

08404 Figtrees on the Manning

Response to Submissions 4 June 2010

Submission	Key Issue Raised	Response
Department of Planning (DoP) <i>Flora and Fauna Issue 1 & Marina Issue 1</i>	1. Requirement for further discussion on how the recommended modifications to the Concept Plan in the 'Mangrove and Bank Stability Assessment' have been taken into consideration	<p>Following review of the findings of the Ecological Constraints assessment of the Pitt Street Precinct dated September 2009, further investigation into the distribution of mangroves and bank stability along the stretch of riverbank adjacent to the site was undertaken. Further investigations included the Mangrove and Bank Stability Assessment dated 19 June 2009, which was prepared in order to inform consideration by Greater Taree City Council (Council) and the preparation of the Local Area Plan (LAP), which forms the Concept Plan documentation.</p> <p>The Mangrove and Bank Stability Assessment found mangroves occurring along the entire section of the riverbank that is located within the site, as well as the unnamed tributary. Part of the riverbank within the study area exhibited poor condition and poor bank stability. The mangroves were found to be in generally good ecological condition. The Mangrove and Bank Stability Assessment concluded that the small amount of mangrove vegetation likely to be removed for the development is not significant in the context of the extent of mangroves associated with the Manning River as a whole.</p> <p>Whilst it was found that the location of the marina had the potential to impact on an area of high mangrove ecological value, the Rezoning Control Group (RCG), which was formed by Council to progress the rezoning in a transparent manner, continued to support the location of the marina on the grounds of the overall scale of the proposal and the fact that Concept Plan will be the only waterfront land on the river. The balance of a range of other environmental assessment issues concluded that the proposed location was optimum, including:</p> <ul style="list-style-type: none">▪ urban design - the location was moved from the middle part of the site to the north eastern end to address concerns regarding the placement of such a use in the middle of the site, breaking up the careful placement of the residential and commercial uses;

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		<ul style="list-style-type: none"> riverbed depth - natural deep water exists at the north eastern edge of the site, which minimises any need for dredging, the natural indentation of the riverbank at this point provides for accessibility of the marina; and geology and soils – the marina is adjacent to an underlying bedrock ridge which allows for an artificial marina basin to be developed, minimising excavation. <p>In the context of the balance of all the relevant issues and considerations, the proposed marina location was considered appropriate by both the RCG and Council's endorsement of the LAP.</p> <p>In accordance with the Statement of Commitments included in the Environmental Assessment (EA) of the Concept Plan, eroded sections of riverbank will be retained, stabilised and revegetated and a Weed Management Plan will be implemented for weedy sections of the bank, the vegetated drainage lines and riparian areas.</p> <p>It is noted that the Department of Environment Climate Change and Water (DECCW) submission has raised no issue with the Concept Plan details relating to the marina and states that DECCW's involvement would be better placed at the Project Application stage.</p>
DoP Flora and Fauna Issue 2	2. Request for more information regarding the characteristics of the river bed adjacent to the Marina Precinct. Terrestrial and aquatic flora and fauna targeted surveys and mapping of surveyed species.	The Environmental Assessment (EA) and supporting specialist consultants' studies adequately identify the impacts of the proposed development so as to allow an assessment of the Concept Plan. The additional detailed flora and fauna surveys requested in the DoP letter of 1 February 2010 is now difficult to provide at Concept Plan stage as the optimum seasonal period in which such surveys can be made ended in March.

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		<p>Further investigations into the impacts of the marina will be undertaken at Project/Development Application stage. In accordance with the Statement of Commitments included in the EA and the Ecological Overview by Orogen Consulting, at Appendix I to the EA, further investigation will include terrestrial and aquatic surveys and impact assessment.</p> <p>Again, we note that such a request for additional information was not required by DECCW in their submission.</p>
DoP <i>Flora and Fauna Issue 3</i>	3. Assessment of Significance required for each threatened species, population or community occurring, or likely to occur in accordance with Section 5A of the Environmental Planning and Assessment Act 1979 (the Act)	<p>Orogen Consulting has reviewed the Department's requests regarding flora and fauna (refer to the advice from Orogen dated 31 May 2010 that accompanies this response). Orogen, as noted in their original report, considers it appropriate for the surveys to be undertaken at a later Development Application stage and that it is unlikely that there will be any adverse impacts to threatened species, populations or endangered ecological communities (EECs).</p> <p>Orogen concludes that the level of detail in the EA is appropriate for a Concept Plan and appropriate to this stage of the assessment and approvals process until detailed designs are known. Orogen has mapped vegetation communities on the site, recorded dominant floristics in each community and carried out a threatened fauna habitat assessment with a subject species table as a basis for impact assessment (which was a generic 7 part test table). The level of survey effort is commensurate with the degree of disturbance on the site (which does not warrant a full suite of fauna surveys).</p> <p>The Ecological Overview at Appendix I to the EA concludes that it is unlikely that Assessments of Significance will find any adverse impacts to threatened species, populations or EECs and therefore the level of detail is deemed appropriate for the Concept Plan.</p>

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		<p>It is noted that in correspondence dated 18 December 2009 in response to the exhibition of the Concept Plan and EA, DECCW indicated it has no further matters to raise in relation to the Concept Plan. As DECCW is the primary agency with a charter to conserve biodiversity in NSW, this suggests that it requires no further issues to be addressed at Concept Plan stage and so the level of detail and Statement of Commitments provided are suitable regarding flora and fauna issues.</p>
<p>DoP</p> <p>Flora and Fauna Issue 4</p>	<p>4. Requirement for an assessment of the likely impacts on and the significance of mangroves and seagrasses and further details on measures for their conservation.</p>	<p>Refer to comments above in relation to issue No.1 regarding the regeneration of the riverbank. The significance of mangroves on the site in terms of their condition and their function as habitat (including significance as habitat corridors) is considered in the Ecological Constraints Assessment by Ecotone Ecological Consultants (Appendix I of the EAR).</p> <p>The Ecological Overview by Oregon Consulting considers the cumulative impacts of clearing of vegetation across the site overall. Oregon notes that proposed clearing will contribute towards cumulative habitat loss in the locality, however:</p> <p><i>"In the context of the existing development occurring throughout the locality, and due to the relatively small area of potential habitat for Threatened species and Protected species that will be removed as a result of the proposal, the cumulative impact could not be regarded as considerable or significant".</i></p> <p>With respect to Mangroves in particular, Oregon finds that the small amount of mangrove vegetation likely to be removed is not significant in the context to the extent of mangroves and seagrasses associated with the Manning River.</p> <p>This is concurred in the findings of the RCG for the site. Oregon finds that the site is not within and does not adjoin any habitat corridors modelled by National Parks and Wildlife Service (NPWS). Vegetation onsite is unlikely to be part of a significant fauna movement corridor.</p>

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		<p>The exact extent and impacts of mangrove and seagrass removal will be determined by the aquatic assessment required by the Statement of Commitments included in the Concept Plan (refer to response to issue No. 2 above).</p> <p>As stated in response to Issue No. 3 above, DECCW has no further matters to raise in relation to the Concept Plan.</p>
DoP Flora and Fauna Issue 5	<p>5. The need for a full description and justification of measures to mitigate adverse affects on “species and communities”.</p>	<p>Oregon Consulting concludes that it is unlikely that Assessments of Significance will find that any adverse impacts to threatened species, populations EECs will result from the proposed development (refer to the response to issue No. 2 above).</p> <p>Mitigation measures such as those for retention of riparian areas and drainage lines, stabilisation and revegetation of the riverbank, weed management and erosion and sediment control will be implemented in accordance with the Statement of Commitments included in the EA.</p> <p>As stated in response to Issue No. 3 above, DECCW has no further matters to raise in relation to the Concept Plan.</p>
DoP Flora and Fauna Issue 6	<p>6. A justification of the Concept Plan in terms of impacts on wetland Endangered Ecological Communities (EECs) and riparian vegetation removal to be provided.</p>	<p>As discussed in relation to Issue No. 2, the Ecological Overview concludes it is unlikely that Assessments of Significance will find that any adverse impacts to threatened species, populations or EECs will result from the proposed development.</p> <p>The Concept Plan appropriately balances the retention of vegetation with the economic use of waterfront land for housing, community services and employment generating uses. Areas of remnant vegetation are to be retained and in some cases restored to mitigate the impacts of the proposal.</p> <p>As stated in response to Issue No. 2 above, DECCW has no further matters to raise in relation to this issue in the Concept Plan.</p>

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<p>DoP</p> <p>EECs Issues 1 to 4 & Riparian Buffers Issue 1</p>	<p>7. Conservation values of degraded/poor quality remnant EECs should be addressed. Measures for the conservation of remnant vegetation connectivity and rehabilitation of weed infested areas within the site should be provided. Further details regarding the manner in which the Concept Plan addresses sections 12.2 and 12.3 of the Director General's Requirements (DGRs) (that relate to conservation of wildlife corridors and connectivity of vegetation) are required.</p>	<p>Orogen has addressed this issue in its Ecological Constraints Assessment and is satisfied that the proposed development adequately conserves EEC where appropriate.</p> <p>The Statement of Commitments includes measures to improve the condition of EECs, where retained and also for weed management. The Concept Plan intends to retain and revegetate riparian areas along the creek/drainage line and to replace weed infested areas with native vegetation.</p> <p>The Ecological Overview finds that the site is not located within and does not adjoin any fauna movement corridors modelled by NPWS. The assessment also finds that the removal of part of the riparian corridor vegetation along the foreshore of the site will not create a barrier to the movement of species.</p> <p>The Statement of Commitments include the following management and improvement measures:</p> <ul style="list-style-type: none"> ▪ The retention of the existing creek / drainage line to the north of the site and regeneration as appropriate. Much of the existing reedland / riparian areas will be incorporated into a restored wetland park. Modification to the tidal part of the creek will be avoided; ▪ Eroded areas of the river bank (including those eroded by livestock) will be retained, stabilised and revegetated; and ▪ To avoid further erosion, natural vegetation on the riverbank will be stabilised and rehabilitated with native species where development is not proposed. <p>As stated in response to Issue No. 3 above, DECCW has no further matters to raise in relation to the Concept Plan on this issue.</p>

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DoP Riparian Buffers Issue 2	8. Requirement for details of riparian buffers and an assessment of impacts to riparian habitat under the <i>Fisheries Management Act 1994</i> (FM Act).	<p>In accordance with the Statement of Commitments, relevant Project Applications / DAs for the site will be subject to aquatic surveys.</p> <p>The Ecological Overview concludes that no threatened species, habitats or endangered populations listed by the FM Act have been recorded in the locality, and it is highly unlikely that any would occur within the areas to be disturbed. Therefore, it is considered highly unlikely the Concept Plan will cause a significant impact (direct or indirect) upon any threatened species, endangered population or endangered communities listed under the FM Act.</p> <p>Orogen consulting have reviewed DoP's request and advise that appropriate buffers have been provided in the Concept Plan.</p> <p>No request regarding such matters was received from NSW Fisheries during the exhibition period.</p> <p>The exact widths of riparian areas that are to be revegetated will be identified in Project/Development Applications for future development on the site. This has been included in the Statement of Commitments.</p>
DoP Marina Issue 1	9. Inadequate justification for the siting of the marina. The potential to reduce the scale of the marina should be discussed (particularly given the recommendations of the Mangrove and Bank Stability Assessment).	<p>As discussed in relation to Issue No. 1, the proposed location of the marina is the result of a negotiated outcome developed during the rezoning process and in consultation with the specially convened RCG. The Maritime Assessment and Bank Stability Assessment commissioned for the rezoning were used to inform the rezoning and placement of design elements in the LAP.</p> <p>The final location of the marina was a balanced design solution based on the range of factors cited in Issue No. 1.</p>
DoP Marina Issue 2	10. An explanation is required as to why there are two different marina concepts provided in the Concept Plan and Figure 46 of the Maritime Assessment.	<p>The Maritime Assessment and Bank Stability Assessment commissioned for the rezoning were used as a strategic analysis to inform the rezoning and placement of design elements in the LAP. This includes discussion of more than one concept.</p>

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		<p>The final concept was therefore set down subsequent to these main reports with consultation between Suturs Architects, the proponent and the RCG.</p> <p>In preparation of the EAR, an update assessment from Maunsell was obtained, which concluded there were no items of significance that warranted an update of the assessment. Relevant Statement of Commitments from this update assessment were included in the EAR.</p>
DoP Marina Issue 3	<p>11. Clarification is required as to the intended capacity of the marina and whether the 100 berths represents the total vessel capacity including wet, dry, fuel and casual berths</p>	<p>Concept Plan approval is sought for 80 wet berths in the proposed marina (as per Page 76 of the Maritime Assessment at Appendix K of the EAR). The Concept Plan does not depict the number of dry storage facilities recommended as appropriate in the maritime assessment. In general, the Concept Plan has considered/adopted the general principles of the maritime assessment. However, specific consideration of dry storage facilities will be explored and confirmed when an operator is available and refines the specific operations, which will occur at the Project Application stage.</p>
DoP Stormwater / Water Cycle Management Issues 1, 2 and 3	<p>12. Requirement for a stormwater management plan to include modelling of pre and post-development flows and a management strategy. As the Water Balance Assessment demonstrates a large increase in run off post-development, the impacts of this need to be addressed.</p>	<p>The modelling of post development flows is normally reliant on detailed design information. The Concept Plan includes indicative building envelopes and FSRs and not final building designs.</p> <p>Development of the site will be subject to detailed design that will define the areas of building footprints and roofs within approved envelopes. This in turn will determine the volume of runoff from each of the buildings.</p> <p>The increase in runoff predicted in the Water Balance Assessment is based on an assessment that any increase in development potential on an underutilised site will naturally increase runoff. The report does not extend to the consideration of the design of detention areas and the like to manage such flows. Such design is more practically provided in stormwater management plans that will be provided post Concept Plan approval with subsequent Development or Project Applications.</p>

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		<p>Stormwater Management Plans and Strategies to be submitted with future Project / Development Applications will include measure to prevent wet weather overflows and segregate potentially contaminated water from non-contaminated water. Construction management plans (CMPs) submitted will be submitted with subsequent Project, Development or Construction Certificate applications. CMPs will include provisions to prevent adverse impacts to surface and groundwater resulting from construction works. These are to include measures for the prevention of spillages that may otherwise result in contamination of surface and ground water. These measures are detailed in the Statement of Commitments.</p>
<p>DoP</p> <p>Stormwater / Water Cycle Management Issue 4</p>	<p>13. Requirement for an assessment of the significance in terms of ecosystem stability, on natural hydraulic processes and the impacts of changes in hydrology on both surrounding ecosystems and the EECs within the site.</p>	<p>As discussed in relation to Issues No. 2 and 3 above, in accordance with the Statement of Commitments included in the EA terrestrial and aquatic surveys and impact assessments will be undertaken at Project/Development Application stage.</p> <p>Subsequent investigations may include effects and mitigation measures on hydrological processes and implications for flora and fauna.</p> <p>The Concept Plan restores and enhances remnant vegetation in many instances e.g. regeneration of the existing creek/drainage line, restored wetland park, stabilisation and re-vegetation of eroded areas of the riverbank.</p> <p>Orogen has addressed this issue in its report and is satisfied that the proposed development will not unreasonably impact and will adequately conserve EEC where appropriate.</p>
<p>DoP</p> <p>Stormwater / Water Cycle Management Issue 5</p>	<p>14. Clarification required of the findings in Section 6.1.3 'Groundwater Source' of Environmental Assessment (EA) that excavations in soil are not likely to encounter the groundwater table.</p>	<p>Section 6.1.3 of the EA refers to the Geotechnical Assessment (Appendix R to the EA), which deals with excavations in three areas within the site, namely zones A, B and C. The Assessment finds that in Zone A, excavations in soil, as distinct to rock, are unlikely to encounter ground water. It is noted that the Geotechnical Assessment finds that, at the northern fringes of the proposed marina (in Zone B), excavation will be required into rock that is below the water table.</p>

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		<p>The Assessment includes recommendations for the support of excavations in instances where groundwater is encountered using batters, sheet piles or similar methods.</p> <p>The appropriate design of any peering required for the proposed construction will be subject to technical specifications that will be the subject of future DAs for the site. Such technical measures may, therefore, be better assessed at DA stage.</p>
<p>DoP</p> <p>Contam-ination Issue 1</p>	<p>15. A justification of the suitability of land for the proposed uses is required, with reference to the conclusion of the Acid Sulphate and Contamination Assessment (Appendix R to the EA) that investigations so far do not support more sensitive uses on the site.</p>	<p>The Acid Sulphate and Contamination Assessment (Appendix G to the EA) notes that previous investigations into potential contamination within localised areas of the site did not comply with Environmental Protection Agency's Contaminated Sites Sampling Design Guidelines (1995).</p> <p>These are localised areas of contamination and Coffey's update statement provided with the EAR (Appendix G) recommended Site Audit Statements be prepared for these localised areas and any required remediation to be undertaken, which has been included as a Statement of Commitment.</p>
<p>DoP</p> <p>Contam-ination Issue 2</p>	<p>16. Justification is also required as to why the recommended investigations in Section 7.8 of the Acid Sulphate and Contamination Assessment should not be undertaken as part of the Concept Application.</p>	<p>The Acid Sulphate and Contamination Assessment concludes that the site is suitable for residential, recreational and commercial uses, subject to the issue of Site Audit Statements for some areas of potential localised contamination.</p> <p>The level of detail provided in relation to potential contamination is adequate to allow for an assessment of a Concept Plan in accordance with Part 3A of <i>Environmental Planning and Assessment Act 1979</i> (the Act).</p> <p>It is noted that SEPP 55 requires a rezoning authority when undertaking LEP Amendments, to consider whether the land is contaminated and if the land is contaminated whether it can be made suitable for its proposed use, and the Council has been satisfied during the rezoning process.</p>

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DoP Contam- ination Issue 3	<p>17. Requirement for more detailed investigations into whether contaminated soils are likely to be disturbed by the proposed uses and discussion of remediation and measures to protect human health.</p>	<p>As stated above in relation to Issue No. 16, the provisions of SEPP 55 have been assessed and considered in Council's decision to rezone the land and in the Statement of Commitment requirement for Site Audit Statements to be prepared for localised areas of contamination.</p> <p>The Site Audit Statements may only be granted by a DECCW accredited Contaminated Lands Auditor on the basis of consideration of detailed investigations into potential contamination and remediation measures on the site.</p> <p>Future development on the site may not, therefore, proceed until appropriate investigation and remediation works are undertaken. We therefore consider that this, in conjunction with Council's acceptance of the rezoning under SEPP 55 to more sensitive land uses, provides the necessary assurance that the provisions of the SEPP will be adequately addressed for the site.</p>
DoP Socio- Economic Impacts Issue 1	<p>18. Additional detail required on how the proposal will address potential economic impacts on Taree Town centre, neighbourhood centres and Chatham district shopping centre' (as recommended by the Economic and Social Assessment).</p>	<p>The Preliminary Economic and Social Impact Assessment conducted by SGS Economics and Planning at Appendix U of the EA assesses the level of economic development achievable on the site that will not detract from the economic sustainability of other centres in the LGA, in particular the Taree Town Centre.</p> <p>The specific aim of the study was to determine the level of economic development that the Precinct can support without detracting from the economic sustainability of the Greater Taree area. The LAP and proposed uses are consistent with the tourist, retail and accommodation uses recommended by the SGS Assessment.</p> <p>As noted in Section 6.21 of the EA, Council's Taree CBD Town Centre Study 2004 determines that tourist opportunities within Taree are currently limited and the redevelopment of the Precinct provides an opportunity for development that will better define Taree as a tourist destination.</p>

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		<p>Council's strategic decision to rezone the site as well as the background studies commissioned, demonstrate the clearest indication that there is unlikely to be any adverse impacts on the town centre from the rezoning/Concept Plan. The zoning controls and LEP provisions for the mixed use zone, consistent with the LAP Structure will also ensure the appropriate development of the site and its relational function with the Taree Town Centre.</p>
<p>DoP</p> <p><i>Urban Design Issue 1</i></p>	<p>19. Inadequate discussion of the interface between proposed building envelopes and adjoining residential areas (particularly in relation to the Marina car park and dwellings on Gregory Close).</p>	<p>The orientation, height and separation from surrounding residences of the proposed building envelopes adequately considers the protection of residential amenity.</p> <p>The location of proposed building envelopes generally to the south of surrounding residences will ensure that solar access to dwellings is generally satisfactorily conserved.</p> <p>As discussed in Section 6.20 of the EA, future Project / Development Applications will be subject to assessment against the relevant noise criteria and guidelines.</p> <p>An acoustic Assessment at Appendix T to the EA sets up the recommended noise criteria and mitigation measures for future development, which have been included as a Statement of Commitment. These include the provision of boundary fencing and landscaping that will mitigate noise impacts to residences on Gregory Close.</p> <p>The actual separation between the marina complex and Gregory Close will be buffered by the car park, fencing and landscaping combined with generous setbacks which are depicted on the LAP/Concept Plan document.</p> <p>The separation between the site and adjacent residential areas afforded by the Pitt Street road reserve and the proposed restored wetland to the north of the site will ensure that proposed height, bulk and scale do not result in adverse impacts to the character of surrounding residential areas.</p>

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DoP Urban Design Issue 2	20. Overshadowing of buildings and open space resulting from proposed envelopes is to be assessed.	<p>Suters in the design of the LAP have considered the general placement of building envelopes to ensure optimum separation and solar access. It is noted that on a building of this size, incorporating a significant number of building envelopes, 100% compliance will not be achieved to all apartments (e.g. Lots 4Q, 4R). However, on balance the overall Concept Plan/buildings can be determined to provide scope and flexibility for a suitable level of amenity.</p> <p>We also note that at Concept Plan stage, building envelopes are provided rather than detailed building layouts. An envelope is a set zone, where the nominated FSR can be placed. The nominated FSR would not necessarily 'fill' the entire envelope, and the envelope would consider articulation, balcony placement and the like at the detailed Project / Development Application stage.</p> <p>As such, a full assessment of solar access and building separation is only practicable at the detailed design stage.</p>
DoP Urban Design Issue 3	21. Siting of open space and specifically children's play areas in terms of passive surveillance, security and safety is to be addressed.	<p>The achievement of principles of Crime Prevention Through Environmental Design (CPTED) can be more satisfactorily assessed at Project / Development Application Stage, when the precise location of recreational facilities, landscaping, exterior lighting, buildings (including fenestration and entrances) and other design elements can be determined.</p>
DoP Urban Design Issue 4	22. EA to address accessibility throughout the site particularly due to level changes between building envelopes and the foreshore. Address pedestrian accessibility and safety through the Marina Commercial Precinct.	<p>The concept planning potential for accessibility through the site is clearly demonstrated by the pedestrian links demonstrated on the LAP/Concept Plan.</p> <p>The Concept Plan provides the potential for significant pedestrian amenity improvements in the locality, linking within the site, to the Taree Town Centre and to surrounding residential areas and recreational precincts. The achievement of CPTED principles can be more satisfactorily assessed at Project / Development Application stage.</p>

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		Details and levels for equitable access would normally be provided at Project / Development Application Stage when detailed designs of pedestrian walkways, car parks and built form elements are determined.
DoP <i>Draft VPA Issues 1 to 3</i>	23. Lack of clarity in the EA as to whether sections 94 and 94A of the Environmental Planning and Assessment Act 1979 will apply to the development notwithstanding the existence of a Voluntary Planning Agreement (VPA) for the project.	<p>All development contributions for development under the Concept Plan will be subject to a Voluntary Planning Agreement in accordance with Section 93F of the Act.</p> <p>This will be at the exclusion of contributions under Section 94 and Section 94A of the Act. As noted in the EAR, the proponent will enter into a VPA with Greater Taree City Council and the VPA is linked to a change in an environmental planning instrument (i.e. the rezoning of the land). As such the VPA is not directly associated with the separate statutory process of this Part 3A Concept Plan and as does not require exhibition with the Part 3A Concept Plan.</p>
DoP <i>Draft VPA Issue 4</i>	24. Schedule 1 and 2 to the VPA are blank. Annexure B lacks sufficient detail to identify the "Development Contributions" so as to legally assist in the enforcement of the VPA. Annexure B is dated June 2009, inconsistent with the Concept Plan dated November 2009.	As above. Final resolution of VPA negotiations with Council are imminent. The VPA will be entered into prior to the gazettal of the rezoning. The applicant will provide details of the VPA to the Department for information, however, it does not require assessment as part of the Concept Plan.
NSW Office of Water (NOW)	25. All structural works including stormwater works are to be located outside riparian buffers. On-line works on minor streams may be acceptable.	Noted.
	26. Post development flows are to match or better pre-development flows.	<p>As noted in the Water Balance Assessment at Appendix M to the EA, the Concept Plan has the potential to increase runoff to one of the subcatchments affected by the site. This increased runoff depends on the amount of rainwater and greywater harvesting that is undertaken across the site.</p> <p>The Assessment notes that a site specific Stormwater Analysis and Management Plan will be required for the future development of the site.</p>

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		<p>The Stormwater Management Plan will ensure that runoff from the site does not result in adverse impacts. The implementation of a Stormwater Management Plan has been included in the Statement of Commitments.</p> <p>It is noted that the Statement of Commitments currently includes the implementation of a Water Sensitive Urban Design (WSUD) Strategy across the site to treat stormwater prior to its release into watercourses to ensure that development on the site does not result in adverse impacts to water quality. The Statement of Commitments also currently includes the capture of runoff from rooves for reuse in irrigation, so as to contribute towards the achievement of the objective of maintaining pre-development flows.</p>
	27. All proposed groundwater works, including bores for investigation, extraction, dewatering, testing or monitoring must be identified in the proposal and an approval obtained from NSW Office of Water prior to undertaking such works.	Noted. These actions will be undertaken at Project / Development Application stage.
Hunter Central Rivers Catchment Management Authority	<p>28. Recommendation that consideration be given to the objects of section 3 of the Native Vegetation Act.</p> <p>In particular, object (b) <i>"to improve the condition of existing native vegetation, particularly where it has high conservation value"</i>.</p>	As discussed above in relation to Issue No 2 above, in accordance with the Statement of Commitments included in the EA, eroded sections of riverbank will be retained, stabilised and revegetated and a Weed Management Plan will be implemented for sections of the bank, vegetated drainage lines and riparian areas. Appropriate erosion and sediment control measures will be implemented. These matters are included in the Statement of Commitments.
	29. Recommendation that offsets be provided for the loss of cleared vegetation (in accordance with the <i>Hunter-Central Rivers Catchment Action Plan</i>).	<p>Given that the site is highly disturbed and considering the proposed revegetation of the riverbank, creation of a restored wetland park and the like, it is not considered that offsets are warranted in this instance.</p> <p>As noted in the Flora and Fauna assessment prepared by Orogen, the proposal does not result in a significant impact on vegetation communities and as such offsets are not warranted. DECCW has not requested offsets.</p>

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	30. Recommendations in Section 5.0 of the <i>Mangrove and Bank Stability Assessment</i> that the marina be located further west and that the proposed central road through the site be relocated to the north	The location of the marina in relation to the recommendations of the Mangrove and Bank Stability Reports is discussed in response to Issue No. 1 above. The location of the proposed road as indicated in the Concept Plan may alter as detailed designs evolve. Due consideration will be given to relocating the road to the north during design processes and the preparation of Project / Development Applications for these areas of the site. This may be subject to a condition of Concept Plan Approval that Project / Development Applications consider the relocation of the road in order to reduce impacts to mangroves and has been included in the Statement of Commitments.
	31. Recommendation that the area of riverbank occupied by the proposed marina and other structures be minimised, particularly where higher quality mangroves have been identified in accordance with the recommendations of Section 5.0 of the <i>Mangrove and Bank Stability Assessment</i> .	As above.
	32. Recommendation that a weed management plan to control weeds be considered in accordance with the recommendations of Section 5.0 of the <i>Mangrove and Bank Stability Assessment</i> .	In accordance with the Statement of Commitments included in EA, a Weed Management Plan will be implemented for sections of the bank, the vegetated drainage lines and riparian areas.
Land and Property Management Authority	33. Inadequate identification of Crown lands in the Concept Plan.	<p>This issues has been raised following was a minor omission from one of the figures in the EA and does not affect the recommendations below. Correct lot and deposited plan numbers for Crown Land within the site are included in the EAR.</p> <p>Two crown land foreshore reserves are located on the site. These are Reserve in Crown plan 037-3070 and Reserve 1011448.</p> <p>A number of formed roads are located in or near the LAP site and maintained by Council as Crown Roads, including Nelson Street, Lyndhurst Street, Pitt Street and Bligh Street. The unformed road of Queen Place, which provides access to the river, is also a Council maintained Crown Road.</p>

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		The site also includes crown land comprising the riverbed along the northwest bank of the Manning River. The areas of the riverbed that lie within the site are described as being within 25m of the mean high watermark (MHW) of the river. This distance is measured perpendicular to the MHW in the horizontal plane.
	34. No use or structure is to use a Crown reserve or occupy a streambed without the consent of the Department of Lands. A survey showing the Mean High Water Mark (MHW) will be required.	Noted. The relevant details will be provided as part of Project/Development applications for the development of the site. Crown lands in the site are identified in Section 2.3 of the EAR. Foreshore crown reserves are legally described as Reserve in Crown plan 037-3070 and Reserve in Crown plan 1011448.
	35. Appropriate tenure arrangements may be required for structures and works proposed over Crown reserves, lands below the MHW and the tidal creek bed.	As above.
	36. Recommendation that public access be provided through the site to the foreshore and Crown public reserves.	As indicated in the Concept Plan and EAR, public access will be provided throughout the site including public pedestrian access to and along the foreshore crown reserves.
Midcoast Water	37. Likelihood that the proposed development will exceed the reticulation capacity of water and sewerage services. A water supply and sewerage servicing strategy is required prior to concept approval.	<p>In a submission to the DoP, Mid Coast Water requested the preparation of a Water Supply and Sewerage Servicing Strategy to be prepared prior to determination of the Concept Plan. The possibility of preparing the Strategy has been discussed with Mid Coast Water. During these discussions, MidCoast Water provided a technical note, which accompanies this response. The technical note identifies capacity constraints of existing water and sewer infrastructure and therefore outlines the identified needs for the system to be upgraded. One of the key concerns for Mid Coast Water is the fact the site is within multiple ownership and therefore they consider their opportunity to resolve a site wide strategy should be at the overall Concept Plan stage.</p> <p>Whilst the proponent appreciates this concern, the preparation of this site wide plan is quite extensive in terms of timing and would delay determination of the Concept Plan and would require significant input prior to the proponent receiving a 'bankable' Concept Plan Approval. The level of detail required to go into the strategy would be more appropriate at the detailed design stage prior to the first</p>

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		<p>stage Project / Development Application stage, yet after certainty of Concept Plan approval has been granted.</p> <p>To address Mid Coast Water's concerns, it is therefore requested that the Water Supply and Sewerage Servicing Strategy addressing servicing augmentations be prepared following Concept Plan Approval, but prior to lodgement of any Project / Development Applications for the site. DoP and Mid Coast Water will then still have the comfort that the strategy will be prepared prior to any development proceeding on the site, by requiring the resolution of the strategy to the satisfaction of Mid Coast Water prior to the submission of an initial application for any works. This has been included in the amended Statement of Commitments .</p> <p>A Water Supply and Sewerage Servicing Strategy will be submitted to the DoP prior to the lodgement of any Project / Development Applications for the site. Subject to the Statement of Commitments, no applications for the development of the site will be lodged until the Department and MidCoast Water have agreed to the Strategy.</p>
	38. Adverse impacts to the use of the rowing course transit lane resulting from the proposed pontoons that extend into the transit lane. The wharf/swimming area further west may also adversely impact on the use of the rowing course transit lane.	<p>The Concept Plan / LAP was based on mapping provided by the Manning River Rowing Club. The Maritime Assessment at Appendix K to the EA concludes that the use of the rowing course will not be adversely impacted by the proposal, or the potential future breakwater associated with the marina.</p> <p>The design of jetties and other structures that project in the river will be subject to the assessment of more detailed designs at Project / Development Application stage.</p>
Surrounding Occupiers / Members of the Community	39. Adverse amenity impacts to residences on Gregory Close resulting from the use of the proposed marina. Inadequate consideration in the Concept Plan of potential noise impacts resulting from non-residential uses.	<p>As discussed above in relation to Issue No. 19, the proposed orientation, height and separation from surrounding residences of the proposed marina building envelopes adequately considers the protection of residential amenity.</p> <p>Future Project / Development Applications will be subject to assessment against the recommended noise criteria and guidelines which are included in the Statements of Commitment.</p>

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		Recommended noise mitigation measures in the Acoustic Assessment include the provision of boundary fencing and landscaping that will mitigate noise impacts to residences on Gregory Close. These measures, combined with the “amenity buffer” formed by the actual separation/setback between marina buildings and the Gregory Close residences will ensure there are no adverse acoustic impacts to the residences.
	40. Adverse amenity impacts to residences in the general surrounding area resulting from non-residential uses located throughout the site.	As discussed above, recommended noise mitigation measures in the Acoustic Assessment will mitigate noise impacts to residences. Future Project / Development Applications will be subject to assessment against the relevant noise criteria and guidelines, which have been included in the Statement of Commitments.
	41. Adverse impacts to the Blue Crane bird species that will result from the proposed removal of vegetation.	Neither the Blue Crane Bird species, nor their habitats were identified as being present on the site by the Ecological Constraints Assessment and Ecological Overview. Assessments of Significance under Section 5A of the EP&A Act will be required at Project / Development Application stage. The Ecological Overview concludes that it is unlikely that Assessments of Significance will find that any adverse impacts to threatened species, populations or EECs will result from the proposal.
	42. The proposed marina precinct would be more appropriately used for residential development.	<p>As discussed in relation to Issue No.1, the proposed location of the marina balances the design solutions required to address a variety of differing issues including urban design, market demand, riverbed depth and geology.</p> <p>The demand for marina uses on the site has been identified by the Economic and Social Assessment and Review and the Maritime Assessment (Appendices U and K to the EA).</p> <p>The location of the marina at the centre of the site was initially considered. However, this option was discounted due to concerns that it would break up the careful placement of residential and commercial uses across the site.</p>

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		<p>Consequently, the proposed location at the north eastern end of the site was adopted.</p> <p>The appropriateness of the location of all proposed land uses on the site, including the marina, has been subject to the process of rezoning the site.</p> <p>As part of this process, the LAP, which indicates the location of residential, retail, commercial, and marina uses across the site, has been subject to public exhibition and agency consultation, along with the Draft LEP that proposes the rezoning of the site.</p> <p>Following exhibition and consultation, Council has determined that the proposed location of the marina is appropriate, in its adoption of the draft LEP.</p>
	43. Inconsistencies between the EA and specialist reports appended to the EA which conclude that the marina would be more appropriately located elsewhere on the site.	The Maritime Assessment was prepared to inform the LAP and so includes more than one option for the marina. The RCG response and reasons for the final location of the marina are outlined in detail in response to Issue No.1.
	44. Adverse impacts to the riverbank of Dumaresq Island that will result from wash created by the use of the proposed marina and pontoons along the site's foreshore. Absence of consideration of impacts to the Dumaresq Island riverbank in the Concept Plan.	<p>As noted in the Maritime Assessment, "no wash zones" currently limit the speed and relative size of motor vessels on the Manning River.</p> <p>Council has indicated that, in accordance with its draft 'Estuary Management Plan' the implementation of no-wash zones along the river is likely to increase and provide further discouragement to larger boat owners to navigate as far up the river as the site.</p> <p>It is submitted that the implementation of no wash zones will minimise impacts to the Dumaresq Island riverbank resulting from the use of the marina. It is also noted that, as only 80 berths will be provided in the marina, the increase in overall boat traffic along the river will be minor and so no adverse impacts are anticipated.</p>

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	45. Adverse amenity impacts to Dumaresq Island residences that will result from the lighting of the proposed floating stage.	Lighting will be controlled so as not to result in adverse impacts. This will be subject to the assessment of Project / Development Applications for future development on the site.
	46. Adverse impacts to the safety of rowers and other users of the river that will result from the use of the marina.	As discussed in relation to Issue No. 38, the Concept Plan considers the avoidance of impacts to the use of the rowing Course. The Maritime Assessment concludes that the use of the rowing course will not be adversely impacted by the proposal.
	47. The absence in the Concept Plan of a breakwater that will be required for the marina, in accordance with the Maritime Assessment. A breakwater would adversely impact on recreational uses of the river.	<p>As discussed in Section 6.14 of the EA and in the Maritime Assessment, the breakwater shown in the Concept Plan may only be necessary, should the marina expand in future.</p> <p>As discussed in the Maritime Assessment, the breakwater is included in the Concept Plan in order to demonstrate that it can be provided without adversely affecting the use of the rowing course.</p>
	48. Road safety impacts resulting from the proximity of the proposed marina car park access to the intersection of Manning River Drive and Gregory Close.	The EAR Traffic and Transport Review and Update Letter do not anticipate any issues arising from the concept design of the marina car park access. The performance and detailed design of the marina car park from Manning River Drive will be subject to the assessment of Project / Development Applications DAs for the site.
	49. Inadequate consideration of the commercial feasibility of and alternative locations for the proposed marina by the Concept Plan. Potential costs of dredging to Council or other agencies are also not considered.	<p>The Preliminary Economic and Social Impact Assessment considers demand for a range of land uses on the site and concludes that marina related services are appropriate. The Concept Plan is consistent with the findings of the Maritime Assessment which includes a market assessment to be used to investigate the commercial viability of a marina on the site.</p> <p>As discussed in Section 6.14 of the EA, Taree Council have advised that, given the depth of water adjacent to the marina, it is anticipated that minimal dredging (if at all) will be required.</p>

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	50. Inadequate consideration by the Concept Plan of potential impacts and management of acid sulfate soils that may result from construction the marina in the proposed location.	The Acid Sulphate and Contamination Assessment and Review makes recommendations for the removal and treatment of Acid Sulphate Soils (ASS) in the constriction of the marina in order to avoid adverse environmental impacts. These recommendations are reflected in the Statements of Commitment.
	51. Recommendation that non-residential uses be concentrated around the existing dairy buildings so as to reduce residential amenity impacts and increase the ability of the site to provide a “vibrant” centre.	The mix of uses proposed has been the subject of extensive negotiation and design work by Suturs Architects, Council and the RCG and is considered an appropriate mix for the site.
	52. Adverse impacts to the viability of neighbourhood centres resulting from proposed retail uses.	Refer to the response to Issue No. 18.
	53. Adverse impacts to vehicular access along Pitt Street resulting from the proposed provision of a median strip in the Road, which is not of sufficient width to accommodate a median strip.	<p>The Transport Report and Review by Maunsell Australia (Appendix Q) to the EA considers the road layouts in the LAP (which forms the basis of the Concept Plan) and does not find that the proposed median strip adversely comprises the operation of the extension of Pitt Street through the site.</p> <p>It is considered likely that the authors of the submission were confusing the indicative landscaping on the relevant Concept Plan drawing median strip as making the width of the road appear insufficient to accommodate the median strip.</p> <p>Removing the indicative landscaping strip from the Concept Plan reveals the road is wide enough.</p>
	54. Inadequate width of Pitt Street to accommodate proposed on-street parking.	<p>The Transport Review that accompanies the EA did not identify any issues presented by the provision of on-street parking on Pitt Street.</p> <p>The distribution and design of on-street car parking spaces along Pitt Street and the extension of the street into the site will be subject to assessment at Project / Development Application stage.</p>

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	55. Adverse impacts to safety resulting from the prevention of the use of Pitt Street as a flood evacuation route by the provision of a median strip along the street.	The Flood Impact Assessment by Worley Parsons at Appendix H to the EA considers the LAP (which forms the basis of the Concept Plan), which includes the proposed median strip. The Flood Impact Assessment concludes that the use of Pitt Street as a flood evacuation route is satisfactory and does not find that the median strip adversely compromises the use of the street for such evacuation.
	56. Inadequate provision in the Concept Plan for development controls to prevent adverse impacts to residential amenity, such as minimum setbacks between residential and non-residential uses, landscaping, materials and finishes.	Refer to the response to Issue No. 19 and 20.
	57. Inadequate public vehicular access to riverfront parks that will result in inequitable access.	The Concept Plan provides public pedestrian access to the Manning River Foreshore throughout the site. Publicly available on-street parking will be located along Pitt Street and shall be within close walking distance of the foreshore via public footpaths.
	58. Inadequate provision of community facilities on the site.	The Concept Plan is consistent with the recommendations of the Economic and Social Assessment and Review in terms of the range of services to be provide on the site. Community facilities may be accommodated, subject to future detailed fit out and use DAs.
	59. Safety impacts that will result from flooding of the proposed development.	In accordance with the Statement of Commitments included in the EA, development on the site will incorporate habitable floor area above the anticipated future 100 year recurrent flood event, with a 1m freeboard. An evacuation route available along Pitt Street /Lyndhurst Street capable of remaining open during a 200 year recurrent flood event. Flooding issues have been addressed and signed off by Council in the rezoning process for the site.

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		The Flood impact Assessment by Worley Parsons concludes that, while basement car parking areas will be susceptible to flooding, flood warnings will be able to be issued 4 hours prior to inundation, to allow cars to be removed from basement areas.
	60. Potential for legal liability for flooding of the proposed development to result in costs to Council.	Council has raised no issues with this matter in the LAP / rezoning process.
	61. A lack of consistency of the Concept Plan with direction 4.3 – Flood Prone Land issued under section 117 of the Act	The consistency of the proposed rezoning of the site with section 117 directions is not a matter required to be addressed in the Concept Plan. This has been assessed as suitable as part of the rezoning process.
	62. Adverse visual impacts that will result from building designs required to mitigate flooding impacts (“units on stilts”).	The LAP/Concept Plan provides a suitable structure for building envelope and building siting to ensure a visually attractive development on the site. The detailed design of basement parking areas and their visual impact will be addressed in detail at Project / Development Application stage.
	63. Adverse privacy and security impacts resulting from the siting of public open space and publically accessible facilities adjacent to residential areas.	<p>As discussed in relation to Issue No. 21 above, the achievement of principles of Crime Prevention Through Environmental Design can will be provided in detail at Project / Development Application Stage, when the precise location of recreational facilities, landscaping, exterior lighting and the like are set down. The open space areas within the site have been sensitively designed to integrate the precinct with surrounding areas, both visually and with pedestrian connections, while ensuring visual and acoustic privacy can be maintained.</p> <p>Acoustic measures are included in the Statement of Commitments.</p>