



Place Design Group Pty Ltd
ACN 82370063
Level 4, 7 Short Street
Southport, QLD 4215 Australia

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

Lot 104 James Creek Road

(described as Lot 104 on RP751388)

Statement of Environmental Effects

Prepared for MPD Investments Pty Ltd

October 2021

1 Project Team

TABLE 1: PROJECT TEAM	
Applicant	MPD Investments Pty Ltd
Planner	Place Design Group Peter Bell / Madison Ruygrok (07) 5591 1229 peter.b@placedesigngroup.com
Engineering	GeoLink Michelle Erwin 02 6687 7666 michelle@geolink.net.au
Landscape	Place Design Group Clint Wood (07) 5591 1229 Clint.w@placedesigngroup.com
Architects	Rust Architecture Design John Rust (07) 5554 6798 jrust@rad.net.au
Development Costings (RPEQ)	Burchills Engineering Solutions Jonathon Cuell Jonathon.cuell@burchills.com.au 0429 056 347
Sewer Engineer	Willow and Sparrow Pty Ltd Michael Chamberlain michael@waseng.com.au 0401 415 220

TABLE OF CONTENTS

1	Project Team.....	1
2	Introduction.....	3
3	Site and Surrounding Context.....	4
4	Proposed Development	6
4.1	Residential Subdivision (R1 and R3 Zoned Land)	6
4.2	Commercial lot (B1 Zoned Land).....	8
4.3	Subdivision Staging.....	8
4.4	Open Space	9
4.5	Pedestrian Connections	10
4.6	Landscape Interfaces.....	11
4.7	Road Network & Access	12
4.7.1	James Creek Urban Growth Area Road Infrastructure Developer Contributions Plan 2020	14
4.8	Stormwater Management.....	14
4.9	Water	14
4.10	Sewer.....	15
4.11	Change to Ground Level	16
5	Referrals.....	18
5.1	Concurrence.....	18
5.2	Integrated Development.....	18
5.2.1	Water Management Act 2000	19
6	Matters for Consideration	22
6.1	State Environmental Planning Instruments.....	22
6.1.1	State Environmental Planning Policy (Infrastructure) 2007	22
6.1.2	State Environmental Planning Policy (Vegetation in a Non-Rural Area)	23
6.1.3	State Environmental Planning Policy 55 (Remediation of Land)	23
6.1.4	State Environmental Planning Policy (Koala Habitat Protection) 2021	23
6.1.5	SEPP (State and Regional Development) 2011.....	23
6.2	Local Environment Plans.....	26
6.2.1	North Coast Regional Plan 2036.....	29
6.2.2	Clarence Valley Council Affordable Housing Policy	30
6.3	Development Control Plans	30
6.4	Planning Agreement(s)	33
6.5	Environmental Planning & Assessment Regulation 2000	33
6.6	Coastal Zone Management Plan(s).....	34
6.7	Likely Impacts.....	34
6.8	Suitability of the site.....	34
6.9	Submissions	34
	Conclusion.....	36

2 Introduction

Place Design Group ('PDG') has been engaged by MPD Investments Pty Ltd (the 'Proponent') to lodge a Development application in accordance with Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for a subdivision for 327 residential lots, a commercial lot, open space (recreation and stormwater) and road at Lot 104 James Creek Road, James Creek.

A summary of the site details is outlined in Table 2 below.

TABLE 2: SUMMARY OF SITE AND APPLICATION DETAILS	
Title Details	Lot 104 RP151388
Site Address	James Creek Road, James Creek
Registered Owner	Kahuna Pty Ltd
Applicant	MPD Investments Pty Ltd C/- Place Design Group
Total Number of Lots	One (1) allotment
Existing Site Area	33.49ha
Easements	Nil.
Existing Land Use	Grazing
Local Government Authority	Clarence Valley Regional Council
Local Environmental Plan (LEP)	Clarence Valley Local Environmental Plan 2011
LEP Zoning	R3 - Medium Density Residential R1 - General Residential B1 - Neighbourhood Centre Zone

The following report is to be read in conjunction with the following Enclosures:

- Enclosure 1: Subdivision Layout Drawings prepared by Geolink dated 8 October 2021
- Enclosure 2: Civil Engineering Drawings prepared by Geolink dated 8 October 2021
- Enclosure 3: Gravity Sewer Assessment Report prepared by Willow and Sparrow dated 21 October 2021
- Enclosure 4: Traffic Impact Assessment prepared by Geolink dated 21 October 2021
- Enclosure 5: Bushfire Hazard Assessment Report prepared by Geolink dated 13 September 2021
- Enclosure 6: Biodiversity Assessment Report prepared by Geolink dated 13 September 2021
- Enclosure 7: Development Capital Cost Calculation prepared by Burchills Engineering Solutions dated 22 October 2021
- Enclosure 8: Concept Dwelling House Plans prepared by RAD dated 29 August 2021
- Enclosure 9: Multi Unit House Plan prepared by RAD dated 21 October 2021
- Enclosure 10: Contaminated Land Assessment prepared by EAL dated 13 April 2011
- Enclosure 11: Contaminated Land Assessment Review GeoLink dated 4 November 2019
- Enclosure 12: Stormwater Management Plan prepared by Geolink dated 13 October 2021
- Enclosure 13: Statement of Landscape Intent prepared by Place Design Group dated 20 October 2021
- Enclosure 14: Geotechnical Report prepared by Regional Geotechnical Solutions dated 29 July 2021
- Enclosure 15: AHIMS Search Results dated 21 October 2021

3 Site and Surrounding Context

Lot 104 DP 751388 ('the site') is rectangular in shape and has an area of approximately 33 ha. It is situated mid-way along James Creek Road in James Creek, bounded by James Creek Road to the east and Austons Lane to the south, with large rural lots to the north and west. The lot to the north is densely vegetated. Approximately 650 metres further to the west flows James Creek and approximately 1.3km to the east flows Palmers Channel. Both waterways flow north, discharging into the Clarence River approximately 1.7km north of the site.



Figure 1: Aerial photograph of subject site

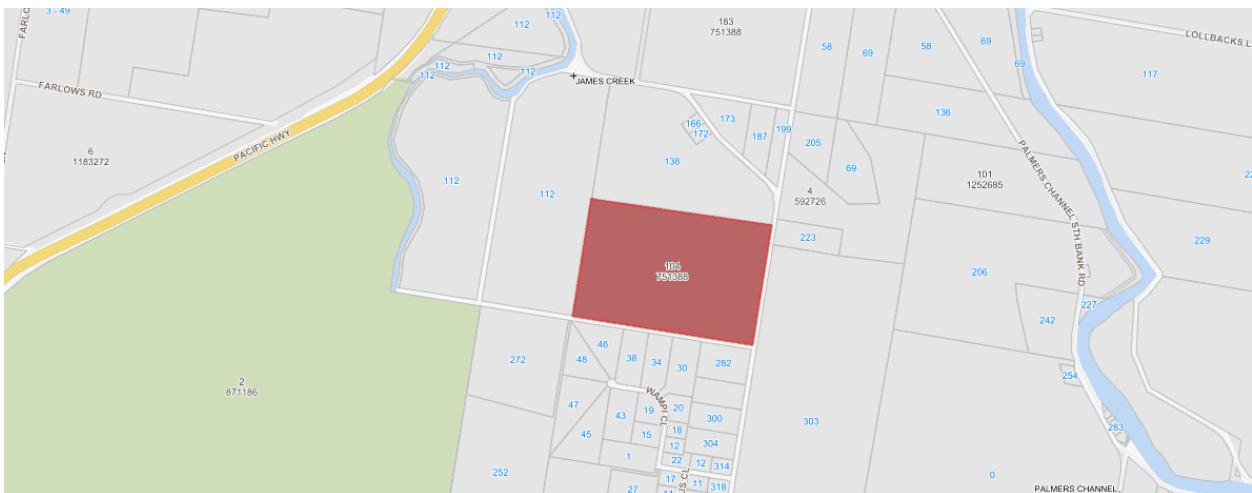


Figure 2: Locality Plan of subject site

James Creek is a small, rural locality on the north coast of NSW. The nearest townships are Maclean and Yamba, and are within 10-15 minutes' drive of the site. Grafton is the nearest larger centre, located 45 minutes' drive south west.

The site has been historically cleared and modified for agriculture, sugar cane production and cattle grazing. It is currently clear of vegetation other than grass. The crest of a small hill is located slightly to the north-west of the centre of the site. From this crest, the land falls away in all directions with slopes on the site typically in the range of 3% to 10%.



Figure 3: Context Plan

4 Proposed Development

The applicant is seeking a Development Approval for a Subdivision (327 Residential Lots, 1 Commercial Lot, Open Space (Stormwater and Recreation), and Roads).

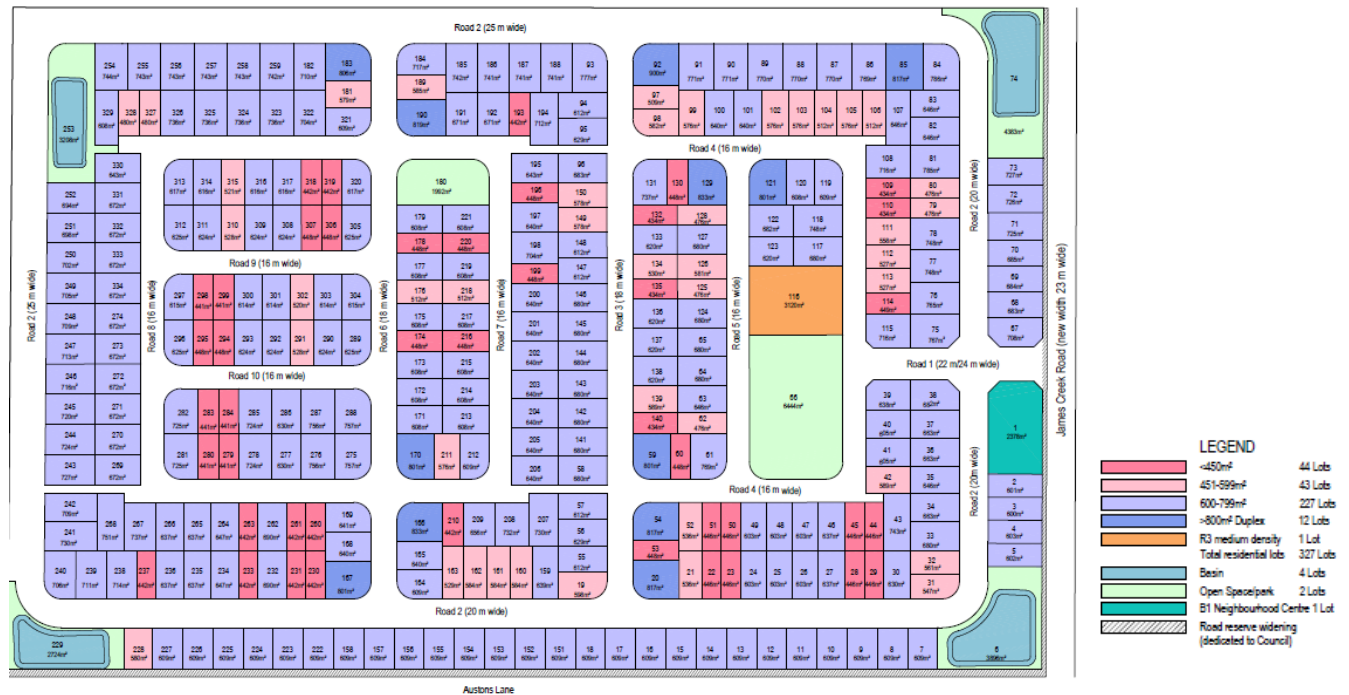


Figure 4: Proposed Subdivision Plan

4.1 Residential Subdivision (R1 and R3 Zoned Land)

The proposed subdivision, as per **Enclosure 1**, includes 327 residential allotments, and achieves an average lot size of 624m². Specifically, the proposed lot size breakdown is included in Table 3 below:

Lot size	# of Lots	%
<450m ²	44	13%
451-599m ²	43	13%
600-799m ²	227	69%
>800m ²	12	4%
Medium Density Lot	1	1%
Total	327	

Key elements of the proposed residential subdivision are outlined in detail below:

- A single-entry point to James Creek Road which is designed as a heavily landscaped entrance to the estate comprising extra width in the road alignment for the establishment of a single-entry road and two exit lanes to James Creek Road.
- A circular road and internal circulation provide a high level of internal connectivity as well as opportunities for a future bus route through the site
- The 'Salt and Peppering' of the different lot size throughout the estate has been previously agreed with Council and provides a superior mix of housing style and affordability within the estate. In several cases, smaller lots have been clustered with the intention to allow project builders to purchase a group of lots and efficiently development and construct housing product. The multi-unit site has been added in response to feedback

provided from Council in response to delivering additional density and an efficient use of the R3 zoned land on the site.

- The subdivision exceeds Council's requirement for affordable housing lots. The proposal includes 44 lots less than 450m², together with 12 duplex lots (24 homes) and a multi-unit lot (12 homes) for a total of 80 affordable housing sites in accordance with Council's policy. This represents 24% of the housing product.
- In addition to the affordable housing lots, every attempt has been made to have the majority of lots more than 600m². Specifically, 69% of the residential lots exceed 600m². The average lot size across the estate is 624m². This calculation excludes the multi-unit lot.
- All duplex product is located on a street corner to allow each unit to address a different street frontage, to allow for improved residential amenity and character to be established within the estate.
- The majority of the lots have a depth of 32-34 metres, this allows for the construction of retaining structures in the lots as required.
- Further to agreements and discussions with Council officers at the prelodgement meeting, a 5 metre wide road widening to Austons Lane is proposed which will be externally landscaped with buffer planting to provide an improved interface to the development. This land is proposed to be transferred to Council for ownership and maintenance.
- There are a smaller number of lots that have been created with an access drive off a lane way. These are Lots 42,43,44, 106, 107, 108, 329 and 330. These lots will have road frontage and high-level accessibility and allows for the creation of regular shaped parcels at the corners of roads. Where possible, the lane way has been co-located with the pedestrian connections to increase the amenity and to assist in addressing CPTED principles. An example of where this design approach has been successful is provided in the Figure 5 below.
- All proposed lots achieve a minimum lot frontage width of 14 metres.

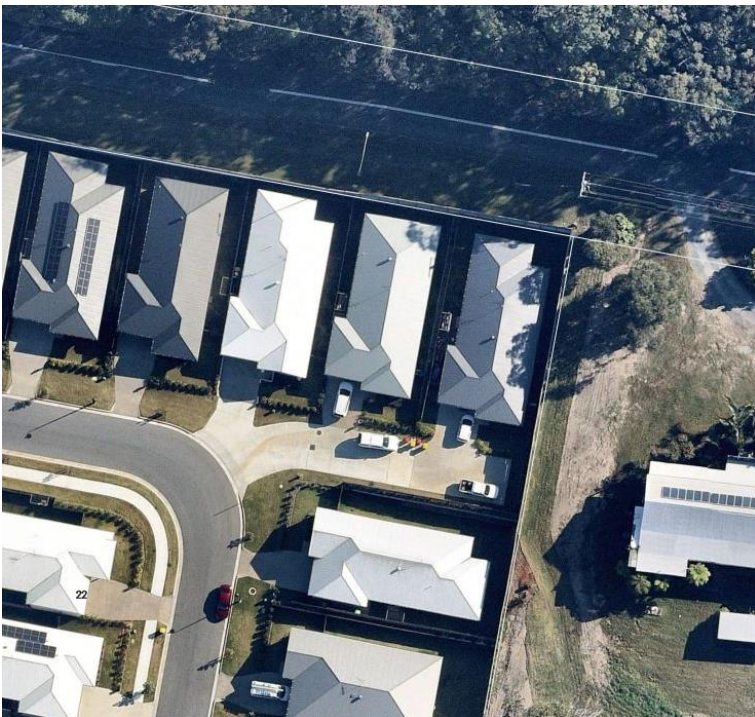


Figure 5: Lane way design example

4.2 Commercial lot (B1 Zoned Land)

Lot 1, with a site area of 2378m² is proposed as a commercial lot in response to the existing B1 Neighbourhood Centre zone land. Whilst this is not located wholly within the land zoned as B1, the lot size provides an equivalent area as demonstrated in Figure 6 below.

In accordance with Section 5.3 of the Clarence Valley LEP, the adjustment of the zone boundaries is less than 20 metres from the current zoning.

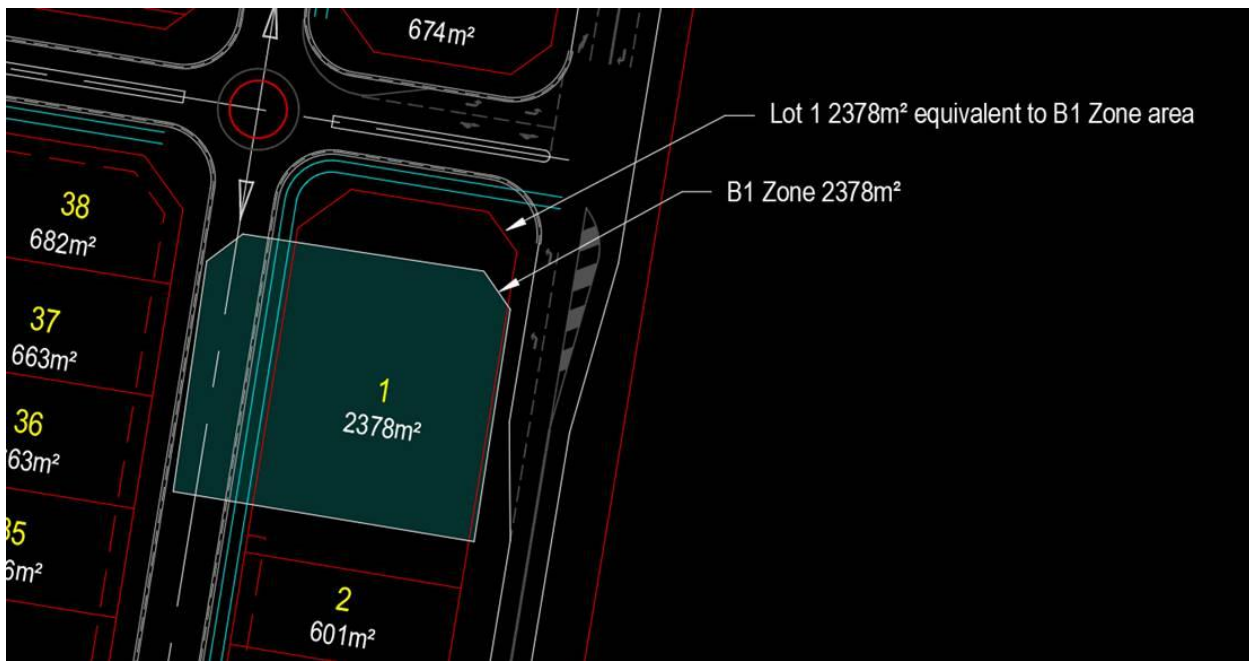


Figure 6: B1 zoning over subdivision layout and commercial lot.

4.3 Subdivision Staging

The subdivision is proposed to be delivered in 5 stages (most to have 2 or 3 sub-stages) as detailed in Table 4 below. Staging lot count includes R1, R3, B1 zones, parks and basin lots (total 334 lots).

TABLE 4: PROPOSED STAGING				
Stage	Sub-stage A	Sub-stage B	Sub-stage C	Total
Stage 1	38	28		66
Stage 2	31	33	20	84
Stage 3	37	34		71
Stage 4	39			39
Stage 5	37	37		74
Total				334

Separate stage boundaries may be adjusted as part of the detailed design of the subdivision therefore these calculations may change.

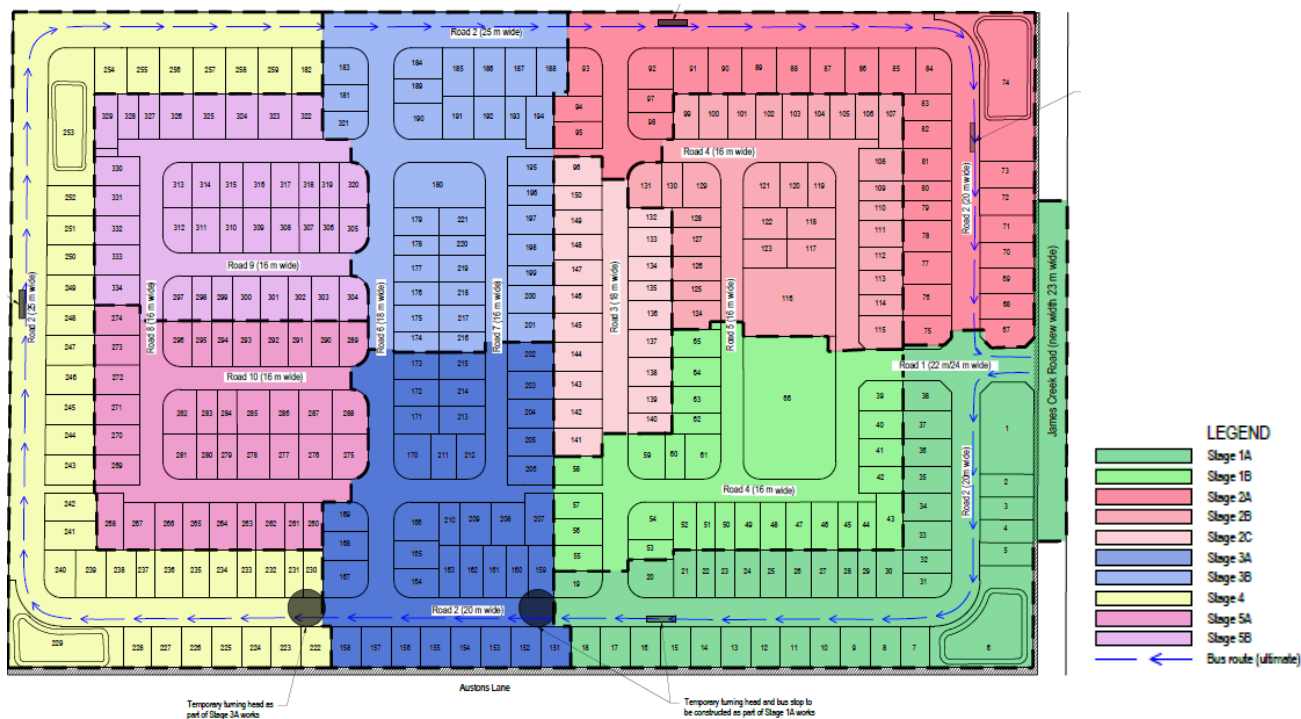


Figure 7: Proposed Subdivision Staging Plan

4.4 Open Space

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. 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.

Two (2) internal parks are proposed with area 6444m² (Village Green) and 1992m² (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.

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.

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.

Entry boulevard is also a key feature and will enhance a 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.



Figure 8: Proposed Village Green SLI

A copy of the proposed Statement of Landscape Intent is provided in **Enclosure 13**.

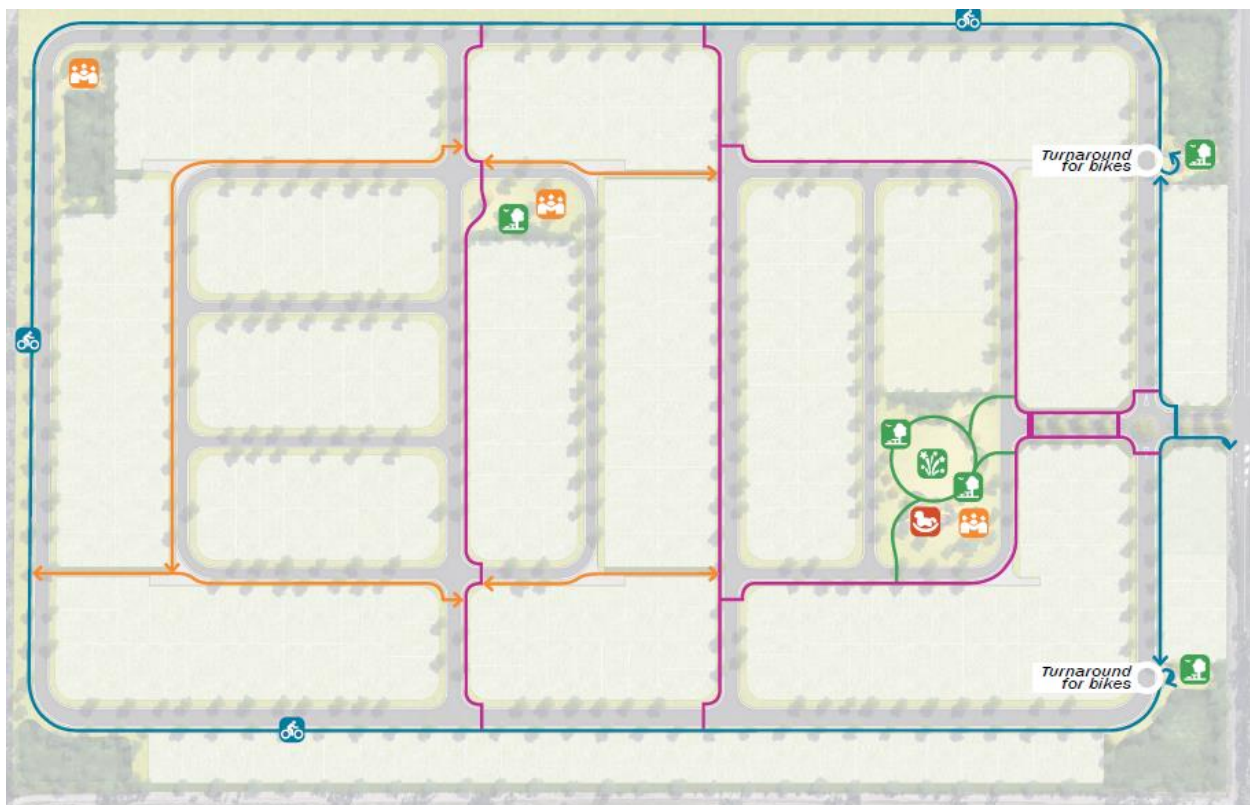
4.5 Pedestrian Connections

A series of key linear pathways are created within the proposed subdivision layout.

The northern and western boundaries comprise wider road areas (25m²) to address the visual amenity and bushfire separation requirements.

The cross section of the roads is provided in the enclosed Statement of Landscape Intent. The sections show Lots on one side of the road, a parking lane, and two trafficable lanes, with the remainder of the road cross section dedicated to open space including a two (2) metre wide linear pathway. This pathway also carries through the site along Road 2 to provide a complete circulation around the site.

The extensive pathway network will allow for connectivity throughout the development, providing the residents with a variety of safe links and opportunities to access the open space network and site in general. It will be enhanced via street tree planting providing both shade and landscape character.



Legend

- Perimeter shared path for pedestrian & bike
- Community footpath
- Link path
- Parkland path
- Community open space
- Playground
- Village green
Event lawn
- Seating & rest

Figure 9 Pedestrian Connections

A copy of the proposed Statement of Landscape Intent is provided in Enclosure 13.

4.6 Landscape Interfaces

Road widening is proposed along the southern property boundary, to provide a 5 metre landscape buffer that will be transferred to Council for on-going ownership and maintenance. Road widening for traffic purposes is proposed on the eastern frontage, on James Creek Road.

A landscape buffer is also proposed within the road reserve along the property boundaries to the north and west. The inclusion of landscape buffers ensures a suitable interface with the development and its existing surrounding properties. The proposed treatment of boundaries of the estate has occurred to address potential land use conflicts under Clause 5.16 of the Clarence Valley LEP.

We acknowledge the existing use of the surrounding properties as rural and rural residential, and whilst this clause is not strictly applicable to the subject application, the inclusion of a 12-metre landscape separation along the northern and western properties boundaries in addition to the road carriage way creates a generous separation between the residential and rural activities.

A copy of the proposed Statement of Landscape Intent is provided in **Enclosure14**.

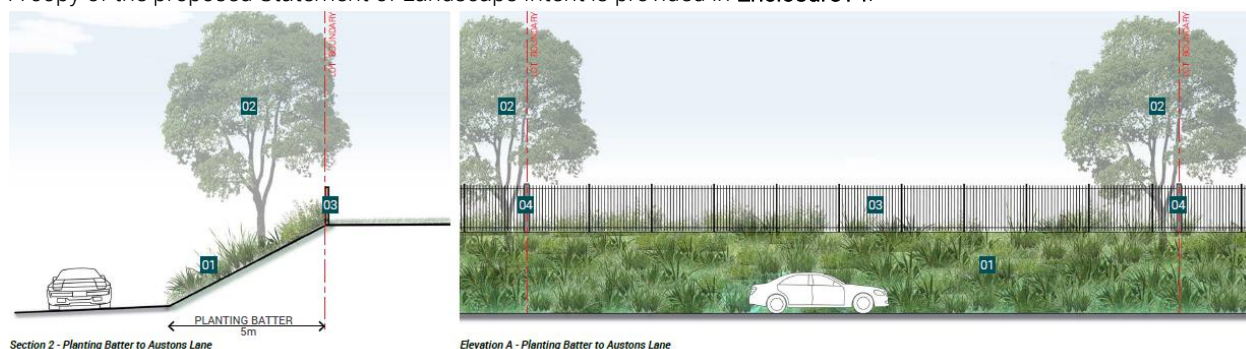


Figure 10 Sections of Landscape Interfaces

4.7 Road Network & Access

A Traffic Impact Assessment has been prepared for the proposed development, including assessment of the two intersections at either end of James Creek Road and the proposed new intersection providing access to the development on James Creek Road.

The proposed intersection will include a channelised right turn lane, a short deceleration/auxiliary left turn lane, and an acceleration lane for the left turn out of the development.

This configuration, including the proposed single-lane roundabout at the intersection of Roads 1 and 2 has been modelled using SIDRA Intersection traffic modelling software, with conservative estimates of existing and future traffic volumes. The results showed that, for a ten-year design horizon, all movements at both intersections are expected to offer the highest level of service (LOS A), with the exception of the right turn out of the development possibly dropping to LOS B under afternoon peak hour conditions.

A previous iteration of the design included two accesses into the development. However, the modelling clearly demonstrates that only one is required for traffic efficiency and fewer intersections on the main road (James Creek Road) resulting in a safer road network overall. The entry to the development has been designed with separated ingress and egress lanes, which will offer a higher level of safety in case of an emergency such as a bushfire (refer to Figure 11 and 12).

The proposed intersection on James Creek Road includes relocation of the existing speed zone signage to extend the existing 60 km/h speed zone to the north by ~200 m. The intersections at the north and south ends of James Creek Road (Yamba Road and Gardiners Road respectively) will likely require upgrades, however it is understood that such upgrades are included in Council's James Creek Urban Growth Area Road Infrastructure Plan. No further upgrades to James Creek Road are required.

The internal traffic network will be 50 km/h with all roads and road infrastructure in accordance with Council, Austroads and Australian Standards. A bus route has been determined with bus stops providing a minimum of 95% of the proposed lots with < 400 m walking distance to access a bus stop. The network also includes a shared path network, linking dwellings to the proposed parks and recreational areas. Traffic calming in the form of roundabouts at key locations will also be employed with the aim to reduce traffic speeds on the long, straight stretches of road (e.g. the east-west sections of Road 2). Priority at internal intersections will be clearly defined by signage and line marking, with consideration given to the use of painted or raised pavement thresholds.

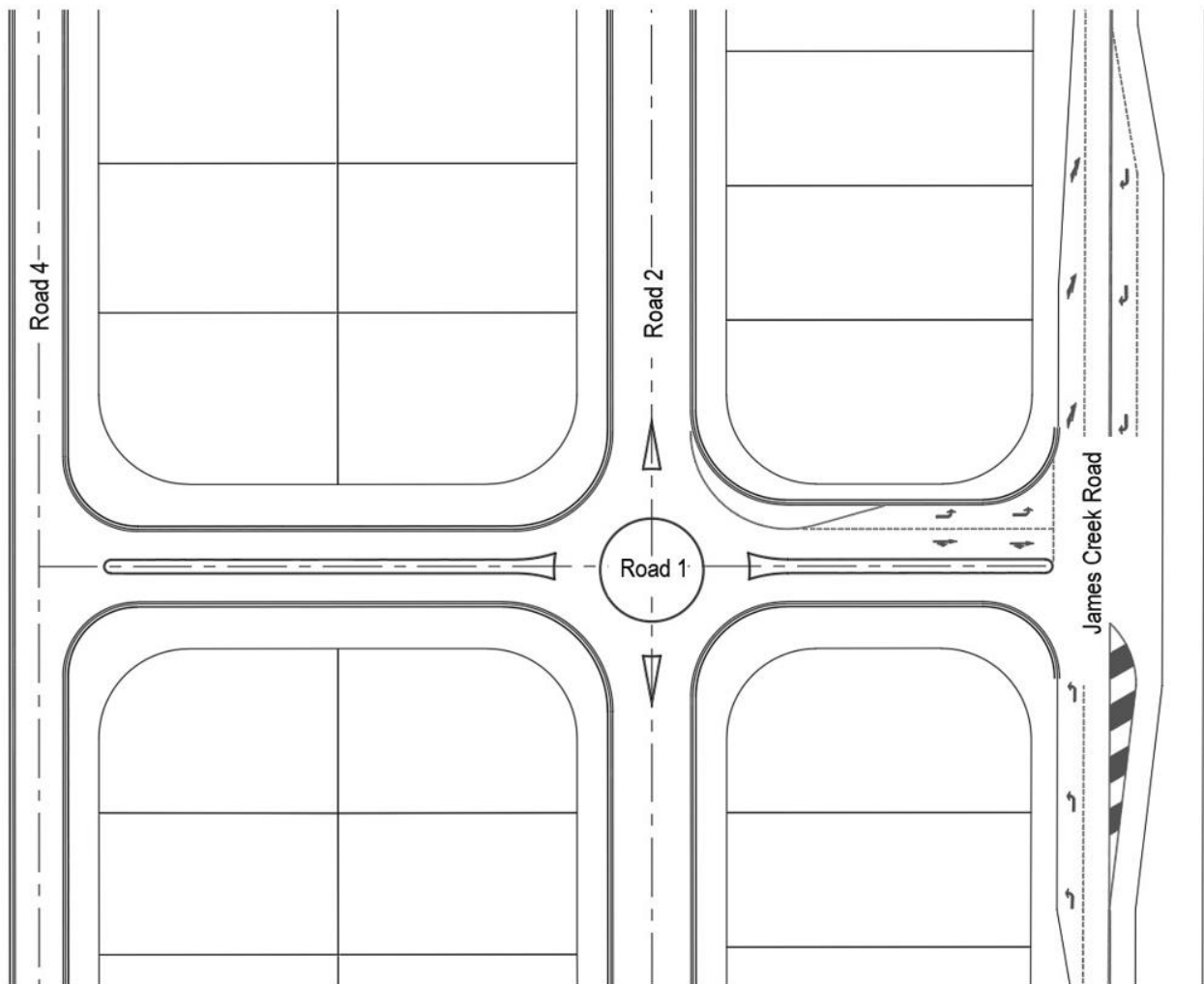


Figure 11: Entry Road Proposal Design



Figure 12: Entry Road – Statement of Landscape Intent

4.7.1 James Creek Urban Growth Area Road Infrastructure Developer Contributions Plan 2020

The Council adopted the *James Creek Urban Growth Area Road Infrastructure Developer Contributions Plan* in March 2020. This plan outlines specific sites that will ensure that adequate road infrastructure is provided to meet the demands generated by new development. The site forms part of the plan and that some works have been undertaken to date.

4.8 Stormwater Management

The subdivision proposes four (4) stormwater management areas. All these areas are intended, in addition to their stormwater function, to contain a small recreational component (e.g seating and shade) and form part of the open space circulation.

The stormwater management proposed for the development is based on the Design criteria specified in the Clarence Valley Council *Residential Zones Development Control Plan 2011 – Part H – Sustainable Water Controls*. This includes attenuating stormwater runoff from the developed site such that peak flows do not exceed pre-development peaks. The stormwater peak flow attenuation target that has been adopted is to ensure that the peak flow from the proposed development does not exceed the existing peak flow from the site for the 5, 10, 20, 50 and 100 year ARI events. With regard to stormwater quality, Clarence Valley Council has a MUSIC-link template for use with the MUSIC stormwater quality modelling software. The proposed design will meet the targets specified in the MUSIC-link template, including a 90% reduction in gross pollutants, 85% reduction in (total suspended solids and 60% reduction in total phosphorus.

The logical design response to the existing and proposed grading of the site is to manage stormwater in four catchments, with the four discharge locations being in the four corners of the site. The post-development catchments will be different to the pre-development catchments because the post-development catchment boundaries will be dictated by road and lot layouts. The intention is to provide a bioretention basin located in a drainage reserve at the outlet of each catchment. Each basin will perform the dual function of providing peak flow attenuation and treatment of stormwater. During smaller rainfall events, stormwater will temporarily pond on the surface of the basin and infiltrate down through the filter media (sandy loam soil). In larger rainfall events, stormwater will fill the basin to a greater depth (maximum depth approximately 1.2 m) and there will be outflow via low flow pipe outlets and a high flow weir. Once the rainfall ceases, the depth of water in the basin will drop to 200 mm within minutes. Assuming there is no additional inflow to the basin, the remaining 200 mm of water will drain via infiltration within several hours.

4.9 Water

A new water supply main is required to provide a suitable water supply to the development site. In order to meet the requirements calculated in accordance with the relevant standard adopted by Council, the Northern Rivers Local Government Development Design Manual Section D11, approximately 1,500 meters of DN225 PVC main is required, connecting to the recently constructed DN250 water main north of the site on James Creek Road. The connection point to this new main is approximately 1 km from the intersection with Yamba Road. Refer to Figure 10 below. The trunk water main that will be connected to the new DN250 water main runs along Yamba Road and is serviced by the Maclean 21 ML Reservoir, which is reported to have 55 m head at the connection point. This will adequately service the minimum flow and pressure requirements of the site whilst accounting for system pressure losses.

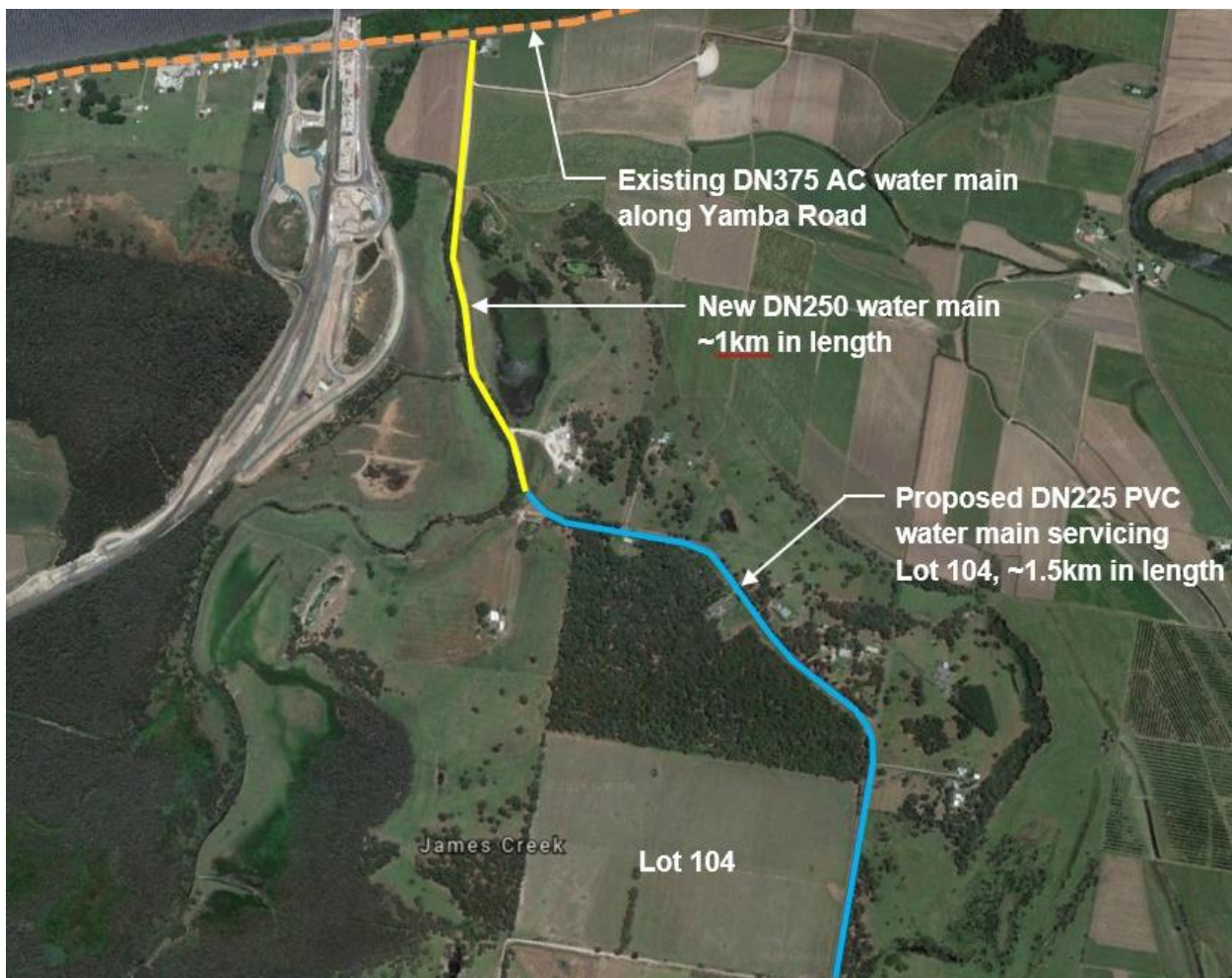


Figure 13: Water Schematic Plan

4.10 Sewer

Sewerage infrastructure is required to service the same catchment as the water supply. Due to the existing topography, capital and on-going costs and sustainability considerations, a gravity sewerage reticulation system is proposed to service the site. This will require one small sewage pumping station to be located in the southwest corner of the site, and a larger sewage pumping station at the southeast of the site. The latter will pump from the site to the nearest sewage treatment plant located in Diamond Street, Townsend, requiring a ~4.75 km DN180 PE100 SDR 11 sewerage rising main. The proposed alignment of the rising main is shown in the Figure 11 below and has been designed to accommodate the anticipated flows with an approximate 8 pump starts per hour per pump.

Council's prelodgement minutes acknowledge the option for a gravity sewer system as this proposal forms part of the application. Please refer to a copy of the Gravity Sewer Assessment prepared by Willow + Sparrow in Enclosure 3 which sets out a case supporting this proposal.



Figure 14: Sewer Schematic Plan

4.11 Change to Ground Level

The proposed development will require a moderate amount of earthworks to shape the land in order to achieve the following:

- Road grading in accordance with Council standards
- Access to lots on both side of each road
- Stormwater drainage
- Sewerage reticulation
- Lots with slopes < 5% falling towards the road

The last point above will require a number of retaining walls and earthworks within the lots to ensure each lot falls gently towards the road frontage. This is to reduce the need for services and interallotment drainage running along rear lot boundaries, and to provide a building pad suitable for slab-on-ground dwelling construction.

Retaining walls will generally be no higher than 1.5 m at rear boundaries and 1.0 m at side boundaries. Concrete sleeper walls will be used due to their structural stability, aesthetics, low maintenance requirements and minimal horizontal space requirements. Figure 15 below shows the proposed arrangement.

Cut and fill will be balanced as close as possible to avoid disposal of excess spoil or importing fill to the site, thus reducing truck movements within the surrounding road network.

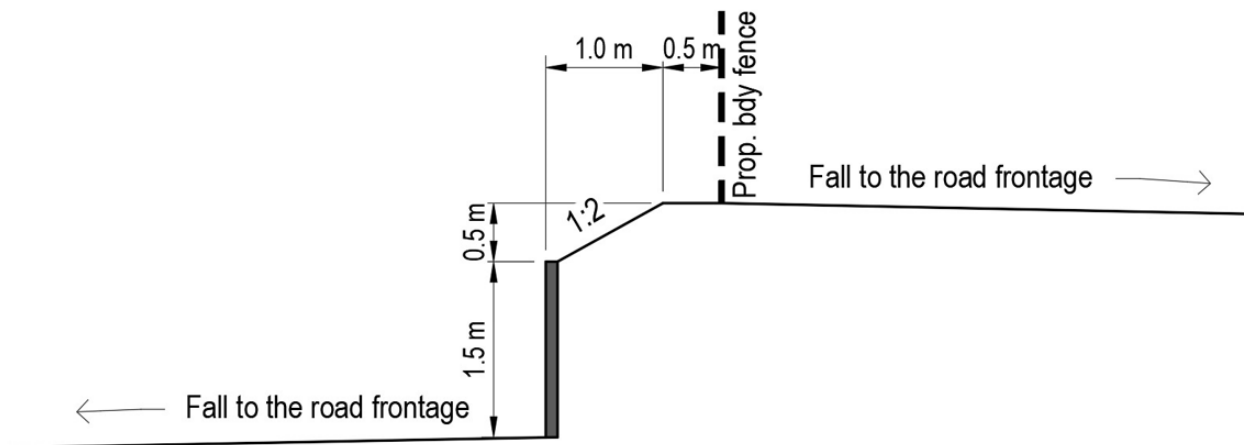


Figure 15: Retaining Wall Arrangement

5 Referrals

The following section establishes referral requirements and the Environmental Planning Instruments and Development Control Plan(s) that apply to the proposal.

5.1 Concurrence

The proposal does not trigger any of the Concurrence requirements listed in the CV LEP or other Environmental Planning Instrument.

5.2 Integrated Development

The proposal is not integrated development for the purposes of Council's assessment. A table has been prepared below detailing each relevant Act, and explaining why the application is not referred.

Act	Provision	Approval	Comment
<i>Coal Mine Subsidence Compensation Act 2017</i>	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	N/A – The site is not in a Mine Subsidence District.
<i>Fisheries Management Act 1994</i>	s 144	aquaculture permit	N/A – The proposal does not seek consent for Aquaculture.
	s 201	permit to carry out dredging or reclamation work	N/A – The proposal does not include dredging or reclamation work.
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	N/A – The proposal does not seek to remove, damage or destroy marine vegetation.
	s 219	permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	N/A – The proposal does not include any form of obstruction across or within a bay, inlet, river or creek, or across a flat.
<i>Heritage Act 1977</i>	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	N/A – The site does not contain an item listed on the State Heritage Register.
<i>Mining Act 1992</i>	ss 63, 64	grant of mining lease	N/A – The proposal does not seek mining lease.
<i>National Parks and Wildlife Act 1974</i>	s 90	grant of Aboriginal heritage impact permit	N/A – AHIMS search has not

			revealed any known Aboriginal Heritage items onsite, refer Enclosure 15 .
<i>Petroleum (Onshore) Act 1991</i>	s 16	grant of production le	N/A – The proposal does not seek a petroleum production lease.
<i>Protection of the Environment Operations Act 1997</i>	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	N/A – The proposal does not trigger the requirement for an Environmental Protection Licence.
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	N/A – The proposal does not trigger the requirement for an Environmental Protection Licence.
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	N/A – The proposal does not trigger the requirement for an Environmental Protection Licence.
<i>Roads Act 1993</i>	s 138	consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	N/A – Clarence Valley Council is the Road’s authority. Integrated Roads Act approval is not required.
<i>Rural Fires Act 1997</i>	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A – The site is not mapped as bushfire prone land. Refer to Copy of Bushfire Assessment in Enclosure 5.
<i>Water Management Act 2000</i>	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	N/A – The proposal does not require referral to the NSW Office of Water (refer to additional justification in section 5.2.1 below).

5.2.1 Water Management Act 2000

It has been identified that the locality contains two (2) streams on neighbouring land to the east but within 40 metres of

the subject property.

Pursuant to the Water Management Act 2000, land within 40 metre of a stream is classified as waterfront land and the carrying of works on that land are "controlled activities". Examples of controlled activities include cut and fill works; construction of stormwater outlets; and laying pipes and cables.

The Water Management (General) Regulation 2018, Schedule 4 Exemptions (Clause 31) includes:

Controlled activities on certain waterfront land

Any controlled activity that is carried out on waterfront land in relation to a minor stream or third order stream, where the activity is separated from the bed of the minor stream or third order stream by one or more of the following that has been lawfully constructed—

- (a) a public road,*
- (b) a hard stand space (such as a car park or building),*
- (c) a levee bank, but only if the levee bank is in an urban area, was the subject of a development consent under the [Environmental Planning and Assessment Act 1979](#) and is located within a designated high risk flood area (within the meaning of clause 45 of this regulation).*

Under the Regulation, a minor stream means:

- (a) any stream or part of a stream—*
 - (i) the location of which is specified in the hydroline spatial data, and*
 - (ii) that is identified as a first or second order stream, or part of such a stream, as determined in accordance with the system set out in Schedule 2, and*
 - (iii) that does not maintain a permanent flow of water, being a visible flow that occurs on a continuous basis, or would so occur if there were no artificial abstractions of water or obstruction of flows upstream, and*
 - (iv) that does not at any time carry flows emanating from a third or higher order stream as determined in accordance with the system set out in Schedule 2, or*
 - (b) any stream or part of a stream the location of which is not specified in the hydroline spatial data.*
- For the purposes of paragraphs (a)(i) and (b), a stream is specified in the hydroline spatial data if it is identified as a watercourse (however described) in accordance with the legend or terms of that data.*

The consequence of the proposed development is described as follows (refer to Figure 16 below):

1. The stream (stream 1 as identified in Figure 16) to the north-east within 40 metres of the subject property is a first order stream, however is separated from the property by James Creek Road (public road); and
2. The stream (stream 2 as identified in Figure 16) to the south-east is separated from the property by James Creek Road and Austons Lane.

The site is separated from the streams by a public road in both circumstances. Therefore, the proposed development is not a controlled action.

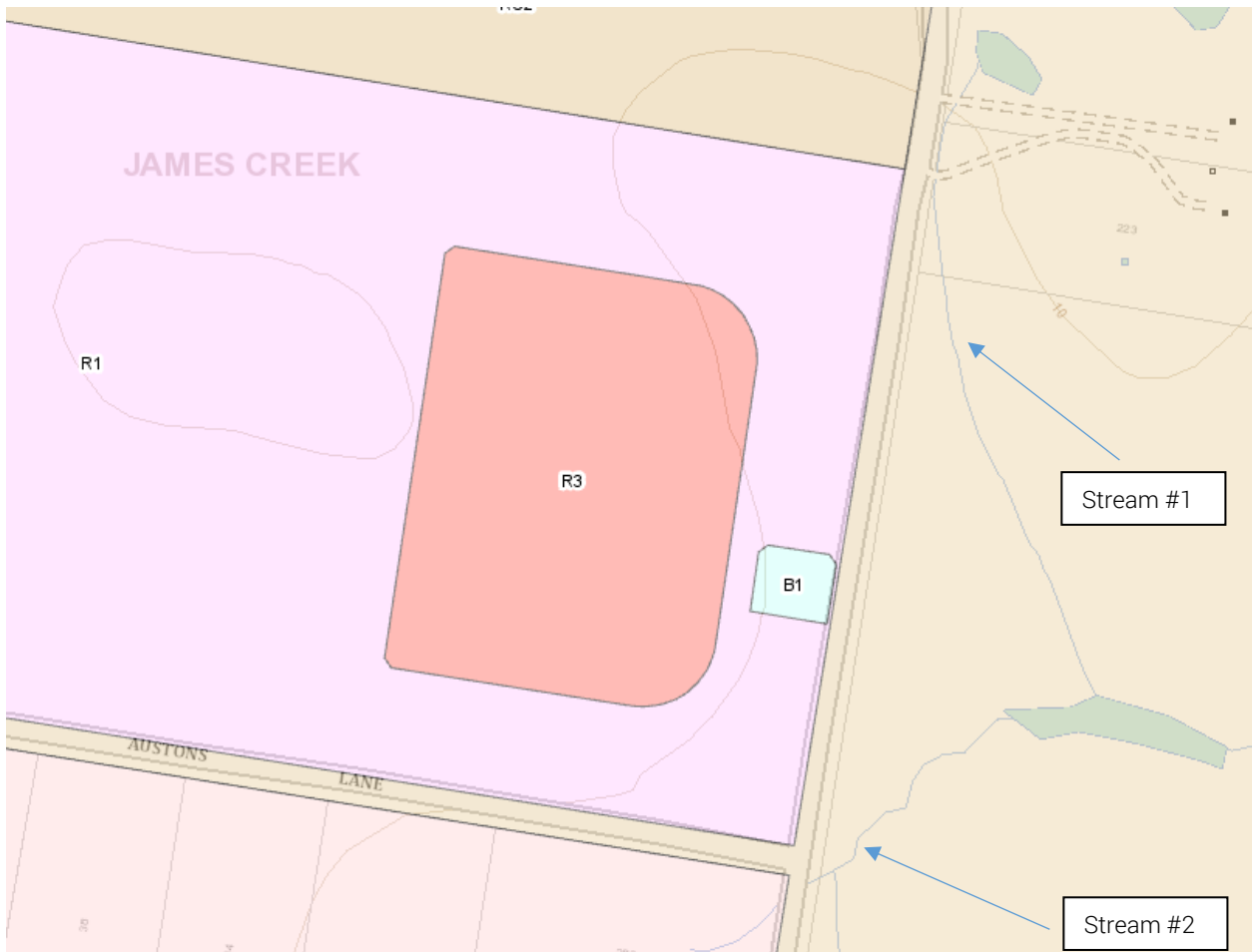


Figure 16: Overlay Map identifying streams on adjoining properties

6 Matters for Consideration

The proposed development is being assessed under the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposed development has been prepared and will be determined under Part 4 of the EP&A Act with Clarence Valley Council being the consent authority.

Section 4.15 of the EP&A Act outlines the matters for consideration for development applications prepared under Part 4. These are identified as follows:

Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

The following assessment is provided against these matters.

6.1 State Environmental Planning Instruments

The following four (4) SEPPs apply to the subject site:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Vegetation in a Non-Rural Area)
- State Environmental Planning Policy No.55 (Remediation of Land)
- State Environmental Planning Policy (Koala Habitat Protection) 2021
- State Environmental Planning Policy (State and Regional Development) 2011

Assessment against the above SEPPs is provided in detail below.

6.1.1 State Environmental Planning Policy (Infrastructure) 2007

The objective of this policy is to facilitate the effective delivery of infrastructure across NSW. The policy includes specific planning provisions and development controls for 25 types of infrastructure works or facilities. The proposed infrastructure works are required as part of the future delivery of the subdivision and therefore the development controls within the SEPP are applicable:

- Roads and traffic (Division 17)
- Sewerage systems (Division 18)
- Stormwater management systems (Division 20)

- Water supply system (Division 24)

All of these activities are permitted development with consent and therefore form part of the subject application.

6.1.2 State Environmental Planning Policy (Vegetation in a Non-Rural Area)

All engineering for the subdivision is covered under the dominant development form of subdivision, that is permitted with consent and subject to requirements detailed in the CVC LEP and DCP. All vegetation clearing, roads and services are considered part of the subdivision in accordance with the principle of development characterisation.

6.1.3 State Environmental Planning Policy 55 (Remediation of Land)

The State Environmental Planning Policy 55 (Remediation of Land) seeks to provide a Statewide planning approach to the remediation of contaminated land. This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment –

- by specifying when consent is required, and when it is not required, for a remediation work, and*
- by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
- by requiring that a remediation work meet certain standards and notification requirements.*

The considerations of this SEP have been addressed within the Contaminated Land Assessment (2011) prepared by EAL with the rezoning of land application of the subject site (refer to Enclosure 10). A further review of this report was prepared by Geolink as attached to accompany a subdivision of land (refer to Enclosure 11).

6.1.4 State Environmental Planning Policy (Koala Habitat Protection) 2021

The State Environmental Planning Policy (Koala Habitat Protection) 2021 was made and commenced on 17 March 2021. The Koala SEPP 2021 reinstates the policy framework of SEPP Koala Habitat Protection 2019 to 83 Local Government Areas (LGA) in NSW. At this stage:

- In nine of these LGAs – Metropolitan Sydney (Blue Mountains, Campbelltown, Hawkesbury, Ku- Ring-Gai, Liverpool, Northern Beaches, Hornsby, Wollondilly) and the Central Coast LGA – Koala SEPP 2021 applies to all zones.
- In all other identified LGAs, Koala SEPP 2021 does not apply to land zoned RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry. For all RU1, RU2 and RU3 zoned land outside of the Sydney Metropolitan Area and the Central Coast, Koala SEPP 2020 continues to apply.

As noted, the site has multiple zonings under the Clarence Valley Local Environment Plan 2011 (Zone B1 Neighbourhood Centre, Zone R1 General Residential, Zone R3 Medium Density Residential). On the basis of the zonings the Koala SEPP 2021 applies to the proposal. A detailed assessment of this SEPP has been provided within the Biodiversity Assessment Report prepared by Geolink (refer to Enclosure 6).

6.1.5 SEPP (State and Regional Development) 2011

SEPP (State & Regional Development) 2011 applies to the State of NSW. The SEPP identifies development that is considered either State Significant or Regional Development.

Schedule 7 of the SEPP outlines development for which a Regional Planning Panel (RPP) exercises consent authority functions of Council. The following table provides assessment against the schedule:

Schedule 7 Clause	Schedule 7 Trigger	Response
-------------------	--------------------	----------

Clause 2: General development over \$30 million	Development that has a capital investment value of more than \$30 million.	The proposed development will have a capital investment estimate of \$38 million (refer to Enclosure 7)
Clause 3: Council related development over \$5 million	Development that has a capital investment value of more than \$5 million if: (a) a council for the area in which the development is to be carried out is the applicant for development consent, or (b) the council is the owner of any land on which the development is to be carried out, or (c) the development is to be carried out by the council, or (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).	The proposed development is not a Council-related development with a capital investment value of more than \$5 million.
Clause 4: Crown development over \$5 million	Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million.	The development is not being carried out by or on behalf on the crown.
Clause 5: Private infrastructure and community facilities over \$5 million	Development that has a capital investment value of more than \$5 million for any of the following purposes: (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities, (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship	The proposal does not seek consent for any of the listed land uses or exceed capital investment of more than \$5 million.

Clause 6: Eco-tourist facilities over \$5 million	Development for the purpose of eco-tourist facilities that has a capital investment value of more than \$5 million	The proposal does not seek consent for an eco-tourist facility.
Clause 7: Particular designated development	Development for the purposes of: (a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000, or (b) marinas or other related land and water shoreline facilities, which meet the requirements for designated development under clause 23 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000, or (c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.	The proposal does not seek consent for extractive industries, marinas or waste management facilities that meet the requirement for designated development.
Clause 8: Coastal subdivision	Development within the coastal zone for the purposes of subdivision of the following kind: (a) subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system, (b) subdivision of land for residential purposes into more than 100 lots, if the land: (i) is not in the metropolitan coastal zone, or (ii) is wholly or partly in a sensitive coastal location, (c) subdivision of land for rural-residential purposes into more than 25 lots, if the land: (i) is not in the metropolitan coastal zone, or (ii) is wholly or partly in a sensitive coastal location.	The development is not situated within the coastal zone.
Clause 9: Development subject to delays in determination	Development that has a capital investment value of more than \$10 million but less than \$30 million: (a) for which a development application to the relevant council has been lodged but not determined within 120	The Development that has a capital investment value of more \$30 million as per Clause 1.

	<p>days after the application was lodged, and</p> <p>(b) that is the subject of a written request to that council by the applicant for the application to be dealt with by a regional panel, unless the chairperson of the regional panel concerned determines that the delay in determining the development application was caused by the applicant.</p>	
<p>Clause 10: Development in council areas where development assessment unsatisfactory</p>	<p>1) Development within the area of a particular council for particular purposes designated by the Minister by order published on the NSW legislation website.</p> <p>2) Such an order cannot be made unless the Minister is satisfied that the performance of the council concerned in dealing with development matters has not met applicable performance criteria.</p>	<p>Given this involves a new application this clause is not applicable.</p>

Clarence Valley Council is the consent authority for the proposal, however as per the above assessment, given the capital investment value (CIV) is over \$30 million (excluding GST), the Northern Regional Planning Panel will be the determining authority.

6.2 Local Environment Plans

Clarence Valley Local Environmental Plan 2011 ('CVLEP') provides the local environmental planning provisions for land in Clarence Valley in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act. Pursuant to Section 2.6 of the CVLEP, *'land to which this Plan applies may be subdivided, but only with development consent.'*

Pursuant to the CVLEP (and Figure 17 below), the subject site is situated within the:

- R3 - Medium Density Residential Zone;
- R1 - General Residential Zone; and
- B1 – Neighbourhood Centre Zone.

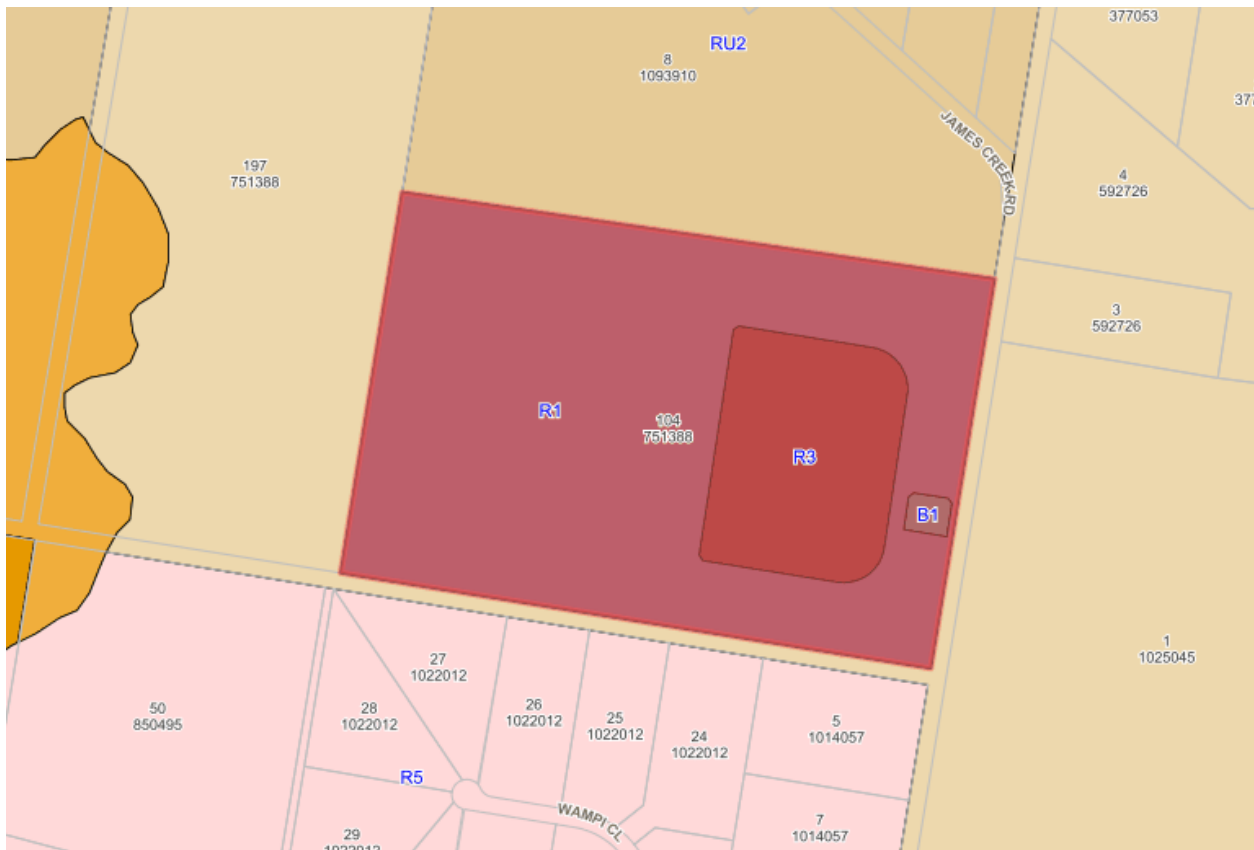


Figure 17: Zoning Map subject site.

The objective of the R3 – Medium Density Residential Zone is to:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable serviced apartments while maintaining the medium density residential character and amenity of a locality.

Applicant's comments in response to the objectives of the R3 Zoning Designation:

The proposed subdivision and mix of lot sizes provides for housing needs within the community to meeting the R3 designation. Specifically, the proposal includes 44 lots less than 450m², together with 12 duplex lots (24 homes) and a multi-unit lot (12 homes) for a total of 80 affordable housing sites in accordance with Council's policy. This represents 24% of the housing product within the subdivision. The small lots have been scattered throughout the development to achieve a salt and peppered approach to assist in delivering an overall subdivision pattern that meets housing needs but also the existing community expectations. Facilities including the open space and pedestrian networks, and the inclusion of a commercial lot at the entrance of the site assists in meeting the day to day needs of future residents. Whilst the R3 type lots are not consolidated within the boundaries of the R3 zoning, the development still accommodates this type of housing across the site. The multi-unit site however has been located within the R3 zoning, next to the open space area to provide an appropriate level of residential amenity and outlooks for the multi-unit style development that may be delivered on this lot in the future.

The objective of the R1 – General Residential Zones is to:

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

Applicant's comments in response to the objectives of the R1 Zoning Designation:

The proposed subdivision provides a diversity of housing choice and lot sizes for future residents, with the subdivision achieving an overall average lot size of 624m². The development addresses a housing need and provides appropriate

services, including open space, and pedestrian connections as well as opportunities for future commercial offering to serve the needs of the future residents.

The objective of B1 – Neighbourhood Centre Zone is to:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To reinforce the neighbourhood centres of Coutts Crossing, Glenreagh, Lawrence and Ulmarra as the locations for commercial premises.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To enable other land uses that are compatible with and do not detract from the viability of retail, business and community uses within the zone.

Applicant's comments in response to the objectives of the B1 Zoning Designation:

The proposed subdivision includes Lot 1, with a site area of 2378m² is proposed as a commercial lot in response to the existing B1 Neighbourhood Centre zone land on the subject site. Whilst this is not located wholly within the land zoned as B1, the lot size provides an equivalent area, and ensures the future use of this land is compatible and does not detract from surrounding residential amenity, or viability of other commercial precincts. In accordance with Section 5.3 of the Clarence Valley LEP, the adjustment of the zone boundaries is less than 20 metres from the current zoning. Lot 1 provides a future opportunity for all-scale retail, business and community uses to be established within the residential estate to serve the needs of people who live or work in the surrounding neighbourhood.

The below sections outline what we believe are the applicable Clauses to be considered as part of the DA made to Council, and an assessment against each provision in the context of the subject proposal.

LEP Part	Applicable Provision	Applicant Response
Principal Development Standards (Part 4)	4.1 Minimum subdivision lot size	The proposed minimum lot size within the subdivision is 434m ² . The subdivision achieves an average lot size of 624m ² .
Miscellaneous Provisions (Part 5)	5.11 Bush fire hazard reduction	Refer to detail within the Bushfire Hazard Assessment in Enclosure 5.
	5.1.16 Rural zone land conflict	Significant consideration has been given to the treatment of the property interfaces and associated treatment to ensure the relevant planning considerations are suitably addressed. A 12 metre landscaped area is proposed along the northern and western property interfaces (specifically given the above commentary provided with respect to the rural land use conflicts under Clause 5.1.16 of the Clarence Valley LEP) In the case of the lots North of Austons lane, a five (5) metre wide landscape buffer is proposed to be dedicated to Council (and form part of the existing Austons Lane) road reserve.
Additional Local Provisions (Part 7)	Acid Sulphate Soils	The subject site is identified as Class 5 Acid Sulphate Soils (being Acid Sulphate Soils not typically found on sites mapped as Class 5). As identified within the Contaminated Land Report prepared by Geolink (refer to Enclosure 11), Acid Sulfate Soil Management Plan will be developed following testing on site, to manage any potential or actual acid sulfate soils that may be

		encountered prior to the commencement of works on site.
	Earthworks	<p>The engineering documentation accompany this application considers the requirements for earthworks as per the CV LEP and demonstrates that the proposed development and earthworks will not result in the disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, the effect of the proposed development on the likely future use or redevelopment of the land (for residential subdivision), the quality of the fill or the soil to be excavated, or both, the effect of the proposed development on the existing and likely amenity of adjoining properties, the source of any fill material and the destination of any excavated material, the likelihood of disturbing relics, the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>Refer to associated technical attachments for details of how these matters have been addressed.</p>

Part 6 – Urban Release areas since the change to zoning of the land under recent approvals has considered the housing development needs as required by the State, and therefore is not required to be addressed as part of the subject application.

6.2.1 North Coast Regional Plan 2036

The North Coast Regional Plan 2036 is the regions blueprint for the next two decades that reflects community and stakeholder aspirations and opportunities from leveraging the North Coast's position between two of the fastest growing population corridors in the nation. In the context of Clarence Valley, the North Coast Regional Plan 2036 has the following regional priorities:

- Foster stronger strategic relationships with Coffs Harbour in relation to employment land delivery.
- Develop Grafton's role as a transport hub by leveraging opportunities associated with regional road and rail freight corridors and infrastructure investment.
- Support the growth and diversification of the shire's agricultural base by leveraging the strength of sugar cane and cattle production to encourage new opportunities for agribusiness and associated manufacturing and transport.
- Identify opportunities to expand nature-based, adventure and cultural tourism by leveraging Clarence Valley's natural and heritage assets.

In the context of housing, the Regional Plan prioritises delivering housing in Grafton, Clarenza, James Creek, Junction Hill and West Yamba to support population growth. The subject site itself was identified as a 'future urban release area' in the *North Coast Regional Plan 2036*.

The site as a consequence of the Regional plan rezoning is reflective of this strategy's intent for the site. The primary purpose of the Regional Strategy is to ensure that adequate land is available and appropriately located to accommodate the project housing and employment needs of the Region's population over the next 25 years.

6.2.2 Clarence Valley Council Affordable Housing Policy

The CV Council Affordable Housing Policy was adopted by Council on 20 October 2015. The focus of the policy is to require, through planning mechanisms, that new large-scale development provide appropriate housing stock that is more likely to be affordable and appropriate to the future demographic needs of the Clarence Valley Local Government Area.

Development Control Plans (DCP) provide a mechanism for addressing affordable housing at a local level and the CVC Affordable Housing Policy requires 10% of residential lots in a subdivision of 10 or more lots to be classified as affordable, defined as 450m². The proposal includes 44 lots less than 450m², together with 12 duplex lots (24 homes), and a multi-unit lot (6 homes) for a total of 74 affordable housing sites in accordance with Council's policy. This represents 24% of the housing product. The proposal complies with the policy.

6.3 Development Control Plans

The Clarence Valley Development Control Plans (DCPs) applies to the subject site and guides future development within the area. The following DCPs apply to land within residential zones, and will be applicable to the proposed subdivision:

Part C – General Development Controls for Residential Zones

Clause	Requirement	Applicant response																																																		
C3 – Site assessment requirements	<p>The site assessment should be included as part of the development application. The site assessment should consider the existing characteristics, opportunities and constraints of the site and the surrounding area, which should form the basis for site layout and building design. The site assessment should identify;</p> <p>(a) topography and slope. (b) drainage pattern. (c) existing vegetation. (d) aspect and prevailing winds. (e) location of all services (f) views (to and from the site). (g) existing buildings (structures) on the site and adjoining land. (h) heritage and archaeological features. (i) access (pedestrian and vehicular). (j) contaminated soils. (k) easements.</p>	<p>The documentation prepared by GeoLink and Place Design Group as part of the application material considers the site assessment matters relevant to the proposed subdivision including:</p> <ul style="list-style-type: none">- topography and slope.- drainage pattern.- existing vegetation- location of all services- views (to and from the site)- access (pedestrian and vehicular)- contaminated soils.- easements. <p>Please refer to detail within the relevant enclosures.</p> <p>It is therefore considered that compliance with C3 of the DCPs is achieved.</p>																																																		
C8 – Different types of residential development	<p>TABLE C1</p> <table><tr><th>Permitted with consent</th><th>R1 General</th><th>R2 Low Density</th><th>R3 Medium Density</th><th>R5 Large Lot</th></tr><tr><td>Attached dwelling</td><td>✓</td><td>X</td><td>✓</td><td>X</td></tr><tr><td>Dual occupancy</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Dwelling house</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Multi dwelling housing</td><td>✓</td><td>X</td><td>✓</td><td>X</td></tr><tr><td>Residential flat building</td><td>✓</td><td>X</td><td>✓</td><td>X</td></tr><tr><td>Secondary dwelling</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Semi detached dwelling</td><td>✓</td><td>✓</td><td>✓</td><td>X</td></tr><tr><td>Seniors housing</td><td>✓</td><td>✓</td><td>✓</td><td>X</td></tr><tr><td>Serviced apartment</td><td>✓</td><td>X</td><td>✓</td><td>X</td></tr></table>	Permitted with consent	R1 General	R2 Low Density	R3 Medium Density	R5 Large Lot	Attached dwelling	✓	X	✓	X	Dual occupancy	✓	✓	✓	✓	Dwelling house	✓	✓	✓	✓	Multi dwelling housing	✓	X	✓	X	Residential flat building	✓	X	✓	X	Secondary dwelling	✓	✓	✓	✓	Semi detached dwelling	✓	✓	✓	X	Seniors housing	✓	✓	✓	X	Serviced apartment	✓	X	✓	X	<p>The proposed residential subdivision is situated within the R1 and R3 zones and accommodates residential types as per Table 1 including lot sizes that provide opportunities for attached dwellings, dual occupancies, dwelling house, multi-unit, residential flat, secondary dwelling, semi-detached dwelling, senior housing and serviced attachments in the future.</p> <p>It is therefore considered that compliance with C8 of the DCPs is achieved.</p>
Permitted with consent	R1 General	R2 Low Density	R3 Medium Density	R5 Large Lot																																																
Attached dwelling	✓	X	✓	X																																																
Dual occupancy	✓	✓	✓	✓																																																
Dwelling house	✓	✓	✓	✓																																																
Multi dwelling housing	✓	X	✓	X																																																
Residential flat building	✓	X	✓	X																																																
Secondary dwelling	✓	✓	✓	✓																																																
Semi detached dwelling	✓	✓	✓	X																																																
Seniors housing	✓	✓	✓	X																																																
Serviced apartment	✓	X	✓	X																																																

<p>C9 – Minimum site area for dwelling houses</p> <ul style="list-style-type: none"> C9.1 – R1 General Residential, R2 Low Density and R3 Medium Density zones 	<p>In the R1 General Residential, R2 Low Density and R3 Medium Density zones a minimum site area of 400 m² for dwelling houses applies.</p> <p>Within this area it must be possible to fit a rectangle suitable for building measuring 10 metres by 15 metres behind the building line. For lots less than 560m² special requirements apply to development applications for subdivision. See clause J8 Subdivision Requirements for lots less than 560m².</p>	<p>All lots within the proposed subdivision exceed 400m² and are capable of accommodating building envelopes as required by C9. The attached building envelopment plan in Enclosure 8 shows that a rectangle for a building measuring 10 metres by 15 metres behind the building line is achievable.</p> <p>It is therefore considered that compliance with C9 of the DCPs is achieved.</p>
<p>C10 – Minimum site area for dual occupancies and semi-detached dwellings in R1, R2 and R3 zones</p> <ul style="list-style-type: none"> C10.1 – R1 General Residential, R2 Low Density and R3 Medium Density zones 	<p>The minimum site area for dual occupancies and semi-detached dwellings in the R1, R2 and R3 zones are as follows: In the R1 General Residential and R2 Low Density Residential zone:</p> <ul style="list-style-type: none"> ♣ 600m² in Grafton and South Grafton ♣ 800m² in unsewered localities. ♣ 800m² in Angourie, Iluka, Maclean, Townsend, Wooloweyah and Yamba <p>In the R3 Medium Density Residential zone:</p> <ul style="list-style-type: none"> ♣ 500m² in Grafton and South Grafton. ♣ No minimum site area applies in Angourie, Iluka, Maclean, Townsend and Yamba. 	<p>All lots proposed for dual occupancies have a minimum site area of 800m² as per the requirements of C10 of the DCPs.</p> <p>It is therefore considered that compliance with C10 of the DCPs is achieved.</p>
<p>C19 – Landscaped Area Requirements in R1, R2 and R3 zones</p> <ul style="list-style-type: none"> C19.1 – R1 and R2 (45% landscaping) C19.2 – R3 (35% landscaping) C19.3 – all zones 	<p>All development on land in the R1 and R2 Low Density Residential zone must have a minimum of 45% of the site area as landscaped area, unless a landscaped area requirement is identified in another clause of this DCP. C19.2.</p> <p>All development on land in the R3 Medium Density Residential zone must have a minimum of 35% of the site area is landscaped area. C19.3. A Development Application must clearly indicate the area designed to meet the landscaped area requirements. Dimensions must be shown on the plans.</p>	<p>The attached building envelopment plan in Enclosure 8 demonstrates that 45% of landscaping can be achieved on the proposed lots within the R1 zoned land, with an area less than 450m².</p>
<p>C22 – Landscaping</p>	<p>Concept Landscaping Plans are to contain the following information: (i) Lot boundaries, dimensions and area; (ii) North point and appropriate scale (e.g. 1:100 or 1:200); (iii) Legend; (iv) Date, version and draftsman's name; (v) Location of any utility infrastructure and easements; (vi) Indicative planting areas (indicated as trees, shrubs, groundcovers) and indicative plant species; (vii) Calculation of landscaped area, demonstrating compliance with any minimum landscaped area required by clause C19; (viii) Fencing, retaining walls and other structures; (ix) Location and botanical</p>	<p>A concept landscaping plan has been submitted with the proposed subdivision application that contains the information as required under C22 of the DCP (refer to Enclosure 13).</p>

	name of any existing trees that are to be retained as well as any existing trees that are to be removed.	
C24 – Provision of Essential Services	<p>Council is satisfied that all essential utility infrastructure is available or adequate arrangements have been made for:</p> <ul style="list-style-type: none"> - Supply of water - Disposal and management of sewerage - Supply of electricity - Provision of suitable road access - Stormwater management - Telecommunications - Street lights. 	Refer to details with technical reports attached to this application to demonstrate compliance with C24.

Part H – Sustainable Water Controls for Residential Zones

A copy of the Stormwater Management Report addresses the considerations of the Sustainable Water Controls for Residential Zones (refer to Enclosure 12).

Part I – Erosion and Sediment Control

Erosion and sediment control drawings layout are prepared and provided in Enclosure 1.

PART J – Subdivision and Engineering Controls

Clause	Requirement	Applicant response
J6 – Road network / street pattern	<p>Relevant road widths are:</p> <ul style="list-style-type: none"> - Access street: 6m carriageway, 14m road reserve - Local street: 7-9m carriageway, 15-17m road reserve - Collector street: 11m carriage way, 18m roadway reserve - Distributor road: 13m carriage way, 20m road reserve 	<p>The proposed subdivision includes the following road widths across the development:</p> <ul style="list-style-type: none"> - Local streets: 7m carriageway, 16m reserve (roads 4,5,7, 8, 9 and 10) - Collector streets: 9m carriageway, 18m reserve (roads 3,6,) - Distributor roads: 11m carriage way, minimum 20m reserve (roads 1,2).
J7 – Lot layout	<ul style="list-style-type: none"> - A variety of sizes to meet market demand - Battle axe blocks should be avoided and will only be considered under exceptional circumstances - No minimum frontage or lot dimensions apply in residential zones. - Designed to maximise solar access 	<p>Residential lots range in size from 434m² to 900m².</p> <p>An average lot size of 624m² is achieved.</p> <p>The proposed lots can accommodate a variety dwelling types as allowable in C8 of the DCPs including attached dwellings, dual occupancies, dwelling house, multi-unit, residential flat, secondary dwelling, semi-detached dwelling, senior housing and serviced</p>

		<p>attachments in the future.</p> <p>No battle axe allotments are proposed</p> <p>The development has been designed to maximise solar access by seeking to orient lots with a focus toward a northerly aspect, ensuring future homes will feature good daylight & sunlight penetration in backyard and open space areas where possible.</p>
J8 – Subdivision Requirements for lots less than 560m ²	- For lots less than 560m ² but greater than 450m ² a development application for subdivision must include a plan showing a concept design for a dwelling demonstrating full compliance with the DCP.	Refer to copy of concept design for dwelling on lots less 560m ² but greater than 450m ² (in Enclosure 8).
J9 – Subdivision Access	Vehicular access driveways from a public road must comply with Australian Standard 2890	Refer to Traffic Impact Assessment Report in Enclosure 4.
J10 – Stormwater management	Stormwater management and drainage systems should be an integral part of the subdivision design	Refer to Stormwater Report in Enclosure 12.
J11 – Street planting	Where a subdivision includes road construction, street landscaping and tree planting must be provided.	Refer to Statement of Landscape Intent in Enclosure 13.
J12 – Provision of services	Subdivisions of land in residential zones are required to provide services and infrastructure to all lots	Refer to Subdivision Layout Plan and Conceptual Engineering Drawings in Enclosure 1 and 2.

6.4 Planning Agreement(s)

There are no voluntary planning agreements applying to the site.

6.5 Environmental Planning & Assessment Regulation 2000

The following additional matters are prescribed for consideration under Section 4.15(a)(iv) of the EP&A Act 1979.

Clause	Applicant response
Clause 92(1)(b) Applications for Demolition	The proposal does not require any demolition as the site is vacant.
Clause 92(1)(c) Application for carrying out subdivision development made under Schedule 7 of the Act	The proposal does not involve subdivision for the purposes within Schedule 7 of the Act.
Clause 92(1)(d) Development included in Schedule 4A of the Act, State Significant Development or Designated Development on land less than 200km from Siding Spring Observatory	The proposal does not involve development for the purposes outlined above.
Clause 92(e) Application for development for the purposes of manor house or multi dwelling housing (terraces)	The proposal does not involve development for a manor house or multi dwelling housing (terraces).

Clause 92(f) Application for development for building residential purposes on land in Penrith City Centre	The proposal is not located within Penrith City Centre.
Clause 93 Fire safety and other considerations	Not applicable as the development does not propose a change of building use.
Clause 94 Consent authority may require buildings to be upgraded	Not applicable as the development does not propose the rebuilding, alternations or additional, enlargement or extensions of an existing building.
Clause 94A Fire safety and other considerations applying to erection of temporary structures	Not applicable as the development does not propose any temporary structures.

6.6 Coastal Zone Management Plan(s)

The subject site is not situated within a Coastal Zone Management Plan area and therefore further assessment of this provision is not applicable or required.

6.7 Likely Impacts

The proposal is generally consistent with all relevant Council controls and provisions within the State Planning Policies, as such adverse impact is unlikely to result as part of the proposal. Relevant conditions of consent will ensure compliance with these controls and relevant documentation provided. The proposed development is responsive to the recent rezoning of the subject site and provides opportunities for residential housing in a diversity of types and forms to meet an existing housing demand. The likely impacts of the development from an infrastructure perspective including traffic, water, sewer and stormwater connections have been considered and have been addressed in detail throughout the technical reports submitted to accompany this application.

We acknowledge the difference between the character of the proposal and the rural and semi rural character of the locality. This variation has been brought about by the location of the residential zone as planned by the regional plan and the Maclean Urban Catchment Local Growth Management Strategy 2011. However, in recognition of this matter, the development has been planned both to create a high quality residential amenity for future residents, but also to acknowledge and respect the interest of the residents in the locality by designing the project with visual and amenity transitions around the perimeter of the site which in time will allow the development to become integrate into its locality

Having had regard to all possible environmental impacts and assessment against the relevant provisions the development warrants consent.

6.8 Suitability of the site

The site is suitable for residential subdivision and is responsive to the recent rezoning of the subject site and provides opportunities for residential housing in a diversity of types and forms to meet an existing housing demand as identified within the overarching regional plans for the area. The layout reflecting a 'salt and peppered' approach of small lot sizes rather than clustered approach as per the sites current zoning map and previous applications lodged over the subject site.

The proposed subdivision provides a diversity of housing choice and lot sizes for future residents, with the subdivision achieving an overall average lot size of 624m². The development addresses a housing need and provides appropriate services, including open space, and pedestrian connections as well as opportunities for future commercial offering to serve the needs of the future residents.

6.9 Submissions

In accordance with the Clarence Valley Council, 'Notification Requirements for DAs', it is expected that Council will

determine that application required for Public Notification, given that the application seeks approval for "*Subdivision of land into 50 or more allotments*"

Should Council determine the application requires advertising, Council will need to consider any submissions received during assessment of the application.

6.10 The Public Interest

The development responds to an identified housing need (as per the Regional Plan) and provides appropriate housing development and services, including open space, and pedestrian connections as well as opportunities for future commercial offering to serve the needs of the future residents.

Conclusion

This Planning Report has provided an assessment of the proposed development against the relevant elements of the planning legislative framework, particularly the SEPP's and the LEP and DCP for Clarence Valley Council.

Place Design Group ('PDG') has been engaged by MPD Investments Pty Ltd (the 'Proponent') to seek Development Consent for a subdivision (327 residential lots, 1 commercial lot, open space and road) at Lot 104 James Creek Road, James Creek.

With reference to Section 5 Matters for Consideration of the Environmental Planning and Assessment Act 1979, the proposal is generally consistent with the relevant controls and permissible with consent; is suitable for the site and unlikely to result in significant impact or be detrimental to the public interest. It is therefore requested that the application be approved subject to reasonable and relevant conditions.