



## Planning

17 January 2011

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Our ref: 07\_0010

Dear Mr Thorne,

**Environmental Assessment Submissions for Residential, Commercial and Tourist Development and Environmental Works at Ocean Drive, Lake Cathie, Port Macquarie LGA (07\_0010)**

I refer to your Environmental Assessment for the above proposal. As you are aware, the Department publicly exhibited the Environmental Assessment from 19 November 2010 until 20 December 2010.

The Department has identified some key issues with the project, these are outlined in **Attachment 1**. Additional information required to complete our assessment is outlined in **Attachment 2**. Copies of submissions received from the following agencies have already been forwarded to you:

- Port Macquarie-Hastings Council
- Department of Environment Climate Change and Water
- NSW Office of Water
- Land and Property Management Authority
- Roads and Traffic Authority
- Industry & Investment
- NSW Rural Fire Service
- Housing NSW

Submissions were received from the following organisations:


- Lake Cathie Progress Association
- Bonny Hills Progress Association
- Bonny Hills Youth and Community Projects Group

A total of four (4) public submissions were received including one from the adjacent land owner, St Vincent's Foundation. All submissions have been forwarded to you accordingly.

The Director-General, pursuant to section 75H(6) of the *Environmental Planning and Assessment Act 1979*, now requires a response to the issues raised in all submissions to be provided, including those raised by the Department. A Preferred Project Report (PPR) is to be prepared if changes are proposed to the project to minimise its environmental impact. If a preferred project report is to be prepared, please advise the Department. In addition, a revised Statement of Commitments is to be provided incorporating any amendments following your response to the submissions.

Should you have any queries regarding any of the above, please contact the relevant officer Enguang Lee on 9228 6579.

Yours sincerely

  
Joanna Bakopanos  
Director  
Regional Projects

# Department of Planning – Attachment 1

## KEY ISSUES

### 1. Buffer to SEPP26 Littoral Rainforest

- The justification for a buffer width of 40m-60m from the western edge of the SEPP26 Littoral Rainforest as outlined in the EA is unclear. The reader is reliant on the numerous technical reports contained within the EA Appendices all of which contain differing recommendations with respect to buffer width. A clear summary is required in the body of the EA which demonstrates that the proposed buffer is sufficient for the ecological functioning and preservation of the SEPP26 Littoral Rainforest taking into consideration the effects of coastal recession, given that a generic 100m buffer is required by *State Environmental Planning Policy 26 - Littoral Rainforest* and is identified in the *Greater Lake Cathie Bonny Hills Urban Design Masterplan* (May 2003).
- The Gateway Determination issued to Council by the Department of Planning in October 2010 to rezone the land at the subject site required a 60m buffer from the western edge of the SEPP26 Littoral Rainforest. The 60m buffer requirement resulted from a series of ecological and groundwater investigations undertaken by the proponent from 2002 and followed negotiations between agencies and the then Department of Industry, Planning and Natural Resources in 2004. However, this is not clearly outlined in the EA and a summary of key meetings and agreed outcomes should be provided. Any departure from the 60m buffer width is to be justified in detail for any concept plan approval.

### 2. Traffic and Access

- The EA and Roadnet Area 14 report in Appendix H recommends *inter alia* the widening of Ocean Drive and the signalisation of the Ocean Drive/Abel Tasman Drive junction to ensure efficient and safe traffic flows in the area in 2019 and 2029. However, these recommended upgrade works are not included as part of any Council road infrastructure improvement program nor are they included within the concept plan proposal. It is recommended that the proponent consult directly with Council on this matter.
- As raised in the Roads and Traffic Authority's submission, road and intersection upgrades along Ocean Drive are subject to the RTA's approval, which has not been granted pending ongoing discussions with Council. It is recommended that the proponent consult directly with the RTA on this matter.
- The EA implicitly states that sufficient road capacity exists to support the subject concept plan proposal within the wider Area 14 development area. A separate statement is required which explicitly states that sufficient road capacity exists on Ocean Drive to support the subject Part 3A proposal, or whether upgrade works would still be necessary without the Area 14 stage 1A proposals coming forward.
- The concept plan proposes two internal access roads which connect the subject site to the St Vincent's Foundation land to the west. The southern most access along this western boundary crosses sensitive riparian vegetation associated with Duchess Gully. Any concept approval for this access must be supported by an environmental investigation to ensure any detrimental environmental impact is minimised and/or avoided.

### 3. Building Heights and Densities

- The concept plan proposes medium density residential development at 3-4 storeys and approximately 14.5m in height in connection with the commercial and tourist uses at the proposed Hill-top village. The preferred design outcome as stated in the *Greater Lake Cathie Bonny Hills Urban Design Masterplan* seeks 2-3 storey medium density housing at approximately 9m in height in this village centre. An urban design based justification is required to support the proposed increases in height and density over that envisaged by the urban design masterplan document.

### 4. Open Space

- Further consideration should be given to the provision of additional open space or recreational areas for the benefit of future residents of the development. The *Greater Lake Cathie Bonny Hills Urban Design Masterplan* envisaged a 'village green' or 'hilltop park' with distinctive landscaping treatments ideally located on places of high amenity on hill tops. Opportunities for casual recreation in high

# Department of Planning – Attachment 1

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amenity areas are considered important for community function and should be incorporated into the concept plan wherever possible.

## **5. Vegetation Management Plan**

- The *Ecological Assessment Report for Area 14 Stage 1B* in Appendix C recommends on page 25 that a Vegetation Management Plan should be developed for the whole Littoral Rainforest up to the beach foreshore, rather than a part thereof, to increase the efficacy of rehabilitation or revegetation works. This recommendation has not been included in the proposal.

## **6. Proposed 2m Noise Wall**

- Further analysis and investigation is required regarding alternative means of noise mitigation along Ocean Drive. Given their visual impact, noise walls are typically only considered by the Department when a subdivision layout is provided and only when alternative solutions to noise mitigation have been exhausted. Any proposed acoustic barrier along Ocean Drive shall also be in keeping with any proposed edge treatments on the adjoining St Vincents Foundation site given its cumulative impacts and in this respect the Statement of Commitments should include details to ensure co-operation between the proponent and the adjoining land owner when devising innovative noise mitigation solutions along Ocean Drive.
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# Department of Planning – Attachment 2

## ADDITIONAL INFORMATION

### **1. Water Cycle Management**

- Concept plan proposals for water cycle management in Section 6.7 of the EA are unclear and further information is requested as follows:
  - Section 6.7.1, Section 6.7.2 and Section 6.7.3 summarise the recommendations as per the Martens Consulting report (July 2010) however the concept plan proposal is unclear. Martens Consulting's recommendations outlined on pages 49-50 should be incorporated as part of the concept plan proposal, and annotated clearly in Exhibit 08A, while the recommendations outlined on pages 51-53 should be contained within the Statement of Commitments;
  - Section 6.7.1 refers to a 'Stormwater Management Plan' however this is not supplied in the documentation;
  - Attachment B of the Martens Consulting report (July 2010) has not printed legibly, does not contain a 'Concept Stormwater Management Plan' as stated on p158 of the the EA, and does not contain 'a concept design for the end-of-line stormwater management structures' as stated on p47 of the report.

### **2. Management of Environmental Lands**

- Clarification of the proposed management period for environmental works is required. The Statement of Commitments for the Concept Plan (page 202 of the EA) and the Statement of Commitments for the Project Application (page 254 of the EA) states that a Planning Agreement will be entered into to establish and maintain environmental works for a period of 20 years. The VPA submitted in connection with Council's Planning Proposal for the subject site proposes only a 10 year management period

### **3. Noise**

- Clarification is required regarding the assumptions made in the traffic noise modelling undertaken by Heggies Pty Ltd with regard to vehicle speeds along Ocean Drive.