

JOINT REGIONAL PLANNING PANEL
(Hunter Central Coast Region)
Supplementary Report

JRPP No	2014HCC017
DA Number	439/2014/DA
Local Government Area	Greater Taree City Council
Proposed Development	Integrated Development (Staged) Stage 1 – Concept Approval Subdivision - 522 Lots Stage 2 Subdivision of Lot 591 DP 1180317 - 62 Lots
Street Address	Forest Lane, Sheaffe Avenue – Old Bar Lot 14 DP 733054, Lots 117, 217, 218 & 219 DP 753149, Lots 591 & 592 DP 1180317, Lot 2 DP 1022067, Lot B DP 377867
Applicant/Owner	Applicant – Lidbury Summers & Whiteman Owners – A A & A M Taylor & Rawson Communities Pty Ltd, G V Love, M W Goodear, R M Sainisch-Plimer, Archer properties No 3 Pty Ltd, R J & J M & P Trad, A A & A M Taylor, Jarberg Pty Ltd, P M Stone
Number of Submissions	1 Public submission 4 Government Agency Submissions (NSW Office of Water, NSW Rural Fire Service, Office of Environment & Heritage, Roads and Maritime Services)
Regional Development Criteria (Schedule 4A of the Act)	Coastal Subdivision Development within the coastal zone for the purposes of the subdivision of land into more than 100 Lots and is not in the metropolitan coastal zone.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 44 – Koala Habitat Protection • State Environmental Planning Policy 71 – Coastal Protection • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy State and Regional Development) 2011 • Greater Taree Local Environmental Plan 2010 • Greater Taree Development Control Plan 2010
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report and conditions • Statement of Environmental Effects and supporting documents and reports • Subdivision plans
Recommendation	Deferred Commencement Approval (subject to the conditions)
Supplementary Report by	Arnna Fotheringham – Development Planner
Report date	

SUPPLEMENTARY REPORT

Background

On 10 December 2015 the JRPP considered an assessment report for DA 439/2014. The application proposed a concept approval for subdivision of the land and a detailed proposal for stage 1 of the subdivision. The Panel resolved to defer determination of the application and require a supplementary report to address:

- a. Stormwater issues
- b. Clause 6.3(3) of GT LEP 2010
- c. Flexibility in numbers of lots
- d. Golf course relationship to proposal
- e. Flora and Fauna

Subsequently, consultation was held between Council and the Applicant to consider relevant issues. This supplementary report outlines Council's positions, specifically in regard to the management of stormwater on the site and DCP requirements, as a result of these discussions.

This supplementary report is to be read in conjunction with the assessment report. Where there are any inconsistencies in these reports, the supplementary report will prevail.

a. Stormwater

Stormwater issues were collectively considered and resulted in Council presenting the Applicant with three options as satisfactory solutions for draining the site. The options proposed were as follows:

"OPTION 1 (Preferred)

The conveyance of stormwater via an open swale north of Forest Lane. Stormwater detention and quality treatment is to be carried out on Lot 2 DP 1022067 (Jarberg).

OPTION 2

The conveyance and detention of stormwater via a linear drainage reserve north of Forest Lane. Stormwater quality treatment to be carried out on Lot 2 DP 1022067 (Jarberg).

OPTION 3

Stormwater conveyance, detention and quality treatment to be consolidated in a single drainage reserve north of Forest Lane, Road layout/lot design may require modification to accommodate this.

For each of these options, the following conditions are to be met in an amended design:

- *Stormwater conveyance all the way through to Racecourse Creek must be demonstrated.*

- *Easement to be created over Lot 2 DP 1022067 (Jarberg) for any stormwater facilities or conveyance channels.*
- *No fencing to any aspects of the stormwater conveyance/treatment reserve.*
- *Minimum 1:6 batter to any aspects of the stormwater conveyance/treatment reserve.*
- *All basins are to drain dry.*
- *Any dedication of land to Council will be done in accordance with Council's "Dedication of Lands Policy".*

The Applicant responded in selecting Option 3 and has provided Council with an amended concept plan demonstrating these requirements by incorporating a widened drainage reserve along the north side of Forest Lane.

A revised Stage 1 subdivision plan has also been provided which reduces the number of lots proposed to accommodate the drainage reserves.

b. Clause 6.3(3) of GT LEP 2010

The Applicant has provided to Council a report to address Clause 6.3 of the GT LEP 2010 – Development Control Plan as required for a staged development application.

c. Flexibility in number of lots for stages

To provide flexibility to the number of lots proposed, specific reference to the number of lots within each stage has been removed. The concept proposes a maximum of 522 lots.

d. Golf Course

The panel required further clarification of the relationship between the golf course (Lot 2 DP 1022067) and the proposed subdivision. The proposed subdivision is to occur on part Lot 2 (stages 3 and 10).

DA 488/1999 for a private golf course was consented to by Council on 13 September 2001. On 12 November 2007, Council provided written advice confirming that physical commencement of the development had occurred.

The proposed golf course does not form part of this application nor is this application reliant on the future completion of the golf course.

e. Flora and Fauna

The Applicant raised concerns in respect to the preparation of a VMP prior to stages 8 and 9 and the provision of offset planting at stage 1.

Supplementary Assessment Report and Recommendation

1 Context and History - *Unchanged*

2 Site Description – *Unchanged*

3 Proposal - *Amended*

The application seeks a Staged Consent pursuant to s83B of the EPA&A as follows:

Concept Plan

The concept plan proposes a subdivision to create a maximum 522 lots in 10 stages.

Stage 1

The subdivision of Lot 591 DP 1180317 into 62 Lots to be constructed in the following sub-stages:

- 1A: 10 lots drainage reserve and residue
- 1B: 10 lots and residue
- 2A: 10 lots and residue
- 2B: 10 lots and residue
- 3A: 9 lots and residue
- 3B: 13 lots

- 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.
- Construction of seven (7) new public roads to service the proposed subdivision as follows:

Road No. 1 (part) – boulevard road – has a total width of 23.5m, comprised of two (2) x 6.25m verges including shared bicycle/pathway, two (2) x 2.5m parking lanes and a 6m carriageway.

Road No. 2 – access place – has a total width of 14m, comprised of two (2) x 3.75m verges and a 6.5m carriageway.

Road No. 3 (part) – local street – has a total width of 16m, comprised of two (2) x 4m verges and a 8m carriageway.

Road No. 4 – access place – has a total width of 14m, comprised of two (2) x 3.75m verges and a 6.5m carriageway.

Road No. 5 (part) – local street – has a total width of 16m, comprised of two (2) x 4m verges and a 8m carriageway.

Road 6 (part) – local street – has a total width of 16m, comprised of two (2) x 4m verges and a 8m carriageway.

Road No. 7 (part) – collector road has a total width of 20m, comprised of two (2) x 4.5m verges, two (2) x 2.5m parking and a 6m carriageway.

- The implementation of a water sensitive urban design stormwater system and drainage reserve.
- Provision of street lighting as well as underground water, sewerage, electricity and telecommunication services.
- Filling (approx. 500mm) of flood affected sites to the 1% AEP level as identified in the modelling carried out by J Wyndham Prince Pty Ltd.
- Additional filling of sub-stage 1A and 2A as part of stormwater management (approx. 800mm).
- Retaining wall to a maximum height of 800mm inside the eastern boundary to sub-stage 1A and 2A with a 1.8m colourbond fence atop where drop exceeds 300mm.
- Gabion wall with a maximum height of 1.1m at the eastern end of proposed drainage reserve, with waterproof membrane.

4 Statutory Assessment

Environmental Planning & Assessment Act 1979 (EP&AA) – *New insert*

The proposed application has been lodged as a staged development pursuant to s83B of the EP&AA which will include 10 stages.

As the subject site comprises nine separate owners, easements will need to be created for stormwater conveyance and access to ensure that the development can be delivered in accordance with the proposed [Concept Plan](#).

While most of these easements can be imposed through consent conditions prior to the release of Stage 1, where easements are required on lots that do not form part of this application, these will need to be obtained separately.

Therefore, should the Panel decide to grant approval, it should be a Deferred Commencement Consent to enable the following easements to be sought on adjoining land.

- Easements on Lot 1 DP 655008 and Lot 10 DP 22528 to provide access to proposed lots located to the north of stages 4 and 6.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Greater Taree Local Environmental Plan 2010 (GTLEP 2010)

Clause 6.3 – Development Control Plan (DCP) – Amended

Clause 6.3 of GTLEP 2010 seeks to ensure that development on land in an urban release area, occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

It requires that:

- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*
- (3) The development control plan must provide for all of the following:*
 - (a) a staging plan for the timely and efficient release of urban land making providing for necessary infrastructure and sequencing,*
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrian and cyclist.*
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain*
 - (d) a network of passive and active recreational area,*
 - (e) stormwater and water quality management controls,*
 - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
 - (g) detailed urban design controls for significant development sites,*
 - (h) measure to encourage higher density living around transport, open space and service nodes,*
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

Council considers that the Applicant has satisfactorily addressed all of the above criteria with the exception of the proposed Footpath and Cycleway Plan. Accordingly Council has proposed conditions of consent for each stage and sub-stage which require the design and provision of footpaths and cycleways in accordance with Council's requirements.

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

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

Greater Taree Development Control Plan 2010 (DCP 2010)

Part E Flooding – Amended

The previous report identified that several proposed lots within stage 1 would require filling to above the 1% flood level (approx. 250mm). Given the amendments to the overall stormwater concept, additional fill is proposed for stage 1 (approx. 800mm) which is related to stormwater management rather than flooding. It is considered that the additional fill will not pose adverse flooding effects and can be suitably retained.

Section 79C(1)(b) The likely impacts of that development

Stormwater – Amended

Discussions with the Applicant has resulted in an outcome where the stormwater conveyance, detention and quality treatment will be located in a permanent single drainage reserve system for stages north of Forest Lane. It is intended that this system would be designed having a contiguous configuration. It is proposed that detention and quality treatment for the stages south of Forest Lane will be within the proposed golf course.

The concept subdivision layout has been amended and has resulted in a reduced lot yield for stage 1.

Council requires that the drainage basins are to be constructed with a minimum 1:6 batter to eliminate any fencing requirements and must be able to drain to dry to permit passive recreational use and facilitate ease of maintenance.

Stormwater conveyance will discharge via the existing culvert on Forest Lane through a proposed easement on Lot 2 DP 1022067 (Jarberg) south of Forest Lane to Racecourse Creek.

The Applicant has provided details to demonstrate that conveyance can be achieved without any physical works being carried out on Lot 2. Physical works may be required should the detention basin north of Forest Lane not drain dry. NSW Office of Water have confirmed that general maintenance works to existing channels can be carried out without a controlled activity permit. At any time should physical works (beyond maintenance) be required to comply with the proposed condition, requiring the detention basins to drain to dry, a controlled activity permit may be required.

Filling to sub-stages 1A and 2A of stage 1 are required as part of the stormwater management (approx. 800mm). This requires a retaining wall to a maximum height of 800mm inside the eastern boundary for an approximate length of 120m as indicated on the proposed plan. It is also intended to erect a 1.8m colourbond fence atop where the height exceeds 300mm.

In addition, a gabion wall will be constructed to a maximum height of 1.1m at the eastern end of the proposed drainage reserve. This wall will sit adjacent to a dam on the adjoining property and will incorporate a non permeable waterproof membrane.

The overall stormwater concept is considered acceptable and will consolidate all treatment facilities in a contiguous open space area and provide opportunities for passive recreational use.

Flora and Fauna – Amended

The Applicant has concerns in relation to the draft consent conditions presented to the Panel requiring a VMP prior to stage 8 and 9 of the proposed development. The Applicant also considers that off-set planting from stage 1 is not required in the identified wildlife corridor.

While native vegetation with stage 1 is highly disturbed and its removal is not likely to result in a significant impact on threatened species, populations or ecological communities, the mitigation measures recommended in the consultant's report are considered appropriate and are reflected in the proposed conditions of consent.

In accordance with the principle to 'maintain or improve', Council consistently requires vegetation off sets to compensate for vegetation removal on development sites. The Applicants proposal that off-set planting occurs within street verges is not considered acceptable.

Vegetation off-sets are required to be provided in the identified wildlife corridor at a ratio of 2:1 with a section 88B restriction placed on this land to ensure the ongoing management of the planting.

Section 79C(1)(c) The suitability of the site for the development – *Unchanged*

Section 79C(1)(d) Any submissions made in accordance with the Act or the Regulations – *Unchanged*

Section 79C(1)(e) The public interest – *Unchanged*

5 Other matters for consideration - *Unchanged*

6 Recommendation – *Amended*

Given that access to Lots within proposed Stages 4 and 6 will require access across adjoining land, a deferred commencement condition has been imposed to ensure the creation of legal rights for access.

7 Attachments

Approval Plans

DCP Report

Previous JRPP report

