



14 June 2011

Concept Plan for the Moonee Waters Residential Subdivision, Moonee Beach

Concept Plan Application

The Concept Plan sought approval for:

- community title residential subdivision of 216 lots in 2 precincts;
- construction of associated roads and infrastructure;
- construction of main access to the site via a temporary connection to the Pacific Highway, with long term access via a collector road;
- dedication of 76.3 ha of conservation lands to Council; and
- provision of picnic areas and walkways within the conservation area.

The Department's recommendation is to modify the Concept Plan and approve part of the application, consisting of:

- community title subdivision, including roads and approximately 98 residential lots;
- dedication of conservation areas to public ownership;
- limited public access within the conservation area;
- rehabilitation of degraded areas within the conservation area; and
- provision of services.

Commission's earlier advice

On 27 January 2011 the then Minister for Planning requested advice from the Planning Assessment Commission on the reasonableness of the Department's recommendation for this Concept Plan application.

Ms Gabrielle Kibble AO and Emeritus Professor Kevin Sproats constituted the Commission for this purpose. The Commission reviewed the Director-General's Environmental Assessment Report, received a briefing from the Department of Planning, visited the site and, as requested by the Minister, met with both the Proponent and Council officers.

The Commission found the Department had undertaken a rigorous and comprehensive assessment and that the recommendations in the report were reasonable. The Commission particularly noted that the recommendation to only allow development in the southern precinct would provide a sound resolution to the environmental issues raised.

Delegation to the Commission

On 20 May 2011 the Honourable Brad Hazzard MP, Minister for Planning and Infrastructure delegated his powers and functions to determine this concept plan to the Planning Assessment Commission. The Minister also recommended the Commission should be constituted by at least 2 members and also that the members were not those previously involved in this matter.

Dr Neil Shepherd AM and Mr John Court constituted the Commission for the purpose of determining the Concept Plan. Neither member was involved in the review undertaken by the Commission in February 2011. Dr Shepherd chaired the Commission.

Department's Assessment Report

The Director-General's Environmental Assessment Report provided an assessment of the following key issues:

- Strategic Context;
- Access;
- Flooding and Climate Change;

- Impacts on flora and fauna, including endangered ecological communities;
- Aboriginal Cultural Heritage; and
- Bushfire Risks.

The Department concluded that it was not satisfied that development of the northern precinct is suitable for this site. However, the Department considered a level of development in the southern precinct could be achieved, subject to meeting stringent requirements.

Briefing from the Department of Planning and Infrastructure

The Commission met with staff from the Department on 2 June 2011 for a briefing on the Concept Plan. Issues discussed included the suitability of the buffer zone, role of the site as an ecological corridor, potential impacts from installation of a sewerage connection coming from the north, the need to maintain infrastructure associated with water sensitive urban design systems and the level of consistency with local and regional plans for the area.

Additional Information Provided to the Commission

Following the briefing the Department amended the recommended conditions of approval to include additional restrictions and requirements on sewerage infrastructure and stormwater management. The Department also prepared a supplementary report that explains the changes to the recommended terms of approval and also discusses the consistency of the project with relevant planning policies.

Commission's Comments

Sewerage connections

The original proposal indicated the sewer connection would be delivered from the north of the site and would service both the northern and southern precincts with a connection between the 2 precincts. Given the northern precinct is not recommended for approval the Commission notes that delivering a sewerage connection to the southern precinct from the north may not be the best option for the site. In particular the Commission was concerned that construction of the sewer line could impact on the integrity of the proposed conservation area.

The southern precinct recommended for approval is adjacent to an approved residential subdivision to the south of the site. Given the proximity to this approved residential development, the Commission considers that it may be more efficient to extend the neighbouring sewerage system to service the proposed southern precinct. The Commission acknowledges that the application only seeks concept plan approval and that the feasibility of the various delivery options would need to be considered in detail in the subsequent stages.

In response to the Commission's concerns, Department has recommended additional terms for the Concept Plan. These terms prevent sewerage infrastructure being installed within the conservation area and require future development applications to assess infrastructure needs and identify the location of infrastructure.

The Commission is satisfied the Department's recommended terms of approval adequately address this issue.

Stormwater

Water sensitive urban design principles are proposed to be incorporated into the stormwater management system for the site. The Commission noted that water sensitive urban design systems require intensive management and regular maintenance regimes and that if they are not adequately maintained their effectiveness in controlling pollution is seriously compromised. The Commission questioned how the management of the system could be

assured and also who would be responsible for its maintenance. In response, the Department has amended the assessment requirements for future development applications on the site to require that “details of the ongoing management and maintenance of the infrastructure and who is responsible for the management and maintenance works” are included in subsequent development applications.

The Commission is satisfied this should ensure management and maintenance of water sensitive urban design systems are assessed in future development applications for the site, with a view to maintaining a high level of effectiveness.

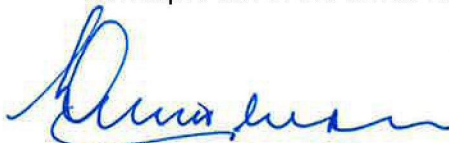
Planning Policies

The Commission also noted the Department’s Assessment report indicated the proposal would be inconsistent with some aspects of certain planning policies applicable to the site. Given the recommendation is to only approve part of the application, the Commission requested clarification on whether the recommended project would be consistent with the relevant planning policies. The Department’s supplementary report indicates that by refusing the development of the northern precinct the inconsistencies would either be removed or significantly ameliorated.

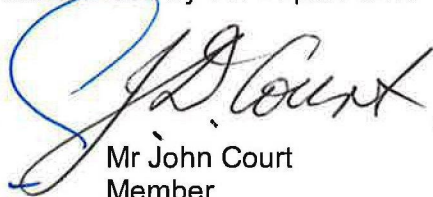
The Commission accepted the Department’s advice that non-approval of the northern precinct would not impede the achievement of planned future residential housing targets for the region.

Commission’s Determination

Given the site is zoned for residential purposes the Commission is satisfied the Department’s recommendation appropriately balances the competing issues. The Commission has considered the Director-General’s Environmental Assessment Report and associated documents including the summary of submissions and instrument of approval. The Commission has also considered the advice provided by the previous Commission in relation to this application. The Commission has determined to give partial approval of the Concept Plan in the terms recommended by the Department.



Dr Neil Shepherd AM
Chair



Mr John Court
Member