

**MAJOR PROJECT ASSESSMENT:
137 LOT RURAL RESIDENTIAL SUBDIVISION OF
LOTS 53 DP 836998, Lot 542 DP1113791 & LOT
156 DP 753202, THE BUCKETTS WAY, TINONEE**

Proposed by BUILDEV TINONEE PTY LTD

MAJOR PROJECT MP05_0038

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

February 2009



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1 EXECUTIVE SUMMARY

This is a report on a project application by Buildev Tinonee Pty Ltd to subdivide Lot 53 DP 836998, Lot 542 DP1113791 and Lot 156 DP 753202, The Bucketts Way, Tinonee ("the site") into 137 lot rural residential allotments ("the proposal").

The proposal incorporates the following:

- Subdivision into 137 rural residential lots ranging in size from 2,001 m² to 15.49ha;
- Construction of a road network with access from The Bucketts Way and Urray Road;
- Infrastructure including reticulated water and sewer services;
- An integrated stormwater system with detention basins and water quality control measures within a riparian zone;
- Creation of public reserves, including a foreshore reserve with pedestrian pathway and viewing platform along the Manning River;
- Rehabilitation of Killawerra Creek with Subtropical Coastal Floodplain Forest of the NSW North Coast Bioregion, an Endangered Ecological Community;
- Removal of vegetation for bushfire protection purposes, including two fire trails;
- Environmental management/ protection measures, including koala exclusion fencing and management plans for the protection of threatened species and vegetation retention / protection; and
- Relocation of an Osprey nest and the provision of a nesting platform.

The proposal was declared to be a Major Project on 19 November 2005 and the Director-General's Environmental Assessment Requirements issued on 14 October 2006. The Environmental Assessment was exhibited from 6 August to 7 September 2007.

The site is zoned 1(c1) Rural Residential, 6(a) Open Space Recreation, 6(b) Open Space Private and 7(a) Environmental Protection Habitat under the *Greater Taree Local Environmental Plan 1995*. The proposal is permissible with consent.

The estimated cost of the development is \$10, 014, 998. The proposal will create 40 full time equivalent construction jobs.

During the exhibition period, the Department received 8 submissions from public authorities and 2 submissions from the public. Of the public submissions, 1 was in objection and 1 in support. Key issues considered in the Department's assessment include:

- The size of the allotments;
- The extent of clearing and the impact of this clearing on threatened species habitat, in particular core koala habitat;
- The impact of clearing and other works on a critically endangered orchid, *Diuris Flavescens*;
- Funding and maintenance arrangements for those parts of the site to be dedicated to Council for public open space;
- Provision of public access along the foreshore; and,
- Protection of items of Aboriginal heritage significance on the site.

The Department engaged a consultant ecologist and Council's engineering department to conduct specialist reviews. The project was amended in response to the issues raised in these reviews.

The Department has assessed the merits of the project and is satisfied its impacts have been addressed via the Proponent's Statement of Commitments and the Department's recommended conditions of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

The Department recommends that the project be approved, subject to conditions.

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2 BACKGROUND

2.1 The Site

2.1.1 Site context and location

The site is legally described as Lot 53 DP 836998, Lot 542 DP1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee. It has a 1.4km frontage to Carters Creek / the Manning River, a 975m frontage to The Bucketts Way and an area of 98.72 hectares. (Refer to *Figure 1*). Existing improvements include 3 dwellings, 1 on the northern part of Lot 156, and 2 on Lot 53.

The site is located approximately 5.3kms south-west of the Taree Central Business District and immediately to the south of the Manning River (refer to *Figure 2*)

The site is located within the Greater Taree Local Government area. Greater Taree had a population of approximately 47,000 at the time of the 2006 Census and is identified as a major regional town in the Draft Mid-North Coast Regional Strategy.

The surrounding area generally consists of rural residential developments and forested areas.

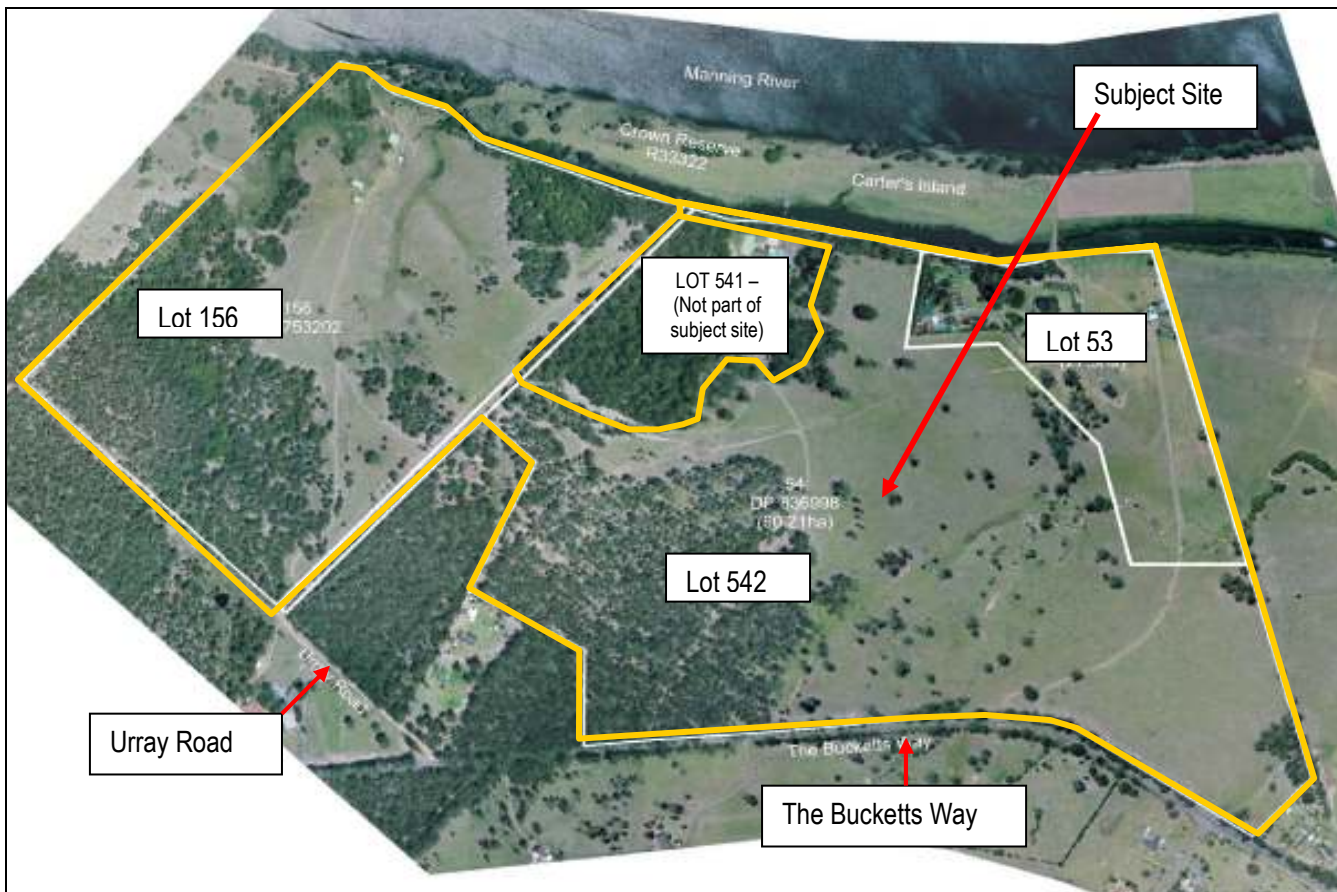


Figure 1: Lot details



Figure 2: Site location

2.2 Existing site features

The site has an undulating topography, with steeper lands located in the vicinity of the watercourses.

Killawerra Creek traverses the south eastern portion of the site, before flowing onto adjacent land (see *Figure 3*).

The site has been used for agricultural purposes (predominantly grazing), which has led to large areas being cleared. Remaining vegetation communities include Shatterwood / Red Kamala Closed Forest, Spotted Gum / Grey Gum / Grey Ironbark / White Mahogany Dry Sclerophyll Forest/Woodland, and Grey Gum / Grey Ironbark Wet Sclerophyll Forest with rainforest understorey. The Endangered Ecological Community, Subtropical Coastal Floodplain Forest of the NSW North Coast Bioregion (SCFF EEC) is present along side Killawerra Creek in varying widths from the watercourse.



Figure 3: Killawerra Creek

2.3 Site History

When the application was made to the Department to declare the proposal a Major Project, pursuant to Clause 6 of the State Environmental Planning Policy (Major Projects) (SEPP MP), the site also included an area now known as Lot 541 (see Figure 1). This lot has since been removed from the site area.

3 THE PROPOSED DEVELOPMENT

3.1 Project Description

3.1.1 General

The application seeks approval for the following:

- Subdivision of the site into 137 rural residential lots in 6 stages. The layout and stages are illustrated in Figure 4 and include the following:

Stage 1

- (1) 18 rural residential lots (sizes 2001m²-2,955m²)
- (2) Servicing of proposed lots and landscaping works, including provision of street trees;
- (3) Erection of Osprey platform and relocation of Osprey nest; and,
- (4) Water Quality Construction Basins 1 and 2.

Stage 2

- (1) 18 rural residential lots (sizes 2001m²-4763m²); and,
- (2) Servicing of proposed lots and landscaping works, including provision of street trees.

Stage 3

- (1) 33 rural residential lots (sizes 2001m²-4763m²); and,
- (2) Servicing of proposed lots and landscaping works, including provision of street trees.

Stage 4

- (1) 31 rural residential lots (sizes 2412m²-4330m²);
- (2) Servicing of proposed lots and landscaping works, including provision of street trees; and,
- (3) Construction of Sewerage pumping station.

Stage 5

- (1) 22 rural residential lots (sizes 4168m²-15.49ha),
- (2) Servicing of proposed lots and landscaping works, including provision of street trees; and,
- (3) Water Quality Construction Basins 3.

Stage 6

- (1) 15 rural residential lots (sizes 2398m²-3.566ha); and,
 - (2) Servicing of proposed lots and landscaping works, including provision of street trees;
- Roads, water and sewerage reticulation, electricity and communication facilities;
 - Ecological conservation areas (See Figure 5);
 - Asset protection zones and fire trails for bushfire protection (See Figure 6); and,
 - Filling of up to 1.2 metres to raise parts of the site to the 1:100 AEP flood level.

3.1.2 Lot Sizes

The proposed lots are generally rectangular in shape, with some irregular shaped lots included to accommodate zoning boundaries and vegetation retention and management. The lots range in size from 2001m² to 15.49 hectares.

3.1.3 Foreshore Access

It is proposed to create a foreshore park along part of the Carters Creek/Manning River frontage. This park will be landscaped by the Proponent in accordance with a landscape master plan and dedicated to Council.

3.1.4 Drainage Reserve / EEC Rehabilitation Area

An integrated water cycle management system is proposed which incorporates three Water Quality Control Basins (See *Figure 19*) and the establishment of a riparian corridor on either side of Killawerra Creek through the revegetation of the SCFF EEC.

Further discussion about stormwater management is included at **Section 5**.

3.1.5 Vehicular Access

Vehicular access is proposed from The Bucketts Way and Urray Road. The internal road layout contains several loop roads in the eastern portion and a spine road with loop road for the western portion. Lots 311 to 313 will be serviced by a Right of Way (proposed).

Two fire trails are proposed, one utilising the Right of Way between proposed Lots 311 and 313, and the other, being a north/south trail from proposed Lots 307 to 301, to connect with The Bucketts Way (See *Figure 6*).

3.1.6 Utility Services

Reticulated water and sewerage is available. The Proponent will need to undertake augmentation works to the sewer carrier main, including redirecting pipes and installing pumping stations. The water reservoir 2.5km south of the subject site has the capacity to service the proposal.

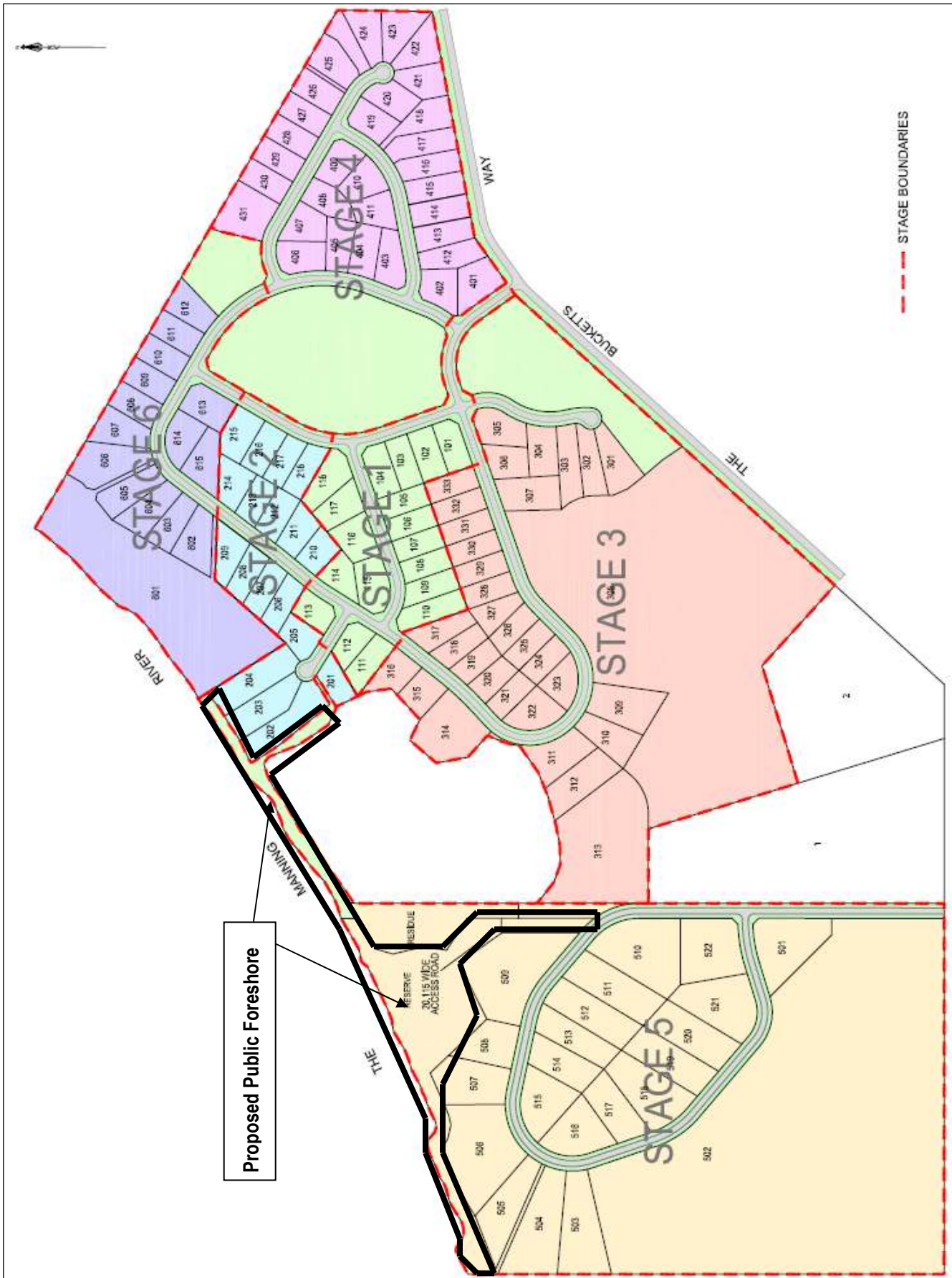


Figure 4 - Proposed lot layout (with staging plan)

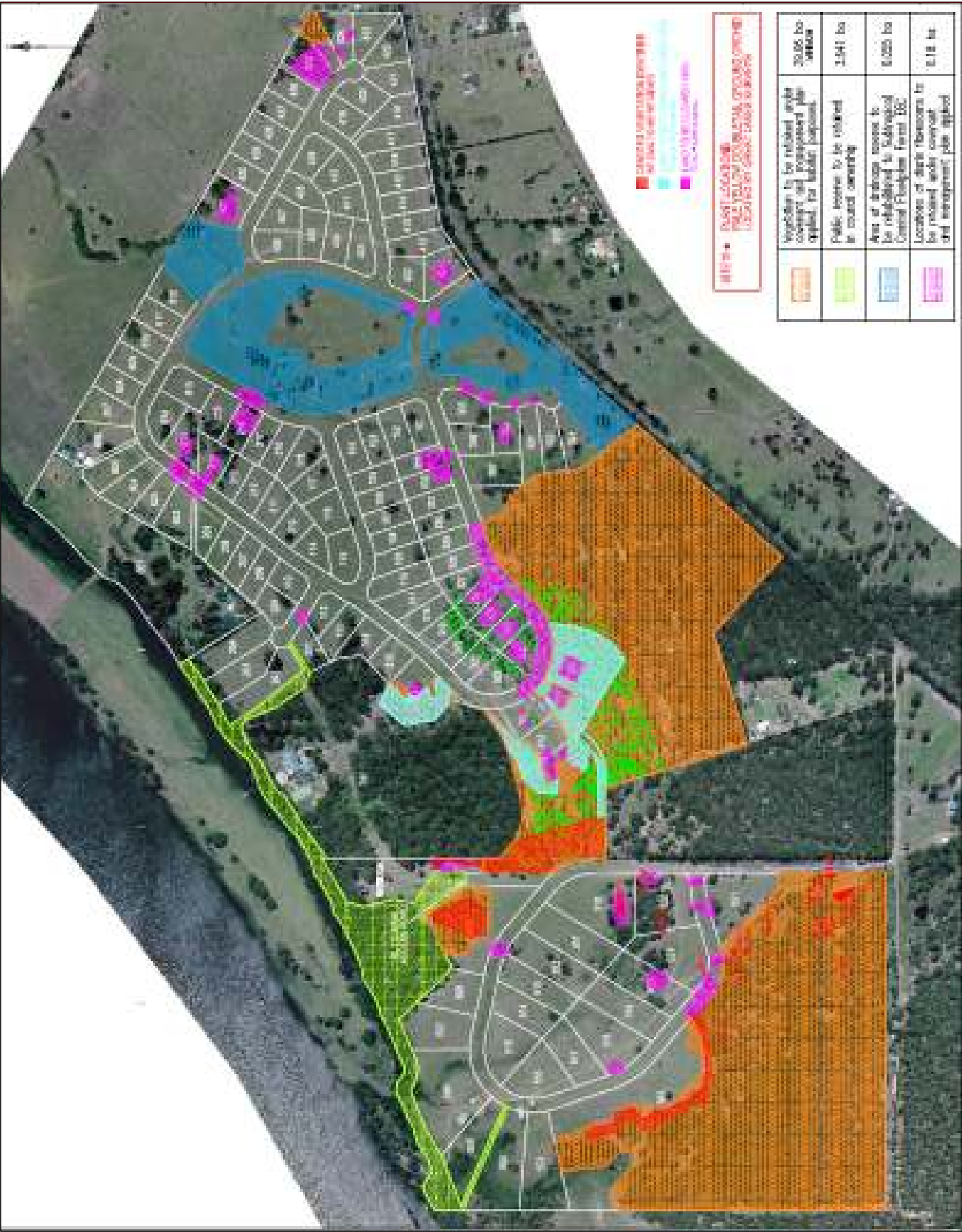


Figure 5 - Vegetation Retention, Clearing and Rehabilitation Plan



3.1.7 Project Amendments & Preferred Project Report

A Preferred Project Report (PPR) was submitted on 12 June 2008 incorporating the following amendments:

- Reconfiguration of lot layout and road pattern for the entire proposal;
- Increase the size of the lots in the mid section of the site, resulting in deletion of lots (reduction in yield) – in order to reduce clearing;
- Inclusion of an additional vehicular access point from Urray Road; and,
- Measures to address bushfire protection issues.

The PPR also provides the Proponent's responses to agency and public submissions.

The PPR was not formally exhibited, however agencies were consulted and the PPR was placed on the Department's website. A copy of the PPR is included at **Appendix G**.

The project has been further amended since the submission of the PPR. This amended PPR was accepted on 12th December 2008. Additional changes made include:

- Adjustments to the extent of APZs and the location of fire trails to satisfy the requirements of the Rural Fire Service;
- Revised Staging Plan; and,
- Amended lot layout to alter the orientation of Lots 310 and 309 to provide an additional 3ha of retained vegetation.

4 STATUTORY CONTEXT

4.1 Major Project Declaration

The project constitutes a Major Project under *State Environmental Planning Policy (Major Projects) 2005* being development for subdivision of land in a rural zone into more than 5 lots in the coastal zone pursuant to Schedule 2, Clause 1(1)(i) (historical version of MP SEPP valid from 31 October 2005 to 6 December 2005). The opinion was formed by the Director-General as a delegate of the Minister on 19 November 2005.

A Concept Plan was authorised by the Minister on 23 May 2006, upon request of Archer Properties No. 3 Pty Limited. DGRs for a concept plan application were issued on 1 June 2006.

On 30 August 2006, the Proponent (Orogen Pty Ltd), having taken over management of the project, advised the Department that full project approval was being sought for the subdivision and requested that the DGR's be amended accordingly.

Amended DGR's for a Project Application only were issued on 14 October 2006 and required:

- An analysis of scientific and transparent ecological constraints and opportunities, with proposed land uses on unconstrained areas; and
- A detailed traffic assessment identifying appropriate treatments for entrances to the site and intersections.

The Proponent is seeking project approval only and as a result of this, the Concept Authorisation made by the Minister in May 2006 is required to be revoked with this determination.

4.2 Permissibility

4.2.1 Greater Taree Local Environmental Plan 1995

The site is zoned 1(c1) Rural Residential, 6(a) Open Space Recreation, 6(b) Open Space Private and 7(a) Environmental Protection Habitat under the *Greater Taree Local Environmental Plan 1995* (GTLEP 1995). The zonings are shown in *Figure 7*.

Subdivision and associated works are proposed in the portion of the site zoned 1(c1) Rural Residential. Subdivision is a permissible form of development in the zone, provided the development is not inconsistent with the zone objectives. The proposal has been assessed against the zone objectives' (see *Appendix 2*) and is considered to be consistent with them. Clause 16 of the GTLEP 1995 specifies a minimum lot size of 4,000m² for new lots within this zone that have access to sewerage services. The majority of the proposed lots fall below this minimum lot size. This matter is discussed in detail in **Section 5.1** of this report.

Landscaping works, including boardwalks is proposed in the portion of the site zoned 6(a) Open Space Recreation. Landscaping works are a permissible form of development in the zone, provided the development is not inconsistent with the zone objectives. The proposal has been assessed against the zone objectives' (see *Appendix 2*) and is considered to be consistent with them.

Subdivision and associated works are proposed in that portion of the site zoned 6(b) Open Space Private. Subdivision is a permissible form of development in the zone, provided the development is not inconsistent with the zone objectives. The proposal has been assessed against the zone objectives' (see *Appendix 2*) and is considered to be consistent with them.

Subdivision and associated works are proposed in that portion of the site zoned 7(a) Environmental Protection Habitat. Subdivision is a permissible form of development in the zone, provided the development is not inconsistent with the zone objectives. The proposal has been assessed against the zone objectives' (see *Appendix 2*) and considered to be consistent with them. Clause 25 of the GTLEP 1995 specifies a minimum lot size of 40 hectares for new lots in this zone. The proposed allotments fall below this minimum lot size. This matter is discussed in detail in **Section 5.1** of this report.

The proposal is consistent with the objectives of all of the zones and is permissible with consent, with the exception of the non-compliance with the minimum lot size.



Figure 7 - Greater Taree LEP 1995 Zoning Plan with lot layout

4.2.2 Draft Greater Taree Local Environmental Plan 2008

The Draft Greater Taree Local Environmental Plan 2008 (DLEP 2008) is on exhibition between 17 November 2008 and 13 February 2009. Under the draft plan, the site will be zoned RE1 Public Recreation, RE2 Private Recreation, E2 Environmental Conservation, E3 Environmental Management and RU Large Lot Residential, as illustrated in *Figure 8*.

Subdivision and associated works are proposed in the part of the site proposed to be zoned R5 - Large Lot Residential. Subdivision is a permissible form of development. Clauses 4.2 and 7.6 specify that a minimum lot size of 4,000m² applies.

Environmental facilities including boardwalks are proposed in the part of the site proposed to be zoned RE1 – Public Recreation. Environmental facilities are a permissible form of development.

Subdivision and associated works will be undertaken in that portion of the site proposed to be zoned RE2 – Private Recreation. Subdivision is a permissible form of development.

Subdivision and associated works are proposed in that portion of the site to be zoned E3 (Lot 502) and E2 (Lot 308). Subdivision is a permissible form of development.

The Proposal is generally consistent with the objectives of all of the proposed zones and controls, with the exception of the non-compliance with the minimum lot size. Refer to **Section 5.1** of this report for further discussion on this matter.

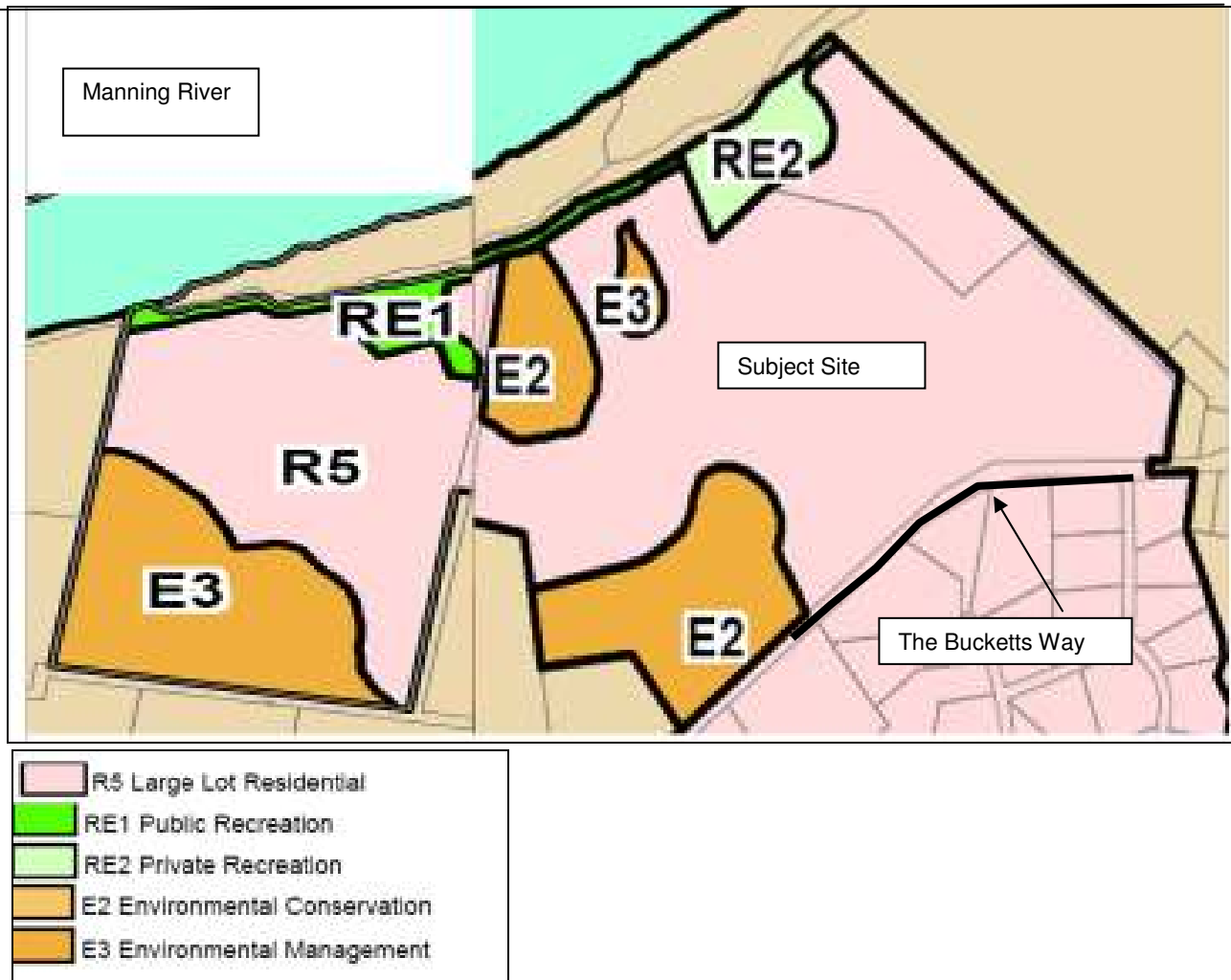


Figure 8 - Draft Greater Taree LEP 2008 - Zoning

4.3 Exhibition and Notification

The Environmental Assessment was placed on public exhibition from 6 August to 7 September 2007 and submissions were invited in accordance with section 75(H) of the Act. Notification of the exhibition was given in the Manning River Times on 3 August 2007.

The application was exhibited at:

- Department of Planning, Bridge Street Sydney;
- Department of Planning, Hunter Region, Newcastle; and,
- Greater Taree City Council.

The EA was also provided for download on the Proponent's website. The Department has exhibited the Environmental Assessment (EA) in accordance with section 75H (3) of the Act.

Letters were sent to 15 adjoining owners/occupiers inviting submissions on the proposal. Two submissions were received, 1 in support and 1 in objection.

The PPR was not exhibited as no significant changes were made which affected the nature of the project. The PPR was made available on the Departments website.

4.4 Minister's Power To Approve

The Director General is to provide a report on the project to the Minister for the purposes of deciding whether or not to grant approval to the project pursuant to Section 75O of the Act.

Section 75I(2) sets out the scope of the Director General's report to the Minister. Each of the criteria set out therein have been addressed below, as follows:

(a) a copy of the Proponent's environmental assessment and any preferred project report

The Proponent's EA is attached as **Appendix F**, and the Preferred Project report as **Appendix G**.

(b) any advice provided by public authorities on the project

All advice provided by public authorities on the project for the Minister's consideration is attached at **Appendix D** and is discussed in detail in Section 5.

(c) a copy of any report of a panel constituted under Section 75G in respect of the project; and

No independent hearing and assessment panel was undertaken in respect of this project.

(d) a copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project; and

An assessment of each relevant State Environmental Planning Policies that substantially govern the carrying out of the project is attached as **Appendix B**.

(e) except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division; and

An assessment of the development relative to the prevailing EPI's is attached in **Appendix B**.

(f) any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.

The environmental assessment of the project is this report in its entirety.

(g) a statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.

The environmental assessment requirements under this Division attached as **Appendix A**.

The Director-General's Environmental Assessment Requirements (DGR's) required the following issues to be addressed:

- Ecological assessment: including measures for the conservation of animals, plants and their habitats, existing wildlife corridor values and/or connective importance of any vegetation on the subject land; and clearing of native vegetation;
- Long-term management and ownership of conservation areas;
- Water Cycle Management ;
- Management of the coastal zone in accordance with the principles of ecologically sustainable development;
- consideration of natural hazards including bushfire, acid sulfate soils, contamination and flooding;
- Suitability of the proposal with the surrounding area;
- Public Foreshore Access;
- Traffic Management and Access;
- Subdivision pattern and justification for allotments sized less than the minimum lot size development standard;
- Infrastructure Provision;
- Heritage significance; and,
- Consideration of statutory and non-statutory requirements.

The EA lodged by the Proponent on 31 July 2007 addressed the abovementioned requirements and was accepted as being adequate on 3 August 2007.

The PPR lodged on 12 June 2008 addressed further issues in relation to vegetation clearance, bushfire and threatened species issues and was accepted as being adequate on 12 December 2008.

The Department is satisfied that the requirements have been complied with, that it has met its legal obligations and that the Minister has the power to determine this project.

4.5 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project. A summary of compliance with the relevant EPIs and other plans and policies is attached at **Appendix B**.

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations as the DGRs require the proponent to address such standards and provisions. Accordingly the objectives of a number of EPIs and the development standards therein and other plans and policies that substantially govern the carrying out of the project are appropriate for consideration in this assessment as follows:

4.5.1 State Environmental Planning Policy (Major Projects) 2005

The proposal was declared a Major Project as detailed in **Section 3.1** above.

4.5.2 State Environmental Planning Policy No 11 - Traffic Generating Development (Now State Environmental Planning Policy (Infrastructure) 2007)

Schedule 2 of SEPP 11 applies to subdivision of land into 50 lots or more. The Policy aims to provide the RTA an opportunity to make representations in respect of developments which are significant generators of traffic. In this regard, the proposal was referred to the Local Traffic Committee and the RTA.

Issues in relation to the proposed access are discussed in section 5.9 of this report.

4.5.3 State Environmental Planning Policy No 44 - Koala habitat

Greater Taree LGA is listed in Schedule 1 of SEPP 44 and the proposal therefore requires a koala habitat assessment to be conducted. The site is identified as containing core Koala habitat, including high utilisation areas, potential Koala movement corridors and primary and secondary Koala feed trees. This matter is discussed in further detail in Section 5.1.1 of this report.

4.5.4 State Environmental Planning Policy No 55 - Remediation of Land

The proponent has undertaken a Stage 1 assessment. The assessment concludes that there is minimal possibility that the site is contaminated. Sampling has identified a potential for acid sulfate soils on the site. Refer to **Section 5.6** of this report for a further discussion on this matter.

4.5.5 State Environmental Planning Policy No. 71 - Coastal Protection

SEPP No. 71 applies to the Coastal Zone and the subject site is in the Coastal Zone. Clause 2 discusses the aims of the policy and Clause 8 sets out matters for consideration by the consent authority. Given the location of the proposal on the Manning River, such issues as public coastal access, stormwater and runoff from the subject site and the visual impact have been considered. The proposal is considered consistent with the provisions of SEPP 71.

4.5.6 Hunter Regional Environmental Plan 1989

The Hunter Regional Environmental Plan aims to identify regional issues and apply regionally consistent policy particularly as it affects environmental and social issues. The proposal is considered to be satisfactory pursuant to the Hunter Regional Environmental Plan No. 1.

4.5.7 Greater Taree Local Environmental Plan 1995

The site is zoned 1(c1) Rural Residential, 6(a) Open Space Recreation, 6(b) Open Space Private and 7(a) Environmental Protection Habitat, under the provisions of the Greater Taree Local Environmental Plan 1995 (GTLEP). The proposal is generally consistent with the objectives and controls contained in the GTLEP. However, the majority (75%) do not comply with the minimum lot size of 4000m². This issue is discussed in detail in Section 6.1 of the report.

4.6 OTHER PLANS AND POLICIES

The proposal has been considered against the following non-statutory and draft documents:

- Draft Greater Taree Local Environmental Plan 2008;
- Greater Taree Landscape Code;
- Coastal Design Guidelines;
- NSW Coastal Policy 1997; and
- Draft Mid-North Coast Regional Strategy.

The assessment of the proposed development against the provisions of these controls is attached at Appendix B.

4.7 CONSIDERATION OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

While this report generally represents an assessment of ecologically sustainable development (ESD), it is considered appropriate to consider how the project application addresses the issues of ESD. The principles of ESD have been considered as follows:

4.7.1 Integration

In making its recommendation on the proposed development, the Department has taken into consideration environmental, social and economic matters. The development will have a positive impact on the local economy and society through the creation of a range of new residential accommodation close to Taree and will provide future employment opportunities for the community.

4.7.2 Precautionary Principle

The EA and PPR identify and assess the range of environmental impacts of the proposed subdivision. The evaluation of the impacts is generally confirmed by studies, surveys and calculations from a range of qualified professional. These reports have in turn been distributed to relevant agencies and persons qualified to review and comment on the adequacy of the conclusions.

4.7.3 Intergenerational Equity

The Proponent has demonstrated that the subdivision design and appropriate mitigation measures will be implemented to prevent any detrimental environmental impacts. Mitigation measures are outlined in the Proponent's Statement of Commitments and/or the recommended conditions of approval.

The proposed development is considered to have achieved intergenerational equity through:

- The creation of a public foreshore reserve and a rehabilitated EEC contained within a drainage reserve, both of which are to be dedicated to Council; and,
- The proposed conservation of threatened species and associated habitat through vegetation management plans and restrictions on title.

4.7.4 Protecting Biodiversity

Assessment of the development's compliance with the following was undertaken:

- *Environment Protection and Biodiversity Conservation Act* (1999);
- *Threatened Species Conservation Act* (1995) (NSW);
- *Fisheries Management Act* (1994).

Ecological surveys and studies have been undertaken by the Proponent and reviewed by the Department's consultant, and the Department of Environment and Climate Change. Several threatened fauna species, one threatened flora species and one Endangered Ecological Community were identified on site (refer **Section 5.2** of this report). It has been concluded that there will be no adverse impacts on any threatened species, provided that management plans are developed and implemented and a condition of approval will reflect this. The Endangered Ecological Community will be rehabilitated, which will also be reflected in a condition of approval.

In order to further reduce the impacts upon flora and fauna, the subdivision pattern in the mid section of the site on the ridgeline has been redesigned in order to minimise the amount of vegetation clearing and to improve connectivity for fauna movement north-south between the river and vegetated areas to the south of the site.

It should also be noted that there are a number of sites located within the areas identified for conservation which contain *Diuris flavescens*, a threatened orchid species. Based on an assessment of the Flora and Fauna report which accompanies the Environmental Assessment, and the methods proposed for conservation of vegetation (including habitat and vegetation management plans), it is concluded that the proposed development is unlikely to result in a significant impact upon threatened species, populations and Endangered Ecological Communities.

4.7.5 Improved Valuation, Pricing and Incentive Mechanisms

The Proponent has indicated a commitment to ESD principles and has reinforced this through the Statement of Commitments, the Environmental Assessment and the PPR.

The staging of the development will be linked to market demand for housing in the local area and the developer is to supply the infrastructure and utilities, including systems to provide measures which mitigate the impact of the development on the adjoining sites.

The subdivision has been designed to promote an environmentally sustainable outcome through management of the stormwater runoff, groundwater, potable water and sewerage. These measures will help future development applications for the site to comply with BASIX.

Contributions are also to be paid to assist Council in providing long term services to the community.

Consequently, the Department is satisfied that the proposal is consistent with the principles of ESD.

4.8 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of an application under Part 3A must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

The objects of the Act in section 5 are as follows:

- (a) to encourage:
- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and

- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State,
and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (iv), (v), (vi), (vii) are significant factors informing the determination of the application. The project does not raise significant issues with regards to 5(a)(iii) and (viii).

With respect to ESD, the Act adopts the definition in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms.

The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the application.

5 CONSULTATION AND ISSUES RAISED

5.1 Public Exhibition Details

The application was exhibited from 6 August 2007 to 7 September 2007. A PPR was lodged on 12 June 2008 and as the changes to the nature of the project were not significant, it was not exhibited but was placed on the Department's website.

The Department has exhibited the Environmental Assessment (EA) in accordance with section 75 H (3) of the Act. Letters were sent to adjoining land owners as well as relevant agencies, notifying of the Exhibition and inviting submissions.

A total of 10 submissions were received, comprising 2 submissions from the public and 8 submissions from public authorities being:

- The Department of Environment and Climate Change;
- The Department of Lands;
- The Department of Primary Industries;
- Greater Taree City Council;
- The Hunter-Central Rivers Catchment Management Authority;
- The Department of Water and Energy;
- The NSW Roads and Traffic Authority; and,
- The NSW Rural Fire Service.

The above agencies (with the exception of the Department of Lands) were also consulted in relation to the PPR submitted by the Proponent on 12 June 2008. All of the agencies responded to the PPR consultation. Discussion in relation to the key issues from the above agencies is included in **Section 5** of this report.

A summary of all the submissions received is included at **Appendix D**.

5.2 Submissions from the Public

The following issues were raised in the public submissions:

- Impacts upon Koalas including attack by domestic pets, loss of habitat, presence of swimming pools, effectiveness of Koala fencing, preparation of a Koala education package for the community the impacts upon Koalas should be addressed in the EA prior to assessment of individual dwelling applications by Council, type of Koala fencing to be used;
- Concern with loss of hollow bearing trees in the Asset Protection Zones;
- Improvement of habitat corridors running north / south;
- Commitments to conservation and management of vegetation should be secured in perpetuity; and,
- Landscape plans should be approved prior to the determination of any development applications made with Council

Discussion in relation to the key issues raised by the public is included in **Section 6** of this report.

A summary of all submissions received can be found in **Appendix D**. The Proponent responded to these submissions in the PPR and the Proponent's response to submission is in **Appendix E**.

5.3 Submissions From Public Authorities

A summary of the content of the submissions from the public authorities is contained in Table 2. Discussion in relation to the key issues raised by those agencies is included in **Section 6** of this report and cross referenced in the table.

Agency	Views
Greater Taree City Council	<u>Response to Notification</u> • Access to Carters Island is to be deleted. • Supports variation to minimum lot size. • Amalgamation and reconfiguration of lots. • Positive covenants to manage 7(a) land. • Management plan for 6(a) land and dedication to Council.

	• Servicing. • Section 94 contributions. <u>Response to PPR:</u> • Supports amended subdivision • Concern about re-location of Osprey and lack of certainty over future protection for nest. • Lack of detail con Koala Management committee. <u>Comments:</u> The following comments are made: • Access to Carters Island has been deleted. • Conditions are proposed to deal with servicing, lot amalgamations and land management and section 94 matters. • Ecological issues discussed in section 6.2.
Hunter-Central Rivers Catchment Management Authority	<u>Response to Notification:</u> Maintain or improve test not satisfied. <u>Response to PPR:</u> Maintain or improve test met. No objection. (NB: Note comments below) <u>Comment:</u> The proposal has been amended since the CMA provided their comments on the PPR. An area of land which was to be preserved and was included in the calculations for the maintain or improve assessment, was deleted from the project. This issue is discussed in detail in s. 6.2.3.
Rural Fire Service	<u>Response to Notification:</u> Numerous non-compliances with Planning for Bushfire Protection Guidelines 2006. <u>Response to PPR:</u> Approval subject to conditions. <u>Comment:</u> Refer to s.6.4 for discussion on fire safety issues.
Roads and Traffic Authority	<u>Response to Notification:</u> No objection subject to conditions of consent including, a requirement to construct appropriate standard intersections with the Bucketts Way and sealing of Urray Road. <u>Response to PPR:</u> No objection, subject to matters which have previously been raised, being addressed. <u>Comment:</u> Refer to s.6.10 for discussion on Traffic issues.
Department of Water and Energy	<u>Response to Notification:</u> Requests a condition of consent specifying that water management structures (detention basin/water quality control measures) should not intercept, connect or infiltrate with the groundwater table. <u>Response to PPR:</u> As above. <u>Comment:</u> Refer to s 6.8 for discussion on groundwater issues.
Department of Primary Industries	<u>Response to Notification</u> Raised concern about the lack of appropriate buffer zones in the northern precincts and recommended a minimum buffer of 50m between the proposed subdivision and the Manning River / Carters Creek. Also required the preparation of a remediation plan for any acid

	sulphate soils that are exposed during construction. (s.5.6) <u>Response to PPR:</u> PPR not referred to DPI. <u>Comment:</u> Issues raised by DPI were addressed by changes to lot layout. Refer to sections 6.7 and 6.9 for discussion on the issues.
Department of Lands	<u>Response to Notification</u> Crown Roads in the development must be transferred to Council, no encroachments should occur on Crown lands, no adverse impact on other Crown Roads in vicinity of development. <u>Response to PPR:</u> No objection, subject to matters which have previously been raised, being addressed. <u>Comment:</u> Conditions of approval have been imposed to address lands concerns.
Department of Environment and Climate Change	<u>Response to Notification:</u> Objects due to inadequacy of assessment on threatened species (including compensatory habitat, koala habitat, osprey migration), location of APZs, and wastewater disposal. <u>Response to PPR:</u> Unable to support. Numerous concerns including adequacy of offsets for clearing of vegetation, and methods of conservation. <u>Comment:</u> Ecological issues are discussed in detail in section 6.2, where it is determined that the proposal is acceptable subject to lot consolidations and numerous conditions to ensure appropriate environmental outcomes will be achieved.
Department of Planning, Regional Office	<u>Response to Notification:</u> No objection to non-compliance with minimum lot standard. The site is zoned for development and conservation purposes. The development will reinforce the social and economic viability of the existing Tinonee rural village and has good access to the higher order services provided by Taree CBD. <u>Comment:</u> The comments are noted. The issue of minimum lot size is discussed in s. 6.1 of the report.

Table 2 - Summary of Submissions from Public Authorities

5.4 Preferred Project Report (PPR)

The PPR was submitted on 12 June 2008 and accepted as adequate on 12 December 2008. A copy is attached at **APPENDIX G**.

As the amendments made to the project in the PPR did not significantly change its nature, it was not exhibited but was placed on the Department's website.

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment of the proposal and consideration of the Proponent's draft Statement of Commitments include the following:

- Minimum allotment size;
- Flora and Fauna assessment;
- Lot Consolidation;
- Bushfire;
- Stormwater;
- Flooding and sea level rise;
- Geotechnical/Soils;
- Groundwater;
- Impacts on the Manning River
- Traffic Management and Access;
- Cultural Heritage significance
- Public Foreshore Access; and;
- Section 94 Contributions and Infrastructure

6.1 Minimum allotment size

The majority of the proposed allotments (75%) fail to comply with the applicable minimum allotment size.

CI 16(1)(a) of the GTLEP states that Council may only consent to the subdivision of land within the 1(c1) zone if each allotment has an area of not less than 4000m². It is proposed to create 135 lots within the 1(c1) zoned lands on the site. Of these, 101 lots are less than 4000m².

CI. 25 of the GTLEP states that Council may only consent to the subdivision of land within the 7(a) Environmental Protection zone, if the area of each allotment created by the subdivision is not less than 40 hectares. It is proposed to create 2 allotments within the 7(a) zoned lands on the site. Each of these is below 40 hectares.

The Proponent has submitted justification for a variation to the development standards. *Table 1* below outlines the Proponents arguments and the Department's response:

Proponent's Justification for Variation	Department's Response
Clause 16 of the GTLEP	
• The total area of 1(c1) zoned land on the site is 72.19 hectares. If the 4000 square metre minimum is applied the site could theoretically yield a potential 180 lots. • The subdivision design was undertaken on the basis of applying the following positive environmental and community benefits whilst reducing the overall lot size and private open space provision within the development: - The provision of larger lots in areas of known Koala movement so that clearing is minimised and movement is enhanced; - Provision of roads that enable the efficient movement of vehicles and pedestrians around the site; - Provision for protection of an Aboriginal scar tree in a public open space area; - Allocation of land for creek line rehabilitation and habitat improvement opportunities; - The provision of more public open space area to enhance community benefit; and	• The non-compliant allotments vary in size from 2,001m² to 3 960m². These lots contain sufficient space for a building envelope and a large area of private open space. • The lot layout has been undertaken in a sensitive manner, which maintains a habitat corridor in the 7(a) Environmental Protection zone and has prevented development in the Endangered Ecological Community area. • To compensate for the loss of development potential, which results from the environmentally sensitive design, the Proponent has reduced the size of the majority of the allotments, to below the minimum standard of 4000m². • If the Proponent were to develop to the theoretical maximum potential yield of 180 lots, there would be a significant increase in vegetation clearing compared to what is proposed. • The desired rural-residential character for the area will still be achieved and the proposal will satisfy the objectives of the GTLEP.

- The application of the rigid minimum standard would not lead to the best community outcome for the development of the site but would lead to the over provision of private open space area that is potentially unmanaged in the future. It is submitted that in this particular circumstance the minimum standard is unnecessary, particularly given that the rural residential amenity can be enhanced through the provision of additional public open space area on the site.

Clause 25 of the GTLEP

- | | |
|---|--|
| <ul style="list-style-type: none"> • Strict compliance with the development standard is not possible as the total amount of 7(a) land is well below the 40 hectare minimum area. Given the location of the two distinct 7(a) areas it is not feasible to include them within one allotment. • The creation of two separate lots consisting of 7(a) land will enable the future retention and management of important natural resources on the site. These lot owners will be restricted (by way of 88b covenants in land use practices to ensure that the habitat values of the land is retained and enhanced for the benefit of future generations. • Consequently, it is submitted that the creation of Lots 502 and 308 with areas less than the minimum standard will enable the compliance with the 7(a) zone objectives and the attainment of the objects specified in Section 5(a)(ii) of the Act through the proper management of individual parcels of environmental protection land. | <ul style="list-style-type: none"> • Strict compliance would be unable to be achieved given that the two areas of lands zoned 7(a) are separated through land in other ownership, and not part of the subject site. • Individually the parts of the site zoned 7(a) have an area of 11.87ha and 9.61ha, totalling 21.48ha. Even if the two portions of 7(a) land were adjacent to each they still would not reach the minimum lot size of 40ha. • As indicated by the Proponent the two areas zoned 7(a) will be protected via covenants, regarding habitat and vegetation retention and management. A condition of approval will reflect this and a habitat and vegetation management plan will be required to be submitted in order to ensure the long term protection of this zone • The non compliance with this clause of the GTLEP would not result in an unreasonable development. The proposal still satisfies the objects of the GTLEP for this zone. |
|---|--|
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General

- For the reasons set out above, strict compliance with the development standard is unnecessary.
- The non compliance with the minimum area requirement does not prevent the compliance with the zone objectives. It is submitted that the lesser lot sizes enable the attainment of the objects of Section 5(a) (i) and 5(a) (ii) of the Act by promoting the social and economic welfare of the community, establishing a better rural residential environment and enabling the orderly and economic use and development of land.

Based on a review of the justification provided by the Proponent, the subdivision layout and the GTLEP, is it considered that the proposed variation to the minimum lot size standard is considered acceptable, and satisfies the Objects of Section 5(a) (i) and 5(a) (ii) of the Act, in particular: the proper management, development and conservation of natural and artificial resources, the provision of land for public purposes, ecologically sustainable development and the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.

Table 1 – Justification for lot size variation

Council has advised it does not object to the non compliance with the minimum lot sizes. The Department also considers the variation to be acceptable in this instance on the basis that:

- The proposed subdivision layout and density of the development allows for the rural setting of the area to be protected;
- The project will promote the social and economic viability of the Tinonee Village and has good access to the higher order services provided by the Taree CBD;
- Flora and fauna can still be retained on the majority of the site; and,
- The development is consistent with the zone objectives.

Strict compliance with both Clause 16 and 25 of the GTLEP would unreasonably restrict and hinder development on the site, for the reasons discussed above.

In addition it should be noted that the proposed subdivision is consistent with the zoning of the site proposed under the Draft Greater Taree LEP 2008 (refer **Section 3.2.2** above).

6.2 Flora and Fauna

Flora and Fauna surveys were undertaken by Orogen (Appendix D of the EA) and Lewis Ecological Surveys. The surveys identified eight (8) threatened fauna species, one (1) threatened flora species, an Endangered Ecological Community (being the Subtropical Coastal Floodplain Forest), and Core Koala Habitat on the site.

6.2.1 Fauna

The threatened fauna species found were: Osprey, Glossy Black – Cockatoo, Powerful Owl, Red - backed Button-quail, Brush – tail Phascogale, Squirrel Glider, Koala, and the Grey – Headed flying fox.

Figure 9 describes the manner of usage of the site by several of the threatened fauna species. It should be noted that there are a number of areas of high use and occurrence by some of these species. These areas have been identified by the Proponent, the Department, DECC and the CMA as having conservation value. The areas and associated vegetation / threatened species habitat will be conserved through the development of a habitat and vegetation management plan, and preserved in perpetuity on title.

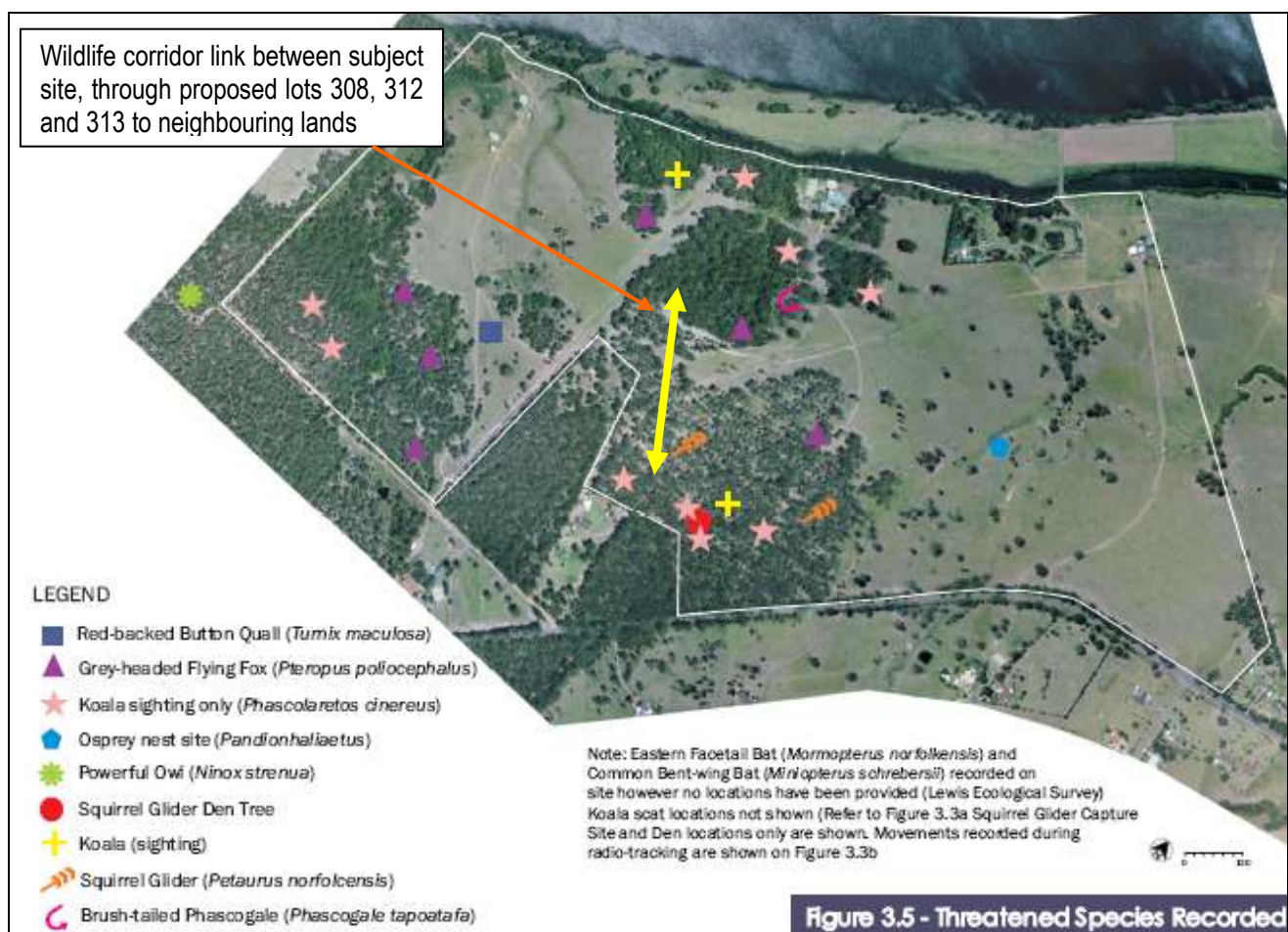


Figure 9 - Threatened species recorded on site

A general discussion on the threatened fauna species and results of the survey regarding each species are detailed in the following paragraphs

- Osprey

Figure 9 identifies the location of the Osprey nest tree, where a pair of Ospreys has been sighted. The nest tree is a stag which is deteriorating in condition, including dropping limbs. As a result of the poor condition of the tree, several clutches (un-hatched eggs) and fledgling Ospreys have been lost in past breeding seasons. The Proponent is proposing to relocate the nest to a nesting platform to be erected on privately owned land across the river from the subject site, see Figure 10.

The Proponent's zoologist has advised that the erection of the nesting platforms and the relocation of the nest on this other land is acceptable. A condition of approval will require the nest to be relocated and the platforms to be erected under the supervision of a suitably qualified ecologist prior to the commencement of works for Stage 1.

The foraging area for the Osprey is the Manning River. The works on site will not therefore have any direct impact on the availability of food sources for the Osprey.

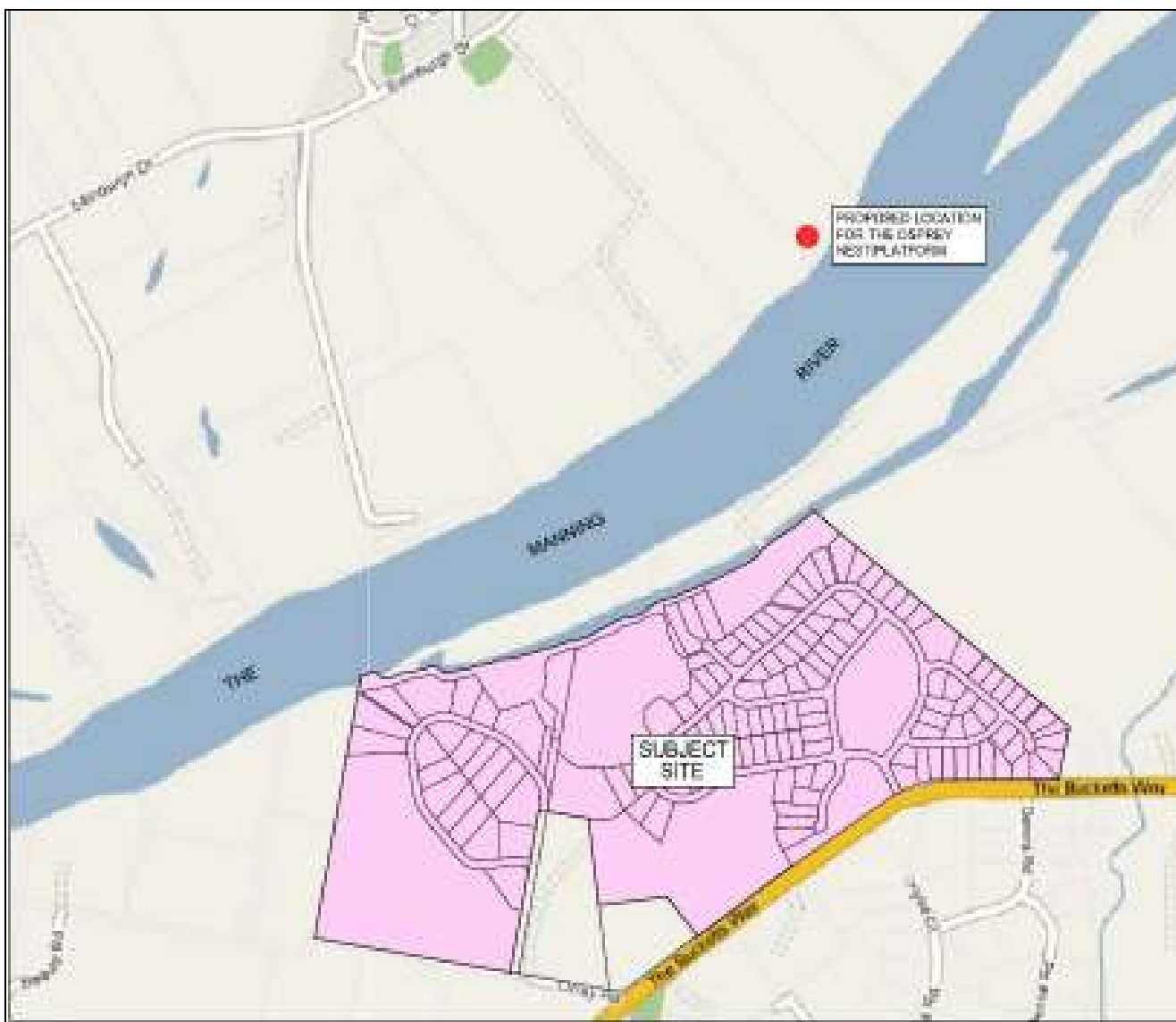


Figure 10 - Proposed Location of Osprey nesting platforms

- **Koala**

The site has been assessed by the Proponent as having vegetation that is classified as Core Koala Habitat and Potential Koala Habitat in accordance with State Environmental Planning Policy No.44 – Koala Habitat Protection (SEPP 44). Male, female and juvenile Koalas have been sighted on the subject site, indicative of typical demographics for a breeding population.

Figure 11 below indicates the levels of Koala utilisation of the site. It can be seen from this figure that the high levels of Koala utilisation are in the middle portion of the site, in particular towards the northern boundary.

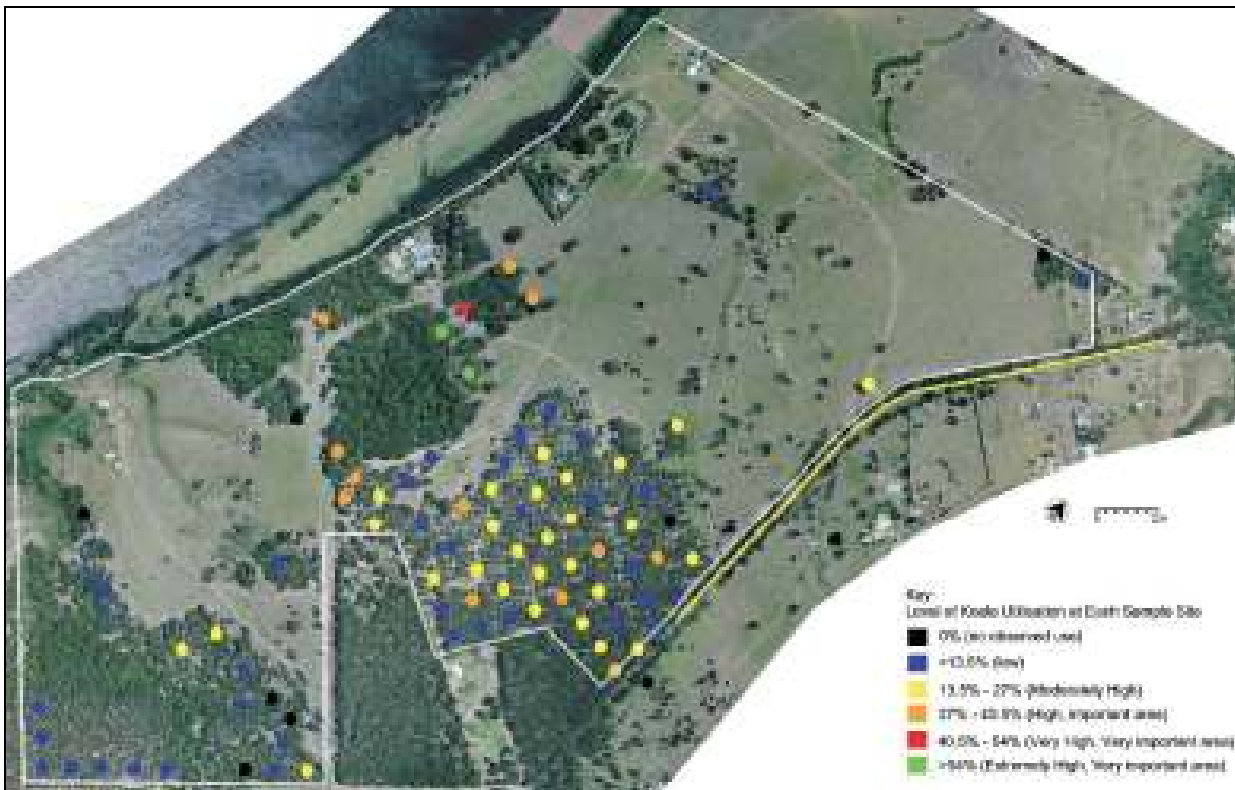


Figure 11 -Koala Utilisation of the Site

Based on the Koala utilisation figures and the location of Core and Potential Koala Habitat, the Proponent has identified likely Koala movement corridors through the site, see Figure 12 over.

The Proponent has retained vegetation on proposed Lots 312 and 313 to provide north-south connectivity, as well as the vegetation on Lot 308 acting as a link to the southern side of The Bucketts Way (Figure 12 illustrates the connective link between Lot 541, and proposed Lots 312 and 313).

The Proponent proposes to separate the eastern portion of the site from the western, by Koala-proof fencing, to allow future residents to own dogs. The intention of the fencing is to prevent Koalas traversing east-west into allotments with dogs and to minimise road strike. The fence is not a foolproof way to separate koalas and domestic pets, as it relies upon 17 owners to maintain a section of the fence and for numerous gates to be kept closed. A condition of approval is proposed that states that cats and dogs, apart from dogs required for the visually impaired, are prohibited on the site to ensure that Koalas and other threatened fauna on site are protected.



Figure 12 - Koala Movement Corridors

There is also concern that the future construction of swimming pools on some properties will result in high levels of Koala fatalities. Whilst Koalas have the ability to swim, they often have difficulty climbing out of swimming pools. The Proponent has proposed that ropes be required to be placed in swimming pools as a measure to allow any Koala to climb out safely, this is reflected in the Statement of Commitments.

The Proponent has not prepared a Koala Plan of Management as required by SEPP 44, however they have undertaken to clear, rehabilitate and manage the site in accordance with the Statement of Commitments which includes the preparation of a Koala Management Plan and the formation of a Koala Management Committee. While the idea behind a Koala Management Committee is supported it is not thought to be a practical initiative for this situation, instead a condition of approval requiring a Project Ecologist be employed to oversee the implementation of Koala protection measures for the duration of the construction program for the site. A condition of approval will reflect that the part of the Habitat and Vegetation Management Plan (HVMP) relating to Koalas is consistent with SEPP 44 and the Statement of Commitments.

- **Glossy Black Cockatoo**

The site contains stands of *Allocasuarina littoralis* and *A. torulosa* which are feedtrees for the Cockatoo, as well as hollow bearing trees which provide shelter. There is evidence of feeding activity found in a number of locations on site. The majority of feed and hollow bearing trees are not within the development areas identified for clearing for building envelopes, roads, and asset protection zones. However, where clearing is identified, some of these trees may be removed. The exact number of feed and hollow bearing trees to be removed will be surveyed at the time of development. As a result of the potential for some these trees to be removed the Department is requiring the consolidation of several allotments (see **section 5.2** below), in order to further reduce clearing and to improve vegetation retention of significant habitat trees. It is considered that the consolidation of the allotments will further minimise impacts upon the Glossy Black – Cockatoo.

- *Powerful Owl*

The Powerful Owl has been sighted within 100m of the site and it is therefore likely that it would use the vegetation upon it. The site contains suitable foraging habitat for the Owl, which preys on arboreal mammals such as possums. Some foraging habitat will be cleared, however given that areas of vegetation are also to be rehabilitated creating new foraging habitat and that the Powerful owl has an extensive home range (approximately 1,000 ha), any loss of vegetation on site will not have a significant impact upon this species.

- *Red – backed Button Quail*

The Quail has been recorded on the subject site, and generally requires ground cover for shelter and foraging. The proposal will remove an area of vegetation where the Quail was sighted. However given that the areas of vegetation to be retained contain various types of ground cover, the impacts upon the Quail will be minimal. The rehabilitation of the Endangered Ecological Community will provide further habitat for this species.

- *Brush – tailed Phascogale*

The subject site contains known foraging and denning habitat for the Brush-tailed Phascogale. The proposed works will remove some of the Phascogale's foraging and denning habitat. The Department is requiring the consolidation of several allotments (refer **section 6.3**), in order to reduce the quantum of clearing and to improve connectivity. It is considered that the consolidation of certain allotments will minimise impacts upon this species.

- *Squirrel Glider*

There is a den tree identified on site for this species within a 7(a) zone, on proposed Lot 308. There is also known Glider habitat on the site, and the proposal will involve clearing of some of this habitat

The area where the den tree has been identified is not earmarked for clearing, and is in fact identified to be managed and preserved through a Habitat and Vegetation Management Plan. Also the proposed lot consolidation (see **Section 6.3**) as recommended will minimise impacts upon this species.

- *Grey – Headed Flying Fox*

This species has been sighted several times on site foraging and flying overhead; however no known camp sites (i.e. the equivalent to a nesting or roosting site) have been found on the site.

Some of the foraging area will be removed as part of the proposed works. However it is considered that there will not be a significant impact upon this species, as they are highly mobile and they utilise a variety of habitats including rainforests and heath. Furthermore, the rehabilitation of the drainage reserve and the lot consolidation proposed will provide additional foraging habitat for the Grey – Headed Flying Fox.

6.2.2 Flora

The surveys identified the following four (4) vegetation communities on-site:

- Spotted Gum/Grey Ironbark/Small fruited Grey Gum/White Mahogany Dry Sclerophyll Open Forest/Woodland;
- Grey Ironbark/Small fruited Grey Gum Wet Sclerophyll Forest with Rainforest understorey, this vegetation community is representative of the Subtropical Coastal Floodplain Forest Endangered Ecological Community (SCFF EEC);
- Shatterwood/Red Kamala Closed Forest (Dry Rainforest); and
- Pasture Grassland (+/-Forest Red Gum Woodland/Open Woodland).

According to the proponent's studies all of these communities have been subject to previous disturbances including selective and/or broad scale clearing activities, grazing, logging and fire.

The proposed development involves the removal of some areas of vegetation and the rehabilitation of others. The impacts on the vegetation may be summarised as follows (see *Figure 5*):

- A minimum of 29.06ha of vegetation be retained and managed and protected via a covenant, and that specific Habitat and Vegetation Management Plans are prepared for these areas;
- The public foreshore reserve area to be dedicated to Council will contain approximately 3.641ha of vegetation; and,
- Clearing for roads, building envelopes and Asset Protection Zones totaling 3.962ha.

It is proposed to rehabilitate the SCFF EEC which is highly degraded. The proponent had proposed to rehabilitate an area of approximately 3.65ha. It was negotiated to increase this to an area of approximately 6.055ha, to achieve a better environmental outcome. Benchmark Environmental Management (BEM), the Environmental Consultants engaged by the Department to review the Flora and Fauna Assessment, raised concern with the use of the drainage reserve and the potential impacts on the EEC. BEM recommended that the rehabilitation area not be used for public open space, whether that is passive or active use. A condition of approval will restrict the use of this area to rehabilitation and drainage uses only.

During the assessment process the proponent was required to undertake further targeted survey work to determine whether the orchid, *Diuris flavescens* was present on site. The targeted survey found 150 plants in 19 patches (See *Figure 13*, over). The entire population was recorded in the south eastern corner of the subject site, on existing Lot 156.

The *Diuris flavescens* is currently classified as a critically endangered species, pursuant to Schedule 1A of the *Threatened Species Conservation Act 1995*. Prior to the targeted surveys completed by the Proponent there was only one known population, [REDACTED]

Given its limited distribution and small numbers, the preservation of this species on the subject site is important. The Proponent proposes to manage the species through an Orchid Habitat Management, a sub-plan of the Habitat and Vegetation Management Plan, which will be specific to the lots upon which it occurs. The requirement for the implementation of the Management Plans will then be placed on title.

Whilst the Department is supportive of this approach to management and conservation, it is considered that the number of landowners associated with the management of this species should be kept to a minimum. Therefore the Department is proposing, via conditions of approval, to realign several boundaries in order to reduce the number of managers (owners) responsible for the occurrence of this species to a maximum of two. *Figure 13* references the site numbers.

Further assessment and trees surveys should be undertaken by a qualified environmental consultant prior to the removal of any habitat or hollowing bearing tree within the subject site. A detailed condition outlining the methods to be adopted has been included in the approval.

In general it is considered that the impacts on flora and fauna have been examined thoroughly, and that through subdivision design, vegetation retention and rehabilitation and proposed lot consolidation, the likely impacts have been satisfactorily minimised.

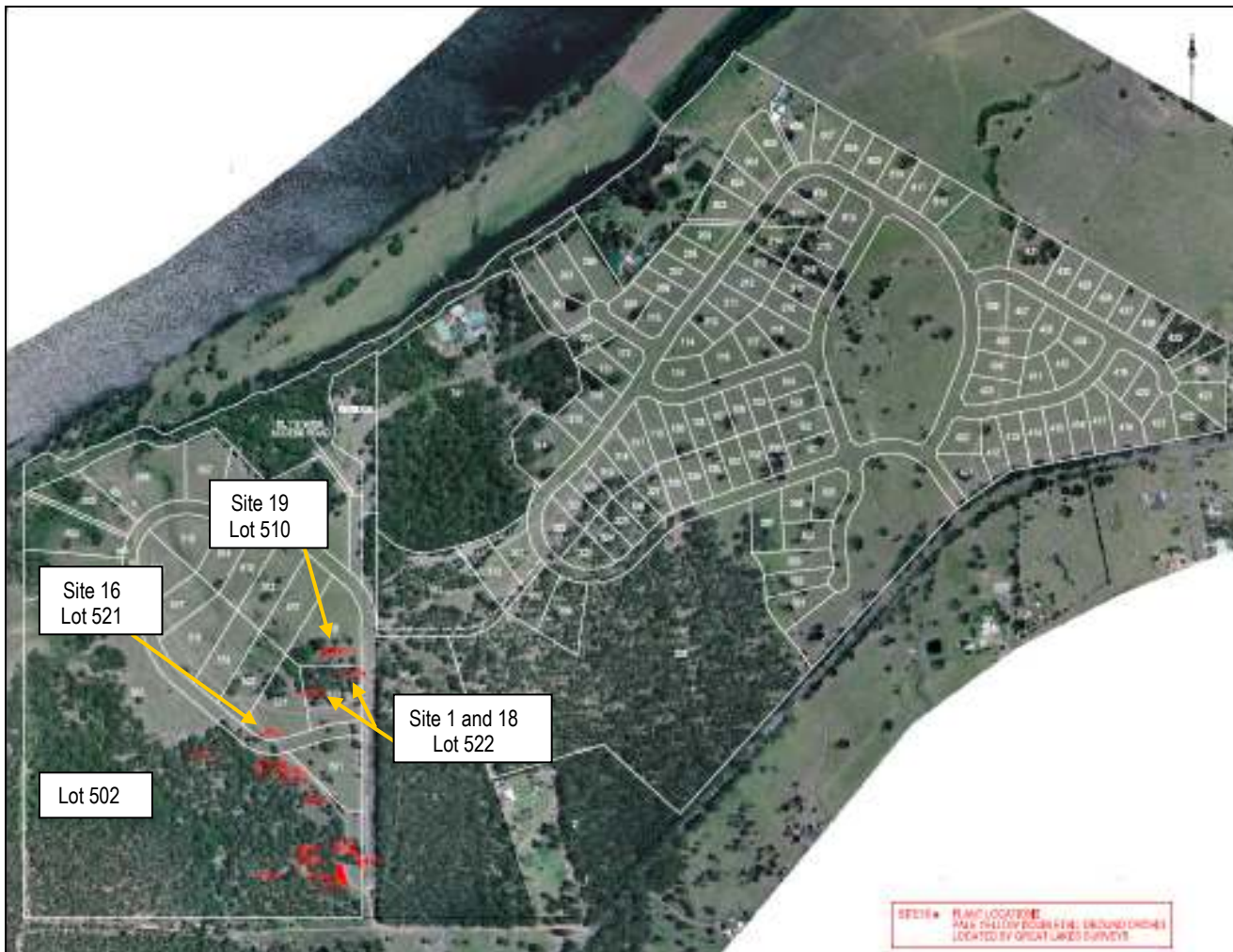


Figure 13 - Location of *Diuris flavescens*

6.2.3 Vegetation Offsets (Improve or Maintain Principle) - Native Vegetation Act 2003

The Proponent was required to undergo the Improve or Maintain process pursuant to the Native Vegetation Act 2003, in order to determine whether the amount of proposed clearing that could be supported (and adequately offset). Although the Native Vegetation Act 2003 does not apply under Part 3A (section 75U), the "Improve or Maintain" process was used in this instance as a means to assess impacts on threatened species.

The Department, the CMA and the Proponent have been involved in extensive negotiations throughout the assessment process, seeking to achieve an outcome whereby the project satisfied the 'maintain or improve' principle. Agreement was close to being reached, but the proponent could not secure a piece of land (Lot 541) which was critical to the offset package.

The requirement to comply with fire safety regulations leads to the need to remove additional vegetation. Throughout the process, the Proponent was not able to clearly quantify the amount of vegetation to be removed, or what component of the trees to be removed are classified as habitat trees for a number of threatened species (i.e. hollow bearing trees and/or Koala habitat trees). This has made the task of assessing whether the development satisfies the 'maintain or improve' principle more difficult.

Figure 4 represents the final subdivision plan submitted to the Department (for which approval is sought). The Department does not believe that the proposal satisfies the 'maintain or improve' test., and it has an unacceptable impact on threaten species habitat. To achieve an acceptable outcome, the Department is seeking to consolidate several allotments, as discussed in **Section 6.3** below.

6.3 Lot Consolidation

As discussed above the proposal no longer satisfies the Improve or Maintain principle and the amount of clearing required for bushfire Asset Protection Zones (APZ) has not been adequately quantified.

The Proponent has not determined the exact number of trees to be removed, nor have they confirmed the type of trees (ie. being Koala habitat trees, hollow-bearing trees, or other trees significant to the threatened species) found on site.

The Department is not satisfied with the amount of clearing and associated impacts upon threatened fauna found on the subject site. As a result the Department is seeking the following lot consolidations (see Figure 17):

- Consolidation of Lots 314 and 315;
- Consolidation of Lots 312 and 313; and
- Consolidation of Lots 308, 309 and 310.

Without consolidation of these lots, given that each lot requires separate APZs, requiring tree removal and removal or prevention of regeneration of the understorey, the vegetation loss is unacceptable, and no offset has been provided. Consolidation of these lots means that a smaller area needs to be cleared to provide for a dwelling. Vegetation will be protected and the north-south connectivity for wildlife movement and areas of the site that are known to be important for threatened species such as Koalas, Brush-tailed Phascogales and Squirrel Gliders, will be enhanced.

The Department therefore considers that the proposal is satisfactory on the basis of the proposed consolidation of lots 314 and 315, Lots 312 and 313 and Lots 308, 309 and 310, which will reinforce the north-south wildlife corridor and will retain additional vegetation on the subject site.

It is noted that the DECC does not support this approach. The DECC supports the inclusion of Lot 541 in the site, and the protection in perpetuity of the vegetation on it through a conservation agreement. However, since it is not possible to secure lot 541, the Department's approach has been to reduce the amount of vegetation lost through the proposed lot consolidations, and therefore require no 'offset.'

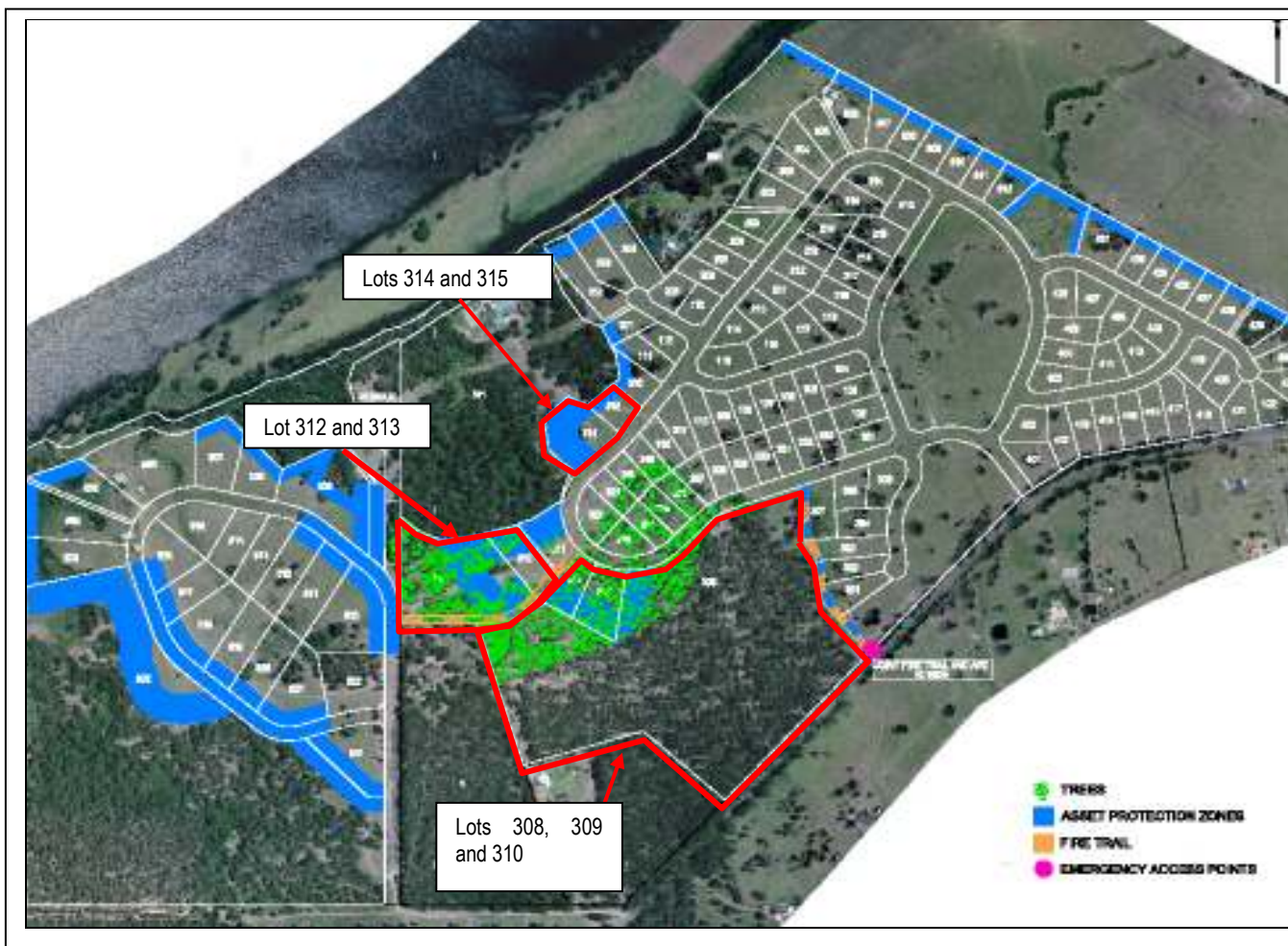


Figure 14 – Proposed Lot Consolidation

6.4 Bushfire

The Environmental Assessment was referred to the NSW Rural Fire Service (The RFS). The RFS advised that the proposal did not satisfy *Planning for Bushfire Protection 2006 (PFBP)*, including inadequate asset protection zones, and inadequate emergency access/ exit routes from the subject site in event of a bushfire.

The PPR was referred to the RFS for comment and advice was subsequently received which indicated that the proposal still did not satisfy the *PFBP* requirements, and as a result the RFS was still not in a position to support the proposal for the same reasons as above.

The Proponent subsequently provided additional information in relation to the asset protection zones and also proposed several fire trails. The RFS advised that the proposed plan (see *Figure 6* above) was acceptable, and they provided conditions of approval in relation to the application.

6.5 Stormwater

Three (3) Water Quality Control Basins (WQCB) are proposed (see *Figure 15*). Two of the basins (WQCB 1 and 2) form part of the detention basin area to be rehabilitated with the SCFF EEC, and will also contain macrophyte zones to aid in water quality control through nutrient cycling and to slow the flow of water, reducing scouring and sedimentation. It is noted that certain species of macrophytes prefer different conditions, for example with some preferring deep water over shallow water. Accordingly, a condition of approval will require these macrophyte zones to be designed by an appropriately qualified person, and generally in accordance with the *Constructed Wetlands Manual (DECC)*.

WQCB 1 has a total area of 415m², with a macrophyte zone measuring 335m² and a sedimentation area of 80m². WQCB 2 has a total area of 8165m², consisting of a 5065m² macrophyte zone and a 3100m² sedimentation area. WQCB 3 will utilise an existing dam, to control the flow of water into the Manning River, this area will have a 193m² macrophyte zone.

The design of the stormwater system, using the WQCBs will maintain the existing pre-development flows.

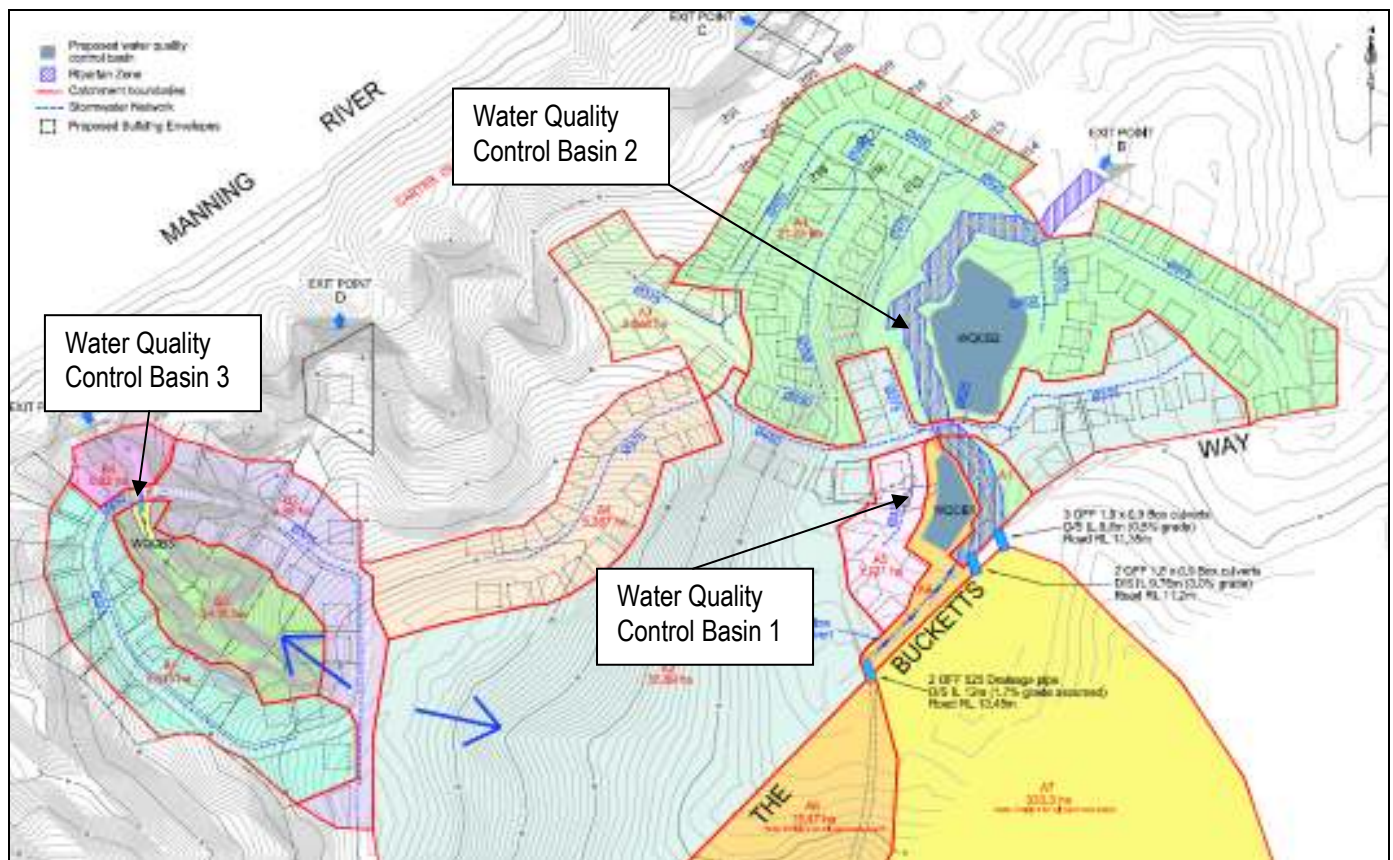


Figure 15 - Water Quality Control Areas.

6.6 Flooding and Sea Level Rise

The flooding impact of the Manning River in the vicinity of the site is to RL 7.6m, this level relates to the 100 year flood event. Two river front lots have levels of the building envelope below the 1 in 100 year flood level. These lots are Lots 504 and 505 and will not be subject to filling. Any future building on these lots would use suspended slab construction to raise floor levels above this level as filling costs would be prohibitive, being located on sloping land.

At the eastern end of the site, Lots 612 and 611 have levels of the building envelope below the 1 in 100 year flood level. These lots would require filling of 1 metre to achieve a ground level above 7.6 m AHD. The area of filling would be approximately 1500 m² per lot. This equates to a displacement volume (during 1:100 yr flood inundation) of 1500 m³ per lot (3000 m³ in total).

Flooding of the site under these conditions would be via back-flooding of the Manning River on to the site. The displacement of 3000m³ of water over the site is inconsequential when compared to the area of the site affected and the size of the Manning River floodplain inundated during this flood event. Further, the impact in terms of raising water levels on the site is immeasurable with respect to the accuracy of the contours (0.5 m). In summary, filling of the building envelopes on Lots 612 and 611 will have no measurable impact on the flood behaviour of the Manning River nor on the proposed development site.

Other lots affected by flooding are located around the proposed detention basin. The local road network surrounding this basis provides the wall height required in order to contain the 1 in 100 in year local flood event and thus prevents any inundation of the adjacent lots. The filling required on the adjacent lots is therefore determined by the smoothing of the surface level between the natural surface and the new road levels. In these areas localised filling reaches a maximum of 1.2 metres in depth. It is considered that the proposed filling will not have an adverse impact on the flood levels in the locality. (See Figure 16, over)

It is also noted that Council's Flood Policy dates from 1987 (updated in 1995) and does not address possible increased flood levels as a result of sea level rise. To accommodate this, a condition has been placed on the approval requiring an assessment of the impact of the development on flood behaviour of the site and adjacent lands taking into account the impacts of climate change. As the extent of flood affected land is minor on the site, it is considered that it is satisfactory that this matter be dealt with by condition.

6.7 Geotechnical/Soils

Sampling undertaken by the Proponent has identified a low potential for acid sulfate soils on the site. A condition of approval is recommended requiring testing to be undertaken to determine any acid sulfate soil potential on the subject site, as recommended by RCA Australia in Appendix C of the Environmental Assessment, prior to the issue of a Construction Certificate.

The results and recommendations are to be documented in an Acid Sulphate Soil Management Plan prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998), which must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for below ground works. Furthermore, the RCA Australia report indicates that there is minimal possibility that the site is contaminated with pesticides, herbicides etc. Although the site has been use for grazing purposes in the past, there is no evidence that the site has housed any chemicals associated with cattle dipping and the like; there is also lack of storage facilities on the site to house any such chemicals.

In relation to slope stability the RCA report identifies the site as having several areas of high to moderate risk of slope stability. The following table specifies the levels of instability across the site and should be read in conjunction with Figure 20.

Unit	Topography	Typical Slope Gradient	Risk of Slope Instability
Ck	Very steep slopes along banks of Carters Creek	>25% (1 in 2)	High *
R1	Steep lopes eroded into hillsides along watercourses	25% (1 in 3.7) to 45% (1 in 1)	Moderate
R2	Gentle to moderate slopes on hills and slopes	5% (1 in 20) to 15% (1 in 6)	Low
A	Alluvial lowlands. Subject to Localised inundation	<5% (1 in 20)	Very Low
I	Incised watercourses in hillsides and along Killawerra Creek.	>25% (1 in 2)	High *
* High risk associated with localised instability due to erosion of steep banks during periodic flooding and tidal flow.			

Table 3: Risk of Slope instability



Figure 16 - Areas to be filled (Showing old subdivision layout, areas of fill will not vary significantly as a result of amended subdivision layout)

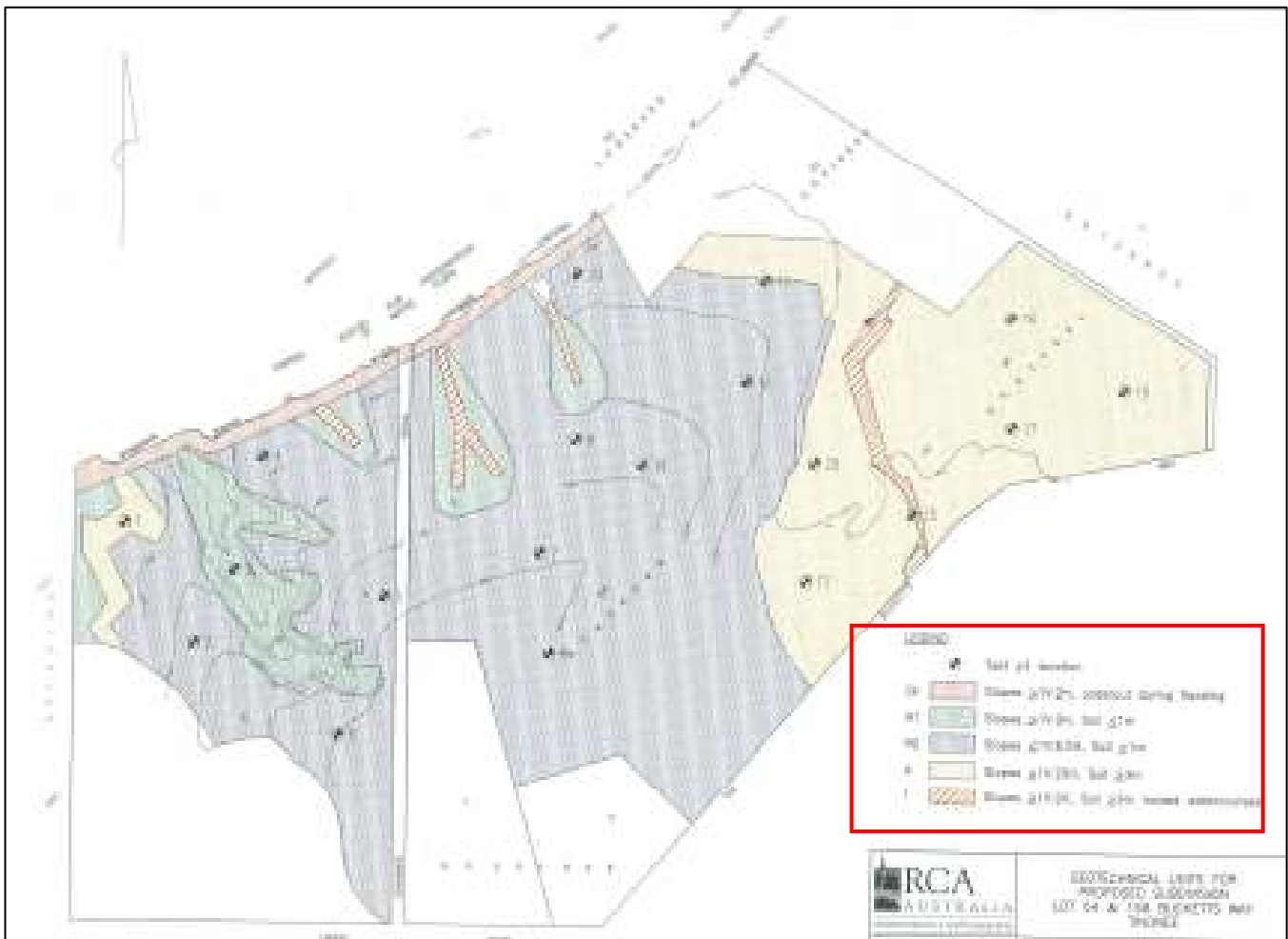


Figure 17 - Areas of Slope instability

6.8 Groundwater

Groundwater has been encountered in northern and eastern areas at a depth of 1m below the ground surface. In western areas of the site, the soil is rocky up to a depth of 1m and ground water was difficult to detect.

The Department of Water and Energy support the proposal, however they require further detailed testing of groundwater depths across the site, to ensure that the ground water is not intercepted. Further they require that all stormwater detention basins and associated structures do not intercept, connect or infiltrate into the groundwater table. Conditions of approval will reflect this.

6.9 Impacts on the Manning River

The Department of Primary Industries raised concern about the lack of suitable buffers to the River / Carters Creek in the northern part of the site (immediately adjacent to the land zoned 6(b)). In order to address this issue the Proponent amended the proposal by deleting two (2) lots (Lots 206 and 207 shown on Figure 16- northern part of the site, near River).

Heavy disturbance and riverbank erosion at the northern corner of the site near the Manning River has resulted in a lack of vegetation and instability of the riverbank. A condition of approval is recommended requiring works to restabilise this part of the site, with the use of native vegetation and rehabilitation works.

6.10 Traffic and Access

The Bucketts Way is classified as a "Main Road", and is a key link between Taree and Purfleet to the east and Gloucester and the Barrington Tops to the west. Where the subject site fronts The Bucketts Way, it is single lane travel in both directions with a width of approximately 5.5m, has no sealed shoulders or footpaths, and has a speed limit of 80 km/h. To the east of the site, the speed limit reduces to 70 km/h, due to the residential and commercial development.

The site also has frontage to Urray Road, which is classified as a local road. The intersection of Urray Road and The Bucketts Way will require upgrading at full cost to the Proponent.

Public transport in the vicinity of the site is limited. School buses provide access for school children between Tinonee and Taree. There are no regular bus services in the immediate vicinity of the site. Cyclists are able to use the public roads.

The Proponent has carried out surveys in relation to pedestrians and cyclists and during the observation period a single cyclist was observed on The Bucketts Way, and no pedestrian movements were observed.

The proposed subdivision could reasonably be expected to increase the demand for the school bus runs that currently operate along The Bucketts Way. It is therefore proposed to provide a bus stop at the main site entry, together with a bus shelter to improve safety and convenience for the users. This will include secure facilities for cyclists to leave their bikes at this bus stop during the day. A condition of approval will reflect this.

The Proponent has also indicated that pedestrian and cycle links will be provided throughout the development. The network will include footpaths within the internal road network as well as dedicated off-road footway/cycle ways. It is proposed to provide a walkway from the subdivision to connect to the proposed public foreshore reserve to be dedicated to Council. Conditions of approval will reflect these proposed cycle ways and pedestrian links, and the locations of these pathways will be required to be located and designed to the satisfaction of Council and approved prior to the issue of a Construction Certificate for Stage 1.

The internal road network will operate under a posted speed limit of 50 km/h. All of these roads will be under the control of Council and as such will be required to comply with Council's design standards for residential estate roads. All roads will allow for two way traffic movements.

The RTA has raised no objections to the proposal and has provided conditions of approval with respect to intersection construction both at the main entrance to the subdivision and at the intersection of Urray Road and The Bucketts Way, fire trail construction, land required to be used for intersection construction shall be dedicated as public road, at no cost to Council and the RTA, and that all works shall be construction at full cost to the developer to the satisfaction of Council. Conditions of approval reflect the RTA comments.

Council has also provided conditions for inclusion in any approval. The Department is satisfied with the road layout, the provision of pedestrian and cycle links, and the opportunity for a bus stop.

6.11 Cultural Heritage

Aboriginal Cultural heritage

The site is identified as containing artefacts of Aboriginal significance. The artefacts include two scar trees, and several stone tools. In 2001 the Purfleet-Taree Local Aboriginal Land Council (PTLALC) identified these four items of Aboriginal significance on the site. Further detailed site assessment undertaken in 2001 and 2007 did not identify any additional items.

The location of these items has been considered in the planning of the proposed subdivision in consultation with the PTLALC. The location of the Aboriginal cultural heritage items is shown in *Figure 21* below.

The stone artefact and the scar tree in the south of the site were found in bushland and are located within the 7(a) Environmental Protection zone, within the boundaries of proposed Lot 308. Given the location of these items, some level protection of the items is implied by the zoning. Furthermore, a condition of approval will require a Habitat and Vegetation Management Plan to be prepared for this parcel and this plan will also be required to contain management principles for the artefacts found on site.

The northern most artefact found (stone tool) will also be contained within a proposed allotment, being Lot 313. Again, a condition of approval will require the preparation of a Habitat and Vegetation Management Plan for this parcel this plan will also be required to contain provisions which address the artefact found on site.

The scar tree located in the eastern portion of the site is located within the area of the proposed drainage reserve/rehabilitated EEC area. This will provide some protection to the item by virtue of the zoning and function of this area, however during construction and rehabilitation this tree (including the root system) has the potential to be damaged. The report submitted with the EA, by Orogen (Simon and Leon, 2007) has recommended that measures be implemented during construction and rehabilitation to protect the scar tree. A condition of approval will require a Habitat and Vegetation Management Plan to be prepared for the drainage reserve and will also be required to contain management of the artefact found on site, including that exclusion fencing around the perimeter (drip line) of the scar tree would be used, where appropriate, during bush regeneration and wetland construction works.

A further recommendation of Simon and Leon (2007) is that Aboriginal heritage management issues would be incorporated into a site induction program for all contractors on the site. A condition of approval will reflect this.



Figure 18- Location of Aboriginal Artifacts.

DECC has reviewed the Assessment of Aboriginal Cultural Heritage prepared by Simon and Leon (2007) and has advised that it has no objections to its content and recommendations.

European Cultural Heritage

It should be noted that there are no items of European heritage significance on the land.

6.12 Public Foreshore Access

The Proponent has identified an area of the site, along the foreshores of the Manning River/ Carters Creek, for public foreshore reserve (See Figure 4). This area will be constructed in two stages, at Stage 1 and Stage 5.

The Proponent proposes to erect boardwalks in this area as well as carry out some rehabilitation. The foreshore reserve is to be maintained by the Proponent for a period of five (5) years following its dedication to Council. Appropriate conditions of approval will be included to require the preparation of a detailed Landscape Plan for the works within the foreshore reserve for approval by Council and to specify the maintenance period following dedication to Council.

The Department considers that creation of this reserve and its dedication to Council is beneficial to the public, and is consistent with relevant planning policies such as SEPP 71.

6.13 Section 94 Contributions and Infrastructure

Council has notified the Department of the applicable Section 94 contributions for the development. Exemptions have been granted by Council for contributions for open space, due to dedication of the public foreshore reserve and the drainage

reserve. This is based on the final lot number being 133 (minus a concession for three existing lots) due to the conditions of approval requiring lot consolidation.

The following table sets out the relevant contributions:

Contribution Category	Rate per lot	Stage 1 18 Lots (minus 1 concessional existing lots =17)	Stage 2 18 Lots	Stage 3 29 lots	Stage 4 31 lots	Stage 5 22 lots (minus a concession for 1 existing lots =21 lots for calculation purposes)	Stage 6 15 lots (minus 1 concession for existing lot =14)	Total 130 lots
Taree - with exclusions								
Open space	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Roads	\$2,930.50	\$49,818.50	\$52,749.00	\$84,984.50	\$90,845.50	\$61,540.50	\$41,027.00	\$380,965.00
Multi Purpose Community Centre	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Rural Fire Fighting (Rural)	\$1,136.45	\$19,319.65	\$20,456.10	\$32,957.05	\$35,229.95	\$0.00	\$15,910.30	\$123,873.05
Finance	\$64.38	\$1,094.46	\$1,158.84	\$1,867.02	\$1,995.78	\$1,351.98	\$901.32	\$8,369.40
Greater Taree - no exclusions								
Central Library Service enhancement	\$461.68	\$7,848.56	\$8,310.24	\$13,388.72	\$14,312.08	\$9,695.28	\$6,463.52	\$60,018.40
Library bookstock	\$133.17	\$2,263.89	\$2,397.06	\$3,861.93	\$4,128.27	\$2,796.57	\$1,864.38	\$17,312.10
Aquatic Centre	\$184.29	\$3,132.93	\$3,317.22	\$5,344.41	\$5,712.99	\$3,870.09	\$2,580.06	\$23,957.70
Rural Fire Fighting (Centre)	\$407.33	\$6,924.61	\$7,331.94	\$11,812.57	\$12,627.23	\$8,553.93	\$5,702.62	\$52,952.90
Surf Life Saving	\$204.88	\$3,482.96	\$3,687.84	\$5,941.52	\$6,351.28	\$4,302.48	\$2,868.32	\$26,634.40
Regional Open Space	\$419.67	\$7,134.39	\$7,554.06	\$12,170.43	\$13,009.77	\$8,813.07	\$5,875.38	\$54,557.10
S95 Coordinator	\$317.10	\$5,390.70	\$5,707.80	\$9,195.90	\$9,830.10	\$6,659.10	\$4,439.40	\$41,223.00
s94 Plan Preparation	\$10.43	\$177.31	\$187.74	\$302.47	\$323.33	\$219.03	\$146.02	\$1,355.90
Finance	\$176.60	\$3,002.20	\$3,178.80	\$5,121.40	\$5,474.60	\$3,708.60	\$2,472.40	\$22,958.00
Grand Total		\$109,590.16	\$116,036.64	\$186,947.92	\$199,840.88	\$111,510.63	\$90,250.72	\$814,176.95

Table 4 Section 94 Contributions

Infrastructure

The proponent has prepared a Sewer Strategy and a Water Strategy. The Sewer strategy involves the relocation of approx 1 km of 300 sewer carrier main to service the site. Two waster water pumping stations and one small local pumping system will be required. The Water Strategy involves the connection of the development into the existing water main which connects into an existing reservoir that services the town of Tinonee, located to the south of the site.

Conditions required by Mid Coast Water are in the recommendation, requiring and payment of charges for water supply and sewer headworks augmentation and water supply and sewerage extension/connection charges and certification of satisfactory servicing arrangements from Mid Coast Water, prior to issue of subdivision certificates.

7 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues raised in submissions related to loss of threatened species habitat resulting from vegetation clearing, vegetation offsets, bushfire, and long term habitat and vegetation management. The Department has considered these issues and a number of conditions are recommended to ensure these matters are resolved satisfactorily and minimal impacts arise as a result of the proposal.

The proposed development will allow for a rural residential subdivision into 133 allotments, associated infrastructure, public open space and environmental management. Furthermore, the project application has generally demonstrated compliance with the existing environmental planning instruments.

On these grounds, the Department considers the site to be suitable for the proposed development and that the project is in the public interest. Consequently, the Department recommends that the project be approved, subject to the conditions of approval.

As previously mentioned in Section 3.1 of this report, the Minister authorised a Concept Plan for the proposal on 23 May 2006. In August 2006 the Proponent advised that it did not intend to proceed with the Concept Plan and that full project approval would be sought. On the basis of this advice, amended DGRs for a Project Application were issued on 14 October 2006.

It is therefore necessary, as part of the determination of this application, for the Minister to revoke the aforementioned Concept Authorisation.

8 RECOMMENDATION

It is recommended that the Minister:

- (A) Consider the findings and recommendations of this Report; and
- (B) Revoke the Concept Authorisation issued on 23 May 2006.
- (C) Approve the carrying out of the project, under Section 75J *Environmental Planning and Assessment Act, 1979*; subject to modifications of the project and conditions and sign the Determination of the Major Project (tag A).

Mark Schofield
Team Leader
Coastal Assessments

Heather Warton
Director
Coastal Assessments

Chris Wilson
Executive Director
Major Project Assessments

APPENDIX A. DIRECTOR GENERAL'S

APPENDIX B. ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Director-General's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	05_0038
Project	Project application for rural residential subdivision into approximately 150 lots
Location	Lot 53 and 54 DP 836998 and Lot 156 DP 753202, The Bucketts Way, Tinonee
Proponent	Orogen Pty Ltd
Date issued	14 October 2006
Expiry date	14 October 2008
General requirements	The Environmental Assessment for the Project Application must include: • An executive summary; • A detailed description of the project, including: (i) any development options; (ii) justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; (iii) outline of the staged implementation of the project if applicable; • A thorough site analysis and description of existing environment including a scientific and transparent ecological constraints and opportunities analysis. Proposed land uses must be on clearly unconstrained areas; • Accurate mapping of zones for the site and surrounds, overlaid on the site survey plan; • Consideration of all relevant statutory and non-statutory provisions, in particular relevant provisions arising from environmental planning instruments, Draft Regional Strategies and Development Control Plans (including justification any non-compliances) as well as impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; • An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; • The plans and documents outlined in Schedule 2; • A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and • An assessment of the key issues specified below and a table outlining how these key issues have been addressed.
Key issues	The Environmental Assessment must address the following key issues: 1. Flora and Fauna 1.1 Outline measures for the conservation of animals and plants (within the

meaning of the *Threatened Species Conservation Act 1995*) and their habitats, including the requirements of State Environmental Planning Policy No 44 – Koala Habitat Protection;

- 1.2 Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land;
- 1.3 Consider any requirements of the Hunter – Central Rivers Catchment Management Authority regarding clearing of native vegetation.

2. Proposed Conservation Areas

- 2.1 Outline long-term management of conservation/open space areas proposed within the project including measures, among other things, to control domestic animals, weed management and access;
- 2.2 Outline ownership of the proposed natural areas (Council will not accept ownership of land zoned 7(a) and therefore this land should be retained as one parcel);
- 2.3 Outline use/s of Carters Island including the western section (Crown land) and that part incorporated within existing Lot 53 DP 836938 (the Council is unable to take ownership of, or maintain the area within, Lot 53).

3. Water Cycle Management & Watercourses

- 3.1 Address the general requirements of *NSW State Rivers and Estuaries Policy*, *NSW Coastal Policy*, *NSW Wetlands Management Policy*, *NSW Groundwater Policies* and any relevant *Estuary Management Plan* or *Draft Estuary Management Plan*;
- 3.2 Identify works within the riparian zone and outline future ownership;
- 3.3 Liaise with the Department of Natural Resources regarding any requirements in relation to water use, water management and work within 40m of the top of the bank of the river/waterways;
- 3.4 Address impacts on the fluvial geomorphology of the watercourses on site, including any erosion and sedimentation likely to be caused by the development.
- 3.5 Address potential impacts on water quality of surface and groundwater;
- 3.6 Provide an Integrated Water Cycle Management (IWCM) Plan (including stormwater concept) based upon Water Sensitive Urban Design principles.

4. The Coastal Zone

- 4.1 Demonstrate the management of the coastal zone is in accordance with the principles of ecologically sustainable development.

5. Natural Hazards

- 5.1 Address the requirements of *Planning for Bush Fire Protection 2001* (RFS);
- 5.2 Illustrate the location of the required Asset Protection Zones (APZ), access, water supply and construction criteria for the project;
- 5.3 Illustrate all APZs are within the proposed lots;
- 5.4 Outline measures for fuel management within the development and maintenance of APZs in accordance with *Planning for Bushfire*

Protection 2001.

- 5.5 Identify the presence and extent of acid sulfate soils on the site and appropriate mitigation measures;
- 5.6 Identify any areas of contamination on site and appropriate mitigation measures;
- 5.7 Address the requirements of the relevant flooding data in relation to minimum floor levels, having regard to the *NSW Floodplain Management Manual*;
- 5.8 Identify and mitigate any other site-specific natural hazards where relevant.

6. Desired Future Character

- 6.1 Demonstrate the suitability of the proposed development with the surrounding area;
- 6.2 Outline building envelopes and built form controls.

7. Public Foreshore Access

- 7.1 Protect existing public access to and along the foreshore and provide, where appropriate, new opportunities for public access.

8. Traffic Management and Access

- 8.1 Prepare a 'Traffic Impact Study' in accordance with the RTA's *Guide to Traffic Generating Development*;
- 8.2 Illustrate appropriate treatments for the Bucketts Way and Urray Road intersection and the main intersection at the Bucketts Way, including sealing of the Bucketts Way to the secondary entrance to the Estate;
- 8.3 Illustrate pedestrian and cyclist linkages for the proposal;
- 8.4 Assess public transport issues.

9. Subdivision Pattern

- 9.1 Address the requirements of the *Coastal Design Guidelines of NSW (2003)*;
- 9.2 Provide justification for allotments to be created with site areas less than 4000m² (with particular reference to clauses 16 and 47 of Greater Taree LEP 1995).

10. Infrastructure Provision

- 10.1 In consultation with relevant agencies, address the existing capacity and requirements of the development for sewerage reticulation, water supply, electricity, waste disposal and telecommunications services;
- 10.2 Identify staging, if any, of infrastructure works;
- 10.3 Address provision of public services and infrastructure having regard to the Council's *Section 94 Contribution Plan*.

11. Heritage

- 11.1 Identify whether the site has significance in relation to Aboriginal cultural heritage and identify appropriate measures to preserve any significance;
- 11.2 Identify any other items of heritage significance and provide measures for conservation of such items.

Consultation

You should undertake an appropriate and justified level of consultation with the following parties during the preparation of the environmental assessment:

(a) Agencies or other authorities:

- Greater Taree City Council;
- Mid Coast Water;
- NSW Department of Natural Resources;
- NSW Department of Environment and Conservation;
- NSW Department of Primary Industries;
- NSW Department of Lands;
- NSW Rural Fire Service;
- NSW Roads and Traffic Authority;
- Hunter – Central Rivers Catchment Management Authority;
- Telstra;
- Country Energy;
- Commonwealth Department of Environment and Heritage;
- Local Aboriginal Land Councils; and

(b) Public:

- Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.

The consultation process and the issues raised are to be described in the Environmental Assessment.

Deemed refusal period

120 days.

APPENDIX C. COMPLIANCE WITH EPIs

INCLUDING STATE ENVIRONMENTAL PLANNING POLICIES THAT SUBSTANTIALLY GOVERN THE CARRYING OUT OF A PROJECT

SUBJECT: HUNTER REGIONAL ENVIRONMENTAL PLAN 1989
APPLICATION: MP05_0038
PREMISES: Lot 53 DP 836998, Lot 542 DP 1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee
PROPOSAL: 137 Lot Rural – Residential Subdivision

PRIMARY MATTERS	COMPLIANCE	COMMENTS
Part 1 Preliminary		
2. Aims, objectives etc(a)		
(a) to promote the balanced development of the region, the improvement of its urban and rural environments and the orderly and economic development and optimum use of its land and other resources, consistent with conservation of natural and man made features and so as to meet the needs and aspirations of the community,	Yes	The development achieves an appropriately balanced outcome, protecting the key environmental attributes of the site. The needs and aspirations of the community are reflected in the local planning controls. It is discussed later in this report that the proposal is consistent with the aims and objectives of the controls.
(b) to co-ordinate activities related to development in the region so there is optimum social and economic benefit to the community, and	YES	The development creating housing opportunities in a location where existing infrastructure and services can be utilised. It will provide employments opportunities within the area. A public foreshore open space area with boardwalks will be created along the Manning River.
(c) to continue a regional planning process that will serve as a framework for identifying priorities for further investigations to be carried out by the Department and other agencies.	No	The subject site is not identified for further investigation
(2) The aims will be implemented in this plan by specifying:	N/A	
(a) objectives for the future planning and development of the region,		
(b) regional policies to guide the preparation of local environmental plans and development control plans, to control development and to control activities in the region, and	N/A	
(c) principles relating to future needs of the region, future development opportunities and requirements and the manner in which the effects of growth and change are to be managed.	Yes	The proposal will contribute towards new residential allotments available in the Greater Taree City Council area.
3 Region to which plan applies		
This plan applies to land declared to be a region by the Minister under section 4 (6) of the Act, being all land in the Cities of Cessnock, Greater Taree, Lake Macquarie, Maitland and Newcastle and the Shires of Dungog, Gloucester, Great Lakes, Merriwa, Murrumbidgee, Muswellbrook, Port Stephens, Scone and Singleton.	Yes	The site is located within the Greater Taree LGA and as such the plan applies.

PRIMARY MATTERS	COMPLIANCE	COMMENTS
4. Relationship to other environmental planning instruments	Noted	
5. Definitions	Noted	
6. Adoption of model provisions		
7. Duties of certain public authorities in relation to plan preparation and development consents	Noted	
Where: (a) an environmental planning instrument applying to the region or a part of the region provides (or is deemed to have provided) that development specified in the instrument may not be carried out except with consent under the Act being obtained, and an application is made to carry out development,	YES	Consent is applied for and recommended
(b) under an environmental planning instrument applying to the region or a part of the region, certain development specified in the instrument cannot be carried out because of a development standard applying to the development but nevertheless application to carry out that development is made to the consent authority pursuant to the provisions of State Environmental Planning Policy No 1—Development Standards ,	Noted	Under the provisions of Part 3A, the Minister has discretion to vary a development standard, without the need to apply the provisions of SEPP 1.
(c) a council decides or is directed to prepare a draft local environmental plan or the Director prepares a draft regional environmental plan applying to a part or to the whole of the region,	N/A	The draft GTLEP 2008 is currently on exhibition. The Council must have had regards to this provision in its preparation of the draft plan.
(d) the Minister, pursuant to section 101 of the Act, gives a direction in writing to a consent authority to refer to the Secretary for determination by the Minister a particular development application or development applications of a particular class or description,	N/A	
(e) an environmental planning instrument applying to the region or a part of the region provides that development specified in the instrument may be carried out without the consent of the council, or without the necessity for consent under the Act being obtained from a consent authority, and that development, being development that is an activity within the meaning of Part 5 of the Act, is proposed to be carried out,	N/A	
then a consent authority, the Director, the Minister or a determining authority (as the case may be) should, in carrying out its or his or her function under the Act or under the instrument concerned, and for the purpose of advancing the aims and objectives of this plan enumerated in clause 2, consider the content of the background report and the objectives, policies and principles contained in this plan and relevant to the matter.	YES	Consideration has been given to all the policy documents, planning instruments and statements.
Part 2 Social Development		
Division 1 Housing		

PRIMARY MATTERS	COMPLIANCE	COMMENTS
Objectives (a) to provide opportunities for adequate provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups throughout the region, and (b) to ensure that the design and siting of residential development meets community needs, minimises impact on the natural environment and involves the quality of the region's built environment.	Yes	(a) The site contains a variety of allotments, with varying amenities. Local pricing mechanisms are likely to result in the creation of allotments that are more affordable. (b) The development has had regard to the sites environmental attributes. The allotments provide the opportunity to create high quality housing which will contribute to the local built environment. The needs of the community are reflected in the local planning controls. It is discussed later in this report that the proposal is consistent with the aims and objectives of the controls.
9 Policies for plan preparation	N/A	It is not proposed to create a new LEP.
10 Policies for control of development Councils should not consent to development for residential or rural residential purposes, or for caravan parks, unless they have made an assessment of the need for health, education and welfare facilities and services and the availability of existing facilities and services to serve additional residents.	Yes	The site is able to use the existing social infrastructure available in Tinonee and Taree. There is sufficient capacity within this infrastructure to meet the demand likely to be generated by the development.
11 Principles		
(1) Councils should prepare housing strategies which will assist in the provision of secure, appropriate and affordable housing to meet the needs of different population groups.	N/A	Council is has prepared a Draft LEP and a Draft DCP which responds to this.
(2) Councils, the Department and the Department of Housing should encourage urban consolidation through dual occupancy, infill, redevelopment, retention and restoration of existing housing stock and conversion of buildings in appropriate locations.	YES	The development is for a rural residential setting in a rural zone. Dual occupancy is not considered appropriate.
Division 2 Health, education and community services		
12 Objectives		
The objective of this plan in relation to planning strategies concerning health, education and community services is to encourage the co-ordinated provision of facilities and services designed to meet the needs of user groups and accessible to those groups.	YES	Section 94 Contribution payments are to be made to assist in the provision of services.
13 Policies for plan preparation	N/A	
14 Principles	N/A	
Part 3 Economic development		
Division 1 Industrial development	N/A	The principles in cl. 17 are not relevant to the project.
Division 2 Commercial Development	N/A	The principles in cl. 20 are not relevant to the project.
Division 3 Tourism	Yes	The project will not produce or promote tourism. This is acceptable because of the nature of the development and the other needs that it will satisfy (i.e need for housing). The development does not however obstruct or prevent tourism.
Part 4 Land use and settlement		
Division 1 Rural land		

PRIMARY MATTERS	COMPLIANCE	COMMENTS
The objectives of this plan in relation to planning strategies concerning rural land are: (a) to protect prime crop and pasture land from alienation, fragmentation, degradation and sterilisation, (b) to provide for changing agricultural practices, and (c) to allow for the development of small rural holdings and multiple occupancy on land capable of such developments in appropriate locations.	Yes	The lands are classified as class 3, 4 and 5 in the agricultural land classifications. The lands are not prime agricultural lands. The lands are considered suitable for small rural holdings, as reflected by the zonings.
26 Policies for plan preparation	N/A	This is not a rezoning proposal and not a draft LEP
27 Policies for control of development	Yes	The lands are not prime agricultural lands.
28 Principles	N/A	
Division 2 Urban Land	N/A	The site is not classified as Urban Land.
Part 5 Transport		
32 Objectives	N/A	
33 Policies for Plan preparation	N/A	
34 Policies for control of development		
A council: (a) should not grant consent to the carrying out of any development involving the storage or handling of goods or materials which are likely to be delivered by heavy transport vehicles, unless it has considered whether use could be made of a transport mode other than road which, in the opinion of that council, is economically practicable, and (b) should not grant consent to the carrying out of development on land having frontage to a main or arterial road unless: (i) all vehicular access to the land is from a road other than a main or arterial road, where practicable, or (ii) the council is satisfied that the applicant has demonstrated that there will not be an adverse effect on traffic movement in the area as a result of the development.	YES	The proposed subdivision will be accessed from an arterial road. This is the most practical and appropriate access to the subdivision. Council and the RTA have advised they are satisfied with the access point from the arterial road.
35 Principles	N/A	
Division 1 Roads, railways and public transport	YES	The proposal includes cycle ways and pedestrian access throughout the site, in particular access to the foreshore,
Division 2 Ports and Airports	N/A	
Part 6 Natural resources		
Division 1 Mineral resources and extractive materials	N/A	
Division 2 Soil, water and forest resources	N/A	
42 Objective		

PRIMARY MATTERS	COMPLIANCE	COMMENTS
The objective of this plan in relation to planning strategies concerning soil, water and forest resources is to manage the resources of the region in a co-ordinated manner so as to sustain their productivity and condition, and so as to meet community needs while ensuring that adverse impacts on the environment and the population likely to be affected are minimised.	Yes	The proposal achieves a balanced outcome which will result in acceptable environmental and social impacts and allow utilisation of land resources.
43 Policies for plan preparation	N/A	It is not proposed to create a new LEP.
44 Policies for control of development		
(1) Councils, in considering proposals for development in the catchment area of an existing or proposed dam, or aquifer recharge area:	YES	The proposal incorporates several detention basins, which will result in the same level of pre development discharge. The DWE has proposed a condition of consent.
(a) should consider the impact the proposed development is likely to have on water quality and availability, and (b) should apply conditions which are relevant to the appropriate use and will ensure maintenance of adequate water quality and availability.		approval to ensure that ground water is not intercepted or polluted. This condition will be imposed.
(2) Councils, in considering proposals for development in Crown Timber Lands, should consider the impact of the proposed development on forest resources.	N/A	
Part 7 Environment protection		
Division 1 Pollution control		
45 Objective The objective of this plan in relation to planning strategies concerning pollution control is to control development so as to minimise air, noise and water pollution.	Noted	
46 Policies for plan preparation	N/A	
47 Policies for control of development		
(1) A consent authority should not grant consent to the carrying out of development listed in Schedule 3 to the <i>Environmental Planning and Assessment Regulations 1980</i> (including development comprising the expansion of an existing facility) unless it is satisfied that: (a) topographic and meteorological conditions are such that air pollutants would have no significant adverse effect, (b) an appropriate buffer zone can be provided to ensure that noise, dust and vibration are maintained at acceptable levels, (c) the best practicable technology for air, water and noise pollution control will be incorporated in the design and operation of the equipment and facilities to be used for the purposes of the industry, (d) there will be no significant deterioration of air or water quality as a result of emissions from that equipment or those facilities, and (e) the site will not become contaminated within the meaning of Part 5 of the Environmentally Hazardous Chemicals Act 1985 .	N/A	This is not designated development

PRIMARY MATTERS	COMPLIANCE	COMMENTS
(2) A council should not grant consent to any development unless it is satisfied that: (a) there is adequate provision for setbacks between the development and existing watercourses, (b) an adequate vegetation cover is maintained or reinstated so as to minimise soil erosion, (c) where necessary, adequate retardation basins, grassed floodways, sedimentation pits and trash collection facilities are established and maintained, and (d) adequate measures are provided to control soil erosion during construction of the development.	YES	The Proponent is proposing a public foreshore reserve (to be dedicated to Council) which will act as a buffer between the development and the Manning River. The Proponent proposes to retain approximately 29ha of vegetation on site as well as rehabilitate a further 6ha (approximately) of vegetation within the proposed drainage reserve.
Division 2 Waste disposal	N/A	
50 Policies for control of development	N/A	
51 Principles	N/A	
Division 3 Environmental hazards	YES	
52 Objectives		
The objectives of this plan relating to planning strategies concerning environmental hazards are to: (a) minimise the effects of soil erosion and land slip, (b) control developments on flood liable lands and encourage flood plain management practices which ensure maximum personal safety and appropriate land uses, (c) control development so as to minimise the dangers of coastal erosion and storm damage, (d) minimise the dangers of bushfires to all forms of development, especially residential development in fire prone areas, and (e) minimise the danger of mine subsidence to all forms of development.	YES	(a) Conditions of consent have been applied to ensure that appropriate erosion and sediment controls are in place. A geotechnical evaluation has been undertaken which has identified portions of the site which have a steep gradient and are therefore not suitable for development. The subdivision layout has had regard to these constraints. (b) Areas of the site are below the flood level. The Proponent is proposing to fill these areas. (c) The development is setback from the River which is the portion of the site, which is most likely to be affected by Coastal erosion or storm impacts. (d) The rural fire service have been consulted and have supplied conditions (e) There are no known mine works on or under the site.
53 Policies for plan preparation and control of development		
(1) In preparing draft local environmental plans or determining applications for consent to development for urban, tourist or rural residential purposes, councils should consider the likelihood of erosion, land slip, flooding, coastal erosion or storm damage, bushfire hazards, mine subsidence and cumulative catchment-wide impacts, together with the means of controlling and managing such impacts.	YES	The matters raised have been assessed, as detailed in the section above discussing compliance with the objectives of cl.52.
(2) In assessing the likely extent of the hazard, the council should: (a) ensure that due recognition is paid to the principles of personal safety and property protection as outlined in the Department's Circular No C.10—Planning in Fire Prone Areas and Chapter 5 of the Department's "Rural Lands Evaluation Manual" (revised edition dated 1988), and (b) take into account the requirements of the Department of Public Works and Service's NSW Government <i>Coastline Management Manual 1990</i> and <i>Floodplain Development Manual 1986</i>.	YES	The application has approval of the Rural Fire service with conditions. The flood plain manual was considered in the assessment of the flooding issues.

PRIMARY MATTERS	COMPLIANCE	COMMENTS
3) Consent authorities should give consideration to arrangements under which a developer enters into a bond to ensure that erosion control works and restoration works are carried out in accordance with an approved development or management plan.	N/A	
54 Principles (1) Councils and public authorities should endeavour to minimise soil erosion and other forms of land degradation by preparing and adopting erosion and sediment control policies and best practice construction techniques and, where necessary, undertake restoration and erosion control works. (2) Councils should prepare management plans and introduce appropriate planning controls for flood liable lands. (3) Councils should prepare management plans for estuaries in accordance with the NSW Government's <i>Draft Estuary Management Manual</i> (1992).	YES	A condition of consent requires the applicant to comply with Greater Taree City Council's soil erosion control policy.
Division 4 Tall buildings	N/A	
Part 8 Conservation and recreation		
Division 1 Natural areas		
59 Objectives The objectives of this plan in relation to planning strategies concerning natural areas are to: (a) protect natural areas of geological, ecological or scenic interest such as important forests, bushlands, wetlands, rivers, estuaries, lakes, beach and dune systems, headlands, mountain ridges and escarpments, (b) strictly control any reduction in the extent of important natural areas, especially important habitats such as natural wetlands, (c) protect and preserve bushland within larger urban areas because of its natural, aesthetic, recreational, educational, scientific, soil conservation and habitat values, and (d) improve the aesthetic appeal and image of the region where possible and preserve existing	Yes	The subject site has frontage to the Manning River. The proposal will retain the natural features of the river by creating a public foreshore reserve between the river and the proposed development. The Proponent is proposing to rehabilitate approximately 6 ha of Endangered Ecological Community. The Proponent proposes to retain and preserve approximately 29 ha of vegetation through management plans and in perpetuity on title.
60 Definitions	N/A	
61 Policies for plan preparation	N/A	
62 Policies for Control of Development	N/A	
63 Principles	N/A	
Division 2 Recreation		

PRIMARY MATTERS	COMPLIANCE	COMMENTS
64 Objectives The objectives of this plan in relation to planning strategies concerning recreation are: (a) to ensure adequate provision of a wide range of recreation and leisure opportunities including a wide range of open space types in accordance with developing needs and capability of the land concerned, (b) to encourage compatible recreation and nature conservation and other land and water uses wherever appropriate throughout the region, and in particular to improve public access to natural areas, including foreshore and waterways, (c) to implement a regional open space program through a partnership of State and local government funding.	Yes	The proposal includes the creation of a public foreshore reserve which is to be dedicated to Council. The reserve is proposed to include boardwalks.
65 Policies for plan preparation	N/A	
66 Policies for control of development A consent authority, in considering proposals for development on land within 100 metres of the ocean or any substantial waterway should consider: (a) whether there is sufficient foreshore open space accessible and open to the public in the vicinity of the proposed development, (b) the likely impact of the proposed development on the amenity of the waterway, (c) the principles of any foreshore management plan applying to the area, and (d) any alternative use for which a waterfront site is essential.	Yes	Public open space (see above) will be provided along the foreshore, which will be readily accessible. The Proponent has adequately addressed stormwater issues in relation to water quality.
67 Principles	N/A	
Part 9 Miscellaneous		
68 Policies for plan preparation	N/A	This application is not for preparation of a plan

SUBJECT: SEPP 71 ASSESSMENT – CLAUSE 2: AIMS OF THE POLICY

APPLICATION: MP05_0038

PREMISES: Lot 53 DP 836998, Lot 542 DP 1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee

PROPOSAL: 137 Lot Rural – Residential Subdivision

MATTERS	COMPLIANCE	COMMENT
To protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and	YES	The proposed subdivision includes measures for the conservation of Aboriginal artefacts found on site, and also allows for the provision of public open space, and preservation of vegetation on site.
To protect and improve existing public access to and along coastal foreshores to the extent that it is compatible with the natural attributes of the coastal foreshore, and	N/A	The proposal includes the creation of public open space on the foreshores of the Manning River.
To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and	N/A	See above.
To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	YES	There are three known items found on site, these items will be protected.
To ensure that the visual amenity of the coast is protected, and	Yes	The subject site is location on the Manning River. The likely low scale nature of future development, along with the retention of a significant amount of vegetation and the rehabilitation of and EEC will reduce the visual impacts upon the coast.
To protect and preserve beach environments and beach amenity, and	N/A	There are no beaches in the vicinity of the site on the Manning River.
To protect and preserve native coastal vegetation, and	N/A	The Proponent will revegetate approximately 6 ha of EEC, retain approximately 29ha of existing vegetation, and further the Department is requiring consolidation of several allotments to further reduce clearing as the Proponent can not achieve the required level of vegetation offsets as per the Native Vegetation Act, 2003.
To protect and preserve the marine environment of New South Wales, and	N/A	The site is not adjacent to a marine environment
To protect and preserve rock platforms, and	N/A	There is no rock platforms located on the subject land.
To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the <i>Protection of the Environment Administration Act 1991</i>), and	Yes	The proposal is appropriate for the zone and subject site and is in accordance with the principles of ecologically sustainable development.
To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	YES	The application does not include construction of dwellings however residential development is the aim of the subdivision. Residential dwellings are considered to be appropriate in this context and a full assessment of the impacts and constraints on such development will be carried out when an application is submitted to construct dwellings.
To encourage a strategic approach to coastal management.	YES	The proposal generally complies with broader proposals for this location.

SUBJECT: SEPP 71 ASSESSMENT – CLAUSE 8: Matters for Consideration
APPLICATION: MP05_0038
PREMISES: Lot 53 DP 836998, Lot 542 DP 1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee
PROPOSAL: 137 Lot Rural – Residential Subdivision

MATTERS	COMPLIANCE	COMMENT
The aims of this Policy set out in clause 2	YES	See separate assessment.
Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	Yes	See assessment of proposal under Clause 2 of SEPP 71 above.
Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	Yes	See assessment of proposal under Clause 2 of SEPP 71 above.
The suitability of development given its type, location and design and its relationship with the surrounding area	Yes	The proposal is for rural residential subdivision, which will in the future contain dwellings. The form and pattern of development is consistent with the surrounding area. The proposal is suitable in this location.
Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	Yes	Given the scale and nature of the proposal it is unlikely that there will be any overshadowing of the Manning River.
The scenic qualities of the New South Wales coast, and means to protect and improve these qualities	Yes	The subject site is located on the Manning River. However the low scale subdivision along with the retention of a significant amount of vegetation, the rehabilitation of EEC, together with appropriate landscape treatment will minimise any visual impacts upon the river environs. The Proponent will revegetate approximately 6 ha of EEC, retain approximately 29ha of existing vegetation.
Measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act) and their habitats	Yes	The site has areas of koala habitat. Measures have been included to retain, preserve and enhance that habitat.
Existing wildlife corridors and the impact of development on these corridors	Yes	Several habitat corridors will be retained on site.
The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	Yes	The design of the development has taken potential processes and hazards into account. There are several areas of the site that will be required to be filled in order to ensure that the ground level is at an appropriate height.
Measures to reduce the potential for conflict between land based and water based coastal activities	N/A	
Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	Yes	There are three known artefacts on site, all of which will be protected.
Likely impacts of development on the water quality of coastal waterbodies.	Yes	Reticulated water and effluent disposal are available to the subject site however measure have been taken to ensure that there is appropriate water management measures to minimize any impact on the coast.

The conservation and preservation of items of heritage, archaeological or historic significance	Yes	There are no known European heritage items on the site. See above for aboriginal artefacts.
Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	N/A	
Only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient	N/A	

SUBJECT: State Environmental Planning Policy No. 44 – KOALA HABITAT PROTECTION
APPLICATION: MP05_0038
PREMISES: Lot 53 DP 836998, Lot 542 DP 1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee
PROPOSAL: 137 Lot Rural – Residential Subdivision

PRIMARY MATTERS	Compliance	Comments
Part 1		
3. Aims, Objectives etc		
This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline: (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and	YES	A condition of approval will require the preparation of a Koala Plan of Management in accordance with SEPP 44 and to the satisfaction of Council and the Director General of DECC. It should be noted that the matters the guidelines require to be assessed in a plan of management, have been assessed in this assessment process.
(b) by encouraging the identification of areas of core koala habitat, and	YES	Areas of core koala habitat has been identified and preserved.
(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones	YES	The Environmental zone 7(a) under GTLEP currently applies to the habitat area.
Part 2 Development Control of Koala Habitats		
6. Applied to land to which this Policy applied (listed in Schedule 1	YES	Greater Taree LGA is listed in Schedule 1
7. Step 1 - Is the land potential Koala Habitat?	YES	
(1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.	YES	The site has been identified as potential koala habitat
(2) A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.	YES	
(3) If the council is satisfied: (a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or (b) that the land is a potential koala habitat, it must comply with clause 8	YES	This site is confirmed to be koala habitat
8. Step 2 – Is the land core koala habitat?		
(1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies that it is satisfied is a potential koala habitat, it must satisfy itself whether or not the land is a core koala habitat.	YES	The site is identified as containing core Koala habitat.
(2) A council may satisfy itself as to whether or not land is a core koala habitat only on information obtained by it, or by the applicant, from a person with appropriate qualifications and experience	YES	

in biological science and fauna survey and management.		
(3) If the council is satisfied: (a) that the land is not a core koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or (b) that the land is a core koala habitat, it must comply with clause 9.	N/A	
9. Step 3 – Can development consent be granted in relation to core koala habitat?		
(1) Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies that it is satisfied is a core koala habitat, there must be a plan of management prepared in accordance with Part 3 that applies to the land.	YES	A Plan of Management will be required to be prepared prior to the issue of a CC for Stage 1.
(2) The council's determination of the development application must not be inconsistent with the plan of management.	N/A	
10. Guidelines – matters for consideration		
Without limiting clause 17, a council must take the guidelines into consideration in determining an application for consent to carry out development on land to which this Part applies.	YES	The guidelines have been taken into consideration
Part 3 Plans of Management		
11. Preparation of plan of Management		
(1) A plan of management may be prepared for: (a) the whole of a local government area listed in Schedule 1, or (b) a part of such a local government area (including an area of land that is the subject of a development application).	YES	As discussed above the plan of management will be required to be prepared and submitted to the satisfaction of Council and the Director-General of the Department of Environment and Climate Change, prior to the issue of the CC for Stage 1.
(2) Anyone (including a council) may prepare a plan of management.	YES	Prepared by the Applicant's consultant
(3) A plan of management is to be prepared in accordance with the guidelines.	YES	See assessment of guidelines below
12. Consultation with Director-General of National Parks and Wildlife		
A person who prepares a plan of management for the whole of a local government area listed in Schedule 1 must consult the Director-General of National Parks and Wildlife.	N/A	The Plan of Management is not for the whole of a local government area
13 Approval of Plan of management		
(1) A plan of management prepared by the council has no effect unless it is approved by the Director.	YES	Discussed above.
(2) A plan of management prepared by a person other than the council has no effect unless it is approved by the council and by the Director.	NOTED	
(3) A plan of management takes effect on the day it is approved by the Director or on a later day specified in it for the purpose.	NOTED	
14. Amendment or repeal of plan of management		
A plan of management may be amended or repealed by another plan of management prepared and approved in accordance with this Part.	Noted	

Part 4 Other environmental planning measures	N/A	
15 Surveys, environmental protection zones and development control plans	N/A	
16 Preparation of local environmental studies	N/A	
17 Guidelines—generally		
(1) In exercising any function under this Policy, a council must take into consideration the guidelines that are relevant to the exercise of the function.	Noted	
(2) Anyone may inspect the guidelines free of charge at any office of the Department of Planning during the hours when the office is open to the public.		

THE GUIDELINES

PRIMARY MATTERS	Compliance
2.1 Investigating Potential Koala Habitat for Core Koala habitat	
Decision as to whether land is core koala habitat must be provided by persons suitably qualified in biological science, fauna survey and management. Survey to be undertaken to assess the subject site for attributes	YES
2.2 Plans of Management	
2.2.1 Comprehensive Plan	N/A
2.2.2 Individual Plan	
To be forwarded to the Director for approval before being adopted by Council (clause 13)	Noted
Plans must have been approved by the Director and adopted by council before consideration of the DA can be completed.	Noted
Matters for consideration:	YES
(i) An estimate of population size	YES
(ii) Identification of preferred feed tree species for the locality and extent of resource available	YES
(iii) An assessment of the regional distribution of Koalas and the extent of alternative habitat available to compensate for that to be affected by the actions	YES
(iv) Identification of linkages of core koala habitat to other adjacent areas of habitat and movement of Koalas between areas of habitat. Provision of strategies to enhance and manage these corridors	YES
(v) Identification of major threatening processes such as disease, clearance of habitat, road kill and dog attack which impact on the population. Provision of methods for reducing these impacts	YES
(vi) provision of detailed proposals for amelioration of impacts on koala populations from any anticipated development within zones of core koala habitat	YES
(vii) identification of any opportunities to increase size or improve condition of existing core habitat, this should include lands adjacent to areas of identified core koala habitat	YES
(viii) the plan should state clearly what it aims to achieve (for example, maintaining or expanding the current population size or habitat area)	YES
(ix) The plan should state criteria against which achievement of these objectives is to be measured (for example, a specified population size in a specific time frame or the abatement of threats to the population)	YES

(x) This plan should also have provisions for continuing monitoring, review and reporting. This should include an identification of who will undertake further work and how it will be funded	YES
2.3 Granting of Consent by Council	N/A
2.4 Recording Core Habitat in Local Environmental Plans	N/A
2.5 Development Control Plans	N/A

SUBJECT: GREATER TAREE LOCAL ENVIRONMENT PLAN 1995 ASSESSMENT
APPLICATION: MP05_0038
PREMISES: Lot 53 DP 836998, Lot 542 DP 1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee
PROPOSAL: 137 Lot Rural – Residential Subdivision

PRIMARY MATTERS	RELEVANCE	REFERENCE & COMMENTS
Clause 6. Consent of Council for subdivision of land		
Land to which this plan applies may be subdivided only with the consent of the Council.	YES	Consent has been sought.
Clause 9. Aims of the Plan		
This plan generally aims to:	Noted	The proposal is consistent with the objectives of the Act. Refer to discussion in Section 3.8 of report.
(a) uphold and promote the objects of the Act;	Noted	The projects compliance with the zone objectives is discussed below.
(b) identify zones as referred to in clause 10 and achieve the objectives for each zone;	YES	The Project has been designed to maintain the key environmental features of the site. Any future dwellings will require a separate application which will need to be accompanied by a BASIX certificate.
(c) promote development which is environmentally sustainable and seeks to minimise use of non-renewable resources;	YES	The development does not conflict with any adjoining landuse.
(d) provide flexibility in the development potential of the City by ensuring a wide range of land use options, while minimising conflict between incompatible land uses;	Yes	The proposal is for a large scale rural-residential subdivision. The breakdown of the site into smaller allotments will eliminate the opportunity for broad scale farming. The smaller farm units will however provide the opportunity for a different scale of farm related activity. The development will not destroy the rural landscape. The site is not known to be desirable for extractive industries.
(e) prevent random development and subdivision of rural land which would create uneconomic farming units, destroy the rural landscape, or prejudice mining or extractive operations or future urban development;	YES	Plans of Management will be required to be prepared for the environmental protection zones (conditions of approval) to ensure their protection and enhancement within the constraints of the provisions of the RFS.
(f) ensure the protection of significant environmentally sensitive areas;	YES	The Rural Fire Service has been consulted to develop an appropriate response to bushfire hazards. A small portion of the site is flood affected. This area is to be filled to overcome this issue.
(g) minimise risks to life and property from natural hazards, particularly bushfire and flooding, by avoiding development likely to be exposed unduly to those risks;	YES	A public foreshore reserve is proposed (to be dedicated to Council). This will meet the recreation needs of residents. Other community facilities are available in Taree and Tinonee.
(h) provide for open space and community facilities sufficient to meet the needs of existing and future residents;	YES	The Proponent will be required to upgrade several intersections with the arterial road (The Bucketts Way).
(i) provide for future arterial road needs;	YES	Reticulated water and sewage is available and roads and access ways will be provided. Contributions will provide for wider facilities. The Proponent is
(j) provide for the general infrastructure necessary to cater for the needs of the community		

		also proposing the provision of public open space and cycle ways.
(k) provide land for adequate commercial facilities and encourage consolidation of major commercial activities in central business areas;	YES	The development is not of a scale that warrants the provision of larger commercial facilities. Smaller scale facilities may be able to be provided in the future should there be a demand, subject to its being demonstrated that they are consistent with the objectives of the zone.
(l) provide suitable land and service facilities so as to maximise the employment base and future employment opportunities throughout the City;	N/A	
(m) identify heritage conservation areas, enable the protection of items of environmental significance and ensure the conservation of the natural, historic, architectural and aesthetic character of the land; and	N/A	There are several aboriginal artefacts on site which will be preserved.
(n) encourage further development of tourism and recreational facilities, while minimising any adverse impact on the natural attractions and amenity enjoyed by permanent residents.	N/A	This proposal is a rural residential development with environmental zones and koala habitat
Clause 12 – General Rural Zone Objectives		
The objectives are:		
(a) the efficient sustainable agricultural utilisation of rural land, particularly prime crop and pasture land;	N/A	The proposed development is an efficient use of agricultural, providing the opportunity for smaller scale farming uses.
(b) the conservation of prime crop and pasture land by ensuring that: * it is not unnecessarily converted to non-agricultural purposes; * any allotment created for intensive agriculture is potentially capable of sustaining it without detrimental effect on the environment of the locality; and * development will not have a detrimental effect on agricultural operations in the locality;	N/A	The lands are classified by the Department of Primary Industries at Class 3,4 and 5 and are not prime agricultural land.
(c) the protection or conservation of: * soil stability by controlling development in accordance with land capability; * forests of commercial value for timber production and trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is likely to reduce land degradation; * land affected by acid sulphate soils by controlling development of that land likely to affect drainage or cause soil disturbance; *valuable deposits of minerals and extractive materials by controlling the location of development to enable the efficient extraction of those deposits; * water resources;	Yes	Development will be limited to areas on the site where the land capability is acceptable. The Proponent has provided a site assessment of soil/ slope risk and has identified the parts of the site suitable for development
	N/A	
	Yes	The Proponent has undertaken a small sample of tests which have identified Acid Sulphate Soils potential. Further testing is required to confirm the potential and establish if an acid sulphate soil management plan is required, A condition of approval will require further assessment prior to the commencement of works.
	Yes	
	Yes	There is not known to be any valuable minerals on the site. The development will connect to reticulated water and sewer systems. The on site stormwater detention system is unlikely to have significant impacts upon water quality.

* environmental values of the land and visual amenity including landscape and scenic quality, rural character and tourism values	Yes	The Proponent intends to retain approximately 29ha of vegetation site, in addition to the rehabilitation of 6ha of EEC in the proposed drainage reserve. The scenic qualities of the site will be retained through this vegetation retention and rehabilitation and will be further augmented through the landscape treatment of the public domain and private properties.
(d) the protection of development from significant hazards particularly risks from bushfire or flooding so that development would not be likely to increase those hazards;	Yes	The RFS supports the bushfire protection measures proposed, and further the Proponent will fill certain areas of the site, to minimise flooding impacts.
(e) the location of development in such a way as to avoid creation of road traffic hazards or ribbon development along roads; and	Yes	The RTA and Council have advised that the development is acceptable in terms of traffic impacts. These agencies require that two intersections be upgraded to specified standards and to the satisfaction of Council. Appropriate conditions have been included.
(f) the regulation of development so that it: * upholds the principles specified in paragraph (c); and * does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.	Yes Yes	See above The proposed development of the site represents orderly economic development
Objectives of zone 1(c1) Rural Residential		
Objectives specified in Clause 12		See discussion above
the identification of land suitable for residential development in a rural setting within areas that are serviced by sewerage and suitable for intensive rural living;	Yes	The site can be connected to reticulated sewerage. The lands have been cleared in the past and any remaining environmental features have been preserved. The land is suitable for this form of rural living.
the preservation of the rural residential amenity so that development remains compatible with that amenity; and	Yes	The development will maintain the rural amenity of the area.
the regulation of development so that it provides for the efficient distribution and utilisation of community facilities.	Yes	
Without consent Agriculture (other than intensive agriculture or building structures ancillary to agriculture); forestry.	N/A	Agricultural activities are not proposed
Only with consent Any development other than development which is permissible without consent or which is prohibited.	Yes	The proposed works are generally consistent with the zone objectives
Prohibited Except as otherwise provided by this Table, all development which is not consistent with such objectives of this zone as are relevant to the particular case.	N/A	The proposed works are generally consistent with the zone objectives and are therefore considered permissible under the LEP 1995
Rural Provisions Clause 16. Subdivision and development within Zone No. 1(c1) or 1(c2)		

(1) The Council may consent to the subdivision of land zoned 1(c1) or 1(c2) only if: (a) each allotment created by the subdivision has an area of not less than: * 4000 square metres for land zoned 1(c1) where sewerage is available to the land; * 8000 square metres for land zoned 1(c1) where sewerage is not available; or * 2 hectares for land zoned 1(c2); (b) the average size of the allotments is not less than: * 1.5 hectares for land zoned 1(c1) where sewerage is not available, provided that any allotment of more than 4 hectares is excluded from the assessment of the average size of allotments; or * 20 hectares for land zoned 1(c2), provided that any allotment of more than 40 hectares is excluded from the assessment of the average size of allotments;	No N/A N/A N/A N/A	This issue is discussed in detail in section 5.1 of the report. Sewer is available None of the site is zoned 1(c2) Sewer is available None of the site is zoned 1(c2)
c) it is satisfied that suitable arrangements have been made for the provision of: * a reticulated water supply and electricity for land zoned 1(c1) and sewerage also where the land is to be subdivided into lots having an area less than 8000 square metres; * a reticulated electricity supply for land zoned 1(c2); and (d) there is no new means of vehicular access to an arterial road.	Yes N/A Yes	The site can be serviced by reticulated water, sewer and electricity. None of the site is zoned 1(c2) One new intersection is proposed to be constructed with The Bucketts Way. RTA and Council advise that this is satisfactory and have recommended conditions of approval that specify that the new intersection is required to be constructed to a certain standard.
(2) Omitted by Government Gazette dated 8.9.00.		Nil comment
(3) The Council may not consent to the erection of a second detached dwelling on land zoned 1(c1).		
(4) The Council may consent to development for the purposes of cluster housing on land zoned 1(c1) only where the proposed development has a density of not more than one dwelling for each: (a) 4000 square metres of the land where sewerage is available; or (b) 1.5 hectares of the land where sewerage is not available.	N/A	The proposal is for subdivision only.
(5) An allotment of land which is used for cluster housing may not be subdivided except under the Community Land Development Act 1989.	N/A	The proposal is for subdivision only
(6) Despite subclause (1), the Council may consent to the subdivision of land zoned 1(c2) to create an allotment of less than 20 hectares if it is satisfied that the allotment is intended to be used for a purpose (other than agriculture, a dwelling or a duplex dwelling) for which it may be used with or without the consent of the Council.	N/A	Site is zoned 1(c1)
(7) The Council must not consent to development pursuant to this clause if that consent would result in a total number of lots created pursuant to this clause in the whole city in a 10-year period exceeding the number specified by the Director and notified in writing to the Council.		

ZONE No. 6(a) OPEN SPACE RECREATION		
Objectives of zone	Yes	The Proponent is proposing to landscape the foreshore area, including the construct of boardwalks.
(a) the development of open space in a manner which optimises the satisfaction of recreation needs of the community; and		
(b) the provision of development associated with, ancillary to, supportive of, or compatible with, recreational use.	Yes	The Proponent will provide pedestrian and bicycle access to the proposed public foreshore reserve.
Without consent Works for the purpose of landscaping, gardening or bushfire hazard reduction.	N/A	Consent has been sought for the works.
Only with consent Any development other than development which is permissible without consent or which is prohibited.	Yes	The proposed works are generally consistent with the zone objectives
Prohibited Except as otherwise provided by this Table, all development which is not consistent with such objectives of this zone as are relevant to the particular case.	N/A	The proposed works are generally consistent with the zone objectives and are therefore considered permissible under the LEP 1995
ZONE No. 6(b) OPEN SPACE PRIVATE		
Objectives of zone		
(a) the development of open space in a manner which optimises the satisfaction of private recreation needs of the community; and	N/A	Part of the site is zoned 6(b) and is currently under private ownership. The status of ownership will not change as a result of the proposed development
(b) the provision of development associated with, ancillary to, supportive of, or compatible with, private recreational use.		
Without consent Works for the purpose of landscaping, gardening or bushfire hazard reduction.	N/A	Consent has been sought for the works.
Only with consent Any development other than development which is permissible without consent or which is prohibited.	N/A	The proposed subdivision works are generally consistent with the zone objectives
Prohibited Except as otherwise provided by this Table, all development which is not consistent with such objectives of this zone as are relevant to the particular case.	N/A	The proposed subdivision works are generally consistent with the zone objectives and are therefore considered permissible under the LEP 1995
Open Space provisions		
Clause 23. Use of open space		
(1) The Council may consent to the development of land within an open space zone only if the Council has considered:		
(a) the need for the proposed development;	Yes	The need for the development is not considered to be any less than that of any typical development.
(b) the impact of the proposed development on the existing or likely future use of the land; and	Yes	The subdivision will place portions of the 6(b) zoned land in separate ownership. The majority of the land will however remain in a single allotment,

(c) the need to retain the land for its existing or likely future use.	Yes	which contains sufficient area to accommodate a variety of future uses. There is a sufficient consolidated body of 6(b) zoned land remaining, which is suitable for any future private recreation use.
(2) Nothing in this plan prevents a person from carrying out development for bushfire hazard reduction purposes on bushland zoned or reserved for open space purposes.	Noted.	
ZONE No. 7(a) ENVIRONMENTAL PROTECTION HABITAT		
Objectives of zone (a) the protection and conservation of features which are environmentally sensitive or delicate, or of particular environmental interest; and	Yes	The site is koala habitat. The parts of the site zoned 7(a) will be retained and preserved under a habitat and vegetation management plan. The EEC on site will be rehabilitated.
(b) the regulation of development to avoid inappropriate uses which would destroy or damage a habitat ecosystem, particularly that of wetlands, significant vegetation or wildlife.	Yes	The proposal involves the retention of existing significant vegetation and the revegetation of 6ha of vegetation within the drainage reserve. In so doing, the koala habitat and movement corridors are preserved, as well as other threatened species habitat. No wetlands are on / adjacent to the site.
Without consent Nil.	N/A	Consent has been sought for the works.
Only with consent Any development other than development which is prohibited.	Yes	The subdivision works are generally consistent with the zone objectives
Prohibited Except as otherwise provided by this Table, all development which is not consistent with such objectives of this zone as are relevant to the particular case.	Yes	The proposed works are generally consistent with the zone objectives and are therefore considered permissible under the LEP 1995
Environmental Protection provisions Clause 25. Subdivision within Environmental Protection zones		
(1) The Council may only consent to the subdivision of land zoned 7(a), 7(d), 7(f1) or 7(f2) if the area of each allotment to be created by the subdivision is not less than 40 hectares.	Yes	The 2 existing allotments within the area zoned 7(a) are both less than 40 hectares. Two lots will be created containing the 7(a) zoned areas which will include a portion of the Lot zoned 1(c1). The 7(a) area in Lot 308 is 9.61ha and the area of 7(a) land in Lot 502 is 11.87ha. Therefore the lots created cannot meet the minimum lot size of 40ha. The area zoned 7(a) will be reduced in size. Area for Lot 502 will be 15.49ha and Lot 308 will be 11.28ha
(2) Where land referred to in this clause has frontage to an arterial road, the Council may consent to the subdivision of that land only if that frontage is not less than 200 metres.	Yes	The frontage to The Bucketts way is approximately 975m.
Clause 26. Dwellings within Environmental Protection zones	N/A	There are no dwellings proposed in the 7(a) zone
(1) In this clause, a reference to a dwelling includes a reference to a duplex dwelling.	Noted	

(2) The Council may consent to the erection of a dwelling on an allotment of land zoned 7(a), 7(d), 7(f1) or 7(f2) only if the allotment:	N/A	As above
(a) has an area of not less than 40 hectares;	N/A	As above
(b) is an "existing holding" within the meaning of a former environmental planning instrument which was in force immediately before the appointed day;	N/A	As above
(c) is the subject of a consent granted under a former environmental planning instrument or which was created under State Environmental Planning Policy No. 4 - Development Without Consent and would have been eligible for the erection of a dwelling under clause 10(2) of Manning Local Environmental Plan No. 1 or clause 11(2) of Greater Taree Local Environmental Plan No. 3;	N/A	As above
(d) is the subject of a consent for a dwelling granted prior to the appointed day, whether or not that consent has lapsed; or	N/A	As above
(e) is land referred to in Schedule 1.	N/A	As above
Clause 27 Development within and adjoining Environmental Protection Habitat zone or Scenic zone		
(1) A person shall not clear, drain, excavate or fill land zoned 7(a) or 7(d) except with the consent of the Council.	YES	Consent has been sought.
(2) The Council may consent to the development of land zoned 7(a) or 7(d), or land adjoining or contiguous to that land, but only if it has taken into consideration:	N/A	There is no development or clearing to occur on the land within the site zones 7(a).
(a) the likely effects of the development on the water table and on the flora and fauna found on the land;	YES	The impacts on flora and fauna
(b) the effect on any wetlands of any proposed clearing, draining, excavating or filling;	N/A	There is no development or clearing to occur on the land within the parts of the site zoned 7(a).
(c) the habitat value of the land;	Yes	The subject site contains Core Koala Habitat and threatened flora and fauna species. The Department considers that the level of protection proposed by the Proponent, together with the conditions of approval, minimises impacts upon flora and fauna.
(d) whether adequate safeguards and rehabilitation measures are proposed to protect the environment;	Yes	The Proponent will be required to implement a Habitat and Vegetation Management Plan.
(e) the objectives and goals of the "National Conservation Strategy for Australia" referred to in clause 7 of State Environmental Planning Policy No. 14 - Coastal Wetlands, in so far as they relate to wetlands;	N/A	There are no SEPP 14 Wetlands on the subject site
(f) whether consideration has been given to any feasible alternative to the proposed development; and	N/A	The subject site is zoned for rural residential development

(g) comments received as a result of any advertising of proposals and advice from relevant public authorities.	Yes	The Department has taken into consideration comments from public authorities.
(3) Omitted by Government Gazette dated 8.9.00.		
(4) This clause does not apply to: (a) the management of Wingham Brush, as detailed in the "Wingham Brush Regeneration Assessment" prepared by the National Herbarium of New South Wales; and	N/A	
(b) clearing for the purposes of survey sight lines at survey trig stations.	N/A	
Clause 35. Development along arterial roads		
(1) The Council may consent to the development of land having frontage to an arterial road but only if: (a) access to that land is provided by a road, other than an arterial road, wherever practicable; and (b) in the opinion of the Council, the safety and efficiency of the arterial road will not be adversely affected by: * the design of the access to the proposed development; * the emission of smoke or dust from the proposed development; or * the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.	Yes Yes Yes Yes	The Bucketts Way is classified as a main road. There is no other suitable point of access to the site. Access to the majority of the proposed allotments will be from the proposed internal road network. The RTA and Council have indicated their support for this arrangement. Council and RTA have recommended conditions to ensure that the intersection is built to the appropriate standards. The development is not likely to create smoke and dust from the greater than that from other rural-residential developments. Council and the RTA are satisfied with the arrangements subject to their being an appropriately constructed intersection.
(2) The Council shall not consent to the development of land zoned 1(a), 1(b1), 1(b2), 1(c1), 1(c2) or 1(f) for any purpose listed in Schedule 4 if the development will have direct access to: (a) an arterial road; or (b) a road connecting an arterial road, and the access to that development is within 90 metres of the arterial road.	Yes	See cl.35 1(a) above
Clause 36. Provision of services to development		
The Council may grant consent to the development of any land but only if it is satisfied that, where appropriate: (a) a water supply, sewerage and drainage facilities are available to that land; or	Yes	The site can be adequately serviced by reticulated water and sewer.

(b) arrangements satisfactory to the Council and to the water supply authority have been made or are required to be made, for the provision of that supply and those facilities.		
Clause 37. Dwellings generally		
Where in this plan a provision enables the erection of a dwelling (whether or not the consent of the Council is required), a person shall not erect more than one dwelling on a lot, portion or parcel without the consent of the Council.	N/A	The construction of dwellings is not proposed as part of this application.
Clause 41. Advertisements		
(1) A person shall not display an advertisement on land within a rural or environmental protection zone other than:	N/A	No advertising structures are proposed.
(a) an advertisement of the kind permitted by subclause (2); or (b) a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest.		
(2) An advertisement shall not be displayed on land within a residential or open space zone unless it:	N/A	No advertising structures are proposed.
(a) relates to that land, or to a building situated on that land or adjacent land; and (b) specifies one or more of the following particulars: * the purpose for which the land or building is to be used; * the identification of a person residing or carrying on an occupation or business on the land or in the building; * a description of an occupation or business referred to in this clause; * particulars of the goods or services dealt with or provided on the land or in the building.		
(3) The consent of the Council is not required for: (a) a sign supported under a shop awning or any shop window display; (b) a commercial sign; (c) a temporary advertisement displayed for a period not exceeding 2 months in total or in any one year; (d) a public notice in a public reserve; or (e) directional signs within a road reserve.	N/A	No advertising structures are proposed.

Clause 45. Development near zone boundaries		
(1) This clause applies to land which is: (a) within 20 metres of a boundary between any 2 of the following zones: Zone No. 1(c1), 2(a), 2(v), 3(a), 3(b), 4, 5, 6(a), 6(b), 7(a), 7(d), 7(f1), 7(f2), 8(a), 8(b), 9(a) or 9(b); (b) within 100 metres of a boundary between any 2 of the following zones: Zone No. 1(a), 1(b1), 1(b2) or 1(c2); or © within 20 metres of a boundary between a zone referred to in paragraph (a) and a zone referred to in paragraph (b).		
(2) The Council may consent to development on land referred to in this clause for any purpose for which development may be carried out on land in the adjoining zone if it is satisfied that it would be desirable due to planning, design, ownership, servicing or similar requirements and will not adversely affect the amenity of the locality.	N/A	The proposed development is a permissible within the zonings which apply to the site.
Clause 46. Development for certain additional purposes		
Nothing in this plan prevents a person, with the consent of the Council, from carrying out, on land described in Schedule 5, the development specified for that land in that Schedule, subject to such conditions (if any) as are so specified.	Yes	See below
This clause does not affect the application, to or in respect of development to which subclause (1) applies, of such of the other provisions of this plan as are not inconsistent with that subclause or with a consent granted for the development. Schedule 5 refers to <i>So much of Lot 53, DP 836998</i>, (part of the subject site) The Bucketts Way, Taree South, as is within Zone No 6 (b) and shown edged heavy black and lettered "6(b)" on the map marked "Greater Taree Local Environmental Plan 1995 (Amendment No 46)" and describes development for that lot as being <i>Development for the purpose of a manager's residence, in conjunction with an existing landscaped garden</i>	Yes	The development is consistent with Schedule 5. No works are proposed to the manager residence or the associated garden on lot 53.
ENVIRONMENTAL HAZARDS AND ENVIRONMENTALLY SENSITIVE LAND		
Clause 47. Conservation incentive		
(1) In this clause, "land of environmental conservation value" includes: (a) a wetland or land within an environmental protection zone; (b) land identified as containing aboriginal archaeological relics, or of aboriginal mythological significance, as identified by the National Parks and Wildlife Service; or (c) land required for riverbank protection or public access to foreshores.	N/A	The proposed use are permissible in the zone and do not rely on the conservation incentives.
(2) The Council may consent to the carrying out of development for any purpose which, but for this clause, would be prohibited, if the development will have the effect of:	Yes	The Proponent is proposing to create and dedicate an area of river foreshore to the Council. There are several areas of vegetation proposed to be

(a) achieving the dedication of land of environmental conservation value to public ownership if the Council determines it appropriate to accept the land for public purposes; or (b) otherwise ensuring that land of environmental conservation value is protected, enhanced or otherwise permanently conserved.		retained and will be managed under the terms of a Habitat and Vegetation Management Plan.
(3) The Council shall not grant consent under this clause unless it is satisfied that: (a) the development will not adversely affect that land or the amenity of land in the locality; and (b) the protection of that land could not be reasonably achieved by other means.	N/A	The development is not reliant upon this clause.
Clause 48. Development of flood liable land		
(1) For the purposes of this clause, "minor additions" means additions to a building or work where the additions have a floor area of not greater than 10 percent of the floor area of the existing building or work.		
(2) A person shall not erect a building or carry out a work on flood liable land recorded at the office of the Council without the consent of the Council.	Yes	Consent has been sought.
(3) The Council may, as a condition of its consent, require the floor of the building or work to be erected at a height sufficient, in the opinion of the Council, to prevent or reduce the incidence of flooding of that building or work or of adjoining land.	Yes	There are several areas identified as flood prone on the site. The Proponent will fill these parts of the site to an appropriate level.
(4) The Council shall take into account as a matter for consideration in determining a development application the effect of the proposed development on flooding.	N/A	See above
(5) The consent of the Council under this clause is not required for development involving minor additions to a building or work.	N/A	No building works proposed
Clause 49. Bushfire hazard		
(1) The Council may consent to the development of land zoned 1(c1) where it has identified a bushfire hazard only where provision is made for: (a) a road through that land to which individual access roads are linked; and (b) fire trails which link individual access roads or a through road, or both.	Yes	The Rural Fire Service are satisfied that subject to conditions, the project satisfies the requirements of <i>Planning for Bushfire Protection 2006</i> . See above.
(2) The Council may consent to the development of land in an urban zone where it has identified a bushfire hazard only where provision is made for: (a) a perimeter road or reserve which forms the perimeter of the hazard side of the land intended for the development;	N/A	The site is not in an urban zone

(b) a sufficient fire radiation zone managed for hazard reduction and located on the bushland side of the perimeter road; (c) residential lot depths appropriate to the fire hazard for lots adjoining the perimeter road; (d) a definition of that part of the land exposed to the bushfire hazard which may not be developed for urban purposes; and (e) controls which avoid placing inappropriate components of developments in hazardous areas.		
Clause 53. Landfill and drainage		
(1) Development consent is required for any works or other development on land for any purpose which has the effect of materially altering the shape or natural form of the land, including landfill, drainage works or maintenance of open drains.	Yes	Some filling is required in the vicinity of the river in order to provide finished surface levels above the 1 in 100 ARI (in this instance RL 7.6m). Other lots affected by flooding are located in the vicinity of the proposed detention basin. The local road network in this part of the site (which delineates the extent of the basin) will be constructed to contain the 1 in 100 local flood event thereby protecting the adjacent lots. The extent of fill is not expected to have an adverse impact on flood levels in the locality.
(2) Where the Council receives an application for consent to development for the purposes of drainage works or maintenance of open drains, it shall consult with NSW Fisheries before granting the consent.	Yes	The proposal was referred to the Department of Primary Industries for review and comment.
Clause 55. Appearance of development		
(1) The Council may consent to the development of land in conspicuous view of any waterway or arterial road, railway, only if it is satisfied as to the likely appearance of the proposed development when viewed from those locations.	Yes	The site has frontage to the Manning River and Carters Creek and the proposal includes the creation of a foreshore reserve which will be landscaped and embellished by the Proponent as part of the development and dedicated to Council upon registration of the first registered subdivision plan. The landscape treatment of this area will be the subject of a detailed landscape plan which will be required to be prepared by the Proponent and submitted to Council for approval. On this basis, it is considered that the appearance of the development from the river will be in keeping with Council's expectations for the area. Similarly, the frontage to The Bucketts Way will include a vegetated link to facilitate Koala movement which will also serve to screen future development

		on the site from the main road, thereby mitigating any adverse visual impact.
The Council may consent to development on or near any significant ridgeline only if it is satisfied that the development would not be likely to detract substantially from the visual amenity of the locality.	N/A	

SUBJECT: DRAFT GREATER TAREE LOCAL ENVIRONMENT PLAN 2008 (*PUBLIC EXHIBITION DRAFT*)
APPLICATION: MP05_0038
PREMISES: Lot 53 DP 836998, Lot 542 DP 1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee
PROPOSAL: 137 Lot Rural – Residential Subdivision

	Compliance	Comments
Clause 1.2 Aims of Plan		
(1) This Plan aims to make local environmental planning provisions for land in Greater Taree in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	Noted	
(2) The particular aims of this Plan are as follows:		
(a) to promote and encourage the ecologically sustainable development of Greater Taree,	Yes	The Department has assessed the proposal against the relevant ESD principles and has concluded that the proposal will deliver a high environmental performance (refer to Section 3.7.4).
(b) to encourage the proper management, development and conservation of natural and human made resources (including natural areas, forests, coastal areas, water, groundwater dependent ecosystems, agricultural land, extractive resources, towns, villages, and cultural amenities) for the purpose of promoting the social and economic welfare of the community, protecting ecological and cultural heritage and achieving a better environment,	Yes	A comprehensive analysis of the environmental impacts of the proposal has been undertaken as part of the Environmental Assessment. The Department has concluded that the proposal satisfactorily addresses each of the identified areas.
(c) to promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent land uses,	Yes	The proposal is permissible within each of the relevant land use zones.
(d) to facilitate the provision and co-ordination of community services and facilities,	Yes	Council has advised the Department as to the applicable contributions for the development. Appropriate conditions will be included in the approval.
(e) to encourage the protection of the environment, including the protection and conservation of native animals and plants, threatened species and endangered ecological communities and their habitats,	Yes	Some 29 ha of vegetation is to be retained and managed through covenants on title and the implementation of Vegetation and Habitat Management Plans.
(f) to minimise the exposure of development to natural hazards and risks,	Yes	Some parts of the site are affected by the 1 in 100 year flood level. These areas are proposed to be filled to ensure risk from inundation is minimised.
(g) to seek the provision of adequate and appropriate infrastructure to meet the needs of future development,	Yes	The site has access to a range of utility services which will be augmented as necessary to accommodate the additional demand generated by the proposal.

(h) to encourage a strong, growing and diversified economy that promotes local self-reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generations,	Yes	The additional resident population generated by the proposed development could reasonably be expected to make a positive contribution to the local economy through additional demand for goods and services.
(i) to encourage the consideration of social consequences when decisions are made in the implementation of this Plan.	Yes	As indicated above, Council has advised of the relevant Section 94 Contributions attracted by the proposal.

Clause 2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:	N/A	
(a) with consent, or		
(b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.		
(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.	Noted	

Clause 2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with consent.	Yes	This proposal seeks approval for subdivision of the land.
(2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:	N/A	
(a) widening a public road,		
(b) a minor realignment of boundaries that does not create:	N/A	
(i) additional lots or the opportunity for additional dwellings, or		
(ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,		
(c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,	N/A	
(d) rectifying an encroachment on a lot,	N/A	
(e) creating a public reserve,	N/A	
(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.	N/A	

Zone R5 Large Lot Residential

1 Objectives of zone		
• To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.	Yes	The proposed development incorporates a range of initiatives and mitigation measures which will ensure its compatibility with the rural setting.
• To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.	Yes	In view of the constraints imposed on the adjoining land (native vegetation including EEC's and the necessity for the creation of wildlife corridors), it is considered that the scale and density of development is appropriate in this context.
• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.	Yes	Section 94 Contributions will be levied commensurate with the scale and nature of the development and in accordance with Council's requirements.
• To minimise conflict between land uses within the zone and land uses within adjoining zones	Yes	The development proposed on this part of the site is compatible with the existing and potential future development on adjoining sites.
2 Permitted without consent	Noted	
Home occupations		
3 Permitted with consent	Yes	The proposed development is permissible
Bed and breakfast accommodation; Drainage; Dual occupancies (attached); Dwelling houses; Earthworks; Environmental protection works; Home-based child care; Home businesses; Home industries; Recreation areas; Roads; Secondary dwellings; Swimming pools		
4 Prohibited	Noted	
Any development not specified in item 2 or 3		
Zone RE1 Public Recreation		
1 Objectives of zone		
• To enable land to be used for public open space or recreational purposes.	Yes	The foreshore reserve will be used for public access to the Manning River and will be landscaped and embellished by the Proponent and dedicated to Council upon completion.
• To provide a range of recreational settings and activities and compatible land uses.		
• To protect and enhance the natural environment for recreational purposes.		
• To provide for a range of educational, environmental, community and cultural uses for the benefit of the community.		
2 Permitted without consent	Noted	
Environmental protection works; Flood mitigation works		

3 Permitted with consent Boat sheds; Building identification signs; Camping grounds (visitor and tourist accommodation only); Caravan parks; Car parks; Charter and tourism boating facilities; Child care centres; Community facilities; Environmental facilities; Helipads; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Water recreation structures	Yes	The proposed foreshore reserve is permissible
4 Prohibited Any development not specified in item 2 or 3	Noted	
Zone RE2 Private Recreation		
1 Objectives of zone • To enable land to be used for private open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes.		
2 Permitted without consent Nil	Noted	
3 Permitted with consent Building identification signs; Business identification signs; Car parks; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Helipads; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads	Noted	Existing dwelling on that part of the site proposed to be zoned RE2.
4 Prohibited Any development not specified in item 2 or 3	Noted	
Zone E2 Environmental Conservation		
1 Objectives of zone • To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. • To prevent development that could destroy, damage or otherwise have an adverse effect on those values.		
2 Permitted without consent Home occupations	Noted	
3 Permitted with consent Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Helipads; Roads	Noted	Existing dwelling is located on Lot 541 which is zoned part E2, part E3 and part R5

4 Prohibited

Noted

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Noted

Home occupations

3 Permitted with consent

Noted

Bed and breakfast accommodation; Caravan parks; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Roads

Existing dwelling is located on Lot 541 which is zoned part E3, part E2 and part R5

4 Prohibited

Noted

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

- (a) to encourage the efficient use of land,
- (b) to protect and enhance the built and natural environment of Greater Taree,
- (c) to minimise any potential land conflicts.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

Noted

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

No

The minimum lot sizes do not comply with the requirements for the R5 zone (4,000sqm min). The Department is of the opinion that the lot sizes as proposed are satisfactory (refer to Section 5.1).

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme. Noted

Clause 4.2A Erection of dwelling houses in residential, rural and environmental zones

(1) This clause applies to land in the following zones:

Zone RU1 Primary Production, Zone RU4 Rural Small Holdings, Zone R1 General Residential, Zone R2 Low Density Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management.

(2) Development consent must not be granted for the erection of a dwelling house or farm stay accommodation on vacant land in a zone to which this clause applies unless the land is:	N/A	The proposal does not seek approval for the erection of built form.
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(a) a lot created under clause 4.1, or	N/A	
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(b) a lot created in accordance with a development consent, or an approval under Part 3A of the Act, granted before this Plan commenced and on which the erection of a dwelling was permissible immediately before that commencement, or	N/A	
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(c) an existing holding.	N/A	
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(3) However, the consent authority may consent to the erection of a dwelling house on land to which this clause applies if:	N/A	
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(a) there is a lawfully erected dwelling on the land and the dwelling to be erected is intended only to replace the existing dwelling, or	N/A	
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(b) the land would have been a lot or a holding referred to in subclause (2) had it not been affected by:	N/A	
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(i) an adjustment of its boundaries that did not create an additional lot, or	N/A	
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(ii) a subdivision creating or widening a public road or public reserve or for another public purpose.	N/A	
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(4) In this clause: existing holding means:	N/A	
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(a) if on 2 June 1967 a person owned 2 or more adjacent lots, portions or parcels of land—the aggregation of the areas of those lots, portions or parcels of land, or	N/A	
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(b) in any other case—the area of a lot, portion or parcel of land as it was on 2 June 1967.	N/A	
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Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	Noted	As indicated previously in this report, the proposed subdivision does not comply with the minimum lot size standard. The Proponent has submitted adequate justification for the departure from the standard and both the Department and Council are of the opinion that the proposal is satisfactory in this instance.
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(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	Noted	As above
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(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Consent must not be granted for development that contravenes a development standard unless:	Noted	As above
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(a) the consent authority is satisfied that:

- (i) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:	Noted	As above
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(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 if:	Noted	As above
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(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	Noted	As above
(8) This clause does not allow consent to be granted for development that would contravene any of the following: (a) a development standard for complying development, (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated, (c) clause 5.4.	Noted	As above
Clause 5.3 Development near zone boundaries		
(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.	Noted	The proposal does not necessitate the use of this provision.
(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 100 metres for land in Zone RU1 Primary Production, Zone RU3 Forestry and Zone RU4 Rural Small Holdings, and in all other cases the relevant distance is 20 metres.		
(3) This clause does not apply to: (a) land zoned RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management or W1 Natural Waterways, or (b) land within the coastal zone, or (c) land proposed to be developed for the purpose of sex services or restricted premises.		
(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that: (a) the development is not inconsistent with the objectives for development in both zones, and (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.		
(5) The clause does not prescribe a development standard that may be varied under this Plan.		
Clause 5.5 Development within the coastal zone		
(1) The objectives of this clause are as follows:		

(a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development, (b) to implement the principles in the NSW Coastal Policy, and in particular to: (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and (iv) recognise and accommodate coastal processes and climate change, and (v) protect amenity and scenic quality, and (vi) protect and preserve rock platforms, beach environments and beach amenity, and (vii) protect and preserve native coastal vegetation, and (viii) protect and preserve the marine environment, and (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and (xi) protect Aboriginal cultural places, values and customs, and (xii) protect and preserve items of heritage, archaeological or historical significance.	Yes	The EA submitted as part of the Major Project application satisfactorily addresses the relevant environmental issues inherent to the development in the coastal zone. The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed through the Proponent's Statement of Commitments and the Department's recommended conditions of approval and can be suitably mitigated and / or managed to ensure a satisfactory level of environmental performance.
(2) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to: (i) maintaining existing public access and, where possible, improving that access, and (ii) identifying opportunities for new public access, and	Yes	The proposal includes the provision of a coastal foreshore reserve which will be enhanced and dedicated to Council.
(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:	Yes	The Proponent has undertaken to retain a minimum of 29.06ha of natural vegetation on the site as rehabilitate a 6ha area containing EEC. The retention of vegetative cover, combined with the relatively low scale of development will ensure that the natural scenic quality of the locality is not compromised.

- (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
(ii) the location, and
(iii) the bulk, scale, size and overall built form design of any building or work involved, and

(c) the impact of the proposed development on the amenity of the coastal foreshore including:

Yes

The subdivision is set back from the foreshore of the Manning River and will be screened through planting within the proposed Foreshore Reserve.

(i) any significant overshadowing of the coastal foreshore, and

(ii) any loss of views from a public place to the coastal foreshore, and

(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and

Yes

As above

(e) how biodiversity and ecosystems, including:

- (i) native coastal vegetation and existing wildlife corridors, and
(ii) rock platforms, and
(iii) water quality of coastal waterbodies, and
(iv) native fauna and native flora, and their habitats, can be conserved, and

Yes

The Statement of Commitments together with the conditions of approval recommended by the Department of Planning will ensure the preservation of important vegetation and wildlife corridors and the preservation of habitat.

(f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:

Yes

(i) on the proposed development, and

(ii) arising from the proposed development, and

(g) the cumulative impacts of the proposed development and other development on the coastal catchment.

Yes

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed through the Proponent's Statement of Commitments and the Department's recommended conditions of approval and can be suitably mitigated and / or managed to ensure a satisfactory level of environmental performance.

(3) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:		
(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and	Yes	Foreshore Reserve to be dedicated to Council for public use / access.
(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and	N/A	Will be connected to a reticulated system.
(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.	N/A	Will be connected to a reticulated system.

Part 7 Additional local provisions

Clause 7.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.		
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	Yes	The EA includes a report which examines the likelihood of acid sulphate soils on the site – identified as low.
(3) Development consent must not be granted under this clause for the carrying out of works unless:		
(a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with <i>Acid Sulfate Soils Manual</i> and has been provided to the consent authority, and		
<i>Class of land shown on the Acid Sulfate Soils Map Works</i>		
<i>1 Any works.</i>		
<i>2a Works below the natural ground surface. Works by which the watertable is likely to be lowered</i>		
<i>2b Works other than ploughing below the natural ground surface. Works by which the watertable is likely to be lowered</i>		
<i>3 Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i>		
<i>4 Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface</i>		
<i>5 Works within 500 metres of adjacent Class 1, 2a, 2b, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2a, 2b, 3 or 4 land.</i>		
	Yes	A condition has been included in the approval which requires additional testing to be undertaken to determine any acid sulphate soil potential and if required, the preparation of an Acid Sulphate Soil Management Plan to be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

(b) a copy of the plan and a copy of the development application have been provided to the Director-General of the Department of Environment and Climate Change and the consent authority has considered any comments of the Director-General made within 21 days after those copies were provided to the Director-General. Noted

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if: N/A

(a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan need not be carried out for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power): N/A

(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

(c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if: N/A

(a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works,

Or

(b) the works are not likely to lower the watertable.

(7) Clause 10 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* does not apply to development that requires development consent under this clause. Noted

Clause 7.2 Flood planning land

(1) The objectives of this clause are as follows:		
(a) to maintain the existing flood regime and flow conveyance capacity, (b) to enable safe occupation and evacuation of land subject to flooding, (c) to avoid significant adverse impacts on flood behaviour, (d) to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, (e) to limit uses to those compatible with flow conveyance function and flood hazard.	Noted	
(2) This clause applies to land shown as "flood planning land" on the Flood Planning Map and to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event.	Noted	
(3) Development consent is required for any development on land to which this clause applies.	Yes	Several of the proposed lots are affected by the 100 year flood event. Localised filling will be undertaken to provide finished surface levels higher than the flood level.
(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will not:	Yes	Council has reviewed the documentation submitted as part of the EA and has requested the inclusion of relevant conditions in the approval.
(a) adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, or	Yes	As above
(b) significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, or	Yes	As above
(c) affect the safe occupation of the land to which this clause applies, or	Yes	As above
(d) significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, or	Yes	As above
(e) be likely to result in unsustainable social and economic costs to the community as a consequence of flooding, or	Yes	As above
(f) be incompatible with the flow conveyance function of the floodway, or	Yes	As above
(g) cause or increase a flood hazard in the floodway.	Yes	As above
Clause 7.3 Earthworks		
(1) Development consent is required to excavate, drain or fill land, unless the work is exempt development under this Plan.	Yes	The application seeks approval for drainage works and localised fill as part of the subdivision proposal.
(2) Before granting any such consent, the consent authority must consider the following matters:		
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	Yes	The EA has satisfactorily addressed the water cycle

		management, hydraulic patterns.
(b) the effect of the proposed development on the likely future use or redevelopment of the land,	Yes	The proposed subdivision has been specifically designed to accommodate rural – residential development.
(c) the quality of the fill or of the soil to be excavated, or both,	Yes	Isolated areas will require fill to created building platforms outside the 1 in 100 flood interval. The Proponent has indicated that excavated material derived from the site will be used wherever possible.
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	Yes	Amenity will be addressed as part of future applications for built form.
(e) the source of any fill material or the destination of any excavated material,	Yes	The Proponent has indicated that excavated material derived from the site will be used wherever possible.
(f) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	Yes	The hydraulic information submitted as part of the EA fully addressed the likely impacts of the proposed development on the local water regime.

Clause 7.6 Subdivision of certain residential lots

Development consent must not be granted to the subdivision of the following land unless the consent authority is satisfied that each lot to be created by the subdivision can be connected to a reticulated water and sewerage system:

(a) land in Zone R5 Large Lot Residential that is in an area identified on the Lot Size Map as having a minimum lot size of 4,000 square metres,	Yes	The proposal can be completely serviced by reticulated water and sewer.
(b) land in Zone R1 General Residential,	N/A	
(c) land in Zone R2 Low Density Residential.	N/A	

Schedule 1

CI 5 Use of particular dwelling at The Bucketts Way, Taree South

(1) This clause applies to land at The Bucketts Way, Taree South that is in the RE2 Private Recreation Zone and is part of Lot 53, DP 836998.

(2) Development of a dwelling as a manager's residence, used in conjunction with the existing landscaped garden is permitted with consent.	Yes	There is existing development on Lot 53 (dwelling). The portion of the subject lot to be subdivided is not zoned RE2, and therefore should be assessed on its merit as part of this Major Project application. It is considered that the subdivision of lot 53 is satisfactory, and is permissible and achieves zone objectives.
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APPENDIX D. COMPLIANCE WITH DCPS AND OTHER PLANS AND POLICIES

SUBJECT: NSW COASTAL POLICY ASSESSMENT 1997
APPLICATION: MP05_0038
PREMISES: Lot 53 DP 836998, Lot 542 DP 1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee
PROPOSAL: 137 Lot Rural – Residential Subdivision

GOALS	OBJECTIVES	COMPLIANCE	COMMENT
1) To protect, rehabilitate and improve the natural environment.	a) to identify coastal lands and aquatic environments with conservation values and devise and implement acquisition policies, management strategies and controls to ensure that those values are protected,	Yes	The site is not identified for acquisition. Several conditions of consent will however ensure the protection of vegetation and fauna on site.
	b) to conserve the diversity of all native plants and animal species and to protect and assist the recovery of threatened and endangered species,	YES	The site is identified as koala habitat and conditions of approval will require the retention and management of the Core Koala Habitat. In addition, there is a threatened orchid known on site, <i>Diuris flavescens</i> . Conditions of approval will be included to ensure the management and retention of this species on site, within allotments.
	c) to improve water quality in coastal and estuarine waters and coastal rivers where it is currently unsatisfactory and to maintain water quality where it is satisfactory,	YES	Reticulated water and effluent disposal is available.
	d) to manage the coastline and estuarine environments in the public interest to ensure their health and vitality,	YES	A foreshore reserve area will be created and dedicated to Council to ensure its long term management
	e) to foster new initiatives and facilitate the continued involvement of the community in programs aimed at the restoration and rehabilitation of degraded coastal areas,	N/A	A foreshore reserve will be created, rehabilitated and enhanced including the construction of boardwalks, prior to being dedicated to Council. With the area in public ownership there is opportunity for future public involvement in the management of this area, such as bush care/ coastal care.
2) To recognise and accommodate natural processes and climate change	a) to give the impacts of natural processes and hazards a high priority in the planning and management of coastal areas,	N/A	Some areas of the site are currently below the 1 in 100 year flood level. The Proponent has indicated that such areas will be filled, in addition to the creation of a number of detention basins as part of the stormwater management regime.
	b) to recognise and consider the potential effects of climate changes in the planning and management of coastal development.	N/A	

3) To protect and enhance the aesthetic qualities of the coastal zone	a) to identify and protect areas of high natural or built aesthetic quality,	N/A	There are several vegetated areas on the site which will be protected through the implementation of Vegetation and Habitat Management Plans, and secured in perpetuity on the title of each affected new allotment.
	b) to design and locate development to complement the surrounding environment and to recognise good aesthetic qualities,	N/A	The allotments which contain threatened orchid species will also be protected and managed in perpetuity through the management plan. Further there is area of foreshore reserve to be rehabilitated and dedicated to Council, will further reduce the visual impact of the development when viewed from the foreshore. See 3(a) above
	c) to encourage towns to reinforce or establish their particular identities in a form which enhances the natural beauty of the coastal zone.	N/A	Council is supportive of this application and it is part of a previously adopted Masterplan which considered the wider implications.
4) To protect and conserve cultural heritage	a) to efficiently manage and conserve cultural heritage places, items and landscapes	N/A	There are no known heritage items on the site.
	b) to recognise the rights and needs of indigenous people and to ensure inputs by Aboriginal communities prior to decisions affecting indigenous communities.	N/A	No known Aboriginal issues
5) To promote ESD and use of resources	a) to identify and facilitate opportunities for the sustainable development and use of resources,	YES	The environmental impact of the proposed subdivision is considered to be minimal. Further assessment will be required in relation to applications for the construction of built form.
	b) to develop land use and management plans which ensure the sustainable development and use of resources	YES	Appropriate water management plans are to be applied to the site and there will be a further assessment at such time as applications for construction of built form are submitted.
	c) to develop and implement 'best practice' approaches to achieving sustainable resource management.	YES	The proposal provides management plans which are considered appropriate
6) To provide for ecologically sustainable human settlement	a) to ensure that future expansion or redevelopment of urban and residential areas, including the provision of infrastructure, avoids or minimises impacts on environmentally sensitive areas and cultural heritage,	N/A	The environmental protection areas are to be revegetated as appropriate for their uses and their context.
	b) to promote compact and contained planned urban development in order to avoid ribbon development, unrelated cluster development and continuous urban areas on the coast,	YES	The proposed subdivision is in conjunction with a neighbouring subdivision.

	c) to ensure rural residential developments are located in areas where impacts on the natural environment or valuable agricultural resources are minimised, d) to provide for choice in both housing and lifestyles.	N/A YES	
7) To provide for appropriate public access and use	a) to increase public access to foreshores when feasible and environmentally sustainable options are available, b) to ensure risks to human safety from the use of coastal resources is minimised.	YES N/A	The subdivision is designed to provide rural residential lots which can accommodate a range of residential development including single dwellings, dual occupancy and medium density. A Foreshore Reserve will be created and enhanced and dedicated to Council.
8) To provide information to enable effective management	a) to coordinate and integrate data and information collection with management programs to ensure that it meets the needs of management, b) to develop compatible data bases for coastal resource information, c) to ensure that coastal information is made more accessible across all levels of government, the private sector and the community, d) to develop adequate formal and informal education and awareness programs addressing coastal management issues.	N/A N/A N/A	
9) To provide for integrated planning and management	a) to facilitate consistent and complementary decision making which recognises the three spheres of government, b) to ensure government agencies efficiently and effectively implement the Coastal Policy in a co-ordinated and collaborative manner, c) to ensure local government coastal policy and management is integrated and involves community participation and information exchange, d) to give consideration to the development of a national coastal zone management strategy.	N/A N/A N/A N/A	

Table 3: Design and Locational Principles for Consideration in LEPs, DCPs and Development Control

PRINCIPLES	COMPLIANCE	COMMENTS
Only developments which do not compromise the natural and cultural values of the area will be permitted on beaches and frontal dunes.	N/A	The proposal is not on beaches or dunes

Works to protect, restore and rehabilitate beaches and frontal dunes may be permitted where appropriate.	N/A	As above.
Undeveloped headlands will be preserved. (Undeveloped headlands are a scarce resource. In circumstances where the zoning of an undeveloped headland permits development, a DCP which promotes low key development should be prepared)	N/A	The site is not on a headland
Any developments on headlands already developed should be strictly limited to height and scale no greater than existing buildings and will require an environmental assessment, including an assessment of visual impact from adjoining beaches. (Where the existing height and scale of development is of a varied nature, or where further development is not considered appropriate, an LEP or DCP which provides clear design guidelines should be prepared. In urban areas, where building heights and scale are likely to be greater and more varied, the aim should be for new development to be compatible with the height and scale of existing buildings)	N/A	As above.
Beaches and waterfront open space will be protected from over shadowing. The standard to be applied will vary according to local circumstances, however generally the standard to be applied is: - In cities or large towns, no overshadowing before 3pm midwinter and 6:30pm Summer Daylight Saving Time; - Elsewhere, no overshadowing before 4pm mid winter and 7pm Summer Daylight Saving Time.	Yes	Whilst the subject site has direct frontage to the Manning River, none of the proposed lots will have direct frontage to the River. The Proponent will dedicate a strip of land along the foreshore to Council as public reserve. Furthermore the current proposal does not seek approval for dwellings and other permissible structures. On this basis it is considered that there will be minimal overshadowing of the waterfront.
Tall buildings (greater than 14 m) will not be permitted outside cities, towns and growth centres.	N/A	The proposal does not seek approval for built form.
Applications for buildings taller than 14m within cities, towns and growth centres will be assessed on their merits having regard to the prevailing scale of development and in accordance with any relevant LEP, DCP or REP.	N/A	The proposal does not seek approval for built form.
Public setback lines will be set for every new development that immediately adjoins coastal lakes, estuaries, beaches, foreshores and cliffs.	N/A	Whilst the subject site has direct frontage to the Manning River, none of the proposed lots will have direct frontage to the River. The Proponent will dedicate a strip of land along the foreshore to Council as public reserve. As a consequence the provision of public setback lines is not required.
As a continuation of existing practice, any tourist or recreational development which is adjacent to or proposes to utilise the natural assets of a National Park, Nature Reserve or State recreation Area must not compromise the natural values of the area	N/A	The proposal is not for tourist development

SUBJECT: Greater Taree Council - Subdivision Development Control Plan No. 41
APPLICATION: MP05_0038
PREMISES: Lot 53 DP 836998, Lot 542 DP 1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee
PROPOSAL: 137 Lot Rural – Residential Subdivision

Primary Matters	Compliance	Comments
1.1 Aims and Objectives		
The principal aims of this DCP are to: • protect and enhance the environment of the City • ensure that development is carried out to a consistent standard throughout the City • protect the amenity of existing development by ensuring a high standard of design and construction in new subdivisions • explain and document Council's requirements, to encourage an understanding of its policies for development, and how Development Applications may be assessed.	Noted	Complies with Council's specific DCP for the area.
Residential subdivision		
The aims of the residential subdivision development controls are to: • facilitate greater diversity in housing choice; • strike a balance between cost effectiveness and recurrent costs to Council and the community; • provide an appropriate level of amenity for new and existing residential areas; • ensure appropriate levels of service are achieved for utilities and the road network; • optimise use of existing infrastructure; • ensure environmental constraints and impacts, such as flooding, drainage, vegetation, erosion etc are adequately considered; • encourage innovative design; and • encourage energy efficiency.	YES	Subdivision only is proposed at this time. Amenity will be further assessed when applications are submitted for built form. The new allotments can be adequately serviced with reticulated water and sewerage as well as roads. Environmental constraints have been addressed and appropriate conditions have been applied to ensure there are no greater detrimental impacts on the Manning River and environs.
1.2.2 Relationship to State Environmental Planning Policies (SEPPs)		
SEPP 1 - Development standards		
State Environmental Planning Policy No.1 provides flexibility in the application of planning controls. Where it is proposed to subdivide land and the minimum development standards in the Local Environmental Plan are not satisfied, then the subdivision application must be supported by a separate written objection for each standard not satisfied, pursuant to the above policy. This should show that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and specifying the grounds of that objection.	N/A	Under the provisions of Part 3A, the Minister has discretion to vary a development standard, without the need to apply the provisions of SEPP 1.
SEPP 11 - Traffic generating developments		

State Environmental Planning Policy No.11 provides that traffic generating developments be referred to the appropriate traffic authorities for consultation. Consultation under the above policy is required for subdivision involving: • 200 lots or more • 50 lots that have direct vehicular or pedestrian access to an arterial (main) road or a road connecting with an arterial road within 90 metres of the alignment of the arterial road.	YES	A traffic report was submitted and has been reviewed by the Department, Council and the RTA. Contributions are to be paid to Council for roads to contribute to works and ameliorate any impact.
1.3 Development Application Procedures		
Residential subdivision Where it is proposed to subdivide into residential allotments of area greater than 450m ² a Development Application may be made for subdivision alone.	N/A	The proposal is a SEPP 71 application which incorporates subdivision of future dwelling lots as well as environmental protection zones
Further applications must be made for all residential development – building applications for detached dwellings, and Development Applications for all other forms of housing including villa homes, townhouses and dual occupancies.	Noted	
Where Development Consent has been granted for multi-unit development and dual occupancies, a Development Application seeking to create allotments of less than 450m ² may be made – see Clause 3.3.2. Where it is proposed to subdivide into 5 or more residential allotments of area less than 450m ² , a combined Development Application must be made for both subdivision and the (built) development proposed. No further Development Application is required for this form of residential development known as "integrated housing" (though Construction Certificate applications must be made following the issuing of development consent).	N/A	The application under assessment does not propose the construction of dwellings at this stage and no consent will be issued for such construction.
1.3.6 Subdivision generally Where roads and other engineering works are required, engineering plans must be lodged for approval. Applicants are advised to consult with Council's Engineering Department.	YES	Conditions of consent have been provided by Council stating its requirements and the level of consultation required. These conditions have been incorporated in the approval
1.4 Engineering Documentation		
1.4.1 Generally Once development consent has been obtained, or as noted otherwise, engineering documentation required as a condition of consent must be submitted and approved before development may commence. The applicant must ensure that the proposed development is identical to the proposal for which development consent was granted, modified only by any conditions of consent. Substantial or significant changes may require either an application to modify the development consent under Section 96 of the Environment Planning and Assessment Act, or a new Development Application.	Noted	As above.

1.4.2 Engineering plans and specifications Four (4) copies of engineering plans and specifications for subdivision works are to be lodged in accordance with conditions of approval for the subdivision. Works must conform to at least the minimum requirements contained in Council's AUSPEC Design Specification, available from Council. Fees required for checking engineering plans and specifications and for supervising work shall be paid when plans are lodged.	Noted	As above.
1.5 Survey Plans		
1.5.1 Generally Following the approval of engineering documentation and: • compliance with all conditions of Consent; • completion of the approved works; and/or • lodgement of securities and payments survey plans prepared by a Registered Surveyor, may be submitted to Council for endorsement. The final plan of subdivision, road widening, Strata or Community Title subdivision or plan of consolidation for final approval must be accompanied by seven (7) prints and a covering letter. The submission should include all relevant documentation. Following the issue of the Subdivision Certificate, the subdivision plan can be registered through the Land Titles Office.	Noted	
1.5.2 Release of a subdivision plan under bond The subdivider is required to maintain construction works for a minimum period of twelve (12) months following the completion of construction. To ensure satisfactory maintenance, a bond, either cash security or bank guarantee equal to 5% of the cost of the engineering works is to be lodged with Council following completion of construction and prior to the release of the Plan of Subdivision. To enable subdividers to obtain earlier release of the Plan of Subdivision, Council will consider accepting bonds for certain outstanding works. Bonds shall be either a cash security deposit or Bank Guarantee. Bonds are to be open ended with outstanding work to be completed in six months. No bonds will be accepted for amounts of less than \$5,000. All bonds will be calculated at the rate of 1.5 times the contract sum for carrying out the outstanding works. Refer to Council's policy with respect to payment of Bonds as noted in the <i>Ausspec/Design Specification</i>.	Noted	Conditions of consent have been provided by Council stating its requirements and the level of consultation required. Council has reviewed the modified application. There is no objection to the additional lots subject to driveway construction requirements for the battle-axe blocks and additional Section 94 contributions.

1.5.3 Section 88B Instruments Generally, Council does not favour the use of Section 88B instruments (restrictive covenants under Section 88B of the Conveyancing Act) and will not endorse such instruments unless required as conditions of consent.	Noted	Section 88B conditions of approval have been applied specifically for maintenance of the APZs, to prohibit cats and dogs and where required, for easements.
1.6 Contributions for public services and amenities Section 94 of the Environmental Planning and Assessment Act, 1979 provides that, where Council is satisfied that a development will, or is likely to require a provision of or increase in the demand for public amenities and public services within an area, Council may require the developer to dedicate land or pay a monetary contribution towards provision of necessary public services and amenities. The public amenities and public services likely to be in demand as a consequence of a subdivision development may include: • community facilities • public open space where applicable, as an alternative to the dedication of land; • public recreation facilities • stormwater drainage, water supply and sewerage headworks • local road facilities • arterial road facilities • traffic management works • public car parks and facilities • street and traffic signage. Current contribution rates and full details can be obtained from Council's Planning and Building Department.	YES	Section 94 payments have been applied to the approval and are to be paid prior to release of Subdivision Certificates for each stage.
2 General Requirements for Urban Subdivision		
2.1 Description		
This section provides standards for subdivision in all zones, where development is permitted under the provisions of the relevant LEP. Additional controls applying to specific forms of development are included in the following sections: Section 3 - Controls for residential subdivision. This includes controls for residential subdivision in all areas which are zoned Residential or Village.	Noted	
2.2 Design principles		
Good subdivision design goes beyond the application of the controls outlined below. Careful appraisal and systematic analysis of the site with consideration of all the natural and man-made constraints is required to ensure that its best qualities are used most effectively to suit the proposed development. In determining the suitability or otherwise of any subdivision application, consideration of the following matters, together with those specified in Section 79C of the EPA Act (see Appendix No. 1):	YES	Consideration has been given to Section 79C of the Environmental Planning and Assessment Act, as to the suitability of the site for subdivision as well as to the master plan for the site. Further detailed assessment of the amenity issues will take place when applications for built form are submitted (refer detailed discussion in the Director General's Report).

• slope and orientation of land • hazards such as soil stability, flooding, erosion and bushfires • opportunities for solar and daylight access to future development • design of roads, access ways and individual site access • retention of special qualities or features such as trees and views • the scenic quality of the landscape, including protection of dominant ridge lines and hilltops, or other visually prominent locations • protection of character of existing waterways • availability of utilities • provision of adequate site drainage • provision of public open space • possible need to retain existing subdivision character • heritage and archaeological conservation • adequacy of each site considering the proposed use and • relevant development standards such as set backs, car parking, landscaping etc • the relationship of the subdivision layout to adjacent land suitable for subdivision • enhancement of existing or future subdivision and village character Council will encourage the location of boundaries along natural features such as drainage lines where appropriate in order to minimise the likelihood of soil erosion.		
2.3 Site Hazards		
2.3.1 Objectives To ensure adequate assessment of any risks to development are identified and responded to at the Development Application stage. • To minimise the risk of periodic inundation or flooding to urban development. • To minimise the risk of damage to urban development due to unstable ground conditions. • To minimise the risk of damage to urban development from coastal hazards including transmigration or coastal erosion. • To minimise adverse impacts of urban development such as soil erosion. • To minimise the exposure of development to bush fire. • To minimise exposure to any other risk including toxic waste etc. • To minimise any potential risk for air safety in areas near airports.	Noted	Hazards have been considered and plans of management and conditions applied to minimise any adverse impact to urban development, the coast, and environmentally sensitive area.
2.3.2 Controls Council may require the submission of specialist reports prepared by suitably qualified persons where it considers there may be a risk to future development for any reason.	YES	Reports have been submitted and assessed and conditions of consent have been applied to minimise any risk

Flooding and inundation The extent of development and minimum floor levels are to be in accordance with the recommendations of Council's Interim Flood Management Policy and Development Control Plan 1995. Subdivision layouts shall be based on a strategy for surface water drainage which minimises the incidence of nuisance flooding.	YES	Drainage and stormwater management has been addressed as part of the environmental assessment and appropriate conditions have been applied to ensure the minimisation of adverse impact from flooding.
Unstable ground conditions In areas suspected of being subject to subsidence, landslip or any other potentially hazardous ground conditions, Council may require the completion of a geotechnical assessment prior to considering an application to subdivide.	N/A	A preliminary geotechnical report was submitted. This identified areas of instability. The subdivision has been designed to avoid these areas.
Coastal Hazards Subdivision design shall take into account the likelihood of short and long term coastal recession, and dune transmigration as required by Council's DCP 1995.	YES	The subdivision is not located directly on the coast however conditions have been applied to ensure the minimisation of impact associated with water runoff.
Erosion and sediment control Appropriate measures are required to avoid soil erosion and sedimentation in accordance with "Managing Urban Stormwater Soils and Construction" issued by the Department of Housing. In this regard layouts which minimise the need for cut and fill are preferred.	YES	Conditions of consent have been applied to control erosion and sediment.
Bushfire In areas subject to bushfire risk subdivision will need a Bushfire Safety Authority to be issued as outlined in Section 100B of the Rural Fires Act 1987.	YES	The Rural Fire Service has been extensively consulted and its requirements have been incorporated into the schedule of conditions.
Site Contamination In areas suspected to contain contaminated soil Council may require the completion of a hazard assessment prior to considering an application to subdivide for any purpose.	N/A	
Air Safety Development within the vicinity of Taree Airport shall take into account the potential impact of the height limitations and aircraft noise on development, and consider the potential of development to increase bird strike as noted in DCP 1995.	N/A	
2.4 Road design and Construction		

2.4.1 Objectives • To provide roads consistent with their function within the road network, having regard to their safety and visual impact. • To provide sufficient road reserve, carriageway and verge widths to allow roads to perform their designated functions within the road network. • To allow all users of the road - motorists, pedestrians and cyclists - to proceed safely, conveniently and with minimal delay. • To provide access for emergency and service vehicles to all dwellings. • To accommodate sufficient on-street parking. • To accommodate and co-ordinate the location of public utility services and drainage systems without adversely affecting road pavements. • To provide road pavements and edges that are appropriate for the control of vehicle movements, perform any required drainage function, are structurally adequate and use materials that reinforce the residential function of the street, To minimise road construction and life cycle costs without compromising other objectives. • To minimise the need for earthworks due road construction. • To ensure safe and convenient access is available to each new lot created.	YES	Roads are to be constructed within the subdivision and Council has provided conditions of consent consistent with its requirements for roads.
2.4.2 Controls - road network Where subdivision involves the construction of new roads, the road network to be established shall be designed in such a manner that will enable each lot to be developed and accessed in a practical and feasible manner.	YES	As above
Unless specified elsewhere in this DCP, the configuration of road shall accord with Council's <i>Ausspec / Design Specification</i> and other approved standards referenced therein including: • <i>Guide to Traffic Engineering Practice published by NAASRA</i> • <i>Policies, Guidelines and Procedures for Traffic Generating Developments</i> published by the Roads and Traffic Authority of NSW	Noted	
2.4.3 Controls - road geometry Detailed road design and access requirements are specified elsewhere in this DCP for particular land use zones.	YES	See 2.4.1. above
Intersections The minimum distance from an access place or road to a collector road shall be 40m. If the junction is staggered the minimum spacing may be 20m. (SEE DIAGRAMS) Intersections shall be either T-junctions or roundabouts.	YES	See 2.4.1. above
Vehicle turning areas Vehicle turning areas shall accommodate the following vehicles in appropriate areas: • "design large rigid truck" with minimum turning circle of 25m • an " 85% design car" with design turning circle of 15m whichever is appropriate to the use of the road	YES	See 2.4.1. above

Cul-de-sac streets Head of cul-de-sac streets should have a minimum turning radius of 8.5m. Where the radius is not provided provision should be made to allow a 3 point turn for a large rigid truck. A configuration such as a "T" or "Y" discourages parking in manoeuvring space and is acceptable. Where driveway entrances are to be used for turning movements, the required area shall withstand the relevant load.	YES	See 2.4.1. above
Drainage function of roads	YES	See 2.4.1. above
2.4.4 Controls - road construction	YES	See 2.4.1. above
2.4.5 Road dedication Council generally requires the dedication of all roads and pathways constructed to public road standards.	YES	See 2.4.1. above
2.4.6 Street names Street name signs shall be erected at the junction of all roads in the subdivision in accordance with Council's guidelines. Proposed street names shall be submitted for approval.	YES	See 2.4.1. above
2.5 Landscaping and site design		
2.5.1 Objectives - To maintain and enhance existing streetscape and landscape character. - To enhance the setting of buildings. - To provide for acoustic and visual privacy. - To reinforce and define vehicle speed control design elements. - To provide shade, wind, and weather protection for buildings and areas of open space. To preserve mature trees and significant landscape elements. - To ensure site works are designed and carried out to minimise potential environmental impacts and minimise the effect on adjoining land.	YES	Landscaping for the individual lot development will be addressed when development applications are submitted for dwelling construction. A Habitat and Vegetation Management Plan is required to ensure that the recommendations of the Flora and Fauna assessment report adequately address the required vegetation for the environmental protection zones.
2.5.2 Controls		
2.5.3 Filling and Levelling Erosion and Sediment Control	YES	Conditions of approval have been included to address erosion and sediment control
2.6 Services		
2.6.1 Objectives - To provide public utilities to each allotment, within road reserves, in an efficient and cost-effective manner. - To maximise the opportunities for shared (common) trenching and reduced restrictions on landscaping within road reserves. - To ensure residential, industrial and commercial areas are adequately serviced in a timely, cost-effective, coordinated and efficient manner.	YES	Public utilities are available to the subject site. Conditions of approval require the provision of appropriate services. Mid Coast Water was also consulted as part of the assessment of this application and subsequently provided appropriate conditions which have been incorporated into the approval.
2.6.2 Controls	YES	
2.7 Drainage		

2.7.1 Objectives • To prevent stormwater damage to the built and natural environment. • To provide overflow paths to convey large stormwater flows to trunk drainage systems. • To reduce nuisance flows to a level which is acceptable to the community. • To provide a stormwater system which can be maintained economically. • To provide a stormwater system which utilises open space in a manner compatible with other uses. • To control flooding and enable access to allotments, stabilise the land form and control erosion. • To minimise urban run-off pollutants to watercourses. • To prevent both short and long term inundation of development. • To prevent risk to human life or property. • To prevent soil erosion and sedimentation.	YES	A water management plan was submitted as part of the application. Conditions of approval have been included to ensure the recommendations of this plan are adhered to and also to enhance these requirements and ensure minimum impact from stormwater and runoff pollutants. Council has also provided relevant conditions which have been incorporated into the approval.
2.7.2 Controls		
2.8 Existing development and Heritage		
2.8.1 Objectives • To ensure future development is related to existing development in a way which minimises any potential adverse impact on the existing development. • To ensure heritage conservation objectives are met for both European and Aboriginal heritage.	N/A	The majority of the site has previously been cleared with the exception of small pockets of vegetation. There are no known heritage items on the site.
2.8.2 Controls		
2.9 Environmental Protection		
2.9.1 Objectives To protect and minimise the risk of degradation of unique or sensitive environments such as wetlands, littoral rainforests, estuarine areas, and coastal areas.	YES	The site is not directly on the coast nor does it include areas of wetland or littoral rainforests. Any potential impact on coastal areas in particular from stormwater runoff is to be minimised.

2.9.2 Controls Requirements for development affecting the following are subject to the requirements of Councils DCP 1995 and relevant State Environmental Planning Policies: • Wetland areas • Littoral rain forest • Fisheries Consultation with Council is advisable to determine whether subdivision will constitute 'designated development' and whether an Environmental Impact Statement is required. Council may require the submission of specialist reports prepared by suitably qualified persons where it considers there may be risk to the environment. Referral may be necessary to authorities having an interest or statutory control over these areas. In cases where flora and fauna protection is of importance a Species Impact Statement may be necessary and subdivision design may require the adaptation of specialised designs standards and user restrictions. Note the requirements under landscaping and site design and drainage sections with respect to erosion, sediment control and water quality. Council may reject an application requiring on site disposal of sewage effluent where it considers there may be an adverse impact on ground water quality or adjacent waterways	N/A	
3. Controls for Residential Subdivision		
3.1 Description		
This section applies in all areas which are zoned Residential or Village. Development should also be in accordance with the controls contained in Section 2 of this document.	YES	Development complies with the relevant controls
3.2 Road layout, lot orientation		
3.2.1 Objectives • To consider together the design of roads and lots to create variety and interest in the streetscape, and to preserve significant natural features. • To encourage energy efficient subdivision design which maximises solar access, meets requirements for daylight and solar radiation and makes efficient use of roads and services. • To achieve comfort for future users by considering prevailing climatic factors in subdivision layout. • To enable, where practicable, the application of energy conservation principles. • To take advantage of any views or outlook	YES	The proposal follows a Masterplan for Fig Tree Hill adopted by Council and around which Development Control Plan 54, north Red Head "Figtree Hill Estate" has been adopted. The lot layout has been designated in the Masterplan.
3.2.2 Controls		
3.3 Lot Dimensions	YES	See comments 3.2.1
3.4 Road network	YES	See comments 3.2.1
3.6 Public open space	YES	See comments 3.2.1
4 Controls for commercial and industrial subdivision	N/A	

SUBJECT: Other Relevant Legislation, Plans and Policies
APPLICATION: MP05_0038
PREMISES: Lot 53 DP 836998, Lot 542 DP 1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee
PROPOSAL: 137 Lot Rural – Residential Subdivision

Environmental Protection and Biodiversity Conservation Act 1999

Ecological surveys and studies have been undertaken by the Proponent and reviewed by the Department's consultant, and the Department of Environment and Climate Change. Several threatened fauna species, one threatened flora species and one Endangered Ecological Community were identified on site (refer **Section 5.2** of this report). It has been concluded that there will be no adverse impacts on any threatened species, provided that management plans are developed and implemented and a condition of approval will reflect this. The Endangered Ecological Community will be rehabilitated, which will also be reflected in a condition of approval.

In order to further reduce the impacts upon flora and fauna, the subdivision pattern in the mid section of the site on the ridgeline has been redesigned in order to minimise the amount of vegetation clearing and to improve connectivity for fauna movement north-south between the river and Lot 541 and vegetated areas to the south of the site.

It should also be noted that there are a number of sites located within the areas identified for conservation which contain a threatened orchid species. Based on an assessment of the Flora and Fauna report which accompanies the Environmental Assessment, and the methods proposed for conservation of vegetation (including habitat and vegetation management plans), it is concluded that the proposed development is unlikely to result in a significant impact upon threatened species, populations and Endangered Ecological Communities.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)

BASIX seeks to encourage sustainable residential development and requires a list of commitments to meet specific water and energy reduction targets. BASIX applies to residential dwellings at the time a development application or complying development certificate is sought. Compliance with BASIX is not required to be achieved for the proposed subdivision as consent is not currently sought for the erection of dwellings. However, provision has been made to provide for future compliance by way of a proposed reticulated sewerage and orientation of allotments.

State Environmental Policy 55 – Remediation of Land

A preliminary contamination assessment was undertaken by RCA Australia Pty Ltd. The report indicates that there is low possibility that the site is contaminated with pesticides, herbicides etc. Although the site has been used for grazing purpose in the past, there is no evidence that the site has housed any chemicals associated with cattle dipping and the like; there is also lack of storage facilities on the site to accommodate such chemicals.

Draft Mid North Coast Regional Strategy

The Mid-North Coast Regional Strategy is a land use plan for the Mid-North Coast, including Greater Taree City Council, which was released in December 2006. The Strategy is designed to ensure that adequate land is made available in appropriate locations to fulfil housing and employment requirements while managing environmental and strategic issues. It is envisaged that the Strategy will be implemented by councils for future expansion through provisions included in Local Environmental Plans, Development Control Plans and Infrastructure Strategy.

Section 4 is entitled Settlement and Housing and discusses the provision of housing in appropriate locations which provide infrastructure and services and to protect natural environments. The application under consideration is for the provision of residential lots located adjacent to an existing serviced area and has previously zoned for rural residential development.

Coastal Design Guidelines

The Coastal Design Guidelines are designed to protect and plan for the diversity of coastal settlements, ensure that the scale of development is appropriate in both new and existing settlements, provide for sustainable communities, and protect the high scenic and ecological values of coastal areas. The Guidelines are in two main parts, the first is determining the hierarchy of settlements and second part provides principles for coastal settlements.

The existing suburb of Tinonee is essentially an inland coastal centre (village), and the proposed subdivision is an extension to that village. The subject site is located on the Manning River, with a high point towards the centre of the site. The ridgeline contains remnant woodland vegetation, mostly consisting of upper canopy. The majority of the ridgeline vegetation will be retained and is expected to mitigate any detrimental visual impact.

The character of the proposal is responsive to the zoning, is proximity to Taree and the topography of the site, it is anticipated that future built form will be of a similar character to adjoining residential development. The road system connects to the existing road network and also provides links to several public access points to the proposed foreshore reserve.

An Aboriginal Archaeology Report was submitted as part of the EA documentation which identified four (4) items of Aboriginal Archaeological Significance. The report recommends a range of measures which are to be taken in the event any additional artefacts are found, which will be required as a condition of approval, to be included in the Habitat and Vegetation Management Plan. Stormwater management, flora and fauna issues, vegetation clearance and bush fire protection have been addressed in the Environmental Assessment and are considered adequate.

Infrastructure and utility services have been addressed and reticulated water and sewerage will be available to all proposed allotments.

In 2001 the Purfleet-Taree Local Aboriginal Land Council identified four items of Aboriginal significance on the site (Geolink 2001). The items were two scar trees and two stone tools. A detailed site assessment undertaken in 2001 did not identify any additional items and the Purfleet-Taree Local Aboriginal Land Council did not require any further site assessment for this Environmental Assessment.

The site has evidence of Aboriginal use and these items have particular significance to the Aboriginal people. The location of these items has been considered in the planning of the proposed subdivision in consultation with the Purfleet-Taree Local Aboriginal Land Council.

There are no items of European heritage significance on the land.

SUBJECT: Greater Taree Council - Landscape Code
APPLICATION: MP05_0038
PREMISES: Lot 53 DP 836998, Lot 542 DP 1113791 and Lot 156 DP 735202, The Bucketts Way, Tinonee
PROPOSAL: 137 Lot Rural – Residential Subdivision

	Compliance	Comment
Clause 2 Landscaping Bond		
Landscaping is to be completed in accordance with the approved plans. The Council may require, as a condition of development consent, that a bond be paid to Council to ensure satisfactory maintenance of landscaping during the first twelve (12) months	Yes	The Proponent is required to submit amended plans, including a Landscape Master Plan. A condition of approval will reflect this.
3. General Landscape Principles		
1. Designs should have a sense of unity and require an appropriate mixture of repetition and contrast. If there is too much of the former the result is monotonous, and if there is too much of the latter the result is chaotic.	Yes	The proposed landscape treatment as generally described in the Environmental Assessment aims to rehabilitate and maintain areas of existing vegetation, and enhance the streetscape through planting of street trees. However a condition has been included in the approval which requires the preparation of a Landscape Master Plan which will detail the landscape treatment in the public domain (streetscapes); the drainage reserve and the foreshore reserve.
2. Extend and reinforce existing vegetation.	Yes	The remnant EEC and other areas of vegetation on the site will be conserved, enhanced and managed in accordance with a Habitat and Vegetation Management Plan.
3. Conserve areas of natural and man made beauty	Yes	As above
4. Rural areas already have their major landscape features established. The best elements should be featured and the least desirable elements screened out or played down.	Yes	As above
5. Preference should be given to the use of Australian native species, particularly local species. Of particular importance is the use of tree plantings which create a uniform tree canopy relating to the natural areas in the locality.	Noted	The Landscape Master Plan will be required to provide a palette of species which will be required to comprise predominantly native species endemic to the local area.
6. Existing trees should be retained wherever possible. It should be noted that a Tree Preservation Order applies to certain areas within the City of Greater Taree.	Yes	The site has been used for pasture for a number of years and as a result has been largely cleared of natural vegetation. Notwithstanding, identified areas of EEC and other established vegetation (some of which has been identified as Core Koala Habitat) will be preserved.

7. Utility services should be noted and considered. Further problems can be avoided if the location of sewerage, water, gas and power lines are known.	Yes	
8. Ongoing maintenance – all landscapes should be considered with the view to ongoing maintenance. Design, plant selection and construction techniques should facilitate efficient and low cost maintenance of the newly established and mature landscapes.	Noted	These aspects will be included in a condition of approval which sets out the level of information to be included in the Landscape Master Plan.
9. An assessment of the physical conditions existing on each site should be made. Particular emphasis should be placed on the recognition of aspect, prevailing wind directions, soils, drainage and susceptibility to flooding.	Noted	
10. The choice of landscape materials should be made. Large areas of paving are enhanced by the use of different paving materials in combination e.g. concrete/bitumen with brick grids, or other paving patterns. Smaller areas of paving should be paved with a small scale unit which relates to the size of the area to be paved, e.g. brick cobble.	Noted	
Clause 4. The Physical Environment		
There are three major types of environment within the City's boundaries –coastal, river and hinterland. The characteristics of each and lists of suitable plant species follows:		
<i>Coastal</i> Subject to salt laden winds Soils: poor sand-lacking in nutrient, with low water loading capacity, free draining, and prone to erosion – particularly wind.	N/A	
<i>River</i> Subject to periodic inundation; weed infestation. Soils: fertile, often permanent moist, subject to tidal influence may also be brackish.	Yes	The subject site is on the Manning River.
<i>Hinterland</i> Soils: shallow generally clay, fairly fertile.	N/A	
Clause 5. Landscape Requirements for Specific Land Uses		
A Landscape Principles Plan should be submitted as part of the application for a construction certificate where required as a condition of development consent, or where otherwise required by council. It should show all services, locations, finishes (e.g. paving, turf), existing and proposed levels, including mounding and the tree, shrub and groundcovers to be used (botanical and common names, and height at maturity). In certain circumstances Council may require submission of a Landscape Principles Plan with the development application.	Yes	The Proponent will be required to prepare a Landscape Master Plan for the site which will address weed management, rehabilitation, and street tree planting. A condition of approval will reflect this.
Clause 5.6. Subdivisions		
Clause 5.6.2. Rural Residential		

Street tree planting in rural residential areas should be a natural extension of the surrounding landscape. The pattern of natural groupings of tree should be repeated and reinforced with additional plantings. Regimented planting schemes are not advisable. The selection of trees should be confined to those naturally occurring in the area.	Yes	As above
5.6.3. Subdivision Design		
The overall design of any subdivision, i.e. either residential or rural residential should set aside open space planned to include the best of the existing trees where practical. Housing should be confined to below ridgelines, so as not to become the dominant feature of the landscape.	Yes	The proposal includes a public foreshore reserve, and a detention basin area which includes remnants of an Endangered Ecological Community which is to be rehabilitated as part of the works associated with this proposal. Both these elements can reasonably be expected to enhance the visual amenity of the locality.
Flat land should be used for active recreation.		A significant amount of vegetation will also be retained along the ridgeline in order to minimise visual impact from the development at this high point. Given the predominantly rural nature of the subdivision and larger lot sizes there are no areas specifically identified for active recreation. It is considered that the foreshore reserve, with boardwalks to be constructed by the Proponent and then dedicated to Council provides an appropriate response to the need for active recreational space.
Clause 6. Landscape Plans		
Landscape plans prepared for Council shall include the following: Northpoint, Scale (1:100 or 1:200), Boundaries, Main structures on site (buildings, carports, fences, retaining walls, surfacing materials), Details of existing ground levels and proposed finished levels of the site, Existing trees including those proposed to be removed, Plant names – Botanical nomenclature, Plant numbers and mature height, Planting details (staking, mulching, soil depth, fertiliser, ground preparation) and Height at time of planting – especially for feature trees	Yes	The current landscape plans submitted for assessment contain this information. However these plans require amendment. A condition of consent has been prepared which requires the preparation of a Landscape Master Plan and specifies that this information be included.
Clause 7. Planting and Staking		
Planting should not be carried out in dry soil or in extreme weather conditions. The root system must be moist before planting to ensure turgidity. The plants should be removed from their containers with as little disturbance as possible to the root system. Plants should be planted at the same depth as the plants were in the containers and allow for a shallow saucer of soil to be formed around the plant to aid penetration of water. Avoid hilling up of soil around young plant stem. Firm soil around the root ball and thoroughly soak the areas after planting. On completion, cultivate, rake and leave all garden areas in a neat and tidy condition. Remove old containers from site.	Yes	Note a condition of consent will reflect that the landscape plans be prepared by an appropriately qualified person, and in accordance with this Landscape Code

- Provide stakes for all trees and tall shrubs.
- All trees shall have one (1) 40 mm x 40 mm x 1.5 metre straight hardwood stake, pointed at one end. Tall shrubs shall have one (1) 40 mm x 40 mm x 1.5 metre stake pointed at one end. Street trees shall have (2) 40 mm x 40 mm x 1.5 metre stakes pointed at one end.
- Firmly install stakes to each tree or shrub taking care not to damage the root system. Stakes should be installed plumb and preferably on the windward side of plant if one stake and, at right angles to wind if 2 stakes are used.
- Ties shall be of plastic strips or webbing materials.
- Securely tie plant to the stake in a way to avoid damage to the stem whilst allowing a small degree of movement.
- Labels shall be removed entirely from the plants.

APPENDIX E. SUMMARY OF SUBMISSIONS

137 Lot Rural – Residential Subdivision, The Bucketts Way, Tinonee MP05_0038

Summary of all submissions received for this application

No	Agency Comment	Consideration
Greater Taree City Council		
1	Access to Carters Island is to be deleted	The Proponent has confirmed as part of the Preferred Project Report that there will be no access to Carter's Island.
2	Council supports variation to minimum lot sizes.	Noted.
3	Amalgamation and reconfiguration of lots	Condition of approval
4	Positive covenants to manage land zoned 7(a)	Condition of approval
5	Servicing.	Conditions of approval
6	Section 94 Contributions	Condition of approval
Department of Water and Energy (DWE)		
	DWE has reviewed the EA and advised that they have no issues in regard to this proposal. Water Management structures (detention basin/ water quality control measures) should not intercept, connect or infiltrate with the groundwater table.	Condition of approval
Department of Planning – Hunter Regional Office		
	No objection to development or non-compliance with minimum lot standard. The site is zoned for development and conservation purposes. The development will reinforce the social and economic viability of the existing Tinonee rural village and has good access to the higher order services provided by the Taree CBD.	Noted

Department of Environment and Climate Change (DECC)		
1	DECC requires a suitable offset / compensatory habitat package to be provided in accordance with the "improve and maintain" test (under the PVP developer), as appropriately assessed by the HCRCMA.	The Department recommends the inclusion of a condition which requires the following lots to be consolidated: • Lots 314 and 315 • Lots 312 and 313 • Lots 308, 309 and 310 These consolidations will reinforce the north-south wildlife corridor across the site and retains additional vegetation.
2	Flora and Fauna DECC acknowledges that the Proponent is proposing a Habitat and Vegetation Management Plan for the offset areas. DECC recommends that these plans should be prepared prior to any potential approval of the subdivision. These management plans should clearly document how any retained vegetated areas or habitat features will be managed with respect to long-term conservation and viability. They should cover aspects of (but not limited to): • Weed management • Native vegetation management • Feral animal control • Fire management (including APZs) • Public access (including increased traffic and associated impacts such as increased refuse and pets) • Minimisation of edge effects • Stormwater control and changes to hydrology (including stormwater runoff control and sediment / erosion control) • Management of specific habitat enhancement measures (eg. Hollow-bearing trees, habitat trees, animal fencing etc) • Artificial hollows and nest boxes • fauna displacement • details of long term monitoring • clearly indicate long term financial commitment to any proposed conservation measures, including any mechanisms to be implemented to achieve this.	Condition of approval

	A species-specific habitat management plan must be developed for the long term conservation of <i>Diuris flavascens</i> . This plan should be developed by a qualified and experienced orchid specialist (botanist) and be prepared prior to any potential approval of the subdivision.	Condition of approval
	Although DECC support the proposed revegetation strategies as enhancing the environmental outcomes of the proposal, including the use of locally collected seed from the development site and used in situ to prevent loss of genetic integrity, it does not consider these measures to be an appropriate offset to compensate the loss of intact native vegetation that supports threatened species. DECC does not consider that the revegetation of predominantly cleared pasture land will provide suitable habitat or sufficient time for such habitat to develop in comparison to that which will be ultimately lost through the clearing of intact vegetation.	Noted.
Roads and Traffic Authority		
	The RTA does not object subject to upgrade of intersection of The Bucketts Way and site access and dedication of land to Council, provision of emergency / fire access.	Appropriate conditions have been included in the approval.
NSW Rural Fire Service		
	Objected due to non-compliance with <i>Planning for Bushfire Protection Guidelines 2006</i> .	The PPR was referred to the RFS for comment. Advice was received that the proposal still did not satisfy the planning for bushfire protection requirements and as a result the RFS was not in a position to support the proposal. The Proponent subsequently provided additional information in relation to the APZs and incorporated several fire trails into the design. The RFS has confirmed that the proposal is now acceptable, subject to various conditions which have been incorporated into the approval.
Hunter – Central Rivers Catchment Management Authority		
	No objection based on previous environmental offsets package. Detailed discussion of this issue in 5.2 and 5.3. Requested that objects of the <i>Native Vegetation Act 2003</i> be applied.	The Objects of the Act have been considered during the course of this assessment in that: (a) the remnant native vegetation on the site has been considered in its regional context and will be managed appropriately, and (b) no broadscale clearing is proposed, and (c) native vegetation of high conservation value is to be preserved and maintained in perpetuity, and (d) the condition of existing native vegetation will be improved through rehabilitation works, and (e) the sited will be revegetated and rehabilitated with appropriate native vegetation, in accordance with the principles of ecologically sustainable development.
Department of Primary Industries		
	Objected to the original design due to the lack of appropriate buffer zones	Design has been amended to provide the requested buffers.

	between the lots, the Manning River and Carters Creek	
Department of Lands		
	No objection. Comments made in relation to management of Crown Roads and development adjoining Crown land to avoid encroachments.	Appropriate condition of approval will be applied in relation to the closure of the section of Crown Road off Urray Road on the eastern side of Lot 313 leading to the Residue lot and its incorporation into adjacent lots.

Summary of Issues Raised in Public Submissions

No	Issue	Detail of Issue	Comments
1	Zoning	Lots zoned 7(a) should not have a building entitlement	No dwellings will be permitted on the parts of the site zoned 7(a)
		Concern that given the zoning of some lots, a land owner could apply to Council to clear the area for agricultural and other land uses which require clearing of vegetation.	The primary areas of native vegetation are protected by the zoning. Other parts of the site which will be developed for residential purposes will be required to have covenants applied to protect native vegetation.
2	Koala Habitat	Concern that Koala Habitat falls within the APZs	Clearing within the APZ's will be undertaken to ensure retention of Koala Habitat
		Condition of consent required to protect primary Koala Habitat and requires the areas to be preserved by a private or community based conservation agreement	Noted. Appropriate conditions have been included in the approval.
		EA suggests that Council assess individual DA's in accordance with the principles of restoring and rehabilitating koala habitat – this should occur as part of this application	The preservation and enhancement of Koala Habitat has been considered as part of this application. However future applications for built form will also be required to address this issue.
3	Hollow bearing trees	EA indicates that any trees surrounding hollow bearing trees will be removed in the APZs. This is considered to be unnecessary.	This will only occur where required to comply with APZ requirements
4	Koala Fencing	The type of fencing should be specified in the application as there may be an opportunity for any potential owner to replace fencing with an unsuitable fence.	The type of fencing has been specified in the conditions of consent.
5	Landscape Plan	The Landscape Plan should be available before the application is approved and should show a clear commitment to when the areas are to be revegetated and regenerated.	A condition has been included in the consent which requires the submission of a detailed landscape plan to be submitted to Council for approval. Conditions have also been prepared which specify the timing for the regeneration works.

APPENDIX F. RESPONSE TO SUBMISSIONS

Table 1 - Issues from Submissions

Date	Authority	Issues	Response
13 September 2007	Roads & Traffic Authority (RTA)	The intersection of The Bucketts Way and the subdivision access shall be designed and constructed as a type 'CHR/BAL' intersection in accordance with the RTA's Road Design Guide, and the relevant Austroads guidelines to the satisfaction of Council.	The preferred project now has two access points to The Bucketts Way. The standard of these interactions is proposed to be as outlined in the Revised Statement of Commitments.
		The RTA concurs with the emergency/fire access proposed to the west of the subdivision. This access should be gravel only and be gated at all times - for emergency use only.	The preferred project now proposes a sealed access to Urray Road as agreed with Greater Taree City Council.
		Any land required to accommodate the proposed intersection works shall be dedicated as public road reserve at no cost to Council or the RTA.	Agreed. Included in the Revised Statement of Commitments.
		All works shall be undertaken at the full cost of the developer to the satisfaction of Council.	Agreed. Included in the Revised Statement of Commitments.
		In regard to road noise impact, the applicant, not the RTA is responsible for providing noise attenuation measures in accordance with the Environmental Protection Authority's Environmental Criteria for Road Traffic noise, should the applicant seek assistance at a later date.	Noted.
11 September 2007	Department of Water and Energy	The water management structures (detention basin/water quality control) for the proposed subdivision are required to be designed to prevent interception and/or connection with the and/or infiltration of the underlying groundwater table. That is, these structures are to be constructed above the highest predicated groundwater table and sealed with an impermeable	Agreed. Included in the Revised Statement of Commitments.

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Date	Authority	Issues	Response
		liner.	
		An excavation that intercepts groundwater is by definition a bore under Part 5 of the Water Act 1912. DWE will not support an application for a licence under Part 5 of the Water Act 1912 for the construction of any water management structures that intercept the groundwater table.	Noted. There are no proposed water managements structures that would intercept the groundwater table.
8 August 2007	NSW Department of Primary Industries	Lack of appropriate buffer zones in the northern precincts. A minimum buffer zone of 50 metres should be provided for between the subdivision, the Manning River and Carters Creek.	This comment related to proposed lots 206 and 207. These lots have been deleted from the Preferred Project.
		A remediation plan should be prepared for any acid sulphate soils exposed during construction.	Agreed. Included in the Revised Statement of Commitments.
21 August 2007	Department of Environmental and Conservation NSW	The EA does not adequately identify any suitable offset provision, such as preserving similar habitat in perpetuity. Nor does it provide any details on long-term management and financial commitment to such areas.	This issue is addressed in the Offsets and Management Report included in Appendix D of the Preferred Project Report. The quantification of offsets have been determined through the framework outlined in the NSW Native Vegetation Act and Regulation (NVP). The loss of vegetation as a result of the proposal would be offset through a series of on-site measures such as conservation of existing bushland remnants through GTCC LEP 7a zonings, rehabilitation of western and eastern gullies and installation of compensatory Osprey nest poles. Offset measures are proposed in Appendix D of the Preferred Project Report.

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Date	Authority	Issues	Response
		It would like to highlight to DOP that clearing associated with APZ's would likely involve the removal of intact vegetation communities which is considered important threatened species habitat. This includes areas of Primary Koala Habitat and Secondary Koala Habitat (as identified in the 'Greater Taree City Council Draft Comprehensive Koala Plan of Management') and remnant patches zoned 7(a) - 'environmental protection habitat' under the Greater Taree Local Environmental Plan (LEP) 1995.	The majority of clearing will be limited the edges of vegetated areas within scattered trees in pasture areas or highly modified vegetated areas which cannot be considered intact due to the lack of native species in the understorey. While some lots encroach into 7 (a) areas the building envelopes are situated outside this zone and replacement plantings will be undertaken to enhance the zone. The Preferred Project does not propose any clearing in 7(a) zoned land. The CMA considered the extent of vegetation removal within the APZ's and confirmed that the overall project improves environmental attributes of the site.
		DECC considers a major failing to the EA report and it's associated Appendices is the lack of any figures stating the total amount (or even an estimate) of native vegetation to be cleared for the proposal. The proponent estimates that 3.2ha of vegetation will be cleared for building footprints and road infrastructure. DECC believes this figure to be a gross under-estimate of the overall likely impact of clearing or modification, and suggests that DOP request further information on scale of clearing (including size of impacts areas). DECC estimates that a least 10 hectares of vegetation, in addition to that already estimated by the proponent for the	A Clearing and Revegetation Summary Plan was provided in Volume 3 (Page 21) which shows areas proposed for clearing, retention and revegetation. The areas to be cleared have been confirmed with CMA and considered in their assessment of this project.

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Date	Authority	Issues	Response
		building and infrastructure footprints, would likely be cleared or highly modified for the proposal.	
		DECC considers that it is highly likely that unless the building designs conform to the highest bushfire protection standards, the APZs will likely need to be modified and enlarged. This will result in a greater area of native vegetation and threatened species habitat being cleared or modified, and supports DECC conclusion that it is likely all vegetation within the area marked 'developable' will be impacted upon.	A site meeting with RFS has confirmed that the majority of the vegetation types are assessed appropriately and hence the majority of the APZ's are correct. The RFS did not agree with the assessment of one area and the design of the subdivision has been modified to accommodate these new APZ's.
		The DECC considers that adequate offset measures must be placed on the development to compensate for the likely loss of at least 13 hectares of native vegetation and threatened species habitat.	The Offsets and Management Report in Appendix D of the Preferred Project Report outlines the proposed offset measures. This packages (as amended with CMA) has been approved by CMA.
		DECC does not agree with the proponent that the effects of land clearance resulting from the proposed subdivision upon fauna and their habitats would be considered insignificant.	Section 5A Assessment has been applied to the revised layout and the conclusion is that the proposed development will <u>not</u> have an significant impact on fauna and their habitats.
		Areas A, C part D, part E and F retained under 7(a) zoning. However, this zoning does not afford long-term conservation in perpetuity to these areas and hence does not conform with DECC offsetting principles. Furthermore, DECC does not support the inclusion of any APZ into these areas or the loss of the connective link between Areas A and C (ie Area B and smaller areas of adjoining patches), and any proposed development needs to ensure this does not happen. Neither	The Offsets and Management Report in Appendix D of the Preferred Project Report outlines the proposed offset measures. The Preferred Project is designed to provide improved connectivity between habitats on the site. The management of these areas will be placed in the hands of Council or individual landholders with requirements to comply with a management plan proposed for these areas.

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Date	Authority	Issues	Response
		does DECC support the placement of buildings into or within close proximity of these conservation zones (eg. Areas A, E and F) as indicated in the Landscape Masterplan (Figure 1) in Appendix G - Landscape Plans.	We suggest that these management plans will be prepared in accordance with the Statement of Commitments which reflect comments of the DOP's ecologist and Council and that these plans be approved by the independent ecologist prior to construction approval.
		Compensatory measures should be provided in accordance with DECC's 'offsetting principles', a copy of which can be obtained in the "Draft Lower Hunter Regional Conservation Plan" or the "Draft Guidelines for Biodiversity Certification of Environmental Planning Instructions"	The Offsets and Management Report (Appendix D) takes into account these "offsetting principles".
		To appropriately manage any offset areas DECC suggests that an appropriate Management Plan (such as vegetation or habitats) be developed as a key mitigation measure for these areas and for all remedial measures across the development.	Agreed. Management Plan requirements are included in the Revised Statement of Commitments.
		Furthermore this plan must indicate long-term financial commitment to any proposed conservation measures, including any mechanisms to be implemented to achieve this. The DECC believes that proposal should contain firm, enforceable and effective commitments to protect threatened species values.	As many of the 7 (a) zones will be in private ownership the landholder will be responsible for the management of these in accordance with the 88b/e restrictions which details adherence to the management plan. This is outlined in more detail in the Offsets and Management Report (Appendix D).
		Although, the proposal includes compensatory plantings and revegetation strategies which may provide habitat for fauna in future years, DECC does not consider these measures to be adequate or appropriate to compensate the loss of native vegetation that supports threatened species (e.g. Brush-tailed Phascogale, Grey-headed Flying Fox, Koala, Squirmel Glider and	The CMA has accepted that the revegetation will provide for threatened species. The main habitat for the Red-Backed Buttonquail is grassland. The immediate consequence of the development will be to reduce cattle grazing which will result in more

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Date	Authority	Issues	Response
		Red-backed Button Quail).	appropriate habitat within months over large areas of the 7(a) zoned land. Long-term management of this species' habitat will be detailed in the management plans.
		DECC considers that the flora survey effort was not consistent with DEC survey guidelines.	Further vegetation assessment was undertaken for the PVP Developer process. This data was also provided to DECC.
		DECC strongly recommends to DOP that the proponent must provide clear details for the flora survey methodology used.	Survey methodology was detailed in the Flora and Fauna report.
		DECC suggest that the proponent provide adequate information as listed above and surveys should be undertaken in accordance with 'Threatened Biodiversity Survey and Assessment Guidelines for Developments and Activities' (DEC - November 2004), available.	Survey methodology was detailed in the Flora and Fauna Report.
		Given the lack of details with respect to the flora survey and the apparent lack of any targeted flora surveys, DECC questions the adequacy of any assessment on threatened flora and endangered ecological communities, namely <i>Diuris flavescens</i> , <i>Eucalyptus glauca</i> , <i>Eucalyptus seena</i> and Subtropical Coastal Floodplain Forest of the NSW North Coast endangered ecological community. The Department requires these details to make a determination on the adequacy of the SA Assessments with respect to these species and the overall likely impact on them or their habitat. Furthermore the lack of this information brings into question how the proponents verified or mapped vegetation communities on the subject site.	Further surveys for these species were carried out. The results of such surveys is reported in the Preferred Project Report.

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Date	Authority	Issues	Response
		DECC does not support the proponent's proposed measure that prior to clearing, a targeted search for the <i>Dryin flavescens</i> , should be undertaken in spring 2008 (September) in an attempt to confirm or discount its presence on the subject site. This survey, along with targeted searches for other likely flora should have been conducted during appropriate times (eg. Flowering periods) during the flora survey component of the EA. This was not the case, and DECC would require adequate surveying to be completed for all potential threatened flora species prior to any support given to the proposed subdivision.	Further surveys were carried out. The results of such surveys is reported in the Preferred Project Report.
		DECC acknowledges that not all hollow-bearing trees can be retained... but at present is unsure of the density and location of such features, nor their overall significance for threatened species conservation on site. Although the report indicates that a hollow-bearing tree survey was conducted by Lewis Ecological Surveys, it does not present the findings of this in any map or table within the current EA to indicate their location or density.	The location and density hollow bearing trees was considered during the PVP Developer process. The hollow tree survey by Lewis (2000) was undertaken in areas which are now zoned as 7 (a) and will not be impacted upon. Therefore there was no need to include these results. This information provides further evidence that 21 trees appropriate for a variety of fauna species will be retained.
		Given that a number of hollow-dependant threatened fauna species (e.g. Squirrel Glider (Inc Den site), Brush-tailed Phascogale, Eastern Freetail Bat, Eastern Bentwing-bat, and Little Bentwing-bat have been recorded on site, DECC would recommend that a hollow-bearing tree survey or equivalent (ie previous survey) be conducted for the proposal. This should indicate the location of all hollow-bearing trees, their dimensions and species, their current or potential use by threatened species (if relevant), likely impact from the development on these, and future management (including re-	The Eastern Bentwing-bat, and Little Bentwing-bat are considered Cave-obligate species or simple terms are dependant on caves, tunnels or similar structures for almost all lifecycle requirements and as such, caves are actually categorized as to type of use ie (over wintering, mating caves, maternity caves, acclimatisation). We refer DECC to the extensive work undertaken by Peter Dwyer in the early 1980's and can provide references if required. In addition;

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Date	Authority	Issues	Response
		location if relevant).	- such surveys are not required under DEC guidelines; - DECC does not consider the site specific delineation of building envelopes and the protocol for tree removal which retains hollow-bearing trees as a priority. - The visible densities of Hollow-bearing trees in 7(a) areas and negligible proportion of these within proposed development areas including the Squirrel Gilder den site. - The pre-clearing surveys that are targeted to Hollow -bearing trees - The mitigation measures which actually recommend relocation of hollow bearing trees to be removed; and - The use of nestboxes which are known to be effective for all actual hollow dependant fauna The input on hollow bearing trees was considered by the CMA in the PVP Developer process.
		There is a lack of detail with respect to the design of proposed artificial hollows and nesting platforms. Given that specific hollow-dependant fauna have been recorded on site they should be designed to accommodate these species. DECC would require further details to assess their adequacy to meet any species-specific requirements.	Numerous texts and scientific reports are available to inform DECC of appropriate structures. While this is considered unnecessary for the Environmental Assessment we can provide DECC these documents to assist in their knowledge of fauna issues.
		However, the proponent suggests this be restricted to the Koala	Omission accepted.

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Date	Authority	Issues	Response
		sensitive areas' as shown in Figure 1.3. DECC can find no such figure in the EA or any other map or diagram that schematically shows the proposed two precincts.	
		DECC considers that the proposed road infrastructure will likely have a negative impact on the Koala through the loss of known habitat (including local [on-site] connective links and feed trees) and via potential road deaths through collision with motor vehicles. Hence, any corridor or buffer habitat that links the higher quality habitat should also be afforded appropriate protection. DECC does not agree with the proponent that the subdivision layout minimizes the size for internal roads and the potential impacts on Koalas, given that the major east-west road coupled with the 'developable area' effectively severs a significant local (on-site) movement corridor (Area B and part A) within known Koala habitat.	The subdivision design has been amended to reduce roads in areas of high Koala usage and hence the potential impact on Koala has been significantly reduced. The statement that the road network is minimised in Koala habitat is factual as the existing entrance is the preferred access for the subdivision (in terms of engineering and visibility) was discounted due to potential threats to the Koala.
		Although Koalas may utilize cleared areas, as suggested in the EA, DECC is of the opinion many of these areas will become developed and offer minimal movement habitat in the future. Furthermore future anthropogenic disturbances associated with these areas are likely to further erode their long-term value as potential linkages.	Areas outside the building envelopes and AP2s, will be restricted, through the use of an SSE on title.
		The reduction of speed limits, retention of habitat trees and tree replanting (ie street trees) are not seen as suitable offset measures. Furthermore, the loss of further Koala habitat in this	Revegetation measures as the revegetation /replanting are not limited to street trees. There are large areas specifically proposed for revegetation. Such revegetation is appropriate

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Date	Authority	Issues	Response
		area will occur through maintenance.	offsets particularly as trees are utilised within a few years. (B. Campbell pers. Obs Koala feed tree planting Lismore Sewage Plant). The proposed offsetting has been approved by CMA under the PVP Developer process.
		It suggests that any proposed development on lots (eg Lots 67-80), including infrastructure be excluded from Areas A, B, C and D (as per 'Ordinal Names of Remnant Vegetation Areas' in Figure 2.3 in Appendix D - Flora and Fauna Assessment Report, and current egress routes via The Bucketts Way be utilized. DECC can not support development in the above areas.	The subdivision design has been amended in the Preferred Project Report to minimise development in those areas.
		Specific recommendations made by ornithologist Stephen Debus in a separate report for the site (Debus 2004, Appendix F of the Fauna and Flora Assessment Report). This report clearly states that providing the mandatory 100m radius exclusion zone is maintained around the existing Osprey nest tree (as per NPWS 1999), the proposal is unlikely to have a significant impact on the Osprey, as the nest-site and nearby dead or partly dead trees will not be disturbed. Taking this into account, DECC would request that a 100m exclusion zone be placed around the existing nest tree, in addition to the proposed mitigation measures. DECC does not support the notion of the tree being relocated to an island within the man-made lake as suggested by Landscape Masterplan figure in Appendix J of the EA.	An alternative Osprey platform will be erected on the westernside of the Manning River. This proposal is explained in the Preferred Project Report and has been approved by Dr Stephen Debus.

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Date	Authority	Issues	Response
		The EA may underestimate the threatened species values associated with the subject land and may therefore understate impacts on threatened species and their habitat in several key respects.	The impact on Threatened species has been considered acceptable through the PVP Developer process.
		DECC suggests that any proposed development on lots (eg. Lots 67-80), including infrastructure and clearing be excluded from Areas A, B, C and D (as per Figure 2.3), to prevent the loss of significant and effective movement habitat for known threatened species. The Department is mindful that this will divide the development into two areas, but unless suitable offsets and/or mitigation measures that prevent or greatly reduce the impacts on threatened species and their habitat are developed, DECC cannot support development in the above areas.	The subdivision design has been modified in the Preferred Project Report to reduce clearing of movement habitat. The large lots allow the retention of trees; the only trees required to be removed will be for the establishment of building envelopes and APZ's all others outside these areas will be protected by a 88a instrument (Sect 6.3.1).
		DECC considers the clearing of at least 13 hectares of native vegetation which represents intact habitat (or specific habitat features), will significantly impact upon movement, foraging and resident habitat of threatened species. DECC would require suitable compensatory measures to be implemented for the development to offset these losses before the Department provides support.	The extent of clearing and proposed offsetting has been approved by CMA through application of the PVP Developer process.
		DECC considers that Black-necked Stork (<i>Ephippiorhynchus asiaticus</i>) needs to be included in the SA Assessment. This species has been recorded at least four (4) times within a two (2) km radius of the site on similar open pasture/grassland sites as those present on the subject site.	The senior Ecologist that prepared has extensive experience with the Black-necked Stork having contributed to a study on the Habitat and Distribution in the Northern Rivers. Unpublished report prepared by Joe Purcell. Due to the incised banks and lack of shallow open water

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Date	Authority	Issues	Response
			habitats with little or no vegetation surrounding (required by the species for its predator avoidance strategy (due to time required to take flight)) the site was considered unlikely to be utilised by the species. A section 5A Assessment for the Black necked Stork is attached.
		The reports recommendations have recognized that section 87 permits are not required for projects assessed under Part 3A and have recommended that an appropriately qualified archaeologist or LALC officer relocate the artifact. It is unclear however if the LALC is aware of this issues and may therefore assume that a detailed site investigation, as provided by a section 87 permit, will still occur. This issue should be clarified with the LALC.	The LALC has advised DoP that they understand the process. This is not an issue.
		The EA at section 3.9 identifies that a Geolink (2002) report considers the site is not suitable for onsite effluent disposal. It further identifies that MidCoast Water (MCW), the sewage system operator, have advised that there are capacity issues within the sewer system. The EA states that this is not an impediment to the development. DECC does not support this position on the limited information within the EA.	Further advice from MidCoast Water is included in the Preferred Project Report.
		DECC would require further details confirmed by the sewage system operator MCW regarding the exact nature of the capacity issues and the sewage treatment systems ability to accept wastewater flows for the proposed development without compromising the protection of the Manning River before the	Further advice from MidCoast Water is included in the Preferred Project Report.

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Date	Authority	Issues	Response
		DECC would be in a position to support the development.	
13 August 2007	Department of Lands	Any Crown roads that are to be included in the subdivision proposal are required to obtain Council's concurrence to the ownership of the road being transferred to Council, in terms of Section 151 of the Roads Act, 1993.	Noted.
		Other Crown roads that are not directly included in the proposed subdivision should have the following issues addressed by the consent authority in dealing with the subject application: - The road environment not to be interfered with or degraded by any activities as a result of the new development. - All works and improvements to be restricted within the freehold lands with appropriate offsets to avoid encroachments onto the Crown public road (including clearing or increased bushfire hazard reduction works on adjoining Crown land). - Any upgrading of pedestrian access or public use generally (including vehicular access) within the road boundaries to be authorized by this Department.	Noted.
		Developments adjoining Crown land should be accurately surveyed to ensure no encroachments as a result of development.	Noted.
		It should be ensured that appropriate erosion and sedimentation control measures are in place. Soil and water management plans should be developed if there is an increased	Such plans are proposed in the revised Statement of Commitments.

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Date	Authority	Issues	Response
		risk of sedimentation or erosion affecting Carters Creek and the Manning River.	
7 September 2007	Greater Taree City Council	Environmental Assessment Volume 1	
		The applicant is proposing access to Carters Island but making no improvements as it is not coming under Council's control - is the Dept. Lands happy to encourage access to the island in its current state?	There will be no access to Carter's Island.
		Approval may not be required under the Native Vegetation Act, however the DG has required the applicant to consider the requirements of the CMA in relation to the clearing of native vegetation. The applicant may need to demonstrate the DA meets the 'improve or Maintain' Test by requesting the CMA to run the PVP Developer for the proposed clearing.	Noted.
		Section 2.4.2 - A Draft DCP (No. 50) was prepared and exhibited with the draft LEP & adopted by Council - this should be referenced in the report.	This draft DCP has been reviewed. There are no requirements of the draft DCP that contravene the Preferred Project Report.
		Section 4.3.1 - The applicant should distinguish between negative covenants (S88B of the Conveyancing Act) and positive covenants (S88E of the Conveyancing Act) - Will need to have solicitor prepare one with the next DA.	Noted. Statement of Commitments amended accordingly.
		Public Open Space Area F1 - I am concerned about recreational impacts on the rainforest remnant, which will provide the only	This issue will be addressed in the Management Plan for the foreshore required by the revised Statement of

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Date	Authority	Issues	Response
		public access to the foreshore, and has not been addressed. More details are also required on the proposed car parking and other visitor facilities.	Commitments.
		Table 5.1 - APZ details have not been shown for Lots 131 & 93.	This is now included in the Preferred Project Report.
		Building Envelopes should only include inner Protection Areas to limit encroachment into the fuel-reduced zone of the Outer Protection Area. Are the conceptual building envelopes indicated on the plans of sufficient size to accommodate APZ's, buildings, pool etc? Plans are currently not shown to scale so it is difficult to determine and hence the extent of the development footprint and associated clearing.	Building envelopes are adequate and total APZ's are included in some cases.
		Table 8.1 - Mitigations Measures: - Primary koala food trees should not be used as street trees as proposed in the conventional residential estate to avoid attracting koalas into the development. - A TPO is unlikely to be supported by Council so will need to rely on S88B Instruments and advice provided in any educational information provided to the landholders. - Further details regarding the management of the existing Osprey Nest and locations of proposed artificial nesting platforms are required. - Koala Management Committee - who will be responsible for the establishment and coordination of this committee? The local rescue group Koalas in Care should also be represented.	Accepted. Accepted Liaison with DECC, Brian Crisp, Stephen Debus and landholders is provided in the Preferred Project Report. Liaison with Council required on this issue. Agreed and accepted.

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Date	Authority	Issues	Response
		Compensatory planting for all clearing should be undertaken up front by the developer in strategic locations and not passed on to individual landowners.	
		Figure 3. 5- what is the distinction between the two koala symbols?	Minor error in map production, no distinction.
		Figure 4.1 – there seems to be no consistency in the various figures provided in the report and relevant appendices with regards to building envelopes on the 7(a) zoned lots of 131 and 93. While the intent of rezoning areas of this property for environmental protection was that they would be retained within private lots, I do not believe any additional clearing of these areas should be undertaken to accommodate residential use. – it is recommended that the 7(a) zone is incorporated within one of the adjoining lots, ie Lot 131 should be amalgamated with Lot 130. The location of the proposed building envelope on Lot 93 as shown on the Landscape Master Plan is particularly concerning given the increased risk of bushfire and subsequent clearing for APZ's and associated edge effects. It is recommended that no residence be provided in the 7(a) zone and again, that this area is amalgamated within one of the adjoining existing cleared lots.	This has been rectified by an amendment of the lot layout as presented in the Preferred Project Report.
		The size of Lot 132 should be reduced and the proposed building envelope relocated south to within the existing cleared area to minimize the impact of clearing on the adjoining rainforest. I cannot understand why this small island of land was zoned for residential use as it further fragments habitat and compounds the edge effects on the adjoin remnant.	This lot is identified as a residue lot. This is shown in the Preferred Project Report.

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Date	Authority	Issues	Response
		Consolidating the vegetation in this area which has been identified as core koala habitat, would have provided a more viable ecological outcome.	
		Lots 72 & 73 have been designed specifically to retain vegetation within the corridor, however Figure 10 of the Landscape Master Plans shows the provision of a fire trail on Lot 73. Has the impact of clearing for the fire trail on this corridor been taken into account?	Yes, impact of all clearing for fire tracks has been considered in the PVP Developer process.
		Figure 4.2 - The koala corridor adjacent to the fauna proof fencing along the Bucketts Way should be widened to increase the effectiveness of this corridor. The fauna proof fencing should also be relocated to encompass Lot 65. The fauna proof fencing surrounding the public reserve will have a major impact on visual amenity and will restrict public access - how has this been addressed?	This has been addressed in the amended design as presented in the Preferred Project Report.
		Flora and Fauna Assessment	
		Section 6.2 - the report states that the vegetation within 7(a) zones will be retained - 2 houses are being proposed in these areas - how will this be therefore be achieved?	These dwelling locations have been moved from the 7(a) zone.
		Section 6.3 - refers to Figure 1.3, which is not included in the Assessment Report.	Noted, not now required.

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Date	Authority	Issues	Response
		Table 6.1 - conflicting statements made in this table and other sections of the report regarding the management of the Osprey Nest, ie retain, relocate. Stephen Debus' advice contained in Appendix F of the Flora and Fauna Assessment Report recommends retention of the existing nest and provision of a 100m exclusion zone together with the provision of artificial nesting platforms within 50m of the existing nest to avoid a significant impact on the Osprey. However the relocation of the existing nest tree is instead being proposed. Please address.	It is now proposed to locate and a nest pole closer to the river and to completely remove the tree due to safety considerations for the nestlings. This safety concern is based on the viability of the existing nest tree which may naturally fall at any stage and is likely within the next couple of years. Should this occur during the nesting season the chicks would inevitably perish resulting in a wasted breeding season. This proposal is presented in the Preferred Project Report.
		Conflicting ratios have been proposed for compensatory planting throughout the report ie. 10:1 and 5:1. Please clarify.	The proposed offsetting has been accepted by the CMA through the PVP Developer process.
		Landscape Master Plan	
		Figure 21 is not an accurate representation of proposed clearing - should show clearing proposed for building envelope on Lot 131, access to all lots, bushfire trail on Lot 73, etc. Location of APZs is confusing - are these being contained within the proposed building envelopes as shown on this plan or will they be located as per Figure 10? If so, this should be identified as vegetation to be modified and incorporated into the clearing calculations. All figures should also include a scale.	As detailed in the Flora and Fauna report, the building envelopes and APZ's will be determined on site to minimise the impact of clearing on Koalas and other Threatened species through the protocol in Section 6.3.1. The building envelopes shown in the figures are only representative at this stage.
		The Statement of Commitments will need to be incorporated within the draft DCP prepared for the proposed development.	There will no need for a draft DCP for the development.
3 September 2007	Koalas In Care Inc.	Environmental Assessment Volume 2	

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Date	Authority	Issues	Response
		Section 6.2.1 - The majority of our documented dog attacks certainly are on rural residential properties and we would strongly support any measures to address conflicts that are regularly seen first hand by us. The initial exclusion of contractor's dog followed by the adoption of the six point list of strategies is fully supported.	Acknowledged.
		Section 6.2.3 - The incidence of koalas drowning in swimming pools is not widely reported as occurring in the LGA but we would be keen to see climbing escape ropes fitted in areas of high koalas usage such as this project and have samples available for the proponents to inspect to apply a standard design.	Noted.
		Section 6.2.4 - It has been noted by us that the true effect of habitat loss may not be fully evident for a period spanning several breeding seasons. During this time koalas are forced to move across unfamiliar or depleted migration pathways causing stress to those individuals. The siting of building envelopes on cleared sections of allotments is strongly supported in order to preserve habitat elsewhere on such allotments. Tree Preservation Orders, although supported, have previously proved difficult to enforce and almost impossible to prosecute breaches. The political willpower to encourage TPOs has been lackluster from Greater Taree City Council previously.	Acknowledged. Tree planting (of advanced seedlings) will commence as soon as practicable to ensure provision of offsetting resources for the Koala to alleviate any time lag effects. Should General terms of approval be granted by all agencies and/or draft Conditions be furnished by the DOP seed collection would commence immediately.
		Section 6.3 - The two precinct proposal is we believe very much a notional concept reliant on many variable factor ie individual koalas current home range and migration path, adequacy of	Noted.

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Date	Authority	Issues	Response
		exclusion fencing, the effect other built structures will have on migration patterns, etc. Probably the biggest unknown would be presumably an opening to allow residents/visitors access to properties from one precinct to the other but capable of blocking koalas. Unless ongoing maintenance and punctual repairs could be guaranteed we would rapidly see the whole dual precinct concept nullified.	
		Restriction on Title (Page 78) The proposed restrictions on building envelopes, swimming pools and cat and dog ownership are very much supported. The statement regarding 'all fencing does not impede koala movement' has been mentioned above and is highlighted again. Any exclusion fencing will affect Koala movements, it is designed to do so, with the end result unknown and variable and possibly taking an extended period to fully stabilize.	Acknowledged. The fencing will not be undertaken until after the planting of trees and it is hoped that movements will be encouraged through these plantings.
		Section 6.5 - the compilation of a Koala Awareness Package is a crucial element to the success/failure of this subdivision design as residents must be supportive and informed about koala issues. We would support and welcome any opportunity to assist with the package's development as our knowledge and expertise is extensive. We would ask that our Group's contact 24hr Koala Rescue details be included in any package to ensure prompt response to any koala requiring attention.	Acknowledged and the proponent is appreciative of the offer for assistance in the preparation of the package. We welcome such a co-operative approach and intend to liaise with both Council and Koalas in Care for future Koala management issues.
27 September 2007	NSW Rural Fire Service	The RFS does not concur with APZ requirements as detailed within the provided Environmental Assessment report (ref: 406097_RE0_001) prepared by Orogen Pty Ltd dated 2 July 2007. The following details are provided for review:	The required APZ's as they relate to the amended subdivision layout are presented in the APZ plan in the Preferred Project Report. The width of the APZ's has taken into account the requirements of the RFS.

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Date	Authority	Issues	Response
		- Lots 67-72 require a 40 metre APZ (consultant has recommended a 15 metre APZ) - Lot 101 (east) requires a 40 metre APZ (consultant has not made a recommendation for this aspect) - Lot 101-105 (north) require a 15 metre APZ (consultant has recommended a 10 metre APZ) - Lots 111-114 require a 40 metre APZ (consultant has recommended a 15 metre APZ) - Lots 115-120 require a 40 metre APZ (consultant has recommended a 15 metre APZ) - Lots 124-126 (east) requires a 40 metre APZ (consultant has recommended a 15 metre APZ) - Lot 132 (west) requires a 15 metre APZ (consultant has recommended a 10 metre APZ) - Lot 132 (east) requires a 40 metre APZ (consultant has not made a recommendation for this aspect)	
		Details are to be provided in relation to achieving satisfactory perpetual maintenance of APZs, open space areas, and conservation/critical habitat areas throughout the site. Any documentation/management plans should include the responsible management party, methodology of management, and the proposed maintenance regime. It should also be demonstrated that the proposed management for bushfire protection purposes is permitted with regard to the sensitive ecological issues across the site.	Agreement has been reached for the maintenance of open space areas with Council. These issues will be detailed in a Management plan for the larger lots to ensure that there are no inconsistencies between ecological objectives and bushfire management measures.
		The proposed public road network should incorporate perimeter roads where possible. In this instance, there has been no	The comments were considered in the amended subdivision design.

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Date	Authority	Issues	Response
		demonstration of any significant restrictions across the site preventing the implementation of perimeter roads.	
		The current road layout presents a distinct 'bottleneck' in terms of traffic flows which may hinder access and egress capabilities of the site, particularly during a significant bushfire event. This scenario may be rectified by allowing for additional public road access points and emergency access points (fire trails) directly onto The Bucketts Way.	Two public road access points are proposed - at The Bucketts Way and Urray Road.
		Dead end roads are also not recommended where this is possible.	Inclusion of Cul-de-sac roads are critical to overall subdivision layout and lot yield. Cul-de-sac roads are 100, 120 and 130 m in length from through roads. These roads therefore comply with P&P guidelines (max 200 m). Further, these roads are located in areas of low bushfire hazard, with required APZ's of 10-20m.
October 2007	Hunter Central Rivers CMA Catchment Management Authority	The CMA considers native vegetation a key issue for this site as it contains extensive areas of native vegetation, including areas of Endangered Ecological Community (Subtropical Coastal Floodplain Forest). The CMA understands that there is no approval requirement under the Native Vegetation Act 2003 as the development is being assessed under Part 3A of the EP & A Act 1979. However the CMA would request that the objects of the Native Vegetation Act 2003 be applied to the development, in particular the 'improve or maintain' principle should be adopted as part of the assessment of the proposal. The CMA notes that the vegetation to be cleared on the site is proposed to be offset, however the	Noted. PVP Developer process was undertaken.

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Date	Authority	Issues	Response
		'Improve or maintain' test should be demonstrated.	
		The CMA also requests that the Catchment Action Plan (CAP) to be taken into consideration, in particular the guiding principles section of the document and how the principles apply to this site.	The guiding principles of the CAP are included in the PVP Developer process.
21 November 2007	Private Submission	Regarding Lots 131 and 93. Given the zoning and the vegetation cover of the lots, they should not have a building entitlement, as this would result in clearing of that part of the site. These lots should have a part zoning of rural residential, and the building envelope should be within the rural residential zone of each lot.	Dwellings on the lots has been moved to be outside the 7(a) zone.
		Concern that Koala Habitat will be removed from the APZ's. Primary Koala Habitat should not be in the APZ's.	Clearing in APZ's will be undertaken to ensure retention of Koala habitat.
		Page 33 of the report states that "Any trees surrounding hollow bearing trees will be removed" (in the APZ). Considering the habitat is important, not just single trees, this removal seems unnecessary.	This would only occur where necessary to comply with APZ requirements.
		There should be a condition of consent that protects primary koala habitat, and requires the areas to be preserved by a private or community based conservation agreement, including lots 72 and 73, which should also provide a habitat corridor for koalas and other wildlife from north to south.	Project of Koala habitat has been a primary conservation initiative for the subdivision.

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Date	Authority	Issues	Response
		Concern that page 84 of the report recommends council assess individual DA's in accordance with the principles of making provisions for the restoration and rehabilitation of area identified as koala habitat. This should be assessed and addressed in the EA.	Further protection and enhancement is proposed at DA stage for dwellings. The EA has considered clearing but further opportunities for the retention will exist at building stage.
		Concern that there are no tree preservation orders for residential areas. This stems from the proposed zone name change under the LEP 2008, where a rural residential zoning will become a Large Lot Residential zone. The submitter is concerned as to see how the NV Act will then apply.	PVP Developer process was undertaken under provision of NV Act.
		Koala fencing, the type of fencing to used should be specified in the application, as there may be opportunity for any potential owner to replace fencing with a non-suitable fence. The submitter acknowledges this has been addressed in the Statement of Commitments, and is supportive of this, as there have been other examples in the LGA, where the fencing has not been specified, and there have been consequences of incorrect fencing type installed.	Noted.
		The landscape plan should be available and approved before a DA is approved. The landscape plans should show a clear commitment to when the areas are to be revegetated and regenerated.	Landscape plans will be amended to reflect the amended layout.
		Concerns that given the zoning of some lots, that a land owner can apply to Council to clear area for agricultural and other uses which require clearing.	Noted.
		Overdevelopment, too many lots proposed for an area with a lot of koala and other native animal habitat.	This is not accepted. More intense development occurs in some areas to enable less impact in either more sensitive parts of the site.

APPENDIX G. ENVIRONMENTAL ASSESSMENT

APPENDIX H. PREFERRED PROJECT REPORT
