

PO Box 84  
Port Macquarie  
NSW Australia 2444  
DX 7415

council@pmhc.nsw.gov.au  
www.pmhc.nsw.gov.au

ABN 11 236 901 601

17 JUN 2008



PORT MACQUARIE  
HASTINGS

13 June 2008

Parcel Number: 12178

Hopkins Consultants Pty Ltd  
PO Box 1556  
PORT MACQUARIE NSW 2444

Attention: Mr Andrew Lister

Dear Mr Lister

**Part 3A Application MP06\_0212 (PART 3A 2007/1) – ‘Le Clos Verdun’ Rural Residential Subdivision – Sancrox Road, Sancrox. Issue of Submissions following exhibition of the Environmental Assessment**

I refer to your Environmental Assessment (EA) for the above application lodged with the Council in November 2007 and revised EA received in April 2008. As you are aware, Council publicly exhibited the EA from 30 April 2008 until 30 May 2008.

Council has identified some issues regarding the proposal. These are outlined in **Attachment 1**. In accordance with section 75H(5) of the *Environmental Planning and Assessment Act 1979* (the Act), a summary of the issues raised in the public submissions received by the Director-General is provided at **Attachment 2** (six submissions received). Copies of submissions from the following agencies are also attached:

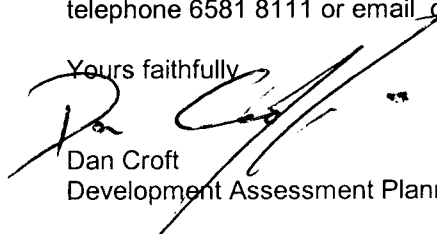
- Department of Environment and Climate Change
- Department of Primary Industries (2 submissions)
- Department of Planning
- Department of Lands
- Northern Rivers Catchment Management Authority

Submissions are also expected to be received shortly from the Department of Water and Energy, Roads and Traffic Authority and NSW Rural Fire Service. These submissions will be forwarded when received.

The Director-General, pursuant to section 75H(6) of the Act, now requires a response to the issues raised. It is requested that a response to the issues raised and an updated Statement of Commitments be submitted to the Council within 6 weeks from the date of this letter. A preferred project report is to be prepared if changes are proposed to the project to minimise its environmental impact. If a preferred project report is required, please advise Council.

Should you require any further information please do not hesitate to contact the undersigned on telephone 6581 8111 or email [dan.croft@pmhc.nsw.gov.au](mailto:dan.croft@pmhc.nsw.gov.au)

Yours faithfully



Dan Croft  
Development Assessment Planner

## **Attachment 1**

### **Port Macquarie-Hastings Council – Key issues in relation to the Environmental Assessment (MP06-0212 – Le Clos Verdun Rural Residential Subdivision)**

#### **1. Development Contract and Staging of Development.**

The proposed development contract is not considered acceptable. A One stage linen release is not supported. Council is considered to have a 'duty of care' with respect to providing for the secure servicing of allotments prior to registration and release for sale. The timing proposed within the Development Contract for the 'phasing' of service provision is dictated by market forces, open-ended and does not provide necessary security.

Additional concern is raised with respect to potential liability imposed on Council in the event that the Development Contract fails. Failure of the Contract would potentially result in an unnecessary legal burden on Council and other parties to the Contract.

The application should be amended so as only serviced allotments are registered/released.

#### **2. Water Supply**

The proposed development contract is not considered sufficient to provide for a secure mechanism to ensure water supply network upgrades necessary to serve the development will be provided and funded by the developer. The growth component of this development is not included in Council's current Development Servicing Plan. The creation of additional allotments will require the payment of headworks charges and augmentation of Council's water supply distribution and reticulation assets external to the site.

Preliminary planning work for the Sancrox Rural Residential Water Supply Strategy has commenced however a Developer Contribution Plan has not been developed. The developer would need to provide funds for all proposed works (reservoir and network upgrades) unless a separate agreement is negotiated with Council. A Voluntary Planning Agreement is considered as a possible mechanism suitable for this purpose.

A water supply strategy is necessary detailing subdivision staging and the corresponding water supply work (including augmentation) necessary to support each stage. The strategy is to incorporate the latest changes in water supply design requirements as well as being modeled on software compatible with that used by Council. The strategy is to indicate the proposed rainwater reuse arrangements in conjunction with the need for stormwater detention and water quality control (where necessary) as well as fire fighting requirements.

#### **3. Traffic and Access**

It is noted the intersection of the access road with Sancrox Road needs to be upgraded. Council Development Engineers have advised this could be conditioned.

It is unclear what ultimate intention is with regards to the access road. If it is to remain as community land within the title, it needs to be designed and constructed in accordance with AS/NZS 2890.1 and also satisfy AS 2890.2. Construction standard should meet the AUS-SPEC standards but as it is private property the ultimate maintenance cost/benefit assessment belongs to the owners. If the future intention is for it to become a public road then it needs to be designed and constructed in accordance with Council's AUS-SPEC

Design and Construction Standards.

#### **4. Public Access**

As the proposal involves significant redevelopment of the site, it is considered necessary to provide practical public access (vehicular and non vehicular) to and along the foreshore of Haydons Creek and the Hastings River. In this regard the proposal is not considered to provide suitable public access and is considered to be inconsistent with *Sate Environmental Planning Policy 71 – Coastal Protection*. The delay of proposed walkways, restoration and public improvements along the foreshore after release of allotments is not considered to appropriately secure public access. Public improvements on the foreshore should be provided in initial stage of development in consultation with the Department of Lands .

#### **5. Foreshore and Riparian Corridor Management**

Clarification is sought with respect to the Department of Land's consent/requirements for the proposed works along the foreshore.

Whilst references to foreshore restoration and rehabilitation are made in the Environmental Assessment, there does not appear to be any detailed or secure mechanism proposed to ensure restoration and revegetation works are undertaken to a specific standard within a suitable timeframe.

The recommendations contained within the ecological assessment relating to riparian corridor management are not adequately detailed in the assessment, Landscape Concept Plan or Community Management Statement. Given the ecological value of riparian corridors and proposed fragmentation of ownership within the 7(h) zone, it is considered necessary to have specific and detailed ecological management standards/practices. These standards should be documented in an instrument that will secure long-term management.

#### **6. Subdivision design**

Concern is raised with respect to lots 26-29, 33-35, 130-131, and 139-142 in relation to potential impacts on 7(h) Environmental Protection - Habitat zone. Building envelopes are necessary to demonstrate dwellings (and associated access, flood free area, effluent disposal areas, fire trails and asset protection zones) can be practically achieved on all allotments containing the 7(h) zone, without disturbance to vegetation in the zone.

Building envelopes are also considered necessary for:

- Lots constrained by 1:100 year flood event (1 in 20 year for effluent disposal areas).
- Lots with nominated revegetation areas specified in Landscape Concept Plan. Practical envelopes may be difficult to achieve on several lots nominated for revegetation.
- Lots referenced in ecological assessment requiring restrictions to be put in place.

Building envelopes should also have regard for achieving reasonable building setbacks to roads and river frontages.

#### **7. Ecological assessment**

Council additionally supports need to address issues as outlined in Department of

Environment and Climate Change and Department of Planning correspondence (attached). A revised assessment is required to be undertaken in accordance with best practice guidelines and scientific methodologies as outlined in the attached correspondence. The proposal should be appropriately amended to address the issues raised.

The revised ecological assessment is to have regard for all vegetation disturbance required to achieve practical dwelling construction on allotments and associated service and infrastructure provision thereto.

The recommendations contained within the ecological assessment do not appear to reference proposed subdivision design (appears to be numerous inconsistencies with referenced lot numbers).

Clarification is additionally sought on the vegetation community on lots 46-49 (which may represent an endangered ecological community) and whether the proposed fire trail proposed to cross Haydons Creek is essential for bushfire management.

#### **8. Archaeological Investigation**

Council additionally supports need to address issues as outlined in Department of Environment and Climate Change correspondence (attached). A revised assessment is required to be undertaken in accordance with best practice guidelines and scientific methodologies as outlined in the attached correspondence.

#### **9. Effluent Disposal and Fisheries Management**

Council additionally supports need to issues as outlined in Department of Planning and Department of Primary Industry correspondence (attached).

#### **10. Effects of Climate Change**

Council additionally supports need to issues as outlined in Department of Planning and correspondence (attached), particularly with respect to potential increased threat of flooding and bushfire attributed to climate change.



**Attachment 1 – Summary of Public Submissions – Total of Six (6) Submissions Received**

| Topic  | Number of references in submissions | Details / Comment   |
|--|-------------------------------------|---|
| Public Access to Haydons Creek and Hastings River        | 1                                   | The proposal states that 'unrestricted public access' (page 55) will be provided to the foreshore. It was not identifiable in the application material how this unrestricted public access will be achieved.  |
| Lot sizes  | 2                                   | <ul style="list-style-type: none"> <li>• Several lots require filling to achieve a minimum size building envelope. Other lots appear to have limited size building envelopes when the land classified as 'Environmental Protection Zone' is taken into account. This may suggests too many lots are being proposed.</li> <li>• The heavy concentration of the smallest lots along the northern end of the development will only add to the expected damage to the riverbank in the absence of proper riverbank restoration work.</li> <li>• The inordinate concentration of residential dwelling sites (at northern end of development) in a residential farming area will undoubtedly detract from the general amenity of the area. Lots along the northern end of the development should be significantly larger than the ones proposed.</li> </ul> |
| Management of Land within Environmental Protection Zones | 1                                   | <p>Page 61 of the application states that 'the Environment Protection Zoned land is to be managed by the Community Management Statement and address issues such as access fencing, grazing, weed control, fire protection and enrichment planting'. It was unable to be ascertained how this will be practically achieved. It is not clear how the environmental protection zoned will be preserved and enhanced.</p> <p>It was unable to be ascertained 'how the proposed subdivision layout does not involve the disturbance of any areas so zoned for Environmental Protection' (p65).</p>   |

|                         |   |   |
|-------------------------|---|---|
| Crossing Haydons Creek  | 1 | The application states that further development is likely to the east of the proposed subdivision. In all likelihood this further development will require access to Sancrox Road. It may therefore be possible to remove the proposed road crossing of Haydons Creek in favor of the medium term use of an already existing and approved access to Sancrox Rod (i.e. to accommodate access to the few lots proposed for the eastern side of Haydons Creek). Such a proposal would allow for the maintenance of a more effective wildlife corridor along the land adjacent to Haydons Creek.  |
| Community Consultation  | 1 | As a neighbour, the community consultation referenced on page 23 of the Environmental Assessment did not reach me. I would have certainly been interested in discussing the proposed development alternatives and also to be included ion the rezoning and subdivision process had the opportunity been presented.  |
| Road traffic and Access | 2 | <ul style="list-style-type: none"> <li>• It is requested that assurance be made that right of way servicing lot 51 (proposed lot 144) is maintained, as it is not clearly shown in any of the documents.</li> <li>• Concern is raised in relation to the limited information contained in the traffic study and impact on road network servicing the development.</li> <li>• In view of the 140 lots proposed, the development should be required to: <ol style="list-style-type: none"> <li>1. Substantially upgrade Sancrox Road to ameliorate those two distinct sections of the roadway which are subject to flooding and signposted accordingly.</li> <li>2. Repair and resurface the road so that it might carry the additional traffic flow and maintain a good state of repair (particularly in light of the anticipated use of heavy vehicles during the development period).</li> </ol> </li> </ul> |
| Ecology                 | 1 | The flora and fauna assessment does not appear to adequately address the issue of preservation of Threatened species.   |

|                         |   |  |
|-------------------------|---|--|
| Impact on foreshore     | 1 | <p>The proposed development will likely result in further erosion of the riverbank by additional burden created by future resident's recreational use. It is submitted that there needs to be a major restoration of the riverbank to prevent further erosion, which is already apparent.</p> <p>The site for the recreation area appear to be at the most narrow part of the river and therefore likely to significantly increase riverbank erosion. The recreation area needs to be relocated to the northern end of the development at which point the river is wider and presumably the inevitable damage to the riverbank will be lessened.</p>   |
| Waterway traffic        | 1 | <p>There needs to be a significant reduction in watercraft speed along the river to lesson the impact of erosion.</p>  |
| Sewage management       | 1 | <ul style="list-style-type: none"> <li>• Given the sensitive nature of the environment and flooding and tidal processes affecting the site, serious concern is raised with respect to impact of sewage on surface and ground waters.</li> <li>• Concern is raised in relation to potential impact on oyster leases that are less than 500m away.</li> <li>• Access to town water and the fact 73 of the 143 lots are subject to 1 in 20 year flood event increases concern associated with management of sewage on site.</li> <li>• A larger scale sewage management system should be proposed rather than primarily relying on individual treatment systems.</li> <li>• Submission by Department of Primary Industries is supported.</li> </ul> |
| Flooding and Stormwater | 1 | <ul style="list-style-type: none"> <li>• Flooding is experience through proposed lot 118 and adjoining properties. Run off in this 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 to minimise potential of pooling.</li> <li>• Flooding of Sancrox Road occurs adjacent to proposed to 142. This needs to be managed to prevent future flooding over the road.</li> </ul>   |