

# ADVICE

## Development Advisory Panel

**MEETING:**      **Friday 7 August 2009**  
                         Commenced: 10.00am                                      Finished: 11.00am

**PRESENT:**      Planning:                      Amanda Gale  
                                              Leonard Allen  
                         Building:                      Glen Brasier  
                         Engineering:              Craig Maher  
                         Minutes:                      Belinda Martin

1.      **Pre-Lodgement Meeting:**

Carmel Foster & Norm Barnes - Council Property Section  
Ms.Hanna Benson – Harper Somers  
Mr. Chris Smith – Barker Harle

**PROPERTY:**      No.155 Salamander Way, Salamander Bay  
                         Lot 284 DP 806310

**PROPOSAL:**

The proposal consists of a 7 lot subdivision, plus new roads connecting to Salamander Way and Town Centre Circuit. The area not presently occupied by the Library and Day Care Centre will be subject to re-contouring through a cut and fill process and associated drainage works are to be undertaken for the overall subdivision proposal.

Lot 284 DP 806310 has frontage and access to Salamander Way in the south and Bagnalls Beach Road in the east. Abutting the south-eastern boundary of the subject site is the Salamander Town Centre, which is accessed via Town Centre Circuit, a minor access road that intersects with Salamander Way in the South and Bagnalls Beach Road in the east.

Lots 1, 4 & 6 will be developed subject to separate Development Applications once the subdivision is approved and registered. Other remaining lots are to be developed individually in time as demand arises, as no potential purchases at present.

The area between proposed Lots 5 & 6 is to be retained as a landscape open space area, which enabled the tree retention proposed. Propose to look at how this can be linked up with pedestrian linkages to enhance this as a communal space.

## ADVICE:

### Background

- The subject land is zoned 3(a) Business General "A" zone pursuant to Port Stephens Local Environmental Plan 2000 (LEP 2000). The proposed subdivision is a permissible form of development within the zone subject to development consent from Council.
- The relevant zoning provisions need to be addressed with any proposal inclusive of other relevant clauses in LEP 2000 including (but not limited to) those outlined below. These considerations must be documented in detail (with justification provided where necessary) as follows:
  - Clause 21 – Business zonings
  - Clause 22 – Subdivision in business zones
  - Clause 47 - Services
  - Clause 51A – Development on land identified on Acid Sulphate Soils Maps

#### Note:

Council draws your attention to the requirements of the Port Stephens Local Environmental Plan 2000 and Port Stephens Development Control Plan 2007 which need to be addressed. Council's Application Lodgement Guide will assist as a guide for information preparation. These documents can be downloaded from Council's website – [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

- Overall the concept of subdivision of this remaining commercial zoned land is acceptable in principle, subject to addressing the land constraints that affect the land and key issues as discussed below. Previous discussions were also had in relation to potential impact on the adjoining residential properties and it would appear that the measures proposed inclusive with change in level of the land will adequately address this boundary.

### Land Constraints

The following land constraints affect the property and must be addressed with the preparation of any development proposal and Statement of Environmental Effects (SOEE) to accompany the Development Application.

SEPP 71 (Coastal Protection Policy) – the site is identified as within the SEPP 71 – Coastal Protection area and any application will need to address the provisions of SEPP 71 inclusive of Clause 8.

Comprehensive Koala Plan of Management (CKPoM) – a desktop review of Council's GIS Mapping System has identified portion of the site as containing 'preferred koala habitat'. Appendix 4 of the CKPoM is required to be addressed with any flora and fauna assessment undertaken for development of the land. It is noted that separate discussions have been undertaken on the ecology work undertaken for this proposal.

Endangered Ecological Community (EEC) – a desktop review of Council's GIS Mapping System and aerial photography shows a portion of the site as containing an EEC 'Swamp

Sclerophyll Forrest'. This needs to be addressed with any flora and fauna assessment undertaken for development of the land. It is noted that separate discussions have been undertaken on the ecology work undertaken for this proposal.

Acid Sulphate Soils – the site is identified as within Class 3 Acid Sulphate Soils (ASS) and this needs to be addressed as part of any proposal in accordance with Clause 51A of LEP 2000.

*Class 3 ASS – Works beyond 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered beyond 1 metre below natural surface.*

Bushfire prone land – portions of the site are identified as 'bushfire prone land' and whilst not considered a major impediment to development, any application needs to consider Planning for Bushfire Protection 2006 and the provisions of the Environmental Planning & Assessment Act 1979.

SEPP 14 Wetlands – the land is adjacent to land identified as SEPP 14 – Wetlands to the west, and any potential impacts from the development on this adjacent land needs to be considered with any application.

Further, it is noted that the plans submitted show proposed detention basins within this adjacent land, outside of Lot 284 DP 806310. Note, this land is zoned 7(a) Environmental Protection and detention basins are considered prohibited within this zone. This issue has been the subject of recent legal advice confirming Council's position in this regard. Notwithstanding, such structures are also considered inappropriate within environmentally sensitive areas (ie. SEPP 14 – Wetlands).

**Key Issues** identified and discussed include:-

Land constraints (generally as outlined above).

Traffic / Access / Car parking provision

- A Traffic Impact Assessment Report will be required to be provided with any application. The design of traffic signals at the intersection of Bagnalls Beach Road and Town Centre Circuit in particular the length of storage lanes, available road width and whether the internal intersection on Town Centre Circuit can cater for all anticipated traffic are all issues which need to be addressed in the report and development application.
- Any car parking provision is to be provided in accordance with PSC Development Control Plan 2007.

Road widths and layout

- Proposed road widths do not comply with those required by Council's DCP 2007. As previously advised if a variation to road widths is sought; justification will need to be provided within the Traffic Report. Justification will need to include an assessment of the required carriageway width plus an allowance for drainage, services and pedestrians (footpath / cycleway etc).

- The proposed 20m wide road on the sites western boundary should be “squared up” at the junction with Salamander Way to improve the future intersection layout.
- The junction of proposed 12m wide road between Lots 3 and 4 and the existing access road should also be “squared up” as discussed above.
- Footpaths and cycleway links are to be provided within the proposed roads.

#### Drainage / Detention / Infiltration

- The proposed development site is located in a compulsory 1 in 100 year infiltration area.
- An On site Infiltration Concept Plan shall be prepared by a suitably qualified and experienced engineer providing sufficient area on the site for stormwater infiltration for all critical storms up to the 1% AEP (“100 year”) storm event. All calculations of volumes and site discharge are to be provided. Overflows from the infiltration system shall be directed to the public drainage system.
- Prior to design, a Geotechnical Assessment of the soil profile is required and the steady state infiltration rate calculated during saturated soil conditions. All Geotechnical testing, design calculations, volumes and site discharge shall be shown. From AS 1547:2000 the infiltration rate can only be a maximum of 2900mm/day if the steady state rate is not adequately determined.
- The current proposal to locate the infiltration storage and dispersion areas below the proposed kerb and gutter is unlikely to be supported. The proposal may be able to be supported subject to the stormwater pipeline being relocated 1.5 to 2 metres behind the proposed kerb and gutter and a Geotechnical Assessment of the infiltration capacity of the site strata to support the proposal. The Geotechnical Assessment shall also identify any indurated sand (coffee rock) layers and an assessment of groundwater levels over the site.
- The proposed basins in the adjoining land to the west are zoned 7(a) Environmental Protection and contain SEPP 14 wetlands and as such it is not considered that these locations may be appropriate for these structures. Council has also recently received legal advice that detention basins are an impermissible use in such zonings and further that proposed detention structure should be located within the land being developed.

#### Landscaping Plan

- A landscaping plan is required to be provided by a suitably qualified person and submitted with the application in relation to roads and reserves, (not individual lots as such). An indication of tree retention / removal should be incorporated into this plan. Any retaining walls / details should also accompany or be included on the landscaping plan.

#### Fire & Emergency Services

- Need to ensure good access provision for NSW Fire Brigade around all structures/buildings. A gas storage tank is located on the eastern side of Kmart – need to consider SEPP 33 – Hazardous Storage Facilities and any implications for proposed lot location (ie. future development on each lot).

#### Street Lighting

- Suggest lodgement of a concept plan for any street lighting at the development application stage, with finer detail provided at Construction Certificate stage. Suggest consulting with Energy Australia early in the process to ensure availability of services for subdivision / future users.

#### **Other Matters** identified and discussed include:-

- Section 94 Contributions are applicable pursuant to Port Stephens Section 94 Contribution Plan. Further advice may be obtained from contacting Council's Strategic Engineer, Wal Mills on 02 49800299.
- A Construction Certificate is required for any building works associated with the proposed development and Council is able to offer a competitive service with assessment and determination of your Construction Certificate. If you require a quotation or wish to discuss any aspect of the Construction Certificate process please contact Council's Development & Building Section on 49800115.
- The applicant should be aware that the completeness and quality of the application could impact on the assessment time. Any incomplete or insufficient applications may not be accepted and returned to the applicant. Any advice given at this interview should not be considered as indicative of an approval or refusal of a future application.

I hereby certify that the above preliminary advice has been prepared based on initial and follow up consideration after the meeting (where necessary) and through meeting discussions to ensure adequate information is provided to assist in the preparation and lodgement of a future development application.

*Len Allen*

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Leonard Allen

Per:

7 August 2009