

DA NO: 25-2009-3-3

PROPOSAL: Modification to Residential Subdivision for 411 lots (MOD 9)

**PROPERTY: LOT: 1 DP: 270466, LOT: 4 DP: 270466, LOT: 7 DP: 270466
1 Seaside Boulevard FERN BAY, 20 Seaside Boulevard FERN
BAY, 2 Seaside Boulevard FERN BAY**

Dear Jane,

Thank you for your email dated 16 May 2017, inviting Council to provide comments to the proponent's response to submissions. Council has completed a review and provides the following advice:

Ecological

Justification and ecological assessment requested regarding encroachment onto the E2 Environmental Conservation zone has not be appropriately addressed.

The response to submissions report prepared by Cardno (2017) provides no additional information or assessment of potential ecological impacts of the proposed modifications (1-4) in Section 4.1 of the report.

The report states that 'Similar minor encroachments into the E2 zone for the purposes of local roads have been previously approved as part of the overall scheme. Given this precedent within greater development, coupled with the fact that the Office of Environment and Heritage has raised no concerns with regard to ecological impacts of the Modification Application, our opinion is that there is no need for additional ecological assessment of this Application.'

However it is noted in OEH's letter 14 December 2016 that OEH had similar concerns with the proposed encroachment onto the E2 Environmental Conservation zone as Council. This is confirmed by further correspondence from OEH on 9 May 2017 noting that the issues raised relating to this matter had not been addressed in the Responses to Submissions report (Cardno 2017).

Council's concerns raised have not been adequately addressed. Based on the information provided for the proposed modification (MOD9) for Major Project 06_0250, modifications 2 and 4 associated with the proposed road around the reconfigured Stages 18-20 (MOD2) and relocation of the proposed pump station P3 (MOD4) are not supported as potential ecological impacts have not been adequately considered or assessed.

To date, the documentation provided has not provided adequate justification for the encroachment of the road and batters into the E2 zoned retained vegetation management area. Both proposed modifications are located within vegetation mapped

as Swamp Sclerophyll Forest (ERM 2009) which is an endangered ecological community listed under the *Threatened Species Conservation Act 1995*. This vegetation type would also be considered as preferred koala habitat as it is dominated by preferred koala feed tree, Swamp Mahogany.

Council recommends that if impacts to biodiversity within the E2 zone are considered unavoidable, an ecological assessment of the proposed modifications is required to assess the potential ecological impact of the proposed modifications (1-4), particularly proposed modifications 2 and 4. Any clearing of preferred koala habitat would require adequate justification and compensatory measures provided.

Traffic

The removal of the second access road is not supported by Council. This road connection is considered to be critical in order to allow for viable future public transport connection to the estate. While the traffic modelling undertaken indicates that the major intersections will continue to operate at an acceptable level of service up to full development of the site, the second access to Nelson Bay Road was never about traffic capacity. Without the second access, any public transport route would be restricted to an extent that it will not be attractive for bus operators and will not provide adequate coverage of the development. Council already receives complaints from residents about the lack of services as school and public buses are restricted to the earlier stages of the development.

A second access would potentially allow for a bus route along the main road through the site and would provide residents with transport options in the future. Removal of the second road access to Nelson Bay Road would be contrary to Ministerial Direction 117, specifically Principle 4 - Link public transport with land use strategies & Principle 5 - Connect streets.

Comment was also sought from bus operators and from Transport for NSW regarding this proposal with the following received:

The Integrated Transport Analyst for TfNSW :- 'TfNSW does not support the proposal to remove the second access road from Seaside Boulevard onto Nelson Bay Road.

The proposal creates inappropriate diversions that decrease route efficiency, effects on-time running, and customer attractiveness to utilise public transport – specifically a direct and efficient service. Furthermore, without the access link between Seaside Boulevard onto Nelson Bay Road, it would significantly increases bus operating expenses'

The operations manager for Hunter Valley Buses, the current bus provider to the development, also advised that he is opposed to the removal of the requirement for a

second access to Nelson Bay Road for the same reasons. The second access road is also critical from an emergency access perspective. In a flood or fire event requiring mass evacuation, a reliance on a single access road which could easily become blocked, could be potentially life threatening.

The proposed accesses to stages 19 and 20, from Seaside Boulevard need to be consolidated. The left-in/left-out required would be inconvenient for residents and would result in unsafe u-turns being performed on Seaside Boulevard. A roundabout combining both accesses and allowing all movements to both stages would be a much preferred outcome.

Pedestrian and cyclist connections need to be provided for in all stages.

Stormwater Drainage

Approximately half of the property is flood affected within the category 'low hazard – flood fringe'. The future floor levels of habitable buildings should be above the flood planning level.

The majority of the area is low-lying and the low-lying area is affected by a perched water table. This matter requires consideration when designing a stormwater management system for any future development.

The Seaside Boulevard development does not have a proper external downstream drainage system and there is no legal discharge point to discharge stormwater. Council recommends that the R2 zoned area requires a thorough study on groundwater, surface water management and the potential for impacts on adjoining properties, Nelson Bay Road and further downstream properties. (ie. north-west of Nelson Bay Road).

The assumptions they have been used in the stormwater modelling (prepared by Marten's) was that all natural storage areas are dry and that sufficient storage is available to receive surface water from the developments. But this is not the case for during wet periods. During wet conditions, majority of the low-lying areas are filled with ponded water even before the real storm bursts happen. These areas would have lesser storage (or no storage) and the stormwater flows from all developments within this catchment could cause higher flood level in the natural storage areas. This could also cause overflows across Nelson Bay Road and flood downstream properties. Furthermore, the low lying properties in the new development areas could also be affected.

Council believes that any further development in this area should be restricted until a hydrogeological and surface water study is carried out. This study must consider initial wet conditions, creation of a legal drainage flow paths through downstream properties, upgrading of Nelson bay culverts etc.

Thank you for the opportunity to provide additional comments. If you wish to discuss any of the above issues raised please contact me on the number below.

Yours Sincerely



Samuel Harvey
Senior Development Planner

Port Stephens Council

Phone: 49 80 0 290

Email: samuel.harvey@portstephens.nsw.gov.au

Web: www.portstephens.nsw.gov.au

