

## COUNCIL SUPPLEMENTARY 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 1087368 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	4
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"> <li>• State Environmental Planning Policy No. 14 – Coastal Wetlands</li> <li>• State Environmental Planning Policy No. 44 – Koala Habitat Protection</li> <li>• State Environmental Planning Policy No. 55 – Remediation of land</li> <li>• State Environmental Planning Policy No. 62 – Sustainable Aquaculture</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Rural Lands) 2008</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Coastal Management) 2018</li> <li>• Port Macquarie-Hastings Local Environmental Plan 2011</li> <li>• Port Macquarie-Hastings Development Control Plan 2013</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Plans</li> <li>• Stormwater Management Plan</li> <li>• Council Assessment Report (February 2019)</li> <li>• Proposed Conditions</li> </ul>
Report prepared by	Chris Gardiner – Development Assessment Planner
Report date	March 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? Yes

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

<b>Clause 4.6 Exceptions to development standards</b>	
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?	<b>Not Applicable</b>
<b>Special Infrastructure Contributions</b>	
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	<b>Not Applicable</b>
<i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
<b>Conditions</b>	
Have draft conditions been provided to the applicant for comment?	<b>Yes</b>
<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>	

## **Executive summary**

This report is an addendum to the original Council Assessment Report 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 proposal was previously considered by the Northern Regional Planning Panel on 20 February 2019. The Panel resolved to defer the determination of the application pending:

1. Report addressing issues under Stormwater Assessment (pages 31-33) of the Assessment Report and any consequential changes to conditions;
2. New condition A(17) being drafted as proposed by Council to address Environmental Land Management Planning Agreements;
3. Options for restricting the development stages prior to provision of a secondary vehicle access.

The Applicant has submitted additional information in response to the deferral matters and this report provides further assessment of those matters. Full assessment of the relevant Section 4.15 matters has been provided in the original Council Assessment Report, which is included in the attachments.

## **Stormwater**

The Applicant has submitted an amended Stormwater Management Plan dated March 2019 having regard to the comments on pages 31-33 of the original Council Assessment Report. The Stormwater Management Plan and associated modelling have been reviewed by Council's Senior Stormwater Engineer and it is considered that the matters raised in the original assessment have been adequately addressed.

In particular, the modelling previously undertaken has been re-run utilising the design procedures and rainfall data as defined within the current version of Australia Rainfall and Runoff and additional information has been submitted to address the queries raised with respect to various technical elements of the previous model.

The additional modelling has not resulted in any changes to the road or lot layout for the development, and continues to demonstrate that stormwater basins achieving compliance with Council's AUSPEC specifications are capable of being accommodated into the development footprint generally in the location shown on the DA plans.

Condition B(25) has been amended slightly to reflect the amended submission and to confirm that the overall stormwater strategy is now acceptable. While the submission demonstrates that detention facilities can be accommodated within the development footprint, the amended condition also clarifies the requirements for modelling and justification of the sizing of detention facilities at Construction Certificate stage.

Condition E(8) has been deleted as it relates to the identification of stormwater detention facilities that may not be required.

New condition E(24) has also been recommended requiring CCTV inspection of all new stormwater infrastructure prior to its acceptance in accordance with Council's AUSPEC specifications.

### **Additional Condition**

The recommended conditions attached include new condition A(17) as follows:

*The Developer is to comply with the Area 13 Environmental Land Management Planning Agreements, including the agreement entered into between Council and J C L'Estrange under Section 7.4 of the Environmental Planning and Assessment Act 1979 on 18 June 2008, as varied or substituted from time to time.*

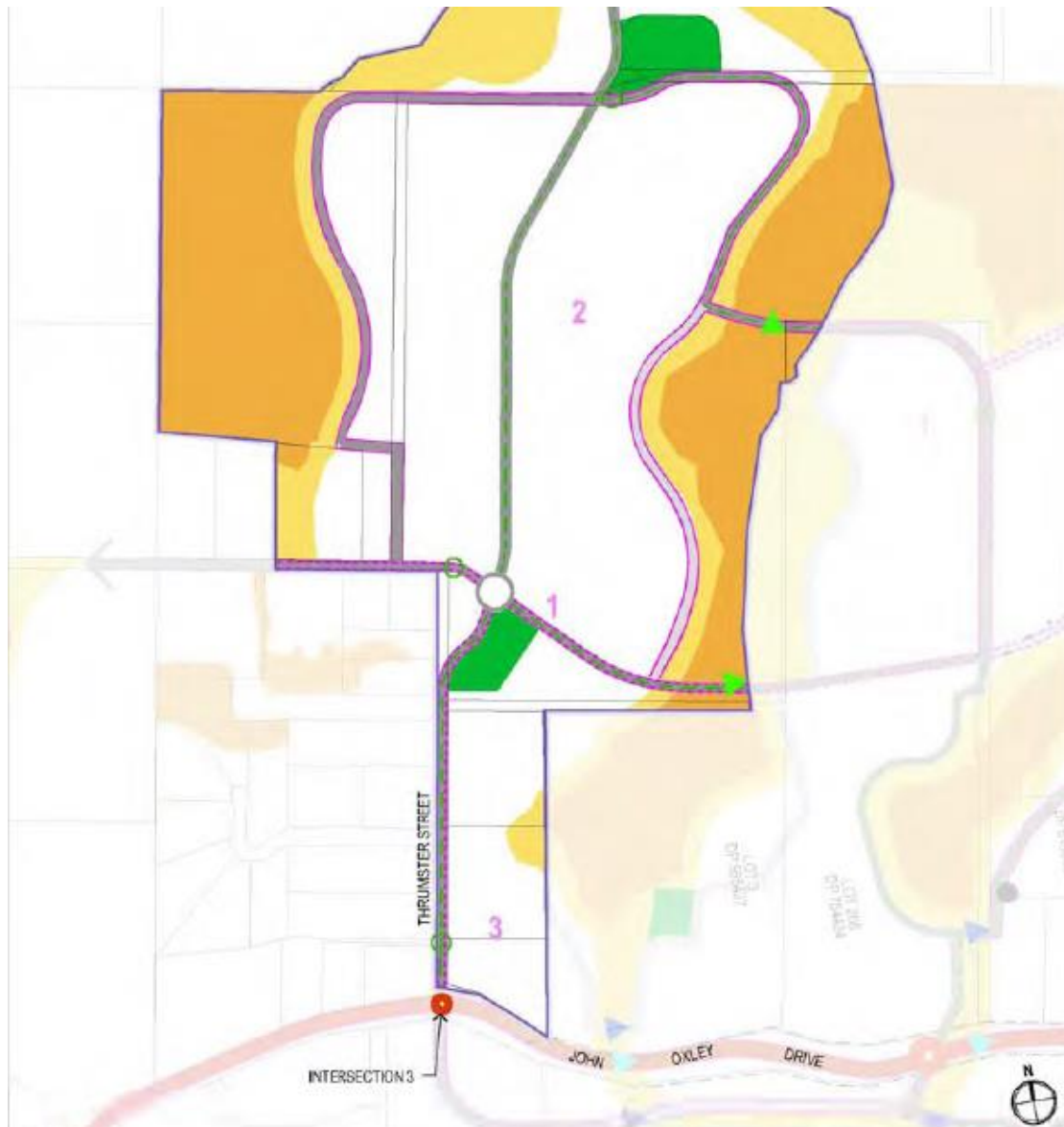
It is also recommended that condition E(22) be amended to clarify that Lot 105 is not part of the development, as previously discussed at the meeting on 20 February 2019. The amended condition in the attachments is as follows:

*This consent only approves the part of proposed Lot 101 that is located outside the existing Thrumster Street road reserve, and does not approve Lot 105. The plan submitted with the application for a Subdivision Certificate shall be amended accordingly.*

### **Secondary Vehicle Access**

Council's Development Control Plan 2013 does not contain any thresholds for provision of a second vehicular access to residential subdivisions and Council has typically relied upon advice from the NSW Rural Fire Service in relation to satisfactory emergency access arrangements. In this instance the NSW Rural Fire Service have issued a Bush Fire Safety Authority dated 31 July 2018.

The Partridge Creek Residential precinct has a planned ultimate road network generally in accordance with the below plan:



With full development in the precinct, the site will have alternative access to the west via Thrumster Street (west) and to the east via an approved residential and industrial subdivision on adjoining property.

Subdivision of the land to the east of the site has been granted consent under DA2014 – 114, but construction of road is yet to commence and it is unlikely that the alternative road link would be created in the short term.

The extension of Thrumster Street west to connect to the 'College Rise' road network is identified in the Local Roads Contributions Plan as being delivered in the short term. However, detailed design of the road has not been carried out and the project has not been included in a Council works program.

In the absence of any relevant development controls or guidelines regarding alternative access to subdivisions it is considered reasonable to analyse other existing and approved developments in the Thrumster area with a single road access to determine an equitable approach for the timing of a secondary access.

- College Rise - Approximately 170 residential lots, plus secondary school with single access to John Oxley Drive via Chancellors Drive.
- Stirling Green - 322 residential lots including display village with a single access to the Oxley Highway via Sovereign Drive prior to the construction of a secondary road access (Carlie Jane Drive). The construction of Carlie Jane Drive was required prior to Stage 6B, being the final stage of the development.
- Barton Ridge – Approximately 100 residential lots, plus childcare centre with single access to John Oxley Drive via Capital Drive prior to the construction of a secondary road access (Carlie Jane Drive).
- Manufactured home estate with 151 sites on land to the west of the proposal approved with single access to John Oxley Drive via Thrumster Street.
- Subdivision of L'Estrange land to the east of the site approved for 207 residential lots and 63 industrial lots with a single access to John Oxley Drive. The subject proposal would create the secondary access to this development.

Based on the precedents above, it is considered reasonable and equitable to require the development to have a secondary access road in place prior to the issue of a Subdivision Certificate for Stage 6 of the development. This would allow for up to 279 lots prior to the construction of a secondary access road. Additional condition E(23) is recommended confirming this restriction.

### **Additional Submission**

One additional written submission has been received following the 20 February 2019 meeting. In addition to matters addressed in the original assessment, the following issues were raised.

<b>Issue</b>	<b>Planning comment</b>
The proposed development will contribute to existing traffic congestion on the Oxley Highway between Wrights Road and Gordon Street.	The Oxley Highway is an RMS classified road and Council has consulted with the RMS in accordance with the provisions of State Environmental Planning Policy (Infrastructure) 2007. The RMS did not raise any concerns about traffic impacts on the classified road network in their review of the Traffic Impact Assessment for the proposed development.
Council's proposed 'Orbital Road' will not be effective in alleviating traffic congestion on the Oxley Highway and Hastings River Drive.	The 'Orbital Road' is in the early stages of investigation as part of Council's broader traffic planning for the Local Government Area. It has not been taken into account in the modelling of traffic impacts on the road network.

### **CONCLUSION**

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, with further consideration of the deferral matters from the 20 February 2019 meeting.

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.