

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD 7198 Moonee Beach Residential Subdivision
Applicant	The trustee for Moonee Parklands Trust
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Regions, Industry and Key Sites under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

8 October 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- [the relevant considerations under the *Threatened Species Conservation Act 1996*;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report;
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including new housing within the Coffs Harbour LGA, \$50,000,000 capital investment, approximately 130 construction jobs and the rehabilitation and conservation of 2 hectares of land.
- the project is permissible with development consent, and is consistent with NSW Government policies including:
 - North Coast Regional Plan 2036
 - Coffs Harbour Local Growth Management Strategy 2020
 - My Coffs Community Strategic Plan
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Conditions of consent are recommended to address key impacts including biodiversity offsets, earthworks and access.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Concept Plan for the project in 2013 and received a total of 19 submissions from the public including 16 submissions in support of the application and 3 submissions objecting to the proposal.

The Applicant's Response to Submissions (RtS) received a total of eight submissions on the RtS, comprising four submissions from government agencies, one submission from Council and three submissions from the public.

The Applicant's supplementary information (SRtS) received in July 2019, August 2019, September 2019, November 2019, July 2020 and August 2020 was also uploaded on the Departments website and one further public submission was received.

The key issues raised by the community include access, earthworks and impacts on adjoining sites. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
Access <ul style="list-style-type: none"> The proposal should have another entry and exit to the Pacific Highway to reduce the traffic flow through the Moonee Village and to provide an alternative emergency escape route 	Assessment <ul style="list-style-type: none"> Access to the site is proposed from the approved collector road. In accordance with RMS advice, no direct access to the subdivision is permitted directly from the Pacific Highway. Two connections are provided to the collector road to allow for adequate circulation of traffic.
Bulk Earthworks <ul style="list-style-type: none"> The bulk earthworks proposed are inappropriate and will create adverse impacts on adjoining properties 	Assessment <ul style="list-style-type: none"> As part of the RtS, the Applicant provided amended earthworks plans showing the site levels modified to align with the subdivision to the south and minimise the need for retaining walls. Conditions <ul style="list-style-type: none"> Condition B5 is recommended requiring site levels on the northern part of the site to integrate with Glades Estate.
Inaccurate Reports <ul style="list-style-type: none"> The supporting reports for the proposal are inaccurate 	Assessment <ul style="list-style-type: none"> Since the receipt of this submission, amended reports have been received and reviewed by the Department, Council and relevant agencies.
Road Alignments <ul style="list-style-type: none"> The proposed road alignments must be aligned with the approved road alignments within the Glades Estate and the Northern Collector Road. 	Assessment <ul style="list-style-type: none"> The Department has considered the approved Glades Estate and the design of the Northern Collector Road. The Department notes that Council advised the alignment of the Collector Road extension has been considered and incorporated these collector road levels into the subdivision design. Conditions <ul style="list-style-type: none"> Conditions B13 and B14 are recommended requiring evidence that Roads 6 and 7 align with connecting roads on adjoining sites be submitted.
Further Consultation <ul style="list-style-type: none"> Further consultation at the detailed design stage is needed to ensure appropriate consideration is taken regarding the design of interconnecting roads, infrastructure services, drainage requirements and fill levels. 	Assessment <ul style="list-style-type: none"> The Department has considered the relationship of the proposed development and the adjoining approved subdivision developments with regard to design and interconnecting roads, infrastructure services, drainage requirements and fill levels. The Department notes that Council is satisfied the proposed drainage system, site levels and road network are appropriate and would integrate with the adjoining site. Conditions <ul style="list-style-type: none"> Condition E26 is recommended requiring, prior to the release of the Subdivision Certificate that a final fill report be submitted to and endorsed by Council. The final fill report must show the location, depth and type of fill located on the site. Condition B5 is recommended requiring site levels on the northern part of the site to integrate with Glades Estate.
Deed of agreement / formal arrangement <ul style="list-style-type: none"> The Collector Road is the only public access route for the Glades Estate. The Applicant should enter into a Deed of Agreement' or similar 	Assessment <ul style="list-style-type: none"> The relevant landowners will enter into agreements for the construction of the Northern Collector Road and that all access to the future development will be via Moonee Beach Road and the Pacific Highway interchange.

<p>formalised arrangement with the adjoining landowners and Council to facilitate the design, construction and dedication of the Northern Collector Road as a public road</p>	<p><i>Conditions</i></p> <ul style="list-style-type: none"> • Condition B17 is recommended requiring evidence of the deed being entered into to be provided prior to the issue of a Subdivision Works Certificate. • Condition E22 is recommended requiring that prior to the release of any Subdivision Certificate for any new residential lot, interim or final, all existing property access to the Pacific Highway will be legally and physically closed and redirected via the Northern Collector Road to Moonee Beach Road.
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