

COUNCIL ASSESSMENT REPORT

Panel Reference	2017NTH017
DA Number	DA2017 – 675.1
LGA	Port Macquarie-Hastings
Proposed Development	504 Lot Torrens Title Subdivision
Street Address	Lot 1 DP 10087368 and Lot 2 DP 1172154 Thrumster Street, Thrumster
Applicant/Owner	Applicant: MJM Consulting Engineers Owner: Port Macquarie-Hastings Council
Date of DA lodgement	4 August 2017
Number of Submissions	3
Recommendation	Consent subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Council related development over \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 14 – Coastal Wetlands • State Environmental Planning Policy No. 44 – Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of land • State Environmental Planning Policy No. 62 – Sustainable Aquaculture • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Coastal Management) 2018 • Port Macquarie-Hastings Local Environmental Plan 2011 • Port Macquarie-Hastings Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Plans • Statement of Environmental Effects • Bushfire Hazard Assessment • Ecological Assessment • Traffic Impact Assessment • Stormwater Management Plan • Vegetation Management Plan • Biodiversity Certification • Proposed Conditions
Report prepared by	Chris Gardiner – Development Assessment Planner
Report date	February 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
Conditions	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

Executive summary

This report considers a Development Application (DA) for a 504 lot Torrens title subdivision. The subdivision includes 500 residential lots, 2 public open space lots, 1 business lot, and a residual lot containing environmental, industrial, and residential zoned land.

The development is Integrated Development as it requires a Bushfire Safety Authority under Section 100B of the Rural Fires Act 1997 and a Controlled Activity Approval under Section 91 of the Water Management Act 2000.

The proposal has been advertised and notified to adjoining land owners in accordance with Council's Development Control Plan 2013. Following exhibition of the application, three (3) written submissions were received.

The assessment of the application has also considered written submissions from the following authorities:

- NSW Roads and Maritime Services;
- Essential Energy;
- NSW Crown Lands;
- Birpai Local Aboriginal Land Council.

The land is also subject to Biodiversity Certification conferred by the Minister for the Environment under Section 126H of the (former) Threatened Species Conservation Act 1995. The certification continues to apply in accordance with Clause 36 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.

This report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979. The consent authority must be satisfied in relation to a number of provisions in relevant environmental planning instruments applicable to the proposal before granting consent to the development. A detailed assessment of the relevant clauses is noted within the report. A summary is also provided below:

- **Clause 7 of SEPP No. 44 – Koala Habitat Protection.** Council officers are satisfied that the land is potential koala habitat. Clause 8 of the SEPP therefore must also be considered.
- **Clause 8 of SEPP No. 44 – Koala Habitat Protection.** Council officers are satisfied that the land is core koala habitat. Clause 9 of the SEPP therefore must also be considered.
- **Clause 9 of SEPP No. 44 – Koala Habitat Protection.** The Thrumster (Area 13) Koala Plan of Management (KPoM) applies to the site. Council officers are satisfied that the recommended determination of the application would not be inconsistent with the KPoM.
- **Clause 7 of SEPP No. 55 – Remediation of Land.** The land is not known to have previously been used for a purpose referred to in Table 1 of the contaminated land planning guidelines. The land is therefore not considered

to be contaminated and Council officers are satisfied that the proposed development meets the provisions of clause 7(1) of the SEPP.

- **Clause 6.1 of the Port Macquarie-Hastings LEP 2011 – Arrangements for designated State public infrastructure.** Clause 6.1 requires the Director-General of the Department of Planning and Environment to certify in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot. Written certification has been received on 21 January 2019.
- **Clause 7.1 of the Port Macquarie-Hastings LEP 2011 – Acid Sulphate Soils.** Council officers are satisfied that an appropriate management plan can be implemented for potential acid sulphate soils.
- **Clause 7.3 of the Port Macquarie-Hastings LEP 2011 – Flood planning.** Council officers are satisfied that the proposed development is consistent with the relevant flood planning considerations.
- **Clause 7.5 of the Port Macquarie-Hastings LEP 2011 – Koala habitat.** Council officers are satisfied that the proposed development is consistent with the Thrumster (Area 13) Koala Plan of Management.
- **Clause 7.13 of the Port Macquarie-Hastings LEP 2011 – Essential Services.** Clause 7.13 requires the consent authority to be satisfied that any services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 7.13 of the LEP.

In summary, the assessment of the proposed development has adequately addressed all consent considerations required by the above environmental planning instrument clauses. It is therefore considered that the Panel can proceed with determining the application, subject to the recommended conditions of consent.

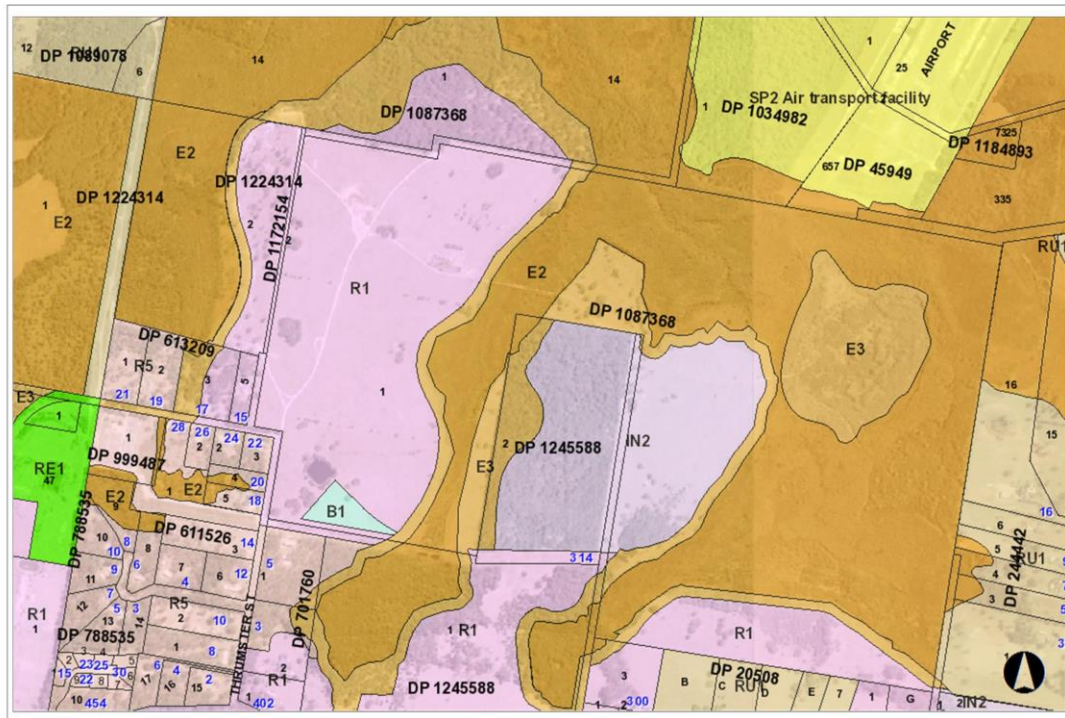
The Applicant has been provided with a copy of the draft 'without prejudice' conditions for review. There are no matters of disagreement in relation to the draft conditions.

1. BACKGROUND

Existing sites features and surrounding development

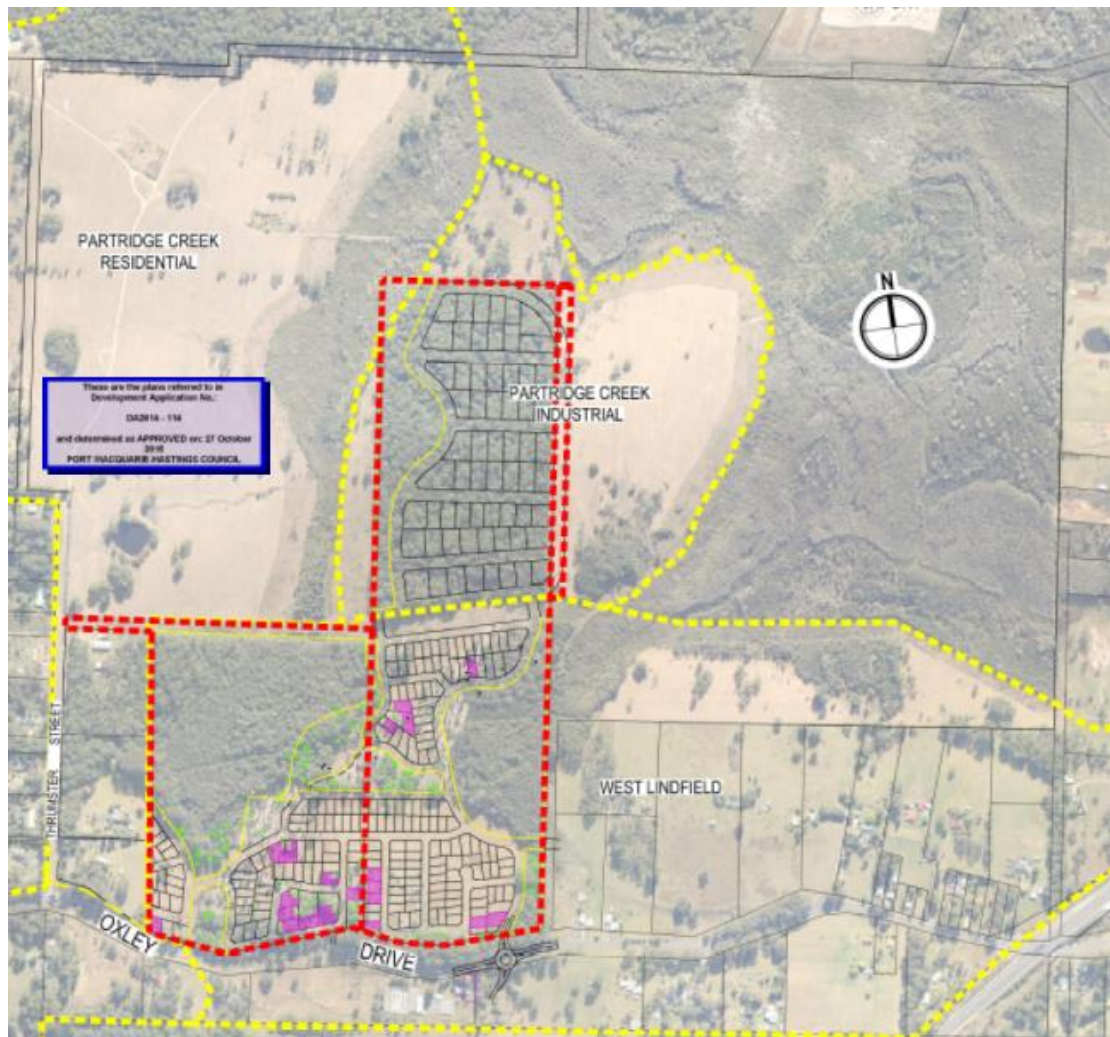
The development is proposed to be carried out on Lot 1 DP 10087368 and Lot 2 DP 1172154 Thrumster Street, within the Thrumster Urban Release Area. The lots have a combined area of approximately 211.7 hectares.

The site is zoned R1 General Residential, B1 Neighbourhood Centre, IN2 Light Industrial, E2 Environmental Conservation, and E3 Environmental Management in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site is located approximately 6 kilometres west of the Port Macquarie town centre within the Partridge Creek Residential Precinct of the Thrumster Urban Release Area.

Land to the south and east of the proposed subdivision site at No. 314 and 344 John Oxley Drive has been granted consent under DA2014 – 114 for a staged residential (207 lots) and industrial (63 lots) subdivision, which will include dedication of environmental land adjoining the site. The layout of the approved development is shown below.



Land to the west of the site at Lot 2 DP 1224314 has been granted consent under DA2017 – 721 for a manufactured home estate containing 151 dwelling sites and associated community and recreational facilities. This land was also subject to a previous consent for a residential subdivision that has since been surrendered.

Land to the south-west of the site contains established large lot residential uses. The Port Macquarie Regional Airport north-west of the site.

The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:

3. STATUTORY ASSESSMENT

The provisions (where applicable) of:

(a)(i) Any environmental planning instrument

State Environmental Planning Policy No. 14 - Coastal Wetlands

The application was lodged, but not determined, prior to the commencement of State Environmental Planning Policy (Coastal Management) 2018. Therefore the former planning provisions (SEPP 14) continue to apply.

Part of the site is mapped as coastal wetland, as detailed on the below map:



The coastal wetland is located within E2 and E3 zoned land and the development does not propose for any work or clearing to be carried out in the coastal wetland. No further consideration of the policy is required.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

With reference to clause 6, the subject land has an area greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of the SEPP must be considered.

The Thrumster urban release area has previously been investigated for potential and core koala habitat in accordance with clauses 7 and 8 as part of the master planning for the area. The Thrumster (Area 13) Koala Plan of Management (KPoM) applies to the site. Parts 6 and 7 of the KPoM apply to development in core and potential habitat areas and are considered in the table below:

Applicable clauses for consideration	Comments	Satisfactory
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6(A) Road design standards	Roads are capable of being designed with traffic calming to achieve a maximum speed of 40km/hour along minor residential streets and 50km/hour on collector roads.	Yes
6(B) Keeping of domestic dogs	Condition recommended requiring all lots within the core koala habitat are to have a title restriction preventing the keeping of domestic dogs.	Yes
6(C) Protection of preferred koala food trees	All preferred koala food trees within the subdivision footprint have been authorised to be removed in the Biodiversity Certification for the land. None of the proposed residential or business lots will contain any preferred koala food trees, and a title restriction is not necessary in this regard.	Yes
6(D) Fencing	Condition recommended requiring all fencing other than pool fencing to provide a minimum ground clearance of 250mm and not inhibit the movement of koalas.	Yes
6(E) Development in "High Use" areas	All preferred koala food trees within the subdivision footprint have been authorised to be removed in the Biodiversity Certification for the land. The proposal is considered to be consistent with this provision as there are no trees left to retain.	Yes
6(F) Development in "Medium (normal) use" areas	All preferred koala food trees within the subdivision footprint have been authorised to be removed in the Biodiversity Certification for the land. The proposal is considered to be consistent with this provision as there are no trees left to retain.	Yes
6(G) Landscaping	Condition recommended requiring use of preferred koala food trees in landscaping in core koala habitat areas.	Yes
6(H) Variations	The Applicant has not sought variation of Part 6(E) or Part 6(F) under this provision.	n/a
7 Development in Potential Koala Habitat	<p>The vegetation identified as potential koala habitat would be removed in accordance with the Biodiversity Certification. Offset plantings will be added to existing habitat linkages (generally in the E3 zoned land) in accordance with the approved Vegetation Management Plan.</p> <p>Roads are capable of being designed with traffic calming to achieve a maximum speed of 60km/hour.</p>	Yes

In accordance with clause 9(2) of the SEPP, the recommended determination of the application would not be inconsistent with the Koala Plan of Management.

State Environmental Planning Policy No. 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is therefore considered suitable for the intended use in accordance with Clause 7(1) of the SEPP.

The land is not known to have been used for a purpose referred to in Table 1 of the contaminated land planning guidelines. Therefore, a preliminary investigation is not required prior to determining the application.

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

Given the nature of the proposed development and proposed stormwater controls the proposal will be unlikely to have any adverse impact on existing aquaculture industries.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – The proposed development includes works in proximity to electricity infrastructure and has been referred to Essential Energy for comment in accordance with clause 45(2). Essential Energy provided comments on the development on 13 October 2017. Essential Energy raised no objection to the development, provided that the following recommendations are implemented:

1. If the proposal changes, Essential Energy would need to be informed for further comment;
2. As part of the subdivision, easements are created for any existing electrical infrastructure. The easements are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision – refer Essential Energy's Contestable Works Team for requirements;
3. Satisfactory arrangements are made with Essential Energy in relation to its existing 11,000 volt underground powerline, currently located on Lot 2 DP1224312, which Lot forms part of the subdivision. Essential Energy has a registered easement over this powerline. The proposed residential subdivision plans provided by Council indicate that this powerline will be located within the proposed residential subdivision. Essential Energy's preference is for the location of its easements and/or infrastructure to be within public reserve or public roadways. Careful consideration as to access and safety aspects associated with that infrastructure must occur. An easement corridor over residential allotments is not acceptable. Please refer to Essential Energy's Contestable Works Team for requirements;
4. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with; and
5. Council ensures that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

The Applicant has amended the proposal to provide for the relocation of the existing electricity infrastructure into the proposed road network. Lot 1018 will require an easement to Essential Energy's requirements over the underground electricity infrastructure.

A condition is also recommended requiring satisfactory arrangements certification for electricity supply to the subdivision.

Clause 104 - The application is traffic generating development listed in Schedule 3 of the SEPP and has been referred to the NSW Roads and Maritime Service (RMS). The RMS advice and other matters requiring consideration under clause 104(3)(b)(ii) and (iii) are considered in the assessment of access, traffic and parking impacts later in this report.

State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 - The proposal is regionally significant development identified in Schedule 7 of the SEPP, being Council related development having a Capital Investment Value of more than \$5 million.

State Environmental Planning Policy (Rural Lands) 2008

Clause 10 – The proposal includes subdivision of land in an environment protection zone. However, the subdivision in relation to the E2 and E3 zoned land is not for the purpose of a dwelling and the matters in Clause 10(3) are not required to be considered.

State Environmental Planning Policy (Coastal Management) 2018

In accordance with Clause 21(1), the former planning provisions continue to apply (and this Policy does not apply) to a development application lodged, but not finally determined, immediately before the commencement of this Policy in relation to land to which this Policy applies.

Therefore, State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14) continues to apply to the proposal. See comments earlier in this report regarding SEPP 14.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, the subject site is zoned B1 Neighbourhood Centre, R1 General Residential, IN2 Light Industrial, E3 Environmental Management, and E2 Environmental Conservation.

The objectives of the B1 zone are as follows:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment.
- To provide a focal point for the neighbourhood community.

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The objectives of the IN2 zone are as follows:

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

The objectives of the E2 zone are as follows:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect coastal wetlands and littoral rainforests.
- To protect land affected by coastal processes and environmentally sensitive land.
- To prevent development that adversely affects, or would be adversely affected by, coastal processes.
- To enable development of public works and environmental facilities where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values.

The objectives of the E3 zone are as follows:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:

- The subdivision provides suitable road access and services to the neighbourhood centre to allow future development in accordance with the objectives of the plan.
 - The residential subdivision provides a variety of lot sizes to facilitate future housing choice and meet the projected housing needs of the community.
 - The light industrial land is located within the residual lot and not proposed to be developed at this stage. The proposal would not compromise its future development in accordance with the zone objectives.
 - With the exception of road and service corridor connections to adjoining land to the east, the environment land is intended to be protected and retained as a public reserve.
 - Habitat in the environmental lands will be protected and improved through additional plantings and ongoing maintenance in accordance with the Vegetation Management Plan.
- Clause 4.1, the residential lot sizes within the proposed subdivision range from 489m² to 1755m². The proposal also includes two public open space lots having areas of 7237m² and 1.71 hectares, and a neighbourhood centre lot having an area of 1.48 hectares. All proposed lots comply with the minimum lot sizes identified in the Lot Size Map relating to the site (450m² for R1 land and no minimum lot size for B1 land).
 - Clause 5.10 – Two Aboriginal places of heritage significance (Thrumster Knoll Site and Watoo 7 Thrumster Conservation Area) are located on the eastern part

of the site. In accordance with subclause (2), the proposal does not include excavation or disturbance of an Aboriginal place of heritage significance, and therefore further consideration of this clause is not required.

- Clause 6.1, Council has received certification dated 21 January 2019 from the Secretary of the NSW Department of Planning & Environment that satisfactory arrangements are in place for designated State public infrastructure.
- Clause 6.2, satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and sewer infrastructure to service the development within an urban release area.
- Clause 6.3 – Development Control Plan 2013 (Chapter 4.5) is in place for the urban release area. See detailed assessment under DCP section of this report.
- Clause 7.1, the site is mapped as potentially containing class 2, 3, and 5 acid sulphate soils. The proposed subdivision only includes works within the class 5 acid sulphate soils, which would include filling, road construction, and services. These works are not expected to lower the water table on the adjacent class 2 land and an acid sulphate soils management plan is not required.
- Clause 7.3, the site is land within a mapped “flood planning area” (land subject to flood discharge of 1:100 annual recurrence interval flood event, plus the applicable climate change allowance and relevant freeboard). In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council’s Flood Policy 2015, the NSW Government’s *Flood Prone Lands Policy* and the NSW Government’s *Floodplain Development Manual* (2005):
 - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
 - The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties. Filling associated with the proposed development is consistent with the extent modelled in the *Patterson Britton Encroachment Assessment Report (May 2007)* that was carried out as part of the strategic planning for the area.
 - The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land. Conditions have been recommended requiring minimum finished lot and road levels to ensure that the subdivision provides for the safe occupation of land in the flood planning area, and safe evacuation for extreme flood events.
 - The proposal is not likely to 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;
 - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding;
 - A condition has also been recommended requiring detailed design of the culvert crossing for the east-west collector road to ensure that there is no significant adverse impacts on the flow conveyance in the floodway.
- Clause 7.5 – Part of the land is shown as “Koala habitat area” on the Koala Habitat Map. In accordance with subclause (3), the proposed development is consistent with the adopted Koala Plan of Management (KPoM). In accordance with subclause (4), each lot create by the subdivision will contain a sufficient

building envelope to ensure that the development is consistent with the adopted KPOM. See detailed comments earlier in this report under SEPP 44.

- Clause 7.7 – The Obstacle Limitation Surface (OLS) for the part of the site proposed to be subdivided is 47.5m AHD. The highest point of the land within the proposed subdivision is approximately 25m AHD and the proposal is not expected to result in future buildings that would exceed the OLS. A standard precautionary condition is recommended regarding the use of cranes during construction, to ensure that appropriate safety procedures are followed in the event that cranes penetrate the OLS.
- Clause 7.8 – The part of the site proposed to be subdivided for residential purposes is not located an ANEF contour of 20 or greater and consideration of the impacts of aircraft noise is not required.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

(a)(ii) Any proposed instrument that is or has been placed on exhibition

No proposed instruments are applicable to the proposal.

(a)(iii) Any DCP in force

Port Macquarie-Hastings Development Control Plan 2013:

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.3.3.3	Subdivision should be designed to fit the topography rather than altering the topography	Some land forming and filling of areas in the flood planning area is proposed. However, there are no significant adverse environmental impacts identified.	Yes
2.3.3.4	Fully vegetated buffers to endangered ecological communities (EEC)	The proposal includes appropriate buffers to EEC's, with necessary revegetation incorporated into the Vegetation Management Plan. The two connecting roads to the Partridge Creek Industrial land to the east pass through EEC and do not achieve the relevant buffers. However, these roads are consistent with the master planning for the area and Biodiversity Certification has been issued for these road and	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
		service corridors.	
2.3.3.5	Environmental areas to be appropriately protected and managed.	<p>The proposed subdivision and related infrastructure is located generally clear of the surrounding environmental land. The two connecting roads to the Partridge Creek Industrial land to the east are the only locations where the environmental land would be impacted. These road and service corridors have Biodiversity Certification.</p> <p>A satisfactory Vegetation Management Plan has been submitted with the application.</p>	Yes
2.3.3.6	Buffers to waterways	The proposal provides the required minimum 40m buffer to the 2 nd order stream running along the eastern side of the development within the E2 and E3 zones,	Yes
2.3.3.8	All hollow bearing trees identified Scoring protocol Compensatory recruitment trees if impractical to retain – 2:1 ratio located within environmental lands	<p>Hollow bearing trees identified within the development site. The HBT assessment indicates that removal of trees H2, H4 and H5 is acceptable, subject to identification of suitable recruitment tree and provision of nesting boxes. Conditions are recommended confirming the offset requirements.</p> <p>H5 scored greater than 12 and would typically be required to be retained and incorporated into the development. However, in this instance the tree is located within the planned collector road connection to the adjoining land to the east. The impact of removal of this tree has been considered in the</p>	No, but acceptable

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
		<p>Biodiversity Certification process and its removal is considered acceptable in the circumstances.</p> <p>Trees H1, H3 and H6 are proposed to be retained and provided with appropriate buffers.</p>	
2.4.3.4	Asset protection zones are to be provided wholly within private land	Asset protection zones include up to 15m of outer protection area in the E3 land on the hazard side of the perimeter road. See 4.5.3.10 of DCP.	Yes
2.4.3.6	All stormwater infrastructure to AUSPEC	Conditions recommended. See comments later in this report under Stormwater.	Yes
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	All lots have direct frontage to proposed public roads offering good potential for casual surveillance with dwellings. Proposed public open space areas have perimeter roads (with the exception of a small part of the northern park, which adjoins the side boundary of Lots 805 and 814) to provide for casual surveillance from adjoining dwellings. Adequate street lighting will be required for all new roads.	Yes

DCP 2013: Chapter 3.6 - Subdivision			
DCP Objective	Development Provisions	Proposed	Complies
3.6.3.2	Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary.	All proposed lots meet the minimum lot dimension requirements, with the exception of Lots 908 and Lot 921, which are essentially battleaxe lots.	Yes
	Minimum width of 7m when boundaries are extended to kerb line.	All proposed lots satisfy this requirement.	Yes
	Minimum depth of 25m.	All proposed lots comply with minimum depth requirements.	Yes

	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	N/A	N/A
	Subdivision of dual occupancy development or multi dwelling housing where permissible in the LEP may create allotments smaller than 450m ² if: Each lot to be created is part of a community or strata title scheme, or Is part of an integrated Torrens title housing development.	N/A	N/A
3.6.3.3	Battleaxe lots discouraged in greenfield development.	Lots 908 and 921 are battleaxe lots.	No (see below)
	Council may consider permitting Torrens Title battleaxe allotments for —infill development where it is demonstrated that; a Torrens Title lot, that is <i>not</i> a battleaxe lot, <i>cannot</i> be achieved; and the number of crossovers do not reduce the amenity of the street or on street parking; and the impact of noise, dust and headlights on the land owners adjoining the driveway is addressed by the construction of an acoustic fence for the full length of the driveway; and addresses privacy between the rear lot and the rear open space of the front lot by the provision of adequate screening, larger lot size and setbacks; and extends utilities to the end of the axe handle; and there is sufficient space for garbage collection on the frontage.	The proposed battleaxe lots could potentially be removed by extending Road No. 5 and Road No. 15 to connect and form a through road. However, the Applicant has indicated that the road design is intended to limit the straight length of road to manage traffic speed. Both lots provide an access handle greater than 7m wide, which is considered suitable for providing a future driveway and garbage collection. Both lots also have a suitable building envelope.	Yes
3.6.3.4	Lots are to be designed to allow the construction of a dwelling, which does not	The majority of lots within the subdivision have an average slope of	Yes

	involve more than 1m cut, or fill, measured from natural ground level, outside the dwellings external walls.	10% or less and substantial cut/fill is not expected to be required for future dwelling. Some land forming is expected at the subdivision stage for lots with average slope of 11-15%, with details to be submitted at the Construction Certificate stage.	
	Lot sizes increased for sloping sites in accordance with Table 3.6.1.	Lot sizes and dimensions generally consistent with provisions for Slope Category A & B.	Yes
	Additional information provided for slope categories in accordance with Table 3.6.2.	Indicative earthworks plan provided with application. No retaining walls proposed at subdivision stage.	Yes
3.6.3.5	Wherever possible orientate streets to maximise the number of east, west and south facing lots and to minimise the number of narrow north facing lots. Residential street blocks should preferably be orientated north-south with dimensions generally limited to 60-80m by 120-150m as illustrated in Figure 3.6-2.	The majority of the proposed street blocks are within the preferred range, with the longest street block approximately 200m long (equivalent to 3 lots longer). The overall subdivision layout has been improved significantly through the assessment process and the minor variations remaining are considered acceptable having regard to the objectives of the control. The layout would provide for good pedestrian and vehicular permeability.	No, but acceptable
	Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.	Lot size and shape are satisfactory to allow for future construction of energy efficient dwellings.	Yes
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the	Condition recommended requiring kerb and guttering in accordance with AUSPEC requirements.	Yes

	subdivision works where these do not exist (may be varied subject to criteria in this clause)		
3.6.3.7	Subdivisions close to urban centres or along arterial roads serviced by public transport achieve yield of >35 dwellings per hectare.	See comments under 4.5.4.4 regarding desired dwelling yields for the Partridge Creek Residential area.	Yes
3.6.3.20	Water supply to meet Council's design specifications.	See comments under Water Supply Connection later in this report.	Yes
3.6.3.21	All lots connected to reclaimed water if available.	See comments under Water Supply Connection later in this report.	Yes
3.6.3.24	Separate sewer junction provided for each lot.	See comments under Sewer Connection later in this report.	Yes
3.6.3.27	Erosion and sediment control plan to be provided.	Condition recommended requiring erosion and sediment control plan with Construction Certificate application.	Yes
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council.	Condition recommended requiring satisfactory arrangements certification from the relevant electricity and telecommunications authorities.	Yes
	All service infrastructure should be installed in a common trench.		
	Conduits for the main technology network system should be provided in all streets.		
	Conduits are to be installed in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground Deployment'.		
	Access pits are to be installed at appropriate intervals along all streets.		
3.6.3.51	Street trees should be provided along all road frontages generally at a rate of 1 per 20m interval.	Condition recommended confirming this requirement. Details to be provided with CC application.	Yes
	Street trees should not affect solar access.		

3.6.3.52	Street trees from Council's list.	Capable of complying.	Yes
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DCP 2013: Thrumster Area Based DCP provisions			
	Requirements	Proposed	Complies
4.5.3.1	Aboriginal heritage and archaeology	<p>Aboriginal cultural heritage sites known as 'Wattoo 7' and 'The Island' are located on the eastern side of the land on the proposed residual lot. No works are proposed within the 300m buffer of the sites. A further 5 known sites are located within the site. Four of these sites are located clear of the development, and the other is located within the proposed northern park.</p> <p>The Applicant has consulted with the Birpai Local Aboriginal Land Council in relation to the potential impacts of the subdivision works and local park embellishment on the known site. See detailed comments later in this report regarding the Birpai recommendations.</p>	Yes
4.5.3.2	Vegetation management plan required	A satisfactory Vegetation Management Plan has been submitted.	Yes
4.5.3.3	Hollow bearing trees - Refer above table	Refer to previous comments under 2.3.3.8.	Yes
4.5.3.4 - 4.4.3.6	Koala habitat	<p>Area 13 KPOM is addressed earlier in this report under SEPP 44.</p> <p>Type 1 Koala underpasses are required for the road connection to the Partridge Creek Industrial land to the east. This requirement can be confirmed by condition.</p> <p>The density of the subdivision in the high-</p>	Yes

DCP 2013: Thrumster Area Based DCP provisions			
	Requirements	Proposed	Complies
		use core koala habitat has been reduced in accordance with the DCP.	
4.5.3.7	Stormwater Management Strategy required.	See comments later in this report under Stormwater.	Yes
4.5.3.8	Water supply - reclaimed water and rainwater tank supply	Refer to comments later in report under Water Supply Connection. Capable of being supplied. Details with Construction Certificate.	Yes
4.5.3.9	Airspace protection	See comments under clause 7.7 of LEP.	Yes
4.5.3.10	Bushfire management - May allow up to 15m of 30m buffer width within Environmental Management Zone to be Outer Protection Area	Majority of required APZ contained within perimeter roads on land in the R1 zone. Small parts of the road reserve and APZ extend into the E3 zone on the hazard side of the perimeter road, consistent with this provision.	Yes
4.5.3.11	Flooding	See comments earlier under clause 7.3 of the LEP regarding flood impacts.	Yes
4.5.3.12	Noise industrial	The proposal does not include any residential lots within 100m of the IN2 land to the east.	Yes
4.5.3.13	Road noise	N/A	N/A
4.5.3.15	Transport network – Partridge Creek Residential	A Traffic Impact Assessment has been carried out to determine the timing of upgrading works to the John Oxley Drive / Thrumster Street intersection. See detailed comments under traffic and transport later in this report.	Yes
4.5.3.17	Pedestrians and cycleways - Development is to provide for pedestrian and cycle ways generally in accordance with the	Submitted plans are generally consistent with Figure 4.5-54. Conditions recommended confirming required pedestrian and	Yes

DCP 2013: Thrumster Area Based DCP provisions			
	Requirements	Proposed	Complies
	relevant neighbourhood maps.	bicycle infrastructure.	
4.5.3.18	Provide the bus stops, including bus bays, and shelters, generally in the locations shown on Figure 4.5-57 and the relevant neighbourhood maps and not more than 600 metres apart.	<p>Collector roads identified as a bus route and will need to comply with AUSTROADS standards.</p> <p>Indicative location of bus stops identified on the plans and generally consistent with Figure 4.5-57. One additional bus stop proposed along eastern perimeter road (Road No. 5).</p> <p>Can comply, subject to condition regarding road and bus stop design.</p>	Yes
4.5.3.19	Roads and fauna management corridors	<p>Type 1 koala underpasses required to be provided both sides of the creek for the Road 03 connection to the east.</p> <p>Wildlife exclusion fencing is also required for the above road and a condition is recommended in this regard.</p> <p>The design of the fencing, underpasses and traffic speed measures is required to be certified by a Koala specialist prior to the issue of a Construction Certificate. Completed works are to be certified prior to the issue of the Subdivision Certificate.</p>	Yes
4.5.3.20	Road hierarchy - Accommodate the provision of a street network generally in accordance with Figure 4.5-62.	The proposed layout is generally consistent with Figure 4.5-62. The planned collector road connection through the adjoining land to the west will ultimately not be achievable due to an approved MHE on this	No, but acceptable

DCP 2013: Thrumster Area Based DCP provisions			
	Requirements	Proposed	Complies
		land. Traffic modelling has confirmed that this planned link is not necessary.	
4.5.3.21	Road design - collector, perimeter and collector roads that are perimeter roads	Capable of complying. Conditions recommended confirming relevant standards for construction of collector roads.	Yes
4.5.4.1	Development sequencing – Partridge Creek Residential. Intersection 3 to be upgraded depending on traffic impact assessment. Thrumster Street upgrade form and timing to be determined by traffic impact assessment. East-west collector road and perimeter road to be constructed by adjacent development. Upgrade water main in Thrumster Street. Upgrade water main in John Oxley Drive if intersection works are required. Adjacent development required to construct Thrumster SPS No.2.	The Traffic Impact Assessment has considered the timing of upgrading Thrumster Street and Intersection 3 on John Oxley Drive, as discussed later in this report. Relevant perimeter roads and the southern east-west road link are proposed to be constructed as part of the development. Thrumster SPS No. 2 will also be constructed as part of the development.	Yes
4.5.4.2	Sewerage Initial application is to include design for whole neighbourhood. Development east of the central ridge line requires construction of SPS No. 2 and carrier main. Pumping stations required before Council's staging to be funded by the developer.	Refer to comments later in report. Suitable conditions provided to ensure sewer provided generally in accordance with sequencing.	Yes
4.5.4.3	Urban structure and lot layout - lot layout	N/A	N/A
4.5.4.4	Residential density – Partridge Creek Residential - development consistent with urban	500 residential lots proposed. With additional 10% dual occupancy allowance = 550	No, but acceptable.

DCP 2013: Thrumster Area Based DCP provisions			
	Requirements	Proposed	Complies
	structure in Figure 4.5-78	<p>dwellings.</p> <p>The development site area is approximately 55.2 hectares including 2 proposed parks and a master lot in the B1 zone. The density is $550/55.2 = 10$ dwellings per hectare, which is less than the 12-20 dwellings per hectare desired for development in the R1 zone. It is also noted that part of the site is mapped as koala habitat in the LEP and a lower density of 6-10 dwellings per hectare could be permitted in these areas. Part of the land is within 200m of the B1 zone, where a density of at least 15 dwellings per hectare is desirable.</p> <p>The proposal includes a number of multi dwelling sites with indicative potential for and addition 35 dwellings.</p> <p>Given the site constraints the density is considered acceptable.</p>	
4.5.4.5	Public open space (passive and active) – Partridge Creek Residential	<p>Two parks are proposed within the subdivision. The southern park is consistent with the location shown in the DCP. The northern park has been moved slightly further south, as the planned park location is a koala release area and is intended to be retained as environmental land. The design and size of both parks is acceptable to Council's Buildings and Recreation Section and Natural Resources Section.</p>	Yes

DCP 2013: Thrumster Area Based DCP provisions			
	Requirements	Proposed	Complies
		Details of park embellishment will be required with the Construction Certificate application.	
4.5.4.6	Service infrastructure – Partridge Creek Residential: Existing 300mm water main in John Oxley Drive to be upgraded to 450mm at the time of construction of intersection 3. Public frontage to be created to electricity easement. 100mm main in Thrumster Street to be upgraded	Refer to conditions and comments later in report regarding water supply infrastructure upgrades. The proposal provides a public frontage to the transmission easement through the B1 land.	Yes
4.5.5.1-4.5.5.2	Design guidelines	n/a	n/a

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

(a)(iii)(a) Any planning agreement or draft planning agreement

No planning agreement has been offered or entered into relating to the site.

(a)(iv) Any matters prescribed by the regulations

No matters prescribed by the regulations are applicable to the proposal.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality

The site is located within the Thrumster urban release area and has a general southerly street frontage orientation to Thrumster Street. The site is located within the planned Partridge Creek Residential precinct.

Adjoining the site to the north is environmental land and the Port Macquarie Regional Airport.

Adjoining the site to the east is environmental land and the planned Partridge Creek Industrial precinct.

Adjoining the site to the south is environmental land and large lot residential land.

Adjoining the site to the west is some large lot residential development along Thrumster Street. The site also adjoins residential zoned land which is subject to a previous development consent for a 72 lot residential subdivision under DA2015 – 134. A subsequent Development Application for a manufactured home estate (MHE) has also been granted consent on this land under DA2017 - 721. The proposed subdivision has been designed to integrate with the MHE rather than the earlier approved subdivision. Development consent DA2015 – 134 has been surrendered.

Roads

The site has road frontage to Thrumster Street. Adjacent to the site, Thrumster Street is currently a sealed public road under the care and control of Council. Thrumster Street is a local road with a 5.5m road formation width within a 20m road reserve width. However, the increase in traffic as a result of this development will require the upgrade of Thrumster Street from a local road to a distributor road.

Thrumster Street would not meet the road width and capacity requirements of AUS-SPEC Table D1.5, however, ultimately other alternative connections are proposed at the western extent of Thrumster Street and through West Lindfield to the east. The traffic loading on Thrumster Street is dependent on a number of variables such as the rate of development in the Partridge Creek residential and industrial precincts, the provision of other road connections out of the precincts other than Thrumster Street and the manner in which the neighbouring land to the west is developed. It is noted that the upgrade of Thrumster Street has been included in the Area 13 Local Roads Contributions Plan.

Traffic and Transport

The application includes a Traffic Impact Assessment form StreetWise Road Safety and Traffic Services dated July 2018. Findings of the study determined:

“The proposed 504 lot Partridge Creek residential development will generate an estimated 5436 vehicle movements per day, and 544 peak hour movements. The commercial component will add an additional 3120 vehicles a day or 305 trips at peak times. The total trips generated by the development, when completed and fully occupied, will be around 7650 per day, or 760 peak hour trips.

It is proposed to construct the development in 10 stages, at an average of 50 lots per stage. The timing and number of lots released per stage will be subject to market forces. For the purposes of this assessment, half-development was adopted as 2026 and completion by 2031. This equates to approximately 18 months and 54 lots per stage. It is assumed the neighbourhood shopping centre will be constructed and operational by 2026 i.e. half development.

The current traffic volumes on John Oxley Drive are significantly less than when the road was the main connection between Port Macquarie and the Pacific Highway (until the completion of the new section of Oxley Highway approx. 5 years ago). However, it is planned that John Oxley Drive will provide access to a number of future Area 13 residential, commercial and industrial precincts, and the current volumes will increase significantly in the next 15 – 20 years.

The existing T-intersection at John Oxley Drive and Thrumster Street has previously catered for higher traffic volumes, and currently operates efficiently. The SIDRA modelling that the existing T-intersection layout will operate

satisfactorily up to approximately Stage 5 of the residential development. It is estimated the completion of the neighbourhood shopping centre will increase traffic volumes in Thrumster Street to a level where delays become unsatisfactory.

Upgrading the existing T-intersection at Thrumster Street and John Oxley Drive to a single lane roundabout will cater for the additional trips generated by the half-development (2026), including the proposed neighbourhood shopping centre. However, the roundabout may require upgrading to a 2-lane layout to cater for the traffic generated by the fully completed development.

The status of the existing Thrumster Street generally meets Council's requirements for a rural standard local road. This will need to be upgraded to a Local Street to cater for the increased traffic volumes generated by Stages 1 – 4. Further upgrade to a Collector Road will be required to cater for Stage 5 and the completion of the proposed neighbourhood shopping centre. By the time the development is fully completed (2031), Thrumster Street will require upgrade to 'Distributor' standard to cater for the estimated 8,000 trips per day.

Future John Oxley Drive traffic volumes are predicted to exceed 20,000 within the next 20 years, and will require upgrading to Arterial standard to cater for these volumes.

The required upgrade of Thrumster Street, John Oxley Drive and the existing intersection is based on the total increase in traffic volumes in the Area 13 precinct, whereas this assessment considers the trip generation of the subject Partridge Creek residential development. The actual timing of the required upgrades is subject to the timing of a variety of developments throughout the Thrumster and Area 13, and not solely upon the staging of the subject development.

The estimated traffic volumes utilised in this assessment and used in the SIDRA modelling are a conservative estimate, and actual volumes are expected to be lower than those shown, due to the following:

- The distribution of traffic from other developments within Area 13 is an estimate only, based on assumed future attractors i.e. shopping centres, schools, pre-schools, workplaces etc. If these future landuses are not completed within the assessment period, i.e. 2031, then many trips will continue utilise the Oxley Highway to Port Macquarie, rather than use John Oxley Drive.*
- The assessment assumes that the current rate of release for Area 13 will continue over the next 15 – 20 years. However, it is likely that the rate of development will vary during that time, with some slowing down expected within that period.*
- The estimated trips to be generated by the subject Partridge Creek residential development, and other precincts within Area 13, are likely to overlap i.e. a commute from South Oxley may include a drop-off at St Joseph's school and/or a stop at the future neighbourhood shopping centre, before heading to work the Thrumster."*

The Traffic Impact Assessment includes the following recommendations to manage the expected increases in traffic for the proposed subdivision and other development in the area.

“The existing formation of Thrumster Street will require upgrading to:

- A minimum ‘Local Road’ standard (as per Council’s Austroads Table D1.5) to cater for Stages 1 - 4 of the Partridge Creek residential development.*
- A ‘Collector Road’ standard to cater for Stage 5 and the completed neighbourhood shopping centre*
- A ‘Distributor Road’ standard to cater for Stages 9 – 10.”*

John Oxley Drive will require upgrading to:

- A minimum ‘Distributor’ standard (as per Council’s Austroads Table D1.5) to cater for increased traffic volumes by approximately 2026, based upon the estimated trips generated by Partridge Creek residential development, and also estimated volumes from other developments within the Area 13 precinct.*
- By 2031, based upon completion of Partridge Creek residential development, and traffic generated by other Area 13 precincts, John Oxley Drive may require further upgrade to an Arterial Road to cater for estimated volumes.*

The existing layout at intersection of John Oxley Drive and Thrumster Street will satisfactorily cater for Stages 1 – 4 of the Partridge Creek residential development. Consideration should be given to upgrading the existing layout to cater for queuing and turn movements, if required.

The intersection of John Oxley Drive and Thrumster Street should be upgraded to a single lane roundabout by Stage 5 and the completion of the neighbourhood shopping centre, to cater for the increased traffic volumes.

By full development of the Partridge Creek residential precinct, the intersection of John Oxley Drive and Thrumster Street may require upgrading to a 2-lane roundabout, dependent upon the rate of development within the overall Area 13 and surrounding precincts.”

The Applicant has not proposed to construct the required upgrades to Thrumster Street or the intersection of Thrumster Street and John Oxley Drive, and is relying upon these works being carried out under the relevant Section 94 Contributions Plan. As the Applicant will not be able to control the timing of the relevant road upgrades being delivered, it is important to ensure that a Subdivision Certificate for the relevant stages requiring road upgrades cannot be issued until the works have been completed. Conditions have been recommended in this regard.

Roads and Maritime Services (RMS)

In accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, the proposal was initially referred to the RMS on 5 September 2017. The RMS were unable to provide comments on the information that was submitted at the time, and requested that the Applicant provide a Traffic Impact Assessment addressing the following:

- The total impact of existing and proposed development on the road network with consideration for a 10 year horizon.
- The volume and distribution of traffic generated by the proposed development.

- Intersection sight distances at key intersections and details of proposed improvements to affected intersections.
- Impact on public transport (public and school bus routes) and consideration for alternative transport modes such as walking and cycling.

The Applicant provided a Traffic Impact Assessment (TIA) prepared by StreetWise Road Safety and Traffic Services and dated July 2018. The TIA was referred to the RMS for further consideration on 26 July 2018, and a response was received on 17 September 2018 with the following comments.

1. The Consent Authority should be satisfied that the impact of through and turning traffic has been adequately addressed. Please refer to Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings and Australian Standard 2890.1 – Off Street Car Parking.
2. Service vehicles should enter and leave the site in a forward manner. The design should cater for the turning paths of the largest vehicle requiring access to the site. Please refer to Australian Standard 2890.2 – Off Street Commercial Vehicle Facilities.
3. Regulatory signs and devices will require the endorsement of the Local Traffic Committee prior to Council approval. Please refer to 'A guide to the delegation to councils for the regulation of traffic'.
4. Consideration should be given to connectivity for public transport facilities and active transport modes such as walking and cycling.

These matters have been considered in the assessment of the application. Intersection design and pedestrian, cyclist, and public transport connectivity have been discussed within this report and are considered to be acceptable. The B1 Neighbourhood Centre land is not proposed to be developed as part of this application and manoeuvring for commercial vehicles is not relevant at this stage.

Site Frontage & Access

The primary vehicular access point will be via the extension of Thrumster Street northwards into the proposed development footprint, in line with Chapter 4.5 of DCP 2013. At Council's discretion, this may necessitate the renaming of the western section of Thrumster Street to avoid confusion for the community and emergency services.

The proposed road network will provide for connection to the future employment lands within the Partridge Creek industrial precinct, located to the east (Lot 2 DP 1245588). A second (northern) connector road is not proposed as part of this application due to the presence of an endangered ecological community in its intended location. It is also viewed that the southern connector road provides for the necessary vehicle movements from the subject development to the east.

The road network will not provide road connections to the neighbouring property to the west (Lot 2 DP 1224314) as a Manufactured Home Estate (MHE) has been granted consent on this land. The MHE is self-contained, including a proposal for private roads, rather than public roads. An egress driveway is provided for the the MHE at the north-western corner of the subject site, to provide an alternative egress point for a bushfire emergency evacuation, as required by Planning for Bushfire Protection 2006. An appropriate easement will need to be provided over the evacuation route until such time as it connects to the public road network of the proposed subdivision.

The design of the proposed development includes the provision of collector and perimeter roads as necessary for the subject development, in consideration of the nature of development on the neighbouring properties to the east and west.

Road Closures

The proposal includes closure of part of the existing Thrumster Street west of Lots 101 and 104, where the road is to be realigned for the development. The Applicant is intending to create residential lots in this location, but there is a lack of certainty in relation to the outcome of a road closure process as there is potential for adjoining land owners to object. Lot 101 contains suitable area clear of the road reserve for a residential lot, and proposed Lot 105 will be subject of a separate application.

Part of proposed Lots 701 and 850 are located in an unformed Crown Road, and a substantial amount of Road No. 5 would also be located in the same Crown Road. NSW Crown Lands were consulted in relation to the proposal and have advised that residential lots cannot be created over a Crown Road. However, it is possible for Council to apply for road closure and purchase (although this process may take up to 5 years). It is also possible for Council to apply for the Crown Road to be transferred to Council as a public road.

This issue will need to be resolved prior to Stages 7 and 8 of the development, and a condition is recommended requiring evidence of the relevant road closure/transfer.

Water Supply Connection

Council records indicate that the proposed development site does not currently have a water service.

Preliminary modelling of the potable water supply reticulation indicates that a 300mm water main will be required to be extended from John Oxley Drive. Water main sizes within the development site will be confirmed by Council's Water and Sewer Section with application for the Construction Certificate.

Preliminary modelling of the reclaimed water supply reticulation indicates that a 250mm water main will be required to be extended from John Oxley Drive. Water main sizes within the development site will be confirmed by Council's Water and Sewer Section with the application for the Construction Certificate.

A 450mm reclaimed water rising main is currently planned to traverse this development site from the proposed sewerage treatment works (north of this development) to the future reclaimed reservoir site. The most likely route through the development site will be down Road No. 1. The construction of this reclaimed water main shall occur in conjunction with the construction of infrastructure through this development site.

Unless it is possible to connect to the proposed reclaimed water main from Port Macquarie, or to the existing interim reclaimed water supply arrangements, a further temporary connection to service the reclaimed reticulation from the potable supply may be required at no cost to Council.

Provision must be made for extension of Council's water supply infrastructure to the development to the east (Lot 206 DP 754434).

Refer to relevant conditions of consent.

Sewer Connection

Council records indicate that the proposed development site does not currently have a connection to sewer.

The proposed sewer pump station location is acceptable in principle. The sewer rising main shall traverse along the perimeter of the subdivision (Road No. 5) and discharge into a collection manhole on the northern side of the intersection of Road No. 5 & Road No. 19 (high point HPT 3). The sewer strategy may be varied subject to acceptance of Council's Water and Sewer Section.

The sewer rising main shall discharge into a gravity trunk main on the northern side of the intersection of Road No. 5 and Road No. 19 (high point). The trunk gravity main shall be 525mm in diameter and traverse along the northern perimeter of the development site (northern side of Road No. 5). This trunk main is to connect to Council's existing sewer system at manhole TS01P002MH. The sewer strategy may be varied subject to acceptance of Council's Water and Sewer Section.

Access to the existing sewer pump station must be reinstated to the satisfaction of Council's Water and Sewer Section. Details are to be provided on the construction plans.

Refer to relevant conditions of consent.

Stormwater

The site forms part of the 'Partridge Creek Residential' precinct, within the Thrumster Urban Release Area. An Integrated Water Cycle Management Plan (Maunsell 2007) was prepared as part of the master planning of the urban release area to inform the future design of stormwater infrastructure for the area. The development will significantly increase impervious areas within the site and a Stormwater Management Plan has been submitted with the application.

Council's Stormwater Engineer has reviewed the submitted Stormwater Management Plan and is satisfied that stormwater from the development is capable of being satisfactorily managed. However, the review identified some issues that will need to be addressed in the detailed design. Conditions of consent have been recommended to address these issues as part of the detailed design process.

Specific issues with the DRAINS model provided at the DA stage are summarised as follows:

- Any catchments for which detention is not required need not be included in the DRAINS appendices of the SWMP.
- Modelling needs to use the methodology of Australian Rainfall and Runoff 2016. The DRAINS model submitted was based on the earlier AR&R which meant for example that indirectly connected areas, initial and continuing losses, and design storm temporal patterns were not applied in line with best practice.
- The base Hastings Area Hydrological model used is not suitable due to the very large depression storage parameters. These should be adjusted to 1mm paved, 1mm supplementary and 5mm grassed unless otherwise justified.

- Grassed catchments have been modelled as 100m in length, and paved catchments less than this, regardless of the actual average flow path length within the sub-catchment.
- Paved post-developed catchment lengths do not take into account new flow paths which will result from roadways.
- The basis for assumed 'additional times' (e.g. 8min for C2 paved fraction) is unclear –calculations will be required for each catchment where detention is required.
- The maximum basin storage volume was exceeded for many of the catchments during the 1 in 100 year ARI storm using the premium model simulation.
- Catchment slopes are generally between 2 and 5% whereas actual site geometry averages 10-20%. Each sub-catchment slope should be modelled more accurately and pre- and post-developed catchments need to have equivalent slopes with regard to their flow path length.
- Pre- and post-developed catchment geometries (i.e. lengths and slopes) are different, so any comparison is not valid.
- Catchment areas C1, C4, C5 in the SWMP Appendix B (DRAINS) vary significantly from the areas shown on Drawing 12 Rev G 'Concept Catchment Plan'. Catchment areas C6 (tributing to B4) and C7 (to B3) do not appear to have been modelled. Incorporate the result of any updated areas into the model and report outputs.
- Provide the DRAINS pre-development model outputs at Appendix A.
- Provide diagrams of the DRAINS post-development models at the start of Appendix B.

Specific issues with the MUSIC model provided at the DA stage are summarised as follows:

- The MUSIC model is to use Australian Rainfall and Runoff 2016, including for the design storms and infiltration parameters.
- Catchment areas for C3 & 7, C4 and C5 from MUSIC on page 8 of the SWMP vary significantly from the areas shown on Drawing 12 Rev G 'Concept Catchment Plan'. Catchment C6 has been modelled with a separate bio-retention basin although it tributes to Basin B4. If this significantly alters the MUSIC results for both the pre- and post- developed catchments will need to be recomputed.
- The MUSIC catchments have assumed 40% / 60% ratio of impervious / pervious, but the DRAINS models assume 70% / 30%. Including road reserves, 70% impervious is most appropriate having regard to AUSPEC D5.11 and the proposed residential lot sizes.
- The 'Mixed' catchment type definition should be 'Residential' instead.
- The % phosphorus reduction in the MUSIC model result is 43.6%. 45% reduction is to be achieved in accordance with AUSPEC.

The stormwater system is designed such that reduction in pollutants occurs prior to the outlet located in the bio detention basins. The stormwater quality analysis was carried out using the MUSIC modelling program for post-developed conditions with the PMHC template.

It is noted that full pollutant reduction will not be achievable in all catchments, namely C6 and C8. Each of these catchments will require Gross Pollutant Traps (GPT) to be installed on their respective drainage outlets. Additional treatment capacity will also be implemented in the bioretention basins to offset the untreated water from these catchments. The result of the additional capacity shall be such that the net water

quality generated by the proposed development will be in accordance with relevant standards. Further MUSIC modelling will need to be conducted prior to Construction Certificate to show how the net reduction will be achieved.

The stormwater line from the site is to be directed to the bio detention basin as defined by Council and then to the existing Creek line. The site will not include rain water tanks as defined in AUSPEC D5 and D7.

In accordance with Councils AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On site stormwater detention;
- Water quality controls ;
- Provision of interallotment drainage to allow the proposed development to drain to the nominated point of discharge via a single suitably sized pipe.

Proposed basins B4 and B5 are located on adjoining Lot 2 DP 1224314 to the west and rely upon drainage easements over that land. Written agreement has been received from the owner of the land agreeing to the proposed stormwater infrastructure and easements (which will also benefit the approved MHE on that land). It will be necessary for the basins and pipes to be sized to accommodate stormwater from both developments.

Refer to relevant conditions of consent.

Other Utilities

Telecommunication and electricity services are available to the site. Evidence of satisfactory arrangements with the relevant utility authorities for provision to each proposed lot will be required prior to Subdivision Certificate approval.

Heritage

Aboriginal cultural heritage sites known as 'Wattoo 7' and 'The Island' are located on the eastern side of the land on the proposed residual lot. No works are proposed within the 300m buffer of the sites. A further 5 known sites identified in DCP 2013 are located within the site. Four of these sites are located clear of the development, and the other is located within the proposed northern park.

The Applicant has consulted with the Birpai Local Aboriginal Land Council (LALC) in relation to the potential impacts of the subdivision works and local park embellishment on the known site. The LALC have provided the following recommendations that can be confirmed with conditions of consent.

1. No disturbance of any kind is permitted within the identified sites.
2. A buffer zone of at least 30m south of the middle site is to be established to prevent disturbance.
3. The southern site is to be fenced off during construction to prevent any disturbance of the site.
4. An Aboriginal site worker is to be present prior to any work within 50m of any of the sites.
5. Should any artefacts be uncovered or disturbed then work is to cease immediately and the Birpai Local Aboriginal Land Council is to be contacted to discuss how to proceed.

In relation to item 2 above, the middle site is located more than 30m from the northern perimeter road and it is expected that the existing vegetation to be retained in this area would provide a natural buffer to the site. A formal fenced buffer area is not considered necessary on this basis.

There are no known items of European heritage significance on the site.

Other land resources

The site is within a planned urban release area and will not sterilise any significant mineral or agricultural resource. The site is not mapped as containing important farmland in the North Coast Regional Plan 2036.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle subject to the conditions recommended for stormwater management and erosion and sediment control.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora and fauna

The applicant has submitted a statutory ecological assessment prepared by Naturcall Environmental and dated August 2017, which details the following impact that the proposal is likely to have:

- Removal of 0.7 hectares of dry sclerophyll forest;
- Removal of 0.3 hectares of swamp forest;
- Removal of three hollow bearing trees;
- Removal of 97 koala browse tree comprising 96 Tallowwoods and one Swamp Mahogany;
- Works in proximity to a local population of the endangered Slender Screw Fern;
- Indirect impacts including fragmentation and landscape change, injury/mortality during clearing, edge effects, increased human presence, weed invasion, erosion and sedimentation, eutrophication and pollution, hydrological regime changes, noise and vibration, road kill, and introduction of feral species.

The report addresses the requirements of the '7 part test' (now a 5 part test) under Section 5A of the Act.

The report concludes that the proposal is unlikely to have any significant adverse impacts on flora and fauna subject to the following recommendations.

1. All vegetation proposed to be removed shall be cleared marked on site to avoid inadvertent clearing that has not been assessed. Clearing is only to be carried out for the relevant stage of the development, with other vegetation to be retained until the subsequent stage progress.
2. Hollow bearing trees H1, H3, and H6 are to be retained and provided with a buffer of 1.25 x the height of the tree. H1, H3, and H6 are to be inspected by an arborist to provide recommendation for their future management.
3. A pre-clearing survey is to be carried out and all clearing works are to be supervised by an ecologist.
4. A Dewatering Management Plan is to be prepared prior to draining the two existing farm dams, which are likely to contain turtles and fish species.
5. A hollow bearing tree removal protocol is to be implemented in accordance with the ecological assessment and a written report to be submitted to Council within 14 days of removal of the hollow bearing trees.
6. A management plan is to be prepared and implemented for the Slender Screw Fern population on the site.
7. Donation of foliage and limbs from the felled Tallowwoods to the Koala Hospital and/or Billabong Wildlife Park.
8. Replacement nest boxes are to be provided to offset the loss of hollow bearing trees on the site.
9. Restriction of access for future residents to the environmental land through fencing and screen plantings.
10. Preparation of a Vegetation Management Plan in accordance with DCP 2013.
11. Implementation of erosion and sediment control measures during subdivision works.
12. Street lighting is to be designed to direct light to the ground and not retained vegetation adjoining the road.

The land subsequently obtained Biodiversity Certification conferred by the Minister for the Environment under Section 126H of the (former) Threatened Species Conservation Act 1995 on 7 September 2018. The certification continues to apply in accordance with Clause 36 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.

In accordance with Section 8.4(3) of the Biodiversity Conservation Act 2016, a consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Notwithstanding the Biodiversity Certification, it is considered that the ecological assessment includes some practical recommendations that could be included as conditions of consent (pre-clearing surveys, protection of retained hollow bearing trees, and dewatering of dams). The approved Vegetation Management Plan incorporates a number of the other recommendations.

Waste

The proposed road layout would provide for adequate waste collection. Proposed Lots 157, 212, and 1012 have been nominated as future multi dwelling lots and have limited public road frontage. It is likely that these lots will require private waste collection services when they are developed in the future.

Standard condition recommended regarding the management of construction waste.

Energy

The proposed subdivision layout would provide for the construction of future energy efficient dwellings.

Noise and vibration

No adverse impacts anticipated. The proposed residential lots have a sufficient buffer distance to the planned Partridge Creek Industrial land to the east and would not be adversely affected by aircraft noise from the nearby airport.

Condition recommended to restrict construction to standard construction hours.

Bushfire

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes.

The Applicant has submitted a bushfire report prepared by David Pensini Building Certification and Environmental Services and dated November 2016.

The Commissioner has assessed the development and has issued a Bushfire Safety Authority dated 31 July 2018. The RFS conditions will be incorporated into the consent.

Safety, security and crime prevention

All lots have direct frontage to proposed public roads offering good potential for casual surveillance with dwellings. Proposed public open space areas have perimeter roads (with the exception of a small part of the northern park, which adjoins the side boundary of Lots 805 and 814) to provide for casual surveillance from adjoining dwellings. Adequate street lighting will be required for all new roads.

Social impacts in the locality

The potential social impacts of urban development and the likely needs of future residents of the area have been considered in the master planning of the urban release area. The urban release area includes a new town centre to the west of the site that will provide a range of services to future residents. Employment land is located nearby to the east of the site, and the development will also include a neighbourhood centre in the southern part of the site with additional local services.

Economic impact in the locality

No adverse impacts expected. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

Construction impacts will need to be carefully managed, particularly for works in/adjoining environmental land to the east and north of the site. Appropriate conditions have been recommended in this regard, as detailed earlier in this report under Flora and Fauna.

Cumulative impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

Natural Hazards

See comments earlier in this report regarding bushfire, flooding, and acid sulphate soils.

(c) The suitability of the site for the development

The proposal will fit into the locality and the site attributes are conducive to the proposed development. The subdivision of the land is generally consistent with the master planning for the urban release area.

Site constraints have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the regulations

Following exhibition of the application in accordance with DCP 2013, three (3) submissions were received.

A discussion on the issues raised is included in the table below:

Issue	Planning comment
Existing residents of Thrumster Street and The Grange should be considered for some modern facilities such as sewer, street lighting, and kerb and gutter.	The land referred to is generally within the R5 Large Lot Residential zone and cannot be expected to be provided with full urban services. However, the upgrading of Thrumster Street required for the development will involve road widening, kerb and gutter, concrete footpaths and street lighting. Existing residents fronting this section of Thrumster Street will benefit from these works.
Existing residents of Thrumster Street and The Grange should have the same rights to subdivide as the subject land.	This area was considered in the initial investigations for the Thrumster urban release area. The land was not considered suitable for urban

	development primarily due to the environmental constraints (including core koala habitat), the extent of existing subdivision, and multiple landowners involved.
Thrumster Street is not sufficient to accommodate the additional traffic that would be expected for the development.	Agreed. See comments earlier in this report under Traffic and Transport regarding the timing of required upgrades to Thrumster Street.
Significant upgrades to the Oxley Highway between Wrights Road and Fernhill Road will be necessary.	<p>A Traffic Impact Assessment has been prepared for the proposed development, and advice was sought from the RMS regarding the potential impacts of the development on the classified road network.</p> <p>The RMS did not consider that the proposal would have any unplanned impact on the Oxley Highway.</p>
The southern end of Thrumster Street and adjacent land are flood prone.	The southern end of Thrumster Street is not within the mapped flood planning area under the Port Macquarie-Hastings Local Environmental Plan 2011.
Further subdivisions will affect parking availability in the Port Macquarie CBD.	<p>Any increases in floor area in the CBD associated with general population growth would require consideration of parking, and this is not a matter that is isolated to the subject application.</p> <p>It is noted that the planned Thrumster urban release area includes a town centre and land zoned for employment purposes. When development of these areas are completed it will reduce the demand for residents to travel to the Port Macquarie CBD for goods and services.</p>
A detailed traffic impact assessment is required for the development.	A detailed traffic impact assessment has subsequently been provided.
The development application plans show only one access into the development, which is a significant public safety risk as the site is isolated and surrounded by bushland.	<p>Depending on the timing of the subdivision and development of other land in the area, it is possible that there would be a single point of access via Thrumster Street for a period of time.</p> <p>The proposal includes a road link to adjoining land to the east (Road No. 4) as part of the Stage 1 works, which will ultimately provide another connection to John Oxley Drive with the completion of the approved subdivision on that land. The extension of Thrumster Street to the west will also ultimately connect to the Thrumster Town Centre and provide multiple access options.</p>

	<p>The NSW Rural Fire Service have reviewed the proposal and are satisfied with the access arrangements, subject to the subdivision road network being constructed to the requirements of Planning for Bush Fire Protection 2006.</p>
<p>The application does not propose any upgrade to Thrumster Street to meet AUSPEC standards.</p>	<p>The Traffic Impact Assessment has confirmed the relevant timing of upgrades to Thrumster Street, and conditions have been recommended to ensure that the works are completed prior to the Stage that requires the upgrades.</p>
<p>The existing John Oxley Drive / Thrumster Street intersection has poor geometry and sight distance, insufficient queuing space in the right turn lane for westbound traffic, no acceleration or deceleration lane and inadequate sight distance. The intersection should be required to be upgraded to a two lane rural roundabout as envisaged in the Section 94 contributions plan, and the proponent could seek offsets through a Works in Kind agreement.</p>	<p>Conditions have been recommended requiring intersection upgrades to be completed prior to release of a Subdivision Certificate for the relevant stages of the development that would cause the intersection to function unsatisfactorily.</p> <p>The Traffic Impact Assessment has determined that the two lane roundabout will not be required until Stages 9 and 10 of the subdivision. However, as the Applicant is relying upon the intersection upgrades to be carried out by Council in accordance with the Port Macquarie-Hastings Section 94 Local Roads Contributions Plan - Areas 13, 14 and 15, it is likely that a two lane roundabout would be constructed prior to the initial stage of the development.</p>
<p>Proposal is inconsistent with the Area 13 Koala Plan of Management.</p>	<p>See comments earlier in this report under State Environmental Planning Policy No. 44 – Koala Habitat Protection.</p>
<p>Offset plantings are proposed at a ratio lower than what Council normally requires of the development industry. Offset plantings within an already vegetated area to the north of the site would not normally be permitted.</p>	<p>The offset plantings proposed in the Vegetation Management Plan are consistent with the Biodiversity Certification for the site and include 194 Koala food trees and 102 other native plantings.</p> <p>As part of the Biodiversity Certification conditions, Council is required to retire all credits created on the biodiversity conservation land, and retire an additional 452 Blackbutt-Tallowood ecosystem biodiversity credits, and 323 Koala species biodiversity credits.</p> <p>The establishment and maintenance of the environmental land associated with</p>

	the development is consistent with Planning Agreements entered into with adjoining property owners for similar purposes.
Council should assess its application as if it were any other developer.	Agreed. The application has been assessed on this basis.
No.22 Thrumster Street will adjoin residential lots instead of a road on its eastern boundary and will lose its rural residential feel.	Lots will only be created adjoining this land in the event that the existing public road could be closed. If the road closure was successful, No.22 Thrumster Street would only adjoin two residential lots. The realignment of Thrumster Street to the east is consistent with the DCP and is expected to improve the rural residential amenity of the adjoining land, given that Thrumster Street will ultimately be a distributor road carrying a considerable volume of traffic. It is considered that two residential lots would have less impact than a busy urban street.
Loss of opportunity for No.22 Thrumster Street to obtain future access from its eastern boundary	This is a matter that would need to be considered as part of any road closure application. It is noted that the existing driveway access is to Thrumster Street on the northern boundary of the land. Given the zoning of land and the types of land uses permitted, it is unlikely that an additional access would be necessary.
Impact of construction activities will be extremely disruptive to nearby residents.	Noted. Conditions have been recommended restricting construction hours to industry standards, and requiring appropriate construction site management.

(e) The public interest

The proposed development will be in the wider public interest with provision of opportunities for appropriate additional housing and local neighbourhood services. The proposed development satisfies relevant planning controls and is not expected to impact on the wider public interest.

Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the

assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

Climate change

Refer to comments provided earlier in this report under Port Macquarie-Hastings LEP addressing climate change.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.

Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

5. CONCLUSION AND STATEMENT OF REASONS

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during 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 considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.