

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held at Greater Taree City Council on Thursday 20 August 2015 at 2.30 pm

Panel Members: Jason Perica (Chair), Kara Krason, Bob McCotter, Mayor Paul Hogan and Councillor Alan Tickle.

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2014HCC016 – DA413/2014 – Greater Taree City Council, Integrated Development for Large Lot Residential Subdivision including the creation of 46 lots and one drainage lot, 24 Manor Road, Harrington, Part Lots 1 and 2 DP 621005, and Part Lot 31 DP 847223.

Date of determination: 20 August 2015

Decision:

The panel determined to approve the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. Consistency with the zone, zone objectives and key development standards, including minimum lot size.
2. Appropriate layout to consider site constraints, environmental considerations and context.
3. The mitigating actions able to be implemented as conditions of consent to address environmental and potential environmental impacts.
4. The subdivision including the dedication of land for public purposes is in the wider public interest.

Conditions: The development application was approved subject to the recommended conditions of consent within the Council staff report, subject to the following amendments:

1. Confirming in the Notice of Determination that the plans referred to in Condition 2 and first condition of Appendix 1 relate to the latest plans.
2. Amend Condition 4 to state that the acid sulphate soil assessment report is to be approved by Council.
3. Add the following to Condition 12.

A Construction Management Plan shall be prepared by a qualified person to address environmental impacts during construction. The plan shall give particular attention to the importation and placement of fill material. The plans shall be prepared to the satisfaction of Council.
4. Condition 14 – delete “a” in the first sentence and add an “s” after Professional.
5. Condition 22 and wherever else appearing: change “linen plan of subdivision” to “subdivision certificate”.
6. Condition 28 – the 50mm depth to be changed to 500mm.
7. Condition 35 – the RL be 2.65 not 2.35.

New Conditions to be added:

- a. Standard Dilapidation Report regarding Council assets.
- b. A condition stating that in the event of any inconsistency between conditions within Appendix A (RFS Terms of Approval) and other conditions, the conditions in Appendix A shall prevail.

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c. New Condition 54 to read:

A. If Dedication is required the following conditions need to be imposed:

Prior to the issue of the Subdivision Certificate



- a) A Stormwater Infrastructure Maintenance Plan is to be prepared for Proposed Lot 200. This plan must address all ongoing maintenance activities for all Water Sensitive Urban Design measures identified in the Stormwater Operation and Maintenance Manual required by condition 11. The plan must also include a cost schedule for the works required to be carried out in perpetuity. The Maintenance Plan is to be approved by the public authority to whom the land is being dedicated prior to the issue of the Subdivisions Certificate.
- b) Proposed Lot 200 is to be dedicated as a Drainage Reserve at no cost to Council upon registration of the linen plan of subdivision.
- c) A Monetary Contribution is to be paid to Council at transfer of lot 200 (to Council) to fund the ongoing management of this land in perpetuity. The monetary contribution is to be based on the cost of maintenance identified in the approved Stormwater Infrastructure Maintenance Plan. The amount paid must enable the interest earned to fund all annual maintenance works.
- d) A Maintenance Bond is to be paid to Council upon transfer of lot 200 (to Council) to cover the agreed cost of maintaining (post construction) all Water Sensitive Urban Design measures identified in the Stormwater Operation and Maintenance Manual required by condition 11. This bond is to be held for a minimum five (5) year period to enable the Water Sensitive Urban Design measures to become established.

B. Alternatively, if the applicant/Panel are not happy with the dedication of the lot the following conditions can be imposed:

Prior to the issue of the Subdivision Certificate

- a) The plan of subdivision and Section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise.
- b) Easement to Drain Water burdening proposed Lot 200 and benefiting all other lots in the subdivision.
- c) Condition to be included in ALL Stages Ongoing Operation:
- d) The approved Stormwater Management System is to be maintained in accordance with the Stormwater Infrastructure Maintenance Plan and the Stormwater Operation and Maintenance Manual.

Panel members:

Jason Perica (Acting Chair)	Bob McCotter	Kara Krason
 Alan Tickle	 Paul Hogan	

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SCHEDULE 1	
1	JRPP Reference – 2014HCC016, LGA – Greater Taree City Council, DA413/2014
2	Proposed development: Integrated Development for Large Lot Residential Subdivision including the creation of 46 lots and one drainage lot.
3	Street address: 24 Manor Road, Harrington, Part Lots 1 and 2 DP 621005, and Part Lot 31 DP 847223.
4	Applicant/Owner: Riverside Manors (Harrington) Pty Limited
5	Type of Regional development: 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.
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ State Environmental Planning Policy No. 62 – Sustainable Aquaculture ◦ State Environmental Planning Policy No. 44 – Koala Habitat Protection ◦ 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) • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ Greater Taree Development Control Plan 2010 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ◦ Environmental Planning and Assessment Act Regulation 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report and conditions, State of Environmental Effects and supporting documents and report, Subdivision plans and written submissions. Written submissions during public exhibition: 11 Public Submissions, 3 Government Agency Submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Roger Stanley - (needs more than 3 minutes) on behalf of David Callagher • Jean Chaplin
8	Meetings and site inspections by the panel: 20 August 2015 - Site Inspection and Final Briefing Meeting.
9	Council recommendation: Approval subject to conditions