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15 April 2011

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19 APR 2011

BY:



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

Response to Submissions Report: Concept and Project Applications for land at Ocean Drive, Lake Cathie and described as Lot 1 DP374315 and Lot 4 DP615261

I refer to your letter dated 21 March 2011 inviting Council to respond to the submissions report prepared by King and Campbell. I am also responding to King and Campbell's letter to the Council dated 8 April 2011 regarding the easement and its implications on providing a vegetated buffer to the swamp oak flooded forest (SOFF) ecologically endangered community (EEC) on the adjoining property.

Submissions report

Council is generally satisfied that the issues raised by the Department in relation to the Project and Concept Plan applications have been addressed in the proponents response with the exception of the following issues:

Additional rainforest revegetation

Council maintains that it prefers to have the proposed fence immediately alongside the pedestrian path, rather than setback within the area to be revegetated. This has been raised with the proponent on several occasions. Their arguments have been that there is no point in constructing one fence during the stage 1 works and then another at the stage 2 works or if the fence is constructed in Council's preferred position it will be damaged or removed during the construction of the road and pedestrian path. Council does not expect the stage 1 works to be fenced. The fencing can occur at anytime before the first residential subdivision. Therefore it can be done at the time of the road and pedestrian path construction.

The purpose of the fencing is to deter human intrusion and also to discourage other impacts such as tree removal, damage to vegetation, weed invasion and rubbish dumping. At some point the fence will require maintenance and it is illogical that the established rainforest be damaged in order to undertake the work. The fence is far more susceptible to deliberate damage if it is hidden behind 7m of vegetation than if it is visible.

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Council agrees that the requirement for the fence to include deterrent measures such as a 'single string of barbwire' as described in its response dated 22 December 2010 may not be appropriate in this location. Council withdraws this requirement but reiterates that any fence in this location must contribute to the amenity of the streetscape.

Domestic animals, particularly cats will overcome most fences and there will be points where domestic animals can enter the littoral rainforest. The 100mm gap under the fence is to be maintained for the movement of native animals and in particular to prevent entrapment.

Whilst it is noted that Exhibit 06D rev D notes "*Stage 2 revegetation (littoral rainforest species)*", no further detail has been provided and the plan does not reflect the intent. Council does acknowledge the proponents commitment 'CP18 – Flora and Fauna' that a "*Vegetation Management Plan shall be prepped in relation to the 'grassed area' on the western side of the exclusion fence. The VMP shall be submitted with the DA/PA for Stage 2.*" The plan as it exists should not infer that Council approves or otherwise supports the "grassed area" option with a fence along the edge of the stage 1 works.

Height of Village Centre

I refer to the Department's phone call to confirm Council's support of the proposed 14.5m height maximum (up to 4 storeys) for the village centre that is greater than the 2-3 storey built form recommended in the Masterplan and the 2-3 storey recommendation of the Coastal Design Guidelines for new coastal villages.

The key views potentially affected are to North Brother Mountain from Ocean Drive and east from Rainbow Beach. The view analysis prepared as part of the Environmental Assessment illustrates that North Brother Mountain will maintain its prominence in the landscape as viewed by southbound traffic and the hill top village will not be visible from the Rainbow Beach.

Council reviewed the indicative hilltop village architectural treatment concept plan, the hilltop village landscape concept plan, the view analysis and housing density presented in the EA. It is considered an appropriate built form for the site subject to high quality building and urban design. The increased height will help support the proposed mixed use, tourist and residential accommodation land uses and helps to achieve the desired precinct housing density.

Noise walls

CP 19 – Noise. The reference to the following statement needs clarification:

"The deemed-to-satisfy treatment specified by Heggies will be a 2m high noise wall or fence constructed as the rear boundary fence for all residential allotments that directly adjoin the Ocean Drive road corridor, as exhibited on Exhibit 05A.

The noise wall/fence shall be continuous for its full length and the nominal mass of the material used in its construction should not be less than 15kg/m². Final detail of the acoustic wall/fence are to be included in the PA/DA for stage 2."

The 2m wall is not a 'deemed-to-satisfy' noise solution. It is an engineering response to noise only and does not reflect Council's expectations for the Ocean Drive corridor. Council does note the proponents commitment (CP19) *"The final acoustic treatment along Ocean Drive will be consistent with the outcomes of the PMHC Ocean Drive Corridor Plan and the Area 14 DCP."*

Buffer to EEC on the adjoining SVF property

Council received a submission from King and Campbell referring to the easement for water supply and sewerage pipelines and its implications for providing a buffer to the SOFF EEC that is located on the adjoining property.

Council can confirm that it does have sewerage and water infrastructure within the easement. For maintenance purposes it is preferred to keep this easement clear of significant vegetation. In this instance, Council does not believe there is any significant benefit to providing planting for the remainder of the buffer width as it will afford no significant protection to the EEC from edge effects.

Thank you for the opportunity to provide comment on the submissions report. 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.

Yours sincerely



Matt Rogers
Director – Development and Environment

cc:
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