

**Report No. 13.18      PLANNING - Development Application 10.2017.516.1 Subdivision to create four (4) lots, removal of trees, earthworks and associated infrastructure - 8 Coomburra Crescent, Ocean Shores**

**Directorate:** Sustainable Environment and Economy

**Report Author:** Paul Mills, Senior Planner

**File No:** I2018/1304

**Theme:** Sustainable Environment and Economy  
Development and Certification

**Proposal:**

**DA No:** 10.2017.516.1

**Proposal description:** Subdivision to create four (4) Lots

**Property description:** LOT: 1577 DP: 243995  
8 Coomburra Crescent OCEAN SHORES

**Parcel No/s:** 14500

**Applicant:** Ardill Payne & Partners

**Owner:** Mr A L Mangleson

**Zoning:** R2 Low Density Residential

**Date received:** 19 September 2017

**Integrated Development:** No

**Public notification or exhibition:**

- Level 1 advertising under DCP 2014 Part A14 – Public Notification and Exhibition of Development Applications
- Exhibition period: 28/09/17 to 11/10/17
- Submissions received: Ten (10)

**Planning Review Committee:** Application was considered at the PRC Meeting held 19 October 2017 where it was decided that the application would be determined at a Meeting of Council.

**Delegation to determination:** Meeting of Council

**Issues:**

- Traffic noise and disturbance and vehicle sight distances when accessing Coomburra Crescent.
- Slope stability and geotechnical assessment.
- Stormwater management.

**Summary:**

The application seeks development consent for the subdivision of a large existing residential lot into four (4) new lots. Access to proposed Lot's 1, 2, 3 and 4, is via a 6.0m wide access handle from Coomburra Crescent. The proposal is considered to satisfy the provisions of Byron LEP 2014 and other relevant Environmental Planning Instruments, and is satisfactory form of infill development ranging in size from 800m<sup>2</sup> to 1675 m<sup>2</sup> in area.

The proposal is also considered to satisfy the provisions of Byron DCP 2014 apart from a numeric non-compliance with the 1.0m maximum depth of excavation control. The proposed retaining wall associated with the construction of the new driveway reaches a maximum height of approximately 1.50 metres. The proposed earthworks are considered to achieve the objective of control to maintain the character of the area subject to conditions.

A total of ten (10) submissions were received in response to the community consultation process. The matters raised in the submissions include concerns regarding the safety of driveway access to

Coomburra Crescent, vehicle noise, earthworks – slope stability, retaining walls, stormwater management, removal of trees, loss of privacy, vehicle safety, loss of amenity for the adjoining properties, and future development potential. The matters raised in the submissions have been addressed in this report.

Following the exhibition of the application, the applicant submitted amended plans making minor modifications to the proposed lot layout to allow more room for the proposed access driveway. Conditions have been included to require a 2.5 metre high screen fencing adjacent to the access handle driveway for privacy and to limit vehicle noise from cars entering and leaving the four proposed lots.

The application is considered to have sufficient merit to warrant approval subject to conditions.

NOTE TO COUNCILLORS:

In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council Meetings of Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

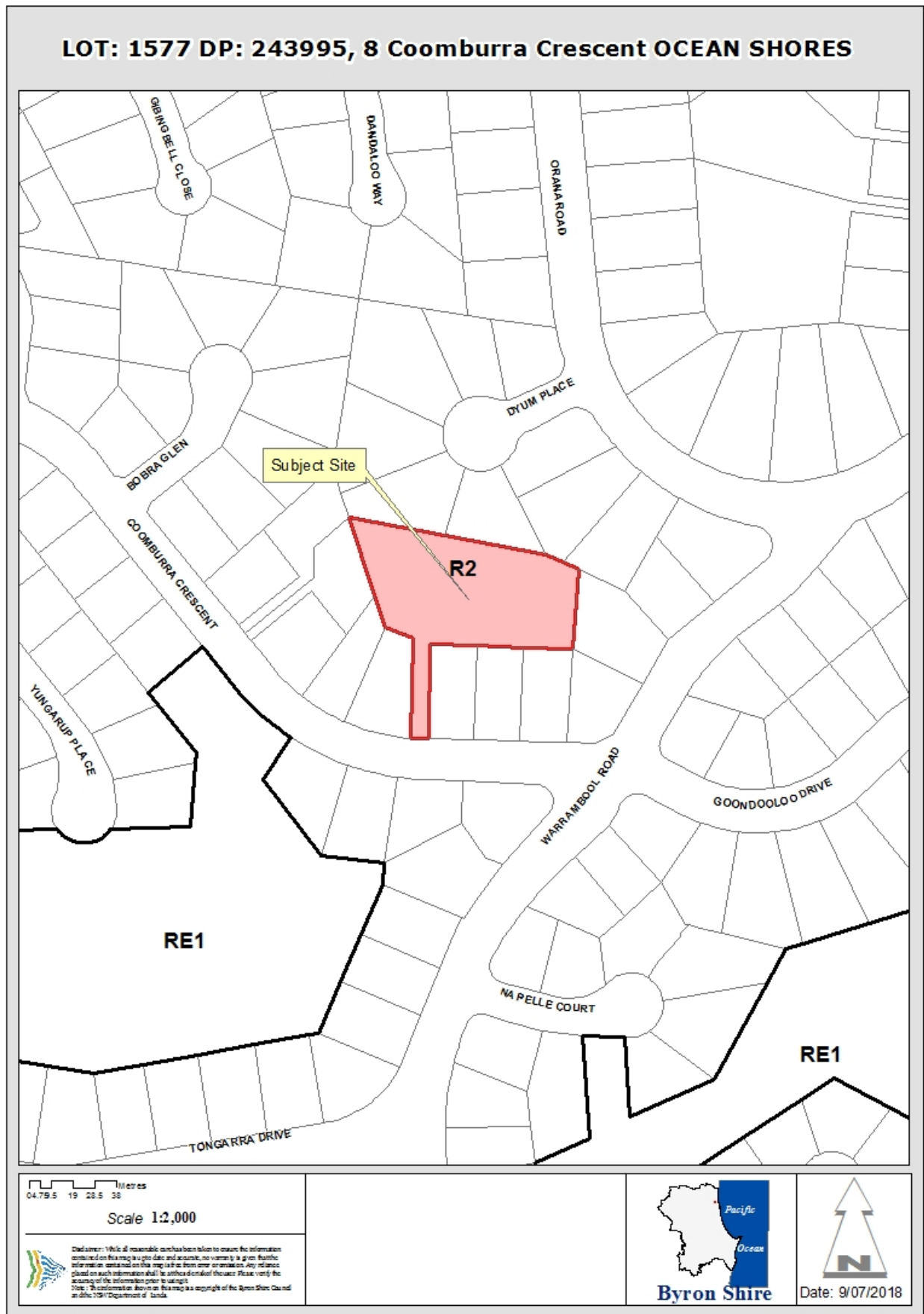
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**RECOMMENDATION:**

**That pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2017.516.1 for subdivision to create four (4) lots, be granted consent subject to conditions detailed in Attachment 2 #E2018/58889.**

**Attachments:**

- 1 Attachment 1 - Proposed Plans prepared by Ardill Payne , E2018/58888
- 2 Attachment 2 - Conditions of consent, E2018/58889
- 3 Attachment 3 - Submissions received, E2018/58997



**Assessment:**

**1. INTRODUCTION**

**1.1. History/Background**

Lot 1577 in DP 293995 was registered on 16 October 1973 as part of a larger residential subdivision for Ocean Shores.

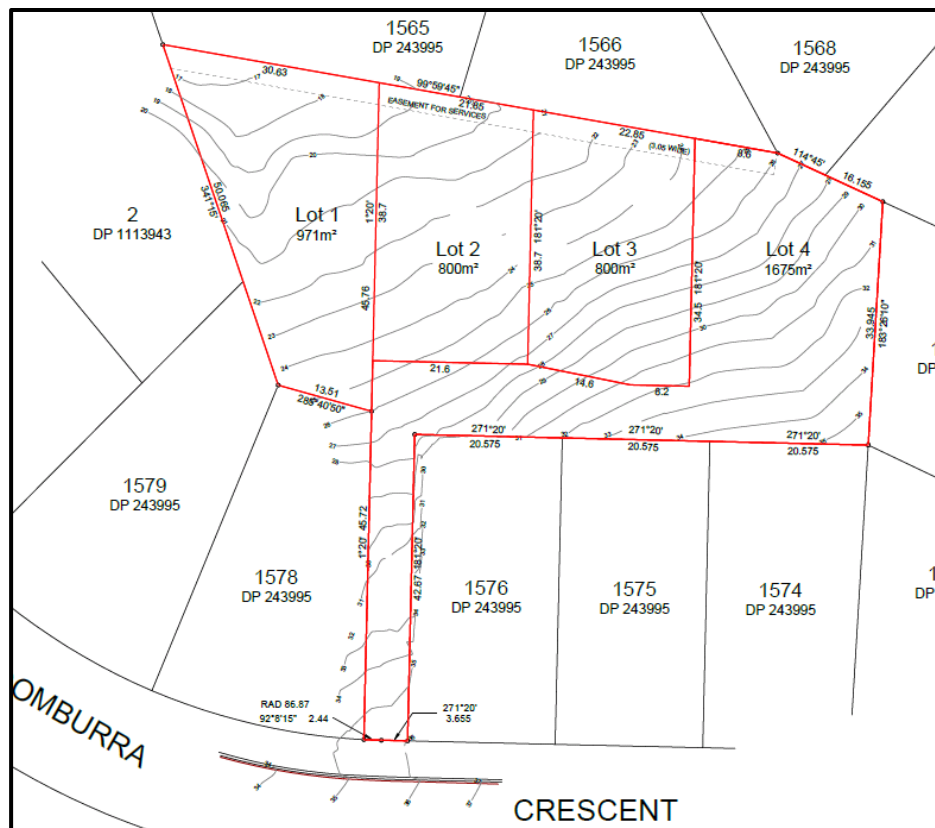
**1.2. Description of the proposed development**

This application seeks approval for Subdivision of Lot 1577 DP 243995 to create four (4) Lots. The proposal also includes:

- construction of a new access driveway connecting each of the proposed lots with Coomburra Crescent with associated earthworks and retaining walls;
- removal of fifteen (15) existing trees;
- bulk earthworks to address slope stability (geotech) issues for a future dwelling pad on proposed lot three (3), and
- other associated infrastructure works.

The configuration of the proposed Lots is shown in **Figure 1**. The proposed lots vary in area as follows:

Proposed Lot	Area in m <sup>2</sup>
Lot 1	971
Lot 2	800
Lot 3	800
Lot 4	1675



**Figure 1 – Proposed Plan of Subdivision**

**1.3. Description of the site**

Land is legally described as Lot: 1577 DP: 243995  
 Property address is 8 Coomburra Crescent, OCEAN SHORES  
 Land is zoned: R2 Low Density Residential  
 Land area is: 4243 m<sup>2</sup>  
 Property is constrained by: High Environmental Value Vegetation

**2. SUMMARY OF REFERRALS**

Referral	Issues
Environmental Health Officer*	SEPP No.55 Contaminated Land assessment provided, site considered to be suitable for proposed subdivision by Council's Environmental Officer. No objection to the proposal subject to conditions.
Development Engineer*	Stormwater management, vehicular access, slope stability (geotechnical hazard). No objection to the proposal subject to conditions.
S64 / Systems Planning Officer*	Water and sewer charges are applicable. No objection to the proposal subject to conditions.
S94 / Contributions Officer*	Section 94 (7.11) contributions are applicable.
Ecologist*	No objection to the proposal subject to conditions.

\* Conditions provided in the above referral are included in the Recommendation of this Report below

**3. SECTION 79BA – BUSH FIRE PRONE LAND**

Under section 4.14 of the Act, Council must be satisfied prior to making a determination for development on bush fire prone land, that the development complies with the document Planning for Bush Fire Protection 2006. The site is not bush fire prone land.

**4. SECTION 79C – MATTERS FOR CONSIDERATION – DISCUSSION OF ISSUES**

Having regard to the matters for consideration detailed in Section 79C(1) of the Environmental Planning & Assessment Act 1979 (EP&A Act), the following is a summary of the evaluation of the issues.

**4.1 State Environmental Planning Instruments**

	Satisfactory	Unsatisfactory
State Environmental Planning Policy No 44 - Koala Habitat Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consideration: The subject Lot has an area of less than 1 hectare and therefore SEPP No.44 is not applicable in this instance.		
State Environmental Planning Policy No 55 - Remediation of Land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consideration: Council's Environmental Officer has reviewed a Preliminary Contaminated Site Investigation prepared by Ardill Payne & Partners (dated May 2018) and is satisfied that the subject land is suitable for the proposed subdivision.		
State Environmental Planning Policy No 71 - Coastal Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consideration: No issues identified.		

	Satisfactory	Unsatisfactory
State Environmental Planning Policy (Infrastructure) 2007	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 4.2A Byron Local Environmental Plan 2014 (LEP 2014)

**Zone:** R2 Low Density Residential Zone

**Definition:** Subdivision

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LEP Summary of Requirement	Proposed
<b>Zone R2 Low Density Residential Objectives of zone</b> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	The proposed subdivision is considered to be consistent with the Objectives of the R2 Low Density Residential Zone. Each of the proposed Lots will have a suitable area to construct a dwelling house.
<b>Clause 4.1 Minimum subdivision lot size</b> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that lot sizes are compatible with local environmental values and constraints,</p> <p>(b) to facilitate efficient use of land resources for residential and other human purposes.</p> <p>(2) This clause applies to a subdivision of any land shown on the <u>Lot Size Map</u> that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p>	The subject site is identified as having a minimum lot size of 600m <sup>2</sup> . Each of the proposed lots significantly exceeds the area specified on the minimum Lot Size Map.
<b>5.5 Development within the coastal zone</b> <p>The objectives of this clause are as follows:</p> <p>(a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,</p> <p>(b) to implement the principles in the NSW Coastal Policy,</p>	The site is located within the coastal zone, foreshore access, effluent disposal and stormwater are to be connected to existing infrastructure.
<b>5.9: Preservation of trees or vegetation</b> <p>Summary of standard</p> <p>Must not remove or otherwise injure any vegetation prescribed by Chapter B2 of DCP 2014, without development consent.</p>	The application seeks development consent for the removal of trees for the provision of infrastructure and to establish dwelling sites. An assessment of the vegetation impacts has been completed in accordance with Council's DCP Chapter B2.
<b>6.1 Acid sulfate soils</b> <p>Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for</p>	The subject site is not mapped as containing acid sulfate soils.

LEP Summary of Requirement	Proposed
those works.	
<p><b>6.2 Earthworks</b></p> <p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>Earthworks as required for internal road construction and to address slope stability for proposed Lot 3. These earthworks are considered to satisfy the provisions of Clause 6.2.</p>
<p><b>6.6 Essential services</b></p> <p>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 development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<p>The subject allotments are capable of being provided with the essential services required by Clause 6.6. Reticulated water, sewerage and electricity services available. Adequate vehicle access is also proposed.</p>

**4.3 Any proposed Instrument that has been the subject of public consultation and has been notified to the consent authority**

- 5 No relevant Draft Environmental Planning Instruments have been identified.

**4.4A Byron Shire Development Control Plan 2014 (DCP 2014)**

- 10 DCP 2014 is an applicable matter for consideration in the assessment of the subject development application in accordance with subsection 79C(1) of the EP& A Act because it applies to the land to which LEP 2014 applies.

- 15 The proposed development is demonstrated to meet the relevant Objectives of all relevant Parts/Chapters (in some cases subject to conditions and/or to the satisfaction of other assessing officers).

**Chapter B2 - Preservation of Trees and Other Vegetation**

The development proposes removal of (15) trees to facilitate the driveway and stormwater infrastructure. Trees proposed for removal include:

Common Name	Scientific Name	DBH (cm)	Height (m)
Bangalow Palm	<i>Archontophoenix cunninghamiana</i>	17	7
Bangalow Palm	<i>Archontophoenix cunninghamiana</i>	15	8
Brush Box	<i>Lophostemon confertus</i>	25	15
Cheese Tree	<i>Glochidion ferdinandi</i>	35	12
Foambark Tree	<i>Jagera pseudorhus var. pseudorhus</i>	18	15
Guioa	<i>Guioa semiglauc</i>	18	10
Guioa	<i>Guioa semiglauc</i>	22	10
Macaranga	<i>Macaranga tanarius</i>	55	12
Macaranga	<i>Macaranga tanarius</i>	10	4
Macaranga	<i>Macaranga tanarius</i>	25	12
Red Kamala	<i>Mallotus philippensis</i>	10	4
Red Kamala	<i>Mallotus philippensis</i>	45	15
Rough-leaved Elm	<i>Aphananthe philippinensis</i>	35	8
Tuckeroo	<i>Cupaniopsis anacardioides</i>	20	10
Tuckeroo	<i>Cupaniopsis anacardioides</i>	15	4

5 Council's Ecology Planner has recommended compensatory planting for the removal of the native trees. Appropriate conditions of consent have been recommended in this regard including the preparation of a Vegetation Management Plan.

#### 10 **Chapter B3 – Services**

Having regard to Chapter B3 Council's Development Engineer has assessed the proposed subdivision is able to be provided with essential urban services subject to conditions of consent.

#### **Chapter B14 - Excavation and fill**

15 Section B14.2 Excavation and Fill in all Zones specifies that filling must be limited to a depth of 1 metre. The proposed excavation/retaining wall associated with the construction of the new driveway to Coomburra Crescent reaches a maximum height of approximately 1.5 metres.

20 The applicant has submitted engineering drawing of the proposed retaining wall adjacent to the rear of the property at 4 Coomburra Crescent. The wall at this point is setback approximately 900mm from the property boundary. In view of the sloping topography of the site the proposed non-compliance with the prescriptive measure is acceptable in this instance as the depth of cut satisfies the objectives of the control which seek to maintain the current and future character of the area. The applicant has submitted a geotech report for the site addressing landslip issues. It is  
25 considered the site can be developed for residential purposes.

#### **Chapter D6 - Subdivision**

##### 30 1. Lot Size and shape

*Lot sizes enable dwellings and driveways to be sited to protect natural or cultural features, and must respond to site constraints including topography, bushland, soil erosion, drainage, and bushfire risk.*



To provide adequate useable areas each of the proposed lots have a total area significantly exceeding the minimum lot size of 600m<sup>2</sup>. This additional area provides for more flexible design options for dwellings and access arrangements that assist to compensate for the steep topography. Building envelopes consistent with Councils minimum requirements (12x15m) can be sited on each allotment

## 2. Vegetation removal

*Subdivision road layout must be designed around significant stands of trees. These may be located within reserves or accommodated within the subdivision layout such that dwelling construction may be achieved without causing any undue interference with existing trees. The proposal involves the removal of scattered exotic and native trees. Appropriate conditions of consent are recommended for compensatory plantings.*

## 3. Stormwater Management

*Development applications must demonstrate compliance with Chapter B3 Services, the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards.*

Council's Development Engineer has indicated the proposal complies with DCP 2014 Section D6.2.1 Subdivision Design Guidelines relating to stormwater management subject to conditions.

### 4.5 Any Planning Agreement or Draft Planning Agreement?

	Yes	No
Is there any applicable planning agreement or draft planning agreement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.6 Environmental Planning & Assessment Regulation 2000 Considerations

The proposal should not raise any issues regarding compliance with the matters within the Regulation.

### 4.7 Any coastal zone management plan?

	Satisfactory	Unsatisfactory	Not applicable
Is there any applicable coastal zone management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.8 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Impact on:	Likely significant impact/s?
<b>Natural environment</b>	No. The proposal will not have a significantly adverse impact on the natural environment of the locality.
<b>Built environment</b>	No. The proposal will not have a significantly adverse impact on the built environment of the locality.
<b>Social Environment</b>	No. The proposal will not have a significant social impact on the locality.
<b>Economic impact</b>	No. The proposal will not have a significant economic impact on the locality.

**During Construction**

Conditions have been included to minimise the impacts of the proposed development during construction, including conditions relating to construction noise and times, sediment and erosion control measures, waste management and measures to protect trees that are to be retained.

**4.9 The suitability of the site for the development**

Issue	Comment
<b>Services</b> - Water/ Sewer/ Stormwater - Ph/ power - Access	All essential urban services are available for the subject land including.
<b>Hazards</b> - Flooding - ASS - Bushfire - Landslip	<p>The applicant has submitted a 'Geotechnical Stability Assessment' prepared by Shaw:Urquart Consulting Geotechnical Services. To address slope stability issues the applicant submitted on 21 June 2018 a concept earthworks plan for slope adjustment required for proposed Lot 3.</p> <p>The subject site is not mapped as being subject to any of the other hazards noted in the adjacent column.</p>
Land Use conflicts and future development potential	<p>The subject land is within the R2 Low Density Residential Zone and located centrally within the Ocean Shores urban area. In view of the nature of the proposed subdivision, the low density residential character of the area and the proposed access arrangements, conditions have been included to limit each proposed lot to a maximum of one dwelling. In this regard the lots are suitable for single dwelling house purposes only. It is proposed that a covenant be placed on the proposed lot that restricts each lot to a maximum of one dwelling.</p>

**4.10 Submissions made in accordance with this Act or the regulations**

The development application was publicly exhibited in accordance with the Level 2 provisions of DCP 2014. During the exhibition period Council's records indicate there were ten (10) submissions received in response to the development application. Following the exhibition period a further seven (7) letters were received. Following is a summary of the planning matters raised.

Summary of issue	Comment
Concerns regarding the <b>sight distances</b> available for vehicles entering and exiting the proposed driveway and the safety of motorists and pedestrians using this steep and busy section of Coomburra Crescent. Cars are frequently parked on the verge in front of No.10 further reducing sight distances.	The driveway has a line-of-sight of approximately 45 metres to the west. Taking into account the slope leading up to the driveway 45 metres satisfies the minimum requirements under Austroads Guide to Road Design. Given that Coomburra Crescent is a 50km/ph the 45 metre line-of-sight is sufficient.
During times of rain <b>stormwater</b> flows through this block from all the blocks along Coomburra Crescent, Warrambool Road and the high side of Orana Road. There is a service (drainage) easement inside the northern boundary of the site. During the rainy season	A driveway drainage system is to be incorporated in to the driveway design. Concept plans are to be submitted to Council showing the location of driveway grated pits, pipes, and any

<p>the site is a complete bog with evidence of creek flows and water springs. The increased concrete areas will increase stormwater runoff and the proposal has not considered the impact on the surrounding properties or the proposed lots.</p>	<p>easements required to discharge driveway runoff in a controlled manner. The driveway design must account for the runoff from the properties at 2-6 Coomburra Crescent.</p>
<p>The proposed <b>removal of trees</b> at this stage is completely unnecessary at this stage and could contribute to serious erosion in the event of heavy rain. The large trees to the north (red gums) are significant and notable landmarks. Removing them affects the privacy of the lots on No.8 plus along Orana Road and Coomburra Crescent.</p>	<p>Revised plans and an addendum to the Flora and Fauna Assessment report were submitted to Council on 17 April 2018.</p> <p>The number of trees proposed to be removed has been reduced from 23 to 15 with the most important species and areas now protected. It is considered that biodiversity offset requirements can be achieved on the site with a Vegetation Management Plan, building envelopes and a covenant on Title required as conditions of consent.</p>
<p>The proposal will result in a <b>loss of privacy</b> for existing residential properties located adjacent to the site.</p>	<p>The proposal does not seek consent for the erection of dwelling/s on the proposed allotments. The potential for overlooking and privacy impacts will be a matter for consideration when considering future development of the proposed lots.</p>
<p>Concerns regarding the proposed size of the allotments being 800sqm or greater therefore allowing 2 dwelling per block. <b>Increased traffic</b> with the potential for 8 dwellings will result in 80 or more car movements daily along the driveway between No.6 and No.10 Coomburra Crescent. The gradient of the driveway will result in increased engine revving, noise, fumes, headlight impacts and loss of privacy for neighbours. The proposal does not include an acoustic report or any proposal for acoustic barriers. A minimum 2.5 metre high fence is requested to be erected on the common boundary with No.10 Coomburra Crescent.</p> <p>Reduced pedestrian safety, for those walking along the grass verge with the number of vehicles using the new driveway.</p>	<p>Traffic volumes generated by the subsequent development of the proposed lots are not expected to be beyond the capacity of the local road network. Condition to require a Title restriction which limits each proposed lot to a maximum of one dwelling.</p> <p>Concerns regarding amenity impacts from the use of the proposed new driveway are acknowledged. Conditions have been included to require the erection of 2.5 metre high boundary fencing along either side of the access handle, as requested by an adjoining landholder. The increased height of the barrier is also to reduce privacy and amenity impacts on neighbouring residents.</p> <p>The road reserve of Coomburra Crescent does not contain a pedestrian footpath.</p>
<p>No <b>landscape</b> plantings are proposed within the</p>	<p>It is acknowledged that the access</p>

<p>driveway access handle for the proposed Lots.</p>	<p>handle is not proposed to include landscape plantings. The access handle has a width of 6.0 metres and is only to include a concrete surface to provide sufficient width for two cars to pass.</p>
<p><b>Major earthworks</b> and retaining walls need to be built along the proposed driveway. These retaining walls extend around the back of the lots fronting Coomburra Crescent but there has been no proper <b>geotechnical (slope stability) and stormwater assessment</b> of the risk to stability of those adjacent residential blocks. The lack of geotechnical report is irresponsible given the gradient, clay soil, the signs of water springs, the creek flows during wet weather. No details have been provided of the approximately 2.0 metre high retaining wall on the western side of the driveway adjacent the property boundary.</p>	<p>Following exhibition of the proposal the applicant has submitted a Geotechnical Stability Assessment, prepared by Shaw:Urquhart, dated 17 May 2018. Council's Development Engineer has raised no objection to the proposal having regard to the driveway design, earthworks and slope stability subject to conditions of consent.</p>
<p><b>Access issues and driveway design.</b> It is not clear from the proposed plans how large trucks – like building and removalists and fire engines will be able to access the proposed blocks.</p> <p>The proposed driveway is narrow, has a gradient of 26% - 30% and includes a 90<sup>0</sup> turn. The design is not able to meet the requirements of the 'Northern Rivers Development and Design Manual'.</p>	<p>The applicant submitted revised driveway design drawings following the public exhibition of the proposal (including gradient cross sections details, swept paths, and layout). The proposed driveway design is considered satisfactory.</p>
<p>Garbage trucks will not use the proposed steep driveway. No space is available at the frontage of No.8 for <b>bin storage</b> prior to collection, meaning bins will sit somewhere along driveways and the verge for No.6 and No.10.</p>	<p>The verge within the Coomburra Crescent road reserve is capable of accommodating temporary bin storage prior to collection. It is acknowledged the location of the bins is likely to be on the public road reserve in front of neighbouring residential lots. However with a proposed restriction on title limiting the future development of the four lots to one house only, the use of the road reserve for garbage bin collection purposes is considered acceptable.</p>
<p>The proposed <b>replacement plantings</b> to compensate for the loss of trees and vegetation are considered to be inadequate. There are many species of wildlife being sustained and living in this area.</p> <p>The proposal involves the removal of a large forest red gum which is unnecessary given its location close to the north-east boundary. Older trees such as this are important for wildlife habitat.</p>	<p>Council's Ecologist noted that proposed Lot 4 has been made larger in order to accommodate the Tree Protection Zone for the Forest Red Gum.</p>
<p>Each of the proposed four (4) lots satisfy the minimum</p>	<p>The subject land is located within the</p>

lot size for a dual occupancy, possibly allowing a total of eight (8) dwellings on this site, this considered to be contrary to the character of the area and the objectives of a ' <b>low density</b> ' residential area.	R2 Low Density Residential Zone, the minimum lot size in Byron LEP 2014 for the subject land is 600sqm. Each of the proposed lots significantly exceed the minimum lot size. The subject lots are of a size which is similar to that of existing residential lots in the area. Notwithstanding a restriction on title is proposed limiting each lot to a single dwelling house only.
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#### **4.11 Public interest**

5 The proposed development is unlikely to prejudice or compromise the public interest or create an undesirable precedent.

#### **4.12 Section 5A of the EP&A Act – Significant effect on threatened species**

10 Having regard to sections 5A, 5C and 5D of the EP&A Act, there is unlikely to be a significant effect on threatened species, populations or ecological communities, or their habitats as a result of the proposed development because the proposal seeks to retain the majority of significant trees on the subject site.

#### **4.13 Section 5B of the EP&A Act – Have regard to register of critical habitat**

15 The NSW Critical Habitat Register does not identify any critical habitat on or adjacent to the site.

### **5. DEVELOPER CONTRIBUTIONS**

#### **5.1 Water & Sewer Levies**

20 Section 64 levies will be payable. A condition of consent is included to require the payment of water and sewer charges.

#### **5.2 Section 94 Contributions**

25 This development will generate a demand for additional public facilities. A condition of consent is included to require the payment of contributions.

### **6. CONCLUSION**

30 The proposed development is consistent with relevant environmental planning instruments and planning controls applicable to the site. The site is considered to be suitable for the proposed subdivision subject to conditions of consent.

### **7. DISCLOSURE OF POLITICAL DONATIONS AND GIFTS**

Has a Disclosure Statement been received in relation to this application	No
Have staff received a 'gift' from anyone involved in this application that needs to be disclosed. Where the answer is yes, the application is to be determined by the Director or Manager of the Planning, Development and Environment Division.	No

**8. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED**

*Note: From July 1 2018, Council's are required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.*

The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.
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The proposed development is considered suitable for the proposed site and represents a viable use of urban land for low density residential purposes.
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<b>How community views were addressed</b>
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The DA was advertised in accordance with Development Control Plan 2014. The submissions received were considered on merit and addressed during assessment of the application.
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