

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

GREAT LAKES DEVELOPMENT CONTROL PLAN 2014 COMPLIANCE ASSESSMENT

The relevant matters to be considered under the Great Lakes Development Control Plan (GLDCP) 2014 for the proposed development are outlined below.

Development Control		Compliance
Part 3 - Character Statements		
Tea Gardens and Hawks Nest		
Diversity and Availability of Housing types The objectives and development controls encourage the provisions of a wide range of housing types that reflects the needs and aspirations of the diverse backgrounds and lifestyles of residents.		Complies. The proposed subdivision incorporates lots of differing sizes that will encourage the provision of a wide range of housing types.
Environmental Accountability The planning controls aim to ensure that new residential development is ecologically, economically and socially responsible.		The proposed subdivision provides a conservation lot and ecological restoration consistent with a planning agreement.
Part 4 - Environmental Considerations		
In considering whether to grant consent to a development, Council will consider biodiversity and ecological matters relevant to the development and the land which is affected by that development.		A Biodiversity Development Assessment Report (BDAR) has been satisfactorily completed for the proposed development. The removal of vegetation is to be offset with compensatory planting and ecological restoration over an area of approximately 80m in width which will result in a significantly improved ecological corridor. The compensatory plantings will include significant quantities of primary koala feed trees which will greatly assist the local koala population. It is considered that the design of the proposal will result in an improved environment in the long term.
Avoids (where possible) or minimises the loss and harm to remnant native vegetation, trees and wildlife habitats		Council is satisfied that the proposed development avoids (where possible) and then minimises the loss and harm to remnant native vegetation, trees and wildlife habitats, through revegetation and dedication of conservation lands.
Protects natural biodiversity, including native vegetation and wildlife, their habitats and biological processes and functions		Council is satisfied that the proposed development protects natural biodiversity. It does this through appropriately siting development on the areas of lowest ecological constraint and by establishing and protecting a large biodiversity conservation area.
Protects ecological values of the natural landscape including scenic, recreational, aesthetic and cultural heritage values		The proposed development appropriately protects the ecological values of the landscape, including scenic, recreational, cultural and aesthetic values through appropriate allocation of areas for conservation and recreation.

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

Development Control	Compliance
Designs and locates development in the area of land that is of least ecological or biodiversity constraint and where it results in the least possible ecological or biodiversity-related impact.	The development is appropriately sited on land of reduced ecological constraint.
Designs and locates the development appropriately in relation to agricultural sustainability, ecological integrity, topography, landform, native vegetation, wildlife habitat, wetlands and watercourses	The development preserves the features of highest biodiversity significance in the conservation area. It restores large areas of habitat for future biodiversity benefit. In relation to topography, the development proposes residential development on a ridgeline that will sit significantly higher than adjoining development. The development has not been appropriately designed and located in relation to topography and landform.
Adopts suitable and effective protective safeguards that avoid, minimise or compensate for the clearing of habitat and native vegetation	Suitable and effective protective safeguards are provided that avoid, minimise and compensate for the effects of clearing of habitat and native vegetation. Required biodiversity offsets are identified in the BDAR report (Wildthing, 2018). This addresses the requirements of the BAM.
Protects important ecosystem services functions	The areas of most important ecosystem functions, such as threatened species corridors will be restored and conserved.
Avoids the fragmentation or disturbance of wildlife habitats and protects, maintains or enhances ecological linkages and wildlife corridors in a local, sub-regional and regional context	Connectivity for wildlife has been considered in the design of the proposed development. The proposal is not expected to compromise local wildlife connectivity.
Avoids or minimises the negative impacts on natural landscapes that provide key ecological services provisions including: • rainforests, • wetlands, • riparian zones, • vegetated steep lands, • rare / regionally significant / poorly conserved ecological communities, • threatened species habitats, • endangered ecological communities, and • protected land With consideration of the need to adopt buffers of adequate width and configuration to such areas to protect them from direct or indirect impacts	The proposed development generally does not impact any areas of rainforest, vegetated steep lands, protected land or wetlands. Some minor impacts do occur to significant landscapes, riparian zones and threatened species habitats but such impacts have been adequately offset. The provision of a 36ha biodiversity conservation area, which will be restored and protected is a positive outcome for biodiversity on this land.

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

Development Control	Compliance
Compensation or offsets of unavoidable impacts are provided such that the natural environment and biodiversity is maintained or improved. Offsets should be located on the development site or as close as possible to the area of impact and not beyond the bounds of the Council area	Offsets for residual impacts are provided in accordance with the BAM (credit calculation). Conditions of consent have been applied to ensure that offsets are sourced from local areas.
Avoids primary koala food trees but if impacts are unavoidable, then the development provides for a long-term net gain in the representation of such trees	All of the important koala habitats are maintained in conservation areas and through revegetation and restoration, additions to the extent of koala habitat will result from the development.
Avoids hollow-bearing trees but if impacts are unavoidable, then the development provides for a long-term net gain in the representation of denning opportunities for hollow-dependent fauna	Conditions of consent have been applied with respect to management measures for offsetting impacts associated with the loss of hollow-bearing trees from the development area.
Provides adequate, effective and active conservation management of areas of high biodiversity conservation value and / or restoration of an offset area through a permanent, executed legal mechanism and a habitat / restoration management plan	A 36ha biodiversity conservation area is being established and the development is in accordance with the BAM. A Planning Agreement provides the legal enforceability of the conservation outcome through dedication of the bushland reserves to Council, combined with active bushland restoration.
Manages risks associated with bushfire in a manner that does not unreasonably compromise and avoids / minimises impacts on native vegetation, wildlife and wildlife habitats	Bushfire management areas are confined to the development lands. Bushfire management areas do not compromise or affect the identified biodiversity conservation area.
Contains the area of a holding that is zoned E2 in a single lot	The E2 zoned land is contained within the biodiversity conservation area and will be dedicated to Council as per the Planning Agreement.
Encourages the conservation and recovery of populations of threatened biodiversity within the development and / or offset areas	Threatened species conservation and recovery will be achieved through the restoration of the E2 lands.
Adopts suitable and effective protective safeguards that avoids impact to areas of high conservation value vegetation and native wildlife populations and their habitats from impacts associated with domestic pets, invasive exotic plants and animals and grazing animals	The development footprint respects the areas of high conservation value vegetation and habitat and these areas will be conserved in the conservation area.

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

Development Control	Compliance
Provides the means to actively control and suppress priority invasive environmental weeds on the development site	Weed management is proposed for the biodiversity conservation area and weed suppression techniques will be included in conditions of consent for the proposed development.
Considers the location and style of fencing on the development to enclose and / or protect areas of high conservation value native vegetation and native wildlife populations and their habitat	Biodiversity fencing is not required as suitable edge treatments are provided between development and the conservation areas.
Contaminated Land	A Report on Geotechnical, Preliminary Site Investigation (Contamination) and Salinity Investigation for Stages 1, 2 and 3 of the North Shearwater Residential Subdivision was prepared by Douglas Partners, Dated May 2018 and submitted with the development application. The report concludes that the site is suitable for the proposed residential development from a soil contamination perspective.
Bush Fire	The application was accompanied by a bushfire threat assessment. A bush fire safety authority has been issued by the NSW Rural Fire Service.

Conditions of consent are required to address several matters in Chapter 4 of the Great Lakes DCP 2014, including the requirement for the provision of local offsets, hollows management, management of environmental weeds and the execution of a restoration plan for the biodiversity conservation area.

Part 9 - Subdivision	
Objectives • Facilitate the development of a range of sites appropriate to the types of activity occurring in the Great Lakes. • Encourage economic utilisation of land resources and avoid unnecessary fragmentation of land. • Optimise use of existing infrastructure and ensure appropriate levels of service are achieved by utilities and road network. • Maintain and protect environment and amenity of existing development and adjacent land uses, by ensuring a high standard of design and construction in new subdivisions. • Ensure new subdivisions are designed and constructed to accommodate quality development for the location in which it is proposed.	The proposed development meets the objectives of Part 9 as it will: • Incorporate a range of sites and activities when developed. • Encourages economic utilisation of the land and does not unnecessarily fragment the land. • Ensure appropriate levels of services and utilities. • Maintain and improve a large area of valuable ecological land. • Include water quality measures that will protect the environment. The application has considered all environmental constraints and included detailed reports addressing these constraints. The proposal ensures adequate provisions are made for building areas, services, access, parking and manoeuvring on allotments.

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

• Maximise the retention of native vegetation and where possible implement measures to alleviate the fragmentation of wildlife corridors. • Ensure environmental constraints and impacts, such as flooding, drainage, vegetation, erosion etc. are adequately considered. • Encourage innovative design and energy efficiency. • Ensure adequate provisions are made for building areas, services, access, parking and manoeuvring on allotments within the subdivision.	
Residential Subdivision - Additional objectives • To minimise the extent of excavations works and/or fill required for establishing a suitable building envelope and associated infrastructure. • To consider the design of roads and allotments so as to create variety and interest in the streetscape, and to preserve significant natural features. • To ensure each allotment has sufficient area and dimensions to enable a dwelling and ancillary-outbuildings. • The provision of private outdoor space and convenient pedestrian and vehicle access. • To prevent access points to battle-axe allotments becoming a dominating feature of the street and one which inhibits on-street parking. • To encourage variety and choice in housing forms by providing allotments for a broad range of dwelling sizes, regardless of project size. • Strike a balance between cost effectiveness and recurrent costs to Council and the community. • Provide an appropriate level of amenity for new and existing residential areas. • To preserve and enhance the unique characteristics of existing areas by adopting sympathetic subdivision design principles. • To create pleasant street environments and take advantage of any views or outlook. • To enable, where practicable, the application of energy conservation principles.	The proposed subdivision is considered to meet the Additional Objectives of Part 9 - Subdivision as: • The road design is considered to create variety and interest and preserves natural features. • It is proposed to extensively landscape the subdivision. • Each allotment has sufficient area to facilitate a dwelling and outbuildings. • Each allotment will include private outdoor space and has convenient pedestrian and vehicle access. • The allotment sizes will encourage a variety and choice in housing forms. • Recurrent costs to Council have been addressed in the development application and the recommended conditions of consent.

Large Lot Residential, Rural and Environmental Zones Subdivision - Additional Objectives. • Ensure that the pattern of subdivision reflects and follows the natural features • of the site rather than imposing an artificial geometric pattern simply to satisfy the minimum standard or specific dimensions; • Ensure that the proposed lots do not fragment agriculturally viable land; • Ensure that the lots created avoid, or make provision to minimise. the likely effect of natural hazards; • Ensure that the size. shape and characteristics of new lots are appropriate to the zoning and possible range of uses; • Protect the scenic value and natural habitats of rural land; and • Ensure that new lots are in character with the locality and the specific landform, vegetation, soils and geology of the site.	The proposed subdivision is considered to meet the additional objectives as: • The pattern, as much as possible reflects and follows the natural features. • The proposal does not fragment agriculturally viable land. • The lot configuration avoids the effect of natural hazards and is considered appropriate to the zoning and future possible uses.
General Requirements for subdivision in all zones.	
Design principles Good subdivision design goes beyond minimum lots size requirements. Careful appraisal and systematic analysis of the site with consideration of all the natural and manmade constraints is required to ensure that its best qualities are used most effectively to suit the proposed development.	The proposed development has been designed giving consideration to the specific constraints and hazards of the land. Specialist reports have been lodged with the application to assess the specific hazards and inform the final design.
Protection and enhancement of natural features: • The likely impact of the proposal upon threatened species or their habitat; • Retention of special qualities or features such as trees and views; • Protection of dominant ridge lines and hilltop; • Protection of existing waterways; • Heritage and archaeological conservation; • Slope and orientation of the land and the extent of excavation works and/or fill required.	A 36ha biodiversity conservation area is being established and the development is in accordance with the BAM. A Planning Agreement provides the legal enforceability of the conservation outcome through dedication of the bushland reserves to Council, combined with active bushland restoration.
Infrastructure and surrounding development:	All utilities will be available to the site.

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

• Availability of utilities; • Design of roads, access ways and individual site access; • Provision of adequate site drainage; • Potential impact of stormwater runoff and pollutant discharge into waterways; • The relationship of the subdivision layout to adjacent land suitable for subdivision; • Enhancement of existing or future subdivision in the locality.	The application includes design for the roads, access ways and individual access. Site drainage, potential impacts of stormwater runoff and pollutant discharge has been assessed as being adequate for the proposal. The subdivision layout is considered to be compatible with future subdivision patterns.
Future land uses and development • Provision of public open space in line with any adopted open space and landscaping strategies; • Proposed future use of the land and relevant development controls such as setbacks, car parking, landscaping etc; • The proposed method of effluent disposal, location and sizing of related land application areas and the likely impacts upon the receiving environments; • Energy efficiency of the subdivision and the opportunities for solar access to future development.	The proposal has incorporated public open space. An extensive landscaping plan was submitted with the application. The proposal will be serviced by reticulated water and sewer. The sites will be able to comply with the relevant development controls. The proposal is considered to provide opportunity for energy efficiency and solar access for future development.
Site Design Objectives • To preserve mature trees and significant landscape elements. • To limit stormwater runoff and incorporate water sensitive design. • To ensure heritage conservation objectives are met for both European and Aboriginal heritage. • To avoid degradation of unique or sensitive environments such as wetlands, littoral rainforests, estuarine areas, and coastal lakes and areas. Controls (1) Site works and landscaping shall be designed to enhance the natural features of the site and adjoining areas. Existing landscape elements such as rock formations, vegetation or watercourses should be preserved. (2) Subdivisions should incorporate existing vegetation, landforms and	A 36ha biodiversity conservation area is being established and the development is in accordance with the BAM. A Planning Agreement provides the legal enforceability of the conservation outcome through dedication of the bushland reserves to Council, combined with active bushland restoration. No sites of Aboriginal or European heritage significance will be

contours wherever possible, rather than completely reshaping the site. (3) Subdivision design should maintain existing mature trees and consideration should be given to the objectives and controls contained in the Tree and Vegetation Preservation chapter of this plan. (4) Council will encourage the location of boundaries along natural features where appropriate, in order to minimise the likelihood of soil erosion. However, allotment boundaries should not follow watercourses. (5) Where subdivision affects heritage items, Council may require the submission of a Heritage Impact Statement prior to consideration of the application. The impact of any subdivision on the curtilage or immediate context of a heritage item must be evaluated in this Statement. (6) Consideration should be given to the location and type of water sensitive design measures in accordance with the Water Sensitive Design section of this plan. (7) Consideration will also be given to the likely effects of flooding.	impacted by the proposal. The information submitted with the development application has addressed site controls for the proposed subdivision. Conditions have been included in the draft consent to ensure that the controls are met.
Services Objectives • To provide public utilities to each allotment in a manner that is efficient and cost-effective. • To maximise the opportunities for shared (common) trenching and reduced restrictions on landscaping within road reserves. • To ensure that rural, residential, industrial and commercial areas are • adequately serviced in a manner that is timely, cost-effective, coordinated and efficient. Controls (1) Where available, satisfactory arrangements shall be made with the appropriate authority for the provision of utility services to each allotment in the subdivision. The design and construction of utility services shall conform to the specific standards of the relevant servicing authorities including water supply and sewerage; electricity; and telecommunications. (2) A certificate of compliance from the telephone supply authority is required confirming that arrangements have been made for the provision of telephone supply throughout the subdivision. (3) In areas where reticulated water supply is available, water supply mains and service conduits should be provided to each allotment in the subdivision. An adequate reticulated water supply system is to be provided for domestic supply and fire-fighting purposes. (4) In areas where sewerage service is available, sewerage reticulation should be provided to each allotment in the subdivision. Sewerage reticulation is to be arranged where possible to allow the whole of each new allotment to be serviced by gravity drainage. Where necessary, pumping stations, rising mains and extension of existing mains shall be provided. (5) Subdivisions in unsewered areas may only be permitted where allotment sizes and layouts are adequate to allow on-site disposal of all sewage and wastewater generated on the allotment. Council does not support the installation of effluent pump-out systems due to the high potential for system failure and associated risk of contamination of sensitive waterways. Refer to Council's current On-site Sewage Management Strategy and Decision Assessment Framework to determine requirements for the land application area. (6) For subdivision requiring a new low voltage electricity supply reticulation is to be via an underground supply system unless Council	All services are available and will be supplied to the proposed subdivision. The objectives and controls will be adequately met.

determines the ground conditions to be unsuitable for extensive underground infrastructure. (7) Battle-axe blocks are to be serviced with underground electricity. (8) Where possible, compatible public utility services shall be coordinated in common trenching to maximum cost effect. (9) Services shall be planned to provide a common accessible service easement of width to be determined by Council considering the particular circumstances. Easements are to be provided in accordance with authority requirements for each service.	
Landscaping Objectives • To maintain and enhance existing streetscape and landscape character. • To enhance the setting of buildings and provide for acoustic and visual privacy. • To provide shade, wind and weather protection for buildings and areas of open space. • To preserve mature trees and significant landscape elements. Controls (1) A plan is to be submitted showing the location of any existing Cabbage Tree Palms so that a decision can be made as to whether these should be relocated or should remain. (2) In established areas, landscaping shall relate to the scale of other elements of the streetscape and the landscaping of adjoining development. Where possible, landscaped areas shall adjoin the landscaped areas of adjacent allotments. (3) The provision of landscaped buffers and/or earth mounds may be required to screen developments from nearby roads. Plantings may also be required adjacent to public roads where access is to be restricted. (4) For subdivisions involving the creation of greater than 5 lots, a landscape/street tree-planting concept plan is to be submitted with the development application. Council, as a condition of approval, will require at least one advanced tree in the road reserve in front of each lot, where the soil is suitable. Two trees (one on each frontage) will be required for corner lots. Further plantings may be necessary where drainage /water quality control facilities or public open space are to be provided. (5) Earthworks including excavation, filling and levelling will not be permitted within the root zone of trees intended to be kept.	A Landscape Plan was submitted with the development application. The Plan adequately addresses the objectives and controls of this section of the DCP.
9.2.5 Drainage Objectives • To prevent stormwater damage to the built and natural environment. • To provide overflow paths to convey large stormwater flows to trunk drainage systems. • To reduce nuisance flows to a level that is acceptable to the community. • To provide a stormwater system which can be maintained economically. • To provide a stormwater system which utilises open space in a manner compatible with other uses. • To protect sensitive waterways and environments from urban stormwater pollutants. To prevent both short and long-term inundation of development. • To maintain environmental flows where possible and maximise the use and effectiveness of existing and natural drainage systems.	The information submitted with the development application adequately addresses the objectives and controls of this section of the DCP. Subdivision and Engineering Plans and a Stormwater Management Plan were lodged with the application and have been assessed and determined to be

• To stabilise land forms to prevent soil erosion and sedimentation. Controls (1) Excavation or filling of land should be limited to 1 m above or below existing ground levels. Levels shall be adjusted so that allotments drain to the street and/or the stormwater drainage system to ensure there is no intensification of runoff to adjacent land. Where required, a system of inter-allotment drainage shall be required with the subdivision application. (2) Drainage from subdivision sites should be consistent with the pre-development stormwater patterns. (3) Drainage systems should be designed to ensure safety and minimise the likelihood for stormwater inundation of habitable floor areas. The drainage system shall be designed in accordance with Council's Design Specifications and Construction Specifications. (4) For integrated development (i.e. lots under the 450m²), an appropriate stormwater flow management system should be established to reduce the velocity of stormwater discharge. (5) Allotment drainage shall discharge to the roadway gutter wherever possible. Inter-allotment drainage (including the creation of easements to drain water) will be required where discharge to the street for all lots is not possible. Allotment drainage and stormwater must not be directed to land application areas associated with onsite effluent disposal systems. (6) On-site stormwater detention may be required in the development to maintain flows no greater than the undeveloped rate of flow, both within and downstream from the development area. Advice should be sought from Council's Engineering Services Division to determine if this is required. (7) Development must not detrimentally affect water quality or result in the discharge of effluent from the site. Natural drainage systems should not be altered, particularly in catchments for estuaries and wetlands. Water sensitive design measures must be provided on-site, in accordance with the Water Sensitive Design section. (8) Any application for subdivision may be required to include drainage calculations in respect of run off discharge prepared by and certified by a suitably qualified person. (9) Easements shall be created over drainage systems, including piped stormwater lines and open drainage channels. Widths of required easements will depend upon the circumstances. (10) Drainage reserves may be required to be dedicated (at no cost to Council) over natural and artificial watercourses.	adequate for the proposal. Conditions have been included in the draft consent to ensure that the controls are met.
9.2.6 Road Design and Construction Objectives • To reinforce and define vehicle speed control design elements. • To provide roads consistent with their function within the road network, having regard to their safety and visual impact. • To preserve the character of village area through sympathetic road design. • To provide sufficient road reserve, carriageway and verge widths to allow roads to perform their designated functions within the road network. • To allow all users of the road motorists, pedestrians and cyclists - to proceed safely, conveniently and with minimal delay. • To provide access for emergency and service vehicles to all dwellings, particularly larger vehicles including garbage trucks and fire engines. • To accommodate sufficient on-street parking.	The proposed subdivision of the land has been prepared having specific regard to Council's relevant objectives and controls for road design and construction.

• To accommodate and co-ordinate the location of public utility services and drainage systems without adversely effecting road pavements. • To provide road pavements and edges that are appropriate for the control of vehicle movements, perform any required drainage function, are structurally adequate and use materials that reinforce the residential function of the street. • To minimise road construction and life cycle costs without compromising other objectives. • To minimise the need for earthworks due to road construction. • To ensure safe and convenient access is available to each new allotment created. Controls (1) Where subdivision involves the construction of new roads, the road network to be established shall be designed in such a manner so that each lot can be developed and accessed in a practical and feasible manner. (2) The developer shall be responsible for connecting new to existing road construction. (3) The configuration and design of roads shall be in accordance with Council's Design Specifications. (4) Where a subdivision adjoins an existing road, the road infrastructure may be required to be upgraded. This may include the construction of kerb and guttering, pavement widening and sealing, ancillary drainage and footpaths. (5) Council, except for Community Title subdivision, will require the dedication of all roads and pathways constructed to public road standards. The dedication of roads within Community Titles subdivisions will be considered on a case-by-case basis. (6) Street name signs shall be erected at the junction of all roads in the subdivision. Proposed street names shall be submitted for approval by Council's Engineering Services Division. Signage shall conform to and be located according to Councils standard drawings.	
9.3 Residential Subdivision 9.3.1 Allotment Dimensions Controls (1) Each allotment should have a depth to frontage ratio sufficient to avoid the possibility of "gun barrel" development and permit development to respond to particular site circumstances such as orientation, topography etc. (2) Larger lot sizes may be required in the following instances: (a) Where there is a need for on-site disposal of sewage effluent; (b) Where there are special environmental considerations such as tree preservation, fauna protection, or to ensure the protection of water courses and estuaries; and (c) When the lot adjoins a reserve. (3) Building setbacks from roads need to be considered when formulating allotment dimensions in order to ensure that a dwelling can be situated on an allotment. (4) Allotment dimensions should allow for the inclusion of buffer distances for onsite sewage management systems as prescribed by the NSW Department of Local Government's Environment & Health Guidelines titled "On-site Sewage Management for Single Households".	Lots have been designed to enable future dwellings to be appropriately sited having regard to Council's DCP requirements. All proposed lots have adequate depth to frontage ratios to enable this to occur. All lots will be provided with reticulated utilities.

(5) Land application areas for on-site disposal systems are not to be located on or adjacent to areas where mature trees have been removed. Residual tree roots have the potential to cause the disposal area to fail due to funnelling of effluent. Details may be required with the subdivision application. (6) Residential allotments in village zones must be capable of retaining 25% of the land area as absorbent surfaces. Such surfaces must be either lawn or landscaping. New lots should be capable of containing a rectangle suitable for building purposes measuring 8m x 20m or 10m x 16m located behind the building line and a private open space area of 40m² with a minimum dimension of 4m.	
9.3.3 Sloping Sites Controls Controls (1) On sites with a slope greater than 10% it may be necessary to provide lots larger than the minimum lot size to provide sufficient area to accommodate a dwelling and associated infrastructure such as driveways, retaining walls, water sensitive design measures and onsite sewage disposal. (2) In considering applications for subdivision of land with a slope greater than 10% the following matters must be taken into consideration: (a) Suitable area for the provision of water sensitive design measures; (b) Provision of a driveway and car parking that complies with relevant Australian Standards; (c) Extent of cut and fill required to provide access and streetscape impacts	All lots on sloping sites have sufficient area to accommodate a dwelling with associated infrastructure such as driveways, retaining walls and water sensitive design requirements.
9.3.4 Allotment Dimensions Additional Controls Excluding Site Specific Controls A minimum street frontage of 12.6m, except for battle-axe allotments is required to ensure that the site is a suitable width to permit vehicular and pedestrian access, with landscaping to provide visual relief to development, and privacy for its inhabitants.	There is one allotment in a cul-de-sac that does not comply with the 12.6m street frontage. The lot has an area of 956m² with a street frontage of 10.49m. Given the size of the site the lesser site frontage is considered acceptable and able to permit vehicular and pedestrian access, with landscaping.
9.3.5 Battle-axe Allotments Controls Battle-axe lots will only be considered where: • One shared driveway can be provided for access to both front and rear allotments. Driveway design and location must taken into account the provisions for parking and driveways; and • The lot adjoins an area of open space or where the outlook provides enhanced amenity (does not infringe upon privacy of surrounding lots). • The development is for multi-dwelling housing, an integrated housing development or "green-field" subdivision	The proposed battle-axe allotments comply with these controls.

9.3.6 Vehicle Access Design Considerations Controls (1) Rights of ways will be considered in the following circumstances: (a) As reciprocal rights of way for battle-axe allotments; and (b) As reciprocal rights of way in approved existing multiple dwelling development subdivisions (2) No more than 2 lots should have an interest in a right of way in an urban area. (3) Special consideration will be required for the arrangement of service easements where rights of way exist.	There are no rights of way associated with the development.
9.3.8 Road Network 9.3.8.1 Road Hierarchy Within the internal road network of a residential estate, up to five distinct levels of roads may be provided. They are: . Shareway . Access Place (Cul-de-sac) . Local Street . Collector Road . Distributor Road Controls (1) Larger subdivisions, or those which require direct access to distributors or the external road network are subject to negotiation with Council. (2) Where large lots for future development are created, potential traffic generation from these lots should be taken into account when determining road characteristics. (3) The road network shall conform to a structure plan for the area (where such plan exists) showing an existing and proposed major road network above the level of collector which satisfies projected district and regional travel. (4) The road network shall provide for access to bus routes within acceptable walking distance from all dwellings (400m).	The proposed subdivision is considered to comply with these controls. The road layout is generally consistent with the site specific controls for the North Shearwater structure plan.
9.3.8.2 Road Design and Construction Objectives • To create safe residential environments in which children will be especially protected. • To promote a variety of streetscape possibilities designed to create interesting and inviting residential development, such as by effective street plantings. • To provide appropriate engineering standards for both public and private roads. • To make provision for vehicles, pedestrians and cyclists. • To provide limited on-street parking. Controls	The proposed roads are considered to meet the controls for road design.

(1) The design of roads and streets including kerb and gutter shall be in accordance with Council's Design Specifications. Any technical information relating to road design which are provided in this DCP are for general information only. Council's Design Specifications is to take precedence in the event of any discrepancies. (2) A combination of measures may be required to limit design speeds by: (a) limiting street length; (b) introducing bends; and (c) introducing slow points, bends and other traffic management measures such as constriction of carriageway width, speed humps etc. These may not be appropriate in all situations. (3) Minimum carriageway, verge and road reserve widths shall be in accordance with Council's Design Specifications. Lesser standards may be considered as part of integrated housing projects where adequacy can be demonstrated. (4) Proposed allotments in urban areas (excluding corner allotments) will not be permitted to have frontages to more than one public road. However, if subdivision is approved in these circumstances, a greater verge width will be required to enable the placement of an earth mound and tree/shrub planting between the road and the rear fences of the subdivision. (5) A road serving more than 50 allotments shall be provided with a minimum of one 1.2m wide paved footpath. (6) Where an approved strategy exists, pedestrian and cyclist paths shall be provided in accordance with that plan.	
9.3.9 Public Open Space Objectives • To ensure adequate provision and distribution of public open space in convenient locations and of a quality to meet the recreation needs of the community, in line with any adopted Greening Strategy. • To encourage opportunities to link open space networks, community facilities and public services with dwellings. • To encourage the retention of significant existing vegetation within open space areas, and integration with private site landscaping and natural bushland areas. Controls (1) Open space shall be provided within the particular subdivision, generally at the rate of 2.83 ha per 1000 population (28.3m²/person). Population rates are to be calculated on the basis of 3.3 persons per dwelling allotment. Council reserves the right not to accept land it considers unsuitable. (2) Council may require the provision of a contribution for the embellishment of land within the development, or contribution for the provision of and/or the embellishment of open space within the vicinity. (3) Applicants should consult with Council officers at the design stage regarding the location, size and shape of open space located within a development. Such areas shall be within 500m safe walking distance of each allotment. (4) Land for open space must have the following attributes: (a) It relates to other public open space or future open space with which it can readily be consolidated; (b) It is generally flat; (c) It is free of drainage functions if these conflict with the intended purpose; (d) It is free of debris; and	An area of 2.6ha is proposed as public open space for this stage of the proposed development. This area will be dedicated to Council with the subdivision of precinct 3.

(e) It is provided with legal and practical access to road, electricity and reticulated water. (5) Where it is proposed to provide open space offsite, justification is to be provided via an open space strategy. Where Council determines that the public open space component of a subdivision shall be located elsewhere, a contribution will be required for acquiring and/or improving more suitable open space in the vicinity in accordance with Council's current contribution rate. (6) Public open space and reserves shall be suitably landscaped and embellished with play equipment or sports equipment. (7) Council may require the dedication of land where it considers prominent natural features such as rocky outcrops, ridges, significant tree stands and the like should be transferred to public ownership.	
Section 94 Contributions Section 94 of the Environmental Planning & Assessment Act, 1979 enables local councils to levy contributions for public amenities and services required as a consequence of development, by means of the creation of a Section 94 Plan. Council may require the developer to dedicate land or pay a monetary contribution towards provision of necessary public services and amenities. The public amenities and public services likely to be in demand as a consequence of a subdivision development may include, but are not necessarily limited to the following: • Community facilities; • Public open space where applicable as an alternative to the dedication of land; • Public recreation facilities; • Stormwater drainage; • Water supply and sewerage headworks; • Local road facilities; • Arterial road facilities; • Traffic management works; • Public car parks and facilities; • Street tree planting; • Library facilities; • Surf life-saving facilities; • Bushfire fighting facilities; • Cycleways and pedestrian infrastructure; • Street and traffic signage; and • Flood mitigation/management.	Contributions are applicable to the proposed development and have been included in the draft conditions at Attachment A.
Part 11 - Water Quality Water Sensitive Design (WSD) controls must be addressed as part of a Development Application or application for a Complying Development Certificate on sites covered by Great Lakes Local Environmental Plan 2014 The DCP requires Stormwater Quality Targets to be met relevant for varying types of development.	A WSD Strategy was submitted with the development application and considered to be satisfactory. Conditions addressing WSD have been included in the draft conditions at Attachment A.
Part 14 - Waste Management	

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

A Site Waste Minimisation and Management Plan is to be prepared and lodged with the development application.	A complying SWMMP was submitted with the development application.
Part 16.20 - Site Specific Development Controls - North Shearwater	
The plan applies to the subject site and should be considered in conjunction with Great Lakes Local Environmental Plan 2014 (GLLEP2014) and any relevant State Environmental Planning Policies.	
Objectives To ensure that: - o The local road layout addresses and incorporates the following: • Safe vehicular and pedestrian management. • Maximisation of lot yield. • Connectivity with existing Tea Gardens and future urban areas of Riverside. • Suitable engineering principles • Site specific constraints, including topography • Safe movement of fauna - o All new allotments are adequately serviced to meet the needs of residents. Servicing shall include water, sewer, electricity and telecommunications. - o Subdivision is undertaken in a coordinated and logical manner. - o Development responds to the environmental constraints of the site and promotes the rehabilitation and maintenance of wildlife corridors, and natural bushland on the site. - o Landscaping is provided to make for a visually attractive environment and buildings are designed in an appropriate manner and are consistent with the surrounding environment. - o Appropriate management and mitigation measures are adopted for environmental issues, including stormwater, bushfire and flooding. - o Proper consideration is given to items of European heritage. - o All proposals for development implement an integrated approach to urban water management.	The proposed road layout is considered to provide safe vehicular and pedestrian management. A direct connectivity to the future urban area of Riverside will be provided in future subdivision of the site. Engineering principles have been assessed and considered acceptable by Council's Engineering Section and have addressed site specific constraints including topography. Safe movement of fauna has been assessed as acceptable by Council's Ecological Section. All services are available and the subdivision will be undertaken in a coordinated and logical manner with this application including only Precincts 1, 2 & 3. An area of ecological conservation has been identified in this development application. A suitable landscape plan has been submitted with the development application and is considered visually attractive and consistent with the surrounding environment. Appropriate management and mitigation measures have been addressed and considered acceptable. Proper consideration has been given to items of European heritage. Acceptable Water Quality measures have been provided.

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

Structure Plan The urban release area is divided into a number of different precincts, as shown in the Structure Plan. Development is to be generally consistent with the structure Plan. The Structure Plan shows environmental and riparian corridors that intersect the site, framing the distinct development precincts. Each of the development precincts has a different desired future character. The desired future character for each precinct has been developed with regard to the site-specific opportunities and constraints and landscape features. The Structure Plan shows indicative spine road locations for the internal road network throughout the site, as well as potential entry points into the estate from Viney Creek Road, Riverside Estate to the South and the extension of Viney Creek Road Road to the north of the site. Potential pedestrian linkages throughout the site are also indicated on the plan, ultimately providing access to the Myall River Foreshore and a potential neighbourhood commercial centre. Two heritage areas, namely the site of the original Durness homestead and nearby Canary Island Palms and the gardens surrounding the second Durness homestead are identified near the foreshore precinct, and must be considered and integrated into any future development of the site. The Structure Plan shows a large area of conservation land that provides habitat linkages between the foreshore and land to the north, west and east of the urban release area. These areas are zoned E2 - Environmental Conservation. The environmental conservation zone is provided to maintain and enhance the visual, environmental and water management values of the site. Dedication of all lands zoned E2 - Environmental Conservation will be required before any dwelling allotment is created in Precincts 3, 4 or 5. Streets within the precincts should be interconnected to create a system that	The Structure Plan requires allotments of 1500 – 2000m² along the interface with the development to the south. The development proposes lots significantly less than this, with most lots sized at 590m² along Flannel Flower Circuit and 600m² along Hakea Lane. Lots running along the Fire Trail are generally between 1100m² and 1300m². None of the allotments contain the 15m easement for landscape mounding, drainage and services required by the Structure Plan. The non-compliance with the proposed structure plan results in potential privacy and amenity impacts to residents of the North Shearwater Estate to the south as lots within the proposed development are generally 10-15m upslope of the existing dwellings to the south. Precincts 1, 2 & 3 are not within close vicinity of a heritage item or a heritage area. The area of environmental conservation has been identified and will be dedicated to Council at the appropriate time. Streets are interconnected and located generally in accordance with the Structure plan. Road and street layouts generally comply with the Structure Plan.
--	--

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

emphasises accessibility and connectivity. Subdivision design and collector roads should be located generally in accordance with the Structure Plan.	
Integrated Water Management Controls (1) All proposals for development are to implement an integrated urban water management strategy that applies to the whole of the North Shearwater urban release area and has been approved by Mid Coast Water. (2) The integrated urban water management strategy is to: (a) Promote the efficient use and reuse of water; (b) Include reticulation of recycled effluent in accordance with the Integrated Water Management Strategy approved by Council and MidCoast Water (c) Minimise adverse impacts on the natural water cycle; and (d) Take into account site constraints and hazards.	A satisfactory stormwater management report was lodged with the application. The report complies with this section of the DCP.
Stormwater Controls Water quality management facilities must be installed so as to maintain or improve the quality of stormwater discharged from the development. Arrangements, satisfactory to Council, must be made for the maintenance of all water quality management facilities. A water quality management strategy in accordance with the Water Sensitive Design section of the DCP, demonstrating how the above will be achieved, is to be submitted for Council's approval with the development application. The strategy is to include an Operation and Maintenance manual for all water quality treatment devices. Development of Precincts 1 and 2 is to cause no change in quantity, frequency or velocity of discharge to the drainage lines in the adjoining Shearwater Estate to the south. The means of achieving this is to be clearly shown via the water management strategy submitted with the development application for subdivision of these precincts.	The application includes bio-retention basins to treat the stormwater generated by the development. The WSDS lodged with the application is satisfactory to Council and adequately addresses the Structure Plan.

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

Bushfire Controls • All subdivision plans must take into account the APZs identified within the Structure Plan and the statutory requirements of relevant bushfire legislation. • All APZs must be established within land zoned R2 Low Density Residential, R2 Medium Density Residential and SP3 Tourist and shall not be established within land zoned E2 Environmental Conservation or E3 Environmental Management. • A Bushfire Hazard Assessment prepared by a suitably qualified Bushfire consultant must accompany any future subdivision application. Having regard for the elongated nature of Precinct 2 and its position between bushfire prone land to the north and south, allotments created in the mid-section of Precinct 2, will be required to contain a restriction as to use on the respective land title indicating that any subsequent Bushfire Attack Level (BAL) Risk Assessment carried out for a proposed dwelling on the allotment will restrict the dwelling construction to the standard specified within the dwelling BAL Risk Assessment. • A BAL Risk Assessment in accordance with Section 79BA of the EP & A Act will be required to be undertaken for dwellings that are proposed in the mid-section of Precinct 2.	The proposal was referred to the NSW Rural Fire Service who have issued a Bushfire Safety Authority for the proposed subdivision. The matter of the BAL Risk Assessment for future dwellings will be subject to future development applications in accordance with the relevant legislation.
Fauna Movement Corridors Controls All development proposals are to have due regard to the maintenance of Environmental Protection corridors as identified in the Structure Plan. Appropriate buffers and management of development shall be used to preserve and protect adjoining wildlife habitat features of environmental or aesthetic significance.	The fauna movement corridors identified in the Structure Plan will be improved by appropriate additional plantings of koala primary feed trees in accordance with the Ecological Restoration Plan.

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

Road design standards, such as narrow pavement widths and/or approved vehicle calming devices must be incorporated into subdivision designs, particularly along collector roads identified with dashed lines in the Structure Plan, so as to achieve a design speed of 40hkm/hour.	
Precinct 1 Controls Access to Precinct 1 will be via a constructed intersection with Viney Creek Road. A lot will be created along the Viney Creek Road frontage containing a 5m wide landscaped strip. Accessways for pedestrians shall be provided to link this Precinct with Viney Creek Road and the existing access way and development within the adjoining Shearwater Estate. A drainage and public reserve is to be provided within Precinct 1, with the likely location and size indicated on the structure plan. The integrated urban water management strategy and resultant subdivision design must ensure there is no net increase in stormwater flows to the existing Shearwater Estate.	The development proposes that access to some of the lots directly adjoins Viney Creek Road. It is proposed to place a restriction on the rear of some of those lots to incorporate a 5m wide landscape mound. Bushfire hazard and prohibitive construction costs were cited as reasons. The departure from the controls is considered acceptable. Lapped and capped fencing is noted as required for Precinct 1. This is also considered to increase the bushfire threat and is therefore inappropriate in this Precinct. A rural fence is proposed instead, which is considered to be acceptable. A drainage reserve is proposed for Precinct 1. The integrated urban water management strategy and subdivision design ensure there is no net increase in stormwater flows to the existing Shearwater Estate.
Precinct 2 Precinct 2 runs along the southwest boundary of the site and is zoned R2 - Low Density Residential. This area shares a boundary with Shearwater Estate immediately to the south, which is zoned for Large Lot Residential. Shearwater Estate contains existing rural residential style development, including dwellings immediately to the south of the boundary. To ensure future development is compatible with existing development within the adjacent Shearwater Estate a landscaped mound and associated drainage swale is to be provided on the southern boundary of the precinct. Controls Precinct 2 is to provide larger sized allotments approximately 1500-2000m² in size.	The development does not propose large lot sizes or a 15m easement with landscaped mound, as required for this precinct. Due to the steep topography and significant differences in levels (as discussed above), there are likely to be privacy and amenity impacts on dwellings to the south.

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

The rear of each proposed allotment is to contain a landscaping mound included within a 15m easement for the provision of the landscaping mound, inter-allotment drainage and services. Subdivision design must include provision of the planting, retention and maintenance in perpetuity of the landscaped mounding and drainage swale. All allotments in the Precinct will have frontage to a new internal road on their northern aspect that will also act as a bushfire asset protection zone from the environmental zone to the north.	
Precinct 3 Precinct 3 is located north of the east-west drainage and environmental corridor. The precinct is relatively steep and site-specific geotechnical investigations will need to be undertaken at the development application stage for subdivision. Larger allotments allowing built form to respond to slope and geotechnical conditions are the required form of development. Controls Precinct 3 is to provide larger sized allotments approximately 1,500 - 2,000m² in size. Development applications for subdivision will need to be accompanied with site-specific geotechnical investigations and make reference to the 2007 Geomechanics Landslide Guidelines. Road access should be via an access point in the north-west corner of the Precinct and intersecting with Viney Creek Road, as extended. Lots along Viney Creek Road (as extended) shall contain a 5m wide landscaped strip along the road frontage. The landscaped strip is to include existing vegetation supplemented with additional planting and is to be completed prior to the linen release of the new allotments. A	A geotechnical report was submitted with the application and references Australian Geomechanics Society Landslide Risk Management 2007. The report includes a Risk Assessment for the property, which is considered to be acceptable. Larger lots have been proposed where required, to address geotechnical constraints, though these are mostly below the DCP lot size control. Lots proposed along Viney Creek Road do not include a 5m vegetated strip and direct access is gained from Viney Creek Road. The proposed road design is considered to be appropriate.

DA No: 100/2019

Development: 226 lot subdivision, 1 drainage reserve, 2 public reserves, staged construction

Property: 90 Viney Creek Road, Tea Gardens

restriction as to use shall be placed on all land titles preventing vehicle access from Viney Creek Road to these lots and restricting any form of development on the affected land. Road design standards and/or approved vehicle calming devices must be incorporated into the collector road design that links Precinct 3 with Precinct 4 so as to achieve a design speed of 40km/hour along that section of the collector road.	
Restoration Management Plan Controls The developers are to provide Council with the funds for the restoration works and management of environmental land. Rehabilitation is required at various stages of development (subdivision) of the site. The timing for the completion of the works is contained within the Restoration Management Plan prepared and adopted by Great Lakes Council. Before consent is issued for any subdivision of Precinct 3 the E2 Environmental Conservation, land is to be dedicated to Council at no cost. The requirements for payment of the funds for the restoration works and the dedication of the R2 land are governed by the Planning Agreement that applies to the land under S93F of the Act. Community open space should be incorporated into the Conservation Zones via a network of walking trails and bicycle paths to enhance casual recreational opportunities and create strong connections between precincts and with the foreshore in particular. Paths should be designed and located to optimise views and incorporate rest areas and interpretive signs to enhance the recreational experience for users.	A Restoration Management Plan has been adopted for the parts of the subject land zoned E2 and the land is covered by an executed Planning Agreement. The proposal is associated with a permanent restoration and conservation outcome over 36-hectares of land that would offset the possible indirect ecological impacts of the subdivision and development that is facilitated by it. These restored and conserved areas would enhance local wildlife movements. Further, the development provides for roadside native landscaping along Viney Creek Road, which may assist local wildlife connectivity. Conditions of consent have been applied to ensure that the restoration requirements set-out in the DCP are appropriately achieved. A walking trail has been included in the conservation land. The walking trail will link into the recreational/sporting field area.