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KING + CAMPBELL

2 February 2011

The General Manager
Port Macquarie Hastings Council
P O Box 84
PORT MACQUARIE NSW 2444

ATTENTION: Mr Cliff Toms

Dear Cliff

**RE: ENVIRONMENTAL ASSESSMENT SUBMISSIONS FOR CONCEPT PLAN
AND STAGE 1 PROJECT APPLICATIONS FOR RESIDENTIAL,
COMMERCIAL AND TOURIST DEVELOPMENT AND ENVIRONMENTAL
WORKS
LOT 1 DP 374315 & LOT 4 DP 615261 OCEAN DRIVE, LAKE CATHIE
PORT MACQUARIE LGA (MP 07_0010)**

We refer to the meeting held on Thursday 27 January 2011 between Port Macquarie Hastings Council (PMHC) and King & Campbell staff to discuss issues raised by the Department of Planning (DoP) following the exhibition of the above development proposal.

The issues related to traffic and access were raised in submissions by the RTA their submissions on the subject Concept Plan Application. A copy of the DoP correspondence, Key Issues attachments and RTA submissions are attached.

In relation to the Key Issues Item 2 Traffic and Access on Attachment 1, the DoP have requested that we consult directly with Council and the RTA on the matters raised. The purpose of this correspondence is to confirm the consultation that has already occurred with PMHC and seek Council's written confirmation that the responses outlined below reflect Council's and the RTA's position on these issues.

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 that the proponent consult directly with Council on this matter.

Response

- Further consultations have been held with PMHC in relation to its road infrastructure improvement program for Area 14. Council is currently preparing Precinct DCP's for each precinct within Area 14. These DCP's will identify key infrastructure facilities required to be upgraded as part of the Area 14 development. Development Servicing Plans for each infrastructure asset will be developed in parallel with the DCP process.

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All road upgrades to Ocean Drive and associated intersections will be 100% developer funded except for the Houston Mitchell Drive intersection upgrade which will be part funded by development.

All landowners in Stages 1A and 1B of Area 14 have entered into Planning Agreements with Council that include provisions for the payment of Section 94 Roads Contributions at the rates to be determined by Council as necessary to fund the Road Infrastructure Improvement program for Area 14. This determination of the updated Roads Contribution will form part of the next review of the Section 94 Roads Contribution Plan prepared in conjunction with the Area 14 Development Control Plan referred to above and be used to make any necessary changes to Council's road infrastructure improvement program.

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.

Response

- PMHC staff met with the RTA staff on 18 January 2011 to discuss the proposed Area 14 Ocean Drive road and intersection upgrades. It is noted that RTA approval is required for signalised intersections and RTA concurrence is required for Ocean Drive road upgrades and upgrades to other non-signalised intersections.

As a result of these recent consultations PMHC staff advised that any required concurrence or approvals from the RTA at the Concept Plan stage for improvements or upgrades to Ocean Drive will be forthcoming.

Formal RTA approvals and concurrences are normally provided in conjunction with the issue of the Section 138 Certificate pursuant to the Roads Act 1993. The formal Section 138 Certificate approvals and concurrences are normally issued in relation to the detailed design drawings associated with construction certificate applications which are prepared in accordance with conditions of development consents issued under Part 3A or Part 4 of the EP&A Act.

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.

Response

- PMHC's current Major Roads Plan and related Contribution Plan provides for the ongoing upgrade of Ocean Drive and existing major intersections. Consultation with PMHC has indicated that Ocean Drive as it currently

stands has the capacity to support the traffic generated by the subject Part 3A development proposal in isolation.

However it is not relevant to seriously consider the subject Part 3A proposal in isolation of the rest of Area 14. Exhibit 01 of the Concept Plan EA shows the extent of Area 14 and confirms that most of Area 14 is either:

- Subject to current applications (the subject application and adjoining St Vincent's Foundation applications);
- Subject to an existing approval for a manufactured home estate; or
- Already zoned Residential 2(a4).

In that context and given the advanced planning of the whole of Area 14, the timing and extent of the upgrades to Ocean Drive and its intersections will be determined based on the cumulative impacts of traffic generating development throughout Area 14.

PMHC, as the road authority, will in consultation with the RTA in their concurrence role, determine the specific road and intersection upgrades warranted at each stage of the development within Area 14. If the intersection upgrades involve traffic signals, RTA approval will also be required.

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.

Response

- This application for concept plan approval does not provide for any approvals or environmental assessment of the adjoining St Vincent's land. The internal access road connections have been located to reflect information provided by representatives of SVF and to conceptually demonstrate expected connectivity.

The plans will be amended by removing reference to specific internal access road connections into SVF property.

The subject Concept Plan maximises opportunities for connectivity with the SVF property by providing a public road frontage along the common boundary. Final locations of internal access roads within the SVF property will be determined as part of the determination of applications on that land.

We are currently finalising our response to the issues raised by the DoP and would appreciate Council's urgent confirmation that the above responses to the first three dot points are consistent with Council's current position on these issues.

Should you have any queries regarding the above matter please do not hesitate to contact Geoff Freeman or the writer.

Yours sincerely

King & Campbell Pty Ltd

A handwritten signature in black ink, appearing to read 'Anthony Thorne', written in a cursive style.

Anthony J Thorne

From: Cliff.Toms@pmhc.nsw.gov.au [<mailto:Cliff.Toms@pmhc.nsw.gov.au>]
Sent: Tuesday, 8 February 2011 1:48 PM
To: Tony Thorne
Cc: Geoff Freeman; Peter.Jenkins@pmhc.nsw.gov.au; David.Troemel@pmhc.nsw.gov.au; Geoff.Metcalf@pmhc.nsw.gov.au
Subject: Re: Milland & Seawide Part 3A Concept Plan application (Stage 1B Area 14)

Tony

I generally concur with your draft response to the DoP. I would add the following ;

Second dot point/response

Council staff have indicated that given the likely staging of the development the extent of intersection works and associated upgradings of Ocean Drive will be considered as part of each Construction Certificate/S 138 application for each respective stage. The assessment of the extent of works will be based on actual traffic generation and as with other similar developments proposing access to Ocean Drive may result in the construction of interim works or the ultimate planned works. Each application will require the concurrence of the RTA.

Third dot point/response

Traffic Study (modelling) undertaken by Roadnet Pty Ltd recommends by 2019 upgrades of Ocean Drive between Bonny View Dr and Abel Tasman Drive to include two north bound lanes, The warrants for these upgrades is driven by traffic generation south of the subject development. The traffic modelling also recommends by 2029 upgrades of this section of Ocean Drive to four lanes (2 lanes in each direction) which in addition to through traffic growth also caters for southbound traffic generated from the subject development. Council will incorporate these upgrades either as part of an Area 14 Developer Contribution Scheme (VPAs) or as an upgrade of its current Major Roads S94 contribution plan. Council will schedule the construction of the Ocean Drive upgrades generally along the recommendations of the Traffic Study or earlier if the traffic conditions warrant same. Council is currently seeking the concurrence of the RTA to the Traffic Study recommendations as the guiding principles for road improvements associated with the Area 14 developments.

Please discuss as required.

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