

Statement of Environmental Effects in relation to Proposed Subdivision – Lot 1 DP 1212954

Prepared for G Walter



Project: 15108

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1. Introduction

1.1 Overview of Proposal

The proposal seeks consent for a subdivision of the subject land to create 81 residential allotments and associated road and drainage infrastructure. The subdivision is consistent with the outcomes facilitated by the recent rezoning of the subject land which included the dedication of a large portion of land for ecological conservation purposes, consistent with the strategic work undertaken by Great Lakes Council for the Pacific Palms area.

1.2 Scope of Report

This report has been prepared to accompany the development application and provides information as required to assist in the assessment of the Development Application for the subdivision. The report addresses matters that are required to be considered by the consent authority under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* as relevant to the concept proposal.

The Statement of Environmental Effects provides:

- A description of the site.
- A description of the proposed development.
- A review of the statutory and non-statutory planning instruments applying to the land.
- A review of the environmental impacts of the proposed development through the use of available site information and specialist reports.
- A discussion of the suitability of the site for the development.
- A discussion of how the proposal relates to the public interest.

1.3 Site History

The subject land has been the subject of previous consents and recent rezoning actions.

On 25 October 2007, a development application was approved (on appeal to the Land and Environment Court) which provided for the development of a large tourist facility on the land incorporating dwellings, community and recreational buildings, and associated road works/drainage.

Strategic Planning of the Pacific Palms area was undertaken over many years, with two (2) local environmental studies and draft Local Environmental Plans, as well as numerous meetings and site specific studies. The subject land was included in these investigation areas. These investigations culminated in an overview and dispute resolution process run by SMEC in 2007 and 2008. In relation to the subject land, it was determined that a residential zoning over the area could be created with the dedication of a large area of land for conservation purposes and the land (as owned at the time) was rezoned to R2 and E2 on this basis along with a planning agreement providing for the dedication of the E2 zoned land for conservation.

Following the rezoning of the land, and in accordance with the provisions of the Planning Agreement, consent (DA 327/2013) was granted to subdivide the land to facilitate the dedication of the E2 land. This subdivision was registered and created the subject site and Lot 2 DP 1212954. Lot 2 is being dedicated for conservation, and consent is sought for subdivision of the subject land in a manner consistent with the planning controls created over the land.

1.4 Supporting Documentation

This Statement of Environmental Effects is supported by several specialist investigations and assessments. Copies of these documents have been submitted with the development application. The following list of documents has been submitted in support of the development application:

- Subdivision Layout Plans prepared by Lidbury Summers and Whiteman;
- Stormwater Water and Sewer Strategy Plans by Lidbury Summers and Whiteman;
- Bushfire Assessment prepared by Travers Environmental; and
- Traffic Assessment by Better Transport Futures.

2. Site and Surrounding Locality

2.1 Site Details

The following data is provided in relation to the site:

Table 2.1: Site details

Title Description	Lot 1 DP 1212954
Property Address	238 Boomerang Drive, Blueys Beach
Site Area	Approximately 10.2 hectares
Zoning – Great Lakes LEP 2014	R2 - Low Density Residential

The subject site is located in the Pacific Palms area south of Forster Tuncurry in the Great Lakes local government area. The site in its regional context is shown in Figure 1 below.

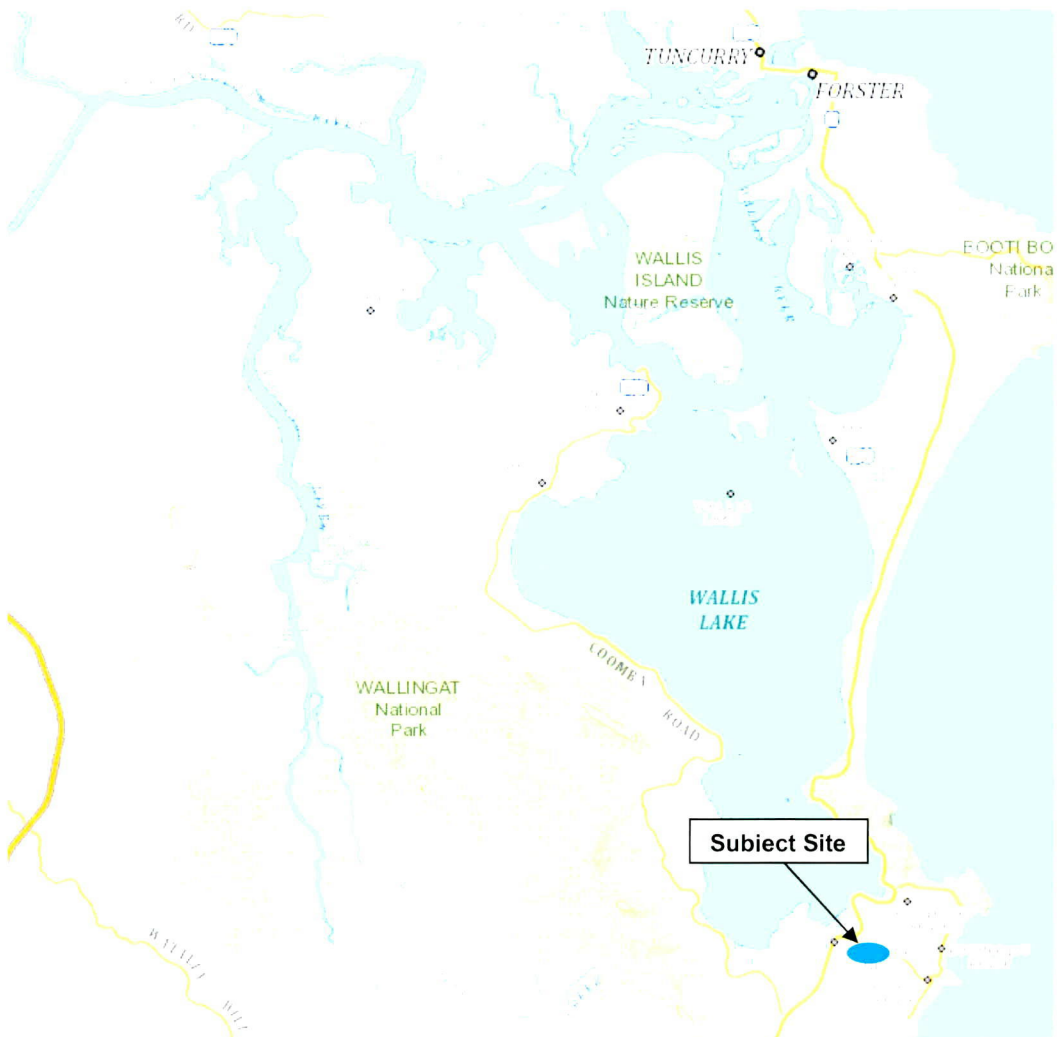


Figure 1 – Location of Site (Regional)

[Source: [LPMA SIX Maps](#)]

The site and surrounding area is depicted in Figures 2 and 3 below.

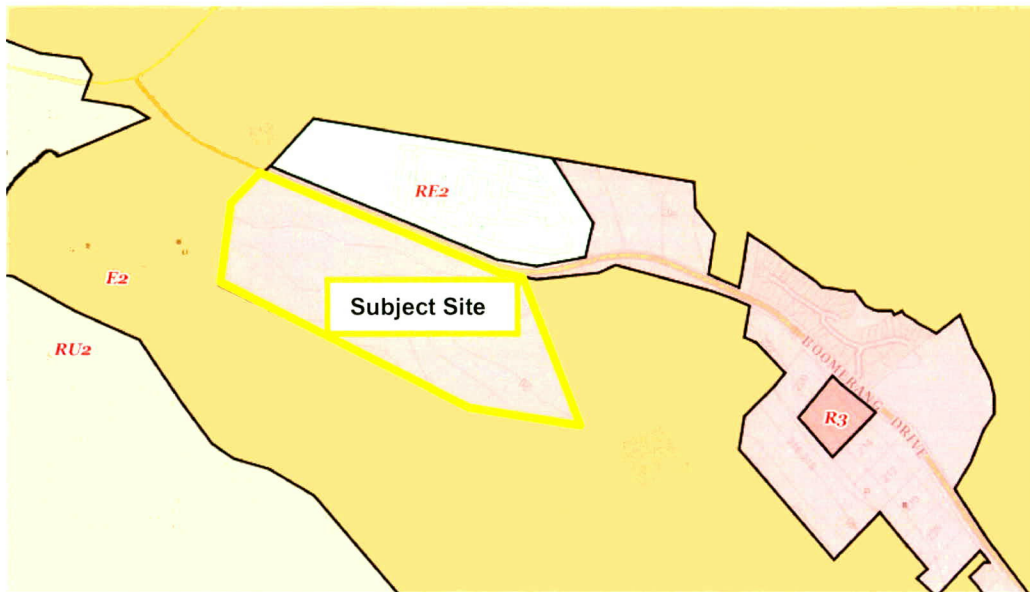


Figure 2 - Site Locality Plan (Zoning)

[Source: GLC Exponare]



Figure 3 - Site Locality Plan (Satellite)

[Source: LPMA SIX Maps]

The following photographs show the subject site.



Boomerang Drive frontage of site



Within western part of site



Existing track within site



Within central parts of site



Within eastern parts of site

2.2 General Description

The subject site is comprised of a single allotment with an area of approximately 10.2 hectares located on the southern side of Boomerang Drive approximately 225 metres east of the intersection with The Lakes Way. The site is located in the southern parts of the Blueys Beach village area.

2.3 Site Context and Surrounding Area

The subject site is part of the combined village areas of Elizabeth Beach, Boomerang Beach, Blueys Beach and Charlotte Bay which are collectively known as Pacific Palms.

The land to the east and south of the site is comprised of conservation land which are parts of the land previously dedicated to National Park.

Land to the north on the opposite side of Boomerang Drive contains the Palms Oasis Caravan Park which contains caravan park sites used for tourist and residential accommodation and has been recently approved for expansion to the west.

Land to the west is comprised of three (3) lots with areas between approximately 2 & 6 hectares which contain dwellings and associated infrastructure.

There is other similar nearby vacant land which has been zoned for future residential uses along both sides of Boomerang Drive between the subject land and the Blueys Beach shops, including other land which was recently approved for subdivision creating lots between 507 & 11,123m².

2.4 Soils

Soils on the site are generally stable, being comprised of colluvial soils at the base of the slope.

Given the elevation of the site and the levels of the land, there is minimal likelihood of Acid Sulfate Soils being disturbed. The Acid Sulfate Soils Planning maps identify the majority of the site as Class 5, other than a small area of Class 3 land located over a small area in the north western corner of the site where the levels are below 5 metres AHD. An extract of the Acid Sulfate Soils planning map is provided below in Figure 4.

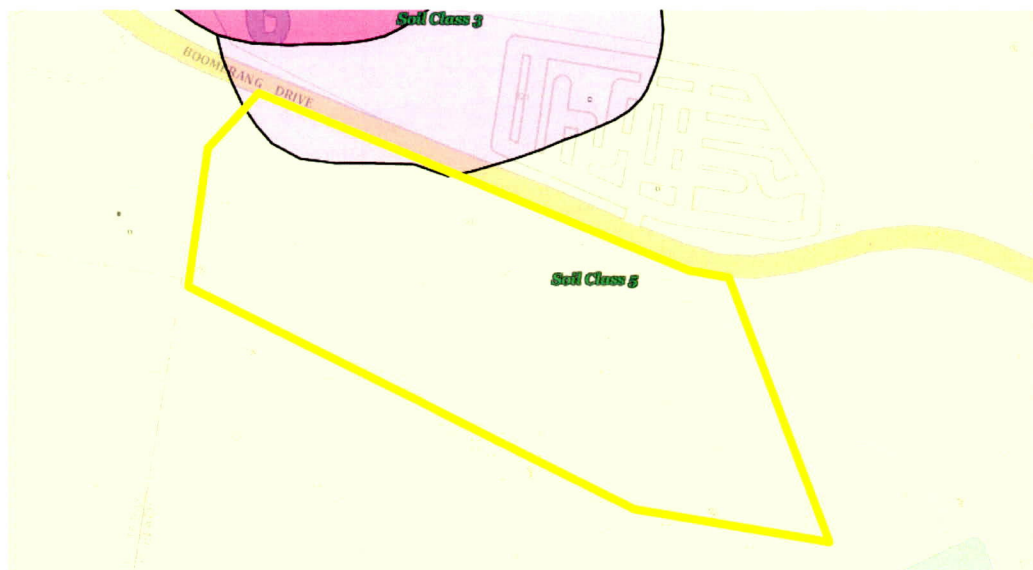


Figure – Acid Sulfate Soils Planning Map

[Source GLC Exponare]

2.5 Topography

The site has an undulating topography with slopes varying from approximately 5° & 15° with a primary fall from south to north (towards Boomerang Drive). There are a number of ephemeral gullies within and adjoining the site which appear to carry occasional flows in large storms but do not appear to have defined bed/banks or provide any base flow. Stormwater flows from the site under Boomerang Drive via a constructed drainage channel to Wallis Lake and the fringing wetlands.

2.6 Vegetation

Vegetation over the subject site is comprised of Blackbutt, Spotted Gum, Tallowwood and Paperbark grassy open forest vegetation communities. The rezoning of the land provided for development of this area with potential impact mitigated via the retention of over 71 hectares of similar or higher conservation value vegetation within Lot 2 DP 1212954.

2.7 Traffic and Access

Currently access to the site is limited to informal tracks connecting from within the site to Boomerang Drive. The Boomerang Drive frontage provides several suitable access locations which have suitable sight distance. A large entry/exit driveway serving the Palms Oasis Caravan Park exists opposite the site.

There is an existing right of access through the property which provides access to Lot 2 DP 1212954 over an existing narrow access track that connects with Boomerang Drive.

2.8 Hazards

2.8.1 Bushfire

The subject land is identified as bushfire prone land on maps held by Council. An extract from the map is provided on the following page with the subject site highlighted.

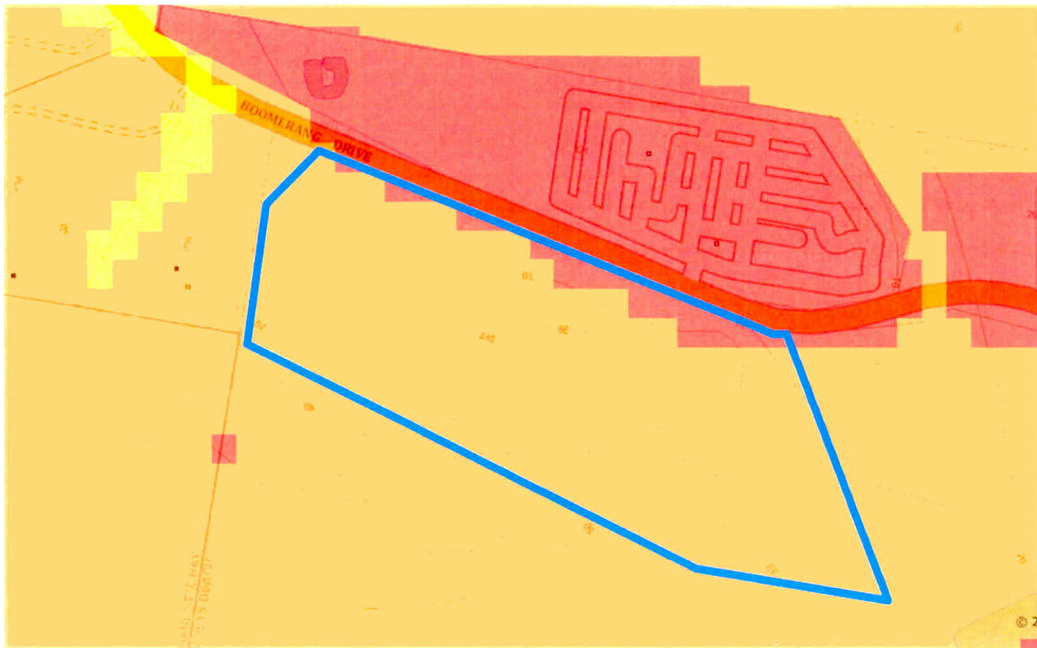


Figure 5: Bushfire prone land map

(Source: GLC Exponare)

The subject land is mapped as Category 1 vegetation with small buffer areas along the Boomerang Drive frontage. In relation to bushfire threats affecting the property, the key vegetation is the areas of forest within the site and on adjoining land to the south, east and west. The caravan park to the north provides a significant buffer between the land and forest vegetation to the north.

2.9 Heritage

2.9.1 European Heritage

There are no items of European heritage listed as being present on the land and the site is not located in a heritage conservation area. There are no items identified on adjoining lands.

2.9.2 Aboriginal Heritage

An AHIMS Search for the site did not identify any Aboriginal places or sites on the land or adjoining areas. The land has been previously disturbed by logging and clearing activities and the site is not in a sensitive landscape area as identified in the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. As such, the Due Diligence Code would provide that development may proceed with caution.

As part of the Local Environmental Study for the land, a Cultural Heritage Survey of the area was undertaken, which did not identify any Aboriginal sites, places or artefacts on the subject land.

3. The Proposed Development

3.1 Subdivision Proposal

The proposed subdivision involves the creation of 81 residential allotments with areas varying from 503m² and 1.319 hectares.

The 81 lots also includes three (3) larger lots at the rear of the site where the land is generally steeper and less suitable for standard residential lots. These lots include a suitable area for dwelling construction and APZ.

A plan of the proposed subdivision layout is provided in Appendix A.

3.2 Subdivision Plans

The proposed subdivision is detailed in the plans prepared by Lidbury Summers and Whiteman as contained in Appendix A.

3.3 Subdivision Staging

The subdivision plans show that the development will be carried out in 4 stages as follows:

- **Stage 1** – Creating 16 lots with frontage to Boomerang Drive.
- **Stage 2** – Creating 27 lots in the eastern end of the land with a new road off Boomerang Drive opposite the Palms Oasis Driveway.
- **Stage 3** – Creating 15 lots in the western end of the land with a new road off Boomerang Drive.
- **Stage 4** – The remaining 23 lots between stages 2 and 3, with a connecting road between the two stages.

3.4 Traffic and Access

Access to the subdivision is provided from Boomerang Drive, with 17 lots having a direct frontage to Boomerang Drive, and the remainder of the lots having access via new roads to be constructed connecting with Boomerang Drive.

New road connections to Boomerang Drive are proposed opposite the existing access to the Palms Oasis Caravan Park, and opposite the western end of the caravan park. These roads connect with a new road running east/west which provides access to the majority of the lots in the proposed subdivision. A small loop road at the eastern end of the site also provides access to lots in that part of the subdivision. Parts of the east west road through the site will be single lane, divided to deal with localised steep grades.

A series of fire trails connect with the internal roads to provide emergency and maintenance access behind residential lots.

With the new road connections within the site, parts of the existing right of access over the land will be extinguished, however, the right of access between the proposed new road and the connection with Lot 2 DP 1212954 will be retained.

3.5 Bushfire Mitigation Measures

The land is identified as bushfire prone land on Council's mapping. To examine the risks from bushfire, a Bushfire Assessment has been prepared by Travers Bushfire and Ecology, and a copy of this assessment has been submitted with the application. The proposed subdivision incorporates the following features recommended by the bushfire assessment:

- The provision of required Asset Protection Zones to be incorporated in the allotments within the subdivision as detailed in the Bushfire Report.
- Provisions of a fire trail along the southern edge of the site to facilitate management and emergency fire fighting activities.
- Provide all lots direct access to the internal road system to provide access compliant with the requirements of the RFS Guidelines.
- Provision of fire fighting water supply throughout the subdivision, including provision of hydrants to meet relevant Australian Standards.
- Controls in relation to any bottled gas provision.
- Provision of electricity supplies underground where possible.

The recommendations of the Bushfire Assessment are incorporated in the proposed subdivision.

3.6 Stormwater Controls

The subject land is not subject to flooding and naturally drains to Boomerang Drive. The stormwater strategy for the subdivision provides for the collection and management of stormwater within the subject land.

The stormwater strategy provides the following key components:

- Diversion of upstream flows through the site via a new piped drainage system.
- Provision of a road drainage system to collect water from lots.
- Provision of an inter allotment drainage system for the lots on the northern side of the new road which cannot drain to the new road.
- Provision of drainage reserves alongside the entrance roads where stormwater detention and water quality basins are provided.

3.7 Services

The information submitted with the development application includes a water and sewer strategy which provides reticulated water and sewer services to all of the proposed lots.

The water connection provides connection to existing and proposed water mains and reticulates water within the street system to provide connection for each lot, as well as to provide urban fire fighting services.

The sewer strategy provides connection of all lots to a gravity main system which will connect with the existing sewage pumping station located to the west of the site on the northern side of Boomerang Drive.

Electricity and telecommunications are provided in this area and can be extended/augmented to serve the new lots.

4. Planning Controls and Legislation

4.1 Environmental Planning and Assessment Act 1979

4.1.1 Integrated Development

Section 91 of the Act identifies development which is 'integrated development', being development which requires development consent and another type of approval specified in the Clause. In relation to the proposal, it has been lodged as integrated development with the following approval also required:

- Bushfire Safety Authority to subdivide land which can be used for residential or rural residential purposes – Approval is required from the NSW Rural Fire Service under the provisions of Section 100B of the *Rural Fires Act 1997*.

4.1.3 Regional Development

Schedule 4A of the Act specifies development that is to be treated as 'regional development'. Regional development is to be determined by the Joint Regional Planning Panel. The proposed development is captured by Clause 9 of the schedule which states:

9 Coastal subdivision

Development within the coastal zone for the purposes of subdivision of the following kind:

- (a) subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,*
- (b) subdivision of land for residential purposes into more than 100 lots, if the land:*
 - (i) is not in the metropolitan coastal zone, or*
 - (ii) is wholly or partly in a sensitive coastal location,*
- (c) subdivision of land for rural-residential purposes into more than 25 lots, if the land:*
 - (i) is not in the metropolitan coastal zone, or*
 - (ii) is wholly or partly in a sensitive coastal location.*

The subject land is located in the coastal zone but is not located in a sensitive coastal location. The proposal does not involve the creation of more than 100 lots. As such, the proposal is not identified as regional development by Clause 9(b)(i) of Schedule 4A.

4.2 State Environmental Planning Policy 44 – Koala Habitat Protection

The subject land has an area in excess of 1 hectare and the provisions of *State Environmental Planning Policy Number 44 – Koala Habitat Protection* (SEPP 44) apply.

Previous investigations by Ecopro and Dr Steve Phillips in 2004-2006 identified that whilst the vegetation on the site may qualify as *potential koala habitat*, it did not support sufficient koala activity to be identified as *core koala habitat*. In such circumstances, a koala plan of management is not required under the provisions of SEPP 44.

It is noted that the offset that has been negotiated at the site reserves a large area of similar vegetation providing for significant conservation of *potential koala habitat* which may be utilised in the future by local populations.

4.3 State Environmental Planning Policy 71 – Coastal Protection

The provisions of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) apply to the proposed development as the land is located within the 'Coastal Zone'.

The matters for consideration are provided in Clause 8 of SEPP 71 and are addressed in the following table in respect of the subject development.

Table 4.3 – Matters for Consideration

Table 1 - SEPP 71, Part 2, Clause 8 – Matters for Consideration

Clause	Comment
8(a)	The proposed development is considered to be consistent with the aims of SEPP 71, as referred to in Clause 2.
8(b)	The proposed development will not impact on public access arrangements to the existing coastal foreshore.
8(c)	The proposed development will not interfere with existing opportunities to provide public access to the coastal foreshore.
8(d)	The proposed subdivision provides for a low density residential outcome consistent with the prior planning for the site.

Table 1 - SEPP 71, Part 2, Clause 8 – Matters for Consideration

Clause	Comment
8(e)	The proposed development will not create any shading impacts onto, or affect any views to the public foreshore.
8(f)	The proposed residential development is consistent with the planned outcomes for the area. The proposal provides low scale residential development within the planned footprint for the Pacific Palms area and will not impact on the scenic qualities of the NSW coast.
8(g)	The development of the land was examined in detail in the previous court case and the rezoning process which found that the provisions of the large offset which has occurred would have significant benefits for local biodiversity.
8(h)	The proposed development will not impact on fish or aquatic habitats.
8(i)	The proposed development maintains the identified wildlife corridors in accordance with the prior planning for the area.
8(j)	The proposed development is not located in areas that are identified as subject to coastal hazards.
8(k)	There are no land/water based conflict issues associated with the proposed development.
8(l)	An AHIMS Search for the site did not identify any Aboriginal sites or places on the land.
8(m)	The proposed development includes stormwater management devices that treat stormwater quality. The stormwater strategy by Lidbury Summers and Whiteman shows that the stormwater facilities will treat stormwater to Council targets. All new development in the lot will be connected to the reticulated sewerage system and the proposal will not impact on the water quality of coastal waterbodies.
8(n)	The subject site does not contain items of heritage significance and is not located in a heritage conservation area.
8(o)	Not applicable to this development application.
8(p)(i)	The proposal is consistent with the planning for the area and the development outcomes envisaged by strategic planning for the area. The development does not result in detrimental cumulative impacts.

Table 1 - SEPP 71, Part 2, Clause 8 – Matters for Consideration

Clause	Comment
8(p)(ii)	Water and energy usage will be addressed in the design of the future residential development on the land, having regard to the State Government's BASIX requirements.

In relation to the development control provisions in Part 4 of SEPP 71:

- The proposed subdivision does not rely on any flexible zone provisions.
- The proposed development will not have any impact upon present public access to the coastal foreshore. Similarly, there are no aspects of the proposal that are likely to encroach upon or overshadow any portion of the coastal foreshore.
- The proposed development will be connected to MidCoast Water's reticulated sewerage system.
- The stormwater strategy for the subdivision provides for stormwater control structures to control stormwater flows and stormwater quality.

Clause 18 of SEPP 71 provides that certain consents may only be issued where a 'master plan' has been issued. In this instance, a request for waiver of a Master Plan will be sought for the proposed subdivision given the previous planning process which involved identifying the land for residential zoning and existing controls for the land.

The proposed development is consistent with the aims and objectives of the SEPP and meets all relevant considerations under SEPP 71.

4.4 Great Lakes Local Environmental Plan 2014

4.4.1 Zoning and Permissibility

As discussed, the subject land is zoned R2 – Low Density Residential under the provisions of Great Lakes Local Environmental Plan 2014.

Clause 2.6 of the LEP allows the subdivision of the land with consent.

Clause 2.3 of the LEP provides that the consent authority must have regard to the objectives of the zone when determining a development application in respect of land within the zone.

The objectives of the R2 zone are:

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

In relation to the R2 zone objectives, the proposal provides lots for low density housing forms to meet the needs of the local community. The proposal does not involve other services and facilities to residents who will utilise existing services in the Blueys Beach area, and higher order facilities at Forster Tuncurry.

4.4.2 Development Standards

The LEP provides several development standards in relation to development of land. The following development standards are relevant to the proposed subdivision.

Table 4.4.1: Development standards

Development Standard	LEP Requirement	Comment in Relation to Proposed Subdivision
4.1 Minimum Lot Size	450m ²	All lots have areas exceeding 450m ² , varying between 503m ² and 1.319 hectares.
4.3 Height of Buildings	Buildings must not exceed a height of 8.5 metres.	Future dwellings on the lots created may be developed with appropriate height buildings.
4.4 Floor Space Ratio	0.5:1	Future development of the lots can be developed to meet these FSR requirements.

4.4.3 Miscellaneous Provisions

Clause 5.5 of the LEP provides considerations for development in the Coastal Zone. The considerations are similar to the matters specified within SEPP 71 which have been previously discussed. In relation to key matters:

- The planning for the land has provided for the protection of coastal ecological values of the land with the dedication of large parts of the original parcel for ecological protection.
- The proposal provides for the effective protection and management of cultural, scenic and economic values of the coast.

- The proposal is not subject to coastal hazards or processes.
- The proposed development does not impact on rock platforms or beach amenity.
- The development form is appropriate for the location and consistent with the local and regional planning for the area.
- The proposal does not impact on public foreshore access.
- The proposal and future development of lots would not impact on amenity or views of coastal foreshores.
- The development is connected to reticulated sewer and provides stormwater management facilities to protect coastal water quality.

4.4.4 Additional Local Provisions

Clause 7.1 of the LEP contains provisions relating to Acid Sulfate Soils and provides certain controls for areas mapped as Class 1-5 on the Acid Sulfate Soils Planning Maps. As discussed, most of the site is mapped as Class 5, with a small area of Class 3 mapped in the north western corner of the site.

Class 5 areas only require further investigation where works are likely to cause a lowering of water tables in adjoining areas. The proposed subdivision is unlikely to lower groundwater tables in adjoining areas.

The provisions of the clause only provide that further investigation or assessment is necessary where a proposal involves works more than 1 metre below existing surface levels. In the area mapped as Class 3, the grades are very slight and road construction would be unlikely to require extraction exceeding 1 metre. Sewer mains construction may require some excavation greater than 1 metre in depth, however, these works will be subject to MidCoast Water's Generic Plan of Management which would meet the requirements of the clause.

Clause 7.2 of the LEP deals with earthworks and ancillary earthworks and provides certain considerations for such works. Relevant to these considerations, the following discussion is provided:

- The proposed subdivision includes a drainage system to maintain drainage patterns in the area.
- Erosion and Sediment Controls will be implemented during construction of the subdivision.
- The proposed works facilitate future residential use of the land consistent with the zoning of the land.

- The proposed subdivision will utilise a cut/fill balance for construction to create suitable road provides and lot access etc.
- There are no known relics on the land. Any relics uncovered during excavation will be managed in accordance with the relevant legislation for cultural heritage.
- The earthworks are unlikely to impact on environmentally sensitive areas.

Clause 7.5 of the LEP deals with stormwater management and provides considerations for development applications. In regard to these matters, the following comments are provided:

- Future development on the land will maximise reuse through BASIX commitments.
- The proposal incorporates water sensitive design features, including treatment facilities for stormwater as detailed in the stormwater management concepts prepared for the land.
- The model of the stormwater concept shows that the system will improve/maintain stormwater quality.
- The proposed stormwater system avoids impact to adjoining properties, receiving waters etc.

Clause 7.9 of the LEP provides controls in relation to Wildlife Corridors at Pacific Palms and maps areas subject to the controls. The subject land is not mapped and the previous court case, rezoning and planning agreements provide for effective conservation and corridors.

4.5 Great Lakes Development Control Plan 2014

The Great Lakes Development Control Plan 2014 (DCP) was prepared at the same time as LEP 2014 and provides development controls for the undertaking of development in the Great Lakes local government area.

The Development Control Plan provides a series of chapters relevant to certain activities, as well as site specific provisions for certain sites. The relevant chapters in the DCP are:

- Chapter 3 – Character Statements
- Chapter 4 – Environmental Considerations
- Chapter 9 – Subdivision
- Chapter 11 – Water Sensitive Design
- Chapter 16 – Site Specific Development Controls

The relevant DCP matters are addressed below:

Table 4.5 – Relevant DCP matters

CHAPTER 3 – Character Statements

DCP Requirement	Compliance
<p><i>The desired future character of the Pacific Palms locality is derived from its inherent natural attributes associated with the National Park, Wallis Lake and proximity to the expansive Pacific Ocean and Marine Park. The beachside villages will continue to be defined and contained by the existing green spaces associated with Booti Booti National Park, Wallis Lake and the Pacific Ocean.</i></p> <p><i>Hand in hand with protection of the existing natural assets and vegetation will be the creation of a safe environment for people and assets from bushfire hazard.</i></p> <p><i>The overall built form of the locality is to be of a high quality design with an architecture suited to a sensitive coastal location. A low scale 'bushy' coastal setting is to be maintained by small scale sympathetic infill development in the low density residential areas and sensitive low scale development in the low density greenfield areas.</i></p> <p><i>Areas zoned for open space purposes and environmental protection purposes are to be maintained as natural assets for the locality.</i></p> <p><i>The Blueys Beach Neighbourhood Centre is to function as the main village service centre; it will serve the daily retail and service needs of the locality with a predominance of small specialised business.</i></p>	<p>The proposed land has been identified for residential development as part of the future planning for Pacific Palms and this has included protection of vegetation and natural assets by dedication of land for conservation and the outcomes are consistent with the Character Statement.</p> <p>Future residential development of the lots will be undertaken in a manner consistent with the character statement with high quality design and architecture.</p> <p>The proposed new residential lots will support the established neighbourhood centre at Blueys Beach.</p>

CHAPTER 4 – Environmental Considerations

4.1 Ecological Impacts	
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DCP Requirement	Compliance
<p>Objective <i>To ensure that development is designed in a manner that avoids, mitigates or offsets negative impacts on biodiversity and the quality and function of the natural environment and responds to relevant ecological constraints and opportunities.</i></p>	<p>The proposed subdivision is consistent with the planning agreement entered in to for the land which provided for the dedication of Lot 2 DP 1212954 which provided for an offset of nearly 72 hectares as an offset for biodiversity impacts from development of the land.</p>

CHAPTER 9 – Subdivision

Design Principles	
<p><u>Hazards and Constraints</u> Consider hazards such as soil stability flooding, bushfire contamination and sea level rise.</p>	<ul style="list-style-type: none"> • The land is not subject to flooding or coastal hazards, including sea level rise. • The land has not been used for contaminating activities in the past. • The land is identified as bushfire prone, however, the proposed subdivision includes bushfire protection measures as detailed in the bushfire assessment.
<p><u>Protection and enhancement of natural features</u> Impact On Threatened Species, Special Qualities, Ridgelines, Waterways, Heritage Areas.</p>	<p>The land has been the subject of an offset for development, addressing Threatened Species issues. The proposed subdivision does not impact on Special environmental qualities, ridgelines, waterways or heritage areas.</p>
<p><u>Infrastructure and surrounding development</u> Consider availability of utilities, road design, site drainage, relationship to adjacent land.</p>	<p>The subdivision layout has had regard to utilities, including water and sewer and provides a suitable road layout for the site and includes drainage to meet Council requirements. The adjoining lands are zoned for conservation and have been dedicated for this purpose.</p>
<p>Services</p>	
<p>Utility Services are to be provided to each allotment where available.</p>	<p>Each site will be connected to reticulated water and sewer services provided by MidCoast Water. Electricity and Telecommunications will be provided to the site via underground service connections to the requirements of the relevant authorities.</p>
<p>Drainage</p>	
<ol style="list-style-type: none"> 1. Excavation/filling should be limited to 1 metre where possible. 2. Drainage Systems should maintain stormwater patterns to pre-development flows. 3. Inter-allotment drainage should be provided where necessary to drain lots. 4. Development should incorporate 	<ul style="list-style-type: none"> • Excavation and filling of the site has been minimised, however, given the grades of the land, excavation and filling exceeds 1 metre in height. • The stormwater drainage system provides for control of stormwater flows • The stormwater strategy for the subdivision includes inter-allotment

DCP Requirement	Compliance
<p>stormwater quality controls to Council requirements.</p>	<p>drainage for lots that do not fall to the street.</p> <ul style="list-style-type: none"> The stormwater strategy provides for treatment of stormwater quality to Council requirements.
Road Design and Construction	
<ul style="list-style-type: none"> Each lot created shall have practical and feasible access. The subdivision will provide for suitable connection to the existing road system. Road design shall be consistent with Council specifications. 	<ul style="list-style-type: none"> Each lot has frontage to a road within the subdivision. The proposal includes connection to Boomerang Drive at the frontage. Connection is in accordance with the traffic impact assessment prepared for the proposal by Better Transport Futures. The roads have been proposed to meet Council's specifications.
Residential Subdivision Controls	
<p><u>Allotment Dimensions</u></p> <ul style="list-style-type: none"> Each lot to have a suitable frontage to depth ratio to avoid 'gun barrel lots'. Required Building Setbacks to be considered in formulating allotments. New lots capable of containing building envelope All Lots (other than battle-axe lots) to have a minimum 15m street frontage. 	<ul style="list-style-type: none"> There are no gun barrel lots in the subdivision. Each lot can contain at least an 8m x 20m footprint including necessary setbacks. Whilst some lots at corners have frontages less than 15 metres, they are still of sufficient width to provide effective residential lots. The lots with reduced frontage are only visible within the subdivision and do not detract from the character of the Pacific Palms area.
<p><u>Allotment Orientation</u></p> <ul style="list-style-type: none"> Other than corner lots, lots should only have frontage to one road. Road and lot orientation should maximise energy efficiency. On sloping sites. Dwellings and roads should be located along contours where possible. 	<p>This is a key issue for the subdivision design and has been a key driver in road and lot design. The proposed layout maximises use of the east /west central road to provide north south oriented lots with excellent access to northern sun. This road is generally parallel with the contours and while some cut fill is necessary for the road, it is the most efficient for of subdivision for the land.</p>
<p><u>Sloping Sites</u></p> <ul style="list-style-type: none"> Where sites exceed 10% slope larger sites may be necessary Consider matters such as excavation, parking, drainage etc. 	<p>The proposed subdivision includes larger lots in the steeper parts of the sites which provide for effective development of those lands.</p>
<p><u>Battle-axe Lots</u></p> <ul style="list-style-type: none"> Permitted where adjoining area of open space or enhanced outlook and one shared driveway can serve front and rear dwellings. Access corridor not included in determining site area 	<ul style="list-style-type: none"> There are four (4) Battle-axe lots in the proposed subdivision. Each adjoins an area of open space. Each Battle-axe lot has an area exceeding the minimum area when the handle is excluded.

DCP Requirement	Compliance
<ul style="list-style-type: none"> • Access candle to be 4m wide and no more than 40m in length 	<ul style="list-style-type: none"> • Each handle has a width (single or combined) of 4 metres minimum and are all less than 40 metres in length.
<p><u>Road Hierarchy</u> Subdivision will have a discernible road hierarchy suitable for the proposal.</p>	<p>The proposed new local roads are suitable for the subdivision form and meet Council requirements as discussed in the traffic assessment prepared by Better Transport Futures.</p>

CHAPTER 11 – Water Sensitive Design

<p>11.6 – Large Scale Development The subject site exceeds 2,000m² in area and would be subject to the Large Scale Development Requirements. The targets for development would be for neutral or beneficial effect. The application must be supported by a stormwater strategy including stormwater quality modelling (eg. MUSIC Modelling).</p>	<p>The application includes a stormwater management strategy prepared by Lidbury Summers and Whiteman, which includes stormwater quality treatment to achieve no net increase in pollutants and is supported by a MUSIC Model in this regard.</p>
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CHAPTER 16 – Site Specific Development Controls

<p>16.22.1 – Pacific Palms</p>	
<p>This part of the DCP provides controls for certain lands in Pacific Palms. The subject land is included in the lands mapped as Site number 11 in the DCP. In relation to all sites identified in the part, the DCP provides controls as follows:</p>	
<p><u>Fencing</u> Bollard and cable fencing to be provided between dedicated ecological areas, and development. Where residential lots adjoin such areas alternate fencing shall be provided and detailed in the development application.</p>	<p>Where residential lots adjoin Lot 2, the fencing will be provided as part of the application for the dwelling and information on fencing type shall be detailed at that time.</p>
<p><u>Keeping of Pets</u> Where residential lots adjoin E2 zoned land, the keeping of dogs or cats shall be precluded (other than assistance animals).</p>	<p>If necessary, conditions can be applied requiring the creation of such restrictions.</p>
<p><u>Water Management</u> A stormwater management strategy shall be submitted with the application evidencing that there will be no net increase to pollutant loads leaving the site.</p>	<p>A Stormwater Management Strategy has been prepared for the development site which indicates that stormwater management objectives are achieved.</p>
<p><u>Bushfire Management</u> Asset Protection zones to be contained in residential zoned areas and appropriate construction measures identified. Asset Protection Zones should not be on lands with a slope greater than 18⁰.</p>	<p>The bushfire assessment submitted with the application details compliance measures. All APZs are located within the lot zoned R2. The APZs are located in areas with a maximum slope of 18⁰.</p>
<p><u>Roadkill Reduction Measures</u> Internal roads shall incorporate low speed design (less than 40km), lighting and a</p>	<p>The road horizontal and vertical design is based on a 40km/h design and restricts vehicle speeds. Signposting can be</p>

DCP Requirement	Compliance
cleared verge to assist in vision of wildlife crossing roads.	provided advising of a 40km/h speed.
<p><u>Specific Controls for Certain Sites</u> The Site is identified as Site 11, however, there are no specific provisions for the site.</p>	Not Applicable

5. *Likely Environmental Impacts*

5.1 Context and Setting

The proposed subdivision would provide low density residential development and rural residential development in a precinct which was the subject of a recent planning proposal to deliver a balance of growth and conservation to the Pacific Palms area.

The following plan shows the subject site and its relationship with the existing and future development areas of Pacific Palms.



Figure 6: Pacific Palms Zoned Areas

(Source: GLC Exponare)

The site is part of the Blueeys Beach area within the Pacific Palms locality located at the southern end of Wallis Lake. The Pacific Palms area is characterised by small enclaves of residential development located amongst areas of forest and other natural areas. The recent planning actions at Pacific Palms have reinforced this character with the creation of new urban areas (including the subject land) amongst areas of retained forest and native vegetation often as a result of creation of development areas offset by conservation lands creating similar development pockets. The proposal provides residential lots contained within the development enclave, maintaining protection of the conservation lands and delivering an outcome consistent with the established development pattern in the Pacific Palms area.

5.2 Visual Impacts

The subject site is not located in a scenically prominent area and does not form part of any important public domain views. There are no significant private views or vistas across the subject land that need protection.

The appearance of the area will change from the existing forested area to an urban appearance. While this will be a significant change in the immediate visual catchment on the Boomerang Drive frontage, it is consistent with the planning for the area and does not result in any significant detrimental impacts in the wider locality. The planning for the area has resulted in the conservation and protection of

the more visually significant ridge and vegetation to the south of the site which is more visually significant in the surrounding landscape.

5.3 Ecological Impacts

The proposed development involves the clearing of existing vegetation within the areas zoned for residential development. The vegetation over the site comprises an open forest structure with grassy understorey. The vegetation has been disturbed from past activities on the land.

Ecological assessments of the land were undertaken in relation to the tourist facility that was approved on the land and to examine the land for land use decisions as part of the Planning Proposal which rezoned the land. These assessments determined that development of the land in conjunction with the dedication of offset lands (contained within Lot 2 DP 1212954) would result in benefits to biodiversity in the area and would offset impacts of development of the land. The proposed subdivision is consistent with these outcomes and in recognition of the offset created the proposal would not significantly impact on Threatened Flora and Fauna or on biodiversity values generally.

5.4 Heritage

The subject land is not identified as a heritage item and is not located in a heritage conservation area. Previous land uses for the land appear to have been limited to forestry and agriculture and there is no evidence of any historical relics on the land.

An AHIMS search was undertaken for the land and no Aboriginal Sites or Places were identified on or near the subject land. Aboriginal Heritage Investigations were undertaken in 1993 for the Local Environment Study and these did not identify any items, relics or significant places. In addition the footprint is the same footprint which was approved by the Court and was subject to a walkover by the Local Aboriginal Land Council which did not identify any Aboriginal objects on the land.

After a review of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* it is apparent that the site does not include landscape features where Aboriginal objects are likely to be present, including:

- within 200m of waters, or
- located within a sand dune system, or
- located on a ridge top, ridge line or headland, or

- located within 200m below or above a cliff face, or
- within 20m of or in a cave, rock shelter, or a cave mouth

In addition, the land has been disturbed by previous clearing. During development, procedures under the *National Parks and Wildlife Act 1974* should be followed if any artefacts are uncovered.

5.5 Hydrological Impacts

The proposed subdivision will change the site from a mostly pervious rural landuse, to an urban landuse with a greater area of impervious surfaces. As such, the proposal will alter the hydrology of the area with a greater amount of water running off from the site in storm events.

The stormwater strategy includes on-site detention of stormwater to control flows from the land.

Water quality will be controlled via the use of Stormwater Quality Improvement Devices (SQIDs) such as bio-retention raingardens. The proposed stormwater strategy provides for the use of these devices to treat water so that there is no net increase in stormwater pollutants (including nutrients phosphorous and nitrogen) as a result of the subdivision.

5.6 Traffic and Access

The proposed development will generate traffic within the site and onto connecting road systems. The impacts on traffic in the area have been examined in the Traffic Impact Assessment prepared by Better Transport Futures which has been lodged with the application.

5.7 Social and Economic Impacts

The proposal provides growth in the Pacific Palms area consistent with the planning strategies for this area. Growth in this area will have significant social and economic benefits for the area and support facilities and services in the Pacific Palms area.

6. Suitability of the Site

Subdivision of the subject land delivers outcomes that are the result of years of planning by Council for the release of land at Pacific Palms. The planning proposal

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rezoning the land was the subject of numerous environmental studies, investigations and negotiations which identified developable areas of the site and environmental offsets. The proposal delivers these outcomes in a manner consistent with the controls and constraints identified over the land.

The site is identified as subject to bushfire hazards, however the subdivision layout and concepts provide for these hazards to be addressed in accordance with the guidelines of the NSW Rural Fire Service.

7. The Public Interest

The proposed development delivers outcomes provided for in the planning instruments and planning controls created for this form of development of the land. The proposal is also consistent with the long term strategies for the local area and has involved dedication of conservation lands to public ownership. As such, the proposed development is consistent with the public interest by providing growth of the community in planned areas and conservation of ecological resources in public ownership.

7.1 Crime Prevention through Environmental Design (CPTED)

The suitable design of facilities to minimise the opportunities for crime are consideration for the public interest. The prevention of opportunistic crime provides significant benefits for the public through reduction on the volume of crime, minimising the demand for police resources responding to crime that could be avoided through suitable design measures.

A brief review of the CPTED principles finds that:

- The area is not located in an area of high crime risk.
- The proposed subdivision generally provides good surveillance of public areas, with roads etc being provided with casual surveillance from future dwellings to be developed on the lots.
- In some areas where lots back onto public areas (conservation areas and public reserves) access control in the form of quality fencing would be recommended.
- Public areas should be maintained to a high standard.

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The proposed development is not located in an area with a high crime risk and the subdivision design generally provides opportunity for good surveillance, access control and territorial reinforcement.

8. Conclusion

The subject site is a large residential zoned lot which has been created following significant investigation and negotiation which created a residential zoning over the land, providing development outcomes in return for the dedication and conservation of large areas of land to the south and east of the land. This development application seeks the development outcomes on the land which were facilitated by the large conservation area created by the land owner.

The application seeks development consent for subdivision of the land into 81 residential lots, including three (3) large lots in the southern part of the site. The proposal includes a new road connecting with Boomerang Drive.

The proposal involves integrated development identified under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979, as a Bushfire Safety Authority is required under the provisions of the *Rural Fires Act 1997*.

The subdivision is consistent with the relevant provisions of all Environmental Planning Instruments applying to the land. The subdivision consent is generally compliant with the development controls within the Council's Development Control Plan and is consistent with the objectives of the controls.

The impacts of the subdivision on the surrounding environment are not considered to be significant. The subdivision is consistent with the outcomes for the land that have been the subject of significant planning investigation and assessment. The development outcome has been facilitated by a large offset which was dedicated to National Parks as part of the rezoning process to ensure development of the land did not result in significant impact on biodiversity values in the area.

The subject lands have recently been zoned for residential purposes and are not subject to significant constraints which would make the land unsuitable for urban uses. Parts of the land are subject to natural hazards in the form of bushfire, however these risks can be managed in accordance with the guidelines of the NSW Rural Fire Service.

The proposal will provide for residential development in the Pacific Palms area consistent with the Planning strategies implemented for the area and is in the public interest.

Appendix A
Plans (Lidbury Summers & Whiteman)

