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DA 2013-599 – Objection

1 message

Secretary <secretary@econetworkps.org>

Thu, Jan 18, 2024 at 4:30 PM

To: Developmentand.BuildingAdmin@portstephens.nsw.gov.au

Bcc: Nigel Waters <nigelwaters@econetworkps.org>, Alison Rogers <secretary@econetworkps.org>

To Whom it may concern,

Please accept this EcoNetwork submission: DA 2013-599 – Newline Road Raymond Terrace - Five into 100 lot Torrens title subdivision, clearing and associated site works

EcoNetwork Port Stephens has an interest in this DA as an example of a significant 'greenfield' housing development in the Port Stephens LGA which raises important issues about the balance between meeting housing needs, protection of the natural environment, and provision of supporting infrastructure.

The proposed development of this site has a long history, involving at least one change of ownership, and extensive negotiations with Council over drainage and tree clearing in particular. The absence of an updated Statement of Environmental Effects has made it difficult to fully understand the proposal and how it has been varied over time.

The landowner and developer, the McCloy Group, has offered to enter into a Voluntary Planning Agreement (VPA) in respect of the wider site. This would appear to involve parts of the land zoned residential being voluntarily added to the conservation area to be protected and subject to a Vegetation Management Plan. While we welcome this offer, we do not think that it necessarily addresses a range of outstanding issues about the acceptability of the proposal. The offer also needs to be considered carefully by Council in the context of the assessment timetable for the DA, rather than to meet the arbitrary 'deadline' of 24 January 2024 included in the letter of offer dated 15 November 2023.

In particular, there remain outstanding questions over the suitability of the land for development given the current and future flood risk. We defer to the submission from our affiliate, Voice of Wallalong and Woodville (VOWW) for a detailed critique, but it seems that the reports submitted by the applicant significantly underestimate the flood risk to development on the site, and the effect of the development on flood management in the wider area. In recent flood events, Newline Road has been completely submerged and closed to traffic. Adding hectares of impermeable hard surfaces to the catchment east of Newline Road will inevitably compound the drainage problems and we are not convinced that the proposed engineering works will be adequately deal with the problems and reduce the flood risk to an acceptable level. It is important to ensure that for any development in flood prone areas, not only the dwellings themselves but also all access roads are protected.

In respect of tree clearing, we cannot see why the developer should be allowed to clear the entire site when only a small proportion of the site is currently proposed for the Stage One development. Surely approval of clearing should be staged to match the applications for and approval of the different stages of development? This would allow the impact of the development on native fauna (and on flood management) to be monitored, and future decisions to be informed by experience and changing circumstances. It would also allow new planting to mature before important habitat is lost – a significant time-gap between clearing and maturity of replacement planting negates the value of the new planting as habitat and movement corridors for native fauna in the meantime. We defer to the submissions from our special interest group, the Koala Coalition EcoNetwork Port Stephens (KKEPS) and from VOWW for a detailed critique of the potential impact of the development on the natural environment, flora and fauna.

We are concerned that the VPA anticipates handing over responsibility for maintenance of the conservation area to Council after a period of time. There is no realistic prospect of Council having adequate resources to manage any additional conservation areas and we submit that the developer should make financial provision for ongoing maintenance costs in perpetuity.

There are also outstanding issues relating to traffic. The proposed development will generate significant volumes of traffic, both during construction (including heavy trucks) and ongoing when functioning as a residential area. We are not convinced that the traffic assessments have been adequate or that sufficient provision has been made for improvement of surrounding roads to cope with the additional traffic.

This proposed development forms part of the wider Kings Hill Urban Release Area (KHURA). The Land and Environment Court recently refused a DA for a large development adjacent to this site. We submit that many of the findings of the LEC Commissioner in that decision are relevant to this DA as well and should be carefully considered in the assessment.

In conclusion, we submit that there are many outstanding issues to be resolved before any approval should be given

to housing development on this site. It may well be that those issues can be satisfactorily addressed to allow the first stage of development to proceed, but in that case, the approval should not include clearing of bushland that will only be required for later stages of development – that clearing can and should be assessed as part of future DAs.

Regards,

Secretary EcoNetwork Port Stephens

Secretary - Executive Committee

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