



3 July 2008

Our Ref: 6096  
Your Ref: MP06--212

Port Macquarie Hastings Council  
PO Box 84  
PORT MACQUARIE NSW 2444

Attention: Mr Dan Croft

Dear Dan,

Re: MP06-0212 "Le Clos Verdun" Rural Residential Subdivision  
Sancrox Road, Sancrox

I refer to our discussion held on 26 June 2008 with technical officers of Port Macquarie Hastings Council regarding the status of our abovementioned project's assessment.

Accordingly, we seek your confirmation and clarification of those matters discussed, and to determine the most appropriate course of action in responding to your letter dated 13 June 2008.

- **Development Contract & Staging of Development**

Council's concerns with respect to our draft Development Contract for the phased provision of services within the subdivision are noted. We also acknowledge the comments made by Council's Contributions Officer, Tim Molloy recommending that any such proposal could only be considered under a Voluntary Planning Agreement process (VPA). While we appreciate that a VPA is a direction which an applicant can only voluntarily follow after making an appropriate offer to a planning authority, Council's comments and background information in relation to this process were appreciated.

As stressed in earlier correspondence with the Council and the Department of Planning, the re-development proposal for this existing registered estate is somewhat unique and requires a unique solution to the servicing problems associated with its rural location accordingly.

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A single linen release is still our preferred option for this site's re-development. We are thereby investigating options under the Environmental Planning and Assessment Act and Regulation relating to a VPA solution to the project, and have arranged to meet further with Tim Molloy next week.

- **Water Supply**

It was noted that Council has acknowledged the density of the "Le Clos Verdun" re-development in its forward planning for the Sancrox water supply. However, it is appreciated that a future Development Servicing Plan (DSP) may be necessary to accommodate the expected increase in density proposed by our project, and other rural residential development in the Precinct. It is noted that the VPA process may enable consideration of this re-subdivision proposal prior to the adoption of any future service plans.

- **Traffic and Access**

It is noted that Council's development engineers believe that any upgrade to the Sancrox Road intersection can be conditioned in a future consent document. It is anticipated that such work may comprise commitments to be negotiated within any future VPA.

We understand that Council requires more certainty with respect to the construction standards of the long term access roads within the subdivision layout. While such works are to be established as private infrastructure within early stages of the subdivision, it is still the proponents' objective to have this infrastructure dedicated to public ownership in the long term. Any future submission we provide to Council will clarify the construction standards and timing of such works accordingly.

- **Public Access**

We note comments raised by Council and the Department of Planning with respect to the improvement of public access to the Hastings River foreshore and areas of Haydens Creek which border the proposed subdivision. While it was acknowledged that access *had* been established within the proposed re-subdivision layout in a number of locations (via both vehicular and pedestrian access ways), Council and Departmental staff queried the merit of the "private" versus "public" access principles. This is to be clarified in a future submission in support of the project.

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- **Foreshore and Riparian Corridor Management**

With respect to works proposed within the Crown Reserve fronting the Hastings River and Haydens Creek foreshore areas, it is to be noted these works form only part of the “concept approval” component of this application.

Negotiations with the Department of Lands have commenced, however no correspondence has been received in reply to our requests at this time. Given the longer term phasing of those works, we will clarify again the timing of such “concept” components of the project in future submissions to Council.

- **Subdivision Design**

It is noted that the Department of Environment and Climate Change and Council have raised questions regarding the ability to establish future dwelling sites on various lots affected by the 7(h) Environmental Protection Habitat Zone and/or 1 in 100 year flood level. Accordingly, we are to prepare sectional drawings of affected areas which are to demonstrate the ability of building envelopes and effluent disposal areas to be established within the lot layout proposed by our application.

- **Ecological Assessment**

As discussed more recently with yourself, we are seeking an on-site meeting with the officer from the Department of Environment and Climate Change who made recommendations as to future ecological investigations for the project. It is strongly felt that the Department has mis-interpreted the intentions of the proposed re-subdivision, and that clarification of various matters must be obtained on-site prior to further studies being undertaken.

We would be pleased if you could arrange such a meeting as soon as possible so that we can obtain a clear direction on this matter.

- **Archaeological Investigation**

Notwithstanding that archaeological studies previously undertaken were sufficient to enable rezoning of the land to be gazetted, we acknowledge that the Department of Environment and Climate Change’s draft guidelines for archaeological investigations now require wider consultation with the Aboriginal community.

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These consultations are to commence shortly and a further report is to be provided to Council in our future submission.

- **Effluent Disposal and Fisheries Management**

Council's comments in respect to those made by the Department of Environment and Climate Change and Department of Primary Industries relating to this issue were not clear, nor were they explained in our recent meeting. It would be appreciated if Council staff could provide a clear direction on what issues they consider require further detail from ourselves to enable this matter to be appropriately assessed.

- **Effects of Climate Change**

We understand that directives have been given to local Councils along the coastal seaboard to model the potential effects of climate change on local flooding impacts. We have discussed this matter with Patterson Britton who undertook the 2006 Flood Study of the Hastings River on behalf of Port Macquarie Hastings Council. From these discussions it is understood that a further quotation to undertake modelling of the Hastings River and the effects of climate change has been issued to Port Macquarie Hastings Council. However, Patterson Britton were unclear whether such modelling is to occur in the short term.

Given the site's location some 15km upstream of the Hastings River's confluence with the Pacific Ocean, it is anticipated that any such affect from climate change will be minor in relation to this re-subdivision proposal. Notwithstanding, we will consult further with Council's Gordon Cameron in relation to this issue and will report on such findings in future submissions.

The potential effects of climate change on bushfire are considered to be negligible given the approval issued by the Rural Fire Service to the proposed re-subdivision. While the incidence of bushfire occurrences may increase as a consequence of climate change, the subdivision has been designed appropriately to incorporate APZs, bushfire management guidelines and construction standards as applicable under current legislation. Hence no objection was raised by the RFS to the re-subdivision proposal.

We are aiming to address all relevant issues to enable Council's further assessment of the project as soon as possible. As noted above however, this relies on our clear understanding of Council's perspective on these key issues.

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A number of such matters also require further input and assistance from Council and/or Departmental staff. Your confirmation of such matters and your assistance in arranging meetings with relevant officers as necessary would thus be appreciated.

Should you have any queries with respect to the above please do not hesitate to contact me.

Yours faithfully,

Andrew Lister  
Town Planner

cc      client