

DATE OF DETERMINATION	29 September 2016
PANEL MEMBERS	Jason Perica (Chair), Lindsay Fletcher, Michael Leavey and Karen Hutchinson
APOLOGIES	Carol McCaskie
DECLARATIONS OF INTEREST	None

Public meeting held at Mid Coast Council Chambers on Thursday 29 September 2016, opened at 1.30 pm and closed at 2.05 pm.

MATTER DETERMINED

2013HCC008 – Mid-Coast Council (Forster) DA323/2013 – 174 lot residential subdivision, including the construction of associated infrastructure, roads and drainage reserves on Lot 6180 DP 1151512, The Southern Parkway, Forster. The development application also includes land management works upon Lot 6179 DP 1151512, The Southern Parkway, Forster.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at Item 6; the material listed at Item 7 and the matters observed at site inspections listed at Item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

The Panel generally agreed with the assessment and balance of environmental considerations related to the proposal as outlined in the assessment report by Council staff. The Panel unanimously approved the application, particularly noting the following main reasons for approval:

1. The proposed subdivision will facilitate additional supply and choice of housing within the Mid Coast Local Government Area in a location specifically planned for residential development, generally consistent with that proposed.
2. The proposed development adequately satisfies the relevant State legislation and State Environmental Planning Policies including the Water Management Act 2000, National Parks and Wildlife Act 1974, Rural Fires Act 1997, State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy No. 44 – Koala Habitat Protection, State Environmental Planning Policy No. 71 – Coastal Development.
3. The proposal is satisfactory when considered against required considerations within applicable strategies, environmental planning instruments and legislation.
4. The proposal is consistent with the provisions and objectives of Great Lakes Local Environmental Plan 1996 and Great Lakes Local Environmental Plan 2014.

5. The proposal is consistent with relevant provisions and objectives in DCP 2014 with justified minor non-compliance with road widths.
6. The proposed development will have no unacceptable adverse impacts on the natural or built environments including impacts on natural bushlands and on the performance of the local road network, noting that these issues have been addressed in strategic framework determining the core planning controls applying to the land.
7. The panel notes the advice of Council staff that flooding impacts associated with the proposal have been considered acceptable, both in terms of capacity within the site and downstream impacts.
8. The environmental impacts of the proposal are able to be reasonably managed through conditions of consent (as recommended to be amended).
9. The panel noted the dedication of open space (as required by the VPA) has already occurred and other obligations of the VPA relating to water quality and Section 94 are addressed by proposed conditions of consent. It was also noted the VPA is currently in the process of being repealed, and on this basis the panel was of the view a deferred commencement consent condition was not necessary. The incorporation of proposed lot 174 into the residual lot 139 was due to reasons related to rational and orderly development of land.
10. Arising from the above, the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the Conditions as recommended in the Council Assessment Report with the following amendments –

- Delete Part A of the recommended conditions such that the consent is not a deferred commencement consent and the repeal of the VPA is dealt with separately.
- Amend Condition 1 to refer to revision E - Sheets 1-5 & 7 and dated 19.4.2016.
- Incorporate a new condition 1A to state: "The residual Lot 139 shall be amended on all applicable plans to not indicate any potential subdivision (i.e. be shown as one (1) lot), and also include Lot 174 as part of that residue lot and that Lot 173 be amended to not indicate the access driveway to former Lot 174. The panel notes this may require consequent amendment to Section 94 contributions to Stage 4B.
- Amend the table to Condition 6 to:
 - a. require a 1.2m wide concrete footpath on the eastern side of Road 6 linking Akala Avenue to Kentia Drive, to be constructed as part of stage 4A.
 - b. require any retaining walls to be constructed of a masonry finish.


PANEL MEMBERS



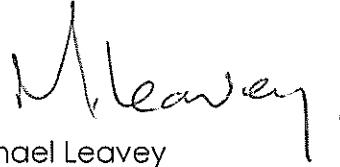
Jason Perica (Chair)



Lindsay Fletcher



Karen Hutchinson



Michael Leavey

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2013HCC008 – Mid-Coast Council (Forster) DA323/2013
2	PROPOSED DEVELOPMENT	174 lot residential subdivision, including the construction of associated infrastructure, roads and drainage reserves on Lot 6180 DP 1151512, The Southern Parkway, Forster. The development application also includes land management works upon Lot 6179 DP 1151512
3	STREET ADDRESS	The Southern Parkway, Forster.
4	APPLICANT/OWNER	RCL Forster Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Coastal Subdivision
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ol style="list-style-type: none"> 1. State Environmental Planning Policy (State and Regional Development) 2011 2. State Environmental Planning Policy No. 44 – Koala Habitat Protection 3. State Environmental Planning Policy No. 71 – Coastal Development 4. Rural Fires Act 1997 5. Water Management 2000 6. National Parks & Wildlife Act 1979 7. Great Lakes Local Environmental Plan 1996 8. Great Lakes Local Environmental Plan 2014 <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> • Development Control Plan No. 31 Subdivision • Development Control Plan No. 36 South Forster • Development Control Plan 2014 <p>Planning agreements: Nil</p> <p>Regulations:</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Act Regulation 2000 <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Assessment Report</p> <p>Plans of the proposed subdivision</p> <p>Detailed comments from Council specialists</p> <p>Full copy of Great Lakes DCP 2014</p>

		<p>Written submissions during public exhibition: one</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Support – nil • Object – nil • On behalf of the applicant – Brian Lidbury
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>29 September 2016 – Site Inspection</p> <p>29 September 2016 – Final Briefing Meeting</p>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report