

**PROPOSED 310 LOT STAGED RESIDENTIAL SUBDIVISION  
LOTS 46/47 DP 751395 (NO 52/54) MILES STREET, YAMBA**

**INTEGRATED DEVELOPMENT UNDER THE:**

- **WATER MANAGEMENT ACT 2000**
- **RURAL FIRES ACT 1997**

**STATEMENT OF ENVIRONMENTAL EFFECTS**



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June 2021

## 1. Introduction

Kahuna No. 1 Pty Ltd owns Lots 46 and 47 DP 751395 jointly referred to as No. 52-54 Miles Street, Yamba and located in the West Yamba Urban Release Area (WYURA).

The application proposes a 310 lot residential subdivision plus:

- Lot 900 : 1.553ha, to be retained by current owner
- Lot 901: 4.51ha, includes the western detention basin and the watercourse plus vegetated buffers classified as a 2<sup>nd</sup> order stream under the Water Management Act 2000. This will be dedicated to Council.
- Lot 902: 1.215ha, the eastern detention basin to be dedicated to Council.
- Lot 903: 10.597ha, the expanded floodway with retained vegetation, its future ownership to be negotiated with Council.

The 310 lots consists of:

- 156 lots less than 480m<sup>2</sup>
- 154 lots greater than 480m<sup>2</sup>

There are 78 lots (25.2%) at 450m<sup>2</sup> or less which exceeds Councils affordable housing target of 10% of total lots.

Ten Stages are identified with Stage 1 containing 40 lots and the western detention basin and Stage 2 containing 28 lots.

The property has an area of 42.5ha, and the subdivision footprint is 27.13ha including detention basins, which represents 63.8% of the property without the basins the footprint is 24.5ha (57.8%). There is an area of 1.553ha in the south-west corner which is not proposed for development at this stage and 13.814ha which includes the protected floodway and 2<sup>nd</sup> order stream plus road widening.

The site contains 3 classified streams under the Water Management Act 2000. The one classified as a 2<sup>nd</sup> order stream is to be retained along with its 40m wide vegetated buffer. It is proposed to remove the two 1<sup>st</sup> order streams which required approval under that Act and renders this application Integrated Development.

The site also contains bushfire buffer and so is also an Integrated Application under the Rural Fires Act 1997.

WYURA is subject to specific controls contained in Part X of the Clarence Valley Residential Zones Development Control Plan 2011. This is addressed in Section 4.2 of this report, where variations are sought from the following provisions of Schedule X1.

- Figure X1.2 – Indicative Road Hierarchy Plan: delete road access to Carrs Drive.
- Neighbourhood Commercial Development: no provision made for a neighbourhood centre for reasons discussed at Section 4.2.2 Part X assessment.

- Urban Design Objective 02: no medium density housing area identified for reasons discussed at Section 4.2.2 Part X assessment.
- Figure X1.3 Conceptual Stormwater Network Plan: delete south-west drainage reserve and replace with western detention basin and 2<sup>nd</sup> order stream; add eastern detention basin and increase area of floodway.
- Landscape Strategy and requirement Part X 4 C4, Strategy not provided for the reasons discussed at Section 4.2.2 Part X assessment
- Urban Design Control C9, no 1.5m wide multi-purpose trail provided along the WYURA perimeter within the property for the reasons discussed at Section 4.2.2 Part X assessment.
- Transport Movement Hierarchy Control C4, no PAMP submitted for reasons discussed at Section 4.2.2 Part X assessment.

WYURA developed out of studies undertaken by the Maclean Shire Council (MSC) which initially established the potential for urban development in the vicinity of Carrs Drive south of Yamba Road.

In 1995 MSC incorporated this land into its Strategic Land Use Plan and in 1996 commissioned a 2 stage Local Environmental Study (LES) of 690ha.

Stage 1 of the LES concluded that around 50% of the 690ha was of high conservation value and 25% of medium conservation value, leaving approximately 170ha for potential urban development.

Stage 2 was completed in 1997 and focussed on the 170ha, which then became known as the West Yamba Urban Release Area.



**Figure X1.1**

*Figure 1 - Figure X1.1 - WYURA Locality Plan (CV Residential Zones DCP - Part X)*

In December 2011, Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) came into effect and 119.8ha (excluding roads) of WYURA was zoned R1 General Residential. The balance of WYURA was variously rezoned:

- R5 Large Lot Residential
- E2 Environmental Conservation
- E3 Environmental Management
- RE1 Public Recreation

The land subject to this development application is wholly zoned R1 General Residential.

## 2. Subject Site

### 2.1 Property Description

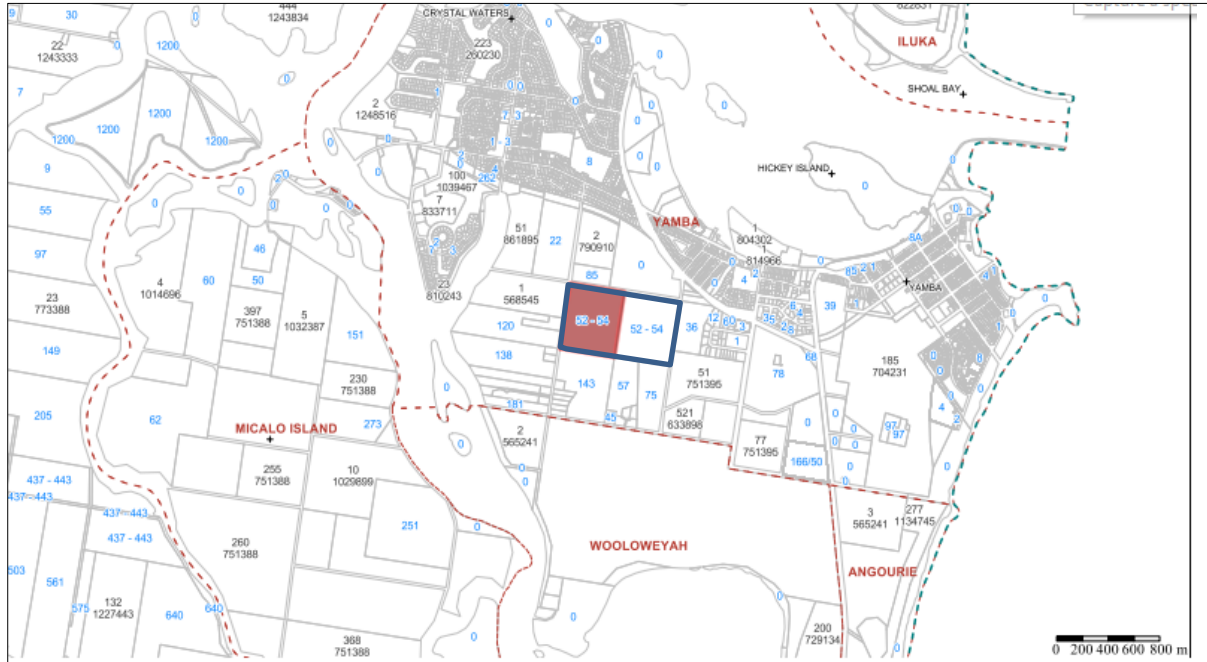


Figure 2 - Site Plan

The subject site is described as Lots 46/47 DP 751395 and has an area of 42.5ha.

### 2.2 Site Location

The subject site is located south of Yamba Road and approximately 4kms from the centre of Yamba township. It has 505m frontage to Carrs Drive which connects to Yamba Road, 840m to the unformed Miles Street, and 505m to Golding Street.

To the north on the opposite side of Miles St is St James Primary School (western end) and further WYURA land (eastern end); to the west is Lot 1 D568545 on which a 200 unit manufactured home estate has been approved; to the south, land zoned R5 Large Lot Residential and E3 Environmental Management; and to the east is Golding St.

### 2.3 Site Zoning

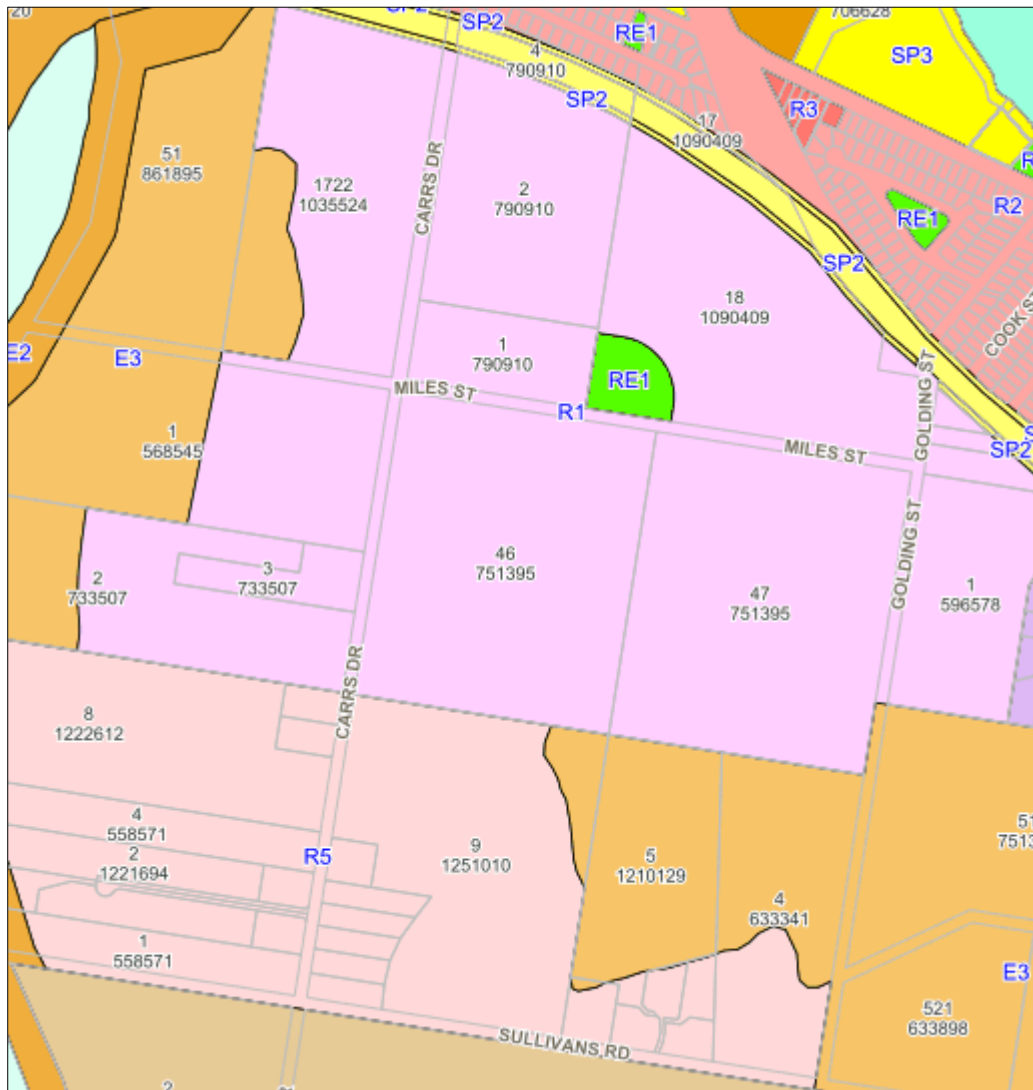


Figure 3 Zoning Map

### 2.4 Site Characteristics

The site contains 2 dwellings which will be removed as part of the development. The site has been modified by filling operations approved by Council covering in excess of 12ha. Previously the site was flat with levels ranging from 1.10m AHD to 1.60m AHD within the development footprint. It was, and still is to a limited extent, used for cattle grazing with extensive areas of improved pasture.

The expanded floodway (Lot 903) contains a variety of vegetation communities and will be retained in its current state as will be the 2<sup>nd</sup> order stream (part of Lot 901). All vegetation in the development footprint will be removed to allow for either filling or the construction of the detention basins – see Ecological Report at Annexure F and Section 4.2 of this report.

## 2.5 Site Constraints

### 2.5.1. Flooding

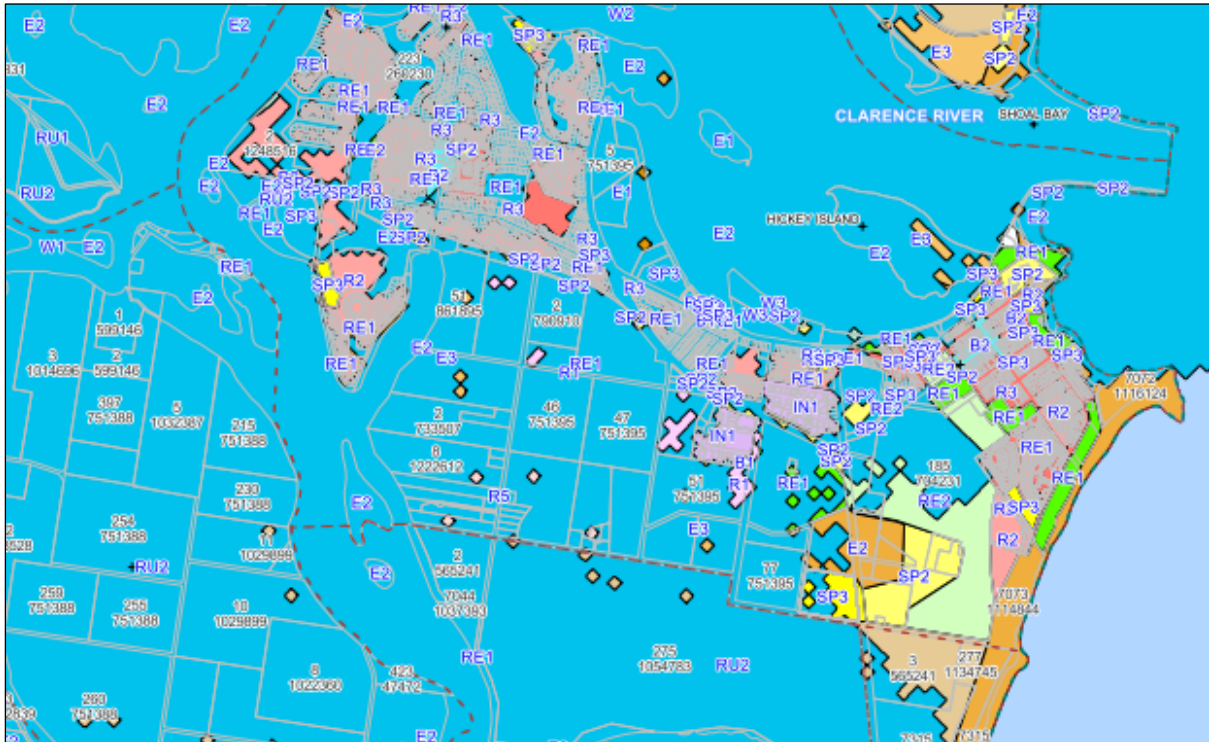


Figure 4- Flood Map

From its earliest concept plans, WYURA has included a floodway along its eastern boundary as indicated on Figure X 1.3 of Part X Schedule X1 of the Clarence Valley Residential Zones DCP.

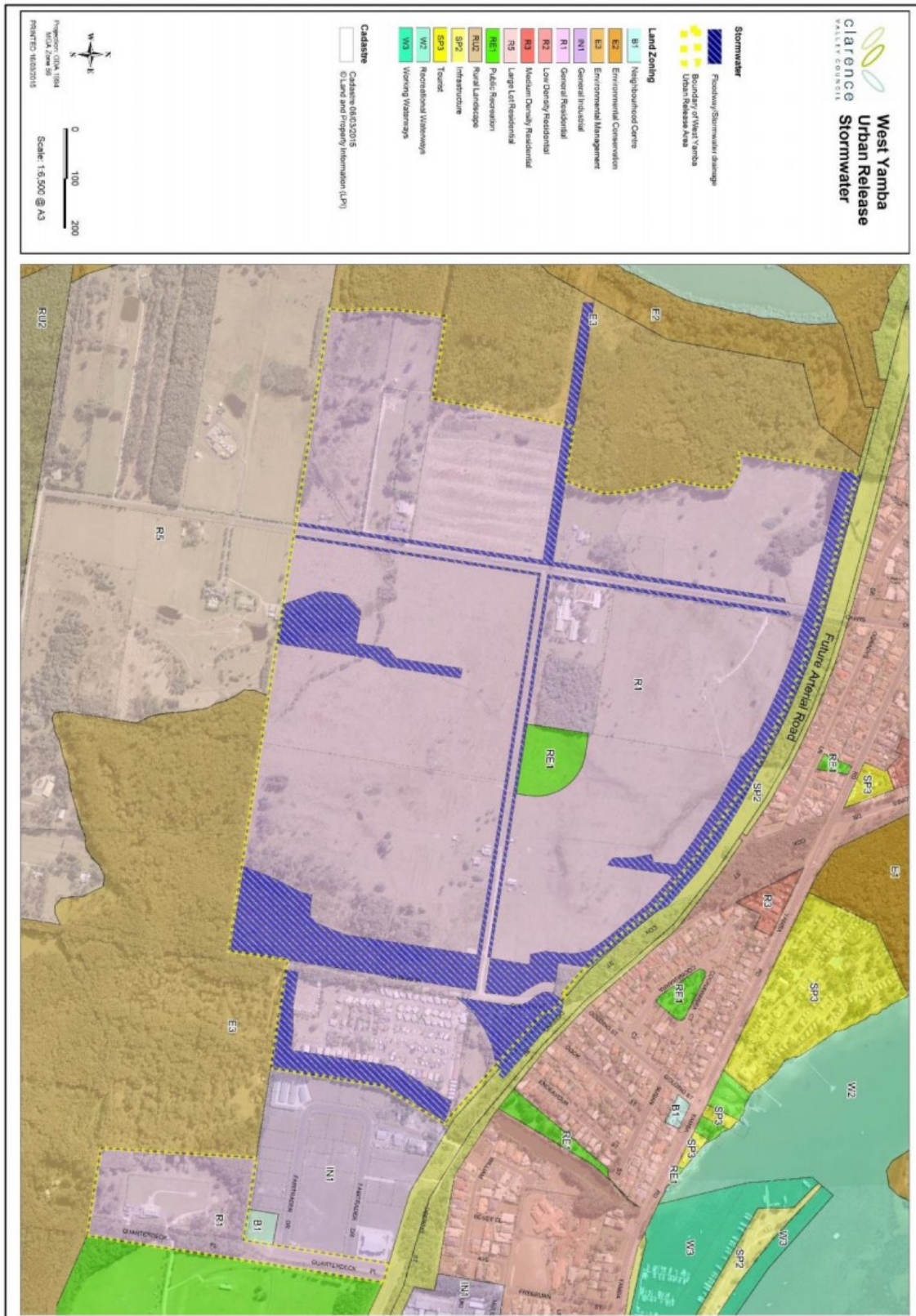


Figure X1.3 - conceptual Stormwater Network Plan

Figure 5- CV Residential Zone DCP Part X



A number of flood studies have been undertaken to assess the impact of the extensive fill required and the effectiveness of the floodway, including:

**Draft West Yamba Flood Impact Assessment (BMT WBM, May 2014)**

This was submitted to Council though it has never proceeded beyond the draft stage.

**West Yamba Urban Release Area Flood Impact Assessment (BMT, January 2018)**

This was prepared on behalf of the developers of the approved 161 lot subdivision on No. 22 Carrs Drive, diagonally opposite the subject site. It updated an earlier report by modelling the filling of the whole of WYURA, with the exception of the easterly floodway, to the 100 year ARI flood level. It made a number of conclusions, including:

- *Mitigation of the WYURA relies principally on a large floodway located outside the site area.*
- *The mitigated 100 year ARI event shows some impacts (increases in peak flood level) greater than 0.03m limited to the perimeter of the WYURA. These are not predicted to affect existing dwellings or other receptors within the tolerance shown.*

This report then made a number of recommendations, including:

1. *Assumptions have been made with regard to the development in neighbouring land to the east. This includes assumptions about fill extents and swale dimensions. It is recommended that consultation is undertaken with neighbouring parties to determine whether these assumptions are consistent with latest designs.*
2. *The design of the proposed floodway should be refined and reassessed at the detailed design stage following any proposed modifications. If design events and their underlying assumptions, such as allowances for storm surge, are updated then the development should be assessed with the updated design events.*

**West Yamba Further Flood Assessment (BMT, October 2018)**

As a result of the recommendations 1 and 2 contained in the January 2018 Report this further assessment was prepared taking into account an updated Digital Evaluation Model (DEM) for Lots 46 and 47 and the latest design for the floodway.

**Yamba Gardens Flood Impact Assessment (BMT, February 2020)**

A further report was prepared by BMT dated 27 February 2020 which incorporates the following significant changes:

- A reduced extent of filling within the east section of the site, increasing the width and area of the previous floodway
- Removal of the formalised floodway, leaving this area in its natural state to preserve the existing land form and vegetation.

Whilst the floodway is no longer proposed as a formalised floodway, the land is low lying and will function as a natural floodway during significant flood events.

The report models 2 options, the first only filling Lots 46 and 47 plus the approved filling of No. 22 Carrs Drive (Yamba Parklands Estate) and the second the filling of the whole of WYURA to above the 1 in 100 year level.

Option 1 resulted in minor increases, none affecting existing dwellings.

Option 2 is the most relevant as it models the final finished state of WYURA. It indicates the following off-site impacts:

- At the northern end of Carrs Drive below the junction with Yamba Road. Impacts are confined to the road and a vacant block.
- At approximately 20 properties fronting Cox/Deering/Golding/Cook/Endeavour Streets with impacts ranging between 0.03m and 0.05m.
- Within the caravan park and business park to the east of the caravan park with impacts typically ranging between 0.03m and 0.05m.

The February 2020 Report is attached at Annexure A, along with previous flood reports.

Council have now requested that a further Flood Impact Assessment be prepared for the whole of WYURA which models various changes which have occurred or been approved since the previous model, plus removal of areas which will not be filled. The model is currently under preparation.

## 2.5.2 Bushfire

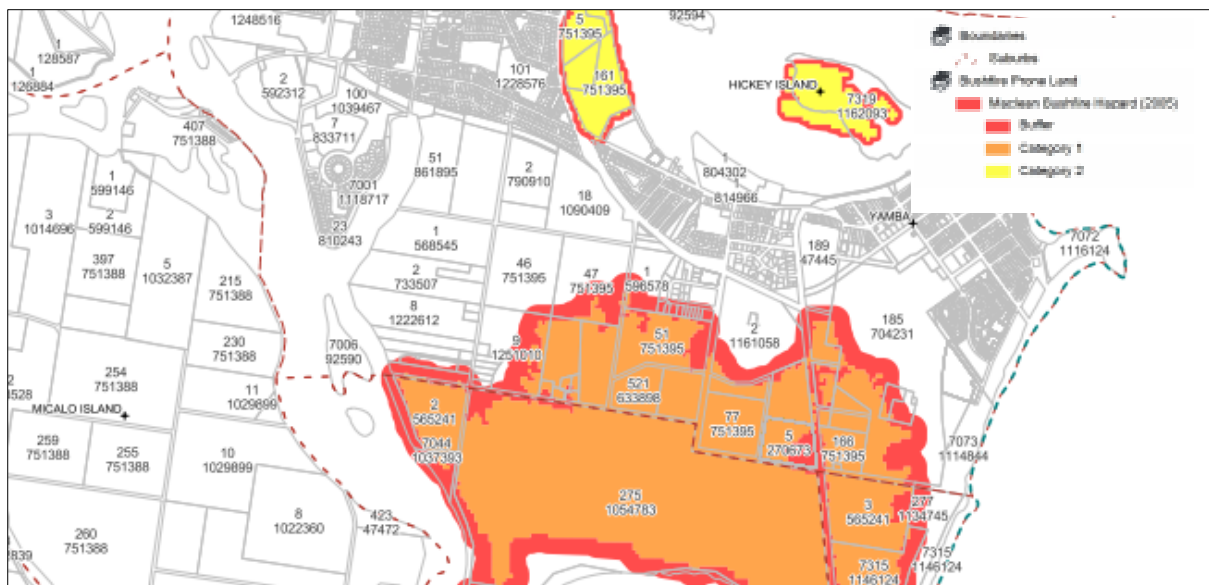


Figure 6- Bushfire Prone Map

The Clarence Valley Bushfire Prone Land Map indicates that land in the south and east of site is classified as bushfire buffer and with a smaller portion classified Category 1 bushfire prone land.

A Bushfire Risk Management Plan (Bushfiresafe (Aust) Pty Ltd, May 2021) is attached at Annexure B.

It recommends:

- A 25m wide Asset Protection Zone (APZ) along that section of the southern boundary adjacent to the bushfire risk.
- A 9m wide APZ within the rear yard of 12 lots in the north-east corner.
- A 9m wide APZ within the southern section of Lot 28 in the south-west corner.

All of the APZ's are achieved by the layout.

### 2.5.3 Acid Sulphate Soils

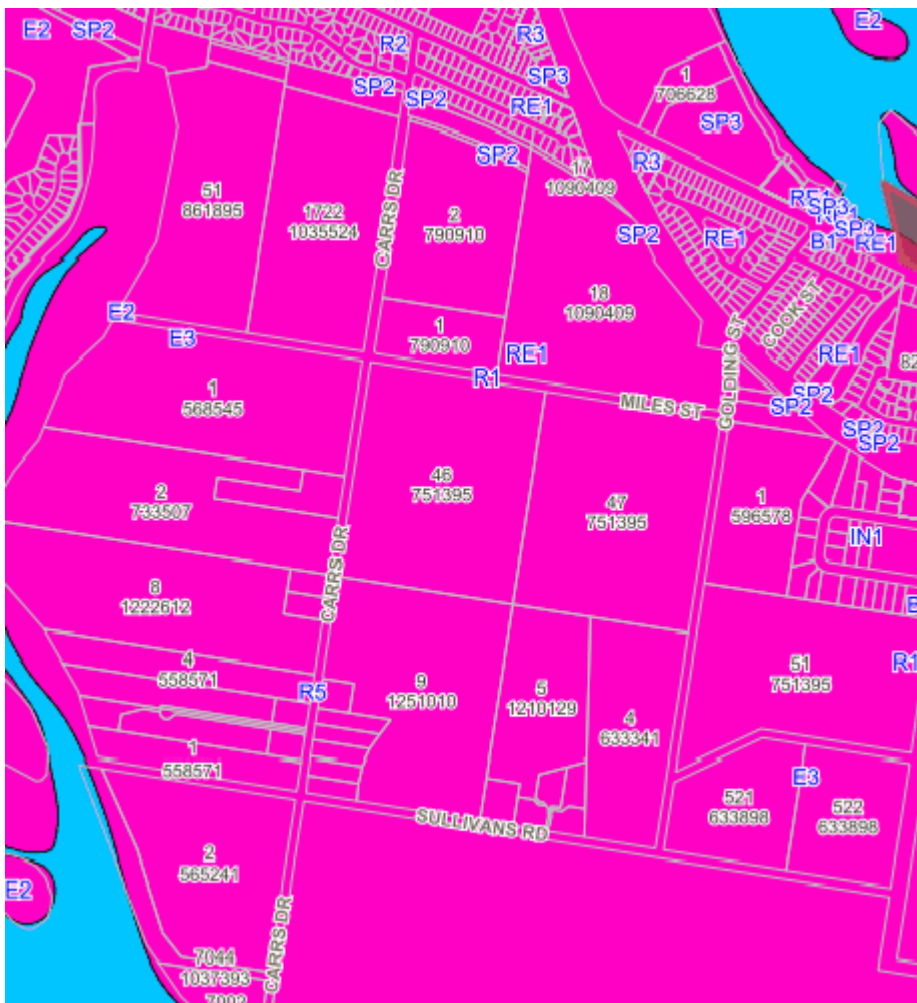


Figure 7- Acid Sulphate Soils Map

The Clarence Valley Acid Sulphate Soils Map classifies the entire site as Class 2 ASS.

An Acid Sulphate Soils Assessment (Regional Geotechnical Solutions, 5 March 2020) is attached at Annexure C.

The proposed development involves stripping the development footprint of 100mm of topsoil which is, and will be, stockpiled and spread over the finished lots. This has previously been approved for 12ha of the 42.5ha site under consents to DA's 2018/0553 (MOD2019/0011), 2019/0181, and DA 2019/0492.

These consents contain the following condition:

*"Earthworks are to comply with the Acid Sulphate Soil management provisions of the Clarence Valley Local Environmental Plan 2011. Treatment of Acid Sulphate Soils are to be generally in accordance with the Management Plan contained in the report titles "Proposed Residential Development – 52-54 Miles Street, Yamba NSW – Acid Sulphate Soil Assessment" dated 7<sup>th</sup> November 2018 prepared by Regional Geotechnical Solutions."*

Stripping, stockpiling and filling within the 12ha portion has been completed and a small section to the south plus a temporary detention basin is about to commence construction. Topsoil will be spread over these areas as finished levels are reached.

The ASS Assessment also includes an Acid Sulphate Soil Management Plan which has been compiled with in respect of current operations. The Management Plan includes:

*"1. Prepare stockpile area. This should involve:*

- Construct a bund around the designated area(s). the stockpile area should be at least 50m from any water courses*
- Spread lime over the exposed soils at a nominal rate of 2kg/m<sup>2</sup>*
- Lightly roll to reduce water infiltration*

*3. Spread topsoil over the finished lots and when complete spread lime at a nominal rate of 0.1kg/m<sup>2</sup> across surface to assist revegetation (p 5)"*

Recommendation 1 has been implemented for topsoil currently stockpiled and Recommendation 3 will be implemented when filling works are completed in each stage.

Acid sulfate soil testing is also required along the line of the retaining walls fronting Carrs Dr and Miles St. As these walls have not been designed and so the extent of works below natural surface is unknown, it is requested that these tests be undertaken and any required ASS Management Plan be provided with the Construction Certificate for those walls.

## **Development Proposal**

The application proposes a 310 lot staged subdivision, with 3 public purpose lots and a large lot (1.553 ha) to be retained by the owners. Lot sizes range from 420m<sup>2</sup> to 1010m<sup>2</sup>, with 156 less than 480m<sup>2</sup> and 154 greater.

Ten stages are identified with Stage 1 containing 40 lots and Stage 2 containing 28 lots. Indicative dwelling footprints (single and 2-storey) complying with all relevant DCP requirements are included for the smallest lots (420m<sup>2</sup>) – see Plan 805.

Miles St will be constructed in stages with Stage 1 being:

- Construct Carrs Drive intersection and associated drainage.
- Construct Miles Street to Chainage 160 just past entry to Stage 1 to allow construction of culverts under road 1 and the Northern side.
- Construct bed of swale and low flow 900 wide concrete invert on southern side of Miles Street East until Chainage 375. Turf line swale.

At Stage 8 of the subdivisions the remainder of Miles St including culvert crossing at the end of the school property will be constructed though this is subject to dedication of land as road reserve on the lot to the north.

Features of the development include:

- Two access points from Miles St, 140m east of Carrs Dr and 300m west of Golding St.
- Miles St road reserve having variable width ranging from 36m to 25m, with 11m carriageway. Dedication of land is the subject property for this road ranges from 16m in the west and 0m adjacent to floodway.
- Dedication of 3.5m along the Carrs Dr frontage though there is no vehicle access onto that road.
- 21m wide road reserve along southern boundary to assist with achieving the required Asset Protection Zone.
- 2.5m shared pathway in internal collector road.
- Lots filled to minimum 2.8m AHD to comply with 3.0m AHD minimum floor level in flood affected areas.
- Two large centrally located detention basins (1.377ha in west discharging into 2<sup>nd</sup> order stream; 1.215ha in the east discharging into floodway wetlands).
- Approximately 140 bio detention systems (rain gardens) providing water quality treatment prior to discharge into the detention basins.
- Variable front boundaries due to indentation to allow rain gardens to fit into road reserve without locating onto road pavement.
- Retention of all existing vegetation in the 10.597ha floodway in the eastern section.
- Retention of the 2<sup>nd</sup> order stream and its protected regenerated buffers int the south-west corner.

## 4. Statutory Provisions

### 4.1 Clarence Valley Local Environmental Plan 2011 (CVLEP 2011)

#### Clause 2.3 Zone Objectives & Land Use Table

##### *Zone R1 General Residential*

**1. Objectives of zone**

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

**2. Permitted without consent**

*Home-based child care; Home occupations; Home occupations (sex services)*

**3. Permitted with consent**

*Attached dwellings; Boarding houses; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Food and drink premises; Group homes; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential accommodation; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation*

**4. Prohibited**

*Rural workers dwellings; Any other development not specified in item 2 or 3.*

The R1 zone permits an extensive range of uses including dwelling houses, residential flat buildings, multi-unit housing and neighbourhood shops. The latter two uses are referenced in Figure X1.2 of the Clarence Valley Residential Zones Development Control Plan Part X Urban Release Area Controls Schedule X1 – West Yamba Urban Release Area which identifies a “possible future Neighbourhood Centre” and “Preferred location for medium density housing” on the subject site.

The proposal does not include commercial or medium density precincts, instead being wholly low-density residential lots.

The objective “to provide for a variety of housing types” is addressed at Section 4.2.2.

WYURA is subject to the provisions of **Part 6 Urban Release Areas** of the LEP. Part 6 consists of 4 clauses:

- Clause 6.1 which requires satisfactory arrangements to be made for the provision of designated state public infrastructure before land in the URA is subdivided which must, if it is relevant, have previously been resolved as Council has issued approval for the 161 lot development at No 22 Carrs Dr.
- Clause 6.2 which is dealt with below.
- Clause 6.3 which requires a development control plan to be prepared which is Part X Schedule XI of the Residential Zones DCP and is assessed a length in this report.

- Clause 6.4 which is administrative.

### **Clause 6.2 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 it is required.*

Council has adopted the West Yamba Development Servicing Plans – Water Supply Services and Sewerage Services (GHD, October 2020), both which are addressed in Section 4.2.2 and attached at Annexure D.

### **Clause 7.1 Acid Sulphate Soils**

The entire site is identified as Class 2 ASS which required an ASS Management Plan for any works below the natural ground level or which may lower the water table.

This issue is addressed at Section 2.5.3 above.

### **Clause 7.3 Flood Planning**

As discussed in Section 2.5.1, the site is wholly affected by the 1 in 100 year flood level which has been addressed and modelled in a number of reports and accordingly the development needs to comply with the provision of this clause.

The objectives of the clause are:

- a) To minimise the flood risk to life and property associated with the use of land,*
- b) To allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- c) To avoid significant adverse impacts on flood behaviour and the environment.*

The portion of the site to be developed for residential purposes will be filled to above the 1 in 100 year flood level, with the required allowance for sea level rises (400mm) and freeboard (500mm) resulting in a minimum finished ground level of 2.8m AHD allowing minimum habitable floor levels for dwelling of 3.0m AHD.

The impact of this filling on flood behaviour is addressed in the February 2020 Flood Report (Annexure A); and is subject to further modelling currently being undertaken.

The Clarence Valley Local Flood Plan – Yamba Sector Response (NSW SES) indicates Yamba Road as an evacuation route to assembly areas on higher ground, protecting life from the hazard.

In assessing compliance, Council must be satisfied that the development:

- a) Is compatible with the flood hazard of the land*

Comment: Filling of land ensures compatibility.

b) *Is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties*

Comment: Addressed in February 2020 Flood Report for Council’s consideration, and is subject to further modelling.

c) *Incorporates appropriate measures to manage risk to life from flood*

Comment: Addressed in NSW SES Local Flood Plan.

d) *Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses*

Comment: Protective measures during construction including the temporary detention basin and construction of permanent detention basins will protect against these impacts.

e) *Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Comment: The development area is located within close proximity to the higher areas of Yamba with a direct evacuation route.

## 4.2 Clarence Valley Residential Zones Development Control Plan 2011

### 4.2.1 Part C General Development Controls for Residential Zones

Clause	Requirements	Response
<i>C9. Minimum site area for dwelling houses</i>	<ul style="list-style-type: none"> <li><i>R1 minimum site area of 400m<sup>2</sup></i></li> <li><i>Within this area it must be possible to fit a rectangle suitable for building measuring 10m x 15m behind the building line</i></li> <li><i>Lots less than 560m<sup>2</sup> but more than 450m<sup>2</sup> must include concept design for a dwelling showing DCP compliance with the subdivision DA</i></li> </ul>	<p>All lots exceed 400m<sup>2</sup>, minimum is 420m<sup>2</sup>.</p> <p>Concept design for 420m<sup>2</sup> lots are shown on Drawing Number 805.</p> <p>As above.</p>
<i>C10. Minimum area for dual occupancies and semi detached dwellings</i>	<i>800m<sup>2</sup> minimum area for dual occupancies, semi-attached dwellings</i>	4 Lots are 800m <sup>2</sup> or greater and further medium density development lots can be achieved through



Clause	Requirements	Response
		consolidation – see Section 4.2.2.
<i>C12 Minimum site area for residential flat buildings, attached dwellings, multi dwelling</i>	<i>800m<sup>2</sup> for all forms of multi housing</i>	4 Lots are 800m <sup>2</sup> or greater and further medium density development lots can be achieved through consolidation – see Section 4.2.2.
<i>C24. Provision of Essential Services</i>	<p><i>Council is satisfied that all essential utility infrastructure is available or adequate arrangements have been made for:</i></p> <ul style="list-style-type: none"> <li>• <i>supply of water</i></li> <li>• <i>disposal and management of sewage</i></li> <li>• <i>supply of electricity</i></li> <li>• <i>provision of suitable road access</i></li> <li>• <i>stormwater management</i></li> <li>• <i>telecommunications</i></li> <li>• <i>street lighting</i></li> </ul>	Adequate utility infrastructure will be provided, see Section 4.2.2 DCP Part X Assessment
<i>Part I Erosion and Sediment Control</i>	<i>Detailed Erosion &amp; Sediment Control Plan to be submitted with subdivision application</i>	See Section 4.2.2 DCP –Part X assessment and Sheets 080-081.
<i>J6. Road network/street pattern</i>	<p><i>Relevant roads widths are:</i></p> <ul style="list-style-type: none"> <li>• <i>Access Street: 6m carriageway, 14m road reserve</i></li> <li>• <i>Local street: 7-9m carriageway, 15-17m road reserve</i></li> <li>• <i>Collector street: 11m carriageway, 18m road reserve</i></li> </ul>	<p>Proposes:</p> <ul style="list-style-type: none"> <li>• Access Streets (northern end of Road 12): 7m carriageway, 15m road reserve.</li> <li>• Local Street (Roads 2-4, 6-10, 13-16): 7.5m carriageway, 15m road reserve.</li> <li>• Collector Street (Roads 1, 5, 11): 11m carriageway, 20.5m road reserve.</li> </ul> <p>Note: Road 12 is a Local Street but has a 7.5m carriageway and 21 m road</p>

Clause	Requirements	Response
		reserve due to bushfire APZ requirements. Note: Miles St is a Collector Road with 11m carriageway and 36.15m road reserve for initial 370m section from Carrs Drive intersection. It then transitions to a 25.17m road reserve.
<i>J7. Lot Layout</i>	<ul style="list-style-type: none"> <li>• <i>A variety of sizes to meet market demand</i></li> <li>• <i>Battle axe blocks should be avoided and will only be considered under exceptional circumstances</i></li> <li>• <i>Battle axe blocks must have handle widths complying with NR Design Manual</i></li> <li>• <i>No more than 2 accesses per handle</i></li> <li>• <i>Designed to maximise solar access</i></li> </ul>	<ul style="list-style-type: none"> <li>• Lots range from 420m<sup>2</sup> to 1010m<sup>2</sup> with the majority being in the range of 420m<sup>2</sup> to 525m<sup>2</sup>.</li> <li>• 6 Lots are battle axe, each being a practical solution in their locations.</li> <li>• All handles are 6m wide.</li> <li>• Each handle services a single lot.</li> <li>• 159 lots (51.3%) run generally east-west and so have long northerly boundaries; the remainder have rear yards with full northerly aspect or shared south and east aspects.</li> </ul>
<i>J10. Stormwater</i>	<i>Design to be based on Water Sensitive Urban Design principles</i>	See 4.2.2
<i>J11. Street Planting</i>	<i>Where road construction is involved, street landscaping and tree planting plan to be provided, utilising local indigenous species</i>	See 4.2.2
<i>J12 Provision of Services</i>	<i>Standard services to be provided</i>	See 4.2.2

#### 4.2.2 Part X Urban Release Area Controls

##### Schedule X1 – West Yamba Urban Release Area

Schedule X1 contains an extensive list of objectives and controls relating to the whole of WYURA of which the subject site is part. Some are general in nature and some relate exclusively to the subject site.

The relevant sections are:

## **2. Staging & Servicing**

This section directly references land owned by the West Yamba Landowners Consortium, of which the subject site is part, as forming Stage 1 of WYURA. It also notes that a development application for 161 lot subdivision has been lodged for Part Lot 1722 DP 1035524 (No. 22) Carrs Drive, Yamba. This application was subsequently approved and is currently under construction. A development application for a 200 manufactured home estate was approved by Council on 23<sup>rd</sup> April 2019, though works had not commenced by May 2021.

Servicing for WYURA is addressed in the West Yamba Development Servicing Plans for Sewerage Services and Water Supply Services adopted by Council – see Annexure D.

The Plans provide for a loop water main connecting to existing mains in Harold Tory Dr and Yamba Rd, located in Carrs Dr, Miles St and Golding St, and a sewer pressure main linking to the Yamba Sewerage Treatment Plan via Miles St, Golding St, Deering St and Angourie Rd.

None of this infrastructure has been provided to date. Council at its meeting on 28<sup>th</sup> April 2020 (item 6b.20.029) resolved:

- 1.
- 2.
3. *Provide “in principle” support to enter into a Memorandum of Understanding with Mavid Properties Pty Ltd and Yamba Residential Subdivision Pty Ltd (or any relevant party) for the cost of construction for the trunk water and sewer infrastructure to service the West Yamba Urban Release Area for credit/debit towards capital water and sewer contributions for DA2018/0373 and SUB2014/0016, calculated in accordance with the specific Development Servicing Plan for the West Yamba Urban Release Area, pursuant to Section 64 of the Local Government Act, 1993.*

Kahuna No. 1 Pty Ltd have the opportunity to enter into the MOU as a “relevant party”.

In respect of electricity, the local 11kVA powerlines on poles along the southern side of Miles St will eventually become redundant as the power is diverted into the estate and underground. The existing lines must be retained until the underground lines emerge back into Miles St at the eastern entrance, and this will require the existing lines to be either underground or the poles relocated to within the service corridor on the southern side of Miles St.

## **3. Transport Movement Hierarchy and Road Network Design & Provision**

The DCP provides background information on transport/road network issues relating to WYURA up to 2015. Since that time, a roundabout has been constructed at the Yamba Rd/Carrs Dr intersection and Council has adopted the WYURA Road Infrastructure Developer Contribution Plan which allows Council to levy residential developments within WYURA to contribute to a proportion of the cost of the roundabout under section 7.11 of the *Environmental Planning and Assessment Act, 1979*.

The DCP list the following controls under this section.

C1 All development applications for subdivision are to be generally in accordance with the indicative Road Hierarchy Plan.

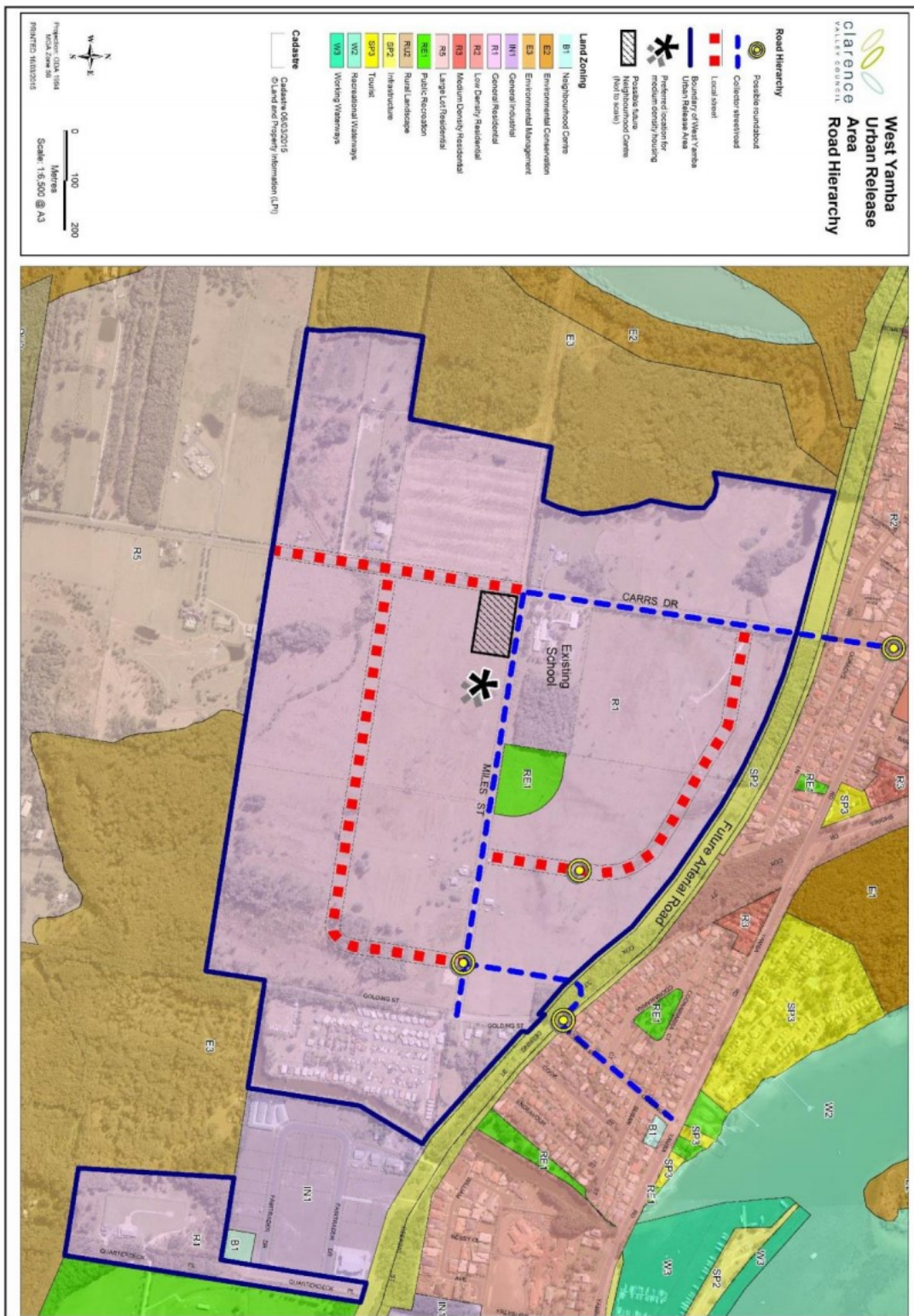


Figure X1.2 – indicative road hierarchy plan

Figure 8

**COMMENT:** Figure X1.2 includes the main collector route for Carrs Dr, Miles St, a new road through Lot 18 DP 1090409, connecting to Deering St and then to Yamba Rd via Golding St. A loop road, designated as a local street connects the eastern end of Miles St to the southern section of Carrs Dr.

It is proposed to provide a 20.5m wide collector road (Roads 1,5 and 11) with 11m wide carriageway and 2.5m shared pathway and intersections with Miles St approximately 140m from Carrs Dr (western entrance) and 300m from Golding St (eastern entrance).

It is proposed to dedicate land as road reserve along Miles St, varying in width between 16m in the west and 5m in the east and 0m adjacent to the floodway, including a 2.5m shared pathway on the northern side and a swale drain along the southern side. The variable width is due to:

- The fixed boundary of the school, from which land cannot be dedicated.
- The location of the 66kVA lines opposite the school.
- The variable width of the swale, which increases as it heads west.
- Land can be dedicated on Lot 18 DP 1090409 west of the school when that lot is developed.
- For environmental protection reasons land cannot be dedicated within the southern section of the floodway.

It is proposed to dedicate 3.5m along the eastern boundary of Carrs Drive in keeping with the dedication proposed for Lot 1 DP 568545 (manufactured home estate) but to undertake no roadworks in Carrs Drive as it will not be utilised by the development.

Accordingly, a variation is sought to the indicative road hierarchy plan to delete access onto Carrs Drive and relocate to the western end of Miles Street on the following grounds:

- there is no benefit in creating another intersection and directing traffic further south along Carrs Drive when the existing intersection at Miles Street can be utilised.
- the developer of this proposal will be solely responsible for the construction of the initial 380m of Miles Street where the adjoining owner is St James Primary School.

*C2. Consent will not be granted to the subdivision of land unless a contemporary Transport Management Plan (TMP; or equivalent transport or traffic study) has been completed to the satisfaction of (and lodged with) the consent authority. Such plan/study should address a range of matters including:*

- *traffic volumes*

- *triggers for the provision of infrastructure and upgrades including early staging of an eastern connection to the wider traffic network according to lot yields across the WYURA and/or development of land in proximity to that connection*
- *an assessment of the impact of the development on the road system internal and external to the site and URA*
- *proposed road hierarchy including access points and intersections associated with collector and key local roads within and adjacent to the WYURA*
- *pedestrian and cyclist networks*
- *identification of road upgrades*
- *intersection upgrades, and*
- *the cumulative impact of development on the road network*

**COMMENT:** A Revised Traffic Impact Assessment (Bitzios, June 2021) is attached at Annexure J. It concludes:

- The development does not necessitate the extension of Miles St east to Golding St as all traffic can be handled by Carrs Dr, but an emergency access (not necessarily a sealed road) is required after 100 houses have been constructed. Although the subdivision plans have Miles St constructed through to Golding St, this opens up the possibility that the eastern section adjacent to the floodway be retained as is (or possibly shaped as a causeway) and the connection to Deering St/Golding St be via the collector road through Lot 18 DP 1090409 as indicated on Fig X1.2 in the DCP. This would be subject to future negotiations with the owners of that land and Council Staff.
- The shared pathway network along the internal collector road connecting to a similar pathway in Miles St which connects into the Yamba Rd network, complies with the relevant standard.
- There is no requirement to modify the existing public transport network which will eventually extend into WYURA.

*C3. The road, cycle and pedestrian network is to be generally consistent with the proposed road hierarchy plans identified in any TMP/traffic study; and should reflect the staging of and anticipated traffic flows for the WYURA over a 10-20 year period.*

**COMMENT:** Carrs Drive south of Miles Street is classified as a local road. Conditions attached to the consent for the manufactured home estate opposite require it to be upgraded to:

- 2 x 3.5m travel lanes
- 1m sealed shoulder with flush edge strip on western side
- Allow for table drains, service corridor and pedestrian/bike pathways
- 2.5m widening on eastern side opposite the entrance to the estate
- Adopt 1 in 20 ARI flood level at centreline (RL 1.66m AHD)

The current proposal has no access onto Carrs Drive south of Miles Street, and it is proposed to dedicate 3.5m along the frontage to provide for drainage, with the service corridor and pathway on the western side.

- C4. *Consent will not be granted for the subdivision of land unless a “Bike Plan and Pedestrian Access and Mobility Plan” (PAMP) has been completed to the satisfaction of (and lodged with) the consent authority. Such plan should:*
- a) *identify in design detail where footways and cycle ways are required so that provision can be made in the width of the road reserves*
  - b) *complement Council’s existing Bike Plan and Pedestrian Access and Mobility Plan as it relates to Yamba including Carrs Drive from Yamba Road to Miles Street and the future second stage access proposal as well as integrate the Transport Movement Hierarchy into Councils current network mobility Plan.*
  - c) *Consider the recommendations and finding of any updated TMP/traffic study.*

**COMMENT:** WYURA is currently only served by a shared pathway from St James Primary School connecting to the footpath and on-road cycleway network in Yamba Road.

The cross-section of Miles Street shows a shared pathway on the northern side of the road which will eventually extend the length of that road.

Internal shared pathway will be provided along the internal collector road eventually connecting to the east end of Miles Street. A Pedestrian Access and Mobility Plan (PAMP) has not been provided as the submitted plans (road cross-sections) indicate where shared pathways are located and how they integrate into existing and future off-site arrangements.

- C5. *Alternative intersections/access points other than those identified in any updated TMP/traffic study are to be supported by a traffic study to the satisfaction of the consent authority.*

**COMMENT:** The intersection at Carrs Drive/Miles Street will be constructed in lieu of the intersection on Carrs Drive further south shown on Figure X1.2 of the DCP. The design of this intersection is addressed in the Traffic Impact Assessment Report.

- C6. *The positioning and design of movement networks must give priority to:*
- a) *Facilitating efficient walking, cycling and public transport networks;*
  - b) *Providing destination points, encouraged by signage and directions, and*
  - c) *Retaining and complementing natural topography, and utilising the extensive drainage reserve network throughout the WYURA*



**COMMENT:** Miles Street and the internal road are designed to cater for future bus routes connecting to Carrs Drive and Golding/Deering Streets. There is no defined pedestrian/cycling access into the floodway, though it is available from the edge road. This area is extensively wet after rain events and it's future ownership status has not been determined.

C7. *A Subdivision certificate will not be issued to a specific stage of development unless pedestrian and cycle links are consistent and integrate with this Part and any TMP, updated TMP/traffic study and PAMP.*

**COMMENT:** Noted

C8. *Any pedestrian path/s and cycleway/s identified by any updated TMP/traffic study are to be constructed at the developer's expense and are required to connect to any existing shared off road pedestrian paths/cycle-ways.*

**COMMENT:** Noted

C9. *Road network designs are to allow for "permeability" throughout the subdivision to facilitate the cycle and mobility plan, with dead ends to be avoided.*

**COMMENT:** There are 2 cul-de-sacs (Road 12) proposed which both have short lengths and service a small number of lots.

C10. *The length of any proposed cul-de-sacs is to be limited so the end point is visible from the access point to prevent drivers inadvertently turning into a dead end.*

**COMMENT:** There are 2 short cul-de-sacs with the dead ends clearly visible to drivers entering.

C11. *Required road, intersection, cycleway and pedestrian networks upgrades are to be upgraded at the expense of developers where there is no current section 94 Contributions Plan in place to cover the construction/upgrade of such facilities.*

*Note: although updated TMP/traffic studies are likely to identify required road network upgrades, expected road network upgrades are likely to include but not be limited to the following:*

External to the WYURA

- a) Roundabout – Carrs Drive/Yamba Road
- b) Roundabout – Deering Street (Yamba Bypass), near Golding and Cox Streets;
- c) Possible Roundabout – Treelands Drive/Yamba Road – subject to updated Traffic Impact Assessment (TIA); and

- d) *Possible Roundabout – Shores Drive/Yamba Road – subject to updated Traffic Impact Assessment*

Within the WYURA

- a) *Construction/upgrading of Carrs Drive and Miles Street as the collector roads to a minimum design level of 1.7m AHD or 20 ARI immunity; and*  
b) *Construction of all other proposed roads and streets servicing future subdivision and lots*

**COMMENT:** Noted

- C12. *Direct access to proposed individual urban lots will not be permitted to/from Miles Street and Carrs Drive. All lots backing onto the roads are to be accessed via the internal street network.*

**COMMENT:** No direct access provided to Carrs Drive or Miles Street.

#### **4. Landscaping Strategy – Biodiversity, Environmental Conservation and Management & Managing Visual Amenity**

The DCP states that identified ecological endangered communities occur on the subject property (Lot 46/47).

It is proposed to retain all vegetation in the eastern floodway (Lot 903-10.597ha) and around the 2<sup>nd</sup> order stream in the south-west. A Controlled Activity Approval (CAA – A024687) has been issued for works within 40m of this stream, by the Natural Resource Access Regulator. This approval included the provision of a vegetated buffer with a total width of 40m measured from the banks of the stream. This buffer ranges from 20m either side of the stream to 30m one side and 10m the other as permitted under the *Water Management Act* Guidelines. A *Vegetation Management Plan* (Geolink, August 2020) has been approved by NRAR for the establishment and initial maintenance of this buffer (see Annexure L).

The area within the footprint of the subdivision (with the exception of Lot 900 which is to be retained in it's existing state at this stage), requires clearing. This includes two 1<sup>st</sup> order streams which are addressed in Section 4.3 of this report. A *Biodiversity Development Assessment Report* (Geolink, June 2021) has been prepared and is attached at Annexure F. This addresses both retained vegetation and that to be removed. It also identifies 2 threatened flora species and the layout design as been modified to ensure these and their buffers are not affected by the development.

The Landscaping Controls are:

- C1. *Consent will not be granted for the subdivision of land unless a Vegetation Management Plan (VMP) has been completed to the satisfaction of (and lodged with) the consent authority.*

**COMMENT:** The BDAR supercedes the need for a VMP

C2. *VMP requirements include:*

*(a) to be supported by a Freshwater Wetland Management Plan (FWMP) where new Wetland areas are proposed to be established.*

*(b) to have regard to and integrate as far as possible stormwater management proposals in the stormwater management plan.*

*(c) details of the location of significant vegetation, including habitat tree and trees with hollows; and management strategies for habitat trees to be retained.*

*(d) the location of development and disturbance footprints (including proposed roads, drainage areas/structures, landfilling and likely/indicative future building footprints) relative to significant vegetation.*

*(e) details of the clearing of native vegetation relative to the proposed development footprint to accommodate the proposed development.*

*(f) details of the proposed ongoing vegetation management regime in the context of the proposed subdivision, which may include such measures as Section 88B instruments to designate building footprints.*

*(g) native tree/shrub planting schedules outlining appropriate management practices to ensure the integrity of the remnant native vegetation (including EEC's) is maintained and to guide revegetation and new works.*

**COMMENT:** See BDAR. In respect of (a), no new wetland areas are proposed to be established.

C3. *Submission of a Habitat Restoration Plan (HRP) that complies with Council's proposed Offsetting policy.*

**COMMENT:** See BDAR.

C4. *Consent will not be granted for the subdivision of land unless a Landscaping Strategy has been completed to the satisfaction of (and lodged with) the consent authority.*

*Note: A Landscaping Strategy can be in the form of a concept plan at the DA stage and a detailed plan at the Construction Certificate stage (this should be confirmed with the consent authority prior to lodgement of a DA for subdivision).*

**COMMENT:** A Landscape Strategy has not been prepared, though:

- The proposed rain gardens located in the road reserves will form a critical component of the street landscaping and their final approval is required before a detailed plan can be prepared.
- No landscaping other than grass is proposed for the detention basin
- Each lot will be allocated a street tree and any consent can be conditional to require the applicable S7.11 contribution for street trees in the lower valley (currently \$103.05 per lot). Developers have the option of planting street trees as part of the subdivision construction but in this instance the impact of rain gardens on driveway location may make it more appropriate for Council to provide after dwellings are constructed and utilising the contribution funds.
- Annexure M contains computer generated images showing proposed streetscapes with street trees, water gardens and detention basins.

- C5. *Landscaping Strategy requirements include:*
- (a) details of the proposed landscaping of the public domain, such as tree planting, landscape treatments, including any paving and street furniture;*
  - (b) a schedule of the species and the planting locations consistent with the List of Recommended Street Trees for Clarence Valley;*
  - (c) technical details of the planting and initial maintenance regime;*
  - (d) an assessment of ongoing maintenance requirements;*
  - (e) the location of existing trees, highlighting those with hollows and those are proposed to be remove and retained;*
  - (f) details of the restoration of any riparian areas; and*
  - (g) Demonstration of consistency with:*
    - the required VMP as it relates to EEC and biodiversity requirements;*
    - stormwater management proposals in the stormwater management plan;*
    - Council's Tree Management Policy, Clarence Valley Urban Tree Management Strategy and Yamba Street Tree Master plan.*

*Note: Consultation with Council's Open Spaces and Facilities section is highly recommended.*

**COMMENT:** See C4 above.

- C6. *Street trees are to be planted to:*
- (a) soften the streetscape;*
  - (b) act as traffic calming measures through perceived narrowing the road;*
  - (c) provide shade to footpaths and roads; and,*
  - (d) enhance amenity.*

**COMMENT:** Noted

- C7. *Natural watercourses are to be protected and revegetated where appropriate to enhance the visual amenity, prevent soil erosion, and to protect the quality of receiving waters with a treatment commensurate with their role in the water management system. Riparian vegetation along watercourses is to be re-established using locally occurring native species from locally sourced seed stock and in accordance with NSW Office of Water guidelines.*

**COMMENT:** 2<sup>nd</sup> Order stream protected under requirements of its Vegetation Management Plan. Two 1<sup>st</sup> order streams to be removed.

## **5. Open Space and Recreation**

The rezoning of WYURA included an area of 1.57ha on Lot 18 DP 1090409 (north of Miles St) zoned RE1 Public Recreation.

Part X states:

*"Features of the longer term strategic planning leading to the zoning of West Yamba for urban development included that open space:*

- also form part of the storm water management system; and*
- be visible and also accessible to housing areas and have road frontage.*

*The West Yamba strategic planning did not envisage any active open space elements.”*

The proposed subdivision includes 2 detention basins of 1.377ha and 1.215ha respectively. These are dry basins (except in times of rainfall), grassed with 1:6 walls and will be dedicated to Council. These are both centrally located and are bordered by roads. In keeping with the above strategic goal these could be utilised as open space (possibly with park furniture) and signage explaining how they operate in periods of heavy rainfall.

## **6. Natural & Environmental Hazards – Flood & Fill Management**

Flood impacts are addressed at Section 2.5.1 with the February 2020 flood report at Annexure A. A further revision of the model is being prepared incorporating additional information required by Council.

The subdivision footprint will be filled to meet the minimum habitable floor level of RL 3.0m AHD (RL 2.8m AHD ground level). Actual fill levels are generally in the range of .90m to 2.70m, with average of around 1.40m.

Filling commenced over 12ha of the site under consents DA 2018/0553 (MOD 2019/0011) and DA 2019/0181, though finished levels have not been achieved and further shaping will be required.

DA approval to place an additional 20,000m<sup>3</sup> south of the current fill area has been granted (DA 2019/0492) and construction plans are currently before Council for a temporary detention basin as part of those works.

The submitted plans include Earthwork Management Plans as required by Controls C1 and C3.

## **7. Stormwater Management and Water Quality**

Stormwater Management Plan and Downstream Drainage Assessment (Biome, June 2021) is attached at Annexure E. The report addresses the management of stormwater quantity and quality.

In respect of quantity, it proposes two formal stormwater detention basins with purpose-built outlet structures and detention volume controls to control discharge from the site. The eastern basin discharges into the floodway and the western into the 2<sup>nd</sup> order stream. Total area of the basins is 2.592ha with a maximum detention volume of 20,194m<sup>3</sup>.

In respect of quality, the report proposes approximately 140 bioretention systems (referred to as ‘pods’ or ‘rain gardens’) incorporated into the road reserves. Two treatment train options have been assessed:

- Option 1: Total bioretention filler area of 3,065m<sup>2</sup> which achieves all required pollutant removal efficiencies.
- Option 2: each lot provided with a rainwater tank for beneficial re-use of stormwater, which reduces total bioretention area to 2,700m<sup>2</sup> and achieves the required pollutant removal efficiencies for all but total suspended solids (81.6% removal rather than 90%). Water from the pods is directed into the large detention basins.

The report also estimates life cycle costings of both options (Section 7.2.6) including establishment (acquisition) costs, maintenance costs and decommissioning costs based on a 25 year renewal period, noting that these are based on a single system and that there would be cost savings in maintaining multiple systems in close proximity as is the case in this instance. Establishment costs are borne by the developer and maintenance /decommissioning by Council. The results show Option 2 offering maintenance savings for Council.

Figure X1.3 – Conceptual Stormwater network Plan of the DCP indicates a stormwater drainage system in the south-west corner of the site, coinciding with the former farm dam and associated vegetation. Mortons Urban Solutions investigated the use of this area as part of the stormwater management system and found it unsuitable due to the following:

*“The existing drainage reserve in the South West corner of Lot 46 DP 751395 Carrs Drive has been investigated for potential inclusion in a stormwater treatment methodology for the site.*

*The area was found to be unsuitable due to the following:*

- *Level criteria for Wetlands were not able to be met for best practice wetland design. Manual shaping of the area to meet such levels would entail total removal of existing formations and trees and full reshaping of site.*
- *The area would need to be totally reshaped to provide appropriate safety batters and macrophyte zones required by guidelines.*
- *The area wasn't of sufficient size to achieve target pollutant level reductions*
- *Provision of an impermeable clay liner as required would not be achievable without full removal of all existing strata.*
- *Maintaining the area as an existing wetland has negligible treatment effect due to small size, limited macrophyte treatment and poses significant public safety risk with existing batter slopes and levels.”*

The conceptual stormwater network plan shown on Figure X1.3 has been modified under the proposed subdivision layout by:

- The removal of the south-west drainage reserve as discussed above and its replacement with the two large detention basins and retention of the 2<sup>nd</sup> order stream.

- The increase in width and area of the eastern floodway to ensure it works as required without the need for shaping and vegetation removal which would have significant biodiversity impacts.

Accordingly, a variation to conceptual stormwater network plan is sought on the grounds that the proposed arrangement achieves the required outcomes with significantly less environmental impacts and greater protection of the property's biodiversity values.

Finally, the reference to a possible 'causeway' crossing of Golding St in C3(c) of this section will be addressed in the revised flood model currently being prepared.

## **8. Hazard Management – Other Natural & Environmental Hazards**

*The Clarence Valley Local Flood Plan Annex J – Yamba Sector Response* prepared by NSW State Emergency Service indicates Yamba Road as the evacuation route to the assembly area and evacuation centre at the Yamba Bowling and Recreation Club. A copy of the subdivision has been forwarded to Clarence Valley SES and their response is awaited.

## **9. Urban Design**

This section references the *NSW Coastal Design Guidelines*, which have been superseded by *State Environmental Planning Policy (Coastal Management) 2019*. The subject land is not affected by any provisions of that policy. Objective 02 of this section states:

*“Create a mix of lot sizes, residential densities and housing types to create a unique and appealing residential area including identification of a preferred location for medium density housing.”*

Figure X1.2 of the DCP indicates the preferred location of medium density housing as being in the north-east section of the subject site. This application does not propose to provide any designated medium density land which would normally be characterised by the provision of large “development lots” suitable for multi-unit housing such as townhouses or residential flat buildings. The reasoning behind this is:

- Medium density housing development can be accommodated by the purchase and consolidation of multiple adjoining lots. This has the beneficial urban design outcome of dispersing this development throughout the estate rather than clustering in a single location. It also has the beneficial economic outcome that the market determines the supply of this form of housing by matching demand rather than have the developer in conjunction with Council mandating this in advance.

- If large development lots for medium density housing were created there is the potential for purchasers to subdivide these into residential lots if they determine this yields the best return, which may create less than orderly lot arrangements.

In respect of lot sizes, the urban design philosophy adopted is to move away from the more traditional 650m-800m<sup>2</sup> residential lots which characterises much of the existing low-density residential areas in Yamba. The average lot sizes are in the 460m<sup>2</sup> – 480m<sup>2</sup> range, with the smallest being a standard 420m<sup>2</sup> (30m x 14m). The size and shape of many lots is influenced by the location of the rain gardens which require indentation of adjacent lots. These indentations will have the effect of creating varied streetscapes as the standard 6m front building setback line will not be consistent for the length of a street, but will reflect the pattern of front boundaries.

The emphasis on smaller lot sizes is in keeping with Direction 23 of the North Coast Regional Plan 2036 which sets a target of 40% of new dwellings to be in the form of apartments, dual occupancies, townhouses, villas and **homes on less than 400m<sup>2</sup>**. The DCP sets a minimum lot size of 400m<sup>2</sup> in the R1 zone, so lots of that size are the best that can be provided to meet this component of the target without varying that standard.

A variation to Part X1 to remove reference to a medium density precinct is sought on the grounds discussed above.

The controls within this section of Schedule XI are:

*C1. Subdivision layouts within the WYURA should feature a clear and identifiable road hierarchy to achieve permeability and inter-connectivity.*

**COMMENT:** A clear road hierarchy is established with Miles St and Road 1, 5 and 11 as collectors and all others being local roads with the exception of the northern ends of Roads 4 and 12 which are access road. There are only 2 cul-de-sacs in the layout so permeability and inter-connectivity is high.

*C2. Planning and design of subdivisions, neighbourhoods and built form development are to demonstrate consistency with NSW Coastal Design Guidelines and in particular Part 2 Design Principles for Coastal Settlements.*

**COMMENT:** Not applicable.

*C3. Lot layout and internal networks are to be inter-connected and designed to achieve maximum benefit from solar access and to encourage the provision of energy saving design solutions.*

**COMMENT:** The layout arrangements means that over 50% of lots have a longitudinal northern boundary and 50% of the remainder have a northern rear yard, and the balance have rear yards with an easterly aspect.

*C4. Whilst a range of residential lot sizes is encouraged, lot sizing and configuration*



*should demonstrate, at the individual lot scale, capability to accommodate adequate onsite stormwater management.*

**COMMENT:** Lot sizes range from standard 420m<sup>2</sup> lots to 1010m<sup>2</sup>. Water tanks will be required on all dwellings to meet BASIX requirements.

C5. *No direct vehicular access will be allowed off either Miles Street or Carrs Drive being collector roads.*

**COMMENT:** Complies.

C6. *Access to the WYURA is to be constructed off the existing access points (Yamba Road and Carrs Drive) and the internal road pattern is to provide a link between these two points. Over time further access points will be developed as the subdivision and road planning develops and a new roundabout is created at the northern end of Golding Street.*

**COMMENT:** Noted.

C7. *Native vegetation communities to be retained in WYURA are to be identified. New vegetation communities, street plantings and corridor plantings are to integrate with these existing areas to form cohesive landscaped communities.*

**COMMENT:** Vegetation in the expanded floodway and within the 2<sup>nd</sup> order stream buffer is to be retained.

C8. *Special pavement and landscape materials are to be used to distinguish between pedestrian and cycle ways and connections to the proposed street network and landscaped communities.*

**COMMENT:** Noted.

C9. *The drainage reserve areas are to incorporate an inter-connected, multi-purpose pathway with a 1.5m wide trail extending around the perimeter of the WYURA site and connecting to other bike and pedestrian corridors.*

**COMMENT:** It is proposed to provide a 2.5m wide shared pathway within the loop road (Roads 1,5 and 11). This connects to a 2.5m shared pathway in Miles St which will link into the Carrs Dr shared pathway to the west and eventually into future developments on the northern side of Miles St and onto Deering St. Deering St in turn will eventually link into the Angourie Rd shared pathway. The proposed layout does not include provision of a pathway with a multi-purpose 1.5m wide trail along its southern and eastern boundaries which form part of the perimeter of WYURA. A variation to this control is sought on the following grounds:

- The protection and revegetation of the 2nd order steam does not allow connectivity to Carrs Dr along this boundary, unless a bridge was provided over the stream.
- It is not clear what a multi-purpose pathway with a 1.5m wide trail is, but the road reserve along the southern boundary (Road 12) is 21m wide which would allow a trail along its grassed verge. The northerly section of Road 12 (the edge

road) isn't located on the WYURA perimeter and so is not subject to this control.

*C10. All costs associated with the construction of roads, bicycle and pedestrian networks are to be borne by the respective developer parties.*

**COMMENT:** Noted.

*C11. Dwelling design should incorporate screened outdoor living area that will protect against vector carried disease.*

**COMMENT:** Noted.

## **10. Neighbourhood Commercial Development**

Figure X1.2 of the DCP also designates a portion of the north-west corner of the subject site as a future commercial neighbourhood centre. This is not achieved through a commercial zoning as the R1 zone permits "neighbourhood shops" (retail floor area not exceeding 100m<sup>2</sup>).

The objectives of this control are to create neighbourhood centre with convenience shops, public domain areas and possible medical and health facilities.

The proposal does not include a neighbourhood centre and the indicative area is proposed for residential subdivision. A variation to this control is sought on the following grounds:

- It is questionable whether such a retail centre within WYURA would ever be viable considering the proximity of Yamba Fair with its range of retail outlets and medical centre. If it were viable, this would only be achieved once a significant proportion of WYURA was developed and occupied which realistically would be many years in the future, noting that the WYURA Servicing Plans project a completion of development in 2045/46. Sterilising an area from any development for that length of time is poor practice and requires the developer to fill and create space with no prospect of a return within an acceptable timeframe.
- If a party was interested in purchasing and land banking a suitably sized section for a neighbourhood centre, this would be achieved by lot consolidation within the proposed layout. As an example, the consolidation of any 2 lots between Lots 2 and 5 would create an area of over 900m<sup>2</sup> with close access to Miles St, so again this would be demand-driven rather than mandated.
- If the viability of a neighbourhood centre was to become apparent in the future, the opportunity exists for the developers of future stages within WYURA to provide a suitably located space.
- In practical terms, if the space were to be land banked for a future centre it will need to be maintained in a well-presented state with the potential that it will

become a “de facto” park used by residents who would then object vigorously to its development in the future.

- As a result of the proposed variation, the objectives of this section are not met. It is noted the DCP states that the local neighbourhood centre was proposed at this location by the West Yamba Landowners Consortium. Kahuna No.1 Pty Ltd, the largest member of the consortium, does not support the establishment of a centre in this location unless its development is proposed and developed by others as discussed above.

## 11. Public Infrastructure & Services

Water and sewer servicing are addressed in the *West Yamba Development Servicing Plan for Water Supply and Sewerage Services* (GHD, October 2020), which has been adopted by Council.

The proposed development will be serviced by the 11kVA line running along the southern side of Miles Street, and once the full development is completed, this line will be wholly located into the subdivision between the 2 road entry points and the existing line (either on poles or underground) will be removed.

## 12. Aboriginal Cultural Heritage

A *Cultural Heritage Assessment* (Everick Heritage Consultants Pty Ltd) was commissioned as part of the preparation of the WYURA Development Control Plan and is at Annexure H.

It concludes:

- *“No physical evidence of Aboriginal Objects or Places was identified within this Project Area.*
- *One registered site (Golding Road Midden) was listed on the AHIMS register. This site was unable to be identified during the field inspection.*
- *Other than the Golding Road Midden site, no other areas were identified that were considered reasonable likely to contain Potential Archaeological Deposits (PADS).*
- *Consultation with the Birrigan-Gargle LALC identified no places of cultural (spiritual) significance.*
- *No items of historical heritage significance were identified within the Project Area.*

*No heritage items or places were identified during this assessment that may be considered to have an impact on the proposed Development Control Plan. The potential for unidentified significant cultural heritage items to exist within the Project Area is considered low.”*

It also made the following recommendations:

*“The following cautionary recommendations are based upon the desktop review, the results of the field assessment and consultation with Birrigan-Gargle LALC.*

**Recommendation 1: Aboriginal Human Remains**

*It is recommended that if human remains are located at any stage during earthworks within the Project Area, all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Birrigan-Gargle LALC and the OEH Regional Office, Coffs Harbour are to be notified as soon as possible. If the remains are found to be aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties’ statutory obligations.*

*It is also recommended that in all dealings with Aboriginal human remains, the Proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.*

**Recommendation 2: Aboriginal Cultural Material**

*It is recommended that if it is suspected that Aboriginal material has been uncovered as a result of development activities within the Project Area:*

- a) work in the surrounding area is to stop immediately*
- b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;*
- c) an appropriately qualified archaeological consultant is to be engaged to identify the material, and*
- d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines. Aboriginal Cultural Heritage Consultations Requirements for Proponents (2010).*

**Recommendation 3: Notifying the OEH**

*It is recommended that if Aboriginal cultural materials are uncovered as a result of development activities within the Project Area, they are to be registered as Sites in the Aboriginal Heritage Information Management System (AHIMS) managed by the OEH. Any management outcomes for the site will be included in the information provided to the AHIMS.*

**Recommendation 4: Conservation Principles**

*It is recommended that all effort must be taken to avoid impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, OEH and the Aboriginal Community.*

**Recommendation 5: Golding Road Midden**

*It is recommended that, prior to any Development Applications being lodged with the Clarence Valley Council that may affect the general location of the Golding Road Midden (Figure 3), the Proponents consult with the OEH over management of the site. It may be that the OEH will be willing to list the midden as having been destroyed on the AHIMS register. Alternatively, an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the National Parks and Wildlife Act 1974 (NSW) may be required in order to develop in those areas. For planning purposes, it should be noted that if an AHIP is required, a minimum of six months should be allowed for to undertake community consultation in accordance with the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) and to allow the OEH to process the AHIP.*

**Recommendation 6: Historic Cultural Heritage**

*There are no further actions or recommendations warranted.*

It is anticipated that any development consent will be conditional to reflect these recommendations, noting that the subject site is not within the vicinity of Golding Street nor the location indicated on Figure 3.

### **4.3 Water Management Act 2000**

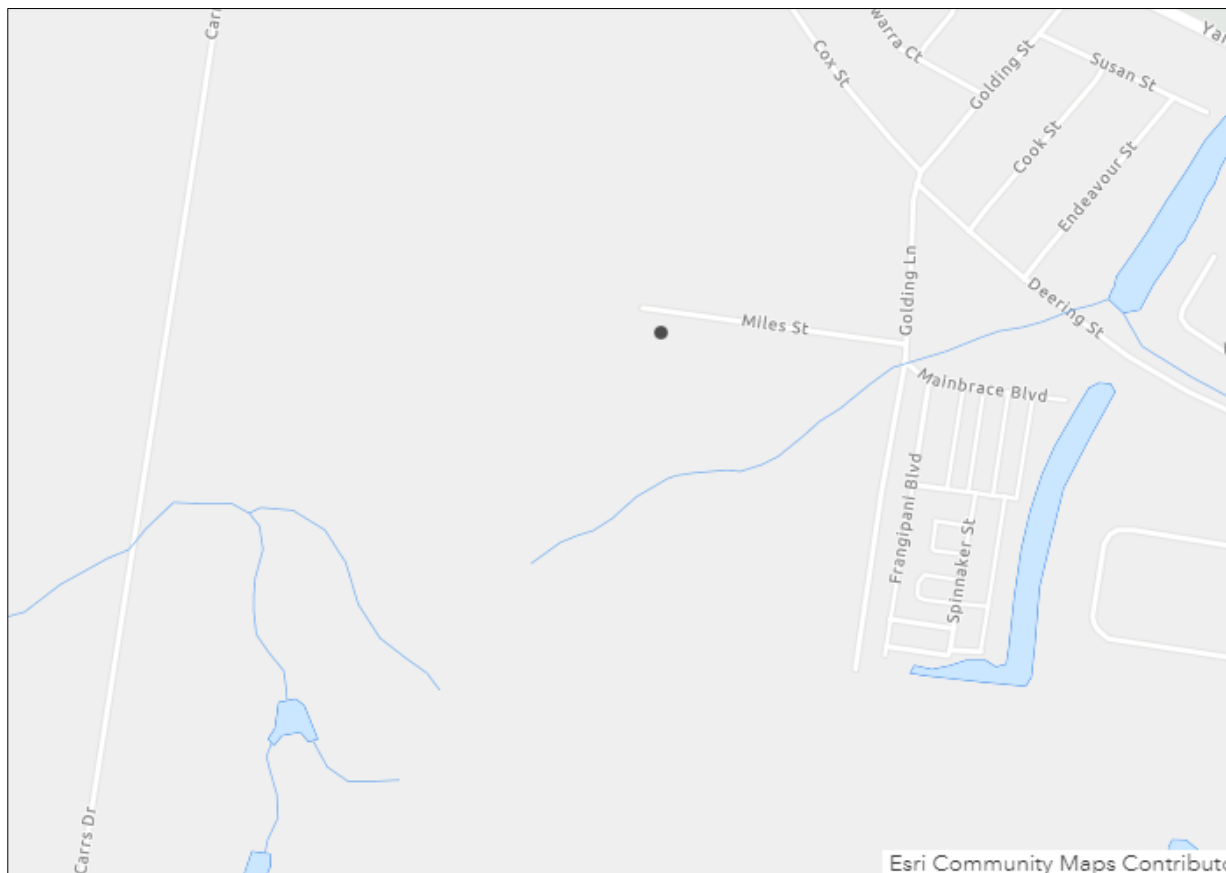


Figure 8 - Hydroline map

There are 3 mapped water courses on the property:

- The 2<sup>nd</sup> order stream in the south-west (2<sup>nd</sup> order is a higher order than 1<sup>st</sup>).
- The 1<sup>st</sup> order stream off the 2<sup>nd</sup> order stream.
- The 1<sup>st</sup> order stream heading into the floodway.

The latter 2 are considered to be old farm drains. As a result of the presence of these streams, this application is Integrated Development.

On the 23<sup>rd</sup> December 2020, the Natural Resources Access Regulator (NRAR) issued a Controlled Activity Approval (CAA) for works within 40m of the 2<sup>nd</sup> order stream (see Annexure K). The specified activity as the CAA was -

*“Filling, bulk earthworks and riparian establishment for residential subdivision”*

The works are to be undertaken in accordance with the plans specified in the CAA, and in accordance with the Vegetation Management Plan (Geolink, August 2020) for the vegetation of riparian buffers adjacent to the stream (see Plan 33801-PR2-030 in the DA plans).

These works plus the revegetation works are soon to commence.

This current application proposes the deletion of the western 1<sup>st</sup> order stream and that section of the eastern 1<sup>st</sup> order stream located within the development footprint.

This request is based on advice previously provided by NRAR that these could be deleted if the 2<sup>nd</sup> order stream was protected.

It's is also noted that 1<sup>st</sup> order streams can be relocated and in effect both are into the detention basins which collect water from their current catchments and discharges it at or near their discharge points.

## 4.4 State Environmental Planning Policies

### 4.4.1 State Environmental Planning Policy 55 (Remediation of Land)

A Stage 2 Site Contamination Assessment (Regional Geotechnical Solutions March 2020) is attached at Annexure I.

The Assessment follows on from their Stage 1 Preliminary Assessment Report which recommended sampling and testing for areas of concern.

The Stage 2 Assessment involved sampling 3 areas of concern on the property and identified one location where the acceptable level of hydrocarbons was exceeded, associated with a parked unregistered car. The Report notes that the area of contamination will eventually be filled as part of the development and so the risk of human exposure is very low.

The Report concludes that:

*“Based on the assessment as presented herein, the site is considered to be suitable for the proposed residential development from a contamination perspective provided the recommendations of this report are adhered to.”*

## 4.5 Regional Strategies

The relevant document is the North Coast Regional Plan 2036.

WYURA is designated as an urban growth area in the plan (Figure 20 – Urban growth map for Clarence Valley Local Government Area).

Goal 4 of the plan is to deliver “Great housing choice and lifestyle options “and states: *“The region will accommodate an additional 76,200 people, which will generate the need for 46,000 new homes. Almost one-third of residents will be aged over 65 years, and couple-only and single-person households will represent the largest share of households. These changes will not only increase the demand for housing, but also the need for a greater variety of housing.”*

The plan sets out that this Goal is to be achieved via the following directions:

### **Direction 22 Deliver Greater Housing Supply**

This Direction includes demand for an additional 3550 dwellings in the Clarence Valley by 2036 to which WYURA, including the subject property, will contribute.

### **Direction 23: Increase Housing Diversity & Choice**

This Direction states:

*Providing housing diversity and choice will improve affordability, help meet the needs of an ageing population and support the reduction of household size."*

This is to be achieved in part by Action 23.1

*"Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036."*

Compliance with this action is discussed at Section 4.2.2 Part X Assessment.

## **4.5 Council Strategies**

### *Affordable Housing Policy*

The Policy requires 10% of residential lots in subdivision of 10 or more lots to be classified as affordable, defined as 450m<sup>2</sup> or less.

The proposal includes 78 lots of x 450m<sup>2</sup> or less (25.2%).

## **5. Social & Economic Considerations**

WYURA is a long-term growth strategy for Yamba recognising the physical and environmental constraints within and around the township and the limitations of service infrastructure.

Following the approval of the 161 lot residential development and the 200 manufactured homes estate in Carrs Drive, this proposal represents the next step in the orderly development of this area.