



MODIFICATION REQUEST:

***Residential community title subdivision
and construction of 31 dwellings, at
1206D Pacific Highway and 36
Woodhouse Road, Moonee Beach
MP08_0003 MOD 1***

Description of Proposed Modifications

- *Amendment to the subdivision layout, with the same number of lots and dwellings;*
- *Amendments to staging of the development, including construction of all bulk earthworks, internal roads, and the collector road as part of Stage 1;*
- *Relocation of a bio-retention basin and its construction in Stage 1;*
- *Changes to the mix and design of dwellings, and deletion of dwelling approvals for dwellings in stages after Stage 1;*
- *Changes to bulk earthworks including benching of the residential lots to provide level building pads.*

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

September 2013

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1. BACKGROUND

This report is an assessment of a request to modify the project approval to MP08_0003 for residential subdivision and subsequent construction of dwellings. The modification request is made pursuant to the transitional Part 3A provisions and section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification request primarily seeks to:

- amend the subdivision layout (the same number of lots are proposed), due to the early construction of a collector road providing access to the site, and changes as a result of the preparation of construction certificate plans; and
- change conditions relating to staging and section 94 developer contributions to allow for flexibility in release of lots and dwellings.

Other consequential and associated amendments to the approved project as part of this modification are set out in section 2 of this report.

The site with total area of 5.749ha is located at Moonee Beach, in the Coffs Harbour local government area. It is approximately 11km north of Coffs Harbour CBD. It comprises 2 lots being Lot 211 DP 1044292 (1206D Pacific Hwy) and Lot 1 DP 262300 (36 Woodhouse Rd). Direct access to the site off the Pacific Highway will be removed as part of the upgrade works on the Pacific Highway, with alternative access provided from a local collector road and from Woodhouse Road. The site context, location and access arrangements are shown in Figures 1 and 1A below.

Figure 1: Site Location and Context

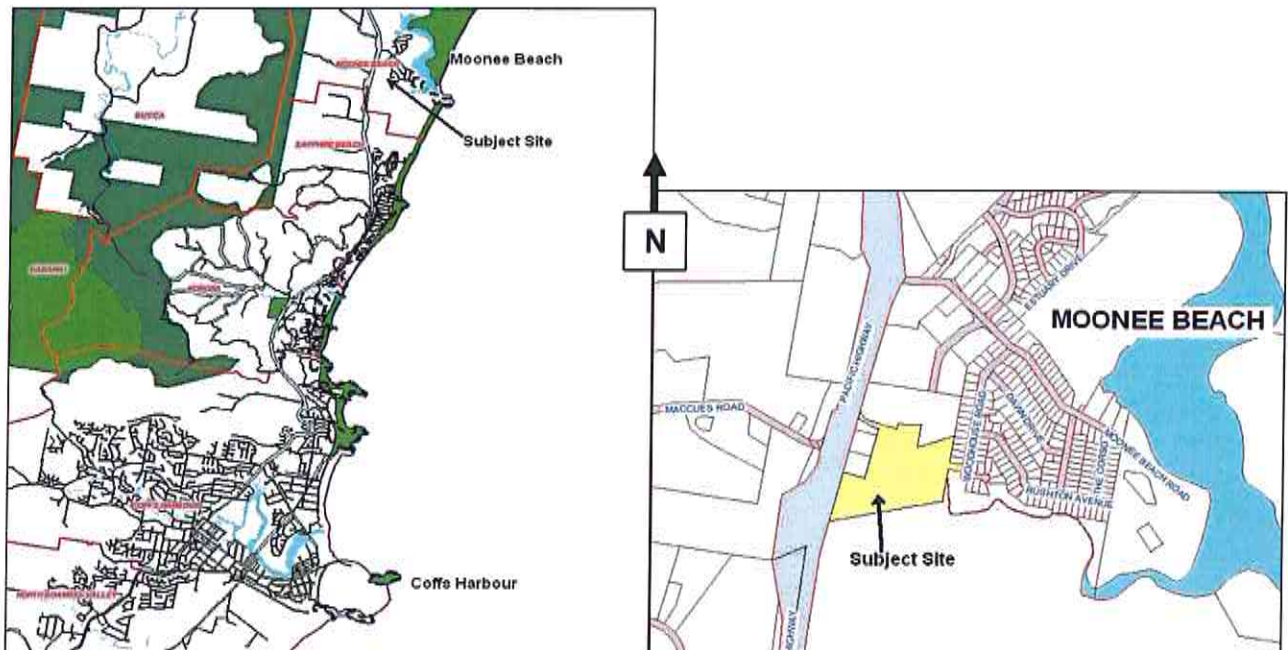


Figure 1A: Site and collector road access to the site



Project approval

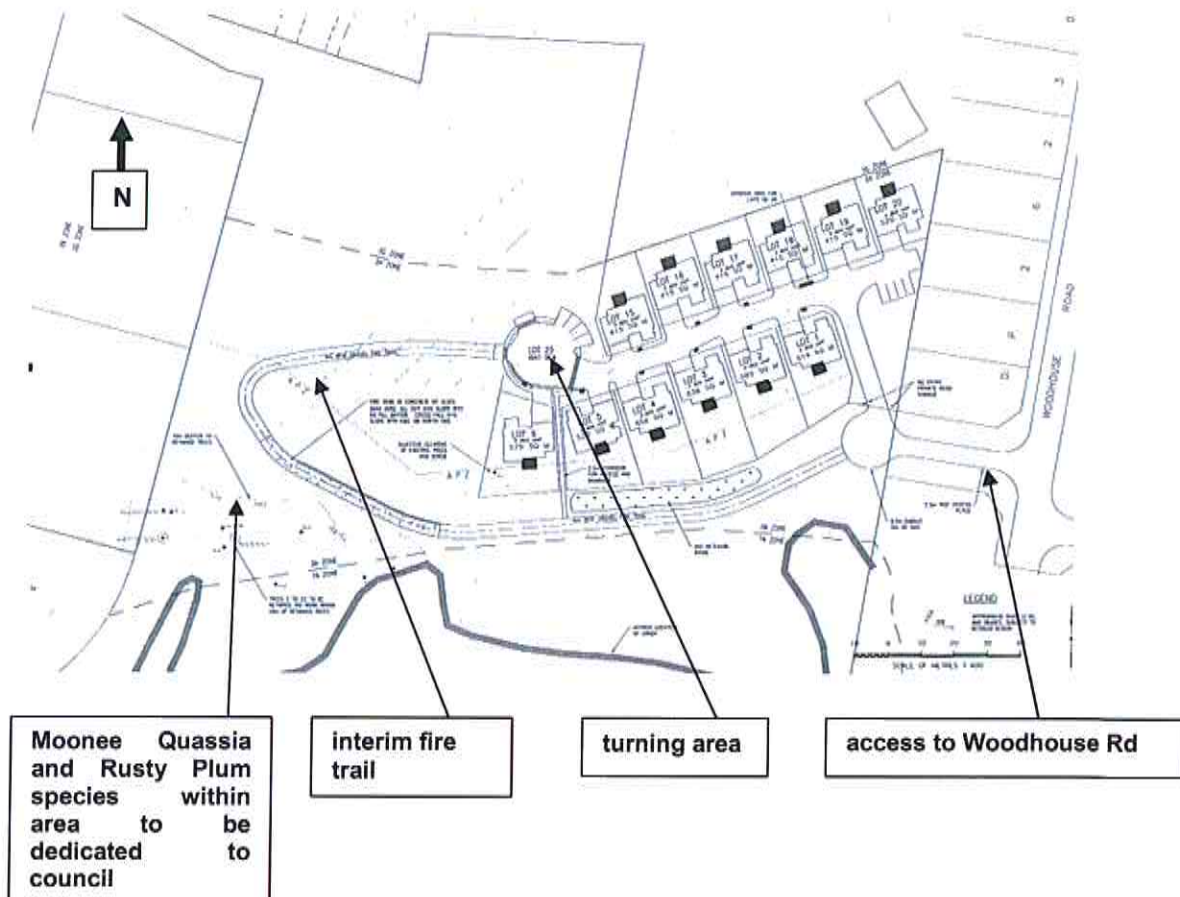
On 18 June 2012 the Deputy Director-General Development Assessment and Systems Performance as delegate of the Minister for Planning and Infrastructure, approved the residential subdivision of the land and the construction of dwellings in two stages, including:

- 33 lots under community title (31 residential lots and 2 community title lots encompassing internal roads, a bio-retention basin and a fire trail);
- two torrens title lots (open space to be dedicated to council and a 820m² residue lot);
- associated site and construction works;
- construction of 31 dwellings;
- construction and dedication of a local collector road; and
- dedication of 3.102ha as public reserve to council.

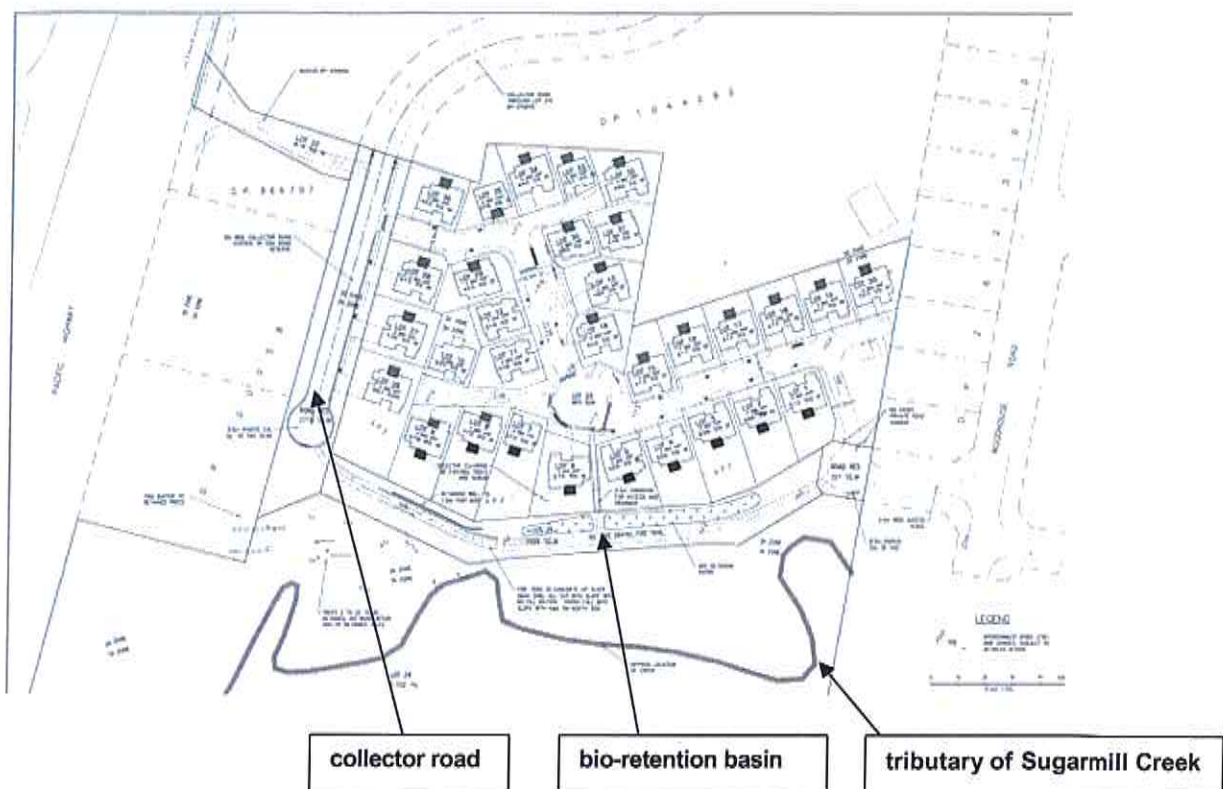
The project approval staging was based upon access arrangements. Access to stage 1 (an initial 12 residential lots) was only to be via Woodhouse Rd to the east, pending the construction of the collector road connection to the north of the site. Once the collector road had been established, stage 2 (the remaining 19 residential lots) could proceed and access would be both from Woodhouse Rd and via the collector road from Moonee Beach Rd (refer to Figure 2). This responded to concerns of local residents that vehicular access to the subdivision and the total 31 dwellings would only be via Woodhouse Road.

Figure 2: Project Approval –

Stage 1 - Initial 12 residential lots



Stage 2 - further 19 residential lots

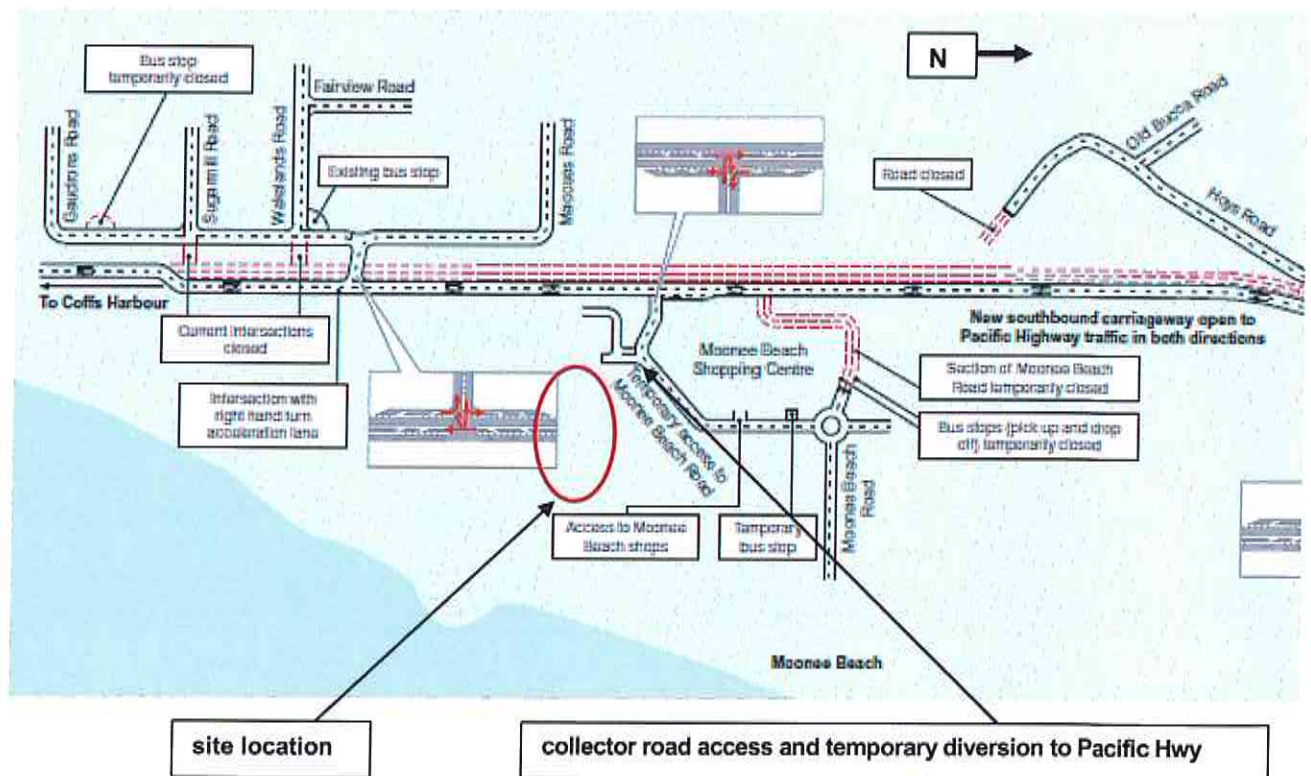


Local Collector Road and temporary access to the Pacific Highway

Since the approval of the project, the local collector road access has been constructed by the Road & Maritime Services (RMS) over the land to the north of the subject site, up to the boundary with the subject site. A temporary access road has also constructed to provide a link to the Pacific Highway. This provides for traffic diversions while work on the Pacific Highway upgrade is being undertaken. These upgrade works would otherwise restrict access into Moonee Beach. The proponent has advised that the RMS has diverted traffic at Moonee onto the collector road and via the temporary road. The temporary access arrangements will be in place along this section of the Highway up until mid 2014 (refer to Figure 3).

Advice from the RMS indicates that the collector road alignment to the north of the site (established to provide for the traffic diversions) has been constructed to council's standard and in accordance with the alignment in council's DCP. While the RMS intends to dedicate this road to council as a public road, this has not yet occurred. In addition, other than the temporary linkage to the Pacific Highway, no works have commenced on the construction of the portion of the collector road over the subject site.

Figure 3: Temporary access arrangements on Pacific Highway – May 2013 to mid 2014 – during upgrade works



Bulk Earthworks

On 14 May 2013 council issued a construction certificate for bulk earthworks for the subdivision. This included the provision of benched or levelled building pads for the residential lots. The building pads are consistent with the amended lot layout which is the subject of this modification.

Bulk earthworks have commenced and are substantially completed. These works have also included the construction of a bio retention basin, as this basin is to be used as a sediment control measure during construction works. The bulk earthworks also allow for the provision of subsequent civil works for the internal roads, in accordance with the revised layout, the subject of this modification request.

Demolition

Existing buildings on the site have been demolished and removed, subject to a separate demolition approval issued by council.

2. PROPOSED MODIFICATION

Modification Description

The proponent, Telpat Pty Ltd, has submitted a modification request for the following:

- an amended subdivision layout, including removal of an internal vehicular turning area and associated amendments to lot layouts, but with no changes to the total number of lots,
- all bulk earthworks and civil works being undertaken as part of stage 1 (rather than being carried out in 2 stages); including
 - construction of the full extent of the internal subdivision roads; and
 - construction of the entire collector road within the site, from the northern boundary to the southern cul-de-sac, and its dedication as a public road.
- relocation of a bio-retention basin from the north to the south of the proposed fire trail, along with associated realignment of the boundary of the community title lot 25 to encompass this new basin location, and construction of the basin as part of Stage 1;
- changes to conditions relating to staging of the subdivision and section 94 contributions, to:
 - reflect changes to the subdivision layout;
 - provide for the carrying out of all bulk earthworks and civil works as part of stage 1 (instead of over 2 stages); and
 - provide for flexibility in staging construction of the final 19 residential lots and dwellings (after stage 1).
- changes to the mix and design of the proposed dwellings, including new dwelling designs for the stage 1 dwellings on lots 1 to 6 and 15 to 20) and deletion of dwelling approvals for further stages, after Stage 1;
- changes to bulk earthworks including benching of each of the residential lots to provide level building pads for construction of dwellings and level private open space areas (these new levels are to be in accordance with construction certificate plans for bulk earthworks, issued by council on 14 May 2013 and subsequent earthworks undertaken on the site); and
- consequential changes to condition wording and correction of any errors.

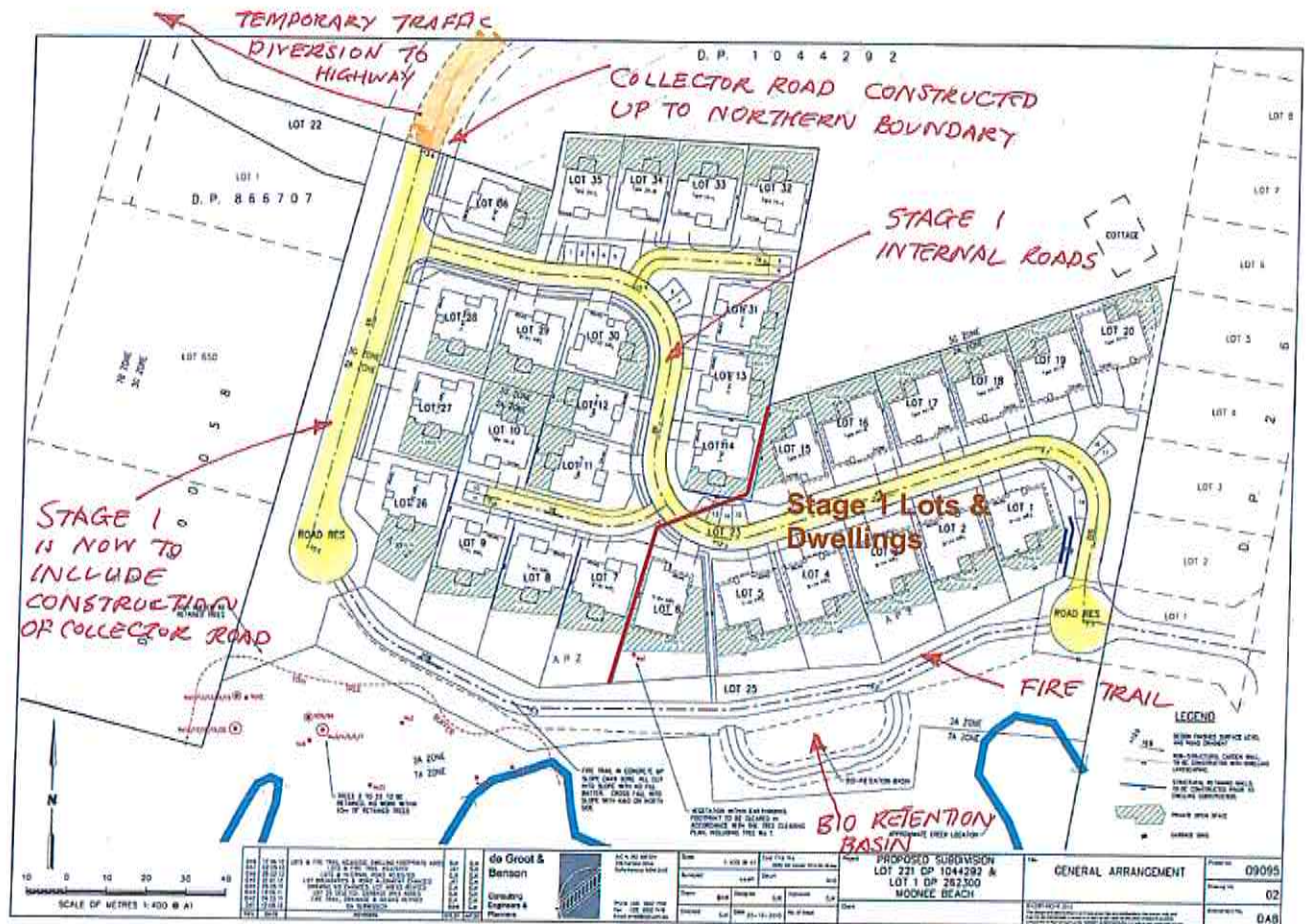
Following discussion between the proponent and the department regarding the inconsistency of the approved plans for the construction of dwellings with the revised lot layout and bulk earthworks, the proponent provided new dwelling designs for the stage 1 dwellings and requested that the modification include the deletion of approval for the construction of dwellings beyond stage 1 (i.e. approved dwellings in Stage 2 or the 'Further Stages' do not now form part of the development).

The proposed modified layout is shown in Figure 4.

Modification Justification

The proponent has justified the modification application on the basis that the subdivision layout can now be amended and refined as a result of obtaining more detailed site information, the preparation of construction certificate plans and the early construction of the collector road by the RMS over the adjoining property to the north of the site. The proponent also considers that the deferral of the stage 2 lots (in condition A2) pending construction of the collector road is no longer necessary as the collector road to the north of the site has been constructed.

Figure 4: Proposed Modified Layout



3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Project approval for MP08_0003 was granted under section 75J of the *Environmental Planning & Assessment Act* (the Act). Section 75W of the Act provides for the modification of the Minister's approval.

In accordance with clause 3 of Schedule 6A of the Act, section 75W as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Pursuant to section 75W(2) of the Act, the proponent may request the Minister to modify approval of a project. Any request is to be lodged with the Director-General.

Section 75W(3) of the EP&A Act provides that the Director-General may notify the proponent of environmental assessment requirements (DGRs) with respect to the proposed modification.

Given the nature of the modification request DGRs were not considered necessary, given that the number of lots will remain the same and there will be no significant changes to the approved subdivision layout.

3.2 Delegated Authority

Under the Instrument of Delegation dated 14 September 2011, the Minister has delegated his functions to determine section 75W modification requests to the Director – Industry, Social Projects and Key Sites, where:

- the relevant local council has not made an objection to the proposal;
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

While Coffs Harbour City Council (council) has raised some issues it has not objected to the proposed modification. The proponent has not made a political disclosure statement, and no public submissions in the nature of objections were received. The Director – Industry, Social Projects and Key Sites, is therefore delegated to determine this modification request.

3.3 Statement of permissibility

Coffs Harbour City Local Environmental Plan 2000

The site is zoned Low Density 2A Residential, Mixed Use 3G Business and Environment Protection 7A Habitat and Catchment under Coffs Harbour City Local Environmental Plan 2000 (refer to Figures 5). Subdivision of the land and construction of the dwellings are permissible with consent.

The bio-retention basin in the modified subdivision layout will now be located mostly within the area of the site zoned 7A, whereas the approved location is within the area zoned 2A (the relocation of the basin is discussed further in section 5.3 of this report).

The proponent has identified the bio-retention basin as an 'environmental protection work' which is permissible without consent within the 7A zone. Environmental protection works are defined under Coffs Harbour City LEP 2000 to mean 'any works associated with the rehabilitation of land to its natural state or any works to protect land from environmental degradation'.

The department is of the view that the bio-retention basin can be considered to be ancillary to subdivision of the land which is permissible with consent within the 2A and 7A zones.

Figure 5: Coffs Harbour City LEP 2000

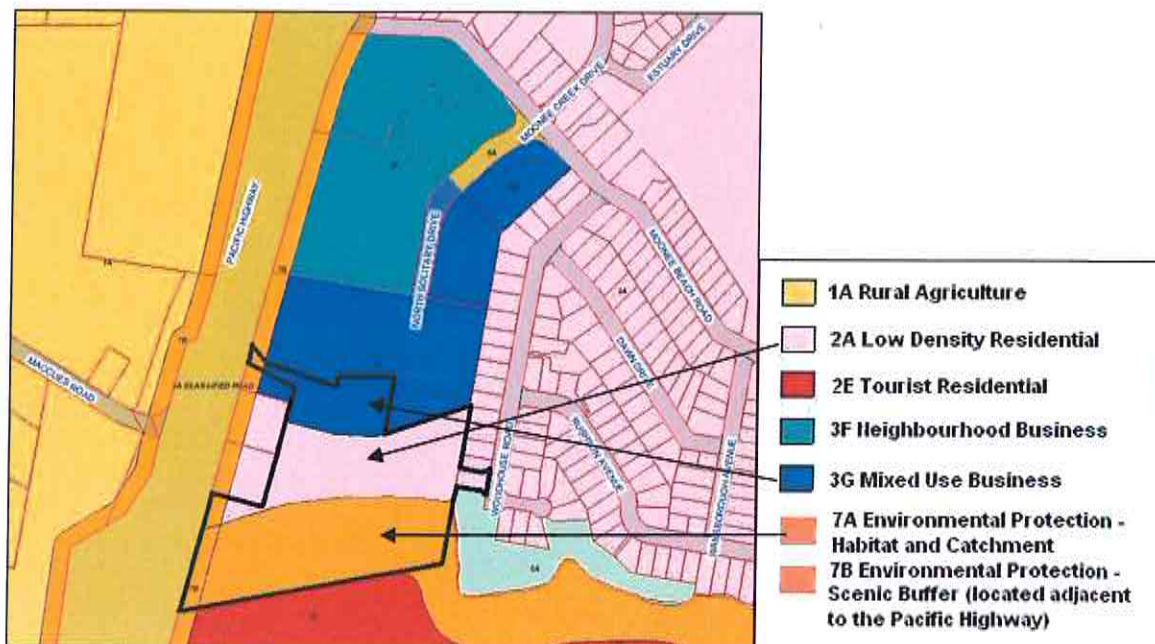
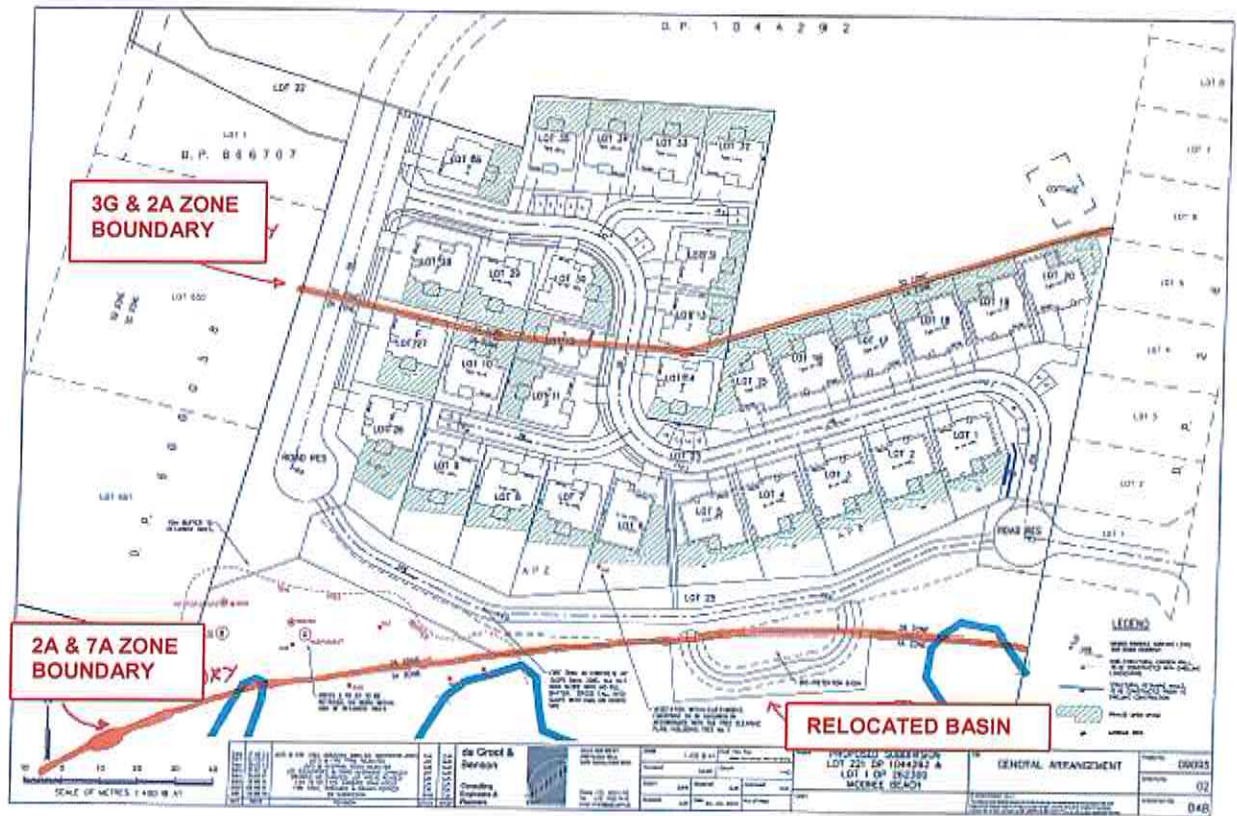


Figure 6: Site zonings under Coffs Harbour City LEP 2000, in relation to modified development



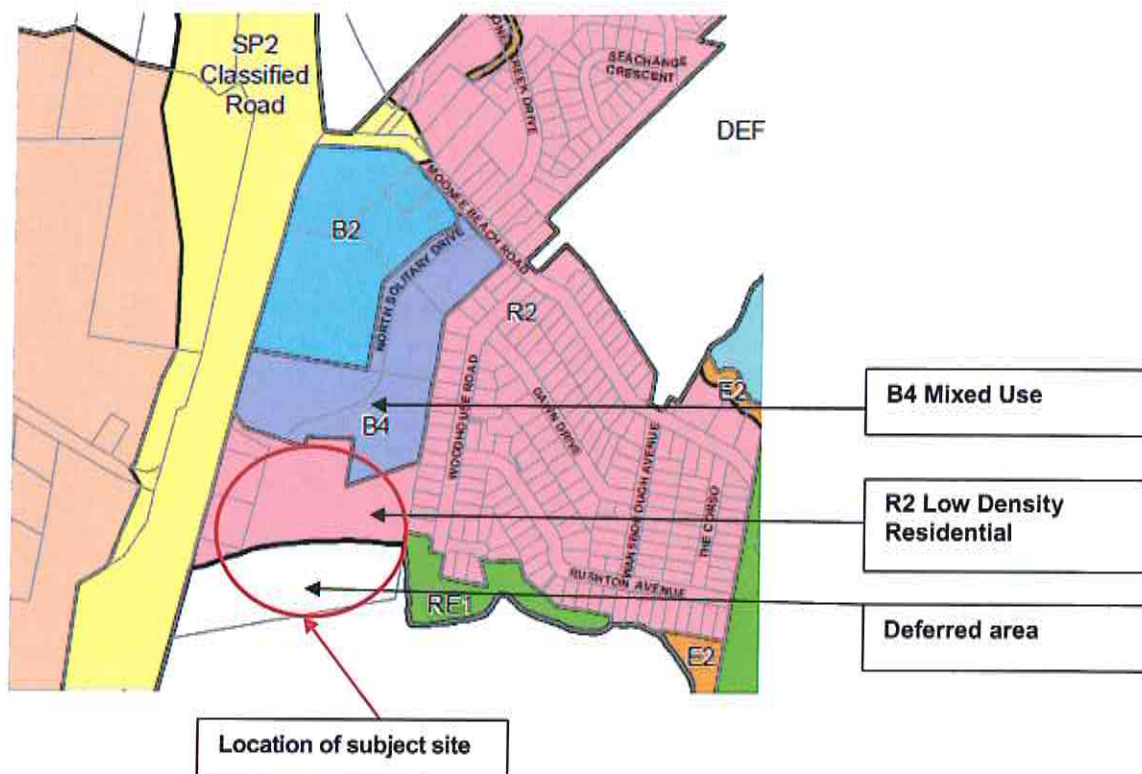
Draft Coffs Harbour Local Environmental Plan 2013

Draft Coffs Harbour Local Environmental Plan 2013 is a new comprehensive LEP which will apply to the whole of the Coffs Harbour local government area, replacing existing EPIs. It was exhibited by council from 13 September 2012 to 26 October 2012 (in conjunction with a comprehensive development control plan). On 13 December 2012 Council resolved to adopt the draft LEP and refer the draft LEP to the department for its making by the Minister.

Under the draft LEP most of the site would be zoned R2 Low Density Residential, equivalent to the areas of the site currently zoned 2A and 3G under Coffs Harbour LEP 2000 (refer to Figure 7). The subdivision of the land and the construction of the dwellings would remain permissible with consent under draft LEP 2013.

There is a deferred area under the draft LEP that is contiguous with the area currently zoned 7A Environmental Protection. Certain areas were deferred at the time the draft LEP was originally being considered by council as they were the subject of undetermined Part 3A applications. While the Part 3A project application for this site has since been approved, the 7A land remains deferred as it adjoins land to the south which was also the subject of a separate Part 3A application (MP05_0064). The adjoining land to the south has since been purchased by the RMS to provide for a biodiversity offset for the Pacific Highway upgrade works. The future zoning for environmental protection of the deferred area on this site and the adjoining land to the south will be considered concurrently.

Figure 7: Draft Coffs Harbour LEP 2013



4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for modification was made publicly available on the department's website. No public submissions were received.

The modification was not publicly notified as the early construction of the local collector road, along with the construction of all other internal roads on the site as part of stage 1, addresses key resident concerns originally raised about access to the project only being via Woodhouse Road.

The modification request was referred to Coffs Harbour City Council and to the RMS for comments. A summary of issues raised is provided below

Coffs Harbour City Council

Council has no objections to the proposed modification but has raised the following matters:

- six of the 19 car spaces (spaces 12 to 15, 18 and 19) proposed to be provided along the internal roadway should be deleted, due to potential safety issues and lack of suitable sight distances (this matter is discussed in section 5.5); and
- whether the modified project, including the deletion of approval of dwellings beyond stage1, would be substantially the same development as originally approved, as well as concerns about the implications of this for the community title management plans and design controls for these future dwellings (these matters are also discussed further in section 5.5).

Council also provided advice in regard to suggested wording and amendments to relevant conditions of the project approval. The proponent has agreed to further amendments to relevant conditions as suggested by council.

Roads and Maritime Services

RMS has no objection to the changes to the staging of the subdivision, based upon the early construction of the collector road on the property to the north, as part of the upgrade works on the Pacific Highway.

5. ASSESSMENT

The Department considers the key issues for the proposed modification to be

- Changes to staging of the subdivision and release of lots;
- Amendments to subdivision and lot layout;
- Relocation of bio-retention basin;
- Amended cut and fill; and
- Amended dwellings designs.

5.1 Changes to the staging of the subdivision and release of lots

While the proponent intends to retain the staging of the subdivision, with the release of the first 12 lots as an initial stage, greater flexibility is sought in the release of subsequent lots, which may be released in blocks or individually. Some changes are proposed to the wording of conditions to allow for this flexibility, including changes to allow for staging of section 94 contributions.

The early construction of the collector road up to the northern boundary of the site, as well as changes related to the construction of the full extent of the internal road and the collector road on the site as part of the early civil works in stage 1 of the subdivision (instead of within stage 2), will also require changes to the staging requirements and conditions of the approval (within conditions A2 and E6). This includes changes to restrictions on the release of lots and subdivision certificates related to the construction and dedication of the collector road. While the construction and dedication of the collector road within the site is the responsibility of the proponent, the construction and dedication of the collector road outside the site, and up to the northern boundary of the site, is being undertaken by the RMS.

The release of lots for the whole subdivision including stage 1 should now instead be tied to the construction and dedication of the collector road (within the subject site), due to the deletion of the stage 1 turning area and construction of the full extent of the internal road/s connecting to the new collector road constructed on the site and to the north of the site.

The proponent has requested that the condition requirements for the dedication of the section of the collector road constructed by the RMS on the neighbouring property to the north (lot 210 DP 1044292, now lot 41 DP1179983) be deleted as this outside the proponent's control and there is uncertainty about when this will occur. The RMS intend to dedicate this to council as a public road and the physical connection is in place, within the final alignment set down in council's DCP. Also, there will still be full access from Woodhouse Road to enter and exit the site, utilising the section of the collector road to be constructed on the site as part of stage 1 civil works.

The department considers that this request and proposed amendment to conditions are reasonable due to the proponent's commitment to the construction of all roads within the site and the limited risk that the dedication of the RMS constructed section of the collector on the property to the north would not proceed in a timely manner. There is also the certainty that the alignment of the collector road within the property to the north is within the area as identified within council's DCP, and is currently being used as part of the traffic diversions at Moonee related to the highway upgrade being undertaken by the RMS.

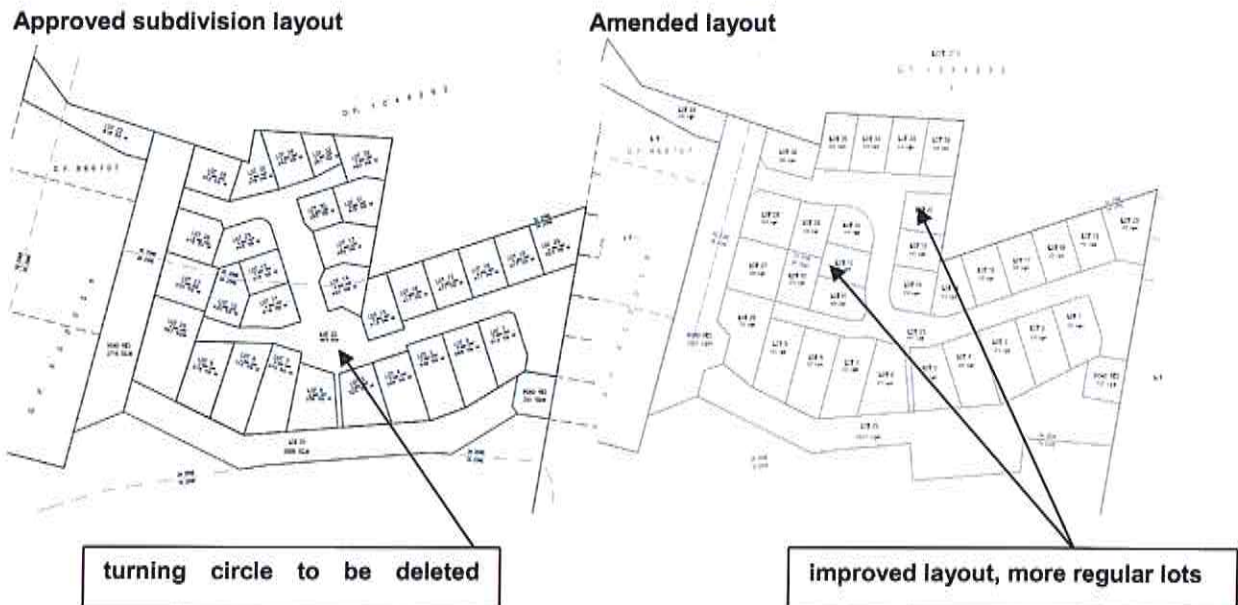
5.2 Amended layout

The proponent has revised and refined the subdivision layout arising from the earlier construction of the local collector road at Moonee and the ability to proceed with the full extent of the internal road linking to the collector road. The main feature of the amended layout is the deletion of the internal turning circle, which was to terminate at the end of the stage 1 section of the internal road.

This turning area is no longer required, as the construction of the full extent of the internal road will allow for vehicles to drive through the site without the need to turn back to Woodhouse Road. The department has no 'in principle' objection to removal of this internal turning area. This is also subject to the construction of the full extent of the internal roadway and the road being linked to the collector road, as discussed in section 5.1.

The deletion of the internal turning area has allowed the proponent to redesign the residential lots, and provide more regular lots boundaries, refer to Figure 8. The number of lots remains the same and the range of lot sizes will be consistent between the approved and modified plans.

Figure 8: Comparison of approved and amended subdivision and lot layout



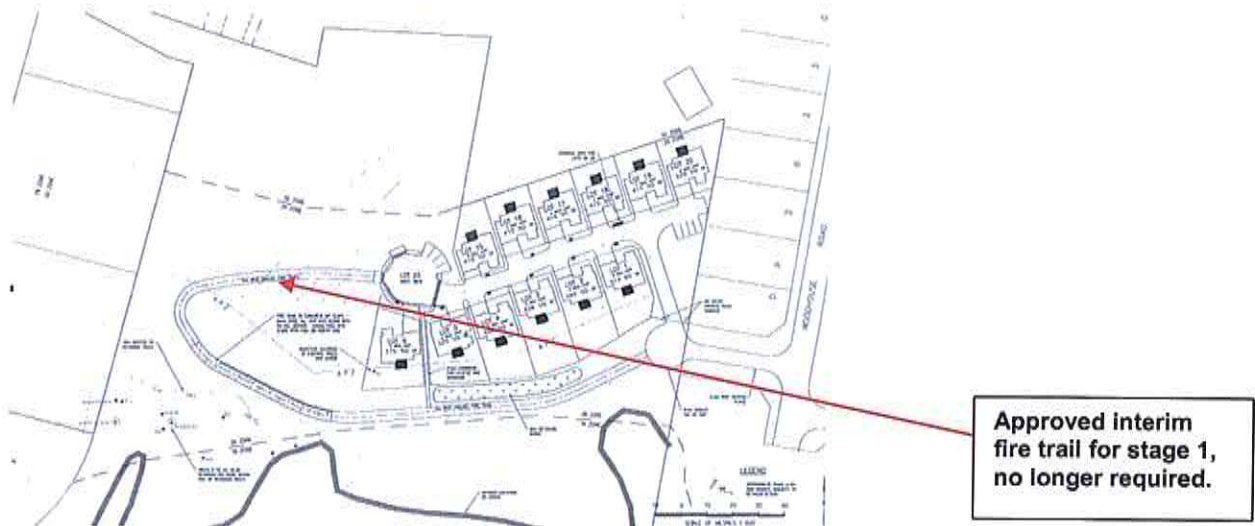
Truck access

Council's subdivision and development engineer has confirmed that the revised alignment of the internal road provides for a better arrangement for truck access, such as garbage vehicles, to manoeuvre through the subdivision. In this regard the garbage truck swept path plans currently listed in condition A3 of the project approval can be deleted from the table of approved plans, as they no longer apply to the amended layout.

Fire trail/ bushfire access

A fire trail is to be provided along the southern boundaries of the residential lots, and located within the community title lot 25. The project approval provided for an interim fire trail for stage 1 (refer to Figure 9). This interim bushfire access arrangement is no longer required as the full extent of the approved fire trail can now be constructed from Woodhouse Road at the east of the subdivision through to the collector road at the west (refer to Figure 4).

Figure 9: Interim fire trail – stage 1



Parking spaces

The approved project made provision for 14 parking spaces (90 degree angled spaces) located off the internal community title road. These parking spaces are in addition to parking provided for each of the dwellings, within garages and driveway setbacks. These spaces were provided due to the configuration and narrow width of the internal road limiting the potential for kerbside parking spaces.

The amended subdivision layout provides for 19 car parking spaces. Council has advised that six of the 19 spaces should be deleted, due to potential safety issues and lack of suitable sight distances, with spaces being proposed at bends in the road. Up to 10 car parking spaces are required based upon Council's DCP requirements. With the deletion of six spaces there will remain 13 spaces, three more than required, and one space less than originally proposed. The department considers that the provision of 13 parking spaces along the internal road will be satisfactory and provide for adequate parking, in addition to the parking provided for each dwelling within garages and driveway setbacks.

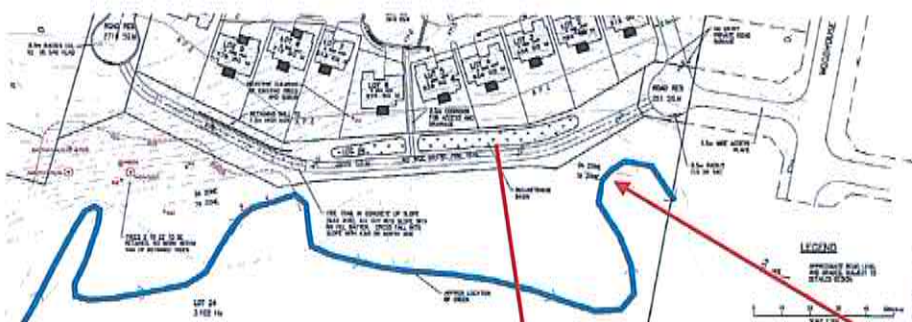
5.3 Relocation of bio-retention basin

A bio-retention basin has been approved on the southern perimeter of the residential lots immediately to the north of the approved fire trail in stage 1, and within the section of the site zoned 2A. This basin is required as part of measures to control the quality and volumes of stormwater runoff from the subdivision. As part of the amended subdivision layout, the basin has been redesigned and has been relocated approximately 20m to the south. This has relocated the basin from an area north of the fire trail to an area south of the fire trail, where it is now largely within the part of the site zoned 7A Environmental Protection (refer to Figure 10).

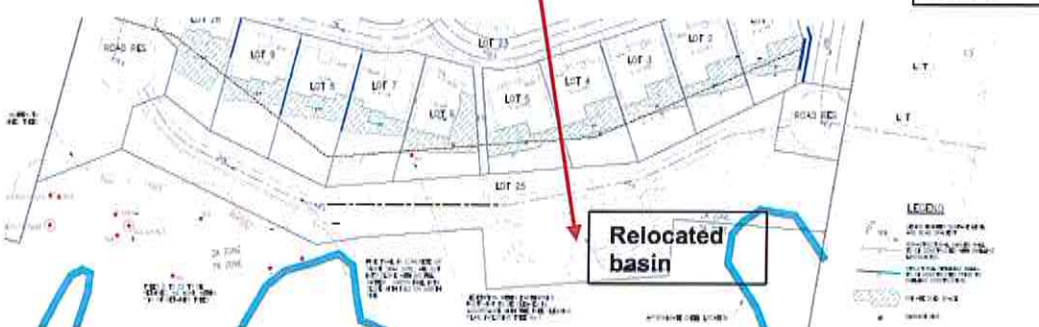
The proponent has advised that has been relocated at council's request, following further site inspections by council's environmental officers prior to bulk earthworks and civil works. The revised location allows for the fire trail at each end of the basin to be located further from the adjacent creek to the south. Earthworks for the basin have already been undertaken with council approval with the basin being used as a part of sediment control measures during construction of the subdivision. This has therefore allowed for the fire trail to be shifted to the north, further away from the creekline.

Figure 10: Relocation of bio-retention basin

Approved layout

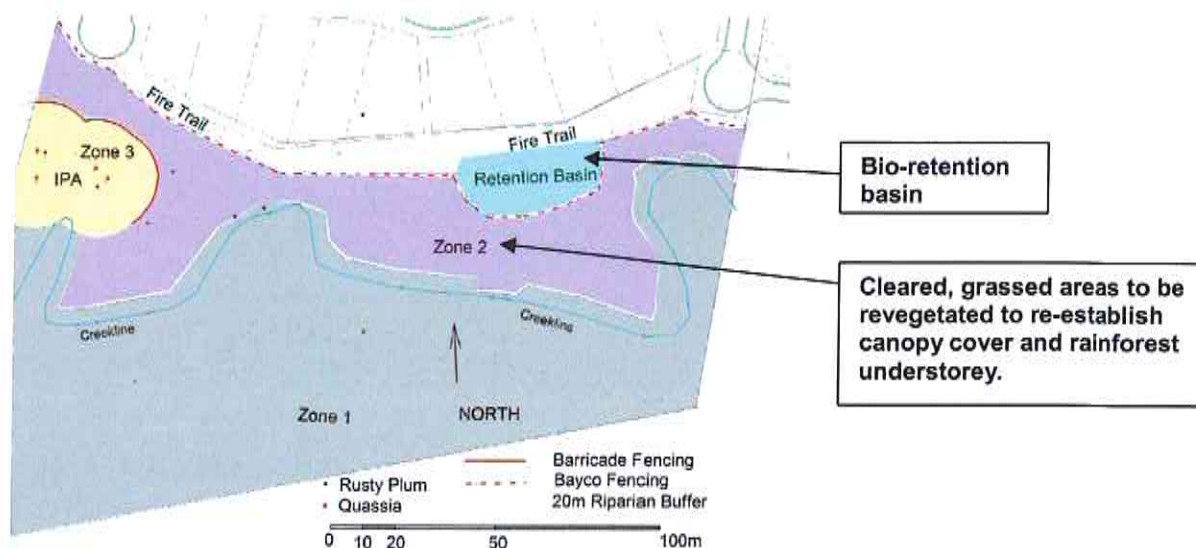


Amended layout



No environmental impacts are expected from the revised location of the bio-retention basin. While it is now within the parts of the site zoned 7A environmental protection, it has been located within existing cleared and grassed areas, requiring no removal of trees. The revised location of the bio-retention basin has been taken into account within the Vegetation Management Plan (VMP), which was approved by council under condition B1 of the project approval, prior to the release of the construction certificate for bulk earthworks (refer to Figure 11 for an extract from the VMP showing the basin).

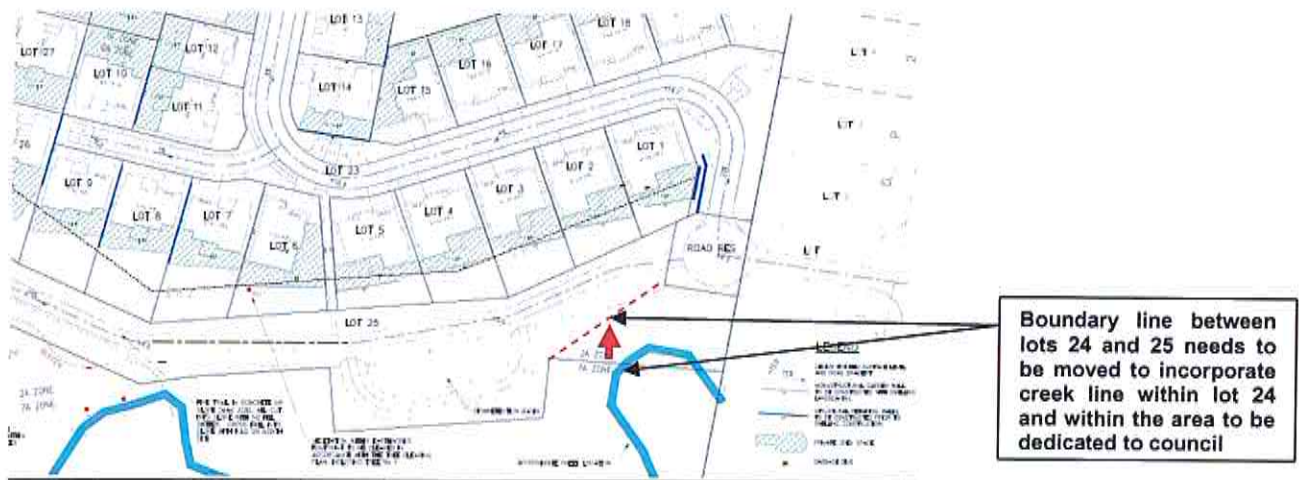
Figure 11: Extract from approved Vegetation Management Plan



Lot 25, including the bio-retention basin

There are also boundary changes and an increase in the size of the community title lot (lot 25) containing the fire trail and bio-retention basin, due to the relocation of the basin. The lot will be increased from 2899sqm to 4441sqm to encompass the relocated basin. There are some unintended boundary changes to lot 25 which will need to be further amended to ensure that the creek line remains within lot 24, which is to be dedicated to council, as was intended in the original project approval (refer to Figure 12). This amendment is reflected in proposed modifications to condition A5.

Figure 12: Proposed changes to the boundary between lot 24 and lot 25



5.4 Amended cut and fill

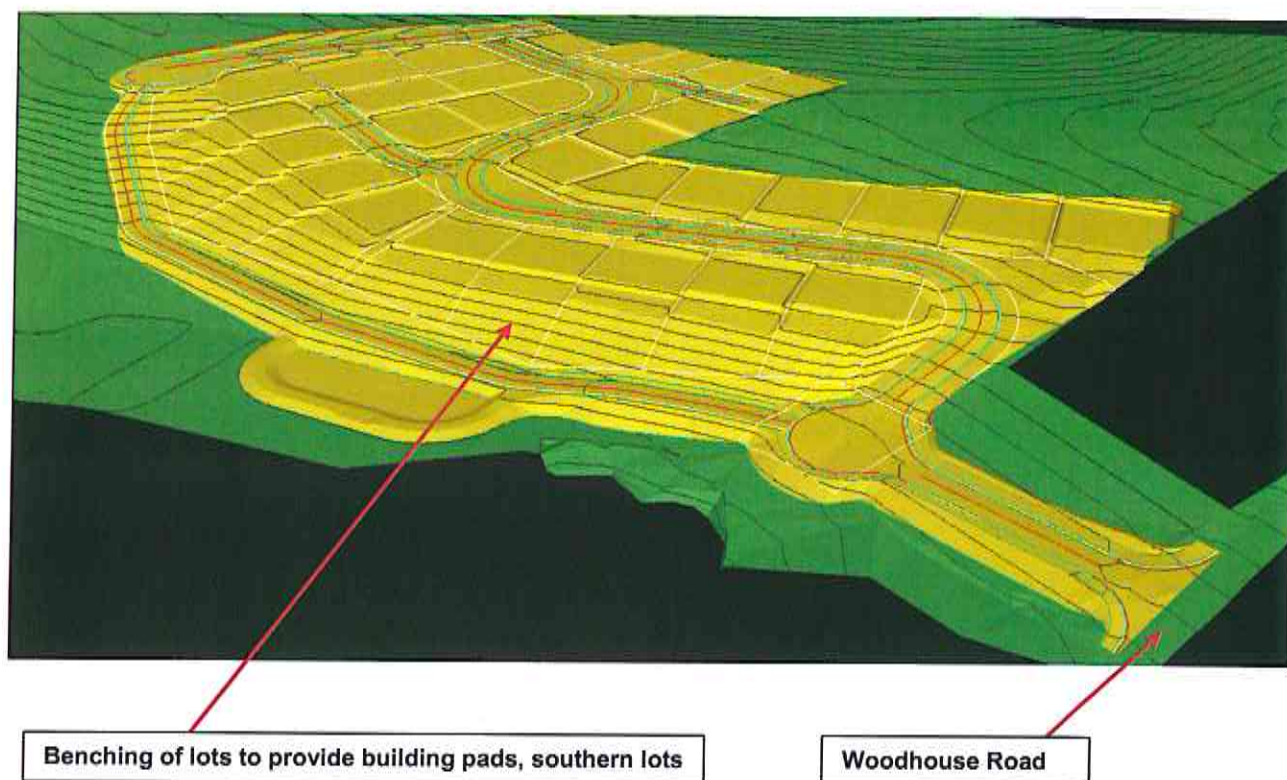
The project approval required some cut and/or fill works for the residential lots but this was limited. The largest site level changes were generally limited to lot no's 15 to 20 backing onto the north eastern boundary where site cuts of maximum 1800mm tapering to 1300mm were required, in the rear yards (on the northern side of the houses).

The modified project provides for more significant levels changes across the site with benching to provide level building pads and private open space areas for each of the residential lots, particularly for the lots along the southern side of the site. This is graphically represented in Figure 13.

As mentioned in section 1, bulk earthworks have been carried out and substantially completed on the site, following issue of a construction certificate by council in May 2013. This has included cut and fill works for the establishment of the benched building pads for the residential lots, rather than the levels approved under the project approval.

The southern lots, where there have been the greatest changes in the finished levels, slope down to the fire trail along the rear boundary of the lots and these lots face down towards the areas of the site to be revegetated and dedicated to council as a public reserve. While the department would generally seek to limit the extent of cut and fill, in the circumstances of this case, removal of site earthworks and re-establishment of previously approved levels is not considered warranted as no significant impacts are expected from the new levels that have been approved through the construction certificate and already established on the site. Despite the changes in levels there are expected to be limited environmental and amenity impacts.

Figure 13: Bulk earthworks and benched pads



5.5 Amended dwelling designs and dwelling mix

The project approval provides for an integrated residential development of the land with specific dwelling plans approved for each of the lots. Council's Moonee DCP identified a target dwelling yield of 42 dwellings over the site. This was reduced to 31 dwellings with the project approval (12 dwellings in stage 1 and 19 dwellings in stage 2) having regard to site constraints, including the need for the collector road corridor, a fire trail, and public open space dedication to encompass the retention of threatened species (Moonee Quassia). The modification request retains the same number of dwellings but includes changes to the mix and design of the proposed dwellings on each lot, having regard to the revised lot layouts and levels.

Stage1 dwellings (lots 1 to 6, and 15 to 20)

The modification provides for new dwelling designs and new plans and new BASIX certificates for each of the stage 1 dwellings (on lots 1 to 6 and 15 to 20). The new stage 1 dwellings will be generally consistent with the dwellings originally approved, being single storey, with similar setbacks and street frontage presentation and orientation. Each of the dwellings will however be up to approximately 25sqm larger than those originally approved and are designed with slab on ground construction having regard to benched building pads that have now been provided, as discussed in section 5.4 of this report. Despite the increase in size of the stage 1 dwellings, the floor space ratios across these lots will be within the range of 0.25 to 0.30:1, with site coverage between approximately 30% to 40% which are considered satisfactory. The design of the dwellings, their density, setbacks, parking and open space are generally consistent with the provisions of Council's Low Density Housing DCP. The department and council therefore have no objection to this aspect of the modification.

Dwellings for further stages/residential lots (lots 7 to 14 and 26 to 36)

Instead of preparing new plans for the dwellings on lots for the future stages of the development (to be constructed after stage 1 dwellings) the proponent has sought to utilise the existing approved dwelling plans, choosing dwelling footprints to fit the amended lot layouts. A schedule of dwelling types has been

provided so as to relate the previously approved dwellings with the new lot configuration. However most of these previously approved plans and elevations will not be consistent with the revised lot layout, due to changes in lot configuration, orientation and levels (new building pads). Also any BASIX certificates for the approved dwellings plans may not be relevant to the new dwelling layouts and orientations.

This matter has been raised with the proponent and in order to resolve it and facilitate a timely determination of this modification application, the proponent is seeking to delete approval for the construction of the dwellings on the lots in the future stages, beyond stage 1. The construction of the dwellings on these lots would be subject to further approvals of separate development applications, or could potentially be subject to complying development certificates.

The proponent is of the view that the modified general layout plan for the subdivision identifies building footprints for the dwellings on each of the lots and therefore demonstrates that dwellings can be suitably constructed on each of the lots. In this regard it is noted that lots sizes range from 357sqm to 753sqm, and are of sufficient size and dimensions to potentially accommodate a wide range of dwelling designs and configurations.

Council has raised some concern about the deletion of approval for the dwellings in the future stages of the subdivision, beyond stage 1. Council considers this aspect of the modification is inconsistent with the project approval and problematic, for the following reasons:

- the project approval was for an integrated housing and subdivision development, where the subdivision was responsive to the house designs and the site's attributes;
- the modified development, without the dwelling approvals, will not be substantially the same development;
- it is unclear as to how the community scheme would function, whether this is consistent with the draft community management statement and with design controls to achieve the planned and proposed integrated housing; and how this will be enforced under future development application or CDCs; and
- the proponent should therefore be required to submit amended house designs for all the lots.

Comments on council's concerns

Bulk earthworks that have already been carried out have resulted in changes to the site attributes with the establishment of level building pads for each lot. This in part means that the existing approved dwellings designs are no longer consistent with the revised lot layouts. The department considers that the approval of dwelling footprints, as shown on the subdivision general layout plan, along with the schedule of dwelling types can provide a suitable basis for controlling the design of the future dwellings.

Condition E4 of the project approval requires the submission of a final Community Management Statement prior to the issue of a subdivision certificate, as only a draft statement was submitted with the original project documentation containing a preliminary level of detail. Condition E5 requires that a restriction is placed on title that the design of each of the dwellings shall comply with the relevant Design Guidelines referenced in the Community Management Statement, with consent being obtained from the Executive Committee prior to commencement of construction of construction.

The Community Management Statement and the associated design controls can require that the design of the future dwellings should be generally consistent with the original design plans (as modified by the revised layout and dwelling schedule). This can provide for a level of integration of dwelling design with the subdivision approval, to guide the design of the dwellings in future development applications or complying development certificates. The department therefore recommends that Condition E4 be modified accordingly to require this. Also while it can be implied that council would approve the Community Management Statement prior to the release of a subdivision certificate, this can be clarified by including this requirement in condition E4.

On this basis the department considers that amendments to delete approval for construction of dwellings after stage 1 can be supported and the concerns raised by council are addressed, with the modified development remaining substantially the same development as originally approved.

6. CONCLUSION AND RECOMMENDATIONS

The department considers the proposal, as modified, achieves the same objectives and key benefits as established under the original project approval, in particular:

- redevelopment of a large block of land for residential purposes, containing an incongruous land use (animal boarding establishment) adjacent to the Moonee Beach village centre;
- early construction of the local collector road on the site and its dedication to council, connecting the land, and adjoining properties, to Moonee Beach Road and the town centre;
- provision of additional residential properties in the Moonee urban release areas, accordance with the requirements of the Moonee Development Control Plan; and
- dedication to council (and rehabilitation) of the riparian zone and surrounding lands adjacent to a tributary of Sugar Mill Creek, including protection of areas of the site containing threatened species (Moonee quassia).

7. RECOMMENDATION

It is recommended that the Director – Industry, Social Projects and Key Sites, as delegate of the Minister for Planning and Infrastructure, under section 75W of the EP&A Act, approve the proposed modification (08_0167 MOD 1) as detailed in **Section 2** of this report; and vary the terms of approval as set out in the modifying instrument included at **Appendix A**.

Prepared by:



Ray Lawlor

Planner

Industry, Social Projects and Key Sites

Endorsed by:



Sally Munk

A/Team Leader

Industry, Social Projects and Key Sites



Heather Warton

Director

Industry, Social Projects and Key Sites