



DOC17/305677
MP 06 0250 MOD 9

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Dear Jane

As discussed with you last week, NPWS has been in discussions with the proponent of the Fern Bay residential major project regarding their current project modification application (Modification 9 – MP06_250 MOD9), and specifically the issues raised by NPWS that were yet to be resolved. These issues have been documented in previous correspondence from OEH (ref DOC17/228987-1). The issues raised by NPWS relate to risk to the WCL, commitments already delivered, and commitments still required under the Fern Bay Voluntary Planning Agreement and Deed of Agreement.

The following sets out the minimum conditions that must be met in order to address the issues identified by NPWS.

1. *Boundary adjustment inclusion on all plans for stages 18 and 19*
The proposed adjusted boundary with the Worimi Conservation Lands (WCL) needs to be shown on all plans for stages 18 and 19, and should be included as a condition of approval.
2. *Concerns regarding the proximity of proposed development (including the retaining wall) to the adjusted boundary of WCL*
Given the close proximity of the development site to the current and proposed new boundary with the WCL, and the 4WD track constructed under the Fern Bay Voluntary Planning Agreement, the following conditions apply and must be met prior to the issuing of subdivision certificates for stages 18 and 19:
 - 2.1 The retaining wall to be located in stage 18 (as shown in drawing 21 of 21 "Bulk earthworks (cut-fill) plan in document 2016-11-10 34878 Project Plan Rev L) adjacent to the 4WD track and proposed WCL boundary must be contained wholly within the development site, and any land required for the maintenance of the retaining wall must be wholly contained within the development site, and not within the proposed WCL boundary.
 - 2.2 Construction works must not impact on the 4WD track (including the bollard and cabling along the 4WD track). In the event construction works result in any impact to the 4WD track (including the bollard and cabling along the 4WD track), the 4WD track (including bollard and cabling) is to be repaired by the proponent. The repairs must return the impacted infrastructure to its original condition.
 - 2.3 The ground level next to the 4WD track bollard line must be maintained at its current height at a minimum distance of 0.6m and greater where possible, beyond which the batter slope must not be steeper than a gradient of 1 metre height change for every 6 metres in distance.

2.4 The 4WD track delivered as a requirement of the Fern Bay Voluntary Planning Agreement has been designed and constructed so that stormwater runoff drains across the proposed boundary and onto the development site. The stormwater design for stages 18 and 19 must account for this existing situation, and the landscaping must be designed to ensure no impact on the 4WD track (including the bollard and cabling along the 4WD track) or land within the proposed WCL boundary due to stormwater runoff.

3. *Stormwater conveyance impacts and ongoing access from Seaside Boulevard to the WCL*
To ensure no impact on the access track from Seaside Boulevard to the 4WD track, stormwater from stages 18 and 19 is to be conveyed in a culvert under the access track. The culvert must be of a capacity exceeding that required for the stormwater system as currently designed. This condition is to be satisfied by the proponent prior to issue of a subdivision certificate for stages 18 and 19.

This is required due to the 4WD access track having been impacted by stormwater flows from the development site at other locations, due to stormwater flows breaching the capacity of the development stormwater system, and the need to ensure this situation is not repeated as a result of flows from the stormwater catchment of stages 18 and 19.

4. *Access to the 4WD track*
A hard barrier is to be installed between the access to the 4WD track and stages 18 and 19, in the form of bollard and cabling along the access to the 4WD track from Seaside Boulevard. This condition is to be satisfied by the proponent prior to issue of a subdivision certificate for stages 18 and 19.

In the Department's consideration of this advice, it is imperative that NPWS be consulted regarding any changes to the text of the conditions as set out above prior to determining the current fern bay project modification. If you require any further information regarding this matter please contact me on 49848204 or 0429144872.

Yours sincerely

 2/6/17

ADAM FAULKNER
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