

## COUNCIL ASSESSMENT REPORT

### NORTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSNTH-216 – DA2023 - 259.1
<b>PROPOSAL</b>	Staged Multi Dwelling Housing and Strata Subdivision
<b>ADDRESS</b>	Lot 400 DP 1208753 and Lot 3 DP 1293093 College Drive, Thrumster
<b>APPLICANT</b>	Hopkins Consultants Pty Ltd
<b>OWNER</b>	PM Land Pty Ltd
<b>DA LODGEMENT DATE</b>	5 May 2023
<b>APPLICATION TYPE</b>	Development Application (Integrated)
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Clause 2 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Development that has a capital investment value of more than \$30 million.
<b>CIV</b>	\$45,077,000 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	Nil
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>• Port Macquarie-Hastings Local Environmental Plan 2011</li> </ul>
<b>TOTAL &amp; SUBMISSIONS ISSUES SUBMISSIONS</b> <b>UNIQUE KEY IN</b>	2 Submissions (both unique) with key issues including: <ul style="list-style-type: none"> <li>• Traffic impacts on the local road network;</li> <li>• Flooding impacts on nearby properties.</li> </ul>

<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Architectural Plans BASIX Certificate Acoustic Report Bushfire Assessment Civil Engineering Plans Statement of Environmental Effects Traffic Report Waste Management Plan Landscape Plan Stormwater Management Plan Thrumster Town Centre Water Quality Plan Flora and Fauna Assessment Report
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	N/A
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	YES
<b>SCHEDULED MEETING DATE</b>	20 February 2024
<b>PLAN VERSION</b>	Architectural Plans - Revision D dated 12 October 2023 Civil Plans - Revision H dated 19 October 2023 Landscape Plans - Revision 04 dated 13 October 2023
<b>PREPARED BY</b>	Chris Gardiner
<b>DATE OF REPORT</b>	6 February 2024

## EXECUTIVE SUMMARY

The development application (DA2023 - 259.1) seeks consent for multi dwelling housing and strata subdivision. Specifically, the proposal involves:

- Construction of 65 two storey dwellings and a communal swimming pool;
- Tree removal, earthworks, access roads, and utility infrastructure;
- Strata subdivision;

The subject site is known as Lot 400 DP 1208753 and Lot 3 DP 1293093 College Drive, Thrumster ('the site') and comprises a corner lot with two road frontages including Chancellors Drive to the west, and College Drive to the south. The site also adjoins Partridge Creek to the north and an unnamed tributary to the east. Lot 400 DP 1208753 has an area of 2.614 hectares. Lot 3 DP 1293093 is a larger residual lot from previous subdivisions in the locality and has an area of 37.45 hectares. The proposal only affects a small part of Lot 3, directly adjoining Lot 400.

The site is located in the developing Thrumster Town Centre. Existing development in the locality includes a shopping centre approximately 200m south of the site on Chancellors Drive, a secondary school approximately 100m to the east of the site on College Drive, and

residential development on the northern side of Partridge Creek (accessed via Chancellors Drive). Development consent has been granted for office premises to the west of the site within a planned business park precinct, but construction is yet to commence on these buildings.

Other nearby land in the locality is yet to be developed and includes land zoned for mixed use, local centre, tourist, public recreation, residential, and conservation purposes. The site is located close to key transport corridors including John Oxley Drive, Oxley Highway, and Pacific Motorway. The site has previously been cleared and filled in 2015 under development consent DA2014 - 778 and is currently vacant.

Lot 400 DP 1208753 is located within the R3 Medium Density Residential zone pursuant to Clause 2.2 of the *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP). Lot 3 DP 1293093 is a residue lot from previous subdivisions in the locality and sits across multiple land use zones. The part of Lot 3 affected by the proposed development is limited to the areas immediately adjoining Lot 400 for earthworks batters. These works are located on land zoned C2 Environmental Conservation, C3 Environmental Management, and R3 Medium Density Residential.

The proposal satisfies the definition of multi dwelling housing, which is a permissible use with consent in the Land Use Table in Clause 2.3 of the LEP. The batters within the C2 and C3 zoned land can be characterised as environmental protection works as they would provide protection of the existing trunk sewer infrastructure from water infiltration and flood damage, and also provide a stable vegetated edge to the riparian corridor to prevent erosion.

There were no concurrence requirements from agencies for the proposal, but the application is considered to be integrated development under Section 91 of the Water Management Act 2000 and Section 100B of the Rural Fires Act 1997 pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). General Terms of Approval have been provided by the NSW Rural Fire Service and NSW Department of Planning and Environment - Water.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied:

- Section 4.6 of the Resilience and Hazards SEPP for consideration of whether the land is contaminated;
- Section 2.48(2) of the Transport and Infrastructure SEPP in relation to consultation for development in proximity to electricity infrastructure;
- Clause 5.21 of the LEP in relation to consideration of flood planning matters;
- Clause 6.1 of the LEP in relation to certification of satisfactory arrangements for designated State public infrastructure for the urban release area;
- Clause 6.2 of the LEP in relation to the provision of public utility infrastructure for the urban release area;
- Clause 6.3 of the LEP in relation to consideration of the DCP for the urban release area;
- Clause 7.13 of the LEP in relation to the provision of essential services for the development.

The application was placed on public exhibition from 17 May 2023 to 16 June 2023, with two submissions being received. These submissions raised issues relating to traffic congestion and flooding impacts on other nearby properties. These issues are considered further in this report.

The application is referred to the Northern Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 2 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development that has a capital investment value of more than \$30 million.

A briefing was held with the Panel on 2 August 2023 where key issues were discussed, including batters and stormwater on adjoining land, proximity to electricity infrastructure, extent of clearing and need for biodiversity assessment, Planning Agreements applicable to the land, visitor and stacked parking arrangements, and consistency between the architectural, civil, and landscaping plans. The Panel made further comments regarding urban design, public domain interface, substation location and treatment, location of the communal swimming pool and disconnection for the dwellings, landscaping and fencing strategy, waste collection, and emergency vehicle access.

Having considered the planning controls and the proposal in detail, the following key issues are relevant to the assessment of this application:

- Flooding;
- Bushfire;
- Waste management;
- Urban design and landscaping;
- Planning Agreement - Charge Land;
- Proximity to electricity infrastructure;
- Ecological impacts.

Key issues are discussed in Section 5 of this report and have been addressed through amendments to the design, submission of specialist reports, and/or the recommended conditions of consent.

Having considered the matters under Section 4.15(1) of the EP&A Act, the site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA2023 - 259.1 is recommended for approval subject to the conditions contained in **Attachment A** of this report.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

- The subject site is located on the north-eastern edge of the Thrumster Town Centre. It has frontage to College Drive on the southern boundary and Chancellors Drive on the western boundary.
- Both lots are of irregular shape. Lot 400 DP 1208753 has an area of 2.614 hectares. Lot 3 DP 1293093 is a larger residual lot from previous subdivisions in the locality and has an area of 37.45 hectares. The proposal only affects a small part of Lot 3, directly adjoining Lot 400.
- The land adjoins vegetated riparian corridors for Partridge Creek to the north and an unnamed tributary to the east. Some of this vegetation is located within the footprint of the development.

- The site is relatively flat, with a fill stockpile adjacent to the eastern boundary. The land batters down along the northern and eastern boundaries where it has previously been filled in 2015.
- Existing development in the locality includes a shopping centre approximately 200m south of the site on Chancellors Drive, a secondary school approximately 100m to the east of the site on College Drive, and residential development on the northern side of Partridge Creek (accessed via Chancellors Drive). Development consent has been granted for office premises to the west of the site within a planned business park precinct, but construction is yet to commence on these buildings.
- The land is affected by flooding, bushfire, and acid sulfate soils.
- A location map, aerial photograph, and site photographs are included below.

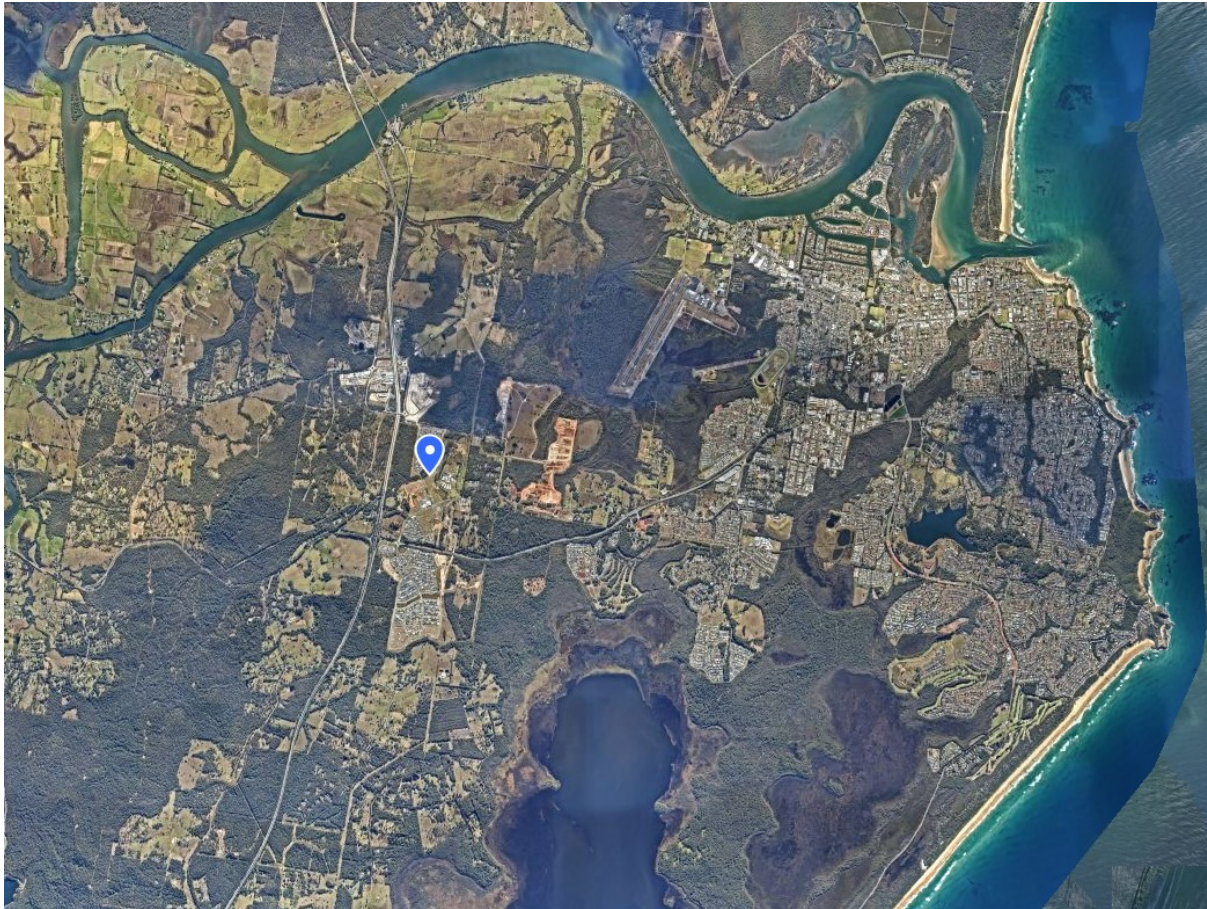


Figure 1 - Location Map



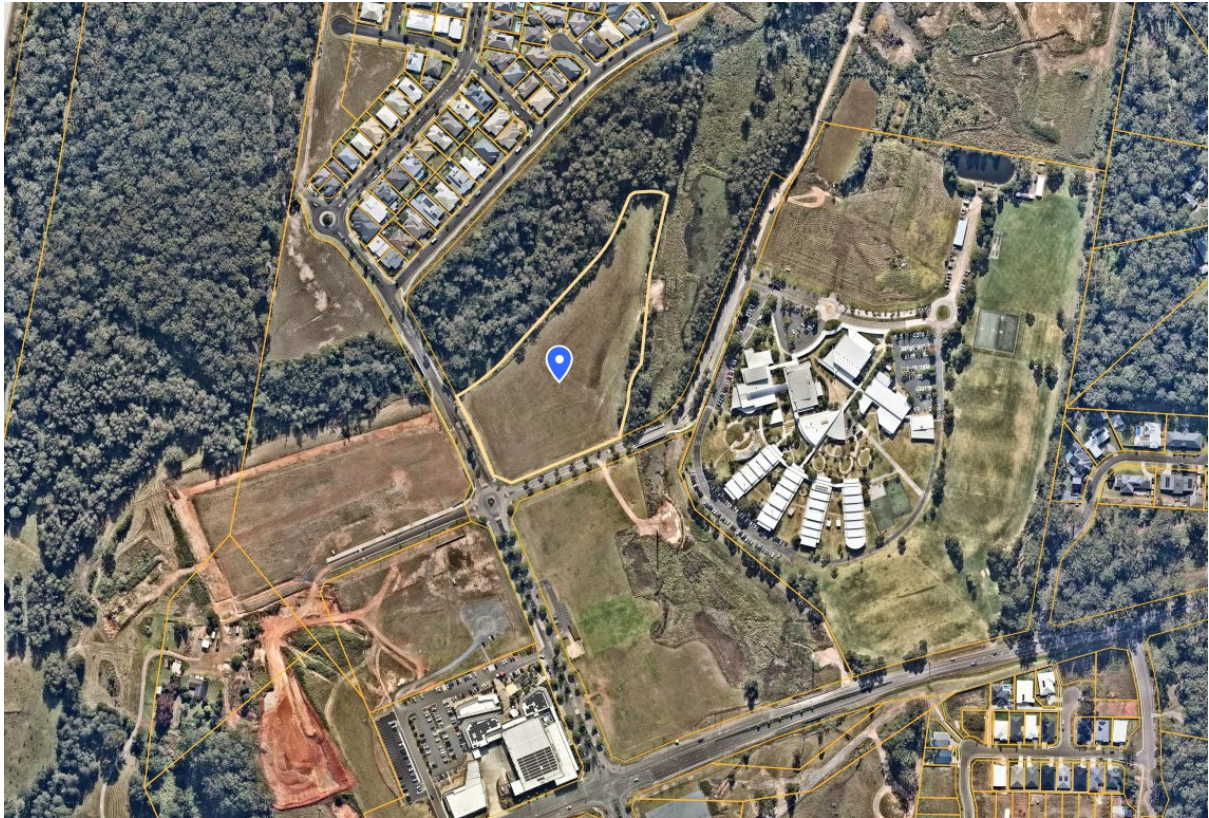


Figure 2 - Aerial Photograph



Photograph 1 - Looking west along College Drive frontage





Photograph 2 - Looking north along eastern boundary of site



Photograph 3 - Looking north along eastern boundary of site





Photograph 4 - Looking south-west along northern boundary of site



Photograph 5 - Looking south-west along electricity easement





Photograph 6 - Looking south-east across central part of the site



Photograph 7 - Looking from Chancellors Drive east across the northern boundary of the site

## 1.2 The Locality

- The site is located in a developing Town Centre. Existing development in the locality includes a shopping centre approximately 200m south of the site on Chancellors Drive, a secondary school approximately 100m to the east of the site on College Drive, and residential development on the northern side of Partridge Creek (accessed via Chancellors Drive). Development consent has been granted for office premises to the west of the site within a planned business park precinct, but construction is yet to commence on these buildings.
- Other nearby land in the locality is yet to be developed and includes land zoned for mixed use, local centre, tourist, public recreation, residential, and conservation purposes.
- The site is located close to key transport corridors including John Oxley Drive, Oxley Highway, and Pacific Motorway.

## 2. THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

The proposal seeks consent for multi dwelling housing and strata subdivision.

Specifically, the proposal involves:

- Construction of 65 two storey dwellings and a communal swimming pool;
- Tree removal, earthworks, access roads and utility infrastructure.
- Strata subdivision.



Figure 3 - Extract of Site Plan





Figure 4 - Extract of Front Entry Perspective

The key development data is provided in **Table 1** below.

**Table 1: Development Data**

Control	Proposal
Site area	40.064 hectares (development footprint approximately 3 hectares)
GFA	9110.9m <sup>2</sup>
FSR (retail/residential)	0.35:1
Clause 4.6 Requests	No
No of apartments	Nil
Max Height	10.3m
Landscaped area	9219m <sup>2</sup>
Car Parking spaces	56 double garages, 9 single garages, and 10 visitor parking spaces (total 131 spaces).
Setbacks	Front setbacks - 3.3m to 3.4m. Side setbacks - Minimum 12m.

## 2.2 Background

Two pre-lodgement meetings were held on 19 April 2022 and 14 February 2023 prior to the lodgement of the application, where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Permissibility and type of subdivision - The proposal has been confirmed in the application to be for the purpose of multi dwelling housing with strata subdivision.
- Perimeter road - It was acknowledged at the pre-lodgement meeting that a perimeter fire trail and footpath could be considered as an alternative if it could be demonstrated

that the same benefits as a public road could be achieved. This includes public access to the footpath, preventing direct private access to the environmental land, and consideration of safety and security.

- Off-road shareway - The submitted civil plans show a 2.5m wide shareway along the College Drive frontage of the site.
- Dwelling density - The submitted proposal achieves the minimum dwelling density of 25 dwellings per hectare envisaged by the DCP.
- Front setbacks and strong corner treatment to gateways - The proposal provides a strong edge to the public domain with the fencing design. An increased front setback is considered appropriate to maintain amenity to the ground floor residential uses. The end buildings have been designed to address both elevations at these corners. The design of Lot 50 at the corner of College Drive and Chancellors Drive has been amended to address both frontages, with improved fencing detail and landscaping, including a feature tree.
- Visitor parking - The proposal has been amended through the assessment process to provide adequate visitor parking for the dwellings that do not provide visitor parking in the individual driveways.
- Bushfire - The location of dwellings has been amended to provide adequate asset protection zones. The application includes a bushfire assessment addressing the relevant provisions of Planning for Bush Fire Protection 2019. The proposal has been reviewed by the NSW Rural Fire Service and a Bush Fire Safety Authority issued.
- Flooding - The proposal includes filling of the site to achieve finished floor levels above the probable maximum flood (PMF) level. The fill extents are clear of the floodway and consistent with the floodplain encroachment assessment carried out as part of the original planning for the Thrumster urban release area.
- Proximity to electricity infrastructure - Essential Energy and Transgrid have been consulted as part of the assessment process. Existing overhead powerlines traversing the site are proposed to be relocated underground within the street network. Amendments to the design have also been made to increase separation from the Transgrid pole and stay adjacent to the eastern boundary of the site.
- Traffic impact assessment - An adequate traffic impact assessment has been submitted with the application.
- Ecological impacts and protection of adjoining environmental land - A Flora and Fauna Assessment Report has been submitted with the application, which confirms that the proposal will not have any significant ecological impacts.

The development application was lodged on 5 May 2023. A chronology of the development application since lodgement is outlined below including the Panel's involvement with the application:

**Table 2: Chronology of the DA**

<b>Date</b>	<b>Event</b>
<b>5 May 2023</b>	DA lodged
<b>11 May 2023</b>	Exhibition of the application
<b>11 May 2023</b>	DA referred to external agencies
<b>22 June 2023</b>	Request for Information from Council to applicant
<b>2 August 2023</b>	Panel briefing



<b>25 October 2023</b>	Amended plans lodged and accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> .
<b>24 November 2023</b>	General Terms of Approval received from Department of Planning and Environment - Water.
<b>21 December 2023</b>	Bush Fire Safety Authority received from NSW Rural Fire Service.

## 2.3 Site History

- The site has previously been cleared and filled in 2015 under development consent DA2014 - 778.
- Development consent has been granted for a data centre and office premise on College Drive west of Chancellors Drive (DA2021 - 461 and DA2022 - 589).

## 3. STATUTORY CONSIDERATIONS

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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (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 Planning 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), 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.*

These matters are further considered below.

It is noted that the proposal is considered to be Integrated Development (s4.46) requiring a Bush Fire Safety Authority from NSW Rural Fire Service (s100B Rural Fires Act 1997), and a

controlled activity approval from NSW Department of Planning and Environment - Water (s91 Water Management Act 2000). The consultation with the relevant agencies is considered further in this report.

### 3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### (a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Port Macquarie-Hastings Local Environmental Plan 2011.*

A summary of the key matters for consideration arising from these environmental planning instruments are outlined in **Table 3** and considered in more detail below. Jurisdictional prerequisites to the grant of consent are shown in bold.

**Table 3: Summary of Applicable Environmental Planning Instruments**

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 4: Koala Habitat Protection 2021	Y
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No compliance issues identified subject to imposition of conditions on any consent granted.	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> <li>• Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6 as it comprises development that has a capital investment value of more than \$30 million.</li> </ul>	Y
State Environmental Planning Policy (Resilience & Hazards) 2021	Chapter 4: Remediation of Land <ul style="list-style-type: none"> <li>• <b>Section 4.6</b> - Contamination and remediation to be considered in determining development application. A</li> </ul>	Y



	<p>consent authority must not consent to the carrying out of any development on land unless—</p> <ul style="list-style-type: none"> <li>(a) it has considered whether the land is contaminated, and</li> <li>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</li> <li>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</li> </ul>	
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Chapter 2: Infrastructure</p> <ul style="list-style-type: none"> <li>• <b>Section 2.48(2)</b> Determination of development applications — other development — electricity transmission. Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must— <ul style="list-style-type: none"> <li>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</li> <li>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</li> </ul> </li> </ul>	Y
Proposed Instruments	No compliance issues identified.	Y
Port Macquarie-Hastings Local Environmental Plan 2011	<ul style="list-style-type: none"> <li>• Clause 2.3 – Zone objectives and Land Use Table</li> <li>• Clause 4.1 - Minimum subdivision lot size</li> <li>• Clause 4.3 - Height of buildings</li> <li>• Clause 4.4 - Floor space ratio</li> <li>• <b>Clause 5.21</b> - Flood planning. Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— <ul style="list-style-type: none"> <li>(a) is compatible with the flood function and behaviour on the land, and</li> <li>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</li> <li>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</li> <li>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian</li> </ul> </li> </ul>	Y

	<p>vegetation or a reduction in the stability of river banks or watercourses.</p> <ul style="list-style-type: none"> <li>• <b>Clause 6.1</b> - Arrangements for designated State public infrastructure. Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</li> <li>• <b>Clause 6.2</b> - Public utility infrastructure. Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required</li> <li>• <b>Clause 6.3</b> - Development Control Plan. Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.</li> <li>• Clause 7.1 - Acid sulfate soils.</li> <li>• Clause 7.7 - Airspace operations.</li> <li>• <b>Clause 7.13</b> - Essential services. Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required— <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable road access.</li> </ul> </li> </ul>	
Port Macquarie-Hastings Development Control Plan 2013	<ul style="list-style-type: none"> <li>• Part B - General Provisions</li> <li>• Part C - Development Specific Provisions - C1 - Low Density Residential Development</li> <li>• Part D - Locality Specific Provisions - D4 Thrumster</li> </ul>	Y

Consideration of the relevant SEPPs is outlined below.

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*

#### Chapter 4: Koala Habitat Protection 2021

Chapter 4 applies to the proposal and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.



The land is subject to the Area 13 (Thrumster) Koala Plan of Management (KPoM). The site is located clear of the medium and high use core koala habitat, and potential koala habitat areas in the precinct. The general provisions in Part 3 of the KPoM apply to the proposal, and these include general clearing measures, swimming pool requirements, and community education. One Swamp Mahogany is proposed to be removed and will be offset at a 4:1 ratio within the development landscaping. With the recommended conditions the development will be consistent with the KPoM.

#### *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ('BASIX SEPP')*

The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No.1364505M\_04 prepared by EcoMode Design dated 18 October 2023 committing to environmentally sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP. The proposal is consistent with the BASIX SEPP subject to the recommended conditions of consent.

#### *State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')*

##### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 2 of Schedule 6 of the Planning Systems SEPP as the proposal is development that has a capital investment value of more than \$30 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

#### *State Environmental Planning Policy (Resilience and Hazards) 2021*

##### Chapter 4: Remediation of Land

The provisions of Chapter 4 have been considered in the assessment of the development application. Section 4.6 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Preliminary Contaminated Site Investigation was carried out for the entire Thrumster area as part of the Planning Proposal for the urban release area. The subject site was determined to be suitable for residential use at the time the zoning was established.

The land has subsequently been filled in 2015 in accordance with development consent DA2014 - 778. The fill used on the site has been certified to be VENM or ENM, as required by the conditions of consent. The land is not known to have been used for any potentially contaminating activity since 2015.

The land is therefore considered to be suitable in its current state for the proposed residential use.

#### *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The development is in proximity to electricity infrastructure and has been referred to both Essential Energy and Transgrid in accordance with Clause 2.48. The electricity authorities provided the below advice:

Essential Energy:

- A distance of 12.5m from the nearest part of the development to the 33kV overhead powerlines and infrastructure (measured horizontally) is required to ensure that there is no safety risk.
- A distance of 1m from the nearest part of the development to the low voltage underground powerlines and infrastructure (measured horizontally) is required to ensure that there is no safety risk.
- A distance of 2m from the nearest part of the development to the 11kV underground powerlines and infrastructure (measured horizontally) is required to ensure that there is no safety risk.
- A distance of 14.1m from the nearest part of the development to the 11kV overhead powerlines and infrastructure (measured horizontally) is required to ensure that there is no safety risk.
- It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.

The plans have been updated to confirm the Applicant's intention to remove the existing overhead powerlines traversing the site and replace them with underground power in the public roads adjoining the site. This will resolve clearance requirements for the overhead powerlines. A condition is recommended requiring the existing electricity easement to be extinguished prior to the issue of the Stage 1 Construction Certificate.

The proposed buildings have adequate setbacks from the site frontage to achieve the recommended clearances to underground infrastructure.

Transgrid:

Transgrid provided an initial response on 22 June 2023 advising that a number of aspects of the development were not permitted within the transmission easement along the eastern boundary of the site. The concerns related to filling in the easement (and particularly in proximity to a stay wire for the transmission tower), operational access for maintenance, and impacts of the proposed stormwater outlet.

The Applicant has amended the design in response to these initial concerns to reduce the extent of filling in the easement, provide batters at an appropriate grade for maintenance access, and move the location of the proposed stormwater outlet.

Transgrid further reviewed the amended proposal and provided approval subject to the below conditions on 20 December 2023.

- Transgrid will require 24/7 access to the Easement corridor and structure No. 243. The current access pathway used by Transgrid's Maintenance Team (And/or Transgrid's Contractors) is currently on the western side of the 'Riparian Corridor & Creek' that runs along College Drive (Near the proposed entrance of this estate). Please ensure the proposed access pathway to Transgrid's Easement corridor will cater for heavy rigid

vehicles, and combination trucks up to 22 metres in length with turning circle provisions. A requirement is the access pathway must be able to bear loads of up to 43 Tonnes.

- During construction, adequate precautions shall be taken to protect Transgrid structures from accidental damage.
- Underground Cable: The following conditions are to be complied with as per Transgrid Easement Guidelines:
  - Parallel cable run must be at least 30 metres from any part of a Transmission Line structure or supporting guy.
  - Warning / tracer tape must be non-metallic within the Transgrid Transmission Line Easement.
  - Non-metallic Service markers are required at entry and exit of the Easement and any change in direction.
  - Cable joint pits shall not be within the easement or 30 metres of structure.
  - The effect of earth potential rise and induction must be considered, and appropriate mitigation measures must be implemented.
  - Below-ground services within the easement must be capable of withstanding loads of maintenance vehicles' weight (43t).

The perimeter fire trail has been designed to accommodate service vehicles and a condition is recommended requiring certification that the pavement is capable of bearing loads of up to 43 Tonnes.

The design of any new underground cables would be subject to review and approval by the relevant electricity authority, including consideration of the Transgrid Easement Guidelines. A condition has been recommended requiring satisfactory arrangements certification from the relevant authority.

The proposal is below the threshold for traffic generating development in Clause 2.121 and referral to Transport for NSW is not required.

#### *State Environmental Planning Policy (Sustainable Buildings) 2022*

In accordance with the savings and transitional provisions in Clause 4.2(1)(a), the policy does not apply to the proposal as it was submitted on the NSW planning portal but not finally determined before 1 October 2023.

#### *Port Macquarie-Hastings Local Environmental Plan 2011*

The relevant local environmental plan applying to the site is the *Port Macquarie-Hastings Local Environmental Plan 2011* ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to protect, conserve and sustainably manage the ecological biodiversity and natural environment of the Port Macquarie-Hastings area,*
- (b) to facilitate a strong and diverse local economy within the Port Macquarie-Hastings area,*
- (c) to manage and coordinate the orderly, equitable and economic use and development of land within the Port Macquarie-Hastings area,*
- (d) to facilitate the provision and coordination of community services and facilities within the Port Macquarie-Hastings area,*



- (e) to facilitate adaptive planning for natural hazards and risks, including flooding, erosion, inundation, land stability, bush fire risk and acid sulfate soils within the Port Macquarie-Hastings area,*
- (f) to reinforce the role of the Port Macquarie-Hastings area's settlement hierarchy, centred on Port Macquarie and supported by its surrounding towns and villages,*
- (g) to ensure the effective management of public assets within the Port Macquarie-Hastings area,*
- (h) to provide a land use framework for development within the Port Macquarie-Hastings area that is safe, inclusive and equitable, and caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,*
- (i) to ensure that development does not conflict with the hierarchy of business and retail centres in the Port Macquarie-Hastings area and the role of the Greater Port Macquarie Central Business District as the focal point for subregional functions and service delivery,*
- (j) to identify and protect features of environmental, cultural or visual importance within the Port Macquarie-Hastings area,*
- (k) to ensure that new urban development makes a positive contribution to the public domain and streetscape,*
- (l) to facilitate efficient use of urban land and infrastructure by appropriate staging of development and ensuring appropriate density of development,*
- (m) to provide effective and efficient connectivity and movement corridors within and between subdivisions.*

The proposal is consistent with these aims for the following reasons:

- The development does not significantly impact on any ecology, biodiversity or natural environment.
- The proposal appropriately responds to the natural hazards applicable to the site.
- The development does not adversely impact on public assets.
- The development will not conflict with the hierarchy of business and retail centres.
- The development does not impact on any important environmental or cultural features.
- The development will make a positive contribution to the streetscape and improvements to the public domain.

### *Zoning and Permissibility (Part 2)*

Lot 400 DP 1208753 is located within the R3 Medium Density Residential zone pursuant to Clause 2.2 of the LEP. Lot 3 DP 1293093 is a residue lot from previous subdivisions in the locality and sits across multiple land use zones. The part of Lot 3 affected by the proposed development is limited to the areas immediately adjoining Lot 400 for earthworks batters. These works are located on land zoned C2 Environmental Conservation, C3 Environmental Management, and R3 Medium Density Residential.

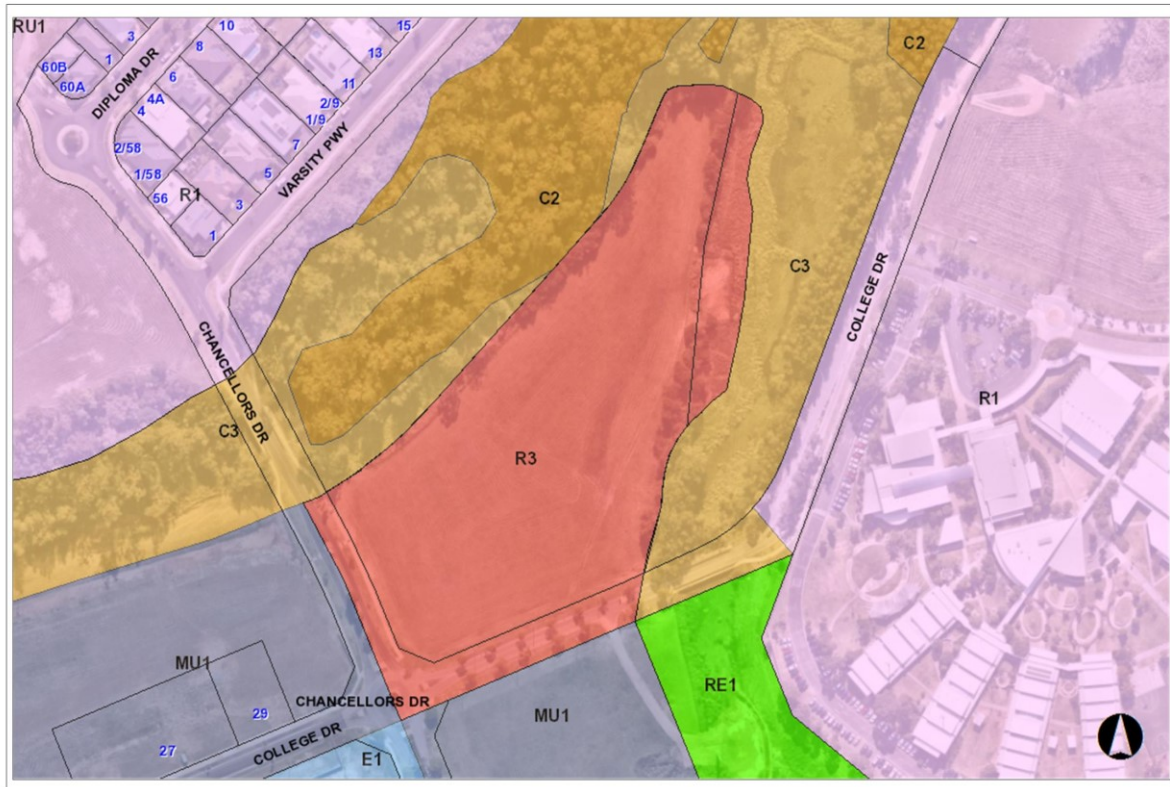


Figure 5 - Zoning Map

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of multi dwelling housing, which is a permissible use with consent in the Land Use Table in Clause 2.3. The batters within the C2 and C3 zoned land can be characterised as environmental protection works as they would provide protection of the existing trunk sewer infrastructure from water infiltration and flood damage, and also provide a stable vegetated edge to the riparian corridor to prevent erosion.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- 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.

The proposal is considered to be consistent with these zone objectives for the following reason:

- The development will contribute to the variety of housing types within a medium density environment to meet the housing needs of the community.

#### *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

**Table 4: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	1000m <sup>2</sup> No minimum lot size for strata or community title subdivision.	Strata subdivision (minimum lot size does not apply).	Yes
Height of buildings (CI 4.3(2))	11.5 metres	10.3 metres	Yes
FSR (CI 4.4(2))	1.5:1 (39,210m <sup>2</sup> )	0.35:1 (8821.2m <sup>2</sup> )	Yes
Flood planning (CI 5.21)	<ul style="list-style-type: none"> <li>Dwellings have finished floor levels above FPL3 (4.53m AHD).</li> <li>No adverse flood impacts on nearby properties.</li> <li>Any buildings or structures below FPL3 are engineered to withstand flood forces.</li> <li>Safe evacuation routes are available.</li> </ul>	<p>Minimum ground floor level of 6.832m AHD.</p> <p>Filling is consistent with the floodplain encroachment assessment carried out for the precinct and wouldn't result in any additional flood impacts to nearby properties.</p> <p>A condition has been recommended regarding engineering of structures.</p> <p>Safe evacuation is available via Chancellors Drive and John Oxley Drive to the Oxley Highway.</p>	Yes
Arrangements for designated State public infrastructure (CI 6.1)	Certification of satisfactory arrangements to be provided prior to determination of application involving subdivision.	Certification provided by NSW Department of Planning and Environment, dated 24 November 2023.	Yes
Public utility infrastructure (CI 6.2)	Adequate infrastructure available, or arrangements made to make it available.	Adequate infrastructure is available and appropriate conditions have been recommended for alterations and connections to this infrastructure.	Yes
Development control plan (CI 6.3)	Development control plan in place addressing relevant matters.	Chapter D4 of the Development Control Plan 2013 contains relevant provisions for the Thrumster urban release area and is	Yes



		discussed later in this report.	
Acid sulfate soils (CI 7.1)	Class 3 acid sulfate soils. Excavation more than 1m below natural ground level requires an acid sulfate soil management plan.	The site has previously been filled under development consent DA2014 - 778 by between 1-2m across the site, and further filling of the land is proposed under the current application. The development is therefore not expected to result in any excavation extending more than 1m below natural ground level, or any works that would lower the water table.	Yes
Airspace operations (CI 7.7)	Buildings below OLS (47.5m AHD).	Maximum 15.13m AHD ridge height.	Yes
Essential services (CI 7.13)	Essential infrastructure to be provided to development.	Essential services existing, or proposed to be provided as detailed in the recommended conditions.	Yes

The proposal is considered to be generally consistent with the LEP.

**(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no proposed instruments applicable to the proposal.

**(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Port Macquarie-Hastings Development Control Plan 2013* ('the DCP')

The key controls are discussed below and a full assessment table is included in **Attachment B**.

*Waste Management (Objective 3)*

The application includes a Preliminary Waste Management Plan, which satisfactorily addresses Council's Policy.

The development will require a private waste collection service, and the plans include swept paths confirming that the internal roads can accommodate a collection vehicle. A condition is recommended requiring confirmation of arrangements for the private waste collection service.

Lots 001 to 004 and 050 to 055 don't have direct frontage to the collection route, and the plans indicate that bins will be placed in two communal locations at the western end of the loop road. It is understood that the bins would be returned to the individual dwellings following collection, and the communal areas are not intended to be permanent bin storage areas.

#### *Earthworks and Retaining (Objective 4 & 5)*

The proposal includes more than 1m of fill outside the footprint of the buildings. The fill is proposed to elevate the site above the PMF level and to achieve practical stormwater drainage. As the site is isolated from other adjoining development, the impacts of the filling would be limited to the adjoining roads and environmental land. Appropriate stability and stormwater management are capable of being achieved, and the filling would not result in any adverse privacy impacts. On this basis the proposal is considered to be consistent with the objectives of the provision and the variation is supported.

#### *Environmental Management Areas and Buffers (Objective 8 & 9)*

Partridge Creek to the north-west of the site is a forth order stream and the unnamed tributary to the east of the site is a second order stream. Appropriate riparian buffers have been provided in the land use zoning for the urban release area. All buildings, roads and asset protection zones are located outside the environmental zones.

#### *Tree Management and Hollow Bearing Trees (Objective 13 & 14)*

One Swamp Mahogany is proposed to be removed for the development. This tree is proposed to be offset at a 4:1 ratio in accordance with the Koala Plan of Management.

The offsets are capable of being accommodated in the site landscaping, and a condition is recommended requiring the details to be confirmed in an amended landscape plan.

No hollow bearing trees are proposed to be removed for the development.

#### *Parking (Objective 24)*

In accordance with the parking rates in Table 3 of the DCP, the proposal requires a minimum of 93 parking spaces for residents, and 17 visitor parking spaces. The proposal provides 56 double garages and 9 single garages (total 121 spaces) for residents, which exceeds the minimum requirements.

Visitor parking is provided in the form of 10 designated visitor parking spaces, and stacked parking in the driveways of 27 of the dwellings. This arrangement is considered acceptable and compliant.

#### *Access and Parking Layout (Objective 28)*

The overall access road and parking layout is considered acceptable and is capable of complying with AS 2890. The swept path analysis demonstrates that services vehicle will be able to manoeuvre through the site.

#### *Driveway Crossover (Objective 45)*

The driveway crossover is proposed to be 7m wide, which exceeds the maximum width of 5m specified in this provision. The relevant objectives of the provision are to minimise streetscape impacts of driveways and to preserve street parking as far as possible. In this instance, a single

7m wide driveway serving 65 dwellings would affect a very small proportion of the site's frontage to College Drive and Chancellors Drive. The access location is clear of the indented parking bays on College Drive and would not result in any loss of street parking.

#### *Private Open Space (Objective 48)*

All dwellings have private open space areas in excess of 35m<sup>2</sup> including a 4m x 4m area at appropriate grade and accessible off a main living area.

#### *Public Domain and Fencing (Objective 49)*

The proposal provides open style fencing to the public domain with a height of 1.2m to 1.5m, and landscaped recesses for over 50% of the site frontage.

#### *Stormwater Management (Objective 247)*

This provision requires the proposal to be consistent with the relevant neighbourhood Stormwater Management Strategy and the Thrumster Integrated Water Management Plan Stage 3 Final Report (Maunsell 2007). The stormwater strategy for the Thrumster Town Centre has evolved since 2007, and the proposal relies upon the latest Sovereign Hills Water Quality Strategy Plan prepared by Stantec and dated 14 June 2023.

The updated strategy has been reviewed by Council's Senior Stormwater Engineer and accepted as being appropriate for the broader Town Centre. The proposed development will integrate with the updated stormwater strategy and is considered to be consistent with the objectives of this provision.

#### *Flooding (Objective 251)*

The proposed development footprint and associated earthworks are located clear of the floodway and within the 'allowable encroachments' area.

#### *Pedestrians and Cycleways (Objective 257)*

The development proposes construction of a 2.5m wide shared path along the full site frontage of College Drive, connecting to the existing pedestrian network in Chancellors Drive at the western end, and the College Drive culvert at the eastern end. This is consistent with the DCP provisions.

#### *Front setbacks (Objective 264)*

Buildings are not proposed to be constructed to the street boundary as envisaged for the Town Centre. Front setbacks are proposed to be between 3.3m and 3.4m and the Applicant has indicated that this is intended to improve the residential amenity. All dwellings fronting College Drive and Chancellors Drive are proposed to provide a front fence and landscaping to create a defined edge to the public domain. Individual pedestrian entries are proposed for each of the dwellings with street frontage to improve activation. The setbacks are considered appropriate for a residential use, and the development design is consistent with the objectives of this provision.

#### *Residential Density (Objective 265)*

The development will achieve a net residential density of 25 dwellings per hectare, which is consistent with the desired density for the R3 zoned land on the fringe of the Town Centre.



### *Urban Design (Objective 270)*

The site is identified as a gateway site requiring strong corner treatments on the approaches to the Town Centre on both the College Drive and Chancellors Drive frontages. The end buildings have been designed to address both elevations at these corners. The design of Lot 50 at the corner of College Drive and Chancellors Drive has been amended to address both frontages, with improved fencing detail and landscaping, including a feature tree.

#### **(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act**

The following planning agreements have been entered into under Section 7.4 of the EP&A Act:

##### Sovereign Hills Estate Planning Agreement

The Sovereign Hills Estate Planning Agreement was entered into with the developer on 18 June 2008 and varied on 17 September 2012. The Agreement includes provisions relating to development contributions, dedication of land, construction of community facilities, roadworks, carrying out of commercial development, and a community events program. The subject site is identified as 'Charge Land' under Clause 25 of the Planning Agreement, and provides security for Council in relation to contributions offsets and the completion by the developer of the relevant obligations in the agreement.

Clause 25A of the Planning Agreement provides for the developer to replace the charge land with:

- a) Alternative land agreed in writing by Council to be of a value that is proportionate to the likely remaining cost of the developer's obligations under the agreement.
- b) A bank guarantee of a value that is proportionate to the likely remaining cost of the developer's obligations under the agreement.
- c) A combination of alternative land and a bank guarantee.

The developer has commenced negotiations with Council regarding the replacement of the Charge Land with an alternative parcel and a development application has been lodged for a subdivision to create the relevant lot.

Given that multiple options exist in the Planning Agreement for the replacement of the Charge Land, it is not considered that there is a legal impediment to the granting of consent to the development application, or the issue of a subsequent Construction Certificate for the buildings (as this is likely to improve the value of the land that currently provides the security). However, it is recommended that a condition be imposed to prevent the issue of the first Strata Certificate until Council confirms in writing that a suitable replacement for the Charge Land has been established. The subdivision of the land would have implications for its value, and Council would need to ensure that adequate security is retained at this point.

##### The Area 13 Environmental Land Management Planning Agreement

The Area 13 Environmental Land Management Planning Agreement was entered into with the developer on 24 September 2008 and includes provisions related to the dedication and management of environmental lands. Clause 12 of the agreement requires an Environmental Management Land Contribution and an appropriate condition is recommended requiring payment prior to the issue of the first Construction or Strata Certificate.

#### **(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- The *Low Rise Housing Diversity Design Guide for Development Applications* (July 2020) is required to be considered for development involving multi dwelling housing (terraces), unless there is a development control plan that adequately addresses this type of development. Chapter C1 of the Port Macquarie-Hastings Development Control Plan 2013 contains adequate controls for this type of development, and consideration of the *Guide* is not required.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

### 3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Context and Setting** – The subject site is located on the north-eastern edge of the Thrumster Town Centre. It has frontage to College Drive on the southern boundary and Chancellors Drive on the western boundary. The land adjoins vegetated riparian corridors for Partridge Creek to the north and an unnamed tributary to the east. The site is relatively flat, with a fill stockpile adjacent to the eastern boundary. The land batters down along the northern and eastern boundaries where it has previously been filled in 2015.

Existing development in the locality includes a shopping centre approximately 200m south of the site on Chancellors Drive, a secondary school approximately 100m to the east of the site on College Drive, and residential development on the northern side of Partridge Creek (accessed via Chancellors Drive). Land to the west of Chancellors Drive is currently vacant with no development approved. Development consent has been granted for office premises further to the west of the site within a planned business park precinct, but construction is yet to commence on these buildings.

The proposed development is considered to appropriately fit into the local context, and would not significantly affect surrounding land uses.

- **Access and traffic** – A Traffic and Parking Assessment Report prepared by Positive Traffic Pty Ltd has been submitted with the application. The assessment identifies that the development is expected to generate 67 trips in the AM peak hour and 64 trips in the PM peak hour. The traffic is within the capacity of the existing road network taking into account projected traffic growth in the area.

No road or intersection improvements are required to facilitate the development.

Vehicle access to the site is proposed via a single entry/exit driveway located at the eastern end of the College Drive frontage, with no dwellings having direct vehicular

access to the public roads. A heavy duty crossover to Council's AusSpec requirements (ASD202) will be required and a condition has been recommended confirming this requirement.

The driveway location conflicts with two street trees and a 40km/h school zone sign in the site frontage. These will need to be relocated to a suitable location in the site frontage in accordance with an approval under Section 138 of the Roads Act 1993.

A perimeter fire trail is also proposed connecting to the access road at the southern end and Chancellors Drive in the north-west corner of the site. A heavy duty crossover in Chancellors Drive will be required to ensure practical access to the fire trail. Removable bollards are also recommended to prevent vehicles access other than in emergencies.

An off road shared path is proposed in the College Drive frontage of the site connecting to the existing shared path in Chancellors Drive at the western end, and the footpath at the culvert at the eastern end of the College Drive frontage.

All site frontage works will be subject to an approval under Section 138 of the Roads Act 1993, and a condition has been recommended in this regard.

- **Public Domain** – The development proposes construction of a 2.5m wide shared path along the full site frontage of College Drive, connecting to the existing pedestrian network in Chancellors Drive at the western end, and the College Drive bridge at the eastern end.

Public open space is available approximately 300m north of the site within the 'College Rise' residential estate. Land immediately to the south of the site is zoned for future public recreation, and a regional sporting complex is planned approximately 400m north-east of the site (off College Drive).

- **Water Supply Connection** - The site has access to water supply infrastructure, including recycled water and is capable of being connected to the existing network. Council's Water and Sewer Team have reviewed the proposal and provided a draft Notice of Requirements under Section 306 of the *Water Management Act 2000*.
- **Sewer Connection** - The site has access to sewer infrastructure and is capable of being connected to the existing network. An existing sewer main traverses the north-east corner of the site and the proposed dwelling on Lot 26 has been designed with an appropriate offset to the main.

Council's Water and Sewer Team have reviewed the proposal and provided a draft Notice of Requirements under Section 306 of the *Water Management Act 2000*.

- **Stormwater** - The development application is supported by a detailed stormwater management plan which demonstrates conceptually how the development can achieve Council's nominated water quality targets. No detention facilities are proposed on the basis that prior investigations by Hopkins Consultants have demonstrated that there is no net downstream benefit to the provision of such facilities at this location within the catchment.

The internal stormwater drainage infrastructure and water quality controls proposed to be constructed will all be private (not Council assets), and as such a condition is recommended burdening the future owners with the obligation to undertake routine



maintenance of these facilities, and providing Council with a right to enforce/undertake maintenance at landowner's costs if not completed satisfactorily.

Appropriate conditions are recommended in this regard.

- **Utilities** – Telecommunication and electricity services are available to the site. Evidence of satisfactory arrangements with the relevant utility authorities for provision of services to the development will be required prior to the issue of a Construction Certificate.

The proposed location of the electricity substation has been appropriately integrated into the landscape design.

The development relies upon relocation of existing overhead powerlines currently traversing the site and extinguishment of the associated easement (subject to agreement from Essential Energy). A condition is recommended requiring confirmation of the relocation and extinguishment of the easement prior to the issue of a Stage 1 Construction Certificate.

- **Heritage** – No known items of Aboriginal or European heritage significance exist on the property. The land has been subject to previous filling to a depth of between 1m and 2m and the proposal includes further filling. It is not anticipated that any items of significance would be uncovered during works.
- **Other land resources** – The site is within an urban context and will not sterilise any significant mineral or agricultural resource.
- **Water Cycle** - The proposed development will not have any significant adverse impacts on water resources and the water cycle.
- **Soils** - The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.
- **Air and Microclimate** - The construction and operation of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.
- **Flora and fauna impacts** - The application includes a Flora and Fauna Assessment Report prepared by Eco Logical Australia, which addresses the relevant provisions of the Biodiversity Conservation Act 2016.

A total of 0.086ha of planted native vegetation comprising *Acacia floribunda* (White sally wattle), *Casuarina glauca* (Swamp Oak) and 1 individual *Eucalyptus robusta* (Swamp Mahogany) (DBH 12cm) will be impacted. An additional 0.058 ha of regrowth PCT 4006 Northern Paperbark-Swamp Mahogany Saw-sedge Forest (low condition) will also be impacted by the development.



Figure 6 - Extent of impacted vegetation (Flora and Fauna Assessment Report - Eco Logical Australia)

The extent of clearing is below the threshold of 0.25 hectares, and the impacted areas are not identified on the Biodiversity Values Map. The report includes a test of significance, which confirms that the proposed development would not significantly affect threatened species or ecological communities, or their habitats. Therefore, the biodiversity offset scheme does not apply to the development.

The report includes mitigation and management measures, including:

- Offsetting the *Eucalyptus robusta* at a ratio of 4:1 in accordance with the koala plan of management;
- Site clearing protocols and supervision by the ecologist;
- Appropriate dust control measures;

- Biosecurity measures;
- Fencing of the site to reduce impacts of human activity on the riparian areas.

These matters have been addressed in the design of the development and the recommended conditions of consent.

- **Waste** – The application includes a Preliminary Waste Management Plan, which satisfactorily addresses Council's Policy.

The development will require a private waste collection service, and the plans include swept paths confirming that the internal roads can accommodate a collection vehicle. A condition is recommended requiring confirmation of arrangements for the private waste collection service.

- **Energy** - The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.
- **Noise and vibration** – The application includes a Traffic Noise Assessment prepared by Matrix Thornton and dated 19 December 2022. The assessment addresses traffic noise impacts from the nearby Pacific Motorway and Oxley Highway and the proposed residential development. The assessment concludes that the proposed development will comply with relevant noise guidelines and no mitigation measures are required for any of the lots.

Construction noise impacts can be managed by restricting work to the standard construction hours, as recommended in the conditions.

- **Bushfire** – The site is identified as being bushfire prone. The application includes a Bush Fire Assessment Report prepared by Midcoast Building and Environmental. In accordance with Section 100B of the Rural Fires Act 1997, the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes and a Bush Fire Safety Authority from the NSW Rural Fire Service (RFS) is required.

The RFS have reviewed the proposal and Bush Fire Assessment Report through the integrated development pathway. A Bush Fire Safety Authority dated 21 December 2023 has been issued, which includes conditions relating to the following matters:

- Asset protection zones;
- Landscaping;
- Construction standards;
- Roads and fire trails;
- Water and utility services.

The proposal is capable of complying with the requirements of the Bush Fire Safety Authority without any changes to the overall layout or design of buildings. A condition is recommended incorporating the RFS requirements.

- **Safety, security and crime prevention** – The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The proposed fencing will provide access control to the individual dwellings, and clearly defines the public domain and the private and communal spaces. The two storey form of the buildings will allow for passive surveillance of the street and perimeter fire trail. The

fire trail will provide semi-public pedestrian access around the northern and eastern edges of the development with a 2m wide concrete path. The dwellings adjoining the path will provide passive surveillance for the majority of the length of the fire trail (excluding the north-east corner adjacent to the swimming pool). The Applicant is proposing not to provide any lighting to the path to discourage its use at night.

- **Social impact** – Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts. The site is located close to services and facilities and the building design will provide for interaction between residents and the public domain. The development will provide additional housing mix in the locality
- **Economic impact** – The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.
- **Site design and internal design** – The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.
- **Construction** – Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.
- **Cumulative impacts** – The proposed development is consistent with the relevant planning controls and is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

The proposal will fit into the locality and the site attributes are conducive to a medium density residential development of the nature proposed.

Site constraints of bushfire, flooding, and acid sulfate soils have been adequately addressed and appropriate conditions of consent recommended.

### **3.4 Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 5 of this report.

### **3.5 Section 4.15(1)(e) - Public interest**

The proposed development will be in the wider public interest with provision of appropriate additional housing in a good location close to services and facilities. The proposed development satisfies relevant planning controls and will not have any significant adverse impacts on the wider public interest.

## **Ecologically Sustainable Development and Precautionary Principle**

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.



The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the manmade development and the environmental impacts. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

## Climate change

The proposal is not considered to be vulnerable to any risks associated with climate change.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 5: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
N/A			
<b>Referral/Consultation Agencies</b>			
Essential Energy	Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021	Essential Energy raised concerns regarding the proximity of the development to existing overhead and underground electricity infrastructure in the locality and provided minimum clearance requirements.  The plans have been updated to confirm the Applicant's intention to remove the existing overhead powerlines traversing the site	Y

		<p>and replace them with underground power in the public roads adjoining the site. This will resolve clearance requirements for the overhead powerlines. A condition is recommended requiring the existing electricity easement to be extinguished prior to the issue of the Stage 1 Construction Certificate.</p> <p>The proposed buildings have adequate setbacks from the site frontage to achieve the recommended clearances to underground infrastructure.</p>	
Transgrid	Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Transgrid raised initial concerns in relation to the following matters:</p> <ol style="list-style-type: none"> <li>1) Transgrid Structure No. 243 is a Three Pole structure with a stay towards the development, installed at about 22m from the centreline.</li> <li>2) Placing fill within 20m of any part of a Transmission Line structure or supporting guy wires is prohibited. Refer to <i>Transgrid's Easement Guidelines</i>.</li> <li>3) The proposed batter of the earthworks will cover the installed stay and encroach the Easement for about 9m, which is within the 20m exclusion zone.</li> <li>4) There is a current access track for Transgrid to this structure.</li> <li>5) The stormwater drainage onto the Easement may cause ponding around the structure.</li> <li>6) New sewer connection to an existing main is in the Easement, pipe materials are unknown.</li> <li>7) There is currently a 33kV line traversing the property as well.</li> </ol>	Y

		<p>The Applicant has amended the design in response to these initial concerns to reduce the extent of filling in the easement, provide batters at an appropriate grade for maintenance access, and move the location of the proposed stormwater outlet.</p> <p>Transgrid have accepted the amended proposal subject to requirements for maintenance access, protection of infrastructure during construction, and installation of underground cables, which can be addressed through the recommended conditions.</p>	
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
RFS	S100B - <i>Rural Fires Act 1997</i> 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	<p>Bush Fire Safety Authority issued by NSW Rural Fire Service on 21 December 2023. The approval includes conditions relating to asset protection zones, construction standards, access roads, fire trails, and services.</p> <p>The submitted proposal will be able to satisfy the conditions of the Bush Fire Safety Authority without any changes to the overall layout or design of buildings.</p> <p>The RFS requirements can be incorporated into the conditions of any consent granted.</p>	Y
DPE - Water	S91 - <i>Water Management Act 2000</i> - controlled activity approval for works within 40m of a watercourse.	General terms of approval provided on 1 June 2023, with conditions detailing the requirements for the subsequent application for a controlled activity approval. The amendments made to the proposal through the assessment process were further reviewed by DPE - Water and advice was received on 21	Y

		<p>November 2023 that no changes are required to the original general terms of approval.</p> <p>The conditions are capable of being incorporated into the conditions of any consent granted.</p>	
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## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 6: Consideration of Council Referrals**

Officer	Comments	Resolved
Stormwater	<p>The development application is supported by a detailed stormwater management plan which demonstrates conceptually how the development can achieve Council's nominated water quality targets. No detention facilities are proposed on the basis that prior investigations by Hopkins Consultants have demonstrated that there is no net downstream benefit to the provision of such facilities at this location within the catchment.</p> <p>The internal stormwater drainage infrastructure and water quality controls proposed to be constructed will all be private (not Council assets), and as such a condition is recommended burdening the future owners with the obligation to undertake routine maintenance of these facilities, and providing Council with a right to enforce/undertake maintenance at landowner's costs if not completed satisfactorily.</p> <p>Appropriate conditions are recommended in this regard.</p>	Yes
Development Engineer	<p>The submitted Traffic Impact Assessment has been reviewed and the conclusions and recommendations are considered appropriate for the development.</p> <p>Appropriate conditions have been recommended in relation to the design of access, parking areas, and frontage works to ensure that they satisfy relevant engineering standards.</p>	Yes
Flooding	<ul style="list-style-type: none"> <li>Although the site is flood prone, all components have been filled above the FPL.</li> <li>The proposed floor level of all dwellings is above the identified PMF level.</li> </ul>	Yes



	<ul style="list-style-type: none"> <li>The site has a clear evacuation route to John Oxley Drive and the Oxley Highway.</li> </ul>	
Water and Sewer	<p>Water and sewer infrastructure is available and the development is capable of being connected.</p> <p>A draft Notice of Requirements under Section 306 of the <i>Water Management Act 2000</i> has been prepared and can be issued if the development is granted consent.</p>	Yes
Development Contributions	<p>Development contributions will apply in accordance with the following Contributions Plans:</p> <ol style="list-style-type: none"> <li>Port Macquarie-Hastings Administration Building Contributions Plan 2007</li> <li>Hastings S94 Administration Levy Contributions Plan</li> <li>Port Macquarie-Hastings Open Space Contributions Plan 2018</li> <li>Hastings S94 Major Roads Contributions Plan</li> <li>Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005</li> <li>Port Macquarie-Hastings Section 94 Local Roads Contributions Plan Areas 13, 14 and 15</li> </ol> <p>An Environmental Management Land Contribution will also apply in accordance with Clause 12 of the Area 13 Environmental Land Management Planning Agreement.</p> <p>Conditions have been recommended requiring payment of the contributions at the relevant stages.</p>	Yes

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

### 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 17 May 2023 until 16 June 2023. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (84 letters sent);
- Notification on the Council's website.

The Council received a total of two unique submissions, comprising two objections and no submissions in favour of the proposal. The issues raised in these submissions are considered in **Table 7**.

**Table 7: Community Submissions**

Issue	Council Comments
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<p><b>Traffic</b></p> <p>Concerns that the development will result in significant traffic congestion in Chancellors Drive and at the intersection of Chancellors Drive and College Drive, particularly when considering likely traffic growth in the area. Suggests that Chancellors Drive and the existing roundabout need to be upgraded to two lanes in each direction.</p>	<p>The submitted Traffic and Parking Assessment addresses traffic impacts of the development in the AM and PM peak hours using accepted traffic generation rates from the <i>Guide to Traffic Generating Developments</i>.</p> <p>The assessment includes SIDRA analysis of the operation of the intersection of Chancellors Drive and College Drive, including future operation with projected traffic growth over 10 years. The analysis confirms that the intersection would continue to operate at a Level of Service A (highest level of service) with the proposed development and 10 years of traffic growth.</p> <p>In the site frontage, Chancellors Drive and College Drive are collector roads in Council's AusSpec road hierarchy and have been designed to carry up to 6000 vehicles per day.</p> <p><b>Outcome:</b> The proposed development is within the capacity of the existing road network and there is no warrants for upgrading Chancellors Drive or the intersection of Chancellors Drive and College Drive.</p>
<p><b>Flooding</b></p> <p>Concerns that the proposal would increase flooding impacts in College Rise estate downstream of the site.</p>	<p>A Floodplain Encroachment Assessment was prepared by Patterson Britton &amp; Partners Pty Ltd in 2007 as part of the Planning Proposal for the urban release area. The assessment determined the extent of the flood fringe areas that could potentially be filled for development in the precinct without adverse flood impacts on other properties in the locality.</p> <p>The extent of fill proposed for the development is consistent with the Floodplain Encroachment Assessment and is not expected to result in adverse flooding impacts on other properties.</p> <p><b>Outcome:</b> The proposed development is consistent with the Floodplain Encroachment Assessment and does not require additional flood impact assessment.</p>

## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 5.1 Flooding

The site adjoins Partridge Creek to the north, and an unnamed tributary to the east and is identified as being within the flood planning area.

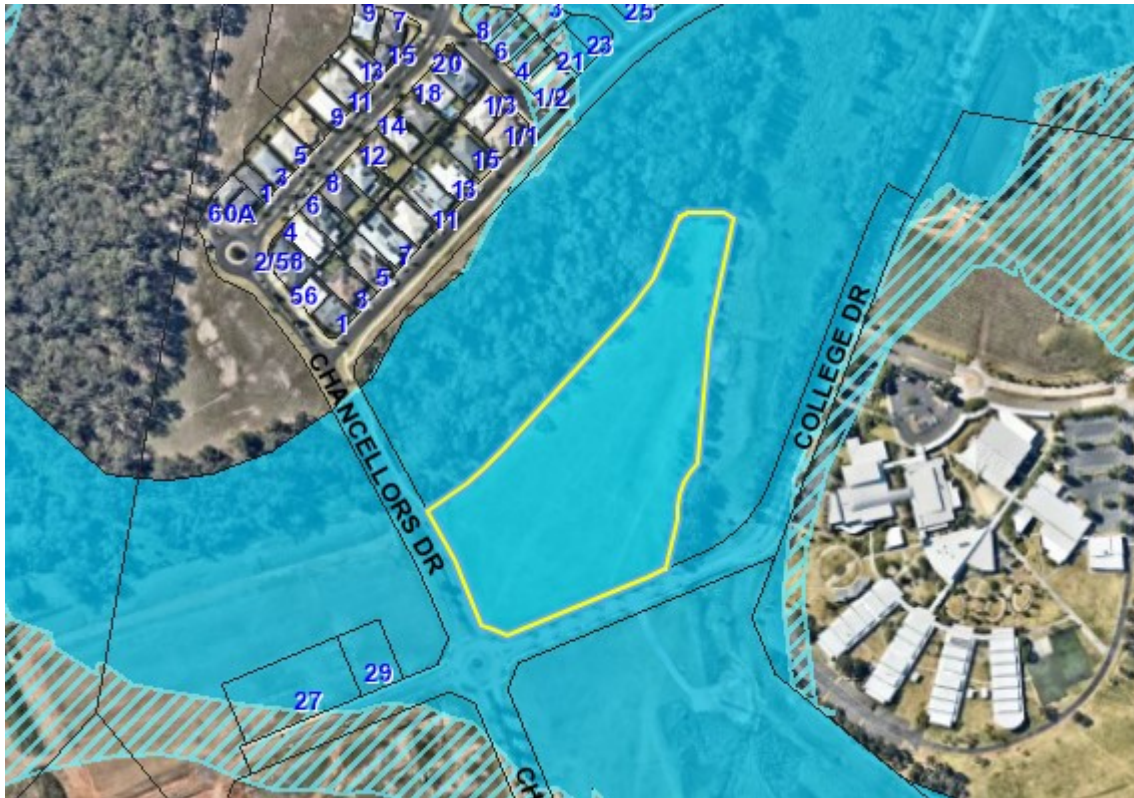


Figure 7 - Flood Planning Area Map

The proposal includes substantial filling of the site to achieve finished floor levels above the probable maximum flood (PMF) level for all dwellings. This exceeds the minimum requirements of Council's Flood Policy, which requires habitable areas to be at or above FPL3 (1:100 flood including climate change allowance, plus 500mm freeboard).

The site has a safe evacuation route to John Oxley Drive and the Oxley Highway, with adequate warning time in accordance with the Flood Policy.

Some retaining walls for the development will be located below the flood planning level and appropriate conditions have been recommended to ensure that these structures are constructed of flood compatible materials and are engineered to withstand flood forces.

A Floodplain Encroachment Assessment was prepared by Patterson Britton & Partners Pty Ltd in 2007 as part of the Planning Proposal for the urban release area. The assessment determined the extent of the flood fringe areas that could potentially be filled for development in the precinct without adverse flood impacts on other properties in the locality. The extent of fill proposed for the development is consistent with the Floodplain Encroachment Assessment and is not expected to result in adverse flooding impacts on other properties.

Resolution: The issue has been resolved through the design of the development and the recommended conditions of consent as outlined in **Attachment A**.

## 5.2 Bushfire

The site is identified as being bushfire prone. The application includes a Bush Fire Assessment Report prepared by Midcoast Building and Environmental.

In accordance with Section 100B of the Rural Fires Act 1997, the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes and a Bush Fire Safety Authority from the NSW Rural Fire Service (RFS) is required. The RFS have reviewed the proposal and Bush Fire Assessment Report through the integrated development pathway. A Bush Fire Safety Authority dated 21 December 2023 has been issued, which includes conditions relating to the following matters:

- Asset protection zones;
- Landscaping;
- Construction standards;
- Roads and fire trails;
- Water and utility services.

The proposal is capable of complying with the requirements of the Bush Fire Safety Authority without any changes to the overall layout or design of buildings. The proposal was amended through the assessment process to detach pergolas from the dwellings and provide a passing bay on the fire trail in accordance with the Bush Fire Safety Authority.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

### **5.3 Waste Management**

The application includes a Preliminary Waste Management Plan, which satisfactorily addresses Council's Policy.

The development will require a private waste collection service, and the plans include swept paths confirming that the internal roads can accommodate a collection vehicle. The staging plan indicates that the internal loop road that facilitates the waste collection service will be constructed over 3 stages. To ensure a function waste collection service from the first stage of the development, a condition is recommended requiring the loop road (or an alternative temporary road) to be constructed prior to the issue of the Stage 1 Occupation Certificate.

The plans indicate that bins would be stored at the individual dwellings and placed at the frontage to the internal road on collection days. Lots 001 to 004 and 050 to 055 don't have direct frontage to the collection route, and the plans indicate that bins would be placed in two communal locations at the western end of the loop road (see below).



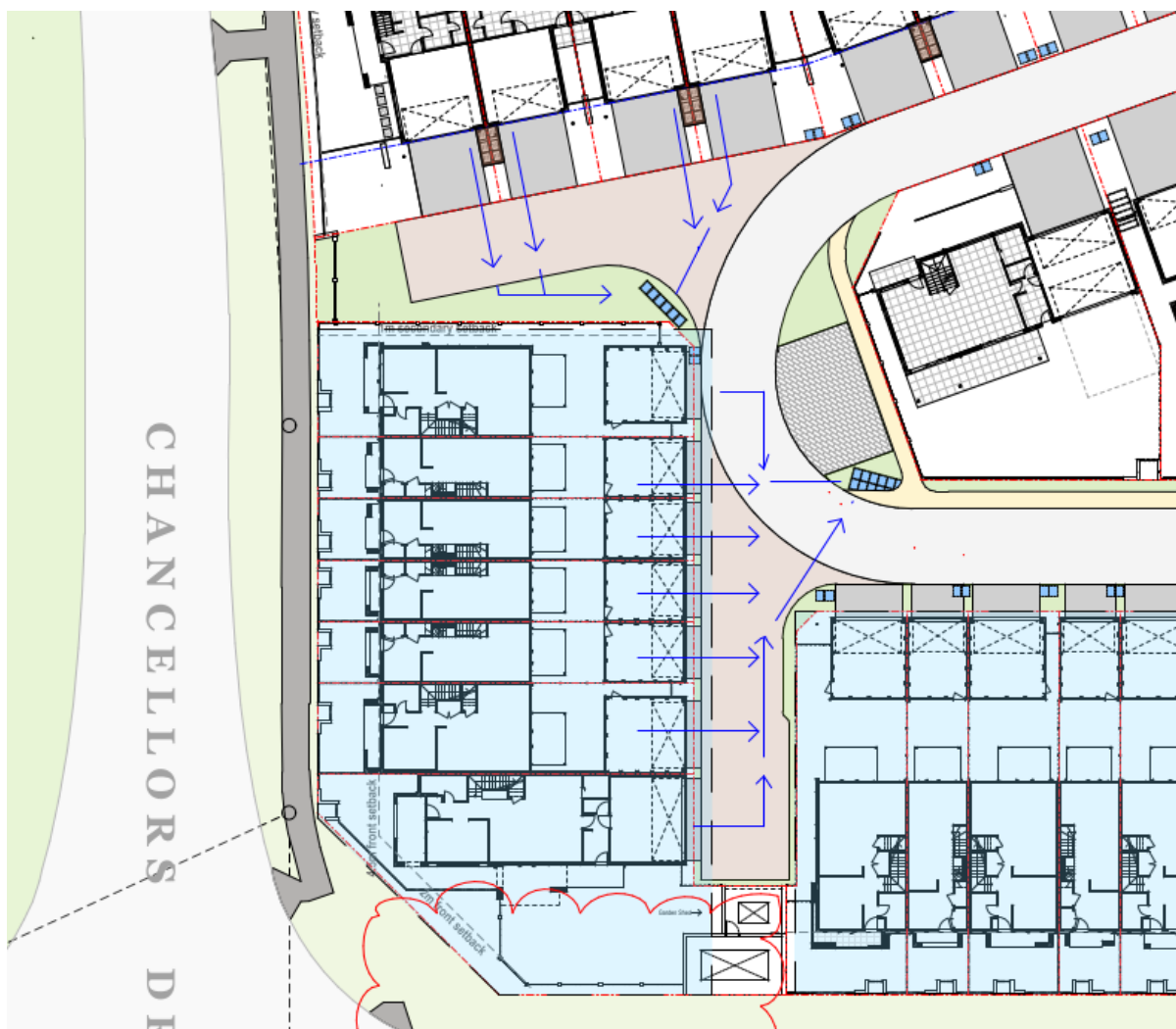


Figure 8 - Extract from Waste Management Plan

It is understood that the bins would be returned to the individual dwellings following collection, and the communal areas are not intended to be permanent bin storage areas. The communal bin collection areas are located away from the main living and outdoor areas of the adjoining dwellings and are not expected to result in significant amenity impacts to residents.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

## 5.4 Urban Design and Landscaping

The site is identified in the DCP as a gateway to the Thrumster Town Centre and the controls aim to define the entries along College Drive and Chancellors Drive with a strong built form. The controls were developed at a time when Council was investigating a mixed use zoning for the land, where ground floor commercial uses and a high level of activation could be expected. Some of these controls remained in the DCP when the land was ultimately zoned for medium density residential use and are not possible to fully achieve in a residential development.

The proposal has sought to achieve the objective of the DCP in a satisfactory manner. The development defines the edge of the public domain with appropriate fencing and landscaping, and the front setbacks have been reduced to provide a balance between the presence of the buildings in the streetscape and the amenity of residents. The development presents as a predominantly continuous two storey form to both street frontages and the end buildings have additional architectural detailing to the side elevation to present to traffic approaching the Town Centre on each street.

The design of the dwelling at the corner of College Drive and Chancellors Drive (Lot 050) has been amended to address both streets and the landscaping and fencing design improved, including a large feature tree at the corner. The proposed electrical substation adjacent to Lot 050 has been suitably concealed with fencing and landscaping.

Extracts of the streetscape perspectives in the architectural plan set are included below:

VIEW FROM ROUNDABOUT OF CHANCELLORS DRIVE & COLLEGE DRIVE



Figure 9 - View of development from corner of Chancellors Drive and College Drive

VIEW FROM CHANCELLORS DRIVE STREAM CROSSING



Figure 10 - View of development from Chancellors Drive Bridge

**Resolution:** The proposal is considered to provide an appropriate streetscape for a medium density residential area on the fringe of a developing Town Centre, and adequately addresses the intent of the DCP controls.

## 5.5 Planning Agreement - Charge Land

The Sovereign Hills Estate Planning Agreement was entered into with the developer on 18 June 2008 and varied on 17 September 2012. The Agreement includes provisions relating to development contributions, dedication of land, construction of community facilities, roadworks, carrying out of commercial development, and a community events program. The subject site is identified as 'Charge Land' under Clause 25 of the Planning Agreement, and provides

security for Council in relation to contributions offsets and the completion by the developer of the relevant obligations in the agreement.

Clause 25A of the Planning Agreement provides for the developer to replace the charge land with:

- d) Alternative land agreed in writing by Council to be of a value that is proportionate to the likely remaining cost of the developer's obligations under the agreement.
- e) A bank guarantee of a value that is proportionate to the likely remaining cost of the developer's obligations under the agreement.
- f) A combination of alternative land and a bank guarantee.

The developer has commenced negotiations with Council regarding the replacement of the Charge Land with an alternative parcel and a development application has been lodged for a subdivision to create the relevant lot.

Given that multiple options exist in the Planning Agreement for the replacement of the Charge Land, it is not considered that there is a legal impediment to the granting of consent to the development application, or the issue of a subsequent Construction Certificate for the buildings (as this is likely to improve the value of the land that currently provides the security). However, it is recommended that a condition be imposed to prevent the issue of the first Strata Certificate until Council confirms in writing that a suitable replacement for the Charge Land has been established. The subdivision of the land would have implications for its value, and Council would need to ensure that adequate security is retained at this point.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

## **5.6 Proximity to Electricity Infrastructure**

Existing 11kV and 33kV overhead powerlines traverse the site within a 20m wide easement in the location shown below.

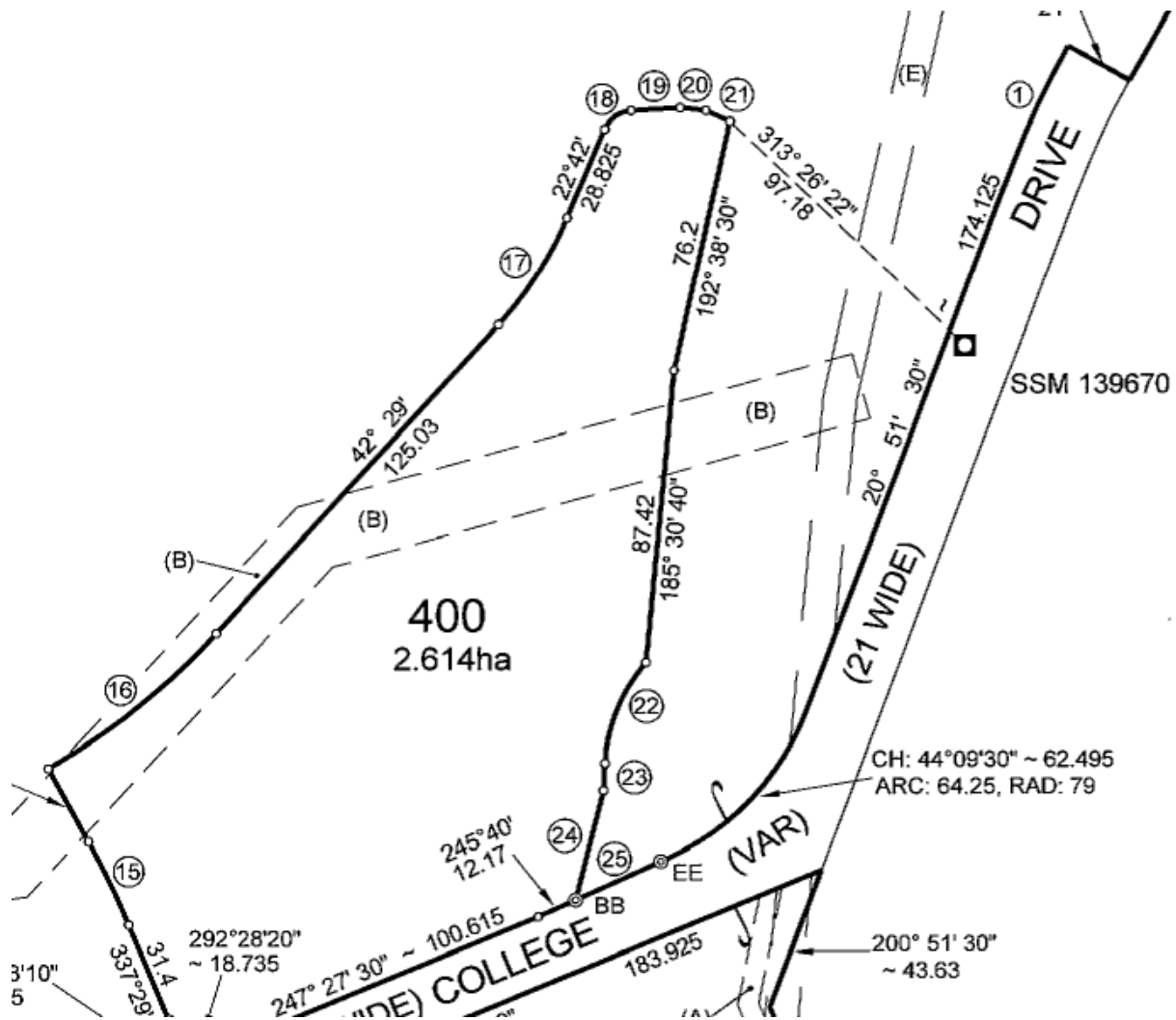


Figure 11 - Extract from Deposited Plan

The site also adjoins high voltage transmission lines along the eastern boundary.

Essential Energy and Transgrid have been consulted as part of the assessment process. Essential Energy raised some initial concerns regarding the proximity of buildings to the electricity infrastructure and provided recommended minimum separation distances.

The Applicant has updated the civil plans to confirm the intention to relocate the existing powerlines underground in the street frontages of the site and to extinguish the current easement. The proposed building will achieve the required minimum separation distances from the underground electricity infrastructure. Confirmation will be required from Essential Energy that the existing powerlines have been relocated to their satisfaction and that the easement has been extinguished prior to the commencement of any filling within the current easement or the issue of the Stage 1 Construction Certificate.

Transgrid provided an initial response on 22 June 2023 advising that a number of aspects of the development were not permitted within the transmission easement along the eastern boundary of the site. The concerns related to filling in the easement (and particularly in proximity to a stay wire for the transmission tower), operational access for maintenance, and impacts of the proposed stormwater outlet.



The Applicant has amended the design in response to these initial concerns to reduce the extent of filling in the easement, provide batters at an appropriate grade for maintenance access, and move the location of the proposed stormwater outlet.

Transgrid further reviewed the amended proposal and provided approval subject to conditions regarding maintenance access, protection of infrastructure during works, and the installation of new underground cables.

Resolution: The issue has been resolved through changes to the design and the recommended conditions of consent as outlined in **Attachment A**.

## 5.7 Ecological Impacts

The application includes a Flora and Fauna Assessment Report prepared by Eco Logical Australia, which addresses the relevant provisions of the Biodiversity Conservation Act 2016.

A total of 0.086ha of planted native vegetation comprising *Acacia floribunda* (White sally wattle), *Casuarina glauca* (Swamp Oak) and 1 individual *Eucalyptus robusta* (Swamp Mahogany) (DBH 12cm) will be impacted. An additional 0.058 ha of regrowth PCT 4006 Northern Paperbark-Swamp Mahogany Saw-sedge Forest (low condition) will also be impacted by the development.

The extent of clearing is below the threshold of 0.25 hectares, and the impacted areas are not identified on the Biodiversity Values Map. The report includes a test of significance, which confirms that the proposed development would not significantly affect threatened species or ecological communities, or their habitats. Therefore, the biodiversity offset scheme does not apply to the development.

The report includes mitigation and management measures, including:

- Offsetting the *Eucalyptus robusta* at a ratio of 4:1 in accordance with the koala plan of management;
- Site clearing protocols and supervision by the ecologist;
- Appropriate dust control measures;
- Biosecurity measures;
- Fencing of the site to reduce impacts of human activity on the riparian areas.

Resolution: The issue has been resolved through the development design and recommended conditions of consent as outlined in **Attachment A**.

## 6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

Overall, the site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

## **7. RECOMMENDATION**

That the Development Application DA2023 - 259.1 (PPSNTH-216) for multi dwelling housing and strata subdivision at Lot 400 DP 1208753 and Lot 3 DP 1293093 College Drive, Thrumster be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: Compliance Tables
- Attachment C: Architectural Plans
- Attachment D: Civil Plans
- Attachment E: Landscape Plans
- Attachment F: Bush Fire Safety Authority
- Attachment G: General Terms of Approval from NSW Department of Planning and Environment - Water