

AJT/CW 20074898
Please quote our ref: 4898_135

KING + CAMPBELL

1 February 2013

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

ATTENTION: Mr Ben Roberts

Dear Ben

**RE: DA 2012/381 RESIDENTIAL SUBDIVISION
LOT 1 DP 374315 & LOT 4 DP 615261
OCEAN DRIVE LAKE CATHIE - MILLAND P/L & SEAWIDE P/L**

We refer to the draft conditions of consent for the subject DA and the meetings on 23 and 25 January 2013 yesterday between Council staff and landowner representatives and make the following comments:

1. Condition A (1)

In addition to the standard approach of referencing the documents lodged with DA 2012/381, the table should also reference Concept Plan Approval MP 07_0010 and Project Approval MP 07_0010. These documents are all readily available on the Department of Planning & Infrastructure website. DA 2012/381 relies on the previous approvals and generally provides the next level of detail in accordance with the Conditions and Landowner Commitments attached to these Major Project Approvals. It is noted that Condition A (3) confirms Stage 1 of the DA 2012/381 is the Project Approval Environmental Works and so that condition should probably also reference MP 07_0010.

2. Staging of Project Approval Environmental Works (MP 07_0010)

The Environmental Works approved by MP 07_0010 included a Vegetation Management Plan (VMP) which provided for weeding, revegetation and regeneration works along the rainforest edge to a landward extent approximately seven (7) metres east of the location of the proposed cycleway/pathway. The Environmental Works approved by MP 07_0010 have been re-produced as Part 1 of the VMP attached to DA 2012/381. The staging provisions for the Environmental Works approved by MP 07_0010 are contained in the attached copy of the Project Approval issued on 28 November 2011.

Schedule 2 Part 3 of the Project Application contains details of Project Staging. Schedule 4 of the Project Application contains the Statement of Commitments which contains similar staging provisions at PA4.

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civil engineering
architecture
town planning
landscape architecture
surveying

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Part 2 of the VMP submitted with DA 2012/381 contains details of works to be undertaken on the western edge of Stage 1 works (approved by MP 07_0010) for a width of approximately seven (7) metres. As outlined in Section 3.1.8 of the Statement of Environmental Effects (SoEE) it is proposed that the Environmental Works referred to in Part 2 of the VMP attached to the DA 2012/381 will be undertaken in association with the adjacent staged residential subdivision of the site (ie stages M2, S2 and S5).

On behalf of Milland Pty Ltd, we advise there is no objection to including a condition of development consent to DA 2012/381 that requires the Environmental Works approved by MP 07_0010 (and re-produced as Part 1 of the current VMP) and the Environmental Works referred to in Part 2 of the current VMP both being undertaken in association with the adjacent staged residential subdivision of the site (ie Stages M2, S2 and S5). This would allow each landowner to manage the Environmental Works on their own land and still deliver the Environmental Works prior to the release of the first stage of residential subdivision on each property as required by MP 07_0010. We suggest the following condition of development consent for your consideration:

- The Environmental Works contained in Part 1 and Part 2 of the VMP shall be undertaken in association with the adjoining stages of the subdivision (Stages M2, S2 and S5);
- The Environmental Works associated with the construction of the beach access and car park shall be undertaken in association with the first stage of residential subdivision (Stage M2 or Stage S2);
- The Environmental Works contained in Part 3 of the VMP shall be undertaken in conjunction with residential subdivision Stage M2.

3. Staging of the Subdivision

We attach herewith an amended Indicative Staging Plan which clarifies the Lots to be contained within each stage of the subdivision of the Milland property and make the following comments:

- As shown in the Concept Plan Approval MP 07_0010 and outlined in Section 3.1.2 of DA 2012/381, Stage S2 includes construction and dedication of Road No. 1 up to the common boundary with Lot 1 DP 374315. We have discussed this issue with the directors of Milland Pty Ltd and advise that the retention of the existing staging requirements is essential to allow Milland to proceed with Stage M2 of the subdivision. In the event the boundary adjustment occurred prior to subdivision works being constructed the construction and dedication of Road No. 1 would extend only to the new common boundary.
- Milland Pty Ltd do not agree to the option discussed at the meeting on 23 January to vary the current approved staging plan to dedicate but not construct Road No. 1 between its intersection with Road No. 2 and the common boundary between Lot 4 DP 615261 and Lot 1 DP 374315.
- The same approach will apply if M2 is the first stage of subdivision. A dedicated constructed road will be provided to Seawide Pty Ltd that would allow Stage S2 to proceed.

In a similar manner the current staging plan confirms that Stage M2 will provide a dedicated constructed road access to Lot 5 DP 25886 being the adjoining southern property owned by St Vincent's Foundation through the construction and dedication of Road No. 6.

It is important to Milland Pty Ltd that the initial stage of subdivision (whether it be M2 or S2) includes the infrastructure that then allows each property to proceed with the development. The staging provisions outlined in Section 3.1.2 provide details of the proposed infrastructure to be constructed in each stage. Once each landowner has a dedicated and constructed road access available to it, there is no objection from Milland Pty Ltd to variations to the current staging provisions (as envisaged by draft Condition B(7)) that are internal to each landholding.

4. Sewerage Strategy

The Sewerage Strategy submitted with DA 2012/381 included provision for the construction of an overflow weir in the existing receiving manhole and an overflow gravity sewer main.

It is important that the development consent for DA 2012/381 specifies:

- The timing for the need for the above works to be either undertaken or funds provided so that the works are undertaken at a later date.
- The number of ETs to be provided for in the overflow arrangement as this will form the basis for cost sharing arrangements between Milland Pty Ltd, Seawide Pty Ltd and St Vincent's Foundation.

5. Ocean Drive Intersection

We note that discussions were held with Council, Seawide Pty Ltd and Milland Pty Ltd on 25 January 2013. As outlined in discussions, Milland Pty Ltd are concerned that the nature of the intersection required at Ocean Drive / Abel Tasman Drive means that any non-signalised intersection design may result in significant 'sacrificial' works that will not attract a contribution offset. It is suggested that while signals may not meet the current traffic warrant, they may ultimately be the most cost effective and safe solution for the intersection when the following factors are considered:

- Current volume of traffic on Ocean Drive,
- The number of existing lots serviced by Abel Tasman Drive,
- The number of existing and future pedestrians at the intersection
- The location of the existing bus bays
- The extent of sacrificial works associated with for example a temporary roundabout and associated more extensive pedestrian pathways

Based on the above factors, the DA as submitted was anticipating that traffic signals would be included in the first stage of subdivision and was also proposing that the Traffic Impact Study brief include provisions to consider a staged approach to the delivery of the signalised intersection. The draft conditions A(7) and A(23) are suggesting the construction of a non-signalised intersection as an early stage which is contrary to the DA as submitted. Ultimately we acknowledge that the intersection design and construction will be determined through the Traffic Impact Study and input from Council, RMS and the three landowners involved and on that basis the need to include the current level of detail in the draft conditions is questioned.

6. Relocation of Trunk Sewerage and Water Supply Infrastructure

As outlined in Section 3.1.7 of DA 2012/381 it is proposed to seek contribution offsets for the costs associated with the construction of the trunk sewerage and water supply infrastructure at the

proposed intersection of Ocean Drive / Abel Tasman Drive / Road No. 1. The contribution offset is justified on the basis:

- The infrastructure is all trunk distribution mains – sewerage rising mains for Lake Cathie (300mm) and Area 14 Stage 1A (200mm) and the watermain (375mm) as part of the overall trunk distribution network.
- The infrastructure is being relocated as part of the implementation of Council's UGMS with Area 14 first nominated as a growth area in 2001 and the Masterplan adopted in 2004.
- The infrastructure is being relocated to suit Council's access strategy for Ocean Drive.

7. Laneways

We confirm our discussions on 23 and 25 January 2013 that all of the service laneways are proposed to be 6m wide and dedicated as public road. We note Council's concerns regarding the laneway width and confirm our preference that setbacks be applied to garages rather than widening the public road reserve. As discussed our concerns with a wider laneway reserve are:

- The increased potential for the road reserve to be used for parking. We submit the laneway should be designed to actively discourage car parking;
- Concerns regarding manoeuvrability and turning circles can be dealt with through a 5m carriageway and 0.5 – 1.0m setback on garages.

We attach herewith amended layout plans that show 3m splay corners and the deletion of the lane within Lot 68.

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

Yours sincerely

King & Campbell Pty Ltd

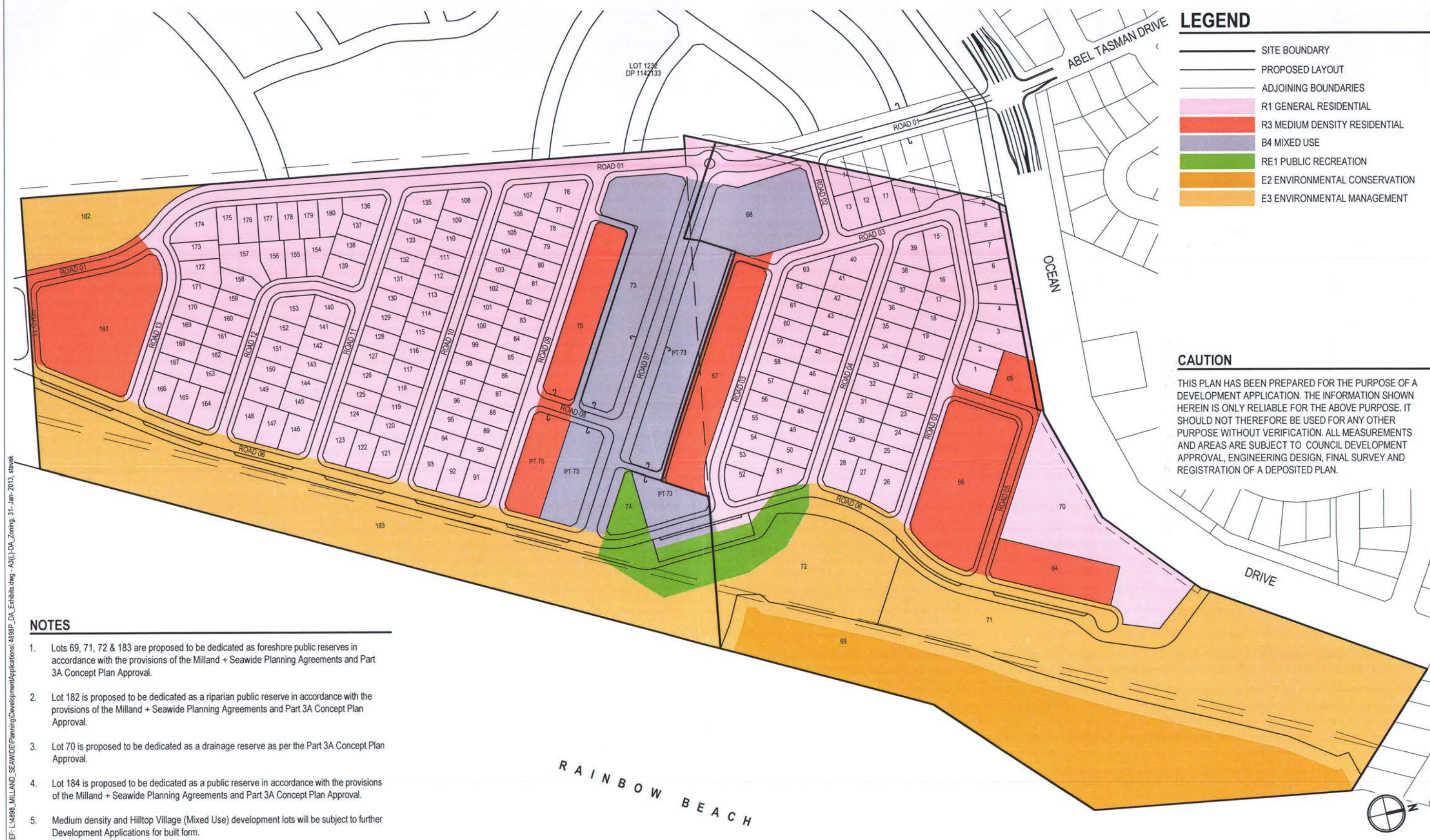


Anthony J Thorne

Director

cc Milland Pty Ltd, Seawide Pty Ltd

encl Indicative Staging Plan
Amended Layout Plans



- LEGEND**
- SITE BOUNDARY
 - PROPOSED LAYOUT
 - ADJOINING BOUNDARIES
 - R1 GENERAL RESIDENTIAL
 - R3 MEDIUM DENSITY RESIDENTIAL
 - B4 MIXED USE
 - RE1 PUBLIC RECREATION
 - E2 ENVIRONMENTAL CONSERVATION
 - E3 ENVIRONMENTAL MANAGEMENT

CAUTION

THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF A DEVELOPMENT APPLICATION. THE INFORMATION SHOWN HEREIN IS ONLY RELIABLE FOR THE ABOVE PURPOSE. IT SHOULD NOT THEREFORE BE USED FOR ANY OTHER PURPOSE WITHOUT VERIFICATION. ALL MEASUREMENTS AND AREAS ARE SUBJECT TO COUNCIL DEVELOPMENT APPROVAL, ENGINEERING DESIGN, FINAL SURVEY AND REGISTRATION OF A DEPOSITED PLAN.

- NOTES**
- Lots 69, 71, 72 & 183 are proposed to be dedicated as foreshore public reserves in accordance with the provisions of the Milland + Seaside Planning Agreements and Part 3A Concept Plan Approval.
 - Lot 182 is proposed to be dedicated as a riparian public reserve in accordance with the provisions of the Milland + Seaside Planning Agreements and Part 3A Concept Plan Approval.
 - Lot 70 is proposed to be dedicated as a drainage reserve as per the Part 3A Concept Plan Approval.
 - Lot 184 is proposed to be dedicated as a public reserve in accordance with the provisions of the Milland + Seaside Planning Agreements and Part 3A Concept Plan Approval.
 - Medium density and Hilltop Village (Mixed Use) development lots will be subject to further Development Applications for built form.

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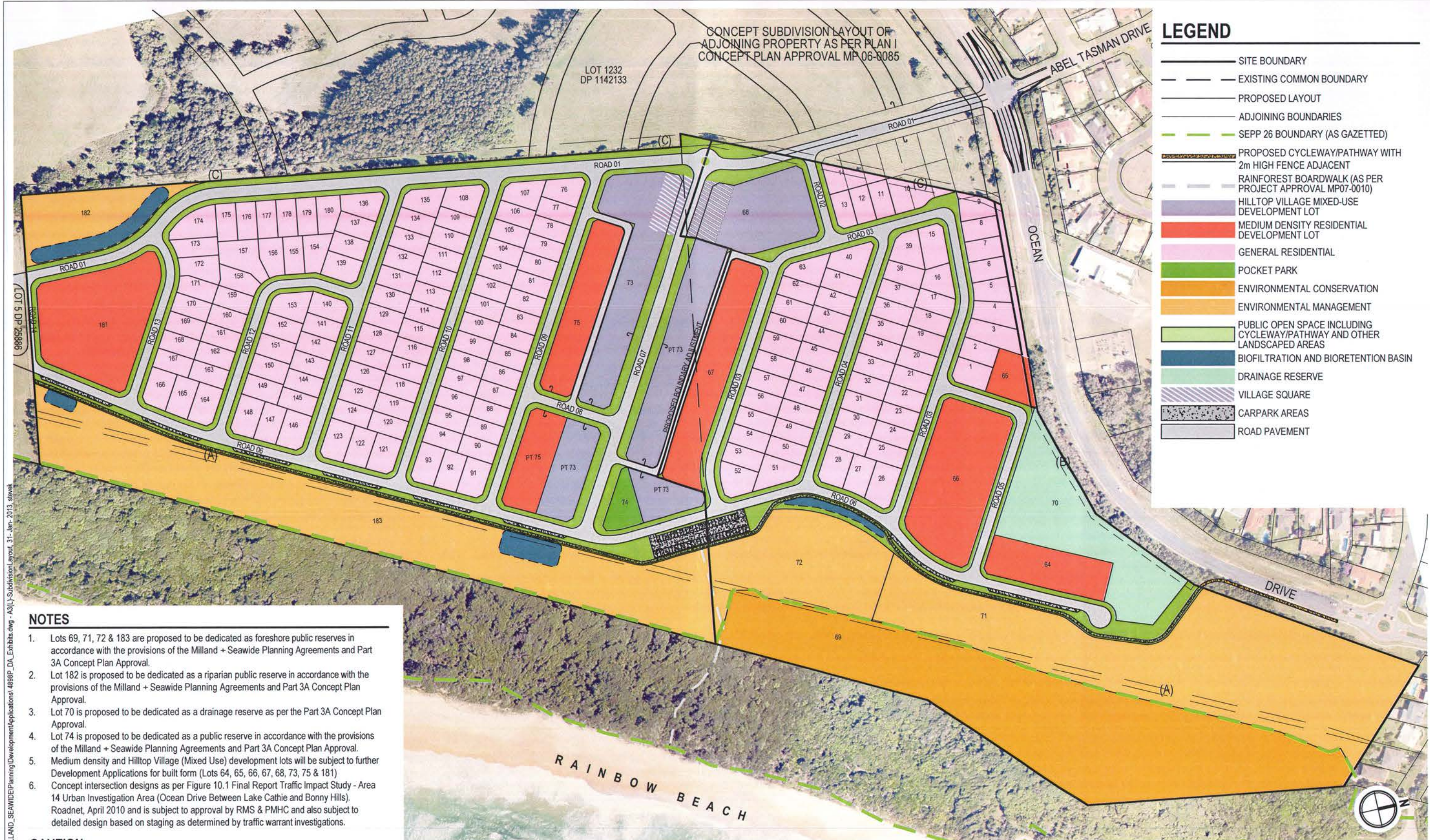
REV.	DATE	DESCRIPTION
A	11.07.2012	ISSUED FOR INFORMATION
B	23.07.2012	ISSUED FOR DA
C	30.01.2013	SPLAY CNRS AND RD PAVEMENT CHANGES WITHIN LANES

DATUM: AHD SCALE: 1:3000 @ A3

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PROJECT NO:	4898	DRAWING TITLE:	EXHIBIT DA03 - PROPOSED SUBDIVISION WITH EXISTING ZONES		
DA NO.:	-	PROJECT:	LOT 1 DP 374315 & LOT 4 DP 615261 OCEAN DRIVE, LAKE CATHIE		
DESIGNED BY:	DAT	CUSTOMER:	MILLAND PTY LTD & SEAWIDE PTY LTD		
DRAWN BY:	MW	DRAWING NO.:	4898P_DA_Exhibits	SHEET:	01
CHECKED BY:	KM	REVISION:	C		
DATE CREATED:	JAN 2012				



K:\C REF: L14898_MILLAND_SEAWIDE\Planning\DevelopmentApplications\4898P_DA_Exhibits.dwg - A3(L) Subdivision Layout 31-Jan-2013 stewart

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REV.	DATE	DESCRIPTION
A	11.07.2012	ISSUED FOR INFORMATION
B	23.07.2012	ISSUED FOR DA
C	30.01.2013	SPLAY CNRS & ROAD PAVEMENT CHANGES IN LANES

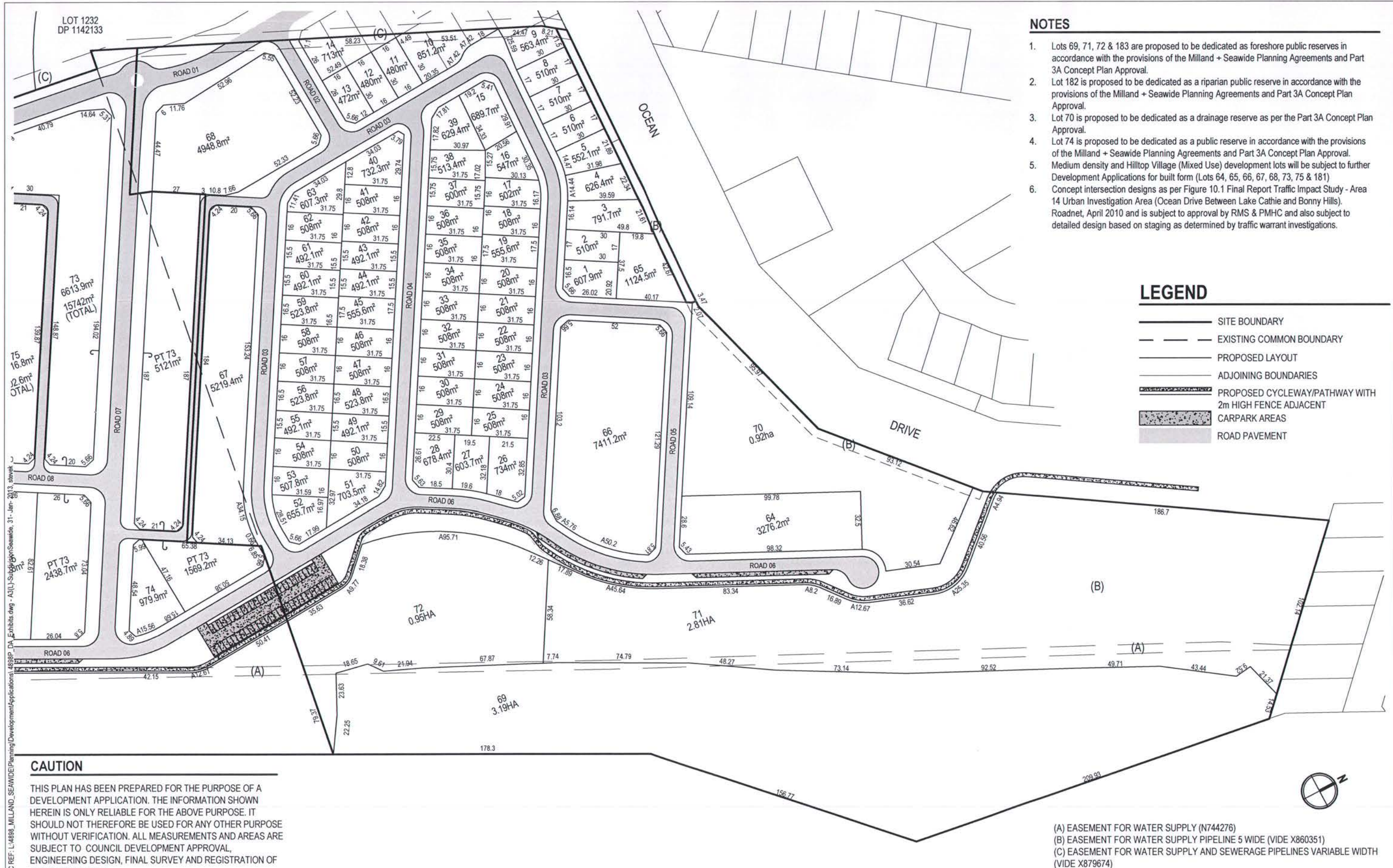
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PROJECT NO:	4898	DRAWING TITLE:	EXHIBIT DA04 - PROPOSED SUBDIVISION LAYOUT SHEET 01 - OVERALL
DA NO.:	-	PROJECT:	LOT 1 DP 374315 & LOT 4 DP 615261 OCEAN DRIVE, LAKE CATHIE
DESIGNED BY:	DAT	CLIENT:	MILLAND PTY LTD & SEAWIDE PTY LTD
DRAWN BY:	MW	DRAWING NO.:	4898P_DA_Exhibits
CHECKED BY:	KM	SHEET:	01
DATE CREATED:	JAN 2012	REVISION:	C



NOTES

1. Lots 69, 71, 72 & 183 are proposed to be dedicated as foreshore public reserves in accordance with the provisions of the Milland + Seaside Planning Agreements and Part 3A Concept Plan Approval.
2. Lot 182 is proposed to be dedicated as a riparian public reserve in accordance with the provisions of the Milland + Seaside Planning Agreements and Part 3A Concept Plan Approval.
3. Lot 70 is proposed to be dedicated as a drainage reserve as per the Part 3A Concept Plan Approval.
4. Lot 74 is proposed to be dedicated as a public reserve in accordance with the provisions of the Milland + Seaside Planning Agreements and Part 3A Concept Plan Approval.
5. Medium density and Hilltop Village (Mixed Use) development lots will be subject to further Development Applications for built form (Lots 64, 65, 66, 67, 68, 73, 75 & 181).
6. Concept intersection designs as per Figure 10.1 Final Report Traffic Impact Study - Area 14 Urban Investigation Area (Ocean Drive Between Lake Cathie and Bonny Hills). Roadnet, April 2010 and is subject to approval by RMS & PMHC and also subject to detailed design based on staging as determined by traffic warrant investigations.

LEGEND

- SITE BOUNDARY
- EXISTING COMMON BOUNDARY
- PROPOSED LAYOUT
- ADJOINING BOUNDARIES
- PROPOSED CYCLEWAY/PATHWAY WITH 2m HIGH FENCE ADJACENT
- CARPARK AREAS
- ROAD PAVEMENT

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REV	DATE	DESCRIPTION
A	11.07.2012	ISSUED FOR INFORMATION
B	23.07.2012	ISSUED FOR DA
C	30.01.2013	LOTS 67, 68, 73, 74 & 75 AMENDED

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PROJECT NO:	4898	DRAWING TITLE:	EXHIBIT DA04 - PROPOSED SUBDIVISION LAYOUT SHEET 02 - SEAWIDE
DA NO:	-	PROJECT:	LOT 1 DP 374315 & LOT 4 DP 615261 OCEAN DRIVE, LAKE CATHIE
DESIGNED BY:	DAT	CLIENT:	MILLAND PTY LTD & SEAWIDE PTY LTD
DRAWN BY:	MW	DRAWING NO:	4898P_DA_Exhibits
CHECKED BY:	KM	SHEET:	02
DATE CREATED:	JAN 2012	REVISION:	C

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NOTES

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5. Medium density and Hilltop Village (Mixed Use) development lots will be subject to further Development Applications for built form (Lots 64, 65, 66, 67, 68, 73, 75 & 181)
6. Concept intersection designs as per Figure 10.1 Final Report Traffic Impact Study - Area 14 Urban Investigation Area (Ocean Drive Between Lake Cathie and Bonny Hills). Roadnet, April 2010 and is subject to approval by RMS & PMHC and also subject to detailed design based on staging as determined by traffic warrant investigations.

CONCEPT SUBDIVISION LAYOUT OF
ADJOINING PROPERTY AS PER PLAN I
CONCEPT PLAN APPROVAL MP 06-0085

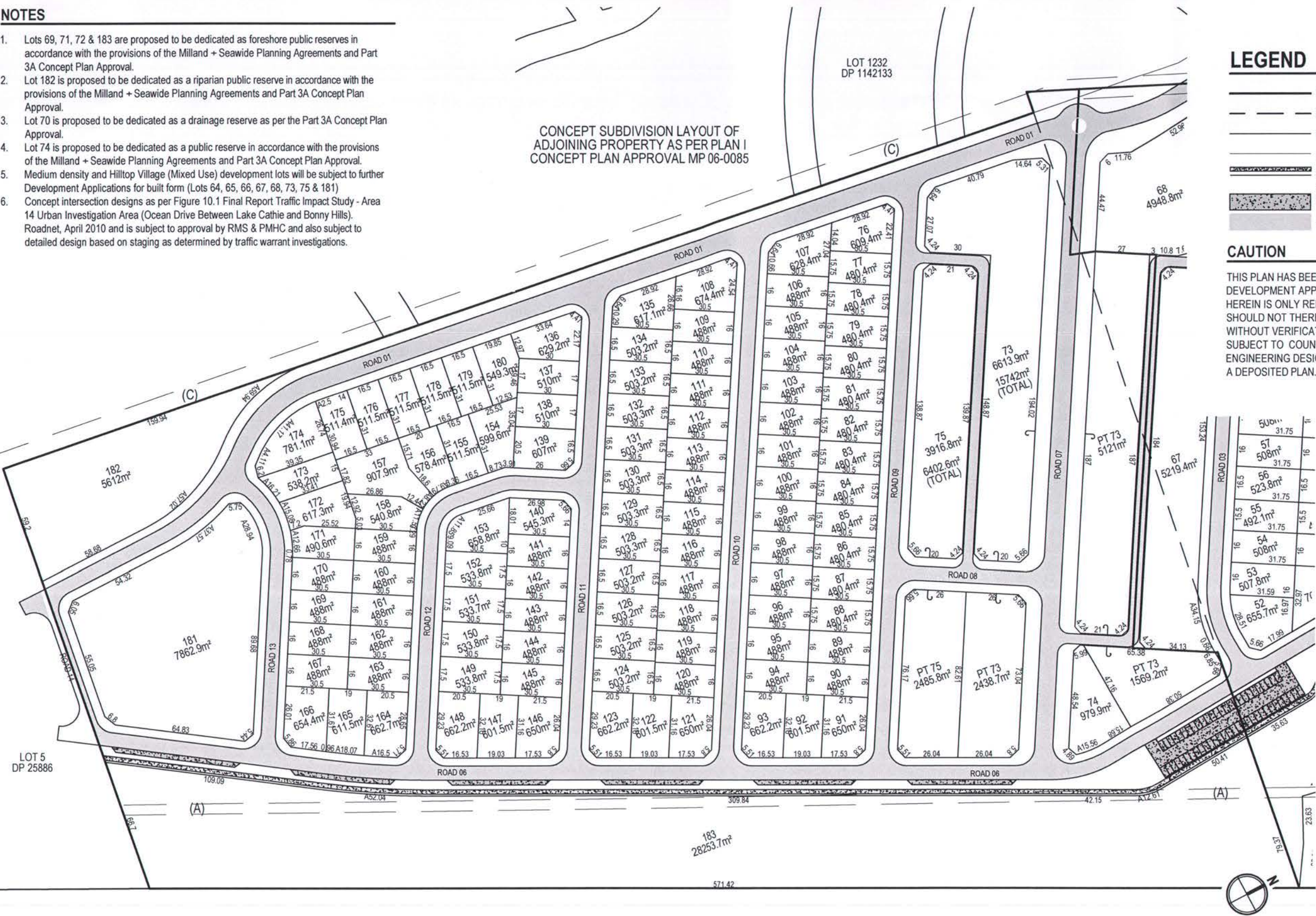
LEGEND

- SITE BOUNDARY
- EXISTING COMMON BOUNDARY
- PROPOSED LAYOUT
- ADJOINING BOUNDARIES
- PROPOSED CYCLEWAY/PATHWAY WITH 2m HIGH FENCE ADJACENT
- CARPARK AREAS
- ROAD PAVEMENT

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K+C REF: L14898_MILLAND_SEAWIDEPlanningDevelopmentApplications_4898P_DA_Exhibits.dwg - A3(L)-SubdivisionMilland_31-Jan-2013.stevok



- (A) EASEMENT FOR WATER SUPPLY (N744276)
- (B) EASEMENT FOR WATER SUPPLY PIPELINE 5 WIDE (VIDE X860351)
- (C) EASEMENT FOR WATER SUPPLY AND SEWERAGE PIPELINES VARIABLE WIDTH (VIDE X879674)

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REV	DATE	DESCRIPTION
A	11.07.2012	ISSUED FOR INFORMATION
C	30.01.2013	LOTS 67, 68, 73, 74, & 75 AMENDED

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PROJECT NO:	4898	DRAWING TITLE:	EXHIBIT DA04 - PROPOSED SUBDIVISION LAYOUT SHEET 03 - MILLAND
DA NO:	-	PROJECT:	LOT 1 DP 374315 & LOT 4 DP 615261 OCEAN DRIVE, LAKE CATHIE
DESIGNED BY:	DAT	CLIENT:	MILLAND PTY LTD & SEAWIDE PTY LTD
DRAWN BY:	MW	DRAWING NO:	4898P_DA_Exhibits
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DATE CREATED:	JAN 2012	REVISION:	C

CONCEPT SUBDIVISION LAYOUT OF
ADJOINING PROPERTY AS PER PLAN I
CONCEPT PLAN APPROVAL MP 06-8085

LEGEND

- SITE BOUNDARY
- EXISTING COMMON BOUNDARY
- PROPOSED LAYOUT
- ADJOINING BOUNDARIES
- SEPP 26 BOUNDARY (AS GAZETTED)
- PROPOSED CYCLEWAY/PATHWAY WITH 2m HIGH FENCE ADJACENT
- RAINFOREST BOARDWALK (AS PER PROJECT APPROVAL MP07-0010)
- HILLTOP VILLAGE MIXED-USE DEVELOPMENT LOT
- MEDIUM DENSITY RESIDENTIAL DEVELOPMENT LOT
- GENERAL RESIDENTIAL
- POCKET PARK
- ENVIRONMENTAL CONSERVATION
- ENVIRONMENTAL MANAGEMENT
- PUBLIC OPEN SPACE INCLUDING CYCLEWAY/PATHWAY AND OTHER LANDSCAPED AREAS
- BIOFILTRATION AND BIORETENTION BASIN
- DRAINAGE RESERVE
- VILLAGE SQUARE
- CARPARK AREAS
- ROAD PAVEMENT

STAGING LEGEND

- INDICATIVE STAGE BOUNDARY (SUBJECT TO FUTURE PROJECT APPLICATIONS)
- PA1 STAGE 1 PROJECT APPROVAL ENVIRONMENTAL WORKS
- S2 - S8 INDICATIVE STAGES WITHIN SEAWIDE PROPERTY
- M2 - M10 INDICATIVE STAGES WITHIN MILLAND PROPERTY

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C	31 01 2013	STAGE BOUNDARIES AMENDED

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PROJECT NO:	4898	DRAWING TITLE:	EXHIBIT DA05 - INDICATIVE STAGING PLAN
DA NO.:	-	PROJECT:	LOT 1 DP 374315 & LOT 4 DP 615261 OCEAN DRIVE, LAKE CATHIE
DESIGNED BY:	DAT	CLIENT:	MILLAND PTY LTD & SEAWIDE PTY LTD
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DATE CREATED:	JAN 2012	REVISION:	C

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LEGEND

- EXTENT OF DEVELOPMENT APPLICATION
- EXTENT OF APPROVED PROJECT APPLICATION
- EXISTING CADASTRAL BOUNDARIES
- SEPP 26 BOUNDARY (AS GAZETTED PPEC)
- PROPOSED CYCLEWAY/PATHWAY WITH 2m HIGH FENCE ADJACENT
- EXISTING VEGETATION TO BE RETAINED
- PROPOSED REVEGETATION WORKS - REFER TO VEGETATION MANAGEMENT PLAN AT APPENDIX I
- BIOFILTRATION AND BIORETENTION BASIN - SEDGE PLANTING IN BASIN
 - JUNCUS USITATUS
 - CARESSA APPRESSA
- STREET TREE PLANTING - REFER TO STREET TREE PLANTING LIST
- DETENTION BASIN WITH BIOFILTRATION
- PUBLIC OPEN SPACE INCLUDING CYCLEWAY/PATHWAY AND OTHER LANDSCAPED AREAS
- CARPAK AREAS
- ROAD PAVEMENT
- VILLAGE SQUARE
- URBAN AREA

STREET TREE PLANTING LIST

Note: All Street tree species listed are endemic littoral rainforest tree species, as identified in the Flora and Fauna Survey (Peter Parker, July 2010).

Botanical Name	Common Name	Mature Height
<i>Acmena hemilampra</i>	broad-leaved lilly pilly	8m
<i>Acmena smithii</i>	lilly pilly	10m
<i>Acronychia imperforata</i>	beach acronychia	9m
<i>Alphitonia excelsa</i>	red ash	10m
<i>Clerodendrum floribundum</i>	smooth clerodendrum	10m
<i>Commersonia bartramia</i>	brown kumajong	20m
<i>Cryptocarya rigida</i>	rose maple	10m
<i>Cupaniopsis anacardioides</i>	Tuckeroo	8-10m
<i>Elaeocarpus obovatus</i>	hard quandong	10m
<i>Ficus rubiginosa</i>	rusty fig	8-15m
<i>Glochidion ferdinandii</i> var. <i>ferdinandii</i>	cheese tree	8m
<i>Guioa semiglaucula</i>	guioa	10m
<i>Lophostemon Confertus</i>	brushbox	10m
<i>Synoum glandulosum</i>	scentless rosewood	8m
<i>Tristaniopsis laurina</i>	water-gum	12m

CAUTION

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PROJECT NO:	4898	DRAWING TITLE:	EXHIBIT DA06 - INDICATIVE LANDSCAPE PLAN
DA NO:		PROJECT:	LOT 1 DP 374315 & LOT 4 DP 615261 OCEAN DRIVE, PORT MACQUARIE
DESIGNED BY:	DAT	CLIENT:	MILLAND PTY LTD & SEAWIDE PTY LTD
DRAWN BY:	DV/MW	DRAWING NO:	4898P_CP_PA_Exhibits
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