

14 July 2009

OUR REF: L:\Jobs1\013\Major Project Folder\July\09,I,DOP (Response Council letter 21 May09).doc

Mr Stuart Withington – Senior Environmental Planner
Coastal Assessment
Major Project Assessments
Department of Planning
22-33 Bridge Street
Sydney NSW 2001

Dear Stuart,

RE: MP08_0014 – PROPOSED RESIDENTIAL SUBDIVISION, MORISSET PARK

1. INTRODUCTION AND OVERVIEW

We have provided below a response to the various issues raised by Lake Macquarie City Council (“Council”) in their letter to the Department of Planning (“DOP”) dated 21 May 2009. Our response is supported by the following plans and documents:

- Letter from Northrop Engineers dated 6 July 2009 along with the following amended drawings [Figure 1 – Pre Development Catchment Plan; Figure 2 – Post Development Catchment Plan; CO1DA – Concept Sediment and Erosion Control Plan – Issue C; C02DA – Concept Stormwater Management Plan – Issue D; C03DA – Details Sheet – Issue D; C04DA – Road Long Sections Sheet 1 of 2 – Issue A; C05DA – Road Long Sections Sheet 2 of 2 – Issue A].

Two copies and a CD of the above documents are attached to this letter. A copy has also been provided to Lake Macquarie City Council.

The above documents and plans include some minor amendments to the project to address the issues raised by DOP. These amendments are summarised in the Northrop Engineers letter dated 6 July 2009.

The issues have been dealt with below in the order set out in the Council letter for ease of reference.

2. SUBDIVISION LAYOUT

The Council’s request for small lot housing to be included as a Restrictive Covenant is not supported and is inconsistent with their previous advice. The requirement of Schedule 2 of Lake Macquarie LEP 2004 to make provision for 10% of lots to accommodate small lot housing, was discussed with Council’s Chief Subdivision Engineer (Mr Greg Field) at a pre-DA meeting on 4 December 2007 (see Appendix 34



of the EAR). At this meeting it was agreed that this requirement would be satisfied by ensuring at least 4 of the proposed lots are of sufficient size to cater for future dual occupancy development (ie. a total of 8 future small lot housing lots). As detailed in Section 5.6.2.5 of the EAR, the majority of lots have been designed to enable them to accommodate a future dual occupancy dwelling, subject to separate Council approval. This provides flexibility for future land owners without imposing a legal requirement for dual occupancy development or small lot housing to occur.

It is also relevant to note that Clause 24(4) of the Lake Macquarie Local Environmental Plan 2004 requires the actual dwellings on small lot housing lots to be approved at DA stage and be constructed to lock up status prior to the release of the subdivision certificate. To enable small lot housing to be incorporated into the current subdivision design would therefore require the design of these dwellings to be incorporated into the major project application, requiring a further amendment to this application. This is considered unacceptable in terms of additional delays to the processing of the application. It is also considered that small lot housing in this location would be inconsistent with the existing context of the site and character of the surrounding development.

3. TRAFFIC REVIEW BY TPK & ASSOCIATES

We have reviewed the requirements for the construction of a type AUR intersection at the new road into the subdivision. The preliminary design confirms that all required works will be able to take place within the existing road reserve and private land owned by the applicant without the need for any additional land acquisition.

Any requirement to relocate the watermain on the northern side of Morisset Park Road to within the proposed footpath can be dealt with as a condition of consent.

With regard to internal road widths, these have been designed to ensure their width complies with the provisions of Part 4.1.3 of Planning For Bush Fire Protection provided "No Parking" signs are provided along one side of these roads. This remains our intention and such an approach has been supported by the NSW Rural Fire Service with other subdivisions.

4. STORMWATER MANAGEMENT AND CIVIL WORKS

These matters are addressed in the attached revised submission prepared by Northrop Engineers dated 6 July 2009. These matters have also been the subject of various meetings between Council Officer Mr David Pavitt and Northrop Engineers.

5. INTERSECTION FISHERY POINT ROAD/STATION STREET

These matters were addressed in our email to you dated 2 June 2009, to which was attached the letter from our traffic engineer TPK & Associates dated 1 June 2009.

6. CONCLUSION

We trust that the above information satisfies all outstanding matters. Please do not hesitate to contact me on (02) 4942 5441 should you have any further queries.

Yours sincerely

de WITT CONSULTING

A handwritten signature in black ink, appearing to read 'David Humphris', is written over a light blue horizontal line.

David Humphris
DIRECTOR



APPENDICES



APPENDIX 1

Letter from Northrop Engineers dated 6 July 2009 (including amended Drawings)