212**

<b>Author</b>	<b>Issue Raised</b>	<b>Reference</b>	<b>Submission</b>	<b>Response</b>
<b>Port Macquarie-Hastings Council (PMHC)</b>	Development Contract and Staging	Appendix B Appendix C Appendix D	A one-stage linen release and accompanying Development Contract would not secure the servicing of allotments prior to registration.	As intimated in our various meetings post-exhibition, the proponents have accepted the concerns of Port Macquarie Hastings Council and the Department of Planning in relation to the original single-linen release strategy. As a result, a staged subdivision is now proposed.
			Potential liability PMHC would be exposed to should the Development Contract fail.	The principles of the intended staging strategy are explained in our letter to PMHC dated 23 <sup>rd</sup> December 2008 which is contained in <b>Appendix B</b> , and in the description of the Preferred Project in <b>Section 3</b> of this report.  Refer also to the amended staging plan for the subdivision, which is contained in Sheet 9A of the revised subdivision sheet-set in <b>Appendix C</b> , and the Draft Development Contract relating to the staged release of the community title subdivision contained in <b>Appendix D</b> .
	Water Supply	Appendix A Appendix B	The growth component of the project (i.e. beyond the existing credit of 83 lots) has not been adequately catered for. The Sancrox Rural Residential Water Supply Strategy has only commenced and is not supported by a Development Contribution Plan at this stage.	While recent Council advices have suggested the “growth component” of the subdivision has not been catered for, this is contrary to advice provided both during and after the rezoning of this land occurred. A number of ‘working group’ meetings of Sancrox stake-holders were held with PMHC during 2007/08 with the aim of determining the strategic future of the Sancrox precinct. A summary of the understandings related to water supply is reflected in a power-point presentation by Council’s Investigations and Utilities Engineer in July 2007. A copy of this presentation is



Author	Issue Raised	Reference	Submission	Response
				<p>included in <b>Appendix B</b>.</p> <p>This presentation clearly states that “Le Clos Verdun” was included in the demand calculations for Sancrox’s future water supply. In fact, a demand of 146 lots was assumed. This demand was also anticipated to be realised in 2007/08 (refer Page 2 of the presentation). Page 3 clearly states that the ‘existing’ system can supply Verdun as well as Stage 1 of the nearby industrial precinct. The presentation further indicates that local water main and booster pumping station amplifications are only required for current rezoning applicants (i.e. some 6 months after gazettal of Verdun’s rezoning).</p> <p>Since exhibition, a number of approaches have been made to PMHC to clarify this issue. This included an offer to enter into a VPA as a means of facilitating a resolution to this matter (refer letter to PMHC dated 8<sup>th</sup> August 2008). No formal response has been received to these enquiries, including the offer of VPA. Moreover, no data/evidence has been supplied to either confirm or contradict the statement that the growth component is not adequately catered for.</p> <p>In light of previous commitments from Council’s technical staff (as reflected in the July 07 presentation), we do not consider that a VPA is necessary. We submit that the proponents are entitled to expect that this estate can be supplied with water subject to standard conditions, and the</p>

Author	Issue Raised	Reference	Submission	Response
			A water supply strategy is necessary to support each stage of the subdivision.	<p>payment of contributions under the present Development Servicing Plan.</p> <p>The draft Development Contract in <b>Appendix D</b> contains staging details of the intended method of water supply, including plans which illustrate future water mains locations for each individual stage. Full details are to be provided with the CC for each stage of the subdivision.</p>
	Traffic and Access	Section 4	Intersection with Sancrox Road needs to be upgraded.	<p>An analysis of traffic volumes associated with Sancrox Road assessed against the anticipated volumes generated by the proposed subdivision is contained in Hopkins' letter to PMHC dated 16th February 2009. In summary, this letter indicates:</p> <p><i>"For the subject intersection, the applicable projected traffic volumes are &lt;650vph for Sancrox Road (through road) and &lt;100vph for the intersecting road. This is a conservative analysis as the right turn movement into the intersecting road in the morning peak is expected to be &lt;10% of AADT. In accordance with Table 4.1 (AUSTROADS), traffic analysis is not warranted and upgrading of the intersection is not required on capacity grounds.</i></p> <p><i>For 80km/h design speed with 4% downgrade on Sancrox Road sight distance requirements are:</i></p> <p><i>ASD = 125m</i></p>

Author	Issue Raised	Reference	Submission	Response
			What standard of road is proposed for the internal access roadways?	<p><i>SISD = 190m</i></p> <p><i>Sight distance available:</i></p> <p><i>Westbound = 240m</i>  <i>Eastbound = 220m</i></p> <p><i>The intersection therefore meets sight distance requirements for 80km/h.</i></p> <p><i>Despite no requirement to upgrade the intersection on capacity grounds, it is most desirable to provide a storage area for one right-turning vehicle in order that through traffic on Sancrox Road is not impeded or does not need to traverse a gravel shoulder when passing a turning vehicle."</i></p> <p>A "Rural Type AUR" intersection layout (Austroads – Part 5 Fig. 2.4) is therefore recommended, and is since supported by Council's engineers (refer letter of reply dated 19<sup>th</sup> February 2009 in <b>Appendix B</b>). This is now reflected in the Statement of Commitments in <b>Section 4</b> of this report.</p> <p>While all roadways are to stay in private ownership during initial stages of the community title subdivision, it is intended to dedicate the internal roadways and pathways to PMHC after the completion of Stage 8. Therefore, it is the proponent's intention to construct &amp;/or re-construct all new roads, pathways and all existing accessways</p>

Author	Issue Raised	Reference	Submission	Response
				<p>to Austroads and AUS-SPEC standards.</p> <p>This standard of construction is reflected in the Statement of Commitments contained in <b>Section 4</b> of this report.</p>
	Public Access	Appendix B Appendix G	Practical public access is required to and along the foreshore of Haydons Creek and the Hastings River. Public foreshore improvements should be provided in initial stages of the development in consultation with the Department of Lands.	<p>The proponent has consulted with the Department of Lands in relation to foreshore improvements, with particular emphasis on access opportunities along the Hastings River and Haydons Creek. Given the site's rural location, the Dept Lands agree with a minimalist approach to improvements along the river foreshore. Their most recent advice is contained in their letter of 18<sup>th</sup> November 2008 which indicates they would be willing to grant an access licence for mowing along the reserve. Dept Lands indicated they did not favour a hard surface in this rural location, nor a gravel trail in an area that could be susceptible to inundation.</p> <p>A photographic representation of the means of providing pedestrian access along the Hastings River foreshore is contained in <b>Appendix G</b>. As can be seen, subject to regular mowing/slashing, this reserve is trafficable by foot and is easily accessed from the western end of the public road, Bengal Street. There are areas of weed infestation along the reserves which currently impede access in locations such as identified in photos 26, 30 and 37. Existing stock fencing necessary to allow the keeping of cattle also prevents continuous access along the foreshore at present (e.g. photo 28). Registration of Stage 1 for residential purposes</p>

Author	Issue Raised	Reference	Submission	Response
				<p>would enable the removal of such fencing.</p> <p>Subject to fence removal and regular maintenance by the community association (to be addressed in a future Vegetation Management Plan and the final Community Management Statement), such works will provide satisfactory and improved public access along the foreshore, thereby satisfying the objectives of SEPP #71.</p> <p>Correspondence between the proponent and Dept Lands related to this issue is contained in <b>Appendix B</b>. We refer also to our letter to PMHC dated 23/12/08 expanding on this issue, which is also contained in <b>Appendix B</b>.</p> <p>Practical access for residents of the estate to the foreshore reserves is also provided via a system of proposed pathways to established in Stages 1, 3, 4 and 5. This is illustrated in the access strategy (Sheet 8) and Staging Plan (sheet 9A) in <b>Appendix C</b>. Should PMHC be accepting of public dedication of these accessways upon completion of the development, full and free public access would also be available in these locations.</p> <p>We also note that attractive public recreation facilities and foreshore access opportunities exist at Sancrox Reserve, which services the Sancrox residents and the wider Hastings community. This reserve is extremely popular for both active and passive recreation, and features formal amenities, a</p>

Author	Issue Raised	Reference	Submission	Response
				<p>regularly maintained cricket oval, tennis court, picnic facilities, safe swimming access and a large public carpark.</p> <p>This reserve is located &lt;2km west of the entry to Riverpark Sancrox, and is illustrated in photos 51-58 in <b>Appendix G</b>. This public reserve will continue to provide an attractive foreshore reserve location for visitors to the area, and benefit the future residents of Riverpark Sancrox.</p>
	Foreshore and Riparian Corridor Management	<p>Appendix B Appendix C</p> <p>Section 4</p>	<p>There is no detailed or secure mechanism proposed to ensure restoration and re-vegetation works are undertaken along the foreshore.</p> <p>It is considered necessary to have specific and detailed ecological management standards in a single instrument with will secure long-term management.</p>	<p>The subdivision is proposed under Community Title, which relies on the creation of a Community Management Scheme to which all land-owners are bound to comply. We would argue this project thus establishes a greater opportunity to secure a mechanism of on-going management and restoration of the foreshore than with a standard Torrens Title Subdivision.</p> <p>In accordance with the principles in the Landscape Concept Plan and recommendations of the Ecological Assessment attached to this report, a Vegetation Management Plan is to be prepared, and would be referenced in the obligations contained in the Community Management Scheme prior to registration. This is to be achieved in the post-consent phase once the final recommendations from PMHC, DoP &amp; DECC for such a Management Plan are determined.</p>
	Subdivision Design	Appendix C	Concern is raised with respect to Lots 26-29, 33-35, 130-131 and 139-142 in relation to potential	It is to be noted that lot numbers within the subdivision have been modified since the original comments were made by PMHC in their letter of 13 <sup>th</sup>

Author	Issue Raised	Reference	Submission	Response
			impacts on the 7(h) zone. It is necessary to demonstrate that dwellings can be practically achieved on lots constrained by the 7(h) zone, flood levels, re-vegetation areas, fire trails, and APZs.	<p>June 2008, namely:</p> <ul style="list-style-type: none"> <li>▪ Lots 26-29 have become Lots 25-27;</li> <li>▪ Lots 33-35 have become Lots 31-33;</li> <li>▪ Lots 130 &amp; 131 have become Lots 131 &amp; 136;</li> <li>▪ Lots 139-142 have become Lots 87-90.</li> </ul> <p>Building envelopes for those areas of the site which PMHC has identified as areas of concern are provided in <b>Sheets 7A-7C in Appendix C</b>. As is demonstrated in these plans, each lot identified can provide a “building” envelope far in excess of the minimum dimensions for a standard residential block. Dimensions range from 25m x 45m (Lot 44), 30m x 68m (Lot 89), 30m x 55m (Lot 109) and 30m x 60m (lot 136). These envelopes exclude other minimum standards to be achieved such as 10m street alignments, APZs, and area of vegetation management responsibility.</p> <p>Additionally, in email advice dated 21<sup>st</sup> August 2008, PMHC also queried the compliance of the “cluster lots” Lots 44-49 (now known as Lots 42-46) with regards to Clause 17(1)(e)(1)(A) of Hastings Local Environmental Plan 2001 (refer copy of email in <b>Appendix B</b>).</p> <p>These lots approximately mirror the lot shapes/sizes of the existing and Council-approved lot layout in this location (refer lot layout comparison in sheet 10 in <b>Appendix C</b>). Ranging in area from 4200m<sup>2</sup> to over</p>

Author	Issue Raised	Reference	Submission	Response
				<p>4500m<sup>2</sup>, they are also similar in size to other rural residential lots in the neighbouring areas of Bushlands Drive (DP 255774) and Sancroix Road (DP 718018). Furthermore, DCP No.8 for the King Creek rural residential precinct permits a 4000m<sup>2</sup> minimum lot size in selected areas.</p> <p>As is the case in these neighbouring areas, the areas of Lots 42-46 would be suitable for effluent disposal using specialised wastewater disposal techniques that limit the size of the disposal area as necessary. However, during post-rezoning negotiations, these options were not explored on the advice from Council's engineers who were in favour of the currently proposed cluster system. The cluster system is also supported by, and favourably assessed in the Coffey Effluent Disposal Report contained in <b>Appendix K</b>.</p> <p>In terms of Clause 17 therefore, these lots are not of insufficient size to accommodate a system of on-site effluent disposal. The fact that such a system is not proposed due to other advantages for doing so does not compromise the objectives of this Clause.</p> <p>It should also be noted that a cluster system for these lots was recognised by Council in their original submission to the Department when preparing the DGR's for this Project. In their letter to the Department dated 16<sup>th</sup> October 2006, Council acknowledged these sites were identified under its Wastewater Management Policy, and in fact that</p>



Author	Issue Raised	Reference	Submission	Response
				<p><i>"...the future re-subdivision of the Le Clos estates was a specific consideration in the development of this Policy"</i>. This Policy recognises lots as small as 4000m<sup>2</sup> as being suitable for integrated cluster systems of wastewater servicing.</p> <p>This issue is also responded to in our letter to PMHC dated 23<sup>rd</sup> December 2008 and contained in <b>Appendix B.</b></p>
	Ecological Assessment	Appendix H	A revised assessment is required in accordance with best practice guidelines and scientific methodologies.	<p>The proponents engaged Keystone Ecological to undertake new investigations and an assessment of the site's ecological values in accordance with the draft DECC Threatened Biodiversity Survey and Assessment Guidelines. Prior to commencing fieldwork, the proponents and Keystone Ecological met with representatives of DECC and PMHC to determine expectations, and proposed survey methodologies.</p> <p>In summary, these investigations and consultations concluded that:</p> <p><i>"... the proposed works are unlikely to result in a significant impact on any listed species or communities and will satisfy the "improve or maintain" test for biodiversity values, principally by the removal of grazing, implementation of a landscape / vegetation management plan, control of nutrients and stormwater and construction of a formal crossing over Haydons Creek."</i></p>

Author	Issue Raised	Reference	Submission	Response
			The revised assessment is to have regard for all likely vegetation disturbance, is to correctly reference all proposed lot numbers, and is to accurately identify all vegetation communities.	<p>A number of recommendations for the ongoing management of the rural residential estate are proposed by the ecological investigation, and are contained in the full report. A copy of this report and recommendations are contained in the attached bound report in <b>Appendix H</b>.</p> <p>The revised report is now accurate and references the latest plan of subdivision.</p>
	Archaeological Investigation	Appendix J	A revised assessment is required in accordance with best practice guidelines and scientific methodologies.	<p>The proponents engaged Harper Somers O'Sullivan to undertake further investigations and consultations in accordance with the Interim Community Consultation requirements for applicants. Their investigations included relevant AHIMS searches, local advertisements seeking Expressions of Interest within the Aboriginal community, direct contact with Local Land Councils, joint inspections and field assessment of the site with Land Council representatives, and the formulation of a report of findings from these investigations.</p> <p>In summary, these investigations and consultations concluded that:</p> <p>“...there are no impediments, on Aboriginal or European cultural heritage grounds, to the proposed rezoning of the Le Clos Verdun</p>

Author	Issue Raised	Reference	Submission	Response
				<p>development progressing.”</p> <p>The Local Land Councils who were consulted on this project have provided their authorisation to the final report as an accurate and true representation of the site’s cultural significance. A copy of this report, and a summary of all consultations are contained in <b>Appendix J.</b></p>
	Effluent Disposal and Fisheries Management	Appendix K	PMHC supports the concerns of DPI and DoP in respect to this issue.	Refer to comments below in direct response to these issues as raised by DPI and DoP
	Effects of Climate Change	Appendix B	<p>PMHC supports the concerns of DoP in respect to this issue.</p> <p>Additional information is required in relation to potential increased threat of flooding and bushfire attributed to climate change.</p>	<p>Refer to comments below in direct response to these issues as raised by DoP</p> <p>Refer to comments below in direct response to these issues as raised by DoP</p>
<b>Public Submissions</b>	Public Access to Haydons Creek and Hastings River	Appendix B Appendix C	How is unrestricted access to the foreshore to be achieved?	<p>Unrestricted access is to be retained via Bengal Street to the site’s west which provides a pedestrian, yet little-used access to the Hastings River and Heron’s Creek foreshore reserve. This is illustrated in the public access analysis contained in <b>Appendix G</b>, which demonstrates that continuous and unrestricted pedestrian access is available to the foreshore via this route.</p> <p>As noted in comments responding to PMHC above, some weed management and stock fence removal will improve this access. This access and the existing 30m-wide foreshore reserve is to be</p>

Author	Issue Raised	Reference	Submission	Response
				<p>managed by way of the Community Management Scheme in accordance with the principles of the Vegetation Management Plan.</p> <p>As stages develop, pedestrian access is also to be established via footways adjacent to Lots 41 (Stage 1), 105 (Stage 3), 108 (Stage 4) and 116 (Stage 5). These provide practical access from the internal roadway in convenient locations strategically placed within the subdivision. The staging of these access points is illustrated in the staging plan contained in <b>Appendix C</b> and draft Development Contract in <b>Appendix D</b>.</p> <p>It is anticipated that full public access to these pathways may be achieved after registration of Stage 8, and subsequent dedication of all accessways to the public should PMHC be accepting of same.</p>
	Lot Sizes	Appendix C	<p>Lots are constrained by flooding and 7(h) zones. Are too many lots proposed?</p> <p>Concentration of smallest lots along northern end of the development will add to expected damage to the riverbank.</p> <p>Concentration of smallest lots along northern end of the development will detract from</p>	<p>Refer to building envelope plans contained in <b>Appendix C</b>.</p> <p>No residential lots have direct access to the Hastings River foreshore, and are separated by a 30m Crown foreshore reserve. A future Vegetation Management Plan is to address management and rehabilitation of the foreshore reserves.</p> <p>The proposed lot sizes and density of development is significantly less than the currently registered subdivision layout approved by Hastings Council in</p>



Author	Issue Raised	Reference	Submission	Response
				<p>boundary represented by Sheets 3 and 4 in <b>Appendix C</b>). This was a deliberate decision by PMHC and the Department of Planning at the time to permit suitable developable land within the disturbed fringes of this corridor (i.e. outside the 7(h) zone).</p> <p>Notwithstanding this previous agreement, and at the request of DECC during the post-exhibition site inspection of 20<sup>th</sup> August 2008, Lots 131 and 136 were amended to ensure that future building envelopes and necessary APZs do not require any disturbance to the vegetation lying outside the 7(h) zone boundary.</p>
	Crossing Haydons Creek	Appendix C	Can the proposed Haydons Creek crossing be replaced in favour of an alternative access to Sancrox Road to the east?	<p>Land to the east is identified in the Rural Residential Strategy, but is not presently zoned for rural residential development. Notwithstanding, an extended road access has been established to the site's eastern boundary in anticipation of this land's development in the future. This will enable a future circulatory access route between the two sites. PMHC and RTA have consistently advised they would not support an additional vehicular entry point to Sancrox Road from this site.</p> <p>The access across Haydons Creek has been specifically located to avoid disturbance to any existing vegetation. An informal stock/vehicle crossing exists in this location at present, thereby establishing a clear corridor for the future road's establishment (refer to photos 13 and 14 of <b>Appendix F</b>).</p>

Author	Issue Raised	Reference	Submission	Response
				<p>It is to further be noted that the General Terms of Approval supplied by the Department of Water and Energy dated 16<sup>th</sup> June 2008 contain extensive guidelines in respect to the construction of this access. Refer to DWE's letter in <b>Appendix A</b> and the Statement of Commitments contained in <b>Section 4</b> of this report.</p> <p>Note also that the original fire trail design relied on a second (informal) crossing of Haydons Creek to the south of the road access. This has since been deleted from the Preferred Project plans. Refer to Sheet 8 of <b>Appendix C</b> and the addendum bushfire report in <b>Appendix L</b>.</p>
	Community Consultation	Appendix B	Community consultation did not involve some neighbours, who may have otherwise have been interested in being included in the rezoning and subdivision scheme.	Neighbouring land-owners were approached at the time the rezoning proposal was being prepared. Only those parcels which indicated interest in being included in the LEP amendment were included in the process at that time. Given the limitations of the current 1(a) zoning of adjoining parcels, there is no opportunity for neighbouring sites to be included in this re-subdivision proposal.
	Road Traffic and Access	Appendix C	<p>The existing right of way servicing Lot 51 DP 775871 is to be retained.</p> <p>The traffic study does not contain sufficient information</p>	<p>The right of way is retained and is shown in Sheet 9B of the sheet-set contained in <b>Appendix C</b>, and the staging plans contained in the Development Contract in <b>Appendix D</b>.</p> <p>Consultation with PMHC infrastructure officers confirms that wider ranging studies of the Sancrox regional traffic environment in consultation with the RTA are continuing. PMHC officers have indicated therefore that a separate traffic study is not required.</p>

Author	Issue Raised	Reference	Submission	Response
			The subdivision should be required to substantially upgrade Sancrox Road where it's subject to flooding, and to resurface the road.	Refer to comments above responding to PMHC in regards to future road-works.
	Ecology	Appendix H	The ecological assessment does not adequately address the preservation of threatened species.	Refer to comments above regarding the more recent investigations of Keystone Ecological. Their new ecological assessment is contained in <b>Appendix H</b> .
	Impact on foreshore	Appendix C	<p>The project will result in further erosion of the riverbank.</p> <p>The recreation area needs to be relocated to the northern end of the development site where the river is wider and potential damage to the riverbank would be lessened.</p>	<p>There is no nexus to justify this. No lots will have direct access to either the Hastings River or Haydons Creek, both of which are provided with a 30m Crown reserve buffer. All wastewater systems and stormwater management measures are to be designed to relevant Australian standards and/or AUS-SPEC.</p> <p>There are no plans for wharves, jetties or other recreation structures within the Crown foreshore reserve proposed by this application.</p>
	Waterway traffic	Appendix A	Watercraft speed in the locality needs to be significantly reduced.	This is not a matter in which the proponent can have any direct input.
	Sewerage management	Appendix K	Author is concerned with potential impact of sewage on surface waters, groundwater, oyster leases.	Refer to comments below in direct response to these issues as raised by DPI and DoP



Author	Issue Raised	Reference	Submission	Response
			73 of 143 lots are subject to 1 in 20 year flood levels. Concerns with a system of on-site sewage management. A larger scale sewage management system should be proposed.	Refer to comments below in direct response to these issues as raised by DPI and DoP
	Flooding and Stormwater	Appendix C	<p>Flooding is experienced through this site and adjoining properties.</p> <p>Run-off in Haydons creek is impeded by sediment, overgrown vegetation and a collapsed cattle grid, resulting in stagnant water and mosquito breeding. Water run-off needs to be improved.</p> <p>Flooding of Sancrox Road occurs adjacent to proposed Lot 142 (now Lot 90).</p>	<p>Noted. The subdivision sheet-set recognises the 1 in 100yr and 1 in 20yr flood levels, and the subdivision layout has responded to these constraints accordingly. This is evidenced by the fact minor filling is only required for 7 lots within the 144-lot estate (Lots 87-90 &amp; 110-112). This equates to approximately 2ha of fill over the 189ha site, and is illustrated in Sheet 5 of <b>Appendix C</b>.</p> <p>Noted. The Vegetation Management Plan to be prepared prior to registration of Stage 1 will include site management measures relating to weed/debris control and re-vegetation measures within Haydons Creek. The VMP will also include management practices related to the future maintenance of site drainage in this location. Refer to Statement of Commitments in <b>Section 4</b>.</p> <p>Noted. This is a longer-term issue that PMHC needs to resolve for the wider Sancrox region. Notwithstanding, flood-free access/egress exists for all lots within the subdivision via Rawdon Island Road during flood conditions.</p>
Department of Planning (DoP)	Effects of Climate Change	Appendix B	Impacts of climate change and sea level rise have not been adequately addressed.	Further consultation with Council's flooding engineer occurred in relation to this issue. This resulted in the letter to PMHC dated 25 <sup>th</sup> September 2008, and

Author	Issue Raised	Reference	Submission	Response
			Further assessment of the hydraulic impacts of climate change on the proposed subdivision over the next 100 years should be undertaken.	<p>Council's email reply dated 18<sup>th</sup> November 2008. These consultations with Council's flooding engineer are summarised in the proponent's letter to PMHC dated 23rd December 2008 (all three items of correspondence are contained in <b>Appendix B</b>). Council's advice concludes:</p> <p><i>"... it is clear that this site is not significantly sensitive to CC and evacuation routes are reasonable. Council's indicative information suggests that a 300mm increase in this area is reasonable and as such I would be comfortable for a 800mm freeboard to be applied to all dwellings in this area."</i></p> <p>This suggested 800mm freeboard for all new buildings is reflected in the revised Statement of Commitments in <b>Section 4</b>.</p> <p>It is noted that Sea Level rise calculations relied on during consultation with Council's Flooding Engineer are consistent with the recently published Draft Sea Level Rise Policy by the State Government (i.e. 900mm rise by 2010).</p> <p>Note that this raises another point in respect to whether some form of "savings" provisions should be applied to this Project, remembering that application was originally made in April 2008. We contend that this particularly media-friendly issue will understandably and justifiably experience continual investigative updates during the course of this Project's assessment. It would be unreasonable</p>

Author	Issue Raised	Reference	Submission	Response
			Potential for increased bushfire risk should also be examined.	<p>however for continual assessment to be requested on this matter as new data comes to light.</p> <p>The potential impacts from bushfire risk associated with the site have been assessed as relatively low and manageable. This is reflected in the recommendations from Midcoast Environmental (<b>Appendix L</b>) and the positive response from the NSW Rural Fire Service (refer <b>Appendix A</b>).</p> <p>While climate change impacts are anticipated to influence the intensity and frequency of bushfires in the future in a global sense, the property has been identified as not at significant risk to bushfire hazard. All management measures as appropriate to the scale of bushfire hazard are to be established as relevant to each stage of the subdivision.</p>
	Community Title Management	Appendix D Appendix E Section 4	<p>Public access should be established as open accessways over the internal roads and pathways.</p> <p>Should private roads and services be 'returned' to public ownership, they should be provided to a standard suitable for public dedication.</p> <p>Public access to the recreation area should be considered.</p>	<p>PMHC have advised they will not accept the creation of public rights of way or other easements over the private roadways while-ever they remain in private ownership.</p> <p>It is the proponent's intention to construct &amp;/or re-construct all roads, pathways and all existing accessways to Austroads and AUS-SPEC standards. This will provide the potential for the longer term dedication of these assets to public ownership. Refer also to the Statement of Commitments in <b>Section 4</b> of this report.</p> <p>These facilities are being provided at the full cost, and for the benefit of the community management</p>

Author	Issue Raised	Reference	Submission	Response
			<p>The proponent should provide a list of indicative community management levies so costs to future owners can be considered.</p>	<p>scheme. The facilities (tennis court, amenities building) are provided on private property, and PMHC have indicated they are not willing to accept rights of access or easements over private land. There are no wharves, jetties or other private recreation facilities proposed over the Crown foreshore reserve by this application. Full and free public access over these reserves is to be established however, and such reserves are to be regularly maintained and managed by the Community Association. Access along the foreshore will therefore be improved by this development.</p> <p>Moreover, attractive public recreation infrastructure exists in close proximity to the subject site at Sancrox reserve. This facility, located approximately 2km west of the site incorporates a regularly maintained cricket oval, amenities building, club kiosk, tennis courts, BBQ facilities, picnic shelters and a timber wharf for swimming entry to the Hastings River. These facilities are illustrated in the public access analysis contained in <b>Appendix G</b>.</p> <p>Indicative levies of approximately \$900 p.a. per lot have been calculated for grounds management, vegetation management, roads management, up-keep of recreation facilities, insurance and administration costs, which includes a sinking fund component of \$350 p.a. per lot. This would be in addition to the standard PMHC annual rates of approx. \$2000 per allotment which apply in the Sancrox locality.</p>

Author	Issue Raised	Reference	Submission	Response
	Staging of Subdivision & Development Contract	Appendix B Appendix D	Single linen registration is not favoured for the subdivision. All proposed lots should be provided with adequate access and services before registration.	Staged subdivision is now proposed with services appropriate to each stage to be provided. Refer to the staging plans contained in the subdivision sheet-set attached at <b>Appendix C</b> , the Draft Development Contract in <b>Appendix D</b> , and the revised Statement of Commitments contained in <b>Section 4</b> .
	Aboriginal Cultural Heritage Assessment	Appendix J	Consultation is to occur with DECC regarding the adequacy of the Archaeological Sites Investigation.	Noted. Refer to comments above regarding the attachment of a new archaeological assessment, including consultations with the local Aboriginal community.
	Subdivision Design and Lot Layout	Appendix C	The design of proposed Lots 27-29, and 33-35 will potentially result in adverse impacts on the 7(h) zoned stand of trees.	<p>Refer to comments above, and to building envelope plans contained in <b>Appendix C</b>. Note also that these lots have since been re-numbered as Lots 25-27 and Lots 31-33 respectively. It is also important to note that much of the comments made by DoP and DECC in relation to potential impacts on the site's vegetation were made prior to a site inspection.</p> <p>As is evidenced by photos 3-8 from the visual analysis contained in <b>Appendix F</b>, this vegetation comprises scattered trees in a parkland setting. Aerial photos of this area are misleading. This is clearly illustrated by the large shadow thrown by the tree canopy in photo plate 8. These shadows blend with the tree canopies in the aerial photos to exaggerate the density of vegetation.</p> <p>As confirmed by comments by DECC officers on-site on 20<sup>th</sup> August 2008, and in the conclusions of the ecology report in <b>Appendix H</b>, no trees in this location are to be disturbed. This will be reflected in the final Community Management Statement and</p>

Author	Issue Raised	Reference	Submission	Response
			<p>It is necessary to demonstrate that dwellings can be practically achieved on lots constrained by the 7(h) zone, flood levels, re-vegetation areas, fire trails, and APZs.</p> <p>The adequacy and suitability of access to proposed Lot 142 is to be further assessed. (<i>N.B. Lot 142 is now Lot 150</i>)</p>	<p>Vegetation Management Plan. Refer also to the Statement of Commitments in <b>Section 4</b>.</p> <p>Refer comments responding to PMHC above</p> <p>Bengal Street is a formed gravel public road which provides vehicular access from Rawdon Island Road to three other dwellings at present (external to the subject site). Traffic generation from proposed Lot 142 (now known as Lot 150 in the revised plan) is not sufficient to justify upgrading of this road to full seal or similar. As illustrated in the photo 21-23 illustrating public access opportunities contained in <b>Appendix G</b>, this road is in satisfactory condition for a rural access road.</p>
	Ecological Assessment	Appendix H	The Flora and Fauna survey needs to be updated in accordance with current legislation and guidelines.	Refer comments above.
	Proposed works within Crown Reserve	Appendix B	Department of Lands consent is required for any works proposed within Crown Reserves including walkways, cycleways, jetties and wharves.	Noted. No structures are proposed within Crown Reserves. However, PMHC and DoP have insisted that improved "access" be established along the foreshore reserve. In their letter of 18 <sup>th</sup> November 2008, Dept Lands have advised they are willing to consider an application for an access permit over the Hastings River foreshore for maintenance / mowing of a pedestrian accessway. Department of Lands

Author	Issue Raised	Reference	Submission	Response
				have advised they would not want to see any more “formalised” access than this in this location. Given the rural setting, the proponents agree that an informal pathway is most appropriate, and would be less obtrusive for the site. The Department of Lands has also advised that an Access Permit would only be granted once Project Approval is issued.
	Effluent Disposal	Appendix K	Do any existing effluent disposal systems require upgrading?  The Community Management Statement should make reference to the recommendations of the Effluent Disposal Assessment report.	Existing effluent disposal systems are operating satisfactorily at present and were installed in accordance with their historical approvals.  Noted. The final Community Management Statement is to be submitted to PMHC prior to registration.
	Other Matters	Appendix I  Appendix H  - N/A -  Appendix K	Text on the Draft Landscape Concept Plan is difficult to read  Mapping in the Ecological Assessment is unclear.  Annexures A-E are missing from the Phase I and II Environmental Site Assessment.  All figures are to be included in	Refer to amended Landscape Concept Plans in <b>Appendix I</b> .  Refer to amended Ecological Assessment and supporting maps and figures in <b>Appendix H</b> .  These annexures simply included raw data results from the site assessment undertaken in 2003/2004. The conclusions are represented in the bulk of the document lodged with the original EA report. The raw data was already assessed and accepted at the time of the site’s rezoning in 2006. There have been no changes to the site’s potential contamination or land-usage since that time.  Figure 4 of the original Effluent Disposal Assessment

Author	Issue Raised	Reference	Submission	Response
			the Effluent Disposal Assessment report.	Report was re-printed with greater clarity as Sheet 7 in the original subdivision sheet-set. This same figure is now again re-printed as Sheet 7A in <b>Appendix C</b> to this report. Notwithstanding, another complete copy (with all figures) of the original Coffey report is included in <b>Appendix K</b> .
<b>Department of Environment and Climate Change (DECC)</b>	Threatened Species and Biodiversity	Appendix H	<p>The flora and fauna assessment report is vague and the mapping is unclear. The report is considered inadequate and should be updated to meet current legislative expectations</p> <p>Provision should be made for appropriate compensatory habitat measures should potential habitat for threatened species be removed.</p>	<p>Refer to comments responding to PMHC above.</p> <p>The attached Ecological Assessment report prepared by Keystone Ecological gives consideration to the needs for compensatory habitat measures, which can all be achieved within the 7(h) zoned lands within the site.</p> <p>It is to be noted that DECC officers indicated during our post-exhibition consultations (site meeting on 20<sup>th</sup> August 2008) that an off-site compensatory habitat solution would not be required given the extensive area of the site in which native vegetation can be retained and subsequently managed. In this respect, the total area of clearing proposed across the 189 ha site is less than 8000m<sup>2</sup> in area. While open pastureland makes up over 80% of the site, over 33 hectares of existing vegetation is to be retained and responsibly managed via a future Vegetation Management Plan. The majority of this land was specifically zoned to 7(h) for its future</p>



Author	Issue Raised	Reference	Submission	Response
			A Management Plan will be required for retained vegetation areas or habitat features are to be managed.	retention and rehabilitation in conjunction with, and in direct response to the rezoning of the existing estate to 1(r1) in 2007.  A Vegetation Management Plan is to be prepared prior to the registration of Stage 1, and is reflected in the amended Statement of Commitments contained in <b>Section 4</b> of this report.
	Aboriginal Cultural Heritage	Appendix J	The archaeological assessment is not consistent with current guidelines and has not demonstrated that the local Aboriginal community have been adequately consulted.	Refer comments above. A new Archaeological assessment has been undertaken with the final report attached at <b>Appendix J</b> .
	Statement of Commitments	Section 4	The Statement of Commitments does not adequately address Aboriginal Cultural Heritage issues.	The revised Statement of Commitments in <b>Section 4</b> of this report incorporates the recommendations of the revised Archaeological Assessment Report.
	Effluent Disposal	Appendix K	The determining authority should ensure that the proposed on-site effluent disposal systems do not cause pollution of waters.	The original Effluent Disposal Assessment was prepared having regard to current best practice guidelines. Notwithstanding, an addendum report written in response to specific issues identified by the Department of Primary Industries during public exhibition is contained in <b>Appendix K</b> of this report. Refer also to comments in response to the DPI below.
<b>Department of Primary Industries (DPI)</b>	Agricultural Issues	Appendix A	The submission acknowledges the findings of the Agricultural Assessment report and confirms the land is not classed as Prime Agricultural Land or Regionally Significant Farmland.	Noted.

Author	Issue Raised	Reference	Submission	Response
			There are no obvious land use conflict risks or issues arising in relation to the proposed development and adjoining agricultural land uses.	Noted.
	Aquaculture Issues	Appendix K	<p>On-site disposal systems must ensure that OISAS water quality objectives are met.</p> <p>Clarification is sought in relation to primary treatment systems, and disposal systems.</p> <p>Disinfection is recommended for primary treatment systems.</p> <p>All on-site treatment and disposal systems are to be subject to annual compliance inspection.</p> <p>DPI supports the maintenance of a riparian buffer zone at least 30m in width adjacent to Hastings River and Haydons Creek. Exotic vegetation should be replaced with native vegetation and stock access should be excluded.</p>	<p>The OISAS document was referenced in original studies and was further considered in preparing the supplementary advice provided by Coffey Geotechnics dated 29<sup>th</sup> January 2009 contained in <b>Appendix K</b>.</p> <p>As above</p> <p>As above</p> <p>This is reflected in the revised Statement of Commitments contained in <b>Section 4</b> of this report.</p> <p>Noted and agreed. The rezoning plans and project plans have been prepared on the basis of retaining this 30m buffer to existing waterways. No rural residential lots are located within these buffer distances. The Vegetation Management Plan and Community Management Scheme will provide for revegetation and maintenance of these zones, and the exclusion of stock from all Crown Reserves and</p>

Author	Issue Raised	Reference	Submission	Response
			<p>Preparation of a detailed Stormwater Management Plan is recommended prior to granting consent.</p> <p>Proponent should consider consulting the Hastings River Oyster Industry.</p> <p>A construction erosion and sediment control plan should be prepared prior to commencement of works.</p>	<p>identified Riparian Zones within the 7(h) zones. Refer to Statement of Commitments in <b>Section 4</b>.</p> <p>The principles of the draft Stormwater Management Plan are illustrated in Sheet 6 of <b>Appendix C</b>. We submit that while there is still uncertainty regarding the Department's acceptance of the subdivision layout, this level of detail should be deferred prior to commencement of works via a condition of the Project Approval.</p> <p>Communication with representatives of the Hastings Oyster Industry has occurred during all stages of the project's preparation including the rezoning phase. Further communication has also been held with the Aquaculture officers of the DPI during post-exhibition consultation. Both bodies offer consistent advice offering no objection to the project provided that effluent disposal and treatment systems are established in accordance with current Australian standards and are adequately maintained.</p> <p>Accepted. This is reflected in our Statement of Commitments in <b>Section 4</b> of this report.</p>
	Recreational Fishing Issues	Appendix A	DPI would not be supportive of private recreational facilities being established on the foreshore in favour of public facilities.	Noted. No private recreation facilities are proposed on public land or foreshore reserves by this application.
	Buffers to	Appendix C	Adequate justification has not	This is inconsistent with the earlier comments from

Author	Issue Raised	Reference	Submission	Response
	Aquatic Habitats		been provided to incorporate less than 50m buffers to the Hastings River as recommended by the DPI.	DPI which supports the 30m buffers that have been maintained by the preferred project (see above). Notwithstanding, it is to be noted that no potential building envelopes and/or effluent disposal areas would be located within 50m of either waterway by virtue of the 1 in 100 year flood line. This is illustrated in the building envelope plans prepared at PMHC's request for specific lots. Even in these more 'constrained' instances, the actual buffers to the foreshore high water mark are >70m.
	Watercourse Crossings	Appendix C	Final plans of the Haydons Creek crossing should have regard to the National Guidelines for fish friendly watercourse crossings.	Accepted. This will be undertaken when final detailed designs are prepared.
	Mineral Resources Issues	Appendix A	<p>DPI recommends deferral of the project until PMHC completes it's regional investigations into the Sancrox traffic environment.</p> <p>In relation to construction resources, DPI recognises the Port Macquarie area is well served with hard-rock resources, but has limited sand resource.</p>	<p>Traffic management of the Sancrox Road and Pacific Highway intersection has been addressed in comments above.</p> <p>The sustainability, and/or direct supply of construction material in the Hastings region would not be significantly influenced by this staged project. As acknowledged in the Department's letter, construction material in the Hastings is "...<i>arguably well serviced</i>...", and such levels would not prejudice the realisation of this development.</p>
<b>Department of Lands (Lands)</b>	Crown Road ownership	Appendix C	Any Crown roads to be included in the subdivision proposal are required to obtain PMHC's concurrence to their transfer to public ownership.	No Crown roads are relied upon for access to lots within the subdivision. The graveled crown road along the western boundary of the estate (at rear of Lots 7-16) provides existing access to proposed Lot 152 (via ROC) and does not form part of the

Author	Issue Raised	Reference	Submission	Response
			Existing Crown roads are not to be interfered with or degraded by the new development.	community scheme. This access is to be retained.
			All works and improvements are not to encroach on Crown roads.	Achieved
			Any upgrading of pedestrian access or public use within road boundaries to be authorised by Lands.	Achieved
	Survey of Crown boundaries	Appendix C	Development adjoining Crown land should be accurately surveyed to ensure no encroachments occur.	Noted. No public roadways are to be affected by the project, other than the upgrading, resurfacing and line marking of Sancrox Road which is under the jurisdiction of PMHC.
	Erosion and Sediment Control	Section 4	Appropriate erosion and sedimentation control measures are to be in place prior to works commencing.	Full survey is to be undertaken relevant to each stage of the subdivision's progression.
				Noted. Refer to statement of commitments in <b>Section 4.</b>
<b>Catchment Management Authority (CMA)</b>	Ensure compliance with Statement of Commitments	Section 4	The CMA is confident their broad interests in Natural Resource Management will be met subject to compliance with the Statement of Commitments	While the overall Statement of Commitments has been modified since the CMA's original assessment, those Commitments identified by the CMA relating to natural resource management are retained.
	Approval required prior to commencing tree removal	Section 4	CMA still has authority over tree clearing required to be undertaken	Noted
	Project is consistent with	- N/A -	The CMA recognise that the project is consistent with, and	Noted

Author	Issue Raised	Reference	Submission	Response
	Northern Rivers Catchment Action Plan (CAP)		achieves the objectives of the CAP	
<b>Roads and Traffic Authority *</b>	Access and Intersections	Appendix C	Intersections are to be located where safe sight lines are available	Achieved. All preliminary intersection designs are compliant with AUSTROADS standards.
* Note that RTA provided no specific comments in their response to the public exhibition, but referred to the advice previously provided in the DGRs. i.e. their comments relate to the preliminary project details, and not to the exhibited layout.	Internal road connections	Appendix C	Future internal road connections should provide access to neighbouring properties	<p>Achieved. The internal road network provides for connection to the future rural residential subdivision which exists to the immediate east (currently under rezoning assessment). PMHC specifically advised against providing any access linkage from the north of the estate as it would have the effect of crossing the physical watercourse of Haydons Creek.</p> <p>Proposed Lot 152 in the subdivision layout also enjoys an existing right of way to the crown road which connects to Sancrox Road along the estate's western boundary. This existing entitlement is to be maintained.</p>
	Self-enforcing Speed Environment	Appendix C	The road network should be such that the speed environment is self-enforcing	The topography and meandering road alignment of the proposed subdivision effectively encourages a low speed traffic movement. The landscaped centre island along the main access road provides further traffic calming (refer photo 2 from photographic plates in <b>Appendix F</b> ). Entries to the existing culs-de-sac are provided with contrasting threshold treatments. This theme is to be continued for new roads within the estate.
	Sancrox Road	Section 4	The intersection with Sancrox	A separate intersection analysis has been

Author	Issue Raised	Reference	Submission	Response
	intersection		Road should be compliant with AUSTRROADS	undertaken to determine the level of up-grading necessary for the traffic volumes of the local road, taking into account traffic generation from the proposed re-subdivision. This analysis is contained in a letter addressed to PMHC dated 16 <sup>th</sup> February 2009. This letter and Council's positive reply are included in <b>Appendix B</b> . The recommendations for the Sancrox Road intersection are included in the revised Statement of Commitments in <b>Section 4</b> of this report.
	Cross Intersections	Appendix C	Cross intersections and junctions with minimal offsets are to be avoided.	This has been achieved. Refer subdivision sheet-set in <b>Appendix C</b>
	Road Traffic Noise	Appendix C	Consideration should be given to the impacts of traffic noise	Only 3 lots within the 144 lot subdivision layout have secondary frontage to Sancrox Road. This road frontage is already afforded a visual screen via established hedged screen-planting which is to be retained (refer Landscape Concept Plan in <b>Appendix I</b> ). Notwithstanding, Sancrox Road is a rural collector road and does not generate sufficient vehicular traffic to warrant specific noise control measures.  Traffic generation levels within the estate are not sufficient to warrant specific noise abatement measures for future residences.
	Access to Sancrox Road	Appendix C	No lots should have direct access to Sancrox Road.	Achieved. A prohibition on gaining direct vehicular access from Sancrox Road is also to be imposed on the 3 lots with secondary frontage to this road, via the Community Management Scheme.
	Circulating road network needed	Appendix C	Lay bys, a turn around, or a circulating road network needs	Since these comments from the RTA, the internal layout was amended to incorporate this

Author	Issue Raised	Reference	Submission	Response
			to be provided for public transport.	recommendation. These amendments featured in the plans for the original project application. This occurred after direct consultation with PMHC's infrastructure officers, and ensured the creation of a loop road offering a circulating access within the estate to the east of the main access road. RTA have not commented specifically on the current road layout at this point in time.
	Internal cycle/pedestrian path required	Appendix C	An internal pedestrian/cycle path should be provided that links with the overall bicycle network.	The layout provides for a self-enforcing low speed environment, compatible with pedestrian and cycle usage. There are no defined cycle networks within the Sancrox region, nor are any planned for within current &/or likely future roads Contributions Plans for the locality.
	Construction of internal driveways	Section 4	Individual driveways to conform to AUSTROADS standard for rural access	This is to be achieved. Upgrading and resurfacing of the existing internal roads is also to be undertaken as Stage 1 works. Refer also to the Statement of Commitments in <b>Section 4</b> of this report.
<b>NSW Rural Fire Service (RFS)</b>	No concerns raised	Appendix C Appendix L	RFS raises no concerns or issues in relation to the proposed bush fire protection measures	Noted. Notwithstanding, a revised Fire Trails plan and building envelopes have been produced to reflect the minor amendments to lot boundaries in the south-east corner of the property. Refer to attached subdivision plan documents in <b>Appendix C</b> and bushfire report addendum which recognises these changes in <b>Appendix L</b> .
<b>Department of Water and Energy (DWE)</b>	General Terms of Approval granted	Section 4	<p>The DWE offer no objections to the original proposal, but request notification of any modifications to the project.</p> <p>The DWE's General Terms of Approval have been provided in</p>	<p>Noted. It is assumed that the Preferred Project Report is to be referred to the DWE for further comment.</p> <p>The DWE's General Terms of Approval have been incorporated into the amended Statement of</p>



Author	Issue Raised	Reference	Submission	Response
			their response to the public exhibition.	Commitments in <b>Section 4</b> of this report.

### 3 PREFERRED PROJECT

#### 3.1 CHANGES TO PROJECT

The modifications that were made to the original concept as a result of those submissions received during public exhibition, and subsequent consultation with relevant Government agencies can be summarised as:

- Staged Community-Title subdivision comprising the following Stage break-down;
  - Stage 1: 89 Lots Lot 1 – 90  
(including common property Lot 1) + 7 Development Lots 91 – 97. Refer to Stage 1 plan in Sheet 9B of **Appendix C**
  - Stage 2: 6 Lots Lots 98 – 103
  - Stage 3: 3 Lots Lots 104 – 106
  - Stage 4: 2 Lots Lots 107 – 108
  - Stage 5: 10 Lots Lots 109 – 118
  - Stage 6: 6 Lots Lots 119 – 124
  - Stage 7: 6 Lots Lots 125 – 130
  - Stage 8: 19 Lots Lots 131 – 149
- Amendment to the lot layout in the south-east corner of the site, where the existing vegetation lies outside the 7(h) Environment Protection – Habitat zone boundary. During consultation with DECC, it was requested that all potential building envelopes be located outside this existing edge of vegetation. Lots 131-136 which incorporate this subject vegetation have been amended accordingly;
- Building envelope plans have been added to the subdivision sheet set in sheets 7A – 7C of **Appendix C** to illustrate the ability of all lots to accommodate suitable dwelling sites free of flooding, vegetation, access, and bushfire hazard constraints;
- A section of the original fire trail has been amended to delete the previous crossing of Haydons Creek in the vicinity of Lots 131 and 136;
- Temporary rights of carriageway have been provided for various lots in Stage 1. This is to enable their registration within the first linen release, and to enable connection of such lots to all essential services. With subsequent release of later stages and provision of formal road frontages, these temporary rights of carriageway are to be extinguished. This relates to:
  - Lots 81 and 82 (ROC to be extinguished at Stage 5); &
  - Lots 56 and 57 (ROC to be extinguished at Stage 6).
- Upon completion and registration of the Plan of Subdivision for each Stage, the following Temporary Rights of Carriageway providing access to the Development Parcels are to also be extinguished:
  - Lots 1 and 91 burdening Lot 1 benefitting Lot 91

- Lots 1 and 92                      burdening Lot 1 benefitting Lot 92
  - Lots 1 and 93                      burdening Lot 1 benefitting Lot 93
  - Lots 1 and 94                      burdening Lot 1 benefitting Lot 94
  - Lots 1 and 95                      burdening Lot 1 benefitting Lot 95
  - Lots 1 and 96                      burdening Lot 1 benefitting Lot 96
  - Lots 1 and 97                      burdening Lot 1 benefitting Lot 97
- Additional access management works are proposed within the 30m Crown Reserves to the Hastings River and Haydons Creek to improve pedestrian access opportunities. This is to revegetation and rehabilitation works, but also include fence removal, weed management and regular mowing within the crown reserves, including the reserve at the western extension of Bengal Street in the site's south-west. Refer to the illustrative public access analysis contained in **Appendix G**;

### 3.2                      **PREFERRED PROJECT**

This project application now seeks part Concept Approval and part Project Approval of the Preferred Project as described in full below. Changes from the original project are highlighted in bold:

1. Boundary adjustment between Lot 51 in DP 775871, and the neighbouring parcels (Lots 22, 28, 52, 53, 56 and 86 in DP 791199 and Lot 92 DP 805549), under Torrens Title. Proposed Lot 151 (the present Lot 51) in the preferred project layout is not to form part of the Community Title subdivision, nor does it form part of the Community Association;
2. **Minor boundary adjustment and re-registration of Lot 91 DP 805549 (as proposed Lot 150) under Torrens Title prior to registration of Stage 1. Proposed Lot 150 is not to form part of the community title scheme;**
3. **Re-subdivision of the remaining Le Clos Verdun estate into a total of 142 rural residential lots under Community Title as per the following staging schedule;**
  - **Stage 1:                      90 Lots                      Lot 1 – 90**  
**(including common property Lot 1) + 7 Development**  
**Lots 91 – 97. Refer to Stage 1 plan in Sheet 9B of**  
**Appendix C).**
  - **Stage 2:                      6 Lots                      Lots 98 – 103**
  - **Stage 3:                      3 Lots                      Lots 104 – 106**
  - **Stage 4:                      2 Lots                      Lots 107 – 108**
  - **Stage 5:                      10 Lots                      Lots 109 – 118**
  - **Stage 6:                      6 Lots                      Lots 119 – 124**
  - **Stage 7:                      6 Lots                      Lots 125 – 130**
  - **Stage 8:                      19 Lots                      Lots 131 – 149**

**(N.B. due to factors relating to Community Title registration and the requirement for sequential lot numbering, “Development Lot” numbers cannot be re-used with registration of subsequent stages. Hence lots**

**within the subdivision scheme run from Lot 1 to Lot 149, while only 141 'residential', or developable lots under Community Title are being created).**

4. Retention of all existing residences within the estate;
5. Retention and augmentation of existing roads, water mains, telecommunication lines and electricity cables which currently service the estate, and construction of new infrastructure as necessary;
6. Establishment **in Stage 8 of the Project** of a future vehicular access link to the adjacent rural land to the east identified under Council's Rural Residential Strategy for future investigation;
7. Minor filling for **Lots 87-90, and Lots 110-112** in the community title subdivision. **Clearing of approximately 8000m<sup>2</sup> of Swamp Oak Floodplain Forest will also occur over Lots 87-90 and Lots 110-111;**
8. Landscaping works which include the management of existing landscaping within the estate and re-planting within access and drainage routes, ridge-lines, gullies and the revegetation and rehabilitation of disturbed sections within the Haydons Creek Riparian Zone;
9. Preparation of a Vegetation Management Plan for the rehabilitation and ongoing management of the Hastings River and Haydons Creek riparian zones;
10. Preparation of an Integrated Surface and Stormwater Management strategy incorporating existing inter-allotment drainage, proposed bio-retention systems, culvert crossings for the Haydons Creek road access, and sediment control/detention dams to be located within community land;
11. A 'Cluster System' for the treatment of effluent from proposed **Lots 42-46** via a shared effluent disposal site located approximately 75m to the south-east (within the community property - proposed Lot 1);
12. An integrated system of fire-trails within the rear of bushfire prone sites, acting as linkages within the proposed internal road system for emergency vehicle access;
13. **Provision of a pedestrian public accessway along the Hastings River and Haydons Creek foreshores connecting to Bengal Street. Such access to be managed via the Vegetation Management Plan to be prepared for Stage 1 and will incorporate an Access Permit from Department of Lands for access to establish weed management, riparian zone protection and rehabilitation, and regularly mown pedestrian access;**
14. **Creation of a system of pathways establishing practical access to the Hastings River and Haydons Creek Foreshore Reserves at Stages 1, 3, 4 and 5 of the Project;**
15. The establishment of Community Amenities including a future tennis court, community building, amenities block, children's playground and associated passive and active recreation areas within the Community Open Space lot;

The proponent seeks the Minister's declaration under Section 75P(1)(c) of the Act that no further application, report, studies or assessment is necessary for the Items numbered 1 – 14 in the Preferred Project summary above. This will enable those components of the project to proceed directly to construction certificate and/or subdivision certificate without further approvals being required under Parts 3A, 4, or 5 of the Environmental Planning and Assessment Act 1979.

The proponent also seeks the Minister's determination as to the environmental assessment requirements for approval to carry out Item 15 in the aforementioned Preferred Project summary pursuant to Section 75P(1)(a) of the Act.

## **4 STATEMENT OF COMMITMENTS**

### **4.1 REVISED STATEMENT OF COMMITMENTS**

The modifications to the original concept have necessitated the preparation of a revised Statement of Commitments. These reflect the amendments to the project application and subdivision design, and incorporate those additional recommendations resulting from post-lodgement consultations and updated investigations.

The General Terms of Approval previously received from the Department of Water and Energy for the project as originally exhibited have been included in the Statement of Commitments, notwithstanding that this report is likely to be again reviewed by DWE prior to determination.

All other General Terms of Approval to be issued by relevant authorities would be anticipated to formulate a final list of commitments that would inform the final approval to be issued by the Minister.

The revised Statement of Commitments as relevant to the Preferred Project at this stage of the assessment is contained in **Table 4.1** that follows.

**Table 4.1 Revised Statement of Commitments**

Item		Commitment	Action	Timing
General	1	<p>The proponent will undertake the development in accordance with the commitments of this Preferred Project Report prepared by Hopkins Consultants dated February 2009 including:</p> <ol style="list-style-type: none"> <li>1. <i>Subdivision Plans numbered Sheets 1-10 prepared by Hopkins Consultants, dated 14th October 2008, and provided in <b>Appendix C</b> to this report;</i></li> <li>2. <i>The Landscape Principles Plan numbered Sheets 1-2 prepared by Rupert M Home, Landscape Architect dated 11<sup>th</sup> February 2009, and provided in <b>Appendix I</b> to this report;</i></li> <li>3. <i>The draft Development Contract between the Community Association and Port Macquarie-Hastings Council, dated 19<sup>th</sup> February 2009, and provided in <b>Appendix D</b> to this report;</i></li> <li>4. <i>This Preferred Project Report and Statement of Commitments as prepared by Hopkins Consultants and dated February 2009.</i></li> </ol>	Proponent	All stages
Statutory Requirements	2	<p>All licences, permits and approvals as necessary will be obtained once project approval is granted and maintained for the development, including:</p> <ul style="list-style-type: none"> <li>▪ Construction Certificates for engineering works (including earthworks, soil and water management, roadworks, drainage) for each stage of the subdivision;</li> <li>▪ Subdivision Certificates for each stage of the subdivision;</li> <li>▪ Section 138 Consent for roadworks (Roads Act 1993);</li> <li>▪ Section 68 approvals for utilities infrastructure (Local Government Act 1993);</li> <li>▪ Electricity Compliance certificate from Country Energy;</li> </ul>	Proponent	Stage 1 & ongoing

Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> <li>Telstra Compliance Certificate; and</li> <li>Water Compliance Certificate from Port Macquarie-Hastings Council under Section 307 of the Water Management Act 2000.</li> </ul>		
<b>Subdivision Design and Registration</b>	<b>3</b>	Staging of the subdivision is to occur in accordance with the Development Contract prepared by Hastings Business Lawyers dated February 2009, the Preferred Project Report prepared by Hopkins Consultants dated February 2009, and the Staging plans of subdivision reference No. 6096_6096-0011 sheets 9A–9B dated 14 <sup>th</sup> October 2008.	Proponent	All stages
	<b>4</b>	Prior to registration of each stage of the subdivision, the provision, upgrade and/or embellishment of utilities, infrastructure and other works relevant to each stage is to be undertaken in accordance with the Development Contract.	Proponent	All stages
	<b>5</b>	<p>Prior to registration of the subdivision, the proponent is to submit copies of the Development Contract and Community Management Scheme to Council for approval. The final Community Management Scheme is to address such items as:</p> <ul style="list-style-type: none"> <li>Vegetation management</li> <li>Property management</li> <li>Weed management</li> <li>Use of community property</li> <li>Inappropriate land-use activity on private land</li> <li>Management of the cluster system of effluent disposal</li> <li>Management of the individual effluent treatment and disposal systems.</li> <li>Maintenance of rights of carriageway</li> <li>Management responsibilities for any water retention/treatment systems</li> <li>Maintenance of fire trails</li> <li>Management of APZs</li> <li>Animal husbandry and domestic pet management</li> <li>Garbage and waste management</li> <li>Architectural and fencing standards</li> <li>Management of the communal recreation area</li> <li>A management of private utilities and services</li> <li>Community association insurances</li> </ul>	Proponent	Stage 1 & ongoing



Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> <li>• Payment and management of community levies and</li> <li>• Any other items as directed by the determining authority</li> </ul>		
	6	The final Development Contract and final Community Management Scheme are to have regard to all requirements and recommendations of this Statement of Commitments and as amended by the regulatory bodies' General Terms of Approval for the Project.	Proponent	Stage 1
Construction	7	<p>Prior to the commencement of works on the site, the proponent will submit to Council a Construction Management Plan for approval. The Plan is to address the following:</p> <ul style="list-style-type: none"> <li>• a detailed work program outlining relevant timeframes for activities;</li> <li>• roles and responsibilities for all relevant site workers and employees involved in the construction phase;</li> <li>• waste and debris management measures to be employed during the construction phase;</li> <li>• erosion and sediment control measures during construction;</li> <li>• details of environmental management procedures, monitoring and reporting requirements during construction and operation phase;</li> <li>• traffic management procedures</li> <li>• details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders.</li> <li>• Any other matter as directed by the determining authority.</li> </ul>	Proponent	All stages
	8	Construction work will be confined to 7.00 am to 6.00 pm Monday to Saturdays, with no construction taking place on Sundays or public holidays, unless prior approval is obtained from the relevant authority.	Proponent	All stages
Soils and Water Cycle Management	9	Water quality control measures will be designed and installed in accordance with the principles of the Surface and Storm Water Management Plan contained in Sheet 6 of Appendix C, and as per the recommendations of Hopkins Consultants Pty Ltd. Detailed designs for these works are to be provided with the Construction Certificate relevant to each stage.	Proponent	Stage 1 & ongoing
Flooding	10	Filling works to be undertaken in accordance with PMHC's DCP 41 and associated	Proponent	Stage 1

Item		Commitment	Action	Timing
		best practice guidelines as per the principles of the intended filing plan in Sheet 5 of Appendix C.		& Stage 5
	11	To counter the potential impacts of flooding, all new dwellings within the estate are to be constructed with a minimum finished floor level 800mm above the level of the 1 in 100 year flood. This commitment is to be included in the architectural standards of the final Community Management Scheme to be prepared with the Subdivision Certificate for Stage 1.	Proponent PMHC	All stages
<b>Riparian Zone Management and Rehabilitation</b>	12	<p>The proponents are to prepare a comprehensive Vegetation Management Plan for all areas of existing vegetation to be retained within the site. Such plan is to be in accordance with the principles of the Landscape Concept Principles Plan prepared by Rupert M Home and the recommendations of the Ecological Assessment prepared by Keystone Ecological, and any other action recommended by relevant authorities. At a minimum, such plan is to include provision for the following management measures:</p> <ul style="list-style-type: none"> <li>▪ Species-appropriate weed control responses formulated and implemented, with particular emphasis on Lantana and pasture grasses</li> <li>▪ Removal of grazing</li> <li>▪ Formal protection of existing bushland</li> <li>▪ Hollow-bearing trees identified and protected by tree protection zones</li> <li>▪ Maintenance of dams</li> <li>▪ Feral animal control</li> <li>▪ Provision of fauna-friendly fencing</li> <li>▪ Provision of nest boxes of a diversity of types and sizes</li> <li>▪ Monitor and maintain nest boxes</li> <li>▪ Implementation of strict sediment and erosion control plan during all activities where soil is exposed</li> <li>▪ Control program in conjunction with local Catchment Management Authority</li> <li>▪ Maintenance of asset protection zones in cleared areas</li> <li>▪ Fire fighting response plan in conjunction with local Rural Fire Service</li> <li>▪ Determine appropriate fire regime for each vegetation type</li> <li>▪ Exclude fire where required (e.g. Rainforest) or impose small ecological burns where appropriate</li> </ul>	Proponent	Stage 1 & ongoing

Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> <li>Provision of formal paths to minimise trampling of understorey vegetation</li> <li>Education of residents re impacts of inappropriate disposal of garden refuse</li> <li>Education of residents re impacts of garden practices on adjacent bushland e.g. use of herbicides, species with potential to become weeds</li> <li>Education of owners re need for control of domestic pets, particularly at night</li> <li>Speed controls on internal roads</li> <li>Weed incursions into adjacent bush land monitored</li> <li>No point source delivery of stormwater runoff – use of water sensitive urban design principles such as diffuse water delivery</li> <li>Siting of effluent disposal in open cleared areas distant from sensitive vegetation;</li> <li>Monitor all actions on regular basis and report to Council</li> </ul> <p>The final Vegetation Management Plan is to be submitted to PMHC for approval prior to registration of Stage 1.</p>		
<b>Flora and Fauna</b>	<b>13</b>	Driveways and other structures on the central ridge (lots 24-34) are to avoid conflict with the tree protection zones of the hollow-bearing trees. Details to be included in the Vegetation Management Plan.	Proponent	Stage 1
	<b>14</b>	Nest boxes of various sizes suitable for birds, bats and arboreal mammals are to be placed in retained trees across the site to compensate for the future loss of hollows when mature trees senesce and die. These nest boxes are to be erected gradually over time and should at least equal the number of hollow-bearing trees currently on site. Details to be included in the Vegetation Management Plan.	Proponent	Stage 1 & ongoing
	<b>15</b>	The on-site effluent disposal systems for the new dwellings will be located as far as possible away from the sensitive down slope vegetation, providing the maximum buffer of grassed or otherwise landscaped / vegetated lands. Details to be included in the Vegetation Management Plan.	Proponent	All stages
	<b>16</b>	Asset Protection Zones are to be excluded from the Swamp Oak Floodplain Forest, Rainforest or Freshwater Wetland vegetation as per the principles of the Bushfire Hazard Assessment. Details to be included in the Vegetation Management Plan.	Proponent	All stages
	<b>17</b>	Widespread grazing by hard-hoofed animals is to be prohibited from foreshore	Proponent	All stages

Item		Commitment	Action	Timing
		reserves and 7(a) zoned areas within the estate. Details to be included in the Vegetation Management Plan and Community Management Scheme.		
	18	Weed management strategies are to be implemented across the site, but particularly in the Rainforest and Swamp Oak Floodplain Forest. Details to be included in the Vegetation Management Plan.	Proponent	All stages
	19	Plant species used in landscaping of the development area should preferentially be of locally-native species from local provenance material. Details to be included in the Vegetation Management Plan.	Proponent	All stages
	20	Any plantings required as part of the weed management control should also be of local provenance material only. Details to be included in the Vegetation Management Plan.	Proponent	All stages
	21	Approaches should be made to the local Rural Lands Protection authority regarding feral animal control strategies that target the feral deer that occur in this area. Details are to be included in the Vegetation Management Plan.	Proponent	Stage 1
	22	Firewood collection is to be prohibited within the 7(h) zones within the estate. Details to be included in the Vegetation Management Plan and Community Management Scheme.	Proponent	Stage 1
	23	The formal crossing over Haydons Creek is to be constructed within the existing clearing. This crossing's design is to be in accordance with the requirements under the Water Management Act (2000) and Regulations (2008). Details to be included in the Construction Certificate and Vegetation Management Plan.	Proponent	Stage 8
<b>Aboriginal and Cultural Heritage</b>	24	During the course of construction work, if suspected Aboriginal cultural heritage material is encountered, work should cease immediately. The NSW Department of Environment and Climate Change (DECC) and Birpai LALC and Bunyah LALC should then be notified. Works should only recommence when an appropriate and approved management strategy has been agreed to by all of the relevant stakeholders.	Proponent	All stages
	25	In the event that skeletal remains are uncovered whilst construction operations are underway, work is to stop immediately and the NSW Coroner's Office and NSW Police contacted. If deemed to be of Aboriginal origin, Birpai LALC and Bunyah LALC and the DECC are to be contacted.	Proponent	All stages
	26	If, during the course of clearing work, significant European cultural heritage	Proponent	All stages

Item		Commitment	Action	Timing
		material exceeding 50 years in age is uncovered, work is to cease immediately. The NSW Heritage Office should be notified and works only recommence when an appropriate and approved management strategy instigated.		
<b>Wastewater Management</b>	<b>27</b>	All necessary wastewater treatment systems are to be established as per the recommendations of the Effluent Disposal Assessment prepared by Coffey Geotechnics dated 8 November 2007	Proponent	All stages
	<b>28</b>	All wastewater disposal areas are to be fully bunded and have drainage works installed upslope as per Hastings Council's On-Site Sewage Management Code.	Proponent	All stages
	<b>29</b>	Construction of the systems is to comply with Appendix 4.5 of AS/NZS 1547:2000. Wet weather storage is to comply with local government Regulations.	Proponent	All stages
	<b>30</b>	The proposed cluster system servicing Lots 45-49 is to be established by the Community Association in Stage 1 of the subdivision and as per the Development Contract. This facility is to be undertaken as per the concept specifications prepared by Coffey Geotechnics dated November 2007.	Proponent	Stage 1
<b>Bushfire Hazard Management</b>	<b>31</b>	The Landscaping Principles detailed in Section 3.5 of the Bushfire Hazard Assessment prepared by Mid Coast Environment and dated March 2008 are to be implemented as relevant to each stage of the subdivision.	Proponent	Stages 1, 2, 3, 5, 6, 7, & 8
	<b>32</b>	The Bushfire Risk Management Plan prepared by Mid Coast Environmental is to be implemented with the proposed subdivision and any proposed dwellings on the new allotments on the site. Details are to be included in the final Community Management Scheme.		Stages 1, 2, 3, 5, 6, 7, & 8
	<b>33</b>	Assessments in relation to Asset Protection Zones are to be adopted with the construction of any dwellings on the proposed new lots.		Stages 1, 2, 3, 5, 6, 7, & 8
	<b>34</b>	Fire trails should be provided between areas of bushfire hazard vegetation and the potential building envelopes of the proposed lots in accordance with the Bushfire Hazard Assessment prepared by Mid Coast Environmental and as per Sheets 7A-7C in the approved plans of subdivision.		Stages 1, 2, 3, 5, 6, 7, & 8
	<b>35</b>	The ongoing maintenance of the fire trails is to be a requirement imposed upon the owners of the rural residential lots via the Community Management Scheme.		Stages 1, 2, 3, 5, 6,

Item		Commitment	Action	Timing
				7, & 8
	36	The design and construction of the internal roads and fire trails are to comply with the acceptable solutions provided for in section 4.1.3 of NSW Rural Fire Services, Planning for Bushfire Protection, 2006.		Stages 1, 2, 3, 5, 6, 7, & 8
	37	Water and other services are to be provided to the proposed lots in accordance with the requirements detailed in section 3.4 of the Bushfire Hazard Assessment prepared by Mid Coast Environmental.		Stages 1, 2, 3, 5, 6, 7, & 8
	38	The Community Management Scheme is to incorporate provisions for the areas of the proposed subdivision nominated as private recreation areas. The community management scheme is to provide for the ongoing management of these areas as bushfire hazard vegetation free areas.	Proponent	Stages 1, 2, 3, 5, 6, 7, & 8
<b>Traffic and Access</b>	39	The proponent is to undertake the upgrading of the intersection of the entry road and Sancrox Road to the standard of a "Rural Type AUR" intersection. Detailed design will be undertaken with the Construction Certificate for Stage 1.	Proponent	Stage 1
	40	The proponent is to undertake Geotechnical investigations to confirm the condition of pavements within the existing Sancrox Road intersection footprint prior to the undertaking of any intersection upgrade works.	Proponent	Stage 1
	41	If so required, the proponent is to undertake pavement rectification of the Sancrox Road intersection footprint as per the recommendations of the geotechnical investigation and recommendations or as directed by Port Macquarie-Hastings Council in their general terms of approval.	Proponent	Stage 1
<b>Public Services and Infrastructure</b>	42	<p>The following infrastructure is to be provided for all lots in the subdivision:</p> <ul style="list-style-type: none"> <li>▪ Electricity reticulation to each residential lot to the satisfaction of Country Energy;</li> <li>▪ Reticulated potable water supply to each residential lot to Council's satisfaction;</li> <li>▪ Telecommunication services to each residential lot to the satisfaction of Telstra.</li> </ul> <p>Staging and timing of infrastructure provision is to be established in the final Development Contract to be approved by Port Macquarie-Hastings Council.</p>	Proponent	All stages
<b>Developer Contributions</b>	43	Section 94 developer contributions will be paid to Council, at the rate current at the time of payment, towards the provision of the following public services or facilities:	Proponent	All stages

Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> <li>Roads</li> <li>Open Space</li> <li>Community Services</li> <li>Bushfire</li> <li>Administration Building</li> <li>Administration Levy</li> </ul> <p>Contributions relevant to each stage of the subdivision (taking into account current credits) are to be paid prior to the registration of subdivision plans for that stage.</p>		
	<b>44</b>	<p>Section 64 developer contributions will be paid to Council, at the rate current at the time of payment, towards the provision of the following public services or facilities:</p> <ul style="list-style-type: none"> <li>Water supply</li> </ul> <p>Contributions relevant to each stage of the subdivision (taking into account current credits) are to be paid prior to the registration of subdivision plans for that stage.</p>	Proponent	All stages
<b>DWE General Terms of Approval *</b>	<b>45</b>	A Controlled Activity Approval (CAA) under the Water Management Act 2000 is to be obtained from the Department of Water and Energy (DWE) prior to undertaking certain works in, on or under waterfront land.	Proponent	All stages
* Department of Water and Energy advice dated 16 <sup>th</sup> June 2008				
	<b>46</b>	<p>The consent holder must prepare:</p> <ul style="list-style-type: none"> <li>Site plan, map and/or surveys,</li> <li>Structural design and specifications</li> <li>A Vegetation Management Plan,</li> <li>Works Schedule,</li> </ul>	Proponent	All stages

Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> <li>▪ Erosion and Sediment Control Plan</li> <li>▪ Soil and Water Management Plan,</li> <li>▪ Rehabilitation Plan and</li> <li>▪ Amendments to Plans</li> </ul>		
	47	<p>These plans must be prepared by a suitably qualified person and submitted for approval by the Department of Water and Energy prior to any controlled activity commencing.</p> <ul style="list-style-type: none"> <li>▪ Vegetation Management Plans</li> <li>▪ Laying pipes and cables in watercourses</li> <li>▪ Riparian Corridors</li> <li>▪ In-stream works</li> <li>▪ Outlet structures</li> <li>▪ Watercourse crossing</li> </ul> <p>The plans are to be prepared in accordance with Department of Water and Energy guidelines.</p>	Proponent	All stages
	48	<p>The consent holder must:</p> <ul style="list-style-type: none"> <li>• Carry out any controlled activity in accordance with approved plans</li> <li>• Construct and/or implement and controlled activity by, or under the direct supervision of, a suitably qualified professional, and</li> <li>• When required provide a certificate of completion to the Department of Water and Energy.</li> </ul>	Proponent	All stages
	49	The consent holder must carry out a maintenance period of 3 years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
	50	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water and Energy.	Proponent	All stages
	51	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of work, rehabilitation and maintenance and report to the	Proponent	All stages



Item		Commitment	Action	Timing
		Department of Water and Energy as required.		
	52	Subject to reasonable notice, the consent holder will allow authorised officers of the Department access to the site and allow those officers to do all things reasonably necessary for the purpose of monitoring and/or auditing the CAA.	Proponent	All stages
	53	The consent holder must ensure that any bridge, causeway or crossing does not result in erosion, obstruction of flow or destabilisation, damage to the bed or banks of a river or waterfront land other than in accordance than with a plan approved by the Department of Water and Energy.	Proponent	All stages
	54	The consent holder must design or commission the design of any crossing over waterfront land and riparian corridors in accordance with the Department of Water and Energy Guidelines for watercourse crossings.	Proponent	All stages
	55	The consent holder must ensure that culverts/crossings do not obstruct water flow and direction and must be the same width as the river or sufficiently wide to maintain lake/river circulation, with no water level difference between the two sides of the structure unless otherwise approved by the Department.	Proponent	All stages
	56	The consent holder must prepare design construction details for any drainage structures/storm water culverts to discharge into the Haydons Creek area and submit to the Department for approval prior to the issuing of a CAA. Culverts shall be deigned by a suitably qualified person in accordance with the Departments guidelines.	Proponent	All stages
	57	The consent holder must ensure that no materials or cleared vegetation that may obstruct flow or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
	58	The consent holder is to ensure that all drainage works capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water and Energy and do not obstruct flow of water in the river unless given written approval by the Department of Water and Energy.	Proponent	All stages
	59	The consent holder must ensure that drain discharge points are stabilised to prevent erosion in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
	60	The consent holder must ensure that all erosion and sediment control works and	Proponent	All stages

Item		Commitment	Action	Timing
		water diversion structures are established in accordance with a plan approved by the Department of Water and Energy. All measure shall be inspected and maintained throughout the working period and not removed until the site has been fully stabilised.		
	61	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
	62	An Excavation must not result in diversion Haydons Creek, bank instability or damage to native vegetation unless approved by the Department of Water and Energy.	Proponent	All stages
	63	Riparian zones are to function as ecological systems and as such, all works, Asset Protection Zones, access routes, roads, recreation areas, service easements and any other non-ecologically functioning work or activity are to be located beyond riparian zones, unless detailed on plans approved by DWE, prior to the issue of a CAA.	Proponent	All stages

## **5 CONCLUSION**

This Preferred Project Report has been prepared to outline the amendments to the original Project Application and accompanying Environmental Assessment placed on public exhibition in May of 2008. Upon review of those public submissions received and subsequent consultations with relevant authorities, a number of modifications to the project were made as documented in the report above. These include:

- amendments to the subdivision layout itself;
- the staging of infrastructure provision and lot release;
- the deletion of intrusions into the Haydons Creek riparian zone,
- the establishment and improvement of public access to the coastal foreshore; &
- the establishment of key principles of a future Vegetation Management Plan for the site.

In addition, new ecological and cultural heritage assessments compliant with current legislation and guidelines have been undertaken for the property.

The revised Preferred Project is represented by the subdivision sheet-set which accompanies this report. A revised Statement of Commitments has also been prepared and details measures to be implemented to mitigate any adverse environmental impacts associated with the development. Compliance with these measures will ensure the project is carried out in an environmentally sustainable manner.

The present situation resulting from the registered Le Clos Verdun subdivision is undesirable, unsustainable and requires an immediate solution. Being in multiple ownerships, the land is sterilised from any meaningful rural land usage and is presently unsuitable for housing. This problem has been recognised previously by PMHC, who placed a moratorium preventing any further development over the estate until a co-ordinated re-development strategy is put in place. The objective to correct the present situation is shared by senior Council staff we have consulted with.

Accordingly, the current proposal is for the responsible re-subdivision of the entire estate, thereby creating lot sizes of suitable area to meet current rural residential standards. The average lot size created by the proposed re-subdivision is 1.3 hectares, with most blocks achieving a minimum of 8000m<sup>2</sup> in area. At the same time, over 33 hectares of existing vegetation is to be preserved and subject to ongoing maintenance via community management.

The proposed development will contribute to achieving the strategic objectives for rural residential living within the Hastings as per the objectives of Council's Rural Residential Strategy. In this respect, it is considered the proposed development will have a positive and beneficial environmental, social and economic impact in that it will:

- Provide land for high quality and sustainable housing in an area that is growing and experiencing realistic demand for new rural residential development;
- Confine the development footprint to areas which have been previously cleared for viticulture and presently used for grazing, thereby avoiding all areas of significant environmental sensitivity;

- Ensure that areas of significant environment value are protected and subject to long term restoration and management practices under the community management scheme;
- Provide for, and rehabilitate a riparian buffer to protect and enhance the Hastings River and Haydons Creek foreshores;
- Provide and improve on public access opportunities to coastal foreshore areas for the benefit of future residents and the wider community;
- Provide for improved traffic linkages between the site, local traffic routes, and adjoining lands identified for future development;
- Generate economic and employment opportunities during construction;
- Generate additional demand for local retail and business services; &
- Provide for the rationalisation of a historical residential/agricultural venture which failed, and which has burdened multiple land-owners with a costly and unusable land development.

The justification provided in the original Environmental Assessment and this Preferred Project Report presents a strong case for the rural residential estate to be developed in the manner proposed. This is based on the commitment that all measures relating to the mitigation of environmental impacts, the long-term rehabilitation, restoration and management of areas of environmental value, and the establishment of essential services as set out in the revised Statement of Commitments are implemented appropriately.

No adverse environmental, social or economic impacts have been identified which would preclude the existing estate being re-subdivided for rural residential development in the manner proposed. To that end, the Minister's favourite determination of the preferred project is respectfully requested.