

Our Reference: 1621035  
Council Reference: SUB2021/0042  
Contact: Peter Bell / Madison Ruygrok



Place Design Group Pty Ltd  
ACN 82370063  
Level 9, Seabank  
12-14 Marine Parade  
Southport, QLD, 4215 Australia

Phone +61 7 5591 1229  
goldcoast@placedesigngroup.com  
placedesigngroup.com

creating great places

27 May 2022

Council's Development/Building Services Team  
Clarence Valley Council  
(Via email: [Carmen.Landers@clarence.nsw.gov.au](mailto:Carmen.Landers@clarence.nsw.gov.au))

Attention: Carmen Landers (Acting Coordinator Development Services)

Dear Madam,

**FULL RESPONSE TO COUNCIL'S ADDITIONAL INFORMATION REQUIRED LETTER – DEVELOPMENT APPLICATION FOR A 332 LOT SUBDIVISION (327 RESIDENTIAL LOTS, 1 RESIDENTIAL LOTS, 1 COMMERCIAL LOT, 4 DRAINAGE RESERVES AND ASSOCIATED PUBLIC OPEN SPACE AREAS) AT JAMES CREEK ROAD, JAMES CREEK (LOT 104 DP751388) ('SUBJECT SITE')**

We act on behalf of MPD Investments Pty Ltd (**'the Applicant'**) in relation to the above mentioned development application and are instructed to submit this correspondence and its accompanying enclosures as our client's full response to the matters raised in the Additional Information Required Letter by Clarence Valley Council ('Council'), dated 8 March 2022 (**Enclosure 1**).

**RESPONSE PREAMBLE:**

Following submission of the application to Clarence Valley Regional Council, the application was advertised for public comment prior to the issue of Council's Additional Information Required Letter. As a result of the advertising, a number of submissions were received from the public that provided valuable input into the proposal and brought forward several issues for consideration by the Applicant. Among them are questions of the zoning of the land, small lot housing, character, land use conflict and the like. These are addressed in detail within Enclosure 18. However, in understanding and addressing some of the concerns, we have reviewed the planning principles which have given rise to the zoning and this application. These are outlined within the following preamble response.

At the time of the rezoning of the land in 2014 several key planning investigations had taken place which gave rise to the sites current residential zoning. They key ones are the:

- Mid North Coast Regional Strategy 2009 prepared by the NSW Government's Department of Planning; and
- Maclean Urban Catchment Local Growth Management Strategy 2011 prepared by Clarence Valley Regional Council.

From the regional planning perspective, the Mid North Coast Regional Strategy (now superseded by the North Coast Regional Plan 2036 that commenced in 2017) at the time sought to address a population increase of 94,000 [59,600 dwellings] in the study area from 2006 to 2031. This population was planned to be distributed through the area with a focus on expanding key centres and towns. Maclean is one of those towns. From this review came a series of Growth Areas which included James Creek. Refer to copy of the Mid North Coast Regional Strategy Growth Areas Map 1 – Clarence North.

The Mid North Coast Regional Strategy outlined, that for an area to be accepted as a growth area, it had to be deemed suitable following a review with respect a number of matters including sustainability, natural hazard avoidance, environmental protection, access and availability of servicing. The fact that the James Creek land was identified through this process indicates that at a regional level the land is seen as being suitable for urban development. The Mid North

Coast Regional Strategy nominated the growth areas that met the above suitable criteria and opened the door to a more detail planning strategy to develop. This gave rise to the Maclean Urban Catchment Local Growth Management Strategy.

It should be noted, that similarly, the current North Coast Regional Plan 2036, also sets out the growth expectations for the Clarence Valley and includes a strategy on delivering additional housing, which states:

*"Deliver housing in Grafton, Clarenza, James Creek, Junction Hill and West Yamba to support population growth"*

The Urban Growth Area Map for the Clarence Valley Local Government Area within the current Regional Plan shows the subject land as being within the Urban Growth Designation Area. Therefore, it is noted that there has been no change over time in the forward regional planning for the site for residential urban purposes.

Council has prepared a further planning study that aligns with the North Coast Regional Plan, in the form of the Local Strategic Planning Statement. In terms of the James Creek land the statement continues to acknowledge James Creek as a new communities release area: *"designed to balance the needs for new housing, avoid natural hazards and retain biodiversity and trees to regulate temperatures among other considerations"*. The planning strategy to use the land for urban purpose is unchanged from the earlier studies.

In the context of the application, it is important to review the thinking which underpinned the principles within the Mid North Coast Regional Strategy and the Maclean Urban Catchment Local Growth Management Strategy. The background of the Maclean Urban Catchment Local Growth Management Strategy is that the Maclean area has experienced population and housing increases, two thirds of it in the form of rural residential development.

Clarence Valley Council formed the view that given predicted population growth, rural residential development was inefficient and has significant environmental impacts and therefore is an unsustainable approach to delivering future housing in the area. The Maclean Urban Catchment Local Growth Management Strategy found that when working on a density of two (2) dwellings per hectare, and with the 500 dwellings planned for James Creek it would require 250 ha of land to be given over to rural residential development to accommodate the planned growth. A consequence of this could be the conversion of much of the existing farmland into housing. Council elected to reverse this trend for future development.

Coupled with this shift in intent for delivering future housing, was a recognition that while Clarence Valley has main centres (i.e. Grafton, Maclean, Yamba), it also has a distinctive regional character of 42 separate but interconnected villages each with its own identity. The decision was made to build upon this village character by creating residential satellites at Townsend, Gulmarrad and James Creek. This evolved into the following clearly stated principles for delivering future housing to accommodate expected population growth:

- New settlement is compact in footprint and avoids important environmental areas, flooding, bushfires and regionally significant farmland areas.
- New settlements have a distinctive identities and together develop a critical mass sufficient to generate a level of local services by working together.
- Villages are separated by distinctive breaks in urban development.
- Each village has its own character.
- Pedestrian and cycle paths are provided between villages.
- Public transport is provided.
- Villages cater for the changing nature of Australian households with a mix of dwelling sizes and types and encouraging higher densities.
- Minimum lot sizes are reduced.
- Medium density housing options are available.
- Full urban services are available.

- A recognition that the developments will be substantially car dependent.

The Maclean Urban Catchment Local Growth Management Strategy sets out the mechanisms to achieve these planning objectives. Part of this, is a recognition that the planned development yield for the subject site is in the order of 300 dwellings. This benchmark is clearly recognized in the planning documents.

While the concerns of the public are acknowledged it is necessary to recognize that the Council was very deliberate and clear eyed in establishing its James Creek planning strategy. It is no accident or miscarriage of planning principles. On the contrary it is specifically crafted to avoid widespread environmental damage which would have occurred by carrying on with the previous strategy of continued rural residential development.

Furthermore, the impact of creating the new villages will be more localized and not spread over a larger expanse of area, notwithstanding that they are sites with edges to rural and rural residential properties. This is part of the village character (i.e. Villages are separated by distinctive breaks in urban development) and is found throughout the Clarence Valley.

The existing zoning of the land was approved within the context of the Maclean Urban Catchment Local Growth Management Strategy. The zoning supports predominantly single dwelling housing, medium density and a small scale commercial opportunity. This proposal, as set out in the application documents, responds to the planning direction by:

- Providing 350 dwellings, in line with the planning strategy
- Contains a range of housing types and lot sizes
- Will be fully serviced
- Contains quality open space areas
- Encourages walkability
- The subdivision design responds positively to the topography of the site
- Encourages a sense of community with the open space areas and connectivity
- Provides opportunity for future public transport routes through the site
- Integrates with surrounding land uses within the context of the strategy
- Avoids natural hazards
- Manages stormwater effectively using best practice methods

In the context of this discussion, we acknowledge the Planning Panels comments following their briefing by Clarence Valley Council and in particular the differences between the current development application and the earlier planning proposal put forward for the rezoning of the land. The panel notes the community expectation is for an alignment between the original planning proposal and the development application particularly in relation to the buffers identified in the original proposal. We note that a number of the documents available to Council did show buffers and we make the following comments:

- The Indicative Structure Plan, (Illustration 7.4 Maclean Urban Catchment Local Growth Management Strategy), shows the principle of buffers around the site as does the Harrison Shepherd Draft Conceptual Plan which was part of the Planning proposal in 2011. These documents formed part of the consideration of the planning proposal along with need to house the growing population of the area. The Maclean Urban Catchment Local Growth Management Strategy recognizes the need to provide approximately 500 dwellings at James Creek with approximately 300 dwellings on the subject land. Given the reasons why the James Creek Village was created, failure to meet these objectives will put pressure onto the existing rural and rural residential areas to accommodate the growth and this comes with its attendant environmental pressures. It is important that the land be utilised fully.
- That said the proposal does incorporate buffer planning. Specifically, the proposal incorporates a densely planted area on the boundary, a road separation which incorporated a bikeway and pedestrian route, and

stormwater management areas. Nowhere on the site boundaries (except for Austons Lane) do dwellings directly adjoin neighbouring properties. On the contrary all dwellings are buffered from the neighbouring land consistent with the principles contained in the Maclean Urban Catchment Local Growth Management Strategy.

- The existing site zoning does not include a buffer provision as an area zoned for Open space. All the land is zoned for residential. It is noteworthy that Council as the planning authority had the option to impose specific controls over the development of the James Creek area in a similar way to the planning controls to be found in the Residential DCP for Angourie, Glenreach, Gulmarrad, Palmers Island, Ulmarra, Wooli, Yamba Hill and the Urban release area. Failure to create specific planning measures suggests that Council understood the need to maximise the use of the land consistent with the Maclean Urban Catchment Local Growth Management Strategy and created a situation where buffers were addressed at the application stage and in line with the rights conferred by the zoning. Again, we see these outcomes as deliberate planning measures and believe that they make sense in the context of the James Creek rezoning.
- The Land Use Conflict Risk Assessment included in this response addresses the interfaces with adjoining property and provides a well considered investigation of the specific circumstances which apply to the land and its context. Therefore, rather than an ad hoc approach, we consider that this study is in line with the approach adopted at the time of rezoning which is to address the specifics of buffering at the time of development application.

#### **RESPONSE TO INFORMATION REQUEST**

Having regard to the above, a detailed response to each item requested is provided and numbered under the headings below. It is noted that this information response is to be read in conjunction with the following supporting enclosures, which are referenced in the text as appropriate:

- **Enclosure 1** – Council's Additional Information Required letter dated 8 March 2022;
- **Enclosure 2** – NSW Planning Panel - Record of Briefing dated 23 March 2022;
- **Enclosure 3** – DA Drawing Set prepared by GeoLINK Environmental Management and Design, Revision A, dated 24/05/2022;
- **Enclosure 4** – Traffic Impact Assessment prepared by GeoLINK Environmental Management and Design, Revision 6 dated 18 May 2022;
- **Enclosure 5** – Copy of Clarence Valley Council James Creek Urban Growth Area Road Infrastructure Developer Contributions Plan;
- **Enclosure 6** – Revised Statement of Landscape Intent Plan prepared by Place Design Group;
- **Enclosure 7** – Stormwater Management Report prepared by GeoLINK Environmental Management and Design, Revision 5, dated 20 May 2022;
- **Enclosure 8** – Bioretention Basins Maintenance Plan prepared by GeoLINK Environmental Management and Design, Revision 1, dated 25 May 2022;
- **Enclosure 9** – A copy of DRAINS and MUSIC Model used as part of prepared of the Stormwater Management Report (Enclosure 7);
- **Enclosure 10** – Letter from Conroy Steward Spagnolo Solicitors on Owners consent for Stormwater Legal Point of Discharge and Easement matters;
- **Enclosure 11** – Gravity Sewer Assessment prepared by Willow and Sparrow, Revision 3, dated 25 May 2022;
- **Enclosure 12** – Land Use Conflict Risk Assessment (LUCRA) prepared by GeoLINK Environmental Management and Design, Version 2, date 24 May 2022;
- **Enclosure 13** – Peer Review of the GeoLINK LUCRA Report prepared by Hortus Group dated 26 May 2022;

- **Enclosure 14** – Copy of AHIMS Search dated 21 October 2021 (as submitted within DA);
- **Enclosure 15** – Letter issued to Yaegl LALC requesting Aboriginal Heritage Impact Assessment (AHIA) dated 17 March 2022;
- **Enclosure 16** – Response from Yaegl Chair advising no requirement for AHIA to be undertaken dated 13 April 2022;
- **Enclosure 17** – Copy of Aboriginal Cultural Heritage Site Assessment prepared by Ron Heron dated July-August 2009;
- **Enclosure 18** – Applicant’s Response to Submissions prepared by Place Design Group dated 27 May 2022;
- **Enclosure 19**– Copy of NSW Rural Fire Services Concurrence Response Letter dated 16 May 2022; and
- **Enclosure 20**– Biodiversity Assessment Report, prepared by GeoLink Environmental Management and Design, Revision 2 dated 11 May 2022.

## ENGINEERING

Engineering Assessment does not support the application in its current form. The following amendments will be required to assess the application further:

### Item 1: Additional SIDRA analysis

Additional SIDRA analysis of the existing Yamba Road and Gardiners Road intersections with James Creek Road shall be included in the traffic impact assessment to determine triggers for upgrading. This shall be undertaken using existing parameters and assumptions used for traffic generation and shall include a compounding annual background growth of 3.5% for Yamba Road and 1.5% for Gardiners Road.

Most of the submissions received raised the issue of safety and inadequacy of James Creek Road to cater for additional traffic from the development. It is noted that Council does have a section 7.11 contributions plan covering part costs of the required upgrading works. However, it is highly recommended the developer consider offering a voluntary planning agreement to undertake external road works at certain trigger points as determined by the traffic impact assessment.

### **Information Response to Item 1:**

As requested by Council, additional traffic data has been collected, including two weeks of tube counts on James Creek Road at the site frontage, and three days of intersection movement counts for the Yamba and Gardiners Road intersection, collecting and classifying all traffic movements at both intersections from 7.00-10.00AM and 2:30-6:30PM. The data was used to update the SIDRA modelling for these two intersections as well as the proposed new intersection at the site entry. The Traffic Impact Assessment (TIA) in Enclosure 4 has been updated, including information regarding the likely timeframes for triggering an upgrade. Refer to Section 4.2 of the TIA V6.

In addition to the recommendations made within the TIA prepared by GeoLink, the Applicant acknowledges the concerns raised throughout the submissions in relation to the safety and inadequacy of some of the road and pedestrian networks surrounding the development site. In response to addressing some of the concerns raised, the Developer is offering a Voluntary Planning Agreement (VPA) to undertake external road works in accordance with the James Creek Urban Growth Area Road Infrastructure Developer Contributions Plan.

This includes:

#### **1. James Creek Village (subject site) to Townsend Footpath Link:**

- The developer will pay for the cost of undertaking the planning study for the proposal.
- The planning study will be scheduled to be delivered with the Stage 1 Subdivision works of the project (refer to Staging Plan Dwg. No 3204/C110 within the DA Drawing Set in Enclosure 3).
- Following completion of the study, the developer will work with Council to assist in the delivery of the footpath.

The location of the study area is identified in red in Figure 1 below.

## 2. Gardiners Road Upgrade:

Gardiners Road is subject to flooding. James Creek Urban Growth Area Road Infrastructure Developer Contributions Plan recommends works to create a road with a Q20 flood immunity. In addition to this requirement, the developer will contribute works to further increase flood resilience beyond Q20 to a level that makes access to all properties serviced by Gardiners safer and more flood resilient. This improved resilience will be determined through engineering design of the works. These works will be constructed and delivered as part of Stage 1 subdivision works (refer to Staging Plan Dwg. No 3204/C110 within the DA Drawing Set in Enclosure 3).

The location of these works is identified as A in Figure 1 below.

## 3. Yamba Road/James Creek Road Intersection Upgrade:

- The developer will pay for the cost of undertaking the planning study and functional design for the proposal.
- The developer will commission and pay for the intersection design as part of Stage 1 requirements.
- Council to tender and deliver the construction of these works in a timeframe to be determined by Council.
- The developer will make financial development contributions towards these costs in accordance with the James Creek Urban Growth Area Road Infrastructure Developer Contributions Plan.
- Council will be responsible for the payment of the intersection construction and delivery costs.

The location of these works is identified as C in Figure 1 below.

## 4. Gardiners Road/James Creek Road Intersection Upgrade:

- The developer will pay for the cost of undertaking the planning study and functional design for the proposal.
- The developer will commission and pay for the intersection design as part of Stage 3 requirements.
- Council to tender and deliver the construction of these works in a timeframe to be determined by Council.
- The developer will make financial development contributions towards these costs in accordance with the James Creek Urban Growth Area Road Infrastructure Developer Contributions Plan.
- Council will be responsible for the payment of the intersection construction and delivery costs.

The location of these works is identified as E in Figure 1 below.

The above proposed additional external upgrade works are depicted in Figure 1 below:



ID	Label
A	Gardiners Road Upgrade
C	Yamba Road / James Creek Road Intersection Upgrades


E	Gardiners Road / James Creek Road Intersection Upgrades
	Footpath from James Creek Road to Townsend

Figure 1: Proposed works with Voluntary Planning Agreement (VPA)

### Item 2: Minimum carriageway width

Roads 1, 2, 3 and 6 do meet the minimum carriageway width requirements and/or the minimum road reserve requirement. The traffic impact statement states that detailed design compliance with the minimum standards is possible. In this regard, the plans must be amended such that the minimum width of carriageways and road reserves are in accordance with the minimum standards set out in Table D.1.5 Characteristics of Roads in Residential Subdivision Road Networks - Northern Rivers Development Design Specification – Geometric Road Design (Urban and Rural).

### Information Response to Item 2:

The below response has been prepared to address Council's concern with the minimum carriageway width for Roads 1, 2 3 and 6 (as indicated in yellow on Figure 2 below). A full copy of the revised DA Drawing Set, as reference throughout the below response is provided within Enclosure 3.

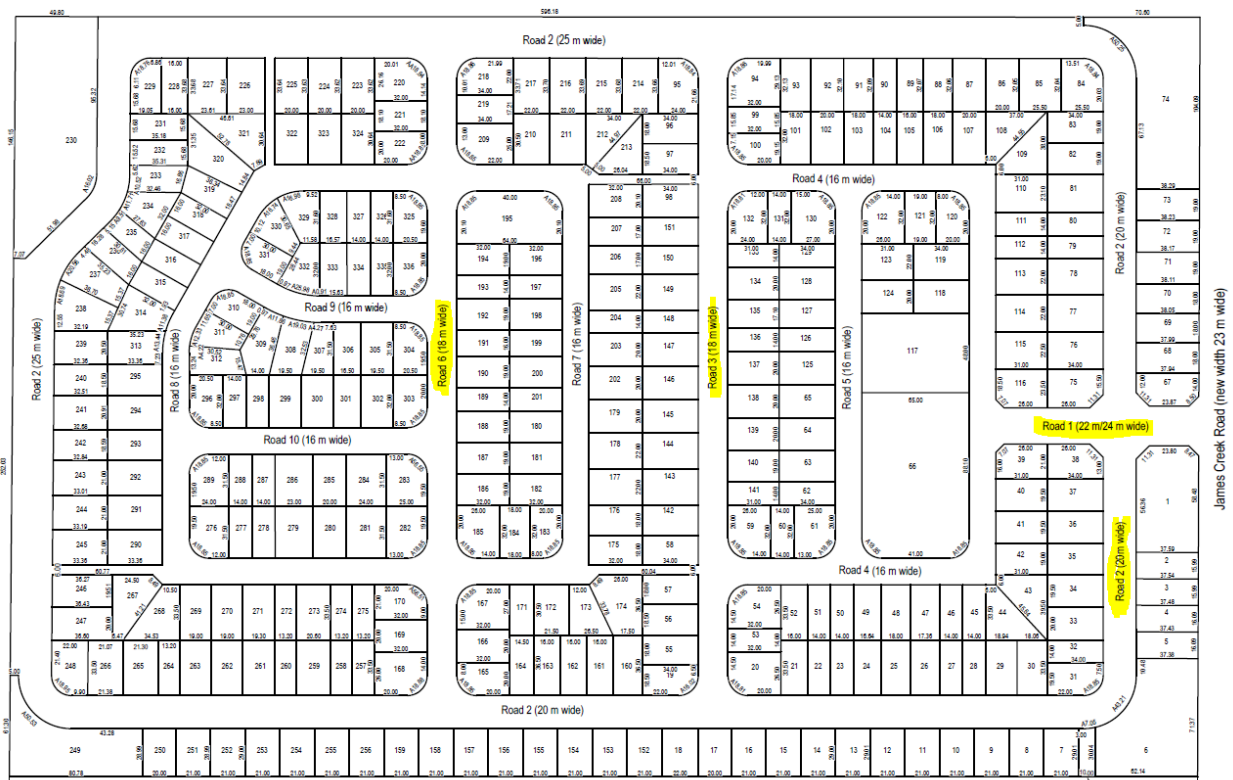


Figure 2: Copy of updated Subdivision Layout

Road 1 (entry road) – Ch 0.00-Ch 54.00 carriageway should be 13m based on traffic volumes for the subdivision.

The carriageway here is already 13.5m including the central median. Note that there are 328 residents lots proposed (excluding the medium density lot). At the standard rate of 9 trips per lot per day, this equates to 2,952 total trips per day. Using rate of 7.4 daily trips per dwelling as suggested by RMS for regional areas (as per Technical Direction TDT 2013/04a, Guide to Traffic Generating Developments: Updated Traffic Surveys), this gives a total of under 2,500 trips per day. In either case, based on the traffic volume Table D1.5 of Northern Rivers Local Government (NRLG) design spec D1 classifies Road 1 (Ch. 0 To Ch. 54) as a Collector Street, with a min. carriageway width of 11m. Subtracting the centre island and only including invert-to-invert travel lanes, the carriageway width for Road 1 (Ch. 0 To Ch. 54) is greater than this at 11.5m (refer to Figure 3 below).



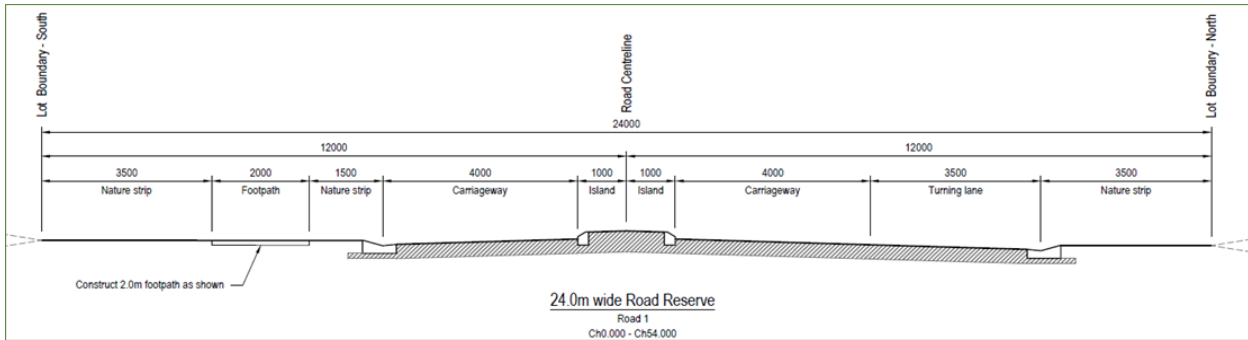


Figure 3: Road 1 Section Ch 0.00-Ch 54.00

Road 1 – Justification based on traffic volumes is to be provided for carriageway width of 8.0m between Ch 54.00 to end

Only those lots highlighted below will need to use Road 1 beyond Ch. 54 (i.e. west of the intersection with Road 2) (refer to Figure 4 below). This is 85 lots plus the medium density lot. Even with additional traffic generated by the open space (which is unlikely to add much vehicular traffic to Road 1), assuming the rate of 9 trips per dwelling per day, the maximum traffic using this section of Road 1 is under 1,000 trips per day. Thus, Table D1.5 of NRLG design spec D1 classifies Road 1 (Ch. 54 to End) as a Local Street, with a min. carriageway width of 7-9m. The proposed design is 8m from invert-to-invert.

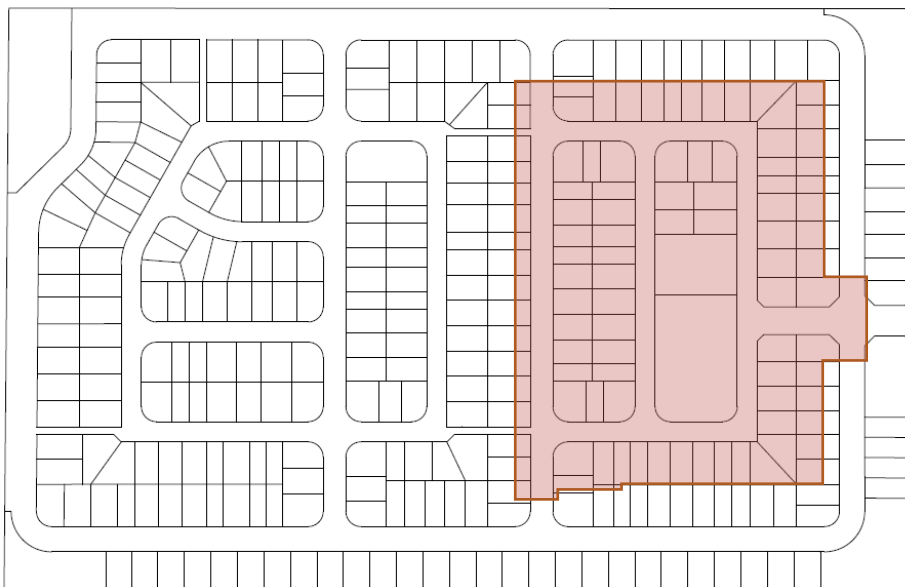


Figure 4: Lots highlighted use Road 1 beyond Ch. 54

Road 2 (loop road) – Justification based on traffic volumes is to be provided for the reduced road carriageway width of 8.0m for Road 2 between Ch 830.00 and Ch 1840.

Only those lots highlighted below in Figure 5 are expected to use Road 2 between Ch. 830 and Ch. 1840 (i.e. along the western and northern perimeters). This is 125 lots. Assuming the rate of 9 trips per dwelling per day, the maximum traffic using this section of Road 2 is under 1,125 trips per day. Thus, Table D1.5 of NRLG design spec D1 classifies Road 2 (Ch. 830 To Ch. 1840) as a Local Street, with a min. carriageway width of 7-9m. The proposed design is 8m from invert-to-invert.

Noting that Road 2 forms the major bus route, in accordance with Note 10 of Table D1.5 of the NRLG design spec D1, Road 2 includes a min. 7.0m travel way with indented parking and bus bays. All inside curves at bends and intersections will have radii in accordance with D1.17.11. Proposed bus stops have been located such that at least 95% of all dwellings will be within a 400m walking distance, in accordance with D1.21.1.



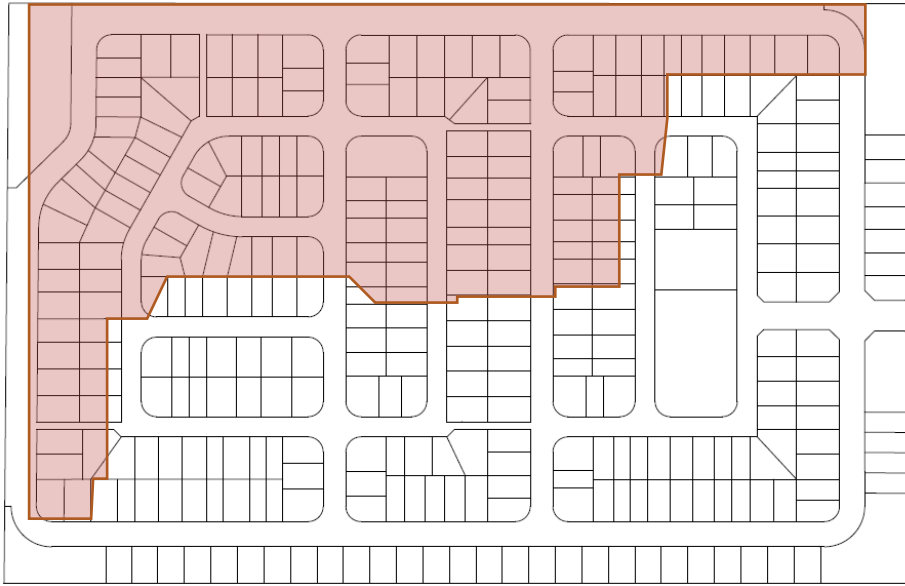


Figure 5: Lots highlighted expected to use Road 2 between Ch. 830 and Ch. 1840

Roads 3 and 6 will serve no more than 50 and 80 dwellings respectively. Therefore, both also fall within the Local Street category and as such, the proposed 18m wide road reserve and 9m wide carriageways are considered appropriate.

### Item 3: Access Lanes

The access lanes fronting Lots 42-44, 106-108, 193-194, 206-208, 267-269 & 328-330 do not meet the minimum road reserve and verge/service requirements set out in Table D.1.5 Characteristics of Roads in Residential Subdivision Road Networks – Northern Rivers Development Design Specification – Geometric Road Design (Urban and Rural).

In addition, drainage and reticulated water assets are located within the carriageway. The configuration and design of these access lanes are discouraged and will only be considered in circumstances where there is no alternative design option. As this is greenfield site, consideration to the reconfiguration of these laneways is required as the layout is generally not supported.

### Information Response to Item 3:

The access lanes and associated lots have been redesigned to form a more conventional subdivision layout. Refer to copy of the revised subdivision layout within updated DA Drawing Set in Enclosure 3.

### Item 4: Road Crossfall Detail

Crossfalls for roads have not been shown on the Road sections. The Plans shall be updated to show the crossfall of the carriageway and shall be designed in accordance with D1.15 Crossfall of the Northern Rivers Development Design Specification – Geometric Road Design (Urban and Rural).

### Information Response to Item 4:

The Plans have been updated to show crossfalls of the carriage way in accordance with D1.15 Crossfall of the Northern Rivers Development Design Specification (DDS)– Geometric Road Design (Urban and Rural). Refer to copy of the revised subdivision layout within updated DA Drawing Set in Enclosure 3.

### Item 5: Cross section for the James Creek intersection

Cross section for the James Creek intersection into the site has not been shown. The Plans shall be updated to show a cross section of the existing road carriageway and proposed widening to accommodate the proposed intersection treatment. This shall include detail on road reserve width, roadside drainage infrastructure, and carriageway/lane widths.

**Information Response to Item 5:**

The Plans have been updated to include a cross section for the James Creek Road intersection, illustrating the existing road carriageway and proposed widening to accommodate the proposed intersection treatment. Refer to copy of the revised subdivision layout within updated DA Drawing Set in Enclosure 3.

**Item 6: Outer loop road (Road 2)**

The outer loop road (Road 2) shall be designed such that buses can be accommodated and that no more than 5% of residents should have to walk more than 400m to a bus stop. The bus route shall be designed in accordance with Table D1.6 Bus Route Criteria set out in the Northern Rivers Development Design Specification – Geometric Road Design (Urban and Rural). Buses should be able to pass without mounting kerbs and with minimised discomfort to passengers. All vehicle turning movements are accommodated utilising AUSTRROADS Design Vehicles and Turning Templates. For intersection turning movements involving local streets or collector streets, but not Distributor roads, the "design single unit" bus with turning path radius 13m. This shall be shown on the plans.

**Information Response to Item 6:**

Road 2 has been designed as a bus route in accordance with the NRLG DDS. As per 3204/C113, the outer loop road can easily accommodate a bus, including through the proposed roundabout at the intersection of Roads 1 and 2. It has also been demonstrated via Autodesk Vehicle Tracking software that a bus can utilise Roads 3 and 6, as required for the staged development. Refer to details within a copy of the revised subdivision layout within updated DA Drawing Set in Enclosure 3.

**Item 7: Consistency across footpath layouts on Engineering and Landscape Plans**

The footpath layout in the landscape and engineering plans are inconsistent. The engineering road cross sections shall be amended to reflect the footpaths shown in figure 2.2 Circulation & Recreational Analysis in the statement of landscape intent prepared by Place Design Group, Dated 20 October 2021. The plans shall reflect the minimum footpath requirements set out in Table D.1.5 of the Northern Rivers Development Design Specification – Geometric Road Design (Urban and Rural) associated with the relevant Road type. The plans shall also show path width, crossfall and grade and are to be in accordance with Table D9.1 Minimum design standards set out in the Northern Rivers Development Design Specification – Cycleway and Pathway Design.

**Information Response to Item 7:**

The engineering design plans and cross sections have been updated to correlate with the landscape plans with respect to footpaths. The footpaths have been designed in accordance with NRLG DDS in terms of location and dimensions. The path network provides permeability throughout the development with easy access to parks, bus stops and a perimeter loop. Crossing points have been carefully located and will be provided with kerb ramps and appropriate signage and line marking. Paths on the internal local streets are 1.5m wide, whereas the path on the main loop road, Road 2 is to be 2m wide, which is in excess of the minimum width requirements for pedestrian paths as per table D9.1. It is intended that cyclists will utilise the roadway, given the low traffic volumes and permeable network. Refer to details within a copy of the revised subdivision layout within updated DA Drawing Set in Enclosure 3.

**Item 8: Batter slopes on road works**

Batter Slopes on all road works shall generally accord with the requirements provided by the AUSTRROADS Guide to Road Design. Table 1.15 Typical design batter slopes of the Northern Rivers Development Design Specification – Geometric Road Design (Urban and Rural) sets out the typical batter slopes. Batter slopes steeper than those presented in Table 1.15 shall require geotechnical design or certification as being stable, from a professional engineer qualified in geotechnical engineering.

**Information Response to Item 8:**

It is intended that all batter slopes on road works will meet the requirements of AUSTRROADS Guide to Road Design, however we do not consider that geotechnical certification is required as part of the DA for residential subdivision. The

design drawings have been amended to include a note stating that geotechnical design will be required for batters steeper than those presented in Table 1.15 of NRLG DDS as required by Additional Information Request Item 8. Refer to details within a copy of the revised subdivision layout within updated DA Drawing Set in Enclosure 3.

**Item 9: Local point of discharge**

Details shall be provided regarding the local point of discharge for the basins. The discharge from the basins to the west of the site appear to discharge onto private land into existing gullies according to Drawing No. 3204/C160, however these do not appear to be shown on the Survey Plan. It is also important to note that not only the quantity of flow is to mimic or better predevelopment flows, but also in format (e.g. Sheet/Concentrated flows).

**Information Response to Item 9:**

Details regarding the local point of discharge for the basins have been detailed within Section 3.1.3 of the updated Stormwater Management Report, Version 5 within Enclosure 7. Also, refer to updated engineering drawings, 3204/C160 to C163 that have been updated to reflect this detail. Refer to copy of updated DA Drawing Set in Enclosure 3.

**Item 10: Amended Stormwater Management Plan**

Details are to be provided in the amended stormwater management plan regarding what would occur when stormwater bio-retention basins overflow in terms of discharge onto adjacent properties and Council road reserve, including depth of inundation. Consideration must be given to the overland flowpath should the capacity of any drainage system be exceeded. A design-controlled overland flowpath is to be provided, together with the necessary easements / restrictions 'as-to-user' for downstream affected lands.

**Information Response to Item 10:**

Details regarding expected depths of inundation when stormwater basins overflow to adjacent properties and road reserves has been detailed within Section 3.1.3 of the updated Stormwater Management Report Version 5, within Enclosure 7. Also, refer to the table of flow characteristics for the northwest Basin (No. 1) as shown on the update engineering drawing 3204/C163. Refer to copy of updated DA Drawing Set in Enclosure 3.

**Item 11: Preliminary maintenance manual**

A preliminary maintenance manual including required operations and likely ongoing costs associated with the future maintenance of the proposed bio retention basins/stormwater treatment devices must be provided.

**Information Response to Item 11:**

A preliminary Bioretention Basins Maintenance Plan has been provided within Enclosure 8, detailing the likely ongoing costs associated with the future maintenance of the proposed bioretention basins. This is estimated to be \$10,000 to \$20,000 per year for all four basins combined.

**Item 12: Owners consent for a 'Legal Point of Discharge'**

Written evidence of owners' consent for a 'Legal Point of Discharge' must be submitted. Negotiations with the appropriate landowner or controlling authority is the responsibility of the developer and/or their representatives. Legal Points of Discharge include (but are not limited to):

- a. existing Council infrastructure such as kerb & gutter, open channel or stormwater pipeline
- b. unformed road reserve
- c. public stormwater infrastructure via private property in an existing stormwater easement
- d. defined natural waterway controlled by the NSW Department of Natural Resources

**Information Response to Item 12:**

The proposed strategy to detain and treat stormwater is designed to mimic the existing conditions in terms of where the stormwater leaves the site, how much water leaves the site, and the water quality of the runoff from the site.

The proposed subdivision works are designed to specifically retain the existing run off conditions as follows:

1. The proposed bulk earthworks on site lower the prominent hill allowing more run off to be directed to the east thereby reducing the size of the catchment in the northwest corner of the site.
2. The sites stormwater catchment is a broad basin without a defined watercourse. Therefore, surface flows are over a wider area, where the drainage path leaves the site. This has been replicated in the engineering design, by the inclusion of a spreader device to disperse flows.
3. Urbanisation will increase run off for in the catchment. This run off is captured by a retention basin in the northwest corner of the site, so that stormwater is discharged at the same rate as in the existing situation.

GeoLINK within their Stormwater Management Strategy (in Enclosure 7) have concluded that the development will not increase stormwater flows leaving the site. Therefore, we do not consider it necessary to obtain owners' consent by downstream landowners, as the stormwater management design proposed will cause no change to the existing stormwater regime.

This position is supported by Conroy Steward Spagnolo Soliticors who were engaged by the Applicant to review GeoLinks position and provide their written advice on the requirement for owners consent for the 'Legal Point of Discharge'. Refer to copy of letter prepared by Conroy Steward Spagnolo Soliticors in Enclosure 10.

**Item 13: Owners consents for necessary easements for overland flow**

Written evidence of owners' consent for necessary easements required for overland flow paths through private property and open channels to contain the 1 in 100 year ARI flood flow plus a minimum 150mm freeboard (considering safety and maintenance access), in favour of Council must be submitted. Internal overland flow paths are to be shown on plans. The profile to convey flows shall also be provided with overland flow diagrams and calculations.

**Information Response to Item 13:**

Further to the response prepared in Item 12, no stormwater easements are proposed on the adjacent property to the west of the site as the proposed stormwater management strategy does not result in an increase in stormwater flows leaving the site.

It is highlighted that the adjoining property to the west contains James Creek, approximately 300 metres away from the site. Flows from the site pass through a farm dam approximately 220 metres away. Care has been taken in the engineering design to replicate existing flows so that the farm dam can be replenished, and achieving this outcome, it is noted that there will be no change or worsening occurring to the existing run off because of the development.

Given this, we do not consider it necessary to obtain owners' consent by downstream landowners.

This position is supported by Conroy Steward Spagnolo Soliticors who were engaged by the Applicant to review GeoLinks position and provide their written advice on the requirement for owners consent for the 'Legal Point of Discharge'. Refer to copy of letter prepared by Conroy Steward Spagnolo Soliticors in Enclosure 10.

**Item 14: DRAINS and MUSIC Models**

The DRAINS and MUSIC models shall be provided for review.

**Information Response to Item 14:**

A copy of the DRAINS (.drn) and MUSIC (.sqz) models are provided in Enclosure 9.

**Item 15: Sizing of roundabout annulus**

Amended plans detailing the proposed sizing of roundabout annulus demonstrating compliance with Austroads Guide to Road Design Part 4B.

**Information Response to Item 15:**

The Plans have been updated to detail the proposed size of roundabout annulus to demonstrate compliance with Austroads Guide to Road Design Part 4B. The roundabout at the intersection of Roads 1 and 2 has been conceptually designed to accommodate turning movements including a bus as shown in the engineering plan set (3204/C113).

In accordance with AGRD-4B, Table 4.1: Guide for selecting the minimum central island radius for a circular roundabout, the radius of the annulus selected is 5m, which is appropriate for a single lane roundabout with the desired drive speed of 40km/h or less.

Further assessment and design will be carried out at the detailed design stage, which may include increasing the size of the roundabout annulus and some adjustments to the adjacent lot boundaries.

Refer to detail within a copy of updated DA Drawing Set in Enclosure 3.

**Item 16: Design flows for Vacuum and Pressure Sewer**

The applicant is advised that the adopted design flows for vacuum and pressure sewer systems is 150 L/EP/day. If Council is to further consider the proposed gravity reticulated sewerage system proposed by the development, an amended sewer assessment to reflect the adopted design flows for gravity sewer systems (240 L/EP/day) must be submitted. In addition to this, the adopted wet weather peaking factor used in the assessment of the network shall be 7 times average dry weather flow.

**Information Response to Item 16:**

The Applicant has prepared an amended Gravity Sewer Assessment report that has included design flow rates of 240L/EP/day.

It is considered that the subdivision can be effectively serviced by gravity sewer. Design flows from the development are 20.8L/s inclusive of allowance for inflow and infiltration in accordance with WSA 02 and the design flow of 240L/EP/day from Council. In comparison, a low-pressure sewer for the same EP loading would have a design flow of 9.1L/s as calculated by WSA 07, thus resulting in an increased peak discharge of 11.7L/s from the gravity system.

It is understood the current downstream pump stations have capacity. Details have been provided within the amended Gravity Sewer Assessment report within Enclosure 11.

**PLANNING**

**Item 17: Land Use Conflict Risk Assessment (LUCRA)**

A Land Use Conflict Risk Assessment (LUCRA) is required to be submitted addressing the Department of Primary Industries Guidelines and factsheet (see link below).

<https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra>

If the assessment determines that changes to the subdivision are required to reduce land use conflicts, the subdivision design is to be amended accordingly.

**Information Response to Item 17:**

A Land Use Conflict Risk Assessment (LUCRA) has been prepared given the proposals residential land use and the nearby / adjoining rural land (refer to Enclosure 12). The purpose of the LUCRA is to identify land use compatibility and any potential conflict between the proposed land use and neighbouring land uses and therefore, assists in the identification of the potential for future land use conflict and any necessary management measures that may be required.

The accepted guideline to assess land use conflict is the NSW Department Primary Industries (DPI) Living and Working in Rural Areas Handbook (the Handbook). The Handbook is a primary guide to assess proposals when there are residential uses proposed to interface with rural land or agricultural activities.

The LUCRA report prepared aims to:

- Assess the effect of the proposed land use on the neighbouring land uses;
- Identify any potential risk of conflict between the proposed and neighbouring land uses;
- Provide an understanding of any likely land use conflict;
- Where deemed necessary, address land use issues and risks before a new land use proceeds or before a dispute arises; and
- Where required, highlight or recommend strategies to help avoid or minimise conflict.

Section 2.3 of the LUCRA report identifies potential land use conflicts that may arise between agricultural enterprises and residential development. However, these matters are considered in the context of the proposed development. It was found that conflict between the proposed residential development of the site and the agricultural activities is of low consequence in this context given the lack of proximal intensive or large-scale agricultural activity, and the known expectation for residential/urban development to occur given the site zoning and strategic land use planning process that has already occurred.

This assessment primarily relates to any issues arising from potential conflict between agricultural practices/ activities and the proposed residential subdivision. Potential risks or impacts that may give rise to possible land use conflicts have been considered and evaluated in the context of the site, surroundings and land use policy setting to establish if any minimisation or management measures may be required. In this instance, the main potential for conflict to arise would be through perceived or actual impacts from adjoining (albeit limited) grazing activities to the west, on future residential uses/development.

Overall, the risk assessment determined that the identified potential risks are generally low and acceptable, and do not require high levels of intervention or management. Some limited risks were identified along the western property boundary interface; however, these can be readily managed to an acceptable outcome. The LUCRA has demonstrated that the proposed development is acceptable, and the proposal is not expected to increase, substantially alter, or likely cause, unacceptable or significant land use conflict. Some limited risk associated with immediately adjoining low intensity grazing is present, however the proposed setback combined with integrated vegetated buffer strip, that would be established along the western boundary within the road reserve, is considered to suitably ameliorate this to an acceptable level. Stormwater and traffic management would be subject to engineering design solutions which are required as part of the normal DA process and would achieve satisfactory outcomes.

The LUCRA assessment prepared by GeoLink has been peer reviewed by Aaron Ashlin, Director of Hortus Group. Hortus Groups has reviewed the LUCRA report from the perspective of its expertise and experience in Agronomy .e., Agriculture/Horticulture, Land Management and Reclamation/Revegetation works associated with such developments. Hortus' conclusions as part of the peer review is that the report is 'very thorough and well considered'.

A Copy of Hortus Group review of GeoLINKs LUCRA report in Enclosure 13.

#### **Item 18: Aboriginal Heritage Impact Assessment (AHIA)**

An Aboriginal Heritage Impact Assessment (AHIA) is required to be undertaken and submitted for consideration. The AHIA should be undertaken in consultation with the Yaegl Local Aboriginal Land Council. Note, an Aboriginal Cultural Heritage Site Assessment prepared by Ron Heron was submitted with the rezoning of the land. This could be updated and verified for resubmission as part of the current application. Copy attached for your information..

#### **Information Response to Item 18:**

A AHIMS Web Service search was conducted by Madison Ruygrok on 21 October 2021 for the subject site with a Buffer of 1000 meters and was submitted with the subject application (refer to Copy within Enclosure 14). This search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) found that:

- Zero (0) Aboriginal sites are recorded in or near the above location; and
- Zero (0) Aboriginal places have been declared in or near the above location.

On 17 March 2022, Andrew Fletcher on behalf of the Applicant consulted with the Yaegl LALC in relation to the proposed development, requesting the Yaegl LALC to update the Aboriginal Heritage Impact Assessment (AHIA) prepared by Ron Heron in 2009. Refer to copy of correspondence issued from Andrew Fletcher to Noeline Kapeen Executive Officer of Yaegl LALC on 17 March 2022 in Enclosure 15.

On 13 April 2022, Yaegl LALC acting CEO Dave Brown, and Chairperson, provided a response to Andrew Fletcher via email on behalf of the Yaegl LALC, advising that he agrees with the previous recommendations made within the Aboriginal Cultural Heritage Site Assessment prepared by Ron Heron in 2009 (enclosed within Enclosure 17), and does not consider it necessary to prepare an updated full AHIA for the subject development in this instance. A copy of the correspondence from Dave Browns is enclosed within Enclosure 18.

#### **Item 19: Buffers to the adjoining rural zone**

Buffers to the adjoining rural zone must be considered and addressed against the Department of Primary Industries Reduce Land Use Conflict with Agriculture Primefact dated Nov 2018 (see link below). Table 1 of the document suggest a minimum 50m buffer to stock grazing activities.

[https://www.dpi.nsw.gov.au/agriculture/lup/development\\_assessment/developmentassessment2/buffer-zones-to-reduce-land-use-conflict-with-agriculture-an-interimguideline](https://www.dpi.nsw.gov.au/agriculture/lup/development_assessment/developmentassessment2/buffer-zones-to-reduce-land-use-conflict-with-agriculture-an-interimguideline)

As you're aware, the proposed subdivision submitted with the rezoning showed large buffers to both the rural and large lot residential zones. If it is determined that development cannot meet or are less than the suggested buffer zones contained in the Department of Industries Primefact, the subdivision design shall be amended accordingly and/or suitable justification must be provided.

#### **Information Response to Item 19:**

Suitable justification for the reduced buffer widths, has been provided within the detailed 'Land Use Conflict Risk Assessment (LUCRA)' (refer to Enclosure 12), which have been peer reviewed by Hortus Group (refer to Enclosure 13).

The detail provided within LUCRA and subsequent review demonstrate that the proposal is not expected to increase, substantially alter, or likely cause, unacceptable or significant land use conflict. Some limited risk associated with the immediately adjoining low intensity grazing land to the west is present, however a setback combined with integrated vegetated buffer strip, as included in the development layout along the western boundary within the road reserve, is considered to suitably ameliorate this to an acceptable level.

#### **Item 20: Residential Zone DCP**

Council's Residential Zones DCP specifies development controls for development in Residential zones. Part C1 of the DCP sets out the objectives for development in residential zones. Further justification for the proposed development is needed to address these objectives and to explain the benefits of the development. This includes objectives relating to siting, local character and identity, streetscape, building design, open space and landscaping, and services and infrastructure. In particular, the proposal needs to demonstrate compliance with the following:

- a) Siting - *Development which is responsive to site constraints and the surrounding environment.* Note, the proposed subdivision arrangement (lots and roads) does not appear to respond to the existing land topography or surrounding landscape form. The current proposal confronts the natural contours of the site and surrounding landscape through significant cut / fill and creation of earth banks on all sides of the subdivision. The design treatment will result in some lots and road reserves with significant slope / cross fall increasing the difficulty of pedestrian movement, difficulty of maintenance, increased erosion potential. It is recommended that an amended subdivision design that responds to the site topography is submitted taking into consideration Clause C5.2 of the DCP which limits cut and fill to a maximum 1.2m. It is noted on Figure 15 in the Statement of Environmental Effects (SEE), that a 1.5m retaining wall is proposed which indicates that the proposal does not comply with clause C5.2. Please provide a written request to vary this clause with suitable justification or otherwise amend design to comply. Plans detailing the quantity of cut and fill required for the development shall be provided.
- b) Local Character and Identity - *Development which is of a high quality and is sensitive to the character of the locality* in which it is being developed.
- c) Streetscape - *Streetscapes which enhance the amenity of an area* and preserve the established character of the locality where this is warranted. Calming devices such as thresholds, slowpoints, chicanes and splitter



islands should be incorporated into the overall geometric road design avoid continuous long straight lines and enhance existing landscape character. Devices designs should generally comply with the requirements of NRDC Geometric Road Design specification for Urban Roads. The Residential Zones DCP can be found here:

<https://www.clarence.nsw.gov.au/Building-and-development/Building-and-developmentservices/Stage-2-Conditions-and-considerations/Development-control-plans>

#### **Information Response to Item 20:**

The following response is prepared to address Council's concerns raised in Further Information Request Item 20:

##### a) Siting

The proposed development is responsive to site constraints and the surrounding environment.

Further to the detail provided within the preamble response, the proposed development layout and siting have been undertaken responsive to some of the key planning strategies on the site. As envisaged by the Maclean Urban Catchment Local Growth Management Strategy and the sites recent rezoning, the subdivision layout is a conscious and deliberate outcome that delivers the James Creek Village as a compact urban form to deliver urban residential housing on the land with appropriate interface outcomes to the existing surrounding rural residential and rural properties.

A key driver to the earthworks strategy for the site was the final interfaces with adjoining properties and surrounding environment. The proposed bulk earthworks strategy considered the site as a whole and achieves a positive outcome for the site and its adjoining properties interfaces. Whilst there are areas of cut and fill exceeding 1.2m in depth (and strictly not achieving compliance with the DCP requirement), the the average cut/fill across the site is less than 1.2m.

The proposed earthworks is considered to be responsive to existing topography and has been designed to meet the following aims:

- Match the existing topography of the site – Although the proposal includes a decent amount of cut and fill with several sections in excess of 1.2m, the final form matches the existing topography in terms of stormwater catchments and the direction of fall.
- Provide 'flat', easily developable allotments – It is well known that dwellings cannot readily be constructed on steeper lots > 5%, particularly when utilising a project home building company. The proposed final surface creates 'flat' lots which will allow for affordable home construction.
- Provide attractive, well-constructed and uniform retaining walls – The alternative to constructing retaining walls at the subdivision stage is to put the onus on each individual homeowner to undertake earthworks and retaining wall construction. This would result in a non-uniform, hap-hazard outcome. Further, we believe it is more practical to undertake the earthworks during the subdivision construction to remove the need for trucking material through the estate once the lots have been created.
- Allow each allotment to fall to the road frontage – This approach removes the need for easements along the rear lot boundary and improves the impact of flooding.
- Deliver a 195,000m<sup>3</sup> balanced cut to fill staged operation, subject to detailed design refinement. Although there are several small pockets of the site to be cut or filled to a depth greater than 1.2m (refer to the Bulk Earthworks Layout in the engineering plan set, 3204/C135), the majority of the site will require less than 1.2m of cut or fill as indicated by the areas shaded in yellow, green and light blue. The average cut and fill depths over the 33.6 ha is estimated to be 1.16m i.e. less than 1.2m across the full site.

##### b) Local Character and Identity

The proposed development is of a high quality and given the circumstances of its context is sensitive to the character of the locality in which it is being developed. The proposed subdivision has been designed to establish it's 'village' like character including:

- creating a small and intimate residential community that can be comfortably covered on foot;
- a unique development, that has defined boundaries consistent with a village character;
- delivery of open space and network of pedestrian / cyclist pathways to promote social interaction and community feel; and

- Provide lots that can accommodate a mix of housing product to promote a diversity of demographic groups into the community.
- c) Streetscape

The proposed development provides a streetscape environment which enhance the amenity of the development.

The landscape works and pedestrian pathway network within the road reserve area of the development enhances the overall amenity and character of the future residential estate by providing improved shaded streetscapes, and parks within walking distances of all lots. The subdivision pattern has been designed to promote safe walking and cycling networks, with high level of landscape amenity for users to promote active travel and use of spaces within the development.

The proposed subdivision submitted with the DA included slow points and numerous thresholds with the specific aim of traffic calming. The design has been revised to include additional slow points in the form of a narrowed carriageway along the long, straight sections of Road 2 (external loop road).

#### **Item 21: Local Strategic Planning Statement**

Under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council is to take into consideration the provisions of any environmental planning instrument. This includes the Clarence Valley Local Strategic Planning Statement (LSPS), adopted by Council in 2020. While the LSPS is a strategic document and should not be treated the same way as technical planning controls, it can provide clarity on the types of future development that are likely to be supported in certain areas, and those that will not.

The proposed development application should include an assessment against relevant parts of the LSPS, in particular the explanations and text under the priorities listed below. Council has also created a checklist to assist with planning proposals and large-scale development applications (where applicable) and this is attached for you. The LSPS can be found on Councils website at:

<https://www.clarence.nsw.gov.au/Council/Ourperformance/Plans-and-strategies/Local-Strategic-Planning-Statement>:

Priority 1 – Take a proactive approach to create great places suitable to our climate, culture and aspirations

Priority 2 - Engage and collaborate with Clarence Valley's First Nations community to conserve First Nations heritage and respect their right to identify, determine, manage and participate in future strategic decision-making processes.

Priority 4 – Provide housing choice to meet community needs, including social and affordable housing and the integration of liveability principles

Priority 5 - Provide for healthy, safe and well connected communities, particularly providing for social infrastructure

Priority 9 - Plan for resilient and sustainable infrastructure

Priority 10 – Promote walking, cycling and improved mobility and accessibility

Priority 18– Promote a low-carbon community

There may be opportunities to revisit some of the detailed design aspects of the proposed subdivision to achieve better outcomes and comply with the LSPS and meet the aspirations of the future community that will live in this subdivision, and those residents that already live near to the subdivision. This could include realigning the subdivision to be more reflective of the rezoning plan with larger buffers to adjoining rural and R5 land.

Page 22 of the LSPS explains this in detail:

*The design of our public buildings, subdivisions and individual buildings needs to consider state guidance regarding sustainable design. But we can do better to provide attractive, enjoyable places to live, to work, to shop and to play, and to be more efficient with resources and using more economic means of staying cool or warm in this sub-tropical climate. We*

want to encourage design excellence that creatively responds to and enhances the Clarence Valley's existing built character, heritage assets, landscape and community values in line with our climate and environmental values. New communities in urban release areas like Clarenza, Junction Hill, Gulmarrad, James Creek and West Yamba should be designed to balance the needs for new housing, avoid natural hazards (such as flooding and bushfire risks) and retain biodiversity and trees to regulate temperatures among other considerations.

A strategic approach to creating great communities means living in harmony with the natural environment, the landscape and protecting areas of High Environmental Value (HEV). We need to consider these issues at the earliest opportunity when determining where new urban release areas are located, and how to design new communities, facilities, services and infrastructure. Wider road corridors with extensive tree planting could make new subdivisions more resilient to heat than current designs and encourage more outdoor healthy active lifestyles. Larger back gardens would also enable tree planting and shading, cooler microclimates for people to enjoy, and places for wildlife.

A place making approach driving the development process will capitalise on the communities existing assets, utilising collaborative processes and aiming to create places and spaces that promote peoples health and wellbeing, creating places that everyone can enjoy, including children, families, the elderly and men and women.

By being deliberate about creating safer communities and places where people have the opportunity to interact, we can create more resilient places. This will help realise other social, cultural and economic benefits over the long term, rather than just meeting numerical housing targets.

If our places are enjoyable to be in, this will in turn attract further development and population growth - in a region where lifestyle, job opportunities and other attractors that could otherwise outcompete what the Clarence has to offer. Council, the community and the development industry need to keep pace with contemporary place making approaches being offered in other Council areas to ensure we create a prosperous community full of opportunities here. A high level of amenity and functionality makes places even more attractive to visitors and investors.

Attractive areas are usually worth more because people demand and visit these areas in preference to other areas.

We need to ensure guidelines produced by NSW Health and the NSW Government Architect is used to inform planning decisions. These include "Better Placed", "Greener Places", "Urban Design for Regional NSW" and the "Healthy Urban Development Checklist", especially when planning new neighbourhoods and infrastructure assets, and to implement the objectives and details of our Residential Zones DCP, to promote:

- Good design and amenity in the built environment
- Sustainable management of built and cultural heritage (including Aboriginal heritage)
- The proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.

Council will look to collaborate with community members and residents who use places and spaces that set good examples of place making. The resubmitted subdivision design and supporting information needs to address the points raised above and ensure the subdivision is best practice and achieves the desired outcomes.

### **Information Response to Item 21:**

The Applicant recognises the importance of achieving a development outcome that aligns to the key relevant priorities of The Local Strategic Planning Statement (LSPS). The LSPS sits within the planning 'hierarchy' of state, regional and local plans, and is the final piece of the puzzle that captures how the North Coast Regional Plan 2036 applies in the Clarence Valley, seeking to assist in delivering development to suit the unique community and environment.

The information below has been prepared to outline how the development aligns with the key relevant priorities of The Local Strategic Planning Statement (LSPS).

As detailed within the preamble to this response, the LSPS was prepared under the new North Coast Regional Plan. The rezoning of the site was undertaken under the former Mid-North Coast Regional Strategy 2009; however it is highlighted that the planning strategy and intent for urban residential development on the subject site is unchanged from earlier studies. The subject land is still identified for urban growth.

LSPS Priority	Applicant response
<p><b>Priority 1</b> – Take a proactive approach to create great places suitable to our climate, culture and aspirations.</p>	<p>The proposed subdivision takes a proactive approach to creating great places and is directly responsive to the planning strategies and aspirations of the area. The subdivision provides a compact urban village, that has been designed to be responsive to the expected lifestyle opportunities of current and future generations, including establishment of communities that promote safe community environments, social interaction and recreation within the local urban neighbourhood. A significant focus of the application is the promise of useable parks and a linear pathway system suitable for exercise and dog walking.</p>
<p><b>Priority 2</b> - Engage and collaborate with Clarence Valley's First Nations community to conserve First Nations heritage and respect their right to identify, determine, manage and participate in future strategic decision-making processes.</p>	<p>As previously detailed through the Information Response to Item 18, the Applicant consulted with the Yaegl LALC in relation to the proposed development, requesting an updated AIHA be prepared in support of the application.</p>
<p><b>Priority 4</b> – Provide housing choice to meet community needs, including social and affordable housing and the integration of liveability principles</p>	<p>The proposed housing density and lot mix is provided in direct response to Council's rezoning of the land for urban purposes to provide housing choice to meet the community. The diversity of lot sizes throughout the estate allows for a mix of housing types and product affordability within the estate.</p> <p>In response to affordability, and Council's Affordable Housing Policy, the subdivision proposal includes 34 lots less than 450m<sup>2</sup>, together with 16 duplex lots (32 homes) and a multi-unit lot (12 homes) for a total of 78 affordable housing sites. This represents 21% of the housing product and exceeds Council's requirement of 10% of lots.</p> <p>Further affordability considerations have been made through the earthwork design by providing 'flat', easily developable allotments that contributes to the delivery of affordable housing construction.</p>
<p><b>Priority 5</b> - Provide for healthy, safe and well-connected communities, particularly providing for social infrastructure</p>	<p>The James Creek Village will sit as one of the 42 separate but interconnected villages with its own identity and will be supported by the following social infrastructure:</p> <ul style="list-style-type: none"> <li>- A neighbourhood centre providing opportunity for local shops, health care services, and food and drink outlets that provide services to residents and opportunities for social interaction; and</li> <li>- Local recreation spaces as well as a network of shaded, pedestrian and cycle pathways that provide opportunities for community interaction to promote active and healthy lifestyles for residents.</li> </ul>
<p><b>Priority 9</b> - Plan for resilient and sustainable infrastructure</p>	<p>The residential subdivision at James Creek is responsive to the Clarence Valley Council view for addressing predicted population growth in a sustainable and resilient manner in the region through the establishment of distinct villages as per Maclean Urban Catchment Local Growth Management Strategy. The development provides a new settlement for circa 960 residents in a compact footprint and avoids important environmental areas,</p>

	flooding, bushfires and regionally significant farmland areas.
<b>Priority 10</b> – Promote walking, cycling and improved mobility and accessibility	<p>A series of key linear pathways are created within and around the parameter of the proposed subdivision layout to promote walking, cycling, and mobility and accessibility to Open Spaces within the development and the proposed Neighbourhood Centre.</p> <p>As detailed within Information Request Item 1, the developer will enter into a Voluntary Infrastructure Agreement with Council and will the cost of undertaking the planning study for the proposal with respect to the future delivery of a pedestrian link from James Creek to Townsend, that will improve the overall accessibility to Townsend for residents of the development, and residents of the existing rural residential properties between the site and Townsend.</p>
<b>Priority 18</b> – Promote a low-carbon community	<p>The inclusion of a Neighbourhood Centre lot and local parks within the Village have been incorporated into the development to encourage the use of local facilities and services and reduce the need for car travel external to the subject site.</p> <p>Urban greening principles have been incorporated into the landscape plan, as well as inclusion (and protection) of a large number shade trees within the development. This has been included within the Village to not only establish a sense of character but reduce the overall urban heat effect and minimise the use of cooling devices within each household. Lot design and orientation have also been a consideration to assist in managing household temperatures.</p>

#### **Item 22: Street tree planting within the Road reserves**

The proposed subdivision has applied the minimum Northern Rivers Local Government Development Design Specification 'D1 Geometric Road Design' standards for road reserves, the standards do not adequately allow for street tree planting. Typical sections have been provided for the proposed road reserves within the civil documents. These sections do not include adequate detail of service corridors and street tree plantings. Revised sections demonstrating adequate road reserve widths are provided to accommodate services and street tree planting are requested to be provided.

#### **Information Response to Item 22:**

The typical road cross sections provided in the engineering plan set have been updated to show services and street trees. Note that the road widths and in particular the road reserve widths are greater than the minimums specified by the NRLG DDS as demonstrated in our response to Item 2.

#### **Item 23: Street tree planting within the Road reserves**

The proposed pocket park provides opportunity for visual relief and community gathering within this area of the development. The number of linear parks as proposed is generally not supported. Given the greenfield nature of this site, connectivity should be provided via well designed subdivision layout/road networks.

#### **Information Response to Item 23:**

The subdivision has been designed to promote safe active transport and promote a high-level of passive recreational activities through a 2100m linear park pedestrian loop along with a 1500m internal pedestrian loop and associated open space.

The Linear Park and Street Tree-lined paths improve the connectivity and permeability through the development and allow for more direct access for residents to open space areas within the development (i.e., lined pedestrian / cycle footpaths, village greens, playgrounds, kick & throw open space, turf open space, shaded seating niches). paths through the development increase the overall permeability of the development.

#### Item 24: Planting buffer to Austons Lane

The proposed planted buffer to Austons Lane shall be designed so that it is responsive to existing vegetation/trees and site topography. This may include varying the widths of the buffer in response to vegetation, topography and the proposed finished earthworks. Details to be submitted for consideration, including a tree survey that demonstrates which trees are proposed to be retained or removed.

#### Information Response to Item 24:

The proposed planting buffer to Austons Lane has been designed so that it is responsive to existing vegetation/trees and site topography as requested by Council. Refer to details within Enclosure 6 – Statement of Landscape Intent.

The proposed planting buffer is situated on a 1:5 to 1:6 batter for the full extent of the southern property boundary (refer to Section in Figure 6 below). The planting consists of low maintenance native planting species comprising of trees, shrubs and ground covers proposed at a density of 1 Tree per 5m<sup>2</sup> / 1 Shrub per 5m<sup>2</sup> / 3 Groundcovers per 5m<sup>2</sup>.

Every effort has been made by the Applicant to retain to existing trees along the property boundary to assist in maintaining some of the existing landscape character and interface for the rural residential properties to the south of the site. The trees shown for retention have been informed by the tree survey appended to the SLI. At the top of the batter, behind the proposed landscape buffer is an 1800mm high Black PVC Coated Chainmesh fencing that assists in delineating the new proposed residential property boundary (refer to Figure 7 below).

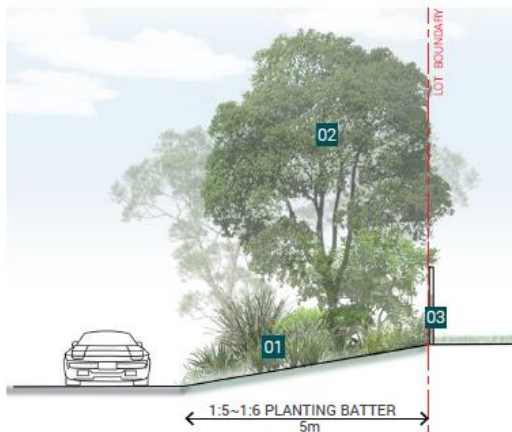


Figure 6: Section of Auston Lane planting buffer





Figure 7: Planting Batter to Austons Lane

#### Item 25: Stormwater Management

The proposed stormwater management approach is considered to be an end point solution and no consideration has been given to manage stormwater close to the source or along the line. The proposed end point solutions provide limited recreational value. Significant opportunity exists to improve stormwater management through the implementation of water sensitive urban design and create accessible areas of open space for the community. Please refer to Part H of the Residential Zones DCP for controls on Sustainable Water Controls. Note, the Information for Applicants referred to in Part H is currently being updated. A copy of the draft updated guideline (subject to Council approval) is attached for your information.

#### Information Response to Item 25:

Please refer to Section 3.1.2 of the updated Stormwater Management Report, Version 5. Also, refer to the increase accessible areas of open space on the update landscape drawings.

Bioretention basins are an effective method of providing peak flow attenuation and treatment of stormwater and are widely utilised throughout Australia. Prior to the selection of end-of-line bioretention basins as the preferred approach, the following stormwater treatment options were considered:

- Roadside Swales / Bioretention Swales: The longitudinal grades of the roads will generally be too steep for swales to be suitable. There would also need to be individual driveway crossings over the swales (i.e. culverts) and this would increase the maintenance requirements.
- Distributed Bioretention Basins / Pods: As for the swales, the significant longitudinal road grades mean that it would be challenging to incorporate a large number of smaller bioretention basins (or pods) throughout the road network. Also, it would typically be more onerous and costly for Council to maintain a large number of smaller basins, rather than a small number of larger basins.
- Constructed Stormwater Wetlands: The significant surface gradients, particularly along the western site boundary, are not well suited to stormwater wetlands. Wetlands also typically require a larger footprint than bioretention basins to achieve the same level of stormwater treatment.

#### Item 26: Footpath connectivity

The proposed footpath network is generally supported, however improved connection needs to be considered for the 'medium density' future development lot adjacent to the central parkland.

#### Information Response to Item 26:

A further pedestrian pathway has been introduced to improve connection from the 'medium density' future development lot to the central parkland. Refer to details within the Statement of Landscape Intent plan in Enclosure 6.

#### Item 27: Landscape and Open Space Planting



Viburnum odoratissimum, Liriope muscari & Aloe hybrid specified for open space planting have or may have environmental weed characteristics recommend substitution with locally occurring plant species. These are not supported as part of the proposed landscaping species.

#### **Information Response to Item 27:**

As requested by Council in Item 27, Viburnum odoratissimum, Liriope muscari and Aloe hybrid have been removed from the proposed planting palette within the SLI and have been substituted with locally occurring plant species (refer to Enclosure 6). Specifically:

- Viburnum odoratissimum have been substituted with Acmena 'Allyn's Magic', Crinum pedunculatum, Austromyrtus dlicis, Hovea acitifolia, Leptospermum 'Pink Cascade', Leptospermum polygalifolium; and
- Liriope muscari / Aloe hybrid have been substituted with Westringia 'Mundi', Westringia 'Low Horizon', Myoporum ellipticum,, Dianella caerulea.

#### **Item 28: Submissions**

A total of 58 submissions were submitted in respect of the proposed development. A link to the submissions is provided for your information below. Note this link will expire at close of business on 5 April 2022. It is suggested that the issues raised in the submissions are addressed and a response be provided as part of the additional information package.

#### **Information Response to Item 28:**

A review of the 58 submissions received in respect to the proposed development during public advertising, found concerns raised were (in order of frequency) in relation to planning, environmental, traffic, stormwater, flooding, sewer, impact on surrounding agricultural properties, lack of consultation with traditional custodians, and sediment and erosion control. Matters raised within each of themes related to:

- Planning: Housing density, lack of appropriate infrastructure and services, incompatible to character of the area, affordable housing, non-compliance with the applicable statutory framework, inappropriate location and scale, lack of open space, lack of community consultation, and lack of sustainable development and consideration to climate change.
- Environmental: Impact on biodiversity and wildlife corridors, bushfire safety and buffers, ecological buffer, lack of wetlands in the area, environmental offsetting, and light pollution.
- Traffic: Incompatible traffic infrastructure, inaccurate traffic assessment, lack of public transport, traffic safety concerns, and lack of footpaths/cycle ways.
- Stormwater: Bioretention basins, impact of run-off external to the site, peak flow concerns, treatment devices and impacts on water quality, community impact, impact on the natural water cycle.
- Agriculture: Impacts on primary producer community and the surrounding farming lands.
- Traditional custodians: Lack of consultation, no consideration of AHIMS search, impact on cultural heritage.
- Flooding: Safety and impact
- Sewer: Service and amenity concern
- Earthworks: Sediment control impact

The Applicant has prepared a response to each of the key issues raised throughout the submissions. Refer to detail within letter addressed to Council within Enclosure 18.

#### **Item 29: NSW Rural Fire Services Referral**

Please note that Council is still awaiting comments and/or General Terms of Approval from the NSW RFS for the proposed development. Depending on what their response is, this could further impact on the design of the development. A copy will be forwarded through to you as soon as it has been received.

**Information Response to Item 29:**

On 16 May 2022, from the NSW Rural Fire Services, advised following their review of the plans and documents for the proposal, that they had no concerns or issues in relation to bushfire. Refer to letter from NSW Rural Fire Service in Enclosure 19

Further to the above, Clarence Valley Council issued an 'Additional Information Request – Coastal Emu' to the Applicant on 16 March 2022:

**Item 30: Coastal Emu**

Further to the additional information letter dated 8 March 2022, it has come to our attention that Coastal Emus have been sighted near the subject land.

The Biodiversity Assessment prepared by Geolink dated 13 September 2021 identified the potential occurrence for the Coastal Emu as low, therefore it was determined that there was no need for a Test of Significance for this species to be undertaken. However, in light of the submission, Council will require a Test of Significance to be prepared on the impacts of the proposal on the Coastal Emu.

**Information Response to Item 30:**

Council requested a Test of Significance to be prepared on the impacts of the proposal on the Coastal Emu.

The Biodiversity Assessment Report (refer to Enclosure 20) has been updated to include:

- A 5-part test of significance in relation to the Coast Emus, and
- Commentary regarding the 'edge effects', specifically along the northern boundary where light will likely spill over into the rural vegetated land to the north.

As detailed comprehensively with the Biodiversity Assessment, we do not believe that a Biodiversity Development Assessment Report (BDAR) is warranted for the proposed development.

**RESPONSE TO RECORD OF BRIEFING TO THE NORTHERN REGIONAL PLANNING PANEL**

On 23 March 2022, Clarence Valley Council representatives, underwent a briefing with the Northern Regional Planning Panel in relation to the subject application lodged. The letter encloses a copy of the Record of Briefing, and further provides a response to the key issues discussed, as presented in the Table below:

Record of Briefing Notes	Applicant response
RFS and TfNSW comments outstanding.	On 16 May 2021, the NSW Rural Fire Services, advised following their review of the plans and documents for the proposal, that they had no concerns or issues in relation to bushfire. Refer to letter from NSW Rural Fire Service in Enclosure 19.
Significant number of submissions received, with many relating to traffic issues.	The submissions received have been addressed throughout the Additional Request for Information and response to submissions letter in Enclosure 18. The Applicant acknowledges the many submissions relating to traffic and have also prepared an updated TIA in Enclosure 4.
<u>Outstanding matters:</u> Traffic impact assessment, including trigger points for required infrastructure works to be identified.	The TIA in Enclosure 4 has been updated, including information regarding the likely timeframes for triggering the proposed upgrade works. Refer to Section 4.2 of the TIA V6.
Non-compliance with Northern Rivers Design Guidelines, particularly about road widths and layout	A full detailed response to Council Additional Request for Information in Item 2 above outlines how the proposed development responds to the Northern Rivers Design Guidelines in relation to the proposed road widths and layout.
Stormwater – modelling required, including the design and ongoing	The Stormwater Management Strategy in Enclosure 7 outlines the details of the stormwater design. The Bioretention Basins Maintenance Plan (in Enclosure 8) details

responsibility for maintenance of the detention basins	the ongoing responsibility for maintenance of the bioretention and detention basins.
Land use conflict assessment to be undertaken in relation to adjoining agricultural land, noting that increased buffers to adjoining rural and large lot residential zone may be required	A LUCRA assessment has been prepared by GeoLink and subsequently peer reviewed by Hortus Group. The assessment determined that the identified potential risk of land use conflict are generally low and acceptable, and do not require high levels of intervention or management. Some limited risks were identified along the western property boundary interface; however, these can be readily managed to an acceptable outcome. The LUCRA has demonstrated that the proposed development is acceptable, and the proposal is not expected to increase, substantially alter, or likely cause, unacceptable or significant land use conflict. Some limited risk associated with immediately adjoining low intensity grazing is present, however a setback combined with integrated vegetated buffer strip, that would be established along the western boundary within the road reserve, is considered to suitably ameliorate this to an acceptable level.
Aboriginal heritage not addressed	<p>AHIMS Web Service search for the subject site with a Buffer of 1000 meters, was conducted by Madison Ruygrok on 21 October 2021. A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:</p> <ul style="list-style-type: none"> <li>- Zero (0) Aboriginal sites are recorded in or near the above location; and</li> <li>- Zero (0) Aboriginal places have been declared in or near the above location.</li> </ul> <p>The AHIMS search conducted was submitted with the subject application. A copy is provided in Enclosure 14.</p> <p>Further to this, and in response to the matters raised in Council's information request the Applicant consulted with the Yaegl LALC in relation to the proposed development, requesting consideration and preparation of an Aboriginal Heritage Impact Assessment (AHIA). Refer to copy of correspondence issued to Noeline Kapeen Executive Officer of Yaegl LALC on 17 March 2022 in Enclosure 15.</p> <p>On 13 April 2022, Yaegl LALC acting CEO Dave Brown, and Chairperson, advised via email that he is agreeable to recommendation made with Ron Heron's report (enclosed within Enclosure 17), and does not consider it necessary to prepare a full AHIA for the subject development in this instance. A copy of the correspondence from Dave Browns is enclosed within Enclosure 18.</p>
Urban design - DCP non-compliances in relation to siting, character and identity to be addressed.	A response to the Urban Design matters in relation to Siting, Character and Identity have been detailed with Councils Request for Additional Information Item 20 above.
Rear fencing to be considered in relation to adjoining Crown road and potential for landscape buffering.	<p>The proposed planting buffer and rear fencing to Austons Lane has been designed so that it is responsive to existing vegetation/trees and site topography as requested by Council. Refer to details within Enclosure 6 – Statement of Landscape Intent.</p> <p>The proposed planting buffer (within the proposed Crown road) is situated on a 1:5 to 1:6 batter for the full extent of the southern property boundary (refer to Section in Figure 6 below). The planting consists of low maintenance native planting species comprising of trees, shrubs and ground covers proposed at a density of 1 Tree per 5m<sup>2</sup> / 1 Shrub per 5m<sup>2</sup> / 3 Groundcovers per 5m<sup>2</sup>.</p> <p>Every effort has been made by the Applicant to retain to existing trees along the property boundary to assist in maintaining some of the existing landscape character and interface for the rural residential properties to the south of the site. The trees shown for retention have been informed by the tree survey appended to the SLI. At the top of the batter,</p>

	<p>behind the proposed landscape buffer is an 1800mm high Black PVC Coated Chainmesh fencing that assists in delineating the new proposed residential property boundary (refer to Figure 7).</p>
<p>Open space areas considered important for the development.</p>	<p>The landscape works and open space for the development enhances the overall residential amenity of character of the future residential estate by providing improved streetscapes, and parks within walking distances of all lots.</p> <p>Two (2) internal parks are proposed with area 6444m<sup>2</sup> (Village Green) and 1992m<sup>2</sup> (Pocket Park). These parks are located centrally within the estate and in the case of the larger eastern park, are highly visible and accessible. The intention is that the neighbourhood parks be created as an essential amenity facility for the residents.</p> <p>The Village Green "local park" will be a vibrant space and will provide significant amenity for the new community as well as enhancing the entrance experience. It consists of a large circular multipurpose lawn, shelter, BBQ facilities, seating and feature playground. The lawn allows for community gatherings as well as structured (e.g. markets/stalls, concerts, group exercise, etc.) and non-structured (e.g. small gatherings, picnics, play) activities to occur.</p> <p>The pocket park provides the community with a different experience from the Village Green in a more relaxed setting for non-structured activities and visual amenity.</p> <p>The Entry is also a key feature and will enhance the sense of arrival to the development using with feature trees and groundcover planting. The landscape will draw upon the existing character of James Creek using endemic native plant species.</p> <p>Further to the open space areas, the development includes planted pedestrian pathways throughout the estate that provide an overall greening affect to the streetscape.</p> <p>Overall, the quantity and useability of the proposed Open Space areas are considered to suitably address the needs of the residents of the development.</p>
<p>Overall, the panel was concerned about the significant differences between the current DA and the plans put forward in the planning proposal for rezoning of the land.</p> <p>The panel believes there is a need for consistency or sound justification for substantial variations from the planning proposal, as the community has a reasonable expectation of consistency between the concept plans for rezoning and DA.</p>	<p>We acknowledge the Planning Panels comments following their briefing by Clarence Valley Council and in particular the differences between the current development application and the earlier planning proposal put forward for the rezoning of the land. The panel notes the community expectation is for an alignment between the original planning proposal and the development application particularly in relation to the buffers identified in the original proposal. We note that a number of the documents available to Council did show buffers and we make the following comments:</p> <ul style="list-style-type: none"> <li>- The Indicative Structure Plan, (Illustration 7.4 Maclean Urban Catchment Local Growth Management Strategy), shows the principle of buffers around the site as does the Harrison Shepherd Draft Conceptual Plan which was part of the Planning proposal in 2011. These documents formed part of the consideration of the planning proposal along with need to house the growing population of the area. The Maclean Urban Catchment Local Growth Management Strategy recognizes the need to provide approximately 500 dwellings at James Creek with approximately 300 dwellings on the subject land. Given the reasons why the James Creek Village was created, failure to meet these objectives will put pressure onto the existing rural and rural residential areas to accommodate the growth and this comes with its attendant environmental pressures. It is important that the land be utilised fully.</li> <li>- That said the proposal does incorporate buffer planning. Specifically, the</li> </ul>

	<p>proposal incorporates a densely planted area on the boundary, a road separation which incorporated a bikeway and pedestrian route, and stormwater management areas. Nowhere on the site boundaries (except for Austons Lane) do dwellings directly adjoin neighbouring properties. On the contrary all dwellings are buffered from the neighbouring land consistent with the principles contained in the Maclean Urban Catchment Local Growth Management Strategy.</p> <ul style="list-style-type: none"> <li>- The existing site zoning does not include a buffer provision as an area zoned for Open space. All the land is zoned for residential. It is noteworthy that Council as the planning authority had the option to impose specific controls over the development of the James Creek area in a similar way to the planning controls to be found in the Residential DCP for Angourie, Glenreach, Gulmarrad, Palmers Island, Ulmarra, Wooli, Yamba Hill and the Urban release area. Failure to create specific planning measures suggests that Council understood the need to maximise the use of the land consistent with the Maclean Urban Catchment Local Growth Management Strategy and created a situation where buffers were addressed at the application stage and in line with the rights conferred by the zoning. Again, we see these outcomes as deliberate planning measures and believe that they to make sense in the context of the James Creek rezoning.</li> <li>- The Land Use Conflict Risk Assessment included in this response addresses the interfaces with adjoining property and provides a well considered investigation of the specific circumstances which apply to the land and its context. Therefore, rather than an ad hoc study, we consider that this approach is in line with the approach adopted at the time of rezoning which is to address the specifics of buffering at the time of development application.</li> </ul>
Significant amount of information outstanding that should have been provided at lodgement.	Additional information as requested by Council and the Planning Panel has been provided in support of the proposed development.
Secondary road access to the site to be considered, particularly in terms of emergency access.	A secondary road emergency access road is provided from the development site to Austons Lane between the stormwater basin in Lot 6 and Lot 7. A full copy of the revised DA Drawing Set is provided within Enclosure 3.
Flooding impacts and requirement for a draft evacuation plan to be submitted with the application including consideration for the benefits of raising of Gardiners Road.	<p>To assist in improving the current accessibility issues during flood events for the local community, the Applicant proposes to undertake voluntary works as part of Stage 1 works to increase the flood immunity levels of Gardiners Road over and above the POD level identified in the James Creek Urban Growth Area Road Infrastructure Developer Contributions Plan.</p> <p>These works will assist in improving the overall safety and useability of the road networks during a flood event.</p>
Assessment report is to outline the legislation requirements relating to potential ecological impacts and associated BDAR requirements and include details around methodology/survey undertaken for assessment.	<p>The Biodiversity Assessment Report (refer to Enclosure 20) has been updated to include:</p> <ul style="list-style-type: none"> <li>- A 5-part test of significance in relation to the Coast Emus, and</li> <li>- Commentary regarding the 'edge effects', specifically along the northern boundary where light will likely spill over into the rural vegetated land to the north.</li> </ul> <p>As detailed comprehensively with the Biodiversity Assessment, we do not believe that a</p>

	Biodiversity Development Assessment Report (BDAR) is warranted for the proposed development.
--	--

We consider the information enclosed suitably addresses each of the matters raised by Council and the Planning Panel, however, should you require any further clarification on this matter please contact Madison Ruygrok ([Madison.r@placedesigngroup.com](mailto:Madison.r@placedesigngroup.com)) or Peter Bell ([Peter.b@placedesigngroup.com](mailto:Peter.b@placedesigngroup.com)) on (07) 5591 1229.

Yours faithfully,

**Place Design Group**



Madison Ruygrok  
Associate Planner

**Place Design Group**



Peter Bell  
Planning Principal