

## JOINT REGIONAL PLANNING PANEL (Hunter Central Coast Region)

JRPP No	2014HCC016
DA Number	DA 413/2014
Local Government Area	Greater Taree City Council
Proposed Development	Integrated Development for Large Lot Residential Subdivision including the creation of 46 lots and one drainage lot.
Street Address	24 Manor Road Harrington  Part Lots 1 and 2 DP 621005, and Part Lot 31 DP 847223
Applicant/Owner	Riverside Manors (Harrington) Pty Limited
Number of Submissions	11 Public Submissions 3 Government Agency Submissions (NSW Fisheries, Office of Water, Rural Fire Service)
Regional Development Criteria (Schedule 4A of the Act)	Coastal Subdivision  Development within the coastal zone for the purposes of the subdivision of land for rural-residential purposes into more than 25 lots, if the land is not in the metropolitan coastal zone.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No.62 - Sustainable Aquaculture</li> <li>• State Environmental Planning Policy No. 44- Koala Habitat Protection</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 71- Coastal Protection</li> <li>• Greater Taree Local Environmental Plan 2010 (as amended).</li> </ul>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Assessment report and conditions</li> <li>• Statement of Environmental Effects, and supporting documents and reports</li> <li>• Subdivision plans</li> </ul>
Recommendation	Approval on a deferred commencement basis under section 80(3) of the Act, in order to address the following matters:  1. Registration of Subdivisions 73/2007D; 74/2007D and 75/2007D
Report by	Petula Bowden- Team Leader Development Services
Report date	

## Executive Summary

### Reason for Consideration by Joint Regional Planning Panel

The purpose of this report is to seek the Joint Regional Planning Panel's (the Panel) determination of a development application (DA) for the subdivision of land at Manor Road Harrington.

The Panel is the determining authority for this DA, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979* (the Act), as the proposed development facilitates the *Coastal Subdivision* of land for rural-residential purposes into more than 25 lots, not in the metropolitan coastal zone.

The proposal is also 'integrated development' for the purposes of section 91 of the Act as a separate approval is required under section 100B of the Rural Fires Act 1997.

Following public exhibition of the proposal, eleven (11) submissions were received.

### The site

The subject 'site' comprises proposed lots 2, 4 and 6 with an area of 22.6 hectares within unregistered subdivisions of lots 1 and 2 DP 621005, and Lot 31 DP 847223 at Manor Road Harrington.

### Proposal

- The subdivision of the site into 46 large lot residential allotments is proposed in four (4) stages as follows:
  - Stage 1 – 13 lots (lots 101 – 113);
  - Stage 2 – 9 lots (lots 201 – 210) and 1 drainage lot (200);
  - Stage 3 – 10 (lots 301 – 310); and
  - Stage 4 – 14 (lots 410 – 414)
- Site preparation works
- Road Construction
- Stormwater management system
- Servicing
- Filling of land
- Landscaping

### Permissibility

The proposed subdivision is permissible with Consent in the subject zone.

## Public Notification

The application was publicly exhibited for a period of 30 days in accordance with the Environmental Planning & Assessment Act, Regulations and Greater Taree DCP 2010 during which time eleven submissions were received.

## Recommendation

That the Panel determines DA 413/2014 for the subdivision of Part Lots 1 and 2 DP 621005, and Part Lot 31 DP 847223 to create 46 large lot residential lots and 1 drainage lot pursuant to Section 80(3) of the Act by granting a **deferred commencement** consent, subject to the conditions contained in this report.

## Assessment Report and Recommendation

### 1 Context and History

On 30 September 2005 a Development Masterplan for the subject site was approved by the Minister. A copy of the plan is provided as Attachment 1.

On 16 October 2006 development consent was granted for the subdivision of each of the allotments containing the subject land, as follows:

- 75/2007D - Lot 1 DP 621005 into a development lot (2) and a lot containing the existing dwelling house (1);
- 74/2007D - Lot 2 DP 621005 into a development lot (4) and a lot containing the existing dwelling house (3); and
- 73/2007D - Lot 31 DP 847223 into a development lot (6), a lot containing the existing dwelling house (5) and a riverfront lot to be dedicated to Council for environmental protection and public use (7).

To date these subdivisions have not been registered.

The current development proposal seeks to further subdivide three (3) of the lots proposed in these subdivisions. References to the 'site' in this report should be read to mean proposed Lots 2, 4 and 6.



Figure 1-Development Site

## Consistency with the Masterplan approval

A Masterplan under the provisions of Part 5 of State Environmental Planning Policy 71- Coastal Protection was Ministerially approved on the site in 2005. The current proposal departs from the approved Masterplan, as it does not provide a commensurate level of public access and the lot sizes have increased.

The Masterplan adopted a minimum lot size of 3000m<sup>2</sup> which gave in principle approval for 69 rural residential allotments, a drainage lot and public reserve.

A minimum allotment size of 4,000m<sup>2</sup> has since been adopted for the R5 zone under the Greater Taree Local Environmental Plan 2010 (the LEP). The current application now proposes to subdivide the site into allotments which are consistent with the new minimum allotment size for the R5 zone.

In addition, an application to the Minister to waive the requirement for a SEPP 71 Masterplan has been approved pursuant to clause 18(2) on the basis that a suite of other controls have been adopted to satisfactorily inform the design of the development such that it still meets the overall intent of the original masterplan. Such controls take the form of Council's current LEP 2010 and DCP 2010.

## Application Chronology

2013	15 January	Pre-lodgement meeting with Council officers
2014	4 June	Development Application Lodged
	10 June	Referred to NSW RFS
	20 June	DA notified and Advertised
	21 July	RFS response seeking further information
	20 August	Council request for information from applicant

	30 June	DA registered with JRPP Secretariat
	26 November	DA referred to DPI pursuant to S 15B of SEPP 62
	3 December	Response from DPI
	25 November	Masterplan Waiver from Department Planning and Environment
2015	7 April	Further information sought from applicant
	8 April	part response from applicant
	13 April	part response from applicant
	30 April	Final part response from applicant
	4 May	Referral to RFS
	19 June	RFS request for additional information
	23 June	Information provided to RFS
	24 June	BFSA received from RFS
	21 July	JRPP meeting date allocated

## 2 Site Description

The subject 'site' comprises proposed lots 2, 4 and 6 with an area of 22.6 hectares in unregistered subdivisions at Manor Road Harrington. The location of the 'site' in the context of the broader Harrington area is shown in **Figure 1- Locality Plan**. The surrounding area is characterised by a variety of land uses including, tourist accommodation, residential development, public reserves, rural residential development, and low scale agricultural pursuits. The 'site' is located in the vicinity of the Manning River to the south, a 78 site caravan park (Colonial Village Caravan Park) to the north and residential development (Harrington Waters Estate) to the east.

The 'site' is highly disturbed, predominantly cleared and comprises exotic grasslands with scattered trees and small woodland remnants. There are no dominant landscape features within the 'site', except for the dwellings to the south. The slope of the land form varies slightly with slopes of between 0.05 -1.0% towards the Manning River. The land has elevations of 2.2m to 2.5m AHD.

The 'site' is identified on Council's mapping as bushfire and flood prone land. Access to the 'site' is via both Manor Road and Harrington Road. The 'site' is currently serviced by electricity. Neither reticulated water nor sewer are currently available.

Three (3) separate driveways currently provide access across the site to existing dwellings to be situated on proposed lots 1, 3 and 5.

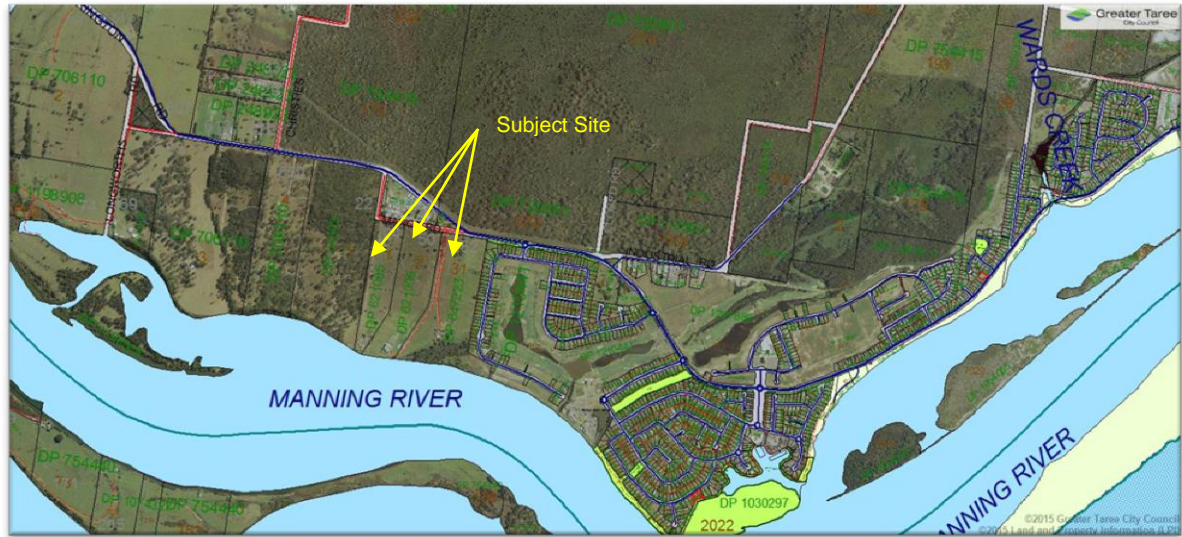


Figure 2- Locality Map

### 3 The Proposal

The proposed development of the 'site' comprises the following:

- Preparation of the site, including removal of remnant vegetation as necessary; the installation of temporary construction fencing; the implementation of sediment and erosion control measures and construction of temporary sedimentation ponds as necessary;
- The subdivision into 46 large lot residential allotments is proposed in four (4) stages as follows:
  - Stage 1 – 13 lots (lots 101 – 113);
  - Stage 2 – 9 lots (lots 201 – 210) and 1 drainage lot (200);
  - Stage 3 – 10 lots (lots 301 – 310); and
  - Stage 4 – 14 lots (lots 410 – 414).





Figure 3- Staging Plan

- Construction of three (3) new public roads to service the proposed subdivision as follows:
  - Road No. 1 - this road has a total reserve width of 26.0m, comprised of a western verge of 12.0m to retain an existing line of vegetation, an 8.0m wide carriageway and a 6.0m eastern verge;
  - Road No. 2 - this road will have a variable reserve width of 20.0- 22.5m, comprised of two (2) x 6.0m verges and an 8.0m carriageway and a 8.0m carriageway with verges of 7.0m and 7.5m, and
  - Road No. 3 - this road will have a reserve width of 21.0m, comprised of an 8.0m carriageway and a 6.0m and a 7.0m verge.

All roads within the development will be constructed with a constant centreline of level RL2.7 to above the 1:100 flood level.

In addition to the above, the section of Manor Road fronting the development between the eastern boundary of lot 113 and Harrington Road is proposed to be sealed and widened as necessary as part of the proposed subdivision.

- The implementation of a water sensitive urban design stormwater system, comprising grass swales, table drains and construction of a water quality pond/bio-retention basin is proposed in Lot 200;
- Provision of street lighting as well as underground water, sewerage, electricity and telecommunications services throughout the subdivision;
- The placement of 25m wide fill across each allotment to create a flood-free continuous

platform to minimum RL of 2.70m which will accommodate future dwellings constructed to a floor level of 3.15m AHD

- Cut and fill within roadways to provide a transition between proposed allotments and the levels of Roads No. 1, 2 and 3, plus regrading and bulk earthworks across the site as necessary; and
- The planting of street trees throughout the subdivision as well as landscaping works within the bioretention basin and the provision of a landscape entry statement at the entry into the subdivision off Road No. 1.

The capital investment value of the works is \$2.6M.

## **4 Statutory Assessment**

### **Environmental Planning and Assessment Act 1979 (the Act)**

#### **Section 79C(1)(a)(i) – The provisions of any Environmental Planning Instrument**

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the Act as relevant to the proposal.

The following environmental planning instruments have been considered in the planning assessment of the subject Development Application:

State Environmental Planning Policy No. 44 - Koala Habitat Protection  
State Environmental Planning Policy No.62 - Sustainable Aquaculture  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy (State and Regional Development) 2011  
State Environmental Planning Policy No. 71 - Coastal Protection  
Greater Taree Local Environmental Plan 2010 (as amended).

#### **I. State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)**

SEPP44 aims to encourage the 'proper conservation and management of areas of natural vegetation that provide habitat for koalas'. The SEPP requires that before granting consent for development on land over 1 hectare in area, a consent authority must be satisfied as to whether or not the land is 'potential or core koala habitat'.

The subject site is highly disturbed and predominantly cleared. The remaining vegetation on the site comprises Swamp Forest, pastoral woodland, roadside dry sclerophyll forest, and garden plantings.

In accordance with the SEPP the identification of land as Potential Koala Habitat is determined by the presence of primary Koala-food tree species, and where the presence of such trees constitutes at least 15% of the of trees in the upper and lower strata of the tree component.

The Ecological Impact Assessment submitted with the application concludes that the site comprises only 8.3% of Koala-feed trees and does not constitute 'core or potential



koala habitat'. No scratches attributable to Koalas were found, however scats were found adjacent to a Swamp Mahogany tree north of the northwest corner of the site, consistent with resident sightings.

## II. State Environmental Planning Policy No.62 - Sustainable Aquaculture

SEPP 62 provides that a consent authority must consider whether, because of its nature and location, a development may have an adverse effect on oyster aquaculture development or a priority oyster aquaculture area. A number of Priority Oyster Aquaculture Areas (POAAs) are located in the river adjacent to Lots 1 and 2 but are unlikely to be impacted by the proposed subdivision.

The subject proposal was not considered to have an adverse effect but was however referred to the Director General of NSW Department of Primary Industries for comment. NSW DPI raised no objection to the development provided best practice stormwater management and construction of erosion and sedimentation controls are implemented.

## III. State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

The subject site is located within the coastal zone and therefore is affected by the provisions of SEPP No 71 – *Coastal Protection*. In accordance with Clause 7 of this SEPP, the consent authority is required to have regard to the matters for consideration identified under clause 8 in the assessment of the application.

To this end, the proposal has been assessed and is considered to be consistent with the relevant matters as listed under Clause 8 of the SEPP:

- (b) *existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved, opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability*

Comment: The subject site does not front the foreshore. However, this objective has been satisfied with the subdivision of the parent lots, which created a public reserve allotment along the foreshore thereby creating public access to the coastline where previously none existed. Upon dedication of the land to Council, options for its use, inclusive of any disabled access facilities, can be addressed under the necessary Plan of Management for the Public Reserve.

- (d) *the suitability of development given its type, location and design and its relationship with the surrounding area*

Comment: The proposed development is consistent in form and scale with the adjoining development and continues to secure access to the Manning River foreshore

- (e) *any impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore*

Comment: The proposed development is for subdivision, which in itself will not adversely impact on foreshore amenity.

- (f) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities*

Comment: The proposed development is unlikely to have a detrimental impact on the scenic quality of the coast. The site is not situated in a visually prominent coastal location nor on a section of the coast with any notable features or with state significance. As such, the scenic qualities of the New South Wales coast are unlikely to be diminished to any degree by the proposed development.

- (j) *the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.*

Comment: The development will not be impacted by any known coastal hazards due to its location relative to the high water mark. Conversely the development will not have any reciprocal impact on any known coastal processes.

- (k) *measures to reduce the potential for conflict between land-based and water-based coastal activities.*

Comment: Stormwater treatment and conveyance as well as sediment and erosion control measure will be employed to ensure that the development does not conflict with current water-based aquaculture.

- (l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.*

Comment: There are no records of any sites of aboriginal heritage being present on this site.

- (m) *likely impacts of development on the water quality of coastal waterbodies*

Comment: The development will not discharge any untreated stormwater into the river. Specific water quality and quantity controls will ensure minimal impact of the development on the adjoining river.

- (n) *the conservation and preservation of items of heritage, archaeological or historic significance.*

Comment: As previously noted, there are no items of heritage significance, or any features with archaeological or historic significance on the land listed as per schedule 5 of GTLEP 2010.

- (p) (i) *the cumulative impacts of the proposed development on the environment*  
(ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

Comment: A water sensitive urban design stormwater system is to be implemented that has at its centrepiece the use of rainwater tanks for each future dwelling to ensure as much stormwater is captured and re-used as possible.

In addition to the above, it is also considered that the proposed development is consistent with the remaining matters for consideration under clause 8 and the additional requirements specified under clauses 14, 15 and 16 of Part 4 (development control) of the SEPP. In this regard, the development does not result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore (as access to waterfront is provided for in the design of the subdivision and via the dedication of public reserve land as part of the subdivision of the parent lots- Refer to Figure 1 ); the lots are connected to a reticulated sewerage system; and a water sensitive stormwater design will be implemented to ensure no untreated stormwater will be discharged into the ocean.

It is concluded that the proposed design will not adversely impact on coastal views or amenity and will not restrict public access to the foreshores.

#### Masterplan

The proposed development is also affected by the requirement for a master plan pursuant to Clause 18 of Part 5 of SEPP 71 as follows:

- (1) *A consent authority must not grant consent for:*
  - (a) *subdivision of land within a residential zone, or a rural residential zone, if part or all of the land is in a sensitive coastal location, or*
  - (b) *subdivision of land within a residential zone that is not identified as a sensitive coastal location into:*
    - (i) *more than 25 lots, or*
    - (ii) *25 lots or less, if the land proposed to be subdivided and any adjoining or neighbouring land in the same ownership could be subdivided into more than 25 lots, or*
  - (c) *subdivision of land within a rural residential zone that is not identified as a sensitive coastal location into more than 5 lots, unless:*
  - (d) *the Minister has adopted a master plan for the land, including any adjoining or neighbouring land in the same ownership, as referred to in paragraph (b) (ii), or*
  - (e) *the Minister, after consulting the Natural Resources Commission, has, under subclause (2), waived the need for a master plan for the whole or a specified part of the land referred to in paragraph (d).*

In this instance, the subdivision comprises residentially zoned land (R5) within the coastal zone (but not in a sensitive coastal location) into more than 25 allotments and therefore requires the preparation and approval of a masterplan pursuant to sub-clause (1)(b)(ii).

Further,

- (2) *The Minister may waive the need for a master plan to be adopted because of the nature of the development concerned, the adequacy of other planning controls that apply to the proposed development or for other such reasons as the Minister considers sufficient*

In support of the proposal the applicant provided to Council a copy of a document signed by a delegate of the Minister waiving the masterplan requirement. The letter stated that *'In making this decision I am of the opinion that the impacts of the proposed development will be adequately assessed under the existing planning controls.'*

Within the same letter Council was urged to investigate ways to improve public access through the proposed development. The manner in which this issue has been addressed is outlined later in this report.

#### IV. State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of SEPP Infrastructure identifies those developments that, due to either their scale or location (on or near an arterial road) require referral to Roads and Maritime Services (RMS) as traffic generating developments. Subdivisions are listed as a type of development requiring referral to the RMS, but only where they consist of more than 200 lots or where they include a connection to a classified road, either directly or indirectly via another road within 90m of the classified road.

The proposed subdivision involves 46 lots and does not include a direct or indirect connection to a classified road, as Harrington Road is a local road.

As such, the proposed development is not affected by the provisions of this SEPP and the application was not referred to the RMS.

According to the RMS 'guide to Traffic Generating Developments', the development upon completion is likely to generate in the order of 32 vehicle trips per hour (0.85 trips per dwelling) in the predominant westerly direction. Given existing traffic conditions in the surrounding road network it is considered that the additional traffic to be generated by the proposed subdivision is likely to have a negligible impact on these conditions and the efficacy of the intersection. As such, the additional traffic generated is likely to be accommodated by both the existing road network and the existing intersection at Harrington and Manor Roads.

#### V. State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 of this policy cross-references Schedule 4A of the Act which identifies a range of developments that due to their nature, scale, impact or location are deemed to be of regional significance. Such applications require that the Joint Regional Planning Panel (JRPP) become the consent authority.

Clause 20 states that:

- (a) *subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,*
- (b) *subdivision of land for residential purposes into more than 100 lots, if the land:*
  - (i) *is not in the metropolitan coastal zone, or*
  - (ii) *is wholly or partly in a sensitive coastal location,*
- (c) *subdivision of land for rural-residential purposes into more than 25 lots, if the land:*

- (i) *is not in the metropolitan coastal zone, or*
- (ii) *is wholly or partly in a sensitive coastal location.*

As the subdivision comprises less than 100 lots, the criteria under (a) and (b) are not relevant. However, as the subdivision does comprises more than 25 lots, is for rural/residential purposes and is not in the metropolitan coastal zone, it does meet the criteria under (c) and as such, is referred to the JRPP for determination.

## VI. Greater Taree Local Environmental Plan 2010

The subject 'site' is zoned R5 Large Lot Residential under Greater Taree Local Environmental Plan 2010 (GTLEP).

The map extract below delineates the existing 3 parent lots and their zones being R5 Large Lot Residential, E2 Environmental Conservation, RE1 Public Recreation, and RU 1 Primary Production which apply to them.



Figure 4- Subject Site

The proposed development is defined as a "subdivision", which is permissible in the R5 zone with the consent of Council pursuant to Clause 2.6(1) of the GTLEP. All works to be undertaken as part of the proposed development are wholly contained within the portion of land zoned R5.

In accordance with Clause 2.3(2), a consent authority must have regard to the objectives for the development in a zone when determining a development application in respect of land within the zone, which for the R5 are as follows:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The size and shape of the lots will facilitate the construction of dwellings in a rural setting, whilst any impact on the environment or scenic quality will be minimised due to the location, characteristics of the site and proposed subdivision layout. The site is not identified as a future urban area but rather functions as an appropriate transitional land use between the residential zone to the east and the rural zoning to the west. Services are available and will be extended to the site. The development will not unreasonably increase demands on public services or facilities, and indeed the appropriate s94 contributions will be levied to provide additional facilities in the future.

In this regard, the proposed subdivision of the land is considered to be consistent with the specific objectives of the R5 zone.

The following clauses of the GTLEP specifically apply to the proposed development.

#### Clause 4.1 – Minimum subdivision lot size

Under Clause 4.1 of the LEP, a minimum allotment size of 4,000 square metres applies. Each lot in the subdivision meets or exceeds this minimum size, with the exception of the proposed drainage lot 200.

#### Clause 4.1A – Subdivision of Certain Residential Lots

This clause requires that development consent must not be granted to the subdivision of land in Zone R5 Large Lot Residential unless the lots have a minimum lot size of 4,000 square metres, and the consent authority is satisfied that each lot to be created by the subdivision will be connected to a reticulated water and sewerage system.

It is proposed to connect each of the allotments in the subdivision to reticulated sewer in accordance with the requirements of MidCoast Water. One of the lots within the proposed subdivision will have a lot size of only 3143m<sup>2</sup>. This lot will be created for the purpose of accommodating a bio-retention basin. An easement for public access across this lot will be required to ensure continued access to the public reserve to be created upon registration of the subdivision approved through DA 73/2007.

#### Clause 4.6- Exception to the Development Standard

This clause allows flexibility to be applied to certain development standards to achieve better development outcomes. As stated previously proposed lot 200 is to be created with an area of 3143m<sup>2</sup>, but as a lot specifically to accommodate a bioretention basin for water quality purposes, being affected by a 10m easement for public access and flood prone, has limited potential for residential purposes. The creation of this undersized lot is considered justified as it provides a public and environmental benefit.

#### Clause 5.5 – Development within the Coastal Zone

As the site is located within 1km of the coast the provisions of this clause apply. They are essentially the same as the provisions contained within SEPP 71, which have been addressed above in this report.

The development does not result in the impeding or diminishing of the existing right of access of the public to or along the coastal foreshore.

#### Clause 5.10 – Heritage Conservation

This clause seeks to conserve environmental heritage, in particular archaeological sites and places of heritage significance as identified under Schedule 5 of the LEP (either European or Aboriginal). Under Schedule 5, there are no sites of state or local significance identified as being present within the subject land. In addition, there are no records of any sites of aboriginal heritage being present on this part of the site.

#### Clause 7.1 – Acid Sulphate Soils

Under Clause 7.1 of the LEP the site is identified as potentially having Class 3 Acid Sulphate Soils (ASS) on the Acid Sulphate Soils maps.

Under sub-clause (3), development consent must not be granted for works identified in the table within sub-clause (2), unless an acid sulphate soils management plan has been prepared. Works listed as Class 3 under sub-clause (2) are as follows:

*Works more than 1 metre below the natural ground surface.*

*Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.*

Accordingly, the preparation of an Acid Sulphate Soils Management Plan is required to address the impact of ASS on any excavation in excess of 1 metre deep. This may include excavation for services and the bio-retention pond. The development consent has been conditioned to require an ASS Management Plan to be submitted with the construction certificate.

#### Clause 7.2 – Flood Planning

The 'site' is identified as being subject to 1 in 100 year flooding.

Under sub-clause (3), development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) *is compatible with the flood hazard of the land, and*
- (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *will not be likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*



To address the issue of flooding and to ensure the above criteria is met future residential development is to be undertaken within building envelopes on each lot. Continuous fill platforms with a minimum RL of 2.70m AHD will accommodate dwellings constructed to a floor level of 3.15m AHD (achieving a 500mm freeboard).



Figure 5- Continuous Fill Platforms

The continuous fill platforms will be 25m wide and constructed across the full width of each allotment. All roads within the development will be constructed with a constant centreline level RL2.7 so as to be higher than the 1:100 flood level of 2.65m.

As the overall site is generally flat with slopes in the vicinity of 0.05% and 1% with elevations ranging between 2.2m-2.5m, the extent of fill required to achieve a flood free platform will be minimal. As such filling across allotments to the 2.7m minimum level is not likely to adversely impact on flooding within the vicinity nor exacerbate flooding on adjoining properties.

In consideration of the above, it can be concluded that the modelling demonstrated that the proposed development provides flood and drainage systems for the development, mitigating the impact on surrounding property and infrastructure due to the development. Therefore, the proposed development is not inconsistent with the objectives of Clause 7.2 of the LEP.

### Clause 7.3 – Earthworks

Part of this application is for the general earthworks required for the subdivision, including the cut and fill required for roads, reshaping and transitional works between roads and allotments and filling on lots to create flood-free building platforms. The quantity of fill

required will likely be obtained from within the site and will not have a detrimental impact on drainage patterns nor the amenity of adjoining properties.

### **Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments**

There are no draft environmental planning instruments applying to this land.

### **Section 79C(1)(a)(iii) – Any Development Control Plan**

Greater Taree Development Control Plan 2010

Part C of the DCP provides specific development controls for Residential Subdivision. The proposal is consistent with the objectives and general design principles of the plan and addresses Councils requirements for road design, and construction, filling and levelling and drainage.

Requirements specific to the R5 zone are addressed in the table below.

	Performance Criteria	Compliance
1	<i>Site frontage shall be sufficient to permit vehicular and pedestrian access to the site.</i>	Complies
2	<i>Lots shall be of suitable dimension and orientation to ensure good solar access to future development. On roads running north-south, lots may need to be widened to provide for solar access and prevent overshadowing of dwellings and private open space.</i>	
3	<i>Residential development will only be considered where reticulated water and sewerage is available to the proposed subdivision.</i>	Complies
4	<i>Each lot should have a depth to frontage ratio sufficient to avoid the possibility of 'gunbarrel' type development and permit development to respond to particular site circumstances such as orientation, topography etc.</i>	Complies
5	<i>Lots should be designed to allow the construction of a dwelling with a maximum cut or fill of 1m from the natural ground level.</i>	Complies
6	<i>Where land slopes are generally greater than 5%, road and lot design should provide for dwellings to be generally parallel with the contours to minimise earthworks.</i>	Complies
7	<i>Lot sizes should be increased where sites are steep or contain significant landscape features including water courses and easements.</i>	Complies
8	<i>Battle-axe lots will only be permitted where the size of the lot (excluding the access handle) has a minimum area of 650m<sup>2</sup>. Where a reduced lot size is proposed for a battleaxe block (less than 650m<sup>2</sup>) the applicant will need to demonstrate that all other performance criteria relevant to amenity and access can be met.</i>	Complies
9	<i>Only one battleaxe Lot is to be created behind any full frontage lot .</i>	Complies
10	<i>Access to a single battle-axe lot shall have a minimum width of 4m.</i>	Complies
11	<i>Access to two battle-axe shaped lots, when combined, shall have a minimum width of 5m.</i>	Complies
12	<i>Where greater than two (2) allotments are to gain access from a shared driveway a Community title arrangement should be entered into to create the roadway as a Community Lot.</i>	Complies

All natural hazards on the site have been adequately addressed. The subdivision has been designed to minimise impacts from flooding and bushfire and to ensure that stormwater is managed efficiently. The layout of lots ensures continued access to the foreshore and servicing, maximises solar access, and provides for a high level of amenity for future residents. The proposed subdivision complies with the relevant provisions of the DCP.

## Section 79C(1)(a)(iia) – Any Planning Agreement

There are no planning agreements registered to the subject land.

## Section 79C(1)(a)(iv) – The Regulations

### Clause 92

Clause 92 of the Environmental Planning and Assessment Regulation 2000 (the Regulation) prescribes additional matters that a consent authority must take into consideration in determining a development application. As such, Clause 92 of the Regulation requires that the NSW Government Coastal Policy (as defined in that clause) be taken into consideration by a consent authority when determining development applications in the local government areas identified in that clause or on land to which the Government Coastal Policy applies. Greater Taree is listed as an applicable local government area under the table pursuant to the clause.

There are nine goals that give expression to the vision of the NSW Coastal Policy (1997) - A Sustainable Future for the New South Wales Coast. The relevance of each goal to the proposed development and the extent to which it has been satisfied in the layout and design of the subdivision is discussed below.

Policy Goal		Response Comment
Goal 1	<i>Protecting, Rehabilitating and Improving the Natural Environment of the Coastal Zone</i>	The proposed Development is sympathetic to the natural environment surrounding the site and indeed, is centred on the most disturbed portion of the land. The subdivision of the parent lots has excised the most sensitive part of the site and contained it within a public reserve to allow for its preservation, rehabilitation and ongoing management.
Goal 2	<i>Recognising and Accommodating the Natural Processes of the Coastal Zone</i>	The site of the proposed subdivision does not front the river and is therefore not directly affected by any significant processes, such as wave action and coastal erosion.
Goal 3	<i>Protecting and Enhancing the Aesthetic Qualities of the Coastal Zone</i>	There is limited impact on the aesthetic qualities of the land given the majority of the site has been modified through grazing activities and is in a primarily non-natural state. In addition, the site is located immediately adjacent to an existing urban area, which is characterised by significant modification of the coastline to create a residential estate, with significant visual impact via the introduction of smaller lot sizes, higher density housing, extensive vegetation removal and limited tree planting. In comparison, all vegetation on the subject site will be retained other where specifically required for removal, whilst the visual impact of the development – both initially upon subdivision of the land and in the longer term upon the construction of houses – will be minimised due to the generous lot sizes, low dwelling yield, ample separation and view corridor provided between dwellings and the distance of the site from the riverfront.
Goal 4	<i>Protecting and Conserving the Cultural Heritage of the Coastal</i>	There are no known sites of cultural heritage located within the site of the subdivision.

	<i>Zone</i>	
Goal 5	<i>Providing for Ecologically Sustainable Use of Resources</i>	The proposed development is for large lot residential use of the land and does not include the use of any natural resources of the coastal zone.
Goal 6	<i>Providing for Ecologically Sustainable Human Settlement in the Coastal Zone</i>	Large lot residential development of the site is consistent with Council's decision to rezone the land for such a purpose. The development incorporates an industry best-practice water sensitive stormwater system which allows for the re-use of stormwater, maintenance of pre-to-post development flows and the provision of water quality facilities at the end of the line to ensure no impact on the Manning River coastal environment.
Goal 7	<i>Providing for Appropriate Public Access and Use</i>	The subdivision of the parent lots incorporates the dedication of approximately 3 hectares of land for public ownership. This land provides public access to the foreshore of the Manning River. Connectivity via an easement for access to this reserve will be provided in the subdivision proposed under this application.
Goal 8	<i>Providing Information to Enable Effective Management of the Coastal Zone</i>	This application provides a description of the existing environment and describes the social, economic and environmental issues associated with any future development of the site for large lot residential purposes.

### Coastal Design Guidelines for NSW

These guidelines were prepared to *“provide a framework for discussion and decision making involving coastal planning, design and development proposals between all stakeholders in the context of caring for the natural beauty and amenity of coastal beaches, headlands, waterways and ecologies upstream.”*

The guidelines provide a reference for appropriate urban development in the coastal zone. In accordance with the guidelines, the proposed subdivision adopts best practice planning of a coastal village that creates a neighbourhood and which minimises impacts on vegetation clearance, water quality, neighbourhood amenity and ecological integrity.

### **Section 79C(1)(b) – The Likely Impacts of the Development**

In addition to the issues identified under the relevant planning controls the following issues relevant to this application are addressed in detail below.

#### Context and Setting

The development is designed to complement the scenic qualities and landscape features of the locality, allowing continued vistas towards the river and maintaining and embellishing vegetation characteristics of the site. There will be minimal impacts on adjoining land use activities. The proposal is not considered to be out of context with surrounding rural land, and will also eventually form part of the Harrington township.

#### Roads, Access, Transport and Traffic

The proposed subdivision will gain external access via the existing intersection between Manor and Harrington Roads. This intersection comprises a Type B arrangement, incorporating right turn in and right turn out storage lanes. Harrington Road at this location

comprises a two lane sealed rural road with a 100 km/h speed limit. At the intersection, the sight distances in both directions are in excess of 450m.

In accordance with the RMS' "Guide to Traffic Generating Developments", the proposed development upon completion is likely to generate in the vicinity of 32 vehicle trips per hour in the dominant direction (i.e. am out-bound, pm in-bound), based on a rate of 0.85 trips per dwelling (or allotment) per hour.

On this basis, an additional 32 vehicle trips per peak hour (noting that at other times this figure would be less) would be generated at the intersection. Given the existing traffic conditions in the surrounding road network, as well the considerable sight distance and the presence of storage lanes and an east-bound passing lane for vehicles to pass traffic turning into Manor Road, it is considered that the additional traffic to be generated by the proposed subdivision is likely to have a negligible impact on these conditions and the efficacy of the intersection.

As such, the additional traffic generated is likely to be accommodated by both the existing road network and the existing intersection at Harrington and Manor Roads without any need for further upgrades.

Extensive vegetation exists just to the east of proposed lot 113 in the vicinity of Road No.1. Accordingly, the width of the western verge of Road No. 1 is proposed at 12 metres wide to allow for the retention of this vegetation and to minimise the impact of the development on the local environment.

The proposed development's impact in relation to access, transport and traffic is considered acceptable and appropriate conditions are recommended to ensure satisfactory provision is made.

### Stormwater and Flooding

In response to concerns held by Council with regard to stormwater and flooding across the site a revised Stormwater Management Plan was prepared proposing:

- Continuous fill platforms on each allotment at/or above the 1 in 100 flood level of 2.65 metres. Pads will be generally 25 metres in width and constructed across the full width of each allotment such that they continue across the boundary to adjoining allotments and roadways. These pads will be constructed at a level of 2.7 metres, with dwellings then constructed on concrete slabs at a higher level again to ensure they remain flood free during the 1 in 100 flood event.

The continuous and interconnected nature of these pads will provide for the safe evacuation of residents in times of flooding to adjoining roadways, which will also be constructed to a level of 2.7 metres. During such events, the velocity to depth ratio will be at safe levels.

- All roads are to be constructed horizontally level with no longitudinal grade and a cross fall of 3% from the centre to each side. This will allow all stormwater to drain to swales being constructed within the road reserve on each side of the pavement to ensure no water runs from a public road to a private allotment. The swales will contain the 1 in 10 storm event, with the 1 in 100 event to be conveyed through the site via the road network at less than 2.7 metres (i.e. below the level of the houses and the centreline of the road). The swales will have a concrete "v-shaped" base

with a longitudinal grade of 0.15% and a continuous fall to the south to direct stormwater to a single bioretention / water quality basin in the south-eastern corner of the site. The concrete base of the swale drains will allow for easy cleaning and maintenance.

- Grass swales will be provided at the rear of each lot and will be connected to the road at the end of each row of allotments to convey stormwater to the road drainage system. This stormwater will then drain into the bio-retention basin to be constructed within proposed lot 200 in the south-eastern corner of the site (with the exception of the swales for lots 403 – 409, which will drain directly to the Manning River). This “end of line” water quality facility will cater for low flows generated by the subdivision. High flows (i.e. in excess of the 1 in 10 year event) will continue to flow to the Manning River.

The Stormwater Management Plan concluded that in the 10 year storm event all flows would be contained within the drainage system and within the road reserve. In the 100 year storm event it was found that the peak flood level remained under the proposed building pad and road centreline levels and was safely conveyed through overland flow paths to the outlet of the catchment.

A water quality analysis of the proposed development found that the proposed treatment train of rainwater tanks, grassed swales and an end of line bioretention basin reduced the pollutants leaving the site to below pre- development levels.

### Public Domain

In response to concerns of both Council and the Department of Planning and Environment (DoP) with regard to access opportunities to the foreshore a revised proposal was submitted to address this issue. As shown in Figure 4 below the current layout provides a wide, direct and obvious means of pedestrian and bicycle access to the waterfront in the form of a 3 metre wide concrete track directly off Road No. 2, which in itself is a loop road providing access to all allotments in the subdivision.



Figure 6- Access Path

The access track abuts the proposed public reserve within lot 7 to the south of the site, thereby providing direct access to this area. The access track can also be readily

extended to provide access to Harrington Waters Estate, which is just a short distance to the east of the site.

To ensure appropriate public access and ease of maintenance it is proposed that an easement with a minimum width of 10m be created over proposed lot 200.

The development will provide for adequate recreational opportunities for future residents of the proposal. Access to the foreshore will be ensured through the creation of a public access easement. Embellishments within this easement in the form of a sealed roadway and landscaping would be appropriate.

### Utilities

In accordance with best practice subdivision design and as required by the DCP and the recommendations of the Bushfire Assessment, underground electricity, gas and telecommunications facilities will be provided throughout the subdivision within the road reserve.

### Soils

A preliminary geotechnical investigation was undertaken over the site with the purpose of identifying any potential geotechnical constraints to the development of the land, as well as undertake a lot classification for the subdivision to assist with the construction of future dwellings on the land.

The assessment classified the site as Class M with respect to foundation construction. A detailed lot classification will be undertaken prior to the release of the subdivision certificate.

The assessment also investigated and provided comments on groundwater and potential acid sulphate soils, with neither representing any concerns or constraints to development. With respect to acid sulphate soils, the assessment found the presence of potential acid sulphate soils across much of the site at a depth of approximately 1 – 3 metres, which is consistent with the mapping for the site. As such, the report indicates these soils are only likely to be affected by the placement of services and therefore recommends the preparation of an Acid Sulphate Soil Management Plan as part of the civil engineering design to identify appropriate procedures to deal with any acid sulphate soils should these be encountered or should such depths be proposed.

The assessment also identifies a range of recommendations in relation to the undertaking of earthworks, filling, drainage, subsoil works and the construction of roads (including pavements). These recommendations will be adopted as part of the engineering design and implemented during the construction phase where relevant.

In summary, the assessment found that there are no particular geotechnical constraints that would preclude development on the land and that dwellings can be constructed on future allotments on conventional shallow footing.

### Flora and Fauna

Only a limited number of isolated remnant trees currently exist on the subject site. The removal of these trees is not expected to have an adverse impact on the local environment.



The following proposed measures will to minimise any indirect adverse impact and ameliorate the potential impact of the proposed development on the surrounding environment:

- i. habitat retention via retention of existing vegetation where not required to be removed and retention of trees within the Manor Road verge
- ii. adoption of a protocol for the removal of hollow bearing trees
- iii. extensive planting of street trees is proposed throughout the subdivision, as well as additional vegetation in and around the bio-retention basin and along the eastern boundary the site to provide screening of the existing dwellings fronting Pretoria Parade in the adjacent Harrington Waters Estate.

The Ecological Impact Assessment also indicates that no suitable koala habitat as identified under SEPP 44 is present on the portion of the site proposed to be subdivided nor are any Endangered Ecological Communities. In this regard, the Swamp Oak Floodplain Forest EEC located just to the south of the site adjacent to the Manning River is to be retained within the proposed public reserve (proposed lot 7) approved as part of the initial subdivision of the parent lots.

No threatened species or endangered ecological communities as listed in the Commonwealth Environment Protection and Biodiversity Conservation Act would be affected, whilst the proposed development would also not have a significant impact on any matters of national environmental significance.

### Hazards

The two (2) major hazards impacting the development site are bushfire and flooding.

#### Bushfire

A part of the site is classified as “bushfire buffer” on Council’s bushfire maps and the proposal is for subdivision, under section 91 of the Act, the proposed subdivision is classified as “Integrated Development”. For the development to proceed a Bushfire Safety Authority from the NSW Rural Fire Service (RFS) under S.100B of the Rural Fires Act 1997 is required.

The bushfire safety assessment was carried out and indicated that a bushfire threat is posed to the proposed subdivision from the open forest on the property to the west of the site (essentially running adjacent to the western boundary), from forested wetland vegetation to the south-east of the site (within the now excised portion of lot 31) and from grassland within the site itself (in the south-west and central portions).

To adequately address this threat, the Assessment recommended the implementation of a number of measures based on the requirements of PFBP, the main one being the creation of an Asset Protection Zone (APZ) with a minimum width of 21 metres along the western boundary of the site; an APZ of 21 metres adjacent to the south-eastern corner of the site (within proposed lots 205 and 206); and temporary APZ’s of 50 metres in the central portion of the site and 10 metres in the south-west portion of the site to protect the earlier stages of the subdivision from the threat posed by the grassland on the site until all stages are completed.

In addition, the Assessment recommended the implementation of further measures based on the requirements of PBP, which include the following:

- i. ongoing management of the APZ by owners;
- ii. the provision of an adequate water supply for fire fighting purposes on each allotment in accordance with the BCA,
- iii. the provision of fire hydrants throughout the subdivision in accordance with AS2419.1;
- iv. the installation of underground electricity supply;
- v. the provision of internal access roads that have a minimum carriageway width of 7.5 metres, in addition to meeting other design requirements (such as road cross fall, carrying capacity to accommodate RFS vehicles, curve radii and pavement treatment standards).

The bushfire safety assessment report was provided to the NSW RFS and a Bushfire Safety Authority was subsequently issued. The General Terms of Approval have been included in the draft conditions of consent. See Attachment 2.

#### Social and Economic Impact in the Locality

Given the nature of the proposed development and its location the proposal is unlikely to result in any adverse social impacts. Likely positive economic impacts can be attributed to the construction phase of the development.

#### Amenity

The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like. In addition it is recommended that a Construction Management Plan which specifically addresses the generation of dust and noise during both stages of the development be required to be submitted to Council for approval prior to the issuing of a Construction Certificate (Subdivision).

#### **Section 79C(1)(c) – The Suitability of the Site for the Development**

With the exception of flooding there are no physical constraints, heritage, threatened species or extractive resource constraints impacting on the development. The impact of flooding on the development is proposed to be managed through a stormwater management system and selective filling of the roads and pads for future dwellings.

The development will not give rise to unmanageable transport demands, adequate recreational opportunities will be provided, all services will be available and there will be acceptable impacts on adjoining land owners.

The site is considered to be suitable for the proposed development as demonstrated through the environmental assessment. Due consideration has been given to the site attributes which are considered conducive to the proposed development.

## Section 79C(1)(d) – Any Submissions made in accordance with the Act

The application was publicly notified and exhibited as development in the public interest from 16 June 2014 to 18 July 2014. At the close of the exhibition period a total of eleven (11) submissions had been received objecting to the proposal. A summary of the issues raised in these submissions and comments in response is provided below.

Submission Issue/Summary	Planning Comment/Response
destruction of vegetation	The broader site largely consists of exotic pasture grassland with scattered trees. A few ornamental trees and shrubs surround the dwellings to the site. Dry sclerophyll forest occurs along the northern boundary and adjacent road reserve. This is to be retained. A small patch of Swamp Oak forest occurs in the southeast of the site which will not be impacted by the proposal
quality of fill to be imported	Any fill imported to the site will be required to be VENM
noise during subdivision and housing construction noise from activities on rural blocks	Construction noise will be restricted to acceptable times and limits through conditions of development consent. There are no circumstances particular to this development that would likely create noise outside of the expected levels
Need a pedestrian access from Manor Road to Harrington Waters Shopping Centre	Pedestrian ways outside of the development site are not a matter for this development
Drainage required from Manor Road to Pretoria Parade	A drainage regime for the development has been proposed which will facilitate the drainage of the site through to the Manning River. Pre-existing drainage issues in the vicinity of Pretoria Parade are not a matter for consideration with this proposal and can be separately addressed by Council
Pedestrian access to connect to Harrington Waters existing path network	There is no proposal for pedestrian linkages directly to the neighbouring residential development. Public access will however be facilitated by the network of public open space along the river foreshore.
visual impact of dwellings on mounds	Current site levels range between 2.2m-2.5m. The continuous fill platforms with a minimum RL of 2.70m AHD will accommodate dwellings constructed to a floor level of 3.15m AHD. The extent of fill required to achieve a flood free platform will be minimal and therefore the visual impact of any dwelling upon such pad will also be minimal.
weed and animal waste issues from activities on rural lots	The ongoing use of the proposed lots is not a matter for consideration in this assessment. Future development will be of a residential nature, albeit potentially on a larger scale than the adjoining development.
impact of runoff on oyster industry	The application was referred to the NSW

	Department of Primary Industries (Fisheries) with regard to s15B of SEPP 62- Sustainable Aquaculture. Fisheries NSW stated that they have no objection to the proposed subdivision provided best practice stormwater management and construction erosion and sedimentation controls are implemented. A condition of consent is proposed to require these measures
noise from recreational vehicles on lots	This objection relates to the future use of the proposed lots and is not a matter for this assessment.
impact of heavy vehicle movements on road network- noise and safety	Heavy vehicle impact on existing road networks will occur during the construction phase of the development, however traffic volumes and impacts on pavement quality are considered to be within reasonable measure
development does not satisfy objective of minimising 'conflict between land uses within this zone and land uses within adjoining zones'	The proposed large lot (4000m2) residential development is considered compatible with that of the adjoining 450m2 minimum lots size residential development. There are no perceived conflicts between the 2 forms of subdivision. All environmental challenges of the site have been addressed to Council's satisfaction
adequacy of proposed drainage regime	Site drainage is proposed to be managed by utilisation of a best practice Water Sensitive Urban Design Strategy with prime objectives of minimising runoff and maximising water quality
maintenance of APZ's	NSW RFS have provide general terms of approval to the subdivision ad therein required that restriction be placed on the title of the lots requiring asset protection zones to be created and managed pursuant to Planning for Bush Fire Protection 2006
no controls for types and standard of future dwellings	The type, style or design of dwelling houses will be a matter for the future owners and is not a consideration for this assessment
fails to address negative impacts on adjoining owners	Given the size of the proposed lots, with setbacks from the adjoining residential subdivision in the order of 25m there are no perceived impacts that would warrant variations to this proposal
not consistent with objective of providing rural residential housing in a rural setting whilst preserving and minimising impacts on environmentally sensitive locations and scenic quality	The LEP objective is considered to be met by the proposal which seeks to create large sized residential lots adjoining both R1 residential land and RU1 Rural land. Appropriate setbacks will ensure the preservation of the broader rural setting
Real estate agent advised that no development would occur within 60m of back boundary of land	Historical advice of this nature can not be substantiated and is not a matter for consideration in this assessment
impact on fauna inhabiting the site	The largely cleared site provides little refuge for local fauna. The impact of the subdivision is unlikely to impact on native vegetation
diminished land values in adjacent development	Claims of reduced land values in the vicinity are unable to be substantiated

site specific covenants are required to limit development to that compatible with existing development	Any covenants imposed on the future development of the site will be at the behest of the developer.
Extensive agriculture is permissible in zone, but should be prohibited.	It is unlikely that any form of sustainable extensive agriculture could be carried out on 4000m2 of land.

Submissions to the proposal were also received from the NSW Rural Fire Service and NSW Department of Primary Industries. Their comments have been addressed elsewhere in this report.

### **Section 79C(1)(e) – The Public Interest**

The public interest has been considered as part of the proposal and issues raised in the submissions received have been discussed throughout this report. It is anticipated that the proposed development is not likely to have a negative impact on the public interest through the orderly development of land and through the imposition of conditions. The proposed development satisfies relevant planning controls and approval of the development is considered to be in the public interest.

## **5 Other matters for consideration**

### **Section 94**

Both the Greater Taree and Harrington S94 Plans apply to the subject site. Developer contributions will be required to be paid under section 94 towards roads, open space, community cultural services, emergency services and the like. Conditions of Consent are proposed to require the payment of these contributions.

## **6 Recommendation**

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during the assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public interest and will not have a significant adverse social, environmental or economic impact.

Consequently it is recommended that the application be approved, subject to the attached conditions listed below, for issue of a deferred commencement consent under the provisions of section 80(3) of the *Environmental Planning & Assessment Act, 1979*.

## **7 Attachments**

1. Masterplan
2. NSW RFS Bushfire Safety Authority