

26 September 2022
Ref: 5105

The General Manager
Port Macquarie Hastings Council
Corner Lord and Burrawan Streets
PORT MACQUARIE NSW 2444

Attention: Dan Croft / Ben Roberts

Dear Dan,

Re: Application for S.4.55 (1A) Modification of Development Consent 2012/381 at Lot 3 DP 1247192 and Lot 12 DP 1226839, Seaside Drive, LAKE CATHIE

1. INTRODUCTION

The following is an update/amendment to the Section 4.55(1A) application which was submitted to Council last year to modify Development Application DA 2012/381 – Approved Subdivision. This amendment to the modification application relates specifically to roads and laneways associated with Lot 3 DP 1247192 being the Hilltop Village at Lake Cathie as part of the Catarina development and Lot 12 DP 1226839 the adjoining Seaside Estate development.

We have also included as an attachment, the Response to Submissions letter for the Section 75W application to modify the Part 3A Concept Approval, which has been lodged with the NSW Department of Planning and Environment (DPE) for concurrent assessment.

Separate Development Applications will soon be lodged to Port Macquarie-Hastings Council for the proposed buildings on the remaining undeveloped land within the precinct.

2. SUBJECT LAND

The subject land is identified as Lot 3 DP 1247192 and Lot 12 DP 1226839, Seaside Drive Lake Cathie. The land forms part of a wider subdivision, with the northern portion developed as Seaside Estate and the southern portion as Catarina. This Modification relates to the northern portion of Catarina (Lot 3 DP 1247192), which is known as the Hilltop Village, and the southern portion of Seaside Estate (Lot 12 DP 1226839). Refer to **Figure 1**.

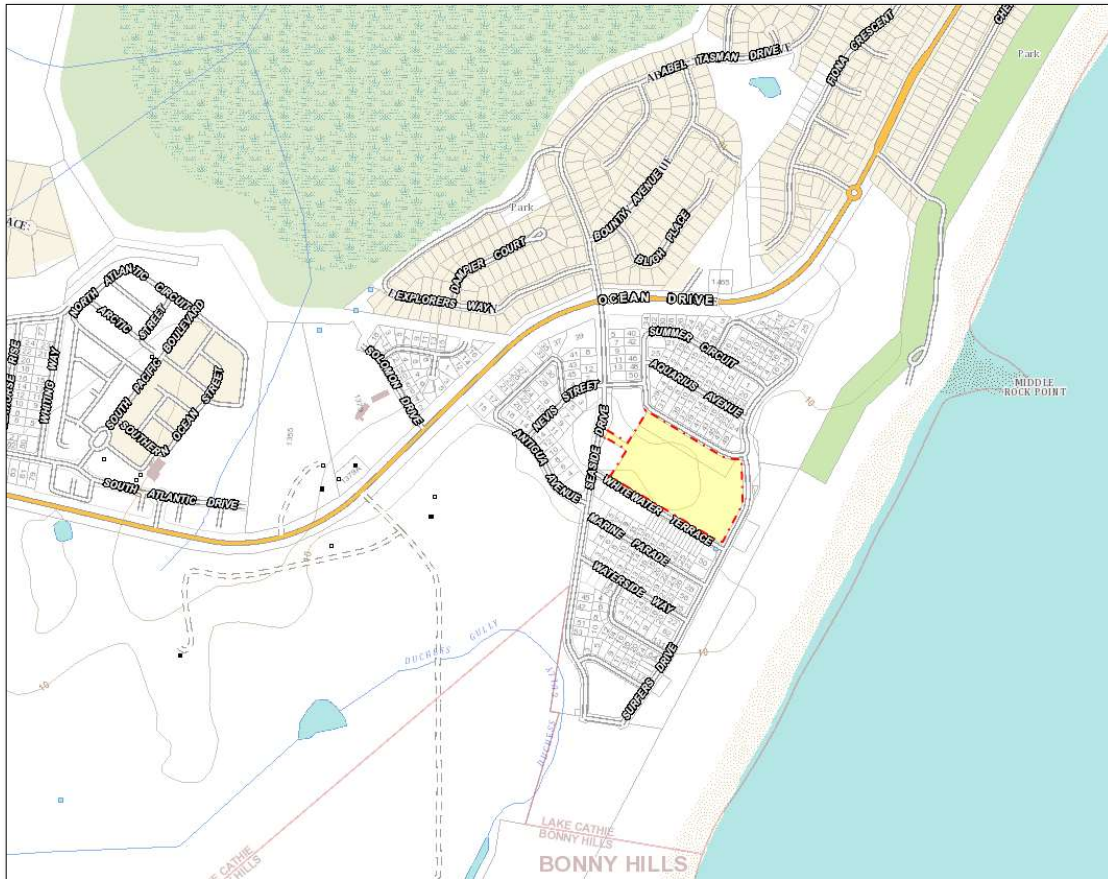


Figure 1: Site Location Plan (source: www.sixmaps.nsw.gov.au)

3. DESCRIPTION OF THE PROPOSED AMENDMENTS

Following further discussions with PMHC and the Department, the Catarina project team has investigated options to revise the road network and connectivity in and around the area of Hilltop Village of the Concept Plan approval.

The amendment to the modification application in response to the submissions seeks to:

- Maintain the originally approved east-west Ocean Blue Boulevard/main street.
- Delete the previous Bombara Way connection between Ocean Blue Boulevard to Whitewater Terrace.
- Delete the east-west mid-block laneways to the north and south of Ocean Blue Boulevard.
- Provide new pedestrian north-south linkages between Ocean Blue Boulevard and Whitewater Terrace.
- Subdivide the land in a staged progression to ensure efficiencies in the development of the Catrina Hilltop Village Precinct.

The originally approved Subdivision Plan is identified in **Figure 2**.

The originally submitted Modification plan, is identified in **Figure 3**.

This subdivision plan has been revised and is to be replaced with **Figure 4**. This plan shows the proposed revised subdivision layout, includes deletion of Bombara Way and laneways from the plans, connection along Ocean Blue Boulevard between Seaside Drive and Surfers Drive, and identifies the vehicular access points to the carpark basements.

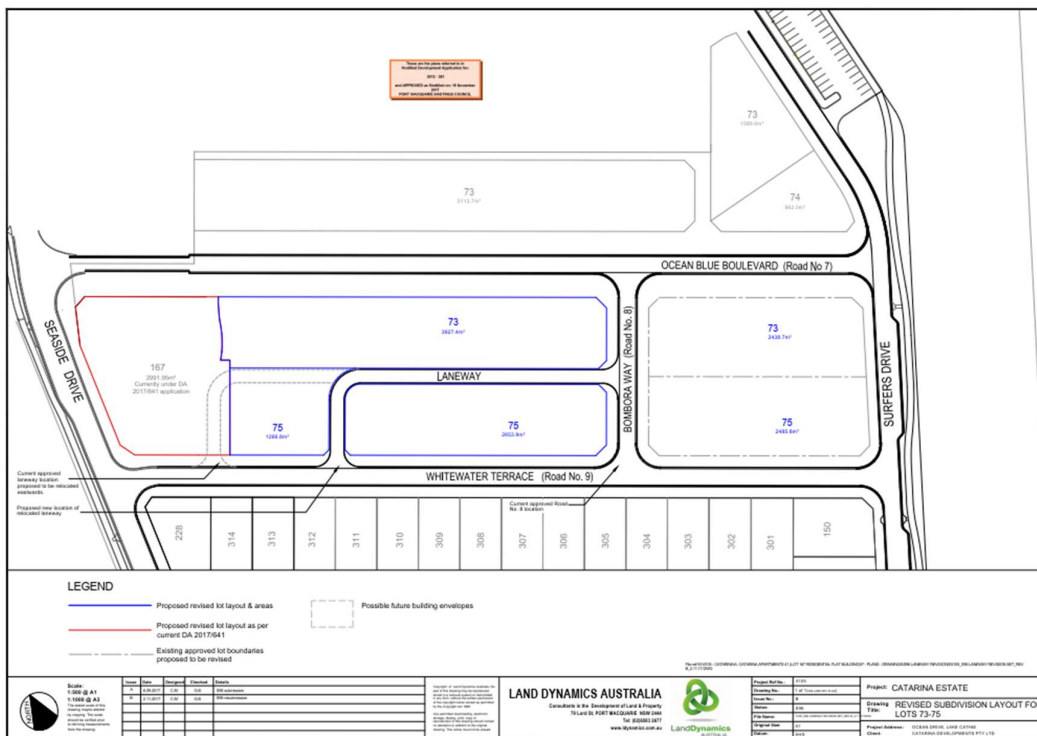


Figure 2: Originally Approved Subdivision Plan

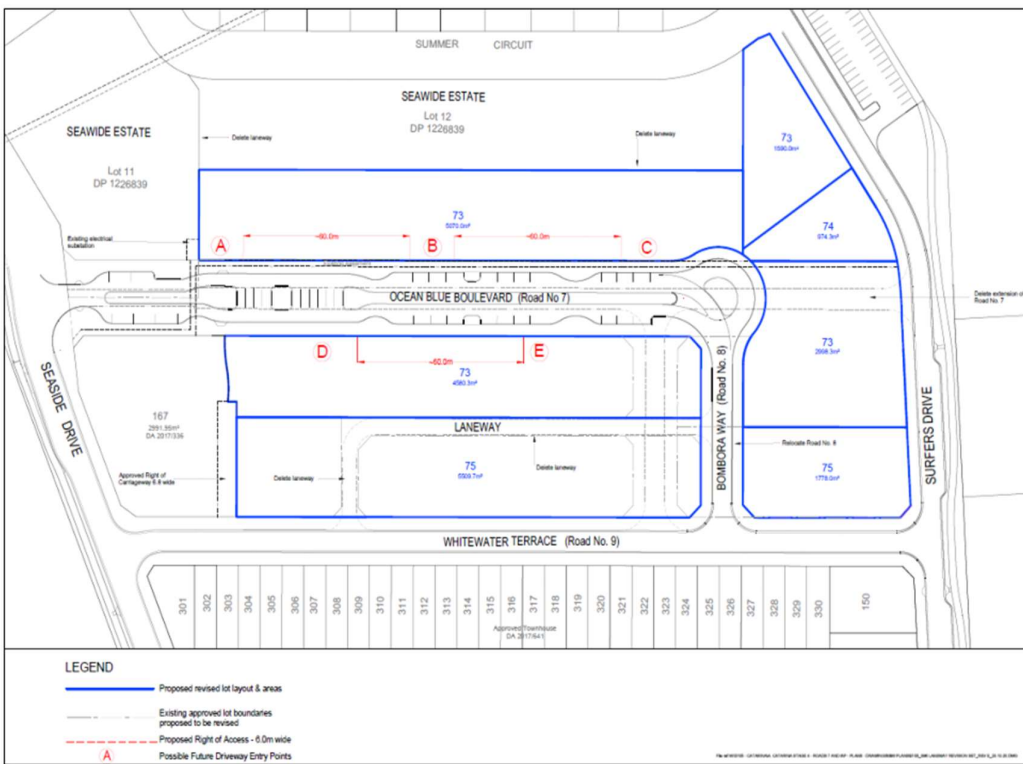


Figure 3: Originally proposed Plan submitted with Modification Application - detailing changes to the laneway

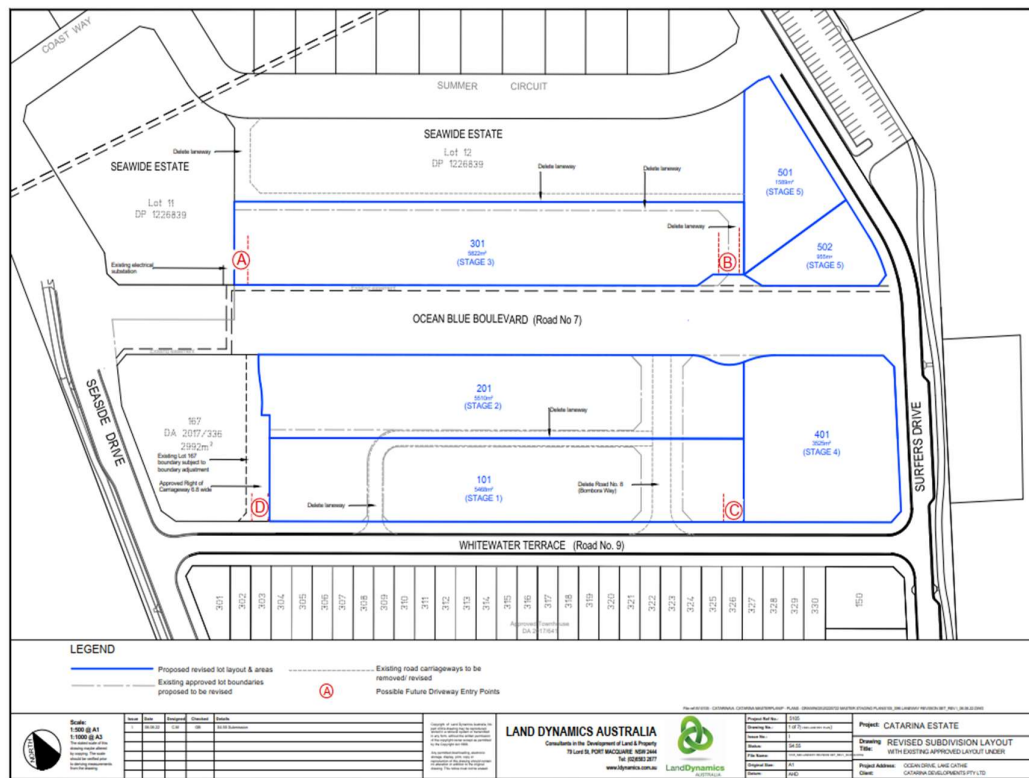


Figure 4: Revised Amended Subdivision Plan – removal of laneways and Bombora Way, Ocean Blue Boulevard

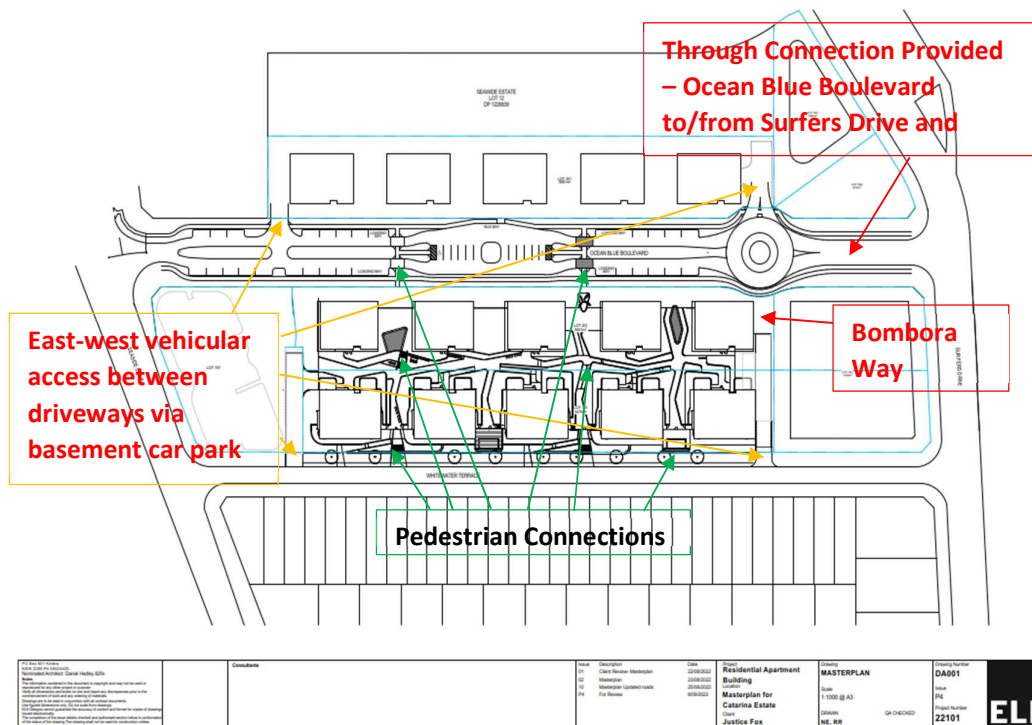


Figure 5: Amended Plan with Amendments Annotated

Refer to **Annexure B**, which provides the existing approved subdivision layout, the amended layout subject of this Modification application and the various staging for the site as it develops.

Figure 5 provides an annotated illustration of the proposed amendments on the revised plan.

The proposed integrated basement carparks plan and vehicular ingress/egress access arrangements within the Catarina Hilltop precinct are identified in **Figure 6**.

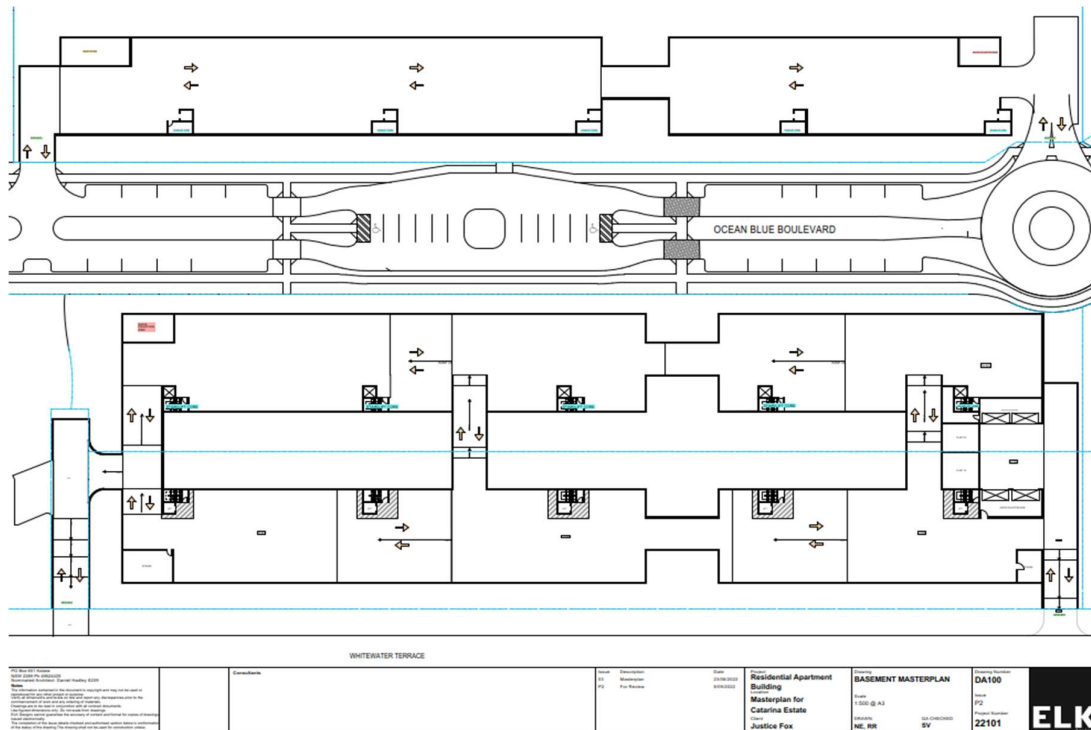


Figure 6: Integrated Basement Carpark Access

It is noted that in all plans they reflect the new road design and resulting subdivision pattern. This modification also includes the removal of the laneways, the new design of Ocean Blue Boulevard and incorporation of the integrated basements. This is reflected in the LDA plans:

- Revised Subdivision Layout & Staging Plans dated 06 June 2022.

4.1 RESPONSE TO PORT MACQUARIE-HASTINGS COUNCIL (PMHC) SUBMISSION

PMHC Issue 1 – Connectivity Ocean Blue Boulevard to Surfers Drive

“ Whilst it is considered that there may be some merit to investigating an alternate design for Ocean Blue Boulevard, linking to Surfers Dr via Bombora Way and Whitewater Terrace, it is considered that further engineering information is necessary to demonstrate that a suitable road gradient is not achievable directly to Surfers Dr in the concept approval location. This should also be compared to the existing Whitewater Terrace road gradient. It is also considered necessary to provide for appropriate details to secure public pedestrian connection directly through to Surfers Dr and the Rainbow Beach car park in a timely manner. The modification application information does not appear to detail at what stage the pedestrian connection will be provided. This is considered particularly important given the proposal to delete the more direct public road connection.”

Applicant's Response to PMHC Issue 1

It is no longer proposed to close the eastern end of Ocean Blue Boulevard. Images of the amended road configuration, **Figure 4 - Figure 6** identify a through road/main street being Ocean Blue Boulevard connecting vehicular and pedestrian access east/west between Seaside Drive and Surfers Drive. It is noted from comments provided by PMHC at a Pre-lodgement meeting on 3 May 2022 relating to the future built form development application, that this amended road configuration is supported in principle. A copy of the Pre-lodgement Minutes is provided at **Annexure E**.

A public pedestrian linkage will also be provided between Ocean Blue Boulevard and Whitewater Terrace, to replace Bombora Avenue. This is to be achieved via appropriate easements through the Stage 1 (proposed Lot 101) and Stage 2 (proposed Lot 201) developments. It is likely that the legal mechanism to ensure public access to the pedestrian linkage would be an easement providing a public pedestrian pathway created under a condition of the future development consent/s for built form on the site. The easements would be expected to be created over the completed built form at ground level as an underground basement carpark sits beneath proposed Lots 101 and 201 buildings.

As the amendment provides for Ocean Blue Boulevard to connect directly through from Seaside Drive to Surfers Drive and connection with the Rainbow Beach car park, the further information regarding the timing and engineering detail regarding the alternate route along Bombara Way are no longer required. The design and construction approval process for the roads will ensure road gradients and access arrangements are appropriate and meet required engineering standards/compliance. The design and engineering details of Ocean Blue Boulevard and integrated basement have been further refined since the Pre-lodgement Meeting because of subsequent discussions with PMHC technical staff and consultant experts. The plans ensure appropriate vehicular and pedestrian connectivity for visitors and residents, disabled and commercial users within the Catarina Hilltop Village and surrounding area. As per **Figure 7**, proposed Lots 101 and 201 have detailed pathway and landscape connectivity as a DA will be subsequently lodged over proposed Lots 101 and 201 as supported by the staging proposal. This delivers Council and DPE certainty in the development design and provides pathways and connectivity throughout the Catarina Hilltop precinct in the absence of the ground level laneways.

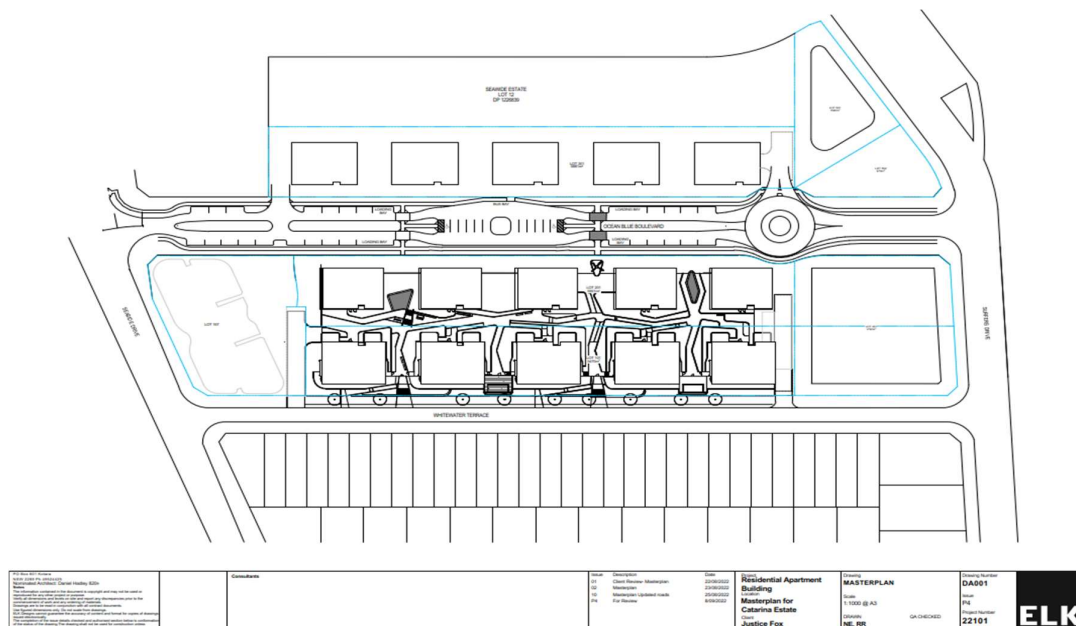


Figure 7: Catarina Hilltop Village Roads & Pathways Connectivity

PMHC Issue 2 – Deletion of Laneways

“ Previous concerns raised in the pre- lodgement meeting minutes around the deletion of the approved laneways remain, for the following reasons:

- a) The laneways were approved to allow for vehicles to service the mixed-use zoned land on Ocean Blue Boulevard and to provide a higher level of urban design and amenity outcomes in the hilltop village. By removing the laneways, servicing will inevitably occur along Ocean Blue Boulevard as indicated in the modification application. The application does not detail where on-street loading bays would be located, it is likely that they will reduce on-street parking and increase the potential for vehicle and pedestrian conflicts.
- b) The proposed restriction of vehicle crossovers in the five nominated locations will additionally reduce on-street parking availability and increase vehicle and pedestrian conflict points. These nominated access locations appear to be approximately 15m in width and could in effect result in more than one access point in each location. The nominated locations directly conflict with pedestrian crossing points and nominated on-street parking. Currently, there is nothing to prevent the B4 zoned land from being subdivided into smaller, individual lots in future. If this were to happen, then each individual property would be entitled to a driveway onto Ocean Blue Boulevard (up to 5.5m wide), further negatively impacting on parking, pedestrian conflict potential and urban design outcomes.
- c) Whilst it is noted that an integrated basement design is being worked on by the proponent so as to potentially provide for a similar function to a laneway, this does not provide sufficient certainty. Relying on such a significant development to provide for an integrated planning outcome at a later stage is considered to be a high-risk solution and not appropriate for a greenfield site. The current approved laneways allow for a range of development outcomes in the future. Whilst Council staff are open to considering an alternate road structure for the hilltop village, a suitable alternative proposal is likely to require a more integrated approach that provides for a greater level of certainty. This has been previously communicated to the proponent on numerous occasions.”

Applicant's Response to PMHC Issue 2

The amended proposal is to provide access to the future built form on the northern and southern side of Ocean Blue Boulevard via integrated or connected basements. It is noted, the delay in responding to the submissions is because of the detailed engineering and architectural design needed to provide certainty that this integrated and holistic approach to the design of the Catarina Hilltop Village is achievable and meets client, future resident, and approval authority expectations and increased certainty.

The northern basement (Stage 3), proposed Lot 301 will be accessed from two (2) vehicular access points off Ocean Blue Boulevard located at the eastern and western end of the proposed apartment buildings/basement. The southern basement (Stages 1 and 2), proposed Lot 101 and Lot 102 will be accessed from two (2) vehicular access points off Whitewater Terrace. This integrated basement arrangement is shown in **Figure 6**.

Again, this concept was discussed in a Pre-lodgement meeting at PMHC on 3 May 2022 relating to the future built form development application. An extract from the Minutes (refer **Annexure E**) is as follows:

“ In relation to the laneways, there is considered to be scope to provide a similar function through an integrated basement design and service point(s) as proposed. It is acknowledged that this approach will likely assist with managing the ground level interface with adjoining land holdings.”

As Council acknowledges, the issues relating to potential crossover / pedestrian conflict and servicing arrangements along Ocean Blue Boulevard can be managed, as evidenced within the amended design. The function of the laneways to provide vehicular access between buildings will now be accommodated by the integrated basement on either side of Ocean Blue Boulevard. Two (2) vehicular access points to the basements to the north of Ocean Blue Boulevard and Whitewater Terrace will provide access to the developments located above the basements, whilst reducing conflict between users.

As **Figure 8** shows, pedestrian connectivity and circulation space will be maintained between the buildings at ground level, and a public access pedestrian pathway between Whitewater Terrace and Ocean Blue Boulevard will link residents and visitors to the commercial uses, residential accommodation, and public open spaces within the Catarina Hilltop precinct. These connected spaces and pathways are evidenced in the landscape plan for the development of proposed Lot 101 and shows the connectivity and circulation between and around buildings, and between proposed Lot 101 and Lot 201. The proposed plan considers the gradient differences in the ground levels between the lots, which can be managed and enhanced in the absence of the laneway which are to be removed as part of this modification. This holistic approach to the design of the Catrina Hilltop precinct provides a better urban design approach and improved amenity.

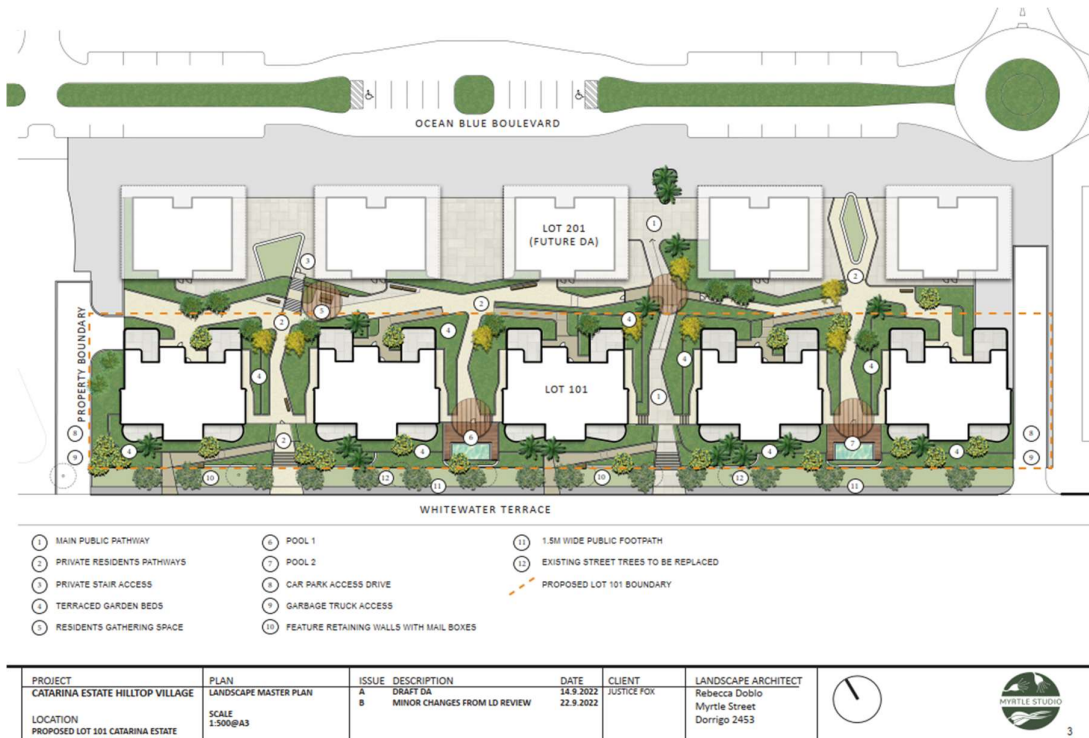


Figure 8: Catarina Hilltop Village – Proposed Lot 1 Landscape and Pathway Connectivity Plan

The proposal therefore deletes the east-west mid-block laneway to the north and south of Ocean Blue Boulevard between proposed Lots 101 and 201; and proposed Lot 301 and Lot 12 DP 1226839. As identified previously, to respond to Council's request to restrict access off Ocean Blue Boulevard so that numerous individual entry points to any development are avoided, and potential conflict between users is reduced; no direct vehicular access points are proposed on the southern side of Ocean Blue Boulevard into proposed Lots 101 or Lot 201. Vehicular access is located at each end of a below ground basement accessed off Whitewater Terrace. This basement provides through traffic flow between buildings and proposed Lots 101 and 201, instead of requiring the previously identified laneway.

Similarly, as previously identified only two (2) direct vehicular access points are proposed on the northern side into proposed Lot 301 off Ocean Blue Boulevard. Vehicular access is located at each end of a single, below ground basement, which provides through traffic flow between buildings instead of requiring the previously identified laneway. Any development within Lot 12 DP 1226839 will have access from Summer Circuit consistent with the adjoining and surrounding development pattern within Seaside Estate.

The removal of Bombora Way and the laneway connections on the north and south onto Ocean Blue Boulevard and adoption of the integrated basement design will result in reduced potential conflict points along Ocean Blue Boulevard. The outcome provides a higher level of urban design, increased amenity in the locality, and less points of potential conflict between residents, visitors, and commercial supply trucks, as there are limited vehicular accesses crossing pedestrian pathways.

Additional on-street visitor parking, disabled access carpark spaces, bus bay, and loading bays are also incorporated into the design of Ocean Blue Boulevard, refer to **Figures 6 and 7**. The accompanying revised Traffic Impact Assessment (refer to **Annexure D**) provides a full assessment of the traffic impacts resulting from the revised plans.

The concern that the site could be subdivided "at any time" is not an uncontrolled or imminent risk, as development consent would be required. The Consent Authority, i.e. PMHC would need to be satisfied that the proposal was consistent with the Concept Plan, and adequately addressed Council's concerns.

The integrated basement arrangement would allow for waste collection from the basement entry turnarounds. It is likely that an on-street loading bay would be the most practical means of servicing the ground floor commercial premises on Ocean Blue Boulevard, and on-street loading bays have been incorporated along Ocean Blue Boulevard, refer to **Figure 6**.

4.2. RESPONSE TO SUBMISSION – NSW RFS

NSW RFS Issue 1 – Bushfire Report

" ...the Department would appreciate comment on whether required Asset Protection Zones comply with Planning for Bushfire Protection 2019.". The NSW RFS is unable to provide comment until an amended bush fire report is submitted to address all undeveloped stages of the estate."

Applicant's Response to NSW RFS Issue 1

A Bushfire Hazard Assessment has been prepared by David Pensini. The report addresses the requirements of Planning for Bushfire Protection 2019 and is attached as **Annexure C**.

An artist's impression or perspective image of the proposed amended road layout and indicative future built-form of the Catrina Hilltop precinct are shown in **Figure 9**.



Figure 9: – Perspective Image of Amended Road Layout and Indicative Future Built Form

4.3 CONSIDERATION OF THE S4.55 PROVISIONS

As noted in the original submission, the likely environmental impacts associated with the modified proposal have been considered and have minimal environmental impact. The amendment relates to road and laneway layouts, which has also amended the subdivision layout. The changes will permit traffic movements as envisaged within the original approvals, but the design has considered the topography of the land, reduced conflict between users by limiting vehicular access points but maintains a main street with bus stops, loading bays and visitor and disabled carparking on the street. Amenity and public pedestrian connections are achieved between Seaside Drive and Surfers Drive, Ocean Blue Boulevard and Whitewater Terrace.

Although the subdivision layout has been revised, it is considered to be substantially the same development due to the overall development remaining for residential subdivision purposes, and the development is still for the same use with no material element of change (i.e. no additional land use or varying component added). This modification application does not radically transform the approved development and the key issues relating to lot layout, acoustic and aesthetic impacts, ecological impacts, and bushfire remain satisfactory and manageable. The changes to the road and removal of the laneway layouts in the Hilltop Village will not significantly increase or intensify the use of the development. The removal of the laneways based on the integrated basement design still provides landscaping and development opportunities as envisaged for the village precinct and maintains vehicular and pedestrian connectivity throughout the development.

This application has been considered against the relevant provisions of Section 4.15 and 4.55 of the *Environmental Planning and Assessment Act, 1979*. The proposal is consistent with the original development consent and provides an efficient use for subdivision purposes. Council can be satisfied that the modification does not radically transform the approved development and is of minor environmental impact.

The modified proposal is also consistent with the original Part 3A Concept Approval (07_0010) regarding the Hilltop Village at Lake Cathie and continues to provide an efficient use for subdivision purposes. Council can be satisfied that the modification does not radically transform the approved residential subdivision, and the concurrent S.75W Modification assessment allows for greater certainty as to the outcome and remains consistent with the aims of the Concept Approval.

The following amended application material accompanies this response to Council's request for further information:

- **Annexure A** - Revised Plans of the Hilltop Village Area by ELK Designs, Project No: 22101
 - Roads and Pathways Connectivity Plan (Masterplan) DWG No. DA001, Issue P4, dated 08.09.2022
 - Basement Plan – DWG No: DA100, Issue P2, dated 08.09.2022
- **Annexure B** - Revised Subdivision Layout & Staging Plans, Land Dynamic Australia, 06 June 2022
 - Existing approved subdivision plan and road layout
 - Revised Subdivision Layout — Project No. 5105, DWG 1, Issue I, dated 06.06.22 (showing staging, laneway removal and future driveway access)
 - Hilltop Masterplan Staging for Stage 2 – Stage 6, Project No. 5105, DWGs 3-7, Issue I, dated 06.06.22
- **Annexure C** - Bushfire Assessment by David Pensini, June 2022
- **Annexure D** - Traffic Impact Assessment, Street Wise Road Safety and Traffic Services, 25.08.22
- **Annexure E** - Minutes of Pre-lodgement meeting with PMHC, 3 May 2022
- **Annexure F** - Revised Statement of Commitments (as amended), Land Dynamic Australia, September 2022
- **Annexure G** - S.75W Modification – Responses to Submission submitted to DPE

The proposed modification of development consent DA 2012/381 may be given effect by modification of Condition 1A to call up the abovementioned plans and reports.

5. CONCLUSION

As the Catrina Hilltop precinct has evolved and detailed design occurs, it has become clear that changes are necessary to the road layout. The proposed amendments still achieve the desired traffic and pedestrian connectivity and will result in an overall good planning and urban design outcome.

It is considered that the amendments described in this letter and in accordance with the plans and reports attached as Annexures have addressed the issues raised in the submissions.

This proposed amendment to the modification application remains consistent with the relevant provisions of Section 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979.

Once the modified Part 3A Concept Approval (07_0010) regarding the Hilltop Village at Lake Cathie is determined by the Department, Council can determine the subject modification of development consent DA 2012/381.

Yours faithfully



Graham Burns

Director – Land Dynamics Australia