

PORT MACQUARIE-  
HASTINGS COUNCIL

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

22 December 2010



PORT MACQUARIE  
HASTINGS

Our ref: 34-2009-0004

Your ref: MP07\_0010

Director – Regional Projects  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

ATT: Mr Enguang Lee

Dear Sir

**Public Submission: Concept and Project Applications for land at Ocean Drive,  
Lake Cathie and described as Lot 1 DP374315 and Lot 4 DP615261**

Thank you for the opportunity to provide comment on the Concept and Project Applications described above. This site is part of the Area 14 – Urban Investigation Area and has been subject to Council's Master Planning process. Council is also progressing the Planning Proposal to rezone the site in parallel with the Concept Plan Application.

The site's proximity to the SEPP 26 – Littoral Rainforest, has also necessitated rigorous ecological and groundwater investigation to ensure the ongoing maintenance and improvement of that system. Council engaged Biolink Ecologists and Martens Consulting Engineers to determine the appropriateness of the proposed 40-60metre buffer. The studies that were undertaken collaboratively between the two (2) specialists and Council maintain that subject to the recommendations of the study, the buffer is adequate.

Council is generally supportive of both the Concept and Project Applications subject to the following comments. If approved, Council requests that subsequent applications be delegated to Council to assess under Part 4 of the Environmental Planning and Assessment Act 1979, including detailed design of beach access.

**Beach Access**

To minimise damage to littoral rainforest and to promote regeneration over time the board walk through the littoral rainforest should be raised by no less than 0.5m and made from hardwood and "Envirowalk mini mesh" treads or equivalent. It also recommends that the proposed board and chain access be replaced with holey belt rubber matting and hardwood timber guide rails.

Council believes this could be deferred to the Construction Certification stage if a condition is included requiring that the detailed design of the beach access is to be agreed by Council prior to issue of a Construction Certificate for any part of the Development.

PORT MACQUARIE OFFICE  
Corner Lord & Burrawan Streets  
Telephone (02) 6581 8111  
Facsimile (02) 6581 8123

WAUCHOPE OFFICE  
High Street  
Telephone (02) 6589 6500

LAURIETON OFFICE  
9 Laurie Street  
Telephone (02) 6559 9958

### **Acid Sulfate Soils**

The biofiltration works adjacent to Duchess Creek should be designed to avoid the disturbance of ASS by restricting excavation depths to no more than 2m below natural surface levels. Any works at a depth greater than 2m AHD in the class 4 area will require an ASS management plan. Council recommends that a condition to that effect accompanies any approval for works on the site.

### **Flora and Fauna**

The assessment recommendations from the flora and fauna report are considered adequate with the following amendments:

- A vegetated buffer for Duchess Creek should be increased to 30m from top of bank.
- The vegetated buffer for the littoral rainforest should be established up to the footpath / road edge with the removal for any slashed grassed areas.

### **Vegetation Management Plan.**

The VMP should be updated to address the removal of grassed open space between the littoral rainforest buffer and the road / footpath and replaced with littoral rainforest species. The exclusion fence should be relocated from its proposed position to alongside the pedestrian path.

The fence is to be constructed to a minimum height of 1.8m with further deterrent measures provided i.e. a single strand of barb wire above the fence. Any fence structure must leave a 100mm gap at the bottom of the fence for fauna movement. The materials and design of the fence must contribute to the amenity of the streetscape.

Council believes that the detailed design of the fence could be deferred to the Construction Certification stage if a condition is included requiring that the detailed design of the fence is to be agreed by Council prior to issue of a Construction Certificate.

A detailed design of the erosion control protection should be required for the gully erosion.

The environmental lands in the VMP should be extended to include the following:

- All of littoral rainforest to the beach, adjacent to Lot A DP 374315 ;
- All of the littoral rainforest on Lot 4 DP 615261;
- The 30m vegetated buffer to Duchess Creek

Council recommends the following VMP issues to be reflected in the conditions accompanying a Project Application approval;

- All rehabilitation works for the environmental lands should commence at the initiation of the VMP. A table of the defined work zones is to include proposed

rehabilitation works and staging and completion dates.

- A contingency/follow up plan for failed plantings and poor response to weed control should be detailed in the VMP.
- A 6 monthly weed inspection schedule needs to be incorporated into the VMP and applied to all environmental lands.
- Signage should be placed at the edge of the littoral rainforest reserve adjacent to each T-intersection. Signage is to direct them to the public beach access point.
- Assessment and compliance of VMP should be completed every 6 months and a condition reflecting this should accompany any approval for the Project Application.

Council believes that the final VMP could be deferred to the Construction Certification stage if a condition is included requiring that a VMP be approved by Council prior to issue of a Construction Certificate.

### Street Tree Planting

Street tree planting list should be selected from the following species list. All trees should be supplied to Nat Spec guidelines.

Common Name	Botanical Name
Tuckeroo	<i>Cupaniopsis anacardioides</i>
Rosewood	<i>Dysoxylon fraserianum</i>
Smooth Quandong	<i>Elaeocarpus obovatus</i>
Broad-leaved Paperbark	<i>Melaleuca quinquinerva</i>
Beach Alectryon	<i>Alectryon coriaceus</i>
Coogera (Rose Tamarind)	<i>Arytera divaricata</i>
Oyster Bay Pine	<i>Callitris rhomboidea</i>
Hairy Rosewood	<i>Dysoxylon rufum</i>
Guioa	<i>Guioa semiglauca</i>
Water Gum <sup>1</sup>	<i>Tristanlopsis laurina</i>

### Stormwater

No major objections are raised towards the proposal in principle. The proponent has demonstrated that the site can achieve the discharge requirements as set out in the Stormwater Quality Management report.

The NSW Department of Primary Industries previously queried the ability of Duchess

---

<sup>1</sup> Location of water gums to be limited to the street adjacent to Duchess Gully

Creek to accommodate the nutrient/pollutant load that will enter the system and requested details of the stormwater treatment system required, including monitoring and maintenance. Excluding the additional ground-water modelling proposed in the Statement of Commitments, Council has not seen any detail relating to the monitoring and maintenance of the water quality facilities. At a minimum, the Statement of Commitments should include the preparation of monitoring and maintenance plans and detail the timing for producing these plans.

The following issues are better addressed at a future application stage however Council has a couple of concerns with the concept modelling for the NW detention basin.

Whilst the proponent has demonstrated that there is likely to be sufficient area available to construct the stormwater detention facilities in the northwest corner of the site (which discharge beneath Ocean Drive), additional modelling will be required in future to demonstrate that the discharge rates from the NW catchment do not exceed pre development rates for all storm events up to and including the 100 year ARI event - the concept plans include calculations demonstrating compliance for a 100 year ARI flood event only.

Additionally, the modelling indicates that the top water level within the NW detention basin would be 11.3m AHD. When added to freeboard, the top level of the basin wall would be 11.6m AHD. This is above the road surface level in Ocean Drive (approximately 11m AHD). Providing a detention basin above this level would necessitate that the structure be reported to and likely prescribed by the NSW Dam Safety Committee (for flood safety purposes). This is not a desirable situation as it would lock Council in to not just the required maintenance of the basin, but annual monitoring and reporting on the actual basin structure.

In response to the above issues, Council would recommend that an additional commitment be added to the Statement of Commitments such as:

- More rigorous stormwater drainage investigations and design will be required for the design of the northwest stormwater detention basin to ensure:
  - Stormwater discharge from the site does not exceed pre development flow rates for all storm events up to and including the 100 year ARI flood event.
  - That the top water level within the basin is located below the road surface level in Ocean Drive (with allowance for freeboard).

### **Littoral Rainforest - Groundwater**

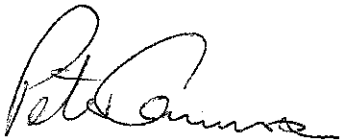
The Area 14 – 1B Groundwater Study – Amendment 1 prepared by Martens Consulting Engineers and dated July 2010 contains numerous recommendations and in particular additional works to support future project applications. Many of these should be installed immediately so that there is sufficient opportunity to collect information to support future Project Applications such as those anticipated for residential, tourist, retail and commercial development. Please refer to s6.2 of the report.

Council also notes the complexity of water quantity management requirements generally listed in section 5 and 6 of the report. These include works to the ground

surface and soil materials in the revegetation area and therefore must be done as part of this application. It is expected that the scope of the Project Application include those recommendations.

Should you require further information please do not hesitate to contact Rob Corken on telephone number 6581 8111 or by email on [robert.corken@pmhc.nsw.gov.au](mailto:robert.corken@pmhc.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Cameron', with a stylized, cursive script.

Peter Cameron  
Manager – Strategic Planning

cc:  
King and Campbell  
PO Box 243  
PORT MACQUARIE NSW 2444

