



Enclosure 1

Council's Additional
Information Required letter
dated 8 March 2022



8 March 2022

Reference: SUB2021/0042
Contact: Carmen Landers

Mpd Investments Pty Ltd
Level 4, 7 Short Street
SOUTHPORT QLD

Dear Sir/Madam

Additional Information Required

Application No: SUB2021/0042
Development Proposal: 332 lot subdivision (327 residential lots, 1 commercial lot, 4 drainage reserves and associated public open space areas)
Property Address: James Creek Road JAMES CREEK NSW 2463
Legal Description: Lot 104 DP 751388

Council received the abovementioned application on 4 November 2021 for which you are the applicant. Please quote the above application number on all future correspondence.

A preliminary assessment of the application revealed that additional information is required to finalise the assessment and make a recommendation for determination.

Please lodge the following information within 21 days of the date of this letter:

Engineering

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

1. 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.

2. 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

3. 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 additional, 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.
4. 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).
5. 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.
6. 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 AUSTROADS 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.
7. 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.
8. Batter Slopes on all road works shall generally accord with the requirements provided by the AUSTROADS 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.
9. 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).

10. 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.
11. 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.
12. 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
13. 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.
14. The DRAINS and MUSIC models shall be provided for review.
15. Amended plans detailing the proposed sizing of roundabout annulus demonstrating compliance with Austroads Guide to Road Design Part 4B.
16. 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.

Planning

17. 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.

18. 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.
19. 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/development-assessment2/buffer-zones-to-reduce-land-use-conflict-with-agriculture-an-interim-guideline>

As you 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.

20. Residential Zones 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-development-services/Stage-2-Conditions-and-considerations/Development-control-plans>

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/Our-performance/Plans-and-strategies/Local-Strategic-Planning-Statement>:

Priority 1 – Take a placemaking 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 shadier, 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. *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.

Submissions

28. 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.

<https://drive.google.com/drive/folders/14xSUTz-uTpx6nNNsR71hbnR9QLRdkJcj?usp=sharing>

NSW Rural Fire Service Referral

29. 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.

This information must be uploaded via the NSW Planning Portal.

This information is requested in accordance with clause 54 of the *Environmental Planning and Assessment Regulation 2000* and the time between the date of this letter and receipt of the requested information will not be included in the total number of days to process this application. Should the information not be provided within the specified period it will be taken that the information will not be provided and Council will determine the application.

You may submit a written request to Council to extend the period to provide the information if there are good reasons why further time is required.

Your application is being processed by Carmen Landers of Councils Development/Building Services team. If you require further information please phone 02 6645 0287.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C Landers', written in a cursive style.

Carmen Landers
Acting Coordinator Development Services