

## Comments on submissions

### DA2023/0759 James Creek Road, James Creek.

The points below represent the main issues raised by submitters following the advertising of the application. Our comments to each of the items raised are set out in the table below.

Grounds of submission	Response
A similar application was previously refused by the Planning Panel.	<p>The fresh application is very different to the earlier proposal. It incorporates a number of changes which address the matters of concern in the previous application including extensive buffers and separation to neighboring land, distributing density in accordance with the R1 and R3 zoning, improved community facilities including a child care centre and community pavilions in the park, integrated housing, and increased stormwater treatment.</p> <p>A further analysis of these changes is to be found in the application documents and the document titled Changes to proposal resulting from Planning Panel Determination.</p>
Access is inadequate	<p>There are a number of measures which will address the concerns of submitters relating to traffic and safety. The upgrading of roads and intersections in the area is in large part controlled by Councils James Creek Urban Growth Area Road Infrastructure Developer Contributions Plan. This will involve payment to Council on a per lot basis with priorities to be determined by Council as directed by the plan. The applicant has advised Council that they are willing to work with Council to address more urgent works.</p> <p>This may include bring forward works at the Yamba Road / James Creek Road intersection which is identified as needing an upgrade.</p>
Single access to James Creek Road	<p>Submitter have questioned the safety of a single access point to the site. In practice a single intersection is safer than multiple intersections with reduced points of conflict. Additionally, the access design is for one lane to enter the site and two to leave creating redundancy in the event of an accident. Furthermore, an emergency access is</p>

	located between the commercial site and the stormwater basin to provide access in the case of a major event.
Bus service lacking	The Additional information response includes information from Busways which confirms regular reviews by TfNSW into bus services and the reasonable expectation that when an appropriate threshold of users is reached the bus service will be extended. The subdivision has been designed to accommodate a bus route through the `residential streets.
Pathway to Townsend	The applicant proposed to design a pathway to Townsend in conjunction with Council. Additionally, the applicant has offered to construct a pathway from the site to Gardiners Road, and to incorporate a further pathway into the works required to provide flood free access to the site in the flood affected area of Gardiners Road. The pathways to be constructed by the developer will comprise 50% of the distance to Townsend.
Buffer to neighbouring land	The Planning Panel in its Determination recognized in the Council report that 50m separation from the rural activities should be applied to the northern, eastern, and western boundaries. This has been included in the application and the principles of the separation treatment have been supported by the updated LUCRA report which accompanies the application. This matter has been addressed fully.
Austons Lane usage and buffer treatment	<p>Austons Lane is Crown land. The application has been amended to remove all stormwater devices from the area. The emergency access to Austons Lane has been relocated.</p> <p>Owner's consent is being obtained from Crown Land.</p> <p>Austons Lane separates the Large lot residential area to the south from the proposed residential development. Of the length of Austons Lane, 30% of it is proposed to be set aside for stormwater or open space purposes which will create an open vegetated interface. Additionally, the remained of the interface will contain a buffer area 5.0m wide for the full length of Austons Lane. The Statement of Landscape Intent and the Executive summary attached to the Changes to proposal resulting from Planning Panel</p>

	Determination includes imagery which shows that the proposed interface arrangements will totally screen the residential development from neighbouring land.
Flooding	<p>The proposed residential lots are all designed to be flood free even in a Probable Maximum Flood event. This is the design flood for the most extreme event which can be anticipated, and all the future homes will be above this level.</p> <p>SES have an evacuation policy for flood events. The Flood Emergency Plan has been revised in line with this approach and has been submitted to and approved by SES.</p>
Flood free access	<p>The nearest services are at Maclean and Townsend with an approved shopping centre at Gulmarrad. There is an area of Gardiners Road between the site and Townsend which is flood affected and results in a closure of the road in generally minor flood event. The applicant has offered to upgrade this access by filling the road level to Councils flood planning level of Q100 flood plus climate change [RL 3.9m]. This will allow flood free and safe vehicular access to a Q100 level.</p> <p>Additionally, we are advised that Council has adopted a 2090 flood level which has reduced the flood height in this location to RL 3.6-3.7m. Notwithstanding this recent change the applicant still proposes to retain the planned level at RL 3.90m thereby offering a higher level of immunity than that required by Council.</p>
Stormwater	<p>Extensive work has been carried out on the stormwater design to ensure it exceeds the Council requirements. Therefore, the stormwater is overtreated from a quality perspective and there is additional detention provided to further reduce runoff rates. The submitters have raised the issue of the difference between the rainfall recordings for Grafton which was used in the calculations and the Harwood Mill. There is quite a disparity and advice from the stormwater consultant is</p> <ul style="list-style-type: none"> <li>• Councils MUSIC model for stormwater treatment uses Grafton rainfall events. That said the consultant has also used Ballina rainfall figures [which are similar to Harwood Mill at 1772mm average annual rainfall] to cross check the calculations and the result is a stormwater design which meets the higher rainfall expectation for James Creek.</li> </ul>

	<ul style="list-style-type: none"> <li>The DRAINS runoff model used for calculating stormwater peak flows takes its data from Australian Rainfall and Runoff through a design storm. The location of the design event is 1.3k from the site.</li> </ul> <p>Details of the stormwater consultant's advice is contained in the Additional information required response.</p>
Infrastructure lacking	<p>The application is for lots which will be fully serviced. Additionally, community infrastructure will be provided through a neighborhood commercial development, a child care centre, parks, pavilions and play facilities within the parks, external pathway to Townsend and a mix of housing opportunities. The level of service to be provided will be available to the existing community and future residents.</p>
Bushfire	<p>A bushfire report has been provided by GeoLink in response to the RFS comments. It has been sent to RFS for review. The report concludes that subject to certain bushfire management requirements the design as proposed complies with fire regulations. The report is contained within the Additional information requested response</p>
Character and lifestyle	<p>The land was zoned to residential on 20 July 2014. At the time the rezoning consideration of the future use of the land was determined including the relationship with adjoining land. A plan accompanied the rezoning application which informed the decision. This plan showed open space interfaces with the neighbouring land. These principles have been used with the current application and represent a reasonable expectation of what the future character of the area would be like notwithstanding the different land uses.</p> <p>We believe that this revised proposal is faithful to these principles and that the impact on character and lifestyle aligns with the change anticipated at the time of rezoning.</p>